INDIA-PAKISTAN RELATIONS 1947-2007
A DOCUMENTARY STUDY

VOL-I-X

Introduced & Edited by
AVTAR SINGH BHASIN

PUBLISHED IN COOPERATION WITH
PUBLIC DIPLOMACY DIVISION
MINISTRY OF EXTERNAL AFFAIRS
The birth of Pakistan was a unique occurrence in history. It split a country, its people, its landmass, and its bounty; the linkages built over centuries vanished overnight. Roads and railroads were cut, rivers and streams divided, assets and liabilities apportioned, civil and defence services split. A single trading mart, where goods and services flowed freely, suddenly found itself split into two with tariff, non-tariff and immigration barriers. It was a great exercise in splitting an ancient civilization, a composite culture, a shared inheritance, all that constituted a nation and its wealth. History was made to stand on its head.

Pakistan, spread over two wings separated by over one thousand miles, was an artificial state. The majority of its people lived in the eastern wing but the centre of political power was in the western wing, making the majority subservient to the minority. The language of the majority was denied an honourable place; and given an iniquitous share in the power structure and resources. Dissatisfaction in the East against the Western wing was inevitable. It was only when the East consolidated its numbers, and challenged the West's monopoly of power at the centre, that the West was shaken out of its wits. What followed is history, as they say.

The partition was an opportunity for the two newly-born countries to go their own ways and build egalitarian societies, growing together and complementing each other. Unfortunately Pakistan, unable to transcend the two-nation theory, kept alive the animosities of the past and added fresh ones. The bogey of Indian hegemony was constructed and an anti-India bias was created. The democratic aspirations of its people remained constrained. The feeling of insecurity that it created for itself and its people drove Pakistan to seek security from sources, which exploited it for their own strategic needs. This vitiated the politics of the sub-continent and brought the Cold War to its door step. Obsession with Kashmir drove Pakistan to an uncompromising confrontation with India, which proved disastrous for its socio-political growth and economic development. Massive foreign involvement including in Pakistan's militarisation encouraged lopsided growth leading to an overwhelming role and influence of the military establishment in its society.

The present study is the saga of these pernicious developments which, after more than six decades of the post-colonial history, have made South Asia among the most volatile regions in the world.
Avtar Singh Bhasin (b. June 7, 1935) B.A. (Hons) and M.A in History. He had a short stint of service with the National Archives of India and the Ministry of Defence before joining the Ministry of External Affairs in 1963, where he served for three decades retiring in June 1993 as Director (Historical Division). He was posted in the Indian Missions in Kathmandu, Bonn, Vienna and Lagos. He travelled extensively within and outside the country in the discharge of his duties in the Ministry. He was a member of several official, ministerial and Prime Ministerial delegations for discussions with various countries.

He took to academic studies after retirement in 1993. He was Senior Fellow at the Indian Council of Historical Research from 1994 to 1996, and an Honorary Fellow at the Institute of Contemporary Studies of the Nehru Memorial Museum and Library from 1996 to 2000. He attended several seminars on South Asia and contributed research papers at these dialogues. He has also published several articles on South Asian affairs in newspapers and journals.

His main focus has been documenting India’s foreign relations, a task that had not been attempted in the past more than sixty years. His first work was a two-volume study of India-Nepal-China Relations: 1947-92; later expanded and updated to Five Volumes covering the period up to 2005. His second contribution was the documentary study of India-Bangladesh Relations, first published in two volumes covering the period 1971 to 1994, and then updated and expanded to Five Volumes covering the period up to 2002. The success of these two studies encouraged him to undertake a third one, a study on Sri Lanka, also in Five Volumes which was published under the title “India-Sri Lanka Relations and Sri Lanka’s Ethnic Conflict—1947-2000.”

In the golden jubilee year of the Indian independence, 1997, he wrote 75 pieces for the Asian Age which were published consecutively from June 1 to August 14, 1997 every day as a throwback to the tumultuous days of 1947, to refresh the memories of the older generation and inform the younger generation of the sacrifices, trials and tribulations and travails, which the people had to go through, before independence. Subsequently, a larger version of these articles appeared in the book form “Some Called it Partition, Some Freedom”.

Returning to the subject of Sri Lanka, he published a new book in 2005 under the title: “India in Sri Lanka: Between Lion and the Tigers”, which studied the Indian role in resolving the Sri Lankan imbroglio. This book was published both in India and Sri Lanka.

He edits and publishes an annual series under the title “INDIA’S FOREIGN RELATIONS” in cooperation with the Public Diplomacy Division of the Ministry of External Affairs. It showcases the documents bearing on India's foreign relations in each year. Starting with 2002, so far ten volumes, covering the period up to 2011 have been published.
INDIA-PAKISTAN RELATIONS
1947-2007
A DOCUMENTARY STUDY
VOLUME-I
Other books of Avtar Singh Bhasin

1. Some called it Partition, Some Freedom: (Last 75 days of the Raj)


3. India in Sri Lanka—Between Lion and the Tigers

4. India–Bangladesh Relations: Documents 1971–2002—Five Volumes


INDIA – PAKISTAN RELATIONS
1947 – 2007
A DOCUMENTARY STUDY

VOL - I
POLITICAL RELATIONS:1947-1954

Introduced and Edited by
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PUBLIC DIPLOMACY DIVISION
MINISTRY OF EXTERNAL AFFAIRS

GEETIKA PUBLISHERS
New Delhi
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My Late Wife
Mandip Kaur

Mother of
Puneet and Mantosh

Mother- in- Law of
Gurpreet & Kamaljeet

Grandmother of
Arjan,
Geetika
Amitoj
Zorawar
VIII INDO-PAK RELATIONS
PRESIDENTS OF INDIA

Dr. Rajendra Prasad January 26, 1950 - May 13, 1962
Dr. Sarvepalli Radhakrishnan May 13, 1962 - May 13, 1967
Muhammad Hidayatullah July 20, 1969 - August 24, 1969
Varahagiri Venkata Giri August 24, 1969 - August 24, 1974
Fakhruddin Ali Ahmed August 24, 1974 - February 11, 1977
Kocheril Raman Narayanan July 25, 1997 - July 25, 2002

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### PRIME MINISTERS OF INDIA

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PREFACE

History is the sum total of incidents, that take place in the social, economic or political life of a society, a community, a nation or a country. The documents are a record of those incidents and the manner in which they take place and shape those events. In that context, they play a critical role in the writing of history. They could be public records, records of societies or the private records. They are the primary source of history writing today. In the academic world today, if there are no records, there is no authentic history. In fact, scholars are expected to authenticate each statement with evidence. History by hearsay is a allegory or an anecdote. A record created after the event, with the advantage of hindsight, is a suspect document and not a dependable basis for history. Hence preservation of records for the posterity is the first step towards creating and writing of history.

2. Making them available for research is the next important step. I am glad that the Ministry of External Affairs, for the first time, took a major step, in making available a very large body of its records throwing light on the events since 1947. So far, the scholars working on India’s foreign relations had to depend on the newspaper reports and other material available in the public domain to articulate the Indian position on bilateral and international issues. Quite often, the assessment based on secondary sources, resulted in not-so-flattering conclusions. With the availability of the records now, there would be a fresh impetus to undertake a rigorous research on India’s foreign relations.

3. In my three-decade service with the Ministry of External Affairs in various capacities, I dealt with a variety of issues. When preparing notes or briefs, at short notice, which invariably was the case, I faced the problem of getting hold of the earlier records, which were needed to make an in-depth analysis and a sound judgement of the issues under consideration. Since time was the essence, willy-nilly one had inevitably to make do with the papers/
reports readily available. It was not the ideal situation, but one had to be content, to make do, with what was readily available. While still in service, I had decided to make up for this deficiency after retirement by undertaking the publication of documents in original, in readily available volumes. Therefore when I retired in 1993, I decided to redeem my promise made to myself.

4. Looking back, at the two decades of my retirement, I am happy to say, that I am not disappointed with myself. Before undertaking the present study, I published three separate compendiums of documents on India's relations with Nepal, Bangladesh and Sri Lanka in Five Volumes each. The present ten volumes give me the satisfaction of having covered India's relations with four of its major neighbours.

5. Separately, I took the initiative to publish each year a volume on 'India's Foreign Relations' in cooperation with the Public Diplomacy Division of the Ministry of External Affairs. As of today, ten volumes in this series, covering the period 2002 to 2011 have been published. These volumes showcase the documents bearing on India's foreign relations each year. Given the enlarged scope of foreign relations in the globalised world, several Ministries and Departments of the Government of India, besides, the Ministry of External Affairs contribute to the conduct of foreign relations, which are today multi-faceted. While the Ministry of External Affairs determines the broad framework and contours of the foreign policy and diplomacy, and is also the principal player in that field, several other Ministries and Departments complement its efforts in their respective spheres of activity. Foreign relations are no longer an instrument for interaction at diplomatic level alone. One looks up to them for procuring the sinews for development and progress in trade and industry, science and technology, education and agriculture and various other fields, like energy, climate change, investments etc. In short foreign relations are a product and interplay of multiple forces impinging on and promoting the country's national interest.
6. Before undertaking the present study on Pakistan, I had several hesitations and reservations. Enough material was not available in the earlier years. Given the scope and extent of India-Pakistan relations, in comparison to other neighbours, it was a daunting task. But Shri Shivshankar Menon, who as High Commissioner in Pakistan insisted that having successfully done similar projects on Nepal, Bangladesh and Sri Lanka, I had gathered enough experience, which I should put to some more use. Soon thereafter, Shri Menon assumed the charge of Foreign Secretary in the Ministry of External Affairs. It was about this time that the Ministry under him, appreciating the need for transparency in administration in the age of RTI, and aware that in the absence of hard information, Indian story suffered by default, together with the argument of the research scholars and historians, that the classification of records was time related and lost its sensitivity once the operational requirement was over, decided to make available a substantial body of the Ministry’s records for research. As luck would have it, I found that a large number of senior officials who in the last few decades had played crucial role in the conduct of India’s foreign relations, particularly with Pakistan, had deposited their private papers with the Archives of the Nehru Memorial Museum and Library at Teen Murti House in New Delhi. These papers belonged principally to P. N. Haksar, B. K. Nehru, T. N. Kaul, Y.D. Gundevia, Subimal Dutt and others and contained the correspondence, which threw fresh light on the subject of my immediate interest. These papers gave a very rich harvest, which in my opinion, has substantially enhanced the utility of the present effort. Encouraged by these developments, I decided to take the plunge. Five years of sustained work has enabled the study to see the light of the day and I feel satisfied and redeemed.

7. The arrangement of the documents presented a peculiar difficulty. In most of them, particularly in the letters exchanged between the leaders of the two countries and in the transcript of their discussions, there were always more than one subject and it was not possible to segregate them. Broad issues like Kutch, the Indus and the Ganga
Waters, evacuee property, issues relating to the Minorities, Financial issues, Border demarcation, Passport and Visa etc., have been grouped separately under relevant heads. But there were many other issues, of which, documents could not form an independent group. These have been placed under the head ‘Political Relations’. Even in the case of groups, which have been independently dealt with, a lot of material relevant to them, will be found in the papers under the head-‘Political Relations’. All the ten volumes, however, form one single unit and should be taken as that only.

8. Kashmir has been and continues to be the core of the entire India - Pakistan discourse and Pakistan did not hesitate to raise it every time and any time there was a handshake. Placing of these documents presented its own difficulty. The documents which are purely Kashmir related have been put under the head ‘Kashmir’. But where Kashmir becomes part of the India - Pakistan narrative, I have taken the liberty of placing them under the head ‘Political Relations’. Needless to say, Kashmir will be found at all the places and everywhere in these volumes. It is likely that the users of these volumes may have to struggle a little bit to lay their hands on the entire range of material while studying any particular subject. They will kindly bear with me with some patience.

9. When I started on this project, I had thought, that it would not exceed more than five thousand pages. But as it progressed, its dimensions stared me in the face, I realised that even with ten thousand pages, I would not be able to claim that a comprehensive job had been done. The Foreign Secretary who reviewed the project midway in December 2008, felt that it was for the first time that such a study was being attempted and one did not know, when and if at all, another such effort would be made. He therefore advised that we should aim at a comprehensive job even if it meant ten thousand pages. Hence the present study of ten volumes. Having said that let me hasten to add that given the dimensions of the subject, I find it difficult to claim that these volumes are indeed a comprehensive work. Perhaps another ten volumes would be needed to make such a claim. But that is for another day.
10. It may not be irrelevant to point out here that for the present project as well as for other projects referred to above, I did not receive any grant or financial assistance from any source. These studies have somehow, been financed out of my own, not too deep pockets. However, the External Publicity Division and later the Public Diplomacy Division of the Ministry of External Affairs extended their help by the purchase of sufficient number of copies on publication. The sale proceeds from one project got ploughed in the other and the cycle kept running. I feel grateful to the Ministry of External Affairs for this arrangement. But the entire risk was mine.

11. In preparation of this study, as hinted above, I have drawn extensively on the archival holdings of the National Archives of India, the Archives and Record Management Division of the Ministry of External Affairs and Nehru Memorial Museum and Library. I will like to extend my grateful thanks to all of them for giving me access to their material. I also drew heavily on the Libraries of the Ministry of External Affairs, Nehru Memorial Museum & Library, India International Centre, The United Services Institution and the Institute of Defence Studies and Analysis. I am grateful to the officers and staff of these institutions. I particularly like to mention the Library of the India International Centre, where I finally sat down day after day, while working on the final stages of this project, and received the unstinted support and help from the Chief Librarian Dr. Maujamdar and his able officers, Shafali, Rajiv and others. Many thanks to all of them.

12. Ever since I embarked on the present journey in 1993, Shri Shivshankar Menon has been a great motivator and source of help in every way, as Joint Secretary (North), as High Commissioner in Sri Lanka, and later as High Commissioner in Islamabad and as Foreign Secretary. His help and guidance saw me through many difficult phases. I owe a debt of gratitude to him.

13. I have given a rather lengthy, introduction to this multi-volume-book. A narrative of this nature needed a second opinion, and reading through. Many friends were kind enough to offer their
valuable time to go through it. Though they were reluctant to get their names mentioned, I do wish to thank them by name and therefore I am taking the liberty of mentioning their names; M/S Jagmohan, Satish Chandra, TCA Rangachari, and M.L. Chhibber. They made valuable comments. My sincere thanks to all of them. I also owe thanks to my daughter Puneet and daughter-in-law Kamaljeet for reading though the pages with meticulous care. Finally Miss Priya Rana with her fine pen, tuned the whole introduction and crossed the t's and doted the i's. Many thanks to her for this painstaking job well done.

14. Dr. TCA Raghvan was a great help in the preparation of these volumes with his advice and guidance. I take this opportunity to extend my grateful thanks to him.

15. Shri Ravi Kumar and his assistant Sameer Mishra slogged a lot to put the material on the computer and see it through the various stages of printing. They worked with me throughout the five years that took this project to complete. Both need a special mention and my sincere thanks to both of them.

16. In reproducing the documents, I have made every effort to adhere to the original text both in terms of the punctuation and the spellings of the names of various persons and places as occurring in the original.

17. As indicated above I received help and sought opinion of many persons in the preparation of this study and in giving the introduction and they have been generous with their help and comments. But finally I must remain fully responsible for the views expressed in giving the introduction or in giving the footnotes to the documents, or for any other deficiency that may be found in these volumes.

Avtar Singh Bhasin

New Delhi,
September 1, 2012.
INTRODUCTION

ON AUGUST 14, 1947 certain areas of India, as recommended by Sir Cyril Redcliff, Chairman of the Boundary Commissions in his three separate reports on the Punjab, Bengal and Sylhet district of Assam (in the northwest and east of India), separated to form the sovereign State of Pakistan. His reports were awards, since there was no agreement among the Congress and the Muslim League nominees on the Commissions. When these reports were discussed, between the representatives of the Congress and the League, led by Jawaharlal Nehru and Liaquat Ali Khan respectively on August 16, there were claims and counter claims and none appeared to be satisfied with the Reports. In the absence of any agreement, the meeting authorised Governor General Lord Mountbatten to gazette the reports, as they were, on the next day August 17, 1947. Although the two Dominions had come into existence on the 14th and 15th of August, their boundaries were formally gazetted two days later.

2. There were indeed fundamental differences among the leaders of the League and the Congress, on the basic question, of what should be the future of India on British withdrawal. The Congress stood for united India, while the League demanded a separate homeland for the Muslims. In the absence of any consensus among the stakeholders, the decision to partition India, into two independent and sovereign States, took place by agreement of all the parties. There were differences among the leaders of the Congress Party, on the question of partition, but finally it endorsed the Partition Plan of June 2, 1947. The Congress decision on partition might have been a grudging one, but there
was no going back on it. However, in subscribing to the partition
decision, the Congress did not endorse the Muslim League's two-
nation concept. In their opinion and belief, India constituted one
country and the various communities inhabiting it, were one Indian
nation. There were innumerable ethnic, religious, linguistic and
cultural groups who had over the centuries migrated to India and
merged themselves into the larger Indian nation. This concept of
India was best captured by the Urdu poet Firaq Gorakhpuri in his
memorable couplet:

*Sar zamin-e-Hind per aqwame-e-aalam ke, Firaq
Kafle aate rahe aur Hindustan banta gaya*

[On the soil of Hindustan, O Firaq
Caravan from all over the world kept coming,
and so was India made]

3. The most important aspect of partition was, that despite the
fact, that Pakistan was touted to be a safe haven for the Muslims of
undivided India, millions of Muslims reposed their faith and
confidence in the Indian leaders, who assured them that new India
would guarantee them safety of their person and property, besides
providing a non-discriminatory treatment, chose to stay on in their
homes and hearths, where they had lived for generations. It is
another story that many of them, who in their first flush of enthusiasm
for the Muslim homeland, chose to migrate to Pakistan, soon found
the political climate and the reception they got in the new country,
too hot for their comfort. It did not take them too long to realise that
the new homeland was a mirage. They looked for the next
opportunity to return to the homes where their forefathers had lived
for centuries. The Government of India's offer to restore the property
and the jobs to the returnee migrants was a God sent opportunity, which many clutched at with both hands. Over a lakh of them found their way back to their original homes, and were not disappointed. They were cheered by the fact, the Indian leaders while conceding, albeit reluctantly to the Muslim League’s two-nation concept, continued to swear by the idea of an India of one people, whether they were Hindus, Muslims, Sikhs, Christians, or followers of any other religious persuasion.

4. On the other hand, it is the unfortunate legacy of the partition, that the non-Muslims, except for a miniscule minority, who were unable to leave their homes for whatever reason, showed lack of faith in the new state of Pakistan and fled their homes as penniless refugees to seek safety in India. The manner, in which Pakistan treated and continues to treat its minorities, religious, ethnic or linguistic, after its formation, vindicated their decision. Pakistan did not even spare the Muslim minorities, like the Shias and Ahmadyias, the latter minority has been thrown out of the Muslim fold, being declared non-Muslim.

5. Carrying the promise of non-discriminatory treatment forward, on January 26, 1950, India declared itself a republic and adopted a forward looking secular constitution, allowing for no distinction or discrimination between its people on any basis whatsoever, whether religious, linguistic or based on caste or creed. Pakistan, true to the declared position of its founders, went on to hold on to the idea of Muslims being a separate nation, and adopted a new constitution that confirmed it as a theocratic state -- the Islamic Republic of Pakistan. The constitution, granted the Muslims a superior position, to the exclusion of all other minorities, who were
debarred from certain positions in the country and left to feel as second-class citizens. This fundamental difference in approach to the question of nation and nation-state, has influenced the relations between the two countries ever since. The bloodshed, that preceded and followed the emergence of the two states, further complicated the matters and embittered the relations between them, in the post-1947 period.

6. The emergence of Pakistan as a separate entity was a unique occurrence in the history. Empires rose and fell; dynasties appeared and disappeared in the quick sands of history, kings, rajas and maharajas made their appearance only to fade away, but the people continued to live where they always lived, transferring their allegiance to their new rulers without ever thinking of migration. Partition was a unique phenomenon. It not only split a country, its people, its landmass and bounty into two but also the linkages built over the centuries vanished overnight. Millions were killed and millions became refugees, losing all that they and their ancestors had created over the centuries. Roads and railroads were cut, rivers and streams were divided; assets and liabilities were apportioned; civil and defence services and their guns and pens and pencils were split. A single trading mart, where goods and services moved freely, from one part to the other, suddenly split into two trading zones, with tariff, non-tariff and immigration barriers, erected to stop the free flow of men and materials. Printing presses, typewriters, tables and the chairs were not even spared and divided. It was indeed a great exercise in splitting an ancient civilization, a composite culture, a shared inheritance, all that
constituted a nation and its wealth. History was made to stand on its head!

7. It was with this background that the two new nations embarked on their separate roads to build their future in their own chosen way. India, declared a successor state, wished the new and younger nation God speed on its journey to nationhood. Alas, the ghost of the past did not spare them. The Indian leaders, unhappy at the tragedy that had beset the people, were anxious to forget the past and get along with the task of nation building. Pakistan, groping in the dark and in search for its own identity, was paranoid about its future. The feeling that the Indian leaders had grudgingly agreed to the creation of Pakistan, left the Pakistani leadership with an uneasy feeling. The ghost of the past haunted them. The self-imposed jittery feelings compelled Pakistan to adopt policies that drove the two countries and their people to an adversarial relationship in the years ahead. Instead of complementing each other’s economies, the policies they pursued dislocated an established economy, while the divided economies struggled to find their feet.

8. The tragedy was that Pakistan spread over two wings, in the east and west, separated by 1000 miles of Indian territory was an artificial state. It was not only geographically divided, but there was nothing in common among the people of its two wings except their religion. Historically, culturally, ethnically, linguistically, socially and sartorially they were separate people. The distance between the two wings only added to their problems. Ironically, while the majority of its people lived in the eastern wing, the centre of political power found itself in the western wing, with its capital in Karachi.
Later when the capital shifted to Rawalpindi/Islamabad, its people found themselves driven farther apart from the centre of political power. Soon the people in the east found themselves condemned to play an acquiescent role. Their language was denied an honourable place. The founder of Pakistan, Mohammad Ali Jinnah was the first to administer this blow. He chided the people of the eastern wing for daring to demand an equal status for their language, Bengali with Urdu, which was not even the presumed language of the western region. East Bengal did win the first battle on the language issue, but this was only after Jinnah's death and after paying a heavy price in blood and flesh.

9. A look at the history of Pakistan movement before August 1947 would show that the people who were at its forefront were mainly from the United Provinces, Bihar, Bombay and parts of Bengal. The movement was at its weakest in areas which finally constituted West Pakistan, as the results of the 1946 elections had shown. While Bengal was divided to constitute East Pakistan, none of the other areas, which had a Hindu majority, went to Pakistan. A large body of Muslims from these Hindu-majority areas migrated to Pakistan, carrying its banner and hoping to corner the fruits of the new state. There ensued an unhealthy struggle for power between the migrants, the Mohajirs as they were called and the Punjabis, who formed the largest linguistic group among the people of West Pakistan. It was a bizarre situation, that the majority of the total population of Pakistan, who lived in the East, was marginalised when it came to sharing of political power. As far as the defence forces were concerned, they were historically, the monopoly of the people from the western region. It was a fractious situation internally, which Pakistan found itself in on its birth.
10. Unmindful of the geographical divide and internal contradictions, Pakistan, upon its birth, tried to create multiple artificial entities, in other parts of India by laying claim to areas, which were not contiguous to its eastern or western wings, but hundreds of miles away from its shores such as Junagadh and Hyderabad, on the platform of Islam, the raison d’être for its own creation. It was also on the basis of Islam, that Pakistan justified its claim to and its invasion of Kashmir. Its failure to grab any of these territories, created disillusionment and frustration in its psyche ab initio and gave it a reason to nurse grievances against India.

II

11. Exactly within a month of its birth, on September 14, 1947 Pakistani Prime Minister Liaquat Ali Khan, addressing the Muslim League Council in Lahore, accused India of fomenting riots in the Indian part of the Punjab, that targeted the Muslims, and lamented, that Pakistan was "surrounded on all sides, by forces which are out to destroy" it because "they fear that with the consolidation of Pakistan, their cherished dream to rule all over the sub-continent of India will not be realised". He said, there was "an unholy plan chalked out by the enemies of Pakistan, to sabotage it on its very birth". Strangely enough, this charge came on the very day, Liaquat Ali had met Prime Minister Jawaharlal Nehru in Lahore and after reviewing the riotous situation in both the Punjabs, had agreed to take measures to stem the riots and facilitate the movement of the refugees both ways. Be it, as it may, in making this charge, Liaquat could not have been unaware, that there were bloodier riots on a much wider scale, not only in his part of the Punjab
but also in Sind, the North West Frontier Province and Baluchistan, which led to the ethnic cleansing of West Pakistan.

12. Prime Minister Jawaharlal Nehru was anguished at this unfortunate accusation. In replying to the charge on September 17, he gave vent to his hurt feelings. In his statement, while not denying that the Congress leaders were against the partition and "sought to avert it," he also added that once "partition was decided upon, it has been the constant endeavour of the Government of India to discharge faithfully all their obligations flowing from that decision". However, in good faith, he added that "some of us still hope that, when the present unhappy commotion has ended and amity between the two communities has been restored, the two Dominions may, of the free will of their respective peoples, unite." He was only expressing a pious hope.

13. On September 16, Pakistani Foreign Minister Mohammad Zafrullah Khan threatened to lodge a formal complaint with the United Nations, unless the Government of India took steps "to end the slaughter of Muslims" and went further to threaten, that "if satisfaction is not obtained, the Government of Pakistan may have to resort to direct measures". What those "direct measures" would be, he left unsaid. Two days later, on September 19, Liaquat Ali came to New Delhi, to discuss measures for the restoration of peace in the two dominions. Nehru personally handed over to him an aide memoire. It lamented the terrible happenings on both sides, and recounted the measures the Government of India had taken to handle the situation and various conciliatory statements made by the Indian leaders to control the situation. The aide memoire reminded Pakistan of the inflammatory utterances of its leaders,
which were encouraging their country's pugnacious elements to resort to violence against Hindus and Sikhs. It said: "On the other hand, M. A Jinnah's recent statement confined itself to condemning in strong language the happenings in East Punjab and Delhi and did not even mention what had happened in West Punjab, the Frontier and elsewhere in Pakistan." It described the utterances of Ghazanfar Ali Khan, a minister of the Pakistan Government, as "bellicose and totally irresponsible" and even reminded the Pakistan government of the "war-like threatening" attitude of Zafarullah Khan at the UN. Similarly Pakistani newspapers like the *Dawn* and the *Zimindar* were replete with "the vilest accusations, which have no basis in fact, but also threats of war and of the extermination of the Sikhs". Nehru sent a copy of this aide memoire to the British Prime Minister Clement Attlee. In the meantime, Nehru discovered that Liaquat Ali had sent some messages on his own to the British Prime Minister, which contained, to Nehru's anguish, "one-sided and exaggerated accounts of what has happened (on the Indian side) with which we cannot agree". Liaquat had also suggested that Attlee convene a Conference of the representatives of the Commonwealth Dominions, to consider measures to control the situation on the subcontinent and appoint a commission to investigate the riots. These suggestions were unacceptable to Jawaharlal Nehru. To Nehru's chagrin, Liaquat Ali Khan dismissed the aide memoire, as he said, it was "replete with utterly unfounded allegations and insinuations".

14. On October 7, 1947 in a broadcast from Radio Pakistan, Liaquat again harped on the "enemies of Pakistan" *raga*, and accused them of "black hatred" of Pakistan and of creating "a host of problems, each of them of gigantic proportions" for Pakistan.
Nehru was disillusioned. It was a no-win situation, and the two prime ministers in their correspondence traded charges and counter-charges against each other. Pakistan’s attitude continued to be hostile and paranoid. On December 30, 1947 Liaquat Ali Khan in a personal letter to Nehru, formally charged India in words that were ominous. After a long litany of complaints, he charged India for not accepting the partition scheme and said:

"her leader paid lip service to it merely in order to get the British troops out of the country; that India is out to destroy the State of Pakistan, which her leaders persistently continue to regard as part of India itself; and that the systemic sabotage against the implementation of Partition, the stoppage of such essential requirements as coal and rail transport, the deliberate withholding of Pakistan’s share of funds and arms and equipment, the wholesale massacre of Muslim population, are all designed towards one aim, the destruction of Pakistan."

The charge sheet went on to accuse India of "the forcible occupation of Junagadh, Manavadar, and other States of Kathiawar, which had acceded to Pakistan, as well as the fraudulent procurement of the accession of Jammu and Kashmir State are acts of hostility against Pakistan, whose destruction is India’s immediate objective".

15. The position taken by Jinnah was diametrically opposed to what Liaquat had taken in his utterances. Jinnah had perhaps been stung by the accusations made by India in its aide memoire of September 19 that he had been guilty of taking a one-sided position on the communal disturbances in accusing India. He confessed or at least pretended to confess his ignorance of what was actually happening in Pakistan to the minorities, even though he admitted
that he had heard about them. Towards the end of October, he came to Lahore and made a tour of the city to see the situation first hand. In his Radio broadcast from Lahore, on October 30, 1947, he said: "I was deeply grieved to realise that unfortunately, there was a great deal of truth in what had been told to me." Feeling anguished at the truth he had now discovered, he said: "I am speaking to you under deep distress and with a heavy heart." Here was the truth coming out from the founder of Pakistan about the fate of the minorities in Pakistan. Jinnah's broadcast gave lie to Liaquat's paranoia of Pakistan being surrounded by enemies and its independence being under threat. Jinnah, on the contrary sounded more confident. In the same broadcast he said: "We have, undoubtedly achieved Pakistan and that too without bloody war and practically peacefully by moral and intellectual force and with the power of the pen which is no less mighty than the sword and so our righteous cause has triumphed....Pakistan is now a fait accompli and it can never be undone....The division of India is now finally and irrevocably effected..." Jinnah's claim of achievement of Pakistan "without bloody war and practically peacefully by moral and intellectual force" looks hollow, against the millions killed and millions uprooted, which stands recorded, photographed and filmed for posterity in the contemporary archives.

16. Nehru suspected the British civil servants led by the West Punjab Governor Sir Frances Mudie, with his unsavoury past, who were bent upon muddying the waters and frustrating the attempts at restoring peace and trust between the two Dominions. He appealed to Mountbatten for help. Nehru's exasperation reached its limits, when a few day later, on January 4, 1948, Liaquat Ali
Khan addressed a press conference in Karachi and repeated the same charges of destruction of Pakistan and adduced the same reasons verbatim, which he had articulated during the last few months against India.

17. The Pakistani media, led by the national daily the Dawn, too stoked the fires of hatred. On the Indian side, while the national media showed enough restraint, the vernacular press, uprooted from Lahore, now based in Jullundur, (East Punjab), was in competition with the Pakistani press and did not falter in this slanderous match. The question of prevention of hostile propaganda against each other had been a major subject of discussion between the two countries from the very beginning. The Pakistani media adopted slanderous and pugnacious expressions even for the Indian heads of government/state. During the course of more than six decades of their existence, innumerable communications have been exchanged between the two countries at all levels, unfortunately without any success. This is, despite the fact, both the Tashkent and Simla Agreements pledged to end it. For each argument, there was a counter argument; for each charge, a counter charge or justification, even if it had to be invented. Most obscure vernacular newspapers in India were found to invent justification for malicious accusations carried by mainstream media in Pakistan. Apart from official correspondence, there had been meetings of the media organisations of the two countries pledging to put an end to this irritant. They issued joint
statements, signed agreements, and expressed pious hopes, which remained wishful only.

III

18. From the beginning, there was a clash between Pakistan's 'exclusive nationhood and India's 'comprehensive' one—between Pakistan's two nation theory and India's well established secular principles. This conflict could only have been resolved by Pakistan's willingness to accept peaceful co-existence, to which Pakistan showed little inclination. As pointed out above, while India accepted Pakistan on the principle of the two-nation theory, it refused to accept this as an underpinning for a forward looking polity of the sovereign state. Pakistan faced a dilemma. If Pakistan too, had accepted secularism as its manifesto for its post-partition state, the rationale for the creation of Pakistan would have been knocked out altogether. Pakistan was formed through the interplay of historical forces set in motion by the Ramsay MacDonald Communal Award of 1929, and the Lahore Resolution of March 1940. The rest is history, as they say.

19. The rationale for Pakistan's demand was founded on the need for a homeland for Muslims, who feared domination of the Hindu majority in a democratic set-up. Democracies run on majorities and minorities tend to harbour the holy fear of majority domination. Since Pakistan was supposedly created as a safe haven for the Muslims of the subcontinent, it was compelled to adopt Islam as the creed to justify its very existence. Pakistan never felt the need to dilute this underlying need for separateness, which justified its creation. Besides, there was no domestic pressure justifying any deviation or dilution of the established order. In the eastern sector
of the country, there was a large Hindu minority, which lived under constant fear of discrimination, but could not muster enough courage and strength to ask for the dilution of the State's ideology, the locus of which was in the western part of the country. It was happy to make peace with the state, as long as they could find a *modus vivendi* to survive as peaceful citizens, even if this meant relegated to second class status. They sought some security in their numbers. In West Pakistan, non-Muslim minorities were so minuscule, that they never dared to even ask for any recognition or concession to make their lives a little easier in that theocratic state. With the ethnic cleansing taking place in West Pakistan at the time of partition, it practically became politically, religiously and socially a homogenous Muslim unit.

20. The ideological differences, imbalance in size and resources, the trust deficit and the events that took place on both sides of the divide, immediately following the partition, created a sense of insecurity amongst the Pakistani leadership. It gave Pakistan the motivation to undermine India and denigrate its values. Pakistan's negativity towards India went beyond the issues of Junagadh, Hyderabad or Kashmir. The mindset and the psyche of its leadership prevented Pakistan from appreciating the ideological moorings that motivated India to adopt ideals of a secular, democratic and liberal society and polity.

21. Pakistan's unsuccessful attempt to grab Kashmir, first by brow beating the Kashmir administration and then withholding the essential supplies like food grains etc., to choke it economically. When these tactics failed, by armed infiltration and finally by the introduction of its regular troops. All this drove Pakistan to adopt
policies, which sought to create a distance between the peoples, who for generations had lived in peaceful coexistence cheek-by-jowl. This was diametrically opposed to India's determination to steer clear of the past and pursue a positive policy towards Pakistan. For India, the separation was like a family dividing its assets by agreement of its members and living peacefully thereafter. For Pakistan, separation was like a permanent break up of the family, nursing grievances, sulking and harbouring adversarial feelings.

IV

22. Prime Minister Jawaharlal Nehru's post-colonial dream was to build a comity of newly independent Asian nations, which should be the locus of a new international order. Even before independence, the Indian leaders of the national movement had spoken of the Asian destiny. The Asian Relations Conference, held in New Delhi in March 1947, was perhaps the first concrete step in that direction. After independence, Nehru was keen to take the concept of Asian unity a step further. The visit of the Burmese Prime Minister in December 1947, gave him the first opportunity, and he seized it, to give practical shape to his thinking. On December 4, 1947, in his speech to the Constituent Assembly, which at that time also doubled up as the Indian legislative assembly, he said: "India is interested in Asian countries even more than the rest of the world." In his talks with the Burmese Prime Minister, he found that Burma was interested "as many of us have been, in closer association, not only between Burma and India, but between various countries of Asia also." He described this synergy in the views of the two countries, as a "new spirit of Asia, which wants
Asian countries to draw closer together in their own defence and to promote world peace." The active help extended by India to the Indonesian independence struggle to throw the shackles of Dutch colonialism, was an example of Asian unity in action.

23. On the Pakistan front, however, things did not develop in a manner that would promote the concept of Asian unity, or even amity, between the two neighbours. India's pleas to Pakistan to "prevent Pakistan government personnel, military and civil, participating in or assisting in the invasion of the Jammu and Kashmir State" having failed, India on January 1, 1948 asked the United Nations to stop the invasion of Kashmir "by persons coming from or through Pakistan". Despite this unfortunate development and imbued with a sense of Asian unity, Nehru could not leave out Pakistan from this ambit. Speaking at the Indian Council of World Affairs in New Delhi on March 22, 1949 he articulated Indian policy towards Pakistan in the context of Asia and said:

"In regard to Pakistan, the position has been very peculiar one owing to the way Pakistan was formed and India was divided. And there have been not only all the upsets that you all know, but something much deeper, and that is, a complete emotional upset of all the people in India and Pakistan because of this. It is a very difficult thing to deal with, a psychological thing, which cannot be dealt with superficially. A year and a half or more has passed and there is no doubt at all that our relations have improved and are improving. There is no doubt at all in my mind that it is inevitable for India and Pakistan to have close relations - very close relations - sometime or other in future. I cannot state when this will take
place, but situated as we are, with all our past, we cannot really be just indifferent neighbours. We can be either rather hostile to each other or very friendly, whatever period of hostility may intervene in between, because our interests are so closely interlinked."

24. Nehru sounded an optimistic note for the future of India-Pakistan relations, in his policy guidelines to the External Affairs Ministry in his minute of June 15, 1949. He said it was not necessary for India to be aggressive, "but to be absolutely firm and not go out of its way to appease Pakistan. The whole of Pakistan policy, as that of the Muslim League that preceded it, is based on threats and bullying". However he added: "sometime or other, the relations of India and Pakistan will have to be adjusted properly. That time has not yet come. We should not do anything to obstruct such a settlement when the time comes for it." As the history of the last six decades would show, that time has eluded India. If anything, the situation has worsened.

25. The animosity, that had contaminated Pakistani thinking towards India, reflected itself in many ways. In the constitution that India adopted on January 26, 1950, the concept of India was explained as "India, that is Bharat, shall be a Union of States". Except for this reference to Bharat, India is referred to as "India" in the entire constitution. Taking a cue from this definition, the Dawn editorially commented and said that the constitution by a "jugglery" of words was meant to exploit the old name, India, which belongs "as much to the people of Pakistan as to the people of Bharat". It decided to end, what it chose to call the "misnomer" henceforth and said: "From today the words 'India' and 'Indian' will, therefore,
be replaced with the words 'Bharat' and 'Bharati' in all our columns....We shall call that country henceforth by its proper, and not improper, name." "India" therefore became an "improper" nomenclature for the Indian republic for the Dawn. This mindset characterised Pakistani thinking and actions.

26. Unlike India, who championed the cause of Asian unity, Pakistan developed Islamic fangs, to blunt the Hindu challenge. Its ideology of pan-Islamism had its roots in the Lahore Resolution of 1940, which was predicated on the ideological basis, that the Muslims were a separate nation who needed a separate homeland. Its leaning towards Islamic countries in West Asia and South-east Asia and other Islamic countries flowed from its theocratic character. It promoted Islamic ideology and as stated above, declared itself the Islamic Republic of Pakistan with Islam as its religion. Pakistan's constitution enjoined it "to endeavour to preserve and strengthen the fraternal relations among the Muslim countries based on Islamic unity." It was no wonder, that it's foreign policy, in keeping with the trends in its constitution, and in general, reflected Islamic ideology. Its relations with other Muslim countries received special emphasis. It adopted Islam as a doctrine, a directive principle of state policy, that the bonds of unity among the Muslim countries should be preserved and strengthened. Even before declaring itself the Islamic Republic of Pakistan, as early as February 1949, Pakistan organised the first World Muslim Conference in Karachi. In November of the same year, an International Economic Conference of Muslim States was organised with the aim of fostering economic relations among the Muslim countries. It was not surprising, that
the entire non-Western membership of the MEDO, comprised the Muslim countries.

27. The formation of the Organisation of Islamic Conference (OIC) provided Pakistan with an international platform to carry on its anti-Indian agenda, and win the sympathies of the Muslim world in its dealings with India. Economically these actions helped Pakistan, as it became a major beneficiary of the largesse of the oil-rich countries of West Asia. For Pakistan, the Muslim world constituted a basic power group, competing on an equal footing, with the non-Muslim constellation of nations. It also saw a major role for itself, as a central figure and as a strong link between eastern and western parts of the Muslim world, coordinating their political and economic activities. In a sense, Pakistan regarded Pan-Islamism as an extension of Pakistan's ideology at the international level.

VI

28. Since Pakistan had been constantly articulating, that India was not reconciled to the creation of Pakistan and would undo the partition, and also that Kashmir had become a flash point, in the relations between the two countries, Nehru sought to assure Pakistan that India meant no harm to Pakistan. To foster this confidence, he suggested that the two countries enter into a solemn 'No War Declaration' that both countries would renounce war as an instrument for resolving their bilateral differences or disputes and suggested a simple formulation for acceptance. But Pakistan would have nothing to do with it. It insisted, that unless India agreed in advance to refer to third party arbitration, any point of difference that may arise in the settlement of any of the disputes, between the two countries, it could not accept the Indian proposal. It insisted on
applying the arbitration principle to all the disputes, as it saw
existing between the two countries at that time, recounting in the
list -- Jammu and Kashmir, Junagadh, Canal Waters, Evacuee
Property, and assets of Pakistan which Pakistan perceived were
withheld by India. India felt that Jammu & Kashmir was before the
UN. Junagadh had already joined India and the issue could not
be reopened. Other issues like Canal Waters, or Evacuee Property
were technical issues by their nature and needed to be first studied
by experts before the modality for their resolution was agreed upon.
The Prime Minister insisted that such administrative matters could
not come within the purview of the 'No War Declaration'. His idea
was that the 'declaration' had become necessary to reduce the
tension between the two countries and once that objective was
achieved through the medium of 'No War Declaration,' the "ways
and means of settling outstanding disputes" could be discussed
between the two countries on the merits of each issue. India had
particular reservations in referring the Kashmir question to
arbitration. It was felt that unlike canal waters, or other issues, the
Kashmir issue involved the question of sovereignty and questions
of sovereignty over a territory could not, in principle, be put to
arbitration. In fact, Nehru was convinced that since the issue had
been referred to the UN Security Council, it was now a matter of a
couple of months before the issue of Kashmir would be resolved.
A meeting was held between Lord Mountbatten, Nehru and Liaquat
on January 11, 1948 to discuss the question of the release of Rs.
55 crores, as Pakistan's share of the sterling balances, which India
had so far not released, because it felt that its release would be
seen "as financing Pakistan's attack on Kashmir". Nehru told the
meeting, and Liaquat had agreed, that since, 'Pakistan's expenditure required about 5 crores a month', the ten crores already released, should 'tie Pakistan over for at least two month, by which time, he sincerely hoped, that the balance of the Rs. 55 crores could be paid, since he felt certain that Kashmir question would have been resolved by then'.

29. The two governments exchanged several notes and memoranda on the 'No War Declaration' proposal. There was a lengthy but futile correspondence between Nehru and Liaquat Ali and after the latter's death, between Nehru and successive Pakistani prime ministers for several years before the idea got abandoned. In the '80s it was revived in its new avatar. Pakistan had proposed a non-aggression pact, and New Delhi countered it with a treaty of peace, friendship and cooperation. But somehow it never materialised, and the idea got abandoned altogether.

30. Interestingly, General Ayub Khan who proposed a common or joint defence policy, between the two countries, after he took over the reins of the government in Pakistan in 1958, had also made a similar proposal in 1952 (he was then C-in-C of the Pakistan Army) to Indian High Commissioner Mohan Sinha Mehta. Nehru had rightly felt that joint defence presupposed a common foreign policy. Since Pakistan's foreign policy, at that stage was vague, some time flirting with the UK or the US and at other times, threatening to go along with the Soviet Union, any joint defence with Pakistan was not possible or even desirable. Besides, as long as the Kashmir dispute was not settled, Nehru felt, there could hardly be effective talks about common defence policy.
31. The minorities question dominated the relations from the very beginning. The issue was more or less settled in the western region, by the wholesale migration of Hindus and Sikhs from West Pakistan. But it presented an acute problem in East Pakistan where no such migration took place in one go on partition. The migration from East Pakistan took place in waves, over a period of time, because of the sense of insecurity created among the minority Hindu community by the discriminatory policies of the East Pakistan Government. The failure of the local administration even at the senior level, to provide protection to the community, when faced with the high handed treatment from the field administration, added to their feelings of despondency, and forced them to seek refuge across the border in India. In his letter of March 6, 1948 Nehru drew Liaquat's attention to the plight of the Hindus in East Pakistan who "are being squeezed out". He said that the fact that "a million of them have gradually migrated to West Bengal during the past few months is evidence of the fear and apprehension that surround them".

32. The first concerted effort to protect the minorities in each Dominion, was made in the Inter Dominion Conference held in Calcutta on April 15 - 18, 1948. While holding each dominion responsible for protection of its minorities, the conference assured them "equal rights, opportunities, privileges and obligations" without any discrimination. Minorities boards, both at the provincial and district levels, were formed to protect their interests. The most important provision was, that "any government servant proved to have been guilty either of dereliction of duty in protecting the lives
and properties of the members of the minority community or of
directly or indirectly ill-treating members of the minority community
or showing prejudice against minority community in the discharge
of his duties, shall receive exemplary and deterrent punishment". Had these and other provisions of the Inter Dominion Conference
been honestly implemented, there would have been no minority
problem hereafter. But that was not to be. Within a few months, the
situation deteriorated to such an extent, that the Indian Deputy
Prime Minister Sardar Patel, in his speech on November 4, was
constrained to say that "lakhs of men are coming from East Bengal
to West Bengal" and asked what India should do about this
situation? He warned Pakistan to either solve the problem
"amicably", but "if you are determined to turn out the Hindus, you
must be prepared to part with sufficient land to enable us to settle
them. We cannot take things lying down." Echoing Patel, the
Premier of West Bengal Dr. B. C. Roy in his telegram of November
12, 1948 to Prime Minister Nehru, while advocating strong action
against Pakistan reminded him of his apprehensions, articulated
some time ago, that "Hindus will not stay in East Bengal, as the
general mass of Muslims do not want them, and so create situations
inducing Hindus to leave". He also advocated that Pakistan
surrender territory to accommodate the people thrown out of East
Bengal. Nehru, however, in his reply of November 23 advocated
"long distance dispassionate view and not be pushed about by
Pakistan's misbehaviour". However, he told Dr. Roy that any claim
to territory from Pakistan was "completely unreal". Sardar Patel
was not deterred. In his speech at the All India Congress Committee
session in Jaipur on December 17, 1948, Patel once again warned
Pakistan to either "create conditions for the peaceful stay of these
persons in their own homes" or provide "additional space for their settlements". But he tempered his statement, this time, somewhat by saying that his suggestion for additional space was offered "as one of the methods (for) solution at this difficult problem by mutual discussion and agreement" and it was "not intended as a challenge or as an imposition by force", since he had "no aggressive intentions against Pakistan".

33. Interestingly, about a year or so later, the President of India Dr. Rajendra Prasad sent a note dated March 18, 1950 to Prime Minister Nehru titled: "A Suggestion for Securing the Life and Honour of Minorities in India and Pakistan" and which more or less advocated the same solutions of territory, but by agreement. In proposing this solution, he rationalised his thesis in the broader context of the rehabilitation problem of refugees which the two countries had to tackle. He said that while at the time of partition, almost an equal number of people had migrated from both the sides, there was "a difference" in the character of the two. He said: "Whereas we had to deal with a population which was well-to-do, had a great deal of land of good quality with irrigation facilities and possessed a large quantity of houses and other property, all of which it had to leave behind; Pakistan had to deal with a comparatively less well-to-do population which had much less property to leave behind." He concluded that Pakistan had "practically no problems of rehabilitation and settlement to tackle" since the Hindus and Sikhs had left behind sufficiently large properties, whereas India had to spend "70 crores or more on relief (alone) and have not been able to rehabilitate vast numbers of our immigrants..." But the real problem in his opinion was the continuous exodus, particularly from East Pakistan. In this case
too, he said, that the Hindus who were migrating "are better off than the Muslims who are likely to migrate from our side". He advocated that India and Pakistan should enter into an agreement on the question of migration, and gave various alternatives to handle this problem on a reciprocal basis. To enforce such an agreement, he advocated "sanctions" by agreement against the defaulting country. He said:

"One sanction by agreement may be that in case of any considerable exodus, it should be open to India or Pakistan as the case may be, to occupy part of the territory of the other which may be demarcated beforehand in proportion to the migrating population without exposing itself to the charge of aggression. Such territory will be restored if the migrating population can be induced to return and gets back its previous property and positions intact."

Of course, nothing came out of this note, with the prime minister apparently ignoring it. It did, however, indicate the enormity of the problem that agitated the minds of the Indian leaders at the highest level.

34. That apart, the situation in East Pakistan, instead of improving only worsened. Another Inter Dominion Conference, in December 1948, at New Delhi, did not throw up new ideas, and ended only reiterating the earlier decisions of the April Conference. There was no lack of sincere hope, but the reality on the ground was rather depressing. Nehru on June 5, 1949 was constrained to write to Premier Roy (Chief Minister of West Bengal) that "there is little doubt that the East Bengal Government and officials have no intention of settling down in friendship with West Bengal or with
the minorities in their own province". The East Pakistan Government on the other hand, did not subscribe to the views of the Government of India. In a press note of December 25, 1949, it deplored the tendency on the part of the Indian leaders, "to revive the exploded myth of persecution and exodus of the Hindu minority in East Bengal", which was part of the anti-Pakistan propaganda. The charges and counter-charges on this account were so severe and created such an explosive situation that for a time there was even talk of war in certain circles on this issue. Minorities were leaving East Pakistan in hordes. Nehru engaged his Pakistani counterpart in a series of telegrams, in the hope of persuading Pakistan, to take remedial measures that would stem the tide of migration. The unending chain of telegrams exchanged between the two prime ministers underlined the emergent situation that had developed. They were exchanging more than one telegram daily at their personal level. The contents of the exchanges on this question, bore the hallmark of similar correspondence on any other issue --acrimony and hostility. They exchanged allegations and counter-allegation on the treatment of minorities in the two Bengals, and each accused the administration of the other province for being a mute spectator to the misfortunes of the minority community on the other side.

35. On March 10, 1950, after four-day stay in Calcutta, and meeting a cross-section of the population and studying the situation first-hand, Prime Minister Nehru wrote to Liaquat Ali Khan on his assessment of the situation. In a candid note, he told him that "it is not much good from any long-term point of view for us to go on accusing each other, or other people" because the "burden of
grappling with this difficult problem, which grows more difficult and complicated, is upon us. The consequences of not solving it are terrible to contemplate for both our countries." He told him frankly that the Hindus in East Bengal strongly felt "that they have no part or lot in Pakistan, no self-respect or security".

36. On March 26, 1950 Liaquat Ali Khan returned the compliments. After his "extensive tour" of East Pakistan, he informed Nehru that the troubles in the east were a direct outcome of the attack on Muslims in West Bengal. He was convinced that otherwise, the minority community was appreciative of the efforts of the authorities in East Pakistan, for providing them with safety and controlling any ugly situation from going out of control. He blamed the Indian media and some leaders, whom he described as "urging India to invade Pakistan and that they were being told by friends and relations across the border, that in the circumstances, for Hindus to stay in Pakistan would be to commit suicide."

37. After an extensive exchange of charges and counter-charge, they called a truce, and the Nehru - Liaquat Pact on minorities was arrived at in April 1950. This cooled tempers somewhat, but only temporarily, since troubles continued to erupt periodically and waves of Hindu migrants poured into India until East Pakistan gave way to the new state of Bangladesh.

VIII

38. This was the unfortunate beginning that the two newly independent nations found themselves in, wittingly or unwittingly. Their foundations were insalubrious and too weak for a vigorous superstructure of relations to be built upon them. Trust was the
biggest casualty, and continued to cause innumerable problems in their relations. Pakistan's ambition to strengthen its muscles on the borrowed support of the West, entering into military and defence alliances, acquiring arms disproportionate to its needs, ostensibly against communism, but actually to browbeat India into submission on outstanding differences, particularly Kashmir, consumed Pakistan for most of its existence. Excessive militarisation only strengthened the military establishment at the cost of its democratic institutions. Excessive spending on armed forces took away scarce resources from development and Pakistan remained an agrarian and feudal society with little industrialisation. It prevented the emergence of a middle class, the backbone of a democratic polity. Once the military had tasted blood, it could not resist the temptation to usurp power periodically and keep the war machine well-oiled at the cost of economic development.

39. In pursuing a stand-alone and independent foreign policy, in its formative years, India had to suffer the hostility of the West, principally the United States. The USA had replaced the weakened United Kingdom as the leader of the so-called free world. It counted on the strategically located Pakistan, on the periphery of the two most important Communist countries, China and the Soviet Union, to provide it the much-needed bases in this part of the world for surveillance. The West found Pakistan more than willing to play out the role determined by them in return for their support on Kashmir against India.

40. It may be recalled, that India's complaint of Pakistani aggression against the Indian state of Jammu and Kashmir, was made to the UN Security Council on January 1, 1948 and the
debate that took place on it soon after, left New Delhi with a bitter
taste. It soon found out, how faulty its decision had been to knock
on the doors of the UN Security Council. Much to its chagrin,
New Delhi found that the UN itself was a victim of Cold War
politics of the permanent members of the UN Security Council.
Nehru, in his letter of February 20, 1948 was candid about it to
High Commissioner in London, Krishna Menon, with whom he
was in constant touch on many issues. He said: "We have had
a rather bitter experience (of UN debate). Almost every
ambassador here has been assuring us of his government's
understanding and sympathy for our position on Kashmir, and
yet his government goes against us in the Security Council."

41. The United States, from the very beginning, in order to lend
support to Pakistan, had tried pressure tactics but had been
rebuffed; though it upset the Prime Minister somewhat. In a
letter to Ambassador Vijaya Lakshmi Pandit in Washington (also
his sister) on June 8, 1949, Nehru told her of the obnoxious
manner in which the US State Department had behaved with B.
R Sen, India's Permanent Representative to the UN, when he
had called on the State Department, to discuss the UN
Commission's proposals. Recounting, he said:

"This sort of things (treatment meted out to Sen) which does
not make us feel very friendly towards the US, I am afraid,
I cannot get over the feeling that the US diplomacy is
immature or it is too sure of its physical might to care for
the niceties of diplomatic behaviour. They have had a very
bad set-back in China and they have not succeeded in
many other places. And yet they have not wholly learnt
their lesson. We rely upon them inevitably for many things and we want to be friends with them. But there are some things we just cannot swallow.

42. India was indeed concerned by the moves of the West and Pakistan, but remained determined and unmindful. In February 1950, Henderson, the US Ambassador in New Delhi delivered a message from the US Secretary of State Dean Acheson to Nehru, which the latter described as "extraordinary" and "an attempt to bring pressure to bear on the Government of India, by means of threats of dire consequences". But Nehru refused to be browbeaten. He told the Ambassador that the "present Government of India, consisted of men, who have been trained during the struggle against the British, to refuse to submit to coercion in any shape or form". Faced with this stern response, the Ambassador beat a hasty retreat and apologetically explained that "the phrasing of Mr. Acheson's message was unfortunate and was, possibly, due to the influence of persons in the State Department, who deal with more procedural matters than with policy matters".

43. Ambassador Mrs. Pandit in one of her letters to the Secretary General of the Ministry of External Affairs G.S. Bajpai, had reported on her conversation with the State Department when she was warned of "America being tough on Kashmir issue". Nehru in his letter to her on June 25 reacted sharply and said: "Their toughness can only take us away from any possible settlement." He warned that "the UK and the US attitude have encouraged all the bellicose tendencies in Pakistan, and for the first time I feel that there is a real danger of a big-scale conflict between India and Pakistan". Nehru regarded Kashmir as the basic question of India's entire policy. He cautioned:
"If Pakistan's communal approach and policy prevails in Kashmir, it would not only be a tragedy for Kashmir, but it would upset the whole scheme of things in India, and of course, in Pakistan. We would enter a phase of trying to exterminate each other. These are terrible thoughts which come to me and I find the USA and the UK people skating on this very thin ice over Deep Ocean and accusing us of intransigence."

44. Pakistan's bellicosity and pressure from the West compelled Nehru to adopt a stern attitude on Kashmir. He articulated the same to High Commissioner Krishna Menon, in his letter of July 22, 1951. He conveyed his determination to go ahead with the elections in Kashmir for a constituent assembly; not to remove troops from Pakistan's border till "we are satisfied that there is no further danger of attack or invasion; and while India was not going to attack Pakistan, an attack by Pakistan anywhere along the border including Kashmir will inevitably result in all-out war" between India and Pakistan. He told Menon that "these facts must be fully understood". He told him that there was a lack of "adequate realisation" in the UK or the USA and "perhaps they still imagine that by some kind of pressure tactics they can force us to give in". He accused Prime Minister Attlee, of having a "closed mind" on Kashmir, despite "good intentions" about India. Nehru directed Menon that "Kashmir is a question on which we will not give in, whatever the consequences" and "this should be made perfectly clear to everybody". In his public speeches too, he left no one in any doubt about India's determination that if it was attacked by Pakistan anywhere including Kashmir, it would be an all out war.
45. Pakistani leadership had succeeded in getting India partitioned, by playing second fiddle to the British and by being obdurate and mulish with the Congress leaders. It was now obviously convinced that the same tactics would work once again. It was not surprising, that Pakistan found it worth its while to seek American and British help by obliging them on their concerns, and was ready to walk an extra mile into the Western camp. Around the same time, information began filtering through, that the United States had been talking about strengthening Pakistan army and setting up bases in Pakistan "90 minutes flying time from major Soviet industrial centres". India was indeed concerned at this serious development. Prime Minister Nehru in a letter dated November 11, 1953 to U Nu of Burma conveyed his concerns, both on account of the US trying to strengthen Pakistan's defence militarily and bringing the Cold War to the doorsteps of this region as well as the decision of the Pakistan constituent assembly to adopt a theocratic constitution, naming Pakistan as the "Islamic Republic of Pakistan" with its laws conforming to the tenets of Sharia.

46. The Pakistan - US decision on arms aid and the US bases in Pakistan was a turning point in Nehru's thinking. It influenced his entire attitude towards Pakistan dramatically. Kashmir, which remained a major issue between the two countries, did not and could not remain unaffected. A concerned Prime Minister warned Pakistan of the consequences of the dangerous pursuit of its new policy. In a personal letter dated December 9, 1953 to Pakistani Prime Minister Mohammad Ali, Nehru spoke directly and candidly
to leave his counterpart in no doubt whatsoever, of the consequences of Pakistan's policy of military alliance with the West. Nehru wrote:

"Whatever the motives may be, the mere fact that large scale rearmament and military expansion takes place in Pakistan, must necessarily have repercussions in India. The whole psychological atmosphere between the two countries will change for the worse and every question that is pending between us will be affected by it….Inevitably, it will affect the major questions that we are considering and more especially, the Kashmir issue…..The whole issue will change its face completely if heavy and rapid militarization of Pakistan itself is to take place."

47. The cautionary letter from Nehru to Mohammad Ali was as a result of the conflicting signals from Karachi and Washington. Mohammad Ali had on December 1, 1953 in a radio broadcast denied any such development. Pakistan Governor General Ghulam Mohammad earlier on November 19 too had denied this and had instead accused India of blaming Pakistan without verifying facts. Nehru had put greater faith in the signals emanating from Washington than Pakistani protestation to the contrary, and he was right.

48. This was precisely the time when Nehru, at the insistence of Mohammad Ali had agreed to hold talks between the specially appointed committees of senior officials of India and Pakistan, to work out the modalities of holding a plebiscite in Kashmir. These talks took place in New Delhi between December 21 and 29, 1953, within a few days of the Prime Minister's warning. At the very start
of the discussions on December 21, M. J. Desai, the leader of the Indian Committee and the Commonwealth Secretary in the Ministry of External Affairs, made Pakistan fully aware that the shadow of Pakistan's contemplated military alliance with the United States was likely to vitiate their discussions and decisions. He told the Pakistani Committee:

"the official committees would have to take into consideration that the context of events under which previous discussions were held had undergone certain changes (and) referred in this connection to the correspondence between the two prime ministers on certain basic issues, as for example, the appointment of the Plebiscite Administrator and the negotiations between the Governments of Pakistan and the USA regarding military pact."

49. At the end of the talks on December 29, 1953 when discussing the summary of the discussions with the Pakistani committee, M. J. Desai went into the background of the Indian position and repeated the Indian point of view on the provisional nature of the negotiations, especially in view of Pakistan's proposed negotiations, on a military alliance with the United States. He insisted that their "functions were advisory" and "discussions provisional", and stressed that the discussions and decisions had become doubly "provisional" in view of the changes "in the context of events as a result of the US - Pakistan military aid negotiations".

50. India had found it necessary to warn Pakistan, about the dangers inherent in Pakistan's move on its military pact, so as not to give Pakistan an excuse later, that they had not been warned, or that they were not aware of the Indian sensitivities on this issue. The week-long talks achieved little.
51. It did not take long thereafter for Pakistan's lie to be exposed. On February 24, 1954 President Eisenhower, in a personal letter to Nehru, informed him of the US decision to extend military aid to Pakistan and assured him that this aid was not intended against India and should it be "misused and directed against another in aggression" the United States would take "appropriate action" to "thwart such aggression". He, even went on to offer similar aid to India, if it so wished. Nehru replied to Eisenhower on February 28 in a very brief letter, which was nothing more than an acknowledgement of his communication. He reminded President Eisenhower of India's policy in this regard and left it at that. On March 4, 1954, he reacted to it in a lengthy statement in Parliament. He spoke of the consequences of this military aid to Pakistan on India, and specifically on the issues between India and Pakistan. In his anxiety to bring home to the US President the gravity of his action on the subcontinent, he said it had created "a grave situation for us in India and for Asia" and added to the already existing "tensions". Nehru was blunt in saying that "it (US move on military aid to Pakistan) makes it much more difficult to solve the problems, which have confronted India and Pakistan" and likened it to a form of "intervention" with "much more far reaching results than previous forms of interventions". Prime Minister Nehru was quite concerned at the gloating of the Pakistan Prime Minister that with "the receipt of military aid, a momentous step forward has been taken towards the strengthening of the Muslim World," and that "this military aid will help to solve the Kashmir problem"! It was becoming evident to New Delhi, that unless it took pre-emptive steps towards solving the Kashmir issue, in its own way, Pakistan intended to solve it militarily, which India at that stage in its development, could ill
afford, especially when Pakistan was embarking on militarization and entering into defence alliances.

52. As a first step, India declared that the United States was no longer neutral between India and Pakistan on the Kashmir issue, and that therefore the Americans posted as UN Observers in Kashmir were suspect and neither an American nor a representative of any of the big powers would be acceptable to New Delhi as a plebiscite administrator. On August 23, 1954, in a letter to Pakistani Prime Minister Mohammad Ali, Nehru said that while he did not wish to challenge his right to receive American military aid, he would venture

"to point out the consequences of that step on certain important questions which concern us. You refer to the threat to your security. It is not clear to me from what source that threat comes, or how your security is endangered. If you think that (the) threat comes from India, I think you are completely mistaken because that is not only opposed to our policy but, in the circumstances of today, outside the range of possibilities. But, whether it is possible or not, if that aid is in relation to India, then naturally it affects us and we are concerned. If this bears direct relation to (the) Kashmir issue, then the whole context of that question changes, and we have to consider it afresh from a new point of view."

53. On July 9, 1955 Home Minister Pandit Govind Ballabh Pant, on a visit to Srinagar, at a press conference, ruled out the possibility of holding a plebiscite in Kashmir, because, as he said, "circumstances had changed and the time factor was the most
important" one. It was for the first time, that a senior cabinet minister, who was virtually number two in the political hierarchy in India at that time, had made such a significant statement and that too in Srinagar. He said that "all that was left now was to allow the people living in Pakistan held territory of the State to make their choice and express their own views and opportunity for which, perhaps has never been given to them".

54. Pakistan, taken by surprise, was stunned. Reacting sharply to the Home Minister's statement, it said on July 11, 1955: "if this statement is true, it (was) tantamount to a repudiation of international commitment made by India regarding a plebiscite in Kashmir." On July 14, the Pakistani High Commissioner in New Delhi, delivered to Prime Minister Nehru, a message from his prime minister, drawing attention to Pant's statement and accusing India of reneging on its commitment. Nehru, replying on July 21, told Mohammad Ali, that Pant's statement did not involve any repudiation of any of international commitments given on behalf of India. Explaining the Home Minister's statement, he said, that Pant only said that "those assurances or commitments could not be given effect to because of the attitude of the Pakistani government during these past years". Nehru reminded him of the talks between them held in May in New Delhi when he personally had told the Pakistani Prime Minister and his Home Minister Iskander Mirza of his constitutional compulsion as enjoined in Article 253 of the Constitution of India. He also reminded him, of his warning of the changing scenario, in view of widespread talks in the media of the imminence of Pakistan entering into a military alliance with the United States.
55. India had, in the last couple of years, been warning Pakistan of the atmospheric changes taking place, in view of Pakistan's apathetic attitude. Even at the Secretary-level talks in December 1953, as pointed out above, the Indian side threw several hint at the Pakistan delegation in no uncertain terms. On February 27, 1955, in a letter to Mohammad Ali, Nehru had written that Pakistan's insistence on plebiscite was fraught with dangers, since this would lead to more trouble and would "have its reaction in India as well as in Pakistan". Giving clear indication of what was bothering him, if the plebiscite was held, Nehru said; "Instead, therefore, of the settlement and friendly relations that we so ardently desire, both our countries and our people will be in a much worse position. Apart from conflict, there might be large scale migration and the like, the spreading of poison in both countries." The same line of thought was articulated earlier by Nehru with the Pakistani Prime Minister and his Interior Minister at the May 1955 talks on Kashmir in New Delhi.

56. On March 29 1956, Prime Minister Nehru once again articulated his Kashmir policy in the Lok Sabha. He spoke of the changed circumstances, besides Pakistan's failure to withdraw its armed personnel from Kashmir as mandated in the Security Council Resolutions, constitutional obligations, and Pakistan's membership of the military alliances, as reasons for India's inability to hold a plebiscite in Kashmir. This created a political storm in Pakistan, both in the press and political circles of that country. Interior Minister Iskander Mirza said on April 1, 1956 that "come what may, we are determined to find a solution to the Kashmir problem based on justice", and Mohammad Ali described it as a
setback to the prospects of the improved relations, he was hoping for. Despite Pakistan's strong reaction, Prime Minister Nehru felt happy that his statement had put an end to the confusion in relation to Kashmir.

57. On July 5, 1956, Nehru met Pakistani Prime Minister Mohammad Ali in London, on the sidelines of the Commonwealth Prime Ministers' Conference. They, among other subjects, discussed Kashmir. Nehru described Mohammad Ali's "approach as intriguing". Ali had blamed India for Pakistan's military alliances and alignment with the West, to which India had taken exception. Mohammad Ali said, since India had failed to resolve the issues between them, to Pakistan's satisfaction, he had to enter into military alliance. This thesis too was quoted by Foreign Minister Malik Feroz Khan Noon, once again when the Soviet Ambassador in Pakistan met him in November. The Soviet Ambassador in New Delhi, reporting to Nehru on the meeting of his colleague in Karachi with Noon told the Indian Prime Minister that Noon had offered to walk out of the Baghdad Pact, "provided the Soviet Union gave assurances to support Pakistan in the United Nations on the Kashmir issue and further assurances to give military aid to Pakistan if attacked by India".

58. The Soviet Union had initially taken an ambivalent position on Kashmir, hoping that this state might not like to join either India or Pakistan, which would leave some scope for the Soviet Union in this strategic area, closer to its border. But Western support to Kashmir, coupled with Pakistani membership of the Western alliance and bases at its soil, changed the complexion of the problem for Moscow. The Soviet Union now preferred to commit
itself in favour of Kashmir's accession to India. Pakistan's stance, as articulated by Noon to the Soviet Ambassador did not carry much conviction in Moscow. Pakistan's membership of the Baghdad Pact, establishment of military bases in Pakistan territory directed at the Soviet Union, and the U2 incident confirmed to Moscow that Pakistan for the time being had been lost to it. Moscow's position on the Pakhtoon issue in favour of Afghanistan could not have endeared the Soviets to Pakistan either.

59. The U2 affair gave a big jolt to the people of Pakistan and their government, who realised that the American alliance, had suddenly and unwittingly, exposed them to retaliatory Soviet rockets, and that in the power struggle between the two titans, Pakistan was nothing more than a mere pawn. There was a sudden and greater appreciation for India's policy of non-alignment, which kept it out of the line of fire of the big powers, and at the same time brought considerable economic and political benefits in its wake.

60. In September 1960, Prime Minister Nehru visited Pakistan to sign the Indus Water Treaty. Gen. Ayub Khan, who in 1958, had in a military coup, assumed the role of the head of the State and the Government, as expected, did not fail to bring up the Kashmir issue in his talks with Nehru. On September 21, Ayub Khan told his interlocutor that there was a need to solve the Indo - Pakistan problems particularly Kashmir, and said in a matter of fact manner, that if it was not resolved between them, "it might become much more difficult or even impossible later on". He conceded that in the past, Pakistan was not justified, particularly in laying claim to Junagadh or Hyderabad, since "it was clear that these places could only go to India. They were surrounded by Indian territories, and
they could not separate themselves from it. These questions should have been settled easily without the necessity even of India taking action as in the case of Hyderabad".

61. Nehru felt that "the President was treating the case of Kashmir on a separate basis and was indicating that Pakistan was justified in regard to her claim on Kashmir, though the President did not say so actually". Ayub Khan agreed with Nehru that presently there were relaxed relations between the two countries, but the same could not be said about the future. Nehru, however, was not convinced. He cautioned Ayub Khan that any change in the status quo would not only "have an upsetting effect in Kashmir itself, but also in India. We had a large population of Muslims in India and on the whole they had been integrated. But any wrong step taken by us would affect them injuriously and prevent further integration". Nehru also referred to the constitutional provisions which made it more difficult to change the present status. After pointing out numerous other changes and developments in Kashmir and its relations with India, Nehru told Ayub Khan that "it seems to me that the only practical and feasible course was to allow the matters to rest where they were, more or less, and to accept the position as it was". Persisting in his argument, Ayub Khan said that "the present position was a result of military conflict and an ad hoc cease-fire line which had no real justification as a frontier. As such, it could hardly be accepted, and it was there only because armies stood on either side." Answering his point, the Prime Minister said "adjustment could be made to conform to geographic or like features, provided the basic position was accepted. Any other course was not practicable or feasible now and would lead to trouble and difficulty." When Ayub asked Nehru to give "full thought to
this question and find a way out", Nehru closed the argument, saying that he had been "considering this matter for the past dozen years and (he) would continue to give thought to it. But (he) could see no way out other than the one (he) had suggested". When Nehru asked him if he had any specific solution in mind, Ayub suggested none, and said he only wanted Nehru to give thought to it (Emphasis added).

62. After the 1962 India - China conflict, there were several rounds of discussions, between the two neighbours once again to find an amicable solution, but proved abortive as there was no meeting ground on the basic issue. Pakistan insisted that there was no other solution except a plebiscite, and India was equally emphatic that this route was no more available, due to the changed circumstances, and other implications. At the High Commissioner to Pakistan G. Parthasarathi's suggestion, it was decided to explore the alternative of a political settlement. In discussing the political alternative too, Pakistan initially insisted on making plebiscite a pre-condition, but finally agreed to drop it. India insisted that the political solution too had to be "practical, realistic and final". India insisted that any political solution involving territorial adjustment had to be on a "rational basis taking into account geographic, administrative, and other considerations and involving the least disturbance to the life and welfare of the people". Pakistan, on the other hand, suggested that the territorial division should take "into account the composition of the population, control of rivers and requirement of defence". (emphasis added)

63. Indicating the extent of territorial adjustment, India was prepared to concede certain areas west of the Valley and north of the Valley,
in favour of Pakistan. After pretending that this was a ‘shock’ to Pakistan, leader of the Pakistani delegation, Zulfikar Ali Bhutto indicated that, according to their criteria, only a little more than the Kathua district on the Punjab border, in the extreme south of Kashmir, could be given to India, Pakistan being entitled to the entire State of Jammu and Kashmir, right up to Ladakh in the north-east and including the Valley, as well as the southern areas, including Jammu, Udhampur, Akhnur, Riasi, etc. After a couple of rounds, it was clear to India, that there was no meeting ground between the positions of the two countries, but was still keen to let the talks continue as long as Pakistan was prepared to talk. New Delhi wanted that if the breakdown in talks were to come, it should be from Pakistan’s side. The talks therefore went on to the next round.

64. After the third round of talks, on March 3, 1963 Bhutto, who by now had taken over as the Foreign Minister of Pakistan, addressing a press conference, and once again harped on the plebiscite and Pakistan’s determination to secure for the people of Jammu and Kashmir the right of self-determination. On May 16, 1963 the talks finally ended without any results. Prime Minister Nehru made a statement in Parliament on May 7, to this effect and regretted that "our differences with Pakistan will remain". Assuring Pakistan of India’s friendly intentions towards Pakistan, he once again repeated his offer of ‘No War Declaration’ made several times in the past. Allaying Pakistan’s apprehensions about India’s defence potential being built up then, Nehru sought to convince Pakistan that it was "for the effective resistance against the Chinese aggression" of which Pakistan was well aware of, though it minimised the threat and put the blame for India’s problem with China at New Delhi’s doorsteps.
65. Bhutto refused to be convinced by Indian assurances, and said in a statement on May 9, 1963 that it only confirmed Pakistan's "genuine apprehensions that there has been no real desire on the part of India to reach an honourable settlement with us on Kashmir". Bhutto firmly rejected any proposal involving the partition of Kashmir, and said: "I would like to state categorically and without equivocation that we have been firmly opposed to any such idea." He reiterated Pakistan's willingness "to examine any proposal or solution of the Kashmir problem, in accordance with the internationally accepted principle of self-determination". He accused India of denying this to the people of Jammu and Kashmir, "under one pretext or another". Though the Kashmir talks had not yielded much, Pakistan drew satisfaction from the fact that India, which had earlier declared Kashmir as a settled matter and an integral part of India, at last had come out to talk about its future and to that extent, it was an advance over the previous position.

66. Two parallel subterranean developments were taking place almost simultaneously, which changed the course of South Asian politics. The initial bonhomie in India-China relations had already come under severe strain on the border question from about the mid-fifties and had gradually come on the surface, to the shock of the Indian public, which had thrived on Hindi-Chinni Bhai Bhai slogans, for better part of the 50s. It was this development that Pakistan sought to gain from. About the same time, the two great communist allies, the Soviet Union and China, were struggling with their relationship. Of the two communist powers, China was more important to Pakistan visa-a-vis its utility in relation to India,
particularly on the Kashmir question. As far as the Soviet Union was concerned, it had already over-committed itself on Kashmir and was a lost case. But an opening was now available to China, and Pakistan sought to seize it.

67. During the hey-days of the India-China détente, China had endorsed the Indian position on Kashmir that the state had acceded to India. Then there was a subtle and nuanced change in the Chinese position, that this was now a question to be settled between India and Pakistan, albeit peacefully. In 1962 China's attitude openly underwent a significant change. When India reminded China that as early as March 1956, the Chinese Premier, in his talks with the Indian Ambassador R. K. Nehru, had accepted the Indian position on Kashmir, and hence there was no common border between China and Pakistan, Peking repudiated this Indian assertion and said that its acceptance had not been "without any reservations".

68. The failure of the Kashmir talks was also a turning point in Pakistan's foreign policy. Pakistan, which had over-sold itself to the West in an alliance against communism, started drifting away from the West, in its efforts to woo China. Offers of military aid to India by the West in the wake of Chinese aggression disillusioned Bhutto with respect to the West. He lamented the West's augmentation of India's military strength in a "formidable manner", leaving Pakistan 'weaker'. Not placing enough trust in the assurances of the West, that their arms would not be used by India against Pakistan, he insisted on the need to maintain a military balance within the sub-continent and on the need to "correspondingly augment Pakistan's military strength". In his
speech to the National Assembly on July 26, 1963, he highlighted the customary charges of Indian "arrogance and aggressiveness", and repeated that the new dangers facing Pakistan required reappraisal of its foreign policy, and that it was for the West to ensure that the past relationship was not damaged. The High Commissioner G. Parthasarathi informed New Delhi on July 23, 1963 that the American Ambassador in Islamabad had confirmed to him, that Pakistan wanted a "restoration of the military balance between India and Pakistan, as it stood last October/November" (1962). Foreign Secretary, M. J. Desai on July 24, 1963 confirmed to the High Commissioner, the "understanding reached between the Pakistanis and the Chinese about joint aggressive pressure on India".

69. In this fast changing scenario, Pakistan moved quickly. On March 3, 1963, it signed with China a boundary agreement, ceding large chunks of occupied Kashmir to that country, unmindful of Indian sensitivities. China, in order to refurbish Pakistan's image, sought to project New Delhi as the new ally of the West, by accepting their military aid. On March 31, 1963, Chou En-lai said: "the situation has changed; is now characterised by the fact that non-aligned India has become an aligned country, best appreciated by the United States in South Asia, while Pakistan, which was an ally, is regarded by the United States as a more or less nonaligned country"; that the US "will use Pakistan to check India". On July 16, 1963, High Commissioner G. Parthasarathi reported to New Delhi that his sources had informed him that Sino-Pakistani relations were "much deeper" and were likely to develop further. According to his sources, the Chinese had "assured Pakistan of
all possible help against India" including military. The High
Commissioner, however, had some reservations on Pakistan
having already received military aid from China.

70. Pakistan continued to maintain that India had provoked the
Sino-Indian conflict, which was, otherwise, nothing more than a
limited border clash. President Ayub Khan, on November 5, 1962,
with his military sense and keeping the weather in mind, was
convinced that it was intended to be only a limited conflict. Drawing
on his own experience, he feared, that the large quantities of military
hardware being rushed by the US and the UK and others, would
have the effect of enlarging the conflict between India and China,
besides adding to the "already existing" concerns of the Pakistani
people and government, that "these weapons may well be used
against them (Pakistani people) in the absence of an overall
settlement with India". Though Pakistan had earlier entered into
talks with India on Kashmir, under pressure from the West, it
remained convinced that not much could be expected from India
on this issue.

71. On July 17, 1963, Pakistan Foreign Minister Bhutto told the
National Assembly that India was aware of the limited nature of its
conflict with China, which was "brought upon by India's own
impetuosity". He said it was a pretext to garner military help, not
"so much against communist China, but against the country which
it has declared to be her enemy No. 1." Warning India, he said:

"God forbids, if there was to be a clash, if India in her frustration
turned her guns against Pakistan, the international situation
is such today that Pakistan would not be alone in that conflict.
That conflict does not involve Pakistan alone. An attack from
India on Pakistan is no longer confined to the security and territorial integrity of Pakistan. An attack by India on Pakistan involves the territorial integrity and security of the largest state in Asia and therefore, this new element and this new factor brought in the situation is a very important element and a very important factor." (Emphasis added)

72. Interestingly, there was no such statement emerging from the Chinese leadership in clear cut terms declaring its support to Pakistan in so many words. It appeared, that Bhutto had seized upon the statement of Chinese Vice Premier Chen Yi, made at the United Arab Republic National Day reception at Peking that the Indian Air Force holding joint manoeuvres with the US Air Force and the Royal Air Force was a "grave step taken by the Indian government in closer collusion with imperialistic powers and (was) a deliberate attempt to create tension anew on the Sino - Indian border." He described it as a threat not only against China, "but also a threat to India's other neighbours and particularly Pakistan". (Emphasis added)

73. Bhutto continued with his tirade, blaming India for the Sino - Indian conflict. He repeated this to the British Foreign Secretary on October 16, 1963 in London. He said 'the Chinese attack had been provoked by Indians who had not made any provision with the Chinese for the status quo on the border pending an agreement and had thus helped to create their own problem'. He maintained his thesis that India was using China's hostility as a ploy to augment its defence capability. Since Pakistan itself had no intention, of keeping to the terms of its alliance with the West, that their arms would not be used against India, it too was not sanguine about the
American assurances that US arms assistance would not be used against Pakistan. He therefore, insisted on the need to maintain a military balance on the sub-continent, adding that "it would be necessary also to correspondingly augment Pakistan's military strength..." Emphasising the customary charges of Indian arrogance and aggressiveness, in a July 1963 speech in the Pakistani National Assembly, Bhutto repeated that the new dangers facing Pakistan required a reappraisal of its foreign policy, and that it was for the West to ensure that the past relationship was not broken.

74. Pakistan's view, that India had provoked the clash with the Chinese to get arms from the West, was fortified by Chinese Premier Chou En-lai, in his interview with the Associated Press of Pakistan on March 31, 1963. Chou En-lai had said that "India wants to get arms from the United States to satisfy its expansionist ambitions", but he maintained that India was being "more isolated" in Asia, Africa, and Latin America.

75. In August 1965 Radio Peking endorsed the Pakistani position on infiltrators in Kashmir. It described Kashmir as the "Indian occupied sector of Kashmir", the infiltrator as "freedom fighters", and accused India of "crush(ing) down the people there". On September 4, 1965, the Chinese Vice Premier Chen Yi, told a press conference in Karachi, that "China completely sympathises with and supports the Kashmir's people's just struggle to resist India's tyrannical rule". Supporting Pakistan's action in Kashmir, he said "China firmly holds that the Kashmir question should be settled according to the pledges made by India and Pakistan to the Kashmiri people and in accordance with the aspirations of the
Kashmiri people". The Indian offensive on Lahore was described by the Chinese Government as an "openly launched massive armed attack on Pakistan", which was "a still more serious act of aggression".

76. The Sino - Soviet conflict, impacted South Asian politics in its own way. The Chinese challenge to the Soviet leadership was not merely ideological but a politico-military one, considering that the two had a long common border and China had laid claim to a substantial chunk of Soviet territory. After China, the Soviet Union, which in the fifties had unequivocally endorsed the Indian position on Kashmir, was seen to be meandering towards Pakistan. As pointed out above, the West's offer of military assistance to India had disillusioned Pakistan. The Soviets were keenly watching Pakistan's frustration with the West. The American Senate too, had drastically slashed military allocation proposed by President Eisenhower for Pakistan. Moscow's ambivalence towards Kashmir, even if it was subtle, was intriguing to New Delhi, and it could see enough straws in the wind, that convinced New Delhi that Moscow could not be taken for granted. The 20th Congress of the Communist Party of the Soviet Union (CPSU) mandated an improvement in relations with the Baghdad Pact countries, Turkey, Iran and Pakistan. In 1961, the Soviet Union had offered Pakistan its first chunk of economic aid, $30 million for mineral and oil exploration. Also in the same year, Z.A. Bhutto, the then Minister of Trade had visited Moscow to improve avenues of better trade between the two countries. In the aftermath of the Cuban Missile crisis, resulting in the détente in East - West relations and bereft of the sheen that Pakistan's membership of the CENTO had, Moscow could look to a more relaxed relationship with Pakistan.
77. With the passing away of Jawaharlal Nehru in May 1964, Lal Bahadur Shastri took over the reins of the Government of India. For the first time since independence, a separate Foreign Minister, Swaran Singh, was appointed to look after the External Affairs Ministry, which, since independence was the domain of the Prime Minister himself.

78. The Kutch conflict in February - March 1965 offered Pakistan and the Western powers some solace. Both the US and the UK seized the opportunity to actively involve themselves in the dispute to convey to Pakistan their usefulness to it. They interceded with New Delhi to agree to arbitration on the Kutch dispute, which Pakistan was quite happy to accept. Pakistan did not lose much time, to draw its own conclusion from the Kutch outcome. It may have been Pakistan's calculation, that if it were to force a similar conflict in Kashmir, either way it could stand to gain. If the conflict were settled in its favour, so much the better, otherwise, there was bound to be Western intervention of some sort, and if like the Kutch, India was pressurized to accept arbitration in Kashmir in some form, or some UN intervention, the dormant issue would get a fresh lease of life. It would be a win win situation for Islamabad either way.

79. New Delhi appeared a little disappointed with Moscow, for it felt that the Soviet support was lukewarm on the Kutch issue. While the Chinese Government, in a statement issued through Hsinhua, the Chinese news agency on May 4, 1965, blamed India for provoking armed conflict in the Rann of Kutch "in an attempt to forcibly occupy the disputed territory by armed attack", the Tass
statement of May 8, was a trite affair which hoped that the "differences between India and Pakistan will be settled by them by way of talks, with consideration for the interests of both the countries". While the negotiations for the modalities for a settlement of Kutch were still underway with the intervention of the US and the UK, a worried Prime Minister Lal Bahadur Shastri decided to travel to Moscow, to see if the Soviets were willing for a more active intervention and support, before he accepted the West sponsored arbitration route to solve the Kutch issue. He met General Secretary Brezhnev on May 14, 1965 and his disappointment was palpable and reflected in what Shastri told Brezhnev:

"May I say, Mr. Brezhnev that India and the Indian people have great faith in the Soviet Union. They have appreciated greatly Soviet Union's attitude on Kashmir. Their expectation is that in the matter of recent Pakistan aggression Soviet Union will lend its support to India. In fact my visit here has been interpreted by the Indian people, at this difficult juncture, I shall get the Soviet Union's moral support and it will help in changing the present climate which prevails in regard to this aggression by Pakistan. If there is no such indication, I might say that it would cause me and the people of my country much disappointment...I do not mean to suggest that Soviet Union should not advise us for a peaceful settlement, but if there is no indication in regard to Pakistan's attitude it would in a sense weaken our policy of non-alignment. Those who are aligned will have the facility to commit aggression. It should not mean that those who uphold non-alignment should not express their views somewhat frankly."

Brezhnev replied:

"Mr. Shastri, I request you to understand that the matter is not of strong words, but of dedication to policy. Each word of
yours has a weight to it and force and strength behind it. It is very important that we do not spoil this policy by loud polemics - this policy of peace and peaceful coexistence….In your statement I felt a hint that at some stages, Soviet Union has not rendered sufficient help. With this I cannot agree. In the Sino - Indian conflict we took a correct stand. It contributed to the fact that this conflict did not develop. The Chinese leaders consider our statements to have been wrong and still blame us. On the Kashmir question, we took a clear stand. We never changed it taking into consideration that whole complex.

"When Ayub was here, he interpreted this in his own way. I personally told him how much we valued India and her policy of non-alignment…I gave him a sharp rebuttal to his remarks against India and this conflict…"

"We understand that you expect more firm support from us. But we assure you that would inflame the whole world. Mr. Kaul (Ambassador) told me in a reception that we could make (changes) here or there. We shall consider this."

80. The next day, on May 15, Shastri sat down with Premier Kosygin to discuss the draft of the joint communiqué, to be issued at the end of his visit to Moscow. He pointed out to Kosygin the lack of reference "to the aggression by Pakistan" and added that while he understood Soviet difficulty, "it would have given us greater strength in meeting the situation as it has arisen on our borders". Kosygin in trying to reassure the nervous Prime Minister said:

"I can tell the Prime Minister once again about Pakistan. When we had talks with Ayub Khan, we told him in no uncertain terms, that all conflicts whichever arise on India - Pakistan border, he will not meet understanding from us. He said there would not be any such conflict and he added, he understood our position. We are of the opinion that any
reference in the communiqué to border conflict will not solve anything, but may complicate the situation, and both sides may have to seek allies in the West. We feel it is better to avoid this. There is no question of mentioning anything in black and white."

81. Prime Minister Shastri was apparently not too happy with the response he got in Moscow. But he was worried about the Soviets' changing stance on Kashmir! Here too, he betrayed his nervousness in his talks with Kosygin and said that while India would make every effort to avoid violent conflict, one could not be too sure of Pakistan's attitude "if they will adopt peaceful policy not only in Kutch - Sind border but elsewhere". Accusing Pakistan of "nibbling" at Indian territory Shastri added:

"They (Pakistan) think unless Kashmir is given to them, they will continue to fight in this manner. We have very clear and categorical views on Kashmir. We have declared it from the very beginning as part and parcel of India and we cannot part with it. I am glad Soviet Union's position on Kashmir is the same as it was before. We are thankful for the attitude adopted by the Soviet Union so far. …But if Pakistan persists in creating trouble, because it (Kashmir) is not handed to them, I can imagine the difficulties in putting things in black and white in the joint communiqué, but I have an impression during the talks I had with you and Mr. Brezhnev that you very well understand our position and as you said your sympathies are with India and will remain with India".

Shastri felt assured that at least on Kashmir, he had tied down the Soviets to their old position of support for India's stand on the issue.
82. This had become necessary, as pointed out above, of late New Delhi had perceived some shift in Soviet attitude towards Pakistan, and therefore Kashmir. Foreign Secretary C. S. Jha in his letter of March 4, 1965 to Ambassador T.N. Kaul in Moscow expressed his surprise and concern at this shift, which he said was "noticed at the Security Council meeting last year (1964) on the Kashmir question". He sounded somewhat worried that "it is possible that even though their basic stand on Kashmir should remain unaltered, the USSR might not give us the same support on procedural aspects as before". The Foreign Secretary recalled the stand taken by all the members of the Security Council, including the Soviet Union that "India and Pakistan should, in direct negotiations and without third-party intervention, try to reach a peaceful and honourable settlement". While Jha stressed the need for India to come to some settlement with Pakistan, he conceded that Pakistan's hardened position left little chance for "a favourable climate for negotiations to develop" to produce a settlement acceptable to both. The Foreign Secretary counted two prepositions which had been offered to Pakistan for settlement: one, a ceasefire line with some modifications and two, "the idea of a confederation". Ambassador Kaul, however insisted that Soviet Union would not "go back on our legal title to the whole State", while supporting a "realistic political settlement of the Kashmir problem more or less on the basis of the ceasefire line with minor adjustments." He felt assured that Moscow would support "our claim to the valley both for strategic reasons as well as on the grounds of our secularism". Ambassador Kaul however, was not certain how the Chinese factor would work. The Soviet Union believed that "China will not embark on a military adventure against India in the present circumstances,"
but she may keep on giving us pin-pricks here and there" which Kaul felt India should be able to manage.

83. It did not take long for Kashmir to arrive at the scene, and again to India's chagrin Moscow was seen initially standing at some distance. But it scrambled soon and made it known that it was determined not to let the West run away with the advantage of its diplomacy. While the US and the UK through the good offices of the UN Secretary General ensured that the war did not get prolonged beyond a point, it was the Soviet Union's deft handling that, for once the Americans found themselves edged out of the arena. The result was that both India and Pakistan agreed to meet at Tashkent under the Soviet auspices to settle their differences. In agreeing to Tashkent, after initial hesitation, Pakistan hoped, that Moscow in its anxiety to mediate in Kashmir, would take a more realistic and balanced position on Kashmir in future to prove its credentials as an honest broker. And that was enough of a gain to start with.

84. In the wake of Pakistani infiltration in Kashmir in August 1965, the Chinese wished to underline their utility to Pakistan once again. China described the infiltrators in Kashmir, as part of a movement by Kashmiri people, to shake off Indian army rule. Chen Yi, at a press conference on September 4, 1965 in Karachi, pledged "China's complete sympathies" to Pakistan and extended support to "the Kashmiri people's just struggle to resist India's tyrannical rule", and condemned India, "for its provocative acts of violating the ceasefire line and kindling and aggravating the conflict". He extended China's firm "support to Pakistan's just action in hitting back at India's armed provocations".
85. Pakistan's role in promoting Sino-American détente, strengthened Pakistan's credentials both with Peking and Washington. Playing the China card, Pakistan found it advantageous to scare New Delhi. Under the circumstances, China emerged Pakistan's most reliable option. It found it worthwhile to flaunt this relationship to browbeat India. As late as January 1982, in a speech delivered at the Federal Council, Pakistan's so-called parliament, Foreign Minister Agha Shahi described China, as a "reliable friend and partner" with a "shared commitment to principles and a continuing convergence of interests" and a country which "has proven its strength and durability". Praising China, he said: "It has stood by Pakistan as a dependable and generous friend." Giving an examples of China's generosity, Agha Shahi recounted China's help in establishing in Pakistan "the Heavy Mechanical Complex, the Heavy Forge and Foundry, the Tank and Aircraft Rebuild Factories, and last but not the least, the great Karakoram Highway which links the two countries in everlasting friendship". What Agha Shahi did not mention was more important, the nuclear and missile technology that China gave to Pakistan.

86. Reverting to India-Pakistan bilateral issues, there were many issues, that needed sorting out as a result of the partition. In the East Pakistan, the essential issues related to the treatment of minorities, border question, and sharing of Ganga waters. In the West, there were far too many issues besides Kashmir, which needed attention. Some of the major issues were Junagadh, the canal water/Indus Waters, borders, Kutch, evacuee property,
financial settlement including the division of sterling balances of the undivided India, trade, transport and many more. While trade and transport may be common to both wings, other issues were purely relevant to West Pakistan.

87. The Canal Waters question confronted the two countries immediately on partition. During the colonial period, the British had constructed a network of canals, after the annexation of the Punjab in 1849, to irrigate the wastelands belonging to the Crown. Since most of the crown lands lay in that part of the Punjab, which went to Pakistan, it also enjoyed the advantage of the irrigation system in a disproportion manner. In the scheme of the partition, the headworks of the waters feeding these canals fell in the Indian Punjab. As per the arrangement worked out jointly by the Chief Engineers of Indian and Pakistani Punjabs, and approved by the Punjab Partition Committee, the supply of water was continued to the Punjab (P), on the basis of existing usages as on the date of partition, for the period up to March 31, 1948, to be replaced by a fresh agreement to be negotiated, before the expiry of the Stand Still Agreement. Since Pakistan did not care to ensure, that there was another agreement in place before the expiry of the arrangement made on partition, the supplies got disrupted. Pakistan made loud noises. The Pakistan Prime Minister Liaquat Ali Khan complained to Nehru. Following the latter's intervention, a high-powered team was invited to visit India to negotiate a fresh agreement. The Pakistani team headed, by Finance Minister Ghulam Mohammad, visited New Delhi and a new agreement was signed on May 4, 1948. On the Indian side, it was signed among others by Prime Minister Nehru himself for India and on the
Pakistan's side by Ghulam Mohammad and others. Under this agreement, while supplies were assured to Pakistan Punjab, the Government of Pakistan recognised India's anxiety, to develop fresh areas on the Indian side, where water was scarce. The two governments agreed to approach the problem in a practical spirit, on the basis of India progressively diminishing supplies to Pakistan canals, in the hope that Pakistan will take the necessary steps to make alternative arrangements. After initial working of this agreement, Pakistan wanted to renge from it, on the pretext that it was signed by Pakistan under duress, which hurt Nehru to no end, since had personally negotiated and signed the agreement to ensure full justice to Pakistan.

88. The Indus system of rivers comprises six rivers - the Indus, the Jhelum, the Chenab, the Ravi, the Beas and the Sutlej. The Indus and the Jhelum between them carry two-thirds and together with the Chenab about four-fifths of the waters of the entire system. The culturable area commanded by the Indus system is roughly 26 million acres in India and 39 million acres in Pakistan i. e. in the ratio of 40:60. About 18 percent of the area on the Indian side was irrigated at the time of partition; the area falling in Pakistan was about 51 percent. India used only 5 percent of the total inflow in the rivers against 39 percent by Pakistan.

89. Acute food shortages in post-partition India, underlined the need for increasing the irrigated area and build a new network of canals and water conservation and storage projects. India felt there was enough water in the Indus system for the reasonable requirements of both the countries. Out of the annual flow of 168 million acre-feet, 120 million acre-feet could be developed for
irrigation, whereas at the time of partition only 72 million acre-feet were being used—8 million by India and 64 by Pakistan. There was thus an unutilised flow of 48 million acre-feet which flowed straight into the sea. India's efforts to involve Pakistan, in a joint technical study of the problem, did not bear any fruits since Pakistan insisted on referring the problem of sharing the waters to the International Court of Justice (ICJ). Pakistan would also not agree to an ad hoc tribunal of the judges of both the countries looking into the problem. Meanwhile in 1951, Mr. Lilienthal, former Chairman of the Tennessee Valley Authority (TVA in the USA), after a visit to India and Pakistan, concluded that the canal water problem between the two countries was a feasible engineering problem to be settled by engineers with the help of the World Bank. His idea appealed to the World Bank and its President Eugene Black showed interest in the scheme. He set up a working party of three engineers, one each from India, Pakistan and the World Bank, but his efforts too did not succeed in finding an acceptable solution. Finally, the World Bank came out with its own broad solution that the entire flow of Western rivers, Indus, Chenab and Jhelum be earmarked for Pakistan and the Eastern Rivers, Sutlej, Beas and Ravi for India. The scheme envisaged that Pakistan would undertake, with international financial help, alternative works to divert its present uses from the eastern rivers to the western rivers, for which there would be an interim period and finally the eastern rivers being exclusively reserved for India's use. India was allowed certain non-consumptive uses of the western rivers. After eight years of negotiations, through the good offices of the World Bank, the Indus Water Treaty was signed in Karachi on September 19, 1960 by Prime Minister Jawaharlal Nehru and President Ayub Khan.
Treaty laid down the rights and obligations of both sides in relation to the use of waters of the Indus system of rivers. It also laid down a framework for the resolution, in a cooperative spirit, of the questions, the differences or the disputes that might arise in implementation of the Treaty, either bilaterally or through neutral international arbitrators. India agreed to pay Pakistan 62,060,000 Pound Sterling to build replacement links from the existing Eastern to the Western rivers. The most important feature of the Treaty was that, it could not be abrogated or terminated by either side unless it was replaced by "another duly ratified treaty concluded for that purpose between the two Governments". As long as there is life on this planet, the rivers have to flow carrying the life-giving water for both the countries, who have to share it. Hence the permanent nature of the Treaty.

90. The limited use of water from the western rivers by India was subject to the certain limitations laid down in the Treaty, and India has scrupulously honoured those limitations. Against its entitlement of a storage capacity of 3.6 million acre-feet of water, India has yet to build any storage capacity. As against the irrigation permitted for 1.34 million acres, India has created an irrigation capacity for 0.792 million acres. Similarly out of the total potential of 18,653 MW of hydro-power which India could generate, only 2,324 MW have been commissioned with another 659MW-capacity projects are under construction.

91. The Treaty is the most comprehensive document to be negotiated between the two countries. It deals with the entire river system of the Indus including its tributaries, sub-tributaries and even streams, in an all inclusive manner. It is a tribute to those who
negotiated it. In its existence of more than half a century, only once an issue had to be referred to the neutral international experts. All the other issues that arose between the two sides were settled by the Permanent Indus Commission composed of Indian and Pakistani experts.

92. The Indus Water question though a highly technical issue, had its political ramifications too. It involved the construction of Mangla Dam by Pakistan in Pakistan Occupied Kashmir. India apprehended that if its construction was linked to the Indus water question, as part of the replacement works, it might *ipso facto* mean recognition of Pakistan's juridical claim to the area of Kashmir under its occupation. This issue was resolved, when it was agreed that neither the replacement and development works to be constructed by Pakistan - which would include Mangla - nor the Indus Basin Development Fund, which would finance the replacement works under the Indus Treaty, would be part of the Indus Water Treaty. It was clearly understood that the financing of the Mangla project works would be the subject matter of a separate agreement between Pakistan and the funding agencies or countries. The fact, that works, which were built by Pakistan in its occupied territory of Kashmir, did not figure in the Treaty, but India's uses of waters of the Western Rivers in Jammu and Kashmir State are specifically laid down under Article III (2) of the Treaty. India's contribution was paid to the credit of the World Bank, since India was not a member of the Indus Basin Development Fund. Similarly there were other clauses in the agreement which safeguarded India's political interest in Kashmir, by the allocation of Western Rivers to Pakistan and their development.
93. The resolution of the Indus water question left India and Pakistan with a similar problem in the eastern region, the sharing of the Ganga Waters. Historically the Bhagirathi carried the main channel of the Ganga and therefore bulk of her water, which kept the Calcutta port flushed and going for centuries. In the last couple of hundred years, there was a shift in the flow of the Ganga, the Bhagirathia - Hoogly losing its status as the main channel, with the bulk of the water turning southeast towards the Padma. This caused siltation in the Bhagirthi channel, which in turn led to increase in the intensity and frequency of tidal bores in the Hoogly thereby impeding navigation. Various studies conducted in this regard before and after the partition, suggested the need for a barrage on the Ganga to augment the supplies in the Hoogly, to save the port of Calcutta. The Radcliffe Boundary Commission, dividing the province of Bengal, taking note of the problem of the Calcutta port, had awarded the Muslim majority district of Murshidabad, where the barrage was to be located to India and compensated Pakistan with the Hindu majority district of Khulna.

94. After the partition, India seriously started looking into the possibility of the barrage at Farakka, since the problem of Calcutta port had become acute. For instance in 1938, ships of a draught of 26 ft could use the port for nearly 300 days in a year. In 1961 it could not be opened to such vessels for even a single day. In 1974-75 the port handled traffic of 7.5 million tons against the 11 million tons in 1964-65. Besides, siltation of the river and consequent increase in the salinity adversely affected the health, sanitation and industrial life of the entire area, historically dependent on the river.
95. Notwithstanding the preponderance of the Indian claim on the Ganga waters, India had not been unmindful of the needs of East Pakistan, a co-riparian and as such was prepared to accommodate its reasonable needs of water and entered into negotiations with Pakistan. Unfortunately, this benign attitude of India, was to prove quite costly. It is ironic that Pakistan, which in 1968 claimed almost the entire flow of the Ganga, was not even aware initially of the quantity of water, needed for East Pakistan. It may be instructive to recall the course of the negotiations with Pakistan before the emergence of Bangladesh on the scene. At the first June - July 1960, official level discussions, Pakistan pegged the needs of East Pakistan at only 3,500 cusecs in April, the lean period, a negligible quantity, (considering the minimum flow of 55,000 cusecs even during the lean period). During the subsequent meetings, Pakistan's demand continued to swell as the Ganga swells during the monsoons. At the second meeting (October 1960), it demanded 18,090 cusecs, in April 1961, 29,352, in December 1961-January 1962, 32,010 cusecs and finally at the fifth meeting, in May 1968 it demanded 49,000 cusecs (all quantities being for the month of April). The last indicated quantity was almost the whole of the flow in the lean period of April. Since the supporting evidence was too flimsy, to give satisfaction to New Delhi, India was not quite convinced that Pakistan's stand was in keeping with its avowed policy of discovering a problem where none existed. It was clear to the Government of India that Pakistan wished to create conditions, like the ones on the Indus and get the issue of Ganga waters internationalised. It intended to stall, in the meantime, the construction of the Farakka Barrage, which the Government of India was determined to prevent at all costs. In all
the negotiations with Pakistan on the Ganga waters, India made sure that the discussion remained at the technical level only.

96. Knowing the Pakistani intentions, India ignored Pakistan's objections, and went ahead with the Farakka project. When Bangladesh came into existence, at the end of 1971, the Barrage was complete at a cost of Rs. 1560 crores (15, 600 millions) and the construction of the feeder canals was in progress. The question therefore was how best India could help the new country by sharing the available flows? This question has since been settled by mutual negotiations and each one showing the understanding for the needs of the other.

XIII

97. Another problem, which bothered India, was the question of the evacuee properties, left behind by the Hindu and Sikh refugees in West Pakistan, at the time of partition. Since the migration from East Pakistan to India, immediately on partition was on much smaller scale and there was no ethnic cleansing, as it happened in the West, East Pakistan did not present with a problem of evacuee properties. However, as pointed out above, in the next couple of years, as the treatment of minorities in the East Pakistan worsened, leading to an exodus. The Nehru - Liaquat Pact of April 1950, stemmed the tide for the time being. It not only stopped the migration but those who had already migrated, were able to return and claim the complete ownership rights of their properties in either country. They could sell, or exchange such properties and could even recover the rent of immoveable properties. Since the Hindus in East Pakistan were in a large number, even though a substantial minority, their number gave them some security, a problem of the
scale and kind as in West Pakistan, did not exist in the east. This problem was, however acute in the western region, where the migration had started, even before the formal inauguration of Pakistan. The partition was accompanied by a virtual pogrom in which hundreds of thousands were killed. It created such a fear among the non-Muslims that they would not dare to look at their properties back home. There were killings on the Indian side too, but their number was much smaller because the Indian leaders, like Mahatma Gandhi, Prime Minister Nehru, Maulana Azad etc., launched a peace offensive to prevent people leaving India. As the peace returned, even those who had left were invited to come back with the assurance of the return of their properties, jobs and security. About a lakh of Muslims did return home to claim their properties and jobs. But there was no such move on the part of Pakistani leaders to assure the non-Muslims not to migrate or to offer them an olive branch after they had left.

98. With millions finding their way into India, in search for a safe haven, the Government of India, took upon itself the task of providing them succour and rehabilitation. In so far as the properties left behind by the displaced persons in West Pakistan were concerned, negotiations started with Pakistan immediately on partition. The problem was discussed at a number of Indo-Pak conferences. While some agreement was reached, relating to the moveable properties and their claims in respect of court deposits, contractors' claims, bank accounts, and fixed deposits, pay, pension and provident funds of serving and retired government and local bodies' employees; no agreement could be found for the immovable property. The Government of Pakistan adopted a cussed attitude towards the plight of the displaced persons.
Pakistan's refusal to come to some agreement on the question of immoveable properties was inhibited by the awareness by Karachi, that the properties left behind in Pakistan by the non-Muslims were far in excess in value in comparison to the value of the properties left behind by the Muslim migrants from India to West Pakistan. This aspect was also stressed by President Rajendra Prasad in his note mentioned above. It was estimated that the approximate value of the properties left behind by Hindu and Sikh displaced persons was Rs. 500 crores (Rs. 5000 million), against 100 crores (Rs. 1000 million) left behind by the Muslims. Besides, the agricultural land left behind by displaced persons in West Pakistan was about 90 lakh acres, a considerable portion of which was canal irrigated, whereas the Muslim evacuees left about 60 lakh acres of comparatively of much inferior quality. Pakistan insisted that the displaced persons could visit their properties, sell them, exchange them, or rent them as they liked. Pakistan knew it was an unworkable proposition, yet insisted on it to avoid payment of the difference. Pakistan refused to concede that given the security situation, which in the first instance drove them out of their homes and hearths, would prevent the displaced persons to undertake the hazardous visits. Besides, such sales/exchanges were not easy to negotiate and would lead to cartelisation of buyers and lead to distress sales if at all it were possible.

99. In July 1950, Liaquat Ali Khan was visiting New Delhi for talks with Nehru. Gopalaswamy Ayyangar, Transport Minister, who was also looking after most of the issues arising out of the partition, had got made an estimate of Rs. 300 crores as the paying capacity of Pakistan on this count. He suggested to Nehru who was to hold talks with Liaquat:
"The figure of 300 crores as representing Pakistan's capacity to pay was estimated by Deshmukh at my request, but it will be too much to expect that we could, for squaring the amount relating to evacuee property, ask Pakistan to shoulder the whole of this amount as a debt, she would owe to India on account of evacuee property alone. We should be prepared, if there is going to be an *ad hoc* arrangement to accept much less. I think it will be worthwhile to do so in order to end all the trouble we are going through in this connection. I would personally be content with Pakistan accepting a liability for a hundred crores, but this is a matter for bargaining. If you propose to have a talk with Liaquat Ali Khan on this question, I would suggest your discussing with him the main principles of the scheme without committing yourself to any definite figures. If they are prepared to discuss figures also, we can give some vague indications of the figures that we have in mind."

100. However, during the visit of Liaquat Ali Khan, this issue was not discussed. Nothing much came out of the discussions at various other levels either. The Government of India was getting desperate at the failure of a settlement on the question of immovable property since the displaced persons were living in make shift quarters and in distressed conditions needing permanent rehabilitation rather desperately. On October 13, 1952, the Government of India informed the Government of Pakistan that the policy of sale or exchange of property, by the owners in each other country has not worked even after five years. The owners of the properties, had neither received any rent nor were they in a position to visit their properties to sell or exchange for obvious reasons. It also said that in the meantime, all the evacuee properties had been occupied by the refugees on temporary basis and the Custodians who were in-charge of the properties, were not in a position to look after them.
Similarly, the refugees who were in temporary occupation, had their own problem to look after them, and as such the properties were deteriorating for lack of repairs. It was suggested to Pakistan since direct negotiations had failed, the Government of India would be agreeable to refer the method of evaluation of these properties to an arbitration or an impartial tribunal agreed upon between the two governments. To obtain Pakistan’s consent to some arrangement on this vexatious question, New Delhi went on to suggest, that, if Pakistan desired, the matter could be referred to the International Court of Justice or an ad hoc court consisting of the nominees of the two governments. This suggestion of international arbitration was made, since it was clear to the Government of India that Pakistan put greater faith in the international arbitration than Indian and Pakistani judges sitting as arbitrators.

101. There was, however, no response from the Government of Pakistan, to any of the suggestions. In order to resolve the issue, Prime Minister Jawaharlal Nehru himself wrote on January 13, 1953 to Pakistan Prime Minister Khwaja Nazimuddin, commending the October 13, 1952 proposal of government to government exchange of properties. He insisted that there was no chance of any of the displaced persons going back to their homes to look after their properties or sell them, and also because the properties were fast deteriorating, it was an ideal solution. In a lengthy reply dated March 5, 1953, the Pakistan Government went into the entire history of the evacuee property issue, blamed the Government of India for failure to come to an acceptable arrangement. He concluded that the Government of India’s decision to assume the properties of the Muslim migrants and compensate the Indian refugees amounted
to expropriation of the Muslim properties, which would only create fresh difficulties and problems, for which the responsibility would be that of the Government of India. The Government of India, unmindful of the Pakistani objections, went ahead and settled the problem of immovable properties as it proposed. This greatly facilitated the permanent rehabilitation of the refugees and gave them some stability in their lives to move on.

102. On the question of moveable properties, the situation was slightly better, in that some agreements were reached but implementation remained tardy, the level of satisfaction obtained remained low. An agreement on moveable properties was first reached in June 1950 and further decisions were reached in subsequent years in 1953 and 1955. The agreement covered all items of moveable properties, such as personal and house-hold effects, trade goods, merchandise, seized property including fire-arms, buried treasures, lockers, and safe-deposits, gold loan accounts, joint stock companies, court deposits, shares and securities etc. A high powered Implementation Committee was set up to ensure speedy implementation of decisions arrived at between the two governments. Since the decisions were never backed by quick implementation, it only increased the level of frustration of the displaced persons. The Implementation Committee's meetings ceased after 1963. The deterioration in the political climate, between the two countries, in the meantime had hit a nadir, followed by Kutch and 1965 Kashmir conflicts. Thereafter, there was stalemate and the matter went into limbo with most of the decisions remaining unimplemented. These claims involved several crores of rupees, which were huge amounts in those days.
103. After the Kashmir conflict of 1965, followed by the Tashkent Declaration, the relations between India and Pakistan limped back. Tashkent, however did not offer Pakistan a solution of the Kashmir issue. The level of dissatisfaction and therefore frustration with India continued in Islamabad. Pakistan, however had come to realise that an armed conflict was no longer an option either. Be it, as it may, India soon found that Pakistan's fervour for Kashmir had diminished a little. At the first ministerial meeting with Pakistan held in March 1966, India found to its regret, that Pakistan's post-1965 priorities were to refurbish its depleted arsenals, building up tensions and hatred against India, draw up pictures of Indian tyranny in Kashmir to convey that India was faced with an acute political, social and security crisis in Kashmir.

104. By the middle of 1967, some progress towards normalisation had been achieved, namely in respect of withdrawal of forces to the pre-1965 positions, exchange of prisoners of war, restoration of full diplomatic relations, resumption of over-flights, restricted visa facilities etc. However the uncomfortable feelings in the relations refused to go away. Seized properties, as provided for in the Tashkent Declaration, had not been exchanged, trade remained at a standstill, despite India's unilateral decision to remove all trade embargos, and to return all seized properties. Travel between the two countries remained restricted, and communications were not fully restored. On the Kashmir issue India had been more than willing to talk but within certain parameters i.e. within the oft-repeated, very precise basic position of India that the State of Jammu and
Kashmir having finally and irrevocably acceded to India, was an integral part of the Indian Union. Therefore, any talks on the Kashmir question would have to be within this basic framework and keeping in view the ground realities. India made it known that the plebiscite was out of question and that the principle of self-determination had no relevance to integral parts of sovereign States.

105. While both India and Pakistan had learnt to live with this stalemate, trouble was brewing for Pakistan on the domestic front and India was sucked into it. In the post-Tashkent period Zulfikar Ali Bhutto's successful campaign against Ayub Khan, particularly on Kashmir, had made him make way for another General, this time Yahya Khan. As pointed out above, the fractional politics of the country worked in favour of the western wing, at the cost of the more populated East Pakistan. For too long had the people in the East looked meekly and submissively as the West rode rough shod over it. The iniquitous arrangement had generated dissatisfaction among the populace, which enabled the East Pakistan based Awami League to unite the province politically under the leadership of Sheikh Mujeebur Rahman, to challenge the West Pakistan domination and its monopoly of power at the centre, since the creation of Pakistan in 1947. It is true, there had been prime ministers from the eastern wing too, but they depended for their political support on the western elite. Besides, since 1958 the Punjabi-Pathan army, under the leadership of General Ayub Khan and now Yahya Khan and their coterie of army officers, had monopolised the political power. All this favoured the western elite class and the East was left to look for political crumbs thrown by
the West. Now, prudently, the East consolidated itself under one political party and one leader to challenge the domination of the West.

106. This consolidation of political forces in East Pakistan demonstrated the magic of electoral majority for once. General Yahya Khan had promised to hold elections, based on adult franchise, for the first time in Pakistan's history. The people waited for this opportunity with bated breath. In November, a few weeks before the elections (scheduled for December 1970), East Pakistan suffered a terrible cyclone, in which between 150,000 to 200,000 people were killed and another 1.5 to 2 million were rendered homeless. The tardy manner and slow speed of the relief operations, convinced the people here once again, that in their plight they were alone. The ensuing elections were seen as an opportunity to take revenge. In the election results, the worst fears of the army and of the Western political elite came true. The Awami League won 160 of the 162 seats it contested and along with 7 of the indirectly elected seats reserved for women, it made a total of 167 out of the total strength of the National Assembly of 313, and therefore the right to form its government at the centre. In the East Pakistan Assembly, it won 288 elected and 10 indirectly elected women's seats, making a total of 298 out of the total strength of 310, a clean sweep. The Pakistan People's Party led by Zulfikar Ali Bhutto could only win 81 seats in the National Assembly. Its victories were mainly in the Punjab (62) and Sind (18). It won just one seat in North Western Frontier Province and nothing in Baluchistan.
107. In the entire life of Pakistan, the leaders of the western wing had not faced such a situation. They found the political power slipping out of their hands. The red herring was the election manifesto of the Awami League, that, were the party to come to power, it would draft a new constitution providing for decentralisation of power and autonomy for the constituent units, based on the six-point programme. In a rear guard action, Bhutto leading the charge against the East, declared on December 20, 1970 that neither a new constitution, nor any government at the centre could be formed, without the cooperation of his party, which had emerged the largest in the West. Bhutto's assertion was based on the spurious thesis that the real power of the central government was derived from the Punjab and Sind, the two provinces where his party had also won in the provincial elections, and therefore the party winning solely in the East could not be trusted with the complete authority of the central government. Gen. Yahya Khan's vacillation and Bhutto's mulishness prevented even the process of convening the National Assembly being put into motion. The historic opportunity for the emergence of a democratic set up, after Pakistan's first ever general elections, based on adult franchise, was allowed to slip. The arrest of Mujib, East Pakistan's declaration of independence, Genral Yahya Khan's response with Martial Law, the army repression that was let loose in the East, the genocide, the stream of refugees pouring into India and India's response, international neglect, Pakistan attack on Indian cities in the Punjab provoking India into war, now all part of history, formalised the geographic split of Pakistan into a political reality. Henceforth two wings of one country became two independent and sovereign states, equal members of the comity of nations.
108. The developments leading to the emergence of Bangladesh had put Indian diplomacy to a severe test, which it faced successfully. It met the twin dangers from Pakistan and China. We have already discussed above the emergence of Pakistan - China axis against India. India was not unaware that China too had its soft belly in its conflict with the Soviet Union both ideological and political. Chinese claim to large chunks of Soviet territory, had made the armies of the two countries face each other, eyeball-to-eyeball.

109. The tragedy played within East Pakistan before the emergence of Bangladesh, did not spare India. The Pakistan army's crackdown in East Pakistan, indulging in rape, pillage and genocide, made almost ten million people seek refuge in India. The World community, to India's chagrin, remained indifferent to India's efforts to draw its attention to this horrendous development at its doorstep, and the burden that the ten million refugees cast on its socio-economic health. New Delhi was distressed. Pakistan's frustration on its failure to repress the people of East Bengal and control their aroused emotions was palpable. The people of East Bengal, who by nature are a peaceful people, given to life of art and literature, dance, drama and song were facing the bayonets of the army from West Pakistan, an experience they had not known before but now faced with a do or die spirit. They had organised themselves into a voluntary force called the Mukti Bahini. Mujibur Rahman's arrest and detention in West Pakistan for treason had added fuel to the burning fire. Pakistan was getting desperate by the day and had moved several divisions of its army from West Pakistan to East Bengal. In its effort to cut off Indian support to the
Mukti Bahini, Pakistan army mounted air attacks on Indian cities across the border in the Punjab.

110. India had seen all this coming for quite some time. It was New Delhi’s assessment, that the situation in East Pakistan was getting out of Pakistan's control and in order to divert attention from developments in the East, it might mount an attack in the West. Naturally, New Delhi was prepared for the worst. To shore up its armed strength, to meet the duel challenge from Pakistan and China, efforts were made to procure some essential military supplies and equipment from the Soviet Union. India was too well aware that the Soviet Union had also evinced a good deal of interest in the Pakistan developments and was concerned about them. According to Pakistan Ambassador in Moscow, Jamsheed Marker, in his book Quiet Diplomacy, the Soviets had indeed been in touch with all the stakeholders in Pakistan including Mujib and had conveyed their concern at the developing scenario, which to them was quite disquieting, at the highest level in Pakistan. A note handed over to President Yahya Khan personally by the Soviet Ambassador in Pakistan at the beginning of March 1971, sought to convey Soviet's explicit interest. The note said that in Moscow, friendly attention was being given to the situation developing in Pakistan, and though the deteriorating situation was mainly the matter of internal concern, 'the tension of the situation in friendly Pakistan, which is a neighbour of the Soviet Union, cannot but arouse the concern of the Soviet people, as in situations of this kind, problems of internal character are often inseparable from matters of the outside political situation'. The Soviet Foreign Office even briefed Pakistani Ambassador Jamsheed Marker in Moscow, of their demarche in Islamabad and their deep concern about
political developments in Pakistan. The Soviets were in touch with Mujibur Rahman also and had even passed on his messages to the Pakistan authorities. As the talks between Yahya Khan and Mujib failed and broke off, the Soviet Consul General in Karachi, according to the account of Ambassador Marker, met Yahya Khan in Karachi, when he returned from Dacca on March 28 and conveyed to him the oral message from Kosygin, containing Moscow's concern at the possible use of army. The message *inter alia* said:

"But to be quite frank we would like to express our opinion that fratricidal conflict in East Pakistan will inevitably give rise to the sense of deep anxiety and negative reaction in the Soviet Union and as we are sure, amongst all friends of Pakistan".

Moscow advised immediate resumption of negotiations and measures ‘for the cessation of bloodshed in East Pakistan’. Pakistan did reply to Soviet *demarches* assuring them that all efforts were being made to address the situation, it, nevertheless, left Pakistan worried at the overt and excessive interest shown by Moscow and its repeated interventions, and *demarches*.

111. It may be recalled, that in January 1971 there was a hijacking of the Indian Airlines Srinagar - Jammu flight to Lahore where it was allowed to be blown up by the hijackers. New Delhi was so incensed at the callous attitude of the Pakistan Government, who made no effort to save the aircraft, that on February 4, 1971 it suspended all over-flights over its territory by Pakistan military or civil aircraft.
112. On March 14, the Indian Deputy High Commissioner from Dacca reported that Pakistan was moving two and a half Divisions of its army under Lt. Gen. Mitha Khan from Quetta to East Pakistan, a move with ominous forebodings. Mujib, through his emissary, had also conveyed to the Deputy High Commissioner that he had reached the stage of no return, since Pakistan had decided on use of army to crush the civil population after the failure of talks. Gen. Yahya Khan, in a broadcast from Islamabad on March 26, dubbed Mujib’s decision to launch a civil disobedience movement, treason. In a desperate move to stem the developing unrest, which was nothing short of a civil rebellion, Pakistan banned all political parties and political activity of all types.

113. On March 23, 1971, the Indian Ambassador in Moscow Durga Prasad Dhar, made a farewell call on the Soviet Premier Kosygin, though he was to leave for India after a few weeks. He took this opportunity to inform him that after the recent general elections in India, the Prime Minister was now more self-confident and prepared to take new initiatives in foreign and domestic policies. He also discussed with him the latest developments in relation to Pakistan and China. He particularly mentioned Chinese intransigence in responding to Indian efforts for better relations. Ambassador Dhar also thanked him for the supplies of military hardware which New Delhi had requested, but conveyed some disappointment, at the lack of progress on the Indian request for bomber aircraft, which had become critical in view of the developing situation in the subcontinent and the well equipped Pakistan Air Force.
114. On June 5, 1971, Ambassador Dhar made his farewell call on the Soviet Defence Minister Marshal Grechko. The Marshal, was aware of the fast deteriorating politico-military situation on the sub-continent. He was too well aware of the fact, that New Delhi had failed to make any headway in its relations with China, and had become vulnerable in the present scenario. He took the opportunity to revive the old Soviet proposal for a friendship treaty, made a couple of years ago to Prime Minister Mrs. Gandhi, who then did not bite. Marshal Grechko now smelt the opportunity and revived the proposal with Ambassador Dhar. In the Ambassador’s assessment, the Soviets were somewhat convinced that the events on the subcontinent were inching towards an armed conflict between India and Pakistan, with the Chinese watching on the sidelines, and this was the opportune moment to sell the treaty to India. The Soviet interest in the treaty with India was tied to their own deteriorating relations with China. Moscow’s move for an Indo-Soviet Treaty was a strategic one, to encircle China, as later developments were to prove. Ambassador Dhar in reporting his meeting with Marshal Grechko to Foreign Secretary T. N. Kaul, on the same day (June 5) emphasising the all pervasive Soviet interest in the treaty said that:

"the mention of this document in various forms from Pegov to Grechko, from our Central Committee contact to a junior dignitary as Labochev in Foreign Office makes it clear that in spite of the developing crisis in our relations with Pakistan, with the Chinese intervention as a distinct possibility, the Soviets would be prepared to accept the responsibilities and obligations which would devolve on them as a result of such a commitment". (emphasis added)
115. The Soviet initiative and interest in the treaty, contrary to the popular perception in India, particularly at the time when the treaty was signed, that this document was the product of Indian initiative, was a little known fact. Indeed New Delhi was perceived to feel jittery at the developing crisis in relations with Pakistan with distinct possibility of the Chinese intervention. It was considered to be an insurance document that New Delhi had negotiated. The fact was that it was a document, which Moscow was pushing at New Delhi for quite some time. It found the present situation, an opportune moment, since India appeared vulnerable and pushed it through. The Ambassador was more than convinced that it was the document of the hour and India should not refuse it, though he was little reluctant to stick out his neck at the fag end of his tenure. Making a forceful plea for the treaty he told the Foreign Secretary in his letter of June 5, 1972:

"Zaheedi’s shame-faced threat to us that Iran would come to the assistance of Pakistan, the activities of the so-called consortium of some Islamic countries, the continuing threats from China, all put together make me wonder whether we are being wise in reacting in a lukewarm manner to the Soviet offer of unequivocal help to us. The pros and cons of this proposal and its present and ultimate utility can best be judged in New Delhi in consultation with the Foreign Minister and other concerned authorities. It is, however, important that we do have some sort of an understanding of what we expect the Soviet Union to do for us in the event of our country being involved in a conflict with Pakistan singly or along with her allies. I am not taking merely in terms of the political requirements of the situation as it will develop as a consequence of a conflict of this type. I am more interested in the military aspects of the aid and assistance which we will need and which we are bound to seek."
Ambassador Dhar felt if there were any reservations in having an open treaty with Moscow, the option of a secret document was also available.

116. In trying to sell the treaty to India, Marshal Grechko went to great lengths. What Dhar was seeking was supply of certain weapon systems, but Marshal sang a different tune altogether. He told Dhar not to worry about Pakistan, but "take into account the unpredictable enemy from the North". He spoke of the tense situation that had developed on the eastern borders of the USSR, where China had laid claim to 1.5 million kilometres of Soviet territory, embracing a population of 8 million. The Marshal gave a detailed account of the Soviet army, air and naval deployment, which had made the Chinese "aware of the superiority of the Soviet forces on the Eastern border and this had 'disowned their tail'". He said the Chinese knew of the Soviet mood and would not dare to play any prank with them. The Marshall added for good measure: 'the Chinese were aware that India was relatively militarily weak. They could, therefore, afford to be aggressive, even insolent and arrogant towards India. They had to be watched and India had to be careful'. After a long sermon on the Soviet strength, he said it would be of vital importance 'if our friendship was "fixed" in a treaty of mutual help of the kind recently concluded by the USSR with the United Arab Republic'. He went to the extent of telling the Ambassador, that the draft of the treaty had already been worked out and it had been shown to Swaran Singh, when he had earlier visited Moscow as Defence Minister. Reminding the Ambassador of the deployment of massive Soviet armed strength on the Soviet - Chinese border,
he delivered his final punch line, and said: "Do you think, that the massing of our troops in the Western and North-western borders of China does not help India directly in her defence against China? If the Chinese had not to contend against our forces, they would release their hordes for use against you (India). We have to understand these problems in the military sense-in the operational sense". (emphasis added)

117. The political situation in New Delhi had undergone a substantial change from the days when the treaty was first proposed by Moscow around 1969. Prime Minister Mrs. Gandhi was internally fighting a political battle of her own and did not find it prudent to give any ammunition to her political rivals, by joining in an open alliance with the Soviet Union. She, therefore, avoided committing herself to any such proposition. Beside, New Delhi then faced no military-related challenge. The political scene in India now presented a different picture with the success of Congress Party in the general elections held in March 1971. Mrs. Gandhi had emerged politically stronger. New Delhi could also foresee a conflict with Pakistan as a distinct possibility. It had become necessary to strengthen the armed forces to face the emerging challenge in East Pakistan. New Delhi was conscious of the Chinese hostility and feared a Sino - Pakistan collusion. Grechko had cleverly played on this combined fear to scare New Delhi. The convergence of Indian and Soviet interests, brought the two together and resulted in the Indo - Soviet Treaty of Peace, Friendship and Cooperation, which was signed in October 1971.

118. The war against Pakistan was fought and won. Pakistan had been weakened both politically and militarily. China, apart
from making some incendiary noises, stood aside and was exposed. The challenge posed by the United States, which had despatched a warship in the Bay of Bengal, to overawe India at the height of the operations, was met. India won back the respect dented in 1962. New Delhi could heave a sigh of relief and bask in the glory of restored national dignity.

119. Soviet intentions for signing the Treaty of Peace unravelled themselves after Bangladesh war, though it was clear to New Delhi even then, that Moscow was obsessed with Peking. The Chief of Army Staff, General Manekshaw along with D. P. Dhar, (now Chairman of the Policy Planning Committee in the Ministry of External Affairs) visited Moscow in February 1972, with a shopping list, intended to replenish the losses of the war and to further strengthen India's defence potential. On February 25, 1972, they, together had a meeting with the Soviet General Staff, led by Defence Minister Marshall Grechko. The COAS, talked of his apprehensions of a renewed round of conflict with Pakistan in the near future. Marshal Grechko felt that India was "overstating the Pakistan threat" but "missed the ominous source from where the real threat to India emanates namely China". Strategist as he was, Marshal Grechko speaking in military terms, told both the Army Chief and DP Dhar that "China was the real danger and India would be well advised to constantly remind herself of this fact. She could ignore this only at her own peril". Mincing no words, he delivered his lines, as in a dramatic performance. He said: "history has cast the role (of) allies (on us) against this menace". Both must get to "defend them together against this menace and it would be wise for both the countries to coordinate their strategies and plans
and harmonize their defence organisations for meeting such an eventuality".

120. Without making any bones, he specifically suggested a "military alliance" between the two. Addressing directly Gen. Manekshaw, he said, "India would need the Soviet Union and the Soviet Union would need India and her support to deal with the designs of China". He advised that, it was important, therefore, to talk in terms of realities of the situation rather than "little phantoms like Pakistan". Answering the Chief's request for military hardware to strengthen the Indian defence potential, the Marshal put it straight and bluntly:

"If we have an alliance, I shall earmark 50 IBM's for your defence against China. I shall not locate them on your soil but on my own so that you do not run any risk." (Emphasis added)

121. The Chief, sidetracking the alliance question, returned to the question of defence equipment. Marshal Grechko too avoided a straight answer and said: "The question of equipment was not of very importance". He believed that the time had come when India and the Soviet Union must enter into a detailed understanding of how and in what manner they should meet the Chinese threat, whenever it materialised. Concluding he asked D. P. Dhar to "convey his warmest and deepest regards to Prime Minister (Mrs. Gandhi) and an assurance on behalf of the Soviet Union armed forces that they would always be at her disposal".

122. Mr. Dhar, matching wits for wits with the Marshal, told him that relations with China had indeed not registered any
improvement. India took into account "the possible malevolence of Chinese intentions". Answering the Marshal's suggestion for a new treaty, Dhar said that there already existed a treaty between the two countries for "mutual consultations and coordination of our strategy and tactics, in terms of Article IX of the Indo-Soviet Treaty" and therefore a fresh document now appeared redundant. The Marshall was indeed disappointed. Dhar saved India from being tied to the apron strings of Moscow and become part of the cold war politics. Ever since independence, it has been the principal objective of the Indian foreign policy, to avoid becoming entangled in the cold war politics of the super powers and play a second fiddle to any one country. To avoid such an eventuality, India had taken the initiative to launch the non-aligned movement, with the other stalwarts of the time like Nasser, Tito, Nkru ma, Kaunda, and Bandaranaike. India could not undo what it had created and nurtured for many years.

XVI

123. The emergence of East Pakistan, as a sovereign state, was the accomplishment of the historical process, set in motion by the Lahore Resolution of 1940, which had promised the people of the East an "autonomous and sovereign" state along with the people of the West. But the narrow platform of Islam on which the demand for Pakistan was articulated upon and having surrendered the leadership to a shrewd and clever politician Jinnah, the leadership of East Pakistan drifted to the solution of a single nation, single state and found itself in the company of the people, with whom it had nothing in common except the religion. As late as 1946, at the Muslim League Convention held in New Delhi, where the newly elected
party legislators gathered, Abdul Hasham, a member of the Bengal Muslim Provincial League delegation, strongly opposed the draft resolution, which called for an independent and sovereign state of Pakistan composed of the eastern and the north-western zones, on the ground that it was contrary to the letter and spirit of the 1940 Lahore resolution. He insisted on the formation of a separate State in the east, since a composite state, with two wings, separated by a hostile country, would neither be economically viable nor militarily defendable nor culturally homogenous. He was over ruled. On April 9, 1946, the Muslim League finally and unanimously passed a single state resolution, which became the basis for the Mountbatten Plan of June 2, 1947. In a last ditch effort and waging a lone battle, Abul Hasham, once again, opposed the formation of a united Pakistan. At the meeting of the Council of the All India Muslim League, which met in New Delhi’s Imperial Hotel, on June 9, 1947 to endorse the Mountbatten Plan for the partition of India, he called it a betrayal of the Lahore Resolution. The liberation of East Pakistan and the declaration of Bangladesh in 1971 was, therefore, the culmination of the historic process, set in motion at the Lahore session of the Muslim League in March 1940 - a goal they were cheated of, while moving toward the final destination.

124. The war had ended with about 90,000 Pakistani prisoners of war in India, who had surrendered to the Joint Command of Indian and Bangladeshi forces. In West Pakistan, the Pakistani authorities rounded up the people from East Bengal living in the western wing, as civil servants, professionals or businessmen, in concentration camps as hostages. The diplomatic relations between India and Pakistan had been snapped in the wake of the war. Over flights had been suspended even before the war, in the
wake of the hijacking incident. Rail and road traffic had come to a standstill. Trade, which in any case was negligible, too came to a total halt. There was the question of the recognition of Bangladesh by the international community and its admission to the United Nations, to give the new state a legal status, as a member of the comity of nations. Above all, there was the question of the recognition by, what was left of Pakistan, of the reality of the situation emerging from the struggle of the people of the East Bengal for an independent sovereign state.

125. There was hectic activity at several levels internationally, to enable India and Pakistan to resolve their differences. Pakistan had carried out intense lobbying internationally, to build pressure on India for the release of the POWs. India was caught in an unusual situation. The POWs had surrendered to the Joint Command of the Indian and Bangladesh forces and hence the latter, which by now was an independent sovereign nation, had to be taken on board, in deciding the POWs issue. Unless Pakistan accepted the reality of the ground situation and extended the recognition to the new nation, as an independent sovereign state, Bangladesh would not talk to Pakistan. India could not unilaterally take a decision on the fate of the POWs. Pakistan's refusal to accept the reality of Bangladesh, by extending it formal diplomatic recognition, or to submit some of the POWs to justice for war crimes, and insistence on treating the Bengalees stranded in West Pakistan as hostages, were impediments to an amicable and early resolution of the problems emerging from the war.

126. The negotiations on all these issues between India and Pakistan took place during 1972 and 1973 over several
conferences. Prime Minister Mrs. Indira Gandhi represented India and Prime Minister Zulfikar Ali Bhutto represented Pakistan at the most important of these conferences, which was held at Simla in July 1972. (Bhutto had taken over the administration of Pakistan from Yahya Khan, who resigned, after Pakistan's defeat.) This conference also set the agenda for the subsequent conferences. The Simla Conference represented the desire of the leaders of the two countries to find a bilateral and peaceful approach to India - Pakistan problems and a way to social and economic progress of their peoples. It resulted in an in-principle agreement on several issues, like the vacation of occupied territories in the Western sector, as also the exchange of POWs taken in that sector, the restoration of air, surface and commercial links, bilateral trade, cultural exchanges, etc. But it failed to solve the question of POWs taken in the Eastern sector, numbering more than 90,000, because Pakistan was not yet ready to extend recognition to Bangladesh. It is noteworthy that by the time the Simla Conference was held, Bangladesh had been recognised by 75 countries; and admitted to the WHO and UNCTAD. Bangladesh too had accepted the Geneva Conventions and yet Pakistan dragged its feet on the recognition question. Dhaka had made a public announcement that until Pakistan had recognised the ground reality by extending the new state the recognition as an independent and sovereign country, it would not enter into any discussions/negotiations with Islamabad on any issue. Since the POWs could only be released with the consent and approval of Bangladesh, this issue got stuck and the POWs languished in camps. India was under pressure from various friendly countries on the issue of release of POWs on humanitarian grounds. Anticipating adverse Pakistani propaganda
on this account, External Affairs Minister Swaran Singh took the precaution of informing those friendly countries, well before the Summit, of the hurdles in this regard. Prime Minister Mrs. Indira Gandhi herself, on June 12, 1972, in a personal letter to the French President Georges Pompidou, apprised him of these facts, since he had expressed his personal concern on the POWs issues.

XVII

127. Soon after Bhutto took over the administration in Islamabad, he started working towards a post-war settlement with India. He toured a number of Muslim countries and finally he went to Moscow to garner support of the Soviet leaders. He calculated that given the close Soviet - Indian relations, Moscow was in the know of New Delhi’s mind better than any other country. Moscow could be expected to exercise some of its moderating influence in New Delhi too. He wanted to use this route to channel some of his preliminary probes of New Delhi’s mind and also for sending signals to New Delhi, on the type of settlement that would be acceptable to Islamabad. His visit to Moscow in March of 1972 indeed paved the way to Simla. In his meeting with Brezhnev on March 17, 1972, as recorded by Pakistani Ambassador Marker in his above referred book, Bhutto opened up his mind and told his interlocutor that he expected him to intercede with Mrs. Gandhi for a honourable settlement. He, of course, told Brezhnev that he had ‘given a pledge to the Indian Prime Minister for a ‘turning over of a new leaf’ which he was repeating now’ to him. Having said that, he stuck to the old Pakistani position of the need for mechanism to settle bilateral disputes. When Brezhnev asked him if he would agree to an understanding, renouncing the use of force, Bhutto’s answer was
oft repeated Pakistani stand that 'in order for it to be effective, it should contain some mechanism for a peaceful settlement of disputes'. Obviously Kashmir was uppermost in his mind, as Marker went on to add that he (Bhutto) told Brezhnev that 'relations with India and the Kashmir question, in particular, were not susceptible to a 'declaration in a vacuum'. Marker wrote, 'as an advance over the existing position' Bhutto suggested that he was prepared to change the name of the 'Ceasefire line' to 'Line of Control'. Marker described this suggestion as a 'landmark in the regional geopolitical developments that ensued'. In any case, Bhutto expected the Soviet leaders to help pull his chestnut out of the fire and ensure that any settlement between Islamabad and New Delhi did not look like one between a victor and a vanquished.

128. Bhutto was quite happy with his Moscow visit. He was confident that the Soviet role would be helpful to Pakistan for the settlement of the post-war issues. A few days before the Summit in Simla, Bhutto sent Aziz Ahmad, his Minister of State for Defence and Foreign Affairs to Moscow as his Special Representative. If his own visit was to discuss the issues in a general way and set the broad parameters of the peace process, Aziz Ahmad's brief was about specifics, since Bhutto had by now crystallised his ideas on the future relationship with India and the new nation of Bangladesh. Aziz Ahmad also carried a message from Bhutto for Mrs. Gandhi, which he wanted the Soviets to pass on to New Delhi. The broad line of his message was that he would settle for nothing less than an honourable peace.

129. In order to keep New Delhi updated with the developments in the wake of Aziz Ahmad's visit, the Soviet Union despatched a
memorandum to New Delhi, which summarised the discussions with Aziz Ahmad. The Memorandum contained their perception of Pakistan's position on Kashmir particularly and the message, which Bhutto had desired to pass on to New Delhi to facilitate the talks and decisions. The Memorandum, a Top Secret document, was delivered to the Ministry of External Affairs in New Delhi on June 27 by the Soviet Ambassador. It was meant for the Prime Minister, who had by that time left for Simla. The memorandum was received by External Affairs Minister Swaran Singh. It contained the resume of the discussions in Moscow between the Soviet leadership and Bhutto’s Special Representative Aziz Ahmad. It contained the following message from Bhutto for Mrs. Gandhi:

“We want to live in peace with India. We wish also the restoration of peace and normal conditions in Bangladesh. This is the paramount goal. The President is ready to discuss with Mrs. Indira Gandhi any problem, which she would like to touch at the forthcoming meeting, including the question of a peaceful settlement. We think it will be unrealistic to consider that all the problems, including Kashmir which could not be settled for 25 years, can be solved during one 5-day meeting. If all the issues are not settled at one meeting, the leaders of our countries could meet once again.

“Finally, the Prime Minister of India may count on President Bhutto’s readiness to go as far as possible in the joint search for a peaceful solution. But he had no right to agree to such a settlement which would be dictated by India or would be connected with the renunciation by the President of main principles of basic national interests. The settlement should
be an honourable, honest and just one for the both parties. Otherwise, there will be no settlement and that would have disastrous effects."

130. The Memorandum contained Soviet observations on the talks with Aziz Ahmad. It said inter alia that Ahmad "produced an impression that Bhutto is ready to achieve ultimately in principle an agreement on this matter already in Simla on the condition that such agreement would remain strictly secret for some time, until the President paves the way in Pakistan for making this agreement public".

The Soviet leaders, being aware of the importance of Kashmir in any settlement, tried to probe Aziz Ahmad on Pakistan's thinking on this issue specifically. They too wished to exercise their influence "in favour of making Bhutto to adopt a more realistic position on this most important issue". The Memorandum added:

'that initially Aziz Ahmad was only talking in terms of both the countries withdrawing from the ceasefire line in Kashmir to the positions, held by them before the armed conflict in 1971. Also Ahmad was "insisting on observance of the UNO Resolutions on the Question of the ceasefire line, it seems to us that the Pakistani side had a reserve position on the problem of Kashmir". The Message continued "when A. Ahmad realised that the Soviet side completely supported the Indian point of view on the necessity of a final settlement of the Kashmir question on the mutually acceptable basis, he was quoted as having said, that President Bhutto was "not against discussing this question in Simla". The Soviets giving their assessment of the final position of Pakistan on Kashmir
said: "Without giving up the condition on the withdrawal of troops in Kashmir, that Bhutto is ready, in principle to consider the possibility of converting the ceasefire line into the permanent international frontier." (emphasis added)

131. The Soviets asked Aziz Ahmad to convey to President Bhutto the following message: which, the Memorandum said was known to Prime Minister (Mrs. Gandhi):

"We drew the attention of the Pakistani side to the fact that it was highly important for the success of the forthcoming talks at Simla to come forward with a peace programme which would create a basis for a settlement of all the particular disputes between Pakistan and India. We stated, in particular, that we expected Bhutto to fulfill his promise, given in Moscow to take constructive steps towards concluding a political treaty or an agreement with India, towards settlement of a realistic basis of the Kashmir and other outstanding questions through bilateral negotiations." (emphasis added)

132. The Soviet leaders also conveyed to New Delhi, the gist of the talks Pakistan had with China, in preparation for Simla. The message said that, according to Aziz Ahmad "he (Bhutto) had given to Chou En-lai the information on Pakistan's position similar to that which he was conveying to us (Soviets). The Chinese side claimed to have said that it was striving for the establishment of peace in the subcontinent and standing for the existence of a strong and independent Pakistan".

133. That morning (27th June), the Soviet Ambassador in New Delhi met External Affairs Minister Swaran Singh, to discuss
the memorandum, he had delivered earlier. Swaran Singh told the Ambassador that "if the Soviet assessment turns out correct about Bhutto's readiness to work towards a final settlement on Jammu and Kashmir in the form of conversion of the ceasefire line into a permanent boundary, then the Summit will succeed in creating an atmosphere of peace and in reversing the military confrontation between Pakistan and India". On Kashmir External Affairs Minister further added:

"Our position should be made clear. This is in regard to conversion of the ceasefire line into an international boundary. If settlement is in sight, we will propose this. If settlement is not in sight, our traditional position will remain viz., that Jammu and Kashmir is an integral part of India and is entirely ours by legal accession.

"But in the interest of a lasting peace, we are willing to recognise the line of actual control, with minor modifications, as the international boundary. This will be the final position and will not be at the beginning of the process. It cannot be the starting point on which Pakistan can again raise objections."

XVIII

134. But the message Bhutto gave to the people of Pakistan, on the eve of his departure for Simla, in his broadcast did not bear out the Soviet assessment that Pakistan was ready to accept the ceasefire line as international border. His speech delivered on June 27 still harped on "the right of self-determination" to the people of Jammu and Kashmir, which he described as being "enshrined in numerous Resolutions of the UN and acknowledged by Prime Minister Jawaharlal Nehru". At Simla, in the meeting on July 1,
when the two delegations were led by their respective heads of government, President Bhutto did not go beyond saying "in the foreseeable future an agreement will emerge. It will evolve into a settlement. Let there be a line of peace, let people come and go. Let us not fight over it." (emphasis added) Mrs. Gandhi was not satisfied with this position and told Bhutto: "Our Prime Minister Shastri paid with his life over the Tashkent Agreement. He would have had a very difficult time if he had come back." Endorsing Mrs. Gandhi’s observation, Swaran Singh added: "Shastrijii received a great set back when he talked to his family after signing the Tashkent Agreement. There was a great deal of suspicion in both our countries".

135. As far as Kashmir question was concerned, Bhutto succeeded in carrying the day at Simla. The Agreement did no more than call for “respecting” the line of control, emerging from the ceasefire of December 17, 1971 "without prejudice to the recognised position of either side". Obviously, the Soviet assessment of Aziz Ahmad was misplaced, or in presenting the Pakistani view point to Moscow, Aziz Ahmad exceeded his brief in allowing that impression to go around with Moscow.

136. The only advance with regard to the Kashmir issue was that the ceasefire line was renamed the "Line of Control". But, as pointed out above, according to Pakistan Ambassador Marker, Bhutto had himself suggested this in March to Brezhnev.

137. India, though, not fully satisfied with the outcome at Simla, was nevertheless happy that some agreement had been reached and the first step towards normalisation of relations had been taken. It was also Mrs. Gandhi's assessment, that while President Bhutto
was more helpful, the officials accompanying him were not, and that Bhutto was aware of this. She conveyed her feelings on this account, in a letter to Sirima Bandaranaike, the Sri Lankan Prime Minister on August 7, 1972. She said: "So far as we are concerned, it (the agreement) is not wholly satisfactory and many matters remain to be settled. But it is the beginning. Much depends on President Bhutto's attitude and the direction he gives to his people."

138. Whether or not there was some unwritten understanding on the Kashmir question, as is generally believed in India, that in due course, the Line of Control would be accepted by Pakistan as the international border, has remained conjectural. The Principal Secretary to Prime Minister P. N. Haksar, who was the chief negotiator from the Indian side, had in a newspaper article later claimed it to be a verbal understanding. He argued that Bhutto at that stage did not feel confident of his ability to sell it to his people, if it was reduced to writing. Islamabad has since challenged India on several occasions that since their search in Pakistani archives had failed to produce any such evidence, let New Delhi produce it, one way or the other.

XIX

139. The Simla agreement left out the question of the 90,000 POWs, who had surrendered in the eastern theatre, because Pakistan was unwillingness to recognise Bangladesh at Simla. Mrs. Gandhi had insisted that "POWs surrendered to the Joint Command. We are bound by this. I told Sheikh Mujibur Rahman in Dacca that the repatriation of POWs would be with his concurrence". Since Bhutto had then said: "I intend taking up this matter in August", this issue was held over for another day. In the
next few months, the two countries strived to break this logjam. In his letter of August 22, 1972, Bhutto regretted that Bangladesh was using the POWs question "to extract recognition from Pakistan" which he said had led to the hardening of the public opinion in Pakistan.

140. India and Pakistan had their next round of talks in New Delhi on August 25 - 29, 1972 to work out the implementation of the Simla Agreement. This meeting resulted in the agreement, to delineate the Line of Control in Jammu and Kashmir, along the entire length on the map. On the question of POWs, again there was not much progress, since New Delhi continued to maintain that Bangladesh was a "necessary party" and that the "recognition of Bangladesh by Pakistan would facilitate further progress in this regard". After several rounds of discussions at the level of the army commanders of the two countries, the line of control was formally delineated on December 11, 1972. On December 20, 1972, the Chiefs of Army Staff of India and Pakistan reported to their respective governments that "their forces have been withdrawn to their sides of the international border in conformity with the Simla Agreement".

141. Pakistan took the first step towards easing the situation on the repatriation question when it announced on November 26, 1972 the decision to repatriate, as a first step, 10,000 Bengali women and children held up in Pakistan. In a reciprocal gesture, the Governments of India and Bangladesh too announced on November 30 their decision to "repatriate to Pakistan, families (women and children) of Pakistani civilian internees, who sought protection with the Joint Command of the India - Bangladesh forces
and families of prisoners of war who had surrendered to the Joint Command".

142. As time dragged on, India came under lot of international pressure on the question of the release of the POWs on humanitarian considerations. Pakistan launched a sort of worldwide propaganda campaign to malign India on this issue. The reports of the International Committee of the Red Cross, (ICRC) on the visits to camps were misused to highlight their alleged ill treatment. Numerous inspired articles were written in the international newspapers and the advertisement space was bought in the important international dailies to highlight the plight of the POWs and their families. Pakistani ministers and other important persons went round the world maligning India. A delegation of the wives of the POWs was also sent around to the western capitals to make emotional appeals and accuse India of allegedly treating them inhumanly. It was also realised in New Delhi, that the delay in their release, besides eroding the international goodwill, was also impacting their value as the bargaining chip, in negotiations with Pakistan. It, also involved heavy expenditure on their maintenance, which was exclusively borne by India, besides the security problem it created in the camps.

143. On April 17, 1973, India and Bangladesh made a Joint Declaration laying stress on the need to restore "friendly, harmonious and good neighbourly relations between India, Bangladesh and Pakistan on the basis of sovereign equality". It blamed Pakistan's failure "to recognise the realities in the sub-continent" for the delay in normalisation process. The statement unilaterally announced that India and Bangladesh had decided
"to seek a solution to all humanitarian problems through the simultaneous repatriation of Pakistani prisoners of war and civilian internees, except those required by the Government of the People's Republic of Bangladesh for trial on criminal charges, the repatriation of Bengalees forcibly detained in Pakistan and the repatriation of Pakistanis in Bangladesh i.e. all non-Bengalees, who owned allegiance to Pakistan and have opted for repatriation to Pakistan". It called upon Pakistan to respond to the "constructive initiative taken by the two governments to solve the humanitarian problems". It was designed to be a step forward, but introduced a new element of criminal trials of some of the prisoners, for violations of human rights and war crimes.

144. The Pakistan Government in a statement of April 20, 1973 said that the normalisation process had been "obstructed by India continuing to hold in illegal captivity over 90,000 Pakistani prisoners". It described the April 16 Joint Statement as a challenge to Pakistan's sovereignty. Pakistan insisted, since the alleged war crimes were committed on Pakistan territory by the Pakistan nationals, it was the responsibility of the Government of Pakistan, to bring them to justice, and showed its readiness to "constitute a judicial tribunal of such character and composition, as will inspire international confidence, to try the charged persons of alleged offences". Pakistan described as "extraordinary" the offer of Bangladesh to send back Pakistani nationals in Bangladesh. It accused the Bangladesh government of expelling an "ethnic, linguistic and political minority" thereby creating an obligation on Pakistan to receive them. In a parallel move, the Pakistani Minister of State for Defence and Foreign Affairs Aziz Ahmed in a conciliatory letter of April 23 to External Affairs Minister Swaran
Singh described the April 16 Joint Statement as opening the door for a dialogue between India and Pakistan and offered to receive an Indian delegations to discuss this matter further.

145. Taking note of Pakistan's statement of April 20, Bangladesh issued a statement on May 3, asserting that, there were 250,000 non-Bengalees Pakistan nationals who had opted to return to Pakistan, and as such Pakistan was under obligation to take them back to that country. It repeated that of the Pakistani POWs, there were 195 who had committed grave war crimes against humanity and must face trial in Bangladesh. Meanwhile External Affairs Minister Swaran Singh replying to Aziz Ahmed on May 8, reminded him that Bangladesh was a necessary party to discuss the repatriation of Pakistani POWs and civil internees, and it was only after the recognition of Bangladesh by Pakistan that any meaningful discussions could take place. The External Affairs Minister also conveyed to Aziz Ahmad, his unhappiness on Islamabad questioning the competence of Bangladesh, to put on trial, some of the POWs for war crimes. In an Aide Memoire of May 11, Pakistan once again insisted, that it was for India to discharge its obligations under the Geneva Conventions, by simply releasing the POWs since these cannot be subject to extraneous considerations. Describing the 'Joint Command of India and Bangladesh' a "myth", it said, Pakistan never recognised Bangladesh as a detaining power. Similarly the Bangladesh proposal to repatriate non-Bengalee Pakistani nationals in that country to Pakistan was described as an "attempt to blackmail Pakistan". On May 12, the Pakistan Government in a statement described the "use of prisoners of war as a lever of pressure for extracting concessions", as violating "the humanitarian principles of the Geneva Conventions".
Simultaneously, the Pakistan Government moved the International Court of Justice on POWs question claiming, that under the Convention on the "Prevention and Punishment of the crime of genocide," Pakistan had exclusive jurisdiction over the 195 POWs, who were sought to be put on trial by Bangladesh for genocide. India however, questioned the jurisdiction of the ICJ to entertain Pakistan's complaint, since India maintained, that it had ratified the Convention with "reservation" and as such ICJ had no jurisdiction to hear the Pakistan's case. While the ICJ was considering the question of jurisdiction, the negotiations between the two countries went ahead. Once an agreement on the repatriation of Pakistani POWs and other internees in India, Bengalees in Pakistan and Pakistanis in Bangladesh had been reached in August 1973, Pakistan felt that the relief it sought from the ICJ had been effectively obtained. The case was, therefore, withdrawn from the ICJ by agreement between both India and Pakistan in December 1973.

146. After prolonged exchange of communications, it was decided to discuss the "problems and modalities relating to the repatriation of the three categories of individuals, indicated in the Joint Declaration of April 17, 1973", i.e. the Pakistani POWs and internees in India, the Bengalees in Pakistan and non-Bengalee Pakistanis in Bangladesh.

147. On July 9, before the proposed discussions were held, Pakistan National Assembly adopted a resolution, accepting in principle the recognition of Bangladesh, leaving the timing of actual recognition to the "judgement of the Government" (of Pakistan). The resolution, however, strongly opposed the trials either of POWs or of civilian internees by Bangladesh.
148. Talks between the Indian and Pakistani representatives were held in Rawalpindi between July 24 and 31, 1973. At these discussions, Pakistan took the firm position, that on no account would it accept trial of any POW or any civilian internee. To do so would be to reach a point of no return. To the proposal that while releasing all the POWs and holding back 195 of them against whom there were charges of serious war crimes, Pakistan insisted that in that case it would also hold back 203 Bengalees in Pakistan against whom there were also serious charges of treason and sabotage against Pakistan for 'counter trials'. Pakistan also showed willingness to accept the repatriation of a specified number of non-Bengalee Pakistanis in Bangladesh (49,000 straight away and another 20,000 later), even if there were 2,60,000 of them who had opted for Pakistan. On the recognition of Bangladesh, Pakistan's stand was inelastic, in that the National Assembly Resolution prevented it until all the POWs had been repatriated and also war trials were dropped against all including the 195. Since there was no final agreement at Rawalpindi talks, another round of discussions was scheduled later.

149. On August 15, 1973 the Special Envoy of Prime Minister P. N. Haksar visited Dhaka and briefed the Bangladesh leaders of the Rawalpindi talks and also finalised the strategy for the second round of discussions with Pakistan. The discussions were positive in that Bangladesh was willing to soften its stand on the trial issue and was also solicitous of India's concern that delay in the release of the POWs was a source of international embarrassment for New Delhi, apart from other complications.
150. The second round of discussions with Pakistan was from August 18 to 28, 1973 in New Delhi. Though formally the discussions were bilateral, for all practical purposes, these were trilateral, in the sense that India made sure that all discussions were relayed to Dhaka on daily basis by telegram and the latter's point of view was fully reflected in subsequent discussions with Pakistan the following day. Similarly, all decisions were made only with the prior concurrence of Bangladesh. The final agreement, which was signed by the Special Representatives of the Heads of Government of the two countries, specifically recorded in the last paragraph that "Bangladesh also conveyed the concurrence of the Bangladesh Government in the agreement". It provided for the repatriation of Pakistani POWs except 195 (who would remain in India pending final decision about them at a tripartite meeting of all the three parties sitting together) and civilian internees in India, the Bengalees in Pakistan to Bangladesh and a specified number of Pakistanis in Bangladesh to Pakistan. It was understood in parenthesis that the 195 Pakistani prisoners, detained in India, would not be put on trial, while the repatriation process was on. It was also understood by Pakistan, that participation of Bangladesh in the tripartite discussions would be on the basis of sovereign equality, meaning after Pakistan had accorded diplomatic recognition to Dhaka.

151. Once the repatriation process started in September of 1973, there was an easing of tension in the sub-continent. Pakistan, however, continued to drag its feet on the question of full normalisation of relations, which included restoration of all types of communications, travel, trade, etc. On February 22, 1974 Pakistan formally recognised Bangladesh. By March 1974, a
substantial number of POWs (30,000) had been repatriated, as acknowledged by Bhutto himself in his letter to Mrs. Gandhi. Bhutto, however, made an accelerated normalisation with India subject to the final release of the 195 POWs held in India, and whom Bangladesh wanted to try for human rights violations.

152. The recognition of Bangladesh by Pakistan eased the atmosphere substantially. It was now agreed that a Tripartite Conference of the three countries would be held in April, to achieve the complete normalisation of relations among them. The Conference, which was held in New Delhi, and attended by the foreign ministers of the three countries, from April 5 to 9, 1974, expressed satisfaction at the progress achieved in the three-way repatriation as agreed in the August 1973 Agreement. It also decided to accelerate the process of repatriation to bring it to successful completion. The sticking question of 195 Pakistani prisoners, who had been guilty of committing crimes against humanity, as also the question of bringing them to justice, was finally resolved. Pakistan's Minister of State for Defence and Foreign Affairs Aziz Ahmed accepted that "his government condemned and deeply regretted any crimes that may have been committed". It was further noted, that the Pakistani Prime Minister had made a public declaration, that he would visit Dhaka and appeal to the people of Bangladesh to forgive and forget the mistakes of the past, in order to promote reconciliation. In finally resolving this ticklish question, the Joint Declaration issued at the end of the Tripartite Conference inter alia said:

"In the light of the foregoing and, in particular, having regard to the appeal of the Prime Minister of Pakistan to the people
of Bangladesh to forgive and forget the mistakes of the past, the Foreign Minister of Bangladesh stated that the Government of Bangladesh had decided not to proceed with the trials as an act of clemency. It was agreed that the 195 prisoners of war may be repatriated to Pakistan along with the other prisoners of war in the process of repatriation under the Delhi Agreement."

153. Thus ended the story of Pakistan's split and emergence of Bangladesh as an independent sovereign state. The normalisation process between India and Pakistan, moving at the snail's pace earlier, picked up. Simultaneous with the signing of the Tripartite Agreement, the Foreign Ministers of India and Pakistan signed another agreement, for the release and repatriation of all nationals of either country, irrespective of the charges on which they were detained, prior to the conflict of 1971, "with the maximum despatch but in no case later than 14th August 1974." The India - Pakistan Joint Communiqué issued separately, on the same day said that "discussions would commence shortly for working out fresh agreements, where necessary, for the resumption of postal and telecommunication links, restoration of travel facilities, particularly for pilgrims on a priority basis". It was further agreed that the defence personnel of the two countries, reported missing in the conflict of 1971, would be located and facilities would be afforded to the Tracing Agencies of the International Committee of the Red Cross for this purpose. On April 15, 1974, External Affairs Minister Swaran Singh met the US Secretary of State Henry Kissinger in New York. Talking to him of the progress in achieving normalisation of relations on the subcontinent, he told him: "84, 000 prisoners of war have gone back. Almost all Bengalis in Pakistan, who wanted
to go to Bangladesh, numbering about 124,000 have gone to Bangladesh. There may be about 2000 or 3000 left, but the Pakistanis in Bangladesh are still there in large numbers."

XX

154. In May 1974, India conducted a peaceful nuclear explosion, which was misunderstood in Pakistan. Mrs. Gandhi, however, in a personal letter to Pakistan Prime Minister Bhutto, on May 22, assured him that India remained "fully committed to (its) traditional policy of developing nuclear energy resources entirely for peaceful purposes" and the recent explosion in "no way alters this policy". But Pakistan harbouring some misgivings postponed the scheduled talks on normalisation of relations "until such time as the atmosphere (was) more favourable for a constructive outcome". Later Pakistan offered to resume the talks for normalisation, but wanted to be "publicly assured that India still stands committed to those provisions of the Simla Agreement that forbids the use of force or threat of force-including use or threat of nuclear weapons". Meanwhile there were exchange of charges and counter charges of hostile propaganda between the two countries, which spoiled the climate of constructive talks. In the midst of such exchanges, the Foreign Secretaries of India and Pakistan met in Islamabad on September 12-14, 1974. They concluded agreements on exchange of letter post, and Postal parcels, resumption of telecommunication services, and Visa and Travel between the two countries. Understanding was also reached regarding the cessation of hostile propaganda, while talks were to be held on air-links and over-flights as well.
155. In the meantime, Pakistan had been canvassing with the United States for a resumed supply of defence equipment, since the 1971 war had depleted its military strength. Early in 1975, the United States lifted its embargo on supply of defence stores to Pakistan. This decision naturally had an adverse reception in India. On February 25, 1975, Pakistan Prime Minister Zulfikar Ali Bhutto, in a letter to Mrs. Gandhi, described the Indian reaction as unfortunate. He said that "if one of the countries in South Asia feels that it is militarily incapable of ensuring the protection of its independence and territorial integrity" then such "disparity would continue inevitably to impart a basic fragility to any structure of peace". Mrs. Gandhi replying on March 20 reminded Bhutto that Indian reaction was in the background of the "conflicts on the sub-continent and the history of the use of American weapons against India". She observed that India regretted this decision "because it threatens once again to increase tension in our region". Rejecting Bhutto's theory of need for parity in defence capability between India and Pakistan, Mrs. Gandhi argued that the stability of peace in the region could not be based on parity of arms, "without considering a country's size, its land frontier and coastline and diverse problems". Mere arms parity would turn into an arms race on the sub-continent, which would not be conducive to peace and progress, she argued. Bhutto, however, in his letter of April 25 insisted that "given its preponderant military strength, India had no reason to expect threat from Pakistan". Despite this difference of opinion and perception between the two countries on arms question, the normalisation process, halted in the wake of Indian nuclear explosion, was resumed. Foreign Secretaries met on May 15 - 20, 1975 in New Delhi. Pakistan agreed to have another look
at its objections to the design of the Salal Hydro-electric Project in Kashmir within a specified time frame. (Finally in April 1978 Pakistan and India signed the agreement, with Pakistan concuring in the design of the Project) However discussions on the air-links and over-flights remained inconclusive.

156. This bonhomie did not last too long. Indo - Pak relations since 1947 had been prone to periodic accidents and there were too many of them. In 1975, there was the Court judgement annulling the election of Mrs. Indira Gandhi to the Lok Sabha. Soon thereafter emergency was proclaimed. The political situation within the country gave some cause for concern. Asserting Pakistan's resolve to "remain more vigilant in order to defend the nation's independence and territorial integrity," Bhutto stressed the need for Pakistan to be watchful "lest Mrs. Indira Gandhi bedevilled and bewildered by the present crisis seeks to extricate herself from this mess by embarking upon an adventurist course against Pakistan". In March of 1976, Pakistan accused India for the slow process of normalisation of bilateral relations as required under the Simla Agreement. On March 27, Bhutto in a letter to Mrs. Gandhi, again harped on the slow progress towards normalisation, which, he said, had practically come to a standstill. To carry conviction with New Delhi, he offered to normalise trade relations and also offered to withdraw Pakistan's case from the International Civil Aviation Organisation (ICAO), on over-flights. It would be recalled that New Delhi had suspended the over-flight rights of Pakistan aircraft in 1970 following the hijacking of an Indian Airlines Fokker Friendship flight between Srinagar and Jammu in January of that year. The exchange of correspondence between the two prime ministers, led to the meeting between the foreign secretaries of
India and Pakistan in May 1976, and the decision to withdraw the case and resume air-links and over-flights between the two countries, establish diplomatic relations, resume rail traffic, and relaxation in the visa regime. To carry the process a step further, on June 16, 1976, Foreign Secretary J.S. Mehta issued instructions to Heads of Indian Mission abroad, asking them to resume social and diplomatic contacts with their counterparts in the Pakistan diplomatic missions.

157. In March 1977 there was a change in the government in New Delhi. Morarji Desai took over as Prime Minister and Atal Bihari Vajpayee as Foreign Minister. Pakistan had floated the idea of a summit of non-developed countries in order "to organise a common approach" to the problems of the third-world countries and "to establish a new and just international economic order". Bhutto deputed a Special Envoy to New Delhi to canvass Indian support. The Special Envoy, after several meetings with the Prime Minister, Foreign Minister and Foreign Secretary, drew little support for the summit idea. India feared that the Pakistani idea could derail the existing mechanism - the NAM or the G-77. Morarji Desai, in replying to Bhutto's letter of April 3, which expressed his desire of "durable peace" said that instead he stood for "permanent peace". On June 6, the Pakistani Ambassador in New Delhi met Morarji again on the Summit question. Morarji spelt out in some detail India's reservations. He was of the opinion that "such a gathering would become a Third Bloc, which would not be in the interest of the developing countries". The Summit proposal died a natural death, since in the meantime, its author was overthrown in a military coup in July 1977.
158. New Delhi took a cautious approach to the military takeover and described it "an internal affair of Pakistan". This indeed was a matter of great satisfaction to the new rulers in Islamabad, who, in turn, at the highest level, pledged to "abide by the terms and conditions of the Simla Agreement". Gen. Zia-ul-Haq, the new Chief Martial Law Administrator, at his meeting with Ambassador K.S. Bajpai on July 9 said, that he was not a "war monger" and that the "Generals are always the last people to want war". He assured Ambassador Bajpai that Pakistan "will act as best as possible in the spirit of the Simla Agreement". It was a mark of the new bonhomie that Pakistan's Secretary General Agha Shahi held a dinner in honour of Foreign Minister Vajpayee while both were in New York, in connection with the UN General Assembly session.

159. The visit of External Affairs Minister Atal Bihari Vajpayee to Pakistan, in February 1978, was a landmark occasion. It afforded an opportunity to the two sides to discuss various issues of bilateral interest at the highest level of Pakistan's ruling establishment. General Zia conveyed his appreciation for the Indian attitude to developments in Pakistan, as otherwise, he said, "India could make things very difficult for us." He told Vajpayee that "three things" were necessary "in order to put our relations on firm and friendly footing"— "trust", "understanding" and "no mutual fear". The last element, he insisted, as a bigger country it was incumbent on India to "take the initiative to eliminate fear from its smaller neighbours". When the External Affairs Minister met Agha Shahi, Advisor on Foreign Affairs, the latter assured his guest, that Pakistan regarded the Simla Agreement as "the basic instrument governing the relations between our two countries". Vajpayee, on his part
assured, his host of India's desire "to go ahead with the process of normalisation under the Simla Agreement". In order to accelerate this process, the External Affairs Minister suggested strengthening of cultural and people-to-people contacts. Agha Shahi, finding an opportune moment during the course of the talks, threw bait in order to bring in the Kashmir issue. Knowing India's anxiety on Salal Hydel Project in Kashmir (referred to above), he offered to resume the suspended talks to come to an amicable solution and then suggested talks on the Kashmir issue to complete the process initiated at Simla. Vajpayee, of course welcomed the resumption of Salal talks, but told Agha Shahi in no uncertain terms, that he would not like to raise false hopes on Kashmir. He told him that after going through the record of the Simla talks he had found that "there was some informal understanding". After much discussion, whether the ceasefire line should be referred to as the "Ceasefire Line" or the "Line of Actual Control", it was officially referred to as the "Line of Control". He emphasised that the words chosen then had their own importance. Advising him not to allow the Kashmir issue to become a "political plaything" in Pakistan, Vajpayee advised Shahi to guide the Pakistani public opinion to the "path of reason and understanding", and "at some time the people will have to be told on either side that the issue has to be solved on the basis of realities".

160. On September 1, 1978, General Zia had a very cordial meeting with Morarji Desai, in Nairobi where both had gone to attend the funeral of Kenyan leader, Jomo Kenyatta. Zia described his talks as a "beginning of the dialogue" process, and therefore "exploratory" in nature.
161. Before the year ended, there was a storm in the proverbial tea cup on the Kashmir question. Pakistan's repeated reference to Kashmir and self-determination, caused a great deal of irritation in Indian media. The External Affairs Minister in his statement in Parliament on December 6, spoke in sharp words, warning Pakistan that repeatedly raking up the issue of Kashmir and the self-determination, could have disastrous results for the relations between the two countries. It created a storm in the Pakistani media as well as in the political circles in Islamabad. Ambassador K.S. Bajpai was summoned to the Foreign Office to convey Pakistan's reaction and unhappiness. Later on December 30 the Pakistani Ambassador in New Delhi, Abdul Sattar himself sought an interview with External Affairs Minister Vajpayee to convey Pakistan's disappointment with the Indian reaction. Vajpayee in a forthright manner drew his attention to the repeated statements from Pakistan's side on Kashmir, without even making any reference to the Simla context, which caused certain misgivings in the public mind. The Government, therefore felt compelled to reassure the public, that it was seized of the matter and was not ignoring it. Vajpayee told Sattar, that Pakistan might feel that its statements were routine or innocuous, but in India this is a "delicate matter". When the Pakistan Ambassador assured the External Affairs Minister that Pakistan was committed to the Simla Agreement, Vajpayee advised him, that it was important to work in that spirit too. He also drew the Ambassador's attention, to certain other irritations, coming from Pakistan, like communalising the recent cricket matches between India and Pakistan, which had been played after a long gap to create goodwill.
162. The main feature of relations in the post-1976 period (after the May 1976 agreement on normalisation of relations) had been for President Zia-ul-Haq to keep India believing in his good intentions, since he was himself going through his own stabilisation process, after the overthrow of the elected government of Zulfikar Ali Bhutto. Zia, a military man himself, realised that India had emerged stronger, since the Bangladesh war and in the meantime had had a nuclear explosion even if it was a peaceful one; Sikkim had been integrated and India enjoyed internal political stability as well. But whereas India was interested in more trade, increased cultural and people-to-people contacts, Pakistan did everything to limit both trade and contacts.

163. Cultural and academic relations provided one example of the difference in approach. Nothing frightened Pakistan more than the thought of the Pakistani mind being exposed to Indian culture and democratic values. The Pakistani establishment, ever since the birth of Pakistan had tried to orient its moorings towards the West Asian identity from the South Asian (Hindu) identity. As pointed out at the very beginning, Pakistan built on the two-nation theory, did not root for secular ethos, always wanting to look different from India, justifying the *raison d’etre* for its existence. It was the homeland for the Muslims, with no honourable place for others. It is interesting that more Pakistani scholars, singers, artists, musicians and politicians visited India than the Indians could possibly go to the other side. There was, in fact, resentment against the Government of India., from the Indian artist community for allowing too many Pakistanis to visit this country, when they were denied the reciprocal opportunities by the Pakistan Government.
Another big reason for Pakistan to sensitise its people from India was to keep them ignorant about the progress and development India had made in science and technology, industrial and scientific and various other fields, thereby preventing an unflattering comparison. The Pakistani ruling class, which for most part of its existence, was drawn from the feudal/military class, abhorred the Indian democratic institutions, had a vested interest in keeping the mass of their people ignorant about India's democratic traditions and values.

XXII

164. The developments in Afghanistan about this time became the focus of international attention. The disturbed conditions created a refugee problem for Pakistan. Pakistan closed its border with Afghanistan. This adversely affected Indian trade with Afghanistan, which necessarily had to transit through Pakistan. As time went by and the situation in Kabul did not stabilize, Pakistan feared Afghanistan might at some stage invoke the Afghan - Soviet Treaty of Peace and Friendship and invite direct Soviet intervention in that country. Nevertheless India assured Pakistan that Pakistan's relations with Afghanistan were in no way linked to Pakistan's relations with India. India would endeavour not to contribute to Pakistan's internal or external difficulties or see them exacerbated. Pakistan particularly noted with appreciation that India-Afghan joint communiqué, issued at the end of External Affairs Minister's visit to Kabul in May 1978, did not include any adverse reference to Pakistan. India, too took the correct position on the Durand Line, forming border between Pakistan and Afghanistan. India allayed Pakistan's apprehension by not moving extra troops on its border
with Pakistan. But, to Pakistan's misfortune, the Soviet Union suspected Pakistani interference in Afghanistan, and was greatly concerned about it. The Soviets had already cautioned Pakistan about it. As the year 1979 was ending, Pakistan's fears about Soviet intervention in Afghanistan came true. Its western frontier had become alive and worst, the Soviets had accused Pakistan for the troubles in Afghanistan not only by allowing insurgents to use its territory for anti-Afghan activities, but also of allowing the US and the Chinese aid (weapons) to reach the insurgents.

165. The new developments created an eerie feeling for India too. The Soviet intervention was accompanied, with the announcement of resumption of arms supply to Pakistan. Pakistan sought to assure India, that this was a unilateral decision of the United States, and Islamabad had not been consulted, something which New Delhi found difficult to stomach. When these developments were taking place, India had a new government, following the elections in December 1979. Mrs. Indira Gandhi took over as the new Prime Minister. Her choice for the External Affairs' Ministry was a little known, but an erudite and suave politician from the state of Andhra Pradesh, P. V. Narasimha Rao. The Pakistan Ambassador in New Delhi, Abdul Sattar met the Foreign Secretary on January 7, 1980. He apprised him of his country's assessment of the situation, and the unilateral announcement by the US of the resumption of arms supply. The Foreign Secretary appreciated the information and clarification on this behalf. Sattar pointed out that this development had brought Pakistan into a confrontationist situation, which was none of its making. He felt that both India and Pakistan, could work together, in diffusing the
situation in Afghanistan. India, however felt that the US decision did not augur well for the future of the region. It gave the impression, that Pakistan was being rearmed, to use as a frontline state to meet the Soviet challenge. Ever since independence, it has been New Delhi's endeavour to save this region from the cold war politics and its intrigues. The cold war now appeared to be knocking at the subcontinent's doors. This left India in no happy situation.

166. Prime Minister Mrs. Indira Gandhi was deeply concerned about the developments in Afghanistan. On January 15, 1980, in replying to President Zia's felicitation letter on her victory in the elections, she spoke of "far reaching consequences for our two countries" of the recent developments, and underlined the need for "our two governments (to) have a clear understanding of each other's thinking", since she felt these developments could "irrevocably damage the interests of our region, and indeed of the world as a whole". Post haste Zia welcomed Mrs. Gandhi's suggestion for consultations and also assured her of Pakistan's earnest desire to build friendly relations with India and stay by the Simla Agreement, which, he said, bore her personal stamp.

167. The Indian Foreign Secretary R. D. Sathe visited Islamabad in February 1980 to exchange views on bilateral issues and more importantly on Afghanistan. Recapitulating his discussions with Sathe, President Zia told Mrs. Gandhi in his letter of February 17, that the "military penetration of a country so strategically situated, as Afghanistan, threatens to revive cold war and to subject our region in particular to super power rivalry". But Zia also betrayed his lack of faith in India and sought Prime Minister's assurance about Pakistan's security. He said: " 
...I would like to express appreciation for your reaffirmation that in making arrangements for the security of our country, we can proceed on the basis that 'India presented no problem to Pakistan'. The converse is implicit in the facts of the situation. I can assure you in categorical terms that Pakistan has no intention to present a problem to India."

Linking the question of arms aid for Pakistan, with the Afghan developments, he shrewdly made out a case for Pakistan to receive military hardware. He said:

"You, Madam Prime Minister, have said yourself that every country has the right to take necessary measures to ensure its security. Pakistan has not questioned or protested against India’s programme of modernisation and up-gradation of its military forces and its commitment to an expenditure of billions of dollars on the purchase of sophisticated weapons systems from abroad while possessing formidable indigenous capacity of its own for production of arms. We have neither the resources, nor the capacity to engage in an arms race with India. ...We seek an augmentation of our defence capability in accordance with our legitimate security needs. We have neither the desire nor the capacity to acquire and maintain a defence establishment which could in any way be a source of concern to India".

168. He said India's opposition to Pakistan's acquisition of arms, under the circumstances "embitters feelings in Pakistan and raises the questions in regard to India's intentions". On February 27, Ambassador K.S. Bajpai, in his report to New Delhi on his talks in Islamabad, with various senior functionaries of the Pakistan government including Zia, said that Pakistan was anguished with New Delhi on two counts-(i) New Delhi’s endorsement of Soviet line that Pakistan was promoting insurgency in Afghanistan and
(ii) improving Pakistan's defence capability was responsible for tension in the region. Though Bajpai disabused Islamabad of any such notions, the trust between the two was the casualty again.

169. In April, 1980 Prime Minister sent Swaran Singh, former Foreign Minister, to Islamabad as her Special Envoy. Assuring Zia of India's goodwill for Pakistan, Swaran Singh told him that he had been asked by Mrs. Gandhi to tell "Your Excellency that the Indian people desire a relationship of stability, peace and cooperation with Pakistan". Zia's complaint to Swaran Singh was on the predictable lines. It was India's opposition to Pakistan's acquisition of arms, which, in his perception, was only insignificant in quantity, compared to what India had acquired, and lack of India's appreciation of Pakistan's security concerns, due to Soviet intervention in Pakistan's neighbourhood. Swaran Singh, on his part, tried to assure President Zia, that there was a national consensus in India about relations with Pakistan. India only wanted stability and good relations with Pakistan and wished to see Pakistan's security strengthened. To this end, India would be "willing to make any contribution necessary to safeguard this". Zia once again, tried to impress upon his interlocutor, that while Pakistan never objected to Indian acquisition of arms like the recent Jaguars' deal or earlier acquisition of Mirages, India should also likewise not misunderstand Pakistan's efforts to acquire arms to face the new security challenge. He insisted Pakistan's acquisition of arms was not against India, but due to the situation developing on its western frontier with Afghanistan. Trying to instil confidence in Zia of India's sincerity towards Pakistani's security, Swaran Singh conveyed to him that India did not agree with the Soviet
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Union on Afghanistan. He, too, did his best to assure him of India's *bona fide* as far as the security of Pakistan was concerned. Zia did not appear to appreciate India's expression of concern for Pakistan's security. The veteran former foreign minister making another attempt at assuring Zia said:

"If we cannot convince you of our genuineness then there can be no meeting point. Please do believe me that I do not speak out of charity or in moral terms, although I believe in morality. You must believe us. It is sheer self-interest that we need a strong Pakistan. Today, Afghanistan is in difficulty. How can a country like India ever wish to dismember Pakistan?\n
170. India had, over the years, repeatedly assured Pakistan of India's commitment to Pakistan's security and stability. If Bangladesh happened, it was Pakistan's own undoing. On the other hand, India had a lot to complain of the pin pricks from Pakistan. One had to look at Pakistan's reaction to Moradabad riots in August 1980, or, persistent references to Kashmir in the Pakistani utterances, at all international gatherings, or at the UN. In the geo-strategic sense, India regarded Pakistan as an integral part of sub-continental security. India, therefore, repeatedly pointed out to Pakistan, that it was committed to respecting its territorial integrity, national unity, political independence and sovereign equality. Pakistan, unfortunately failed to cash on this geo-strategic perceptions of India's policy in the South Asian region. This underlying feature of Indian policy, was valid not only in relation to Pakistan but to all the other countries around it, which though not geographically contiguous among themselves, yet were provided
linkages with each other through India. Pakistan, before Bangladesh, and even after Bangladesh, refused to reconcile itself, to the disparity between the two countries in terms of their resources, size and economic development. Pakistan's rejection of India's offer of 'No War Declaration' in the fifties and similar offer of a treaty of peace and cooperation in the eighties, its offer to discuss the ratio of armed forces to be maintained by the two countries, in keeping with the length of their land and sea frontiers to prevent an arms race, underlined its misplaced sense of self-confidence visa-a-vis India. And yet, its lack of faith in itself, created uneasiness in its mind and continued to haunt its leaders, preventing a tension-free relationship to develop between them. Membership of military alliances was pinned by Pakistan on its feelings of insecurity in relation to India, and hence the need to seek allies and arms to strengthen itself on borrowed muscles. This, as Pakistan learnt to its cost, did not bring it the desired sense of security.

171. The problem of security for Pakistan was born, more out of the need to seek parity with India in all respects, since psychologically Pakistan believed that the legacy of the Mughal Empire had fallen on its shoulders. Preceding the British conquest of India in stages, various Muslim dynasties had ruled India for almost seven centuries. Pakistani elite perceived Pakistan as the continuation of the Mughal and Muslim rule in India. The believers of the two-nation theory had a misplaced faith in the superiority of the Muslims vis-à-vis the Hindus. Obsessed with history, the Pakistani elite believed, that in any war against India, their victory was assured, as they were the chosen people. Nevertheless, being aware of the size and resources of India, it wanted to make up for
the lack of the same in comparison, by military alliances and military aid that would flow as a consequence of this policy and give it added confidence to look down upon India. As pointed out above, India looked with disdain at such thinking. In the post war scenario, international politics was dominated by the cold war. India believed that the newly independent countries of Asia and Africa, which had suffered the colonial rule for a century or two, must safeguard their newly won independence, by steering clear of the East-West politics and stay together. They should not appear to be partisans in the conflicts of the Big Powers, and avoid military alliances, which sought to bind them to their apron strings. Pakistan chose to walk the road which was anathema to India and was bound to create problems between them and it did. As Nehru had warned, it brought the cold war to the doorsteps of the Sub-continent. To express its displeasure on this development, India informed Pakistan that its action had changed the context of their bilateral relations and future relations between them would be conducted under its shadow.

172. After being member of Western sponsored CENTO for almost two decades, Pakistan decided to quit it, which, for all practical purposes, was extinct. It decided to join the Non-aligned Movement and sought India's support in this endeavour. On March 12, 1979 Pakistan formally withdrew from the CENTO and its participation in the activities of the organisation ceased. It, however, did not give up the US-Pakistan bilateral defence arrangement. It argued that there were other countries in the Non-aligned Movement, who had similar bilateral arrangements, and hence it was not in conflict with the objectives of the NAM. Earlier, India had extended support to Pakistan's participation in the Belgrade
Conference of NAM Foreign Ministers. Pakistan assured India, that unlike in the past, Pakistan was not allowing the US to set up any military bases in Pakistan. The arms that flowed were to strengthen Pakistan's security, to meet the challenge from Afghanistan.

173. In the evolution of India - Pakistan relations, the next important initiative came, once again, from Prime Minister Mrs. Gandhi. In January 1982, Agha Shahi, the Foreign Minister of Pakistan was in New Delhi for talks between the foreign secretaries of India and Pakistan. On January 31, Shahi made a courtesy call on Prime Minister Mrs. Gandhi. She took him by surprise, suggesting a Joint Commission between the two countries, as an umbrella platform, to discuss all aspects of the relations. Taken by surprise, Agha Shahi gathered his wits, welcomed the suggestion coming from the Prime Minister. Even otherwise, Shahi's visit had resulted in better understanding between the two countries. Responding negatively to the offer of Mrs. Gandhi, he ran the risk of spoiling the atmosphere so created. On February 21, General Zia, in his letter to Mrs. Gandhi, acknowledging the positive trend of the discussions, which Agha Shahi had in New Delhi, said: "The goal towards which these talks are directed is a noble one and could if achieved produce an unprecedented transformation in the quality of our bilateral relations and consequently a profound impact on the entire regional situation." He, particularly, described the proposal for a joint commission a "positive" one.

174. Unfortunately, this happy trend was interrupted, as always, by the insensitive remarks, made by the Pakistan's representative at the UN Human Rights Commission, Agha Hilaly. He raised the
Kashmir question, during the consideration in the Commission, of an item dealing with the application of the right of self-determination, to peoples under colonial and alien domination or foreign occupation. External Affairs Minister Rao reacting in the Parliament on February 25, 1982, described the suggestion of Pakistan as "preposterous" and postponed the scheduled visit of Foreign Secretary to Pakistan. Pakistan, however, justified the action and said, the reiteration of the factual position on Kashmir, did not warrant any Indian reaction. It continued to harp on the point that Pakistan's articulation of its position on Kashmir was as determined under the Simla Agreement. On April 12, the new Foreign Minister of Pakistan Sahabzada Yaqub Khan said, that Pakistan found it difficult to accept the condition that it could not raise the Kashmir issue at any international gathering. Simultaneously, expressing Pakistan's readiness to talk on the non-aggression pact, he added that there "was no hope of any immediate result... as it was an intricate matter and the path led through a craggy and rugged highland since Indo - Pakistan ties had been marked by extreme bitterness in the past."

175. The exchange of felicitation messages between Narasimha Rao and Yaqub Khan on the latter's appointment as Pakistan's Foreign Minister and the reply on May 25 from Mrs. Gandhi to Zia's letter of February, broke the ice. Mrs. Gandhi said in her letter that despite "serious differences in perception," the two countries "should persevere in efforts to restart the process of negotiations". In the same month, May 31, the foreign ministers of India and Pakistan met on the sideline of the NAM foreign ministers' conference in Havana and agreed that the foreign secretaries'
meeting, then scheduled for August would be a "significant" step. The appointment of former Indian Ambassador to Pakistan Natwar Singh, however, as Secretary in the Ministry of External Affairs, dealing with Pakistan, hastened the process of consultations and the meeting at the secretary level took place in June itself.

176. As part of the normalisation process, Pakistan proposed a treaty of non-aggression. India countered it by a proposal for a treaty of peace, friendship and cooperation, which was positive in its tone and nuance. It may be recalled, and as pointed out above, as early as December 1949, India had proposed to Pakistan a 'No War Declaration' to be signed by the two countries, that come what may, 'they shall settle their differences peacefully and not resort to war'. However, Pakistan's insistence on certain pre-conditions, proved an impediment. The prolonged correspondence, essentially between the two prime ministers, then had proved infructuous, and the proposal got dropped, in course of time. The atmosphere, in the meantime, too had got vitiated by Pakistan's decision to join the western military alliance system. Its revival now in the eighties was a new phenomenon. India had no objection to the proposal, in principle, but was keen that the factors, which vitiated the political climate in the past, must be avoided and the elements, which help create a better understanding, were embedded into the new proposal. India, therefore, countered the Pakistani proposal for a non-aggression pact, which had negative connotations, with its own suggestion for a treaty of peace and friendship. Pakistan's objection to Indian draft treaty was on two counts: (i), India's insistence that Pakistan would not give military bases to foreign powers and (ii), all outstanding issues between the two countries
would be resolved through bilateral negotiations. Zia told Voice of America in an interview, the text of which was carried by *the Dawn* on May 22, 1984, that it "would tantamount to Pakistan demanding that India should not buy anything from the Soviet Union, or that, it should not give any military bases to that country". He said "these pre-conditions were unacceptable as they undermined (Pakistan's) sovereignty as an independent state". He wanted 'Pakistan's commitment to peace and security and improvement of bilateral relations with India', to be accepted on face value and "Delhi should not insist on having a few words written in an agreement". Pakistan's draft of the non-aggression pact was a simple document, long on pious hopes but short on meaningful commitments. These fundamental differences failed to get reconciled and neither of the proposals took off.

177. The bilateral relations did see some movement on other fronts. The Non-aligned Summit in March 1983 brought Zia-ul-Haq to New Delhi. He scrupulously avoided any acrimony in his speech at the Summit and his reference to Kashmir, though in acceptable terms, did invite an official response from New Delhi. As a by-product of the visit, the Agreement on Joint Commission was signed, which Zia, later in his letter of April 14 1983 to Mrs. Gandhi described it "of historic import and far reaching significance". But whatever goodwill was generated soon got dissipated. Pakistan took umbrage to the comments made by Prime Minister Mrs. Gandhi and External Affairs Minister Rao on the on-going agitation in Pakistan for the restoration of democracy. Pakistan described them as interference in its internal affairs. India insisted that the remarks "were made in a strictly domestic context of explaining or assessing
events which might have repercussions for us". Pakistan was not convinced and described the Indian explanation "illogical".

178. After a period of deep freeze in relations for the most part of 1983, due to troubles within Pakistan, 1984 saw the resumption of dialogue, with the exchange of visits by the two foreign secretaries. By now, however, a new element of discord crept into bilateral relations, which dominated the India-Pakistan discourse for most part of the following years. In the post-Bangladesh period, Pakistan apparently made a reappraisal of its policy towards India. A weakened Pakistan realised that in any military conflict, it could not have parity with India and hence a military confrontation with New Delhi should be ruled out as an option. But India too had its domestic underbelly, as Pakistan perceived it. India faced problems in Kashmir and the Punjab. If New Delhi could, as Pakistan believed, fish in its troubled waters, Pakistan could exercise that same option with impunity.

179. It all started with the incidents of hijacking of domestic flights of the Indian national carrier, the Indian Airlines, by certain disgruntled elements that saw safe havens in Pakistan. The fact that all hijacking cases from India landed in Pakistan, and the treatment and protection they received in that country, which normally should not have been available to them, under various international civil aviation conventions, created the suspicion, that the hijackers had some prior assurances that they would be in safe hands. Pakistan, however, making virtue of necessity, shed crocodile tears. As early as August 1982, Pakistan had conveyed their apprehensions to New Delhi that these incidents had the potentials for "creating misunderstanding between the two
countries not to mention the losses inflicted on civil aviation in Pakistan." It called upon New Delhi to "take effective measures in order to prevent recurrence of such incidents".

180. Pakistan's malevolence towards India during this period took several forms. The way developments in the Punjab, at the height of insurgency were projected in the Pakistani media, particularly, the official TV, was distorted, mischievous and malicious. President Zia and some of his senior ministers made gratuitous, highly objectionable and provocative statements about developments in India. The unmistakable picture that emerged was of a deliberate attempt to exploit the Punjab situation and inflame the emotions of the Sikh community, with a view to inciting separatism, communal disharmony and disaffection within India. From now on the Punjab situation became a new irritant in the relations between the two countries.

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181. Following the assassination of Mrs. Gandhi in October 1984, and general elections, Rajiv Gandhi had taken over the administration in India. The 1985-89 period when he was in the charge, there was unprecedented diplomatic activity between the two countries. Rajiv Gandhi made concerted efforts to improve the bilateral relations. However, all this was made subject to Pakistan's good conduct vis-à-vis the Punjab. Its support to the Punjab extremists was one topic, which remained on top of the agenda of all interactions between the two countries. Prime Minister Rajiv Gandhi had several one-to-one meetings with President Zia-ul-Haq, as well as his Prime Minister Mohammad Khan Junejo, at various venues, wherever they
happened to be together, attending international engagements. They met in Moscow, New York, Muscat, Dhaka, Kathmandu, Stockholm, New Delhi and Islamabad. The foreign ministers and the foreign secretaries too met more frequently during this period than at any other five-year time slot. There were talks at the level of home ministers and home secretaries too. A record number of agreements, three of them—(i) the Prohibition of Attacks against Nuclear Installations and Facilities; (ii) the Avoidance of Double Taxation and (iii) Cultural Cooperation, were signed. There were several meetings of the Joint Commission and sub-commissions, when important decisions were taken on various aspects of the bilateral relations. Prime Minister Gandhi visited Islamabad twice, once to attend the SAARC Summit in December 1988 and the other time, in July 1989 for a bilateral visit. This bilateral visit of an Indian prime minister to Pakistan took place almost after thirty years, if one were to discount the visits of Rajiv Gandhi to Pakistan for the funeral of Badshah Khan in January 1988 and for the SAARC Summit in December of the same year. The visit of Prime Minister Lal Bahadur Shashtri to Pakistan in October 1964, was essentially a stop-over visit, when he made a halt of a few hours in Karachi. Before that, a regular bilateral visit was by Prime Minister Jawaharlal Nehru in September 1960, for the signing of the Indus Water Treaty. In that background the present bilateral visit had a great significance in itself.

182. In his meeting with Pakistani Prime Minister Benazir Bhutto, Rajiv Gandhi bluntly told her that there were three areas of major concern -- (i) Pakistan's weapons-oriented nuclear policy, (ii) terrorism and (iii) Siachen. They noted their differences of approach...
to nuclear weapons. India believed that the nuclear disarmament was a global process, which could not be dealt with at a regional level, while Pakistan wanted to resolve it, at a bilateral or regional basis. On terrorism, Ms. Bhutto stated that it was a global concern and not just the concern of any individual country. While appreciating Indian concerns on this account, she maintained, that the interests of the two countries could be best served by strictly adhering to the principle of non-interference in each other's internal affairs and assured Prime Minister Gandhi, that it was her hope, that there would be no cause for any concern in future. Rajiv Gandhi however, remained sceptical. On Siachen it was agreed, that the talks between the two Defence Secretaries would resolve the issue.

183. Terrorism continued to be a source of friction between the two countries, vitiating their bilateral relations. The discussions and assurances at various levels of the Pakistani leaders, failed to assuage the Indian concerns. India found no let up in the terrorist activities either from across the border or with the help and assistance from the same source. New Delhi was exasperated while Islamabad, to New Delhi's chagrin, continued to pooh-pooh the Indian concerns. An added source of worry was the activities of the Sikhs settled abroad and holding foreign passports visiting Pakistan and carrying on their anti-Indian activities with the connivance of Pakistan. Prime Minister Rajiv Gandhi had personally drawn the attention of President Zia to such activities at their meeting in New Delhi, on 17 December, 1985 and the latter had assured Pakistan's full cooperation, in the efforts to counter the illegal activities of these persons. This matter was also discussed between the Foreign Secretaries, several times during their meetings. India had handed over to Pakistan lists of certain
extremists including those based abroad but operating from Pakistan, along with impeccable evidence of their nefarious activities. India demanded curb on them and their return to India to be brought to justice for heinous crimes. New Delhi made sure, that the Pakistan Ambassador was kept in the loop.

184. Unfortunately, Pakistan remained in a complete state of denial. On February 28, 1986 Ambassador S. K. Singh had a lengthy meeting with Pakistan Foreign Minister Yaqub Khan and the latter repeated the standard Pakistani vocabulary that Pakistan had rendered no assistance to the Sikh extremists and neither was Pakistan capable of doing so. Next day, March 1, Ambassador S. K. Singh met Zia in Lahore, before leaving for India for consultations. Again there was a detailed discussion on this subject. The Ambassador failed to detect any remorse on the part of Pakistani leaders. Nevertheless, Zia wanted to assure Gandhi of his bona fide. He gave Ambassador Singh an oral message for Prime Minister Rajiv Gandhi. (The message was given at a slow speed to enable the Ambassador to transcribe the same verbatim.) It too contained Zia's assurance of not helping the Sikhs. His message said:

"I know also that a lot of people in India think, and also say so, that Pakistan is aiding and helping the Sikhs, and by doing so Pakistan has already gone away from the letter and spirit of Simla Agreement. But please, believe me, we are not helping the Sikhs. In fact, we are doing many things to ensure realisation of our policy of supporting the unity and integrity of India. The Sikh problem is an internal problem of India. Only India can solve it. We wish to have nothing to do with it."
185. In his discussions with the Ambassador before and after dictating the message, President Zia maintained, that Pakistan had given no help to the Sikhs and even went on to suggest, that either the heads of the intelligence agencies or the Home Secretaries of the two countries could meet quietly (secretly) somewhere (suggested places were: Vienna, Geneva, Singapore, Hong Kong, or Tokyo), and exchange notes. Zia’s assurances failed to satisfy Prime Minister Gandhi, who in return also sent an oral message through Ambassador Singh which said:

"You have given me the assurance that you will take all measures to stop assistance of any kind to the Sikh extremists. From the information we have, this assurance has not been implemented. This is a vital matter for our security and at this moment it is of basic importance for improving our relations."

186. The Ambassador in his briefing note (March 3, 1986) to the Ministry for policy formulation towards Pakistan emphasised that:

The concept of Khalistan, with a view to destabilising a strategic border region of India, has been an important element in keeping India on the defensive. For the dissidents, militants, radicals and extremists among our Sikhs, Pakistan has been over the years a conduit of Western assistance as also an original source of support, backup and training."

He suggested certain options available to India like diplomatic persuasion; political pressure; outright threat or finally making our friendship attractive to Pakistan. The Ambassador went on to suggest that if India were to be tough with Pakistan, it should be prepared for "open hostilities".
187. Despite several warnings to Pakistan, that its involvement in the activities of the Sikh extremists, had placed in jeopardy, the normalisation of Indo-Pak relations, and the Pakistan Government vehement and persistent denial of the same, India called upon Pakistan to come clean on the question of its support to terrorists, both Indian and foreign. It demanded that the Pakistan Government should make a public announcement, at the highest level, denouncing the concept of "Khalistan" and deploring all terrorist activities and in particular those directed against India. No such public statement however, emanated from Islamabad, at the desired level. Worried at attempts to subvert the loyalties of the Sikh pilgrims, visiting Sikh shrines in Pakistan, New Delhi warned Pakistan to be beware of such nefarious activities.

188. Since promoting unrest and terrorism had become an instrument of Pakistan's India policy, there was no respite and cross border terrorism continued to flourish with Pakistan's assistance and blessings. On April 13, 1988 in a Note to the Pakistan Embassy in New Delhi, Ministry of External Affairs, while noting the Pakistani denial and assertion, that there was "no justifiable reason to believe, that the Government of Pakistan would wish to encourage extremism in the Punjab", that "Pakistan does not wish to see the unity of India threatened from any quarter and that "Pakistan strictly adheres to the principle of non-interference in the internal affairs of other countries", India was at pains to remind Pakistan that "notwithstanding such assurances and denials" by the Government of Pakistan from time to time:

"Pakistan has continued to provide encouragement and assistance to extremist activities directed against India. Such assistance has taken a variety of forms, including the continued
supply of arms, the setting up to training camps, providing a safe refuge for Sikh extremist, hostile propaganda designed to incite anti-Indian secessionist feelings etc. There is incontrovertible evidence about Pakistan's continued complicity in subversive anti-Indian activities, which belies its protestations of wanting to improve relations with this country. Pakistan's assistance to terrorist and secessionist elements in India is in clear violation of its commitments under the Simla Agreement and is inevitably a stumbling block in the process of normalisation of relations between the two countries. It is hoped that Pakistan will fulfil its assurances given on this issue, including at the highest level, and desist from aiding and abetting terrorist activities directed against India."

189. Persisting with its denial mode, on May 14, 1988, Pakistan expressed its "disappointment and dismay", while dismissing the Indian allegations as "old and discredited". Adding, it said "propagandist repetition cannot, of course, convert falsehood into truth". New Delhi was simply exasperated and incensed at this denial frame of the Pakistani mind.

190. The war of words between the two countries continued unabated. Meanwhile, Kashmir continued to be targeted repeatedly. The escalating activities of the terrorists financed and trained by the Inter Services Intelligence (ISI) of the Pakistan Army, encouraged them to more daring acts, more heinous and hideous crimes. The bellicose statement from Pakistan invited strongest rebuttal even from the mild mannered Prime Minister V.P. Singh. On April 10, 1990, he warned that if a conflict was forced upon India, "we are not going to stop till we achieved our objectives" and that "we have the capability to inflict a very heavy cost on
Pakistan for its territorial goals against India." Speaking in Parliament, on the budget of the Ministry of Defence, he said "Ms. Bhutto talks of thousand-year war for Kashmir, Pakistan has to see whether it could fight for even 1000 hours." In this war of words, hiatus of sorts came, when the foreign ministers of India and Pakistan met in New York on April 25, 1990 on the sidelines of the UN General Assembly session and agreed to call a halt to hostile statements from both the sides. The meeting led to the foreign secretaries talks in July, 1990. The only achievement of these talks was that they "sat together and were able to understand each other's position in detail, brushing aside cobwebs". Amidst all the hullabaloo, the two countries saw it prudent to sign two significant agreements in April 1991 as confidence building measures-- 'Agreement on the Prevention of Air Space Violations and for Permitting Over Flights and Landings by Military Aircraft' and the 'Agreement on Advance Notice on Military Exercises, Manoeuvres and Troops Movements'.

XXV

191. In June 1991, after the general elections in India, former External Affairs Minister, P. V. Narasimha Rao took over as Prime Minister of India which generated some sense of euphoria in the bilateral relations. But Rao, who had seen enough of Pakistan in his earlier avatar as foreign minister, was not impressed. He told the Parliament that every time there was a change of government, either in India or Pakistan, "there is a sense of euphoria." He was, however; frank to admit that "we have not been quite successful in persuading Pakistan to improve relations with India". There was the usual bonhomie when Rao had an opportunity to meet his Pakistani counterpart Nawaz Sharif at Harare, on the sidelines of the
Commonwealth Summit, in October 1991, which enabled him to say on return to New Delhi that India and Pakistan had rejected mediation by "friendly countries" to help them resolve their differences.

192. As in the past, there was yet another round of talks between the foreign secretaries of the two countries in November 1991 and even if some forward movement was said to have been recorded on some of the contentious issues, to give satisfaction to the two sides, in concrete terms, the issues remained where they always were, whether it was the question of Sir Creek, Wullur Barrage, Siachen, or Kashmir. As the sun was setting on the year 1991, on December 31, Pakistan demanded a drastic cut in the staff strength of the Indian Consulate in Karachi. The summit meeting between Prime Minister Rao and Prime Minister Nawaz Sharif on February 2, 1992 on the sidelines of the World Economic Forum, was marked by usual pleasantries, but had no concrete achievement to report. The statement after the talks, frankly accepted that "our talks are not in the nature that we should be regularly reporting progress in the discussions".

193. India reacted furiously to the Pakistan National Assembly's adoption of a resolution on the Babri Mosque in August 1992, and later in December when it was demolished by a crowd claiming the site to be the birth place of the mythical God Rama. In the past, invoking the Nehru - Liaquat Pact of 1950, it had become a common practice, for one country to protest the alleged "ill treatment" of the minority in the other. But in the Simla Agreement of July 1972, both countries pledged that they would follow the principle of "non-interference in the internal affairs" of each other and as such it became incumbent
on them to treat any problem in relation to a minority to be an internal problem of the country concerned, with no right of the other to take up the cudgel on its behalf, as was the practice hitherto fore. In the post-1972 period, India would not give any locus standi to Pakistan if ever there was such an unfortunate incident in India. New Delhi rejected any Pakistani claim to act as the guardian of the Muslims in India. This was the case, when the Charer-e-Sharif shrine got burnt in a fire in Kashmir and Pakistan sought to take advantage of the situation for propaganda.

194. Pakistan added further provocation by making an audacious claim that the terrorists and infiltrators in Kashmir were the "freedom fighters" and 'indigenous Kashmiris, who had taken up arms against the "tyrannical rule of the Kashmir government". While the fact was that the infiltrators, trained and armed by Pakistan's army intelligence, ISI from across the border, taking advantage of the long and porous border succeeded in sneaking into Kashmir and other parts of India, to carry out their criminal acts of sabotage and terrorism. The opposition cried hoarse for retaliatory action and asked the Government of India to go in for the hot pursuit of the terrorists coming from the Pakistan-occupied Kashmir. Though such demands emanated from the public and opposition sources with no official stamp of approval, yet, the Pakistan Foreign Office spokesman responded belligerently on June 28, 1995 that Pakistan did not take these threats lightly, and warned that "if India were to cross over into Azad Kashmir, it would be construed as an act of war by Pakistan", which could endanger the security of the entire region. Thumbing his nose, he said the repeated terrorist attacks on Indian targets and their success was a failure of the "600,000 fully armed (Indian) troops to crush the Kashmiri movement."
195. It was a war of words with no holds barred. On January 4, 1996, Minister of State in the Ministry of External Affairs R.L. Bhatia described Pakistan as a "terrorist State". Returning the compliments, the same day, the Spokesman of the Pakistan Foreign Office said: "if any state deserved to be called a terrorist State it is India". The Spokesman accused India of using its "military might across international frontiers repeatedly since 1947" to dismember big and small states including Pakistan. He said Pakistan was in touch with "all its friends including the USA" to make it clear "as to which country in the region was fomenting terrorism in South Asia".

196. As the intensity and frequency of cross border terrorist incidents increased and spread to various other parts of India, New Delhi warned Pakistan, that it had taken "the most serious note" of the growing incidents of cross-border terrorism being promoted by Pakistan against India. Increased acts of terrorism provoked New Delhi to charge Pakistan once again as an "acknowledged sponsor of state terrorism". On March 17 1998 India advised Pakistan to look inward at the "serious and endemic ethnic and sectarian violence with which Pakistan itself was beset" and ponder over the consequences of the encouragement which it provided to fundamentalist and terrorist groups. In parent thesis New Delhi told Islamabad that its "attempts to divert the attention of its people from its own policies, which are now recoiling on itself, are pathetic and ridiculous."

197. In the midst of charges and counter charges, the dialogue process was lucky to survive. In November 1998 as part of the Composite Dialogue, the Home Secretaries met to talk, but the
result was no better than what was achieved in the past. New Delhi watched helplessly the terrorists roaming the streets of important Pakistani cities, particularly Lahore, and made open and public threats of violence against India. Lashkare-Tayyaba with its headquarters at Muridke, near Lahore, spearheading the violence against India became internationally well known. To India's consternation, Pakistan government was loath to take even modicum of action against it. There were other similar organisations like Harkit ul Mujahdeen. Their activities spread now all over India and innocent people, going around their daily chores, were targeted. Their immediate objective was to create communal disturbances in India, in which they miserably failed.

198. With the withdrawal of the Soviet Union from Afghanistan, America obsessed with its success, felt happy that Moscow had a bloody nose. Taking the problem solved, the United States turned its back on Afghanistan. It did not bother the US, that there was no credible government in Kabul to give political stability to the country, which was the need of the hour. Afghanistan needed financial help, to put in place, a viable politico-economic structure, to deliver to the people good governance and a decent life. In the vacuum thus created in Afghanistan, the Taliban, with the help of Pakistan, walked into Kabul. Pakistan's ISI became its financer and therefore its manipulator. The Taliban too allowed the Al Qaida, with its large purse, to set up shop in Kabul. The cadres of both the organisations, who needed to be engaged, were diverted by the ISI towards India, taking advantage of the long and porous border in Jammu and Kashmir. The hijacking of Indian Airlines flight, IC - 814, flying from Kathmandu to New Delhi to
Kandhar in December 1999, and several other hijacking cases in the past, as also the several terrorist attacks in Jammu and Kashmir including the attack on the State's Legislative Assembly, and on the Indian Parliament in December 2001 broke the camel's back. India said enough was enough. A few months later, occurred the 9/11, the attack on the Twin Towers in New York, which stirred the world conscious. New Delhi's warning stood vindicated that, if terrorism was not checked in its tracks, it could hit at targets anywhere and everywhere came true. The 9/11 did bring about a change internationally, but from India's perspective, it wasn't enough. In the face of American demand that Pakistan cooperate (or else...) to eliminate the Taliban and Al Qaeda in Afghanistan, Pakistan was quick to realise that the Taliban game in Kabul was up. Pakistan not only dropped the Taliban regime in Kabul, but announced measures to modernise its own society ostensibly to wean the people away from fundamentalism. To propitiate Washington, it took on the role of a frontline State, in the fight against the fundamental forces in Afghanistan and in return, received millions of dollars in military and economic aid. This served to strengthen Pakistan militarily thereby disturbing the balance of power in a delicately poised region. India was disappointed, since it did not find enough evidence on the ground, to match Pakistan's 'sincerity' in its fight against terrorism per se. India looked cynically at the measures announced by Musharraf on January 12, 2002 and termed them simple rhetoric. Washington remained lukewarm to Indian concerns as long as it felt convinced that its own interests were apparently being served by Pakistan. President Musharraf was happy at the success of his strategy, which was well received in the US "as a courageous step to fight terrorism".
199. Left to fight its own battle, India withdrew its High Commissioner from Islamabad, cut the strength of its mission to the minimum and asked Pakistan to do likewise, banned overflights, the Lahore - New Delhi bus service as also the trains services between the two countries were suspended. In the largest troop movement, since the 1971 Bangladesh operations, about a million Indian troops were mobilized all along the India - Pakistan border and the LOC. In May 2002, to express its strong annoyance with Pakistan on yet another horrendous (Kaluchak) attack, in Jammu & Kashmir in which 32 people were killed, besides many injured, New Delhi warned Pakistan of a "decisive battle" and asked Pakistan to withdraw its Ambassador from New Delhi. Pakistan's public pronouncements of continued moral and political support to secessionist forces in Kashmir and branding them "freedom fighters" was seen in New Delhi as an affront and challenge to India's sovereignty.

200. With the two armies positioned eyeball to eyeball all along the border, the international community was apprehensive of a wider conflict between two nuclear-armed South Asian States. In April of 2002, Musharraf in an interview with the German newsmagazine Der Spiegel had said that "in an emergency (use of) even the atom bomb can also be considered". Responding to international concerns at the escalating situation, and war clouds hovering over the sub-continental sky, New Delhi decided, once again, to give peace a chance. It decided to redeploy its troops from forward positions, without impairing their capacity to respond decisively to any emergency. Redeployment of troops, coupled with the decision to remove restrictions on Pakistani over-flights, and to withdraw naval warships from forward positions unilaterally,
despite Pakistani intransigence, was greatly appreciated by the international community as proof of Indian sincerity to promote peace and tranquillity in the region.

201. Terrorism was not only injurious to India--Pakistan relations, which touched their nadir in 2002, it restricted India's foreign relations with other countries. Sensitizing the international community to Pakistani activities became the principal concern of India, particularly so in relations to the United States, the UK and the EU. Concern for internal security and sufferings of innocent victims of terrorism, led to neglect in other fields of activity. Similarly India's preoccupation with Pakistan, created vacuum in relations with important regions, particularly, Africa, Central and South America where interaction got reduced to the minimum.

202. On July 1, 2002 Prime Minister Atal Behari Vajpayee in an interview to the News Week reiterated the fact that infiltration from Pakistan was unabated and training camps for terrorists were functioning as usual. The Indo - Pakistan relations for most of this period remained in a state of suspended animation, since India insisted that no business could be transacted with Pakistan as long as Pakistan continued to promote cross-border terrorism and allowed training camps in Pakistan and Pakistan occupied Kashmir. It was on the same premise, that the Agra Talks had earlier collapsed. There was also sufficient evidence filtering in that despite official ban on the Lashker-e-Tayyaba and Jaish-e-Mohammad and other outfits, they continued to function unhindered under different umbrellas and labels, unchecked and with official connivance.
203. The SAARC Summit in 2004 in Islamabad provided the break through, which promised to usher in a new beginning. In a bilateral meeting between Prime Minister Atal Behri Vajpayee and President Musharraf on January 6, 2004 on the sidelines of the Summit, Pakistan implicitly admitted encouragement to terrorism from its soil and "assured Prime Minister Vajpayee that he will not permit any territory under Pakistan's control to be used to support terrorism in any manner". (emphasis added) Reference to "territory under Pakistan's control" included the area in Kashmir under Pakistan's occupation. It was on this solemn declaration that it was agreed to restart the 'composite dialogue' process.

XXVI

204. The general elections in April 2004 resulted in the change of government in New Delhi. Dr. Manmohan Singh took over as Prime Minister. The dialogue process recommenced and raised hopes of a new era of relationship, ushering peace in South Asia. Besides, the talks between the Foreign and Home Secretaries of the two countries, talks were also held between the narcotics control agencies and investigative agencies of the two countries to work out ground level cooperation. The Home Secretaries at their first meeting, as part of the Composite Dialogue, met in August 2005 when they "reiterated their resolve to combat terrorism and re-emphasised the need for effective steps for the complete elimination of this menace". This commitment was again reiterated at the next Home Secretaries meeting in May 2006. Unfortunately, despite these
commitments, the Indian people continued to bear the brunt of terrorist attacks in various parts of the country.

205. Giving Pakistan the benefit of doubt, New Delhi, however persisted with the dialogue process. It was felt in New Delhi that perhaps certain non-state actors, not under the control of the Pakistan Government, were acting independent of the Government in Islamabad. It was the pious hope of India that the Pakistan Government would, in course of time, succeed in bringing these elements too under its control and this menace would get uprooted completely. But persistent attacks convinced New Delhi, of the hopelessness of the situation. The patience of the public and the Government had been stretched too far. The Mumbai terror attack in July 2006 did rattle the government in New Delhi but it again chose to be more patient. Prime Minister Dr. Manmohan Singh after the Mumbai attack said "India and Pakistan have to establish new pathways to establish friendly relations". Underlining the importance of peace to the progress of both India and Pakistan, he said "both the countries need peace for stability and need to be free of terror to realise their potential. All this could not move forward if terror, aided and abetted by outside continued to take the lives of innocent citizens as it did in Mumbai and Kashmir in the previous week". Lamenting that the terrorists were having a free time, the Prime Minister reminded Pakistan of the January 2004 commitment that "Pakistan territory would not be used for aiding and abetting terrorism in India". Soon after the July-2006 Mumbai attack, Prime Minister Dr. Singh and President Musharraf met at Havana in September on the sideline of the NAM Summit and decided
to set up an "Anti Terrorism Mechanism", a forum for discussing all issues relating to terrorism. Justifying the mechanism, the Prime Minister said on September 24 in Nanital that its objective was to "test" how Islamabad would fulfil its responsibility towards fighting terrorism.

206. Terrorism did not take too long to revisit India. In February 2007 there was a bomb blast in the Samjhauta Express (the train running between India and Pakistan). Despite this unfortunate incident, the first meeting of the Anti Terror Mechanism took place on March 7, 2007 and then in July the Home Secretaries of the two countries met to convey the message that the Composite Dialogue process had not been interrupted. The Home Secretaries, as in the past, condemned all acts of terrorism and underlined "the imperative need for effective and sustained measures against terrorist activities". The second meeting of the Anti Terror Mechanism was held in October 2007. But it proved as ineffective as past efforts of New Delhi to put an end to the menace of terrorism. The 'mechanism' itself went into limbo thereafter, as New Delhi was convinced of the lack of sincerity on the part of Pakistan to take any meaningful steps to control this menace.

207. The year 2008 struck with a double whammy, at the hands of Pakistani terrorists. First, in July, the Indian Embassy in Kabul came under attack from Pakistani terrorists and then, a bunch of terrorists, taking a boat from Karachi, struck in Mumbai (26/11). Both attacks were lethal. The Kabul blast killed senior Indian diplomats and staffers besides several Afghan visitors to the Embassy. In the Mumbai attack, the count of those killed
ran into a couple of hundred, including some foreign nationals. The war cries went out loud and clear from the people of India, who had suffered, and suffered enough, at the hands of the Pakistani terror machine that it was time to put an end to this menace. A lesser government would have wilted under public pressure, but wiser counsel prevailed in the upper echelons of the Government of India. Though the immediate result was that, the composite dialogue process came to a halt, more blood was prevented from being spilled. Whatever little was achieved, in terms of normalisation of relations since the January 2004 Joint Statement, was washed away in the tears that rolled down the cheeks of the people of India who abhorred terrorism because it was against human decency, violated human dignity, took away innocent lives, rendered families distraught, and children orphans.

208. What got dented most was the trust, which had got some fresh lease of life after the Joint Statement of January 6, 2004. A gentle Prime Minister was hurt to no end, since he was very keen on establishing a durable peace with Pakistan. He repeatedly said that one can choose one’s friends but not neighbours. On December 14, 2008, speaking in Kashmir, Prime Minister Dr. Manmohan Singh ruled out normal relations with Pakistan until it ensured that its soil was not used for terrorists activities against India and added "the fight against terrorism will continue at all costs and at all levels." Taking a tough line the Home Minister P. Chidambaram said, Pakistan would have to give "cast iron guarantees" that it soil would not be used to launch terror attacks on India or else it would pay an "enormous
price". Clarifying, he said, "the guarantees would have to come from those who control the levers of power and that means, the elected civilian government plus the army. These are not guarantees you can execute on a piece of paper. These are guarantees that have to be given to the international community."

XXVII

209. Before the start of the 2004 composite dialogue process, two major peace initiatives by India must be noted. In 1999 it was proposed to start a bus service between New Delhi and Lahore to facilitate travel between the two countries and create an important linkage to promote people-to-people contacts. Prime Minister Atal Behari Vajpayee decided to take this bus on its inaugural run to Lahore, in February 1999. A Bharatiya Janata Party (BJP) Prime Minister, leading the coalition government in New Delhi, visiting Pakistan had a particular symbolic value, though it was not articulated openly. When in May 1996, BJP had formed a short-lived government in New Delhi, the Pakistan Foreign Office had expressed "misgivings and unhappiness" over the growth of Hindu fundamentalism in India and cited the demolition of Babri Mosque at Ayodhya as an example. While stating that it was not Pakistan's concern, which party formed the government in New Delhi, the Spokesman added that he hoped that "the new government will protect Muslims and resolve the Kashmir issue peacefully".

210. Whatever the Pakistani reaction in 1996, when the BJP returned to power later in 1998, for a longer period, Pakistan was reconciled and was prepared to do business with it. In his
message of felicitations to Prime Minister Atal Bihari Vajpayee, Pakistan Prime Minister Nawaz Sharif on March 19, 1998, invited him to "work closely…. for ushering in a new era of durable peace and stability in South Asia". Vajpayee, in reply advised that "India and Pakistan must not remain mired in the past and the prisoners of the old contentions".

211. Be it, as it may, the visit by Prime Minister Atal Behari Vajpayee was highly successful and considered a major step towards creating a direct dialogue at the highest level. Pakistan Prime Minister Nawaz Sharif underlined the importance of direct talks, by giving the example of American duplicity, in conveying misleading messages. As an example, he quoted the example of Comprehensive Test Ban Treaty (CTBT). He said the "Americans were talking to both the countries and were telling each side what they wanted to tell. Neither India nor Pakistan had any way of knowing whether they were being given the correct picture regarding the other side. For Example, he said, the Americans had told them (Pakistanis) that India had agreed to sign the CTBT in May (that) year. He wondered if this was correct." Prime Minister Vajpayee told Nawaz that "it was not correct." Nawaz thereupon suggested that the foreign ministers of the two countries should meet once a year, to discuss all such issues and Vajpayee agreed with the suggestion.

212. The visit ended with the signing of the joint statement, the Lahore Declaration and the Memorandum of Understanding, to lay down the road map for deeper relations between the two countries. It was noted, that it was after 27 years, i.e. after the Simla Agreement, that documents of such importance were
signed between the two countries. The Official Spokesman of the Pakistan Foreign Office, underlining the importance of the occasion, said "Both the Lahore Declaration and the MoU also contain the agreement of September 23, 1998 between the Prime Ministers of the two countries, that an environment of peace and security, is in the supreme national interest of both sides and that, resolution of all outstanding issues, including Jammu and Kashmir, is essential for this purpose." The External Affairs Minister Jaswant Singh told the Parliament on February 26 that, "the bus journey captured the imagination of the people of India, of Pakistan, indeed, of the world". But the statement made by Pakistan Foreign Minister Sartaj Aziz was set, in the past history of conflicts between the two countries and particularly the Kashmir issue. On March 8, in his statement to the National Assembly, on the visit of Prime Minister Vajpayee, Aziz gave primacy to the Kashmir issue and touted it as its main achievement, in that, the Kashmir issue, which was lying dormant, had been resurrected and thrust into the forefront. He said: "there is increasing appreciation in the world now, that peace, progress and prosperity in South Asia, are not possible without an environment of security and stability, for which purpose, it is imperative to resolve the root cause of tensions - the Kashmir dispute."

213. But, no sooner was the ink dry on these historic documents that India had to face the ugly reality of Kargil. It was like one step forward and two backward. The entire atmosphere of goodwill, generated by the visit of the Indian Prime Minister, was not only washed out in one stroke, it led to a major clash of arms since the Bangladesh war. The Pakistani regulars and irregulars,
masquerading as "Kashmiri freedom fighters", as Pakistan chose to dub them, infiltrated across the Line of Control in Kargil, a highly sensitive sector of Jammu and Kashmir. In the ensuing conflict, India resisted any mediatory role, either by the UN Secretary General or the US President, until the whole area was cleared of the intruders. It was made clear at the highest level that until all Pakistani elements, regular or irregular, had withdrawn from the Indian side of the Line of Control, as established by the Simla Agreement of July 1972, which eventually happened, there can be no talks for peace with Pakistan nor was India prepared to concede any space for any mediatory role to any country or individual at any level. Pakistan even tried the Chinese card to browbeat India. Pakistan Prime Minister Nawaz Sharif, on My 29 in a telephonic talk with Prime Minister Vajpayee, offered to send his Foreign Minister Sartaj Aziz to New Delhi "to discuss all issues". The Pakistan High Commission in New Delhi followed it up with a Note to the Ministry of External Affairs on the next day, May 30 asking for convenient dates for the visit. New Delhi agreed to receive Aziz on the 12th June. In a sudden move, it was announced in Islamabad that Aziz would make a dash to Beijing before visiting New Delhi. After his visit to Beijing, on June 10-11, Sartaj Aziz announced that China had "assured its deep and abiding interest in and support for the sovereignty, territorial integrity, independence and security of Pakistan", the usual clichés Chinese were used to pronounce without meaning much. New Delhi was least perturbed by such pronouncements of Pakistan or for that matter of the Chinese. India refused to accept Pakistani ingenious explanation that the LoC in the Kargil sector was not well demarcated and caused confusion. In yet another
attempt to draw the Chinese into the conflict, Nawaz Sharif himself made a dash to Beijing and when Chinese apparently disappointed Pakistan, Nawaz knocked on the doors of President Clinton for help, who provided the fig leaf of face saving. Peace was restored after Pakistan withdrew all its intruders on its side of the LoC. While Kargil was a setback for the bilateral relations between the two nations, it did dent the position of Nawaz Sharif domestically. Within a few months, in October he was overthrown by a military coup by his Chief of Army Staff, who had him arrested and tried in a military court. He was saved from being awarded a death sentence, by the intervention of the Saudi King and the US President Clinton, and exiled with his family to Saudi Arabia. That he managed to return home later, is another story.

XXVIII

214. Another effort at peace making with Pakistan was made in July 2001 at Agra. Prime Minister Vajpayee decided to invite the new ruler of Pakistan, General Musharraf for talks to test his commitment to peace, since he had been talking big on better relations with New Delhi. To create the necessary climate of goodwill preceding the Summit, India took several confidence building measures, such as offer of scholarships to Pakistani students for study in Indian technical institutions, invitations to poets, artists and intellectuals to visit India, issue of visa to Pakistani passport holders at the border check posts, no arrest of fishermen who inadvertently crossed into Indian waters while fishing etc. While Indian effort was at creating a climate of peace and confidence between the two countries, before tackling any problematic issue, Pakistan, on the other hand, remained
obsessed with Kashmir. In several media statements and interviews, which Musharraf indulged in, before his arrival in New Delhi, one single theme which ran through them was that of Kashmir. India recognised that Kashmir was an issue which needed to be tackled, but only when the necessary and conducive climate for that had been created. This was articulated by Prime Minister Atal Behari Vajpayee in his opening remarks at the plenary of the Summit. He said "we remain committed to the establishment of trust and confidence to develop mutually beneficial cooperation and to address all outstanding issues including Jammu and Kashmir." However Prime Minister believed that the "core concern of our people is their struggle against poverty, want, hunger and deprivation". Conceding that there were differences between the two countries on the question of Kashmir, he was willing to "address these differences and to move forward". Vajpayee insisted that "it is important to create a conducive atmosphere". He, however cautioned Musharraf that the "terrorism and violence being promoted within the State from across the borders, do not help to create such an atmosphere". This was the crux of the whole problem, which did not find ready resonance from the General. While Prime Minister was motivated in taking this initiative by his desire to fill the gap in the trust-deficit, Musharraf's perception appeared to be that India's quest for peace was prompted by the deep wounds that terrorism had successfully inflicted on the Indian people and dented India's resolve. But Vajpayee disabused him of any such notion and told him that India would "counter these resolutely" and "let no one think that India does not have the
resolve, strength or stamina for continuing resisting terrorism and violence". Failure of Pakistan to imbibe this warning, contained in these words, led to the failure at Agra.

215. For India, Agra’s failure marked the end of its renewed effort to drive home the message to Pakistan, that without end to terrorism, there was little chance of restoring trust between the two countries. Since Musharraf’s emphasis remained merely on Kashmir, it was made clear to him that India-Pakistan relations "ought to, or cannot be held hostage by any single issue" and that India believed in "the totality of approach which addresses all issues (and) as we move along improving bilateral relations we will continue to address the issue of Jammu and Kashmir as well."

216. Pakistan admitted that the talks broke down on the question of "the relationship between settlement of the Kashmir question and progress on normalisation of relations." Pakistan Foreign Minister Abdul Sattar, however chose to believe that "we came close to arriving at the settlement" and he remained hopeful that "a full agreement can be reached in the next meeting". He added that the two leaders "succeeded covering a broad area of common ground in the draft declaration" which he said would "provide a valuable foundation for the two leaders to reach a full agreement at their next meeting". Hoping that there would be more talks in future, Sattar described the Agra Summit "inconclusive" and not a failure. Be it, as it may be, the December-2001 terrorist attack on the Indian Parliament vitiated the atmosphere completely. It not only destroyed any chance of
another immediate effort at peace making, but there was a real danger of a hot war breaking out between the two countries, as their armies faced each other eyeball-to-eyeball all along the international border and the LoC.

**XXIX**

217. Pakistan which embarked on the road to terrorism, in moments of its weakness to wreck vengeance on India, for splitting Pakistan, and to weaken it internally, by creating communal disharmony in a multi-religious Indian society, had to eat a humble pie. If these terror attacks mounted on India failed to break the delicate fabric of communal harmony or to set the Ganga or the Sutlej on fire, the credit must go to the institutional strength of the society, so assiduously built since independence. The secular and inclusive society, that India endeavoured to build, paid dividends by withstanding the tribulations of the past years, marred by insurgency in north India and terrorists attacks in several parts of the country. One wonders, whether Pakistan has at all realised, that terrorism was a hydra-headed Frankenstein which could strike back and gobble those who ride it. Terrorism knows no national or international frontiers. It attacks as much others as those who breed it. It is like an avalanche, if it cannot get the direction on one side, will find another outlet and cause the devastation whichever way the space becomes available. If the Pakistani terrorist groups have not found it possible to turn their wrath on India anymore, because of its exercise of greater vigilance, they have turned venom on their creators and Pakistan is now reaping the whirlwind it sowed for India.
218. That Pakistan, despite the split following 1971 war with India, did not change much, was perceptible in many ways. It continued to distort intellectual perceptions and domestic and foreign policy planning, at various levels. Increased fear of proportionately bigger India, the impulses among the younger army officers to avenge the 1971 defeat, and a more acute crisis of identity, considering that Pakistan housed only 1/3rd of the Muslims of the sub-continent, were major factors contributing to the anti-India bias in Pakistan. Most of Pakistan’s foreign and defence policies, as evolved and pursued since Bangladesh, are explained as stemming from this approach.

219. India continues to be a paramount factor in Pakistan's perception and determination of its policies on international issues, colouring both its internal and external developments. Its Islamic consciousness, needed to keep the Kashmir issue alive, and the need for Indian bogey to contain democratic aspirations of its people are chief contributory factors of almost fixed anti-India bias in Pakistan. This policy of uncompromising hostility towards India, gave it advantage of simplicity and of unprincipled manoeuvrability, thus justifying subservient role to the Western policies in cold war era and thereby also acquire economic and military inputs in substantial quantities. However, the internal consequences of a continuing confrontation with India have proved disastrous for its socio-economic and political growth as well as its institutions. The emergence of Bangladesh can be considered as the direct result of the same policies. Massive foreign involvement in its militarisation also
encouraged lopsided growth leading to an overwhelming role and influence for the military establishment in its society and social and economic life, which led to the subversion of democratic institutions too.

220. The developments in Afghanistan, first in Soviet intervention in 1979 and later the US war on terrorism, in the aftermath of the 9/11 attack on Trade Towers, catapulted Pakistan to the role of the front line state, bringing in tons of money in economic and military aid besides the huge quantities of arms and equipment. These developments, while further strengthening the army's position in Pakistan, had an unfortunate effect and were not at all blessings in the long run. First intervention created the Taliban, whom Pakistan exploited in the following years to strengthen its standing in Kabul. The second intervention by the United States, was to eliminate the Pakistan supported Taliban, who had in the meantime become the proclaimed guardians of the Islamic fundamentalism and allowed international terrorist organisations like the Al Qaida to set shop in Kabul, and in conjunction, had now challenged the Western world by declaring it the enemy of Islam. In turn, Afghanistan became the epicentre of international terrorism. This development too resulted in massive dose of military equipment being injected into Pakistan thus once again strengthening the military establishment further with serious and pernicious impact on the society and democratic institutions.

221. The United States and the West, failed to realise that in allowing itself to become the frontline state, Pakistan was fighting to protect its own strategic interest on its western border with
Afghanistan. It helped it to set up a client state in Kabul, to the exclusion of other powers, particularly India, which had then to wind up its mission in Kabul. The American intervention now, was against the Pakistan's strategic interests, it had built up in Kabul. In playing an acquiescent role, in joining the war against terrorism under the American threat, (as pointed out above, "or else"), one has to remember that during the period of Soviet intervention and in the intervening years, following the Soviet withdrawal, much of the Pakistan area adjoining its western borders with Afghanistan, too had come under the Taliban's influence and the Pakistani and Afghani Taliban had developed a synergy between them. Therefore rooting out Taliban from Kabul meant war against Pakistan's home-grown Taliban too. Much of Pakistan's military strength had to be deployed against its own Taliban in the Frontier Province and the adjoining Federally Administered Area, where they had a sort of complete freedom, shorn of sovereignty, right from the colonial period.

222. Pakistan's military establishment reckoned that defeat of the Taliban in Kabul, in the long run would result in the loss of a client state. India's massive economic programme to develop the economic and social infrastructure of Afghanistan, meant return of the Indian influence in Kabul, which too was anathema to Pakistan. Slowly but surely, the United States discovered Pakistan's fight against terrorism in Afghanistan was not only half-hearted but surreptitiously undercutting the American efforts, by encouraging terrorist groups fighting the United States. The presence of a number of Al Qaida top leaders including Osama bin Laden, despite Islamabad's denial of their presence
on Pakistani soil, though unconvincing to the United States, provided enough proof of Pakistan's perfidy. Pakistan may have gained some crumbs from the United States' munificence, but its duplicity established Pakistan as a terrorist state, where world terrorists could expect to find a safe haven, along with home grown elements. In the process, it, not only compromised and undermined its position in the eyes of the world, but also its sovereignty, where foreign powers, could with impunity, mount clandestine operations to hunt out the terrorists and even launch drone attacks on terror outfits operating from its soil, with or without its connivance.

223. Today Pakistan is besieged by extremism and terrorism in more than one way. There are radical religious groups fighting against each other. Islamic fundamentalism has spread its toxin to an extent that even the Pakistani liberal society has come under its attack and receded into the background. The assassination of one of Pakistan's most charismatic leaders, Benazir Bhutto, underlined the extent to which the Pakistani society had been brutalised. The army, in order to retain its stranglehold on the Pakistan polity and society, developed a vested interest in ensuring that Islamic fundamentalism retained its vice like grip on the institutions of the State. Despite the restoration of democracy after the overthrow of Musharraf led military regime, the democratic institutions are gasping for breath and their sustainability is tested almost by the day. Some false hopes were, indeed, raised that after several spells of disastrous military rule, Pakistan had perhaps realised, after all, that democracy, like liberty needs to be nurtured and cannot be taken
for granted. For it to succeed, socio-economic development of society was the pre-requisite. But development cannot come without peace, both internal and external. Pakistan has to realise that terrorism is the anti-thesis of both peace and development. In the case of Pakistan there are too many imponderables putting a question mark on the success of democracy. Unfortunately for Pakistan, the democratic government has come under severe attack from one of the strongest pillars of a democratic polity, the Supreme Court of Pakistan. The Supreme Court's challenge to the Government is so harsh, that the survival of the regime looks grim, and it should not surprise anyone, if the army were to strike once again.

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224. As stated in the very beginning, the origin of Pakistan was based on Islam. But one had hoped that in the age of reason, liberalism and socialism, and since much of the history of Pakistan movement was steeped in the democratic movement, Pakistan would move in the direction of a liberal society even if it was an Islamic society. The speech of Mohammad Ali Jinnah at the Constituent Assembly on August 11, 1947 raised those early hopes too. But alas, after his death, Pakistan moved towards the narrow path and created a theocratic state. Gradually, the ruling elite, whether democratic like Zulfikar Ali Bhutto or military like Zia-ul-Haq, in order to perpetuate their rule, fell back on Islamic fundamentalism, distorting noble Islamic values, thereby undermining the institutions of the state to their own benefit. It resulted in alternative political phenomenon promoted by both international
and national forces. As long as, state institutions were not distorted, benign Islam did no damage to society. It propagated righteous values and virtuous behaviour. It caused the greatest damage, when Islam was made to sub-serve the personal interests of individuals. Islam and Islamic fundamentalism are two distinct phenomena and they do not complement each other. One is antithesis of the other. It was the latter phenomenon, which proved pernicious and caused the maximum damage to the Pakistani society and state, because it promoted backwardness, social deprivation, a low level of consciousness, poverty and ignorance.

225. The people of India and Pakistan have lived side by side for centuries and in two separated independent states for more than six decades now. The partition was an opportunity for the two to go their own ways and build egalitarian societies for the benefit of their people in their own chosen way. Given the bonds of geography, history, and culture, it was expected that they would grow together complementing each other. Alas that was not to be. Pakistan used its Islamic self-consciousness based on two-nation theory, to keep alive the animosities of the past and added fresh ones to keep alive, the Indian bogey to contain democratic aspirations of its people, and create an anti-India bias in Pakistan. The feeling of insecurity that it sought to create for itself and its people, drove Pakistan to seek security from sources, which exploited it to their own end, while creating the mirage of security. In this process, it became a pawn in the cold war politics of great powers. Obsession with Kashmir drove Pakistan to an uncompromising confrontation with India, to
establish international connections which though brought it economic and military aid, used it as a base for confrontations of their own. But the internal consequences of a continuing confrontation with India have proved disastrous for Pakistan's socio-political growth and therefore its economic development too was stunted. Bangladesh was a direct result of this confrontationist mentality. Massive foreign involvement in Pakistan's militarisation also encouraged lopsided growth leading to an overwhelming role and influence of the military establishment in Pakistani society.

226. It is time for Pakistan to realise, that more than six decades of its existence, in confrontation with India, has only undermined its social, economic and democratic institutions and its development. India may have, to a great extent, succeeded in sensitising itself from Pakistan's baggage, but its growth and development has not remained unaffected. Both were one country, one economy, one market, one culture and one people. Going separate ways but living side by side, in peace and harmony, complementing each other, could have been a great asset in creating a prosperous South Asia, benefiting other smaller nations in the region too. Alas, South Asia after sixty five years of post-colonial history, remains the most volatile region, riven with poverty, ignorance, and disease. This has to end.
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## VOLUME-I

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2012. Press Note issued by the Government of Pakistan after the accession of Junagadh to the Indian Dominion.

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2018. Telegram from Pakistan Ministry of Foreign Affairs to Prime Minister of Kashmir.
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2055. Letter from Prime Minister Jawaharlal Nehru to UN Representative Dr. Frank Graham.
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2060. Record of Informal Discussions between the Official Committees of India and Pakistan on Kashmir from December 21 to December 29, 1953.
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2724. Joint statement issued at the end of India-Pakistan technical level talks for operationalization of Lahore-Amritsar bus service. 
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2739. Joint Statement issued at the conclusion of the India and Pakistan trade facilitation talks.

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2742. Summary record of the meeting between Rear-Admiral Viscount Mountbatten of Burma and representatives of India and Pakistan, for the acceptance of the Awards of the Punjab and Bengal Boundary Commissions.
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B. Note of Secretary, Ministry of Law commenting on the opinion of his Ministry on the interpretation of Radcliffe
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New Delhi, May 27, 1948.

C. Draft letter prepared by the Ministry of Law for the Government of Pakistan.

D. When the proposal was circulated to the Cabinet Ministers, Minister of Health Rajkumari Amrit Kaur had her reservation which she recorded in her Note as under:

E. The Cabinet at its meeting held on Friday the 26th June at 3 P.M. (Case No. 256/39/48) ordered:

F. Letter from the Ministry of External Affairs to the Government of Pakistan on the question of interpretation of the Award on Sylhet.

G. Reply from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs regarding interpretation of the Radcliffe’s Award on Sylhet.


H. Memorandum from Ministry of External Affairs to the Cabinet Secretariat regarding interpretation of the boundary between East Bengal and Assam.

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2747. Inter Dominion Conference—December 12, 1948.

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2748. Decisions of the Indo-Pakistan Boundary Disputes Tribunal under the Chairmanship of The Honourable Lord Justice Algot Bagge.

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2775. Letter from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs.

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2779. Letter from Pakistan Foreign Secretary to Commonwealth Secretary, Ministry of External Affairs.

2780. Letter from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs.
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2791. Letter from the Chief Minister of Assam B. P. Chaliha to Prime Minister Jawaharlal Nehru regarding situation on the Assam — East Pakistan border. February 1, 1958.


2794. Statement by Prime Minister Jawaharlal Nehru in Lok Sabha on border incidents on the Assam – East Pakistan border. New Delhi, March 31, 1958.


2796. Letter from the Deputy Pakistan High Commissioner in India to Prime Minister Jawaharlal Nehru conveying a message from the Pakistan Prime Minister. New Delhi, August 9, 1958.

2797. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Firoz Khan Noon. August 10, 1958.
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2810. Letter from the Ministry of External Affairs to Heads of Indian Mission abroad conveying them the results of the India – Pakistan talks on the borders.
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2811. Statement made in the Lok Sabha by Deputy Minister for External Affairs with reference to Calling Attention Notice No. 70 under Rule 97 by Shrimati Renu Chakravartty.
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2817. Letter from Commonwealth Secretary, Ministry of External Affairs M. J. Desai to Chief Secretary, West Bengal Government S. N. Ray.
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2818. Letter from Chief Minister of West Bengal Dr. B. C. Roy to Prime Minister Jawaharlal Nehru.
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2819. Summary of the proceedings of the Secretary-level Conference held in Karachi from February 23 to 25, 1959.

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INDIA-PAKISTAN RELATIONS

SECTION - I

POLITICAL RELATIONS

1947-1954
INDIA-PAKISTAN RELATIONS
0001. JOINT DEFENCE COUNCIL ORDER, 1947

11 August 1947

In exercise of the powers conferred by sub-section (1) of section 9 of the Indian Independence Act, 1947, and in pursuance of subsection (1) of section 11 thereof, the Governor – General is pleased to make the following Order:

(1) (i) This Order may be cited as the Joint Defence Council Order, 1947.

(ii) It shall come into force at once.

(iii) It shall cease to have effect on the first day of April, 1948.

Provided that the Governor – General of India and the Governor – General of Pakistan, acting jointly, may direct that this Order shall remain in force for such further period as may be specified in the direction.

(2) (i) The Interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(ii) In this Order,

‘Indian forces’ has the same meaning as in the Indian Independence Act, 1947.

‘Dominion forces’ means the armed forces of the Dominion of India or of Pakistan.

(3) (i) As from the 15th day of August, 1947, there shall be set up a Council to be known as the Joint Defence Council for India and Pakistan.

(ii) The said Council, hereinafter referred to as the Joint Defence Council, shall consist of

(1) The Governor – General of India,

(2) The Defence Minister of India,

(3) The Defence Minister of Pakistan, and

(4) The Supreme Commander of His Majesty’s Forces in India and Pakistan (hereinafter referred to as the Supreme Commander).

(4) The Governor – General of India shall be the independent Chairman of the Joint Defence Council.

(5) The person who at the date of the commencement of this Order is the Commander – in – Chief of His Majesty’s Forces in India shall be the Supreme Commander.
(6) (i) If a Defence Minister is for any reason unable to attend any meeting of the Joint Defence Council, he shall be entitled to depute another Minister or the High Commissioner for the Dominion concerned to attend the meeting in his place, and such other Minister or High Commissioner shall have for the purposes of that meeting all the powers of the Defence Minister.

(ii) If the Supreme Commander is for any reason unable to attend any meeting of the Joint Defence Council, he shall be entitled to depute a member of his 'Chiefs of Staff ' committee to attend the meeting in his place, and such member shall have for the purposes of that meeting all the powers of the Supreme Commander.

(7) At any meeting of the Joint Defence Council,

(a) A Defence Minister may be accompanied by another Minister;

(b) A Defence Minister or the Supreme Commander may call in to assist him at the meeting in an advisory capacity one or more experts.

(8) The Joint Defence Council shall be in exclusive control of

(a) The division of the Indian forces between the Dominions and their reconstitution as two separate Dominions forces;

(b) The allocation, transfer and movement of officers and men belonging to the Indian forces for the purposes of such reconstitution;

(c) The allocation, transfer and movement for the purposes of such reconstitution of plant, machinery, equipment and stores held by the Governor – General in Council immediately before the 15th day of August, 1947, for the purposes of the Indian forces;

(d) Such naval, military and air force establishments as the Joint Defence Council may specify, for such temporary period as that Council may consider necessary or expedient;

(e) The general administration of naval, military and air force law, and the maintenance of discipline, in the armed forces of each of the two Dominions;

(f) The general arrangements for the payment, food, clothing, medical attendance and equipment of the armed forces of each of the two Dominions;

(g) Any armed force which may be operating, or may hereafter be sent to operate, under joint command in such areas near the boundaries between the two Dominions as are for the time being declared by or under a Provincial law to be disturbed area;
(h) Any Indian forces which are for the time being overseas.

Provided that the control of the Joint Defence Council shall not extend,

(i) Except in relation to the forces mentioned in paragraphs (g) and (h) of this Article, to the disposition and operational control within the Dominion, and the local administration, of the armed forces of either Dominion, or

(ii) To the selection and recruitment of officers and men for the armed forces of either Dominion and their training, when such training takes place elsewhere than in a training establishment specified by the Joint Defence Council under paragraph (d) of this Article.

Provided further that the Joint Defence Council shall cause such measures to be taken as will enable them gradually to withdraw their control in respect of all or any of the matters mentioned in paragraphs (d), (e) and (f) of this Article with a view to the cessation of control as early as may be practicable and in any event before the 1st day of April, 1948.

(9) The executive authority of each of the two Dominions shall be so exercised as to give full effect to any orders or directions that may be made or given by the Joint Defence Council in the exercise of the powers conferred on them by this Order.

(10) The Supreme Commander shall be responsible for giving effect to the decisions of the Joint Defence Council and shall act in conformity with such directions as may be given to him in that behalf by the Joint Defence Council.

(11) The post and promotion of any officer of His Majesty’s forces who is not a member of, but is attached to or serving with, any of the Dominion forces, shall be made only in consultation with the Supreme Commander.

(12) Where by virtue of the provisions of this Order any members of the Indian Forces are for the time being subject to the command or control of the Supreme Commander, the Supreme Commander shall exercise

(a) In the case of such members as are subject to the Army Act, 1911, the powers of the Commander – in – Chief under that Act; and

(b) In the case of such members as are subject to the Indian Air Force Act, 1932, the powers of the Air Officer Commanding – in – Chief under that Act; and when any such powers are so exercised by the Supreme Commander, the powers of the Central Government under the Indian Army Act, 1911, or as the case may be, the Indian Air Force Act, 1932, shall be exercisable by the Joint Defence Council.
(13) There shall be two Joint Secretaries of the Joint Defence Council nominated, respectively, by the Governor – General of India and the Governor – General of Pakistan, and such other secretarial staff as may be appointed by or under the authority of the Joint Defence Council.

(14) There shall be set up by order of the Joint Defence Council a financial and accounting organization charged with the duty of scrutinizing and advising on proposals involving expenditure, giving financial sanction thereto and accounting for all the expenses referred to in the next succeeding Articles.

(15) All expenses incurred by or under authority derived from the Joint Defence Council or the Supreme Commander for carrying into effect the purposes of this Order shall be borne by the Dominions of India and Pakistan in such proportion as may be determined by the Joint Defence Council.

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0002. INDIAN INDEPENDENCE (PARTITION COUNCILS) ORDER, 1947.

12 August 1947

In exercise of the powers conferred by section 9 of the Indian Independence Act, 1947, and all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order:

(1) (i) This Order may be cited as the Indian Independence (Partition Councils) Order, 1947.

(ii) It shall come into force at once.

(2) The Interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) As from the fifteenth day of August, 1947, there shall be set up in the manner hereinafter provided 4 bodies to be known respectively as

   (i) The Partition Council for India and Pakistan,
   (ii) The Bengal Separation Council,
   (iii) The Punjab Partition Committee, and
   (iv) The Assam Separation Council.

(4) (i) The Partition Council for India and Pakistan shall consist of

   (a) two representatives of India who shall be Ministers of the Government of India, and
   (b) Two representatives of Pakistan, one of whom shall be a Minister of the Government of Pakistan and the other shall be either another such Minister or the High Commissioner for Pakistan in India.

(ii) The meetings of the Partition Council shall be held alternately under the chairmanship of one of the said representatives of India or one of the said representatives of Pakistan.

(iii) The High Commissioner for Pakistan in India shall be entitled to attend as an observer any of the meetings of the Partition Council at which Pakistan is represented by two Ministers.

(5) (i) The Bengal Separation Council shall consist of two representatives of East Bengal and two representatives of West Bengal.

(ii) The Punjab Partition Committee shall consist of two representatives of West Punjab and two representatives of East Punjab.

(iii) The Assam Separation Council shall consist of two representatives of East Bengal and two representatives of Assam.
(iv) The said representatives shall be such persons as may be
nominated by the Governor of the Province concerned, and different
persons may be nominated for different meetings of the Council or
Committee, as the case may be.

(6) The meetings of each of the bodies mentioned in Article (5) shall be
held (a) alternately in the capital towns of the two Provinces represented
on that body, and
(b) Under the chairmanship of the Governor of the Province in which
the meeting is so held.

For the purposes of this Article a series of meetings held in one place from day
to day shall be deemed to be a single meeting.

(7) It shall be the duty of each of the bodies mentioned in Article (3)
(a) to consider all questions relating to such of the matters mentioned
in Article (4) of the Arbitral Tribunal Order, 1947, as are the concern
of that body, and attempt to reach an agreed decision on all such
questions;
(b) In the event of their failure to reach an agreed decision on any
such question as aforesaid, to make a reference in accordance
with the provisions of the said Order to the Arbitral Tribunal set up
by that Order; and
(c) To consider any other question of common concern to the
Dominions of India and Pakistan or, as the case may be, to the
respective Provinces, arising in connection with transition to the

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ARBITRAL TRIBUNAL ORDER, 1947

In exercise of the powers conferred by section 9 of the Indian Independence
Act, 1947, and of all other powers enabling him in that behalf, the Governor –
General is pleased to make the following Order:

(1) (i) This Order may be cited as the Arbitral Tribunal Order, 1947.
(ii) It shall come into force at once.

(2) The interpretation Act, 1889, shall apply for the interpretation of this Order
as it applies for the interpretation of an Act of Parliament.

(3) (i) As from the Fourteenth day of August, 1947, there shall be set up
an Arbitral Tribunal (hereinafter referred to as ‘the Tribunal’) consisting of a Chairman who shall be nominated by the Governor
– General, and two members who shall be so nominated, one to represent the future Dominion of India and the other to represent the future Dominion of Pakistan.

(ii) If the office of the Chairman becomes vacant it shall be filled by such person as the Governor—General of the two Dominions may agree to nominate as Chairman, and if the office of a member becomes vacant it shall be filled by such person as the Governor—General of the Dominion concerned may nominate as member.

(4) (i) The Tribunal shall have power to make awards in respect of references made to it before the first day of December, 1947, or with the permission of the Chairman before the first day of January, 1948, by any of the bodies hereinafter mentioned being references relating to any of the following matters, namely:

(a) The division between the Dominions of India and Pakistan, of the assets and liabilities of the Governor—General in Council;

(b) The apportionment between the Dominions of India and Pakistan of expenses incurred by or under authority derived from the Joint Defence Council or the Supreme Commander for carrying into effect the purposes of the Joint Defence Council Order, 1947;

(c) The amount of assets and liabilities of the Reserve Bank of India to be transferred to Pakistan when the Reserve Bank of India ceases to be the bank of issue for Pakistan or the Central Bank of Pakistan;

(d) The apportionment between the Dominions of India and Pakistan of the current earnings of foreign exchange including current releases of sterling by His Majesty’s Government in the United Kingdom, during the period when the Reserve Bank of India administers common exchange controls on behalf of both the Dominions;

(e) The division between the new Provinces of East Bengal and West Bengal, of the assets and liabilities of the existing Province of Bengal;

(f) The allocation to the new Province of East Bengal of any of the assets and liabilities of the Province of Assam;

(g) The division between the new Provinces of West Punjab and East Punjab, of the assets and liabilities of the existing Province of the Punjab; and

(h) Any other matter arising directly out of partition.
(ii) The bodies referred to in paragraph (i) of this Article are the bodies which on the date of the commencement of this Order are known as

(a) The Partition Council,
(b) The Provisional Joint Defence Council,
(c) The Bengal Separation Council,
(d) The Punjab Partition Committee, and
(e) The Assam Separation Council, and the corresponding bodies which are to be set up as from the date of the establishment of the Dominions of India and Pakistan.

(iii) Whenever the appropriate body mentioned in paragraph (ii) of this Article is unable to reach an agreed decision in regard to a matter mentioned in sub – paragraphs (a) to (g) of paragraph (i) thereof, that body shall make a reference to the Tribunal, but before the first day December, 1947, or with the permission of the Chairman before the 1st day January, 1948, setting out as clearly as may be the matter or matters in difference.

(iv) Whenever any of the bodies mentioned in paragraph (ii) of this Article is unable to reach an agreed decision in regard to a matter mentioned in sub – paragraph (h) of paragraph (i) thereof, but is agreed that a reference should be made to the Tribunal, that body may make a reference before the first day of December, 1947, or with the permission of the Chairman before the first day of January, 1948, setting out as clearly as may be the matter or matters in difference.

(5) (i) Whenever any of the bodies mentioned in paragraph (ii) of Article (4) is unable to agree whether or not a matter is one in regard to which the body is required by paragraph (iii) of that Article to make a reference in the contingency mentioned therein, that question shall be referred to the Tribunal whose decision shall be final.

(ii) Where a question has been referred to the Tribunal under this Article,

a) If the two members of the Tribunal are agreed as to the decision to be given, such decision shall be the decision of the Tribunal; and

b) If the two members are not agreed, the Chairman shall decide the question and his decision shall be the decision of the Tribunal.

(6) In respect of any reference made to the Tribunal under Article (4):

(a) If the two members of the Tribunal are agreed as to the terms of the award to be made, the Chairman shall make the award in those terms; and
(b) In the event of disagreement between the two members with regard to any matter arising out of the reference, the Chairman shall decide such matter and make the award accordingly.

Provided that the body making the reference may, at any time before the award is made, withdraw the reference by notice in writing to the Tribunal.

(7) (i) Every award made in accordance with the provision of Article (6) shall be binding on the two Dominions and all Provinces and other parts thereof, and on all persons directly or indirectly concerned in or affected by the award.

(ii) Every such award shall be communicated forthwith by the Chairman to the body by which the reference was made, the Governments of the two Dominions, and the Governments of the Provinces concerned if any.

(8) (i) The Tribunal shall have power

(a) To make an award conditional or in the alternative;

(b) To correct any clerical mistake or error arising from any accidental slip or omission;

(c) Subject to the provisions of this order, to determine its own procedure; and

(d) To appoint such ministerial officers as it may find necessary.

(ii) The Tribunal shall have all the powers of a civil court for the purpose of receiving evidence, administering oaths, enforcing the attendance of witnesses and compelling the discovery and production of documents, and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of the Criminal Procedure, 1898.

(9) Nothing contained in the Arbitration Act, 1940, shall apply to proceedings before the Tribunal.
Joint Statement issued by Prime Minister of India Jawaharlal Nehru and Pakistan Prime Minister Liaquat Ali Khan for joint action to subdue violence.

Amritsar, August 18, 1947.

Three days ago, transfer of power took place in India and Pakistan and new Governments were installed. This historic event was celebrated with great enthusiasm almost everywhere except in the Punjab. In both West Punjab and in East Punjab, instead of rejoicing there was continuing disaster and suffering.

The first act of our Governments was to consider this serious situation in the Punjab and statements and appeals were immediately issued. On the morning of August 17 we visited Ambala and a conference was held there consisting of the Governors, Ministers and the senior officers of West and East Punjab. Sardar Baldev Singh, Defence Minister, India was present, as also the Deputy Supreme Commander (Army) and the Commander of the Punjab Boundary Force. We had also the advantage of conferring informally with the various leaders of communities, including Master Tara Singh and Giani Kartar Singh.

At this conference, it was unanimously decided that every possible step must be taken immediately to put an end to this orgy of violence, arson and crime both in East and West Punjab. These steps will include administrative and military arrangements, as well as an appeal by the leaders of the people. No government worthy of the name can tolerate such lawlessness and crime. The present Governments, whether at the Centre or in the Punjab, are new Governments, three days old, and they want to break from the past. They are fully responsible today for everything that occurs and they are determined to bring peace and order and security to the Punjab. It is clear that every community has suffered and will suffer if disorder continues. Arrangements have, therefore, been made for concerted action between the Governments of East and West Punjab, supported by the Central Governments and with the full cooperation of the leaders of all communities, to put down firmly and immediately all elements of disorder.

All officers of whatever grade and standing are desired to act according to this policy and they will be fully supported in any action taken in a bona fide manner. If disorder continues in an area this means the failure of any officer on duty there. The Governments of East and West Punjab and the Central Governments expect every officer, whatever his grade, to do his duty at this critical juncture without showing any partisanship or weakness.
Any steps that the Governments may take must necessarily depend on public support and we appeal, therefore, to the public of East and West Punjab to forget the past and give their full support to this policy and thus to help in suppressing anti-social elements which are a grave menace to all communities.

Both the Governments of the Punjab and the Central Governments will do their utmost to give help and succour to the evacuees and refugees.

We are confident that the measures which have now been initiated will succeed. Indeed, a marked change for the better is already noticeable. The Central Governments are giving first priority to the Punjab situation and will render the fullest assistance to the two provincial governments. What-ever the cost, peace and order will be restored.

0004. **Accusation by the Pakistan Prime Minister that India intended to sabotage Pakistan.**

**Lahore, September 14, 1947.**

Addressing the Punjab Muslim League Council in Lahore on September 14, Mr. Liaquat Ali Khan, Prime Minister of Pakistan, remarked that the carnage of Muslims in the East Punjab followed the execution of an unholy plan chalked out by the enemies of Pakistan to sabotage it on its very birth.

He regretted that the Government of India and of the East Punjab had not been able fully to implement the decisions jointly taken by Governments of Pakistan and India in Lahore but as an honourable nation he said we have scrupulously adhered to all the decisions.

He called upon the Muslims to face the present grave crisis with dauntless courage and grim determination to overcome it and assured that if they grappled with the calamity with resolution and perseverance they would emerge victorious.

The gruesome happenings in the East Punjab, he said, have deeply cut the heart of every Muslim. But it is no time to indulge in emotionalism as it will serve no useful purposes, rather it will help to destroy the chances of our recovery and regeneration. There never was a greater test for the character and courage of the Muslims in all their history.
Mr. Liaquat Ali Khan remarked that the carnage of Muslims in the East Punjab followed the execution of an unholy plan chalked out by the enemies of Pakistan to sabotage it on its very birth.

**Dream Frustrated**

Comparing present conditions in Pakistan with those in England during the last war, Mr. Liaquat Ali Khan said we are surrounded on all sides by forces which are out to destroy us. They fear that with the consolidation of Pakistan their cherished dream to rule all-over the sub-continent of India will not be realized.

The Pakistan Premier referred to the sufferings of the Muslims in the East Punjab and expressed the view that Muslims were routed only by the bayonets of the forces of law and order. It was his firm conviction that Muslims would have stoutly stuck to their posts if the military and the police had not turned on them.

**Evacuation**

Referring to the problem of evacuation of Muslims from the East Punjab, Mr. Liaquat Ali Khan said that his Government was determined to utilize all its resource for the rehabilitation of the Muslim refugees in Pakistan. No Government in the world, he added, was ever faced with the problem of refugees on such a gigantic scale as we are but we shall not shirk our duty to help them to any extent.

He regretted that the Governments of India and of the East Punjab had not been able fully to implement the decisions taken by the Governments of Pakistan and of India in Lahore, but as an honourable nation, he said, we have scrupulously adhered to all the decisions.

Mr. Liaquat Ali Khan suggested to the West Punjab Government to consider the availability of appointing a Minister exclusively for evacuation and rehabilitation operations and expand the Cabinet if necessary.
0005. Press Note issued by the Government of India on the decisions taken at the Lahore Conference.

New Delhi, September 15, 1947

A Press communiqué on the Lahore conference* decisions says: The Prime Minister, Pandit Nehru, gave a brief report of yesterday’s discussions at Lahore with representatives of the Governments of Pakistan and West Punjab, at today’s meeting of the Emergency Committee of the Cabinet.

In particular, he referred to the joint decision taken by both Governments to discontinue the practice of searching the evacuees in West or East Punjab.

Accordingly, he reported that the following order had been issued by the East Punjab Government:

“Irrespective of any controls or previous administrative orders to the contrary, no convoys of evacuees and no temporary camps of evacuees about to move from West to East Punjab and from East to West Punjab will be subjected to any kind of search either by the police or the military, and both Governments reiterate their previous decision that evacuees will be permitted to take away at their discretion and within the limits of transport available movable property including licensed weapons, food, domestic animals, carts and motor vehicles which are not licensed for public use.”

How to associate women with the recovery of abducted women and children was considered and the matter was referred to the United Council for Relief and Welfare for a report tomorrow (September 16).

Evacuation of Officials

The Royal Indian Air Force will evacuate stranded officials from Chaklala to India by air. The Committee also directed the Royal Indian navy to report whether stranded officials could not be brought by sea from Karachi to the nearest port in Gujarat of Kathiawar.

* The meeting which took place in Lahore was attended on the Indian side by the prime ministers of the two countries Jawaharlal Nehru and Liaquat Ali Khan, Defence Minister Baldev Singh, Governor of East Punjab Chandulal Trivedi, Home Minister of East Punjab Swaran Singh, General Carriappa of the Indian Army, Finance Minister of Pakistan Mr. Ghulam Mohammad, Governor of West Punjab Sir Francis Mudie, and members of the West Punjab Cabinet and C-in-C of the Pakistan Army General Messervy. The meeting was informed that there were only 45000 Hindus and Sikhs remained in NWFP. As regards Sind, Liaquat Ali Khan informed the meeting that the province was largely quiet and there was no mass evacuation of Hindus from Sind and the needs of those who were leaving Karachi and other places were being met by normal train services. Government of India appointed Mr. Tirlok Singh former private secretary to the Prime Minister Nehru as the Custodian of Evacuee Property in East Punjab.
An offer by officers and men of the Royal Scots Fusiliers who are in transit and who have volunteered to assist in running refugee camps in their spare time was gratefully accepted by the Committee. They will give their services equally to Hindu-Sikh and Muslim camps, but they will not be used as escorts.

The Press note says: A large number of women have been abducted. Some have already been rescued but a very considerable number still remain. It was suggested at the Lahore conference that organized steps be taken, with the co-operation of the East and West Punjab Governments and their police and military for the recovery of such women. It was further suggested that volunteer women workers be associated in this work and that the cooperation of women and relief organizations sought.

Women Volunteers Needed

The Governments of India and Pakistan are giving earnest consideration to this problem and it is hopped arrangements will be arrived at which will yield satisfactory results. It is requested that all persons in possession of information about abducted women should communicate to the Deputy Commissioner who will forward it to the Provincial Governments.

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0006. Press Conference by the Leader of Pakistan’s Delegation to the U. N. Zafrullah Khan regarding treatment of minorities in India.


Mr. Zafrullah Khan, Chief of the Pakistan Delegation to the U.N. Assembly, warned that unless the Government of India took steps “to end the slaughter of Muslims a formal complaint would be filed with the United Nations. If satisfaction is not obtained, the Government of Pakistan may have to resort to direct measures.”

Mr. Zafrullah Khan asserted that the Indian Government had done nothing to control the communal disturbances. Answering correspondents whether he was authorized by his Government to make a formal complaint to the Assembly, Mr. Zafrullah said: “Not yet, but if the situation is not adequately controlled immediately by the Dominion of India, I am expecting any moment to be asked by the Pakistan Government to raise the matter before the United Nations Assembly, as this situation constitutes a grave threat to the peace of the world.
“If this deliberate and planned extermination of a people continues unchecked by India. Pakistan as a last resort must seek satisfaction through the United Nations, and if it fails to get that satisfaction, it may have to resort to direct measures.”

Mr. Zafrullah said that killing of Muslims had been going on for more than a month in the province of East Punjab and lately in the Province of Delhi.”

He said that the horrible and ruthless killing in that part of India put the whole delegation of Pakistan in a very depressed and mournful mood, and added: “Naturally the delegation is very much concerned at the moment with the happenings in and near our homes where our dearest and nearest may at any moment be destroyed.”

“The responsibility for this rests entirely on the Government of India which so far has utterly failed to discharge its responsibility or even face it squarely.”

Mr. Zafrullah asserted that the only thing the Indian Government had done so far to control the trouble was “to appeal to reason but inflamed non-Muslim sections of the population cannot be expected to react to these appeals, particularly when the Government's own police force in many instances abetted and encouraged and even participated in the extermination of Muslims.”

0007. Statement to the Press by Prime Minister Jawaharlal Nehru expressing regrets at the speech of Pakistan Prime Minister Liaquat Ali Khan to the Muslim League Council.

New Delhi, September 17, 1947.

My attention has been drawn to a statement made by Mr. Liaquat Ali Khan, Prime Minister of Pakistan, to the Punjab Muslim League Council on September 14 at Lahore, in the course of which he is reported to have said:

(1) Today we (Pakistan) are surrounded on all sides by forces which are out to destroy us. They (these forces) feel that with the consolidation of Pakistan, their cherished dream to rule all over the sub-continent of India will not be realized;

(2) That the Muslims in East Punjab were routed only by the bullets and bayonets of the forces of law and order;

(3) That the Governments of India and East Punjab had not honoured and
implemented the decisions jointly taken by the Governments of the two Dominions in Lahore some days ago*.

I am both surprised and pained that these statements should have been made on the very day that representatives of the Governments of India and Pakistan met in Lahore to consider ways and means of making more effective the measures previously agreed upon to localize and end the present tragic situation.

It is well known that, before partition came, many of us sought to avert it. Since partition was decided upon, it has been the constant endeavour of the Government of India to discharge faithfully all their obligations flowing from that decision. Some of us still hope that, when the present unhappy commotion has ended and amity between the two communities has been restored, the two Dominions may, of the free will of their respective peoples, unite.

None of us, however, has thought of treating Pakistan as an enemy or harboured an intention to destroy it. It is unfortunate that any such motive should be imputed to the Government of India.

As regards Mr. Liaquat Ali Khan’s second charge, it is to be regretted, but it is true that there have been instances of dereliction of duty by the forces of law and order. Such dereliction, however, has not by any means been exclusive to the forces of the Government of India or of the East Punjab. It has been practiced on both sides of the border. My colleagues and I have publicly condemned it and we are doing our best, and not without success, to eliminate this serious defect.

It is fair, however, to record that, at least so far as the forces of law and order in India are concerned impartiality rather than partisanship has been the rule.

Mr. Liaquat Ali Khan has regretted that the Governments of India and East Punjab have not honoured and implemented the decisions jointly taken by the Governments of the two Dominions. I am not aware of any deviation from our undertakings. At the meeting in Lahore last Sunday, the only complaint placed before us by the representatives of the Government of Pakistan related to some delay in the movement of a Muslim convoy from Jullundur to West Punjab. The slight delay was due entirely to the need for giving the evacuees adequate protection. In fact, the convoy started soon after and is well on its way.

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*The conference of the representatives of the two Governments on 3 September 1947 spelt out measures for restoration of law and order and protection of refugees in East and West Punjab. The transfer of refugees from the two States was to be organized by military authorities under proper escorts. Steps were also stipulated to deal with forced conversions, seizure of property and damage to religious sites.
Every Muslim refugee camp in East Punjab, every group of evacuees has been given military protection. According to our agreement, the Pakistan forces were supposed to protect non-Muslim refugee camps and convoys in West Punjab. This has not been done adequately by them and because of this our task has grown greater and our forces have been stretched to the utmost. They have not grudged the strain. Everything that can be done is being done to discharge the obligations which we have assumed.

Another Pakistan Minister, Mr. Ghazanfar Ali Khan, is reported to have stated in an interview in Karachi, after a 21-day tour of the riot-affected areas in West Punjab only, that well over 100,000 casualties have occurred in East Punjab and about 10,000 in West Punjab. The figures of refugees mentioned by Mr. Ghazanfar Ali Khan are 1,100,000 from East Punjab to West Punjab and between 200,000 and 300,000 from West Punjab to East Punjab.

I am not aware on what data these figures are based; according to our information, they are completely wrong. No one can estimate even approximately at this stage the number of casualties, but we have some reason to believe that the casualties in West Punjab have been greater than in East Punjab. The figure of refugees, which is more accurately calculable, would appear to be roughly equal, at least so far, from both sides. About a million and a quarter have crossed the border from either side.

I do not wish to say anything that will add to the dangers of an atmosphere already surcharged with passion, and of a situation fraught with tragedy. We desire and seek nothing but a rapid restoration of peace and the establishment, on lasting foundations, of amity between Pakistan and India.

That has been the steadfast purpose and endeavour of my colleagues and myself; it will remain so. I can only say, and I say it with profound regret, that statements of the kind on which I have had to comment do not advance the cause of peace or friendship.

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Aide Memoire Prepared by Prime Minister Jawaharlal Nehru and handed over to Pakistan Prime Minister Liaquat Ali Khan on September 19, 1947 and a copy was sent to the British Prime Minister Attlee on September 24.

New Delhi, September 19, 1947.

Representatives of the Governments of India and Pakistan as well as the Governments of East and West Punjab have met repeatedly and passed a number of resolutions. Complaints have been made that these resolutions have not been fully implemented on either side. These complaints can be inquired into. But apart from the implementation of directions given by higher authority, an important question arises as to the general policy being pursued by the respective Governments. Unless there is full understanding and a belief in the sincerity of that policy on either side, it is not likely that any implementation will take place.

2. Without entering into past history and matters of controversy it is clear that on both sides of the Punjab as well as elsewhere many horrible things have happened and people have misbehaved. On the part of the Government of India we have both admonished our own people and taken action against them. On the part of the Pakistan Government no such thing has been done and it has been made to appear that all the fault lay with the Government and people of India, that the Government and people of Pakistan were blameless. This kind of attitude is not only utterly wrong and opposed to facts, but is also very irritating and leads people to think that the responsible authorities of the Pakistan Government are not sincere in their policy or statements.

3. Members of the Government of India and others in responsible positions have scrupulously avoided saying anything in public which might worsen the situation. They have not indulged in recrimination and such statements as have been made have been deliberately worded moderately so as to avoid offence. On the other hand, Mr. M. A. Jinnah’s recent statement confined itself to condemning in strong language happenings in East Punjab and Delhi and did not even mention what had happened in West Punjab, the Frontier and elsewhere in Pakistan. This statement was completely one-sided. Mr. Ghazanfar Ali Khan’s utterances have been bellicose and totally irresponsible. Sir Zafarullah Khan’s recent statement was amazing as coming from a representative of the Pakistan Government to the United Nations Assembly He adopted a warlike threatening attitude. Speeches and utterances like these necessarily increase the tension between the two countries and lead people to think that the real policy of Pakistan is not to promote peace but further conflict.
4. Newspapers appearing in Pakistan, notably *Dawn* in Karachi and the *Zamindar* in Lahore, as well as many other papers, have been full not only of the vilest accusations which have no basis in fact but also of threats of war and extermination of the Sikhs. The attention of the Pakistan authorities have been drawn to these previously, but no action appears to have been taken. The natural inference is that all this is in furtherance of a set policy by the Pakistan Government. If that is so, then there is not much point in carrying on conversations at high levels and coming to decisions which are negatived by this baseless propaganda. At one of the Joint Conferences it was decided to have concentration camps for armed bands. The East Punjab Government has passed an ordinance authorizing these to be done. Apparently West Punjab Government has taken no steps.

5. The East Punjab Government and the United Provinces Government have repeatedly imposed collective fines on villagers. No such fines have been imposed in West Punjab. Some months ago fines amounting to Rs.3,000,000 were imposed in Rawalpindi district. Apparently these fines have been remitted. Thus no real action is taken to punish evil-doers.

6. Repeatedly Indian troops and police have taken strong action against individuals or groups who have attacked camps, convoys or places of residence of Muslims. Heavy casualties have often been inflicted. The action taken by the West Punjab Government has been exceedingly feeble in such matters.

7. In his telegram, dated 17th September 1947, Mr. Liaquat Ali Khan stated that evacuees from West Punjab were moving peacefully in large numbers while evacuees from East Punjab were not moving at all. At the Lahore Conference this subject was fully discussed and it was made perfectly clear that we were doing our utmost to expedite the despatch of Muslim evacuees and otherwise, more especially the big Muslim convoy from Jullundur was being fully protected and expedited. The reason for a slight delay was explained. Actually the convoy moved the very first day via the Canal Road. Owing to heavy rain later this road became difficult and it was decided that in order to avoid delay the rest of the convoy should be taken via Amritsar with sufficient protection. Also the Bulldozed Road skirting Amritsar was rapidly made. Actually the convoy is passing through and we have now got three roads to be used alternately or simultaneously:

1. Canal Road
2. Bulldozed Road
3. Via Amritsar

8. It is clear from this that everything possible has been done to take the Muslim convoy to West Punjab. There has been no real delay. We are also
giving the fullest protection. Protection given to non-Muslim convoys from West Punjab is totally inadequate and they have been repeatedly attacked. Only recently these convoys have suffered heavy casualties at Balloke Head. In our anxiety to expedite and give full protection to the Muslim convoys from East to West Punjab we have used up 98 % of our forces in East Punjab for this purpose. The West Punjab Government, however, in spite of their agreement with us, have not provided any protection what-soever for non-Muslim convoys in West Punjab. We claim to have done our utmost to fulfill our obligations. The West Punjab Government has not done so.

9. Mr. Liaquat Ali Khan refers to the lack of medical attention and food among the Muslim refugees in East Punjab. He gives no instances and mentions no place.

10. As long ago as the 22nd August it was pointed out to the Pakistan authorities that there was a serious lack of food in East Punjab and they were requested to send foodstuffs which were due from the West Punjab to the East as the East is a deficit area and the West is a surplus. It was suggested that this could be adjusted later. We have tried our best to make our food go as far as possible.

11. It is surprising that in spite of the full explanation given and the real facts of the situation in regard to the Muslim convoys and the steady flow of Muslim evacuees from East Punjab, a threat is given that the lives of non-Muslim evacuees in West Punjab are in danger presumably as a kind of retaliation. It has been made perfectly clear on our side that we have strained our resources to the utmost to facilitate evacuation of Muslim refugees.

12. As for the statement that lawlessness prevails in Amritsar district and town, if serious occurrences are a test of lawlessness, far more have occurred on the West Punjab side. Recently among the non-Muslim refugees coming from Pakistan to Amritsar there were a number of men and women who have been stripped naked. Others had been searched rigorously and deprived of their belongings. The sight of these refugees and more specially the naked women infuriated people in Amritsar. Many other incidents have taken place as well as reports of attacks made on the non-Muslim camps and convoys. There are cases of refugees having had no food for several days and no adequate protection. Even now the huge convoy of 400,000 which is moving for East Punjab is not sufficiently protected. It is vulnerable and there is a danger of heavy casualties.

13. It is not understood what Mr. Liaquat Ali Khan means by saying that he cannot believe the excuse that troops are not available. We are not presenting any excuses to be accepted but are presenting facts in a co-operative way to
further a common task. If the attitude in regard to these conversations and communications is not friendly, then there is no particular purpose in having these conversations. Mr. Liaquat Ali Khan knows that we have been anxious to get back our troops from the Frontier Province and have repeatedly asked for it. It has not been our fault if there has been delay in their transfer. A majority of them are on their way to India now and they will, no doubt, be used to the best advantage. It must be stressed, however, that we cannot use up nearly all our troops in protecting Muslim convoys and in allowing non-Muslim convoys, which should be properly protected by the Pakistan Government, to face serious peril and danger.

14. Mr. Liaquat Ali Khan refers to the Indian Government’s responsibility in the Sikh States. He should be aware that under the terms of agreement and accession, the internal affairs of the States are not within the scope of the Indian Government. Nevertheless, we have been doing our utmost to impress upon the States that they should carry out the general policy agreed upon between the Indian and Pakistan Governments and we have intervened on numerous occasions in this matter.

15. In regard to the Pakistan employees and their families in Simla, steps are being taken to evacuate them to Pakistan.

16. Mr. Liaquat Ali Khan has suggested that I should make Amritsar my headquarters. I shall certainly go to Amritsar whenever need arises. But the control of operations generally rests in Delhi and I can be of more service by being in touch with these operations in Delhi than by cutting my-self away from them. We are trying to keep in constant touch with the East Punjab Government and one of our Ministers is likely to spend much of his time in East Punjab.

17. Numerous reports from West Punjab indicate that the situation there has greatly deteriorated and the condition of non-Muslim evacuees is very grave and full of danger. They have not got adequate protection and repeated attacks are made upon them. These attacks have been made at Balloke Head where casualties are said to number 500, at Dhaban Singh (casualties 60) and at Sacha Sauda. A train from Mia Channu which arrived at Lahore on the 16th afternoon had 12 casualties as well as one Gurkha escort killed and two wounded. A M.T. convoy escorted by Muslims going to Amritsar and carrying non-Muslim evacuees was attacked at the railway crossing in Lahore, casualties exceeding 15 killed and 30 injured. Sardar Bahadur Charanjit Singh, a retired railway official, was shot dead on the 18th morning near Ganga Ram Hospital. Reports from outlying districts of West Punjab indicate that the conditions are very bad. All this shows a state of lawlessness and lack of adequate protection which prevail in West Punjab.
18. It was decided on the 14th September that there should be no searches of evacuee camps or convoys. Subsequently, however, there was a thorough search at Wah station when everything, including cash, clothes, ornaments and licensed arms were taken away in spite of protests and a reference to the joint statement issued at Lahore. Searches have also taken place at Jhelum. At Wah it is reported that no food has been given at the camp for 4 days, nor has any food been provided for a month. Clothes were taken away by the camp people.

19. From among other places reports have come that licensed arms have been taken away by the West Punjab police. This is against the agreement arrived at some time ago, and these arms should be returned.

20. The position in D.I. Khan is stated to be desperate for the non-Muslim evacuees. It is reported that they are getting no food, and recently there was an attack upon them involving considerable casualties. Apparently, they have no adequate protection.

21. In Sind the situation is said to be progressively deteriorating. At Hyderabad station 15,000 people are reported to be waiting. These persons are said to be humiliated by the police and the National Guards, and various articles, including clothes, have been confiscated.

22. In West Punjab and Sind forcible conversions are reported to have taken place in very large numbers.

23. Reliable reports have reached us that tribal people from the North West Frontier have been brought, fully armed, in large numbers on motor transport to western Punjab. These H.T. convoys carrying them passed through Hasan Abdal and these tribal folks proclaimed loudly that they are going to invade eastern Punjab and they shouted “Chalo Delhi”. Their numbers are estimated at 50,000 or more. This act of bringing armed tribal people near the border can only lead to the conclusion that the Pakistan Government has unfriendly intentions towards India and is planning raids or some kind of a coup.

24. Government of India have raised no objection to the stationing of Pakistan representatives in any number in India. It is clear that the situation in the North West Frontier Province is very abnormal and full of danger to the non-Muslim inhabitants there. News does not come from that Province in any regular fashion and only recently there was a riot at D.I. Khan. In other places also the situation is very critical. The refusal for a Deputy High Commissioner to go there leads one to suspect that there is something to hide and there is fear of exposure. It was stated that a Deputy High Commissioner would require some kind of guard. While this may be true, that surely is not an excuse for objecting to his presence.
Indeed it is all the more reason for some representative of the Government of India to be there to help and soothe people there who look to that Government for relief.

25. When this proposal was first made, it was accepted by the Pakistan Government in principle although the name suggested was not approved of. Another name was then suggested and it was only then that objection in principle was raised. Later, in conversation with Mr. Liaquat Ali Khan, even this name was agreed to. But, subsequently, the Prime Minister of the North West Frontier Province raised difficulties. The Pakistan Government will, no doubt, appreciate that this objection to the stationing of our Deputy High Commissioner in Peshawar will not be considered a friendly act by the Indian Government and will increase the suspicions and apprehensions of our people.

26. When Sardar Abdur Rab Nishtar came to Delhi he was given a draft announcement regarding the evacuation which it was proposed to issue jointly by the Governments of India and Pakistan. This formal suggestion was made on behalf of the Government of India. But strangely enough no reply came from Pakistan. We are now informed that the matter has not even been considered yet by the Pakistan Cabinet. This delay in dealing with a vital matter does not lead to the conclusion that the Pakistan Government is applying itself seriously to the problems which have been jointly discussed so often.

27. Mr. Chundrigar, the Minister for Commerce in the Pakistan Government, has recently refused to give clearance to our shipping in Karachi on the ground that they must not go to Kathiawar port but must proceed direct to Bombay. This limitation and obstruction of our shipping plans appears totally uncalled for. The ships we intended sending were special chartered ships for the removal of evacuees and they did not interfere with the regular line.

28. We have been supplying vaccines to the Pakistan Government. A further order for a very large quantity has now been received. It is not clear why such a large quantity is needed and how it is going to be used. Is it going to be used for the non-Muslim evacuees among whom cholera has already broken out? In one of the joint statements of the two Governments it was stated that public institutions should be specially considered as trust property and allowed to function. We understand, however, that difficulties are being placed in the way of the Ganga Ram Hospital in Lahore.

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0009. **Press Note issued by the Government of India on the New Delhi Inter-Dominion Conference.**

**New Delhi, September 22, 1947.**

A conference was held in New Delhi on September 19 and 20 between the representatives of the Dominion Governments of India and Pakistan at which the following were present:

**Government of India:** The Prime Minister, Pandit Jawaharlal Nehru, Deputy Prime Minister, Sardar Patel, Sardar Baldev Singh, Dr. John Matthai, Mr. C. H. Bhabha, Mr. K. C. Neogy.—

**Government of Pakistan:** The Prime Minister, Mr. Liaquat Ali Khan and Mr. Ghulam Mohammad.

**Frank Discussions**

There were full and frank discussions and many complaints received by either Government were considered. Explanations were given or inquiries were promised to be made in regard to them. Regrettable incidents had taken place in both West and East Punjab and elsewhere. It was decided that details of these should be communicated by one Government to the other and it was agreed that these should be investigated and the persons found guilty should be drastically punished.

The two Governments were in complete accord that they should co-operate in the establishment of peaceful conditions. Any conception of conflict between India and Pakistan was repugnant not only on moral grounds but because any such conflict would result in disaster to both. The two Governments would, therefore, work, to the utmost to their capacity to remove causes of conflict and to reduce, as rapidly as possible, both, the area and intensity of the present communal conflict. In particular, it was decided that statements by responsible persons, which are either bellicose or one-sided, and which lead to irritation and ill-will, should be avoided.

It was pointed out that certain newspapers were giving publicity to completely false reports and writing editorials of a highly inflammatory nature. It was agreed that the Governments concerned should take steps to prevent the publication of such false and inflammatory material.

In order to maintain close contact between the Governments to facilitate joint consideration of problems, it was decided that frequent meetings should take place between the Ministers of the two Governments alternately in Delhi and Lahore. The Prime Minister of Pakistan stated that he proposed to make Lahore his headquarters till such time as conditions became more settled in the Punjab.
Movement of Convoys

The conference considered the issues of policy arising out of the movement of convoys in evacuees from East to West Punjab and from West to East Punjab and agreed on the following joint declaration. The situation in the Punjab has developed in such a way that a mass movement of Muslims from East Punjab and of non-Muslims from West Punjab is taking place.

The Governments of India and Pakistan have, therefore, decided that the movement of these people from East to West Punjab and vice versa is to have first priority. They have agreed to co-operate with each other on this matter to the fullest extent and to take all steps to ensure that the movements in both directions are completed with the greatest possible speed and with the fullest measure of security.

Both Governments appeal for the co-operation of every member of the public in this matter. Violence begets violence and it cannot be too strongly emphasized that any interference with the movement in either direction will inevitably delay and imperil the movement in the opposite direction. Consequently any persons who may attempt such interference will, in effect, grievously, injure their own people.

The Governments of India and Pakistan are resolved to use all available resources to expedite and secure the safety on these movements: and they have armed themselves with the most drastic powers to ensure that those found guilty are summarily dealt with in the severest manner.
0010. Cable of Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, September 23, 1947.

The High Commissioner of the United Kingdom has handed over to me copies of messages which have passed between you and the Prime Minister of the United Kingdom. I have read these messages with considerable amazement. Your telegrams to the Prime Minister of the United Kingdom contain a one-sided and exaggerated account of what has happened with which we cannot agree. But what has surprised me even more is the fact that you made no mention of this correspondence to any of us in Delhi on the occasion of last meeting. Your last telegram to the U. K. Prime Minister is dated 18th. You met me on the 19th and 20th and made no reference whatever to these messages. Further, the decisions we arrived at on the 19th were opposed in spirit and letter to the request you have made to the Prime Minister of the United Kingdom. I do not wish to discuss this matter any further at this stage, but I must point out to you that the whole purpose of representatives of the two Dominions meeting together and frankly discussing the situation and coming to conclusions is frustrated when other activities are carried on without our knowledge. This can lead to lack of faith and confidence and to the inference that no real value is attached to our conferences and decisions.

It seems to me that the only effective way to deal with this important situation that has arisen is for the Governments to have open and frank dealings with each other and cooperate in restoring peace and order. This has indeed been the policy declared repeatedly. Any outside intervention may actually be harmful because we would look to others for relief and not to ourselves. No outsider can solve our problems which are mainly psychological at present.

It is in this context that we have given our earnest consideration to your proposal about observers from U.N.O. being invited to India. It is not clear what the functions of these observers will be and it is obvious that it will take some considerable time before they can even function. It is quite possible that such a move may lead to greater difficulties being created in the way of the psychological understanding of the situation. We are anxious and eager to have impartial investigation whenever necessary. But such investigation should be entrusted to Indians whose impartiality cannot be doubted. Both Governments may nominate Indians who neither Hindu nor Muslim nor Sikh, or both can nominate judicial office who can tour together and report on various incidents. Such a procedure will not introduce any further complications, such as reference to foreign authorities or individuals might do.

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Cable of Indian Prime Minister Jawaharlal Nehru to the British Prime Minister C.R. Attlee.

New Delhi, September 24, 1947.

Your High Commissioner delivered to me last Sunday copies of the communications that have originated between you and Prime Minister of Pakistan. Beginning with latter's telegram to you dated 10th September 1947 and, ending with your telegram dated 20th September. I have handed to Sir Terence Shone for transmission to you by telegram (A) the text of an aide-memoire which I handed to Mr. Liaquat Ali Khan on 19th September which gives our appreciation of recent tragic events and (B) an agreed statement of the agreement as reached at a conference which some of my colleagues and I had with Mr. Liaquat Ali Khan and his Finance Minister on the same date. The Pakistan Prime Minister's account of happenings is so one-sided that I feel compelled to take steps to point out that the murder, arson, looting and offences against women of which he complains were begun in the Punjab by Muslims last March in Malaga and have continued practically without intermission though with varying intensity in West Punjab ever since. They are the result of two-nation theory and its concomitant doctrine of hate which Muslim League has been sedulously preaching for years.

In his telegram of September 16th, Prime Minister of Pakistan has asserted that Government of India are apparently unwilling or powerless to restore order. In his telegram of 18th he has stated "promises made, assurances given by Indian Government have not been translated into directions or schemes." Best answer to these charges is provided by prominent Muslims. On September 18th, day on which Mr. Liaquat Ali Khan's secret telegram was dispatched, Mr. Khaliquazzaman, one of the influential members of Working Committee of Muslim League, said: "It is not correct to say that Government of India are responsible for what has happened in spite of them and their efforts. It should be realized by Muslims of Pakistan that the whole prestige of Congress Government as well as Congress organization is involved in present struggle to restore peace in the country and Congress Ministries at the Centre and in the Provinces are striving hard to shoulder it."

On 19th the acting High Commissioner for Pakistan in New Delhi said: "The first thing that I wish to make clear is that no representative of Pakistan desires in any way directly or indirectly to question any measures that the Government of India considers desirable for restoring law and order. All Muslims believe that Mahatma Gandhi, Pandit Nehru and Mr. Neogy, in fact, all members of the Government, are genuinely anxious that existing panic should disappear; also that refugee camps are properly looked after."
2. In Para 5 of your telegram to Prime Minister of Pakistan dated the 15th September, you have said: “Nothing can help so much as continued contact, frank discussion and cooperation between the two governments, and encouraged by their conduct, similar attitude among their people.” That this has been both our policy and practice ever since the present troubles began. On our side, we have honestly and consistently endeavoured to act according to this policy. You can well understand, therefore, my surprise, not unmixed with resentment, that, even during our last meeting which took place on the 20th, Mr. Liaquat Ali Khan should not even have mentioned to me privately and personally the fact that he had been in communication with you and had suggested a conference with Commonwealth representatives. I confess the procedure adopted by him has been most extraordinary and, so far as I am aware, is without precedent in the history of Commonwealth relations. Both in our public utterances and in our private discussions with Pakistan Ministers, my colleagues and I have observed candour, forbearance and restraint. It is not my purpose to make suggestions on anyone. You must draw your own inferences from secrecy observed by Prime Minister of Pakistan regarding his correspondence with you.

3. In his telegram of September 10th the Prime Minister of Pakistan urged that the Government of United Kingdom, along with other members of Commonwealth, should immediately consider effective ways and means of saving the gravest situation in India which presents a serious threat not only to peace of this great sub-continent but that of whole world. As you will observe from agreed statement of conclusions reached by our conference with Prime Minister of Pakistan and his Finance Minister on 19th “any conception of a war between Pakistan and India is abhorrent, not merely on moral ground but for the reason that any such conflict would spell ruin to both of them”. We are convinced of the truth of this declaration and determined to adhere to it. If Government of Pakistan are similarly disposed, there should be no question of a war between the two Dominions. It follows that there should be no need to convene a conference of Commonwealth Ministers to discuss a contingency which, we are both determined, shall not arise.

4. Such a conference could therefore only consider ways and means of dealing with present situation, which is not one of war between two Dominions but of communal strife, over which appeals to reason and action of forces of law and order, at least in Dominion of India, are rapidly asserting themselves. In reference to East Punjab and in Delhi, the situation, though still difficult in parts, has materially improved. In the other provinces of the Dominion of India, the Provincial Governments have, throughout the disturbances, managed to maintain law and order; they have both the will and, I believe, the means to continue to do so. Our major anxiety now is for the safety of non-Muslim evacuees from West Punjab and certain other parts of Pakistan who have not
yet been able to move into safety of our borders. This is a problem of protection and transportation which only the two Dominion Governments can solve by the fullest cooperation at all levels. The resettlement and rehabilitation of refugees who have moved from one Dominion into the other is a problem to be handled by each Government separately. We have created a special Ministry for this purpose and, although, considering the very large numbers involved, our task will not be easy. This is not a responsibility the discharge of which need involve a threat to either Dominion.

5. Both of the problems are involved and their magnitude is such that no outside intervention, however well meant, could provide an effective solution. Physical measures, including the use of force to suppress disorder, however important, cannot be sufficient to quell an upheaval which is fundamentally psychological. On both sides of the border, the mind of the mass in it has been stirred and inflamed by gruesome deeds but, even more, by spirit of revenge which such deeds have aroused. Only leaders of communities, in both Dominions, can restore tranquility among the vast majority of their followers by appeals to goodwill and by practice of forbearance and restraint. At this stage, any discussion of the situation on a multinational plane outside India will only serve to revive controversy and to rekindle passions. For these reasons, and not from any desire to reject consultation or cooperation with the other Commonwealth Governments, I find myself unable to agree to the idea of convening a special conference with Commonwealth Governments to review or to deal with the present situation in India.

6. In the early stages of the disturbances, we were so completely occupied in dealing with a situation at once grave and fluid that it was not possible to keep representatives of friendly powers in Delhi informed of developments from day to day. But for over ten days now, military spokesmen have been holding conferences, to which heads of missions in Delhi have a standing invitation and which, at their own request, have now been reduced to two a week. For the information of the Commonwealth Governments, I shall now arrange that, hereafter, all official reports that we receive from our representatives in Pakistan and from our own officials in India should be communicated to the United Kingdom, the Canadian, and the Australian High Commissioners. This will enable the Governments of these countries to maintain an up-to-date picture of events in the disturbed areas. New Zealand and South Africa have no representatives in Delhi, but I shall be happy if you or Secretary of State for Commonwealth Relations will keep them informed also.

7. Since you have communicated to Prime Ministers of the Dominions the text of the correspondence that has passed between you and the Prime Minister of Pakistan, I would request text of my message to you, and of other papers
referred to in paragraph one of this message, should also be telegraphed to them and, of course, to the Prime Minister of Pakistan.

8. This and my immediately preceding telegram will be sent to Karachi by air mail on the 24th.

0012. Cable of Pakistan Prime Minister Liaquat Ali Khan to Prime Minister Jawaharlal Nehru.


YOUR TELEGRAM REGARDING CORRESPONDENCE BETWEEN (us) AND PRIME MINISTER OF UNITED KINGDOM. I NOTE THAT YOU DO NOT AGREE WITH MY ACCOUNT OF HAPPENINGS IN PUNJAB AND ELSEWHERE. YOUR OWN ACCOUNT AS GIVEN IN THE AIDE-MEMOIRE WHICH WAS HANDED TO ME IMMEDIATELY BEFORE CONFERENCE ON 19 SEPTEMBER IN DELHI IS REPLETE WITH UTTERLY UNFOUNDED ALLEGATIONS AND INSINUATIONS. I AM REPLACING TO THAT AIDE-MEMOIRE SEPARATELY AS I STATED AT THE TIME THAT I COULD NOT BE EXPECTED TO DEAL WITH IT WITHOUT FURTHER EXAMINATION AND INVESTIGATION.

2. THE CONFERENCES WE HAVE HAD SO FAR HAVE SERVED A USEFUL BUT LIMITED PURPOSE. AS I STATED IN MY TELEGRAM OF 9 SEPTEMBER TO YOU THE HAPPENINGS IN EAST PUNJAB AND IN DELHI ARE THE RESULT OF A PREARRANGED PLAN BY THE SIKHS AND CERTAIN OTHER ELEMENTS TO WIPE OUT MUSLIMS SECTOR BY SECTOR. I TRIED TO DRAW THE ATTENTION OF YOUR GOVERNMENT TO THIS ASPECT OF THE MATTER MANY A TIME AND STATED IN MY TELEGRAM TO YOU OF 12 SEPTEMBER THAT WE MUST COME TO GRIP WITH BASIC ISSUE WHICH IS DETERMINATION TO LIQUIDATE MUSLIMS IN EAST PUNJAB. I MUST SAY THAT YOUR GOVERNMENT HAS NOT BEEN PREPARED TO FACE THIS ISSUE WITH THE RESULT THAT CONFERENCES BETWEEN US SERVED ONLY TO MITIGATE ITS EVIL EFFECTS TO A CERTAIN EXTENT BUT DID NOT REMOVE ROOT CAUSE OF ALL THE TROUBLES. THE MAIN OUTCOME OF THESE
3. It was because we wanted to remain in continuous touch with you to secure your utmost cooperation that we repeatedly asked that joint conference of both governments should be held at highest level to devise joint measures. The Lahore conferences of 29 August and 3 September, the Lahore conference of 14 September and the Delhi conference of 19 September were all held at our request which shows that we have tried to do our very best in way of mutual consultation.

4. As I have said above results of achievements although useful were limited and in our intense anxiety to restore law and order and save thousands of innocent lives and misery to millions we felt that what had not been achieved by consultations between the two governments might be possible of achievement if the representatives of all dominion governments and United Kingdom met in conference to discuss the whole matter and to devise ways and means of securing peace. This method was not to supplant but to supplement the joint conferences between us.

5. Regarding your complaint that I did not make a reference to this matter in our meeting on 19 and 20 September I should mention that we had already on 18 September asked Prime Minister of United Kingdom to bring the matter to notice of all dominions including of course India dominion and as such it was left to United Kingdom Prime Minister to transmit correspondence to you.

6. My object in suggesting neutral observers from outside was partly to have an impartial account of these disturbances so that accusations of onesided versions are avoided and partly to apply psychological pressure on people to be on their best behaviour. We regret that you do not approve proposal.

7. Both dominions have accepted the principle of impartial investigation. The next question is what the personnel of the investigation commission should be. You have raised objections to foreign authorities. On the other
HAND THERE ARE OBVIOUS DIFFICULTIES IN THE WAY OF SELECTING PERSONNEL FROM WITHIN THE TWO DOMINIONS. WE HAVE ALREADY MADE A CONCRETE PROPOSAL THAT REPRESENTATIVES OF ALL THE DOMINIONS SHOULD MEET IMMEDIATELY AND THINK OUT WAYS AND MEANS OF BEST COURSE TO BE ADOPTED. THIS CONFERENCE SHOULD ALSO CONSIDER THE QUESTION OF APPOINTMENT OF AN IMPARTIAL COMMISSION AND ITS PERSONNEL. I TRUST YOU WILL BE ABLE TO AGREE TO THIS PROPOSAL.

8. LET ME ASSURE YOU AGAIN THAT WE HAVE ALWAYS BEEN READY AND EVEN NOW ARE READY AND WILLING TO DO ALL WE CAN BY COMMON EFFORT AND JOINT CONSULTATION AND CO-OPERATION TO RESTORE PEACE AND MAINTAIN LAW AND ORDER.

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0013. Cable of Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, September 30, 1947.

Please refer to your telegram dated 28 September. I shall not comment upon it in detail, but would limit myself to two points:

(i) In paragraph 4 you say that a conference of representatives of the U.K. and of the Dominions, including India and Pakistan, might help to devise ways and means of securing peace between India and Pakistan. Since in our joint statement of 20 September we have both agreed that the very idea of war between the two Dominion Governments is abhorrent morally and likely to prove ruinous to both, I do not see how the question of a breach of peace rises as between the two Governments. The problem which we have to face is mainly psychological and can hardly be dealt with by people, who, however well-intentioned, can, in the very nature of things, exercise little influence on mass opinion whether Hindu, Muslim or Sikh. It is a problem essentially to be dealt with by leaders and representatives of the two Dominions. India and Pakistan alone can solve and to that end bend all their energies. Your suggestion that the conference should devise ways and means of dealing with the present disturbances involves a considerable delay. A conference of the kind that you envisage will take some time to convene and our other efforts
might thereby be halted or weakened meanwhile. The restoration of order and normal relations between the communities in both Dominions is a problem of such urgency that its solution can brook no delay.

(ii) In paragraph 7 you suggest that the conference which you propose should also consider the question of the appointment of an impartial commission and its personnel. This is a new suggestion and I am unable to understand what the functions of the commission would be. Such commissions in the past have taken inordinate time and ended without producing any results.

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Lahore, October 7, 1947.

Only 54 days have passed since Pakistan came into being. In the history of nations and States, 54 days are but a moment. Yet it was the will of God that in this short span of time Pakistan should face calamities and tribulations which might well have daunted many a State more seasoned and mature than we had the chance to be.

When a few days ago, the Quaid-e-Azam broadcast to you from Lahore, we were confronted mainly with the upheaval in the Punjab. Today we see Delhi and its environs added to the long and dreary list of towns and villages where the murderer has been at work and where life has been made impossible for the followers of Islam.

In these 54 days, the enemies of Pakistan have indulged in their black hatred to their full. But Pakistan stands undaunted. Their foul deeds have bred for us a host of problems each of them of gigantic proportions, but the people of Pakistan stand firm in their resolve to face all calamities with faith and courage.

Can we say, however, that in these dark days, none of us in Pakistan raised his hand in revenge and retaliation? We cannot, alas say this truthfully. Undoubtedly some among us fouled their hearts with the desire to retaliate and to match evil.

Perhaps, there are still some among us who following the dictates of their passions or giving ear to the promptings of others, nurse evil feelings in their bosom. If there are any such, it is for them that I address these words.
Agreement on Division

My countrymen, we neither desired nor expected these bloody events to follow the attainment of Pakistan. The decision to divide the country was, after all, in the nature of a settlement which all parties had agreed to honour. We wished to render unto others what we wished them to render unto us, the right of a nation to live a life of peace, prosperity and self respect. To achieve this peace, for ourselves and for others, we even acquiesced in decisions and awards which we strongly felt to be less than just and less than fair.

We ardently wished, on the achievement of Pakistan, to put all bitterness and bickering behind us and apply ourselves peacefully to the task of building up our State and to work for the welfare of our people. Was it not in the interest of a newly-born State that it should have peace within and peace without in order to grow to its full manhood? Or does anyone think we were so foolish as to wish our hands full with disorders and upheavals?

Who among us could desire that hundreds of thousands of our Muslim brethren beyond our borders should lose their homes, their lives, and be driven out of the land where they and their ancestors had lived for centuries, to flee into the wilderness in mortal terror? We neither desired, nor intended nor expected this horrible future for millions of human beings. But those who resented Pakistan and grudged its peace and prosperity did not hesitate to poison our life-blood. Let them know that we shall face our calamities with undiminished courage.

Overwhelming Obstacles

Pakistan has bent all its powers to this end and geared its entire administration to the task of overcoming the worst obstacles that may be put in our path. And by the grace of God we shall not fail. Today I am more certain than before that if we do not lose our faith in ourselves and cast all fear from our minds, this troubled phase of our national life will soon pass. We have to turn to our future without losing a single day or a single minute. For Pakistan is not a shooting star that shines for a brief moment. Pakistan will not die. It is a matter of greatest urgency, therefore, that we should soon get out of our present troubles and start to build.

In order to build; we must have peace. Therefore, those who talk to you of war and conflict are not your friends. Beware of them and stop counting your gains and your losses in the gamble of death and destruction. Turn your faces to the future. Those who whisper revenge and retaliation to you seek to lead our energies to waste and ruin. We have a great deal to do that is of that utmost importance to us.

We in the Government are firmly resolved to put down all disorder with a firm hand. Please help us in this, the greatest of all national duties today. Those
who have the slightest political sense know that any conflict between the two Dominions is suicidal for both. You can be sure, therefore, that peace is just as important for India as it is for us and that those who disturb the peace across the border are stabbing their own country in the back. This is as plain as daylight to everyone who knows the barest elements of the situation. If we forget or ignore this truth, we shall be stabbing Pakistan in the back.

Also please remember that we have on many occasions taken the pledge before our conscience and before the world that Pakistan shall conduct itself according to the principles of tolerance. Justice and fair-play. Please look into your hearts and ask yourselves whether, you really tried; you have not forgotten the lesson that God and his Prophet taught the whole of mankind, whether your own calamities and sufferings have not made you callous to the sufferings of others.

I am putting this in particular to my fellow Muslims. The whole world knows that it is not we who did the greater wrong, but that is no great consolation to me.

I still consider it a disgrace for Pakistan that in certain parts of West Punjab the majority should have failed in their duty to protect the minorities.

Nor is the name of the Frontier Province, or for that matter of Baluchistan and Sind, entirely unsullied, even though the ugly incidents in these parts were comparatively minor. How dare I compare, you will explain, these lamentable but comparatively minor incidents, with the bestiality and revolting brutality that was let loose upon large tracts in India?

This argument, I am afraid, will not help us, for retaliation is to be condemned under all circumstances. I appeal to you, therefore, to desist from it. I say so not because if you did not desist you would be exposing fellow Muslims in the other Dominion to yet greater peril. To talk in terms of expediency in these days would be to disgrace our moral sense. I urge you to show tolerance, forbearance and to protect the weak and less numerous, because this is what we fought freedom for.

Did we not always intend to build Pakistan not on violence and aggression, but on the love of humanity and fair-play? Should we then trample these principles under feet because others are doing likewise? I know that those among you who are not blooded and have been embittered by their sufferings, will find my word unpalatable but I beg them to control themselves and to be quite sure that if we do not purge our heart of all feelings of revenge and violence, Pakistan will not be the country we longed for.

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Dear Lord Mountbatten,

As you know, we have been trying our best to have meetings and conferences with representatives of the Pakistan Government. The conferences we held thus far have yielded some results. We have attached importance to maintaining these personal contacts at a high level. We have tried to bring together the Ministers and Governors of East and West Punjab. There were proposals for the exchange of information also between the two Provincial Governments.

The West Punjab Government has not cooperated to any appreciable extent in these attempts. For a considerable time the East Punjab Government sent them their situation reports, but the West Punjab Government did not send information from their side. The Governor of East Punjab complained about this repeatedly and he has again been drawing our attention to the fact that he does not get any reply from the Governor of West Punjab.

Recently we have put forward several proposals for some kind of joint functioning or joint consideration of problems by the East and West Punjab Governments. Mr. Neogy and Mr. Gopalaswami Ayyangar discussed these proposals day before yesterday at the Lahore conference and came back disappointed, as none of them were accepted. It seems clear from their report that the main obstacle in their way was Governor Mudie. Some of the West Punjab Ministers would agree to the proposals or would initiate it, but Sir Francis Mudie would reject it. It seems to be the set policy pursued by Governor Mudie, and apparently accepted by the Provincial Government, that they should have as little to do as possible with the East Punjab Government, or even representatives of the Dominion of India. I have reason to believe that Governor Mudie dislikes not only my going to Lahore or anyone else representing our Government.

This makes it difficult for any of us to thrust ourselves on the West Punjab Government. Personally, I have no desire to go to Lahore if this is the kind of reception that awaits me there, but this is not a personal matter and it is something which is having unfortunate consequences. Obviously, our difficulties will be far greater if contacts between the East and West Punjab and the two Dominions begin to fade away. Those contacts have thus far been maintained because of the mutual desire of the Ministers on both sides, but Sir Francis Mudie's likes and dislikes and the general policy he has pursued, is now making it difficult to continue these contacts. It was no pleasure to me to go to Lahore
to meet him, as his past record in India has been one which has made him publicly disliked by large numbers of people. That record has been a destructive record and one of creating friction and preventing any united functioning. What his objective may be it is difficult for me to say. He has now gathered round himself some other retired British civil service men from the U.P. and the Punjab who have also gained in the past a most unenviable reputation. All this does not help.

I do not know if you can do anything in the matter. I am writing to you chiefly because I felt that you should know how I feel about this and because in future my going to Lahore may be affected by the attitude that Sir Francis Mudie has taken up. Unfortunately, what Sir Francis Mudie says or does influences public opinion and, somehow or other in the present tense state of affairs, affects Indian reactions to British officials. Quite wrongly they judge from individuals.

About a year ago I wrote a number of letters to Lord Wavell about Sir Francis Mudie who was then functioning as Governor of Sind. I pointed out that Governor Mudie had been guilty of misbehaviour and that he had acted improperly in many matters. I described this then as a public scandal. Lord Wavell agreed with me that Governor Mudie had acted wrongly, but he did not judge him quite so harshly as I did, or take any action in the matter. Now Mudie is functioning in West Punjab at a critical moment in the history of India and it is a matter of deep concern to me that he should be in a position to sabotage our efforts to settle our problems amicably. In the past, in my opinion and the opinion of many of my colleagues, he has done great injury for the cause of India and helped in sowing the seeds of disruption. The present is an even more dangerous time to experiment in this way.

Yours sincerely

Jawaharlal Nehru
0016. Press Note issued by the Government of Pakistan on the decisions of the Inter-Dominion Conference held at Lahore.

Lahore, October 9, 1947.

The proposal made by the representatives of India that some sort of a coordinating body should be set up at ministerial level to deal with the problems arising out of the existing state of affairs in the East and West Punjab was not accepted by the representatives of Pakistan who, however, agreed that as occasion arose meetings at provincial and administrative level might be held by the Ministers or officials concerned to discuss particular problems.

It was agreed on by both Dominions regarding the prohibition of searches of evacuees' convoys and evacuee camps should be implemented by provincial governments other than those of the East and West Punjab also.

The representatives of Pakistan accepted the proposal that persons sent by evacuees to move property from their premises in the West Punjab who might receive identification certificates from the India Deputy Commissioner at Lahore be allowed to remove that property.

The Pakistan representatives agreed to consider any concrete proposals regarding insurance companies put forward by the Government of India.

Evacuees' Property

It was agreed that both Governments should consider questions regarding the treatment of property left behind by evacuees and make proposals with the object of carrying out a common policy.

It was agreed that there should be very close co-operation between the custodians of evacuee property of the East and West Punjab.

The Pakistan representatives agreed to give to the Government of India copies of the discussions which the Minister of Finance, Pakistan had with the Lahore banks.

The representatives of India agreed to examine the circumstances in which the Deputy Commissioner, Ambala, induced all Muslims to leave their houses in 48 hours and communicate the result of their inquiry to the Government of Pakistan. They also agreed to look into the complaint that food and protection were not being given to Muslim evacuees in Ambala division.

The representatives of Pakistan agreed to examine the complaint regarding the feeding of evacuees in the NWFP if details of that complaint were supplied by the Government of India.
It was agreed by both Governments that the minimum guard and escort to be provided for district liaison officers was one and four.

**Evacuation Plans**

It was agreed that plans of evacuation will be prepared on the basis of the total figure of Muslim population in the East Punjab including non-Muslim states and the total figure of non-Muslim population in the West Punjab and NWFP. The figures of population will be based on 1941 census.

It was the responsibility of the East and West Punjab Governments to provide facilities and arrange for the evacuation of minorities leaving their areas and the two Governments should co-ordinate their plans to effect speedy evacuation.

The evacuee movement organizations of the two Governments should draw up within a week their joint plans for evacuation and then the representatives of the two Dominion Governments should meet to take final decision.

0017. Exchange of correspondence between the Pakistan High Commission in India and the Ministry of Home Affairs regarding reciprocal arrangement for officer of one Dominion arrested in the other.

**Office of the High Commissioner for Pakistan in India**

No. PC/P/8 – 60 New Delhi, the 14th/15th October, 1947

Dear Sardar Patel,

Your letter of 13th October 1947 for which many thanks

2. I agree without any hesitation that there ought to be full reciprocity in the matter of treatment of the officers of one Government if they are arrested by another Government.

3. As far as I can see our reciprocal arrangements would cover the following points:-

(i) When any official is arrested, information should be supplied immediately to the High Commissioner or one of his representatives, stating the name of the officer, the circumstances in which the arrest has taken place and the charges against him.
In case the official or his Government is unable to arrange for his defence, the Government of the Dominion responsible for his arrest should arrange for defence and intimate the arrangements made to the Government official, as well as the High Commissioner.

If the High Commissioner or one of his representatives is in a position to produce any facts from which it would appear that the charges are of a vexatious character or are unfounded, the Government of the Dominion where the arrest has been made will take action to withdraw the case.

4. If you agree with the above, I will telegraph to my Government and obtain their concurrence.

Yours Sincerely

Sd/- Zahid Husain.

Hon’ble Sardar Vallabbhai Patel,
Minister of Interior, Govt. of India,
New Delhi.

Letter from the Deputy Prime Minister Sardar Vallabbhai Patel to the Pakistan High Commissioner Zahid Hussain.

New Delhi, November 8, 1947.

Thank you for your letter No. PC/P/8 – 60 of the 15th October 1947. Official proposals regarding the reciprocal arrangement on the subject covered by our correspondence would now be made to you by the Home Ministry.

2. I am sorry it has not been possible for us to agree to item (iii) of para. 3 of your letter in the form in which you have stated it, but we would of course give every consideration to any representations which you might like to make on behalf of your officials and we hope that the same consideration would be extended to the representations from our High Commissioner in Pakistan.

Yours Sincerely,

(Vallabbhai Patel)

Zahid Husain, Esq.,
High Commissioner for Pakistan in India,
8 – B, Hardinge Avenue,
New Delhi.
No. D. 6744 – D/47 – Poll (I)

Government of India
Ministry of Home Affairs

From: R.N. Banerjee, Esquire, CSI, CIE, ICS.,
Secretary to the Government of India.

To: The High Commissioner for Pakistan in India,
New Delhi.

New Delhi, the 19/20th November, 1947.

Subject: Officers of Pakistan Government — arrested in India and vice versa – reciprocal arrangements regarding.

Sir,

I am directed to refer to the correspondence resting with the Demi–official letter from the Hon'ble the Home Minister dated the 8th November, 1947, and to say that the Government of India consider that the reciprocal arrangements that may be agreed to between the two Governments should extend to all officers of one Dominion who reside, whether on duty or on leave or otherwise, in the other Dominion.

2. The Government of India agree to item (i) of para. 3 of your letter No. PC/P/8 – 60 dated the 14th October, 1947.

3. As regards item (ii), the Govt. of India consider that the primary responsibility for making arrangements for defence should rest on the arrested officer, or failing him, on the High Commissioner concerned. The respective Governments should however give all reasonable facilities for that purpose.

4. That Hon'ble the Home Minister has already explained to you in his demi–official letter referred to above that it is not possible for the Government of India to agree to item (iii) of your letter in the form in which you have stated it, but that the Government of India will give every consideration to any representation which you might like to make on behalf of any of your officials.

5. The Government of India hope that you will place these proposals before your Government and intimate the result to the Government of India so that reciprocal arrangements on these lines may be entered into between the two Dominions.

I have the honour to be,
Sir,
Your most obedient servant,
To
The Secretary to the Govt. of India,
Ministry of Home Affairs,
New Delhi.

Sub: Officers of Pakistan Government arrested in India and *vice versa* reciprocal arrangement regarding.

Sir,

I have the honour to invite a reference to the Government of India, Ministry of Home Affairs' letter No. 6744 – D/47 – Pol (I), dated 19th November, 1947 on the subject noted above

2. The Government of Pakistan agree to enter into reciprocal arrangement with the Government of India about item (i) of para 3 of my predecessor’s letter No. PC/P/8 -60 dated the 15th October 1947 to the Hon’ble the Home Minister. I enclose herewith a copy of the instructions which the Government of Pakistan have issued in this connection to their Provincial Governments; and request that I may kindly be furnished with a copy of the instructions which may be issued by the Govt. of India on the subject.

I have the honour to be,
Sir,

Your most obedient servant.

K. Shahabuddin
High Commissioner for Pakistan in India.

ENCLOSURE TO THE ABOVE LETTER:

From : The Secretary to the Govt. of Pakistan,
Ministry of Foreign Affairs and Commonwealth Relations,
Karachi.

To : The Chief Secretary to the Govt. of West Punjab
Govt. of N.W.F.P., Govt. of Sind
Govt. of the East Bengal
The Hon’ble the Agent to the
Governor General and Chief Commissioner in Baluchistan.


There have been in the past, some cases of arrests of the officials of Pakistan in India and of the officials of India in Pakistan. On account of proximity of both these Dominions and conditions peculiar to them, it is likely that such cases will keep cropping up from time to time. With a view to extending as much assistance as possible to these officials, the Government of Pakistan suggested to the Govt. of India that their High Commissioner in India should be informed of the arrest, as soon as it takes place, of an official of Pakistan in India, with his name, circumstances under which the arrest took place and the charges against him. The Government of India express their readiness to accept this suggestion provided the Government of Pakistan adopted a similar procedure with regard to the officials of India, arrested in Pakistani. This arrangement was to cover all officials of one Dominion who reside, whether on duty or on leave or otherwise, in the other Dominion. The Government of Pakistan have accordingly authorized their High Commissioner in India to enter into an agreement with the Government of India on these lines. You are therefore requested kindly to inform this Ministry of the arrests, as soon as they take place, of the officials of the Government of India, in Pakistan with full particulars as indicated above, so that the High Commissioner for India in Pakistan may be informed accordingly.

Sd/-

Nasim Husain
for Secretary to the Govt. of Pakistan.
0018. Press Communique issued by the Indian Ministry of Information and Broadcasting announcing the adoption of the Voluntary Press Code contained in the Resolution of the All India Newspaper Editors Conference.

New Delhi, October 21, 1947.

The President of the Standing Committee of the All India Newspaper Editors Conference has forwarded to the Government of India the following resolution adopted at the meeting held in Bombay on October 11, 1947:

“1. The Standing Committee of the A.I.N.E.C. is of the opinion that the present multiplicity of Codes and Conventions obtaining in the Centre and the Provinces should be replaced by a general uniform convention to be followed throughout the Dominion of India. In pursuance of this and while the present emergency lasts and until the position is again reviewed in the light of experience, newspapers and news agencies shall be guided by the following Conventions in the treatment of news, comments and other matter, bearing in mind the need for the cultivation of harmonious relations between the various sections of the people and the paramount obligation of the Press to contribute in a positive way to the restoration and maintenance peaceful conditions in the country.

(a) All editorial comments, expression of opinion whether through statements, letters to the Editor, or in any other form, shall be restrained and free from scurrilous attacks against leaders or communities, and there shall be no incitement to violence.

(b) News of incidents involving loss of life, lawlessness, arson, etc. shall be described and reported in strictly objective terms and shall not be heavily displayed.

(c) Items of news calculated to make for peace and harmony and to help in the restoration and maintenance of law and order, shall be given prominence and precedence over other news.

(d) The greatest caution shall be exercised in the selection and publication of pictures, cartoons, poems, etc.

(e) Figures of casualties and names of communities shall not be mentioned in headlines.

(f) The source from which casualty figures are obtained shall always be indicated and no figures shall be circulated or published without the fullest possible verification.
(g) Nothing shall be published that is in conflict with the safety of the State.

2. Provincial Press Committees will be free to come to any working arrangements, not inconsistent with the above, with Provincial Governments.

3. As the conditions under which an *Ad Hoc* Committee was brought into being at Delhi at the instance of the Central Government no longer exist, the *Ad Hoc* Committee which has served its purposes, now lapses."

Consistent with their policy of allowing maximum possible freedom to the press and appreciating the value of a uniform code voluntarily adopted by its accredited representatives, the Government of India have decided to accept it as a working arrangement in the belief that it will help in the supreme task of the restoration and maintenance of peaceful conditions in the country. The Standing Committee have apparently come to the conclusion that the working of this voluntary code should be left to the good sense and responsibility of the Editors themselves rather than to a representative Central body of theirs. The Government of India accept this arrangement in the hope that all sections of the press throughout the Dominion will make a positive and determined effort to adhere to the code in spirit as well as in letter. They take this opportunity of thanking the members of the *ad hoc* Committee for their valuable cooperation and assistance in a delicate task.

The All India Newspaper Editor Conference, the Central press Advisory Committee and the Provincial Press Advisory Committees will continue to function and will receive the same recognition at the hands of the Central and Provincial Governments as heretofore.

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0019. Record of the talks held between Governor General Mountbatten and Pakistan Prime Minister Liaquat Ali Khan.

Lahore, November 1, 1947.

[As recorded by Lord Mountbatten]

[Having made the excuse of Mr. Liaquat Ali Khan’s illness to enable me to take Pandit Nehru to Lahore for a joint Defence Council meeting, I felt it was essential that part of the J. D. C. meeting should take place in Mr. Liaquat Ali Khan’s presence. On arrival at Lahore, however, I discovered that he was still too ill to come to Government House. I, therefore, got rid of 24 of the 26 items on the agenda with Mr. Nishtar as the Pakistan Government’s representative, and then the whole J. D. C. moved down to the Pakistan Prime Minister’s House and continued the meeting in his bedroom. Liaquat was sitting up with a rug round his knees still looking very ill.]

[After the two controversial items had been disposed off everyone left the room excepting Mr. Liaquat Ali Khan, Lord Ismay and myself.]

I began by giving him the statement by the Indian Chiefs of Staff on the sequence of events in Kashmir which I took back from him after he had read it.

I then proceeded to explain the position as I saw it, beginning with the accession of Junagadh and going on through the whole history of the Kashmir situation.

As so much of this is the same as I was later to repeat to Mr. Jinnah, it is not recorded at length.

The burden of Mr. Liaquat Ali Khan’s contention was that the Maharaja had categorically refused any form of negotiations or even discussions with Pakistan and that he had brought about a serious situation by allowing his Hindus, and in particular his State forces, to massacre Muslims in the Poonch and Mirpur areas and across the border of Jammu.

This had been more than the tribes could stand and this was the origin of their raid on Srinagar.

I asked him whether he expected us to believe that Afridis and Mahsuds could have come from beyond Peshawar in motor transport without the Government of Pakistan being at least aware of this. He did not deny knowledge of the movement but defended himself by saying that if they had made any attempt to interfere with the movement of tribes in their own buses this would have precipitated trouble with the rest of the tribes on the Frontier.
I told him that my Government were quite sincere in their offer of a plebiscite, and showed him the draft formula which would also cover Junagadh.

Mr. Liaquat Ali Khan appeared to be very depressed and almost disinclined to make any further effort to avoid war. Lord Ismay and I did our best to cheer him up, the former pointing out that, if the leaders on either side abandoned hope of peace, all was indeed lost.

As time was getting on and as Mr. Liaquat Ali Khan looked very tired, we said we would go back to lunch with Mr. Jinnah at Government House and after discussion with him, we would, if he wished, come back and continue our conversation with the Prime Minister. This he gladly accepted and bade us a very friendly  
au revoir.

MOUNTBATTEN’S DISCUSSION WITH MR. JINNAH, DATED 1 NOVEMBER 1947

INTRODUCTION

In the course of 3 1/2 hours of the most arduous and concentrated conversation, Kashmir took up most of the time Junagadh took next place and Hyderabad the least. We darted about between these three subjects as well as talking about the over-all policy affecting States. I have divided this note into four parts, although this was not necessarily the order in which the subjects discussed nor of course were all the remarks made consecutively.

PART I: INDIA’S POLICY TOWARDS STATES WHOSE ACCESSION WAS IN DISPUTE

I pointed out the similarity between the cases of Junagadh and Kashmir and suggested that plebiscites should be held under UNO as soon as conditions permitted. I told Mr. Jinnah that I had drafted out in the aeroplane a formula which I had not yet shown to my Government but to which I thought they might agree. This was the formula:

“The Governments of India and Pakistan agree that, where the ruler of a State does not belong to the community to which the majority of his subjects belong, and where the State has not acceded to that Dominion whose majority community is the same as the State’s, the question of whether the State should finally accede to one or the other of the Dominions should in all cases be decided by an impartial reference to the will of the people.”

Mr. Jinnah’s first observation was that it was redundant and undesirable to have a plebiscite when it was quite clear that States should go according to
their majority population, and if we would give him the accession of Kashmir he would offer to urge the accession of Junagadh direct to India.

I told him that my Government would never agree to change the accession of a state against the wishes of the ruler or the Government that made the accession unless a plebiscite showed that the particular accession was not favoured by the people.

Mr. Jinnah then went on to say that he could not accept a formula if it was so drafted as to include Hyderabad, since he pointed out that Hyderabad did not wish to accede to either Dominion and he could not be a party to coercing them to accession.

I offered to put in some reference to States whose accession was in dispute “to try and get round the Hyderabad difficulty” and he said that he would give that his careful consideration if it was put to him.

I then pointed out that he really could not expect a principle to be applied in the case of Kashmir if it was not applied in the case of Junagadh and Hyderabad, but that we naturally would not expect him to be a party to compulsory accession against the wishes of the Nizam.

PART II: HYDERABAD

I told Mr. Jinnah how much I regretted that at this serious moment he should have been compromised by the behaviour of the Ittehad-ul-Muslmīn’s delegation to Karachi:

He asked me what I meant. I told him that the two delegates, Yamin Zuberi and his companion, who had been reported by the Press as having seen him in Karachi had returned to Hyderabad and were alleged to have influenced the Nizam into going back on his word to accept the stand-still agreement which his Executive Council had passed by six votes to three. The inference had been drawn that they had carried a message to H. E. H. from Mr. Jinnah, and that this was the case of the latter’s reversal of his decision.

Mr. Jinnah assured me categorically that he had merely seen these two men out of courtesy, for a matter of five or perhaps seven minutes. They had told him that H. E. H. was about to sign an Instrument of Accession to India and they begged Mr. Jinnah to intervene. Mr. Jinnah had replied that it was outside his power to intervene and that it was only a question for the Nizam and his own Government to decide.

I then recounted to Mr. Jinnah briefly the events which Sir Sultan Ahmed had related to me on 31 October, and Lord Ismay substantiated this account from a letter he had received from Sir Walter Monckton.
Mr. Jinnah once more affirmed most solemnly that he had nothing whatever to do with the recent reversal of the Nizam's decision. He had sent no verbal message whatsoever to Hyderabad. The advice he had tendered to H. E. H. in writing some time ago was that he was between the devil and the deep blue sea. If he acceded to India, there would be bloodshed in Hyderabad; and if he did not accede, there would equally be bloodshed. Thus an agreement, but not accession, seemed to be the only hope.

I told him that the Nizam had sent me a letter through Sir Sultan Ahmed, dated 30 October, in which he implied that if negotiations now broke down with a new negotiating committee he might have to consider entering into an agreement with Pakistan.

Mr. Jinnah laughed and said, “That looks to me as though he is threatening you. It has nothing to do with me. I have never discussed any form of agreement with the Nizam.”

I asked him straight out whether he would be prepared to sign a standstill agreement with Hyderabad if he were asked to by the Nizam. He replied that a standstill agreement implied that there were relations or intertwining factors which formed the basis for a standstill agreement. He could not think of any such factors between Pakistan and Hyderabad, and whereas he did not envisage wishing to sign such an agreement, he would have to examine the matter carefully if it were put to him, before refusing.

I drew his attention to the unfortunate effect it would have if in fact he were to start negotiations with the Nizam after they had been broken off with the Dominion to which he was irretrievably linked geographically and by majority of population.

Mr. Jinnah said he would bear this in mind.

PART III: JUNAGADH

I read out to Mr. Jinnah the following extract from a statement made by Mr. Liaquat Ali Khan, which had been published in the Statesman of Friday, 21 September:

“The correct position is that the Indian Independence Act of 1947 has left all Indian States completely free to join either one Dominion or the other or to enter into treaty relations with either. Legally and constitutionally there can be no question of putting limitations on this right of the States. Muslim League leaders before 15 August and the official spokesmen of the Pakistan Government thereafter have publicly declared their agreement with this view; and have, since rigorously stood
by it. No objection has been raised by Pakistan to any State acceding to the Dominion of India."

I asked Mr. Jinnah if he still stood rigorously by his Prime Minister's statement. He looked somewhat uneasy but admitted that it represented the legal position. I told him I would revert to this when talking about Kashmir, but in the meanwhile wanted to know what he proposed to do about Junagadh.

He admitted that there was no sense in having Junagadh in the Dominion of Pakistan, and said that he had been most averse from accepting this accession. He had in fact demurred for a long time, but had finally given way to the insistent appeals of the Nawab and his Dewan.

I told him that in the case of Babariawad and Mangrol, it was clearly the wish of the people that they would be in the Dominion of India, and that they had in fact signed Instruments of Accession to that effect. How then could he refuse them the right of accession? He said that Mangrol's accession had been forced on him, and withdrawn almost before the ink was dry. In any event, he had persuaded the Nawab of Junagadh to accept legal arbitration.

I told him that the Government of India would not have minded the position so much if Junagadh had played the game and not interfered internally in these small States; but that they were oppressing the people, imposing fines and removing their grain. I pointed out that repeated telegrams had been sent protesting at this. Mr. Jinnah denied this, and stated categorically that neither Pakistan nor Junagadh had sent any soldiers or armed police into these States.

I told him that we had definite information that Junagadh had sent armed police into both of them, and that they were oppressing the people. Pandit Nehru had telegraphed to Mr. Liaquat Ali Khan about this, and the latter had undertaken to ask Junagadh to withdraw their forces.

When they had failed to do so, the Government of India had telegraphed, a few days back, saying that we would have to protect the interests of these States if the Junagadh forces were not withdrawn. Since they had not been withdrawn, India were going to put in forces to protect their interests, subject to a plebiscite being subsequently held in these States about final accession. They would go in under a flag of truce, with loud-hailers and inviting the cooperation of Junagadh authorities.

Mr. Jinnah lamented that the Government of India had not invited the cooperation of Pakistan beforehand. I pointed out that they had in fact been unable to enforce their own orders and that so far as I was aware, Indian Forces had been sent into these two States that very day.
POLITICAL RELATIONS: 1947-1954

PART IV: KASHMIR

I handed Mr. Jinnah a copy of the statement of events signed by the Indian Chiefs of Staff, which I had shown to Mr. Liaquat Ali Khan. He asked if he could keep it, but I made him return the original and gave him an unsigned copy. Although he expressed surprise at the remarkable speed at which we had been able to organize sending troops into Srinagar plain, he did not question the document or my statement.

Mr. Jinnah’s principal complaint was that the Government of India had failed to give timely information to the Government of Pakistan about the action that they proposed to take in Kashmir.

I pointed out the speed at which events had moved. It was not until evening of the 24th that reliable reports had been received of the tribal incursion, and it was not until the 25th that observers had been sent up to confirm these reports. Thus the decision to send in troops had not been taken until the 26th, by which date the Maharaja had announced his intention of acceding to India. There had not been a moment to lose. I added that I could not recall the exact time, but that it was my impression that Pandit Nehru had telegraphed to Mr. Liaquat Ali Khan on the 26th, immediately the decision to send in troops had been taken.

Mr. Jinnah complained that this information should have been sent much earlier—in fact on 24 October. “If”, he said, “they had on that date telegraphed saying that critical situation was reported to be developing in Kashmir and they had sent in observers to confirm these reports and suggested that Pakistan should cooperate in dealing with the situation, all the trouble would have been ended by now.”

Lord Ismay agreed that the Government of Pakistan should have had the earliest possible notification. This was the first thing that had occurred to him on his return to Delhi from the United Kingdom, and, indeed, he was under the impression that it had been done. To the best of his recollection, Pandit Nehru had told him on the 28th that he had kept Mr. Liaquat Ali Khan in touch with what was happening all the time. If this had not been done, the oversight must have been due to the pressure of events, and not because the Government of India had anything to hide.

Mr. Jinnah looked up his files and said that the telegram had arrived after the troops had landed, and that it did not contain any form of an appeal for cooperation between the two Dominions in this matter; it merely informed him of the accession and the landing of troops. Continuing he said that the accession was not a bona fide one since it rested on “fraud and violence” and would never be accepted by Pakistan.
I asked him to explain why he used the term “fraud”, since the Maharaja was fully entitled in accordance with Pakistan’s own official statement, which I had just read over to him, to make such accession. It was therefore perfectly legal and valid.

Mr. Jinnah said that this accession was the end of a long intrigue and that it had been brought about by violence. I countered this, by saying that I entirely agreed that the accession had been brought about by violence; I knew the Maharaja was most anxious to remain independent, and nothing but the terror of violence could have made him accede to either Dominion; since the violence had come from tribes for whom Pakistan was responsible, it was clear that he would have to accede India to obtain help against the invader. Mr. Jinnah repeatedly made it clear that in his opinion it was India who had committed this violence by sending her troops into Srinagar; I countered as often with the above argument, thereby greatly enraged Mr. Jinnah at my apparent denseness.

From this point, he went on to say that the Government of India authorities had encouraged the Kashmir Government to massacre Muslims in the Poonch and Mirpur areas. I repudiated this as obvious nonsense. He then said, “Very well, it was the Congress party that did it.” I pointed out that if there had been any such massacre by Hindus in the Poonch area (which I did not deny) this had been done entirely by Kashmir Hindus and could hardly have been done with object of inciting the tribes to invade Kashmir and come so close to capturing Srinagar, merely to afford the Maharaja an excuse for acceding to India for the purpose of obtaining help.

I then explained to Mr. Jinnah, at some length, the policy which I had consistently pursued in regard to Kashmir, namely—trying to persuade the Maharaja to institute progressive government, ascertain the will of the people and then accede to the Dominion of the people’s choice before 15 August. I recounted how I had tried to persuade H. H. to do this during my visit to Kashmir in July, and how I had told them my views privately whilst driving in the car with him; but that when I had wished to have a formal meeting with him in the presence of his Prime Minister and my Private Secretary on the last day of my visit, he had pleaded illness and gone to bed to avoid the meeting. On leaving Srinagar, I had instructed the Resident to give the Maharaja this advice officially; and finally Lord Ismay had gone up at the end of August with instructions to advise the Maharaja to hurry up and ascertain the will of the people. But the Maharaja had invariably avoided the issue, and had always turned the conversation to lighter topics.

Mr. Jinnah paid a handsome tribute to the correctness of my policy and admitted that it was I who had put the ex-Premier of Kashmir (Pandit Kak) in touch with him when he came to Delhi.
Mr. Jinnah next referred to the statement which he had issued to the Press that
day and enlarged on his difficulties in not being able to have any reasonable
conversation, either personally or through representatives, with the Maharaja or
even with his Prime Minister; and that, not only had the Maharaja brought his
troubles upon himself by this attitude, but had greatly aggravated them by the
massacres to which he had incited his Dogras against innocent Muslims. He said
that even today at Jammu 90,000 Muslims were in danger of being massacred.

I told Mr. Jinnah that Pandit Nehru had expressed horror at the massacres that
had taken place and had issued stringent orders that everything possible was
to be done to stop them. Only the night before I had supplemented those
instructions myself through an Indian Brigadier who had just returned from
Kashmir and who fully agreed with the necessity for stopping any further killing
of Muslims.

I informed Mr. Jinnah that we already had a Brigade Group of 2,000 men in
Srinagar; that a 4th Battalion would be flown in that day and a 5th Battalion
within the next two days. I said that we should have no difficulty in holding
Srinagar and that the prospect of the tribes entering the city in any force was
now considered remote.

Lord Ismay suggested that the main thing was to stop the fighting; and he
asked Mr. Jinnah how he proposed that this should be done. Mr. Jinnah said
that both sides should withdraw at once. He emphasized that the withdrawal
must be simultaneous. When I asked him how the tribesmen were to be called
off, he said that all he had to do was to give them an order to come out and to
warn them that if they did not comply, he would send large forces along their
lines of communication. In fact, if I was prepared to fly to Srinagar with him, he
would guarantee that the business would be settled within 24 hours.

I expressed mild astonishment at the degree of control that he appeared to
exercise over the raiders.

I asked him how he proposed that we should withdraw our forces, observing
that India’s forces were on the out-skirts of Srinagar in a defensive role; all that
the tribes had to do was to stop attacking. I also pointed out that we could not
possibly afford aeroplanes to fly the Indian troops back. Lord Ismay suggested
that they should march back via Banihal Pass.

I asked Mr. Jinnah why he objected so strongly to a plebiscite, and he said he
did so because with the troops of the Indian Dominion in military occupation of
Kashmir and with the National Conference under Sheikh Abdullah in power,
such propaganda and pressure could be brought to bear that the average Muslim
would never have the courage to vote for Pakistan.
I suggested that we might invite UNO to undertake the plebiscite and send observers and organizers in advance to ensure that the necessary atmosphere was created for a free and impartial plebiscite. I reiterated that the last thing my Government wished was to obtain a false result by a fraudulent plebiscite.

Mr. Jinnah repeated that he and I were the only two who could organize a plebiscite and said that we should do it together. Lord Ismay and I went to great trouble to explain that I was a constitutional Governor-General and a Britisher, and that even if my Government would trust me sufficiently to see this through, I was sure that Mr. Attlee would not give his consent.

Mr. Jinnah complained bitterly that after the extremely generous gesture on the part of the Government of India in accepting his invitation to come to discussions at Lahore, the illness of one man should have prevented some other Minister from coming to conduct the negotiations; why for example, could Sardar Patel not have come? It was a matter of the greatest urgency to get together on this problem, and he asked me how soon Pandit Nehru could come to Lahore.

I countered by saying that it was now his turn to come to Delhi since I had come to Lahore, and I invited him cordially to stay as my guest, when I would take him to see Pandit Nehru in his bedroom.

He said that this was impossible. I pointed out that I had been to see Pandit Nehru personally in his bedroom and that I failed to see what was improper in this suggestion. He assured me that it was not a question of going to anybody’s bedroom, but that he was so busy he simply had no time to leave Lahore while his Prime Minister was on the sick list.

I asked him afterwards if there was any single problem more serious or urgent than Kashmir. I pointed out that when one was so busy one had to arrange work in order of priority. If he admitted that Kashmir was top priority, then all other work should stand aside for it and he should come to Delhi at once. He said he regretted that this was impossible, for the whole burden of events was on his shoulders at Lahore. I explained that he need only be gone for the inside of a day and that I was anxious to return his hospitality. He said, “I would gladly come a hundred times to visit you; I just cannot manage it while my Prime Minister is ill”. I asked him to come as soon as his Prime Minister was well enough to travel, and he said, “We shall have to see.”

Lord Ismay pointed out that the “best way to stand well in world opinion was for him now to come and return my visit and discuss Kashmir with Pandit Nehru. Mr. Jinnah said that he had lost interest in what the world thought of him since the British Commonwealth had let him down when he had asked them to come to the rescue of Pakistan.
I ended the meeting, as I had started it, by making it quite clear that I had come unbriefed and unauthorized to discuss Kashmir, since I had not had a chance of seeing Pandit Nehru after he had informed me he would be unable to accompany me. I told him I was speaking not as Governor-General of India but as the ex-Viceroy who had been responsible for partition and was anxious to see that it did not result in any harm coming to the two Dominions. He said he quite saw this but hoped that I would be able to discuss the various proposals which we had been talking about with Pandit Nehru and send him a firm telegram. I undertook to convey this message to Pandit Nehru.

Round about 5.00 p.m. it was obvious that we were going to be too late to go and see Mr. Liaquat Ali Khan again, so Lord Ismay left the room to telephone our apologies to him. I took the opportunity of Lord Ismay’s absence to ‘tell off’ Mr. Jinnah. I told him that I considered it was unstatesman like, inept and bad mannered for him to issue a statement which directly accused the Government of India of “fraud and violence” in Kashmir a few hours before he expected the Prime Minister of India to come and discuss this very question in a friendly manner; and that had he been feeling well enough to come, such a studied and ill-timed insult would have been enough to send his temperature up again. I finally pointed out that Pakistan was in my opinion in a much weaker position than India, not only from the obvious military point of view, but I was sure, the world would think they were in the wrong; and that this form of abuse before a discussion commenced could only put Pakistan even deeper in the wrong.

At the end Mr. Jinnah became extremely pessimistic and said it was quite clear that the Dominion of India was out to throttle and choke the Dominion of Pakistan at birth and that if they continued with their oppression there would be nothing for it but to face the consequences. However depressing the prospect might be, he was not afraid, for the situation was already so bad that there was little that could happen to make it worse.

I pointed out that war, whilst admittedly very harmful for India, would be completely disastrous for Pakistan and himself.

Lord Ismay tried to cheer him up out of his depression but I fear was not very successful. However, we parted on good terms.

Suggested proposals to Pakistan Government to form the basis of discussion

1. It is of paramount importance, not only to the Governments of India, Pakistan and Kashmir, but also to the cause of world peace, that the fighting in Kashmir should cease at the earliest possible moment.
2. The best, if not the only, hope of achieving this object is a very early meeting between accredited representatives of the two countries.

3. The Government of India, for their part, have no desire to maintain troops in Kashmir, once the valley is safe from attack and law and order have been restored. They are, therefore, prepared to give an undertaking to withdraw their troops immediately the raiders have left the country and returned to their homes.

4. It is the sincere desire of the Government of India that a plebiscite should be held in Kashmir at the earliest possible date and in the fairest possible way. They suggest that UNO might be asked to provide supervisors for this plebiscite, and they are prepared to agree that a joint India-Pakistan force should hold the ring while the plebiscite is being held.

5. The Government of India suggests that both Governments should agree on the form of the public announcement to be made in regard to the procedure for accession of those States in which this matter is in dispute. A draft is attached as a basis of discussion.

6. They suggest that the above proposals should be the subject of a round-table discussion at the earliest possible date.

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0020. Message From the Prime Minister of the United Kingdom to the Prime Minister of India.


Office of the High Commissioner for the United Kingdom, 6, Albuquerque Road, New Delhi

"Kashmir. Your message to Prime Minister 256 received on 1st November through your High Commissioner in London. I am very appreciative of the fact that with all your great preoccupations and when seriously indisposed you should have found it possible to send me such a full account of the situation which confronted you. It was beyond doubt one of immense difficulty.

2. I would only like to say this. Events have so fallen out that it has become somewhat hard for each of the two Governments themselves to believe entirely in the good faith of the other and almost impossible for the mass of their supporters. It is for this reason that I stressed the overwhelming necessity of continuous and constant contact between the two Governments. I have frankly
been nervous lest the strain between the two should become so great as to render consultation impossible. Luckily that has not so far happened and if I may say so it seems to me that you made a notable step towards the eventual restoration of mutual confidence by the announcement in your broadcast of yesterday that your Government was willing when order has been reestablished to have a referendum under international auspices. Your statement that you will withdraw your troops after restoration of order is of course also of the first important.

3. With best wishes for your early recovery.

4. Your High Commissioner in London has been supplied with copies of my previous messages to you and also with this.”

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0021. Communique issued by the Supreme Commander’s HQ to dissolve the Joint Defence Council.

New Delhi, November 12, 1947.

The Supreme Commander has recommended to the Joint Defence Council of India and Pakistan that his headquarters should be dissolved with effect from November 30.

“The Supreme Commander says the reasons for this recommendation were that it was becoming impossible for him and his officers to discharge their tasks of reconstituting the former armed forces of British India into new and separate forces for India and Pakistan, because of the absence of the necessary spirit of goodwill and co-operation between the Principal parties concerned.

Task Completed.

The Government of India have categorically affirmed their wish that the Supreme Commander’s headquarters should be closed on November 30 as the task of reconstituting the armed forces has, in their opinion, been largely completed. In the opinion of the government of India, it was not necessary to retain the Supreme Commander’s headquarters to finish the remaining work and his could be done by some other method to be agreed jointly between the Governments of India and Pakistan.

The Government of Pakistan, on the other hand, are equally insistent on the need for retaining the Supreme Commander’s Headquarters in being as a
neutral organisation, until it has virtually concluded its tasks that is until April 1, 1948 the date originally laid down in the Joint Defence Council order of August 11, 1947, under which the Supreme Commander’s headquarters was constituted.

“The Pakistan Government further consider that they had given and would continue to give full co-operation to the Supreme Commanders Headquarters. The Government of India also hold that they had given necessary co-operation to the Supreme Commander.

**Mutual Agreement**

“The Supreme Commander’s headquarters was set up by mutual agreement between the leaders of the Congress Party and the Muslim League with the approval of the then Viceroy and Governor General of India acting on behalf of His Majesty’s Government in the United Kingdom. The officers and other Ranks in Supreme Commander’s Headquarters all belong to the British navy, army and air force and are on loan from these services for the sole purpose of assisting the Joint Defence Council in its task of reconstituting the armed forces.

In view of the situation which has arisen and of the representations of the Supreme Commander, His Majesty’s Government in the United Kingdom have reluctantly come to the conclusion that it has no option but to withdraw these others and Other Ranks including the Supreme Commander himself. His Majesty’s Government in the United Kingdom do not think it right to allow these Officers and Other Ranks to be saddled with a responsibility which circumstances have made it no longer possible for them to discharge efficiently.

The result of this will be that Supreme Commander’s Headquarters will automatically cease to exist on November 30, 1947. After this date therefore, there will no longer be any neutral joint central organization to deal with the reconstitution of the armed forces.

Although, so far as the reconstitution of Armed forces is concerned, central joint control will thus disappear on November 30. A central headquarters to control and look after the units of the British Army and Royal Air force and the British Officers and Other Ranks serving with the Armed Forces of the Dominions of India and Pakistan will still be required. Owing to the world scarcity of shipping it is not anticipated that the repatriation of these British nationals of whom there are expected still to be at least 18,000 including families in India and Pakistan on November 30, can be completed before the end of February, 1948.

All British Officers and Other Ranks serving in the Supreme Commander’s Headquarters or with the Armed Forces of India Pakistan are under His Majesty’s Government in the United Kingdom to whom the Supreme Commander is
responsible for their welfare and control. When the Supreme Commander leaves on November 30 therefore, there must be some authority who can exercise this responsibility in replacement of the Supreme Commander until December, 31.

**New Authority**

It has been decided that this authority will be a Commander, British Forces in India and Pakistan who will have the powers and responsibility at present vested in the Supreme Commander in respect of units of the British Army and Royal Air Force and of British Officers and Others Ranks serving in his own Headquarters or with the armed forces of India and Pakistan.

This new Commander, British forces will have no responsibility whatever for the completion of the armed forces of the two Dominions neither will he have any concern with these forces except in respect of the British personnel serving with them.

His Headquarters will be located in Delhi. He and his Headquarters will disappear on December 31, when the present contracts of British Officers and Other Ranks serving with the armed forces of Pakistan and India come to an end. After this date the retention of the services of British Officers and Other Ranks with the armed forces of India and Pakistan is a matter for each Government to decide in agreement with His Majesty’s Government in the United Kingdom, or with the individuals themselves as the case may be.

**Separate Headquarters**

Some form of organization, however, will still be required after December 31, 1947, to control and administer the British Forces including the individuals Officers and Other Ranks, who will still be in India and Pakistan, because there have not been ships to bring them home. This control will be provided in the form of two small independent British headquarters under a Major General and Air Commander located at New Delhi and Karachi respectively.

These headquarters will have the sole duty of administering the units and individuals awaiting repatriation in these two areas and of arranging for their proper embarkation. These two headquarters will not be under a joint central control, but will communicate directly with His Majesty’s Government in the United Kingdom and with the High Commissioners for the United Kingdom in India and Pakistan respectively. They will also communicate directly with the Governments of India or Pakistan as the case may be.
Two years ago, on this very day, I was at Nankana Sahib, the birth-place of Guru Nanak. These two years were marked with a succession of events of unparalleled importance and magnitude in history. The last four months comprise a period in which immense destruction was wrought in many parts of the country. Common men like us are swayed by passions of the times we live in but great men mould the era in which they are born and leave an indelible impress of their personality on it.

Lives of the great teach us that it is more proper to look at our own actions with a critical eye than hasten to blame others. A race or a civilization dies of its own internal weaknesses and not because of external aggression. There are many amongst us who sully the fair name of India by their thoughtless words and deeds.

I ask you to put yourselves in a world twenty years hence and then look back at the present from that distance and angle. That will afford us a better perspective and enable us to look at the present situation dispassionately. Just imagine what posterity will have to say about us. I have no doubt they will find us guilty of many unworthy acts. Whether it is an individual from Pakistan harming one of us or vice versa, it is an Indian injuring another Indian.

India cannot and will not remain divided. That is my conviction no matter how much I am personally criticized for having accepted partition. Non-acceptance might perhaps have proved to be a greater evil. Perhaps the present struggle might forge a stronger bond of unity between us.

The political division of India cannot change certain fundamental things which still are the same in both Dominions. India and Pakistan shared a common heritage and history. They have common economic relations which though broken for the time being will have to be established again.

Anyone who is not carried away by momentary passions will easily realize that ultimately both the Dominions will unite into one country. The unity, I am confident, will be brought about not by force but by the march of events all over the world and consideration for mutual interests. The differences between India and Pakistan cannot be ironed out by the use of force and anybody who adopts this method will only succeed in creating greater complications and more difficulties in the way of a solution.

The relations between the two Dominions are strained at present, but that does not change the fact that we are neighbours and are so placed that we
cannot live in isolation from each other. There are only two courses open to us. Either we unite or go to war against each other. Even if there is war between the two, it cannot last forever. After the war they will have to follow the other course of merging themselves into one united country.

It is possible for one country to invade another and occupy it by force, but that should not be mistaken for a union of the two countries. The set-up of things in the world at present is such that big problems cannot be solved by the use of force. If India is attacked, all possible force will certainly be employed to defend her and no quarter will be granted to the invader, but for solving Indo-Pakistan problems peaceful methods alone should be adopted or they are liable to become more serious and complicated.

The past two years in India have been full of unpleasant happenings. Dreadful things have taken place during the last four months. Much blood has been shed and suffering caused in this country, but that should not be permitted to warp our judgment. The people of India must think dispassionately and take stock of what they did and in what way it was different from what they should have done. The people who get carried away by their passions always come to a sad end. It is their duty to find out their own mistakes before pointing out mistakes committed by others. A nation really falls not due to attacks by her enemies but on account of the misdeeds of her own people.

Time has now come for everyone to make an honest and firm resolve not to say or write anything which is liable to create ill-feeling between the two Dominions. There are times when strongly-worded replies are called for, but we must learn to restrain ourselves as ultimately it is saner thinking alone that helps.

Guru Nanak, whose birthday we have gathered here to celebrate, has been a great apostle of unity among all sections of humanity and goodwill towards everyone. In the present state of distrust and bickering, his teachings are of great value, and his message can bring about lasting peace.

I appeal to the Indian press to exercise restraint in their writings. I regret that of late they have done more harm than good to the country. They must realize that a balance in writing is absolutely essential for the peace of the country.
I reached Government House at 10 p.m. to keep an appointment with Mr. Liaquat Ali Khan who had arrived earlier in the evening. I was taken to the Governor-General first as he was anxious to see me before I saw Mr. Liaquat Ali Khan. Although he intended speaking to me for a few minutes only, actually our conversation lasted for nearly an hour, while, presumably, Mr. Liaquat Ali Khan was waiting for me.

2. Lord Mountbatten told me that he had had an hour’s talk already with Liaquat Ali Khan and had found him in a friendly mood, eager to come to some kind of a settlement. In fact he had never found him so chastened. He said that it would be a tragedy if we could not take advantage of these circumstances now and put an end to the fighting in Kashmir, of course on terms advantageous and honourable to India. A continuation of the conflict, whatever the result, would mean a very great deal of trouble to India and even more so to Pakistan and would stop progress for a long time. Lord Mountbatten was greatly worked up and made repeated appeals both on national and personal grounds. He said that he had never been so exercised about any matter as this one because he felt that so much was at stake. The next day would be vital in the history of India. We were very near a settlement and the highest statesmanship and the good of India demanded that we should take advantage of the present favourable circumstances to bring such a settlement. Favourable circumstances evidently referred to Liaquat Ali Khan’s desire for a settlement. Lord Mountbatten referred to the great increase in the prestige of India all over the world if we could bring about a settlement and to our immediately applying ourselves to the various internal problems which demanded our attention. The settlement of course should essentially be on the lines we have repeatedly laid down, i.e., reference to the U.N.O. to stop the fighting and when this is done and peace and order restored a plebiscite under U.N.O. auspices.

3. Lord Mountbatten also said that Liaquat Ali Khan was greatly exercised at the possibility of the Government of India repudiating or going back on the financial settlements arrived at. These settlements according to Liaquat Ali Khan had taken place nearly a month ago and nothing had been done yet to implement them. Was the matter going back to the Arbitral Tribunal for decision?

4. I stated in reply that there was no question of our challenging or repudiating the financial agreements arrived at. The only question that arose
was when to make the payments. We would stand by the agreements and the Arbitral Tribunal would not be concerned with them. Our difficulty was that if we made any payments now, when a kind of undeclared war was going on between us, that money would be used in carrying on that war against us. It would be foolish for us to make those payments until this Kashmir business had been settled.

5. Lord Mountbatten said that the money was really Pakistan’s i.e., it was a joint fund and this part of it therefore belonged to them. He appreciated however our difficulty, but would suggest that we should not emphasize this fact of non-payment in our difficulty, but would suggest that this would raise further difficulties. We might make it clear that so far as the financial agreements were concerned we did not challenge them.

6. Regarding Kashmir I pointed out that the immediate issue was one of aggression directly or indirectly by Pakistan on India. No other issue arose till this was settled. We proposed to refer this particular matter to the Security Council of the U.N.O., charging Pakistan with aggression and asking U.N.O. to call upon Pakistan to refrain from doing so. Otherwise we would have to take action ourselves in such a manner as we thought fit to stop this aggression at the base.

7. Lord Mountbatten said he agreed with that reference, but could we not add to it that after law and order has been restored U.N.O. would supervise and carry out a plebiscite as we had previously declared? I said that we could not add this to our reference. It was entirely a separate matter and much would depend on developments. We were committed not only by our settlements but also by our general policy to allow the people of Kashmir to decide their future. Indeed it was not possible in the present context of things for us to hold Kashmir against the will of the people. But we were definitely of opinion that this could not be tied up to the present reference to U.N.O. In that reference there would no doubt be a historical narrative which would contain mention of the fact of our offering a plebiscite under U.N.O. auspices. Apart from that there would be no further mention of this. Our demand would be that aggression must cease and the raiders should withdraw. It was possible that as a consequence of U.N.O. taking action in this matter, whether by sending a commission or otherwise, other developments might take place. We would deal with them as they arose.

8. There was a great deal of talk roundabout this position. Lord Mountbatten was anxious that I should somehow talk on the plebiscite in some form or other so as to enable Liaquat Ali Khan to put it across his people who were greatly excited about Kashmir. I repeated what I had said before and informed him
that our Cabinet had considered this matter and was quite clear that it should not bring in the question of plebiscite in this reference. That did not mean that we wanted to avoid a reference to the people. But how and when this should take place would depend on circumstances. We could not have a continuation of war and the idea of a plebiscite to go together. It was nearly three months ago that we had made this offer and it has not thus far been accepted and aggression had continued.

9. Lord Mountbatten mentioned also casually that Mr. Jinnah had been given a maximum of six months by his doctors and he was very ill.

10. At about 11 p.m. we went to Liaquat Ali Khan’s room. The Governor-General accompanied me although probably it was not his previous intention to do so. No doubt he felt that his presence might be helpful in bringing about a more friendly approach.

11. We were with Mr. Liaquat Ali Khan for little more than an hour, till soon after midnight. I must say that I found him very much toned down and chastened, indeed almost, if I may say so, humble in his approach to the problem. Unlike previous occasions, there was hardly any argument or discussion.

12. Lord Mountbatten started off by saying that there was no intention on the part of the India Government to repudiate the financial agreements arrived at and that this matter would not go up before the Arbitral Tribunal. Further that we were thinking in terms of a reference to U.N.O. and that we stood by previous statement to the effect that the people of Kashmir would have to decide after peace and order were established about their future.

13. I then stated our position in regard to Kashmir. I said that nearly three months ago when we had intervened in Kashmir we had made a unilateral offer for a plebiscite under U.N.O. auspices after peace was established and all the raiders had departed or been pushed out. This offer had been repeated but there had been no response. Indeed the aggression had continued with every kind of violence and had been supported by the Pakistan Government. The invaders had been collected, transported, put in camps near the Kashmir border, armed and trained, all in Pakistan territory, and they had then been sent in batches inside Kashmir State. We considered that aggression of one state against another as a hostile act against India. Obviously we could not tolerate this, nor were we prepared to carry on this petty war in the way we have thus far done. We had sent relatively small forces into Kashmir in the hope that hostilities would cease and the raiders would be withdrawn. No such thing had happened and would necessarily have to take a more serious view of the matter and if no other development took place, we may have to strike at the base of operations and the lines of communications of the raiders. But as
we were anxious to avoid far-reaching developments and being members of the U.N.O. we intended making a reference to U.N.O. charging Pakistan with acts of aggression and asking U.N.O. to call upon Pakistan to desist. In the alternative we would have to take such further action as we thought fit and proper.

14. Mr. Liaquat Ali Khan did not say much in reply to this except that he would welcome U.N.O.'s intervention as he was anxious that a third party should come into the picture. He complained of Sardar Patel's speech at Jaipur in which he was alleged to have said that India was prepared for war with Pakistan if the latter desired it. Mr Liaquat Ali Khan said that we had decided at Lahore that no provocative speeches should be made and no responsible person in Pakistan had made any speech or statement of a provocative nature since then. Unfortunately Sardar Patel had done so and this did not help in producing the atmosphere we desired.

15. I said that I had not myself read Sardar Patel's speech fully and I did not know what exactly he had said or what the context was. The speech had hardly anything to do with Kashmir and any reference could have been only casual and in some other context. I pointed out the way Pakistan newspapers were behaving and more specially the demand in a leading article of a Karachi Urdu daily calling upon the Muslims to kill Sardar Patel. Our High Commissioner in Karachi had written to Pakistan Government on this subject. Mr. Liaquat Ali Khan said that his attention had been drawn to this and he greatly regretted it. He was taking steps against that newspaper. He said further that newspaper in Pakistan and India were thoroughly irresponsible, more specially the Indian language ones, and he wished that something could be done to stop them. Lord Mountbatten expressed his own disapproval of the way many newspapers indulged in inflaming public opinion and had expressed his opinion that every newspaper should be licensed by Government, the licence being withdrawn in case of misbehaviour.

16. Lord Mountbatten said that as we were thinking of making a reference to U.N.O. it would be a good thing if the draft was shown to Mr. Liaquat Ali Khan before it was sent.

17. I said that we would naturally send a copy to Mr. Liaquat Ali Khan, but the reference being in the nature of a charge against Pakistan it could not possibly be a joint reference. It would be for Pakistan to reply to it and for the Security Council then to take action.

18. Mr. Liaquat Ali Khan said that he did not think it necessary to see our draft reference. What was necessary was that both parties should be eager to stop this fighting.
19. In the whole course of the conversation no mention was made about the internal administration of Kashmir or about the armed forces of the Indian Union that might be left in Kashmir later on. These were the two points on which a great deal of arguments had taken place on previous occasions.

20. Lord Mountbatten asked Mr. Liaquat Ali Khan if it would not be difficult for him to get the raiders out owing to the state of public opinion in Pakistan. He agreed that it was not going to be an easy matter.

21. There was some talk about raids on Pakistan territory by air and land.

22. I informed Mr. Liaquat Ali Khan that all the relatives of Ghulam Abbas, President of the Kashmir Muslim Conference, were alive and were in Pakistan except for one girl who was apparently in Amritsar and would be sent to Pakistan. The story about the murder and abduction of these people was thus not true.

23. Our talk then went on some other matters. I referred to Mehr Chand Khanna’s case. Mr. Liaquat Ali Khan said that he was meeting him the next day.

24. Mr. Liaquat Ali Khan asked me if I had seen the Muslim League resolution about having a minorities charter. I said that I had not read it carefully but I had glanced through it. I added that so far as we are concerned our Constituent Assembly had already carefully considered this matter and laid down provisions for the protection of minorities. Mr. Liaquat Ali Khan said that it would be a very good thing if both India and Pakistan would agree to similar provisions and would issue a joint statement to that effect which might be embodied in our constitutions. This would go a long way to lessen the feelings of fear and suspicion that exist. I agreed that it would be desirable to come to an agreement on these issues.

25. Mr. Liaquat Ali Khan then enquired about the order of Precedence in India as to where the Prime Minister and Ministers came into the picture.

The whole conversation with Mr. Liaquat Ali Khan, which lasted a little over an hour, was almost entirely free from argument which had previously accompanied such discussions. It seemed to me quite clear that for some reason or other Mr. Liaquat Ali Khan was eager and anxious for a settlement. He hardly raised any difficulties to what I said, though of course he did not agree to everything. He expressed a strong desire that India and Pakistan should have friendly relations and should put an end to conflict and misunderstanding.

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0024. Comments of Prime Minister Jawaharlal Nehru on the Conclusions of the Joint Defence Council Meeting.

New Delhi, December 23, 1947.

I have read the paper prepared by the Conference Secretary, Joint Defence Council, in regard to the conclusions of a meeting held at Government House on Monday, the 22nd December, which was attended by the Governor General and Ministers of India and Pakistan.

2. I do not think that this paper gives a correct picture of what was agreed or what took place.

3. There is no question about agreement as detailed under Item-I on Kashmir. The Pakistan Ministers can hardly agree to being charged by us with various offences under international law. What happened was that I mentioned on Sunday, 21st night that the Government of India proposed to make a reference to the Security Council of the U.N.O. charging Pakistan with aiding and abetting aggression on Indian Dominion territory and asking them to call upon Pakistan to put an end to this.

4. This was a unilateral declaration on our part which required no agreement.

5. The next day I handed a letter to the Prime Minister of Pakistan in which we formally charged them with this aggression and asked them to stop it. This letter would, of course, elicit a reply within a few days and thereupon we would probably take the action contemplated by us, that is, reference to the U.N.O. Here again it is hardly correct to say that this was an agreement. It was just an indication of possible developments. I do not know what the Pakistan Government may say or do about this and our action would naturally depend on their action.

6. As for our preparing a draft of the application by India to the U.N.O., this is entirely a matter for us to consider as to when and how to do it and not a matter of agreement between Pakistan and us. Naturally we are anxious to expedite this and we hope to be ready for any further step as soon as the time comes for it. But every subsequent step is governed by the previous step and when these previous steps are not known, subsequent steps cannot be determined.

7. Action in regard to Item II (Financial Settlement): It cannot stand as it is when Item I is altered. It is a fact that in discussing Kashmir the question of the date of implementing the recent financial agreement between the two Dominions had not arisen.

8. It is also a fact that I confirmed on behalf of the Government of India that there was no intention to repudiate the financial agreements. We stood by them completely.
9. The way (iii) as stated does not appear to be wholly right. It is my business to report to my Cabinet what I consider proper. This is hardly an agreement between me and the Pakistan Prime Minister. As a matter of fact, I have received a letter from the Pakistan Prime Minister on this subject which is being sent to my colleagues in the Cabinet. This letter contains the Pakistan Prime Minister’s views on the subject.

10. Item III: What step the Government of India will take in regard to the disputed land between East and West Bengal, it is for the Government to decide. I do not see how the Secretary General, Pakistan, and the Conference Secretary to the Governor General could come to an agreement about this matter. The status quo might be maintained. But the status quo has recently been changed by force of arms by the East Bengal Government and we have the strongest objection to this. If there is to be any enquiry, as there should be, the status quo prior to this aggression must be restored. This is the business of the Home Ministry and it is not proper for any agreement by outside parties to be made over the heads of the Home Ministry and the Cabinet.

11. Item IV: Licenses for Arms. The draft given in appendix A is agreed to in so far as it goes. I would point out, however, that at a recent conference on Secretariat level an agreement was reached about the restoration of licensed arms and ammunition which had been confiscated. It was agreed that the two Dominion Governments should issue instructions to all the Provincial Governments to have the arms and ammunition restored wherever receipts for them were held. In case where no such receipts were held, the Dominion Governments should furnish lists of cases to each other and all such cases should be properly investigated. All this need not be stated in the press communiqué, but the following sentence might be added:

“In cases where arms and ammunition have been confiscated contrary to the inter-Dominion agreement, the two Governments would take steps to restore them to the rightful owners.”

12. Item V: The Minister without Portfolio stated that he would enquire into this matter. I find that the paper drafted by the Conference Secretary has already been sent to the Prime Minister of Pakistan. I regret that this should have been done without any reference to me as this, as I have stated above, does not give a correct picture of what happened. This is likely, therefore, to give a wrong impression and possibly to create misunderstandings.

This note is being sent to the Conference Secretary who has already been informed by telephone that I do not approve of this paper.

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0025. Press Conference of Pakistani Foreign Minister Zafrullah Khan on India Pakistan Relations.

Karachi, January 1, 1948.

The Government of India have categorically declined to implement the financial settlement arrived at between them and Pakistan a few days ago. They refuse to hand over Rs.55 crores, the share of the Pakistan Government in cash balances. They have stopped even the slight trickle of military stores that were being nominally kept flowing in respect of Pakistan's share of stores," said Sir Mohamad Zafrullah, Foreign Minister, addressing a Press conference in Karachi.

In spite of these grave provocations the Foreign Minister said, Pakistan would endeavour to maintain friendly relations with the Dominion of India but not at the cost of dignity, honour and self-respect.

Apropos of the reported decision of the Government of the Indian Union to raise the question of Kashmir in the Security Council of the UNO, Sir Zafrullah Khan said that Pakistan would insist that the UNO deals with the whole problem of Indo-Pakistan relations in all its facets and not only with an isolated facet that Kashmir was.

Giving a complete picture of the Indo-Pakistan relations, Sir Mohammad Zafrullah Khan said: 'We realize that the demand for the partition of India on behalf of the Muslims was not welcome to the non-Muslim as a whole and that it became a major issue between the two peoples, when partition was eventually conceded, though subject to serious limitations, it must have occasioned a good dead of disappointment. It would be equally true to say that some of the features of the constitutional settlement offend and accepted by the major political parties in India occasioned equally serious disappointment to the Muslims more particularly the proposal to partition Bengal and the Punjab. It was patent, however, that the claims of the political parties being irreconcilable, whatever settlement was eventually arrived at would occasion some disappointment to both sides in some features.

"I believe I am right in stating that on the Muslim side, whatever disappointing features the settlement might have had, they accepted it bona fide with the fullest intention of carrying into effect and working it in letter and spirit. A background had already developed in certain disquieting features and there had been communal riots, large scale massacres in the various parts of India, for instance, in Ahmedabad, Bombay, Calcutta Noakhali, Bihar and Garhmukteshwar. We had hoped that in spite of the most regrettable and condemnable incidents, massacres and horrors, the country would finally, settle
down to working out the settlement in good spirit and co-operation between the two sides.

“In March, last year there were regrettable happenings and incidents in Rawalpindi and Multan, where non-Muslims, particularly the Sikhs suffered great injury and damage in life, limb and property. That kind of happenings can never be justified or excused. Yet it is necessary to draw attention to this fact which has been consistently ignored that in both these areas these happenings were the consequence of very serious provocation.”

“Official records show, that in Rawalpindi, for example, a Sikh procession was taken out with drawn swords “through the principal streets of the town. The procession attacked a car containing Muslim passengers who were seriously wounded and one of them was killed. The procession then marched to the Jamma Masjid. Exaggerated reports of what happened in the town spread to the country side and set it aflame.

“In Multan town, local leaders had been delivering speeches repeatedly asserting that this year they intended to celebrate Holi not with red water but with red blood and obviously Muslim blood was intended to be shed for celebrating Holi. On the particular day when riots started, the students of the local DAV College marched in a procession through the streets of Multan shouting ‘Quaid-I-Azam Muradabad’. One should like to be enlightened as to what those responsible for the procession and these cries expected would happen, in Multan, a town largely populated by the Muslims. This started riots in Multan.

“Even before the provocations given in these two local areas, Master Tara Singh had on February 28 last, while coming out of the Legislative Assembly building in Lahore, unsheathed his kirpan, brandished it proudly and proclaimed that the sword would decide between the Muslims and the Sikhs. He said he was ready, his volunteers were ready and there was no reason why the Muslims should be driven out only from East Punjab.

“They would in fact be driven across the Indus. Other Sikh leaders made equally provocative pronouncements so that when processions like those, I mentioned in case of Rawalpindi and Multan, were organized in the first week of March in those areas which till then were perfectly peaceful, the Muslims began to imagine that the Sikh’s actions intended, to drive them across the Indus had begun.

“Like a blind man who in his terror strikes out indiscriminately in the dark, the Muslims lost their heads and acted in a most reprehensible manner. What happened in those areas was bound to happen when a foolish man throws a lighted match into a room full in inflammable gas. It must be remembered that
the province was being administered by the Governor under Section 93 of the Government of India Act and that there was no popular ministry in office. Incidents continued to follow in Lahore and Amritsar. Nevertheless, it was hoped that once the boundaries of the East and West Punjab were fairly settled the two communities would resume peaceful relations with each other.

"Nine days before the Award was announced the first incidents of what turned out to be the calculated planned and organized Sikh campaign to clear the East Punjab of Muslims, combined with the plan to withdraw non-Muslims from the West Punjab, took place. A special train, carrying Muslim officers, Muslim staff and official records of the Pakistan Government proceeding from Delhi to Karachi was mined and derailed. That was the signal for the attack in the East Punjab. There was then a systematic extermination of Muslims in the East Punjab, including Indian States in the part of the country.

Their Technique

"Briefly the police first searched Muslim villages and disarmed the inhabitants. The Sikh attack then followed. In certain instances were Muslim inhabitants succeeded in repelling the attack they were fired upon by the police and in some cases even by the military forces of the Government of India so that the guardian of law and order became the abettors of aggression.

"Villages after villages were cleared up in that manner. I speak from personal knowledge, my own home was in that part of the world and was eventually looted and occupied. Denials and repudiations on behalf of the Government of India have been published. I am unable to say to what extent the outside world might have been disposed to give credence to them, but knowing what was happening and what had happened, the only conclusion one can draw is that either the Government of India were sorely deceived themselves or deliberately attempted to deceive the outside world.

"It is a matter for both surprise and regret that a man possessing the sense of responsibility which Pandit Jawaharlal Nehru undoubtedly possesses and having gone through the experience through which he has gone in the past, should have been inclined so readily to believe reports of subordinate officers of his Government which were so patently contrary to what was happening.

No Effective Action

Sir Zafrullah Khan deplored that Pandit Nehru's Government neither took effective action to check lawlessness of the people as well as of his own police and armed forces nor did anything to bring to book those guilty of horrible crimes.
“It has been said on behalf of the Government of India that this is a one-sided picture. Let me again emphasis that human suffering is a grievous thing irrespective of who is the victim and who is the aggressor. Undoubtedly in the West Punjab also deplorable things occurred during that period, but again two features must be emphasized.

It was not till Muslim victims of Sikh brutality in the East Punjab carried their tales of unspeakable horror and visible evidence on their persons of the torture to which they had been subjected in the East Punjab that the Muslims in the West Punjab flared up and made Hindus and Sikhs in certain areas subject of retaliations and reprisals. The second feature is fortunately the tale of massacre and maiming in the West Punjab did not turn out to be either so long or so sweeping as it turned out to be in the East Punjab.”

The Foreign Minister emphasized that “provocation, however, serious however heart-rending, furnishes neither the justification nor the excuse for what occurred. But its justice and fairness, it must be taken into account in drawing a fair and balanced picture that must be regarded as the first part of the tragedy.”

Boundary Award

Coming to the award of the Boundary commission, Sir Zafrullah Khan said: “The unfairness and injustice of the Boundary Award in allotting an equivalent of nine Muslims majority Tehsils to the East Punjab contrary to the terms of reference of the Boundary Commission enhanced the tragedy and that alone made some of his worst features possible.

“Another factor which contributed in the same direction was the failure of the Boundary Force effectively to discharge its duty, when lawlessness and disorder first broke out. Had the situation been firmly dealt with at that stage, the lawlessness and disorder would have been confined to small areas and would have speedily been brought under control.

“The Governor-General of India had on July 20, 1947, assured the Partition Council in Lahore that disorderly acts would be ruthlessly suppressed and anybody who raised a finger would be immediately cut down. It is needless to comment on the manner in which this assurance was not only not fulfilled, but was utterly repudiated in practice.”

Indian States

He added “Now let us come to another category. The differences that have arisen between the two Dominions as a consequence of the implementation or the failure to implement that part of the constitutional settlement which related to the Indian States, under the Indian Independence Act, each Indian State
was at liberty to accede to either dominion and by implication was given the choice to remain independent if it so chose.

"Junagadh decided to accede to Pakistan. The territory of the state is not by land contiguous to Pakistan, but the state has direct sea communications with Karachi. Up to the time the Ruler decided to accede to Pakistan, there had not been a single incident of an untoward character within the state between the two communities. By its accession to Pakistan Junagadh became entitled to all the benefits of the standstill agreement between the two Dominions, particularly in the matter of communications railways, post officers, telephones, telegrams, etc.

"As soon as Junagadh’s accession to Pakistan was announced a campaign was started against the state which was closely reminiscent of Nazi technique for overwhelming weaker neighbours. A cordon was drawn round the state by the forces of the Dominion of India and some Kathiawar States. A ‘provisional government’ was set up in Bombay which subsequently moved to Rajkot and took forcible possessions of the state’s property in Rajkot.

**Hitlerian Methods**

"Active help was afforded to the so called provincial Government by the officers and authorities of the Dominion of India. Later, under the pretext of a so-called invitation from the Dewan of Junagadh State, forces of the Indian Dominion marched into Junagadh and an unchecked orgy of murder, loot, rape and arson was inaugurated against the helpless Muslim population of the State.

"The treatment for which the Rulers of Manavar and Manglor were subjected again, brought to mind the methods of Hitler. In the meantime extermination of Muslims in Hindu state, an accession with the Government of India, like Bharatpur, Alwar and Gwalior was proceeding apace in accordance with the technique and pattern which had become nauseatingly familiar.

**Kashmir**

"A similar campaign had been started in Kashmir. Muslims inside Kashmir and their relative and co-religionists outside Kashmir realized that the Muslims of Kashmir were fated to suffer all the atrocities to which, the Muslims had been subjected in the East Punjab and Kapurthala, Faridkot, Nabha, Jind, Patiala, Bhuratpur, Alwar and Gwalior. But there was in the case of Kashmir one feature which was absent in the case of other states, namely, that Kashmir was on all sides surrounded by predominantly Muslim areas.

"Realising that unless something was done to help the unfortunate Kashmir Muslims in their terrible plight, individual Muslims from surrounding areas did
whatever they could to bring help to them. The Maharaja whose Government were directly responsible for what was happening in Kashmir at once invited the forces of the Dominion of India to march in.

“No consultations were held with the Pakistan Government. No intimation was given to the Pakistan government of what was intended. When the Pakistan Government became aware of what was happening, they made the fairest possible proposal to clear up the situation but it was not accepted.

“Since then tragedies like those enacted in the East Punjab and Indian states have been enacted in places like Ajmer—the very mention of which makes the blood of every Muslim boil with indignation at what was happening, and with shame at his own helplessness and impotence to safeguard the sacred shrines and the lives and property and honour of their co-religionists.

“Another aspect of the relations between the two Dominions. I will now come to. You will recall that only a few days ago it was announced with a flare of trumpets that happily all outstanding financial questions between the two Dominions had been amicably settled and that now there was no need for any of those matters to be adjudicated upon by Arbitration Tribunal. This happy achievement was described as a fore-runner of reestablishment of completely cordial relations between the two Dominions and it was so viewed by the Pakistan Government.

Financial Settlement

“The Government of India have since categorically declined to implement the settlement. They refuse to hand over Rs.55 crores which was determined to be the share of the Pakistan Government in the cash balances. They have stopped even the slight trickle of military stores which was nominally kept flowing in respect of Pakistan’s share of these stores. The excuse put forward is that the settlement was contingent upon the continuance of cordial relations between the two Dominions.

“In the first place no such contingency was attached to the settlement. These balances were not being allotted to Pakistan as a matter of charity or as a gift or even as a loan. They belonged to Pakistan. It was an accident of geography that they happened to be with the Dominion of India. These are instance of the manner in which the Dominion of India had tried to implement the constitutional settlement arrived at by consent between the two peoples”

Referring to the decision of the Government of India to raise the question of Kashmir before the Security Council of the UNO, Sir Zafrullah Khan said: “It has now been announced that the Dominion of India intends to take the matter of Kashmir to the UNO. It may be that they feel that they have not so hopeless a
case, at least in their own estimation, with regard to Kashmir as must realize that they have with regard to other matters pending between the two Governments. But obviously Kashmir is but a link in the chain of differences that have unfortunately and unhappily developed between the Pakistan Government and the Government of the Indian Union.

Reference to UNO Welcomed

The Pakistan Government, as has already been announced, would welcome the intervention of the UNO for the purpose of a just and fair settlement of all these matters. They cannot be expected to agree to the isolation of one particular question divorced from its background and to its submission in that form to the UNO.

“I have said enough to indicate that the objective on the policy of the Government of India towards Pakistan through all these months has been to punish the Muslims for their temerity in demanding the partition of India. They apparently desire to beat Pakistan down to its knees so as to make it sue for re-admission into tender embraces of India.

“Even if they succeed that would spell disaster and calamity not only for Pakistan but also for India. The only sane and healthy approach to the problem is to recognize the fact that whatever merits or demerits of the demand for Pakistan in the eyes of the non-Muslims may have been, Pakistan had, entirely owing to the policy of the Indian National congress and the All India Hindu Mahasabha, become inevitable.

“A wise man must gracefully accept the inevitable and make the best of it. The idea of partition is fairly familiar to the members of the Joint Hindu Family. The members of such a family also realise that partition need bring in its wake no undesirable features if it is fairly carried out and the obligations imposed by it honorably discharged. That at least is our attitude.

Cordial Relations

“In spite of all that so far has accrued, in spite of threats that continue to be uttered against Pakistan, Pakistan has still every desire to restore its relations with India to a cordial co-operation and friendly basis as we are convinced that it is beneficial alone that can contribute towards fostering human welfare and happiness. We believe that a happy and prosperous India will be a source of strength to Pakistan. We desire to see a happy and prosperous India and are prepared to make such contribution by way of a friendly and beneficent attitude towards the achievement and consummation of that end.”

Sr. Zafrullah Khan was of the opinion that “India must equally realize that a
happy and prosperous Pakistan would be a source not only of strength to India, but must constitute the principal factor in its security. It India succeeds in destroying Pakistan, which God forbid, or even in weakening it, or impeding its progress towards greater prosperity and greater strength, it will be only destroying the vital bastions of its own security prosperity and its very existence. When the partition of great countries like India has to take place the process is bound, like any major surgical operation, to leave throbbing wounds behind. It is the task of statesmen to seek to bind and heal the wounds rather than by calculated action to seek to convert them into running and poisonous ulcers”.

Sir Zafrullah Khan remarked that he had said all that in sorrow and he called the Pressmen to bear witness that he did not say anything in anger.

No official Information

Sir Zafrullah Khan in answer to a question said that the Government of India had not yet officially informed the Government of Pakistan that they had decided to take the Kashmir issue to the UNO.


Karachi, January 4, 1948

The Government of the Indian Union were accused of planning the destruction of the State of Pakistan by the Prime Minister, Mr. Liaquat Ali Khan, when at a two-hour Press conference at the main Pakistan Secretariat he reviewed the entire field of Indo-Pakistan relations since the partition of India.

Mr. Liaquat Ali Khan said: “I charge the Government of India: first, it has never wholeheartedly accepted the partition scheme, but her leaders paid lip service to it merely to get British troops out of the country.

Secondly, India is out to destroy the State of Pakistan which Indian leaders persistently continue to regard as part of India itself.

Thirdly, systematic sabotage against the implementation of partition; stoppage of coal and rail transport; deliberate withholding of Pakistan’s share of funds, arms and equipment; and the wholesale massacre of Muslim populations; which are all designed towards one aim, namely, the destruction of Pakistan.
Fourthly, India’s forcible occupation of Junagadh, Manavadar and others states in Kathiawar which acceded to Pakistan as well as the fraudulent procurement of the accession of Jammu and Kashmir State are acts of hostility against Pakistan whose destruction is India’s immediate objective.

Referring to the threat of Pandit Nehru to strike at the “imaginary bases” of Azad Kashmir Forces in Pakistan territory, the Prime Minister said that if any such action was taken by the Hindustan Government it would be a direct aggression against Pakistan. He warned: “I hope Pandit Nehru and his Government would not take any such precipitate action. We are, however, prepared for any such eventuality.”

The Pakistan Premier said that the Nehru Government were really out to keep Kashmir in the Indian Union by sheer force as was evident by their persistent refusal to settle the problem through peaceful negotiations.

No Partition

He categorically denied the report that Pakistan had suggested partition of Jammu and Kashmir State as a way out of the present impasse. This was at no stage of negotiations suggested by the Pakistan Government, for there could be no justification for such a proposal. For even in Jammu province, Muslims had a clear majority of 62 percent according to the 1941 census.

Referring to the Nehru Government’s action in referring the Kashmir dispute to the UNO, Mr. Liaquat Ali Khan said Pakistan had always shown its readiness to refer all outstanding disputes to an impartial international tribunal, because, it had nothing to hide. It would, however, insist that every disputed issue between the two dominions should be investigated by such a tribunal.

The Prime Minister, however said that Pakistan did not know what charges had been made against it by Hindustan before the UNO. The communication from Delhi in this connection was in a code which could not be deciphered.

Unilateral Action.

He pointed out that Pandit Nehru’s excuse that his unilateral action in referring the matter to the UNO was due to the non-receipt of a reply from Pakistan to his note of December 22 was not based on fact. Pandit Nehru had been informed on December 30 that Pakistan’s reply would be handed over to the Indian High Commissioner that day and it was actually done. The Nehru Government on the other hand, referred the matter to the UNO on December 30 by when they should have received Pakistan’s reply.

Referring to the war in Kashmir, the Prime Minister said that it was wrong to say that it was tribesmen who were fighting against Dogra and Indian tyranny.
The overwhelming number of people fighting for the liberation of Kashmir were Kashmiri Muslims themselves.

Cash Balances

The Prime Minister said that the Nehru Government had no moral or legal justification to withhold the transfer of Rs.55 crores which represented Pakistan’s share of the late Government of India’s cash balances. In fact if the Reserve Bank of India discharged its obligations faithfully to the two Governments it did not need the Nehru Government’s orders to pay the money to Pakistan.

Mr. Liaquat Ali Khan concluded his conference with the hope that the Nehru Government would realize the folly of their present policy which would only lead to ruination of both the Dominions. So far as Pakistan was concerned, the Prime Minister said it would continue its efforts to find a peaceful solution of all problems.

0027. Letter of Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, January 5, 1948.

Dear Mr. Liaquat Ali Khan,

Your letter of the 30th December was received in New Delhi on the 1st January. I had gone to Lucknow for the day and did not therefore get it until the 2nd. On the 3rd I had to visit Ajmer and yesterday, the 4th, I was fully occupied with celebrations of Burma’s independence and other business. This will explain the delay in my sending you a reply.

2. I do not think that any useful purpose will be served by my attempting to answer, at length, the counter-charges that you have laid against India in paragraph 18 of your letter. Pakistan’s accusation that the accession of Jammu and Kashmir was procured by conspiracy, fraud and force has been repeatedly made by you and was frequently denied and refuted by us. So far as the cases of Junagadh and Manavadar are concerned, we maintain that there is no parallel between them and that of Kashmir.

3. Any impartial person familiar with the tragic happenings in the Punjab will recognize the complete baselessness of the suggestion that India organized
the wholesale massacre of the Muslim population in any part of its territories. Massacres of non-Muslims began first in 1946 in Calcutta and in March 1947 in the West Punjab. What happened in India against Muslims was by way of retaliation against the atrocities perpetrated on non-Muslims first in Calcutta, and, later, in territories which are now part of Pakistan, e.g., Noakhali and the West Punjab. We have not only not encouraged, but openly and consistently condemned retaliation. We have also done everything in our power to protect Muslim minorities in India. We claim that we have done so more effectively than Pakistan.

4. I am not aware that there has been any stoppage of essential requirements, such as coal and rail transport, as a kind of sanction against Pakistan. Where delays have occurred these have been due entirely to other causes, e.g., shortage of wagons, or, in the disturbed areas of the Punjab, to dislocation of traffic owing to the disturbances.

5. There has been no deliberate withholding of Pakistan’s share of funds and arms and equipment with intent to apply pressure on Pakistan. As I have already tried to explain to you, we stand by the financial agreement that was recently reached. Payment has been deferred because we cannot, while operations against Jammu and Kashmir State are being conducted from bases in Pakistan, with Pakistan’s connivance and assistance, reasonably be expected to make available funds which might be used to intensify military operations against us.

6. The first two charges, viz., that India has never wholeheartedly accepted the partition scheme, and that India is out to destroy the State of Pakistan which her leaders persistently continue to regard as part of India itself, are completely devoid of foundation, and I must emphatically repudiate them. Had we not desired to accept the partition scheme, nothing would have been simpler for us than to refuse acceptance when the scheme was first put forth. India has no responsibility for the sequence of events which you regard as evidence of India’s resolve to destroy the State of Pakistan. It is true that some of us have expressed the view that India and Pakistan must draw closer to each other. The facts of history and geography fully justify this conclusion. Two neighbouring States such as Pakistan and India can either be friends, or live in a state of veiled or of open hostility. No responsible Indian leader has ever thought that friendship between India and Pakistan, which is more desirable than mistrust or enmity, should be achieved by forcible compulsion of Pakistan into political union with India.

7. In conclusion I would add that while I fully share your hope that our approach to the United Nations Security Council will help to lay the foundation of friendlier relations between Pakistan and India, it is not possible for us to
invite the intervention of the Council on all the matters which you have mentioned. Peace between India and Pakistan is not threatened either by past events or by the entirely imaginary hostile motives that are attributed to us, but by the hostilities that are now in progress in general in Kashmir State between the Indian State Forces on the one hand and the invaders, tribesmen and Pakistan nationals, operating from bases in Pakistan and with assistance drawn from Pakistan, on the other. This is an issue at once clear-cut and urgent, and, unless valuable time is to be wasted on acrimonious debates, this is the issue for the settlement of which the Security Council must, in our opinion, exclusively apply itself.

Yours sincerely,
Jawaharlal Nehru

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Telegram

Lahore, January 7, 1948.

From : PUNSG, Lahore
To : Foreign, New Delhi

Following from Liaquat Ali Khan for Jawaharlal Nehru.

Your statement that India would be completely justified in attacking Pakistan territory on plea of attacking alleged basis of so-called invaders has created situation particularly in districts adjoining Kashmir territory which makes it undesirable that Indian Liaison Officers and troops should operate within 48 hours from following districts:—

Sialkot, Gujrat, Jhelum, Rawalpindi and Campbellpore.

Government of Pakistan will make all necessary arrangements for evacuation of any non-Muslims including abducted women still remaining in pockets.

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0029. Cable from Prime Minister Jawaharlal Nehru to Pakistan
Prime Minister Liaquat Ali Khan.

New Delhi, January 9, 1948.

Your telegram of 7th January. My statement that India would be justified in
sending troops to Pakistan bases near Kashmir border to stop invaders from
entering Kashmir was mere repetition of what I have frequently stated. If India
is attacked by people coming from Pakistan or via Pakistan territory, we are
entitled to expect Pakistan Government to stop them and prevent invasion of
India. If Pakistan Government is unwilling or unable to stop them, then India is
necessarily justified in taking measures to stop them herself. We have however
avoided taking any such measures because of our earnest desire to prevent
further conflict, involving grave consequences. We shall continue this policy
unless circumstances compel us to act otherwise. Even now I would request
your Government to prevent the use of your territory for purposes of invasion
of Indian Dominion territory.

In view, however, of your request we are withdrawing our Liaison Officers and
troops from Sialkot, Gujrat, Jhelum, Rawalpindi and Campbellpore districts.
We would request you also withdraw your Liaison Officers and troops from
Gurdaspur district.

We trust that your Government will make all necessary arrangements for
evacuation of non-Muslims left in pockets and more specially abducted women.
During last few weeks this process has slowed down very greatly on the Pakistan
side while we have restored to Pakistan over 2,900 women. We propose to
continue our efforts to restore abducted women and would earnestly request
you to speed this process in Pakistan.

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30. Letter From Deputy Prime Minister Sardar Vallabhbhai Patel to Prime Minister Jawaharlal Nehru.

New Delhi, January 9, 1948

My dear Jawaharlal,

I am sending you herewith a copy of the report which we have received from a source of the Intelligence Bureau operating at Lahore. You will notice from this that preparations are going on for making the general population war-minded and training it on military lines. It also appears that due to the tribal areas there is no dearth of small arms. It is also likely that a good deal of smuggling has taken place out of our own depots during the time that the Supreme Headquarters were in charge.

2. I do not think we can afford to look at all with any degree of complacency. While I do not propose to assume any alarmist attitude, I do feel that immediate organization and preparation on similar lines on at least the borders of Pakistan would have a salutary effect not only in raising the morale of the people on our side but also in creating a deterrent effect on Pakistan.

If you agree, I feel that the position requires consulation with our Military experts and formulation of some sort of plans for the organization of civil defence in the East Punjab and other border areas. Perhaps the best course would be if we discussed this matter at a meeting of the Defence Committee.

Yours sincerely

Vallabhbhai Patel

The Hon’ble Pandit Jawaharlal Nehru

New Delhi

ENCLOSURE

REPORT FROM AN INTELLIGENCE BUREAU SOURCE AT LAHORE ON PREPARATIONS FOR MILITARY TRAINING

I had further opportunity to live here and visit Sialkot, Gujranwala, Wazirabad, Hafizabad, Pattoki, Kasur and other places and to meet many people and study the situation.

There is an all-out drive for the enrolment of the National Guards and all the district officers are vigorously engaged in surpassing one another in the number of enrolling able-bodied men for National guards. They have regular printed froms for enrolment and the candidates are accepted after due medical examination. Every city, town, police station headquarter, a big village and groups of small villages are the training centres of these Guards. Batches are seen drilling everywhere one goes with a spirit and proper discipline. In West Punjab alone their number will be over a lakh.
Every one says and thinks that war is inevitable and they are going to fight for Pakistan and defend it to the last man. Even the rich and men in high society and offices are very sincere and keen to sacrifice their all for Pakistan.

As for Kashmir and Jammu, the Pakistan Government and every Muslim is keen to fight to the finish and conquer it at all costs and sacrifice. Their morale is very high. At Sialkot Cantonment I learnt that almost half the troops stationed there had gone to fight on the Jammu front. They are sent in plain clothes and there have been a good many casualties amongst them. The same is the case at other places where troops are stationed Every ablebodied man here is a voluntary soldier with a spirit of free service and sacrifice for his dear Pakistan.

The officers in West Punjab holding key positions and high posts are very sincere and honest in eradicating corruption and inefficiency, but the Minister is both dishonest and inefficient.

The enclosed is a cutting from the C.M.G. [Civil and Military Gazette] which shows how they are infusing Islamic culture and spirit even in the police.

Pathans are still bringing women and cattle to Gujarat from Jammu and Kashmir State and take them further and sell them openly.

Kasur on the Ferozepur-Lahore border is a big refugee centre of Meos. They are encamped there and it is being planned to settle them on the Pakistan border. Majority of them have their country-made arms. They are dying of hunger but their spirits are high.

Rifles and other small arms are being manufactured in large quantities. There are war clouds on head hare and since last ¾ days the situation is very tense.

The reference of the J&K case to the UNO and the Indian Union’s withholding of the Payment to Pakistan have created a great panic.

On the 31st, a Sikh was brutally done to death at the railway station, Lahore Platform, as he was recognized by someone and yesterday, i.e. on the 2nd [January 1948] one Hindu was stabbed in Guru Arjan Nagar outside Shah-Almi Gate, Lahore city.

There is great hatred for Sikhs in the minds of every Mohammedan here.

The Hindus in Amritsar are also not happy about the behavior of Sikhs. This is a fact and I know of instances which prove that Sikhs have also looted Hindus and kidnapped their women in the border districts in Pakistan as well as Hindustan.

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I was sorry to read Pakistan's reply to India's case on the Kashmir issue. It is full of lies. I was surprised that any responsible person could make such a statement.

Pakistan's case was that the Government of India, right from the start, was conspiring to destroy Pakistan. This is an absurd thing to say, because if that had been our intention, we would not have accepted partition at all, and would have resisted it with all our might. We agreed to the creation of Pakistan, much against our will, with the hope that when the present bitterness dies down, we would come closer. Of course, we realized that our old relationship, as in an undivided India, could not be re-established, but there was no doubt that the two countries would come closer to each other.

Since partition we have been guided in all our actions by a spirit of settlement with Pakistan. This is clear from the speed and manner in which we settled all outstanding matters between the two Dominions. We could have easily referred all the issues to the Arbitral Tribunal and thus delayed their settlement by months and months. It is, therefore, wrong on anybody's part, be he in the Pakistan Government or outside, to think that we want to absorb Pakistan. India and Pakistan have their own problems to solve, and if today the Pakistan Government were to ask for a reunion, we shall definitely refuse it as we don't want to burden ourselves with the problems they have created for themselves. We do not want a war with Pakistan, or for that matter, with any other country, because we feel that war is bad and also because we want to build up our country. Even talk of war is harmful for us as it creates unnecessary panic. However, this does not mean that we will not prepare ourselves to resist an invasion. But we want peace to develop and strengthen our country. We want to link up the problem of rehabilitation of refugees with our development schemes. In this effort, we want the cooperation of our people.

A tremendous change has also come in our relationship with other nations. People do not seem to realize that Pakistan is now a different country and there are only two methods of dealing with a foreign country. The first is by negotiation and agreement, and the second is through war. There is no middle course. If something untoward happens in Bombay, we can ask our friends there to see that it is set right. Some people, however, seem to think that this
Government should give orders to Pakistan. They do not realize that Pakistan is not a part of India.

Policies of important nations in the world are not so much based on justice as on their self-interest. In these critical times only that country counts, that is strong. And so when they see India and Pakistan fighting with each other—Pakistan has not been very strong from the beginning but India is potentially strong—they feel that these two will fritter away their energies and need not be taken seriously.

Some people might claim that they were not to be blamed for anything; it was Pakistan that started it. I know this is so. But that does not mean that we too should stoop down to their level. It is a mistake to think in terms of turning out the Muslims. Even self-interest shows that it is wrong. If Pakistan persists in her policy she will be ruined. We have to understand that in India, for thousands of years, people of many religions have been living peacefully. There are Hindus, Muslims, Sikhs, Christians, Jews and Parsis. Turning out Muslims would mean that we would be following in the foot-steps of Mr. Jinnah. Today, if we started exterminating the Muslims, tomorrow we might start with Christians, Sikhs, Jews and Parsis, and a stage might arise when Hindus would fight among themselves. Our freedom would be short-lived if we were guided by such questionable principles.


“I was shocked to learn of the most dastardly attack on the life of Mr. Gandhi, resulting in his death,” said Quaid-i-Azam Mohammad Ali Jinnah. Governor-General of Pakistan, on hearing the news of the death of Mr. Gandhi.

He added: “There can be no controversy in the face of death. Whatever our political differences he was one of the greatest men produced by the Hindu community and a leader who commanded their universal confidence and respect.

“I wish to express my deep sorrow and sincerely sympathise with the great Hindu community and his family in their bereavement at this momentous, historic and critical period so soon after the birth of freedom for Hindustan and Pakistan.

“The loss to the Dominion of India is irreparable and it will be difficult to fill the vacuum created by the passing away of such a great man at this moment.”

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0033. Statement of the Government of Pakistan on the release of 89 aircraft to India.

Karachi, February 2, 1948.

“There is a great deal of misunderstanding regarding the release of 32 Tempest and 57 Spitfire aeroplanes to India, says a Press note issued by the Pakistan Government.

As regards Tempests they were at Drigh Road at the time of partition and, under the partition agreement, were the share of India. In the same manner, Tiger Moth, Harvard and Dakota aeroplanes numbering 54 in all which were the share of Pakistan were in India.

Out of these, Pakistan received 48 aeroplanes and six Tiger Moths are still due. Negotiations for some more Dakotas are going on. Therefore, the Tempests which were allowed to go were the property of India under the agreement and Pakistan was bound to honour the agreement.

The case of the Spitfires is quite different. These were the property of HMG
and were sold by the British Government to India. It might be explained here that the British Government offered the Spitfires to Pakistan but they were not required.

Perhaps the confusion and misunderstanding in the public mind would not have occurred if the business of transfer had gone through in the ordinary manner.

But due to the misunderstanding of the intentions of the Government of India in the matter of the transfer of military stores which was accentuated by that Government’s refusal to transfer the Rs.55 crores of Pakistan’s share of the cash balances, the Ministry of Defence detained the Tempests and the Spitfires in Karachi.

The position was clarified at the meeting of the Joint Defence Council on January 11 when categorical assurances were given that Government of India would do all in their power to expedite the transfer of Pakistan’s share of Military stores. The Ministry of Defence then directed that the aeroplanes be released.

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0034. Tributes paid to Mahatma Gandhi by the Sind Assembly.


Moving the condolence resolution on the death, of Mahatma Gandhi, the Sind Premier, Mr. Khuhro, said that everyone knew that Mahatma Gandhi devoted and dedicated his entire life to the cause of the freedom of the Indian sub-continent.

He struggled throughout his life for the freedom of the people and he made every possible sacrifice that a human being was capable of. Little did one realize that his efforts would be crowned with success so soon, but on Aug 15 as a result of his able leadership the country was liberated from foreign yoke and the two Dominions established.

The Premier added: “But really speaking his work which was far more important began from August 15. Everyone knows through what things and what conditions people in Indian Dominion—when I say people I refer particularly to Muslims in that Dominion, the minorities as such—were passing through. We know that they had to go through the blood bath. So many innocent people, men, women and children, were killed, massacred and property looted. At that time this man
rose to the occasion and he struggled very hard to see that the innocent and helpless minorities are protected. He fasted at Calcutta and at Delhi to save the lives of those minorities.

“I must say that the minorities, particularly the Muslims in the Indian Dominion, were very grateful to him and they owed a great deal to his work from August 15 till the day he breathed his last.

**Mearest Thing**

“It is indeed, a very sad thing and one of the meanest in the history that the very man who taught the lesson of freedom and Independence to the people of this country should be assassinated by one of his own people. Many people in India hung down their heads in shame when they think what the world will think of them that they became so narrow minded that a person who has been trying to lead them along the right path and who has been trying to maintain and preserve peace between the various communities and nations should be misunderstood and such a mean and dastardly attack should be made on his life.

“His example could well be compared with the great historic figure of Julius Caesar or Jesus Christ. They suffered at the hands of their own men who they came to uplift and improve in their times and in our times he is the example that can be compared.”

**Shame for Humanity**

Mr. Sirimul Vishindas (Cong) said it has a matter of shame for humanity that Mahatma Gandhi’s life should have been ended like this. He was one of the greatest men of the world and his greatest contribution was to create a sense of manliness and self-respect among Indians. He smashed religious orthodoxy among Hindus. He raised the status of women. He was a saint among politicians and a politician among saints. He was the greatest messenger of Hindu-Muslim unity. He hoped that Mahatma’s death would create such forces of unity and love that would bring the two Dominions together.

Kazi Mohd. Mujtaba, speaking in Urdu said Gandhi was people’s man, and a great friend of workers. His work for betterment of Pakistan and India would be written in letters of gold in history. People might differ from his politics, but nobody would question his sincerity of purpose.

His efforts in the field of Hindu - Muslim unity would be always gratefully remembered by Muslims. He was a great friend of Pakistan.

The speaker said Pakistan should take a warning from the assassination of Mahatma Gandhi by reactionary forces. There were similar forces at work in
Pakistan who were exploiting religion for creating disruption. Such forces should be put down by Pakistan Government.

Haji Maula Baksh said the best way to commemorate the Mahatama would be for the two Dominions to come to an agreement and take back minority refugees and provide fullest protection to the minorities.

Mr. Ali Mohammad Mari and Miss Jethi Sipahimaluni and Syed Ali Akbar Shah also supported the resolution.

Associating himself with the sentiments expressed by the various speakers; Syed Mirza Mohammad Shah said the Mahatma ruled the hearts of men. Words could not cover the depth of sorrow which people felt over his assassination. Everybody should follow the path the Mahatma had chalked out for them.

The House then passed the resolution, all members standing, and adjourned for half an hour.

0035. Tributes paid to Mahatma Gandhi by Pakistan Parliament.

Karachi, February 24, 1948.

“He died in the discharge of the duty in which he was engaged. He was a man of Principles and when he was convinced and when he believed that it was his duty he took it up and performed it,” said Quaid-i-Azam Mohammad Ali Jinnah associating himself with the tributes paid to Mahatma Gandhi by all sections of the House when the first session of the Pakistan Parliament began.

[The first session of the Pakistan Parliament began on Monday at 11 a.m. with recitations from the Holy Quran by Maulana Shabbir Ahmed Usmani, Quaid-i-Azam Mohammad Ali Jinnah, the President of the Assembly was in the chair.]

One of Greatest Men

Mr. Liaquat Ali Khan, the Leader of the House then rose to condole the death of Mahatma Gandhi. He said: “It is with a deep sense of sorrow that I rise to make a reference to the tragic death of Gandhi ji. He was one of the greatest men of our times and during the last 30 years he occupied a great and prominent place on the stage of Indian politics. It would be no exaggeration to say that the present strength and greatness which the Congress party enjoys is due solely to the untiring efforts of this great leader.”
The Leader of the House added: “Thirty years ago, Gandhi ji preached the doctrine of non-violence and it is indeed an irony of fate that the man, who had been preaching for 30 years this doctrine, should be the victim of an assassin’s bullet.

“As the house is aware, during the last few months, people of India lost their sanity and communalism in its worst form-murder, rape and arson visited that unfortunate country. Gandhi ji realized that if this cult was to continue, it would mean the ruination and destruction not only of the minorities but of the whole nation.”

“As he was always anxious for communal harmony, he threw himself, heart and soul into this work of establishing communal harmony in India and everyone knows that even at the risk of his life, he carried on his noble mission. The immediate cause of his tragic death was certainly his effort to re-establish communal harmony in India.”

He further said: “All those who are well-wishers of the country, all those who love communal harmony and peace would always remember the supreme sacrifice that Gandhiji made in cause.

“His death, especially at this juncture is an irreparable loss to India and we send our sympathies and deep sense of sorrow to the sister dominion of India in their great bereavement and we hope and pray that what Gandhiji could not achieve in his life, might be fulfilled after his death viz establishment of peace and harmony between the various communities inhabiting this sub-continent. Mr. President, Sir, I will request you to send the sympathies of this House to the peoples of India and Gandhiji’s relations.”

Khwaja Nazimuddin

Khwaja Nazimuddin, the East Bengal Premier said: “I associate myself with the feelings expressed by the Leader of the House. Gandhiji led the freedom movement in the pre-partition India and during 1922, Muslims and Hindus worked together for Indian independence. After partition, Gandhiji recognized that partition was an established fact and he impressed on all Indians that in the interest of both Pakistan and India, it was necessary that the two Dominions should work together in harmony and cooperation.

“It is most unfortunate that at the time he was trying his best to protect the minorities in India, he should have fallen a victim to the bullet of an assassin. I feel that his death is not simply a loss to India; it is a loss to Pakistan too. He was trying to bring about good relations between India and Pakistan.”
Mumtaz Daultana

Mian Mumtaz Daultana, the West Punjab Finance Minister said: “On behalf of the people of the West Punjab, I would like to associate myself with the sentiments expressed on the death of Mahatma Gandhi. We believe that he was killed when he was fighting for a noble cause viz the establishment of communal harmony and peace between various peoples of Hindustan and Pakistan. He realised more than anybody else that only with the establishment of peace and goodwill the two Dominions can prosper.

“Our hearts are full of grief and sorrow at the loss of this great man who by his noble and spiritual greatness enriched the culture of the world. I hope by his death the two peoples of Hindustan and Pakistan will have mutual friendship, concord and goodwill.”

Congress Party Leader

Mr. Sirish Chandra Chattopadhya (Acting Leader of the Congress Party). Said “I fully associate myself with the sentiments expressed by the Leader of the House. This is a matter which is very painful to me, more so because the assassin was a Hindu. I always put this question: “Is this a sample of Hindu culture?”

“The Jews 2,000 years ago crucified Jesus Christ and they are being badly treated by the world today. I do not know how the Hindus will be treated by the world on account of the assassination of Gandhiji by a Hindu.”

He added: “Gandhiji died because he was preaching communal harmony. He was preaching there will be no theocratic state in Pakistan or Hindustan. He was preaching that there will not be a Hindu state in the Indian Union and I think that was the reason for his assassination. Those who wanted a Hindu state were the conspirators to kill Gandhiji. I do not want a Hindu state or a Muslim state. I want a people’s state.”

Further, the acting Leader of the Congress Party said:”He (Gandhiji) was a great man and it is the duty of every Indian to preach communal harmony and finish his unfulfilled mission. If we could do that, good will come out of this evil.”

Sind Premier.

The Sind Premier, Mr. M. A. Khuhro said: “I on behalf of myself and the people of Sind, sincerely and whole-heartedly associate myself with all that has been said by the Leader of the House. Gandhiji was undoubtedly one of the greatest men that the world produced and one of the greatest leaders of our times. He tried hard to achieve independence and freedom for his country from foreign
yoke. He struggled for freedom through non-violent means but it is indeed tragic that he was a victim of violence.

"After August 15, when separate independent Dominions of Hindustan and Pakistan had been established, he tried his very best to maintain communal harmony and peace. He did a great work and it was his stay in Delhi that the minorities, especially the Muslims, were saved. Unfortunately his life was cut short and he could not complete his mission.

"Let us hope that the work he left undone will be done by the peoples of India and Pakistan and that the minorities in the Indian Union will be protected and saved from the tyrannies they have experienced so far."

The Quaid-i-Azam then spoke with deep emotion. He said: “I have heard the deep expression of sorrow and grief and I associate myself with the tributes that have been paid to this great man and his greatness. He died in the discharge of duty in which he was engaged. He was a man of principles and when he believed that it was his duty he took it up and performed it.”

He added: “His tragic death, however, much we may deplore and condemn it, was a noble death for he died in the discharge of the duty in which he believed. I will convey the message as desired by you, Mr. Prime Minister, to the Indian peoples in due course.”

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0036. Accession of Kalat State to Pakistan

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A. Resolution passed by the Diwan-i-Aam of Kalat State declaring its future relations with Pakistan on the basis of a Treaty.

Dhadar (Kalat), February 25, 1948.

“This session of the Diwan-i-Aam (Lower House) maintains the resolution passed by this House on Dec 14, last that all future relationship between Pakistan and Kalat should be on the basis of a treaty.

“The House further resolves that a deputation consisting of the members of both the Houses and the Government should leave for Karachi to negotiate
future relations between the two states in the light of the declaration of the former Government of India which recognized the independence of Kalat."

The Khan of Kalat, who inaugurated the session, impressed upon the members that a great responsibility rested upon them. "Whether we can maintain friendly relations with our Muslim neighbor states Pakistan, and get our legitimate rights accepted from her is at stake," he said.

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B. Press Note issued by the Pakistan Ministry of Foreign Affairs about the “accession” of certain parts of Kalat State to Pakistan.

Karachi, March 18, 1948.

The States of Kharan, Las Bela and Mekran applied for accession and the accession of all three were accepted by Pakistan, states a Press Note issued by the Ministry of Foreign Affairs, Government of Pakistan.

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C. Cable of Kalat Foreign Minister to Pakistan’s Foreign Minister Zafrullah Khan requesting him to stop Pakistan Foreign Ministry from taking hostile action against the State.

Quetta, March 20, 1948.

In a cable to Sir, Mahamaddin Zafrullha Khan who is at present presenting Pakistan’s case before the UNO at Lake Success, Mr. Y.D. Fell, Kalat’s Foreign Minister says:

“On March 9, His Highness the Khan of Kalat received a communication on behalf of Quaid-I-Azam Mohammad Ali Jinnah stating that His Excellency the Governor-General of Pakistan had decided to cease to deal personally with Kalat State, and to leave the conduct of the negotiations to decide the future relations of Pakistan and Kalat to the Government of Pakistan.”
“Please take steps so that no illegal or hostile action will be taken against Kalat State by the Foreign Office during your absence.”

In the same cable, Mr. Fell asserts that Las Bela and Kharan are but two feudatory states of Kalat, and Makran is one of its districts.

The Foreign Minister adds: “Kalat desires to reach a satisfactory solution with Pakistan by negotiation and the Government have taken no decision for or against accession and will take no such decision until you have yourself discussed the matter formally with Kalt’s representatives”.

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D. **Telegram from the Kalat Foreign Minister to the Pakistan Foreign Ministry describing the Pakistan Radio report of accession of Kalat’s feudatories to Pakistan as tendentious.**

**Quetta, March 20, 1948.**

“The attention of the Kalat Government has been drawn to a Radio Pakistan announcement that the Pakistan Government has accepted the accession of Kalat’s two feudatories, Las Bela and Kharan, and the district of Makran. “The Kalat Government request that this report should be immediately and publicly denied. The action reported by the Radio would be contrary to the Standstill agreement concluded last July and recently reaffirmed in the British House to Commons by Mr. Gordon Walker, Under-Secretary of the Commonwealth Relations Office.

“His Highness the Khan of Kalat received a personal communication on behalf of Quaid-i-Azam Mohammad Ali Jinnah stating that relations between Kalat and Pakistan would now be negotiated between the two Governments. A formal approach to the Pakistan Government is under preparation and the Kalat Government would protest strongly against any action in anticipation of the receipt of this.

“Also, it is not expected that Pakistan as a Muslim State, will desire to take any high-handed or unjust action against a Muslim neighbour and on this grounds also, he is confident that this mischievous report will be denied immediately.”
KALAT COMMUNIQUE

Late last night, Star's Quetta correspondent cables, a Press Communique was issued from Kalat House in Quetta. It stated:

"His Highness the Khan feels strongly that Pakistan, as the leading Muslim State and the chief champion of Muslim rights the world over, will be the last State to infringe the rights of a small Muslim neighbour whose ruler and people have both during the fight for Pakistan and since its achievement given valuable co-operation and assistance to her.

"It is however, necessary to explain that Makran is a district of the Kalat State and has no separate status. Las Bela and Kharan are feudatories of Kalat whose foreign policy was placed under the control of the Kalat Government by the British Government last July.

"The rulers of these two States have attempted to evade this control by application for separate recognition to Pakistan. Pakistan has hitherto refused this recognition and has offered to recognize Kalat's control formally in consideration for Kalat's accession to Pakistan; the subject is now under negotiation.

"The Kalat Government does not believe that the Pakistan Government has any intention of anticipating the results of these negotiations and therefore discredits the recent radio announcement.

"As regards the negotiations the position is that informal talks had taken place before and after August 1, 1947, between Quad-i-Azam Jinnah and His Highness the Khan and between representatives of the State and the Pakistan Foreign Office. These negotiations were informal and inconclusive and the Kalat Government is asking that formal negotiations should begin as soon as possible. As these negotiations have not formally begun that Kalat Government does not desire to comment on the questions involved.

"The present relations between Kalat and Pakistan are governed by the standstill agreement negotiated by the then Viceroy of India, Lord Mountbatten, between Pakistan and Kalat. The Kalat Government has honoured this agreement in the letter and spirit and is confident that Pakistan will do the same."

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E. Protest lodged by Kalat State with the Pakistan Government on the separated accession of Makran to Pakistan.

Kalat, March 25, 1948.

Kalat lodged a note of protest against Pakistan’s acceptance of the accession of Makran to the Pakistan. The Deputy Premier and Foreign Minister of Kalat Y. D. Fell lodged the protest with the Pakistan Foreign Office. In an interview with Star, Mir Ahmed Yar Khan, the Ruler of Kalat, said: “The question of Kharan and Las Bela is a different issue from Makran. Makran is a district of Kalat and has been under our control for more than 220 years. We will deal with the question of Kharan and Las Bela separately.”

The acceptance of the accession of Makran, he said with emphasis was a direct violation of the Standstill Agreement that existed between Kalat and Pakistan.

“If Pakistan has no justice for us, it is natural that we should look to others, especially the Muslim countries, the International Court of Justice and the UNO, whom we have informed of the developments.”

The Ruler of Kalat repudiated reports of the “gutter Press” that Kalat has any truck with Pakistan’s enemies or that Mr. Y.D. Fell had gone to England in order to approach the United Kingdom to have direct relations with Kalat.

Mr. Fell had gone to England on a personal visit and if he tried to use this opportunity to buy arms for the Kalat police and army and engaged a few retired officers of His Majesty’s Army it was with the knowledge of Pakistan, he said.

Mir Ahmed Yar Khan concluded by saying that a friendly gesture on the part of Pakistan could win greater friendship and assistance from Kalat which she always gave to her unreservedly in the past.

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F. Communiqué issued by the Ruler of Kalat acceding to Pakistan.

Quetta, March 28, 1948.

“On the night of March 27, All India Radio, Delhi, announced that two month ago Kalat State had approached the Indian Union to accept its accession to India and that the Indian Union had rejected the request. This news in most surprising and disturbing to me as a Muslim neighbour of Pakistan.

“It has never been my intention to accede to India as my Government or myself never moved the Indian Union either in writing or through any agent that it should accept the accession of Kalat State. A telegraphic request was at once made to the Governor-General of India to contradict the announcement or as an alternative to release to the Press for public information any correspondence that the Indian Union may have received on this subject.

“Prima facie this is nothing but a piece of false propaganda carried on by an interested section in India with two motives behind it: First to spoil the negotiations that are at present being conducted between Pakistan and Kalat and, secondly, to give a false impression to the world that they are right in their policy in respect of Kashmir, Junagadh and Hyderabad (Deccan).

“Let me make it clear in unequivocal terms that no earthly power can separate Kalat and its Ruler from Pakistan as we are all Muslims, followers of the same Prophet (Peace be upon him), believing in the Quran and worshipping a single God. We have to live and die together.

“We perhaps have differences, but not to the extent that may cause disunity and lead to separation. Whatever efforts during the past ten years the Ruler of Kalat has been able to put in under the guidance of the Quaid-i-Azam, for the achievement of Pakistan, are no secret.

“Some time was and perhaps is still required for clarification of difference of viewpoints existing between Kalat and Pakistan.

“But, my very first reaction after hearing the news was that no time should be lost to put an end to the false propaganda and to avoid and forestall the possibility of friction between Muslim brethren in Kalat and Pakistan as result of the mischievous news.

“It is, therefore, declared that (a) from 9 p.m. on March 27, the time I heard the false news over the A.I.R. I forthwith decided to accede to the Dominion of Pakistan; (b) whatever differences of view point at the present exist between Kalat and Pakistan shall be placed in writing before the Quaid-i-Azam whose decision I shall accept.
“I trust that by the grace of God my Sardars and people will welcome the decision taken by me.”


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G. Reaction of the Government of India to the Statement of the Ruler of the Kalat State.

New Delhi, March 28, 1948.

The assertion that the Khan of Kalat had made an approach to the Government of India with an offer of accession was made yesterday at a Press conference by Mr. V.P. Menon Secretary of the States Ministry. He said that “Kalat had approached the Government of India through an agent one or two months ago, but we refused to have anything to do with that State.”

Mr. Menon described as “utterly false” the report that there had been “negotiations” between India and Kalat State though Kalat had made an approach. He repudiated the idea that India could think of giving any financial help or bribe.

Mr. Menon added that the Government of India “would not have anything to do” with any state within or contiguous to Pakistan.

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H. Editorial in the Dawn: “Kalat’s Accession” to Pakistan


SOMEWWHAT dramatically H.H. the Khan of Kalat has taken the inevitable step and decided to bring the remaining parts of the Kalat confederacy into the Dominion of Pakistan. More than half of the territory had already acceded and Mir Ahmad Yar Khan’s accession affects only residuary Kalat. His decision, because of the delay, the manner of its making, and the preceding circumstances publicly known and unknown, may not create any excess of enthusiasm but it is very welcome. It does clear the atmosphere considerably
and eliminates the chance of complication which might have arisen had His Highness continued to follow any other course. To that extent he deserves to be congratulated. A helpful factor which smoothed the path of wisdom was presumably the friendly but unambiguous exposition of what we may call the realities of the situation by the Pakistan Foreign Ministry’s able representative Lt.-Col. A.S.B. Shah who had gone to Quetta for that express purpose. He has been, fortuitously, assisted in his mission by a spokesman of the Indian States Ministry who, by inadvertence or design, blurted out a statement of grave import at a New Delhi Press Conference. One or two months ago, he said, Kalat had approached the Government of India “through an agent” with an offer of accession to the Indian Dominion. His Highness had himself categorically denied earlier unofficial reports to that effect, but this official assertion by the Secretary of the Indian States Ministry put the matter in a very different light. Happily, the Khan of Kalat was prompt in taking in the significance of the matter and decided to give the lie to the Indian assertion not by a mere counter assertion but by positive action which would show his loyalty to Pakistan. In view of this it would be in the nature of an unprofitable post mortem to continue public speculation as to whether such an offer was or was not made to India.

Incidentally, it should be noted how naive the Secretary of the Indian States Ministry, Mr. V.P. Menon, wanted to be when he said that “the Government of India would not have anything to do with any state within or contiguous to Pakistan.” After having accepted the accession of Tripura state which is much more contiguous to Pakistan than to Indian territory, and after having not only engineered the Maharaja’s accession but also started a war of conquest of Kashmir, such a pose ill becomes India. Mr. Menon, we are afraid, met with ill success in trying to make a virtue of necessity.

The Khan of Kalat refers to the existence still of “differences of viewpoint” between himself and the Pakistan Government but gives a categorical undertaking that he will place them in writing before the Quaid-i-Azam “whose decision I shall accept.” It is to be hoped that these differences are not of an insurmountable nature specially as His Highness has now willingly transferred to the Pakistan Government a great deal of responsibility over the affairs of the state. In any case, the Quaid-i-Azam, if he agrees to give once more his personal attention to the question can be depended upon to be fair and just in his decisions, which we imagine, would naturally take into account the situation created by the earlier trouble-free accessions of Kharan, Las Bela and Makran.

On one very important aspect of the prevailing internal situation in Kalat we feel bound to address a special word to His Highness the Khan. His policy having so long been what it was, a particular political organization, the Kalat National Party, has received much encouragement, especially in the last few
months. Formerly it was against the Khan but believing that the Khan was opposed to Pakistan it swung over to strong support of him. This was not because they loved the Khan any better than before but because they were bitterly anti Pakistan. The so-called Kalat Nationals are known to be in touch with anti-Pakistan elements in India, and for all one knows, with similar elements elsewhere. They are creating disruption and fomenting an anti Pakistan agitation. Due to the peculiar circumstances which arose recently, the Khan perhaps thought it advisable to encourage them. For the same reason, on the testimony of an impartial British newspaper correspondent who had lately been to Kalat, the States Muslim League has been “virtually banned” in the State. His Highness will realize that a radical change in his attitude and his Governments policy towards these political parties is now called for. Parts of his Press communiqué announcing the accession are splendidly worded, for instance where he declares: “We are all Muslims, followers of the same Prophet (Peace on upon him), believing in the Quran and worshipping a single God. We have to live and die together.” These are noble words. Therefore, His Highness’s first duty, if we may venture to say so, is to put down with an iron hand the disruptors who are talking of “Baluchistan for the Baluchis,” of “Baluch nationalism,” and poisoning the minds of the ignorant tribesmen by such propaganda, which is the very negation of the ideal of “one God, one religion, one people.”

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I. Acceptance of accession of Kalat State by Pakistan.

Karachi, March 31, 1948.

The Instrument of Accession, signed by the Khan of Kalat on March 27, was placed before the Quaid-i-Azam Mohammad Ali Jinnah on March 31 and was accepted, says a Press communiqué.

Kalat is composed of three units namely, Jhalawan Sarawan and Kachhi. Fifteen important Sardars from these three areas who are the leaders of the various tribes along with other minor Sardars, formed the Confederacy of which the Khan of Kalat is the head.

Las Bela, Kharan and Makran having already acceded to Pakistan, there will now be four separate independent and sovereign states in Baluchistan, whose Defence, Foreign Affairs and Communications, will be managed by the Government of Pakistan.
With the accession of these four states to Pakistan the land frontiers of the Dominion will run along with Afghanistan for nearly 600 miles and with Iran for nearly 550 miles.

These frontiers were being guarded by Pakistan army even before the accession of these states under the standstill agreements. There were Levy Corps also in these areas.

It is presumed that there will be a reorientation of the Pakistan Government’s policy vis-a-vis these areas. An early change in the administration, on the lines declared by the Quaid-i-Azam in the Sibi Darabar with a new AGG is considered likely. The evolution of a uniform policy towards these four states is being considered by the Pakistan Government.

The position of the leased areas namely Quetta, Bolan, Nazirabad and Nushki is also under consideration by the Government.

0037. Letter of Prime Minister Jawaharlal Nehru to Prime Minister Liaquat Ali Khan.

New Delhi, March 6, 1948.

My dear Nawabzada,

Will you please refer to your letter dated the 23rd February in which you refer to the alleged violation of Pakistan territory by regular Indian and Kashmir State troops and armed bands of civilians from across the border of Jammu and Kashmir State, and ask that I should use all my influence and authority to stop such raids?

2. I am having the incidents referred to by you very carefully investigated and I shall write to you further about the results of this investigation. I would like to assure you, however, in the meanwhile, that we have given the strictest instruction to our defence forces not to violate Pakistan territory; and the investigation of previous complaints made by you has amply demonstrated that these instructions have been loyally carried out by our troops.

3. I would like in this connection to recall to your mind our conversation when we last met in Lahore at a Joint Defence Council meeting. You then gave me a long list of frontier violations. I pointed out to you that even if the allegations were
correct their total effect was insignificant in the context of events in Kashmir. I must frankly repeat that it does seem to me extraordinary that you should send me this complaint at a time when armed raiders from Pakistan and from the tribal area are streaming in thousands into Kashmir territory devastating villages, looting property, murdering people, and abducting large numbers of women.

4. You refer in your letter to Gandhiji’s supreme sacrifice and to the necessity of the best minds in both countries thinking seriously of the gulf between India and Pakistan. I am glad you have referred to Gandhiji and I agree entirely with you that both India and Pakistan should examine and constantly keep in view their conduct in the light of Gandhiji’s approach to the problem. I would inform you, however, that, as I have stated in my statement to the Constituent Assembly this morning, I had had the benefit of the constant advice of Gandhiji in the matter of our handling of the Kashmir situation, and the action that we have taken there had had his full support.

Yours sincerely
Jawaharlal Nehru

0038. Letter from Ministry of External Affairs to Provincial Governments in India regarding arrangements between India and Pakistan for extradition of offenders.

New Delhi, the 10th March, 1948.

No.F23-1/47-OS.V(PAK) March 10, 1948

Government of India
Ministry of External Affairs and Commonwealth Relations
New Delhi

From: T.B. Crossley Esqr., O.B.E., I.C.S.,
Deputy Secretary to the Government of India.

To: All Provincial Governments and Chief Commissioners.

Extradition of fugitive offenders from Pakistan to India and vice versa under the Fugitive Offenders Act, 1881 – Procedure*.

* While forwarding a copy of this letter to the High Commissioner of India in Pakistan he was instructed to send a copy of this communication to the Government of Pakistan.
Sir,

(With reference to your letter No HPL. 275/47/1, dated the 18th September 1947)
(With reference to the correspondence resting with this Ministry’s letter No. F. 23 – 1/47 – OSV(PAK), dated 18th February 1948) I am directed to say that the Government of India are advised that extradition of offenders as between the Dominions of India and Pakistan, which form part of His Majesty’s Dominions, will be regulated by Part I of the Fugitive Offender’s Act of 1881 read with Section 19 of the Indian Extradition Act, 1903, which by virtue of an Order – in – Council dated the 7th March 1904 is to be recognized, and given effect to, throughout His Majesty’s Dominions, as if it were a part of the Fugitive Offenders’ Act of 1881. The following procedure for the extradition of fugitive offenders from Pakistan to India should accordingly be followed.

The Provincial Government should send to the Government of India for transmission to the Central Government of Pakistan, warrants with duly authenticated copies of depositions and other documents on which they rely to prove that there is a strong and probable presumption that the fugitive committed the offence mentioned in the warrant. The depositions, warrants and document should be authenticated in the manner provided in Section 29 of the Fugitive Offenders’ Act, 1881. The Government of Pakistan, on being satisfied that the warrant has been issued by some person having lawful authority to issue it, will then take action under the Act. After the completion of proceedings the Pakistan Government may then order that fugitive offender be conveyed and produced before the Court in India which issued the original warrant.

The Government of Pakistan have agreed to the procedure outlined above and are issuing similar instructions to the Provincial Governments in Pakistan in this regard.

(The warrant and its accompaniments in respect of Muhammed Ali sent with your letter under reference, are returned herewith for necessary action in accordance with the procedure outlined above. The warrant in respect of the other accused, viz., Ghulam Hussain, has been forwarded to the Ministry of States for necessary action).

The procedure prescribed above should be observed by Indian Provincial Governments in respect of warrants received from Pakistan through this Ministry.

I have the honour to be,

Sir,

Yours most obedient servant

Sd/- T.B. Crossley

Deputy Secretary
0039. Extract from the Interview of Pakistan Governor General Mohammad Ali Jinnah to the Swiss paper *New Zurcher Zeitung.*

March 11, 1948.

The following is a record of the Interview given by Quaid-i-Azam to Dr. Eric Strelff, special correspondent.

**Q.** Is there any hope of India and Pakistan coming to a peaceful settlement of their own with regard to their differences and disputes on very vital and important matters?

**A.** Yes, provided the Indian Government will shed the superiority complex and will deal with Pakistan on an equal footing and fully appreciate the realities.

**Q.** Is Pakistan going to remain in the Commonwealth of Nations?

**A.** To begin with that is a matter for the Constituent Assembly of Pakistan to decide, and, secondly, it is obvious that it depends upon so many factors. We have to consider not one side of the business but also see whether by remaining in the Commonwealth of Nations it will be as much as to our advantage as to that of other sister nations in the Commonwealth.

**Q.** In international affairs, will Pakistan and India work jointly and also join hands for the defence of their border — both land and sea— and cooperate against any outside aggression?

**A.** Personally, I have no doubt in my mind that our own paramount interests demand that the Dominion of Pakistan and the Dominion of India should coordinate for the purpose of playing their part in international affairs and the developments that may take place, and also it is of vital importance to Pakistan and India as independent sovereign States to collaborate in a friendly way jointly to defend their frontiers both on land and sea against any aggression.

But this depends entirely on whether Pakistan and India can resolve their own differences and grave domestic issues in the first instance. In other words, if we can put our house in order internally, then we may be able to play a very great part externally in all international affairs.

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Joint Statement issued by the Premiers of East and West Punjab assuring the people of Peace.

Lahore, June 12, 1948.

The Premiers of the West and the East Punjab, Khan Iftikhar Hussain Khan and Dr Gopi Chand Bhargava, in a joint statement to the Press today assured the people of the two provinces that there was no truth in the rumours regarding anticipated disturbances or large scale border raids on June 15.

They made it clear that the two Governments had issued orders that any person or persons spreading such false rumours would be arrested and dealt with effectively.

The joint statement said: Rumour has lately been current that border attacks and wide-scale disturbances on both sides of the border between the East and the West Punjab may take place on or about June 15. The governments of the East and the West Punjab have been trying to ascertain the basis of such rumours.

It is obvious that these rumours which are false and baseless could not have originated from well-wishers of the two provinces.

We wish to assure the people in the two provinces and, in particular those residing in areas close to the border that there is no danger of border attacks or disturbances and that the two Governments are fully prepared to meet any trouble that may possibly be created by local miscreants and to deal with them effectively. We would therefore, like all people to keep calm and maintain good relations on both sides of the border.

Our Governments have issued orders that any person or persons spreading such false rumours shall be arrested and dealt with effectively.
Letter from Prime Minister Jawaharlal Nehru to High Commissioner Sri Prakasa regarding relations with Pakistan.

New Delhi, June 16, 1948.

My dear Prakasa,

Thank you for your letter of June 10th. It is a very good report which I have read with interest.

Our relations with Pakistan depend on two major factors, Kashmir and Hyderabad, and certain other matters which are giving us a lot of trouble, notably disputes about canal water and more specially the digging of a water channel by West Pakistan. This digging is most dangerous from our point of view as it will lead to the breach of an embankment and thus to the Ferozepore head works being made rather useless. We had hoped to discuss this matter at the inter-Dominion conference but this has been postponed because Liaquat Ali Khan could not come here yesterday. I am interested to know how far Liaquat Ali Khan's illness was real or feigned. We have sent you a telegram on this subject.

Zafrullah Khan and others wanted to come without Liaquat Ali Khan but we told them not to. I have an intense dislike for Zafrullah which has increased since his utterances at the U.N. Security Council. I am sure his coming here will do no good to anybody.

I have today received a telegram from Liaquat Ali inviting me to come to Karachi for discussions in ten days' time. I am not sending an answer just yet but I have absolutely no intention of going to Karachi. I might at a pinch go to Lahore but even that is very doubtful. It seems to me that these Prime Ministers conferences which we had agreed upon are likely to fade away after Mountbatten goes, unless of course there is a radical change in the situation which is doubtful.

Mountbatten had decided to go direct from Delhi to the Persian Gulf on his way to England without stopping at Karachi. He wanted to avoid landing at Karachi even for refueling chiefly because of Jinnah who might very well have been discourteous. Now Liaquat Ali Khan has specially asked him to go via Karachi so that they might say good-bye to him if only at the airport. In view of the general situation, we are inclined to advise him not to accept this invitation and to skip Karachi.

During the last few days we have been discussing Hyderabad and it seemed that we were on the point of coming to an agreement. In fact, I was almost sure and the Hyderabad representatives here agreed but again, as before, the Nizam
has stalled and tried to wriggle out. There are going to be no further discussions. If he does not sign on the dotted line within a day, it might be presumed that there has been a complete breakdown. This has a far-reaching consequence. We did our utmost to avoid this. Probably by tomorrow I shall give out all the facts to the press.

I have little doubt that Hyderabad has been hand in glove with Pakistan and it is Pakistan that has prevented them from coming into line with us. We have received definite information of a dispatch of two planes from Karachi to Hyderabad full of war material.

Regarding Kashmir the position is also a serious one in the sense that we are fighting the Pakistan regular army now. I have sent two telegrams I think, to Liaquat Ali Khan giving particulars about Pakistan Army’s functioning in Kashmir and have had no satisfactory reply. My own impression is that Liaquat Ali Khan refused to come here yesterday because it was inconvenient for him to discuss about Kashmir and the Pakistan Army’s functioning there.

I wonder if you have heard about G.K. Reddy, the Kashmir A.P. man and who later became the Director of Publicity of the ‘Azad Kashmir’ Government. After some months there he escaped via Karachi and he has given us a very full account of the way Pakistan has been running the Kashmir show, both politically and militarily. It is a very revealing account. It has appeared almost in full in Blitz newspaper of Bombay.

We do not propose to weaken in Kashmir and we shall fight on, Pakistan or no Pakistan. Indeed, we would have swept the whole place clear but for the intrusion of large numbers of Pakistan troops. The U.N. Commission will be coming here no doubt probably within two or three weeks. The fact that Pakistan is regularly fighting there will rather upset the case that Zafrullah tried to build up.

Yours sincerely
Jawaharlal Nehru.

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0042. Communiqué issued by the Pakistan Ministry of Foreign Affairs regretting Indian Prime Minister’s Speech at Madras.


It is with the deepest regret that the Government of Pakistan have read the account of the Prime Minister of India, Pandit Jawaharlal Nehru’s speech* at Madras on July 25 in which he has accused Pakistan of basing her policy on falsehood and deceit, says a Press Communiqué issued by the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan.

The Communiqué adds: He has left no one in doubt with regard to his attitude towards Pakistan. Only recently on July 25 at Pathankot on the opening of the new Pathankot-Jammu Road he indulged in similar objectionable language. Nothing could be more ill-advised than these irrational and dictatorial assertions and nothing could be less conducive to the spirit of goodwill which throughout it has been Pakistan’s endeavour to achieve between the two Dominions.

His utterances pay scant respect to the spirit of the Calcutta Inter-Dominion Agreement and to the earnest appeal of the United Nations Commission that both Dominion should refrain from making or causing to be made any statement likely to aggravate the situation.

The Government of Pakistan are of the view that no useful purpose would be served by taking serious notice of Pandit Jawaharlal Nehru’s accusations and do not purpose to indulge in polemics with the Government of India.

It is evident that Pandit Nehru is still unable to accept the fact of Partition and that his and other Indian leaders consent to Partition was given with mental reservations which are now being revealed.

* Speaking in Madras on July 25 Prime Minister Nehru had accused the Pakistan Government of “building their policies on lies, falsehood and deceit.” Regarding Pakistan’s case in the UNO, he said that “Pakistan had achieved a remarkable capacity for piling falsehood upon falsehood.” On the partition he said: “We cut off something from the living body of India and it will take a long time for us to smile through it.” Adding he said partition came with “our consent. We are consenting party to it. We shall abide by what we have consented to. We consented because we thought that thereby we were chasing peace and goodwill though at a heavy price”. But he regretted that “we did not get that peace and goodwill, but got something terrible instead and I do not know if I have the same choice today what I would decide. But that is a foolish speculation because history cannot be unwritten. There is no going back on the decisions made”. He however added that if Pakistan and leaders of Pakistan wanted suddenly to join India to reverse that process of history, I am quite clear in my mind that we would not accept it for the present. For the present “if Pakistan wanted to join India and to undo that partition, we would not accept that”.

So long as this attitude persists no number of Inter-Dominion conferences can succeed in establishing normal and neighbourly relations between the two Dominions which Pakistan so earnestly seeks.

Whatever damage to the cause of peaceful settlement of disputed matters may have been done by Pandit Jawaharlal Nehru's aggressive diatribe, the Government of Pakistan will continue in every way possible to strive for the establishment of goodwill and good-neighborly relations between the two Dominions.

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0043. Cable of Indian Prime Minister Jawaharlal Nehru to Pakistani Prime Minister Liaquat Ali Khan.

New Delhi, September 24, 1948.

In my telegram Primin 1619 dated 24th September regarding protection of minorities, I welcomed your approach and assured you of our willingness to cooperate sincerely in finding a satisfactory and lasting solution. You will agree that if your efforts are to succeed the right atmosphere must be created. From this standpoint, I wish to draw your attention to reports which, since 20th August, have been appearing in certain Pakistan newspapers. Following are examples:

1. Daily Inquilab, Lahore, dated 27th August 1948, referred in its editorial to “Jumma Masjid and Balli Maran* in Delhi as scenes of disturbances in which Muslims had paid with their lives”.

2. Daily Musalman, Karachi, in issue of 22nd August, published a front page news item under banner headlines: “General massacre of Muslims in Delhi is going on for the last one week; attacks on Muslims in streets and in trams; JONCM – a plan to surround the Muslims on all sides and exterminate them.”

3. Anjam of Karachi, 25th August, published an item under headlines: “Muslim blood flowed like water in the streets of Delhi.”

4. Musalman, Karachi, dated 8th September published news item: “Excited

* In yet another cable on 28 September Mr. Nehru drew attention of Pak Prime Minister to some of the editorials and Cartoons in the Dawn and said they “persistently represent me, my colleagues and the people of India as bitter enemies of Pakistan while cartoons offend every conception of decency.”
Hindu crowd fell upon Muslims at Sholapur – 16 Muslims killed." Same paper, dated 10th September, published news item: “Bloody clashes among Hindus and Sikhs in Delhi resulted in attacks on Muslims.”

(5) Inquilab, Lahore, dated 28th August, alleged that “100 Muslims detraining at Agra were killed by Sikh beasts.”

(6) Musalman, dated 22nd August, alleged that “12 to 30 Muslims were being killed every day in Calcutta in solitary attacks.”

(7) Daily Safina, Lahore, dated 1st September, published news item under banner headlines: “Communal riots break out in Colaba; District in grip of murder, loot and arson.”

(8) Ehsan, Lahore, dated 5th September, spoke of communal frenzy sweeping over States acceding to the Indian Union, and mentioned inter alia States of Mysore and Rampur.

(9) Sind Observer of 18th September talked of over 30,000 Razakars laying down their lives in front of advancing tanks, besmearing angry teeth of these tanks.

(10) Both Dawn and Sind Observer spoke of Muslims being gagged and removed to British regime prisons, India armies committing inhuman atrocities in name of establishing order and surpassing British treatment of Indians as filth after mutiny of 1857, complaint of maltreatment attracting bullets which silence complainants forever.

2. Everyone of these reports whether about India or Hyderabad is absolutely without foundation. In Delhi, for example, not a single incident has occurred for months. Razakars were killed in course of military operations and number killed is approximately 1200. There has been no gagging of peaceful Muslims or removal of any law-abiding person to prison, whether in Hyderabad or in India, and atrocities alleged against Indian troops are baseless slanders. Indeed, throughout critical days during which hostilities lasted in Hyderabad, there was not one single communal incident anywhere in Indian Union, and innumerable messages of appreciation received by me from Muslims and Muslim organizations from all parts of India prove that there was no need to ‘gag’ anyone. In Hyderabad State, no law-abiding citizen, Muslim or non-Muslim, has suffered in any way nor has he any cause for fear.

3. I have mentioned these reports because it seems only natural that they should embitter Muslim opinion in Pakistan and, because of their baselessness, produce similar effect on opinion in India also. You will agree that if we wish to create right atmosphere for better relations between our two countries, including
safeguarding of position of minorities, every effort should be made to stop publication of false news. We are and have been doing everything possible on our side to achieve this, and I would appeal to you to use your great influence for similar purpose in Pakistan.

0044. Letter of the Indian Deputy Prime Minister Sardar Vallabhbhai Patel to S. H. Suhrawardy apprising him about Hate Campaign in Pakistan against India.

New Delhi, September 28, 1948.

My Dear Suhrawardy,

Thank you for your letter of 21 September 1948. I am so glad to read what you say about Hyderabad. On the question of Hyderabad, as distinct from Kashmir, the Indian Muslims have come out in the open on our side and that has certainly created a good impression in the country. With our success in Hyderabad we have removed one great source of potential mischief in the communal sphere. If we can similarly get Kashmir out of the way, both Muslims and non-Muslims in India could settle down in perfect peace and harmony.

2. As regards Pakistan, I have been closely watching developments there and I am sorry to find that the poison of hate which the League was spreading in India is being continued with redoubled vigour in Pakistan. I do not know if you had occasion to read the Urdu papers of West Pakistan, during the last three months particularly. All sorts of lies and base lies have been appearing in Urdu papers of inventing facts about communal disharmony and massacres of Muslims in the Indian Dominion and widely exaggerated stray incidents disturbing communal peace that have occurred. It seems to me that the Pakistan Government are either unwilling or unable to check this propaganda and, therefore, it is a part of a well-conceived plan to malign India in order to divert the attention of their people from their domestic difficulties to an imaginary enemy in India.

At the same time, the Prime Minister of Pakistan has the cheek to proffer his hand of friendship to India and to boast that so far Pakistan has been alone in extending the hand of friendship. I do not know what we can do to
influence the leaders of Pakistan in this matter. From your own experience both Karachi and in East Bengal, it is quite clear that no opposition is tolerated.

Yours sincerely,

Vallabhbhai

0045. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan regarding condition in the North West Frontier Province.

New Delhi, October 3, 1948.

My dear Nawabzada,

I am writing to you after considerable hesitation. Indeed it is only after some weeks of thought that I have at last decided to write to you on this subject. I hesitated because I was afraid that I might be misunderstood. But I feel so strongly on this subject that I am impelled to write to you.

I am writing about conditions in the Frontier Province which, from all accounts, are very bad. I have no desire whatever to interfere in any way in Pakistan’s internal affairs. But I would be less than human if I was not powerfully affected by the kind of news that is reaching us, of the oppression and persecution of the Khudai Khidmatgars in the Frontier Province and more specially of Khan Abdul Ghaffar Khan, Dr. Khan Saheb and other old colleagues of ours, who have played such a notable part in the struggle for the independence of this country. Men of their stature compel respect and if they are treated with cruelty, all those who respect them and have affection for them must necessarily suffer pain.

Allegations have been made by the Pakistan Government about the Khan Brothers and the Khudai Khidmatgars keeping contacts with us here, receiving money, and being encouraged by us to adopt a rebellious attitude towards Pakistan. These allegations have been made without any reference to us or enquiry from us. If you had enquired, we would have told you that these allegations are completely without foundation. Even before the partition took place, our advice to them was to accept it fully and to function in accordance with it. Since the partition there have been no contacts at all between us and the Khan Brothers. Because of old friendship and comradeship I would have liked to write to them and receive letters from them. But I refrained from writing
as I thought this might lead to misunderstanding. Whether you believe it or not, I can assure you that there have been no contacts between them and us.

But contacts or no contacts, we cannot forget old friendship, nor can we remain unaffected that our old comrades should be subjected to unfair and harsh treatment. The accounts that reach me of the state of affairs in the Frontier Province amaze me, for this appears to be worse than at any time under British rule.

You have often addressed me in regard to reports of persecution of Muslims in India. I do not know what sources of information you may have. But I do know that the situation in India has improved beyond recognition and there is no persecution of Muslims anywhere in India. Petty incidents may occur in some places and they are dealt with immediately and sternly. I am happy to say that Hindu-Muslim relations in India have stabilized themselves after the shock of the events that followed partition, and that they are improving with marked rapidity. I have no apprehension on that score, though even so we keep vigilant.

I have denied in public and I wish to deny again in private that India has no aggressive intentions against Pakistan. It grieves me to see baseless reports made about conditions in India, or India’s intention to be aggressive. The Pakistan press is full of these baseless reports put forward in a manner which is astonishing. One has the impression of a deliberate campaign being waged to worsen Indo-Pakistan relations and perhaps to bring about a conflict. So far as we are concerned, our policy is entirely opposed and we shall avoid conflict. All this, however, leads to distrust, ill-will, fear and an excited state of mind. This is not a good background for any country.

I would repeat again that I am full of apprehension and am greatly concerned about the Khan Brothers and the Khudai Khidmatgars. I am writing to you in my personal capacity and I am thinking of this problem not as a political one but as a human one. I trust that you will take this letter in the spirit in which it is written and will pay attention to the conditions in the Frontier Province, which cannot redound to the credit of Pakistan and which may well lead to very grave bitterness and the consequences of such bitterness*

Yours sincerely

Jawaharlal Nehru

* In his reply dated 15 November 1948, Liaquat Ali Khan stated that the action against the Khan Brothers and the Khudai Khidmatgars by the local authorities was taken “after the most careful consideration” and also having in view the internal security and integrity of Pakistan.
There is, I am afraid, only a superficial change in our relations with Pakistan. You must have read the many friendly references to Pakistan made in the Prime Minister’s speeches and broadcasts. The Pakistan Prime Minister’s reply was typical of him and the new State. In asking for deeds rather than words, he was merely quoting scriptures, and he has tried to make out as if Pakistan was doing the best it could to maintain friendly relations, and it [was] we who were setting all these well-intended efforts at naught. The Pakistan Government also seem to have fallen a victim to the familiar Nazi disease of seeing enemies all round themselves. The hysterical search for fifth columnists which seems to have been started in the typical Hitlerian fashion has the appearance of another excuse to drive out the comparatively few non-Muslims that are left there. In this Government is being supported in season and out of season by a warmongering Press. False and virulent anti-Indian propaganda, full of hate and venom, is being put across, particularly by the Urdu Press against Indian leaders and Central and provincial Governments. The Home Ministry have issued a Press note which gives some glaring examples of such propaganda. The Pakistan Government have endeavoured to counter these allegations, but in a comparison their case would hardly stand scrutiny, both from the point of view of importance of newspapers and their contents. Mr. Liaquat Ali Khan has sent a couple of telegrams to the Prime Minister professing friendship and peaceful sentiments, but he has taken care to emphasize that the Kashmir issue must be settled to their satisfaction. It is obvious that we cannot purchase peace at the expense of Kashmir. But from the oft-repeated references to a settlement of the Kashmir issue which he makes, it seems quite clear that Kashmir is rankling in their breasts. In the meantime, annoyances of all kinds continue, typical of which are the restrictions imposed on East Punjab Liaison staff in Lahore and the frequent incidents they create in the Patharia forest reserves on the borders of Assam and East Bengal.
0047. Cable of Prime Minister Jawaharlal Nehru to the Deputy Prime Minister Vallabhbhai Patel.


Had long private interview with Liaquat Ali Khan. Discussed Kashmir situation. No progress made in spite of repeated assurance on each side of necessity for peaceful settlement. Differences basically too great to be bridged over. Liaquat Ali would not agree to United Nations Commission’s Resolution as it is, unless terms plebiscite settled... He insisted on Security Council’s conditions for plebiscite to be accepted by us or in alternative, for full powers to be given to Plebiscite Commissioners to lay down any conditions they choose. I told him it was impossible for us to hand over any governmental functions to Plebiscite Commission though they can exercise full supervision over plebiscite. We parted with assurance of goodwill and of further exploration of avenues for settlement...

2. Discussed East Bengal exodus. Liaquat Ali said he was entirely opposed to this and would like to do all in his power to prevent it. He proposes to tour East Bengal for ten days from about 18th November. He wants to meet minority leaders and discuss situation with them and would like them to speak quite frankly to him about their difficulties. Would also like to meet Premier West Bengal. He said he considered it his sacred duty to satisfy minorities.

3. I drew Liaquat Ali’s attention to the false and malicious accounts in Dawn newspaper about occurrences in Hyderabad. He said that while they might be exaggerated he himself had received information from Hyderabad which was very distressing. I told him that Hyderabad had been, was and is astonishingly quiet and peaceful and information freely came from it without any censorship. He was under idea that there was strict censorship. He said that it would allay anxiety if Pakistan High Commissioner in Delhi could visit Hyderabad and report. I pointed out that official visit of this kind might be undesirable but there was no bar to neutral observers going there.


Karachi, November 8, 1948.

I came back to Karachi from London the day before yesterday. This conference of the Commonwealth Premiers and representatives, to attend which I had gone to London, was important in many respects.

It will not be wrong to say that the conference was successful and it is hoped that its results will be useful for all.

The greatest advantage of this conference was that the leaders of the Commonwealth had occasion to meet one another and the discussions between us resulted in the understanding by respective participants of one another’s problems.

I had sufficient opportunity of placing before the conference the Pakistan’s point of view and the leaders who participated in the conference are now fully informed about Pakistan’s affairs and point of view.

There was much of plain speaking in our discussions. No attempt was made from any quarter to shirk from tackling a problem simply because it was ticklish.

It is very reassuring and encouraging that every statesman whom I met took a keen and sympathetic interest in the affairs of Pakistan and fully appreciated what the people of Pakistan had achieved in one year.

Everyone told me that he was highly impressed by the courage and determination shown by our people and that it was highly commendable that the people of Pakistan, beset by difficulties on all sides, patiently faced every kind of misfortune and did not lose courage. Many people assured me that they had not the slightest doubt about the future and the success of Pakistan because the nationals of this State have given proof of a determination which have few parallels.

The Muslims in the Middle East look upon Pakistan with brotherly affection and held this Dominion in high esteem. Pakistan, Egypt and other Islamic countries can do a great deal for each other. The only solution of the difficulties through which the Muslim world is passing these days is unity of thought and action amongst the Muslim States.
Fortunately, for centuries our relationship has been of a nature conducive to perfect unity and co-operation. Besides there are many other factors which bring us nearer to each other.

The majority of us profess Islam in faith and we have all inherited Islamic culture and civilisation. It seems that Muslim countries are fully conscious of it. My discussions in Cairo have been, therefore, very hopeful.

**Talks with Nehru**

In London and in Paris I met the Prime Minister of India, Pandit Jawaharlal Nehru, on several occasions, when the subject of discussion was mostly Kashmir.

At this stage I do not consider it proper to go into the details of these discussions, but I made it abundantly clear to Nehru and others who discussed the Kashmir issue with me that the only just solution of this problem was to admit the right of the people of Kashmir to express their free opinion about the question of its accession to Pakistan or India.

**“No Coercion”**

No coercion should be exercised on these people. India believes in democracy, so does Pakistan. There is no reason why the people of Kashmir should not be allowed to decide their own future?

I made it perfectly clear that under no circumstances Pakistan will be a party to forcing the people of Kashmir to make their choice.

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Pakistan Zindabad.

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0049. **Extracts from the Agreement reached at the Inter-Dominion Conference discouraging any sort of propaganda against each other.**

**New Delhi from 6th to 14th December 1948.**

3. Any propaganda for the amalgamation of Pakistan and India or of portions thereof including East Bengal on the one hand and West Bengal or Assam or Cooch Bihar or Tripura on the other, shall be discouraged.

*N.B. – The word “propaganda” shall be taken as including any organization which might be set up for the purpose.*

4. (i) Both Governments recognize that the wholehearted cooperation of the Press is essential for creating a better atmosphere and therefore agree that every effort should be made, in consultation with the representatives of the Press, wherever possible, to assure that the press in each Dominion does not

(a) Indulge in propaganda against the other Dominion,

(b) Publish exaggerated versions of news of a character likely to inflame, or cause fear or alarm to the population or a section of the population in either Dominion,

(c) Publish material likely to be construed as advocating a declaration of war by one Dominion against the other Dominion or suggesting the inevitability of war between the two Dominions.

(ii) An Inter-Dominion Information Consultative Committee should be set up to meet once in two months, or more frequently if necessary, alternately in Delhi and Karachi and keep under review the activities of –

(a) The Press,

(b) Books, Pamphlets and Publications,

(c) Broadcasting, and

(d) Films.

This Committee shall have an equal number of representatives from either Dominion consisting of one Minister from each Dominion, and not more than two Government officers and two representatives of
the Press of each Dominion. The subjects listed under (b), (c) and (d) shall be dealt with only by the official members of the Committee.

(iii) Both Governments shall ensure that their respective organizations handling publicity, including publicity through the radio and the film, refrain from and control –

(a) Propaganda against the other Dominion, and

(b) Publication of exaggerated versions of news of a character likely to inflame, or cause fear or alarm to, the population, or any section of the population in either Dominion.

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0050. Record of the decisions of the first meeting of the Inter – Dominion Information Consultative Committee regarding Press.


Present:

INDIA

The Hon‘ble Shri R.R. Diwakar, Minister of State, Information & Broadcasting…….. (Leader).

Shri B.L. Sharma.
Shri M.R. Bhide, Home Secretary, East Punjab Government.
Shri Durga Das Representatives of the Press.
Shri Tushar Kanti Ghosh Representative of the Press.
Shri J. Natarajan, Alternate.
Shri M.L. Chawla, Adviser.

PAKISTAN

The Hon‘ble Khawaja Shahabuddin, Minister for Interior, Information & Broadcasting….. (Leader).

Mr. S.M. Ikram.
Mr. Nur Ahmad, West Punjab.
I. Implementation:

The Committee reviewed the measures taken to implement the relevant terms of the Delhi Inter Dominion Agreement. The Committee was of opinion that appropriate action had been taken by both the Dominions and that further action should be taken on the lines indicated below. It was also agreed that in order to ensure implementation on identical lines the two Governments should keep each other informed of the action taken by them.

II. The Press:

(i) The Committee felt that there was some improvement in the tone of the Press, particularly English. There was, however, considerable scope for further improvement. As editorial comments were often influenced by statements made by leaders of public opinion, the Committee thought that it would be useful to seek their active co – operation in the matter. Accordingly it was decided that relevant extracts from the Inter – Dominion Agreement arrived at in Delhi in December last should be printed and distributed by Governments in each Dominion to political leaders, members of legislatures, editors of newspapers, publishers, text book committees, film producers etc. The extracts should be issued with a suitable covering letter of appeal from the Hon’ble Minister in charge of Information in each Dominion.

(ii) Representatives of the Press agreed to exchange voluntary Press codes adopted by A.I.N.E.C. and P.N.E.C. with a view to evolving a common code for consideration and adoption by the two organizations. They also agreed that newspapers in either Dominion should respect the sovereignty of the other Dominion and avoid comments prejudicial to the maintenance of harmonious relations between the two Dominions.

(iii) Tele-printer circuit between Lahore and New Delhi: In order to facilitate the transmission of news on the circuit, the two delegations agreed to bring the matter to the notice of their respective Communications Ministers.

Sd/- K. Shahabuddin,  Sd/- R.R. Diwakar,
Karachi.
0051. Record of the decisions of the 1st meeting of the Inter – Dominion Information Consultative Committee regarding matters other than Press.


PRESENT:

INDIA

The Hon’ble Shri R.R. Diwakar, Minister of State for Information & Broadcasting … (Leader).
Shri B.L. Sharma.
Shri M.R. Bhide, Home Secretary, East Punjab Government.
Shri M.L. Chawla, Adviser.

PAKISTAN

The Hon’ble Khwaja Shahabuddin, Minister for Interior, Information & Broadcasting … (Leader).
Mr. S.M. Ikram.
Mr. Nur Ahmad, West Punjab.
Mr. Mohammad Sarfaraz, Adviser.

I.  Broadcasting.

(i) Trends in broadcasts by All India Radio and Radio Pakistan were reviewed and the Committee agreed that the two organizations had generally observed the terms of the Agreement. It was further agreed that the two organizations should look into the few instances of alleged violation pointed out in the course of discussions. The Committee felt that, being Government organizations, Radio Pakistan and All India Radio should have no difficulty in fully carrying out the terms of the Agreement and that any undesirable tendencies should be avoided, or rectified, if brought to the notice of the authorities concerned.

(ii) The Committee agreed that normally there should be no ban on Radio listening – in (private or public) but the Committee recognized that in the interest of law and order it might be necessary for the local authorities to impose a ban in a particular locality, for a temporary period.

(iii) With regard to broadcasts by Jammu, Srinagar and Azad Kashmir Radio Stations, it was agreed that Governments of the two Dominions should use their good offices to bring about an improvement in their tone. The Government of India would request Jammu and Kashmir Government for a report on the complaints brought to its notice about its broadcasts;
the Government of Pakistan would obtain a similar report from the Azad Kashmir Radio.

II. FILMS:

(i) The Committee considered the films to which either Dominion had taken exception. It was agreed that ‘Kashmir Story’ by Col. Gandhy, if still being exhibited, would be withdrawn and amended before further exhibition, if necessary. The Committee was informed that the Bombay Board of Film Censors’ report about ‘Lahore’ was still awaited by the Government of India. The Government of Pakistan agreed to make enquiries about the film called ‘Inqilab – e – Kashmir’ and to get it amended before further exhibition, if necessary. The Committee was informed that the film ‘Kashmir Hamara Hai’ which was released in August last had been previewed by the Director of Advertising, Films and Publications of the Government of Pakistan and amended and that its title had been changed to ‘Jang – e – Azadi’. It was, however, agreed that the Pakistan Government would make further enquiries and if necessary, have the film amended. The Public Relations Officer attached to the Indian High Commissioner in Karachi or to the Deputy High Commissioner in Lahore would see the film entitled ‘The Pakistan – First Year’ when released, and bring objectionable portions if any, to the notice of the Pakistan Government.

(ii) On receipt of the necessary details from the Government of Pakistan, the Government of India would make enquiries about a drama alleged to have been staged by Prithvi Raj Kapur in the Opera House in Bombay.

III. BOOKS AND PUBLICATIONS.

(i) The Committee agreed to recommend that Government publications produced before or after the Delhi Agreement which involved an infringement of the Agreement should be withdrawn from circulation and that this recommendation should be submitted to the Cabinet in each Dominion for approval.

(ii) It was also agreed that catalogues of publications issued by Ministry of Information & Broadcasting Division of the Government of Pakistan should be exchanged every month for selection of publications to be supplied free and/or on payment. The same procedure should apply to the exchange of publications issued by the Publicity Departments of Provincial Governments in either Dominion.

(iii) Each Dominion will bring to the notice of the other Dominion, objectionable non–Official publications produced in that Dominion for suitable action.
(iv) The Committee agreed that text books involving infringement of the Delhi Agreement should not be prescribed or recommended and that authors of text books should be requested – through the respective Ministries of Education – to include matter calculated to improve relations between the two Dominions.

(v) It was agreed that the book ‘An Ideal Constitution of India’ published by the Unity Party will be supplied by the Government of Pakistan to the Government of India for such action as is considered appropriate.

IV. POSTER:

Posters which contravene the spirit of the terms of the Agreement should not be allowed to be displayed.

V. MISCELLANEOUS:

(i) The Committee recommended that a comprehensive general appeal, in identical language, should be simultaneously issued by each Government to the Press, authors, publishers, religious divines, public leaders etc., after the recommendation of the Committee in III (i) above has been approved by the Cabinet in each Dominion.

(ii) Monthly reports indicating the action taken by each Dominion to implement the relevant clauses of the Delhi Agreement will be exchanged between the two Governments. However, serious breaches of the Agreement will be brought to the notice of the Govt. concerned as and when they arise.

Sd/- K. Shahabuddin, Sd/- R.R. Diwakar,
16. 3. 1949. 16. 3. 1949
Karachi.

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0052. Statement by Prime Minister Jawaharlal Nehru in Parliament in answer to a question regarding Pakistani allegation of Indian involvement in the attempt to murder the Premier of the NWFP.

New Delhi, March 19, 1949.

Yes, the attention of the Government has been drawn to the communiqué issued by the North West Frontier Province Government in which various allegations have been made about a plot in which Red Shirts in the Hazara District are said to be involved. Government has seen this communiqué with surprise and great regret. While the communiqué does not mention the Government of India specifically, the entire wording of the communiqué insinuates that the Indian Union is a party to some plot against the North West Frontier Province Government and the Pakistan Government and it is stated that money has passed from India to the Red Shirts. So far as they are concerned, the Government of India repudiate these allegations and they have made a strong protest to the Pakistan Government in regard to the insinuations contained in the communiqué of the North West Frontier Province Government, which must have an injurious effect on the relations between the two Dominions.

2. Government have refrained from expressing any opinion so far in regard to the very serious happenings in the Frontier Province as well as the tribal areas in the North-West because of their desire not to interfere, in any way, with the internal affairs of other Governments. They have, however, viewed these developments during the past year with increasing concern. It is well known that the Khudai Khidmatgars, or the Red Shirts as they are sometimes called, under the leadership of Khan Abdul Ghaffar Khan and Dr. Khan Sahib, played a very notable part in the struggle for the freedom of India from foreign domination. The high integrity, selflessness and patriotism of these leaders have been admired not only all over India but in other parts of the world. They showed a remarkable example of peaceful action, even under the greatest provocation, and set a standard which it was not easy to follow even in other parts of India. Khan Abdul Ghaffar Khan took the doctrine of non-violent action to the brave and warlike Pathans and turned their great energy into peaceful

* The question was raised by Deshbandhu Gupta enquiring whether the attention of the Government had been drawn to a communiqué issued by the N.W.F.P. Government and what action the Government proposed to take in the matter. The communiqué, issued on 14 March 1949, stated: “A heinous plot of murdering the Frontier Prime Minister has been unearthed and it had been found that Red Shirts in Hazara district have been continuously passing information to the Indian Union and Sheikh Abdullah to checkmate efforts of Pakistan to bring Kashmir within Pakistan.” It accused India of sending money to the Khudai Khidmatgars with a promise to send more on the completion of the plot.
channels. Perturbed by the partition of India, he nevertheless accepted it in all sincerity and publicly declared his adherence to the new order of things, claiming, however, that the Pathans were entitled to autonomy in regard to their internal affairs. He followed this policy of accepting Pakistan, but at the same time standing peacefully for the internal freedom of the Pathans, and it is impossible for any person acquainted with this gallant fighter for freedom to believe that he can be associated in any way with any underhand activities. His outstanding qualities are straightforwardness, integrity, courage and devotion to the cause of his people.

3. While the Government and the people of India, having accepted partition and its consequences, loyally abided by these changes and did not wish to interfere in the local happenings within Pakistan, it was impossible for them not to take the deepest interest in the fate of some of the bravest and finest soldiers of freedom that India had produced. They were distressed, therefore, at the series of happenings in the Frontier Province during which intense repression took place of the peaceful Khudai Khidmatgars, and their leaders were more especially subjected to treatment of a kind which one would not expect any Government to mete out. Khan Abdul Ghaffar Khan, a man of the highest standing for a generation past in India, has been kept in solitary confinement for over a year and his health has suffered greatly during this period. I do not wish to recount all that has happened in the Frontier Province during this past year and more, but the tale that has reached us from time to time is a sorry one. We have remained quiet and we have not had any kind of contact with the Khudai Khidmatgars or their leaders ever since the partition, but the sufferings of our old comrades of the days of our fight for India's freedom have distressed us exceedingly.

4. In the communiqué issued by the North West Frontier Province Government Sheikh Abdullah and Kashmir have been mentioned. It will be remembered that the Frontier Province Government, and more particularly its Premier, played a very active part in organizing and helping the raiders to enter Kashmir in October 1947 and onwards. In particular it is well known that its activities in regard to Kashmir have been most objectionable.

5. In conclusion, I would like to repeat that we regard the communiqué issued by the North West Frontier Province Government as unwarranted by fact and unfortunate in its effect on Indo-Pakistan relations which we have been trying to improve.

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0053. Record of the meeting between Prime Minister Jawaharlal Nehru and Finance Minister of Pakistan Ghulam Mohammad.

New Delhi, April 1, 1949.

I met Mr. Ghulam Mohammad this evening and had about 45 minutes talk with him. He began by referring to a telegram I had sent to Mr. Liaquat Ali Khan about Dawn’s comment on our proposals to have a customs union. He drew my attention to Mr. Liaquat Ali Khan’s reply*, which has just come. He told me that they were eager to remove customs barriers between India and Pakistan, but that this could not be done in a hurry. We had to proceed gradually and step by step. He said that he would speak to Mr. Neogy (the Commerce Minister of India) about it.

2. He referred to Khan Abdul Ghaffar Khan and to the letter I have written to Mr. Liaquat Ali Khan on this subject. All he said was that Abdul Ghaffar Khan was not in solitary confinement, he was provided with books and newspapers, and that he had not lost weight.

3. I mentioned Noakhali to him and the arrest of some workers of the Gandhi Ashram. He said that he was very sorry to learn this and some people in East Bengal were very foolish and misbehaved. He could hardly believe that people connected with Gandhiji would be guilty of what had been alleged. The matter was being referred to the Governor-General of Pakistan.

4. He talked generally about the situation in China and the growth of communism in Asia. This required close cooperation between India and Pakistan as well as far-reaching agrarian reforms. The communist movement in Asia was essentially an agrarian movement and fed on backward social conditions. This could only be met by agrarian reform and socialized farming.

5. He then referred to the tension between Afghanistan and Pakistan. He assured me that Pakistan had not spent a pie in trying to create disorder in India. I told him that if he thought India had been spending money in creating disorder on the Frontier or elsewhere, he was very much mistaken. He said that if there was trouble in Afghanistan or on the border, India’s interests would also be affected and the Soviet would probably take possession of a certain frontier area in Afghanistan.

* Liaquat Ali Khan wrote on 1 April that Dawn was not controlled by the Pakistan Government and that the two articles mentioned by Nehru were mainly a criticism of the policy followed by the Pakistan Government, which favoured economic cooperation and collaboration "with India to mutual advantage." But he doubted India’s sincerity in pursuing such a policy and cited in support of India’s “refund of excise duty to every country except Pakistan.”
6. I asked him what Pakistan’s attitude was going to be at the Dominion Prime Ministers’ Conference in London. His answer was more or less to the effect that they would watch and see and much would depend on what India did. They had not yet decided whether Pakistan should have a republican form of government or not. They did not attach much importance to the forms, they were after the substance.

7. Finally he said that he was happy that Indo-Pakistan relations were improving. If only the Kashmir issue was solved, the progress would be rapid.

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0054. Letter from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs regarding meetings between Police officials of border districts.

New Delhi, April 26, 1949

No. F. 12 – 5/49 – Pak. I.

the 26th April, 1949

Government of India
Ministry of External Affairs
New Delhi.

From : Jagat Singh, Esq.,
Under Secretary to the Govt. of India.

To : The Secretary to the Government of Pakistan,
Ministry of Foreign Affairs & Commonwealth Relations
Karachi.

Subject: Raids on Bikaner – Proposal for periodical meetings of I.G.P.
Bikaner and the Commissioner of Police, Bahawalpur.

Sir,

I am directed to state that the incidents on the Bikaner - Bahawalpur border have of late increased and in view of the seriousness of the more recent raids, the situation has, on the whole, deteriorated. The Government of India consider that periodical meetings and closer cooperation between the Heads of Bikaner and Bahawalpur Police Departments is likely to be of immense value in putting a stop to border raids and improving the situation. They, therefore suggest that the Inspector General of Bikaner State and the Commissioner of Police
Bahawalpur State should be authorized to meet periodically in just the same way as the inspectors General of Police of East and West Punjab have been authorized to meet under the Inter – Dominion Agreement of December, 1948, for the purpose of devising measures to avoid border incidents.

2. The Government of India further considers it desirable that both these officers should be invited, whenever necessary, to the meetings of the Inspectors General of Police of the West and East Punjab.

3. I am to request that if the Government of Pakistan agree with the views of the Government of India, necessary instructions may kindly be issued to the Bahawalpur State and to the Government of West Punjab to put the proposal into effect. On hearing from the Government of Pakistan, the Government of India will issue similar instructions to the Bikaner State and the Government of East Punjab.

Yours faithfully

Sd/- Jagat Singh
Under Secretary to the Government of India

54.A. Letter from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs.


From : The Secretary to the Government of Pakistan,
Ministry of Foreign Affairs and Commonwealth Relations

To : The Secretary to the Government of India
Ministry of External Affairs,
New Delhi.

Subject: Border Incidents

No. IC/13/4/49. the 26th November, 1949.

Sir,

I am directed to refer to your letter No. F. 12 – 5/ 49 – Pak. I, dated the 26th April, 1949, and to state that the Government of Pakistan agree it will be of great advantage if periodic meetings are held between the Inspector General
of Police, Bikaner State, and the Commissioner of Police, Bahawalpur State, with a view to devise ways and means for preventing border incidents and improving the situation. They suggest that such meetings should be held between other bordering Provinces and States also, i.e. between Sind, Bahawalpur and Khairpur and Bikaner, Jodhpur, Jaisalmer and Kutch. The military authorities should also be represented at these conferences, but in order to restrict the number of participants and bring about speedy settlement of incidents locally it is suggested that the meetings should be confined to respective bordering States and Provinces only. In the beginning, joint meetings of all Provinces and States concerned may, however, if desired be held to work out details and to evolve as far as possible a uniform procedure.

2. It is suggested that the meetings should be held quarterly or more frequently, if necessary, and the general procedure at present in force for the prevention of border incidents on the East Punjab – West Punjab border vide paragraph 9, sub – paragraphs (2) – (5) of Appendix V of the Inter – Dominion Agreement of December, 1948, and Appendix B of the Delhi Agreement of the 4th April, 1949, should also be made applicable to all the borders in the above cases.

3. I am to request if the Government of India agrees to the above proposals, necessary instructions may please be issued to the appropriate authorities concerned in India and a copy sent to the Government of Pakistan so that similar instructions may be issued by them also.

I have the honour to be

Sir
Your most obedient Servant,

Sd/- A.K. Shah

for Secretary to the Government of Pakistan

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0055.  Note recorded by Prime Minister Jawaharlal Nehru to the Foreign Secretary on policy regarding Pakistan and Afghanistan.

New Delhi, June 15, 1949.

I have read through these papers. I thought that we had already defined our policy regarding Afghanistan and Pakistan and nothing has happened to make us reconsider that policy.

2. Shri Zachariah* has entered larger fields which of course are connected with this matter. But when people start discussing the Russian or communist menace, and adjust their other ideas accordingly, I think we should be a little vigilant. In a sense there is that menace. But it is so interrelated with world problems that it serves little purpose to consider it in relation to an invasion of India. It may be taken for granted that there is going to be no such invasion for a considerable number of years. Therefore, we can put it out of our mind. The real communist menace is an internal one, encouraged no doubt by external happenings as in China. That menace has to be met chiefly by political and economic measures and not by military steps taken to guard the frontiers.

3. It is easy to say that it is in the interests of India and Pakistan to be friendly with each other and to develop strong and contented States. It is even easier to say that it is in the interests of the world to have world peace and put an end to the present tensions. Nevertheless the tensions continue and the fear of war in the future.

4. Situated as India and Pakistan are, not only geographically but historically and otherwise, and having regard to recent history, it has to be admitted that they are unfriendly to each other. More especially Pakistan is unfriendly to India. That feeling of hostility is likely to continue for a considerable time and certainly till the Kashmir matter has not been settled. It may survive even that settlement in the event of that settlement being unfavourable to either party. Apart from this, the evacuee property problem gives rise to great bitterness.

5. We have to deal with this present situation. I am quite clear that the only way to do so is for India not to be aggressive but to be absolutely firm and not go out of its way to try to appease Pakistan. The whole of Pakistan policy, as that of the Muslim League that preceded it, is based on threats and bullying. Appeasement only leads to more bullying. We must, therefore, resist this and make it clear that we are not going to submit. At the same time we should do all this without ourselves becoming aggressive in any way.

* Kuruvila Zachariah, the then Director of the Historical Division in the Ministry of External Affairs.
6. Our approach really should be to make the Pakistan Government to feel that we will not submit to anything that we consider wrong and at the same time to make the people of Pakistan feel that we are not unfriendly to them and we do not wish them ill.

7. Some time or other, the relations of India and Pakistan will have to be adjusted properly. That time has not yet come. We should not do anything to obstruct such a settlement when the time comes for it.

8. In regard to Afghanistan we should be friendly and cooperative and helpful within limits. We cannot entangle ourselves in any untoward developments; nor should we act in a way so as to encourage a war between Afghanistan and Pakistan. But diplomatically and in matters of trade etc. we can be helpful.

9. According to both Machiavelli and Chanakya, India’s interests would lie with countries on the either side of neighbouring countries. That doctrine hardly applies in the modern world because of various developments, but there is something in it which cannot be ignored.

10. In any event, I think that we should not worry ourselves about the Russian bogey. We should worry ourselves about internal conditions in India which give rise to communism.

Record of the recommendations of the second meeting of the Inter – Dominion Information Consultative Committee.

New Delhi, August 1-2, 1949.

Present:

Pakistan
Dr. I.H. Qureshi, Deputy Minister for Interior and Information & Broadcasting … (Leader).
Mr. Mohd. Sabir,
Mr. Nur Ahmed,
Mr. M. H. Syed

Representatives of the Press
Mr. Hamid Nizami,
Mr. Mohd. Umar Faroqui …………. … Alternate
Mr. Rashid Ahmad ………. … Adviser
India

The Hon'ble Shri R.R. Diwakar, Minister of State for Information & Broadcasting … (Leader).
Shri B.L. Sharma.
Shri M.R. Bhide.
Shri Tushar Kanti Ghosh,
Shri Durga Das,

Representatives of the Press
Shri J. Natarajan … Alternate
Shri M.L. Chawla …Adviser

I. PRESS

(1) Press Delegates from both Dominions exchanged views on trends in the Indian and Pakistan Press.

(2) The Committee considered some instances of scurrilous writing and expressed its strong disapproval.

(3) On the point raised by the Pakistan Delegation regarding the treatment of the Afghanistan – Pakistan question in the Indian Press, the Indian Delegation pointed out that the matter could not be discussed by the Committee as it was already under correspondence between the two Governments. The Indian Press Representatives said that as already stated at the last meeting Karachi, Indian newspapers while reserving the right of freedom of expression, recognized the sensitiveness of Pakistan on the subject and as a measure of goodwill had been bearing this in mind and will continue to do so.

(4) Lists of breaches of the Inter – Dominion Agreement in the Indian and Pakistan Press will in future be exchanged between the two Governments every month.

(5) The Press Delegations agreed that the Press Delegates from Pakistan should refer the A.I.N.E.C. voluntary Press Code to P.N.E.C. and the Press Delegates from India should similarly refer the P.N.E.C. voluntary Code to A.I.N.E.C. to enable the two organizations to examine the possibility of evolving a common voluntary Press Code.

II. FILMS

The Committee took up the question of the films to which either Delegation had taken exception.
(1) **Films considered objectionable by the Government of India**

**“Khoon – e – Kashmir”**: The Pakistan Delegation stated that no such film had been produced at Pancholi Studios, Lahore, or submitted to the West Punjab Censorship Board or screened in the Province. Censor Boards in other Provinces had also been advised to be on the look-out and to ensure that offensive matter was deleted, if such a film was ever put up for censorship. Since, according to reports received by the Government of India, the film is being screened in commercial cinema houses by the Information Department of the Government of the North West Frontier Province, the Government of Pakistan will make enquiries on the subject from the Provincial Government.

**“First Year of Pakistan”**: This will be shown by the Government of Pakistan to the Public Relations Officer attached to India’s High Commissioner in Karachi shortly.

**“Mujahid Kon”**: The Pakistan Delegation stated that the film is not being screened as it is yet to be considered finally by the Board of Film Censors.

**“Inquilab – a – Kashmir”**: The Pakistan Delegation stated that the film has not been distributed at all and the Pancholi Studios have been asked by the Board of Film Censors to refer the matter to them if and when the Studio desired to release the film for exhibition.

(ii) **Films considered objectionable by the Government of Pakistan**

**“Lahore”**: The Bombay Board of Film Censors and the West Punjab Board of Film Censors will be requested for their reports by the Governments concerned.

**“The last Refugee Train from West Punjab”**: The attention of the Indian Delegation was drawn to press reports according to which a film of this title was being produced by the producer of ‘Lahore’.

**“Apna Desh”**: The Press Attached to the High Commissioner for the Government of Pakistan in Delhi will see the film, now being exhibited in Delhi, if desired by the Government of Pakistan.

### III. **PLAYS**

**“Hyderabad – Deccan”**: The Government of India will make enquiries about this play and the objectionable posters stated to have been displayed in Moradabad to advertise it.

### IV. **PUBLICATIONS**

Lists of non-official publications exchanged by the two Delegations will now be examined for suitable action by the respective Governments on receipt of details regarding publishers etc. from either side where these have not already been supplied.
V. **BROADCASTING**

The following trends in Pakistan broadcasts were pointed out by the Indian Delegation. Some illustrations were given which the Pakistan Delegation agreed to have examined.

1. Allegations of financial aid to North West Frontier Tribes from India; allegations to the effect that India is at the back of the Pathanistan movement.

2. Allegations of incitement of Afghanistan by India against Pakistan.

3. Pakistan’s incitement to Pathans to wage war in Kashmir; also violent and bellicose statements. Indians described as infidels and India as the “enemy”.


5. Misrepresenting Kashmir Government’s acts and policies particularly those affecting Muslims in the State; also, charges of suppression of civil liberty.

6. Misrepresenting Indian police on the question of the plebiscite and partition of Kashmir.

7. Misrepresenting relationship between India and Kashmir including allegations to the effect that accession was fraudulent; also alleging strangulation of Kashmir by India.

8. Propaganda alleging starvation and economic collapse in Kashmir; also, India’s responsibility for economic conditions in the State.

9. Propaganda designed to encourage communal strife and internal differences in India including allegations of suppression of minorities and the so-called Muslim States; also, allegations of Indian unfriendliness towards Pakistan.

10. Propaganda designed to show India’s inability to solve her refugee problem.

11. Propaganda alleging starvation and economic collapse in India.

12. Adverse propaganda on political conditions in India and on the nature and motives of her Governments; also, incessant publicity to views subversive of the Government of India.

(14) Personal attacks on Indian leaders including offensive language against Kashmir leaders.

(15) Propaganda alleging unrest in India.

The following trends in A.I.R. broadcasts were brought to the notice of the Indian Delegation by the Pakistan Delegations:

(1) Pro–Afghanistan and anti–Pakistan trend in the treatment of the Afghanistan – Pakistan relations. The Indian Delegation pointed out that the matter was outside the scope of the Committee as it was already under correspondence between the two Governments.

(2) Playing up dissident elements in Pakistan.

(3) Interpellation in factual stories of tendentious views and comments adverse to Pakistan. A few illustrations were given (items 2, 3 and 4 of Statement A on Broadcasting of Pakistan Delegation’s note). These will be examined.

It was agreed that broadcasts of the kind pointed out in so far as they are found on examination to reveal these trends, will be avoided. At the same time it was pointed out that this would not be construed to prevent either organization from (a) giving publicity to the point of view of its Government on matters in dispute between the two Governments, for example, the Kashmir issue or any infringement of an Agreement, and (b) treating reliable news reports and statements of important persons on their news value, provided there was no “mud–slinging” and good taste and decorum were observed.

Lists of breaches in future will quote each item fully, clearly stating the nature and description of the source in case it is a quotation. These lists will be exchanged frequently between the two Governments.

The two Governments will exchange lists of broadcast items complimentary to each other.

With reference to Para. I (iii) under “Broadcasting” of the Record of Decisions of the last IDICC meeting held on 16th March 1949 in Karachi the Indian Delegation stated that it will ascertain the position further.

Before taking up the question of the Azad Kashmir, Srinagar and Jammu broadcasts, the Indian Delegation raised the point that the Azad Kashmir Radio, according to their information, was not coordinated or registered for broadcasting purposes under the International Convention to which both India and Pakistan were parties and, if this was correct, it would be an unlawful station. The Indian Delegation further enquired whether the Pakistan Delegation had any
information on this point. The Pakistan Delegation held the view that Azad Kashmir Radio being under the Azad Kashmir Government, the subject could not be discussed and that it should be taken up, if the Government of India so desired, at diplomatic level.

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Sd/- I.H. Qureshi
3. 8. 1949

Sd/- R.R. Diwakar
3. 8. 1949

0057. Letter from Defence Minister Baldev Singh to Home Minister Sardar Vallabhbhai Patel about Pakistan’s unfriendly intentions towards India.

New Delhi, August 19, 1949

My dear Sardar Sahib,

I am by nature over-cautious and would not like to err on the side of under-estimating the opposing strength. How a country the birth of which is based on hatred of Hindus and Sikhs, can ever develop friendly relations towards us in spite of the best efforts on our part, I fail to see. To me and in fact to every right-thinking man it is clear that in all the talks subsequent to partition, the attitude of Pakistan has been far from satisfactory to say the least. They have been trying to get all kinds of advantages with the same technique with which they got Pakistan, i.e. bluff and threats. After partition one should have thought that they would settle down, but this has not been so. I hope and pray that I am wrong, but the more I think about this matter, the more convinced I feel that Pakistan’s intentions towards us are not clean. They seem to be proceeding on the basis that they are going to fight us. They have worked up the religious feeling of their people against us and the public there is made to look upon us as Kafirs. The ease with which they secured Pakistan and swallowed up non-Muslim property and wealth presumably encourages them to feel that they can add to their riches in case trouble starts. Even supposing, for argument’s sake, that the Pakistan Government is not at the back of it all, the situation seems to me so eruptive that a conflict seems to be in the offing. I will not be surprised if we have to face a crisis in October or November.

Yours sincerely
Sardar Vallabhbhai Patel

(Baldev Singh)
0058. **Extract from the Speech of Pakistan Prime Minister Liaquat Ali Khan accusing India of war preparations.**

**Rawalpindi, February 5, 1950.**

Prime Minister Liaquat Ali Khan charged India with preparing for a war. Huge ordnance factories in India, he declared, were working night and day and recruitment to the fighting forces was in full swing.

The Prime Minister, who was addressing a large public meeting, challenged any man to show which nation in the world had achieved what Pakistan had accomplished during its short life despite the crippling handicaps and hardships which this country had faced.

The world’s statesmen had described Pakistan’s achievements as a miracle, Mr. Liaquat Ali Khan said.

I was not the Government who deserved to be congratulated but the people, for the achievements were the result to their determination and sacrifices. “I am confident my people are capable of greater miracles,” he declared amidst great applause.

Making a pointed reference to the agonies of “our three million brothers in Kashmir” the Prime Minister held on the solemn assurance that Pakistan shall see that none but the people of the State themselves decide their future.

Mr. Liaquat Ali Khan was again lustily cheered by the huge gathering when he declared: “what ever the cost, we shall not let India annex Kashmir by force of arms.”

Advising the people not to get restive over the vexed Kashmir question, the Prime Minister explained to them that there were only two solutions of the problem. The first was the peaceful method— through the agency of the Security Council. The other was by the force of arms. While Pakistan preferred the former it was also prepared for the latter, should that become unavoidable.

“I am fully aware of the strong feeling which exists in the hearts of the people of Pakistan on the point. It gets stronger and stronger every moment and we find it no easy task to control it. Still we have been counseling our people to be patient”, Mr. Liaquat Ali Khan said.

But India on the other hand. Added the Prime Minister, complaints that the Pakistan Government encourages expression of unfriendly feelings for them in this country. I cannot imagine what the shape of things would have been had we not controlled our people and had the Pakistanis not been so patient.
He could not understand how a country like India where huge ordinance factories were rattling night and day and recruitment to the forces was in full swing—could accuse two-year-old Pakistan of preparing for a war. Every country in this world tries to be strong enough to defend itself. And what we are doing in nothing more.

Mr. Liaquat Ali Khan also administered a word of advice and warning to “our Afghan” brothers. Those who rule the brave Afghan people, he observed, were playing into the hands of the enemies of Islam and did not realize that they were the enemies of Afghanistan also.

He was of the view that Pakistan’s strength was the greatest guarantee of Afghanistan’s security, prosperity and happiness. “It is our hope that Heaven’s light will at last show our Afghan brothers the right path. Though misguided they are, we consider them our brothers and shall continue to consider them as such”, the Prime Minister remarked.

He said notwithstanding the three major difficulties — India’s aggression in Kashmir, economic war on Pakistan and the activities of some malignant people, the Pakistan Government has withstood the economic storm which brought down many established currencies.

The Government had strengthened its forces which, he claimed, were one of the best in the world. And besides all that the country’s internal economic development was progressing at a reasonably quick pace.

The Government were spending 899,000,000 rupees this year to ensure the safety of the country’s Independence. This obviously resulted in the slowing down of other nation building programmes. He was confident that it was justified expenditure and he wished it could be increased. “For what use are all the nation-building programmes when the priceless gift of national Independence is in danger”, he asked.

Mr. Liaquat Ali Khan said that he was aware of the hardships some of the people faced and were still facing and he bluntly told them he would rather give them a little of more hardships than offer them ease at the cost of independence. Are you prepared for it, the Prime minister enquired and his huge audience loudly replied in the affirmative.

**Discipline is Power**

Mr. Liaquat Ali Khan also advised the people to remember that discipline was power, it was time they realized that they were free and behaved as such. “Never forget”. He appealed to them, “that Unity. Faith and Discipline was the motto that won us Pakistan and we still need these qualities.”
0059. Editorial in the *Dawn* explaining the use of ‘Bharat’ for ‘India.’


A Misnomer Ended.

The use of the word “India” to denote the part of the sub-continent not included in Pakistan is justified by neither history nor geography. The constitution which that country had adopted calls it “Bharat”. By an uncouth paraphrasing the constitution elongates the name to “Bharat, that it India”, and conversely, “India, that is Bharat”. This is jugglery designed to exploit the old name which belonged as much to the people of Pakistan as to the people of Bharat — for propaganda advantages exclusively for one section of the now divided population. That misnomer we can end at least in our own country. From today the words “India” and “Indian” will, therefore, be replaced with the words “Bharat” and “Bharati” in all our columns, other than advertisement columns. We shall call that country henceforth by its proper, not the improper, name.

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0060. Extract from the Express Telegram No. 110/50-S from the Indian Ministry of External Affairs to the Pakistan Ministry of Foreign Affairs.

New Delhi, March 20, 1950.

EXPRESS TELEGRAM

From : Foreign, New Delhi.
To : Foreign, Karachi.

No. 110/50 – S Dated 20th March, 1950

2. As regards provocative writings in the Indian press, our Prime Minister has expressed himself publicly, time and again, against newspapers losing restraint in reporting or commenting on incidents of a communal character. With a few exceptions, the press in India has generally responded to his call for cooperation. On the other hand Pakistan newspapers, both in West Pakistan and in East Bengal, continue to indulge in fantastic statements about happenings
in India. Frequent references to 'Master Plans' which exist only in the imagination of certain newspaper editors and others in Pakistan and scurrilous writings against India and Hindus cannot but cause excitement in Pakistan against the minority community. The Ministry of Information & Broadcasting of the Government of India, in their letter No. 24/3/50/P dated the 4th March 1950 to the Ministry of Interior, the Government of Pakistan, have mentioned several instances of highly exaggerated and tendentious reports which have, appeared in the Pakistan press and some of which have been broadcast by the officially-controlled Pakistan radio. Writings of a similar character continue particularly in the Dawn of Karachi and the Morning News of Dacca, to mention only two newspapers. In the face of all these unrestrained writings the Government of India find it extremely difficult to prevent the Indian press from presenting the other side of the picture.

Sd/- S. Dutt
Additional Secretary
Ministry of External Affairs

0061. Resolutions passed at the Joint Meeting of the Standing Committees of the All India Newspaper Editors Conference and Pakistan Newspaper Editors Conference.

New Delhi, May 5, 1950.

This joint meeting of the Standing Committees of the A.I.N.E.C. and P.N.E.C. resolves that with a view to creating conditions under which it may become possible more easily.

I. 1. To ensure the implementation of the Nehru — Liaquat agreement.

2. To bring about better relations between India and Pakistan and the minorities and majority in each state.

3. To offer to the two Governments more effective cooperation with respect to these and other cognate problems;

4. To provide free access to news and to ensure adequate facilities to accredited correspondents of either country, to gather and file news.
5. To offer advice, whenever necessary, to the press in both the countries.

6. To check up from time to time the Press trends in both the countries.

7. To organize goodwill deputations on behalf of the Press.

8. To arrange for the dispatch of factual and objective news in the event of any important incident taking place anywhere in the two countries and

9. To take such other steps as might be deemed necessary for the achievement of those objectives or for the solution of any consequential problems, a committee consisting of the representatives of both the organizations should start functioning at once. The personnel of this Committee shall be chosen by the two Presidents who will have power to co-operate more members if and when necessary. The Committee may meet as often as necessary at intervals of not more than 3 months and any place in the two countries.

II. Whereas the Standing Committees of the AINEC and PNEC have met in Joint Session on the 4th May 1950 at New Delhi to take note of the Agreement between the Prime Ministers of India and Pakistan and make their contribution to the promotion of goodwill between the peoples of the two States:

Whereas the Standing Committees have noted with regret and concern publications in section of the Press of both countries matter calculated to create alarm and anxiety among minorities in each State and prejudice the maintenance of law and order, peace and security in both States;

Whereas the Standing Committees realize the Press which played a notable part in the fight for freedom owe a duty and responsibility to safeguard the fruits of freedom;

This agreement solemnly and sincerely affirms that the Standing Committees will use their influence in every way to ensure (a) that the Press of both countries in future observe in letter and spirit the terms of the Indo-Pakistan Press Agreement arrived in May 1948 and not indulge in propaganda against either State nor publish exaggerated versions of news calculated to rouse communal passion or cause fear or alarm to the population or a section of the population in either country, nor publish matter inciting a declaration of war by one State against the other or suggesting the inevitability of war
between the two; (b) that the press of both countries, without prejudice to their rights and obligations to present news faithfully and comment thereon fairly, interpret these rights and obligations in the emergency conditions of today so as to promote good faith, goodwill and good understanding between Pakistan and India and between majority and minority communities.

III. This Conference of the Standing Committees of the AINEC and the PNEC records its appreciation of the assurances given by both the Indian and Pakistan Governments about the withdrawals of bans on newspapers circulating in both countries, and the agreement in principle to extend accreditation facilities to duly authorized correspondents of newspapers and news agencies and ensure proper conditions for the due fulfillment of their obligations by provisions of adequate facilities for news gathering and news filing, details whereof shall be worked out by the sub-committee which is being set up.

This Conference requests the Governments concerned that in all cases where action in contemplated against newspapers or news correspondents of the other State Government concerned will consult in advance the joint committee of the Conference before implementing their decision.

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New Delhi, May 5, 1950.

Indo – Pakistan Joint Press Code

The Joint Press Committee of the All India Newspaper Editors Conference and the Pakistan Newspaper Editors Conference notes with satisfaction the response of the Press of India and Pakistan to resolutions adopted by the joint meeting of the Standing Committee of the AINEC and the PNEC on May 5, 1950, at Delhi.

The Joint Press Committee calls upon the Press of both countries to help to facilitate the further implementation of the Indo – Pakistan Agreement:-

(a) By avoiding the dissemination of news calculated to undermine relations between the majority and the minority communities in the two countries;
(b) By refusing to give currency to mischievous opinion of individuals or organizations likely to rouse communal passions or create a sense of insecurity among the members of the minority community;

(c) By rigorously excluding from the Press of each country opinion directed against the territorial sovereignty of the other or purporting to incite war;

(d) By seeking through normal Press channels or Government Agencies verification of news or communal incidents before it is published.

(e) By always exercising due care and caution in regard to the publication of reports of communal incidents;

(f) By avoiding alarming headlines for reports of communal incidents;

(g) By exercising care in the publication of pictures and cartoons likely to excite communal passions;

(h) By affording full facilities to Governments for correction or contradiction of published reports.

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0063. Record of Recommendations of the 3rd meeting of the Indo – Pakistan Information Consultative Committee.

New Delhi, May 6, 1950.

PRESENT:

For Pakistan

The Hon’ble Khwaja Shahabuddin …. ………Leader
Pir Ali Mohammed Rashidi, ……………………..Press Representatives
Maulana Akhtar Ali Khan, …………………….. Press Representatives
Malik Tajuddin, ………………………………Alternate
Mr. S.M. Ikram,……………………………… Members
Mr. Mohd. Sabir,………………………………… Members
Mr. Rashid Ahmad, ………………………….. Adviser
For India

The Hon'ble Shri R.R. Diwakar ................. Leader
Shri C.R. Srinivasan, ......................... Press Representatives
Shri Tushar Kanti Ghosh, ..................... Press Representatives
Shri Durga Das, ............................. Alternates
Shri J. Natarajan, ............................. Alternates
Shri B.L. Sharma, ............................ Members
Shri P.C. Acharya, ............................ Members
Shri M.L. Chawla, ............................. Advisor

1. It was decided that the discussion should be confined to consideration of effective means to implement the Agreement on minorities of 8th April, 1950. The Committee felt that it would not be in consonance with the spirit of the April Agreement, and the changed atmosphere to scrutinize breaches of the 1948 Agreement in either country. The Committee thought that in order to advance the objects of the Agreement on minorities all efforts should be directed towards the future.

2. There was appreciative acknowledgement of the work done in the two countries so far to implement the Agreement; in particular, the Committee congratulated the presidents of the Pakistan Newspaper Editors' Conference and the All India Newspaper Editors' Conference and their Standing Committees on the resolutions passed by them on 5th May 1950 and the decisions taken regarding the reciprocal action to be taken by the press of the two countries to foster confidence and a sense of security in the minorities and to promote cordial relations between people of the two countries.

3. The Committee thought that while vigilance was necessary in order to see that clauses 7 & 8 of part C of the Agreement on minorities were strictly observed, at the same time, the efforts of all the information media organizations in the two countries should be directed more and more towards the creation and maintenance of an atmosphere favourable to the implementation of the Agreement and special endeavour should be made to obtain and disseminate information and other material which would help restore confidence in the minority communities and make known the determination of the Governments of Pakistan and India to implement the Agreement.

4. The Committee unanimously passed a resolution generally embodying the recommendations given in paras 2 & 3. The resolution is attached to this Record of Recommendations as an Appendix.
The Committee emphasized the importance of Indian and Pakistan language newspapers and recommended that effective publicity should be organized through them.

5. The committee further reviewed the steps already taken by the Information media organizations of the two countries to implement the Agreement on minorities. A brief account of the machinery set up, the procedure adopted and the principal points covered by each Government was given to the Committee and it was agreed that detailed notes on this should be exchanged between the two Governments.

6. The Committee recommended that in order to ensure speedy action on parallel lines in the two countries, information on the steps taken by either Government to implement the Agreement should be supplied to the other as necessary and that more frequent meetings of the Indo–Pakistan Information Consultative Committee should be held.

7. The Committee resolved that its next meeting should take place in Dacca in the 2nd week of June and that members should subsequently visit a few centers in East and West Bengal.

8. It was suggested by the Presidents of the PNEC and AINEC that liaison should be established between the Indo–Pakistan Information Consultative Committee and the Joint Committee of the AINEC and PNEC. The President of AINEC pointed out that two of the Indian Press Representatives on the Information Consultative Committee were also members of the Joint Committee of the AINEC and PNEC and this was useful for purposes of liaison so far as India was concerned. The President of the PNEC observed that two of the Pakistan Press Representatives also happened to be members of the Joint Committee, but that it would be advisable to invite also representatives of the Information Ministries of the two Governments to the meetings of the Joint Committee of the AINEC and PNEC. This, he thought, would ensure prompt action in the Joint Committee in as much as the views of the Information Ministries would be available to it.

9. The Presidents of the AINEC and PNEC urged that impediments in the way of free flow of news between the two countries should be removed; this, they thought, was necessary in order that misunderstandings which arose from lack of information should disappear. They suggested two steps for this purpose;

(i) Ban on entry of newspapers from one country to the other should be lifted. In this connection, reference was made to the Joint resolution of the Standing Committees of the AINEC and PNEC passed in New Delhi on 5th May 1950. The Presidents of the AINEC and PNEC agreed that removal at this stage of
bans should not fetter the discretion of either Government to reimpose the ban on any newspaper but in order that either Government might not be misjudged in taking action against any newspaper, it would be advisable, if, before action was taken the Joint Committee of the AINEC and PNEC could be consulted. The Joint Committee would thus have the opportunity of exercising moral persuasion with the offending newspaper, and thereby eliminating the necessity of action on Government level.

It was also urged by one of the Press Representatives that in judging the question of re-imposition of ban on any newspaper, the right of fair comment and criticism, provided comment and criticism were not calculated to promote animosity between the two countries or between the majority and minority communities in the two countries, should be respected. Another representative of the Press emphasized that newspapers in each country no longer regarded the Government as an alien Government.

(ii) The President of the AINEC suggested that in present circumstances and as a first step, arrangements should be made for the accreditation of Indian nationals working as full time Correspondents of news agencies and newspapers in Pakistan and similarly for Pakistan nationals in India. Facilities like freedom of movement, unhindered transmission of messages, installation of telephones, etc., which were necessary for Correspondents should be ensured. The problem of “String Correspondents”, that is, persons who did part–time work as Correspondents to supplement their income, could be taken up after the changed atmosphere had been stabilized. Applications for accreditation should pass through the President of the Newspaper Editors Conference of the country to which the applicant belonged; Correspondents would thus be sponsored by responsible newspapers and news agencies and there would be a certain amount of organizational background to judge the quality of people who offered themselves for accreditation. It was, however, pointed out that in India, under the existing procedure, applications for accreditation were placed before the Central Press Advisory Committee, which was nominated by the All India Newspaper Editor’s Conference. It was also stated by the Pakistan Delegation that a similar machinery had been set up in Pakistan and a more or less similar procedure was being followed in regard to accrediting of Correspondents. The President of the PNEC thought it would be advisable for the Joint Committee of the AINEC and PNEC to discuss the matter and evolve a working formula before the question was considered further.

10. The Representatives of the Press suggested that for the effective implementation of the Agreement, it was necessary that the people should realize in a graphic way the new relationship that had developed between the two countries. The two Governments should, therefore, undertake a publicity
campaign at least for the next six months or so to reach the masses that did not read newspapers. The aim of this campaign would be to promote amity between the nationals of the two countries. At fairs and festivals, visible demonstration of the new atmosphere should be provided by exhibition of films, by talks and through other media including gramophone records. Also, a band of young men should be recruited for the purpose. The cost of publicity, it was pointed out, would be far less than the cost of dealing with problems such as relief and rehabilitation of refugees resulting from disharmony.

11. The President of the Pakistan Newspaper Editors Conference urged that the two Governments should improve their machinery of coordination between the Centre and the States or Provinces in order that there was no time lag between the formulation of plans and their execution in all parts of either country.

APPENDIX

This meeting of the Information Consultative Committee of the Governments of India and Pakistan held in New Delhi on May 6, 1950, heartily welcomes and places on record its sense of relief at the change in the atmosphere that has followed the Indo–Pakistan Agreement on Minorities concluded on April 8, 1950. This meeting congratulates the Presidents and Standing Committees of the PNEC and the AINEC on the resolution passed on May 5, 1950, and decisions taken regarding the reciprocal action to be taken by the Press of the two countries to foster confidence and a sense of security in the minorities and to promote cordial relations between the peoples of the two countries.

The Committee further records that the efforts of all the information media in the two countries should be directed more and more towards the creation and maintenance of an atmosphere favourable to the implementation of the Agreement and that special endeavour should be made to obtain and disseminate information and other material which would help restore confidence in the minority communities and make known the determination of the Governments of Pakistan and India to implement the Agreement.
0064. Record of Recommendations of the fourth meeting of the Indo–Pakistan Information Consultative Committee.

Dacca, June 23, 1950.

Present

Pakistan
1. The Hon’ble Khwaja Shahabuddin … Leader.
2. Mr. S.M. Ikram.
4. Mr. Z.A. Bokhari.
5. Mr. M. Azfar.

India
1. The Hon’ble Shri R.R. Diwakar … Leader.
2. Shri M.L. Chawla.
4. Shri P.C. Acharjee.
5. Shri A.K. Sen.

1. The question of implementation of Delhi Agreement by the Press in either country was raised. After some discussion in which reference was made to sections of the Press whose tone was objected to as being unhelpful to the implementation of the Agreement, the Committee agreed that the matter might be discussed at the meeting next day when representatives of the Press on the two delegations would also be present.

2. The two delegations exchanged notes on action taken in implementation of the Agreement since the last meeting of the Committee. While referring to the note received earlier from the Pakistan Government, the Indian delegation suggested that more might be done by the Pakistan Government with regard to the use of field publicity organizations for the implementation of the Agreement. The Pakistan delegation pointed out that they were using the limited field publicity organizations that the provincial Governments possessed, but they would consider the suggestion further.

It was agreed that suggestions, if any, for further implementation of the Agreement arising out of the notes exchanged between the two Governments from time to time should be communicated promptly by either Govt. by correspondence.
3. The Pakistan delegation enquired about a report regarding a ban on radio listening in Hyderabad (Deccan). The Indian delegation stated that long before the Agreement radio licenses of some tea shops in Hyderabad (Deccan) had been confiscated and had since been restored.

4. It was agreed that an enquiry would be made by the Government of India as to whether there was any ban in any district of Uttar Pradesh on listening in the Radio Pakistan.

5. The Committee reviewed implementation of the Agreement by the Radio organization of the two countries and noted that the agreement had been generally observed and a number of special steps had been taken to advance the objects of the Agreement. The Committee expressed the hope that such further steps as were necessary and practicable would be taken by the two organizations in the light of suggestion contained in the notes exchanged or to be exchanged between the two Government.

6. The Committee recommended that suitable action should be taken by the Government concerned in regard to non–official publications that tend to incite to violence or endanger the safety of the minorities or arouse communal passions. The Pakistan delegations referred to a publication entitled ‘East Pakistan – Graveyard of Civilization’ by Amerendar Prasad Chakravarty and a leaflet issued by the Council for Protection of Rights of Minorities. It was agreed that the Pakistan Government should address the Government of India on the matter. As regards the magazine, ‘Film India’, certain portion of which had been objected to by the Pakistan Government earlier, it was stated by the Indian delegation that the Pakistan Government had been informed about the action already taken.

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**ANNEXURE - I**

**Joint Press Code adopted by the All India Newspaper Editors’ Conference and the Pakistan Newspaper Editors’ Conference at its 4th meeting held on June 24-25, 1950.**

The Joint Press Committee of the AINEC and the PNEC notes with satisfaction the response of the Press of India and Pakistan to the resolutions adopted by the joint meeting of the Standing Committee of the AINEC and the PNEC on May 5, 1950 at Delhi.

The Joint Press Committee calls upon the Press of both countries to help to facilitate the further implementation of the Indo – Pakistan Agreement:

(a) By avoiding the dissemination of news calculated to undermine relations between the majority and the minority communities in the two countries;
(b) By refusing to give currency to mischievous opinion of individuals or organizations likely to rouse communal passions or create a sense of insecurity among the members of the minority community;

(c) By rigorously excluding from the Press of each country opinion directed against the territorial sovereignty of the other or purporting to incite war;

(d) By seeking through normal Press channels or Government Agencies, verification of news of communal incidents before it is published;

(e) By always exercising due care and caution in regard to the publication of reports of communal incidents;

(f) By avoiding alarming deadlines for reports of communal incidents;

(g) By exercising care in the publication of pictures and cartoon likely to excite communal passions;

(h) By affording full facilities to Governments for correction or contradiction of published reports.

ANNEXURE - II
FILMS & PLAYS.

Films

The following Films were the subject of protest by the Government of India: -

1. Inquilab – e – Kashmir.
3. Pakistan The First Year.
4. Khoon – e – Muslim.
5. Mujahid Kaun.

In reply to our protest against the film ‘Inquilab – e – Kashmir’ Pakistan Government stated that the exhibition of this film had been stopped in April 1949. On our Deputy High Commissioner at Dacca reporting that the film was being exhibited there, a protest was lodged again with the Pakistan Government, who replied that the necessary steps had been taken to prevent the film from being shown. To our protest against the film at 2 above the Pakistan Government have stated that the film has been under a ban since April 1949. Films at 4 and 6, we are informed by Pakistan, have not been produced. The films at 3, according to the Pakistan Government, does not contain any scene
or remark which is contrary to the spirit of the provisions of the India-Pakistan Agreement. As for ‘Mujahid Kaun’ at No. 5, the Punjab Board of Film Censors (Pakistan) is of the opinion that the film does not contravene the terms of the 1948 Agreement. It was felt that further correspondence on the subject with the Pakistan Government would serve no useful purpose. In reply to our protest against the last film ‘Josh-e-Jehad’ inciting war against India, the Pakistan Government have stated that the film was produced by a private producer with a view to rallying popular opinion in favour of participation in civil Defence activities at a time when 90% of Indian troops were massed on the borders of Pakistan, and the film having lost its topical value is rarely shown.

The Pakistan Government have protested against the following films: -

1. Lahore.
2. Apna Desh.
4. The last refugee Train from West Punjab.
5. Kashmir Hamara Hai.
6. Ham Ek hain.
7. Chinnamul.

The Government of Pakistan have been informed that the films at 1, 2, and 7 are not objectionable. The film at 3 has ceased to be on show and therefore no action is called for. The film at 4 has not been produced. From the film at No. 5 scenes showing raiders carrying away women were excised on the instructions of the Bombay Board of Film Censors. No. 6 was produced in 1946.

**Plays.**

The following two anti-Indian plays were staged in Pakistan during 1952: -

1. Naya Nishan.
2. Kashmir Hamara.

The Government of Pakistan have not so fare replied to the protest lodged by our High Commissioner at Karachi, against the play Naya Nishan. It was not considered desirable to lodge a protest against the other play ‘Kashmir Hamara’ which was staged in February 1952 in Dacca, in aid of ‘Quaid – e – Azam Memorial Fund’ as according to Press Attache Dacca the play was not a great success.
ANNEXURE - III

Books & Publications.

The Inter–Dominion Information Consultative Committee at Karachi on the 16th March, 1949, decided as follows:

(i) The Committee agreed to recommend that Government publications produced before or after the Delhi Agreement should be withdrawn from circulation and that this recommendation should be submitted to the cabinet in each Dominion for approval.

(ii) Each Dominion will bring to the notice of the other Dominion objectionable non–official publications produced in that Dominion for suitable action.

(iii) The committee agreed that text books involving infringement of the Delhi Agreement should not be prescribed or recommended and that authors of text books should be requested through the respective Ministries of Education to included matter calculated to improve relations between the two Dominion.

As regards (i), a reference was received from Khwaja Shahabuddin as to what was the intention of the IDIOC’s recommendation suggesting the withdrawal from circulation of books infringing the Agreement. Shri Diwakar replied that the intention of the Committee was that steps should be taken to stop further sale of such publications. Official publications and magazines of the Pakistan Government have been found to contain material which is likely to inflame communal passions. Our protest against 3 publications of the West Punjab Govt., viz. R.S.S., Note on Sikh Plan and Sikhs in Action, is still pending with the Pakistan Government. ‘Mah – e – Nau’, a Bengali monthly issued by the Pakistan Government, has also been publishing material in contravention of the India-.Pakistan Agreement.

(ii) The Government of Pakistan have so far protested against non–official publications. Action taken on these is as under

(a) Publications issued before partition.  7
(b) Publications other than books that came out before the Agreement of April 1950.  12
(c) Publications declared forfeited by State Govts.  13
(d) Publications out of circulation  10
(e) Action reported  21
(f) Publications found not objectionable  11
On the other hand we have protested against 58 publications. Replies received from the Pakistan Govt. can be classified in the following categories:

- Publications no longer in circulation: 10
- Publications issued before Delhi Agreement: 13
- Publications before partition: 2
- Action reported on: 10
- Publications relating to Kashmir, Hyderabad of Junagadh and held not actionable: 7
- Publications held not actionable in terms of para 1 of the minutes of IPICC meeting of 6. 5. 1950: 6
- Publication from which extracts have been asked for by Pakistan: 3
- Publications found not objectionable: 3
- Objection withdrawn by India: 1
- Replies awaited from Pakistan: 3

Total: 58

Anti – Indian propaganda designed to incite communal passions, indulgence in war cry and spread of hatred between Hindus and Sikhs as also the usual stories of persecution of Muslims in India are still being carried on in Pakistan through books and pamphlets. Correspondence on this subject has been going on between the Government of India and Pakistan. The effort on the part of the Pakistan Government to wriggle out of the obligations made in agreement is manifest in their correspondence on the subject. Pakistan Government has been trying to avoid action mostly by misinterpreting the first para of the minutes of the 6th May 1950 meeting of the IPICC. In this meeting, which by its very composition was competent to discuss matters relating to Press only, the following decision was recorded:
“It was decided that the discussion should be confined to consideration of effective means to implement the Agreement on minorities of 8th April 1950. The Committee felt that it would not be in consonance with the spirit of the April Agreement, and the changed atmosphere to scrutinize breaches of the 1948 Agreement in either country. The Committee thought that in order to advance the objects of the Agreement on minorities all efforts should be directed towards the future”.

The above decision, therefore, applies to the Press only. But the Pakistan Government have held the view that it applies to publications as well. They have consequently declined to take action on all publications produced before the Prime Minister’s Agreement and objected to by us. We, on our part, have been taking action on books produced before the Agreement and have informed the Pakistan Government that their interpretation is not correct. A further communication on this subject is under consideration in External Affairs Ministry.

An regards to books relating to Kashmir, Hyderabad and Junagadh, Pakistan Government have stated that these stand on a special footing and as such do not come within the purview of the India-Pakistan Agreement. It is quite clear that Agreement applies to both the countries and to all writings violating its terms irrespective of whether the books relate to Kashmir or not. We informed the External Affairs Ministry that Pakistan Government’s stand cannot be accepted, as objectionable books would continue to disseminate mischievous opinion on the plea that they relate to Kashmir etc.

Some highly objectionable publications such as “Quaid – e – Azam ka Akhri Lamhat”, “Taj Mahal – History of India and Pakistan” etc., have been held unobjectionable without any reason being furnished by the Pakistan Government.

As against 13 publications forfeited in India, not a single publication objected to by us has been forfeited by Pakistan, to our knowledge.

(iii) Far from including matter calculated to improve relations between the two Dominions, text books prescribed in East Bengal schools violate educational and cultural rights of the minority in East Bengal, and are likely to promote hatred against the Hindus. A protest against such text a book was lodged by Shri Biswas in his letter dated 13. 4. 1951 to Dr. Malik, but it seems objectionable text books are still being taught in East Bengal schools.
ANNEXURE - IV

Measures taken by the Government of India to implement the Indo Pakistan Agreement of December 1948 so far.

The Govt. of Pakistan protested against the book ‘Vishwa Ithas ki Rooplekh’ prescribed in U.P. schools and the same was removed from the list of approved books.

Thus even in the field of publications, the Agreement is not being implemented by the Pakistan Government, to the extent desirable. In one case, Pakistan Government have stated that a book objected to by us was sold out, but an enquiry by the PRO, Lahore, revealed that the book was available in the market.

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0065. Resolutions adopted at the third meeting of the Indo – Pakistan Joint Press Committee.


The Joint Committee has noted with satisfaction the overall progress made in the pursuit of the objectives underlying the Nehru – Liaquat Pact as a result of the efforts of this Committee and the willing co–operation extended to it by the Press of both countries. In particular there has been

(a) Considerable improvement in the friendly and fraternal relations between the nationals of both countries;

(b) General avoidance of writings calculated to rouse communal passions and prejudices and to lead to harassment and victimization of the minorities;

(c) Free Flow of news between the two countries following provision of facilities for Correspondents to collect and file news.

Still several instances of breaches of the joint code brought to the notice of the Committee underline the need for constant vigilance and the JPC appeals to the Press in both countries to facilitate implementation of the Delhi Pact and thereby further the cause of goodwill and better understanding between the two countries and between the minority and majority sections of them by –

(a) Exercising greater care and caution in the publication of news and comments;
(b) Conforming in letter and spirit to the terms of the voluntary code, and
(c) Avoiding publication of anything calculated to create alarm and anxiety among the minority sections of the people of either country or create war psychology.

While firmly holding to the view that as far as possible all disputes arising between the two countries at all time should be settled peacefully, the JPC hopes that the Governments of India and Pakistan will endeavour to find ways and means to settle expeditiously and amicably the outstanding problems between the two countries thereby eliminating all sources of irritation, friction and distrust between the two people. The JPC expects the Press of both countries to create and maintain the atmosphere of goodwill, good faith and good fellowship to promote this purpose.

The JPC feels that even if some of the problems take time to resolve, “comments in newspapers should be confined strictly to the merits of the problems or problems in dispute and it should in no case be made the basis of a general attack against the two Governments or a personal contumacious or scurrilous attack against the respected leaders of either country, or the religion, culture and faith of the people of both countries”.

The JPC records its appreciation of the cooperation it has received at the hands of both Governments in the furtherance of its objectives and takes this opportunity to point out that it would considerably strengthen the hands of the Committee if the Governments concerned would consult in advance the JPC whenever panel action against the press is contemplated.

The JPC desires to stress that much of the improvement in the situation is very largely due to the exchange of news rendered possible by facilities offered in both countries to Correspondents of the news agencies (PTI and APP) and newspapers representing either country and trusts that such advice as may be tendered from time to time by the JPC will receive due consideration at the hands of Governments concerned as well as the news agencies and the newspapers.

With a view to providing facilities for emergency consultations during the period of the present crisis, in particular between East and West Bengal, the JPC authorizes the undermentioned Sub – Committee consisting of three members each representing West Bengal and East Pakistan with two alternate members for each area to meet as often as may be necessary at the discretion of the convenors of either area, to discuss matters particularly affecting the Press in East and West Bengal in consultation and co-operation with the two Provincial Governments and subject to the general control of this Committee.
Minutes of the 5th meeting of the India – Pakistan Information Consultative Committee held on 30th and 31st October 1950.

Calcutta, October 31, 1950.

PRESENT
The Hon’ble Khwaja Shahabuddin, Minister of Interior – Leader
Mr. S.M. Ikram, Joint Secretary, I & B Division, Member
Mr. M. Azfar, Home Secretary, East Bengal Govt. Member
Mr. Majid Malik, Principal Information Officer, Adviser
Mr. Z.A. Bokhari, Controller of Broadcasting, Adviser

Press representatives:
Pir Ali Mohammad Rashidi, President, PNEC, Member
Mr. Abdul Kalam Shamsuddin, Editor, Azad, Dacca, Member
Mr.Mohsin Ali, Editor, Morning News, Dacca, Alternate
Maulana Murtaza Ahmed Maikash, Editor, Maghrabi Pakistan, Lahore, Alternate
Alternates Malik Tajuddin, A.P. (P), Alternate

India:
The Hon’ble Shri R.R. Diwakar, Minister of State for Information and Broadcasting, Leader
Shri R. Gupta, Home Secretary, West Bengal, Member
Shri M.L. Chawla, O.S.D., I & B Ministry, Member
Shri B. Mukhopadhyay, Deputy Principal Information Officer, Adviser
Shri A.K. Sen, Station Director, A.I.R., Calcutta, Adviser

Press representatives:
Shri C.R. Srinivasan, President, A.I.N.E.C., Member
Shri T.K. Ghosh, Editor, Amrita Bazar Patrika, Calcutta, Member
Shri Durga Das, Joint Editor, Hindustan Times, Delhi, Alternate
Shri J.N. Sahni, Press News Features, New Delhi, Alternate
Indo-Pakistan Relations

By invitation:

The Hon'ble Shri C.C. Biswas
The Hon'ble Dr. A.M. Malik

Press

(1) The Committee reviewed the implementation of the Indo–Pakistan Agreement of 8th April 1950 by the Indian and Pakistan Press; some general tendencies which favoured implementation of the Agreement as well as those which stood in its way were pointed out. It was recommended that a Sub–Committee consisting of (a) one official of the Government of India and one representative of the Indian Press, and (b) one official of the Government of Pakistan and one representative of the Pakistan Press, should, a day or so before the Committee meets, examine in detail the material supplied by either Government regarding the Press, and make such recommendations as would facilitate the work of the main Committee. If considered necessary, the sub–Committee would meet in the interval between two meetings of the Main Committee.

(2) The President of the Joint Press Committee read out the Resolution passed by the Joint Press Committee on 31st October 1950 in Calcutta. General satisfaction was expressed at the Resolution, and the Committee desired that a copy of the Resolution might be attached to the Minutes for purposes of reference.

(3) The Committee also recommended that on the lines of the sub–committee for the Press a second Sub–committee should be appointed to facilitate the task of the main Committee so far as the review of material relating to Broadcasts, Films and Publications was concerned. This Sub–Committee would consist of two officials of the Government of India and two officials of the Government of Pakistan, and would meet and function on the same lines as the Press Sub–Committee.

Radio

(4) The Committee reviewed the steps taken by the two Radio organizations in further implementation of the Agreement; some details were described by the two Delegations.

(5) The Committee agreed that All India Radio and Radio Pakistan should
avoid comments or emphasis on the origin of riots in East and West Bengal. It was also agreed that if talks on religion were broadcast, these should not be confined to only one religion.

**PUBLICATIONS**

(6) Information was supplied by both Delegations in regard to some publications which were alleged to have contravened the provisions of the Indo – Pakistan Agreement of 8th April 1950. The Pakistan Delegation agreed to omit from its list of publications considered objectionable by them the following three publications:

(1) Sardar Patel on Indian Problems
(2) Independence and After
(3) Divided India.

(7) The Indian Delegation drew the attention of the Pakistan Delegation to the publication “Quaid – e – Azam ke Akhri Lamhat” by Ashraf Ata published by Ashaat Manzil, which they considered objectionable; the Government of India would write to the Pakistan Government and point out the objectionable portions in the book.

**GENERAL**

(8) It was agreed to exchange notes on action taken by both the Governments of India and Pakistan further to implement the Indo – Pakistan Agreement of 8th April 1950.

Sd/- K. Shahabuddin       Sd/- R.R. Diwakar
1. 11. 1950              1. 11. 1950
Letter from Pakistan Prime Minister Liaquat Ali Khan to Prime Minister Jawaharlal Nehru.

Karachi, November 27, 1950.

My dear Pandit Nehru,

Thank you for your letter of the 24th November, 1950. It reached me last evening after 3.00 P.M. I am afraid in this letter you have revised so many issues that I feel constrained to send an immediate reply despite my numerous preoccupations.

2. I shall begin with the "No War Declaration". I am sincerely sorry that I have failed to convince you that a mere "declaration" of good intentions on our part unsubstantiated by concrete acts would carry conviction to nobody. May I, therefore, seek once again to convince you by drawing your attention to the logical end of an argument you have yourself advanced. In your letter you point out that in spite of the Charter of the United Nations, fierce disputes and impassioned arguments are in progress between nations. May I request you to pause and think why? I am myself convinced that if the leaders of the great powers agreed to issue a simple 'no war declaration' of the type you suggest it would not make the least difference. That is why I suggested and suggest once again that we should put substance and body in our declaration by devising a concrete procedure to solve some pending and all future disputes between India and Pakistan.

3. In paragraph 4 of your letter you have referred to the type of propaganda that, according to you, has been going on in Pakistan. It is a matter of regret to me that while you allow yourself to be perturbed by what is being said in Pakistan, you omit to note the attitude of the press throughout India and particularly in West Bengal, where the Delhi Agreement notwithstanding, even former Ministers of your Cabinet continue to conduct, apparently without hindrance, a virulent propaganda campaign against Pakistan and against the very Pact to which you have referred. These elements have gone to incredible lengths. They have set up what they publicly proclaim is the Provisional Government of East Pakistan. Mr. J. P. Mitter describes himself with impunity as its President. All this is very disheartening. Nevertheless, neither I nor the East Pakistan Government have at any stage slackened our efforts to implement the Delhi Agreement. I am glad to say that the life and property of the Hindus in Pakistan is completely safe and thousands of Hindus are every week returning to their homes. The Delhi Agreement did indeed produce a psychological change but I need hardly remind you that it was not a mere declaration of good intentions. It devised ways and means of giving form and shape to those intentions and
set up elaborate administrative machinery to implement them. It was a closely
considered and carefully worked out plan in which considerable attention was
paid to details. It is because of this that it has met with success. Had it been a
mere declaration it would have been forgotten by now.

4. My statement that the crux of the difficulty is the reluctance of your
Government to substitute on any issue impartial arbitration for threatened and
actual use of force seems to have surprised you. I must confess, however, that
your categorical assertion that you have never resorted to or threatened to
resort to force to settle disputes with Pakistan has surprised me ever more. I
sincerely hope and trust that you have not forgotten that your military forces
have occupied Junagadh and its neighbouring States which lawfully acceded
to Pakistan and form part of its territories. I shall not refer to another sorry
episode elsewhere which is still pending before the Security Council but I may
remind you that not so long ago there was a large scale movement of the
military forces of India and a considerable building up of warlike stores in forward
areas very close to the borders of Pakistan. This was just before I came to
Delhi for the conversations which resulted in the Delhi Agreement. You may
recall that on that occasion you made a statement in your Parliament that you
were on the brink of a precipice. It is with this background of uneasy Indo-
Pakistan relations that I have been trying to persuade you that in the disputes
that exist between India and Pakistan both you and I should take a more realistic
view of the situation and not delude ourselves and our peoples into seeking
solace in empty platitudes. You have referred to the failure of Sir Owen Dixon's
mission and have drawn my attention to the fact that you have made a statement
in one of your press conferences that India would not resort to war in Kashmir
unless she is attacked. This is reassuring since Pakistan has no intention of
attacking India. I have also declared over and over again that Pakistan wants
peaceful settlement of the Kashmir question. Only Pakistan is irrevocably
opposed to India gaining control of Kashmir by force against the will of the
people and since India is in the military occupation of large areas in Jammu
and Kashmir including the Valley it is obviously to India's advantage to prevent
any plebiscite being held. Pakistan could not possibly acquiesce in this position.

5. In discussing the question of Kashmir you have explained at length why
you are unable to accept arbitration on certain points of dispute regarding the
timing of the withdrawal of Pakistan forces, the disbandment and disarming of
Azad Kashmir forces and the withdrawal of India forces from Jammu and
Kashmir territory. I put it to you that this is precisely the attitude which renders
mere declarations meaningless. In my letter of the 21st I have stated that during
the past years our joint undertaking to accept the decision of a free and impartial
plebiscite of the inhabitants of Kashmir has remained a hollow declaration
owing to refusal of your Government to implement this Agreement and the
Resolutions of the United Nations Commission and the Security Council. Your Government has rejected every recommendation that their armed forces be withdrawn, while Pakistan has agreed that its armed forces be withdrawn, in order to certify that the plebiscite may take place without undue influence or compulsion by either side. When it was proposed to each of our Governments that we accept an impartial arbiter to settle the differences over the interpretation of the Agreement brought about by the United Nations, Pakistan concurred. India did not. How are we going to get anywhere if you persist that by agreeing to submit the issue to arbitration you would fail in your "duty" to and betray the people of Kashmir. It is our contention that the people of Kashmir have a right and should be given a chance to declare whether they wish to be protected by India.

6. Ever since the Kashmir question has been placed before the Security Council, India has persistently referred to what you describe as the "origin of the trouble". But was that not again precisely the point that India repeatedly urged before the Security Council and the UNCIP? Have they not considered it over and over again and not accepted India's contention? Surely no settlement is possible if one of the parties to a dispute persists in questioning the attitude and the actions of a body like the Security Council. If there is any aggression in Kashmir it is by India against the people of that State who are continuously being kept under India heel by means of force.

7. This letter has already become too long and I would not like to take too much of your time to go into the details of the Canal Waters Dispute. I regret, however, to find that your question the accuracy of my statement that "at the time of partition, Indian representatives joined in declaring that there was no question of varying the authorized shares of waters to which the two zones of the various canals are entitled". In my letters to you I take great pains to ensure accuracy and I repeat that the statement that I have made in my letter is correct. Nor, I must confess, do I see how you can deny that since partition India has sought to compel acceptance of greatly increased supplies for India at the expense of irrigation vital to Pakistan. As for the Agreement of May 1948, all that I maintain is that it was made under compulsion.

8. I am amazed that in paragraph 10 of your letter you have actually charged Pakistan with intransigence. May I draw your attention to my letter of the 23rd August? In that letter I have dealt with the question of technical investigation. In views of what I have stated therein the charge of intransigence is most unjustified. My contention is that even though engineers of the two countries have repeatedly met and there is a mass of factual data available this has not resulted in any progress in the settlement of the dispute. And how could it when you yourself say that such new proposals as you have considered since Partition are essential for the development of Punjab (India) and the adjoining
areas in India; while we maintain that these works would inevitably devastate some of the richest areas in Pakistan, and your right to do this is the very issue to be adjudicated.

9. My statement that a tribunal such as the one proposed by you will be deadlocked is neither a reflection upon the impartiality of your judges nor on that of ours. But this is what we fear. And if past experience is any guide a deadlock is almost inevitable. In any case it would be wrong to make any plans without taking cognizance of what at least seems a very probable eventuality. It is for this reason that we suggest that reference might be made to a tribunal of undoubted standing - and "sitting thousands of miles away" so that it could decide the question dispassionately and without getting entangled into the barbed wire of political controversy. Nevertheless we have not rejected the idea of a tribunal. We have asked for a draft of governing convention. You have merely quoted from your previous reference. It was after seeing it that we felt that it was necessary to have a draft of governing convention. From my past experience I can say that unless details are clearly worked out we would find ourselves in the throes of new disagreements. If you would permit me to say so, you are so convinced of the rightness of your stand on every issue that I seem to have utterly failed to persuade you that there may be another side to any issue pending between us.

10. I notice that you have not made any new point with regard to the Evacuee property dispute. I am, however, glad to see that you recognize that the value of agricultural property would in certain areas depend upon the irrigation facilities that are available to it and in consequence, unless we made any progress with regard to the settlement of the Canal Waters Dispute, which vitally affects the most valuable, the most important irrigated area in Pakistan, it may be futile to talk of any equitable settlement. So far as the sale and exchange of urban evacuee property is concerned, if India will accept, as was once agreed upon, our repeated offers that there be freedom of sale and exchange of property, the problem would be greatly reduced.

11. You have summarily dismissed the question of the release of the assets of Pakistan by saying that you have counter-claims. I wish you had gone more into this question. My own view on the subject is that our claims in this respect also are of a character which could have been settled without any dispute had India shown an inclination to settle them.

12. I agree with you that it is our common misfortune that this correspondence seems to have produced no positive result. Despite my deep disappointment I assure you that I still believe that it is in the highest degree essential that our
two Governments should settle all disputes by peaceful methods. I am convinced and I am never tired of saying so that a war between India and Pakistan would be an unmitigated disaster for both countries and I assure you that I shall continue to work for peace.

13. When you have had an opportunity to consider fully the views I have put forward, I believe it will serve the interests of our countries if we meet personally. I would very much welcome a visit by you to Karachi as soon as your duties permit.

Yours sincerely,

(Sd.) LIAQUAT ALI KHAN

The Hon’ble Pandit Jawaharlal Nehru
Prime Minister of India,
New Delhi.

0068. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, December 11, 1950.

My dear Nawabzada,

Your letter of the 27th November 1950 reached me that evening at about 8 p.m. It was too late then to include it in the printed collection that I was to lay on the Table of our Parliament the following morning. But I placed a copy of it along with the printed correspondence before the House. And, as there was no time to prepare a full reply, I made a statement in which I attempted to deal briefly with some of the points that your letter raised. For convenience of reference, I attach a copy of that statement. I am sorry for the delay in replying to your letter. I have been overwhelmed with work during these days and, as you are well aware, the international situation has become progressively more critical.

2. We have gone over the ground covered by your last letter so often that I find it difficult to say anything very new. I can only express my regret, once more, that, after all these months of argument, I have been unable to persuade you to accept the value of a simple no-war declaration. I am as convinced as ever that such a declaration would go a long way to clear the atmosphere for a friendly discussion of all the issues that are now outstanding between our two
countries. In view of the dark clouds of war that are spreading all over the world, such a declaration by India and Pakistan would have peculiar value. However, even though we have not been able to agree on such a declaration, I welcome your assurance that Pakistan has no intention of attacking India, and your statement that Pakistan wants a peaceful settlement of the Kashmir question. As I stated before Parliament on the 28th November, India is pledged to peace and I gave a solemn assurance that we shall continue to work for peace with our neighbour country. There, I think, we must leave the matter for the present.

3. Press Propaganda: Although we have discussed these matters repeatedly, I feel that I should deal in this letter with certain observations that you have made. I shall take up first your reference to what you call the virulent propaganda against Pakistan in the Indian press. I must point out that the leading newspapers of this country have dealt with the Delhi Agreement helpfully and with a sense of responsibility. I am also satisfied that the tone of the Calcutta newspapers has improved considerably in recent months. Leading newspapers in Pakistan, however, stand out in sharp contrast and anti-Indian propaganda of an extreme type continues from day to day. This applies more especially to the Dawn of Karachi. In its leading articles and its news columns, there is unjust and unbridled criticism of India. Fictitious reports appear of economic and political conditions in India. All kinds of base motives are imputed to us; the latest example of this is the gross perversion of our relations with Nepal. It gives me no pleasure to say all this; I sincerely wish that things were otherwise. But for a fair appraisal, I think that we should try to see both sides of the picture.

4. Provisional Government of East Bengal: I have enquired into your allegation about the so-called provisional government of East Bengal. I did not know anything about it. I am told that in April last there was an announcement on the air from a secret source, by somebody calling himself “the Voice of East Bengal”, of the formation of a “Provisional Government of East Bengal” with J.P. Mitter as its “Head”. Attempts were made immediately by the police and others to locate this illegal transmitter, but without success. Since then there has been no announcement of this kind, nor have any activities of the “Provisional Government” come to our notice. You will no doubt remember that, during the communal tension in February, March and April, irresponsible statements were made in the two Bengals. I am told, for example, that immediately preceding the disturbances in Dacca last February, there was a broadcast from the Dacca Radio, after the 9 o’clock news one night, calling for vengeance on non-Muslims. I am sure you will agree that stray incidents of this kind are best ignored. In any case, I can assure you that I will not tolerate any illegal activities on Indian soil directed against the integrity and security of Pakistan. The large-scale movement of the military forces of India last February that you have mentioned was, as I stated in Parliament, a purely precautionary
defensive measure, taken in a period of high tension.

5. **Kashmir**: As for Kashmir, you have repeated what has been said before on behalf of Pakistan, and no purpose will be served by my repeating what I have said so often on behalf of India. I would only point out that we are, and always have been, prepared to agree to any reasonable arrangements that would combine effective protection of the security of the State with complete freedom to the people of Jammu and Kashmir to decide their own future.

6. **Canal Waters**: In your letter dated the 21st November 1950 you had said that “at the time of Partition, the Indian representatives joined in declaring that there was no question of varying the shares of the two new countries in our Common Waters required for irrigation.” I characterised this statement as not correct in my letter to you dated the 24th November 1950 and I maintain that I was correct in so characterising it. You based your original statement apparently on the Report of the Reconstituted Committee - B appointed by the Punjab Partition Committee on the Division of Physical Assets of the Punjab.

In your present letter you have put within inverted commas certain words taken from this report which are by no means the same as what you had said in your previous letter. The actual words used in that Report are: “The Committee is agreed that there is no question of varying the authorised shares of water to which the two zones and the various canals are entitled.” It is only fair to point out that your original statement lacked accuracy. I note also that you have not referred to my further statement that, when this Committee’s report came up before the main Punjab Partition Committee, it was not agreed to. On the contrary, the Punjab Partition Committee concluded that “in regard to canals there was a difference of opinion over fundamental issues and it was decided to refer the matter to the Central Arbitral Committee after both sides had prepared their cases.”

7. Your further assertion that, since Partition, India has sought to compel acceptance of greatly increased supplies for herself at the expense of irrigation vital to Pakistan is absolutely without justification. India only proposes to utilise the waters to which she is entitled, but, before doing so, she has generously agreed not to prejudice any existing irrigation in Pakistan with such waters until Pakistan has had reasonable time to tap alternative sources which are so abundantly available in her own limits. This was fully realised by the representatives of Pakistan when they put their signatures to the Agreement of 4th May 1948. It is, I confess, a matter of amazement to me that you should still seek to maintain that that Agreement was made under compulsion.

8. **Pakistan’s intransigence** as regards the technical examination agreed
to between the two countries hardly requires proof. Engineers of the two countries have no doubt met more than once, but if, in spite of these meetings and the mass of factual data available, no progress has been made in the settlement of the dispute, it can only be attributed to the refusal of the representatives of the Pakistan Government to permit the two sets of engineers to get on with the technical examination of the problem. It is incorrect to say that the works, which in India are now in progress, “would inevitably devastate some of the richest areas in Pakistan.” It is our firm conviction that, if only the technical examination is allowed to be made in a spirit of mutual understanding and accommodation, not only the richest areas in Pakistan but all other legitimately irrigable areas will get the supply of water they reasonably need. I have no doubt that, if the tribunal which I have suggested is established and is assisted by the results of such a technical examination, it would not be difficult for it to find an equitable solution of the problem.

9. **Evacuee Property:** I can only regret that you should still think that the tribunal we have suggested would not serve any useful purpose. I am also disappointed at your refusal to discuss the evacuee property dispute pending a settlement in the canal waters dispute, except on the basis suggested by you, namely, that there should be freedom of sale and exchange of urban property. In my previous letter I have explained why we feel that this method of approach to the evacuee property problem would not lead to a satisfactory solution. I need not repeat what I have said previously.

10. **Pakistan Assets:** I think you do me less than justice in saying that I have summarily dismissed the question of release of Pakistan assets. In my very first letter dated 18th January 1950 (paras 7 to 10), I had referred in detail to the nature of the disagreement which had arisen between the two Governments on this issue and also drawn your attention to the large financial claims by Government of India which have been outstanding for a long time. By way of illustration of these claims I may mention the sums due to us on account of the military stores transferred to Pakistan, the payment of sums realised by the sale of surplus stores, and the share of expenditure incurred by India on the Joint Defence Council. It would not be correct to say that the question of release of Pakistan assets is a matter on which negotiations between the two Governments have failed. In fact there have already been informal discussions and correspondence with the Governor of the State Bank of Pakistan and with your Finance Ministry and some progress has been made in clarifying the issues. You are aware that this question along with certain other financial issues in dispute has been placed by your Government on the agenda of the Inter-Dominion Conference at the Secretariat level. On our side too, we have proposed a number of financial issues for discussion at this Conference. I am sure you will agree that it is desirable to treat all these outstanding issues
together rather than deal with them piecemeal. This Conference, which was to be held on the 4th September, has had to be postponed to suit the mutual convenience of the two Governments. I understand that it is going to be held on the 18th of this month.

11. In conclusion, I should like to thank you for your invitation to me to visit Karachi. I attach value to periodical meetings between us as they can help us more than anything to understand our respective points of view, to pave the way to a settlement of outstanding issues and, generally, to promote good relations between our two countries. This month our Parliament will go on until the 21st December at least and the session may be prolonged. On the 25th I expect the Australian Prime Minister here for a couple of days. As he goes from here to Karachi, his visit will doubtless keep you busy till the end of the year. Soon after that both of us have to go to London. It looks, therefore, as if my visit to Karachi will have to wait until after our return from the U.K.

12. As our previous correspondence has already been placed before Parliament here and your Constituent Assembly, I think that the present letter should be placed before our Parliament. Indeed I gave an assurance to this effect to Members of the House. I therefore propose to place a copy of this letter on the table of the House on the 15th December. If you like, you can publish it on the same day.

Yours sincerely,
Jawaharlal Nehru

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Minutes of the sixth meeting of the Indo – Pakistan Information Consultative Committee.
Karachi, March 8-9, 1951.

PRESENT:

INDIA

1. The Hon'ble Shri R.R. Diwakar, Minister of State for Information & Broadcasting ... Leader
2. Shri M.L. Chawla, Officer on Special Duty, Ministry of Information & Broadcasting ... Member
3. Shri P.C. Acharji ... Member
4. Shri M.L. Bhardwaj ... Adviser
5. Shri Deshbandhu Gupta, President, AINEC, Managing Editor, 'Indian News Chronicle' ... Press Representative
6. Shri C.R. Srinivasan ... – do –
7. Shri Tushar Kanti Ghosh, Editor, Amrita Bazar Patrika. ... – do –
8. Shri Durga Das, Associate Editor, Hindustan Times. ... – do –
9. Shri J.N. Sahni ... – do –

PAKISTAN

1. The Hon'ble Khwaja Shahabuddin, Minister for the Interior, I. & B. ...Leader
2. Mr. S.M. Ikram, Joint Secretary, Information & Broadcasting Division ...Member
3. Mr. M. Azfar, Home Secretary, East Bengal Government ... – do –
4. Mr. Z.A. Bokhari, Controller of Broadcasting ... Adviser
5. Col. Majeed Malik, Principal Information Officer. ... – do –
6. Syed Nur Ahmad, D.P.R., Punjab ... – do –
7. Pir Ali Mohammad Rashdi, President, PNEC. ... Press Representative
8. Mr. Altaf Hussain, Editor, Dawn ... – do –
9. Maulana Akhtar Ali Khan, Editor, Zamindar ... Alternate
I. General:

The two Delegations exchanged notes on –

(a) Action taken by either Government on the minutes of the 5th meeting of the Indo–Pakistan Information Consultative Committee held in Calcutta on 30th and 31st October, 1950; and

(b) Further action taken through media of publicity and by State and Provincial Governments in implementation of the Indo–Pakistan Agreement of 8th April, 1950.

II. PRESS:

On 7th March, 1951, the Press Sub–Committee of the Indo–Pakistan Information Consultative Committee examined material supplied by the two Delegations in review of news and comments appearing in newspapers of the two countries since the last meeting of the Committee. The report of the Sub–Committee was discussed. The Committee noted with satisfaction the general improvement in the communal situation and the substantial contribution made by the Press by responding to the appeal made to it in the meeting of the Indo–Pakistan Information Consultative Committee held in Calcutta on the 30th and 31st of Oct., 1950.

The Committee, however, felt that the major breaches of Clauses 7 and 8 of Part C of the Indo–Pakistan Agreement of 8th April 1950 occurred in the Press because sufficient attention was not paid to

(i) the necessity of avoiding publication of matter

(a) Advocating war or calculated to create a war psychosis, and

(b) Attacking the territorial integrity of either country.

(ii) Clauses (d) and (e) of the Joint Press Code which read as follows:-

“The Joint Press Committee calls upon the Press of both countries to help to facilitate the further implementation of the Indo – Pakistan Agreement;

(d) By seeking through normal Press channels or Government Agencies, verification of news of communal incidents before it is published;
(e) By always exercising due care and caution in regard to the publication of reports of communal incidents."

(iii) The following paragraph of the Resolution passed by the Joint Press Committee in the meeting held in Calcutta on 29th, 30th and 31st October, 1950:

“The Joint Press Committee feels that even if some of the problems take time to resolve, comments in newspapers should be confined strictly to the merits of the problem or problems in dispute and it should in no case be made the basis of a general attack against the two Governments or a personal contumacious or scurrilous attacks against the respected leaders of either country, or the religion, culture and faith of the people of both countries”.

The Committee thought it was necessary to reiterate the principles; in particular it was necessary to enjoin upon the Press that comments on problems in dispute between India and Pakistan should be discussed on their merits without introduction of matter arousing communal passion or attacking the territorial integrity of either country or advocating war or creating a war psychosis and should not be made the basis of contumacious, or scurrilous attacks against the religion, culture and faith of the people of either country or personal attacks against their respected leaders.

The President of the Joint Press Committee (Shri Deshbandhu Gupta) informed the Committee that the Joint Press Committee had earlier in the morning of 9th March 1951 unanimously adopted the following resolution:-

“Reviewing the position since it last met at Calcutta, this meeting of the Indo – Pakistan Joint Press Committee notes with satisfaction the progress made in the direction of restoring confidence and an increasing sense of security in the minorities, and is glad that a substantial contribution has been made to this end by the Press of both countries.”

“The Committee hopes that the Press will continue its efforts to establish the sense of security that is now increasingly prevalent and make it its direct and immediate objective in the publication of news and comments.”

“The Committee however notes with regret that during recent months there has been some deterioration in the tone of the Press in the following directions:-

(a) War – Mongering;
(b) Attacking territorial integrity;
(c) Scurrilous attacks against the religion, culture and faith of the people of both countries;
(d) Personal and scurrilous attacks against respected leaders of either country; and
(e) Rousing communal passions.”

“The Committee realizes that there are still some issues outstanding which have yet to be resolved between the two countries with growing goodwill on both sides.”

“The Committee reiterates its faith in the capacity of both countries to settle all outstanding points of difference by peaceful means and appeals to the Press of both countries to help in creating the atmosphere of goodwill and good neighbourliness to assist this process, and particularly to refrain from committing the lapses enumerated above.”

The resolution was welcomed by the Committee. While welcoming it, the Committee expressed the hope that the principles embodied in the resolution would find full response in the Press.

III. Films:

Reference was made to the following films:-

(a) **Films produced in Pakistan and objected to by India.**

(i) and (ii) *Inqilab e– Kashmir and Mujahid Koun.*

The attention of the Pakistan Delegation was drawn to the Government of India’s letter No. 24/27/49 – IP, dated 17th February, 1950, stating that, according to the Government of India’s information, the film had been shown in some districts of West Pakistan. The Pakistan Delegation stated that they had not received the letter under reference, but the films in question had been discussed in an earlier meeting of the Committee. On the request of the Indian Delegation, the Pakistan Delegation agreed that the Government of Pakistan would again make suitable inquiries and inform the Government of India. A copy of the Government of India’s letter of 17th February, 1950 would be supplied to the Government of Pakistan.

(iii) *Kashmir Hamara Hai renamed Jang e– Azadi.*

The Pakistan Delegation said that the Government of Pakistan would send a report on the film to the Government of India as soon as possible.
(b) **Films produced in India and objected to by Pakistan:**

(i) **Lahore**

The Indian Delegation stated that the Government of India had received the report of the West Punjab Board of Film Censors on the film with the Government of Pakistan’s letter dated 15th April, 1950, and that a reply would be sent to the Government of India after the matter had been examined.

(ii) **Kashmir Hamara Hai,**

(iii) **Sajan Ka Ghar,**

(iv) **Aag**

As the Indian Delegation had no information about these films and as the Government of Pakistan had not so far written to the Government of India regarding them, the Government of Pakistan would supply particulars of the films as well as their objections to the Government of India and the objections would be examined.

IV. **Publications:**

The Committee agreed that in order to enable either Government to trace all publications objected to by the Government of India or the Government of Pakistan, fuller particulars of the publications that might be objected to from time to time would be supplied. Also in future, as far as possible, precise objections to each publication would be stated. As regards official and non—official publications, which were still the subject matter of correspondence between the two Governments, correspondence would continue. Particulars of other publications to which either Government wished to object would also be communicated in writing. The Committee, however, discussed the following publications and agreed as below:-

1. “R.S.S."

2. “Note of Sikh Plan”

3. “Sikhs in Action”.

The Indian Delegation suggested that no reprinting of these publication might be done and further circulation of existing copies, if any, might be stopped. The Pakistan Delegation agreed to examine the suggestion.

“**Great Impeachment**”: The Indian Delegation stated that the publication was mainly a criticism of the Prime Minister of India and suggested that the objection of the Pakistan Government might be withdrawn.
“Jinnah Ke Khuda Ke Hazur Men”: The Pakistan Delegation drew special attention to this publication and requested early action on their communication.

“Defending Kashmir”

“Kashmir Fortnightly Issue of December, 1950”

“Rehabilitating The Uprooted.”

The Government of Pakistan would communicate in writing to the Government of India their objections to these publications; the objections would be examined by the Government of India.

V. Radio

The two Delegations exchanged the following notes:

(a) Note by the Government of India on breaches of the Indo – Pakistan Agreement of 8th April 1950 by Radio Pakistan, together with instances of such breaches.

(b) Note by the Government of Pakistan on breaches by All India Radio of the Indo – Pakistan Agreement of 8th April, 1950, together with instances of such breaches.

It was agreed that the notes would be examined for suitable action by the Government concerned in the light of the Clauses 7 & 8 of Part C of the Indo – Pakistan Agreement of 8th April, 1950.

VI. The Committee agreed to recommend to the Governments of India and Pakistan that the name of the Committee might be changed from “Inter – Dominion Information Consultative Committee” to “Indo – Pakistan Information Consultative Committee,” as, since the Committee was set up in December, 1948, India had been declared a Republic.

VII. The Committee agreed to recommend to the Governments of India and Pakistan that the provision in the Inter – Dominion Agreement of December, 1948, requiring that the Inter – Dominion Information Consultative Committee should meet alternately in Karachi and Delhi, should be suitably amended in order to enable the Committee to meet at other places in India and Pakistan as might, from time to time, be agreed to between the two Governments.

VIII. The Indian Delegation stated that a number of communications drawing attention to some breaches of the Indo – Pakistan Agreement of 8th April, 1950 in the East Bengal Press had been addressed by the office of the Central Minister of India appointed for the purpose of the Agreement to the Central Minister of Pakistan but no reply had been received. The Pakistan Delegation
stated that they were aware of only one case, in which East Bengal Government had been addressed by the office of the Central Minister of Pakistan and copy of the communication had been marked to Information and Broadcasting Division. The Committee suggested for the consideration of the two Governments that it might be helpful if copies of such complaints regarding the press could in future be forwarded by the offices of the two Ministers to the respective Ministries of their Governments dealing with Information.

Sd/- M.L. Chawla
9. 3. 1951

Sd/- Mohd. Sabir
9. 3. 1951

0070. Letter D.O. No. 239/51 – S. from the Indian Ministry of External Affairs to the Pakistan High Commissioner in India.

New Delhi, March 15, 1951.

Dear Mr. Ismail,

I attach a copy of a handout which has been issued by the Pakistan Deputy High Commissioner in Calcutta and distributed in Calcutta. We take serious exception to the distribution within our country by the representative of another Government of a statement which is so derogatory of our Prime Minister and so unfairly critical of our country. It is immaterial whether or not the handout quotes the report from a foreign newspaper. As you know such distribution is against the informal understanding which was reached by the two Governments. I shall, therefore, be grateful if you will kindly ask the Deputy High Commissioner in Calcutta immediately to stop publication of such statements. I understand that similar handouts were distributed by him in the past.

Yours Sincere
(Sd/- S. Dutt)

H.E. K.B. Mohd. Ismail,
High Commissioner for Pakistan in India,
8 – Hardinge Avenue, New Delhi.

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My dear Mr. Biswas,

I would like to draw your attention to the speech delivered by Dr. Shyama Prasad Mukerjee in Shahid Bag in Cooch Bihar on the 6th of May 1951. Even from the reports published in the Jugantar of the 8th of May and the Ananda Bazar Patrika of the 9th May, it is obvious that he has advocated in the clearest possible language that Indians should do their best to regain possession of East Bengal. Some of the words used by him like “we want back East Bengal”, “East Bengal cannot stay out of Bharat”, “taking it we will build a greater Bengal”, proves that he has been openly advocating the amalgamation of East Bengal into India by force. The speech, considering the audience of refugees to which it was delivered (even leaving out of consideration the much larger audience formed by the newspaper readers in India) was clearly intended to incite them to resort to force in the future for the sake of regaining possession of East Bengal. You will agree that this speech of Dr. Shyama Prasad Mukerjee like his previous utterances ever since he resigned from the Indian Cabinet last year is but another instance of flagrant violation of the relevant clause of the Delhi Agreement.

Many previous protests have been lodged by us against his always—provocative speeches and we were once assured by the late Sardar Patel that the Government of India would deal with him in their own way and at the proper time. We made allowances then as the Pact had just been signed and the exodus on both sides had not yet stopped. Full confidence had yet to return and both you and the Hon’ble Dr. Malik had to devote all your energies to the immediate task of restoration of normality. Now that so much has been done by both the Central Ministers on both sides and so many lakhs have returned and are busy trying to pick up the broken threads of their existence, such speeches are much more provocative and dangerous.

Both you and I cannot afford to let anything retard the progress so far made or recreate the unhappy conditions of last year. Speeches of this type provoke
bitter resentment amongst all sections of the people of East Bengal and I have been flooded with questions as to what action will be taken against him under the Delhi Agreement. I regret to say that much good work done by officials and the leading members of the majority community during the past one year in this province, to recreate feelings of friendship and good neighbourliness towards West Bengal and her people is being criminally negatived by the utterances of Dr. Mookherjee and Dr. Khare in West Bengal. Neither of us can contemplate with equanimity the prospect of all our hard work during the past year being wasted completely by such irresponsible, unnecessary and dangerous statements. I would strongly urge you to apply your mind to this matter and let me know what action the Government of India propose to take to stop the unceasing efforts of these politicians (particularly Dr. Mukherjee) to develop a war hysteria in West Bengal again. I have no doubt that the newspaper reports referred to by me contain only a fraction of what Dr. Mukherjee said at this meeting. If you would send for the I.B. reports from the West Bengal police you will see for yourself how much more he has actually said.

I am sending a copy of this to the Prime Minister of Pakistan.

Yours sincerely,

Sd/- Azizuddin Ahmad
(Azizuddin Ahmad)

The Hon'ble Mr. C.C. Biswas,
Minister of State, Government of India,
6 Esplanade East, Calcutta.
Letter No. D.O. 439 – FS/51. from the Indian Ministry of External Affairs to the Indian Minister of State for Minority Affairs suggesting the draft reply to the letter received by him from the Pakistan Minister of Minority Affairs.

New Delhi, the 7th June, 1951.

Dear Mr. Biswas,

Kindly refer to your demi – official letter No. 229 – H.M. of the 31st May. The Prime Minister would like you to send the following letter to Mr. Azizuddin Ahmed in reply to his letter of the 22nd May:

"We have not seen the full text of Dr. Syama Prasad Mukerjee’s speech, but we are aware that his speeches have been unfortunate and sometimes deplorable. To our knowledge, he has not preached any violent action, but he certainly has mentioned, on several occasions, that Pakistan and India should be united and that East and West Bengal should be united. We agree that this is not proper and not in keeping with our Agreement.

2. Our difficulty is that under our Constitution we cannot take any steps against such utterances. You may have noticed in the Press the recent debates in Parliament at Delhi in connection with the Constitution Amendment Bill. In these debates our Prime Minister spoke with some warmth against Dr. Mukerjee’s views.

3. Apart from the legal difficulty pointed out above, there is the practical question as to whether a prosecution would be helpful or otherwise. We are convinced that any prosecution for such a speech against Dr. Mukerjee would not only result in giving a speech wide publicity, but would also bring a good deal of sympathy for him and his ideas, which otherwise is lacking. The fact of the matter is that Dr. Mukerjee’s efforts during the last year have very largely failed and few persons attach importance to what he says in this respect. Some loose talk goes on here and there, but no responsible person attaches importance to it.

4. You know that in Pakistan, especially Western Pakistan, there has been for many months a continuous and persistent propaganda for war against India; that is a much more direct and flagrant breach of our Agreement, apart from its creating great tension. Some weeks ago a party was formed in Western Pakistan called the Hindustan Hamara Party with the definite object of conquering India and attaching it to Pakistan. You will agree with me, I am sure, that this kind of thing goes a very great deal further than what Dr. Mukerjee has said.

The above text was reproduced by Mr. Biswas in reply to Mr. Azizuddin Ahmed letter of 22nd May 1951.
5. The fact of the matter is that certain irresponsible elements talk wildly. The real point at issue is what the Government's attitude is – whether they actively or passively encourage this talk and propaganda or discourage it in every way. Our Government's policy is perfectly clear and has been repeatedly stated in Parliament and elsewhere. That policy undoubtedly represents a great majority opinion in India.”

Yours sincerely

(S. Dutt)

The Hon'ble Shri C.C. Biswas, 
Minister of State, Government of India, 
Brach Secretariat, 6 Esplanade East, Calcutta.

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0073. Letter from the Pakistan Minister of Interior, Information & Broadcasting Division to the Indian Minister of State for Information and Broadcasting regarding hostile propaganda.

Karachi, July 9, 1951.

D.O. No. 35 (44)/51 – IPICC. Karachi, the 9th July, 1951

My dear Shri Diwakar,

Kindly refer to your letter PS. No. 660/51, dated April 30, 1951, received in reply to my telegram dated April 8, 1951.

You have said that “in almost all the cases” quoted by me in my telegram to you of the 8th April, 1951, “the reports published by newspapers in India had already appeared in London newspapers.” This, I am afraid, is not correct, except in one out of the twelve cases I had mentioned. The one exception is the Hindustan Times of March 14th, which selects parts, unfavourable to Pakistan, of stories from the Daily Telegraph and the Observer and gives its own versions of them. As you will see from Appendix I, all the other papers mentioned by me carry stories from their own correspondents either in India or Pakistan. And it appears that the Indian papers are still continuing their practice of irresponsible reporting. Many such cases have come to light since the last protest was made, but here I shall mention only two of the more glaring
 instances. The Sansar Samacharo of May 19th publishes its Karachi correspondent's report saying that those who have been arrested in connection with the conspiracy were financially supported by Russia. The Free Pres Journal of May 23rd carries a story from its Karachi correspondent to the effect that the reason for the conspiracy was the resentment of the Pakistani public against the leasing of bases to a foreign power.

It is, thus, clear that as I said in my telegram of 8th April "the Indian Press has been concocting all sorts of baseless stories about the conspiracy". Therefore the Pakistan Government is justified in strongly protesting against this.

You also say that the Indian Press is a free press, implying thereby that it can say whatever it likes; but may I point out that the Government of India has taken action in some cases. For instance, the Qaumi Awaz (Lucknow) of 4th May carried the news that the Editors of Siyasat and Aftab, two dailies of Cawnpore (Kanpur), had been arrested for publishing a news item to the effect that several thousand students demonstrated before the Collector's bungalow and demanded the expulsion from the city of Punjabi refugees. Surely, the instances quoted by me are more glaring than this.

And then, the very fact that the Government of India entered into the 1948 and 1950 Agreements with the Govt. of Pakistan shows that the former can take action against its Press, no matter how free it is, as otherwise the Agreements would be meaningless. Therefore the plea that the Indian Press is free, so that no action can be taken against it, is untenable.

You have drawn my attention to certain instances in which, according to you, "Press of Pakistan had adopted a highly regrettable attitude". Of the instances quoted by you, two are relevant to the conspiracy. It is true that the Pasban of March 17th did say things to which objection could be taken; but in face of all the provocation given by the Indian Press, of which I save only a few instances in my telegram of April 8th, it is not altogether surprising that a minor Pakistani paper was unable to maintain proper tone. The case of Khatoon of March 17th is not worth notice. No harm can be done by what appears in the Khatoon as it is a little known paper with very poor circulation but we have asked for the explanation of the paper concerned.

As regards the other cases pointed out by you, they fall under two categories:-

(1) Kashmir Question,

(2) the Prime Minister of India.
No. (1) Stands in a class by itself, and it was discussed threadbare by the Indo – Pakistan Information Consultative Committee at its meeting held at Karachi on March 8th and 9th, 1951. It was explained in this connection that there was an admitted dispute between India and Pakistan regarding Kashmir, and the Pakistani Press could not be stopped from discussing this question or giving expression to the public feeling.

As regards (2) much worse things have been said in the Indian Press about the Prime Minister and other leaders of Pakistan; so that if some Pakistani papers too were provoked to publish some items not quite complimentary to the Prime Minister of India, it is not wholly unexpected. We, however, do our best to discourage this, and whenever any objectionable item is brought to our notice, we specially advise the paper and take other suitable action.

You have also complained against some broadcasts of Radio Pakistan, extracts from which you have enclosed with your letter under reference. As regards the two extracts from the Grand Mufti's speeches it is not clear what is objectionable in his appeal for Muslim unity or his suggestion about struggle for the liberation of Kashmir. Pakistan does not recognize Kashmir as a part of India, and therefore any reference to a struggle for the State's liberation cannot be a challenge to India's integrity. On the other hand A.I.R. consistently describes the Azad Kashmir Government as "Raider Government" and Pakistan as "aggressor". The extract from the Kashmiri broadcast of March 18th also refers to the struggle of liberation of Kashmir, and the same remarks apply to this too. As regards the remaining two extracts, I have to point out that it has not been possible to trace any such broadcasts at the times and dates mentioned by you. Perhaps if correct details are supplied, the broadcasts objected to can be looked up.

While on this subject, I think one thing is clear about Kashmir — a dispute exists. Therefore expression of the view point of Pakistanis cannot be objected to by anybody. Nor can exception be taken to the use of the word *jihad*. The meaning of this expression was thoroughly discussed at the last meeting of the Indo – Pakistan Information Consultations Committee at Karachi, and I need not cover the whole ground again. On the other hand the so – called "Pushtoonistan" is, according to International agreements, part of Pakistan, and yet A.I.R., both in the Home Services and its external broadcasts, persistently plays up the "Pushtoonistan Movement". Activities of the so–called Pushtoonistan leaders are widely reported; unconfirmed reports of clashes between Pakistani troops and tribesmen and horrifying details of Pakistani atrocities are prominently featured. The whole idea seems to be to incite the tribesmen to revolt against Pakistan. Also advance publicity has been given to
the so-called Pushtoonistan Conference in Calcutta and Delhi. Normally advance publicity is given when it is intended to build up a movement. (Some items bearing on the subject are given in Appendix II). Therefore, this is a clear case of inciting Pakistanis to rebel against their Government, and attack on Pakistan’s territorial integrity. The Government of Pakistan strongly protests against this, and hopes that suitable steps would be taken by the Government of India to restrain the Indian Press and the A.I.R. from indulging in statements in contravention of the Indo – Pakistan Agreements.

I am afraid this letter has become longer than I wished it to be, but you had quoted a number of instances in your letter. I think with regard to the lapses of the Press etc., the decision of Indo – Pakistan Information Consultative Committee has been that they may be brought to the notice of the Government concerned as and when they occur so that remedial and other action can be taken immediately. Of the policy followed by us I shall give you an instance. On 10th May, 1951, the Jung of Karachi published an objectionable item, to which our attention was drawn by the Government of India. We immediately contacted the newspaper and a contradiction was issued on 17th May, 1951. We, however, were not content with mere contradiction and as this item was very objectionable, wanted the newspaper to express regret. This, the newspaper was not very keen to do and it was after a great deal of persuasion that it published an apology in its issue dated 17th June, 1951. We hope a similar policy is being followed by the Government of India. Objectionable items will normally be pointed out on the secretariat level, and in specially important and urgent cases by me, and I hope they will receive prompt and due consideration.

Yours sincerely

Sd/- (Khwaja Shahabuddin)

The Hon’ble Shri R.R. Diwakar,
Minister for Information & Broadcasting,
New Delhi.

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0074. Telegram from the Prime Minister of Pakistan to the Prime Minister of India.

Karachi, July 26, 1951.

No.2869.

I am in receipt of your telegram No. Primin 21587, dated 24th July 1951. In my last telegram, which you have chosen to describe as propagandist, I merely stated certain facts, unpleasant perhaps, but nonetheless true.

2. The present crisis has been caused by the massing of Indian forces against Pakistan’s borders and the removal of this threat to peace should be our first concern. But as a number of issues have been raised in the course of this correspondence, I must perforce deal with them briefly.

3. Firstly, as to Junagadh, I need hardly remind you that Junagadh acceded to Pakistan, was invaded by Indian forces and its occupation by India is a continuing act of aggression against, Pakistan. The case is pending before the Security Council. Similarly, India’s aggression against Hyderabad is also before Security Council. Nepal’s independence was undermined by operations conducted from Indian territory and it is now virtually a dependency of India. The protest of Nepal Government against my reference to operation of Indian forces within Nepal is only further proof of this dependence, if such were needed.

4. You have referred again to alleged reduction of Indian Army in 1950-51. In the first place military strength of a country depends upon strength of its armed forces as a whole and NOT merely upon one arm of it. Your Navy, Air Force have admittedly been substantially increased and it is undeniable that strength of your armed forces as a whole has been on increase since partition. Secondly even in regard to Army the so called reduction is NOT an effective reduction in its fighting strength but merely a reorganisation and weeding out of Indian State forces which have been integrated into Indian Army. These State forces were always in past considered as second class troops and their reorganisation and integration as part of Indian Army has actually increased their fighting power. The truth of the matter is that effective fighting strength of Indian Army has been enhanced particularly by a notable increase in Indian Artillery which is major hitting weapon of Army. In debate on defense budget for 1950-51 your Defence Minister gave assurance that “at present there is NO desire to reduce strength of our Army, Navy or Air Force”. This is borne out by fact that in respect of army the original budget in 1950-51 was Rs. 131 (repeat 131) crores and revised budget went up to Rs. 144 crores.

5. The strength of India’s armed forces at the time of partition was double that of Pakistan. You have since persistently tried to increase that disparity,
NOT only by constantly building up your armed forces but also by attempting to hamstring Pakistan forces, by denying them the stores which were their rightful share under partition agreement. Pakistan has, therefore, been forced to spend considerable sums on purchase of equipment wrongfully withheld by India. In spite of this the increases Pakistan's defence budgets are less than half of those for an India's defence budget. To suggest therefore that you have NOT carried out a reduction in your armed forces because of Pakistan's actions is a complete travesty of facts. Because of disparity between armed forces of the two countries, it is fantastic to suggest there is any danger of aggression against India from Pakistan. The greater size of India's armed forces, the manner in which they have been used from time to time in neighbouring territory and repeated threats to the security of Pakistan by massing of your troops against Pakistan's frontiers can leave NO one in doubt as to where the potentiality of aggression lies.

6. I am astounded at your statement that outside a small and irresponsible section there has been no (repeat no) propaganda for war against Pakistan in Indian Press. Surely, you CANNOT be unaware that second largest political organisation in your country, the Hindu Mahasabha, the widespread influence of which is well known, has openly adopted as an article of its creed the undoing of partition, which is synonymous with liquidation of Pakistan. It has been carrying on intensive and persistent propaganda for this object. But Hindu Mahasabha, is not (repeat not) the only party in India doing this. One has only to cast a casual glance at the Indian Press to see the virulence of propaganda against Pakistan.

In this, as in all other matters, I am prepared to abide by judgment of any impartial person.

7. Your references to propaganda in Pakistan are misconceived. All that Pakistan has stressed is a free and impartial plebiscite in Kashmir under U.N. auspices so that the people of Kashmir can exercise their right of self-determination, free from fear, pressure and coercion. It is the persistent denial of this fundamental right by your Government and the continued occupation of that State by your armed forces which is driving NOT only the people of Pakistan, but all, peace-living people throughout the World to despair. It is the expression of this despair to which you take, exception. You wish to impose a solution on the people of Kashmir by force and if the people of Pakistan and of Kashmir say that they will NOT allow this imposition, they are doing No more than asserting a just and inalienable right. The quotations from the speeches or statements of responsible persons in Pakistan that you have given are capable of this and only this interpretation. They have been evoked by highly provocative speeches by yourself, your Ministers and others such as Mr.
TANDON, the President of the Indian National Congress. Again, I am prepared to abide by the judgment of any impartial person who reads your speeches and mine over Kashmir and relations between India and Pakistan to say where the responsibility lies.

Speaking in Indian Parliament last year about Kashmir and Bengal, you said with reference to Pakistan “If methods we have suggested are not (repeat not) agreed to, it may be that we shall have to adopt other methods”. It was clear to your hearers and to whole world what “other methods” you were referring to. In March 1951 in reply to a question at a Press Conference in New Delhi as to what guarantee there was that Indian troops would NOT occupy the whole of Kashmir if Pakistani and Indian troops were not (repeat not) withdrawn simultaneously you asserted that “It was their business to occupy the whole of Kashmir if there was any danger to any part of it”.

In June 1951 you made three objectionable speeches on Kashmir in the course of which you said “we will tolerate no (repeat no) nonsense about Kashmir, come what may”. Incidentally, it was in reply to this that Foreign Minister of Pakistan made statement you have quoted in your telegram.

Soon after this Mr. GOPALASWAMI AYYANGAR, the Minister for States, referring to minor border incidents which had taken place on both sides said “they were calculated to furnish an excuse for outbreak of major hostilities between India and Pakistan”.

Mr. JAIN, another of your Ministers speaking in Indian Parliament in April 1951 said “If Pakistan does not (repeat not) behave properly we shall have to do something to make them realise and behave in a civilized fashion”.

Colonel RAGHBIR SINGH, Chief Minister of PEPSU, referring, to possibility of war between India and Pakistan said “If it took place the battle would be fought on PAKISTAN soil”!

8. The major cause of tension between India and Pakistan is India’s refusal to honour its international agreement for a free and impartial plebiscite in Kashmir under U.N. auspices. The record on this point is clear and well known to the whole world. Every effort to implement the two UNCIP Resolutions of August 13th 1948 and January 15th 1949, has been defeated by Indian intransigence. These two Resolutions provide that “the question of accession of State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite” and lay down a clear procedure for withdrawal of Indian and Pakistan forces and for creation of other conditions in free Plebiscite to be held under U.N. auspices. The U.N. Commission, the Security Council, the U.N. Representative, Sir Owen Dixon,
the Commonwealth Prime Ministers, have all made efforts to get this International Agreement, demilitarisation and the holding of a free Plebiscite implemented. Every one of the proposals made by them was accepted by Pakistan and rejected by India. In the circumstances it is completely contrary to facts to suggest that the presence of Pakistan forces comes in the way of a peaceful solution. Under the International Agreement we have agreed to withdraw our troops along with withdrawal of Indian forces. We abide by and are prepared to carry out every letter of that Agreement provided India will do the same.

9. The root of whole trouble lies in your persistent refusal to withdraw your forces from Kashmir in an attempt to hold down Kashmir by force in utter disregard of the wishes of its people and of international obligations. The occupation of Kashmir by your armed forces under cover of a wholly invalid Instrument of Accession offered by the Maharaja was an act of aggression against Pakistan and against the people of Kashmir. May I remind you that when Pakistan accepted the accession of Junagadh in peaceful circumstances and without any opposition from the people, your Government wrote to us “Pakistan Government further unilaterally proceeded to action which it was made plain, Government of India could never and do NOT acquiesce in. Such acceptance of accession by Pakistan CANNOT but be regarded by Government of India as an encroachment on India’s Sovereignty and territory and inconsistent with friendly relations that should exist between two dominions. This action of Pakistan is considered by Government of India to be a clear attempt to cause disruption in integrity of India by extending influence and boundaries of Dominion of Pakistan in utter violation of principles of which partition was agreed upon and effected”. You have only to read Kashmir in place of Junagadh and India in place of Pakistan and vice-versa to realise in what light your action in respect of Kashmir appears to us and to the rest of the World.

10. Your claim that Kashmir is a part of Indian territory is wholly wrong and untenable and utterly opposed to international agreement followed by India and Pakistan according to which question of its accession to India or Pakistan is to be decided by a free Plebiscite. Your efforts to perpetuate your occupation of Kashmir by means of force constitutes gravest threat to international peace. You are now attempting to BOLSTER up this false claim by means of a puppet Constituent Assembly stage managed by an Indian controlled Administration under shadow of Indian bayonets. You are aiming thereby to present world with a fait accompli in utter violation of international agreement and in spite of condemnation by Security Council.

11. Pakistan CANNOT allow India to grab Kashmir by force. It is only people of Kashmir in a free and impartial Plebiscite held under U.N. auspices that can decide whether Kashmir is to accede to India or Pakistan. Pakistan will continue
to make every effort to secure to people of Kashmir the right of freely to decide their own future and will NOT rest until that right, has been effectively secured to them. This determination and this attitude towards problem of Kashmir have found repeated expression in Pakistan. They are inspired by deepest regard for democratic principle of self determination and for international peace.

12. Because Pakistan demands self determination for people of Kashmir and presses for the implementation of obligations undertaken by India, you choose to regard this as sufficient justification for you to mass, the vast bulk of your forces against Pakistan’s borders. The surest indications of intentions of a Government for peace or for war are its actions. Pakistan had NOT made a single troop movement towards India’s frontiers when India set out to mass its forces against Pakistan’s borders. In fact for months before this you had been collecting equipment and stores, establishing bases and making roads in preparation for massing of your forces on Pakistan’s frontiers. All this was part of a carefully thought out plan; and preceding propaganda drive against Pakistan was a prelude and a cover to demonstration of India’s armed might over which Indian press is gloating and which it vainly imagines will intimidate the people of Pakistan and of Kashmir.

You asserted they are wholly precautionary and defensive measures. The concentration and disposition of your forces and, massing of your entire armour within easy striking distance of Pakistan are clearly offensive in character. But again I am prepared to accept the judgment of any impartial observer on this point.

13. You say that even now anyone can contrast the war propaganda and preparations of Pakistan with absence of any such activities in India. Massing of 90 per cent, of Indian army including all its armour against Pakistan’s borders would NOT strike any impartial observer as absence of warlike activity. As to propaganda, I would only ask you to read the Leading Article in Hindustan Times of New Delhi dated 23rd July 1951 with its reference to mailedReduce fist directed by India against Pakistan and utterly baseless and false allegation that Pakistan agreed to give bases to the Western Block in return for latter’s support over Kashmir.

14. Regarding NO War declaration the fact of the matter is that you are NOT prepared to accept any effective NO War declaration which would rule out use of force in its various forms in settlement of disputes and which would establish effective procedures for settlement of disputes. It is wrong to suggest I have added many conditions. All that I asked you was to accept arbitration if negotiation and mediation should fail to settle any dispute.

15. You have said that India has No intention whatever of attacking Pakistan. I assert categorically that Pakistan has No intention of attacking Indian territory.
Both of us have made similar declarations before. These have produced NO result because time and again you have threatened the security of Pakistan by demonstrations of force. The first and most essential step for relieving the present tension is for you to withdraw your forces to their normal peace time stations. If you do this, I am also prepared to cancel the troops carrying movements which I was obliged to make after the concentration of your forces against PAKISTAN’S borders.

16. For the restoration of a peaceful atmosphere and the establishment of friendly relations between our two countries on a permanent basis I make the following proposals:—

(i) The troops now concentrated on borders should immediately be withdrawn back to their normal peace time stations.

(ii) As soon as this has been done both India and Pakistan should reaffirm their agreement that “the question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite” held under U.N. auspices. To this basis both Governments should state their readiness to implement without obstruction or delay the obligations, undertaken by them under the U.N.C.I.P, Resolutions of 13 August, 1948, and 5 January, 1949, which include the observance of the Cease-fire Agreement and the withdrawal of their armed forces from the State, and to accept the decision of the Security Council in the event of any differences in regard to the interpretation and execution of these agreed Resolutions.

(iii) Both Governments should also declare their renunciation of the use of force as methods in the settlement of any other disputes and to refer such disputes to arbitration, or judicial determination if they are NOT resolved by negotiation or mediation.

(iv) Both Governments should reaffirm the obligation undertaken by them in the Delhi Agreement of April 8th particularly in clause C (VIII), that they “shall NOT permit propaganda in either country directed against the territorial integrity of the other or purporting to incite war between them and shall take prompt and effective action against any individual or organisation guilty of such propaganda”.

(v) Both Governments should make a declaration that they will on NO account attack or invade the territory of the other.

17. This is peace plan which I offer for your acceptance. I hope that in interest of International peace and friendly relations between our two countries you will accept it without reservation or qualification. If however you would like to discuss
any provisions of this plan further I cordially invite you to visit Karachi as soon as first essential step towards restoration of a peaceful atmosphere namely withdrawal of concentration of forces has been carried out.

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0075. Telegram from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, July 29, 1951.

No. 21602.

Please refer to your telegram 2869, dated 26th July. A repetition of allegations which have been refuted frequently on previous occasions does NOT give greater substance to those allegations but only confuses the immediate issue. If, we both aim at an easing of tension between our two countries, that purpose will NOT be achieved by a continual exchange of argument and counter-argument. I am exceedingly anxious that this situation should be so handled as to remove the fears and apprehensions that darken the relationship between our two countries. I am convinced, as I have always been, that it is inevitable that India and Pakistan should work closer together and co-operate in common tasks to their mutual advantage.

2. Our whole past outlook and our long struggle for freedom, our Constitution, and the policy we have pursued, have the one aim of building up a State which, within its own borders, treats everyone alike and without difference of religion and seeks friendly cooperation with other countries. As you know, we have a very large Muslim population, over 40 millions, as well as large Christian, Sikh and other religious groups and we have endeavoured to give them an equal place in the life of the community and in governmental and other activities. In practice, people make mistakes and foolish persons make irresponsible statements, but our fixed and determined policy has the backing of vast numbers of our countrymen.

3. In consonance with the past history of our struggle for independence and the policies that we pursue today, we seek the friendship of all our neighbour countries; more especially, we desire friendly relations with the people of Pakistan, who though politically separated from us, yet have and must continue
to have so much in common. Unfortunately the leaders of Pakistan were associated with movements which encouraged feelings of separateness and hatred between different religious communities. We had hoped that after the partition, these feelings and passions would die away and we would develop the closest cooperation between two neighbouring independent and intimately connected countries. To our great sorrow this has NOT taken place. The old policy of promoting communal hatred continues to guide the authorities in Pakistan.

4. After the tragic major upheaval consequent on the partition, we had again hoped that the worst was over and gradually we would develop normal relations. But in the months and years that followed, non-Muslims were driven out of Pakistan till ultimately we have arrived at a stage when all but a handful of the large non-Muslim population of Western Pakistan have come away and become refugees in India. That same process started later in Eastern Pakistan, but was fortunately checked by the Agreement arrived at between us in April 1950. Conditions however, from this point of view, deteriorated later and recently another exodus of non-Muslims from Eastern Pakistan has begun.

5. I draw your attention to these matters in no spirit of controversy but to point out the basic difficulty that we have had to contend against during these last four years. We have endeavoured to follow a policy of peace internally and externally and of curbing the spirit of narrow-minded communalism which must do grave injury to any country that adopts it. We have had our difficulties and we have faced them without flinching and have NOT deviated from our policy.

6. The question of Kashmir would have been decided peacefully long ago, in accordance with the wishes of the people there, as we desired right from the beginning, but for the major fact that Pakistan first encouraged and then actively took part in violent aggression against the State and its people. This is NOT just an odd fact but the dominant consideration. Pakistan tried to take possession of Kashmir by violent means. You are aware also that during the past 20 years a movement for freedom from autocratic rule developed in Kashmir State. For long years the struggle for freedom continued and a powerful mass movement came into existence aiming at political and social progress. It is out of that mass movement that the present Government of Jammu and Kashmir took shape as a genuine people’s Government, progressive, autonomous, and seeking to build up a State on the basis of harmony and cooperation between different communities. It has made great progress in administrative, social, educational and economic matters. Land laws have been changed to the great benefit of the vast majority of the population. All this could only be done with the active cooperation and support of the mass of the people. On the other side in the so-called Azad Kashmir areas, conditions are entirely different.
7. It is NOT for India or Pakistan, whatever our wishes, to decide the future of Kashmir. Kashmir and the people of Kashmir are NOT commodities for barter or for bargain. It is their inherent right to determine their own future. It is this right that we openly acknowledged long before Pakistan came into this picture. We stand by that declaration and, even in our relations with the Kashmir State, we have shown that, in spite of the abnormal conditions that have prevailed, that State has had the fullest autonomy to develop according to the genius of her people.

8. We are convinced that only the people of Kashmir could finally decide their future and we stand by every assurance we have given to the United Nations in this behalf. But we have laid stress on one fact that proper conditions must be created first before they can decide fairly and according to their wishes. It is on this subject of pre-conditions that India and Pakistan have differed thus far.

9. You have invited me to visit Karachi, but you have made this visit conditional on India withdrawing her forces from near the border. I am led to think that your invitation could NOT have been seriously meant because the condition that you attach to it was obviously such that, in present circumstances, could NOT be accepted by us. The condition in effect was that we should accept your main argument, which we challenge and consider wholly wrong. It was only, after very serious and earnest thought that we, as a Government responsible for peace being maintained and realising the conditions requisite for the fulfilment of that responsibility, decided to move certain troops towards the frontier. Whatever the reasons we had previously for the step we took, surely the open war preparations in Pakistan and the general hysteria that prevails there, are compelling reasons for us to continue our precautions. With a clenched fist raised against us, do you seriously expect us to leave our frontiers unguarded and open to possible aggression? We have said before, and I repeat with all emphasis and earnestness that NOT the slightest step of an aggressive character will be taken on our part so long as NO aggression takes place on Indian territory on the part of Pakistan. I wish to make it clear that this includes Kashmir. Either we are going to settle the various issues between us, including Kashmir, by peaceful methods or by war. I want to rule out war and I invite you to do the same. If you agree on this basic fact, then other consequences easily follow.

10. You have invited me to meet you conditionally and the condition attached, as I have stated above, is such that the invitation has NO meaning. I am perfectly prepared to meet and discuss every matter of concern to us without any conditions attached. I would welcome you, therefore, to come to Delhi at any time convenient to you to discuss these matters without any pre-conditions.
11. You say the present crisis has been caused by the massing of Indian forces against Pakistan borders. May I remind you that even the normal disposition of Pakistan forces all the way from Rawalpindi, Sialkot, Jhelum, Lahore and beyond has been right near the Indian border: This applies to some parts of Eastern Pakistan also. These forces are always in a position to commit aggression without any further preparations or delay and, with the calls for Jehad in Pakistan and the statements of men in responsible positions, NO country could afford NOT to take precautionary measures against the possibility of such an attack which was being urged all the time. Even now our forces are much further away from the border than yours. The whole difficulty has arisen because your Government is continually saying or hinting that you will resort to force to settle the dispute. We have to take precautions against this threat. If your declaration that Pakistan has NO intention to attack India explicitly includes Kashmir and the temper of war so manifest in Pakistan is cooled, then the danger of war between the two countries will cease. I pointed out to you in my last telegram the contrast between the widespread preparations for war and the deliberate attempt that is aimed to excite the people of Pakistan by blackouts, civil defence measures, and generally creating an expectation of war on the one hand and, on the other, conditions in India where we have resorted to NO such measures and life goes on evenly. There is a complete absence of war psychosis in India because we neither want war nor prepare for it.

12. Our activities have been largely concentrated on great plans for development. We have just been giving thought to a great Five-Year Plan for the building up of the economic and other resources of India. We are busy also with, arrangements for general elections which are going to be the most colossal in the history of democracy.

These activities, apart from, others, absorb our attention. How can they be fitted in with war, which will upset all the great schemes which we have in hand?

13. I must firmly deny your charge that India refuses to honour its international agreements, for a free and impartial plebiscite in Kashmir under U. N. auspices. It was we who first offered to let the people of Kashmir decide their future and we stand by that pledge.

The delay that has occurred in implementing the UNCIP Resolutions has been due to the non-fulfilment of assurances on which the two resolutions were accepted by us. The very first condition laid down by these resolutions was the withdrawal of the Pakistan army from the Jammu and Kashmir State territory.
14. As regards what you call your peace plan, I have already dealt with—

(i) the withdrawal of our forces which have recently been moved towards the Pakistan border and

(ii) the settlement of the Kashmir dispute.

(iii) As regards (iii) we are ready to affirm again that the Government of India renounce the use of force as a method of settling all (repeat all) disputes. We have NOT rejected either arbitration or judicial determination as a method of settling, disputes which are NOT resolved by negotiation or mediation. All that we have contended is that the question of arbitration or judicial or some other method of determination should be decided with due regard to the merits of each case. You will remember that we made proposals for the judicial determination of two of our major disputes, namely canal waters and evacuee property. But you did NOT accept these proposals.

(iv) We accept again the obligation undertaken by the two Governments about propaganda against the territorial integrity of both countries. In taking action we have to act within our own Constitution and in accordance with judicial pronouncements about freedom of expression which limit our action. Our Government's policy however is clear and has been repeatedly affirmed. In this connection, may I draw your attention to the type of propaganda which has been and is taking place in Pakistan, propaganda which often calls NOT only for war but the conquest of India by Pakistan. We are NOT troubled by these fantastic outbursts, but inevitably they produce some reaction here. You refer to the Hindu Mahasabha and some like organisations. You will permit me NOT to agree with you about their strength or influence in this country. May I draw your attention to the Hindustan Hamara Party in Pakistan which demands the incorporation of India into Pakistan?

(v) I entirely agree with you that we should make a declaration that neither Government will on any account attack or invade the territory of the others. I must ask, however, that this declaration should cover the State of Jammu and Kashmir, the future of which must be decided by peaceful means.
0076. Telegram from the Prime Minister of Pakistan Liaquat Ali Khan to Prime Minister Jawaharlal Nehru.

Karachi, August 1, 1951.

Your telegram Primin 21602, dated July 29th 1951, opened with expression of a desire to eschew allegations and counter-allegations and immediately threatened to make a series of baseless allegations against Pakistan. I have NO desire to enter into a fresh controversy and shall make NO further comments beyond categorically denying these allegations. I shall if necessary deal with them on some other occasions.

2. The present crisis demands that we should apply our minds with the utmost seriousness to finding a constructive solution of our problems. I urge you most earnestly to give careful consideration to the peace plan which I proposed to you and which you seem to have brushed aside.

3. As I stated before, first and most essential step is that the troops concentrations should immediately be withdrawn to their normal peace time stations. This applies equally to both sides. I do NOT know, how you came to the conclusion that I had asked only for withdrawal of Indian troops and had made this a condition of my invitation to you to come to Karachi.

I had stated clearly that if you withdrew your forces to their normal peace time stations I would also cancel the troop movements I was obliged to make after the concentration of your forces against Pakistan's borders. When two opposing forces stand face to face across a border, even a trivial incident might touch off a conflagration. Indeed judging from the manner in which you magnified minor border incidents out of all proportion and reported them to the Security Council, naturally it is to be apprehended that your armed forces which stand poised for attack would utilise any incident as a pretext for launching their aggression. If however there is NO such intention, it is ordinary prudence to withdraw forces on both sides to their normal peace time stations to avert the possibility of a clash. That was why I invited you to come to Karachi after the immediate threat to peace had been removed. It is NOT the question of conditions: it is a question of creating a peaceful atmosphere. With guns, pointing at each other it would be unrealistic to discuss ways and means of settling outstanding disputes and of establishing friendly relations on a permanent basis.

4. You have referred to preparations for civil defence in Pakistan and to the absence of similar preparations in India. It is NOT civil defence preparations that make wars: it is armies with guns and tanks that wage wars. Without any action on our part to justify it you massed almost all your army against us. Now you feel offended that people in Pakistan should prepare for defence and make
that a reason for NOT withdrawing your forces even though I have offered to cancel our consequential troop movements.

You have suddenly discovered that the presence of Pakistan troops in their normal peace time stations is also a danger to India. Lahore, Sialkot, Jhelum and Rawalpindi to which you have referred were all cantonments in pre-partition days and our troops have been stationed in them for last four years without exciting any apprehension in your mind. Jhelum is over a hundred miles and Rawalpindi 180 miles away from your borders. Since West Pakistan is about 300 miles broad can anyone in reason maintain that the stationing of troops in these places is any threat to India?

5. The second point of peace plan deals with Kashmir. You have said that it is NOT for India or Pakistan to decide the future of Kashmir, that Kashmir and people of Kashmir are NOT commodities for barter or for bargain and it is their inherent right to determine their own future. These are admirable sentiments which I whole heartedly endorse but India’s actions in Kashmir are in contradiction of these sentiments. Your claim to Kashmir as Indian territory does NOT rest upon the free will of the people of the State but solely upon the action of the Hindu Maharaja who, despite the clearly expressed wishes of the people for joining Pakistan, conspired with the Indian leaders led to genocidal attacks by his Dogra army against the people and when they threw off his yoke, signed a wholly invalid instrument of accession in return for military help from India to subjugate the brave fighters for Kashmir’s liberation. By what right could this tyrant barter away to India the freedom of the people of Kashmir? And yet it is only upon this signature that you base your claim to occupy Kashmir by military force and to impose upon the people of the State a Government wholly subservient to you and obnoxious to them.

6. The occupation of Kashmir by your armed forces was an act of aggression against the people of Kashmir and against Pakistan and was immediately denounced by us. Nevertheless, when as a result of the efforts of the UN Commission, an international agreement embodied in the two UNCIP resolutions of August 13, 1948, and January 5th, 1949, was reached, we did NOT let these past facts come in the way of implementing that agreement. That agreement I would remind you, was reached after the entry of Indian troops, after entry of tribesmen and after the entry of Pakistan troops. All these facts were taken into account in arriving at that agreement to which India is a party. They can NOT now be used by India as arguments against implementation of agreement. I drew particular attention in my last telegram to provisions of agreement relating to cease fire and demilitarization. The former has been effected and must continue to be observed by both sides. There are UN Military Observers to watch and ensure its observance. The next stage in agreement is de-
militarisation requiring withdrawal of Pakistan and Indian forces. Pakistan has repeatedly reaffirmed its willingness to withdraw its forces provided you will carry out your part of agreement relating to withdrawal of Indian forces. The sole obstacle in way of progress towards a free plebiscite under UN auspices is your refusal to withdraw your forces. Every effort made by UN and its agencies or other impartial statesmen e.g., the Commonwealth Ministers to persuade you to honour the obligations has failed.

7. You attribute the delay in holding a plebiscite to differences between India and Pakistan regarding the pre-conditions for a plebiscite. These conditions have been laid down in the International Agreement but you refuse to carry them out, seeking shelter behind untenable interpretations of your own invention. How then is progress to be made? This is only possible if both parts (parties?) accept the decision of the Security Council in regard to any differences that might arise in the interpretation and execution of the agreed UNCIP resolutions.

8. My third point related to the renunciation of the use of forceful methods, in the settlement of other disputes and reference of such disputes to arbitration or judicial determination if they are NOT resolved by negotiation or mediation. You, say that you have NOT rejected either arbitration or judicial determination, and that you made proposals, of judicial determination of the canal waters dispute. This means that you accept that this is a dispute for judicial determination. Nevertheless you are NOT prepared to refer it to the International Court of Justice which is the appropriate organ for judicial determination of such international disputes. Instead you proposed the creation of a new tribunal consisting of 2 Indian and 2 Pakistan Judges but when it was pointed out to you that a tribunal so composed would inevitably be deadlocked you were NOT prepared to agree to addition of a neutral Judge. In short you were NOT prepared to accept any effective way of arbitration or judicial determination but merely wanted more delay so that, taking forcible advantage of your position as upstream, riparian, you could hinder the construction of new irrigation projects designed to misappropriate water at the expense of Pakistan.

9. The next point in peace plan refers to the obligations arising out of Delhi Agreement of April 1950 and I drew particular attention to clause providing for cessation of propaganda in either country against the territorial integrity of the other or purporting to incite war. Here again, in violation of clear provisions of this clause you have persistently refused to take action against individuals or organisations carrying on such propaganda. If your constitution and judicial pronouncements about freedom of expression puts such limits on you that you cannot take action even against the most flagrant breaches of the Agreement, it was NOT fair to us that you should have undertaken an International obligation of this character which you were NOT in a position to implement.
10. Lastly I have proposed that both Governments should make a declaration that they will on no account invade or attack the territory of the other. Your reply to this is that I should include Kashmir in Indian territory, but this begs the very question which is at issue. As I have repeatedly stated, the peaceful settlement of the question as to the dispute in all its phases is governed by 2 UNCIP resolutions which both India and Pakistan have accepted. According to the Agreement embodied in these resolutions Kashmir is not Indian territory, since the question of its accession to India or Pakistan has yet to be decided and can only be decided by a free plebiscite under UN auspices. Pakistan is and has always been ready to implement this agreement in full. If you will do the same and will not insist upon your own interpretation but will be guided by Security Council in giving effect to the agreement, the whole problem of Kashmir and indeed of relations between India and Pakistan would be speedily solved in a peaceful manner.

11. To sum up the peace plan proposed by me provides for the withdrawal of the forces on both sides to their normal peace time stations, peaceful settlement of Kashmir and other disputes, cessation of hostile propaganda and a declaration that neither country will attack or invade the territory of the other. Unfortunately you have not accepted any one of these provisions without qualifications which practically nullify the effect of provision. In particular you are not prepared to agree to withdrawal of forces which is essential for removing fears and apprehensions that darken the atmosphere between our two countries. For what then do you invite me to Delhi? Last year I went to Delhi in an endeavour to preserve peace at a time of great stress regardless of fact that even then you had concentrated your forces against Pakistan although not on scale and with offensive dispositions of today. It is therefore not any consideration of false prestige that prevents me from going to Delhi. I would go to the ends of earth for sake of peace. But it is too much even for me to undertake an annual trips to Delhi each time you decide to threaten the security of Pakistan.

12. I have analysed in some detail the provisions of the peace plan offered by me. There is not one among them which does not apply equally both to India and Pakistan or which any peace loving person would hesitate to accept. I once again urge you to accept the plan proposed by me in the spirit in which it has been put forward. It is, I assure you, inspired by my strong conviction that war between our two countries would bring ruin to both and that the only right course for us is to strive for close co-operation and lasting friendships. I am convinced that your acceptance of plan would immediately relieve the present tension and lay the foundation for friendly relations between our two countries on a permanent basis. Should you however wish to discuss any provision of it further, I repeat the cordial invitation I extended you to visit Karachi.

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I am in receipt of your telegram of the 1st August. What stands out conspicuously in this telegram is that you reserve the right to yourself to use your armed forces against Kashmir. The statement of Mr. Khaliquzznman published in this morning’s papers, expresses the same thought. Our views in regard to the method of settling the Kashmir dispute are thus diametrically opposed to yours. You have continually envisaged the possibility of using your armed forces to attack Kashmir. For us such an attack is an attack on Indian territory, which will have to be met fully, if it takes place. It is because of your constant threat of Jehad and war to achieve your purpose in Kashmir that we were compelled to take precautionary measures and make certain troop dispositions. So long as that threat remains, no Government in India can avoid taking all necessary defensive steps.

The issue is simple. We do not agree about the merits of the Kashmir question. Do we agree or not that there must be no further resort to warfare for the settlement of the dispute? We have offered to do so and you have refused to accept that position or to give the necessary assurance.

We have adhered in the past and shall continue to adhere to all the assurances that we have given to the United Nations. We shall keep to our undertaking to implement UNCIP’s two resolutions provided the assurances given to us by that Commission are also implemented. This is not a question of our interpretation but of the formal assurances given to us by UNCIP, on the basis of which we accepted its two resolutions. In any event, we stand by our pledge to the people of Jammu and Kashmir that they should decide their own future.

I have raised no objection to the stationing of Pakistan troops at the various places you have mentioned. I have only pointed out that, they are right near our border and that, in view of your aggressive attitude, threatening war, we have to take defensive measures. You mention that Jhelum and Rawalpindi are far away, but both are very near the Kashmir border which you are constantly threatening to attack.

You refer to the two opposing forces standing face to face across the border and to the danger of a trivial incident leading to a conflagration. I do not know where you have stationed your troops. But under our revised dispositions, no new unit of our forces is less than at least 20 miles away from the border. There is no question, therefore, of these forces creating any incident that may lead to a wide-spread conflict.
You say that our armed forces stand poised for attack and would utilise any ‘incident’ as a pretext for launching their invasion. Our forces are not poised for attack and will not, as I have repeatedly told you, take any action unless they are attacked. The new dispositions of our forces were not begun till we had evidence that Pakistan was preparing for aggressive action. In this connection, I might point out to you that on the 28th of June we learnt that Pakistan was moving a Brigade from Peshawar to Rawalkote which is 15 miles from Poonch. This move directly threatened Poonch and could have no other purpose. We drew the attention of the U.N. Observers to this on July 3rd. The move was physically completed on the 7th July. Till then we had not taken any steps to move our troops. Indeed, these movements began only on the 10th July. This is further proof of the purely defensive character of the new dispositions of our forces.

Your reference to our proposal for the decision of the canal waters dispute is far removed from the facts of the case. Our proposal was clear and provided for any possible deadlock. This could have been made precise, if you had not rejected the proposal out of hand. We are still prepared for a proper judicial determination of this canal water dispute as well as of the evacuee property problem.

May I, in conclusion, suggest to you that peace is not offered with clenched fists nor with threatened aggression and resounding cries of Jehad.
0078. Telegram from Pakistan Prime Minister to Prime Minister Jawaharlal Nehru.

Karachi, August 6, 1951.

Your telegram No. Primin 21613, dated August 4th, 1951, I regret to say, again seeks to confuse and evade the issue. The peace plan proposed by me rules out war and aggression by India and Pakistan NOT only against each other's territory, but also in Kashmir. My previous telegrams have made it abundantly clear that both India and Pakistan must adhere to and carry out the peaceful settlement of Kashmir dispute embodied in the two agreed UNCIP resolutions of 13th August 1948, and 5th January 1949. In marked contrast to this is your attitude which, in violation of solemn international agreement on Kashmir and in defiance of Security Council, claims Kashmir as Indian territory and seeks to enforce this unjust and unfounded claim by military means. This attitude is a challenge to UN and a grave threat to international peace. You are now threatening Pakistan with your armed might to intimidate us into acquiescence in your claim to Kashmir. Pakistan repudiates this false claim in most emphatic terms and will never submit to threats of force. It is only people of Kashmir in a free plebiscite held under UN auspices who can decide whether Kashmir is to accede to Pakistan or India. Pakistan is determined to strive to utmost for this peaceful, just and democratic solution of Kashmir dispute. Your allegation that Pakistan's refusal to acknowledge Kashmir as part of Indian territory implies war like intentions is utterly unjustified.

2. The issue in Kashmir is NOT a mere difference of opinion about the merits of an abstract question. The issue is that India is in wrongful occupation of Kashmir and is trying to perpetuate this occupation by means of force.

3. You say you will keep to your undertaking to implement UNCIP's two resolutions provided the assurances given to you by UN Commission are also implemented. You add that this is NOT a question of your interpretation, but of formal assurances given to you by Commission. The fact is that the Commission gave clarifications of the two resolutions both to India and to Pakistan. These clarifications have been debated before UN Commission, the Security Council and UN representatives. In NO case do they contradict the provisions of the two resolutions, nor do they release the two Governments from any of their obligations under these resolutions. You are seeking to evade those obligations by construing them NOT on basis of clarifications given by the Commission but on basis of your own interpretations of those clarifications. The Commission itself after making vain efforts for months to persuade you to honour your obligations finally suggested arbitration conciliations of Plebiscite Administrator Admiral NIMITZ of differences in interpretation of resolutions. If you had any
faith in assurances to which you refer, you would have welcomed opportunity
of putting them before Admiral NIMITZ and convincing him of correctness of
your contentions. You did NOT take that course because of wholly untenable
character of your interpretations. You are NOT prepared to accept the judgment
of any impartial authority on value of your interpretations of agreed resolutions
and of these so called assurances. Nor are you prepared to face the verdict of
people of Kashmir in a free plebiscite. Your statement that you stand by your
pledge to people of Kashmir that they shall decide their own future, is belied by
each of your actions during the last two and a half years. You are now engaged
in an effort to perpetuate your hold on Kashmir by manipulating a puppet
Constituent Assembly under control of your armed forces.

4. You say that because your forces are stationed 20 miles away from
Pakistan border, there is NO danger of their creating an incident that may lead
to a conflict. You cannot be unaware that hundreds of border incidents have
taken place during last two and a half years even with much smaller forces
under UN observation. Any minor incident could be utilised by your armed
forces to launches immediate aggression.

5. You have now put forward excuse that you massed almost whole of your
army including an armoured car division and a number of infantry divisions
against Pakistan borders because of movement of a single Pakistan Brigade
in Azad Kashmir in June 1951. The excuse will NOT bear examination. In the
first place it is NOT correct that till then you had NOT taken any steps to move
your troops. In May, 1951 you reinforced your armed forces in Kashmir by four
battalions. Secondly, the Pakistan Brigade to which you refer had been
withdrawn from Kashmir a few months earlier for rest and it returned to Azad
Kashmir with full knowledge of U.N. Military Observers. Even after this
replacement Pakistan forces in Kashmir were much smaller than at time of
cease fire and were less than one third of Indian forces in Kashmir. In the light
of these facts it is NOT possible to maintain that there was any threat to your
security when you started to mass almost whole of your army against Pakistan.

6. Regarding canal water dispute you say your proposal was clear and
provided for any possible deadlock. The facts contradict this. After an argument
lasting over two years when at last you admitted that question was one for
judicial determination, you proposed that it should be referred to a tribunal
consisting of two Indian and two Pakistan Judges. When we pointed out that a
tribunal so composed would inevitably be deadlocked, you said that in such an
event the two Governments should again try to negotiate a settlement and
failing that, resort to adjudication by a mutually agreed agency or organisation.
You were NOT however prepared even to accept the principle that second tribunal should have on it a neutral judge. As we pointed out to you, this proposal contained a double veto and permitted of endless delay. Nevertheless we asked you to put your proposal for effective adjudication more precisely in form of a draft agreement. This you have NOT done.

7. This analysis shows that you continue to evade the issue. The real issue before us is to preserve peace and to settle our disputes in a just and peaceful manner. I put forward a plan to attain this object but you have NOT accepted any of its provisions. It is clear from your reply that you are NOT prepared to agree to withdrawal of forces on both sides which I proposed. This refusal on your part leaves situation full of the most dangerous possibilities. You appear determined to put in jeopardy the peace of the sub continent and of world for sake of staging a political farce and forcing through your programme of aggression in Kashmir. I have tried my utmost to point path of peace. The world must now judge between us.

8. The peace plan I have offered is still open for your acceptance. Briefly it seeks to secure.

(I) Withdrawal of forces on both sides to their normal peace time stations.

(II) Peaceful settlement of Kashmir dispute in accordance with two agreed UNICP resolutions under the guidance of Security Council which both countries should accept.

(III) Settlement of all other disputes by negotiations and mediation and failing that by arbitration or judicial determination.

(IV) Cessation of hostile propaganda.

(V) Declaration by both India and Pakistan NOT to invade or attack territory of other.

9. These proposals are clear and unambiguous. They rule out war altogether. As I have pointed out before they are equally applicable to both India and Pakistan. They are inspired by a most sincere desire to place relations between our two countries on a firm basis of cooperation and friendship.

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0079. Telegram from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, August 9, 1951.

Your telegram 3109 dated 6th August. This correspondence has already grown so voluminous and repetitious that it is with the utmost reluctance that I permit myself some brief comments on some of the points raised in your telegram.

(1) You have disputed the correctness of my statement that we had taken no steps to move our troops until movement of your brigade in June towards Poonch. For this you rely on what you describe as reinforcement of our armed force in Kashmir by four battalions. There were no such reinforcements. There were, in some cases, reliefs. Our total force in Kashmir was reduced after the cease-fire by nearly forty per cent. After that, for every battalion that went in, one came out. With our forces in the State reduced to three-fifths of their original strength no one could regard the mere relief of four battalions in that reduced force as evidence of any offensive intention against Pakistan. Per contra, the recent movement of your brigade could be capable of no other interpretation than an intention to attack Poonch.

(2) You continue to accuse us of threatening Pakistan with our armed might and describe what you call “the occupation of Kashmir” as wrongful and as an act of aggression against Pakistan. I regret I cannot go on arguing endlessly against a persistent distortion of facts and allegations which are the very reverse of the truth. Everyone knows that not a single Indian soldier went to Kashmir till it was invaded from Pakistan and part of Kashmir State had been subjected for days to loot, rapine and massacre. It was only then that Indian soldiers went at the request of the lawful Government and the people of Kashmir to defend them against brutal aggression. In spite of your invasion of Kashmir and the military operations that followed, not a single soldier has set foot on Pakistan territory. May I remind you that the U.N. Mediator, Sir Owen Dixon, has held that Pakistan’s action in Kashmir was contrary to international law.

(3) You say that the peace plan proposed by you rules out war and aggression. But in effect you reserve freedom to yourself to attack Kashmir, on the ground of our alleged aggression against the people of the State and against Pakistan, unless we accept a settlement of the dispute on your terms. Considering that it is Pakistan that is the real aggressor in Kashmir that Pakistan denied that aggression until it became too obvious to be denied, that Pakistan is constantly proclaiming Jehad as the only effective means of solving the problem and making feverish
preparations for it, no other conclusion is possible than, that the real
alternatives you offer us are surrender to your wishes or resort by you
to force. This is not a genuine attempt to settle the Kashmir dispute
peacefully. So long as this remains your attitude, no Government of
India can relax its precautions which are purely defensive.

(4) You also charge us with defiance of the United Nations. This is as
baseless as your other charges. It is not defiance to ask that the U.N.
honour their assurances to us.

(5) Your newspapers continue not only to preach war, but some of them
demand the conquest of India.

2. In spite of the provocation to which we are being deliberately subjected
by distortion of facts, by baseless charges, and by warlike propaganda, I assure
you that we shall adhere to the unequivocal assurance that I have repeatedly
given, namely that we wish to live in peace and friendship with Pakistan and
that we are resolved not to attack it. With that assurance, honestly and firmly
reaffirmed I am content to leave our conduct and our intentions to the judgment
of history.

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0080. Memorandum Submitted by Prominent Muslims of India
to Dr. Graham UN Representative for India and Pakistan.

New Delhi, August 17, 1951.

“It is a remarkable fact that while the Security Council and its various agencies
have devoted so much time to the study of the Kashmir dispute and made
various suggestions for its resolution, none of them has tried to ascertain the
views of Indian Muslims nor the possible effect of any hasty step in Kashmir,
however well intentioned, on the interests and well-being of the Indian Muslims.
We are convinced that no lasting solution for the problem can be found unless
the position of Muslims in Indian society is clearly understood.

Definition

“Separation of India and Pakistan, before this subcontinent was partitioned,
discouraged any attempt to define Pakistan clearly and did little to anticipate
the conflicting problems which were bound to arise as a result of the advocacy
of the two nation theory. The concept of Pakistan therefore became an emotional
slogan with little rational content. It never occurred to the Muslim League or its leaders that if a minority was not prepared to live with a majority on the sub-continent, how could the majority be expected to tolerate the minority.

"It is therefore small wonder that the result of partition has been disastrous to Muslims.

"In the undivided India their strength was about 100 million. Partition split up the Muslim people, confining them to their isolated regions. Thus, Muslims number 25 million in Western Pakistan, 35 million to 40 million in India and the rest in Eastern Pakistan. A single undivided community has been broken into three fragments, each faced with its own problems. Pakistan was not created on a religious basis. If it had been, our fate as well as the fate of other minorities would have been settled at that time. Nor would the division of the sub-continent for reasons of religion have left large minorities in India or Pakistan.

"This merely illustrates what we have said above that the concept of Pakistan was vague, obscure and never clearly defined, nor its likely consequences foreseen by the Muslim League, even when some of these should have been obvious.

"When the partition took place, Muslims in India were left in the lurch by the Muslim League and its leaders. Most of them departed to Pakistan and a few who stayed behind stayed long enough to wind up their affairs and dispose of their property. Those who went over to Pakistan left a large number of relations and friends behind.

"Having brought about a division of the country, Pakistan leaders proclaimed that they would convert Pakistan into a land where people would live a life according to the tenets of Islam.

"This created nervousness and alarm among the minorities living in Pakistan. Not satisfied with this, Pakistan leaders went further and announced again and again their determination to protect and safeguard the interests of Muslims in India. This naturally aroused suspicion amongst the Hindus against us, and our loyalty to India was questioned.

"Pakistan has made our position weaker by driving out Hindus from Western Pakistan in utter disregard of the consequences of such a policy to us and our welfare. A similar process is in operation in Eastern Pakistan from which Hindus are coming over to India in a larger and larger number.

"If Hindus are not welcome in Pakistan, how can we, in all fairness, expect Muslims to be welcome in India? Such a policy must inevitably, as the past has already shown, result in the uprooting of Muslims in this country and their
migration to Pakistan, where, as it became clear last year, they are no longer
welcome, lest their influx should destroy Pakistan’s economy.

“Neither some of those Muslims who did migrate to Pakistan after partition
and following the widespread bloodshed and conflict on both sides of the
India - Pakistan border in the north-west, have been able to find a happy
asylum in what they had been told would be their homeland. Consequently
some of them have had to return to India, e.g., Meos who is now being
rehabilitated in their former areas.

“If we are living honourably in India today, it is therefore certainly not due to
Pakistan which, if anything, has by her policy and action weakened our position.

“The credit goes to the broad-minded leadership of India — to Mahatma Gandhi
and Pandit Jawaharlal Nehru, to the traditions of tolerance in this country
and to the Constitution which ensures equal rights to all citizens of India,
irrespective of their religion, caste, creed, colour or sex.

“We therefore feel that, tragically as Muslims were misled by the Muslim
League, and subsequently by Pakistan and the unnecessary suffering which
we and our Hindu brethren have had to go through in Pakistan and in India
since partition, we must be given an opportunity to settle down to a life of
tolerance and understanding to the mutual benefit of Hindus and Muslims in
our country — if only Pakistan would let us do it. To us it is a matter of no
small consequence.

“Despite continuous provocation, first from the Muslim League and since
then from Pakistan, the Hindu majority in India has not thrown us or members
of other minorities out of Civil Services, Armed Forces, the judiciary, trade,
commerce, business and industry. There are Muslim Ministers in the Union
and State Cabinets, Muslim Governors, Muslim Ambassadors, representing
India in foreign countries fully enjoying the confidence of the Indian nation,
Muslim members in Parliament and State legislatures, Muslim judges serving
on the Supreme Court and High Courts. high ranking officers in the Armed
Forces and Civil Services, including the police.

“Muslims have large landed estates, run big business and commercial
houses in various parts of the country notably in Bombay and Calcutta,
have their share in industrial production and enterprise in export and import
trade. Our famous sacred shrines and places of cultural interest are mostly
in India.

“Not that our lot is entirely happy, we wish some of the State Governments
showed a little greater sympathy to us in the field of education and
employment. Nevertheless we feel we have an honourable place in India.
Under the law of the land our religious and cultural life is protected and we
shall share in the opportunities open to all citizens to ensure progress for the people of this country.

“It is therefore clear that our interests and welfare do not coincide with Pakistan’s conception of the welfare and interest of Muslims in Pakistan.

“This is clear from Pakistan’s attitude towards Kashmir. Pakistan claims Kashmir, first, on the ground of the majority of the State’s people being Muslims, and secondly on the ground of the State being essential to its economy and defence. To achieve its object it has been threatening to launch “jehad” against Kashmir and India.”

Invasion

“It is a strange commentary on political beliefs that the same Muslims of Pakistan who would like the Muslims of Kashmir to join them, invaded the State in October, 1947, killing and plundering Muslims in the State and dishonouring Muslims women, all in the interests of what they described as the liberation of Muslims of the State. In its oft-proclaimed anxiety to rescue the 3 million Muslims from what it describes as the tyranny of a handful of Hindus in the State, Pakistan evidently is prepared to sacrifice the interests of 40 million Muslims in India – a strange exhibition of concern for the welfare of fellow Muslims.

“Our misguided brothers in Pakistan do not realize that if Muslims in Pakistan can wage a war against Hindus in Kashmir, why should not Hindus, sooner or later, retaliate against Muslims in India?

“Does Pakistan seriously think that it could give us any help if such an emergency arose or that we would deserve any help, thanks to its own follies? It is incapable of providing room and livelihood to the 40 million Muslims of India, should they migrate to Pakistan.

“Yet its policy and action, if not changed soon, may well produce the result which it dreads.

“We are convinced that India will never attack our interests. First of all, it would be contrary to the spirit animating the political movement in this country. Secondly, it would be opposed to the Constitution and to the sincere leadership of the Prime Minister. Thirdly, India by committing such a folly would be playing straight into the hands of Pakistan.

Pak Policy

“We wish we were equally convinced of the soundness of Pakistan’s policy. So completely oblivious is it of our present problems and of our future that it is willing to sell us into slavery if only it can secure Kashmir.
“It ignores the fact that Muslims in Kashmir may also have a point of view of their own that there is a democratic movement with a democratic leadership in the State, both inspired by the progress of a broad minded, secular, democratic movement in India and both naturally being in sympathy with India. Otherwise the Muslim raiders should have been welcomed with open arms by the Muslims of the State when the invasion took place in 1947.

“Persistent propaganda about ‘jehad’ is intended, among other things, to inflame religious passions in this country. For it would, of course, be in Pakistan’s interests to promote communal rioting in India to show to Kashmiri Muslims how they can find security only in Pakistan. Such a policy, however, can only bring untold misery and suffering to India and Pakistan generally and to Indian Muslims particularly.

Future Suffering

“Pakistan never tires of asserting that it is determined to protect the interests of Muslims in Kashmir and India. Why does not Pakistan express the same concern for Pathans who are fighting for Pakhtoonistan, an independent homeland of their own? The freedom-loving Pathans under the leadership of Khan Abdu Ghaffar Khan and Dr. Khan Sahib, both nurtured in the traditions of democratic tolerance of the Indian National Congress, are being subjected to political repression of the worst possible kind by their Muslim brethren in power in Pakistan and in the NWFP.

“Contradictory as Pakistan’s policy generally is, it is no surprise to us that while it insists on a fair and impartial plebiscite in Kashmir, it denies a fair and impartial plebiscite to pathans.

“Pakistan’s policy in general and her attitude towards Kashmir in particular thus tend to create conditions in this country which in the long run can only bring to us Muslims widespread suffering and destruction. Its policy prevents us from settling down, from being honourable citizens of a State, free from the suspicion of our fellow country-men and adapting ourselves to changing conditions to promote the interests and welfare of India. Its saber rattling interferes with its own economy and ours. It expects us to be loyal to it despite its impotence to give us any protection, believing at the same time that we can still claim all the rights of citizenship in a secular democracy.

“In the event of a war, it is extremely doubtful whether it will be able to protect the Muslims of East Bengal who are completely cut off from Western Pakistan. Are the Muslims of India and Eastern Pakistan to sacrifice them completely to enable the 25 million Muslims in Western Pakistan to embark upon mad, self-destructive adventures?
“We should, therefore, like to impress upon you with all the emphasis at our command that Pakistan’s policy towards Kashmir is fraught with the gravest peril to the 40 million Muslims of India. If the Security Council is really interested in peace, human brotherhood and international understanding, it should heed this warning while there is still time.”

Those Who Signed It

The signatories to the 1,600 word memorandum include Sir Sultan Ahmed, former member of the Governor-General’s Executive Council, the Nawab of Chattari, former acting Governor of U.P. and Prime Minister of Hyderabad, Sir Mohammed Usman, former member of the Governor-General’s Executive Council and acting Governor of Madras and Vice-Chancellor of Madras University, Sir Iqbal Ahmed, former Chief Justice of Allahabad High Court, Sir Fazal Rahimttola, former Sheriff of Bombay, Maulana Hafz-ur-Rehaman, M.P. General Secretary of the Anjumani-i-Jamiat-ul –Ulema Hind, Col, B.H.Zaidi, M.P. former Prime Minister of Rampur State, Nawab Zain Yar Jung, Minister, Government of Hyderabad, Mr. A.K. Khwaja, former President of Muslim Majlis, Mr. T.M. Zarif, General Secretary, West Bengal Bohra Community, Mr. H.Qamar Faruqui (Hyderabad), Mr. M.A. Kazim, M.P. U.P., and Mr. Hashmm Premji former Sheriff of Bombay.

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0081. Letter from the Indian Minister of State for Information and Broadcasting R. R. Diwakar to the Pakistan Minister of Interior, Information and Broadcasting Khwaja Shahabuddin.

New Delhi, August 18, 1951.

Government of India
Ministry of Information and Broadcasting

No. PS. 1186/51 New Delhi, August 18, 1951.

My Dear Khwaja Shahabuddin Sahab,

Please refer to your letter of the 9th July in reply to mine of 30th April. The references in the first part of your letter related to events in Pakistan in March last and as you must have noticed newspapers have since evinced little or no
interest beyond routine reportage and publication of Pakistan Government official communiqués of the in-camera proceedings of the conspiracy trial. It is of course not possible to accept your argument that it was only Indian newspapers that carried such reports. As I pointed out in my letter of 20th April, the news item also attracted the attention of newspapers in U.K. and elsewhere and reports were published on the basis of dispatches of corresonds in Pakistan.

I have been greatly distressed to find that although at the various meetings of the Indo – Pakistan Information Consultative Committee, it was clearly accepted by both delegations that even in matters of dispute between the two countries comments in newspapers should be confined strictly to the merits of the problem or problems in dispute and it should in no case be made the basis of a general attack against the two Governments or a personal contumacious or scurrilous attack against the respected leaders of either country or the religion, culture and faith of the people of both the countries, there has been such a sustained campaign of hatred and war psychosis in the Press of Pakistan.

You refer to the Karachi meeting of the Indo – Pakistan Information Consultative Committee. May I remind you that at the meeting of the Joint Press Committee held at the same time, a resolution was adopted calling upon the Press to eschew war mongering and an appeal was made to help in creating an atmosphere of good – will and good neighbourliness. This resolution was accepted by the IPICC and was included in the recommendations of the Committee.

My Prime Minister has already referred in his correspondence with your Prime Minister to reports which have tended to keep alive this war psychosis in Pakistan. The accompanying extracts from the Pakistan Press since March last which are illustrative and by no means exhaustive speak for themselves. In fact, newspapers in Pakistan appear to vie with one another in carrying this war psychosis through inflammatory news items, editorials, letters, etc., fiery poems and alarming headlines. The most distressing part is the fact that the lead in this campaign is taken by important newspapers of Pakistan including the Dawn and Zamindar’. It may be noted that the editor of Dawn is an ex – President of the PNEC and the editor of Zamindar’ its acting President. The Dawn in its editorial on 1st May lent its support to the sponsors of the movement should not be churlishly spurned. I should also like to invite your attention to its editorial of 8th June, headed “Chastise the brigand”.

This is not the language of a responsible Press, and is a strange example of the manner in which the Agreement is being implemented in leading newspapers of Pakistan. The Zamindar makes no secret of its incitement to war in a series of poems, one of which printed in red ink declared, “We will one day sit on the
throne. Delhi has been our capital for centuries”. In its issue of the 27th May, it spoke of the banners of Islam which fluttered from East to West and asked “When did geography limit our field of action? We have to wipe off kufr even today”. A typical illustration of this campaign of war psychosis in a leading newspaper is a report in the Dawn on 2nd August from its Dacca correspondent under the headlines “Panic spreads in Calcutta: Black out in West Bengal areas”. I was glad to see that this report evoked the necessary contradiction from people on the spot in Calcutta so that we can be certain at least in India of ensuring that such reports of the Pakistan Press do not affect the even tenor of life in India.

As regards extracts enclosed with my letter of 30th April, it is suggested by you that one of the newspapers mentioned, namely, Pasban, is a minor Pakistani newspaper, although I must recall the Editor was among the Press representatives of the Pakistan delegation at the Dacca meeting of the IPICC. The extracts, of course, were not intended to be exhaustive of all the Pakistan newspapers as I was anxious to draw your attention more to trends rather than to long lists. The extracts, however, included publications from leading newspapers in Pakistan such as the Dawn, Civil and Military Gazette etc. and it would have been helpful if action had been taken against these papers so that continued publication of such matters could have been arrested.

In your letter, some of the writings against our Prime Minister to which I had drawn your attention in my letter of 30th April are sought to be justified on the ground that worse things have been said against the Prime Minister of Pakistan. In one instance, however, to which you drew our attention, namely an objectionable heading in the Hind Samachar, an unimportant paper published in Punjab (I), the State Government was requested to take up the matter with the State Press Advisory Committee who held that the heading was objectionable and advised the editor suitably against its repetition. In fact, leading newspapers in India seldom indulge in systematic diffusion of scurrilous and contumacious matter even while discussing matters in dispute between India and Pakistan. There are, of course, occasional lapses, but you will kindly note that these are confined to very small newspapers of little or no significance. The recent extracts published by the Government of Pakistan on 11th August prove the truth of this inasmuch as many of the newspapers mentioned therein have little or no importance.

You also suggest that no exception should be taken to the use of the word Jihad by newspapers in Pakistan. I wish I could agree with you that this is a completely innocuous expression. So far, however, as can be judged from the writings in the Pakistan Press and statements and speeches of non – officials, the meaning that stands out in the context of its use is its association with a
call to a religious war and conquest of India. The use of the word must, therefore, be regarded as part of the campaign persistently followed by Pakistan newspapers to rouse communal and religious passion, jeopardize the safety of life and property of minorities in Pakistan and create a war psychology against India in the name of religion. I do not, therefore, find it possible to agree that the kind of writings which have been indulged by newspapers in Pakistan, namely, propaganda which often calls not only for war, but the conquest of India by Pakistan can be justified, as you suggest, on the ground merely that they refer to a subject which is in dispute.

You have also referred to certain items broadcast by All India Radio. As the broadcasts mentioned occurred in February, I should have thought that the authorities of the Pakistan Radio would have brought these to the notice of the Sub–Committee which examined broadcasts by All India Radio and Pakistan Radio before the last meeting of the IPICC in March. I must, however, say that the extracts of AIR broadcasts enclosed with your letter do not include statements emanating from Pakistan which are also broadcast by All India Radio.

Yours sincerely

Sd/- R.R. Diwakar

The Hon’ble Khwaja Shahabuddin,
Minister of Interior, Information and Broadcasting,
Government of Pakistan, Karachi.

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0082. Note Verbale from the High Commission for Pakistan in India to the Indian Ministry of External Affairs regarding an item published in the news bulletin of the Mission.

Office of the High Commissioner for Pakistan in India
New Delhi.


The High Commission for Pakistan in India present their compliments to the Government of India, Ministry of External Affairs, New Delhi, and with reference to their communication No. D – 5032 – Pak – III/51, dated the 24th July, 1951, regarding the two items published in the news bulletins issued by this Mission, which have been taken exception to by the Government of India, have the honour to say that these items contain factual account of the jirgas held by some tribesmen of the N.W.F.P., in which they condemned the formation of the so-called Constituent Assembly in Kashmir and urged upon the U.N.O. to expedite the solution of the Kashmir dispute. These items do not constitute any attack on the Government of India and do not in any way contravene the understanding arrived at between the Governments of India and Pakistan as they are not condemnatory of the Government of India. In this connection attention is invited to Mr. Dutt’s demi-official letter No. F.18 (7) Pak – III/50, dated the 20th March 1950, to the High Commissioner, which lays down the principle to be observed in such matters.

The High Commission take the opportunity to renew to the Government of India the assurances of their highest consideration.

 Seal of the Pakistan High Commission

The Ministry of External Affairs, Government of India,
New Delhi.

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No. 3575. According to Press reports Dr. Shyama Parasad Mukherjee has delivered another highly provocative speech on 26th August 1951 at Nagpur. In course of his speech, he has expressed violent sentiments against Pakistan and used language calculated to arouse passion of his audience against this country. Among other things he has sought to repudiate partition and has called upon Prime Minister of India to give an ultimatum to Pakistan and march troops into it. Government of Pakistan strongly protest against the continuance of such propaganda in utter disregard of provisions of the Prime Ministers agreement and subsequent assurances of the Government of India.

2. The attention of the Government of India has been repeatedly drawn to inherent dangers of this line of propaganda by Dr. Mukherjee. At a time when major part of India’s armed strength is concentrated against Pakistan borders the mischief of such incitement by leader of the major opposition party in India CANNOT be overstated. Unfortunately the Government of India have NOT so far felt able or shown willingness to take effective action. On the contrary Government of Pakistan have recently found themselves compelled to protest against similar anti partition propaganda emanating from responsible official representatives of the Government of India.

Cutting from the *Hindustan Times*, dated August 27, 1951 reporting on the speech of Shyama Prasad Mookerjee.

1. Name of Paper “*Hindustan Times*”

2. Published at “Delhi” Dated 27/8/1951

Pakistan Violated The Very Basis Of Partition - DR MOOKERJEE

**NAGPUR,** Aug. 26. – Dr. S.P. Mookerjee declared here today that India should tell the world that Pakistan had “violated” the very basis of the partition of India, namely, that minorities would be kept and protected to both countries.

“If Mr. Nehru musters courage and makes this announcement to the world, there is nothing illogical, unconstitutional or immoral in it.” Dr. Mookerjee said.

In a 70 – minute survey of Indo – Pakistan relations since partition at the Nagpur Forum, Dr. Mookerjee said partition was agreed upon not on “a communal or
religious basis, but on a territorial basis." The fundamental condition being that the Hindus and the Muslims and others would continue to live in their own territories, India and Pakistan, respectively.

While India observed the agreement and extended protection to four crores of Muslims, Dr. Mookerjee said: "It is the settled policy of Pakistan to create a homogeneous Islamic State and not keep any minorities within its territories."

The process of turning the State into an "Islamic State had been continued without any interruption by creating conditions whereby the minorities would be compelled to leave Pakistan through methods "unknown to civilized conduct."

Dr. Mookerjee said West Pakistan had been cleared of Hindus and Sikhs while in East Bengal 50, 00, 000 out of the 150, 00, 000 (sic) Hindus had already been "squeezed out."

If Pakistan really wanted to keep its minorities, there would have been no trouble, he asserted – P.T.I.

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0084. Cable from the Indian Ministry of External Affairs to the Pakistan Ministry of Foreign Affairs regarding the speech of Shyama Prasad Mukherjee.

New Delhi, August 31, 1951.

IMPORTANT.

No. 30573. Your telegram No. 3575 dated August 30. We agree with you that Dr. Syama Prasad Mookerjee's speeches have been objectionable, though he stated in Parliament that he did NOT suggest any military measures. But it is true that he has often made statements which are directly contrary to Government's policy. Our Prime Minister has given him an effective reply in Parliament and outside and No doubt will deal with this matter again. We might inform you that Dr. Mookerjee is Not repeat not the leader of the major or any opposition party in the Indian Parliament.

2. We have pointed out to you that in terms of our Constitution and judicial decisions freedom of expression, even though such expression might be highly distasteful to Government, is permitted. Because of the coming General Elections in India, Government have given a further assurance about freedom
of speech. It is largely because of these General Elections that speeches attacking Government’s policy are being made by some individuals and groups. The Government, however, has taken a strong stand in regard to this matter and has NO doubt that this stand is upheld in the country. The principal national organization, the National Congress, has fully supported that stand. Government consider that the most effective method of dealing with objectionable speeches is to counter them in public instead of taking any repressive action, which is NOT only NOT permitted under the Constitution and laws but might give greater publicity and prestige to those who deliver such speeches.

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0085.  

Note Verbale of the Indian Ministry of External Affairs to the Pakistan High Commission in India regarding the Pashtunistan issue.


Government of India, Ministry of External Affairs


The Ministry of External Affairs present their compliments to the Pakistan High Commission in India and with reference to their note No. F. 13(7) P/51 – 1415, dated the 16th May, 1951 relating to the Pashtunistan dispute between Pakistan and Afghanistan have the honour to state as follows:-

The Government of India are unable to accept the contention of the Government of Pakistan that the Press in India has been other than impartial and neutral with regard to the dispute between Pakistan and Afghanistan on the subject of Pashtunistan. The differences between Pakistan and Afghanistan on this subject have received wide publicity through the radio and the newspapers both of Pakistan and of Afghanistan and in other countries, and it is not surprising therefore that they should have attracted interest in India. The Government of India have again carefully examined the material published in the Indian Press and are satisfied that the Indian Press has on the whole maintained and continue to maintain an attitude of objective and impartial presentation of news regarding the Pashtunistan movement. All important statements in regard to this subject made by the Government of Pakistan or by persons in authority in Pakistan have been fully and faithfully reported in the Indian Press. As already pointed
out by the Government of India the Press in India is, within the limit set by the Constitution and the laws of India, perfectly free to express opinions or comments, including those which are hostile to the Government of India themselves. The Government of India cannot compel or coerce the Press or the public in India to hold any particular opinion.

The Government of India are also unable to accept the allegation that the All India Radio has shown any partiality in favour of Afghanistan in this dispute. Nor is there the slightest foundation for the charge that the All India Radio makes a practice of broadcasting “fabricated news”. The All India Radio makes use of news items available from the Bakhtar news agency or the Kabul radio in the same way as it uses news items emanating from the Pakistan Radio. For example on the 24th January, 1951 the All India Radio put out the denial by the Government of the N.W.F.P. of an alleged clash at Peshawar Cantonment. On the 22nd January, 1951 the All India Radio put out the statement by the Prime Minister of Pakistan on this subject. On the 10th April, 1951 the All India Radio broadcast the statement of the Pakistan Minister of Frontier Regions regarding raids by Afghan nationals and forces on Pakistan territory. These examples could be multiplied. They will show that the All India Radio puts forward the Pakistan views on these questions with equal impartiality. The sole criterion for putting out any item is its intrinsic news value. The Government of India have also carefully examined the commentaries, news items and other items forming the enclosure to the Pakistan High Commission’s note under reply. They would point out that in regard to several of these items the translations as given in the enclosure to the Pakistan High Commission’s note under reply are incorrect. Apart from this, the material given in the enclosure shows conclusively that the broadcasts of the All India Radio on this subject have been restricted mainly to factual news. In so far as any comments have been made with regard to the issues in this dispute, these merely point out that while the Government of Pakistan talk of self–determination for the people of Kashmir, they take an entirely different attitude towards the demand for self determination by Pashtoons.

The Government of India fail to see how the question of a breach of the Inter–Dominion Agreement of 14th December 1948 can possibly arise. The High Commission have quoted a sentence from paragraph 4 of letter No. 1948 – PM of December 11, 1950 from the Prime Minister of Pakistan to the Prime Minister of India. The context of that sentence will show that the subject under discussion related to the alleged setting up in India of an illegal “provisional Government of East Pakistan” with the motive of supplanting the Government of East Pakistan as established by the laws of Pakistan. The Government of India reiterate their determination not to permit any such illegal activity in India. Both the purpose and the content of sub – paragraph 8 of paragraph ‘C’ of the 1950 Agreement
are perfectly clear. In the view of the Government of India that Agreement is intended to ensure that the Press of either country does not support demand in one country for an acquisition of territory included in the other country. The Agreement does not cover any questions relating to the relations between either of these two countries and a third country. No question of international law arises in this context and the Government of India entirely dissents from the proposition that the publication within India of news and views regarding a dispute between Pakistan and Afghanistan, with both of whom they have friendly relations, amounts to a violation of international law or usage.

The Government of India take this opportunity of drawing attention to the fact that both the Pakistan Press and the Pakistan Radio have frequently indulged in insinuations and in some cases explicit statements to the effect that the support of the Government of Afghanistan to the claim of the Pashtoons to be given the right of self-determination with regard to their future, originates from inspiration from India. The Government of India strongly protest against such baseless insinuations and statements which are extremely detrimental to the friendly relations between India and Pakistan on the one hand and India and Afghanistan on the other. The Government of India are also unable to accept the contention that the Pakistan Press has been sober and objective in regard to its coverage of events relating to India’s relations with Nepal, Tibet and China. The actual facts of past events are by now well established and the Government of India are no longer exercised in regard to several completely false and fabricated items of news which appeared in the Pakistan Press at that time. They would, however, point out that the sole object of these insinuations and allegations was to embroil the relations of India with her friendly neighbours and that such efforts reveal anything but a friendly attitude towards India.

The High Commission have again referred to the informal party given by an official of this Ministry to meet a number of journalist which was also attended by some Afghan journalists and others. The Government of India are still unable to understand why so much importance should be attached to a private function. The Government of India would, however, like to assure the Pakistan High Commission that the three persons, who have been specifically referred to by Pakistan, entered India on valid travel documents.

The Ministry take the opportunity to renew the assurance of their highest consideration.

The Pakistan High Commission in India,
New Delhi.
Note Verbale of the Ministry of External Affairs to the Pakistan High Commission in India regarding hostile propaganda.

New Delhi, September 22, 1951.

Government of India,
Ministry of External Affairs,
New Delhi

No. F.18(19) – Pak. III/51. Dated 22nd September, 1951

The Ministry of External Affairs present their compliments to the Pakistan High Commission in India and, with reference to the High Commission’s note No. F. 13(7) P/51 – 2513, dated the 25th August, 1951, have the honour to say that the understanding reached between the Government of India and the Government of Pakistan in the correspondence resting with Mr. Dutt’s D.O. Letter No. F. 18(7) – Pak. III/50, of 20th March, 1950 was intended only to cover the inclusion in the news bulletins of a Mission of official press notes, statements etc. of the Government of the country which is represented by the Mission. Otherwise the safeguard against the publication of condemnatory statements in general would be rendered completely nugatory. It is immaterial therefore whether in fact certain jirgas were held or not by tribesmen of the N.W.F.P. on particular dates. The Government of India’s objection is not on the basis of inaccuracy of reports of such jirgas having been held, but to the fact that publicity was given in the news bulleting of the High Commission to resolutions or demands of these jirgas on the ground that the resolutions or demands are condemnatory of the policies of the Government of India.

2. The Government of India must therefore ask that subject to the exception mentioned in the preceding paragraph, the High Commission should not publish in their news bulletins and circulate within India any material which is condemnatory, whether directly or Indirectly of the Government of India.

3. The Ministry take the opportunity to renew the assurances of their highest consideration.

The Pakistan High Commission in India,
New Delhi.
Extracts from the Press Conference of Prime Minister Jawaharlal Nehru.

New Delhi, November 3, 1951.

Q: Apart from the Kashmir issue there are many other outstanding issues between India and Pakistan, for instance, East Bengal. As Khwaja Nazimuddin belongs to Bengal, have you had any occasion through any source to talk about this question?

JN: No. Ever since Khwaja Nazimuddin became Prime Minister (of East Pakistan) there has been no special development in regard to East Bengal. Routine matters, of course, go on. But there are other matters. There is the evacuee property problem, there is the canal waters problem, and others. In regard to every one of them, and more especially in regard to evacuee property and canal waters, you may remember that we have offered to abide by judicial determination of both those problems.

Q: Do you feel there has been some change in the relations between India and Pakistan recently? And as you have always said that you are prepared to take any steps for better relations, have you taken any initiative?

JN: I think there has been a change, psychologically considered; people are in a better mood on both sides. There is an improvement, no doubt, and one should take advantage of it whenever it comes. But there is always a slight risk in overshooting the mark before you can take full advantage of an existing situation.

Q: Don’t you think that India is far too big for that and that India can always take the initiative?

JN: It is not a question of being big or small. If the initiative does not lead to results, if it is premature, then it leads you nowhere.

Q: Arising out of what you have just said, it was you who first made the gesture at the public meeting to condole the death of Mr Liaquat Ali Khan*, that controversies must be hushed in the face of death. On that the Pakistan Prime Minister extended a hand of goodwill in the same spirit and he appears to have said—that though he did not say in so many words—he appears to have complained that there has been no reaction from India.

JN: He did not ‘complain’. Some people asked him about the Chakravarty** business and he said: ‘nothing doing’.

* Following Liaquat Ali Khan’s assassination at Rawalpindi on 16 October 1951, Khwaja Nazimuddin became the Prime Minister of Pakistan.

** It was reported in the press that B.N. Chakravarty (senior official of the Ministry of External Affairs) had visited Nazimuddin as Nehru’s special messenger and when asked to confirm, Nazimuddin clarified that Chakravarty’s visit was a courtesy call to convey condolences.
0088.  Note Verbale of the High Commission for Pakistan in India to the Indian Ministry of External Affairs regarding hostile propaganda.

New Delhi, December 7, 1951.

Office of the High Commissioner for Pakistan in India

No. F. 13(7) P/51–3900 New Delhi, the 7th December, 1951.

The High Commission for Pakistan in India present their compliments to the Government of India, Ministry of External Affairs, New Delhi and with reference to their communication No. F. 18(18) – Pak. III/51, dated the 20th November, 1951, regarding the two items published in the ‘Pakistan News’, have the honour to say that, as already intimated in their communication No. F. 13(7) P/51 – 2513, dated the 25th August, 1951, the High Commission still consider and maintain that the two items in question were in no way condemnatory or critical of the Government of India, directly or indirectly. They cannot, therefore, entertain the contentions adduced in Government of India’s communication No.F.18(19)–Pak. III/51, dated the 25th September, 1951.

The High Commission take the opportunity to renew to the Government of India the assurances of their highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi.
0089. Note Verbale of the Indian Ministry of External Affairs to the Pakistan High Commission in India regarding hostile propaganda.

New Delhi, January 25, 1952.

Government of India, Ministry of External Affairs


The Ministry of External Affairs present their compliments to the Pakistan High Commission in India and with reference to the High Commission’s Note No. F. 13(7) P/51 – 3900, dated the 7th December, 1951, regarding the two items published in the “Pakistan News”, have the honour to say that this matter has since been discussed between the Secretary to the Government of India, Ministry of External Affairs, and His Excellency the High Commissioner for Pakistan in India on the 15th January, 1952. In the course of this discussion, His Excellency the High Commissioner agreed that the Government of India must be the final judge of whether or not a particular news item is condemnatory of the policies of the Government of India. In the case of the two news items, forming the subject of the present correspondence, the Government of India are of the opinion that the news items gave publicity to resolutions and demands of Non-Official gatherings which were condemnatory of the policies of the Government of India, and the publication of such news items therefore constituted a violation of the understanding between the two Governments. The Government of India would, therefore, request the Pakistan High Commission not to publish in future in their news bulletins and circulate within India such or any similar material.

2. The Ministry take the opportunity to renew the assurances of their highest consideration.

The Pakistan High Commission in India,
New Delhi.

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Note Verbale of the Indian High Commissioner in Pakistan to the Pakistan Ministry of Foreign Affairs regarding comments in the Lahore daily on a train disaster in India.

Karachi, June 16, 1952.

Office Of The High Commissioner For India In Pakistan
Jahangir Sethna Road, New Town
Karachi-5


The High Commission for India in Pakistan present their compliments to the Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations and have the honour to state that the W AQ, Lahore in its issue dated the 22nd May, 1952, while ‘sympathizing’ with the relatives of the victims of the train disaster in Bikaner, has made the following comments:-

“There can be none else but Hindus and Sikhs in this part of India. Sorrow and anger linger in our hearts against the cruel Hindus and beastly Sikhs who made the Muslims homeless by bayonets and bullets. They desecrated our places of worship, graveyards and mizars of revered persons. They dishonoured our 70, 000 women. They killed babies in the wombs of mothers. We cannot help wreaking vengeance on these tyrants. Our historical traditions demand that we should wreak vengeance. When time comes, we will. But for the present we offer our sympathy to the victims of the tragedy because that is enjoined upon us by Islam”.

2. It is a matter of deep regret to the High Commission that the W AQ should have chosen a train disaster in India to indulge in this unprovoked and uncalled for tirade against the Hindus and Sikhs and to write about the wreaking of vengeance on them for alleged wrongs done in the past. The comments of the W AQ are calculated to arouse communal passions and to cause alarm amongst the minorities in Pakistan and are in flagrant violation of the Indo – Pakistan agreement of December, 1948 and the Prime Ministers’ Agreement of April, 1950. Such writings in the Pakistan Press cannot fail to have repercussions in India.

3. The High Commission emphatically protest against the above item in the W AQ and request the Government of Pakistan to take strong action against the newspaper, with a view to preventing the repetition of such objectionable writings. The High Commission would be grateful to be informed, if there is no objection, of the action taken by the Government of Pakistan in the matter.
4. The High Commission avail themselves of this opportunity to renew to the Government of Pakistan the assurances of their highest consideration.

The Ministry of Foreign Affairs & Commonwealth Relations,
Government of Pakistan, Karachi.

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0091. CONFIDENTIAL

Letter from the Indian High Commissioner in Pakistan Mohan Sinha Mehta to the Foreign Secretary of Pakistan M. O. A. Baig regarding inflammatory articles in the Pakistani press.

High Commissioner for India in Pakistan
Personal

Karachi, September, 10th, 1952.

My dear Baig,

I am writing this personal letter to share my thoughts with you. You will agree that it relates to a subject which is indeed very important from the public point of view. Unless effective measures are taken to curb the mischief, the society will possibly be exposed to a serious danger. I am sure your views and feelings on this subject are the same as mine. Can something be done to improve matters so that the efforts and intentions of men of goodwill to bring about progressive improvement in the relations between the two countries, India and Pakistan, may bear fruit?

Yesterday, an official communication (No. IIS – 27/52, dated 9th September), has been addressed by my Chancery to your Foreign Ministry on this subject. May I request you to read it and also to place it before the Acting Foreign Minister for his perusal. Ordinarily, I know what happens to such representations. They are received, duly acknowledged and quietly put away in cold–storage. My sensitiveness is getting accustomed to this cold and futile procedure. I am bothering you with this personal letter in order to drew your special attention to the seriousness of the situation. I do not wish to burden this letter by repetition of what has been said in the formal Note. The tone and language of the extracts and quotations included in that Note are eloquent testimony to the anxiety felt
by me. There can be one and only one result of such thoughts and writings, namely, to poison the sources of human relations and excite men to violence. I cannot believe that any nation, religion or good cause can be served by such writings.

As soon as I heard about the incidents in Tripura State, I promptly tried to get the correct information about the events. The Chief Commissioner of Tripura State has sent me a confidential report which I would be glad to place in your hands. Reports in the Press are false, malicious and deliberately distorted with the obvious object of rousing peoples’ passion and bitterness.

It is quite untrue that the Deputy High Commissioner for Pakistan at Calcutta was not allowed to go to Agartala. In fact he did go there, made a statement about the unfortunate events, which followed the murder of a Hindu boy and he was satisfied that the civil authorities had taken prompt and appropriate action to bring the situation under control. The victims of the communal trouble were adequately compensated and almost all the Muslims who had migrated had returned. Even during the disturbances in many parts of the disturbed area, communal relations remained normal, even cordial. Many of the passages quoted in our communication of yesterday are patently so absurd and untrue that no evidence is necessary to show their anti-social object and violent effect.

The other day, you must have noticed that the Editor of the *Dawn*, the leading daily newspaper of the capital of Pakistan, easily outdid its own record by referring (in its editorial dated 3rd September) to the two incidents in the tour of the Frontier Province undertaken by our Prime Minister shortly before Partition. I wonder how an educated person can write things for the public Press which he would be ashamed of reading out to his daughter or sister at home. Incidentally, I may tell you that I have absolutely reliable authority to prove that both the incidents were wrong and never took place. We are accustomed to falsehood, malicious misrepresentation and complete distortion of events in the writings of the *Dawn*. But the consequences of this action and attitude on the part of an important newspaper are going to be seriously detrimental to the interests and sound progress of Pakistan itself, apart from the relations between the two countries. I do not know how such papers and writers serve Pakistan in any way.

I could go on multiplying examples but that would be only wasting your time. We know these trends so well. It may be that other high officers in your Government do not share your views and those of the Foreign Ministry.

It is widely believed, and there is ample evidence to support this view, that the Government of Pakistan exercises a fair measure of control over its Press in
its general policies and news coverage. In that case, it should not be a very
difficult thing to raise the standards of journalistic criticism on public events
and in particular relations with other countries. I for one do not object to the use
of strong language where the writer disagrees with or disapproves certain action
or event. But strong language need not be indecent or obscene. Besides, and
this is a most important point, there should be honest respect for truth and the
facts and events should not be suppressed and distorted to serve a particular
premeditated purpose.

I owe you an apology for writing to you in such a frank way. My personal
esteem for your open – hearted nature and our kinship of ideas on such matters
are my excuse for encroaching on your busy time. Besides, I am anxious to
support in my humble way every effort which brings the two countries closer in
understanding and good neighbourlines. Anything which defeats this purpose
becomes a source of grief and distress. You will see that I am not even
numbering this letter. It is only on a personal level that we can speak out our
mind freely.

With kind regards,

Yours Sincerely

Sd/- M. Mehta
(Mohan Sinha Mehta)

M.O.A. Baig Esq.,
Foreign Secretary,
Government of Pakistan,
Ministry of Foreign Affairs & Commonwealth Relations,
Karachi.

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Letter from the Pakistan Foreign Secretary M. O. A. Baig to the Indian High Commissioner in Pakistan Mohan Sinha Mehta regarding inflammatory articles in Pakistan press.

Ministry of Foreign Affairs & Commonwealth Relations

Inflammatory articles in the Pakistan Press

My dear Dr. Mehta,

Will you please refer to your Personal and Confidential letter, dated September 10, 1952?

I have now seen your High Commission’s Note No. IIIS – 27/52, dated September 9, 1952, on the subject of inflammatory writings in the East Bengal Press regarding the alleged communal happenings in India. I agree generally with your comments, both in your letter to me and in your official Note.

The Pakistan Press is often guilty of malicious and low–bred propaganda. It is a tendency which I deplore, but which in the present state of education in this country is not likely to be remedied in the immediate future by public opinion, which is the proper corrective. Such items as the stupid editorial in the Dawn of September 3 do far more harm to the reputation of the tribesmen in particular and of Pakistan in general than they do to those who are the ostensible targets of criticism or attack.

I think that, in the majority of such cases, we may leave the gutter to claim its own and take no notice of such vulgarities. I agree however, that some of the more inflammatory writings may well have unfortunate effects on undeveloped minds and I am forwarding the whole case to our Ministry of Information and Broadcasting for appropriate action. I am confident that your Government will also take corresponding measures to keep some of the more extreme Indian papers within reasonable limits in their comments on this country and its affairs.

Yours sincerely

sd/- M.O.A. Baig

H.E. Dr. Mohan Sinha Mehta,
High Commissioner for India,
The Indian High Commission, Karachi.
0093. Letter from Prime Minister Jawaharlal Nehru to Minister of Commerce T. T. Krishnamachari.


My dear T.T.,

...The real question is a deeper one and does not relate to trade only. There is in Pakistan a group which is violently against India and is totally irresponsible. They have a considerable say in Government either on the Ministerial or official level. There are also many people in Pakistan who have no such animosity to India, except on special occasions when it is roused up, and have come to the conclusion that there should be better relations between the two countries.

In India also there are those who are always clamouring for the blood of Pakistan and there are many others who have no such wish and want peace and quiet and better relations. It so happens that each country hears a great deal about the extremist section of the other and thinks that that represents public opinion or Government's views. This embitters our relations.

I think it is perfectly true that so far as Governments are concerned, our Government has behaved better than the Pakistan Government. This is partly due to the fact that we have some standards which we try to maintain, and partly because we are a stronger Government. The Pakistan Government has no such standards and is a weak Government with numerous internal dissensions.

Any wise approach to the problem would make it clear that this continuous strain and conflict is not good for the two countries. This talk of economic sanctions completely ignores realities. Apart from our suffering as much as Pakistan might, the initiative goes to the extremists on both sides and conditions worsen.

If any Pakistan Minister wishes to come here to discuss matters, he should certainly be encouraged to do so.

Yours sincerely

Jawaharlal Nehru

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0094. Note Verbale of the Indian Deputy High Commissioner at Dacca to the Government of East Bengal regarding false and grossly exaggerated propaganda.

Dacca, November 14, 1952.

Office of the Deputy High Commissioner for India at Dacca

No. 9(11) Sec/52 November 14th, 1952.

The Deputy High Commissioner for India in Pakistan at Dacca presents his compliments to the Government of East Bengal and begs to draw their attention to the intensification, during the last few weeks, of the propaganda against India not only in the Dacca Press but also in several public meetings at Dacca and in other important towns in East Bengal.

As instances of such entirely false or grossly exaggerated Press propaganda, he would mention the “news items” published on the front page of the Morning News dated the 30th October and 2nd November with banner headlines respectively of “Mass attacks on Muslims in Malda villages” and “400 Muslims killed near Alipore Duars” and the editorial in the same paper published on October 31 headed “Massacre at Malda”. The Deputy High Commissioner has already protested against some of these writings in his communication No. F. 9(11) Sec/52 dated the 31st October 1952. He has also personally drawn the attention of the Chief Secretary to the Government of East Bengal to the “news – item” headed “400 Muslims killed near Alipore duars” at the recent Chief Secretaries’ Conference held at Shillong.

He also begs to draw the attention of the Government of East Bengal to the following public meetings, some of them described in the Press as “mammoth” meetings, held at Dacca and elsewhere at which the fictitious “news” published in the Dacca Press about the alleged perpetration of “atrocities” against the Muslim minority in India appears to have been deliberately used to provoke the majority community against the minority communities in East Bengal and in particular against the Hindus:

“(1) An emergent meeting of the Working Committee of Provincial Anjuman – e – Muhajireen held at Dacca on October 25, Saturday.

(2) A meeting of the East Bengal Anjuman – e – Muhajireen held in Ward No. 3 of Dacca on 1st November (Saturday).

(3) A mass meeting of the Muhajireen held in Ward No. 4 of Dacca, under the auspices of Provincial Anjuman–e–Muhajireen on 7th November last.

(4) A mammoth meeting held in the first week of November at Dinajpore
under the Presidentship of Shamsul Ahmed, Secretary of the District Muslim League.”

The Deputy High Commissioner is further informed that at some of the meetings held in mosques of East Bengal it was even decided to supply knives and explosives to the local goonda elements for use in communal riots to be provoked in this connexion on a date to be fixed and announced at future meetings. He, therefore, considers it his duty to place this information in his possession before the East Bengal Government so that they may take prompt action, both preventive and punitive, against the mischievous move to provoke communal disturbances in East Bengal which appears to have been set on foot already.

The Deputy High Commissioner will be grateful to be assured that the Government of East Bengal will take firm and effective steps to nip such propaganda in the bud and prevent the occurrence of any communal disturbances or oppression and harassment of minorities in East Bengal. He will further be grateful to be informed, if there is no objection, of the steps that may be taken by the Government of East Bengal in this regard.

The Deputy High Commissioner avails himself of this opportunity to renew to the Government of East Bengal the assurances of his highest consideration.

The Chief Secretary to the Government of East Bengal
Eden Buildings, Dacca.

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0095. Note from Prime Minister Jawaharlal Nehru to Commonwealth Secretary about discussing certain matters with the new Prime Minister of Pakistan Khwaja Nazimuddin.

New Delhi, November 25, 1952.

Our High Commissioner need not take any particular step in this matter... It is for the Prime Minister of Pakistan to reply fully to my last message to him*. We can then consider what further step we should take.

2. You refer to Khwaja Nazimuddin getting in touch with our people in London. I do not know what you mean by this. Nobody in London is going to discuss these matters with him. Before leaving Pakistan, Khwaja Nazimuddin talked about raising the Kashmir issue in the Commonwealth Conference. If he does so, he will be snubbed and our representative will refuse to have anything to do with it.

3. Khwaja Nazimuddin is full of good intentions when he talks to our High Commissioner, but either he is incapable of giving effect to them, or he does not want to do so. Probably, it is the former.

4. I am prepared to discuss any matter with him. But it is clear that so far as Kashmir is concerned, there is not much room for us to vary our position. As for canal waters, and the evacuee property problems, we have suggested every kind of approach, including some kind of arbitration and reference to an international court. They have been rejected. I am prepared to discuss those fully. He should understand, however, that the East Bengal problem is not a minor one so far as we are concerned. It is, for the present, the most important issue we have to face vis-a-vis Pakistan.

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* His message to Nazimuddin referred to the deteriorating communal situation in East Pakistan.
A. Note Verbale of the Indian High Commission in Pakistan to the Pakistan Ministry of Foreign Affairs regarding statement in the Pakistan Parliament by M. A. Gurmani about alleged threat to Bhawalpur from India.

Karachi, January 15, 1953.

Office Of the High Commissioner For India In Pakistan
Jahangir Sethna Road, New Town, Karachi – 5.


The High Commission for India in Pakistan presents its compliments to the Government of Pakistan, Ministry of Foreign Affairs & Commonwealth Relations, and has the honour to draw their attention to the following extract from a statement made by the Hon’ble Mr. M.A. Gurmani in the Pakistan Parliament on 17th November 1952, while speaking on the Bill further to amend the Restriction and Detention Ordinance, 1944, as appeared in the Dawn dated 18th November 1952:

“We were completely isolated and Bahawalpur was on more than one occasion threatened by the Indian authorities of even aggression and of even sending their forces, and my reply to them was — and all these things are on record, I am not saying anything which I cannot substantiate — my reply to Pandit Nehru was that if a single Indian troop enters the soil of Bahawalpur, I will take it as an act of aggression and I shall deal with it with the limited resources that I have as much”.

This High Commission is instructed to point out that what the Hon’ble Mr. Gurmani has said is not correct. There was no question at any time of India taking any action in regard to Bahawalpur. In fact, the Hon’ble Mr. Gurmani himself approached the Government of India on the 14th August 1947 for a Standstill Agreement. The Government of India were clearly of the opinion that Bahawalpur would naturally be associated with Pakistan and, therefore, the Government of India were reluctant even to enter into a Standstill Agreement. The Hon’ble Mr. Gurmani has said in his statement that he is prepared to substantiate his statement. The Government of India would be glad if he did so.
The High Commission would appreciate an early reply in the matter.

The High Commission avails itself of this opportunity to renew to the Government of Pakistan the assurances of its highest consideration.

Ministry of Foreign Affairs & Commonwealth Relations,
Government of Pakistan, Karachi.

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B. Letter of the Indian Deputy High Commissioner in Pakistan
J. K. Atal to the Indian Ministry of External Affairs regarding
the alleged accusation by M. A. Gurmani of India
threatening Bhawalpur.

Karachi, February 11, 1953.

High Commissioner For India In Pakistan

D.O. No. 2 – DHC. 53. Gen. February 11th 1953

Subject: Statement made by Mr. Gurmani in the Pakistan C. A. on
November 17, 1952, about Bahawalpur.

Please refer to my letter of even Number dated February 7, 1953, to Akhtar
Husain, a copy of which was forwarded to you with a covering letter by the
High Commissioner.

I was summoned to the Foreign Office yesterday by the Acting Foreign
Secretary. He conveyed to me his Government’s displeasure at what he
considered “rude correspondence” in this case as well as in one or two previous
cases. In this connection, he specially mentioned the protest we had recently
sent to them regarding the language used by the East Bengal Government. He
felt that it would have been better, in the changed atmosphere, to send our
protests in more polite language.

The Foreign Secretary then went on to say that the extract of Mr. Gurmani’s
speech appearing in the Dawn was not the correct version and gave me a
copy of Mr. Gurmani’s speech, which is enclosed. This, the Foreign Secretary
pointed out, was something quite different from what appeared in the ‘Dawn’.

The impression that the conversation left on me was that no notice was taken


of this speech nor any importance placed on it and that there was no intention of maligning India.

In view of this, perhaps, you might like to consider whether any useful purpose would now be served by issuing a public disclaimer of the speech.

Yours Sincerely
(J.K. Atal)

B.F.H.B. Tyabji Esq., ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

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Official version of Mr. Gurmani's speech as given to Mr. Atal

“When I went to Bahawalpur things were not very pleasant. We were completely isolated and Bahawalpur was under the threat of an aggression. There was raids from Indian side backed by forces. We on our own successfully faced these dangers and kept the lifeline of Pakistan open. All these things are on record, I am not saying anything which I cannot substantiate. I openly and clearly told Pandit Nehru and his Government that if a single Indian soldier entered the territory of Bahawalpur, I will take it as an act of aggression and fight it out to the last man. I am glad to say that the soft belly of Pakistan as Quaid–e–Azam described Bahawalpur at that time became Pakistan’s strong fortress”.

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C. Note Verbale of the Indian High Commission in Pakistan to the Pakistan Ministry of Foreign Affairs regarding the statement of M. A. Gurmani about Bhawalpur.

Karachi, March 2, 1953.

High Commission of India In Pakistan


The High Commission for India in Pakistan presents its compliments to the Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations, and has the honour to advert to this High Commission's Note of even number dated 15th January, 1953. This High Commission has noticed with deep regret that in spite of fact that the attention of the Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations, was drawn to a statement made by the Hon'ble Mr. M.A. Gurmani, which was totally unfounded and inaccurate both in purport and in implication, a long time ago, yet the Government of Pakistan have not considered it fit even to express their regret over this. The Government of India have so far avoided issuing a public disclaimer because of their desire to maintain the friendly relations that exist between India and Pakistan. They would have also ignored the statement if it had no public significance. If, however, the Government of Pakistan wish that the false impression created by the statement issued by the Hon'ble Mr. M.A. Gurmani should be remedied only by the issue of a disclaimer, the Government of India may regretfully have to adopt that course.

The High Commission avails itself of this opportunity to renew to the Government of Pakistan the assurances of its highest consideration.

The Ministry of Foreign Affairs & Commonwealth Relations, Government of Pakistan, Karachi

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D. Note Verbale of the Pakistan Ministry of Foreign Affairs to the Indian High Commission in Pakistan regarding M. A. Gurmani’s statement on Bhawalpur.

Karachi, March 16, 1953.

Government of Pakistan
Ministry Of Foreign Affairs & Commonwealth Relations

No. 17 – SS/53. Karachi, March 16, 1953

The Ministry of Foreign Affairs and Commonwealth Relations presents its compliments to the High Commission for India in Pakistan and with reference to their note No.2–DHC–53–GEN., dated March 2, 1953, has the honour to state that when this matter was first brought to the Ministry’s notice the Foreign Secretary invited Mr. Atal, Deputy High Commissioner, personally and explained to him that the report published in the Dawn was incorrect. After seeing the correct official version of the Hon’ble Mr. Gurmani’s speech, of which a copy was given to Mr. Atal, he expressed the view that this should satisfy the Government of India whose primary object was to ascertain the correct version of the report before considering whether a disclaimer was called for.

2. Subsequently, Mr. Atal called again at the Foreign Office on the 17th of February to report that the Government of India’s objection was confined to the marginally noted sentence appearing in the official report of the proceedings of the Pakistan Parliament. He added that he had been instructed to say that no such communication had in point of fact been received by the Government of India from the Hon’ble Minister.

“I openly and clearly told Pandit Nehru and his Government that if a single Indian soldier entered the territory of Bahawalpur, I will take it as an act of aggression and fight it out to the last man”.

3. The matter was, therefore, referred to the Hon’ble Minister and it was subsequently explained to Mr. Rajwade* (in the absence of Mr. Atal from Karachi) on the 20th February, 1952, that when the Hon’ble Minister made this statement in Parliament, he did not mean that he had addressed a communication to the Hon’ble Pandit Jawaharlal Nehru to the effect noted in the margin or had spoken to him verbally but had made this statement at public meetings held in Bahawalpur and the Punjab at the time.

*Note: The question of alleged accession of Bhawalpur State to India erupted once again in 1957, when the Times of Karachi Published a facsimile of a letter attributed to Gurmani and addressed to Sardar Patel in this connection. The Pakistan High Commissioner saw Prime Minister Nehru on March 22, 1958 when the latter gave a true copy of Gurmani’s letter of 14th August 1947 offering to sign a Standstill Agreement with India and to which India did not respond.
4. As the High Commission is well aware it was, and still is, the common practice for political leaders to address each other through public statements. In the circumstances it is not understood what further clarification is required in respect of this matter or how the question of expressing regret or issuing a disclaimer can arise. The crux of the matter is that such a statement was made by the Hon'ble Minister at one or more public meetings held at the time.

5. As regards the statement in the note of the Indian High Commission dated January 15, 1953, that Mr. Gurmani himself approached the Government of India on the 14th August, 1947, for a Standstill Agreement, the facts as stated by him are as follows:-

Immediately before the transfer of power to India and Pakistan, Bahawalpur State along with other States was advised by the Crown Representative to enter into standstill agreements with the Dominions concerned in respect of matters of common concern. The Government of Bahawalpur discussed with the representatives of the Governments of India and Pakistan arrangements for the conclusion of standstill agreements on such matters. While the Government of Pakistan readily agreed to the proposal and concluded a standstill agreement with Bahawalpur State, the representatives of the Government of India insisted that they would only accept the standstill agreement on the standard form which they had prepared for all Indian states, as any exception in the case of Bahawalpur State was likely to create difficulties for the Government of India in negotiating similar agreements with the other States. The Government of India not only did not agree to enter into a standstill agreement with Bahawalpur State on the basis of restricted schedule of subjects containing subjects of common concern, namely (i) currency and coinage; (ii) extradition; (iii) irrigation; (iv) motor vehicles; (v) opium; (vi) relief from double income tax and other arrangements relating thereto; and (vii) existing privileges and amenities enjoyed by the Ruler; but did not even acknowledge the Prime Minister of Bahawalpur State’s letter dated the 14th August 1947 on the subject. A copy of the Prime Minister’s letter to the Government of India which was endorsed to the Government of Pakistan is enclosed for ready reference.

6. The Ministry of Foreign Affairs and Commonwealth Relations hopes that the matter will now be treated as closed as in its opinion any other course will only serve to revive old controversies which should be forgotten.

The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

The High Commission for India in Pakistan, Karachi.
Thank you for your top secret telegram 373 dated 25th January. I shall await your detailed reply to my letter. Meanwhile, I hasten to send you this brief reply.

2. Tomorrow is the anniversary of the establishment of Republic. That day is a great day for us because it means the fulfilment in some measure of what we had long struggled for. The struggle for the freedom of India was a joint struggle of all the communities, Hindu, Muslim, Christian, Sikh and others, who inhabited undivided India in those days. Fulfilment came to us at the end of a long period, but unhappily it brought division and much ill will in its train. We cannot undo history. We must accept it with good grace and try our utmost to put an end to those evil effects of ill will, fear and suspicion that have pursued us these many years.

3. Every thinking person in India desires that the tension between India and Pakistan should end and that the relations of these two countries, which have a long period of a common inheritance, should be friendly and cooperative. Indeed, not only history and tradition but geography demands that. In the world today, so full of fear and talk and preparation of war, it becomes doubly incumbent upon us to try to stop this rot, insofar as we can, and to settle our differences. I am sure that all reasonable people in Pakistan are of the same opinion.

4. I am convinced that war anywhere is a calamity, that a world war will be a disaster of unimaginable proportions, that a war between India and Pakistan would be even worse than normal conflicts between nations because it would have something of the nature of civil war because of our past close associations. Therefore, it becomes incumbent on all of us to avoid this uttermost folly and disaster. I am prepared to do my utmost to this end. I am sure that if we approach this question in the right spirit, we can achieve results.

5. I do not wish to enter into any argument at this stage or to cast blame for anything. But I would beg of you to consider what is so frequently said and written in Pakistan on this subject of war with India. I have drawn your attention to this frequently because it has distressed me greatly. There are constant demands for war against India and newspapers and public statements by

*Nazimuddin had mentioned that India and Pakistan had “so far lived in an almost continuous state of tension and antagonism...and removal of this antagonism is the central problem of statemanship confronting us both.”*
persons presumed to be responsible demand war. I would like you to compare this atmosphere in Pakistan to the one that prevails in India, where there is hardly any reference to these subjects. It is true that a few persons belonging to our Opposition here talk irresponsibly. We have condemned them in public in the clearest language. But, generally speaking, there is no stress or strain in India in regard to Pakistan.

6. In Pakistan, as I pointed out to you in previous communications, responsible persons and great organizations like the Muslim League speak in terms of war. Only recently, your late High Commissioner in Australia and the present Vice-President of the Muslim League has said repeatedly that war is the only solution and that war is very probable in the near future. You can well imagine the reactions to this both in Pakistan and India.

7. You refer to the correspondence I had with your predecessor, the late Mr Liaquat Ali Khan. I would draw your attention to my answers to his letters. We would gladly refashion the world to our hearts’ desires. But our power to do so is limited. Therefore we have to proceed step by step towards our goal. I had suggested the first step, and it was a big step, that both our countries should formally and solemnly renounce any resort to war or armed force in settling our disputes. If we did that, as I earnestly hope that we will even now, that would immediately create an atmosphere which would help in the solution of our problems.

8. I agree with you that there are other applications of force which can be destructive of peace and justice, though nothing can be quite so bad as war**. We should, therefore, avoid such application of force also.

9. On the eve of our Republic Day, I venture to address this appeal to you again.

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** Nazimuddin in his cable had stated that war between India and Pakistan would bring ruin to both and that war was not the only means of settling disputes. He also stated that application of force in settlement of disputes whether by war or by any other means was equally repugnant to him.
Memorandum of the Government of India containing the decision regarding the National Status of officials of the Central Government or of the Provinces who opted for Pakistan in 1947 addressed to State Governments.

New Delhi, February 21, 1953.

No. F. 55/52 – PV. III

Government of India
Ministry of External Affairs

Memorandum

Subject:- National status of officials of the Central Government or of provinces who opted for Pakistan in 1947.

The Government of India have given careful consideration to a number of representations received from officials, who had opted for Pakistan in 1947, to the effect that, notwithstanding their option for Pakistan and subsequent residence in that country, they should be deemed to have continued to remain citizens of India. The conclusions of the Government of India on this question are as follows.

2. Any claim to citizenship of India has to be decided, pending the enactment by Parliament of any further law on the subject, by reference to Articles 5 to 10 of the Constitution of India. Articles 6, 8, 9 and 10 either do not apply or do not assist in regard to the matter under consideration. With regard to Articles 5 and 7, the Government of India are advised that –

(a) With regard to the requirement of Article 5 that the applicant should have been domiciled in India on the date of commencement of the Constitution, having regard to all the circumstances it must be presumed that Pakistan optees, having signified their intention to transfer their allegiance to the new State and their fixed intention to reside in that State for an indefinite period, must be presumed to have transferred their domicile to Pakistan. This presumption is, however, rebuttable; and

(b) Even if domicile in India on 26th January, 1950 can be proved, an optee must be presumed to have migrated to Pakistan within the meaning of the main or enacting clause of Article 7 and unless saved by the proviso to that Article, is excluded thereby from citizenship of India.

The legal and constitutional position therefore is that officials who opted for Pakistan in 1947 cannot be held to be nationals of India under the provisions of the Constitution.
3. From the political point of view it would be some advantage to India if there were persons in the service of the Government of Pakistan who have strong ties with or friendly feelings towards India. It is obvious that the attitude of a Pakistan official who is an Indian national and whose ultimate interests lie in India, would be entirely different from that of one who had no surviving links with or interests in India. There would also be economic advantages to India; apart from humanitarian considerations. In view of this, while in general this matter must be governed by the legal and constitutional position set forth in the previous paragraph, the Government of India would be prepared to consider individuals specially sponsored by State Governments for this purpose.

4. A person will be entitled to special consideration only if he satisfies the following conditions:

(a) The State Government is assured of the applicant’s good faith, value and friendly feelings towards India, and is satisfied about his character and antecedents. In this connection special consideration may be given to any services rendered by the applicant to the minorities in Pakistan.

(b) The recognition of Indian citizenship of the applicant will not in any way affect the pool of evacuee property in India. It should, however, be borne in mind that property in West Bengal, Assam and Tripura does not fall in the pool, and, therefore, this condition can be held to be satisfied regarding those Pakistan optees whose property lies only in these States. As regards those whose property lies in other States in India and is vested in Custodians of Evacuee property, the Government of India wish to avoid any action which would complicate the administration of such property or its ultimate disposal. Such persons must, therefore, normally be ruled out, but in very exceptional circumstances the Government of India might agree to the acknowledgement of his Indian nationality and the issue of an Indian passport to the applicant on receipt from him of a written waiver of any claim for the restoration of his property merely on the grounds of the recognition of his Indian citizenship.

(c) There is proof of a desire to keep up ties and links with India, e.g. the fact that the wife and/or children of the applicant have continued to stay in India, for whom he has continued to maintain a dwelling house in India. Continued payment of income tax or other taxes in India will create a strong presumption in favour of the applicant. Similarly the enrolment of the wife and/or children of the applicants as electors during the last elections would also constitute a presumption in favour of the applicant.

Persons who satisfy the above conditions or whom the State Government considers to be exceptional may be sponsored with full particulars, to the
Ministry of Home Affairs. That Ministry will then come to a decision in regard to them taking into account all factors, political, social and economic.

5. The Government of India understand that a number of Pakistan optees serving in East Pakistan resigned their posts and returned to their homes in India before the 15th October, 1952. Although such resignation and return to India does not in itself affect the constitutional position regarding their national status, the Government of India consider that it will involve hardship if such persons, who have proved their strong interest in India by resigning from their posts, were to be compulsorily treated as Pakistan nationals. It is, therefore, suggested that such persons need not be treated as Pakistan nationals, nor registered as such. They may be allowed to remain in India with an undefined national status until such time as they re-acquire Indian nationality under the provisions of any citizenship law which may be enacted by Parliament.

(Y.K. Puri)
Deputy Secretary
to the Government of India

0099. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Khwaja Nazimuddin.

New Delhi March 15, 1953.

My dear Khwaja Nazimuddin,

I must apologize to you for the delay in answering your letter of the 28th January 1953. That delay was caused because you had referred in your letter to a number of incidents and I had to make enquiry about them from the persons concerned. I have now received replies from our Minority Minister, Shri C.C. Biswas, from the Chief Minister of West Bengal, as well as from others, in regard to these incidents. I do not propose to burden this letter with a detailed reply in regard to these matters. But, as the information conveyed to you has been manifestly wrong in some respects, I am sending separately a note about these incidents.

2. Since I received your letter, we have exchanged telegrams. Those telegrams have, in part, dealt with the matters contained in your letter.

3. I do not think it will serve any useful purpose for me to send you an argumentative letter dealing with the major points in issue between India and
Pakistan. We know, more or less, our respective positions and, unfortunately, they differ. I am not interested in a lawyer’s or a politician’s argument. I am interested in solving these problems and in putting an end, insofar as I can, to the disputes that have embittered relations between India and Pakistan to their mutual disadvantage and injury. I have no doubt that this can be done, provided we approach these questions with a fixed determination to solve them. It is obvious that neither India nor Pakistan stands to gain by tension and conflict between them.

4. It is true that some of these disputes deal with matters of national interest and sometimes these interests conflict. Hence the difficulty in solving them. Nevertheless, we should be far-seeing enough to realize that this continuation of tension is bad for all concerned.

5. I am quite sure that the vast majority of the people, both in India and Pakistan, would welcome a solution of our problems. When we are fortunate enough to bring this about, a burden would be lifted from them. It is also true that there are some people both in India and in Pakistan who are narrow and bigoted in outlook, and who prosper in an atmosphere of hatred and conflict. They generate a lot of heat. But what I had ventured to point out to you previously is this: No responsible person in India connected with the Government of India or outside it, encourages these tendencies or makes statements in the public press or otherwise which encourage communal passions and the tension between the two countries. What has pained me is that responsible persons in the highest positions in Pakistan constantly indulge in attacks on India, in veiled or open references to war, and, in general, keep up this unfortunate tension. Neither you nor I can control all our people or stop all mischief-makers, but we can work earnestly and even effectively as Governments and as responsible persons to minimize and put an end to these wrong and harmful tendencies. I regret that the impression I have gained is that leading and responsible persons in Pakistan do not function in this way. I am stating this not with a view to blame, but as a fact which should be borne in mind in order to understand our present difficulties.

6. As a Government, we have set our face against communalism. I do not deny that communalism exists in India, but we fight it with all our strength and succeed in keeping it in check. But I regret to note that the policy of the Pakistan Government is different.

* Nazimuddin had stated in his cable of 28 January 1953 that mere expression of desire to settle Indo-Pakistan disputes peacefully or condemnation of war talk would not “take us very far until we remove the causes of the bitterness... This can only be done if we find an effective method of ensuring that disputes that now divide us and create bitterness among our people will be peacefully resolved.” He appealed to Nehru to consider “our proposals in that behalf or if they are not acceptable, favour me with your suggestions as to an alternative method of settling our disputes.”
7. I have no doubt that the vast majority of the Indian people desire a friendly understanding with Pakistan. I have equally no doubt that the great majority of the people in Pakistan have a like desire. It is a natural desire and a right one, for our main problems are economic problems and we can help each other greatly in solving them if we cooperate.

8. I had suggested a “No-War Declaration” by both our Governments because I am convinced that that by itself would go a long way in lessening the tension between our countries and in producing an atmosphere which would facilitate our coming to grips with and solving our problems. Unfortunately, you have not thought fit to accept this proposal for the reasons you have stated**. Those reasons do not convince me. In any event, so far as we are concerned, we have unilaterally made that “No-War Declaration” in regard to Pakistan, and we shall hold by it.

9. I am convinced that a solution of our problems will not come through the agency of any outsider, but by our facing them directly. I am prepared to do that in regard to each one of our problems without any previous commitments or limitation.

10. There has been a great deal of talk and wholly unjustified criticism in Pakistan on the canal water issue. This is being dealt with through the good offices of the World Bank. I am prepared to continue that and arrive at a settlement that way. If a direct approach is preferred, I shall accept that too. You will recollect my previous proposal, which did not exclude a reference to a mutually agreed international authority if necessity arose for that. But surely, the right course would be for us to deal with it directly. If we fail in any particular matter, we can then consider the next step.

11. The Prime Ministers’ Agreement of April 1950 brought great relief to our countries. I would be agreeable to a review of this agreement, so that its practical working may be improved, and such other measures might be taken to give the minorities a feeling of full security and partnership in the political and economic life of their respective countries.

12. In regard to trade and commerce also, we are perfectly prepared to discuss these questions with you. I believe some such step is being taken.

13. If you are agreeable, details of how these issues can most conveniently be dealt with could be worked out jointly by our two Foreign Offices for our consideration. In the same way, we may take up other issues later on.

** Nazimuddin declined the offer of Nehru to make a no-war declaration jointly with him, because, in his view, such a declaration had no value unless it was linked with the settlement of Indo-Pakistan disputes.
14. Ultimately, all these approaches depend on two factors—an earnest desire to find a way out and an acceptance of the *bona fides* of the other party. I can assure you, in so far as we are concerned, that we have that earnest desire and are prepared to consider all these questions in all friendliness.

Yours sincerely

Jawaharlal Nehru

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0100. Extract from the Statement by Prime Minister Jawaharlal Nehru in the House of People (Lok Sabha).

**New Delhi, March 17, 1953**

* * * * *

Then again, an honourable Member, getting angry with Pakistan for what it has done, said that we should cut off diplomatic relations. How exactly that helps us is not clear to me. It may result in the exact opposite of what that Member possibly thought. This question of Pakistan has been discussed here on many occasions. I should not like to take up the time of the House much with it. But, I should like to say a few words about the general approach to this question, because we are accused of appeasement and not being stern and strong enough. Whenever we have asked as to how we can show strength, some suggestions have been made, which appeared to me then, and which appear to me now, as totally impracticable and undesirable as this suggestion about breaking off diplomatic relations.

Look at the picture of Pakistan today. What is happening there, in West Punjab especially and to some extent elsewhere? It is not a pleasant picture*. I am not concerned with their arguments there as to who is right as it is none of my concerns to interfere there. But, that picture is interesting from two points of view to me. One is that if we in India fall a prey to that narrow bigoted outlook which prevails in

* Demonstrations against the Ahmadiya community, an Islamic reform sect, were quelled in Karachi on 1 March 1953, but continued in West Punjab where 12 deaths were reported in the first week of March. The rioting broke out after the Government refused on 26 February a demand by the Al-Muslim Parties Convention for (1) the relegation of the Ahmadiyas to a minority status; and (2) the resignation of the Foreign Minister, Mohommed Zafrullah Khan, a member of the community. Police in Karachi arrested 300 demonstrators between 27 February and 1 March before rioting subsided. The West Punjab Government, on 28 February, banned the publication for one year of the Ahmadiya papers *Al-fazl* and *Azaq*, the extremist Ahrar organ.
Pakistan, we shall also equally suffer. It is well to remember that. Because, it is the same type of mind, although it may use different words, and different slogans, the same narrow bigoted type of mind which has brought Pakistan to this difficult pass in which it is today, politically, economically, in every way.

I have ventured to suggest to this House in the past that we must not mix up the Government or the governmental policy of Pakistan with the people of Pakistan. The people of Pakistan only a few years ago were the people of India. There is not much difference between them and us, and their failings or their virtues. And if, after the Partition, horror overtook us, it overtook us in both places, and both places had plenty of misbehaviour, to use a very mild word. Geography has thrown us together even though—whether it is due to our mistakes or folly, if you like, whatever it may be due to, or to circumstances—we parted. Nevertheless, they are there as our neighbours, and there they are going to remain.

Therefore we have to think of any policy that we may have to pursue, not in terms of the anger and passion of today, but looking a little further ahead, just as, if I may refer to something entirely different, if we have to think of any policy that we may have to pursue in regard to the Chinese State, we have to remember that we have a frontier of roughly 2,000 miles with them, and we are neighbours today, tomorrow and in the future. Therefore, whatever other countries do, whatever policies they may have—and I am not going into that question—we have to consider our policy in regard to China remembering not only whatever past we may have had, but the present and the future, that we have to live together in peace and friendship and, I hope, cooperation.

Coming back to Pakistan, we have to look a little ahead and not be swept away by the passion of the moment or by some ill-deed that we hear about from there, and thereby adopt policies which may bedevil us in the future. We have to solve this problem of India and Pakistan. It is better to solve it at leisure than to break it in haste. It is a difficult problem. Almost every problem is a difficult problem in the world of today.

11. The Indian and Pakistani Residents Citizenship Act of 1949 enacted by Parliament of Sri Lanka removed names of voters of Indian origin from the electoral registers but laid down that those Indians who would apply for Sri Lankan citizenship before August 1951 would be eligible for voting. However, only a small number of total applications submitted by Indian settlers could be dealt with before the May-June 1952 elections. The Act of 1949 laid down that an applicant, as proof of his intention to make Sri Lanka his home, should have his wife and dependents “ordinarily resident” with him—a requirement which was interpreted by the Commissioner of Registration in such a manner that only a few Indian settlers could become eligible for citizenship.
0101. TOP SECRET

Letter from High Commissioner for India in Pakistan Mohan Sinha Mehta to Commonwealth Secretary, Ministry of External Affairs B.F.H.B. Tyabji.

Karachi, April 3, 1953.

No. HC/53/PMC. April 3, 1953

High Commissioner for India
“Valika Mahal” Jahangir Sethna Road, New Town, Karachi

Subject: - Settlement of Indo – Pakistan disputes

My dear Badr,

Yesterday’s Bag brought your Secret and Immediate letter No. CS (T)/171 of 2nd April, 1953. In the meantime you may have received my telegram which was dispatched earlier yesterday.

Now that the good effort has been set on foot, it is desirable to pursue it with sincerity and earnestness. So far the response from the Pakistan side is also encouraging. We should pursue this matter in the spirit of our Prime Minister’s letter to Khwaja Nazimuddin, dated the 15th March, remembering “that this continuation of tension is bad for all concerned” and that we are “interested in solving these problems and putting an end . . . . . . to the disputes that have embittered relations between India and Pakistan to their mutual disadvantage and injury”.

The point contained in the 2nd paragraph of your letter is indeed important. For such negotiations to yield success it is necessary to bear in mind the natural psychological point of offering something to Pakistan which is almost as important and substantial for them as we might expect them to concede to us. On our side the review of the Prime Ministers’ Agreement on Minorities and a satisfactory working of that Agreement in its proper spirit would be a very good objective. From the point of view of Pakistan the one and most important subject is Kashmir. They are most impatient to try and reach a settlement with India on that issue. But I do not know whether anything is possible in the present circumstances to reach an understanding with them on this complicated issue.

There are, however, a large number of minor matters. Some of them do not appear to be very important when placed alongside with Kashmir and Canal Waters disputes. But a satisfactory settlement on them followed by an equally sincere implementation of the same would come as a great relief to a large
number of people in both the countries. I am thinking of such things as pension claims, Post Office accounts, movable property and liberal facilities for travel etc.

In any case, the idea of attempting to bring about an overall settlement of outstanding complaints and disputes has already been conceived and set in motion. It would be unfortunate and indeed undesirable if we on our side were suddenly to show any coldness or indifference. Therefore, we should pursue the matter on the lines you have adopted, namely, holding the inter-departmental meeting as indicated in paragraph 6 of your Circular Letter to the different Ministries of the Central Government and then meeting one or two representatives of Pakistan Foreign Ministry to draw up an agenda for the proposed official meeting of the representatives of the two countries. This preliminary meeting which should be held within a week or ten days from now, should give you an excellent opportunity for sounding the Pakistan side. You would then know how their mind is working, to what extent they are keen to reach a full-scale settlement and what would be their expectations in the matter. If the preliminary meeting for drawing up the agenda and settling the procedure for future meetings turns out to be successful, that would be a hopeful indication for further discussions. I trust you agree with my view. If anything else occurs to me later, I shall write to you or send you a telegram. I am hoping to meet Akhtar Husain this evening and again tomorrow morning. I shall send you a telegram only if I find any fresh indications or developments.

In the meantime I hope to receive your reply to my telegram of yesterday as soon as possible.

Yours sincerely

(Mohan Sinha Mehta)

B.F.H.B. Tyabji, Esq., I.C.S.,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.
My dear Khwaja Sahib,

Thank you for your letter of March 28th*. I received it last night on my return from a tour of our frontier with Burma. I hasten to reply to it.

I have already told you that I am prepared to discuss any subject of dispute or common concern between India and Pakistan. I am convinced that the right approach to any problem, between two nations is for them to deal with each other directly and not through intermediaries. After all we know each other and understand each other much better than any foreigner can do. If others intervene, then the direct link is lost and there is a tendency for either party to function as advocates of a cause. That is hardly becoming for self-respecting and independent nations.

It is true that some of our problems have become very complicated and what might have been easy at an earlier stage is more difficult today. This is so not only because of the complexity of the problems, but also because of the emotions roused in regard to them. Passions and emotions do not yield to logic or calm reason. Nevertheless, the only approach is that of logic and calm reason and that approach can only be made directly. The overriding fact is, and every sensible person must necessarily recognise it, that it is in the highest interest of India and Pakistan to cooperate in the largest measure possible. That cooperation can only take effective shape when the problems that beset us are put away and solved, or, at any rate, we go some long way towards their solution.

We must realise that the solution may not be easy or quickly arrived at because of the past background. But if we are determined to find a solution, I have no doubt that we shall find it, even though that may not be at the first attempt.

You refer to the Canal Waters dispute and to the good offices of the World Bank in this connection**. I would have preferred this, as other matters in issue, to be decided by us directly. But since the World Bank has been good enough to interest itself and give us help, I welcome it and I hope that this will lead to

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* The Pakistan Premier had referred to the Canal Waters dispute, a review of Prime Ministers’ agreement of 1950 and matters relating to trade and commerce between the two countries, and had proposed an early meeting with Nehru to discuss these issues.

** Referring to the Canal Waters dispute, Nazimuddin wrote that the immediate problem was to devise measures, which would ensure the maintenance of existing uses, as agreed to by both the parties, based on the World Bank’s proposal of 13 March 1952.
an understanding. We have agreed that existing uses will be continued so long as we are continuing these discussions with the World Bank, which, we hope will result in a satisfactory solution. We shall abide by that agreement and assurance. You refer to some kind of procedure for verification#. We have in fact appointed a special Commissioner on behalf of the Government of India to see to it that full effect is given to our assurance. If, at any time, you have the slightest doubt in this matter, I invite you to refer it to me, as I am taking personal interest in this question. I am sure, however, that there will be no occasion for your doing so.

While we welcome the good offices of the World Bank in this connection and will cooperate with them to the fullest extent to find a solution, I would not welcome any Inspectors or others of the World Bank to interfere with this matter. That is unbecoming for an independent nation. Indeed, we will have no objection to explaining anything to you or to your representatives at any time so that you can satisfy yourself.

You refer to the Kashmir dispute@. It is true that this dispute has embittered relations between India and Pakistan and the sooner it is resolved, the better it will be. I am perfectly prepared to discuss this with you. Indeed, I am convinced that a real solution can only come by mutual agreement and not by any attempt at imposition by any outside party. You will appreciate, however, that, both under our Constitution and for other obvious reasons, the Government of Jammu and Kashmir State has a very large say in this matter and we have to consult it in regard to any step that might be taken. However, I am perfectly prepared to discuss this subject with you.

During my absence from Delhi, I find that some telegrams have been exchanged between your Government and mine regarding a conference at official level between our respective representatives. I welcome this conference, and I hope they will discuss many matters that are unresolved still. I am told that it has been suggested on your Government’s behalf that the officials should discuss the Kashmir issue also. I have no objection to their discussing this or, any other issue, but it is obvious that much progress cannot be made at an official level in regard to the Kashmir issue.

You have been good enough to invite me to visit Karachi to meet you there. I

# Nazimuddin had written that the Bank was trying to establish a procedure for the verification of water discharge data so as to obviate any fear of reduction of supplies. He was convinced that if a satisfactory procedure was devised, it would lead to the solution of the problem.

@ Nazimuddin had written that Kashmir remained the most contentious issue between the two countries and had suggested that the two Prime Ministers should meet at an early date for that purpose.
would gladly avail myself of any opportunity to meet you and to discuss matters with you. But I find it exceedingly difficult at present to fix up any such meeting outside Delhi. Our Parliament is meeting from day to day and this casts a heavy burden upon me. In addition to this the new developments in the international situation concern us, in many ways, rather intimately, and I have to give constant thought to them with a view, sometimes, to action being taken. From now on till the time I leave for London I am almost completely booked up with important engagements and I do not quite see how to do away with them. Secretary Dulles of the USA is coming here as he is going to Pakistan. Mr Adlai Stevenson is also coming here. I have promised some visits to our scarcity-stricken areas in the south and the working out of our Five Year Plan and Community Projects scheme is of vital importance and I am deeply committed to them.

You will appreciate my difficulties. Nevertheless I am eager to meet you. There is no point in my going to Karachi for an odd day. I must find at least three or four days and for the present I do not see my way to them. I shall, however, consider this matter further and see what can be done. In any event, it would be better to have the conference of officials as early as possible and then decide as to what further step we might take.

With kind regards,

Yours sincerely,

Jawaharlal Nehru

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0103. Telegram of Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Khwaja Nazimuddin

New Delhi, April 13, 1953.

I am surprised to read in Pakistan newspapers that I have objected to discussion of Kashmir and Canal waters questions with you*. As you know I have repeatedly made clear that I am prepared to discuss every issue with you and that further our officials also can discuss every issue. I do not understand therefore why these completely false statements are appearing in the Pakistani press and why the Pakistan Government does not contradict them as being wholly untrue.

I must express my regret also at the continuing attacks on India by responsible Pakistani Governors and Ministers**. This is hardly a suitable preparation for friendly talks. So far as we are concerned, we are always prepared to consider any matter affecting India and Pakistan in a friendly and cooperative spirit. You should yourself make it perfectly clear to press and public in Pakistan what our attitude is in this matter and that we have never refused discussion on any subject.

* On 12 April 1953, Dawn reported that Nehru had “refused to discuss the Kashmir issue and the Canal Waters dispute with Nazimuddin.

** Responsible Pakistan Politicians like Abdur Rab Nishtar and F.K. Noon had been indulging in India-baiting and talking of an impending war to sort out various problems between India and Pakistan.
0104. Letter of Prime Minister Jawaharlal Nehru to former Governor General of India Lord Mountbatten.

New Delhi, April 19, 1953.

My dear Dickie,

You must have been surprised to read of the extraordinary developments in Pakistan*. The whole thing is rather Gilbertian. On Jinnah’s death, Nazimuddin becomes Governor-General. On Liaquat Ali’s death, Nazimuddin appoints himself as Prime Minister, which was rather odd constitutionally speaking, and makes Ghulam Mohammed the Governor-General. And now, Ghulam Mohammed dismisses Nazimuddin with little ceremony and almost at a few hours’ notice. Nazimuddin goes on protesting that he will not resign and that he still continues as Prime Minister de jure.

The fact of the Matter is that hardly any constitution functions in Pakistan and it is all palace politics and palace intrigues, without a palace. Some time back, Zafrullah Khan said that Pakistan was a part of the Middle-East. Geographically, that was far from correct, but it has proved to be correct in another sense, i.e., the politics of Pakistan are similar to the politics of the Middle-Eastern countries ... A number of unscrupulous persons control the destiny of this unfortunate country (that is, Pakistan) and I do not quite know where they will take it...

Yours

Jawaharlal

* Nazimuddin and his cabinet had been dismissed by Ghulam Mohammed, the Governor-General, who invited Mohammad Ali Bogra to form the new Government.
SECRET

Letter from the Commonwealth Secretary, Ministry of External Affairs B.F.H. B. Tyabji to High Commissioner for India in Pakistan Mohan Sinha Mehta.

New Delhi, April 21, 1953.

No. CS (T)/171

Ministry of External Affairs
New Delhi

2nd April, 1953

Subject: Settlement of Indo – Pakistani dispute.

My dear High Commissioner,

You must have seen the telegram which I sent to Atal (Dy. High Commissioner) yesterday. I now enclose a copy of a note (not included here) which I have had distributed to the various Ministries of the Government of India for the forthcoming Conference with Pakistani officials.

2. You will note that there is not much that we can do on at least two of the three items which we had originally considered for discussion. There is also the difficulty that on most of the items for discussion that we can think of with Pakistan, it is the Government of India which has to make Pakistan concede to their point of view, and therefore a settlement of those issues is not likely to bring any kudos to the Pakistan Government. From our reading of the situation in Pakistan it will be difficult for the Pakistan Government to come to agreement with the Government of India on issues about which they themselves do not feel very strongly, and on which they are unable to obtain concessions which the Pakistani public would value greatly. It is therefore important, before we come to a decision on the Agenda of the proposed Conference, that we should know that the Pakistan Government is keen on obtaining from this Conference or Conferences. If we knew that, it may be possible for us to adjust the concessions that we hope to obtain from them with those which we may be willing to offer them. That would be the surest method of ensuring the success of the Conference and of reducing the tension between the two countries.

3. I should be grateful if you would kindly give urgent thought to this matter, and attempt to obtain as much information about it as is forthcoming from responsible persons in Pakistan, and let me have your views as early as possible.

Yours sincerely,

(B.F.H.B. Tyabji)

Dr. Mohan Sinha Mehta,
High Commissioner for India, Karachi.
0106. **Letter from Prime Minister Jawaharlal Nehru to Pakistan’s new Prime Minister Mohammad Ali.**

**New Delhi, May 7, 1953.**

My dear Prime Minister,

Thank you for your letter of April 25. I was on tour when it reached Delhi and hence some delay in my answering it. I find that you are now touring in East Bengal. As I indicated to your predecessor, Khwaja Nazimuddin, I would be happy to discuss any of the matters in issue between our respective countries. It appears to be clear now that no such meeting is feasible before you and I go to London. We shall of course meet in London and I hope that we may have an opportunity there for at least a brief talk. But that is hardly a suitable place for any long discussions. We shall, therefore, have to meet later again.

But it would be desirable for a meeting at official level to take place as early as possible. You refer to officials meeting and working out an agenda and the procedure to be followed in dealing with it. I do not quite know why it should be necessary to take so much trouble over an agenda. No formal agenda is necessary in our meeting, and, even if it is necessary, it can be written without much trouble. I was hoping that our officials could meet as early as possible not merely to discuss preliminaries but to consider many matters. I still hope that this would be possible. Indeed it seems to me that such an official meeting is a desirable preliminary to our meeting. With all good wishes,

Yours sincerely

Jawaharlal Nehru

0107. **Letter of the Indian High Commissioner in Pakistan Mohan Sinha Mehta to the Indian Ministry of External Affairs regarding anti-Indian propaganda in Pakistan.**

**Karachi, May 12, 1953.**

High Commissioner For India

“Valika Mahal” Jahangir Sethna Road, New Town Karachi – 5,

D.O. No. HC/53/UPB/74. 12th May 1953

Subject: Anti – Indian propaganda in the Pakistani Press.
My dear Badr Tyabji

Your Secret letter No. P.III/53/55615/2, dated the 7th May was received here by the last Bag.

2. If, as suggested by you, we send a formal official note from the High Commission to the Ministry of Foreign Affairs and Commonwealth Relations of Pakistan, we know what will happen. After a week we shall receive a two line acknowledgment and perhaps after a period of anything between three to six months we shall receive a reply which will contain a long list of quotations from the Indian Papers like ‘Milap’ and ‘Tej’ and some others in Calcutta which would bear comparison with the foul and poisonous writings of the Lahore Paper Waqt. So, you will see that we shall have neither the advantage of any improvement that we desire nor even the moral effect of making them feel sorry for what is being written by some Papers in Pakistan. May I follow on this occasion another course which would perhaps be more direct and efficacious. I shall send the extracts contained in your Draft Note with a short covering letter to Shoaib Qureshi in continuation of what I told him yesterday. He is, as you know, the Minister for Information and Broadcasting now. This will also fit in at this time, because he gave me several examples of newspaper writings in India (Delhi, East Punjab and Calcutta) which published utterly false statements and anti-Pakistani sentiments. Among the examples he cited, I may mention two here:

(a) A Hindu was obliged to invite a large number of Muslims in East Bengal. The latter then killed a calf at the Hindu’s house and forced him and his family to eat the beef which was cooked on the spot. This news was baseless.

(b) Reports were published of the demolition of two temples in a village (also of East Bengal). The fact is that the two temples are still there and worship in them is going on. He also referred to the writings in the Press against the Muslims, their religion and urging the Government of India to march their Armies on Pakistan.

A D.O. letter to the Minister of Information may perhaps have some good results of which our past experience does not hold out any hope if a formal representation were made.

3. I do not mean that formal protests and expressions of our annoyance should not be made against the offensive and aggressive statements or writings. That method cannot be ruled out. But every time the method and occasion of our reactions should be considered. This is not a very good occasion for provoking a wordy battle on a subject in which the batteries on both sides have plenty of ammunition and are capable of holding their ground for a long time. We have recently had friendly gestures put out by the Leader of the New
Government of Pakistan. No reason so far has shown itself to doubt the spirit or genuineness of those utterances. The two Prime Ministers are in correspondence with each other and the officials of the Pakistan Foreign Ministry are at this time sitting with you to draw up an agenda for the discussions between the two Governments on all important matters of differences and disputes between the two countries. In this atmosphere to shoot out this protest on a subject which is kept alive by the bigoted Newspapers on both sides seems to me to be somewhat inappropriate.

4. I shall await your reply before taking action on your letter. I hope you do not mind my writing to you frankly on this subject.

With kind regards,

Yours Sincerely

(Mohan Sinha Mehta)

P.S. In this connection you may perhaps like to see a letter which was received here from the Ministry of Foreign Affairs and Commonwealth Relations, Pakistan Government. It should have gone to our Ministry of External Affairs a few weeks ago, but they could not send it earlier, because one of the letters to which a reference was made in that Note could not be traced all these days.

B.F.H.B. Tyabji Esq., I.C.S.,
Commonwealth Secretary,
Ministry of External Affairs, New Delhi.

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0108. Press Information Bureau, Government of India.

New Delhi, May 23, 1953.

(issued simultaneously in Karachi and New Delhi)

PRESS COMMUNIQUE

It has been agreed that the Prime Ministers of India and Pakistan will meet in London early next month. They will have preliminary talks on Kashmir, the working of the Prime Minister’s Agreement on minorities, the evacuee property payment question, and other issues having a bearing on Indo – Pakistan relations. Owing to their other preoccupations it will not be possible for the two Prime Ministers to discuss these matters in detail in London. That will await their return to their respective countries. They will meet again at the earliest
possible occasion and will carry on their discussions for the purpose of arriving at a settlement of all Indo – Pakistan differences.

Meanwhile the Governments of India and Pakistan have agreed to issue a directive to those of their Ministries concerned to take up immediately the outstanding issues between the two countries with their opposite numbers. They will be directed to make every effort, in the light of the improved atmosphere and outlook that happily prevails on both sides, and the earnest desire expressed by the two Prime Ministers, to reach an early, friendly and lasting solution of these differences, so that the two countries may live together as good neighbours and cooperate with each other in all matters of common interest.

**Steering Committee**

In order that the two Prime Ministers may be kept fully informed of the progress made in these discussions it has also been decided to set up a Steering Committee composed of two officials nominated by each Government. This Committee will receive regular reports of the progress made towards settlement of the outstanding issues and will meet from time to time to consider them and to devise ways and means by which any issue remaining unsettled or pending for any length of time or any disagreement that may arise may be resolved to the mutual satisfaction of the two Governments.

The first meeting of the Steering Committee will be held in Karachi soon after the return of the Pakistan Prime Minister from the Commonwealth Prime Minister's Conference in London. In the meantime the Ministries concerned in both the countries will get in touch with their opposite numbers and either by correspondence or by personal meetings will endeavour to settle as many of the outstanding differences between them as quickly as possible.

**Ministry of External Affairs**

New Delhi, May 23, 1953.

* The issue of above communique followed a meeting between Pakistan Foreign Secretary Akhtar Husain and Secretary General, Ministry of External Affairs N.R. Pillai in New Delhi on May 14, 1953 to settle the agenda for a meeting between the Prime Ministers of India and Pakistan in London during the Commonwealth Prime Ministers' Conference.
0109. Extract from a Letter of Prime Minister Jawaharlal Nehru to the Indian High Commissioner in Pakistan Mohan Sinha Mehta.

New Delhi, May 25, 1953.

My dear Mohan Sinhaji,

...I am sending you a telegram about the suggestion of Mohammad Ali that you should also go to London. I do not think this will be the right thing to do. I shall certainly see Mohammad Ali more than once. But it does not help much for us to stay in the same hotel. My programme is terribly crowded and so no doubt will be his. It really is not possible to discuss anything in detail or at length there. All we can do is to refer to various matters and create some kind of a friendly and cooperative approach, which is important. If you go there, these meetings assume a more formal importance and it is presumed that all kinds of details are being discussed. As a matter of fact, neither you nor I can discuss effectively such problems as Canal Waters, Evacuee Property, East and West Bengal, except, in the broadest way."

As for Kashmir, that is very tough and any new approach will require reference to the Kashmir Government. It is best, therefore, for you not to go there.

As for Ghazanfar Ali, we all know him well enough. I do not propose to object to his name. I suppose he will try to carry out instructions given to him. He is pliable enough, but nobody can respect him for his integrity. If Mohammad Ali asks me, I shall be frank with him without being offensive to Ghazanfar Ali*.

Yours sincerely

Jawaharlal Nehru

* Mehta gave Mohammad Ali examples where urgent matters had been held up, such as (a) the agreements reached at the previous Passport Conference at the end of January which had not been ratified, (b) there were serious problems connected with border trade between East Bengal and the adjoining Indian States which caused widespread hardship to the people of that area. Mohammad Ali had indicated that he had selected Ghazanfar Ali as the Pakistan High Commissioner at New Delhi and that he had not yet informed his cabinet colleagues about it and proposed to do so after obtaining Nehru’s reactions. Ali was apprehensive that since Ghazanfar Ali was a member of the Interim Government of 1946 and the relations between the two parties were “not inspired by trust and understanding” then, Nehru might raise some objections to his appointment. Mehta had reassured Ali that so long as Ali had complete trust in Ghazanfar’s absolute “integrity” and “loyalty” to his policy, Nehru would not consider political differences of past as any disqualification.
0110. **Order issued by the Government of India appointing the Steering Committee for the settlement of Indo-Pakistan differences.**

**New Delhi, May 26, 1953.**

In accordance with the procedure agreed between India and Pakistan for the settlement of Indo – Pakistan differences, the Government of India have appointed a Steering Committee composed of:

Mr. B.F.H.B. Tyabji, Commonwealth Secretary, Ministry of External Affairs.

Mr. M.V. Rangachari, Joint Secretary, Ministry of Finance, who is also Joint Secretary in the Partition Secretariat.

The Secretary to the Steering Committee will be Mr. R.F. Isar, Deputy Secretary, Ministry of External Affairs.

The Pakistan Government is also expected shortly to announce the names of officials who will form their Steering Committee.

Each of these Committees will receive regular reports from the various Ministries of their Government of the progress made towards the settlement of the outstanding issues. The two Committees will also meet from time to time to consider these and to devise ways and means by which any issue remaining unsettled or pending for any length of time or any disagreement that may arise may be resolved to the mutual satisfaction of the two Governments.

The first joint meeting of the two Steering Committees will be held in Karachi soon after the return of the Pakistan Prime Minister from the Commonwealth Prime Minister’s Conference in London.

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0111.  

SECRET/IMMEDIATE  

Letter from the Commonwealth Secretary B.F.H.B. Tyabji to the various Ministries of the Government of India.  

New Delhi, May 26, 1953.  

Ministry of External Affairs  
New Delhi  

No. CS (T)/293  26th May 1953  

Subject: - Settlement of Indo – Pakistani Disputes.  

The following joint communiqué was issued by the Governments of India and Pakistan on the 23rd May 1953.  

“It has been agreed that the Prime Ministers of India and Pakistan will meet in London early next month. They will have preliminary talks on Kashmir, the working of the Prime Minister’s Agreement on minorities, the evacuee property payment question, and other issues having a bearing on Indo – Pakistan relations. Owing to their other preoccupations it will not be possible for the two Prime Ministers to discuss these matters in detail in London. That will await their return to their respective countries. They will meet again at the earliest possible occasion and will carry on their discussions for the purpose of arriving at a settlement of all Indo – Pakistan differences. Meanwhile the Governments of India and Pakistan have agreed to issue a directive to those of their Ministries concerned to take up immediately the outstanding issues between the two countries with their opposite numbers. They will be directed to make every effort, in the light of the improved atmosphere and outlook that happily prevail on both sides, and the earnest desire expressed by the two Prime Ministers, to reach an early, friendly and lasting solution of these differences, so that the two countries may live together as good neighbours, and co-operate with each other in all matters of common interest. In order that the two Prime Ministers may be kept fully informed of the progress made in these discussions, it has also been decided to set up a Steering Committee composed of two officials nominated by each Government. This Committee will receive regular reports of progress made towards settlement of outstanding issues and will meet from time to time to consider them and to devise ways and means by which any issue remaining unsettled or pending for any length of time or any disagreement that may arise may be resolved to the mutual satisfaction of the two Governments.
The first meeting of the Steering Committee will be held in Karachi soon after the return of the Pakistan Prime Minister from the Commonwealth Prime Minister’s Conference in London. In the meantime, the Ministries concerned in both the countries will get in touch with their opposite numbers and either by correspondence or by personal meetings will endeavour to settle as many of the outstanding differences between them as quickly as possible.

2. In accordance with this Ministry’s Memorandum No. CS (T) 170 dated the 1st April 1953, Ministries had prepared lists of the more important items which they proposed to suggest for the proposed Indo – Pakistan official Conference. The lists were consolidated and copies handed over to the Pakistani Foreign Office officials who visited Delhi recently to settle the agenda of the forthcoming Prime Minister’s meeting and to evolve an agreed procedure for the consideration and solution of Indo – Pakistani issues. A copy of the consolidated list is attached. (not available) (The Pakistani list has not yet been communicated by them).

3. It was agreed with the Pakistani Foreign Office representatives that the items in this list should be classified as follows:-
   (a) Those which would have to be dealt with by the Prime Ministers.
   (b) Those which the Ministers concerned would have to deal with.
   (c) Those which could be dealt with at an official level.

The items in the consolidated list have been classified accordingly in the margin.

4. The intention is that the items classified as C should be taken up to start with in pursuance of the terms of paragraph 2 of the joint communiqué. Those are items which *prima facie* appear to be susceptible of receiving immediate attention and of a solution. The items classified as B will be dealt with as and when opportunity offers and time permits.

5. Ministries are requested to take up immediately the items classified as C with their opposite numbers either by correspondence or by arranging personal meetings of officers. In thus reopening discussions, Ministries are requested to bear in mind the recent improvement in the atmosphere of Indo – Pakistani relations and the desire of the Prime Ministers that lasting and friendly solutions of difference should be reached.

6. A further communication will be made very shortly about the personnel and functions of the Steering Committee.

(B.F.H.B. Tyabji)
Commonwealth Secretary
Letter from the Foreign Secretary of Pakistan Akhtar Husain, to the High Commissioner for India in Pakistan Mohan Sinha Mehta.

Karachi, May 29, 1953.

Ministry of Foreign Affairs & Commonwealth Relations, Karachi.

No. 5636 – FS/53. 29th May, 1953.

My dear Dr. Mehta,

I have just received your letter No. HC/53/11/135, dated the 28th May, 1953, regarding the progress of the subject – matter of the recent agreement on Indo–Pakistan discussions. We have already circularized the various Ministries etc. of the Government of Pakistan with instruction to examine the list of items supplied by the Government of India and to prepare a similar list on our own side. We have also in hand the question of appointment of our representatives on the Steering Committee but as the Foreign Minister and the Prime Minister are both away at present, it may be some time before we are able to make the announcement. I would, however, like to assure you that we on our side are proceeding with as much expedition as is possible under the circumstances and will continue to do so.

Your sincerely

Akhtar Husain

H.E. Dr. Mohan Sinha Mehta,
High Commissioner for India in Pakistan,
Karachi.

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0113. Telegram of Prime Minister Jawaharlal Nehru to Commonwealth Secretary in the Ministry of External Affairs B.F.H.B. Tyabji regarding the talks held between the two prime ministers.

London, June 16, 1953.

Your telegram 2859 June 15th*. I have had long talks with Pakistan Prime Minister. We agreed to begin with that our talks could only be of a preliminary and exploratory character. More detailed conversations to be followed in India or Pakistan.

We discussed briefly Canal Waters issue, Evacuee Property and East-West Bengal matters. On all these matters his attitude appeared to be cooperative and desirous of settlement. But he was not fully acquainted with details and did not therefore like to be precise and definite. Further consideration therefore was postponed.

So far as Canal Waters issue was concerned we decided to wait for International Bank Conference on this issue and in any event to settle matter between ourselves. In regard to Evacuee Property he was agreeable to a joint high-powered judicial commission, as previously stated by us, to consider this problem. In regard to East and West Bengal he was in favour of further facilities in regard to movement etc. being given and if necessary, abolition of visas.

We discussed Kashmir. Most of the talking was done by me and I pointed out various lines of approach. We did not pursue matter further. Mohammad Ali said that he is very anxious for a settlement but he wanted me to appreciate his position in Pakistan, which was not very strong and had its limitations. He left it to me to make more definite proposals at later stage. Maulana Azad had written to him suggesting our meeting in Delhi. He was perfectly agreeable to this and said that it would help him greatly if previously I paid a brief visit to Karachi even though this was only for one day. I said that I was agreeable to this subject to convenience of date which could not be fixed at this stage. Later he would come to Delhi for a longer period. Please inform Members of Foreign Affairs Committee.

I was naturally handicapped in discussing Kashmir because of present internal conditions there.

* The Prime Minister was replying to Tyabji telegram in which he had informed him that talks between the Secretaries of the two countries were not making progress because it was felt that the Pakistan Prime Minister’s statements in London were not seen as very helpful. So he was anxious to know the trend of talks in London. Later on June 26 on return to India, Nehru told a press conference in Bombay that his talks with Mohammad Ali were indeed friendly but preliminary and would be continued at a later convenient date.
Letter from, High Commissioner Mohan Sinha Mehta to Commonwealth Secretary B.F.H.B. Tyabji.

Karachi, June 28, 1953.

No. HC/53/PMC/194, 28th June 1953

High Commissioner for India
“Valika Mahal” Jahangir Sethna Road, New Town, Karachi, 5.

Subject: Settlement of Indo – Pakistan differences.

My dear Badr,

Please refer to your Secret D.O. No. CS (T)/325, dated the 12th of June.

2. I had the Prime Minister and his wife at dinner at my place day before yesterday. After dinner I took an opportunity of a few minutes quiet chat with Mohammad Ali and put to him to the points urged by you in your letter referred to above.

3. He is very keen that our Prime Minister should visit Karachi as soon as possible, even if it is for a couple of days. If this meeting of the two Prime Ministers at Karachi about which so much has been said is put off, it would cause misgivings and disappointment in the public mind. The proposed meeting of the two Prime Ministers has been the subject of hopeful comments and discussions for the last two months. It would therefore be unfortunate if it was delayed.

4. Moreover, postponement of the proposed talks between the two Prime Ministers is likely to weaken Mohammad Ali’s position and the efforts which were started by him almost immediately after he became Prime Minister. Mohammad Ali thinks that even if Pandit Nehru is not able to stay long and even if the discussions do not reach any conclusions, his visit alone would create a favourable impression and then Mohammad Ali could follow it up by his visit to Delhi a little later. He also told me that he was thinking of going to East Pakistan very soon, but was not in a position to fix the date until he knew when our Prime Minister would be able to visit Karachi. He would prefer going to East Bengal after Panditji’s visit to this place. I do not know what our Prime Minister thinks on this question. There must be a lot of urgent and important work waiting for him after his return from Europe. The Korean question would have high priority in the list of those important matters. Then the All India Congress Committee meets at the end of the first week of July. Is it possible that the Prime Minister could spare two days soon after the A.I.C.C. meeting at
Agra? After taking these factors into consideration, the date for the Prime Minister’s visit to Karachi should be fixed. It is desirable (a) to select a date as early as possible, and (b) to give intimation of that date to the Prime Minister of Pakistan so that he may be in a position to draw up his own programme.

5. I also spoke to the Prime Minister about the slow progress that had been made on the Pakistan side in preparing for the discussions of the various items between the Ministers and Secretaries of the two Governments. He said he was sorry about it and had already spoken to Rahim, the Foreign Secretary, to make things move speedily. I told him that even if the Foreign Ministry were energetic about it, it would make very little difference so long as the other Ministries were not earnest and expeditious in this connection. I suggested that he should also impress upon his colleagues to pursue the matter with zest and not allow time to pass. He liked the suggestion and promised to speak to his colleagues at the Cabinet meeting on Monday, that is, tomorrow. He realized and seemed to be sincere that the discussions of the various subjects should be taken up soon.

6. Now that their Members of the Steering Committee have been appointed (information of which has already been sent to you), will it not be a good thing to call a meeting of the Steering Committee in about a week’s time. If you agree to this, please let me have a telegram so that I could suggest this to Rahim. A meeting of the Steering Committee would provide an opportunity for supporting and strengthening the efforts of Rahim and the Foreign Ministry here in making things move on the Pakistan side. In any case, the Prime Minister’s meeting at Karachi has had such a wide and authoritative publicity that it cannot be put off much longer. For that reason also, a meeting of the Steering Committee at an early date is essential.

7. As things are, the dates both of the meeting of Steering Committee and of the talks at Karachi of the two Prime Ministers should be fixed soon, the former to be a week or so in advance of the latter. As soon as you are in position to know the date of the Prime Minister’s visit to Karachi, kindly send me a telegram and I shall communicate it to Mr. Mohammad Ali. He is expecting this information from us. Subject to the Prime Minister’s convenience, if the date could be fixed about the 10th or 11th of July, it would be a good thing and if this becomes possible, I hope the Steering Committee would meet at the end of the next week, that is 4th or 5th of July.

8. I was myself sorry and surprised to see Rajwade’s telegram to Puri. This telegram was sent without my knowledge. When I saw its copy two days after it had been dispatched, I expressed the same opinion which is contained in paragraph 2 of your letter. It was quite unnecessary to send that telegram and in no case should it have been addressed to Puri.
9. I thank you for your Top Secret letter No. CS (T)/337, dated the 18th of June which contains the gist of the talks between the two Prime Ministers in London.

Yours sincerely
(Mohan Sinha Mehta)

B.F.H.B. Tyabji Esq., I.C.S.,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

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0115. TOP SECRET

Letter from Commonwealth Secretary B.F.H.B. Tyabji to High Commissioner for India in Pakistan Mohan Sinha Mehta.

New Delhi, July 1, 1953.

D.O. No. CS (T)/365,

Subject: - Settlement of Indo – Pakistani disputes.

My dear High Commissioner,


2. The Prime Minister has after his return given me some further account of his talks with the Pakistan Prime Minister in London, the gist of which he had telegraphed from London, and of which I had sent you a resume. There is nothing much to add to it. The Prime Minister’s talks in London were of a general nature and apart from giving them an opportunity of getting to know each other personally and appreciating each other’s point of view, no concrete results were achieved. That we shall have to work out here; particularly through the agency of the Steering Committee. As far as I can see, on the Pakistan side things are still moving very slowly indeed. In order to hustle them, I agree that it might be a good thing to have a meeting of the Steering Committees. If it is convenient to the Pakistan Government, our Steering Committee could fly down
to Karachi on Saturday, the 11th, or Sunday, the 12th, and have meetings with their Steering Committee on Monday, the 13th, and Tuesday, the 14th, returning to Delhi on the 15th. Please let us know urgently whether this would be suitable. Our party would consist of M.V. Rangachari, Joint Secretary (Finance), and R.F. Isar and myself from this Ministry.

3. As you know, we have not yet received a classified list of the disputes to be discussed from the Pakistan Government. They have had our list for over a month now. This is pretty discouraging. It is difficult to foresee exactly what this meeting of the two Steering Committees will do in the circumstances. I presume its main purpose will be psychological: it may also help the Pakistan foreign office to stir up the other Pakistani Ministries. Apart from this, I enclose a list of the items which our Ministries here have already taken up with their opposite numbers in Pakistan, or are on the point of doing so. We should like particularly to discuss these items, and to see whether we cannot make any real headway with them.

4. As was envisaged from the very beginning, it is necessary that there should be a meeting of the two Steering Committees before the two Prime Ministers meet at Karachi. The importance of this is, if anything, emphasized by the results of the London talks between the two Prime Ministers. Neither of them – certainly not our Prime Minister – has the time to go into details of the various outstanding issues, and to resolve them, unless the ground is first fully prepared by the Steering Committees. You should kindly explain this to the Pakistan Prime Minister, adding that our Prime Minister has every intention of coming to Karachi before the next session of our Parliament. Provisionally, you might inform him that our Prime Minister hopes to come to Karachi on about the 25th July for a day or two. This is not an exact date; that will have to be fixed later due to the heavy demands that there are on the Prime Minister’s time after his absence abroad. Every attempt will, of course, be made to inform the Pakistan Prime Minister of the firm dates as early as possible.

5. In the meanwhile, we suggest that determined efforts should be made to expedite the various negotiations under way between the two Governments. We have already asked you to communicate our willingness to ratify the Passport Conference decisions (as now agreed upon by the Pakistan Government) to the Pakistan authorities. We should like to announce this publicly as early as possible. If it could be done before the Steering Committees meet, it would give them a good start off.

6. You will notice as the last item on the enclosed list of items for discussion “Exchange of Enclaves in East and West Bengal”. Regarding this the position is, as you probably know, that the total area of the Indian enclaves in East Bengal is greater than the total area of the Pakistan enclaves in West Bengal
by about 6 sq. miles. The original proposal of the West Bengal Government was that these enclaves should be exchanged, and the Pakistan Government should be pressed to compensate us for the extra 6 sq. miles of territory, by allotting us territory elsewhere. Naturally, this proposition did not appeal to the Pakistan Government; and no progress on those lines was feasible. Now, however, the West Bengal Chief Minister has suggested that the adjustment in territory should be carried out by an adjustment of the boundary line between the two Bengals. This seems to be an eminently reasonable proposition. Dr. B.C. Roy, we believe, has written to the Pakistan Prime Minister about it; we do not know with what result. We should like you to find out informally what the reactions of the Pakistan Government are in regard to it. This should be done as informally as possible, as we are consulting the Defence Ministry about it, and would like to have their views on the suggested boundary adjustment before we take it up more formally with the Pakistan Government. I enclose a copy of Dr. B.C. Roy’s letter dated the 14th May, 1953, to the Prime Minister for your personal information. I shall send you the map mentioned in it later. We are getting copies of it prepared.

Yours sincerely

(B.F.H.B. Tyabji)

Dr. Mohan Sinha Mehta
High Commissioner for India, Karachi

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Letter from High Commissioner for India in Pakistan Mohan Sinha Mehta to the Commonwealth Secretary B.F.H.B. Tyabji.

Karachi, July 7, 1953.

High Commissioner For India
Damodar Mahal,
Karachi-5.

No. HC/53/PMC/211. 7th July, 1953

Subject: Settlement of Indo – Pakistani disputes.

My dear Badr Tyabji,

This is to acknowledge with thanks your Top Secret D.O. No. CS (T)/365 of the 1st July. In the meantime, I have already sent you a telegram and have just now received its reply with regard to the meetings of the Steering Committee. Although Pakistan has lost a lot of time for various reasons which you know, I am glad to find that after Rahim has taken over charge as Foreign Secretary, things are stirring up. With the inspiration that comes from the earnestness of the new Prime Minister and the steady dependability which one sees in Rahim, the future, I think, will not be so depressing as has been the past. When I meet Rahim, I get this impression.

2. He has now been able to shake up the other Ministries and at last they are within sight of the final list of subjects which await discussion and negotiation with their opposite numbers on our side. Final touches are being given to that list which, I understand, is fairly long. They hope to supply me that list by the 10th of July. Immediately on its arrival I shall have it dispatched possibly by a special bag (if it is not a bag day).

3. It is now definite that the Steering Committees would meet on Tuesday, the 14th July, and Wednesday, the 15th July 1953. Please let us know when you propose to arrive here.

4. I shall forward the list of items received with your letter under reply – it contains the items which the Ministries at New Delhi have already taken up with their counterparts at Karachi— to the Foreign Ministry here. It would be appreciated by them. On receiving your concurrence, I shall also send them a copy of the list of headings containing the various items arising from the Prime Minister’s Agreement, particularly with reference to the Hindu minority in East Bengal.

5. We had addressed the Foreign Ministry of Pakistan on the lines indicated by you our willingness to ratify the Passport Conference decisions. They have
now agreed to ratify them on those lines. As regards the date of ratification, executive instructions will have to be prepared and kept ready on both sides to be issued on the appointed date from which the new policy will come into effect, simultaneously on both sides of the frontiers. The Pakistan Government have indicated that so far as they are concerned, it will take a little time, and they will inform us of the suitable date a little later. They are also examining the joint Press Communiqué drafted by you for simultaneous publication at New Delhi and Karachi, and have promised to return it shortly. In the meantime, the Prime Minister of Pakistan wishes to make a few announcements, one at Karachi on the 9th July and three others at Dacca on the 11th or 12th of July. About these I have sent you telegrams, one was dispatched last night and the other has been sent just now. I shall expect your telegraphic reply to them so that it could be conveyed to them. I would suggest that you may also make the same announcement on those subjects in India on the same dates, so that it may be quite clear that what Mr. Mohammad Ali announces is the result of mutual consultation and consent. I shall make this clear to Mohammad Ali also that in his announcement he should state that the agreement reached at the last Passport Conference had been ratified by both the Governments, and not talk of ratification by Pakistan Government only. You also desired that it will be a good thing to make a public announcement of the ratification of the Agreement of the Passport Conference before the meeting of the Steering Committees.

6. With regard to the last paragraph of your letter on the “Exchange of Enclaves in East and West Bengal” I had a brief talk with the Prime Minister. He told me that he had placed Dr. Roy’s letter and the map accompanying it before his Cabinet. The proposal was in principle accepted by his colleagues. He had sent the papers to East Bengal and the Map also has gone with them. I am hoping to meet Mohammad Ali again before he leaves for Dacca. I shall discuss this subject informally again with him. But I understood from him that so far as he and his Cabinet are concerned, the proposal made by Dr. Roy was reasonable and acceptable to them.

7. I shall expect your telegram in reply to my telegraphic messages by tomorrow evening.

Kind regards,

Yours sincerely

(Mohan Sinha Mehta)

No. 24/26/53 – I.P. New Delhi, 10th July 1953.


To: The Secretary to the Government of Pakistan, Ministry of Information & Broadcasting, Karachi.

Sir,

I am directed to refer to your letter No. 13/6/53 – IPICC dated the 11th June 1953 and to say that the Government of India agree to the inclusion of the first item proposed by the Government of Pakistan in the agenda. Presumably, it is intended to discuss the implementation of paragraphs 3 and 4 of Section I of the Indo – Pakistan Agreement of December 1948 and not Sections III and IV with which the Ministry of Information & Broadcasting are not concerned. It would also be convenient to amalgamate both the items into one which, if the Pakistan Government agree, might read as follows:

"Implementation of paragraphs 3 and 4 of Section I of the Indo – Pakistan Agreement of December 1948 and sub-paragraphs (7) and (8) of Section C and Section D of the Prime Ministers’ Agreement of April 1950”.

2. As regards the procedure for dealing with the subject, I am to suggest that it might be discussed, as heretofore, at a meeting of the Indo – Pakistan Information Consultative Committee. If the Pakistan Government agree, a suitable date in August 1953 for a meeting at Delhi may kindly be communicated.

3. With regard to the second item proposed by the Government of Pakistan, I am to invite your attention to our Ministry of External Affairs Memorandum No. F. 16 – 2/51 – Pak. I dated 12th July 1951 to the Pakistan High Commission in India, New Delhi, and to state that the matter has already received due consideration. The frequencies that are registered with the International Telecommunication Union for broadcasting services are meant for specific locations; apart from the technical difficulties of simultaneous use or time –
sharing of frequencies, it will not be in consonance with the basis of registration for India and Pakistan to effect any changes in the notified use of frequencies. It would therefore be appreciated that no tangible results could be achieved by a discussion at the proposed meeting, the item also being outside the scope of the Indo – Pakistan Information Consultative Committee.

Yours Faithfully

(P.C. Chaudhuri)
Secretary to the Government of India

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0118. Minutes of the first Joint Meeting of the Indo – Pakistan Steering Committees held in Karachi on 14th July. 1953.

PRESENT

INDIA                                      PAKISTAN
1. Mr. B.F.H.B. Tyabji                     1. Mr. J.A. Rahim
2. Mr. M.V. Rangachari                    2. Mr. A. Hilaly
3. Mr. R.F. Isar                           3. Mr. Anwar Ali
(Messrs. A.A. Shah and S.M. Khan, Deputy Secretaries attended as observers).

1. Mr. Tyabji explained that in the forthcoming Prime Ministers meeting the Prime Minister of India would be negotiating direct with the Prime Minister of Pakistan both as Prime Minister and as Foreign Minister. In the Preliminary talks and correspondence between the two Prime Ministers and the representatives of the two Governments also, it had been agreed that while the Steering Committees would be appointed by the two Foreign Offices, they would keep the two Prime Ministers directly and constantly informed of the progress of the work.

2. It was agreed that items falling in categories ‘B’ and ‘C’ on the Indian and Pakistan lists should be taken up immediately at the official level through correspondence or conference (preferably the latter) in an attempt to obtain the maximum possible agreement. All Ministries should be informed that if no
progress is made within one month from today, the matter should be referred to the Steering Committee concerned for guidance. If necessary, a joint meeting of the two Steering Committees would be held at which representatives of the concerned Ministries would be present. This joint meeting would then try to narrow down differences further and either recommend an agreed solution to the two Governments or submit the differences for discussion at Ministers level. In the event of the differences still remaining unresolved, the item would be submitted to the two Prime Ministers. It was essential that the two Steering Committees should keep themselves continually informed of the progress of negotiations by other Ministries with their opposite numbers and keep the two Prime Ministers informed of the progress made over the whole field.

3. Mr. Tyabji specially emphasized the need for reaching an early and final agreement on minor long pending issues which had already created unnecessary resentment by nationals of one country for the Government of the other, particularly financial claims by both officials and non–officials. He felt that one way of settling this was that minor and straightforward claims could be verified and adjusted through financial agreements on a Government to Government basis and thereafter responsibility for settling claims of individuals would rest with the Government of their own country.

Mr. Rangachari suggested that the Steering Committees should give a directive that verification of service records and verification of claims should begin at once without involving at this stage acceptance of liability for payment. This was the only method of expediting settlement in regard to such matters. If it were made clear that verification did not involve liability, one factor in both countries which has been delaying verification would disappear. Mr. Rangachari also suggested that claims on both sides should be reviewed to eliminate minor items. If this was done there would be nothing to prevent the two Governments from coming to a settlement in regard to payments.

Mr. Anwar Ali’s view was that in most of the cases clear decisions were taken at the time of partition and it was necessary to observe those decisions. He, however, agreed that within the framework of the decisions already reached verification and payment of claims should be expedited by both Provincial and Central Governments.

4. It was agreed that the interpretation of categories ‘A’, ‘B’ and ‘C’ under which all items in the Indian and Pakistani lists have been classified was the same on both sides although there was a difference in the language used.

5. It was agreed that any decision taken on items under categories ‘B’ and ‘C’ would be subject to confirmation in writing.
6. The extremely important and complicated nature of cases falling under “Demarcation of Indo – Pakistan Boundaries” was recognized by the two Committees. It was agreed that particular disputes in which joint surveys have already been made, and cases falling under the Bagge Award should be taken up at once by the two Central Governments. As regards boundary disputes relating to the Punjab it was agreed that each Steering Committee should conduct a quick review and communicate its views to the other on how best they could be settled in a speedy manner. To achieve this it would be necessary for each Steering Committee to hold a conference of its own provincial officials first and thereafter an officer each from the two Steering Committees assisted by the provincial experts could devise means of settlement.

7. **Ghatti Kamale Wala.** This is an uninhabited island in the river Sutlej above the Ferozepur headworks which is used sometimes for taking soundings of the river. The island is under dispute and it is now occupied by the armed forces of both India and Pakistan. As the Sutlej waters are rising, the troops from both sides are in a dangerous situation. It was proposed by the Indian Steering Committee that both sides should withdraw their troops and leave the island unoccupied until the dispute is finally settled. In the meantime if it is to be used for taking soundings by either side this could be done jointly. The Pakistan Steering Committee promised to send an early reply.

8. **Bholaganj.** It was agreed that the *status quo* would be restored to the extent that sub – Postmaster Aminullah or his substitute would get an appropriate long term visa indefinitely to enable him to remain or visit the post office building as caretaker. The possession of the post office building with all its contents intact including the cash would be restored to the Pakistan postal department. The post office would, however, cease to function as a post office pending the settlement of the boundary dispute, namely, the claim of Pakistan to sovereignty and possession of this area. The existing telegraph lines from this post office to Pakistan would remain intact and could be maintained but would not be used for any purpose except for transmission of departmental messages between the caretaker and his superiors in Pakistan. It was also agreed that the direct correspondence now taking place between the Government of Assam and the Government of East Bengal in regard to this case would cease and in future correspondence on the subject of this post office would be conducted between the two Central Governments. The possession of the post office building and its contents would continue to remain with the Government of Pakistan.

9. The Indian list was gone through and while it was decided that in regard to all the items therein negotiations by the Ministries concerned should begin immediately, a special effort should be made for the settlement of item No. 35
therein, namely, the arrest of 12 Indian police constables of the Rohri Police station in Rajasthan. The Pakistan Steering Committee promised to consult the Ministry of the Interior and come to an early decision in regard to this matter. Mr. Tyabji pressed that the negotiations which had started between the two Refugee Ministers should be expedited and an early official conference should be held to discuss this matter as had already been suggested by the Government of India in a recent written communication.

10. Mr. Tyabji also enquired whether pending the conclusion of a regular Extradition Treaty for extradition of criminals from both countries, an understanding could be arrived at to hand over each other’s escaped criminals unofficially. Mr. Hilaly expressed grave doubts as to whether it was proper to act in this way but promised that the matter would be examined.

11. The following points were specifically raised by the Indian Steering Committee in addition to those items from the original Indian list on which the Indian Ministries concerned have already made references to their opposite numbers:

(a) Exchange of enclaves.

(b) Settlement of the claims of India and Pakistan to the Embassy properties situated in Kabul, Kathmandu, etc.

(c) Remittance to India of the assets of the Indian Hockey Federation held by the Imperial Bank of India, Lahore (Rs.14, 000/-).

In regard to (a) it was explained that the matter was under the active consideration of the Government of Pakistan and it was hoped that a settlement could take place simultaneously with the four boundary disputes in East Bengal already adjudicated upon by the Bagge Tribunal.

It was agreed that (b) might be taken up immediately by the two Steering Committees.

The Pakistan Steering Committee promised to enquire and settle the matter referred to in (c) on receipt of a reference from India.

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PRESENT

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<td>1. Mr. B.F.H.B. Tyabji.</td>
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<td>2. Mr. M.V. Rangachari.</td>
<td>2. Mr. A. Hilaly.</td>
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1. The various items on the Pakistan list were taken up. It was agreed that negotiations should begin between the concerned Ministries of the two Governments in regard to all items immediately and in addition the following special action should be taken.

(a) In respect of the transfer of service records under item 2, the Indian Steering Committee suggested that these should all be collected by the Central Governments concerned and then exchanged en bloc. This arrangement would not apply to the two Punjab's and the two Bengals and Assam which could continue to exchange them direct with each other.

(b) As regards the supply of other Government records, gazette notifications and indexes (item 17) etc., it was agreed that the Pakistan record finding organization at New Delhi should be revived.

(c) The division of libraries and archives (item 17) in accordance with the decision of the Partition Council should be pursued by Ministries concerned by arranging a delegation to visit India immediately.

(d) In regard to various financial items on the Pakistan list as between the two Central Governments, the Indian Steering Committee stated that India desired an overall settlement of all financial issues arising out of the partition, by the adjustment of the debt, as in its opinion this was the only practicable method at present considering that almost six years had elapsed since the partition. In particular, they desired that payments due to the nationals of each Government should be made after the verification of claims on an agreed basis, by the Governments concerned and adjusted through the debt settlement. No Government should at this stage be required to pay the nationals of the other.
The view of the Pakistan Steering Committee was that in regard to financial issues it was necessary that the decisions taken at the time of partition should be adhered to. Any departure from these decisions would substantially alter the basis on which the various agreements were reached. Pakistan was equally anxious for a settlement of the financial issues but in doing so it was important that agreements already reached should be implemented in point of time.

(e) In regard to item 9 it was agreed that in respect of the prize money to be divided between various Governments, the two Steering Committees should call for the papers concerned and endeavour to arrive at a settlement.

(f) In connection with item 12 the Indian Steering Committee requested information about Capt. Balbir Singh and Balbir Jagdish.

(g) In regard to item 15 (iii) the claim could be settled if Pakistan would return the Auster aircraft detained in Lahore.

(h) There would be no difficulty about supplying the information required under item 17 if Pakistan sent an officer to Delhi.

(i) In regard to claims of third parties (contractors, etc.) including claims for property requisitioned in East Bengal in war time, the view of the Pakistan Steering Committee was that along with the verification of claims, it was necessary to establish a procedure for payment to the parties concerned. In their view the real objective was to secure expeditious payments and it was accordingly necessary not only that the claims should be verified urgently but also that the Governments responsible for making these payments should agree upon a procedure for expeditious payments. The Indian Steering Committee, however, felt that the process of verification of claims should be expedited in the first instance as in their view this was the only means for establishing the correctness of claims. The question of the responsibility for payments could be settled later. It was agreed that this item should be separately discussed between the representatives of Finance Ministries of the two Governments.

(j) Items listed under 39 & 40 could only be discussed by the two Prime Ministers.

(k) The item under 42 could be taken up by the two Steering Committees.

(l) The Indian Steering Committee would do its best to endeavour to comply with the request under item 43.
(m) Item 55 on Pakistan list was amended to read as follows: “Implementation of paras 3 & 4 of Section 1 of the Delhi Agreement of 1950”. Indian had already written suggesting resumption of the meetings of the Indo – Pakistan Information Consultative Committee.

(n) Item 64. In regard to the outstanding financial issues between the two Punjab’s, the two Bengals, Assam and East Bengal, it was agreed that the Partition or Separation Councils concerned should be asked to meet immediately and complete the financial settlement arising out of the Partition. The Indian Steering Committee stressed that the final settlement in all these three cases should be included in the overall settlement between the two Countries. The matter was left for further discussion at a later stage.

2. The following decisions were also taken: -

(a) Current post partition transactions should be settled as quickly as possible. The periodical settlements of these transactions which had ceased for some time, should be resumed from an agreed date in future, for example, 1st September 1953. The respective Auditors – General should be consulted about this matter immediately and the other Government informed of the decision.

(b) All communication addressed by the Ministries of one Government to the Ministries of the other Government in respect of matters within the purview of the – Steering Committees should be sent in triplicate.

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0120. Note recorded by Prime Minister Jawaharlal Nehru on his talks with Pakistani Prime Minister Mohammad Ali.

Karachi, July 25, 1953.

I began by referring to the long agendas prepared by the Steering Committees*. I said that many of the points mentioned there, though important in themselves, really flowed from other decisions that might be taken. Some of these matters would necessarily have to be discussed and worked out in detail by our respective officials. But it would be necessary for us, that is, the two PMs, to give a clear indication of the policy and the lines to be pursued.

I referred to the evacuee property problem and to the suggestion I had made that Shri Mehr Chand Khanna should come here to discuss it. I said that it was hardly possible for us to go into details, as this was a complicated matter with five years’ history behind it. Various proposals had been made by us from time to time, but there had been no common agreement about them and hence everything had continued in a suspended state. This was unfortunate as vast numbers of people, both in India and Pakistan, were personally interested in evacuee properties. If we could settle this problem, or at any rate the lines of settlement, that will go a long way in promoting better relations between India and Pakistan as well as in giving relief to large numbers of refugees in both countries. These refugees had been the principal cause of bitterness between the two countries. Wherever refugees had gone, they had been a source of infection. The settlement of this problem was, therefore, necessary not only from the humanitarian but from the political point of view.

I gave a brief account of some of the proposals we had made. I referred to the three classes of property:

1. Land.
2. Immovable urban property.
3. Movables.

I pointed out that the suggestion made to allow people to exchange properties would not be fair to the large numbers of evacuees who are interested in the common pool. Also that delay in deciding about this urban property was harmful as these houses were deteriorating rapidly. In fact, many had fallen during the recent rains. At the request of Pakistan we had postponed the proposed auction of some of these houses. But a decision had to be made soon so that we can proceed with our schemes for finalizing these matters.

* The steering committees of India and Pakistan, led by B.F.H.B. Tyabji, Secretary, Commonwealth Relations, MEA, Government of India, and J.A. Rahim, Foreign Secretary of Pakistan, respectively, met in Karachi from 14 to 16 July 1953 and prepared a long agenda for the Nehru-Mohammad Ali meeting.
PM of Pakistan generally agreed with what I said and was of the opinion that we should go ahead with this matter. He agreed that we should send for Shri Mehr Chand Khanna immediately so that we could discuss some of the principles with his help and, if possible, give directions for the future. Shri Mehr Chand Khanna can stay on after my departure for further talks and in order to work out details.

2. Canal Waters: We were agreed that this matter should be left to the working party which was functioning with the help of the International Bank and which was going to meet in September next. We hope that that would lead to an agreed approach.

I gave a brief account of the development of irrigation in the old Punjab and how it was intended to extend this to Eastern Punjab. In fact, it was with a view to this that the Bhakra-Nangal Project was evolved long before the Partition. So far as East Punjab was concerned, there was no alternative source of water supply and if we could not take advantage of the waters coming through the Bhakra-Nangal reservoir, etc., this meant that East Punjab as well as other areas, including parts of the Bikaner desert, could never develop. That was obviously a position which we could not agree to.

The only right approach was that both parties should do their utmost to find a maximum use for the waters of the Indus Valley. This should be enough and more than enough for both not only in the present but for the future. It would probably involve some engineering works construction, etc., to link up various canals and reservoirs. This was an engineering matter which was by no means difficult. So far as the financial aspect was concerned, the International Bank would probably help.

The legal aspects may be important and should, no doubt, be considered. But far more important was the human aspect. Both parties should proceed in a cooperative way to help the other as far as possible, realizing that East Punjab must have more water to develop and West Punjab must not be deprived of its essential needs.

PM of Pakistan asked if there may not be a 10 per cent reduction in water supply next year because of Bhakra-Nangal. He was under the impression that I had said so in London. I did not myself remember this, but I said that the Bhakra scheme will start functioning in about a year’s time and undoubtedly that will mean greater use of water on this side. Normally this will make no difference to the other side, but occasionally in a year of drought or for a short period there may be some difficulties. These could be provided for by engineering works suggested. I said that I had heard that some canals had
already been made in Pakistan with this object in view. PM, Pakistan, said that something of the kind had been done.

I suggested, and PM, Pakistan, agreed, that we should instruct our representatives at the next meeting of the working party in Washington to try their best to find cooperative solution of the problem.

3. **East Pakistan and West Bengal, etc:** I said that fortunately this eastern zone had not been tied up with all kinds of intricate evacuee property laws, etc., as in the western zone. It was, therefore, easier to approach normality there. We should, of course, endeavour to bring about normality both in the east and the west. In the east there was no major obstacle, but there were many minor difficulties which could be got over if the right approach was made on both sides.

I referred to the passport and visa system and said that it should be possible to do away with the visa system or to make it much simpler than it was. We should encourage trade and communications.

I referred to the border areas between East Bengal and Assam and East Bengal and Tripura, which had suffered greatly because of the Partition, more especially in regard to the local trade. I said that we should put an end to these difficulties which were felt on both sides and facilitate normal trade across the frontier in these areas. PM, Pakistan, agreed.

The general approach in the eastern zone should be to bring back normality.

4. **Enclaves:** I mentioned the case of these enclaves. Mr Mohammad Ali said that his Government had agreed to exchange them. The only remaining difficulty was that West Bengal wanted some territory to make up for its loss by this exchange. Apparently, this amounted to about seven square miles. PM, Pakistan, said that it may be difficult to give a piece of territory like this. But he was prepared to consider giving some compensation.

I said that we might view it from another point of view also. Instead of one piece of territory to be handed over, an attempt might be made to adjust the frontier of West Bengal with East Bengal. This might involve minor rectifications of the border. Mr. Mohammad Ali said that this was worth considering. In any event, this question ought to be taken up soon and settled.

5. **Gurdwaras in West Punjab:** I referred to these gurdwaras and said that the principles governing them should obviously be that shrines and sacred places should be protected and full facilities given to people to go there. Mr. Mohammad Ali agreed. I said that there were large properties attached to these
gurdwaras. I gave also some account of the way the British Government had dealt with this matter, the passage of the Gurdwara Act and the formation of the Shiromani Gurdwara Parbandhak Committee.

Mr Mohammad Ali said that, so far as he knew, these gurdwaras were well looked after and their properties had been kept separate. He asked me if the SGPC wanted to control them directly. I said that no doubt they would like to do so, but probably it would be better and more feasible to have a separate committee consisting of Sikhs for the purpose which could cooperate with the SGPC. It was decided to go into the details of this matter of the gurdwaras later**.

6. Kashmir: Finally, the problem of Kashmir was referred to and Mr. Mohammad Ali said that in effect this was the only really difficult problem, all others could be easily adjusted. I agreed but added that every adjustment of other problems helped in creating an atmosphere for the solution of even this problem which was so tough.

I repeated what I had said in London that foreign interference should be kept out and every upset should be avoided. Else any attempt at a solution would create even more difficult problems.

I gave a brief history of Kashmir, going right back to the Greek period and after, how Kashmir had been a big cultural centre throughout this period and a place where there had been an astonishing amount of cooperation between different elements, Hindus, Muslims, etc.

I am leaving this note as it is without saying much more about our talks on Kashmir. In fact, there was not much more said as time was up. We shall continue these talks tomorrow morning.

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** Nehru cabled from New Delhi to Mohan Sinha Mehta on 30 July, asking him to inform Mehr Chand Khanna that “we would like him to raise the question of gurdwaras and shrines during his meetings there. He should specially enquire about Gurdwara Bawli Sahib and Gurdwaras Chaubacha Sahib, Mozang and Shahid Ganj, all in Lahore city. Our information from our Deputy High Commissioner in Lahore is that Bawli Sahib has been razed to the ground by the Improvement Trust and the others are in a very dilapidated condition.”
I should like to express my very grateful thanks to the Governor-General, Prime Minister and others for their hospitality and friendly gesture, even more so, if I may say so, to you gentlemen and the people of Karachi for the extraordinary friendliness shown to me. I felt absolutely at home the moment I arrived here not only because I have very old friends here, but more so because of the very friendly atmosphere that surrounded all the places I went. People have been extraordinarily kind and gracious to me and I have been moving in a general atmosphere of friendliness here, which I cannot take merely as an expression of personal friendliness for me, although it is something of that also, but just something more. I think and I feel the ties of friendliness between the two countries have grown closer and closer.

I am sure that those feelings will be reciprocated in India, so that when we are considering our mutual problems this extraordinarily helpful atmosphere of friendliness in the two countries—which is something which I do not think existed to this degree during the last five years or so—will be helpful. This atmosphere itself is much more important than any minor or major decision which we may arrive at. This is a basic thing out of which decisions come, and we have been impressed by this change which has taken place in the two countries. Those horrors that took place after Partition created a barrier between the two countries of unfriendliness, frustration, fear, and even, to some extent, hatred. It was not difficult to understand all that. It was the suffering which the people had gone through and yet it was very great because of the consequences.

When we deal with any particular problem it is very difficult to come to grip with it because of imponderable factors like suspicion, fear and dislike. If you look at the world as a whole, there are major problems all over—they are in the Far East and they are in Europe; everywhere there are problems. Statesmen meet and talk about a particular subject. But how are they to deal with something which is imponderable? They try to change that atmosphere.

Coming to India and Pakistan, we have had this imponderable atmosphere of fear and suspicion. Many in India and many in Pakistan have had fear and suspicion. It is, therefore, a matter of deep gratification for me that that vicious atmosphere has now largely gone. That is a very good omen for anything further that we might do.

Now, about the questions that you have asked me. You will appreciate, gentlemen, that it is not particularly easy for me at this stage, when we are
carrying on our talks, to enter into details of those talks, to tell you exactly what
we have been discussing, what are our difficulties and so on and so forth. That
would not help at all. So I cannot go into details.

I have already referred to this atmosphere of friendliness, which means also a
desire to do one's utmost to remove the cause of unfriendliness or suspicion
between the two people. I can tell you that the Prime Minister of Pakistan and
I have been actuated by that desire. We have been working towards that end
not merely because we are influenced by this atmosphere but because we are
influenced with certain basic facts which cannot change even though people's
feelings may change. There is the basic fact of geography. There we are: two
countries adjoining each other. They inevitably adjoin each other whether we
like it or not. There it is. It is geography.

Second: It is the fact of history. History: whether you take it in terms of hundreds
of years; whether you take it in terms of the last generation; twenty years; thirty
years, during which we struggled for our national freedom and independence.
People in Pakistan and India jointly struggled and jointly suffered for it. These
are the major things that great people cannot in one day forget. It is not
something which belongs to the past alone. These are basic and common
features that are in our background and in our culture and in our language and
in hundred other things.

The biggest test of it is that suppose some Indians and some Pakistanis go to
another country anywhere in Europe or America. They may have some political
arguments between them, if they want to argue! But leaving that political
argument aside, they meet in foreign countries as people akin to each other.
They talk to each other in their own language; they discuss problems; they
discuss their common friends and so on and so forth. They are nearer to each
other than the nationals of any two countries can be. They may sometimes
quarrel about political matters but then they have had common sufferings and
culture and the like.

So, because of geography, in a sense, certain other factors arise: economic
factors—trade and commerce, etc. Normally trade is influenced by geography
unless we wish to twist it for political reasons. So, all these factors inevitably
bring Pakistan and India nearer to one another. They cannot help it. They may
occasionally, because of resentment or anger, do something to injure the other
party but that is a temporary thing. But the basic thing is that they are there.
The basic thing is hundreds and hundreds of years of living together—
quarrelling together, if you like, but still together. Now, because of these basic
factors one has inevitably to function together whether you look at it from the
long-term view or from short-term view.
Today we are tied with problems which are not basic. These are the outcome of Partition and what happened afterwards. These are temporary problems. The basic problems of India and Pakistan are essentially similar: development of industries; raising the standard of the people and generally to create more wealth in these countries by productive effort and to see to it that the wealth so created is properly distributed; that it does not go into a few hands: it does not make the rich richer and the poor poorer. These are the basic things and we stand more or less on the same footing in regard to them. India is slightly more industrial; Pakistan undoubtedly will develop.

In treading this path it is obvious that we can help each other and we can also hinder each other. Unless we are so immature and so selfish just to do things through sheer spite, regardless of consequences, we should realize that anything done to injure the other country reacts and injures our own country. If you look back the last five or six years and notice the story of relations between India and Pakistan you will find that attempts either by India or by Pakistan to do something which might injure the other country acted as a boomerang; it injured the first country, because the things are so interconnected.

Whether you consider this question historically, culturally, geographically—sentimentally, if you like—and strictly on a practical level, and if I may say so, from the opportunist level, you will come to the conclusion that it is necessary and essential for there being the greatest measure of cooperation between the two countries. This is to our mutual advantage and there is nothing which comes in their way because the national interests of one country are not opposed to the national interests of the other country. I need not give instances. In Asia and Europe the instances are there. The national interest of India and the national interest of Pakistan do not basically come against one another. If I may say so, the questions which we are discussing, they are not basic. They are important but not basic.

Situated as we are, any intelligent person can only work towards improving that relationship and going towards greater measure of cooperation. Many people both in India and Pakistan always realize that. Unfortunately, there are also many others who prejudice our passions in realizing that. Therefore, they work in a different direction. But they can ultimately be prevailed upon. If my analysis is correct, then this policy of theirs is opposed to the basic interests of the two countries. So that is my approach and I feel sure it is also the approach of Pakistan. So I say the approach to problems should be based on a large measure of understanding, and I am sure there are a vast number of people both in Pakistan and India who are earnestly creating goodwill and mutual understanding between the two countries. It is true there are other people also who may be called rather small or narrow-minded, who get excited at small
things and forget big things and, therefore, come in the way of development of this cooperative working in the two countries.

So, I tell you, gentlemen of the Press, that it does not serve any good purpose to spread ill will. We must discourage it and, on the other hand, promote goodwill. We must inculcate the spirit of goodwill and mutual understanding and integrate all forces which may create a friendly atmosphere between the two countries and discourage all activities aimed at producing hate and dislike for each other. That is, to my mind, the basic approach.

Here, I might say that it is not quite proper for me to discuss details of the problems we are discussing. Many of you are obviously interested in the Kashmir problem, which, of course, during the last five or six years has become an old problem and is still more and more intricate and complicated—not that there have been any basic changes, but because when other factors come in, a new situation arises and one thing overlaps the other. So it becomes complicated. When we have to deal with a problem, we have to see that it is dispassionately and objectively considered; because it has become tied up to the people’s passions and when the people’s passions are aroused, then it becomes more difficult, as they do not use logic in solving it. Reactions from our side are followed by the other side, resulting in distrust and ill will. The obvious thing is that things are not understood in their true perspective. So in understanding a problem—obviously an intricate and difficult problem—past background should not come in our way and one has to be very careful that in every step that one has to take one must avoid making it further complicated. That is most important, gentlemen, not only in this connection but in every problem that you may be confronted with, logically speaking.

We are in the habit of—and for that matter the world is—trying to solve a problem, and afterwards producing a dozen more difficult problems. We have had two world wars, which were fought with the object of ending war and to establish democracy. On the one side, there were tremendous victories as far as military goes, and on the other, there was complete defeat. Very soon after the victory and defeat, the world was faced with problems which were far from solution. They have become more difficult. So it is not enough to consider a problem in an academic or debating society way. We have to consider its inter-relationship to all kinds of other problems and the consequences of every step, so that we may not be faced with fresh problems. One has to face all this complex situation in its various aspects in a calm and dispassionate atmosphere.

Now, you have asked me about the United Nations’ part in tackling the Kashmir problem. The United Nations, of course, had a fair go in this matter for the last five years. I am not going to argue as to whose fault it is, but the fact is that having had a fair go, it has not succeeded. Other people and other countries
have been rather too generous with their advice, but that has not brought forth any remarkable results. Now, because of this, as well as because of other reasons, one feels, without any disrespect to the United Nations and other countries, that it would have been slightly better if we had dealt with the problem ourselves directly, without bringing others into the picture.

We have got minor as well as major problems in India and Pakistan. Minor problems, of course, will go on continually between the two countries and they can and will be solved mutually. Of the major problems, one might say, there is the Kashmir problem. Then there is refugee evacuee property business, which is also a major problem for obvious reasons, because it affects millions and millions of people, and anything which affects hundreds of thousands or millions of people is a major problem. It affects their future; it affects more directly their personal life than any other problem.

Then there is, as you know, the canal waters problem. There is also the general problem of the eastern Pakistan zone, because you will remember that that part has been dealt with differently from West Pakistan and the rest of India. Here on the western side you have all kinds of remarkable laws and legislation which came into existence long ago. I do not want here to trace their legal history, but unfortunately in the eastern zone there is no such thing. So the situation there being what it is, has been tackled differently in the past and ought to be tackled in a different manner. In tackling one single major problem, there are a number of minor difficulties which come in our way and give us trouble. They are obviously capable of solution if our minds are directed properly. A large number of people living on both sides of the border in East Pakistan and West Bengal, Assam, Tripura, etc., have been suffering tremendously. Those things can be dealt with in other ways.

Our objective should be everywhere in India and Pakistan to deter from causing injury to the feelings of the other side and to create amiable conditions, promote goodwill and discourage ill will. It is not easy to get rid of these things by a stroke of the pen, because these very laws and other conditions have produced an intricate relationship in the last five years. So we cannot just wipe out everything in just five years, but our objective should, in my thinking, be a return to normality, as two independent friendly nations. That should be our aim and we should develop it, and I think if we try, we can, not suddenly, but step by step, go back to this normality.

I have just mentioned that both in Pakistan and in India the evacuee property laws are extraordinary and I do not know if they are prevalent anywhere else in the world, especially of this particular type. I do not like them. I would like to get rid of them, but I cannot isolate them from other factors which are all tied up. Therefore, the simple way of dealing with a problem is to go step by step in its
solution. It may not be a cent per cent solution, but if we know the right approach and we take a few steps regularly in that direction, success can come ultimately.

As regards the canal waters, we know that this matter has been referred to a working party of engineers. It was first referred to the International Bank. They have been carrying on their work for the last eighteen months. They have held various meetings. They are going to meet in September and I hope that will yield substantial results as to how to proceed. Because of this, there is no great necessity at this stage for us to go into details. Mr. Mohammad Ali and I discussed it at times and both of us agreed that it should be dealt with in a proper way which would yield results. But remember, that in this canal waters business, it does no good either to India or Pakistan to be cross with each other.

Nobody is going to put an end to all your schemes of development. You might say that it is a national conflict—national conflict of this type will be solved by finding some solution or by some legal methods, leaving out war, of course. The first thing is to know the quantity of water: how much is available. Is it enough or is it not enough? It is said that water in the Indus basin is only used either by India or by Pakistan to a very limited extent, and the rest goes to the sea. So it has become an engineering problem: how to reach water, by dams or by earthwork, whatever it may be. Obviously neither Pakistan nor India is going to accept anything which means the stopping of the development programmes. After all, you have to satisfy the needs of both the countries. Some formula is going to be evolved by the parties which are working on it very shortly. Finances required are not of stupendous magnitude and anyhow it is a matter for loans, etc. However, the International Bank will also be helpful.

There are other outstanding issues such as gurdwaras or shrines of Sikhs. They are naturally greatly excited on this account because their gurdwaras are in Pakistan. Well, it is a matter of principle. If both Pakistan and India agree that shrines, etc., should be preserved and facilities should be given to the visitors of such shrines or gurdwaras, then we will solve this problem. I am quite sure that the Government of Pakistan will look into this matter more thoroughly. I entirely agree with the principle of the preservation of mosques in the same manner.

Some questions have been asked about Junagadh and Hyderabad. All I can say is that you had been sleeping for so many years. I have forgotten this question. There is no such question; there is no such problem these days.

There is another very interesting question about the “no war” declaration. You will remember that I suggested to your late Prime Minister Liaquat Ali Khan that such a declaration is necessary. You have seen the effect of “no war” declaration in Europe, etc. The real object of such a declaration is to remove the sense of fear and suspicion.
India has avoided any relations with other countries which might have any deep political or military significance. We have not aligned ourselves with any group of nations. There is no argument for that. We feel that from the short and long range points of view of peace as well as from the national point of view, it is not desirable for us to align ourselves with any power bloc. However, naturally from the world point of view, I would like other countries to have the same policy not because it strengthens me but because it increases the area where war is unlikely. It increases the area which exercises a certain influence against war.

I do not imagine that India has got so much influence in world affairs that it can prevent any war or any catastrophe or any happenings. The world is too big. There are great, powerful countries which can decide the fate of the world. But every country, big or small, at the same time can make a little difference and that difference counts. I feel that such a declaration would be very helpful in creating an atmosphere of less fear and suspicion with each other. With any such declaration and assurance that may be possible in future, without any commitments, I can say it may be possible for us to confer together, to consult each other with regard to international matters, foreign affairs; if necessary, domestic matters.

We consult each other in the United Nations. There is an Arab-Asian Group which is now called Asian-African Group. The point is this that a number of countries in Asia and Africa consult together and function together although each country is independent. Our functions are friendly and we constantly consult each other about international affairs. I am sure the Government of Pakistan will see that we should, much more frequently, consult each other in our affairs, about our economic policies, trade policies and even domestic policies, so that the area of mutual consultations and cooperation should grow without the slightest compulsion on either side.

There are some suspicions in the minds of some people that India has some nefarious designs on the independence of Pakistan. Now, that is completely without any foundation. You cannot stop half-witted persons in India saying anything. An individual may say anything but you can yourself, without any hesitation, say that is absurd, on the very face of it. It is neither good for India nor for Pakistan. So we proceed on the basis of recognizing each country’s independence, integrity and respectability. It is desirable to recognize the necessity of cooperating in as large a field as possible. That must help us to remove suspicions and fears.

Someone mentioned about political prisoners in Pakistan and India. I would like to know what he meant by that. I cannot speak for Pakistan, obviously. In India I do not know whom you may call political prisoners. Normally we call
people detained without trial as political prisoners. Ordinary prisoners have to go before a court of law for trial under regular rules of law. They are tried for their offences. We have in India a Detention Act but it is extremely difficult to use it. At the utmost, the maximum detention that can be put in practice is one year. You cannot go beyond that. And within a month or two, the case of the person who is detained has to go up to the High Court judges, not as a case but for their opinion. If they say, “No, there is no ground for detention”, out he goes. Not many people are therefore detained in India now. What happens is that sometimes, at the time of trouble, we may detain persons for a week or a fortnight but after that, they go out. Beyond this, the only case is that of persons who are convicted after normal procedure and appeal, etc. That is a matter of individuals and no question of political prisoners as such arises.

Now, someone asked me about suggestions regarding joint defence. In a sense, you might have observed that I have suggested something—though not joint defence, of course—which is consultation in international matters without binding down anybody. Now, defence and foreign policy are closely allied. You cannot separate them even if you want to. If the general foreign policy of two countries is similar, they automatically, without any alliance or agreement, think even in defence matters in common terms—I mean provided their foreign policy is allied.

There is another way, another aspect of this question. Now, in the world today—I am stating facts and not criticizing—large organizations have grown up for what is called mutual defence: in Western Europe, for instance, the community of western world called North Atlantic Community, or the ANZUS. It is open for any country to have such organizations. But, if I may say so, with all respect to them, my own approach to this question is without creating any hostile alliance. I do not deny the necessity of any country or group of countries protecting themselves or taking steps to protect themselves against possible danger. They may do so by all means.

At the same time again and again what a country should decide is, whether its policy generally leads towards promoting a peace or war atmosphere? Now, sometimes I find very little difference; people talk of defence whether it is defence or something else. In a specific case, one country calls it defence and the other country says that this defence is aimed against it. The other country also talks about defence and takes some other measures. So they go on mounting armaments. If you see the world today, tremendous armament is going on. I do not want to be a party to any alliance of a military type with any country so that similar other alignments may be created. The moment such an alliance is done with another country, the question inevitably arises against whom that alliance is directed? It is not in the air absolutely. It is directed against some possible enemy. Now, the moment you do that, you are already taking a position that
another country is the enemy. Now, when persons talk about joint defence, if that means any kind of military alliance, it goes against our policy of having any military alliance with any country. But understandings are a different matter. Understanding in approaches and in consultation are always welcome.

Something was said about visas. Already so far we have tried to lessen many early difficulties about passport system, as much as possible. Wherever possible, we will do away with the visa system. It is a matter of common discussion with us.

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0122. Joint Communiqué issued by Prime Minister Jawaharlal Nehru and Pakistan Prime Minister Mohammad Ali at the conclusion of their talks.


The Prime Ministers of Pakistan and India held several meetings on July 25, 26 and 27 and discussed at some length various problems affecting Pakistan and India. These talks were frank and cordial and both the Prime Ministers were actuated by the desire to solve the problems outstanding between the two countries and to promote their cooperation in matters of common interest.

Among the subjects discussed were Kashmir, canal waters, evacuee and trust properties and shrines, problems between East Pakistan and West Bengal and Pakistan enclaves in Cooch-Behar and Cooch-Behar enclaves in East Pakistan.

In regard to evacuee and trust property issues, the Principal Adviser of the Government of India in this matter and senior officers were sent for from New Delhi. They have arrived and have started a detailed discussion of the various issues involved with the officers of the Pakistan Government with a view to finding a satisfactory solution to them.

As regards Cooch-Behar enclaves, it was agreed that these should be exchanged. The terms and conditions of such exchange are to be considered further.

During the talks the question of restriction of travel and trade between the two countries also came up for consideration. It was agreed that these restrictions
should, as far as possible, be removed or minimized. This matter will be examined further.

The major part of the Prime Ministers’ meeting was devoted to a discussion of the Kashmir dispute which was examined in all its aspects. These talks were necessarily of a preliminary character. They have helped in a clearer understanding of each other’s point of view, of the issues involved and of the difficulties that stand in the way of a settlement. They have prepared the ground for further talks which the Prime Ministers expect to resume in New Delhi in the near future.

The Prime Ministers are agreed that the independence and integrity of the two countries must be fully respected, each country having full freedom to follow the policy of its choice in domestic as well as in international affairs.

At the same time, the Prime Ministers are convinced that the interests of both countries demand the largest possible measure of cooperation between them and that, therefore, every effort should be made not only to resolve the existing Indo-Pakistan disputes, but also to promote goodwill and friendship between the two countries. They consider this essential to progress in both countries and to the promotion of welfare of the common man, which is their primary concern. It is hoped that the Prime Minister of Pakistan will visit New Delhi in the near future to continue these talks.

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0123. Letter of Prime Minister Jawaharlal Nehru to Governor – General of Pakistan Ghulam Mohammed.

New Delhi, July 29, 1953.

My dear Governor-General,

I came back yesterday from Karachi* and I have been wanting to write to you since then, although writing a formal letter on such an occasion is a very inadequate way of expressing one’s feelings. So this is not a formal letter, but a very informal and rather personal note to tell you how deeply moved my sister and I were with your friendly and generous hospitality and all the affection that you showed us. I can truly say that I felt among friends and completely at home. The tragedies of the past few years seemed to fade away.

You need no assurance from me about my earnest desire to do everything in my power to remove every obstacle that comes in the way of true understanding and cooperation between India and Pakistan. Indeed, it would be a tragedy if this was not so. I feel convinced that we shall succeed, even though difficulties may come in our way.

I am moved, as you no doubt are moved, by personal considerations, but we are both also moved by national considerations. There can be no doubt that in this matter our national interests are one and that both countries prosper or not in the degree that they come nearer to each other. We have to contend against wrong and sometimes evil forces, but if we aim aright and pursue right causes, I have no doubt that we shall succeed.

I have brought back with me the happiest of memories from Karachi and I am deeply grateful to you.

Yours sincerely
Jawaharlal Nehru

* in a separate letter on the same day, Nehru also wrote to Prime Minister Mohammad Ali, conveying his gratitude to him and his wife, the Members of his Government, and “the warm-hearted people of Karachi,” and stated, “The overwhelming impression that I carried with me is of the goodwill and friendliness that I experienced there at all hands. I am exceedingly grateful to you and Begum Mohammad Ali not only for your hospitality, which was generous, but even more so for this atmosphere of friendliness that surrounded us. I am sure that if we function in this way and approach our problems in this manner we shall achieve success in this and in many other matters.”
0124. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Mohammad Ali.

New Delhi, July 29, 1953.

My dear Prime Minister,

In the course of our talks in Karachi, we discussed the question of the Cooch-Behar enclaves. You told me that you had decided that these should be exchanged. You mentioned, however, that the enclaves in Pakistan at present are somewhat bigger, from the point of view of territory, than the enclaves in India. The difference is really a small one and, according to what you told me, is about 7 square miles. Thus, if an exchange is made, Pakistan would get 7 square miles of additional territory. The West Bengal Government had suggested that this surplus area might be given to them somewhere else so as to make this exchange an even one. You told me that you would prefer giving some compensation for the surplus area.

I then suggested to you that it might be desirable to consider, in this connection, minor rectifications of the border which might be advantageous both to India and Pakistan. You said that this could be enquired into.

This matter really relates to East Pakistan on the one side and West Bengal on the other. We agreed that the proper course to adopt would be for representatives of East Pakistan and West Bengal to meet and consider this question and make their recommendations to the respective Governments. If they agree, there would be no difficulty in the Indian and Pakistan Governments also agreeing.

I suggest, therefore, that a conference might be arranged in Calcutta to consider this question. This would consist of representatives of West Bengal and East Pakistan Governments and also, if necessary, some representatives of the two Central Governments.

There were a number of other matters relating to the Eastern Zone comprising East Pakistan, West Bengal, Assam and Tripura, which we also discussed. These related to travel facilities and visas, trade, more especially border trade, and other matters relating to that area. These could also be considered conveniently at a conference in Calcutta. But that conference should consist of, apart from those mentioned above, representatives of Assam and Tripura also.

Perhaps the first conference could extend itself and deal with these other problems later. I should like your views on this matter.

So far as the evacuee property and like questions are concerned, they are being dealt with at present by our representatives in Karachi. I hope that these
discussions will yield satisfactory results. They will include, I hope, questions of gurdwaras and other shrines.

There is one matter to which no reference was made in our talks. This was in regard to the recovery of abducted women in both countries. This recovery work has been one of the satisfactory instances of cooperation between the two countries. It has been rightly considered on a human and social level and not the political level. I hope we will continue this work at least for some time to come. I write this because I find that there is some misconception in this matter and it has been thought that we might discontinue this work. I do not think the time for that has come yet.

One important matter which we did not mention at all relates to our financial accounting. On the one hand, Pakistan owes India certain sums annually for the repayment of debt. On the other hand, India owes some sums to Pakistan. There have been some talks about this previously between representatives of our respective Finance Ministries. I think that it would be desirable to finalize these questions. This will have to be done at a fairly high level, preferably by the Finance Ministers. I understand that your Finance Minister is likely to come here sometime in September for a Colombo Plan meeting. If so, he could deal with these matters then or preferably if he came a little earlier. Anyhow, we shall be glad to have him here for these talks at any time.

I have mentioned a number of matters in this letter for your consideration. I shall be glad if you will indicate to me what you think about the suggestions I have made.

Yours sincerely

Jawaharlal Nehru
0125. **Press Conference of Prime Minister Jawaharlal Nehru.**

New Delhi, July 30, 1953.

Jawaharlal Nehru: Let us begin with my visit to Karachi although I have said a good deal about it, chiefly at my Press conference in Karachi itself. As I have said, that visit was remarkable for the atmosphere, the friendly atmosphere, that prevailed there. And that, I think, is really a much bigger thing than perhaps many people imagine becomes simpler if the approach is a friendly and informal one rather than a rigid and formal one.

Now, take evacuee property. I do not know at the present moment what the results of the talks that are going on there in Karachi in regard to evacuee property will be, but I do know that for the first time probably in the last few years, these talks are taking place in a different way, not in a formal, rigid way, arguing across the table, but in a friendly way, trying to understand the problem and to find a solution. Maybe, the solution, the entire solution, will not be found suddenly but it is a different way of approach, and, if I may say so, that applies to every problem that we discuss.

It was being much too over-optimistic to think that suddenly every problem would be solved by our meeting together, but something which is very important was this that we discussed many of our important problems in a much better way than had been done before. Some minor problems were solved; some major problems are being tackled more effectively, while some other major problems have not been solved. Nevertheless I will say that we are nearer the solution of every problem because of this approach. That is the background.

Now, it is not profitable or indeed proper for me to go into details as to what my talks with Mr. Mohammad Ali were, say, in regard to Kashmir or in regard to any other problem. It is not desirable to talk about matters discussed in private talks otherwise they lose that frankness and flexibility which one can give them in private. So you must not expect me to go into detail about these matters. Such information as I can give, I will gladly give you.

I should like to repeat what I have said elsewhere, to express my gratitude to the Pakistan Governor-General, the Prime Minister, and the rest of the Government for the very gracious hospitality they extended to all of us. But more particularly, it was very moving for me to receive the popular welcome that I received there. Many people had come from outside Karachi for the purpose—hundreds of them—and we are grateful to them. As I said there, I felt in Karachi completely at home. The fact is that apart from certain political controversies that we have between us, we are very near to each other. Hundreds of persons I met there were my colleagues in India. There are
thousands of persons in India and Pakistan who have a brother, a sister or a father not only in the other country but possibly in the governmental services of the other country.

So all these are innumerable bonds. Then there is the very deep bond of language. We talked to each other in a language which belongs to both of us, not in a third language. If I talk to Mr Mohammad Ali or the Governor-General, it is mostly in our language, not in any other. It had a tremendous advantage and I had no feeling of being in a strange country or in an alien country. I do not know if you wish to ask me more questions about this matter, otherwise I will go on to Korea and the Political Conference, etc.

**Question:** In today’s papers are Mr. Mohammad Ali’s remarks about Kashmir and about your talks at Karachi. He is less optimistic now that the Kashmir problem may be solved within one year. Is this losing heart or really becoming pessimistic?

**JN:** A year is a long way off. Why lose heart?

**Q:** Another point he has mentioned is that, in all probability, these agreements and other problems will be dependent on Kashmir. Is that your impression?

**JN:** That is not my impression and in fact we are going ahead with other problems. The common feature which affects all problems, the connecting link, is the manner of approach, the friendly manner of approach. If the approach is one full of suspicion, well, it affects all problems and difficulties come in the way. If the approach is in a friendly way we can go ahead. And so it happens that every little step that we take and succeed, that helps in the second step. That is one particular way of looking at it. Every problem solved helps in the solution of the second and the third problem. That I think is perhaps a better way of looking at it than to expect everything to be solved suddenly. It is true that in almost every problem that we discussed, big or small, we made very good progress. I cannot say if any problem was solved. It requires further consideration at official level or some other level. We could not discuss some matters in detail but our general approach was similar.

You have heard about these Cooch-Behar enclaves, which was not a major problem but which has been hanging for some time. Well, we practically solved it subject to certain details being worked out. It is proposed now to hold a conference probably in Calcutta because the East Pakistan and West Bengal Governments are chiefly concerned with these matters. They can meet there and not only discuss this Cooch-Behar matter but other matters affecting what is called the Eastern Zone and go ahead with them. Any difficulties that arise may be referred to the Prime Ministers. Other matters too, Gurdwaras, shrines,
etc., are being dealt with in Karachi now by our team discussing evacuee property. You will see, if I may say so, the astonishing progress that was made in these talks in regard to the actual subjects dealt with but the most satisfactory feature was the approach, the friendly approach, and the desire to find satisfactory solutions.

Now, it is true that so far as Kashmir was concerned, we did not find a full-fledged solution nor, frankly, could we suddenly expect one, however earnest our attempt. But even in regard to Kashmir I think our frank talks helped a great deal in our understanding each other's position and therefore, if I may say so, helped towards the solution. Quite a good deal has been accomplished and the way opened out for progress and accomplishment in a number of directions.

You refer to Mr. Mohammad Ali's statement. That does not directly affect Indo-Pakistan problems. Indirectly it might. For instance, I believe Mr. Mohammad Ali has referred to India's foreign policy and pointed out that that was not exactly the policy of Pakistan*. Well, you will remember the proposal made about joint defence. Defence has no meaning except in relation to foreign policy. Also, so far as we are concerned, we have thus far avoided—and we hope to avoid—anymilitary alliance of any kind because even in an alliance for defence, it might have another character which is looked upon by others as not being of defence. Also, the question arises, in having alliances, exactly against whom you have the alliance, or is it just in the air? All these questions arise which are dependent on the foreign policy we pursue.

What I suggested to Mr. Mohammad Ali, and what to some extent he has accepted, was that we should naturally retain complete freedom in our foreign or domestic policies but that we might consult each other in regard to important matters of policy. That will be helpful and yet it would leave each party free to carry out any policy it chose.

Q: Before you proceed further, Sir, some authoritative word from you on the current situation in Kashmir might be helpful since a series of rumours are in the air, which do not necessarily find their way into print but which are of a very disturbing character,

JN: Well, I think your question is completely justified. There is an amount of confusion at the moment in regard to—I won’t call it the internal situation of Kashmir—but in regard to the expressions of opinion by leading personalities

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* Mohammad Ali was asked at his Press Conference on 29 July how it would be possible for Pakistan to discuss matters of foreign policy with India, since the latter had adopted an attitude of strict "neutrality". Mohammad Ali replied, "There is no obligation. It is not binding that there should be uniformity of policy." Replying to another question he said that the foreign policy of Pakistan was not identical with that of India.
in Kashmir which tend to produce this confusion. And, frankly, I am slightly confused myself. But I think if you look into the matter, apart from a lot of verbiage in it, the position is not different from what it was.

There is a feeling, naturally, of frustration in the minds of many there because of certain uncertainties and the rest, and this is given expression to in a variety of ways. The position so far as we are concerned about that—I can state it quite clearly—has been, throughout this period, that Kashmir by accession became a part of the Indian Union, but always we considered it as a special case. We never thought of it, because of various circumstances, as if it was any other State in India which was put into A or B or any other category. The reasons for that were not merely the fact that there were military operations in Kashmir or that the matter had been referred to the UN—those were reasons too—but there were other reasons which pertained chiefly to the whole geographical situation, the background, etc, in Kashmir which required this particular and special treatment. And that is our policy still, that is, to consider Jammu and Kashmir State as a special case requiring special treatment, as a part of the territory of the Union of India but with certain special considerations attached to it.

You will remember about the rather special position relating to Kashmir when the Republic came into existence and the new Constitution was finalized. It was somewhat indeterminate then. Even last year, when there were talks which resulted in what is called the Delhi Agreement, certain things were agreed to but always in the context of a special position for Kashmir. So that is the position so far as we are concerned about it.

Q: Before you left for Karachi it was stated in the Press communiqué that the talks in Karachi would be exploratory. How is the position now?

JN: I think you will find in the joint communiqué issued about these talks of the two Governments that these talks, most of these talks, have been of a preliminary nature. So you can weigh the words “exploratory” or “preliminary nature”, if you like. A talk is always exploratory because it explores avenues of a settlement, at every stage; till you arrive at a settlement, you are searching for the settlement.

Q: You have given us a very optimistic picture of your Karachi visit. Rather the other side of the shield was given in this morning’s Press. There is a report of Mr. Mohammad Ali giving an overall picture of the whole conversation that took place at Karachi where he is reported to have said that “the progress anticipated by me has not materialized.” Did he make any concrete suggestions to you which were turned down by India? What does he mean by that?
JN: These reports tend to emphasize something. I was just looking through a report. Here is the report. It says:

Mr. Mohammad Ali’s attention was drawn to the report of Mr. Nehru’s remarks in New Delhi that the problem was not nearer solution. Mr. Ali did not feel that way. What Mr. Nehru was reported to have said had not damped his enthusiasm. He was confident that both countries would go on making the best efforts to find a solution.

So it depends on the context and everything. It is clear we have not solved every problem. I think it is equally clear that we have gone a good way towards the solution of some problems and towards a fuller understanding of others, which is itself a way to solution. And if any report had appeared in the *Dawn* that I was pessimistic I do not think that report is justified. I think something I said at the airport was probably reported that way.

Q: In regard to joint defence you said, “Against whom is it going to be?” Then why should India or any other country have a defence at all?

JN: That is, if I may say so, a typical question which verges on what is called *shastrarth*, a metaphysical controversy.... It is quite a good question. The question was: if it is said that joint defence means defence against somebody, some aggressor, well, then, why have defence at all if you have no aggressor in view? Why have an Army, Navy and Air Force at all? I think there is a good deal of difference between the two. I think it will be a very good thing if a country was strong enough to give up entirely its defence apparatus. The strength would come from other sources—the capacity, nevertheless, of meeting any aggressor, any invader, and not allow him to come in, and be prepared to die in the attempt and let the whole country die. That kind of strength few countries possess. I am sure that would be the most effective way if we were strong enough, but that is rather pure theory, and people are not in any country yet adequately developed to that end. So the most one does is to make it difficult and very uncomfortable for an aggressor to think of invading.

Now, there are two types of defence. One is literally defence of your own country and your borders. The other is, what is perhaps not correctly called defence, defence outside your country. We are only concerned with defence of our country. Now, it is patent when we talk about defence that we are no match in terms of defence forces with the great countries of the world—obviously not, even apart from modern developments like the atom bomb. We have no atom bombs to throw about, or other modern weapons. So I may at once say and quite logically, when you don’t have them, you cannot beat an atom bomb. But there is a middle stage when your means of defence apparatus plus the will of the people to defend make it difficult for any outside party to think of invasion.
You may not be competent for going outside your country for warfare in a big way maybe, but you may be competent, very competent, in your own country to defend it by all kinds of ways which include very much the ways in which the people can join.

We do not think of the defence of India in terms of an army only. We think of the whole nation, man, woman and child, defending it if there is any invasion. So the whole conception is different. The man, woman and child cannot go outside India to defend it elsewhere, but they can in India, if only we tone it up, discipline it. But, when you go about making an alliance with other countries—to use the colloquial word, “ganging up” against others—it has a different interpretation, it has a different meaning.

Q: Have you given thought to Pakistan’s new foreign policy, as stated by Mr Mohammad Ali, of being a partisan to the Big Power struggle or conflict which is going on?

JN: Mr. Mohammad Ali has stated what was fairly well understood previously. So there was nothing new about what he stated.

Q: I heard over the radio last night that whereas India is neutral, Pakistan is definitely a partisan as far as this conflict is concerned.

JN: That has been the position for a long time past. There is nothing new about that except a clearer statement.

Q: Do you propose to associate the leaders of Kashmir directly in the future talks with the Pakistan Prime Minister?

JN: During the last five or six years, at every stage whenever Kashmir has been discussed in the United Nations or with the representatives of the UN, or with Mr Liaquat Ali Khan and others, we have always been in touch with the leaders of Kashmir and we have consulted them. In fact, usually there has been a representative of the Kashmir Government who was sent with the team to the UN or to Dr Graham. Always we have been in close touch with them because it is obvious that we cannot come to some conclusion over the heads of the people of Kashmir. It is for them to be consulted, to agree.

Q: Have you ever taken the trouble of consulting any non-official people from Jammu and Kashmir?

JN: I do not quite understand that. Governments consult Governments. If I go to England, I have non-official friends but my consultations are with the Ministers of the UK Government. I have plenty of contacts with Kashmir non-official friends. I know very well what their views are by privately meeting them, but I consult the Government of the State.
Q: There has been in existence a third party which has hindered solution of the Kashmir problem. Now that mutual negotiations have started between the Prime Ministers of India and Pakistan, would you like the Kashmir question to be withdrawn from the UN, if possible?

JN: That question was put to Mr. Mohammad Ali, and his answer is that unless the question has been discussed by both of us, no action was to be taken. I think that answer should for the moment suffice.

Q: What do you propose to do with the bronze head** presented by Pakistan to you?

Answer: Presumably it will go to some museum. This head was made in November 1946 when I went to England. It was produced before Partition and was sent to Lahore and was there at the time of the Partition. Now they have been good enough to present it to me.

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** The bronze statue of Nehru’s head was made by Jacob Epstein.
0126. Telegram from Pakistan Prime Minister Mohammad Ali to Prime Minister Jawaharlal Nehru.

Karachi, August 13, 1953.

Your message of August 11th was communicated to me by your High Commissioner yesterday.

2. You have expressed doubt about the wisdom of our meeting on 17th or 18th of August and would prefer that we meet on 5th or 6th September instead. You consider that a meeting earlier would be sudden and hurried and would not be conducted in a calm and dispassionate atmosphere, that our talks would under the circumstances be strained, not as friendly and co-operative as we both desire, and would thus be unlikely to yield any result.

3. I do not share your fears. A meeting on August 17th would not really be sudden as we would be meeting three weeks after your visit to Karachi and ten days after developments in Kashmir which have caused such grave misgivings in minds of our people as to outcome of our talks. Our meeting need not be hurried either, for I would be prepared to stay as long as may be necessary to ensure that we achieve positive results.

4. During our meeting in London and Karachi, we have, I think, covered enough ground to be able, when we meet, to get down at once to concrete proposals for a removal of the differences that have so far stood in the way of a settlement.

5. I am sure that, whatever the atmosphere in the country, both you and I are fully capable of discussing this problem calmly, dispassionately and in a friendly and co-operative manner whenever we should meet.

6. I have since received a further message from you intimating that you will be prepared to receive me at any time. I, therefore, propose to arrive in New Delhi on the 16th morning and would be prepared to stay there until the 20th or even longer if necessary. As I said to you in my last letter we must succeed because there is so much at stake that we must not fail.

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0127. Record of talks of Prime Minister Jawaharlal Nehru with Pakistan Prime Minister Mohammad Ali.

New Delhi, August 17, 1953.

I had a two-hour talk with Mr. Mohammad Ali this afternoon. I began by saying that I was greatly distressed at the hysteria exhibited by the Press and others in Pakistan during the last few days over the Kashmir occurrences. I could understand a certain excitement, even some resentment, but what had actually taken place had amazed me and distressed me. Prominent people including Ministers and Governors had completely lost control of themselves and expressed themselves in a way which seemed to me deplorable. There was talk of *jehad*, etc. Khan Abdul Qayum Khan was present at yesterday’s meeting in Karachi where very strong speeches were made. Mr Firoze Khan Noon had also come out with wholly unbalanced statements. Chaudhuri Khaliq-uz-Zaman had talked about swords and horses of Islam being on the move.

2. I said that I had known Khaliq-uz-Zaman and Shuaib Qureshi for many years well and I had unfortunately come to the conclusion that they were wholly unbalanced and lived in some distant past. They had not got out of the late twenties.

3. With this background of hate and denouncement, it was not particularly easy to create the atmosphere for a friendly settlement which we all desired.

4. I referred to recent events in Kashmir and said that I felt unhappy about many things that had happened. Sheikh Abdullah was an old colleague, and to have to take action against him by detaining him hurt me. The situation in

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Nehru complained to Mohammad Ali that Slogans demanding *jehad* and “Kashmir at all costs” were raised at a mass public meeting in Karachi on 16 August. The meeting, which was also attended by Abdul Qayum Khan, the Pakistan Minister for Food and Industries, passed a resolution calling upon the people of Pakistan to “join their Kashmiri brethren in their righteous cause and fight for freedom.” Firoz Khan Noon, Chief Minister of West Punjab, said in a public meeting in Lahore on 16 August, “The peace-loving Indian dove has again taken to bayonets in mowing down an innocent and peace-loving people.” He argued that the Partition of India had taken place after acceptance by the Congress of the two-nation theory, yet the Indian Government “went back on that international understanding between the two countries” by forcibly sending troops into “a predominantly Muslim country—Kashmir.” In a speech at Dhaka on 14 August, Khaliq-uz-Zaman, Governor of East Bengal, exhorted the people to “keep their swords shining and horses ready” to meet any future calamity. In a radio broadcast on 16 August, he said that the objective of carving out an independent country in order to serve Islam had bestirred the Muslims in undivided India and claimed that Pakistan had become “the light house in the ocean of Muslim world affairs defying...the canons of secularism, tribalism and provincialism.” Shuaib Qureshi, the Minister for Kashmir Affairs in Pakistan, in a speech at Rawalpindi on 11 August, assured all possible assistance to the people of Kashmir to ensure an unfettered expression of their will in the matter of the State’s accession.
Kashmir had been simmering for some months past. I had gone there before I went to England and found that internal conflict had reached a high pitch. This was resulting in instability, friction and the Government could hardly function. I had asked Sheikh Abdullah and others then to work together, and, at any rate, not to take any step which might create trouble till I came back from England and we could confer again together. When I came back, I wrote to him immediately asking him to come here, but he did not agree to do so. Meanwhile, the situation there became worse and worse and it became impossible for the Government to function as it was. The Executive of the National Conference was also split up, a great majority not agreeing with Sheikh Abdullah’s views.

5. Ultimately, I advised them that, if they could not pull on together in Government, they should declare their policy clearly and those who agreed with the majority view should carry on the Government. If Sheikh Abdullah had to leave Government because he represented a minority view, that could not be helped. Constitutional procedure should be adopted.

6. Some days later, events followed each other in quick succession and resulted in Sheikh Sahib’s arrest. I regretted this, but it was difficult for me to stop the course of events as the responsibility lay with the people in Kashmir. There were disturbances later and these had to be dealt with by the Government there. Otherwise, there would have been chaos and no Government could function in that way.

7. In Srinagar and the Valley, there were obviously two sets of people, one pro-India and the other pro-Pakistan. Most people, of course, were hardly political and only cared for their economic betterment. Then there were many people who looked up to Sheikh Abdullah particularly, and, as a consequence of his arrest, they naturally began to side with the anti-India elements, accusing India for what had happened. It was obvious that nobody wishing well to India could have deliberately liked these developments. But circumstances and events could not be governed and one step led to another.

8. I referred to the false and wholly exaggerated stories in the Pakistan Press about Indian Army and massacres of Muslims. Actually, so far as I knew, about 15 or one or two more persons had been killed by Police or Militia fire. This was regrettable, but, when riotous behaviour and violence was indulged in by a crowd, the Police had to take some action.

9. Mohammad Ali said he greatly regretted the hysterical attitude of the Press and some people in Pakistan. He had tried to check it but there were some people who were difficult to control. He referred specially to a Kashmiri woman by the name of Bhat who did a lot of mischief in this respect. He referred
to Shuaib Qureshi also and said that he had himself come to the conclusion that he was not helpful at all and was very rigid and limited in his outlook.

10. I referred to the wonderful welcome that Mohammad Ali had received in Delhi. It was obvious that this was not a got-up affair but was spontaneous and all classes of people joined in it. This was because of their desire for friendship with Pakistan and because they thought that Mohammad Ali was working for this.

11. I then came to the problem of Kashmir and said that I was convinced that we must deal with this firmly and arrive at a settlement. How was this to be done? The easy way would be for us to come to some settlement by ourselves and thus end the dispute. I had once or twice mentioned this to Liaquat Ali Khan some years ago, but my proposal was not accepted. Although this was an easy way, I thought that this was no longer open to us. Any such ad hoc settlement would anger people both in India and Pakistan. The only way left was to cast the responsibility for the settlement on the people of Kashmir themselves. We, therefore, came back to the plebiscite. Let us work therefore for a plebiscite. We had talked about this for a long time and had got stuck over certain preliminary question, namely, the quantum of forces on either side. This question was not only one of numbers but of principle also, because we had claimed that there should be no Pakistan forces of any kind in ‘Azad Kashmir.’ Normally speaking, after these preliminaries had been decided, the decisions would have to be implemented. When that had been done, the UN Representative was supposed to declare that the work had been carried out and suitable conditions prevailed. At that stage, the Plebiscite Administrator came into the picture and he would take all necessary steps for the plebiscite.

12. All this was a prolonged affair and it could not be rushed. Even the preliminary steps might well take some months, perhaps six months or so. Then would come the Plebiscite Administrator, who would make a survey and present a report as to what should be done. Actual preparations for the plebiscite would take a considerable time. No plebiscite could be held in Kashmir during the four or five winter months.

13. We had talked of a plebiscite for the whole State. Dixon suggested another way. That was a much more logical approach, but, in the way he had suggested it, it was objectionable. We were not prepared to consider this question on the basis of Muslim areas and Hindu areas. But it was clear that the whole State could not be considered as a unit which should go this way or that way. There were some parts of the State which could not be absorbed by either India or Pakistan. Therefore, inevitably we had to come to the conclusion that some kind of a division of the State had to be made.
14. But this should only be done after a plebiscite of the entire State. The plebiscite should not automatically decide the question but should give the necessary data for this decision, and this decision would be largely governed by the result of the plebiscite. There were, however, other important questions. A division of the State would involve the fixation of an international boundary. This boundary should be related to geographical factors. It should avoid islands of territory and should be on the whole a clear physical line, which, as far as possible, gave effect to the wishes of the inhabitants. It would not be able to do so wholly, for that might produce an artificial and difficult frontier line. Therefore, after the result of the plebiscite was known, the two Governments should consider the question afresh and finally decide where the frontier should be. In this matter, we might have to consult others, including our Military Advisers on both sides. If we proceeded in the old way and tried to deal with the preliminary conditions for a plebiscite, we might be hung up again now. Besides, that was rather a technical question and military advice was needed. Could we postpone this question and say that, after a certain period, say six or seven months, the Plebiscite Administrator should be nominated? Before that we should undertake to settle the other preliminaries. After the Plebiscite Administrator comes in, he would take charge of the arrangements with our cooperation.

15. The Plebiscite Administrator would be appointed formally by the Kashmir Government. That had been agreed to previously, but, of course, it would have to be with the approval of India and Pakistan. I was quite clear that the Plebiscite Administrator should not come from any of the major powers. This would create difficulties and rivalries among the great powers because of the strategic position of Kashmir. Therefore, the Plebiscite Administrator should be chosen from the small and more or less neutral countries in Europe or Asia.

16. As regards the conditions preliminary to the appointment of a Plebiscite Administrator, there was the question of civil authorities in ‘Azad Kashmir’ and the question of refugees returning or not. The refugee question was an exceedingly difficult one, and I did not see how we could tackle it at all. Properly done, it would mean the examination of each claim and then possibly questions of rehabilitation and the like. This might take ages and yet prove unsatisfactory because proof would be lacking and all kinds of persons would claim to be refugees. Therefore, the only feasible way of proceeding was to leave out the refugees and have the plebiscite with the present population of the State as a whole.

17. This argument led to the following conclusions:

(1) A decision that a plebiscite must be taken and the result of the plebiscite should be the major factor in coming to further decisions about the future of the State.
(2) The Plebiscite Administrator should be appointed by a certain date, say, six months or so from now. He should come from the small and neutral countries of Europe or Asia and the staff should also be largely recruited from such countries.

(3) During this interval of six months or so, not only must the Plebiscite Administrator be chosen by consent, but the other pending questions about forces, etc., in Kashmir and civil administration and local authorities of ‘Azad Kashmir’, should be settled between India and Pakistan in consultation with the Government of Kashmir.

(4) The Plebiscite Administrator, after his induction, should take charge of that work and make his plans with our cooperation. The UN would be formally associated with his work. The date, etc., for the plebiscite would depend on his judgment and the progress of his work. That work is likely to take at least a year if not more.

(5) The question of the refugees returning should be left out, as this was wholly impracticable, and, in any event, would delay matters tremendously.

(6) It should be kept in mind that the final decision about the State was likely to be one of division. Where exactly the line of division might be drawn would depend primarily on the result of the plebiscite, but there were other important factors also to be considered in drawing up that international frontier line. It will be for the two Governments to consider the results of the plebiscite as well as all these factors, in coming to a decision about a practical and feasible frontier.

(7) All these decisions should be governed by our desire to upset things as little as possible, that is, our decision should not lead to migrations and the like as far as possible.

18. Mohammad Ali generally agreed with what I said, though I cannot say that he committed himself to everything fully. He agreed about the Plebiscite Administrator not coming from the great powers. On the whole, he thought that refugees should be left out so as to save time. He also said that our decisions will have to take other matters into consideration such as I had mentioned.

19. Our interview ended then. We meet again tomorrow afternoon.

Additional Note

I might add that I discussed briefly with Mohammad Ali the question of an
independent Kashmir. I told him how this had gradually arisen in Sheikh Abdullah’s mind and taken shape. At first he vaguely talked of the whole State being more or less independent. Lately, having come to realize that some parts of the State would not agree to this, for instance Jammu, he had developed the thesis of a so-called independent Kashmir State for the Valley and some surrounding areas only, that is, what are considered the Kashmiri language speaking areas. This would be a very small State, neither politically nor economically viable. Apart from this, it would be an arena of conflict between India and Pakistan and possibly other countries also. Either of these countries would try to gain more influence there and in fact to make it a sphere of influence for itself and later enlarging its contacts with it. There would thus be no normality and in fact this independent Kashmir, far from bringing peace between India and Pakistan, would be a source of discord. Mr. Mohammad Ali agreed with this wholly.

0128. Record of talks of Prime Minister Jawaharlal Nehru with Pakistan Prime Minister Mohammad Ali.

New Delhi, August 20, 1953.

At this afternoon’s meeting with the Prime Minister of Pakistan, he produced a new draft which was very different, in important particulars, from the one that I had given him*. Evidently, Mr Zafrullah Khan was chiefly responsible for this. This draft went much further in many ways from what I had drafted. I pointed out that this would involve a de novo consideration of many matters.

2. After much discussion, I accepted some changes in my draft which I did not consider vital to our argument. The others I would not agree to.

3. In the course of our talks, we telephoned to Mr Zafrullah Khan and had a talk with him about some matters. Later, Aziz Ahmed came and saw his Prime Minister separately.

4. Thus, the talks this afternoon were rather difficult. Ultimately we agreed to a statement, copy of which I attach. This is to be released in the Press tomorrow morning, August 21, and not earlier.

5. Apart from some minor changes made, the two or three principal changes were as follows:

* Please see next Document
(1) It has been added that the Prime Ministers should appoint committees of military and other experts to advise them in regard to preliminary issues. (This is in the middle of paragraph 3.)

(2) At the end of paragraph 3, the following words have been added: “and take such other steps as may be considered necessary therefor.”

(3) Great stress was laid on the omission of the reference to the Plebiscite Administrator being selected from the smaller nations. The principle was agreed to fully, but Mr. Mohammad Ali and Mr Zafrullah Khan said that it would be very embarrassing for them to put this down in the communiqué without their referring to their colleagues in the Cabinet. They are prepared to let me have their formal agreement to that a few days later. They wanted to show this courtesy to their Cabinet. We argued this at some length. Ultimately, I agreed to take out the phrase about the selection of the Plebiscite Administrator from the small nations, and, earlier in paragraph 3 where it was said that “the Plebiscite Administrator should be selected and appointed by the end of April, 1954”, “selected and” have been omitted from the statement. It is clearly understood, however, that the Plebiscite Administrator will be selected from the smaller nations and this can be formally stated after a little while.

(4) Efforts were made to change the date for the appointment of the Plebiscite Administrator from the end of April to the end of February. I would not agree to this. Then an attempt was made to add “at the latest by the end of April”. I did not think this necessary.

(5) In the first paragraph Kashmir has been mentioned.

(6) One or two other minor changes have been made.

(7) Paragraphs 4 and 5 relating to Evacuee Property and Cooch-Behar enclaves, etc., were redrafted by Mr Zafrullah Khan. I accepted the redraft.

(8) It was suggested that we might add that the Prime Ministers should meet soon again. I did not think this necessary.

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0129. Note by Prime Minister Jawaharlal Nehru was apparently meant to be a draft for Joint Statement after the talks with Mohammad Ali.

Points for Consideration

It is agreed that the future of the Jammu and Kashmir State should be determined after the wishes of the people of that State have been ascertained. The most feasible way of doing this is by a plebiscite, conducted fairly and impartially.

2. Although the idea of a plebiscite was accepted long ago, little or no progress had been made because no agreement could be arrived at on certain necessary steps to be taken prior to the plebiscite. In particular, discussions about the quantum of forces to be kept in the State led to a deadlock which has continued for the last two years or more.

3. While it is necessary to resolve this deadlock in regard to preliminary matters, it is desirable to make a somewhat different approach, so that the present deadlock on these issues should not come in the way of future progress towards a plebiscite.

4. In the event of these preliminary steps having been agreed upon and effect being given them, the next step would be the appointment of a Plebiscite Administrator, who would then review the situation in the State and present a report laying down his method of procedure and the steps to be taken in order to prepare for the plebiscite. These steps would inevitably be comprehensive and complicated. They would include preparation of electoral rolls for the whole State as well as all kinds of other arrangements.

5. It is desirable that a date should be fixed, provisionally at least, for the appointment of the Plebiscite Administrator and his induction to office. This date should be so fixed as to allow an adequate period for a settlement of the preliminary issues between India and Pakistan and the Kashmir Government and for giving effect to the decisions taken. The earliest feasible date for this purpose appears to be April 1954. That will give fairly enough time for all these preliminary steps to be taken. In any event, an earlier date would be climatically unsuitable because the winter comes in between and the Plebiscite Administrator will be unable to function at all before sometime in April.

6. The Plebiscite Administrator should be selected from some small and neutral country in Asia or Europe. It is desirable to avoid a choice being made from one of the great powers because that would lead to rivalries with other great powers and other complications. The choice would be made by India and Pakistan in consultation with the Kashmir Government. The UN would accept
him, though the formal appointment would be made by the Kashmir Government as had been previously agreed upon.

7. The Plebiscite Administrator would then take charge of his office and, after his survey, take such steps as may be considered necessary. He would receive our cooperation in this work.

8. Meanwhile, that is, before the choice of the Plebiscite Administrator is made, India and Pakistan and the Kashmir Government would settle the preliminary issues. One of these issues relates to refugees. It appears to be completely impracticable to get refugees back to Kashmir for this purpose. If this was done properly, elaborate enquiries would have to be made in regard to each person so as to avoid wrong persons from coming in. Adequate data would be lacking and questions of rehabilitation would arise. All kinds of upsets would thus take place and the whole procedure would be indefinitely prolonged and might ultimately even so not produce any satisfactory result. Therefore, the only feasible procedure appears to be not to take the refugees into consideration for this purpose and to limit the plebiscite to persons resident in the State.

9. After the plebiscite is over, India and Pakistan would then proceed to decide the question of the future of the State finally. The Government of Kashmir would naturally be consulted. In taking this decision, the result of the plebiscite would naturally play a dominating part. But other important considerations would also have to be borne in mind. The most important of these is to create as little upset as possible, which might lead to large scale migrations from some part or other of the State territory.

10. It is likely that different regions of the State might vote differently. To compel a region to be attached to a country against its manifest will, would be improper and could only lead to continuing difficulties. Therefore, it must be borne in mind that as a result of the plebiscite there might be a partition of the State, so that the wishes of the people might be given effect to in the largest measure. Such partition, however, cannot be automatic. The partition will lead to a new border which will be an international frontier. That international frontier has to be carefully decided upon to avoid artificial border lines and to fit in with geographical conditions and a proper and easily demarcated defensible line in so far as this is possible. Pockets of territories will also have to be avoided.

11. The Governments concerned will, therefore, take all these matters into consideration, including principally, the result of the plebiscite, to determine finally what the frontier line should be.

12. It is only possible to go through these complicated procedures if there is peace and order in Kashmir and a cooperative approach on the part of India
and Pakistan. It will not be possible to make any progress if the atmosphere is vitiated by attacks, denunciations and threats of war.

13. Therefore, it is essential that all attacks on each other and the kind of denunciations and threats of war that have been going on in the Pakistan Press, in public statements and even, to some extent, in the Pakistan Radio, should stop. Unless this is done, there will be no peaceful atmosphere and no satisfactory, fair and impartial plebiscite can be held unless these conditions prevail.

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0130. **Joint Statement issued on the conclusion of the talks between the Prime Ministers of India and Pakistan.**

**New Delhi, August 21, 1953.**

The Prime Ministers of Pakistan and India held several meetings on August 17, 18, 19 and 20 in New Delhi. These talks were in continuation of the talks they had had in Karachi three weeks earlier. Kashmir and other problems outstanding between the two countries were discussed fully and frankly. Both the Prime Ministers were actuated by a firm resolve to settle these problems as early as possible, peacefully and cooperatively to the mutual advantage of both countries.

2. The Kashmir dispute was especially discussed at some length. It was their firm opinion that this should be settled in accordance with the wishes of the people of that State, with a view to promoting their well being and causing the least disturbance to the life of the people of the State. The most feasible method of ascertaining the wishes of the people was by fair and impartial plebiscite. Such a plebiscite had been proposed and agreed to some years ago. Progress, however, could not be made because of lack of agreement in regard to certain preliminary issues. The Prime Ministers agree that these preliminary issues should be considered by them directly in order to arrive at agreements in regard to them. These agreements would have to be given effect to and the next step would be the appointment of the Plebiscite Administrator.

3. In order to fix some kind of a provisional time-table, it was decided that the Plebiscite Administrator should be appointed by the end of April, 1954. Previous to that date, the preliminary issues referred to above should be decided and action in implementation thereof should be taken. With this
purpose in view, committees of military and other experts should be appointed to advise the Prime Ministers. On the Plebiscite Administrator’s formal appointment and induction into office by the Jammu and Kashmir Government, he will examine the situation and report upon it. He will then make such proposals as he thinks proper for preparations to be made for the holding of a fair and impartial plebiscite in the entire State, and take such other steps as may be considered necessary there for.

4. The Prime Ministers considered the evacuee property issue and were glad to find that as a result of discussions between the representatives of the two Governments at Karachi, considerable progress had been made. Certain data were now being collected to enable final decisions to be taken. It was hoped that a meeting of the representatives of the two Governments would be held within a month for a further consideration of these problems.

5. At their meeting in Karachi the Prime Ministers had agreed that the Cooch-Behar enclaves in East Bengal should be exchanged with East(West) Bengal enclaves in Cooch-Behar. It was accordingly decided that a conference should be held in Calcutta as soon as possible to work out the necessary details. The conference should also consider travel and trade facilities and other issues, especially relating to East Pakistan, West Bengal and Assam. This conference should be attended by the representatives of East Pakistan, West Bengal and Assam and the two Central Governments.

6. The Prime Ministers are happy to record this large measure of agreement on vital matters affecting their two countries and they trust and believe that further success will attend their efforts so that all the problems which have unfortunately come in the way of good relations between the two countries should be solved satisfactorily. But progress can only be made in this direction if there is an atmosphere of peace and cooperation between the two countries. This has, therefore, to be actively encouraged. The Prime Ministers deprecate any propaganda or attacks on one country by the other in the Press, by Radio, or by speeches and statements made by responsible men and women of either country. They trust, therefore, that all organs and responsible leaders of public opinion will direct themselves to this great task of promoting goodwill between the two countries and thus help in solving all problems and disputes that might

A few days later Nehru expressed his satisfaction with the document to his confident the Governor of Bombay Girja Shankar Bajpai who had sent him a congratulatory letter calling it “a remarkable feat of firmness, patience and skill” on the part of Nehru. He had further said “So far as I can see, we have given nothing away and India’s position has been fully maintained.” Prime Minister in reply while expressing his satisfaction with the document said that he found the Pakistani Prime Minister “a much better person to deal with than any I have encountered thus far from Pakistan. He is really desirous of friendship and cooperation.”
exist between them. The Prime Ministers attach the greatest importance to this friendly approach and to the avoidance of words and actions which promote discord between the two countries.

7. The Prime Ministers intend to keep in close touch with each other so as to expedite progress in the directions indicated above.

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0131. Letter of Indian Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Mohammad Ali regarding hostile propaganda.

New Delhi, August 28, 1953.

New Delhi August 28th, 1953

My dear Prime Minister,

Your High Commissioner handed to me this afternoon your letter of the 27th August. This letter deals with some matter we had already discussed as well as with some new matters. I hope to send you a reply in regard to these at an early date.

2. But I must tell you that I am deeply concerned at certain other developments. Indeed, I thought of writing to you yesterday, but the news, which had appeared in the public Press, that you were sending a letter to me, led me to wait for it.

3. You will remember the penultimate paragraph in the joint statement we issued after our talks in Delhi. In this paragraph we made an earnest appeal to the Press, the Radio and to responsible men and women in both countries to help in creating a friendly and cooperative atmosphere, and to avoid saying or doing anything which would disturb such an atmosphere. We said, and we meant it, that we attached the greatest importance to this. Indeed, unless we make this approach and are supported by our colleagues and others who influence public opinion, it is manifest that our progress will be obstructed at every step. Some evil fate has pursued us in this Kashmir matter and our repeated attempts, on both sides, for a settlement have been checked and vitiates by the activities of people who apparently lack all goodwill and prefer conflict and trouble.
4. Our meeting in London and our subsequent meeting in Karachi had led me to hope that we would take a turn for the better and deal with this intricate and difficult problem in a spirit of goodwill. Subsequent to our meeting in Karachi, certain events happened in Kashmir, which led to a violent outburst in Pakistan against India. As I wrote to you then and mentioned to you when you came here, I could understand a feeling of resentment and irritation in Pakistan, but I was completely taken aback by the violence and intemperateness of language that was used not only in the public Press in Pakistan but by responsible Ministers, Governors and the like there. There were cries for jehad and war.

5. It was in this context that we met in Delhi. I am sure that you will agree with me that you found no trace of this intemperateness in language in Delhi. The contrast was rather remarkable. While the newspapers in Pakistan and public men were continually talking in strong language about war and jehad against India, just at the very time, you and your party were given the most cordial of welcomes here. That must have demonstrated to you the basic goodwill which existed in India for you and for Pakistan and the strong desire for a settlement and friendly relations. That goodwill could not be manufactured. It survived even the intemperate attacks in Pakistan. To me, that was a matter of the greatest satisfaction. It showed that our people, by and large, took a sane and long–distance view of our problems and were not swept away by momentary passion at some untoward developments.

6. We hoped that, as result of our talks and the appeal that we issued, there would be a definite calming down of the excitement in Pakistan. It was in the hope that we parted. For the first time almost, I felt that we had got out of the vicious circle which had caught us during these past years. We had not solved the problem, but it was a great thing to look at it aright and with hope and to take some definite steps in the direction of its solution. That was no small matter, considering the past background of fear and suspicion and interminable and fruitless debate.

7. After you went away, I was a little distressed to find that there was no great change in the Press of Pakistan and, more particularly, in what is called the ‘Azad’ Radio, which continued to pour out its venom from day to day. Nevertheless, I hoped that things would improve. To my great surprise yesterday, I found that a number of newspapers in Karachi had suddenly come out with big headlines accusing India, and more especially me, of flouting Delhi decisions. There was reference to Bharat’s campaign and Karachi being perturbed and at Nehru’s outburst on Nimitz. I need not refer any further to these newspapers, as you must have seen them yourself. More particularly, the Dawn and the Times of Karachi of the 27th August had these big headlines
and comments. Probably other papers dealt with this matter in the same way, but I have not seen them yet.

8. This sudden outburst in the Karachi Press, following an identical line, could only have taken place under some kind of official inspiration. I cannot imagine this identical approach suggesting itself independently to a number of newspapers on the same day.

9. What was the cause for all this? I could not remember anything that I had said or done. Indeed I had not said a word in public, and very few words even in private, since our talks and the statement we issued. How then was “India flouting Delhi decisions”? What was “Nehru’s outburst on Nimitz”, which was resented? What was “Bharat’s campaign” which had perturbed Karachi? I was deeply intrigued by all this, because I could not lay my hands on anything. Then, I remembered that, while you were here, two days before you left Delhi, I had a brief talk with the correspondents of the *Dawn* and the Associated Press of Pakistan. When I fixed this interview, I was not clearly aware as to who they were and did not know that they were Press correspondents. I merely thought that they were members of your party who desired to see me, and I made an effort to find some time in spite of a busy morning. When I met them, I realized that they were newspapermen. We had a brief private talk, which I did not consider an interview for publication. In the course of this talk, I was asked, I think, about Admiral Nimitz and I replied rather casually that I had almost forgotten his appointment long ago. I added that in view of the world situation, it was better to avoid the great powers which were so entangled with each other. That was all that I said and I had no idea that it would be published. I found that something to that effect did appear in the *Dawn*.

10. That is the only reference I have made and that was before our statement was published or even agreed to. How then have I or has India flouted in any way the Delhi decisions or carried on any kind of agitation about Nimitz or anyone else?

11. You will appreciated my distress at all this. That distress would have been there even if some individual paper had indulged in this story which has no foundation. But it was all the greater because it seemed to me obvious that this had official backing and inspiration. Can we pursue any policy of conciliation in this context and with these continuous attacks and insinuations, which have no foundation whatever? Are we to be caught again in the vicious circle which has been our fate during the past few years? This is important because unless we have faith in each other’s *bona fides*, it is difficult to make any progress.
12. A great deal has been said in these Pakistan newspapers about Admiral Nimitz. I spoke to you about this matter, and you will remember that both of us spoke to Chaudhuri Zafrullah Khan also. I gathered the clearest impression that both of you agreed with my viewpoint but did not like the idea of any mention being made of this in the statement. Indeed, you said that it would be a discourtesy to your Cabinet colleagues for any reference to be made of this without their knowledge and consultation. I appreciated your point of view and gladly agreed to leave that sentence out of our statement. You had told me that probably within a few days, you would be in a position to send me your approval of this after consulting your Cabinet colleagues.

13. Imagine, therefore, my surprise at this sudden and organized attack, after a few days, in the Pakistan Press. I need not go into the merits of this question, as I explained myself clearly to you during our talks. Much has happened during the last four of five years, and the international situation has changed and developed. All kinds of new conflicts have arisen, in all of which the great powers are involved. Even while I was talking to you, the Political Committee of the United Nations General Assembly was carrying on a heated debate, in which the United States, and Britain and most of the Commonwealth countries, apart from others, were ranged on opposite sides. I spoke to you and Chaudhuri Zafrullah Khan about this UN debate also and pointed out some of the wider consequences of it. It so happened that India’s name had been dragged in, although India was not at all eager to find a place in the Korean Political Conference. The question before the UN Committee was, however, a much wider one and India happened to be just a symbol for the moment. I had hoped that Pakistan would side with the Commonwealth and Asian countries in this matter. To my regret, it did not do so. But that is entirely for your Government to decide and I have no right to complain. I can only regret a decision which rather comes in the way of peace in the Far East and impairs somewhat the cooperation of the Arab – Asian countries as well as that of the Commonwealth.

14. But this debate in the United Nations, and the deeper conflicts that it brought out, itself makes it evident that the great powers are too entangled in their difficulties and often pull against each other. Hence it has become the normal practice to avoid having representatives of these powers in any matter requiring some kind of a neutral and impartial approach. That is no reflection on any power, much less on an eminent person like Admiral Nimitz. It is merely an appreciation of the facts of present day politics.

15. I have taken an early opportunity to write to you on this subject because I have been greatly perturbed. It would serve little purpose for us to come to
some settlements in our talks and then to have these upset not only in fact but, what is more important, in the psychological background which is so vital.

I shall write to you further in answer to your letter.

Yours sincerely

Jawaharlal Nehru

0132. Letter of the Indian Prime Minister Jawaharlal Nehru to the Pakistan Prime Minister Mohammad Ali regarding mischievous reporting in the Pakistan press.

New Delhi, September 23, 1953.

My dear Prime Minister,

You will forgive me for not having acknowledged your letter of September 5th earlier. As a Matter of fact, I had written to you on September 3rd some considerable length dealing with a number of points which had arisen in your previous letter. Probably our two letters crossed each other.

2. You refer to Admiral Nimitz. It is evident that I gathered a wrong impression from your talk with me. To me, it was obvious that, in the circumstances, there could be no Plebiscite Administrator from any of the great powers. Developments had taken place in the last three or four years which necessitated some other choice. Any other course would have been inconsistent with the foreign policy we have been pursuing. This had nothing to do with the merits of Admiral Nimitz, who is a man of eminence. It never struck me that you or your Government would attach any great importance to this matter and would find it difficult to appreciate our viewpoint.

3. I have already informed you of the casual and private talk I had with the correspondents of the Dawn and the Associated Press of Pakistan prior to our consideration of our joint statement. As a matter of fact, I had not met any Indian newspaperman and, in fact, have not done so ever since. The fact that Indian Press correspondents had discussed such matters previously is not difficult to understand. Vaguely they have been discussed long before, not at our instance, but because newspapers make intelligent surmises. We have vaguely discussed the Kashmir question with newspapers from time to time in previous months long before you came here. The journalists themselves often
put forward suggestions. I doubt if there was any leakage at our end, though it is possible that some Cabinet Minister may have been loose in his talk. Personally I hardly ever see journalists except for an occasional Press conference once in two or three months.

4. Even if there was some misunderstanding or leakage in relation to Admiral Nimitz, I confess I do not understand the tremendous campaign in the Pakistani Press and Radio. The ‘Azad’ Radio has even excelled its own remarkable previous record. I have with me a huge pile of cuttings and reports from the Pakistani press and Radio. I do not wish to trouble you with these extracts. They are easily available to you and, in any event, it serves little purpose to bring out these unsavoury comments again.

5. It was a shock to me, however, to find that even Mr. Shoaib Qureshi should have encouraged what is called a Liberation Front in a speech at Muzaffarabad and talked about a war of liberation. He mentioned that East Pakistan had offered to send four lakhs of volunteers. This was reported in the Dawn of the 6th September.

6. I am reluctant to give you long quotations from speeches and statements of responsible Ministers. I would refer you, however, to a few reports of speeches, such as a speech by Khan Abdul Qayum Khan, which appeared in the Dawn of the 17th August; a speech by Sardar Abdul Rashid, Chief Minister, NWFP (14th August); a speech of Main Jaffar Shah, Minister, NWFP (18th August).

7. I think that you will find that during all this period no Minister in India, whether Central or provincial, had said anything aggressive in this context. In fact, anyone can notice the difference between the calm atmosphere of India and the hysterical outbursts in Pakistan. While the Pakistan Press was full of jehad and war, our newspapers discussed the Estate Duty Bill, the Andhra State Bill, the floods in various parts of the country and economic policies.

8. It is this atmosphere that counts if we are to make progress and it should be our endeavour to maintain an atmosphere of peace and goodwill. You have seen for yourself how the people generally feel from the reception you received in Delhi. I am sure that the people in Pakistan feel likewise. Unfortunately, the Press and some others are often bent on creating trouble.

9. It will continue to be my endeavour to work in every way for a peaceful settlement of all issues between India and Pakistan.

Yours sincerely
Jawaharlal Nehru
0133. Letter from the High Commission for India in Pakistan to the Indian Ministry of External Affairs regarding objectionable writings in the Pakistan Press.

Karachi, October 26, 1953.

No. C. 17/IHC/53.

My dear Trivedi,

Will you kindly refer to the Ministry's letter No. D. 6309 – P. III/53, dated 9th October, 1953, regarding objectionable writings in the Waqt of Lahore. As you are aware, we have taken up this matter with the Pakistan Foreign Office several times in the past, but there has been, unfortunately, no improvement in the tone of the writings in this paper from Lahore. We were on the point of taking up this matter again with the Pakistan Foreign Office on a personal level when I happened to see the reference to this question in the record of informal discussions between Mr. Tyabji and Mr. Hilaly on the 2nd October, 1953, at Calcutta. It was suggested then that “in view of the increasing number of protests being received by either side regarding objectionable writings in the press of the other country, unofficial convention might be established that the two sides will protest only against the objectionable writing in certain specified papers which had large circulation and generally considered representative of all shades of opinion.” It was also decided that this suggestion should be considered further.

From our records we find that the Waqt of Lahore is not a very influential paper. It has a circulation of about 2000 and is the organ of the Islam League which is fiercely anti-Indian and believes in Jehad against India.

Since its circulation is small and the paper is not very influential I should like to have your advice as to whether we should follow the suggestion made in Calcutta regarding lodging protest and take no further notice of the writings in this paper. I am sending a copy of this letter to the Deputy High Commissioner, Lahore requesting him to let you have his comments direct.

Yours sincerely

(M.A. Vellodi)

Shri V.C. Trivedi, I.F.S.,
Deputy Secretary to the Govt. of India,
Ministry of External Affairs, New Delhi.

★★★★★
0134. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Mohammad Ali.

New Delhi, November 10, 1953.

My dear Prime Minister,

I am sending you two letters separately addressed to you formally as Prime Minister. One of them is in answer to two of your letters and the second deals with the complaint about canal waters.

I am taking the liberty of writing to you yet a third letter which is meant to be personal and informal, because I wish to convey to you my distress at various developments since we met last. It seems to me that all the goodwill that we created on the occasion is rapidly being frittered away and, instead of making progress, we appear to be going backwards. I am not writing to complain, and I know very well the difficulties you have had to face in many ways. But I think I owe it to you to express my mind with some frankness.

I shall not deal here with the matters referred to in my other letters. But I might refer to the strange fatality that appears to pursue every attempt made on our behalf to go some way in settling the evacuee property problem. Sometimes it has appeared that we are making a move forward and then we come back with a jump. I really do not know what I can do about it. It does little good to go on repeating the something on my side or on your side and in making charges and counter-charges of breach of agreement and the like. This was a simple issue which any two reasonable persons ought to decide on the facts. Is it that our mental processes work differently? Shoaib Qureshi’s statements surprise me. There is no argument in them nor any logic but just reiteration of something which has already been answered repeatedly. This almost reminds me of the strange doings at Panmunjon.

It seems to me that there is an apprehension on the part of Pakistan that, if this matter of evacuee property is pursued logically and any kind of enquiry held, this would lead to Pakistan being made liable for a very large sum of money, a burden which it is in no position to shoulder. I do not know what the result of an enquiry might be. But surely we realize, as well as you do, that there is a limit to the burdens that a country can carry. No one wants to put an impossible burden on Pakistan. We should consider this matter reasonably and in a cooperative spirit and try to decide this question, keeping in view chiefly the good of the displaced persons on either side.

I am writing this letter, however, for another reason. I would have hesitated to write it to anyone else but you. It may appear an unwarranted intrusion on my part

*I had been estimated that the value of property by Hindus and Sikhs in Pakistan was more than 3,000 crores of rupees while the property left by Muslims in India was valued at 300 crores of rupees. The Pakistan Government, however, contended that the estimate of the non-Muslim property left in Pakistan was grossly exaggerated.*
and an interference in the internal affairs of Pakistan. I can assure you that I have absolutely no desire to interfere in this or any other way. What I am concerned with is the consequence which inevitably must flow from certain acts. That consequence affects us and, therefore, I want to bring it to your notice.

The recent decisions of the Pakistan Constituent Assembly about the name of the country being the Islamic Republic of Pakistan and various other provisions which relate to the Governor-General and to the laws etc., obviously place all non-Muslims in Pakistan in a special category. They may be protected in some way but they are not, and cannot be equal citizens nor can they share in all the privileges of citizenship. Pakistan is thus creating something that, to my knowledge, has ceased to be considered practical politics in progressive States for some hundreds of years. It is going back to a medieval conception of the State and of citizenship, where there are categories of citizens, and sometimes of non-citizens who may be permitted to function in a particular way within limits. This may not be wholly meant but it is the inevitable consequences of the decisions which have so far been taken by the Constituent Assembly.

The effect of this on the large numbers of persons constituting the minorities in Pakistan, and more particularly in eastern Pakistan, is bound to be considerable. Whatever the practical consequence might be, the psychological effect undoubtedly will be great, and these people will feel that they had been made some kind of second class citizens by statute, that opportunities for them were limited in many ways and that they were tolerated as an inferior species. Can you imagine their accepting this position with any satisfaction? They will feel frustrated and unhappy and will not fit in as they ought to.

I remember discussing this matter fully with Liaquat Ali Khan and he assured me then (this was in 1950 I think) that this kind of thing could never happen. In fact, some reference to it was made in the Prime Ministers’ Agreement of April 1950. That Agreement, so far as this matter is concerned, is gone by the board completely**.

** On 31 October 1953, the Pakistan Constituent Assembly deviating from the original report of the Basic Principles Committee where the State was named as Pakistan only, decided that the name of the State should be the Islamic Republic of Pakistan. The Islamic character of the State was reinforced by the provisions that no legislature in Pakistan could enact any law repugnant to the holy Quran and Sunna and that a Muslim alone could be the Head of the State in Pakistan when every seventh citizen was a non-Muslim. The new Constitution also imposed separate electorates on the minority communities to the extent of sub-dividing the Hindu community into two electorates, though they demanded a joint or common electorate with the majority community. A State organization was to be set up to make the teachings of Islam known to the people. In 1953, the minorities constituted about 14 per cent of the total population of Pakistan and 25 per cent of the population of East Bengal. The Indo-Pakistan Agreement of April 1950 assured the minorities of both countries “complete equality of citizenship, irrespective of religion,” and of “equal opportunity, with those of the majority community, to participate in the public life of the country, to hold political or other offices and to serve in the country’s civil and armed forces.”
You and I have been anxious to bring about normality and friendliness between India and Pakistan. But something has been done which will very seriously come in the way of that. This is a matter of the deepest regret to me.

Only two days ago I was at Phillaur in East Punjab where there was a joint police tattoo of the police forces of the two Punjabs. Several hundred Pakistani police came there and participated in this tattoo. They were a fine body of men, and it was a joy to see how the police of the two Punjabs fraternized with each other, both the officers and men. They were full of old memories. As a matter of fact, it was impossible to distinguish them. They wore the same kind of uniforms and even the distinguishing letters on their shoulder straps were the same—‘PP’. Whenever the peoples of India and Pakistan come together, they are friendly, and one realizes the essential soundness of their approach to each other. And yet things happen which separate them, create barriers and prevent that very development which you and I seek.

There is another matter of the gravest importance to which I must refer. This is the news, which is publicly given about a coming military alliance between Pakistan and the USA. Again, it is not for us in India to come in the way of Pakistan’s foreign or internal policy. But, when we are affected by it powerfully, cannot ignore it.

I do not know how far this proposal for a military alliance has gone, but it is clear from American official statements that it has gone pretty far. If such an alliance takes place, Pakistan enters definitely into the region of cold war. That means to us that the cold war has come to the very frontiers of India. It means also that, if real war comes, this also reaches the frontiers of India. This is a matter of serious consequence to us, who have been trying to build up an area of peace where there would be no war whatever happens elsewhere. It must also be a matter of grave consequence to us, you will appreciate, if vast armies are built up in Pakistan with the aid of American money. A responsible newspaper, the New York Times, mentions that an army of a million men in Pakistan is in view. Such an army, across our frontier, and more especially with the atmosphere that sometimes prevails in Pakistan, will undoubtedly create an entirely new situation in India vis-a-vis Pakistan. All our problems will have to be seen in a new light.

There was some talk once of the common defence policy between India and Pakistan. All that, of course, goes completely by the board. There can be no common defence or foreign policy between the two countries when, in fact, their policies in both these matters are diametrically opposed to each other.
So far as we are concerned, we are firmly resolved to pursue our policy of non-alignment, and we do not propose to submit to any pressures or any inducements to alter that policy.

I shall not labour these points further. I have said enough, I think, to make you appreciate that these developments are going to affect not only Pakistan but India powerfully. Inevitably they will produce far-reaching reactions on our relations and on our problems.

Yours sincerely
JawaharJal Nehru

0135. Extracts from the Press Conference of Prime Minister JawaharJal Nehru.

New Delhi, November 15, 1953.

* * * * *

I come to the decisions of the Constituent Assembly of Pakistan. Obviously, it is completely open to Pakistan, as it is to any independent country, to have the Constitution of their choice. I am only concerned with it in two ways. One is, well, as a human being, the other as a person who is a neighbour of Pakistan, as a person also, who was concerned with the Pakistan area before the Partition and all that. As a human being, I am very sorry about this tendency in Pakistan to build up the type of State which is envisaged in these decisions, which it is rather difficult to understand from any modern point of view. It is a medieval conception, if I may say so. It is totally opposed to any democratic conception.

That is the general proposition. The thing that concerns me more is the effect of that on minorities in Pakistan and reactions in India. It is perfectly clear that such a Constitution creates at least two classes of citizens or two grades of citizenship, one having more opportunities, the other less. Also, it creates a sense of inferiority in the minorities who have less opportunity. That is not a democratic approach, or indeed a practical approach, from the point of view of having stability among all classes of the State. It may be that the minorities, as stated, are given protection, but the whole conception
is that of a superior giving some kind of protection to inferiors. This is not liked even by persons who are supposed to be getting protection. The result is that the minorities quite inevitably, whether Hindus, Christians, Jews or Buddhists, will feel rather out of the picture, will feel frustrated and will have little hope for the future.

As a friend of Pakistan, I regret this kind of development because it can only lead to continuous tension and unhappiness. Then, I am, of course, concerned with its reactions in India. You remember perhaps that in 1950, in the Prime Ministers’ Agreement with Mr. Liaquat Ali Khan, actually in the joint statement that was issued—I speak from memory—some reference was made to this matter, and Mr Liaquat Ali Khan was pleased to say that there could be, and should be, no differentiation in their Constitution. According to the new proposal of the Constituent Assembly of Pakistan, it does come in. I am not concerned so much with, say, whether there is a breach in an agreement three years old; it is a rather petty lawyer’s argument. I am concerned with the larger consequence of this because inevitably certain elements in India, which are communally inclined, will take advantage of it to spread their wrong policy, wrong arguments and create ill will when we want goodwill....

Someone asked me about a military pact between Pakistan and the United States. I should like to answer that question when something more precise or definite is known. I do not exactly know what the position is, but one could safely say that there has been not only a great deal of talk between the two countries about such a pact, but further the things have gone pretty far. The press of the United States has said a great deal about it, and apparently with authority. Responsible organs in the US, and even in Pakistan, have given some indications that this is happening.

This is a matter which constitutionally or otherwise is not our concern what kind of pact Pakistan and the United States have—but practically, it is a matter of the most intense concern to us and something which will have very far-reaching consequences on the whole structure of things in South Asia, and specially on India and Pakistan. I am rather surprised, therefore, that this very major development should take place in the way apparently it is taking place. There is talk of bases, air bases being established in Pakistan. Again, it is open to Pakistan to have bases, to have foreign armies, anything they like in their territories. It is an independent country. It is open to it to give up its independence, if it so chooses, or to limit it. We can’t interfere. But we are concerned with the consequences of these developments and, therefore, necessarily we are watching these developments with the greatest care.
Q: Is it open to Pakistan to give bases in Gilgit because it is still a disputed territory?

JN: It is a hypothetical question. I should say it is obviously not open for them to do anything in Kashmir, much less to give bases.

Q: Can we presume that the Government has taken steps to make our views on this subject known to Washington before any decisions are taken?

JN: It is rather difficult for me to answer that question. We are constantly, formally or informally, discussing such matters, expressing our views to various Ambassadors, various Governments.

Q: Has there been any progress in the talks between yourself and the Prime Minister of Pakistan in regard to Kashmir, or with regard to other matters?

JN: Soon after my meeting the Prime Minister of Pakistan in Delhi, there was some correspondence or rather I wrote to him some letters on various topics—some flowing from our meeting and our joint statement. I must have written about three or four letters, I think, during the course of the fortnight or three weeks. The replies to them were rather delayed, on their side I mean, partly because Mr Mohammad Ali was ill, and partly because he was heavily occupied, I believe, by developments there. Then, only not long ago, I had a letter from him to which I have sent a reply. There the position rests.

Q: I think you suggested the possibility of India having some kind of a Monroe doctrine for us.

JN: I do not know what other people have said, but I made a reference to this, I think, in Madras two months back not referring to Asia at all, but referring to India, that is, I was referring to the French and Portuguese establishments in India, not to the whole of Asia at all.

Q: You must have seen in the Pakistan papers and some other Urdu papers reports of some Muslim convention in Aligarh. Have you any comments to make?

JN: Yes. I have seen those reports and other reports too. My general impression was that the convention itself was a small affair and not important from the point of view of numbers or influence, but I do think that the line adopted by that small convention was, if I may use a strong word, vicious.

Q: You said that you were aiming at better relations between India and Pakistan not only in regard to Kashmir, but in regard to other matters also. Are you planning to include the nature of the State that they are envisaging also in those negotiations?
JN: This particular development has taken place since we met, and it is always a rather difficult matter for one country to interfere in the internal arrangements or Constitution of another country, but in a friendly way it is always open to us to refer to these matters, especially pointing out the consequences.

0136. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Mohammad Ali.

New Delhi, December 12, 1953.

My dear Prime Minister,

Thank you for your letter of the 9th December. This was delivered to me as I was leaving Delhi for Dehra Dun and I am taking the earliest opportunity of replying to it.

2. It was not my intention in my previous letter to say anything against Islam or any, Islamic principles as such. I did not call any Islamic principles as "medieval". I am not competent to express an opinion about what are Islamic principles or not, and it would be improper for me to discuss the principles of a great religion without respect.

3. I referred to certain proposals made in regard to the Constitution of Pakistan. I am not aware of any constitutions of the modern type having been considered in the history of Islam in the past. Quite naturally, conditions were different in those times and they were dealt with accordingly. It is not criticism, much less a condemnation, of any principle or practice adopted at a previous period of history, to say that it might not be suitable when conditions differ completely. No one, I take it, will suggest that we should adopt the methods of transport and communication now such as existed some hundreds of years ago. The structure of society has changed and the life that human beings live have also changed very greatly because of the Industrial Revolution and all that has followed. Political problems have changed and necessarily different answers have to be sought for these new problems. In fact, these problems did not exist previously and, therefore, there was no question of finding an answer for them.

4. My use of the word "medieval" had nothing to do with religion. In the history of Europe, as well as Asia, there are instances in the past when
citizenship was not a common factor for all the people who lived in a country and the privileges attached to such citizenship were not the same. This is what I call a medieval conception. In those days, it was perhaps a suitable way of dealing with the problem as it existed then. Today the well recognized approach is different. The only major deviation from this has been in Hitler's Germany, where one group of people were considered as dominant or master race and others were tolerated or even suppressed. We see this policy adopted, both in theory and practice, in the Union of South Africa. While not accepting this in theory, in practice there is racial discrimination in other parts of Africa and elsewhere in the world.

5. Whether the difference is that of race or colour or religion, the fact remains that different grades of citizens are created, some with somewhat greater privileges than others. The example I have given of Hitler may be an extreme one, but the principle is the same.

6. It was in this connection that I used the word “medieval”. If all citizens in a country are not, in law and by constitution, placed on exactly the same footing in regard to all matters, then it inevitably follows that there is some differentiation between different types of citizens. I am not for the moment referring to practice. But of course, even in practice, they should be treated in the same way. Practice, however, is a more difficult thing to seize hold of. But law and constitution are definite and precise. I would ask you to consider whether it is not a fact that some of the proposals made for the Pakistan Constitution create a different set of privileges for the nationals of Pakistan, who differ in religion. The special set of privileges might be limited. But once this principle is accepted, it goes against all modern democratic theory and conception. Once a step in that direction is taken, not only is the democratic basis of a constitution or structure of society undermined, but all kinds of consequences flow from it. There is no reason why further steps might not be taken in this direction later, because the principle of democracy has been bypassed. In any event, even a relatively small step in this direction created a division among the nationals of the country concerned and apprehension in the minds of those classes or groups which are deprived of certain privileges even by the constitution. They become inferior citizens in a sense and they are afraid of their future.

7. Modern States are more or less founded on the basis of some kind of nationalism. That basis may be a narrow one from the international point of view. But, if within the nation itself the national idea is broken up, that is a retrograde step and is certainly removed from democracy.

8. You refer to my statement encouraging the minorities in Pakistan to look elsewhere and thus to weaken their loyalty to their State. May I suggest
that it is not my statement, but the proposed action in regard to the Pakistan Constitution that is bound to have that result.

9. You say in your letter that I should have waited for a reply from you to my letter before making a public pronouncement on the two issues you have dealt with in your letter. I made the first comment on these matters at a press conference when I was asked about them. I could not very well refuse to reply. Subsequently, a question was put to me in Parliament. Again I had to reply. But, apart from these questions, these matters had become vital issues which were agitating the public mind. Opinion in India was powerfully stirred up. No public leader could ignore this reaction and simply remain quiet to it. I am sure you could not have done so if you had been faced with a similar position.

10. So far as the question of a military alliance or aid between the US and Pakistan was concerned, I was not the first to refer to it. The press of the United States, including very responsible organs, which were supposed to be semi-official, had been discussing this openly and repeatedly for some time. Indeed, some of these articles in US press were circulated officially in Pakistan*. There was no denial or repudiation by the Pakistan Government about them. It was only then that I made the reference in the press conference and later in Parliament. I hope you will appreciate that it was not at all unreasonable for persons in India to conclude, in these circumstances, that there was some basis for these statements.

11. You have denied that there was any basis, and so has the Governor-General of Pakistan. May I draw your attention to what has been said by the President of the United States as well as the Secretary of State of the US, on these subjects. They have not denied them completely and, in fact, they have partly admitted these statements. Even lately, the American press has been full of references to heavy military aid being given by the United States to

* When Ghulam Mohammed, the Governor General of Pakistan, accompanied by Muhammad Zafrullah Khan, the Foreign Minister, met President Eisenhower and Secretary Dulles in Washington on 12 November 1953, they talked about a Middle East Defence Pact, predicted by the New York Times in its editorial of 2 November which the Pakistan Government had deliberately released to its press on 6 November. Nehru said on 15 November that this was a matter of serious concern to India whereupon the negotiating parties promptly denied any knowledge of such a move. In their statements on 9 and 17 December 1953, Mohammad Ali and Ghulam Mohammed denied that any military pact with the US was being negotiated. There had been some exploratory discussions, but the matter was still being deliberated and was nowhere near conclusion. Both President Eisenhower and the Secretary of State, Dulles, said that it was the purpose of US collective security policy not to create discord among friendly neighbours in the free world. Furthermore, the views and ideas of neighbouring countries, and in the particular case of India, will be taken into consideration in connection with any arrangements to be made with Pakistan.
Pakistan. Reference has even been made to the possibility of the US helping to build up a well-trained and well-equipped army of a million men in Pakistan.

12. These are matters of great moment and cannot be treated either by you or by me lightly, because their consequences are far reaching.

13. You refer to your desire and mine to build up friendly relations between India and Pakistan. That is, of course, my earnest desire and I know it is yours also. But friendly relations depend upon many factors and, chiefly, on the policies pursued by either country.

Even the trend of domestic or foreign policy of India or Pakistan can produce repercussions in the other country and affect these relations. If our domestic or foreign policies are totally opposed, it becomes very difficult, indeed, to have friendly relations. It was because of this major factor that I ventured to write to you previously on this subject.

14. I would again earnestly request you to consider these matters from the wider point of view, not only of Indo-Pakistan relations, but of the future of Asia and of the world.

Yours sincerely

Jawaharlal Nehru
0137. **Aide Memoire handed over by the Indian High Commissioner in Pakistan to the Pakistan Ministry of Foreign Affairs.**

**Karachi, December 19, 1953.**

F. No. P. III/ 53/19326/1-2. the 19th December 1953

**AIDE MEMOIRE**

It will be recalled that the Governments of Pakistan and India agreed in terms of sub – paragraph (2) of paragraph 9 of the Agreement between India and Pakistan at the Inter – Dominion Conference of December 1948 that the Inspectors General of Police of East and West Punjab, assisted by the local District Magistrates and Superintendents of Police, should meet at least once a month to review the situation arising out of the border incidents on both sides. They were to discuss individual incidents and to devise measures to ensure that such incidents were not repeated. This agreement was reiterated in the Delhi Agreement of April 1949 which stipulated that the decisions already arrived at in the Inter – Dominion Conference of 6th – 14th December 1948 in regard to border incidents between East and West Punjab should be implemented forthwith in letter and spirit. To achieve this end, detailed instructions were to be issued to the Governments of East and West Punjab emphasizing the need for frequent meetings between the two Inspectors General of police, accompanied by District Magistrates and Superintendents of Police. Subsequently, in their Note No. I (III) – 2/3/52 dated the 29th July, 1952, the Government of Pakistan agreed that these meetings should be held once a quarter but that if for any meeting both the Inspectors General of Police agreed that there was insufficient material for the agenda, they might postpone the discussion till the meeting for the next quarter. It was also agreed that in case the situation so required, the Inspectors General of Police might, by mutual agreement, meet oftener than once a quarter.

2. The scope of this agreement was later extended to other border areas of the two countries. This latter extension of the scope of the agreement and the procedure laid down therein were mutually agreed to by exchange of letters between the two Governments, namely, No. F. 12 – 5/49 – Pak. I, dated the 20th April, 1949, from the Ministry of External Affairs of the Government of India and No. IC/13/4/49, dated the 26th November, 1949, from Ministry of Foreign Affairs and Commonwealth Relations of the Government of Pakistan. In their letter the Government of Pakistan stated that it would be of great advantage if periodic meetings were held between the Inspector General of
Police, Bikaner State and the Commissioner of Police, Bahawalpur State, with a view to devising ways and means for preventing border incidents and improving the situation. They further suggested that such meetings should be held between the other bordering provinces and states as well, *i.e.* between Sind, Bahawalpur and Khairpur in Pakistan and Bikaner, Jodhpur, Jaisalmer and Kutch in India. The meetings were to be held quarterly or more frequently, if necessary and the general procedure then in force for the prevention of border incidents on the East Punjab – West, Punjab border in accordance with the Agreements of December 1948 and April 1949 was to be made applicable in respect of these meetings also. Necessary instructions were accordingly issued by the two Governments to the State and provincial authorities concerned.

3. Meetings have since taken place between the inspectors General of Police of East and West Punjab, but only once meeting has been held so far between the Inspector General of Police of Rajasthan and Commissioner of Police of Kutch on the India side and the Inspector General of Police of Sind, Inspector General of Police of Khairpur and Commissioner of Police of Bahawalpur on the Pakistani side. The District Magistrates of the bordering districts did not, however, participate in these meetings.

4. The Government of India feel that the Government of Pakistan would no doubt agree that regular meetings between the Inspectors General of Police of the States and Provinces on the Western Borders, assisted by the District Magistrates concerned are bound to be productive of good results and help in furthering good relations between the two countries. If the Government of Pakistan agree to the proposal for regular meetings, the Government of India would be grateful if they would issue necessary instructions to the appropriate authorities concerned in Pakistan and forward copy to the Government of India so that similar instructions may be issued to the authorities concerned in India.
0138. Note Verbale of the Indian High Commission in Pakistan to the Pakistan Ministry of Foreign Affairs regarding objectionable publications.

Karachi, February 6, 1954.

High Commission Of India

No. F. 30(1)/54 – Genl. Dated the 6th February, 1954

The High Commission of India in Pakistan presents its compliments to the Government of Pakistan Ministry of Foreign Affairs and Commonwealth Relations and with reference to the correspondence resting with their Note No. 1 (I) 14/6/52, dated the 1st January, 1953, regarding an objectionable publication entitled ‘Fatwa’ circulated in Pakistan have the honour to state that the Government of India are unable to accept the view advanced by the Government of Pakistan that the meeting of the Indo – Pakistan Information Consultative Committee held on the 6th May, 1950, which was attended by the non – official members representing the press could take decisions on the publications, films or broadcasting, as the media other than the Press are the exclusive concern of the official members of the Committee in terms of para 4 (ii) of the Indo – Pakistan Agreement of December, 1948. The official members of the Committee did not meet separately on the 6th May, 1950. Moreover, the minutes of the meeting of the I.P.I.C.C. on the 6th May, 1950, also show that no other media except the Press were discussed at this meeting. This High Commission, therefore, would like to reiterate that the recommendations of this meetings of the I.P.I.C.C. hold good only for the Press in the two countries and cannot be made applicable to other media of publicity i.e. publications, films and broadcasting.

2. The reference made to para 8 of the letter dated the 22nd February, 1951, from the Ministry of Information and Broadcasting of the Government of India to their Pakistani opposite number, by the Government of Pakistan in their above mentioned note in support of their contention is considered inappropriate in as much as it was not intended to call for a specific reply in respect of the offending magazines but was merely to remind about an earlier communication regarding objectionable publications produced in Pakistan. The attention of the Government of Pakistan is invited to para 4 of the same letter which makes it abundantly clear that the Government of India were in no doubt about the recommendation of the I.P.I.C.C. meeting of the 6th May, 1950, being applicable only to the media of Press i.e. newspapers and magazines. The stand taken in the letter dated the 26th April, 1951, from the Ministry of Information and Broadcasting of the Government of India to their Pakistani counterpart was, therefore, a correct one.
3. The High Commission have been further asked by the Government of India to point out to the Government of Pakistan that it has not been the intention of the Government of Pakistan to make the decision of the I.P.I.C.C. meeting of the 6th May, 1950, applicable to publications produced in the two countries before the 6th May, 1950, which would be apparent from the fact that the Ministry of Information and Broadcasting of the Government of Pakistan continued to protest, even after the 6th May, 1950, against the publications produced in India before the 6th May, 1950. A statement (I) giving a few typical instances of such cases is enclosed herewith (not included here).

4. Besides, the meetings of the Indo – Pakistan Information Consultative Committee held after the 6th May, 1950, also discussed and took decisions about publications produced in either country before April, 1950. A statement (II) to this effect is also enclosed (not included here).

5. It would thus be obvious that it has not been the desire of the Government of Pakistan to exclude the publications produced before April, 1950, from the purview of the Indo – Pakistan agreements. Moreover, the Government of India are of the view that objectionable publications even though produced before April, 1950, continue to propagate mischief if they are allowed to circulate and cannot, therefore, be treated in the same way as newspapers or magazines.

6. As regards the publications about Kashmir, the Government of India cannot agree to the exclusion of those books relating to Kashmir, which contain material calculated to rouse communal passions and to incite war between the two countries, from the purview of the Indo – Pakistan agreements. Otherwise, the whole object of the agreements could be frustrated by objectionable matter coming through these publications.

7. In view of the position stated above, the Government of India have instructed the High Commission to emphasize once again that all those publications which come within the mischief of the Indo – Pakistan agreements, irrespective of their date of publication, are actionable. The High Commission would, therefore, request the Government of Pakistan to take drastic action against the persons responsible for the publication and circulation of the offensive booklet entitled ‘Fatwa’ and to confiscate all copies of it and ban its further circulations in Pakistan. The High Commission would be grateful to be informed of the action taken by the Government of Pakistan, if there is no objection.

The High Commission avails itself of this opportunity to renew to the Government of Pakistan the assurances of its highest consideration.

The Ministry of Foreign Affairs and Commonwealth Relations,
Government of Pakistan, Karachi.

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0139. Letter from the Indian Ministry of External Affairs to the Indian High Commission in Pakistan regarding the action taken by the Government of Pakistan about the objectionable writings in the *Waqt*.

New Delhi, March 17, 1954.


**Subject:- Anti – Indian Propaganda in Pakistan – Objectionable writings in the *Waqt* of Lahore.**

Dear High Commission

Please refer to the correspondence resting with our D.O. Letter No. P. III/53/55615/2 dated the 31st October, 1953 on the subject mentioned above.

2. No intimation has been received as to whether any action was taken by the High Commission to bring to the notice of the Government of Pakistan the continued appearance of objectionable writing in the *Waqt* of Lahore irrespective of the warning given to the Editor of the said paper by the Pakistan authorities.

3. It is however, observed that there has been no change in the tone of this paper. The extracts of the objectionable writings which have since appeared in its issues of 28th November, 1953, December 2nd, 16th, 22nd and 5th January, 1954 are forwarded herewith for using them as additional material (*not included here*) in your demarches to the Pakistan Foreign office, if considered necessary.

4. The language used in the articles published on 23.11.1953 and 16.12.1953 viz, “Sword attacks on Muslims: Several Muslims of Kucha Chellan wounded:” “At Alwar and Bharatpur Mosques are openly being converted into temples,” “Three Mohallas of Muslims in Jullunder ordered to be razed to ground: More than one hundred mosques and graves of religious leaders to be demolished,” is highly objectionable and has been used deliberately to rouse the communal passions of the peoples of Pakistan against Indians. The news item of 22nd December 1953 is an open incitement to war against India.

5. The continued publication of such inflammatory writings and the propaganda which this paper is being allowed to carry on to poison the minds of Pakistanis against Indians is in violation of Indo – Pakistan Agreement and the Prime Ministers’ Agreement. If the matter has not already been taken up with the Pakistan Foreign Office it is suggested that it should now be taken up afresh and they be requested to take deterrent action against the editor and
publisher of the newspaper concerned with a view to put a stop to the publication of such objectionable writings in future as writings of this type are bound to affect adversely the relations between the two countries.

6. We would be grateful to be informed of the action taken by the High Commission in the matter.

Yours ever

Ministry of External Affairs

The High Commission of India in Pakistan
Karachi.

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0140. Note Verbale of the Indian Ministry of External Affairs to the Pakistan High Commission in India regarding the article in the daily Milap.

New Delhi, April 19, 1954.

Ministry of External Affairs

New Delhi, the 29th April, 1954.

The Ministry of External Affairs present their compliments to the High Commission for Pakistan in India and, with reference to the correspondence resting with High Commission Note No. F. 13(116) P/53 – 1119 dated the 15/17th March 1954 regarding the publications of an article entitled Abdul Qaiyum jail men in the Daily Milap of 3rd November 1953, have the honour to state that it is regretted that this newspaper should have used the type of language that it used in describing Khan Abdul Qaiyum Khan’s political activities. The newspaper has accordingly been warned to avoid the use of such regrettable language in future.

Attention is invited in this connection to the views expressed by the Pakistan newspapers on the activities of Khan Abdul Qaiyum Khan and his Ministry in the N.W.F.P. The article in the Milap appears to be based mostly on the writings appearing in the Pakistan press on this subject during that period. Some of the typical instances of such writings are enclosed (Statement I—not included here).

The Government of India at the same time express their surprise that the High Commission should have thought it fit to take exception to the article in question.
appearing in a very minor paper of this type when the Pakistan Press has been heaping insults and abuses on leaders of this country, not even excluding the Prime Minister of India from the range of their invectives. The Dawn, a foremost English Daily in Pakistan, referred to him in its leading article of 21. 1. 1954 as “Greatest Primitive” and the Morning News of Dacca called him a ‘demented Maniac’ in its issue of 9.1.1954. Some other typical instances of such writings are shown in the attached Statement No. II (not included here). It is needless to say that such writings, particularly if they appear on important and widely circulated papers, are hardly conducive to the building up of good relations between the two countries and are against all agreements between them. The Government of India would be grateful if the Government of Pakistan are requested to take stern action against the Editors and publishers of these papers.

The Ministry avail themselves of this opportunity to renew to the High Commission the assurances of their highest consideration.

The High Commission for Pakistan in India,
New Delhi.

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0141. SECRET
Karachi, May 19, 1954.

High Commissioner for India
Karachi

No. 96/54/T(3) May 19, 1954

Subject: High Commissioner’s tour of East Pakistan.

My dear Dutt,

This was my third visit to East Bengal after I took over as High Commissioner for India in Pakistan. The first time I went on tour to that Province in July 1952 and the second in February/March 1953.

2. Usually I send a short report of my tours in the different parts of Pakistan. In keeping with that practice, I am forwarding herewith brief notes of my tour which will indicate the account of my visits to various place, Institution, and also the various persons I met during my tour.
3. Generally there are many matters which I have to take up with the East Bengal Government when I visit their Province. Right from the time I arrive at Calcutta, and even at Tripura and Shillong (when I visit those places), I hear many complaints which affect other Indian businessmen or the minorities in East Bengal. They relate to a variety of matters, some of them minor and others important.

4. This time the position was quite different. The old Muslim League Government had been thrown out of office as a result of a general election (the first one in East Bengal based on adult suffrage) which is in many respects unprecedented in political annuals. The new Government had not yet been fully installed. The Chief Minister (Mr. Fazlul Haq of the Krishak Shramik Party) had been appointed and he had till then selected only three ministers. The victory of the United Front was maliciously ascribed by certain fanatical and anti Indian elements in West Pakistan to the help of the Hindu money and influence from West Bengal. At such an early stage of the life of the new Ministry, it would have been impolitic and certainly very little use, my approaching them with any complaints. However, the complaints would have related to the time of the Nurul Amin Government. Therefore, from this point of view there was directly and specifically much less work for me to do than on the previous occasions. And yet, probably, this tour was no less useful and informative, indeed much more interesting than the previous tours.

5. The election itself indeed affected a silent revolution in the Eastern Wing of Pakistan, the full effects of which will shake the central Government itself and will, therefore, be felt in the Western wing of the country also. In fact, it was a miraculous event which was under the observant eyes of the whole world. Not even the worst pessimists of the Muslim League, nor the most reckless optimists of the United Front, could have anticipated such a rout of the ruling party as actually occurred. It is not at all an aggregation to say that so far as the Eastern and the more populous part of Pakistan is concerned, the Muslim League, which was very largely responsible for the creation of Pakistan, has been hounded of existence.

6. The causes of this political landslide have already been analyzed and studied. Their repetition here would be waste of space and time. It is enough to say that there were clear political and economic issues—matters which affected the life of the common man, the voter, and were, therefore, grasped by him—which brought about this result. By and large the political attacks of the opposition related to the problems of Government of which the Muslim League had more or less betrayed the electorate. Jute prices had reached almost rock bottom limits. Food and cloth for the poorest people were either not available or became extremely expensive. The stoppage of the border trade had brought
economic ruin in certain areas. The introduction of the Visa system was found to be very unpopular owing to delay and the cumbersome procedure. The rule of the haughty and unimaginative West Pakistani Officer was unpopular in the extreme. The latter had brought the outlook of a colonial administrator and the local Bengali population also regarded him as a foreign ruler. There was, in addition, a large volume of opposition in the Province to the idea of Pakistan entering into a pact with the United States in order to obtain military aid from that country. And above all, the language issue moved the people, both Hindus and Muslims alike, as they had never been moved before.

7. There were also the personal factors. The Muslim League Ministers were mostly weak, even corrupt, and certainly incompetent. They were completely out of touch with the people. They were challenged in the political arena by such stout, astute and seasoned wrestlers as Fazlul Huq, Suhrawardy and Bhashani. The later were supported by hundreds of University students who were indignant and had remained embittered after the firing in February 1952. The youth of the country had imbibed leftist ideals and were no longer moved by narrow sectarian ideals. Anti-Indian slogans left them cold. In any case in normal times the Bengali Muslim always has a fraternal kinship with the non-Muslim Bengali. The Partition had not, not even had the large-scale communal rioting of 1950, totally smothered this sentiment. I realized more clearly than ever before that in political consciousness East Bengal was far ahead of any other unit of West Pakistan. The backward Provinces of the Frontier, Baluchistan or Bahawalpur are no comparison. Even the Punjab, where the society still remains largely under the control of feudal families, is far less developed for democratic institutions than East Bengal. With this is related an interesting factor that in East Bengal the middle-class leadership supplied in the pre-Partition days by the Hindu zamindar and the Hindu intellectual had been squeezed out. This factor has and is going to have in future, an important bearing on the development of political life in this Province. In undivided India, we know, East Bengal supplied some of the greatest political leaders, scholars and thinker to the country.

8. The great electoral fight had taken place. A complete and wonderful victory had been won. In assessing the future of the United Front Party, which is now holding the reins of office, it would be good to remember that its electoral success, phenomenal as it is, largely constitutes a negative result. It has succeeded in inflicting an ignominious defeat over its political opponents, the Muslim League. But there are yet no grounds for associating with the United Front Party clear and definite hopes for implementing a positive programme of progressive policies. There is a big interrogation mark in front of the Province indicative of a great uncertainty.
9. I reached East Pakistan less than a month after the results had been announced. In fact, when I arrived, the period of disillusionment had already started. Doubts were being felt whether the “United Front” would remain united. Conferences were being daily held between Suhrawardy and Fazlul Huq. The formation of the Ministry could not be finalized owing to differences between the Party leaders. The Governor went away to Karachi and was postponing his return day after day. The people in the county were impatiently watching these developments. In fact, a first class political crisis was already visible in the distant horizon. Whether this small cloud would develop into a storm, which would bring about disruption and disunity, or blow over leaving a clear blue sky of amity and opportunity for constructive progress, remained in the realm of speculation.

10. For the present, the prospects were hopeful. Wherever I went, in my capacity as representative of India, I received a more hearty welcome than in the past—when it was correct, even cordial, but no so deep and touching on this occasion. The desire to cultivate closer relations, cultural and commercial, with India was very clear. Even the officials were moved by this feeling. When I met the new Ministers, a spontaneous and unsolicited assurance was given to me that the new Government would be extremely earnest in developing friendly relations with India and the neighbouring Indian States. In fact, one of the Ministers (Abu Hassan Sarker) emphasized it almost too much. Another Minister (Ashrafuddin Ahmed Choudhury), in a frank and sincere talk, implored me to convey that feeling to our Prime Minister. Some of the problems, about which I was very anxious (such as border trade), appeared to be near a satisfactory solution. And yet there was all the time a big doubt in my mind as to how far people, with the political background of Fazlul Huq and Suhrawardy, when they assume power, would implement their election promises.

11. The minorities were, of course, feeling much more secure and happy than before, although a few individual leaders continued to remain pessimistic. It was confidently hoped that Fazlual Huq would be inviting two Hindus (one of them the Scheduled Caste) to join his Cabinet. If the United Front had not gained such an overwhelming majority in the elections, the minority community would have had a very important position in keeping the balance between the two big Muslim groups. From that narrow tactical point of view, such a sweeping defeat of the Muslim League was somewhat of a disadvantage.

12. This Province still remains largely undeveloped all round. The two exceptions are the towns of Dacca and Chittagong. The former, being the capital of the Province, had to grow more or less as a matter of course, but the planning and expansion of the town and harbour of Chittagong is certainly a creditable record for the Port Authorities. Otherwise, the people remain poor,
Industrialization has been slow and in communications the Province is still rather backward. There is great scope for improvement in the condition of the roads, Railways and steamer services. The cottage industries have not received anything like the encouragement which they need and deserve. Even some of the centers of higher education gave one the impression of lack of care and efficiency. In general, one gets the impression that there has been no impetus or drive towards social and economic progress. The standards of administration remain indifferent except that there are some very fine individual officers whose ability and character seem to leave a mark on their surroundings.

13. Generally, I attempt visiting 5 or 6 Districts in my tour which lasts about a fortnight. I try to visit small towns and villages, though, for lack of time, it is not always possible to achieve this purpose. Each year I repeat my visit to two or three Districts and visit some new ones. Thus there is a chance of making new acquaintances of places and people, and also of renewing old ones. This year Dacca, Chittagong and Sylhet were the places which I had visited before. Chittagong Hill Tracts, Mymensingh and Rajshahi were the Districts which I visited for the first time. Mymensingh is, from the point of view of population and the number of minority people, very important. Rajshahi was of a special interest, because (a) we would soon be establishing there our Visa Office in charge of an Assistant High Commissioner, and (b) a new University is going to be established at that place, the legislation of which has already been passed. Historically and culturally too, Rajshahi is an important centre. In quite a different class, and yet of special interest, was the Chittagong Hill Tracts District. It is situated far in the interior with no proper road communication, and the population of which is mostly Buddhist and of a different racial stock from the rest of the Province. It was a very interesting experience indeed to visit this hilly and Budi area. I visited a tribal village and spent a whole afternoon with the people. I saw them dance, sing and play at their huts. Their life and economy were different and of a colorful interest. The people were rather lazy and poor, but contented and in good health. Apparently, they live remote from the world currents of activity, but the recent elections must have stirred their stagnant life a little. This was evident from the fact that the Chakma Chief was defeated in the elections by a common man, although they still belong largely to the tribal system of society. My notes contain a brief account of their economic life and land tenure system.

14. I was prevented by the East Bengal Government from visiting Kaptai, the site of the Hydro-electric Project, and the Chendragona Paper Mills, down the stream of the Karnafuli River, because about a fortnight earlier there had occurred a serious trouble in the Paper Mill resulting in the death of 11 persons, including the General Manager. It is said that the cause of the dispute was the strong feeling of the local people against the West Pakistani Officers. The former resented the treatment of the later.
15. While it is evident that the result of the recent general elections in East Bengal will have far-reaching effect on the political future of Pakistan and on its constitutional structure and development, we in India will also have to take note of the sentiments and trends of thought which brought about that result. Not only the States of Assam and West Bengal, which will feel the impact directly, but our country as a whole should keep in view the psychology, the cultural, political and economic urge, and the general historical and geographical factor which swayed the electorate. Indian leadership will be wise in understanding these factors in formulating their plans and policies governing our relations with Pakistan. This matter cannot be too strongly emphasized.

16. From this follows, almost as a corollary, that the Branch of this Mission at Dacca under our Deputy High Commissioner will always have a special importance for our country and our Government. I am certain that the Ministry of External Affairs is aware of this.

17. Our present Deputy High Commissioner, B.K. Acharya, belongs to the Indian Civil Service (Bengal Cadre). He has been there for nearly 2 ½ years. His predecessor was a politician (Mr. Mukherji of Assam). I am happy to say that Acharya has shown himself to be a competent tactful and energetic officer. In the past in some matters his approach towards certain problems was different from mine. We frankly discussed our differences last year. I now find that even those differences have almost disappeared. Acharya has, as stated above, discharged his difficult duties with success and ability. In the administration of his office organization, which has become considerably large with the establishment of our Visa Offices at Dacca, Comilla and Rajshahi, he has shown qualities of impartiality and leadership. It would be desirable to let him continue at Dacca for at least another year, provided it does not work to his disadvantage. I feel sure that it would be very useful for the new High Commissioner for India in Pakistan to have at his disposal Acharya's experience at least for the first two or three months of his term.

18. The housing conditions under which our staff has to endure life are a matter of great anxiety to me. I am quite clear in my mind that when we send our officers and staff to a foreign country, we must provide decent sanitary houses for them not only for the Officers but also for the non-gazetted staff. It is a great shame that this matter is neglected in Pakistan, largely perhaps because of the psychological factor that the territory of Pakistan was once a part of India. This problem is, I am convinced, intimately connected with the quality of the work turned out by our staff and the standard of their behaviour. In this respect, we of this Mission have had to start with a heavy handicap. I would strongly recommend that our Government purchase land for building the Chancery, a proper residence for the Deputy High Commissioner and also
quarters for the Officers and the staff. This would involve some investment but in the long run it would be a much more economical proposition from the financial point of view, apart from yielding valuable dividends in the shape of improved morale and conduct of our staff. Incidentally, it would also mean much greater security for our staff, our documents and our Mission in general.

19. The Visa Office Organization is being managed as well as it is possible under the circumstances. A very competent officer from the Indian Administrative Service from West Bengal started the office. In that he was a success. I was favourably impressed with the ability of our present Chief Visa Officers, Mr. Grewal. I could spend very little time in his office, but he seemed to know his duties and was discharging them properly. The building of the Visa office which we obtained with great difficulty is far from satisfactory. Our staff is congested in those sheds and the public who come to apply for Visas are put to great inconvenience particularly under rain and the heat of the Sun. It is certainly a depressing situation, but we are more or less helpless.

20. It is hoped that in two or three months our Chancery would be shifted to a new building which is situated on a main road and has decent surroundings. The Commercial and the Information Sections which are now in separate buildings will also be brought under the same roof. This would be a great advantage indeed and I feel very happy that we succeeded in obtaining the Government's sanction to rent this building which has been recently constructed.

21. Before leaving the province, I gave, in consultation with the Deputy High Commissioner, a few words of advice to the First Secretary and the Commercial Officer, which was, I am glad to say, taken in good spirit. Both of them are doing well except in one of two matters in which these suggestions were desirable.

22. On the whole the Chancery staff seems to be contented and attending to their duties well. I could not give to them as much time as I would like to have done. The new building will perhaps be an additional incentive in raising their standard of work.

23. Two Lady Social workers are posted at Dacca for the recovery of abducted women but so far as I could see they had hardly anything to do.

24. In connection with my tour of East Bengal, I usually visit Calcutta. There I make it a point to meet the Governor (Dr. Mukherji), the Chief Minister (Dr. B.C Roy) and the Secretaries of the West Bengal Government. My discussions with them are of special value. From Dr. Mukherji, with his impartial outlook and detached position, I receive valuable opinions and information. Dr. Roy is always fully posted with the events in the neighbouring Province of East Bengal. Many of the Secretaries in West Bengal Government have served in East Bengal in the old days. Contacts with them are also very helpful.
25. Similarly, I have managed to pay a short visit to Shillong to meet the Governor and Ministers of Assam. They are very appreciative of this action and discuss all those subjects which affect the relations of that State with East Bengal. Last year I went for two days to Tripura also. I could not include Tripura in my itinerary this year. At last, the Pakistan Government have, I found out, built their Customs post at Akhaura near the border (Tripura – East Bengal).

26. The complaints which were brought to my notice by Indian businessmen in East Pakistan will have to be taken up separately with the appropriate authorities at Karachi. There is very little hope of achieving much success in the present atmosphere when everything tends to get tied up in knots.

27. I utilized this tour of East Bengal for holding the third meeting of our Deputy High Commissioners at Dacca on the 19th and 20th of April. We have now made it an annual affair and my plan is to have this conference at the three centers – Karachi, Lahore and Dacca by rotation. I am happy to have started this periodical meeting of the three Deputy High Commissioners. It will have great value in coordinating the work of this Mission and keeping the three Deputy High Commissioners in close touch with developments in the three different units of Pakistan.

28. The 16 days that I spent in East Bengal had a full, rather hectic programme which made it all the more strenuous in the humid heat of April. I must have met scores of people in different stations of life—Ministers, officials, non-officials of different creeds and occupations. These contacts are of great value indeed. For the Head of the Indian Mission in Pakistan and his chief Assistants, I am convinced that it would be indeed very profitable to tour in the interior of the country in the different units of Pakistan in order to meet people in various walks of life, so that they could acquaint themselves first-hand with their feelings and aspirations not only for their own country but towards their great neighbour, India. Sitting as the Headquarters, one is too prone to judge the people’s mind by the writings in the daily press. The press in Pakistan is largely misleading because of its low journalistic standards and anti-Indian bias. Moreover, these tours would also give an opportunity to the High Commissioners for India of explaining and interpreting to the people in direct personal intercourse the policies and attitude of the Government of India. Left to the Government and the press of Pakistan, our views are frequently and manifestly misrepresented. My own experience has confirmed this time after time. With this belief, I hope that my successors would also visit the various units of Pakistan and meet the people directly.

29. At Dacca again this year I had a Reception to which a large number of prominent persons, both official and others, were invited. The Deputy High Commissioner had another Reception for me these two Receptions covered
almost all persons in the various branches of public life of this Province residing at the capital, whom it was desirable for me to meet socially.

30. The fuller notes of my tour and the daily diary are here with enclosed* along with a map of East Bengal. They may be read in such parts as may be considered interesting.

Yours sincerely
(Mohan Sinha Mehta)

Shri S. Dutt I.C.S.
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

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0142. Note Verbale of the Pakistan Ministry of Foreign Affairs to the Indian High Commission in Pakistan regarding objectionable writings in the Pakistani media.

Karachi, June 2, 1954.

Ministry of Foreign Affairs & Commonwealth Relations
Karachi


The Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, presents its compliments to the High Commission for India in Pakistan, and with reference to their note No. F. 20 (4)/53 – Genl dated the 30th March, 1954, regarding the alleged objectionable writings in the Afaq has the honour to say that the High Commission were informed on the 28th December, 1953, that the attention of the editor was drawn to the poem, and he has been warned against publication of matter which tended to embitter relations between the two countries.

2. It is not clear why the Government of India in the note, under reference, have also quoted items which appeared in the paper before the warning was administered to the editor. As the editor was warned on the 28th December, 1953, obviously it is not necessary to take any step against him for the writings

* Not included here.
from 4. 9. 53 to 12. 12. 53. With regard to the sixth item, the Government of Pakistan regret to state that writings of this nature in the Pakistan press are entirely due to the continued exodus of Muslims from India to Pakistan, the occurrence of communal riots and reports about *shuddhi* activities in India. Such reports being factual, it is difficult to take any action with reference to the complaint made by the Government of India. As regards item number seven, it has been dealt with separately and the High Commission informed vide this Ministry’s letter No. D. 2231 – I (I)/54, dated the 21st May, 1954. So far item eight is concerned it may be stated that it does not fall within the purview of the Delhi Agreement of December, 1948, the object of which was to discourage mass exodus of minorities from either country, and the Minorities Agreement of April, 1950, under which action is to be taken “to prevent the dissemination of news and mischievous opinion calculated to reuse communal passion by press…”

3. The Government of Pakistan are surprised that the Government of India in their note No. P. 111/53/55524/1 dated the 17th March, 1954, have stated that *Partap* is a comparatively minor and unimportant paper, and secondly the Government of Pakistan could have issued a contradiction to the item if they so desired. *Partap* has a circulation of over 20, 000 while *Afaq* has a circulation of only 2, 000. If this Government accept the Government of India’s stand about the outpouring of the *Partap*, which is considered by them to be a minor and unimportant paper, with a circulation of over 20, 000, it is difficult to accept their protest against material published by the *Afaq* which has a circulation of 2, 000 only.

4. With reference to para 3 of the note, under reference, the Government of Pakistan suggest that action against *Partap* may be taken on the lines of action which the Government of Pakistan took against the *Afaq*.

5. The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

The High Commission for India in Pakistan, Karachi.

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* *reconversion from Islam to Hinduism*
My dear Dutt,

There is a big interrogation mark in the minds of people regarding the future of East Bengal. It is a very intriguing situation and the prospects about developments in that unhappy province remain covered under a heavy blanket of uncertainty.

2. The Prime Minister has committed his Government in no uncertain terms that Section 92-A Rule will be continued for the minimum period of time necessary to restore normal conditions of peace and tranquility in the Province. General Iskander Mirza has been promised and given wide powers to inspire in the people due respect for law and order. Although martial law has not been declared, the Governor will unhesitatingly enforce the spirit of martial law if any resistance is offered from any quarter. There would not be the slightest sign of weakness or reluctance in taking most ruthless measures to suppress agitation against his authority. He has lost no opportunity of impressing this on the people.

3. As you have already been informed, the meeting of the United Front Party which was to be held on Sunday last, 6th June, was not permitted. More than 700 people have been arrested and put in prison, including some members of the Provincial Assembly. Anybody who is suspected of having Communist leanings is locked up.

4. The complexity of the situation, I feel, arises largely from the personal character of the Governor himself. Iskander Mirza is a soldier. He is adored in the Army. They would be ready to lay down their life for him and in carrying out his orders. He would very soon start cleansing the administration. There is no doubt that he will not tolerate even a trace of criticism, much less opposition to his plans. At the same time he will be brutally fair, impartial and earnest in improving the lot of the common man. It is very probable that in his attempt to reform the administration he will expose the inefficiency, nepotism and corruption of the old Muslim League Government. He would have no respect for those dishonest Ministers, although they belong to the Party which rules at
the Centre, and which selected him for this special and difficult responsibility. Then again, he has a contempt for the Mullah element and he is not the type of man who will conceal his feelings on any subject.

5. This leads one to the inevitable contradiction which this situation involves, *i.e.*, the conflict between the promise of the Central Government to restore normal constitutional Government and the enforcement of the Governor's Rule under Section 92-A. It is hardly conceivable that Governor Iskander Mirza would be suitable for working as a constitutional Governor. If, therefore, popular democratic administration is restored, whether with the present Assembly in which the United Front party has an overwhelming majority, or after fresh elections, the present Governor would not, in any case, fit into that scheme. The conflict between the two will be quick and sharp. Even if they have fresh elections, it is pretty definite that the Muslim League has no chances whatsoever of being returned in a majority, and whoever the Governor may be, the Party which holds the majority vote in the Assembly will again re-assert itself. It is almost certain that in two important matters they will be forced by public opinion to take a strong line—(a) to press for the largest measure of provincial autonomy, *i.e.* to show their teeth to the Centre in a bitter, even retaliatory spirit, and (b) to support the views, aspirations and interests of the Bengali element against the refugee and West Pakistani People.

6. Thus the prospects of the unity and solidarity of Pakistan, of which one hears and reads so much in West Pakistan to-day, are indeed poor. That is the conclusion to which one is driven in the present circumstances. The bogey of bringing in Hindus and Bharat will not help them very much in the future. It will continue to be raised but it will yield diminishing returns as time passes.

7. Against this, one has to reckon a few other factors. In the first place, a strong and straightforward administrator, like Iskander Mirza, is bound to come into conflict with the weak, selfish and intriguing persons who at present form the loosely knit Central Government of Pakistan to-day. He will disregard them; in fact, he has already started the process. I am reliably told that the Central Government asked him to withdraw his order canceling 21\textsuperscript{st} February as a public holiday. The United Front had declared it as a “Martyrs’ Day” (you will recollect that there was firing at Dacca on the 21\textsuperscript{st} February 1952 in which two students engaged in a demonstration on the language issue were killed). Iskander Mirza refused to carry out the Central Government’s orders. Such occasions may arise again. Iskander Mirza did not ask for being sent to East Bengal and he will not stay there for a minute longer than he can carry out the purpose of his mission. Mohammed Ali, the Prime Minister, has completely forfeited the respect and support of his compatriots of East Bengal. There is no way by which he can regain his position in public life, unless he comes into
conflict with Iskander Mirza’s doings at a later stage, and, if there is disagreement in his Cabinet, he resigns on that issue. That might restore his leadership in Bengal. One can easily imagine that he might follow this tactic. The Central Government, besides being a divided house, is composed of characterless individuals, who are busy grinding their own axes, separately and sometimes in cliques. The Governor General does not pull on with the Cabinet. The Army has not much respect for the Central Government. Iskander Mirza is universally liked in the Defence Services. I understand that the Governor General is likely to lean on the Army for support in case another political crisis develops in Pakistan.

0144. Note Verbale from the Pakistan Ministry of Foreign Affairs and Commonwealth Relations to the Indian Ministry of External Affairs regarding the publication Fatwa.

Karachi, June 30/July 2, 1954.

Ministry Of Foreign Affairs & Commonwealth Relations
Karachi

No. I (I) – 14/6/54. the 30 June/2 July , 1954.

The Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, presents its compliments to the Government of India, Ministry of External Affairs, and with reference to the correspondence ending with their note No. F. 30(1)/54 Genl. Dated the 6th February, 1954, regarding the publication entitled Fatwa, have the honour to state that the Government of Pakistan regret that they are unable to accept the stand taken by the Government of India in this matter. In this connection, reference is invited to para 10 of the minutes of the meeting of IPICC held on the 6th May, 1950, which is as follows: -

“The two Governments should, therefore, undertake a publicity campaign at least for the next six months or so to reach the masses that did not read newspapers. The aim of this campaign would be to promote amity between the nationals of the two countries. At fairs and festivals, visible demonstration of the new atmosphere should be provided by exhibition of films, by talks and through other media including gramophone records.”
Also, a band of young men should be recruited for the purpose. The cost of publicity, it was pointed out, would be far less than the cost of dealing with problems such as relief and rehabilitation of refugees resulting from disharmony.

2. The spirit of para 1 of the minutes of the meeting in question also supports this Government’s stand. This para reads as follows: -

“The Committee felt that it would not be in consonance with the spirit of the April Agreement, and the changed atmosphere to scrutinize breaches of the 1948 Agreement in either country. The Committee thought that in order to advance the objects of the Agreement on minorities all efforts should be directed towards the future.”

3. It could not have been the intention to exclude the breaches in matters of publications, films and broadcasting from consideration because a scrutiny of these breaches was bound to exacerbate feelings. If a changed atmosphere was desired, the obvious course was to start with a clean slate not only in the matter of press but also in the matter of publications, films and broadcasting.

4. The Government of Pakistan cannot agree to Kashmir publicity being treated otherwise than on a special footing. In the I.P.I.C.C. meeting held on the 1st and 2nd August, 1949, it was acknowledged that each Government was free to give publicity to its own point of view. The same freedom, obviously, could be exercised by the people of both the countries.

5. Under these circumstances, the Government of Pakistan cannot unreservedly accept the point of view of the Government of India on this vital question.

6. In suggesting drastic action against the persons responsible for the publication and circulation of the booklet Fatwa, and suggesting confiscation of its copies and banning its further circulation, the Government of India have, in the opinion of the Government of Pakistan, gone far beyond the decision arrived at the Indo – Pakistan Information Consultative Committee meetings. Reference is, in this connection, invited to the minutes of the meeting held on the 16th March, 1949. The relevant paras are: -

“III (i) The Committee agreed to recommend that Government publications produced before or after the Delhi Agreement which involved an infringement of the Agreement should be withdrawn from circulation and that this recommendation should be submitted to the Cabinet in each Dominion for approval.”

“III (iii) Each Dominion will bring to the notice of the other Dominion,
objectionable non – official publications produced in that Dominion for suitable action."

7. The publication in question, being a non – official publication, falls in category mentioned in para III (iii) referred to above. According to the recommendation quoted above, the Government of India have a right to bring this non – official publication to the notice of the Government of Pakistan for suitable action. It is for this Government at its own discretion to decide what action should be taken in the matter. The Government of India have brought this publication to our notice and the matter should rest there so far as they are concerned.

8. Finally, the Government of Pakistan consider it strange that while the Government of India should carry on constant and persistent propaganda to mobilize public opinion against this country through various media of publicity, both official and non–official, they should feel perturbed about such an unimportant publication in Pakistan.

9. The Ministry of Foreign Affairs and Commonwealth Relations avails itself of the opportunity to renew to the Government of India the assurances of its highest consideration.

The Government of India,
Ministry of External Affairs,
New Delhi.

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Note from High Commission of India in Pakisan to Ministry of Foreign Affairs.
Karachi, July 2, 1954
High Commission Of India
New Town, Karachi-5

No. F. 30(16)/54-Genl. 2nd July, 1954

The Indian High Commission presents its compliments to the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan and has the honour to invite with considerable regret the attention of the Government of Pakistan to the proceedings of the debates which took place in the Constituent Assembly (Legislature) of Pakistan on the 19th and the 22nd April, 1954. In course of this debate some members of the Assembly including responsible and highly-placed dignitaries of the country attacked India and her Prime Minister and advocated dire measures including war for taking over the State of Jammu and Kashmir.

2. The Indian High Commission has from time to time brought to the notice of the Government of Pakistan bellicose, abusive and mischievous writings in Pakistan press, some of them with very wide circulation in Pakistan. The Government of Pakistan have apparently taken no action and these mischievous writings continue unchecked. It is now a matter of profound regret that even in an august body like the Constituent Assembly of Pakistan, war with India should be advocated and abuses heaped on Indian leaders in the most unrestrained language. The record of the debate is available to the Government of Pakistan and the High Commission do not propose to quote extensively form all the speeches of this type. They, however, wish to draw particular attention to the following extracts from the speech of Sardar Abdur Rab Nisthar:-

"...Unfortunately, we are dealing with a man, (the Prime Minister of India) with all respect to him, if he analyses his conduct and character, will find him as "not a normal man...". "...But unfortunately he has got his swollen head. Some people think that a swollen head contains a contracted brain. May be it is correct; maybe it is not correct. But the way in which he behaves with the people has given me this impression and my experience of his approach to various problems has convinced me that be is a great bluffer. He always bluffs people; losses his temper, terrifies his people. But the moment you call his bluffs, he is all right." "...But if I may be permitted, I will submit to the Government that first of all they should give up the policy of appeasement. Pandit Nehru is not a man who could be brought to his senses by a policy of appeasement."
3. Sardar Abdur Rab Nishtar hinted at warlike measures in the following terms:

"... A national council should be set up for the purpose of liberation of Kashmir so that the whole national effort should be mobilized. The Government, if it is possible, should organize a national militia in Pakistan for the liberation of Kashmir. If Government, on account of any difficulties find it not possible—although I do not think there should be any difficulty when a certain attitude has been adopted by the other side then through that National Council which is set up they should be allowed to set up a national militia in Pakistan for the liberation of Kashmir..... Let us unite ourselves, let us mobilize our own people and if ultimately all peaceful avenues fail then let us for the defence of our country rise to a man. This is the only course which should be followed. It may avoid war – if war is avoided it will only be by this method – but if it is not avoided and we go to war, then I believe that Insha Allah we would succeed because we are in the right and righteousness has always the support of the Almighty....".

4. The Indian High Commission would like to point out that statements of the type quoted above by a person of Sardar Abdur Rab Nishtar’s position in Pakistan cannot but cause the utmost mischief. It is all the more distressful therefore that no less a person that the Hon’ble Chaudhuri Mohammad Zafrullah Khan, Minister for Foreign Affairs and Commonwealth Relations of the Government of Pakistan, congratulated the speakers “on the great restraint and moderation with which they have expressed themselves’ and then proceeded to say as follows:-

"... Little has been said during the course of the debate with which I find myself at variance or indifference except on matters of degree or emphasis here and there and except the suggestion made by one Honourable member in effect that we should do nothing. With that I entirely disagree. To that extent, therefore, my task is easy and has been rendered easy. I shall seek to fill in a few gaps in the case as stated"

"... I am very much inclined with a slight degree of difference over emphasis, to agree with every word that Sardar Abdur Rab Nishtar has said on this subject..."

5. The Government of Pakistan are no doubt aware of the desire and the determination of the Prime Ministers of India and Pakistan to maintain good relations between the two countries. In the joint communiqué issued by them after their talks in New Delhi, it was stated that “progress can only be made in
this direction if there is an atmosphere of peace and cooperation between the two countries. This has, therefore, to be actively encouraged. The Prime Ministers deprecate any propaganda or attacks on one country by the other in the press, by radio or by speeches and statements made by responsible men and women of either country. They trust, therefore, that all organs and responsible leaders of public opinion will direct themselves to this great task of promoting goodwill between the two countries and thus help in solving all problems and disputes that might exist between them. The Prime Ministers attach the greatest importance to this friendly approach and to the avoidance, of words and action which promote discord between the two countries. The High Commission hopes that in accordance with the spirit of this Agreement, the Government of Pakistan would once again enjoin upon the responsible leaders of Pakistan the need for avoiding incitement of the communal passions of the people and creating war psychosis by bellicose statements.

6. The High Commission avails itself of this opportunity to renew to the Government of Pakistan the assurances of its highest consideration.

Ministry of Foreign Affairs and Commonwealth Relations,
Government of Pakistan, Karachi.

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0146. Letter from Prime Minister Jawaharlal Nehru to Pakistani Prime Minister Mohammad Ali.

New Delhi August 23, 1954

My dear Prime Minister,

Thank you for your letter of the 14th July which you sent me in answer to my letter of the 13th April 1954. I hope you will forgive me for the delay in replying to it. You have been away from Karachi for a considerable part of this time and I have also been touring and otherwise very much occupied. I would also draw your attention to the letter addressed by me to you dated May 7, 1954, to which I have had no reply yet. This letter dealt with the evacuee property problem.

2. In your letter of the 14th July, you refer to the opening of the Bhakra canal. I need not deal with this matter fully at this stage because I am glad to find that, through the good offices of the World Bank, a further agreement about future negotiations, on the basis of the World Bank proposals, is in sight. But I should like to remove some misunderstanding. You have not
been in touch with this matter except lately and I can, therefore, well understand that you are not fully posted with the background. When the President of the World Bank first made his proposal to the then Prime Minister of Pakistan and to me, and we both agreed to it, it was generally understood that the preliminary talks with the World Bank would take about six months or so. In my talks with Mr Black, this was mentioned as a rough estimate. I made it clear to him that we could not commit ourselves, indefinitely, to the assurance we had given about not diminishing the supply of water. We pointed out particularly that the Bhakra-Nangal project was under construction and would gradually take shape. We were spending vast sums of money on this project and we could not be expected to suspend it or stop its future development. It is true that no period was mentioned in the written assurance that was given.

3. Instead of six months, as anticipated, these talks went on for a year and then for two years. In the course of these talks, our representatives at Washington clearly mentioned that the Bhakra-Nangal scheme was developing and the time was rapidly coming when part of it would be ready and we would require additional water supplies. Early in 1954 this was clearly stated both to the Bank separately and at the joint meetings. Even when the Bank made its final proposal, this was pointed out by us. We were anxious that your representatives should be fully informed of the position. Later we gave formal notice of it when we found that the negotiations through the Bank had come to a standstill because, at that time, you were not prepared to accept the proposals of the Bank, which we had accepted.

4. You will appreciate that any assurance of the kind that was given by us is of an interim character. It could not possibly continue indefinitely regardless of other circumstances. Otherwise, it would be open to one party merely not to take any step and thereby prevent the other from functioning.

5. Further, as a matter of fact, even on the opening of the Bhakra canal and after, we did not reduce the normal supply of irrigation water to Pakistan, and I must confess I fail to understand the reason for the outcry in Pakistan on this subject.

6. Because of this self-denying act on our part, we have lost a whole season to the great disappointment of large numbers of agriculturists who were expecting this water.

7. I need not go into this question any further at this stage. I hope that further talks will take place now on the basis of the acceptance of the Bank proposal by both sides and, separately, an ad hoc arrangement will also be arrived at.
8. I should like to remind you of the canal water agreement between India and Pakistan which was arrived at on the 4th May 1948. That agreement was signed, among others, by your present Governor-General and by me. It gave India the right to restrict water supplies provided we gave Pakistan enough time to make other arrangements. In fact, we did not lessen or restrict the supply of water to your canals at any time during these six years. There was some argument about a year ago about some minor restriction, but that was, I think, adequately explained at the time. You will observe that we have tried our utmost during these years to be cooperative in this matter with Pakistan and not to take any step which might cause injury to the agriculturists in Pakistan.

9. The second point that you deal with in your letter is the question of military aid from the United States of America to Pakistan and its effect on the Kashmir issue. We have discussed this question repeatedly and I do not feel that I need add anything to what I have already written. I do not and cannot challenge your right to accept that military aid or to come to any arrangement with any country. But I ventured to point out to you the consequences of that step on certain important questions which concern us. You refer to the threat to your security. It is not clear to me from what source that threat comes, or how your security is endangered. If you think that threat comes from India, I think you are completely mistaken because that is not only entirely opposed to our policy but, in the circumstances of today, outside the range of possibilities. But, whether it is possible or not, if that aid is in relation to India, then naturally it affects us and we are concerned. If this bears direct relation to the Kashmir issue, then the whole context of that question changes and we have to consider it afresh from a new point of view.

10. In discussing certain preliminary steps to be taken in regard to Kashmir, we had repeatedly considered the quantum of forces to be kept there. We had not come to an agreement, but there was the possibility of an agreement on the facts as they then were. We were agreeable to withdrawing a very considerable part of our armed forces from Kashmir State, provided Pakistan took certain steps including the withdrawal of her forces from the Kashmir State territory occupied by her. This position changes completely when the military resources of Pakistan increase greatly because of the aid received from the United States. We do not know how much aid Pakistan has received or is likely to receive. But, in any event, it is a natural presumption that it will be considerable. In addition, Pakistan will have the powerful military backing of a great power. In these circumstances we have now to take into consideration this additional military strength of Pakistan. The basis of our previous discussions, in regard to quantum of forces, ceases to have relevance and entirely new considerations emerge and must apply.
11. It was on this preliminary question that we could not come to an agreement and because the preliminaries were not settled, we could not go further ahead. The present development renders the basis of our discussions on this subject unreal.

12. It is also evident that our approach to these problems differs widely. You have ruled out a no-war declaration, which I have repeatedly suggested, and you have accepted and rely more on foreign military aid. A no-war declaration brings more security than military preparation and creates a better atmosphere for the solution of problems. I agree that those problems have to be solved as soon as possible. But to oppose a no-war declaration till those problems are solved, neither brings security nor helps in the solution of these problems.

13. You are no doubt aware that some time ago my Government and the Government of the People’s Republic of China issued a joint declaration in which we mentioned five principles which should govern our relations. These included mutual respect for each other’s independence and territorial integrity; non-aggression, and non-interference with each other. Such a declaration gives far greater assurance of security and friendly relations than military pacts or military preparations. To agree to any such declaration does not mean that we should not try to solve our problems. It means that we should solve them in a better and more friendly atmosphere, having ruled out the possibility of a recourse to war, which should be your desire as it is mine.

14. I have in the past drawn your attention to the violent propaganda in Pakistan in favour of war with India. Many instances of this have occurred in recent months. You will appreciate that this is not a background for friendly talks. So far as I am concerned, I am anxious and eager for a settlement about Kashmir and other issues. In regard to the canal waters issue, we agreed to the World Bank’s proposals even though they threw a very heavy burden on us. No one can accuse the World Bank of partiality to India in this matter. They went deeply into this question and considered it, in consultation with your engineers and ours, for two and a half years. In regard to the evacuee property matter, my last letter to you, written more than three months ago, has elicited no reply.

15. During the last few months a great and welcome development has taken place in international affairs owing to the conclusion of the Geneva Agreements on Indo-China. The long drawn-out and disastrous war has been ended and for the first time after many years, there is no war between nations in any part of the world. That is a development for which all of us should be devoutly thankful. Grave perils and dangers still confront us in the world, but a new turn has been taken—away from war and towards peace. That can be strengthened
by each country resolving to maintain peace and avoid war and not by preparing for war and having military talks and alliances which can only be meant against some other country. I would wish that Pakistan and India took advantage of this new situation that has been created and approached each other in a more friendly and cooperative way.

Yours sincerely
Jawaharlal Nehru

TOP SECRET
Letter from Pakistan Prime Minister Mohammad Ali to Prime Minister Jawaharlal Nehru.
Karachi, December 8, 1954.

PRIME MINISTER
Pakistan,Karachi,

December 8, 1954.

My dear Mr. Nehru,

Since the receipt of your last letter dated September 29th, I have been thinking intensely about the international situation, and in particular of the unhappy relations that obtain between our two countries. I have been led once again forcibly to the conclusion that we must do everything within our power to hasten the settlement of the disputes that continue distressingly to bedevil the relations between our two countries. I am confident that such a settlement would produce a profound effect on the situation in Asia and make a powerful contribution to world peace.

I would suggest, therefore, that you and I meet as early as possible and consider how best we can resolve our differences. If this idea appeals to you, my colleagues and I would be very happy indeed to receive you in Karachi at any time convenient to you next month. Alternatively, if it should suit your convenience better, I will be glad to come over to Delhi myself on a suitable date. In the meantime, I shall greatly look forward to our meeting in Indonesia.

With regards,
The Hon’ble
Pandit Jawaharlal Nehru,
Prime Minister of India,
New Delhi.


Yours sincerely
Sd/- MOHAMMAD ALI
8.12.1954

0148.

TOP SECRET

TELEGRAM

From: Foreign New Delhi
To : Hicomind Karachi

IMMEDIATE

PRIMIN 22570.

December 16, 1954

MEHTA from Prime Minister.

Please convey following message to PRIME MINISTER MOHAMMAD ALI on my behalf.

2. **Begins:** Thank you for your letter of 8th December which was delivered to me yesterday by your High Commissioner.

I entirely agree with you that we should do everything in our power to settle such problems as exist between Pakistan and India. I would gladly meet you to discuss these matters. My only difficulty is the fact that I am almost completely tied up for some time to come. On my return from Indonesia early in January, I have to attend the Indian Science Congress session and have some other important engagements. After that I have just a few days in Delhi which are full of work and engagements prior to my departure for a fairly lengthy period. I shall be busy with preparations for our annual Congress Session which is being held in South India. I shall leave Delhi for the South about the 14th January and return on the 25th. After two days here, I shall leave for London.

You will see that my programme is a very tight one and it is difficult to make important variations in it. I will anyhow be meeting you at DJAKARTA and I am looking forward to it.
I would suggest to you that meanwhile we might take in hand immediately some of the relatively minor problems between us and have them discussed at official level. I am quite sure that there are quite a number of things which will help in bringing India and Pakistan nearer. Even travel facilities now are difficult and can be improved. Then there are various questions connected with the evacuee question, which have been discussed so often before. If you and your colleagues so desire, I can ask our new minister of Rehabilitation, MEHR CHAND KHANNA, to go to Karachi to discuss these Matters. Apart from that there could be an official level meeting in regard to some other matters. ENDS
Other books of Avtar Singh Bhasin

1. Some called it Partition, Some Freedom: (Last 75 days of the Raj)


3. India in Sri Lanka—Between Lion and the Tigers

4. India–Bangladesh Relations: Documents 1971–2002—Five Volumes


INDIA – PAKISTAN RELATIONS
1947 – 2007
A DOCUMENTARY STUDY

VOL - II
POLITICAL RELATIONS: 1955-1969

Introduced and Edited by
AVTAR SINGH BHASIN

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TO

My Late Wife
Mandip Kaur

Mother of
Puneet and Mantosh

Mother- in- Law of
Gurpreet & Kamaljeet

Grandmother of
Arjan,
Geetika
Amitoj
Zorawar
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INDIA – PAKISTAN RELATIONS

SECTION-I

POLITICAL.......CONTINUED

1955-1969
LVI INDIA-PAKISTAN RELATIONS
0149. Note of the Pakistan High Commission in India to the Ministry of External Affairs.

New Delhi, January 12, 1955.

High Commissioner for Pakistan in India
New Delhi

F. I (3) P/54 the 12th January 1955.

The Pakistan High Commission in India present their compliments to the Government of India, Ministry of External Affairs, New Delhi, and have the honour to inform them that a new Steering Committee has been set up by the Government of Pakistan at Karachi to deal with matters which are under dispute between Pakistan and India. The Steering Committee comprises following personnel:

1. Mr. J.A. Rahim … Chairman.
2. Mr. M.S.A. Baig … Secretary.
3. Mr. M.A. Mozaffar … Joint Secretary, Ministry of Finance (Member)

2. The Pakistan High Commission would request the Government of India to kindly forward the names of the Indian Steering Committee* for onward transmission to the Government of Pakistan.

3. The Government of Pakistan consider it desirable that there should be a meeting of the two Steering Committees at an early date, and this High Commission would therefore be grateful to know from the Government of India as to which dates would suit them for a meeting of the two Steering Committees. It may also kindly be stated as to where the Government of India would like the Steering Committees to meet.

4. The High Commission, take the opportunity to renew to the Government of India the assurances of their highest consideration.

The Ministry of External Affairs,
Government of India, New Delhi.

* On January 15th in a Note No.P.II/54/679110/1-2 India Conveyed the three names of the Indian Steering Committee: S. Dutt Commonwealth Secretary MEA, M.V. Rangachari, Secretary, Ministry of Finance and V.C. Trivedi Director MEA. India agreed with need for an early meeting and invited Pakistan Committee to meet in New Delhi. It also asked Pakistan side to suggest suitable dates.
0150. Cable from Prime Minister Jawaharlal Nehru to Indian High Commissioner in Karachi Mohan Sinha Mehta regarding invitation to the Governor General of Pakistan to attend the Indian Republic Day celebrations.

New Delhi, January 12, 1955.

From: Foreign, New Delhi.

To: Hicomind, Karachi.

MOST IMMEDIATE

Primin.21013. January 12, 1955

Mehta from Prime Minister.

Please convey following message from our President to Governor General Ghulam Mohammad.

2. BEGINS:

I shall be happy if you can visit Delhi as our guest during the celebrations in connection with the Republic Day, January 26th. It is not usual for us to invite guests from abroad on Republic Day but, nevertheless, as the head of a friendly neighbour country and as a person closely associated with India in the past, your coming here on this occasion would be very welcome. I hope you will forgive this short notice. If it suits your convenience, you could arrive here on the 24th January, have some rest on the 25th and then participate in our various functions during the next two or three days. Any persons accompanying you will, of course, be also welcome.

Rajendra Prasad.

ENDS.

3. Raja Gazanfar Ali* suggested our inviting Ghulam Mohammad for Republic Day. At first I did not approve of the idea as we are much too busy then with our own functions and we do not invite outsiders. Also I shall be going away soon after to London. On giving the matter further thought, however, I felt that it might be desirable to invite the Governor General and I advised the President accordingly.

4. You will please convey this invitation personally and state that I would be happy also if the Governor General could come here. It will not be possible to have any long talks then because we shall all be terribly busy, but I feel the

* Pakistan High Commissioner
mere fact of our invitation and his coming here will have very good results,
both in India and Pakistan.

5. As these days are full of Republic Day functions, it will hardly be possible
to have special functions for the Governor General. But we may have a banquet
by the President on the 25th night.

6. I am leaving Delhi on 14th morning. Please send reply soon.

0151.  
SECRET

Extract from the Weekly Letter of the Indian Ambassador
in Djakarta to the Commonwealth Secretary Subimal Dutt
regarding his meeting with the Pakistani Ambassador in
Djakarta Choudhri Khaliquzzaman.


No.1/5/CO/55/1145 21st January 1955

4. I returned my call on the Pakistan Ambassador on the 15th. I intended
only to be with him for the usual 20 or 30 minutes, but found it difficult to get
away, as he started reminescensing. He was ironical about the reactions in the
Pakistan press about our Prime Minister’s recent statement about Pakistan in
which he said “Our culture is one, our language is the same, we dress alike”
etc. The Pakistan Press was critical about this, taking its cue from Mr. Jinnah’s
two-nation theory. He said that theory had been propagated for a particular
purpose. That purpose was now accomplished, and it was absurd to go on
harping on it, when it was so patently false. Politics was a game in which
certain tactics had to be adopted to meet a particular situation, and that was all
that had been intended then. He was again extremely critical and bitter about
both Mr. Jinnah and Mr. Liaquat Ali Khan. About the Later, he said that he
never hesitated in distorting the truth when it served him; and that the influence
of both these people on the evolution of Pakistan had been fatal. Mullaism in
Pakistan was really a creation of Liaquat Ali Khan. The wheel was, however,
now coming back to its original position, and he saw no reason why a proper
balance should not be reached with India.
He then went on to explain the circumstances of his leaving India. It was a long story, but the gist of it is that he had originally been left behind to look after the interests of India Muslims. He had done his best for them in the immediate post partition time of trouble, and had received the utmost cooperation from persons like Mrs. Naidu, Dr. Katju, Pandit Pant, Mr. Rajagopalachari, and of course Mahatma Gandhi, who, he said, had publicly called him a blood brother. His efforts had, however, incensed Mr. Jinnah, and his henchmen, as it was inevitable that he should criticize Pakistan for its attitude and actions, which had an adverse effect on the Muslim position in India. He instanced his statement made in reply to a statement made by Zafrullah Khan from San Francisco, charging the Indian Government for the genocide of Muslims in India in early September 1947.

He had been requested by Rajaji to see Ghandiji in Delhi to discuss the situation with him. He went to Delhi and saw Ghandiji, who told him that the best way of improving the communal situation would be for him to persuade the Pakistan Governments to deal fairly with the Hindus in Sindh and persuade them not to migrate to India. “That would involve a trip to Karachi”, he had told Ghandiji. Thereupon the latter advised him to go and see Mr. Jinnah for this purpose. He did so travelling with the same little luggage which he had brought with him from Lucknow to Delhi.

In Karachi, when he saw Mr. Jinnah, the latter was in a tearing rage. He came out of his room and read out his (Khaliquzzaman’s) statement referred to above in a loud voice as if he was an accused whom Mr. Jinnah was prosecuting. “This statement of yours has been broadcast all over the world”, Mr. Jinnah said. This made him, in his turn, angry and he replied, “Why should it not be. After all, I am the leader of 40 million Muslims in India”. Thereupon Mr. Jinnah calmed down and said that it had hurt them very much and caused great injury to the reputation of Pakistan. Then they had a long discussion and from it, it became clear to Choudhri Khaliquzzaman that the reason why Mr. Jinnah had wanted him to stay on in India was not to look after the interests of the Indian Muslims, but to organize them as a Fifth Column of Pakistan. That he was not prepared to do. He further found that he was quite unable to achieve the purposes for which he had been sent to Karachi by Mahatma Gandhi. Acharya Kripalani, whom Gandhi, had sent to put heart in the Hindus and to persuade them to stay on in Sind, was actually inciting them to leave. Though in public he made equivocal statements about it, privately, he advised them to leave Sind as early as possible. This discouraged him further. He wrote about it to Gandhiji, and he believed that it was as a result of this report on Acharya Kripalani’s activities in Sind, that later on Gandhiji’s attitude towards Acharya Kripalani changed, and the latter was removed from the Congress Presidentship.
All these happenings made him decide that there was no point in his returning to India and therefore he did not do so. He said that he was glad that there was a witness of his fateful conversation with Mr. Jinnah, referred to above. That was Mr. H. S. Suhrawardy.

* * * * *

With kind regards.

Yours sincerely

(B.F.H.B. Tyabji)

Shri S. Dutt, ICS
Commonwealth Secretary.

❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖

0152. Message issued by the Governor General of Pakistan Ghulam Mohammad on the eve of his departure for India to attend the Indian Republic Day celebrations.

Karachi, January 24, 1955.

I look forward to my visit to India. I am conscious of the value of the Invitation sent by the president of India and I hope that this may lead to a better and closer understanding in the various fields in which there have been serious and a basic differences between our two countries.

I do not know what my programme in Delhi is beyond attending the ceremonies connected with the independence day but I have many friends both in the Government and outside in Delhi and I shall try to make them understand our position and the need for an early settlement so that both countries can really get together and march ahead. I have felt for the last many years that such an understanding is necessary. I believe that without a closer and early settlement of the basic differences such a change cannot take place but I have faith in the people both in India and in my country that every efforts will be made to close the ranks and settle these differences as early as possible.

I have personally very close associations with India I mean pre-partition India and these associations could not be wiped out by passage of time. I have deep regard for the progress of both countries and shall try my best to promote settlement and understanding between them.

❖ ❖ ❖ ❖ ❖
0153. Speeches of India President Dr. Rajendra Prasad and Governor General of Pakistan at the Banquet held in honour of the visiting Governor General.

New Delhi, January 25, 1955.

President’s Speech

I am very happy this evening to welcome the distinguished Head of our neighbouring country. You, Sir, are no stranger to India’s capital city. Many of us here remember your kind geniality and warm friendship. Your liberality of outlook, high sense of duty and lofty patriotism are still recalled with admiration by many in this country. We are particularly happy that despite the state of your health and heavy preoccupations you have found time to pay us a visit and participate in the festivities of our Republic Day.

Five years ago tomorrow India became a Republic. This was the day of which many of us dreamt in our early years and for which numerous people have made heavy sacrifices. Tomorrow is, therefore, a day of special significance to us in India. It is an occasion on which millions demonstrate their unity despite the diversity in their language, religion and culture. It is not only an occasion of joy; it is an inspiration for the future. We all, of course, exult in our hard-won freedom. We are, however, all the time conscious that freedom would be without any meaning if it did not result in the happiness and well-being of millions who have for ages been denied the minimum of food and clothing. To this task India’s leaders have pledged themselves. I know that the leaders of Pakistan also are determined to achieve the same end. And among them no one carried a greater responsibility than you, Sir. We have many bonds of friendship and understanding with your great country and have been watching your efforts with great interest. Many problems of our two countries are common and I feel sure that each can profit from the experience of the other in its endeavour to solve them. We wish you every success in fulfilling your great task.

I need not tell you, Sir, how millions in both our countries have lived the greater part of their lives together. Although we have voluntarily parted company, years of close association assisted by a common background and a common experience provide the foundation for enduring friendship and understanding between us. There is much in common in the languages spoken in our two countries, so that we can understand each other. There should, therefore, be no problem between our two countries which would not be capable of solution in a spirit of friendliness and understanding. I can assure you that my Government is anxious to do everything in their power to solve these problems in fruitful co-operation with yours.
On behalf of the Government and the people of India and on my own behalf I welcome you again. We are only sorry that your stay with us should be so brief. We are however, aware of the heavy responsibilities which you carry. We, therefore, appreciate all the more your kindness in accepting our invitation to be present with us on our day of national rejoicing. May I express the hope that you will find time later to pay us a longer visit so that we might have an opportunity of showing you something more of New India. Our best wishes are with you and your countrymen.

Pakistan Governor-General’s Reply

On the occasion of the celebration of the Republic Day of India, I offer you the sincere greetings and good wishes of Pakistan.

This is the first time a Head of a State has been invited to participate in these national celebrations. I am conscious of the honour, and the people of my country appreciate this kind sentiment. Since my arrival here I have been deeply moved by your kind hospitality, and I thank Your Excellency for it.

Your Excellency, the kind sentiments you have expressed about me have deeply touched me. The great part played by Your Excellency in the struggle for Indian freedom is well known. I am confident that when the history of our time comes to be written, Your Excellency’s name will deservedly find in it a revered and honoured place.

As a student, I had the opportunity to observe your work for India, and I was struck by your courage and sober determination. One could not help but be struck by your love for the common man and for your work in raising their level of living. As a result you acted as one of the leaders who seriously combated the evils of colonialism.

I am no stranger to this great country of yours, nor are most of my countrymen. In the freedom of this sub-continent, the peoples of India and Pakistan worked shoulder to shoulder, and it is due to their sacrifices that we enjoy the blessings of freedom today.

Both amongst the Hindus and Muslims, there are great heroes who played a distinguished part in winning the freedom of the Indian sub-continent. The name of Mahatma Gandhi comes to my mind for the very long and distinguished part played by him, as also the names of many other Hindu and Muslim leaders like the Quaid-i-Azam, Maulana Mohammed Ali, my distinguished friend and brother Dr. Ansari, C.R. Das, Pandit Motilal Nehru, Mrs. Sarojini Naidu and Tayyabji. Alas! many of the standard bearers of freedom are no more amongst us. Pakistan joins you in paying tributes to their sacred memory. The struggle for freedom had a host of other fighters who played important roles in the sacred
cause. Even today, some of these Hindus and Muslims who fought for the freedom of the sub-continent are playing an important part in the service of their countries. They hold a high place in the esteem and affections of Indians and Pakistanis. I mention Dr. Khan Sahib who is here with me, and Mr. Shoaib Qureshi, at one time Minister for Refugee Rehabilitation and a co-worker of Gandhiji and of your Prime Minister.

As your Excellency rightly observed, the basic problems which are facing India and Pakistan are essentially the same. It is, therefore, very important for both countries that they co-operate in solving them and adopt the same principles and fellow-feeling in doing so.

It is a sad fact of history that some happenings in the wake of freedom have left behind a large legacy of misunderstandings and bitterness due to which our relations have not been very pleasant. I think this dark period of strain has now lasted too long, and the time has now come to end it completely. I am glad that your Prime Minister has also expressed the view that an atmosphere better than ever before now prevails for settling our mutual problem.

The ideal time has now come to prove sincerely that basic and major points of dispute can be mutually solved without delay. Otherwise our people will laugh at out insincerity and lack of leadership. Time for action is now — people will not wait.

You have men of goodwill and good sense. So have we. Our two Governments have common objectives - we seek international peace and amity. We seek to secure the uplift of the common man.

Let us put an end to our disputes. We owe this as a duty to posterity not to leave them a legacy of misunderstandings and bitterness. This will depend on the early solution of our disputes, and I feel that India also realizes the fundamental truth as we do. There is no alternative except that the two countries act in a spirit of truth and sincerity without which it seems difficult for them to achieve real prosperity and well-being.

I feel that with the presence of you, Mr. President, as the Head of the Indian Republic, and of Mr. Nehru as the Prime Minister, there should be no difficulty in realizing this truth and giving effect to an early settlement of these points, some of which have been for years the basis for misunderstanding and discord. Given the goodwill and the breadth of vision, I have no doubt that such an end could be realized much sooner than most of us can think of.

We live in critical and dangerous times. The very existence of mankind sometimes seems to be at stake. Our joint contribution in promoting the peaceful progress of mankind would be increased immeasurably if with our own problems resolved, we march together in the service of humanity.
May I again thank Your Excellency, the Government and the People of India on my own behalf, on behalf of my Government and the people of Pakistan, for friendship and hospitality that I have received at your hands.

0154. **Note by Commonwealth Secretary S. Dutt on his meeting with Pakistan High Commissioner.**

**New Delhi, February 18, 1955.**

**Ministry of External Affairs**

The Pakistan High Commissioner saw me yesterday made the following suggestions:

(i) The Indian Steering Committee should go to Karachi on the 26th February and meet the Pakistan Steering Committee there from the 26th till the 28th. I said that our Finance Secretary will have to be in Delhi on the 28th and must, therefore, leave Karachi on the 27th. I may stay on, if necessary. This I confirmed later after consulting Shri Rangachari.

(ii) The Pakistan Steering Committee will be in Delhi and meet the Indian Steering Committee on the 8th March. On the 8th March the Minister of Rehabilitation will also meet his opposite number at Karachi.

(iii) Subject to the consent of the Steering Committees, the first Ministerial level Conference should take place on the 14th March to discuss the following:

   (a) Relaxation of visa restrictions;
   (b) Shrines and religious places;
   (c) Movement via Khokhrapar;
   (d) Opening of more railway connections between India and West Pakistan;
   (e) Substitution of shuttle trains by regular mail trains;
   (f) Customs check post on the borders to be abolished and checking to be done at Amritsar and Lahore; and
   (g) Border incidents on East and West Pakistan.

2. In regard to the proposal for the Ministerial meeting I said that I could not
say anything without consulting our Ministries concerned. I also did not see why discussions should be confined, if at all they take place, to the items mentioned. We should, for example, raise the question of migration of Hindus from East Bengal. However, I should like DS (P) to communicate the Pakistan High Commissioner’s proposals to our Ministries concerned and obtain their views.

S. Dutt
19. 2. 1955

Office of the High Commissioner for Pakistan in India
New Delhi

No. F.2 (43) P/55. 18th February, 1955.

The High Commission for Pakistan in India present their compliments to the Ministry of External Affairs, Government of India and have the honour to draw their attention to the Tribune of today’s date reporting a speech by Mr. C.P.N. Singh the Governor of Punjab (India) to the public at village Reru on the 17th of February, 1955.

This High Commission have read with shock and amazement the statement of His Excellency the Governor ascribing to the Pakistan Government the intention to create a rift between the Hindus and Sikhs citizens of India as a result of the welcome accorded by the people of Lahore to Sikh visitors from India during the recent Cricket Test Match at Lahore.

The Pakistan High Commission wish to point out that details of the innumerable acts of welcome have been widely reported in the Indian Press as also in the Pakistan Press, and nowhere, so far (as) this High Commission is aware, has there been the slightest suggestion, insinuation, or assertion that the treatment accorded to the Indian visitors was either overtly or covertly discriminating in favour of persons of any particular denomination. All reports that have appeared in the press are almost unanimous in stating that the welcome given by the Pakistanis was spontaneous, affectionate, and friendly in the extreme. If in certain cases emphasis have been given to the welcome accorded to Sikh visitors, it has obviously only been done because such unprecedentedly friendly treatment belied the misgivings that may have existed in some quarters that Sikh visitors would not be welcomed in Pakistan. But
nowhere, to our knowledge has it been suggested in any press or other reports that the treatment to Hindu citizens of India was in any way discriminatory or less cordial than that accorded to Sikh citizens.

The Pakistan High Commission would not have felt constrained to attach importance to a newspaper report which is obviously so contrary to the real facts which are widely known, had it not been that this statement emanates from so important and prominent a person as the Governor of a State whose statements will be regarded rightly or wrongly as reflecting the views of the Government of the country. The Pakistan High Commission would further like to state that on the occasion of the last Republic Day the same eminent person in a message made a statement on the controversial subject of Kashmir which is at the moment a stumbling block in the way of the establishment of lasting goodwill between the two countries. The Government of India’s attention was drawn to that message in a friendly and informal way on a personal level. The Pakistan High Commission hope that the Government of India will agree that the present statement of the Punjab Governor is calculated to undo a great deal of the good that has been so laboriously and so painstakingly built up in recent weeks. This statement will not only cause confusion and disbelief in India, but will also have adverse repercussions in Pakistan.

The Government of India’s attention is also drawn to that part of the newspaper report which says that the Governor’s “voice trembled with anger” when he made this speech. Both this statement and the manner in which it has been made militates against the creation of that friendly atmosphere between the two countries which is so essential for the success of the forthcoming meetings between their representatives, and particularly for the forthcoming meeting between the two Prime Ministers.

The Pakistan High Commission therefore hope that the Government of India will kindly take note of this statement and take such steps as will not only prevent a repetition but will also undo the mischief that will undoubtedly be done if it is allowed to go un-contradicted. The statement is not only unfair to the Government of Pakistan but is also an unjustified attack on all those citizens of Pakistan who demonstrated their goodwill and friendliness to those citizens of India who had occasion to enjoy their hospitality recently in Lahore.

The Pakistan High Commission avail themselves of this opportunity to renew to the Government of India the assurances of their highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi.

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Letter of Prime Minister Jawaharlal Nehru to the Punjab Governor CPN Singh regarding the complaint made by the Pakistan High Commission on his speech.

New Delhi, February 18, 1955.

My dear CPN,

I see from a report of your speech delivered at Jullundur yesterday that you criticised severely what was reported to be preferential treatment given to the Sikhs when they recently visited Lahore to see the test match. I must confess that I have read this report with great surprise and some distress. You were certainly right in your warning against communalism but to pick out this visit to the test match and say that the Sikhs were treated better was surely a very unwise thing to do. Apart from encouraging the very communalism that we are against, this was bound to have a bad effect in Pakistan. In fact, I have actually received an official protest from the Pakistan High Commissioner, and we could say little in reply.

I have read long reports of the visit of our people to Lahore on the occasion of the test match. All these reports have testified to the goodwill shown to all Indians. It is probably true that the Sikhs were especially welcomed because this was the first time that a large number of Sikhs went there and also because Sikhs are supposed to be very anti-Muslim.

We have enough trouble with Pakistan. Just when relations between the peoples of the two countries are improving, it is very wrong to say anything which comes in the way. I do not personally think that there was any evil motive behind the treatment of the Sikhs in Lahore.

Yours sincerely

Jawaharlal Nehru

Shri C. P. N. Singh
Governor of Punjab,
Punjab Governor’s Camp

❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖
SECRET

Letter of the Punjab Governor CPN Singh to Prime Minister Jawaharlal Nehru explaining his speech about the treatment given to the Sikhs in Lahore.

Lahore, February 21, 1955

Governor’s Camp Punjab
Circuit House, Chandi Mandir.

My dear Panditji,

I have received your letter regarding press reports of my speech at Jullundur. In this connection I held a press conference this afternoon and a copy of the statement issued is being enclosed for your perusal. It is a pity that Raja Ghazanfar Ali should have based his protest on what appeared in the Tribune which was such a garbled version of what was spoken. Even so far (as) Pratap is concerned, there are a few inaccuracies, but its version is a near approach. That this is so was admitted by Pratap’s representative in the Press Conference.

Incidentally, it would interest you to read what Vir Bharat has quoted from what was published in a Pakistan paper called Shahabaz. I am enclosing relevant cutting from Vir Bharat dated the 21st February 1955.

I will be able to talk about this subject when I see you at Delhi.

Yours sincerely

sd/-Chandreshwar

Shri Jawaharlal Nehru
Prime Minister
New Delhi.

Statement of Governor of Punjab at the Press Conference

The Governor has noticed with deep regret the controversy which has developed in the Press over his speech at village Rehru in Jullundur District. He finds on going through the relevant reports that it is mainly due to the totally wrong version of it in the Tribune of 18.2.1955 which varies materially from what appeared in other papers, e.g. Pratap of 19.2.1955. It has been stated that the Governor’s voice ‘trembled with anger’ when he referred to the preferential treatment accorded to the Sikhs in Lahore. Nothing could have been further from the truth and there was, in fact, no occasion of anger. Two other points reported are, that the Governor warned Pakistan against creating a wedge between Hindus and Sikhs. It is also said that he castigated the Sikhs for their
communalism and asked them to hang their heads in shame. In both these respects a wholly garbled version has been made out of certain innocuous remarks made in the ordinary course. He did refer to the invidious treatment which had been given to Sikhs and Hindus, but all that he added was that he did not understand its basis. He incidentally mentioned that if anybody tried to create a wedge between Hindus and Sikhs, he was certain that such an attempt would be unsuccessful. The Governor never implied that the Pakistan Government could have had any hand in the matter. In fact, he made friendly references to Pakistan and congratulated the Pakistanis on the hospitality which they had shown to the visitors. He added that if people of Pakistan came to India, hospitality in the same manner should be shown to them. As far as references to Sikhs are concerned he praised them and their religion. He generally spoke about the progress that Punjab was making in the last few years and hoped that the pace of development would continue if only petty considerations would not detract the people from right path. He gave a general warning against communalism, and when he mentioned that Indians should consider themselves Indians first, he referred not only to Sikhs, but also to Hindus, Harijans and others.

* * *

A. **TOP SECRET**

Letter from the Ministry of External Affairs to the High Commission of India in Karachi explaining the speech of the Punjab Governor about which Pakistan had protested.

Ministry of External Affairs,  
New Delhi.

D.O.No.31/146//NGO 22nd Feb. 1955

My Dear Chari,

You must have read in the Pakistan press reports of, and comments on a speech made by Shri C.P.N. Singh at village Reru near Jullundur on the 17th February 1955. The Pakistani High Commissioner called on the Commonwealth Secretary in this connection on the 18th February and lodged an emphatic protest against it. He followed it up with a formal note verbale, a copy of which is enclosed herewith. The Prime Minister thereupon wrote a secret and personal letter to Shri C.P.N. Singh pointing out the implications of the reported statement.

We have decided not to give a formal reply to the protest note from the Pakistani
High Commissioner. The Commonwealth Secretary would explain the position to him. I am, however, writing this to you for the personal information of yourself and the High Commissioner.

Today’s Indian papers carry a statement from Shri C.P.N. Singh to the effect that he was entirely misreported and that his comments were taken out of their context by one reporter.

Yours sincerely

(V.C. Trivedi)

Shri R. T. Chari, I.C.S.,
Deputy High Commissioner for India in Pakistan, Karachi.

EDITORIAL FROM THE DAWN, KARACHI  20-2-1955

Mr. Singh and the Sikhs.

Recently a large number of Bharati Hindus and Sikhs visited Lahore to witness the Test Match. They were accorded very friendly treatment by the local Pakistanis. The Sikhs in particular appreciated the friendliness because it was against that community that bitterness had been greatest following the tragic events of partition time. One should have thought that the Bharati authorities would have been glad and grateful at this change for the better in the feelings of Pakistanis towards the Sikhs and Hindus. But, believe it or not, the Governor of East Punjab, Mr. C.P.N. Singh, has been mightily annoyed that the Sikhs were so well treated in the Punjab! Addressing a village public meeting, that worthy gentleman is reported to have demanded to know: “What does Pakistan mean by according better treatment to Sikhs?”—and all the while (so reports Tribune) his voice “trembled with anger”. Mr. Singh also warns the Sikhs “not to be happy” at the good treatment they received in Pakistan but to “hang their heads in shame”. These outbursts would have been ludicrous but for the fact they proceed from a person holding the high position of a provincial governor. It can only be presumed that Mr. Singh— and Hindus of his way of thinking—do not themselves care much for the Sikhs, which is rather a strange state of affairs because Mr. Singh happens to govern a province which the Sikhs can claim to be their own. Our High Commissioner in Bharat has lodged a protest against the Governor’s outburst to Mr. Nehru’s Government, and it remains to be seen what the latter’s reaction turns out to be.
My dear Desai,

As an old friend and co-worker, I wish to send you my warm welcome. India and Pakistan, carved out by mutual consent, had to face some very bad results in so far as a large number of innocent men and women were unnecessarily killed and women were the most unfortunate victims, and a kind of life was forced on them which should be a disgrace for any civilized nation.

Your coming here as India’s High Commissioner should help me in ending that era of 7 years’ suffering and, will I am sure, create a better understanding and co-operation between our countries.

As an old co-worker, you know my views and I will be glad to help you in this regard.

With kind regards,

Yours sincerely

sd/-Ghulam Mohammed

His Excellency Mr. C.C. Desai,
High Commissioner for India in Pakistan, Karachi.

❖ ❖ ❖ ❖ ❖
0159. Letter from the Indian High Commissioner CC Desai in reply to the Pakistan Governor General Ghulam Mohammad’s letter of welcome.


PRIVATE AND PERSONAL

HIGH COMMISSIONER FOR INDIA

My dear Mr. Ghulam Mohammed,

I was deeply touched receiving this morning, on arrival at the Governor General’s House, your kind, affectionate and cordial letter which would make, my difficult but pleasant task in this country all the more easy. When this post was offered to me, I accepted it without hesitation as I knew that I had many good and genuine friends in this country and also as I felt that it was time that something was done to put an end to all this madness and to place the relations between these two countries on a permanent good-neighbourly basis. As I remarked to some friends on arrival here, I have come here from relations to friends and it is well known how one feels more attracted to friends in preference to relations. Fortunately for me, the atmosphere has improved since you gave the lead a few months ago and it would be a pleasure to build on that foundation and to labour for the closest and most friendly relations between the two sister-nations to their mutual advantage and prosperity. Indo-Pakistan amity is a matter of vital concern to every one of the three hundred and sixty million on our side and the seventy million on this side of the Partition Line. As you say, Sir, the Partition was carried out by mutual consent and there is none in India, except a few mad men, who would be found anywhere in the world, who desire any change in that situation. What we now want is to live as brothers and good neighbours, to stand by each other in any contingency or crisis, and to contribute to that prosperity and glory of this sub-continent which, as common partners in the struggle against our foreign masters, we all had dreamt of before we divided.

2. Following the proverb that the first stroke is half the battle, I consider myself fortunate in being a recipient of the warm and cordial welcome at your gracious hands. When I went to Deva Shariff a few days before I left India, I prayed for the establishment of brotherly relations between our two countries in general and for your good health and long life in particular as I knew that there is no greater and more ardent advocate of that brotherly relationship between India and Pakistan than your good self.

3. May I once again thank you for your very warm and affectionate letter and end this letter by praying to Almighty God that He may spare you for many more years in the interest of the four hundred and thirty million people living in
this sub-continent and looking to you and the Prime Minister of India for wise
guidance and that He may be pleased to crown your noble efforts with success.

4. I have taken the liberty of writing this personal letter encouraged by your
confidence which I hope I shall do nothing to forfeit while I am here and even
after I have left. I was myself going to ask for your photograph but you forestalled
me and gave me one before I could even open my mouth. I was truly
overwhelmed by that gesture which is typically yours. The photo will be a
priceless treasure with the poor Desai family.

With kindest regards and always at your disposal,

Yours ever

Sd/- C.C. Desai

His Excellency Mr. Ghulam Mohammad
Government General of Pakistan,
Karachi.

0160. SECRET

Letter from the High Commissioner in Karachi C. C.
Desai to the Secretary General of the Ministry of External Affairs N. R. Pillai reporting his call on the Governor General of Pakistan.


High Commissioner for India
Karachi

February 24, 1955

My dear Rag,

Immediately on arrival here I asked for an appointment to call on the Governor General. On the 23rd, he asked me for a quiet private and informal lunch at which no outsider was present. Before he came into the room, his Private Secretary came and handed over to me a personal letter, a copy of which is herewith enclosed. Then the Governor General himself came and gave me a copy of his photograph framed in silver bearing his signature and saying, “To my co-worker in India, Yours ever, Ghulam Mohammed”. After returning from
lunch, I have sent a reply to his personal letter, a copy of which is also herewith
enclosed. The Private Secretary particularly told me that this should be treated
as personal correspondence going neither to the Press nor to the Secretariat
files. I thought, however, that you must see the correspondence and perhaps
you may care to show it to the Prime Minister.

2. At the lunch, most of the talking was done by Ghulam Mohammed, only
ten per cent of which, I am afraid, I could follow. All the time he was talking of
the Prime Minister as “Jawahar” and in between he used to talk about some
facet of life of Gandhiji. He also asked me as to when our President would be
coming to Karachi. He wondered whether it would be possible for him to come
here next month. I presume that the invitation to the President must have been
conveyed to him during his last visit to Delhi. If that is so, I suppose they would
be waiting for an indication from us that the invitation will be accepted, before
extending a formal invitation. I would be grateful for your instructions in the
matter.

3. One of the things which Ghulam Mohammed said was that he did not
think that he would ‘live for more than three months and that during this period
he hoped and prayed that some of our principal outstanding questions might
be settled, so that the two countries could co-exist in amity and friendship. I
must say that I was quite impressed by the genuineness of his desire for
settlement and of his urge to do something before it is too late insofar as he
himself is concerned.

4. The others at the lunch were Dr. Miss Sobani, her sister, Baby Sobani,
and her brother, Isa Sobani, who are the children of Omar Sobani, an old
Congress worker and a well known figure in the Bombay political life in the
previous generation. One sister of theirs is, I believe, settled in India and is
probably well known to the Prime Minister. Her name, I presume, is Mrs. Usman
Sobani. These girls are personal friends of Moolraj Kishendas, and were good
enough to come to the Ship when I arrived here also at the instance of Moolraj.
I understand that they are personal friends of the Governor General and have
considerable influence in the Palace.

5. I arrived here on the 21st and the same evening there was a dinner party
at the Prime Minister’s house for Anthony Eden, the British Secretary of State
for Foreign Affairs. Along with the other Commonwealth High Commissioners
I was also present at the dinner. Thus I had dinner with the Prime Minister and
lunch with the Governor General within two days of my arrival. When I went to
the Prime Minister’s house on the 21st morning for presentation of the letter of
credentials, he had a Cabinet meeting coming on and so that gave me an
opportunity of meeting all the Cabinet Ministers who had collected in the Drawing
Room for the meeting.
6. This morning I went to the Mazars of Jinnah and Liaquat Ali Khan and as usual placed wreaths on their tombs.

7. Karachi is at the moment rather quiet because everybody of importance has gone to Lahore in connection with the Horse and Cattle Show, which is being held there. I understand that this show has been organised during the last three years in which it has made tremendous strides.

8. The Turkish President is in Pakistan and is now in the Peshawar-Lahore area. He is returning here on the 26th when again there will be a round of functions which also coincide with the last Test Cricket Match between India and Pakistan which will be played in Karachi on the 26th, 27th, 28th February and 1st March.

9. I have thus given you a rough account of my three days’ stay in Karachi, which already has been crowded with many events and functions.

With kindest regards,

Yours ever
(C.C. Desai)

Shri N.R. Pillai, I.C.S.,
Secretary General,
Ministry of External Affairs,
New Delhi.

[On para 2 Mr. Pillai minuted: “I don’t know. PM may have information about this.”]
0161. **SECRET**

Letter from Prime Minister Jawaharlal Nehru to President Rajendra Prasad regarding his visit to Pakistan.


No.239-PMH/55 New Delhi, February 26, 1955.

My dear Rajendra Babu,

Our High Commissioner in Karachi has written to us that, when he visited the Governor-General, he was asked when our President would be visiting Karachi. He enquired further whether it would be possible for you to go there next month.

This is the first I have heard of any invitation having been extended to you by Ghulam Mohammd. I do not know if he had mentioned this matter to you when he was here.

In any event, I do not see how you could possibly go there in March, as you will be full of engagements during this period and we are having many important guests*.

Sd/- J. Nehru

Dr. Rajendra Prasad,
President,
Rashtrapati Bhavan, New Delhi

*President Dr. Rajendra Prasad in his letter No.1899 dated 28.2.1955 informed Mr. Nehru that he had not given “any definite reply” to Ghulam Mohammad’s proposal for a visit but he also added it is not easy to refuse such a request.” He, however said that July-August period would be convenient for him to go to Pakistan. P.M. minuted “We need not send any answer yet” to Pakistan.
Minutes of the joint meeting of the Indo – Pakistan Steering Committees.


The meeting of the Steering Committees was held on 26th, 27th & 28th February, 1955 in Foreign Secretary’s room.

Present

INDIA
1. Mr. S. Dutt, Secretary, Ministry of External Affairs. Chairman.
2. Mr. M.V. Rangachari. Secretary, Ministry of Finance. – Member.
3. Mr. V.C. Trivedi. Director, Pakistan Division, Ministry of External Affairs. – Secretary.

PAKISTAN
1. Mr. M.S.A. Baig. Joint Secretary, Ministry of F.A. & C. R. – Chairman.
2. Mr. M.A. Mozaffar. Joint Secretary, Ministry of Finance. – Member.
3. The following attended by invitation: -
   1. Raja Ghazanfar Ali Khan. High Commissioner for Pakistan in India.
   2. Mr. R.T. Chari. Deputy High Commissioner for India in Pakistan.
   3. Mr. Ikbal Athar. Deputy High Commissioner for Pakistan in India.
   4. Mr. K.N. Kaiser. Deputy Secretary, Ministry of F.A. & C.R.
   5. Mr. Nasir – ud – Din. Deputy Secretary, Ministry of Finance.
   6. Mr. S. Chaudhuri. Under Secretary, Government of India.

The Committee proposed the following categories for classification of the outstanding and pending cases: -

A. For discussion at Prime Minister’s Level.
B. For discussion at Minister’s Level.
C. (i) For discussion
   (a) In Steering Committee.
   (b) By the Ministry of Foreign Affairs (Pakistan) and the Ministry of External Affairs (India).
(ii) By the Ministries of Finance.
(iii) By the Ministries of Refugees and Rehabilitation.
(iv) By other Ministries and Divisions directly with their opposite numbers.

2. The Pakistan and Indian lists were classified accordingly as in the annexure. (not available)

3. The position in regard to item (5) of the Pakistan list was explained and the Indian Steering Committee promised to look into the Pakistan Steering Committee’s request for extending the date line for the payment of post war credit money and balance of wages from the 28th of February to some other suitable date.

Indian Steering Committee wanted details of item No. 17(e) which the Pakistan Steering Committee undertook to supply.

Items 57, 58, 61, 62, 63, 64, 65, 66 & 67 of the Pakistan list were omitted and substituted by the omnibus item No. 59, “implementation of the Prime Ministers’ Agreement of April, 1950” The item was classified as (b)

Item (60) of the Pakistan list was amended as follows:
“Protection of places of public worship.”

Item (75) of the Pakistan list was amended to read as follows: “Pakistan’s share of the Library of the Central Board of Irrigation.

Item (77): The Indian Steering Committee explained that India suggested the revival of the IPICC and this should dispose of item No. (77) of the Pakistan list and item (79) of the India list.

The Steering Committees omitted from the Indian list items 22, 23, 24, 25, 26, 28, 31, 32, 33, 34, 45, 60, 63, 66, 67, 70, 78, 96, & 97.

Item No. 36 (iii) was amended to read as follows:-
“Claims on account of bonus of Cantonment Employees”.

Item 37 of the Indian list was settled and it was agreed that the microfilm copies of the Woolner collection of Sanskrit manuscripts of the Punjab University, Lahore, would be given when facilities were available at Lahore to take the microfilms. Alternatively, the Government of India could arrange to send their apparatus to Lahore to take the microfilm of the collection.

The Indian Steering Committee agreed to give facilities for obtaining copies of similar documents or collections from India if Government of Pakistan wanted to do so in future.
Item 40: The leader of the Pakistan Steering Committee agreed that there is to be no restriction on the movements of High Commissioners and Deputy High Commissioners in India and Pakistan on reciprocal basis. He further added that it is desirable that advance information of intention (preferably 48 hours) to tour in any area may be given to authorities concerned.

Sub – Item (i) – (XIV) of item 41 were deleted since this was covered by the general heading of the item, “implementation of the Prime Minister’s Agreement of April, 1950”.

Item 42 of the Indian list was amended to read as follows:-

“Protection and restoration of places of worship”.

Item 43 was settled since the matter was not in dispute and the Pakistan Steering Committee agreed to settle and account when it is received.

Item 44:- This was not a matter in dispute and it was agreed to exchange information regarding visas for period ending 31st December, 1954, as early as possible and thereafter, every quarter as agreed to.

Item 74:- The Pakistan Steering Committee requested for further details on this case which the Indian Steering Committee promised to supply.

Item 79:- The Indian Steering Committee pointed out that this item was covered by the decision of item 77 of the Pakistan list.

5. Items 51, 93 and 94:- The Chairman of the Pakistan Steering Committee said that his Committee was precluded from discussing items relating to Hyderabad. The Chairman of the Indian Steering Committee said that no dispute between the two Governments should be excluded from discussion. It is only a question of at what level the discussion should take place. In the view of the Indian Steering Committee, this is an item which should be discussed at the Prime Minister’s level.

6. The Steering Committees recommended that Ministries/Divisions concerned should resume negotiations for settlement of outstanding disputes with their counterparts at once and submit progress report on these cases by the 15th of April to their respective Steering Committees.

7. The Steering Committees noted the procedure for solution of disputes adopted by the Joint meeting of the Indo – Pakistan Steering Committees held in Karachi on 14th July, 1953, contained in paragraph 2 of the minutes that if no progress is made in regard to the solution of the dispute, the matter should be referred to the Steering Committee concerned for guidance. If necessary a joint meeting of the two Steering Committees should be held at which the
representatives of the concerned Ministries would be present. This meeting would try to narrow down differences further and either recommend an agreed solution to the two Governments or submit the differences for discussion at Minister’s level. In the event of the differences still remaining unresolved, the item would be submitted to the Ministers concerned or the two Prime Ministers. It was essential that the two Steering Committees should keep themselves continually informed of the progress of discussions by other Ministries with their opposite numbers and keep the Prime Ministers informed of the progress made over the whole field. The Steering Committee agreed to continue the procedure.

8. Attention was drawn to the decision of the minutes of the first Joint Meeting of Indo – Pakistan Steering Committees held in Karachi on the 14th July, 1953 that any decision taken on items under categories ‘B’ and ‘C’ would be subject to confirmation in writing.

9. The Steering Committees agreed to meet at Delhi on the 11th of March for further meetings.

Sd/- S. Dutt. S d/- M. S. A. Baig
28.2.1955 28-2-1955

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0163. Press Note issued at the end of the meetings of the Steering Committees of India and Pakistan to discuss outstanding issues between the two countries.


Press Statement

The Steering Committees appointed by the Governments of India and Pakistan for discussion of outstanding issues met jointly at Karachi on the 26th, 27th & 28th of February. The Indian Steering Committee consisted of:

1. Mr. S. Dutt, Secretary, Ministry of External Affairs.
2. Mr. M.V. Rangachari, Secretary, Ministry of Finance.
3. Mr. V.C. Trivedi, Director, Pakistan Division, Ministry of External Affairs.

The Pakistan Steering Committee consisted of:

1. Mr. M.S.A. Baig, Joint Secretary, Ministry of F.A. & C.R.
2. Mr. M.A. Mozaffar, Joint Secretary, Ministry of Finance.

Rja Ghazanfar Ali Khan, High Commissioner for Pakistan in India and Mr. R.T. Chari, Deputy, High Commissioner for India in Pakistan attended by invitation. Both the Steering Committees were assisted by Advisers. The meetings of the Steering Committees were held in an atmosphere of cordiality and the lists of outstanding items prepared by both the Governments were scrutinized and classified. The procedure for discussions at the various levels was formulated and Ministries and Division concerned are being asked by the Steering Committees to take up their outstanding items with their counterparts and to report the progress of the negotiations by the 15th April. It is expected that there will be discussions and meetings at Minister's level for resolving some of the items. The Steering Committees have agreed to meet again at Delhi on the 11th of March when they will attempt to resolve some of the issue which are capable of solution at their level.

Sd/- S. Dutt 28. 2. 1955

Sd/- M.S.A. Baig 28. 2. 1955

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Letter from the Commonwealth Secretary Subimal Dutt to the High Commissioner C. C. Desai regarding a proposal from the Prime Minister of Ceylon.

New Delhi, March 3, 1955.

Ministry of External Affairs
New Delhi

No. CS/977 March 3, 1955

My dear Desai,

I have received your d.o. letter No. HC/55/3 of the 27th February and am showing it to the Secretary General. We entirely agree with you that you should not take any part in local politics in Pakistan or supply any information to Mohammed Ali about his colleagues or about the situation in his country in general.

I am returning the enclosures to your letter.

Yours sincerely

(S. Dutt)

Shri C.C. Desai,
High Commissioner for India in Pakistan,
Karachi

Enclosures to the Above Letter
High Commissioner for India
Karachi

No. D.O. No. HC/55/3 27th Feb. 1955

My dear Subimal,

I enclose herewith copy of a letter which I have just received from Sir John Kotelawala, the Prime Minister of Ceylon. I met him at the Airport in Bombay on the 18th when he was returning from England and going to Ceylon. There he told me that the previous night he had met Mohammed Ali, the Prime Minister of Pakistan, and had a talk with him about me. Sir John further told me that he had assured Mohammed Ali that he would find me a very helpful and useful colleague. Apparently, Mohammed Ali canvassed Sir John’s support to his proposition that I should advise Mohammed Ali of any intrigues against him which come to my notice in the course of my work as well as my contacts with friends and others! Sir John told me that if I could be helpful to Mohammed Ali
in this way, the latter would be very grateful indeed. I am merely mentioning this to indicate what is going on and it is no intention of mine to do anything of the kind or to burn my fingers in the pie, whatever I may have done in Ceylon. Special attention is invited to Sir John’s letter dated the 21st to Mohammed Ali in which he is talking about his proposed visit to China. The proposal to a joint visit to Australia and the invitation to Mohammed Ali to stay for a few days in Ceylon by way of a holiday are indications of the growing cordiality between these two Prime Ministers. Sir John told me in Bombay that he got on very well with Mohammed Ali.

With kindest regards,

Yours ever,

(C.C. Desai)

Shri S. Dutt, I.C.S.,
Commonwealth Secretary,
Ministry of External Affairs,
Government of India.

Prime Minister–Ceylon
Colombo

23rd February, 1955

My dear Desai,

I arrived here last Friday afternoon and everybody in Ceylon was enquiring about you, and I told them that Ceylon’s loss was Pakistan’s gain.

I had my usual lunch with Oliver today at Queen’s House and both of us talked about you and how we miss you here just now. Anyway your appointment to Pakistan is a promotion. After all if you can settle the Kashmir problem, you will compete with me for the Peace Prize.

I am enclosing a copy of a letter I wrote to Mohammed Ali on my return. I trust you will be of help to him as much as you have been to me. Gunasena de Soyza who is with me at the moment misses you very much, although he has good nights’ rest now. Please drop me a note as to how you are getting on and what I can do for you.

With kind regards,

Yours sincerely

Sd/- (Lionel)

His Excellency Shri CC Desai ICS.
Prime Minister – Ceylon  
Colombo  

21st February, 1955

My dear Mohammed Ali,

I am so sorry I was not able to write to you earlier. Since my arrival here last Friday afternoon, I have been very busy with one thing or another.

The scheme I had in mind for visiting Indonesia and Australia has now to be modified, because I feel it would be best to meet Mr. Chou en lai before he comes to Bandung. I would be useful if I could make an assessment of him and apprise you of it.

I am afraid we will have to think of giving up our trip to Australia for the present and you can therefore return home with me and spend a fortnight in Ceylon. Or, if you wish it the other way, you can certainly come as early as you can to Ceylon and I will make you comfortable before I leave for China.

On my way back home at Bombay I met Desai who indicated to me that he was leaving the next day for Karachi. As I told you he is one of the best friends I had in Cambridge and is an extremely capable man. I asked him to help you and to be loyal, and he has assured me that he would cooperate with you to the fullest. I am sure you will find him a very likeable person.

Please remember me to the Begum and the Governor-General.

With kindest regards,

Yours sincerely

Sd/- J. L. Kotelawala

P.S.

I am handing a picture of mine to your High Commissioner in Ceylon to be forwarded to you. Please do not fail to send me yours.

The Honourable Mohammed Ali,  
Prime Minister of Pakistan.
Cable from Prime Minister Jawaharlal Nehru to High Commissioner C.C. Desai.

New Delhi, March 3, 1955.

Your personal telegrams* 128 and 130.

2. I entirely agree that meeting between Mohammad Ali or Ghulam Mohammed and me should take place only after broad agreement has been reached. To meet and talk in the air and then separate is bound to lead to frustration and disappointment all round. It is clear to me that no such fruitful meeting can take place this month. We are not ready for it yet. At the same time, obviously, I do not wish it to appear that I do not want the meeting. If, however, because dates do not suit or for any other adequate reason, the meeting is postponed, I would welcome it.

3. Meanwhile, I agree that we should go ahead to relax tension on all fronts. This will certainly create better climate. But it must be remembered that Kashmir issue is not merely question of tension but of basic national conflicts. Hence, separate private approach will have to be made in regard to it before any result is achieved. As I have told you, I see no possibility of settlement in foreseeable future except on basis of recognition of status quo with such minor changes as may be considered necessary. Again, I do not wish to put this forward as it would mean my going back on idea of plebiscite. You should, however, keep all this in mind.

4. Ghulam Mohammed coming here rather suddenly would obviously raise all kinds of expectations, and it would be unfortunate if this was followed by disappointment. After all, mere appeals to each other do not take us very far, and we have to come to grips with the subject.

5. So far as I am concerned, I have heavy programme in March and many distinguished foreign statesmen are visiting us. I shall be in Delhi, however, except on 12th, 13th, 22nd and 23rd March. I shall be absent again on 6th and 7th April. On morning 15th April, I leaves for Djakarta.

6. One question which is agitating us greatly is great influx of migrants from East Pakistan to West Bengal. This is creating serious situation and West Bengal Government is greatly worked up about it. In fact, Chief Minister is coming here on Saturday and will discuss this problem with me.

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* The Prime Minister's telegram was in reply to Mr. Desai's message that Pakistan Minister of Interior, Iskandar Mirza, had told Ghulam Mohammed that there was no use in his going to Delhi unless “substantial progress” was made in discussions and time was ripe for signature for which he (Ghulam Mohammed) should go personally. Mirza also said that he was not in favour of the two Prime Ministers holding discussions towards the end of March until definite ground was prepared and there was some chance of success.
0166. Cable from Prime Minister Jawaharlal Nehru to High Commissioner C.C. Desai

New Delhi, March 8, 1955.

Your telegram 141 March 7* It was not my idea that you should suggest any postponement of my meeting with Mohammad Ali, but rather to point out that meeting without prior preparation was not likely to lead to any satisfactory result. This applied even more to Ghulam Mohammed’s coming here. There is no particular difficulty about my suggesting postponement of meeting, but there is no point in such postponement unless something is to happen in between. Indeed postponement at our request will cast burden on us to produce something before next meeting. I would rather therefore not have any postponement and face the meeting now even though that leads to no result. At least we shall come to some kind of grips with present situation.

2. I had expressed my views with some frankness in my letter to Ghulam Mohammed and I expected some reply from him. You must remember that it is Ghulam Mohammed who counts in Pakistan much more than Mohammad Ali.

3. I might point out that in April we shall be going to Indonesia. Early in June I shall go to Soviet Union. In May I shall be in Delhi for part of the time. We are likely to have some Ministers from Egypt here then as well as possibly from other countries. However, it is possible to have meeting in May on some

* The High Commissioner had cabled on 8 March saying he had told Mohammad Ali that while a visit from Pakistan leadership was welcome, “it was desirable that some ground should be prepared for bringing two viewpoints as near as possible before such high level meeting is held when their intention is that it should if possible be last and successful meeting.” Meanwhile Mr. Desai reported that Mohammad Ali had told him that “he was convinced that unless there was good hope of some real advance towards solution, merely meeting and parting this month would create more bitterness and jeopardise existing atmosphere of goodwill. He was therefore of the view that postponement was lesser of the two evils.” The Prime Minister Ali also suggested the idea of a secret representatives of the two prime ministers meeting to explore possibilities under a fresh approach. Prime Minister Nehru agreed to the postponement of the meeting and suggested that it to be desirable that an identical communiqué be issued both in New Delhi and Karachi to avoid any misunderstanding. He suggested the following text for the identical announcement:

Begins.

On the invitation of the Prime Minister of India, the Prime Minister of Pakistan had agreed to visit New Delhi on March 28th in order to discuss pending questions between India and Pakistan. It appears now that owing to heavy pressure of engagements of both Prime Ministers and the visit of eminent statesmen from foreign countries to Karachi and Delhi, it will not be possible to have full talks during this period before the Asian-African Conference meets at Bandung in Indonesia. It has been decided therefore to postpone this meeting of the Prime Ministers of Pakistan and India in Delhi to sometime after the Bandung Conference. Ends.

Nehru suggested that the High commissioner consulted Pakistan about the draft communiqué and inform New Delhi if they agreed with the text.
suitable date provided ground is cleared before then. Otherwise it is far better to allow present programme to stand.

4. You should, therefore, meet Ghulam Mohammed and Mohammad Ali and tell them that it is not my desire to postpone meeting or delay talks. But that I had pointed out in my letter certain obvious difficulties of present situation and the necessity of some fresh approach to this problem. I should like their reactions to this. Unless in all these circumstances they decide otherwise, meeting on 28th March in Delhi will hold good. You should not refer to question of plebiscite in your talks.

5. Regarding foreign policy, questions relating to Tunisia, Morocco, etc., offer no difficulty. But there is a wide divergence of our foreign policies in basic matters. Just as American aid for Pakistan created new situation for us, so also extension of Middle East pacts involving both Pakistan and UK would create another new situation. We are pointing this out to UK. International situation is very serious at present and all these moves on either side likely to make it worse. We are intimately concerned with these matters as they affect us as well as question of war and peace. This paragraph is for your personal information.

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0167. Minutes of the joint meeting of the Indian and Pakistan Steering Committees.
New Delhi, 11th and the 12th March, 1955.
The meeting of the Steering Committees was held in the Conference Room of the Ministry of External Affairs.

Present

Pakistan
1. Mr. J.A. Rahim, Foreign Secretary, Ministry of Foreign Affairs and Commonwealth Relations. —Chairman

2. Mr. M.S.A. Baig, Joint Secretary, Ministry of F.A. & C.R. —Member.

India
1. Shri S. Dutt, Commonwealth Secretary, Ministry of External Affairs. —Chairman.
2. Shri M.V. Rangachari, Secretary, Ministry of Finance (R&E). — Member.

3. Shri V.C. Trivedi, Director, Pakistan Division, Ministry of External Affairs — Secretary.

The following attended by invitation:

**Pakistan**
1. Mr. I.U. Khan, Financial Commissioner, Government of Punjab (I)
2. Mr. I. Athar, Deputy High Commissioner for Pakistan in India.
3. Mr. K.N. Kaiser, Deputy Secretary, Ministry of F.A. & C.R.
4. Mr. A.A. Shah, Deputy Secretary, Ministry of F.A. & C.R.
5. Mr. Nasir – ud – Din, Deputy Secretary, Ministry of Finance.
6. Mr. Saadullah, Government of Punjab (P).

**India**
1. Shri Nawab Singh, Chief Secretary, Government of Punjab (I)
2. Shri D.M. Gupta, Government West Bengal.
4. Shri S. Chaudhuri, Under Secretary, Ministry of E.A.
5. Shri R. Saran, Under Secretary, Partition Secretariat.

Item 1 of the agenda (Attached).

**Consideration of supplementary items in the India list.**

The Committee decided that these items should be categorized as under:-

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<tr>
<th>Sl. No</th>
<th>Subject</th>
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<td>Exchange of arm and ammunition taken by police Officers with them on migration.</td>
<td>Home Affairs</td>
<td>C.1</td>
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<td>134.</td>
<td>Repatriation to Pakistan of two Muslim mental patients in Mental Hospital, Bareilly.</td>
<td>Health.</td>
<td>C.4</td>
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<td>135.</td>
<td>Participation of District Magistrates in the periodical meetings of inspectors - General</td>
<td>Home Affairs.</td>
<td>C.1</td>
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and Deputy Superintendents of police in the Western Zone.

136. Recovery of Pakistan’s share of the expenditure on account of Hazaribagh Reformatory School.

137. Recovery of Pakistan’s share of the expenditure on account of pension, Scholarships and cheques of N.W. Railway.

2. **Item 133:** The Pakistan Committee stated that they had made exhaustive enquiries regarding the whereabouts of these officers but had been unable to get any information on the subject.

**Item 2 of the Agenda (Attached): Consideration of C 1 items:**

The Committees considered the following issues classified as C 1 at their last meetings in Karachi in February, 1955 and the following decisions were reached:

**Item 56: Pakistan List: Demarcation of Indo – Pakistan boundaries.**

The Steering Committees agreed that the Indo – Pakistan boundaries in the Eastern and Western Zones should be demarcated with all possible speed. As far as the Eastern Zone is concerned, the demarcation is proceeding, but the authorities concerned should be instructed to expedite it.

2. As far as the Western Zone is concerned, no substantial demarcation has yet taken place. The surveyors General of India and Pakistan, assisted by officers of the States and Provinces concerned, should meet immediately with a view to devising a programme for the completion of demarcation in this zone within one year, if possible.

3. The Steering Committees agreed that all unsettled boundary disputes should be reviewed at an Indo – Pakistan Conference with a view to reaching a settlement. Any disputes involving interpretation of the Radcliffe Award, which may still remain unresolved, should be referred to an impartial Tribunal (not the Bagge Tribunal) consisting of one India Judge, one Pakistani Judge and one independent Chairman jointly agreed upon by the two Governments, for their adjudication and final settlement. The Conference should also decide on the procedure to be adopted for the solution of the remaining disputes.

The Pakistan Committee handed over a letter in this connection to the Indian Committee. The Government of India would examine this reply and communicate their comments to the Government of Pakistan at an early date.

**Item 142: Pakistan List: Revised procedure for the repatriation of released prisoners detained for contravention of the Passport Regulations.**

The Committees decided to re-examine the procedure in this behalf agreed to at the Indo-Pakistan (Eastern Zone) Conference held in Calcutta in September–October, 1953.

**Indian item: 125: Care and maintenance of pillars on the Rajasthan–West Pakistan border.**

The Pakistan Committee stated that their Ministry of Foreign Affairs and Commonwealth Relations would reply shortly to the suggestion made in this behalf by the Government of India.

**Item 76: Pakistan List: Disposal of Hattersley Mills.**

The Steering Committees agreed that the Hattersley Mills should be treated as the joint property of the undivided Government of India and its book value taken into account in the financial settlement between the two Governments.

**Item 126: Indian List: Opening of Land Customs Stations for facilitating movement of goods of Tripura and Assam.**

The Pakistan Steering Committee agreed to notify Chattak, Chetlapur, Tamabil, Bellonia and Latu as additional routes on the existing five land customs stations on the Pakistan frontier and to examine the question of opening further land customs stations which were suggested during the discussions held in New Delhi between the Members of the Central Boards of Revenue of the two countries on the 8th and 9th February, 1954.

**Item 129: Indian List: Opening of check–posts for Dharmanagar Sub–Division and at Simna – Teliapara in Sadar Sub–Division.**

The Secretary, Indian Steering Committee, undertook to supply details in regard to check posts and authorized routes which the Pakistan Steering Committee undertook to examine.

**Item 68: Pakistan List: Record relating to the Pak–Burma Boundary.**

The Indian Steering Committee agreed to issue instructions to the authorities concerned for the supply of these records to Pakistan.

Item 110: Indian List: Visit of a party officials of the Punjab (I) Rehabilitation Department to Punjab (P) Colony Districts for the comparison and correction of defective records.
The Financial Commissioner, Resettlement, Punjab (P) explained that the item related to expediting the verification from Colony records of accounts of persons who alleged that they had made payments in respect of Colony lands. It was added that in the meeting held at Jullundur on the 4th of February, 1955, between Commissioner, Relief and Rehabilitation, Punjab (I), and Financial Commissioner, Resettlement, Punjab (P), it was stated that special arrangements had been made to complete these accounts district-wise through special staff. Target dates had been fixed. The item, therefore, had already been disposed of.

Item 86: Pakistan List: Division of books of Calcutta High Court Judges Library.

The Indian Committee explained that in regard to these books belonging to the library of the High Court Judges of Calcutta, the Chief Justice of West Bengal had ruled that the duplicates of the books in the library had already been supplied to East Bengal. They added, however, that they would request the Chief Justice, West Bengal, to supply to Pakistan any copies which may not be duplicates but are copies of different editions of the same book and which the High Court Judge library could spare.

Item 6: Indian List: Recovery of Rs. 69, 513/13/9 on account of repairs etc. to Pakistan aircrafts.

The Pakistan Committee stated that this item need not present any problem as a reply to the Government of India would be issued shortly.

Item 88: Pakistan List: Division and transfer of the assets of the Red Cross Society.

Item 92: Indian List: Red Cross Society Funds, Claim of the Punjab States Branch in India.

The facts before the Committees were not quite clear. It was, therefore agreed that the Secretaries of the two Committees will correspond on these items with a view to clarifying the facts.

Item 79: Pakistan List: Pakistan’s claim to a share in the payments received by India from the United Kingdom and Allied Governments in connection with war time internees.

The Pakistan Committee stated that they had since received a reply from the Government of India.

Item 50: Indian List: Recovery of Pakistan’s agreed share of expenditure incurred on aerial photography of the West Bengal – East Bengal boundary carried out in 1948.
The Pakistan Committee agreed to pay half the cost of expenditure incurred in this behalf, provided that the Government of India would supply to Pakistan, on request, copies of prints on contact scale etc., if there were any such copies which had not been supplied so far in accordance with the agreement reached between the two Governments in that regard.

The Pakistan Committee stated that duplicate copies of some of the prints already supplied to them may be required. The Indian Committee agreed that if such prints were readily available, they would be supplied. If however, fresh copies had to be made, they would be supplied on payment.

**Item 78: Pakistan List: Unauthorized entry of Indian nationals through Khokhrapar.**

The Pakistan Committee stated that they would examine this matter further. It was, therefore, decided that the consideration of this item should be postponed for the time being.

**Item 103: Indian List: Evacuation of armed forces belonging to the two sides from Ghatti Kamalewala near Forozapur as agreed to by the Governments of India and Pakistan.**

**Item 104: Indian List: Return by Punjab (P) to Punjab (I) of the control of the lower reach of the Right Marginal Bund above Ferozepore Headworks in Indian territory.**

These items were discussed but no agreement could be reached. It was, therefore, decided to postpone further consideration of these items for the time being.

**Item 84: Pakistan List: Repatriation to India of Muslim migrants who had migrated to West Pakistan Between the 1st February, and 31st May, 1950.**

The Indian Committee stated that the original concession was to take back these migrants from U.P. up to the 31st December, 1950. As a large number of persons could not avail of the opportunity of returning to India before the 31st December, 1950, the Government of India allotted further quota for the return of these migrants even after that date. When India had communicated this arrangement to Pakistan in May, 1950, travel between India and the Western Zone of Pakistan was regulated by a permit system which had not incorporated any procedure for the return of such migrants. It was, therefore, necessary to evolve a special procedure for the return of the migrants to U.P.

Since then, a passport and visa scheme was introduced between India and Pakistan. This scheme incorporated a procedure for the return of such migrants for permanent settlement in India on the basis of the long term visa. The India
Committee, therefore, stated that those migrants who have still not been able to return to India under the old procedure, should apply to Indian Diplomatic Missions in Pakistan in accordance with the new procedure. Their applications would be considered on merits.

In order to avoid hardship, however, to about 5,000 persons, whose applications had been verified by the Government of the U.P but who have still not been repatriated to India, the Indian Committee agreed to the repatriation of those persons under the old scheme as a special case.

**Item 89: Pakistan List: Division and Transfer of liquid assets of the offices of the Administrator - General and Official Trustee, the Official Receiver and the Official Assignee.**

The Secretary, Pakistan Steering Committee will supply the facts relating to this item.

**Item 92: Pakistan List: Water Supply to Chhanga Manga Plantations**

The Pakistan Committee were examining this matter further. It was therefore, decided to postpone the consideration of this item for the time being.

**Item 47: Indian List: Excessive Reference to Centre made by Pak Visa issuing Authorities in India (Calcutta) before issuing Visa to A. B. E and F categories/ non-issue of E & F Visa.**

It was agreed that the Governments of India and Pakistan will issue instructions to the authorities concerned to avoid excessive references to the Central Government, in accordance with the agreements already arrived at between the two Governments.

**Item 69: Indian List: Recovery of contribution payable to the Government of Assam by the Mymonsingh District Board.**

The Indian Committee stated that they were willing to forego this claim.

**Item 77: Indian List: Public Accounts Committee 1952–53 – Suggestions for action in cases of fraud.**

The Pakistan Committee agreed to consider the suggestion made by the Government of India in this behalf.

**Item 128: Indian List: Opening of Akhaura – Agartala out – Agency.**

It was agreed that the Railway authorities on the Pakistan side and Tripura authorities on the Indian side will discuss this matter further with a view to reaching a satisfactory settlement.

The Pakistan Committee agreed to expedite the reply of the Government of Pakistan to the reference made to them in this behalf by the Secretary General, International Civil Aviation organization.

Item 3 of the Agenda (Attached): Joint Communiqué.

It was agreed to issue a joint communiqué as at Annexure ‘C’.

Sd/-                                      Sd/-
(J.A. Rahim)                             (S. Dutt)
12.3.1955                                  12-3-1955

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ANNEXURE ‘C’

Joint Communiqué issued at the end of the India-Pakistan Steering Committees’ Meeting

The Steering Committees appointed by the Governments of India and Pakistan for discussion of outstanding issues met jointly in New Delhi on the 11th and 12th March.

The Pakistan Steering Committee consisted of:

1. Mr. J.A. Rahim, Foreign Secretary, Ministry of Foreign Affairs and Commonwealth Relations.
2. Mr. M.S.A. Baig, Joint Secretary, Ministry of Foreign Affairs and Commonwealth Relations.

The Indian Steering Committee consisted of:

1. Mr. S. Dutt, Commonwealth Secretary, Ministry of External Affairs.
2. Mr. M.V. Rangachari, Secretary, Ministry of Finance.
3. Mr. V.C. Trivedi, Director, Pakistan Division, Ministry of External Affairs.

Both the Steering Committees were assisted by Advisors including representatives of the Governments of the two Punjab and West Bengal.

The Steering Committee discussed some of the items which, according to the
decisions at their meetings held in Karachi in the 2nd of February, 1955, were to be discussed by the Ministry of External Affairs, Government of India, and the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, and by the two Steering Committees. The discussions were conducted in a cordial atmosphere and the Committees were able to reach agreement on a number of outstanding items.

The Steering Committees will meet again as soon as possible.

Sd/- Sd/-

S. Dutt. J.A. Rahim.

0168. **Cable from Prime Minister Jawaharlal Nehru to Indian High Commissioner C. C. Desai regarding the postponement of Prime Ministers’ meeting.**

New Delhi, March 15, 1955.

High Commissioner of Pakistan saw me this morning and delivered letter dated March 8th from Governor General, Pakistan. High Commissioner was much excited about postponement of Prime Ministers’ meeting and indicated that neither Mohammad Ali nor Ghulam Mohammed wanted this postponement. He hinted that your information on this subject was not correct. He further referred, and Governor General has also referred, to your mentioning to latter about fate of forty million Muslims in India if any reopening of Kashmir question. I do not think your stress on this aspect was wise. Also, as I have emphasised previously, we were not anxious for postponement of meeting. We only wished to point out certain difficulties of problems which had to be dealt with realistically.

2. I find that Pakistan Radio announced this morning that postponement of Prime Ministers’ meeting has been done at India’s instance. All this is rather unfortunate. I want you to be particularly careful in dealing with Pakistan authorities and not make any statements which might embarrass us.
New Delhi, March 17, 1955.

My dear Governor General,

Your letter of the 8th March was handed over to me by your High Commissioner in Delhi yesterday, March 16th. Thank you for it. Since you wrote to me, some developments have taken place, as you must know, and Mohammad Ali’s visit to Delhi has been postponed.

2. I suppose that in the circumstances it became necessary to postpone this meeting. But I confess I am not very happy about it. I am particularly unhappy because there appears to be some misunderstanding on the subject. Your High Commissioner here told me quite definitely that some messages I had received from our High Commissioner could not be correct.

3. I think it is important that if there is any misunderstanding of this kind, it should be removed. We can hardly proceed to discuss any matter seriously if there is any thought in our minds that we are not dealing fairly with each other.

4. When I wrote to you my letter of the 27th February, I tried to convey to you my thoughts and feelings in so far as I could do so. There was my anxiety for India and Pakistan to solve their differences as speedily as possible. There was at the same time an apprehension that our pursuing the old path might not yield that satisfactory result and might even have a contrary effect. I unburdened myself, therefore, to you. I waited for your answer. That written answer came only yesterday. But meanwhile, C.C. Desai reported some conversations with you and with Mohammad Ali and I sent him my reactions which presumably he conveyed to you and Mohammad Ali. Naturally I pointed out that the meeting we were going to have on the 28th March might not yield fruitful results, partly because we had not previously explored the situation adequately and partly because we would be meeting in a rush with all kinds of pressing engagements facing us. I was having a visit from U Nu, Prime Minister of Burma, just about that time. Within a few days I was having a visit from the Foreign Minister of North Vietnam, and there was heavy parliamentary work all the time in which I was particularly involved because I am in charge of some important legislation. Mohammad Ali also appeared to be very fully occupied. In fact he had asked me to change the date by two or three days, as the 28th March did not suit him. I had not been able to change the date because just then U Nu would be here. I knew also that Mohammad Ali and you were facing serious constitutional difficulties which were taking much of your time.
5. Because of all these factors, I asked C.C. Desai to explain the position to Mohammad Ali. I was not at all anxious that the meeting should be postponed because we might have to face the same difficulty later.

6. C.C. Desai reported to me that Mohammad Ali also felt that in the circumstances it might be desirable to postpone the meeting. Thereupon I asked C.C. Desai to make it quite clear that mere postponement might not be desirable and therefore I was not keen on it. The reply to this came that Mohammad Ali thought that on the whole postponement was a lesser evil.

7. Thereupon I sent a message through C.C. Desai to the effect that I would agree to the postponement till after the Asian-African Conference. It was necessary, however, that a joint communiqué to this effect should be issued so that there might not be different statements from Karachi and Delhi. I sent a draft communiqué for this purpose.

8. The next evening we had a telephone message from C.C. Desai, followed by a telegram, stating that Mohammad Ali had agreed to the issue of that communiqué as it was and was anxious that this should be published the next morning as he was leaving Karachi. We issued it to the press. But no such communiqué was issued from Karachi and the statement made there was somewhat different.

9. When your High Commissioner in Delhi saw me a day after, he expressed his great surprise at all this and stated categorically that he could not believe that Mohammad Ali had agreed either to the postponement or to the joint communiqué. I really cannot understand all this and why this misunderstanding has arisen. I am again asking C.C. Desai about it.

10. I was looking forward to meeting Mohammad Ali in any event at Djakarta or Bandung in the course of the Asian-African Conference. I was returning to Delhi about the end of April. The next few days were the last few days of the Parliament session which were very heavy with work. I was then going to Berhampur in Orissa for a meeting of the All India Congress Committee. I suggested, therefore, that we might fix a date for the meeting about mid-May. I think I suggested the 14th or 15th May.

11. These are the facts, so far as I know them. If there is any mistake about them, I should like to know what it is.

12. I now come to your letter of March 8. I do not think it requires any reaffirmation from me or you that a settlement of the problems that trouble us between India and Pakistan is a matter of great importance and the more speedily this is brought about, the better. Also that fortunately there is a very favourable atmosphere, so far as the people are concerned. Therefore, I am
eager to do everything in my power to help in this settlement and I welcomed your own strong urge to do so. But I pointed out that a realistic approach to the situation was necessary and an understanding of the present position and the possible consequences of any action. It was not a question of India’s difficulties or your difficulties but rather of the essential difficulties of the situation. We could not run away from the problem because of these difficulties. But we could only solve if we appreciated them and not ignored them.

13. You tell me in your letter that Desai said to you that any reopening of the Kashmir question and any settlement that we might arrive at would jeopardise the position of Muslims in India. If Desai said this, he did not represent my mind correctly. If we are to deal with the Kashmir question, we have to reopen it with the intention of arriving at a settlement. Otherwise there is no question of dealing with the matter, nor was I thinking at any time of the position of the Muslims in India being jeopardised in the way that is suggested. The position, as you say, is entirely different from what it was in 1947*. What I had said was of some wider import. That is, any step taken in Kashmir which, instead of giving a healing touch to our relations, might upset them, would be unfortunate. Therefore we had to be careful as to what step we take and how we take it.

14. I have no doubt that your presence in Delhi when we have any talks would be very helpful indeed, even though you might not formally associate yourself with those talks. You would be very welcome here.

15. I do not wish to discuss this whole question over again in this letter. But I wanted to write to you immediately, not only to thank you for your letter but to try to remove some misunderstandings.

With regards and good wishes,

Yours sincerely
Jawaharlal Nehru

* Ghulam Mohammed had in his letter of 8 March stressed that “without settlement of Kashmir by mutual agreement, I feel that my work in the field of improving India-Pakistan relations .... cannot be sustained.” Regarding any fear of disturbance as a result of the Kashmir settlement, Ghulam Mohammad did not anticipate any of the problem that arose at the time of partition and said “that the conditions today are not the same in India and Pakistan as they were in 1947. The partition was immediate and minds were very disturbed. All I feel is that except for a section of the Indian people, who could be described as communalists and who rely on extreme opposition to you also, there should not be any such danger, and even if it should arise you have the proper means, both with your army and police, to deal with the situation. In Pakistan you can fully rely on me....”
Letter from Prime Minister Jawaharlal Nehru to High Commissioner C.C. Desai.

New Delhi, March 18, 1955.

My dear C.C.,

The Prime Ministers’ meeting on the 28th is off. But we appear to have been landed in some kind of a muddle. Ghazanfar Ali Khan makes all kinds of charges and practically says that you misled us about what his Prime Minister said or wanted done. This naturally is very annoying. Ghazanfar Ali Khan sent a telegram to Mohammad Ali at Dacca and got a reply which he is flaunting about. This whole matter must be cleared up. I dislike greatly any impression being created that we have tried to overreach anybody or backed out of any assurance. That is why I have been repeatedly telling you to be exceedingly careful. Do not proceed on inferences or impressions. The Governor-General becomes highly emotional in his talk and says many things which have no particular meaning. Mohammed Ali is vague. We cannot afford to be caught up in any way.

I have sent you a letter to the Governor-General today which I hope you will deliver immediately.

I was much surprised to learn that you visited that shrine of Deva Shariff in Bara Banki. No doubt, you did so that this gesture might please the Governor General. But I think it was overdoing it and people who have heard about it do not like it at all. Even Maulana Saheb (Maulana Abdul Kalam Azad) was disturbed when he heard about this from Ghazanfar Ali.

Yours sincerely

Jawaharlal Nehru

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0171. Cable from Prime Minister Jawaharlal Nehru to High Commissioner C.C. Desai.

New Delhi, May 3, 1955.

Mulraj* came to see me yesterday and gave me some account of his talks in Karachi. I do not think these talks yield out much hope.

2. Mulraj told me that Governor General was anxious to meet me in Delhi or elsewhere. If he so wishes, I shall of course gladly meet him. You know my programme. I leave Delhi 8th morning for Orissa returning 12th May early afternoon.

3. Please inform Governor General that I have learnt that he wishes to meet me. I shall be very happy to meet him if he would be good enough to come to Delhi. This means that the earliest that I can meet him is 12th May afternoon. We shall be glad to have him as our guest here if he comes then.

4. Please let me know his reaction.

* Mulraj was resident in Karachi and known to both Ghulam Mohammad and Nehru and acted as an intermediary between the two at the instance of the former. But Nehru regarding Mulraj as a well meaning persons but had some doubts about his judgement.
Report of the Intelligence Bureau (Ministry of Home Affairs), Government of India on the visit of the Akali leader Giani Kartar Singh to Lahore.

New Delhi, May 4, 1955.

A note on the visit of certain Akali leaders led by Giani Kartar Singh to Lahore on the 21st, 22nd and 23rd April, 1955, is enclosed.

(B.N. Mullik)
DIRECTOR
4-5-55

DIB U.O. No. SA/714 – IV dated the 5th May, 1955

Visit of Akali leaders to Lahore


The Akali leaders arrived late for the tea party arranged for them as well as the Municipal Commissioners of Amritsar by the members of the Corporation in Bagh-e-Jinnah, Lahore, on the evening of 21-4-55. Raja Ghazanfar Ali Khan, informally speaking welcomed them to Lahore and expressed gratification on the restoration of cordial relations between the peoples of the two Punjabs. He deplored that ‘motives’ had been attributed to Pakistanis for allegedly showing ‘preferential treatment’ to Sikhs visiting Lahore on the occasion of the earlier Cricket Match. He said that Hindus had been visiting Lahore ever since the partition but not the Sikhs. If friends on meeting after such a long lapse of time showed exuberance of hospitality and goodwill, there was nothing sinister in that. Giani Kartar Singh thanking Raja Ghazanfar Ali Khan for the sentiments expressed by him, assured him that responsible public opinion in India did not subscribe to the views that the Sikhs were shown any preferential treatment with any ulterior motives.

Arrangements were made for the Akali leaders to stay in the Municipal High School, Mozang. As the Akali leaders passed through Anarkali Bazar, the
Pakistanis gave them a great ovation and rousing reception. The crowd shouted ‘Giani Kartar Singh- Zindabad’, ‘Muslim-Sikh Itehad – Zindabad’. Giani Kartar Singh was asked to stand up in the jeep for the people to see and to make a speech. He stood up in the jeep but said that he would be attending a poetical symposium on the following day when he would make a speech. Thereafter, the party of Akali leaders visited Gurdwara Dera Sahib.

Late in the same evening (21-4-55) at about 9 P.M., Raja Ghazanfar Ali Khan sent his car to fetch Giani Kartar Singh. Giani Kartar Singh returned to the Municipal High School, Mozang, where he was staying, after about two hours. He told his colleagues, on their enquiry, that he and Raja Ghazanfar Ali Khan had had a detailed discussion on the Sikh affairs. According to Giani Kartar Singh, Raja Ghazanfar Ali Khan sympathised with the Sikhs for unjust treatment being meted out to them by the Indian Government. He said that it was this highly communal Hindu mentality which had compelled Mr. Jinnah to demand Pakistan. Mr. Jinnah used to say that the Banias (trading class) should never be trusted. He refused to join hands with the Congress leaders as he knew that their call for unity was only a subterfuge to turn out the British. Had he fallen in their trap, the Muslims would have met the same fate as the Sikhs were meeting now. He said that the Sikhs committed a blunder in not accepting a ‘buffer’ Sikh State between India and Pakistan which both the British and Mr. Jinnah were ready to concede. The Congress leaders at that time painted a very rosy picture about the future of the Sikhs and the Akali leaders joined hands with them. He said that the demand for a Punjabi Suba (state) was just and constitutional and had the backing of over 95 per cent Sikh population as was evident from the Akali victory in the SGPC elections. He said that he had been keeping his Government fully posted with the developments in Sikh affairs and the people in Pakistan fully sympathised with the Sikhs for their sad plight. Raja Ghazanfar Ali Khan continued that the position of the nationalist Sikhs in India was no better than that of the nationalist Muslims of the Preparation days, and once the Punjabi Suba was formed like Pakistan, they would meet the fate of the nationalist Muslims. Giani Kartar Singh said that he told Raja Ghazanfar Ali Khan that there was no use crying over split milk. He enquired from him as to whether it was merely lip sympathy on the part of the Pakistanis or they were in a position to help the Sikhs in any way. Raja Ghazanfar Ali Khan said that if the Sikhs so desired, the Pakistan Government could take the issue of the Punjabi Suba to the United Nations, where he was hopeful it would have the support of America, United Kingdom and some Muslim countries. In that way, the hands of the Congress Government could be forced for its earlier acceptance. Giani Kartar Singh said that the proposal was not one which could yield immediate results. More important than that was the question of Gurdwars left in Pakistan. Master Tara Singh had already made a proposal for a Sikh Zone on the border of Sialkot or Lahore districts of Pakistan in lieu of the lands
attached to the Gurdwaras so that from the income derived from such lands the Sikh religious shrines in Pakistan might be looked after and maintained. Raja Ghazanfar Ali Khan said that he had already read the appeal of Master Tara Singh and assured that it would receive a favourable consideration at the hands of the Pakistan Government. He said that he would bring his influence to bear on the Government to give visa facilities more liberally for the Sikhs to visit and look after their Gurdwaras in Pakistan.

On 22-4-55, Giani Kartar Singh met a number of Pakistan dignitaries including Malik Feroze Khan Noon and Begum Salma Tasadaq, MLA, as well as a number of journalists and offered to explain to them the proposal of Master Tara Singh for a Sikh Zone in Pakistan. Giani Kartar Singh told them by way of explanation that if it was not possible for the Pakistan Government to allot all the land at one place, then the Sikhs could have land at two or three places both at the Sialkot and Lahore borders. Some of the Pakistani papers whereupon published Master Tara Singh’s appeal.

On 23-4-55, the Akali leaders were entertained at a tea party by Sheikh Sadiq Hassan, MLA. As a president of the organisation for the recovery of abducted women, the host (Sheikh Sadiq Hassan) appealed to the Akali leaders to help in the recovery of Muslim women abducted in the disturbances. Giani Kartar Singh replying said that the Akali Party had always lent its support to the recovery work and would also do so in future, but the matter was one which could only be effectively taken up at governmental level, as the goonda element which was keeping back the womenfolk in their possession could only be tackled by the Government.
0173. Minutes of the Talks held between Prime Minister Jawaharlal Nehru and Pakistan Prime Minister Mohammad Ali and Interior Minister Iskander Mirza.

New Delhi, May 14, 1955.

Mr. Mohammad Ali, Prime Minister of Pakistan, and General Iskander Mirza, Minister of the Interior, came to my house at 11.35 am on 14th May. Maulana Azad and Shri Govind Ballabh Pant were also present. Our talk lasted for about an hour and a half when we went to lunch. After lunch, Mr. Mohammad Ali and General Iskander Mirza went away. It was decided that we should meet again tomorrow, 15th May, at 10.00 am in my house.

2. General Iskander Mirza began by expressing his deep regret for the incident at Nekowal village near the Jammu border. He said that Premier Mohammad Ali had expressed his deep regret already to the President. This incident was most unfortunate and effective steps should be taken to prevent a recurrence of any such happening. Pantji said that this was not only very unfortunate in itself but the time when it occurred was still more unhappy. I said that all of us had been deeply distressed by this incident, and there was much public feeling. A large number of border incidents had been occurring during the past few years. They could be divided in two or three categories. One was a large category consisting of what might be called criminal acts, stealing, driving away cattle, dacoity, etc. Sometimes, there was a little shooting involved too. A border always attracted such criminal elements. Then there were other incidents which were not criminal and where there was a petty clash, sometimes involving shooting. This particular incident however at Nekowal was rather unique. Oddly enough, our military headquarters did not receive any news of it till almost twenty hours after it had occurred. The first news that came to us was through our Food Ministry which was running a farm there. A tractor had been sent there under one of our officers, Major Badwar, accompanied by a guard of six persons and some civilians. Previously, that is, a year or two ago, in order to avoid incidents, it had been agreed that none of our armed forces should go to the Nekowal village or within three hundred yards of it. On this occasion, Major Badwar was apparently demarcating a line some five hundred yards away. Suddenly, there was firing on him from across the Pakistan border. Major Badwar was immediately killed. Probably, the armed guard accompanying him returned the fire but they were also shot at and killed. The civilians accompanying them also suffered casualties. The Pakistanis took away these bodies as well as the tractor.

3. The UN observer came later, and the bodies were recovered as well as the tractor. The tractor was drilled with bullets on three sides. Two or three of
the civilian bodies bore no trace of a bullet mark, but they had been mutilated with big gashes. The backs of some of these bodies were lacerated indicating that they had been dragged along the ground for a long distance.

4. I said all this had shocked us greatly and was deeply distressing. It was clear from this account that our people were peacefully engaged in ploughing. No one would commit aggression with a tractor.

5. Mr. Mohammad Ali said that the account they had received was somewhat different but they would await the result of the enquiry and would certainly punish those who were found guilty. I said that General Shaikh who had come from Pakistan soon after the incident, had expressed his great regret and had spoken rather strongly to the villagers and others about condemning them for their misbehaviour. The next day, however, he appeared to have taken up a somewhat different attitude.

6. Both Mr. Mohammad Ali and General Iskander Mirza said that the guilty must be punished whoever they were and steps must be taken to prevent any such thing happening in future anywhere on the border. General Iskander Mirza said he would like to discuss these border problems separately with our Home Minister, Pantji. He said that it was absurd that both our countries should keep large forces facing each other on the border. We should gradually withdraw them. To begin with, they might withdraw on both sides to some distance. Later, they could be thinned out and, later still, only some police check posts need be kept on either side, as was becoming for friendly countries.

7. I said that we were quite willing to consider these matters in a friendly spirit. General Iskander Mirza fixed some time to meet Pantji tomorrow, 15th May, at his house. This was, I think, 3.00 pm, but I am not sure of the time.

8. Mr. Mohammad Ali then referred to the Kashmir issue and said that we must settle this. He said that we, that is India, held the key, and he would like to know what we suggested about settling it. He spoke at some length about the necessity and desirability of settling this question, and having friendly and cooperative relations between the two countries.

9. I entirely agreed with him. I pointed out, however, that we had been discussing this matter for the last seven and a half years without having made much progress. Meanwhile, all kinds of developments had taken place, and the position had to some extent stabilized itself on either side of the ceasefire line. It was not much good our covering the old ground again and talking at each other. We knew the background and we must approach this question in a friendly and realistic manner.

10. I then referred to past history—how the first news came to us about the
raid at Muzaffarabad, how we were agitated about it but could think of doing nothing at the time, how further news came of the destruction of the Mahora power house and the sack of villages, etc., en route by the raiders, ending up with the sack of Baramula, etc. All this alarmed us and we felt that if the raiders reached Srinagar and sacked that city, this would create a very dangerous situation, passions would be aroused and all this might lead to war between India and Pakistan. Just then, appeals for help came to us both from the Maharaja’s government and the National Conference. Both suggested the accession of the Jammu and Kashmir state of (to) India, presuming no doubt that this would enable us to help them in defending the country from the raiders.

11. We met in the Defence Committee and sat for long hours discussing this very difficult situation. Lord Mountbatten presided over that meeting. We did not think then that the Pakistan army was involved, although we felt that Pakistan had encouraged and helped the raiders. Ultimately, we came to the conclusion, late in the evening, in October 1947, that we must do something to prevent the raiders reaching Srinagar. We made preparations overnight and sent a small force of about two hundred and twenty soldiers by air early next morning to Kashmir. These people arrived there just in time to prevent the airfield falling into the hands of the raiders. They went into action immediately and gradually pushed back the raiders. The next day, we sent another batch of two hundred and fifty or so by air. Gradually, we had over a thousand soldiers there, and they succeeded in driving the raiders out of the valley and right up to and beyond Uri. Our troops then found a wall of resistance facing them. This was the Pakistan army. The situation changed. We were no longer dealing with a number of raiders but with the Pakistan army. After that, these military operations developed and spread out.

12. In the early months of the Kashmir operations, I met the then Pakistan Premier, Mr. Liaquat Ali Khan once, I think, in Delhi and once in Lahore. We discussed this matter and I felt that we were not very far from an agreement, although no agreement was arrived at. I had a feeling then also that some of the senior British officers in Pakistan, notably the then Governor of the Punjab, threw their weight against a settlement. I had had this experience in discussing other matters also in Lahore.

13. Some months later, I met Mr. Liaquat Ali Khan in London at the Commonwealth Prime Ministers’ Conference and, later, in Paris where I had a long talk with him about Kashmir. I told him that I was deeply distressed at this war going on between our armies. All our background was against war but we had been compelled to resort to armed defence because we felt strongly about this invasion. All over India there was this strong feeling. I had no doubt that his view was different and there was possibly equally strong feeling in Pakistan.
What, then, were we to do? I felt that, in the balance, the Indian army was stronger than the Pakistan army and we would win in the end, but it was obvious that the war would be a prolonged one and would deeply injure both India and Pakistan. Apart from this, I was anxious to put an end to this war. For us to try to impose each other’s will on the other by armed might would bring disaster to both. I was anxious, therefore, to put an end to this as soon as possible. We had talked about a plebiscite, etc. I was prepared for that, but I had no doubt that we would have to face great difficulties and a long time would elapse before we could give effect to this, and even then it was by no means clear if there would be a satisfactory settlement. The only feasible and practical approach seemed to me to accept things as they were at that time and put an end to this war on that basis. Mr. Liaquat Ali Khan did not agree to this, and there our talks ended. This was in the latter half of 1948.

14. Since then, much had happened – UN Commission, Mr. Dixon, Dr. Graham, etc., etc. We had agreed to the UN resolution about a plebiscite, but it was clearly laid down in that resolution that certain things had to be done and certain conditions established before the plebiscite could take place. So, we started talking about these preconditions. There were many of them, but gradually talks centered round one aspect of this question. This was the question of the quantum of forces to be kept on the Indian side as well as on the other. We discussed this at length with Dr. Graham without finally coming to a decision, although we seemed to approach each other. According to the UN Commission’s resolution, the Pakistani Forces had to be withdrawn completely and we had to withdraw the bulk of our forces. The Pakistan interpretation was somewhat different.

15. Thus, although we came rather near to the solution of this problem of the quantum of forces, we did not actually arrive at an agreement. The other important preconditions were not even discussed then. It was about this time that I met Mr. Mohammad Ali for the first time in this connection, and we arrived at an agreement about the future approach to this question.

16. A little later, new developments took place in the international field which changed the context of this problem. This was American military aid to Pakistan. Much later, indeed recently, Pakistan had got tied up with Western and Middle Eastern military blocs. This had changed the entire picture in this area and brought the prospect of world war right to our borders. I could not and did not challenge the right of Pakistan to make any decisions or any arrangements with other countries but I had to consider the consequences of those decisions in regard to ourselves and our own problems, more especially, the Kashmir problem. I did not wish to discuss our basic international policy which was nothing new for us. It flowed from our thinking in pre-independence days and,
I was convinced, that it was the only policy that India could pursue both for herself and for the good of world peace. Anyhow, the Kashmir problem had to be seen in this context, and our previous discussions had to be revised accordingly.

17. Mr. Mohammad Ali said that each country naturally had to decide for itself but even their alignments with foreign countries were partly the result of their conflict with India. If that conflict ceased, no doubt that would have some effect on their international policy. I said that I agreed with this to a considerable extent. There was action and interaction in regard to these matters and each influenced the other.

18. Mr. Mohammad Ali said that if there was complete friendliness with India, Pakistan would not spend so much on its army and would devote its resources more to economic development which was so necessary. I agreed and added that we had ourselves been anxious about reducing our army. In fact, some years ago, we had reduced it by about fifty thousand and intended reducing it further. The difficulty however arose about providing employment to those persons discharged from the army. Some of them joined gangs of dacoits, especially in Rajasthan, and gave us many headaches. We, therefore, toned down our army reduction till we could make provision for those discharged. Even so, we were proceeding to reduce our army by about ten thousand a year.

19. I further pointed out that our whole mind in India was today directed towards economic development. We were not interested much in political matters or even in international matters, although we could not help participating in them. Above everything, we wanted economic and industrial progress, the raising of standards of our people and the reduction of the number of unemployed. Owing to the growth of population, we had eighteen lakhs of fresh employable persons every year, apart from the old reservoir of unemployed. This was a terrific problem and we were trying to face it in our Second Five Year Plan. A country was really strong only if it was economically and industrially advanced. As I had said at Bandung, I did not believe in a country or an individual being weak. The weak went to the wall. If there was no strength in a country, there was a power vacuum which others filled, as it happened when the British came here. I did not want any further power vacuums in India and that was the position of other Eastern countries too. Therefore, our absorption in economic matters. Nothing could please us so much as a settlement of problems which came in our way, like the Kashmir problem.

20. Mr. Mohammad Ali asked me what then were we to do about Kashmir. I said that we had to face the situation as it was. During these seven and a half years, many changes had taken place. The position had stabilized itself
somewhat on both sides of the ceasefire line. On our side in the Jammu and
Kashmir state, considerable progress had been made. Economic conditions
were better than for many years. Prices were lower. A big hydroelectric scheme
had just been completed, and would supply light and power. Other schemes to
prevent floods had also advanced greatly. The Banihal tunnel was also well on
its way. By the end of this year, probably the tunnel would be pierced through.
In another year’s time, it ought to be working. This would make a difference in
the valley. There were many other small schemes and improvements in the
J&K state. Altogether, the position had stabilized and was an improving one.
Naturally, I could not say what was happening on the other side of the cease-fire
line. Mr. Mohammad Ali would know much better. In any event, a certain
measure of stabilization must have taken place there. Were we to upset all
this? Anything which had that effect of upsetting, would not lead to the solution
of the problem, but rather to the aggravation of our difficulties and, perhaps,
more bitterness. If large numbers of refugees trooped out either to Pakistan or
to India, they would bring trouble and discord and bitterness with them, and the
relations of India and Pakistan would be poisoned afresh. All the good that had
happened might be washed away. At present, fortunately, there was a good
deal of goodwill among the people of India and Pakistan as we had seen in
Lahore, Amrits, Jullundur, etc. Therefore, I was anxious to avoid any step
which had an upsetting result.

21. I wanted to stand by the commitments we had made but sometimes
commitments overlapped or clashed with each other. There were the
commitments about the plebiscite, etc. I wanted to stand by them, although I
realized how progressively difficult this had become. Then, there were the
commitments to the Kashmir Government and people. In fact, we were
constitutionally bound in many ways to the Jammu and Kashmir Government.
All our states were autonomous to a large extent, but the J&K state was more
autonomous than others, and we could not interfere in most matters. We could
advise, of course. Sometimes, things were done there by the Government,
which were not to our liking, but we could not help that. Therefore, we could
not bypass that Government. In fact, constitutionally and according to our
agreement, we could not do so.

22. Keeping all these international and national matters in view, and having
given the most earnest consideration to this problem, we had come to the
conclusion that the only practical and safe way of dealing with it was to accept
present conditions as they were, that is, the status quo, and then proceed on
that basis. Having accepted that, one could consider what rectifications of the
border, etc., could be made to suit both parties. But the main thing was an
acceptance of the principle of the status quo.
23. Mr. Mohammad Ali had listened patiently to all this. Occasionally, he said a sentence or two, and so did General Iskander Mirza. Maulana Azad and Pantji also occasionally made a remark. When I had finished, Mr. Mohammad Ali said that he would like a further elucidation from me as to what I meant by these rectifications and the consequences of our proceeding on the basis I had mentioned. He said that we might consider this further tomorrow when he said we might have a map to help us.

24. We agreed to this, and we are meeting tomorrow at 10.00 am at the Prime Minister’s House.

0174. Minutes of the meeting between Prime Minister Jawaharlal Nehru and Pakistan Prime Minister Mohammad Ali and Interior Minister Iskander Mirza.

New Delhi, May 15, 1955.

We met at 10.00 am. Mr. Mohammad Ali, Prime Minister of Pakistan, Mr. Iskander Mirza, Maulana Azad and Shri Govind Ballabh Pant were present, apart from me. The meeting lasted for about an hour and three quarters.

The map of the Jammu and Kashmir state was examined. I was asked by Premier Mohammad Ali to elucidate and follow up what I said yesterday. I replied that I had made our approach clear. I thought that there were only two courses open to us: (1) to aim at a final settlement now, leaving nothing over, (2) to try to prepare the ground for a final settlement at a much later stage, trying to work towards it.

3. It was not possible or desirable to settle a part of the problem finally now and leave another part for later decision. This would be unfair and would leave a feeling of uncertainty. Personally, I preferred the first alternative, that is, a final settlement if that was possible.

4. Mr Iskander Mirza pointed out the difficulty of his Government in accepting things as they were. How could they possibly put this across to their people? No government would last twenty-four hours in Pakistan on this basis. I said that a similar difficulty would arise on both sides. In addition, we had our constitutional difficulties. I read out the part of our Constitution referring to Kashmir as contained in the President’s Order of the 14th May, 1954. This ran as follows:
“Provided further that no Bill providing for increasing or diminishing the area of the State of Jammu and Kashmir or altering the name or boundary of that State, shall be introduced in Parliament without the consent of the legislature of that State.”

5. I said that either party trying to make a major change in the status quo as at present, would not only produce violent reactions on the other side but would have a gravely upsetting effect. Therefore, there appeared to be no other way except to proceed on the present basis. Any major change would mean our facing the problem of migrations on a large scale.

6. Mr Iskander Mirza referred to the past talks, etc., and how they had been affected by American aid to Pakistan. That aid had nothing to do with Kashmir or India. It was merely in self-protection. He would like to have common defence with India. He pointed out the dangers of the Persian Gulf being occupied by a hostile power and that the defence of the Persian Gulf depended upon Pakistan and India.

7. I said that we would like to coordinate our defence policies as well as other policies with Pakistan, but what exactly did common defence mean. Against whom was it intended? Presumably against the Soviet Union. I could not conceive of the Soviet Union attacking Pakistan or India. There was a possibility, in case of war, of the Persian Gulf being threatened. Even that was a contingency that would only arise in case of a world war when of course military and strategic conditions would be considered from a world point of view. The major theatres of war would be Europe and the Far East. The Middle East might be in danger but nothing much would depend upon it. The real issue would be determined elsewhere.

8. Also, that in existing circumstances no aggression by any party anywhere in the world could take place without provoking a major war. That in itself was a strong deterrent. We felt therefore that the best way to seek security was to make a different and a friendly approach to countries, at the same time of course keeping one’s own country as strong as possible.

9. I referred to Sir Winston Churchill’s idea of the next war—its instantaneous and terribly destructive character. Also to what Admiral Radford of the US said recently. He had said that the Western powers were strong enough to defeat the Soviet Union, etc. He had added, however, that there would be no victor in the next war.

10. Because of all this, war had to be avoided and these local defence arrangements had no significance. I ventured to say to Mr. Iskander Mirza that his analysis was out of date in the new atomic age.
11. Reference was made by Mr. Iskander Mirza to some kind of negotiations that had been carried on informally with the Governor General of Pakistan. I said that there had been some vague and informal exchanges through Mr. Mulraj and I understood that one Mr. Wajid Ali, whom I had not met, was also involved. The broad proposals made on behalf of the Governor General were that a large piece of territory in Jammu, north of the Chenab, should be transferred to Pakistan. Also, that Kashmir proper should be under some kind of a joint control of a joint army.

12. I pointed out that these proposals were completely impractical. I could not conceive of any kind of joint control of Kashmir for practical reasons. From constitutional reasons also, it had to be ruled out. As for large tracts of territory north of Chenab being transferred, this was quite out of the question. No one on our side could possibly think of this. We could never get people to agree to it, and it would create enormous problems of migration, etc. I also pointed out that this would mean cutting off a small area of Jammu left with India, from Kashmir.

13. Mr. Iskander Mirza said that he himself did not think this proposal of transfer of all these territories north of the Chenab, as practical. Mr. Mohammad Ali and Mr. Iskander Mirza again pointed out their difficulties with their people in accepting anything which completely ignored their wishes and demands. Something had to be done to make them feel that they had gained something. I was asked again to indicate our precise proposal. What was the least or the most that we would accept? I said that was difficult for me to indicate precisely the variations in the present ceasefire line. That would depend on geographical, administrative and other factors. These would have to be considered carefully by people on both sides. I pointed out for instance that the northern ceasefire line was not a happy one. The Kishanganga was a suitable line but actually the ceasefire line was a few miles away. These considerations might apply to other places too on both sides. Apart from these minor alterations, I said that I thought it might be possible to consider the transfer of a certain part of the Poonch area which was on the Indian side. I was asked what part. I said I could not say definitely because I was not acquainted with the exact position but, roughly speaking, the Poonch area. Even this transfer, I added, might involve the migration of about fifty thousand persons from the areas transferred. That in itself would be a grave problem.

14. I added that one of the reasons which actuated me in suggesting this Poonch area was the fact that this was a major recruiting ground for the Pakistan army and many people in that army came from this area.

15. Mr. Iskander Mirza said that he did not see why anyone should leave the Poonch area because it was transferred. These people would not only be allowed
to stay on but would be given a fair treatment. I said that this might be so but conditions were created and forces began to work which could not be checked.

16. At this stage, our talks about the Kashmir issue were adjourned. Mr. Mohammad Ali said that he would give us their reactions tomorrow after consulting their officers and experts.

17. Mr. Iskander Mirza then asked what other matters there were for us to discuss. I mentioned the exodus from East Pakistan which was formidable and most embarrassing for us. He acknowledged that this was a serious matter and that the actual figures of the exodus had been examined and found to tally on both sides. The Pakistan Government had issued stringent orders on this subject to the East Pakistan Government. He would show us copies of the telegrams issued.

18. This question of the exodus from East Pakistan was further discussed as to the causes underlying it. It was admitted generally that there were economic causes. Some reference was made to the Zamindari legislation by Mr. Mohammad Ali, which affected not only the zamindars but the considerable number of people who were dependent upon them in various ways.

19. I said that I was quite sure that the Pakistan Government did not want this exodus. I could not say definitely about the East Pakistan Government, but the real difficulty came from hosts of minor officials in East Pakistan. I added that nothing was more surprising than the charge made in the Pakistan press that India was deliberately inciting these people to migrate from East Pakistan. We must be mad indeed to invite trouble in this way.

20. I then referred to the canal waters issue which was now being considered in consultation with the World Bank. I gave a brief summary of the old history of this issue and referred to our meeting on May 4, 1948, at which the present Governor General, Mr. Ghulam Mohammed, was also present, and the agreement then arrived at. I pointed out that, so far as certain areas of East Punjab were concerned as well as Pepsu and Rajasthan, there was no hope for them at all except to get water from the Sutlej. The Bhakra-Nangal scheme had been thought of long before Partition in order to provide these waters. We realised, of course, that West Pakistan must not suffer and that had been our approach throughout, and the World Bank's approach. This might involve some big construction in West Pakistan involving an expenditure of sixty or seventy crores of rupees. India was prepared to share in this burden. Anyhow, I hoped that a settlement would be arrived at under the auspices of the World Bank.

21. I referred to the evacuee property question and said that this had been discussed by Mr. Iskander Mirza and others with Shri Mehr Chand Khanna. Some satisfactory decisions had been arrived at, but a part of the problem still remained.
22. I then briefly referred to other questions like visas, etc., which Mr. Iskander Mirza was going to discuss with our Home Minister. Mr. Iskander Mirza said that we must get rid of these objectionable, humiliating provisions about reporting to the police, etc. I agreed.

23. As Mr. Iskander Mirza was going away, he referred to the question of mosques and temples. He said that it was hardly possible for these innumerable mosques and temples to be looked after properly, when there was no one present in those areas who took interest in them. What should be done was to make a list of all important mosques, temples and gurdwaras on either side and these should be properly looked after. The others should simply be allowed to decay. Pantji suggested some kind of a joint Board to look after these places of religious worship.

24. The meeting terminated at 11.45 am. It was agreed that we should meet again tomorrow, Monday, the 16th May, at 10.00 am at the Prime Minister's Home.

0175. Minutes of the Talks between Prime Minister Jawaharlal Nehru and Pakistan Prime Minister Mohammad Ali and Interior Minister Iskander Mirza.

New Delhi, May 16, 1955.

The talks began at 10.10 am and lasted till about 12.30 pm. The same persons were present as on the previous days.

2. Mr. Mohammad Ali began by saying that if they accepted my proposals of the previous day, they would be blown sky-high in Pakistan. There was no possibility of their getting through with this in Pakistan. By accepting India's proposals they committed themselves to getting out of the Security Council and other foreign forums and thus save India from these entanglements. What did Pakistan get out of it? This had been suggested two years ago by the PM of India. Unless there was some major adjustments now, the only course was to continue with the Security Council, etc., and consider the question of the plebiscite and try to come to an arrangement about the conditions governing the plebiscite.

3. Maulana Azad laid stress on the great advantage of finishing this dispute between Pakistan and India. There was this difference now from the previous
occasions when they met: there was undoubtedly a strong and new urge on both sides to come to a settlement. What India had suggested was a practical step in view of all the circumstances.

4. Mr. Mohammad Ali said that India was a big country, the big sister of Pakistan. She was a great nation and there had been much progress in India. India should, therefore, be generous and magnanimous.

5. Mr. Iskander Mirza said that his Government would fall if India’s proposal was accepted.

6. Pantji pointed out that seven years had passed bringing many changes in their train. They could not ignore these changes, and they had to look at this question from practical point of view. Maulana Azad also emphasized that they must adopt a practical course and accept the status quo as a base.

7. Mr. Iskander Mirza said the present proposals were not acceptable and so they had to go back to the old talks. They would consult their advisers about this matter.

8. I referred again to the tortuous history of the past seven and a half years and how repeatedly we had got deadlocked not so much because of Pakistan’s or India’s attitude, but because of the inherent difficulties of the situation. Those difficulties had become far greater now than they were previously. While we might not come to an agreement, events marched on and produced changes. We could not ignore these changes. There were changes internally in the Jammu and Kashmir state, there were changes in Pakistan and in India, and there were changes in our international relations with other countries. Pakistan’s tie-up with the Western system of alliances brought Western Europe, in a military sense, to the borders of India. This fact was important and could not be ignored. Equally important was what had happened internally both on the Indian side of the ceasefire line and the Pakistan side. There had been a certain stabilization. A large number of people had been settled there. To upset all this would be a serious affair, would not bring about a settlement but further troubles. Of course, we could discuss along the old lines but this had failed to produce any result previously and in the altered circumstances of today, the possibility of success was far more slender. Therefore, to talk in old terms was not helpful.

9. Mr. Iskander Mirza said that they had come from Pakistan because the Governor General had given them to understand that there was a broad acceptance of a new base for negotiations. He was of the opinion that formal talks should only be held when privately and informally a broad agreement had been arrived at. Mr. Mohammad Ali agreed with this and said that that had always been his opinion. In fact, he did not want to come here till some such broad agreement had been reached informally. Unfortunately, the Governor
General’s serious illness had upset plans. Mr. Iskander Mirza said that he was coming here previously for this particular purpose. It was easy for ministers to come ostensibly for some other object and have private discussions. This had not happened and now it appeared that there was much misunderstanding about the negotiations with the Governor General.

10. I referred to these so-called negotiations and gave a brief account of them. I pointed out that I did not like this way of approaching each other as it was liable to create misunderstandings. Mr. Mulraj was a good man whom I had known for long but obviously he did not understand this problem and had no political bent. He had been sent for by the Governor General through some intermediaries. He had then come to me with some vague proposals of the Governor General. In the main, these proposals were that a large area of the Jammu province including Poonch, Riyasi, Udhampur, etc., should be transferred to Pakistan, that Skardu might be transferred to India, and that Kargil area should be attached to Kashmir and should be governed by future decisions about Kashmir, and that there should be some joint control by India and Pakistan, both political and military, of this Kashmir area. Some kind of a plebiscite of the Kashmir area, from five to twenty years hence, was envisaged.

11. I was much surprised to receive these proposals through Mr. Mulraj. I had told him that I could not even consider them. It was quite impossible for us to transfer these large areas to Pakistan. No government in India could do it, apart from this involving huge political and social upheavals in these areas which were settled and progressing satisfactorily. We were not very much interested in the Skardu area which was very sparsely populated and mountainous. As for joint control of Kashmir, this was unthinkable, and such a thing had not happened anywhere before with success. I gave nothing in writing to Mr. Mulraj.

12. Mr. Mulraj returned, and came back about two months later. He told me that the Governor General realized that it was not feasible for the Udhampur area to be transferred. He did not think it would be difficult to come to an agreement about some other areas in the Jammu province when he met me as he proposed doing. About Kashmir proper it was said that no change in the present Government was desired, but some formal supervision jointly by the President of India and the Governor General of Pakistan. That is to say, in theory both had an equal share.

13. I pointed out that I could not, from any point of view, constitutional or other, imagine this kind of joint supervision. Kashmir was an autonomous area and we could not deal with it in this way. As for Jammu areas, I again pointed out that these large transfers were not at all feasible or desirable. It might be possible for us, as I had hinted, to consider the Poonch area in this connection.
14. This was the last talk I had with Mr. Mulraj. It appeared to me that this way of doing business was most unsatisfactory and was bound to create misunderstandings as, in fact, it appeared to have done.

15. Mr. Iskander Mirza agreed that this was very unsatisfactory and this had given rise to wrong notions in the mind of the Governor General. Anyhow, he said that there was no option now but to go back and report to the Governor General.

16. The map of the Jammu and Kashmir state was again examined. Mr. Iskander Mirza said that while they could not at present accept my proposals, we should not break. The communiqué we would have to issue, should be very carefully drafted to avoid any impression being created that we had broken or ended negotiations. We should say that we would continue these negotiations but it was not desirable to meet formally in future till some basis of agreement had been arrived at by previous informal talks.

17. There was some talk then about the recent serious illness of the Pakistan Governor General when all hope of his recovery had been given up. But by some kind of a miracle, he pulled together again and recovered.

18. Mr. Iskander Mirza referred to his talks with Pantji the day before about various matters and said that they hoped to issue a note or a communiqué on that subject soon. A joint committee was examining in detail those matters.

19. I referred briefly to another undecided issue between India and Pakistan. This was a financial arrangement between them. This had been discussed by the two Finance Ministers on two or three occasions but the matter was still pending. Mr. Iskander Mirza said: “Do not ask us to pay any money because we have not got it.” I said that we realized their difficulties and we did not propose to put any burden on them on this account at present. But it was desirable to settle this matter. I was not even sure as to what the net result of such a settlement would be. While the public debt had to be paid to India by Pakistan, there were other sums due to Pakistan from India.

20. The meeting then adjourned till the next day, 17th May, at 10.00 am.
0176. Minutes of the Talks between Prime Minister Jawaharlal Nehru and Pakistan Prime Minister Mohammad Ali and Interior Minister Iskander Mirza.

New Delhi, May 17, 1955.

The meeting took place at 10.15 am and lasted till 12.15 pm. The same persons were present.

Mr. Mohammad Ali said that as there was no agreement on any other basis, we had to go back to the old plebiscite idea and continue conversations that were broken off in 1953.

3. Some reference was made to the Governor General's proposals. A map was produced by Mr. Mohammad Ali, which had apparently been prepared by the UN people in Kashmir. This indicated what was supposed to be the Hindu and the Muslim areas in separate colours. The Hindu area in this, marked yellow, was just some districts round Jammu. The rest of the area from the ceasefire line on the left and below the northern ceasefire line was all green. Above the northern ceasefire line, there was no colouring; it was white.

4. Maulana Azad said that we had been aiming at a final settlement. We had stated clearly what we had to say and Jawaharlal Nehru had mentioned that this settlement should be on the basis of the ceasefire line more or less, but, in addition, he had suggested the transfer of the area of Poonch and a bit of Mirpur, which were on the Indian side of the ceasefire line. (I had not mentioned Mirpur in this connection to the Pakistan Ministers previously but I had mentioned it to Maulana Sahib and Pantji. But Maulana Sahib had perhaps thought that I had mentioned this to the others also). Maulana Sahib continued and said: was the Pakistan picture this, that all these areas demanded, in the Jammu province, should go to Pakistan and, in addition, there should be a plebiscite in Kashmir, etc. There was no clear answer.

5. JN said the position appeared to be that we should give up all these vast areas involving a complete upsetting of the populations there and everything else and still have a continuing dispute though this would be confined to a smaller area. What exactly did India gain by this? All the giving up was on India's side and the trouble still continued.

6. Mr. Iskander Mirza said that they could not go against the Governor General's directive under which they had been functioning. There had been a grave misapprehension in Pakistan over this issue as they had thought that India had broadly accepted the suggestion made by the Governor General. If this was not acceptable and the gap between the two positions was wide, then
there was no alternative left but to go back to the negotiations of 1953 and see what progress could be made that way.

7. JN said that India has gone as far as she could. He mentioned that Maulana Azad had referred to a part of Mirpur also. This had not been previously referred to by UN but since Maulana Sahib had mentioned it, he would include that too with Poonch as the area which might be transferred to Pakistan. But it must be clearly understood that there could be no transfer of Poonch, etc., except on the basis of a final settlement.

8. The map was again examined in an attempt to find out what exactly Pakistan wanted. Reference was made to the Governor General’s proposals. Mr. Iskander Mirza said that for his part he did not think it either feasible to have a joint control of the Kashmir Valley or for a transfer of territories in the Jammu province to Pakistan, so as to prevent access from Jammu to the Valley. Therefore, the Ramban area should for the present be attached to the Valley. If the Valley goes to Pakistan later, Ramban would also go.

9. Mr. Iskander Mirza also referred to the fact that the Dogra ruling family came from Riasi and felt that the transfer of Riasi would thus give rise to much resentment. He said that his PM might put this aspect of the case to the Governor General.

10. Maulana Sahib said that there appeared to be a marked change in the approach to the problem today. On the previous two or three days, he had felt that there was a strong desire for a settlement. Now this was not so obvious.

11. JN said that they appeared to be millions of miles away in their respective approaches. In fact, they were apparently further away from each other than they had been at any time during the last seven or eight years. Mr. Iskander Mirza said that therefore it was better to continue the 1953 negotiations.

12. JN said that they could do so if they liked but he did not know where this would lead them.

13. JN further continued to say that so far as the Governor General’s proposals were concerned, they were such as could never be agreed to by any government in India.

14. Mr. Mohammad Ali referred back to the 1953 proposals and said that they had stopped at the appointment of a joint official committee which did not come to an agreement on the question of the quantum of forces and, later, of the US aid.

15. Maulana Sahib again referred to the change in the nature of the discussion after these three days. In regard to the Governor General’s proposals, the
Pakistan representatives had themselves pointed out that in two important matters, they were not feasible, that is, joint control over the Valley and the transfer of certain areas. What was the good of going back to 1953?

16. Mr. Iskander Mirza said that he understood the difficulties from the Indian point of view about Riasi.

17. JN said that the terms put forward by the Governor General amounted to a surrender by India which might perhaps follow a complete defeat and a dictation of terms. Could any government agree to this? Mr. Iskander Mirza said that all they could do was to report to Karachi.

18. Mr. Mohammad Ali said ‘yes’ but the communiqué to be issued here should not be such as to create frustration in the minds of the people.

19. Mr. Iskander Mirza again said that the Governor General had a firm impression that his suggestions had been favourably considered on the side of India. He confessed, however, that he was not quite clear about these so-called negotiations, and he had known little about this matter then. Mr. Mohammad Ali said that the Governor General had kept him in touch to some extent.

20. It was decided that the communiqué to be issued should be a brief one, with a reference to full and friendly talks about Kashmir which would be continued later. In addition, the communiqué should include the agreements arrived at between the two Home Ministers in regard to various matters.

21. Maulana Azad referred to the question of the India Office Library and said that he was agreeable to what Mr. Mohammad Ali had said the day before, to the effect that there should be a division where necessary on the basis of seventeen and a half per cent going to Pakistan. Mr. Mohammad Ali said that it would be better to have a cultural division rather than a percentage division. What exactly was this, he was asked. Apparently, it meant that, broadly speaking, Arabic and Persian manuscripts should go to Pakistan.

22. Mr. Mohammad Ali said that he did not claim any manuscript of which there was only one copy but, if there was more than one copy either in the India Office Library or in some other government library in India, one of these copies from the India Office should be given to Pakistan.

23. Maulana Azad referred to government record, and he said that those relating to the areas which are in Pakistan now might be handed over to Pakistan. There were coins also. Where there were duplicates, they would be handed over.

24. It was decided that this matter of the India Office Library should be considered this afternoon at 3.30 pm by representatives of the two Governments on the general basis of our talks.
25. The Home Ministers were also to finalise their report in the course of the afternoon.

26. In the course of the talks, Mr. Iskander Mirza had referred to the Governor General’s proposal about hydroelectric works on the bend of the Chenab river. Such works, if and when they were started, should be under the joint control of India and Pakistan. This presumed, of course, that Pakistan was on the other side of the river at that place.

27. It was decided to meet the next morning at 10.00 am to finalise the communiqué.

0177. Joint Statement issued by the Indian Home Minister Govind Ballabh Pant and Pakistan Interior Minister Iskander Mirza at the end of their talks.

New Delhi, May 17, 1955.

Shri Govind Ballabh Pant and Major General Iskander Mirza discussed the prevention of border incidents and maintenance and preservation of shrines and holy places in the two countries. Complete agreement was reached on these issues.

On the question of border incidents, the Ministers agreed that demarcation of the boundary should be finalized as early as possible. Pending final demarcation, certain arrangements were also agreed upon with a view to avoiding possibilities of disputes and view to avoiding possibilities of disputes and danger of clashes between the armed forces on the two sides. The Ministers agreed that the demarcation of the land boundary between the two Punjabs should be given the highest priority and be completed within a period of three months. Agreement was also reached on the reduction in the number of the border forces on the two sides and the arms to be carried by them. The Ministers further agreed to the appointment of high powered officers by the Governments of India and Pakistan to co-ordinate the implementation of the Agreement.

As regards shrines and holy places, the Ministers agreed to appoint a joint committee of the representatives of the two Governments to work out details of implementation of the July-August 1953 Agreement on the subject. This Committee would in particular work out the arrangements for the preservation
of holy places and examine the question of properties attached to them. They also agreed that free and liberal facilities should be granted to pilgrims from one country to visit shrines and holy places in the other country either individually or in parties.

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0178. Joint Communiqué issued at the end of talks between the Prime Ministers of India and Pakistan.

New Delhi, May 18, 1955.

The Prime Ministers of Pakistan and the Minister of the Interior of Pakistan, General Iskander Mirza, have had a series of talks with the Prime Minister of India and the Minister of Education and Natural Resources, Maulana Abul Kalam Azad, and the Minister for Home Affairs, Shri Govind Ballabh Pant, from May 14th to May 18th. These talks were cordial and full and covered a wide variety of subjects of common concern. Both sides approached these subjects in friendly spirit and with the desire to explore every avenue to reach settlements of pending problems. In addition to those joint talks, there have also been separate discussions between the Minister of the Interior of Pakistan and the Minister of Home Affairs of India which resulted in certain agreements being reached.

In the course of the joint talks, the Kashmir problem was discussed fully in all its aspects. It was decided to continue these talks at a later stage after full consideration has been given by both governments to the various points that had been discussed in the course of these meetings.

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* On May 20, Prime Minister Nehru gave a resume of his talks with Pakistan Prime Minister to the Cabinet and said “besides Kashmir, the question of prevention of border incidents, and maintenance and preservation of shrines and holy places in the two countries was also discussed at a series of meetings between Shri Govind Ballabh Pant and General Iskander Mirza,” and complete agreement was reached.
Note Verbale From the Indian High Commission in Pakistan to the Pakistan Ministry of Foreign Affairs and Commonwealth Relations regarding anti-Indian propaganda in Pakistan.


High Commission for India in Pakistan
Karachi

No. 1(A)/IHC/53. July 7, 1955

The High Commission for India in Pakistan present their compliments to the Ministry of Foreign Affairs and Commonwealth Relations of the Government of Pakistan and invite reference to their Note No. I (I) 4/15/54, dated the 14th April, 1955, regarding anti-Indian propaganda in Pakistan on the issue of Canal Waters. The Government of India are glad to note that the convention adopted by the two Governments that no information regarding protests or communications from one Government to another would be communicated to the Press without prior consultation with or intimation to the other Government, would be observed in future. It may be added that what is objectionable is not so much the statement which might appear in the Press that a protest has been lodged by one Government with another but the practice of giving to the Press the contents of the protest notes. The Government of India have protested not against the former practice, but against the latter, which the Government of Pakistan will no doubt agree, leads to ill-feeling and tension. It is not the intention of the Government of India to suggest that the Press should not be given any news. It is, however, desirable in the interest of friendship and of avoiding tension that details of the protests should not be divulged to the Press without prior consultation.

2. The Government of India have also asked the High Commission to remove the misapprehension which appears to exist in the mind of the Government of Pakistan that there have been breaches of this convention on the part of the Government of India. The various instances of the alleged breaches quoted by the Government of Pakistan have been examined by the Government of India and are analyzed in the statement attached to this Note for the information of the Government of Pakistan.

3. The High Commission have further the honour to state that the construction put by the Government of Pakistan upon the decision of the Indo – Pakistan Information Consultative Committee in its meeting held on the 2nd August, 1949, is not only misconceived but also misleading. The comparative freedom allowed to either country in giving publicity to the point of view of its Government on matter of dispute between the two Governments was subject
to the provision that “there was no mud – slinging and that good taste and decorum were observed.”

4. The High Commission have been instructed by the Government of India to express their regret that the Government of Pakistan should have sought to justify the offensive and abusive propaganda against India carried on in Pakistan by not only misconstruing the letter and spirit of the decision of the Indo–Pakistan Information Consultative Committee mentioned above but also by quoting a solitary instance in Partap of New Delhi in its issue of the 10th April, 1954, which appeared about three months before the vicious anti–Indian propaganda complained of by the High Commission in their Note No. 1 (A)/IHC/53 of the 27th August, 1954, was launched in Pakistan. While the Government of India deplore the writing in the Partap, which is, however, an unimportant newspaper and whose appeal lies only to a small section of the people, the attention of the Government of Pakistan is drawn to the fact that the anti–Indian propaganda on the issue of Canal Waters was indulged in both by the leading English and Urdu dailies and the responsible leaders of Pakistan with widespread influence in both East and West Pakistan.

5. The High Commission would, therefore, like to reaffirm that the anti–Indian propaganda in the Pakistan Press and by the responsible leaders of Pakistan, apart from contravening the Indo–Pakistan Agreement of December, 1948, and the Prime Ministers’ Agreement of April 1950, was also a violation of the decision of the Indo–Pakistan Information Consultative Committee in its meeting held on the 2nd August, 1949, and would earnestly request the Government of Pakistan to take suitable action against the offenders with a view to discouraging the recurrence of such mischievous and irresponsible propaganda against India in Pakistan.

The High Commission avail themselves of the opportunity to renew to the Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations, the assurances of their highest consideration.

The Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, Karachi.
Letter from the High Commissioner C. C. Desai to Prime Minister Jawaharlal Nehru regarding the disappointment in Pakistan on the inability of President Rajendra Prasad to visit Pakistan.

Karachi, August 8, 1955

High Commissioner of India
Karachi

No. HC/55/22 August 8, 1955

My dear Prime Minister,

The inability of our President to visit Karachi on August 14, as invited by Ghulam Mohammed during his visit to Delhi on the Republic Day this year, has caused a certain amount of disappointment and a sense of feeling that we have failed to reciprocate in an appropriate way. A visit some other time has, of course, not the same significance as a visit on the Independence Day. We can hardly quarrel with the reasonableness of that view, if held by some people over here. At the same time I do not see any way of escaping that situation. I have a feeling, however, that the position could be mitigated to some extent by an alternative, which I venture to place before you for consideration.

2. Lately, the political situation has undergone a complete transformation. A new Governor-General has taken over, though in an acting capacity. The Prime Minister, Mohammed Ali, has resigned and the formation of the Government may be entrusted either to Choudhry Mohammad Ali, which is most probable, or to H.S. Suhrawardy. The Pakistan Day falls on August 14, less than a week from to-day, but of course the usual ceremonial will be repeated. I have a feeling that if India is represented at the Parade on the Pakistan Day by one of our Central Ministers, it would go a long way towards not only removing the sense of disappointment at the inability of our President to come but also it would add one more stone to the edifice, which we are all slowly and laboriously trying to build up in the name of Indo-Pakistan brotherhood. A visit by a Minister does not require much preparation and, therefore, I do not think that it is now too late to consider the matter, if it otherwise appeals to you. Personally, I would prefer that there should be a practice of each country being represented at the Independence Day of the other through a Minister of the Cabinet rank to emphasize that these two countries are twin brothers and that notwithstanding their differences they stand by such other at important ceremonials or on vital occasions. I have
no doubt that such a convention would have a beneficial effect on the sentiments of the people in both countries. I would not propose such a convention; I would allow it to grow by practice. The presence of an Indian Cabinet Minister at the Parade on August 14 would have a good effect on the new set-up and particularly on Iskander Mirza, the Acting Governor General. The recent controversy as regards our attitude towards Kashmir has left a little wound, in the sense that we spoke so blatantly. That would require to be dressed and healed, and I feel that the visit proposed by me might well have that effect.

3. I am sorry that I am a little late in making this suggestion. It has been going on in my mind and I was weighing the pros and cons and decided ultimately this morning that I should make this submission personally to you for what it is worth. I was not sure that it would have been the same wholesome effect with the previous Prime Minister, Mohammed Ali, but that now that the set-up would be changed, a different context has been created in which this is worth considering.

With kindest regards.

Yours sincerely

(C. C. Desai)

Shri Jawaharlal Nehru,
Prime Minister of India,
New Delhi.
Letter from Prime Minister Jawaharlal Nehru to High Commissioner C. C. Desai regarding the proposal of the High Commissioner for the visit of a Central Minister to attend the Pakistan Day celebrations in Karaachi.

New Delhi, August 9, 1955.

My dear C.C.,

Your letter of August 8th.

I am a little surprised at all this fuss about the inability of our President to visit Karachi on August 14th. There was at no time any chance of our President being able to go there on that date. This had been made clear to Ghulam Mohammed himself when he was here. A convention has grown up here for the President to spend the Independence Day in South India. Accordingly, it had all been fixed up for him to go to the south for this purpose. He could not possibly upset these arrangements as well as this convention.

I have no objection to one of our Central Ministers going to Karachi but, obviously, if a person goes, he should be one of our senior Ministers. Also, there are some formalities which have to be observed before a senior Minister goes anywhere. It would not be proper for him to go to Karachi unless these formalities have been gone through. Just at the present moment, it would seem definitely odd for one of the Ministers suddenly to decide to go there, almost immediately after these changes in the Pakistan Government.

Apart from this, every senior Minister is terribly occupied in Parliament from day to day. I am afraid, therefore, that on this particular occasion, it will not be possible for any senior Minister to go to Karachi.

I do not know what the custom is in Pakistan, but normally it is not usual for persons to be invited from other countries on national days. They are invited on special occasions or without reference to a particular date just to pay a goodwill visit.

I think the best course is for the date of our President's visit to Karachi to be fixed after reference to all parties concerned.

Yours sincerely

Signed Jawaharlal Nehru

Shri C.C. Desai,
High Commissioner for India, Karachi.

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0182. Letter from Pakistan Ministry of Foreign Affairs to High Commissioner C.C. Desai.

Karachi, September 17, 1955

Ministry of Foreign Affairs and Commonwealth Relations
Karachi

No. I (III) – 4/34/54 September, 17th, 1955

My dear High Commissioner,

Will you kindly refer to your D.O. letter No. F. 18(26) 53 – Genl, dated the 6th September, 1955, regarding the periodical meetings of the Inspectors General of Police of bordering States and Provinces of India and Pakistan, and the participation of the District Magistrate of border districts therein?

2. The Government of Pakistan, after consultation with the Provincial Governments and States concerned, have come to the conclusion that frequent meetings between the Inspectors General of Police are decidedly helpful in preventing border incidents and in allaying suspicions and fears on both sides of the border. The Provincial Governments and the States concerned have, therefore, been requested to issue necessary instructions to ensure that these meetings are regularly held by the Inspector General of Police Punjab/Sind with his counterpart in India on the Western Indo–Pakistan borders and that the District Magistrates concerned are required to participate in such meetings whenever a border incident relating to the district concerned comes up for discussion between the two Inspector's General of Police.

3. The delay in replying, which I very much regret, was due to the fact that the Provincial and State Governments had to be consulted before arriving at a final decision.

With kind regards,

Yours sincerely

Sd/- M.S.A. Baigh

His Excellency
Mr. C.C. Desai, I.C.S.,
High Commissioner for India in Pakistan, Karachi.
0183.  

SECRET

Letter from the High Commissioner C.C. Desai to Prime Minister Jawaharlal Nehru regarding desire of Ghulam Mohammad to visit New Delhi.

New Delhi, November 13, 1955.

High Commissioner for India
Karachi

D.O. NO. HC/55/28 November 13, 1955

My dear Prime Minister

I got a telephone call this morning from Ghulam Muhammad and he asked me if I could go and see him at his house. Accordingly I went there and saw him and was with him for nearly 45 minutes. His health has improved a little and he looked quite bright and cheerful. He did not disclose any of the mental weakness which was attributed to him just before he was called upon to retire. His vocal chords are no better or worse and I could follow him just about 25% as previously.

2. He told me that he wanted to go to Delhi for a day or two sometime in December just to see you and a few other friends. He has not fixed the dates but he indicated that he might like to visit about the 10th of December. I doubt if the visit has any political significance. He is as you know, very sentimental and he has been telling a few friends that he has got more friends in India than in Pakistan and that he would like to go there and see some of his old comrades and companions. He told me that he just wants to see you, gaze at your face and return. He has some other friends like Kauls, Berrys and Syed Mahmud, whom also he would like to see. From Delhi he might go to Bombay or return to Karachi. He is not going to Dewa Sharif this time, but hopes to go there some time in February.

3. I hope we would welcome his visit. I feel that he should stay either at Rashtrapathi Bhavan or preferably, if you have no objection, with you, as the main object of his coming there is to see you personally and socially and not to conduct any negotiations or have any political talks. If you agree, would you kindly let me know your programme in December, so that I could advise him as to the appropriate time when he should go to Delhi. He will be there just for two days and no more.

4. He was in a somewhat reminiscent mood. He told me that he saw you first in some central hall in Allahabad in 1916 soon after you returned from England. Then he talked of various meetings and places, but I am afraid I
could not catch him correctly. He also talked of Jehangir Tata, Homi Mody and John Mathai in Bombay and said that he would very much like to meet them. He talked of Umar Subhani and said he was a very fine man and a very dear friend of his. Umar Subhani’s family including his two daughters, who are doctors, is living here and he is very friendly with the two girls.

5. I hope it would be possible for you to send me a reply by telegram so that I have the information ready in case he calls me back again.

With kindest regards,

Yours sincerely

(C.C. Desai)

Shri Jawaharlal Nehru,
Prime Minister,
Prime Minister’s House,
New Delhi.

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*Prime Minister in reply on 17th November informed Mr. Desai that he would be busy for most part of December with guests like Russian leaders or he would be out of Delhi on tour. However, he would be in Delhi between 16th and 24th December, when Ghulam Mohammad would be most welcome and he would be treated “our guest”
0184.  Case of Josh Malihabadi  

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A.  TOP SECRET

Letter from Commonwealth Secretary C. S. Jha to High Commissioner C. C. Desai regarding Josh Malihabadi.

New Delhi, November 25, 1955.


My Dear Desai,

I have had your letter in which you have asked me to let you know the latest position about Josh Malihabadi.

2.  Some 2 or 3 weeks ago Josh Malihabadi saw the Prime Minister and told him that he himself was well provided for in India. He had a job with All India Radio, which brings him Rs.1200/- or Rs.1300/- per month; he was worried about the future of his family including his sons and their children. When he had been in Pakistan, the Pakistan Government had requested him to come over to Pakistan and help them in the advancement of the Urdu language. Malihabadi was told that in India neither he nor his children had any future Urdu was a dying language and state patronage would not be extended to Urdu in future. Consequently Malihabadi and his children’s future lay with Pakistan and not with India. Pakistan would make it worth his while to come over to Karachi. They would grant him permits for cement import in the name of his son which would bring him several thousand rupees a month. He was also promised a perpetual lease of a cinema to be built by the Pakistan Government which would again bring him a net income of several thousand rupees. In all Malaihabadi would be sure of an income of Rs.20,000/-. Malihabadi told the Prime Minister that this was a very attractive offer, not from his own point of view but from that of his children and members of his family. He was thinking of migrating to Pakistan but he would leave the whole matter to the P.M. and would act according to his advice. The Prime Minister told Malihabad that this was a heavy responsibility for him. But he would think over the matter and have a further talk with him.

3.  The Prime Minister had a talk with Maulana Azad. Both of them thought that it would be undesirable from the political point of view for Malihabadi to migrate to Pakistan. It was clear that Pakistan’s main object was not so much the advancement of Urdu but a political stunt to show that even persons of Malihabadi’s learning and standing had no place for them in India and were
compelled to migrate to Pakistan. It was felt that the decision naturally lay with Malihabadi but that he should be told of the views of the Government of India.

4. Malihabadi met the Prime Minister again. The Prime Minister told him that it was not for him to give Malihabadi advice; the latter himself must take a decision. But he disapproved of Malihabadi’s proposal. He also told Malihabadi that what he thought an alluring prospect would prove to be illusory. There was no stability in Pakistan. Besides, the Prime Minister told him his personal view, a man of Malihabadi’s ideas and approach to religion and religious matters—Melihabadi is almost an agnostic—would get into serious trouble with the Mullahs of Pakistan. Malihabadi agreed with the Prime Minister on this point and told him that his brother, who was in Pakistan, had told him that he would be killed by Mullahs.

5. The latest position seems to be that Malihabadi has decided not to go over to Pakistan. The Prime Minister told him that he was free to go to Pakistan occasionally if the Pakistan Government wished him to help them for the advancement of Urdu. The Government of India would have no objection to this. The Prime Minister has also spoken to Dr. Keskar, who has agreed to release him for certain periods to engage in work in Pakistan.

With Kind regards,

Yours sincerely

(C.S. Jha)

Shri C.C. Dessai, I.C.S.,
High Commissioner for the Government of India in Pakistan, Karachi.
B. **SECRET**

Letter from High Commissioner C. C. Desai to Commonwealth Secretary C. S. Jha regarding Josh Malihabadi.


High Commission of India
Karachi

D.O. No.ISI/32(27)/55. December 3,1955

My dear Jha,

Please refer to your letter No.338-CS/55dated November 25, 1955. Even before I had completed perusal of your long letter my attention was invited to a news item appearing in the local papers, saying that Josh Malihabadi had arrived in Pakistan and that he had decided to embrace Pakistani nationality. A cutting is herewith enclosed. So, apparently when he told our Prime Minister that he had decided not to migrate to Pakistan but merely to go there to serve the cause of Urdu off and on, he was in all probability not speaking the truth. Secondly, the brother of Raja of Mahmudabad, who met one of our officers the other day, told him that Josh was telling people in Karachi that being a Muslim he was not treated properly in India and that was why he had to come to Pakistan. Of Course, I have not had the A.P.P. report verified, but, at the same time, I have not seen any contradiction of it by Malihabadi indicating that the report is exaggerated. The report has appeared in so many papers and in such bold letters as not to have escaped his attention. So that is that.

With kind regards,

Yours sincerely

Sd/-

C.C. Desai

Shri C. S. Jha,
Commonwealth Secretary,
Ministry of External Affairs
New Delhi

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Special Article
*Nai Roshni*

Karachi, December, 6, 1955

Was Pakistan Created for its Opponents?

It is reported that Mr. Josh has arrived in Karachi and all sorts of honours have been showered on him. If this report in correct, the natural question that arises
is, what has made him deserving of all these honours and favour? In our special Article dated December 1, under the caption “Look at the glory of God....” We raised this question and asked our Govt. to give reasons for showing this preference of Mr. Josh over other poets, artists and literature of Pakistan. This did not bring any reply from the Government. Now the Working Committee of the Karachi Muslim League has posed an almost similar question to the Prime Minister – Why should Josh, the staunch opponent of Pakistan, who still retains his Indian Nationality, be allotted lands and cinema and be given an advance of Rupees two lakhs and a permanent Dalmia Cement Agency while immigrant poets have nothing but miserable lot.

We do not dispute that Mr. Josh is a shining star on the literary firmament; but what can be expected of such literature which does not glorify Islam? The question is whether Pakistan was created for the spread of Islamic teachings or to mislead the masses into communism. Where is the need to create a front against Hafizs “Shahnama Islam” and Mahiral Aidri’s, poetry and patriotism of Rai’s Amrehi? Are we going to raise the slogans of “Joint elections” and “one nationality” in the field of poetry also? Shall we use “foreign” forces of poetry for the establishment of a secular state as against the establishment of an Islamic State. If the answer to all these questions is in the negative, we have a right to ask our Prime Minister why has Mr. Josh been called and in what way will he be of service to Pakistan! Who was instrumental in calling him? We have no personal grudge against Mr. Josh. But views held by him in respect of Pakistan and the way he has been opposing the creation of Pakistan and for which India Government had been kind to him present an issue of principle before the protagonists of Pakistan when these who suffered for Pakistan are living in misery, why should the opponents thrive at its cost. Was Pakistan created for them?

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C.  

SECRET

Letter from Commonwealth Secretary M. J. Desai to High Commissioner C. C. Desai regarding Josh Malihabadi.

New Delhi, December 17, 1955.

No. 726-CS/55 17th December 1955

My Dear C.C.,

Please refer to your d. o. letter No. ISI-32 (27)/55 regarding Josh.

2. P.M. has seen your letter and desires that you should at your convenience send word to Josh that it is to not possible for him to retain dual nationality or two passports. If he applied for and obtained Pakistani nationality he must necessarily cease to be an Indian national and as it has been stated officially by the Pakistan Government that Josh has obtained Pakistani nationality, he should return his Indian passport to the Indian High Commissioner in Karachi. You may further inform Josh that this action is being taken at the instance of the Prime Minister.

3. You should also address the Pakistan Government and inquire from them whether Josh has accepted Pakistani nationality. It may be added that this inquiry is being made as Josh has thus far been an Indian national and we should like to know definitely if he has changed his nationality, as in that event he will not be entitled to his Indian passport.

With kindest regards,

Yours sincerely

(M.J.Desai)

Shri C.C. Desai
High Commissioner for India,
Karachi.

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On the same day in another letter Commonwealth Secretary drew attention of the High Commissioner to a press report that Josh had “applied for Pakistani Citizenship on October 20 and was granted this on November 29,” and asked for confirmation of the report.
D.  

Letter from High Commissioner CC Desai to the Commonwealth Secretary M. J. Desai regarding Josh Malihabadi.


High Commissioner for India
Karachi


My Dear M.J.,

Please refer to your letter No.726-CS/55 dated 17th December 1955. One of my officers found out where Josh Malihabadi is staying and met him there yesterday morning. He has been given a nice big house with lot of accommodation, but so far poorly furnished. Josh told our man that he was still an Indian national, that he had come here with an Indian passport and a Pakistani visa valid till the end of February 1956, that he would return to India before the expiry of the visa, that he would again see the Prime Minister and tell him that he might continue as an Indian citizen spending 8 months in India and 4 months in Pakistan, that the people in Pakistan had raised a fund with which they were acquiring a property from the proceeds of which he could maintain himself and his family in Karachi, that he saw no future for the Muslims in India, that he could hardly understand the Hindi bulletins on the All India Radio, that the children in his family could not get reconciled to the disappearance of Urdu from educational institutions in India and that both Naqvi, the Chief Commissioner of Karachi, and Iskandar Mirza were willing to help him in comfortably settling down in Karachi. He confirmed that he had applied for Pakistani nationality, but he was evasive about the decision of the Pakistan Government to make him a national of Pakistan. He said that whatever might be the fate of his application for Pakistan nationality; he was still an Indian national and held an Indian passport. In the matter of the news item about his being given Pakistani nationality, his evasion indicated a guilty conscience and it is possible that he has now in his possession both an Indian passport, and a Pakistani passport, to be used according to convenience. He referred in his conversation to his interview with the Prime Minister and said that the Prime Minister did not give him a clear indication as to what he should do and what was best in the interest of himself and his family. With him was staying his brother, who was an Indian national and who was until recently getting his passport extended from time to time from this office. He told our officer that the Prime Minister had informed him that the Indian High Commissioner in Karachi
had written a strong letter about him. He further told our man that he expected opposition from many elements in Pakistan, particularly because of his unorthodox writings and actions. The Urdu poets in Pakistan were also opposed to him on account of professional jealousy. Our officer returned with the impression that Josh was fully prepared to settle down in Pakistan, where he was being promised all kinds of monetary assistance by Naqvi and others and where he expected to be placed in charge of an Urdu Academy. The assistance was not directly from Government, but by way of a public fund, which could be invested and from the proceeds of which he and his family could be maintained not only during his life-time but even later. In other words, he would have the benefit of something like a *jagir*, which he could never expect to get if he stayed on in India. If any more information is gathered about him, it would be passed on to you from time to time.

With kindest regards,

Yours ever

(C.C. Desai)

Shri M.J. Desai, I.C.S.
Commonwealth Secretary,
Ministry of External Affairs, New Delhi.

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E.  

Letter from High Commissioner CC Desai to Commonwealth Secretary M. J. Desai regarding Josh Malihabad.

Karachi, January 9, 1956.

High Commissioner for India
Karachi

D.O. NO. ISI/32(27)/55

My dear M.J.,

Please refer to the correspondence about Josh Malihabadi resting with your letter No.765-CS/55 dated 31st December 1955.

2. I invited Josh to come and have a cup of tea with me and he turned up yesterday evening. He was with me for over an hour and a half.
3. Recently, his wife, son, son-in-law and nearly ten other members of the family arrived in Karachi by train via Lahore on the strength of migration certificates issued by Pakistan High Commissioner in Delhi. They have also brought all their kit including a Buick car. One of Josh’s friends has executed a bond in Delhi guaranteeing that these personal effects were being transferred to Pakistan and this bond is to be discharged on a certificate to be given by us over here. Josh’s son had come to our office for this certificate but I have held up; the issue of the certificate until I had an opportunity of meeting Josh and talking; with him. I have now released the certificate so that the family would be able to take charge of the goods and their friend in India would be discharged from his obligation. I agreed to issue the certificate because I knew the family had come on migration certificates and had thus cut off their connections with India.

4. Josh started by saying that life was a great tragedy, that wife and children were a terrible nuisance and that he has been, during the last six months, almost unhappy man. He said that he had come to Pakistan not with a view to settling down in this country, but to avail himself of the offer of some of his friends to set up an Endowment for his wife and children, who would be faced with starvation and unemployment if he had stayed on in India. He said that he was not actuated by religion and that in fact he was an atheist and had described himself as such in his passport mentioning against the column of religion that he believed in humanity and not in Islam. Apart from the family, the only other attraction for him in life was service to Urdu, for which again he did not see much scope in the India of today or in the India of Sampurnanand, K.M. Munshi, P.D. Tandon and even Pantji*. He saw bleak future for the Muslims in India in spite of the secular objective and transparent sincerity of the Prime Minister. He said that he had a Hindu driver, who was being asked by others why he was serving a Muslim master and whether he was having his meals with the Muslims. After the floods he had occasion to change his house and his new residence was in the midst of Hindus, where he was being treated as if a dog had come to live in their midst. His children came home from schools with Hindi words on their lips, which he could not understand and which he could not even pronounce. He said that those who knew Urdu and Persian well, especially in U.P., appeared now to be ashamed of Urdu and took delight in speaking Hindi, especially in the presence of Muslims. Although Urdu was one of the 13 languages in the Constitution, there was, he said, open hostility to it especially in North India, where previously it was the only language spoken, heard and written. All this transformation was, Josh said, too much for him and out of line with his upbringing, thinking and comprehension. Even so, he said he would not have decided upon the migration of the family, but one day early morning he was possessed with the feeling that after him, his wife, who, he

* They were Hindi enthusiasts from Uttar Pradesh.
said, was a particularly difficult woman, might have to suffer and his children, who were not particularly bright except in music, would be stranded in the streets of Delhi. As against this dismal specter, he was being offered attractive inducements in Pakistan through the good offices of Navi, ex-I.C.S., and at present the Chief Commissioner of Karachi, for whom he had nothing but highest praise. Josh was also taken to Iskander Mirza, who advised him that he must become either a Pakistani or remain an Indian but that it was not possible for him, as he once wanted, to remain an Indian and to work for eight months in India and to come to Pakistan and take up the work for promulgation (Promotion) of Urdu for the remaining four months in the year. His Pakistani friends offered to buy him a property, from the proceeds of which his wife and family could be maintained on a fairly decent standard even when he was no more, which, he said, might well happen in the near future. He said that these thoughts and discussions had troubled every member of the family and that they often cried and cursed each other and that even now, none of them is happy with what they have done. Josh said that he expected that the transfer of the property would be completed within a period of two months, after which his desire was to return to India and to resume his Indian nationality, which he had not yet given up and which he meant to preserve, although he would not like this fact to be known in the Pakistani circles. He felt that once the property was transferred to him, it was open to him to transfer it to his family and he would then be free to return to India, where he would spend most of his time, while the family would remain in Karachi and ultimately die and be buried here. From all this he inferred again and again that marriage was a bad institution and that children should not be the responsibility of the father but that of the State. He said that such a revolution was bound to come and the earlier it came the better for humanity. He admitted that he would never fit in into the Islamic concept of Pakistan. He knew that the Mullahs were dead against him and would make a determined bid to put him out of action and even to frustrate him in his desire to dedicate his life to the advancement of Urdu. He said that during Muharam his friends asked him not to take whisky but he refused and took whisky boldly and openly. His friends asked him to do Namaz even for the sake of appearance and again he refused and said that he did not believe in Islam or the Prophet. He related to me a story in which at a banquet given by the Nizam in Hyderabad, he ordered and took whisky to the horror of the Nizam’s Prime Minister Maharaj Sir Krishna Prasad, who asked him how he could dare do so in the presence of Sircar. Josh said that he replied “how could Sircar do Namaz in the presence of Josh”. A man of these views, antecedents and philosophy would be a total misfit in the Mullah-ridden atmosphere of Pakistan, which according to the draft constitution published today would bear the name of Islamic Republic of Pakistan. Neither his friend Naqvi nor his patron Iskander Mirza would be able to save him from the onslaughts of bearded Mullahs and
Maulanas. He is also foolish in thinking that he would be able to transfer the property to his family and retire to India. He is, I am afraid, counting his chickens before they are hatched. A terrible disillusion awaits him, but perhaps he deserves all that, for a man of his logic and analytical powers should have realised that the reasons given by him can never justify the thinnest of patriotism implicit in such migration. He ought to have known that whatever the difficulties in one’s country, escape by way of migration can hardly be manly or correct. He said that Maulana had also passively acquiesced in his decision to migrate. He admitted that he had applied for Pakistani nationality, but he added he had not yet accepted the Pakistani nationality. The matter was still left open and his own desire was to return to India early in March and to remain there, while his family, which has already accepted Pakistani nationality, would continue in this country. He said that he would explain all the circumstances to the Prime Minister when he goes to Delhi and that in the meantime he should not be pressed to surrender his Indian nationality, as it is never his intention to give up Indian nationality for himself. I asked him whether he had done any writing since he came here and he said that the frame of his mind was such as not to enable him to write poetry or anything else. He said that he had prepared a note for the establishment of a Urdu Academy, which one of these days he would go and submit to Iskander Mirza, who is apparently taking some interest in this project. Poor Josh does not know that in this country Islamic ideologies would carry far greater weight than the urge to advance the study of Urdu. People here would not agree to learn even Urdu from a person who having been born a Muslim, denounces that religion openly, acts against the tenets of Islam with the least provocation and is not ashamed to call himself an atheist. I fear that his whole plan for advancement of Urdu will founder on the rock of religious obscurantism, which stalks the country today. However, that is his decision and that would be his funeral. I could see from the way he was talking that there was terrible mental conflict that was going on all the time and that he could not think clearly or act sensibly in these circumstances. His voice often quivered and his eyes glistened. I felt pity for the man as I could see a grim tragedy approaching him in the not too distant future. I argued with him that everyone has to take note of changed circumstances and to adjust to the new surroundings. I reminded him of my experience that many Muslims who have come over here are now desirous of returning to India and they would not be doing this if they were as sure of opportunities of employment and business as also of their own cultural life in accordance with their own religious beliefs. Even Josh, I told him, should adjust himself to the changes taking place in the language and should get reconciled to a Sanskritised Urdu in preference to the Persianised version which was in vogue before the partition. There is nothing fundamentally wrong in this and there is no need to feel that any such adjustment is directed against any Muslim as such. During the Muslim rule in India, I told
him, Hindus adopted Muslim customs and spoke Persianised Urdu without entertaining the feeling that their religion was being tampered with or that they must leave the country and go somewhere else. Ultimately, I had no doubt myself, and I told him that I was speaking absolutely objectively that India offered better opportunities for employment and business to his family and certainly provided a cleaner atmosphere for Josh’s life and activities. I was not arguing to persuade him to stay in India, but I was discussing the subject purely on its merits and as man to man. Josh told me that he hardly ever went out of his house and that he kept to himself because the conditions in this country did not suit either his philosophy or his way of life.

5. In view of the above discussion with Josh I did not feel like insisting on his return of the Indian passport. Let him continue in his efforts to cheat the Pakistanis and let him come to India in March and then decide for himself as to where he would settle down and of which country he would retain the citizenship.

6. I have described my discussion with him in some detail, for which I beg to be excused. I must confess, however, that it was a very interesting discussion, the like of which I have not had with anyone here during the one year, which I have spent in this country. The discussion also contains a few features of which we must take notice in our country.

With kindest regards,

Yours ever

(C.C. Desai)

Shri M.J. Desai, I.C.S.,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

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SECRET
Analysis in the Ministry of External Affairs on the visit of Madam Soong to Pakistan.

Foreign Secretary’s Note
I should like a collection of newspaper clippings from the Pakistan newspapers, *The Dawn*, *The Pakistan Times*, containing statements by Madame Soong during her present visit to Pakistan.

(S. Dutt)
28.1.1956

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Note by Deputy Secretary (East) in the Ministry of External Affairs
Madame Soong’s seven day visit to Pakistan began on 25th January. The Chinese companions during the Pakistan visit were the same as those who visited India with her.

The reception to her at the Governmental level was about the same as that accorded to her in this country. But there were one or two minor differences. At Karachi no state banquet was given in her honour. At Lahore, neither the Governor nor the Chief Minister went to receive her. The West Pakistan Government dinner in her honour was held at the Government Home.

At the popular level, the reception she received in Pakistan was much less warm. Unlike India, there were no crowds lining the streets as at Calcutta and Bhopal. There were no banners of societies for friendship with China or peace committees. There was no shouting of “Bhai Bhai” by crowds. No one praised her rocklike strength during China’s travail and called her a “beacon light” as our Prime Minister did. No one called her “The widow of one revolution and the mother of another” as Karanjia did at Bombay.

But that did not make any difference to Madame Soong. In India where so much affection and admiration surrounded her, ...... widow of Sun Yat Sun, she made set, platitudinous and impersonal speeches. In Pakistan where reception did not have that warm personal quality, she made the same kind of speeches. During the speeches, Madame Soong made the following points:-

(1) Both China and Pakistan are young countries with an ancient culture. In her message broadcast from Radio Pakistan Madame Soong forced this comparison to the point of ascribing the ancient civilization of the Indus valley to Pakistan which has only a geographical and no cultural link with the culture of Pakistan.
(2) Both countries have to build up their economies on the basis of industrialization and can learn a lot from each other about the way the problem of reconstruction is being tackled.

(3) Both China and Pakistan desire peace. Madame Soon naturally ignored Pakistan's membership of military bloc directed against the Soviet Union.

(4) "Dear friends" she said in her broadcast on 30th January, "both your country and mine have contributed to the success of the Bandung conference. That is to say both our countries have taken a common stand against colonialism and war".

(5) Friendship:- "It is not only possible but very desirable that our (Sino-Pakistan) friendship should be promoted". And again "The growing friendship between China and Pakistan will enhance peace in Asia and the world".

It would thus be seen that during her visit Madame Soong kept up the pretence and illusion of Sino-Pakistani friendship despite the reality of discordant polities followed by the two countries.

The Sino-Pakistani relationship is an interesting relationship in the context of a different Pak-Soviet relationship. It is here that Soviet and China policies, in so much harmony with each other elsewhere, appear to diverge. If the two countries were not part of a well-knit bloc, this divergence could perhaps be explained on the following grounds:-

1) Pakistan's membership of the MEADO directly threatens the Soviet Union and not China.

2) The Sino-Indian relationship, despite its extreme friendliness at the moment has also an aspect of conflict. The two great countries physically meet over a long stretch of our northern frontier and Indian influence extends into the Tibetan region of China. There is no common frontier between China and Pakistan and the friendship between the two countries, other things being equal, could remain platonic for a long time.

But it is difficult to imagine that China policy towards Pakistan is governed by narrow national interest. The harmony with which the bloc as a whole functions leads us to suppose that it is in the interests of the Soviet bloc as a whole and is being pursued in understanding with the Soviet Union. While Soviet hostility towards Pakistan is calculated to act as a deterrent to Pakistan's pursuit of pro-U.S. policies, it is agreed, that other countries of the Soviet bloc should not cut off their relations with Pakistan and give the people of Pakistan the feeling that their entire group of countries had ranged
itself with India against Pakistan. They are not prepared to write off Pakistan as they have written off Turkey because they, apparently, have still hopes in a popular movement in Pakistan acting as a brake on the policies of her Government.

Note by Director (East) in the Ministry of External Affairs:

I agree generally with DS(E)'s note, but should like to point out the following:—

1) The apparent difference in the attitude of the Soviet Government and the Chinese Government towards Pakistan does not, in my opinion, indicate any fundamental differences in approach between their policies. The Soviet Union and China are allies and are facing common dangers in the world today. Rightly or Wrongly China has thrown in her lot with the Soviet Union, on whom China is dependent and will remain so for a number of years for technical advice and equipment and supplies of arms and ammunition. The main concern of both China and the Soviet Union at the present moment is to safeguard their security. There does, however, appear to be a difference in emphasis in the attitude of the two Governments towards Asian countries. This is natural because China is more concerned with other countries in Asia than the Soviet Union. She has deliberately been harping on “Asian solidarity” in order to play on this sentiment in various Asian countries. The present Chinese leaders are, however not blind to the fact that Pakistan has aligned with the Western bloc, especially through the Manila Treaty and the Baghdad Pact. She may, however still hope that the popular opinion in Pakistan will produce a change in the policy of the Government. While the Baghdad Pact may not be a direct threat to China, the Manila Treaty certainly is. It would, therefore, not be correct to say that China is not as much perturbed by Pakistan’s alliance with the West as the Soviet Union is.

2) Madame Soong’s visit to Pakistan and the visit of the non-official Chinese Women Delegation to Pakistan before that may have been due to any one or more of the following reasons:—

(i) Pakistan’s anxiety to show to her people that she is not totally aligned with the West.

(ii) Pakistan’s desire to show to the West that she is not prepared to go whole hog with them unless she receives substantial benefits. As our High Commissioner in Karachi has pointed out in a recent letter, one of the ways to strengthen love is to arouse jealousy. I am, however disinclined to attach much importance to this motive.
China’s desire to befriend Pakistan in order to belittle the importance of India. The policy of the United States to equate India and Pakistan in the past is an indication of Great Powers not wishing to allow India to attain the status of a great power and China is no exception to this. As long as it will suit China to be friendly towards India she will remain so, but China will not look upon the emergence of India as a great power in Asia with equanimity.

It is possible that the Soviet Union may have indirectly asked China to make overtures to Pakistan in order not to antagonize her completely. This, however, appears to be rather far-fetched. Talks of Trade Agreement between Pakistan and USSR, however, should be noted.

Chinese maps still show parts of Indian territory in China. During our Tibet negotiations in Peking they were reluctant to agree to any mention of the trade route leading to Ladakh because they said that they did not wish to take sides in the Kashmir dispute. While the Soviet Union has definitely come out on the side of India regarding Kashmir, China’s silence is significant. It is possible that China is not sure about the future fate of Kashmir and may think of reviving her old claims to parts of Kashmir territory and in NEFA.

The above are merely conjectures and can only be confirmed or proved wrong by future events. Relations between China and Pakistan are an interesting study and should be carefully watched.

(T.N. Kaul)
10.2.1956

As Prime Minister is aware, Madame Soong during her recent visit to Pakistan was cordially received and taken round the country with a great deal of enthusiasm. She was received at the airport on her arrival by the Pakistan Prime Minister and everywhere she went she received addresses of welcome etc. A summary has been prepared from the addresses given to Madame Soong in Pakistan and from the statements made by her. On the whole, I agree with Shri Kaul’s assessment of the policy behind the Chinese approach to Pakistan in this matter and the reasons for Pakistan’s cordial reception to a representative of the Chinese Republic. So far as Pakistan’s attitude is concerned, I think that there is considerable truth in what our High Commissioner has independently reported to us from Karachi. Pakistan wants to show to the Western Powers
that she is not entirely committed to them; if they do not take her seriously and
listen to her requests for aid, there are other countries to which she can turn. It
will be recalled that following the Prime Minister’s visit to the United States
some years ago, Mr. Liaquat Ali Khan promptly accepted an invitation from the
Soviet Government for a visit to the U.S.S.R. Nothing was heard of this invitation
as soon as the U.S.A. started showing a good deal of attention to Pakistan.
Other considerations may also have played their part in Pakistan’s attitude in
this matter. It is likely that as an Asian power she feels that she should not
entirely ignore the People’s Republic of China. In regard to Pakistan’s relations
with the U.S.S.R., the recent statement by Mr. Bulganin in answer to the
questions from a Pakistani press correspondent is significant. The U.S.S.R.
has not given up Pakistan for lost. I agree with Shri Kaul that there is no evidence
yet of any fundamental difference between the Soviet Government and the
Government of the People’s Republic of China in their approach to Pakistan.

(S. Dutt).
17-2-56

Prime Minister
Signed: J. Nehru
20-2-56

0186.
SECRET
Extract from D.O. No. HC/56/S.114 dated February 1, 1956
from High Commissioner C.C. Desai to Commonwealth
Secretary M.J. Desai regarding the visit of Madame Soong
to Pakistan.

The Japanese Ambassador was anxious to know why Madame Soong had
come to Pakistan and why the Pakistan Government had gone out of its way to
show special welcome to her and to make so much fuss of her. Several theories
had been advanced in this connection. Some thought that the welcome to
Madame Soong was by way of a preparation for a similar cordial welcome
which the Prime Minister of Pakistan would like to have when he visits China in
April or May as already announced. Some thought that the welcome to Madame
Soong was by way of a teaser to the members of the Anglo-American bloc,
who are being constantly told that if they did not come out openly and unequivocally in favour of Pakistan’s stand on the Kashmir and Pakhtoonistan issues, the Government of Pakistan would have to undertake a reappraisal of her foreign policy. It is argued that flirtations with a rival is the most effective way of exciting the jealousy or reinforcing the affection of one’s own friend. Some thought that Pakistan’s welcome to Madame Soong was in a way an answer to India’s welcome of Soviet leaders, it being assumed that although these two countries are friends, yet they do not see eye to eye with each other in all international affairs. Yet another view is that Pakistan must realise that Asia is bound to play a leading role in the international context of tomorrow and that as China is the biggest country. These explanations are necessary because any welcome to Madame Soong or any flirtation with Communist China is bound to be misunderstood by the Americans and therefore Pakistan must have some good ground for doing a thing which may not be to the liking of their friend, philosopher, guide and patron, the United States of America. Personally, I do not know where the truth lies and my own inclination is in favour of the theory that flirtation with China is deliberate and a teaser posed for the Anglo-American powers. Perhaps there may be some truth in the various theories which have been put forward in this connection. If some light is thrown on the subject form our Embassy in China, we would like to be informed of it for the sake of intellectual exercise, if for nothing else.

4. The welcome to Madam Soong was not anything like the reception which this country has given to representatives of far smaller countries such as Jordan, Iraq, and Turkey. For instance, at the function held at Karachi Municipal Corporation to give the Freedom of the City to Madame Soong, no Minister of Government was present except the Chief Commissioner of Karachi and there was not a single Chinese national flag, although the place was bedecked with Pakistani national flags. In fact the Chinese national flag was nowhere to be seen except on the Chinese Embassy or on the car placed at the disposal of the Chinese Vice President. The Prime Minister was present both on her arrival and at the time of her departure at the airport. Papers came out with feature articles giving her life history and praising her for her pioneering work in new China.

5. I hope I have not bored you with this detailed account of the visit of Madame Soong in a letter, the main objection of which was to report my conversation with the Japanese Ambassador in Pakistan, after his return from the Tokyo conference.

With kindest regards,
Letter from the Indian Ambassador in Peking R. K. Nehru to Director in the Eastern Division in the Ministry of External Affairs T. N. Kaul giving his assessment on the visit of Madame Soong to Pakistan.

Peking, February 29, 1956.

Embassy of India in China
Peaking

D.O. No. 81- PS /55 29th February, 1956

My dear Director,

Please refer to your D.O. of 10th February about Madame Soong’s visit to Pakistan. You have sent me a copy of our High Commissioner’s letter on the subject and have asked for my comments.

2. ‘The High Commissioner’s letter gives an analysis of Pakistan’s possible motives in inviting Madame Soong. I was interested to read this analysis, but I think it is far more important to analyse China’s motives in cultivating closer relations with Pakistan.

3. During the last few months that I have been here, this matter has interested me greatly. If have not written anything on the subject, it is largely because I have not yet come to any final conclusions.

4. My tentative conclusions are embodied in a letter I sent to the Foreign Secretary some days ago about Mohamad Ali’s visit. I see no reason at present to modify these conclusions, though perhaps the idea of Pakistan functioning in the future some sort of counter-weight to India should not be exaggerated.

5. I think the main reason why China is cultivating Pakistan is that she hopes this will lead to a weakening of American influence in South Asia. I have no doubt that she would like to have a Panch Shila (five point) agreement with Pakistan, as also with Thailand and the Philippines.

6. As regards Madame Soong’s visit, I have been anxious to find out when exactly the invitation to visit Pakistan was extended to her. In November, Chang Han-fu told me that she would be visiting India and Burma. He did not say that she would be returning from Burma to China, nor did he say anything about the visit to Pakistan.

7. Perhaps this matter is not very important. It is possible that the invitation from Pakistan was received while Madame Soong was in India or Burma. The
important thing is that China and Pakistan are cultivating closer relations with each other, though their motives differ.

8. Pakistan’s motives are, of course to weaken India’s influence and perhaps also to frighten the Americans into giving them more aid. Maybe they have other motives, e.g., to create some misunderstanding between India and China or to impress their own people. China’s present motive seems to be to weaken American influence by developing closer relations with other countries in South Asia.

9. I think Madame Soong’s visit fits in with this larger picture. The Pakistanis have issued special bulletins on Kashmir to which we have given a suitable reply. Not a word about Kashmir has, however, appeared in the Chinese press. Krushchev’s speeches in India were fully reported, but to the best of my knowledge, his reference to Kashmir was not reported.

10. Recently, there was a serious border dispute on the Indo-Pakistan frontier. Both the Pakistani and the Indian versions were reported side by side. A special article by Madame Li on her visit to Pakistan has appeared in People’s China. High praise has been accorded to the peace-loving qualities of the Pakistanis and their friendship with China etc.

11. All this shows the desire of China to keep aloof from Indo-Pakistani conflicts, and to cultivate closer relations with Pakistan. Relations with India are of course much closer, but there is a conscious desire to avoid hurting the susceptibilities of either country and to develop friendly relations with both.

12. I regret to say that we have not been able to meet Madame Soong since her return from India. She was coming to our party for Sihanouk, but dropped out at the last minute. I have not seen her in any public functions. The explanation that was given to us that she has not been keeping good health is perhaps correct and we have been informed that she will receive us when she starts functioning again.

Yours sincerely,

(R.K. Nehru)
Ambassador of India

Shri T.N. Kaul,
Director of the Eastern Division,
Ministry of External Affairs,
New Delhi.
0188. TOP SECRET

Extracts from the Note recorded by Prime Minister Jawaharlal Nehru on his conversations with US Secretary of State John Foster Dulles.

New Delhi, March 10, 1956.

I have sent separately a brief note about Viet Nam.

2. Our conversations lasted in all for over five and a half hours in the course of two days, March 9th and 10th. This was apart from our meeting in company and at meals. The conversations were held with no one else present.

3. These conversations covered a very large field and many subjects. Much of the talk tended to be rather theoretical, that is, the basic approach to world problems generally and, more especially, in relation to Communist countries. The two or three points I have specially in mind were: the recent SEATO Council Meeting in Karachi where a reference was made to Kashmir, the U.S. Military Aid to Pakistan, and the question of Goa with special reference to Mr. Dulles’s joint statement with the Portuguese Foreign Minister. I have little doubt that Mr. Dulles also had these matters in mind and knew how much importance we attach to them. Nevertheless, no reference was made to these problems till the end of the first day’s conversations. On the second day, they were dealt with more fully.

4. Mr. Dulles started by a reference to the Near East and to the Baghdad Pact and recent developments in Israel, Egypt, Jordan, etc. His main thesis was that the Communist countries were out to create trouble and, secondly, that the United Kingdom had made a very bad mess there. He assured me repeatedly that he did not like the idea of the Baghdad Pact at all and, in fact, had advised the U.K. Government against any such moves. It was true that the U.S.A. believed in regional pacts for defence against Soviet aggression and having several tiers of defence. But it had not been in favour of the particular lines of action that the U.K. Government had adopted in the Near East and which had landed them into a hopeless muddle. He drew a very dark picture of the difficulties facing the U.K. Government. The United Kingdom depended for its very life on the oil resources, foreign exchange and many other matters, of the Near East. If they were deprived of this, their whole structure would collapse and they would become a second or third rate power. The Prime Minister of the United Kingdom was, therefore, begging the U.S.A. to come to their help and support the Baghdad Pact fully and, thus, possibly retrieve this position somewhat. The U.S.A. Government was put in an embarrassing position but, in the final analysis, they could not allow the U.K. to go to pieces and, therefore, they would have to come to their help in some form or other.
13. I laid considerable stress on the harm done by regional pacts and pointed out that, to my knowledge, SEATO had done good to nobody and had not even strengthened the defences against Communism, if that was the aim. The real strength lay in the United States. That was not increased by these odd attachments and pacts. The only result was frightening the opposite party and encouraging it to create trouble. Anyhow, it had surprised us exceedingly how SEATO could extend itself to Kashmir or to Afghanistan. This was clearly ultra vires even of the declared purposes of SEATO.

14. Mr. Dulles said that Pakistan really should have no place in SEATO, geographically and otherwise. But other people wanted it there. So, he had agreed. In regard to Kashmir, he said that he did not bring this forward at the Karachi meeting. In fact, he was the last to speak, when others had supported it, and all he said was really to repeat the U.S. attitude in regard to Kashmir.

15. I dealt with the Kashmir question briefly and told him how difficult Pakistan had been. The law was on our side, and facts. Nevertheless, we had tried to settle this peacefully. Our attempts failed. Yet, we were continuing these attempts when the question of military aid to Pakistan came in. That changed the situation completely and encouraged Pakistan to become more and more aggressive and intransigent. Years had passed since the Kashmir trouble began. We could not hang on and do nothing. So, we had gone ahead with the election of the Constituent Assembly there which had framed the Constitution and enacted land laws and the like, and made tremendous improvements in Kashmir. On the other side, there was chaos and misery. We were bound up with Kashmir by Constitutional provisions which we could not set aside without the consent of the Kashmir Constituent Assembly.

16. At this stage came this open association of the SEATO Council with Pakistan. In other words, a military alliance now supported Pakistan. This had given us a great shock and we cannot possibly accept this position or submit to it.

17. In connection with U.S. military aid to Pakistan, I told Mr. Dulles that we had been put in a very difficult position. We had, in the past few years, tried to reduce our army and had done so to some extent. Our armour was old and not adequate and now the Pakistan army was being enlarged and provided with the latest type of armour in large quantities and plenty of new aircraft were coming. All this made tremendous difference in our relative strength. We had received full details of the supplies to Pakistan. In Mr. Dulles' opinion, this might not be much because America thought in terms of millions and billions. But, from our point of view, this was a very large addition to Pakistan's military strength.
18. In the context of the Kashmir Resolution of the SEATO Council, all this meant that a powerful military alliance was at the back of Pakistan in regard to Kashmir. This may not be the purpose of the SEATO nor of the U.S., but that was the obvious result. We were compelled to think in terms of adding to our defence strength. This was going to be a great burden on us. So far as our people were concerned, they had reacted very strongly to these developments.

19. Mr. Dulles assured me that the U.S. never thought of doing any harm to India and they had taken expressive guarantees from Pakistan. I replied that I did not doubt the motives of the U.S. Government or people, but I did not think that any guarantees would have the slightest effect on Pakistan. We had enough experience of their behaviour and we were constantly having incidents on the border. I mentioned the Nekowal incident.

20. I told Mr. Dulles also about the continuing migrations from East Bengal to India which not only indicated what policy the Pakistan Government and officers were pursuing, but cast a very great burden on us. This kind of thing was continuing and we might well have to accept additional millions from Pakistan. The Pakistan Government, apart from being very narrow minded and liable to be pushed about by bigoted elements, was very irresponsible. They could think only in military terms and hardly in terms of political and economic advance. We could not take risk of being unprepared for any aggressive action by Pakistan.

21. Mr. Dulles had little to say except to assure me that the U.S. would never permit any attack on India.

22. In this connection, I mentioned to Mr. Dulles that we had thought of purchasing aircraft 28IL from Russia. I gave him the background of this. I told him that this was a pure business transaction for us and involved no commitment or attention of Soviet technicians here. I could understand the security aspect of it and we would take care of it. Mr. Dulles replied that he could not prevent us from exercising our discretion in this matter. But undoubtedly any purchase by us of Soviet air-craft would create a strong and adverse reaction in the U.S.

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26. This is rather a brief account of the long talks we had, of course much was said which I have not mentioned here.

(J. Nehru)
10-3-1956.

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Extract from the Record of the meeting of the Indian Ambassador in Peking R. K. Nehru with the Chinese Premier Chou En-lai.

Peking, March 16, 1956.

Ambassador saw Premier Chou En-lai on the afternoon of Friday the 16th March 1956 at 4 p.m. and had a talk with him for about one hour 45 minutes. Vice-Foreign Minister Chang Han-fu was also present. Mr Shou-chang acted as interpreter.

4. (a) Karachi Communique and Indo-Pakistan relations:

Premier Chou felt that Prime Minister Nehru's apprising Dulles of the views of the Government of India was a good thing, although Premier Chou felt that U.S. policy would not change overnight. Still, in his opinion, if all peaceful countries have a chance to tell America what they feel about American policies it will have some influence on America and U.S. will have to reconsider its attitude. U.S. will know that their doctrinal policies are meeting with obstructions. For example, shortly after the Karachi communiqué Dulles had to explain it at every place. It would prove that the communiqué was incorrect.

5. Moreover, there does not seem to be a unanimous view about the communiqué. Pakistan has its own explanation of the Communiqué, Britain has its own and France too has an explanation of its own. This shows that the communiqué is unreliable. America wanted to intimidate the people of Afghanistan, but this did not work. It wanted to intimidate the people of India and it worked much less. It wanted to intimidate China, but we just ignored them. Through their communiqué, they wanted to strengthen their hold on Pakistan, but this also is not very reliable. At the most, they would incite conflict between India and Pakistan, but Premier Chou felt that as long as India insisted on its correct stand, there was no hope of it. (Premier Chou later on explained to Ambassador that by India's correct stand, he meant the stand of peaceful negotiations taken by India vis-à-vis Pakistan. Premier Chou added that this does not mean that India should still be peaceful even if Pakistan starts an offensive).

6. On the contrary, Premier Chou felt that India had now more reason to state that not only SEATO, but U.S. had no reason to intervene in the Kashmir question. Moreover, Kashmir people had already expressed their will.

7. Premier Chou added that when the Pakistan Premier comes to Peking,
he will tell him directly that it was most unwise to include Kashmir question in the Karachi communiqué and that it was a method destined to be defeated.

8. Premier Chou added that Pakistan was soon celebrating her Republic Day and that the Chinese Government had received an invitation to participate in the function. They were, therefore, sending a delegation under the leadership of Vice-Premier Ho-lung. Premier Chou also mentioned that he understood that the Indian Government would also be sending a delegation to Pakistan and added that on these questions, China’s policy is the same as that of India, namely, we are friendly to Pakistan, but if the policy of Pakistan is wrong, then we would give good intentioned advice to show that we do not agree with her on those matters and this is necessary.

9. Premier Chou further went on to say that another effect of the Karachi communiqué was to show the weakness of the British Government. At first, they did not agree to the inclusion of the Kashmir question in the communiqué, but finally they followed the U.S. The purpose of the British Government in giving up its view regarding Kashmir was in order to have American support on the Baghdad Pact and also to seek American support on the action taken in Cyprus. But, Premier Chou declared this too failed. U.S. still did not join the Baghdad Pact and has in fact expressed her disapproval of the British action in Cyprus. The U.S. did this to show that U.S. was different from other colonial countries, but this is only to deceive others. U.S. really is a greater colonial power than either Britain or France. We can see the manifestation of such British policy in the Mid-east. Far East and South-East. Recently, a KMT fighter plane made a forced landing in Hong Kong after flying over Chinese mainland and the British Government in Hong Kong sent the plane and the pilot back to Taiwan.

10. Premier Chou derisively declared that the British Government was making concession not only to the U.S., but to KMT also and pointed to the Kashmir Princess as another example. On the question of Kashmir, Britain is worsening its relations with India and on the question of the Kashmir Princess with China, because Premier Chou felt that the British Government was making these concessions not so much to the KMT as to its masters—the U.S. Government.
0190. Letter from Prime Minister Jawaharlal Nehru to Minister for Rehabilitation Mehr Chand Khanna briefing him on certain points which he should discuss with Pakistan during his visit.

New Delhi, March 18, 1956.

My dear Mehr Chand,

You will be going to Pakistan as our special envoy on the occasion of their declaring a Republic*. We have just heard of another conflict at Husainiwala in Firozpur district, where the Pakistani forces attacked our forces. This conflict is apparently proceeding and is on a slightly bigger scale than the previous ones. There is nothing to be alarmed at about it but, obviously, conditions on the border are getting worse.

This evening, I received a message from the Prime Minister of Pakistan suggesting that both Pakistan and India should make a declaration to abstain from the use of force on our border areas and that the status quo before these recent incidents should be maintained. Further, that some kind of an effort should be made at ministerial level to settle the boundaries. We shall consider this matter and send a reply soon. This does not fit in with the aggressive tactics of Pakistan.

Before you go to Karachi, I think we should discuss these matters so that you may be posted up to date.

The Soviet Government is sending one of their leading and most important personalities to Karachi on this occasion. His name is Mikoyan. He is likely to come to Delhi from Karachi. I should like you to meet him and tell him that we are looking forward to his visit to India as our guest.

Yours sincerely

Jawaharlal Nehru

* On 23 March 1956, the Dominion of Pakistan was proclaimed the Islamic Republic of Pakistan.

Karachi, June 14, 1956.

Ministry of Foreign Affairs and Commonwealth Relations
Karachi

AIDE MEMOIRE

The Government of Pakistan are surprised to note that the Government of India have taken exception to the joint statement by the SEATO Council of Ministers which only affirmed the need for an early settlement of the Kashmir question while noting that the United Nations resolutions remained in force. As the Security Council is seized of this question, every member of the United Nations is entitled as a matter of right to uphold and affirm faith in the decisions of the United Nations. It is moreover not clear how reaffirmation of faith in the United Nations decisions and affirmation of the need for an early settlement by the SEATO Council can affect Indian Sovereignty. As the Kashmir question is still before the Security Council and the status of this territory is yet to be determined by a free and impartial plebiscite under United Nations auspices, there can be no question of Indian Sovereignty over the state of Jammu & Kashmir.

The Indian Government’s assumption that the Treaty will heighten tension in the region is unfounded as subsequent developments have shown that the Treaty has in fact had a stabilizing influence in the area and has contributed to the security of the member Nations.

It was the considered opinion of the members of SEATO that an early settlement of the Kashmir question was vital for the peace and security of the area. It was with this object in view that the SEATO Council had affirmed faith in the United Nations Security Council resolutions in regard to Kashmir which continue undoubtedly to remain in force.

As regards the designated areas, Article IV of the Treaty clearly states that “no action on the territory of any designated State shall be taken except at the invitation or with the consent of the Government concerned”. The terms of this Article fully recognize and respect the sovereignty of the designated areas and interference in the affairs of the countries which are not parties to the Treaty is not even implied in the Treaty.

(It was handed over to the Ministry of External Affairs in New Delhi by the Pakistan High Commission on June 14, 1956)
Correspondence between Government of India and Assam Government on Pro-Pakistan Propaganda in Assam.

(A) TOP SECRET

Letter from the Government of Assam to the Ministry of External Affairs regarding renewal of visa of Pakistani Muslims engaged in Pro-Pakistani propaganda.

Shillong, June 19, 1956

Government of Assam
Confidential Department
Confidential Branch

No. C. 196/56/67/, Shillong, the 19th June 1956

From: Shri D. Das, I.A.S.,
Joint Secretary to the Government of Assam.

To: The Secretary to the Government of India,
Ministry of External Affairs, New Delhi.

Subject:- Non-renewal of visas of Pakistani Muslims engaged in Pro-Pakistani propaganda.

Sir,

I am directed to say that it has been reported by the Deputy Commissioner, Cachar that many Pak Muslims who originally belonged to Cachar district have been coming to Cachar with valid travel documents and carrying on pro-Pakistani propaganda. He has also sent a list of such persons and suggested that necessary action may be taken for non-renewal of visas of those undesirable persons. Many of these persons are Pak Government servants and are among those who instigated the formation of the “Azad Cachar Party”.

I am therefore to request that the Government of India would be kind enough to intimate their advice about the desirability of the action suggested and consider about issue of instructions to the Deputy High Commissioner for India in Pakistan, Dacca not to issue visa to such undesirable persons.

Yours faithfully
Joint Secretary
to the Government of Assam

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We have received information that there is a concerted plan to get Pakistani Muslims declared as Indian Nationals in the Districts of Sibsagar, Lakhimpur and Nowgong. There has evidently been considerable infiltration with the help of Muslims in the border areas and the new arrivals have found ready employment in the tea gardens as contractor’s labour. It appears, in Jorhat Distt. alone in the second half of 1955, 400 persons filed affidavits declaring themselves to be Indian Nationals. The largest issue of passports to such persons, it is understood has occurred at Nowgong and Dibrugarh and this has apparently been done by merely stating that there is nothing against the applicants politically without verifying whether the applicants are really Indian citizens. Our information also reveals that dishonest practices on the part of the Passport Staff in the D.C.’s office at Shillong have made it possible for most of the passports to be issued without verification with the result that in Nowgong dis-trict alone during the period 1952 -- 15.3.54, over 2500 pass-port.s were issued without police verification. In addition, in some cases, it is said that names of Pakistani Muslims are shown as fictitious patta holders with the connivance of Muslim headmen of villages acting under the instruction of local Muslim loaders.

We further have information regarding the activities of one Abdul Jalil, proprietor of Ponnu Mea & Sons. In April last, a secret report was sent to the Assam Govt. informing them that Abdul Jalil has pro-Pakistani sympathies and was sending donations to Funds in that country. The parents of Abdul Jalil reside at Dacca and one of his brothers has an Arms & Ammunition shop in Sylhet. Abdul Jalil, however, professes to be a Congressite, but according to our information, he is selling ammunition to the Nagas in the black market by forging his books so that licence holders known to him appear to have taken more ammunition than they actually do. In spite of this information against Abdul Jalil, we understand that his arms licence has been renewed by the State Govt. and this renewal according to a “fairly reliable rumour” is attributed to a minister’s relative being silent partner in the firm.
3. We would be grateful if enquiries into these natters are instituted and the result of the enquiries communicated to us as early as possible.

Yours sincerely

Sd/- Rai Kumar

Shri B.N. Mullik,
Director, Intelligence Bureau,
New Delhi.

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(C) TOP SECRET

Government of India
Ministry of Home Affairs,
New Delhi

D.O. No. D. 1906/56-T, the 19th June, 1956

My dear Saleh,

We have received information that one Abdul Jalil, proprietor of Poonu Mea & Sons has strong pro-Pakistan sympathies and also sends donations to Funds in Pakistan. His parents, according to our information, reside at Dacca and one of his brothers has an Arms & Ammunition shop in Sylhet. Abdul Jalil professes to be a Congressite. We also have information that he has been selling ammunition to the Nagas in the black market by forging his books. In spite of these activities, Abdul Jalil, we understand, got his licence as an arms dealers renewed by the State Govt.

2. We would be grateful for a detailed report on the activities, antecedents etc., of Abdul Jalil. We would also like to be informed whether, before his licence was renewed, the State Govt. had any information regarding his activities. If such information was available with the State Govt. of this man’s activities, we would like to know the reasons which influenced the State Government’s decision in renewing his licence.

Yours sincerely

Sd/- Raj Kumar

Shri A.N.M. Saleh, IAS,
Chief Secretary, Assam,
Shillong.

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(D)

CHIEF MINISTER
ASSAM

D.No. CMS.318/56
Shillong, the 25th June, 1956.

My dear Chanda,

Kindly refer to your D.O. letter No. 393/DM/56 dated 10th April, 1956 about infiltration of Pakistani Muslims into Assam. I have collected necessary details after due enquiries. The whole position has been explained in my D.O. letter No. CMS 318/56 dated the 25th June’ 56 to Pantji a copy of which is enclosed here with for your information. It will be noticed that I have referred therein to the difficulties and problems with which we are faced and I would request your good offices in an early solution thereof.

There was some dispute this season between the nationals of the two countries over harvesting of Uthru at the border of Khasi and Jaintia Hills and Sylhet. The two Deputy Commissioners met at a conference and agreed to maintain the status quo pending final demarcation. There has been no tension or trouble since then.

I shall be grateful for a reply at an early date.

Yours sincerely
(B.R. Medhi)

Shri. Anil Kumar Chanda,
Deputy Minister for External Affairs Government of India,
New Delhi.

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(E)

TOP SECRET

Letter from Chief Minister of Assam to Home Minister

Shillong, the 25th June 1956.

My dear Pantji,

Kindly refer to your D.O. letter dated the 9th April 1966 forwarding a copy of a letter received by you from Shri N.C. Laskar M.P. and Shri S.C. Deb M.P. about apprehended dangers in the bordering areas of Cacher district. I have taken a little time to reply to your letter in order to collect full fact so as to give you a complete picture.
2. Reports of large scale influx of Pakistani Muslims into Assam through unauthorized routes in some parts of Cachar district were received in the beginning of 1956. Though the task of effective check and control over Pak infiltration in the district, through the extensive and far flung bordering areas with the existing meager check staff, is quite difficult, all border posts have been instructed to keep a careful watch and to apprehend persons who come across without valid travel documents. As a result of this, as many as 598 Pak Muslims were arrested during the period from 1st January to 31st March 1956.

3. Reports were also received of alleged entry into India of Pakistani Muslims by adopting Hindu names or on the strength of migration certificates but according to enquiries made no such case has as yet come to the notice of any authorities. In any case all border check posts and also the Railway authorities have been duly alerted against any possible attempt at entry into India of Pakistani Muslims by adopting this device.

4. It was further reported that some Pakistani Muslims succeeded in enrolling themselves as voters in the voters’ lists for legislatures either by swearing affidavits or by other. The matter is being investigated by the Chief Electoral Officer who has in the meantime duly cautioned all the Deputy Commissioners and the sub-divisional Officers. Some Pakistani Muslims are alleged to have enrolled themselves as Congress members with a view to get their names into the electoral rolls as voters for the legislatures. Steps have been taken to have such names removed from the voters’ list and the activities of such persons are being watched.

5. It is suspected that Muslims of Pakistan origin some time make it possible to secure Indian passports masquerading themselves as Indians by swearing affidavits in some cases. On the strength of those passports they go to Pakistan and come back to India thereby securing an opportunity to carry on activities or propaganda against India. There is no provision, so far as the Rules for issue of India-Pakistan passports go, for having a police verification before a passport can be granted. However, instructions have been issued to all district and sub-divisional authorities that no Indo-Pakistan passport should be issued unless the facts and circumstances in respect of the applicants are duly verified through the Police. It has also been enjoined on all concerned that applications for passport should be made only to the authorities of the district in which the applicants reside and in no ease should a passport be issued by any district authority to any applicant who is not resident in his district.

6. It has been reported that some of the persons who have come into the district of Cachar from Pakistan with or without valid travel documents are suspected to carry on pro-Pakistan propaganda. Secret reports also indicate that some East Pakistan officers who were originally men of Cachar district
and who now occasionally visit Cachar on the strength of Pakistan passports have formed an organization known as “Azad Cachar Party” with its branches at Dacca, Sylhet, Jokigang and Atgram (Sylhet district) and some ex-Muslim Leaguers of Cachar are secretly keeping contact with this parity in East Pakistan. The visits of most of those East Pakistan officers appear to be utilized to establish new contacts and to develop the existing contacts for propaganda and secret work in the interest of annexation of Karimganj and Hailakandi subdivisions and Katigora P.S. of the Cachar district to Pakistan. It is reported that representatives of this organization had approached the Pakistan Foreign Minister Mr. Hamidul Haq Choudhury during his recent visit to Sylhet to press that certain portions of Cachar district should be included in East Pakistan.

7. It is also reported that pro-Pakistan propaganda was carried on by some Pakistani Maulonas under cover of religious meeting in Cachar particularly near the border and that funds are being collected for Azad-Cachar and Azad-Kashmir movements. Necessary steps have been taken to follow up cases of such anti-State activities and it is proposed to take up prosecution of some of the ring leaders under the P(revention of).D(etention). Act as and when necessary evidence for the same becomes available.

8. Some Jinnah caps are suspected to have been brought to Azimganj, Police station Patharkandi, for distribution among Pak Muslims. The matter is being enquired into and the whole situation is binger watch.

9. So far as Pakistani Muslims who are behind this Azad-Cachar organization are concerned, we propose not to renew the visas granted to them by the Indian High Commission at Dacca. The Government of India have clarified that there is no provision for canceling or terminating any visa during the period of its validity. On good and sufficient grounds visas may not be renewed and in doubtful cases reference has to be made to the Government of India. We shall no doubt instruct the proper authorities of the State Government who are competent to renew visas that they should not renew, on the expiry of the existing period of validity, the visas of such persons. We have also to request the Indian High Commission at Dacca not to grant renewal of visa in such cases, but as many of these persons are responsible officers of the East Pakistan Government, non-renewal in some cases may raise an embarrassing situation. I therefore bring this to your notice and would await your advice in the matter before we actually instruct our officers or address the Indian High Commission on this subject. In regard to the Indian Muslims supposed to be associated with collection of funds or propaganda for the Azad Cochar movement we propose to revoke the passports granted to those suspected to be associated with the Azad Cochar party. The India- Pakistan Passport Rules do not provide for cancellation of any passport granted by either the Government
of India or the Government of Pakistan, but in the passports issued by the Government of India there is a provision that any time the issuing authority can revoke a passport issued to any person.

10. There are also some visas granted by the Indian High Commission in favour of Pakistan Muslims which though valid for one year authorize stay in India for a period up to two months only at a time. The District Officers are authorized to extend the period of stay for another period of two months and the orders of the State Government are necessary for any further extension. When Pakistan Muslims enter and stay in India on the strength of such temporary visas and where evidence is available about their undesirable activities in India, the District officers are being instructed not to grant any extension of the initial period of two months and the appropriate Department of this Government is also being instructed not to grant any renewal of such visas to any person.

11. In this connection I would like to draw your attention to certain difficulties which have been pointed out by the C.I.D. and the District authorities in the matter of working of the Passport Act and the Rules thereunder. One difficulty is that under Rule 8 of the Passport Rules, Pakistanis can be stopped and prosecuted only while they are found to be actually crossing the border without valid travel documents. But once they are in Indian territory even without any travel documents, it has been held by some High Courts that they cannot be prosecuted and convicted of any offence under the Passport Act. If this position is to continue to be valid then all Pakistanis who might enter any of our districts by avoiding the check-posts will be entitled to be released seven after being detained by the police for staying in India without any travel documents. In the same way it has also been held that for overstaying in India on the expiry of the authorized period, it is not possible to prosecute and convict any person under the existing provisions of the Indo-Pak Passport Rules. If this also is to continue to be valid, our difficulties will be further aggravated. We are examining the matter further but I shall be grateful if you will kindly look into this question.

12. Difficulties have also arisen in regard to the repatriation of those Pakistani nationals who are convicted and sentenced to imprisonment or fine or both by Indian courts. Under the Rules a person entering India without valid travel documents can be convicted up to a period of 3 months’ imprisonment or with fine or with both. The problem arises about their repatriation on the expiry of the sentence of the imprisonment or on their paying the fine imposed. The practice followed so far by our police has been that such convicted persons on the expiry of their sentence are shadowed to the border and are then conveniently sent off to Pakistan. This practice is not one authorized by law; even to follow it now certain practical difficulties have arisen in that the number
of such convicted persona has enormously increased and a huge staff has become necessary to carry out this work even though it may not be strictly legal or permissible. The authorized procedure in such cases hitherto had been that when a Pakistani national is convicted, the Deputy Commissioner of the district concerned should send up his case to the Passport Department of the State Government with a copy of the Magistrate’s Judgement. The Passport Department would then make a reference to the Assistant High Commissioner for Pakistan at Shillong for repatriation arrangements. The Assistant High Commissioner in his turn would have enquiries made about the Pakistan national in East Pakistan and thereafter intimate to the State Government as to whether they accept that person as their national or not. If the person is accepted as Pakistan national, he would issue a repatriation certificate on the strength of which the person would be escorted to the border and then let off to go to Pakistan. But if the person is not accepted as a Pakistan national we are absolutely helpless. This procedure which had to be followed hitherto has also been made still cumbersome and we are not now authorized to make a direct reference to the Assistant High Commissioner for Pakistan in Shillong. On the report being received about such conviction with a copy of the Magistrate’s judgement from the Deputy Commissioner of the district concerned, we have now to refer the case to the Ministry of External Affairs who made a reference to the Pakistan High Commissioner in Delhi and the High Commissioner thereafter makes a reference to the East Pakistan Government to initiate necessary enquiries about the Person. The rest of the formalities as indicated above are then followed and if the person is not ultimately accepted as a Pakistan national we are again in a helpless position. Even under the old procedure, which was shorter and simpler, it was not possible in any cases to have a repatriation certificate during the period of the convicted persons detention in jail and in many cases the convicted persons had to be taken to the barrier and then let off to go to Pakistan though the course is not an authorized one. Under the new procedure which requires a reference through the External Affairs Ministry, repatriation certificate cannot in almost all cases be obtained within the period of 3 months which incidentally is the maximum period for which a Pakistani national can be sentenced to imprisonment under the Passport Act. This is another point which calls for your attention, since repercussions of these peculiar arrangements can easily be imagined. I hope you will appreciate that we have got to work under serious difficulties and handicaps due to such lacunae in the Indo-Pak Passport Rules and orders in the administration of matters mentioned above. You may therefore like to have the matters considered at a high level between the Government of India and Pakistan.

13. I am also to mention that the border incidents of February-March ’56 along the Surma-Kushiara referred to by Sarvashri Lakkar and Deb involving
an exchange of fire were unfortunate and caused some panic. Reports about these were sent to the Ministry of External Affairs and protests also lodged with Dacca. As a result of the later, a district level conference was held between the Deputy Commissioners of Cacher (India) and Sylhet (Pakistan) and certain arrangements to maintain peace in the area were arrived at on 3rd March '56. Unfortunately, Pakistan dishonoured the arrangements by opening fire again on Mahishashan and Latu areas towards the end of May. We protested against these under intimation to the Ministry of External Affairs. These incidents have also been the subject of correspondence between Karachi and New Delhi and between Shillong and Dacca. A proposal for a joint enquiry at Commissioner's level is under consideration.

14. Under the joint survey of the Patharia area by the Surveys of India and Pakistan some valuable tea area is likely to fall in India. In view of this Pakistan are trying to wriggle out of this and holding up the survey. We have protested both against the deadlock created and alleged massing of forces by Pakistan under intimation to the Ministry of External Affairs.

I shall be grateful for a reply at your early convenience.

Yours sincerely,

(B. E. Medhi)

Shri G.B. Pant,
Union Minister for Home Affair,
New Delhi.

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(F)

TOP SECRET

Intelligence Bureau
Ministry of Home Affairs
Government of India

No. 13/PV/55(1), New Delhi, the 7th July, 1956.

My dear Raj Kumar,

Please refer to your D.O. letter No.D-1906/56-T, dated The 19th June 1956, addressed to Shri Mullik. There has, undoubtedly, been a steady flow of Muslims from East Pakistan into Assam ever since the economic conditions deteriorated in East Pakistan towards the close of 1955. The bulk of these migrants constituted the labour class and the peasantry who entered Assam through various routes mostly without travel documents in a desperate bid to earn their livelihood and take shelter in the districts of Cacher, Nowgong Lakhimpur,
Goalpara and Sibsagar. Influx of Muslims was by far the largest in the district of Nowgong. They got ready co-operation from their co-religionists in these areas. Instances have also been reported of Muslims coming from East Pakistan with ‘C’ category visas and later getting them converted into ‘F’ category to prolong their stay in India. Some of them surrendered their passports with a view to settling down in India permanently. To become Indian citizens, many filed affidavits in courts declaring that they were in India before partition. They were supported by interested local Muslims. Enquiries show that 218 affidavits in the year 1955 and 185 up to March this year were sworn in Jorhat court alone by the Pakistan Muslims.

2. The un-authorized Muslim migrants have been encouraged to stay on by interested political leaders for political purposes. They have got their names listed in the voters list obviously to inflate the numbers of Muslim majority in certain areas - a game which had started even before the partition. To crown all, some interested non-Muslim Congressmen taking advantage of the presence of these Muslims have enlisted them as Congressmen and got their names entered in the voters list, apparently to gain a temporary advantage in the next elections.

3. Political expediency arising out of the appointment of the States Re-organization Commission also brought about an alliance between the Assamese ruling class dominating the Congress and Muslims of any description to enable the former to retain full power. The Bengali Hindus and the Hill tribes are generally considered politically unreliable owing to their demand for secession from Assam. In the face of this alliance, which is being cemented day by day, there is a general tendency amongst the administrative under-lings to connive at this infiltration.

4. The S.I.B. at Shillong recommended to the Assam Govt. in December last the following preventive and precautionary measures for immediate enforcement:

(a) Rigid checking of Muslims coming into Assam at the border posts. Special checking by the Rly Police at intermediate stations near the border areas and surprise checking by squads of C.I.D. personnel.

(b) Directing the Deputy Commissioners to send monthly returns furnishing detailed particulars of the persons to whom passports have been issued.

(c) Requiring the passport issuing authorities to get applications verified by the police before issuing passports.

(d) Cautioning the authorities concerned against the danger of enlistment of Muslims on false representa-tions and having an investigation made
by the Election Commission in Assam to check the volume of new Muslims registered during the second half of 1955, and

(e) Having the passport offices in the district frequently inspected by a senior officer from Shillong to find out if any mal-practices are going on in regard to the issue of Indian passports to Pakistani Muslims.

5. The S.I.B. Staff has been at work to spot out the migrants Muslims. One inspector and two Sub-Inspectors have been switched on to this job for the last few months. They unearthed quite a large number of Pakistani Muslims enlisted as voters and also Muslims who had migrated to Pakistan after partition but their names appeared in the voters list - a factor which is capable of being made fraudulent use of in the next general elections. Lists of such persons are being sent by the S.I.B. from time to time to D.I.G., C.I.D., Assam, Joint Secretary, Home Department and the Chief Electoral Officer, Assam. In Nowgong district, as many as 2540 passports had been issued without proper police verification since the introduction of Indo-Pakistan passport system in 1952 up to 15th March 1954. From the 1st January, 1956, to the 31st March, 1956, 1070 Pakistanis (Cachar 598, Garo Hills 179, Goalpara 53, Khasi and Jaintia Hills 10, Miza district 2, G.R.P. 238) were detected and prosecuted for entering India from Pakistan without travel documents. It may be mentioned that more often than not accused persons after conviction stay back in India after payment of fine and serving the sentence, as the case may be, and there is hardly any check to ensure that they are pushed back to Pakistan.

6. Assam has got nearly 700 miles of border with East Pakistan and the magnitude of work involved in scrutinizing the infiltrators is stupendous. The problem came to our notice and we immediately undertook a physical check by diverting a small staff for the purpose. The results have fully established our secret reports and the Assam Government were informed by our S.I.B. at Shillong in December and the result of our subsequent enquiries has been conveyed to them periodically. It would be impossible for this small staff to undertake the entire work of verification. Our simple check has proved the existence of the problem and the work must now be undertaken by a regular large staff. The problem is three-fold.

(a) To discover infiltrators and deal with them legally, remove their names from electoral rolls, cancel visas, etc.

(b) Ensure that they leave India.

(c) Check further infiltration.

The problem at (a) is stupendous but is capable of being handled by a good staff under a selected officer, with the co-operation of the local Govt. and
district authorities. For item (b) we have no legal powers. Only executive action can be taken which will involve legal proceedings for writs etc. since there is a large Muslim population along the border who would be opposed and averse to such ejectment. With regard to (c) we will have to increase the number of border posts and have personnel in border thanas and district who would connive at infiltration.

7. The Morning News of Dacca and other papers have already taken up a cry against the action being taken in Assam. The paper dated the 19th of June, 1956, indicated that a thousand Muslims had been arrested in Karimganj and sentenced to several terms of imprisonment for allegedly entering India without proper travel documents. In this connection it was also stated that Maulana Abdul Jalil, a Congress M.L.A. from Karimganj, had been asked by Mr. S. Kalita, S.D.O., Karimgunj, to show cause why he should not be bound down in the sum of Rs. 5,000/- for good behaviour. It is learnt that the Maulana had protested against the mass arrest of Muslims in this fashion.

8. Enquiries in respect of para 2 of your D.O. under reference are still in progress and a further communication will follow.

Yours sincerely,

Sd/- Balbir Singh.

Shri Raj Kumar, IAS,
Deputy Secretary,
Home Ministry,
New Delhi.

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(G) TOP SECRET

From: Shri K.M. Kannampilly, IFS.,
Deputy Secretary to the Govt. of India

To: The Joint Secretary to the Govt. of Assam. (Shri S. Das. IAS)

Subject: Non-renewal of visas of Pakistani Muslims engaged in pro-Pakistani propaganda.

No. 2208-NGO/56 New Delhi, 17th July 1956.

Sir,

I am directed to refer to your letter No.C. 196/56/67 dated the 19th June, 1956 on the subject noted above.
2. Denial of visa facilities to responsible officers of the East Pakistan Government on a suspicion that they visit Cachar District to carry on pro-Pakistani propaganda would be embarrassing, but we would consider the matter and take action if the Government of Assam will give us a list of such Pakistani officials. We could instruct our Deputy High Commissioner in Dacca not to give visa facilities in these cases without specific reference to us giving full details of the purpose of the visit, area to be visited, etc., so that we could minimize the propaganda damage done by these officials by granting visa only in cases where genuine official business has to be transact. It is requested that the Assam Government should while sending the list give reasons in brief in case of each name in the list in support of their suspicion of the activities of these officers. This will enable us to regulate and restrict movement without imposing a definite ban on grant of visas to East Pakistan officials desiring to visit Assam.

Yours faithfully.

Deputy Secretary to Government of India.

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Ministry of External Affairs

Routine Noting in the Ministry:

Two separate issues are being dealt within this file.

i) The first is the specific case of M/s Poonu Mea & Sons, Arms & Ammunition Dealers in Tinsukia, Asses. The proprietor is reported to have strong pro-Pakistani sympathies, to send donations to funds in Pakistan, and to have a brother running a similar Arms and Ammunition shop in Sylhet (Pakistan). He is also reported, by means of various forgeries in his books to be selling arms to Nagas and in spite of these reports to have had his Arms Licence renewed as an Assam Government Minister has a relative as a silent partner in the firm. This particular case is being investigated by the Home Ministry who still await a reply from Assam. It will no doubt be dealt with satisfactorily.

ii) Even more serious, however, in my opinion in the general issue regarding the infiltration by Pakistani Muslim into Assam. This was brought to the notice of the Government of India by the Adviser at page 1-B of the file. It has new been checked by the Intelligence Bureau whose rather astonishing report is at pages 7 to 9-C of the linked Home Ministry file which JS (E) will no doubt wish to see and of which he may wish to take a copy. Not only do the Intelligence Bureau basically uphold the Adviser’s
report, but have already discovered a number of individual cases. The most serious allegation, however, is one that the unauthorized immigration is not merely infiltration organized secretly by a foreign power but has the connivance of interested political leaders in Assam. Attempts to create Muslim majorities in certain areas are bad enough from a communal and indeed national security point of view, but even more criminal is the report that "interested non-Muslim Congressmen have enlisted them as Congressmen and get their name in the voters list apparently to gain a temporary advantage in the next elections." The Intelligence Bureau report goes on to say "political expediency arising out of the appointment of the S.R.C. also brought about an alliance between the Assamese ruling class dominating the Congress and Muslims of any description to enable the former to retain full power. The Bengali Hindus and the hill tribes are generally considered politically unreliable owing to their demand for secession from Assam. In the face of this alliance which is being cemented day by day, there is a general tendency among the administrative underlings to connive at this (Pakistani Muslim) infiltration". This brings us up against a problem which is not merely a short term internal one but a tendency which is likely, if allowed to continue, to endanger the whole security of the country's North-Eastern Frontier. I had some time ago purely as an individual and as an ax-Army Officer felt very chagrined at the trends in this area with Government seemingly always supporting or accepting reports from the exponents of local Assamese chauvinism, the intensity of which is not easily comprehensible to one who is not daily in contact with it. I am afraid that it will be no use much longer deluding ourselves and making scape-goats out of former British administrators or foreign missionaries for the separatist tendencies in the hills which form our North-Eastern line of defence. The demand for a Hill State "Admittedly within India" has much deeper roots and we cannot divorce it entirely from the present violent Naga activity which is only a more intransigent and violent manifestation of the same psychological urge. The worst aspect of the situation is that these hill tribes who during World war II formed the most loyal and cooperative elements in the Frontier battles witness General Slim's remarks about the Naga people's efforts in aid of the 14th Army and the outstanding achievements of the Lushais in V-force have now been turned by our own treatment of them since independence into people who are considered politically unreliable and to whom certain influential circles in Assam prefer Pakistani Muslims such as Poonu Mea as political allies.

iii) By procrastination or rather lack of realization of trends in Naga area, again possibly attributable in the main to doctored reports from Assam itself, we have always been months and sometime years behind actual
developments in the Naga area and are hence now faced with approximately one ninth of our total infantry complement of the Army deployed against the Nagas in one district. These people may be beaten down but in the process of this beating down they cannot but arouse the sympathy of other hill tribes in Assam. I have already heard such sympathy expressed by both Lashais and Khasis, even educated and responsible individual who while deploring Naga stupidity in sticking to a demand for a sovereign independent State and while opposing their use of violence, equally condemn the present repressive measures in the Naga Hills District. We cannot forget that in the Army itself in the Assam Regiment as well as in the Assam Rifles, Naga soldiers rub shoulders daily with others such as Lushais and Garos and the burning of a village near Mokokchang or the death by starvation of a relative in the jungle is news which thereby spreads to Tura and Aijal. In 1951 there was some minor agitation in the Naga Hills regarding the grant of a mineral licence on the road between Dimapur and Kohima. Now in the year 1956 there have been demonstrations and police arrests on an issue regarding a colliery near Shillong.

iv) I have noted separately in giving my opinion on the Naga problem that the time is rapidly passing or has already passed when we can subordinate national interests to what was earlier considered the paramount need of maintaining the supremacy of the political party in power in Assam. I am genuinely afraid that though the Assam Government's policies in their own Hill Districts and though central reluctance to interfere, we are playing with fire on the strategic North-Eastern gateway into India through the hills.

v) Apart from these long-term external considerations there is also the problem of the increased adverse comment against India in the foreign press which this tribal restlessness is producing and the unfortunate fact that the Communist Party has now taken up the Naga cause, and even more unfortunately in their “New Age” dated 22nd July has come to a far better informed and more truthful appreciation of the situation than the Government itself. The local people without having any ideological sympathies either way will be quick to contrast this with the factually incorrect statement in Parliament that large numbers of the villages have been burnt by the hostiles - a trend which in my opinion will be unfortunate both for the country and for the people themselves.

Sd/- R. Yusuf Ali
4-8-1956.

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Copy of D.O. No. C 342/58 dated 5th September 1956 from Shri S.K. Datta, ICS, Chief Secretary to the Government of Assam, Shillong, to Shri Raj Kumar, Deputy Secretary, Ministry of Home Affairs, New Delhi.

Please refer to your D.O. letter No.D.1906/56-T dated 19th June 1956 and reminder vide D.O. letter No. F. 15/7/56-T (Part IV) dated 14th August 1956. The matter has been duly enquired into. I am afraid, in most essential particulars, the information furnished to the Government of India do not appear to be based on actual facts.

2. The arms and ammunition shop in Tinsukia is in the name of Md. Jalil of M/s Poonomeah and Sons. His father is Haji Safiullah who had a fireworks licence as far back as 1922. He now lives in Calcutta not at Dacca. The family originally hailed from Ghazipar, U.P. and came to Assam about 60 years back. Md. Jalil was granted a licence to sell 50 lbs. gunpowder and any quantity of percussion caps by the district authorities in 1951 after due verification of his antecedents and character. Subsequently his two other brothers, Md. Ibrahim and Md. Khalil, were also made partners of the business with the permission of the district authorities. In 1952 the licence was changed to one under form X to deal in arms and ammunition.

3. In 1954, some anonymous allegations were received as regards pro-Pakistan sympathies of Md. Jalil and other Muslims of Tinsukia. The allegations were duly enquired into with great care and no evidence could be secured as regards his pro-Pakistan activities or as regards his contribution to any fund in Pakistan. On the contrary, it was established that he had been associated with the Indian National Congress from a long time and was most helpful towards the Congress and all beneficial public and social activities. In course of that enquiry it was reported that one of his brothers had a licence to deal in arms and ammunition at Sylhet in East Pakistan. But the brothers being separate, no suspicious connection could be traced between Md. Jalil and his brother who was reported to be in Sylhet. Later reports indicate that the Sylhet shop was closed down in 1954. Md. Jalia has been highly spoken of by very responsible and respectable persona of the Dibrugarh sub-division including M.L.As., Chairman of the Municipal and Local Boards who have known him and the family for many years. The State Government has all along been furnished with reliable and satisfactory reports about his loyalty to the State. He is a Government nominated member of the Tinsukia Municipal Beard. Pending verification of the allegations made anonymously, it was decided by the State Government tentatively to stop the renewal of his licence after 31st
December 1954. But when the complete reports of the enquiries about his activities were received, the State Government decided to allow his licence to be renewed for the year 1955. On every occasion, his activities were very thoroughly examined and his conduct as a licenced dealer in arms and ammunition duly taken into account. On the strength of the reports from the district authorities, the licence held by Md. Jalil was allowed to be renewed for the year 1956 as well.

4. A secret report in 1954, alleged that Md. Jalil and other Muslims of Tinsukia, in a secret meeting, had decided not to participate in the Independence Day celebrations as a mark of protest against the arrest of Sheik Md. Abdullah, Chief Minister of Kashmir. But in fact, it was found that Md. Jalil duly participated in the celebrations and on that account no suspicion could be reasonably harboured against him on the ground of his alleged pro-Pakistan or anti-Indian propensities.

5. The stock of firearms and ammunition and the various sales effected through the shop of Md. Jalil had been duly verified and a close secret watch was also maintained on his contacts and sale transactions for a reasonable period. The State Government had earlier received reports from secret sources indicating the possibility of sale of arms and ammunition by some arms dealers having their shops near the borders of the Naga Hills District to undesirable persons hailing from Naga Hills. The whole matter was kept under watch and enquired into. No such sale to any undesirable person hailing from the Naga Hills or from the adjoining Tuensang Frontier Division could be traced. Records showed that ammunition was sold from the firm of Md. Jalil to some persons hailing from the Tuensang Frontier Division in N.E.F.A. on the strength of permits issued in their favour by P.O. Tuensang F.D. No evidence could be secured as regards his unauthorized or irregular sale of arms and ammunition from the firms to any person of the Naga Hills District or the Tuensang F(D)ision.

6. The State Government are fully alive to their responsibilities in respect of arms licences and their decisions are based on fact in each case. In the absence of any specific or reliable evidence as regards any pro-Pak activities and in view of the consistently good reports about his character and sympathies, the State Government did not consider that there would be any justification to cancel his licence. The State Government also felt that he being a member of a minority community, any action against him, if not based on reliable and specific evidence, would lead to serious misinterpretation.

7. It may, however, be mentioned that the activities of many arms and ammunition dealers having their shops near-about the bordering regions of Naga Hills district have been kept under constant watch and the State
Government would authorize prompt action against any dealers who might be reasonably suspected to be guilty of illegal dealings in arms and ammunition.

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(J) SECRET

Ministry of External Affairs

The file regarding Pakistani infiltration into Assam and the specific case of the arms and ammunition dealer at Tinsukia has already been submitted to J.S. (E).

2. Here is the detailed report from the D.I.G., C.I.D. Assam in which the latter has recommended to Chief Secretary the cancellation of the licence. The cancellation seems to be recommended mainly on technical grounds as no actual case of illegal sales has come to light.

3. In two cases sales were made to residents of Tuensang Frontier Division, but these are both well known and trusted Dobashis who obtained their rounds properly on permit and licences.

4. Investigation, however has confirmed that in many cases records are not maintained properly and that there may well, therefore, have been leakage.

5. The report mentions the rumours that the firm also has a shop in Pakistan stating that this could not be verified and that the sources which gave evidence had either a communal or commercial bias.

6. It would be interesting, in the light of the background information produced in the S.I.B. report regarding connivance at a high level in this matter, whether the D.I.G., C.I.D.’s recommendations for the cancellation of the licence are accepted by the Assam Govt.

(R. Yusuf Ali)
11-8-1956

J.S (E)

F.S. may like to see.

Sd/-

Home Ministry should see.

Sd/- S. Dutt
16-8-56

Secretary, Home Ministry (Shri A. V. Pai)
U.O.No.D.3638-NGO/56 of 20-8-56

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Ministry of External Affairs

Note by Director (East)

This reveals a serious state of affairs which should, in my opinion, be brought to the notice of both the Prime Minister and the Home Minister. They may perhaps like to take some action through the Congress Party organization to stop the influx of Pakistani Muslims into Assam, the alleged enlistment of such people as Congressmen and also their getting themselves registered as voters. This is a dangerous step which may boomerang against us in a crisis with Pakistan.

2. The question regarding the issue of arms licences to doubtful characters, who are suspected to be doling out arms to the Nagas and who have one leg in India and the other in Pakistan, should be dealt with administratively. The allegation made originally and confirmed by the Intelligence Bureau that some Assam Government Minister had a relative as a silent partner in the Firm Poonu Mea and Sons, needs to be investigated. Further, I suggest that the Home Ministry may be requested to inquire into this matter and take necessary action.

(T. N. Kaul)
8-3-1956.

F.S.

Mr. Yusuf Ali’s note which is immediately below is rather rambling and has unnecessarily brought in the question of the Naga situation in general and how it should be dealt with. The questions under consideration in this file are simple although they have very serious implication. These are: (1) whether a large number of Muslims are being allowed to come into Assam from East Pakistan and get themselves enrolled as voters; and (2) whether the licensed firm of M/s. Poonu Mea & sons has pro-Pakistan sympathies and sells arms and ammunition to the Nagas. The Home Ministry have already asked the Assam Government and the D.I.B. for full information on these points. We suggest that both these authorities should be asked to submit their reports immediately so that necessary remedial action can be taken without delay.

(S. Dutt)
8.8.1956

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Prime Minister’s Secretariat

I have seen these papers. I shall discuss this matter with the Chief Minister of Assam. The two questions referred to are important and, as far as I can see, no satisfactory explanation has come from the Assam Government in regard to them.

The note in the file of Shri R. Yusuf Ali, dated the 4th August 1956, is rather extraordinary. Instead of dealing with the points at issue, he has embarked on an essay on the situation in the Naga Hills. Part of what he has written is correct, though not relevant. Part of it is an expression of his views, which, evidently, he cannot suppress, whatever the subject, and which crops up like King Charles’s head everywhere. The fact that he has this obsession vitiates his opinions in regard to any connected matter. I have pointed out previously that some of our officers in the NEFA seem to consider themselves much wiser than the External Affairs Ministry or, indeed, the Government of India. This erroneous opinion has to be removed, if they are to serve with any satisfaction.

It is right that the views of our officers should be freely and frankly expressed to us and that we should take them into consideration in formulating our larger policies, which are based not only on their views and the facts they adduce, but on other facts and many other and wider considerations. If we merely and automatically acted up to the reports or views received by us from some of our officers, then the Government of India would just become an unthinking machine.

In regard to the Naga Hills affairs, I have previously drawn attention to this tendency, not only of our officers in the NEFA but, to some extent, even of our officers in the Ministry. I hope that they have profited by what I have said and will not indulge again in delivering homilies to us.

The question of Muslim immigration into Assam is at least 50 years old, if not more. I remember studying it about twenty years ago, when I visited Assam and wrote a rather long note about it. That was, of course, long before partition, and had nothing to do with the new issues that have arisen since partition. Nevertheless, the problem was there. I think that one of the census reports, probably of 1911, refers to this movement of Muslims from the Eastern Bengal areas into Assam as resembling a large army of ants on the march. The reason was obvious. Assam was thinly populated, while some of the Bengal border districts, notably Mymensingh I think, were teeming with an ever-growing population.

This basic fact has to be remembered because otherwise we shall overlook one of the principal causes of this migration. The other causes are, of course, due to partition and the economic conditions prevailing in Eastern Pakistan.
7. The Assam Government has throughout been much concerned about this migration of Muslims and has written to us innumerable letters on the subject. They have suggested various kinds of legislation to ban or to stop this. It is, therefore, not at all correct to say that, broadly speaking, the Assam Government favours this. They are frightened of it. What might well happen is that, when a number of these people have come and settled down, a political party might seek to win them over. Usually, this kind of thing happens in a local area and some local persons might well be involved in it.

I have noted above some background facts about this migration. Our Ministry, the NEFA Administration and our Intelligence Bureau seem to be unaware of them.

It is necessary, of course, to take effective steps to stop this migration. It is also necessary to deal more effectively with the firm mentioned in these pages.

(J. Nehru)
13.10.1956

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0193. Extract from the Note of Prime Minister Jawaharlal Nehru proposing an Extradition Treaty with Pakistan.

New Delhi, August 4, 1956.

2. I do not think that the reasons given for the avoidance of an Extradition Treaty are valid, although they may come in the way of an agreement between India and Pakistan.

3. Thus, as regards the territory to be governed by the Treaty, obviously, the Treaty will be between the Republic of India and its territories and the Republic of Pakistan. I do not know that it is necessary in any such Treaty to specify States of either country. If Pakistan wants to exclude any State, such as Jammu & Kashmir or Hyderabad, of course, we will not agree and our negotiations will break down. We can state this in Parliament later, if necessity arises.

4. As for the spirit in which the Treaty is to be worked, this question arises in every arrangement with Pakistan. If Pakistan refuses to work the Treaty properly and in a bona fide manner, we shall have to renounce the Treaty. In any event, even now, Pakistan refuses to extradite criminals from India, and so it cannot make matters worse.

5. As for the suggestion that it might be used to victimize minority leaders and other political offenders, it is clear that the Treaty cannot apply to political offenders. But it may be that false criminal charges are trumped up against them. It should be possible for us to protect ourselves against this misuse. That is a matter for the drafting of the Treaty.

6. I really do not see any adequate reason for not proposing such a Treaty with Pakistan. It may be that, when we discuss the terms of the Treaty, no agreement is reached. There this matter will end for the time being at least. I think, therefore, that this matter should be reconsidered and a draft Extradition Treaty prepared, keeping various points in view. This draft Treaty should not refer to any specific part of India or of Pakistan. After that, we can ask Pakistan for talks about it or the draft can be sent to them for their consideration.

7. Meanwhile, this question* has to be answered. The answer should be:

“The matter is still under consideration”.

* The reference is to the draft answer and the note for supplementaries prepared in the MEA in connection with a question that H.V Kamath proposed to ask in the Lok Sabha about the steps taken for the conclusion of an extradition treaty or agreement with Pakistan.
0194. **Aide Memoire of the Pakistan Ministry of Foreign Affairs and Commonwealth Relations addressed to the Ministry of External Affairs regarding mention of Kashmir in the Joint Communiqué issued by the Baghdad Pact Council of Minister at their meeting in Karachi.**

**Karachi, August 22, 1956.**

*Ministry of Foreign Affairs and Commonwealth Relations*

*Karachi*

**AIDE MEMOIRE**

The Government of Pakistan are surprised to find that the Government of India have in their Aide Memoire of the 27th April, 1956, taken exception to the joint statement by the Baghdad Pact Council of Ministers affirming the need for an early settlement of the Kashmir dispute. It is apparent that this dispute is a source of extreme tension in the region. Therefore all the countries interested in the maintenance of peace and tranquility in the region must necessarily demand its early settlement.

The Government of Pakistan emphatically reject the Government of India’s claim to sovereignty over the State of Jammu and Kashmir or that State of Jammu and Kashmir is an integral part of the Union of India. This claim is utterly immoral because the State was forcibly occupied by the Government of India and still continues to be so occupied, against the wishes of the people of the State, with the help of the Indian army under cover of a fraudulent transaction entered into with the Maharaja of Jammu and Kashmir. The claim is also contrary to India’s international commitments which she voluntarily assumed by accepting the two resolutions of the United Nations’ Commission for India and Pakistan, dated the 13th August 1948 and 5th January 1949, where under the Government of India agreed that the question of the accession of the State of Jammu and Kashmir to India or Pakistan through the democratic method of a free and impartial plebiscite.

As the Government of India are themselves aware, the plebiscite has not yet been held, and Plebiscite Administrator for the purpose has yet to conduct the plebiscite in order to ascertain the wishes of the people of the State, whether they wished to accede to India or Pakistan. Both India and Pakistan stand committed to such a plebiscite so long as it is not held and the question of the accession of the State is not decided in accordance with the verdict of the people of the State, the State will remain in dispute. The claim of the Government of India to sovereignty over this territory, and any attempt on their part to treat it as an integral part of the Union of India in disregard of all the
resolutions of the Security Council on this subject, merits the strongest condemnation.

The Government of Pakistan, therefore totally reject the protest lodged by the Government of India.

Karachi
August 22, 1956.

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0195. SECRET
Letter from the High Commissioner CC Desai to Commonwealth Secretary M. J. Desai regarding his call on the Pakistan Foreign Minister Malik Firoz Khan Noon.

Karachi, October 2, 1956.

High Commission Of India
Karachi

D.O. No. HC/56/S. 1437. October 2, 1956

My dear M. J.,

I am just returning from my first formal official courtesy call on the new Foreign Minister, Malik Feroze Khan Noon, the time allotted being just 10 to 15 minutes. I have of course known him since long and he used to come to us to our parties when he was in the wilderness after his dismissal from the post of Chief Minister of Punjab by Gurmani under instructions from the then Governor General, the late Ghulam Mohammad. Although we were not supposed to talk business or politics, we immediately got down to it as Noon started off by saying that our Prime Minister was a mad man, when it came to Kashmir. Perhaps I had better relate the conversation in the form in which it actually took place.

Noon: Your Prime Minister is a mad man, when it comes to Kashmir. He is all right in other respects. It is you who are driving us into Baghdad Pact and regional pacts, to which you now object.

Myself: I can hardly tell you the story of Kashmir in the 10 minutes, but as you have referred to the matter, let me explain to you that I see no injustice whatever in our position in Kashmir. Firstly, we are there by virtue of a valid deed of accession in accordance with the arrangements then made between the leaders
of the Congress and the Muslim League. Secondly, we are there by the force of our arms as we fought the raiders and the Pakistani forces and beat them back. Thirdly, we have ascertained the wishes of the people in accordance with the undertaking we gave at the time of accession and the last Constituent Assembly was unanimously in favour of accession to India.

Noon: You have also agreed to take a plebiscite according to the United Nations resolution and you are not now giving effect to it.

Myself: We are not afraid of ascertaining the wishes of the people of Kashmir, but what we object to is that any such plebiscite must inevitably be preceded by communal agitation which would have repercussion in both the countries. Any assurance that this would not happen cannot be accepted judging from what has been happening all through the last 9 years and, even as recent as a few days ago when agitation was worked up on the stupid issue of the book ‘Religious Leaders’.

Noon: This is only an argument in the nature of harami, when you do not want to face the issue of plebiscite.

Myself: You may think so, but that is our genuine feeling and you must give us the credit for it.

Noon: Then how do you justify your position in Junagadh and Manavadar?

Myself: You probably have some case there because these 2 states had acceded to Pakistan and we did not have the consent of the Government of Pakistan to our entry into the two states particularly Junagadh. If you insist on the sanctity of accession in the case of Junagadh, you would equally have to respect the sanctity of accession of Jammu & Kashmir and any demand for restoration of Junagadh & Manavadar would have to be matched by readiness to evacuate and hand over to India that portion of Jammu & Kashmir which is currently occupied by Pakistan.

Noon: Let us talk of something else; but tell me how you are justified in Hyderabad?

Myself: We have a perfectly good case in Hyderabad, but I do not accept the interest of Pakistan in the Hyderabad issue. Pakistan has no locus standi in the matter. It is a matter between us and the Nizam of Hyderabad and the people of Hyderabad. Actually I can show to you the Instrument of Accession executed by the Nizam of Hyderabad which is the basis of our position in Hyderabad.

Noon: Oh! you got that accession only after use of force and the so-called police action!
Myself: Be it what it may, our present position in Hyderabad is based again on a valid Instrument of Accession and as I said before, this is a matter in which Pakistan has no concern.

Noon: We are interested in it because of the Muslim ruler and the fate of the Muslims there.

Myself: I am afraid I must object to your interest in the Indian Muslims the same way as China would object if you showed interest in the Chinese Muslims or Burma would object if you showed interest in the Burmese Muslims.

Noon: All right, I agree that we should show no interest in the Indian Muslims.

Noon: So it means that you would have no plebiscite, and in the circumstances we can never forget Kashmir. You must also remember the biblical saying that those who live by the sword will perish by the sword.

Myself: That is fair enough. I am prepared to perish by the sword but not give up my right to defend my territory including Kashmir. You are free to try the remedy of the sword and naturally we shall defend ourselves against any aggression from any quarter.

Myself: If your view is that until the Kashmir problem is settled, there can be no friendly relations between the 2 countries and that all the outstanding issues must remain unsolved, we would be sorry but there is nothing that we can do to help it.

Noon: No, I did not say exactly the same and I would be prepared to consider other issues and try to settle them as best as possible although there cannot be that true atmosphere of friendship without the settlement of the Kashmir problem.

Myself: After some time I shall certainly come up to you to discuss a few individual matters which deserve solution especially in the interest of the poor innocent people in both the countries, who are suffering for want of a settlement between the two Governments. Let us at least remove these hardships to which our people are unnecessarily subjected.

Noon: I agree and I would always be prepared to discuss individual matters and settle them as best as possible.

2. Even reading of this account would perhaps take more than 10 or 15 minutes and yet all this was talked and perhaps a little more and so you can imagine the speed and the tempo with which the discussion took place. At the same time, I must stress that there was no tension, acrimony or unpleasantness either on his part or on mine. We were both smiling and pressing each other’s
hands while talking as if we were trying to convince each other in a spirit of good fellowship.

3. The impression that I got was that Noon was being pressed both internally and externally to modify the policy regarding the regional pacts. The internal pressure comes from the Awami League, whose leader Maulana Bhushani declared at a public meeting held on September 15 at Dacca to congratulate Suhrwardy that they must abandon these pacts and follow a policy of non-alignment and neutrality. The external pressure is apparently been exercised from some of the Muslim countries such as Egypt and Saudi Arabia and to a small extent, by the Communist countries such as Soviet Union and China. As against these pressures, there is the pro-West attitude of the President, Iskandar Mirkza, as also his own inclinations, himself being an old stooge of the British in the good old days. Otherwise, I could not explain his outburst that it was our policy in Kashmir that was driving Pakistan into regional pacts like SEATO and Baghdad. When he mentioned that, I remarked, a little dryly, “I hope these pacts have helped you and are helping you to recover Kashmir from us”. There was of course an element of sarcasm in my remark.

4. As soon as I went into his room, I made him a present of the following four books:

1. Bound copy of the Second Five Year Plan as approved by Government.
2. 2500 years of Buddhism.

Noon told me that he appreciated the literature that I had been sending to him from time to time and that he read it all with very great interest. He had particularly studied the draft outline of our Second Five Year Plan, which I had sent him some months ago. He also said that he was looking for this book ‘2500 years of Buddhism’, and that he would read it as soon as possible. He looked over our publication ‘Kangra Valley Paintings’ and admired its get-up and its contents. These books make as fine a present to an intellectual as any that I can think of.

With kindest regards,

Yours ever

Sd/- C.C. Desai

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
SECRET

Letter from the High Commissioner CC Desai to Commonwealth Secretary M. J. Desai regarding Pakistan-China relations.

Karachi, October 4, 1956.

High Commission Of India
Karachi-5

D.O. No. HC/39/56 October 4, 1956

My dear M.J.

Ratan Nehru informs me that sometime in March just before he left for India he had a long talk with Premier Chou En-lai who spoke to him, among other things, about China’s attitude to the Kashmir question and to the Indo-Pakistan relations in general. The record of the talk was sent to Delhi and Ratan tells me that P.M. had it circulated to members of the Foreign Affairs Committee. We have not received an extract from the letter and I was wondering whether you could ask the Director of the Eastern Division to take out the extract and to send it to us.

2. In the same letter Ratan goes on to say that he has often spoken to Premier Chou En-lai about the Pakistan Prime Minister’s visit and that on the last occasion towards the end of August Chou En-lai merely shook his head expressing agreement with what Ratan had said about lack of stability in Pakistan. At that time Chou En-lai was wondering whether Chaudhri Mohamad Ali would be going there or not. The idea of Prime Minister of Pakistan paying a visit to China has again been revived and apparently Suhrawardy does not propose to allow grass to grow under his feet. News is being put out that Suhrawardy might fly out to Peking direct from Dacca even before the end of the session of the National Assembly which meets there on October 8 and which is expected to remain in session for nearly two weeks. The provisional date for Suhrawardy’s departure is 16th or 17th of October from Dacca. Members of the Chinese Mission here are looking forward to this visit in view of a slight change in the foreign policy of Pakistan discernible over the Suez and in view of the possibility of detaching howsoever slightly may be, Pakistan from the Western powers because of the attitude of Bhashani, the leader of the Awami League. The Soviet Embassy in Karachi does not see possibility of any real or radical change in the foreign policy of Pakistan, particularly after the recent statement by Noon that Pakistan was solid as a rock behind the Baghdad Pact. Suhrawardy has also said on more than one occasion that there must be consistency in the foreign policy of the country and that previous agreements cannot be scrapped or abandoned. This was intended to be a reference to the
continued association of Pakistan with regional pacts like SEATO and Baghdad Pact as also with the American-Pakistan Military Aid Agreement. However, the fact cannot be disputed that with Suhrawardy the possibility of influence by Soviet Union and China is greater than in the case of Chaudhri Mohamad All and, no doubt, these two countries would not let the opportunity slip until they find that they have come up against a solid front backed up by U.S.A. and United Kingdom.

With kindest regards.

Yours ever

(C.C. Desai)

Shri M.J. Desai, I.C.S.,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

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0197. Cable from the Indian Prime Minister Jawaharlal Nehru to the Pakistan Prime Minister H. S. Suhrawardy regarding a statement made by the Foreign Minister of Pakistan.

New Delhi, October 5, 1956.

I should like to draw your attention to statement made by your Foreign Minister, Malik Feroz Khan Noon recently. This statement is rather unique in the annals of diplomacy and I can only conclude that Mr. Noon has made it through ignorance, both of facts and of diplomatic procedure.

2. I do not wish to discuss this statement in detail nor do I challenge the right of any member of the Pakistan Government to criticize the policies of the Government of India. But some parts of the statement are so extraordinary that I must draw your attention to them. One of those is the reference that in the matter of Algeria, India has struck some kind of a bargain with France. Mr. Noon evidently does not know that it is India’s Representative in the United Nations who has in the past played the leading part in regard to the Algerian issue in the United Nations and that we have continued to work for the freedom of Algeria through diplomatic and other ways. We have not subscribed to the recent attempt to inscribe this matter in the UN General Assembly’s agenda because we have felt at this stage this will not help the cause of Algeria and will also confuse the Suez Canal issue, which is the dominating issue today.
3. As for Kashmir, we have not mentioned this matter to France in any context.

4. Mr. Noon also refers to so-called massacres of Muslims taking place in India. I think we are entitled to expect a Foreign Minister to base his statements on facts. The present statement is not only not related to facts at all but is absurd on the face of it.

5. You are well aware of the tremendous and continuing exodus of people from East Pakistan to India, which is creating very grave problems for us and which must indicate that the position of these people in Pakistan is very unsatisfactory. We have welcomed your statement that you will do your utmost to stop this exodus and I hope that this will have some effect.

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0198. Cable from the Indian Prime Minister Jawaharlal Nehru to the Pakistan Prime Minister H. S. Suhrawardy regarding hostile propaganda.

New Delhi, October 8, 1956.

Three days ago I ventured to draw your attention to a statement made by your Foreign Minister Mr. Feroz Khan Noon. I dislike troubling you by protests, but I feel that I must draw your attention when something is said or written which is not only wrong but is also likely to embitter relations between our two countries.

2. In its issue of October 6th, Dawn newspaper writes a leading article in which much is said which normally one does not expect responsible newspapers to say. I would like however to draw your particular attention to the honour done me by Dawn calling me “Delhi’s double crossing kafir”. I do not mind any epithet or abuse thrown at me, but unfortunately some other people react more strongly to this kind of thing. It is for this reason that I am taking the liberty to draw your attention to these extraordinary effusions.*

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*On 6th October, Dawn criticized editorially, the Egyptians and some of the Arab countries for “pooh-poohing the idea of Islamic unity” for the cause of some other Muslim country but suddenly remembering Islam when an Egyptian cause was involved. It said: “They must learn their lesson the hard way at the hands of Delhi’s double crossing kafir.” The article entitled “Our misguided brothers” said that King Saud, Nasser and other Arab rulers knew about the friendly ties between India and Israel and “yet most of them appear to have thought it good diplomacy to adopt Delhi’s Hindu imperialist as their friend, philosopher and guide.”
Letter from the High Commissioner CC Desai to Commonwealth Secretary M. J. Desai regarding appointment of Malik Firoz Khan Noon as the Foreign Minister of Pakistan.

Karachi, October 11, 1956.

D.O. No. HC/56/5/1514 October 11, 1956

My dear M.J.,

The new Foreign Minister of Pakistan, Malik Firoz Khan Noon, K.C.S.I., K.C.I.E., K.B.Kt., is a man of bold imagination and fond illusion, which make up for lack of mature wisdom and knowledge of history as well as of current international affairs. He recently issued a policy statement on relations with India, the full text of which is herewith enclosed*. You have, of course, seen the statement in the Pakistan papers, but only short extracts have appeared in the Indian papers because press correspondents affiliated to Indian papers have tried to save the Foreign Minister from exposure by withholding some remarkable passages, such as “Pakistan saved Egypt during the recent Suez crisis,” “Egypt is bound to Pakistan by ties of blood whereas the ties between Pakistan and India are only those of water, etc.” Sir Firoz, never known for depth or knowledge, forgot that every one of the people in the Foreign Office surrounding him is related to an Indian by ties of blood and that too by the closest possible ties. For instance, his brother Anwar’s wife is the sister of our Azim Hussein. His own Foreign Secretary, M.S.A. Baig, has his mother who is an Indian national who stays at Panchgani and who refuses to come to Pakistan. M.S.A, Baig’s brother, our Rashid Ali Baig, is a prominent member of the Indian Foreign Service, has held various important posts and is now a Joint Secretary at the Indian Foreign Office. Mohamad Ikramullah, the Doyen of the Civil Service of Pakistan, has both his brothers as Indian nationals in India, one of them Hidayatullah, occupying the important post of Chief Justice of the Madhya Pradesh High Court at Nagpur, while his other brother is an executive in a leading Indian firm in Bombay. B. S. Chhattari, a Deputy Secretary in the Pakistan Foreign Office, is the son of our Nawab of Chhatari, a distinguished Indian, a Member of Parliament and Pro-Chancellor of the Aligarh University. Another brother of Chhatari is an Indian national employed in an Indian firm in Calcutta. I. A. Khan, Chief Controller of Imports & Exports and connected with Pakistan’s

* Not included here,
foreign trade is the son of our Nawab Mohammad Ismail, at one time a leading Muslim Leaguer and now living a retired life at Meerut but one who would not leave his country and migrate to Pakistan where most of his children are now living, some of them occupying high Government offices. S. K. Dehlavi, the senior-most Joint Secretary in the Foreign Office, has a brother who is an Indian national, doing business in Bombay and refusing to escape from the land of persecution of Muslims. So far I have given you only examples of blood relationship between Sir Firoz Khan Noon’s immediate aides and their relations in India, where already the ruthless Government of India has exterminated no less than 10-million of Muslims out of the 40-million left when these devotees of Islam left in search of a homeland for the Muslims. What I have said of the Foreign Office applies with equal force to the whole Government of Pakistan and to the whole city of Karachi which is nothing but a city of refugees, a city of people many of whom, if they were given the opportunity to do so, would wish to go back to India without claiming restoration of property, houses or employment, some of them offering even to change their religion if that would facilitate their migration to the land of their forefathers which also happens to be the land of liberty, the land of secularity and the land of plenty and prosperity. So this whole argument of ‘blood being thicker than water’ is just senseless and ludicrous, unworthy of a Foreign Minister of any country.

2. As someone remarked the other day, the true situation is that blood binds Pakistan with India whereas water divides Pakistan from Egypt. This is being said not with a view to any disparagement of the bond of religion between Pakistan and Egypt, but in exposition of the precise, physical fact which cannot be ignored howsoever blind or jaundiced one may be.

3. Their claim to be the saviour of Egypt during the Suez crisis had only to be mentioned for its absurdity to become obvious. What Egypt thinks of Pakistan was stated clearly and unambiguously in an interview given by President Nasser to Frank Moraes, Editor of the Times of India not a word of which has so far been denied, contradicted or even doubted. To make this letter and story complete, I attach a copy of that interview. Apparently, Egypt does not realise what it owes to this great country which saved it from being over-run by the armed forces of her friends and allies, United Kingdom, France and may be United States. Officers of the Egyptian Embassy, to whom this statement was referred, laughed and said that distortion could not go further and said that the statement was too contemptible to require notice. Even Goebbles would turn in his grave when he finds being so smartly outdone by the new Foreign Minister of the Islamic Republic of Pakistan!

4. The whole statement of Sir Firoz, who was a well known British stooge when both the Hindus and the Muslims were fighting shoulder to shoulder for
the liberation of their homeland is puerile and stupid and that it is surprising that it should have been allowed to be made or that it should have been given such wide publicity in the Pakistani press. If they had any sense, they would have suppressed the statement for it must lead to more contempt than appreciation of Pakistan elsewhere in the world.

With kindest regards.

Yours ever

(C.C. Desai)

Shri M.J. Desai, I.C.S.,
Commonwealth Secretary,
Ministry of External Affairs.

TOP SECRET

Telegram from the Indian Ambassador in Peking to Commonwealth Secretary regarding meeting of Mao Tse-tung with the Pakistani delegation of Members of Parliament.

Peking, October 20, 1956.

TELEGRAM

From: Indembassy, Peking.
To: Foreign, New Delhi.

No. 523. October 20, 1956

Commonwealth Secretary from Ambassador.

M.P. Delegation was received by Chairman MAO TSE-TUNG from midnight to 1.30 this morning. In course of talk with Delegation MAO TSE-TUNG referred to his meeting with SUHRAWARDY a few hours earlier.

2. MAO TSE-TUNG said he had asked SUHAWARDY why Pakistan had created tension with her neighbours by joining SEATO and Baghdad Pact? Was Pakistan afraid of aggression from China and Soviet Russia? SUHRAWARDY had replied “No but we are afraid of aggression from India”.
3. MAO TSE-TUNG said that SUHRAWARDY had told him that dispute with India could only be settled by arbitration or under U.N. auspices. MAO TSE-TUNG’s reply was that he disagrees with him and that dispute should be settled by direct talk with assistance of some friendly countries if necessary.

4. MAO TSE-TUNG told Delegation that General (Premier) CHOU EN-LAI would have further talk with SUHRAWARDY and same advice would be given to SUHRAWARDY again. Finally MAO TSE-TUNG said there is nothing in our talks with Pakistan Delegation which cannot be made public.

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0201. TOP SECRET

Telegram from Indian Ambassador in Peking to Commonwealth Secretary regarding Pakistan Prime Minister Suhrawardy’s visit to China.

Peking, October 24, 1956.

TELEGRAM

From: Indembassy, Peking.

To: Foreign, New Delhi.

IMMEDIATE


Commonwealth Secretary from Ambassador.

SUHRAWARDY left Peking this morning on provincial tour. Joint Statement was issued last night. You must have seen this in newspapers.

2. We met SUHRAWARDY and members of his party on many occasions. Their attitude in public was cordial. FARUQUE in particular talked freely about progress India is making but both SUHRAWARDY and he were also impressed with China’s progress.

3. As regards private talks with Chinese there is little information apart from what MAO TSE-TUNG told us. Talks seem to have centred on Pakistan’s adherence to pact and tensions they have created. I questioned CHANG HANFU and his reply was “We cannot persuade them and they cannot persuade us”.
General CHOU EN LAI said in his speech last night “Although on some international questions our views are different still there are many common points between us”.

4. I asked SUHRAWDY about his speech on joint electorates. He gave me some details and said “The Mulas are after my blood …..I will remain Prime Minister”.

5. Generally speaking reception accorded to Pakistanis lacked warmth in spite of SUHRAWDY’S speech on friendship with China etc. I understand a trade delegation may be coming from Pakistan. General CHOU EN LAI has also announced that he has accepted Pakistan’s invitation.

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SECRET
Letter from High Commissioner CC Desai to Commonwealth Secretary M. J. Desai regarding Suhrawardy’s China visit.

Karachi, November 24, 1956.

High Commission of India
Karachi-5


My dear M.J.,

I called on the Chinese Ambassador yesterday after-noon primarily with a view to finding out what talks took place between the Chinese Prime Minister and H.S. Suhrawardy during the latter’s recent visit to China. The Ambassador himself volunteered the information and asked me if I would like to know what happened in Peking and of course I agreed readily.

2. The Ambassador told me that Suhrawardy met the Chairman Mao twice and the Prime Minister Chou-en-lai four times and had long discussions with them. He spoke chiefly on 2 points, namely relations with India and participation in military pacts. Suhrawardy started off by saying that India was hostile to Pakistan, that India had invaded Pakistan during the Kashmir dispute and that Pakistan was living in perpetual fear of India. He referred to India’s intransigence over Kashmir and continued refusal to carry out the
obligations under the Security Council’s resolutions on the Kashmir dispute. Chou-en-lai told Suhrawardy that the Kashmir dispute was a legacy of the past left by Britain to use it as an irritant between the two countries and that the problem should be settled by direct talks between the two countries without inviting the intervention or interference by a third party including even the United Nations. Chou-en-lai went on to advise Pakistan to adopt the following 4 methods of conciliation in her relations with India:

1. Play down the hate campaign and avoid propaganda against each other through press, radio and otherwise.

2. Frequent exchanges between top leaders of the two countries with a view to creating friendlier atmosphere.

3. Conclusion of a non-aggression pact between the two countries.

4. Reduction in military expenditure and concentration on development of economic resources to overcome the state of under development left over after many years of colonial domination by the western powers.

Suhrawardy’s reply was that conclusion of a no-war agreement in the present context would be the maintenance of status quo, which was unthinkable so long as the Kashmir dispute remains unsolved. Suhrawardy criticized the principle of co-existence which meant that India should be in a position to retain the fruits of her aggression. He wound up by saying that if India did not change her attitude and agree to a plebiscite before the end of December, Pakistan would be compelled to refer the case back to the Security Council and the United Nations.

3. Talking next about the general Foreign Policy and military pacts like SEATO, Baghdad and American Military aid, Suhrawardy told Chou-en-lai that two new imperialist countries viz. India and Egypt had come into existence and that these two imperialisms were even worse than one older imperialisms of Britain, France and the European countries. Suhrawardy told the Chinese Prime Minister that Pakistan had entered into these alliances because of the fear of India and that these alliances were directed against India and not against communist countries or even against communism. Suhrawardy sought to define the scope of these Agreements as defensive and protective. Chou-en-lai pointed out that the western countries and especially America had bases all over the world and referring specifically to the Pacific region, America had bases in Japan, South Vietnam, Philippines, Korea and Pacific Islands. How could such bases be described or regarded as protective or defensive, Chou-En-lai argued. He further asked as to what
Pakistan would feel if China had or tried to have a similar chain of bases in Korea, Indo-China, Singapore and even Pakistan and Suhrawardy's reply was that this would be regarded as aggression and offensive. Chou-En-lai pointed out that there was no difference between the two and that bases in both cases would be aggressive, offensive and objectionable. Suhrawardy added that the additional objective is to check the spread of communism. Chou-En-lai argued that the American attitude was far from pacific and was clearly colonial. He particularly referred to America occupying Chinese territory of Taiwan.

4. In all these discussions there was no agreement and both sides maintained their own points of view. The Chinese Ambassador said that their main objective was to pull Pakistan out of the Western bloc and to bring her nearer to Bandung line even if this was a slow and gradual process. The Chinese authorities thought that they had some success with Suhrawardy but he has again slipped back into his original fold according to the Chinese Ambassador. The Ambassador referred to a Chinese proverb which says “you may take a pig to a clean place, but as soon as it is free it gets back to its native filth”. The Ambassador said that Suhrawardy was all the time defending American foreign policy and secondly that he had no sympathy at all for Egypt in the Suez dispute.

5. I remember that when I first met Suhrawardy on his return from China at a reception at the German Embassy he told me that he did his best to do harm to India during his visit to China and I had told him that I hoped he met with some success as it must have been a rather difficult task and therefore worthy of his steel.

6. It may be interesting to tell our friends in the western countries as to what Suhrawardy has been saying about the objectives underlining the American Aid Agreement as also the Regional Pacts like BAGHDAD and SEATO, about which they have been assuring us from the housetops that they are not designed against India and that they would not be permitted to be used against India. The recent experience of use of NATO equipment by France in Algeria and by Britain and France in Egypt demonstrates the unreliability of such assurances, once another country gets physical possession of wanted weapons. Noon has given out his mind openly and publicly and Chaudhri Mohamad Ali and Iskandar Mirza did the same when they met Mikoyan early this year and how the performance has been repeated by Suhrawardy in China, as also, I believe, in his recent discussions in Tehran and Baghdad. The only redeeming feature is that these views of Suhrawardy are not supported by his own party in East Bengal and even by
Letter from High Commissioner CC Desai to Commonwealth Secretary regarding his meeting with the Soviet Ambassador in Karachi to get briefing on Suhrawardy’s China visit.

Karachi, December 5, 1956.

High Commission of India
Karachi

D.O.NO.HC/56/S-1919 December 5, 1956

My dear M.J.,

Please refer to the correspondence resting with my letter No. HC/56/S-1822 dated November 24, 1956 on the subject of the talks which H.S Suhrawardy had with Chou En-lai and the Chinese authorities during the visit of the Pakistan Prime Minister to China last month. I met the Soviet Ambassador, Ivan F. Shpedko, yesterday and he gave me a fuller account of what transpired between the Pakistan and the Chinese teams. Here is a summary of what he said. This information was volunteered by him and it was not necessary for me to raise the subject with him.

2. Suhrawardy talked most about the Kashmir dispute between Pakistan and India and to some extent, about the American attitude in international relations. Speaking about India Suhrawardy told Chou En-lai that Pakistan’s adherence to SEATO and Baghdad Pact and entry into the American Military
Aid Agreement was not motivate by hostility either to China or to Soviet Union and, although he did not specifically name India, he made it quite clear that his country was pushed into these alliances by the hostile and intransigent attitude of India, especially in the Kashmir dispute. He then tried to draw a parallel between the Chinese feelings in regard to Kashmir (Taiwan?) and asked the Chinese leaders to mediate with India on behalf of Pakistan so as to persuade the Indian Government to hold a plebiscite in Kashmir. Chou En-lai pointed out that there was no parallel between Taiwan and Kashmir, that Taiwan belonged to China from time immemorial while Kashmir was a legacy of the British and further Kashmir had lawfully acceded to India and her people had in the Legislative Assembly confirmed that accession to India. Furthermore, Chou En-lai told Suhrawardy that China was not in need of Pakistan's support for the settlement of the Taiwan dispute, that there could be no question of mediation by China except at the instance of India and that, in any case, Pakistan was not in a position to offer any effective mediation for the settlement of the Taiwan question. As regards the Military Pacts, the Chinese leaders disputed the Pakistan's proposition that they were defensive pacts and that they were not directed against China or Soviet Union. All the information, they said, was to the contrary and that the sponsor of the pacts had left no doubt that the pacts were intended against the communist countries. When Suhrawardy met Mao Tse-tung, most of the talking was done by Suhrawardy who was defending the regional pacts and the American policy. The Soviet Ambassador told me that Mao Tse-tung was so angry that he did not wish to see him anymore, but that further meetings were arranged solely at the instance of Suhrawardy. No talks took place on the question of trade or cultural exchanges as Suhrawardy was talking all along about political matters and showed no interest or took no initiative in regard to other matters. The Chinese leaders decided that matters relating to trade and economic affairs should be pursued through normal diplomatic channels and that they should not become a subject of discussion with the Pakistan Prime Minister in the absence of any indication of such a desire on the part of the Pakistan. Prime Minister. Suhrawardy's defence of the American policy in relation to China carried no conviction. Suhrawardy was trying to point out that America wanted peace and that America had no animus against China or, her communist regime. The Chinese leaders were left with the impression that Suhrawardy was a stooge of the Western powers and that nothing could be expected from him in the direction of Asian-African cooperation against Western domination or Western colonialism. The Chinese leaders told Suhrawardy that they would forward a complete record of this discussion to the Indian Prime Minister for his information.

3. The Soviet Ambassador also told me that the Chinese Embassy here is having difficulties with the Pakistan Foreign Office over the detailed programme of Chou En-lai's visit to Pakistan. I was told that the entire programme was
crowded up with receptions and visits to industrial concerns leaving very little
time for discussion and that no provision had been made for broadcast by
Chou Ea-lai on Radio Pakistan or the issue of a communiqué at the end of the
visit. Pakistan Government wants Chou En-lai to visit Peshawar and the Khyber
Pass, but the Chinese are not in favour of it and are hoping to wriggle out of the
suggestion. They consider that part of the Frontier is in dispute between Pakistan
and Afghanistan and that it would not be right on their part to visit the disputed
territory. Moreover, they are not interested in just going to the Khyber Pass
and seeing the bare hills or the military Cantonments on the way.

4. This report supplements the information given in my previous letter dated
November 24, 1956.

Yours ever
SD/- C.C. Desai

Shri M.J. Desai, ICS.,
Commonwealth Secretary.
Ministry of External Affairs,
New Delhi.
(2) Secretary of State Dulles’s statement on the subcommittee of the Appropriations Committee of the House of Representatives, where he referred to annexation of Kashmir by India;

(3) Editorial in Bengali weekly journal called ‘MARKIN PARIKRAMA’ dated 16th March, 1957, published by the USIS at Dacca; and

(4) the serious concern felt by the Government of India at the threat to the security of India caused by the expansion of Pakistani armed forces during the last few years, particularly with its reorganization on the American model and re-equipment with considerable supplies of up-to-date military equipment supplied under the U.S. Military Aid Programme.

3. I enclose copies of notes* handed over to the U.S. Ambassador in connection with items (2), (3) and (4) above, for your personal information. No note was given in connection with item (1) but only the consequences of any attempt to take the matter to the Security Council, even for purpose of report, and the adverse Egyptian reactions were pointed out to the Ambassador.

With kindest regards

Yours sincerely

Sd/- (M.J. Desai)

Shri G.L. Mehta,
Ambassador of India.
Washington, DC.

NOTES HANDED OVER TO THE U.S AMBASSADOR

Note dated April 16, 1957.

The Ministry of External Affairs present their compliments to the Embassy of the United States of America and have the honour to invite reference to the text of a statement on Kashmir made by His Excellency the Secretary of State John Foster Dulles on Tuesday, January 29, 1957, before a hearing of the sub-committee of the Committee on Appropriations of the House of Representatives. A transcript of this statement was released to the press on April 7, 1957.

The Government of India are grieved and distressed by this statement which is not in conformity with the facts and coming as it does from the Secretary of State of the United States with whom we have close and friendly relations.

* Only Note relating to item (2) enclosed here.
The views of the Government of India on the issue of Jammu and Kashmir are well known. They have been repeatedly stated in the Security Council and placed before its Commission and the United Nations Representatives on various occasions ever since the Government of India brought their complaint of aggression by Pakistan over nine years ago.

Jammu & Kashmir is a constituent part of the Union of India and has been so since the date of the execution of the Instrument of Accession in accordance with lawful procedures on October 27, 1947.

All the relevant Resolutions of the UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN to which not only the Governments of India and Pakistan but also the United Nations are parties, are based upon the basis and unquestioned assumption that Pakistan has no rights whatsoever in Jammu and Kashmir. This is so ever in respect of a plebiscite which the Resolutions contemplate may be arranged, when and after the Commission has reported that all the preconditions as in the Resolution are satisfied. The status of Jammu & Kashmir as existing at the time was not altered and was not to be altered. The sovereignty of Jammu & Kashmir Government over the whole territory and the rights and obligations of the Union of India for external, defence and internal law and order are recognized and provided for in the Resolutions themselves. The Government of India agreed to the Resolutions on that basis and have at no time departed from this position which is unalterable.

The Government of India are therefore extremely surprised to find that the Secretary of State should have referred to the “annexation of Kashmir” by India. Virtual annexation of part of the territory of the Union of India in Jammu & Kashmir has taken place; but the annexation has been by the Government of Pakistan who have no locus standi in Kashmir except that of an aggressor. As was stated by the representative of the Government of India at the recent meetings of the Security Council on Kashmir, it is the Government of Pakistan who continue not only to occupy the territory of the Union of India but have recently by provisions in their Constitution treated these territories as annexed to Pakistan. The Government of India desire to point out that the reference to “annexations” in relation to India is not only uncalled for but untimely in view of the matter pending before the Security Council. It is both unjust and contrary to facts recognized by the United Nations Commission itself.

The Government of India regret this statement all the more as it comes from the United States of America, a friendly country and a permanent member of the Security Council.

This statement can is no way help in the solution of the situation which is the subject of India’s complaint before the Security Council. It is unwarranted and
contrary to all the facts and the evidence established by the UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN and is gravely prejudicial to the Government of India who are the party against whom aggression has been committed and whose territory is under Pakistan occupation.

The Ministry of External Affairs take this opportunity to renew to the Embassy of the United States of America the assurances of their highest esteem and consideration.

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0205. SECRET

Letter from the Intelligence Bureau forwarding a background Note on Pakistan Prime Minister Hussain Shaheed Suhrawardy. New Delhi, April 29, 1957.

Intelligence Bureau (Ministry of Home Affairs.)
Government of India

No. 8/PG/57 29th April, 1957

My dear Kannampilly,

Herewith a note on Mr. Suhrawardy. I regret, we have no definite information regarding the Income Tax incident. As far as I could gather there was no definite assessment or demand. You may be able to get a definite answer from the C. B. R. (Central Board of Revenue).

Yours sincerely

(BALBIR SINGH)

Shri K.M. Kannampilly, I.F.S.,
Deputy Secretary,
Ministry of External Affairs, New Delhi.

HUSSAIN SHAHEED SUHRAWARDY
PRIME MINISTER OF PAKISTAN.

Born at Midnapur in 1893. Got his B.Sc. Degree from St. Xavier’s College, Calcutta and M.A., B.C.L. Degree from Oxford. He was called to the Bar from Gray’s Inn.
Throughout his stay in Calcutta, Suhrawardy was associated with Labour Organizations, was Secretary of the Khilafat Committee and a Deputy Mayor of the Calcutta Corporation during the mayoralty of Mr. C.R. Das. Before he became a Minister he was a brief-less lawyer — acting mainly for goondas and smugglers among whom was the notorious Meena Peshawari. He came into lot of money through illicit business in collaboration with R.P. Saha. He was an elected member of the Bengal Legislative Council from 1921 to 1947—was for a long time Secretary of the Bengal Provincial Muslim League. He organized the Muslim League Election Campaign of 1945 after which East Bengal declared in favour of Pakistan. He served in the (undivided) Bengal Cabinet as a Minister and held the portfolios of Commerce, Labour, Finance, Public Health etc. In August, 1946 he became the Chief Minister of (undivided) Bengal. It was during this period that he engineered the mass killing of Hindus in Calcutta — he personally led the Muslim goondas and was responsible for the plotting and supervision of the plan. He put most of the 24 Police Station of Calcutta under the charge of Muslim station House Officers and was known to direct the operations personally from the Control Room. It is for this reason that the Hindus of East Bengal hate him and are not prepared ever to put their trust in him. These killings ended on the 14th of August, 1947. Suhrawardy took asylum in the Ashram of Gandhi Ji who protected him from those who, in revenge, might have otherwise tried to kill him. He remained in the Ashram for 6-7 months.

Suhrawardy crossed over to Dacca after the Partition and made efforts to become the Leader of the Muslim League Party of East Bengal. He failed (Jinnah let him down) and Khwaja Nazimuddin was elected as Leader. Suhrawardy returned to Calcutta. Here he was faced with the problem of the payment of a huge sum of money on account of income tax arrears (arrears of war-time assessments) which he had evaded for a long time. He made strenuous efforts to secure exemptions and even approached Pandit Nehru. Finding, however, that no exemptions were likely to be allowed, he finally migrated to Pakistan in March, 1948. His property is said to have been confiscated towards the payment of income tax dues. This, however, remains to be confirmed. He did not have any large properties.

Since the Muslim League refused to elect him as its Leader, Suhrawardy became a strong opponent of the League. Liaquat Ali Khan never trusted him. Mohd Ali Jinnah also had a very poor opinion of Suhrawardy’s integrity.

Being fed up with the arbitrary rule of Jinnah, Suhrawardy’s thoughts centered round the formation of an Independent State in East Bengal and with this in view he started securing support from the students and the leftist parties of East Bengal. In the middle of 1948, Suhrawardy paid a short visit to India on a goodwill mission, but on his return he was suspected of making attempts to re-
unite the West and East Bengals. He was also unseated from the Membership of the Constituent Assembly in 1948 on the ground that he had not taken up the nationality of Pakistan within the prescribed period. He again contested the elections for the same seat but was defeated by a candidate from a rival group.

In the beginning of 1950, Suhrawardy along with about 50 politicians of Pakistan expressed open dissatisfaction with the Pakistan Muslim League which they alleged had become camp followers of Government and announced their decision to form a new political party. Subsequently, a party under the name of Awami Muslim League was brought into existence with Suhrawardy as its President. Suhrawardy also asserted that Liaquat Ali Khan and his colleagues were after establishing dictatorship in Pakistan and charged the Centre for grossly neglecting East Pakistan. In the beginning of 1951, Suhrawardy became the chief organizer of the Jinnah Awami Muslim League. This new Organization was formed after the merger of the Awami Muslim League and the Jinnah Muslim League. In his capacity as Organizer of the new Party, Suhrawardy put up a charter of 60 demands which amongst other items included repeal of Public Safety Acts, release of all detenus and severance of Pakistan ties with the Commonwealth. (In October 1955, at the Annual Conference of the East Pakistan Awami Muslim League, the doors of the League were opened to non-Muslims - the name of the Organization was changed to Pakistan Awami League).

On the 16th of October, 1951, Liaquat Ali Khan was assassinated at Rawalpindi. Suhrawardy became bolder and by the end of 1952, he had undertaken a whirlwind tour in East Pakistan. He bitterly criticized the Government pointing out its failure to deliver the goods; at some meetings, apart from demanding dissolution of the Constituent Assembly, he also raised the language question advocating Urdu and Bengali as two State languages and favouring the principle of joint electorate. He also expressed his views in favour of Pakistan maintaining neutrally as alignment with any Power Bloc was dangerous.

In December, 1953, at the time of general elections in East Pakistan, Suhrawardy and Fazlul Haq joined hands and formed a United Front, amalgamating various political parties with the main object of defeating the Muslim League. In spite of repressive measures adopted by the Ruling Party with Nurul Amin as the Chief Minister, in an Assembly of 309 members, the united front captured as many as 223 seats.

Suhrawardy got very ill in the beginning of 1954 and had to leave for Zurich (Switzerland) in June 1954 for medical treatment. Although the Muslim League was routed from the East Bengal, its representatives continued to sit in the Constitution Assembly which was deliberating on the Basic Principles of the Constitution and later in framing the Constitution. Suhrawardy was elected to
the Constituent Assembly on Awami League ticket in 1954 and joined in the demand for the dissolution of the Constituent Assembly (the Muslim League members of which, especially from East Bengal did not represent East Bengal - those who sent them to the Constituent Assembly having been wiped out of the Provincial legislature). After the departure of Suhrawardy from Karachi for medical treatment, important developments took place in Pakistan. Those on whom the Governor-General (Ghulam Mohd) had been counting started conspiring against him. Muslim Leaguers with the connivance of Khwaja Nazimuddin, Fazlur Rahaman, Mohd Ali of Bogra and even Iskander Mirza, it is said, decided to reduce the G.G. to a non-entity. From his sick-bed at Zurich, Suhrawardy reiterated his demand for the dissolution of Constituent Assembly and through Ata-ur-Rahaman (a staunch Awami Leaguer and a supporter of Suhrawardy) who was sent to Zurich on a mission of persuasion from G.G., he proclaimed a State of Emergency and dissolved the Constituent Assembly. After recovering from his illness, Suhrawardy visited Paris and London and at both these places he bitterly denounced the corruption, nepotism and intrigue of the Muslim League Leaders. He returned to Karachi on the 12the of December, 1954 and within a week of his arrival was appointed as Law Minister in the Central Cabinet (20.12.1954). The Governor—General (Ghulam Mohd) in his eagerness to counteract the growing influence of the Muslim League Group in which were included Mohd. Ali of Bogra and Iskander Mirza wanted to install Suhrawardy as Prime Minister but found himself unable to do so owing to the stern opposition from the said Group. At the time of his appointment, Suhrawardy had made it clear that he did not represent any political Party in the Cabinet. This declaration (or unconditional acceptance of office in the Central Cabinet) cost him the confidence of East Bengali people - his relations with Fazlu Haq became very strained and ultimately he was expelled from the United Front Party along with Ata-ur-Rahman, Mujib-ur-Rahaman and others. When the Parliamentary Rule was restored in East Pakistan, Suhrawardy's Group was by-passed. In the meantime, the Governor-General (Ghulam Mohd) became very ill and proceeded on leave from which he never returned. Suhrawardy demanded Prime Ministership as the price for his support to the Muslim League and was out-witted by Fazlul Haq who agreed to back Chaudhri Mohammed Ali. The assumption of the Office of Prime Minister by Ch: Mohd Ali on 11.8.55 threw Suhrawardy out of office.

As Leader of the Opposition, Suhrawardy opposed both the ONE UNIT Plan and the Constitution which he had himself drafted as Law Minister. So long as Suhrawardy was in Office, he had supported the ONE UNIT Plan, calling it a boom for the people if it materialized. When, however, he lost all hopes of becoming the Prime Minister of Pakistan, he declared that his Party would oppose the bill. Finally, however, when the Bill was passed he stated that
since it was a measure that had passed through the Parliament, it should be
given a trial. Similarly, Suhrawardy, as Leader of the Opposition, stated that
the draft Constitution would not bring political stability to the country nor would
it help in bringing back the lost international prestige or establish democracy in
Pakistan.

On the Kashmir issue also, Suhrawardy who was originally of the view that
such disputes could be solved in an atmosphere of good will, later declared
that Kashmir should belong to Pakistan by rights. When Chaudhri Mohammed
Ali called the All Parties Conference on Kashmir in October, 1955, a sub
Committee was formed to take charge of the future policy on this question.
This Sub Committee was composed of Ch: Mohammed Ali, Suhrawardy and
Sheikh Din Mohad. Condemning the utterances of the Russian Leaders over
Kashmir, Suhrawardy stated at a big public meeting at Chittagong on the 9th
December, 1955 that the day was not far off when Kashmir would be an integral
part of Pakistan. Suhrawardy has all along identified himself with the
Revolutionary Group in Azad Kashmir and had promised to support general
elections or at least District Board Elections in the Area. Out of the two important
Leaders of Azad Kashmir viz: Chaudhri Ghulam Abbas and Sardar Mohd
Ibrahim, Suhrawardy has been favouring Sardar Mohd Ibrahim (while Ch.
Ghulam Abbas was a favourite of Ch: Mohd Ali). Suhrawardy has also been
backing the other mal-contents in Azad Kashmir who did not like the foisting of
a Pakistan-sponsored Government to rule Azad Kashmir. The Leaders of this
Group, such as Nur Hussin, ex-Minister, Abdul Khaliq, Advocate, etc. etc. have
continued to meet Suhrawardy. The present Government in Azad Kashmir
which was brought into being in September, 1956 has never been to the liking
of Suhrawardy and he at one time promised the Yatu Group that it would be
changed. Suhrawardy has quite a number of the discontented elements in
Azad Kashmir in close touch if not under his complete control. He is therefore,
in a position to stage some sort of a ‘show’ in Azad Kashmir whenever it may
become necessary for him to do so.

On 8th October, 1955, Suhrawardy suddenly left for Goa in a mysterious manner
without enlightening anybody about the object of his journey. Chaudhri
Mohammed Ali said Suhrawardy had not been sent to Goa by Government.
This was correct, but Ch: Mohammed Ali knew that he was going and had
actually asked him to submit a report to Government on his return. During his
stay in Goa, Suhrawardy attended some public meetings and assured the people
of Goa that Pakistan would extend all possible help to tide over the economic
crisis. Before leaving Goa on October 10, 1955, he declared that he did not
find any trace of colonialism and injustice in political, social or economic field
in Goa. It is said that, besides wine and women in plenty, he was paid Rs.
50,000/- in cash by the Portuguese Government.
In March, 1956, as a delegate to the Inter Parliamentary Union meeting, he toured eight European countries. His visit to Lisbon was reported to be to induce the Portuguese Government to raise the Goa issue in the U.N. Security Council and to create difficulties for India. His intention was reported to be to utilize Goa as a second front in India in the event of aggression in Kashmir.

Suhrawardy has been trying his best to strengthen the Awami League in West Pakistan but has not succeed. He disaffiliated the N.W.F.P. Branch of the League for its opposition to the ONE UNIT. Subsequently he expelled Mahmudul Haq Usmani, Secretary General of the Awami League in Karachi. Mahmudul Haq Usmani and his followers and supporters held a convention in Lahore (on 17th & 18th February 1957) and passed a vote of no-confidence against Suhrawardy. So far as East Bengal is concerned, the real Leader of the Awami League is Mullah (Moulanna) Bhashani. There are serious differences between the two at the same time, both are complimentary to each other i.e. whereas Bhashani is capable of controlling the masses, Suhrawardy has the ability to run the administration and control the Parliamentary work. Suhrawardy has also been financing the East Bengal Party.

As Leader of the Opposition, Suhrawardy was never able to make things difficult for Chaudhri Mohammed Ali owing to the meager strength of his own Party (13 in a House of 80). It was, however, the insistence of Muslim League on the removal of Gurmani from the Governorship of West Pakistan and the formation of the Republican Party at the instance and with the support of Iskander Mirza that forced Chaudhri Mohammed Ali to resign and since Iskander Mirza was unable to find anyone else from the Republican Party who would be suitable, he was obliged to call upon Suhrawardy to form a Cabinet. He was sworn in as Prime Minister of Pakistan on the 10th September, 1956.

Suhrawardy is the Prime Minister of Pakistan today not because he is the Leader of the strongest or the largest political party but because the other political parties such as the Muslim League, the Republican Party and the Nationalist Party have no Leader who may be acceptable to Iskander Mirza, the President, who is virtually a Military Dictator of Pakistan having secured the backing of the present Military Chiefs with whom he has old personal contacts since his tenure of the post of Defence Secretary since 1947. Suhrawardy has so far subordinated himself to the wishes of Iskander Mirza and so long as he continues to do so, there is nothing to prevent him from holding the post of Prime Minister. It is clear that although the Awami League (as a Political Party) has definitely confirmed that it is against receiving military aid from U.S.A. and joining any Power Bloc, particularly the Baghdad Pact and the SEATO, Suhrawardy has declared that the foreign policy of the Coalition Government of which he is the Head is to align Pakistan with the Western
Powers and to continue to be a member of these Pacts. It is unlikely that Mullah Bhashani will stage an open revolt. It is possible that the moment he does so, he will find himself behind the bars unless Bhashani is found to be of use, as least temporarily by Mirza Iskander.

In October, 1956, Suhrawardy toured China and his activities there included the inspection of the Units of Air Force and Army. He returned to Pakistan on 30.10.56. It was after his return from China that Pakistan voted against the inclusion of China into the U.N. Assembly. Commenting on this, the Charge D’ Affairs of the Chinese Embassy in Karachi remarked a pig was once taken to a pool of clean water and given a bath with the soap, etc. As soon as it came out, it again went into filth”. He added that China was not surprised on the conduct of Pakistan.

In early November, 1956, Suhrawardy attended a Conference of Baghdad Pact Powers where it was decided to support the Pact and not to scrap it. He, however, expressed his inability to attend the Colombo Powers Conference held in Delhi on 13th and 14th of November, 1956 under the pretext of pre-occupation with the Muslim countries - he declined to send to Delhi even some other Minister.

Suhrawardy’s brother, Hussain Shahid Suhrawardy (?) was appointed a Member of the Pakistan Public Service Commission immediately after the Partition and continued as such till 1954. Subsequently he was appointed Ambassador to Spain and is still serving as such. Begum Shaista Ikramullah, wife of Pakistan’s Ambassador at London who is also alternate Chairman of this year’s Pakistan Delegation to the UNO is closely related to Suhrawardy.

A short and stout man, Suhrawardy has always been fond of wine and women. Since his appointment as Prime Minister, he has given up drinking in public but the habit of dancing with pretty women continues and the later halves of all his social functions are generally reserved for dancing and merry-making. During the Karachi session of the Awami League Council meeting (6.2.1957), Suhrawardy stayed with Ranada Saha at Mirzapur. His name was linked with Badrunnisa, a woman member of the East Pakistan Provincial Assembly. She is reported to have spent a night with Suhrawardy. The scandal was openly discussed in political and journalistic circles. He is a widower and is known for his queer habits, sleeps generally in a room with two beds on one of the beds (when there is no mistress) are strewn his papers and files. He receives his intimate visitors in his bed room and often turns his back on them while talking; Changes quickly from intimacy to indifference and vice versa: most undependable.

An eloquent Speaker, an able debater, good at repartee and full of sarcasm,
Suhrwardy is quite a power to contend against both inside and outside the National Assembly. He is bold and always prepared to take risks—no body’s friend (except his own), but a formidable foe, clever and unscrupulous. It will now be difficult for Iskander Mirza to get rid of him. It cannot be said how long he will continue to be subservient to him. Much will depend upon the Muslim League—at present it is (inwardly) supporting Suhrwardy (at least not opposing him). The Muslim League Leadership sees that only Suhrwardy can oust Iskander Mirza from power or the position he now occupies although at one time Iskander Mirza did not hesitate to join the Muslim League, it is well known that he is bent upon finishing the Muslim League and Mullaism. If the Muslim League returns to power in the general elections (whenever they take place—‘March, 1957 has now been turned into ‘March, 1958’), the person to go will probably be Iskander Mirza and not Suhrwardy. If Iskander Mirza remains in power, Suhrwardy will continue as Prime Minister so long as he remains subservient or till Amjad Ali or some other minion of Mirza becomes “fully trained” to replace him. Nothing in Pakistan is predictable but it appears that Suhrwardy has come to stay for quite a considerable time—whether he is pro-British or pro-America, he is certainly pro-himself and pro-Iskander Mirza—and, what is more important, both U.K. and U.S.A. do not yet feel that he is ‘inconvenient’.

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0206.

Letter from the Chief Secretary, Government of West Bengal forwarding a Note on the activities of H. S. Suhrwardy before he left for Pakistan.

Calcutta, May 4, 1957.

Chief Secretary, West Bengal

D.O. No. 371-CRS

Calcutta, May 4, 1957

My dear Dutt,

Please refer to K.M. Kannampilly’s D.O.No. F.28 (26)/57-Pak—I dated April 4, 1957 regarding activities of Mr. H.S. Suhrwardy, Prime Minister of Pakistan, before he left India. I am enclosing a Note by the Deputy Inspector-General of Police, I.E., G.I.D., West Bengal.

As regards the immediate cause for Mr. Suhrwardy’a flight, I knew at the time
that a firm called Victor Engineering, of which Mr. R.P. Saha of East Pakistan
and Mr. Suhrwardy were partners, was assessed to a very heavy Income tax,
or rather Mr. Suhrwardy was assessed to a heavy Income tax for the income
from the Victor Engineering. The Income Tax Commissioner, Calcutta Region,
is not willing to divulge anything unless he gets an order from the Central
Board of Revenue. So, if you want any information, the Central Board of
Revenue should obtain the same from the Income Tax Commissioner.

Mr. Suhrwardy has on more than one occasion asked Dr Roy if there were
any warrants pending against him.

I am not very sure as to why the High Commissioner in Karachi wants this
Information and the Note may be suitably edited before it is sent to Karachi, if
at all you think it necessary to send the information required.

Yours sincerely
(S.N. Ray)

Shri S. Dutt, ICS.
Foreign Secretary to the Government of India,
Ministry of External Affairs,
New Delhi.

A note on the activities of H.S. Suhrwardy

Hasain Sahid Suhrwardy, M.A., B.L., Bar-at-Law, son of the late Sir Z.R.
Zahid Suhrwardy of 40, Theatre Road, Calcutta, and of Midnapore Town,
District Midnapore, West Bengal, immediately before and after the partition
until his migration to Pakistan.

Pre-Partition activities. A barrister by profession, a Muslim League stalwart
in pre-partition years, an ex-President of the Calcutta Khilafat Committee and
the Calcutta Dock Workers’ Union, he was the last Chief Minister of undivided
Bengal and the hero of the great Calcutta Killing of 1946.

His plan on acceptance of the Partition. With the acceptance of the partition
of Bengal in June, 1947, he planned to leave India and go over to Dacca as the
Chief Minister in East Pakistan and with this end in view he saw Jinnah at
Delhi early in July, 1947, and discussed matters with him.

On his return from Delhi, he started liquidating his affairs here. Sometime after
he was informed by Liaquat Ali Khan that Khaja Nazimuddin had been insisting
on an election for party leadership in Eastern Pakistan and that Jinnah had
agreed to this. An election was therefore held on the 5th August, 1947, at the
Hotel Biltmore, Calcutta. The result of the election, however, upset Suhrwardy’s
plan. Contrary to his expectations, the verdict went in favour of Nazimuddin and he was elected the party leader and the Chief Minister of Eastern Pakistan. Suhrawardy was nominated to the Pakistan Constituent Assembly.

**A new role — Decides to stay in India - Peace Mission**  
Suhrawardy then went to Karachi to attend the inauguration ceremony of Pakistan and had long talks with Jinnah. Jinnah told him then that it was better that he stayed on in India for by staying in India he could serve the interest of Pakistan better. This brought him back to Calcutta.

But Calcutta was then too hot a place for him. The atmosphere was hostile. The mob fury against him was very high and he felt insecure. Being an extremely clever man, he set out to play a deep game mainly for his own interest and in the interest of the Indian Muslims and also apparently for the purpose of helping Mr. Jinnah and Pakistan in their efforts for consolidating the Muslims in India against India’s interest. His own interest related to his attempt at escaping from litigations on account of his personal debts as also from threatened prosecution in connection with several cases involving his commitments in deals as the Chief Minister of Bengal. So he assumed the role of a devotee of Mahatma Gandhi who was then living in a riot-torn area (Beliaghata) in Calcutta on a mission for restoring peace and order. Taking shelter in Gandhiji’s camp he dedicated himself to a Peace Mission and went on showing an urge for organizing meetings and processions for establishing peace and goodwill among the Hindus and Muslims.

**His allegiance to India**  
More than once he declared himself an Indian national through Press and platform and issued a Press statement asking the Indian Muslims to get themselves prepared for joining the Congress. He emphasized that the political conflict between the Muslims and the Hindus had come to an end with the partition of the country and as such nothing stood in the way of the Indian Muslims joining the Congress.

**His activities as an Indian Muslim**  
At his instance a conference of the Muslims of the Indian Union was held in Calcutta on 9.11.47 when discussions were held regarding the future policy and programme of work for the Muslim League in India. In this meeting he proposed dissolution of the Muslim League in the Indian Union but this was not entertained by the delegates from Bombay, Madras, Malabar, etc. It was decided, however, that a select committee should be formed to go into the problems of the Indian Muslims and their views would be placed before the Muslim League Council to be held in Karachi shortly.

In December, 1947, he attended the meeting of the All India Muslim League Council at Karachi when he suggested the dissolution of the Muslim League both in Pakistan and India. The suggestion was resented to by the Pakistani leaders and Jinnah did not allow a discussion on this.
Income Tax dues and other financial liabilities— By then he managed to secure for himself a comparatively safe living in Calcutta no doubt, but the Income Tax authorities did not give up their chase. His income tax dues had accumulated since 1937. He did not pay any amount during these years. As he was in power all these years, he could get away without making any payment. The income tax authorities were now after him and they pressed for dues, but somehow he managed to keep the pursuing income tax authorities at bay for the time being.

Gandhiji’s death — Difficult days for Suhrawardy— But after the death of Gandhiji in January, 1948, Suhrawardy began feeling himself insecure again both politically and financially. His activities in India, his peace mission, etc., came up for severe criticism by the public and these were interpreted as a clever ruse to atone for his past misdeeds.

The Income Tax authorities also renewed their pressure on him. A number of persons whom Suhrawardy owed money and who were so long silent, filed money suits against him. To add to his misfortune Jinnah also died soon after and Liaquat Ali Khan, who was not well inclined towards Suhrawardy assumed all leadership of Pakistan. He then lost all protection in India. It was at the bidding of Jinnah that he stayed on in India. Now that both Gandhiji and Jinnah were dead, he thought of leaving India for good winding up all his business here.

But he could not do so all at once. All his eminence was lost. He therefore took up a new role to regain his former prominence through peace missions both in East and West Bengal and went on playing a double game until he considered the situation ripe for him to migrate permanently for Pakistan.

Again a new political ventures to revive his lost position both in India and Pakistan. He visited East Pakistan on several occasions in connection with the peace mission and addressed a few meetings. During his tours in East Bengal he asked the Muslim masses to live in peace and harmony with the Hindus in Pakistan, otherwise it would be impossible for them to be saved from economic collapse. He also pointed out that if the Muslims wanted the real good of Pakistan they must liquidate their separatist tendency and join hands with the Hindus.

He also kept himself interested in the affairs of Pakistan politics with an eye to build up his future career in Pakistan. He took a move to form a separate organization by taking in it the members of all the communities with the ulterior motive of dis-lodging Nazimuddin Ministry. In this venture leaders like Abdul Hamid Bhasani and others extended their help. He was also successful in creating a defection among the Muslim League members of East Pakistan. He appreciated the move of Mian Iftikheruddin (ex-President, West Punjab Muslim
League) to reorganize the Muslim League on a democratic basis. He was reported to have been watching the situation to take up the leadership of the movement conveniently. The activities of Suhrawardy particularly in carrying on communal harmony propaganda in East Pakistan was not taken in a good light by Khwaza Nazimuddin, the then Chief Minister of East Bengal.

It was then reported that Mian Iftikheruddin of West Punjab during his visit to East Bengal in 1948 had contacted Suhrawardy several times at his Calcutta residence for inducing him to go over to Pakistan and stay there permanently.

In June, 1948 while Suhrawardy was touring East Bengal in connection with the communal harmony propaganda he was served with an order of externment from East Bengal. Following this he concentrated his activities in studying the condition of the Muslims of West Bengal. He also drew up a programme to tour the different places in West Bengal in order to discuss the problems of the minorities, but he had to postpone his tour in view of the political developments in Hyderabad.

His attention was drawn by the Muslim Leaders in Calcutta regarding a news item published in the press alleging that the Muslims were collecting funds for Hyderabad. At the request of the Muslim leaders in Calcutta he issued a press statement in July, 1948, contradicting the allegation against the West Bengal Muslims regarding the intended fifth column activities and their participation in collecting funds for Hyderabad. During this time he was requested by the Hindu workers of the Santi Sena to issue statements decrying the excesses committed by the Razakars in Hyderabad but he avoided the issue. He was also asked by his co-workers of the peace mission to visit East Bengal defying the ban on him in view of the deteriorating communal situation there, but he expressed his unwillingness to proceed to East Bengal.

He also supported the move of the late Sarat Chandra Bose for the re-union of Bengal and he conferred with Bose on several occasions to discuss about the advisability of starting an agitation on this issue.

In November, 1948, he was reported to have contacted the Prime Minister of India and expressed his desire to join the Congress but he was not welcome.

In January, 1949, he was asked by the President of the Pakistan Constituent Assembly to swear the oath of allegiance to Pakistan. As he failed to take the oath as a citizen of Pakistan his membership of the Pakistan Constituent Assembly was cancelled. He wrote a letter from Calcutta to Z.H. Lari of Allahabad (U.P.) requesting the latter to inform him of his views regarding the difficulties of the Muslims joining the Congress and also his opinion as to what Congress should do to enable the Muslims to join the Congress freely. He also decided to send a Memorandum to the Prime Minister of India narrating the various grievances of the Muslims and the treatment of the minorities in India.
Migration to Pakistan - Secret information indicates that since the early part of 1949 he was thinking to shift his field of activities to West Pakistan with the ultimate object of settling there. This had a very interesting reference to the negotiations that were conducted by Mian Iftikheruddin for setting up a powerful opposition group against the ruling party of Pakistan. He left Calcutta for Karachi by plane on 5.3.49 to stay there permanently with his elder brother, a member of the Public Service Commission, Pakistan.

Before he left he announced that he was not leaving India permanently and that he was going to Lahore to defend the Nawab of Mamdot who was involved in a case of corruption. He actually defended the Nawab (the case which was started in 1948 ended in 1953).

Occasional visits to Calcutta to settle up his dues In the meantime he came to Calcutta many times on his way to and back from Dacca. He tried to settle up matters with some of his creditors specially the Birlas whom he owed a personal debt of Rs. 1,42,000/-. An understanding was reported to have been reached between them according to which Suhrawardy could settle up with the Birlas for Rs. 1 lakh payable in Pakistan by cancellation of a debt due from one of their friends. What actually happened subsequently was, however, not known. But the fact remains that the Birlas obtained a judgement from the Calcutta High Court against Suhrawardy for Rs. 42,000/- only.

Financial liabilities, == money suits,== decrees,== attachment of properties, etc- The Income Tax authorities and other creditors were also not silent. In April, 1949, one Phool Chand Bhagat, a decree holder, applied to the first Sub-Judge’s Court, Alipore, for the execution of two decrees passed by the Calcutta High Court against Suhrawardy for over Rs. 3 lakhs. This Phool Chand Bhagat was a Manager of Messrs, Arthur Butler & Co. (Muzaffarpur) Ltd. in 1948. Messrs. Jubilee Agents, Ltd., 22, Canning Street, Calcutta, were the Managing Agents of Messrs Arthur Butler & Co. Bhagat is now reported to be attached to Messrs. Ispahan! Ltd., 51, Ezra Street, Calcutta.

In his application Phool Chand prayed for attachment and sale of the factory, land, buildings, machinery and plants of Maxim Machine Manufacturing and Foundry Works, Sukhchar, 24-Parganas of which Suhrawardy was the owner. The Court passed orders for attachment and sale of these properties in execution of the High Court decrees.

Bhagat, it appeared, had to take this course for realization of his dues from Suhrawardy, at the instance of the Income Tax authorities, to whom Bhagat also owed a huge amount and whom he assured of payment if they could help him attach the properties of Suhrawardy. The Income Tax authorities, it is reported, had agreed to this.
The Central Bank of India, another creditor of Suhrawardy having come to know that Bhagat had enforced the decrees only to satisfy the Income Tax authorities, applied for a stay order from the Calcutta High Court which was granted by Justice S.N. Banarji on the 29th April, 1949.

At the instance of Suhrawardy, the Central Bank had opened a cash credit account to the extent of Rs. 2 lakhs for which Suhrawardy executed a promisory note and deposited the title deeds of the property owned by him at Sodepur, 24-Parganas (The Victory Engineering & Co.).

Earlier Suhrawardy had hypothecated the Maxim Machinery and Plants to Hindusthan Co-operative Insurance Co. Ltd., in connection with a cash loan of Rs.50,000/-. The Bank and the Insurance Co. preferred claims in the Original side of the High Court in 1948 and both the suits were decreed on 29th September, 1948. On the 30th September, 1948, the Hindustan Insurance Co. assigned its claim to the Central Bank.

The Bank suit was decreed on certain terms of settlement filed by the parties and Suhrawardy was allowed to make the payments accordingly.

On the 3rd December, the Bank came to know that the Sodepur property of Suhrawardy had been attached by the Certificate officer, Income Tax Department, for Income Tax dues. They were also informed that the property was going to be sold on the 29th April, 1949. The Bank therefore filed an objection and a rule was issued. The matter has not yet been finally settled between the Central Bank and the Income Tax Department.

Phool Chand Bhagat, it may be mentioned, was able to collect for Suhrawardy a sum of about Rs. 25 lakhs owing to him (Suhrawardy) and he managed to smuggle a portion of the money to Pakistan through Mrs. Akhtar Sulaiman, Suhrawardy’s daughter, who stayed behind till 1953 and through other sources. As a reward he was given Suhrawardy’s Buick car, the owner-ship of which was changed to his daughter, Mrs. Sulaiman, in 1948.

**What hastened his migration earlier than his scheduled plan.** It would, thus be seen that Suhrawardy got himself entangled in extreme financial liabilities from various corners and this was the main reason of his hurried migration to Pakistan in 1949 much ahead of his scheduled plan of migration after he had revitalized his position there. He would have certainly gone to Pakistan to rebuild his political career but he might have waited for some time more for better conditions for him there but extreme financial liabilities expedited his migration earlier.

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Letter from the Ministry of External Affairs to the High Commissioner CC Desai regarding information on H. S. Suhrawardy.

New Delhi, July 10, 1957.

D.O. No. 2538/HC/57 10, July, 1957

My dear High Commission,

Kindly refer to your D.O. No. HC/57/S-630, dated 1st April, 1957, regarding information on Suhrawardy for the period between the partition of India and his migration to Pakistan. I enclose herewith a note giving all the information that we have been able to collect from various sources.

Yours sincerely
(K.M. Kannampilly)

Shri C.C. Desai, ICS,
High Commission of India

(Edited version of the note which was sent to the High Commissioner)

NOTE ON H. S. SUHRAWARDY

On the partition of Bengal, Sugrawardy was confident of becoming the Chief Minister of East Bengal. But Liaqat Ali Khan informed him that on the insistence of Kwaja Nazimuddin. Jinnah had agreed to an election for the Muslim League party leadership in East Bagal. In the election held on 5th August, 1947, at the Hotel Biltmore, Calcutta, Nazimuddin was elected the party leader and Chief Minister of East Bagal. Suhrawardy was only nominated to the Pakistan Constituent Assembly.

2. He visited Karachi to attend the inauguration ceremony of Pakistan. It is believed that Jinnah then advised him to stay on in India and serve the interests of Pakistan thereby. Back in Calcutta he assumed the role of a devotee of Mahatma Gandhi and went on organizing meetings and processions for the avowed purpose of establishing peace and goodwill among the Hindus and Muslims. He declared himself more than once to be an Indian national, both through the press and from the platform, and issued a press statement asking the Indian Muslims to get themselves prepared for joining the Indian National Congress. By these activities he gradually overcame the fury of the non-Muslims
in Calcutta who, however, continued to blame him as the man chiefly responsible for the Calcutta massacre.

3. However, the income-tax authorities began to worry him. His income-tax dues had accumulated since 1937, but since he had been in power continuously till partition, he had managed to get away without making any payment. With the death of Mahatmaji in January 1948, Suhrawardy began to feel insecure both politically and financially. In addition to the income-tax authorities, a number of persons to whom he owed money and who had remained silent so long, filled suits against him for recovery. To add to his misfortunes, Jinnah also died and Liaqat Ali Khan, who had never been very favourably inclined towards Suhrawardy, assumed leadership in Pakistan.

4. Suhrawardy then started a series of peace missions in East and West Bengal. He took the first steps to form a separate organization in East Bengal with the ulterior motive of assuming power. In this venture he had the support of people like Bhashani. In June, 1943, while he was touring East Bengal, he was served with an order of internment from East Bengal. In January 1949, he was asked by the President of the Pakistan Constituent Assembly to swear the oath of allegiance to Pakistan. As he failed to take the oath as a citizen of Pakistan, his membership of the Pakistan Constituent Assembly was cancelled.

5. It would appear that since early 1949 he was thinking to shift his field of activities to West Pakistan. Apparently, he was carrying on some sort of negotiations with Mian Iftikarrudin for setting up an Opposition group against the ruling party in Pakistan. He left for Karachi by plane on 5th March, 1949, announcing that he was not leaving India, permanently but was only going to Lahore to defend the Nawab of Mamdot who was involved in a case for corruption.

6. Since then he visited Calcutta a number of times on his way to and back from Dacca. During these occasional visits he tried to settle with some of his creditors. With the Birlas whom he owed a personal debt of Rs.1,42,000, it was said that an understanding was reached, according to which Suhrawardy settled for Rs.1 lakh payable in Pakistan by cancellation of a debt due from one of Birla’s friends. Whatever happened subsequently, the fact is that the Birlas obtained a judgement from the Calcutta High Court against Suhrawardy for only Rs.42,000. He had got himself involved in money suits, decrees for attachment of properties etc., with one Phool Chand Bhagat, the Central Bank of India and the Hindustan Cooperative Insurance Co., Ltd. It is quite possible, therefore, that Suhrawardy’s decision to migrate to West Pakistan early in 1949 was partly because of his entanglement in financial difficulties, though he would have anyway certainly gone to Pakistan to rebuild his political career, for which he had been planning ever since partition.
Letter from High Commissioner CC Desai to Commonwealth Secretary M. J. Desai regarding hostile propaganda.

Karachi, July 12, 1957.

My dear M.J.,

The DAWN has done it again. You must have seen the Editorial in the DAWN dated July 8, 1957. A cutting is enclosed for ease of reference. It is an Editorial and not merely a news item or a letter to the Editor. The DAWN is the doyen of Pakistani journalism. It is a paper founded by no less a person than the late Mohammad Ali Jinnah, the Father of the Pakistani Nation. Its Editor is the great Altaf Hussain who fancies himself to be the co-creator of Pakistan. What a subject to write an editorial on Subversion of Pakistan, inhabited by seventy million of the faithfuls, the sixth largest country in the world - subversion of such a country through films, saris and mangoes, by that arch-intriguer C.C. Desai of Ceylonese fame. What do you think of a country which’s worried about the distribution of a few saris and a few baskets of mangoes? The editorial has become the laughing stock not only in the Diplomatic Corps in Karachi but even with the man in the street notwithstanding his hostility to India over both Kashmir and Canal Waters. You would remember that it was sometime in November 1955 that the same paper had come out with a similar editorial in which they had referred to my showing Indian films at my house in the following terms:-

“These idolatrous, cow-worshipping primitive Hindus, whose hands are stained with the blood of innocent Muslim women and children, are showing films of a mythological nature. So our Begums beware, do not go and see these films at their houses”.

2. I have known from the very beginning that they do not like our giving film shows although they like to see our films. They smell a rat in our having these films show at our houses or under our auspices. Actually the 35 mm. feature films are not being sent to us by Government; but they are being arranged by me personally through my own influence and on my own initiative. I am grateful to the producers and distributors in Bombay and Calcutta for cooperating with me and for sending me really first-class films which the hungry Pakistanis are so anxious to see. I have shown them such classical pictures as ‘Anarkali’, Nagin, Jagriti, Munimjee, Mirza Ghalib, Pathar Panchali, Kabuliwalla and Jhanak Jhanak Payal Baje and the people have been just mad to see them. I have shown them films in both high-flown Urdu and in Bengali. Bengali films never come to Karachi and it is only at the house of the Indian High Commissioner
that they can see a Bengali film. The guests who have seen Bengali films at my house have included H.S. Suhrawardy, Abul Mansoor Ahmad; Altaf Hussain—the Editor of DAWN himself; - Central Ministers; Bengali Members of Parliament; the Director of Intelligence Bureau, M.H. Khan; Inspector General of Police, Khondkar; diehard Chief Commissioner of Karachi, N.M. Khan; Bengali officers, high and low and their families and so on and so forth. In addition to seeing the film, they have also drinks and snacks. Not only have those films been seen at my house, but Central Ministers like Abul Mansoor Ahmad, who is today the Acting Prime Minister of the country and Dildar Ahmad have taken these films and arranged special shows at their own houses. Gurmani arranged a special show at Government House in Lahore of the Film “Jhanak Jhanak Payal Baje” and it was the common habit of the late Governor-General, Ghulam Mohammad, to send for the films and see them in the Government House in Karachi along with some friends and relatives of his. The most interesting part of it is that after writing the editorial in the DAWN Altaf Hussain himself came to the Film show and rang me up and asked if he could bring a few more guests of his! This is the character of the people who founded and who constitute the Islamic Republic of Pakistan.

3. It is said in the recent editorial that money for these purposes does not come from the pockets of Mr. C.C. Desai. While this is substantially true, it is not wholly true as some of these arrangements are made from our side with Government funds and Govt. assistance. It is, however, true that the bulk of it is from the funds provided by the Government of India but you know better than any-one else what the size of this fund is and how to say that we are spending lakhs of rupees in Pakistan over this kind of activity is so devoid of truth. But, of course, it is idle to expect truth, honesty, decency in the Islamic Republic of Pakistan whether from Government, from its leaders, from its Press and sometimes even from its people. (What a boon the Partition has been)! What would the world think of the stability of this country when it is afraid of subversion through saris and mangoes, through books and bananas! Sometime back you would remember that we were accused of importing 80 damsels for being served to the virtuous officers of this Islamic Republic! The same charge was repeated only a few days ago by one of the less-known papers published in Gujerati. These people do not realize that while they can expect their miserable people to believe that we may smuggle into Pakistan saris and mangoes, books and bananas, it is beyond the ingenuity of even the clever Bharati High Commissioner to import 80 pretty women without the visas being granted by their High Commissioner in India and without their entry being noticed by their Immigration authorities in Pakistan. But to them truth is of no concern and all that they like to do is just to throw mud at us. In this game of calumny and persecution, they, of course, are at their best. They pursue and catch hold
of five of our officers, two of them being of the status of First Secretaries, keep them handcuffed for seven hours and march them handcuffed in the streets of Lahore in order to get them examined for drunkenness. They publish photographs of our cars parked somewhere and tell the public that here is yet another case of a car of a Bharati officer being parked at an authorized place, thus creating a problem for the traffic authorities of Karachi.

4. Only three days ago there was a film show at my house intended exclusively for the Diplomatic Corps when I showed the film on Gautama Buddha and Ajanta Frescos. There were so many policemen outside the house that my guests, all foreigners, were asking me what the matter was and why such far-reaching police arrangements had to be made. The Police had probably got sense of the fact that there was going to be a film show at the house and they had gathered in full strength to ascertain who were coming and which Pakistanis were patronising the Indian film. So life goes on and, I suppose, will continue to go on, especially as we do not believe in reciprocity or paying them back in their own coin or speaking to them in the only language which they understand. Thus they know that they can treat us with impunity and do their worst. If only those who serve in Pakistan who can appreciate what they go through and what it all means, morally, mentally and even physically.

5. This editorial in the ‘DAWN’ is obviously inspired by Government. Similar editorials and writings have occurred in some of the papers showing pre-planning and official sponsorship. I enclose cuttings from the Nai Roshni (Urdu) and the Millat (Gujerati) in support of my statement which is based upon inside knowledge. I at least hope that we would get every cooperation from the Ministry in continuing our activities which have received wrongly and maliciously adverse notice in the Pakistani Press. I know that our mangoes would still be accepted by them and that our saris would still be worn by their Begums. Our films shows would still be patronized by them, our books would still be read by them and our Pans will still be accepted by them. I do not suggest that we get much quid pro quo but also we do not spend much on these cordialities, friendly approaches and gestures. It is in this light that I view the proposals that I make from time to time about cultural shows in Pakistan. Again, they attract large crowds despite official disfavour; and not only do they provide this cultural background for founding more enduring friendship between the two countries but that they are also very useful in many ways. Believe me when I say that I hang on to the hard-earned money of the Indian Tax-payer to the last paisa. If I spend any money here I do so only after making sure that I get adequate return in some form or other. I may not always be able to show you what return I get but I hope that you would trust my judgement when I say that I am not a man to spend a rupee for nothing in this country.
6. The great fund of faith in goodwill, friendship, common destiny with which I started over two years ago is running out and I am becoming increasingly conscious of the imperative necessity of ensuring the security of our country not through arms but through diplomacy, not through guns but through butter, not through millions of dollars but through handfuls of rupees.

With kindest regards,

Yours ever

Sd/- (C.C. Desai)

Shri M.J. Desai, I.C.S.,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

EDITORIAL IN THE DAWN JULY 8, 1957

A Matter of Shame

CLEVER are the means that are being adopted by the Bharati High Commission in this country to achieve New Delhi’s propaganda objectives. One of the various contact-making devices that is employed by them is their film shows. There are other Foreign Missions also that show films, but this Mission specializes in screening full length popular hits of the Bharati screen as against the documentaries and news shots shown by other Missions. To these shows, which have become disturbingly frequent, Pakistani young men and officials are invited in their hundreds. But this is not all. These films are also lent out to various societies. What is more, there are instances where senior officers of our Government have themselves requested these films from the Bharati High Commission to show them, at parties at their houses. Coupled with these is the regular flow of gifts, sometimes in the shape of saris and currently in the shape of Bharati mangoes, that flow to the houses of our Government servants and some other civilians. We pity the intelligence and sense of patriotism of those who go to the film shows of the Bharati High Commission and accept gifts from them.

There is no doubt that these activities of the Bharati High Commission and the willing acceptance of gifts and invitations by our people provide a cover for the Bharati authorities to keep in touch with their secret service agents in this country and also to collect information of various sorts. The lakhs that are being spent on such activities are not coming out of the pockets of Mr. C. C. Desai. It is the Bharati taxpayer’s money that is being spent in Pakistan. Is it
for the love of Pakistan, or the Pakistanis or the Pakistani Government that the Bharati Government is allowing this expenditure to be incurred here, while the economy of their own country is going to pieces? No country spends money in another country without seeking advantage for itself. If America is giving us aid and spending money in this country, it is in its own enlightened self-interest and not entirely for the love of Pakistan. Their aim is to help us in developing our economy so that we do not fall victim to the hostile ideology of Communism. Let us take the case of the Federal Capital. Why should the Karachi Administration allow the films to be shown to Pakistani citizens without proper censorship or payment of entertainment tax? If it is to be argued that within the premises of Bharati High Commission they have no authority over these Pakistanis and their premises who borrow Bharati films from that country’s High Commission and show them at their own places. Why are those films not confiscated for being wrongly in their possession as they enter the country without any import licence or without payment of duties? The same is true in the case of saris and mangoes which are dutiable items. Is it not the lawful duty of the Bharati High Commission to pay duty on all the commodities they import into Pakistan for distribution among Pakistanis. The time has come when the Government of Pakistan must take serious notice of what Mr. C.C. Desai is doing under their very nose. We in all seriousness suggest the immediate issuance of a directive to all Government servants not to borrow films and accept gifts of any sort from the Bharati High Commission a country which is openly hostile to Pakistan.
Note Verbale from the Pakistan High Commission in India to the Indian Ministry of External Affairs objecting to writing in the Shankar’s Weekly.

New Delhi, November 19, 1957.

Office Of the High Commissioner For Pakistan In India

No. 11337P. New Delhi, 19th November, 1957.

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs and has the honour to invite the attention of the Ministry to a weekly magazine called Shankar’s Weekly. In its issue of 28th July, 1957, it has published a pen–portrait and an editorial captioned “The Man of the Week,” at pages 1 and 2 respectively. This editorial contains objectionable remarks against Mr. Suhrawardy, the then Prime Minister of Pakistan. The following passages are particularly objectionable:

“Suhrawardy has neither beliefs nor convictions. He came from a class of Asians that was taught by Europe to sell all its traditions for the price of a job. He knows only that jobs should be kept. Because the uncertain politics of communalism provided the easiest chances for jobs in undivided India, Hussain Shaheed Suhrawardy became a politician.

Indians who have watched his crawl to supreme power in Pakistan would have been surprised if he acknowledged fact and reported truth to his benefactors in America. The unashamed lies he has been pouring into the long ears of the anti–Indian part of the American press are not at all surprising.”

The High Commission takes serious view of such malicious, anti–Pakistan writings by an Indian magazine and trusts that the Government of India will take effective steps against it. The action taken by the Government of India may kindly be intimated to this High Commission, if there is no objection.

The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs, Government of India, New Delhi.
Reply of Ministry of External Affairs

Ministry of External Affairs

No. 15 . 16-PAK-III/57 New Delhi, 24th July, 1958.

The Ministry of External Affairs present their compliments to the High Commission of Pakistan and with reference to its Note No. 11337P dated the 19th November, 1957, have the honour to state that the Ministry is unable to entertain this protest. The provocation for the article was provided by Mr. Shurawardy himself, and further the pen portrait is not particularly objectionable – Shankar’s Weekly often carries cartoons and caricatures of leading personalities of the world – and Indian journals were not alone in caricaturing Mr. Shurawardy at the time.

2. The excerpts quoted in High Commission’s note appeared at the time of Mr. Shurawardy’s visit to the U.S.A. During this visit Mr. Shurawardy in his capacity as the Prime Minister of Pakistan, which is a neighbouring country and is under agreement to promote friendly feelings with India, chose every means to vilify and malign India and her leaders. A few excerpts from Mr. Shurawardy’s speeches, as quoted by U.S. and Pakistani newspapers, are attached – Appendix I (not included here). This amounted to giving encouragement to Pakistani’s papers to step up even further their anti-Indian propaganda as becomes clear from the excerpts from the Pakistan Press at Appendix II (not included here). The High Commission will no doubt appreciate that such anti-Indian propaganda was bound to infuriates public opinion in India. It may be added that certain foreign papers also at the time wrote articles about Mr. Shurawardy. Parts of an article from “Washington Post” of July 10 are attached – Appendix III (not included here). It cannot, therefore, be said that the Indian press alone was caricaturing Mr. Shurawardy’s activities in the United States.

The Ministry of External Affairs avail themselves of this opportunity to renew to the High Commission of Pakistan the assurances of their highest consideration.

The High Commission of Pakistan in India, New Delhi.
0210. Letter from the Ministry of External Affairs to the Pakistan Ministry of Foreign Affairs and Commonwealth Relations regarding exchange of armed personnel crossing the ceasefire line inadvertently.

Ministry of External Affairs
New Delhi
IMMEDIATE

No. F.5(28)-PIII/56 5th December, 1957

To
The Secretary to the Government of Pakistan,
Ministry of Foreign Affairs & Commonwealth Relations,
Karachi.

Subject: Exchange of armed personnel who cross the Cease Fire line and the adjoining border between Jammu & Kashmir State and West Pakistan Inadvertently.

Sir,

I am directed to refer to the correspondence resting with your letter No. I (I)9/51/54, dated the 19th October, 1956, on the subject mentioned above and to state that the Agreement relating to the return of armed personnel who cross the Cease-fire line and the adjoining border between Jammu & Kashmir state and West Pakistan inadvertently, expired on the 30th June 1957. It is suggested that this Agreement may be extended for a further period of one year ending 30th June 1958. If the Government of Pakistan agree to the Agreement’s being so extended, they may kindly issue necessary instructions to the authorities concerned in Pakistan and send a copy of these instructions to the Government of India so that similar instructions may be issued to the authorities concerned in India.

Yours Faithfully
Sd/-
(J.L. Malhautra)
0211. Note Verbale from the Indian High Commission in Pakistan to the Pakistan Ministry of Foreign Affairs regarding publication of malicious propaganda in the Pakistan media.

Karachi, January 5, 1958.

High Commission of India in Pakistan

No. F. 5(2)/57 – Genl. Karachi, the 5th January, 1958

The High Commission of India presents its compliments to the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, and with reference to the correspondence resting with the Ministry’s Note No. I (I). 14/48/’56 dated the 1st November, 1957 has the honour to state that the Government of India are greatly perturbed at the continuing refusal of the Government of Pakistan to entertain protests in respect of propaganda which clearly falls within the scope of Agreements between the two countries. This attitude on the part of the Government of Pakistan in clear contravention of explicit commitments which have been affirmed on several occasions since the Inter–Dominion Conference of 1948.

2. The agreement reached at the Inter–Dominion Conference of December, 1948 was the out–come of the realization that the “whole hearted co–operation of the press is essential for creating a better atmosphere”. It therefore laid down that every effort should be made to ensure that the press in each Dominion did not:

(a) Indulge in propaganda against the other Dominion.

(b) Publish exaggerated versions of news of a character likely to inflame, or cause fear or alarm to, the population or a section of the population in either Dominion.

(c) Publish material likely to be construed as advocating a declaration of war by one Dominion against the other Dominion or suggesting the inevitability of war between the two Dominions.

3. To implement the above decisions an Inter – Dominion Information Consultative Committee was set up. This Committee met a number of times and made certain recommendations which have been accepted by both Governments. The following extracts from the minutes of the second and sixth meetings of the Indo – Pakistan Information Consultative Committee will illustrate and emphasize the importance attached to the need for maintaining an objective attitude with regard to the discussion of issues in dispute between the two countries:
(i) It was agreed that broadcasts of the kind pointed out in so far as they are found on examination to reveal these trends will be avoided. At the same time it was pointed out that this would not be construed to prevent either organization from (a) giving publicity to the point of view of its Government on matters in dispute between the two Governments, for example, the Kashmir issue or any infringement of an Agreement, and (b) treating reliable news reports and statements of important persons on their news value, provided there was no “mud – slinging” and good taste and decorum were observed.

(Minutes of 1st Meeting held in New Delhi on the 1st and 2nd August, 1949).

(ii) The sixth meeting of the Committee held in Karachi on the 8th and 9th March, 1951 re – affirmed these principles and further elucidated their bearing on the discussions of disputed questions: -

(a) It took note of the following paragraph from the Resolution adopted by the Joint Press Committee in its meeting at Calcutta from 29th to 31st October, 1950: -

“The Joint Press Committee feels that even if some of the problems take time to resolve, comments in newspapers should be confined strictly to the merits of the problems or problems in dispute and it should in no case be made the basis of a general attack against the two Governments or a personal contumacious, or scurrilous, attack against the respected leaders of either country or the religion, culture and faith of the people of both countries”.

(b) Having cited the above paragraph the Committee went on to state that “it was necessary to reiterate the principles; in particular it was necessary to enjoin upon the Press that comments on problems in dispute between India and Pakistan should be discussed on their merits without introduction of matter arousing communal passion or attacking the territorial integrity of either country or advocating war or creating a war psychosis and should not be made the basis of contumacious, or scurrilous attacks against the religion, culture and faith of the people of either country or personal attacks against their respected leaders”.

4. In the note under reference the Pakistan Government have stated that matters in dispute between the two countries stand on a special footing as far as publicity is concerned and that, for this reason, protests made by this High
Commission with regard to false and malicious propaganda on disputed questions cannot be entertained. In support of this contention the Government of Pakistan have quoted the extract from the minutes of the Second meeting of the Inter-Dominion Information Consultative Committee which has been reproduced at para. 3(i) above. The High Commission has been instructed to point out once again that the decision embodied in this extract cannot be construed as permitting the use of violent and abusive language. The Consultative Committee drew a clear distinction between bonafide publicity of an objective character on the one hand and scurrilous propaganda on the other; publicity was permitted and scurrilous propaganda was prohibited. The Government of Pakistan now appear to be taking the view that no restraint or decorum need be observed and that all cannons of accuracy and propriety may be disregarded in cases where the subject matter is one on which there is a dispute between the two countries. This position is totally unacceptable to the Government of India.

5. The Government of Pakistan are fully aware that it was for the express purpose of imposing checks on unrestrained publicity with regard to controversial issues that the various agreements already cited were devised. Further elaboration of this point is unnecessary but it will be useful to invite attention to the Joint Communique issued to the Press on August 20, 1953 by the Prime Ministers of India and Pakistan. An extract from this Communique is reproduced below:

"The Prime Ministers deprecate any propaganda or attacks on one country by the other in the Press, by Radio, or by speeches and statements made by responsible men and women of either country. They trust, therefore, that all organs and responsible leaders of public opinion will direct themselves to this great task of promoting goodwill between the countries and thus help in solving all problems and disputes that might exist between them. The Prime Ministers attach the greatest importance to this friendly approach and to the avoidance of words and actions which promote discord between the two countries."

6. It will be seen from the above that the Government of Pakistan have accepted certain definite obligations with regard to the type of propaganda that should be permitted on controversial questions. In view of the repeated refusals of the Government of Pakistan even to entertain protests arising out of unrestrained propaganda on such issues the Government of India have no option but to conclude that the Government of Pakistan have now repudiated all the agreements entered into between the two countries on this question.

7. Apart from the above agreements, so far as the Kashmir question is concerned, the Security Council’s resolution of 17th January, 1948 enjoins upon
both Governments to take “all measures within their power (including public appeals to their people) calculated to improve the situation and to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation”. The attitude taken up by the Government of Pakistan in their note under reference not only violates the agreements between the two Governments referred to in paras 2 to 5 above but also the Security Council resolution referred to above. The Government of India particularly regret that Pakistan Government’s note under reference contends that the Government of Pakistan have no obligations either under the agreements between the two Governments or under the Security Council Resolution of 17th January, 1948.

8. The High Commission of India avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Commonwealth Relations the assurances of its highest consideration.

SEAL

The Ministry of Foreign Affairs & Commonwealth Relations,
Government of Pakistan,
Karachi.

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0212. TOP SECRET/ PERSONAL

Letter from the Minister of Rehabilitation Mehr Chand Khanna to Prime Minister Jawaharlal Nehru regarding his meeting with Iskander Mirza.


My dear Panditji,

I had a fairly long talk with Iskander Mirza last evening. He appeared to be disgusted with the state of affairs in Pakistan. He remarked that while he was being dubbed a dictator, most of the politicians in Pakistan were dishonest, corrupt and thoroughly unscrupulous. During the 13 months that Suhrawardy was in office, he had made 4-6 crores of rupees; not only that, he had also brought disgrace to the name of Pakistan by his speeches in America. To gain their support, he had gone to the extreme limit of humiliation.
2. Iskander Mirza is also greatly annoyed with Dr. Khan Sahib. He said that he (Khan Sahib) had lost his mental balance. Though physically he may be 62(?), mentally he was 102. It was at his request and entreaties that he had dismissed Suhrawardy. Dr. Khan Sahib had given him an assurance that he and his party would give full support to Chundigar and Muslim League. On return from his foreign tour, he found to his amazement that Dr. Khan Sahib had fallen at the feet of Suhrawardy and made an alliance with him. He was keen to be a Prime Minister himself. He (Iskander Mirza) thwarted him by inviting Firoz Khan Noon to form the Government. Dr. Khan Sahib was playing in the hands of men like Abid Ali who were out to exploit him for their own ends.

3. I then referred to the recent statement of Firoz Khan Noon regarding throwing Indian nationals into concentration camps. Iskander was very emphatic. He said that Firoz Khan Noon did not have much intelligence; like a certain sect ..., he spoke first and thought afterwards. On Firoz Khan Noon’s return to Karachi from Dacca, he (Iskander Mirza) spoke to him in the matter and told him that it was a most foolish statement devoid of all international obligations. Firoz Khan Noon had assured him that he would be more cautious in future but he (Iskander Mirza) could not depend much on his utterances. His main difficulty, he said, was the lack of seasoned statesmen and leaders of repute.

At this stage, Begum Iskander Mirza came in. Her first words to me were that something must be done to bring about happy relations between India and Pakistan. If it were not done during our lifetime, things could never be straightened out in the time of our children. They would have no common ties and it would be a sad day both for India and Pakistan. I told her that we were at all times ready to help Pakistan but there were certain fundamental and basic issues involved. Her husband was in a strong position in Pakistan today and the best thing for him would be to go to Delhi to meet our Prime Minister and discuss matters. If they wanted, I would be glad to speak to you in this connection. Iskander said that he would think over the matter and write to me. I told him that if need be, I could come to Karachi at any time he wanted.

I than mentioned the case of our officer, Batra, who has been missing from Karachi all these days. He did not know anything about it but promised to have necessary enquiries made.

4. My general impression of my talk with Iskander Mirza is that due to political instability he is very unhappy. There is an undercurrent of
dissatisfaction in Pakistan. The Sindhis and Pathans make no secret of their intentions to undo the One Unit. On the other hand, the Punjabis look with great disfavour on such a move. The whole political situation in Pakistan appears to be confused.

With kind regards,

Yours sincerely

(MEH CHAND KHANNA)

Pandit Jawaharlal Nehru,
Prime Minister of India,
New Delhi.

0213. Letter from the Pakistan Ministry of Foreign Affairs and Commonwealth Relations to the Ministry of External Affairs regarding exchange of armed personnel inadvertently crossing the cease-fire line.

Ministry of Foreign Affairs and Commonwealth Relations
Karachi


From: S.A. Nabi, Esq., Under Secretary to the Government of Pakistan.

To : The Secretary to the Govt. of India, Ministry of External Affairs, New Delhi.

Subject: Exchange of Armed Personnel of Pakistan and India Who cross the cease-fire-line inadvertently.

Sir, I am directed to refer to your letter No. 5.No(47).F.5 (28). P. III/56, dated the 5th December, 1957, and to say that the Government of Pakistan have no objection to the extension of the agreement from 1st July, 1957 to 30th June, 1958, provided the Government of India agree to the following conditions:–

(a) Agreement may also be made regarding disposal of those Armed Forces/Police Personnel, who, whether in uniform or not, cross the Cease-Fire-Line and Jammu and Kashmir Border intentionally and do not want to be repatriated to their own country. They may be allowed to exercise their choice. The statements of such personnel are to be recorded by
the U.N. authorities on both side and the individuals dealt with at the discretion of the respective country.

(b) The immediate repatriation of those prisoners, civil and military in uniform or without, whose crossing of the Cease-Fire-Line or Jammu and Kashmir Border, is established to be ‘inadvertent’ or ‘by force’. In such cases, the verdict of the U.N. authorities will be accepted as correct and final. If according to the verdict of the U.N. authorities, such individuals were maltreated they should be given compensation to be determined by the U.N. officers.

(c) Individuals will be repatriated only with personal clothing and the rest of the articles will be confiscated by the respective Governments.

2. If the Government of India agree to the agreement being extended as proposed above, they may kindly issue comprehensive instruction to their authorities and send a copy thereof to the Government of Pakistan so that similar instruction may be issued to the authorities concerned in Pakistan.

3. As regards Sepoy Nanak Singh S/O. Munshi Singh of Jammu and Kashmir State, I am directed to state that he was handed over to the authorities of D.A.V. College Hindu Camp, Lahore, on 25th July, 1957. The Hindu Camp as you are no doubt aware, was under the control of the Deputy High Commission for India in Pakistan at Lahore.

4. The Government of Pakistan shall be grateful for an early reply I the matter.

Yours sincerely

(S.A. Nabi)
0214. Proposal for an Islamic Bloc

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A. TOP SECRET

Note from the Intelligence Bureau, Ministry of Home Affairs regarding rumblings of a Muslim Bloc of Iran, Pakistan, Turkey and Afghanistan.

New Delhi, April 22, 1958.

INTELLIGENCE BUREAU
(Ministry of Home Affairs)

Political alliances in West Asian Countries are very much in vogue. The formation of a Muslim (Non-Arabic) Bloc of Iran, Pakistan, Turkey and Afghanistan is now in the air. This idea is said to have been discussed in a private meeting between Iran and Pakistan during the Baghdad Pact Conference held at Ankara from the 27th to the 30th January 1958. Overtures to rope in Afghanistan have not evoked any favourable response from that country. The wooing of Afghanistan will, however, continue*.

The Pakistan Government are reported to have already sent the proposals to Iran and Turkey and are believed to be very keen for the formation of this non-Arab Bloc in the Middle East. The three countries are considering to adopt a common policy in the international and Middle East Affairs and settlement of disputes with other countries. The Iranian and Turkish delegates, it is learnt, are shortly visiting Karachi in this connection. The conference of Pakistan's Middle East envoys held at Karachi in the last week of March 1958 is also reported to have discussed the matter with a view to give it a practical shape.

The recent speech (April 2) of the new Pakistan Muslim League President Khan Abdul Qayyum Khan, in which he suggested a confederation of non-Arab Muslim States of Pakistan, Iran, Turkey and Afghanistan, may have been based on crumbs of information leaking out and Qayum wanting to be the first to give public expression to the same.

The Iranian Press also demanded a sympathetic consideration of this proposal "in order to stand against the daily increasing political difficulties now spreading in the Middle East". The leading Persian Daily Ittalt stated editorially in its issue of 11.2.1958 that Iran and Pakistan constituted one nation in view of their

* Even before this note, Pakistan Foreign Office denied a report attributable to Indonesian President Soekarno that "Pakistan along with Malaya, Sumatra, North Borneo and Southern Philippines" was attempting to form Muslim Bloc.
common religion, race, language, culture etc. The paper visualized the union of these two countries with such other adjoining States that may join them.

(BALBIR SINGH)
DEPUTY DIRECTOR
Ministry of External Affairs (Shri M. J. Desai)
DIB. U.O. No.16/WA/58(9) dated 22 April, 1958.

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B. SECRET

Subject: Supplimentary Note from Intelligence Bureau on Muslim Bloc. Rumblings of a Muslim Bloc of Iran, Pakistan, Turkey and Afghanistan.

This is in continuation of our U.O. No. 16/WA/58-(9) dated 22.4.58.

Recent happenings in West Asia and particularly Nasser’s growing popularity have accentuated the apprehension in the minds of the Non-Arab member-countries of the Baghdad Pact, that the Pact may not survive the impact of growing Arab Nationalism in West Asia.

2. Turkey is understood to be in favour of having a federation with Iran, Pakistan and Israel as a counterblast to Arab Nationalism. Turkey feels that Iran and Pakistan should have no moral or religious scruples in aligning themselves with Israel. To win over Iran to her viewpoint, Turkey is taking advantage of the friction between Iran and Arab States over the Persian Gulf Sheikdom of Bahrain.

3. The recent “softening” of Iran’s attitude towards Israel is taken to be a pointer of Iran’s willingness to join such a bloc. During the “Nauroz” holidays, some Iranian journalists (Editors of Post-e-Tehran, Dad and Tolco) were permitted to visit Israel and on their return wrote articles in their papers advocating friendly relations between Israel and Iran. Two out of the three visiting journalists are members of the Iranian Parliament. Moreover, the authorities permitted many Iranian Jews to participate in the celebrations of the Israeli Independence Day in Jerusalem. The Iranian authorities however have a scheme of their own. This scheme is based on the federation of Persian-speaking people, i.e. Iran, and Afghanistan and Pakistan under the leadership of Iran. There is a lurking hope in the minds of Iranian authorities that ultimately the Persian-speaking nations may win over the Persian speaking People in Russia as well. The pro-Government papers in Iran have hailed these proposals. Some of the papers suggested that initially Iran, Afghanistan and Pakistan
should form a cultural federation which should then be extended to cover economic and political fields also. There is a general feeling of suspicion against the Arabs in Iran and Turkey also does not inspire real confidence.

4. Pakistan, has not reacted favourably to Turkey’s proposal. She believes that a federation with Israel would antagonize Muslim feeling in West Asia. She has plans of setting up a loose Islamic Federation of the non-Arab Muslim States of Baghdad Pact, i.e. Iran, Pakistan, and Turkey. According to Pakistan, such a Federation would have the initial advantage that it would maintain the same defence schemes which are already in existence for the Baghdad Pact. Pakistan does not want the actual participation of Western Powers in this Federation but would certainly seek their support. She is also not in favour of exhibiting open hostility towards the United Arab Republic. Iranian circles disclaim any official knowledge about these proposals but nevertheless maintain that Pakistan’s proposals are perhaps more acceptable than those of Turkey.

5. It is understood that nothing concerts will come out of these diverse proposals of Turkey, Iran and Pakistan before the next meeting of the Baghdad Pact countries which takes place in London in June, 1958. If this meeting weather’s the storm and Iraq continues to stick to the Baghdad Pact, the idea of ushering in other Federations may for the time being be dropped.

(BALBIR SINGH)
Deputy Director.

M.E.A.(Shri M.J. Desai)
D.I.B.u.o. No. 16/WA/58-(9) dated the 19 MAY 1958.
C. **SECRET**

Telegram from Indian Ambassador in Tehran to the Foreign Secretary regarding proposed union of Iran with Pakistan.

May 5, 1958.

From: Indembassy, Tehran.

To: Foreign, New Delhi.

Rptd— Hicomind, Karachi.

**IMMEDIATE**

No. 19 May 5, 1958.

**Foreign Secretary from TYABJI**

U.S. Ambassador CHAPIN said last night Shahinshah very set on union with Pakistan telling retired American Military Chief here that he wanted “real union” and that during whole day Shahinshah would spend in Karachi on 12th en route. Formosa matter would no doubt be pursued further with Pakistan President. CHAPIN obviously wanted to elicit India’s reactions. My comments very guarded but pointed out obvious impediments Shia/Sunni, Parliamentary/Monarchy and temperamental and ideological differences; that though ISKANDER MIRZA Shia himself and ambitious to introduce presidential or rather dictatorial Government in Pakistan doubtful whether Pakistani People would stomach it. Also pointed out danger to Iran of complete cleavage from and open hostility to Arab propaganda specifically directed towards them and that scheme unlikely to make much progress unless U.S.A. gave full support. CHAPIN personally discounted this adding that neither Turks nor British were too happy about it but Shahinshah was extremely eager in view of Arab Union and also Soviet pressure. Suggest take early opportunity before Shahinshah- EISENHOWER meeting to represent our views to State Department and observe carefully developments in Karachi.

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D. Statement of Indonesian President Sukarno on the move to form an Islamic Bloc as reported by the Dawn of Karchi.

Jakarta, August 9, 1958.

Indonesian President Ahmed Soekarno said in a speech at Semarang, central Java, last night that attempts were being made by "certain elements" to form a new Islamic bloc "on the side of one of the two world Power blocs.

The territories involved, Dr Soekarno said, were Pakistan, Malaya, Sumatra, North Borneo and "Southern Philippines". Dr Soekarno said he had been warned of this move long ago but the idea had been revived after governments of this Power bloc saw their hopes for the Arab countries taking their side fade in views of the stand taken by Egypt and Syria.

Dr Soekarno said: "We must bring to an end our national revolution as soon as possible and take our place in the atomic age where things move very fast."

"We must end the Central Sumatra rebellion as soon as we can for we are racing against events."

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E. Statement of Pakistan Prime Minister Malik Firoz Khan Noon on the Muslim Powers Confederation and on relations with India.

Karachi August 21, 1958.

The Pakistan Prime Minister, Mr. Feroze Khan Noon, said in Karachi that he was ready to accept any kind of confederation among Pakistan, Iran and Afghanistan. He added: "Pakistan will welcome any proposal for abolition of frontiers with Iran and Afghanistan or removal of visa system among these countries so as to have a joint defence and foreign policy with these countries."

All outstanding disputes with India, he hoped, would be ultimately resolved by peaceful means.

Mr. Noon said he was going to Delhi next month to discuss the border issues and was hopeful of an amicable settlement being arrived at.

* A Pakistan Foreign Office spokesman on April 10 categorically denied the statement attributed to the Indonesian President, Dr Soekarna that Pakistan was trying to form a new Muslim bloc "on the side of one of the two world power blocs".
Other disputes—canal waters and Kashmir—he said would have to be resolved peacefully.

Mr. Noon said there had been some discussion of canal waters dispute in London recently and further talks would be held in the near future.

The Prime Minister said that ten members of the Security Council had agreed with Pakistan’s views on Kashmir and only the Russian veto had stalled any solution of the problem. He hoped that a peaceful solution would be found for the problem.

Mr. Noon however added that no Government of Pakistan would accept the view that Pakistan was complete without Kashmir.

Mr. Noon said he wanted to maintain the best and friendliest of relations with India.

He deprecated speeches and statements by certain political leaders in the country propagating war with India. “No problem can be solved by war”, he said.

Pakistan, Mr. Noon said, had no intention of going to war against any country but was strong enough to defend herself and meet all eventualities.

Defending Pakistan’s foreign policy. Mr. Noon said the present Government was following the same policy the previous Governments had followed during the past few years.

Mr. Noon said such of the leaders who talked of war and changing foreign policy were doing so to earn applause from the gullible public.

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F.

SECRET

Telegram from Ministry of External Affairs to the Indian Ambassador in Belgrade regarding proposal for the formation of Pakistan, Iran, Afghanistan Bloc.

New Delhi, October 7, 1958.

From : Foreign, New Delhi.
To : Indembassy, Belgrade.
No. 76357 October 7, 1958.

Ambassador from (Samar) Sen

Your telegram 98 of October 4. Our information is that soon after the Iraqi coup there was some move to combine Pakistan, Afghanistan and Iran. However, nothing came out of it although some attempts might still be going on. The Afghan Prime Minister is on record as saying “I know nothing about the Federation and we do not even consider it”.

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0215. Gwadur Gifted to Pakistan

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A. Statement by the Pakistan Prime Minister in the National Assembly regarding Gwadur becoming part of Pakistan.

Karachi, September 8, 1958

[The Prime Minister, Malik Firez Khan Noon, made the following statement in the National Assembly on Gwadur]

The Government of Pakistan have just now issued a communiqué stating that the administration of the Part of Gwadur and its hinterland, which had been in the possession of His Highness The Sultan of Muscat and Oman since 1784 was today taken over by Pakistan with full sovereign rights. The people of Gwadur have joined the people of Pakistan and the whole of Gwadur now forms part of the Islamic Republic of Pakistan. I know that people all over Pakistan including those residing in Gwadur have received this announcement
with feelings of great joy. I welcome the residents of Gwadur into the Republic of Pakistan and I would like to assure that they will enjoy equal rights and privileges along with other Pakistan nationals, irrespective of considerations of religion, casts or creed. They will have their full of share in the glory and prosperity of the Republic to which they now belong. The residents of Gwadur, most of whom are members of the brave Baluch community have close racial and cultural links with the people of Pakistan, and joining the Republic of Pakistan represents the natural culmination of their political aspiration.

I should like to take this opportunity to thank on behalf of the people and the Government of Pakistan Her Majesty's Government in the United Kingdom for their assistance and help in bringing to a successful conclusion our negotiations with His Highness the Sultan of Muscat and Oman for the transfer of his rights in Gwadur. The negotiations were pursued with great vigour during the last six months and at every stage we received valuable advice from Her Majesty's Government in the United Kingdom. I should like to congratulate and thank His Highness the Sultan of Muscat and Oman on his wise and statesmanlike decision which has endeared him to the people of Pakistan.

The success of these negotiations and the return of Gwadur to Pakistan should help to illustrate that international disputes can be resolved in a peaceful and satisfactory manner provided that the parties to a dispute are prepared to approach the problem in a spirit of fairness and justice without allowing their emotions or prejudices to get the better of their judgment. I have been advocating this course during the last six months and I am happy that the present Government has been able to establish the validity and effectiveness of this policy in a convincing manner. Gwadur is the first fruit of this policy of good will and cooperation. I fervently hope and pray that it would be possible for us to resolve our other international disputes in an equally peaceful and reasonable manner. Pakistan Zindabad."
B. Aide Memoire of the Government of India to the Pakistan Government requesting continuance of facilities to the Indians living in Gwadur.

New Delhi, December 3, 1958.

Indian nationals, including their dependents, resident in Gwadur at present number about 275. They are mostly engaged in business and hold considerable assets. It has been a matter of satisfaction to the Government of India that the Government of Pakistan have assured the Indian residents of Gwadur that their interest would be fully safeguarded. In this connection, the Government of India wish to bring to the notice of the Government of Pakistan the following matters for their consideration:-

(i) Indian resident in Gwardur had enjoyed, under the rule of the Sultan of Muscat & Oman, certain visa facilities which ensured that they could reside in Gwadur indefinitely. They were also provided with “no objection to return” certificates whenever they went on a visit to India or to some other country. During discussions between the Deputy High Commissioner for India and Agha Abdul Hamid, an assurance was given that non-Pakistan residents of Gwardur could remain there as long as they wished, provided they got the proper visas. As regards the Indian residents, Agha Abdul Hamid stated that they would be given some kind of permanent visas to remain in Gwadur if they so wished, and that the matter was under examination of the Government of Pakistan.

The Government of India would suggest that Indian residents in Gwadur may be granted, at least for 10 years, the same visa facilities as were given to them by the Sultan of Muscat & Oman prior to cession of Gwardur to Pakistan i.e. visas valid for indefinite stay, with facilities for “no objection to return” certificate whenever they leave to visit India or some other country. Indian nationals at present at Gwardur have, for all practical purposes, been permanently domiciled there, and it would be only equitable if they could look forward to the same facilities for the next 10 years at least, if they wished to stay on.

(ii) Mr. Arshad Hussain, Acting Foreign Secretary of Pakistan, had stated to the Acting High Commissioner for India that Indian merchants need not fear that their property would be treated as evacuee property. He had further said that those who wanted to leave Gwardur would have complete freedom to do so and to transfer their assets to any other country, and that they would have the same rights as they enjoyed under the Muscat regime in regard to transfer of property. It is requested that this may be confirmed.
(iii) Some of the Indian nationals at Gwadur, in the changed conditions, may wish to leave the place. Government of India would suggest that such persons should be granted facilities to export all their household goods and personal effects and jewellery, etc., without restriction. They should also be granted facilities of foreign exchange to take out the money held by them in cash, and also the sale-proceeds of their properties and goods in Gwadur.

(iv) Before the 8th September, 1958, the date of cession of Gwadur, Indian traders in Gwadur had entered into certain firm commitments with regard to import of goods into Gwadur. They might have already received the goods for which payment had not been made or for which letters of credit had been established. Government of India would suggest that they may be provided with necessary foreign exchange facilities to meet those commitments.

(v) The protection of places of worship belonging to Hindus may be ensured, and no illegal occupation of these premises should be permitted. It would, of course, be for members of the Gwadur Hindu Panchayat to provide funds for the maintenance of these places of worship.

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C. Aide Memoire from the High Commission of India in Karachi to the Pakistan Ministry of Foreign Affairs regarding facilities for Indians in Gwadur.


High Commission of India
Karachi-5

AIDE MEMOIRE

On the 4th December, 1958, the Deputy High Commissioner of India at Karachi saw Mr. M.S.A. Baig, Foreign Secretary, in connection with the provision of facilities and safeguards to Indian nationals residing in Gwadur consequent upon the cession of that territory to Pakistan and left with him an Aide Memoire on the subject. While conveying the satisfaction of the Government of India at the assurances given by the Government of Pakistan that the interests of Indian residents of Gwadur would be fully safeguarded, the Aide Memoire drew attention of the Government of Pakistan to the following points for their
consideration:

i) In accordance with the facilities enjoyed by Indian nationals under be rule of the Sultan of Muscat & Oman whereby they could reside in Gwadur indefinitely and were provided with "no objection to return" certificate for purposes of visits outside Gwadur, the Government of Pakistan were requested that Indian residents of Gwadur may be granted, at least for 10 years, the same visa facilities as were given to them by the Sultan of Oman & Muscat.

ii) Pursuant to the assurance given by Mr. Arshad Hussain, Acting Foreign Secretary to the Acting High Commissioner of India that Indian nationals need not fear, that their properties would be treated as evacuee property and that those who wanted to leave Pakistan would have complete freedom to do so and to transfer their assets to any other country, the Government of Pakistan were requested to confirm these assurances.

iii) Since in the changed conditions, some of the Indian nationals may wish to leave Gwadur the Government of Pakistan were requested that such persons may be granted (a) facilities to export their household goods and personal effects, jewellery etc., without restrictions; and (b) necessary foreign exchange facilities to take out the money held by them in cash and also the sale proceeds of their properties and goods in Gwadur.

iv) In those case where before the cession of Gwadur to Pakistan, Indian nationals had entered into certain firm commitments with regard to the import of goods for which payments had not been made or for which letters of credit had been established, the Government of Pakistan were requested to provide them with necessary foreign exchange facilities to meet those commitments.

v) With regard to the protection of places of worship of Hindus, the Government of Pakistan were requested to ensure that no illegal occupation of these premises will be permitted.

During the course of the talk, the Foreign Secretary promised to look into the matter and assured the Deputy High Commissioner that the Government of Pakistan's reply to the points raised in the Aide Memoire would be sent to the High Commission as soon as possible. Although two months have since elapsed, the High Commission is still awaiting a reply.

3. The Government of India have since received representations from the Indian community residing in Gwadur that their trade stocks have been sealed by the local authorities resulting in almost a complete standstill in their normal life.
4. The High Commission, in this connection, would wish to recall the numerous assurances by the Pakistani authorities from time to time. In addition to the statement of the former Prime Minister, Malik Feroz Khan Noon, that non-Pakistanis could continue their trade and professions, the Acting Foreign Secretary, Mr. Arshad Hussain had assured the High Commissioner that the Indian merchants need not fear that their property would be treated as evacuee property, that those Indian who wanted to leave Gwardur would have complete freedom to do so and that they would have the same rights as they enjoyed under the Muscat regime in regard to transfer of property. The current reports received from the Indian merchants are, however, contrary to the assurances held out by the authorities in Pakistan as it is understood that after merger of Gwadur with Pakistan, the Indian nationals are now unable either to transact any business due to sealing of their stocks or to dispose of any property.

5. The High Commission would be grateful if the Government of Pakistan would issue urgent instructions to the authorities in Gwadur to permit Indian nationals to transact normal business to provide necessary facilities for transfer of assets to any other country of such Indian nationals as would wish to migrate and to extent necessary foreign exchange facilities to them to take out the money held by them in cash and also the sale proceeds of their goods and properties for the sale of which all restrictions should be removed. The High Commission would be grateful to be informed at an early date that necessary instructions in this behalf have been issued by the Government of Pakistan to the authorities concerned.


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AIDE MEMOIRE

The various issues raised in the AIDE MEMOIREs presented on 4th December 1958 and 7th February 1959 on the subject of Indian residents in Gwadur have been examined and the position in regard to the various points raised is as follows:

(i) The provisions of the Indo-Pakistan Passport-cum-Visa Scheme will apply to Indians in Gwadur. Those who desire to remain in Gwadur and carry on their business may apply for ‘E’ or ‘F’ visas under this Scheme.

(ii) It is confirmed that the properties of Indian nationals residing in Gwadur will not be treated as evacuee property, and those who want to leave Pakistan will have complete freedom to do so in accordance with the laws and rules in force from time to time. However, the transfer of assets by the Indian nationals to other countries will be subject to the normal foreign exchange regulations and custom restrictions.

(iii) (a) It is regretted that unrestricted facilities to export household goods, personal effects, and jewellery etc., cannot be granted. Exports of personal effects of whatever description of Indian nationals who desire to leave Gwadur permanently will be subject to the laws and regulations in force from time to time. The Government of Pakistan is, however, prepared to allow Indian residents desiring to leave Gwadur permanently the same baggage concessions which are granted to migrants from Pakistan to India.

(b) Repatriation of cash and of sale proceeds of properties and goods would also be subject to the Foreign Exchange Regulations in force at the time.

(iv) A separate communication in this regard will follow.

(v) The apprehension of the High Commission about places of worship is not understood, as the High Commission is well aware that the avowed policy of the Government of Pakistan has always been to preserve their sanctity.
2. The allegation made in para. 5 of the AIDE MBMOIRE, dated the 7th February 1959, has on enquiry, been found to be baseless as it is understood that no goods of Indian traders have been sealed at Gwadur. This was also confirmed to Mr. A.S.Chib in d.o. letter No. 1(111)-17/92/58, dated the 22nd/23rd July 1959.

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0216. Note Verbale from the High Commission of India to the Pakistan Ministry of Foreign Affairs and Commonwealth Relations.


Subject: Facilities to Indian nationals at Gwadur in the matter of repatriation of sale proceeds of their properties.

The High Commission of India in Pakistan presents its compliments to the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, and has the honour to refer to the D.O. letter No. HC/35/60, dated the 19th February, 1960, from the High Commissioner to the Foreign Secretary, forwarding a note setting out the problems facing Indian nationals in Gwadur.

2. In the Ministry’s Note No. I(III)-17/92/58-S.O. I(IV), dated the 21st March, 1960, it has been stated that there is no restriction on the sale by Indian nationals of their properties at Gwadur. The High commission would, while welcoming this decision, point out that it would confer no benefit on the Indian nationals in Gwadur unless they are also permitted to remit the sale proceeds out of the country.

3. As the Ministry is aware, the case of Indian nationals in Gwadur is on a different footing from other Indian nationals owing business in Pakistan. The normal facilities available under the exchange regulations of the Pakistan Government for the transfer of sale proceeds of properties are hardly applicable to them. It is, therefore, necessary that special provisions should be made in their case after taking into consideration the privileges enjoyed by them under the Sultanate, and the assurances given by the Ministry themselves on several occasions, as detailed in the note attached to the High Commissioner’s letter of the 19th February 1960, referred to above. The High Commission hopes that the Government of Pakistan would be agreeable to such a course.
4. It is also requested that early orders may be issued allowing the Indian nationals in Gwadur to remit money for the maintenance of their families in India.

5. The High Commission avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Commonwealth Relations the assurances of its highest consideration.

The Ministry of Foreign Affairs
And Commonwealth Relations,
Government of Pakistan,
Karachi.

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0217. Note of the Pakistan Ministry of Foreign Affairs and Commonwealth Relations informing the Foreign Missions about the President of Pakistan assuming Supreme Powers.

Karachi, October 8, 1958.

Ministry of Foreign Affairs & Commonwealth Relations
Karachi

October 8, 1958.

By a proclamation issued in Karachi on October 7, 1958, the President of the Islamic Republic of Pakistan has assumed supreme power after abrogating the Constitution of March 23, 1956. The Central Government, the Provincial Governments, the National Parliament and Provincial Assemblies stand dissolved. The new Government will function under the direct control of the President.

2. The President has declared that his Government will honour all international commitments which have been undertaken and desires friendly relations with all nations. The Government of Pakistan continues to accept the obligations contained in the Charter of the United Nations and declares itself able and willing to carry out these obligations.

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SECRET

Telegram of the Ministry of External Affairs to its Missions regarding the developments in Pakistan.

New Delhi, October 9, 1958.

IMMEDIATE

No. 30477-Circular October 9, 1958.

You must have seen the proclamation issued by the Pakistan President with its emphasis on taking the country to sanity by peaceful revolution to stop the damage caused by political adventurers and exploiters and to prevent further disillusionment and disappointment amongst the people of Pakistan who are becoming dangerously resentful of the manner in which they are exploited. The abrogation of the Constitution and the other measures taken by the President amount to establishment of a military dictatorship.

2. The President has expressed his intention to devise a new Constitution more suitable to the genius of the Muslim public in future and, when ready, submit it to referendum of the people at the appropriate time.

3. AYUB KHAN, Supreme Commander of the Pakistan Forces, has been appointed Chief Martial Law Administrator. An Advisory Council of Secretaries of various Ministries, with AZIZ AHMED as Secretary-General, has been established. AZIZ AHMED will also be Deputy Martial Law Administrator.

4. We are watching developments, but our provisional appreciation is:-
   (i) The President has taken over as he has found that the comparatively moderate elements under FIROZ KHAN NOON cannot run the Pakistan Government and the alternatives are SUHRAWARDY and QAYYUM both of whom are sworn enemies of the President
   (ii) AZIZ AHMED is bitterly anti-Indian and his appointment as Secretary-General and Deputy Martial Law Administrator does not augur well for Indo-Pakistan relations. President MIRZA and AYUB KHAN are, however, level-headed and practical and we do not think that the change in regime is directed against India.
   (iii) In the foreign policy declaration made in the proclamation the President has mentioned the desire of Pakistan to have friendly relations with all nations. A lot will depend on the extent to which the new regime is able to secure internal stability. If there are internal troubles, temptation to divert attention from internal affairs by some sort of an adventurous move against India cannot be ruled out.
(iv) Scanty reports available so far show that there has been no trouble in any part of Pakistan. The dispersal of effort, consequent on the Army taking over, should, at least for the next few weeks, rule out any adventure against India.

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0219. SECRET

Letter from the Indian Ambassador in Berne M. K. Vellodi to the Foreign Secretary Subimal Dutt regarding the appointment of new Foreign Secretary for Pakistan.

Berne, October 9, 1958.


Dear Dutt,

Ikramullah was here a few days ago and called on me while he was here. He told me that he would be leaving London for Karachi in the New Year to assume the office of Foreign Secretary. He also said that the present Foreign Secretary Baig would be coming to Berne as Ambassador.

I have known Ikramullah for years and have never been able to like him. During the two or three hours that he spent with me at the Embassy, he recounted the various efforts made by him during the partition days to ease the tension and induce among the leaders on both sides a desire for cooperation. He told me that, at a meeting presided over by Lord Mountbatten and attended by the Ruling Princes and others including himself, one of the Ruling Princes asked Lord Mountbatten what the future of Kashmir was. Apparently, according to Ikramullah, Lord Mountbatten turned to him and asked whether it had not been decided that Kashmir should go to Pakistan, and he replied that that was the understanding that he had after discussion with Mr. Jinnah. Ikramullah went on to say that, on many subsequent occasions, he had pointed out to our Prime Minister how completely wrong he was in the position that he had taken regarding Kashmir, and so on and so forth. In the old pre-partition days, I used to regard Ikramullah as a stooge of Zafrullah and Ramaswami Mudaliar. I do not think his appointment as Foreign Secretary is going to make your work easier. Equally, I am sorry that Baig may be coming here. In spite of what Padmanabhan has written about Malik, I found him on the whole a harmless
chap, pleasant to meet and fairly sensible in his behaviour. I have not met Baig, but from all accounts, he is a nasty piece of work.

I trust this letter will not be seen by Baig’s brother*, the Inspector.

Yours sincerely

(M.K.Vellodi)

Shri S. Dutt, I.C.S.,
Foreign Secretary,
Ministry of External Affairs,
New Delhi.

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* Rashid Ali Baig, an Indian Foreign Service Officer.

** This note was circulated to all major heads of mission for their background information.

0220.  SECRET

Note** recorded by Commonwealth Secretary M. J. Desai on the political situation in Pakistan.

New Delhi, October 10, 1958.

I met Chiefs-of-Staff at 11.30 A.M. to-day and gave them certain background information on the latest developments in Pakistan to supplement circular telegram No. 30477, dated 9th October, sent to our principal Missions abroad.

Prevalence of discontent among junior officers in the Services, particularly those in the age group of 40 and below:

These young officers were about 20 years old in 1938 and either directly participated or were influenced by the revolutionary fervor among Muslim Leaguers when the League, which was on oligarchic conservative organization, started its mass movements and demonstrations, including formation of Muslim League National Guards. They naturally hoped to live in a political heaven when Pakistan became a reality. Discontent in this group increased as with the passage of time it became clear, because of the corruption and inefficiency of politicians in power that their dream of a Pakistan flowing with milk and honey was not likely to be realized. Older elements in the Services, being more experienced, were naturally inclined to be cautious. In 1951 there was a slight
eruption when Major-General Akbar Khan and some other army officers were arrested for conspiring against the State. In recent years, discontent among junior officers in the Services increased considerably.

**Political rivalries and struggle for domination in Pakistan:**

Ghulam Mohammed did make an effort to assume absolute powers, within the Constitution, as Governor-General. His illness stopped this trend and subsequent governments suffered from one weakness or other- Chaudhri Mohammed Ali, for example, had ability and experience of a seasoned civil servant but not the aggressive courage of an adventurous politician, Suhrawardy had both but was completely devoid of any principles and was disliked and distrusted by most people in Pakistan. Noon represented moderates in Pakistan and President Mirza hoped that this moderate element would succeed not only in keeping Suhrawardy and Qayyum out of power but later in winning the elections and running the government under his guidance. President Mirza desired that Suhrawardy and Qayyum should weaken each other by involving themselves in a campaign of accusations and counter accusations. Both should be kept out effectively and Noon or his type should continue in power. President Mirza wanted to make sure that Noon and the Republican party and Suhrawardy did not get too close though he allowed the minimum Awami League-Republican co-operation necessary to contain the Muslim League so long as Suhrawardy did not gain any strength from this arrangement. While political conditions deteriorated in Pakistan, President Mirza assisted by the armed forces evidently thought of the need for taking action some time and began to make preparations for complete assumption of power when a suitable opportunity came. It was thus no accident that towards the end of last year the Indo-Pakistan border in the east was sealed and the army was entrusted with the responsibility of stopping smuggling. The real object of this exercise was to get the army mostly West Pakistani in composition – to familiarize itself with conditions in East Pakistan where one day it might have to control the administration.

The Latest violent incidents in East Pakistan Assembly and the aggressiveness of the Muslim League, combined with Suhrawardy’s pressure on Noon to take Awami League Ministers at the Centre, convinced Mirza that there was no chance of the moderate group continuing to run the government under his guidance and that he must act now as the choice was only between Suhrawardy and Qayyum, both of whom were his sworn enemies. Mirza has always had the support of the Service Chiefs and senior officers and they were no longer hesitant as they knew of the pressure from their junior and middle ranks who were anxious for a change.

The new regime that has emerged involves the interplay of these personalities-Mirza, Ayub Khan and Aziz Ahmed. Mirza’s background is that of an aristocrat, cultured and educated, and capable of taking a broad and constructive view.
He is a ‘Shia’ and is not a bigoted Muslim. He is fond of power and having reached the pinnacle would like to stay there. Under the new regime, however, he is entirely dependent upon Army’s support and the Army is controlled by Ayub Khan. If the two do not get on for any reason, it is Mirza who will have to go. Ayub Khan, from the assessment of his Army colleagues here, is a good Muslim but not a zealot. He is a good soldier and has been Commander-in-Chief of Pakistan for about 9 years. He is a great friend of Mirza and while not brilliant, power may go to his head, though he has no serious complexes. Aziz Ahmed, on the other hand, is a bigoted Muslim and a rabid anti-Indian. Hindu baiting is his basic philosophy and as Chief Secretary in East Pakistan up to 1952, he was he one man most responsible for large-scale migration of the minority community from East Pakistan into India. He is a competent officer, conceited and arrogant, and considers himself the equal of any other person in Pakistan. Since Suhrawardy became Prime Minister, Aziz Ahmed has been pushed about from his post of Cabinet Secretary where he practically ran the entire Government of Pakistan, and has had several posts in the last three years, ending up in his last post as Secretary, Rehabilitation Ministry. Aziz Ahmed has been appointed as Secretary-General of the Advisory Council of Secretaries of various Ministries and also designated as Deputy Chief Martial Law Administrator. He is bound to resent his subordination to General Ayub Khan. (This has been confirmed separately by a casual remark made by U.K. High Commissioner who told me that the U.K. High Commissioner in Karachi reported last night that Mirza had a lot of difficulty in getting Aziz to agree to be Deputy Chief Martial Law Administrator.)

The future course of this regime will depend on the interplay of these three personalities. If Mirza and General Ayub Khan do not pay much heed to Aziz Ahmed’s beliefs and philosophy, and concentrate on establishing a stable regime, Indo-Pakistan relations may improve in future. If, on the other hand, Aziz Ahmed has his way and the new regime adopts anti-Indian policies or starts Hindu baiting in East Pakistan, things may become difficult, particularly for the Hindu minority in East Pakistan, who may migrate to India in large numbers and create a serious problem for us. It is also likely that Aziz Ahmed, resenting the superior position of General Ayub Khan and the special place given to the Army, may, in the name of greater experience of administration, ask Mirza to put General Ayub Khan and the Army in their proper place and start a clash. Mirza will be in no position to support any move against General Ayub Khan as the only sanction behind the new regime is the Army as Supreme Commander. If any clash of this type starts, Aziz may have to go. This may be a more hopeful development so far as Indo-Pakistan relations are concerned.

We will also have trouble if the new regime is, for any reason, not able to consolidate its authority internally. It is likely that the new regime may have
trouble in East Pakistan where Suhrawardy and his Awami League and Bhashani and his National Awami party politically dominate 3/4ths of the field. If any trouble starts in East Pakistan particularly through the activities of Bhashani and his followers, or Suhrawardy’s followers, the goonda element amongst the East Pakistan Muslims will naturally turn against the Hindu minority and the Martial Law Administration would do nothing to protect them. This may start an exodus of the minority community into India. We have no knowledge as to what is going on in Baluchistan and the frontier areas. The Kalat Ruler’s challenge, 10 years after his accession, would indicate that there is a lot of discontent and unrest in these regions. Here again, if the new regime is not able to control these regions effectively, it may, in its weakness, try to divert attention by some sort of adventure in Kashmir. This may be unofficially headed by somebody, e.g. General Akbar Khan, with the blessings of the regime, the discontented elements in the frontier regions being drafted into this movement in the name of Islam and jihad.

In these circumstances, while it is obvious that we must be vigilant and alert, it is important to avoid doing anything which might be interpreted in Pakistan as an attempt by India to take advantage of Pakistan’s weakness at this stage. This does not mean that in Kashmir or elsewhere, we should turn the other cheek; but we should, in our communications to Pakistan authorities and in our discussions with them and also in such action that we may consider necessary to take in the border regions, avoid giving Pakistan authorities the impression that India is suddenly getting tough with them.

Sd/- M.J. Desai
10.10.1958
Reaction of the Indian Deputy High Commissioner in Dacca to the developments in Pakistan.

Dacca, October 10, 1958.

[The following message dated 10-10-1958 from the Deputy High Commissioner at Dacca, for the Commonwealth Secretary in the Ministry of External Affairs was received through the Intelligence Bureau Office (Ministry of Home Affairs) in Calcutta]

“A. Imposition of Martial Law a complete surprise in East Pakistan. It is too early to get detailed reaction. Following immediate reaction available:-

(i) Newspapers carried banner headlines without any editorial under general ban.

(ii) Awami League most affected. Cabinet Ministers being forced to vacate houses and close party offices.

(iii) Minister Dhirendra Nath Dutt and General Secretary, Awami League Mujibur Rahman arrived this morning from Karachi unaware of imposition of Martial Law. Ataur Rahman confined to hospital, Karachi.

(iv) Bhasani in Mirzapur. Some N.A.P. members and communist members reported gone underground.

(v) Krishak Praja Party pleased with Martial Law as an answer to Awami League lawlessness in East Pakistan.

(vi) Muslim League and Nizam-e-Islam also pleased as they had no bright prospects in election and most army personnel from West Pakistan are known to have communal sympathy.

(vii) British reaction is that a strong determined action overdue. Mirza after stabilizing situation may need a brain trust of non-involved eminent persons to advise and formulate future constitution. Awami League condemned but not Suhrawardy.

(viii) American reaction. This is De Gaulism. Strong and stable leadership may solve many problems. Martial Law confirmed previous rumours of Mirza encouraging K.S.P. in East Pakistan and Muslim League in West Pakistan to create grounds for martial Law. When Noon and Suhrawardy bridged difference, Mirza struck American displeasure due Mirza mentioning in proclamation better relations with U.A. R. and U.S.S.R.
"B. Situation normal, no chance of any demonstration or opposition. So far Army controlling Airport, Radio, Posts, Telegraphs and other Government set-up. General public attitude indifferent. Most feel Martial may improve corrupt, inefficient civil administration.

"C. General Umrao Khan, Military Administrator, East Pakistan issued orders banning publication of news or comments relating Martial Law as also against Government and different classes or sects. Violation punishable 10 years. Setting up Summary or Special Military Courts to function as far as possible.

"D. Informed sources indicate referendum of Constitution within six months followed by election on separate electorate basis within a year.

"E. Appointment notorious Aziz Ahmad as Secretary General to General Ayub Khan considered ominous in relation to minority community. Large scale migration later not ruled out.

"F. No code or enclaire telegram or trunk call permitted to India in order to isolate East Pakistan.

"G. Special report follows by bag."

2. M.E.A. may like to send a copy of the above message to our High Commissioner at Karachi.

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Letter from the Acting High Commissioner S. N. Maitra to the Commonwealth Secretary M. J. Desai regarding his talk with the American Ambassador in Karachi.

Karachi, October 11, 1958.

High Commission of India
Karachi-5

No. HC/2/TS/58 October 11, 1958

Dear Mr. Desai,

I enclose for your reading a note I recorded yesterday after an interview with the American Ambassador Mr. Langley which, I trust, you will find of some interest. Apart from the half-a-dozen or so principal actors in the recent drama, Mr. Langley is one of the best informed persons as to what went on. Mr. Langley is a fairly straightforward man and I think that most of what he told me is true to fact. The only point on which I doubt his veracity is that the Americans had no previous intimation of what was coming. I cannot believe that President Mirza would have taken a leap in the dark without an assurance of support from the Anglo-Americans. So long he was playing one party against the other; now he has dropped all parties and the only support on which he relies is the Army. Although a titular General, Mirza is not an Army man. He has to have some other support beside the Army to keep himself in power. The manner in which the take-over has been smoothened by US and UK not raising the thorny question of recognition lends support to the theory of previous knowledge and approval. I think Mirza’s main line of argument was something like this - “If you don’t like me and the Army taking over, something worse will come up soon”.

The general view in American and British circles, both official and non-official, is that the “present setup is a civilian administration with a military underpinning. Their general attitude is “Business as usual”.

With kind regards,

Yours sincerely

(S.N. Maitra)

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs, New Delhi.
A note on conversation with Mr. James M. Langley, U.S. Ambassador at Karachi, held on 10-10-1958.

I called on Mr. Langley, U.S. Ambassador, today and talked with him about an hour, mostly on the current situation in Pakistan. Mr. Langley had been away to the States for consultations and returned to Karachi only on the 26th of September. He said that he was taken by surprise by President Mirza’s move, like most other people he knew. He had been away for some time but he had a large staff at Karachi and said that none of his people told him on return that such a move was imminent. Of course, he had read about the unseemly happenings in the East Pakistan legislature and thought that “something might snap.” Parliamentary government, in Mr. Langley view, depended to a large extent upon proper respect for forms and procedures. He said that when he first came to Pakistan a year ago, he had attended a session of the National Assembly at Karachi and was poorly impressed by the lack of decorum of members, as well as the low level of ability. In particular, he mentioned the curious sight of the Deputy Speaker having wordy battles from his Member’s seat with the Speaker in the Speaker’s chair. According to Mr. Langley, it was the obvious break-down of parliamentary government in East Pakistan that precipitated the crisis. He went on to say that president Mirza had never concealed his opinion that democracy in Pakistan was a failure and it should be replaced by some other form of government. But this dictatorial take over had been talked about so often that it had become like the cry of “wolf, wolf”. He agreed with me that the General Elections programme had gone over so many hurdles, and that so little time remained before it was actually held, that it had become almost a certainty. Mr. Langley was in a communicative mood and told me that the day after he arrived he went to see President Mirza to deliver him some small articles he had brought for him from the States - a purely personal call. He was very tired and had not gone there to talk politics, but President Mirza detained him for a quarter of an hour. During this time he held forth on his favourite theme of failure of parliamentary government and ended with what Mr. Langley said he had often heard from him, “I must take over”. Looking back, Mr. Langley said that at that time, president Mirza must have tried to get across the idea that he was about to take over, but he failed to catch the hint.

2. On the night of 7th October, Mr. Langley went to bed with a heavy cold. He was woken up by a telephone call from President’s House at about 11 P.M. and went there. He was met on arrival by President Mirza, who told him that he
had proclaimed Martial Law and had taken over the administration. In addition to himself, the following Heads of Mission were present: Sir Alexander Symon, High Commissioner for U.K., the Ambassadors of Turkey, Iran and Afghanistan. He understood that quite a few other Heads of Mission, including the Malayan High Commissioner, had been rung up but could not be contacted.

His impression was that envoys of Baghdad Pact countries and those of S.E.A.T.O. were particularly asked to come. The presence of the Afghan Ambassador and the call for the Malayan High Commissioner did not, to my mind, fit in with this proposition. To continue with the story President Mirza showed the envoys of U.S. and U.K. his long proclamation. They asked for copies, but he said that he had given other copies to press and told one of his staff to type out some more. While they were waiting for these, Messrs Langley and Symon questioned President Mirza on various aspects of the takeover. President Mirza gave them the impression that while the Constitution had been abrogated, laws of the land would be maintained. Turning to Sir Alexander Symon, he jokingly remarked that Pakistan had now become like the U.K. where laws were obeyed, though the Constitution was unwritten.

They received the impression that the takeover was an orderly process and President Mirza was in command of it. A personal message from President Mirza to President Eisenhower was handed over to Mr. Langley. This was taken out from a sheaf of similar papers which made him think that personal messages were being sent to Heads of other States also. President Mirza was anxious that foreign Governments should continue to recognize the Government of Pakistan notwithstanding the change, and that relations with them should remain unaffected. He was also anxious to impress upon those present that there was no hiatus and no question of recognition or fresh accreditation was involved. I pointed out to Mr. Langley the contradiction between the statement made to the press yesterday by President Mirza that he derived his authority from “Revolution” and the note handed over by the Foreign Office to all Heads of Missions (including myself which I have forwarded to the Government of India), describing himself as the President of the Islamic Republic of Pakistan. Mr. Langley agreed that with the abrogation of the Constitution, he could no longer remain President by virtue of it, and went on to say that President Mirza was more secular in outlook than other Pakistanis, and preferred the title Pakistan to Islamic Republic of Pakistan. In spite of the legal difficulty involved, Mr. Langley felt that there was force in President Mirza’s contention that he was the Head of the State and continues to remain so. The American Embassy in Karachi is working on that basis that there was no need for fresh accreditation, but they had formally referred this matter to the State Department, whose decision had not yet been received. He, however, thought it unlikely that the State Department would hold a different view.
3. On the subject of the new set up, Mr. Langley was cautiously optimistic. He felt that President Mirza was firmly in the saddle and would not be easily dislodged. Mr. Langley’s view was that the present move came equally from President Mirza and the top Army leadership, actuated by similar motives to prevent a complete breakdown. He said that a strong bond of loyalty existed between President Mirza and some of the top Army leaders although he was not sure how far down the scale it reached below the rank of Brigadier. About General Ayub, Mr. Langley’s reading was that he was a steady and somewhat cautious man. He did not believe what General Ayub had said in his radio talk that in Mr. Ghulam Mohammed’s time he had been asked to take over the Government repeatedly, but had not. He felt that this was self-advertisement. All the same, he thought that General Ayub was not particularly ambitious and probably he felt it safer and more rewarding, as Mr. Langley put it, “to play the part of King-maker rather than be the King. He, however, admitted that the present set up was a dnomvirate or rather a triumvirate if Mr. Aziz Ahmed is included. Mr. Langley felt that Aziz Ahmed was a thoroughly bad choice. He said that he had been obstructive in the case of several American aid programmes and he had to speak very plainly to him on occasions. In fact, Mr. Langley volunteered that it was on account of his complaint to Premier Noon that Mr. Aziz Ahmed had been transferred from the Commerce to Rehabilitation Ministry. But somehow President Mirza was very attached to Mr. Aziz Ahmed and has brought him back as Secretary-General; Mr. Langley laughingly said that if he had known what was coming, he would have strongly backed Mr. Aziz Ahmed’s candidature for UNESCO Director-Generalship instead of turning it down. President Mirza had confided to Mr. Langley that it is his wish gradually to upgrade the present Advisory Council, which now consists only of Departmental Secretaries, by the addition of public men who would be of the status of Ministers but would be called Advisers. He was thinking immediately of taking two Advisers for Finance and Food & Agriculture Departments. Mr. Langley anticipated that Mr. Amjad Ali would be inducted to the post of Finance Adviser. I asked him whether once having tasted power the Army would not oust the civilian element as they had done in Egypt. Mr. Langley conceded the theoretical possibility but thought that in the conditions prevailing in Pakistan it was improbable. For one thing, he said there had been no revolt by the Army.

4. I told Mr. Langley that the efficient manner in which the changeover had taken place with such little show of force spoke very well of staff work. He agreed to this, but did not agree with the further suggestion that I made that the plan must have matured quite some time ago. His impression was that the outline of the plan had been kept a well-guarded secret by President and a handful of Generals for some time, but its detailed work-out had been done quickly before the actual events. He agreed that none of the Ministers knew anything about it. Regarding the former Defence Minister Khuhro, I was
surprised to hear that the Army distrusted him completely and shared none of its secrets with him. It only extended to him formal courtesies like guard of honour etc.

5. I mentioned to Mr. Langley about USS Greenwich Bay, the flagship of U.S. Commander-in-Chief in the Middle East, which was expected on the day following the takeover. He said the date of arrival of the ship was a coincidence and had been countermanded by the State Department as soon as they were apprised of the political change in Pakistan. He added that at that time, the State Department might well have anticipated bloodshed and disorder, and naturally did not like any U.S. naval ship to be near the scene which might be misinterpreted.

(S.N. Maitra)
Acting High Commissioner for India in Pakistan.

0223.

TOP SECRET

Letter from the Indian Deputy High Commissioner in Dacca to Commonwealth Secretary M. J. Desai regarding political situation in the wake of promulgation of Martial Law.

Dacca, October 13, 1958.

Deputy High Commissioner For India in Eastern Pakistan Dacca

No. F. 1(2)PS/58 13th October, 1958.

My dear Sir,

The Military Administration in East Pakistan under General Umrao Khan is in the process of settling down.

2. The Administration through pressure and threat is getting complete cooperation from the press. The Administrator and his colleagues are often making press statements. The whole emphasis of these statements is to bring forcefully before the people the fact that the civil administration run by inefficient and corrupt civil servants and led by equally corrupt and unscrupulous politicians have done incurable harm to the people. The Administration, therefore, is out to eradicate all corruption and malpractices etc.
3. To follow up this policy the Administration in East Pakistan have arrested yesterday top politicians from Awami League, KSP and NAP. Bhasani, the NAP leader has been detained under Security Act while he was in hospital in Mirzapur and has been brought to Dacca jail early this morning. Awami League leaders like Abul Mansoor Ahmed, Mujibur Rahman, Abdul Khaleque, Nuruddin Ahmed, MPA, Qurban Ali, MPA, Abdul Hamid Choudhury, ex-MPA, were arrested yesterday under anti-corruption Act and Ordinance.

4. A number of top civil servants like Asghar Ali Shah, former ICS, and a very close associate and handy man of Suhrawardy, the Chief Engineer Jabbar, and other officials were arrested under anti-corruption act. The bail petitions for them all were rejected. The Inspector General of Police Ismail was forced to go on leave from yesterday afternoon and his place has been taken over by Kazi Anwarul Huq. Indications are that more arrests would be made in next few days. So far the leaders of the minority community, most of whom have gone back to their respective villages, have not been touched.

5. Yesterday from a very reliable source it was gathered that;

(a) Defence Minister Khuroo had a plan for Coup d'etat with the help of top military officials like General Reza in Karachi and complete a palace revolution by either placing under arrest or executing Mirza and other top officials. Unfortunately for them they were delayed by 12 hours. Mirza struck first.

(b) It is gathered further that in East Pakistan Awami League and NAP leaders were also planning to take over the administration with the help of armed police and ansar and to declare East Pakistan as a separate independent nation. The leaders of this clan among others were Mujibur Rahman, Dildar Ahmed, Nurul Rahman, Safruddin Choudhury of Sylhet and others. As there was no understanding nor coordination between the East and the West Wing in this matter, the leaders were completely taken by surprise when Mirza took over completely and abrogated the Constitution in Karachi.

(c) Bhasani, Mujibur Rahman and others have already been arrested. They may however send one or two emissaries to India.

(d) This morning, therefore, when the newspapers published a statement purported to have been made by the Prime Minister at a press conference stating that India would recognize on de-facto basis the new Government of Pakistan, some of these leaders sent word to us expressing their disappointment. They thought perhaps that non-recognition by India may help them indirectly in their efforts. In this connection they feel that the present Administration in Pakistan is not only un-constitutional but illegal
in view of the fact that when Pakistan was created, the power was transferred to the people and a Constituent Assembly was the competent body to give or to change any pattern of Government.

6. I personally feel that the present leadership in East Pakistan is neither strong nor dependable enough to carry out a plan like this. They were first shocked, now terrified and therefore naturally trying to look to India for their support. The type of mass contact they have, if at all, would hardly offer a positive leadership for a revolution. It is, however, for the Government of India to decide as to what attitude we should take in this regard if further approach is made from that quarter.

Yours sincerely

(Purnendu Kumar Banerjee)

Shri M. J. Desai, I.C.S.,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.
or members of the Awami League or indeed of any political or other groups in Pakistan, East or West. Our representatives have to deal with the functioning Government in Pakistan, including that in East Pakistan. We just deal with them as a functioning Government and do not interfere with the internal affairs of the country.

4. We would, therefore, advise you not to get involved with these Awani Leaguers or any other group in any way.

With kind regards,

Yours sincerely

Sd/-
(M.J.Desai)

Shri P.K. Banerjee.
Acting Deputy High Commissioner For India.
DACCA.

0225. PRIVATE & CONFIDENTIAL

Letter from British Member of Parliament and former Foreign Secretary in the Labour Government of Attlee, A. Bevan to M. O. Mathai Prime Minister’s aide.

House of Commons,

22nd October, 1958.

My dear Mac,

What is happening to you? Jennie and I have not heard from you for ages. Have you gone into purdah? Why don’t you take aside one of your innumerable secretaries and dictate a letter to us, telling us in particular what is happening to yourself and, if you are inclined to do so, tell us about what is happening in India. I would be very much obliged if you would let me know your views about events in Pakistan and put me in touch with someone, if you would be so good, who could tell me from time to time how things are developing there.

I look upon the situation in Pakistan as of profound importance, not only for S.E. Asia, but particularly for the future of India. I don’t know whether you read what I write, but some time ago I was pointing out that there are all kinds of currents inside the Muslim League which would prevent it from developing into
a complete homogeneity. In the past, the Muslim world has been kept atomized by the intrigues and often the bribery of the Western powers. That phase is coming to an end, but it is followed by another much more potent because it is indigenous. This is the conflict of interest that is bound to grow between the claims of Egypt and the other members of the League. The latter will not be disposed to substitute what they regard as Egyptian imperialism for Western domination.

There is very little possibility that Pakistan will be able to find, in identification with her Muslim brothers, any compensation for the situation at home. In these circumstances, I do not put it beyond possibility that Nehru might yet play an important, if not decisive part, in the future of Pakistan. I admit that at the moment this seems almost as remote as to be crazy, but I am sure that in Pakistan there exists a very great admiration for Nehru. It is therefore of the utmost importance that we become intimately acquainted with developments in Pakistan so that at some decisive time we might be able to guide them.

Please give my affectionate regards to Nehru and, of course, to Indira.

Jennie sends her love. We have both missed you very much and look forward to seeing you soon.

Yours affectionately,

Auerien Bevan

Mr. M.O. Mathai,
Prime Minister’s House,
New Delhi, INDIA.

Note by the Prime Minister Jawaharlal Nehru

PRIME MINISTER’S SECRETARIAT

I have dictated a note which you can send to Nye Bevan, in addition to such other papers as you are sending. Shri M.J. Desai’s note can be sent, though it is slightly out of date.

You can send a copy of my note to Shri M.J. Desai. If he cares to revise his old note, he may do so. If not, it does not much matter.

My name of course should not be mentioned by you or by anyone else in this connection; nor should the note I have written be published. The note should be treated as background information and anything mentioned in it can be used.

(J. Nehru)
NOTE BY PRIME MINISTER NEHRU

The situation in Pakistan changes from day to day and what may be written today may not be applicable some time later. Only this morning came news of the practical elimination of President Iskander Mirza and General Ayub Khan becoming the sole Dictator and Marshal Law Administrator. It appears that Iskander Mirza has, for the present at least, completely gone out of the picture. There is in Pakistan now a more naked form of autocracy or authoritarian Government than perhaps in any other country.

The *coup d’etat* which led to the abrogation of the Constitution came as a surprise because of the form it took. It was clear however for some time past that both politically and economically Pakistan was rapidly deteriorating and almost disintegrating. Something had to happen. The politicians were completely discredited, the civil servants had some power and authority, but in effect the Army was the only strong and organized force in the country. Political parties were unprincipled and, except to some extent in East Pakistan, had no popular backing. Ex-President Iskander Mirza in a statement at the time of the *coup d’etat* described these political parties in language which could hardly be exceeded in virulence and contempt. One thing however he forgot to mention. He himself was by no means above or away from politics. He was constantly playing the political game and in fact was chiefly instrumental in the formation of the Republican Party. He was playing one group against another and usually succeeding. When this game could be played no longer and some kind of elections loomed in the near future, there was no other way left except to put an end to the Constitution itself as well as the political parties. In fact, a vacuum had been gradually created in Pakistan. It could only be filled by the Army or with the assistance of the Army.

President Iskander Mirza had no direct party of his own, although he had helped in starting the Republican Party and was helping it. But this Party itself was in process of disintegration. Members of the parties changed over from one to another repeatedly without any question of principle arising. Mirza’ strength lay not in a party and not in popular backing. It was derived partly from the support of the senior members of the Civil Service and more so from the support he received form the senior officers in the Army and especially General Ayub Khan. So long as he had this support, he could play about with the others.

Later, two personalities arose which fell out with Mirza and played their own game. These were Suhrawardy and Abdul Qayum Khan, President of the Muslim League. The possible approach of the elections increased party maneuvering and attacks on the existing Government, whatever it may be, as well as to some extent on President Mirza. Abdual Qayum Khan was not very important, but Suhrawady was completely unscrupulous and very clever, and
Mirza was determined to crush him. He did succeed in removing him from the Prime Ministership. Suhrawardy thereafter quietly worked to strengthen his position for the elections. Soon after Suhrawardy was dismissed from the Prime Ministership, Mirza remarked that Suhrawardy had managed to collect through corrupt practices a large sum of money which he mentioned to be about five million pounds. Whether Suhrawardy did this or not, cannot be ascertained, but there can be no doubt that he is corrupt and was capable of doing it.

Although the political situation was disintegrating fast and the economic situation was equally bad, it is possible that no coup d’état might have come just at this stage, but for the fear of elections. It seems that the idea of a coup was present in Mirza’s mind for some months previously and undoubtedly he must have consulted and relied on General Ayub Khan’s support. Without that support, he could do nothing.

It should be remembered that it is hardly true to say that democracy was ended by the coup. Democracy never existed in Pakistan. There had been no elections ever since partition and the pre-independence rump of an Assembly continued in some form or other. To begin with, the Muslim League, which had been largely instrumental in bringing about partition naturally assumed power. But it had really no political or economic programme and no popular basis except its communalism and strong anti-India bias. It had therefore inevitably to continue the old anti-India policy to divert people’s attention from the real problems of the country. The Muslim League derived its strength from certain big landlords and people in the Civil Service who had helped in bringing about the Partition. On the social plane it was reactionary and dared not even tackle the most important problem of Pakistan, that is, land reform. In fact, politics in Pakistan were essentially clan-politics and leading politicians were big landlords with a personal following. The Services helped these clans. The military did not play an obvious part in politics, but on some occasions when there was trouble, the military had to be called in to preserve order. Gradually the military began to look down with great contempt on the civilian apparatus. These civil services as well as the politicians were very corrupt. The military was not above this either, but this was not so obvious to the public. The result was that both the politicians and the civil service were generally looked down upon by the people while the military retained some prestige.

After partition and independence, new problems arose in Pakistan, but the policy pursued was a continuation of the old policy of the Muslim League which had no relation to these problems. Even on the nationalist plane, the country did not take root. The policy of the Muslim League Government being essentially a pseudo-religious policy, could not base itself on nationalism. There was constant talk of Pan-Islamism and union of Islamic countries. Thus Pakistan took no roots even on the nationalist plane and much less on the economic or
political. It played about with slogans about the unity of Islam in spite of the obvious conflicts among Islamic or political. It played about with slogans about the unity of Islam in spite of the obvious conflicts among Islamic countries and it was driven to take refuge in various pacts and alliances like SEATO and Baghdad Pacts and the military help from the U.S.A. In fact it became a protégé of the United States. Both the U.S. and the U.K. Governments patted it on the back and praised it. For some time the Pakistan Government tried to make out that it is playing an important part in world affairs through SEATO and Baghdad Pacts. In doing so, it fell out with some of the Islamic countries, especially Egypt. All this weakened its position among its own people, where there is considerable admiration for Nasser and his policy.

Apart from other disintegrating forces at work, there was the strong pull in East Pakistan against what they call the domination of West Pakistan.

Thus Pakistan, which came into existence on an unreal issue, never succeeded in finding any realistic basis. It carried on because of substantial help received from the United States. For a long time past President Iskander Mirza made it known that he did not approve of the type of democracy that Pakistan had or at any rate that the people of Pakistan were not suited to it. He said something about “Controlled democracy”, probably thinking in terms of presidential rule, to some extent modeled after the U.S.

Thus some kind of coup d'etat was inevitable. The exact shape it took was somewhat unexpected. Two persons emerged – President Mirza and Genral Ayub Khan. It was clear from the beginning that Ayub Khan was the real boss. When Mirza took some steps, such as the formation of an Advisory Council etc., General Ayub Khan evidently thought that even this minor divergence should not be tolerated. Thereafter Mirza had to quit as there was no other refuge for him in the governmental apparatus. Now Ayub Khan has declared in favour of what he calls Presidential Rule, he himself being the President. He nominates his advisers or Cabinet, but the sole authority is Ayub Khan himself.

There was some discontent in the Navy and the Air Force as they had been left out of the picture. Ayub Khan has however brought them in by appointing the Chiefs of Staff as Deputy Marshal Law Administrators. He has dropped Aziz Ahmed. Thus, the Civil Services have definitely been made to realize that they have to carry out orders and not to give them.

It is difficult to measure public opinion when there is total suppression and the death penalty has been fixed for a multitude of even secondary offences. The newspapers in Pakistan have fallen in line with amazing speed and they print eulogies of General Ayub Khan. It would appear that the coup d'etat was largely welcomed by the public to begin with. They were fed up with the politicians and
others and the general corruption of the regime. Also marshal Law directives, which had to be obeyed on point of severe penalties, brought down prices of consumer goods especially articles of food. This was popular, but of course this kind of thing cannot last long. Shops were crowded with buyers and their apparent stocks were exhausted fairly soon. It may be that some goods went underground.

It was interesting to note how the press in the U.K. and the U.S.A., while mildly expressing regret at the collapse of “democracy” in Pakistan, praised Iskander Mirza and Ayub Khan and made them out to be champions of democracy who had been forced to take some steps against their innermost wishes. Iskander Mirza was specially made a hero. The hero has now gone and only Ayub Khan remains. It will be interesting to know what the press in the U.K. and U.S.A. say now.

We have no knowledge that any pressure was brought on Pakistan by an outside country in favour of the coup d'etat. Probably no active pressure was brought, but it seems unlikely that such a step was taken without some kind of reference to the United States representatives. The U.S. has been functioning as the chief protector of Pakistan and even Mirza and Ayub Khan would hardly have dared to do something which they thought might be disapproved by the U.S. Possibly the talk of a Presidential form of Government pleased some of the authorities in the U.S. Of course the Pakistan variety of the Presidential form of Government is entirely different from the American.

Another very significant fact has been the recent visit of the American Secretary of Defence to Karachi. He came after the coup and it was announced that American military aid would continue to flow into Pakistan and might even be expedited. To make known this fact soon after the coup would be generally interpreted as an approval of what had happened in Pakistan and a desire to help the dictatorial regime.

In India the Government and people were naturally greatly interested and concerned at these developments in Pakistan. But comment has been very restrained. The PM of India made it clear that this was the business of the people of Pakistan and he did not wish to interfere. Behind this restraint had been the desire to see how things developed there and at the same time to avoid doing something in India which might give a handle to this new regime in Pakistan. But there is a measure of anxiety as to how these dictators may function and there is certainly a risk that the sole dictator now, after the manner of his kind, might indulge in adventures.

It is difficult to forecast what will happen in the future in Pakistan. General Ayub Khan has made it clear that the dictatorial regime will continue for some
time. In fact he is stabilizing it and called it a Presidential regime. There is no alternative to it at present and there is little chance of any upheaval. The two areas which are probably the most discontented are East Pakistan and the old Frontier Province in the North West.

The departure of Iskander Mirza, though inevitable, is not a good sign. He might have functioned as a restraining influence especially in so far as India is concerned.

It is of importance now what attitude the U.K. and U.S. Government take up. If they go on encouraging the present dictatorial regime in Pakistan, this may well mean an encouragement to any adventurous action that Ayub Khan might think of. In particular, the continuation of American military aid to Pakistan in these circumstances is dangerous from India’s point of view and highly objectionable from any point of view.

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0226. SECRET
Letter from the Acting High Commissioner S. N. Maitra to Commonwealth Secretary M. J. Desai regarding his call on President Iskender Mirza.
Karachi, October 23, 1958.

High Commission of India
Karachi


Dear Mr. Desai,

Since the emergency most of the Heads of Diplomatic Missions including High Commissioners of Commonwealth countries, at Karachi had called on the President. Wishing not to be conspicuous, I followed suit and paid a brief courtesy call on President Mirza today. The President was nice and affable to me. After the preliminary exchanges of politeness, President Mirza went into defence of his own action and said “I had to do it”. He repeated the old story how everybody was corrupt and Government was running down. He mentioned the case of the smuggler, Qasim Bhatti, who he said, was a dock labourer a few years ago earning is 100/- per month and was now a multi- millionaire. He said he had arrested him when he was Interior Minister, but Bhatti was released soon after. He went on to say that the Awami League had a planned system of
corruption which could only ruin the country, and particularly mentioned Mujibur Rahman in this connection. Striking a personal note, President Mirza said that he had not taken the extreme step for personal ends. If he could do nothing, he would have quit.

2. This resume took a couple of minutes and then president Mirza eagerly asked me about the reaction in India. I told him that on the whole the press and public have taken a sympathetic attitude towards the events in Pakistan, and have not displayed any tendency to gloat over her difficulties. I added that most of the opinion expressed about himself agreed that he had shown patience and acted from patriotic motives. He seemed pleased and asked me to send him press reports containing the Indian reaction. I told president Mirza that the tone of Indian thinking had been set by our Prime Minister’s statement on the emergency in Pakistan. President Mirza said that our Prime Minister’s views were wise and sound and he appreciated them. Here, he asked me to convey a personal message from him to our Prime Minister. So far as I can remember, the following were his actual words:-

“Personally, it would be the happiest day of my life when India and Pakistan could live on the best of terms as friends and neighbours. Of course, unfortunately, there were serious differences between the two countries, not made by them, but arising out of the forces of history, I sincerely hope that these differences would be removed, and we would be on the closest terms of friendship and cooperation. Pakistan wishes India to be strong and prosperous, and I have no doubt that India has the same wishes about Pakistan”.

I made no comment beyond saying that I appreciated the sentiments and would convey them to our Prime Minister, I would be glad if this is done.

3. Our talk veered round to East Pakistan. The President said that a serious problem, both for India and Pakistan, has been created by the bumper jute crop. He said that whereas politicians had been shouting of serious loss of crop due to drought and asking for crores of rupees from the Centre by way of relief, it has now turned out that there has actually been a bumper crop of something like 75 lakh bales of jute. He asked me whether communism was not a serious menace in West Bengal. I told him that what with unemployment and a large refugee population, communism had made some advance, it was not yet a serious menace, and our Government was firmly in control of the situation.

4. My interview lasted for about fifteen minutes and at 12,30 p.m., the Supreme Commander, General Ayub was announced. General Ayub had just returned from his East Pakistan trip and had come to see the President straight from the airport. As I came out, I met his at the corridor and shook him by the hand. He said that he had just returned from Dacca and would be glad to see
me some time. Behind him was a large following of red-tabs, among whom I recognized General Sher Bahadur, the Karachi Commander, with whom I exchanged a few words.

With kind regards,

Yours sincerely

(S.N. Maitra)

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs, New Delhi.

SECRET

Letter from Foreign Secretary Subimal Dutt to Ambassador M. K. Vellodi in Berne.

New Delhi, October 24, 1958.

My dear Vellodi,

Thank you for your letter No. 10-POL/58 of October 9 on your talk with Ikramullah. In view of the recent changes in Pakistan I am not sure that Ikramullah will be brought back to the Foreign Office as Secretary. It is very likely however that Sikander Baig will go if only for the reason that Ayub and Aziz Ahmad may wish to get rid of such an arrogant person who is none too able. Pakistan seems to have specialized in producing perfect models of arrogance and conceit. I doubt whether any country in the world is capable of producing an Aziz Ahmed and a Sikander Baig. In a sense I feel sorry for you. The best course however would be to keep Baig at arm's length. He is a very obnoxious person. I have heard it said very reliably that he left a dinner party immediately on arrival when he saw a member of the Indian High Commission among the guests. “How dare you invite an Indian to a party to which you have asked me!” These were his only words to his host.

Yours sincerely

(S. Dutt)

Shri M.K. Vellodi,
Ambassador of India, Berne.
0228.  

SECRET

Letter from the Acting High Commissioner S. N. Maitra to Commonwealth Secretary M. J. Desai regarding meeting between Deputy High Commissioner and the Yugoslav Official.

Karachi, October 24, 1958.

High Commission of India
Karachi


Dear Mr. Desai,

We have at Karachi the Yugoslav Minister, Vlahov. He is rather outspoken. The other day he had the President to dinner at his house and subjected him to a number of straight questions on the current situation in Pakistan, rather in the manner of a newspaper correspondent. The results are interesting. Our Deputy High Commissioner, Padmanabhan, got the whole story from Vlahov and I enclose a copy of it. The main points are:

(i) Mirza is the No. 1 man.
(ii) The coup was planned at Nathiagali, where Mirza went in June.
(iii) A ‘rebel radio’ is operating somewhere on the Pak-Afghan border, attacking the present regime,
(iv) The regime has no clear-cut economic policy and is not serious about land reforms.
(v) The initiative taken by Noon to settle Indo-Pak border problems would be continued.
(vi) Suhrawardy might go abroad.
(vii) Mirza’ a step-daughter might marry Amjad Ali’s son.

With kind regards,

Yours sincerely

(S. N. Maitra)

Shri M. J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.
NOTE OF THE MEETING BETWEEN INDIAN DEPUTY HIGH COMMISSIONER AND THE YUGOSLAV MINISTER

Mr. Vlahov, the Yugoslav Minister had President Mirza and wife to dinner at his house on the 21st instant. After dinner, Mr. Vlahov drew out the President for a walk on the lawns, when he had a fairly long talk with him.

Mr. Vlahov started by saying that he was new to Pakistan, was almost alone in his Mission and wished to know more about the latest developments. He apologized for his meager knowledge of English and begged the President's pardon in advance if his questions appeared to be blunt. The President said that he did not mind blunt questions.

He first asked the President about his relation-ship with General Ayub, and in particular as to who was in overall charge of the country. President said that Ayub was a soldier and not a diplomat. Their relations were friendly and he had no reason to believe that Ayub would go against his wishes. He made Mr. Vlahov understand that he was very much the number one man in Pakistan. Mr. Vlahov believes that this is so at the present moment and that the President would try to keep himself in power by (i) playing the Army against the Air Force and the Navy, (ii) creating groups within the Army itself and (iii) supporting the civilians against the Military group. Mr. Vlahov confirmed the current rumours about the Air Force Chief’s reported opposition to the coup d’etat and the Navy’s reluctance to be involved too much in the administration. In his view, inter-Services jealousy and rivalry is bound to develop as time goes on.

Mr. Vlahov then gave the President his own reading as to how the so-called “revolution” was planned, which was as follows. First of all, there was the “operation closed door” in East Pakistan, which enabled large number of troops to be sent to that Province and to keep it “safe” for an emergency. In March 1958, at the time of the Lahore Horse Show the President sounded General Ayub about a possible coup. (Mr. Vlahov was present at the function). Ayub showed hesitation then. Later, the President brought up the subject again at Nathiagali where he was able to convince the General and both waited for a favourable opportunity. The Ordinance against semi-military organizations for political purposes followed. The abject collapse of the Muslim League agitation against the Ordinance was an eye-opener. It convinced the Presi-dent that there would be no serious opposition to his taking over power. (The President intervened here to say, that when the Karachi Police exploded tear gas shells the Muslim League stalwarts behaved “like women”.)Then followed the incidents in the East Pakistan Assembly culminating in the death in the Chair of the Deputy Speaker and the wrangling over the Cabinet portfolios in Karachi”.

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When Mr. Vlahov finished this narration Mirza's comment was "if the politicians in Pakistan had analyzed the situation as cogently as you have done, Excellency, things would have been more difficult." The President then paid a compliment to the West Pakistan Governor Akhtar Hussain saying that he was a pillar of strength in West Pakistan. This remark Mr. Vlahov interprets as indicating that even as early as two years ago when he appointed Mr. Akhtar Hussain then Defence Secretary and his right-hand man as Governor of West Pakistan, President Mirza was contemplating an eventual *coup d'état*.

Mr. Vlahov's third question was about East Pakistan. He asked the President how he could reconcile his proposed unitary system of Government with regional autonomy in East Pakistan. The President said that East Pakistan would be autonomous except in regard to three subjects: Foreign Affairs, Defence and Finance. Mr. Vlahov immediately interjected to say that this was identical to the demands made by the N.A.P. The President replied vaguely: "may be; this is our present intention." This led Mr. Vlahov to enquire why Khan Abdul Ghaffar Khan, Bhashani and others have been arrested. The President replied that Ghaffar Khan and his party-men had spoken against the interests of the State and that such speeches could not be tolerated. Mr. Vlahov pointed but that impugned speeches were made before the establishment of the new regime and not after; but Mirza maintained his position.

He then asked the President whether he was aware that there was a "rebel" radio operating somewhere on the Pak-Afghanistan border attacking the present regime. The President confirmed this and complained that Afghanistan had suddenly become hostile towards Pakistan, despite Pakistan's friendly attitude.

The Yugoslav Minister's next question was about the economic policy which the new regime proposed to follow. He told the President that mere reduction in prices will not produce the desired results, unless adequate supplies are made available. He pointed out that the price reductions were made without considerations of economic factors and that very soon the country will face bankruptcy. The President only repeated vaguely that they are going to introduce (a) rationing, (b) increase supplies and (c) advise people to cultivate austerity. Mr. Vlahov told him that even in Western countries where people are disciplined such methods did not work and that they would be much less ineffective in Pakistan where there was so much illiteracy, poverty and indiscipline.

As regards land reforms, President told him that his intention was to proceed on two broad lines-(a) fix a limit for maximum land holding and nationalize the rest of the land and (b) levy a very high land tax which would compel the present land-owners to sell their lands to cultivators. As regards (a) Mirza anticipated difficulty as sufficient funds may not be available to pay compensation. He had not considered the possibility of issuing State bonds.
payable over a period of years. Regarding (b) also, he could not tell Mr. Vlahov how the poor cultivator would find the money to buy the land which will be sold to him. Mr. Vlahov told the President that the only way to tackle the land problem was to nationalize the entire land and to give bonds to the landowners as compensation. The President said that he would be glad to discuss the matter further with the Yugoslav Minister. Here also Mr. Vlahov felt that no serious thinking has been devoted to the matter by the Pakistanis.

The next question was about Pakistan's relations with India. Mr. Vlahov pointedly asked whether the initiative taken by Firoz Khan Noon in settling the border problems would be continued. The President answered in the affirmative and said that he wanted to maintain friendly relations with India. He did not expand this thesis any further. (Mr. Vlahov told me that the speech made by General Ayub at Dacca on Kashmir and Canal waters did not indicate that Pakistan's attitude towards India has changed for the better).

He then brought up the subject of Suhrawardy. He drew the President's attention to the report that Suhrawardy was learning bridge (a favourite pastime of Mirza). The President's only comment was that he did not know that Suhrawardy knew bridge. Since, it is known that Mirza had played bridge with Suhrawardy before, this reply is interpreted by Mr. Vlahov to indicate that there has been no reconciliation between the two, despite reported U.S. intervention on behalf of Suhrawardy. His feeling is that the President may allow Suhrawardy to go abroad ostensibly for medical treatment. As regards Firoz Khan Noon the President said he was a “good and decent man”.

The next question was very personal, and had reference to a current rumour that Mr. Amjad Ali’s son is going to marry the President’s step-daughter. When asked about this, Mirza confirmed that there was something in it. Mr. Vlahov had earlier got similar confirmation from Mr. Amjad Ali.

His talk with the President has convinced Mr. Vlahov that what we have just witnessed in Pakistan is not a “revolution” but a coup d’etat. In other words, President has succeeded in his plans to take over power. For the present, the Yugoslav Minister thinks, Pakistan is muddling through without any fixed objectives or considered plans for development.

Mr. Vlahov is of the view that the American Ambassador was in the know before the coup took place. He thought it impossible that Mirza would have moved without informing U. S. authorities. “In any case, the US Embassy, with its vast personnel, would have certainly sensed what was happening”, he added. He believes that the Americans are not happy about the development, since they would like at least the façade of democracy to be kept up because of public opinion in U.S.A. According to him, US will put pressure on Mirza to
terminate the Martial Law administration as early as possible. Whether Mirza would be able to achieve this or whether the Army will dig their toes in, is anybody’s guess. The situation is dangerous as rival groups in the Army may eventually fight it out. He thought that the future was rather somber for Pakistan.

(K. V. Padmanabhan)
23.10.1958

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0229. SECRET
Letter from Commonwealth Secretary M. J. Desai to Acting High Commissioner S. N. Maitra.

New Delhi, October 25, 1958.

My dear Maitra,

Thank you for your letters Nos. HC/734/58 and BC/735/58 dated 23rd and 24th October, 1958, respectively.

2. I am showing your letters to P.M. Ayub’s statement vis-à-vis India in Dacca and his demand that Kashmir and Canal Waters Questions should be settled peacefully but to the satisfaction of Pakistan and that if those are not settled peacefully and other measures have to be taken, the fault will lie with India, are not consistent with the friendly message sent by Iskander Mirza. May be, Ayub was following the normal pattern of behavior that prospective Pakistan Prime Ministers have always adopted. We will, however, have to keep a close watch on developments.

With kind regards,

Yours sincerely

(M.J. Desai)

Shri S.N. Naitra.
Acting High Commissioner for India in Pakistan.
Karachi.

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0230.  TELEGRAM

From: Hicomind, Karachi.
To: Foreign, New Delhi.
Rpt: Dyhicom, Dacca

IMMEDIATE


Desai from Maitra. (Acting High Commissioner)

Second coup 27th night removed MIRZA. General AYUB has declared himself President. Actual texts of declarations by both being sent by bag. The formation of new Cabinet with 4 Generals and unknown civilians as well as several promotions in top army ranks announced yesterday indicated that army was on the move. The picture not yet clear but it appears that MIRZA took strong position and tried to brow-beat AYUB. AYUB’s reply was dismissal. Whether AYUB did this on his own or by pressure from below not yet clear.

2. Last night’s coup was carried out by army officers. It was not known to civilian Cabinet Ministers sworn in yesterday. They were informed of fait accompli by AYUB about 2300 hours. No force was used except threat. MIRZA and family still occupying President’s House. His future movements not yet known. AYUB is in Prime Minister’s House. There is no concentration of troops in the city and Karachi is superficially normal except that there is a hushed silence. Lines of communication are working. Newspapers have reported the latest move in headlines and no doubt acclaim it.

3. AYUB attending Prime Minister’s Office as usual today and telling visitors the old story that he had to do it and there is no change. Actually the position is uncertain. Further changes may well be expected. When MIRZA cut himself off from all political support by coup of 7th October he put himself entirely at army’s mercy the possibility of his sudden departure at army’s behest was always there. Timing however was unforeseen. I shall watch and report further changes.

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TELEGRAM

From: Indembassy, Washington, D.C.
To: Foreign, New Delhi.

IMMEDIATE


From DAYAL

I had a talk with Assistant Secretary of State ROUNTREE today about affairs in Pakistan. He indicated that United States had no precise foreknowledge but said that neither the initial take over by MIRZA and AYUB nor MIRZA’s later removal shocked or surprised them. What the State Department knows of AYUB as a soldier is “entirely favourable” and reports so far received showed that changes have been well received by the people. New administration’s efforts to bring down prices and put an end to hoarding had so far been successful and had a beneficial effect on economy. There was every indication that army was firmly in control and in case of disagreement with civil service army would prevail.

2. ROUNTREE expressed satisfaction at relatively small number of arrests so far and mentioned that most politicians (naming especially SUHRAWARDY) were still free. He thought MIRZA would be allowed to leave the country. He said that army had been able to take over smoothly without mass arrests because it was strong and popular with the people. In this respect he contrasted the situation in Iraq. He expressed appreciation of calm reaction in India and mentioned particularly Prime Minister’s “constructive and helpful” comments. Change in regime would not in his opinion involve any change in Pakistan’s external relations and might even result in improvement in relations with India.

3. He said Americans were dealing with new Government on de facto basis and would accord recognition if formal action in that regard was necessary.

4. My assessment of American official reaction is as follows. Americans express formal regret at failure of pseudo-democratic institutions in Pakistan. They were however becoming disillusioned with Pakistan politicians. Successive Prime Ministers whom they backed had failed and Pakistan’s pro-western foreign policy was coming under increasing attack. They are therefore pleased at eclipse of politicians (who according to ROUNTREE are now “as quiet as mice”) and are content for the present to see the army in control under leaders friendly to United States. They do not appear to be clear as to the future but will no doubt maintain a cautious watch on developments.
5. Some Pakistanis here seem less confident; SHOAIB Ex-Director on World Bank who has been appointed Finance Minister has shown hesitation to leave Washington as well as doubts as to whether his appointment stands after MIRZA’s departure.

0232. SECRET

From: Foreign, New Delhi.
To: Indembaas, Washington.

IMMEDIATE


DAYAL from DESAI.

Your telegram 551 of 29th October.

I have discussed the developments in Pakistan in some detail with BUNKER* this morning, BUNKER showed greater concern with these developments than expressed by ROUNTREE to you. He quoted LANGLEY#, their Ambassador in Karachi, about the summary dismissal of MIRZA and how unceremoniously MIRZA was pushed out of Karachi in the early hours of the morning. BUNKER also said that it was extremely difficult to forecast which way AYUB will go as a totalitarian regime of this type can easily get off the rails.

2. BUNKER appreciated our concern at these developments and the aggressive attitude adopted by AYUB in his press conference yesterday. He said that US authorities will do everything they can to get the new regime to exercise restraint and moderation. He said that in view of our discussions this morning, he will work on this problem and make some suggestions to State Department as to what could be done to reinforce LINGLEY’s influence in Karachi, which has been, to a certain extent, damaged by his being too close to MIRZA. BUNKER was thinking in terms of visit by someone from State Department on some excuse to Burma, India and Pakistan, both to see how things are shaping in Karachi and to do whatever was possible to get the new regime to exercise restraint and moderation.

* U. S. Ambassador
# U. S. Ambassador in Pakistan
Dear Mr. Desai,

The story of the second coup on the 27th October is difficult to make out. It was even more of a Palace Revolution than the one of 7th October, with even fewer persons in the know of things. It caused surprise not only to observers like ourselves, but even to the person principally affected, namely, General Mirza. He had social engagements for the following week, and nearly to the end was his usual cocky and assured self. On the 26th evening I was at the Iranian National Day party, where Generals Mirza and Ayub were seen chatting with each other, apparently on good terms. General Mirza had people to lunch on the 27th. The two men gave a joint interview for T.V. to a young American correspondent which lasted till about 5 p.m. You might have seen the brief report on it in the papers. I do not think General Mirza had any clear idea of what was coming to him. After the T.V. interview, General Ayub stayed for a little while at President’s House, and then went off to attend a cabinet meeting with the new ministers which lasted till about 8 p.m. The cabinet discussed routine economic matters. The drama took place between 8 p.m. and midnight. Our knowledge of facts is not complete and there are several gaps. Shortly after 8 p.m., the uniformed police guards inside the President’s House were withdrawn and replaced by army sentries, but not in large numbers. About 10 O’clock Generals Azam, Sheikh and Burki of the ruling junta entered President’s House and asked for an immediate interview. They told General Mirza that they had been sent by General Ayub and presented a typed-written paper for him to sign. It contained the announcement of General Mirza’s abdication in favour of General Ayub. There were no arguments. After he had recovered from his shock, General Mirza signed the paper, adding a line in which he wished General Ayub well. It was the same announcement that appeared in the papers. Between 11 and 12 the newly sworn-in cabinet ministers were hurriedly called to the Prime Minister’s House, as well as Heads of Missions of the following countries: U.S.A., Commonwealth countries (except India), Baghdad Pact countries, and Afghanistan. General Ayub read over the statements about General Mirza’s abdication and about his own assumption of power. The drill was the same as that on the night of the 7th October, but there was a difference about the atmosphere. This time the U.S. Ambassador, U.K. Deputy High Commissioner (the High Commissioner was out on tour) and the Australian High Commissioner were dumb with surprise, and...
of the confidential talk and friendly banter of the last occasion. US Ambassador Langley, after he had found his voice, asked where General Mirza was. General Ayub said that he was well and in his house, and would be flown out to Quetta next morning. Australian High Commissioner Cawthorn then said that he was an old friend of General Mirza and asked permission if he could see him off. After a little hesitation, this was granted by General Ayub. Ambassador Langley also asked for the same privilege and it was granted. The meeting then broke up. Thereafter the proclamations were given to the press, and the world came to know that Pakistan has again changed hands for the second time in three weeks. One is not sure whether there was any meeting between General Mirza and General Ayub on the fateful night. General and Begum Mirza left Mauripur airport by a military plane in the early hours of the following morning, and were seen off by few people which included Ambassador Langley. They are staying at Government House in Quetta where their movements are somewhat restricted.

2. If it is difficult to describe how the second coup happened, it is even more difficult to answer the question why it happened. The declaration of abdication in itself gives some clue. It mentions: “Efforts to evolve an effective structure for the future administration of this country”. As reported previously, General Mirza was trying to bring in politicians from his National Council. His idea was to end Martial law and revert to normal civil government as soon as possible. This neither General Ayub nor the Army would have. You will have noticed that immediately after General Mirza had made the statement that Martial law would be withdrawn in shortest time he was contradicted openly by General Ayub. There is some reason to believe that, at that time a deputation of officers saw General Ayub and told him that the Martial law could not be withdrawn. The Army also held very strong views about politicians and insisted that they should be excluded. General Mirza’s idea was to have one or two Generals in the National Council and manage it mostly with the help of safe and old timer Republicans and Muslim Leaguers. The crucial point was General Ayub’s tour of East Pakistan. From his reading of the situation there and what the Army officers told him, he came back on the 23rd with the firm conviction that there should be substantial number of senior Generals in the new government set up, and also that politicians should be rigidly excluded. In some ways Army officers in East Pakistan have been more vocal. They have been engaged, since last year, in the so-called “Operation Closed-Door” which, in a way, was a dress rehearsal of the Army’s take-over of Government. When the Provincial Government restricted the Army’s power of search and seizure by an amendment to the Sea Customs Act, there were loud protests by local Army officers which reached the ears of the GHQ. On the 23rd, General Ayub
returned from Dacca and came to see General Mirza straight from the airport. What transpired at the meeting, one does not know, but within 24 hours orders were out appointing a new cabinet of 4 Generals and 8 scarcely known civilians. Obviously the Army had over-ruled the President.

3. The subsequent moves are even more obscure. On the 27th, several important promotions in the senior Army ranks were announced to fill the gaps made by the appointment of Generals Ayub, Azam and Sheikh in the new Government. General Musa was appointed Commander-in-Chief of the Army, and three other Generals were promoted to the rank of Lt.-Generals. General Ayub remained the Supreme Commander of all armed forces. The exact significance of these moves is not clear, but it is possible that these promotions represented a compromise. General Musa is regarded as a favourite of General Mirza. His elevation to the Army command was counter-balanced by the retention of supreme command by General Ayub, and promotion of some of the officers he wanted to higher ranks. This also removed the bottle-neck created by the repeated extensions of the tenure of General Ayub as Commander-in-Chief. Two things now happened. The new regime had taken over to cleanse corruption, but it was being widely said that the most corrupt person was General Mirza himself. There is reason to believe that the notorious smuggler Qasim Bhatti, during the course of investigation, had stated that he worked closely with General Mirza and that he had recently made a gift of a necklace to Begum Mirza worth several lakhs. All this came to General Ayub's ears, and there is one story that he asked General Mirza to make a declaration of his assets, which the latter refused. This took place on the 26th. The army was also feeling that President Mirza was too much mixed up with politicians, and was indeed a leading member of the Old Gang. There is reason to believe that the Cabinet Generals told General Ayub on the 27th that he must remove General Mirza at once. It is said that the General Sheikh was the most insistent. Here the obscurity deepens. When he dismissed all political parties on the 7th October, General Mirza had taken a great risk. He had now only the Army to depend upon. He had probably banked on creating differences in the armed forces. He had ostentatiously left the Navy and the Air Force out. But these were comparatively smaller organizations. In the Army itself he had hoped to work through his favourite General Musa. It is possible that, one the evening of the 27th, General Mirza had some inkling of what was going on and tried to use General Musa, but Musa did not play. He had now achieved his ambition of being the Commander-in-Chief and now saw that Mirza's time was up. The result was the letter of abdication which Mirza quietly signed and stepped aside.

4. In a coup like this a question is inevitably asked whether any foreign power had intervened. So far as I can see the Representatives of the USA and UK were taken completely by surprise. They had no knowledge. But in Pakistan
a large U.S. Military Assistance Advisory Group functions at Karachi, GHQ, Rawalpindi and at several other centers. The possibility of the later being in the know cannot be altogether excluded. Pentagon does not always march in step with the State Department.

With kind regards,

Yours sincerely

(S.N. Maitra)

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

[This report was seen by the Prime Minister and the President for their information.]

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0234. 

Note recorded by Commonwealth Secretary on his meeting with the U. S. Ambassador Ellsworth Bunker.

New Delhi, October 31, 1958.

Ministry of External Affairs

I had a long talk this morning with Ambassador Bunker about the latest developments in Pakistan. I had talked to him earlier after the first coup on the 7th. I mentioned to Bunker that the sudden developments on the night of the 27th came as a surprise to us. We felt, after the change of regime on the 7th, that there may be personal differences between Mirza and Ayub and as Mirza was solely dependent upon the Army, in case of difference of opinion, Mirza will have to give in to Ayub. We, however, understood - and this was also confirmed by Dillon, Under Secretary of State for Economic Affairs, when he saw me on 8th October - that Mirza and Ayub were close to each other and there was a fairly good chance of the team working together and settling down. When the Cabinet of 12 was announced on the 26th, we felt that things were settling down and the regime was getting a little more broad-based. The discussions that U.S. Secretary of Defence, McElroy, had with the Pakistan Defence Chiefs between 24th and 26th and the continuance of aid that was promised also showed that the United States authorities did not expect any
sudden developments. Actually, Mr. McElroy left Karachi on 27th morning for Tehran and the change in the regime, which meant summary and unceremonious dismissal of Mirza, occurred on 27th night.

2. I told the Ambassador that, apart from other things, Mirza probably had to go because of certain Muslim League affiliations that General Ayub seems to have and the Muslim League's hostility to Mirza. I mentioned the following in this connection:-

(i) When General Ayub went to Dacca last week, ex-Prime Minister Nazimuddin of the Muslim League was the first to receive him at the airport at Dacca, the local Governor and the local Commander Umrao Khan came next.

(ii) General Ayub also has won Miss Jinnah's favour who had been openly hostile to President Mirza.

(iii) General Ayub's brother, Bahadur Khan, has been an important member of the Muslim League and Qayyum, the Muslim League President, went to stay with Bahadur Khan after the political Parties were dissolved on 7th October when Mirza and Ayub took over.

3. I told Bunker that these developments and the aggressive attitude taken by Ayub in the press conference yesterday are a matter of some concern to us.

4. Bunker said that he himself was rather worried. He said that the reports that he got from Langley from Karachi showed how callous Ayub's treatment of Mirza had been. Langley and one or two heads of missions were summoned by Ayub on the mid-night of 27th and told about the change-over. Mirza and his wife were bundled off at 5 O'clock on the morning of 28th and sent away to Quetta. Langley was the only diplomat who saw Mirza off. From the Pakistan Government, there were only a few minor officials who came to see Mirza off. None of the Ministers or Generals were at the airport when Mirza and Mrs. Mirza left.

5. Bunker went on and stated that it is difficult to forecast which way a totalitarian regime of this type will go. He said that the assessment of Ayub that they have got from Langley was not particularly favourable. Ayub, in Langley's view, was rather a vain and conceited man, not very capable and power may easily go to his head. He said that, so far as the U.S. authorities are concerned, they will do everything possible to exercise a moderating and restraining influence on the new regime. He admitted, however, that Langley's influence in Karachi has been damaged to some extent because of his being too close to Mirza and the new regime may not pay the same attention to his views on account of his previous connection with Mirza.

6. Bunker told me that, in view of our talk this morning, he is going to work on this problem and make some suggestions to the State Department. He was
0235.  
SECRET

Letter from the Acting High Commissioner to Commonwealth Secretary M. J. Desai.

Karachi, November 1, 1958.

High Commission of India
Karachi

No. HC/750/58 November 1, 1958

Dear Mr. Desai,

The authorized version of the second coup has now been given. As usual, it was at a conference of foreign press correspondents. I enclose a cutting of the report of the conference held by General Ayub on the 30th of October*, as it was carried in the Pakistani papers. The fact that British and American correspondents were called in and this important story was given to them only, has caused much heart-burning among those who were excluded. You will be amused to learn that not only Indian correspondents were excluded but also Pakistanis, even the semi-official Associated Press of Pakistan. Two Japanese correspondents also failed to join the interview. Apparently, it is not enough to be pro-Western - you have to be a Pucca Sahib. This matter, small in itself, gives an insight into the minds of the governing Junta. Needless to mention

* Not include here
that the authorized version does not give the whole truth. Little is said of the background, of how the decision to remove Mirza was taken. I have reason to believe that even the narration of the story is not altogether correct. For instance, there was a considerable lapse of time between the presentation of the ultimatum and General Mirza’s signature. I have already sent you my own report on the subject based on information collected from different sources.

2. The parts of the General’s statement which would attract most attention to an Indian would be those dealing with the disputed points with India, namely, Kashmir and Canal Waters. On both these issues, the General took a high line. About Canal waters he said that projects to supply alternative water to the areas threatened would take 10 to 15 years and until then India should supply water. India should also pay for the construction. Regarding Kashmir, the General said: “We must have a satisfactory solution. It affects our security and our whole existence. Should we be forced to adopt extreme measures, the responsibility will be that of India”. Asked if he meant “war”, he said: “Yes, certainly”. This was sword rattling. There was nothing new except that the person who was using the threat was the Supreme Commander and might have been expected to be a little more restrained. I had occasion to meet one of the foreign correspondents who conducted the interview. He told me that the reports in the papers were quite faithful.

3. The point of interest now is to find out the real facts of the continuing coup, who planned and executed it. It now seems that when General Ayub came to Karachi on the fateful day of 7th October from Rawalpindi, he was accompanied by three key staff officers, namely, Major General Yahaya, Chief of the General Staff, Major-General Hamid Khan, Director-General of Military Training, and Brig. Pirzada, Director of Military Operations. These three officers had just gone back to Rawalpindi - the Army Headquarters. Before they left, our Military Adviser met two of them at a social gathering. Although not much was said, he received the distinct impression that these officers had come down with some kind of a plan and were now returning after the whole of it had been executed. I had this impression corroborated from an independent source. Perhaps we might hear more later on of these military master-minds. You might be interested to see what they look like, when General Ayub gave his first press conference on the 10th October, they sat behind him and their pictures appeared in the newspapers I enclose a cutting.

With kind regards,

Yours sincerely,

(S.N. Maitra)

Shri M.J. Desai, ICS,
Commonwealth Secretary, New Delhi

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Letter from the Acting High Commissioner to Commonwealth Secretary M. J. Desai on his interview with the U. S. Ambassador Langley.


No. HS/5/TS/58 November 4, 1958

Dear Mr. Desai,

Yesterday I had a talk with the American Ambassador Hr. Langley mainly about the second coup since the American Ambassador in Pakistan is very well informed about what goes on here. I send you a note on the talk recorded by me. You will see that Mr. Langley’s attitude towards General Ayub was much more guarded than it was towards General Mirza. I have reported previous conversation with Mr. Langley in my letter No. HC/2/TS/58 of the 11th October. He feels that the new regime will be more Islamic, He, of course, denied that United States had anything to do with any of the coups.

With kind regards,

Yours sincerely

(S.N. Maitra)

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

A note on conversation with Mr. James M. Langley, U.S. Ambassador, held on 3-11-1958.

Mr. Langley had flown to Kabul on the 31st and had returned last evening (2nd). He said that he would have liked to meet ex-President Mirza when he passed through Karachi yesterday but it was too late for doing so. He confirmed that he had seen off General Mirza and his wife when they were taken off to Quetta. He said that at that time they were under arrest and had only a couple of suitcases with them. He could not talk very much at the airport because General Sher Bahadur was standing guard. He could only ask General Miraa when he came to know of the events, and the answer was 10 p.m. He did not
put further questions as that might embarrass General Mirza. Mr. Langley said that General Mirza's personal effects and private papers had been carefully searched by the military authorities since, of course, he did not know whether anything incriminating has been found. He had the impression that General Mirza owed the comparatively lenient treatment which he had was due to solicitude felt for him in foreign countries. He had himself enquired about him on the very night of the coup (27th), as also the Australian High Commissioner Gen. Cawthorn. The latter had missed coming to the airport in time because he had heard the time wrong. Mr. Langley said that on the night of the 27th, he along with several other Heads of Missions had been called to General Ayub's office shortly after 11 p.m. They were kept waiting there for over an hour. During this time General Ayub's proclamation that he has assumed the powers of President was being drafted.

2. Regarding the question of recognition of General Ayub's Government, Mr. Langley said that his Mission was continuing to work with it, and was unlikely to raise any question of recognition. So far the Pakistan Government had not raised the question. I pointed out to him that, on the previous occasion, it was being said that as General Mirza continued to be the Head of the State, there had been no change for the purposes of recognition or accreditation, but this time the Head of the State had changed, Mr. Langley agreed that the proclamation of assumption by General Ayub did not quite fit in with the statement of General Mirza that he had stepped aside.

3. Mr. Langley said that he was quite surprised that the break between General Mirza and General Ayub had come so quickly. He had thought that the two will continue to work at least for some time. He felt that General Mirza's experience would have been helpful to the new regime. He was not sure how the break came, but did not think it was due to difference on any specific issue. The main reason was that General Ayub wanted to push General Mirza out. Here Mr. Langley thought that General Ayub had been forced to take action rather than done it on his own. He was not sure, but his surmise was (that the move came not so much from the three cabinet Generals but from some officers junior to them. He said that his facts were not precise and he would not give details. He seemed to doubt whether the three military officers who delivered the ultimatum to General Mirza were the three Cabinet Generals. Mr. Langley had some interesting light to throw on some of the top Generals. He said that he knew General Ayub fairly well. He was a good soldier, with personal charm, but rather impatient and short tempered. I was surprised to learn that the last extension given to General Ayub, a few months back, was done against General Mirza's recommendation. Mr. Langley said that he had discussed this matter with General Mirza at that time, and the latter had definitely stated that he was against an officer holding the post of C-in-C for two 4-year terms. He preferred
that the post should be filled by General Sheikh, but his recommendation was not accepted by the Cabinet who made a compromise by reducing General Ayub's term from 4 years to 2 years. At that time General Ayub had cultivated the friendship of Messrs Noon and Suhrawardy. It was the Noon Government which gave him the extension. General Ayub could play politics, when necessary. I asked Mr. Langley whether General Musa was not a favourite of General Mirza? He did not think so. He said that just because General Musa was a Shia like General Mirza, too much was assumed.

4. About the present set up, Mr. Langley thought that it contained some fairly competent men like Mr. Qadir and Mr. Shoab but he agreed that power rested with the Army, and that the civilian ministers did not represent anybody but themselves. About the future, Mr. Langley thought that there would be a change under General Ayub from what was envisaged by General Mirza, for one thing General Mirza was in favour of a secular State. Mr. Langley thought that under General Ayub there might be an Islamic bias. He saw much significance in General Ayub's calling on Miss Jinnah who was, so to say, the patron saint of the Muslim League. So far as he knew, no Prime Minister since Mr. Nazimuddin had done so. I volunteered the information that General Ayub was the brother of Sardar Bahadur Khan, the Muslim League leader. Mr. Langley was aware of it, and also that the two brothers were not on good terms. He went on to say that during General Ayub's visit to East Pakistan, great prominence had been given to Mr. Nazimuddin. Mr. Langley thought that it would not be improbable if the new regime in Pakistan headed towards a one-party State. That party would be the Muslim League, although its name might be changed to something else.

5. While discussing the impression created by the new regime in foreign countries, I told Mr. Langley that the recent utterances of General Ayub of possibility of war with India had created an unfavourable impression in that country. I showed him a copy of the "Statesman" of 2nd November, which I had with me and, which had highlighted this aspect and also connected the United States with it. Mr. Langley read the article and said that it was all wrong, and that United States was always accused whether it did anything or not. The article in question from the Political Correspondent, in his opinion, was really a comment and not news. Mr. Langley tried to minimize what General Ayub had said by saying that it was difficult for him as newspaper correspondents asked leading questions, and that General Ayub was inexperienced and did not realize that now that he was the Head of the State, each word of what he said was taken very seriously. He went on to say that even more experienced people like President Eisenhower and Mr. Dulles were caught saying wrong things at press conferences. I pointed out to Mr. Langley that General Ayub had been saying these things consistently, and what he has now said about war to the
foreign correspondents was the same what he had told the Pakistani correspondents on the 22nd at Dacca. I knew the Dacca correspondents, and I am sure they were not trying to embarrass General Ayub. Mr. Langley thought that General Ayub would gather experience, and that he would take friendly advice even from members of the Diplomatic Corps. He had, however, a little doubt on account of General Ayub's quick temper. Mr. Langley hoped that I would advise my Government to be patient. I told him that we in India, both the people and the Government, are always patient, and pointed out that after the initial coup on the 7th October, our reaction had been very sympathetic. He said that he had seen some of the Indian papers on the subject.

(S.N. Maitra)
Acting High Commissioner
3-11-1958

0237.

TOP SECRET
Letter from Acting High Commissioner to Commonwealth Secretary M. J. Desai.

HIGH COMMISSION OF INDIA, KARACHI

Dear Mr. Desai,

Iskander Mirza and wife have reached London. You will find the details from report of London Correspondent of the Morning News which I attach*. Somehow I have the feeling that we have not heard the last of Iskander Mirza. You will notice that he was received by Col. Hugo, Protocol Officer of the Commonwealth Relations Office. Mirza has influential friends in London. From my talks with British and American diplomats here, I understand that their people will contact Mirza in London. I know it for a fact that it was due to the sympathy of Anglo-Americans that Mirza got off so lightly. That is why the Army did not lay rough hands on him. As I have already reported, the Army has been rummaging through his books and papers, but Mirza is very clever and it is probable that he had already sent away much of his valuables as well as important papers.

* Not included here.
I have it from a personal friend of Nahid Mirza that she was packing her things shortly after the first coup. An elderly English man by the name of Col. Friend was to be seen in Mirza's entourage. This man left Pakistan quietly some time after the 15th of October. It is possible that Mirza's valuables and papers were carried by him. It may be that the Army failed to find enough material to impeach Mirza. Mirza has been playing politics for a long time and has many friends among politicians, civil servants and army officers. He is an ambitious and scheming person. He will not reconcile himself easily to retirement in quiet private life. It might be useful for us to keep in touch with Mirza, discreetly, in London.

With kind regards,

Yours sincerely

(S.N. Maitra)

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs, New Delhi.

0238.  TOP SECRET
Letter from Commonwealth Secretary to the Acting High Commissioner.
New Delhi, November 5, 1958.

D. O. No. 1188-CS/58.  November 5, 1958

My dear Maitra,

2. On reading through the report of your conversation with Ambassador Langley on 3rd November, I find it difficult to decide whether Ambassador Langley gave all this information on his own or whether he was briefed by his counterpart in Delhi following a conversation I had with the American Ambassador here on 31st October, and played up a particular line to meet our interpretation of and concern at the second coup in Pakistan.

3. I enclose herewith for your information copy of a note* I recorded on

* See Document No.234.
31st October after my talk with the American Ambassador. I regret I could not send it to you earlier as I left that afternoon on tour. Copies had, however, been addressed to our representatives in London and Washington for their information.

4. I will be grateful if, after reading through my note of 31st October and your note of 3rd November, you could frankly give me your view as to the sincerity and frankness of Ambassador Langley in the way he talked to you. You are in a better position to judge as you know him and have talked to him before. I have naturally a suspicious temperament in matters of this sort and hence would be grateful for your views as to whether we should interpret Ambassador Langley’s views as confirming our own or take it that they were specially put on for our benefit in view of his knowledge about our own views on the second coup in Pakistan.

With kind regards,

Yours sincerely

(M.J. Desai)

Shri S.N. Maitra,
Acting High Commissioner for India,
Karachi.

0239. SECRET

TELEGRAM

From: Indembassy, Washington DC.
To: Foreign, New Delhi.

IMMEDIATE

No. 574. November 12, 1958

Desai from Dayal.

I called today on ROUNTREE to ask about significance of announcement made here that U.S. is entering into fresh Military and Economic agreements with Pakistan and other Baghdad Pact countries. I pointed out that this announcement coming in the wake of jingoistic statements by AYUB was likely
to cause concern in India. He replied exactly as I had expected. He said that U.S. entered into declaration of cooperation under Article 1 of Baghdad Pact last July as alternative to full membership of the Pact. It merely called upon the members to cooperate for mutual security etc. and to negotiate agreements to that end. Agreements now to be concluded were in implementation of July declaration and were covered by existing legislative authority. He added that U.S. already had several agreements with various countries under Mutual Security Act and other legislation.

2. I pointed out that I had previously been assured that declaration involved no new commitment (see my telegram 367 of July 30th and letter No. 116-A of August 4th to DUTT). Since military aid and other agreements already existed the need for further agreements was not apparent and conclusion would be drawn in India that this involves an enlarged programme of military assistance to Pakistan at a rather critical time. He did not question this interpretation but said that the declaration involved no new commitment. It did not however require the parties to enter into new agreements in implementation of it, and it would be wrong to read too much into these agreements. He agreed when I said that it would be equally wrong to read too little into them. He also deplored AYUB's reference to possibility of war with India.

3. These agreements will complete the process of making U.S. a member of Baghdad Pact in all but name. We cannot yet say whether they will enlarge the scope of existing military aid agreements.

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Letter from the Acting High Commissioner to Commonwealth Secretary.

Karachi, November 12, 1958.

High Commission for India
Karachi

No. HC/9 – TS/58. 12th November 1958

Dear Mr. Desai,

Please refer to your letter No. T. 1188/CS/58 of the 5th of November, regarding U.S. Ambassador Mr. Langley. Your conversation with Mr. Bunker took place on the 31st October (Friday), and I saw Mr. Langley on the morning of the 3rd November (Monday). From Friday to Sunday, Mr. Langley was away in Kabul. I do not think there is a daily courier service for letters between the U.S. Embassies at Delhi and Karachi. If Mr. Bunker had recorded a note of his conversation with you and sent a gist of it by telegram, it is possible that Mr. Langley could have seen it before I saw him on Monday morning at 10.00 A.M. So much for the mechanics of communication.

2. I have gone carefully through the records of your conversation with Mr. Bunker on the 31st and my talks with Mr. Langley on the 3rd. There are two important points Mr. Langley told me what you had said to Mr. Bunker, viz:

(a) the second coup was a surprise,

(b) General Ayub had Muslim League leanings.

About (a), from what I have been able to gather subsequently from different sources, I think, we may accept as true that the second coup came as a surprise to the Americans as much as it did to us. About (b), I feel a little doubtful that Mr. Langley should have stressed so much the point about Muslim League. But, going through the record of his talk with me after the first coup (page 3 of the enclosure to my letter No. HC/2/TS/58 of the 11th of October), I find that Mr. Langley had stressed the fact that President Mirza was non-Islamic. This time he was stressing that General Ayub was Islamic.

3. Although inclined to share some of your doubt, on balance, I think, Mr. Langley was, more or less, giving his own reading of the situation, although it is probable that this assessment was not identical with what he
had given to his own Government. After all, we all change our wave-lengths to suit the hearer.

With kind regards,

Yours sincerely

(S.N. Maitra)

Shri M.J. Desai, I.C.S.,
Commonwealth Secretary,
New Delhi.


0241.

SECRET

Letter of the Acting High Commissioner to Commonwealth Secretary.


High Commission of India,
Karachi-5

No. HC/775/58. November 13, 1958

Dear Mr. Desai,

Our First Secretary M.L. Mehta, who saw you the other day in Delhi, tells me that you would like to get an assessment of Aziz Ahmad on the following points:

(a) Position of the Secretary-General

(b) His position vis-a-vis other Secretary, and also

(c) Position of Secretaries vis-a-vis Ministers.

A proper assessment will naturally take some time, but as the partial withdrawal of Martial Law has made the whole question one of topical interest, I am giving you my present reading, although it is somewhat inadequate.

(a). Basically, Aziz Ahmad is a creature of the Army Junta and wields such powers as he is allowed to by them. Although he represents the Civil Services, the latter have lost so much face that they really do not count. All the same, as the Army people are ignorant of the intricacies of civil
government, the Army Junta has to depend upon the Civil Services. Aziz Ahmad has a forceful personality and is not believed to be corrupt. He, therefore, is somebody - so long as he does not come into conflict with the Army Junta on any basic matter. He is unpopular with the Americans but the British think well of him.

(b). The position of the Secretary-General in Pakistan is somewhat analogous to that of the Chief Secretary in an Indian State. On matters like Rules of Business, the Secretary-General does lay down the law. I enclose a cutting containing his "message" to the Civil Services. Also, as the Army is used to a graded chain of command, they prefer to work through one Secretary-General rather than a host of equal secretaries. That Aziz Ahmad has already acquired considerable power over different Ministries is seen from the fact that he is able to shift important officials in those Ministries. For instance, Dr. Zuberi, Educational Adviser, has been asked to go. I understand the reason is that recently he did not vote in favour of Aziz Ahmad who was a candidate for the top UNESCO post. Then there is the question of cliques. With the fall of Mirza, the Shia clique is out. Naqvi is under a cloud. The eclipse is shared by the U.P. Mohajer element. They are being scattered. For instance, Mr. Azfar has been sent out to Dacca as Chief Secretary and Qarni, Joint Secretary, Finance, is being pushed out somewhere abroad. Aziz Ahmad is the head of the panjabi clique which is now in the ascendant.

(c). The relationship between Ministers and their Secretaries has yet to crystallize after the second coup. The Ministers are too raw and the Secretaries too frightened. Again, Ministers are of two kinds, the military and non Military. Within their own spheres the military Ministers take and carry out decisions quickly and order their Secretaries about. The Secretaries themselves have a thin time. I am told that they receive curt orders to put up complicated cases within an hour. Moreover, the office hours are exacting, 8 a.m. to 6 p.m. - and often beyond. Secretaries also go round the Sections. They are under the all-watchful eye of the military and very often Secretaries and files are called up by General Ayub himself. Not only all this goes on at a fast pace, but the Secretaries (or for that matter, those lower down) feel quite insecure. Martial Law is not bound to respect Service Rules, and civil officials have ill-gotten wealth. As for the civilian Ministers, they have no standing. They are ordered about by General Ayub and sometimes by the other Generals. The civil Ministers tend to depend more on their Secretaries. This is natural. I understand that during the last few days, the business community has made representations about their difficulties to Mr. Zulfiqar Bhutto, the new Commerce Minister, whose stock reply has
been “I shall have to discuss with my Secretary”.

With kind regards,

Yours sincerely

(S.N. Maltra)

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

SECRET

Letter from the Indian High Commissioner in Ceylon Y. D. Gundevia to Commonwealth Secretary M. J. Desai.

Colombo, November 13, 1958.

High Commission of India in Ceylon,
Colombo-3

D. O. No. PS – 45/58

November 13, 1958

The new regime in Pakistan

My dear M.J,

Many thanks for your comments on the subject in paragraph 2 of your demi-official letter No.653-CS/58 of November 7.

2. Peiris, Counselor in the Ministry of External Affairs, has showed me another letter from their High Commissioner in Karachi addressed to Mr. Bandaranaike. M.M. Maharoof, the Ceylon High Commissioner, reports in this letter that he went to pay a courtesy call on General Ayub Khan on 3rd November. The General told him point blank that he was most anxious to maintain peaceful relations with India or settle everything amicably, but if that was not possible they would not hesitate to go to war against India. “We were born in the struggle, we are continuing with the struggle and will continue to struggle for our just rights”, said the General. A canal water was
a very important issue for Pakistan and if India did not give them the water, large areas of Pakistan would be converted into a desert, and they could not allow this to happen. The suggestion obviously was that if, for good or bad reasons, Pakistan did not get all the water that she wanted and if a peaceful solution was not forthcoming, they would go to war on the issue.

3. Maharoof’s letter (which is dated 10th November) says that General Ayub Khan ventured the opinion that, with language disputes and re-organization of the States, India was disintegrating. The disintegration of India was an advantage to Pakistan. He added that this would be an advantage to Ceylon also. The Ceylon High Commissioner thought that the General was thinking of Ceylon’s arguments with India over the plantation labour and etc.

4. The letter goes on to discuss American reactions and repeats what I reported earlier that the Americans, according to the High Commissioner, were neither very surprised nor unhappy at the first coup d’etat by Iskander Mirza, but they have been very disturbed at the second coup in which Mirza was dethroned by General Ayub. The Ceylon High Commissioner seems to think that even if Ayub Khan is not as one track pro-American as Iskander Mirza, he is likely to maintain just enough amicable relations with the USA in order to ensure a fair supply of arms, which he might eventually want against India.

5. Since I am writing about Pakistan, I might as well report what Sir Oliver Goonetilleke’s reactions are to the state of affairs in Karachi. When I saw him on 6th November (I was paying my first courtesy call on him after the Emergency), almost the first thing that Sir Oliver said was that he was prepared to take a bet that in ten years from now there would be a united India. When I asked him what he meant, he said “Wa-wa-wa-war, my dear fellow.” He seems to have quite made up his mind that Ayub Khan’s regime will not go very far to avoid war and they will attack India and, according to him, India will have to fight back and conquer Pakistan. I asked him what he knew of General Ayub Khan and he said that reports from an American, whom he knew very well, who had just returned from Karachi, suggested that the General was pompous and empty headed. He was not big, had not much brains and the Governor-General was not even sure if Ayub Khan was a good soldier. A pompous fool in authority and in the garb of an Army General was a very great danger to India, according to him. One, of course need no put much store by Sir Oliver Goonetilleke’s opinions, but he is about the best informed person in Ceylon on anything outside Ceylon—to say nothing of everything inside Ceylon also.
5. I will keep you informed if I come across anything of interest at this end.

With kind regards,

Yours sincerely
(Y.D. Gundevia)

Shri M.J. Desai,
Commonwealth Secretary,
Ministry of External Affairs, New Delhi.

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0243. SECRET

High Commission of India
Karachi-5

No. HC/783/58 November 14, 1958

Dear Mr. Desai,

You must have read in the papers about the partial withdrawal of Martial Law in Pakistan, soldiers have been withdrawn from the streets and Martial Law courts abolished. This is an important step. I link this with Musa’s speech at GHQ Rawalpindi on the 12th bidding farewell to Ayub. I send herewith a cutting of the entire speech*. It was more than a polite farewell speech. It was a policy declaration. The chief points made by Musa were:

(a) The Army should keep clear of politics.
(b) They should concentrate on their professional job and have nothing to do with Martial Law.
(c) The ultimate aim should be democracy.

I have marked those portions in red pencil. You will notice that, in scoring these hits, Musa had cleverly quoted Ayub’s own words. The point about democracy was spoken by Ayub in his first public statement on the 9th October after the first coup. He has been talking very differently after the second. To my mind, the mention of democracy in that particular context of an Army mess

* Not included here.
farewell dinner, soon after a military coup, was very significant. In talking about point (b), Musa was very cavalier. He was telling Ayub that while he (Ayub) was busy with the coup, Musa himself had ordered the Army to go on with its training and had not cared to tell Ayub of it till now. It was almost a notice that the Army and the military junta controlling government go their own ways. I do not say that the parting has come, but the question arises that if the Army, as its Commander-in-Chief says, is purely a professional body, what is the strength behind the present regime? In this connection, it may kindly be noted that at present, although Ayub is the Supreme Commander, he is not the Chairman of the Committee of the Chiefs of Staff, that is, Heads of the three Services, Army, Navy and Air Force, which deliberates on matters of higher military policy. The Chairman is Musa.

With kind regards,

Yours sincerely,

(S. N. Maitra)

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

0244.  SECRET

Note recorded by the Commonwealth Secretary after his meeting with the U. S. Ambassador.

New Delhi, November 14, 1958.

Ministry of External Affairs

The U.S. Ambassador saw me this afternoon to have what he called his periodic exchange of views with me on the developments in Pakistan.

2. The Ambassador began by reiterating what he had stated before that the U.S. authorities were taken completely by surprise by the coup d'état in Pakistan. He said that this was true of both the events, the one on 7th October and the other on 27th October. He gave details, particularly, regarding the latter coup and how Ambassador Langley was thoroughly disconcerted at these sudden developments.
3. The Ambassador said that his latest information from Karachi is that Mirza was removed suddenly because he was scheming to consolidate his position and keep General Ayub in nominal authority while keeping all the powers in his own hands. He said that the latest reports from Ambassador Langley show that the real driving force behind the second coup was not Ayub but the committee of Army officers which General Ayub had set up some months back at Rawalpindi as a sort of brain-trust for Defence planning. It was members of this committee who forced the issue about Mirza and not General Ayub or the three other Generals who are in Ayub’s Cabinet. He said that Ambassador Langley’s assessment is that Ayub is a dictator but is by no means a free agent.

4. According to Ambassador Langley, General Ayub is not a very brainy person, but General Musa, who is Commander-in-Chief, is a very competent commander. Ambassador Langley has since met the Foreign Minister Quadir and the latter struck the Ambassador as a very balanced and reasonable man, liberal in his views and extremely keen on the quickest possible restoration of democratic and constitutional processes. According to Langley’s assessment, Quadir has great influence with Ayub and the recent relaxations in the military regime in Pakistan may well have resulted from the impact of Quadir’s views on General Ayub.

5. The Ambassador stated that, according to his information from Karachi and the talks that he had with various U.S. officials who came from Karachi, General Musa and the Army officers are hard-headed practical people who are not likely to indulge in any adventures against India as they know fully well that such an adventure would be disastrous to Pakistan and immediately alienate the United States without whose aid Pakistan will be completely sunk.

6. I thanked the Ambassador for giving us this information, told him that we also thought that Quadir was a reasonable and level-headed person, but we felt rather concerned at the concentration of authority is a military dictatorship. Such dictatorships have, in the past, always resorted to adventures to consolidate their power at home. I also told the Ambassador that, since Ayub’s interview to the foreign press, in which he referred to war with India to settle the Kashmir and Canal Waters questions – I gave him the details of the incidents in the last fortnight – and also an increase of false and frivolous complaints from the Pakistan High Commissioner in Delhi. I said that people in India were rather concerned that in the context of these prevailing conditions, negotiations have started between the United States and the Pakistan authorities on further economic and defence aid agreements. I said that we would welcome any amount of economic aid to Pakistan as we want the people of Pakistan to be happy and contented because their well-being assures our well-being as well,
but the starting of negotiations for further defence aid, particularly when the military dictator of Pakistan threatens war with India, naturally, causes serious public reactions in India. The Ambassador said that the whole position about these negotiations is rather vague and he has no definite information. He was, however, positive that there will be so increase in military aid granted to Pakistan and that all U.S. influence in Pakistan will be used for getting the Pakistan authorities to behave with restraint and moderation. The Ambassador added that the calmness and restraint, shown by the Government of India with reference to the developments in Pakistan, had been greatly appreciated by the United States authorities and the U.S. public.

7. I mentioned to the Ambassador that there are very strong reactions to these negotiations amongst the India public and this matter is bound to be agitated in various ways when the Parliament session starts next week*. The Ambassador said that he will get such information, as he can about these negotiations and will see me again. But he again assured me that there will be no increase in the military aid given to Pakistan and the total aid, in any case, will not be very significant.

(M.J. Desai)
14.11.58.

Prime Minister

* The Ambassador informed the Ministry subsequently that what the Iranian Foreign Minister had told the Senate in Tehran "the United States has not signed and will not sign any military agreement with any foreign power with aggressive aims" and confirmed that "This is also the attitude of the U.S. Government with regard to Pakistan."
0245.  
SECRET
Letter from Deputy High Commissioner for India in East Pakistan to the Ministry of External Affairs.

Dacca, November 18, 1958,
Deputy High Commission for India
Dacca

No. F. 1(2) PS/58. 18th November, 1958.

My dear Lukose,

Last night I met Sir Alexander Symon, British High Commissioner in Pakistan who is now on a visit to Dacca at a dinner party given by the British Deputy High Commissioner, Greenhill.

2. I met Sir Alexander before at New York. At the party there were three British businessmen from Narayanganj and Chittagong representing top British firms and the American Consul-General with his wife. In the course of conversation Sir Alexander said that General Ayub’s statement regarding Kashmir and war was not properly interpreted in the press and understood especially in India. He said that it was his suggestion to General Ayub to meet the foreign press and speak to them. He said that General Ayub not having this type of experience fell into the press trap. He claimed that he knew General Ayub personally and was confident that a good General like him would never take his country to war. Everybody present started nodding their heads in agreement.

I told Sir Alexander that General Ayub may be a good General what about many bad generals under him who may not be able to give a correct interpretation for a speech like that. Sir Alexander agreed and said that before he left Karachi he had a discussion with General Ayub who is going be make a foreign policy statement in course of this week. This statement which is being prepared beforehand would reflect correctly Pakistan’s attitude to many international problems.

This is for your information.
With kind regards,

Yours sincerely
(Purnendu Kumar Banerjee)
0246. Letter from the High Commission for India to the Commonwealth Secretary.

Karachi, November 22, 1958.

High Commission of India Karachi

No. HC-54/58 November 22, 1958

Dear Mr. Desai,

How long will President Ayub last is a question which is now being asked by many. No one credits him with much intelligence or ability, but what has come as a surprise is the report that his nearest rival, General Musa, is not credited either. This is confirmed by our own Military Adviser. He says that he has learned this from Pakistani Army circles. The struggle for power, if President Ayub is to go, will be between Musa and Azam. The later has a reputation of being an able and astute General.

2. The real power, however, is said to be in the hands of a military group or junta. This group is variously estimated from three to thirty officers, most of them of fairly junior rank. Some people call them “Young Colonels”. Begum Noon, who has been seen very much in Karachi lately, is said to have told certain diplomats that the supreme power is in the hands of three Army Officers, a General and two Colonels, who are responsible to a larger group. There is no indication as yet regarding the identity of the members of this triumvirate. The latest rumour about these military groups is that they are having second thoughts about the Army getting involved in civilian affairs. General Musa’s speech at Rawalpindi at the farewell dinner to President Ayub on the 12th November may have been a reflection of this point of view. Speaking at Quetta on the 20th November General Musa stated that the ‘Martial Law would be lifted only when things in the country were completely set right’. He also said that ‘the Army would continue giving cover for the smooth running of the civil administration.’ There seems to be no basic departure from his earlier statement about the Army’s intention of not getting deeply involved in the administration of the Martial Law.

3. Yesterday I had written to you about the reported postponement of the winter exercises of the Pakistan Army. The Burmese Military Attaché told us later that he had learnt from Pakistani sources that this decision was taken because of the delay in the transfer to the barracks of the troops on Martial Law duties. It is not quite clear whether President Ayub’s announcement of the 16th November that all troops will be withdrawn from Martial Law duties is being carried out effectively and promptly. The decision of the East Pakistan Government, announced two days later, to set up summary military courts in
each district to try offences of smuggling and corruption has obviously been taken on second thoughts. Our information is that the brigade, which was stationed about 80 miles from Karachi shortly before the first coup, has not so far been moved. In Karachi itself, however there are very few military men to be seen in the streets and the day to day administration is mostly in civilian hands.

With kind regards,

Yours sincerely,

(K. V. Padmanabhan*)

Shri M.J. Desai, ICS.,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

0247.  TOP SECRET

Letter from the Indian High Commission to Commonwealth Secretary.


High Commission of India
Karachi-5

No. HC – 54/58

November 23, 1958.

Dear Mr. Desai,

Yesterday the Yugoslav Minister, Mr. Vlahov, spoke to me about his courtesy call on General General Ayub on the 19th November.

2. Ayub spoke to him particularly about Pakistan’s relations with India. Adopting an injured tone, he pointed out that India had put too much emphasis on the remarks he had made during his interview with some foreign correspondence on the 29th October, while no attention was paid to his speeches at Dacca and at Rawalpindi. He ended up with a warning that “this is the last

* He was Deputy High Commissioner.
chance for Mr. Nehru to settle these problems with me”, apparently meaning that the person or persons who may succeed him may be more extremist.

3. Talking about agrarian reforms, General Ayub told the Yugoslav Minister that he had advised big landlords that they should accept the recommendations of the Land Reforms Commission which is expected to submit its report soon. He had also told them that they could not expect to get such liberal terms when he is no longer at the helm of affairs.

4. Mr. Vlahov told me that he was quite intrigued at the repeated references by Ayub to the possibility of his not being at the top of the Administration. This led us to discuss further about the existence and strength of a so-called military junta at Rawalpindi. Mr. Vlahov firmly believes that such a Group exists. He had also heard that the group had given certain directions to General Ayub in regard to foreign policy. The moderation Ayub showed in his speech at Rawalpindi is attributed to the pressure from this Group. They are said to have counseled Ayub not to attend National Day functions at the capital and get generally mixed up with foreign diplomats. This is rather astonishing news and, if true, is a clear indication of the estimate the Army has of the President of Pakistan. I may recall, in this context, the speech made by General Ayub at the Turkish National Day on the 29th October i.e., a day after the assumption of power by him, where he made an impromptu speech referring to Turkey as the beacon light of Asia, to which Pakistan was looking up. He ended his speech by toasting the health of the Government of Turkey and not of President Bayar, as he should have. This speech provoked at least two Heads of Mission, the U.A.R. Ambassador and the Yugoslav Minister, to call at the Foreign Office and ask for certain clarifications.

5. Reverting to General Ayub’s remarks about India, there can be no doubt that they were made in the expectation that they would be conveyed to us. He must have, therefore, talked with a definite purpose to the Yugoslav Minister. When he met the Ceylonese High Commissioner a few days earlier, the General had taken a completely different line. He depicted India as being on the verge of collapse. He did not believe India was strong even militarily, as the Army was composed of different religious and linguistic elements. He referred to the regional rivalries and to the existence of widespread corruption. In his view the country was being held together by the personality of the Prime Minister and once he disappeared from the scene there would be utter chaos. He also appeared to be confident that Pakistan could defeat India easily if a war started. The Ceylon High Commissioner was so much rattled by this attitude that he did not actually tell us anything regarding this conversation. We, however, learned about this from a source close to him.
Pakistani propaganda about India being weak, etc., is not new. It has been a favourite theme with the Pak. Foreign Office people, from Mr. Baig downwards.

6. The latest complaint against our country, of which Foreign Minister Manzoor Qadir is the exponent, is that India is provoking Pakistan by intemperate statements and actions. They call this ‘Pakistan Baiting’. We may expect to hear more about this not only from Karachi but also from interested western capitals.

With kind regards.

Yours sincerely

(K.V. Padmanabhan*)

Shri M.J. Desai, ICS.,
Commonwealth Secretary, Ministry of External Affairs,
New Delhi.

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*He was Deputy High Commissioner

TOP SECRET

Letter from Indian High Commission to Commonwealth Secretary.

Karachi, November 24, 1958.

Indian High Commission
Karachi


Dear Mr. Desai,

On Saturday I met Mr. Abdul Aziz Mirza, Registrar of the Pakistan Supreme Court, and had a long talk with him about the recent developments in Pakistan. Mr. Mirza is an old friend of mine. We were colleagues in the Indian Federal Court.

2. The main impression I got from this conversation is that Chief Justice Munir has been and is very closely connected with the present political developments. Mirza told me that he and the Chief Justice were in Karachi on the 8th of October, the day of the first coup. They returned to Lahore the same night.

0248.
3. The Supreme Court is now meeting in Karachi to hear some cases. This opportunity is being taken by General Ayub to have detailed discussions with the Chief Justice and some of the other Judges about the future constitutional set-up. Mirza confirmed our earlier information that Foreign Minister Marzoor Qadir is actually engaged in drafting parts of the new Constitution. It is to be of the Presidential type, but “with checks and balances”. The franchise will be limited. He said that in his view adult universal franchise was not suited to countries like Pakistan. He could not tell me how long the present Military Administration will last. He, however, gave no indication of Ayub’s own position being unstable in any way.

4. He then referred to the “cleaning up campaign” which the present regime was engaged in. He said that not only the officials but also the politicians will come under the proposed screening program. Various committees have been set up to undertake this vast investigation. The highest of these committees will be presided over by the Chief Justice with one or two Cabinet Ministers. (The names of Manzoor Qadir and General Sheikh are mentioned in this connection.) As regards Government Servants, the investigators will look into their suitability to hold their present jobs and their integrity. Officers of various grades will be screened by those holding superior positions in other Ministries or Departments. Thus, clerical and ministerial staff will be screened by a committee of Deputy Secretaries belonging to another Ministry, Under Secretaries by a committee of Joint Secretaries, and so on. Secretaries of Ministries will also have to undergo this screening process. Even Judges will not be immune from the probe.

5. He then vexed eloquent about the way in which the new regime is hammering Pakistan into a model state. He was praise for the measures Martial Law Administration has taken to bring down prices, stop smuggling, ensure payment of taxes and restore national self-respect. He even ventured a suggestion that it would be good for other countries, obviously meaning India, to have a similar cleansing process. I told him politely that all talk of there being corruption and mal-administration in India were grossly exaggerated and that such reports can be traced to some kind of wishful thinking on the part of India’s critics.

6. I hope to meet Mirza again in the course of the next few days

With kind regards,

Yours sincerely,

K.V. Padmanabhan

Shri M.J. Desai, I.C.S.  
Commonwealth Secretary,  
Ministry of External Affairs,  
New Delhi.
0249.  

SECRET  

Letter from High Commissioner Rajeshwar Dayal to the Commonwealth Secretary M. J. Desai regarding his meeting with the Foreign Minister of Pakistan.  


Subject: Interview with the Foreign Minister of Pakistan.  

My dear C. S.,  

In accordance with the usual diplomatic protocol I arranged to pay a courtesy call on the Foreign Minister on the 26th November prior to the presentation of my Letters of credence. Although the Norwegian Prime Minister’s party was in Karachi, the call was arranged at short notice. The presentation of the Letters of Credence had been arranged for the 28th, immediately after the departure of the Norwegian party. On the plane of practical arrangements in connection with the commencement of my functions, I have received courtesy and attention.  

2. My talk with the Foreign Minister, Mr. Manzoor Qadir, which as a courtesy call should normally have lasted a short while, went on for 2 hours and 45 minutes and it would have continued but for the fact that the Foreign Minister had to attend the Norwegian Minister’s Reception in honour of the visiting Prime Minister. On this occasion I let the Foreign Minister do most of the talking since I wished to listen, to his views and to get his measure. I however found myself in the position of having to interrupt his flow of words in order to mention aspects of the problems discussed so as to prevent the picture from becoming entirely one sided. I was naturally anxious to avoid polemics at this my first meeting with the Foreign Minister and I listened patiently while he unburdened himself of the Pakistani view on the entire gamut of the problems between our two countries.  

3. Mr. Qadir received me warmly and said that he had been looking forward for a long time to meeting me and mentioned that he had met my wife when she was at Cambridge and that he looked forward to having good personal relations with us.  

4. He then turned to the subject of Indo-Pakistan, relations and observed that there was a fund of goodwill between the two countries on which we should try to build the structure of our future relations. I said that I could not agree more and wished to hear his ideas on the subject. He thereupon
launched on what I can only describe as a lawyer’s exposition of the Pakistani case and started from the very beginning, *viz.* the creation of Pakistan. He said that there was a strong feeling among sections of opinion in Pakistan that India had not been able to reconcile herself to the partition of the country. Therefore she did not wish to see Pakistan prosper and become stable. I assured him most solemnly that this was definitely not the case and that on the contrary, we were so linked together and our fortunes so inter-twined that in the stability and prosperity of the one, lay the best interests of the other. He said that he himself agreed with this viewpoint and he could not see on what rational grounds India’s views could be different; nevertheless, the fact remained that there was a section of opinion in Pakistan which had the feeling that he had described.

5. Mr. Qadir then launched on what seemed like an apologia for the present regime. He first described the wickedness and selfishness of the earlier governments and the mess which they had created. The present regime, he said, had one object alone, *viz.* to lift the country from the morass into which it had fallen and to improve the condition of the people. Furthermore, the regime had the support and approval of the people who had welcomed what it had been able to do for them. The desire was to build up workable political institutions in place of the shaky structure which had collapsed. It was therefore rather galling to find the present regime described in India as a “naked military dictatorship”. Mr. Qadir said that he had the greatest respect and admiration for Mr. Nehru whom he regarded as one of the world’s greatest statesmen. While it might be true in the purely constitutional sense that there was a dictatorship in Pakistan, since the normal checks and balances of a democracy were absent and power was wielded by a Cabinet of twelve, or by the President alone who had the power of appointing or removing Cabinet Ministers, the term “naked dictatorship” rather implied a regime which was interested only in the furtherance of the selfish interests of a single individual. That, said Mr. Qadir, was not the case in Pakistan and therefore Mr. Nehru’s remarks had caused hurt.

6. I interrupted at this stage to say that while the internal structure of Pakistan was her affair, nevertheless, as a next door neighbour, we could not disinterest ourselves in such far reaching changes as had occurred in Pakistan which would inevitably affect her policies and therefore react on our mutual relations. I reminded Mr. Qadir that after the first change in Government, we made no comment, but when at a Press Conference the President spoke of the possibility of war with India over the Kashmir and Canal waters questions, public opinion in India understandably felt a sense of concern. According to Mr. Qadir himself, the previous Governments used
to act irresponsibly when making such threats against India. But when similar bellicose sentiments were expressed by a military regime in which power was concentrated in one person, we could not but take notice. India had a lively press and parliament and our democratic institutions were functioning effectively and when a question in regard to the nature of the new regime in Pakistan was specifically put at a press conference, it had to receive a reply, especially after the concern caused by General Ayub Khan’s statement.

7. Mr. Qadir explained at length the context in which the statement was made by General Ayub Khan and said that he had been drawn by his questioners and was therefore compelled to state rather bluntly the implication of the remark that the questions of Kashmir and waters were vital to Pakistan. "A vital question is one for which one is prepared to fight and die, and if the Canal Waters are cut off in 1962, as is threatened, involving death by starvation to millions, obviously we cannot take it lying down". Mr. Qadir went on to say that the subsequent statements made by the President in Rawalpindi and Dacca struck the right note and undue emphasis should not be placed on the earlier one.

8. I said that I had heard the explanation with interest, but I pointed out that we had to settle Indo-Pakistani problems in a peaceful way and that such ugly and dangerous expressions as “war” must be strictly eschewed. Mr. Qadir agreed and said that, the General as a soldier was somewhat blunt, nor did he have much experience in dealing with the press; he himself had been trying for moderation and restraint in regard to the President’s public utterances. Only the other day, the President was meeting B.B.C. correspondents, and he had hurried to the Presidential palace to ensure that nothing was said which might exacerbate the situation. So far as he himself was concerned, added Mr. Qadir, he had exercised the utmost restraint and had resisted the temptation to launch a formal protest against the remarks made in India about the present regime in Pakistan, since that would have served no useful purpose. In fact, he had the intention of making a statement of a pacificatory nature and he was ready to deliver it when came Mrs. Laxshmi Menon’s statement in the Indian Parliament. If he had then made his statement which had been already prepared, it might have been construed as a gesture of atonement or retreat. He asked whether it would not be possible for both sides to exercise restraint in the matter of making disparaging remarks about each other, since such self denial would help to improve the present atmosphere.

9. Mr. Qadir then referred to the statement made in the Indian Parliament on the 20th November and he said that as he understood it, it seemed to say, not only to India but to the world, “In Pakistan there is a naked military dictatorship; it should be declared an outcast and expelled from the
Commonwealth and denied all foreign assistance and support." I said that that was certainly not the intention of the statement, which was a very balanced one and, that its most significant part referred to our desire to follow a policy of friendly approach and to develop good neighbourly relations with Pakistan. As for the question of foreign aid, Mr. Qadir no doubt knew our views about it, as we ourselves were not averse to accepting foreign aid for our economic plans. But when that aid was primarily military in nature and coupled with the existence of a military regime, which had used the threat of war against us, then the position was clearly different. Mr. Qadir, in reply used the familiar argument that while Pakistan got direct military aid, India got it indirectly by diverting her own resources for defence purposes. I said that the question of emphasis was vital; whereas we were trying to build up a stable economic and social structure on which vast sums were being spent, in Pakistan there had been considerable development in the military field to the neglect of other aspects of the nation's life. This imbalance was a cause of legitimate concern to us, and furthermore Pakistan's defence arrangements seemed to be a good deal more than purely defensive. Mr. Qadir did not contest the argument but he went on to assure me that any thought of war with India was out of the question since it would result in our mutual destruction. Nevertheless, an attitude of mutual fear and suspicion existed and whatever was said on one side or the other was apt to be misconstrued. We should therefore both try to build up an atmosphere of greater trust and confidence.

10. I agreed and said that without such an atmosphere it would be difficult to tackle any of the existing problems and I suggested that a start should be made with the press which was poisoning the atmosphere. Mr. Qadir agreed that one virtue of having a Martial Law regime was that any such excesses could be controlled and he was trying to do it. So far as what he described as "second class papers" in both West Pakistan and the Eastern Punjab were concerned, he said there was little to choose between them, but their impact was not of particular significance. He admitted, however, that the tone of the Indian press was generally better than that of the Pakistani, and he hoped to improve the latter.

11. Mr. Qadir went on to say that the present Government was determined to do its utmost to find a solution for the two burning issues which embittered our relations, viz. the questions of Canal Waters and Kashmir. He then gave a lawyer's exposition of the Pakistani side of the Canal Waters case.

12. I need not go into the details of what Mr. Qadir said about the Canal waters question since you are fully familiar with the Pakistani stand, and I shall confine myself to some salient points. Mr. Qadir said that, speaking as a lawyer, there are two ways of dealing with the problem: one is to stay put, and that is in
the interest of the party in possession, and the other is to seek a way out by negotiation, and failing that, by arbitration. India was in possession both in Kashmir and in regard to Canal waters; as the upper riparian power. Therefore, it suited her put off a settlement.

13. I immediately contested this by saying that so far as the Canal waters question was concerned, we were extremely anxious to find a settlement since we had made vast investments on our irrigation projects in East Punjab and Rajasthan. As I understood the matter, both sides have accepted the Bank’s proposal, viz. that the waters of the three western rivers should go entirely to Pakistan and of the three Eastern rivers entirely to India, and there remained technical and financial questions to put this basic proposition into effect. If the problem was to be tackled on a realistic basis, obviously, the bill which India would be required to pay should not be unduly inflated. Besides, I understood that Pakistan had already carried out a number of large irrigation works and was in a position to meet a considerable proportion of the supply at present being received from the Indian side. If a reasonable attitude was adopted in regard to the question of link canals etc., then a solution could be found. Mr. Qadir could not contest this, and he then turned to the subject of Kashmir.

14. Here again I challenged his fundamental premise by pointing out that Pakistan was in possession of two-fifths of the territory. Our case was based upon the Instrument of Accession which nobody had challenged and upon subsequent developments in Kashmir; what however was Pakistan’s right to the territory which she had occupied? Mr. Qadir said that it might be true that on the legal and technical side the argument was in our favour, but Pakistan’s moral position was stronger. Agreements had been solemnly made to hold a plebiscite under the auspices of the United Nations and there remained the question of their implementation. If there was a dispute as to their interpretation, it should be referred to arbitration, but in any case there could be no withdrawal from the holding of a plebiscite to ascertain the people’s wishes. India had eleven years in which to win over the people of Kashmir and she should have no hesitation in agreeing to a plebiscite being held. He thought that the whole matter should be taken up from the stage at which it was left off by UNCIP. I said that he must be familiar with our stand, viz. that Pakistan’s aggression must be vacated and all the pre-conditions fulfilled, which had not been done and the so-called Azad forces continued their occupation as part and parcel of the regular Pakistani army. Mr. Qadir spoke about Junagadh. I countered by pointing out that the principle of geographical contiguity had been violated and that the people had revolted whereupon the British Dewan invited the Indian authorities to enter and restore order. Thereafter the wishes of the people were ascertained in regard to the question of accession. Mr. Qadir said that so far as he was concerned, although he could not speak for his Cabinet colleagues, he was even prepared
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to take the question of Kashmir’s Instrument of Accession to the International Court. I said nothing, although I was a little surprised at this since I believe UNCIP went deeply into the question and came to the conclusion that the Instrument of Accession could not be challenged. Mr. Qadir seemed to imply that whereas the question of Kashmir was vital to Pakistan, it was not so important for India; I hastened to disabuse him of this impression and I said that a solution to a problem such as this was not easy since blood had been shed and there were all kinds of political, economic, psychological and strategic considerations involved. Perhaps, if lesser problems could first be settled and a reasonable settlement arrived at on the Canal waters question, then an atmosphere could be created for dealing with the Kashmir question on a mutually acceptable basis. The Pakistan Government could greatly help in the process by adopting a reasonable stand at the forthcoming discussions on the Canal waters issue. The Kashmir question was left at that.

15. Turning to border incidents, Mr. Qadir said that whenever these occurred, the Indian and Pakistani versions were diametrically opposed to each other since the persons responsible for creating the incidents themselves reported about them. However, so far as the Pakistan side was concerned, they had not only issued the strictest orders to avoid all such incidents, but they had taken effective steps to ensure that the orders would be obeyed. He hoped that we could take similar steps on our side. I said that I was certain that we had already taken such steps, but I would refer the matter to my Government.

16. I then mentioned the Iyer incident which I said was a particularly ugly and unpleasant affair and it had caused a good deal of anger in India. Mr. Qadir hastened to express regret for it and he offered me an unconditional apology. I thanked him for it but added that the explanation the Jamadar had given was clearly false and added insult to injury. Mr. Qadir said that he fully agreed with me, that he had rejected the explanation and had asked for severe punishment to be meted out to the Jamadar and to several others besides. I said that this seemed satisfactory so far as it went, but I hoped that no further incidents would take place.

17. Mr. Qadir said that an Indian radio station broadcasting to East Pakistan was taking the line that the province was no more than a colony of West Pakistan and was using disparaging language about the present martial law administration. He asked if we could refrain from making such broadcasts and requested me to look into the matter. I told him that I knew nothing about this, but that I would try to ascertain the position. Mr. Qadir added that if the press on both sides could avoid making direct attacks on the other country and especially refrain from attacking personalities the atmosphere will improve. This vicious circle of attack and counterattack must, he felt, be broken on all
fronts. I agreed and hope that he would be successful in dealing with the Pakistani Press, which he had himself admitted as the principal offender.

18. Discussing the manner in which the problems could be tackled, I ventured the opinion that some progress would be possible if we could deal with a stable regime, which has to take decisions and was in a position to carry out its promises. Earlier Mr. Qadir himself had said that previous governments were weak and concerned principally with their selfish interests and that they depended for their existence on slogan-mongering. Mr. Qadir said that so far as the present Government was concerned, it was dedicated to its purposes and it would function very differently.

19. In summing up the conversation, I said to Mr. Qadir that I understood that we had agreed that everything possible should be done to avoid border incidents and that he would see to it that the tone of the Pakistani press in regard to Indian affairs improved. Furthermore, if some progress could be made towards the final settlement of the Canal waters issue shortly coming up for discussion in Washington, it would help improve the atmosphere all round. Mr. Qadir appeared to agree and he added that we should continue our conversations and try to find a way out of the impasse.

Yours sincerely
(Rajeshwar Dayal)

Shri M.J. Desai, I.C.S.,
Commonwealth Secretary,
Ministry of External Affairs,
Government of India, New Delhi.

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0250.  
SECRET  
Letter from the High Commissioner Rajeshwar Dayal to Commonwealth Secretary reporting on the Credentials Ceremony.  


HIGH COMMISSIONER FOR INDIA KARACHI  

No. HC/796/58.  28th November, 1958  

My dear C.S.,  

I have just presented my credentials to president Ayub Khan. The President received me in an informal and friendly manner, and he disregarded the protocol instructions. When I entered the hall, the president came forward exclaiming “I am very happy to see you after all this time” and shook me by the hand, after which he greeted Mr. Padmanabhan who was accompanying me. He asked me a number of questions about my family. I had to snatch an opportunity to say a few formal words and to present my Letters. I then sat next to him, and the conversation continued on a personal plane. It was not my intention to mention the fact of our association in Mathura in 1940 when I was District Magistrate there and the President was an Indian Army Captain. But the president himself spoke about it and told the Foreign Minister, who was present.  

The subsequent luncheon continued in this informal vein with the President in a good humour, and he regaled us with anecdotes, to which I responded in similar fashion. Turning to more serious matters, Ayub asked me about my impressions of my stay in Russia and Yugoslavia and said that he thought that Yugoslavia had made considerable progress. He also spoke of China and her problems. He did not display much knowledge or understanding about these matters.  

After luncheon I had a serious talk with the President, with the Foreign Minister adding a word or two here and there. I sought an opening by remarking how well the President looked in spite of his heavy responsibilities, whereupon he said “We did not want to undertake these responsibilities, but they were forced on us, and there was no other way of saving our country”. He said how much luckier we were in India under our leadership; the Congress party had its difficulties, but it was still functioning well. Both the President and Mr. Qadir added that they wished our good fortune to continue. The President said that we must make a real effort to settle our problems. He added that there had been a lot of talk; about a statement he made, adding the further comment that any of war between our two countries would be suicidal. He said that we were both spending too much of our resources on defence which we could hardly
afford. He agreed when I said that something should be done to dispel the present atmosphere of mutual suspicion and distrust and that there were no problems, however intractable to which solutions could not be found, given time and patience, by peaceful negotiation.

The President went on to say that if we could not build up our friendship, we should at least agree to co-exist peacefully. He added that while he would welcome an attitude of generosity on our part, the least we could do was recognize and accept the fact of Pakistan’s existence. I assured him that so far as we were concerned our minds were clear; we wished Pakistan well not only as our neighbour, but also because our interests were in many respects common and inter-linked. The President spoke about mutual tolerance and attitude of patience and understanding towards one another. I added that a little exercise of restraint and the development of understanding would help to create a proper atmosphere in which we could hope to deal with the problems confronting us; these were real and difficult enough, without being made more so by unnecessary irritants. The President and Foreign Minister both agreed.

The President then remarked that actually there were only two outstanding problems, both of which affected Pakistan’s interests vitally, viz. Kashmir and Canal waters. The Canal waters question affected Pakistan’s very livelihood, while the Kashmir question was a matter of Pakistan’s security and “other things besides”. If Pakistan felt cornered and desperate in regard to these vital questions, “anything could happen”. This was said not as a threat but to imply that the situation would be out of control. I remarked that so far as the first question was concerned, a meeting was due to take place shortly and I hoped that the technical and financial matters could be satisfactorily settled since I understood that there was a basic agreement on the question of principle. Both the President and the Foreign Minister hoped that some settlement would be reached.

There followed some talk of the need for avoiding mutual irritants so that the proper atmosphere could be built up for tackling the various problems step by step. The President said “You are a sensible person and understand these things”. He added that he had no doubt that the Indian leaders wished to find peaceful solutions, but he added, “There are mischievous people – badmashes (bad characters) --on both sides who try to create trouble.” I told him that everything depended upon the leadership in the two countries and that such elements as he had mentioned did not matter so far as India at least was concerned.

The president observed that Russia and China were huge powers and both our countries could jointly defend themselves against any expansionist tendencies exhibited by them. He added that our countries were poor and
over-populated and that unlike the white races, we had no possibility of off-loading our excess population in other parts of the world. "Should we then go at each other's throats or should we live together peacefully"? he asked. My reply to the question was obvious, but I enquired if he really felt that there was any danger to our security from the quarters he had mentioned, adding that our real enemy lay within, viz. poverty ignorance, and disease. He agreed and said that in both our countries our principal responsibility was to improve the condition of the people and that so far as Pakistan was concerned, conditions extremely were extremely bad.

Mr. Manzoor Qadir told the President that he had discussed the question of our mutual relations at length and he hoped to have further talks with me. The President said that he would have a pleasant and successful stay in Karachi after which I took my leave.

My general impression about General Ayub Khan is that temperamentally he is still very much the hearty and bluff Pathan officer whom I knew in 1940. There is nothing particularly subtle about him and he is impatient with things unless simply presented. Mr. Qadir was always careful to speak down to his President's level and was, indeed, quite deferential to him. On Indo-Pakistan problems, the President has a certain one-sided knowledge, but everything was over-simplified. Things are either black or white, and there are no nuances. On international matters, the approach is rudimentary and smacking of British army messes.

But autocrat though he is, I noticed a sense of caution, in contrast to the hearty abandon with which he talked on other matters, when it came to speaking about our mutual problems. The General appeared to be feeling his way, searching for words and turning constantly to Mr. Qadir for prompting. Perhaps the manner in which his earlier remarks had been received in India had been a lesson to him and he was anxious not to say the wrong thing while putting forward the Pakistani point of view.

Difficult and unpredictable though the situation here is, I felt somewhat encouraged by the personal consideration shown to me by the President, although of course one should not read too much into it. People here seem to have heard of my previous association with the President, and in this kind of authoritarian set-up, that makes some difference to their personal attitudes. One could at least expect is to be treated with ordinary courtesy, something which has often been lacking in the past. When, however, it comes to dealing with our mutual problems, one might encounter a certain military rigidity. But if any specific promises are made, in regard to comparatively minor matters, I have the feeling that they might well be kept. This might not amount to much in itself, but it may arrest any further deterioration in our relations, and if it could
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relate to the border incidents which have been causing so much trouble and tension, it could be definitely useful. It might seem somewhat rash on my part to attempt this preliminary estimate so soon after my arrival, but I feel I should let you have my first impressions for what they are worth.

Yours sincerely

(Rajeshwar Dayal)

Shri M.J. Desai, I.C.S.,
Commonwealth Secretary,
Ministry of External Affairs,
Government of India,
New Delhi.

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0251. TOP SECRET

Letter from the High Commission of India to the Ministry of External Affairs regarding rumours of split in the Presidential Cabinet.


High Commission of India
Karachi– 5

No HC/54/58 December 6, 1958.

My dear Lukose,

Though many people think that General Ayub is well in the saddle, rumours of a split in the Presidential cabinet, persist. General Azam Khan is said to be dissatisfied with the way things are going.

2. Difference of opinion seem to have arisen between Generals Azam and Sheikh. General Sheikh is the right-hand man of General Ayub who had picked him specially to be in-charge of the Ministry of Interior. He is known to be very ambitious. Apparently, he is rather upset about the publicity Azam is getting as Minister for Rehabilitation: the newspapers are full of Azam’s speeches and photographs. Azam is also known to be very popular with the armed forces.

3. How far this rivalry between the two men will lead to an open break, it is
too early to judge. Even the US Embassy sources admit that there are “cracks” in the Presidential cabinet. According to Ashiq Ahmed, the Statesman correspondent, US Ambassador Langley had told him, only last week, that “Ayub may not last more than six months”. A vague story like this is gradually spreading in the Capital. It is also current in the higher business circles, but has not become a bazaar rumour.

4. Mr. Petoukhov, Charge’d’Affaires of the USSR Embassy, told me that one of their officers, who had recently been to East Pakistan, has reported that conditions there are not taking a favourable turn as far as the new regime is concerned. He did not think that General Umrao Khan would remain in charge of East Pakistan for long.

Yours sincerely
(K.V. Padmanabhan)

Shri K.P. Lukose, IFS,
Director, Pakistan Division,
Ministry of External Affairs, New Delhi.

TOP SECRET
Letter from the Deputy High Commissioner for India in East Pakistan to the Ministry of External Affairs giving political situation in East Pakistan.

Dacca, December 19, 1958.

Deputy High Commissioner for India in
Pakistan Dacca

My dear Lukose,

The American sources indicate that General Ayub Khan who is due to arrive here on or about 27th December, 1958 in connection with the Scout Jamboree to be held in Chittagong would take this opportunity of “tying up the loose ends” in East Pakistan. This source further indicates that there is growing tension between the civil and the military sectors of the administration and between East and West Pakistani officials. Another aspect is the growing rift between General Umrao Khan and Governor Zakir Hussain. Both, as you knew, are
Ayub men. The Chief Secretary is not particularly fond of the Governor. In fact he is backing Umrao Khan. The reason is partly administrative and partly personal. When Chief Secretary Azfar was Home Secretary in East Pakistan Government before he went to Karachi, Zakir Hussain was Inspector General of Police under direct control of the Home Secretary.

2. Zakir Hussain is so far sure of his position because when Ayub Khan was G.O.C. East Pakistan, Zakir Hussain, Ayub and N.M. Khan were the three musketeers. They shared in many a common adventures. One of their favourite rendezvous was at Mirzapur – Rai Bahadur Rana Prasad Saha as the host.

3. I have a feeling that the Americans are not very happy about Umrao Khan. I reported to you earlier that he is expected to be shifted from East Pakistan. Whether he would go on transfer or retire, nobody knows. The names mentioned to take his place are those of a Brigadier, Military Adviser, Pakistan Embassy, Washington, and Major General Bakhtiar Rana, now in West Pakistan. Umrao Khan was due to go this month but so far there is no indication that he is going. It appears, therefore, that if Ayub is unable to bridge the differences between the Chief Martial Law Administrator in East Pakistan and the East Pakistan Governor, they both may be shifted. This source also indicates the possibility of having an Advisory Committee in East Pakistan to co-ordinate the work between the Martial Law Administrator and the Governor.

4. There is another interesting trend I notice here. It appears that the British influence is increasing in East Pakistan. This is not very much appreciated by the Americans. The jute policy is still being influenced by the British interest in East Pakistan. You may recall in this connection as to how the problem regarding recruitment of Pakistanis for Joint Steamer Coy, was solved. I reported to you in my letter No. F. 6 (2) PS/58 dated 16th November, 1958. Recently there was an order issued which decreased the maximum for remitting from Pakistan to foreign countries from 50% to 25%. Further this order required details of expenditure from each foreign national, excluding, of course Indians. I am told that under the pressure of British interest this order was withdrawn and the foreign nationals are again permitted to remit 50% of their total emoluments. How this trend develops, I will keep an eye quietly and report to you from time to time.

With kind regards,

Yours sincerely

(Purnendu Kumar Banerjee)

Shri K.P. Lukose, IFS,
Director (Pakistan Division),
Ministry of External Affairs, New Delhi.
Note: Commenting on para 4 above, Commonwealth Secretary, when he saw this letter, commented: “Since Ayub took over UK is more influential than the US in both wings of Pakistan. I said this before”.

0253.  
SECRET  
Letter from the High Commissioner Rajeshwar Dayal to the Commonwealth Secretary M. J. Desai reporting on the situation after two months of Ayub’s take over.  
High Commissioner for India  
Karachi  
No. HC/809/58 December 25, 1958.  
My dear C.S.,  
General Ayub Khan who is completing, in a couple of days, two months of his accession to power is facing formidable difficulties due to a deteriorating economic situation and mounting dissension amongst his collaborators, both in West and East Pakistan.  
2. The difficulties on the economic side are mainly due to the absence of any coherent policy. Various Martial Law orders have been issued and these too have been chopped and changed from time to time. The scarcity in the supply of essential goods is increasing. What is more ominous is that this business community has no longer any incentive to trade. Many textile mills are said to have slowed down production as the finished goods are not being lifted from the godowns both because prices have not been fixed and because of a state of nervousness among the business community. There are already loud complaints about the shortages. The entire distribution machinery has slowed down and has been thrown out of gear.  
3. The business community is highly critical of the Government’s handling of economic affairs. The Government in turn is accusing it of sabotage. The arrest of Mr. Rangoonwalla and others are desperate measures intended to inspire fear in the hope of bringing the industrialists to heel. The Government’s handling of economic affairs on the basis of threats and arbitrary orders is
based upon a policy of “trial and terror”. The Government has been disappointed in regard to the surrenders of foreign holdings, the last date for which expires on 31st December. They have persuaded a group of businessmen to issue a Joint appeal urging people to declare such holdings before the last date. It is doubtful whether these measures would have the desired result. People are afraid that the Government would not only seize such holdings, but also proceed against them under the arbitrary martial law decrees. Businessmen are losing faith in the Government, which had promised earlier that there would be no witch-hunts. Furthermore, a Pakistani might well feel that he might at least hold on to his savings abroad, to compensate him for the loss of his civil rights!

4. Reports about General Azam Khan’s growing popularity continue to pile up. His so-called rival, General Sheikh, is very much in the shade these days. The presence in Karachi of Commander-in-Chief Musa has given rise to rumours about impending changes in the hierarchy of the Generals at the top. Finance Minister Shoaib is said to be highly dissatisfied with the way his cabinet colleagues, Azam and Burki, have been spending money for their pet projects in the Rehabilitation and Health sectors, respectively. Azam is reported to have asked for an immediate allotment of Rs. 23 crores for building houses for refugees.

5. Among the civilian Ministers, Manzur Qadir is easily the most prominent and nearest to the President. In a recent Order of Precedence issued by the Pakistan Government, he ranks only next to General Azam Khan. The latest reports reveal that Manzur Qadir is heading an influential civilian group who are urging that some form of constitutional facade be set up. According to one source, there is strong pressure that Ayub should make an announcement of a new constitutional set-up at the public meeting to celebrate Jinnah’s Birthday. The presence of some of the leading Muslim Leaguers in Karachi is said to be in connection with this anticipated announcement. General Ayub is known to have seen Miss Jinnah about four or five days ago in the same context. I would not rule out the possibility of some kind of liberalization of the administration as a camouflage, in order to meet increasing, criticism abroad about the “naked military dictatorship”. Such an announcement would greatly please U.S. opinion and that would count for much with the present set up in Pakistan.

6. But General Ayub’s biggest headache is in regard to East Pakistan, where the Martial Law Administrator, General Umrao Khan, and the Governor, Zakir Hussain, are, according to all accounts, at logger heads. The President is leaving tomorrow (26th) for East Pakistan on a short tour. He is taking with him two Ministers, Messrs Bhutto (Commerce) and Hafizur Rahman (Food and Agriculture), the Secretary-General, Mr. Aziz Ahmed, and Mr. N.M. Khan the Chief Commissioner of Karachi. Aziz Ahmed and N.M. Khan have both
served as Chief Secretaries in East Pakistan and are known to be experts on the region. Ayub himself was commanding in the region at the time. The President is going for an on-the-spot study of the East Pakistan situation. He would, no doubt, look into the present wrangle between the Martial Law Administrator and the Governor. The scales seem to be tipped in favour of Zakir Hussain, who, according to local reports, is said to be the President’s man (though Mirza’s nominee). It should be noted that it is Zakir Hussain who would be touring East Pakistan with the President and not General Umrao Khan. According to U.S.S.R. Embassy sources, General Umrao Khan has been toying with the idea of declaring himself independent of the Central Government in case he is recalled in disgrace! His future is likely to be decided in the course of the next few days. The presence of General Azam Khan in East Pakistan at this juncture is also significant; Habibur Rahman, the Education Minister is already there.

7. On account of the spate of rumours, there is a certain amount of nervousness in Karachi. We have had some reports that some junior military officials are asking their friends to send their families away during January to March which they say may be a critical period for the administration. For the present I am inclined to characterize these reports as alarmist, but there is no doubt that there is an under-current of insecurity and fear among the thinking people.

Yours sincerely
(Rajeshwar Dayal)

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

[The letter was seen both by the Prime Minister and the President of India]

❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖
Note by the High Commission of India on the press conference held by Pakistan Foreign Minister Manzur Qadir at the Karachi Press Club on January 17, 1959.


The Foreign Minister, Manzoor Qadir, spent nearly three hours in the Karachi Press Club on Saturday the 17th January, 1959 when he had a talk with journalists during the course of which he touched on several topics. It was an off the record chat. Though member of the Press Club I did not attend this meeting to avoid embarrassment to local journalists and not to give room for any misunderstanding. On enquiry I understand that barring B.I. Kluev, Second Secretary of the Russian Embassy no other representative from by diplomatic mission was present on the occasion though Press Attachés of all the foreign missions here are members of the Karachi Press Club.

Originally, this meeting was intended to be a regular Press conference. However, Manzoor Qadir decided at the last minute to make it an off the record talk. He has not so far allowed himself to be quoted for any statement coming out for the Foreign Office though he has been interviewed by a number of journalists. This seems to be the result of a distrust on his part of all journalists operating in Karachi and due to suspicion that they will either misquote him or put stories which are likely to misinterpret his statements.

The following points were made by Manzoor Qadir according any information which has been gathered by talking to a number of journalists:-

1. Pakistani foreign Policy:

Manzoor Qadir said that although much could be said against the internal policies pursued by previous Governments during the course of the last ten years there was nothing wrong with the foreign policy at all. He said that if he had the chance to shape Pakistan's Foreign policy he would do exactly what the previous Governments did. He strongly defended Pakistan's alliance with the Western Bloc and membership in the Baghdad and SEATO Pacts. Manzoor Qadir maintained that Pakistan cannot be neutralist or unaligned and that it has to be with one or the other of the two Power Blocs and it could not but be with the Anglo-American Bloc.

2. Indo-Pakistan relations:

Manzoor Qadir said that Indo-Pakistan issues will have to be dealt with on a rational and not on an emotional basis. He said that he had great deal of respect for India's Prime Minister and Foreign Minister but maintained that he was completely wrong in so far as his Kashmir policy was concerned. He said
that he could prove convincingly before any forum that Pakistan’s case was just and that India was in the wrong, he went on to say that the present impasse was due to bungling by Pakistan and India’s intransigence.

Manaoor Qadir pointed out that India’s policy of neutralism cannot endure and will have to be given up sooner or later. He said that this policy was being followed for the purpose of obtaining money from both the power blocs. He said that India had appointed M.C. Chagla as Ambassador in Washington just for the sake of showing before the American public the secular nature of the country. He went on to say that India was picking out some of the ablest Muslims and appointing them as Ambassadors with the same end in view. He admitted that Mr. Chagla is a very able man and that Pakistan is greatly concerned about what he is saying in the U.S.A. about Pakistan. He then said that the Government was not at all happy with the manner in which Mr. Mohammad Ali had reacted to Mr. Chagla’s recent talk and that the procedure adopted by him by convening a Press conference to reply to Mr. Chagla was inappropriate. He said that the subject matter should have been dealt with in the appropriate forum though he did not mention what the forum was. Perhaps he was thinking of a protest to the State Department.

Manzoor Qadir chided local newspapers for calling India “Bharat” and referring to Indians as Bharatis. He said that this was a cheap way of gibing at India. Some newspaper men defended the use of the word “Bharat” by pointing out that this was the name found in the Constitution of India and that vernacular papers were using the words “Hindustan” and “Bharat” in place of India, Manzoor Qadir said that this was all right so far as the vernacular paper were concerned and that the use of the word “Bharat” in English newspapers was obviously meant to express contempt and that this was not the manner in which the newspapers should behave.

3. America:

Manzoor Qadir said that American was a great country and thanked the U.S.A. for the help and assistance it was rendering to Pakistan. However, he was critical of America, particularly in the context of the U.S. Pakistan Military agreement. He said that America did not define the word “aggression” and left it very vague. This, he said, was most unsatisfactory from the Pakistan point of view which wanted that the U.S.A. must specifically give guarantees to Pakistan against aggression from India and Afghanistan. He went on to say that although the draft of the proposed agreement had been received from Washington, this was still being examined and said that it may take some time before the agreement was concluded. He created the impression that the signing may not take place immediately or during the meeting of the Baghdad Pact Council but at some later date. He was very critical of the assurances given to India by
Ellsworth Bunker. He went on to say that even though the U.S.A. was still an “observer” in the Baghdad Pact it was the most important component of the Baghdad Pact and exercised the greatest amount of influence and pull.

4. Baghdad Pact:

As has been stated earlier, he defended fully Pakistan’s membership of the Baghdad Pact. He added that Iran wanted the strengthening of the Baghdad Pact considerably because of her fear of Russia, Afghanistan and Iraq.

5. Pakistan Constitution;

Manzoor Qadir said that the work of drafting the Constitution was in progress and that he was taking an active part in it. He pointed out that the President and the Members of the Cabinet held different views on the subject. He indicated that the President was strongly in favour of a constitution that will give considerable powers to the President. He said that he himself was in favour of having some kind of representative Government though he had his own views in regard to franchise. He said he was against universal adult franchise and wanted this to be of a very restricted nature. He also said that other Members of the Cabinet had their own views in the matter though he did not say what they were. In other words he created the impression that there were strong differences of opinion among the Members of the Cabinet regarding the future Constitution of the country. He pointed out that work in this connection was in progress. Constitution may be ready in a few months time.

During his talks, I understand, he spoke without any trace of emotion and dealt with every topic as a lawyer arguing a case, emphasize in the importance of correct an unambiguous language.

The Karachi journalists are divided into two camps. The Karachi Press Club which consists very largely of the younger group of journalists is opposed by the National Union of Journalists which is supported principally by Altaf Hussain and his followers which includes Zuberi of the EVENING STAR and Qutubuddin Aziz of the United Press of Pakistan. This body did not participate in the opening ceremony of the Club which was performed a few days ago by Lt. General Azam Khan.

The Karachi Press Club is attempting to popularize itself and gain some kind of official favour and for this purpose it is endeavouring to bring into its premises leading people. It was in this connection that Manzoor Qadir was asked to give his Press conference at the Karachi Press Club instead of, as is customary, in the Pakistan Information Department.

It was after his having come to know about the split in the ranks of the local
journalists that Manzoor Qadir decided, at the last moment, not to hold a Press Conference but to have an off the record talk.

(R. Ramamirtham)
19.1.59.

0255. SECRET

Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary regarding positive response by the Pakistani Foreign Office to references to Pakistan in the speeches of the Indian leaders.

New Delhi, January 20, 1959.

High Commission For India
Karachi

No. HC/28/59 January 20, 1959

My dear C.S.,

You must have seen the news agencies’ reports about the Pakistan Foreign Office’s positive reactions to the very friendly references made by the Prime Minister, the Congress President, the Home Minister and others to Indo-Pakistan relations at the recent Congress session. Baig told me that the reaction here was immediate; according to the Americans, it was Manzur Qadir who was responsible for the friendly tone of the Foreign Office statement. This was followed by some diminution in the hostile tone of the Pakistan press, and only the Pakistan Times, somewhat surprisingly, reacted critically; yesterday the Civil & Military Gazette, not to be outdone, carried an editorial in similar vein. But while it may be too much to expect, in this climate, for more positive reactions from the Pakistani press, its silence could be regarded as a not un-encouraging sign, denoting an unusual degree of restraint. There was also some reason to hope that the Foreign Office statement would be followed, when opportunity arose, by the public expression of reciprocal sentiments by people in authority here.

2. This hopeful trend was unfortunately upset by the succession of statements made by our Ambassador in Washington which were regarded
here as a direct and open attack against Pakistan. The first statement was received without too much excitement, but when it was followed by the second, the floodgates of vituperation were released, the first target being our Ambassador himself. The good effects of the statements made at Nagpur* were unfortunately dissipated before they had time to crystallize. It was said that we spoke with two voices and that the statements made at Nagpur were not seriously intended. Indeed, some of my colleagues here, who had greatly welcomed the Prime Minister’s statement, of which the full text was requested by many of them, were greatly puzzled at the utterances of our envoy, which contrasted so sharply in tone and content with the forthright and conciliatory expressions of goodwill coming from Nagpur.

3. While it is not for me to raise questions regarding the propriety or otherwise of our envoy entering into polemics publicly in regard to matters concerning our relations with third countries, or making statements sharply conflicting with policy declarations made by the highest political and public personalities in India, I must point but the adverse effects of such statements on the activities of the envoy entrusted with the conduct of our relations with the country concerned. Manzur Qadir here has taken Mr. Mohd Ali Bogra to task for holding a press conference to reply to our envoy’s remarks as he considered this an inappropriate way of dealing with the matter. Perhaps the lesson to be drawn from this episode is that there is still some merit in the art of quiet diplomacy, particularly in regard to delicate questions concerning relations with third countries.

Yours sincerely

(Rajeshwar Dayal)

Shri M.J. Desai, ICS.,
Commonwealth Secretary,
Ministry of External Affairs
New Delhi

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* Venue of the All India Congress Committee annual session where the Indian leaders made the speeches friendly towards Pakistan.
Letter from High Commissioner to Commonwealth Secretary M. J. Desai on the latest situation in Pakistani politics.

Karachi, January 22, 1959.

High Commissioner for India,
Karachi

No. HC/2/TS/59 January 22, 1959.

My dear C.S.,

The Foreign Minister Mr. Manzur Qadir, had an off-the-record talk with journalists a few days ago at which two of our Indian Correspondents were present. Our Public Relations Officer has prepared a note of what transpired on the basis of the information which he has gathered from different sources; his note can therefore be treated as an authentic version of the talk.

2. On reading through the note one can see that Qadir was cautious in his treatment of Indo-Pakistani problems. His emphasis on a rational as opposed to an emotional approach reflects the line which he has always taken with me. One can only hope that it will meet with some response from his own colleagues and compatriots.

3. The reference to Mr. Chagla is interesting. There is great respect here for his ability and it is being said that India acted shrewdly in sending an eminent Muslim to be her Ambassador, thus impressing on the American India's policy of secularism. It is recognized here that Mr. Mohamed Ali Bogra is no match for Mr. Chagla and I have it from reliable sources that Mr. Bogra's recall is imminent. The latest rumour is that Mr. Brohi has been approached to accept the Ambassadorship in Washington.

4. Incidentally, a big reshuffle in Pakistan's foreign representation is in the offing and I am told that only a handful of non-officials will be retained. It is also rumoured that a couple of Generals will, for reasons of convenience, be sent out as Ambassador. M.S.A. Baig does not conceal the fact that he has been insisting on a foreign posting, but he cannot be released at present because of the change in Government. When he does go, Akhtar Hussain, who is now in Moscow, is likely to replace him. I was told by a high Foreign Office official that Foreign Service officers had earlier objected to Ikramullah's posting as Foreign Secretary, as he has already had a five year term in that office. If Ikramullah is sent to India and Mian Ziauddin's recall is a certainty - my informant felt that
he would do well provided his heart was in the job, about which my informant was by no means certain. Mian Ziauddin apparently has aspirations to be posted to London, but in this he may well be disappointed.

5. As regards the U.S. – Pakistan bilateral agreement, there is considerable dissatisfaction here as to its terms. But the Americans are adamant in their refusal to extend their commitments and Pakistan will have no option but to take it or leave it. Although the Russians here are greatly apprehensive about the possibility of the inclusion of secret clauses in the various bilateral agreements, the general feeling among my colleagues is that the meeting of the Council will not set the Indus on fire. To-day's news is that even the Iranian Prime Minister is not coming and that the delegation will be led by the Foreign Minister. As the Pakistani delegation will be led by the Foreign Minister, Mr. Menderes too might have second thoughts regarding his attendance. The whole gathering therefore has undergone a steady process of deflation.

6. I have heard from a reliable source that it is planned to associate some kind of an Advisory Council with the dictatorship in order to give it a representational facade. This is meeting with resistance on the part of those called upon to serve on that nebulous body. One of the persons so selected, a man of little substance but reputed to be a friend of the President, recently visited me and discussed the issue at length. He thought that any form of popular participation in a dictatorship was a contradiction in terms. If an Advisory Council were to be set up, party and territorial representation would be insisted upon, and the body would not be able to function at all because of basic disagreements arising from differences in approach. What this gentleman advocated was the appointment of a Chief Adviser who would have under him a panel of experts, three representing industrial interests, two economists, a representative of the Defence Services, etc. All proposals made by the Ministers would be submitted to the Chief Adviser, who, after consulting the appropriate expert, would give his advice to the President. This advice the President would be bound to accept since he lacked experience in Government and in view of his open admission that “he knew nothing about economics”. The President’s function would be to see that the decisions so taken would be enforced through the military and civilian machinery. In other words, this would appear to be a tandem arrangement with a military and a civilian boss running the country. My informant likened the Chief Adviser to the American Presidential Assistant, with the significant exception that the Chief Adviser would not be over-ruled by the President as he lacked the competence to do so. My informant was quite contemptuous of the so called Presidential Cabinet, which he described as nothing but a collection of functionaries. The Chief Adviser, under this weird
arrangement, would have to be an omniscient superman, a phenomenon which
certainly cannot be found in Pakistan, although my informant seemed clearly
of the opinion that he himself was destined for that role.

Yours sincerely
(Rajeshwar Dayal)

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

0257.  SECRET
Letter from the Deputy High Commissioner of India in
Dacca to the High Commissioner in Karachi regarding
conditions of the Anglo-Indian community in East
Pakistan.

Karachi, January 22, 1959.

D.O.No. F6/2/PS/59 January 22, 1959

My dear Mr. Dayal,

Mr. Gibbon, leader of the Anglo-Indian community, came to see me yesterday
afternoon.

2. He appeared to be a little worried about the future of Anglo-Indian
community in Pakistan. He said that Pakistan Government was deliberately
squeezing out members of Anglo-Indian community from their agricultural lands
and villages. This is being done for the purpose of re-allotting agricultural lands
to the refugees. According to him, out of the total number of about 7 lakhs,
already about 2 lakhs have been pushed out. He said that all his efforts to have
this policy revised had failed. He said further that the condition of the minority
communities in Pakistan, and in particular Anglo-Indian community, never was
very satisfactory even before the Marital Law Administration. But since the
inception of Pakistan there always had been, according to him, either a public
forum or legislative forum where their difficulties and the grievances of the
minority communities had a chance to receive attention and sometimes remedial
response. He said that unless persons like Prime Minister Nehru and others from the neighbouring countries started hammering the need for some sort of representative government in Pakistan, the condition of minority communities would soon reach a past cure stage. He added further in this regard that the foreign embassies also should be told.

I heard the above with great respect and attention, but did not offer any comments.

Mr. Gibbon asked me about the condition of the members of the minority communities, in particular Hindus, in East Pakistan. In reply I told him that the condition of the Hindus in East Pakistan continued to be the same like before. I deliberately refrained from discussing in details, because this was the first time I met Mr. Gibbon, and I thought that guarded statement from me would not be inappropriate.

Lastly Mr. Gibbon said that he was trying to bring pressure on Pakistan Government through the Church. His attempt to contact the foreign embassies in Karachi was without any success. This is for your information.

With kindest regards,

Yours sincerely
Sd/-
(Purnendu Kumar Banerjee)

Shri Rajeshwar Dayal, I.C.S,
High Commissioner for India in Pakistan,
Karachi.
SECRET

Letter from the Commonwealth Secretary to the High Commissioner in Karachi Rajeshwar Dayal regarding statement of the Indian Ambassador in Washington.

New Delhi, January 22, 1959.

No. D. O. No. 71 – CS/59 January 22, 1959 / Magha 2, 1880 (Saka).

My dear Dayal,

Thank you for your letter No. HC/28/59 dated 20th January, 1959. I have shown the letter to P.M.

2. What our Ambassador in Washington* said was not due to any special direction from us. He did this on his own initiative because of our general approach to these problems which he knows well. We can hardly criticize him for his forthright statements.

3. Ups and downs in Indo-Pakistan relations have been a normal feature during the last eleven years and none of us need get unnecessarily worried if frankness and directness, on occasions, on questions which we regard as matters of principle, result in Pakistan authorities being irritated. Our approach to Indo-Pakistan problems has been two fold: always to be friendly and courteous in our talks with Pakistan or in our references to Pakistan, and, at the same time, to make our position quite clear is regard to certain important matters of principle. Naturally, you should, as our envoy accredited to Pakistan, do your best to cultivate good relations with the Pakistan authorities.

With kind regards,

Yours sincerely

(M.J. Desai)

Shri R. Dayal.
High Commissioner for India in Pakistan.
Karachi.

* Please see Document No.255.
0259. SECRET

Letter from the High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai regarding Republic Day celebrations in Karachi.


High Commission for India
Karachi

HC/42/59 January 28, 1959

My dear C.S.,

Our Republic Day function this year, apart from the solemnity of the anniversary itself, assumed a certain political aspect; I invited the President at rather short notice after consulting the Foreign Minister, and he readily accepted. Although we have no record here in this Mission, I am told that this was practically the only occasion when Pakistan's Head of State has attended a function at India House. In any case, even if he has attended at all, the event has been so rare as to have been forgotten. The President's attendance at our party has been widely commented on, and the press, which hardly notices this Mission, came out with an account of the function and some papers even carried pictures. The gathering was a record one—easily over a thousand attended—and the dignity and elegance of the function received many appreciative comments. The Pakistan Navy band was in attendance. The Delhi sweets, Benarsi pan and flowers and garlands brought from Delhi and Bombay were much appreciated.

2. We had also sent invitations to the Heads and members of delegations attending the Baghdad Pact Ministerial Council meetings. The Prime Minister of Iran accompanied by his Defence Minister and other officials turned up, somewhat to our surprise. Loy Henderson also came together with some of his colleagues, as did the British Parliamentary Secretary, Allport. Allport told me that he was pleasantly surprised to see such a large gathering—he thought at first that they were Indian nationals and he remarked on the cordial and friendly atmosphere which prevailed. He said he had thought he would find an atmosphere of strain and tension but he was encouraged to find so much goodwill. I told him of the large number of applicants for visas for India, and he expressed astonishment at the figures. Loy Henderson said that he had attended our first Republic Day function and was glad of the opportunity to attend the ninth. The Prime Minister of Iran offered his personal felicitations on the occasion.

3. Three of the Pakistani Ministers - Messrs Qadir, Shoaib and Ibrahim-
turned up, but none of the military ministers, although Air Marshal Asghar Khan and several officers of Brigadier’s rank were present. Many ex-Ministers such as Chundrigar, Amjad Ali, Brohi, Guzdar, Aleem attended, and most of the leading business magnates. A large number of Secretaries to Government and other high officials and their wives also responded to our invitation, including M.S.A. Baig and Mrs. Osman Ali Baig, wife of the new Secretary General of the Baghdad Pact Organization. We were gratified to have such a large and representative gathering despite the pre-occupation of the officials with the Baghdad Pact meetings.

4. The President stayed for three quarters of an hour, and was friendly and relaxed. He told my wife and myself of his experiences during the war and subsequently. He said he had to assume responsibility for the Government of the country to save it from the mess which it had got into. He greatly hoped that our two countries would build up close and friendly relations, “for we are brothers after all”. He asked my views about the land reforms in Pakistan, and the progress which we had made in India in the matter.

5. The Resident said he understood from Qadir that he was up at Cambridge at the same time as my wife and that their two families knew each other well. He then went on to praise Qadir in very high terms, commenting on his brilliance and devotion to duty. “He has come at a big sacrifice only from a sense of duty as he has no use for power, and I am very lucky to have him”. This remark further confirms the impression which I have gathered that Qadir’s influence and prestige have grown rapidly and that he has the fullest confidence of the President.

6. The function has, to some extent, brought in a thaw in our day-to-day relations with the Pakistan.

With kind regards,

Yours sincerely,

(Rajeshwar Dayal)

Shri M.J. Desai, ICS, Commonwealth Secretary, Ministry of External Affairs, New Delhi.

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0260.  

SECRET

TELEGRAM

From:  Hicomind, Karachi.
To:    Foreign, Now Delhi.

IMMEDIATE

No. 44 February 4, 1959

Desai from Rajeshwar Dayal

AZIZ AHMAD’s impending ouster from the post of Secretary General and Deputy Chief Martial Law Administrator and translation to Washington is a step which removes a serious obstacle in the way of a better atmosphere between our two countries. The post itself is being abolished and a new Cabinet Secretary N.A. FARUQUI, of U.P. origin, has been appointed. With AZIZ AHMAD’s departure the influence of fanatic and corrupt Punjabi official clique will appreciably diminish. FARUQUI has reputation of honesty and moderation while AZIZ AHMAD’s hauteur was too much even for his Cabinet superiors.

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0261.  

TOP SECRET

Letter from the Deputy High Commissioner of India K. V. Padmanabhan to the Commonwealth Secretary M. J. Desai regarding Pakistan Day celebrations.

Karachi, March 26, 1959.

High Commission of India
Karachi

No. DHC-TS-19/59 26th March, 1959/ Caitra 5, 1881 SAKA

My dear Commonwealth Secretary,

The Pakistan Day was celebrated in Karachi on the 23rd March in a rather unostentatious and quiet way. There was a ceremonial parade in the morning and a Reception in the evening at the President’s House. Important buildings were gracefully illuminated. No public meeting was held or processions taken out as on December 5 last, when Quaid-i-Azam’s birthday was celebrated.
2. The parade, according to those who had attended earlier ones, was on a bigger scale and better organized this year. Previously, only the defence forces in and around Karachi have been utilized for this parade. On this occasion troops and weapons were brought from outstations. For the first time, Pakistan showed her light tanks, the radar-fitted anti aircraft guns and 8" howitzers. Our Military Adviser says that there were no surprises, though this is the first time that Pakistan had brought them and for the public to see. He has, however, noted some "formation signs" which he said were interesting. He is submitting a special report to the Defence Ministry.

3. At the parade Ayub Khan came in his six horse-drawn resplendent coach. Begum Ayub Khan had preceded him in a limousine. He inspected the parade in a jeep and waved to the crowd. There was some applause, but not quite spontaneous, as was observed by many.

4. The Reception was an austere affair where only non-alcoholic drinks and a few eatables were served. Austerity seems to be the pattern of a Pakistani official entertainment these days. As could be expected, there was quite a large number of defence personnel. Non-official attendance was, on the other hand, limited. Perhaps very few were invited. Among the old politicians who attended were: Khwaja Nazimuddin and Messrs Chundrigar, Amjad Ali, Fazlur Rahman and Hasan Mahmood (ex-Minister of West Pakistan). The President attended the function along with Begum Ayub Khan. He stayed for nearly an hour and moved about freely among the guests. Mr. Manzur Qadir was in an unusually subdued mood. President Ayub Khan made a brief address at the parade and in the evening broadcast a message to the nation (please see cutting). There was nothing new in either of these utterances. He has repeated that a Constitutional Commission will be appointed when the "mess" is cleared up and the development plans "get going". He has also promised that the draft Constitution will be put to the vote of the people in a "suitable manner". Speaking about foreign relations he has made pious observations about maintaining "good and friendly relations with our neighbours". His references to India and Afghanistan are couched in mild and friendly terms. For once, he has not used any strong or threatening language.

5. I enclose herewith a report by one of our officers on a talk he had with a close associate of Miss Jinnah. President Ayub Khan was apparently anxious that she should attend the Reception but she declined. I am told that she has not been attending such functions for some years.

6. According to this report, Miss Jinnah is not satisfied with the policy of the new regime. On the other hand, there are fresh rumours that one or two Muslim League politicians may be inducted into the Cabinet in the near future. The names of Chundrigar from West Pakistan and Nurul Amin from East Pakistan
are mentioned. According to the same source, Chaudhry Mohd. Ali is not favoured since he had left the folds of the Muslim League.

7. Reports emanating from Lahore indicate that Daultana is trying to form some kind of a group which could be brought into action when occasion demands. This group is said to be against Khan Abdul Qayyum Khan and is doing its best to oust him from the ruling circle of the old Muslim League party. Daultana had, it will be recalled, declined the offer of High Commissionership in London. He is said to be biding his time.

With kindest regards

Yours sincerely,

(K.V. Padmanabhan)

Shri M.J. Desai, ICS, Commonwealth Secretary, Ministry of External Affairs, New Delhi.

SOURCE REPORT

One of our casual contacts, who is closely associated with Miss Jinnah, gave us to understand that the latter purposely did not attend the Pakistan Day Reception held on 23rd March, 1959, at the President’s House. By remaining conspicuously absent on this occasion, in spite of the fact that she was specially approached by an emissary of Ayub, she wanted Ayub to realize that she was by no means happy over his procrastination in associating politicians with the governance of the country. It was stated that Ayub had more often than not assured Miss Jinnah that he had no intention of sticking to power by himself or running the government on an emergency basis and that he was quite agreeable to the early introduction of a representative form of government in an acceptable manner.

2. Somehow Miss Jinnah had reason to feel that Ayub had already resiled from his earlier promise to usher in shortly a constituent assembly with the old provincial legislative assemblies constituting the electoral college. She also seems to think that while Ayub has of late started exploiting the name of Quaid-e-Azam, he has done nothing to uphold his (Jinnah’s) ideology of the two-nation theory. On the other hand by omitting the word “Islamic” from the “Islamic Republic of Pakistan”, Ayub has given enough proof, if that was wanted, of his pro-secular bias. She also appeared to be most disappointed with Ayub’s Republic Day broadcast and characterized it as most ambiguous one and
deceitful. While she did not know precisely what type of constitution Ayub had in mind, she did not believe for a moment that it could be in any way Islamic of Jinnah’s concept. She had her own apprehensions about it and I thought that it would be nothing else but a device to ensure Ayub’s continuance as a dictator and had no doubt that the Constitution Commission, which is going to be set up, would be a hotchpotch selection of Ayub’s yes men.

3. According to the source, Miss Jinnah also could not understand how this proposed draft Constitution could be put to a referendum to those very people whom Ayub and his advisers have all along denounced as being incapable of taking a right decision to elect their representatives for want of proper education and political knowledge. Quite likely, the draft will be circulated to selected persons and their concurrence obtained under official pressure and no wonder that the unwanted politicians would have, by that time been either put behind the bars or else disqualified from taking part in such elections.

4. Miss Jinnah appeared to feel that while she was not particularly keen for the return of the discredited Muslim Leaguers, she would very much like to see a single, nationwide organization emerge so that the professional rivalry which had led to the political bankruptcy was eliminated as far as possible. She thought there was no dearth of un-controverted men to take the reigns of the government or to be associated at least for the time being with the government.

5. She also could not reconcile to the idea how a demand for plebiscite in Kashmir could be stepped up and made effective when such a concession was being denied to the Pakistan citizens themselves. She is thus feeling very sore about the way things are appearing in the country but does not propose to come out in open criticism unless she has consulted the Muslim League elders in this behalf.
SECRET

Letter from the Indian Ambassador in Tehran T. N. Kaul to the Commonwealth Secretary M. J. Desai regarding some assessment of the political situation in Pakistan.

Tehran, March 31, 1959.

Ambassador of India
Tehran

No. AF-/295/26 31st March 1959

My dear Commonwealth Secretary,

I enclose a copy of a brief note recorded by the Third Secretary on his conversation with the First Secretary of the American Embassy here.

2. I had occasion to meet an old Pakistani friend of mine, Colonel Arif Khan, who is a member of the Boundary Commission – He was with me in Fategarh, U.P., in 1941. He is a Pathan from the NWFP and rather frank and outspoken. He knows Generals Thimmaya and Cariapa very well. I invited him to dinner alone and mention below some of the main points made by him:

(1) Pakistan cannot and will not go to war with India on any issue - not even on the Kashmir issue.

(2) The Canal Waters dispute is bound to be settled, but a settlement of the Kashmir dispute seems more difficult. Feelings in Pakistan about Kashmir are very strong. When I told him that feelings in India were even stronger and more justified and we would not give an inch on Kashmir, he did not argue further. He appeared to me to be less fanatic than most of the Pakistanis on the Kashmir issue.

(3) General Ayub Khan has made a good impression, but his success will depend on the implementation of the land, education and legal reforms and last, but not least, the economic reforms. He did not think that there was likely to be a change of Government or rift among the higher military set-up in Pakistan.

(4) When I asked him about Khan Abdul Ghaffar Khan, he said the Pathan leader had definitely intended to separate Pushtoonistan from Pakistan and was, therefore, not half as popular in Pakistan as before. He seemed to think that Khan Abdul Ghaffar Khan had not much of a future in Pakistan.
INFORMATION SERVICE OF INDIA, TEHRAN

I met Mr. John Bowling, First Secretary (Political) of the American Embassy yesterday at lunch. We were talking of today's political reporting by Missions as a source of information for the diplomatic historians of tomorrow. Somehow the conversation drifted to Pakistan affairs and Bowling told me that immediately after General Ayub's taking over charge of affairs the reports from the American Embassy in Karachi were rather pessimistic. It was felt that the stepping in of the army was, despite its being inevitable, a retrograde step. A little later, however, American reports from Karachi showed buoyancy as the Generals seemed to have taken control of affairs in a sober and constructive spirit. However, the American Embassy kept on wondering as to who was taking the political decisions for the military leaders, whom they did not credit with much thinking power or political acumen. Bowling added that he happened to know some of the Army Leaders now in charge of affairs since his assignment there from 1949 to 52. For example he said that General Musa was a close personal friend of his and while he credited Musa with sound commonsense and a refreshingly realistic approach to things, he could not believe Musa capable of politically mature decisions or farsightedness. He was therefore, himself quite agreeably surprised at some of the politically sound decisions made by the military regime in Pakistan. He said that while it was true that the military leaders of Pakistan were suspicious of the Civil Service he knew it for a fact that some of the senior Civil Servants of Pakistan were clever enough to make the Generals take correct decisions and at the same time to persuade them to think that these decisions were their own.

2. Lately, however, he said, a strange tone of apprehension had crept into the reports from their Embassy in Karachi. The promises made by the Military regime despite their trying their hardest, were not being fulfilled as speedily as the people would like. Therefore criticism of a present regime had started. It is interesting to note that this criticism is not the result of any relaxation of the Martial Law regulations but in spite of it. What is even worse, within the Army
itself some younger officers who are hot-headed of the same type as ex-major General Akbar Khan had started talking loosely and critically about the present regime. If these younger elements within the Army try and organize themselves and generate and exploit the more popular criticism of the regime, it will be the beginning of the end of Pakistan. The Americans, he said, are convinced that the present regime is the last dam between Pakistan and complete chaos and ruination. He could not help adding that this would be a very dangerous development from India’s point of view too. He wanted me to say if I knew anything about this trend. I pleaded ignorance but promised to tell him if anything came to my notice.

For Ambassador's present information.

Sd/- S. K. Singh

TOP SECRET

Note of High Commissioner in Pakistan recording his conversation with the US Ambassador in Karachi.

Karachi, April 8, 1959.

I had a talk lasting over an hour and a half with U.S. Ambassador Langley last evening. Langley said that his Deputy Chief of Mission would be leaving some time in June and be himself would be going in August, on the completion of his two years. He was prepared to have continued till the autumn but as a chain of postings was involved, he is being relieved earlier. His family is preceding him on July, the 11th. He hopes to get back to his farm in New Hampshire and to his newspaper and has no intention of taking another foreign assignment. Knight will be succeeded by William Hall, Deputy Assistant Secretary in the Treasury. The new Ambassador is likely to be “a strongly political” personality to balance his Deputy who is an economist. Langley said that his successor, whom he did not name, would arrive within a fortnight of his departure as it was not desirable to keep the post vacant for long. This confirms our impression that the premature recall of the Ambassador and his Deputy is an expression of the State Department’s displeasure of their understanding and handling of the situation in Pakistan and of Indo-Pakistan relations generally. Langley referred to his impending departure with a sense of relief and it was evident that he had not enjoyed this post for he added rather caustically that he had seen two Presidents
and four Prime Ministers in Pakistan and that was more than enough for him. He is basically a somewhat reserved though an honest man; and the tortuous ways of Pakistani diplomacy seemed to have been too much for him. Knight, on the other hand is a little too clever and that seems to have been his undoing. From certain remarks which Langley made it seemed clear to me that he was taken by surprise by events in Pakistan and his judgment of the personalities and the situation here was somewhat variable and uneven. His rather straightforward approach could not keep pace with the twisted and complex characters and situations with which he has had to deal.

2. I spoke to Langley about my impressions of the East Pakistan situation and the steps which we were trying to take to evolve procedures for dealing with then. I was now awaiting the Government’s reactions to our suggestions; if we could evolve a common formula, the next thing would be to see that it was properly applied by Pakistan. Langley said that the repeated incidents could not be so lightly dismissed as the Pakistanis seem inclined to do since they had wide repercussions and could be dangerous. He had been urging restraint and would try to use his influence to bring about a more constructive approach. If demarcation could be hurried up, it would reduce the points of friction. He asked about the strength and composition of the EPR (East Pakistan Rifles) and our impressions seemed to tally, except that Langley thought that while the officers were largely westerners, the rank and file was not. I informed him that I understood that the intention was to have a mixed force by doubling its present strength of 3000 by local recruitment. The Pakistan frontier was in charge of a Para military force whereas ours was largely a local police force and it was thinly scattered in the proportion of one to four per mile of frontier.

3. We then discussed other aspects of Indo-Pakistan relations and I mentioned the efforts we had been making to develop trade. Langley said that there was no sense in Pakistan getting coal from China and Poland when it could be had from India and he asked me what we could import in return. He especially asked if we could take hides and skins and more jute. I gave him my impressions on the state of affairs at Narayangang which I had visited and the harassment to which the old Indian and other business houses were being subjected. Even British jute interests were pulling out. Langley said that he was aware of this and thought that some remedial action was overdue.

4. Langley then mentioned the unhelpful attitude of Pakistani officials who were hopelessly caught up in a rut. He mentioned that when his Mission undertakes any negotiations at secretariat level, there is all kinds of haggling, the main issues being obscured, but when he sees the Ministers, things are straightened out without much difficulty. He asked who was in charge of the India Desk at the Foreign Office and whether we were experiencing similar
difficulties. Mazur Qadir was very badly served by his chief adviser Sikander Baig whose difficult attitude, he had heard, was due to the fact that he now regrets not having stayed on in India and suffers from some form of guilt complex. His heart is not in his job and both he and his wife are extremely unhappy. He hoped there would be an improvement when the new Foreign Secretary came and also if the India Desk got a new team. I told him that he could well imagine our difficulties with the present official set-up.

5. Langley said that the worst among the officials was Aziz Ahmed. Last year he had to pull him up severely in the presence of the then Prime Minister Noon and Finance Minister Rashid. The result was that Aziz Ahmed was demoted from the post of Cabinet Secretary which he took very such to heart and he went around blaming the USSR for it. Such is Aziz Ahmed's mentality. Langley exclaimed, adding that he is “an unreliable twister”. He tried to explain Aziz Ahmed’s psychology by referring to some remarks regarding his childhood, made by his wife to the effect that Aziz Ahmed as a boy had always strained himself to catch up with his two elder brothers but now, said she, “he is a bigger man than they are”. Aziz Ahmed was, in Langley’s opinion, quite unfitted to be the Head of the Civil Service and Deputy Chief Martial Law administrator; “he was carrying on a regular racket and taking the name of his President in vain” in dealing with Ministers and others. He is a highly ambitious and unscrupulous man and it is good that he has been shipped away but Langley greatly doubted his suitability for the Washington post. “He is too intense and has a one track mind”, said Langley and he hoped that he would not clash with the Indian Ambassador Chagla. Only an extrovert could get on with the Americans. Both Aziz Ahmed and his wife are the reverse of extroverts. Langley said that he thought Aziz Ahmed was not only strongly anti-Indian but also anti-American. His disappearance from the scene is definitely a demotion and it will however be good for Indo-Pakistan relations.

6. The conversation next turned to the President and his cabinet. Langley said that Ayub had undoubtedly grown in stature during the last few months; he showed an unexpected political maturity and restraint and had increased in self confidence. He mentioned that recently in Lahore, the press put a number of embarrassing questions to Ayub to which he gave very mature answers. Even in the handling of his Cabinet, Ayub was showing a great deal of horse sense. All this had come to him as a welcome surprise as he had initially doubted whether Ayub could hold the country together. There is nobody that one can think of who can take his place. Azam is in Langley’s opinion, just a “top Sergeant”, a description with which Ayub heartily agrees. Azam can get a job done if he is told what is to be done but he is completely devoid of ideas and imagination. Shaikh is “something of a mystery-man”
while Burki is a genial enough person but fundamentally nothing more than a doctor. But Langley has been rather disappointed in Manzur Qadir, who though a likeable man is now beginning to play politics. Qadir is very much of a lawyer; he feels that he has been briefed to defend the present regime which he does “in all sorts of twisty ways”. Langley did not think that a man of Qadir’s background would have any basic sympathy with a regime like the present one but he misses no opportunity to justify it and some of his utterances have been rather disappointing. Qadir has no executive capacity; all his training and experience are confined to argumentation and not to execution. In Langley’s view, Shoaib is perhaps the best of the lot. He is a careful financier, perhaps too conservative, but he is a quiet and reliable man and can get things done. Bhutto is definitely a liability and is causing embarrassment to the regime. Ayub has the intention of getting him out but the difficulty is to find a replacement. Ayub therefore is wisely not hurrying to make any changes - since Pakistan has had enough already - but Bhutto has been thoroughly sat upon by his colleagues, and so has been rendered ineffective. But he is bound to go before long. As for the other Ministers, and here Langley shrugged his shoulders, they count for nothing at all.

7. I was rather surprised at this very outspoken and detailed estimate made by Langley of Ayub and his colleagues and I got the impression that Langley had discussed his impressions of the Ministers with Ayub who agreed with his views. These are exactly the estimates that we have made and I felt encouraged to find collaboration from one who is obviously in the know.

8. Describing the present regime as “dictatorship by consent”. Langley said that Ayub, though shrewd and sober, is rather vain and ambitious. Langley was sure that he intended to continue in office for another 15 years or so. Ayub has prepared a top secret memorandum regarding his plans to change the character of the regime which he has shared only with his military colleagues and perhaps also with Qadir. In answer to a direct question, Langley said that he had seen the document which was eloquent of Ayub’s own character. It began by saying that Ayub would like to become internationally known and to be to Pakistan what Nehru is to India. However, Langley added, “Nehru is a very great man with high intellectual and moral qualities”, but Ayub is probably the best that Pakistan has got. It is Ayub’s intention to have some kind of a Presidential constitution unlike what India is developing - where supreme power would rest with the President. Ayub’s ideas in the matter are somewhat original but they might work.

9. He felt that Ayub took a realistic view of Indo-Pakistan relations and that the situation would improve with his handling. As the background is too recent and although Ayub is a dictator, he cannot move too fast. At present he was
too absorbed in dealing with Pakistan’s own obstinate problems. I asked if Ayub realized that at every step and in every sphere those problems were affected by Indo-Pakistan relations and that without putting those relations on a normal basis it would be difficult for Ayub to deal with his problems. Langley agreed that that was the case and he thought that Ayub realised it too, but he had to carry the people, who had been conditioned in a different way with him. So far as the USA was concerned, Langley said, it would be easier to deal with Ayub than with the previous Prime Ministers who occasionally were very difficult although Iskander Mirza was not.

10. In conclusion, Langley said that the USA had always been urging Pakistan to come to settlement with India and he would continue to exercise whatever influence he had in this direction. Langley said that it was at his instance that Pakistan had provided transit facilities, etc. to Afghanistan. He said that the Canal waters question now seemed within sight of a settlement. He appreciated the point which I raised regarding the importance of the time factor and the question of costs, adding that he had no doubt that Mr. Black (World Bank President) would take care of the financial aspect. The interests of the two countries were complementary and not contradictory. He hoped that the present difficulties would be sorted out step by step, given a little good-will on both sides.

11. Langley, who is normally a somewhat reticent man, seemed to have unburdened himself of all the impressions which he had gathered during his tenure of office in Pakistan. He spoke frankly and in a straightforward manner and gave me a deeper insight into the workings of his mind in relation to his functions here which I had not tried to get or had even expected.

12. The talk clearly reveals the key position which the U.S. Embassy occupies here, and its all-pervading influence, even in matters of purely domestic concern. It is amazing that a foreign envoy can bring about changes even among civil servants, as in the case of Aziz Ahmad.
SECRET

Letter from High Commissioner Rajeshwar Dayal to the Commonwealth Secretary M. J. Desai regarding shooting down of Indian Air Force Canberra.

Karachi, May 1, 1959.

High Commissioner for India
Karachi

No. HC/212/59 May 1, 1959/ Vaisakha 11, 1881 Saka

My dear C.S.,

Last evening, at the Japanese reception in honour of the Emperor’s birthday, I met President Ayub Khan who greeted me with his usual warmth. He asked how I was and how things were getting on. I replied that I was all right but to my regret, the shot, which brought down our Canberra*, had brought down a great deal else with it besides. Ayub replied, “I know. It was most unfortunate-most unfortunate.” He said that he had not lost heart or faith and that he is determined to keep on trying to bring about a new approach and a change of heart. He added that he would like to assure me, on the word of a soldier, that he sincerely meant what he said. At the same time he would ask me to keep on trying. I replied that that had been my endeavour throughout, but feelings had been greatly aroused in India over the incident and incalculable harm had been done to our relations. Ayub said that Pakistani opinion had also been agitated; adding that a few days ago a Pakistani, passenger aircraft on its way to East Pakistan had been buzzed by an Indian fighter plane. I told him that I had heard nothing about this, but there have been a great many violations of our air space about which, we were greatly concerned. Ayub replied, “We must change all this. We should no longer keep on looking inwards and at each other, but outwards, to face the dangers from the north.” At this point the Foreign Minister, Manzur Qadir, interrupted to say that the guests were waiting for the President to leave before they could do the same. I thereupon took leave of the President.

2. I do not know how far the report about a Pakistani civil aircraft being buzzed over Indian territory is correct; but if it is, it should bring home forcefully to the trigger-happy Pakistanis the awkward fact of Pakistan’s geography and thus induce a certain measure of restraint on their actions.

3. At the same party, various other ministers including Generals Shaikh and Burki, greeted me. The gist of their talk was that we should allow bygones

* For details please see Document No.266.
to be bygones. I made it clear that the damage done to our relations could not be so easily repaired without proper amends.

4. Manzur Qadir, recently returned from his wanderings in South East Asia, then came up to me saying that he was hoping to have a long talk with me. I replied that I had already taken up a great deal of his time and I did not wish to trouble him unless there was something specific to discuss. He replied that our talks had been most valuable and he would like to continue them. I repeated to him what I had told the President and Qadir replied, “I know. We have to start again from scratch. The edifice that we had so patiently been building up, has suddenly crashed to the ground. It will be a little more difficult now, but we must start again.” I pointed to the vicious tone of the Press and Pakistan Radio’s poisonous broadcasts. Qadir said that he was unhappy to have noted the reversion to the old pattern and added that he was determined to put things right again. He added, “When my back was turned for a few weeks, they reverted to their old tricks, but I am going to put my foot down.” Qadir said that he would telephone me one of these days to come over for a discussion to take stock of the position.

5. It is evident that the people at the top are not happy over the Canberra incident, and its aftermath, although they have perforce to back up their erring pilot and defend his action to the end. But they are not so blind as not to realize the great harm that this incident has done, not only to their relations with India, but also to their international reputation. The military regime is under trial in the eyes of the world and its one stock-in-trade is to depict itself as a benevolent, law abiding regime, with a greater sense of responsibility than its predecessors. The use of force against an unarmed plane of a neighbouring country has, therefore, not redounded to its international reputation. The Australian High Commissioner Cutler told me that he had a “none too friendly” interview with Mazur Qadir who was greatly concerned about the highly critical comments in the Australian Press about the shooting down of the Canberra. Qadir tried vainly to plead the Pakistani case, but Cutler refused to budge from his position that whatever may have been the circumstances, the shooting down of the plane of a fellow-member of the commonwealth was absolutely indefensible.

6. Responsible Pakistanis also are most distressed over the Canberra incident as they were beginning to hope that relations with India would improve. They greatly regret the attitude of the lunatic fringe in acclaiming the Sabre pilots as heroes, who should, instead, have been cashiered. In this connection, a report from a reliable source will be of interest. The film of the shooting, apparently taken by the Sabre jet, indicates that no warning whatsoever was given to the Canberra and that indiscriminate firing was resorted to. The fact
that the Canberra was hit was not evidence of good marksmanship but rather of wild and frenzied shooting.

7. There is no doubt that the Americans have been urging caution on the Pakistanis in the use of their gifted war material. The fact has not been lost on them that the use of an American plane in such a manner has fully justified India's earlier protests and that this is not likely to pass unnoticed by Asian and world public opinion. The result is that the Americans are going to tighten their control over the handling and use of the war material supplied by them, and they will insist on a greater degree of supervision, thus reducing Pakistan's possibility of taking independent action. This aspect of the matter is also regarded by responsible Pakistani opinion with misgiving, as they see the American octopus spreading its tentacles still more tightly around this country. And tighter control is not likely to be confined to military matters.

8. You will recall my report of my long talk with Langley of the 12th April, when he had spared no words in criticizing Manzur Qadir. Now the latest information is that Qadir will be leaving the Foreign Office to take up the law portfolio. While it is said that Qadir himself would like this transition because of his preoccupation with the Constitution and his reputed flair for drafting, it is clear evidence of his fall from grace. The difficulty will be to find a successor and it is thought that some career man - who is yet to be selected - will be given the job. The position of Qadir within the Cabinet seems to have weakened, and opposition in the Cabinet is building up against him; his three weeks' absence has only worsened his position while the military members have been forging ahead. Only Shoaib seems to be holding his ground. As regards foreign affairs, it is said that since the policy is decided at the top, the foreign Minister is, at best, merely its executant. Therefore, an official functionary could very well hold charge of the Foreign Office. Qadir's likely departure from the Foreign Office is to be regretted, for whatever his faults and failings, and however mistaken his advocacy, he was at least a man of goodwill and not un-amenable to reason, and one with whom it was possible to argue. An official functionary would be entirely lacking in initiative and unable to take decisions and things might revert to the pattern when M.S.A. Baig was all-in-all at the Foreign Office.

9. An example of the extent of American interference in, and control of, the inner workings of this country is provided by a recent conversation with a Mr. Watson, who is supposedly running an organization known as "the Friends of the Middle East", which is really a cover job for the local representative of the Central Intelligence Agency. This gentleman mentioning the scathing editorial in the Manchester Guardian about the suppression of the Pakistan Times observed that the only answer would be to have a really independent editor to
run the paper, and he mentioned Mr. Frank Moraes name in this connection. He said that he would talk to "Manzur" and "Habib" (the Information Minister) and get them to agree, but if they were afraid to take a decision on such a delicate and far-reaching matter, he was quite prepared to take it up with "Ayub". I asked him if he was aware of the considerable risks that were involved as Moraes was not a hack who would be prepared to toe a particular line merely for the sake of pecuniary advantage. Watson remarked that he knew of the dangers and difficulties, but he thought that a man of Moraes' "international repute" would give respectability to the action that had been taken against the Pakistan Times. Watson did not deny that the so-called Bureau of National Reconstruction would have liked to make use of the paper for its own ends; he admitted that "thought control" was part of the likely functions or the Bureau. He added, however, that the Bureau was still rather ineffective, "but six months later things might be different". Watson went on to say that the Americans were deeply committed in Pakistan, which was a test case whereby their policies would be judged in the whole of Asia and beyond and it was essential for them to ensure that the country was not again derailed. He said he was rather worried by developments and could not quite foresee how things would shape. He mentioned with some alarm the state of panic which prevailed among the Parsis since the recent arrest of a prominent and wealthy member of that community. The Bohras and Memons too were jittery since the loss of their export-import business.

10. In the light of this strange conversation, today's news that S.M. Ikram, the Information Secretary, has been thrown out and that Brigadier F.R. Khan, the head of the Bureau of National Reconstruction, is to take his place, assumes an added and sinister significance. As I have previously reported, this organization may well become another Gestapo. General Azam Khan is now touring West Germany and visiting refugee camps, where he is no doubt being regaled with anti-Communist stories. The impressions which he gathers and the lessons which he learns in the course of his peregrinations will no doubt be used in developing the activity of the Bureau of Rational Reconstruction.

11. It is the view of several of my discerning colleagues here, which I share, that Pakistan may be moving towards some form of Fascism. All the elements are there - absolute and unfettered power, a tightly controlled Press, the absence of any kind of political activity, the overthrow of the rule of law, the denial of the rights of the citizens, combined with an all-powerful executive and an ever-growing military machine. The system of education is under revision in directions which may well be foreseen. The development of various types of Para-military organizations is within the realm of possibility. There is a spirit of chauvinism in the air and ministers have been heard to talk about the "4000-year old history" of Pakistan and how little it has to learn from other countries. Shaikh
has been talking about eliminating Communism, root and branch, by which he
no doubt means all liberal thought and tendencies. However indistinct may be
the outlines of the new philosophy which the regime is trying to develop, it has
an unsustainable likeness to the early beginnings of Fascism. The exhortations
towards more austere living, the much publicized solicitude for the masses,
the torrent of pronouncements and proclamations, the single-track minds and
slogan-mongering, are all reminiscent of the attributes of a Fascist dictatorship.
This is a sinister development which will need constant watchfulness and
vigilance.

With kindest regards.

Yours sincerely
(Rajeshwar Dayal)

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

0265. LETTER

SECRET

Letter from Commonwealth Secretary M. J. Desai to High
Commissioner Rajeshwar Dayal regarding buzzing of a
Pakistani plane over Indian territory.

New Delhi, May 2, 1959.

D.O. No. 378 /CS/59 May 2, 1959/ Vaisakha 12, 1881(Saka)

My dear Dayal,

Thank you for year letter No. HC/212/59 dated 1st May.

2. I am showing the letter to PM who has just returned from tour this morning.

3. The story about the buzzing of the Pakistani passenger aircraft by Indian
fighter plane is true to a certain extent. Our Observers on the ground saw a
plane which, they felt, was flying outside the corridor prescribed and an IAF
fighter plane did go up to check up the course of the flight of the P.I.A. plane.
No pressure of any kind, however, was brought upon the P.I.A. plane. As you
know our fighter planes have guns in position but these guns are never loaded.
There are strict instructions on this subject.

4. I agree with you that the military regime in Pakistan is well on the way to
Fascism. Our American friends and others do not seem to see the obvious
danger despite the experience of East Germany and Iraq. The Russians are
more practical and far-sighted and while sending strong notes to Pakistan must
be chuckling inwardly at the first stage is the transition from so-called democracy
of the western type to a well controlled People’s democracy.

With kind regards,

Yours sincerely

(M.J. Desai)

Shri R. Dayal,
High Commissioner for India
Karachi

0266. Statement by the Deputy Minister of External Affairs Mrs. Lakshmi Menon in the Rajya Sabha on the shooting down of IAF Canberra aircraft by Pakistan.

New Delhi, May 6, 1959.

In a note dated 11th April, 1959, the Pakistan High Commission in New Delhi
alleged 2 violations of Pakistan air space by Indian Air Force Canberra bombers
at 0730 hours and 0930 hours respectively on the 10th April. In regard to the
first allegation it was stated that Pakistan Air Force interceptors approached “a
twin engine jet aircraft” while it was heading for Rawalpindi, and later instructed
the pilot to accompany them and land; that the aircraft ignored these instructions
and “maneuvered as if about to indulge in hostility against the interceptors”;
that one of the interceptors fired a warning burst of tracer bullets, but that the
aircraft still continued maneuvering in a hostile manner; and that in the action
that followed the aircraft was shot down and that from the wreckage it had
been identified as an I.A.F. Canberra bomber.

In a not sent to the Pakistan Government by the India High Commission in
Karachi on April 30, the Government of India have lodged an emphatic protest
against the hostile act of the Pakistani authorities in shooting down an unarmed
Canberra aircraft of the Indian Air Force which had strayed into Pakistan territory by navigational error on the 10th April, and in circumstances which prove conclusively that the act was planned and pre-meditated. In this note full details were given of the circumstances attending the incident proving beyond any doubt that no warning was given to the aircraft before it was shot down; that this armed aircraft could not by any stretch of imagination be said to have taken any hostile action against the Pakistani interceptors; that the Pakistan authorities were in no doubt at the time of shooting down that the aircraft belonged to the Indian Air Force; and that the alleged confessions by the Indian airmen were fabricated so as to mislead public opinion both at home and abroad.

It was also pointed out that Pakistan's action was in flagrant violation of all norms of international behavior as also a deliberate breach of reciprocity of relations in this regard between Pakistan and India.

The Government of India have pointed out that this hostile act has done incalculable harm to good neighbourly relations between India and Pakistan and have pressed upon the Government of Pakistan the urgency of taking immediately all remedial measures necessary to undo the harm done, to express their regret for this act of grievous injury and to agree to the payment of full compensation for the loss of the aircraft and for the injuries sustained by the Indian airmen.

The Government of Pakistan was also informed that their allegation about a second I.A.F. Canberra aircraft has been thoroughly investigated and found to be utterly groundless.
SECRET

Letter from the High Commissioner Rajeshwar Dayal to the Commonwealth Secretary regarding his meeting with the Chief Secretary of East Pakistan.


High Commissioner for India
Karachi

No. HC/236/59 May 27, 1959/ Jyaistha 6, 1881 Saka

My dear C.S.,

I saw Chief Secretary Afzar, accompanied by the Deputy High Commissioner, on May 9. Afzar hails from East U.P. and was nominated to the ICS. We had our probation together at Oxford. Afzar belongs to the Bihar and Orissa cadre and is not a particularly distinguished official. He also suffers from all kinds of complexes.

2. Just returned from the high-level conference at Karachi, where he had accompanied the Governor, Afzar began by saying that there should be a new approach to our mutual problems. We should eliminate all sorts of mutual irritants to begin with, leaving larger issues like the Canal Waters question, Kashmir, and minority problems for later settlement. Prospects for agreement would improve if minor matters were to be out of the way. This new approach should be at the highest level, finding reflection all the way down.

3. Afzar expressed concern regarding the situation in West Bengal and the growth of Communist influence there, which was having its inevitable impact on East Pakistan. Indeed, developments in the two Bengals could not be divorced from each other. I corrected Afzar’s impressions and told him that we could take care of the situation in West Bengal, whatever it was, and it was for his Government to look after the affairs of East Pakistan.

4. Afzar went on to say that Pakistan now had a personality who is in a position to take decisions, unlike in the past, without having to worry about public opinion, but in India the press, Parliament and public opinion must be taken into account and so the task there was more difficult. But the Prime Minister is an outstanding personality and these two personalities, between them, could settle the differences. Otherwise matters would keep on festering and future prospects would be gloomy.

5. The new approach should be aimed at exploring points of agreement and achieving the greatest common measure of understanding, while there must be an avoidance of post mortems and bickering. Regular meetings at
Chief Secretaries’ level were suggested. An assessment should be made of all the outstanding disputes by both sides and the easier problems should be taken up first in a spirit of mutual accommodation.

6. Afzar said that he was aware that Berubari had caused us difficulties and embarrassment, but he could foresee a situation arising when Pakistan would be willing to forego its claim in order to smoothen matters for India. That should be the spirit which should animate both sides, rather than one of scoring points off each other and insisting on one’s pound of flesh. Afzar recounted his own experience in dealing with S.N. Ray and how he was able to reach agreements, unlike the time when Aziz Ahmed was Chief Secretary. Afzar said that if the aim was to score points, the Indians would always beat them at the game.

7. While the Press in Pakistan was controlled, it might help to improve the tone of the Indian Press if visits by Indian correspondents to East Pakistan could be arranged. Afzar personally would favour such a course, as the correspondents could see for themselves the condition of the minority community, and if they noticed any difficulties or disabilities, they could point them out and make the East Pakistan authorities “start thinking”. This would also react favourably on the position of the minorities in India. At this point I intervened to disabuse Afzar of the misconception which he seemed to be harbouring, regarding the recent communal disturbances in some parts of India. He did not attempt to contest my arguments. In reply to my question, Afzar said that officials belonging to the minority community had mostly opted for India. There was however a proposal to reserve 23 per cent of the posts for them in Government service. He added that there was one District Magistrate, some Inspector’s of Police and Sub-Inspectors, Civil Surgeons, Army Doctors and “some in the Navy” from the minority community.

8. The Chief Secretaries’ conference could discuss matters such as border incidents, border trade, fishing problems, river navigation, etc. Afzar said that the position in the Patharia area was obscure and asked why not have demarcation along the existing line of possession. I pointed out that this must be linked to the Pakistani withdrawal from Tukergram. Afzar could not recollect that the Nehru-Noon agreement provided for such a link up of the two matters and suggested demarcation on the basis of *de facto* possession everywhere until formal demarcation could be completed. Afzar was not in favour of the revival of the Indo-Pakistan Information Consultative Committee, as this would only lead to mutual bickering.

9. Financial problems of one kind or another could also be tackled at the Chief Secretaries’ conference.

10. Afzar suggested that it might be useful to have a branch in the Foreign Offices of the two countries devoting itself solely to finding solutions to Indo-
Pakistan problems, exploring where irritants could be removed and where mutual accommodation was possible. The exchange of notes and protests was a fruitless exercise. If any officials were found to be uncooperative, they should be transferred.

11. As regards border incidents, the proposal to have ground rules was discussed, to which Afzar agreed in principle. The details could be worked out at the Chief Secretaries’ conference.

12. In conclusion, Afzar spoke of the waste of energies on both sides which was causing more harm to Pakistan, the smaller country. He appealed for an end to the “cold war” between our two countries and for the opening of a new chapter in our relations.

13. General Umarao Khan, whom I saw earlier, also spoke about the imperative need to stop the border incidents and — no doubt under the inspiration of General Sheikh - raised the question of working out common ground rules. He also spoke about the security of the minorities in both countries contributing to better mutual relations.

14. Emphasizing the need for a new approach, he said that the army authorities approached the problems in a direct fashion. The army was in a position to have its orders implemented and Ayub can deliver the goods. He emphasized the need for restraint in the Press and for improving the general atmosphere.

15. These conversations undoubtedly reflect the new policy line on Indo-Pakistan problems, the possibility of an accord on the Canal Waters question should provide a favourable opportunity to put it to the test. Afzar’s presentation, which was previously somewhat cantankerous and argumentative, now exhibited a greater sense of realism and a spirit of accommodation. He has been the most negative element hitherto, and if he has really changed his tune, we may expect less stonewalling from him. I propose to take up the question of holding a Chief Secretaries’ conference with the authorities in Karachi as soon as possible. I have already spoken about it to the President.

With kind regards,

Yours sincerely,

(Rajeshwar Dayal)

Shri M.J. Desai, ICS.,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.
Note Verbale from the Indian High Commission in Pakistan to the Pakistan Ministry of Foreign Affairs and Commonwealth Relations regarding agreements between India and Pakistan on press code.

Karachi, June 16, 1959.

High Commissioner for India
Karachi

No. F. 5 (14)/58-29/6
Karachi, June 16, 1959

The High Commission of India presents its compliments to the Ministry of Foreign Affairs and Commonwealth Relations and has the honour to refer to the Ministry’s Note No.1 (I)—14/48/56 of 3rd January, 1959. The High Commission has been instructed to state that the Government of India note with concern that notwithstanding the explanation in detail of the terms of the various agreements between the Government of India and the Government of Pakistan on the subject of propaganda against each other, set out in the High Commission’s Note No. F.5 (2)/57—Genl. of 15th January, 1958, the Government of Pakistan have continued to take the view that the agreements in question are not applicable to matters in dispute between the two Governments, and that such applicability is a matter of ‘interpretation’ of the Government of India. The Ministry have taken a stand on part of the agreement reached at the IPICC meeting held on the 1st and 2nd August, 1948. The High Commission would wish to state that it is not a matter of ‘interpretation’ to point out, in the first place, that this very agreement, which envisaged the right of either Government to give publicity to its own point of view in matters of dispute between the two Governments and of treating reliable news reports and statements of important persons on their news value, contained a proviso that there was to be no mudslinging and that good taste and decorum were to be observed. Secondly, that on a review of the working of the arrangements, the IPICC at its later meeting on 8th and 9th March 1951, clarified the position as to propaganda on questions in dispute between the two Governments as follows:

"The Joint Press Committee feels that even if some of the problems take time to resolve, comments in newspapers should be confined strictly to the merits of the problems or problems in dispute, and it should in no case be made the basis of a general attack against the two Governments or a personal, contumacious, or scurrilous, attack against the respected leaders of either country, or the religion, culture and faith of the people of both countries", 
The IPICC affirmed that:

“It was necessary to reiterate the principles; in particular, it was necessary to enjoin upon the Press that comments on problems in dispute between India and Pakistan should be discussed on their merits without introduction of matters arousing communal passion, or attacking the territorial integrity of either country, or advocating war or creating a war psychosis, and should not be made the basis of contumacious or scurrilous attacks against the religion, culture, and faith of the people of either country or personal attacks against their respected leaders”.

2. The obligations in respect of propaganda on disputed matters undertaken by the two Governments by virtue of these agreements are explicit and require no ‘interpretation’. Mud-slinging is to be avoided, and good taste and decorum are to be observed; questions in dispute are to be discussed on merits without introducing matters arousing communal passion or attacking the territorial integrity of either country, or advocating war, or without being made the basis of contumacious or scurrilous attacks against the religion, culture and faith of the people of either country or personal attacks against their respected leaders.

3. The High Commission would point out that if these agreements are to be ‘interpreted; as has been done by the Government of Pakistan, as enabling that Government to permit scurrilous propaganda against India and its leaders whether the writings bear any real or only a fanciful connection with matters in dispute as exemplified in recent cases brought to the notice of the Pakistan Government, this can only be in deliberate disregard of the provisions of the agreement reached at the IPICC meeting in August 1949 and subsequent agreements as set out above. It has in any case nothing to do with any ‘interpretation’ by the Government of India, which, having regard to the very terms of the agreements, is superfluous.

4. Quite apart from the nature of the exact terms of these agreements, it is inconceivable that agreements on propaganda should not provide adequately for propaganda on disputed matters, since it is precisely propaganda on these subjects that can be expected to constitute ground fertile for excesses, leading to ill-feeling and tension between the two countries. If the agreements reached between the Governments are to be regarded in the light suggested by the Government of Pakistan, there would be no escape from the conclusion that they do not touch upon the essence of the problem, and were therefore futile ab initio. The absurdity of such a conclusion is so patent that it is not necessary to pursue the reasoning further.

5. The High Commission would also bring to notice that the attitude of the Pakistani authorities in previous instances conformed to a correct understanding
of the agreements as explained above, and that Indian authorities have been
informed in several cases of corrective action on Pakistani newspapers taken
by Pakistani authorities on account of writings objectionable in the light of these
agreements. A few examples are cited in the enclosure to this Note.

6. The foregoing makes it clear that the present attitude of the Government
of Pakistan to these agreements is tantamount to a unilateral repudiation of
these agreements, and is also not in keeping with its own earlier view in the
matter. As stated in the High Commission’s Note No. 52/57 – Genl. of 15.1.1958,
it is also, so far as the Kashmir question is concerned, a breach of the Security
Council’s resolution dated 17th January, 1948.

7. As regards the various references to Kashmir made in para 2 of the
Ministry’s Note under reply, India’s complaint against Pakistan aggression on
the Indian Union territory of Kashmir is pending before the Security Council,
and the present is hardly the occasion for dealing with the matter.

8. The High Commission expresses the hope that the Government of
Pakistan will, in the light of the foregoing, reconsider their position as regards
the agreements. The High Commission requests that they may be favoured
with an early reply, so as to enable the Government of India to draw the
necessary conclusions regarding the present status of these agreements.

9. The High Commission takes this opportunity to renew to the Ministry the
assurances of its highest consideration.

The Ministry of Foreign Affairs and
Commonwealth Relations,
Government of Pakistan, Karachi.

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My dear Commonwealth Secretary,

The Raja of Mahmoodabad who a big *taluqdar* in the district of Sitapur, U.P., and migrated to Pakistan at the time of partition was in Tehran recently. He told our Press Attaché, V.A. Kidwai, whom he knew well before that he would like to see me on some important matter. I knew the Raja slightly when I first joined service in Sitapur in U.P, I mention below in brief the main points made by the Raja:

1. At the time of partition he was a fanatic Muslim and believed that only Muslims had the right to exist in the world. Later on, as a result of his travels, he came to the conclusion that the essentials of all religions are the same while religious dogmas and priesthood are the bane of all religions. He therefore started taking interest in the settlement of Indo-Pakistan disputes.

2. He told me he had met Panditji sometime ago and explained to him the various possibilities of a settlement of all Indo-Pakistan disputes. He had similarly spoken to the Pakistan authorities very frequently on the subject. According to him, the main obstacle in the mind of Panditji was that there was no authority in Pakistan who could deliver the goods. This difficulty had now been overcome as any decision of the present Government of Pakistan would not be questioned by the people. He admitted the present Government was a military dictatorship and said it came to power as a result of a *coup d'état* and not a revolution; all the same it was better than any previous government and in a position to deliver the goods.

3. The refugee question and the Canal Water dispute were almost solved and the main stumbling block in Indo-Pakistan relations was the Kashmir dispute. The present stalemate could not last for long. It had either to be settled peacefully or by war; even a settlement by war one way or the other would be better than the present stalemate, otherwise the danger was that Kashmir would become another Kerala and Communism might spread in both parts of Kashmir -- the Indian side and the Pakistan side.
(4) When I asked him on what basis the Kashmir dispute could be solved, he said, the first essential was to create an atmosphere of peace and goodwill between the two countries. For this purpose a meeting between top-men on both sides and frequent exchanges of leaders of various cultural, sports and other circles could help. He mentioned that during the time when Gaznafar Ali Khan was Pakistan's High Commissioner in Delhi, relations between the two countries were better and the atmosphere was more friendly.

(5) I told him that India had done everything to create a good atmosphere, but it was the Pakistan press and the bellicose statements of important Pakistan leaders including General Ayub, the shooting down of the Indian Canberra, the frequent violation of the Indian border etc., that were spoiling the atmosphere. I asked him again what concrete steps, apart from the creation of a better atmosphere, he had in mind about the solution of the Kashmir dispute. He replied that in his opinion some kind of a plebiscite should be held under which an option should be given to the people of Kashmir to decide whether they wanted to accede to India, Pakistan or remain independent. Even if Kashmir decided to become independent it would have to remain in friendly alliance with both India and Pakistan both of which could guarantee its integrity. This might lead to a joint policy for the defence of the whole sub-continent. (He mentioned that Dr Syed Mahmoud, ex-Minister of State in the Ministry of External Affairs, had come to see him in Pakistan sometime ago and had made proposals in this direction. He was somewhat vague about the nature of these proposals and said they related to joint defence).

(6) I told him that legally and constitutionally Pakistan had no locus standi in Kashmir apart from that of an aggressor and it hardly lay in the mouth of Pakistan to ask for a plebiscite in Kashmir when they themselves had not had proper elections so far. Apart from legal and constitutional considerations even from the practical point of view a plebiscite was unthinkable after the lapse of 12 years. Whatever the result of the plebiscite, neither India nor Pakistan could afford to upset the existing pattern that had been established. The repercussions of any such upset would be disastrous for both.

(7) The Raja then mooted the idea of some kind of a confederation as was being proposed between the two parts in Germany and Viet Nam. I told him that I had no authority to talk on behalf of Government but to my mind it appeared a theoretical solution which would perhaps not be possible to implement in practice. If, however, the Government of Pakistan was serious about this proposal they could say so. He
immediately replied that he was not speaking for the Government of Pakistan but only for himself.

2. In the end I told him that while some years ago it might have been possible to arrive at a solution on the basis of the existing cease fire line, Pakistan had unwisely rejected that possibility. He showed some interest and said, if Government of India still believed in this possibility it would be desirable for them to make such a proposal to Pakistan directly or indirectly, I asked him if Pakistan was prepared to accept such a proposal, why did not they suggest it directly or indirectly. He kept quiet and then changed the topic.

3. Among other things he revealed that the present purge of high civilian officers in Pakistan was aimed at ousting those who had been in league with Suhrawardy and other political leaders. He predicted there would be a similar purge in the military set up also but opined that Ayub’s position would become stronger rather than weaker as a result of these purges.

4. My general impression was that although the Raja was speaking entirely for himself he may have been asked by the Pakistan Government to sound various possibilities of a solution of the Kashmir dispute. I suggested to him that he should talk things over with the Pakistan Government first, then if they had any concrete proposals to make he might go to Delhi to discuss them. He said he was hoping to go to Delhi after about two months’ time to see Panditji. He added that he was leaving for Meshed the next day and would see me on his way back after ten or fifteen days.

5. I should be grateful to know whether you wish me to sound the Raja further or merely to listen to what he has to say.

With kindest regards,

Yours sincerely
(T.N. Kaul)

Shri M.J. Desai, ICS.,
Commonwealth Secretary of External Affairs,
New Delhi.

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0270.

TELEGRAM

From: Hicominid, Karachi.
To: Foreign, New Delhi.

MOST IMMEDIATE

No. 229. (First of two parts) July 9, 1959

PRIME MINISTER from RAJESHWAR DAYAL. Personal.
1. I have just called at the Foreign Office in response to IKRAMULLAH’s urgent request. IKRAMULLAH said he wished to tell me about a proposition which he and MANZUR QADIR had been discussing regarding possibility of President AYUB KHAN making a brief halt at Delhi in order to pay a courtesy call on you when he visits Dacca towards the end of this month. IKRAMULLAH immediately thereafter took me to QADIR who explained his ideas more fully.

2. QADIR said that the President was sincerely anxious to develop good relations with India and had for sometime been considering the possibility of meeting the Prime Minister and had asked Qadir to suggest a suitable opportunity. I had occurred to QADIR and IKRAMULLAH that such an opportunity could be provided by a stopover at Delhi to enable Prime Minister and President to meet. QADIR said the President was most anxious to make a gesture of friendliness, which he hoped would pave the way for better relations. QADIR said that he had not yet mentioned this idea to the President, but he was certain that he would agree to anything that was arranged in view of his anxiety to meet the Prime Minister. The visit could be in the nature of a courtesy call.

3. I said the question of timing was an important one, and I mentioned the recrudescence of border incidents and the recent unfortunate statement by the President. QADIR explained that the President had to make it for internal consumption as he could not entirely break away from public sentiments in the matter, but he thought that fewer statements were now being made and their tone also was more moderate. I expressed a different view, but QADIR insisted that a direct meeting would.

(More to follow) (Message incomplete since part Two was not available.)

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0271. SECRET

TELEGRAM

From: Foreign, New Delhi.
To: Hicomind, Karachi.

IMMEDIATE

No. PRIMIN/21101. July 10, 1959

Personal for Rajeshwar Dayal from Prime Minister.

Your telegram No. 229 has reached me in Simla.

President AYUB KHAN’s visit to Delhi, however brief and casual, would naturally lead to a great deal of surmise. You have yourself pointed out some of the difficulties including that of timing. Lok Sabha is meeting on August 3rd and Members will probably demand full statement and explanations. However, as you say, we cannot refuse a request by him to pay a courtesy call. But it would have to be made clear that initiative came from him for such a visit.

My own programme is as follows: Return to Delhi 19th July, leave Delhi early morning on 23rd July for 3 day tour in Andhra Pradesh, then probably 3 days in Mysore for Conferences on Community Development and Co-operation. Thus, I am likely to be away from Delhi from 23rd to 29th after-noon.

* Meanwhile the President postponed his visit to East Pakistan and therefore the idea of stop over in Delhi got also dropped.
Letter from the High Commissioner Rajeshwar Dayal to the Prime Minister regarding the sudden proposal for President Ayub Khan to stop over New Delhi en route Dacca.


High Commissioner for India
Karachi

No. HC/35/TS/59. 15th July, 1959

My dear Prime Minister,

Following the sudden and unexpected proposal made by Foreign Minister Qadir, backed by Ikramullah, on July 9, regarding President Ayub Khan’s desire to pay a brief courtesy call on you during his proposed visit to East Pakistan towards the end of this month, I saw Ikramullah at his residence on the evening of 13th July. Both Qadir and Ikramullah had asked me to give careful thought to the matter and to obtain our preliminary reactions as soon as possible.

2. When I saw Ikramullah, I had the benefit of your reply to my telegram of the 9th July and my talk was on its basis, without disclosing the source. Ikramullah said that he had given the matter very careful thought over the week-end in the light of the points which I had raised and he was still convinced that a direct meeting would do nothing but good. If it caused any embarrassment to us it was a different matter. He said that after Liaquat Ali Khan, there was now someone in Pakistan who could take decisions and who had the authority to implement them; now therefore was the time to make a real effort to solve some of our mutual problems. He recalled that in the time of Liaquat Ali Khan there was frequent correspondence between the two Prime Ministers and these contacts were reflected at other levels also. Now, however, there was a comparative absence of direct contacts and problems frequently assumed large proportions because of this unfortunate circumstance. Of great importance was the need to improve the general atmosphere and in this context, the question of personalities was relevant. He hoped that once the ice was broken, the way would be opened for future exchange.

3. As regards the date of the meeting, in the light of the Prime Minister’s programme, it could be on the President’s return journey, subject to the Prime minister’s convenience. He wondered however, whether there would be any harm if it fell during the session of the Indian Parliament. He thought that what the President had in mind was a meeting at the airport, which
would be free from protocol; otherwise, a call on the President of India would become necessary and the informal nature of the visit would no longer be possible. He added that he would have a further word with Qadir, who would also like to see.

4. I called at the Foreign Office yesterday and was taken to see Qadir by Ikramullah. Qadir said that he had a further talk with Ikramullah and he felt reinforced in his view that it would be a very good thing if the proposed meeting could be arranged. He appreciated the point that some statement and explanation in Parliament would be necessary. He did not wish to suggest that the correct facts should not be disclosed, *viz.* that the initiative had come from the Pakistan Government for the courtesy visit in order to enable the President and the Prime Minister to make each other’s acquaintance. Qadir added that in fact, Pakistan would welcome a statement to the effect that it had made such a gesture. As some preliminary preparations would be necessary, the fact that the visit was to take place would become known and it could not be kept secret. To allay speculation, perhaps an announcement could be made two or three days before the date of the visit.

5. Qadir said that the intention was that the meeting should take place at the airport and it could last an hour or two. Qadir added that there would be little time for substantive discussion, but as the President would be returning from East Pakistan, perhaps border questions could be touched upon in a general way as also the wider question of Indo-Pakistan relations.

6. Qadir said that he would immediately contact the President who was at Nathigali, by telephone, to obtain his general reactions to the proposed arrangements. The President was making his own programme for East Pakistan had advanced his date of departure from July 26 to July 24. He did not know what commitments the President had would be flying by Viscount from Rawalpindi via Lahore. Qadir requested me in the meantime to inform the Prime Minister about the proposal. I asked if it would not be better to obtain the President’s reply first, but Qadir insisted that I should immediately contact the Prime Minister as he was certain that the President would agree to whatever arrangements were proposed should the Prime Minister be pleased to give his consent. Qadir repeated that if the meeting came off, it would help to break the ice and would pave the way for better relations.

7. An hour or so later, just as I was about to dispatch my telegram, Ikramullah telephoned to say that the President had been contacted but he had suddenly changed his programme to go to East Pakistan because of the serious flood situation. The proposal for a visit to Delhi, he suggested, may therefore be held over for time being until another suitable opportunity occurs.
8. Last evening when my wife and I were dining with the Qadirs, I had a word about the matter with the Foreign Minister. He said that the President had taken a sudden decision to cancel his programme for East Pakistan not only because of the serious flood situation in West Pakistan but also because he had been informed by Governor Zakir Hussain that many of the places which he had intended to visit in East Pakistan were flooded. He hoped that the visit which he had proposed could take place in the near future, and he was glad that there had been a preliminary exchange of views in the matter. He said that the President would be coming to Karachi on the 18th for a brief stay.

9. I would be grateful to have any further instructions, should the President himself wish to raise this matter with me.

Yours sincerely

(Rajeshwar Dayal)

Shri Jawaharlal Nehru,
Prime Minister’s House,
New Delhi.

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0273. TOP SECRET

Letter from High Commissioner Rajeshwar Dayal to Secretary General, Ministry of External Affairs N. R. Pillai regarding possibilities of some changes at the top in Pakistan.


High Commissioner for India
Karachi

No. HC-37/75/59 20th July, 1959

My dear S.G.,

There are uneasy rumours that something is brewing in the military set-up, but nobody knows exactly what. Colleagues and even some Pakistanis speak of sensing something, but there is an air of mystery about it all. Even the retiring U.S. Ambassador, Langley, said the other day somewhat light-heartedly that he had seen two Presidents and five governments during his two years or so
here, and he did not wish to see yet another! Incidentally, Langley said that he was leaving behind few friends here, and both he and his wife broadly hinted at their differences with the British. The Americans are involved to the hilt in Pakistani affairs; the British are playing their own insidious game, and the interests of the two are frequently divergent.

General Azam Khan, since his return, has been bull-dozing his way back into the public eye, and is very much in evidence. It is rumoured that General Moosa, the Army C-in-C, whose departure to a foreign assignment sooner or later is generally assumed here, is trying to build himself up with his own headquarters and the junior ranks. A possible tie-up between him and Azam is being talked about. It is even thought that another disgruntled General, Umrao Khan, the proconsul in East Pakistan, is in league with Moosa. If such a combination were to be brought about, it could be dangerous for the Ayub-Sheikh axis. Sheikh, however, is a dark horse who avoids any open alignments; but his rivalry with Azam in the inner counsels of the ruling military junta cannot be concealed.

In this Byzantine atmosphere of dark and silent intrigue, it is difficult to lay hold of anything tangible. But with the paralysis of the press and the absence of any public opinion, or means of expressing it, one cannot disregard these furtive whisperings and rumours, and I am reporting then to you for what they are worth.

Yours sincerely

(Rajeshwar Dayal)

Shri N.R. Pillai, I.C.S.,
Secretary-General,
Ministry of External Affairs,
New Delhi.

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0274. **TOP SECRET**

Letter from High Commissioner Rajeshwar Dayal to Secretary General, Ministry of External Affairs N. R. Pillai regarding the earlier proposal of President Ayub Khan to stop over in New Delhi to call on Prime Minister Jawaharlal Nehru.


High Commissioner for India
Karachi

No. HC/38/75/59 20\textsuperscript{th} July, 1959

My dear S.G.,

You must have seen my telegram and a D.O. letter to the Prime Minister regarding an interesting proposal by Qadir to enable President Ayub Khan to pay a courtesy call on the Prime Minister on his way to or from Dacca. At the last minute, Ayub cancelled or postponed his trip which was projected for July 24 or 26.

Although the reason given was the flood situation in both wings, it seems that the President is reluctant to go to East Pakistan, for this is the second time that he was suddenly called off an announced visit. It may be that the President does not wish to face the difficult flood and general economic situation in East Pakistan, and the prevailing discontent there.

Perhaps the President is reluctant to be away for any length of time from the Western wing, and particularly from Army Headquarters and his military colleagues. His anxiety to stay on in Natniagali, far from the capital, but next door to Rawalpindi, is evidence of this. The unpopular proposal to shift the capital on which he seems to be embarked regardless of administrative convenience of financial considerations, also points in the same direction.

It is now thought that the President may be going to East Pakistan in September, but from past experience, one can hardly take this as a firm intention. Ikramullah, however, told me a day or two ago that the President welcomed Qadir’s proposal for a brief stop-over in New Delhi, and that he would be happy if the arrangements discussed could be brought into effect when he next visits East Pakistan. What Ayub would like best, of course, is for an invitation to issue from New Delhi; that however is neither possible nor desirable at present. Ayub may even wish to invite himself, but he will have to carry his army set up with him, and that he may find difficult.
I shall of course not revert to this matter either with Qadir or with Ikramullah; they took the initiative and it is for them to raise it again should they wish to do so.

With kind regards.

Yours sincerely

(Rajeshwar Dayal)

Shri N.R. Pillai, I.C.S.,
Secretary-General, Ministry of External Affairs,
New Delhi.

TOP SECRET

Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai regarding Pakistani Foreign Secretary Ikramullah.


High Commission of India
Karachi

No. HC/46/TS/59 July 30, 1959/Sravana 8, 1881 Saka

My dear C.S.,


2. You have asked for my personal assessment of Ikramullah. Actually my experience of working with him is confined to the few weeks that he has been in office as Foreign Secretary. I am sure that there are many in Delhi who know him well as a colleague, and Shrimati Vijayalakshmi Pandit’s views may also be well worth having.

3. We knew Ikramullah and his wife in a purely social way before partition and we have run into them off and on in Canada and London. They have both been quite friendly and our wives have exchanged visits. Ikramullah has also been over to our house on two or three occasions.
4. My first impressions on the basis of these as well as official contacts with Ikramullah are that he is an undoubted improvement on his predecessor, who had the manner of a Sergeant-Major with little interest in his work or knowledge about our mutual problems. His rabid views about India resulted in an uniformly negative attitude on all questions, however insignificant. Ikramullah’s approach is much more serious and responsible as well as better informed. He was the creator of Pakistan’s Foreign Service and was the inspiration behind Pakistan’s foreign policy in the days when it was yet unaligned, and he wishes to convey the impression of having a sense of mission. While I do not for a moment believe that he could influence Pakistan’s foreign policy basically, so far as Indo-Pakistan affairs are concerned, his approach is more flexible though adroit. In place of Baig’s uniform stone-walling, we may expect greater subtlety in tactics. As Ikramullah is rather suave and not consumed by phobias, his attitude could also be constructive. As the most senior member of the Service and as one who knows his country’s foreign policy in its different phases other than anyone else in Pakistan, he is not afraid to take initiatives. By way of example is his recent suggestion for unconditional ban on border firing. I also think that he had a good deal to do with the proposal for a courtesy call by the President.

5. As Manzur Qadir will be moving to Rawalpindi leaving Ikramullah for the time being at any rate, to deal with the foreign missions here, the latter will undoubtedly enjoy a good deal of authority, which I think he will exercise with a sense of responsibility.

6. As far as influence in the inner counsels of the Government is concerned, I know that Ikramullah has had recently long conferences with the President, who probably regards him as an experienced technician, as Qadir has many irons in the fire, the chances are that Ikramullah will gradually build up his influence in the Foreign Office. The other day he said to us, “What is there that the Foreign Minister can do that I can’t do”. It remains to be seen if this rather confident claim will be borne out in practice.

With kind regards,

Yours sincerely

(Rajeshwar Dayal)

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
Government of India,
New Delhi.

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0276. **TOP SECRET**

Letter from High Commissioner Rajeshwar Dayal to the Commonwealth Secretary enclosing a record of his conversation with Kazi Mohammad Isa former Secretary General of the Muslim League.

Karachi, August 3, 1959.

High Commission of India
Karachi

No. HC/47/TS/59 August 3, 1959/Sravana 12, 1881 Saka

My dear C.S.,

The enclosed note recorded after my talk with Qazi Mohammad Isa may be of interest.

With kind regards,

Yours sincerely
(Rajeshwar Dayal)

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
Government of India,
New Delhi

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Record of the Conversation of the High Commissioner with the former Secretary General of the Muslim League

Qazi Mohammad Isa, former Secretary-General of the Muslim League had a long talk with me at my house yesterday. I have known Isa for many years and in fact had attended his wedding in Jhansi with the daughter of Khan Bahadur Hamid Hussain, Officiating Executive Engineer, in the year 1936. He has since divorced his first wife and married her sister.

2. Isa said that things were not going too well with the military regime. There were conflicts within it. The regime by its very nature is unstable, as what one General can do, so could another. The move to shift the capital to the north had only one object, viz., to be close to Army Headquarters, but that will not put off the day of reckoning. Azam Khan though ambitious lacks the capacity, but Sheikh is the man to watch. However the real danger is from General
Habibullah Khan, who is to succeed General Musa as the Commander-in-Chief. Although Ayab’s son, Gohar, is engaged to Habibullah’s daughter, this will not deter Habibullah Khan from prosecuting his ambitions. He is known for his infinite capacity for intrigue and is extremely unscrupulous. For is he not the son of the late Khan Bahadur Quli Khan, about whom it was said that every fibre in his body was crooked.

3. The relations between the Muslim League and the present Government are not at all friendly. Qayum Khan was in Karachi recently, but he refused to see the President. Bahadur Khan is also rather browned off and as for Miss Jinnah, she is very angry. How long would it be possible for the military regime to function in a vacuum?

4. The regime is its own worst propagandist. First it condemned all the former politicians (and this must include both Jinnah and Liaquat Ali Khan) as corrupt and unscrupulous. Then it named all the capitalists as scoundrels, while the landlords were described as corrupt and tyrannical, and, lastly, the services have been weeded out on grounds of inefficiency and misconduct. Where will the axe next fall? The regime has proclaimed to the world that all the leading elements in Pakistan are worthless and corrupt and this is surely the worst possible propaganda that the country could have.

5. American influence has never been greater or more insidious than it is today and ill-qualified American “advisers” are swarming all over the country and bossing it out over senior and competent Pakistani officers. Even American missionaries are very active; they have reconstructed at great expense the Methodist Church in Quetta which was damaged in the earthquake. The dollar is an accursed currency - wherever it goes it spreads a blight. Pakistan will never be able to escape from its clutches.

6. The Bureau of National Reconstruction is a sinister organization and its Chief, Brigadier F.H. Khan, is a dangerous man,

7. The people of Pakistan first welcomed the new regime, as they liked to have their excitement every six months, but now they are getting fed up and are wondering when the incubus of Martial Law will be removed. Only the other day, when the army ordered the demo-lition of some refugee shops, there were shouts of “Azam Khan murdabad” and “Iskander Mirza zindabad”. What can one think of a country where the man who was hounded out only a few months ago, is again being regarded as a possible savior? It shows that things can change again.

8. The trouble in Kalat State was serious and people in Quetta were astonished after seeing the story in the Times of India, which was basically
correct, to read the complete denial issued by the Pakistan Government. Could lying go further? The Afghans have been playing their cards very badly, for they kept quiet while the trouble in Kalat was brewing. Conditions along the frontier are also by no means quiet.

9. East Pakistan can as well be written off, as the estrangement between it and the regime is growing.

10. Looking at the picture as a whole, the prospects are gloomy. The people are sullen and discontented and anything could happen.

Karachi
August 1, 1959.

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0277. TOP SECRET
Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai recalling his meeting with President Ayub Khan.

Karachi, August 10, 1959.

High Commissioner for India
Karachi

No. HC/48/TS/59. 10th August, 1959

My dear C.S.,
I was received in a very friendly and cordial manner by President Ayub Khan when I went to call on him this morning. He asked how my wife was and how I had been keeping. I said I was glad to see him looking very well, as indeed he was. He was in a cheerful mood and he was throughout relaxed and friendly although one could have expected a cloud on his visage considering the manifold problems which he has to face from day to day.

The President had last evening given a Press Conference at which he had expressed optimism about the development of relations with India and the view that during the last few months they had shown an improvement. The President began by saying that he meant every word of what he had said as it was his firm belief that there was no problem outstanding between our two countries which was not susceptible of solution given the necessary goodwill
and determination. There have been positive developments in our relations recently and this process must be kept up. It was good to talk to know each other’s point of view at first hand. In that way progress towards solutions was possible. I mentioned the recent trade and financial talks, and the President said that no one could have expected that solutions would be found at the very first meeting, but a good beginning had been made and further exchanges would help in the process of arriving at mutually just solutions. Any contacts made and agreements arrived at would stimulate the process of the building up of our relations. The President added that as he had told me repeatedly, this was his aim and he intended to persevere with it.

Referring to border incidents, the President said that these were bothering him greatly. He could not understand how they were going on and he wondered if I had any views about what could be done to stop them. I said that the reports appearing in the Pakistani papers gave an entirely one-sided version of the affairs and they did not correspond to the facts. I said, for example, that it was inconceivable that our people would wantonly resort to firing in the Dawki area where we were in a very exposed position as the President must know from his intimate knowledge of East Pakistan. I then related the correct facts in that area. The President remarked that his own reports from military sources were very different. He had been told that at the insistence of the Assam Government, one brigade had been sent to the Dawki area and another further east to back up some claim about a piece of land belonging to an Indian national. The Central Government of India had however, urged restraint, and the forces had not actually been used. I expressed astonishment at the reports and said that they had no oasis whatsoever in fact. It was inconceivable that two brigades could have moved into the area considering our total strategic strength and commitments in Assam and its frontier areas. The President said that he himself could not understand the reports and had considered bringing them to my notice earlier, for as if correct, they could have led to very serious bloodshed and other grave consequences. “Surely we do not want to resort to such methods over trifles”, he said and laughed, adding “questions like these could be settled at an hour’s meeting and should not require any show of force”. The President led me up to a map to show the location where these imaginary brigades were supposed to have been posted, I again insisted that the reports were entirely incorrect, and I could not for a moment believe that any such military dispositions had been made. The President replied: “I can hardly believe it myself, but you should check up, old boy.” I replied that I would do so but I wished to reassure him that it was not our method to employ force — least of all, force of such magnitude as was reported — to deal with minor infractions. That is why we had been pressing for conferences at Chief Secretaries’ and other levels to settle these matters before they assumed the dimensions of inter-state disputes.
The President then asked what I would suggest to put a stop to these incidents once and for all. I said that the meeting of Chief Secretaries which is to be held shortly should be able to deal with these matters. The question of evolving ground rules so that necessary restraints could be imposed on the man behind the gun would also help the objective in view. The President said that both these were positive suggestions, but he would like to place the responsibility on the officers concerned for any breaches of the peace. He mentioned that very satisfactory arrangements had been worked out between General Sheikh and Thapar after the Nekowal incident which were working very well and perhaps something on the same lines could be evolved along the East Pakistan border areas as well.

The conversation next turned to the discussions on the question of Canal Waters and the President expressed feelings of optimism as to their outcome. He said that he was determined to get rid of negative attitudes on the part of his officials which stood in the way of settlements, and he had actually to sack a Superintending Engineer who was creating difficulties. “All questions can be settled in this manner if the approach is right, and it is no good always harping on the past. One must have a forward looking approach, he added. I said that I agreed with him entirely; indeed that was exactly how we viewed our problems with Pakistan, and on that common basis further improvements would be possible. The President said that one good result of the Canal Waters settlement would be that the annual floods in West Pakistan would be prevented as the surplus water would be stored. He said that on our side also, we had been afflicted by floods and that the agreement would similarly help to control them. He then asked about the flood situation in other parts of the country and I mentioned what had been done to control the Kosi river and to develop the Damodar Valley. He said he had noticed the works in progress over the Damodar valley during his flights to East Pakistani but he thought that floods still occurred in that area. I informed him that they would be fully controlled once the complex of dams on that shifting river were completed. Regarding East Pakistan the President said that there was no means of controlling the mighty Brahmaputra and he agreed when I said that we both have to accept the occurrence of floods in one part or another of our countries, but we must be prepared to deal with them when they occur and not merely to resort to improvising measures when it was too late.

The conversation then turned to the President’s next visit to East Pakistan and he said that he hoped to go there on September the 1st. He was aware of the talks which had taken place between the Foreign Minister and myself regarding the proposal to pay a courtesy call on the Prime Minister. He had greatly welcomed the idea as he would be happy to have the opportunity of meeting the Prime canister since there was no substitute for personal contacts. He
however did not wish to cause us any embarrassment. A stop-over at Delhi would be possible on September the 1st on his way out to Dacca. On the return journey, he would fly back direct by the regular P.I.A. service. I informed the President that I had already conveyed to the Foreign Minister our general reactions to the proposal when it was first made, and that I would make fresh enquiries in the light of his proposed programme and would inform him. (Ikramullah, probably unaware of my talk with the President later made a telephone call to give me the date and said that the President would be very pleased if the visit could be arranged. I told him that I had already taken up the matter).

The President asked about the situation in Kerala and I said that matters there had come to a head. There was a mass upsurge and central intervention came as a relief to all concerned. The situation there was now quiet, but the issues which it had raised had excited a great deal of interest throughout the country. The President wanted to know whether there was any genuine belief in Communism in Kerala or whether the slender success of the Communists at the polls was due to other factors. I said that there was no doubt that an important factor was the failure of the previous Congress and P.S.P. Ministries to satisfy popular expectations.

The President enquired about the situation in West Bengal, and the Communist movement there. I replied in a general way to the effect that wherever there is economic distress, there exists fertile ground for movements demanding a radical change, with which sentiment the President agreed. He added that there were so many pressing problems in our countries which would brook of no delay that something had to be done to improve conditions. I said our countries were faced with a crisis of rising expectations and our Government could not afford to slacken in their efforts to improve the wretched condition of the people. The President observed that under-developed countries needed strong and firm Governments capable of giving a lead and of taking decisions.

Referring to the decision to shift the capital, I said that it had created a lot of difficulties for the diplomatic missions. The President immediately interjected “I am very sorry about that and I know that you have just built a large new chancery. How can we compensate you?”. I said that there was no question of compensation, but it would be difficult for us to maintain the necessary degree of contact with the Government from this distance. The President replied that he appreciated the difficulty, but the Foreign Office would continue to function here for a considerable time and so would the diplomatic missions. It would however be useful to have a place in Murree — since no accommodation whatsoever was available in Rawalpindi — while the President himself and his Ministers would be coming down to Karachi frequently. It was also proposed to
provide temporary accommodation for a few days at a time to heads of mission coming to Rawalpindi on business. The President said that the move would cause a good deal of dislocation in his own Government as well, but he thought that in the end things would work out all right. The decision about the location of the capital had to be taken, and once taken there was no point in delaying its execution, and so they had decided to go ahead.

Before leaving, I invited the President and his Begum to dinner on behalf of my wife and myself. The President immediately replied that he would be very glad to come, adding “Remember, you are my friend”. The dinner party has since been arranged for August the 25th.

The President was extremely affable and friendly throughout the interview. He avoided raising any controversial points and constantly stressed the need to come to agreements emphasizing that our problems were all susceptible of solution, given the will and the time, his approach I was glad to find, was positive and constructive and he recognized that time and patience were necessary to sort out problems which had got entangled over the years. There was no attempt to cast blame and there was a presumption of goodwill on both sides. Even the matter about the Dawki affair was raised incidentally while on the issue of border firing the President was willing to concede that there were two sides to the question, I have the firm impression that if the proposed courtesy call does take place, it would well mark the beginning of a welcome change in our relations, it would help to relax the psychological tensions in Pakistan and would stimulate the process of positive exchanges leading ultimately to the development of more normal relations.

With kind regards,

Yours sincerely

(Rajeshwar Dayal)

Shri M.J. Desai, I.C.S.,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

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Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai regarding proposed visit of President Ayub Khan to Delhi.

Karachi, August 14, 1959.

High Commissioner for India
Karachi


My dear C.S.,

I had a talk with Foreign Minister Qadir last evening when I informed him that our Prime Minister will gladly meet President Ayub Khan at the Delhi airport when he is passing through on his way to East Pakistan on 1st September. Qadir expressed great pleasure on receiving the information and said that he would inform the President. I asked him to let me know well in advance the time of arrival of the President’s plane at Palam and other necessary details. He promised to let me know in a few days, but added that he thought that the President would leave here at about 8 or 8.30 A.M. and would reach Palam at about 10.30 or 11 A.M. Qadir would be accompanying the President. As soon as I obtain confirmation of the arrangements I shall let you know.

2. I presume that the arrangements for the visit which were conveyed in my Secret/Personal D.O.No.HC/35/TS/59 of 15th July, 1959 to the Prime Minister will stand. I should add however that when I saw the President the other day, he asked whether it was really necessary to make an announcement of the visit two or three days earlier. I replied that the President’s call on the Prime Minister could hardly be kept secret as necessary arrangements would have to be made in advance. The President thereupon did not insist on his point. I assume that Manzur Qadir when I meet him next to finalize the arrangements will adhere to the arrangements previously agreed upon. If there are any suggestions which you would like me to make, I shall be grateful to have the necessary instructions at your earliest convenience.

3. Qadir again said he was an optimist and he was convinced that the meeting would be very useful indeed. He thought that there was some improvement in our relations already which he hoped would be maintained and even accelerated.

4. Incidentally, Qadir would be leading the Pakistan delegation to the U.N. and on his return from East Pakistan; he will almost immediately thereafter
leave for New York via London. After the Baghdad Pact Council meeting he will return to Pakistan as he cannot be away longer. Commerce Minister Bhutto will join him in Washington for the Baghdad Pact meeting and thereafter lead the delegation. It is thought that M.S.A. Baig, will join the delegation from his post in Berne, and as usual Itaat Hussain will function as the Secretary-General.

With kind regards,

Yours sincerely

(Rajeshwar Dayal)

Shri M.J. Desai, I.C.S.,
Commonwealth Secretary,
Ministry of External Affairs, New Delhi.

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0279 TOP SECRET

Letter from Commonwealth Secretary M. J. Desai to High Commissioner Rajeshwar Dayal regarding President Ayub Khan’s transit visit to New Delhi.

New Delhi, August 18, 1959.

No.D.O. No. 797/CS/59. August 18. 1959/ Sravana 27, 1881 (Saka)

My dear Dayal,

Please refer to your letter No. HC/49/TS/59, dated 14th August. I have consulted P.M.

2. As this is a halt during transit to Dacca, there will be no protocol formalities but we will make all arrangements which the occasion may require. There will be no escort, gun salute or Guard of Honour, nor will any diplomats be invited to come to the airport. Some diplomats may, however, turn up on their own, that will be their own affairs. We would make necessary arrangements for breakfast or light refreshments according to the hour of arrival and the period of halt at Palam. We would like to know the exact time of arrival here and the period of halt at Palam.

3. Some sort of announcement in connection with this brief halt in Delhi on the way to Dacca will have to be made two or three days before 1st September. The final shape of the announcement will depend on the
developments that take place in the next couple of weeks but we feel that the announcement might run as follows:-

“His Excellency General Ayub Khan, President of Pakistan, accompanied by the Pakistan Foreign Minister, His Excellency Mr. Manzur Qadir, will be proceeding from Karachi to Dacca on the 1st September. On their way they will stop at Palam airport for about an hour. The Prime Minister will meet the President and his party at Palam.”

4. We do not have any particular suggestions to make but will be glad to have the definite time of arrival and the period of halt at Delhi to enable us to make necessary arrangements.

With kind regards,

Yours sincerely

(M.J. Desai)

Shri Rajeshwar Dayal,
High Commissioner for India, Karachi

0280. TOP SECRET

Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai regarding the visit of President Ayub Khan to New Delhi.

Karachi, August 19, 1959.

High Commissioner for India
Karachi

No. HC/50/TS/59 August 19, 1959/ Sravana 28. 1881 Sake

My dear C.S.,

I have had confirmation that President Ayub will be reaching Palam between 10-30 A.M. and 11 A.M. on the 1st September*.

2. Incidentally Ikramullah told me yesterday that he had received an enquiry from the Acting High Commissioner of Pakistan, Mr. Durrani, about the

* Meanwhile the High Commissioner was informed by New Delhi that Prime Minister’s general instructions were that the visit should be treated as a casual visit though “we should show all courtesies. As the President is halting only for an hour or so and there would be no serious talks of any kind, we should not like to give an unnecessary buildup to this visit.”
President’s intended visit since he had heard about it for the first time from General Cariappa. According to Ikramullah, General Cariappa had addressed a letter to President Ayub Khan and Ikramullah had prepared a reply to it. Apparently Cariappa saw the Prime Minister, perhaps with the correspondence, and learnt about the President’s intended visit. He is later said to have seen Durrani, and much to the latter’s surprise, had mentioned the matter to him. I am passing this information on to you for what it is worth.

If there are any points on which you desire information regarding the President’s visit, would you kindly let me know immediately?

With kind regards,

Yours sincerely

(Rajeshwar Dayal)

Shri M.J. Desai, ICS,
Commonwealth Secretary, New Delhi

TOP SECRET

Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai reporting on his talks with Foreign Minister Manzur Qadir.

High Commissioner for India
Karachi


My dear C.S.,

The other day we had an Informal tea party at which the Qadir and Ikramullahs were present.

2. Manzur Qadir said how happy he was that the President’s visit had been arranged. A direct meeting between the two Heads of Government would make for better understanding and improve the atmosphere. He hoped that the momentum which the meeting would generate would not be lost and that it would be followed up by positive action on both sides. In the press statements which the two Heads of Government might make at the end of the meeting, it might be useful if stress were laid on the positive aspects of the meeting, holding out perspectives for the amicable settlement of disputes and the development of
good-neighbourly relations. Such a general enunciation might provide a key-note for future exchanges and for the handling of specific issues at all levels. Qadir thought that the time would be too short for any substantive discussions but a general review of Indo-Pakistan relations could well take place, which could provide an opportu-nity for both sides to evolve a common approach to their mutual problems.

3. Qadir next raised the question of the Canal Waters’ talks. Noticing that the discussions in London would not conclude by the end of August as was anticipated, he had asked for a report from Mueenuddin, from which he learnt that certain snags had developed. What caused him some concern was the fact that according to his information, our delegation did not wish the future uses of the waters of the Jhelum below Wular lake and before they entered Pakistan territory to be defined. A similar stand was taken in regard to the waters of the Chenab from a point above Ramban to the Pakistan border. When everything else was being defined and laid down, this omission might create difficulties in the future. While there could be no objection to hydel constructions as such, storage might be undertaken at a time when Pakistan needed additional water. Also in the event of hostilities - although this was a very remote possibility - the water could be cut off. Qadir was convinced that the present Government of India would not adopt such an attitude, but who could say of the future? The whole basis of the agreement was the exclusive allocation of the three western rivers to Pakistan and the three eastern rivers to India. He also argued Pakistan’s legal position on the already familiar lines. He added that future engineering techniques may make with-drawals for irrigation uses possible, especially from the Chenab, by means of a tunnel.

4. Fortified by the detailed information which you were good enough to convey to me recently, I was able to deal with all these arguments. I told Qadir specifically that no new points had been raised by us which were not based upon previous understandings between us and the Bank authorities and were not all along known to the Pakistani delegation. I said that his fears were imaginary and progress towards a settlement had been made not on the basis of any legal formulae, but because we had gone to the limit of making concessions in order to find a practical solution to the problem. We would not be prepared to accept any further whittling down of our sovereign rights over the rivers in our own territory. Qadir said that he wanted to inform me of the position as he saw it and hoped that a solution could be found. Today’s Pakistani newspapers carry optimistic accounts of the progress of the London talks and there is no longer any mention of difficulties. Perhaps matters have been smoothed over, or Qadir’s information has proved to be inaccurate. At any rate, neither he nor the President raised the question with me at our dinner party last night.
With kind regards,

Yours sincerely

(Rajeshwar Dayal)

Shri M.J. Desai, ICS.,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi

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0282. TOP SECRET

Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai Reporting on the Dinner hosted by the High Commissioner for President Ayub Khan.

Karachi, August 26, 1959.

High Commissioner for India
Karachi

HC/56/TS/59 August 26, 1959/Bhadra 4, 1881 Saka

My dear C.S.,

We had a very successful dinner party for the President and Begum Ayub Khan last night. Among the guests were General Azam Khan and Manzur Qadir with their wives, Shoaib and Bhutto, the Ikramullahs and senior officers from our Mission. The President and Begum were in a relaxed and friendly mood and seemed to enjoy the occasion. The President had a long talk with me and unburdened himself of some of his ideas. He said he was looking forward very much to meeting the Prime Minister, who was a very great man while he himself was a simple soldier. He mentioned that there was opposition among some of his people to the visit on the ground that he was lowering the dignity of the office of the President of Pakistan by asking to see the Prime Minister. But he was convinced that personal contacts were essential; therefore “he did not give a damn for the critics”.

2. The President said that two big errors and miscalculations had been made in both countries at the time of partition. When it was decided to split up
the country “for better or for worse”, it was thought that independence and the withdrawal of the British, would automatically solve all problems. Actually, however, the real problems only came afterwards; this had certainly not been realized in Pakistan. Partition was perhaps a good thing, “for imagine the horrible mess we would have been in had there been no partition. Now, the problems have been split up between the two countries and each can deal with them as best it can”.

3. The second great mistake was that at the time of partition, no policy had been decided as to the relationship which should exist between the two countries and things had been allowed to drift. This dangerous policy of drift had landed us in our present difficulties. There were only two alternatives; one was to live in terms of friendship and cooperation and the other in terms of hostility. The latter course, however, would be ruled out by all reasonable people as it was suicidal; besides, there were too many common interests, associations and emotional entanglements for the two countries ever to remain perpetually hostile to each other. Within our separate political frameworks there was every reason, given the necessary understanding and goodwill on both, sides, for close and friendly relations. These were the ideas which he wished to put by frankly to the Prime Minister and seek his views.

4. The President went on to say that looking back at the lessons of history, internal strife and rivalries in the sub-continent were a constant source of temptation to the invader. The present state of relations between India and Pakistan continued that weakness. “Look at the situation in Tibet today and in Afghanistan where the Russians are building motor roads, which will provide easy access to the sub-continent”. He did not necessarily mean that there was any immediate military threat, “but our bickerings weaken both of us, and offer temptation to the outsider”.

5. The President then went on to speak of conditions in the two Bengals. He was seriously concerned with the situation in East Pakistan where the Communists were getting increasingly active, and he understood that the situation was somewhat similar in West Bengal. “If this goes on, we will not be able to hold East Pakistan, and the two Bengals might well join together and break apart from us”. The President said he was not speaking as an alarmist, but as a realist who saw how things could possibly develop, if left unchecked. In cooperation, the two countries could act together to stem such negative trends; in opposition, there would only be disruption and chaos.

6. The President then went on to speak about his plans for the Sind desert. He had asked his engineers to flood the desert so that grasses and shrubs might grow, making the land fit for cultivation. He repeated what he had once told me that when the Gudu Barrage is completed, Pakistan would be glad to
supply Rajasthan with water during the monsoon months enabling at least one crop to be raised there. He hoped that the land contours would permit this to be done and turned to Shoaib for his opinion. Shoaib thought that this might be possible since engineering techniques were now so advanced.

7. The President said he hoped to see me in Delhi on September 1st. When I said that I was doubtful, he remarked that he would greatly appreciate my presence there. Earlier, Qadir asked about my programme and he repeatedly requested me to be present in Delhi during the visit, for neither the President nor he had met any of our people before, and my presence would therefore be doubly useful.

8. The dinner party which was intended as no more than a friendly gesture when I first invited the President, turned out to be somewhat of a political event. Even the Dawn has chosen to notice it on its front page and all the other papers have followed suit, with photographs.

With kind regards,

Yours sincerely

(Rajeshwar Dayal)

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,

 секрет

Letter from Commonwealth Secretary M. J. Desai to Deputy High Commissioner K. V. Padmanabhan regarding President Ayub Khan’s visit.

D.O. No. 572 CS/59. August 29, 1959/ Bhadra 7. 1881 (Saka)

My dear Padmanahhan,

You would have seen the exchange of telegrams on President Ayub’s halt at Palam on 1st September. We are awaiting a reply to our telegram No. 24668 of today. As Dayal would be leaving Karachi sometime today, I am writing this letter to you to give you fuller background so that you can talk to the Pakistan Foreign Office on Monday in suitable terms.
2. The suggestion about a joint statement to the Press, after the meeting, by P.M. and President Ayub is, in our view, not a practical proposition. A joint statement by two Heads of Governments can only be issued after full-fledged discussions on certain matters of common interest and we, on our part, do not favour any vague general statement as a joint statement, by the two Heads of Governments. As I have indicated in my telegram, President Ayub may say a few words to the Press before leaving for Dacca (about the nature of the meeting and but) the limited time available would hardly justify any joint statement. As a matter of fact, any attempt at a joint statement would embarrass both Governments as there will be little that would have been discussed in any detail. Being an informal halt en route, it is best that the visiting guest say a few words and there is no attempt at a formal or informal joint statement.

3. We do not know what exactly the final time schedule would be. Dayal’s telegram No. 294 dated 28th August, 1959, received this morning, indicates 10 to 12, 15 as the period of the halt. If the final time schedule permits, and the Pakistan President is prepared to drop all protocol. I have suggested to P.M. and he has provisionally agreed, that the best arrangement would be that the President and a couple of his colleagues are taken away by P.M. from the airport to his house and have a talk there and also have informal lunch at P.M’s house and come back to the airport. The rest of the President’s party could have lunch at the airport. This, in our view, is the best arrangement instead of the President and Prime Minister having to stay on at the airport for a couple of hours. I shall send you a telegram about this matter some time tomorrow after we know the final schedule of the halt and have an opportunity to talk to Dayal who will be here. You may then put it to the Pakistan Foreign Office and if they agree, we will make arrangements accordingly.

With kind regards,

Yours sincerely

(M.J. Desai)

Shri K.V. Padmanabhan,
Deputy High Commissioner for India,
Karachi.
0284. **SECRET**

Express Letter

From: Foreign New Delhi.

To: All Indian Missions Abroad

No. F. 31/248/NGO 31st August, 1959

We have seen reports in some foreign newspapers somehow connecting President AYUB’s stop at Palam air port on the 1st September for a brief talk with our Prime Minister with our recent difficulties with the Chinese Government. This suggestion is entirely without any basis. President AYUB, who is flying to Dacca, will be stopping at Palam for an hour or so at his own request. He wished to see the Prime Minister and this request could not be refused. This has nothing to do with any particular development in India’s relations with foreign countries.

(K.P. Lukose)
Deputy Secretary

0285. **TOP SECRET**

Note recorded by Commonwealth Secretary on the proposed meeting between Prime Minister and Pakistan’s President on September 1, 1959 and possible subjects for discussion.

New Delhi, August 31, 1959.

Ministry of External Affairs

Subject: President Mohammed Ayub Khan’s visit.

Various views are held about the purposes underlying this friendly advance by Pakistan. Our High Commissioner is of the view that this is a genuine move based on Ayub’s practical views and the needs of the situation. He genuinely desires to break with the past and adopt a policy of developing friendly and neighbourly relations and to attempt settlement of various Indo-Pakistan problems by negotiation. It is also said that he is able to do this now because he is firmly in the saddle. He could not take this line earlier as he had first to establish his
position at home. Another view is that this move is inspired by sheer opportunism to improve his own position at home as well as abroad and there is no desire to settle anything or give up any of the fancy Pakistan claims. Supporters of this theory point to difficulties being raised over Canal Waters negotiations, the demand that U.S.A. should press India to give Kashmir to Pakistan and constant border firing in the East despite professions to the contrary. A third view is that Pakistan does not want to adopt any new policy but has been compelled by U.S. pressure to go through the motions to please U.S.A. and that nothing will come out of it. It is likely that all these views are partly correct and the new move is motivated by a mixture of all these considerations. Recently an article by Marcelle Hitschmann was published in the *Pakistan Times*, a government controlled paper and the views advanced therein which must have been allowed to be published with government’s knowledge if not with their specific approval, perhaps provide the best explanation of the Pakistan move.

2. Whatever may be Pakistan motive in making this move; we should welcome it and see how far it can be used for getting constructive results.

3. According to our High Commissioner, Pakistan President would not raise any specific questions but propose generally that India and Pakistan should forget past animosities and take up settlement of Indo-Pakistan problems on the basis that our two countries should develop normal friendly and co-operative relationships in various spheres as sovereign and independent countries seeking good neighborly relations. P.M. has motioned several times in Parliament and elsewhere that this has been our policy. He can refer to it and say that he entirely agrees and will reiterate this policy and continue to act on that basis.

4. P.M. will not want to raise any controversial issues. If the Pakistan President, however, raises any specific questions, P.M. may find it possible to refer to the following in the light of the way the talks develop:-

   (1) India and Pakistan instead of judging question on basis of the merits of the case and their interests take opposite sides. Who profits? Illustrate with reference to India Office Library case. Also Embassy building in Kabul and several other buildings where ownership is that of India and Pakistan but U.K. enjoys the properties.

   (2) **Minorities**: a constructive approach instead of propagandist approach- Trivedi’s letter regarding East Pakistan – Revival of Boards. Instead, exaggerated accounts of communal riots and circulation by Pakistan of blood curdling accounts at home and abroad. Improve by consultation and exchange of information. Not for blaming or condemning but to settled conditions.

   (3) **Border incidents**: Both sides charge the other with starting these and claim not fired at all or fired in self-defence - Queer. Surely, we should
political relations:1955-1969

know what our men on the border are doing even if we continue to support them for prestige reasons. Should correct and control them. In any case, how can Pakistan forces claim firing in self-defence when shooting freely into populated areas on harmless civilians? Karimganj and Dawki towns – chronic examples. Hope agreements at Chief Secretaries’ meetings will be acted upon.

(4) **Border Disputes** – Demarcation: Discussed several times. Those that cannot be settled refer to an independent tribunal. No use trying to be smart or slick and trying to get propaganda advantage or to get advantageous positions by quoting authorities which suit the particular claim and brushing aside all other evidence.

(5) **Canal Waters** – Hope will be settled. Have gone to the farthest limit but mixing up with Kashmir or trying to get an advantage indirectly hardly constructive. Uses on Western rivers in India for limited irrigation and non-irrigation purposes have been our basic position since March 1954. Attempts to nibble away at this only prolong the negotiations where the two teams spend month after month in Europe or America and waste much needed foreign exchange with no benefit to either country. Broadly, problem in the regions of the head reaches of the Western rivers in India, one of drainage and flood control not of irrigation. So fear of diversion of any substantial quantity of water groundless. Also such limited uses as may be there or be developed in future will consume very little water. Most of it will drain back in the rivers and, in any case, water used will be insignificant compared to 30 or more million acre feet that will continue to go to the sea even after all contemplated developments in Pakistan have been completed.

(6) **Financial settlements and Economic and Trade Exchanges**: Hope these will be followed up by constructive developments. We will response whole-heartedly.

(7) **Lakhimpur and Tukergram**: All claims and counter-claims apart, it is clear and admitted by Pakistan authorities that these areas were taken by force in violation of various agreements not to disturb the status quo by force. The principle is always accepted but action is taken exactly the other way about. Recent illustration developments at Dawki last month and even after Deputy Commissioners agreement on 9th of last month.

(M.J. Desai)
31.8.59

Prime Minister
Signed. J. Nehru
0286.

TELEGRAM

From: Hicomind Karachi.
To: Foreign New Delhi.

MOST IMMEDIATE

No. 297. August 31, 1959

Commonwealth Secretary from PADMANABHAN.

Your telegram No.24668 of 29th August and letter No. 572 of same date. President AYUB KHAN’s visit.

Met IKRAMULLAH at 1230 hours today. He confirmed that President will arrive at 1100 hours and leave at 1200 hours I.S.T.

Regarding press arrangement, he said that President is in favour of a brief and informal joint announcement being read out to the press after the talks. Not being used to Press Conferences, President wished to avoid inconvenient or embarrassing questions. There was a risk of fresh controversies being raised by the replies given. IKRAMULLAH suggested that after the talk the two High Commissioners could prepare a short agreed announcement which would merely state (a) that the two personalities met (b) discussed matters of mutual interest and (c) that the talks were friendly and cordial. Both he and Foreign Minister had spoken to our High Commissioner about advantages of such a course and he hoped that Government of India would agree.

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0287. Joint Statement issued on the conclusion of talks between Prime Minister Jawaharlal Nehru and President Ayub Kahn.

New Delhi, September 1, 1959.

The President of Pakistan and the Prime Minister of India met informally in a very cordial atmosphere at Palam airport this morning (September 1).

Matters of mutual interest were discussed. They agreed that there was need to conduct their relations with each other on a rational and planned basis, and not according to the day to day exigencies as they arose, and that their outstanding issues and other problems should, in mutual interest, be settled in accordance with justice and fair play in a spirit of friendliness, co-operation and good neighbourliness.
They were glad to have had this opportunity of an informal exchange of views and they agreed to keep in touch with each other to further their common objectives.

0288.

SECRET

Circular Letter from Commonwealth Secretary to all the Indian Heads of Mission abroad about Nehru – Ayub talks.

New Delhi, September 4, 1959.

D. O. No. F. 31/248/NGO September 4, 1959/Bhadra 13, 1881 (Saka)

Subject: Ayub-Nehru meeting on 1st September, 1959.

My dear Ambassador/High Commissioner etc..

There have been indications, during the last three months, of the desire of the Pakistan authorities to make a gesture towards co-operative relations with India. As you know, during the first six months after the new regime came to power, several provocative and aggressive statements were made by the Pakistan President and other Pakistan leaders and there was a general increase in tension on the Indo-Pakistan borders, particularly in the east. Pakistan authorities, however, have been considering a peaceful approach to India during the last two or three months. This may be due to internal reasons or external pressure, particularly the prevailing opinion in the United States, but the suggestion for a meeting for an hour or so at the air port came from Pakistan authorities and we naturally reciprocated and welcomed it.

2. We have been pressing the Pakistan authorities since some months for Chief Secretaries’ meeting in the Eastern Zone to resolve various matters which are responsible for border incidents and the tension in the Eastern Zone. We have been sending various notes on this subject since March onwards. It was only towards the end of July that the Pakistan authorities agreed to a Chief Secretaries’ meeting at Calcutta to deal with these questions. This meeting was held on 17th and 18th August.

3. The proceedings of the Chief Secretaries’ meeting made it clear that the East Pakistan authorities had instructions to play along in a general way without making any specific concessions. It will be seen from the Joint Communiqué
issued after the Chief Secretaries’ Conference that the East Pakistan Chief Secretary agreed to look into certain matters and give redress where possible and also agreed to certain procedures to minimize border tension but refused to take any attitude on specific questions which we had raised with the Pakistan Government in various notes presented in the last six months and which were to be dealt with at the Chief Secretaries’ meeting. The East Pakistan Chief Secretary also refused to accept the suggestion of our Chief Secretaries that the Chief Secretaries should make recommendations to the respective Central Governments for solution of the various questions on certain lines. These unresolved questions which have been left for the Central Governments to settle are:

a) Navigation facilities along the rivers for nationals of both countries.

b) Rational arrangements to facilitate fishing by nationals of both countries,

c) Grant of facilities to travelers in accordance with the current customs and currency regulations,

d) Facilitating trade between East Pakistan and our eastern States in poultry, eggs, fish, vegetables etc.

e) Facilities to be given to migrants to remit their provident fund dues, security deposits etc.

f) Immediate release of persons prosecuted by Martial Law authorities for no fault other than unintentional trespass into Pakistan territory.

Even on matters where the East Pakistan authorities agreed to be conciliatory, certain promises to look into the difficulties were made but future implementation will show to what extent these promises will be fulfilled.

4. The only result of the Chief Secretaries’ Conference was the revival of the Chief Secretaries’ Conference as an institution after three years. Future conferences of this type would, to a certain extent, help in remedying local grievances. It is obvious that, so far as the Pakistan authorities were concerned, the Chief Secretaries’ meeting was only a sop to make it possible to arrange a brief meeting between P.M. and the Pakistan President which they had been planning for some time. The proposal that President Ayub may stop at the air port for an hour or so on 1st September, 1959, was made immediately after the Chief Secretaries’ meeting. During the brief meeting at the air port there was no time to discuss any problem in detail. You must have seen the Joint Communiqué and the statement made by P.M. today and Press reports of statements made by President Ayub Khan on this meeting.
5. We naturally welcome the desire expressed by Pakistan President to deal with Indo-Pakistan questions in a rational, co-operative and constructive spirit. This may have been meant for international consumption but we would try and work on it to see whether the new approach is implemented in dealing with at least some of the minor problems which can be settled by negotiation. We will also follow up the proposal for a high level meeting to deal with Indo-Pakistan border troubles in the east.

7. President Ayub himself appeared to be practical and cooperative as shown by his ready response to the proposal for a joint approach by India and Pakistan to U.K. on the question of transferring the ownership and possession of the India Office Library. In matters where he had been briefed by his advisers, however, the approach was the same as under previous regimes. For example, President Ayub glibly repeated Noon’s previous request that India should accept Bagge Award No. IV as interpreted by them. When it was mentioned that the partition took place in 1947 and that the boundaries cannot be drawn on the basis of police than boundaries shown in a 1937 map, he turned to other general matters.

8. In brief, the new Pakistani approach is not, in any way, different from the approaches made by previous Pakistani leaders like Noon and Mohammed Ali Bogra. President Ayub Khan, left to him, may have an approach similar to the approach of Ghulam Mohammed when he was Governor-General but it is too much to hope that Ayub would either be allowed to function freely or would have the courage to function independently of his advisers. We would, on our part, try and follow up the Pakistani promises and see whether any concrete settlements can be reached at least on some of the minor problems which cause irritation and conflict.

With kind regards.

Yours sincerely

(M.J. Desai)

All Heads of Mission Abroad.

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Letter from the Deputy High Commissioner in Pakistan K.V. Padmanabhan to Commonwealth Secretary M. J. Desai conveying reaction in Pakistan to the meeting of Prime Minister with the Pakistani President.


High Commission of India
Karachi

No. DHC-S-391/59 September 7, 1959/ Bhadra 16, 1881(saka)

My dear Commonwealth Secretary,

The brief meeting at Palam between our Prime Minister and President Ayub Khan has had an excellent coverage in the Pakistani press. The general comment was that a “good beginning” was made.

2. The man in the street has welcomed this move enthusiastically so also the business circles. It is on occasions like this that one is able to gauge the extent of goodwill that exists for India in this country.

3. Diplomatic Missions all share this mood of “cautious optimism”. Many Heads of Missions have asked me to convey their felicitations to Shri Dayal for this happy development.

4. Mr. Ikramullah appears to be reasonably pleased with the results of the meeting. He is claiming full credit for having brought about the high-level meeting. He told one Ambassador that it was he who briefed the President about giving an historical touch to the warning that disunity in the face of external danger will bring disaster to both countries. Despite these protestations many diplomats believe that the Americans, were behind Ayub Khan’s initiative to have a “Parley at Palam”.

5. There is a growing awareness in responsible circles that the talks, if they are to lead to fruitful results, should not be linked up with the trouble which has flared up on our northern border. I enclose herewith a cutting from the Karachi evening paper LEADER which gives expression to this welcome trend.

6. A development which was being keenly watched in Karachi was whether there would be a return visit by our Prime Minister in the near future. Pakistani newspapers had confidently predicted that the Prime Minister would stop over either at Lahore or at Karachi when flying to or returning from his forthcoming trip to Afghanistan and Iran. Actually the Political Counselor of the U.S. Embassy had called on me a few days before Ayub Khan’s visit to enquire specifically whether the Pakistan Government had suggested such a return visit. I told him
that we had received no such request and that what had appeared in the press was mere kite flying. There have been similar enquiries from diplomats and others since then. Now that P.M. has stated in Parliament that he has no plans of “stopping over” in Karachi in the near future, there is bound to be an adverse reaction in Pakistan. An impression is being created that India has not responded to the generous action of President Ayub Khan. A newspaper Editor told me that he did not expect such a statement from our P.M. Anti-Indian elements are bound to exploit this issue. The chagrin felt by the Pakistanis is understandable. A visit by our Prime Minister will be a tremendous morale booster for the present regime. You may have noticed how eagerly the Pakistani Press awaits news of possible visits by prominent Heads of State., President Nasser or President Eisenhower.

7. Another topic regarding which there was considerable speculation was the Kashmir issue. Several rumours were current. The German Embassy received a report that an agreement was reached between the two countries under which Indian troops in Kashmir could be diverted to the NEFA area. The proposal made by Shri C.C. Desai* in a statement which he issued to the Press on the eve of the New Delhi talks also evoked much interest. Some wondered whether it had any official backing. Strangely, Shri Desai’s suggestion for a settlement of the Kashmir dispute based on the cease-fire line, subject to minor adjustments, has not received any adverse criticism in the Pakistani Press. According to Mr. Gibbon, the authorities have asked the papers not to comment on the solution offered by Shri Desai. However this may be, there is increasing evidence that responsible Pakistanis are also thinking on similar lines. Shri Dayal must have already mentioned this to you. I had confirmation regarding this trend subsequently from the Yugoslav Ambassador.

8. Further developments will be reported. Meanwhile, I write to thank you for your circular letter No. F.31/248/NGO dated 4th September, 1959.

Yours sincerely

(K. V. Padmanabhan)

Shri M.J. Desai, ICS.,
Commonwealth Secretary,
Ministry of External Affairs, New Delhi.

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* Former High Commissioner in Pakistan.
Letter from Joint Secretary, Ministry of External Affairs K. L. Mehta to High Commissioner Rajeshwar Dayal regarding reports of Pakistan imposing restrictions on the movement of Indians in certain areas of Pakistan.

New Delhi, September 10, 1959.

Ministry of External Affairs New Delhi

No. D.O. No. 136/JS(E)/59 September 10, 1959

My dear Rajeshwar,

We have been informed that restriction have been placed by the Government of Pakistan on the visit of Indian nationals to some of their areas/installations, as would be clear from a report, a copy of which I attach herewith*. The Joint Intelligence Committee has been asked to examine whether we should also take some reciprocal action. You will remember my mentioning this matter to you when we met during your recent visit to Delhi. The Joint Intelligence Committee, which considered this matter in a preliminary meeting the other day, agreed that in principle reciprocal action is usually desirable in such matters. We are proceeding to examine what legal and procedural action would have to be taken, if it is decided to impose similar restrictions on Pakistanis in India. We would be very grateful to have your views in this matter, as these would be of great help to us in making a definite recommendation on this subject.

It was grand meeting you here recently: only wish we could have seen more of each other.

Yours sincerely

Sd/- K.L. Mehta

Shri Rajeshwar Dayal, ICS,
High Commissioner of India, Karachi.

* Not included here.
0291.  

SECRET

Letter from Commonwealth Secretary M. J. Desai to High Commissioner Rajeshwar Dayal about follow-up action to the visit of Pakistani President.

New Delhi, September 12, 1959.

D.O. No. 600/CS/59.  

My dear Dayal,

You must have seen P.M.’s views expressed at the Press Conference yesterday on the Nehru-Ayub meeting and the question of relaxing the visa procedures on a reciprocal basis not merely for press correspondents but for others as well. As we discussed when you were here last week, we would reciprocate any liberalization in the visa policy that the Pakistanis may agree to implement. You would let us know Pakistan views on this matter after you have had an opportunity to talk over things informally with the Foreign Office officials concerned.

2. I have discussed with P.M. the various suggestions you made about returning the courtesy visit paid by President Ayub Khan. Though it is possible, even at some inconvenience, for P.M. to break journey at Karachi or Lahore on the return journey from Tehran for an hour or so, we felt that such casual visit, so soon after the visit of the Pakistan President, may not be desirable. One casual visit, like the Pakistan President’s, does well but to repeat that kind of thing within a fortnight or three weeks without any other purpose, might, to some extent, have the opposite effect. We have, therefore, decided against the casual visit on the return journey from Tehran. I have, however, mentioned to P.M. that it may be a good idea, perhaps a month or two later, to pay a brief return visit to Karachi. This could follow after the results of the Minister-level meeting on eastern border problems have been known. The two Heads of Governments can meet thereafter to deal with disputes which have not been settled at the Minister-level meeting and also announce the settlements reached at the Minister-level meeting plus such further settlements or methods of resolving the remaining disputes that may be agreed to at the meeting between the Pakistan President and the Indian Prime Minister. I also suggested that another occasion for such a meeting might be the singing of the Heads of Agreement in connection with the Canal Waters question. P.M. is keeping these points in view and desires that we should take the initiative in ascertaining the ideas of Pakistan Government about the Minister-level meeting and the dates and the place suitable to them for the meeting. I have already written to you about this matter yesterday (D.O. No. 595-CS/59).
3. As you know, the Pakistan President was very keen on having this Minister-level meeting as quickly as possible. Though the Pakistan Foreign Minister and the Pakistan Foreign Secretary are away, there may be some advantage in having a meeting with somebody like General Sheikh to represent Pakistani side. While he would not give away anything, his desire to show that he can get settlement of some of these questions might itself be a good incentive to the Pakistan delegation to be reasonable in their approach to these problems. As I told you, Manzur Qadir, though an able intellectual and extremely courteous and polite, has a lawyer’s approach and it may be a good idea to have these problems tackled by somebody more practical and keen, for personal reasons, to get the credit for settling some of these matters. After all, no settlement is possible unless President Ayub Khan gives a directive towards a constructive approach to arrive at a settlement and that is the only thing that matters. On our side, as I stated in my letter yesterday, we will nominate a minister of Central Government who will be assisted by me, Chief Secretaries of the eastern States and a senior Military officers dealing with border questions in the eastern region. This will also give General Umrao Khan full opportunity to show his realistic approach. I see from Trivedi’s latest communicates that General Umrao Khan is again gaining influence and the Pakistan President’s insistence on having a senior Military officer to assist the Minister-level meeting may well mean that he wants General Umrao Khan to deal with the border problems in the eastern areas.

With kind regards,

Yours sincerely

(M.J. Desai)

Shri Rajeshwar Dayal,
High Commissioner for India, Karachi

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0292.  TOP SECRET

Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai suggesting possibilities of Nehru – Ayub Meeting.


High Commissioner for India
Karachi

No. HC/61/TS/59 September 22, 1959/ Bhadra 31, 1881 (Saka)

My dear C.S.

6. During my talk, I sensed a feeling in the mind of the President that the Prime Minister was somewhat hesitant to visit Karachi. I therefore considered it necessary to clear up the matter so as not to leave any residue behind. I said that a refuelling halt was not something which could bear repetition, and a top-level meeting would be really useful after some time had elapsed, when the decisions taken at Palam had had a chance of implementation. Perhaps a date sometime after the ministerial meeting would be suitable; by then one could hope that the Heads of Agreement to the Canal Waters’ question would also have been finalised. That would be a suitable opportunity for a top-level meeting. The President said that he was glad to note that the Canal Waters’ talks were going well and he hoped that the snags about the definition of “consumptive uses” would be cleared up soon. He added that settlement of this vast human problem, which also had important political, connotations, would have a very good all-round effect on our relations. It would be a very good thing if the meeting with the Prime Minister could take place following the satisfactory completion of the Heads of Agreement, and he would be glad publicly to thank the Prime Minister for helping to bring about that happy result. The matter had been too long in the hands of technicians and experts and it would be in the fitness of things if the political leaders gave the weight of their authority to the Heads of Agreement. Thereafter the task of framing a treaty would not present serious difficulties and could be left to the legal experts.

7. The President said that he would be very happy to invite the Prime Minister and hoped that his invitation would not be rejected, as that would make it awkward for him. The Prime Minister could be sure of a very warm and friendly welcome, and he thought that Lahore might be a good place for the meeting. I left matters at that. Today I was surprised to see an APP report in the newspapers to the effect that the Prime Minister might make a brief halt in Karachi on his way back from Teharan. The Chief of Protocol actually telephoned me to enquire if the news was correct. The anxiety of the Pakistanis
to receive the Prime Minister here is very great indeed, and there is no doubt that they would feel highly flattered to receive a visit from him. In fact the new American Ambassador, Rountree, told me the other day that the Prime Minister could be sure of a rousing welcome when he comes to Pakistan.

8. My general impression after the talk was that the President is anxious to take early and positive action to follow up the goodwill generated at the Palm: meeting. That is also the general expectation here and there is feeling of disappointment that things have not moved faster. There is also very great anxiety regarding the Prime Minister’s return visit to Pakistan and I could sense a feeling of diffidence in the President and General Shaikh regarding this. I think however that I succeeded in reassuring the President about it, there is no doubt that the Prime Minister will receive a very warm and respectful welcome when he comes. The President’s suggestion that the ministerial level meeting be first convened in New Delhi seems also intended to maintain contact with the Prime Minister, as well as Pandit Pant*: and that might be a good occasion on which to broach the question of a return visit. It would be unfortunate if the erroneous impression were to grow here that all the gestures have been made by Pakistan.

Yours sincerely

Sd/-
(Rajeswhar Dayal)

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

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Letter from High Commissioner Rajeshwar Dayal to Joint Secretary, Ministry of External Affairs K. L. Mehta regarding restrictions on Indians to visit certain areas of Pakistan.

Karachi, September 24, 1959.

High Commissioner for India
Karachi

No. HC/62/TS/59
September 24, 1959

My dear,

Please refer to your D.O. No.136/JS (E)/59. Dated 10th September 1959, regarding the restrictions reported to have been placed by the Pakistan Government on the visit of Indian national to certain areas/installations in West Pakistan.

2. Though we had known that there were such restrictions in force in Pakistan, we were not aware that they were so extensive in their operation, as has now been indicated in the enclosure to your letter. We notice, for instance, that the entire districts of Sialkot and Gujarat have been declared prohibited areas.

3. So far as this Mission is concerned, we have experienced no difficulty in regard to our officers with diplomatic passports; since their visas enable them to visit all parts of Pakistan accept, perhaps, the part of Kashmir which is under Pakistani occupation. Of course, prior intimation has to be given to the Pakistan Foreign Office before I myself or any of our officers go on tour. In the case of our Defense Advisers, they too submit their tour programme for prior approval to the Defence Headquarters.

4. The case is different so far as our non-diplomatic staff is concerned. They are given visas for Karachi only and if they wish to visit other places in Pakistan, permission has to be sought from the Pakistan Government. I am told that there were cases where the Pakistani authorities had arrested some members of our old office in Lahore who had strayed unauthorized into the Lahore Cantt. area.

5. As regards reciprocal action we should make a careful assessment if considerations of security would necessitate such a step. This should however be viewed against the desire expressed on both sides to bring about some

* Home Minister of India
liberalization in their visa policies and the reduction of the restraints imposed on visitors. This matter is currently under discussion with the Pakistan Government. However, it would be useful to verify how far the Pakistanis are enforcing the alleged restrictions on visits to certain areas and installations. This can only be done by sponsoring test cases for visits to the areas in question. Action in this behalf may be initiated at your end. We shall also institute a scrutiny of the passports of Indian nationals which pass through our hands to see whether any of the prohibited areas are mentioned in the Pakistani visas issued to them.

With kind regards,

Yours sincerely

Sd/- (Rajeshwar Dayal)

Shri K.L. Mehta, ICS,
Joint Secretary,
Ministry of External Affairs,
New Delhi.

0294.

Letter from Commonwealth Secretary M. J. Desai to High Commissioner Rajeshwar Dayal regarding possibility of Prime Minister’s visit to Pakistan.

New Delhi, September 24, 1959.

My dear Dayal,

Please refer to my letter No. 628CS/39 dated 21st September, 1959.

2. P.M. saw your letter No. HC/378/59 of 19th September and my reply of 21st September after he returned from tour on 22nd September. I am reproducing below, for your personal information. P.M.’s comments on these two letters:

“I entirely agree with the reply you have sent to our High Commissioner in Karachi. I think he is rather too precipitate in trying to fix up a visit by me to Karachi in November. I have absolutely no idea when such a visit
can take place, and it will not be at all right for any hint to be given about such a visit at this stage or till the situation is clearer. As a matter of fact, November is a very full month for me here. In the first half of November, I have many engagements, and in the second half, Parliament will be meeting.”

“The recent articles in the Pakistan Press about my statement concerning the report of what President Ayub Khan spoke to me at Palam, are a bad omen. Why they should have gone out of their way to criticize me for my statement is odd. I had said that the report was incorrect. To the best of my recollection, much of what President Ayub Khan is reported to have said to me, was not said by him. Part of it was certainly said. It is conceivable that he had all this in mind and only some of it came out. This kind of thing may create a wrong impression.”

“Anyhow, it was improper for such a so-called verbatim account to be given of a private conversation, without any reference to me. Any such account should have been passed by me and my reply also given. The account is given by the President's Secretary who was not present. The inference is that it was dictated by the President himself.”

With kind regards.

Yours sincerely

(M.J. Desai)

Shri R. Dayal,
High Commissioner for India.
Karachi.

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Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai regarding possible visit by Prime Minister to Pakistan.

Karachi, September 24, 1959.

High Commissioner for India
Karachi

No. HC/62/TS/59 Sept. 24 1959/ Asvina 2, 1881(Saka)

My dear C.S.

I have your letter No. 628-CS/59 of September 21, 1959*.  

2. I did not intend in my letter** on the subject of the opening of the Chancery building to raise points of substance, but merely of procedure. Such assumptions as were made were conditional, depending on many imponderable factors. My object in thinking aloud was merely to elicit reactions as to the possibilities, assuming that events take a certain shape, which of course was in itself extremely problematical. I realise however, that the printed (or typed) word appears immutable, and such matters are better discussed verbally than written about.

3. However, what is clear from your reply is that the opening of the chancery will not be related to its physical completion, but to the programme - as it may or may not develop - of the exchange of visits, which is itself a political issue of considerable difficulty and delicacy. We are therefore not at this stage making any plans or preparations, and shall await further developments.

4. Before concluding, I should add that I agree that one cannot afford to be either optimistic or pessimistic in so far as Indo-Pakistan relations are concerned. We here in Karachi, who have to deal with the Pakistanis from day to day, and who have the air of Pakistan constantly in our nostrils, are the last persons to have any illusions on the subject. That however, is no reason for neglecting to plan in advance regarding such matters as the opening of the

* Not available

** In another letter of September 30, the Commonwealth Secretary clarified to the High Commissioner that “normally P.M. just initials the papers sent to him for information but in this case, because he, possibly, felt rather strongly on the Pakistan press criticism following the controversy created by Shahab’s article, he recorded a note. I thought it only fair that you should have a copy of this note for your personal information so that you know how strongly PM feels on this subject. That was the only purpose of my personal and confidential communication of 24th September.”
Chancery - which requires considerable preparation - on the basis of various possibilities, ranging from the most optimistic to the most pessimistic. It was in order to determine at what point on the spectrum we should pitch our plans for the opening of the Chancery, that I was impelled to write to you on the subject, The upshot of our correspondence is that that point cannot be determined at the moment, and that is sufficient indication for our administrative staff so far as the ceremony of the opening of the Chancery is concerned.

With kind regards,

Yours sincerely

(Rajeshwar Dayal)

Shri M.J. Desai, ICS,
Commonwealth Secretary, Ministry of External Affairs,
New Delhi

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0296. TOP SECRET

Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai regarding premature retirement of Lt. Genl. Mohd. Habibullah Khan, the Chief - of – Staff.

Karachi, October 8, 1959.

High Commissioner for India
karachi

No. HC/71/TS/59 October 9 1959. Asvina 16, 1881(Saka)

My dear C.S.,

We have been making careful enquiries at various levels about the premature retirement of Lt. Genl. Mohd. Habibullah Khan. I enclose copies of notes* recorded by Padmanabhan and Col. Chadda regarding some very interesting information which they have gathered. I have also made enquiries from various sources including a talk with the U.S. Ambassador which was not very informative, another with General Walter, head of the American Military

* Not included
Assistance Group, with the Afghan Ambassador and various colleagues. The Pakistanis of course are extremely reticent about saying anything even if they have any information on the subject.

2. It is clear that Habibullah Khan’s displacement is not the end of the story, but it could be the beginning of a rift in the higher ranks of the Army and indeed in the Presidential Cabinet itself. What is particularly ominous is that General Shaikh’s hand has been behind Habibullah Khan’s ouster, which will undoubtedly affect the balance of power within the Presidential Cabinet and react on the President’s own position, depending on how Shaikh plays his cards.

3. It appears that while Habibullah was away for some three weeks to attend the Conference of Commonwealth Defence Chiefs, enquiries were launched and some damaging information against him was laid before the President. The decision to retire him was taken even before Habibullah Khan’s return; General Musa was here about that time when matters were no doubt pressed to a decision. What was the nature of the information which made it impossible for the President to resist the demand for the General’s removal? The latest information that we have, and of this I have some confirmation from independent sources, is that the General was accused of having some contacts with the leaders of the Pakhtoonistan movement. This information was apparently of a particularly damaging nature, especially coming at a time when the Fakir of Ipi’s revived participation had resulted in the intensification of the movement. The clash of personalities and of interests between the Commander-in-Chief and his deputy was already there and Habibullah Khan’s ouster which served General Musa’s purposes was thus encompassed.

4. General Shaikh is head of the Punjabi group. The Secret Police is his weapon and he has also the assistance of the Inter-Services Intelligence outfit which is here linked with the D.I.B. The actual enquiry against the late Chief of Staff was no doubt carried out by Shaikh’s agents. By ousting an undoubtedly able Pathan officer who was known to have been engaged in pushing up fellow Pathans in the Army, General Shaikh has asserted Punjabi supremacy. To what extent this weakens the President’s position by the removal of his protege remains to be seen. Although Musa comes from an Afghan family, I was surprised to learn from the Afghan Ambassador, that he was bitterly anti-Pathan. The reason is that his family was exiled from Afghanistan by Amir Abdur Rahman since when it has nurtured a grudge against the Pathans. An alliance between Musa and Shaikh to oust Habibullah Khan therefore suited the interests of both.

5. Habibullah is known to be a scheming and ambitious man and he has bitterly resented his disgrace. There is a fanatic fellow-feeling among the Pathans and the Pathan element in the Army is not likely to forgive or forget
the unceremonious expulsion of their chief. Habibullah belongs to the influential and numerous Khattak tribes which is known for its restlessness.

6. These are the principal elements that we have so far been able to unearth in the secret drama which has recently been enacted. Rountree took the official line, namely that as there was a clash of personalities, the junior man had to go. But General Walter was more candid. He frankly said that Pakistan could not afford to lose its top leadership and he hoped that this incident, the seriousness of which he did not try to minimize, would not affect the morale of the officers, or start a Pathan-Punjabi feud. He felt that serious consequences could follow, but he hoped that Habibullah Khan had the necessary spirit of restraint and self-denial to retire quietly to his farm. General Walter further volunteered the information that he considered Lt. Genl. Umrao Khan, in view of his good work in East Pakistan, to be deserving of the honour of promotion. If, however, his services were not adequately recognized, there might be trouble, he said. The next man for the post was Lt. Genl. Bakhtiar Rana, while Maj. Genl. Altaf Qadir would also be able to fill the bill. He thought however that in any case it would be difficult to transfer the present Martial Law Administrators from their responsible offices.

7. With this new assurance of his power, Shaikh will soon be going to Delhi to conduct delicate negotiations. A great deal will depend so far as future developments are concerned, upon how these negotiations fare. How would the recent changes here react on Shaikh's attitude as a negotiator at Delhi? Would he try to achieve results in order to demonstrate his abilities, or would he attempt to neutralize the positive trends that the President had initiated at Palam?

8. Little is known about Shaikh's real views about Indo-Pakistani relations, beyond his echoing in general terms the President's expressed desire to bring about an all-round improvement. Qadir, despite his volubility and forensic approach, is known to be a man of goodwill. The President too, seems to be sincere in his desire to improve relations, if for no other reason than that an improvement is in Pakistan's own best interests. But Shaikh is taciturn and does not easily reveal his mind. He is intelligent and scheming, and careful in his expression. In conversation, he avoids giving an impression or unreasonableness, but he has the capacity of decision, and can be stubborn and ruthless if pressed, here he is more feared than admired, and there is a revival of the rumours about his translation to the West Pakistan Governorship, no doubt an index of the disquiet which is being felt at his growing power.

9. Whatever may be Shaikh's innermost views, his personal position will be heavily involved in the negotiations and calculations of cold self-interest are bound to play an important part in his attitude. With the recent accretion to
his strength, it is possible that to some extent the analysis attempted in my letter: to. HC/68/TS/59 of 5th October may need some modification.

10. But while it will be more than ever necessary for us to be on guard during the negotiations, we should adhere to our policy of reasonableness and good sense. If we encounter obduracy from Shaikh - which is by no means certain - we can counter it with positive and irresistible initiatives. If, on the other hand, Sheikh's attitude is constructive, considerable progress can be made. Therefore, whether the negotiations succeed or fail, or achieve qualified success, if our approach is constant and based upon our traditional policy of conciliation and compromise, our position will be assured. Failure would then only reflect on Shaikh, while success would serve our best interests. In either case, we shall have given support and encouragement to the more positive forces working in Pakistan for a detente in our mutual rela-tions.

With kind regards,

Yours sincerely

(Rajeshwar Dayal)

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi

TOP SECRET

Extract from Top Secret d. o. letter No. AC 52/56/59, dated the 26th October, 1959 from T.N. Kaul, Ambassador of India, Tehran to the Commonwealth Secretary, on his talks with Iranian Labour Minister Dr. J. Amouzegar, at the Shah's birthday reception in Golistan Palace in Tehran.

Tehran, October 20, 1959.

Para3:-
I asked him about the significance of President Ayub Khan's visit and he replied, looking to his right and left, "strictly between ourselves, I don't attach any importance to his visit; all the talks and discussions that had to be held were
POLITICAL RELATIONS: 1955-1969

held during the CENTO conference between the Iranian, Turkish and Pakistan delegations. President Ayub’s visit to Iran is merely meant to give a boost up to Iran against the resurgence of Soviet propaganda attacks against the Shah and his Govt. I do not expect anything solid or substantial to come out of his visit”.

2. The Turkish Ambassador told me it was possible that either President Ayub would go to Turkey or some important members of the Turkish Cabinet would come to Iran during his visit to Tehran. He said that it was possible that they might discuss the formation of a Customs Union. But, Amouzegar, when I asked him, contradicted this. It is, however, possible that Iran may enter into a Trade and Transit Agreement with Pakistan.

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0298.

Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai enclosing a TOP SECRET Source Report.

Karachi, November 6, 1959.

High Commissioner for India
Karachi

No. HC/TS/74/59 November 6, 1959/Kartika 14, 1881(Saka)

My dear C.S.,

I enclose for your information copy of a Top Secret source report which is of unusual interest. It confirms not only what we have heard from other reliable sources, but also what the President and his Ministers have been repeatedly emphasizing in their talks with me.

2. Our day-to-day dealings with the Foreign Office have become easier and the replies to our letters, even where they do not concede anything, are more courteous. Actually there is a greater disposition to consider our letters on their merits. In some cases at any rate, a fairly reasonable attitude has been shown.

3. We cannot of course expect changes overnight, but the present trends are hopeful and are to be welcomed.
With kind regards,

Yours sincerely

(Rajeshwar Dayal)

Shri M.J. Desai, I.C.S.,
Commonwealth Secretary,
Ministry of External Affairs, New Delhi

TOP SECRET

SOURCE REPORT

The President has issued a clear directive to the Ministry of Foreign Affairs and Commonwealth Relations to the effect that all efforts, consistent with Pakistan's national prestige, should be made in establishing friendly relations with all countries in general and neighbouring countries in particular. In pursuance of this directive, the Foreign Office have started making re-appraisal of Pakistan's foreign policy and the means to be adopted for strengthening ties with countries like Burma, Malaya, Philippines, Indonesia, Japan, Ceylon, Jordan, Lebanon and more importantly with the Arab States of U.A.R. and Saudi Arabia in addition to Iran and Iraq with whom Pakistan already enjoys excellent relations. India and Afghanistan are being treated as a class by themselves and whereas it has been decided that vis-à-vis Afghanistan, Pakistan will have to follow, for quite some time to come and much against her wishes, a tough line in view of the unreasonable and aggressive attitude of Afghanistan, a stage has been reached when Pakistan’s relations with India could be placed firmly on rational and realistic basis. As far as Afghanistan is concerned Pakistan Government are not going to relax their stiff attitude unless she shows signs of repentance. As a matter of fact Government of Pakistan is going to launch a propaganda counter offensive which may be followed by retaliatory measures. Necessary security arrangements in the affected regions are already under way; and all those suspected of sympathies for Afghanistan or Pakhtoonistan are being thoroughly investigated and those attracting even the slightest suspicion are proposed to be dealt with severely and summarily.

2. The permanent Foreign Minister, Mr. Manzoor Qadir, is said to have been given detailed instructions by the President in this behalf. These instructions stipulate that even if Pakistan has to compromise in respect of some of her traditional claims against India which have purely sentimental value, Pakistan should, in a spirit of give and take, unhesitatingly do so. It is learnt that the Acting Foreign Minister was aware of this overriding directive of the President when he compromised his delegation’s stand on Tukergram even without feeling the necessity of referring the matter home. The desire of the
President to establish friendly relations with India on a firm and permanent footing is genuine and without any reservations though the urgency behind this is due to various factors - the most important being that normalization of relations with India would enable the Regime (particularly the President) to devote itself with single-minded attention to the task of stabilizing itself at home. Several pressing problems demand immediate solution and the President is aware of the fact that delay in this respect would jeopardize the very existence of the Regime.

3. Persons like Brig. F.R. Khan who to begin with were not quite happy with the new policy towards India and had the backing of a section of the Civil Services and the Armed Forces, have now come to realize that the President means ‘business’. They have therefore now thrown themselves with full zeal in the task of carrying out the ‘new policy’. The resolve of the Regime finds itself reflected in the firm instructions given to the Dawn to desist from unnecessary unfriendly references to India. The word ‘Bharat’ which Dawn has been using all these thirteen years has now been replaced by ‘India’. A similar whip is being given to other newspapers also who are being told that whereas they are at liberty to criticize the policies and activities of the Government of India, the Government of Pakistan would take a very serious view of the attempts made to malign India unnecessarily and thereby undo the efforts of the Regime in bettering the relations with that country. The warning seems to have already gone home and yielded quick results.

4. The President seems to have disclosed his mind to the Foreign Minister and other important Ministers in the Cabinet with regard to securing Indian Prime Minister’s visit to Pakistan. An enthusiastic reception on a grand scale would await Prime Minister Nehru in this country as and when he decides to come.

5. The Government of Pakistan has viewed with great alarm the acts of aggression committed by China on India territory; and the current thinking in the Foreign Office is that at this time nothing should be done which would embarrass India. On the contrary, Pakistan should do all that she can to relieve India of the anxiety of India-Pakistan border disputes so that she can combat with single-minded devotion the ‘Red Menace’ on her northern and north-eastern frontiers.

6. Another country with which Pakistan is very keen to normalize relations is United Arab Republic, which has shown in the recent past some evidence of her changed attitude towards Pakistan. On her part, Pakistan has reciprocated these small gestures and has assured the U.A.R. of her deep desire to establish friendly relations with her.
7. Regarding General Habibullah the source categorically stated that his removal, though unexpected, was necessitated by purely ‘internal pressures’ apart from the well-known fact that Habibullah never got on well with General Musa. President Ayub had come to suspect that Habibullah was engaging himself in building up his following in the N.W.F.P. and that such a build-up could create serious danger for him (President Ayub) at a not too distant date. He therefore decided to clip his wings and ambitions in one swift stroke before he could get out of control. No evidence of General Habibullah’s collusion with Afghanistan, according to the source, had come to the notice of the Government.

8. The Cabinet today stands dwarfed by the personality of the President and no individual or group of individuals is in a position to stand up against him. General Shaikh’s stock has gone very high as a result of his successful handling of the recent negotiations with India and to that extent Mr. Manzur Qadir is rather morose though that has not in any way affected his (Manzur Qadir’s) loyalty or allegiance to the President. For once the whole cabinet is working as a team and is inspired by a strong sense of devotion to the President. Group rivalries have started showing signs of dying away and if they do exist they certainly do not interfere with the smooth working of this highest organ of the Government machinery.

9. The immediate task before the Government at home is to prepare the ground for ‘Basic Democracies’ and to popularize them to the masses. Government have decided at the highest level to spare no efforts in popularizing the concept of Basic Democracies by way of propaganda or otherwise and everyone from the highest down would be engaged for quite some time to come in this task.

10. Pakistan Government is anxious to replace their High Commissioner in New Delhi at the earliest opportunity by a suitable person possessing the requisite seniority and experience for this important post. The search for a suitable individual continues and presently there is none in view. The Government are none too happy with the Deputy High Commissioner either but the real problem that baffles them is that of finding suitable substitutes. Mr. Akhtar Husain who was offered the New Delhi assignment has managed to wriggle himself out of it and Government are now on the look-out for some other person.
Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai regarding the current political situation in Pakistan.

Karachi, November 6, 1959.

High Commissioner for India
Karachi

D. O. No. HC/75/TS/59. 6th November, 1959

My dear C.S.,

When news of General Habibullah Khan’s sudden removal was first heard, there were all kinds of gloomy forebodings as to its possible consequences. It was thought that the President’s personal position might be affected, that the struggle for power within the Presidential Cabinet might be intensified, that there could be dissatisfaction within the Army, and that the Pathan–Punjabi feud might be sparked. So far however, things are quiet and no repercussions are visible above the surface. It may be that discontent is brewing underground and that it will take time to reveal itself in some form or other. At any rate, the President and his colleagues who have returned to Karachi in strength show no signs of any lack of confidence or of tension; in fact they appear to be more self-confident and relaxed than before.

2. It is curious that so soon after the exodus to Rawalpindi the President should be back again in Karachi with Generals Azam, Burki and Shaikh, and with Manzur Qadir, Abul Kasem Khan and Habibur Rahaman. Bhutto is away in the United States so that Rawalpindi is again quite deserted and one wonders how any government business is being transacted. Perhaps it may be dawning on the government that Rawalpindi is after all not the political or strategic epicenter of Pakistan. From odd remarks heard from the Ministers and some officials who happened to be here, one gathers the impression that there is a good deal of confusion in Rawalpindi and that it will take some time to settle down. I imagine that this process will be rather prolonged, and it is bound to affect efficiency, which was never very high, for some time to come.

3. One hears very little about Habibullah Khan or what he is doing. He is said to have visited Karachi recently, but his presence seems to have gone unnoticed. The fact that he President is going off on tour accompanied by General Shaikh and will be away for a fortnight or so, also denotes a high degree of self assurance. General Shaikh’s stature has undoubtedly risen after his success at the Border Conference for which he has no doubt been rewarded by a trip with the President. It may even be that the President thought it wiser
to take Shaikh along with him. Perhaps Shaikh who is believed to have been more cautious in his approach to India is now converted in favour of the President’s line as a result or his own experience in Delhi. Certainly he spares no opportunity to speak in high praise of the Indian leaders and of the spirit which animated the conference. It might therefore be his success which has brought him closer to the President. If this is correct, then it might denote greater stability within the government and a better team spirit. It might also mean a lessening of the influence of the intransigent elements which had reservations about a rapprochement between India and Pakistan.

4. In this context I was interested to read the observations in paragraph 6 of your secret circular letter No.684-CS/59 of October 25, regarding the recent conference. Here, we have no indication whatsoever that the Americans had anything to do with Habibullah Khan’s ouster, or that the General was in anyway anti-American. In fact, our impression was that the Americans regarded him as more suitable for the post of Commander-in-Chief of a modern army of the size of Pakistan than General Musa. There was genuine dismay at Habibullah Khan’s unceremonious removal and our information is that the State Department was greatly exercised over this development. If, however, your information regarding Habibullah Khan’s supposed anti-American bias is correct, it would be necessary for us to reorient our thinking on the subject, which is not yet a closed one. If Habibullah Khan’s removal was in fact not the result of the interplay of forces in the top military and governmental set-up, and therefore essentially a domestic matter as we believe it to have been, but was encompassed by foreign intervention, then the situation assumes an added significance. This is a matter of considerable consequence which needs clarification. I would therefore be grateful if you would afford us further enlightenment on the views contained in paragraph 6 of your circular letter.

With kind regards,

Yours sincerely

(Rajeshear Dayal)

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs, New Delhi
For the past several weeks, I have been anxiously concerned with the India-China situation in Ladakh and the impact it can have on our position regarding Kashmir. I noticed in the press that, during an airport interview, you were asked a question regarding this situation and you replied to the effect that it was India’s problem. I do not know what exactly was the wording of your statement and whether it was accurately reported in the press.

However, even taking it as reported, your statement was, of course, correct, both factually and from a military point of view, and I have no doubt that our friends will read it in that light. At the same time, however, it is possible that, on another occasion, India and its friends will construe, and probably use, a statement of this kind in an altogether different sense.

I would go even further and say that, in fact, it is a question not only of the statement we have made but of the entire attitude we are going to evince in the matter. The dangers that lie in our attitude as so far shown can be spelled out as follows:

(a) We can be taken to have tacitly recognized India’s authority over that part of Kashmir which she controls at present. After all, it is by virtue of the present partition of Kashmir that India controls Ladakh and is in a position to declare that China’s encroachment on Ladakh is an encroachment on India itself.

(b) The present situation can be cited by India as justifying any augmentation of forces that she might effect in Jammu and Kashmir, the contrary provisions of the UNCIP resolution notwithstanding. This augmentation of forces will include any tightening of control over Kashmir, any building of roads and airports and, in fact, any other measures that she might undertake.

(c) We can be deemed to be stopped from saying in future that the responsibility for the preservation of the territory of Jammu and Kashmir is not that of India but of the Security Council. We have so far always taken the stand that Jammu and Kashmir is not Indian Territory and, therefore, the question of its external defence is a matter for the Security Council, and the Council alone, to consider. We can now be taken to have virtually abandoned that stand.
In my humble but emphatic opinion, it seems to me that we must make some kind of an authoritative pronouncement which would effectively safeguard us against these dangers. A draft letter to the Security Council, if that is going to be the means of making this pronouncement, is under preparation in the Mission here and will be soon submitted to you.

I can assure you that, in making this suggestion, I am not at all unmindful of the complexity of the present situation and the delicacy of our relationship with China. With as much anxious and careful thought as I am able to give to the matter, I feel that a statement, which clearly declares our stake in Kashmir, will not necessarily embroil us with China. On the contrary, it may even be that China will not react adversely to a statement from Pakistan questioning the very basis of the stand taken by India regarding Ladakh . . .

I am taking the liberty of making this suggestion to you because, in my consultations here, I have found a great anxiety lest the present India-China situation allows the impression to settle that Pakistan no longer feels itself concerned with Jammu and Kashmir. This, of course, is only one aspect of the matter and it is for you to view it in the larger perspective which will take into account the attitude of the United States. At the present moment, however, this aspect seems to be quite important in it. I do hope that you will not mind my taking an opportunity to make this suggestion to you.

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Letter from Commonwealth Secretary M. J. Desai to High Commissioner Rajeshwar Dayal regarding ‘Source Report’.

Karachi, November 11, 1959.

D. O. No. T.1111 – CS/59

November 11, 1959/Kartika 20, 1881 (Saka)

My dear Dayal,

Thank you for your letter No. HC/TS/74/59, dated 6th November.

2. I have read your source report with great interest. I agree with you that President Ayub is taking a co-operative and constructive line in Indo-Pakistan relations. I also agree that the Pakistan administrative machinery is being pressed to adopt a more co-operative attitude to Indo-Pakistan question.

3. It is difficult to say how far this attitude of President Ayub is based on his own appreciation of the internal and external situation and how far pressures from within and without. As I mentioned to you after the Conference, the Americans have been pressing the Pakistan authorities to adopt a more reasonable attitude towards India since over a year and this pressure had been increased since the developments in Tibet and the further estrangement between India and China. In any case, I agree with you that we should take advantage of the new mood of Pakistan to solve as many as possible of our problems with that country.

4. I have also seen your letters No. HC/438/59, dated 5th November, and No. HC/440/59, dated 6th November. I whole-heartedly agree with the concluding portion of Para 15 of your letter of 5th November, though I am not quite sure that all these preliminaries and the reasonableness of Pakistan in border conferences in only a preparation for the conference on Kashmir to have that question settled to the satisfaction of Pakistan. We can, however, deal with it when the time comes. Meanwhile, we should make the best of the new mood.

With kind regards,

Yours sincerely

(M.J. Desai)

Shri Rajeshwar Dayal.
High Commissioner for India. Karachi

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0302.

Letter from Indian Ambassador in Tehran T. N. Kaul to the
Commonwealth Secretary M. J. Desai regarding the visit
of President Ayub Khan to Tehran,

Tehran, November 11, 1959.

EMBASSY OF INDIA, TEHRAN

No. AC 9/59/59 11th November 1959.

My dear Commonwealth Secretary,

President Ayub Khan of Pakistan has been in Tehran for the last 2 days and
from what I have seen and heard of his reception and speeches, my preliminary
reaction is as follows:

2. Judging from the 9-day programme which has been prepared with great
care, the things that leap most to the eye are the ceremonial, protocol, military
reviews and inspections. So far Ayub Khan has appeared everywhere in his
newly acquired Field Marshal’s uniform, except at Tehran University, where
he wisely put on a civilian suit to receive the honorary degree of Doctor of
Laws. The Shah has also been present in most of the functions in his military
uniform. As the British Ambassador remarked to me and the American
Ambassador on the arrival of Ayub Khan at the airport “Doesn’t he look a replica
of a British Field Marshal?” The British Ambassador probably meant this as
compliment to Ayub Khan and to his British education, but the American
Ambassador did not take it so; he told me later “the only difference is that Ayub
Khan look a little more intelligent.” On the whole, Ayub Khan has given the
impression to most diplomats and others he has met so far of being a blunt,
outspoken, honest, straightforward and simple soldier. For instance, he asked
the Soviet Ambassador at the airport “which country do you represent?” The
UAR Ambassador remarked to me in an aside “Has he come to inspect us on
parade that he should ask us which countries we represent or what our names
are?” I told the UAR Ambassador that it was not President Ayub Khan’s fault
but that of the Protocol Department not to have introduced him to every one
correctly. I was also very surprised when Ayub Khan asked me, after I was
introduced to him at the airport “what is your name.” but I told him smilingly
what my name was.

3. Next morning (10.11.59) a ceremony was held at Ayub Khan’s temporary
Presidential Palace to introduce the various Heads of Missions to him. Here
again he passed round shaking hands with each and asking them in a very
abrupt military manner “How long have you been here?” At this function it was somewhat significant that the Pakistan Ambassador, setting aside all seniority among Heads of Missions, first asked the British Ambassador to have a chat with Ayub and then the American Ambassador, and since I happened to be between the two in seniority, then he asked me, while more senior Ambassadors were left to the last.

4. At this function, the American Ambassador and I were talking to Ayub for a few minutes and Ayub addressing himself half to me and half to the American Ambassador said “I have done all I could to improve relations with India; it is now up to India to do its bit. For the last 12 years we have been quarrelling and fighting and slinging mud on each other with great harm to both of us. We must, therefore, settle our various disputes first, then perhaps we can think of other things”. The American Ambassador did not say anything, but I told Ayub “with goodwill and a sincere desire for a peaceful settlement of various problems, there is no doubt that relations between our two countries can be further improved”. The American Ambassador praised the friendly people for Iran and Ayub very enthusiastically replied “they are our kith and kin; we belong to the same culture, race and religion”.

5. Ayub has made two important speeches so far- one in the joint session of the Senate and the Majlis and the other at the Tehran University. A copy of the speech made in the joint session is enclosed. A copy of the speech made at the Tehran University will be sent to you shortly. He read out both the speeches like a typical Pakistani soldier, who seemed to be in a hurry to get it over with and did not seem really to care much for their contents. They were written for him, I understand, by his Secretary Shahab, and possibly given finishing touches by the Foreign Secretary Ikramullah, who is accompanying him. The reception of the speech by the Iranian Members of the Parliament and the intellectuals at the University appears to be somewhat cool. In contrast with the impromptu speech of our Prime Minister at Tehran University, Ayub Khan’s speeches were not applauded while he was reading them, but were cheered only at the end. However, the following points from his speech at the Senate are worth noting:

(1) “Your enemies are our enemies”. This was apparently aimed at the Soviet Union. I hope that Iran will not be equally rash in saying similar things to Pakistan in Public.

(2) His defence of regional pacts, when he said “those who do not plan our enslavement should have no cause of anxiety from these purely defensive arrangement. But the chorus of condemnation we hear against these defensive alliances only makes us suspicious of the motives of
our detractors”. This might have been aimed partly at India and Afghanistan but mainly against the Soviet Union.

(3) His hit at the Soviet propaganda against Iran, when he said “Your own nation and its gallant sovereign have in recent times been the target of most provocative and subversive propaganda attacks, which we condemn whole-heartedly. This campaign has been an object lesson in how one nation may try to browbeat another by resort to such methods”.

(4) His plea for the greater unity and cooperation of the Muslim world. He praised the Shahinshah and his late father very highly and also explained the various measures he was taking in Pakistan to improve social, economic and political conditions.

6. His speech at the Tehran University was also significant. He recounted the various reforms introduced in Pakistan and recited a verse from Iqbal wherein the poet said that when Tehran became the Geneva of the Orient there would be peace and stability in Asia. This was hardly in conformity with the plea of for regional pacts he had made in the Iranian Parliament the same morning. Many people remarked “In order to convert Tehran into Geneva, Iran will have to first adopt a neutral policy.”

7. From a private conversation with an Indian who attended a function on the first evening of Ayub’s visit, it was gathered that Ayub was overwhelmed with the reception he got in Tehran and was genuinely impressed with the Shah and his Government’s policy and described them as “a most enlightened monarch and a most progressive Government”. On the other hand, General Sheikh seemed to be more subdued and cautious. I also noticed in the morning reception at which Heads of Mission were received that General Sheikh was keeping a little aloof. I am not jumping to any conclusions, but it seems he did not share Ayub’s over-enthusiasm about things in Iran. I had a chat with General Sheikh at this reception and he told me how pleased he had been at the friendly cooperation and sincerely warm welcome he had received from the Government and people of India, and in particular, the warmth and kindness he received during the 3 interviews with our Prime Minister. He complimented Rajeshwar Dayal and said “He was our midwife and very anxious about the safe delivery and felt greatly relieved at the results of the recent conference about Indo-Pakistan border. We hope that a delegation from India will now come to Pakistan early in the new Year”.

8. My general impression so far is that the Government of Iran is going all out to show its esteem, affection and brotherhood to Pakistan; the Shah, the Government and its officials are making strenuous efforts to impress President Ayub Khan and seem to have succeeded. The people at large however seem
to be indifferent in contrast to their enthusiasm at the time of the visit of our Prime Minister. My previous hunch that the visit of Ayub Khan is meant primarily to give a boost to the Shah and his Government seems to be confirmed by the events so far.

9. I am sending a copy of this letter to Rajeshwar Dayal for his information.

With kindest regards

Yours sincerely

(T.N. Kaul)

Shri M.J. Desai,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

TOP SECRET

Letter from the Indian Ambassador in Tehran T. N. Kaul to Commonwealth Secretary M. J. Desai on the visit of Pakistan President Ayub Khan to Tehran.

Tehran, November 17, 1959.

EMBASSY OF INDIA, TEHRAN


My dear Commonwealth Secretary,

I have gathered a few more details about President Ayub Khan’s visit to Iran and am mentioning them below for your information. Judging from the various functions that have been held so far, the following points are noteworthy:

(1) The Shah has taken special pains to accompany President Ayub Khan to all the places and all the functions that were held in his honour. The Shah has not done this for any other visitor so far and he seems to be going all out to befriend President Ayub in particular and Pakistan in general. This is not due to any brotherly emotion or sentiment but mainly with a view to secure Pakistan’s wholehearted support against the Soviet Union and any possible opposition elements inside the country. The
Shah also seems to be anxious to secure Pakistan’s — as well as Turkey’s — support in her existing disputes with Afghanistan and Iraq. I have been told by 2 members of the Cabinet that this is the main object of the Shah in going all out to impress Ayub Khan. Also perhaps the Shah did not want to let loose Ayub and party lest they should see and smell internal discontent, weakness and instability in Iran. The visit of Menderes and Zorlu to Tehran during President Ayub’s State visit is meant to strengthen Iran’s morale, bolster the tottering structure of the CENTO and put up some kind of a united stand before President Eisenhower during his forthcoming visit.

(2) President Ayub himself seems to have been genuinely overwhelmed by the organized hospitality, cordiality and enthusiasm which he has mistaken for the “spontaneous warmth and friendship” of the Iranian people. Actually public enthusiasm has been singularly lacking in contrast with the visit of our Prime Minister, but there is no doubt that the official welcome is much greater. For instance, in the function held at Amjadieh Stadium on 11th November, the crowd consisted entirely of the police, the Army, school girls and the officials and diplomatic corps. Members of the public were not allowed free access nor would they, I believe, have responded very enthusiastically if they had been allowed to come freely. Naturally, the Stadium was almost full to its capacity of 14,000 but the speech of President Ayub Khan, which he delivered in English and which was then translated into Persian, evoked no applause from the audience except at the end when cheer leaders started it. At the time of our Prime Minister’s speech at the Stadium, although the audience was only 8,000, almost every sentence of his speech was punctuated with loud cheers because the audience consisted mainly of the members of the public who had come at very short notice and despite official discouragement.

(3) This is probably President Ayub’s first State visit to a foreign country and he seems to be quite conscious of it. His outward behavior is, I think, more like that of a military conqueror who has come to boast about his victories to a friendly country than that of a neighbourly State. The main emphasis in his speeches has been on the following points:

(i) the achievements of the military Government in Pakistan which he has compared with the reforms introduced by the late Rosa Shah the Great of Iran;

(ii) his explanation of the slow progress of democratic reforms in Pakistan and his efforts to set up “basic democracies”;

(iii) his emphasis on Muslim solidarity and the greatness of Islam and Islamic culture;
(iv) his unconcealed hatred of Communism and Communist tactic and methods of subversion;

(v) his defence of regional military pacts and his indirect condemnation of “neutralism”.

(4) In his speech yesterday at the Irano-Pakistan Association he also made an indirect reference to Kashmir when he said “the impact of Iranian culture on the land of Kashmir, which is so near and dear to Pakistan, has turned it into another Iran -- popularly known as ‘Little Iran’.” This is the only public reference he has made to Kashmir so far, but it did not seem to evoke any enthusiasm in the audience or among the Iranian officials whom I met afterwards. I do not think Iran will be as rash or foolish as to change her policy of neutrality on the Kashmir issue and I believe that Ayub Khan’s efforts to win over Muslim world opinion in favour of Pakistan on this issue will not be very successful. All the same, it is not inconceivable that he may make a dent on Muslim opinion in general and the Governments of Iran and Turkey in particular on this issue. I am however, somewhat intrigued by Shahab (Ayub’s Secretary) who more than once told me that the present time is the most suitable for settling this ticklish problem and that President Ayub is very keen to settle it amicably and peacefully. Whether he reflects the views of his boss, I do not know, but it does seem to me that Pakistan seems anxious to take advantage of our present dispute with China to have a settlement on Kashmir in her favour.

(5) I do not think president Ayub has made any impression on the intellectuals, the students or the masses of Iran. I heard from a member of the University and a Senator that they had opposed the conferment of the honorary degree of Doctor of Laws on President Ayub because they said he had violated and shown scant respect for the law and constitution of Pakistan. It was however, on the insistence of the Pakistan Ambassador that President Ayub should receive the same honorary degree as Prime Minister Nehru that they had to give in.

(6) The five-hour so-called “Tehran Conference” of the three Muslim members of CENTO ended yesterday with a joint communiqué which is even more hallow than was expected. A copy is enclosed. General Shaikh’s Press Conference was also a tame affair. The only point worth noting seemed his anxiety to impress the Pressmen that Pakistan had “no border differences with China despite the fact that we have a common border which has not yet been demarcated. We will be very happy to start negotiations for the demarcation of the border”. He also referred to the large number of Russian technicians in Afghanistan and the violations
by Afghan aircraft of Pakistan territory. He added, however, “We have friendly relations with the Soviet Union.” A copy of the full text is sent when it is published.

Yours sincerely

(T.N. Kaul)

Shri M.J. Desai,
Commonwealth Secretary,
Ministry of External Affairs, New Delhi.

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0304. TOP SECRET

Letter from Indian Ambassador in Tehran T. N. Kaul to the Commonwealth Secretary M. J. Desai regarding conversation with Secretary to the President of Pakistan Shahab.

Tehran, November 18, 1959.

EMBASSY OF INDIA, TEHRAN

No. AC 9/62/59  18th November 1959

My dear Commonwealth Secretary,

Shahab, Secretary to the Pakistan President, had a quiet dinner with me at my house last night and talked to me for over 3 hours. The only other persons present were the new Third Secretary, M. Dubey, and his wife. Shahab did most of the talking. What he said was purely, as he put it, his personal view, but, all the same, it is very interesting and revealing. It is likely that you probably know all this already, but I am mentioning it all the same. Following are some of the main point he made:

IRAN: (1) The present visit of President Ayub Khan was fixed soon after the Shah’s return from England in June this year. The Shah was keen that the President should visit Iran before the announcement of his engagement. On the other hand, Ayub’s visit to Turkey and the visit of Menderes and Zorlu to Tehran during Ayub’s presence here were fixed after the announcement about President Eisenhower’s forthcoming tour to the Middle East and South Asia.
The Shah was keen to have Ayub in Tehran in order to discuss some of his differences with the Americans. It appeared that the Americans were not trusting the Shah completely and he probably wanted the help and Menders to straighten out things for him.

(2) Although Manzur Qadir, the Pakistan Foreign Minister had advised Ayub to be moderate in his statements and not to go as far as saying “your enemies are our enemies”, Ayub did not wish to mince his words and decided that if he gave support to the Shah he should give it wholeheartedly. I conclude, by implication, that that was one of the reasons why Manzur Qadir did not accompany President Ayub on his present visit.

(3) Although Shahab did not expressly say so, I gathered the impression both from him and from reliable disquieting reports about the precarious position of the Shah and his Government in Iran and wanted to find out the truth for themselves and to devise ways and means of propping up this weak pillar in the CENTO structure. It is also likely that all the 3 Muslim members of CENTO are not satisfied with the economic and military aid America has promised them this time and want to put up a concerted fight for more. Although they have denied any desire to interfere in Iraq, there is no doubt that the situation in Iraq has been one of the main topics for discussion in the “Tehran Conference” between Iran, Turkey and Pakistan. Judging from the various speeches delivered by Ayub, it seems to me that the 3 Muslim Powers are also trying to woo other Muslim Powers for an alternative platform in case of the further weakening of CENTO.

(4) Shahab said he had told the Pakistan Ambassador that the Pakistan party had been taken round the country by the Shah and his Master of Ceremonies acting like ‘ring masters in a circus’. They had seen very little of the real country and hardly come in contact with the people. Shahah’s impression was that the present day situation in Iran was very similar to the situation in Iraq 1½ years ago when Nurii-el-Said was in power there - it was unrealistic and disturbingly quiet on the surface.

Pakistan: Shahab revealed some interesting facts about the revolution in Pakistan and its aftermath. I am mentioning only some of the important points in brief:

(1) Shahab had been in his present position as Secretary to the President since 1953 and therefore could speak with some authority. He said the Americans were not very much liked in Pakistan before the revolution because of their overbearing and haughty manners. For instance, the American Ambassador would ring up Shahab at 11 in the morning and say he wanted to see the President at 12 noon. If
Shahab said that the President was not free, the Ambassador would reply "I am coming anyway at 12 noon" and no one could stop him from seeing the President. This had, however, changed since after the revolution and the Americans had been put in their proper place. The American Ambassador was the most aggrieved person when Iskandar Mirza was removed and had insisted on seeing him. He had been allowed to see Iskandar Mirza and had offered him asylum in the United States. It was not true that Iskandar Mirza's foreign bank accounts had been frozen. An attempt had been made but the Swiss Banks had refused to divulge the accounts. According to Shahab, Iskandar Mirza had over 10 lakhs rupees worth of foreign capital in various foreign banks. He also had an "open account" in the various hotels in London where he could entertain free of charge.

(2) Ghulam Mohammad had in 1954 asked Ayub to become the Martial Law Administrator and was prepared to declare Marshal Law but Ayub had very wisely refused to accept the offer then because he wanted that all available politicians should be tried out first. Ayub had at that time written a paper on "the advantages and disadvantages of a military take over in Pakistan", which Shahab had preserved as he wanted to write about it one day. Ayub had analyzed the various possibilities very carefully and bided his time until he found a suitable opportunity last year. Iskander Mirza had realized the dangers of a military take over but had still hoped that he would be maintained in his position by the Army out of sheer necessity. Ayub had been kind and generous to Mirza who did not deserve any kindness.

(3) Miss Fatima Jinnah was more or less a spent force but she showed the usual irritations of an old spinster. Ayub had handed over all the money for the Qaid-i-Azam mausoleum to her and she was busy rejecting various designs for it. Her strength lay formerly in her appeal to the masses but Ayub had taken the wind out of her sails.

(4) Ayub was anxious to have a proper Constitution as he did not wish another military coup like his own – in fact he was scared of it. He had, therefore, retired all such military officers who might have had such an ambition. Although General Habibullah's daughter is going to be married to Ayub's son, Ayub had to remove Habibullah from the post of Chief of Staff because Habibullah and the Chief of the Army, General Musa, had come to loggerheads. To avoid personal embarrassment, Ayub had to get rid of the better man. Musa was a pure and simple soldier while Habibullah had other ambitions as well. If habibullah had not been related to Ayub, it was possible that Ayub would not have removed him from
office. Ayub had also taken the precaution of filling all the military courts with duds while sending all the efficient soldiers to look after the training of the Army and to keep away from politics. Duds in the military courts did not matter very much because there were two appeals from their decisions – the first one to the Military Commander of each Area and the second to the President. Shahab said “the Military Commanders usually upheld the sentences of the Military Court but we, on behalf of the President, usually reduce 10 years to 3 years; 3 years to 1 year and acquit those who are convicted to one year only. This is a rough and ready rule which seems to meet the ends of justice”.

(5) I asked Shahab who, he thought, was a possible successor to Ayub and he replied “I have a feeling there will be a scramble for power after Ayub. We have a very brilliant young soldier called Brigadier R.H. Khan, who is in charge of rehabilitation. A possible alternative might be General Shaikh, but it is difficult to tell”. He thought, however, Ayub had established his position fairly strongly and was anxious to stabilize conditions and set up a civil government as soon as possible.

(6) Manzur Qadir had originally refused to join the Government but had been persuaded to come in after Iskandar Mirza’s departure. He was a stabilizing force in the Cabinet and was the one man who insisted on having a legal Constitution and a civil government. He was also pressing for a friendly settlement with India on the various outstanding problems.

RELATIONS WITH INDIA: Shahab repeated what he told me in our last meeting that the present atmosphere was the most suitable for the settlement of all outstanding disputes between India and Pakistan. Both Ayub and Manzur Qadir were very anxious for it, especially Ayub, and this opportunity would not come again. The Eastern border had been settled and the Western border was also likely to be settled soon. A settlement of the canal waters dispute was in sight. The only remaining problem was Kashmir and this could also be settled with mutual goodwill on both sides. He personally thought that while Jammu and Ladakh could go to India and Gilgit and areas across the cease fire line to Pakistan, the valley should be made into an independent State as a tourists’ paradise like Switzerland. He realized, however, that neither India nor Pakistan would agree to this solution, especially in view of the recent threats from China. He also realized that the face of both India and Pakistan had to be saved. He had, therefore, reluctantly come to the conclusion that the only workable solution was possibly along the existing cease fire line with some variations for the sake of homogeneity and saving face. When I asked him whether this was also
the views held by Ayub and his Government, he seemed to indicate agreement, at least so far as Ayub is concerned.

With kindest regards,

Yours sincerely

(T.N. Kaul)

Shri M.J. Desai,
Commonwealth Secretary,
Ministry of External Affairs, New Delhi.

0305.  

TOP SECRET

Letter from High Commissioner Rajesshwar Dayal to Ambassador in Tehran T. N. Kaul commenting on the report on Shahab.

High Commission For India
Karachi

No. HC/TS/80/59  
November 30, 1959

My dear

I am grateful to you for copies of your very interesting reports to the Commonwealth Secretary of your talks with Shahab and your impressions of President Ayub's visit to Iran. Many of the things that Shahb told you confirm the information that we have ourselves collected. For example, it is quite correct that despite Pakistan's utter dependence upon the U.S.A., Ayub has not allowed the same liberties to the American Ambassador in regard to visits, etc., as was the case in Iskander Mirza's time. In fact, in order to break the American Ambassador's habit of seeing the President whenever he wanted to, a circular letter was issued by the Foreign Office requiring that such requests should be sent through them.

2. The information about Miss Fatima Jinnah being a spent force, at any rate so far as the present regime is concerned is quite correct.

3. What Shahab told you about the ouster of General Habibullah Khan is very revealing and lends confirmation to our own opinion. Ayub probably hoped
that he could buy Habibullah Khan’s loyalty by means of an alliance and no doubt discovered that that would not quench Habibullah’s ambitions but might even stimulate them.

4. As regards Shahab’s views concerning Manzur Qadir, we also believe that he is pressing for the regime to clothe itself with some semblance of legality; that is why he has been the main driving force behind the so-called “basic democracies” and the plans for devising a Constitution. Manzur Qadir realizes the need for promoting better relations with India, and despite his somewhat legalistic approach, his influence in regard to the present positive developments is by no means inconsiderable.

5. It is indeed surprising that Shahab should have unburdened himself to you about his ideas in regard to a settlement in Kashmir. Despite occasional public utterances to the contrary, the feeling is no doubt growing that any peaceful settlement in Kashmir must take into account the factual situation and there can be little hope of a settlement unless the cease-fire line is taken as the basis.

With kind regards,

Yours sincerely
Sd/-
(Rajeshwar Dayal)

Shri T. N. Kaul, ICS.,
Ambassador of India,
Tehran.

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Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai regarding the appointment of Pakistan’s new High Commissioner in India.

New Delhi, December 1, 1959.

High Commissioner for India
Karachi

My dear C.S.,

Yesterday I sent a wire about A.K. Bohi’s appointment as Pakistan’s High Commissioner to India. I must say that I was agreeably surprised to learn that the President had chosen a man like Brohi, and that Brohi had, despite the heavy personal and financial sacrifice involved, been persuaded to accept the appointment. Brohi is too well known to need any introduction; even the present regime has not branded him along with the condemned tribe of Pakistan politicians.

2. You will recall that Qadir told me recently that the Pakistan Government was anxious to find someone for Delhi who is really friendly to India. I think Brohi fits the description. We have come to know him and his family rather well and have been impressed by his sincerity, integrity and regard for spiritual values. He used to be interested in theosophy and is still very interested in Vedanta. He is a good friend of Shri Jayaprakash Narayan and, I believe, is also known to the Prime Minister. The fact that Brohi has accepted the appointment shows that he believes that President Ayub Khan is sincere in his desire to improve relations with India, and he would be failing in his duty were he to fail to respond to the call.

3. As a liberal in thought and outlook, he can hardly favour the suppression of democracy in Pakistan. But like many thinking and earnest Pakistanis, he feels that the present rulers are honest and well-meaning, and therefore deserving of support. Brohi is a big enough man not to shirk his duty as an envoy to report truthfully and to advise honestly, without fear or favour. I hope to have a long talk with Brohi on his return to Karachi next week.

4. Malik has been informed about Brohi’s appointment and of the rejection of his own insistent requests for an extension. Durrani is also being recalled as he is considered to be inadequate. Ikramullah said that with Brohi and Shafqat in Delhi, the two High Commissions would be “more evenly balanced”.

No. HC/TS/82/59
December 1, 1959.
5. I enclose a copy of the curriculum vitae of Brohi received from the Foreign Office.

With kind regards.

Yours sincerely
(Rajeshwar Dayal)

Shri M.J. Desai, I.C.S.,
Commonwealth Secretary,
Ministry of External Affairs, New Delhi.

TOP SECRET

Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai about the visit of President Eisenhower to Pakistan.


No. HC/TS/83/59 December 3, 1959,

Subject; President Eisenhower’s visit to Pakistan —— Indo-Pakistan relations

My dear C.S.,

As President Eisenhower’s visit approaches, the energies of the Pakistan Government have been focused on the arrangements for the visit and an examination of the issues to be raised in conversation between the two Presidents. It will therefore be opportune to attempt an analysis of the matters likely to be brought up by President Ayub Kahn and the ideas that may be canvassed.

2. From all accounts, it appears that President Eisenhower will not himself take the initiative in raising any questions, but he will no doubt be prepared to discuss any matters that may be raised. While disavowing the role of a mediator or even that of good offices, the U.S. President could yet act as a catalyst in smoothing out rough edges in relationships, thus facilitating the processes of reconciliation. Strenuous preparation has therefore gone into the task of sifting the matters to be raised with President Eisenhower, and elaborate briefs have been prepared. In the short time available for the talks, it is thought that there
will first be preliminary exchanges of views between the two Presidents followed by more detailed meetings at which General Shaikh will be present throughout. On matters involving foreign affairs, Manzur Qadir will also participate while on those relating to economic problems, Shoaib will be present. The Principle Secretaries will accompany the President and his Cabinet to Karachi for the visit, and will be available in case of need.

3. What will be the overall Pakistani approach to the problems to be discussed? In view of the gradual thaw in the cold war, a chauvinistic or bellicose approach is not likely to carry conviction. The accent will therefore be on reasonableness and conciliation, the hidden purposes being enveloped in the soothing balm of realism and practical good-sense. President Ayub Khan has been trying assiduously to build himself up as a man of peace and goodwill who is anxious to forgive and forget the past and to build up an area of peace around Pakistan. Speaking as a soldier to another soldier, he will not doubt assume his familiar direct and disingenuous manner which is his greatest diplomatic asset. Speaking in simple but forceful language oozing with sincerity, he will expound his well-worn theories on the hard facts of the political life of the area. A modest role will be becoming to the occasion and the exposition will be made with the aim of inviting an answering echo from his listener. Ayub may attempt the technique of driving home a few points, grafted to the broad American approach to the problems of Asia, in the hope of making the greatest possible impact. He may hope to demonstrate that the global aims of U.S. Policy are best served in the area by heeding the Pakistani suggestions—which would incidentally also advance Pakistan’s interests and purposes.

4. In view of the fact that President Eisenhower, in the meridian of his authority and prestige, is striving genuinely to bring about a world-wide detente, President Ayub Khan’s language of “peace through strength” may to some extent, strike a responsive chord. By contrast with some of the U.S.A’s western allies, such as the tough-dealing General de Gaulle, the Pakistani dictator’s approach may well come as a pleasant surprise. Ayub Khan could point to the improvement in relations with India, his recent overtures to Afghanistan and his attempt to strengthen the CENTO organization as evidence of his basic desire for peace and friendship in the area. Nevertheless, as a military man, he would regard it as his duty to draw attention to the dangers that loom ahead. In this context, Chinese expansionism as demonstrated by the treatment of India, and Russian penetration into Afghanistan would be used as a portent of the dangers from which the area must be safeguarded. Ayub Khan has previously said that within five years time, the sub-continent will be thrown open to any adventurer from the north-west when the system of Russian-built roads in Afghanistan is complete. Along the northern and north-eastern borders of the sub-continent the Chinese are already poised to threaten the whole of...
south Asia. To meet this combined danger, concerted political, military and economic measures will be necessary.

5. Politically, U.S. good offices will be sought to be invoked to repair the relations between Pakistan on the one hand and Afghanistan and India on the other. The problems of Kashmir and Pakhtoonistan will figure prominently in this context. Militarily, it may be argued that in view of the present dangerous portents in the area, the quality and quantum of military aid to countries like Pakistan, should be increased, and not decreased as is being mistakenly demanded by some circles in the U.S. Congress. Further, it may be argued that the CENTO organization should be provided with some teeth in the shape of a joint command and full US membership. As regards the economic angle, it will no doubt be urged that economic aid of all kinds should be stepped up to strengthen the economic infra-structure of an ally like Pakistan. Countries which hold themselves aloof from the ring of alliances are getting aid from all sides and Soviet aid has been used effectively to advance Soviet influence in the area. By contrast, countries firmly allied with the West find themselves at a disadvantage in resisting the economic overtures of the Soviet bloc. The only way to counteract such pressures is to demonstrate that American aid is more generous and more worthwhile. The Pakistanis, who are utterly dependent upon I.C.A. funds, feel strongly about the decision to divert these funds to the Development Loan Fund account, which also involves a “Buy American” injunction, thus practically halving the value of the aid in terms of goods. The I.C.A. Administration here feels strongly that Pakistan has reached the limit of performance within the present frame-work of its economic policy and ICA aid; a radical breakaway is therefore essential if the country is to be extricated from the economic morass in which it is floundering.

6. These are broad lines of approach to the various matters which the Pakistani President is likely to take up with his American guest. A more detailed analysis of the issues which can be safely forecast, follows. These are:-

(1) Indo-Pakistani relations, with special reference to Kashmir.
(2) Pakistan-Afghan relations.
(3) Strengthening of the CENTO organization.
(4) The Communist threat to the general area.
(5) Pakistan’s achievements under the present regime and its difficulties, with special emphasis on increased economic/military aid.

INDO-PAKISTAN RELATIONS
7. General

On Indo-Pakistani relations, the general theory held by President Ayub Khan is that the two countries are so inextricably bound together that they must either live in peace and understanding or else be faced with the prospect of being “defeated in detail”. Neither country can hope to destroy the other or aspire for the reversal of the partition. The only sane and rational approach therefore is to attempt to solve the existing problems on a basis of justice and equal benefit. Ayub Khan will claim that Pakistan has been making repeated overtures to India, and though the response has been somewhat tardy, certain hopeful trends have at last been set in motion. For his part, he will keep on striving in the hope that there will be a fuller response. Pakistan desires more trade with India on an equitable basis, more exchanges at all levels (including Heads of Government) and an early settlement of the Canal Waters problem but, above all, just solution of the Kashmir problem. Once a settlement of these problems is reached, a fund of goodwill and understanding will be created between the two countries despite their differing foreign policies and it will thereafter be possible for them to cooperate with each other in all fields. In accordance with this line of thought, Ayub Khan may try to convince President Eisenhower of his own sincerity and anxiety to improve Indo-Pakistani relations and of the need for a greater measure of responsiveness and trust on India’s part. We could, of course, counter all this by pointing to our consistency in seeking settlements with Pakistan throughout the years, our efforts unfortunately being rendered unavailing by the transitoriness of a succession of weak Pakistani Governments. We have all along been prepared and indeed anxious to settle all our problems by negotiation and have made great sacrifices to achieve agreements, as in the case of the Canal Waters’ question and the Eastern border issues, and shall continue to be responsive to peaceful approaches.

8. Joint Defence

This concept has no doubt been fathered by the Americans but its parentage has been enthusiastically assumed by the Pakistanis. There has, however, been a modification in Pakistani thinking since the President first raised the slogan. Publicly, it is said that once the problems which keep the two countries apart are settled, especially the Kashmir problem, there will be nothing but friendship between them and they could then join together for the defence of the sub-continent instead of frittering away their energies in mutual opposition. In numerous expositions to me, however, the President has omitted all reference to a solution of the pending disputes as an essential pre-condition. He has explained his concept as merely implying that instead of the two armies facing each other in mutual hostility across the ceasefire line and in the two Punjabs,
they should pay heed to the real danger which threatens from the north and northwest. In my last talk with the President, reported in my letter No. HC/438/59, of 5th November, he went so far as to imply that if some of our forces from the western border were to be diverted to meet the Chinese peril, Pakistan would not take advantage of the situation. The implication no doubt was that with a similar tacit assurance from our side, Pakistan should correspondingly feel free to take adequate steps to guard the border of Gilgit and Baltistan and strengthen its military posture in the tribal areas which have recently been erupting.

9. Such a concept of “joint defence” is a very loose one as it merely involves an assessment of the relative degree of danger affecting the security of the two countries from different directions. Certainly it does not presume any joint understanding, still less any joint planning or command. Each side would be free to make its own arrangements on the basis of its own estimation of the imminence or otherwise of the danger from the other side. The term “joint defence” is of course a misnomer. India has repeatedly said that she would not use force for the settlement of any of her pending disputes and has repeatedly offered Pakistan a “No War” declaration as a proof of her pacific intentions. Even though Pakistan has declined to subscribe to a formal declaration of the kind, it is open to her to remove all doubt as to her real intentions by publicly eschewing the use of force as an instrument of policy. This however, she has not so far done, although references to Kashmir have been progressively in less bellicose vein, the emphasis now having shifted to a fair and just solution by negotiation.

10. There is already a cease-fire agreement in Kashmir; nevertheless, military forces are deployed on both sides of the cease-fire line because of the element of mistrust which dominates the situation and which has not been helped by Pakistan’s sabotage activities. Pakistan therefore still has an opportunity to prove its bona fides by agreeing to our standing offer of a “No War” declaration or “non-aggression” pact. In that event, President Ayub Khan’s privately expressed concept of “joint defence” could automatically come into operation, without any formal agreement or even understanding. There are of course inherent difficulties in devising any joint security arrangements between two countries following such widely differing foreign policies, quite apart from India’s justified aversion to such military groupings.

11. In this context, it would be as well to recall that although the Dawn has poured cold water on Shri Jayaprakash Naraya’s suggestion for a confederation between the two countries – a suggestion which is plainly Utopian in the present state of relationships – nevertheless, the idea has attracted some attention here, primarily in the context of the Kashmir dispute, and secondarily in that of “joint defence”.

12. One hopes that a closer examination of the empty slogan of “joint defence’ will reveal to the Americans its inherent impracticability; if, however, they could be persuaded about the solid advantages attending a “No War’ declaration, a very useful purpose would have been served particularly if they, in turn, could induce their Pakistani ally to adopt the idea. While from may determine content, the converse is not always true; the Americans, who unfortunately are too prone to political dogmatism, may yet be persuaded to prefer the substance to the shadow.

13. Kashmir

It is believed that Governor Akhter Hussain, aided by the loquacious Khurshid, “President’ of the so-called Azad Kashmir Government, has been commissioned to prepare a brief on Kashmir. The brief will naturally follow the familiar pattern of insistence on a plebiscite in conformity with the U.N. Security Council Resolutions. It should, however, be evident to the Pakistanis that such an approach would be self-stultifying. Preening themselves on their sense of realism as they are wont to do, they should realise that any useful approach must be based on the factual situation as it exists in Kashmir today. This would rule out all previous approaches including Sir Owen Dixson’s partition-cum-plebiscite proposal and Dr. Graham’s last cumbersome efforts. Equally to be ruled out would be any idea of independence or of a condominium, which Selwyn Lloyd had mentioned to me in Belgrade over two years ago although he seems to have passed it on the Americans since. The only negotiable position would therefore be on the basis of the status quo with a view to achieving if not a permanent solution, at least some form of modus vivendi.

14. The question therefore is, would Pakistan be prepared to open discussions on the basis of the status quo? As I have reported earlier, there have been some indications of dawning awareness that a new approach alone can be expected to yield any fruitful results. The “package deal” concept could possibly play a part in Pakistani appraisal of the problem. Such an approach has paid dividends when applied to the eastern border problems and it may well inspire the forthcoming western border talks as well. Used as they are to thinking in terms of their military jargon, the present rulers of Pakistan are concerned about the proximity of their new capital of Rawalpindi, and the nerve centre of their military installations, to the cease-fire line. We have heard of their anxiety about a widening of the salient in that sector, which incidentally would provide them with much-needed forested areas. I may here recall the revealing talk which T.N. Kaul had with the Pakistani President’s Secretary, Shahab in Tehran recently, when Shahab spoke of Pakistani preparedness to negotiate on the basis of the cease-fire line with necessary adjustments. Could the re-alignment of our position in the Patharia area be used as some kind of a
paralled for some modifications along the south-western angle of the cease-
fire line in Kashmir?

15. In this context it might be recalled that the statements by General Cariappa and C.C. Desai referring to the possibility of a solution of the Kashmir question on the basis of the ceasefire line have been published here without any comment, although one might have expected a spate of vituperation. It was only recently that the Dawn pointed out that no settlement in Kashmir was possible on this basis, but its words seemed intended more for the record than to serve as a warning.

16. Ikramullah hinted the other day that after the settlement of the Canal Waters question, the Pakistani Government would expect talks to commence on the Kashmir issue. Eisenhower is bound to arrive in Delhi with his ears ringing with the Pakistani case in Kashmir; one cannot say if he will merely be a polite listener or whether he will try to ascertain the minimum negotiating position which the Pakistanis are prepared to accept. President Ayub Khan is believed to have said that he has a practical solution for the Kashmir question; would he disclose it to the American President in the hope of provoking American interest in and our reactions to it? What that solution is, we do not know, but it should approximate to what Shahab told T.N. Kaul, then some foundation will have been laid for possible negotiations.

(This sections of my letter should be read in continuation of my note* on the Kashmir problem left with you on September 3, 1959.)

OTHER PROBLEMS

17. Referring to other problems between the two countries, the Pakistanis need only point to the beginnings made, the results already achieved and the schedule of talks proposed. A settlement of the Canal Waters question is in the offing and the Pakistan may expect some assurances as to who will meet and how, the heavy expenditure involved. For his part, the American President may well suggest that the last round of the negotiations be speeded up so that the water treaty is signed, sealed and delivered, perhaps at the level of Heads of Government, as soon as possible. This should take care of any hurdles which the Pakistani delegation may still be raising. On the financial issues between the two countries and also in regard to trade relations, the Pakistanis may plead for more generosity on the part of India. On the whole, the Pakistani attempt will be to impress their guests with their initiatives and the sincerity of their desire to repair Indo-Pakistani relations. Such a development would be in conformity with the global aims of American foreign policy. The over-worked

* Note available here
argument about the vulnerability of the area to Communist influence if the disputes between the two countries were to continue, will no doubt fall on receptive ears. Pakistan's modest ambition to play Canada to India's United States will be reiterated in the hope of creating an impact on the mind of the President regarding Pakistani goodwill and sense of statesmanship, before he has an opportunity of hearing the other side of the story.

18. **Pakistan-Afghan relations**

We have already reported fully about the present state of these relations which have recently been at an extremely low ebb. In place of the former hostile statements against Afghanistan, there is a sudden and not very convincing switchover to a more peaceful approach. But President Ayub Khan's self-assumed role as the protector of Afghanistan's political integrity and Islamic religion has further irritated the Afghans, besides showing a surprising lack of political sense and judgement.

19. Attempts will no doubt be made to convince President Eisenhower that in attempting to hug the Russian bear, not only will the Afghans themselves be crushed, but they will also imperil their neighbours, particularly India, which is the real prize. At the same time the Pakistanis would like the American President to use his influence with the Afghans to lower the present tempo of their campaign for Pakhtoonistan and to come to a working settlement with Pakistan. The Afghans, who have been skilful enough to preserve their independence despite the clash of rival empires, may well turn the tables on the Pakistan by getting more American aid but without making any commitments. They may also succeed in making their second life-line through Karachi more secure while retaining that with the Soviet Union.

20. **Strengthening of the CENTO ORGANISATION**

The main lines of the Pakistani approach to this question have already been indicated in our earlier letters on the subject, and I do not wish to encumber this note by repetition. If the principal aim of the Eisenhower tour is to strengthen the understanding with India and other non-aligned countries in the area, the Americans are not likely to fall into the trap of full membership of the ineffective CENTO set-up. They have already been heavily subsidising the three Muslim members and in view of their own balance of payment difficulties and global commitments, they are not likely to increase their existing obligations.

21. **The Communist threat to the general area**

The Pakistanis who sought American military aid in order to speak to India in the language of force are now taking the credit of hind-sight in view of Chinese expansionism and growing Soviet influence in Afghanistan. They may also
point out to Communist activities in the two Bengals about which President Ayub Khan has often expressed some concern.

22. In regard to the Chinese threat, we have already reported on the Pakistani reactions. Although they tend to minimise it, there is no doubt that they feel apprehensive lest the hot breath of the Chinese may next blow their necks. There are reports of Chinese patrols having been seen near the Baltistan border and shepherds being captured and later released. Ikramullah told me that he had asked the retiring Chinese ambassador to agree to the demarcation of the border and the matter had also been taken up orally with the Chinese Foreign Office. Perhaps the Pakistanis feel that the winter having set in, they may have a few months’ respite. But in view of the state of their relations, they can hardly expect that Chinese treatment of them will be any more considerate than it has been towards India. In the polemics between India and China, their private sympathies have been heavily on India’s side while publicly they have as a matter of self-protection, kept aloof. They have not said or done anything to embarrass India in any way at this juncture and the Prime Minister’s strong statement in Parliament has evoked spontaneous admiration and applause.

23. **Pakistan’s achievements under the present regime**

*Increased aid:* Broadly speaking, President Eisenhower’s visit here is being regarded as an opportunity to state the Pakistani case in an attempt to show that Pakistan is a worthwhile ally deserving of continued if not increased support, and every effort will be made to counteract the pressures building up in the US Congress for a reduction in commitments to Pakistan. They would try to demonstrate that continued help to Pakistan, both military and economic, would not in any way come in the way of improvement in relations with India.

24. To overcome the allergy of responsible American public opinion towards military dictatorships, the fraudulent system of “basic democracies” will be presented as an earnest of the regime’s desire for a speedy return to constitutional legality and representational government. Increased support of Pakistan would therefore not mean the buttressing up of a dictatorship but the strengthening of genuine democracy in Pakistan in conformity with the genius of the People.

**CONCLUSION**

25. In conclusion, the Pakistani endeavour will be to dress up the present regime, its basic structure and its external and internal policies, in the most glowing colours in the hope that the impressions which President Eisenhower gathers in India will not appreciably dim his view of Pakistan. It is realized that the central purpose of the President’s visit is to deepen Indo-American
understanding and friendship. In the process, there is a fear that Pakistan will suffer by comparison. Therefore every effort will be made to convince the Americans that continued support of Pakistan will by no means defeat their central purpose, but would in fact advance it.

With kind regards.

Yours sincerely

(Rajeshwar Dayal)

Shri M.J. Desai, ICS.,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

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0308. TOP SECRET

TELEGRAM

From : Hicomind, Karachi.
To : Foreign, New Delhi.

IMMEDIATE

No. 441. December 8, 1959

Desai from Rajeshwar Dayal.

Preliminary reactions to EISENHOWER'S visit and results achieved are as follows:

The visit was more of a pageant than a serious political occasion. Little time was allowed in crowded programme for talks which were confined to some 75 minutes this morning and later during lunch.

As expected, Indo-Pak relations figured prominently on the Pakistani agenda and credit was sought to be taken for the recent initiatives. The Kashmir issue was pressed hard in the vain hope of getting commitments. President EISENHOWER is however believed to have held firmly to his position of non-interference and HAGERTY later stated that it was not the practice of U.S.A. to intervene in disputes to which it was not a party. Minister BROWNE told me that this was not the time to take up Kashmir issue. Only significant reference in Joint Communiqué is to “urgent desirability of finding solutions to existing disputes” among nations of the area. The disappointment in Pakistani circles will no doubt be in proportion to their inflated expectations.
POLITICAL RELATIONS: 1955-1969

The Communique contains the usual platitudes about collective defence arrangements and recognition of the need for continued cooperation between the two countries. It is however pitched at a much lower key than President EISENHOWER’S somewhat fulsome speech at public meeting.

Arrangements for the visit were well organized and large but mostly silent crowds were assembled.

I conveyed greetings to the President who said how much he looked forward to his visit to India although he realized that the time was too short to acquaint himself adequately with the country. I also had a talk with MURPHY and other members of the entourage. My general impression is that while the Americans are gratified with their welcome in Pakistan they are wondering whether it has been altogether worthwhile considering the frustrated hopes they are leaving behind.

Detailed report follows by bag.

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0309. TOP SECRET
Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai on President Eisenhower’s visit to Pakistan.

No. HC/TS/85/59 December 10, 1959.

Subject: President Eisenhower’s visit to Pakistan.

My dear C.S.,

President Eisenhower’s fleeting visit to Pakistan has come and gone, and there is some wonderment as to what it betokened, beyond a very general and no doubt sincere, expression of goodwill. The reception was arranged with military efficiency; Karachi received a much-needed face lift; the public holiday drew large but somewhat undemonstrative crowds to the streets; there were the usual dinners and receptions; a display of horsemanship and of Khattak dances; and in order to demonstrate the “popularity” of the regime, a public meeting at which, surprisingly, there was a wilderness of empty chairs which was not compensated for by the contrived applause led by well-trained cheer leaders.
Although the controlled press had been playing up the visit as a momentous and historic event, it had more the aspect of a pageant than a serious political occasion.

2. In the final reckoning, what has the visit achieved, is a question that is being asked not only by the diplomatists but by the Pakistani public, and indeed by the Americans themselves. If the visit had been limited to its declared purpose, viz., to spread understanding and goodwill and to widen the circle of personal contact, it could have been adduced a success. But the Pakistani Government, through its leader-writers had tried to build it up into a great political event, at which powerful American support would be pledged to further Pakistan interests in her current disputes with her neighbours. On the Kashmir issue, in particular, the hope was entertained that if the American aim was to promote understanding and cooperation in the area, a settlement of the Kashmir question no doubt to Pakistan’s advantage was a necessary precondition. To that end, it was hoped that the U.S. President would interest himself in the problem to the extent of exercising his good offices, if not mediation, in search of a solution on the broad lines of the Pakistani president’s expose. It was a misreading of the purpose of President Eisenhower’s tour to imagine that he would get himself so directly involved in regional disputes, thus defeating the very purpose of his mission. The Pakistani sense of disappointment is therefore in proportion to their frustrated expectations.

3. As the programme shows, comparatively little time was given to serious discussions. There was a formal meeting lasting some 75 minutes on the morning of December 8th followed by talks at a luncheon at the President’s House. There may also have been other snatches of conversation in between the numerous engagements. The Pakistani views on their problems were fortified by voluminous memoranda, which will no doubt engage the attention of the army of white House advisers. President Eisenhower seems to have confined himself to giving a polite ear to the Pakistani case, while replying in terms of generalities and soothing expressions of goodwill.

4. The topics discussed, and, as far as we have been able to ascertain, the general approach, approximated to that indicated in my previous letters on the subject.

5. Indo-Pakistani questions, as expected, took up a substantial portion of the time, not only because of their intrinsic importance to Pakistan but also because of their connection, howsoever indirect, with the questions of Pakistani-Afghan relations and the threat from the north. The American attitude was to express satisfaction at recent improvement in Pakistan’s relations with India and to lend encouragement to the continuance of the process of negotiation.
The Americans stressed the importance of the early conclusion of the canal waters’ talks. This was confirmed when I asked Shoaib last evening as to how the Washington talks were progressing. He replied that his information was that good progress was being made and that attention is now being given to the drafting of the treaty. When asked if Pakistan had introduced any new proposals in regard to the three western rivers, Shoaib said that greater precision concerning future uses was sought without raising any new points of substance. Winthrop Brown who had come up Karachi from Delhi for the occasion, said that any attempt to lay down in detail what could not be accurately forecast would raise more problems than it would solve, and he thought that the Indus Waters’ Commission could take care of any new situations which might arise. I gathered the impression that American influence was being exercised in the direction of speeding up the process of completing the draft of the treaty. The Australian High Commissioner thought that the Pakistanis had no alternative except to drop or modify their last ditch positions, so as not to delay the final accords.

6. On the Kashmir question, I have already indicated the American attitude at the talks. One of the American correspondents accompanying the President expressed to me his sense of surprise at the Pakistani mis-judgment of the purpose of President Eisenhower’s visit if they expected that he would get involved in the Kashmir question beyond the expression of general sentiments about the desirability of seeking a friendly solution. In fact Winthrop Brown went further when he told me that the present handling of Indo-Pakistani problems is best calculated to produce the desired results. This step by step process, after consolidation of the ground, is better by far than any precipitate attempt to jump the fences. He emphasized the need to take up each issue as it came so that the momentum generated would facilitate further progress. He strongly stressed that this was not the time to take up the Kashmir question. By this I gathered that the remark bore reference not only to the step by step procedure but also to the situation along the northern border. The U.S. President has already expressed his sympathy and concern over that situation, which might well be a protracted one. In that case the American view seems to point to the need for keeping the question dormant for the time being. This would imply not only an easing off of the propaganda barrage, but also a cessation of Pakistan’s sabotage activities as well as the exercise of general restraint. At the same time it could imply the consideration of arrangements to soften the respective positions with a view to promoting an ultimate solution, by allowing trade across the cease-fire line and possibly also controlled tourism. Even between East and West Germany, where the situation is fraught with grave
consequences to world peace, the flow of trade is now very considerable and there is a substantial exchange of visitors, besides other forms of contact. This example may have some influence on American thinking.

7. On the Kashmir question specifically, the joint communiqué of the two Presidents is silent and the nearest that it approaches to it is in the reference to “the urgent desirability of finding solutions to the existing disputes” in the area.

8. Although Pakistani correspondents tried hard to draw out Mr. Hagerty on the Kashmir question, he only provided a corrective to the exaggerated suggestions made by his opposite number, Brig. F.R. Khan. We understand that Hagerty later pulled up the Brigadier sharply for offering interpretations which were completely at variance with the correct American position.

9. All that President Ayub Khan could disclose on the subject was that his distinguished guest “wished well” for the settlement of the Kashmir problem, adding that President Eisenhower’s visit to New Delhi “may help in the settlement of the question”. He did not however reveal whether any proposals had been put forward. “How could any proposals be put forward unless the other party was prepared to talk?” he added.

10. This is all that the Pakistanis could get out of the Americans on the Kashmir question and they may well be wondering whether the effort was worth while. It should have been clear to them from the start that they were engaged on a vain errand. All that they did succeed in doing was to compel the Americans to destroy all Pakistani illusions on the subject, so that no impressions might remain which would defeat the central purpose of the visit, namely, to develop a closer and friendlier understanding with India.

11. One may hope, therefore, that in regard to Indo-Pakistani relations, the U.S. President’s firm handling would induce in the Pakistanis a mood of greater realism and sobriety. Frustrated in their aim to their American ally to intervene, they have no option but to accept the US President’s advice, namely, to seek direct settlements with India. This is a tremendous contribution which the US President has made towards promoting better Indo-Pakistan relations.

12. To compensate for the Americans’ lack of responsiveness to the Pakistani overtures on Indo-Pakistani problems, the Pakistanis have been offered some consolation in other directions. On the question of economic aid, we understand, impressed by Shoaib’s lucid and convincing exposition of the Pakistani economic situation, the need has been recognized for continuing, if not increasing, the present scale of US aid. This would denote more active steps by the Administration to back up their aid proposals in the US Congress than
have been made in the past. On the question of military aid also, the Pakistani position seems to have been strengthened because of the Chinese threat and growing Russian influence in Afghanistan. If any addition to the existing scale of military aid is made, the Americans would perhaps like to reassure India by offering her the sale at concession rates of any war material that she might ask for.

13. President Ayub Khan’s thesis on the growing military vulnerability of the sub-continent as a result of Soviet road building and other activities, is believed to have fallen on receptive ears as it is in line with America’s own policy of “containment”. As regards the Pakhtoonistan issue, the Americans would no doubt wish it to be kept quiescent, as part of their general policy of maintaining the status quo in the area, unless it is changed by voluntary agreement between the parties concerned. It will however not be easy to persuade the stubborn Afghans to retract from their position, their attitude being no doubt influenced as well by their internal situation. It may indeed be discovered that the difficulties with the Afghans are more intractable than those with India. This would incidentally also demonstrate to the Americans how illusory is the bond of religion, a concept on which their policies in West Asia have been largely based, which has been crumbling from year to year.

14. On the question of the Chinese threat from the north, Pakistan’s “practical” approach has met with approval. To the Americans it must have been obvious that to strengthen Pakistan’s defence in the north, some thinning out along the cease-fire line and the Indian frontier would be inevitable. This in turn would be dependent upon some softening of the Kashmir issue. In the face of the grave common danger from the north which casts its shadow over the security and integrity of both countries, the Indo-Pakistan differences, which are not of so basic and insoluble a nature, should be sorted out and peacefully resolved, or else kept in abeyance until the proper time. The existence of this common danger might in fact, itself act as a solvent of the more stubborn disputes. This was the broad view advanced by the Americans in response to President Ayub Khan’s thesis.

15. On “joint defence” the communiqué has been discreetly silent. The Pakistani President no doubt expatiated on his ideas, whose basic inconsistencies have been sufficiently exposed by Indian public utterances. To clear their own minds, the Americans probably asked for clarifications and after their talks in New Delhi, their perspective will receive the necessary correction.

16. The reference to CENTO and SEATO in the communiqué did not exceed expectations, except those of the Pakistan, who found their ally as reluctant as ever to agree to full membership of the former.
17. As regard Pakistan’s internal political structure, the Americans listened politely to Qadir’s disquisition on the so-called “Basic Democracies” and Pakistan’s plans to frame a Constitution. It must have been clear to them how far Pakistan was from any form of representational Government; this is reflected in the carefully non-committal reference to the subject in the joint communiqué. All that the Americans could concede was that here was a regime struggling against tremendous odds, with an unenviable legacy, trying in all sincerity to keep the country afloat. But Pakistan could hardly be regarded as a bulwark of democracy or as an example for other Asian countries to follow.

18. To sum up, President Eisenhower’s visit to Pakistan will shatter many illusions, and will force Pakistan in the direction of greater realism based upon her intrinsic worth and strength, and may induce a revision of values. From India’s point of view, the visit must be welcomed as it will serve to highlight the tremendous contrast between the two countries; and reveal in sharp focus the relative importance and stature of each, both internally and internationally. The largest democracy in the world will overshadow the struggling military dictatorship, thus counteracting the tendency to create unrealistic political understanding will be generated in the American mind, which will further the cause of regional reconciliation and international understanding, and thus promote the common aim of building a stable and lasting peace in the world.

With kind regards,

Yours sincerely

(Rajeshwar Dayal)

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.
Record of a talk between President Eisenhower and Prime Minister Jawaharlal Nehru.

New Delhi, December 10, 1959.

The Prime Minister and the President had a talk between themselves for about three quarters of an hour. They then sent for their respective advisers - Mr. Murphy and Ambassador Bunker on the US side and Secretary-General, Ambassador Chagla and me (Foreign Secretary) on our side. The following is a brief record of the talk which took place in our presence.

Prime Minister said that India had no direct interest in the world problems except insofar as these problems affected India.

President Eisenhower spoke about a rapprochement between India and Pakistan so that neither side wasted its limited resources. They should not also be engaged in looking at each other across the cease fire line. He added that there was much in common between India and Pakistan. He instanced the relations between the United States and Canada. They are two friendly neighbours and the frontier between the two countries presents no problem. India and Pakistan, he said, should not use force to settle their disputes but negotiate.

Prime Minister agreed. He said that in many ways India and Pakistan were even closer than U.S.A. and Canada. The old bitterness between the people on two sides is now almost gone. It is possible for politicians to rouse feelings again. There are senior officers in Pakistan who have close relatives in high positions in the Government of India.

President Eisenhower said that he was not trying to mediate between the two countries. He does believe, however, that satisfactory arrangements can be reached through diplomatic means and not by public men on both sides, shouting at each other. In Pakistan, thinking is too much in public. President Ayub had asked President Eisenhower’s advice. The people of Pakistan are excitable.

Prime Minister said that some satisfactory agreement regarding the border problems is possible to achieve. In fact, as agreement it has been reached in regard to the Eastern border. Since then there has been no trouble there. In January the problems of the Western border will be discussed. Financial issues were also under discussion. In regard to the Canal Waters, an agreement had practically been reached. Pakistan has, however, raised entirely new points. In the earlier discussions, an agreement had been reached that the transitional period would be limited to ten years. Pakistan now wanted the period to be
extended indefinitely. Pakistan, Prime Minister remarked, had no urge for settling the Canal Waters issue because they could continue to get water from India.

President Eisenhower said that President Ayub was genuinely anxious to reach an agreement. Prime Minister said that apart from these unforeseen difficulties, it would have been a big thing if an agreement on Canal Waters could be reached.

Prime Minister then said that he wanted to be quite frank. He wanted to be fully assured that Pakistan would not stab India in the back while India was engaged in dealing with China.

President Eisenhower said that he would be in office for another 14 months. “I give you guarantee that we would not allow Pakistan to do so. I have told Ayub that anybody using our arms will have us on the other side”. Mr. Murphy added that Ayub had scoffed at the idea of using American arms against India.

Prime Minister then referred to Ayub’s objection to India’s dealing with China in regard to Ladakh and referred in this context to Pakistanis note to Secretary-General. President Eisenhower stated that his impression was that Ayub was a pro-gressive and forward looking person. President added that he could assure the Prime Minister that no US Government will forsake the present policy. Pakistan had only 10-day supply of ammunition. They could not get any ammunition from us if they took aggressive action against India. Pakistan, President added, would accept any reasonable settlement. The Pakistan Government had not complained to him that Indians were unreasonable and selfish.

Discussion then turned on Afghanistan. Pakistan said two or three years ago that two or three brigades of Pakistan could take Afghanistan. It would be a sort of police operation. President Eisenhower said that he had the impression that a feudal family was running Afghanistan. Prime Minister’s impression was that King Zahir was a progressively inclined person. For the first time, women have come out of seclusion. President Eisenhower said that in Turkey he saw veiled women this time.

Prime Minister then referred to Khrushchev’s message which the Soviet Ambassador delivered to him on the eve of President’s visit. Khrushchev, he found, was anxious for peace and a summit meeting. He also laid stress on disarmament and abolition of nuclear tests, the Soviet Union was strong, Prime Minister added, but knew that if she can destroy others she cannot escape destruction. Hence, her urge for peace. President Eisenhower said that a summit meeting could not solve all the problems. At the summit, only general principles could be laid down, the President would not have time to discuss details at the
summit and without detailed discussion no firm agreement is possible. All the same, he had agreed to a summit meeting for two reasons - (1) To test how sincere was Khrushchev about peace and settlement, and (2) There is hope and belief in many countries that a summit meeting would settle the international problems. The President did not want to disappoint these hopes.

Khrushchev told Eisenhower that the principles of Marxism were immutable, but the Soviet Union had to take account of changed times. The President believed that the Soviet objective of world domination still remained. But for 10 or 15 years they certainly wanted peace. Eisenhower then referred to his talk with Khrushchev. Whenever Stalin's name came up, Khrushchev attributed all past mistakes to him. Khrushchev told the President that they (the Soviet Government) did no longer send people, with whom they disagreed, to camps in Siberia. Such people were either sent to do useful jobs where they could not do any harm or they were pensioned off. Thus, Zukhov had been given a pension. He was now writing a book on fishing. Khrushchev talked in very general terms, but when it came to discussion of details, no meeting ground could be found.

(S. Dutt)
23.12.1959

❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖
Note by Commonwealth Secretary to the Prime Minister about the possibility of Prime Minister's visit to Pakistan.

New Delhi, January 15, 1960.

Ministry of External Affairs

1. I do not know whether P.M. has seen the articles written by the Indian Pressmen who went on a tour of West Pakistan with the Pakistan President. I am placing below three articles written by Rangaswami of the Hindu and two written by Khushwant Singh.

2. Apart from the various points made by the Pakistan authorities to visiting Pressmen, P.M. must have learnt from Minister Swaran Singh that the Pakistan leaders, while stressing their desire to improve Indo-Pakistan relations, frequently mentioned that they have taken the initiative and gone more than half way and that it is for India to respond to their gesture. When Minister Swaran Singh called on President Ayub Khan, the latter did not specifically mention this point though he suggested in various round about ways about the importance of a meeting between him and P.M. P.M. must have seen from the Foreign Press Reviews that this point is constantly harped upon by the foreign press and the diplomats. Rajeshwar Dayal had mentioned this point in his various letters in the past and we have told him to explain to the Pakistan authorities that we have to wait for a suitable opportunity for a meeting between the Prime Minister of India and the President of Pakistan as another ‘fuel’ halt of the type of 1st September, 1959, would hardly be a proper response.

3. A meeting between the Pakistan President and P.M. could be informal, semi-formal or formal with specific agenda for discussion. As informal meeting could be a fuel halt en route or a visit during an informal occasion like the Horse Show Week in February. A semi-formal meeting could be a meeting to sign the Canal Waters Treaty or some Indo-Pakistan Agreement of sufficient importance. A formal meeting would have to have a specific agenda and some indication as to the questions to be discussed. The latter would inevitably include Kashmir.

4. During the last few days, various informal approaches have been made to Rajeshwar Dayal, to me and, I believe, also to Minister Swaran Singh about the desire of Pakistan authorities to invite some VIPs from India to the Horse Show at Lahore in February. We have generally indicated that none of the Ministers can easily leave during February as Parliament will be in session and, so far as a visit to the Horse Show is concerned, it will be more suitable to invite people who are interested in Polo or who are intimately connected with
horse breeding and horse racing. It is clear however, that the Pakistan authorities will be only too glad to invite P.M. if he can spare a day or a day and a half to visit Lahore during the Horse Show Week.

5. I would request P.M. to consider the suggestion to visit Lahore and Rawalpindi for a day some time during the Horse Show. This will be purely an informal visit during a sports week which would redress the grievance of Pakistan authorities about response from our side to President Ayub's gesture of September 1, 1959, and yet avoid any exaggerated expectations regarding any serious political discussions. The Horse Show Week is from February 17 to February 25, 1960, and if P.M. considers the suggestions worth pursuing, I could easily drop a hint to the Pakistan authorities through Rajeshwar Dayal.

Sd/- M.J. Desai
15.1.1960

Prime Minister

PRIME MINISTER’S SECRETARIAT

I am not quite sure about the dates of visiting dignitaries to Delhi. You might make sure who are coming in the third or fourth week of February. That time is rather a difficult one because of our Budget Session of Parliament. The most I could do is to go for a day, say on Sunday, 21st February, returning by the 22nd evening. If you think this is worthwhile, you any mention this to Rajeshwar Dayal.

Sd/- J.Nehru
16.1.60

✦ ✦ ✦ ✦ ✦
My dear C.S.,

As a President Ayub Khan had just arrived in Karachi for a brief stay prior to his departure for East Pakistan on a week’s tour, I took advantage of the opportunity to call on him last evening. The President expressed his happiness at the outcome of the border conference and he offered his congratulations on its success. He immediately added, “What about the last question?” I replied that it would not doubt be taken up when the time came and we left it at that. This confirms my belief that immediately on the conclusion of the Canal Waters’ negotiations; Pakistan would make approaches for talks on the Kashmir question.

2. Regarding the recent talks, President Ayub said that he had been pleased to meet Sardar Swaran Singh, who has impressed him by his practical and straightforward approach. As desired by Sardar Swaran Singh, I mentioned to the President that his offer of Sui gas and surplus water from the Giddu Barrage had been much appreciated in New Delhi and the matter was under consideration. The President said that so far as Sui gas was concerned, its supply would present no great problem, but he was not sure about the gradients in the Jaisalmer area and if it would be possible for water from the Indus to be taken by gravity flow where it was required. He thought however that a solution could be found and that one crop could be enabled to grow in the Jaisalmer area, where the rainfall was negligible. He suggested that a working party be appointed to examine the matter from the technical viewpoint.

3. The President said that he would be glad if some members of Pakistan’s Capital Commission could be allowed to visit Chandigarh at our convenience, so that they may learn something from our experience. I told him that we had already received a letter from the Foreign Office about this and had referred the matter to Delhi. I said that we would be glad to share our experience with the Pakistan Government. Sardar Swaran Singh had made this offer to General Shaikh when he took the Pakistani delegation to Chandigarh during the recent border talks. The Pakistanis have certainly acted with speed in following up that offer.
4. I mentioned to the President that Sardar Swaran Singh had told General Shaikh that we would welcome a group of senior Pakistani ministers visiting some of our development projects, to which the President replied that he appreciated our gesture and that he would keep it in mind.

5. Our talk next turned to the Canal Waters' question and the President observed that things seemed to be going all right and that the matter should be settled within the next month or two. At present the lawyers were engaged on examination of the draft. He shared the view that a settlement of this question would benefit millions of people on both sides. In view of its intrinsic importance, it 'deserved formal signature at the highest level', he observed. I said that was also our view and that when the time came, we could take up the matter. This indicates that the President is also thinking in terms of a summit meet for the purpose of signing the Canal Waters' treaty.

6. As regards the financial talks, the President said that they had been going well enough apart from a difference of opinion regarding tax arrears and defence stores accounts. He had heard that our Finance Minister would be free to meet Mr. Shoaib about the middle of March; I offered confirmation with the remark that I hoped that by that time some understanding would have been arrived at in regard to the matters which the President had mentioned.

7. On the question of visa policy, I mentioned that there was a common expectation that travel between the two countries would become easier. The President said that while he appreciated this, there were certain difficulties for Pakistan, particularly in regard to foreign exchange. He thought that visits by persons of consequence had a good effect and that these should be encouraged. Of course there were many Muslim Pakistani's who had their families on the other side and it was natural for them to want to visit them. The East Pakistani Hindus were similarly situated. While this human problem could not be ignored, unrestricted travel would be difficult considering the state of Pakistan's finances. Nevertheless, unnecessary harassment in reporting to the police, etc., served no useful purpose and such vexations should be removed. The President suggested that I have a word with General Shaikh and Shoaib. I said that I would do so, but I was already in contact with the Foreign Office for a preliminary exchange of views and was waiting to hear from them as to when they would be ready with their proposals. I gathered the impression that there is some reluctance to liberalise the visa rules and the delay by the Foreign Office to enter into discussions is therefore not fortuitous.

8. The President was well-informed on the matters that were discussed and no words were wasted on either side by way of explanation. I felt however that he entertained some reservations regarding the response from our side, although he did not make any direct comment. What the Pakistanis are anxiously
awaiting is some indication regarding a summit meeting; some speculation in
this regard appeared in the Pakistani press a couple of days ago to which a
denial was rather pointedly issued. Although the resolution passed by the All
India Congress Committee welcoming the improvement in relations with
Pakistan has received appreciative notice here, there is a feeling that the
exchange between the two countries will be more equally balanced only by a
top-level meeting.

With kind regards,

Yours sincerely

(Rajeshwar Dayal)

Shri M. J. Desai, I.C.S.,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

0313.
SECRET
Letter from Commonwealth Secretary M. J. Desai to High
Commissioner Rajeshwar Dayal.
New Delhi, January 18, 1960.

D.No.76-CS/60 18 January, 1960/Pausa 28,1881 Saka

My dear Dayal,

I hope you are feeling better now and the strain of the previous week, which
brought on giddiness on the last day when you were in my room, has gone.

2. You will remember the enthusiasm with which Shafqat and others were
pressing invitations on us for the Horse Show Week. I believe I mentioned to
you that the guest they really want to invite is the Prime Minister. I enclose, in
this connection, copy of a note I submitted to P.M. on 15th January and P.M.’s
orders thereon.

3. I have ascertained that, despite the numerous dignitaries who descent
on Delhi at this time of the year and the rigors of the Parliament Budget Session,
it is possible for P.M. to go to Lahore for a day, leaving some time on Sunday,
21st February and returning on 22nd evening.

4. I would leave it to you to deal with the matter further is your inimitable
style so that, like the September 1, 1959, meeting at the airport, the Pakistanis can adopt the idea as their own brain wave and seek your cooperation in getting this through.

5. I understand that several foreign dignitaries will be in Lahore during the Horse Show. The names I have heard are the Turkish President or Prime Minister and the Shah of Persia and his new wife. There may be others. The fact that there are other foreign visitors would suit us very well because, apart from the informal nature of the visit to a sports function, the presence of other foreign visitors would eliminate any exaggerated political expectations from this informal contact between Prime Minister and President Ayub Khan.

With kind regards,

Your sincerely

(M.J. Desai)

Shri R. Dayal,
High Commissioner for India, Karachi.

0314.

SECRET
Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai.

High Commissioner for India
Karachi

No. HC/8/60

My dear C.S.,

Yesterday when I went to see Ikramullah on a routine visit, he referred to the speculation in the Pakistani and Indian press regarding a possible meeting between President Ayub Khan and our Prime Minister sometime before the Commonwealth Prime Ministers’ conference. Ikramullah said that although the Foreign Office had to issue a formal denial, the general approach to the question appeared to be a positive one. Speaking off the record, he thought that the signature of the Canal Waters’ treaty should be at the highest level and this would provide a good occasion for a top-level meeting. He added that he would take up the matter with Manzur Qadir on his arrival here in a few days so that
preliminary soundings may be made. Assuming that some such arrangement may be acceptable in principle, the question of timing of the visit is of importance. Knowing the Prime Minister’s preoccupations with parliament and elsewhere during the likely months, the best time would perhaps be over a week-end.

2. The line that I took was in accordance with the talk you had with me on the 13th January, just before I left Delhi. It seems evident that Manzur Qadir may wish to discuss this matter with me. I would therefore be grateful if you would send me immediate instructions for my guidance in case the matter is raised on the lines indicated by Ikramullah.

3. It is also for consideration whether in view of the fact that President Ayub Khan’s Palam visit was only in the nature of a courtesy call, the pattern set by the recent border conferences for an immediate return visit may be followed. This would have certain advantage, for, apart from meeting the requirements of protocol, it would generate a considerable amount of goodwill in both countries.

4. Qadir is due in Karachi from Dacca on the 24th January. He will be present at our Republic Day function and for the formal opening of the Chancery, and will leave for Rawalpindi on the 27th January.

With kind regards,

Yours sincerely

(Rajeshwar Dayal)

Shri M. J. Desai,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.
Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai.

Karachi, January 24, 1960.

No. HC/TS/2/60

My dear C.S.,

I am grateful to you for your letters No. 26/CS/60 of 18/20 January and No. 27 CS/60 of 20 January regarding the question of a return visit by the Prime Minister to Pakistan, to which I have given very careful thought.

2. There has been no indication here that the Foreign Office has been thinking in terms of inviting the Prime Minister to Lahore on the occasion of the Horse Show. At my recent meeting with Ikramullah, when he raised the question of the Prime Minister's visit in view of the spate of press speculation, he never hinted at the possibility of the Horse Show being utilized for the purpose. I do not know, therefore, on what basis Shafqat was throwing out his feelers although I shared your feeling that he was angling for something. The President mentioned to me that General Thimayya and some others had been asked but he too did not hint at the possibility of an invitation at a higher level.

3. The Horse Show week is going to be a gala occasion at which the principal performers will be Pakistan's CENTO allies, namely, the Shah of Iran and his new bride, who are coming on an official visit, and the Turkish President whose visit has been described as unofficial. I myself wonder if it would be advisable for our Prime Minister to be mixed up with this somewhat motley crowd. His presence, however brief, along with the Heads of the three Muslim partners of CENTO might conceivably give rise to all kinds of unhealthy speculation. Then there would also be protocol difficulties since the Shah and the Turkish President are Heads of States. The star attraction at the Horse Show is likely to be the Shah's young Queen who no doubt will receive all the plaudits of the crowd.

4. I further doubt if the Pakistani authorities will be able to make the necessary arrangements on that occasion on a scale befitting our Prime Minister. President Ayub Khan told me that accommodation in Lahore will be very short during the time and he thought that guests would have to double up in hotel rooms, etc. Moreover, the Week runs from February 22nd to 27th, and the dates mentioned by you would not apply. A visit to Lahore during Horse Show Week would therefore be both awkward and impracticable.
5. All this points to the signature of the Canal Waters treaty as the best possible occasion for a summit meeting. The fact that the ceremony is to take place in Lahore would emphasize to the world the tremendous sacrifices which India is making in order to achieve a settlement. It would also follow the pattern set in 1948 when the Prime Minister signed an agreement on the distribution of Canal Waters with Liaquat Ali Khan. It would further demonstrate that the settlement is the result of a voluntary understanding between the two countries, and not the product of outside prompting, persuasion or pressure.

6. The Pakistani public are waiting for an opportunity to display their respect and admiration for our Prime Minister and they would not like the welcome to be diluted in any way as would be the case if the visit were to be combined with that of the Iranian and Turkish dignitaries.

7. From the point of view of our interests also, a visit to Lahore for the final settlement of the Canal Waters question would pay rich dividends in creating an upsurge of goodwill in this country. That would in itself help to take some of the sting out of the Kashmir question.

8. The Lahore visit could, as suggested by Ikramullah, be confined to a brief week-end. At the same time, I would favour an immediate return visit by President Ayub Khan, not so much to equalize the score as to demonstrate to him the magnanimity and goodwill of India’s leaders and people towards Pakistan. Here we would be adopting the useful pattern set by the two border talks.

9. So far as the Kashmir question is concerned, we could take it that however brief may be any meeting between President and Prime Minister, and whatever the occasion, it will be raised in some form or other by the Pakistanis. And, during the Commonwealth Prime Ministers’ Conference again, it is sure to be raised. Substantive discussions need not take place on those occasions, and they could be postponed to a later date, say, in July or August. It may even by thought desirable to have a preliminary exchange of views between the Pakistani Foreign Minister and perhaps the Home Minister on our side. That would give us some indication if a negotiable position has developed on the Pakistani side based upon the factual situation.

10. Although I recognize the merit of your suggestion in meeting the Pakistani clamour for a return visit, there are other factors which would supervene. I would therefore request you to give them urgent consideration, and if it is felt nevertheless, that the suggestion should be pursued, I would be grateful to have immediate telegraphic confirmation. Manzur Qadir will be here from January 24th to the 27th, which would provide me with the necessary opportunity of making appropriate soundings.
With kind regards,                      Yours sincerely,

(Rajeshwar Dayal)

Shri M.J. Desai, ICS.,  
Commonwealth Secretary,  
Ministry of External Affairs, New Delhi.

0316. TOP SECRET
Letter from Commonwealth Secretary to High Commissioner Rajeshwar Dayal.
New Delhi, January 25, 1960.

No. T.69 – CS/60 January 25, 1960/Magha 5, 1881 (Saka)

My dear Dayal,

Please refer to your letters No. HC/8/60 dated 21st January and No. HC/TS/2/60 dated 24th January, 1960.

2. I have sent you a telegram on the points raised in both the letters.

3. As regards the meeting between P.M. and President Ayub Khan to sign the Canal Waters treaty, P.M. though heavily occupied, will try to find a couple of days and visit Lahore or Rawalpindi, as the case may be, to sign the treaty. From all indications, however, it appears that the treaty will not be ready for signature till some time in April, 1960 or a little later. In view of the Commonwealth Prime Ministers’ Conference scheduled to start on 3rd May the signing of the treaty may well be after the Commonwealth Prime Ministers’ Conference. It was for this reason that we thought of getting the return courtesy visit out of the way earlier but, in view of the complications created by the presence of the Shah of Iran and others during the Horse Show Week, we have accepted your advice and dropped the plan of a return visit during the Horse Show Week.

4. You have, both in your letter of 21st and of 24th January, stressed that the visit by P.M. to Lahore should be immediately followed by a return visit by President Ayub Khan to Delhi on the pattern set by the two border talks. The pattern of border talks, which were held partly in one capital and partly in the
other, is hardly relevant to a meeting between Prime Minister and President Ayub Khan. As a matter of fact, P.M. would prefer that there should be a decent interval between his visit to Lahore or Rawalpindi and another visit by the Pakistan President as the nature of the problems that they would discuss at their level does not admit of a rush solution within a fixed time schedule which we deliberately adopted for the border talks.

With kind regards,

Yours sincerely

(M.J. Desai)

Shri R. Dayal.
High Commissioner for India in Pakistan.
Karachi.

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0317.  TOP SECRET
Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai.

New Delhi, January 28, 1960.

High Commission for India
Karachi

No. HC/TS/3/60 January 28, 1960

My dear C.S.,


2. I had long talks with Manzur Qadir on the 25th and 26th January on various matters, and yesterday again, at his and Ikramullah’s request, at the Foreign Office. As anticipated, Qadir raised the question of an official visit by the Prime Minister to Pakistan. Qadir said that his Government were very anxious to invite the Prime Minister on any date convenient to him in March or April, before the Commonwealth Prime Ministers’ conference, and he wished to sound me about the prospects. I informed him that the indication which I had from my talks with the President was that the settlement of the Canal Waters’ question could provide a possible occasion for such a visit. Both Qadir and Ikramullah, who was present, agreed with the reasons which would make a visit particularly
desired on that occasion. Qadir said that so far as the Pakistan Government were concerned, they were in any case anxious to invite the Prime Minister. If linking the invitation to the Canal Waters’ settlement would suit us better, he would equally welcome it. I asked when he thought the agreement would be ready for signature, as I had noticed that he had mentioned at a press conference that the negotiations would conclude before the middle of the year. Qadir replied that he had mentioned the time off hand in answer to a question, but he was himself hopeful that the question would be sorted out possibly by March. He explained that, apart from the points still under discussion, many of the clauses of the treaty had been drafted and were under examination. He added that if any points continued to remain unresolved, he would be prepared to suggest a ministerial level meeting here or in Delhi to clear them.

3. Qadir mentioned that from the point of view of protocol, he did not know if the President could or should sign the treaty, since, in the absence of a Parliament, he was the sole ratifying authority in Pakistan. However, he would get this point examined, but, in any case, whether the treaty was signed by the President and the Prime Minister or by Ministers from either side, the two heads of Government could be present at the ceremony to lend the full weight of their authority to the agreement.

4. Qadir said that on having our reactions, even on a tentative basis, the matter could be taken a stage further. Qadir has left for Rawalpindi, but will be back here on February 7th, when he will probably expect me to give him our reactions.

5. I learn from Ikramullah that Brohi has been asked to convey an invitation to the Prime Minister from the President.

With kind regards,

Yours sincerely

(Rajeshwar Dayal)

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Minister of External Affairs, New Delhi.
0318.  
SECRET  
Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai.  
High Commissioner For India  
Karachi  
No. HC/57/60 February 19, 1960/Magha 30, 1881 (Saka)  

My dear C.S.,  

During the three or four hours that we were in Rawalpindi on the 17th February in connection with the President's swearing in ceremony, I managed to have fairly useful talks with the President, with many of his Ministers and the two Governors, as well as with various officials.  

2. President Ayub Khan looked very satisfied with himself and was inclined to be somewhat pompous unlike his very informal manner in private. But he showed me special friendliness and thanked me profusely when I was among the first to go up to him after the ceremony to congratulate him. Later, during the buffet luncheon, I had a few minutes' talk with him. He expressed satisfaction at the way in which our relations were developing and the progress that had been made in various directions. Regarding a possible summit meeting, he had been informed by Manzur Qadir of our talks. I got the impression however that he seemed skeptical of any real desire on our part for a meeting. He mentioned that he did not wish to cause any difficulties or embarrassment and would understand if there was any disinclination on our part to agree to such a meeting. I made the appropriate noises in order to reassure him....  

Yours sincerely  

(Rajeshwar Dayal)  

Shri M.J. Desai, ICS,  
Commonwealth secretary,  
Ministry of External Affairs, New Delhi  

◆◆◆◆◆
TOP SECRET

Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai.

Karachi, April 14, 1960.

High Commissioner for India
Karachi

No. HC/TS/27/60 April 14, 1960

My dear C.S.,

The news of General Azam Khan’s translation to East Pakistan has created something of a sensation here. We had heard some days ago about the strenuous efforts being made to send him there and of his vigorous resistance to the move. As in the case of General Shaikh, who was at one time being pressed into the West Pakistan gubernatorial gaddi (royal seat), one could not have been certain if the efforts would succeed. Now Azam has had to give in where Shaikh was able successfully to resist. From this certain clear conclusions can be drawn.

2. Azam has been regarded as the main contender against Ayub for the Presidential stakes. One reason for Ayub deciding to attend the Commonwealth Prime Ministers’ Conference was to keep Azam out. And by Azam’s transfer to the eastern satrapate, he will be kept out of acting charge of the office of President as well.

3. Azam’s ambitions are as great as his capacity is limited. His activities have been aimed mostly at capturing the popular imagination. The Korangi refugee colony was a propaganda success but a practical failure. Azam has a weakness for making public utterances which contain more sound than sense. And he, unlike some of his other vocal colleagues, rather pointedly avoids showering praise on the all-powerful President. His bulldozing methods have not won him friends in the Presidential Cabinet. He did however represent the Pathan element in the Cabinet, but he has been outmaneuvered by the Punjabis. His ouster from the inner circle of government clearly represents a triumph of the Punjabi clique, led by Shaikh. Shaikh’s supremacy is now unchallenged, and the Shaikh – Manzur Qadir axis, stronger than ever.

4. Akhtar Husain’s replacement by the Nawab of Kalabagh will mean virtual domination of the military as the Nawab Sahib is little more than a good farmer. Perhaps, Chief Secretary Khurshid’s influence will also increase, as it is well known that he was not hitting it off well with the assertive Akhtar Husain. But the Civil services will regret Akhtar’s departure as he, the senior most Civil Servant in Pakistan, always stood up for the interests of his fraternity, without of course imperiling his own.
5. Zakir Husain’s administration of East Pakistan has come in for a good deal of criticism. The services there are disgruntled, there have been ugly incidents in Tippera district, and Zakir’s differences with Umrao Khan are common knowledge. Now both Umrao and Zakir are leaving. Strangely enough, Umrao, who is equal in seniority to Gen. Musa, has not been promoted Lieut. General. It was thought that Zakir was on his way out of government service – he has had a long enough innings and for a policeman, has done extraordinarily well for himself – but Ayub likes him because of their past association.

6. I am somewhat apprehensive about the future of the East Bengalis in general and the Hindus of East Pakistan in particular with Azam’s transfer there. He is heavy-handed and having the mentality of a sergeant-major, will carry out his mandate to keep the Bengalis in their place in a manner that will drive discontent deeper underground. He has shown little interest in promoting Indo-Pakistan relations, and as Minister for Rehabilitation, was most unresponsive to the grievances of the Hindus.

7. The fact that two Pathans will now rule over East Bengal although Major-General Abdul Rahim Khan is too junior to be effective against General Azam shows that all pretence of consideration for Bengali sentiment has been thrown to the winds. This again reflects the triumph of Shaikh’s views, who when once asked by the previous U.S. Ambassador if a particular measure would be acceptable to the Bengalis, exclaimed “They will bloody well have to lump it”.

8. The recently announced changes also show that despite the outer façade of discipline and unity in the higher echelons of the governmental set up, all is not well within. Some Pakistanis have expressed their concern to me at these developments, as they doubt if Azam will quietly accept his ouster.

9. In the Foreign Office here, Qadir and Ikramullah too have had disagreements and Ikramullah has told me in confidence that he will retire as soon as he can get his family settled. He has the offer of a job in London which he will accept as soon as he can get away. He is keeping extremely bad health, and with the Government away in Rawalpindi, and with a weak staff, the pressure on him is enormous.

With kind regards,

Yours sincerely

Rajeshwar Dayal

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

◆◆◆◆◆
My dear C.S.,

Ikramullah told me on the 16th April about the Prime Minister accepting an invitation to dine with the Pakistani High Commissioner in the U.K., General Yusuf, when President Ayub Khan will also be present. That would provide the two leaders with a fine opportunity to meet each other informally. Ikramullah said that it was a very generous gesture on the Prime Minister’s part, which he felt must be reciprocated.

2. As I had previously reported, there has been a feeling here of a lack of adequate response on our part, which has also been evident from some of the remarks made by President Ayub Khan, and some kind of a gesture had been eagerly awaited. This attitude has to some extent conditioned recent Pakistani behaviour on some of the pending issues. Now that the gesture has been made, it may perhaps lead to some modification of Pakistani complexes.

3. Ikramullah said that he would seize this opportunity to press hard again for some relaxation in visa policy. He complained about the veto being exercised by general Shaikh over this matter and said that his hands had now been strengthened to enable him to return forcefully to the charge. On some other pending issues of smaller consequence also, Ikramullah hoped to bring about a change of attitude.

4. During the last few weeks Ikramullah has been somewhat depressed. He asked me in detail about the financial talks and listened silently to my exposition of the unreasonable attitude adopted by Shoaib and his team. On the question of canal waters also, I told him of my talk with Manzur Qadir and of the narrow legalistic approach adopted by him, which had brought the negotiations to the brink of a breakdown. Again, unlike his usual habit, Ikramullah did not seek to justify or defend his Government’s stand. He is undoubtedly depressed by the recent adverse trends and is hoping that the London meeting might provide the necessary corrective.

5. Ikramullah has confided to us that he might retire at any time, partly for health reasons and partly from a sense of frustration. Contrary to his...
expectations, he has to refer a lot of matters to Rawalpindi where decisions are long delayed or wrong decisions are taken. In one or two cases the Minister had disagreed with his decisions after he had communicated them to the parties concerned. And what is more, Ikramullah is being summoned to Rawalpindi more and more often which he dislikes intensely both for health reasons, as well as because of the pressure of work in the Foreign Office which is badly staffed. The old Ikramullah of post-partition days has gone and in his place there is a sadly disillusioned man. His wife too has undergone a transformation, which has been added by the EBDO proceedings against her uncle, Suhrawardy. Both the Ikramullahs confide to us freely about their personal difficulties and frustrations. He still hopes, within the limits of his authority, to be able to put our relations on the right track before he leaves the service to take up the offer of some post in London. His presence at the Commonwealth Prime Ministers’ conference should, I think, be helpful from our point of view.

6. Qadir’s absence at the London conference is somewhat significant; for one thing, Ikramullah having been in London all these years, has much better contacts. Shaoib will also be accompanying the President, but I hope Ikramullah will be able to hold his own against him, as Shaoib has a somewhat tortuous mind.

With kind regards,

Yours sincerely

Rajeshwar Dayal

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

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Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai.

Karachi, April 25, 1960.

High Commissioner for India

Karachi

No. HC/TS/34/60 25th April,1960/Vaisakha 5, 1882 (Saka)

My dear C.S.,

I acknowledge with thanks the receipt of your letter No. T.521-CS/60 dated April 21, 1960.

2. While the Pakistanis have been taking the line, for which they have gained some sympathy in certain foreign quarters, and of course full support at home, that we have not reciprocated the Palam gesture, they have been secretive about the Pakistani High Commissioner’s luncheon in London on the 4th of May. Ikramullah described the Prime Minister’s acceptance as a very generous gesture on our part. Manzur Qadir the other day wondered whether it would provide an adequate opportunity to the two leaders to meet; I replied that it was certainly an improvement on the refueling stop at Palam. Perhaps the vigilant London press might get hold of the news so as to remove the wrong impression of lack of responsiveness on our part which has been sedulously fostered by the Pakistanis.

3. It is correct that the job which you have mentioned has been offered to Ikramullah. Here we have increasing evidence of friction between him and his Foreign Minister. He complained to me yesterday that Qadir does not pull his weight and is overruled on policy matters concerning relations with India by the Ministry of the Interior and others. He complains of over work and actually suggested to my wife that she mention to Qadir the need for supplying him with an additional Secretary with the removal of the Government to Rawalpindi, Ikramullah is getting more and more out of touch with their thinking and he questions me eagerly whenever I talk to Qadir or any of the Ministers in order to gather information. He is intriguing to prevent Qadir from attending on the President in London and I was surprised to hear from him yesterday that Qadir is himself not aware that a decision was subsequently taken to the effect that his presence was not required! Ikramullah said that Qadir’s intervention in the canal waters’ talks would not be helpful because of his legalistic approach and his habit of creating difficulties where there were none. He thought that it would not be difficult for the President and Prime Minister to agree to a simple workable
formula without introducing the legal niceties which are so dear to Qadir’s heart.

4. I am seeing the President tomorrow at noon when I hope to get some insight into his thinking on the various pending problems.

With kind regards,

Yours sincerely,

Rajeshwar Dayal

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

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0322. TOP SECRET

Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai.

Karachi, April 25, 1960.

High Commissioner for India
Karachi

No. HC/TS/35/60 April 27, 1960/Vaisakha 7, 1882 (Saka)

My dear C.S.,

I called on President Ayub Khan yesterday on the eve of his departure to attend the Commonwealth Prime Ministers’ conference, when we discussed at length the relations between our two countries.

2. The President said that he was still trying his best to carry out the policy of achieving negotiated settlements with India, but things had not been going too well lately and he sought my views as to what could be done to regain the momentum.

3. I replied that while it would be unrealistic to expect a settlement of every problem in the first attempt, the cumulative result of the failure of the financial talks, the bogging down of the canal waters’ negotiations, the failure to hold talks on liberalization of visa policy, etc., had set a reverse trend in motion. In
the present stage of our relations, a state of stable equilibrium was not possible; either we moved forward or we slipped back. This was exemplified by the recurrence of incidents along the eastern border and by a worsening in the tone of the press on both sides. Unless serious note was taken of these adverse developments and a determined effort made to reverse the present trend, it would be more difficult to deal with the problems which loomed ahead.

4. The President agreed generally, adding that the momentum generated after the Palam meeting was now petering out. Surprisingly enough, he sought to place the blame on lack of an adequate measure of responsiveness on our part. I expressed regret that he should hold such an opinion which was far removed from the facts. Indeed, the contrary impression prevailed in India. The President said that he must regretfully say that he had the feeling that India was not anxious to have an overall settlement with Pakistan. When I pressed him to enlighten me as to the basis for his opinion, he said that he felt that we were not prepared even to talk about the Kashmir issue. He added that without some understanding on the Kashmir issue there could be no real normalization of our relations.

5. At this point the President exclaimed: “Look at Mr. (Krishna) Menon’s recent speech in Parliament* we know full well that he always has his powder dry for Pakistan. We know too that he is under sharp attack at home and so has tried to win a few cheap cheers by attacking Pakistan, thereby also attempting to turn attention away from the Chinese menace”. I strongly contested all this, pointing out that we had a Parliament which was in session, where a motion on one aspect of the Kashmir issue had been raised to which the Government had to make a reply. I also pointed to the almost daily effusions of Khurshid, the so called Azad Kashmir “President”, remarking that the less propaganda on Kashmir the better. The President interjected drily: “But there is a great difference between Khurshid and a Cabinet Minister of the Government of India". Realizing that no amount of argument could change his views about the matter, I turned to the wider question which the President had raised.

6. I said that if the President still adhered to his view that there should be a rational and realistic approach to our problems, as declared at Palam, then we should continue to follow the method hitherto employed, namely, to isolate the various problems and to take them up one by one, with each solution generating its own momentum. The President did not dispute this, but he said that he was bound to inform me of the firm impression which he had regarding the inadequacy of our responses.

* Statement on April 23, 1960 in Lok Sabha on a Resolution demanding withdrawal of Kashmir case from the UN.
7. I attempted to controvert this by saying that, contrary to his impression, we had in fact gone out of our way to be helpful, in spite of disappointments. For example, the agreement in principle to allow some through passenger and goods traffic by rail through India was a big concession, as it would be of much greater advantage to Pakistan than any facilities which could be offered to us on the E.B.R. We had also agreed to allow two special trains for Hajis to pass through India from East Pakistan. These were gestures which I felt should not be lost on the President, especially as they were made at a time when we felt that Pakistan’s attitude had delayed or blocked progress in the canal waters’ and financial negotiations.

8. The President then embarked on a discussion of the pending issues. He said he hoped that the financial matters could yet be straightened out, as the positions of both parties were now known to each other and they could adopt a common formula which would help in the accounting. As regards the overall debt settlement (and he tried to distinguish this from the question of current dues), he said that both countries very well knew that neither had the resources to discharge its obligations. I replied that before any method of settlement of the various financial issues could even be considered, proper accounting, based upon hard facts and figures, had to be done. If an unrealistic attitude were adopted, as in the case of the income-tax arrears, no progress was possible. Our Finance Minister had spent no less than a week in Pakistan in the hope of achieving a final settlement, but he had been greatly disappointed at Shoaib’s approach to the problem, which was not realistic and not based on hard facts. The President wondered whether it would be useful to go into the previous income-tax accounts or to make sample checks in order to establish the correct figure. I said that this would be a fruitless exercise and would only cause frustration and delay. The President said that in Pakistan the question of income-tax arrears had been firmly handled by his administration and he seemed to doubt if our Income-tax authorities had been equally severe. I disabused him about this impression whereupon he reverted to his original suggestion of adopting some common formula which would narrow down the differences. I said that Mr. Shoaib was no doubt applying his mind to the problem of how the stalemate could be broken and it remained to be seen when the next round of talks took place, as to whether a common approach could yet be found.

9. The President then referred to the canal waters’ negotiations and said that our figures disclosed a proposed withdrawal of something like 4.5 million acre feet of water from the three western rivers which he thought was excessive, considering that Pakistan had renounced all rights to the three eastern rivers. I quoted some figures to convince him that Pakistan would be securing an overwhelming advantage in regard to the waters of the Indus Basin and that in our common approach to the problem we should take a broad and statesman
like view of the matter. The President hoped that the remaining points could be settled satisfactorily in the next round of talks. As regards article 10, he was hopeful of an acceptable formula being found which could insulate the settlement from the Kashmir issue. I asked his views as regards the place of signature of the treaty and he said that he would still welcome the understandings previously reached in this regard.

10. The President then went on to say that a settlement of the canal waters’ question would impose a staggering burden on Pakistan and for ten long years they would be breaking their backs and straining their human and material resources in implementing the agreement. He said that it was not fully realized what a tremendous task this would entail and the multifarious problems which it would create for Pakistan. They would not only have to deal with the increased menace of water logging in the Punjab but also with the gigantic task of irrigating the desert which provided the only hope of Pakistan’s future economic progress. I said that the task was no doubt a formidable one, but Pakistan would be receiving a million dollars worth of aid and we would be glad to supply cement and other materials to facilitate construction.

11. The Pakistanis are now beginning to realize that such intensive development of their water resources would not be an unmixed blessing. Inflation, which is already high, is bound to increase further. The Pakistanis lack engineering skills and the essential materials and they would be hard put to it to secure them. Ghulam Faruque had asked whether we would be able to help with cement, steel, machines, etc., and also with technical assistance. As the construction programme will have to be carried out according to a fixed schedule, it will certainly impose a tremendous strain on Pakistan’s rickety administrative machinery and economy. With 9 million acres of land water logged, the new canals before they reach the desert are bound to create further havoc in the north.

12. The President went on to say that our countries had a great opportunity now of getting together. The history of the sub-continent, he said, had shown that invaders had always been attracted by internal differences and the same could well happen again. Said he: “What if I, out of a sense of frustration, were to invite the Communists; there would be an immediate danger to India. Or, if there was a breakdown here or in India, the Communists could march straight in”, he said that he had refrained scrupulously from taking any advantage of India’s difficulties with the Chinese and added: “If there had been an unscrupulous man in my place, what would have been there to prevent him from taking the fullest advantage of India’s difficulties?”. I said that while we appreciated his restraint, he must realize that if the Chinese were breathing down India’s neck now, they might be doing the same to Pakistan tomorrow.
Ayub replied that showed that we must make common cause to keep off intruders from the sub-continent. He then went on to expatiate on his theory about the menace from the north. The Russians have been trying to push their way south; first they brought pressure to bear on Greece and having been foiled there, they turned to Turkey, demanding the provinces of Kars and Ardahan. Their next target was Iran which is unfortunately still in a bad way internally. Now the Russians are pressing down on Afghanistan and increasing their influence there hoping to work their way down to the Persian Gulf and the Arabian Sea areas. Their next targets could well be Pakistan and India. On the other side, the Chinese, whose population is growing unchecked, are casting covetous eyes on the rich and sparsely populated lands of Indo-China, Thailand and Burma. Within ten years’ time, this pincer movement might well develop and gain irresistible force, and then we would both be completely cut off. The President said that the trouble with our countries was that our leaders had “never been under fire” – which he repeated several times and we could therefore not appreciate the dangers which loomed ahead. Western statesmen were more fortunate, as they had been through the ordeal of fire and could take a realistic view of the situation. If our countries realized the unhappy fate which awaited us if we continued squabbling with each other, then we would adopt a more generous approach in regard to our mutual problems which after all, in the context of the potential dangers, were of no great intrinsic consequence.

13. I listened to the President’s theses with sole comment that irrespective of our different approaches to the problems on which the President had expounded, we regarded the attainment of just and fair settlements with Pakistan as an objective worthy in itself.

14. I asked the President about his travel plans; he said that he was anxious to return on the 13th May as he had a lot of work to do here, and he could not understand why the Commonwealth Prime Ministers’ conference had been spun out to eleven days. His Begum would be accompanying him for a medical check up, and his son-in-law and daughter for a “jaunt”. He said that he would be moving up to Murree in June and hoped to see us there. I wished him bon voyage and took my leave.

15. The President spoke very frankly and earnestly and without bitterness, but sometimes almost with a sense of resignation. I did what I could to dispel his imaginary doubts and fears. His alarmist views as regards the impending doom which awaits the sub-continent, might receive a corrective when he meets the Prime Minister in London. Although he assured me that he was an optimist and would keep on trying to improve our relations, he left me in no doubt that he strongly felt that it was Pakistan that was being called upon to make all the
concessions and approaches. This seems to be almost an obsession with him, and Brohi confirmed that the President stuck ruggedly to this view, presumably despite his attempts to correct it. The talk showed that Ayub Khan’s general attitude has hardened, though with some exceptions, his approach to individual questions seemed flexible enough.

16. I am sending two copies of this letter in case you would like to forward one to the Prime Minister.

With kind regards,

Yours sincerely

Rajeshwar Dayal

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

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0323. Record of the recommendations of the Meeting of the Indo–Pakistan Information Consultative Committee.

New Delhi, April 27-28, 1960.

Present

Pakistan

Mr. Z. A. Bhutto, Minister of National Reconstruction and Information
Leader

Mr. Afzal Iqbal
Member

Mr. Zain – ul Abedin
Member

Mr. Rashid Ahmed
Adviser

Mr. Abdus Salam
Representative of the Press
In the inaugural session on the 27th of April, 1960, the Leader of the Indian Delegation while welcoming the Leader and Members of the Pakistan Delegation underlined the useful work that had been done earlier by the IPICC. He expressed appreciation of the distinct improvement that had marked the relations between the two countries since President Mohd. Ayub came to power. He commended for the consideration of the Committee an examination of some specific problems such as banning of books and newspapers, prevention of personal and scurrilous attacks on national leaders, facilities granted to agencies and correspondents to enable free flow of news.

2. The Leader of the Pakistan Delegation in reciprocating the sentiments expressed by the Leader of the Indian Delegation stated that there was ground for agreement and common thinking. He thought it was high time that the two countries turned their backs to some of the petty troubles and tried to bring about a mutual sense of harmony and cordiality.

3. The Leaders of the two Delegations asked the Committee to explore ways and means of ensuring greater and continued improvement in the relations between the Press, Radio and other media of mass communication in the two countries so that they could contribute to the solution of outstanding problems.
4. At the meeting held on the 28th April the Committee considered the recommendations of the Sub – Committees on Press, and Radio, Films and Publications. The reports were adopted.

5. It was agreed to release a joint communiqué simultaneously from Delhi and Rawalpindi.

6. Press

(1) The Committee emphasized the important role of the Press in the promotion of better understanding and cordial relations between India and Pakistan. It noted certain trends in a section of the Press in both countries which were not in consonance with the spirit of the Indo – Pakistan Agreements of 1948 and 1950. The Committee agreed that in view of the change in the approach to Indo – Pakistan matters it would not serve any useful purpose to make a detailed examination of the infringements of the Agreements.

(2) The Committee therefore felt that it would be more appropriate to make a fresh start by a detailed study of the provisions of the Joint Press Code adopted by the Press Organizations of the two countries in May 1950. It recommended adoption of the following resolution:

“The Indo – Pakistan Information Consultative Committee:
Noting the common desire of the Press of both countries to exercise restraint and to assist in the maintenance and promotion of friendly relations between India and Pakistan;
Recalling that an Indo – Pakistan Joint Press Code had been adopted in May 1950 to facilitate further implementation of the Indo – Pakistan Agreement;
Reiterates that the Press in both countries observe voluntary restraint in publishing matter concerning both countries: -

(a) By avoiding dissemination of news calculated to undermine relations between the majority and minority communities in the two countries;
(b) By refusing to give currency to mischievous opinion of individuals or organizations likely to rouse communal passions or create a sense of insecurity among members of the minority community;
(c) By excluding rigorously from the Press of each country opinion directed against the territorial sovereignty of the other or purporting to incite war;
(d) By seeking through normal Press channels or Government
Agencies verification of news of communal incidents before it is published;

(e) By exercising due care and caution in publication of reports of communal incidents;

(f) By avoiding alarming headlines for reports of communal incidents;

(g) By avoiding publication of pictures, poems and cartoons likely to excite communal passions;

(h) By affording full facilities to Governments for correction or contradiction of published reports;

(i) By examining objectively outstanding problems between the two countries with a view to promoting just and amicable solutions;

(j) By confining comment to the merits of the problem or problems in dispute and not making such problem or problems the basis of a general attack on the two Governments;

(k) By eschewing personal, contumacious or scurrilous attacks on the respected leaders of either country or the religion, culture and faith of the people of both countries; and

(l) By avoiding historical controversies which may create or revive bitterness between the two countries.

(3) The Committee recommends:

(a) That the two Governments ensure the widest possible publicity for the Code, a copy of which should be made available to all newspapers and periodicals in both countries;

(b) That infringement of the Code by newspapers be brought to the notice of the newspaper concerned by appropriate newspaper associations or by Governments;

(c) That adequate facilities be provided to correspondents of both countries in respect of stay and movement for collecting and filing news; and

(d) That in order to review the working of the Agreements and the revised Press Code the Committee meet at six – monthly intervals or oftener, if necessary.”

(4) It was agreed that the Government of Pakistan would request the Government of East Pakistan to review the cases of Indian newspapers
and periodicals which are banned entry. A list was provided to the Pakistan Delegation.

7. Radio, Films and Publications

(1) The Committee of officials set up at the General Meeting of the Indo – Pakistan Information Consultative Committee on April 27, 1960, held its meeting to consider the effect of broadcasting services, films and publications on the need to create and maintain a peaceful and friendly atmosphere, as required under the Indo – Pakistan Agreements of 1948 and 1950 and to suggest ways and means of securing that objective.

(2) The Committee re–affirmed the principles already enunciated in the Agreements, particularly those mentioned in para 4 (iii) (a) and (b) of Indo – Pakistan Agreement of 1948 and also sub – paragraphs 7 and 8 of Section C and Section D of the Indo – Pakistan Agreement of April 8, 1950.

(3) The Committee thought that the creation and maintenance of a peaceful and friendly climate of public opinion in both the countries was necessary in order to promote understanding of each other and also to help the Governments to resolve outstanding disputes in a peaceful and friendly manner. In that context, the treatment of various subjects through the mass communication media, e.g. radio, films, publications, etc. assumed special importance. The Committee felt that the common attitude of the two countries in this respect should be to promote and encourage objective and helpful treatment of material, particularly that relating to subjects in dispute, and also to ensure that presentation reflects the attitude of friendly countries resolved to remain friendly."

Broadcasting

(4) The Committee considered the problems arising out of broadcasting services. The two Delegations reviewed the trends of broadcasts and exchanged information about the measures recently taken to achieve the results envisaged under the Indo – Pakistan Agreements, and discussed at professional level various suggestions to effect further improvement.

Publications

(5) The Committee considered that each Government should take effective steps to discourage the production, circulation and sale of books and publications carrying matter which is calculated to undermine the provisions of the Agreements.
Films

(6) The Committee stressed the desirability of expeditious examination and issue of certificate of exhibition for official newsreels and documentaries.

8. The Committee came to the conclusion that the existing practice of exchanging formal notes detailing the alleged infringements of Indo – Pakistan Agreements needed reconsideration.

New Delhi. Sd/- Z.A. Bhutto Sd/- B.V. Keskar
April 28, 1960                           April 28, 1960

0324. Join Communique issued on the meeting of the Indo – Pakistan Information Consultative Committee.

New Delhi, April 28, 1960.

The Indo – Pakistan Information Consultative Committee met in New Delhi on April 27th and 28th, 1960. The Pakistan Delegation was led by the Minister for National Reconstruction and Information, Government of Pakistan, Mr. Z. A. Bhutto, while the Indian Delegation was led by Dr. B.V. Keskar, Minister for Information and Broadcasting, Government of India.

The Committee reviewed the working of the Indo – Pakistan Agreement of 1948 and the Prime Minister’s Agreement of 1950 in relation to the information media. The Committee recognized the vital role that the Press, Radio and other information media could play in promoting greater understanding and in helping the Governments concerned to resolve outstanding disputes in a peaceful and friendly manner.

The Committee felt that the common attitude of the two countries should be to promote and encourage objective and helpful treatment of material, particularly that relating to subjects in dispute and to ensure that presentation reflects the attitude of friendly countries resolved to remain friendly.

The Committee welcomed the distinct improvement and greater understanding that had come to mark the relations between the two countries since the assumption of office by President Mohammed Ayub Khan.

The Indo – Pakistan Information Consultative Committee, whose members include representatives of the Press of Pakistan and India, examined in detail the joint
Press Code which was adopted by the All India Newspaper Editors Conference (AINEC) and the Pakistan Newspaper Editors Conference (P.N.E.C.) in 1950, and in view of the desire of the press in both countries to assist in the promotion and maintenance of friendly relations adopted the following resolution reaffirming and enlarging the principles governing the Press Code.

"Noting the common desire of the press of both countries to exercise restraint and to assist in the maintenance and promotion of friendly relations between India and Pakistan;

"Recalling that an Indo – Pakistan Joint Press Code had been adopted in May 1950 to facilitate further implementation of the Indo – Pakistan Agreement;

"Reiterates that the Press in both countries observe voluntary restraint in publishing matter concerning both countries:

(a) By avoiding dissemination of news calculated to undermine relations between the majority and minority communities in the two countries;

(b) By refusing to give currency to mischievous opinion of individuals or organizations likely to rouse communal passions or create a sense of insecurity among members of the minority community;

(c) Held by excluding rigorously from the Press of each country opinion directed against the territorial sovereignty of the other or purporting to incite war;

(d) By seeking through normal Press channels of Government Agencies verification of news of communal incidents before it is published;

(e) By exercising due care and caution in publication of reports of communal incidents;

(f) By avoiding alarming headlines for reports of communal incidents;

(g) By avoiding publication of pictures, poems and cartoons likely to excite communal passions;

(h) By affording full facilities to Governments for correction or contradiction of published reports;

(i) By examining objectively outstanding problems between the two countries with a view to promoting just and amicable solutions;

(j) By confining comment to the merits of the problem or problems in dispute and not making such problem or problems the basis of a general attack on the two Governments;
(k) By eschewing personal, contumacious or scurrilous attacks on the respected leaders of either country or the religion, culture and faith of the people of both countries; and

(l) By avoiding historical controversies which may create or revive bitterness between the two countries.

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0325.  
Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai. 


High Commissioner for India 
Karachi

No. HC/TS/45/60 May 17,1960/Vaisakha 27, 1882  (Saka) 

My dear C.S.,

In this letter I would like to report on the repercussions to the U2 affair; these may set in motion a chain reaction which could have significant consequences.

2. The Pakistani apologia made in London by Ikramullah days after the incident and following consultations between Aziz Ahmed and the State Department, has invited general ridicule and disbelief. Soviet Ambassador Kapitsa told me yesterday that it was meaningless. In the face of the American confession, it is the best that the Pakistanis could do to exculpate themselves by indulging in this rigmarole.

3. The technical aspects of the flight are, I think, now clear enough. There is no doubt that the plane took off from an airfield near Peshawar, most probably Spinkai Deri. It had developed engine trouble which was taken care of by an American repair crew. The Pakistanis obviously have no say in the comings and goings of Americans military planes and it is possible that they did not know anything about the U2's highly secret equipment or its dangerous errand. The Russians discount this, no doubt because they do not wish Pakistan to evade its responsibility.

4. The somber fact is that there are aerodromes in and around Peshawar, notably Cherat and Spinkai Deri, which are under the exclusive control of the
Americans and have been built by American personnel. Our information is that the Pakistanis are not allowed to enter the area except under strict control.

5. Some six months ago, there was a Pakistani gazette notification for the acquisition of some 200 sq. miles of land, some four miles south of Peshawar on the Kohat road in the area of Badhber. This acquisition was made for the purpose of construction of vast air installations including underground hangars, residences, stores and, perhaps, missile bases as well. Teams of American technicians have been pouring into the area for the last couple of months and the whole project is being handled on a "top secret" basis. It is thought that missile launching sites may already exist in Gilgit and Cherat; the new field would provide a third such site.

6. These facts could not be unknown to the Russians. Their charge that American bases exist in Pakistan, though contestable on purely technical grounds, is otherwise perfectly correct.

7. As regards the repercussions of the affair on the minds of the Pakistanis, there is no doubt that it has come as a rude shock. Instead of the American military alliance being a source of strength and security to Pakistan, it is suddenly discovered that it has brought with it dangers such as had never been contemplated. Krushchev’s stern warning that any further espionage incursions would be met by instant retaliation against the taking off base, has brought forcefully home to the Pakistanis the dangers to which they have exposed themselves.

8. To help allay the fears of the public, and perhaps also to soothe the Russians, stories have been appearing in the papers implying Pakistan’s willingness to consider offers of economic and technical assistance from the Soviet Union. In fact, Acting Foreign Minister Bhutto asked Kapitsa whether the USSR would be interested in helping Pakistan to set up a steel mill and to develop its oil resources. Kapitsa pointed out that Abul Kassem Khan, in the course of his recent round the world peregrinations, had been proclaiming aloud that Pakistan, true to its loyalty to the West, had spurned Soviet offers of aid. If the Pakistanis were serious, Kapitsa suggested that they should put in their request in writing in order to avoid any subsequent disavowal. He also said that he saw little possibility of economic co-operation so long as Pakistan’s policies remained hostile towards the Soviet Union, and held up the case of India as an example of a country following a wise and realistic foreign policy.

9. These grim developments are bound to occasion an anxious reappraisal of Pakistan’s policy towards the Soviet Union. If there is no basic change in content, because of the economic and military shackles which bind Pakistan to the Americans, there is bound to be a change in emphasis and approach.
Kapitsa resented Ayub Khan’s performance at the Commonwealth Conference where he set himself up as a champion of anti-Communism, and lost no opportunity of attacking the USSR. Perhaps the Pakistani President would now be more discreet in airing his tiresomely repeated views about the pressures from the north.

10. Another inevitable consequence will be the development of friction with the American military set-up here, which functions as a state within a state enjoying extra-territorial jurisdiction, as the Pakistanis are bound, to safeguard their own skins, to pry more closely into American military activities which the Americans are sure to resent. The Pakistani public also would be more watchful and increasingly critical of the omnipresence of the American military personnel and suspicious of its activities.

11. These trends will of course take time to mature and to be felt, but the rocket which brought down the U2 has also struck a blow at Pakistan’s foreign policy of sheer dependence upon a single great power which uses its weak and scattered allies to suit its own purposes, regardless of the dangers to which it exposes them.

With kind regards,

Yours sincerely

Rajeshwar Dayal

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

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Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai.


High Commissioner for India
Karachi

No. HC/TS/ 48/60

May 24, 1960/Jyaistha 3, 1882 (Saka)

My dear C.S.,

Will you please refer to your letter No. T.666.-CS/60 dated May 19, 1960, regarding the U2 affair?

2. I had previously reported that in my judgment the episode would create all kinds of pulls and pressures which would inevitably affect Pakistan’s foreign policy and relations. As days go by, evidence is gathering which supports this assessment.

3. Public opinion in Pakistan has become thoroughly alarmed at the dangers to which their Government’s foreign policy has suddenly exposed them. Far from being a source of strength and security, it is suddenly discovered that the American alliance has brought with it unknown dangers. In place of a protective umbrella of American military might, Pakistan suddenly and unwittingly finds itself exposed to retaliatory Soviet rockets. The cynicism with which the Americans had exposed their weak ally to Soviet fury, has left the Pakistani public aghast. The bitter truth has at last dawned that in the power struggle between the two Titans, Pakistan is nothing but a small tool. The people’s anxiety is reflected by the Urdu press which is full of scathing articles against the Americans. There is a renewed respect for India’s foreign policy which has kept her out of the line of fire and has, at the same time, brought considerable economic and political benefits in its wake.

4. The Pakistani Government has reacted to this situation by making friendly gestures towards the Russians. The Pakistanis are denying all complicity in the U2 affair and placing the entire blame on the Americans. The Russians have seized the opportunity to render the Pakistani bases ineffective by their threat of rocked retaliation. They may try further to breakdown the wall of mutual exclusiveness between the two countries to the discomfiture of the Americans. Now that Pakistan is right in the vortex of the cold war, its local manifestations will be interesting to watch from the side lines.

5. The U2 affair has brought about a vital change in Pakistan’s strategic situation. The Maginot line mentality, which American military aid had
engendered, has collapsed overnight. It is suddenly discovered that instead of
affording protection, American military aid has actually exposed Pakistan's
frontiers to the wrath of the Russians. Unless the Russians get satisfaction,
which is extremely unlikely, there is no doubt that trouble will develop for
Pakistan in one form or another. The Pakhtoonistan issue, already on the boil,
could easily erupt with a little Soviet prodding. Then the northern frontier with
China, which has been fairly quiescent till now, could suddenly erupt now that
the winter snows have melted in the mountain passes. The Chinese have lost
no time in taking up the cry against the Americans and in their present mood,
they might not like to miss an opportunity to create embarrassment for Pakistan
in the Gilgit region where a missile base is said to exist and which they could
regard as aimed against them. Pakistan's strategic position in the north-west
frontier has become extremely vulnerable and exposed. In fact, facing two
hostile world powers and the troublesome Afghans, Pakistan's position is
infinitely worse than India's was last summer when the Chinese had activated
India's northern border. Along that border a position of stalemate has been
reached, which neither India nor China may wish to disturb for the time being
at least. But along Pakistan's north-western border, the position is both fluid
and agitated.

6. Just as we would have been embarrassed last summer if Pakistan had
adopted a hostile attitude towards us, so now Pakistan would be in dire straits
indeed if tension were to develop with India. As a result of these developments,
Pakistan would now not only try to avoid doing anything to worsen its relations
with India, but, on the contrary, it would have strong reasons to improve them.
Pakistan's rulers may therefore be more receptive now to our proposal for a
"no war" declaration, which would reassure them about their frontiers with India
and allow them to assume defensive postures along their north-western border.
Pakistan would also be extremely ill-advised to continue sabotage and
subversion in Kashmir.

7. That a reappraisal in Pakistan thinking towards India is taking place is
definite from various indications. Our general restraint regarding the U2 episode
has been welcomed here and it has been noticed that no advantage has been
sought to be derived from Pakistan's embarrassment. The papers credit India
with the genuine feeling that we desire good neighbourly relations. It is even
acknowledged that the threat from China has not influenced Indian opinion in
this direction. It is at last recognized that India's bitter memories of partition
have been forgotten and that the near-settlement of the canal waters' issue, as
well as the elimination of the border problems and the development of trade
relations, are contributing towards the development of friendly relations. An
unsolicited testimonial has even been awarded to the diplomatic envoys of the
two countries!
8. If the above analysis is correct, the U2 incident may provide a silver lining to our relations with Pakistan. Pakistan's basic strategic weakness has been rudely exposed, and there is a more realistic appreciation of the dangers which beset the country in place of the obstinately held hallucination about India. The President who prides himself as a military strategist and a man of vision, could hardly have failed to grasp the truth. The extent to which he has done so has to be ascertained when I have an opportunity of meeting him on the cool heights of Murree where one hopes the atmosphere will be conducive to calm and objective thought.

With kind regards,

Yours sincerely

Rajeshwar Dayal

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

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0327. TOP SECRET

Letter from Commonwealth Secretary M. J. Desai to High Commissioner Rajeshwar Dayal.

New Delhi, May 26, 1960.

D. O. No. T696 – CS/60 May 26, 1960/Jyaistha 5, 1882 (Saka)

My dear Dayal,


2. Now that the President has returned, there should be concrete moves and these will show whether General Shaikh is being edged out.

3. As regards the U2 affair, I agree that the Pakistanis are rather rattled and the American efforts to re-assure them have been rather half-hearted. If there is any re-thinking in the higher quarters, the conclusion of the Canal Waters Agreement should give those in authority the necessary excuse for re-
orientation of Pakistan’s policy towards India. Pakistan President’s petulant observations about our Prime Minister’s attitude, however, indicate that there is little re-thinking in the higher quarters so far. I agree with you that your contacts with President Ayub Khan and his Ministers during your Murree stay should prove extremely interesting.

With kind regards,

Yours sincerely

M.J. Desai

Shri R. Dayal.
High Commissioner for India in Pakistan,
Karachi.

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0328. **TOP SECRET**

Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai.

Murree, June 9, 1960

High Commissioner for India
Camp office: Hoti House, Murree

No. 1/HC/TS/60

June 9, 1960

My dear C.S.,

On the morning of the 6th June — immediately after our arrival here—my wife and I called on the President and Begum Ayub Khan to wish them *Id Mubarak*. We were very cordially received and the President was obviously happy to see us. He asked me whether we were comfortably installed and said that if there were any difficulties, I should not hesitate to inform him. He said he realized the inconvenience to which foreign missions had been put by the move to Rawalpindi but he hoped that there would be sufficient opportunities in Murree for informal meetings and conversations.

2. The President said that a lot has been happening in the world since our last meeting. He regretted that the cold war should have erupted again and that political differences between the great powers should have degenerated into an exchange of abuse. The fault, according to him, lay heavily at the doors of the Soviet Prime Minister. This was a time for great vigilance on the part of all countries in order to prevent the situation from taking a dangerous turn.

3. Commenting on the Turkish situation, the President observed that while he was staying overnight at Istanbul on his way to London, ex-President Celal Bayar who was there to meet him, received an urgent telephone call from Menderes who was in Ankara, informing him of the situation and of his intention to declare martial law. President Ayub tried to persuade Bayar to return to Ankara and to speak to Ismet Inonu and other opposition elements in an attempt to patch up the differences. He was, however, astonished to find that the President had already acquiesced with alacrity to the declaration of martial law. President Ayub thought that Bayar was even more unreasonable and uncompromising than Menderes and he, unbecoming to a President, openly took a partisan line in the controversy that was raging. Bayar and Menderes, by their rigidity and stubbornness, were asking for trouble and they got it in full measure.

4. President Ayub then went on to speak about the difficulties under which the common man was suffering in our countries and how much patience and
forbearance he had shown. It was the task of governments to help to alleviate his lot, otherwise there would be trouble. The President was extremely critical of the role of the intelligentsia which kept itself aloof from responsibility but felt free to criticize. He was especially bitter about the lawyer class whose approach he described as essentially negative. While they were loud in their criticism, they did not have any constructive suggestions to offer. Unlike the older democracies of the west, the President regretted that political differences in Asian countries degenerated into personal vendettas which inevitably led to chaos and disorder.

5. The President undoubtedly had in mind the parallel between the situation in Turkey and Pakistan. The bitter criticism of the Pakistani regime offered by Chief Justice Kayani and Mr. Lari must have been on his mind. There is also much criticism of the EBDO proceedings which are steamrolling many a political career. Far from being a matter of opprobrium, to be EBDOed is now becoming almost a distinction.

6. The so-called basic democracies will, it is said, start functioning in July and nominations and appointments are going on. The *ji-huzoor* (Yes men) and landlord type is heavily represented and the *Aman-Sabha* (Peace Councils) character of these bodies is being widely remarked upon. The President told the Australian High Commissioner, Cutler, who saw him the other day that he hoped to get the top and bottom tiers of these bodies activated soon leaving the other two tiers to be completed subsequently. Cutler tried to prevail upon him that it would be wiser to start building from the ground up to the ceiling rather than to leave a gap in between. My own fear, however, is that when these so-called basic democracies are set in motion, they will present a ready-made organization for discontent to filter all the way down to village level. The appetite grows by what it feeds on, and the elected members, at any rate, will demand more in the way of power and authority. The impotence of these bodies will be fully exposed once they start functioning. This will increase the sense of frustration and disillusionment. The hope of the regime that these advisory bodies will give the people a sense of participation is doomed to disappointment from the start. Will the regime have the wisdom to keep ahead of popular discontentment or will it be pushed into making hasty measures?

7. The President must have had a lot on his mind when I saw him the other day. There have been rumours, centering around General Shaikh, regarding disagreements in the Presidential cabinet over the allocation of portfolios. It is said that Shaikh has offered resistance to being divested of the powerful Interior portfolio in favour of Zakir Husain and has preferred reversion to the army, which of course would be out of the question as he is senior to General Musa. It is said that he has tried to enlist the support of the top military brass which is
believed to be against the displacement of Generals by civilians in the Presidential set-up. General Musa is thought to be of the view, no doubt keeping the Turkish situation in mind, that it is too early to replace the Generals by civilians. In view of the Soviet threats to bomb the bases from which hostile aircraft originate, Pakistan’s international horizon is heavily beclouded. This may be another reason why the military think it hazardous to change horses in mid stream. Umrao Khan is said to be backing General Shaikh while Bakhtiar Rana’s position is somewhat equivocal. This might well cause the President to reconsider any question of a Cabinet reshuffle at the present time.

8. The President did not raise the question of Indo-Pakistan relations with me. No doubt there will be sufficient opportunities for such discussions in the days ahead. I understood from Cutler however that there is some disappointment that the London meetings did not result in a greater measure of cordiality and personal understanding. However, the President is still believed to adhere to the view that the signature of the Canal Waters treaty as already planned would generate a powerful momentum for the further improvement of relations. The President told Cutler that he has given firm instructions to his negotiators at Washington to take a broad view of things and to desist from excessive legalism in completing the remaining clauses of the draft treaty. It is believed here that the negotiations would be successfully concluded by the end of the month, the treaty being ready for signature at the highest level soon thereafter.

9. The new dangers looming over Pakistan’s north and north-western frontiers seem to have introduced a sense of greater sobriety in the Pakistani approach to our mutual problems. This is therefore a good moment for positive initiatives. The President’s knowledge of military strategy must inexorably lead him to the conclusion that when Pakistan faces a grave threat on the north and north-west, it would be the part of statesmanship to lower the pressures along the east, so that Pakistan is not forced to face two political and military fronts at the same time. Pakistan’s difficulty is therefore India’s opportunity to strive for fair and mutually beneficial understandings.

With kind regards,

Yours sincerely

Rajeshwar Dayal

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.
Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary M. J. Desai.

Karachi, June 29, 1960.

High Commissioner of India
Camp Office: Hoti House, Murree

No. HC/TS/42/60 June 29, 1960

My dear C.S.,

I had a long talk with President Ayub Khan at a small reception which he gave on the 23rd June for the half a dozen Heads of Missions who are in Murree. The President greeted us with his usual cordiality and his Begum warmly embraced my wife, her daughters all coming up to greet their “Aunty”. My colleagues were rather surprised to see the way in which we were greeted as they were not aware of our personal relations with the President and his family.

2. Ayub took me aside and talked to me for most of the evening. I opened the conversation by remarking that he had a very busy time, what with Cabinet meetings and meetings of the Economic Council which had finalized the Second Five Year Plan. Ayub said that hard work was a categorical imperative for our countries as we have to make up for lost time and 200 years of colonial exploitation. He said that to view our problems correctly one had to look forward ten, twenty-five or fifty years in order to break away from the shackles of the past. The brunt of the responsibility devolved on the younger people and he felt that the pace was too much for some of his older Ministers.

3. Discussing the plan, I remarked that I had noticed that the President himself took the decision for the inclusion of two steel mills in the Plan, one for each wing. The President said that a beginning had to be made and the country could not wait indefinitely until the right quality of iron ore was discovered. The known deposits are of poor quality while some good grade ore which has been found in Chitral cannot be utilized because of lack of communications. Without even a very modest steel industry, not even simple machine tools could be produced and the country had to depend upon foreign sources for its basic requirements. He hoped that Pakistan would be able to obtain supplies of scrap or pig iron from India and elsewhere. A small steel industry would be useful in helping to develop the necessary skills and provide a basis for accelerated industrialization.

4. The President went on to say that he sometimes felt that he was forcing the pace a little too much, making it difficult for the people to catch up. But he
said that it was good to turn people’s minds to constructive endeavour for without hard and sustained work no progress was possible. His principle was to let the people have what they wanted and more. For example, East Bengal wanted to make its own arrangements for the import of coal and when he gave them full permission, they came running back to the Central Government when they found themselves in difficulties. His solution for the Punjabi Suba agitation going on in India was to give the Sikhs their Suba, for within six months they would quarrel among themselves and beg for the restoration of the status quo.

5. Ayub said that the people must take a hand in working for their own welfare although the Government must help in shaping public opinion. I remarked that I supposed that the “Basic democracies” would be expected to fulfill this function whereupon Ayub changed the subject. I gathered that he did not consider it profitable to discuss with the representative of democratic India a specious scheme which he has managed to sell to his Western friends.

6. The conversation next turned to Indo-Pakistani relations and from the general trend of Ayub’s remarks I gathered the impression that he seemed fairly satisfied with the contacts established in London although there was a tinge of regret that no specific matters had been discussed. Yet a good basis had been laid for constructive thinking on both sides. Reverting to his familiar theme of the glowing presence of the colossi on the north, Ayub observed that this was the age of regionalism and our countries would be compelled by world developments to stand together. Referring to the European Common Market, he said that in Europe he had seen the spectacle of countries which had fought endless wars with each other, united to promote their common economic interests. The next step would be some form of political association. He felt that the countries of South Asia, under India’s leadership, must consider taking parallel action for there are so many common bonds between us including the experience of foreign domination. There have been no wars between these countries which have themselves been the victims of aggression. Even our culture and psychology are similar and we are much closer to each other in every way than are the E.C.M. partners. But India must take the lead if the concept is to materialize.

7. Turning to India’s role in the economic development of the region, Ayub said that she had lost a great opportunity in the past when she could have made Pakistan entirely dependent on her but Pakistan had been forced to develop a parallel economy and would soon be self-sufficient in the materials which India could have more easily supplied, such as cement. I said that while our interpretation of past events was different, India’s economy would continue to be complementary to that of her immediate neighbours in respect of various things like steel, machine tools and different kinds of manufactured goods.
mentioned our offer of railway wagons to Pakistan. The President agreed and said that India had developed new lines of industrial activity and in the field of oil exploration particularly, had been much luckier than Pakistan.

8. Remarking that in Sui gas Pakistan had a valuable asset, I informed the President that we were examining his offer of supply of Sui gas to Gujarat. The President said that he had in mind the extension of the pipeline to Multan and Lahore and he thought that Sui gas could be supplied in bulk to East Punjab as well. I mentioned that there had been some doubts, which I personally did not share, regarding the wisdom of dependence of a foreign country for fuel supplies which could be vulnerable to changes in political relations. Ayub immediately interjected with the retort that such fears should be immediately dispelled as Pakistan could never adopt such a suicidal policy. After all, whatever the relations between countries, trade went on unimpeded and he mentioned the example of the Western countries trading with the Soviet Union and even with China. I agreed with him and said that after all there had been no interruption in our supply of coal to Pakistan in the past despite the ups and downs in our political relations.

9. I next mentioned to the President the question of the supply of water from the Gudu Barrage to the Jaisalmer area and informed him that we were advised by our engineers that the gradient would render any such supply difficult. Ayub said that he had himself examined the proposition on a map and he wondered if there were any technical means of overcoming the difficulty. I said that as an alternative, the supply of water from the Kotri Barrage to the Gujarat area would be feasible. Ayub replied that he preferred to supply water to the Rajputs but he was not sure in any case as to how much would be available as the matter was still under examination.

10. The President did not raise any controversial issues and his whole approach seemed to be to explore avenues for mutual understanding and cooperation. His general view of the state of our relations is – and this has been confirmed by conversations with his Ministers as well – that they have been stabilized at a certain point and that further progress must await the conclusion of the Canal Waters’ talks. There is therefore a welcome disposition not to rush the fences but to take up each issue as it comes. This is also the general impression among the more informed of my colleagues.

11. As I have said previously, I feel that Ayub realizes that Pakistan would be dragged down unless it mends its fences with India and comes to practical settlements. On the other hand, every advance made in Indo-Pakistani relations would redound to the credit of the regime and strengthen its position in the country. American influence, which is paramount in the country, is fortunately also directed towards this end. The auguries are therefore favourable for the
promotion of better mutual understanding and the settlement of outstanding issues. The fact that Ayub has long held positive views in regard to Indo-Pakistani relations is borne out by an interesting extract from a letter addressed by him to the Editor of the “India Cricket Souvenir” on 30th August 1952 on the occasion of a tour by a Pakistani cricket team to India, which I quote:-

“It may sound strange for a soldier to advocate friendship, understanding and peace between two countries, but a soldier worthy of his profession has to be a realist if nothing else. And realism demands that if Pakistan and India wish to retain their independence, so dearly won, the first thing they must do, and quickly, is to learn to live in peace with each other to meet jointly the impending dangers. Disunity between the two carries the seeds of self-destruction. These are not only my views but the views of all right thinking people at least in the two armies.

“ So far our approach to mutual problems, and there are many, has been based on emotions and passions. No wonder that the results have been negative, and how can they be anything else until we seek opportunities to create an atmosphere where the call of spirit, logic and sanity can prevail?”

12. Ayub’s views, as revealed in his conversations and supported by deeds, have not changed since that time. At this point I cannot help recalling the conversations which we used to have some twenty years ago in Mathura when Ayub was an Army Captain. One impression which has persisted through the years is of Ayub’s patriotism, generosity and sense of fair play. As the more senior among a handful of Indian officers in an artillery cantonment dominated by British officers, he resented the superiority complex of his British superiors and showed his independence, broadmindedness and patriotism on more than occasion.

13. Having closely studied the President in the course of my numerous meetings with him both formal and informal, I think it would be fair to say that he has not undergone any basic change in his psychology and thinking since that time. He fully realizes that settlements cannot be one sided and he told me recently that to achieve better relations he was prepared “to cut his losses”. But that does not mean that there will not be hard bargaining in the process.

14. Ayub occupies a position of preeminence in Pakistan and there is no sign of any challenge developing to his overriding authority. Should however a change take place – and it can only be from one military dictator to another – one thing is certain and that is that his successor will not be a man of the same breath of understanding and tolerance. Ayub’s position would be strengthened if he could show to the country that he has been able to achieve understandings
with India in a matter of months on problems which had baffled solution for a whole decade.

15. It may be thought that this would only lead to the strengthening of a military dictatorship next door, a result which is abhorrent to a democratic country like ours. Pakistan’s internal structure is however a matter about which Pakistan alone is directly concerned; besides it is not unusual for democratic countries to have good relations with dictatorships of one brand or another, and Pakistan’s dictatorship is a benevolent one. Besides, the dictatorship here has given a standing promise to the country to conduct it back to the path of some form of democracy. That process would be eased if Pakistan’s external pressures were to relax and the internal situation were to improve. The military dictatorship came into existence as a direct result of grave internal and external difficulties; its hold would weaken were the conditions which brought it into existence to change.

16. It is axiomatic that settlements can be achieved only with a Government able and willing to deliver the goods. As there has never been nor is there likely to be in Pakistan in the near future, a democratic Government answering to the above description, the only alternative is a strong military dictatorship like the present one. While there cannot be any question whatsoever of compromising on principles or of sacrificing our rights, there could be occasions for making friendly or generous gestures which would, given the Pakistanis peculiar complexes, produce an immediate impact. These complexes have developed as a result of various factors which have collectively reduced Pakistan to the position of a dependency of the United States. The contrast between Pakistan’s position of subordination and India’s of preeminence has only accentuated the psychological complexes. Somewhere, the Pakistanis feel rather ashamed of themselves and there is a lurking feeling which I have found even in high placed, that they are looked down upon by their great and more successful neighbour. In this context any gesture of friendly recognition, any expression of equality or of sympathy and understanding falls on receptive soil, producing a rich harvest of goodwill.

17. There is of course very little that is new in all this, but since one is constantly encountering psychological hurdles in dealing with the Pakistanis, it is as well to remind oneself occasionally of what might appear to be so obvious. To sum up, as the recent talks with the President and his Ministers have disclosed, and in view of the increasingly held sentiment of the community of our interests, the present is perhaps the most opportune moment ever since partition for grappling seriously with our mutual problems. Our approach has of course been positive and constructive throughout; the fact that it is beginning to receive an answering echo is a fact of considerable significance and the
best possible augury for the future.
With kind regards,

Yours sincerely
Rajeshwar Dayal

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

0330. SECRET/PERSONAL
Letter from Deputy Minister for External Affairs to Prime Minister Jawaharlal Nehru.

New Delhi, July 15, 1960.

My dear Panditji,
On my way to Mogadishu, as well as on my homeward journey, Mr. A.R. Cutler, Australian High Commissioner for Pakistan was with me. In Mogadishu we were in the same hotel and I had opportunities of meeting him often. In the course of conversation, Mr. Cutler mentioned how very anxious President Ayub is to promote friendly relations with India and when I reminded him that the Prime Minister of India has been doing everything that is humanly possible to do that but the response from the other side has not been always gratifying, he remarked with a smile that India being a big country could be more tolerant and understanding etc. He was very keen that you should visit Pakistan in the near future. It is correctly believed in Pakistan that it was due to India’s (specially Prime Minister’s) patient endeavours that a settlement of a Canal Waters dispute has become possible and therefore your presence in Pakistan on an occasion which settles on the outstanding issues between the two countries, would help strengthen the goodwill already so widespread in Pakistan. The common people of Pakistan, he assured me, have nothing but admiration for the leadership of the Indian Prime Minister and regard him as the only means of bringing the two countries nearer. He also said that President Ayub is absolutely sincere in his desire for friendship with India and Mr. Cutler asked me if you would consider favourably an invitation to visit Pakistan. I mentioned to him that in the interest of peace, and depending of course on domestic demands, Prime Minister would
not miss an opportunity of promoting friendliness between the two countries and, in my opinion he is likely to consider such an invitation favourably.

Mr. Cutler spoke very highly of the work done by the Dayals in Pakistan.

With kind regards,

Yours sincerely,

Lakshmi N. Menon

Shri Jawaharlal Nehru,
Prime Minister, New Delhi.

TOP SECRET

0331. Letter from High Commissioner Rajeshwar Dayal to Acting Commonwealth Secretary Y. D. Gundevia.

Karachi, July 18, 1960.

High Commissioner for India
Karachi

No. HC/TS/53/60 18th July, 1960/Ashada 27, 1882 Saka

My dear Yezdi,

Manzur Qadir dropped into see me at Murree on the 15th July to continue our previous conversation. He said that he had made some enquiries about my complaint of sabotage activities by Pakistani agents across the cease-fire line in Kashmir. He had however been given the usual story which was diametrically opposed to ours and he likened the situation to the complaints and counter-complaints which used to be heard about incidents along the East and West Pakistan borders before the border settlements were arrived at. I told him firmly that the situation along the cease-fire line was quite different and we had definite information that these wanton acts were the result of careful planning and preparation. I could not see what good they did even from Pakistan’s point of view; the danger was that a pattern of reprisals might develop. Qadir admitted that perhaps he had not been able to get to the bottom of the matter and said that the situation would be much easier if the “Azad Kashmir” area was not treated as an autonomous one, but under Pakistan’s full control. He tried to suggest that Khurshid was very sensitive about any interference and regretted that he should be making so many speeches. While sharing his regret, I said
POLITICAL RELATIONS: 1955-1969

that I could hardly believe that the Pakistan Government could not stop the acts of lawlessness and provocative speeches if it had a mind to. Qadir said that in view of our concern, he would take a quiet trip down to Muzzafarabad and make personal enquiries. He agreed that if our information was correct, it did not help the situation in any way.

2. The conversation next turned to the canal waters’ question. Qadir said that unfortunately some unexpected snags had developed relating to transitional arrangements and he repeated Shoaib’s argument about the advisability of allowing the Bank to make suggestions to resolve the deadlock provided both sides agreed. He had the impression that we had no objection to this course. I immediately interrupted to express surprise at this impression which was wholly unwarranted. I told him that at no time had we given any indication whatsoever that such a course would be acceptable to us, nor was it warranted by the developments of which Qadir had the latest information. I added that we had taken an extremely generous view of the matter and I could not see how, if a realistic approach was made to our latest proposals, an agreement could be long deferred. Qadir did not press the matter, merely observing that there was great anxiety in Pakistan to see the negotiations come to a successful conclusion. The main difficulty, according to him, related to the April-May period, when the Pakistan canals would be short of water for sowing.

3. On the 10th July, Shoaib had also mentioned something to me on similar lines about the Bank being invited to make suggestions. I told him firmly and categorically that I could not understand on what such an impression was based, as I had communicated no such thing to General Shaikh. Shoaib did not attempt to obtain any clarification and did not press the matter. It was mentioned in such a casual way that I had the impression that Shoaib was either throwing out a feeler or that he had been misinformed about the gist of the message which I had communicated to General Shaikh, but when Qadir mentioned the matter, I felt that there was some attempt deliberately to misunderstand our position and I therefore took special care to dismiss the suggestion as being entirely unfounded. My impression is that Shoaib, who is not very straight in his methods, tried this rather weak approach, which cannot stand up to the position taken by our delegation in Washington and the reply given to Brohi by M.J. Desai, quite apart from what I have told the Pakistani Ministers. It is regrettable that the conciliatory message conveyed to General Shaikh should have been so misused.

4. I took the opportunity to speak to Qadir about the question of Umapati village and gave him a copy of our aids memoire. I emphasized the point that apart from the records which supported our case, the Pakistani demand for an enclave went against the entire spirit and purpose of the border settlements. Qadir promised to look into the matter.
5. Qadir said that he hoped that envoys would spend more and more time in Murree in the future, as it was possible that the Foreign Secretary may also move to ‘Pindi, leaving the Foreign Office in Karachi in charge of a Joint Secretary. I repeated to him the difficulties under which I had to work, but it seems that the question of Lahore Office has not yet reached point of decision.

With kind regards,

Yours sincerely,

Rajeshwar Dayal

Shri Y.D. Gundevia,
Acting Commonwealth Secretary,
Ministry of External Affairs, New Delhi.

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0332.

TOP SECRET

Note by Commonwealth Secretary M. J. Desai to Prime Minister Jawaharlal Nehru regarding his programme of visit to Pakistan.

New Delhi, August 27, 1960.

Ministry of External Affairs

P.M. may see the letter from our High commissioner in Karachi, dated 25th August, received this afternoon.

2. It is satisfying that a garden party by the citizens of Karachi and a citizens’ reception at Shalimar Gandens at Lahore have been included in the programme. We will request our High Commission to secure copies of the addresses to be presented on both occasions, so that P.M. can see the Karachi one latest by lunch time on 19th and the Lahore one latest on arrival at Governor’s House, Lahore, on 22nd. We will try and get these copies of the addresses as much in advance as possible.

3. I feel P.M. should accept the present programme as it stands and not delay his departure from Lahore by 3 hours as suggested. Apart from the reluctance of the Air Force Headquarters to a night landing of a V.I.P. plane, there is little that one can see or do at Rawalpindi which is more a military garrison than anything else. P.M. would have met the various Pakistani Ministers
before and there is not much point in meeting them and the Pakistan officials at President’s dinner at Rawalpindi. The present programme, which gives full 24 hours at Lahore with citizens’ reception on 22\textsuperscript{nd}, is more suitable as it will secure that P.M.’s visit will make its full impact on the citizens of Lahore who provide the only effective local public opinion under the present Pakistan regime.

4. I do not think it is desirable to rise the question of meeting Badshah Khan with President Ayub Khan.

5. The Pakistan Foreign Minister, Mr. Manzur Qadir, though a brilliant lawyer, does not have the breadth of vision of a mature politician. Like a clever criminal court lawyer, he thinks he might trade this small question of 5 border villages and Umapati Village in East Pakistan—the latter is only a hare raised by Pakistan—with the bigger question of Kashmir. Our High Commissioner told me that he has not touched the question of Kashmir with the Pakistanis. This may well mean that the views recorded by P.M. in his note of 20.6.60, particularly para 7, have not been put to Pakistan officials or Ministers at any time so far. Our High Commissioner is arriving here tomorrow evening and I will have a talk with him on this matter on Monday Morning.

6. It is obvious that the Pakistan President is keen on giving the Pakistan Finance Minister, Mr. Shoaib, an opportunity to speak on the financial problems to evolve, what he calls, a practical approach to the questions at issue. P.M. has already expressed his attitude on this point in a note recorded yesterday.

M.J. Desai
27.8.60

Prime Minster

Programme in Pakistan

I have no comments to make about Monday, the 19\textsuperscript{th} September.

2. 20\textsuperscript{th} September: The meeting with the President regarding financial matters. I think it should be made clear that I shall not be able to help in this at all. This subject is being dealt with by our Finance Minister. All I can do is, if required, to give them a note from our Finance Minister.

3. I hope that the lunch to be given by me on the 20\textsuperscript{th} September will be dropped for reasons which you have already given.

4. About the timing of my return on the 23\textsuperscript{rd} September, I must reach Delhi in daylight. That presumably means that I should leave Lahore at the latest at 1600 hours.

5. I do not mind what other changes are made in the programme for the 22\textsuperscript{nd} or 23\textsuperscript{rd}.
6. As for my meeting Badshah Khan, I have already stated that I would naturally like to meet an old friend and colleague, but, in the circumstances, I shall abide by the President's wishes in the matter. If this question is raised by the President or anyone else in Pakistan, this should be repeated. If this is mentioned when I am there, I shall certainly repeat it. It would be improper for me not to give expression to my wishes at least in this matter.

7. As for subjects for discussion, I have said that I am prepared to discuss anything within my competence. I cannot discuss financial matters or the question of drain of foreign exchange from East Pakistan to India or rather I cannot say anything worthwhile in regard to them. So far as the five border villages and Umapati villages are concerned, that is hardly a question for me to discuss with the President. I should, of course, like to have a note on these, which you can carry with you.

8. So far as financial matters are concerned, although I am not prepared to discuss them, we should nevertheless ask Finance Ministry to provide us with a general note on these subjects, including the question of drain of foreign exchange.

9. My note dated the 20th June contains my views on some of the matters that may come up for discussion.

J. Nehru
27.8.1960

Commonwealth Secretary

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0333.  

SECRET

Note by the Prime Minister of his talks with President Ayub Khan.

Murree, September 20, 1960.

Prime Minister's Secretariat

This morning, 20th September, I had my first serious talks with President Ayub Khan. They lasted about an hour and a half and were held in Karachi. Those present included, on the President's side:

1. Mr. Manzur Qadir (Foreign Minister),
2. Mr. Shoaib (Finance Minister),
3. Mr. A.K. Brohi (Pakistan High Commissioner in India)

And on our side:

4. Shri M.J. Desai (Commonwealth Secretary)
5. Shri K. Ram (PPS), and
6. Shri K.V. Padmanabhan (Acting High Commissioner)

2. Fairly full notes were taken, I think, on our side and PPS will give a more detailed account of these talks (next document). I am merely mentioning here some of the subjects discussed.

3. Mr. Shoaib began by telling us about the remaining differences on financial matters between India and Pakistan. He mentioned the three which have been given in our Finance Ministry's note and gave his own version. He suggested that officials or experts on both sides should examine such facts as are available and draw conclusions from them as to the dues on either side. I told him that I would pass on what he had said to our Finance Minister. I thought that these matters had been adequately examined as regards the facts during these past years, but if any further examination on an expert level was desired, presumably there would be no objection to this.

4. I referred to pending matters in regard to evacuee property, both movable and immovable. This concerned large numbers of people who had suffered because of the delay in deciding this. A joint committee had been formed to consider these questions but it had not met since 1958. I suggested that this committee might meet soon and take up, first of all, the movable properties and immediately afterwards the immovable ones. This was agreed to.
5. The question of visas was discussed and Mr. Shoaib pointed out their difficulties as this had led to large sums of money in foreign exchange being drawn out of Pakistan. They had already relaxed some of the conditions, but they did not want to take any step which might add to their foreign exchange difficulties. They would look into this matter again.

6. A reference was made to the charge made by India of discrimination in regard to the transfers of profits made by Indian-owned companies in Pakistan. Mr. Shoaib said that they had offered Indian securities, but this had not been accepted by India. I did not know the facts and all I could say was that this matter should be considered a fresh.

7. I referred to the offer made sometime ago by Pakistan to sell us their gas. I said that we were prepared to accept this offer and the matter might be gone into more fully, by the Ministries concerned on either side.

8. There was some talk of cooperation between the two countries in regard to scientific and technical matters as well as some schemes, hydro-electric or other, which might be common. I said that we would welcome cooperation wherever this was feasible.

9. I referred to the Banthra Farm near Lucknow where we had succeeded in treating usal saline land and making it cultivable within a short space of time and without much expenditure of money. Mr. Manzur Qadir was much interested in this. I said that might send experts to have a look at this Banthra Farm and what is being done there, and gave him the address of the Director of the National Botanical gardens in Lucknow, Dr. K.N. Kaul. It would be desirable to inform Professor Thacker of this who can send a message to Dr. Kaul.

10. Later, when I was driving up to Murree with President Ayub Khan, I referred to our North-West frontier and Chinese claims on it. President Ayub told me that they knew this past history about the territory claimed by the Mir of Hunza. That claim had no basis and recently he had told the Mir of Hunza that he should not get entangled in this matter and the Mir had said that he had waived his claims. All that he had there was grazing rights. I am writing a separate note on this subject.

J. Nehru

Camp: President’s House,
Murree
20.9.1960

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President Ayub Khan started by saying that it gave him great pleasure to have the Prime Minister of India in Pakistan. He was happy that it had become possible to find solution to some of the outstanding problems between the two countries since their meeting at palam airport. Although small groups of vested interests in both the countries may be interested in keeping up tension, the people in both the countries by and large were keen on developing friendly relations. He pointed out, however, that even though decisions are reached at higher level, there are always difficulties in implementing those decisions at a lower level due to old habits of perversity though this is fast disappearing. He mentioned in particular that, after the two border conferences, both sides are taking care to implement the ground rules strictly. The large majority of people on both sides are for promoting understanding between our two countries. He said that he was keen that both India and Pakistan should get together, solve the problems between them, however complicated, and concentrate on their economic development.

2. The Prime Minister replied that it was fundamentally in the basic interests of the two countries to co-operate with each other. Not only basic interests but there is a great emotional upsurge on both sides to have better relations and get together.

3. The Finance Minister Mr. Shoaib was then called upon by the President to explain the financial issues. Mr. Shaoib referred to the correspondence he had with the Indian Finance Minister and said that he wanted to mention three points for P.M.’s information:-

I. Economic Co-operation: There was large scope for economic cooperation. He referred to the Water Treaty and emphasized the extent to which Pakistan would have to depend on India for implementation of the projects involved. He mentioned, in particular, steel, cement and other equipment. This will be to mutual advantage. Pakistan had to depend solely on two ports – Karachi and Chittagong- and will save these ports from congestion by procuring items like steel, cement etc. in greater quantities from India. From her side, Pakistan could supply India with jute, cotton, rock salt, etc.

II. Leak in foreign exchange: He then referred to the serious drain on their foreign exchange due to smuggling and illicit transfer of funds. According
to him, families who have dependents in India, use devious methods to send money to India. According to information collected by them, nearly Rs.30 to Rs.40 crores were transferred out from Pakistan to India each year by these illicit methods. This affected both India and Pakistan. Not only did they escape payment of taxes on profits in Pakistan but by not showing the money in their books they evaded payment of taxes in India also. He suggested that the Central Banks of the two countries should get together and prevent this drain. The Prime Minister stressed that smuggling was definitely a matter for executive action. He stated, however, that according to the Indian Ministry of Finance, these estimates given by Mr. Shoaib were exaggerated. He did not have any sympathy with those indulging in these illicit activities and had no objection to the two Central Banks getting together to consider this matter.

III. The Finance Minister then spoke about the overall debt settlement between the two countries. He admitted that within the last few months, the two Delegations had settled the bulk of the outstanding issues but three major items remained for further consideration:

(a) **Arrears of income-tax and excess profits:** He explained that the estimates given by either side differed very much and suggested that since an agreement was not possible on an ad hoc basis, the best course was to ask a team of officers to examine the books in the income-tax departments of both the countries. In answer to a question by the Prime Minister, Mr. Shoaib explained that while the estimates on the Pakistani side were based on books in the income-tax department, estimates in India were based on the extent of tax evasion in each year, calculated on percentage figures. Though the Indian side had maintained that their estimates are correct, it is essential that the fact should be verified if the two sides are to proceed on a precise basis. He wanted the figures to be drawn up on either side just like a balance sheet. Prime Minister asked whether it was the Pakistan case that the estimated arrears given by them were realized by India. Mr. Shoaib said that it was so.

(b) **Defence assets:** Here also, the Finance Minister maintained that the facts should be verified as ad hoc figures arrived at the time of Partition were not dependable. He had discussed the matter with the Indian Finance Minister who was willing to make an adjustment but that was not enough. On the Pakistani side, the Military Engineering Works had made a complete estimate of the defence assets in Pakistan in 1948.

(c) **Pensionary liabilities undertaken by two governments:** There were two categories under this heading: (i) those who had already retired at the time of Partition, and (ii) those who retired later and moved to Pakistan. According to the Finance Minister, at the time of Partition, the
civilian personnel were recruited on the basis of 25% Muslims and 75% other communities and, in the armed services, the ratio was 33. 1/3% Muslims, 66. 2/3% non Muslims. He suggested that the pensionary bill should be shared in these ratios, on the civilian and on the military side. He pointed out that while Pakistan’s share of the partition debt was fixed at 17.5%, her liability on account of pensions was at a much higher figure in view of these recruitment ratios given by him.

The Finance Minister then referred to certain transactions which took place after Partition: (i) transfer of Rs. 50 crores from the Reserve Fund of the Reserve Bank as Pakistan’s share, (ii) devaluation fund, (iii) Indian securities transferred to Pakistan at the time of Partition.

Mr. Shoaib estimated the total amount under these “current transactions” at Rs. 153 crores. According to him, the Indian side was willing to accept only Rs. 90 crores.

Mr. Shoaib said that the items enumerated above became due at specific dates. He wanted interest on these to be calculated at the international rate and the dues brought up to date till 1952 and deducted from the partition debt which had become payable from 15th August 1952 as originally contemplated. This method would enable both sides to estimate the net amount payable each year, after allowing for deduction for payments under “current transactions” to be made by India.

At this stage, the Prime Minister pointed out that the transactions mentioned could hardly be termed as current. The appropriate term, he thought, would be to consider them as “past current transactions”.

Summing up the discussion, the Finance Minister suggested that the two countries could have the good offices of an outsider like the World Bank to go into the question of facts involved under the various heads. The Prime Minister, while agreeing that the facts can be verified, said that he did not react favourably to the suggestion about good offices of a third party since such good offices tended to prolong the agony. While he did not reject the idea completely, he thought that the two sides should try to make further efforts to ascertain the facts themselves.

The Prime Minister then explained that he was not in a position to discuss the points raised by the Finance Minister with authority or knowledge. The Finance Minister Shri Morarji Desai had discussed the outstanding financial issues with him in a broad way only. He had also brought to his notice the three outstanding issues but the differences between the two countries were considerable. The Prime Minister agreed that the facts should be ascertained.
Mr. Shoaib then referred to certain reports which had appeared in the Indian papers that Indian concerns functioning in Pakistan were being discriminated against in the matter of remittance of their profits. The Finance Minister maintained that there was no basis for this allegation as there was no rule or regulation against such remittance.

The Prime Minister then asked for clarification as he had somehow got the impression that such discrimination did exist. Mr. Shoaib explained that after the Indian concerns had declared their profits and paid their taxes, they were offered Indian securities as a mode of transferring funds to India. In his view, the difficulty actually arose because of the refusal by the Reserve Bank of India to cash the securities so offered to Indian concerns. In this context, he referred to a letter he received from Mr. Dandaker, Managing Director of the A.C.C., according to which the A.C.C. had denied that any difficulty had arisen because of action from the Pakistani side. The Indian attitude, the Finance Minister said, stemmed from their view that the transfer of securities constituted a capital transaction and not a current transaction. He admitted that certain delays and difficulties did exist because of official procedures but reiterated that there was no discrimination whatsoever against Indian firms.

In answer to a question by P.M., the Finance Minister estimated the value of the securities in question at Rs. 25 crores. He said that these securities were convertible because India had taken over the Public Debt and the securities were a legitimate charge on Indian revenues.

When the Prime Minister said that he was totally ignorant of the controversy, Mr. Shoaib pointed out that the ‘first shot’ was fired from Delhi and added that on the facts published, it appeared that the information leaked from the Government sources at New Delhi.

At this stage, the President referred to the various attractive terms which were being offered to foreign firms to invest capital in Pakistan and mentioned in particular the ‘tax holiday scheme’ which the Government had announced. He said that these terms were applicable to all new foreign, including Indian investments but not to pre-partition Indian investments and to that extent there was discrimination.

The Commonwealth Secretary explained that according to the Indian Ministry of Finance, the question of securities was a part of the overall Partition Debt and other financial settlement between the two countries as they were related to the Public Debt taken over by India.
The President said that, on their side, they were prepared to accept payment for these securities in non-transferable Indian rupees and not claim sterling because of the difficult foreign exchange situation of India.

The Prime Minister pointed out that since he was not a financial expert, he can only say that he will bring these matters to the notice of his Finance Minister. He hoped to meet him on his forthcoming trip to USA and Mr. Shoaib will probably meet him earlier.

4. The Prime Minister then raised the issue of supply of gas from Pakistan to India. Mr. Shoaib explained that a foreign firm, M/S Campstock & co., had reported favourably about the possibility of exporting gas in liquid form. Mr. Shoaib stated that gas could be supplied by pipeline as it was cheaper and more convenient. He added that India could use her own pipes for the purpose.

5. The President pointed out that Pakistan was offering the gas at considerable sacrifice as it may be required for her own development purposes. At the present moment, the gas was being wasted by uneconomic utilization. The Prime Minister, while expressing thanks for Pakistan's consideration for making this offer, pointed out that oil has been found in large quantities in Cambay in Gujarat recently and that plans for making the supply available to Gujarat and Rajasthan were under examination. A refinery will be set up near Cambay next year. He also referred to the present glut in the world oil supply and to the possibility of oil prices being brought down further.

6. The President suggested that the question of Sui gas supply could be left for consideration by a team of experts from both sides and said he would welcome a delegation from India to discuss this matter further.

7. The Prime Minister then referred to the delay in the implementation of the Movable Property Agreement. He mentioned that even though a high-powered implementation committee had been set up under the agreement, no meeting of the committee had taken place after April 1958. He suggested that the committee should meet without further delay.

8. Mr. Manzur Qadir admitted that the working of the committee had got bogged down due to various reasons. He explained that General Azam, who was in charge of the rehabilitation work until recently, was much too busy in the resettlement of refugees but the Foreign Minister promised that steps would be taken to hold an early meeting of the implementation committee. In this context, he referred to the hardship caused by the delay in settling the claims of pensioners of local bodies, a matter in which General Shaikh was keenly interested.
9. At this point, the Finance Minister intervened to say that even though an agreement was reached at the last meeting of the Finance Ministers in regard to the payment of pensions through the respective High Commissions, no progress had been made despite several reminders from the Pakistan side.

10. Another matter raised by the Prime Minister was the desirability of improving the travel facilities between the two countries. He suggested that ways and means should be found to improve the situation.

11. The Foreign Minister, explaining the Pakistani position, sought to make a distinction between the situation in regard to (a) visas and (b) passports. While the Pakistan Government had issued instructions to remove the existing restrictions regarding registration with police, residential permits, etc., in the matter of issue of passports his Government was faced with serious difficulty on financial grounds. He explained at length the drain of foreign exchange arising out of the under-hand methods practiced by Pakistanis visiting Indian side to see their families. When the Prime Minister pointed out that there was a corresponding flow of funds from India to Pakistan, the Foreign Minister maintained that the loss on the Pakistani side was very much greater. According to Mr. Qadir, Pakistan had 11 lakhs passport holders who wanted to visit India. At this stage, the Commonwealth Secretary pointed out that only two lakhs visas were issued during 1959 and nothing like 11 lakhs were going to India.

12. The Prime Minister then drew attention to the fact that even though some money was allowed by the State Bank of Pakistan to Pakistani visitors to India, they were actually compelled to take back almost the entire amount. This, in his view, implied that far from spending any money on their own, they actually depended upon funds provided by their relatives and friends during their sojourn in India. In his view, there should be less restrictions on travel between the two countries and he referred to the old days when practically no passports or visas for travel were necessary except for visit to Czarist Russia.

13. The Prime Minister referred to exchange of experience of reclamation of water-logged lands and removal of salinity from the soil. He said that an interesting development had taken place in a place near Lucknow where the local experts, at a little cost, had been able to reclaim saline soil within seven or eight months with the help of some rapidly growing shrubs. The President of Pakistan said that they would welcome an opportunity for exchange of expert knowledge and experience in these matters as well as on other scientific matters.

14. The President referred to the need for co-operation on development of water resources and control of floods between East Pakistan and India. He said that a Minister level conference would be welcome to them to settle certain
principles, so that developments in each country were coordinated and, where necessary, even the costs could be shared. He referred in this connection to the projected developments at the Teesta and the Indian project of the Farakha barrage. The Commonwealth Secretary mentioned that the engineers had met a couple of months back to exchange information about projects of interest to each other and were meeting again on 1st October, adding that it was better that data should be collected by experts and exchanged before a Minister level conference as suggested by President can take place. He mentioned, in this connection, the report of the Bank team in connection with India’s Third Plan where they specifically stress that Calcutta and the importance of saving the port by providing adequate flush to remove the silt should be attended to.

15. The President stressed that settlement of differences between India and Pakistan and increased cooperation between our two countries would not only benefit India and Pakistan but also contribute to the development of South-East Asia generally with India as the centre of all South East Asia. He said that the only obstacle to India becoming the main centre of South East Asia was the differences between India and Pakistan.

0335.  
SECRET  
Note recorded by Prime Minister Jawaharlal Nehru of his meeting with the Pakistan President Ayub Khan.

Murree, September 21, 1960.

Prime Minister’s Secretariat

Last night President Ayub Khan mentioned that he wanted to talk to me about Kashmir this morning. I agreed. He asked me if I preferred talking to him alone or with Advisers present. I said that this was entirely for him to decide. It was then decided that to begin with President Ayub Khan and I should have a talk on Kashmir and later others might join in.

2. Accordingly, this morning I met the President. Our respective Advisers waited outside. As a matter of fact, these Advisers were not called in at all and the talk which lasted for over an hour took place between the President and me only.

3. The President began by laying stress on the importance and the urgency of a full settlement between the two countries of all our problems and, more
particularly, that of Kashmir which had come in the way of good relations between the two countries. He spoke at some length on this subject and laid stress on as speedy a solution as possible partly because delay might worsen the situation and partly because if these problems were not settled between him and me while we functioned in our respective capacities, a settlement might become much more difficult or even impossible later on.

4. I entirely agreed on the desirability of good and cooperative relations between the two countries. That had always been our desire and policy and I was glad that we had made much progress in this direction. So far as I could judge, the people of both countries had friendly feelings towards each other and the old bitterness had gone. In dealing with Kashmir we had to take a realistic view of the situation. Not to do so would land us in greater difficulties. It would be most unfortunate for us to try to take a step which might create numerous upsets and emotional upheavals.

5. The President said that he had not been concerned with the past history of the Kashmir question and no doubt many mistakes had been made both on the part of Pakistan and of India. Pakistan had raised some issues which, the President thought, were not justifiable. Thus, there was the case of Hyderabad and Junagadh, etc. It was clear that these places could only go to India. They were surrounded by Indian territories and they could not separate themselves from it. These questions should have been settled easily without the necessity even of India taking action as in the case of Hyderabad. Evidently, the President was treating the case of Kashmir on a separate basis and indicating that Pakistan was justified in regard to her claim on Kashmir, though the President did not say so actually.

6. The President said that he did not want any upsets following an attempt at solution. There was no reason why there should be any such upsets if the parties agreed to it. He realized that there was emotion and passion on this issue on both sides. In Pakistan there was very strong feeling and probably there was some feeling in North India. But South India did not care about this. This might make it easy for me to raise this question in a practical form for solution. It was true that there were much more friendly feelings and relations among the people of both countries now, but some new development or some mischievous step taken by some politicians in Pakistan or India might create a new crisis and embitter our relations. I told him that he was not right in thinking that the feeling in India was not strong or was limited over this issue. Apart from feeling, there were other important aspects connected with it. The consequences of any marked change would not only have a great upsetting effect in Kashmir itself, but also in India. We had a large population of Muslims in India and on the whole they had been integrated. But any wrong step taken
by us would affect them injuriously and prevent further integration. I gave also various other reasons and further pointed out that it was extraordinarily difficult for us to go through the various processes that might be required for any major change. I referred to the Berubari case which had been raised in Parliament and had to be referred to the Supreme Court. There was much excitement over this issue in Bengal especially. If this kind of thing happened over a small issue like Berubari, he could well imagine what great difficulties would be raised over any larger issue. The slightest change in territory involved our going to Parliament and changing our constitution, apart from convincing our people. Then again, according to our very Constitution, we could do nothing in regard to Kashmir without the consent of the Kashmir Assembly. Twice there had been elections in Kashmir for this Assembly. Next year we are going to have a third general election in which Kashmir would join.

7. This and much else I pointed out to him and also referred to the numerous changes that had come about during the last ten or twelve years in Kashmir and elsewhere. We could not go back on all this and it was beyond our capacity to get people to agree to any such thing. Indeed, the first step would be our agreeing ourselves which I found very difficult. But the other step would be far more difficult. It seemed to me that the only practicable and feasible course was to allow matters to rest where they were more or less and to accept the position as it was.

8. The President said that the present position was a result of military conflict and an ad hoc cease-fire line which had no real justification as a frontier. As such it could hardly be accepted and it was there only because armies stood on either side.

9. I said that was partly true and adjustments could be made to conform to geographical or like features, provided the basic position was accepted. Any other course was not practicable or feasible now and would lead to trouble and difficulty.

10. The President was not agreeable. He went on repeating what he had said previously and asked me to think about this. He did not want me to say yes or no at this stage. He knew that the question was a difficult one and every aspect of it had to be considered, consultations had to take place and public opinion gradually directed to certain ends. But he would like me to give full thought to this question and how to find a way out.

11. I told him that I had been considering this matter for the past dozen years and I would continue to give thought to it. But I could see no way out other than the one I had suggested. I tried to get the President to indicate what precise course of action he had in mind, but he did not do so. All that he said...
and repeated was that we must give full thought to this question and try to find some way out. There were three parties to this question of Kashmir: India, Pakistan and the people of Kashmir. All must be satisfied.

12. I have said above briefly about the nature of the talk I had with the President this morning. As was inevitable, we were constantly repeating the same arguments and not getting anywhere. The talk was friendly and at no time was there any heat or excitement in it. The only result that came out of it was that we should keep this matter in mind and think again over it.

13. As I have said above, no one else was present at the time of this talk. It was when we had finished it that we invited the others to join us and soon after we left for Nathiagali.

14. In our long motor journeys I discussed many subjects with President Ayub Khan. These included international problems as well as the development schemes in our respective countries, education, agriculture, etc. all these talks were frank and on a friendly level. The President spoke with some knowledge of his own development schemes. His talks on international questions exhibited a somewhat limited outlook.

15. This evening, in the course of our talk (Mr. Manzur Qadir was present also), the President asked me about our settlement with the Nagas and how this was progressing. I told him about it and said that we hoped that this would be a success. I gave him a brief account of our recent troubles near the Burmese frontier. I also told him of what we had been doing in NEFA. The President asked me about Phizo also and I gave him some information about Phizo’s activities.

J. Nehru

President’s House,
Murree
21.9.1960
0336. SECRET

Note recorded by Prime Minister Jawaharlal Nehru on his talks with Pakistan President Ayub Khan.

Murree, September 22, 1960.

Prime Minister’s Secretariat

Last night the President said to me that the transfer of territories between India and Pakistan which had been agreed upon, was to have taken place on the 1st of October, but now he had been informed on the part of India that this would be delayed. So far as Pakistan was concerned they had already transferred some of these small patches of territory.

2. I said that I did not know much about this. Our Commonwealth Secretary could tell us what the position was. Probably, the recent judgment of the Supreme Court of India had necessitated an amendment of our Constitution and because of this some delay was likely to take place.

3. We talked about Dr. Khan Sahib and Khan Abdul Ghaffar Khan. Dr. Khan’s name was mentioned by Mr. Manzur Qadir in connection with bridge playing to which Dr. Khan was addicted. I spoke of Dr. Khan during the days when he was my contemporary in England and related some stories concerning him. I said that he was a very fine and likable person.

4. The President himself then referred to Abdul Ghaffar Khan who he described, I think, as “your friend”. He said that Abdul Ghaffar Khan had many good qualities, but he was very rigid and this came in his way. I said that he was certainly rigid and firm about certain matters, but I admired him greatly. Mr. Manzur Qadir said that he wandered about in tribal areas in a jeep in the hot sun when younger people got tired. There was no doubt that people still felt drawn to him and he was in a measure popular.

J. Nehru

President’s House,
Murree
22.9.1960

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Note recorded by Prime Minister Jawaharlal Nehru on his meeting with Pakistan President Ayub Khan.

Lahore, September 22, 1960.

Prime Minister’s Secretariat

I spoke to President Ayub Khan this evening about the Hyderabad money locked up in the Westminster Bank, London (Mr. Manzur Qadir was also present). This was originally (in 1948) over a million pound sterling. Since then a good deal of interest must have accumulated. All our efforts to get at this money on behalf of the old Hyderabad Government failed because of some technical plan of lack of jurisdiction of the court in England. The only possible way to get this money released is by coming to an agreement with Pakistan and presenting a joint application to the Bank or to a court.

I said to the President that this money was being wasted, and the only beneficiary being the Westminster Bank. He agreed and said that if the Nizam died, the money or a very large part of it would go to the UK Government. He would therefore agree to any proposal to get it out of the clutches of this bank, even if the entire sum went to India. I said that probably the best way to deal with it would be to create a trust for educational purposes for Indian, and, to some extent, Pakistani students studying in the UK. He said that he was agreeable to this or indeed to any proposal that we might suggest. We have therefore to put forward a proposal.

The money undoubtedly belonged to the old Hyderabad State and presumably should now go to the Andhra Pradesh Government. But I think it will be gracious of us to use it partly for Pakistani students. I suggest, therefore:

1. A trust should be created out of this money in the Westminster Bank, including the interest that may have accumulated.
2. The income from this trust should be used for scholarships to students in the UK from India and Pakistan, broadly in the ratio of three to one, that is, three-fourth of this money should go to Indian students and one-fourth to Pakistani students.
3. The Indian scholars chosen for this purpose should be from Andhra Pradesh and, more particularly, from that part of it which comprised the old Hyderabad State or Telangana.

The trustee should be:

1. High Commissioner of India in the UK;
2. High Commissioner of Pakistan in the UK;
3. A representative of the Andhra Pradesh Govt.

These are the broad proposals. Details can be worked.

Commonwealth Secretary might process this after consulting the Home Minister and the Finance Minister. Later, if necessary, we may consult the Cabinet. After that we can send our proposal to the Pakistan Government.

Nehru

Governor’s House,
Lahore.
22.9.1960

Additional note on Hyderabad money in Westminster Bank in London.

This morning President Ayub Khan referred to this matter again and expressed a wish that this should be expedited. Rather casually he mentioned that a trust fund should be created with the High commissioners of India and Pakistan as trustees and that the money should be used for educational scholarships in the UK. He also casually said that this might be done on the fifty-fifty basis.

2. We did not discuss this matter at all any further. The Pakistan Foreign Minister said that he would process it and communicate with us. I think that the sooner we process it ourselves in Delhi the better it would be. We ought to take the initiative in this matter.

3. In my previous note I had suggested that the money should be broadly used on a three to one basis i.e. India gets 3/4\textsuperscript{th} of the money for educational scholarships. It appears now that the President would like to have it on the fifty-fifty basis. I still think that we might adhere to my previous opinion even though we might, if necessary, go up to two to one. Apart from the legal rights etc. of the matter, the main consideration now appears to be to help people from the old Hyderabad State, whether they are in India or in Pakistan now. Obviously, the vast majority of them are in India in Andhra Pradesh. Therefore, even on that basis a much greater part of this fund should be utilized for helping them by educational scholarships.

J. Nehru

Governor’s House,
Lahore.
23.9.1960
Joint Communiqué issued at the end of the visit of Prime Minister Jawaharlal Nehru to Pakistan.

Rawalpindi/New Delhi, September 23, 1960.

1. The Prime Minister of India, Shri Jawaharlal Nehru arrived in Karachi on the morning of the 19th September on five-day visit to Pakistan on the invitation of Field Marshal Mohammad Ayub Khan. The Prime Minister was accompanied by Hafiz Mohammad Ibrahim, Minister, Irrigation and Power, Shri Jaisukhlal Hathi, Deputy Minister for Irrigation and Power, and officials of the Government of India.

2. In the afternoon the Indus Waters Treaty, 1960, was signed by the Prime Minister of India and the President of Pakistan on behalf of their respective countries and by Mr. W.A.B. Iliff on behalf of the International Bank for Reconstruction and Development.

3. The Prime Minister and the President left Karachi on the 20th September for Murree, visited Nathiagali on the 21st and left for Lahore via Rawalpindi on September 22nd. The Prime Minister visited the site of the new Capital, Islamabad, on his way to Rawalpindi. The Prime Minister of India left for Delhi on September 23.

4. The two leaders, during the five days, discussed matters affecting Indo-Pakistan relations and exchanged informally views on current international questions.

5. The President of Pakistan and Prime Minister of India were convinced that the primary need of the two countries was the rapid development of their resources and the raising of the living standards of their people. The two leaders acknowledged that the settlement of the Indus Basin Waters question and the elimination of their border disputes presented to their two Governments an unparalleled opportunity to direct their policies towards the promotion of mutual understanding and friendly co-operation between their two countries. They agreed that their Governments and peoples should work for the promotion of friendly and co-operative relations between their two countries and eliminate old emotional strains and tension. They recognized that reduction in tension and development of friendly neighbourly co-operation relations will enable each of their countries to devote its energies to the achievement of their basic objectives of economic and social development.

6. In furtherance of these common objectives, the Prime Minister and the President have also agreed to the following:
(A) A meeting between the Ministers of Finance of the two countries to consider further and resolve the differences on financial matters between the two countries.

(B) A Minister level conference between India and Pakistan to review the implementation of the border agreements and to resolve the outstanding differences on border matters.

(C) An early meeting of the high level Implementation Committee set up under the Moveable Properties Agreement.

(D) Promotion of co-operation between two countries on scientific and technical matters and exchange of information on agricultural research.

(E) Evolving of procedures for exchange of information with regard to the projects for utilization of water resources of the common rivers in India and East Pakistan.

(F) Exploring possibilities of increasing trade and economic exchanges between two countries and examining the need for opening new offices to further this objective. It was suggested that Pakistan, inter alia, should buy cement, iron and steel from India and could sell to India jute, cotton, rock salt, sui gas, etc.

7. There was a frank and friendly exchange of views between the Prime Minister and the President in regard to Kashmir. The talks were conducted in an atmosphere of cordiality. They came to the conclusion that this was a difficult question which required careful consideration of all aspects. The President and Prime Minister agreed to give further thought to this question with a view to finding a solution.

8. The President of Pakistan and the Prime Minister of India welcomed this opportunity of renewing their personal contact and of having friendly and fruitful discussions. They have agreed to keep in touch with each other in furtherance of their common objectives.

9. The Prime Minister of India had invited the President of Pakistan to visit India. The President of Pakistan has accepted the invitation.

23 September 1960.

◆◆◆◆◆
My dear Commonwealth Secretary,

I called on the Pakistan Foreign Secretary this afternoon.

2. Mr. Ikramullah kept me with him for about 40 minutes. He was to exchange formally with the Swiss Charge d’Affairs the instruments of ratification of the Swiss - Pakistan treaty on Avoidance of Double Taxation at 1 p.m. and the Chief of Protocol dropped into his office twice to remind him that it was already a few minutes past the time and that everybody was waiting. Mr. Ikramullah however continued talking to me saying that I was an old friend from the Commerce Ministry and from London.

3. In the beginning Mr. Ikramullah talked of weather, particularly the unwholesome aspects of it in Dacca, his visit to Rawalpindi from where he had come the previous night, his wife’s miraculous escape from certain death and other time wasting topics of small consequence. He also asked me to apologise to Padmanaban for not being able to see him when he came to Foreign Office to say good bye a couple of days before his departure.

4. I then handed over to him your letter of the 7th of October (502 CS/60) regarding exchange of areas on the western border in adverse possession of the two countries. He said he was not somewhat embarrassed at the date suggested, particularly in view of the commitment he had already made to his President. He told me that he had discussed the matter with you during your last visit and he got the impression that the actual exchange could commence a week after the introduction of the requisite Bills in Parliament. To be on the safe side, however, he had suggested that the end of November be fixed as the appointed date. He had mentioned this earlier to his President, who had agreed that in view of the legislative processes that would be constitutionally necessary in India, Pakistan should agree to the suggested postponement from the 15th of October to the 30th of November.

5. During his discussion with you in Murree, you had stated that it would be
prudent to fix 31st of December. Mr. Ikramullah said that he then offered a compromise and suggested 15th of December. You said you would write to him from Delhi but he got the impression that there would be no difficulty in agreeing to this date. He, therefore, went again to his President and got his approval to a second postponement to the 15th of December.

6. Mr. Ikramullah therefore asked me to write to you immediately and place his difficulties before you. He said that “Ayub was after all a dictator” and one could not go to him again and again on a matter of this kind. As it is, the President does not think much of civil servants and would be justifiably irritated with these changes. He might also get the impression that people on both sides were unnecessarily delaying the matter”.

7. I told him I had seen the draft Bills in Delhi and that they would be introduced in Parliament at its forthcoming session. This would be duly reported and every one in Pakistan would know that India was proceeding with the implementation of the agreement. Mr. Ikramullah said he appreciated this point but felt that he was still not sure that the President would not feel somewhat uneasy if he spoke to him again of a further formal postponement. He added on a personal basis that a fortnight here or there would hardly make any difference and that even if the agreed date of exchange were fixed at 15th of December and the legislative processes in India took a little longer, the people in Pakistan would not be perturbed if the actual exchange took place somewhat later. He was aware that no Government could say firmly that its Legislature would do something by a fixed date. The agreed date was therefore only an estimate. Mr. Ikramullah, therefore, asked me to request you to agree to the 15th of December.

8. I said I shall write to you and let him have your reply.

9. Having changed from weather to politics, Mr. Ikramullah continued to expostulate on his theories on Indo-Pakistan relations and his views on some pending issues. He talked of Mr. Jinnah and the Congress. He said that immediately after Partition, some people went to see the Quaid and told him that one Jinnah got them Pakistan but that even one hundred Jinnahs could not rehabilitate and develop Pakistan. After the deputationists had left, Mr. Jinnah told him (Mr. Ikramullah) that even one hundred Jinnahs could not have got Pakistan and that it was the narrow-mindedness of the Congress which was responsible for its creation. Mr. Ikramullah said that India could have “killed” Pakistan with kindness even after its establishment.

10. This led him to the issues still outstanding on the eastern border. He said he was prepared to let Assam have the five Patharia villages as well as Umapati provided that East Pakistan could have in return the Chhatak quarries.
East Pakistan was economically backward and had no indigenous raw materials for cement. Any kindness shown to East Pakistan, therefore, would be greatly appreciated. On the other hand, if India did not take a generous attitude, he, on his part, was going to be difficult. I said I was sorry to hear this, particularly as the position of Umapati was quite clear. If Pakistan raised this matter seriously, it would run counter to the entire approach and the intention of the two Governments in arriving at the border settlements at the October meetings.

Mr. Ikramullah said that as far as he was concerned, there were two approaches. One was mutual accommodation and the second was legalistic attitudes. If he did not get the quarries, he would be legalistic on Umapati. He added that he had told Padmanabhan very clearly that he would not get the quarries; he would be legalistic on Umapati. He added that he had told Padmanabhan very clearly that he would not agree to a settlement of their claim over Umapati except as part of a deal involving the Chhatak quarries.

11. I could have pointed out to him the obvious contradictions in the stand taken by him. I did not however wish to conduct a disputation with him at my first meeting. Having made my point, therefore, I kept quiet and let the Chief of Protocol conduct him to the conference room, the Swiss Charge d’ affaires and the press photographers.

12. I was somewhat disappointed at this approach at his first meeting with me despite his personal affability. I had known him in Delhi when he was Joint Secretary in the Ministry of Commerce before Partition and I was Deputy Secretary. At that time, he and his wife were busy achieving Pakistan for Mr. Jinnah. But I thought the passage of time might have sobered him.

With kind regards,

Yours sincerely

V.C. Trivedi

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

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0340. Minutes of the meeting of Indo – Pakistan Information Consultative Committee.


The Indo – Pakistan Information Consultative Committee which reviewed trends in the Press, Radio, Films and Publications in India and Pakistan, appreciated the work being done in the two countries to implement the Indo – Pakistan agreements.

2. In the inaugural session on November 26th, the Leader of the Pakistan delegations, while welcoming the Leader and members of the Indian delegations, acknowledged the significant improvement that had taken place in the relationship between the two countries. He said the climate of friendship could be further improved if, in addition to observing voluntarily the Joint Press Code, some thought was given to the positive aspects of the problems, and the information media in both India and Pakistan stressed on the work being done in both countries in the field of economic and social development.

3. The Leader of Pakistan delegation emphasized the need for broad agreement on principles and a better approach to the problems. He pointed out that while there might be infringements here and there of an all embracing Code in both the countries, the Committee should concern itself more with flagrant violations that cause a sense of anger and animosity between the two peoples. He said that in order to create a more harmonious understanding personal attacks on national leaders should be avoided.

4. The Leader of the Indian delegations, reciprocated the sentiments of friendship and goodwill expressed by the Leader of the Pakistan delegation and said that the initiative taken by the President of Pakistan and the recent visit of the Indian Prime Minister to Pakistan as also instances of greater cooperation in economic and trade relations had done a lot to lessen the tensions between the two countries. There was now greater understanding of each other’s viewpoint. He agreed with the leader of Pakistan delegation that in addition to the observance the Joint Press Code, the Press in both the countries should strive to see the positive side of the work that is being done in India and Pakistan. As regards other media of information, the two Governments could take steps and evolve a procedure much more easily because they were under their control. He emphasized that these media could give the lead by avoiding attacks on the personalities of the leaders of both the countries.

5. In his view there was an all round improvement, but there was room for further improvement.
6. Both delegations agreed that the violation of the Joint Press Code should be looked at from the viewpoint of getting the broad picture in order to assess the progress made towards more friendly atmosphere and understanding.

7. In the field of the Press, the Committee reviewed the working of the Joint Press Code since its adoption last April and noted the steps taken to implement it. While the Committee was satisfied that the Press as a whole had tried its best to contribute towards friendly feelings between the two countries, it noted with regret that some newspapers in both the countries had not acted in consonance with the Joint Press Code.

8. It felt that the time had come when positive steps should be taken to promote a more cordial atmosphere by reporting on and reviewing constructive and developmental activities in both countries.

9. The Committee felt that efforts of the two Governments to promote friendly relations should be supplemented by the Press in both the countries collaborating to ensure implementation of the Joint Press Code.

10. The Committee held that better understanding between the two countries would be promoted by broadening the basis of facilities given to journalists for reporting on activities in each country. It held the present procedure to be unduly restrictive.

11. The Committee recommended for increased facilities for circulations of newspapers published in each country to promote better appreciation of the achievements of the two people.

12. The Committee was informed by the Pakistan representatives that the question of the removal of ban on the entry of three Indian newspapers into East Pakistan was under active consideration.

13. On broadcasting, films and publications, the Committee noted the distinct improvement in the tone and complexion of broadcasts of the two organizations and agreed that efforts to maintain this trend and to make further improvements should be continued.

14. In this connection the Committee discussed some specific broadcasts where selection of material and its editing and treatment called for further improvement. They exchanged views with regard to the ways and means of effecting this improvement.

15. The Committee also discussed and favoured the exchange of visits by personnel of the two broadcasting organizations and wherever possible the joint production of programs.
The Committee further recommended that there should be exchange of radio programs, documentary films and publications reflecting economic, social and cultural progress of the two countries.

Sd/- Zulfikar Ali Bhutto  

Sd/- B.V. Keskar

0341. Press Communique issued at the end of the meeting of the India – Pakistan Information Consultative Committee.

Rawalpindi, November 28, 1960

The Indo – Pakistan Information Consultative Committee which reviewed trends in the Press, Radio, Films and Publications in India and Pakistan, appreciated the work being done in the two countries to implement the Indo – Pakistan agreements.

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3. The leader of Pakistan delegation emphasized the need for broad agreement on principles and a better approach to the problems. He pointed out that while there might be infringements here and there of an all embracing Code in both the countries, the Committee should concern itself more with flagrant violations that cause a sense of anger and animosity between the two peoples. He said that in order to create a more harmonious understanding personal attacks on national leaders should be avoided.

4. The Leader of the Indian delegations, reciprocated the sentiments of friendship and goodwill expressed by the Leader of the Pakistan delegation and said that the initiative taken by the President of Pakistan and the recent visit of the Indian Prime Minister to Pakistan as also instances of greater cooperation in economic and trade relations had done a lot to lessen the tensions between the two countries. There was now greater understanding of each other’s viewpoint. He agreed with the Leader of Pakistan delegation that in addition to
the observance of the Joint Press Code the Press in both the countries should
strive to see the positive side of the work that is being done in India and Pakistan.
As regards other media of information, the two Governments could take steps
and evolve a procedure much more easily because they were under their control.
He emphasized that these media could give the lead by avoiding attacks on
the personalities of the leaders of both the countries.

5. In his view there was an all round improvement, but there was room for
further improvement.

6. Both delegations agreed that the violation of the Joint Press Code should
be looked at from the viewpoint of getting the broad picture in order to assess
the progress made towards more friendly atmosphere and understanding.

7. In the field of the Press, the Committee reviewed the working of the Joint
Press Code since its adoption last April and noted the steps taken to implement
it. While the Committee was satisfied that the Press as a whole had tried its
best to contribute towards friendly feelings between the two countries, it noted
with regret that some newspapers in both the countries had not acted in
consonance with the Joint Press Code.

8. It felt that the time had come when positive steps should be taken to
promote a more cordial atmosphere by reporting on and reviewing constructive
and developmental activities in both countries which are engaged in building
progressive welfare State.

9. The Committee felt that efforts of the two Governments to promote friendly
relations should be supplemented by the Press in both the countries
collaborating to ensure implementation of the Joint Press Code.

10. The Committee held that better understanding between the two countries
would be promoted by broadening the basis of facilities given to journalists for
reporting on activities in each country. It held the present procedure to be
unduly restrictive.

11. The Committee recommended for increased facilities for circulation of
newspapers published in each country to promote better appreciation of the
achievements of the two people.

12. The Committee was informed by the Pakistan representatives that the
question of the removal of ban on the entry of three Indian newspapers into
East Pakistan was under active consideration.

13. As regards the question of reviewing the existing practice of exchanging
formal notes on the infringements of the Code, the Committee observed that,
in the past, direct exchanges between the two Ministries of Information used to
take place and later on these exchanges assumed the shape of formal protests. The Committee decided to refer the matter to both the Governments and if they agreed the former practice might be resumed.

14. On broadcasting, films and publications, the Committee noted the distinct improvement in the tone and complexion of broadcasts of the two organizations and agreed that efforts to maintain this trend and to make further improvements should be continued.

15. In this connection the Committee discussed some specific broadcasts where selection of material and its editing and treatment called for further improvement. The exchanged views with regard to the ways and means of effecting this improvement.

16. The Committee also discussed and favoured the exchange of visits by personnel of the two broadcasting organizations and wherever possible the joint production of programs.

17. The Committee further recommended that there should be exchange of radio programs, documentary films and publications reflecting economic, social and cultural progress of the two countries.

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0342.               SECRET

Extract from a Note recorded by Prime Minister Jawaharlal Nehru after his meeting with Pakistan President Ayub Khan.

London, March 16, 1961

7 He then said that the settlement about our boundary issues had created a very good impression. People in West Pakistan as well as in Indian Punjab had celebrated this and were happy after the change. In this way we should settle our other problems also. Very briefly he referred to Kashmir. He said that this was a great burden on our armies. If we could settle that, this burden would be far less and relations between Pakistan and India would be on a very friendly basis with no outstanding problems left. He realized that we attached value to the valley. Could we not make it a separate unit like Switzerland?

8. He further told me that he had seen Lord Mountbatten two or three days ago and pointed out to him how many of our present day troubles between
India and Pakistan were due to the vague approach made by the Partition Authorities.

9. I did not say anything in reply to him about this matter. I merely listened. I told him, however, generally that I am always anxious to settle our problems.

Sd/- J. Nehru

0343. **SECRET**

Extract from a note recorded by Commonwealth Secretary M.J. Desai on the talks between the Prime Minister Jawaharlal Nehru and Pakistan President Ayub Khan.


4. After President and his Foreign Minister left, P.M. told me that the President had, apart from these questions of water arrangements in the East, mentioned that his letter about Berubari had been misunderstood, that he did not care at all for this small strip of territory and even now he was prepared to accept any suggestion that P.M. made. P.M. told him that we had got through the constitutional amendments and that the matter was now closed. President Ayub Khan also mentioned to P.M. that the boundary settlements had created satisfaction among the border populations on both sides, who were happy as the conditions were settled. He mentioned incidentally that even the bigger problem of Kashmir can be settled to mutual satisfaction and hinted that perhaps the matter may be taken up after the elections in India in 1962.

5. It appeared, particularly from the fact that the Pakistan High Commission had sent a Press Photographer to take picture of the meeting between President Ayub Khan and P.M., that the Pakistan President had come to make a gesture of good will to show to people here and to his own people that he is following up the earlier initiative to improve relations between India and Pakistan.

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SECRET

Extract from letter No. 48 PS/61 dated the 29th April, 1961 from J.N. Atal, Ambassador of India, Ankara to M.J. Desai, Foreign Secretary, Ministry of External Affairs, New Delhi.

Lord Mountbatten felt that the Kashmir problem was not insoluble given a certain amount of goodwill on both sides. He was of the opinion that there was this goodwill at the present moment and that there was also a genuine desire on both sides to settle this vexed issue. I asked him whether he had discussed Kashmir with President Ayub recently and Lord Mountbatten replied that during the Commonwealth Conference he had a very frank and interesting discussion with President Ayub. He had explained to President Ayub that plebiscite was out of the question and that the status quo should be accepted with minor adjustments here and there. He had suggested that perhaps it would be worthwhile trying for a sort of "neutral" valley of Kashmir with guarantees from both Pakistan and India. Ayub evidently listened to this attentively and did not in any way turn it down out of hand. Lord Mountbatten went on to say that before he threw out this "feeler" he had pointed out to Ayub that financially Kashmir was an enormous drain on India and that Pakistan would never, with her present resources, be in a position to spend such large amounts on development works in Kashmir.

I asked Lord Mountbatten whether he had mentioned this talk with Ayub to our Prime Minister and he replied that he had not done so. As this might be of some interest to you, I am reporting it. Only the British Ambassador was present during this conversation.

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I wonder if Prime Minister had ever seen the *Hindustan Times* report of what Shrimati Lakshmi Menon had said in a speech in Hyderabad on about September 25, 1960. This is apparently, the speech of the Deputy Minister referred to by General Shaikh in his Press Conference the other day, which is said to have tipped the balance between amity and discord between India and Pakistan, after the good atmosphere created by the Indus Waters Treaty and the Prime Minister’s visit to Karachi, in September, 1960. Shrimati Menon tells me that the report is naturally a very abbreviated version of what she said; and she had pretty, fully stated India’s case on Kashmir. There was apparently some emphasis on the plebiscite not being possible, because the subject given to her was negative—“why no plebiscite in Kashmir?”

2. When things started going wrong after September, in my talks with Mr. Brohi, I had repeatedly asked him what India had done so soon after the Indus Waters Treaty, that had led to this mounting hate-India campaign, whereas we all in India certainly expected things to go smoother and better after the Prime Minister’s visit to Pakistan. Mr. Brohi had more than once told me that the Deputy Minister had made some statement immediately after the Prime Minister’s return from Pakistan, which his President and the President’s advisers had taken serious umbrage to. Till now I had never been able to lay hands on the report of the speech; and, at one time, I was under the impression that the Pakistan High Commissioner was, perhaps, referring to something said by the Deputy Minister in reply to a question in Parliament, perhaps, in answer to a supplementary question. It was only after General Shaikh’s recent Press Conference that we asked Shrimati Menon what General Shaikh could have referred to, and it was at her instance that we have been able to trace this otherwise unnoticed newspaper report. According to Mr. Brohi, this was followed by Prime Minister’s reference to Kashmir as the “Pandora’s Box”. And from then on, Mr. Brohi said, he “felt his job in India was over”. The Prime Minister will permit me to add that in a short speech I made, when we gave a farewell dinner to Mr. Brohi, I remember pointedly saying that Mr. Brohi seemed to be going away disappointed, but there were many amongst us, he was leaving behind in India who were equally dedicated to bringing about good relations.
between India and Pakistan, and we would not abdicate easily – or words to that effect.

Y.D. Gundevia
15.7.1961
Prime Minister
Itld./J. Nehru

0346. SECRET
Letter from Acting High Commissioner V. C. Trivedi to Foreign Secretary M. J. Desai.

My dear Foreign Secretary,

The Kashmir obsession has now gripped the rulers of Rawalpindi with a virulence reminiscent of the fist-brandishing days of Liaquat Ali Khan. There are no longer any pretensions of goodwill or suggestions of peaceful solutions. The press had been directed to abuse, attack and misinform and the anti-Nehru, anti-Hindu, anti-India articles and editorials rival in their venom, the worst ever in Pakistan’s history.

2. The U.S. Vice President came to Karachi for a 24 hour stay and the official circles had hinted that there was to be a concerted attack on the American policy of friendship and assistance to India. The “independent” President of the Azad State of Jammu and Kashmir was summarily summoned to Karachi to be on hand if necessary. The Martial Law nominated President of the Karachi Municipality was given a speech to read at a civic reception and point out the explosive dangers of the Kashmir dispute.

3. The President took with him to Karachi not only Vice President but Foreign Minister Manzur Qadir, Finance Minister Shoaib and man of all trades Zulfikar Ali Bhutto as well. What had smarted Ayub was one of Harriman’s statements during his recent visit. Pakistani newspapers in the passion of their immaturity
and the puppetry of their profession had plagued Harriman at every occasion with questions on Kashmir. In the end, Harriman’s patience could stand no more and he told a persistent Correspondent in Lahore that Kashmir was a local dispute between India and Pakistan, on which the U.S.A. would remain neutral. America did not wish, he added, to shed any American blood for their dispute. Even Vice President Johnson’s praise of our Prime Minister and his solicitude for India’s progress were galling to Ayub and his advisers.

4. Ayub talked with Johnson for four hours and talked mainly on Kashmir. It appears that the local American Ambassador had indicated to the Pakistanis that the best course to adopt was to attack Harriman’s indiscretion and to voice loudly Pakistan’s steadfast loyalty to armed alliances. For the last fortnight or so, American Embassy officials had been telling all who asked as well as those who did not ask that Harriman’s comment in Lahore was not in good taste.

5. The principal policy of the Pakistanis now is to malign India and denigrate her Prime Minister. Their supreme objective, however infantile it may sound, is to prevent the Americans from giving financial assistance to India. It does not matter if in the process, Pakistan herself receives less, for irrespective of consequences, it is imperative that the Indian face must be spited. I attach here with some editorials and articles which appeared recently in Pakistani press (not reproduced here).

6. All this is of course part of Ayub’s strategy to make a thorough nuisance of himself internationally so that the world may take notice. He wants to make Kashmir into a Congo or Algeria, Laos or Angola; and he wants the world to interfere.

7. You will remember Douglas Fell. He was in the I.C.S. in Bombay. Subsequently, he joined the Political Service and was for some time in Baroda. After partition, he became the Dewan to the Khan of Kalat and had a tiff with Jinnah which led to his expulsion from Pakistan and retirement from service. He is now a director of the International Correspondence School of London and visits India and Pakistan in that connection. He is a good friend of mine and he saw me a few days ago in Karachi. He told me that when the Khan of Kalat (or was it his son?) went to the U.S.A. in the early days of the Kashmir discussions before the Security Council, he saw an American Assistant Secretary of State. He thought his name was Martin. At any rate, this gentleman told the Khan that the U.S.A. and other countries would interfere in the dispute only if there were trouble in Kashmir. A disagreement between two neighbours, which did not involve bloodshed brought forth no intervention. That was, of course, in the days when the U.S.A. had exhibited clear partisanship for Pakistan.

8. Ayub has either heard of this remark or Rountree has given him similar advice. He is, therefore, bent on creating trouble in and around Kashmir.
9. And now I come to the principal purpose of my writing this letter to you. Khurshid has already started talking of receiving arms through Pakistan. Earlier he had hinted at getting them from China. I do now know whether in actual effect, he will get much beyond a few guns and bombs for sabotage in Kashmir and periodic forays across the cease-fire line. In any case, he will be asked to step up these activities, which will undoubtedly create a lot of trouble in the State.

10. In addition to these excursions of violence, I understand that the Kashmir Intelligence agencies of the Pakistan Ministry of Home Affairs have undertaken another project. They are now printing pamphlets and tracts attacking the Sikh activities of subversion and disloyalty in India. This literature will be written in the style of Milap and Pratap, i.e. in somewhat Hindi-ised Urdu, and is intended to rouse the anger of the Sikhs against the Hindus and the Praja Parishad, who would be described as authors of the pamphlets. I am told that similar pamphlets will be produced attacking the Muslims and Pakistan. Some literature will also be turned out attacking the Hindus and it would be made to appear that the local Sikhs and/or Muslims had written it. All this material would be smuggled across the cease-fire line and distributed widely in Kashmir so as to create hatred and inter-communal discord.

11. I also understand that Pakistan authorities will shortly rehabilitate Maj. Gen. Akbar Khan and his associates of Conspiracy. They would be utilized for such nefarious activities.

12. Pakistanis had done this kind of thing in 1953 before Abdullah’s dismissal. This had led to suspicions and bitterness and when the Praja Parishad had disowned authorship, Shaikh Abdullah had arrested many Hindu Katibs on suspicion of their having written the pamphlets in question. Pakistani intelligence officials feel that the time is now ripe for similar exploits and hope that introduction of such Trojan horses in the nature of pamphlets and bombs would create disorder and tension in Kashmir. Allied to Khurshid’s antics and Ayub’s speeches directed to the world, these alarms and excursions and consequent police action would prove to the world, they hope, that Kashmir is a threat to peace and needs international intervention.

13. You may perhaps like to warn the authorities concerned in Delhi as well as Srinagar of these moves, both with a view to ensuring a scrupulous check on entry of such material and to informing the public of the diabolical authorship of such subversion and attempted confusion if and when these
pamphlets are discovered in Kashmir.

With kind regards,

Yours sincerely

V.C. TRIVEDI.

Shri M.J. Desai,
Foreign Secretary,
Ministry of External Affairs,
New Delhi.

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0347. Extract from the Joint Communiqué issued in Washington after talks between U. S. President John F. Kennedy and Paksitan President Ayub Khan.


President Kennedy and President Ayub Khan had a cordial and frank exchange of views over the past three days on topics of mutual interest to their Governments. The visit afforded a timely opportunity for the two Presidents to establish personal acquaintance and to carry forward the exchange of views which took place by correspondence in the past several months.

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The two Presidents examined together the threats to the free people of the sub-continent of South-East Asia and agreed that this area was a primary target of international communism; that the integrity and independence of each country in this area depended heavily on friendship and cooperation among all of them; and that solutions of divisive issues, which call for farsighted statesmanship on all sides, were a clear and present need.

President Ayub Khan reaffirmed the desire and objective of his Government to maintain friendly relations with all neighbouring States based on mutual respect and the integrity of Pakistan borders.

He reviewed his Government's position on the Kashmir issue and stressed the great importance attached to this issue by the people of Pakistan. He stated that current developments in South-East Asia have made an early solution of this issue imperative. President Kennedy affirmed the desire of the United
States to see a satisfactory solution of the Kashmir issue and expressed the hope that progress toward a settlement would be possible at an early date.

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The leaders reaffirmed the solemn purpose of the bilateral agreements signed by the two Governments on March 5, 1959, which declared, among other things, that “the Government of the United States of America regards as vital to the national interest and to world peace the preservation of the independence and integrity of Pakistan...”. They also reaffirmed the value of existing collective security arrangements as an instrument of defence against aggression.

They reviewed the progress of the United States military assistance to Pakistan which was being extended in order to assist that nation to maintain forces for the preservation of its security.

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0348. **Note Verbale from the Indian High Commission in Pakistan to the Pakistan Ministry of Foreign Affairs regarding the book titled: “World’s Biggest Slaughter House of Innocent People—Bharati Slaughter House, Where Muslims are Burnt Alive”.**


The High Commission of India presents its compliments to the Ministry of External Affairs, Government of Pakistan, and has the honour to draw their attention to the book in Urdu, entitled “World’s Biggest Murder House of Innocent People – Bharati Slaughter House, where Muslims are Burnt Alive”. The author of this books is one M.M. Bashir (Alligi), and it has been published by the Milli Publishing Centre, 162/2 Behar Colony, Karachi.

2. The very title of the book, which begins with a dedication to “those thousands of innocent Muslim children who became victims to Nehruism”, is indicative of the highly objectionable nature of its contents.

3. The object of the book in question is clearly to sow the seeds of hatred
and to vilify and malign the Government and people of India. In pursuance of this aim, the author has recklessly distorted facts, made wild allegations and maligned India and her Prime Minister. The theme of the book and the language in which it is couched are such that the High Commission considers that it is one of the most objectionable pieces of writing which has come to its notice during recent times.

4. The High Commission has been instructed to protest emphatically against the circulation of the book in Pakistan which is in gross violation of Indo – Pakistan Agreements on propaganda, and it is hoped that urgent steps will be taken to ban the book.

The High Commission avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs*,
Government of Pakistan, Karachi.

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0349.  
SECRET

TELEGRAM

From : Hicomind, Karachi.
To : Foreign, New Delhi.

IMMEDIATE


Gundevia from Rajeshwar Dayal.

Following points discussed with DEHLAVI (Foreign Secretary of Pakistan) today:-

(a) India Office Library. I handed over copy of revised terms of reference and urged appointment of members of Triplication Committee which was only fact finding body and not concerned with policy matters. Also suggested advisibility of agreed panel of three names of members of Judicial committee on the basis of agreement on our respective lists.

* For a brief period Pakistan Ministry of Foreign Affairs was renamed “Ministry of External Affairs.”
(b) Hyderabad funds in West Minister Bank. I urged acceptance for our mutual benefit and without unseemly haggling of our generous offer of 25%.

(c) Consular assets. Here again I urged common stand so that properties could be taken over from British control and shared by us. In all these matters I emphasized need for early agreement for our mutual benefit without which enjoyment of these valuable assets continues to be denied to us.

(d) Then followed a general discussion about decline in our relations and measures for improvement. DEHLAVI insisted that Pakistan President adheres to the view that every effort should continue to be made to arrive at settlement of all practical questions. DEHLAVE regretted public statements in Parliament and elsewhere, but I firmly referred him to background of organized anti-Indian campaign and the great restraint shown by India. DEHLAVI repeated his views about AYUB KHAN’S restraint in Washington and alleged Indian misunderstanding of his statements. Only on question of possible military aid to India did AYUB KHAN ask for differentiating between friends and others and certainly not in regard to economic aid. I have given him some clippings from Pakistan Press by way of illustration, which you could supplement from American Press as the general question of our overall relations is bound to be taken up in conversations with you. DEHLAVI finally said both sides should not harp on the past but explore avenues for future cooperation; but Kashmir question seems to present a road block. I reminded him of clause in last September’s Joint Communiqué on the subject and expressed general regret that better atmosphere which had been built up should have been so wantonly shattered.

(e) Finally I gave him clippings from Pakistan Press regarding TARA* SINGH’S fast with an oral protest regarding great harm that such false and mischievous writings did, accompanied by an aide memoire. DEHLAVI agreed and hoped that early meeting of IPICC would help to provide corrective.

2. You might like to follow up these and other pending matters including compensation for damage to Chancery.

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* Sikh leader on the question of reorganization of Indian Punjab on linguistic basis.
Kashmir

In regard to Pakistan, we have had recently quite a good deal of speeches and declarations from responsible people in Pakistan in regard to India, in regard to Kashmir and these speeches and declarations have rather pained me - no doubt it must have pained others too - more especially in the context in which they came. I do not wish to enter into any argument here or at any other time. So far as the question of Kashmir is concerned, our position has been perfectly clear and it remains clear and if anyone in Pakistan thinks that complaining to other countries or trying to rouse other countries or attempting to bully our people will force us into some kind of decisions if they think so, then they have totally misunderstood what India stands for and how India reacts to these tactics. Our position in Kashmir is completely clear. Apart from all the 10 or 12 years of history, the basic facts remain, that Kashmir was invaded by raiders coming through Pakistan and that the Pakistani army followed them, that Kashmir joined legally the Indian Union. These are basic facts. When the U.N. Commission came here, they had accepted these facts. There is no doubt about it. Having accepted them, they made certain proposals. Even in these proposals, which we accepted, the first step was that Pakistan should withdraw from the Kashmir territory. They have never done so in the least. So I cannot understand how anyone in Pakistan, least of all responsible leaders, can go on harping back on this issue. We have shown the greatest tolerance, the greatest patience, because according to us, the whole of Kashmir must be freed of any illegal control as part of it is under Pakistani control. That is our right.

But we have also said that we are not going to take any military measures to push out the Pakistan Army or the controlling apparatus from that area. It is our right and we are prepared to consider that when the time comes, in a peaceful way. That is going pretty far, as the House will appreciate, when we say that we are not going to take any military steps in that area which is occupied by Pakistan. That, as I said, is a policy which exhibits a great deal of patience and tolerance on our side. As for talk of plebiscite, etc., we have had repeated general elections there. We have a kind of responsible government going on there. We have development plans functioning and changing the face of Kashmir. And on the other side which they have occupied, there is
backwardness everywhere. Not only in that part, but in the whole of Pakistan, there is no question of any elections or anything of that type. For them to recommend a process in Kashmir which they have themselves discarded completely does seem to me rather odd. Anyhow, that is the position and we are not going to be pushed out or harried by this kind of tactics that some people are employing in Pakistan.

0351.

SECRET

TELEGRAM

From: Hicomind, Karachi.
To: Foreign, New Delhi.

IMMEDIATE

No. 409 August 26, 1961.

Gundevia from Rajeshwar Dayal.

I have just had a long and friendly talk with President AYUB KHAN during which he did not utter a harsh word and was relaxed and in a conciliatory mood throughout. He spoke with regret of the decline in our relations and frequently repeated his earnest desire for better relations. We covered a good deal of ground in the course of the review of our relations and I suggested reversion to the policies and attitudes of the previous two years which had enabled settlement of the boundary and Canal Water questions. When he mentioned Kashmir as a stumbling block and asked for “a little generosity” on our part I told him that it was unrealistic to imagine that a complex problem of this magnitude involving crucial territorial political and emotional considerations could be solved at one full swoop. The only approach was to strive for better all round relations which might enable the problem to be seen in its correct perspective and for its rough edges to be worn down. I also warned against the intrusion of China into the issue in the guise of border talks which would introduce a further grave complication from which only the Chinese would stand to benefit. I mentioned the keen disappointment caused in India by the campaign of denigration against India.

2. AYUB KHAN seemed to be aware that he had reached a dead end and appeared to be groping for a way out. He could give no coherent reason for the decline in relations since he could not have been expected to admit his responsibility for his badly advised moves. But he seemed willing to accept the
wisdom of exercising moderation and restraint and of reverting to constructive
approaches free from emotionalism. He complained of the subjective reporting
of his diplomats which could be dangerously misleading. I think he had
SHAFQAT’S reporting in mind.

3. The talk was frank and I hope constructive. I shall follow it up when I go
to Murree next month. Full report being sent by bag.

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0352. **SECRET**

Letter from High Commissioner Rajeshwar Dayal to
Commonwealth Secretary Y. D. Gundevia reporting details
of his talks with President Ayub Khan.

Karachi, August 26, 1961.

High Commission of India
Karachi

No.HC/212/02/61. August 26, 1961/Bhadra 4, 1883 (Saka)

My dear Yezdi,

I called on President Ayub Khan this morning and had half an hour with him.
He has been here on a couple of days’ visit which has been packed with
miscellaneous engagements and is leaving for Rawalpindi this afternoon.

2. The President greeted me very warmly, asked how I had been keeping
and if I had settled down and whether my wife had joined me. He then asked
about the Congo and expressed appreciation for my efforts, which have
succeeded in producing results despite the difficulty or the task. He said that
criticism from various quarters was only to have been expected in an endeavour
of that type. He appreciated the point that the United Nations must adhere
firmly to principles against pressures from different quarters.

3. The President then remarked with regret that in my absence our relations
had seriously declined. He has been anxious throughout to develop normal, if
not friendly, relations with India but things seem to have reached a dead end.
He said he greatly appreciated my efforts and he wished to thank me personally
for all that I had done. I replied that I had only been carrying out my instructions
faithfully. I assured him that it was my government’s firm desire also to develop
better relations and that the recent decline had caused much regret and genuine
puzzlement as to its reasons. I said that the September visit had ended on a
good and constructive note and that he had himself said that “a good start” had
been made. What then was responsible for the present situation?

4. The President said that Kashmir was the stumbling block. Even on that
issue, I reminded him that the communiqué recognized the difficulty of the
problem, and held out the prospects of a further exchange of views after the		two leaders had given further thought to it. I understood also that there was to
have been a return visit early in April when there would have been a further
opportunity for discussions. I wished to draw him out in order to clinch the
argument and his reply was illuminating.

5. The President replied that on the last day at Rawalpindi he had said to
the Prime Minister, when asked about the return visit, that he should think over
the Kashmir problem, and that if it would be possible to make some progress
towards a solution, the visit would be worthwhile. Otherwise it would cause
frustration both in Pakistan and in India. Later he had mentioned the matter in
London, but got no reactions. And now there has been this unfortunate exchange
of statements.

6. I reminded the President that nothing at all had been said from our side
till the 18th July, and that too after months of attacks in the Pakistan and abroad,
all sorts of false propaganda was put out about India’s alleged weaknesses
and divisions, which had produced a sharp reaction. Indeed even the Indian
press, some sections of which were leaning over backwards to applaud the
President’s earlier efforts, felt disillusioned. The result was the present situation
of stalemate. It was no good accusing each other and drifting apart if the mutual
desire was to effect and improvement in relations.

7. The President took all this in good part and made no attempt to hit back.
He said that better relations with India were sincerely desired by him and indeed
by the Pakistani public and he asked “where do we go from here?” I asked
whether it was not possible to recreate the spirit of last August which was
based on solid achievements. I said I agreed with him when he said yesterday
in his speech at the Institute of International Affairs that the heart often
disconnects with the mind and runs away with things, and I felt that emotionalism
had created the present situation.

8. The President said he agreed that we should deal with our mutual
problems calmly and objectively as “shouting does not help”. I interjected that
perhaps it might be as well to impose a moratorium on public statements and
on the excesses in the press. The President listened intently and seemed to
agree.

9. The President went on to say that Pakistan’s friendship would be very
worthwhile to India as Pakistan would prove to be a good friend. But the Kashmir
question must be put out of the way since it would have to be settled some day. It was natural for India and Pakistan to be on good terms with each other and from this remark the talk turned to wider issues.

10. I said that our mutual approach to our problems which had produced useful results such as the solution of the vexed border problem, of the Canal Waters problem, the most important of all our problems and one which affected the welfare of tens of millions of people on both sides of the border – was to tackle the problems which we had inherited from the partition one by one and in a practical way, not to create fresh problems, and to explore all other areas of agreement. Ayub agreed and said that the border questions which were so troublesome had been easily settled and the border had been quiet; this had been greatly welcomed in both countries. He also agreed that the Canal Waters settlement was a big achievement and expressed appreciation for India's cooperation. He appreciated that this cooperation could be developed in the course of the implementation of the treaty.

11. The talk then turned to the origin of partition which was freely agreed to by both sides, in the hope that it would put an end to the disagreements between the Indian National Congress and the Muslim League. That hope however had not been fulfilled. Ayub said that the British had deliberately left behind unsolved problems so that the two countries should be “at each other’s throats”. He had told Mountbatten that while they had adopted democratic methods in dealing with the partition, in the case of the States they had left the destiny of their people in the hands of the rulers. He had told the Prime Minister that Hyderabad would have fallen, by reason of its geographical situation, only by the application of economic sanctions. I picked up the point and said that it was our duty to establish the conditions hoped for by our leaders and we should not allow ourselves to play into the hands of the British. This argument seemed to produce an impact on Ayub, who has always been acutely distrustful of the British since his days as a junior army officer.

12. Ayub asked what was the way out in regard to our future relations and especially in regard to Kashmir. I said that in my opinion we would be best advised to revert to the positive line which had been adopted earlier and which had produced concrete results. Kashmir was an exceedingly difficult problem involving territorial, political and emotional considerations and it was unrealistic to expect a quick settlement merely by sitting around a table. (I said this pointedly to answer Ayub’s plea about India showing “a little generosity”). Experience of similar international problems would show how difficult they were, and how much time and patience were needed to approach them. The only possible approach is to work for an all-round improvement in the atmosphere, to develop more relaxed relations, for then the sharp edges even of the most intractable problem would begin to wear down and things would be seen from new
perspectives. Even so, experience also shows that such problems can only be slowly broken up, perhaps by stages, till they lose something of their acerbity. In Pakistan, the old politicians had only whipped up passions and exacerbated the problems; the President’s own experience would show that a rational, practical, moderate and restrained approach alone could produce results.

13. The President listened attentively and said that he feared that our minds were not open on some of these problems, especially Kashmir. I replied that as a military man he would appreciate that a frontal attack is not always the best method of approach and one could soften things in various ways. It was important not to keep doubting each other’s inventions, and to revert to the feelings of last summer when there were no such questionings.

14. At this point I said that I had been very concerned to hear of the approaches which had been made to China regarding the border with Kashmir. I warned the President that if China was no friend of ours, it was much less a friend of Pakistan’s. Bringing China into the Kashmir dispute would make the problem completely insoluble, for the Chinese would be playing only their own game. I reminded the President of what he had told me in November, 1959, that Pakistan would not take advantage of India’s difficulties with China and of his own views regarding China’s aggressiveness and expansionism. I added: “He who sups with the devil must have a long spoon”. I could see that Ayub was disturbed by this though he did not question me; it is generally believed here that Manzur Qadir’s lawyer’s brain has been responsible for the flirtations with China, about which the President may be having second thoughts. The Americans too have been expressing much concern.

15. Ayub went on to say that some of the reports of his diplomats had been worrying him. Either they were too black and gloomy, or under local influences, too rosy and optimistic. Such subjective reporting was very dangerous as a government had to depend upon its envoys for its information. I said that a diplomat had to make a deep study and to be ruthlessly objective; only then could he truly assist his government in the framing of concrete policies. Ayub agreed heartily and said that diplomacy was a highly skilled profession.

16. Before leaving, I said that we would be going up to Murree next month where I hoped to keep in touch with him. Ayub said he was very happy to hear it adding “you must come and look us up”. He asked me to convey his greetings to my wife and I reciprocated by asking that my respects be conveyed to the Begum Sahiba.

17. The talk was marked by warmth, friendliness and candour and the President’s approach was conciliatory throughout. He did not use a harsh word and his tone was one of regret and resignation and not of anger or complaint. He seemed to be at a dead end and in search of a way out. He repeated several times his sincere desire for better relations, which was the underlying
note of the entire conversation. I took advantage of his mood to point to various
errors, in reversing last year’s trends and in the flirtations with China and tried
to point a constructive way out. Ayub’s remarks about the reporting by his
diplomats are very revealing. Brohi told me that for the last four months of his
stay in India (presumably since the Berubari muddle) he had practically stopped
working and let Shafqat run things. Shafqat was playing his own game and I
am glad that he is being recalled. I also think that it was Aziz Ahmad who was
responsible for leading the President into the blunder of attacking the Americans
and for the whole tone and tenor of the Washington visit. Now that the shouting
is dying down, Ayub has perhaps had time for reflection. There is not doubt
that Ayub is badly informed and worse advised and glimmerings of
understanding may again be beginning to dawn. I hope also that he will ponder
over my words; when I see him next in Murree or Rawalpindi, I hope to able to
gauge better their impact.

17. Ayub has definitely shot his bolt in his maneuverings with the United
States and with India. The Washington visit must have shown him the limits to
which the Americans are prepared to accommodate him and where they firmly
draw the line. Since the beginning of the rumblings over Berlin and the need of
the Americans for bases and military facilities in Pakistan, the anti-American
outburst here may have been intended to extract the utmost from the situation.
It is believed that all kinds of military facilities have already been accorded or
promised to the Americans and that the propaganda barrage was intended as
an elaborate camouflage. But in regard to India, there is little more that Pakistan
can now say or do and there is likely to be a gradual retraction from the untenable
positions which have been adopted. In this process, American influence could
be of help, although Rountree is somewhat ineffective and Ayub has often
exhibited a tendency to take the bit between his teeth. The surprise move to
close down Consulates in Afghanistan might also result in a more moderate
and sober policy towards India, for even Ayub and his advisers must see that
Pakistan cannot afford to fight a political war on two fronts. In the context of
these developments, my straight talk with Ayub was timely and I hope his
provided him with food for thought.

With kind regards,

Yours sincerely,

Rajeshwar Dayal

Shri Y. D. Gundevia,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.
0353. Extract from the Press Note of the Press Information Department of the Government of Pakistan reporting from the speech of President Ayub Khan at the mass rally pledging to free Kashmir.

Lahore, August 28, 1961.

President Ayub who was addressing the first public meeting in Lahore since his return from the United States, gave an account of his stewardship. He underlined the grave peril facing the country due to salinity and water-logging and pointed out that President Kennedy had promised to assist us in tackling this grave menace which in the course of 30 or 40 years might reduce West Pakistan to a desert.

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PAKISTAN FOR PEACE

Referring to the international situation, he said that nuclear war would mean the decimation of mankind. He hoped and prayed that those who had the power would refrain from inflicting this horror on the world; there would be neither victor nor a vanquished. Therefore, Pakistan prayed for peace and understanding and worked indefatigably towards the achievement of this end.

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He quoted as an example Pakistan’s attitude on the Kashmir issue. They had made repeated efforts during last two years to solve this in a peaceful manner. When Mr. Nehru visited Pakistan he was urged upon to find a peaceful and just solution of this problem. But Indian leadership had so far remained indifferent to the dangers inherent in the situation. An armed conflict, he added, would destroy both Pakistan and India. It was tragic, he said, that when Indians got their freedom and Pakistanis got their freedom, the Kashmiris got one hundred thousand armed soldiers on their necks.

Kashmir was vital to Pakistan because the fertility of West Pakistan depended upon the rivers which rose in the Kashmir mountains.

Owing to the vagaries of the monsoon, cultivation depended largely on irrigation. It was for this reason, said the President that the British Administration had built up a huge network of irrigation canals and under the agreement with India, it was necessary for us to build more link canals between the western rivers and huge reservoirs for the storage of water. This would take at least 10 years during which every Pakistani would have to make his contribution by hard and unflagging labour. But the President pointed out that most of the rivers which
fed West Pakistan rose in Kashmir. It was therefore imperative that the implementation of the Canal Waters Treaty should go hand in hand with an amicable and just solution of the Kashmir issue. Pakistan was therefore determined to redeem its pledge to those who had been enslaved by the aggressor in Kashmir.

AFGHANS’ TERRITORIAL AMBITION

The President referred to the Afghans’ territorial ambitions on Pakistan’s territory which he said amidst laughter extended as far as the sea port of Kashmir. Government had decided to close down its consulates in Jalalabad and Kandhar because the Afghans had made it impossible for the Pakistanis to live there. They could not make purchases at shops; they could not keep servants; they could not have washer-men to wash their clothes. These were unfriendly and provocative acts and Government felt no purpose would be served by retaining these consulates. The President said amid loud applause that Pakistanis were determined to defend every inch of their territory.

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0354.  
SECRET  
TELEGRAM

From: Hicomind Karachi.  
To: Foreign, New Delhi.  
IMMEDIATE

No. 415.  
August 30, 1961.

Gundevia from Rajeshwar Dayal.

Last night at airport where we had assembled to meet Mrs. BANDARANAIKE General BURKI came up to me and said how much he regretted recent sharpening in relations between our countries. He said he would like to go India to meet Prime Minister to try and remove the misunderstandings which had been caused. He added that President AYUB KHAN was genuinely anxious to repair matters and hinted that AYUB KHAN had listened to bad counsels although his own heart was sound. He said he would undertake to “soften up” AYUB KHAN and begged me to do my best to restore last year’s hopeful trends. BURKI is known
to be a moderating influence in the Cabinet but he admitted that the recent adverse developments had taken place without consultation with him. He spoke of the need for a little generosity, tolerance and patience on both sides. Our differences which were not irreconcilable created jubilations among others, and there was no reason why they could not be resolved or adjusted, he observed.

2. I said that we were baffled by the campaign of hostilities against India and had shown great patience and restraint. In our democracy we could not be expected forever to remain silent in the face of noisy provocations. It is evident that the sharpness of our relations has jerked the Pakistan rulers into a mood of greater sobriety.

3. It appears that President AYUB KHAN is beginning to realize the folly of his recent policies which have wantonly jettisoned the positive achievements of two years of efforts. BURKI was obviously asked to approach me because of his general reputation; he is one Minister who has not uttered a word against India.

4. DEHLAVI is full of praise for the spirit of cooperation and friendliness which animated the recent talks and the warmth of the hospitality received.

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0355. SECRET

Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary Y. D. Gundevia.


High Commission of India
Karachi

No.HC-221/61 September 2, 1961

My dear Yezdi,

I have already sent you a telegram about my talk with General Burki on August 29. Some comments on the present trends would now be appropriate. Burki’s attitude was on of regret and concern at the decline in our relations, but curiously enough, the strong feelings generated in India at Pakistani behaviour seemed to have come as a surprise to him and his colleagues. The Pakistani rulers appear to live in a world of their own and while they feel free to rampage at will, they pretend to be hurt when they receive a well-merited and long delayed
retort. They are probably now beginning to realize the bankruptcy of their policy, for having fired off all their guns, there is nothing more that they can do except to listen to the echo.

2. Burki said he had many friends in India, and he felt that he could talk to the Prime Minister and convince him of Ayub’s genuine desire for an improvement in our relations. He thought the recent sharpening of relations was the result of misunderstandings on both sides which could be removed by the right approach. He pleaded for a little tolerance and patience. He hoped that it would be possible to arrange for him to visit India.

3. I told him quite frankly that we were appalled by the outburst against India and the spate of hostile speeches in Pakistan and abroad and the organized Press campaign. In the face of these provocations we had shown the utmost patience, for the first reply made from our side was as late as on the 18th July. In our democratic system, Parliament and the public were entitled to be kept informed of the situation and our reactions to the persistent campaign of denigration of India. Burki did not contest this, but pleaded that it was now time for the polemics to cease and to start rebuilding our damaged relations.

4. Burki was apologetic regarding the ill-advised remarks which the President made in the course of his foreign policy speech regarding my work in Pakistan, but he appreciated the point that I was the representative of my Government and my activities here were in accordance with their policies and instructions. He tried to excuse the President by saying that he felt unhappy at having to criticize India in my presence knowing how hard I had tried to improve relations. The effect of the President's remarks about my work here has been to negative the impact of the criticism leveled against India. Burki went on to say that Ayub had “affection and regard” for me and he urged me to do what I could to repair the breach. I said that while I would certainly do what I could, which would be in furtherance of my Government’s policy nothing was possible without Pakistani cooperation. Burki assured me that he, for his part, would do his utmost to “soften up” the President, adding that the President was a warm hearted man but sometimes given to acting on impulse, and he hinted that he had listened to bad counselors. He said that our differences were not irreconcilable and that the present unfortunate situation was giving pleasure only to those who were no friends of either country. I replied that previously we had approached our problems from the correct angle and had succeeded in solving two major problems and I could not understand why that approach had been unilaterally abandoned by Pakistan. Burki said that we must make a fresh start and he promised to give his full cooperation in the process.

5. It is evident that Burki, who was with the President during his last visit here, had been asked to follow up my conversation with the President. Yesterday
I received a message from Manzur Qadir asking me to lunch with him when he comes to Karachi on the 9th September. The peace offensive seems now to be on and we would be well advised not to allow the initiative to be taken over by Pakistan.

6. The best course would seem to be to attempt to restore the policies and approach which were being followed till Ayub disrupted them. This would imply renewed efforts to take up our various problems one by one in the spirit of the Joint Communiqués of September 1, 1959 and of September 23, 1960. This should be accompanied by an improvement in the tone of the Pakistani Press, while the Pakistani Foreign Office could be pressed for the removal of various irritants. In this context one could ask for the settlement of a number of minor questions on which little progress has been made for years. We could also press for a more cooperative approach to the questions on which little progress has been made for years. We could also press for a more cooperative approach to the questions of the Indian Office Library, the Hyderabad funds and consular assets. We could also take up anew the question of liberalisation of the visa policy, as Pakistan seems to be moving in a reverse direction. Then there is the hardly annual (sic) of discriminatory treatment against Indian businesses and businessmen. I am having a list drawn up of subjects which we can take up at different levels, and you might perhaps also like to give some thought to the matter so that I may be fully prepared when I meet Qadir on September 9.

7. The present appears to be a good psychological moment to press the Pakistanis diplomatically on various fronts. Relations with Afghanistan are at breaking point, while the Russians have stepped up their pressure on Pakistan since the publication of the CENTO documents. In the context of Pakistan’s extreme difficulties with its neighbours, it can hardly afford any further worsening of relations with India.

8. The above does not imply that we should go all out to take up the various pending issues with Pakistan, for it was Pakistan and not India which reversed last year’s hopeful trends. But since all these statements are being made about Pakistan’s desire to improve relations, we should seek opportunities to put their protestations to the test, the present situation being distinctly advantageous from our point of view. This would also be in line with our policy which has been consistent throughout to stand firmly for our rights but to seek peaceful settlements whenever and wherever possible.

9. In this process, the American attitude could be of crucial importance. Pakistan has maneuvered itself into the position where on two issues, it has run directly counter to American aims and interests. The first is Pakistan’s flirtation with China over the border issue. Rountree expressed great concern when I related the position to him in detail drawing the conclusion that it was
China alone which would stand to benefit and that its intrusion into the Kashmir picture would make the problem still more intractable. Now in regard to Afghanistan, the Pakistanis have forced relations to the point of no return, contrary to President Kennedy's express warnings. Both these are matters over which the Americans, however anxious they may be to lean over backwards to oblige Pakistan, cannot be at all happy. If we therefore, seize this opportunity to take up various pending issues of a practical nature with Pakistan, there should be some expectation of American encouragement, if not support. Such an approach would also help to bypass the Kashmir question. Of course, there would be the usual noises by Khurshid and others but these we need not take too seriously.

10. You might like to give thought to the present trends and developments and let me have your general views as to the line that I should pursue here during the coming weeks when the approaches to me at different levels are bound to intensify.

With kind regards,

Yours sincerely,

Rajeshwar Dayal

Shri Y.D. Gundevia,
Commonwealth Secretary,
Min. of E.A., New Delhi.

❖ ❖ ❖ ❖ ❖
SECRET

Letter from Foreign Secretary M. J. Desai to High Commissioner Rajeshwar Dayal.

New Delhi, September 6, 1961.

No. FS-663/61 6th September, 1961

My dear Dayal,

Please refer to your letter No. HC-221/61 dated 2nd September to Gundevia.

2. As Gundevia is on tour in Kashmir, I am giving my own thinking if it is any use to you for your meeting with Manzur Qadir on the 9th. Gundevia will send a fuller reply on his return from tour.

3. Frankly, all the agreeable noises that Pakistan makes, have one major objective, namely, to get us to change our stand on Kashmir. Once we get entangled and take tentative positions, they would reopen the whole matter and try to get what they could not in spite of their efforts in the Security Council, their Defence Pacts and alliances. I have not the slightest doubt that Ayub and the Pakistanis changed their tune on the afternoon of 23rd September 1960 when they found that there was no giving on Kashmir. The press conference that morning coupled with earlier discussions that Prime Minister and President Ayub had demonstrated to Pakistan clearly our firm determination not to budge on Kashmir. That is the real reason for their barrage of propaganda and as this does not seem to have worked with the Americans or the others and has only annoyed us, the game of making agreeable noises has started again.

4. If Burki wants to come to India, he would certainly be welcome. We agree with your suggestion in the concluding portion of paragraph 6 that you might have a list drawn up of subjects which we can take up at different levels to seek settlements in various minor matters. I doubt, however, whether Pakistanis will bite. They would want to negotiate on the major questions, namely, Kashmir and perhaps on the Farraka Barrage.

5. You would naturally let us know what line Manzur Qadir proposes. It may be that they want to be agreeable during the next two three months to prevent any hard hitting by us during this period and during the period of PM’s visit to the States. While I am all for peace and friendship, it will hardly be politic to soft-paddle our differences with Pakistan on Kashmir particularly, if a specific questions were to be put on the subject either in public or in private discussion.

With kind regards.
My dear Yezdi,

I had a long talk with Mr. Manzur Qadir at his request yesterday which related entirely to the catastrophic decline in our relations and future perspectives. Manzur Qadir began by saying that there had been an uncontrolled sliding back in our relations with one misunderstanding piling up on top of another, giving rise to the situation in which we find ourselves today. Reviewing the events since the Prime Minister’s visit, Manzur Qadir made the following points.

2. The Muzaffarabad statement of President Ayub Khan was misconstrued as implying that even if others forgot the Kashmir issue, the Pakistan Army would not, which was thought to contain a threat of military action. Qadir said that the real meaning was that the Army being the guardian of Pakistan’s security, would not be fulfilling its duty if this important security – and economic problem – remained unresolved. I remarked that what he described as a wrong impression was shared also by the Pakistani press and that perhaps the statement could have been differently worded to express its correct intention. Qadir then went on to refer to the Prime Minister’s television statement in which he had described the Kashmir question as a “Pandora’s box”, an expression which was taken to imply that the box would remain closed and consequently...
charges of bad faith etc. came to be made. I expressed surprise that a casual remark made to a television audience should be given greater importance than the intimate talks held at Murree on the subject and the public statement of our respective positions in the joint communiqué.

3. As regards the American scene, Qadir slurried over the Press campaign which had started even before the elections, and referred to Lyndon Johnson’s visit and his refusal to express any views on the Kashmir question and his reported statement that he had asked the Prime Minister to assume the leadership in the South Asia area. Qadir said that the Pakistanis began to ask what benefit the country was deriving from joining in American sponsored anti-Communist military blocs (which it had done in order to “develop internal strength”) if the Americans made no distinction between their allies and others. I told Qadir that it was not for Lyndon Johnson or anyone else to cast the mantle of leadership on anyone and I proceeded to fill in the gaps in his story. The outcry in Pakistan was occasioned by the declared policies of the Kennedy Administration which were a sharp departure from the Dullesian approach. The new Administration never said that it would reduce its aid to Pakistan; all that it said was that it would increase its aid to India and the outcry was, therefore, aimed not at benefiting Pakistan but at harming India. Furthermore, consternation was created by the amendment of the Mutual Security Act which was wrongly taken to imply that India would accept gifts of military hardware. I made it clear that we did not believe in military aid from others but relied on our own resources to build up our strength.

4. Qadir then dealt at some length with the Berubari muddle. He expressed profound apologies for the mishandling of the whole affair which had caused us unnecessary hurt and said that Pakistan still adhered to the principle of not insisting on its pound of flesh and was prepared to make accommodations to suit our convenience. By way of example, he mentioned Pakistan’s willingness to accept some other area – viz. the limestone quarries in Assam – in place of the three villages in the Patharia area which fell to Pakistan as a result of the border agreement. Recounting the various steps, he said that Brohi had been approached by a Cabinet Minister with the suggestion that Pakistan should not insist upon Berubari but Brohi said that he would take up the matter only if requested to do so by the Prime Minister. Thereupon another Cabinet Minister saw him on behalf of the Prime Minister and repeated the request to which Brohi gave the same reply. Finally Brohi saw the Prime Minister who spoke to him frankly in the same sense. Without referring the matter to the Foreign Office, Brohi dashed off to Rawalpindi and saw the President who was about to leave on tour to Quetta, Qadir himself being at Karachi at the time. The various steps taken in the matter were reported by Brohi and the proposition as presented to the President was that Pakistan should state that they were
not interested in the Berubari Union, leaving it to India to offer an alternative. Qadir came into the picture only after the President had himself reacted against this approach and he also advised against it. He thought that umbrage was taken by us at the tone of the President’s statement but he now realized that the whole method and approach were misconceived, as insistence upon a request by the Prime Minister would naturally give rise to the impression that Brohi had previously cleared the matter with his Government and that only the formalities remained. Qadir went on to say that the whole muddle was due to Brohi’s ego as he wished to take credit at the highest level and was not content to proceed in the normal diplomatic manner and by stages. Qadir said that he accepted full responsibility for the fiasco, was deeply sorry for what had occurred and offered his sincere apologies. I said that the President’s statement in Dacca had made matters worse and Qadir did not disagree adding that one thing led to another. We left the matter at that.

5. Qadir went on to say that the sharp references in Parliament to Ayub Khan’s visit to the United States had produced strong reactions in Pakistan but he had done his best to prevent any reply being made on a personal level. He expressed regret that personal references should have been made in the Indian Parliament. I corrected Qadir’s version by reminding him that during previous state visits as well, anti-Indian propaganda – sometimes at the personal level – had been carried out which was highly unusual for visit of that character. During the American visit, there was open propaganda against India and denigration of its respected leaders. All this had caused both surprise and annoyance in the country. I also mentioned the stoning of the Chancery and the orchestrated anti-Indian press campaign. All this had shattered the image of the new Pakistani regime which appeared to be following in the foot steps of its politician predecessors. I emphasized that a correct evaluation of the situation on the basis of a balanced approach alone could help in a diagnosis of the situation if an improvement was desired.

6. Qadir said that the present administration was as firmly convinced as ever that it was essential in the interests of both countries to settle their mutual problems step by step and he referred to the success achieved by this method in the past. He himself did not agree, at least so far as the present administration was concerned, that if the Kashmir question was out of the way, Pakistan would raise some other issue, but he could not say what any future administration would do. He lamented the fact that while the two leaders had got on well together previously, it would be much more difficult for them now to reverse the trends which had been created. He was anxious to try to find some new approach which would break through the present adverse trends. He said that no opportunity should be lost to prevent any further deterioration and new ways for developing cooperation should be explored. He fully realized that in
the present surcharged atmosphere there was no question of making even a
beginning with discussions on the Kashmir issue and he fully appreciated the
need for a détente.

7. I said that it was much more difficult to retrieve a situation after it had
been destroyed but felt that a beginning could be made by showing some
accommodation in matters where our interests coincided, such as the questions
of the India Office Library, the consular assets or the Hyderabadi funds. Qadir
said that he would like to discuss the first issue later but on the question of
Hyderabadi funds, instructions had been issued to agree to India’s proposal
while on the third issue appropriate instructions to enable an agreement to be
reached had been issued with the direction that in case of difficulty, discussions
should not be broken off and that the matter should be referred back to him for
instructions.

8. Qadir said that the difficulties which had arisen were largely psychological
and the result of the absence of communication but while he could not himself
immediately suggest a way out, he was hopeful that things would begin to sort
themselves out again, promising full cooperation in the task. He said he hoped
to come over to Murree to continue the discussion. He also hoped that I would
keep in contact with the President.

9. Qadir’s approach to the problem was one of disappointment and regret,
thought not of hopelessness. He kept harping on the theme of the need of pull
things together, but made no positive suggestions. In reviewing the situation,
he argued like a lawyer to a brief, and I felt it necessary, forcefully and at
length, to correct the one-sided picture which he tried to present. I think there
is a better understanding of our position now in Pakistani governmental quarters.
Whether they feel that their tactics over the past months have swung back on
them, or whether, with the worsening of the world situation and the sharp decline
in their relations with Afghanistan and the Soviet union, accompanied by
American annoyance at their brusque handling of the Afghan issue, it is evident
that they are beginning to realize that they cannot carry on a war of nerves on
all fronts. Soothing noises in our direction will therefore continue to be made,
and the question is how we should react to them.

In my opinion, we should try and draw out the Pakistanis as much as we can
and see to what extent they are prepared to cooperate in the settlement of
various comparatively small but vexatious problems some of which have been
pending for years. We should not show any undue eagerness ourselves, for it
is the Pakistanis who are responsible for the present impasse, but we should
not at the same time, be unresponsive to positive approaches. I have adopted
the attitude of not going out of my way to open discussions; my call on the
President was in the nature of a courtesy visit on my return to my functions,
although a substantive exchange of views developed, while General Burki and Manzur Qadir themselves approached me. And Mr. Bhutto has also expressed a desire for a long talk, and there is general satisfaction at our going up to Murree where contacts will be easier.

As I wrote to you in an earlier letter, now would be a good time to prepare a list of pending matters and to test Pakistani intentions by pressing for their settlement.

With kind regards,

Yours sincerely,

Rajeshwar Dayal

Shri Y.D. Gundevia,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

0358.  
Letter from Commonwealth Secretary Y. D. Gundevia to High Commissioner Rajeshwar Dayal.

New Delhi, September 14, 1961.

No. 909-CS/61

My dear

Will you please refer to your D.O. letter No: HC/228/61 dated September 11, 1961, on your talk with Manzur Qadir?

2. Manzur Qadir appears to have taken not a very different line with you from the one tried out by Burki. He apparently wants us to forget all that has been said and done ever since President Ayub Khan’s Muzaffarabad statement. Manzur Qadir has even gone on to offer “his sincere apologies” in regard to the President’s conduct on Berubari. May I dilate a little on this? The version which Brohi had given me, first hand, differs somewhat from Manzur Qadir’s. Brohi had told me, himself, that he had cleared the suggestion, that some other area like the limestone quarries in Assam may be exchanged for the southern half of Berubari, with others in the Government, before he went to the President.
And Brohi was, therefore, very surprised when the President brushed the proposition aside almost with a single sentence, saying that his "colleagues" would not hear of it. As you know, the President's rude letter to the Prime Minister on Berubari was written immediately after Brohi's interview with the President in Rawalpindi and delivered to the Prime Minister by Shafqat, post-haste, before Brohi could return to Delhi. Manzur Qadir is, therefore, not right when he says that the whole muddle was due to Brohi's ego, as he wished to take credit at the highest level for himself and was not content to proceed in the normal diplomatic manner, and by stages.

3. And yet, whatever else, we welcome these "soothing noises in our direction", because they are more pleasant than abuses. As I have said elsewhere, I am all for taking advantage of any gradual improvement in our relations and I agree that we should go ahead and try to resolve, one by one, the pending issues. We are preparing the list of these pending matters and on this I shall write to you separately.

4. I have placed your three letters, covering your talks with President Ayub Khan, Burki and Manzur Qadir, Nos. HC/212/61, HC-221/61 and HC/228/61 dated August 26, September 2 and September 11, respectively, before the Prime Minister.

Yours sincerely,
Y.D. Gundevia

Shri Rajeshwar Dayal,
High Commissioner for India,
Karachi.

❖❖❖❖❖❖
Letter from Commonwealth Secretary to High Commissioner Rajeshwar Dayal.

New Delhi, September 14, 1961.

My dear

I am sorry I was not able to acknowledge your letter No: HC/212/61 dated August 26, 1961, in which you had reported on your talk with President Ayub Khan. I had called for some previous correspondence, particularly on the subject of Kashmir, but I could not go through this before I went away on my tour of Kashmir.

2. My first comment is that I am glad that you have established your personal contacts with the President, as well as the others in the Government. As I have said elsewhere, we have certainly suffered these last many months for want of these contacts, particularly with the President, in your absence from Pakistan these last many months.

3. Your recent letters, this one on your talk with Ayub Khan, as well as your subsequent letters on your discussions with Burki and Manzur Qadir, show that Pakistan is in a chastened mood, once again, after the long drawn out campaign of hate and venom against India, which preceded the President's visit to the United States. This may well be due to the realization that the much advertised visit to the States has not, after all, yielded the sort of results that were expected. I am all for taking advantage of any seeming improvement, to tackle and resolve, one by one, the pending problems. You have in your last letter No: HC/228/61 dated September 11, on your talk with Manzur Qadir, suggested that we might draw up a list of these pending issues. We will certainly do this and see where we get. We did not do badly on the recent conference on the revision of the Punjab Ground Rules, as you know, and we may succeed in other directions also.

4. And yet on Kashmir we have to proceed with extreme caution. We cannot afford to be vague or give anybody in Pakistan the impression that, given some time, we would be prepared to make concessions or that any concessions would be forthcoming. I have been reading the past correspondence on the subject and I would refer you to Prime Minister's letter No: 1448 PMH/59 dated July 2, 1959, and M.J. Desai's letter to you, No. 371 CS/60 dated June 21, 1960. The Prime Minister has stated in letter:
“So far as Kashmir is concerned, our attitude henceforth must be absolutely firm and unyielding. We should not allow anyone to imagine that we are going out of our way or that we are going to give up anything to please Pakistan in order to get a settlement”. If this line is consistently maintained, Pakistan is bound to come round, gradually.

5. We are glad of the little change for the better, but, concretely, I must tell you there is no improvement on the Kashmir front. The statistics of incidents, firing, casualties and sabotage, for the first five months of the current year were not too bad in comparison with the corresponding period of 1960. But June, July and August have been very bad, and the figures for the third quarter of the current year, I am afraid, will show only an intensification of these activities. In the Mendhar sector in Poonch, as you know, there has been constant firing, day after day, since the last week of June, and the sabotage activities all along the line have increased, and not decreased, these last three or four months. If there is to be any show of goodwill, we must hope for something concrete. When you get the opportunity, I hope you will press this on the powers that be in Pakistan.

Yours sincerely

Y.D. Gundevia

Shri Rajeshwar Dayal,
High Commissioner for India,
Karachi.

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0360.  

SECRET

Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary Y. D. Gundevia.


High Commissioner for India
Karachi

No.HC/COM/18/61 September 28, 1961

My dear Yezdi,

A number of my colleagues have been on trips to Gilgit during the last week or so, including the Soviet Ambassador. Permits are issued on application to the Ministry for Kashmir Affairs and there are three or four flights daily by Dakota. The flight takes about an hour and a half and there are arrangements for stay overnight at a Rest House although the return trip can be made easily in one day.

2. I have had full accounts of the trip from my colleagues. For security reasons, they were not allowed to take photographs even of the mountains. Scenically, the flight is most impressive and surprisingly easy. Kapitsa who stayed overnight, told me that the airfield in Gilgit is surrounded by hills and the runway is long enough only to take a Dakota and definitely not a jet plane including fighters. There were no planes on the ground and he saw no installations at all. He mentioned seeing some Germans who had been trekking to Hunza and beyond ostensibly studying the languages of the region. He also noted from the Guest Book that a large number of Americans had been there as well as Imperial Defence College personnel. He said there was an indifferent jeepable road to Skardu and another to Hunza and a suspension bridge over the Indus for pedestrian traffic. He did not see any evidence of military preparations and seemed to have returned reassured. He was himself surprised that he had been given permission to visit the place.

3. My French colleague who made the trip yesterday also spoke about the scenic beauty and the likelihood of development of the area for purposes of tourism. He had been invited to dinner by Habihur Rahman who, I believe, was Netaji’s companion at the time of the fatal air crash and who is now the Political Officer in Gilgit. The French Ambassador witnessed a game of the type of polo that is played in the area. The Papal Internuncio who had accompanied him on the flight, has stayed on with the intention of visiting some other areas in the vicinity. A jeep containing a small party of Europeans had just returned after a perilous trip to Hunza.
4. The Dakota planes used on the flights have passenger seats for eight persons, the rest of the space being used for freight. There is apparently a track or a barely jeepable road to Gilgit and therefore supplies are mostly flown out by air.

5. I have had some hesitation in asking for permission to make the trip as I do not wish to invite a refusal. But I shall informally sound Manzur Qadir although because of the status of the territory I could understand if there is some hesitation. The trip should be interesting from many points of view as the plane flies over Muzaffarabad and the Kaghan Valley, and after skirting Nanga Parbat and Chilas reaches Gilgit.

With kind regards,

Yours sincerely

Rajeshwar Dayal

Shri Y.D. Gundevia,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

0361.

Letter from High Commissioner Rajeshwar Dayal to Commonwealth Secretary Y. D. Gundevia.

Karachi, October 5, 1961.

High Commission of India
Karachi


My dear Yezdi,

Mr. and Mrs. Manzur Qadir came over to tea with us at Murree on Sunday, the 1st October. Qadir seemed to be under great pressure and looked very tired. The President had given him till the 30th September for the conclusion of his report on the Constitution Commission’s proposals. The delicacy of the task and the race against time were no doubt responsible for his state of mind and health.
2. Qadir was apologetic that he did not have enough time during the past months to attend to foreign policy matters which had resulted in some disarray and lack of coordination. He said he was sorry about the furor created over the question of the Durand Line which seems now to have been satisfactorily settled. I said that I was surprised at the manner in which the matter was handled and how, without first asking for the text of the remarks, the Foreign Office took the serious step of making a formal protest and describing the remarks as a "hostile act". Surely, the respective envoys could have been asked to ascertain details or to furnish clarifications before lodging a formal protest. The whole affair had the aspects of a clumsy provocation and had died down as suddenly as it had erupted. Qadir merely expressed regret over yet another avoidable misunderstanding and remarked sadly on the public excitement and damage which Mansuri’s message had done.

3. Qadir referring to our previous conversation, said that he had not had enough time to consider how a new beginning could be made to improve matters. But he expressed his anxiety, as a first step, not to allow things to get any worse. While he still thought – as did Burki and Bhutto – that a meeting at the highest level could again help to set the right tone, he appreciated the fact that any premature step would be risky and that some intermediate action was necessary.

4. I said that there were certain pending matters of common interest whose solution we should immediately attempt on a cooperative basis. These are the Indian Office Library issue, the question of the consular assets and that of the Hyderabadi funds. As regards the first, I urged Qadir to appoint an officer to serve on the Triplication Committee and to give thought to the draft of the terms of references. He said that he would immediately send for the papers and try to expedite matters. On the question of selection of three Members of the Privy Council, he agreed that it would be advantageous to select three names ourselves, adding that he would welcome our list for discussion. Perhaps you will let me have our suggestions so that I could take them up with Qadir when I see him again in about ten days in Rawalpindi or Murree.

5. On the question of consular assets, Qadir said that he appreciated the need for joint action and would enquire where matters had got entangled. Regarding the Hyderabadi funds, Pakistan had been in touch with the Westminster Bank to enquire whether there could be exemption from estate duty in case the matter remained unresolved during the Nizam’s lifetime. He said that the Bank had made some suggestions but could not inform me of the details, which I shall try to ascertain from Dehlavi. He agreed that the points of difference had been greatly narrowed down and the aim should be to reach a speedy solution.
6. Qadir appreciated the need to achieve some positive results on these matters and that nothing should be neglected which could facilitate a rapprochement between the two countries. He felt a little accommodation on both sides would help to improve matters.

7. Acting on this cue, I mentioned to him Bhattacharya's case of which he had himself spoken at an earlier meeting. I asked what good he thought would come of the prosecution; the occasion of the conviction would, no doubt, be seized upon for a further propaganda campaign. The matter had excited much interest in India in general and in Bengal in particular. Judging from the way the trial was proceeding, the result appeared to be a foregone conclusion. Qadir explained at length his attitude when Trivedi took the matter up with him. He said that he had actually sent for the file from the Home Ministry a step which was not much appreciated in those quarters, and if he had intervened at that stage, it would have amounted to his questioning the competence of that Ministry. However, after examining the file, a prima facie case appeared to have been made out and there was no valid grounds on which he felt he could interfere. The trial, therefore, was proceeded with. I again asked Qadir to ponder over the consequences of a conviction accompanied possibly by a savage sentence. He appreciated the point and said that he would give thought to it and would like to discuss it with me again. While nothing tangible emerged from our talk, I think I succeeded in making some impression on Qadir regarding the harmful consequences of Bhattacharya being kept under imprisonment in Pakistan, mincing no words about the strong reactions in India. When I see him again, I shall try and drive the point home.

8. I expressed my surprise to Qadir at the Foreign Office spokesman's rather unusual utterances concerning Indian policy and asked whether he thought it proper for an official to make statements of the kind to which we have lately been regaled. Qadir said that as he himself was too busy, he had allowed Dehlavi to meet the Press in order to deal with the Afghanistan issue but Dehlavi had allowed himself to be drawn into other matters as well. Qadir said that he himself had been very circumspect in any references to India but Dehlavi had not shown the same caution or choice of expression. Qadir assured me that by the middle of November he would get back to work in the Foreign Office and hoped that things would improve then.

9. Begum Qadir told my wife that they were unhappy and hard pressed and that Qadir would like to resign if he could. He had made a lot of enemies and had lost heavily financially in the bargain. Qadir confided to me that people were "gunning" for him and he had to be very careful. He was greatly disturbed at the executions of the various Ministers in Turkey and South Korea for their only offence of carrying out their respective Government's policies. As the
conscience keeper of the present rulers of Pakistan in regard to the framing of the Constitution, Qadir has certainly taken on a very onerous responsibility, for whatever happens, he is certain to be blamed by all parties. It is evident that the proposals will not be welcomed by the politicians or intelligentsia, and should public dissatisfaction develop, the President would also lay the blame at Qadir’s door. Meanwhile, Qadir has fallen foul of his professional colleagues and the judiciary. His position is, therefore, very unenviable indeed. I still feel, however, that despite his forensic approach, he means well so far as India-Pakistan problems are concerned, though he could have been far more effective.

With kind regards,

Yours sincerely

Rajeshwar Dayal

Shri Y.D. Gundevia,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

0362.          SECRET

TELEGRAM

From : Hicomind Karachi
To : Foreign New Delhi

IMMEDIATE

Desai from Rajeshwar Dayal

I asked DEHLAVI today regarding purpose of Chinese Ambassador’s visit to Rawalpindi. He said that sometime ago an appointment was requested which was turned down by Military Secretary to the President as it was not routed through Foreign Office. When correct procedure was followed appointment was duly given. DEHLAVI tried to explain that visit was normal and connected with question of Chinese representation. I can hardly believe his explanation as Chinese Ambassador spent over an hour with President. I warned DEHLAVI
that Chinese might try to take advantage of India’s difficulties with Pakistan to further their own interest at the expense of both and that sympathies of all countries especially America were with India on the border issue.

DEHLAVI asked me about situation on Goa border and I tried to enlighten him on the basis of what has appeared in Indian papers. I reminded him of situation in Angola and nature of Portuguese Colonialism which even Americans have strongly condemned.

A report was prominently published by Dawn and Morning News today alleging that CHOWDHRY had been indulging in improper activities and that East Pakistan Government had sent a Note to Foreign Office about him. CHOWDHRY who is here was as surprised as we were. When I asked DEHLAVI he expressed both surprise and ignorance and SHAFQAT whom he contacted also professed innocence. I told DEHLAVI that I hope nothing had been falsely started against CHOWDHRY, who is popular in Dacca, merely as a riposte to proven charges made against Pakistan Assistant High Commissioner in Shillong.

0363. SECRET

TELEGRAM

From: Hicomind Karachi
To: Foreign New Delhi

IMMEDIATE


Commonwealth Secretary from MEHTA (Deputy High Commissioner)

Austrian Ambassador called on me this afternoon to enquire about alarming news in today’s Karachi papers about India moving armoured units to the Indo-Pakistan border. Ambassador who is an experienced diplomat and particularly well disposed towards India said that his initial reaction was this was another Pakistani stunt but as there was considerable discussion yesterday evening amongst some Ambassadors who expressed concern about these developments he had come to me for information. He mentioned that the Canadian High Commissioner and other newly arrived Ambassadors were
particularly taken in by Pakistan propaganda. After explaining to him that there had been only usual troop movements for training purposes in the month of November of which Pakistan was fully aware, I assured the Ambassador that there was absolutely no truth in these sensational reports which were no doubt an attempt to justify recent Pakistan propaganda against India on Goa and Kashmir.

2. Austrian Ambassador expressed satisfaction at my clarification but said that his colleagues expressed fear that this may be prelude to some rash action as in case of Afghanistan leading to break of diplomatic relations.

0364. Letter from Prime Minister Jawaharlal Nehru to the U. S. President John F. Kennedy.

New Delhi, January 27, 1962.

Dear Mr. President,

Thank you for your letter of 16th January. I hope you will forgive me for the delay in answering it.

2. Both my colleagues in the Government and I have been occupied with our election campaign. You will no doubt appreciate the burdens that these campaigns bring upon us. We have to tour about this large country and this is likely to continue during February. The subject on which you wrote to me was of considerable importance to us and I did not wish to send an answer to you before I had consulted my colleagues as well as the Government of Jammu and Kashmir State and considered your suggestion fully in all its aspects.

3. I can well understand your deep concern over relations between India and Pakistan and I share that concern. Indeed, I may say that there are few questions which affect India more. We have lived with this problem for over 14 years always hoping that our differences would be solved and result in happier and more co-operative relations between India and Pakistan. Fortunately there is very little ill-will now existing between the peoples of the two countries. But on the Government level the friction continues.

4. We had earnestly hoped when we agreed to partition and creation of Pakistan as an independent sovereign state that this would result in friendly relations between the two countries. Because of our geography, history and
common culture as well as many other interests which we have in common, it
seemed natural that we should cooperate. We in India were absorbed in our
national development and in securing higher standards for our people. We did
not want to divert our energy and our resources to a conflict with Pakistan.

5. It was, therefore, our constant endeavour to eliminate causes of friction
and misunderstanding between India and Pakistan and, despite occasional
setbacks, we have pursued this objective consistently throughout these past
14 years. I must confess to you that we have been grievously disappointed at
the attitude of Pakistan which has throughout been negative and agitational
and have come to the conclusion that it is a basic policy of that country’s
Government to hate India and to keep up the tensions that exist between our
two countries. This, I suppose, is a conscious continuation of the religious
complex of the two nation theory which we all hoped would disappear with the
creation of Pakistan. We in India have refused to accept that theory as a basis
of political activity because to do so would mean a denial of the nationalism for
which we stood. Even now, after the partition, there are 50 million Muslims
living in India and we cannot entertain any obscurantist political theory of religion
as the basis of the state.

6. Kashmir is supposed to be the principal problem between us. I think that
Kashmir is rather the resultant of that ill-will than the cause of it. However, we
have tried to solve the Kashmir problem to the best of our ability but without
success thus far. It seemed to me on more than one occasion that we came
fairly near some approach to solution, but then the approaches we made, even
at the risk of having to face strong resentment of our people, did not meet with
adequate response. We have had the feeling that a certain measure of support
that Pakistan got from other countries made it much more rigid in this matter.

7. The history of the conflict over Kashmir is a long and complicated one.
But there are certain basic factors that have to be kept in view before we deal
with this question. The United Nations and the Commission it appointed on
Kashmir both proceeded on the basis that the sovereignty of the entire State
vests with India; further that, as the Commission indicated, there had been
aggression by Pakistan on Indian territory. The principle (Principal) resolutions
passed by the United Nations Commission proceeded on the basis of vacation
of Pakistan aggression and this was to be followed by a political settlement.
Pakistan aggression, however, continues and what is worse there is continuous
trouble on the cease-fire line and hardly a few days pass without attempts on
behalf of Pakistan to commit acts of sabotage in Kashmir. These are the basic
facts.

8. During these past years the Jammu and Kashmir State has become an
autonomous State of the Union of India. According to our Constitution the State
has a large measure of autonomy with which we cannot interfere. Indeed it is stated in our Constitution that no change in Jammu and Kashmir State can take place without the approval of the elected Assembly of that State. The State has had two general elections since then under adult franchise and a third election will take place soon in common with the rest of India.

9. We have been anxious to settle this question and have made repeated attempts to do so keeping in view our Constitution and basic position. We went to the Security Council of the United Nations with a request to resolve the situation created by Pakistan aggression. Since then various eminent people have been appointed by the Security Council to find a way out of the difficulties that faced us. They failed in this endeavour and we became convinced that third parties would not be able to give any effective help in resolving our differences. The only way to solve them was by direct talks between the two countries. This may not be an easy matter but it seemed to us the only possible way.

10. I therefore, entirely agree with you that patient discussions and negotiations and the continuing search for a possibility of accommodation are the only effective ways of reaching an amicable settlement. We are as anxious as you are Mr. President to avoid public debate and recrimination and exploitation of controversy for its own sake. We have exercised and will continue to exercise moderation and restraint in our utterances so as not to prejudice the atmosphere for direct negotiations. We hope that Pakistan will do likewise.

11. We have considered the suggestion made by you with the care and attention that the importance of the subject and the esteem and regard which we have for your views, require. We have the highest regard for Mr. Black's personal qualities and we are grateful to him for his keen interest in our development plans and the substantial contribution he made in resolving the Canal Waters question. There is no lack of confidence in Mr. Black, but we have certain doubts and misgivings about your proposal.

12. Ever since this proposal became public through some leakage in Karachi or Washington it has been severely criticized in India and even those who do not agree with our Government's policy on many things have not approved of it. Indeed it can be said without any doubt that the public reaction to this proposal in India has been overwhelmingly adverse. The idea of a third party's intervention is strongly objected to and it is thought that such intervention will not be helpful. Indeed it might make matters worse. In view of the past history of this case and the admitted aggression that took place on the part of Pakistan we feel that putting both parties on the same footing would be wrong. Even though Mr. Black's good offices may be entirely informal this would be regarded as some kind of mediation or arbitration. Any such idea of mediation or arbitration would
be strongly resented in India as past history has shown. I am convinced that the only effective way of arriving at a mutually satisfactory solution is to follow the method of direct negotiations and discussions. This method has produced results in the past and it is not too much to hope that it may be equally effective in regard to Kashmir.

13. A year and a half ago I invited President Ayub Khan to Delhi. I have again renewed that invitation. I hope we will be able to accept it. Any meeting or any other step will have to wait till the elections are over and a new Government has been formed in India. Ambassador Galbraith is in touch with us and we will gladly discuss with him any development that may arise and any avenue of fruitful negotiations that may offer itself.

14. I would like to thank you again Mr. President for your deep personal interest in matters that affect us so vitally. We are happy to have your understanding and sympathy.

With kind regards,

Yours sincerely,

Jawaharlal Nehru

The President,
The White House,
Washington D.C.
0365. **Extract from the China - Pakistan joint communiqué.**


The Government of Pakistan and Government of Peoples' Republic of China after an exchange of views affirm that boundary between China's Sinkiang and contiguous areas defence of which is under actual control of Pakistan has never been formally delimited and demarcated in history. With a view to ensuring tranquility on border and developing good neighbouring relations between two countries, two sides have agreed to conduct negotiations so as to attain an agreed understanding of location and alignment of this boundary and to sign on this basis an agreement of a provisional nature. The two sides have further agreed that after settlement of dispute over Kashmir between Pakistan and India sovereign authorities concerned shall reopen negotiations with Chinese government regarding boundary of Kashmir so as to sign a formal boundary treaty to replace this provisional agreement.

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0366. **Note Verbale of the High Commission of Pakistan in New Delhi delivered to the Ministry of External Affairs seeking clarification of a statement made by the Defence Minister Krishna Menon.**

New Delhi, June 23, 1962.

Office of the High Commissioner for Pakistan in India

New Delhi

No. F. 21(18)P/62 23 June, 1962

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs, Government of India, and has the honour to state that according to the syndicated column of Mr. Durga Das which appeared in the *Tribune* of Ambala and some other Indian newspapers on 22nd May, 1962, the Defence Minister, Mr. Krishna Menon, is reported to have stated as follows at a meeting held at Sapru House on 17th May 1962, under the Presidentship of Mrs. Rajen Nehru, wife of the Secretary General of the Ministry:-

"...India would not be bound by the cease-fire agreement if Pakistan and China made any deal over the frontier or if Azad Kashmir was made an independent territory or if Pakistan-officered and Pakistan- armed
forces of their puppet regime mounted an attack on Indian territory."

Other versions of the Defence Minister’s speech in other Indian newspapers have quoted him as saying that the “cease-fire agreement will not exist” if Pakistan “bartered away to China” India’s legal right over the territory “forcibly occupied” by Pakistan. (Statesman, May 18, 1962) and that Mr. Krishna Menon warned Pakistan that if she bartered away India’s sovereignty in any part of Jammu and Kashmir to China, “the cease-fire line will exist no longer.” India would also not tolerate any attempt to declare the so-called “Azad Kashmir” an independent State and added that “though India was a peace loving nation it had not abjured the use of force.” (Times of India, May 18, 1962)

2. The High Commission would be grateful to know whether the Defence Minister of India made these statements at the above meeting on the 17th May, 1962, if not the High Commission would appreciate if the Ministry could be kind enough to supply the correct version of the Defence Minister’s statement*.

The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs
Government of India.
New Delhi.

* Replying to the above Note, the High Commission of India in Karachi informed the Pakistan Ministry of Foreign Affairs on August 13, 1962(No.D.2917/62/P) that the Defence Minister spoke extempore and no text was available. It however added that Mr. Menon’s speech was "only a reiteration of what he had already stated in the Security Council on May 3 and 4, 1962"
My dear Prakasa,

I have just read your article on “Kashmir and Indo-Pakistan Relations: A solution – II”. I have not read the previous article. This particular article was brought to me by Bakhshi Ghulam Mohammed who is rather upset about it. It has thus far not been published in the press but it is stated on the type-script which as shown to me, that it is not to be published before October 9, i.e. today.

I must confess to a feeling of surprise and great regret that you have written this article. I do not remember your mentioning to me your views as stated in this article. These views are, as you perhaps know, wholly opposed to the Government's views on the subject and your article will no doubt be used by the Pakistan authorities and press against us.

It is very far from true that Kashmir is de facto independent or nearly so or not fully a part of the Indian Union. I need not go into any details about this. The fact that there is a Prime Minister, there is a relic of the past and we have not thought it worth while to change it. The Supreme Court has authority there as elsewhere. Our Election Commission governs elections there. Our Parliament has authority to pass legislation governing it. There are some facts stated in the Constitution in which we do not choose to interfere. These are relatively minor things. The Governor is certainly appointed in a different way. But the appointment is by our President at the recommendations of the Kashmir Assembly.

I think it might have been wise for you to refer an article dealing with a very important issue of national and international significance to us before publication. I am afraid it is too late to do that now and your article is going to cause us any amount of difficulty and trouble with Pakistan as well as possibly with others. Whatever might have happened at the time of partition or soon after, the position is entirely different now.

I am writing to you in some haste and, therefore, I do not wish to lengthen this letter. But I felt that I must let you know how I felt about your article as soon as possible.

Yours affectionately

Jawaharlal Nehru

Shri Sri Prakasa,
Dehra Dun.
0368. Statement by President Ayub Khan on the Sino-Indian conflict.

November 5, 1962.

I have held lengthy discussions with appropriate experts and advisers over the situation that has arisen through the recent conflict between our two neighbours, China and India, and its repercussions on our security and relationships.

I have also received communications on the subject from the President of the United States of America, the Prime Minister of the United Kingdom, and the Prime Minister of India. The replies to them are under preparation and will be sent in due course giving our view of the situation.

Broadly speaking, we are seriously disturbed that the differences between India and China have erupted into an armed conflict. However, we believe that the scope of this conflict, because of the terrain over which it is being waged, can perforce be limited. If it were otherwise, then the contestants would have started it with considerable campaigning period ahead of them. It was no time to start it in October when the weather conditions will progressively bring military operations to a halt.

However unfortunate this situation may be, we hope that our two neighbours will be able to settle their problem peacefully and amicably.

Our policy has been based on peace at large, specially peace with our neighbours. Unfortunately, we have so far failed to achieve this with our neighbour India through her unwillingness to reach an equitable and honourable settlement over Kashmir. Because of this, we are both wasting resources on military preparations. These resources are sorely needed for the amelioration of the conditions of our people. I hope it is still not too late for India to realize the virtues that will follow this settlement, and the resultant benefits that will accrue to both the countries. For one thing, we shall be free from anxiety from each other and that by itself will be a very big gain.

From all accounts, a large amount of military equipment is being rushed to India from the United States of America, United Kingdom and elsewhere. For one thing, it may have the effect of enlarging and prolonging the conflict between China and India, and secondly, add to serious concern already existing in the minds of our people that these weapons may well be used against them in the absence of an overall settlement with India.
0369. Text of message from Ayub Khan to Prime Minister Jawaharlal Nehru.


It is a matter of great regret to us that this dispute should have led to intensified military activities and induction of new war potential, thus endangering the peace and stability of the region in which Pakistan is vitally concerned.

I agree with you when you say that no efforts should be spared to eliminate and deceit force from international relations. In this respect I am constrained to point out that the various outstanding disputes between India and Pakistan can also be resolved amicably should the Government of India decide to apply these principles with sincerity and conviction.

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0370. Extract from the Statement by Pakistan Foreign Minister Mohammad Ali in the National Assembly.

Karachi, November 22, 1962.

The President has summoned this Emergency Session of the National Assembly because Pakistan is face to face with a grave and critical situation. This is due to the fact that some of our Allies and friends in their wisdom have decided to rush arms, equipment and military aid to India posing a threat to our safety and security.

We are disturbed over the outbreak of hostilities between two of our neighbours, India and China. We feel that this conflict stems from India's unrealistic and fallacious foreign policy. Had India sincerely based its policies on the principles of peace and good neighbourly relations which she has been proclaiming to the whole world from house tops all these years, the present conflict could have been averted. Our sincere desire is that the present border conflict between India and China should be settled peacefully and by the internationally accepted methods of conciliation, mediation or arbitration rather than by resort to brute force. We would naturally be happy if there was no enlargement of this conflict and that was settled peacefully and as expeditiously as possible.

The rushing of large scale arms to India at an extraordinary speed instead of first exhausting all possible efforts to ensure a negotiated settlement is a matter
of regret to us and we feel that this would aggravate the situation rather than alleviate it. I speak in anguish and not in anger when I have to say that one of our Allies had promised us that we would be consulted before any arms assistance is given to India. I regret to have to observe that this was not done. In so far as other friendly and allied countries are concerned their action in arming India to the teeth is bound to have the effect of encouraging India to engage in a major conflict. This is contrary to the principles and purposes of the Charter of the United Nations to which not only Pakistan but all the peace-loving nations adhere or ought to adhere…

Not only there was no declaration of war on the part of India against China or by China against India, but normal diplomatic relations continue to exist. The Embassies of both countries are still functioning. All this led us to the conviction that India was not engaged in any major conflict with China but the conflict was a localized one restricted to the area under dispute.

Mr. Speaker, it has been always our considered opinion that the conflict arose out of a border dispute and did not reflect a clash of political ideology as the Western countries appear to think. I am happy to say that our appreciation in this regard has been completely vindicated by China’s declaration of cessation of hostilities. I am also happy to say that this appreciation which the President conveyed to the United States and the United Kingdom has turned out to be correct in every sense. The Chinese have reaffirmed their willingness to withdraw 12 kilometres behind the line of actual control which existed on 7th November 1959. We cannot but applaud this action on the part of China. It is an act of great statesmanship on the part of the Chinese Prime Minister, Chou En Lai, and his associates and an evidence of their sincere desire to limit this conflict to the settlement of the border dispute. We sincerely and strongly feel that it is the bounden duty of all the peace-loving nations to encourage now the possibilities of a settlement and to ensure that the present boundary conflict is not permitted to enter a new phase as a result of a massive supply of arms now being rushed into India from outside. Without entering into the issue ourselves, it will be pertinent here to point out that in regard to the Chinese Government’s refusal to subscribe to the validity of the McMahon Line even the Kuomintang regime in Formosa is in complete agreement with the stand taken by the People’s Republic of China and has, therefore, protested to the Government of the United States when they announced their recognition of the McMahon Line.

While we have been advocating a peaceful and negotiated settlement between India and China and deprecating any extension of hostilities, we must however point out that by keeping the bulk of her Armed Forces poised against us on our borders India has adopted a strange method of resisting the Chinese. It was therefore crystal clear to us that India was making a mountain out a mole
hill and was raising Cain in order to bamboozle the Anglo American Powers into giving her military supplies.

Mr. Speaker, we have reason to be alarmed, disturbed and seriously perturbed over the rapid build up of India’s military strength. In the absence of any concrete action or positive step on India’s part to resolve the outstanding disputes and differences between us it is but natural for us to apprehend that at any time Indian leadership might utilize her increased might to grab Azad Kashmir or some other part of our territory.

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0371. Statement by Prime Minister Jawaharlal Nehru in Lok Sabha on the ‘Call Attention Notice’ on Proposed Indo-Pakistan Talks.

New Delhi, November 30, 1962.

As the House is aware, we have recently had visits from Mr. Duncan Sandys, Minister of Commonwealth Relations in the United Kingdom and Mr. Averell Harriman, Assistant Secretary of State in the United States. We had long discussions with them about the Chinese invasion of India and our need for various kinds of equipment required from the United States and the United Kingdom as well as some other friendly countries. I am grateful to these countries for the help they are giving us in this crisis that we have to face.

In the course of my talks with Mr. Duncan Sandys and Mr. Harriman the question of our relations with Pakistan was raised. I told them that it had always been our policy to have friendly and cooperative relations with Pakistan because this seemed to us essential not only because of geography, but because of our joint history, culture, language and the many bonds that had arisen between us during the long years. We had always aimed at that and we are sure that this is the only proper relationship that should subsist between two neighbouring countries and peoples which have had such close bonds in the past. The question of Kashmir was referred to and we explained to them our position in regard to it and pointed out that anything that involved an upset of the present arrangement would be very harmful to the people of Kashmir as well as to the future relations of India and Pakistan. We were, however, always ready to discuss this, as other matters, with representatives of the Pakistan Government at any level desired. In fact, we had suggested meetings at various levels in the course of the last few months, but no positive response had come from them.
Mr. Sandys and Mr. Harriman appreciated our position, but still suggested that a friendly discussion about these matters between India and Pakistan might be helpful. I was agreeable to this as indeed we have been ourselves suggesting some such meeting for sometime past. I explained to them again, however, our basic principles and how it was not possible for us to bypass or ignore them.

Mr. Sandys thereafter went to Pakistan and came back yesterday after consultation with President Ayub Khan suggesting that a joint statement should be issued on behalf of both the Governments stating that a renewed effort should be made to resolve the outstanding differences so as to enable India and Pakistan to live side by side in peace and friendship, further stating that discussions should be started at an early date initially at the ministerial level and later at an appropriate stage directly between the Heads of Government. We suggested some variations in the draft joint statement. These were largely agreed to. Ultimately, the following joint statement was issued on behalf of the Governments of India and Pakistan:

**Joint Statement issued on November 29, 1962**

The President of Pakistan and Prime Minister of India have agreed that a renewed effort should be made to resolve the outstanding differences between their two countries on Kashmir and other related matters, so as to enable India and Pakistan to live side by side in peace and friendship. In consequence, they have decided to start discussions at an early date with the object of reaching an honourable and equitable settlement.

These will be conducted initially at the ministerial level. At the appropriate stage direct talks will be held between Mr. Nehru and President Ayub.

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0372. Speech by Head of the Indian Delegation Swaran Singh at
Indo-Pakistan Ministerial Conference.

Rawalpindi, December 27, 1962.

I am very happy to be in Rawalpindi again and to take part in discussions
envisaged in the joint statement issued by your distinguished President and
my Prime Minister on November 29.

Great responsibility attaches to the honour of having been deputed for this
duty. It helps me to bear that responsibility to know that Pakistan representatives
with whom we have to conduct these meetings should be so distinguished and
responsible as you, Sir, and your colleagues here, to all of whom I bring the
greetings and good wishes of my government.

Nearly three years ago, it was my privilege to conduct negotiations with your
government on what, till then, had been one of the most serious problems
affecting our two countries, namely, the regulating of disputes along our borders;
and it is encouraging to recall that, except for difficulties arising in regard to
problems that were then left unsettled, the agreement reached at that time has
been working well. I feel sure that frankness and mutual understanding which
enabled these negotiations to succeed will characterize our present meetings.
May I also venture the hope that these will lead to an even more fruitful outcome?
I am also very conscious of difficulties that have to be faced. The magnitude of
challenge to wisdom, patience and statesmanship of our respective
governments is brought out by words in which the joint statement has set forth
our purpose: ‘to make renewed effort to resolve outstanding differences between
their two countries on Kashmir and other related matters so as to enable India
and Pakistan to live side by side in peace and friendship’.

Mutually beneficial cooperation based on friendship and developed in peace
should be the normal relationship of our two countries. This is what was hoped
for 15 years ago when we realized our independence. Whatever our past and
present differences, I am sure you will agree that such an idea was not unnatural
considering our geography, our common historical experience and our many
ties and close associations.

Unfortunately that hope was still to be realized and passage of time is not
always a help. I hope and trust that unhappy memories are fading on your side
as they are on ours but alas happy memories may also fade. What is more, old
attitudes harden and new problems arise. I do not wish to enter into profitless
analysis of who is responsible for all this; I readily agreed that there have been
faults on both sides. But the realization that terms in which we may have thought
about each other in the past have long ceased to apply may help us to view our
problems in better perspective. Today Pakistan and India are two separate independent countries and must resolve their differences as do other mature sovereign states.

Our differences are, of course, real, important and difficult. Overshadowing all others is Kashmir but other major problems taken together would constitute a formidable list. There is a whole complex of problems restricting our trade and commerce to one fifth of what it was before partition. In addition, there are major border disputes: in particular, along Tripura and East Pakistan. There are obstacles faced by people who wish to visit each other’s country. There is still a live and painful dispute over the evacuee property and the thorny question of financial arrangements. Most of these are the old familiar controversies, too old and too familiar, that is the difficulty. The point to notice about them is that they are not just debating questions between the governments but problems which affect the daily lives of vast numbers of persons and through them our whole population. These problems have to be solved, now or later on, in the course of these talks as they are also major causes of tension between the two countries. Fundamentally what we have to do is to devise in each of these contexts and in a larger general way arrangements which will encourage our respective peoples to live with the minimum of friction or more positively with maximum of cooperation. The prerequisite for such cooperation is the desire for it and the realization of its advantages in effect, understanding and goodwill.

There have been occasions in the past fifteen years when it was readily seen that such understanding and goodwill were about to help us break through the vicious circle of mistrust and suspicion, charges and counter charges. But each time the promising trends were lost and we were left as we are now to start all over again. I do not at all want to get involved in a controversy over reasons for all these disappointments but I venture a diagnosis in the hope that we may this time find the cure.

I suggest that in the past the main reason for the disappointing end of the promising beginnings has been that goodwill and understanding necessary for success have not been sufficiently developed. I know it is frequently said that goodwill can only grow when problems are settled. But I also know that problems cannot be settled unless there is goodwill. I do not mean goodwill only between us present here or between the leaders of our two countries; what is needed is a deliberate sustained effort to encourage goodwill among the ever increasing sections of our society. The tragedy of our relationship is that instead of making such an effort we have been subject to contrary influences. While I do not wish to recriminate, I hope you will forgive me for mentioning that in the context of our present meeting, the recent press and public campaign against India in Pakistan has been, to say the least, disheartening. In the past few weeks my
country has been trying to cope with the severest of crises. I do not wish to say too much here about the nature of our conflict with China because I know your government is on record as enjoying and valuing good relations with that country. We too at one time enjoyed and valued good relations with China; no government could have done more than mine to try and establish and develop such relations. In return we were first misled, then our territory was encroached upon surreptitiously and when we tried to protect ourselves, we were attacked in force and have been deprived of vast areas of our country. We had to prepare expeditiously to deal with this danger which, we believe, we shall have to face for a long time to come. It seems some people in Pakistan believe that there is no such danger; that is their privilege I can only say that not very long ago it was Pakistani leaders who drew attention to the threat that China posed to the sub-continent and the world. While we cannot help opposite views being held about the nature of our struggle with China, we cannot but regret and deplore the fact that our efforts to defend ourselves against China are misrepresented as preparations to attack Pakistan in the future. My Prime Minister has precisely and fully stated in public and in personal correspondence with your President, the reasons why we are trying to strengthen ourselves; he has categorically and repeatedly emphasized the policy of my government never to attack you. In this context, I would like to remind you of the significant passage in my Prime Minister’s letter of November 12, 1962, to your President where he said: the idea of any conflict with Pakistan is one which is repugnant to us and we on our part will never initiate it. I am convinced that the future of India and Pakistan lies in their friendship and cooperation for the benefit of both. Nevertheless we are accused far and wide in this country of intending to use our increased strength against Pakistan. Such a charge frankly surprises us and diatribes of this nature are not exactly calculated to create goodwill and understanding necessary for us to resolve our differences.

In spite of our heavy preoccupations and other discouraging circumstances my government sincerely welcomes the idea of these talks. You will remember we have in the past frequently suggested that the best way to resolve our differences on Kashmir is by having a frank discussion on all aspects of the question. Now we are at last come together and I cannot over emphasise the genuineness of the desire on India’s side to proceed in a constructive way. As I said earlier, the most important of all our problems is Kashmir and our utmost efforts are necessary to try and deal with it. With your permission I would like to set out few ideas on the subject.

The question of being familiar with the views of our respective governments if anyone is in any doubt there are innumerable volumes which can enlighten us without our having to spell it all out here. I would merely like to recall few basic facts which I hope may help us to see the problem in proper perspective.
So far as we are concerned Kashmir has become an integral part of the Republic of India by internationally accepted practices of law and of democracy. It is established and greatly valued part of our national life, symbolic of the secular ideal we are genuinely trying to realize. You are yourselves familiar with divisive forces of particularism and sectarianism that tend to disrupt the unity of newly independent countries and we in our multi-racial, multi-lingual and multi-religious society have to be particularly careful to guard against such disruption. What happens in and to Kashmir is therefore of vital importance to our whole nationhood. I am aware of course of the arguments advanced from your side to justify Pakistan’s claim to the territory which are based on your own concept of statehood. Our differences in regard to Kashmir have thus become a projection of our respective political philosophies, which have been in sharp conflict over the years and have tended to make the resolution of them increasingly difficult.

I submit, Sir that the only reason why we are anxious to explore with you the possibilities of reaching modus vivendi with you on Kashmir question is because we ardently wish to live in peace and friendship with Pakistan. I suggest that our approach should take into account the political realities in the subcontinent and developments that have taken place since both countries became independent. First of these is that the problem of Kashmir cannot be considered in isolation. It is argued that if Kashmir could be settled all other differences between the two countries could also be settled. That may well be true, but it is also true that none of the differences can be settled, especially Kashmir, unless a great deal of spadework first clears away the deep-rooted misunderstandings and mistrust between us. This is not a startling new formula that I am suggesting; we have both agreed on this point many times in the past. It has been stressed in the past agreements and there have been specific arrangements for evolving better atmosphere such as the joint press code. Unfortunately they have not proved effective; unless they do, goodwill essential for political settlements will be lacking. What we must do now is to make such arrangements come alive. I would go so far as to say that it should be the first task of our respective Governments to launch on a concerted effort to build up goodwill not only by preventing excesses that have marred public comments abut each other but by advocating more considerate attitudes and by highlighting good aspects of our relationship. We should, for example, have moratorium on criticism and abuse and organize instead a campaign of goodwill recommended under the high auspices in both countries. Simultaneously we could try and work with each other in practical fields of cooperation remove irritants along our borders and obstacles to freer physical movements of our people work out ways of sharing our natural resources, build up our trade and economic partnership. We might also consider ways and means of keeping open constant channels of direct understanding and dealing with problems as they arise. I feel sure that if we embark on such programme both our countries will be immeasurably
benefited. By all these steps our political problems will become easier of solution. And these problems include Kashmir. Let me make it quite clear that the programme of friendly cooperation I have in mind will not be meaningful unless we first agree to settle Kashmir question. But I also wish to point out that settlement on Kashmir has meaning only in the context of such programme. If we try to bring about a settlement relating to Kashmir in terms of purely a territorial dispute our discussions will only repeat views that have been endlessly expressed in last fifteen years and lead to no result. I am quite sure you desire such an outcome as little as we do. What both our countries should seek now is a new approach designed to reach an honourable and equitable settlement.

To achieve such a fruitful outcome it is advisable to channel our discussions along the right lines avoiding unnecessary pitfalls and obstacles. We must steer clear of paths that lead away from the solution and at the same time look for guide posts which will help us on the true course. As our objective is the settlement of the Kashmir problem enabling India and Pakistan to live in peace and friendship, it follows that the solution must first of all be a peaceful one strengthening friendship between the peoples of India and Pakistan; secondly, it must not affect the stability and progress already achieved but must reinforce them; and thirdly, it must not leave over settlement of any major issue. In short it must be peaceful; it must be both realistic and constructive; and it must be comprehensive and final.

Just over three years ago after my Prime Minister came to this very city he and your President issued a notable joint communiqué in which:

‘They agreed that their Governments and peoples should work for the promotion of friendly and cooperative relations between their two countries and eliminate old emotional strains and tension. They recognized that reduction in tension and developments of friendly neighbourly cooperative relations will enable each of their countries to devote its energies to the achievement of their basic objectives of economic and social development’.

That was most statesmanlike approach and it has once again found expression in the joint statement of November 29. What we must ensure at all costs is that our two countries should not fall away from these high objectives. I have come here charged by my Government to make every possible efforts to sustain them and I know that you are similarly determined. The main difficulty in doing it is that the problems which we are going to deal within these talks have been discussed almost threadbare for years and consequently we tend to be resistant to arguments that are advanced. However, on this occasion we must endeavour to clear our minds of set notions and start afresh. I would like to think that we can do so and that what I have suggested may be appropriate and useful.
To sum up, therefore, I suggest our approach should be on the following lines:

1. We should start at once on a large scale programme to remove suspicion, mistrust and even ill will by appealing to our peoples and leaders of public opinion to reverse the unhappy trends of the past and by undertaking practical arrangements for encouraging a more sympathetic attitude towards each other.

2. We should also embody in the solemn agreement our desire ‘to live side by side in peace and friendship’ and to solve all our problems peacefully and to our mutual benefit.

3. We should proceed with utmost speed to resolve our ‘outstanding differences on Kashmir’ in a practical and realistic manner.

4. We should also consider ways and mean of removing major existing irritants and developing bias for practical cooperation.

And I realize that this is a large and comprehensive programme; but I believe it will help us solve all our disputes including Kashmir above all. If we can work out preliminary arrangements to implement this programme, I believe we will have brought about the most fruitful achievement.

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0373. Joint Communiqué issued at the end of Indo-Pakistan Talks on Kashmir.

Rawalpindi, December 29, 1962.

On November 29, 1962, the President of Pakistan and the Prime Minister of India agreed, in a joint statement, “to make a renewed effort to resolve the outstanding differences between their two countries on Kashmir and other related matters so as to enable India and Pakistan to live side by side in peace and friendship”.

In pursuance of this decision, Sardar Swaran Singh, India’s Minister for Railways, accompanied by his advisers, arrived in Rawalpindi on December 26 to initiate discussions with Mr. Zulfikar Ali Bhutto, Pakistan’s Minister for Industries, Natural Resources and Works, and his advisers.

On the afternoon of his arrival, Sardar Swaran Singh called on the President of Pakistan, the Foreign Minister and Mr. Bhutto.
The two Ministers and their advisers met in a formal session on the morning of the 27th December. The two Ministers held five meetings on the 27th, 28th and 29th of December, various aspects of the Kashmir problem were discussed. At the last meeting the Ministers were assisted by some of their advisers. The discussions were marked by a spirit of cordiality and understanding and there was a free and frank exchange of views.

Sardar Swaran Singh extended an invitation to Mr. Bhutto to visit New Delhi to continue the discussions initiated at Rawalpindi with a view to finding an equitable and honourable solution. The Pakistan Minister accepted the invitation and indicated that he might be expected to arrive in New Delhi on the 15th of January, 1963.

The Ministers agreed to make a joint appeal to the leaders, officials, the Press, radio, and other media of publicity in the two countries to help in creating a friendly atmosphere for resolving the outstanding differences on Kashmir and other related matters and to refrain from any statements, criticism or propaganda which might prejudice the success of these negotiations or tend to create discord between the two countries.

Sardar Swaran Singh left for New Delhi in the afternoon of the 29th of December.

Rawalpindi, 29 December 1962

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Note of Commonwealth Secretary on the first round of INDO-PAKISTAN Talks at Rawalpindi December 26 to 29, 1962.

New Delhi, January 10, 1963.

In pursuance of the joint statement issued by the President of Pakistan and the Prime Minister of India on the 29th November, 1962, the first round of discussions on “Kashmir and other related matters” was held in Rawalpindi from 26th to 29th December, 1962.

2. We were anxious to ensure, from the start, that these talks should not break down, at any rate, in the early stages, and if there was a break, the blame should fall squarely on Pakistan. Our delegation, which was led by Sardar
Swaran Singh, Minister for Railways, was required to work on the following lines:

(i) We were to make it clear that irrespective of the past history of the case or the claims of either side, we were determined to have a settlement consistent with the stability and security of India and Pakistan;

(ii) A settlement of Kashmir and other related matters should emerge from the deliberations of the two parties, whose approach to the problem should be constructive and practical;

(iii) This settlement must be such as both the parties could recommend to their respective governments and one with which, both the peoples and Governments of India and Pakistan can live for all times;

(iv) Consideration of the problem should be resumed from the point where the last talks between the Prime Minister and President Ayub ended, in 1960, and Pakistan asked to give an indication of its thinking on the matter, its proposals to be judged in the light of the criteria mentioned above; and

(v) To create a friendly climate, the invitation to President Ayub to pay a State visit to India was to be renewed. We were to press that this invitation was being extended irrespective of the course and result of these joint talks and that his visit to India would make a psychological impact, which should help both the countries in coming closer together.

3. We further expected that at these discussions the Pakistan delegation would take their preliminary stand on the 1947/48 UNICEP resolutions and a plebiscite in Kashmir. After careful consideration, we had decided that we would not refuse to discuss anything in Rawalpindi; that if Pakistan insisted on discussing nothing else but Kashmir, even that should be agreed to; but that if other subjects could be introduced, then India would bring on to the agenda: infiltration into Assam and Tripura from East Pakistan; pending border disputes specially in the East; the question of evacuee property; and financial adjustments between India and Pakistan.

4. The afternoon of 26th December was spent on courtesy calls, by the Leader of the Indian Delegation on the Foreign Minister of Pakistan, the Leader of the Pakistan delegation Mr. Bhutto and the Pakistan President, in that order.

5. During the call on the President, the Indian Minister renewed the Prime Minister’s invitation and extended an invitation (verbally) from the President of India, to President Ayub, to visit India. President Ayub said that he would certainly be glad to come to India, but named no date. In regard to the
conference, the President's advice was that there should be as much informal discussions as possible, and he was not enamoured of formal conferences. A point made by President Ayub during this meeting was about “the threat to the sub-continent” from the communist menace. He also spoke about India and Pakistan wasting their time and energy on maintaining armies against one another when all these resources could be better employed.

6. On the first night of the Indian delegation's stay in Rawalpindi, the Pakistan Foreign Office put out an announcement which said that Pakistan and the Peoples' Republic of China had reached “complete agreement in principle in regard to the alignment of the common borders of Chinese Sinkiang and the contiguous areas, the defence of which is the responsibility of Pakistan”. It was significant that no hint had been given to the Indian Minister of this impending announcement, although Sardar Swaran Singh had left President Ayub only at 8.30 p.m. The Indian delegation decided not to let this announcement interfere with the scheduled negotiations, and put out a brief statement expressing their “surprise and regret” at this development. It was also decided that the matter would be taken up vigorously with Mr. Bhutto the next day.

7. The full conference assembled at 10.30 a.m. on 27th December. Before the speeches on both sides had been concluded, the conference was interrupted with a special message from President Ayub that he wished to see the leaders of the two delegations, immediately. At this meeting at which the Foreign Minister was also present, the President was apologetic and tried to explain away the previous night's announcement by saying that their Ambassador in China had been authorized to finalise the agreement on certain broad lines and that since the Chinese had conceded more than what Pakistan had expected, an immediate announcement had been agreed to. In his reply, the Indian Minister said that having been aware of the position of India on the subject, the Pakistan Government should not be surprised if this development had unfortunate repercussions on the present Indo-Pakistan talks and also strengthened suspicion in India about possible secret China-Pakistan agreements.

The British High Commissioner and the American Ambassador in Pakistan who were both in Rawalpindi called on the Indian Minister to congratulate him on his patience and sober approach to this ill-timed provocation.

8. There was only one full dress session of the conference where the leaders of the two delegations made their formal speeches (which have been published in newspapers) and each then replied to the points made by the other. To Sardar Swaran Singh's plea for goodwill and a moratorium on all propaganda that might prejudice the success of the conference, Mr. Bhutto replied that goodwill “could not exist in a vacuum; it could only come after a solution of our
differences. He also said that Kashmir was the problem of problems and none of the other problems really mattered. Sardar Swaran Singh was formulating his reply when the conference was interrupted with a message from President Ayub.

9. The interrupted formal conference never met again at all. A series of informal discussions followed instead, between Mr. Bhutto and Sardar Swaran Singh and these were quite effective. There were 5 such meetings in all, the last one on 29th morning at which, at a later stage, the Advisers from the two sides were called in.

10. At the first meeting, Mr. Bhutto said that while he and many others in Pakistan had been skeptical about India’s intentions, they were now impressed with India’s sincerity and seriousness in the matter and this had cleared the way for a possible understanding between the two countries. He, however, maintained Pakistan’s stand on the UNICEP resolutions and plebiscite and added that he would be prepared to discuss alternative solutions, but only after full consideration had been given to the question of plebiscite.

At this first discussion Sardar Swaran Singh reiterated his concern and regret about the Sino-Pakistan border agreement and expressed fears about its effects on Indian public opinion. Mr. Bhutto repeated the explanation offered earlier by President Ayub.

11. At the second meeting on the morning of 26th December, discussion was confined to UNICEP Resolution of 1947/1948 and India’s views on plebiscite and self-determination. Sardar Swaran Singh explained the secular character of Indian democracy and dwelt at length on the possible dangers that could arise if plebiscite was held, as indeed it would be on communal lines. He also pressed that Kashmir was an integral part of the Indian Union. In reply Mr. Bhutto was at pains to explain that Pakistan was no longer only “Islamic” State and said that safeguards could be provided against communal trouble during plebiscite.

12. On the afternoon of the 28th December, the Minister referred to some of the other subjects that might also be discussed (see para 3). Mr. Bhutto agreed and said that the subject of the Farrakka Barrage and the eastern waters could be added to the list, but discussion on these should be held after Kashmir had been discussed. The rest of the time was again taken up with repercussions arising from the announcements of the Sino-Pakistan border agreement and the objectionable statements being made by Pakistani officials, politicians and the Press on the Sino-Indian conflict. Sardar Swaran Singh said that the explanation offered by the President was in strange contrast to the views which were being expressed by officials. Mr. Bhutto pressed that the President’s
explanation should be accepted and assured our Minister that there was no secret agreement with China.

13. At this stage, pressures began to build up to persuade the Indian delegation to put forward concrete proposals. Something on these lines was said by Mr. Bhutto to our High commissioner; it was suggested that since plebiscite seemed out of the question, the only alternative was a political settlement. On his side, the American Ambassador expressed the fear that Pakistan would very soon put pressure on Britain and the United States to suggest a suitable solution. Earlier, the Commonwealth Secretary had explained to the British High Commissioner that the Indian delegation was not in Rawalpindi to negotiate and give away any part of the valley on any account.

14. The Minister had his last informal talk with Mr. Bhutto on the morning of 29th December. After the two Ministers had talked for about an hour, the Advisers were called in. For the benefit of the Advisers Mr. Bhutto gave a summary of what had been discussed. He said that without giving up their stand on the general principle of self-determination, they would be prepared to consider the principles, which might govern a political settlement, leading to the delineation of an international boundary between India and Pakistan in Kashmir. Mr. Bhutto explained that what he meant by the principle of self-determination was that plebiscite was not necessarily the only way in which the wishes of the people could be ascertained. He said that the valley was the heart of the problem and it was their view that any international boundary on the basis of the present cease-fire line would be unacceptable to Pakistan.

15. One of the senior advisers in the Pakistan delegation said at this stage that the problem had been approached, concretely, on these lines in the past. He listed the Macnaughton proposals of 1949; the Dixon proposals of 1950; the discussion between Mr. Ghulam Mohammad and the Prime Minister in 1955; and the talks between the Prime Minister and President Ayub in 1960. It was agreed that all this could be gone into at the next meeting of two delegations in Delhi.

16. A joint Communiqué was agreed to after some discussion, the Pakistan delegation insisting on deleting any reference to the invitation to the Pakistan President to visit India.

17. The Pakistan Delegation is expected in New Delhi on January 15, and the talks are to be resumed from January 16. Pakistan’s suggestion is that this second round of talks might go on till January 19, 1963. There is considerable pressure from Pakistan on Britain and America to intervene and, perhaps, suggest a “solution”. Both countries have so far seemed to refrain from any active interference. Pakistan’s primary aim is to persuade Britain and America...
to accept that India has no intention to come to any settlement on Kashmir and, on the pretext of this “phony war” with China, India is only obtaining massive military aid to eventually attack Pakistan, and the West should, therefore, not give India the arms aid that she is asking for. It is also being whispered that Pakistan expects concrete developments out of this second round of talks in Delhi and, if no demonstrative results are achieved, Pakistan will call off these negotiations. We propose to talk patiently, again, to Pakistan and, perhaps, try for a third round in Karachi;

18. The text of the Rawalpindi communiqué of December 29 is enclosed, as also the text of the joint communiqué issued by the President of Pakistan and the Prime Minister of India on November 29, 1962*.

Y.D. Gundevia
Commonwealth Secretary

Dated : January 10, 1963.

0375. Joint Communiqué issued at the end of the Second Round of Indo – Pakistan Talks.

New Delhi, January 19, 1963.

Pursuant to the decision taken on December 29, 1962, at Rawalpindi, Mr. Zulfikar Ali Bhutto, Pakistan’s Minister for Industries and Natural Resources and Works, accompanied by his advisers, arrived in New Delhi on January 15, 1963 to resume talks with Sardar Swaran Singh, India’s Minister for Railways, on Kashmir and other related matters.

On the morning of January 16, 1963, Mr. Zulfikar Ali Bhutto placed a wreath on the Samadhi of Mahatma Gandhi and later called on the President and the Prime Minister.

During the course of his stay in New Delhi, the Pakistan Minister also called on the Vice President, the Minister of Finance, the Minister of Home Affairs and the Minister of Railways.

The two Ministers and their advisers met in a formal session in the afternoon of January 16, at Rashtrapati Bhavan. The two held 19 meetings on January 16,

* For text of the two communiqués please see Document Nos.373 & 371.
17, 18 and 19, at which various aspects of the Kashmir problem were discussed; the advisers assisted their Ministers at some of these meetings. The advisers also met among themselves a number of times, to give detailed consideration to the problem of Kashmir and to seek an agreed approach to its settlement. The discussions were frank and cordial and the attitude of the two sides was constructive throughout.

Mr. Z.A. Bhutto invited Sardar Swaran Singh to visit Karachi to continue the discussions with a view to finding an equitable and honourable solution of Kashmir and other related problems that would enable India and Pakistan to live side by side in peace and friendship. In accepting the invitation, Sardar Swaran Singh said he would be glad to visit Pakistan in the early part of February.

Mr. Zulfikar Ali Bhutto and his advisers left for Karachi on the evening of Saturday, January 19.

New Delhi, 19 January 1963.

0376. **Joint Communiqué issued at the end of the third round of Indo – Pakistan Talks.**


On November 29, 1962 the President of Pakistan and the Prime Minister of India has issued a Joint Communiqué “to make renewed efforts to resolve the outstanding differences between their two countries on Kashmir and other related matters so as to enable India and Pakistan to live side by side in peace and friendship”.

In pursuance of the decision, discussions were held between Mr. Zulfikar Ali Bhutto, then Pakistan’s Minister for Industries, and Mr. Swaran Singh, India’s Minister for Railways, first at Rawalpindi and then at New Delhi. At New Delhi, the two Ministers had agreed that talks would be continued at Karachi in the early part of February, 1963.

Mr. Swaran Singh, accompanied by his advisers, arrived in Karachi on the afternoon of February 7 to resume these discussions.

On the morning of February 8, Mr. Swaran Singh placed a wreath on the Mazar
of Quaid-i-Azam Mr. Mohammad Ali Jinnah, and later called on Mr. Zulfikar Ali Bhutto, Minister for External Affairs of Pakistan.

The two Ministers and their advisers met in a formal session on the morning of February 8 at the State Bank of Pakistan. The Ministers held several meetings at some of which they were assisted by their senior advisers. The advisers also met to give detailed consideration to the various aspects relevant to the settlement of the Kashmir problem.

The two Ministers agreed that a further exchange of views on these aspects was necessary. Accordingly, Mr. Swaran Singh invited Mr. Zulfikar Ali Bhutto to continue the discussions in Calcutta from March 9th to 12th. Mr. Bhutto accepted the invitation.

Mr. Swaran Singh and his advisers left for New Delhi on the morning of February 11.

Karachi, 11 February 1963.

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0377. Reply speech of leader of the Pakistani Delegation Z.A. Bhutto at the start of the Indo – Pakistan Talks.

New Delhi, January 16, 1963.

Sardar Swaran Singh and distinguished representatives of India, may I at the outset take this opportunity of expressing to you, and through you to the Government of India, our sincere thanks for your words of cordial welcome and for all that has been done to make our stay in Delhi both comfortable and pleasant.

I have come with the members of my Delegation in response to your kind invitation extended to us in Rawalpindi towards the end of last month to continue the discussions initiated there with a view to finding an honourable and equitable solution of the Kashmir problem and related matters. Our discussions in Rawalpindi were marked by a spirit of cordiality and understanding. We exchanged views frankly and freely. We hope that this spirit will continue to characterize our talks here.

You and I made a joint appeal to the leaders, officials and the news media of India and Pakistan to help in creating a friendly atmosphere for resolving the outstanding differences on Kashmir and other related matters and refrain from
criticism or propaganda which might prejudice the success of these negotiations or tend to create discord between the two countries.

In your speech of welcome extended to me and to the members of my Delegation, you Sir, referred to other matters which were touched upon by you in Rawalpindi. I do remember that we did discuss them and touch upon them, but I also recall that you very kindly said that without minimizing the importance of the Kashmir issue or giving the impression that an attempt is being made to detract from it we have to discuss the other related matters or we should discuss them at the appropriate time. I entirely agree with that, we will have to take up these other related matters at an appropriate time once we have come to grips with the Kashmir problem and have crossed this Himalayan issue.

In my opinion – and I expressed this at the very outset of our meeting in Rawalpindi – these other problems are but a shadow of Kashmir problem, and once we tackle this issue in a forthright, courageous manner, I am sure that with the combined goodwill existing both here and in Pakistan, it is not beyond the courage or the ingenuity of the leaders to arrive at an honorable and an equitable solution of the Kashmir problem, and it is my firm conviction that other issues would more or less resolve themselves out and it will not be difficult for us to overcome them.

The history of the recent past has shown that although we have settled important border problems, where you played such an important role, nonetheless, they have not played a decisive part in bringing about that degree of normality in relations which the circumstances of the present day warrant.

So, it is all the more necessary that, Kashmir having required a new meaning and a new emphasis, we come to grips with the realities of the situation and make some significant improvement in the solution of this problem during our discussions here, and I am confident that if we continue our discussion in this spirit in which we have undertaken them at Rawalpindi we should be able to make substantial progress.

The task before this meeting is to pick up the threads of our discussions on Kashmir at the point at which we left them at the end of our talks in Rawalpindi. My Delegation and I are ready to discuss the substance of the Kashmir problem, to identify the difficulties which have stood so long in the way of its solution and explore ways and means for their removal.

If we succeed in this task we would then have prepared the groundwork for a summit meeting between the leaders of our two nations for the decisive phase of the Kashmir negotiations.

I thank you very much.

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Briefing given by the Commonwealth Secretary Y. D. Gundevia at the Coordination meeting of the Ministry of External Affairs.

New Delhi, February 21, 1963.

Ministry of External Affairs

Subject: Indo-Pakistan Talks

The Commonwealth Secretary began with a reference to the general statement, issued by the President of Pakistan and the Prime Minister of India on November 29, 1962. The statement called for renewed efforts to resolve outstanding differences between India and Pakistan on Kashmir and other related matters, so as to enable the two countries to live side by side in peace and friendship. Discussions were to begin at an early date, with the object of reaching an honourable and equitable settlement. Initially, the discussions were to be conducted at Ministerial level; and, at the appropriate stage, direct talks, it was felt, might be held between our Prime Minister and President Ayub Khan.

2. The first round of talks was held at Rawalpindi from December 26 to 29. the Commonwealth Secretary said that while our team was bent on working truly in the spirit of the joint statement, it was clear, from the start, that Pakistanis were behaving in an unfriendly manner.

3. The Rawalpindi discussions opened with our Railway Minister calling on the Pakistan President on December 26. President Ayub Khan was cordial, frank and business like in his talk with the Minister. The main point he emphasized was that the danger to the sub-continent was from the North, and it was unfortunate that India and Pakistan had spent the last 15 years wasting their energies, one against the other. There was no mention during this interview of any possible Sino-Pakistan boundary agreement.

4. About two hours after the interview with the President, Pakistan announced their so-called agreement, in principle, with China, on Kashmir’s border with Sinkiang. This naturally came as a shock to the Indian delegation; but after careful consideration, it was decided that we would proceed with the talks, the next morning, as originally scheduled.

5. On December 27, when the formal plenary session was in progress, the proceedings were interrupted by a message from the President, asking Mr. Bhutto to request Minister Swaran Singh to see him. The President, somewhat apologetically, explained that the timing of the announcement was some
mistake; and he had not spoken about this to Minister Swaran Singh, the previous evening, because the telegram from Peking had arrived after his talk with the Minister had ended. The Minister expressed serious concern on behalf of the Government of India and reiterated our views which had been quite adequately intimated to the Government of Pakistan, before on the subject.

6. The Commonwealth Secretary said that the conference, so-called in Rawalpindi took a peculiar shape. After the first plenary session on December 27 morning, photographs and all, the two delegations never met again in full. We took advantage of President Ayub Khan’s suggestion that the discussions should be “informal” and, practical all the discussions in Rawalpindi, after the opening session, were conducted solely between Minister Swaran Singh and Mr. Bhutto, with none of the advisers present. On the last morning, however, (December 29), Mr. Bhutto suggested that it might be useful if the discussions could be “summarized” by the Ministers in the presence of 3 and 4 advisers from each side, and, to this, Minister Swaran Singh readily agreed.

7. The two days’ discussions in Rawalpindi between the Ministers had been, practically, confined to the pros and cons of a plebiscite – Pakistan’s contention that there was no other solution on Kashmir, except a plebiscite, and India’s stand, that in view of the changed conditions, so many years after, we were not prepared to hold a plebiscite, on any account. On the night of December 28, Mr. Bhutto, in a very informal talk with our High Commissioner, Shri G. Parthasarathi, mentioned the possibility of an alternative solution. He said that if a plebiscite seemed not possible, the only other alternative was a “political settlement”; with the two countries delineating an international boundary in Jammu and Kashmir. This was more or less what we wanted.

8. The next morning, in the discussions before the four advisers on each side, Mr. Bhutto mentioned this alternative of a “political settlement”. At this, the Pakistan advisers said that a political settlement between India and Pakistan had been considered on several occasions in the past and, may be, we might re-examine some of these older proposals, to see if they could in any way, assist in a solution, today. They mentioned Mr. Macnaghton’s proposals of 1949, Mr. Dixon’s proposals of 1950, and the talks between our Prime Minister and Mr. Ghulam Mohammad in 1955. The Rawalpindi talks ended on an understanding that these older proposals would be reconsidered in Delhi, in the second round of talks, from January 16 to 18, 1963.

9. In Delhi, several meetings were held between 4 or 5 advisers on each side, and the Dixon’s Proposals and Macnaughton’s proposals, in particular, covering both an overall plebiscite and a so-called regional plebiscite, were thrashed out in detail. The Commonwealth Secretary said that, in many ways, it was to our advantage to spend all this time “discussing the impossible”. But
why Pakistan was bent on these discussions, it was more difficult to understand.
On the last day, again, as in Rawalpindi, we came to the alternative of a “political
settlement”, with a boundary between India and Pakistan to be delineated in
the state of Jammu and Kashmir.

10. We drew up a short memorandum on how a political settlement could be
worked out. According to our draft, the settlement was to be practical, realistic
and final. There would be an international boundary delineated between India
and Pakistan in Jammu and Kashmir. The territorial readjustments would be
on a rational basis, taking into account, geographic, administrative and other
considerations, and involving “the least disturbance to the life and welfare of
the people”. There would be disengagement of forces in and around Kashmir.
And if an agreement was reached on these points, measures to facilitate freer
movement of persons, development of trade, etc., were to be considered. The
settlement was also to embody a solemn declaration by the two countries “to
live side by side in peace and friendship”, etc. etc.

11. Pakistan gave us a modification in the draft in which they pressed that
there must be reference to their basic position with regard to plebiscite. Their
second major contention was that the territorial division should take into account
the composition of the population, control of rivers and requirement of defence.

12. In the final draft, which was agreed to on January 19, just before the Pak
Delegation left – not without a show of crisis and threats of breakdown – we
got them to drop all references to a plebiscite, though there was mention of
their contention that the territorial division should eventually be “acceptable to
the people of the State”. The operative paragraph on the criterion for the
delineation of the international line in Jammu and Kashmir between India and
Pakistan was a compromise and incorporated the point of view of both India
and Pakistan. The Commonwealth Secretary emphasized there is no reference
in these paragraphs to a plebiscite and this was the most important gain in the
second round of talks in Delhi. The relevant paragraph ran as follows:

“The Pakistan delegation urged that the territorial division should take
into account the composition of the population of the State, control of
rivers, the requirements of defence, and other considerations relevant
to the determination of an international boundary, and acceptable to
the people of the State. The Indian delegation urged that territorial
readjustments as may be considered necessary for this purpose should
be on a rational basis, taking into account geographic, administrative
and other considerations and involving the least disturbance to the life
and welfare of the people”.

13. The third round of discussions in Karachi took place from February 7 to
11. Our expectation was that we would take quite some time to discuss the details of the final draft agreed to in New Delhi. The Pakistan delegation, on the other hand, seemed to have very little to say, and, almost in the first officers' level meeting, they asked if we were prepared to “draw lines on the map”. In the first phase of the discussion, we argued that Pakistan’s defence requirements did not give them any claims on Kashmir; and, as far as the control of rivers was concerned, this had been completely taken care of by the Indus Waters Treaty, which governs the entire uses of the waters of both the Jhelum and the Chenab and safeguards Pakistan against any possible hurt or damage by India. There was little left to be argued, since Pakistan, obviously, was not anxious to argue their own case.

14. On the second day, the two Ministers settled down to a discussion of a possible delineation of a boundary line. Minister Swaran Singh indicated certain areas west of the Valley and north of the Valley, and our readiness to concede in favour of Pakistan the rich forest areas in the north, on both sides of the Kishenganga river. After pretending that this was a “shock” to Pakistan. Mr. Bhutto indicated that, according to their criteria, only a little more than the Kathua district on the Punjab border, in the extreme south of Kashmir, could be given to India, Pakistan being entitled to the entire State of Jammu and Kashmir, right up to Ladakh in the north-east and including the Valley, as well as the southern areas, including Jammu, Udhampur, Aknur, Riasi, etc.

15. The Pakistani offer was, obviously, ridiculous; but in the two last discussions Mr. Bhutto kept saying that unless we “advanced on the map” and also agreed to discuss “the problem of the Valley” in isolation, there could not be further talks. We said that we were content; and perhaps, the best course would be to report the results to our respective Governments and then decide whether any further talks were possible. After this show of crisis, however, at midnight, on the 11th February, Mr. Bhutto persuaded himself to hold a further round of talks, now in Calcutta, from March 12 to 15.

16. This is as far as we have got in these talks with Pakistan. The Commonwealth Secretary said that he was not quite sure what shape the discussions would take in Calcutta. We had no intentions whatever of making any further advances on the map. We have indicated everything that we can concede to Pakistan, West and North of the Valley. If the Calcutta talks are to make any progress, Pakistan will have to make many moves forward on the map to meet us.

17. The Commonwealth Secretary emphasized that, whatever else, we are anxious that if there is to be a break, if should come from Pakistan's side. In the Western World, we have been given considerable credit for our patience and we do not want to lose this credit, at a time when we genuinely want
Western assistance in our conflict with China. We lose nothing and gain something by continuing these talks.

18. Summing up, the Special Secretary said that the present rounds of talks are important not only from the point of view of the results they might yield but also for the process adopted. It was for the first time that India and Pakistan had met at the conference table to tackle the problem of Kashmir which Pakistan had magnified out of all proportion and clouded by slogans. If Pakistan needed defence in depth, so did India; and the Indus Waters Treaty has settled the question of the headwaters of the Jhelum and the Chenab. The unsolved problems between India and Pakistan were the legacy of partition. Pakistan has developed a psychological complex and no national ethos. She has not set for herself worthwhile national goals, does not know what she stands for, has only negative policies and reveals negative trends. Hate and Islam are the only cohesive forces in the State.

PAKISTAN DRAFT  19-1-1963

1. Without prejudice to the basic positions of the two parties with regard to a plebiscite in the State of Jammu and Kashmir, we should explore possibilities of a political settlement of the problem.

2. A political settlement must be just, equitable and final, and acceptable to the people of the State, taking into account the following factors:

i. India and Pakistan should seek the delineation of an international boundary in Jammu and Kashmir State.

ii. The territorial division should take into account the composition of the population of the State, control of rivers, the requirements of defence, and other considerations relevant to the determination of an international boundary.

iii. Disengagement of the forces of India and Pakistan in and around Kashmir with a view to removing all tensions should be an essential part of the settlement.

3. The settlement should also embody in a solemn declaration the determination of the two countries “to live side by side in peace and friendship” and to solve all their other problems peacefully and to their mutual benefit.

4. Ways and means of developing practical cooperation between the two countries and removing other major irritants should be considered.
INDIAN DRAFT  19-1-1963

1. Without prejudice to the basic stand of the two parties, we should explore possibilities of working out a political solution for the Kashmir problem.

2. A political settlement must be practical and realistic and must be final, taking into account the following factors:

   i. India and Pakistan should seek the delineation of the international boundary in Jammu and Kashmir State.

   ii. Territorial readjustments as may be considered necessary for this purpose should be on a rational basis, taking into account geographic, administrative and other considerations and involving the least disturbance to the life and welfare of the people.

   iii. Disengagement of the forces of India and Pakistan in and around Kashmir with a view to removing all tensions should be an essential part of the settlement.

   iv. If agreement is reached on the above points, measures to facilitate freer movement of persons, development of trade across the international boundary in Jammu and Kashmir State, etc. should be considered.

3. The settlement should also embody in a solemn declaration the determination of the two countries “to live side by side in peace and friendship” and to solve all their problem peacefully and to their mutual benefit.

4. Ways and means of developing practical cooperation between the two countries and removing major existing irritants should be considered.

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The China Pakistan Boundary Agreement of March 2, 1963

The Government of the People’s Republic of China and the Government of Pakistan;

Having agreed, with a view to ensuring the prevailing peace and tranquility on the border, to formally delimit and demarcate the boundary between China’s Sinkiang and the contiguous areas, the defence of which is under the actual control of Pakistan, in a spirit of fairness, reasonableness, mutual understanding and mutual accommodation, and on the basis of the ten principles as enunciated in the Bandung Conference;

Being convinced that this would not only give full expression to the desire of the peoples of China and Pakistan for the development of good neighbourly and friendly relations, but also help safeguard Asian and world peace;

Having resolved for this purpose to conclude the present agreement and have appointed as their respective plenipotentiaries the following:

For the Government of the People's Republic of China; Chen Yi, Minister of Foreign Affairs;

For the Government of Pakistan: Mr. Zulfikar Ali Bhutto, Minister of External Affairs;

Who, having mutually examined their full powers and found them to be in good and due form, have agreed upon the following:

**Article 1**

In view of the fact that the boundary between China’s Sinkiang and the contiguous areas, the defence of which is under the actual control of Pakistan, has never been formally delimited, two parties agree to delimit it on the basis of the traditional customary boundary line including natural features and in a spirit of equality, mutual benefit and friendly cooperation.

**Article 2**

One: In accordance with the principle expounded in Article 1 of the present agreement, the two parties have fixed, as follows the alignment of the entire boundary line between China’s Sinkiang and the contiguous areas, the defence of which is under the actual control of Pakistan:

1. Commencing from its north-western extremity at height 5,630 metres (a peak, the reference coordinates of which are approximately longitude 74 degrees 34 minutes east and latitude 37 degrees 03 minutes north), the boundary line runs generally eastward and then southeastward strictly along
the main watershed between the tributaries of the Tashkurgan river of the Tarim river system on the one hand and the tributaries of the Hunza river of the Indus river system on the other hand, passing through the Kilik Daban (Dawan), the Mintake Daban (Pass the Kharchanai Daban (named on the Chinese map only), the Mutsjilga Daban (named on the Chinese map only,) and the Parpik Pass (named on the Pakistan map only), and reaches the Khunjerab (Yutr) Daban (Pass).

2. After passing through the Khunjerab (Yutr) Daban (Pass), the boundary line runs generally southward along the above mentioned main watershed up to a mountain top south of this Daban (Pass), where it leaves the main watershed to follow the crest of a spur lying generally in a southeasterly direction, which is the watershed between the Akjilga river (a nameless corresponding river on the Pakistan map) on the one hand, and the Taghumbash (Oprang) river and the sKoliman Su (Oprang Jilga) on the other hand.

According to the map of the Chinese side, the boundary line, after leaving the southeastern extremity of this spur, runs along a small section of the middle line of the bed of the Keliman Su to reach its confluence with the Elechin river. According to the map of the Pakistan side, the boundary line, after leaving the southeastern extremity of this spur, reaches the sharp bend of the Shaksgam or Muztagh river.

3. From the aforesaid point, the boundary line runs up the Kelechin river (Shaksgam or Muztagh river) along the middle line of its bed to its confluence (reference coordinates approximately longitude 76 degrees 02 minutes east and latitude 36 degrees 26 minutes north) with the Shorbulak Daria (Shimshal river or Braldu river).

4. From the confluence of the aforesaid two rivers the boundary line, according to the map of the Chinese side, ascends the crest of a spur and runs along it to join the Karakoram range main watershed at a mountain top (reference coordinates approximately longitude 75 degrees 54 minutes east and latitude 36 degrees 15 minutes north) which on this map is shown as belonging to the Shorgulak mountain. According to the map of the Pakistan side, the boundary line from the confluence of the above mentioned two rivers ascends the crest of a corresponding spur and runs along it, passing through height 6,520 metres 21, 390 feet till it joins the Karakoram range main watershed at a peak (reference coordinates approximately longitude 75 degrees 57 minutes east and latitude 36 degrees 03 minutes north.

5. Thence, the boundary line, running generally southward and then eastward, strictly follows the Karakoram range main watershed which separates the Tarim river drainage system from the Indus river drainage system, passing
through the east Mustagh Pass (Muztagh Pass), the top of the chogri peak (K-2), the top of the broad peak, the top of the Gasherbrum mountain (8,068), the Indirakoli Pass (names on the Chinese maps only) and the top of the Teram Kankri peak, and reaches its southeastern extremity at the Karakoram Pass.

**Two:** The alignment of the entire boundary line as described in Section One of this article, has been drawn on the one millions scale map of the Chinese side in Chinese and the one million scale map of the Pakistan side in English which are signed and attached to the present agreement.

**Three:** In view of the fact that the maps of the two sides are not fully identical in their representation of topographical features, the two parties have agreed that the actual features on the ground shall prevail, so far as the location and alignment of the boundary described in Section One is concerned, and that they will be determined as far as possible by joint survey on the ground.

**Article 3**

The two parties have agreed that:

1. Wherever the boundary follows a river, the middle line of the river bed shall be the boundary line; and that

2. Wherever the boundary passes through a daban (pass), the water parting line thereof shall be the boundary line.

**One:** The two parties have agreed to set up, as soon as possible, a joint boundary demarcating commission. Each side will appoint a chairman, one or more members and a certain number of advisers and technical staff. The joint boundary demarcation commission is charged with the responsibility, in accordance with the provisions of the present agreement, to hold concrete discussions on and carry out the following tasks jointly.

1. To conduct necessary surveys of the boundary area on the ground, as stated in Article 2 of the present agreement, so as set up boundary markers at places considered to be appropriate by the two parties and to delineate the boundary line of the jointly prepared accurate maps.

2. To draft a protocol setting forth in detail the alignment of the entire boundary line and the location of all the boundary markers and prepare and get printed detailed maps, to be attached to the protocol, with the boundary line and the location of the boundary markers shown on them.

**Two:** The aforesaid protocol, upon being signed by the representatives of the Governments of the two countries, shall become an annex to the present agreement, and the detailed maps shall replace the maps attached to the present agreement.
Three: Upon the conclusion of the above-mentioned protocol, the tasks of the joint boundary demarcation commission shall be terminated.

Article 5

The two parties have agreed that any dispute concerning the boundary which may arise after the delimitation of the boundary line actually existing between the two countries shall be settled peacefully by the two parties through friendly consultations.

Article 6

The two parties have agreed that after the settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concerned will reopen negotiations with the Government of the People’s Republic of China on the boundary, as described in Article 2 of the present agreement, so as to sign a formal boundary treaty to replace the present agreement, provided that in the event of that sovereign authority being Pakistan, the provisions of the present agreement and of the aforesaid protocol shall be maintained in the formal boundary treaty to be signed between the People’s Republic of China and Pakistan.

Article 7

The present agreement shall come into force on the date of its signature.

Done in duplicate in Peking on the second day of March, 1963, in the Chinese and English languages, both texts being equally authentic.

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Foreign Minister Z.A. Bhutto, addressing a Press Conference said that Pakistan would make every effort towards cooperation with India to seek peace but repeated that Kashmir “is the primordial dispute between India and Pakistan.” He said that there was not enough debris in the whole of the sub-continent to bury it.

 Asked whether he was hopeful about outcome of the discussion on Kashmir, Mr. Bhutto said: “One should not be pessimistic”. He told another questioner that he believed there could be an element of normalization of relations with India but it must be alongside settlement of the essential dispute namely, Kashmir.

Reiterating Pakistan’s position on the Kashmir dispute. Mr. Bhutto said that Pakistan had always supported the right of self determination of the people of Jammu and Kashmir and would continue to do so. He said it was Pakistan’s duty to support the right of self determination of the people of Kashmir. It was a struggle to which Pakistan was committed. He said in doing so Pakistan was not trying to accentuate the conflict between the two countries but it was imperative for true and lasting peace in the sub continent.

He said Kashmir problem was a human problem. It affected the future of five million Kashmiris and Pakistan was bound to seek justice for them Proceeding further, he said Pakistan would cooperate with India for restoration of peace.

(The Press conference was attended by a number of Western correspondents who had come to cover the Ministerial talks.)

(The Foreign Secretary, Mr. Aziz Ahmad, Information Secretary, Mr. Altaf Gauhar, Director General of Foreign Office, Mr. M.A. Alvie, and Joint Secretary Ministry of Information. Mr. Qasim Rizavi, were also present at the Press Conference.)

Question: How would you describe the results of the talks?

Answer: It was the first Ministerial conference with the Indians after the September conflict. It has been productive in as much as it heightened the disputes and the causes of the disputes and the recognition of the need to settle the fundamental dispute from that point of view it has been a useful one.

Question: Would it be correct if I assume that only Kashmir was discussed?

Answer: Essentially you are correct.
**Question:** Sardar Swaran Singh said at the airport that if Pakistan raised the Kashmir dispute they will discuss it. Don’t you think that this “If” is redundant?

**Answer:** That has been our problem for the past 18 years. Kashmir would obviously be discussed in future meetings.

**Q:** Any probable date for the next meeting?

**A:** No date has been fixed.

**Q:** Will the meeting be with an agenda?

**A:** I would say so. A framework has been laid down, and there has been general agreement on the subjects to be discussed. We do not see any reason why the Indians will not follow it.

**Q:** Do you think that the Indians were genuinely interested in finding a solution of the Kashmir problem?

**A:** I cannot state for them. There has been some progress made but there have been no spectacular or sensational results. In the past the Indians have taken a rigid position. During this meeting we have moved forward.

**Q:** Are you prepared to discuss other subjects simultaneously?

**A:** We do not preclude discussions on other subject but we want meaningful discussions and visible movement for settlement of Kashmir dispute.

**Q:** Do you find difference between the public postures of the Indian leaders and their attitude during the meeting on Kashmiri dispute?

**A:** It is not fair for me to comment on that.

**Q:** Do you mean there can’t be normalization until there was visible movement towards a solution of the Kashmiri dispute?

**A:** It depends on how you define normalization. There can be normalization if the basic dispute was settled. If normalization has to be permanent feature you have to resolve the basic dispute. First thing must come first. All those things (trade, etc.) can be discussed in good time.
0381. Extract from the China-Pakistan joint communiqué after the signing of the Boundary Agreement.
March 4, 1963.

1. In the talks, the representatives of the two Governments reviewed the development of friendly relations between China and Pakistan since the establishment of diplomatic relations between them. They were particularly satisfied at the fact that the Governments of China and Pakistan, in the spirit of equality, cooperation, mutual understanding and mutual accommodation, have settled the question of the boundary actually existing between the two countries through friendly consultations and have signed the Boundary Agreement. This demonstrated that friendly consultation, on the basis of mutual respect and goodwill, is the effective way to settle boundary differences and other international issues. They expressed their conviction that the conclusion of the Boundary Agreement has a significant bearing on the consolidation and development of friendly and good neighbourly relations between China and Pakistan and has contributed to the consolidation of peace in Asia and in the world.

2. The representatives of the two Governments reaffirmed their belief in the national sovereignty and equality of all countries and in the basic right of all peoples to decide their own destinies in accordance with their free will. They expressed a common desire to promote cooperation between China and Pakistan on the basis of equality, and non interference in each other’s internal affairs.

3. With regard to the Kashmir dispute between Pakistan and India, the Pakistan Minister of External Affairs reiterated that Pakistan has consistently worked and will continue to strive for an equitable and honourable settlement of this dispute with India through peaceful negotiations. The Chinese Government expressed its appreciation of the attitude of the Pakistan Government in seeking a peaceful settlement of the Kashmir dispute and was of the belief that expeditious settlement of this question would be conducive to peace in Asia and in the world.

4. With regard to the Sino-Indian boundary dispute, the representatives of the two Governments expressed the hope that a fair and reasonable settlement would be achieved through direct negotiations between China and India. The Chinese Government reiterated that there would be no change in the Chinese Government’s determination to strive for a peaceful settlement of the Sino-Indian boundary question through negotiations.
Statement of Prime Minister Jawaharlal Nehru in the Lok Sabha while replying to the Call Attention Notice regarding the Sino-Pakistan border agreement.

New Delhi, March 5, 1963.

As the House is aware, the representatives of the Government of Pakistan and the People’s Republic of China have signed what has been described as an agreement regarding the alignment of the boundary between Sinkiang and that part of the Indian territory in Jammu and Kashmir which is under Pakistan’s illegal occupation. Details of the agreement have already appeared in the press. A copy of the agreement as released by the Government of Pakistan in Karachi is being laid on the Table of the House.

According to details released officially in Karachi, the Government of Pakistan first informally sounded China and then sent a diplomatic note on March 28, 1961, expressing the desire to negotiate demarcation of the boundary. The Chinese Government reacted formally to this offer, about a year later, that is in February 1962. On May 3, 1962 the Governments of Pakistan and China issued a joint communiqué, in which they agreed to conduct negotiations on the subject. We protested against this development to both Governments. In view of these developments, our representative in the Security Council stated our position, authoritatively, during the debates on Kashmir, on May 4 and June 22, 1962.

On the eve of the Indo-Pakistan talks on Kashmir and other related matters, the Governments of China and Pakistan announced an agreement, in principle, on the alignment of the border of the illegally occupied area of Kashmir with Sinkiang. Sardar Swaran Singh, Leader of the Indian Delegation, immediately made our position clear to President Ayub Khan and Mr. Bhutto in Rawalpindi, and again to Mr. Bhutto, later, when the talks were resumed in Delhi, in January last. On January 20 we lodged a protest with the Government of Pakistan against the decision announced in the joint communiqué issued by them on December 28, 1962. Another protest is being lodged with the Government of Pakistan against the signing of this Sino-Pakistan border alignment agreement in Peking.

It has been stated in Karachi that the difference between the Chinese claim line and the Pakistan claim line was 3,400 square miles. In the final agreement, Pakistan claims to have received 1,350 square miles, including 700 square miles of area which was in China’s possession. The Chinese have been given 2,050 square miles under the agreement.

According to the Survey of Pakistan maps, even those published in 1962, about 11,000 square miles of Sinkiang territory formed part of Kashmir. If one
goes by these maps, Pakistan has obviously surrendered over 13,000 square miles of territory.

Although, according to the agreement, the parties have agreed to delimit the boundary on the basis of the traditional customary boundary line, including natural features, the boundary, as agreed to, does not do so. The Pakistan line of actual control, according to the map, which the Government of Pakistan had supplied to our High Commission, lay across the Kilik, Mintaka, Khunjerab Passes; but, thereafter, the line left the watershed and followed neither the Aghil Range, which is the traditional boundary, nor the Karakoram Range along which the alignment claimed by the Government of China lay. In fact, the Pakistan line of actual control ran along no definite natural features, but cut across the tributaries of the Shaksgam river and sometimes lay half way up the slopes. It then reached the Karakoram Pass. Running south of the traditional alignment, the Pakistan line of actual control surrendered about 1,600 square miles to China. The difference between the Pakistan and Chinese alignments was about 2,100 square miles.

The agreement claims to be provisional, and yet so much haste has been shown in concluding it. It is significant that it is not subject to ratification. Thus the National Assembly, the Press and the public of Pakistan have been given and will be given no opportunity to examine the terms of this agreement.

I have already stated in this House, that we are, naturally anxious to have a settlement with Pakistan; but I cannot help feeling that the joint announcement on December 26, the Pakistan Government's announcement on February 22, to sign the border agreement in Peking, and finally the signing of this agreement have been timed to prejudice the outcome of the joint talks on Kashmir and other related matters. However, as an earnest of our desire for an honourable and equitable settlement with Pakistan, we propose to continue with the talks in Calcutta. I have also stated that a settlement does not mean that we accept whatever is proposed by Pakistan - right or wrong. We cannot abandon the principles we have always valued.

The other party to the agreement, namely China, in spite of its professions that it has never involved itself in the dispute over Kashmir or its absurd claim that the boundary negotiations have promoted friendship between the Chinese and Pakistani peoples and are in the interests of Asia and world peace, is directly interfering in Indo-Pakistan relations. By doing this, China is seeking to exploit differences between India and Pakistan on the Kashmir question to further its own expansionist policy. The Government of India have made their position clear in a protest against this agreement which has been lodged with the Government of the People's Republic of China.
0383. Joint Communiqué issued at the end of Indo-Pakistan talks on Kashmir.


On the conclusion of the third round of the Indo-Pakistan talks on Kashmir and other related matters at Karachi, Sardar Swaran Singh, Indian Minister for Railways, invited Mr. Zulfikar Ali Bhutto, Pakistan Minister for External Affairs, to continue the discussions on Kashmir and other related matters at Calcutta in March, 1963.

Mr. Zulfikar Ali Bhutto accepted Sardar Swaran Singh’s invitation and arrived in Calcutta on March 12, 1963, with members of the Pakistan delegation from Dacca.

Soon after his arrival Mr. Bhutto called on the Governor of West Bengal, Miss Padmaja Naidu and Chief Minister, Mr. P.C. Sen.

The delegations of India and Pakistan met in a formal conference at Raj Bhavan on 12th March 1963. after brief speeches by leaders of the two delegations, it was decided that Sardar Swaran Singh and Mr. Zulfikar Ali Bhutto should meet separately to resume their discussions on Kashmir and other related matters.

Sardar Swaran Singh and Mr. Bhutto held several meetings on 12, 13 and 14 March. At some of these meetings they were assisted by their advisers.

Sardar Swaran Singh has accepted Mr. Zulfikar Ali Bhutto’s invitation for further discussion of Kashmir and other related matters at Karachi from April 21.

Mr. Zulfikar Ali Bhutto accompanied by his delegation left for Dacca on the morning of March 15, 1963.

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0384. Excerpts from the Interview of Chinese Premier Chou En-lai with the correspondent of Associated Press of Pakistan.

March 31, 1963.

Living together for 14 years, China and Pakistan have established relations of peace and friendship. We both wanted to settle the boundary question and fix the boundary in the form of an agreement. When the question of the ownership of Kashmir is settled by India and Pakistan in future, China will sign a formal boundary treaty with the sovereign authority concerned...

The Pakistan Government did not go by MacDonald’s (?, MacMohan) territorial claim. This shows that Pakistan wishes to establish friendly relations with China. It has adopted an attitude of equality and fairness.

The Indian Government is trying to use a British imperialist claim to incite the Pakistan and Indian peoples to support its policy of taking over the legacy of expansionism of the British Empire. A comparison will show clearly who is assuming the unseemly position of an aggressor and expansionist...

Question: How do you look at the Sino-Pakistan relations in view of the suggestion made in the Press abroad that the Sino-Pakistan friendship is contradictory to Pakistan’s membership of the pacts, specially of the SEATO and because Pakistan receives aid from the United States?

Premier Chou En-lai: We do not deny that there is a certain contradiction. It is precisely for this reason that development of friendly relations between China and Pakistan has been a process of gradual accumulation. Shortly after the founding of new China, China and Pakistan established relations of mutual recognition. Later, through the efforts of Gen. Raza during his tenure of office as the first Pakistan Ambassador to China, a preliminary understanding was established between us. At the Bandung Conference, the Prime Ministers of the two countries met, and later they exchanged visits. The mutual understanding between our two countries was thus further enhanced. After the formation of SEATO in 1954, the Pakistan Government often declared to the Chinese Government that its participation in that organization was not for the purpose of being hostile to China and would not prejudice Pakistan’s friendship for China. Since President Mohammed Ayub Khan assumed leadership of your country as your President, facts have further proved that Pakistan’s policy towards China is one of friendship and not one of hostility.

Not long ago, in the United Nations, Pakistan cast its vote in support of restoration of new China’s rightful position in the United Nations, and did not support the US position of retaining the Chiang Kai-shek clique in the United Nations. The most striking proof is the conclusion of the Sino-Pakistan boundary
agreement. In disregard of India’s position and US Pressure, Pakistan resolutely took the initiative to sign the boundary agreement with China. Thus, we have further understood that Pakistan is genuinely desirous of maintaining friendly and good neighbourly relations with China.

As for China’s desire for friendship with Pakistan, it has been consistent throughout the past 14 years. Even when we were on friendly terms with India, we took an attitude of non-involvement in the Kashmir issue. We have always cherished the hope that India and Pakistan would settle the Kashmir issue and other issues between them in a friendly way. We hope to see an independent and strong Pakistan. We are now on friendly terms with Pakistan, but we have not given up our desire for friendship with India. We also hope to see friendship between India and Pakistan.

The relations between the United States and India have undergone a great change since the South East Asian Treaty was signed. After the Geneva Conference on the Indo-China question, India still made a show of peace and neutrality. At that time, the United States chose Pakistan, Thailand and other countries to form SEATO, which parades as an anti-Communist and anti-China military alliance. But the facts in the past few years show that Pakistan has not acted in accordance with US wishes. Pakistan wishes to be friendly and not hostile to China. On the other hand, India’s so-called peace and neutrality are only a façade.

In substance, India has been displeased with China from the time of China’s peaceful liberation of Tibet. After that, in 1956-57 the Dalai Lama visited India, in 1959 Tibetan Serf owners launched a rebellion and the Dalai Lama ran away, and the Sino-Indian boundary question became tense. Beginning from 1959 India has taken the lead in the anti China campaign in South Asia. Particularly since the Sino-Indian border conflict broke out last year, the United States looked upon India, which keeps a cloak of non-alignment, as its best ally. Not counting the military aid given to it during the past half year, the United States has given India various aids adding up to 6.4 billion dollars, most of which was given to it after 1959. This massive aid is more than that received by any other country in Asia, Africa and Latin America from the United States.

The aid received by Pakistan cannot at all be compared with it. In my opinion, in the near future, US military assistance aid to India will definitely surpass that to Pakistan. Therefore, the situation has changed; it is now characterized by the fact that non-aligned India has become an aligned country, best appreciated by the United States in South Asia, while Pakistan, which is a US ally is regarded by the United States as a more or less non-aligned country. Of course, the United States will not yet give up Pakistan. It will still use Pakistan to check
India. Looking at it from this angle, for a time the United States will not yet withdraw its aid to Pakistan…

No matter how we look at it, the relation between China and Pakistan will continue to develop. Our political, economic and cultural relations will all continue to develop. We particularly appreciate the fact that… the Pakistan Government has come to see that the national independence and economic development of a country depends mainly on its own efforts and not on foreign aid. It is all right to accept foreign aid on the basis of equality and mutual benefit. But one must not allow the aiding country to enjoy any special privileges, or any conditions interfering in the domestic affairs of the recipient to be attached. We note that the Pakistan people and Government have gradually made clear their stand on this point…

India wants to get arms from the United States to satisfy its expansionist ambitions. I am of the opinion that the more India relies on the United States and the more arms it gets, the more isolated will it be in Asia, Africa, Latin America and the whole world. To my mind, the Asian, African and Latin American countries and people will change their view about India and Pakistan. The steps taken by President Ayub to sign the boundary agreement with China has changed the view of many people in the world. Pakistan will make more and more friends in the future, while India will become more and more isolated.

China has many friends in Asia, Africa and Latin America, and the relations between the Western countries and China are also changing. The relations between China on the one hand and Japan, Britain and some other countries on the other hand are changing.

What they term our fourth difficulty is presumably the differences within the Socialist camp. India’s attempt to take advantage of these differences is futile. It is inconceivable that a socialist country would openly help India fight China when India should start an aggressive war against China. If it really does so, how could it still be considered a socialist country?

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Joint Communiqué issued at the end of the India – Pakistan Talks on Kashmir.

Karachi, April 25, 1963.

On the conclusion of the fourth round of the Indo-Pakistan talks on Kashmir and other related matters at Calcutta on March 15, 1963, Mr. Zulfikar Ali Bhutto, Pakistan Minister for External Affairs had invited Sardar Swaran Singh, Indian Minister for Railways, to continue the discussions at Karachi in April, 1963.

Sardar Swaran Singh accepted the invitation and arrived in Karachi on April 21, 1963, with members of the Indian Delegation.

The Delegations of India and Pakistan met in a formal session on the morning of April 22 at the State Bank of Pakistan. The two Ministers met in the afternoon, without advisers, and resumed the discussions. The two Ministers, assisted by their advisers, continued the talks on April 23, 24 and 25 and held five meetings at which various aspects of the Kashmir problem were discussed.

The leaders of the two Delegations agreed to continue the talks in New Delhi on May 15, 1963.

Extracts from the Statement made by Prime Minister Jawaharlal Nehru in the Lok Sabha/Rajya Sabha on India – Pakistan relations

New Delhi, May 7, 1963.

As the House is aware, the Government of India have always been anxious to reach a settlement on our various differences with Pakistan including those over Kashmir and to do everything possible to realize our main objective of having friendly and cooperative relations with Pakistan so that India and Pakistan can live side by side in peace and friendship. My colleagues, Sardar Swaran Singh, Minister for Railways, who has been leading the Indian delegation, has pursued this objective with admirable patience in the Indo-Pakistan Minister level talks that have been going on during the last few months. Despite difficulties caused by provocative statements on the Pakistan side, he has always conducted the talks with perfect calm and coolness and has not
allowed occasional difficulties and set backs to interfere with our objective to do everything possible to promote friendly and cooperative relations with Pakistan. That the five rounds of talks should not have yielded any useful results and that our differences with Pakistan still remain is a matter of serious regret to us. We are, however, determined, despite set backs and difficulties, to continue our efforts to resolve our differences and to promote friendly and cooperative relations with Pakistan. I would in this connection like to draw the attention of the House to our repeated offers of a “No War” Declaration to Pakistan in pursuance of our sincere desire to have peaceful and friendly relations with them. These offers have so far met with no response. In my letter to President Ayub Khan last October, I had pointed out that we have to build up adequate defence potential to meet the Chinese threat but this new defence potential cannot and will not be used for any purpose other than effective resistance against Chinese aggression. I had also assured him in this letter that the idea of any conflict with Pakistan is one which is repugnant to us, and we on our part will never initiate it and expressed my conviction that the future of India and Pakistan lies in their friendship and cooperation for the benefit of both. I am sure the House fully supports me in my reiteration of these statements.

Lord Mountbatten had planned to visit us in October 1962. This visit was postponed because of the crisis in the Caribbean. We were glad to see an old friend and exchanged views with him on our mutual problems. As Chief of the U.K. Defence Staff, Lord Mountbatten has been in close touch with the problems of our defence requirements both in the way of equipment and machinery for defence production to build up our defence potential to meet the Chinese threat. He discussed these matters generally with me, with the Defence Minister and with various Service Chiefs. The Secretary of State for Commonwealth Relations, Mr. Dunchan Sandys, discussed with us the general question of our defence requirements, the progress of the Indo-Pakistan Minister level talks on Kashmir and other related matters and Indo-Pakistan relations generally. During the talks he made it clear that settlement on Kashmir is not a condition to the military aid from U.K. to meet the Chinese threat to India. He added, however, that a settlement of the differences between India and Pakistan will greatly ease the U.K.’s task and hoped that progress will be made in the talks between India and Pakistan to settle their difference.

I would like to take this opportunity of saying a few words on press reports about the grounding of I. A. F. planes for lack of supply of British spare parts that have appeared in the press as a result of a question asked in the UK Parliament on this subject. While some aircraft with flying units have temporarily become unserviceable, it is expected that this temporary difficulty will be soon overcome
in view of the great interest taken in this matter by all concerned. Our requirements of spare parts for IAF planes of British manufacture are being dealt with the basis of priority. The main difficulty has been the availability of supply, with the Royal Air Force and with the British manufacturers. Difficulty arose as some of the types of British aircraft in service with the IAF have gone out of production.

In our talks with Secretary of State, Dean Rusk, which was in the nature of a tour d’ horizon of the problems in which both India and the United States are interested, Secretary of state, Dean Rusk, assured us of United States sympathy and support to India against the Chinese threat. He made it clear that there can be no question of compromising with the Chinese threat and that the question of U.S. aid to India was not linked with the settlement of Indo-Pakistan differences including those over Kashmir. He added that, so far as the U.S.A. were concerned, their view was that Chinese aggressive and expansionist policies posed a threat to the entire sub continent and, in that context, they were interested in promotion of friendly relations between India and Pakistan. I told Secretary of State Dean Rusk that geography, our common bonds of history and cultural and other ties made it inevitable that India and Pakistan should have cooperative and friendly relations. In resolving our current differences including those on Kashmir, however, care has to be taken to see that both the methods and the lines of settlement of differences that may be followed should secure the main objective not only of resolving the differences but of promoting friendly and cooperative relations between India and Pakistan. It is of the utmost importance, therefore, that no inadvertent step should be taken which may, instead of making improvement, worsen the climate between the two countries. It is in this context and in the context of the long term nature of the Chinese threat that we welcome the interest of U.S.A. and other friendly countries who are helping us in meeting the problems we are facing.

Supplementary questions asked/answered in th Rajya Sabha on May 7, 1963.

SHRI ATAL BIHARI VAJPAYEE: May I seek one clarification? I do not want to know the details of the Indo-Pakistan talks to be given but I should like to know whether any proposal has emanated from the United Kingdom and the United States of America for the joint control of the Kashmir Valley. There are all types of rumours and I want to know whether any proposal has been formally put forward before the Government of India and, if so, whether the United Kingdom and the United States of America have been told in plain terms that while we do want their long term military aid, we are not prepared to sacrifice Kashmir.

SHRI JAWAHARLAL NEHRU: There has been no proposal as such but in the course of the long talks all kinds of suggestions were put forward. I do not think,
even amongst the suggestions there was any question of any joint control but there were various proposals which, to some extent, may be considered to involve some such thing, not joint control but some other facilities for the parties. This was not a proposal, as I said, but in considering the entire problem, various things were put forward. It was pointed out to them that this was, from many points of view, not at all a feasible or a desirable thing and we could not accept it.

SHRI BHUPESH GUPTA: May I seek one clarification in this connection? From the reports in the United States of America and also from some of the statements that have emanated from the official quarters there, it does appear that much attention has been paid to the specific question of Kashmir in the context of the Indo-Pakistan talks. Afterwards, after the fifth round of talks, Sardar Swaran Singh said in Karachi that the differences have widened. May I know, Sir, in that connection, after the four series of talks, exactly on what points, basically or broadly speaking, the differences have widened, as Sardar Swaran Singh has said, and whether in this connection a proposal has been made for internationalization of the State of Kashmir? In this connection, has the Government of India reiterated its basic stand in the Security Council as far as Kashmir is concerned, our general attitude, or whether there is some alteration of the position that we have taken all these years since the matter went to the Security Council?

SHRI JAWAHARLAL NEHRU: The hon. Member asks about some proposal for internationalization. I do not think any such proposal was made but as I have said in my answer to the hon. Mr. Vajpayee all kinds of suggestions were made, avenues explored, and naturally we gave them our viewpoint in clear terms but there was no suggestion even as far as I remember of internationalization put forward in the course of those talks. We did not repeat all our arguments of the Security Council – that is a long process – and the matter is more or less admitted, what the legal and constitutional basis is. So it was on that basis broadly that the matter was considered, apart from the legal and constitutional basis, what else was possible largely within that framework to settle this question which has given us so much trouble.

SHRI A.D. MANI: During the talks with the leaders who came here and during the discussions on the specific proposals that have been made for the solution of the Kashmir dispute, was it made clear on behalf of the Government of India that as far as the Kashmir question is concerned no decision can be taken without the consent of the Legislature of Kashmir and the Government of Kashmir?

SHRI JAWAHARLAL NEHRU: This has always been pointed out that whatever decision can be made can only be made according to our Constitution, well, obviously by Parliament and secondly with the approval of the Assembly in Kashmir.
SHRI B.D. AGADE: Mr. Dean Rusk before he departed from this country has told the reporters that they have reached some sort of understanding and agreement with the Government of India on certain problems. So I would like to know from the hon. Prime Minister on what problems they have reached this understanding and agreement; particularly, Sir, I would like to know from the hon. Prime Minister whether they have reached any understanding so far as the nature and extent of arms aid is concerned because I understand that Pakistan is entertaining certain fears that if more arms aid is given to this country it might tilt the balance of power in this sub-continent. In the context of this circumstance I would like to know from the hon. Prime Minister whether during these discussions we have been able to convince all the dignitaries that no balance of power will be tilted. Of course the hon. Prime Minister has already told that whatever arms aid we might get we will not use it against Pakistan but we will use it against China. But have we been able to convince these dignitaries and has there been any understanding on this point?

SHRI JAWAHARLAL NEHRU: I think that I have got the drift of the question but I am not quite sure about the precise nature of it. So I shall endeavour to reply as I understand the drift. So far as arms aid, etc., are concerned, these matters are being precisely dealt with by the team, the expert high level team, that has gone to the United States and to the United Kingdom and has just come back. They dealt with this matter in detail, not broadly, but in detail and precisely with their opposite numbers there. Generally their reception was very friendly. They are a very receptive people on the other side but they could not give a final reply as to what kind of things will be supplied by them and what not because that depends on other factors and may be ultimately upon the decision of the Congress there. But broadly speaking they had a very favourable reception there and as has been stated, my colleague, Mr. T.T. Krishnamachar, will be going there in a few days' time. We did not discuss with Mr. Dean Rusk here the quantum of aid or the quality of aid because that is a detailed and expert matter. We only discussed the general need for aid and that this should not be connected with the Indo-Pakistan question. As I have said, the Indo-Pakistan question is of greater importance to us than to the United States or the United Kingdom. It concerns us and we want very much a satisfactory settlement not only of the Kashmir issue but of all the issues that come up between India and Pakistan to bedevil our relations and we were assured by them that they did not make the aid contingent on these Kashmir or like issues. They pointed out at the same time that they were anxious to help settle these issues and it would facilitate them also in helping us to the best possible extent but they kept it separate.
0387. Statement of Pakistan Foreign Minister Z.A. Bhutto commenting on the statement of Prime Minister Nehru on Indo-Pakistan Talks.

Karachi, May 9, 1963

Prime Minister Jawaharlal Nehru's statement on Kashmir in the Indian Parliament on May 7 appears to confirm our genuine apprehensions that there has been no real desire on the part of India to reach an honourable and equitable settlement with us on Kashmir. He has referred in his statement to some proposals put forward by friendly countries to him to partition the Valley or of joint control over it by India and Pakistan. I would like to state categorically and without equivocation that we have been firmly opposed to any such ideas. We have, however, always been willing to examine any proposal or solution of the Kashmir problem in accordance with the internationally accepted principle of self determination. This India, under one pretext or another, has consistently denied to the people of Kashmir.

Within the framework of these principles we put out certain broad suggestions to the Indian delegation at the Ministerial level talks and, despite Mr. Nehru's statement in the Lok Sabha, we hoped that some concrete and realistic response would be forthcoming in the sixth round of the talks due to begin in Delhi on 15th instant. Unless such a positive and realistic response should be forthcoming, continuing these talks any further would become meaningless.

The Indian Prime Minister has thought it appropriate to accuse us of raising difficulties and making provocative statements. I wish he had exercised restraint and not forced us to say what we would have gladly avoided, that the Indian Prime Minister's performance has not been constructive and his very first statement following the publication of the joint communiqué very nearly resulted in the wrecking of the talks even before they could start.

It is extraordinary that the Indian Prime Minister should talk of a no-war pact with Pakistan while the people of Kashmir groan under military occupation and are the victims of Indian aggression and colonialism. India holds the people of Kashmir in bondage in violation of its oft-repeated pledges to permit them to exercise their inherent right to self-determination.

We, for our part, have pledged our support to the people of Kashmir to attain that right and we firmly desire a settlement of the Kashmir question in accordance with the principles of justice and equity.

It is for those compelling reasons that we decided to enter into bilateral negotiations despite the persistent intransigence of the Government of India.
We are anxious to establish and maintain peaceful, friendly and cooperative relations with India. It is only under these conditions that peace and stability in this region can be ensured. But, Prime Minister Nehru’s attitude appears to remain as fixed and rigid as ever.

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0388. Joint Statement issued at the conclusion of Indo-Pakistan Talks on Kashmir.

New Delhi, May 16, 1963.

On November 29, 1962, the President of Pakistan and the Prime Minister of India issued a Joint Statement calling for renewed effort to be made to resolve the outstanding differences between their two countries on Kashmir and other related matters, so as to enable India and Pakistan to live side by side in peace and friendship. In that statement, the President of Pakistan and the Prime Minister of India agreed that discussions should be held at an early date, initially at the Ministerial level, with the object of reaching an honourable and equitable settlement.

In pursuance of this decision, Mr. Zulfikar Ali Bhutto, the Pakistan Minister for External Affairs and Sardar Swaran Singh, the Indian Minister for Railways, held a number of meetings, spread over six sessions between December 26, 1962 and May 16, 1963. These meetings were held at Rawalpindi, New Delhi, Calcutta and Karachi and were frank and cordial throughout.

At the end of the last meeting which concluded today, the two Ministers recorded with regret that no agreement could be reached on the settlement of the Kashmir dispute.

Mr. Zulfikar Ali Bhutto and his Advisers who had arrived in New Delhi on May 14, 1963 for these talks, left for Karachi on May 16, 1963.

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India did not really fear Chinese aggression because India knew, as well as the rest of us, that the conflict with China was no more than a border clash brought upon by India’s own impetuosity. That being the situation, India actually wanted to augment its resources and strength, not so much against Communist China, but against the country which it has declared to be her enemy No.1. We are, therefore, today on the threshold of a very important and a very delicate period in our national life. How best we can maintain our security and national integrity is a matter which is seriously engaging the attention of the Government. But we know this much, and this much can be said, that, God forbid, if there was to be a clash, if India in her frustration turned her guns against Pakistan, the international situation is such today that Pakistan would not be alone in that conflict. That conflict does not involve Pakistan alone. An attack from India on Pakistan is no longer confined to the security and territorial integrity of Pakistan. An attack by India on Pakistan involves the territorial integrity and security of the largest State in Asia and, therefore, this new element and this new factor brought in the situation is a very important element and a very important factor. I would not at this stage like to elucidate any further on this matter, but suffice to say that the national interest of another State itself is involved in an attack on Pakistan because that State and other States have known India’s aggressive intentions, how India is readily capable of embarking on aggression against other countries. Therefore, a subjugated Pakistan or a defeated Pakistan is not only something which is inimical to the people of Pakistan, a question of annihilation for us; it also poses a serious threat to other countries in Asia and particularly to the largest State in Asia. So from that point of view, I think we can safely say that everything is being done to protect our national interest and territorial integrity.
Letter from High Commissioner G. Parthasarathy to Commonwealth Secretary Y. D. Gundevia on the political situation in Pakistan.


High Commissioner for India
Karachi

No. HC/TS/69/63  16th July 1963.

My dear Yezdi,

The confused and somewhat uneasy situation in Pakistan has been the subject of much speculation and rumour-mongering in the last few days. The impression that Ayub is losing ground is widespread and there is expectation that he might take dramatic steps to retrieve his position. In this context, a campaign has been whipped up by a section of the press for the formation of a national government “to meet the threat posed by Indian rearmament”. On the other hand, reports of dissatisfaction among the younger elements in the Army are persistent and rumours of a coup are again afloat. In this connection you might be interested to read the two enclosed reports: (a) copy of a letter from Col. Nagra, my Military Advisor to the DMI on anti-Ayub sentiments in the Armed Forces as given to him by a reliable source; (b) a political assessment by Shankar Bajpai following his visit to Rawalpindi.

With kind regards,

Yours sincerely

(G. Parthasarathy)

Shri Y. D. Gundevia,
Commonwealth Secretary,
Ministry of External Affairs
New Delhi

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Colonel Gandharv Nagra

A couple of days ago, Lt. Col. G. R. MOHATTARAM (retired) came to see me. Col. Mohattaram is a reliable source of mine and has been working for me ever
since my arrival. He revealed some interesting information about Ayub's position in the country and anti-Ayub activity in the Army. A gist of this important information is given in the succeeding paragraphs.

Ayub has become terribly unpopular both with the masses and the officers of the Pakistan Army due to the following reasons:--

(a) Ayub’s political activity, with particular reference to his joining the Conventionist Party.

(b) Ayub has been acquiring for himself and his family property, business interests, and wealth through shady deals e.g. sale of General Motors, Mack Trucks and the sale of RTC.

(c) Ayub’s shabby treatment of Gen. Azam.

The junior officers of the Army (Captain and Majors) are extremely unhappy and dissatisfied with Ayub and his Government due to the following main reasons:--

(a) While Ayub and the senior officers like Musa, Rana and Burki have done well in acquiring property, business interests and wealth for themselves, nothing has been done to improve their lot.

(b) Captains and Majors who are victims of the ‘promotion block’ in the Army compare themselves with people of their age and service groups in the CSP cadre and employed in business firms who have comparatively done very much better. A CSP officer with 10 – 12 years service in Pakistan become Commissioner of a Division while in the Army the officer with that much service are either Captain or junior Majors. This is a cause of considerable resentment amongst the junior officers of the Army.

(c) Ayub’s all out effort to keep himself in power.

He told me that an underground movement against Ayub has gained considerable strength and Ayub is bound to be removed from the scene within the next six months or so. He was quite emphatic about this statement and said that Ayub is bound to be murdered within the next six months or so unless he escapes from the country. This movement according to Colonel MOHATTARAM is controlled from UK and officers here have been receiving anti Ayub literature originating from UK. He assured me that he had himself seen one of these anti-Ayub pamphlets titled ‘SOLDIER TURNED TRAITOR’.

When I asked him as to who were the real brains behind this movement, MOHATTARAM told me that some politicians like Suhrawardy were also
supporting this movement, but the real persons were Generals Sher Ali and Shahid Hamid, Mr. IKRAM Ullah and possibly ISKANDAR MIRZA. In case this movement succeeded, MOHATTARAM said, General Azam was likely to emerge as Ayub’s successor.

He also mentioned that recently there had been a meeting between ISKANDAR MIRZA and SUHRAWARDY at BEIRUT.

Apparently, even the Americans here are also in the know of this situation. The other day Col. THOMAS F. HOOPER, the new US Military Attaché, specially came to see me in my office and asked me if I had heard of any anti-Ayub movement in the Army circles and the circulation of anti-Ayub literature among the Army officers. Colonel HOOPER confirmed to me that Ayub’s position was very shaky and he would not be surprised if in the near future he was bumped off.

Yesterday the outgoing Austrian Ambassador, during his call on our High Commissioner, also mentioned that he had heard about anti-Ayub movement in the Army circles and the circulation of anti-Ayub literature amongst the Army officers.

From the above it is quite clear that Ayub’s position is very shaky and some underground movement, particularly in the Army is afoot to oust him. It however, is difficult to forecast as to when it is likely to take place and who will lead such a coup. I am personally inclined to accept Colonel MOHATTARAM’s suggestion that General Azam who is extremely popular with the East Pakistanis and has a reasonable following both in the Army circles and amongst the people of West Pakistan, is likely to be installed as Ayub’s successor. I have sent another retired officer to Rawalpindi and Lahore with a request to circulate amongst the officers in these places and see if he can get some definite information about this underground movement. I shall keep a very strict watch on this aspect and keep you informed.

In addition to the above, MOHATTARAM also told me the following:

(a) Ayub has taken Rs. 50,00,000/- in foreign exchange from the Party buying the KRTC (Karachi Road Transport Company). MOHATTARAM being the Administrative Officer of the KRTC these days, swore that he was absolutely certain of this.

(b) Sino-Pakistan relations were very much deeper and were likely to develop further. According to him the Chinese have assured Pakistan of all possible help against India. He said that the Chinese had also promised military aid; if fact, he heard some rumours that the Chinese had already handed over some ‘Launchers’ which had been located at
KHARIAN. I personally do not believe that the Chinese have yet given any military equipment to the Pakistanis but am checking up and shall let you have.

(c) The moment Ayub begin to realize the nature of his desperate position he might start the so called ‘Jehad’ against India in the hope of consolidating his own position and he suggested that the Indians should therefore be prepared to meet such a situation.

(d) Over the issue of KASHMIR, every Pakistani including the junior officers of the Army were convinced that Kashmir rightfully belonged to Pakistan and were prepared to fight for that cause.

(e) The morale of the Pakistani Army was very low and both the leadership and state of training was very poor. The Army, according to MOHATTARAM did not therefore pose any real threat to India but it was the hordes of armed tribesmen who will willingly volunteer to participate in the ‘JEHAD’ against India.

I am sure you will put up this D.O immediately on receipt to the CGS for his information.

Signed,
Colonel GURDAS SINGH
DDMI
Army Headquarter,
New Delhi.

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AYUB REGIME’S DIFFICULTIES

Though the general impression one got in Rawalpindi was of a government perfectly self-confident and indeed, self–satisfied, one also sensed that all sorts of undercurrents were at work which could undermine the stability of the Ayub regime. In Karachi there is even more palpable air of expectancy, as though some dramatic developments must take place before long. This is partially explicable in terms of the uncertainty inevitable in a country unused to normal constitutional processes, and specially in one in which the public likes it periodic drama and is moreover, exposed to a press which reaches such a sustained hysterical pitch as it has presently in regard to India. Certainly, there is nothing substantial by way of evidence at present, but two sets of speculation at which the rumour-mongering are at work should be noted:

(a) that the regime’s popularity has been waning so fast that a drastic fresh attempt will be made to broaden its political base; and
(b) that within the regime itself Ayub is losing support and will be replaced.

2. The factor common to these two versions is that Ayub's personal position has weakened and that much certainly seems to be true, though for different reasons in respect of different groups – he has been in power so long, he has been hard on the old politicians who are still active at the grass-roots, he has not been able to resolve any of the country's basic dilemmas, the Pathans are disappointed with him, the Sindhis want the Capital back, West Pakistan as a whole thinks he is the main obstacle to the undoing of its enforced union, while East Pakistan has a whole set of reasons of its own for disliking him. Above all, he is now openly accused of presiding over an administration no less corrupt than the one he took power to clean up – a corruption, it is now alleged, which extends to his own family feathering its nest. And as against this popular criticism, there are stories that the Army is unhappy, both at his political maneuverings and at his exposing himself to personal charge; the senior officers are further supposed to be distressed at the flirtation with China, while the younger ones are supposed to be resentful, on the one hand that they have not benefited in terms of office or conditions of service, as they should have from this regime, and on the other hand that modern social and economic thought is finding no echo in the Government's leadership. Ayub is thus under two contradictory pressures – either to satisfy demands that popular representation should be given free play in government or to revert to stricter control over the politicians.

3. It is fairly evident in Rawalpindi that the authoritarian instincts of the ruling hierarchy are all against any concessions to popular pressure which they not unjustifiably feel is primarily the pressure of disgruntled politicians. All Government supporters felt that they could manage affairs very well with the existing level of democracy and all they needed today was to exercise pressure themselves to gain wider support. They talked quite freely of what could be achieved by giving a licence here or cutting off water supplies there; and their stick-and-carrot policy certainly seems to be adequate for West Pakistan, even Altaf Husain's brief departure from hero worship having been rectified under pressure by today's fulsome praise of the President. As for the East Pakistanis, they are held to be incapable of doing anything more than shouting, no matter who is in power. Thus the senior Army and civil officers and most of Ayub's West Pakistani lieutenants, including above all Governor Kalabagh are urging a tough line with the politicians; the theory is that if Ayub does not listen to them, they will replace him, with the willing support of the younger officers, who have their own resentment. (M.A. has already reported that anti-Ayub pamphlets printed in London are circulating among these officers. Since last year a Committee
for the Restoration of Democracy in Pakistan, consisting mostly of students, has been functioning in London, allegedly with the help exiled stalwarts like Iskander Mirza and Ikramullah. They publish pamphlets which may well have found their way into Army circles. The man inevitably mentioned as being likely to be put in is Azam; it is recognized that any reversion to strict authoritarianism will have particularly unsettling consequences in East Pakistan and General Azam’s popularity there is supposed to be the compensating factor. Azam was certainly praised a great deal by the East Pakistanis but they do not really expect him to be any kinder to them once in office, and certainly his taking over will not meet any of the complaints leveled against the present Government. It could be, however, that East Pakistan might be left to enjoy the comparatively lesser repression it suffers now while the new harshness is exercised chiefly in respect of West Pakistan. In other words, the change of regime would be determined by factors in West Pakistan, the repercussions in East Pakistan being faced as best they might.

4. The alternative possibility is that Ayub will manage to placate the Army to go further in his attempts to win public support. His joining the Conventionists’ League has not brought him much favour, but the entire Government machinery is now more actively employed than ever in winning such favours by any means possible, assisted by moneyed office-seekers. For Ayub’s Peshawar visit last month, for example, officials rounded up every one they could to attend his public address while local leaders provided over 200 trucks to bring people from neighbouring areas; the police are supposed to have estimated that 60,000 people came, but showed only a part of the enthusiasm attributed by the press to a crowd of over 100,000. However, the pressure for more democratic processes is primarily from East Pakistan, which is supposedly less susceptible to such devices and there Ayub would have to look more for the support of the representative leaders than to his own personal build-up. There are persistent reports, that he will add to the Cabinet (which is already short of two East Pakistanis) and to these are now added the recent stories of the need for a national government to face the “emergency” created by India. This demand gives the Opposition another plausible reason for claiming concessions from the Government while offering cooperation on patriotic grounds; the Government might also try and use it as an excuse for halting political development by claiming to create a national government with the help of a few big names – if they can find any to join them.

5. In this confusion, it is difficult to judge which way the cat will jump. It may stay just where it is, with periodic stunts to make it appear responsive to the public; prima facie this looks likeliest. But, whether artificial or natural, the air
of political uncertainty has never been greater and with increasing sense of frustration in regard to India, a move towards either more or ostensibly less authoritarian to “rally the nation” cannot be ruled out, while the danger of another coup is eternally present. That being said, however, it must be recalled that the regime in Pindi presented a perfectly calm and confident façade.

(K. S. Bajpai)
16-7-1963.

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0391.
TOP SECRET

Letter from Commonwealth Secretary Y. D. Gundevia to High Commissioner G. Parthasarathi.

New Delhi, July 20, 1963.

No. T/ C.S-452/63

July 20, 1963

My dear G.P.,

2. I have read the enclosures with some concern. We have nothing concrete to go on, but diplomatic circles in Delhi are, quite genuinely, apprehensive that everything is going wrong, now a little too fast, in Pakistan. One cannot take a bet on how long Ayub’s regime can last. One can not get excited about what they do with themselves, but the only cause for anxiety is that they might make trouble for us across the Kashmir border as a diversion. You and your Officers must keep your ears very much to the ground on this, and watch out for every symptom.

3. I am leaving Delhi tomorrow, and I will be back on 12th August.

Yours sincerely
Y.D. Gundevia

Shri G. Parthasarathi,
High Commissioner for India,
Karachi.

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0392. \textbf{TOP SECRET}

Letter from High Commissioner G. Parthasarathy to Foreign Secretary M. J. Desai regarding foreign policy of Pakistan.


High Commissioner For India
Karachi

My dear Foreign Secretary,

Please refer to my letter No. HC 69/63 of July 18, 1963 to the Commonwealth Secretary in which I had commented briefly on Bhutto’s foreign policy statement in the National Assembly. Bhutto’s reference to the involvement of China in the event of an attack on Pakistan by India continues to be the subject of anxious speculation. No further light has been thrown on the inwardness of the Foreign Minister's startling statement, either in official circles or in the Press. It is possible that a clarification or explanation of what seems to have been a deliberately mystifying reference to Chinese support may be given by Bhutto in the debate that take place today and tomorrow in the National Assembly, but it is also likely that the Foreign Minister might not elaborate his statement for tactical reasons.

2. Meanwhile, the American Ambassador and the British High Commissioner have discussed this matter with the Foreign Minister. The American Ambassador, who called on me yesterday, gave me an account of his talk with Bhutto. He said he went up to Pindi to give advance intimation to the Pakistanis of the communiqué that was being issued yesterday on the joint air exercises we have agreed to. The Ambassador said that Bhutto had given them both “ringing assurances” that Pakistan had no secret agreement or understanding with China in regard to defence matters. Bhutto told them that this question had not come up in any form during his discussions in Peking. But Bhutto had let fall a remark that “a Chinese official had told a Pakistani” that China would support Pakistan in the event of an attack by India. The American Ambassador would not elaborate further, but the implication was that Bhutto must have had this statement of the “Chinese official” in mind when he made his pronouncement.

3. The American Ambassador himself seemed to be satisfied with the assurance given to him by Bhutto that there was no secret agreement between Pakistan and China. I remarked that whatever be the assurances given to the
Anglo-Americans, we had profound misgivings and in the light of Bhutto’s statement in the National Assembly, we could only proceed to plan our defence on the basis that such Sino-Pakistan understanding existed. We could not rule out such opportunist Sino-Pakistani collaboration, without peril to our security. The Ambassador appreciated our concern, which was understandable. He remarked that Bhutto had no prepared text when he spoke in the Assembly. I said that might explain the ambiguity to an extent; it was also true that language often overpowers Bhutto who wants to make a mark as a brilliant and tough Foreign Minister. Nevertheless, it was my impression that Bhutto made the statement deliberately to raise a scare and put pressure on the West and us.

4. I asked the American Ambassador whether the Pakistanis were pressing for increased military aid, as demanded by Bhutto in his speech. The Ambassador said, “Not directly”, but the Pakistanis were always arguing that the “military balance” in this region should be maintained. I said we were all aware of this particular Pakistani contention, but what did it mean concretely? Did the Pakistanis demand parity with us in regard to military strength? The Ambassador said, “Not quite. They want restoration of the military balance between India and Pakistan, as it stood last October/November”.

5. I asked the Ambassador whether there had been any further discussions with the Pakistanis in regard to mediation. I drew his attention to a story attributed to official sources in which Pakistan was supposed to have insisted that she would agree to mediation only on two conditions: (a) that Western arms aid should be suspended pending the outcome of the mediatory efforts and (b) the Mediator should be empowered to advise on the quantum of military aid to be given to India. The Ambassador said that no such pre-conditions had been proposed by Bhutto, adding that the press stories to that effect must have been inspired by certain die-hard elements in the Foreign Office like Dehlavi. He added that the Anglo-Americans had prepared a draft formula on mediation which would be discussed with both India and Pakistan. I gathered that Ambassador Chester Bowles would take up the matter with us, after he had time to settle down.

6. During the course of conversation, the Ambassador said that anti-American sentiment in Pakistan was on the increase and he found a stiffening even in official dealings with the Pakistanis. He gave a number of instances where American attitudes were being maliciously misrepresented. And yet, he added, every day the Pakistani officials did not hesitate to come to the Americans for economic aid for projects. I remarked jocularly that the U.S. Government must have by now got accustomed to criticisms by recipient or even dependent Governments. He said that indeed they were used to such criticisms, as in South Vietnam or Korea, but Pakistan was the first case where American aid
was being received in large measure and at the same time the Government was threatening “to go over to the Communists”.

7. We discussed briefly the charges of “evictions” from Assam and Tripura and I explained the position to him. The Ambassador said that the Pakistanis were trying to drag his Government into this controversy. They had told the Americans that India was organizing pogroms against Indian Muslims which were worse than what Hitler did to the Jews. Here was a case of violation of human rights and yet the American Government remained silent, so runs the Pakistani complaint.

8. I shall be grateful if this report of my conversation with the American Ambassador is kept confidential.

With kind regards,

Yours sincerely,

G. Parthasarathi.

Shri M.J. Desai,
Foreign Secretary,
Minister of External Affairs,
New Delhi.

0393.

TOP SECRET

Letter from Foreign Secretary M. J. Desai to High Commissioner G. Parathasarathi regarding Pakistan’s claim of Chinese support.

New Delhi, July 24, 1963.

No.1449-FS/T/63 24 July, 1963

My dear Parthasarathi,

Thank you for your letter No. HC/TS/84/63 dated 23rd July.

2. You will remember that the Chinese had informed the Colombo countries that they will maintain peace and will not take any action, even if India provokes them, without informing the Colombo countries. The Chinese gave a note on 18th July to the representatives of the Colombo countries in Peking alleging
Indian intrusions and provocations. This would make it appear that the Chinese are nominally complying with their earlier undertaking given to the Colombo countries and freeing their hands for any aggressive action that they might think of taking against India. It was only a few days before 18 of July that Bhutto made his famous statement. These developments, combined with Chinese concentrations on our borders make us naturally anxious about Chinese and Pakistani intentions. I am enclosing herewith, for your information, a Note Verbale (not included here) which we have given to the representatives in the Colombo countries will be presenting to the Foreign Offices concerned today. We have also given copies to the representatives of the U.S.A., U.K. and the U.S.S.R. in Delhi and talked to them about these Pakistan-China aggressive postures against India.

3. The Americans and more so, the British are only too eager to believe anything in favour of Pakistan. Their explanation that Bhutto made the statement on the basis of a stray remark that "a Chinese official had told a Pakistani" is too facile. In any case, Chen Yi is not a minor Chinese official and this is what he said on 23rd at the U.A.R. National Day celebrations at Peking:

   "I wish to mention here that yesterday the Indian Government announced that U.S. and British Air Force units would join I.A.F. in holding joint maneuvers in India. This is a grave step taken by the Indian Government in closer collusion with imperialistic powers and is a deliberate attempt to create tension anew on the Sino-Indian border. The Chinese Government deems it necessary to draw the attention of the Colombo Conference nations to this fact. It should also be pointed out that this step taken by the Indian Government not only is directed against China but also constitutes a threat to India's other neighbours and particularly to Pakistan. The Chinese Government cannot but express its concern over this."

4. That there is understanding between the Pakistanis and the Chinese about joint aggressive pressure on India is abundantly clear. The Americans know what assistance they are giving to us. It is insignificant enough as it is. That the Chinese should interpret this assistance as a threat to Pakistan should be revealing enough.

With kind regards,

Yours sincerely

M.J. Desai

Shri G. Parthasarathi,
High commissioner of India,
Karachi.
Mr. Speaker, Sir, I am thankful to you and to the House for the kind indulgence that you have shown to me to address the House from my seat for the reasons that you have mentioned to the House. I would also like to apologize to those Members of the House whose speeches I have not been able to hear. It has not been out of discourtesy but because I could not attend the House to hear them as I had an attack of appendicitis last night. However, I have asked the Foreign Office to give me record of all that has been said by all the honourable Members of the House. So we are seized of the various observations that all the Members have made.

I do not know whether it would be appropriate or right for me to enter into the recriminations and counter recriminations that have gone on in this debate over the past 48 hours. I am undoubtedly, as a human being, to answer some of the unfounded and wholly incorrect personal allegations made by certain Members of this House. I, however, on further consideration desist from even answering these unfounded allegations because they are so hopelessly false that I think it would not be proper for me to even bother the House and waste its time by entering into personal recriminations.

Some of the points made in the foreign policy debate by the learned Members of the Opposition have been conflicting and contradictory even on fundamentals. On the one hand we were told that the Government had not come forward with forthright and positive foreign policy and that the Government had taken shelter behind the usual old phrases and apologies that had been mentioned for the last 15 years and that the House expected from the Government a new and bold pronouncement of foreign policy. In their part, they have not made any concrete suggestion to Government either. After all, they are the Members of the House, they are the representatives of the people and collectively we all represent 100 million people. If the Government has not, according to them, been able to make demonstration of the clear and bold pronouncement of the foreign policy warranted by circumstances and conditions, we were anxiously looking forward to the suggestions that could have been made by some of the eminent Members of the Opposition. However, they have not, according to us, been able to make any pronouncement by way of constructive reappraisal or change of foreign policy. On the other hand, we have been told that we go about begging for arms in such a manner that in the ordinary course of event, one would consider these beggars to be a public nuisance. Now I do admit that
one is ashamed to beg. Even a beggar is ashamed to beg. But if one has to make sacrifices and beg even on behalf of one’s country, I think, one has to be proud of that performance. If the interest of the country demands that on occasion one has to beg, then I think, it is a matter of honour and pride to beg on behalf of the country.

IMPORTANCE OF PAKISTAN

However, the question of begging does not arise. The geo political position of Pakistan is so important and so valuable to the world and to the global strategy of the great powers that we do not get aid and assistance because we beg for it. On the contrary, we get aid and assistance because Pakistan is a nation of 100 million people and is very important as a geo-political factor. One half of it is in West Pakistan linked with the Middle East and vital centres in that region and the other half, with sensitive and vital aspects of South East Asia. Therefore, it is on a basis of reciprocity and basis of mutual interest and mutual interest alone that Pakistan is the recipient of assistance. It is because Pakistan has committed itself to a policy of defence alliance against aggression that we receive assistance and aid and we do not beg for it. We were told that India is being armed menacingly and that the arms that were being given to India by the Western powers would be used against no other country but Pakistan. But, on the other hand, the contradiction was so apparent that some eminent members said that under no circumstances could India be a threat to Pakistan because India was in a state of decomposition and degeneration. As a matter of fact, one member said that not only the process of degeneration was about to begin but that the disintegration and degeneration of India into a motley state had already begun and all the aid and assistance to India from any quarter could not really pose a threat to Pakistan.

AGGRESSOR INDIA

I would humbly submit, Mr. Speaker, through you to the House and to the nation that this is on inherent and basic contradiction. On the one hand, the members of the opposition, I think, agreed with Government that Pakistan’s security was menaced by an aggressor India and that the arms that are being provided to India will be undoubtedly turned against Pakistan. That is our contention and we believe that this is the public opinion in the country. Whereas the members of the Opposition, some of them occupying a very eminent and prominent position in the Opposition, have said that India is in such a process of decomposition and decay that this degenerating India is not capable of being a menace or a threat to Pakistan and we are also advised that Pakistan should not grudge this military assistance. See the other contradiction inherent in the very same sentence that Pakistan should not grudge the massive military assistance by the Western powers to India because it is in the global strategy
of the western powers to give assistance to India. In other words, the members of the Opposition have reconciled themselves to the fact that it is in the global interest of the Western powers to give assistance to India and that we should not grudge it. Now, Sir, this is a very serious observation and if that is the true reflection of the country’s mood and thinking that 100 million people of Pakistan have accepted without any threat and alarm a massive assistance to India because it is in a state of degeneration as that assistance cannot be used against Pakistan and also because it is in the global strategy of the Western powers, therefore, Pakistan should not be agitated and concerned over it. If that is the true demonstration of the public opinion of Pakistan, then we would like them to abundantly prove it to this Government because if they can prove it to this Government that the people of Pakistan are happy or the people of Pakistan take with pleasure the new development, then we have no rancour against anyone. If in the universal opinion our people are satisfied then we will too accept the contention that it is in the global strategy and the global interest of the western powers to give military assistance to India and that we should not be concerned over it. If they could demonstrate that to us, we also would not be alarmed because that would be the unanimous opinion of this House and in other words, the unanimous opinion of the nation.

PAKISTAN RIGHTLY ALARMED

But I would beg to submit, Sir, that this is not the correct position. I would beg to submit that the people of Pakistan are very vitally concerned over the military assistance that is being given to India that is the genuine test based on experience. It is based on the fact that India has committed aggression against there countries principally against Pakistan on no less than five occasions in the last fifteen years and we have every cause to feel concerned, and that it is not truly, really and fundamentally in the global interest of the great powers to give this massive assistance to India to make another Chungking out of New Delhi to make another Kue-Min Tang out of New Delhi. We know the result of assistance that was given to Chiang Kai Shek because Chiang’s China was in a state of decay and decomposition. Similarly, assistance could not be utilized effectively if perhaps India is in a state of decay and degeneration. In that case the same aid pattern is being provided in India and it will flow in the cesspool.

* * *

AFGHANISTAN

Reference has also been made to our relations with Afghanistan. Afghanistan is a Muslim country and a neighbour of ours. We have the greatest respect for the people of Afghanistan and it was not of our choosing that relations broke between Pakistan and Afghanistan. I repeat it, it was not of our choosing that
relations between Afghanistan and Pakistan broke. We are aware of the fantastic territorial claim that has been and was made by Afghanistan on Pakistan. I would not like to mention this aspect of the problem, because diplomatic relations have been restored and we would like to see a new chapter emerge, a new understanding emerge between the people of Pakistan and the people of Afghanistan. When I say that all that we have done is to restore diplomatic relations. That answers the question of my learned friend, the Leader of the Opposition. But we are hopeful that by a re-establishment of diplomatic contact, by association, by contacts at all levels we would be able to settle this, or any, that would affect us and Afghanistan or any other country with which Pakistan may have a dispute. This is exactly what we asked the Government of India - that in the interest of peace in the region they should settle the greatest divider between the people of India and the people of Pakistan – the question of Kashmir. It is in the same spirit that we have concluded all other agreements by the process of negotiations enjoined by the United Nations Charter. We are Member of the United Nations and we are committed to the peaceful settlement of disputes. My friends have said that Pakistan should not take credit for having good relations with other neighbours, such as, Nepal, Ceylon, Indonesia, Burma and Afghanistan. I did not mention our good relations with these countries with the object of taking any credit. On the contrary, it was only about India’s arrogance and intransigence in tackling problems that affected her relations with all countries and all her neighbours. This was meant to be more of an observation on India’s attitude and India’s approach of intolerance and inaccommodation (sic) in the settlement of disputes that she has with Pakistan, Ceylon, and China and yet she claims to be a peace loving state. The best way for her is to demonstrate her peaceful intentions and professions to settle her disputes not only with us but all other neighbours because we would like all countries in this region to live in peace and concord. But, unfortunately, India has been child in the world. India has been able to get away with all her machinations by some irrational explanations which the world readily accepts. The misfortune of this region is that these powers which are not familiar with India’s mentality and with India’s approach to international problems, have but too readily agreed to accept India’s approach and India’s mentality and psychological considerations and motivations in issues that affect the peace in this region and that affect the peace in the world.

KASHMIR NEGOTIATIONS

Now, Sir, it has been said that we made a mistake by entering into negotiations with India on Kashmir. I had previously mentioned that in the final and ultimate analysis when the stock had to be taken, we feel that we have gained by entering into negotiations with India. Our friends have criticized for having had talks with India without giving any real and good reasons. They have made
assumptions which are not correct. They have said that we had compromised
the right of self-determination by entering into negotiations with India over the
question of Kashmir. I declare most categorically that under no circumstances
we have compromised the right of self-determination of the people of Kashmir,
in round after round - first round, second round, third round, fourth round and
sixth round – this used to be our basis and it was our stand that the only proper
course of the settlement of Kashmir would be through the right of self
determination.

Now, Sir, I would like to mention how India, on the other hand, did not gain
from these negotiations. You would recall that India has always, during the
past years, taken the position on the Kashmir dispute, that the problem of
Kashmir is a finished and settled problem, India asserts that the problem of
Kashmir is a finished and settled problem; that the people of Kashmir are a
part of India; that they are an integral part of the Indian Union as much as
Maharashtra or Orissa, or Madras; that constitutionally, politically, economically,
社ocially, and in every other way, the people of Kashmir are a part and parcel
and an inextricable part of the Indian Union; and that there is no such question
as the Kashmir dispute. It takes two parties to have a dispute one must make
a claim, and there must be a rejection of that claim. Well, in this case, they say,
it is only Pakistan that is obsessed that there is such a thing called as the
Kashmir problem. We do not accept that. We do not say that there is a Kashmir
dispute. Therefore, there is no such thing as the Kashmir dispute. In this respect,
Sir, I would like to quote from some important Indian statements :-

“Kashmir is the northern extremity of India, and the idea that this is in
occupation, which is what has been represented to the Security Council,
is a total misnomer. The right of accession does not exist in our
federation. The Government of India cannot ever accept the idea that
accession is anything but an indissoluble bond. When Kashmir acceded
that matter was finished.

—Mr. Krishna Menon’s statement

Then again :-

“The accession of the State of Jammu and Kashmir on the 27th October
was the full and final accession. So far as the sovereignty of Jammu and
Kashmir is concerned, it has become the sovereignty of the Indian Union
by the Act of Accession, by the treaty of the Maharaja with the British
Crown. There is no such thing in our constitution as provisional accession.

—Mr. Krishna Menon in the Security
“We regard the accession of the State of Jammu and Kashmir to the Union of India as full complete, final and irrevocable, and what is more, perpetual. We shall not at any time submit this matter to what is called mediation or arbitration.

—Mr. Krishna Menon in the Security Council on the 4th May, 1962

“We have no dispute with regard to Kashmir. Our policy is very clear on this issue. Kashmir’s accession to India was full, complete and perpetual, and no power of this country can change the status. If we for ourselves go about saying that it is a dispute, it will be difficult to convince foreigners of our true status in the matter, because the issues of dispute is sheer propaganda.”

—Mr. Krishna Menon in the United Nations.

INDIA MADE TO ALTER HER STAND

Now, Sir, that is the position of the Government of India right up to May or June, 1962. On the basis of the fact that India refused to reopen the Kashmir problem and refused to recognize it as a dispute, it sought and got the support of the Soviet Union when Mr. Khrushchev visited India in, I think, 1953. It was at that time that the Soviet leaders were told that this was their final position; they would never intend to negotiation or never arrive at a settlement of the Kashmir dispute either through the United Nations or bilaterally, and it was for this reason that the Soviet Union lent its powerful support to India on the question of Kashmir. And today when negotiations were reopened and when they admitted that the Kashmir dispute existed, when they came to the negotiation table to settle what they called the Kashmir dispute on an equitable and honourable basis—these are the words of the words (sic) of the Joint Communiqué of November, 1962, as well as at the conclusion of the talks—when it was said that India and Pakistan sought to arrive at an honourable and equitable solution of the Kashmir dispute but were unable to do so.

Sir, this Government can take real and purposeful pride in jettisoning the Kashmir problem back in the eyes of the world as the most important problem that faces humanity today. But the Kashmir problem is not a problem of our creation. We did not make this Kashmir problem. We inherited this Kashmir problem. Who is responsible for the cease-fire? Who is responsible for stopping the fighting on the Kashmir front? Is this Government responsible for the way in which the Kashmir problem was messed up and the way in which the weakness and vacillation prevailed and triumphed because of the instability in the country, and because of the political weakness; we are not responsible for the creation of political weakness; we are not responsible for the creation of
Kashmir dispute. If at all we are responsible for something, we are responsible for having made it alive again. Sir, we have made progress in the settlement of the Kashmir problem. We have brought back the Kashmir problem before the eyes of the world. We have again made it into a meaningful problem in which the interest of whole world is again now focused. The Kashmir problem today is recognized as the most important problem facing the international community, and for this we are responsible for having entered into negotiations.

SHORT SIGHTED APPROACH

Resuming after interruptions, Mr. Z.A. Bhutto said: Now Sir, it has been said that we missed a golden opportunity to settle the Kashmir issue when there was a clash between China and India. I think that is very irresponsible and short sighted approach. On the contrary, as I have said, by our constant effort and by our tireless endeavours, we have today brought forward movement in the Kashmir problem. We have again made it into a live problem. We have again brought it down from the shelf and made it the most urgent problem facing the international community. It is not just the conflict between India and Pakistan which was important in the solution of this problem. It is all the remote and the direct and concomitant aspects of this problem that are important. What has happened? As a result of the Sino-India conflict and because India, for her own interests, wants to exaggerate that crisis so that she can get arms for another purpose, she has created a war hysteria in India; she has brought about economic policies which go and hit the common man. She has brought about economic policies which go and hit people who earn 100 and 120 rupees a month. She has brought about policies which are impracticable, which are not capable of fulfillment, which have caused a sense of demoralization amongst the people of India, which have increased corruption and which have increased nepotism. As a result of the stringent measures that have been taken, people today feel that they are living in a society in which there is economic darkness and in which they have to suffer hardships and make sacrifices for a cause that they do not know and they do not understand. How long can India sustain this attitude of the people of India? After all the people of India are human; they do not have food, shelter and clothing like our people; they are denied most of these basic amenities and for such people who are living in poverty, in squalor and misery, to be called upon to make a perpetual sacrifice for a cause that does not exist, you will find a state of utter despondency existing in that society. Now if that is going to be the attitude and the outlook of the people of India, I will ask you, Sir, what is going to be the outlook and attitude of people of Kashmir who are not part of India and who have never regarded Kashmir a part of India? Why should they be made to make these privations and these sacrifices for a cause, which is not theirs, in which they are not participate and in which they have no stake, because Kashmir is a disputed territory and India,
till recently has acknowledged and even today acknowledges that it is a disputed territory. Why should the people of Kashmir be called upon to make sacrifices for India? Are they or are they not in the colonial bondage? If they are, then India has no right to ask them to make sacrifice for a cause which is not theirs. This is one important consideration because in the past India used to say to the world; we are a secular state; Pakistan is a theocratic state and a medieval state where democracy does not exist; we have democratic institution; we have had three elections; we have steel mills and tremendous economic progress; our people are getting a better life. Surely, the people of Kashmir would like to be a part of India.

Can India tell the world that the people of Kashmir would want to be part of India where they are called upon to make sacrifice which they are unable to make; where they have to face a war? These are important considerations.

PLIGHT OF KASHMIRIS UNDER INDIA

If the people of Kashmir were today in Pakistan they would have been living like the rest of Azad Kashmir or Gilgit and Hunza: in peace and security with no conflict from the north and no possibility of annihilation. But because today they are in Indian bondage they have been made a battle ground of the Indian Union. They do not belong to India. India has made Kashmir, which has always known peace and serenity and security, the battle-ground of its war against the People’s Republic of China. These are important consideration in the settlement of the Kashmir dispute. First of all they have to bear privations and make sacrifices for the sake of the people of India in a way to which they are not a party. Secondly, the way gun and the armament and machinery of war have been thrown into their homes and hearths. This is the present situation and this situation cannot remain for long. India should know that she cannot keep Kashmir in subjugation and bondage for long. This state of affairs is bound to result in explosion. As soon as she settles the problem of Kashmir under equitable and honourable terms, Pakistan would be willing to live in peace and friendship, as Pakistan is living in peace and friendship with Cylon, Afghanistan, Iran, Burma, the People’s Republic of China and all our neighbours. We will welcome that development of events.

Sir we are a nation that do not believe in war and conflict. We have shown in the last 15 years that we have not resorted to force. On the contrary, we have exercised remarkable restraint in dealing with international problems. It is India that has always been arrogant. Time is running out for India. India is getting isolated – Pakistan is not getting isolated.

INDIA: A SUSPECT NATION

First things first. India must see what is her position in Asia today. In Asia
today she is in a suspect-nation, in Asia today she is a nation which is not trusted. She is not trusted by her neighbours. She is not trusted by the People’s Republic of China. There is tension between her and Indonesia. There is absolute suspicion on the motive and conduct of India in Afro-Asian countries. How long can India persist in this folly and play the role on an isolated party? India is not big enough and great enough to play that role. Let India forsake that arrogant policy and let India come to terms with the people of Pakistan, and we would like to assure them of a great and glorious future for the people of the subcontinent with the rest of the World.

We want peace and friendship with India. But it is for India to extend the hand of cooperation and peace to Pakistan.

They have offered us a no-war pact. Is that the hand of friendship? This no-war pact is a sinister offer that can ever be made for a number of reasons. While there is Kashmir dispute in existence between India and Pakistan, it is inconceivable for a sovereign state to accept a no-war pact. The moment we accept that, cease-fire lines would be final. It would mean that we have no dispute; that would mean that we have no conflict; there is no cause for the armies of India and Pakistan to face each other; we must, therefore, accept the cease-fire line. A no war pact, under the present circumstances, would mean the settlement of the Kashmir problem and acceptance of the present cease-fire line which the people of Pakistan will never accept—now, tomorrow, or a hundred years from now, unless the problem of Kashmir is settled.

Furthermore, Sir, which states in history have made no-war pacts? Did not Nazi Germany conclude a no-war pact with the Soviet Union—the famous Ribbentrop–Molotov Pact. The ink was not dry on that agreement when Nazi Germany invaded the Soviet Union. This no-war pact can lull us into false sense of security and make us believe that India would not resort of force. And then, we can become easy victim of Indian aggression. In the last 15 years, five times India has committed aggression. A no-war pact would also mean that there is an estoppel on the settlement of the Kashmir problem because, as in the case of Indus Basin Treaty claiming estoppel on the rights of Pakistan on the Chenab, they would claim in the same sinister and illogical fashion that now that a no-war pact exist, that Pakistan has accepted the present cease-fire line and status quo remains. Besides that, both India and Pakistan are members of the United Nations and the United Nations enjoins on all member states to settle their problems by peaceful procedure—by negotiations, conciliation, arbitration, mediation under articles 33 of the United Nations charter. India is a member of the United Nations. Pakistan is a member of the United Nations. She should assume on our part that we will have peaceful intentions because of our membership of the United Nations and because of our conduct,
and because of our performance on the international stage in the last 15 years which is an enviable record for any peace loving state. These are very vital considerations. Why India want to throw mud in the eyes of the world that we offered them a no-war pact and Pakistan refused and Pakistan is not cooperating. Under honourable and equitable basis we are willing to have a no-war pact with them the moment they settle the Kashmir problem. We are willing for economic collaboration with them the moment they bring an end to this dispute which is spreading poison between the people of India and Pakistan. And this dispute, I declare, will be settled and shall be settled because nobody can deny justice to the people of Kashmir. Justice shall always remain and equity shall always remain. Time and history will show that the people of Kashmir will not be denied their inalienable right of self-determination; a right which we pressed in all negotiations throughout the six rounds.

RELATIONS WITH WESTERN POWERS

Now, Sir, coming to our relations with the West Pakistan, (sic) there has been a distorted representation by the members of the Opposition. We do not say that we are new putting forward the scale of charity, saying that India is receiving so many arms, therefore, Pakistan should be receiving proportionate arms. This is a gross and unfortunate misrepresentation of what was said. We said that the present tension exists in the sub-continent because there is military imbalance. In the last fifteen years, we have made all the sacrifices to maintain the military balance: Because history has shown that only by a balance between states the temptation to resort to arms is avoided. Now, in the interest of peace and security we have maintained some sort of military balance with India. Today, the balance is being badly upset and we said it is for the West to realize that this military balance is being upset and it is for the west to realize that something should be done to maintain this military balance, if she wants to see peace and security in the sub-continent. That is all that we said. We did not say that we are pleading for additional arms. We have been comrades and associates of the West in the two defence alliances. We have been, through a period of crisis and over a period of success, with them and we have made sacrifices for the West in our association with them. We have made many sacrifices. When the U-2 was supposed to have taken off from Peshawar, Mr. Khrushchev did not say that India would be annihilated. He said Peshawar would be annihilated – Pakistan would be annihilated. In these defence alliances we have a great stake we have stake on our whole future. We have staked perhaps a nuclear war in the event of a clash between the two ideologies. And, today what is happening? We are being called in the words of unsophisticated “ditch”. But we would like to rehabilitate our relationship with the West; we have happy memories of our associations with them. It is for them to realize that Pakistan is the injured party in the difficulties that Pakistan is facing. It is not for us to
keep on repeating them. This has reached nemesis. We would request them to appreciate the issues involved and to hold the line and to bring about a new year of goodwill and cooperation that has always existed between them and us, because we value their friendship. They have assisted us in many ways. They have made a valuable contribution to our economic growth and to our military security. We are not unmindful of these factors. We are not ungrateful nation. Whatever may be the faults and the follies of Pakistan, one thing you cannot say for the people of Pakistan that they are an ungrateful people. We know these thing. We are mindful of that. But at the same time all that we do is to ask the West to also appreciate the difficulties that we face and also appreciate that this augmentation of military strength of India can only be directed against Pakistan because India has repeatedly said that Pakistan is India’s enemy number one and it is India that has committed aggression thrice on us out of five occasions in which she has committed aggression. She has committed aggression against us in Junagadh, Hyderabad and Kashmir and twice – once in Goa and again in boundary conflict with China. Five times she has committed aggression. Out of these five times, we have been the victims thrice and the West should know these difficulties of sure. They must, therefore, do something to maintain this precarious balance of power. We, on our part, shall maintain our characteristic and traditional friendship with them because we have not been in any way found wanting. We want friendship with them; we want friendship with all the countries in the world. Why do we want friendship with the countries in the world? Because we do not want conflict in this world. If there is no conflict in this world, then the people have an opportunity to bring about some social, cultural and economic progress. All that we would like to see is to have that opportunity in this world, to have that opportunity to give our people a better life; to give our children better schools, better homes and hospitals as that we may have progress in our country, so that our people know that because they are born in poverty, that does not mean that they should live eternally in poverty. We want to face this challenge of poverty; we want to break the barrier of poverty and the only way we can do this is that if there is peace in the sub-continent. If there is peace in the region, if there is peace in Asia and for that reason we are anxious to have good, cordial and friendly relations with all the countries. But in this association everybody’s values are important and past association are important. We are happy to know that as far as Pakistan is concerned, we have always contributed to the promotion of peace. It is because we have contributed to the promotion of peace, that there has been a very successful boundary agreement between the People’s Republic of China and Pakistan, between the great neighbour of 650 million people and Pakistan. In the same way we would like to have an understanding of our problem with India and it is for India to take initiative, and moreover it is for these countries who now today feel that they have a stake in India, who are
responsible for India's future security, to realize the difficult in which Pakistan is placed. When I speak today I do not speak as an individual, I do not speak as a Foreign Minister of Pakistan, and I do not speak as a spokesman of the Government of Pakistan. When President Ayub spoke today, he does not speak as the President of Pakistan. When we voice our concern, it is the one hundred million people of Pakistan who are involved in that concern over the threat to our security, the manner in which we are facing a very serious danger. As I have said, we shall face this danger. We shall face this danger because we have an assurance from our friends, and we give value to that assurance, that in the event of aggression they would come to our assistance. We have an assurance also from other countries that if India commits aggression against us, it will not only be against us but against them also. We will not be alone in this trouble. We can never be alone. But even if we are alone, even if Pakistan is alone, we shall surmount the crisis and if we have to, there should be a victory of the dying over the dead. We shall see that Pakistan's territorial integrity and independence is protected with the assistance of all the other countries who believe in peace and justice, who condemn aggression and those countries that condemn aggression are of both ideologies because you do not have to belong to one ideology or another to condemn aggression. Aggression is bad for any state; it is bad for any religion; it is bad for any people. So we know in our crisis we shall have the goodwill and the support of all the peace loving countries of the world, of all the states that believe in upholding the charter of the United Nations. But even if we are alone, we shall face the crisis and we shall surmount it.

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My dear Foreign Secretary,

You may have seen the official text of Bhutto’s speech winding up the foreign affairs debate, which we sent by bag yesterday. I would also invite your attention to his opening speech which was forwarded with my letter No. HC 69/63 dated 18th July, and to the American Ambassador’s account of his subsequent meeting with Bhutto which I reported to you in my letter No.HC/ TS/ 84/63 dated 23rd July.

While there is nothing new in Bhutto’s final speech, it is significant for the way it deals with some of the feelers he originally put out. In his opening speech, Bhutto had said that the compulsion for a reshaping of Pakistan’s foreign policy had never been greater; in different places he mentioned three different points which he described as new elements in determining Pakistan’s policy:

(a) “that the circumstances and events have themselves placed Pakistan in such a unique position that its people must rally round… and reconsider how best they can safeguard Pakistan’s independence…”

(b) “Today India is in a position to augment its military strength in a formidable manner with the assistance of Western powers”;

(c) “An attack by India on Pakistan would involve the territorial integrity and security of the largest State in Asia…”.

While criticizing the new Western attitude towards India and dismissing as inadequate the assurances given by the Anglo - Americans that their arms would not be used against Pakistan, he had urged the need to maintain a military balance in the sub continent, adding that “it follows that it would be necessary also to correspondingly augment Pakistan’s military strength…”.

Emphasizing the customary charges of Indian arrogance and aggressiveness, Bhutto repeated that the new dangers facing Pakistan required reappraised of her foreign policy and that it was for the West to ensure that the past relationship
was not broken. Inviting Assembly members to suggest what Pakistan should do, he had explained that the Government “have not as yet been able to establish a clear position”. It is interesting to find that in the end Bhutto did not pursue any of these points, and on the question of more arms aid for Pakistan actually modified his earlier position.

3. There is in the last speech no repetition of the need for a reappraisal of foreign policy, and this too despite the almost unanimous advocacy of a non-aligned international policy as the correct one for Pakistan. One of the most notable features of the debate was this support for non-alignment. One of the most notable features of the debate was this support for non-alignment. Speakers developed the argument for an independent foreign policy not merely in the context of criticizing the West but on general grounds also. Quite a number also approved of the idea of alliances with China, urging that it should be concluded forthwith if it was not already achieved. Support for close links with China is part of the current fashion, and allowance has to be made for the tendency of Pakistani orators to try and outdo each other in expressing the same opinion. But the demand for a policy of non-alignment expresses a more widespread tendency, which has been encouraged by the interest evoked in certain Afro-Asian countries by indications of a “new look” in Pakistani policy. However, it still lacks solid foundation based on a genuine urge as it is considered primarily as a new weapon in the fight against India, and not so much as a desirable policy in itself.

4. It is needless to point out that the regime is neither sincere nor capable of effecting a revolutionary change in policy. This is well brought out by Bhutto’s ignoring all the opportunities presented by the Opposition speakers to develop his arguments about a reappraisal; he said nothing, not only about non-alignment but about the reshaping of foreign policy. On the contrary, for all his criticisms of the West, and all the Opposition’s praise of non-alignment, Bhutto himself again kept the line open to the Western Powers. He adopted the tone of speaking more in sorrow than in anger and seemed almost to be pleading that Pakistan would like to remain a Western ally if only the west would let her. This contrasts not only with the constant refrain from Opposition speakers about non-alignment, but also with passing threats Bhutto himself has made in a number of earlier speeches that Pakistan might have to reconsider her Western alliances. The milder tone that he adopted is presumably in response to the Western representations on his opening speech and the consequent calmer reassessment of stark realities by the regime itself.

5. Similarly, Bhutto neither clarified nor repeated the reference made in his opening speech to “the largest State in Asia” becoming involved in the event of any Indian attack. Apart from the diplomatic enquiries of the Western envoys, Bhutto had been specifically asked to explain his reference by at least two
Opposition members, but all he said was that “we have an assurance from our friends... that in the event of aggression they will come to our assistance. We have an assurance also from other countries that if India commits aggression against us, it will not only be against us, but against them also”. This phraseology seems to have been deliberately chosen to seem consistent with the private assurance given to the Western envoys that there was no understanding or agreement with China, while being sufficiently suggestive to keep the world guessing about the existence of such an understanding, and, incidentally, keeping up the impression created among the Pakistani public that Pakistan does not stand alone, that she has now the support of many countries, including “the largest State in Asia”. It is also significant that the summary of highlights of Bhutto’s speech, with which the official Press hand out giving the text of speech begins, states that “The Minister told the National Assembly that Pakistan had assurances from countries belonging both to the West and East they would come to the assistance of Pakistan in the case of Indian aggression”.

6. It is also interesting to note Bhutto’s references to India. While emphasizing that India was hostile, arrogant and aggressive and therefore an increasing danger particularly because of arms aid from the West, Bhutto himself failed to avoid the inconsistency against which he warned Opposition Members, namely, of describing India as being in decay; time and again when he referred to India, he spoke of the Indian situation being comparable with the China of Chiang Kai Shek, of war hysteria, of unbearable economic burdens, of demoralization, corruption, and external isolation. This is the current Pakistani propaganda line abroad, but it also raises hopes in the public at home that India was disintegrating; it is illustrative of the wishful thinking which is never far behind the more “realistic appraisal” of the foreign policy experts in Pakistan.

7. It is possible that Bhutto might have said more if he had not been ill, but the comparative restraint is more likely to be due to the Western representations. Till now Pakistanis have been counting on the Western Powers’ resentment of India’s non-alignment policy to make active their sympathy for Pakistan in regard to Kashmir. The realization that that resentment is no longer so compelling as the Western Powers’ interest in buttressing the sub-continent against China has left the Pakistanis searching for new ways to put pressure on us. The collusion with the Chinese is explicable partly as an effort not only to put pressure directly on us but also to blackmail the West into urging us to make greater concessions. The question is how far the Pakistanis are prepared to go in this collusion with Chinese. The dependence on Western assistance still undoubtedly holds them back; this accounts for the more restrained tone of Bhutto’s concluding speech. It is interesting to see that he has even gone so far as to deny that he was trying to extract more arms from the west: “We do not say...Pakistan should be receiving proportionate arms... We said it is for
the west to realize that the military balance is being upset and...that something should be done to maintain this military balance”. Instead he indulges in an emotional peroration about how faithful a friend Pakistan has been and how much she had risked for the sake of the west; about the gratitude she feels for past help and the hope she cherishes for building up a better life etc.

8. While Bhutto has managed to avoid giving a forthright answer to the queries raised in the National Assembly and elsewhere as to whether there is any military understanding between Pakistan and China, so far as we are concerned we can only proceed on the basis that the two Governments are united in their hostility to India and are most likely to act in concert against us. Marshal Chen Yi has lost no time in deliberately fostering the impression of Sino-Pak identity of interests and mutual concern, by his remarks at the U.A.R. National Day reception in Peking. In this context it is interesting to note the comment in Jang, the leading Urdu paper here, which remarked editorially today that really there was no need for China and Pakistan to have a military alliance as the two countries “think alike”. It is indeed extraordinary how quickly the Pakistani Press and even the Foreign Minister are absorbing Chinese propagandist techniques and phraseology. Bhutto, for example, speaks of the solution of the Pak-Iranian border problem as having been “left over by history”. Again, the references to Afghanistan remind one of the language used by the Chinese in their earlier notes to us.

9. Since writing the above, I have received your Top Secret letter No. 1449/FS/T/63 of July 24, 1963. I fully appreciate the prompt diplomatic action that you have taken to lay bare Sino-Pak collusion and the threat that it poses to our security.

With kind regards,

Yours sincerely

G. Parthasarathi

Shri M.J. Desai,
Foreign Secretary,
Ministry of External Affairs,
New Delhi.

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Statement in the Lok Sabha by Prime Minister Jawaharlal Nehru on the India–Pakistan Talks on Kashmir and other related matters.

New Delhi, August 13, 1963.

These talks originated from a joint statement which the President of Pakistan and I issued on November 29, 1962, announcing our agreement to make a renewed effort to resolve the outstanding differences between India and Pakistan on Kashmir and other related matters, so as to enable the two countries to live side by side in peace and friendship. On the 30th November I made a statement in the House in regard to this joint statement and referred to the discussions which I had with Mr. Duncan Sandys, Minister for Commonwealth Relations of the U.K. and Mr. Averell Harriman, Assistant Secretary of State of the United States.

In pursuance of the joint statement our delegation led by Sardar Swaran Singh, Minister of Railways, participated in six rounds of talks. In all these six talks, spread over nearly five months, Pakistan showed no readiness to discuss anything apart from Kashmir.

As I have stated on many occasions previously, it has always been, and continues to be, India’s policy to seek friendly and cooperative relations with Pakistan. The lack of such friendly and cooperative relations between the two countries would not only be unfortunate but would do violence to the long standing ties of geography, history and culture between the two countries. We are convinced that the only proper course for the two countries to adopt is to develop cooperative and friendly relations and live as good neighbours. In the larger interests of the two countries, we have been anxious to bring about a settlement of all Indo-Pakistan differences, including Kashmir, on a rational and realistic basis. It was in this spirit that we agreed to have joint talks but, as the House is aware, in spite of every effort made by Sardar Swaran Singh to arrive at an equitable and honourable settlement, these talks ended in failure.

From the very beginning, the Pakistan Government took various steps which came in the way of a settlement. On the eve of the first round of talks in Rawalpindi, Pakistan announced its so-called “agreement in principle” with China on Kashmir’s border with Sinkiang. The timing of this statement was apparently intended to provoke India to refuse to start the talks the next morning. We felt that this was a bad augury for the future of the talks. Nevertheless, because of our earnest desire to arrive at some settlement, we decided to continue with the talks.

During the first plenary meeting, the Pakistan representative expressed his disinclination to discuss any of the Indo-Pakistan differences other than the
Kashmir question which, he insisted, must be settled first. Sardar Swaran Singh in his opening speech listed various subjects which required to be discussed. But Mr. Bhutto insisted on confining himself to Kashmir only. Even on Kashmir, because of Pakistan's insistence, considerable time was spent in friendly but futile discussions on the old idea of plebiscite which, chiefly because of Pakistan's own acts of obstruction and non-implementation of the U.N. Commission's resolutions, had already proved to be impracticable, particularly in the light of irreversibly changed conditions in the last fifteen years.

This was followed by the signing of the Sino-Pakistan agreement under which Pakistan gave away as much as about two thousand square miles of our territory to China. The fact that this was done in the course of our talks indicated how little importance Pakistan attached to our talks. It was extraordinary that while these talks were taking place, Pakistan was busy handing over a large part of our territory to China which had invaded our country. The object apparently was to present us with a fait accompli in one part of our territory of Jammu and Kashmir, while keeping her hands free to negotiate for the remaining part of the State. We might have been justified in not proceeding with the talks at this stage. Nevertheless, we proceeded with them after recording our strong protest.

The Rawalpindi talks, despite Pakistan's preliminary agreement with China, had ended with the leaders of the two delegations issuing appeal for moderation in mutual criticism. The joint appeal had hardly been made by the leaders of the two delegations in December when Pakistan launched an unprecedented campaign of vilification against India not only in Pakistan, but also in the capitals of Europe through their responsible officers. Thus, it appeared clear from the beginning that Pakistan was interested not so much in a settlement of outstanding differences or even of the Kashmir problem, but only in making political capital out of the situation created by Chinese aggression against India.

When the Pakistan Delegation shifted from a futile discussion of plebiscite to the consideration of a possible political settlement, they began to put forward astonishing proposals. Pakistan claimed the catchment areas and the water sheds of the three Western rivers, the Chenab, the Jhelum and the Indus, in Jammu and Kashmir, on the ground that these rivers had been allotted to Pakistan under the Indus Water Treaty. Our delegation pointed out that the Indus Waters Treaty protected Pakistan's interests fully and gave her no ground to claim any territory in Jammu and Kashmir on the basis of the use and development of waters. If every lower riparian claimed the territory of the upper riparian on the pretext of its water requirements, the maps of many countries in the world would have to be drastically revised. By that argument, the lower riparian might even claim Tibet because the Indus and the Brahmaputra start in Tibet. No less absurd was another of Pakistan's claims to Jammu and
Kashmir, namely, that they must have the State to protect their Grand Trunk Road and their railway line, the security of which, our delegation was told, was essential to ensure, what Pakistan called, its “defence in depth”. Finally, Pakistan claimed Kashmir on the basis of its Muslim majority. This was a vicious communal approach repugnant to the entire spirit animating our national struggle for independence, and contrary to our Constitution and to our whole attitude to the problem of relationship between the State and the individual.

Pakistan’s objective was obviously not a rational and realistic solution of the problem. They were just out to claim the entire State of Jammu and Kashmir, leaving to India, as it happened, in a forgotten moment of generosity, an insignificant area in the extreme south, roughly coinciding with the district of Kathua. Even more astonishing was the offer obviously induced by their awareness of India’s need for the defence of Ladakh against China, that Pakistan would be willing to agree to an interim arrangement in the Valley for a period of six months or a year, to enable India to deal with the Chinese. All that this could mean was that India might continue to commit its men and resources for the defence of Ladakh against the Chinese threat, but that once its effort and sacrifices had liberated Ladakh, India should abandon the State in favour of Pakistan. Another proposal was the so-called internationalization of the Valley, again for a period of six months, followed by some method of ascertaining the wishes of the people. This was the old and discarded idea of a plebiscite, without Pakistan having to implement the conditions laid down in the UNCIP Resolutions.

Faced with this deadlock, when a breakdown of the talks seemed inevitable on the last day, our delegation again offered a No - War agreement together with a practical and immediate disengagement of troops, thus hoping to reassure our neighbour that our efforts to strengthen our defence against the Chinese aggression constituted no threat to Pakistan. A No - War agreement, we said, could include a specific undertaking that the two countries should continue to seek peaceful solutions of the problem, because we did not want the problem frozen. Such an agreement could be registered with the United Nations to give it an international backing. Pakistan rejected this offer. Their delegation also refused to agree to remit the matter to the two Governments for a review and for considering other appropriate steps towards a peaceful settlement. Thus, Pakistan achieved what it had aimed at from the very beginning, that is, a non settlement and a deadlock on everything that should have been covered by the phrase “Kashmir and other related matters”. This is where the Ministerial level talks with Pakistan ended.

In the early part of May, Mr. Dean Rusk, U.S. Secretary of State, and Mr. Duncan Sandys paid a visit to India, Delhi. In the course of discussions, the
question of Kashmir came up again. We assured them of our earnest desire to have a settlement provided this was fair and equitable. As an earnest of this desire of ours, we said that we would be prepared to have the good offices of a mutually accepted personality, even though previously we had declined a similar proposal. Pakistan, however, continued to make quite impossible demands. In the first week of June, the President of Pakistan said at Sargodha that no useful purpose would be served by the adoption of such procedure. Other Pakistan spokesmen have been suggesting impossible terms of reference. They wanted a time limit, suspension of arms supply to India during this period, etc.

We used to be told by many friends, even by leaders in Pakistan, that a settlement of the Kashmir issue was essential in the interest of joint defence of the two countries. At one time, Pakistan made a grievance of the fact that while she was offering joint defence to us, we were not willing to accept it. That the proposal of joint defence was no more than propaganda stunt, has now been made perfectly clear by the statements of Pakistan leaders. They have publicly declared that even if the Kashmir issue was settled amicably, Pakistan will not go either to the defence of India against China or change her friendly relations with Peking. On July 17th last, Mr. Bhutto is reported to have said in the Pakistan National Assembly that an “attack from India on Pakistan today is no longer confined to the security and territorial integrity of Pakistan”, but “involves the territorial integrity and security of the largest State in Asia”. He also said that if India were to turn her guns against Pakistan, the latter would not be alone in that conflict. He was obviously referring to China. The fact that India has no intention whatever of threatening the security of Pakistan or of turning any guns towards her, was ignored and the repeated offers of a No - War pact were forgotten. Pakistan today has only one object, and that is to malign India and to damage us in every way. They do not want to see us strong enough to stand up to China. They would like us to remain weak and helpless against the Chinese threat. They do not like to be told that the arms aid to India has nothing to do with Kashmir.

We have made it clear that while we are, and shall continue to be, anxious as ever on a settlement of our problems with Pakistan, based on rational and realistic considerations, there is no question of our considering any proposal for internationalizing or division of the Valley, or joint control of Kashmir, and the like. If and when a settlement is arrived at, it must obviously be a peaceful one, not affecting the stability and progress already achieved, and must strengthen the friendship between the peoples of India and Pakistan; without this, no settlement has any meaning.

During the talks, India not only exercised great patience and restraint, but also offered generous concessions, though in vain, in the hope of winning Pakistan's
friendship and opening a new chapter of fruitful cooperation between the two countries. While we continue to cherish this hope, there is little possibility of a settlement so long as Pakistan persists in its irrational animus against India. The concessions which we offered to Pakistan are no longer open, and they must be treated as withdrawn. We do not wish our generosity and sincere desire for friendly relations with our neighbour to be treated by its Government as a jumping off ground for further claims. While the break in the talks is a matter of deep regret, we have to accept the facts, and we must wait for a more opportune moment for a settlement of all our differences with Pakistan.

0397. Extract from the Record of Conversation between the British Foreign Secretary and the Foreign Minister of Pakistan.


Mr. Bhutto, who was accompanied by Mr. Agha Hilaly, the High Commissioner for Pakistan, called on me on October 16 at the Foreign Office and after an exchange of courtesies in the course of which Mr. Bhutto enquired about the health of the Prime Minister, I asked about the Present state of Pakistan’s relations with China. Mr. Bhutto explained that Pakistan had recently concluded a Border Agreement, a Civil Aviation Agreement and a Barter Trade Agreement with China. However, the policies pursued by Pakistan over the past fifteen years had demonstrated that Pakistan had no illusions about Communism and Pakistan was not now closing her eyes to the threat posed by China. Nevertheless it was important for Pakistan to normalize her relations with China who was one of her neighbours. Mr. Bhutto added that the isolation of China benefited no one and that, while Pakistan intended to do nothing to stimulate Chinese ambitions, she hoped that the Chinese would in the course of time gradually become more moderate. I observed that, as a practical people, the Chinese must realize that neither America nor Russia would allow China to start a nuclear war and that the possibility existed that the two would make a common cause of this issue. However, the danger existed that China might decide to pursue an expansionist policy by conventional means.

2. I then asked whether Mr. Bhutto thought that the Chinese would again attack India. Mr. Bhutto replied that the Chinese attack had been provoked by the Indians who had not made any provision with the Chinese for the status
quo on the border pending an agreement and had thus helped to create their own problem. They had moreover aggravated the position by moving up their troops in a manner which had provoked the Chinese to attack. Mr. Bhutto thought, however, that the Chinese would not attack again unless provoked and added that whether the Chinese attacked or not was in the hands of the Indians.

3. Mr. Bhutto went on to say that India in remaining non-aligned but at the same time receiving military aid from the West was having the best of both worlds. Her example provided a model which other countries might follow. He added that it was an illusion to think that India would become a bastion against Communism and a supporter of the West. India had recently begun to relax the measures taken during the emergency and it had been noted that the section of the Indian Communist Party which supported China was resuming its activities. Pakistan, on the other hand, had shown herself to be a good friend of the West and now required a quid pro quo to maintain military parity with India.

4. I said that an attack by India on Pakistan was inconceivable. Mr. Bhutto explained that fear of India was widespread among the people of Pakistan and that this factor could not be ignored. If there were no attack but if the military strength of India were increased disproportionately the Indians would then treat Pakistan as they have done certain of their smaller neighbours. It was necessary for Pakistan to speak to India from a position of strength.

5. I asked Mr. Bhutto about the prospects of reaching a settlement with India on the Kashmir problem and whether Pakistan had any plans to re-open the talks. Mr. Bhutto replied that he saw no prospect of a settlement being reached until Mr. Nehru was no longer in control of India. He went on to say that it was important to see that India took no further steps to integrate Kashmir with India, such as the recent changes of nomenclature adopted by India. There were signs that internal troubles might develop in Kashmir if such steps were taken. He pointed out that activity by India on the cease-fire line in Kashmir had increased recently and there were signs that India might intend to move in troops and clear Muslims from the border area. I asked if Pakistan intended to bring up the question of Kashmir at the United Nations. Mr. Bhutto, said that this would serve no useful purpose at this time. However, Pakistan was determined to maintain her military balance with India and would continue to press for justice.
Note Verbale from the Ministry of External Affairs of Pakistan to the High Commission of India in Pakistan regarding integration of Kashmir.


The Ministry of External Affairs of the Government of Pakistan presents its compliments to the High Commission for India in Pakistan and has the honour to say that, for some time past, the Government of India have been taking measures to evict the Muslim population residing on the Indian side of the Cease-Fire Line from their homes and push them into Pakistan. Protests to this effect were lodged with the Government of India on 19th November 1960, 10th December 1960, and 25th February 1961. The Government of India denied these allegations, but spasmodic eviction of the Muslim population was nevertheless continued ever since. By June 1961, some 2,000 Muslims from Indian-held Kashmir had crossed over to Azad Kashmir and by March 1963, another 503 families comprising 2787 members had been forced to flee their homes and take refuge in Azad Kashmir.

There are indications now that the Indian forces are planning to step up these operations. In particular, Indian armed patrols have been paying increasing attention to village CHAKNOT called CHANGNAR on the map – reference sq. 4295 MAP Sheet 43 J/5. On the 5th and 8th August, 1962, Indian armed patrols visited this village for the first time and ordered the villagers to sever their connection with the Azad Kashmir administration and to pay “arrears” of land revenue “due” for the last 15 years to India-held Kashmir authorities. This village, as also several other villages, have been administered by the Azad Kashmir authorities ever since the cease-fire in 1949, although they lie on the Indian side of the Cease Fire Line: the residents have been paying land revenue to the Azad Kashmir authorities and have been receiving Taccavi loans from those authorities ever since.

Latterly, Indian troops and police have stepped up their harassment of the people of Chaknot and adjoining hamlets, such as Malik Bela, Ring Pain and Ring Bela, and have resorts to killing of innocent people and criminal assaults on helpless women folk. Seven families, consisting of 44 people had to leave their homes in Ring Bela on account of such atrocities and moved into Azad Kashmir on 8th August 1963. The Government of Pakistan protested to the Indian High Commissioner on 2nd October 1963, against the Ring Bela outrage.

It now appears that the Indian authorities are planning to occupy village Chaknot. A mule track has been completed from Ring Pain to Long Ride which overlooks village Chaknot and the Indian authorities in the process of establishing an armed post on this Ridge, preparatory to moving their troops.
It will be recalled that on October 3, Bakshi Ghulam Mohammad, the then “Premier” of Indian held Kashmir stated that “a directive had been issued (by the Government of India) to bring Kashmir closer to the rest of India”. He added that “as a first step” it had been decided to replace the “Sadr-i-Riyaset” by a “Governor” and the “Prime Minister” of the State by a “Chief Minister” as part of a decision to integrate India-held Kashmir fully into the Indian Union and bring it in line with other Indian States.

The recent stepping up of the activities of Indian troops to clear the Cease fire Line of the Muslim population and to take over Chaknot is clearly part of this same design to “integrate” India-held Kashmir with the Indian Union. This action, as also other steps taken by India to alter radically the status of the State of Jammu and Kashmir and integrate India-held Kashmir with the Indian Union are being taken in defiance of the United Nations’ resolution on Cease fire and the disposition of the State by a free plebiscite, to which India is party.

The Government of Pakistan strongly protest against these moves of the Government of India to change the status quo in respect of the State of Jammu and Kashmir.

Furthermore, the Government of Pakistan trust the Indian Government will desist from proceeding with plans which clearly aim at a forcible seizure of Chaknot. Should, however, the Government of India try to go forward with such plans, the Azad Kashmir forces would be compelled to take whatever steps may be necessary to defend themselves and maintain the status quo.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of India in Pakistan the assurances of its highest consideration.

Ministry of External Affairs
Karachi

The High Commission for India in Pakistan.
Karachi.

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0399. Outward Telegram from Commonwealth Relations Office to British Acting High Commissioner, Karachi, repeated to British High Commissioner in New Delhi as also to UK Missions in Washington and New York regarding Talks between Pakistan Foreign Minister and British Commonwealth Secretary.


KASHMIR

In their first talk Mr. Bhutto informed the Secretary of State that the Pakistan Government felt obliged to send their troops across the cease-fire line to protect the villages which they had administered for many years, but which India had now decided to occupy with her troops.

2. The Secretary of State urged Mr. Bhutto to refrain from doing anything which would put Pakistan legally in the wrong and would make it difficult for her friends to defend her action.

3. In a talk just before Mr. Bhutto left London, he informed the Secretary of State that he had thought over his advice, with which he agreed, and had telegraphed to President Ayub urging great caution.

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0400. Note Verbale from the Ministry of External Affairs to the Pakistan High Commission in India refuting Pakistani allegations of forcible occupation of Chaknot and eviction of Muslim population.

New Delhi, October 25, 1963.

The Ministry of External Affairs, Government of India, presents its compliments to the High Commission for Pakistan and has the honour to refer to the note of the Ministry of External Affairs, Government of Pakistan, dated October 16, 1963 about the alleged incidents at village Chaknot on the Indian side of the ceasefire line.

The Pakistan Government admits that the Government of India had denied certain allegations made by the Pakistan Government in para 1 of its note under reference, but goes on to allege that there has been spasmodic
The eviction of the Muslim population since 1961. The Government of India have no hesitation in saying that this fresh allegation is just as false and groundless as the previous allegations made by the Government of Pakistan. On the contrary over the past many years, tormented by oppression and hunger, refugees from that part of Jammu and Kashmir which continues to groan under the heel of Pakistan’s unlawful occupation, have been seeking security and opportunities for honourable living and employment in the area directly administered by the Jammu and Kashmir Government. These facts have been stated, time and again, on the floor of the Security Council by India’s representatives and are widely known to all those who are interested in facts rather than in propaganda.

In the context of these false and unfounded allegations by Pakistan of forcible eviction of Muslims, the Ministry is constrained to remind the Government of Pakistan of the discussion in Calcutta between the Foreign Minister of Pakistan Mr. Bhutto, and then Indian Railway Minister, Sardar Swaran Singh, on Kashmir and other related matters. The Government of India wants it placed on record that the Foreign Minister of Pakistan admitted in these discussions in Calcutta the Indian delegation’s charge that all the Hindus from the entire area in Kashmir in the forcible and unlawful occupation of Pakistan had migrated to India and there was not a single Hindu family now left in this area. With this as Pakistan’s record of treatment of minorities, the Government of India cannot but be surprised that the Government of Pakistan should, today, come forward and try to make out a case about the “spasmodic eviction” of Muslims from Kashmir, when the Muslims are a proud majority in the area. The Government of India firmly repudiate and deny the charge falsely leveled against them in para 1 of the Pakistan Government’s note in question.

There is no truth whatever even in the statements made by the Pakistan Government in para 2 of its note that the Indian forces have been planning to step up the eviction of Muslims. All the allegations regarding the village Chaknot detailed in the note are malicious and completely lacking in substance. It is significant that while some of the incidents, according to the Pakistan Government, are reported to have taken place on 5th and 8th August, 1962, the Pakistan Government admits, this village, as also all other villages named in the note, lie on the Indian side of the Cease-Fire Line. It is, therefore, meaningless to suggest that the Indian authorities were planning to “occupy” Chaknot. The assertions in the note that this and other villages are administered by the puppet authorities of the Pakistan Government in this area only prove that, in violation of the Cease-Fire Agreement, the Government of Pakistan is trying to spread out its unlawful tentacles across the Cease-Fire Line and indulge in subversive activities, thus disturbing the peace and tranquility of villages in these areas.
There is no truth in the assertion made in the note under reference, that the Indian authorities have set up an armed post in or near Chaknot of that Indian troops have increased their activities in this area. It is open to the Government of Pakistan to take up this matter with UN Observers, who are authorized to ascertain the facts by an enquiry on the spot. As the Pakistan move is motivated by their usual violent prejudices and animus against India, in order to create an atmosphere of crisis for their own political ends, the Government of India are not surprised that Pakistan troops are, on the contrary, being deployed in the Chaknot area on the Pakistan side of the Cease Fire Line, as well as in the vicinity of Mirpur and Tithwal. Pakistan aircraft also have been seen flying over these areas, these last several days. The Government of India wish it to be known that all these activities have been brought to the notice of the Chief Military Observer who will doubtless be able to ascertain the facts.

In paragraph 4 of the note, the Pakistan Government has referred to a certain statement of Bakshi Ghulam Mohammad, who was till recently the duly elected Premier of the State of Jammu and Kashmir. The Government of India see nothing wrong in this statement. Legally and constitutionally, Bakshi Ghulam Mohammad was completely entitled to say what he did, both, under the Jammu and Kashmir Constitution and under various provisions of the Constitution of India. Since Pakistan has no democratic Constitution, it is perhaps understandable that its Government should not be able to appreciate the normal functioning of democracy in any other country. As is well known, Jammu and Kashmir is a constituent state of the Indian Union and, therefore, Indian Union territory. Pakistan has no locus standi in this territory, having occupied a part of the territory by aggression. As stated, time and again, by India’s representatives in the Security Council, the legal and constitutional position of Jammu Kashmir as part of the Indian Union is the basis of the U.N. Commission resolutions, as well as the assurances given to the Prime Minister of India by the Chairman of the Commission. None of these resolutions has been implemented by the Government of Pakistan, and its aggression, now in collusion with the aggression of China, continuous in Jammu and Kashmir. By handing over about 2,000 square miles of the territory of the Indian Union territory of Jammu and Kashmir to China, Pakistan has deliberately and unilaterally destroyed all possibilities of implementing the U.N. Commission resolutions on Jammu and Kashmir. The Government of India are surprised that, despite this, the Pakistan Government’s note still refers to the “disposition of the State by a free plebiscite” in accordance with the United Nations resolutions. For this situation, the Government of Pakistan have to thank nobody but themselves.

In the penultimate paragraph of their note, the Government of Pakistan has held out a threat of force by the so called Azad Kashmir forces which, according
to its own statement to the U.N. Commission, are under the operational control of the Pakistan Army. The Government of India deeply regret this threat from Pakistan, and they are constrained to say that they will naturally be compelled to exercise their right of self defence, should the Government of Pakistan embark upon such an irresponsible and dangerous course.

The Ministry of external Affairs avails itself of this opportunity to renew to the High Commission for Pakistan the assurances of its highest consideration.

High Commission for Pakistan.
New Delhi.

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0401. Note Verbale from the Ministry of External Affairs of the Government of Pakistan to the Indian High Commission in Pakistan asking for the winding up of the office of the Assistant High Commissioner of India in Rajshahi.


No. PIC-16/9/63

The Ministry of External Affairs presents its compliments to the High Commission for India and has the honour to state that the Government of Pakistan is constrained to request that the Office of the Assistant High Commissioner for India in Rajshahi completely wind up its affairs and cease to function by 15th December, 1963. The Government of Pakistan has been forced to take this decision for the following reasons:

The Assistant High Commission for India in Rajshahi was established in 1953 as a Sub-Mission; it was meant to function primarily as a passport and visa office. From its very inception, however, it has operated more as a centre of espionage, subversion and activities prejudicial to the security of Pakistan, than as a visa office or even as a normal diplomatic office.

The Assistant High Commission has also been continuously and persistently used as a centre for the dissemination of anti-Pakistan propaganda, the circulation of false allegations against the Government of Pakistan and concocted stories of imaginary occurrences. This has been pointed out to the High Commission for India on several occasions.
As recently as November 9, 1963, instances of dissemination of objectionable information by Rajshahi Office were furnished to the High Commission in this Ministry’s letter No. P(I)-17/6/60.

The Government of East Pakistan also, has on several occasions drawn the attention of the Assistant High Commissioner to the objectionable activities of that Mission, but these representations were completely ignored. At the request of the Government of East Pakistan, therefore, Mr. A.S. Shaikh a Director in this Ministry, was compelled to take up this matter with the Deputy High Commissioner for India in Karachi, Mr. V.C.V. Raghavan.

It is indeed a matter of regret that none of such warnings has been heeded. On the other hand, the tempo of the aforesaid objectionable activities on the part of the Rajshahi office has of late increased to such an extent that they have incensed the people of the area. The Rajshahi office has thus become a cause of further tension between the two countries.

The Government of Pakistan trusts that the Government of India appreciates the need for putting an end to objectionable activities of its Missions in Pakistan and will understand that the decision conveyed in this Note is motivated as much by a desire, on the part of the Government of Pakistan, to bring about an atmosphere conducive to the maintenance and promotion of good neighbourly relations, as by its resolve to root out subversion from its soil.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for India in Pakistan the assurances of its highest consideration.

The High Commission for India in Pakistan, Karachi.

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0402. Note Verbale from the High Commission for India in Pakistan to the Ministry of External Affairs of the Government of Pakistan regarding winding up of the Office of the Assistant High Commissioner in Rajshahi in East Pakistan.


The High Commission for India in Pakistan presents its compliments to the Ministry of External Affairs of the Government of Pakistan and with reference to their Note No. PIC-16/9/63 dated November 27, 1963, demanding the closure of the office of the Assistant High Commissioner in Rajshahi, has the honour to state that the Government of India categorically repudiate as totally baseless the allegations advanced to justify the demand, which they earnestly hope that the Government of Pakistan will withdraw in the interest of amicable relations between the two countries.

The Government of India are astonished that on the basis of general and unsubstantiated charges, the Government of Pakistan should, without justification, take such an extreme step whose serious repercussions on Indo-Pakistan relations they are surely aware of. The Ministry’s Note of November 27 ostensibly bases the demand for closure on the following allegations:

(a) That the Rajasthani Office has been “a centre of espionage, subversion and activities prejudicial to the security of Pakistan” since its inception to 1953. The Government of India deny and protest against such unfounded charges. At no time has any member of their Mission in Rajshahi taken part in activities such as have been alleged. Nor has that office at any time operated as a centre of espionage and subversion. The Government of India find it incredible that the Government of Pakistan should now come forward with serious charges concerning the Mission’s work, after a lapse of ten years, without ever raising the matter during that period.

(b) That the Office has also been “a centre for the dissemination of anti Pakistan propaganda, the circulation of false allegations against the Government of Pakistan and concocted stories of imaginary occurrences”. The Note states that this has been pointed out several times to the Government of India and tries to suggest that the latest instance was on November 9, 1963. In fact, the Ministry’s letter of November 9 was in response to a specific request made by the High Commission for example of the material to which the Ministry had objected while leveling another general and unsubstantiated accusation...
against the press releases and handouts of the High Commission. It is
the first instance of such a complaint to the High Commission in respect
of the Rajshahi Office and appears to be the only one, rather than the
latest in a series, as the Ministry's Note seeks to represent it. In that
Note there was no suggestion at all that the Government of Pakistan
took such a serious view of the activities of the Mission at Rajshahi as a
whole as to require its closure.

The Ministry further alleges that the attention of the Assistant High
Commissioner in Rajshahi has been drawn, on several occasions, to the
objectionable activities of the Rajshahi Mission but that these representa
tions were ignored. The Government of India are not aware of any such
representations to the Assistant High Commissioner, and note that the Ministry
do not specify a single one. They are, moreover, surprised that the discussions
between Mr. A.A. Shaikh and Shri V.C. Vijaya Raghavan should be referred to
as though they were the culmination of a series of fruitless complaints. It will
be recalled that those discussions were confined to the question of
communications between the Assistant High Commissioner and the local
authorities. The Pakistan Government's suggestions were that the Assistant
High Commissioner should not even correspond with the District officials but
should leave it to the Deputy High Commissioner for India in Dacca to take up
issues directly with the East Pakistan Government. Again, there was not the
slightest indication that the Government of Pakistan objected to any other aspect
of the functioning of the Rajshahi Mission.

The High Commission can recall only one other occasion when the workings
of the Rajshahi Mission have been referred to by the Government of Pakistan.
This was in 1962, when the Assistant High Commissioner's efforts to draw the
attention of the district authorities to the violent danger to which the Hindu
minority in the area was exposed, and to calm the resulting panic, were
misrepresented as encouragement of migration to India. These allegations
against the office in Rajshahi were immediately repudiated and were never
again referred to by the Government of Pakistan.

In view of the facts stated above, the Government of India must point out that
there can be no justification for the allegations, much less the demand for
closure, contained in the Ministry's Note of November 27. If the Pakistan
Government had any genuine complaints about the activities of the Government
of India's officers in Rajshahi, it was open to them to take these up with the
Government of India and ask for whatever remedial action they considered
necessary. Instead, the Government of Pakistan have, for the second time in
recent weeks, made abrupt and peremptory demands for the cessation of the
normal activities of India Missions in Pakistan, while adding general accusations
which do not bear the least scrutiny.
The Government of India find it as difficult to understand the motivation for these demands as to appreciate the arguments that they are designed to bring about “an atmosphere congenial to the maintenance and promotion of good neighbourly relations”. It must be evident to the Government of Pakistan that they have precisely the opposite effect. The Office of the Assistant High Commissioner for India in Rajshahi, like the office of the Assistant High Commissioner for Pakistan in Shillong was established to function strictly on the basis of reciprocity to serve the interest of the peoples of both countries. The Government of Pakistan will appreciate that if they insist on closing the office of Rajshahi, then, in accordance with the basis of reciprocity, the Government of India will be constrained to withdraw their consent to the continuation of the office in Shillong, and Pakistan’s action will only have succeeded in embittering feelings as well as inconveniencing peoples in both countries.

The Government of India are deeply convinced of the need to avoid any deterioration in relations between the two countries, and are determined to persevere in trying to improve those relations. They accordingly hope that the Government of Pakistan will reconsider the demand for the closure of the Office of the Assistant High Commissioner for India in Rajshahi and thereby cooperate in reducing tensions.

The High Commission of India takes this opportunity to renew to the Ministry of External Affairs of the Government of Pakistan the assurances of its highest consideration.

Ministry of External Affairs,
Government of Pakistan,
Karachi.

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POLITICAL RELATIONS: 1955-1969

0403. Note Verbale of the Ministry of External Affairs of the Government of Pakistan to the High Commission for India in Pakistan regarding the closure of the Office of the Assistant High Commissioner in Rajshahi.


No. PIC – 16/9/63.

The Ministry of External Affairs presents its compliments to the High Commission for India and with reference to their Note dated 4th December, 1963 regarding the closure of the office of the Assistant High Commissioner for India in Rajshahi, have the honour to state that the afore-mentioned Note has been carefully considered.

2. The Ministry wish to reiterate the fact that the Government of Pakistan have in their possession sufficient evidence to justify the conclusion that the Assistant High Commission for India in Rajshahi was being used as a centre of espionage and subversion and for dissemination of anti Pakistan propaganda. The Government of Pakistan were, therefore, left with no alternative but to ask for the closure of that office. The decision of the Government of Pakistan to request the Government of India to close down their Assistant High Commission at Rajshahi, was taken after all its aspects had been given a most careful consideration.

3. The Government of Pakistan have always hoped that the Government of India’s actions would be directed towards promotion of good neighbourly relations with Pakistan and that they would avoid any action which would lead to a deterioration in the relations between the two countries. Unfortunately however, a number of recent actions of the Government of India have only contributed to the aggravation of tension between the two countries. It is earnestly hoped that the Government of India will appreciate the need for improving relations with Pakistan and help create an atmosphere conducive to the promotion of good neighbourly relations between the two countries.

4. The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for India the assurances of its highest consideration.

The High Commission for India in Pakistan,
Karachi.
My dear Yazdi,

The Soviet Ambassador came to see me yesterday for one of “our periodic consultations”, as he likes to refer to his talks with me. As I have told you before, he has good sources of information and is also acute in political analysis.

2. The Ambassador first spoke of the current visit of President Ayub to Ceylon, whose primary purpose, he said, was to forge a “united front” against India. Ayub would try to capitalize on such grievances as Ceylon might have against India and also raise the bogey of Indian rearmament being a threat to her neighbours. The Ambassador said that a brief had been prepared for Ayub which emphasized three points: (a) Pakistan should suggest to Ceylon mutual consultation in defence matters and offer military assistance. Pakistan could offer to train Ceylonese officers in her military establishments. Pakistan could also offer to give some military equipment from the stocks which she had built up with American aid. (b) Pakistan should urge the need for closer collaboration between China, Ceylon and Pakistan in the diplomatic and economic fields. (c) Pakistan should make a major effort to persuade the Ceylonese that an Afro-Asian Conference was urgently necessary and a meeting of non aligned powers would not meet the needs of the situation. In this respect, familiar arguments would be used to show that India was no longer neutral or non aligned, whereas, in the case of Pakistan, the old arguments that she was committed to the pacts were no longer valid.

3. I told the Ambassador that we were fully aware of Pakistani efforts to intrigue with our neighbours to our detriment. There were certain mischievous elements in Ceylon, but by and large we were confident that Mrs. Bandaranaike, the Governor General and large sections of public opinion were in rapport with our basic policy and would not fall a prey to such intrigues.

4. The Ambassador then referred to Chou En lai’s visit to U.A.R. He expected Chou En lai to make a major effort to convince President Nasser that Pakistan’s policies had changed, that she was no longer a Western stooge.
and that she was anxious to improve relations with U.A.R. Chou en lai would argue that Pakistan was no less non aligned than India was today. Chou En lai would also urge that in this changing situation in Afro Asia, particularly in view of Indian rearmament with Western help, a meeting of so-called nonaligned Powers would be unrealistic and it would be more fruitful to call a second Bandung Conference. According to the Ambassador, Dehlavi was already engaged in making Pakistan more acceptable to President Nasser and he has been instructed to collaborate actively with Chou En lai during the latter's visit to Cairo. The Ambassador emphasized that Pakistan and China were actively coordinating their diplomatic moves in this region.

5. The Ambassador said that President Johnson handled Bhutto more firmly than Kennedy had done in the past. Bhutto's report on his Washington visit was given to Ayub only on the eve of the President's departure to Ceylon and the Ambassador had no information regarding its contents. But the Pakistanis seemed to have come to the conclusion lately that they could not expect U.S. to stop its arms aid to India or hope that any fresh deliveries of military equipment would be made to Pakistan to redress the balance. In view of this assessment and on the basis of certain discussions which Ambassador Raza has had in Peking, some steps were being taken for collaboration in the defence field between Pakistan and China. Primarily, this would involve the Chinese giving advice and assistance in raising and training guerilla units in Pakistan. As far as the Ambassador was aware, one group of Chinese military officers had paid a visit to Pakistan, mainly to advise on technical details concerning the organization of a guerilla force – the size of guerilla detachments, the nature of arms to be used, techniques of operation etc. According to the Ambassador, the Chinese were also prepared to help in the local manufacture of arms required for equipping the “partisans”.

6. We discussed these aspects and possibilities at some length. I told the Ambassador that Pakistan was working on two parallel lines: (a) pressuring her Western allies, particularly the U.S., with a view to curtailing arms aid to India and trying to force, with Western diplomatic Intervention, a settlement on Kashmir in her favour; (b) developing closer links with China, so that in certain favourable circumstances, she could put military pressure on us. Pakistan was also succeeding to an extent in giving an impression that her foreign policy was now changed and was more in line with the dominant Afro-Asian sentiment. But she would never succeed wholly because of the basic contradiction in her policy which is compounded of utter dependence on the West on the one hand, and a liaison with China on the other. She is succeeding to an extent today primarily because India is in genuine difficulties and she can exploit them, by sowing doubts about our
non alignment. But we were confident that we could deal with her mischievous efforts. What concerned us, however, was that Sino-Pak collusion might extend to the military field.

With kind regards,

Yours sincerely

G. Parthasarathi

Shri Y.D. Gundevia,
Foreign Secretary,
Ministry of External Affairs,
New Delhi.

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0405. Note Verbale of the High Commission for India in Pakistan to the Pakistan Ministry of External Affairs regarding closure of the Office of the Indian Assistant High Commissioner in Rajshahi.


The High Commission for India in Pakistan presents its compliments to the Ministry of External Affairs of the Government of Pakistan and has the honour to refer to their Note No. PIC/16/9/63 dated the 7th December, 1963, rejecting the Government of India’s request for the withdrawal by the Government of Pakistan of their demand for the closure of the Office of the Assistant High Commissioner for India in Rajshahi.

2. The Government of India deeply regret that their sincere efforts to try to persuade the Government of Pakistan to refrain from further damaging relations between the two countries have evoked no other response than a repetition of sweeping allegations of ‘espionage’ and “subversion” against the Office of the Indian Assistant High Commissioner in Rajshahi, for which there is absolutely no foundation in fact. They note that the Government of Pakistan are maintaining their demand for closure without substantiating any of their charges, without answering specifically any of the points raised in the High Commission’s note of 4th December 1963 and with regard for the need to halt the campaign against India which, in recent weeks, has been exceeding even past levels of intensity. Instead, the Government of Pakistan have seen fit to go beyond their allegations
in respect of the Rajshahi Office and to accuse the Government of India as a whole of aggravating tension. This is, in fact, the reverse of the true position, and the Government of India are astonished that the Government of Pakistan should level such an unspecified and totally unjustified charge while themselves persisting in provoking tension.

The Government of India once again reject the charges leveled by Pakistan against them, and in particular against their Office in Rajshahi, as totally unfounded. Since the Government of Pakistan insist that their decision was taken “after all its aspects had been given a most careful consideration”, the Government of India can only conclude that it is the deliberate intention of the Government of Pakistan to restrict normal and friendly contacts between the people of the two countries and to heighten tension by leveling false and unsubstantiated charges against the activities of their entire mission in Rajshahi.

However, since the Government of Pakistan insist that the Office in Rajshahi should be closed, in spite of the earnest efforts of the Government of India to secure a reconsideration of this decision, arrangements are being made to wind up the Office. Despite the physical difficulties involved in arranging the closure of a Mission at short notice, the Government of India are making every effort to try and do so by December 15, 1963, on which date their Office in Rajshahi will cease to function.

The High Commission of India avails itself of the opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs,
Government of Pakistan,
Karachi.

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No.PID-7/30/62.

The Ministry of External Affairs presents its compliments to the High Commission for India in Pakistan and has the honour to state that the Ministry has given careful consideration to the statement of the Prime Minister of India of 27th November, 1963, in the Lok Sabha, in regard to certain changes in the “constitutional status” of the State of Jammu and Kashmir which the Government of India propose to enact or get adopted. According to Indian press reports, the Prime Minister of India, in reply to a question, asserted that no protest had been made by Pakistan to India in that connection.

2. The High Commission for India is aware that the Ministry of External Affairs of the Government of Pakistan did, in fact, make a strong protest in its Note of 16th October 1963, to the High Commission in the following terms:

“It will be recalled that on October 3, Bakshi Ghulam Mohammad, the then “Premier” of Indian held Kashmir stated that “a directive had been issued (by the Government of India) to bring Kashmir closer to the rest of India.” He added that “as a first step”, it had been decided to replace the “Sadr-i-Riyasat” by a “Governor”, and the “Prime Minister” of the State by a “Chief Minister”, as part of a decision to integrate Indian held Kashmir fully into the Indian Union and bring it in line with other Indian States.

“The recent stepping up of the activities of Indian troops to clear the cease-fire line of the Muslim population and to take over Chaknot is clearly part of this same design to “integrate” Indian held Kashmir with the Indian Union. This action, as also other steps taken by India, to alter radically the status of the State of Jammu and Kashmir and integrate Indian held Kashmir with the Indian Union, are being taken in defiance of the United Nations’ Resolution on Cease fire and the disposition of the State by a free plebiscite, to which India is a party.

“The Government of Pakistan strongly protest against these moves of the Government of India to change the status quo in respect of the State of Jammu and Kashmir”.

3. In the light of this categorical protest against, *inter alia*, the unlawful decision of the Government of India to carry out further measures in order to
alter the special status of the State of Jammu and Kashmir, the Ministry of
External Affairs is constrained to express surprise at the Prime Minister of
India’s denial that a protest had been lodged by Pakistan on this issue.

4. Not only did the Government of Pakistan protest strongly to the
Government of India, it also expressed its grave concern to the Security Council
of the United Nations in a letter addressed by the Permanent Representative
of Pakistan (S/5437) on 9th October, 1963, to the President of the Council,
against the reported Indian moves “to integrate” the disputed State “more fully
into the Indian Union” as a gross breach of India’s commitments to the principles
of the resolutions of the United Nations Commission and also of the Security
Council, particularly those of 30 March, 1951 and 24 January, 1957.

5. The protest in the Note of the Ministry of External Affairs of 16 October,
1963, to the High Commission for India was in respect of the reported statement
of Bakshi Ghulam Mohammed on 3rd October, 1963, referred to in paragraph 2
above of this Note. The statement of Indian Minister for Home Affairs, Mr.
Gulzarilal Nanda, in the Lok Sabha, on 27th November 1963, in answer to
questions put to him by 19 members of the Indian Parliament, now makes it
clear that the then puppet “Premier” was merely acting as the mouthpiece of
the Government of India in their plan to “integrate” the state of Jammu and
Kashmir with the Indian Union. Mr. Gulzarilal Nanda listed the following steps
in the Government of India’s unfolding design:

(1) “An order of the President under article 370 of the Constitution was
issued on the 25th September, 1963, applying to Jammu and Kashmir
State entry 26 of the Concurrent List (List III) in the Seventh Schedule in
respect of Legal and medical professions and other consequential
provisions of the Constitution.

(2) “A proposal to apply to Jammu and Kashmir entry 24 of the Concurrent
List, in so far as it relates to welfare of labour in the coal mining industry,
is under consideration.

(3) “It has been decided that representatives of Jammu and Kashmir in the
Lok Sabha should be chosen by direct election as in other States. Effect
will be given to this after the termination of the present Emergency.

(4) “It has also been decided that the Sadr-i-Riyasat and Prime Minister of
Jammu and Kashmir should be designated as Governor and Chief
Minister respectively. Legislation to give effect to the proposal is expected
to be taken up during the next session of the State Legislature.

(c) “Article 370 of the Constitution occurs in Part XXI of the Constitution
which deals with temporary and transitional provisions. Since this Article
was incorporated in the Constitution, many changes have been made which bring the State of Jammu and Kashmir in line with the rest of India. The State is fully integrated to the Union of India. Government are of opinion that they should not take any initiative now for the complete repeal of article 370. This will, no doubt be brought about by further changes in consultation with the Government and the Legislative Assembly of Jammu and Kashmir state. This process has continued in the last few years and may be allowed to continue in the same way.”

6. The above statement of the Indian Home Minister was in effect confirmed immediately afterwards by the Prime Minister of India in the Lok Sabha, as has been widely reported in the Indian press.

7. It is clear from the above official declaration that the Government of India is deliberately set on destroying the special status of Jammu and Kashmir as envisaged in the UNCIP resolutions of 13 August, 1948 and 5 January, 1949, by resorting to covert and devious tactics.

8. The Government of Pakistan has on a number of occasions in the past, made similar protests to the Government of India and to the Security Council of the United Nations against a whole series of breaches of faith committed by the Government of India in order to carry out its design of annexing the State of Jammu and Kashmir in flagrant disregard of the wishes of its people, by the use of military force.

9. The Security Council as well as the Government of Pakistan have repeatedly called upon the Government of India to respect the Security Council’s resolutions of 30 March, 1951 and 24 January, 1957 and to cease and desist from taking any action to determine the future shape and affiliation of the State except in accordance with the international agreement embodied in the United Nations Commission’s resolutions of 13 August, 1948 and January 1949. Under these resolutions, the final disposition of the State of Jammu and Kashmir must be made in accordance with the will of the people as expressed through the democratic method of a free and impartial plebiscite, conducted under the auspices of the United Nations.

10. The Government of India has, however, chosen to violate deliberately the findings and recommendations of the Security Council as well as to ignore the protests of the Government of Pakistan and to persist in a course of conduct which grossly violates the rules of international law governing the rights and duties of State.

11. The Government of Pakistan reaffirms its stand that whatever measures that the Government of India has taken or may take, whether constitutional,
legislative, administrative or other, can have no legal force or effect so far as Pakistan or the United Nations are concerned, because they violate pre existing international legal obligations that India has accepted in the UNCIP resolutions in respect of the State of Jammu and Kashmir. These obligations cannot be negatived unilaterally by India through any device whatsoever, howsoever camouflaged.

12. The Government of Pakistan must again protest strongly to the Government of India against the unlawful measures designed to "integrate" the State of Jammu and Kashmir as announced or contemplated by the Indian Home Minister and the Prime Minister in their statements referred to in paragraphs 5 and 6 above.

13. The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for India the assurances of its highest consideration.

The High Commission for India
Karachi.

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New Delhi, December 20, 1963.

No.P.V.-108 (92)

My dear Shankar,

Please refer to the Pakistan Government’s note No.PID 6/2/63 dated 2nd October, 1963, a copy of which had been sent to us by Ranganathan.

2. As you will recall, the allegations made in this note were repeated substantially in the Pakistan Government’s note of October 16, 1963, and in its letter dated October 9, 1963, to the President of the Security Council. The Pakistan note addressed to us was answered in our note dated October 25, 1963 which the Pakistan High Commission in Delhi returned to us after keeping it in its possession for several hours. The reply to the Pakistan Government’s letter to the President of the Security Council was sent by our Permanent
Representative on November 12, 1963. Both our replies have been published in the Press.

3. This being the case, we do not consider it necessary to answer the Pakistan Government’s note under reference. The Foreign Office may, therefore, be informed that the subject matter of the note has already been dealt with by us in our two replies mentioned above.

With kindest regards,

Yours sincerely,

B.L. Sharma

Shri K.S. Bajpai,
First Secretary,
High Commission of India, Karachi.

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New Delhi, January 3, 1964.

No. P.V. 102(17)/63

The Ministry of External Affairs presents its compliments to the High Commission for Pakistan in India and has the honour to refer to the Government of Pakistan’s note No. PID/7/30/62 dated December 14, 1963.

2. The allegations made in the Pakistan note under reference were fully exposed as baseless by India’s Permanent Representative in the United Nations in his reply dated 12 November, 1963 (s/5454) to the Pakistan Permanent Representative’s letter dated 9 October, 1963 (s/5437).

3. The Ministry deeply regrets that the Government of Pakistan should have sent this note at all to the Government of India. The State of Jammu and Kashmir being an integral part of the Indian Union, there can be no question of integrating it “more fully” with the Indian Union. Any changes contemplated in the relations between the State and the Union Government would be in conformity with the law and constitution of India, and therefore a matter for India alone to decide. The note under reference is, under the circumstances, an unwarranted
interference in the internal affairs of India, and the Ministry cannot but reject these unnecessary Pakistani protestations.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for Pakistan the assurances of its highest consideration.

New Delhi, January 3, 1964.

The High Commissioner for Pakistan In India
New Delhi.

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0409.  

SECRET

Note recorded by Officer on Special Duty in the Ministry of External Affairs, Government of India on his talks with the Deputy High Commissioner of Pakistan.

New Delhi, January 3, 1964.

Ministry of External Affairs

I summoned Mr. M. Rahman, Pakistan Deputy High Commissioner, today and handed over two copies of our reply to the Pakistan Government’s note No. PID/7/30/62 dated December 14, 1963, to him.

2. He said he was under the impression that there was an agreement between India and Pakistan under which both parties were required to maintain the status quo and that this agreement was concluded some time in 1950. I told him that the only agreement he could possibly have in mind was the Security Council resolution of January 17, 1948, under which the parties were required to report any material change in the situation to the Security Council. It was this resolution which was violated by Pakistan which, according to its subsequent admission, sent its forces into Jammu and Kashmir in the early part of May 1948. He then enquired whether on the strength of the Pakistan Government having violated this resolution India had taken the position that it was no longer bound by it. I said that it was Pakistan, which violated this as well as the UN Commission resolutions and that India had not violated it. Obviously Pakistan could not violate the resolutions and at the same time insist on India being bound by them.

3. He then asked what the solution of the problem could possibly be. He said if this issue was not resolved, it would bedevil the lives of our children and
the relations between the new generations would be much more bitter. I said I was not prepared to accept the assumption that there was widespread bitterness between the people of India and the people of Pakistan. We had experienced no such bitterness during our short visits to Rawalpindi and Karachi. The Pakistan delegation had a similar experience during its visits to Delhi and Calcutta. However, it was true that the bitterness was confined to and perhaps deliberately cultivated by the civil servants and politicians in Pakistan. I told him that he would surely admit that Pakistan was not an obsession with us and was not played up day after day either in our Parliament or in our newspapers. In Pakistan, on the other hand, India appeared to be an obsession with the officials, politicians and newspapers.

4. Mr. Rahman thought that the newspapers of West Bengal were pretty bad, while many newspapers in East Pakistan wrote favourably about India. I admitted that there were exceptions but, by and large, one could see that while we were not indulging in any crusade against Pakistan, the Pakistan authorities and newspapers appeared to have had nothing much to think against except India.

5. As for settling the Kashmir issue, I told him that we had done our very best during the joint talks but very soon it became obvious that Pakistan was not interested in any settlement. I referred to some of the absurd arguments which the Pakistan delegation had put forward. He enquired whether it was not true that all that we had offered was a settlement along with the cease fire line with some minor modifications, a view which subsequently the Prime Minister of India had reiterated. I said that whatever we had offered to Pakistan was on Pakistan Government’s record. We had made a generous offer and if Pakistan rejected it, there was nothing further that we could do about the matter. He said that there could never be a settlement along the cease fire line and that if that was India’s view, the issue would go on from year to year. I replied that if this was so, it was just too bad and that we have to learn to live with it.

6. I shall send a copy of this note to our High Commissioner in Karachi, together with a copy of our reply to Pakistan Government’s note.

B.L. Sharma
3-1-1964

Foreign Secretary
Record of the conversation between Minister without Portfolio Lal Bahadur Shastri and US Assistant Secretary of State Phillips Talbot.

New Delhi, March 9, 1964.

Ministry of External Affairs

The U.S. Assistant Secretary of State, Mr. Phillips Talbot, accompanied by U.S. Ambassador, called on Shri Lal Bahadur Shastri, Minister without Portfolio at 5 p.m. on Monday, the 9th March, 1964.

2. Mr. Talbot began by recalling his experiences in India as an accredited foreign correspondent during the troubled days of 1946-47. He remarked that in his personal estimation, the vicious circle of communal strife, at that time, was prevented from spreading to the rest of India largely through the strong and effective action taken by the Government in Uttar Pradesh when the late Pandit Pant was the Chief Minister and Shri Lal Bahadur Shastri, the Home Minister. The Minister remarked that it was indeed a trying time but fortunately they were able to deal with the situation effectively.

3. Mr. Talbot then spoke of the present situation of strained relations between India and Pakistan which seemed to baffle all attempts at solution. He remarked that Gandhiji was known to have believed in applying the 'healing touch', when problems became particularly difficult and he, therefore, wondered that the Minister thought would be the best way of applying this remedy to the present situation between India and Pakistan. The Minister said that one thing was clear, that the present moment with thousands of refugees pouring into India from East Pakistan, and Pakistan openly siding with China in her aggressive designs towards India, hardly produced an atmosphere conducive for discussion of the Kashmir question. Nor would it help if India is pressurized in the Security Council over Kashmir, again and again. He, therefore, felt that countries like the United States and Britain who had a stake and an interest in the future of this sub continent, must counsel Pakistan to reverse the present hostile trend.

4. Ambassador Bowles said that he could not agree more that the present trend had to be reversed, but friends of the United States must realize that her influence to force other countries to do certain things was much less now than it is generally estimated. He said that it was a curious fact that after the Cuban crisis, the general relaxation between the U.S.A. and the Soviet Union, prompted by the common realization that nuclear warfare is futile, had loosened up military alliances in both blocs, encouraging these countries to act independently. He then mentioned the attraction of newly independent African countries to the
idea of self determination and said that U.S.A. is not attached to this idea so much. It even fought a war of independence, opposing the idea, but Pakistan is able to exploit the attachment of African and Latin American countries to this idea, in the Security Council, against India.

5. The Minister remarked that if the Americans were interested in the ‘healing touch’, they have to find ways and means of applying it in the best manner and he was sure that with their wisdom and experience, they would be able to persuade Pakistan to stop its minorities from migrating to India, by trying to restore confidence in them. If they wanted to discuss this matter at the Home Ministers level between the two countries, or through officials, and if they wanted India to discuss the question of evacuees from Assam, all this would be possible. Of course, it has to be realized that there have been no evictions from Tripura for over six months, as these were stopped when he was Home Minister, at the instance of the Prime Minister. He added, the trouble with Pakistan is that it refused to discuss these problems, even though they were quite important for bringing about better relations between the two countries. The Kashmir question cannot be discussed in isolation. Sardar Swaran Singh had, during his series of talks with Pakistan, agreed to reverse the order by discussing Kashmir first and other related matters later, but Pakistan refused to discuss these matters at all. Now there was no doubt that the continuing influx of refugees from East Pakistan and the problems it posed for India need to be tackled first. Ambassador Bowles remarked that as he understood our views on the subject, what needs to be done now was, first to begin with a discussion on the minorities problems between the two countries with particular reference to the influx of refugees from East Pakistan into India and the question of evacuees from Assam, and if this produced a relaxation of tensions between the two countries, then to tackle the Kashmir question.

6. Mr. Talbot then said that if by these steps a more relaxed atmosphere were to prevail, the question arises how to tackle the Kashmir problem in a more effective manner. He recalled that during the Canal Waters negotiations, according to their estimation, some of the most important hurdles were crossed through secret negotiations which were allowed to continue between the officials of India and Pakistan with the help of the good offices of the World Bank in Washington, far off from the two countries. He wondered, therefore, if such a possibility could not be applied to the Kashmir dispute. The minister said that speaking purely in a personal capacity, he was not against exploring other possibilities of settling the Kashmir dispute, but as he had mentioned earlier consideration of such possibilities at this stage is neither realistic nor practicable. As long as Pakistan continued driving out its minorities through persecution and force, in order to create communal strife in India and as long as that country openly befriended China in her aggressive policies against India, the question
of considering other ways and means of solving Kashmir dispute became meaningless. He also emphasized that it was essential while discussing the Kashmir question that the Government should have the support of public opinion in the country. In this context, especially it was important for the United States to appreciate that if the impression is aroused in India, as had happened after the last debate in the Security Council, that India is being pressurized into giving up territory in Kashmir, it would naturally produce an adverse reaction. In this context, the United State’s position has to be different from that of Britain. The British partitioned India on a communal basis and they feel the same principle should apply to Kashmir, without regard to the legal or other implications.

7. The American Ambassador said that he appreciated the sentiments expressed by the Minister and he wanted to emphasise that the United States only wanted to help India and Pakistan to solve these problems. Over the last 15 years they have invested, a large amount of money by way of military and economic aid to both countries and their problem is to find out the possibility of bridging the rift between the two countries. He said the question of asserting any kind of pressure against one country or the other, does not arise as there is considerable opinion in the U.S.A. that economic and political policies should be kept as far apart as possible, excepting in an obvious case like that of Indonesia where Soekarno is constantly trying to misuse economic aid, does nothing to put his house in order, and is threatening war against the neighbouring countries. Mr. Talbot expressed the view that the relationship that has developed over the years between India and the United States, of understanding and respect for each other’s point of view, provides hope for the future. He added that they were now hoping to work out, a plan for providing India with long term aid over a period of five years or so, to meet her Economic, as well as Defence needs.

A.S. Chib
Deputy Secretary
9-3-1964
0411.  Note Verbale from the Pakistan Ministry of Foreign Affairs to the Indian High Commission in Pakistan regarding re-designation of the Head of State and Head of Government of Jammu and Kashmir State.

Karachi, April 11, 1964.

Ministry of Foreign Affairs
Karachi

No. PID – 7/21/64 the 1st April, 1964

The Ministry of Foreign Affairs Presents its compliments to the High Commission for India in Pakistan and has the honour to state that, according to reports appearing in the press, a bill seeking to re-designate the Head of the disputed State of Jammu and Kashmir as “Governor” and the Head of the Government as “Chief Minister” was introduced in the so-called State Assembly at Srinagar on 9th March, 1964. The bill also provides for the replacement of the State flag by the flag of the Indian Union. Though the bill has been moved by a member of the opposition, the Revenue Minister of the so-called Government of Kashmir is reported to have stated that the Government would not oppose the bill.

2. The afore-mentioned move is yet another link in the chain of steps being deliberately taken by the Government of India to destroy the special status of the disputed State of Jammu and Kashmir as envisaged in the resolutions of the UNCIP of the 13th August 1948 and 5th January 1949. It may be recalled that the Government of Pakistan has on a number of occasions in the past, protested to the Government of India as well as to the Security Council of the United Nations against the repeated breaches of faith committed by the government of India in order to further “integrate” the disputed State of Jammu and Kashmir to the Indian Union.

3. The Security Council as well as the Government of Pakistan have repeatedly stressed upon the Government of India the need to respect the resolutions of the Security Council of 30th March, 1951 and 24th January, 1957 and to refrain from acting in flagrant violation of the above resolutions. It is needless to mention that under these resolutions, the final disposition of the State must be made in accordance with the will of the people of Jammu and Kashmir as expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

4. The Government of Pakistan reaffirms its stand that whatever measures the Government of India has taken or might take, have no legal force or effect as far as Pakistan and the United Nations are concerned, and that they are in
flagrant violation of the international obligations that India has accepted under the above mentioned resolutions of the United Nations in respect of the future disposition for the disputed State of Jammu and Kashmir. These obligations cannot be revoked or side-tracked unilaterally by India through any device, however camouflaged.

5. The fact that the Government of India has chosen to take the steps mentioned in para 1 above at a time when the Kashmir issue is the subject of deliberation by the Security Council of the United Nations indicates the respect and importance the Government of India attaches to that august body, and makes it evident that the Government of India has no desire, whatsoever, to find a peaceful and an honourable settlement of the question which would be in conformity with the wishes of the people of the State of Jammu and Kashmir. It is a matter of deep regret that the Government of India remains set on a course of action which deliberately ignores and flouts the decisions of the Security Council of the United Nations.

6. In view of the foregoing, the Government of Pakistan is constrained once again to protest strongly to the Government of India against the aforementioned unilateral measures to further “integrate” the State of Jammu and Kashmir to the Indian Union.

The Ministry avails itself of this opportunity to renew to the High Commission for India the assurances of its highest consideration.

The High Commission for India in Pakistan.
3, Bonus Road, Karachi.

* The High Commission for India in Pakistan in replying to this Note reminded the Foreign Ministry of Pakistan that “The baseless allegations made in the Note have been repeatedly exposed in the past by the Government of India and its Representatives in the Security Council. The matter was fully dealt with in the Security Council on 5 February, 1964, by India’s Education Minister, Shri M.C. Chagla” and rejected the Pakistani note terming it “as an uncalled for interference with the domestic affairs of the Indian union.”
Note Verbale of the Pakistan Ministry of Foreign Affairs to the High Commission for India in Pakistan regarding the speech of Lal Bahadur Shastri in the Lok Sabha on February 19, 1964.


No. B-1308-PID/64 April 4, 1964

The Ministry of Foreign Affairs presents its compliments to the High Commission for India in Pakistan and has the honour to state that a statement made on the floor of the Lok Sabha on 19 February by Mr. Lal Bahadur Shastri, Minister without Portfolio, to the effect that “the Security Council had themselves declared Pakistan an aggressor in Kashmir” has come to the notice of the Government of Pakistan. It is a matter of regret that a responsible minister of the Government of India has chosen to deliberately distort and misrepresent facts on the floor of the Lok Sabha.

2. The Government of India cannot be unaware of the fact that on no occasion the Security Council has ever given a finding even faintly resembling the statement made by Mr. Lal Bahadur Shastri. On the contrary, it is common knowledge that numerous attempts made by the Government of India from time to time to have Pakistan branded as an “aggressor” have been rejected by the Security Council.

3. It is, therefore, evident that the statement made by Mr. Lal Bahadur Shastri is not substantiated by facts and that the allegation made therein is completely false.

4. The Government of Pakistan reiterate the fact that the resolutions of the UNCIP of 13 August 1948 and 5 January 1949 and the resolution of the Security Council of 30 March 1951 as further reaffirmed in its resolution of 24 January 1957 clearly envisage that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

5. The Government of Pakistan strongly protests against the miss statement of facts by Mr. Lal Bahadur Shastri and trusts that in future the Government of India will desist from acts and utterances likely to further aggravate tension between the two countries.

6. The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

The High Commission for India in Pakistan, Karachi.
0413. Protest Note by the Ministry of External Affairs handed over to the Embassy of Indonesia regarding reference of Kashmir in the Joint Communiqué issued by the Foreign Ministers of Indonesia and Pakistan on April 17, 1964.

New Delhi, May 16, 1964.

Ministry of External Affairs

The Ministry of External Affairs presents its compliments to the Embassy of the Republic of Indonesia in New Delhi and has the honour to invite its attention to the joint communiqué issued by the Foreign Ministers of Indonesia and Pakistan on April 17, 1964. In this communiqué it is stated: “They (foreign ministers) agreed that this dispute involved the question of fundamental rights of the people of Kashmir and that this dispute impaired the growth of friendly relations between Pakistan and India, affecting also the development of Asian - African solidarity. The two Foreign Ministers, therefore, called for an early solution of this dispute in accordance with the wishes of the people of the State and other provisions as envisaged in the Security Council resolutions which were accepted by both India and Pakistan”.

2. The Government of India deeply regret the Government of Indonesia’s decision to associate themselves with such an unfair and partisan view of the Kashmir question. The joint Communiqué completely ignores Pakistan’s continuing aggression on the Indian Union territory of Jammu and Kashmir, two fifths of the area of which Pakistan has occupied by force and in violation of the Charter of the United Nations. The fact that Pakistan by its failure to withdraw its troops from Kashmir has violated the United Nations resolutions and thereby rendered them inapplicable, seems to have been forgotten. The communiqué also ignores the surrender of over 2,000 square miles of Indian Union territory by Pakistan to the People’s Republic of China, when Pakistan has no common border with that country and no legal rights, whatsoever, to part with territory which is not Pakistan territory.

3. In the Joint Communiqué solicitude has been expressed for the development of Asian and African solidarity. This is an objective to which Government of India are completely dedicated and for the attainment of which, as the Government of Indonesia are aware, they have worked, unceasingly, within and outside the United Nations, ever since their independence. By now taking sides on this long standing issue, instead of maintaining a non partisan attitude, which Indonesia had adopted for the last 16 years, the Government of Indonesia have done little to further the cause of Asian and African solidarity.
4. The Government of India note with surprise the references in the joint communiqué to the fundamental rights of the people of Kashmir. The dignitaries who signed the communiqué could not have been unaware of the fact that the people of India, including the people of Jammu and Kashmir who are part of the Indian Union, enjoy human rights and fundamental freedoms to an extent enjoyed by the people of few other countries in the world. The Government of India must reject any attempt to separate the people of Jammu and Kashmir on the ground of religion, as a people distinct and separate from the people of the rest of India. To the Government of India, it seems somewhat ironic that while the Pakistan Government has made itself a self appointed champion of fundamental rights of the people of Jammu and Kashmir, it has resolutely denied of these to its own people, has refused to hold any elections on the basis of universal adult suffrage and has suppressed by force the demand for self determination by the people of Baluchistan and Pakhtoonistan and denied adult franchise to its own people, despite the special clamour for this in East Pakistan in particular.

5. The Government and people of India have had the friendliest feelings towards the Government and the people of Indonesia. They recall the strong support given by India to the movement for freedom and independence by the Indonesian people and the vigorous support which India gave to Indonesia on the West Irian question at the United Nation. The Government of India are, therefore, disappointed that the Government of Indonesia have now chosen to identify themselves with Pakistan on the Kashmir question.

The Ministry of External Affairs avails itself of this opportunity to renew to the Embassy of the Republic of Indonesia the assurances of its highest consideration.

New Delhi, May 16, 1964.

The Embassy of the Republic of Indonesia,
New Delhi.
0414. Note Verbale from the Embassy of Indonesia in reply to the Note of the Ministry of External Affairs regarding Kashmir.

New Delhi, June 2, 1964.

Embassy of the Republic of Indonesia In India
New Delhi

No. 1452/k/SD/64 June 2nd, 1964

The Embassy of the Republic of Indonesia in India presents its compliments to the Ministry of External Affairs, Government of India and with reference to the Ministry’s Note dated May 16, 1964 without number, has the honour to state as follows:

1. Indonesia has always considered both India and Pakistan as sister Asian nations with whom it equally maintains the most cordial and friendly relations. It is the Government of Indonesia’s firm conviction that for the sake of Asian solidarity it is imperative that between Pakistan and India as two important pillars of that solidarity the best possible relations must exist. In this context the Government of Indonesia has noted with the gravest concern that the continuing ill effects of the unsolved Kashmir problem have made the development of good neighbourliness between these two countries difficult.

2. Aware of the highly complicated nature of the Kashmir problem, the Government of Indonesia cannot do otherwise than observe strict impartiality in the dispute. The Indonesian Embassy wishes to assure the Ministry of External Affairs that the Government of Indonesia has always maintained this position. However, this should not be construed as indifference on Indonesian part vis-a-vis the grave consequence that might result from recent developments of the Kashmir problem in the relation between India and Pakistan. The Foreign Minister of Indonesia indeed has seized the occasion of issuance of a joint communiqué with the Foreign Minister of Pakistan to express the measure of Indonesian concern with regard to the state of affairs in the dispute. It is in this context that the statement of Indonesia’s Foreign Minister on the Kashmir problem must be viewed.

3. As far as the position of the Government of Indonesia is concerned, in the profound desire to see that the dispute be solved through musjawarah so that friendly relations between Pakistan and India can be fully restored, it has felt persuaded to offer through the statement of the Indonesian Foreign Minister a prudent suggestion as to what possible approach towards finding a solution of the Kashmir problem could be fruitfully explored. It need be stated that in so doing the Indonesian Government has not considered the issue from a position
associating itself with views advocated by either of the parties, or as a matter of taking sides or not taking sides. Indonesian guiding consideration has been her conviction that in situations similar to that of the Kashmir problem the efficacy of applying the principle of self determination exercised by the people concerned is indisputable. It is on the basis of the above and previously mentioned considerations solely and exclusively that the statement of the two Foreign Ministers must be viewed. It would, therefore, be doing less than justice to take said statement as an indication of Indonesia having associated itself with “an unfair and partisan view of the Kashmir question”. For that matter the Embassy of the Republic of Indonesia can not accept as valid the opinion of the Government of India concerning the Indonesian Foreign Minister’s statement as “unfair and partisan”.

The Embassy of the Republic of Indonesia avails itself of this opportunity to renew to the Ministry of External Affairs, Government of India, the assurances of its highest consideration.

Ministry of External Affairs,
New Delhi.

０４１５．Letter from the Prime Minister Lal Bahadur Shastri to Pakistan President Ayub Khan.

New Delhi, July 5, 1964.

Dear Mr. President,
I have had to submit to medical advice and to cancel my visit to London for the Commonwealth Prime Ministers’ Conference. I had been greatly looking forward to the opportunity of making the acquaintance of Heads of Government of fellow Commonwealth countries. I was specially looking forward to the pleasure of meeting and talking over with you how best to build up friendly and cooperative relations between India and Pakistan. It is my profound regret that I shall now be unable to do so.

You have given expression, in your broadcasts of the 1st June and 1st July 1964, to your keen desire for establishing friendly relations between India and Pakistan. I greatly welcome the sentiments expressed by you. I have myself on a number of occasions in recent weeks and in my letter to you of June 11, 1964, reaffirmed our sincere desire to begin a new era of harmony and understanding between our countries, in place of the acrimony and bitterness
which have hitherto bedeviled our relations. This is a task well worth striving for, since on the fulfillment of it depends the happiness and prosperity of our peoples. I do agree that we should take an early opportunity to meet and discuss our problems.

This letter is being carried by my friend and colleague, Shri TT. Krishnamachari, whom I hope you will be kind enough to receive.

With warm regards and best wishes,

Yours sincerely

Lal Bahadur

His Excellency
Field Marshal Mohammad Ayub Khan, N. PK., H.J.,
President of Pakistan,
Rawalpindi.

0416. Letter from Pakistan President Ayub Khan to Prime Minister Lal Bahadur Shastri.


Dear Mr. Prime Minister,

Thank you very much for your letter of the 5th July, 1964, I was disappointed to learn that you had to cancel your visit to London. I hope you will soon regain full health and feel your old self again. I look forward with pleasure to our meeting in the near future.

2. It is so important for both of us to move along with the times and not to let the dead past continue to poison our relations. I have always believed that a time would come when those in charge of the destinies of our two countries would have to get together to resolve their differences if any to avoid mutual ruin. I think that moment has now arrived. Under your able leadership in India it should be possible for our two countries to cooperate in order to settle our disputes. I assure you we will welcome and fully reciprocate every move that you make towards finding ways and means to settle our unhappy differences. Personally I am sure that nothing is more important to you, as it is to me, than to end the present tragic, and bitter state of our present relations.
3. Please accept my very best wishes for your rapid and complete recovery.

With kindest regards,

Yours sincerely,

Mohammad Ayub Khan

His Excellency,
Lal Bahadur Shastri
Prime Minister of India,
New Delhi.

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Begins:

“As you know there have been some discussions about the desirability of an early meeting between our President and your Prime Minister. It occurs to me that a prior meeting between you and me would be helpful in paving the way for the proposed summit meeting. I should therefore be very happy if you could visit Rawalpindi as early as possible. On hearing that you can do so we would fix a mutually convenient date for this purpose.

In this connection I would like to recall the conversation that Mr. T. T. Krishnamachari had with our President in London at the time of the recent Commonwealth Conference. While discussing how Kashmir dispute may be settled, our President informed Mr. Krishnamachari that since every one of the draft solutions put forward by the UN Representative had been accepted by Pakistan and rejected by India, it was now for India to suggest an equitable solution. I hope that when you come it will be possible to discuss the specific manner in which this dispute may be resolved so that we can carry this question forward and prepare the ground for a meeting between our President and your Prime Minister.”

Ends

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0418.

TELEGRAM

From: Foreign New Delhi,
To : Hicomind Karachi
No. 24642 September 1964 (date not clear)

High Commissioner from Commonwealth Secretary

Please transit following message from our Foreign Minister to Pakistan Foreign Minister in reply to latter’s message received through Pakistan High Commissioner on the 11th September.

Begins.

“I thank you for your message which was conveyed through His Excellency the High Commissioner for Pakistan in New Delhi.

2. I would be delighted to visit Pakistan and to have the opportunity of meeting you and of paying my respects to His Excellency the President of Pakistan. I agree that anything that you and I can do to promote understanding and create a favourable atmosphere for summit talks would be very welcome. I would be happy to discuss with you during my visit the whole range of Indo-Pakistan relations and the ways and means of resolving all our differences, so that India and Pakistan should live together.

3. My visit to Pakistan at your invitation could only be fruitful and serve the purposes which both you and I have in view, if there is a forward looking approach to the solution of the problems between our two countries. As you are aware, it is our earnest hope and desire to establish friendly and cooperative relations with Pakistan and to resolve all our differences in a spirit of friendly understanding and good neighbourliness. Eloquent expression to this desire has been given in the public statements by my Prime Minister and your President has expressed identical sentiments. The translation of such sentiments into practice will require a sincere search for equitable solutions by both our Governments. The responsibility for finding such solutions for the Kashmir situation as well as for other problems between us rests on both of us. On my part I shall look forward to our meeting and exchange of views in this spirit.

4. Because of my immediate parliamentary and other preoccupations and the Cairo Conference of non aligned States next month, I am not in a position at present to indicate when I may be able to visit Pakistan. I have mentioned this to Your High Commissioner and shall get in touch with him again later about finding a mutually convenient date.”

Ends.

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Protest Note of the Ministry of External Affairs handed over to High Commission for Pakistan in India.

New Delhi, September 9, 1964.

1. The Ministry of External Affairs presents its compliments to the High Commission for Pakistan in India and has the honour to bring to their notice the following report which appeared in the *HINDUSTAN TIMES* on 9 September 1964:

   "The AZAD Kashmir flag on the President’s house in Muzaffarabad, headquarters of Pak occupied Kashmir, has been hauled down and replaced by the Pakistan flag, according to reports reaching here.

   Similarly the ‘Azad’ standard has given place to the Pakistan flag on all government buildings in Muzaffarabad according to these reports."

2. As this report has not been contradicted by the Government of Pakistan, it is presumed to be correct. The Ministry is surprised that the Government of Pakistan should have taken a step which is a blatant infringement of the sovereignty of India and a further act of aggression on its territory. The Government of Pakistan will recall that the United Nations Commission at its 29th meeting held on 5 August 1948, decided that "it should avoid any action which might be interpreted as signifying *de facto* or *de jure* recognition of the ‘Azad Kashmir Government’." (S/1100, para. 69) The United Nations Commission also recorded that the Government of Pakistan itself had not granted recognition to the so called Azad Kashmir Government, “in view of the implications which might ensue”. (S/1100, para 132). It now appears that let alone recognizing an unlawful authority called the Azad Kashmir Government, the Government of Pakistan itself has taken the place of that authority.

3. In other words, the Government of Pakistan which is required to vacate aggression on the Indian Union territory of Jammu and Kashmir has now chosen to incorporate it into Pakistan in violation of the Security Council resolution of 17 January 1948, and the assurances which the Government of Pakistan gave to the United Nations Commission, the Security Council and its representatives. The Government of India strongly protest against the high handed and unlawful seizure and appropriation of Indian territory and would like to make it clear that the Government of India can never accept such a blatant infringement of Indian sovereignty.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for Pakistan the assurances of its highest consideration.

New Delhi, 23 September 1964.

The High Commission for Pakistan in India,
New Delhi.

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0420. Note Verbale of the Indian Ministry of External Affairs to the Foreign and Commonwealth Missions stationed in New Delhi regarding distribution of bulletins, literature etc by them in contravention of the procedure laid down.

New Delhi, November 10. 1964.

No.DII-451(18/62)/64. November 10, 1964

The Ministry of External Affairs present their compliments to Foreign and Commonwealth Missions in India and, in inviting their attention to this Ministry’s communications No.F.32/9-XPP/58 dated 28th August, 1958 and No.E.25/53-XPP/61 dated 21st September, 1961, have the honour to say that it has come to the notice of the Government of India that there is continuing distribution by some Missions of bulletins, pamphlets, publications and other literature in contravention of the procedure set down in the communications referred to above.

2. Foreign and Commonwealth Missions in India are aware that the Vienna Convention on Diplomatic Relations, 1961, lays down that the functions of diplomatic missions consist *inter alia* of “promoting friendly relations between the sending and receiving States.” The Convention also agrees that diplomatic missions have a duty not to interfere in the internal affairs of the receiving State. The *raison d’être* of the privileges and immunities enjoyed by diplomatic missions is that the receiving State should give every facility for the efficient performance of the functions of a diplomatic mission. These privileges and immunities cannot, however, be used to injure the interests of the receiving State, internally or in its relations with other friendly States.

3. The Ministry of External Affairs wish to draw the attention of Foreign and Commonwealth Missions in India to the requirements of the procedure laid down in the communications referred to in paragraph 1 above. While the Ministry do not wish in any way to interfere with the dissemination of information and legitimate publicity material by Foreign and Commonwealth Missions, they are unable to permit the dissemination or distribution of any publicity material, through whatever media, which -

(a) Is clearly in contravention of the internal laws of India;

(b) Is hostile or unfriendly to India or which has the effect of creating illwill against the Government or people of India;

(c) Is likely to promote ill-feeling between different sections of the people in India; and
(d) Is designed to or may have the effect of creating ill-feeling against a third country, with which India has friendly relations.

4. The Ministry requests the cooperation of Foreign and Commonwealth Missions in India in regard to the observance of the principles set down in the preceding paragraph, and compliance with the procedure detailed in the circulars referred to in paragraph 1.

5. The Ministry takes this opportunity to renew to all the Foreign Missions in India the assurances of their highest consideration.

All Foreign & Commonwealth Diplomatic Missions in India, New Delhi.

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* The note was issued after it was found that Pakistan was consistently flouting the rules in this regard. Several notes were exchanged between India and Pakistan calling upon Pakistan to desist from anti-Indian propaganda but to no avail.
From: Hicomind, Karachi
To: Foreign, New Delhi

Reptd – Hicomind, London (for Commonwealth Secretary) (who was in London)

IMMEDIATE


Foreign Minister from Parthasarthi.

Reference para 5 of JHA’s telegram 14 dated 8th January to you. I have given my views in my letter HC-2/65 January 6 to JHA copy of which has been sent to GUNDEVIA.

2 Judging from viciousness of anti-Indian campaign during the elections and Pakistan’s consistent policy of maximizing pressure on us we have every reason to conclude that Pakistan is not interested in talks with us for settlements but only for propaganda. I feel therefore that we should proceed with caution in taking the initiative for talks while maintaining our present posture of seeking friendly relations with Pakistan.

3. I had thirty minutes talk with BHUTTO in which I tried to probe his mind. I asked him what his ideas were in regard to resumption of talk with India. (He had told me on 1st December last that we could discuss this after the elections). BHUTTO said that he had visualized a serious effort to resolve our difference particularly on Kashmir in the spirit of the SHASTRIJI-AYUB talk but the situation has changed because of the steps we had taken since to integrate Kashmir more firmly. This step he asserted indicated clearly that we were not interested in a friendly solution. He proceeded to say that Pakistan seemed to be up “against a wall” as India was closing the door in a negotiated settlement. I expressed regret at what he said and added that we should strive for peaceful settlements as the alternatives were conflict and misery to millions of people. I pointed out that the constitutional changes we had made in regard to Kashmir were normal processes in the interest of good government and maintenance of security; they were in no way different from internal measures taken in the past and should not come in the way of talks between us. I added that Pakistan’s step two years ago in illegally disposing of Kashmir territory in its boundary agreement with China had been a basic alteration in the status quo and yet we had continued talks with them. I concluded by saying that the only approach towards a peaceful solution was discussion without prejudice to basic positions of both countries.
4. BHUTTO then asked me what the position was in regard to your acceptance of the invitation to visit Pakistan. I said that I had communicated his idea that the visit could take place early in February adding that you had discussed the matter with ARSHAD HUSSAIN. I stressed that you were quite willing to pay a goodwill visit to Pakistan. BHUTTO said February seemed a crowded month because of foreign visitors. I said you had also a busy schedule and our budget session would be starting in middle February but expressed the hope that a mutually acceptable date could be worked out.

5. As regard the two meetings which were postponed BHUTTO said the talks on cease fire line incidents concerned the Foreign Office and the Defence Ministry and he would have to hold consultation on this subject after his return to Pakistan on 27th January. He indicated that he would get into touch with me after his return but gave no commitment as to possible dates. As for the Home Ministers’ meeting on “evictions and migrants”, he said there should be no difficulty in fixing a date in consultation with his Home Minister.

6. As I was leaving BHUTTO said that he was glad to have this general talk with me adding “we have not taken our bearings yet after the elections”. I think this last remark sums up the position. From other information available to us also it seems no decision has yet been taken about an immediate reference of the Kashmir issue to the U.N. No doubt it will be finalized after BHUTTO takes soundings in Moscow London and New York.

7. In his talks with foreign governments BHUTTO will make much of the constitutional changes we have made in Kashmir as a clear indication that India has closed the door on friendly negotiations and that we do not desire a settlement with Pakistan. We have already taken steps to counter this propaganda by stating the correct position particularly the facts that it is Pakistan’s hostile activities in the cease fire line and in Kashmir which are largely responsible for our taking protective measures. We have also repeatedly affirmed as Prime Minister and you have said often in public that we earnestly desire to resolve our differences with Pakistan and live in friendship with her. (I drew BHUTTO’s attention yesterday to the passage in Congress President’s address regarding Pakistan.).

8. As regards the revival of the two postponed meeting the ball is really in Pakistan’s court as it was at her request that the conferences were put off. We have put ourselves in a good position for the record by again expressing our desire to start talks as has been clearly stated by the Commonwealth Secretary to AZIZ AHMED in London. I feel that no further initiative is called for from us in this respect. It is significant that while BHUTTO evaded any commitment regards the cease fire line talks he seemed to consider that a Home Ministers’ meeting could be arranged at an early date. The Pakistanis evidently wish to give priority to such meetings where they feel the propaganda advantage lies within them.
9. Post-election trends in Pakistan are intricate and it is not clear whether or not AYUB will follow a policy of conciliation internally and externally. Picture may not be clearer for some weeks as the regime has still to face the Assembly elections. We have to watch trends carefully before making a final assessment. Until some definite indications become available that the post-electoral regime is willing to cooperate in constructive efforts in search of settlements our own policy must take account of the more propagandist aims Pakistan seems to be pursuing. I therefore feel we should work on the following lines:

(a) persist with further representations to foreign governments regards the evidence revealed by the elections here and by hostile activity along the cease fire line that Pakistan is only interested in keeping up tensions with us,

(b) Press for talks on the cease fire line after BHUTTO’s return,

(c) Avoid expressing any further interest in a Home Ministers’ conference unless Pakistan approaches us in which case we can consider our position,

(d) Indicate informally the dates which might be convenient for you to come on a goodwill visit to Pakistan if possible in February. I feel such a visit could be extremely important both because it would enable you to probe the minds of the Pakistani leaders and because it could be presented as further proof of our earnestness in developing friendly relations. It seems to me that the steps suggested within the above limits would be helpful as preparations either for further discussions or for a contest in propaganda depending in which way Pakistan goes.
Letter from Indian Deputy High Commissioner in Dacca A. K. Ray to High Commissioner G. Parthasarathy regarding President Ayub Khan's visit to East Pakistan.

Dacca, February 9, 1965.

No. DAC (POL)/101/1/5 February 8, 1965.

Subject: President Ayub Khan’s visit to East Pakistan: January 15 – 25, 1965.

My dear Sir,

President Ayub Khan has come and gone. He arrived in the 15th January, 1965 and left on the 25th January, 1965. In between, he visited Cox’s Bazar, Kaptai and Chittagong, and apart from taking part in a few official functions, did what he could in the nature of political fence-mending, intrigue, and planning for the forthcoming Assembly elections. It had been let out in the Press before his arrival that he planned to visit a number of districts in East Pakistan, personally to take the Basic Democrats who had voted for him, but no such program materialized in fact. His activities or at least, as much of them as could be gleaned from the press are given in brief in the Annexure to this letter (not included here).

2. It was in fact a political visit and not an official one. The Diplomatic and the Consular Corps were not invited to be present either at the arrival or at his departure. They were, however, invited to a few of the public functions arranged on his account. The only direct contact between the President and the Diplomatic and the consular Corps was through his wife at a dinner given in her honour by Begum Monem Khan, the Governor’s wife. It was, of course, noticed very carefully that this was the first time Begum Ayub khan came to this part of Pakistan, and not only she, but also the President’s daughter Mrs. Nasim Aurangzab, and Son Akhtar Ayub, and two grand-children. This zenana (ladies) dinner at which Begum Monem Khan presided in a sort of ‘purdah-ed’ immobility was a rather mismanaged affair which could have been worse but for the valiant efforts of the wife of Monem Khan’s Military Secretary and the grown-up females among the Governor’s fifteen children. The ‘zenana’ of the Presidential line created generally a good impression among the guest.

3. The first public function arranged for the President was a Civic Reception given by the Dacca Municipal Corporation (or more accurately, by its nominated
Chairman who apparently had not kept his colleagues informed of his plans) at Ramna Maidan on January 17. It was a rather poorly attended function, and there was no sign at all of any great public enthusiasm. Attendance was by invitation only, and there could have been more than 1200 persons present including a fair sprinkling of the riff-raff. The security precautions were, of course, too strong to remain unobtrusive. The interesting part of the function was reading of the welcome address when audible comments of an adverse nature on its contents could be heard all around. You may recall that in one part of the maidan there is a smallish pavilion—a cross between a mediaval Bengal Hindu temple, and a mosque. This structure had been draped with multi-coloured transparent nylon drapery billowing in the breeze. In front was a silver-gilt chair—something like and economy-style throne. Ayub came in this brown suit and Jinnah cap and sat there—very much like the sun-tanned viceroy.

4. There were only three points of note in the speech he delivered there:-

(i) He wanted the people to strengthen his hands by sending honest, sincere and patriotic persons to the National and the provincial assemblies, who would help in fulfill the promises he had made;

(ii) He hoped that all controversy over the Constitution would now rest; and

(iii) He asserted that political opposition there has to be, but political enmity will not be permitted.

He repeated the same theme at the public reception given by the Convention Muslim League party. At the function arranged for him by the East Pakistan Sports Federation, he talked about the need for adequate scope for the youth to participate in games and sports, and about ensuring parity between the two wings of Pakistan in the field of sports. This was the extent of the President’s meeting the people at the capital. He attended another civic reception at Cox’s Bazar on January, 21.

5. That the visit of the President was entirely of political nature in borne out by the fact that the Convention Muslim League Party’s executive met in Dacca at the same time and produced the famous recommendations including the one about taking appropriate punitive action against some local dailies who had shown “disloyalty” during the election campaign. (Please see M.K. Roy’s letter No. DAC (POL)/102/2/65, dated February 2, 1965 to Bajpal). It was also significant that the Muslim League Parliamentary Party met him at his house in Dacca on January 16, and that of all people it was Abd-Allah Zaheeruddin who gave a banquet in his honour. Even the banquet given by the Governor was also a political one and not the usual official one.

6. You had already enquired about the minorities’ delegation which met
Ayub on January 20 (Vide Kaul’s telegram No.40, dated January 21, 1965 and our reply thereto). A few more details about that meeting are now available. It is quite true that Minister Bhawani Biswas engineered the whole affair, and having secured an audience with the august personage for his chosen associate, he found himself unable to resist the demands others, like Jnan Dutta and Rasaraj Mandal for inclusion. The trouble then arose over who should introduce the delegates to the President and who should act as the spokesman. In his own opinion, Bhawani Biswas himself was, of course, the obvious choice, but, as he himself said, he did not want to be associated with any ‘nonsense’ that some of the delegates might talk in front of the President. As it turned out, by remaining in the back row and leaving the delegates to introduce themselves, Biswas had shown, not a sense of delicacy, but a flair for saving his own neck.

7. Bhawani Biswas said, and I am inclined to believe him, that it was Jnan Dutta who started with the complaint about the lack of adequate representation for Hindus not only in the legislatures, but also in the services etc., the difficulties faced by the Hindus in business etc. And Ayub reportedly choked him off saying, “have I not told you repeatedly to form a committee, sit down, work out your problems, and then discuss them with the Governor and my officers?” That was apparently the end of Jhan Dutta’s recital of the woes of the Hindus. Mandal then opened up about the need for preferential voting and proportional representation so that the minorities could get adequate representation in the legislature. Ayub pointed out that Pakistan did not have a parliamentary system, and therefore these ideas were irrelevant. As Mandal continued to explain how even the Basic Democracy system could operate on preferential voting provided there were multi-member constituencies etc. Ayub flared up and said, “My dear friend, you are talking damned nonsense!” After this, the meeting between the so-called minorities’ delegation and the President petered out into polite leave-taking. Bhawani Biswas felt very happy that both Jnan Dutta and Rasaraj Mandal were so discomfited, and saw his way clear to canvassing with the President his pet notion of the nomination of one Hindu from each district of East Pakistan to the provincial assembly. In his opinion the Hindus have no option but to be entirely for the regime and this is the line that he had taken during the Presidential election and is also likely to take during the election to the legislature. In this connection, I may also refer to my letters Nos. DAC (POL) 290/1/65, dated February 2, and 3, 1965.

8. There is little doubt about Ayub’s lack of concern over the fate of the minorities in East Pakistan. In terms of his own power and its future, they do not count. In the elections to the National Assembly the proportion of the votes of the Muslims and Hindus is about 19:1 and as regards election to the East Pakistan Assembly it is 10:1 or so. Ayub does not, apparently need minority votes except to secure an overwhelming majority for his own party in the East
Pakistan Assembly. In this context it is quite significant that he has been advising that the Hindus should take their problems to Gauleiter Monem Khan.

9. In terms of internal politics, the President’s visit has produced interesting developments. I had already reported that for quite sometime there has been a talk of Monem being replaced. Ayub had the need for an obedient thug (tough character) in East Pakistan and Monem has served him well in that capacity. Monem naturally expected that he would have some say in the choice of the successor - a least to see that it was not Waheeduzzaman’s man that Ayub chose. In this he banked on his political and other alliances with Sabur Khan. Ayub took a leaf out of the books of the Mughals and gave patient hearing to pleas from various sides, cast his necknazar (benign look) around, and his by now succeeded in creating an intense throat-cutting competition in the pro-regime coterie here. Disregarding the claims of Sabur Khan, Wahiduzzaman was made a member of the P.M.L. Parliamentary Board. Sabur felt so slighted that he did no attend Governor’s banquet for Ayub, although he was in Dacca and in good health. He has now completely fallen out with Monem Khan. Kazi Abdul Kader, an ambitious man, is an enemy of Monem’s. Wahiduzzaman is also the same. Seeing the way the political wind is blowing, Hasan Askari has also deserted Monem Khan, with the result that the incumbent Governor is now politically alone. Apparently, in his expectation of something or the other, Shamsuddoha has resigned his present appointment in the Public Service Commission. Ambassador Habibur Rahman has also come home from Switzerland. And, of course, every aspirant to the Governor’s gaddi (chair) says that the President has spoken personally etc. How this medieval intrigue will end eventually, one does not know. If I am to believe a report that has reached us, Monem Khan has written to Ayub asking to be relieved on grounds of ill health: Now the competition will be in earnest.

10. I have a feeling that all this does not bode well for East Pakistan. It will be an unmitigated disaster for all but a few should Shamsudoha be appointed Governor. Habibur Rahman, I am told is a man of strew, and will easily bend with the wind. And Kazi Abdul Kader is concerned only with the fulfillment of his own ambitions.

11. A question that arises is what impression or understanding of East Pakistan Ayub carried back with him. Ayub has three distinct sources of information: his political organization in the civil government, the Armed forces, and Central Intelligence. It is not certain that these three corroborate one another. The member of his civil government, I hear, try to insulate him from the unpleasant fact of life in East Pakistan. On the other hand, the armed forces see much more of the actual trend and furnish him with some unpleasant details, and probably also, in their own way, try to be assimilated into East
Pakistan life. Of the latter, we saw a good example at the Armed Forces Day celebrations on January 10, where three fourths of the programme were meant to appeal directly to East Pakistani sentiments. What the Central Intelligence purveys to the President we do not know? Yet, there were ugly stories circulating during Ayub’s visit, and they do have an importance in as much as they tend to reflect at least the wishful thinking of persons’ awake enough to be concerned with the state of the country. Here are some samples.

12. Although the crowd to welcome Ayub at the airport this time was far larger that the previous one, the city itself was somewhat tense and glum. There was no sign of public rejoicing except for a few ordinary decorative gates erected along the route. Ayub felt the atmosphere of Dacca to be hostile and suffocating; so much so, that he felt he had to leave Dacca for a while. This is said to be the reason for the hurriedly arranged trip to Cox’s Bazar which had not originally been included in his programme. In the same context, it is said that the main reason for his dropping the idea of touring these districts now was that such a visit now might once again turn the latent opposition to his regime into violent outbursts which could then be utilized by the Opposition.

13. There was also another story that since the alleged attempt on his life (when someone took pot-shots at him in his Rawalpindi residence sometime ago- the reference is to the ‘minor operation’ he underwent), he has been appearing in public, with a bullet-proof vest under his shirt, and that he is concerned about the possibility of his life being in danger in East Pakistan. Does Ayub then really see in the popular opposition to him the legacy of the terrorist movement in this part of Bengal? It is known now that he was really afraid that he would lose in East Pakistan, and the Armed Forces had been alerted to organise a take-over in case the civil government failed to handle the chaos that could result from a COP victory here.

14. Yet another tale said that the Armed Forces did not like the way he ‘politicked’ in East Pakistan. It was unseemly for a Field Marshal to beg people for votes. He should have, they felt, put the issue straight to the BD’s with the mailed first prominently brandished. One does not really know if Ayub now finds East Pakistan beyond his depth. At least one significant example of his alleged uncertainty was the rather faltering speech he delivered at the Ramna Maidan Civic Reception. It was not, as I felt, a strong forthright personality who has won his second term, but a faltering alien who was not sure if he was saying the right thing. Round every bend, was the “I” which meat Pakistan, and yet all this was delivered with a stutter that was somewhat more pronounced than the Sandhurst copyright.

15. Members of Ayub’s entourage have been talking about his increasing intolerance of people and affairs. They were saying that Ayub is becoming
increasingly short-tempered and unwilling to listen to anything that is not entirely pleasant. Ayub has his own vision about becoming a new Nehru – a different Nehru, for the Afro-Asian world, and can neither stand nor understand a setback, however small, to this ambition, and genuinely believed that in electing him, the B.Ds have saved Pakistan.

16. If all this, or even a large part of all this, is true, Ayub shows the ominous signs for the kind dictator who not only rules through his police and his army, behind the façade of pseudo-democracy, but also has visions about himself. To such a dictator, his own concept can be sustained only by success in whatever he undertakes. Any vocal or practical opposition, of recognizable size, to him in East Pakistan detracts that much from the image. Therefore, if he has not gone back with a better understanding of East Pakistan, consequences can be grave indeed.

Yours sincerely
(A.K. RAY)

Shri G. Parthasarathi,
High Commissioner for India in Pakistan,
Karachi.

❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖

My dear Ambassador,

Thank you for your letter No. AMB/71/65, dated February 18, 1965.

* * * *

5. I agree with your analysis in paragraph 4 of your letter. The Pakistanis are trying their best to dislodge the Soviet Union from its existing stand on Kashmir. Bhutto seems to have done the preparatory work and, frankly, we are somewhat surprised and concerned at parts of Mikoyan’s talks with Shrimati Indira Gandhi, which seems to indicate some bias towards Pakistan. Ayub will not doubt work further on the ground prepared by Bhutto. A slight shift in the Soviet position was already noticed at the Security Council meeting last year on Kashmir question; and it is possible that even though their basic stand on Kashmir should remain unaltered, the USSR might not give us the same support on procedural aspects as before. You have suggested that we must face this prospect with realism and flexibility and should try to search for new initiatives with a practical basis. I agree with you that we should not rely entirely on the Soviet veto on Kashmir. It is not easy, however, to decide what new initiatives can be taken with regard to Kashmir. Members of the Security Council on the last occasion – one and all, including the Soviet Union – desired that India and Pakistan should, in direct negotiations and without third party intervention, try to reach a peaceful and honourable settlement. We have ourselves agreed to such negotiations. We feel, however that it is no use commencing such negotiations without the right atmosphere being created. Thanks to the hate-India campaign which Pakistan is continuously indulging in and which it has revived during the last few months after a very brief period of moratorium after Prime Minister Nehru’s death, Pakistan does not give a chance for a favourable climate for negotiations to develop. It has also spurned practical suggestion we made in the past, e.g. establishing an international frontier on the cease-fire line subject to some modifications, and the idea of a confederation. It is difficult to envisage any progress in the direction of talks on Kashmir between India and Pakistan, in the near future. Our position on Kashmir, of course, remains firm. Kashmir is an integral part of India, and the only question in regard to Kashmir is that of aggression and continuing occupation by Pakistan of the two-fifths of the State of Jammu and Kashmir. We have stated this
position before the Security Council and elsewhere in the past. We intend to reaffirm this position more clearly and categorically in the future. This, as you will see, accords with your advice. Nevertheless, we feel that if without prejudiced to our sovereign rights we can reach an honourable and equitable political settlement with Pakistan, then, in our larger national interest, we should be quite prepared for such a settlement.

6. In regard to the references to Kashmir in the joint communique issued on the occasion of visits of foreign dignitaries to India and vice versa, our policy is that we do not do so in every case. For example, in the communiques issued after visits of General Ne Win, President Kekkonen of Finland and the Prime Minister of Afghanistan, no mention was made of Kashmir. Kashmir was mentioned in the joint communique by the Prime Ministers of India and France, to counter the reference to Kashmir in the French-Pakistani. Communiqué during the French Prime Minister’s visit to Pakistan. Likewise, if a visiting dignitary shows interest and brings up the question of Kashmir and Indo-Pakistan relations, we usually defer to his desire to say something about Kashmir. Sometimes, even if a visiting dignitary is not going to Pakistan, it is of advantage to have a paragraph included in the joint communique on Kashmir favouring direct negotiations without third party intervention. Such a statement is good from our point of view, as it indirectly denies U.N. responsibility or the applicability of U.N. resolutions.

With kindest regards,

Yours sincerely

SD/-
(C. S. Jha)

Shri T. N. Kaul,
Ambassador of India,
Moscow, U.S.S.R.
Letter from Deputy High Commissioner in East Pakistan A. K. Ray to Commonwealth Secretary Rajeshwar Dayal regarding Chinese activities in East Pakistan and President Ayub’s visit to China.

Dacca, March 6, 1965.

Deputy High Commissioner for India in East Pakistan

Dacca


Subject: Chinese activity in East Pakistan : Ayub’s visit to China.

My dear Sir,

President Ayub left Dacca for Peking on the 2nd March 1965, and is expected back here on the 9th March 1965. In this particular letter I propose to deal with a few aspects of this visit which are of great interest and concern to us.

2. The Government of India is already aware of the reported presence of various types of Chinese personnel in East Pakistan since October/November 1962. There have also been reports of the presence of Chinese military personnel in various districts of East Pakistan, but no specific identification has yet been possible. In my last monthly political report I had also indicated that we have received broad hints as to the anti-Indian activities of the Chinese Consulate General here. From the reports appearing in the local press it seems that Ayub’s visit to China and the Chinese adulation of a Head of State, who had once been regarded as one of the arch reactionaries supporting Western imperialism through military pacts etc., are not a thing in itself or an exercise in creating international goodwill. The one and only purpose is to dovetail the anti-Indian policies of Pakistan and China to such an extent and in such a manner as to exert the maximum possible pressure on us. This is borne out by certain hints about co-operation which have been made under the façade of international co-operation for mutual benefit.

3. Before Ayub left he made an extremely obnoxious statement about our budget and defence expenditure and followed it up with another broadside against us in his first of the month broadcast on March 1, 1965. In that context comments appeared in the Press that Pakistan will naturally acquaint China with her fears about our military power and that even if Pakistan could not secure any material support it could at least expect moral support from China. There is a persistent feeling here that Ayub will utilise this trip to come to a
board military understanding with China; what specific role this understanding will play in terms of the objectives of Pakistan’s India policy I shall deal with this letter. At this point I would suggest that we consider this understanding a serious possibility and for all practical purposes assume that it exists.

4. As regards certain other aspects, I quote blow from the Morning News, Dacca, of March 2, 1965:-

“As some top experts are also included in the team, it is quite likely that they will hold discussions on technical matters with Chinese scientists. It is also probable that the menacing flood problem of East Pakistan and water-logging and salinity in West Pakistan will be discussed by the experts of the two countries. The association of Mr. Abbas and Mr. Ishaque with the team is a pointer to that. The Chinese people have already solved their flood problem and the River Hwang Ho is no more the “sorrow of China.”

It is to be noted in this connection that Mr. B.M. Abbas, a member of Board of the East Pakistan Water and Power Development Authority, is a member of President Ayub’s entourage. Mr. Abbas belonged to pre-partition Bengal Irrigation Department and is by profession an irrigation engineer. The Chairman of the West Pakistan Water and Power Development Authority is also in the team.

5. A report appearing in the Pakistan Observer of March 3, datelined Peking March 2, said:-

“One of the foreseeable results of the confabulations at expert-level is a joint venture between China and Pakistan in tackling the vexatious and corroding flood problem in East Pakistan. The expert team of President Ayub includes Mr. B.M. Abbas of East Pakistan, WAPDA.

“China which had successfully solved one of its greatest problems of flood caused by Hwang Ho River (the sorrow of China) it is felt, definitely make considerable contribution to the solution of the problem.

It may be noticed that both the Morning News report and the Pakistan Observer report used practically the same language. It is more than probable that both the reports utilised the same hand-out issued by the Chinese Embassy in Karachi or the Chinese Consulate General here.

6. A PPA report in the Pakistan Observer of the same date says:

“Pakistan is believed to have submitted projects costing 1,200 million dollars to the Chinese Government to enable her to identify the fields in which it could extend aid to Pakistan.”
The same report continues saying that China had shown keen interest in Pakistan’s Third Five-Year Plan and had asked for a list of projects under the Third Five-Year Plan so that it could locate the fields of co-operation between the two countries. It further states that knowledgeable quarters in Peking said that President Ayub may raise the question of Chinese assistance to Pakistan’s Plans in order to make up the gap in foreign exchange requirements and expectations from other sources of aid. It mentions the possibility that China may be able to cover substantially the gap of 450 million dollars – at least to the extent of covering something between 100 – 200 million dollars – over the next five years. The same report quotes expert opinion to say that there are two things in which Pakistan could gain a good deal from the experience of China without imparting its own economic and social system; first, rural electrification and second, flood control. Also mentioned in this connection is their experiment with reclamation of desert lands especially in the great GOBI desert. The same report says that Pakistan could buy iron ore from China for its proposed steel-mill in Karachi being set up with Western help. This means that the same ore may be available for the Chittagong plant as well.

7. In principle there is nothing objectionable in Pakistan trying to secure economic aid for development from China. What is most curious is that Pakistan which has of late flirted with China while taking extreme care not to jeopardize its association with Western military blocs should now make such an open approach to China. The purpose therefore, considering the limited Chinese ability to extend massive economic aid abroad, must be something different. This is quite obvious from the background happenings shortly before Ayub’s departure.

8. We noticed that General Musa, Commander-in-Chief of Pakistan Armed Forces, made a long inspection trip to Pakistan military establishments in the area, ostensibly to carry out routine inspection. Curiously enough, a group of ‘Chinese tourists’ suddenly arrived in Dacca at the same time. Our reports are that they visited mostly those places which Musa had visited. They departed as quietly as they came. We are trying to secure some identification of this group and if successful we shall inform the Government promptly.

9. The most sinister aspects of this visit are: first, Chinese co-operation in flood control and secondly, Chinese aid for development projects, which, we are certain, will be mostly in East Pakistan? That the Pakistan Government has been bothered about the flood control problem in East Pakistan has been known over the years. The East Pakistan Finance Minister Hafizur Rahman told me that to devise effective flood control measures for East Pakistan was practically an impossibility. Some protection could be afforded by building embankments along the traditionally turbulent rivers but there was no way at
all to control the tremendous amount of water that flows down the Brahmaputra and the Meghan during the monsoons and for a few months afterwards. In this context I recall a fervent plea made by the Narayanganj Chamber of Commerce at their Annual Meeting for effective flood control measures. In this plea it was stated that for the time being Pakistan may not go in for large scale measure which would require consultation with and the co-operation of neighbouring countries – and here they mentioned India and China which is significant. The Governor in his reply to the speech delivered at the Narayanganj Chamber of Commerce Annual Meeting did not touch upon this question at all but said that the Government had a master plan and that a beginning would be made with the construction of some three thousand miles of embankments along the rivers which needed to be controlled. The basic problem for flood control measures in East Pakistan is therefore the control of the waters of the Brahmaputra. This is where Pak-China collusion comes in.

10. I understand that some months ago information had been conveyed to the Government of India to the effect that the Chinese were up to some mischievous deeds along the upper reaches of the Brahmaputra i.e. that part of the stream which is in Tibet. Looking at the map of this region one would easily realize that no control of the waters of the river Brahmaputra is possible without an overall plan to control the following rivers:-

i) Luhit – this river has headwaters in China.

ii) Dibang – the headwaters of this river are located south of Mcmahon Line.

iii) Dihang – this is the name for the Brahmaputra in the NEFA area before confluence with Luhit and Dibang.

iv) Subansiri – the Tibetan part of this stream is not properly identifiable, but it seems to have headwaters in the Chayul and Lhuntse areas.

v) The Kameng River with catchments area and headwaters entirely in the Kameng frontier division.

vi) Manas – this river originates in Tibet and flows through Bhutan before reaching Indian Territory. River Tawang is one of its tributaries.

vii) Sankosh.

viii) Amo (Torsa) – this river originates in the Chumbi valley and then flows through Bhutan into West Bengal and then joins the Brahmaputra in East Pakistan.
The above concerns the Brahmaputra basin so far as the right bank is concerned. If we are to consider the widest aspect of the conspiracy that is probably being hatched now in Peking, we have to take into account the Ganges and the Indus basins as well. So far as the Ganges basin is concerned, the most important river in this context is the South Kosi. Of the two upper branches – Sun Koshi and Arun – the latter originates in Tibet and flows through Nepal before joining the Ganges in India. So far as the Indus basin is concerned we have to look at the Shyok river west of Aksai Chin, possibly the upper reaches of Gilgit river are also involved.

It is quite possible that in the final communiqué there will be a declaration to the effect that Pakistan and China have agreed to collaborate in the matter of flood control in East Pakistan. Whether this is stated clearly and specifically in the communiqué or not, we may, in view of the previous information with the Government of India about Chinese plans with Brahmaputra, expect that there will be an approach to us to sit down with Pakistan and China to devise overall measures for controlling the flow of the Brahmaputra in which again we ourselves are interested because of the damage often done by this turbulent river in the Brahmaputra valley in Assam. Similar approaches are likely to be made with regard to the Ganges waters also. Whether we agree to join in a tripartite consultation or not there is nothing to prevent China and Pakistan from making loud noises about the possible flood control measures on these two rivers. Any reluctance on our part to join would be exhibited as selfish intransigence on our part. Particularly the East Pakistanis will be told that their sorrows from floods cannot be ended as we are not co-operating. On the other hand if we agree to join it would mean our being involved once again in a discussion with China on the old question of where exactly the border between India and China lies. This is a simple and effective method of turning the flank of the Colombo Proposals. It is therefore quite easy to see also what Pak-Chinese collusion in the upper Indus basin can do to our territorial integrity. At the same time we should not forget that there is nothing to prevent China from constructing flood control works on their own on any of the rivers mentioned above wherever the territory is now actually in physical Chinese control. Whether all this leads to better flood control in East Pakistan or not the damage to us will be there and this precisely is the objective that Pakistan and China seem to be seeking together.

A Sino-Pak agreement on Chinese assistance to development projects will automatically mean the introduction of large numbers of Chinese personnel of dubious antecedents and purpose into East Pakistan. This cannot under any circumstances be anything but prejudicial to our security. We should not
be surprised if this is precisely what Ayub has in mind. While we cannot prevent
economic collaboration between Pakistan and China and the consequent
introduction of Chinese military personnel into East Pakistan in the guise of
civilian experts and advisers we would be well advised to take corrective
measures immediately. This would mean the formulation of a clear politico-
military objective for us in this region and its enforcement in the face of every
possible Pakistani manoeuvre. It would be fruitless consolation for us to think
that with this collaboration with China, Ayub will probably be damaging the
long term interests of Pakistan itself because the actual limit of collaboration
with China that Ayub may really have in mind may not extend beyond the
possibility of doing immediate damage to us. This will also serve the short-
term objective of Chinese policy of driving one arm of the pincer through Assam-
Bengal region up to the Bay of Bengal. The vast implication of this pincer for
the Indo-China region is too evident to need any elaboration. Any Chinese
planner in his senses cannot but think of this.

14. The way this fits with in Pakistan's India policy are quite simple. As
Pakistan's present Ambassador to Washington, Mr. G.Ahmed, once put it very
succinctly in private conversation, Pakistan finds India too big for her comfort.
It is therefore Pakistan's policy to correct this imbalance created by geography
and history by "cutting down India to size". The detaching of Assam from India
would serve part of this purpose and this can be achieved through collaboration
with the Chinese. Part of Pakistan's assessment appears to be that if this in
fact happens and Pakistan must do its best to bring this about, India will probably
console herself with the thought that this has effectively shortened the frontier
with China. Neither Pakistan nor China expects any large scale involvement of
the Western powers in this particular region. This is based on the military
assumption that when the chips are down it is the Soviet Union which is the
real enemy of the United States and not China at least at present because
China is not yet strong enough to have a direct conflict with the United States.
For the time being therefore, so far as India is concerned, the application of
salami tactics could be both effective and useful.

15. I am told that Ayub does not really trust the Chinese. There is no reason
to think that the Chinese trust Ayub either. Their friendship therefore is only a
mutuality of limited interests. This can only mean their common enmity towards
India. Unless the Unites States' assessment of Ayub's policy regarding China
has undergone a change in the meantime, it used to be that Ayub can be
expected to go a long way with China out of sheer anti-Indian feelings but he
will definitely not go so far as not to be able to turn back. Whether this is
wishful thinking or not it would appear incorrect for us to depend on the possibility
of effective U.S. pressure on Ayub to desist from his pro-Chinese activities.
Counter-measures, if any, therefore have to be taken by us alone.
16. I have tried to give some indications of the dangers posed to us by what happens during Ayub’s visit to China. These need to be worked out in detail by those who are experts in the field. I feel that this matter needs urgent consideration because there is probably not much time to lose. If Chinese dialectic is still operating the way it has in the past, the year 1967 must be crucial in their time-table.

Yours sincerely,

SD/-
(A.K. Ray)

Shri Rajeshwar Dayal
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi

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0425. Note Verbale from the Ministry of External Affairs to the Pakistan High Commission in India regarding China-Pakistan Joint Communiqué.

New Delhi, March 13, 1965.

The Ministry of External Affairs presents its compliments to the High Commission for Pakistan and has the honour to invite attention to the China-Pakistan Joint Communiqué signed by Marshal Chen-Yi, Vice Premier and Minister of Foreign Affairs of the People’s Republic of China and Mr. Zulfikar Ali Bhutto, Minister of Foreign Affairs of the Islamic Republic of Pakistan.

2. The Communiqué states:

“The two parties noted with pleasure the completion of the work of boundary demarcation in accordance with the boundary agreement concluded between the two countries in March, 1963. They were pleased that this task had been carried out by the Joint China Pakistan Boundary Commission in a spirit of unfailing friendship and cooperation and that the China Pakistan boundary protocol is to be signed shortly in Pakistan by the two Foreign Ministers.”

3. It is common knowledge that Pakistan and the People’s Republic of China have no common border, the two countries being separated by the Indian State
of Jammu and Kashmir. The presence of Pakistan in the northern part of Kashmir is based on aggression and illegal occupation and Pakistan has no *locus standi* whatsoever to enter into negotiations or conclude agreements with any country regarding the boundaries of Jammu and Kashmir. The boundary agreement entered into between China and Pakistan in March 1963, is, therefore, altogether illegal and invalid. The Government of India has, on several occasions, pointed out this fact to the Pakistan Government and protested against the action of the Pakistan Government in concluding an agreement with the People’s Republic of China. Notwithstanding these protests, the Government of Pakistan has, under the pretext of entering into a provisional agreement with the People’s Republic of China, gone ahead with the appointment of a Joint Boundary Commission and the demarcation of the boundary. These measures taken by the Pakistan Government belie the Pakistan claim that the so-called boundary agreement with the People’s Republic of China is a provisional one. Indeed, in the joint communiqué issued on Peking on March 7, 1965, it seems that even the pretence that the agreement is a provisional one, has been abandoned. It is obvious that Pakistan’s motive in concluding this agreement is to share the fruits of aggression with People’s Republic of China and to exploit Sino-Indian difference in the pursuit of Pakistan’s hostile policies against India.

4. The Government of India strongly protests against the reference to the illegal activities of the Joint China-Pakistan Boundary Commission in the joint communiqué. As repeatedly stated by the Government of India in the past, they affirm once again that the completion of the work of the so-called boundary demarcation of Jammu and Kashmir border with Sinkiang is a violation of international law. This collusive attempt to demarcate and annex part of the Indian Union territory in Jammu and Kashmir will never be accepted by the Government of India.

5. The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for Pakistan the assurance of its highest consideration.

**New Delhi, March 13, 1965.**
Note Verbale of the Pakistan Ministry of Foreign Affairs to the High Commission of India in Pakistan regarding change in the designation of the Head of the State of Jammu and Kashmir.

Karachi, April 6, 1965.

Ministry of Foreign Affairs
Karachi

No. PID-7/9/6 6th April, 1965.

The Ministry of Foreign Affairs presents its compliments to the High Commission of India in Pakistan, and has the honour to state that according to reports appearing in the press the so-called State Assembly of Indian held Kashmir, on March 30, 1965, adopted a bill changing the designation of the heads of state and Government of the disputed territory in way as to bring them in line with those used in the States which actually form part of the Indian Union.

1. The State of Jammu and Kashmir, although under wrongful military occupation of India, is not a part of the Indian Union. The Government of Pakistan, therefore, totally rejects India’s right to frame laws in respect of any matters pertaining to the state. As the Government of Pakistan has on various occasions made known to the Indian Government, all such moves, intended to bring about the annexation of occupied Kashmir to the Indian Union, are illegal and ultra vires. They infringe Pakistan’s rights and interests as a party to the international agreement, embodied in the UNCIP resolutions of 13th August 1948 and 5th January 1949 and constitute a violations of the express injunction contained in the Security Council resolutions of 30, March 1951 and 24 January 1957, against any attempt, prejudice the exercise by the people of Jammu & Kashmir of their right of self-determination.

2. In persisting in its present unlawful course in occupied Kashmir, the Government of India has shown a systematic and willful disregard of the decisions of the United Nations on the subject and utter lack of interest in reaching a just, honourable and peaceful settlement of the Kashmir dispute with Pakistan. As a party to the UNCIP resolutions mentioned above, the Government of Pakistan wishes to make it clear that is has no intention of abandoning its responsibility of ensuring that the people of the State of Jammu and Kashmir are enabled to exercise, in freedom, the right of self-determination promised under the UNCIP resolutions*.

* India replying in its Note No. D.717/FSP/65 dated April 27 rejected the Pakistan’s Note Pointing out that since J&K was a constituent State of the Indian Union, Pakistan had no locus standi in the matter.
3. The Ministry avails itself of this opportunity to renew to the High Commission the assurance of its highest consideration.

The High Commission of India,
In Pakistan, Karachi.

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0427. SECRET

TELEGRAM

From: Indembassy, Beirut.
To: Foreign, New Delhi
No.158. May 10, 1965

From Ambassador.
Pakistan Embassies have widely distributed a simple and attractively got-up pamphlet "Indian Aggression in the Rann of Kutch". This was published in April 1965 apparently by Pakistan publications PB 183 Karachi. That this was printed in April and that distribution was arranged when aggression in Kutch was talking place are significant.

2. Pakistan Embassies have also distributed a map demonstrating that India is falsely claiming 3500 square mile of Pakistan territory and committing aggression to occupy this area (i.e. area north of 24°N).

3. Local press have not yet taken much notice of this propaganda effort by Pakistan and we are putting out factual account wherever we can. Can we have a large stock of simple maps?

4. Such publicity as Sheikh ABDULLAH’s arrest has received is expectedly unfavourable. However reactions are still coming in and shall telegraph again.

5. In recent World Muslim Conference where NURUDIN delegation represented Indian Muslims, the resolution on Kashmir reads: “Having acquainted itself with the recent measure taken by the Government of India through the extension of special powers of the Indian President under the Indian Constitution, the conference called upon U.N. to safeguard the sanctity of its resolutions and to take effective measures in order to keep up the U.N. prestige and respect before the people of the world so that Kashmiris can exercise their birthright of self-determination in a fair plebiscite under neutral supervision”.
6. Apparently this resolution will have some status if approved by King FEISAL. According to what NURUDDIN told us, King likely to withhold approval after listening to NURUDIN.

7. Press report that AYUB KHAN will visit Jordan 11th June.

TOP SECRET

Record of Talks between Prime Minister Lal Bahadur Shastri and General Secretary of the CPSU Brezhnev.

Moscow, May 14, 1965.

Brezhnev. How do you feel?

S. Thank you for the hospitality. I am feeling fine. I am grateful for the warm reception we received from the government and people of Soviet Union.

B. This cannot be otherwise. There is a Russian proverb: “love begets love”. We are also very warmly received in India. Spring is late this year. Usually it is much warmer. The Moscow region has a healthy climate as Mr. Kaul can testify. Ambassadors of African and Asian countries feel well here. The political climate in Moscow is also very healthy.

Swaran Singh. Even the snow is very attractive.

B. Of course. Some Cuban guests were here recently. They had never seen snow. Raul Castro was impressed more by snow than anything else.

Human beings can get easily accustomed to a different climate. When I was in Sudan and Mr. Aboud was still in power, it was plus 24 degrees centigrade. The shepherds in the desert asked me if it was as cold in Moscow! I could not explain it to them.

I must say that our people have special love, sympathy and respect for Indian people. Mr. Kaul and all Indian delegations felt this warmth and sympathy. We may also tell you about the warmth and sympathy that exists between our people and yours. We know this from our people who work in India. We do not want hide from our people the cooperation and friendship we have with you. Shepherds in Kazakhstan are very particular about the kind of tea they drink, not so much about their food. They asked me to send them Indian tea and I had it sent to them. I always keep some Indian tea for my friends.
It goes without saying that our sympathy grew in our party, people and government on many international problems and in the political field. The modern time is like a turbulent occasion of political tendencies and people always like noble ideas.

To be quite frank with you, there is a process of political struggle going on the world between various forces – of peace and progress and contrary forces. This is nothing new and I wish to say at the very start that people who try to find friends feel the impulse of this struggle of the people. In this age and time it is very important to know that popular forces are moving forward. People take active part in political affairs and they know good policies from bad ones. This distinguishes our time from previous time. This process began to develop especially after world war II. It results from the fact that about 50 states participated in the last war. This explains the active interest of people in politics. I am saying all this because you realise it as well as I do and this examples the deep feeling of sympathy between our two people which is based on their common experience and unity.

According to our tradition we should have heard you first, though I started first and I beg your pardon. I am not a diplomat; really I am not a diplomat. I had ambition of entering a diplomatic school. Fortunately I was not accepted and I am glad I am not a diplomat. I was told by the Central Committee that I was an Engineer and should help in industrialization and only people with education in humanities could go into the diplomacy. Ulianov was the Director in Krupsky Diplomatic School and he refused to take me. I was at that time sad but I feel I was fortunate. The Foreign Ministry will not allow me to say anything undiplomatic. I do not talk diplomatic language.

Comrade Kosygin and others have told me of their meeting with you. I would like to say a couple of words. I and Kosygin and all members of our government are happy at your visit and hope it will lead to further strengthening our friendship. It is a new stage in our friendship. I hope you will not feel offended by our frank answers. I would now like to hear you.

**Shastri.** I would like to reciprocate your most warm-heard sentiments. I have also not been a diplomat, nor have I had any education in science. I have been a worker all my life, a worker in the freedom movement. We had to struggle for about 30 years to achieve our freedom. I have discharged my duties in a way that is nothing to do with diplomacy. I am always frank and simple worker. Even in my present post of responsibility I work in the same spirit as before. I will therefore be quite frank and speak to you freely about certain problems which are vital for us and also for the world.

**B.** The easier it would be for us to talk.
F.M. The greater part of Mr. Shastri’s education was in British jails where he spent many years.

B. That is the highest university. That was the time when everything progressive was persecuted.

S. Our general policy is to have friendship all round. We do not want there should be conflict or clash between different countries or ideologies. We feel that in the present day world there can be no regimentation as such. There will be countries and people who feel and think in one way and others who think in another way. In the circumstances, an effort should be made to have friendly relations with all, as far as possible, even if we do not fully agree with them. However, our relationship with USSR is based on some higher objectives and firmer considerations. We see eye to eye with the Soviet Union on many vital matters, especially in international affairs. Some of the basic principles which are essential for keeping the world together have received the fullest support of the Soviet Union. India has also fully subscribed to them.

Peace and peaceful coexistence have been the main objectives of the Soviet Union. Peace in the present day world has the highest importance. Wars and conflicts will have to come to an end. It is absolutely essential that we should work for the maintenance of peace. By adopting a policy of peaceful coexistence, I would like to pay my sincere tribute to the Soviet Government for declaring in unequivocal terms the urgent need to adopt the principle of peaceful coexistence. I cannot think of a more wholesome principle for avoiding a major conflict. The endorsement of this principle by the Soviet Union has gone very far in promoting a better world on this planet. These principles are wholly acceptable to us and I feel we have to pursue them more earnestly and more vigorously.

Soon after the attainment of our freedom our great leader Nehru enunciated certain principles and policies in international affairs. One of the most important policies he adumbrated was non-alignment. That policy has been pursued all along by us and even and after his passing away we have stuck to it and we propose to stick to it in future. Non-alignment is a policy of keeping peace. It gives freedom to the people of the country to pursue their own way of life and the government has freedom of thought and action. It is also not possible for developing countries to indulge in conflicts by associating themselves with any particular bloc as their main objective should be their economic development. We are convinced this policy of non-alignment is good for India. In fact it has now been adopted by a large number of countries. The non-aligned conference in Cairo last year further strengthened it.

I might add that we have to face two tremendous problems during the last three or four years. We had the Chinese aggression in 1962 and there has
been recent attack on our boarders by Pakistan. The Chinese have adopted an attitude of complete non-cooperation. They do not want to talk or discuss and they have been carrying on a terrible hostile propaganda against India. In fact they are associates, i.e. Pakistan, and if I might add Indonesia have also joined hands in bringing India into contempt and create special situation for us.

It is impossible for us to understand the reason for Pakistan to make this recent attack. I do not know if you have any idea of China’s objectives and intentions. They are very much on our border and they mass their troops and there is a constant threat to our security. Now Pakistan has also adopted a similar attitude. In spite of this, we have stuck to non-alignment. I must say India should get support from those countries which appreciate our policy of non-alignment and peace. If the aggressor and the aggressed are put on the same level, the aggressor will never realise his mistakes and there will be a constant threat to the peace of the world.

May I say Mr. B that India and the Indian people have great faith in the Soviet Union? They have appreciated greatly Soviet Union’s attitude on Kashmir. Their expectation is that in the matter of the recent Pak aggression Soviet Union will lend its support to India. In fact my visit here has been interpreted by the Indian people that at this difficult juncture I shall get the Soviet Union’s moral support and it will help in changing the present climate which prevails in regard to this aggression by Pakistan. If there is no such indication, I might say that it would cause me and the people of my country much disappointment.

I do not mean to suggest that Soviet Union should not advise us for a peaceful settlement, but if there is no indication in regard to Pakistan’s attitude it would in a sense weaken our policy of non-alignment. Those who are aligned will have the facility to commit aggression. It should not mean that those who uphold non-alignment should not express their views somewhat frankly.

* * *

B. It is pleasant for me to hear your warm words about our policy of peaceful coexistence. It is not a temporary policy but is believed in firmly by our government, party and people. This policy of ours has played and is playing a decisive role in the world today. Without this policy it is doubtful what shape the struggle in the international arena would take in this thermo-nuclear age. I must pay here a tribute to our Party and people who with huge effort liquidated the nuclear monopoly of USA and will not give place to them. It has defended peace in the world. We are going to adhere firmly to this policy in future. Not or a single government or people could have any doubt on this.
We have highly appreciated and will always appreciate the policy of non-alignment of government and people of India. This is a policy of peace and friendship between countries and is directed against unleashing of war.

If we turn to events of the recent past, we see that the cooperation between the Indian and Soviet people has contributed to the interest of both countries and to peace. This is already a small history in itself. It has not only strengthened friendship between our two countries, but has won the support of all people in the world. This is a very important principle in the policy of states. Any departure or change in this course can be used and interpreted in various ways by imperialists and others. And the more we have to bear in mind the people who wish to make a wedge between people who believe in peaceful coexistence and divide them. I should like to express the hope that India and Government of India will hold firmly to the policy of non-alignment and struggle for peace as in the past. There are no conditions attached to it. We hold firmly to the policy of peace.

There may be circumstantial causes for the policy of certain countries at a particular time. This does not mean that there should be a general change in basic policies. It is indeed we who bear the brunt of these difficulties and threats but we firmly adhere to these policies.

We highly appreciate that at this complicated time you decided to come to us. It is very significant. The fact of these deep feelings of sympathy and cordiality and the help we will give you already testify to this. Mr. S., I request you to understand that the matter is not of strong words, but of dedication to policy. Each word of yours has a weight to it and force and strength behind it. It is very important that we do not spoil this policy by loud polemics — this policy of peace and peaceful coexistence. We now declare, as in the past, we were never against your friendship with any other people. You have a perfect right to friendship with any other people or country. In your statement I felt a hint that at some stages Soviet Union has not rendered sufficient help. With this I cannot agree. In the Sino-Indian conflict we took a correct stand. It contributed to the fact that this conflict did not develop. The Chinese leaders consider our statements to have been wrong and still blame us. On the Kashmir question we took a clear stand. We never changed it, taking into consideration the whole complex.

When Ayub Khan was here, he interpreted this in his own way. I personally told him how much we valued India and her policy of non-alignment. Because it is in the general interest of people, against colonialism and for peace and not a major international issue (*sic*). I gave him a sharp rebuttal to his remarks against India and this conflict. He said he appreciated my views. It is not yet clear what effect my statement will have on Ayub Khan but it cannot be ignored.
I did not agree with his views that India is an aggressive country. I feel our statement has had some effect.

Every question like a medal has two sides to it and each side is interwoven with the other. I think you underestimate our Tass statement.

Kuznetsov. (First Vice Foreign Minister). Ayub Khan has written to Comrade Kosygin that he is willing to settle.

B. I told Ayub Khan that non-alignment was the general line of the people and not one of expediency. I told him what I thought of his policies of alignment in front of my colleagues. I did this for India and not for Pakistan. Evidently aggressors and imperialists were responsible for instigating this conflict but we shall see how it ends.

In the Central Committee they considered Ayub Khan’s letter and we will send an urgent reply. If it does not contain any threat to Pakistan it will be in favour of India and will support a peaceful settlement.

We understand that you expect more firm support from us. But we assure you that would inflame the whole world. Mr. Kaul told me in a reception that we could make changes here or there. We shall consider this.

We are ready to give economic support to India. You may feel it is not adequate. Yesterday Kosygin reported to the Presidium. We are going to help though we do not know the volume. You may tell your people that we sympathise with your ideas.

As regards military assistance I read the note. I do not know the details and the volume but Mr. Kaul has informed us.

Your visit to our country will be very useful and you may assure your people of our deep sympathy and support in military and economic fields and in improving their life. There is no condition attached.

We are justified in expecting your support in international matters. We appreciate India’s support to us in the Second Afro Asian Conference. We hope it will struggle against imperialism and colonialism. The Soviet Union which rendered so much help to this struggle should attend it. We sincerely appreciate your feeling.

In the communiqué we may mention our common adherence to peaceful coexistence and our appreciation of non-alignment and the role this policy plays in the struggle of peace and against aggression in Vietnam, Congo, etc. Such a document will show our great support and strength to India and her policies and to you Mr. Shastri. Nothing can be of more help to India and to you. I want to speak
frankly and to say that this would indeed be a strong support to India against such forces as are against your policy. I believe you, of course, that you will adhere to non alignment and I feel this would remove any impression or illusion that Soviet Union support to India has weakened. We will give a reply to Ayub Khan taking into consideration our talks with you. The friendship meeting tomorrow will also be very significant. We will try to make it as great as before. I hope you are not offended with me or my Government.

S. Thank you. I am glad that you were as frank as I was. I am very happy of your reaction and am please(d) to know about the talks you had with Ayub Khan. I hope it will have the desired effect on him. In so far as our basic policy is concerned, we have stuck that in the most adverse circumstances. There will be no difficulty in pursing that in future, however the integrity and the sovereignty of a country first and we have to take every step to better our defences. I once again express my most sincere thanks for this opportunity and I have no doubt it will bring us closer and closer.

B. I agree that sovereignty and integrity is most important and comes first. We always want to see India progress and develop and we always think so and believe it. We and you ought always think to stick to our policies which we have chosen. If there are any changes and a country is not firm, then adversaries will exploit it. I refer first to my own government but is applies to all governments. I want to tell you Mr. S one thing and would like you to understand and appreciate it. Our people are glad even at the cost of huge expenditure we have incurred on our economic and defence might because it will defend peace. We will not spare any money for it. Some say we have atom bombs, but they are for peace. This is not my personal policy but that of the Party and the Government and was recently published.

S. You have not visited India for a long time and may I extend an invitation for you to visit India at your convenience and as early as possible.

B. With pleasure. I would never refuse such a peasant invitation. I must consult my colleagues. It came as a surprise to me. I did not expect it. I do not see any prospect till September. I appreciate it very much. India left an indelible impression on me. I could talk for a whole day about it. We shall meet tomorrow. I am glad you decided to come. It is not a diplomatic custom to go every 5 years. I can go without any protocol and you can some to us for a cup of tea, as we say, and go back the day after any time you feel like it and have a friendly chat. It takes only 6 hours time and only two days in all. If you have a draft joint communiqué, that should reflect our common political points and be of strong support to your government and point of view.

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Summary record of discussions about the joint communiqué between Prime Minister Lal Bahadur Shastri and Soviet Prime Minister Kosygin and his colleagues.

Moscow, May 15, 1965.

Shastri: I do not know the details, but I understand that no reference has been made in the proposed joint communiqué to the aggression by Pakistan. We can appreciate your difficulty in this matter, although it would have given us greater strength in meeting the situation as it has arisen on our borders. We would make every effort to avoid a violent conflict, but we do not know if Pakistan will adopt a peaceful policy, not only in Kutch-Sindh border but elsewhere. Pakistan has been nibbling our territory at various points. They think that unless Kashmir is given to them, they will continue to fight in this manner. We have very clear and categorical views on Kashmir. We have declared it from the beginning as part and parcel of India and cannot part with it. I am glad Soviet Union’s position on Kashmir is the same as it was before. We are thankful for the attitude adopted by Soviet Union so far. As I said, I have no doubt there has been no deviation from that stand. But if Pakistan persists in creating trouble because Kashmir is not handed to them as they want, then we have no alternative to meet the situation effectively. I can imagine difficulties in putting things in black and white in the joint communiqué, but I have an impression during the talks I had with you and Mr. Brezhnev that you very well understand our position and as you said, your sympathies are with India and will remain with India.

I need not add that as a non-aligned country we always expect your help and support in times of need and urgency. I leave the matter at that.

Kosygin: I can tell the Prime Minister one thing about Pakistan. When we had talks with Ayub Khan, we told him in no uncertain terms that all conflicts which arise on Indo-Pak border, he will not meet understanding from us. He said there would not be any such conflict and he added he understood our position. We are of the opinion that any reference in the communiqué to border conflicts will not solve anything, but may complicate the situation. And both sides may have to seek allies in the West. We feel it is better to avoid this. There is no question of mentioning anything in black and white. We think it suits the interests of India.

As for Kashmir our stand on this question is not changing and our policy is going to adhere what I said this morning. We would like to ease tension in Asia.
0430. Note Verbale from the Pakistan High Commissioner in India to the Ministry of External Affairs regarding the statement of Home Minister Gulzari Lal Nanda on Kashmir.

New Delhi, July 10, 1965.

Office of The High Commissioner for Pakistan
New Delhi

No.16(9)-P/65 10th July, 1965

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs, Government of India, and under instructions from the Government of Pakistan, has the honour to draw the attention of the Ministry to the statement made by Mr. Gulzarilal Nanda, Home Minister, in Srinagar on July 1, 1965.

2. According to the press reports, the Home Minister stated that Kashmir was an integral part of India. It was a settled fact which could not be the subject of any debate or negotiations (Times of India – July 2, 1965). Again “we are prepared to live in peace with Pakistan but there is no question of any negotiations so far as Kashmir is concerned” (Times of India, July 3, 1965)

3. The High Commission would like to know whether the Home Minister has been correctly reported, and, if so, whether the policy of the Government of India on the subject of Kashmir is now as stated by its Home Minister.

The High Commission avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India
New Delhi
0431. Note Verbale of the Ministry of External Affairs to the Pakistan High Commission in India regarding the statement of Home Minister on Kashmir.

New Delhi, August 28, 1965.

Ministry of External Affairs
New Delhi

No.1755-OSD(K)/65 August 28, 1965

The Ministry of External Affairs presents its compliments to the High Commission for Pakistan in India and has the honour to refer to their Note No.16(9)-P/65, dated 10 July, 1965

2. What the Home Minister stated in Srinagar is merely a reiteration of what the Prime Minister of India had repeatedly declared in Parliament and what India’s Representative have stated again and again in the Security Council, ever since India lodged a complaint with the Security Council against Pakistan aggression. The sum and substance of these declarations is that Pakistan has no locus standi in Jammu and Kashmir, which is a constituent state of the Indian Union. This elementary fact requires no emphasis and is fully known to the Government of Pakistan. Even on 27 December, 1962, when the Joint Talks opened in Rawalpindi, the leader of the Indian Delegation, Sarder Swaran Singh, put the position beyond any shadow of doubt in the following words:

“So far as we are concerned, Kashmir has become an integral part of the Republic of India by internationally accepted practices of law and of democracy. It is an established and greatly valued part of our national life, symbolic of the secular ideals we are genuinely trying to realize.”

3. The Ministry, therefore, rejects the High Commission’s Note on the ground that is an interference in the internal affairs of India.

4. The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its consideration.

The High Commission for Pakistan in India.
Chanakya Puri, New Delhi

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I am directed to refer to your telegram dated 20 September 1965, asking for a plan and schedule for withdrawal of troops, and to reply as under:

You have asked for a plan and schedule for withdrawal of our troops from their present position and you offer to send United Nations observers to assist in the withdrawal. You would appreciate that no withdrawal can take place until it has been jointly agreed to by representative of the two armed forces and a mutually accepted programme of withdrawal has been prepared. So long as such a programme has not been agreed to withdrawal cannot start and as such United Nations observers cannot begin to perform their function of supervising withdrawal.

In the meantime, I should like to state my Government's position on this question. You appear to be concentrating almost exclusively on making arrangements for withdrawal of troops and re-establishing the old cease-fire in Jammu and Kashmir. In our judgement, however, military disengagement should proceed concurrently with an honourable political settlement. In other words, it is imperative that we should evolve a self-executing arrangement and procedures that would ensure an honourable settlement of the Jammu and Kashmir dispute which is the basic cause of the present conflict. Without such an arrangement it is hard to envisage an effective programme for the withdrawal of forces. Moreover, if immediate steps are not taken to bring about an honourable settlement of the Jammu and Kashmir dispute, we would be faced with the real danger of resumption of hostilities which we well lead to a conflict of much greater dimensions.

I shall be grateful if this communication is circulated as a Security Council document.
0433.  

TOP SECRET

Letter from Indian Ambassador in USSR T. N. Kaul to Foreign Secretary C. S. Jha regarding the Soviet stand on Kashmir.

No. Amb/228/65  
28th September 1965.

My dear Foreign Secretary,

I enclose a copy of a hurried Note, which I dictated on the 26th September, on the Soviet stand on Kashmir. Jaipal had, in the meanwhile, seen the Head of the India section on the Foreign Office, Mr. Smirnov. I enclose a copy of the Note recorded by Jaipal on this meeting (not available here). I have reported from time to time, almost verbatim, what the Soviet leaders have told me, and my assessment is based on these talks.

2. Naturally, neither our stand nor the Soviet stand, or the stand of any other country, can remain absolutely the same in a dynamic and developing situation. My assessment, however, is that:

(1) The Soviets will not go back on our legal title to the whole State;

(2) They will however support a realistic political settlement of the Kashmir problem more or less on the basis of the cease fire line with minor adjustments (acceptable to both sides,) provided such a settlement is acceptable to both sides.

(3) They will support us in our claim to the valley both for strategic reasons as well as on the grounds of our secularism.

3. It is, however necessary for us to get support from other countries also, as that would further strengthen the hands of the Soviet Union. While we should make every effort in this direction, much will depend on what China intends to do. The opinion in the Soviet Union is that China will not embark on a military adventure against India in the present circumstances, but she may keep on giving us pin-pricks here and there – mainly through threatening statements, and possibly by small scale skirmishes here and there. I presume we can deal with Chinese notes and their pin-pricks through our own strength. Should, however, China embark on a sizeable invasion of India, a new situation will arise where we will have to seek the support of friendly countries without giving up our basic stand on Kashmir. My assessment is that the Soviet Union will give us military supplies and equipment on the basis of existing credits as long as we do not join a military alliance hostile to them. They will do this without any pre-conditions of our making concessions to Pakistan in the Valley. I do not know what your assessment of the Americans stand in such a situation is.
If we could get the Americans to go along with us on the same lines as the Soviet Union, that would be the best way of tackling such a situation. If the Americans know that the Soviet stand is firm, they may perhaps be persuaded to go along with us. In America also there will be different pulls from various directions. The Pentagon will probably want to keep its bases in Peshawar, Gilgit, etc. and try to pressurize the US Government to persuade us to make concessions to Pakistan for this purpose and to wean Pakistan away from China. The Soviets are also getting suspicious of Pakistan’s motives, particularly after Ayub’s telephone call to Johnson, his rather vague reply to Kosygin’s offer for a summit meeting, etc. Today’s Soviet papers have also published a report that the Pentagon has recommended the lifting of the embargo on US arms supplies to Pakistan.

4. Our military successes in the recent fighting with Pakistan have impressed the Soviets. They cannot, however, understand why we cannot deal with the infiltrators on our side of the cease fire line. We should be able to do this in order to impress Pakistan as well as the rest of the world; otherwise they will suspect that there is some local support for the infiltrators. Some people have even asked me why we cannot send guerrillas across the cease fire line and why only Pakistan can do so. I have, of course, replied that we do not wish to provoke a conflict or a conflagration with Pakistan. But this argument does not seem to carry much conviction with outsiders. The implementation of the withdrawal of “armed personnel” to the pre-5th August position will naturally create difficulties. I fear, however, that this may be linked with the final solution of the Kashmir question. We shall, of course resist this, but if there is a stalemate between the positions of India and Pakistan on this question, some solution will have to be found. I do not know whether strategically we can afford to give up the Chhamb sector occupied by Pakistan at present in return for the posts we have occupied across the cease fire line at Kargil, Tithwal, Haji Pir, etc. On this only our military experts can advice appropriately. If we are not prepared to do this, we may have to go back to the pre-5th August position in view of the latest resolution of the Security Council. Whether we can get any guarantees from the UN about prevention of further infiltrations, and making Pakistan responsible for them, remains to be seen.

5. In the circumstances we shall have to consider whether or not we should try for a final settlement of the Kashmir question at this junction, or postpone it to a later date, when the atmosphere between India and Pakistan is improved. China will do everything to prevent an improvement in the relations between India and Pakistan. The recent fighting must also lead to some bitterness in the minds of both countries and peoples, including the military personnel. I doubt therefore the possibility of an early improvement of the atmosphere in relations between India and Pakistan.
6. The Soviet Union’s offer of a summit meeting in the circumstances has some significance, but in the light of Ayub’s vague response, it is doubtful whether such a summit meeting can take place in the foreseeable future, unless America can persuade Ayub to accept it. The British will probably try to prevent such a meeting, because it detracts from their importance and influence in and outside the Commonwealth. America may, however, welcome such an idea because it would encourage Soviet interests in South Asia as a deterrent force against Chinese expansionism. I am not in a position to give any opinion on American feelings on the subject but I would suggest that we probe them on this. If we can get both America and the Soviet Union to persuade Pakistan to come to a reasonable frame of mind, there is a greater chance of a permanent settlement now than there is likely to be later. I do not think China will allow us to become militarily stronger; she will make attempts to weaken us both through her own threats and pin-pricks and through Pakistan.

7. African countries, while concerned at the strained relations between India and Pakistan, are at best likely to adopt an attitude of neutrality, though on the question of self-determination they feel strongly. The Muslim and Arab countries, apart from UAR, sympathise more with Pakistan than with us on the Kashmir question. In the ultimate analysis, it will be the attitude that the Soviet Union and the USA adopt on this question that will influence our position more than anything else, but even their attitude will depend on the attitude that the Afro-Asian countries adopt. I would, therefore, suggest that we actively canvass support among these countries and also among the Latin American countries.

8. I should be grateful to have a glimpse into the thinking of the Government of India about our future moves.

With kindest regards,

Yours sincerely

(T.N. Kaul)

Shri C.S. Jha,
Foreign Secretary,
Ministry of External Affairs,
New Delhi.

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SECRET

To: Hicomind, London

Please pass following to Hicomind Karachi and repeat to Dyhicomind Dacca.

September 28, 1965

Begin:

For High Commissioner.

Pakistan High Commissioner has conveyed following to us quote Government of Pakistan has with effect from 9 a.m. today (28th) lifted restrictions on movement and functions of Indian High Commissioner Personnel in Karachi Rawalpindi and Dacca unquote. Please confirm that restrictions actually lifted. Also indicate:

a) Whether you and your officers are free to move about within city limits and meet other diplomats and that letter are free to reach you.

b) Whether yours officers and other personnel can return to their residences and when they propose to do so.

c) Whether guards have been withdrawn from various offices and residences.

d) Whether enclaire telegraphic and postal communication between yourself and Dyhicomind is restored.

e) Whether High Commission and other Indian Government offices can operate their accounts.

f) Whether you have free telephonic contact.

Kindly ask Pakistan Government let us know with your recommendation dates from which cipher communications and bags should be restored.

Pakistan Government have not yet permitted evacuation of Mrs. Ray wife of Dy hicomind. we have allowed Ansari son of First Secretary Information here to proceed to London. We are prepared facilitate return of Mrs. Atiya Nasim requested by Pak Government. we are also sympathetically considering request of Pak Deputy High Commissioner Calcutta for departure of his two sons for London. We would like A.K.Ray now in Calcutta to get back to Dacca immediately to attend to his office and personnel. Please ascertain
from Foreign Karachi whether and when they will permit Ray’s return.\textcircled{.} \textbf{Ends.}

\textit{From: Foreign.}

\textit{Sd: M. Rasgotra}
\textit{Director}
\textit{Ministry of External Affairs}
28-9-65

\textbullet\textbullet\textbullet\textbullet

\textbf{0435. Message from the Indian High Commission in Karachi to the Ministry of External Affairs, New Delhi.}

\textbf{September 30, 1965.}

\textbf{Received Through the British High Commission}

\textbf{Foreign Secretary from Kewal Singh (High Commissioner)}

Your telegram dated 28th.

Restrictions on movements lifted on 27\textsuperscript{th} evening. Our personal in Karachi can move about with in city limits. Dacca office informs this is also position there. Foreign office tells us staff in Rawalpindi, Murree and Islamabad is safe in Islamabad and is free to move in that town.

2. Families in Karachi can now return to their own residences and are slowly doing so keeping in view considerations of personal safety. We have impressed this aspect upon Foreign office.

3. Telephones are also being restored. Official en clair telegrams can be sent provided issued by two or three specially authroised officers. Personal telegrams are not repeat not being accepted. Mail for last three weeks not available. We have been authorised to operate our official and personal bank accounts. Guards still remain for reasons of safety but will be withdrawn whenever we request. We are now free to meet other diplomats.

4. Foreign office tells us that bags and cipher communications are permitted. We are enquiring if couriers can be sent with bag till IAC (Indian Airlines Corporation) services resumed.

5. Also making enquiries in regard to other matters such as Ray’s return to Dacca and permission for staff who are under orders of transfer to leave Pakistan.
6. Position regarding other Indian nationals as follows. Sharma of *Times of India*, Narayanaswami of *Indian Express* and Mukherjee of State Bank of India with their families were brought out to internment camp 27th evening. They are now under house arrest in Mukherjee’s house. Arrested PTI correspondent Maniktala was also moved on 27th to house arrest in Metropole Hotel. They are all well. We are pressing Foreign office for their early release and for facility to meet them.

7. Foreign office informs us that Indian Airlines personnel in Karachi, Lahore and Dacca are under house arrest. Other Indian nationals also remain interned. According to Foreign office above restrictions on non-official Indians are on the basis of reciprocity. Kindly let us know correct position regarding restrictions on various categories of Pakistan nationals in India.

British High Commission,  
New Delhi  
30 September, 1965

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0436. Aide Memoire from the Ministry of External Affairs to the Government of Pakistan proposing reciprocal return of nationals of the two countries to their respective countries.  
New Delhi, October 1, 1965.

AIDE MEMOIRE

Subject: Return of Nationals on the basis of reciprocity.

Subject to the concurrence of the Government of Pakistan, return of Nationals is proposed on the basis of reciprocity.

(1) Any persons who desire to return on urgent compassionate grounds like ill-health, separation from their families or any reason whatsoever recommended by the respective High Commissioners.

(2) Employees of Commercial Firms, Banks, Airlines; employees of Government Departments of semi Government Corporations; Pressmen, etc. who wish to return.
2. Members of the two High Commissions and the two Deputy High Commissions will not fall within the purview of these arrangements. Separate arrangements on the basis of reciprocity can be worked out in regard to them.

3. To begin with, it is proposed that 50 (Fifty) nationals on each side may be given Exit permits.

4. Thereafter, the number of exit permits can be progressively increased by mutual consultation and on the basis of reciprocity.

5. An early confirmation is requested about the modalities and acceptability of these arrangements, from the Government of Pakistan.

New Delhi,
Dated the 1st October, 1965.

0437. Note Verbale from the Pakistan High Commission in India to the Ministry of External Affairs complaining of the alleged breach of diplomatic facilities to the High Commission in New Delhi.

New Delhi, October 1, 1965.
Office of the High Commissioner for Pakistan in India
New Delhi

No HC/PS/65-II. October 1, 1965

The High Commission of Pakistan presents its compliments to the Ministry of External Affairs and has the honour to state that in complete disregard of established conventions and international usages the Indian authorities have of late freely committed breaches of diplomatic privilege in regard to the High Commissioner and his suite. Some of the instances were reported in writing. A recital of the following facts, which are by no means exhaustive, will provide some idea of the excesses committed so far:

(1) By a verbal order the High Commissioner was confined to his house. He was allowed to move only to the Chancery provided the Indian guards were seated with him in his car. The insistence of the guards not to allow the movement of the High Commissioner without infringing the
inviolability of the diplomatic car left him with no alternative but to remain in the house. The High Commissioner was thus reduced to the status of a prisoner in his own house. The telephone lines having been cut he was unable to discharge his duties. It was only after a few days of negotiations that the Government of India agreed eventually to allow the police guards to follow the High Commissioner’s car instead of insisting to enter it and remain there during the journey.

(2) The guards posted outside the High Commissioner’s house denied entrance to local servants who came from outside and they declined permission to the resident servants to move outside the house. The High Commissioner’s granddaughter who is 2½ years old had to go without milk for a whole day because no servant was allowed to go across the road to fetch a bottle of milk.

(3) Even when the High Commissioner was allowed to move between the Pakistan House and the Chancery the police prohibited the exit or entry of his wife before 7 a.m. and after 5 p.m. every day. The electric current including power supply was denied to the Pakistan House which was plunged into darkness in the evening. The High commissioner and his family had to forego sleep for several sultry summer nights. When an effort was made to explain away the restriction by linking it to an alleged non-observance of black-out regulations the Indian authorities found it hard to explain why the power connection which had nothing whatever to do with lights was also denied. Later, however, the Government of India agreed to give both the ordinary electric current and the power supply up to 11 p.m. The hardship on this score forced on the High Commissioner and his family continued even after 23rd September when the High Commission was verbally informed by the Ministry of External Affairs that “all restrictions had been removed”.

(4) On September 1, 1965 at 11.45 a.m. one of the armed policeman posted outside the main gate forced his entrance into the Chancery and set about locking the principle entrance. The action signified that the Chancery was under the complete control and possession of the Indian police authorities. The police attempt to lock the gate of the Chancery was the most flagrant violation of the universally accepted principle of inviolability of diplomatic premises. Instead of honouring this principle the Indian police fifteen minutes after the incident at the main gate, entered the Chancery premises from a side gate facing the Embassy of Yugoslavia and closed it notwithstanding our remonstrance to the contrary. The control of the Chancery premises so demonstrably taken over by the Indian police was restored to the High Commission only
after the matter was taken up at a high level with the Ministry of External Affairs. It was to be hoped after the intervention of the Ministry of External Affairs that the Indian police authorities would not again violate the sanctity of the High Commission premises. The Indian armed police, however, once again forcibly entered the precincts of the Chancery and placed a lock, between the night of September 17 and 18 on the side gate facing the Embassy of Yugoslavia. In accordance with international law the High Commission could well have exercised its legitimate right to remove an impediment placed on its premises but the matter was referred to the Ministry of External Affairs. Even after the removal of the locks after the intervention of the Ministry of External Affairs the Indian armed police continued to obstruct entry from or exit into the Chancery by stationing an “Ambassador” car in front of the main gate and by blocking the side entrance with heavy boulders.

(5) The residences of diplomatic officers were similarly violated on many occasions. On 13th September at 8.15 p.m. a Sub Inspector of police entered the house of the Military Adviser who was ordered not to move out as he was under house arrest. The statement of the Sub Inspector was challenged but he was unable to produce any written document to show that the Military Adviser was in fact placed under house arrest. After the departure of the Sub Inspector the armed police guards entered the premises and pitched their tent in the lawn. They were later moved out at the insistence of the Military Adviser.

(6) On 14th September 1965 policeman forcibly entered the residence of the Naval Adviser and decided on their own to lock the side and back gates of the house. The policeman stated to the Naval Adviser that they had acted under orders of the D.I.G Police. On the same day Attache (Works) of the High Commission was forced by the policeman posted outside his house to use only the front gate for exit or entry.

On September 13, the policemen entered the residence of second secretary Mr. Mohd. Bashir Khan Babar and stationed themselves within the premises.

While a clear understanding was given by the Ministry of External Affair that officer living outside the Chancery could visit each other under police escort this was not allowed in practice. On 13th September, the Military Adviser and his wife; Second Secretary Mr. Ahmad A. Kamal and his wife refused entry to the house of the Deputy High Commissioner whom they went to visit in the evening.

Another Second Secretary of this High Commission Mr. Mohd. Bashir Khan Babar and his wife were refused entry to the house of the Naval
Adviser whom they went to visit on September 14. The armed police stationed outside the Naval Adviser’s house stated “You are not allowed to meet each other”.

(7) The police escort provided by the Government instead of providing protection became an unending source of deliberate harassment. Those posted outside the main gate of the Chancery physically chased away the newspaper vendors and delivery men who came to supply essential provisions to the large number of resident in the Chancery. The police escort accompanying the personnel of the High Commissioner on shopping trips kept instigating the shopkeepers not to sell provisions to them.

(8) Entry both to the Chancery and residences of the officers was arbitrarily denied to such essential staff as sweepers and scavengers with the result that the work had to be done by the Officers and staff and their families. Notwithstanding these efforts on our part the congested premises of the Chancery which accommodates nearly 700 persons was faced with a serious health hazard.

(9) A serious case of suspected diphtheria had to be rushed to the Hospital on 13th September 1965 but it was delayed for over an hour and a half by the armed police stationed outside the Chancery. Medical facilities were denied to the officers and Staff of the High Commission. The Medical Officer attached to the High Commission was refused on 13.9.65 exit for the purpose of purchasing essential medicines and was told by the police guard on the main gate “all of you are under house arrest”.

(10) Local police authorities kept intimidating and harassing staff Car drivers and members of the staff of the High Commission. Some members of the staff were abused by the police officials in the most filthy and unprintable language. The statement of one member who was subjected to such treatment is enclosed (not included).

In bringing some of these cases to notice of the Ministry, the High Commission strongly protests against the persistent and flagrant violation of international law and well established diplomatic practice.

The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi.
Note Verbale from the Pakistan High Commission in India to the Ministry of External Affairs regarding removal of restrictions on the personnel of the High Commission.

New Delhi, October 1, 1965.

Office of the High Commissioner for Pakistan in India
New Delhi

No.HC/PS/65-III. October 1, 1965

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs and has the honour to state the following in confirmation of the discussions held in the Ministry of External Affairs on 30th September, 1965, between Messrs. Enayet Karim & Hayat Mehdi of the High Commission and Mr. Maharajakrshna Rasgotra of the Ministry:

(a) The Ministry was informed that the Government of Pakistan had removed all restrictions on the Indian High Commission in Pakistan with effect from 9 A.M, 27th September, 1965. The Ministry was also informed that its promise, made on the 23rd September, to restore normal telephonic connections to the High Commission has not yet been implemented. In reply Mr. Rasgotra stated that the restrictions on telephone will continue till the Ministry receives a direct confirmation from the Indian High Commission in Karachi about restoration of similar facilities to it.

(b) Mr. Rasgotra was also informed that the Government of Pakistan confirmed that the facilities already extended to the Indian High Commission in Pakistan include those of dispatch of diplomatic bags and cipher communications. These facilities, however, have not yet been extended to the High Commission for Pakistan. The position in this regard has been explained fully in the d.o. letter No.HC/PS/65, dated October 1, 1965, from Mr. Afzal Iqbal, Deputy High Commissioner of Pakistan to Mr.M.Rasgotra.

(c) The agreement of the Government of Pakistan, in principle, to the exchange of visitors was conveyed to Mr.Rasgotra who stated that the Ministry was engaged in working out a comprehensive scheme which could form the basis of negotiations in the matter.

(d) Mr.Rasgotra was informed that in spite of repeated assurances by the Ministry during the last two weeks the High Commission has not yet
received personal letters addressed to its officers and staff by friends and relatives from abroad. The understanding of the High Commission that considerable amount of personal mail has already accumulated in the various post offices in Delhi was conveyed to Mr. Rasgotra who undertook to have it released.

The High Commission avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi

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0439. SECRET

TELEGRAM

From: Hicomind, Karachi.
To: Foreign, New Delhi,

MOST IMMEDIATE

No. PAK EMERGENCY NO.4. October 1, 1965

Foreign Secretary from Kewal Singh

Have been trying by all means possible to convey to you facts regarding the many flagrant and unprecedented violations of diplomatic rights and immunities to which premises and personnel of this Mission were subjected during recent hostilities with Pakistan. Owing to persistent communication difficulties and total absence of any codes, I have not been able to send you as full an account as I have wanted to, and cannot even be sure how much of what I have attempted has actually reached you. We have today managed to get Pakistani permission for the return to India of one of our staff whose father died some days ago and am sending him as courier with bag under assurance of safe conduct. This is thus the first chance I have of putting you fully in the picture

2. Pakistan behaviour had three aspects – 1) breaches of our inviolability, 2) attacks on Chancery buildings and 3) maltreatment of our personnel. I am reporting details of each of these aspects in separate savingrams. In addition am sending five copies of protest note which I gave to Foreign Office here on
September 28th, which summarises main facts, along with three copies of a fuller account of events which can be cyclostyled and furnished to our newspaper editors to give them better idea of way Pakistani authorities treated the Indian Mission. Nothing comparable has ever happened in history of diplomatic relations and it is imperative for Government of India to pursue matter with utmost urgency and vigour, both diplomatically and publicly. I have circulated our protest personally to all: Heads of Mission here, and from one or two I have afterwards been able to speak to I am confirmed in impression that unless we persist strongly in pressing for a satisfactory reply, reinforced by efforts at highest levels of Government, Pakistanis will succeed in getting away with denials and pretexces as they are already trying to do. For my part, I am doing all I can to impress upon the Pakistanis how seriously we look upon situation; *inter alia*, am following up my earlier representation to Foreign Office with a call on Aziz Ahmed tomorrow, for what it is worth. It is most important for Government to ensure fullest publicity both at home and abroad so that Pakistanis realise extent of indignation their action arouse in India and, as I trust, extent of concern on part of the international community. While full background is being made available without delay by our publicity authorities to the press, Indian and Foreign, I would also urge that you bring these facts to attention of Foreign Minister and Prime Minister who might wish to take up question themselves. We have to present our case forcefully to arouse international attention. You must also send for ARSHAD HUSSIAN (Pakistan High Commissioner) and tell him in no uncertain terms how Government of India feels, emphasising how impossible it is for any diplomatic mission to function if it is at the mercy of the police as we have been; he should realise what it would be like if we took similar action against the Pakistan High Commission in Delhi.

3. These are some of the measures that are immediately necessary. In addition you might like to decide what further action we should take in case Pakistan fails to give us the assurances and apology asked for in our formal protest, for without such assurances the functioning of a diplomatic mission is rendered practically impossible. In considering this, a factor which I strongly feel needs to be borne in mind along with legal and political aspects, is morale of our staff. During these very grim days I have throughout assured them that they could count on Government taking strongest possible action on their behalf and ensuring that such dangers were not faced in future; unless they feel reassured on this, I am afraid our staff will live in state of constant fear which is neither fair on them nor in interests of Government.

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0440.  

TELEGRAM  

From: Hicomind, Karachi.  
To: Foreign, New Delhi,  

MOST IMMEDIATE  

No. PAK EMERGENCY NO.5.  

Foreign Secretary from Kewal Singh  

Since AZIZ AHMED returned from Pindi only yesterday, I saw him this morning to register my strong protest with him personally for the most flagrant violations of our diplomatic rights. AZIZ AHMED expressed strong resentment at tone of our protest note. I told him that matter was of greatest seriousness and no wording could be too sharp to protest against such outrages. AZIZ AHMED, as is usual with him, got into a temper and talked about India’s naked aggression and the strong national indignation in Pakistan. I told him that I had not come to argue about aggression, which had been started much earlier by Pakistan, but specifically to protest against the treatment meted out to us during the last four weeks and to seek an assurance that such actions would not be repeated as otherwise it would be impossible for our Mission to function. AZIZ AHMED, as was expected, talked vaguely about their reports being very different and no searches or raids having taken place; he tried to dismiss the whole affair by a casual remark that our Mission now had normal facilities which would continued. I told him that the matter was too serious to be treated casually and I requested him to bring the matter to the notice of the highest authorities in Pakistan. He said he would look further in to the matter.

2. I cannot stress too strongly the urgency of our taking strong action on the lines I have already suggested in my earlier communications. A couple of Ambassadors to whom I had spoken are shocked at the behaviour of the Pakistani authorities. The French Ambassador privately told me this morning that he was horrified to read our protest note and that this was a matter of vital concern to all diplomatic missions. Another colleague who saw me last evening said that even in Karachi there was still widespread ignorance about searching and raiding of the Indian Mission. He added if a thing like that had happened in India to the Pakistan High Commission, BHUTTO would have gone around and made pronouncements in half a dozen Capitals including the U.N. condemning India for dishonouring international conventions. His hint was that if we expected either Pakistan Government of
other states to realise the enormity of what Pakistan had done, Government of India would have to take energetic measures to arouse international concern on this issue which has far reaching implications for entire diplomatic community. I strongly endorse this view.

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New Delhi, October 4, 1965.

The Ministry of External Affairs presents its compliments to the High Commission of Pakistan in India and has the honour to state that the Government of India has just been informed after the removal of the restrictions on the Indian High Commission in Pakistan that in contrast to the facilities which were made available to the Pakistan High Commission and its personnel in India during the whole of September, the Indian High Commissioner in Pakistan and his staff and their family members were treated by the authorities in Pakistan in a manner entirely contrary to diplomatic practices and norms of international behaviour. The residences of the Indian High Commissioner and his staff were raided and ransacked and the official as also the personal belongings were seized. Some of the outrages perpetrated by the Pakistani authorities are briefly indicated below:-

(i) On the 11th of September at 6.30 P.M. all the four residential buildings in which the officers and staff of the High Commission and their families had been accommodated were surrounded by scores of policemen armed with rifles and bayonets. In spite of protests, the police officers rudely told the Indian diplomats and personnel that they must get out of the way as they had orders from the Government to conduct a through search of every family of the Mission, diplomatic or non-diplomatic and no resistance would be tolerated. In the presence of the High Commissioner, searches of the residents were conducted in a most humiliating manner, all trunks and suitcases were opened, personal effects of the families including clothing of ladies and children were searched and scattered on the floor. This outrage was committed in the case of each of the families of the diplomatic officers and staff.

(ii) Even the High Commissioner’s residence was not spared. The High Commissioner’s residence was surrounded by 40 policemen armed with
rifles who manhandled the Indian guards and searched every room of
the residence including the High Commissioner's office. The Police
opened all the suitcases and trunks containing the High Commissioner's
personal effects and those of his family and ransacked everything.

(iii) A similar outrageous search was conducted of the residences where
the non-diplomatic staff were accommodated. Women and children were
terrorised by armed policemen with guns and bayonets breaking down
boxes and scattering all the contents. The police also took away large
number of official papers, family and personal letters, documents and
photographs, Visitors' Book including those of the High Commissioner
both from his residence and from the office.

(iv) On the 13th September, further violations and outrages were committed.
At about 2.30 A.M. on 13th September, 1965, the armed police
surrounded, occupied and ransacked the Chancery of the High
Commission. About 150 men, women and children who had been
accommodated in the Chancery under orders of the Pakistan
Government were peremptorily ordered out of their rooms. All the rooms
were searched and officers living elsewhere were routed out to bring
the keys for the office rooms. Every desk, cupboard and safe and every
document that could be found was searched. The police openly
demanded the High Commission to hand over the cypher documents.
Even personal letters, calendars, and diaries were taken away by the
police. This barbarous search lasted for nearly 4 hours. When this was
over the High Commissioner wished to stay in his office with his officers
for a talk but the policy rudely told him that they were not permitted to
talk to one another and insisted on escorting all of them back to their
residences. Thereafter none of the Indian diplomats including the High
Commissioner was permitted to move out of his residence for a fortnight.
The High Commissioner and the Indian diplomats were treated virtually
as prisoners.

(v) On the 21st September, at about 10.30 A.M., further outrages were
perpetrated on the Indian High Commission. Over 200 people surrounded
the Chancery of the High Commission shouting objectionable slogans.
An hour later another well-organised group of about 3,00 persons arrived
with truckloads of stones. They surrounded the compound of the High
Commission and threw stones with a well-prepared devices, so that the
stones reached the fourth storey of the building. Flaming kerosene-
soaked rags were also thrown at the High Commission in an attempt to
set the building on fire. In fact they actually succeeded in setting some
bushes near the High Commission on fire although fortunately the fire
did not spread. A few of the assailants tried to climb the roof to haul down the national flag flying on the High Commission. This brutal attack lasted nearly an hour and came to a stop only when the stones and burning rags had been exhausted. After another hour another organized gang arrived with more truckloads of stones which were systematically hurled at the Chancery building for over half an hour. Almost every window and glass door was smashed by these organized assailants and property inside the High Commission was damaged.

2. What is most shocking is the fact that the Pakistan Government permitted these attacks to be carried on knowing fully well that this was not an unoccupied building but a building occupied by 150 officials, women and children of a Diplomatic Mission who had been forced to stay there under orders of the Pakistan Government on the plea of giving them “protection”. It was the merest (sic) accident that the building did not catch fire although the assailants did their best to set it on fire.

3. Not only has the Government of Pakistan willfully disregarded its obligations to protect a diplomatic Mission but was deliberately inflicted humiliation on the High Commissioner and members of the staff and their families and thus committed serious violations of their diplomatic immunity. This is entirely impermissible under international law and the various international conventions. Hardly anything comparable has ever happened in the history of diplomatic relations and it is amazing that the host Government instead of providing protection for a diplomatic Mission as required under international law and diplomatic practice has itself invaded, ransacked and molested the Diplomatic Mission in gross disregard not only of diplomatic immunity but also of elementary human decency and civilized practice.

4. The Ministry of External Affairs protests in the strongest terms against these shocking outrages committed against the Indian High Commission in Karachi and while claiming full compensation for all the damages caused to the High Commission and the property of its members demands an apology from the Government of Pakistan.

5. The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for Pakistan the assurances of its highest consideration.

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Note Verbale of the Pakistan High Commission in India to the Ministry of External Affairs regarding treatment of the Indian High Commissioner and the personnel of the High Commission in Karachi.

New Delhi, October 5, 1965.

Office of the High Commissioner for Pakistan in India
New Delhi.

No. HC/PS/65.V. 5th October 1965

The High Commission for Pakistan presents its compliments to the Ministry of External Affairs, Government of India, and has the honour to acknowledge receipt of Ministry’s Note No.8245/65, dated the 4th October 1965.

2. This Note is being forwarded to the Government of Pakistan for such reply as it may deem fit to make. Since the High Commission is not in a position to offer any comments at this stage, it would content itself with stating that, according to Radio Pakistan and the B.B.C. allegations similar to those contained in the Ministry’s Note were made in the Protest Note which the Indian High Commission had already sent to the Ministry of Foreign Affairs, Government of Pakistan, and an Official spokesman of the Pakistan Government has repudiated these allegations as incorrect and without foundation.

3. The High Commission is surprised that the Ministry claims that Pakistan High Commission and its personnel in India “were given facilities during the whole of September”, and blames the Pakistan authorities for having acted in a manner entirely contrary to diplomatic practice and norms of international behaviour. It seems that the Ministry finds it convenient to forget its own treatment of the person of the High Commissioner, his family and his staff. Some of the glaring breaches of diplomatic practice and norms of international behaviour on the part of Indian Government are outlined below and these may help to remind the Ministry of the hardships it had forced on the Pakistani community. These have already formed the subject matter of various Notes sent by the High Commission to the Ministry on various dates.

4. On the 7th September 1965, a demand was made by the Ministry that all members of the staff, and their families, should be shifted to the Chanakyapuri as quickly as possible.

5. The same evening electrical energy was deliberately cut off from the residence of the High Commissioner and the Chanakyapuri Chancery and adjoining quarters from 9 p.m. to 7 a.m. without any notice. The air-
conditioning and fans both at Chanakyapuri Chancery and the residence of the High Commissioner could not be used and it became difficult to sleep because of the heat. The resulting discomfort, especially to young babies, can be imagined. This continued for two days more. Thereafter electrical energy was turned off between the hours of 10.30 p.m. and 7 a.m. until September 24, 1965 (Pakistan High Commission Note No.HC/PS/65-II dated 13th September 1965 refers.)

On the morning of September 12, 1965, all telephones including that of the High Commissioner and the Chancery were disconnected with the result that there was no communication whatsoever with outside world. (Pakistan High Commission Note No.HC/PS/65-II dated 13th September 1965 refers). On the evening of September 12, 1965, the Ministry sent a note (No.PI/114/14/65) stating that telephone connections would be available for communication with doctors, four officials of the Ministry, and four Heads of Missions. In practice, no connections were made available and for a few days even the Ministry could not be contacted. The High Commission in its note No. HC/PS/65.III dated 13th September 1965, requested connections with doctors, officials of the Ministry and the Acting Dean of the Diplomatic Corps. Despite repeated assurances on the basis of which the High Commission made a recommendation to the Government of Pakistan for reciprocal facilities, the connection with no less a person than the Dean of the Diplomatic Corps has not been provided to-date.

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The same day Indian Police parties surrounded the residence of the High Commissioner, the five officers’ residences and the Chancery at Chanakyapuri. The Police forcibly closed and padlocked all the entrances of the Chanakyapuri Chancery except one before which an obstruction was placed by parking an “Ambassador” car, and huge boulders were placed in front of a side-gate. The Police refused permission to anyone to leave or to enter. (Note No.HC/PS/65.III dated 15th September 1965 refers).

In the case Officers’ residences, the Police entered the residence of Commander M.M.Yusuf (Naval Adviser living at C-568, Defence Colony) and Mr. A. A. Siddiqi (Attaché, Works living at C-312, Defence Colony), forcibly closed the back-doors and stationed themselves in the compounds and refused to leave (Reference Note No.HC/PS/65.III dated 15th September 1965).

In Calcutta, the Police entered the premises of the Deputy High Commissioner and his Offices, sealed the Visa Office forcibly, and stationed Policemen inside the compound of the Chancery and the Deputy High Commissioner’s residence and are still there even today. (Reference Note No.HC/PS/65.I dated October 1, 1965).
10. As a result of the Ministry’s action, domestic servants of the High Commissioner were not allowed to go out even to buy provisions. Suppliers from outside were not allowed to come in. In the case of Chanakyapuri Chancery, which had to accommodate 700 men, women, and children, the services of electricians, sweepers, *dhobis*, plumbers, and barbers were not available because police would not allow any one to enter, and serious problems of sanitation and food provisioning arose. The inmates had themselves to look after sanitation; otherwise the health of the community as well as the whole diplomatic enclave would have been endangered. For a whole day no milk supplier was allowed to come and the large number of babies had to go without milk. It was only as a result of repeated representations that the next day 90 bottles were made available as against the minimum requirement of 350 bottles of milk. (Reference Note No.HC/PS/65.IV dated 13th September 1,1965). It took days before the position regarding provisions could be rectified. In the case of the High Commissioner’s residence, the policemen on duty refused to allow the servants to even cross the road to buy milk from the Delhi Milk Scheme Booth for the High Commissioner’s grand-daughter aged 2½ years. In the High Commissioner’s case no milk supply was allowed for 24 hours. (Reference Note No.HC/PS/65.IV dated 13th September 1,1965).

11. On the 12th September the following restrictions were placed:

i) The High Commissioner was allowed to visit the Ministry and his Chancery. The Deputy High Commissioner could go to the Chancery and the High Commissioner’s residence only. Other officers could go to Chancery only. The High Commissioner’s wife was permitted to make only one visit to the market and one visit to the Chancery and return to her residence before 5 p.m.

ii) Everyone was asked to move in CD Vehicles. Police in uniform and armed with rifles insisted on getting into the High Commission’s diplomatic cars bearing C.D. Numbers, including the Head of Mission’s car. The Ministry was informed that this was a gross violation of the inviolability of diplomatic cars and unless this restriction was removed neither the High Commissioner nor his Officers would move out of their residences under these humiliating circumstances and would consider themselves as having been confined to their residences under orders of the Government of India. It was suggested by the High Commission that the escorts should travel in their own transport. As no response from the Ministry of External Affairs was available, the High Commissioner and his officers were virtually prisoners in their houses. This state of affairs lasted for 5 days. Thereafter only the High Commissioner was provided with escort vehicles; other officers had to accommodate Indian Policemen in their vehicles or not go out at all.
iii) All others were confined within the Chancery Compound and remained so until the removal of restrictions. Only two officials were allowed to go out twice a day for shopping purposes accompanied by armed policemen.

iv) The Military Adviser of the High Commission, Colonel Haq Nawaz Khan (17, Friends Colony) was informed by the policemen on duty that he was “under house arrest” and the Police Officer entered the Military Adviser’s residential premises and refused to leave until asked to produce his orders in writing. (Reference Pakistan High Commission’s Note No.HC/PS/65.II dated 13th September 1, 1965).

12. On the 10th of September, Mr. Shafiz Ahmed Siddiqi, an official of the High Commission went to the Palam Airport for official work. Three plain-clothed C.I.D. men surrounded him and abused him in a most filthy and vulgar language unexpected of civilised people. (See Appendix). This incident took place at 4 p.m. at Palam Airport. The plain-clothed men were riding in Car No.DLF-7885. (Reference High Commission’s Note No.HC/PS/65.II dated October 1, 1965)

13. The Ministry has already been informed how the High Commission’s Chemists and Druggists refused to sell medicines to its Medical Officer. The lady Doctor, who is an Indian National, was not allowed to enter premises to look after her patients, especially ladies and children.

14. In many instances Police escorts indicated to the shopkeepers not to sell provisions to Officials of the Pakistan High Commission. On many occasions the shopkeepers charged exorbitant rates at the instance of the policemen who were detailed to escort High Commission officials for buying things from the local market.

15. On September 13, 1965, at 3 p.m. Dr. Ziaul Bari Ansai, the Medical Officer of the High Commission, was going out in a diplomatic car to procure medicines which were urgently needed by some officials of the High Commission. When the car reached the Main Gate of the Chancery premises, it was halted by the Officer-in-Charge of the Police Guard. The Medical Officer explained the purpose of his proposed journey, but that Police Officer behaved rudely with the Medical officer and said, “Mister, for your information’s sake, I must say that all of you are under house arrest.” The car was not allowed to proceed and had to turn back. (Reference Pakistan High Commission’s Note No.HC/PS/65.IV dated September 15th, 1965).

16. On the night between 14/15th September, the one year old child of an official of this High Commission fell seriously sick and the Medical Officer suspected the disease to be diphtheria. This child was advised to be taken to the Infectious Disease Hospital without any loss of time. When the sick child,
together with his parents, was being sent in one of the staff cars, the car was stopped at the Main Gate by the police who had earlier been informed that an emergency of this type had arisen. Although the Police Officer was informed that the child was dangerously ill and had to be taken to the hospital immediately, the car was kept waiting and not allowed to leave for over 1½ hours. The C.D. car, belonging to the High Commission, was then searched and was allowed to proceed only after a full physical search on the person of the parents and the sick child had been carried out. (Reference High Commission’s Note No.HC/PS/65.IV dated 15th September, 1965).

17. From 12th September, onwards, until the removal of restrictions, all locally recruited staff such as sweepers, dhobis, electricians, plumbers, etc. were not allowed to enter the Chancery premises, for essential services rendered doubly necessary by extreme congestion caused by a concentration of more than 700 persons in one place. Even newspapers were not allowed to be delivered.

18. The property and personal belongings of Diplomatic and non-diplomatic persons were ransacked and searched by the police. Full extent of losses and damaged has yet to be determined because officers have not been able to return to their homes. But the following may interest the Ministry:

19. The personal effects of Mr. S. N. Qadri, District Manager of Pakistan International Airlines Corporation (151, Golf Links) and Mr. Tony Mascarenhas and Mr. M. Alam (A-118, Defence Colony) were ransacked by the police. It has further been discovered that the residence of Second Secretary, Mr. Bashir Ahmed (141, Sunder Nagar) was entered into and his property removed. This has already been brought to the notice of the Ministry in our Note No.HC/PS/65.IV dated 2nd October 1965.

20. On 17th September 1965 five officers still living in their houses were asked to shift into Chancery building before the evening on the pretext that reciprocity had to be observed with the result that in New Delhi the entire staff of the High Commission and their families, totaling 700 souls were cooped up in one place, which resulted in extremely congested and difficult living conditions. The Ministry now admits that in Karachi the Indian High Commission staff were accommodated in five separate buildings. It action was thus not only not based on reciprocity but was also high-handed.

21. The Ministry has referred to the demonstration which took place before the Indian High Commission Chancery in Karachi on the 21st September. The High Commission repudiate the Ministry’s allegation that the demonstration had connection with the Government of Pakistan. This was a spontaneous manifestation of the feeling of resentment on the part of the people of Pakistan whose sentiments had been outraged by the blatant and naked aggression
which had been launched by the Indian Armed Forces across the International Frontier between India and Pakistan on the night of 5th/6th September 1965. This act of aggression by one neighbouring country on another was in complete and utter violation of the United Nations Charter and in complete contravention of international law and was a treacherous attack made without any ultimatum or warning. In the circumstances is there any surprise that it caused feelings of revulsion in Pakistan which manifested themselves in the form of a demonstration? It goes to the credit of the Karachi Police that at considerable risk they succeeded in controlling the dangerous situation and dispersed the crowd at the cost of broken windows only.

22. Having thrown all morality to the winds and having ignored all canons of international law in invading the territory of Pakistan and in subjecting its people to the horrors of an undeclared war, it is the height of irony indeed that India now demands compensation and apology for alleged breaches of international practice and diplomatic usages for which as seen above, it has shown scant respect.

The High Commission of Pakistan avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India.
New Delhi.

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0443. Note Verbale of the Ministry of External Affairs to the Pakistan High Commission in India regarding the complaints made by the High Commission.

New Delhi, October 6, 1965.

No. PI/114/15/65 October 6, 1965

The Ministry of External Affairs presents its compliments to the High Commission for Pakistan and, with reference to the High Commission’s Notes No.HC/PS/65-IV dated the 13th September and No.HC/PC/65-V dated 15th September 1965, has the honour to say that the complaints made in the Notes have been carefully investigated and a meeting was also held in the Ministry of External Affairs with the Deputy High Commissioner of Pakistan and two other diplomatic officers of the High Commission soon after the receipt of these Notes, to examine these complaints. It was found, after through investigation, that the complaints were either completely baseless or wildly exaggerated. Nevertheless every step was immediately taken to remove any genuine inconvenience and frequent consultations were held with the High Commission of Pakistan for this purpose, both personally and on the telephone. In fact, the Government of India had taken particular care to ensure that there should be no difficulty regarding medical assistance or food supplies. It is an undeniable fact that the members of the Pakistan High Commission received visits from doctors and went to doctors and hospitals for medical treatment, whenever they required it. It is also an undeniable fact that the High Commission received large supplies of milk both in the mornings and evenings.

2. It has also been established that the members of the Pakistan High Commission had ample facilities for shopping and purchase of provisions, milk, food and all other requirements. The members of the Pakistan High Commission actually performed many trips every day for the purpose of shopping.

3. The allegation that the telephone of the Pakistan High Commissioner is cut off has been investigated and found to be totally incorrect. On the contrary, ample telephone facilities were allowed to His Excellency the High Commissioner and members of the High Commission. It has also been ascertained that soon after the receipt of the Notes, telephone connection was established with the Acting Dean of the Diplomatic Corps as requested by the High Commission of Pakistan. The complaints that the High Commission was not allowed to send communications to the Ministry of External Affairs is disproved by the fact that a large number of communications were, in fact, received by this Ministry from the High Commission of Pakistan and are on record.
4. The allegation that His Excellency the High Commissioner has been prevented from moving out of his house is most amazing, as it is well known that the High Commissioner was making several daily trips to his office, to the Ministry of External Affairs and to places at his convenience and pleasure.

5. It is clear that the High Commission of Pakistan has been treated with great humanity and consideration, although the High Commission of Pakistan seems unwilling to acknowledge it.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for Pakistan the assurances of its highest consideration.

The High Commission for Pakistan,
New Delhi.

0444. Note Verbale of the High Commission of Pakistan in India to the Ministry of External Affairs regarding complaints of distress to the members of the High Commission.

New Delhi, October 7, 1965.

Office of the High Commissioner for Pakistan in India
New Delhi

No.HC/PS/65.IV. 7th October, 1965

The High Commission for Pakistan presents its compliments to the Ministry of External Affairs, Government of India, and with reference to the Ministry’s Note No.PI/114/15/65, dated October 6, 1965, has the honour to state as follow:

2. It is completely wrong to suggest that the Ministry held a meeting with the Deputy High Commissioner and two other Diplomatic Officer of the High Commission to examine the points raised in our Notes Nos.HC/PS/65.IV, and No.HC/PS/65.V of 13th and 15th September, 1965. The meeting of September 16th, 1965, took place on the High Commission’s initiative to discuss the distressing condition of 700 odd residents, who had been cooped up in the Chancery under orders of the Government of India, and who were experiencing shortages of provisions and difficulties in maintaining essential services about which the Deputy High Commissioner left an aide-memoire with the Ministry. The discussion, as will be readily borne out by the aide-memoire, was confined
to provision of food, vegetables, medical aid etc. for the residents of the Chancery. Even after the agreement reached in the discussion of 16th September in the Ministry of External Affairs, it took several days before the Ministry could implement their own agreement. The Ministry may be interested in some of the cases in which the agreement of September 10, 1965, was never honoured.

(i) Despite a clear agreement on September 16, for providing necessary facilities for the purchase of provisions, the delivery of newspapers etc. the Police escorts provided by the Government continued to indulge in provocative acts of harassment. The Police posted outside the main gate of the Chancery physically chased away newspaper vendors and delivery men who came to supply essential article of daily usage. The Police escort accompanying the personnel of the High Commission on shopping kept instigating the shop-keepers not to sell provisions to them.

(ii) In violation of the agreement on September 16, 1965, on the basis of which reciprocal facilities were recommended to the Government of Pakistan, in a telegram which issued through the Ministry of External Affairs, entry both to the Chancery and the Residences of the Officers living outside the Chancery continued to be denied to such essential staff as sweepers and scavengers until September 20, with the result that between September 12, and September 20, the work of scavenging had to be done by the Officers, the Staff and their families.

(iii) Notwithstanding the agreement of September 16, to provide facilities to guard the House of Pakistan High Commission Officers who had moved to the Chancery, no action was taken on cases of flagrant violations brought to the notice of the Ministry. These cases dealt with ransacking of property, personal belongings, official furniture and placing of impediments such as pad-locks by landlords who had posted their own men within the premises. The three notes of the High Commission (No. HC/PS/65.I, dated September 20, 1965, and No. HC/PS/65.VI, dated 2.10.1965) sent to the Ministry of External Affairs refer.

3. The Ministry have in their Note under reference stated that Members of the Pakistan High Commission received visits from doctors. This is completely incorrect. On no occasion throughout the period of confinement from September 9, to September 22, did any medical practitioner enter the premises either of the High Commissioner’s residence or of the Chancery. The Medical Practitioners could not have entered the premises without the knowledge of the Ministry which had blockaded the Chancery with a heavy armed guard. The High Commission would be most interested in any instance that the Ministry be able to quote. The High Commission urgently required the services of a specialist in an emergency
case of brain hemorrhage on 21.9.1965 but was unable to secure them with the result that the patient who was in a critical stage had to be rushed to a hospital. The physical dislocation contributed to the aggravation of the suffering of the patient who died on her way to the hospital at 2 p.m.

4. In view of these instances, the High Commission finds it a little difficult to accept the self-righteous assertion of the Ministry that the High Commission was treated with great humanity and consideration.

5. The Ministry in Para 3 of its Note under reference has found it fit to make categorical statement that the telephone of the High Commissioner was not cut off. The Ministry may perhaps like to refresh its memory on this score. Irritating interference with the telephone began as early as September 7. On their attention being drawn the offensive practice the Ministry vehemently denied any interference until September 12 when the telephone was completely cut off without any warning or intimation. From September 12 until September 17, the High Commissioner was unable to contact even his Chancery or the Ministry of External Affairs over the telephone. Even though the Ministry of External Affairs informed on September 12, that they were agreeable to provide him connection with four Officers in the Ministry and four Heads of Mission, the High Commissioner was unable to contact even the Foreign Secretary over the telephone until September 17, 1965. He had to write a letter and had it delivered on September 14, when he asked for an immediate interview with the Foreign Secretary to discuss the intolerable conditions which had been imposed on him and his Officers. From October (September) 17, onwards the High Commissioner was able to get the Ministry of External Affairs over the telephone through an operator. The telephone connection with the acting Dean of Diplomatic Corps was not established until October 6, 1965 – two weeks after the removal of restrictions. The High Commission regrets that the Ministry of External Affairs should deem it necessary, in complete disregard of the facts of the case, to make a brazen statement which cannot bear any scrutiny whatever.

6. In Para 4 of the Note under reference the Ministry of External Affairs have stated that the High Commissioner was making several daily trips to his office, to the Ministry of External Affairs and to other places at his ‘convenience and pleasure’. Does the Ministry feign ignorance of the demand which was made that the High Commissioner could only go to his Chancery or to the Ministry of External Affairs on an appointment? In actual practice he did not move out of his residence at all for five days between September 12 and 16, and that he visited the Ministry of External Affairs only on one occasion after the imposition of restrictions on September 12 because of the unacceptable demand that two armed policemen should ride with him in his car. The Ministry may like to recall that the High Commissioner was a virtual prisoner in his own house from September 12 to September 16 as he would not suffer violation of
the principle of inviolability of his person by acceding to the demand of the
armed police grds to seat themselves in is car and remain there during the
performance of a journey. It was with a view to discussing the humiliating
conditions which had been imposed upon him that he sought on September
14, (vide High Commissioner's Note No.HC/PS/65-V) an immediate interview
with the Secretary of the Ministry of External Affairs. This interview was arranged
on 16th September which was that first occasion that the High Commissioner
moved out of his house since the imposition of restrictions on September 12.
The Ministry which had made adequate arrangement to have the High
Commissioner followed by a posse' of armed policemen should know that the
High Commissioner moved only once a day between his residence and office.

7. It is significant that the Ministry of External Affairs while freely indulging
in distortion of facts have omitted entirely to refer to the withdrawal of electrical
energy at the residence of the HIGH Commissioner and the Chancery. The
Ministry may perhaps like to refresh its memory and recall that electric energy
at the residence of the High Commissioner was cut off deliberately between
9.15 on the morning of September 7 until 7.30 on the morning of September 8.
The High Commission protested to the Government of India vide their Note
No. 13(72)P/65, dated 8th September, 1965. They were informed on September
10 by the Ministry of External Affairs (Note No.P/114/13/65) that "the election
energy was suspended for a short period on the 8th September in the interest
of the safety of the occupants". The assurance notwithstanding, the electric
energy, both at the residence of the High Commissioner and the Chancery in
Chnakayapuri, continued to be interrupted until the 24th September from 10.30
p.m. to 7 a.m. every day. It is hard to believe that this solicitude for the 'safety
of the occupants' over a period of sixteen days was displayed without the
knowledge of the Government of India.

8. The High Commission of Pakistan deplore the complacent self-
righteousness with which the Ministry, in a Note bristling with numerous
contradictions, has sought to make excuses by indulging in vague
generalisations and deliberate distortions in willful disregard of verifiable facts.
The High Commission is constrained therefore to reject the Ministry's Note,
especially Para 5 thereof.

9. The High Commission avails itself of this opportunity to renew to the
Ministry, the assurances of its highest consideration.

Ministry of External Affairs,
Government of India,
New Delhi

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0445. Aide Memoire of the Pakistan High Commission in India regarding reciprocal release of persons detained in each other’s country.

New Delhi, October 13, 1965.

Subject: Return of Nationals on the basis of reciprocity.

Reference Ministry of External Affairs aide memoir dated 1st October, 1965, on the subject of exchange of nationals. The High Commission of Pakistan has the following proposal to make:

i) As a first step the two Governments should order, on a reciprocal basis, the release of nationals actually detained in both countries. The Government of Pakistan will have no objection to the grant of exit permits to Indian nationals with valid passports at present under detention in Pakistan provided the Government of India agree to do the same.

ii) Such an order should be made on an agreed date simultaneously in Karachi and Delhi.

iii) After their release the nationals of the two countries now under detention will make their own arrangements to leave for their respective countries as and when possible or convenient. Both Governments would allow extension of stay pending availability of travel facilities.

New Delhi.
Dated the 13th October, 1965.

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Note Verbale from the Pakistan Ministry of Foreign Affairs to the Indian High Commission in Pakistan regarding Indian protest on denial of facilities to the members of the Indian High Commission in Pakistan.


The Ministry of Foreign Affairs presents its compliments to the High Commission of India in Pakistan and draws attention to the High Commission’s Note No- HC-X/1, dated September 28, 1965 protesting against what it termed as the “outrageous” violations of its diplomatic rights”. In his meeting with the Indian High Commissioner on 2nd October 1965, the Foreign Secretary informed him that the Government of Pakistan rejected the protest which was based on totally unfounded allegations.

2. It has transpired that the unfounded Indian protest was a sinister attempt to cover up the indignities and outrages perpetrated by the Indian authorities against the members and the premises of the Pakistan High Commission in New Delhi in gross contempt of the norms of diplomatic behavior expected from civilized nations. According to reports received the Pakistan High Commission in New Delhi was subjected repeatedly to excesses by the local police authorities who continuously harassed the High Commission.

3. In utter disregard of established convention and international usage the High Commissioner for Pakistan was by a verbal order, confined to his house in the first week of September. The Indian authorities offered to allow him to move only to his office and that too if Indian armed guards could sit with him in his car. As the High Commissioner, in his capacity of the representative of the sovereign state of Pakistan, could not tolerate such disrespect nor suffer this infringement of inviolability, he decided not to move out of his house at all and was thus virtually reduced to the status of a prisoner. Since his telephone lines had been cut he was not in a position to get in touch with his office or to discharge any other duties.

4. The local servants of the High Commissioner who came from outside were harassed, intimidated and finally chassed away by the police. The servants who lived within the residence of the High Commissioner were denied exit. This resulted in extreme hardship to the inmates including the grand daughter of the High Commissioner, aged 2 ½ years, who had to go without milk for one whole day. The guards posted outside the residence of the High Commissioner did not have even the courtesy or the kindness to allow some one to go across the road to fetch a bottle of milk.
5. All Pakistani officers and the members of the staff were ordered, at a short notice, to move into the Pakistan High Commission. When this was done it was discovered that more than 700 people were lodged within the precincts of the Pakistan High Commission, which instead of being an office had now to be transformed into a concentration camp.

6. The electric current including power supply was denied to the residence of High Commissioner and the Pakistan High Commission which were plunged into darkness every evening. The High Commissioner, his family and the others spent several sultry summer nights in sleeplessness.

7. In flagrant violation of the universally recognized principle of inviolability of diplomatic premises the Indian armed police, on September 14 took possession of, and locked, the main and side entrances of the Pakistan High Commission. The entrances were further barred and obstructed by stationing cars heavy boulders in front of them.

8. The residence of the Pakistani diplomatic officers in New Delhi were similarly violated a number of times. On 13th September, the Military Adviser of the Pakistan High Commission was ordered by a Sub-Inspector of Police not to move out of his residence as he was under house arrest. The armed police guards thereupon entered the house of the Military Advisor and stationed themselves within the premises.

9. Similarly a forcible entry was made into the residence of the Naval Adviser by the armed police. The police claiming to act under the order of D. I. G. locked the side and back entrance of the house. Similar violation was committed against the residences of the junior officers of the Pakistan High Commission.

10. The police guards ostensibly provided for the protection of the Pakistani officers and staffs were a continuous source of deliberate harassment. They did not allow any contact with the outside world nor did they permit the Pakistani officers to meet one another. The Indian police guards physically chased away delivery-men who came to supply essential provisions to some 700 odd people confined within the Pakistan High Commission.

11. The excesses committed by the Indian authorities against the officers and staff of the Pakistan High Commission reached a new peak when essential maintenance and sanitary staff such as sweepers and scavengers were not allowed to perform their duties. The whole area congested with 700 and more people faced a serious health hazard. The hardships caused to the inmates cannot be imagined.
12. The Pakistan High Commission was denied medical facilities. A serious case of Diphtheria had to be rushed to the hospital but it was delayed for about one and half an hours, by the armed police stationed outside the Chancery. On numerous occasions the Medical Officer attached to the High Commission attempted to go out for the purchase of essential medicines, but he was denied exit by the armed police who maintained that all the residents were under house arrest.

13. The police authorities kept intimidating and harassing the member of the High Commission. The police often used abusive, filthy and uncivilized language.

14. The above is but a sketchy recital of the treatment meted out to the officers and staff of the Pakistan High Commission by the Indian authorities in persistent and flagrant violation of international law and diplomatic usage as practiced amongst civilized nations.

15. The Government of India has shown a callous disregard for diplomatic proprieties and its obligations under international law. It would be recalled that by the account of the Government of India itself that country was not at war with Pakistan and therefore the personnel and premises of the Pakistan High Commission in New Delhi should have been given complete and unhindered diplomatic privileges and facilities. It is also inconceivable that these excesses could have been committed without the knowledge or connivance of the Government of India. The Government of Pakistan, therefore, holds the Government of India completely responsible for these shocking outrages against well established diplomatic rights and privileges and demands an immediate and unqualified apology from the Government of India with assurances that such excesses will not again be repeated. The Government of Pakistan reserves the right to revert to this subject when more details are available.

16. The Ministry avails of this opportunity to renew to the High Commission the assurances of its highest consideration.

The High Commission for India in Pakistan, Karachi.
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0447. Letter from the High Commissioner for Pakistan in India
Arshad Hussain to Foreign Secretary C.S. Jha.

New Delhi, October 19, 1965.

High Commissioner for Pakistan in India
New Delhi

No. F.1 (3)P/65/(N)-I, 19th Oct. 1965

My dear Chandra,

I am troubling you personally in this matter because I feel that this is a case in which much hardship can be avoided if an early decision could be taken. This concerns the nationals of the two countries, who may wish to return home. My Government is agreeable in principle to permit Indian nationals, who wish to return, to do so, on the basis of reciprocity. As it will take some time to put this arrangement fully into operation, the Government of Pakistan would agree to permit immediately the following categories to leave, provided you agree to give similar permission to Pakistan nationals concerned:

(a) Persons who desire to leave on compassionate grounds or for any other reasons and recommended by the respective High Commission.

(b) Employees of Commercial Firms, Banks, Airlines, Government Departments or Semi-Government Organisations, pressmen etc. who may wish to return.

(c) Families of those who are allowed to leave would also be given permission. Personal luggage will be allowed subject to the normal baggage rules.

2. To begin with, exit permits would be issued to small groups, the numbers would however be increased progressively.

3. If this is acceptable, would you kindly let me know? I suggest that the arrangement should come into force a week from today or on any other date which you would care to suggest.

With kind regards,

Yours sincerely

Sd/ M. Arshad Hussain

Mr. C.S. Jha,
Foreign Secretary,
Ministry of External Affairs
New Delhi
EXPRESS LETTER

From: Foreign New Delhi.
To: Hicomind Karachi

PI/114/15/65 October 19, 1965

Sub: Facilities extended to the Pakistan High Commission during hostilities between India and Pakistan

Reference your telegram No 9153 of October 7. Facilities extended by us to Pakistan High Commission were as follows:

1. (a) High Commissioner could move freely between his residence and the Chancery and visit External Affairs Ministry as necessary.
   (b) Deputy High Commissioner was free to move between the High Commissioner’s residence and the Chancery. He and other officers could visit the Ministry as necessary.
   (c) For Victualling purposes, four visits to the markets, two in the morning and two in the afternoon, were permitted to two members of staff (in each visit);
   (d) The Mission’s medical officer was free to go out to arrange admissions into hospitals for serious cases and for purchase of medicines etc.
   (e) High Commissioner’s wife could visit the Chancery and go for shopping. A servant was allowed to go out from High Commissioner’s house for victualling purpose
   (f) Mission’s messengers were allowed to bring Notes to the Ministry.
   (g) Relatives of Patients admitted into hospitals could visit them and if imperative could even stay in the ward.
   (h) On a special occasion when an inmate of the Pakistan High Commission died several of her relatives were not only permitted to visit the High Commission and to attend the funeral etc. but to reside in the High Commission premises for three days as requested.

2. All movements were required to take place in the Mission’s staff cars under armed police escort but in the case of the High Commissioner and his wife the escort followed him in their own vehicle.

3. (a) thirteen doctors named by Pakistan High Commission were offered all necessary facilities to call at the High Commission at any time
they were required to do so. The High Commission’s lady doctor and mid-wife visited the High Commission premises as and when required or necessary.

(b) Local employee, such as, gardeners, sweepers, plumbers and carpenters were allowed entry into Chancery premises.

4. Services of *Dhobis*, barbers and packers were made available.

5. Furniture dealers from whom furniture had been hired were allowed entry for taking over their goods.

6. Local and foreign newspapers were being delivered at the High Commission premises throughout, with the exception of one or two days when Pakistan officers were moving into those premises.

7. (a) Perishable articles as per demand could be purchased by Mission’s representatives.

(b) Non-perishable consumer goods as per demand were supplied by agents including agents of bonded stores at the gate.

(c) Milk and butter as per demand were supplied at the gate by Delhi Milk Supply authorities or at the nearest milk booth.

8. (a) Two telephone connections were allowed -- one in the Chancery premises and another in the High Commissioner’s residence - for connections inter-se, with the Ministry of External Affairs and designated medical practitioners. In addition the High Commission was free to contact the Mission of the U. K., U. S. A., Yugoslavia, U.A. R. and U. S. S. R... in addition to the Dean of the Diplomatic Crops on the telephone at any time.

(b) Electric energy to the Chancery and High Commissioner’s residence was supplied subject to black-out being observed. As in the first black-out night the High Commission deliberately kept the light ablaze, electricity was cut off between mid-night and 0500 hours for about 2 weeks.

9. The High Commission was in touch with the U.K. High Commission and U.S. Embassy. Diplomats from both the Missions were permitted to visit the High Commission every time a request was received from them.

10. Patrolling of the residences vacated by High Commission officers was arranged. Ministry had requested the High Commission to ensure that the concerned officers left some of their personnel behind to look after the residences in their absence, which they did not do.

11. The bank accounts of the High Commission were not frozen at any stage.
12. The 7 officers who were asked to shift from their hoses outside High Commission compound were offered hotel accommodation with telephone connection. The High Commission preferred to accommodate them in the Chancery.

(K.N. Chakravarty)
Under Secy. To the Govt. of India

High Commission of India. Karachi.

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0449. Letter from Foreign Secretary C. S. Jha to Pakistan High Commissioner Arshad Hussain regarding reciprocal arrangements for nationals of the two countries to return to their own country.

New Delhi, October 21, 1965.

No. 310/FS/65, October 21, 1965

My dear Arshd,

Please refer to your letter No.F.1(3)P/65(N)-I dated October 19, 1965, about general permission to Pakistan nationals to leave India. We have, during the past fortnight, already permitted 38 Pakistan nationals including journalists, to leave the country on the basis of applications received by us. Of these, 16 are believed to have already gone. The remainder are apparently awaiting return transportation arrangements. Unhappily, there has been no such movement from the Pakistan side and we have confirmation only about 3 Indian journalists who returned from Pakistan last week.

2. We have proposed repeatedly to your High Commission that he categories (a), (b) and (c) mentioned in paragraph 1 of your letter of October 19, should be allowed to leave either country urgently on reciprocal basis. We had hoped that except for the limited numbers under detention, the categories of persons mentioned in paragraph 1 of your letter would not be restrained in Pakistan and that return of such persons could start immediately. Indeed, from our side we have already started this process and 38 Pakistan nationals have been permitted to leave India. We would be quits agreeable to speed up this process on reciprocal basis.
Yours sincerely,
(C.S. JHA)

H.E. Mr. M. Arshad Hussain
High Commissioner for Pakistan.
2/50-G Shantipath, Chanakyapuri,
New Delhi-21.

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0450. Note Verbale from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, October 21, 1965.

No.PI/114(22)/65, 21

Government of India
Ministry of External Affairs
New Delhi

The Ministry of External Affairs, Government of India presents its compliments to the High Commission for Pakistan in India, and with reference to Note No.HC/PS/65.V, dated the 5th October, 1965, from the High Commission, complaining about various discomforts felt by the High Commission during a fortnight last September, has the honour to say that these complaints and allegations have been carefully investigated. The complaints are without foundation and an obvious afterthought to try and cover up the brutal actions of the Pakistan authorities against the Indian Diplomatic Mission in Pakistan. Throughout last September, the Pakistan High Commission has been treated with the utmost consideration that was possible. In contrast the Indian High Commission in Pakistan and its members were subjected to the most unjustified and impermissible outrages on diplomatic immunity as also their personal safety and honour in gross violation of all diplomatic practice and International Conventions.

2. On the 8th September, the Deputy High Commissioner of Pakistan himself called on the Joint Secretary of the Pakistan Division in the Ministry of External Affairs, requesting protection for the personnel of the Pakistan High Commission residing in different parts of the city, e.g. Hauz Khas, Niamuddin, South Extension, Sunder Nagar, Defence Colony, Friend’s Colony, Green Park, etc.
He also said that a certain number of the non-diplomatic staff had already moved to the Pakistani Chancery premises of their own accord and on the advice of the High Commissioner. This was understandable in view of the tense atmosphere caused by Pakistan’s unprovoked military aggression against India. The Deputy High Commissioner suggested moving the personnel and their families to a few convenient places. Thereafter, the High Commissioner of Pakistan also had an interview with the Secretary of the Ministry of External Affairs at which it was agreed that in view of internal security needs, the diplomatic officers of Pakistan staying in Defence Colony continue temporarily to reside there and would take in as many of their colleagues with them as convenient and that others would move to the Chancery building where full police protection would be arranged. Assistance was promptly given for obtaining transport and other facilities for this move, on the request of the High Commission. The members of the Pakistan High Commission continued to reside in seven residences in Defence Colony and Friends Colony, and in the residence of the High Commissioner in Tilak Marg and in the spacious Chancery area in the Diplomatic Enclave. Subsequently, on the 16th September, a suggestion was made to the High Commissioner to accept alternative accommodation at some convenient place for the members of the High Commission scattered in the seven separate residences. Excellent accommodation was offered in the form of forty apartments in the Lodi Hotel with all amenities. However, the High Commissioner chose to decline this offer and insisted that how would like to have all the members of his Mission close to him at one place in the Chancery itself. The Ministry of External Affairs advised the High Commissioner to reconsider his decision and pressed the offer of 40 apartments with all amenities in the Lodi Hotel but the High Commissioner did not accept. Thus the ‘congestion’ complained of was the choosing of the High Commissioner. Indeed when on 23rd September, 1965, after the ceasefire, the High Commission was advised to move its personnel back to their respective houses, this return move was kept suspended for some time by the High Commission itself.

3. Regarding the allegation about electric supply being cut off, a complaint was received from the High Commission that on the night of 7th September electricity at the residence of the High Commissioner and the Chancery had been cut off for a certain period. The matter was immediately investigated and it was found that on that particular night, the Pakistan High Commission— in spite of repeated telephonic requests from the Civil Defence authorities— had deliberately defied the blackout regulations and kept all lights blazing. Even though the High Commission of Pakistan was fully aware that Pakistani bombers were on their aggressive sorties over Indian territory and were bombing civilian areas, mosques, churches and hospitals in total disregard of all principles and International Conventions, the High Commission still kept the lights blazing
during the blackout periods thereby endangering the safety and lives of their neighbors, including members of the Diplomatic Corps. The High Commission will admit that this action of the High Commission was dangerously irresponsible and anti-social as it endangered the lives of innocent citizens and fellow members of the Diplomatic Corps and others residing in that locality. In the circumstances, when the High Commission refused to heed the telephonic request of Civil Defense authorities, for ensuring the safety of the residents of that locality, the electrical current had to be switched off temporarily, during the night. The refusal of the Pakistan High Commission to comply with blackout regulations when all other Diplomatic Missions in the same area were doing so, is most revealing.

4. The allegation that all telephones were cut off is completely untrue. Telephone connections were maintained with Doctors, the Acting Dean of the Diplomatic Corps, five Diplomatic Missions, the Secretary to the Government of India in the Ministry of External Affairs, Joint Secretary in charge of the Pakistan Division in the Ministry of External Affairs, the Permanent Duty Officer of the Ministry and others. The High Commission officers were also allowed telephone connections with H.E. the High Commissioner and panel doctors of the High Commission availed itself fully of the facilities for telephone conversation with not only he officers of this Ministry, but also members of the Diplomatic Corps, medical practitioners, hospitals, etc. It is regrettable that the High Commission of Pakistan should resort to suppressing and falsifying the facts in this regard.

5. Concerning police protection, from the 12th of September, the guards required were posted at the residence of the High Commissioner, the Chancery of the High Commission and the seven residences of the officers in Defense Colony and Friends Colony for their protection. The allegation that the entrance of the Chancery was forcibly closed and padlocked and that obstruction was cussed at the entrance by parking an Ambassador Car or by placing huge boulders in front of a side gate has been investigated and found to be untrue. Full protections were provided and every effort was made to ensure that no untoward incident caused any inconvenience to the High Commission. This would be borne out by several respectable members of the local community who reside in areas near the residences of the Pakistan diplomats or the Chancery or the residence of H.E. the High Commissioner. Unlike the organized violent demonstrations against the Indian Chancery at Karachi, the Pakistan Mission in India enjoyed complete police protections at all times.

6. The allegation that the domestic servants of the High Commission were not allowed to go out has been investigated and found to be contrary to facts. Domestic servants were, in fact, permitted to go out with the wife of the High
Commissioner, whenever she went out for shopping or to buy provisions. Supplies from outside were freely allowed. The services of electricians, sweepers, dhobis, plumbers and barbers were available to all the inmates of the Chancery and he residence of the High Commissioner. Truck loads of refuse were carried out freely from the High Commission and the Chancery. Milk was regularly supplied by the Delhi Milk Scheme from the Ashoka Hotel Depot and from Nizamuddin Depot twice a day. The servants of the High commissioner were never stopped from buying milk from the milk depots. The Chairman of the Delhi Milk Scheme has provided detailed information as to the quantity of milk purchased by the High commission. The Delhi Milk Supplier has also pointed out that on two days, namely, the 17th and 23rd September, the Pakistan High commission returned some quantities of milk as being in excess of its requirements for the day. For instance the Chairman of the Delhi Milk Scheme has given the following detail of milk purchased by the High Commission:

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<tr>
<th>Date</th>
<th>Morning</th>
<th>Evening</th>
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<tr>
<td>17.9.1965</td>
<td>200 bottles</td>
<td>140 bottles</td>
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<tr>
<td>18.9.1965</td>
<td>200 “</td>
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<td>24.9.1965</td>
<td>205 “</td>
<td>128 “</td>
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<td>25.9.1965</td>
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<td>30.9.1965</td>
<td>215 “</td>
<td>128 “</td>
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</table>

The charge of the Pakistan High Commission regarding the alleged denial of milk supplies is not only untrue but is an extremely ungenerous aspersion against a Public Utility which has gone out of its way to supply all the demands of the Pakistan High Commission even on credit.
7. The allegation that the High Commissioner alone was allowed to visit the Ministry is quite ludicrous. The High Commission is fully aware that besides the High Commissioner, the Deputy High Commissioner, Mr. Afzal Iqbal and several other diplomatic officers, Mr. Baber, Mr. Enayet Karim, Mr. Mehdi and others made numerous trips to the Ministry of External Affairs and had meetings with various officers of this Ministry namely Mr. Dar, Mr. Rao and Mr. Rasgotra, who gave every attention to the requests and suggestions of the High Commission. The members of the Pakistan High Commission daily made several trips for shopping, besides visits to clinics and hospitals and also for other purposes. These are well-known facts which can be verified from the records of the various clinics, including the one where ultrasonic ray treatment was given to the wife of the Deputy High Commissioner of Pakistan or from the Holy Family Hospital.

8. The High Commission had, of its own accord, asked for protection and police guard being presumably aware of the raids and searches being organized in Pakistan to molest the Indian Diplomatic Missions in Pakistan. When, however, the High Commissioner indicated that he did not want the escort to sit in his care for his protection but would like him to come in separate car, his wishes were promptly complied with. Although this imposed an unjustifiable strain on the resources of the Security Forces, extra cars were made available in order to enable the High Commissioner to have an escort car whenever he made his trips. It is well-known to the general public and also the Ministry of External Affairs that the High Commissioner, the Deputy High Commissioner and many members of the Mission were performing several trips a day and moved about to many places.

9. The allegation that policeman entered the residence of the Naval Attaché or of the Military Attaché and informed him that he was under ‘house arrest’ is gross connection. No such incident ever took place. It is significant that this matter was never mentioned at any of the numerous meetings which the officers of the High Commission had with the representatives of the Ministry. Further the allegation that Mr. S.A. Siddiqui, an official of the High Commission which he went to Palam Airport was followed by a plan clothes men riding in car no. DLF 7885 exposes the real character of the High Commission’s complaints. In one breath, the High Commission alleges that members of the mission were not allowed to move about and, in another, goes on to say that an official Mission had visited Palam Airport. Besides, it has been found the Car No. 7885 belongs to Mr Gopal, a resident of Defense Colony who has no connection whatsoever with the Indian Police, either in uniform or in plan clothes.

10. The High Commission has further alleged that Chemists and Druggists refused to sell medicines to the Mission. The High Commission is certainly
aware that its order forms for medical supplies, placed on a reputable firm of chemists in Connaught Place, are on its records, and the medicines etc. were actually supplied liberally even on credit. Similarly, the allegation that doctors were not permitted to enter the premises to found to be totally false stop. A diplomatic official of the High Commission came to the ministry of External Affairs and said that the lady doctor attached to the High Commission was not being permitted to visit the High Commission. In his presence, the permanent Duty Officers of the Ministry of External Affairs telephoned the lady doctor and she replied that she was attending to the patients of the High Commission, as and when required. She further clarified that for a certain period of day, she had been on leave. However, even during the period of leave she planned to go out of station for holy days but did not leave station because of extraneous reasons, she continued to render medical services to the member of the High Commission, whenever required. In fact, on the 15th September, she examined Mrs. Baber, wife of the second Secretary of High Commission at her clinic. Similarly, during this period, several members of Pakistan High Commission and their dependents received medical assistance from various doctors, hospitals, and clinics. To give some examples, Mrs. Haq Nawaz Khan, wife of the Military attaché, Mrs. Siddiqui, Mrs. Yasin, the wife of an employee of the High Commission, received treatment at various places, e.g. the Holy Family Hospital, a well-known hospital of New Delhi; the clinic of Dr. Diwan Chand Aggarwal and from various doctors, e.g. Dr. Mathur, Dr. Gupta etc. A surgical operation was performed successfully on one of the dependents of the High Commission in the Holy Family Hospital. It is also known that during the same period, a reputable professional medical association supplied to the High Commission, at its request intra uterine contraceptive devices. In these circumstances, it is hardly proper to complain that there was any deprivation of medical assistance during the entire month of September.

11. It is understandable that the High Commission would, in the pursuit of its Government’s policy of obsessive hostility towards India, indulge in propaganda directed against the Government of India. It is, however, deeply distressing that the High Commission should also seek to tar the fair name and reputation of Indian professional men, doctors, nurses, hospitals, clinics, etc. who rendered devoted and prompt service to the members of the Pakistan High Commission, performed operations, deliveries, supplied medicines, etc. These members of the medical profession, hospitals, etc. deserve at least some gratitude and appreciation from the High Commission. Neither the Government of India nor the Indian Medical men, or medical institutions or chemists in any way withheld medical assistance from the High Commission or its members.

12. The allegation that the Police guard was rude to the medical officer of the mission and told him that the medical officer was under ‘house arrest’ or
prevented him from buying medicines is patently untrue. Similarly is the allegation about the diphtheria case. The fact was that as soon as the guard was informed that a child was to be taken to the Infectious Diseases Hospital as a suspected case of diphtheria on the night of the 14th September, arrangements were made within minutes. No search or hindrance was caused. In fact the child was promptly taken to the hospital, received treatment and recovered.

13. The allegation that washermen were not allowed to render their services is completely untrue. The washermen continued to deliver laundry at the main gate of the Chancery whenever they were required. Newspapers and magazines were also freely allowed to the Pakistan Mission.

14. The allegation contained in Para 18 of the High Commission's Note that the 'property and the personal belongings of the diplomatic and non-diplomatic personnel were ransacked and searched by the Police' is a complete invention and an apparent afterthought to cover up the outrageous invasion of the diplomatic premises, committed on the nights of the 11th and 13th September on the residence of the Indian High Commissioner and his staff in Karachi and on the 10th September on the residence of the Indian Counsellor in Islamabad and the Indian Mission at Dacca where Indian offices were sealed up by the local police. The High Commissioner knows that its officers generally took care to remove their belongings at the time they moved their accommodation to the Chancery etc. There is intrinsic obfuscation in the Pakistan High Commission's Note itself, in that no date or time of this alleged 'ransacking and search' by the residence of Mr. Bashir Ahmed, Second Secretary, the High Commission itself has complained – in the another note – that the property was tampered with by the landlord. This complaint is being investigated, as it seems to be of the nature of a civil dispute between the landlord and the tenant arising from termination of lease and non-payment of dues. At no time did the police enter, much less search, the residence of any diplomatic officer or, for that matter, the houses of the three other persons who are not members of the High Commission.

15. In conclusion, it is evident that the complaints made by the High Commission of Pakistan are contrary to facts and relate to some minor inconveniences like delays in grocery supply, the failure of electricity for a few hours, imaginary delays in the arrival of and prompt servicing from barbers, dhobis, plumbers, sweepers, etc. Any such inconveniences were immediately got rectified as and when these were pointed out by the officials of the High Commission either to the Protocol officers stationed along with police guards or to the Duty Officer of the Ministry of External Affairs even though the transactions were mostly of a private nature between the High Commission
and private businessmen. In fact, on several occasions, diplomatic officers of
the Pakistan High Commission warmly thanked the permanent Duty Officer
and other officers of the Ministry of External Affairs for their prompt assistance
and consideration. It is a matter of regret to know that Pakistan High Commission
has now chosen to Manufacture a catalogue of petty grievances and frivolous
complaints.

16. The High Commission cannot, by any suppression of facts and distortion
of the truth or stretching of imagination, expect to relate its catalogue of
imaginary discomforts and frivolous complaints with the planned invasion of
the Indian Diplomatic premises by Pakistan police armed with guns and
bayonets on the nights of 11th and 12/13th September, the organized violent
demonstration against the Indian Chancery at Karachi on 21st September, 1965
and the deliberate terrorization by the Pakistan police of the members of the
Indian Missions in Pakistan (including women and children), the breaking open
of crates, boxes, cupboards, removal of official and private property, etc. and
the outrageous demand by the Pakistan police that cipher documents should
be handed over by the Indian Diplomatic Mission in Pakistan to the local
authorities. The Government of Pakistan has committed deliberate and lawless
invasion of Indian Diplomatic premises and immunity in Pakistan in violation
not only of elementary human decency and civilised practice but also in violation
of International Conventions which Pakistan has solemnly ratified. The
Government of India accordingly demands that full amends be made by Pakistan
for the outrages committed against the Indian Diplomatic Mission in Pakistan
and the Government of Pakistan duly tender an apology to India in accordance
with the Note dated 4th October, 1965m from this Ministry to the Pakistan High
Commission.

The Ministry of External Affairs avails itself of this opportunity to renew to the
High Commission of Pakistan the assurances of its highest consideration.

The High Commission of Pakistan in India
New Delhi

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0451. Letter from Foreign Secretary C. S. Jha to Pakistan High Commissioner Arshad Husain regarding general permission to Pakistan nationals to leave India.

New Delhi, October 21, 1965.

No. 310/FS/65. October 21, 1965

My dear Arshad,

Please refer to your letter No. F.1(3)P/65(N)-India, dated October 19, 1965, about general permission to Pakistan nationals to leave India. We have, during the past fortnight, already permitted 38 Pakistan nationals including journalists, to leave the country on the basis of applications received by us. Of these, 16 are believed to have already gone. The remainder are apparently awaiting return transportation arrangements. Unhappily, there has been no such movement from the Pakistan side and we have confirmation about 3 Indian journalists who returned from Pakistan last week.

2. We have proposed repeatedly to your High Commission that the categories (a), (b) and (c) mentioned in paragraph 1 of your letter of October 19, should be allowed to leave either country urgently on reciprocal basis. We had hoped that except for the limited numbers under detention, the categories of persons mentioned in paragraph 1 of your letter would not be restrained in Pakistan and that return of such persons could start immediately. Indeed, from our side we have already started this process and 38 Pakistan nationals have been permitted to leave India. We would be quite agreeable to speed up this process on reciprocal basis.

Your sincerely,

Sd/- C.S.Jha

H.E. Mr. M. Arshad Husain
High Commissioner for Pakistan,
2/50-G Shantipath, Chanakyapuri,
New Delhi.

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During the last few weeks the Government of Pakistan has been receiving very disturbing reports about the treatment meted out to Pakistani nationals who have been interned in India. The Government of Pakistan has learnt that Pakistan nationals in India, including women and children, have been indiscriminately arrested and clamped into internment camps and jails in a wholesale manner where they have been placed with ordinary criminals. At times food was denied to them and many were tortured and manhandled. They were kept out of all communications with their relatives and friends, and the whereabouts of many of those presumed to be interned are not known.

2. The Government of Pakistan strongly protests against the maltreatment of Pakistani nationals and expresses the hope that steps would be taken immediately for improving the treatment and living conditions of Pakistani nationals in Indian custody. The Government of Pakistan reserves its right to claim damages and compensation for maltreatment of its nationals in India. In this connection, the Government of Pakistan wish to point out that there has been no general internment of Indian nationals in Pakistan. Only in a few cases have Indian nationals been interned for reasons of security and they have been provided suitable living conditions and other facilities.

3. It is also pointed out that it was the Government of Pakistan which first suggested the exchanges of nationals. It had been suggested as a preliminary step that the two countries should agree to issue Exit Permits immediately to following categories of persons:

(i) Persons who desire to leave on compassionate grounds or other reasons recommended by the respective High Commissions.

(ii) Employees of commercial firms, banks, Airlines, Government departments or semi-Government organization, pressmen etc.

(iii) Exit permits to small groups should be issued on a reciprocal basis and latter on the numbers should be progressively increased.

4. The Ministry had suggested that this agreement should be implemented
with effect from 26th October, 1965. In the event this date is not acceptable to the Government of India, the Government of Pakistan should be happy to receive an alternative suggestion.

Karachi,
October 23, 1965.

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0453. Note from the High Commission for India in Pakistan to the Pakistan Ministry of Foreign Affairs regarding repatriation of Indian and Pakistani nationals on reciprocal basis.


High Commission of India
Karachi.

No. Pt. KAR/1-Rept/65 October 29, 1965

The High Commission of India in Pakistan presents its compliments to the Ministry of External Affairs, Government of Pakistan, and with reference to the Aide Memoire handed over by Director Noore to Mr. Kaul on 23rd October, 1965 with regard to general repatriation of Indian and Pakistani nationals has the honour to recall that the Government of India have been pressing since the acceptance of the cease-fire by India and Pakistan, for repatriation to be freely permitted. Moreover, despite the reluctance of the Pakistan Government to agree to this suggestion the Government of India have been allowing Pakistani nationals to return to their country on compassionate grounds ad hoc, even though the Government of Pakistan has not so far been reciprocating. In accordance with their general attitude the Government of India are most willing that general repatriation should commence immediately. They, therefore propose that with effect from today, the 29th October, 1965, The Governments of India and Pakistan should issue permits freely to each others' nationals to return home. On receipt of permits these nationals should be free to arrange for their departure by all available routes. The agreement of the Pakistan Government to this proposal is requested.

To ensure that the agreement is carried out reciprocally, the Government of India further suggest that biweekly returns should be exchanged between the
two Government indicating the number of exit permits issued, as well as the number of nationals actually allowed to leave for their country.

As regards nationals of each country interned by the other, the Government of India are also anxious that they be returned to their country on a reciprocal basis without further delay. The Government of India are agreeable to take the Pakistani internees to Indian ports or airports when they can embark on transportation arranged by the Government of Pakistan; if the Government of Pakistan prefer, the Government of India are even agreeable to taking the Pakistani internees to rail heads on the land border. Such arrangements will be undertaken if the Pakistan Government agrees to make the same arrangements in respect of Indian nationals interned by them.

The high commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

Ministry of Foreign Affairs,
Government of Pakistan,
Karachi.

0454. Sevingram

From: Hicomind, Islamabad.

MOST IMMEDIATE


Foreign Secretary from Prakash Kaul

Just returned after a very unpleasant and nasty bout with Director General ALIVE. Had I not been returning to Karachi tomorrow from where this would be sent to you through the courier, I would have had no means of communicating with you from Islamabad. Essential that Islamabad should have Cipher facilities with Delhi and appropriate link with Karachi and Dacca.

I had a two-hour session with ALVIE in which, aping his foreign Minister, he talked hysterically making all kinds of accusations against India. Whenever I tried to rebut, he would try to prevent me from saying my piece. I had made up
my mind not to be bullied or brow-beaten by him. I made it clear to him that I had not come to listen to his monologue or to be a witness to his display of bad manners and ill-temper. I also emphasized that I had a right to be heard and if he had no time to hear me, there was no point in carrying on the interview. At one stage he got up saying that he would terminate the interview which I said he was welcome to. I threw back the notes which he had given and asked him, if he had no time to talk to me, I would like to know whether he would like to give these notes to me. He was speechless for a moment and then said that he would like me to keep the notes and that he wanted to discuss the problem of internees which I said I was prepared to do provided he knew how to behave himself and found time to listen to what I had to say. After this break when we settled down it was different ALIVE who was speaking quietly and calmly and listening to whatever I had to say.

ALIVE began the interview by complaining against the harassment of Pakistani diplomats in India. He gave me a note which I am sending to DAR by the same bag. He complained that the police had even organized collision and that in Calcutta, the Pakistanis had been paraded in streets.

I replied that these allegations would be investigated and if found true, the guilty would be punished. This was in glaring contrast to the treatment given by Pakistan to protest made by us regarding far more serious and fundamental violations of diplomatic privileges when our Chancery and diplomatic residences were raided and searched. ALIVE argued that we could not “resurrect the dead issue” to which I replied that these issues would never die as they were the blackest deeds of the twentieth century. We deplore that Pakistan instead of reacting responsibly to our protest, punishing the guilty and giving us assurance that they would not be repeated had decided to dismiss them as baseless allegations. This gave us no choice but to express our displeasure, resentment and regret at Pakistani conduct. Accordingly we had recalled our High Commissioner and as a further act of displeasure we were retrenching our staff to the barest minimum. ALIVE gave me the impression that our High Commissioner had been recalled only for consultation. This would suggest that ARSHAD HUSSAIN would go back to New Delhi and would make it appear as though nothing had happened to deserve his recall. You might consider making it clear to the Pakistan Government in a way that you may think appropriate that our High Commissioner would not return to Pakistan in a hurry unless Pakistan was prepared to make amends for her misdeeds.

When I persisted in complaining against the excesses committed against us and the harassment to which we were being subjected even today ALIVE tried to say that some Pakistani officials, during the emergency, might have been over-enthusiastic in handling “India’s aggression on Pakistan at Lahore”. He
talked of “India’s continuing aggression in Kashmir which vitiated the present climate”. I made it clear to ALIVE that the conflict began not in September but in August when Pakistan attacked India in Kashmir. I asked him to make note of the fact that as in the past so in the future an attack on Kashmir would be treated as an attack on India. ALVIE commented that he was not prepared to discuss the Kashmir problem to which I replied that I had no intention either of discussing our internal affairs with him. As regards the harassment of Indian diplomats in Pakistan, I told him that our Counsellor PURI was not getting milk day after day. Carpenters and others kept on disappearing and today a man on scooter stopped his bearer and told him to stop working for the Hindus. In Karachi all our Pakistani local friends who could not be even remotely considered security risks had been warned to keep away from Indians who stood completely isolated. I stressed that we had repeatedly complained to Foreign Office in Karachi against these harassments but situation showed no improvement. We had, therefore, to request our Government to tell the Pakistani High Commission in Delhi to take up the matter with their Government to stop these harassments. If, however, they continued, we would have no alternative but to subject Pakistani diplomats in India to the same harassment and inconveniences to which we were being subjected in Pakistan. ALIVE tried to browbeat me to the charge that I had organised the harassment of Pakistani diplomats in India. In reply I gave him sequence of events to establish that we had asked for redress of our grievances in Pakistan which, if not taken care of by the Pakistan Government, would naturally lead to repercussions in India. If Pakistan Government desired to improve matters, she must give normal facilities and courtesies to Indian diplomats in Pakistan which would be reciprocated in India. ALVIE stated that instruction had already been issued to the police authorities to see that Indians were not harassed and he expressed the hope that similar instructions would be issued by the Government of India. I replied that so far I had seen no improvement in Islamabad and on my return to Karachi I would check if there is any improvement there. If not the inconveniences to Pakistani diplomats would have to continue.

ALIVE told me what had already been conveyed earlier by Director PIRACHA that normalcy should be restored to the functioning of diplomats in Pakistan and India. I pointed out to him that India had already proposed early in October that this should be done but Pakistan Government had indicated its unwillingness to give any more facilities than were being given at that time. ALIVE tried to explain that in October certain restrictions had been placed on the entire diplomatic corps as all diplomats could not leave Karachi without special permission. Pakistan Government could not give to Indian Missions more facilities than were being given to other diplomats. Now that they had decided to restore pre-emergency facilities to all diplomats they were in a position to restore normalcy in the functioning of Indian Missions in Pakistan.
On that basis, they requested extension of normal facilities to Pak Missions in India. He told me that the proposals had already been made to New Delhi. I expressed the hope that Pakistan would not try once again to take credit for initiating a proposal now which had been made by us originally a month earlier.

ALIVE talked at length about the report which he had received from AFZAL IQBAL about the Government of India’s reactions to proposals for repatriation contained in Pakistan’s note of third November. According to him, India was not prepared to release Pakistani internees but was prepared to deliver them at Wagah for repatriation by road or at Delhi for repatriation by air or at Bombay for repatriation by sea. This was at variance with Pakistan’s decision to release all internees and to leave it to them for making their own arrangements to return to their homes with the assistance of their High Commission where necessary. He further said that India was prepared to issue exit permits to non-internees provided the number of permits issued by both Governments was on parity. Their attitude is that it would be best if the internees and other nationals are released, given exit permits speedily and made free to make their own travel arrangements. For this purpose, (it was) necessary for both Governments to decide jointly on the routes by land, sea and air by which nationals of both countries would return home. If on the contrary they had to be brought collectively to any one point, one would have to go into the question of dates on which exchanges take place and elaborate arrangements would have to be made for physical transfer to the agreed points by both Governments which would inordinately delay matters. Pakistan’s view is with which I am in agreement that we should not strain respective High Commissions to process each and every case of repatriation for which they neither the men nor the resources.

I pointed out that out of 54,000 Pakistani nationals we had detained only about 3,000 or so. These were people whom we had suspected for anti-Indian activity. Consequently it would not be proper for us to release them and to let them roam about freely in India. Perhaps, for this reasons we had suggested that an exchange of internees should take place. I also explained that we were not proposing a man to man exchange but we had to keep an eye on the number of nationals who actually leave India and Pakistan so that no striking disparity arises in the actual flow of repatriation traffic. ALIVE requested clarification on this point and pressed for early arrangements for repatriation of all internees and nationals. He was particularly anxious about the opening of the land route between Lahore and Amritsar via Wagah which would be a help in arranging the early return of nationals of both countries. He also requested information regarding nearly 23,000 Pakistani labourers who were believed to be interned in West Bengal.
ALVIE preached again and again that we must take constructive steps to improve atmosphere and to improve relations. My reply was that while we welcomed this approach we had taken the initiative in regard to many matters but there was no response from Pakistan. We were all for improving matters at all levels and in all ways but this could only be a two-way traffic. ALVIE should implement what he was preaching to me. Earlier I had pointed out to Director PIRACHA that it would help to improve matters substantially if Pakistan was even at this late stage prepared to accept responsibility for raids and searches and was prepared to punish officials concerned. This would earn respect for Pakistan and coupled with the assurance that such misdeeds would not be repeated would improve the climate so much that it would be possible for our High Commissioner to return soon. I also pressed him to give us compensation for the damage suffered by our chancery.

From ALVIE’s talk with me to-night I got the impression that Pakistan was concerned at the realities of Indo-Pakistan relations. ALVIE’s display of bad temper was perhaps due to the sense of frustration on which these realities are imposing. His talk with me was devoted primarily to such matters as future of internees and other nationals, the position of pensioners and functioning of their Mission in India all of which have been badly affected by the recent hostilities. But beneath all these seems to be realisation of the fact that Pakistan had not been able to push India militarily or diplomatically, which might induce Pakistan to come down to earth a little more in the course of next few weeks. The appreciation of the realities is unlikely to result in Pakistan’s starting a major conflict with India again, in near future. This is the impression which I gathered from senior diplomats also and which I share. By refusing to be bullied by ALVIE and by being tough with him, I wanted to register that today India was not prepared to be pushed around by Pakistan, a fact which I expect him to report to his Government.
0455. Note Verbale from the Ministry of External Affairs to Pakistan High Commission in India regarding return of property and assets taken over by either side.

New Delhi, November 6, 1965.


The Ministry of External Affairs of the Government of India presents its compliments to the High Commission for Pakistan in India and has the honour to invite the High Commission's attention to the question of the return of the property and assets taken over by the Government of Pakistan in connection with the armed conflict of August/September 1965, and to Ministry's several notes in this connection, in particular Notes Nos. PII/274/1/67, Vo1.II dated the 21st November 1967, PII/287/1/67 dated the 8th January, 1968 and No. P(PIV)287(9)/66 dated the 31st July, 1968, respectively. The Government of India have throughout expressed their readiness to discuss the subject of the return of property and assets taken over by either side and has extended invitations to the Government of Pakistan to respond to this request in order to implement the undertaking given by the two Governments in Article VIII of the Tashkent Declaration 1966. This Article, as the High Commission is aware, provides as follows:

“.......They further agreed to discuss the return of the property and assets taken over by either side in connection with the conflict.”

2. Rather than respond to these invitations, it is regrettable that the Government of Pakistan has not only attempted to disown responsibility for Indian property and assets seized by them during and after the hostilities but have also, in an arbitrary manner, attempted to assume the right to appropriate the property and assets.

3. The Ministry has now come to know from the reports published in Pakistani newspapers that the East Pakistan Enemy Property Board, Dacca, proposes to dispose of by auction in the near future a large number of valuable Indian properties, such as cotton mills, tea gardens, cinema halls, industrial concerns, etc., as per list enclosed, which had been seized by the Pakistan Government during and after the armed conflict.

4. The Ministry protests against the arbitrary acts of the Pakistan Government first in seizing the property illegally and then disposing it of without any regard to international law and practice. Assuming, although not at all agreeing, that Pakistan could seize property and assets of Indian nationals during the armed conflict, it is well established under international law and practice that such property and assets must be held in custody as a continuing
trust, without disturbing title or ownership. Even the Defence of Pakistan Rules under which the property was seized and held require the property to be preserved in contemplation of the arrangements to be made at the conclusion of peace. The hostilities having ceased, and the parties having agreed in Article VIII of the Tashkent Declaration 1966 to discuss the return of the property and assets, the question of their disposal by sale, auction or otherwise, on the basis that this property belongs to Pakistan, is on the face of it illegal. A transferee or purchaser could never get a clear title to such properties. The Government of India, therefore, urge the Government of Pakistan to take steps immediately to stop auction of the properties mentioned in the enclosed list as well as of any other properties similarly seized, and instruct the East Pakistan authorities to desist from the sale and disposal of the seized Indian properties. Should they disregard this request and hold the illegal auction or otherwise dispose of the property and assets, the Government of India reserve their right in respect of Indian property and assets seized by Pakistan and will not recognize title that Pakistan or any third party may claim as a result of this illegal sale by auction or by any other mode of transfer.

5. None of the properties to be auctioned are perishable goods. Neither has the Government of Pakistan notified the Government of India that any of these are deteriorating. Property consisting of perishable goods or those which are deteriorating, could alone be considered for sale or disposal in other ways. But here too the disposal must be done in agreement between the two Governments so as to ensure that the property is not sold at a throw-away price, and the sale proceeds thereof must continue to be deposited with Government, to be taken into account at the time of return of property or assets.

6. In order to restore normalcy in this regard, and with a view to implement the undertaking solemnly agreed upon in the Tashkent Declaration, the Ministry once again invites the Government of Pakistan to take immediate measures to discuss the return of property and assets taken over by either side in connection with the conflict.

7. The Ministry avails itself of this opportunity to renew to the High Commission the assurance of its highest consideration.

The High Commission of Pakistan,
New Delhi.

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0456. Note Verbale from the Ministry of External Affairs to the Pakistan High Commission in India regarding return of nationals and returnees of the two countries on reciprocal basis.

New Delhi, November 8, 1965.

No.P(PIV)41(18)/65, 8 November, 1965.

The Ministry of External Affairs presents its compliments to the High Commission of Pakistan in New Delhi and has the honour to acknowledge the receipt of the High Commission Note No.1(24)/-CS-VI/65, dated the 4th October, 1965, regarding the return of nationals and internees of both the countries on the basis of reciprocity.

2. The proposals of the Government of India were reiterated in the Note Verbale No.KAR-REP-1/65 dated the 29th October from the High Commission of India to the Ministry of Foreign Affairs of Pakistan. A copy of this Note is enclosed. The Ministry is unable to understand a reference to the Aide Memoire handed over by the Deputy High Commissioner of Pakistan in India on the 13th October, as it was made clear to the Deputy High Commissioner of Pakistan that the proposals in that Aide Memoire were not acceptable in the form in which they stood. It will be evident from para 3 of the Note Verbale No.KAR-REP-1/65 dated the 29th October from the High Commission of India, Karachi, that there is a clear difference between the Indian proposal regarding internees and the proposal contained in the Pakistan Deputy High Commissioner’s Aide Memoire dated 13th October, 1965. It is again clarified that the Government of India are agreeable to take the Pakistan internees to Indian ports or air-ports or land frontiers as may be mutually agreed to provided similar facilities are given by the Government of Pakistan in respect of the Indian internees. From the points of exit the receiving government would make arrangements for the onward journey. In so far as the Pakistani internees are concerned, the question of extension of “stay permits” will not arise as they would be escorted to the points of departure from where they will immediately proceed to Pakistan.

3. The Ministry again wishes to point out that proposals for the speedy return of nationals of both countries were made in an Aide Memoire handed over by the Ministry of External Affairs to the Deputy High Commissioner of Pakistan on the 1st of October. These were in substance the same as the proposals which were made subsequently by H.E. the High Commissioner of Pakistan in his letter No.F.1(3)P/65(N)1 dated the 19th October, 1965, and further reiterated in Para 3 of the Government of Pakistan’s Aide Memoire dated the 23rd October given to the High Commissioner of India in Karachi.
4. As the High Commission is fully aware the Government of India have already started implementing the proposals made in their Aide Memoire of 1st October even though there has so far been a regrettable lack of reciprocity on the part of the Government of Pakistan. The Government of India confirm that they will implement the proposals contained in the High Commission of India’s Note No.KAR-REP-1/65 dated the 29th October, 1965, provided the Government of Pakistan will accept and implement the same.

5. The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of Pakistan the assurances of its highest consideration.

The High Commission of Pakistan,
Chanakyapuri, New Delhi

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0457. SECRET
Letter from Acting High Commissioner of India in Pakistan to Ministry of External Affairs.
Karachi, November 15, 1965

IMMEDIATE

P. N. Kaul
Acting High Commissioner
High Commission of India
Karachi

No.AHC-2312/65. 15th Nov. 1965

Subject: Political situation in Pakistan and immediate objectives of Pakistan’s Foreign Policy

My dear Kewal Singh*,

After the cease fire became effective on the 23rd September, 1965, both the Government and the people of Pakistan have had ample time to give some thought to Indo-Pakistan problems. In this dispatch I have attempted to analyse the mood of the simple people and have tried to assess the utterances of

* Kewal Singh, the High Commissioner had been recalled to New Delhi during the hostilities and he was based in New Delhi as Officer-on-Special Duty.
leaders like President Ayub and Bhutto. I have come to the conclusion, which I find is shared by many in the Diplomatic Corps, that there is little chance of Pakistan starting a second round and that faced with a stalemate militarily and diplomatically, Pakistan is gradually staging a climb down with minimum loss of face before its people.

2. The mood of the people does not reflect the thinking in Government circles which must be presumed to be more sober. So far as the ignorant masses are concerned, they have been roused to such a pitch emotionally that they are prepared to have a second round and fight even with their fists. There is no doubt that the “attack on Lahore” has roused Pakistan nation and has helped it to unify in a way that nothing else could have done it. One Pakistani told me that for the last 17 years Pakistan was a hotch potch collection of people from different parts of India. Now for the first time it has been welded into a nation.

3. Not only the simple people but also the younger elements in the Armed Forces are in a mood to have a second round. As they have been fed on stories of Pakistani superiority in morale, training, arms and equipment they genuinely feel that they can give India a good beating.

4. There was even resentment among them when President Ayub issued his call for a cease fire. They felt that they were being held back and were deprived of winning honourable victories which were within easy reach.

5. Except for these two elements, nobody else is thinking of a second round with India. The politicians, who are in know of things, and the senior officers of the Armed Forces, who know the realities, appreciate the following factors:

(i) On its own resources Pakistani Armed Forces cannot take on India. Pakistan can start a conflict, the end of which will not be under her control. India with distinct advantage of reserves, depth and industrial potential would prove too much for Pakistanis whose only chance of having a second successful round with India would be, if a conflict is started in collusion with China. The Chinese seem to have indicated during the recent conflict that while they are prepared to make a diplomatic gesture to oblige Pakistan to increase their own influence in this country, they are not prepared to fight wars for the sake of Pakistan, especially when that would mean facing opposition from U.S.A., U.S.S.R., Yugoslavia, U.A.R. and a host of other countries. For the same reason, it seems unlikely that China would ever fight a major war for Pakistan. In any case, between now and the summer of 1966 the Himalayan passes would be snow bound and it would be physically impossible for China to intervene militarily. Consequently, it would not be possible to launch a conflict with India on her own.
The economic realities are making themselves felt in Pakistan. Responsible officials and senior members of the Cabinet, who are concerned with these matters, are beginning to realise more and more clearly that Pakistan cannot afford to have a second round.

In fact, the indications are that the decks are being cleared for mending relations with the United States. It has been noticed that lately criticism of the United States and public praise for China both have been absent in Pakistani newspapers. This is a sure indication of the need felt by Pakistan to try her best to improve relations with the United States, so that economic aid may start flowing in. The United States, which knows how far Pakistan is dependent on her both for economic and military aid, is expected to take full advantage of the situation to make Pakistan re-orientate her policies towards China and U.S.A. The expectation in the Diplomatic Corps is that while USA would not like to humiliate Pakistan, she would be satisfied if Pakistan does not advance any further on the road towards developing collusion with China. Some public gesture reiterating Pakistan’s desire to have better relations with the West and not with China would be insisted upon. Lately, Pakistan is making U.S. Ambassador, Mr. McConaughy, a scapegoat by placing all blame for worsening Pak-U.S. relations, on him. Likewise, it is considered likely that the United States on its side, would insist on finding a scapegoat in the Pakistan Government on whom all blame could be placed for Pak-China relations which have led to worsening of Pak-U.S. relations. The obvious choice falls on Bhutto especially after his utterances in New York, suggesting that he might be on his way out. This possibility has been talked about from time to time. It has gained new currency lately. While Ayub is considered indispensable by the Americans, Bhutto is not. Consequently, Ayub might tactfully have to drop Bhutto as the price for improving relations with the United States, even though it would not be easy to do so, as it would spoil the image of Pakistan’s independent foreign policy, and would be a blow to Ayub’s prestige and to Pakistan’s nationalism. If Ayub goes to this length, it would be only because the realities of the situation would give him no alternative.

The Afghan Ambassador told me that Pakistan expected that in the conflict with India she would receive more assistance from her ally, the United States. It is clear to Pakistan now that the U.S. values her friendship with India more than her friendship with Pakistan, as the United States needs a stable India to cope with the Chinese threat. This realisation coupled with Pakistan’s dependence on aid from the
United States is expected to be a further restraining influence on her from starting a second round.

(iv) There are reliable reports that East Pakistan is becoming increasingly restive. The impact of the conflict with India which would result in economic hardships to the people both of West and East Pakistan would create more strains for the Pakistan Government. Our Radio propaganda should make the people of Pakistan ask the question “What has Pakistan gained by the tragic loss of thousands of lives?” This question would hurt the people of Pakistan and would help to spread discontent against the Government and its present policies. We could capitalise on this situation in East Pakistan and to a lesser extent in West Pakistan, and cause maximum embarrassment to the Pakistan Government, especially in the context of Baluchistan and Pakhtoonistan issues. This would, in turn, restrain Pakistan even more from starting another gamble. One helpful indication that the second round is long away off is that high octane petrol which went off the market from 6th September 1965 has reappeared for free distribution. This would not have happened if there was the slightest possibility of any large scale offensive on the part of Pakistan involving use of tanks and planes.

6. It is significant that right from U Thant’s visit in September, President Ayub Khan has been steadily climbing down. At the time of U Thant’s visit Ayub insisted on pre-conditions to a cease fire, which he abandoned the moment he was faced with prospects of immediate cease fire. He would have never done so, if he was strong enough to keep pushing on or to start a second round. Secondly, after the cease fire President Ayub went on record to say that his troops would stay where they were until there was a firm commitment about the political solution of the Kashmir problem. Soon after he resiled from this position and is now committed to cooperate with the Secretary General’s nominee to organise the troops withdrawal. Further, on 27th October, 1965, Ayub publicly declared that he did not expect a conflict with India again. Further, according to the DAWN of 10th November, President Ayub said: “Pakistan is determined to uphold the right of the people of Kashmir to be free”. “As our cause is just, God in His mercy will grant us victory”, he added. It is significant that now he is counting on Allah and not on his own strength to liberate Kashmir. In his address to the National Assembly today Ayub said that Pakistan would give another chance to World Powers to work for an honourable settlement of the Kashmir dispute. Earlier, in his press conference on 11th November, reported in DAWN of 12th November, Bhutto tried to make a virtue out of the November 5th Security Council Resolution, and prepared his people to face “realities”. What are
these realities except the fact that Pakistan has been unable to grab Kashmir and is unlikely to do so in the future.

7. When I was in Islamabad last, Director General Alvie talked to me about the problem of payment of pensions and about the human problem of repatriating thousands of nationals. He talked at length about taking constructive measures to improve matters between two countries. Perhaps these are all pointers to the basic fact that the Pakistan Government has realized that its gamble in Kashmir has failed militarily and diplomatically, and that it has to face the situation that it cannot accomplish by force what it had set out to do.

8. The U.A.R Ambassador told me that according to some reports Governor Kalabagh and many others were openly accusing Bhutto of bringing the country to a catastrophe. When the truth about the extent of casualties of Pakistani troops reaches people, they would undoubtedly ask “what have you accomplished at the cost of so many lives”?

9. The Pakistan Government is, therefore, in a difficult situation and finds itself in a complete stalemate in which it has little room for maneuver. It cannot deliver the goods in accordance with promise made to the people. It cannot afford to lose face with them either. In this situation, the Pakistan Government would probably have to stage a climb down which would be a painful and a slow process.

10. I would expect Pakistan to keep up the basic position of the Government that India is a source of great danger, to beat of India with every stick available and to utilise the “dark image” of India to rally the people round the Government. For this purpose, Pakistan might be expected to continue the border pin pricks, border incidents, and keep up tensions. Pakistan is too firmly committed to the liberation of Kashmir to give it up. Lip service to the cause of Kashmir will have to be kept up and the Kashmir problem kept alive. Pakistan may, therefore, be expected to send more infiltrators if she can afford to send them, or create trouble in Kashmir through paid agents or by any other means at her disposal, in order to tell the world that a political solution of the Kashmir problem cannot be delayed. Nevertheless, for the reasons set out above, I do not expect Pakistan to launch a major conflict with India either now or in the foreseeable future. The immediate objectives of Pakistan’s foreign policy appear to be:

(i) To mend relations with U.S.A. at minimum loss of face;
(ii) To keep Kashmir issue alive by all means available diplomatically or militarily;
(iii) To try and make U.S.S.R. and other world powers revise their attitude towards the Kashmir problem.
(iv) To gradually prepare the Pakistani public to the reality that the venture to grab Kashmir has failed.

With kind regards,

Yours sincerely

(P.N. Kaul)

Shri Kewal Singh,
Officer on Special Duty,
Ministry of External Affairs,
New Delhi.

0458. Note Verbale from the Ministry of External Affairs to the Pakistan High Commission in India regarding inhuman treatment meted out to the Indian journalists.

New Delhi, November 15, 1965.

The Ministry of External Affairs presents its compliments to the High Commission of Pakistan in India, New Delhi and has the honour to say that with the return on the 6th November, 1965, of the last Indian journalist interned in Pakistan after prolonged negotiations and inexcusable delay on the part of Pakistani Authorities, the Ministry has been able to gather the full facts of the inhuman treatment meted out to the Indian journalists by the Pakistani Authorities.

2. Three of the Indian journalists namely Mr. C.P. Maniktala of the Press Trust of India, Mr. Narayan Swamy of the Indian Express and Mr. V.V.R. Sharma of the Times of India all accredited journalists of standing, representing reputed News Agencies and newspapers, were imprisoned for 15 days in a concentration camp near Karachi and were later under house arrest for another 18 days. The Indian High Commissioner had requested the Government of Pakistan that the Indian journalists may be interned along with the Indian diplomats but this reasonable request was peremptorily turned down by the Pakistani Authorities.
3. Mr. Maniktala was taken from his residence on the 10th September, 1965, to the Police Headquarters for interrogation. He was placed under arrest and declared an internee. The same evening he was taken to a police cell and lodged there. According to Mr. Maniktala he was not given any food or bed during his first night in the cell and was forced to spend the whole night on the bare cement floor. The two other Indian correspondent Mr. Narayan Swamy and Mr. V. V. R. Sharma had taken refuge on 6th September, 1965, in the residences of officials of the Indian High Commission. The Pakistan Authorities forced these two journalists out of their shelter and imprisoned them in a police station. Even women and little children were not spared. The wife of Mr. Sharma with her 11 month-old baby was arrested and imprisoned, in the police station in a dirty dormitory. Pakistani police officers searched Mr. Sharma’s suit-cases which contained the clothes of his wife and child. It is indeed truly shocking that a lady and her 11 month old baby should have been locked up in a dirty dormitory in a police station. The Pakistani authorities were fully aware that she and her baby were not criminals. They were being imprisoned simply because Mr. Sharma was an Indian journalists accredited to Pakistan.

4. On September 13, 1965 the above three journalists were taken to a concentration camp and they were interrogated incessantly and mercilessly. This gruelling interrogation continued even after the ceasefire. During the interrogation, Pakistani police officials tried to extract from these journalists a “confession” that they were working as “spices”. In spite of the ruthless pressure and mental agony caused by this incessant interrogation for about 10 hours all the three journalists firmly maintained that they were only professional journalists working for their respective news agencies and newspapers.

5. On September 13, 1965 when these Indian journalists were taken to the concentration camp they had to suffer rude and insulting behaviour by the Pakistani Authorities when they were asked to file into the office of the Jail Superintendent and were forced to hand over to him all their writing and reading material, watches, jewellery, cash and personal effects. They were only allowed to have with them one extra pair of clothes.

6. During the period of detention, these journalists were not even given adequate food. According to Mr. V.V.R Sharma, they were asked to stand in a queue for one hard roti and a meager quantity of watery potato curry. On occasions even this food was not given, and the journalists had to starve. They were also deprived of normal amenities like radio and newspapers. Mr. Maniktala was lodged in a police cell with three convicts and a maniac for three days and Mr. Alfred was forced to spend four days in solitary confinement. Such cruel treatment is not even given to criminals in a civilised State. It is truly shocking that accredited professional journalists of good standing,
representing reputable newspapers and news agencies interned solely because of the conflict between two countries and should have been subjected to such inhuman and totally impermissible treatment.

7. It is beyond the Ministry’s comprehension as to why even babies should have been subjected to the Pakistani Authorities wrath. According to Mr. V.V.R. Sharma (Times of India) babies were given a small quantity of milk only for two days and thereafter even that was stopped. When some Indian ladies requested the Jailer for a little hot water for preparing baby food, the Jailer curtly refused it. Then he told the ladies: “Thank your stars that you are being treated like human beings.”

8. Mr. W. Alfred, Correspondent of Press Trust of India, was arrested in Rawalpindi on the 8th September, 1965.

Mr. Alfred was allowed only two minutes to get ready and was whisked away before he could speak to his wife and advise her what to do. Mr. Alfred was treated as a ‘C’ class prisoner and lodged in an isolated cell with no light or furniture. He was forced to sleep on the Mud-floor, and was given two dirty, dusty, foul-smelling blankets in rags. It was hardly any consolation for Mr. Alfred to reflect on the statement of his jail-warder, that this wretched cell in which he was lodged had historic associations in that the great and illustrious leader of Pakhtoonistan Abdul Ghaffar Khan had been imprisoned there by the Government of Pakistan, and later Mr. K.H. Khurshid who at one time had been appointed by the Government of Pakistan as the so-called “President” of the part of Kashmir illegally held under Pakistan’s military occupation had also been imprisoned there.

9. The treatment of Mr. Alfred’s wife by the Pakistani police is an affront to all codes of civilized behaviour. She was taken into custody on the 10th September, 1965, and the police rudely insisted on staying in the room as she dressed. She was also forced to remain the whole day at the Police Station without food. This was the behaviour of the Pakistani Authorities towards a lady, that too, the wife of a reputed journalist, and this shocking conduct calls for the severest condemnation.

10. Even on the eve of their departure from Pakistan after protracted negotiations between the Governments of India and Pakistan, Mr. and Mrs. Alfred were not spared harassment by the Police and Customs Authorities at the Karachi airport. The result was that they nearly missed their scheduled Pan American plane. The plane had actually begun moving out of the tarmac but it was at the kind intervention of the Pan American Airlines employees that the plane stopped and Mr. & Mrs. Alfred were taken on board by a special ladder.
11. Mr. P.R. Roy, Press Trust of India Correspondent in Dacca was arrested along with his wife on the 13th September, 1965, and was taken to the concentration camp in the suburbs of Dacca where they were held in detention for 52 days. The experiences of Mr. & Mrs. Roy were equally harrowing as those of their colleagues in West Pakistan.

12. The houses of the journalists were ransacked and the police searched their houses in their absence. Mr. V.V.R. Sharma's house was taken possession of by Pakistanis without his knowledge or permission. The Indian journalists had made repeated requests to the Pakistan Authorities to permit them to communicate with the Indian High Commission but this was curtly refused. The High Commission is aware that it is the inalienable right of a person residing in a foreign country to address a communication to his Embassy especially at times of distress. This was refused to the Indian Journalists. The Ministry is amazed that the Pakistan Government has failed to observe even this elementary international convention.

13. The High Commission should also note that out of the 5 Pakistani journalists resident in India, only one Pakistani journalists namely Mr. Jilani was interned. All the other Pakistani journalists stayed in the Pakistan High Commission. In striking contrast to this, all the five Indian journalists with their infant children were interned and harshly treated by the Pakistani Authorities. The High Commission should appreciate this contrast between the humane, considerate and civilized treatment given by India and the harsh and inhuman treatment inflicted by the Pakistan Government on the Indian journalists.

14. The Ministry, therefore lodges an emphatic protest against the impermissible and unwarranted conduct of the Pakistan Authorities against the accredited Indian journalists, in gross violation not only of universally accepted conventions but also of elementary human decency. The Ministry demands full compensation for the losses sustained by the Indian journalists as a result of the action of the Pakistani Authorities.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of Pakistan the assurances of its high consideration.

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An Aide-Memorie on the subject of exchange of nationals was handed over by the Indian Acting High Commission when called at the Ministry of Foreign Affairs at Rawalpindi on the 5th November 1965. This Aide-Memorie seeks to throw the responsibility on Pakistan. It is, therefore, necessary to put the record straight.

2. The Government of Pakistan conveyed their agreement in principle to the exchange of nationals at the end of September, 1965, soon after the diplomatic missions in both sides began to function. This was followed up on 6th October by the expression of willingness to allow women and children to leave as and when they desire.

3. On the 13th October, 1965, the High Commission of Pakistan in New Delhi put forward a detailed plan to the Indian Ministry of External Affairs in which the following proposals were offered:

   i) As a first step the two Governments should order, on a reciprocal basis, the release of nationals actually detained in both countries

   ii) Such an order should be made on an agreed date simultaneously in Karachi and Delhi,

   iii) After their release the nationals of the two countries now under detention will make their own arrangement to leave for their respective countries and when possible or convenient. Both Governments would allow extension of stay pending availability of travel facilities.

4. When no reply was received to this proposal the Pakistan High Commission under instructions of the Government of Pakistan wrote on 19th October, 1965, a d.o. letter to the Indian Foreign Secretary in which he drew attention to the hardship which nationals on both sides were facing and suggested that as a first step the following categories should be immediately allowed to leave:

   (a) Persons who desire to leave on compassionate grounds or for any other reasons and recommended by the respective High Commission.
(b) Employee of Commercial Firms, Banks, Airlines, Government Departments or semi Government organizations, pressmen etc. etc. may wish to return.

(c) Families of those who are allowed to leave would also be given permission. Personal luggage will be allowed subject to the normal baggage rules.

It further suggested that this proposal should be implemented with effect from 26th October or such other date which India would care to suggest.

5. Although the Indian Government replied that they agreed that categories (a), (b) and (c) should be allowed to go, they were silent on the general question of repatriation of nationals or the fixation of a date when permits could be freely issued. Indeed from the emphasis the Indian Government continued to lay on a small number of permits issued by them or demanded, it appeared that they were not keen to allow nationals on either side to speedily return home.

6. Between 19th and 30th October the Government of Pakistan made two further attempts to initiate meaningful discussions of the procedure which needed to be worked out so that people held upon either side could leave.

7. At last on 30th October the Acting Indian High Commissioner delivered an Aide-Memoire dated 29th October which drew a distinction between those interned and those at large, and suggested that the former be delivered under reciprocal arrangement to either side while the latter be allowed to go freely. Thus the response to Pakistan’s initiative was again a limited one.

8. The Pakistan Government had all along addressed itself to the problem as a whole and it was in this spirit that they put forward their comprehensive and simple proposal of 3rd November simultaneously in Karachi and New Delhi. This envisaged that:

(1) With immediate effect both Governments release all Pakistan/Indian nationals held up in either country and issue exit permits to those holding valid passports to facilitate their departure.

(2) These persons be free to leave the country through the available routes under arrangements made by the respective Governments.

(3) The number of exit permits issued and the number of those persons who leave the two countries be furnished by the two Governments to each other weekly. (Since the information has to be compiled from several sources weekly exchanges would be preferable to by-weekly one.)
The Indian High Commission was further informed that the Pakistan Government was prepared to arrange for the repatriation of destitute Pakistani nationals holding valid travel documents and the Government of Pakistan was prepared to discuss the opening of routes in East and West of Pakistan for the purpose of providing means of exit to those nationals who had been furnished with permits.

9. The Government of Pakistan for its part began to implement this scheme in good faith, in anticipation that the Government of India would do likewise. Over three hundred Indian nationals have already received exit permits and on 10th November one 100 persons left by air for Bombay.

However, from the indications received since then it has to be regretfully concluded that the Government of India is not prepared to proceed on the basis of the comprehensive Pakistan proposals of 3rd November 1965. It is obvious that it would not be possible for the Government of Pakistan to continue to act unilaterally in this matter.

11. Meanwhile the Government of Pakistan have received disturbing news of the harsh and inhuman treatment being meted out to Pakistani nationals detained in Indian camps. The Pakistan High Commission in New Delhi has already protested to the Indian Government against this violation of the human principles of the Geneva Convention vides his Note No.1 (24) CS/VI/65, dated 5th November 1965.

12. In view of this situation and in order to prevent further hardship to Pakistan nationals, the Pakistan Government is willing to proceed on the basis of the Indian proposal of 29th October 1965. It will act in accordance with it in the hope that the Government of India will immediately accelerate the grant of exit permits to those not detained. With regard to those interned the Pakistan Government propose that those interned in the Eastern section of India may be brought to Calcutta where the Deputy High Commission for Pakistan will, after confirmation that they are Pakistan nationals, arrange for their repatriation to East Pakistan. Those in other parts of India may be brought to Bombay where arrangements can be made for vessels to bring them to Pakistan. The Pakistan High Commission in New Delhi will depute staff to Bombay to make similar arrangements for departure. For their own part the Government of Pakistan are prepared to bring Indian interned nationals to Karachi and Dacca and deliver them to the Indian Missions in the respective places so that they can depart under arrangements made by them.

13. The Government of Pakistan would like to know how soon interned Pakistan nationals can be brought to the exit points and suggest that lists of interned nationals on both sides together with relevant particulars, should be
handed over to the diplomatic Missions on both sides. They also suggest that the modalities and arrangements for departure should now be worked out by the respective Missions as a matter of high priority.

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0460. Extract from Aide-Memoire No.1 (24)CS.VI/65 Dated the 20th November, 1965, from the High Commissioner for Pakistan in India, New Delhi.

Since the Government of India found itself unable to agree to Pakistan's proposal to release the internees, the Government of Pakistan, with a view to alleviating the avoidable suffering of its nationals in internment camps have decided to agree to Government of India's proposal of October 29, 1965, to exchange them as such. The Government of India is requested to indicate a convenient date when the exchange of internees could start.

The Government of Pakistan are prepared to deliver Indian nationals interned in West Pakistan to the Indian High Commission in Karachi and those interned in East Pakistan to the Indian Mission in Dacca. The Government of Pakistan propose that their nationals interned in the eastern section of India may be brought to Calcutta where the Deputy High Commission of Pakistan after confirmation that they are Pakistani nationals arrange for their repatriation to East Pakistan. Those interned in other parts of India may be brought to Bombay where arrangements will be made for vessels to take them to Pakistan. The Pakistan High Commission in New Delhi will depute staff to Bombay to make arrangements for their departure.

The Government of Pakistan suggest that in order to organize a smooth and satisfactory exchange of internees the two Governments agree to provide the following facilities on a basis of reciprocity, to the respective diplomatic missions:

(i) the number and location of internment camps should be communicated immediately. Lists of internees should be provided well in advance of the date on which exchange is mutually agreed upon to start.

(ii) Representatives of two Governments should be allowed to freely visit internment camps.

(iii) Officers of the Missions and their staff should have free access to the internment camps so that they can satisfy themselves about the validity of documents held by internees.
(iv) Arrangements be made to ensure that interned families are not split and that a family is treated as a unit irrespective of the fact whether part of it is in or outside internment camps.

(v) Internees and their families should be allowed to carry their personal belongings, jewellery and other valuables etc.

(vi) Suitable transport facilities may be provided at Calcutta to carry internees to the East Pakistan border.

0461. Note Verbale from the High Commission for Pakistan in India to the Ministry of External Affairs regarding repatriation.

New Delhi, November 21, 1965.

High Commissioner for Pakistan in India
New Delhi


The High Commission of Pakistan in India presents its compliments to the Ministry of External Affairs, Government of India and with reference to their Note No.PI/415/6/65, dated the 17th November 1965, has the honour to state that the Ministry, in making some uncalled for comments, appears to suggest that the High Commission for Pakistan in India is expected to function as a travel agency responsible for providing information about the exact date and time of arrival of the Indian nationals from Pakistan. The High Commission for Pakistan in India reiterates that exit permits have been issued to the persons concerned and it is to function of the India High Commission in Karachi to make arrangements for the departure of their nationals and keep the Ministry of External Affairs in New Delhi informed.

2. In its Note No.F.1(3)-CS.VI/65, dated November 14, 1965, the High Commission stated that “it is expected that they will leave Pakistan by the 16th November, 1965”, as this information was conveyed to the Government of Pakistan by the persons concerned who made their own travel arrangements. If for some reason or other they changed the date of their departure and failed to inform the Ministry accordingly through the Indian High Commission in Karachi, the High Commission for Pakistan in India cannot be held responsible.
The High Commission avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi.

0462. Note Verbale from the Ministry of External Affairs to the Pakistan High Commission in India regarding seizure of Indian Cargo from neutral ships.

New Delhi, November 25, 1965.

Government of India
Ministry of External Affairs
New Delhi


The Ministry of External Affairs presents its compliments to the High Commission for Pakistan in India and has the honour to state that as a result of the illegal resort to contraband control the Government of Pakistan seized Indian cargoes on neutral ships, Pakistani ships, Indian ships and Indian inland water crafts while transiting through Pakistan waters and exercising the right of innocent passage. Additionally the Government of Pakistan has impounded Indian ocean-going ships as well as inland water crafts and sailing vessels in Pakistan waters and detained the Indian crew that manned these vessels. This action of Pakistan without declaration of war and without giving notice to any country is illegal being a violation of the fundamental principles of international law recognized by the world community of nations in their interstate relations. With to enforcing respect for the for international law and restoring order, India had no option but to take recourse to certain counter measures. In consequence, the Government of India detained Pakistani crews as well as Pakistani ships and Pakistani cargo in Indian waters. As the Government of India regards it essential to restore law and order and to bring normalcy to maritime trade of the area they would be agreeable to take the following steps if the Government of Pakistan would reciprocate:-

(i) return all Pakistani cargoes off-loaded in India whether from neutral ships, Indian ships or Pakistani ships or any inland water vessels
provided the Government of Pakistan would return all Indian cargoes
detained in Pakistan whether from neutral ships, Pakistani ships or Indian
ships or Indian inland water vessels.

(ii) return all ships and sailing vessels flying the Pakistani flag and detained
in India provided the Government of Pakistan would return all Indian
vessels together with Indian inland water crafts and Indian sailing
vessels.

(iii) grant exit permits to all Pakistani crew employed on Pakistani vessels
as well as on Indian inland water crafts provided the Government of
Pakistan would permit repatriation of the Indian crew on Indian ships
and Indian sailing vessels impounded in Pakistan.

2. The Government of India are further convinced that neither continuance
of contraband control nor persistence in prize court action can be justified by
International law particularly when prize courts cannot function under municipal
law as they are exclusively based on International law and without a formal
declaration of war the prize courts would be ab initio illegal.

3. The Government of India are strongly of the view that in furtherance of
the above proposals and in order to restore normalcy the following initial steps
should be taken immediately to ensure the maintenance of International law:

(a) exchange on reciprocal basis ad hoc cargoes such as USAIL, cargoes
detained by India and seized by Pakistan.

(b) exchange ocean-going ships, sailing vessels and inland water crafts on
a tonnage for tonnage basis.

4. By way of a concrete step, the Government of India will immediately
grant exit permit to the Pakistani crew of the M.V. AL HASAN with a view to
initiating the process of exchange of crews. It is hoped that the Government of
Pakistan will reciprocate.

The Ministry of External Affairs avails itself of this opportunity to renew to the
High Commission for Pakistan in India the assurances of its highest
consideration.

The High Commission of Pakistan in India,
Chanakayapuri, New Delhi.
Note Verbale from the Ministry of External Affairs to the Pakistan High Commission in India regarding seizure of Indian assets.

New Delhi, December 14, 1965.

Government of India
Ministry of External Affairs

No. P(PIV) 285(25)/65
14th December, 1965

The Ministry of External Affairs, Government of India, presents its compliments to the High Commission of Pakistan in India and has the honour to state that from reliable reports, the Government of India have come to know that the Government of Pakistan has either taken over the assets and properties of Indian nationals as well as Indian public authorities or are so administering, managing or controlling them as if they were confiscated properties and assets.

2. These confiscatory measure taken under whatever grab, and the utilization, transfer and disposal of Indian assets and properties for military and other purpose, are completely illegal and violate all principles of international law and practice. The Government of Pakistan are fully aware that without having made a formal declaration of war, Pakistan cannot claim the rights of a belligerent.

3. The Government of India calls upon the Government of Pakistan – (a) to restore the illegally seized properties and assets of Indian nationals and Indian public authorities to their owners, and (b) to desist from proceeding with illegal utilization, transfer and disposal of such properties and assets.

4. The Government of India emphatically protests against these illegal acts of Pakistan for which Pakistan must bear full responsibility. The Government of India declares that they will not recognise any title that Pakistan or a third party may claim to Indian properties and assets, pursuant to these illegal and confiscatory measures. The Government of India reserves their right to claim full compensation for the loss or damage to all properties and assets of Indian nationals as well as Indian public authorities.

5. The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of Pakistan the assurances of its highest consideration.

High Commission of Pakistan in India,
New Delhi.

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0464. **Letter from Prime Minister Gulzarilal Nanda* to Pakistan President Mohammad Ayub Khan.**

**New Delhi, January 15, 1966.**

Dear Mr. President,

Our High Commissioner to Pakistan, Shri Kewal Singh, is returning to Karachi to rejoin his post. Your High Commissioner, His Excellency Mr. Arshad Hussain, has already arrived here, and with the return of our High Commissioner the first essential steps will have been taken in the normalization of our relations. We have instructed our High Commissioner to bear in mind, in his contacts and dealings with your Government on our behalf, the spirit of the Tashkent Declaration. He, and I am sure, your High Commissioner here, will exert their efforts to smoothen the implementation of the Declaration.

2. I see that in both our countries certain elements have not taken kindly to the Declaration. This was by no means unexpected. The process of reversing the trends in our mutual relations, congealed over a period of 17 years, was bound to cause some initial difficulties. We feel sure that, given a favourable start, the Declaration would be recognized in both countries by the entire people as of mutual benefit to India and Pakistan and as ushering in a new era in our relations in which the various difficulties and disputes between us could be peacefully resolved.

3. We are anxious that the implementation of the Declaration should begin immediately, and certain proposals are already under consideration of both Governments. It seems to me that any difficulties we might encounter in this process might be smoothed over if our High Commissioner has the opportunity, occasionally, to have access to Your Excellency. I hope that, when occasion demands, it will be possible for you to receive him. On our part, we would be happy to receive your High Commissioner at any level in the Government, and I shall personally be happy to do so.

4. Both our Governments have undertaken a heavy responsibility in the cause of peace and goodwill between the two countries. I have no doubt that with Your Excellency’s sincerity of purpose, which was fully reciprocated by Prime Minister Shastri and is shared by the Government of India; the Declaration will be implemented by both countries in the Tashkent spirit, to the enduring benefit and happiness of our peoples.

With warmest regards and highest esteem,

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* After the sudden death of Lal Bahadur Shastri Gulzarilal Nanda had taken over as Prime Minister until Mrs. Indira Gandhi was elected Leader of the Congress Parliamentary Party and was sworn in as Prime Minister of India.
Yours sincerely,
(Gulzari Lal Nanda)

His Excellency
Field-Marshal Mohammad Ayub Khan,
President of Pakistan,
Rawalpindi (Pakistan).

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0465. Aide Memoire handed over by India to Pakistan regarding implementation of the Tashkent Declaration.

New Delhi, January 28, 1966.

The Government of India propose to nominate a delegation consisting of the Minister of External Affairs, the Transport & Aviation Minister and the Minister of Commerce to discuss with Pakistan Ministers further steps towards the implementation of the Tashkent Declaration. It is proposed, in particular, that discussions take place on the details of the questions of restoration of trade, economic relations and communications, and the return of property and assets taken over by either side in connection with the conflict.

2. If the proposal is acceptable to the Government of Pakistan, it is suggested that a meeting of Ministers take place in Delhi or Rawalpindi as may be convenient to the Government of Pakistan in the first week of February.

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0466. SECRET

Letter from Secretary, Ministry of External Affairs M. A. Husain to the Indian Ambassador in the United States B. K. Nehru on India – Pakistan relations.

New Delhi, January 31, 1966.

Secretary
Ministry of External Affairs
New Delhi


My dear

Yesterday when we discussed Indo-Pakistan relations I promised to write to you about Bhutto’s response to the point made in your speech at the St. Louis Council on World Affairs on October 20, 1965. What you said was the following:

“What now of the future? India and Pakistan are neighbours and must learn to live in peace. This can happen only when Pakistan has learnt to accept that it is less than a quarter of India’s size and cannot hope to alter this fact of geography either by the break up of Indian unity or through borrowed strength from abroad. It is evident that the realization of this unalterable fact would have come much earlier to Pakistan, and if the United States, through a complete misunderstanding of Pakistan motivation, had not given them the illusion that they were the equals of India in strength.”

2. Five days later Bhutto reacted to your speech and in his speech before the Security Council on October 25, 1965, spoke as follows:

“Do not tell us, ‘Pakistan, stop, because we have the power to force you to stop’, and tell India, ‘Do not stop, because we do not have the power of stop you.’ Do not tell Pakistan, ‘Accept the solution’, and tell India, ‘Do not accept the solution.’ Both countries must be treated at par. The two countries have fought against each other. We have established our equality of all time with India, because India, a habitual predatory aggressor, committed aggression against Pakistan, and we repelled that aggression. We established Pakistan because we were on a basis of equality. There is complete equality between the people of India and the people of Pakistan. On the basis of equality, determine the issue on the rights and wrongs, on the morality of the situation and on the basis of international law and international agreements.”
3. Later he stresses the same point when he said as follows:

“Who is Mr. Shastri to say that peace in the subcontinent will be settled on India’s terms? Have we lost ourselves? Are we completely destroyed? We are 100 million people. We cannot allow peace to be settled on India’s terms. We who have ruled India for 800 years, we who have dominated India for 800 years and who are responsible for the civilization of India, for all the Delhis and the Taj Mahal’s and for all the grandeur and glory of India, are we today in the twentieth century to accept peace on India’s terms? One hundred million people to accept peace on India’s terms? It is out of the question. It is for you to know that we will never accept peace on India’s terms. It is preposterous, it is scandalous, it is a dishonour to us, to accept peace on India’s terms when we have always established our equality and our spirit and have stood for an honourable and dignified world. The Muslims of Pakistan cannot accept that.”

4. In talks with British and American diplomats here I have repeatedly stressed the point that since independence the accentuation of Indo-Pak differences can, among other factors, be attributed to the misconceived but consistent policy of the British and the Americans to equate India and Pakistan and to bolster up Pakistan politically, militarily and economically so as to ensure that they are or appear to be equal to India. It is this artificial bolstering up of Pakistan in order to equate it with India which has prevented the two countries from settling down to an inherent and natural power relationship such as the one which exists between the United States and Canada. I was, therefore, glad that you have given expression publicly to this view point in the United States. We may have a Tashkent Declaration but the Western powers and in particular the United States and the United Kingdom will have to keep this point in mind to ensure the successful implementation of the Tashkent Declaration. I believe that the Soviet Union already accept the validity of this point.

5. I am sending a copy of this letter to our High Commissioner in London for his information.

Your sincerely

(M. A. Husain)

Shri B. K. Nehru,
Ambassador of India,
Washington.
0467. Aide Memoire from the Pakistan High Commissioner in India to the Ministry of External Affairs regarding agenda for the India – Pakistan Talks.

New Delhi, February 4, 1966.

AIDE MEMOIRE

Pakistan Government would be glad to receive the proposed Indian delegation on any dates convenient between February 23 and March 3. A duration of three days should be adequate for this preliminary meeting. In addition to the subjects suggested by the Indian Government we propose the following for discussion at the forthcoming Ministerial meeting:

1. The problem that led to India-Pakistan war, that is dispute over State of Jammu and Kashmir.
2. Requirements for maintenance of peace i.e. reduction of armed forces of India and Pakistan to reasonable levels following settlement of Kashmir dispute.
3. Creation of conditions that will prevent exodus of people e.g. future of refugees recently driven out of Jammu and Kashmir.
4. Eviction of Muslims from India.
5. Use of water resources of East Pakistan for Farakka Barrage and

POINTS FOR DISCUSSION SUGGESTED BY INDIA

(Note: This was handed over to Pakistan at the conference in Rawalpindi and not before the conference).

1. Immediate problems connected with the restoration of normal relations:

From the Indian side:

a) Restoration of ships, inland water vessels, cargoes, properties and assets.

b) Resumption of Indian and Pakistani Air services, maritime and rail services and land routes.

c) Full resumption of P & T services and clearance of current accounts.

d) Restoration of normal visa facilities.
e) Resumption of trade.
f) Resumption of payment facilities (including remittance of rents etc.) Banking problems.

2. Steps to be taken in regard to some long-standing problems:
   
a) Settlement of Eastern border problems and completion of demarcation on the ground (Recommended in agreement signed by Generals Manekshaw and Fazal Maqueen Khan).

b) Protection and maintenance of shrines and their properties.

3. Positive measures for the promotion of friendly and good neighbourly relations:
   
a) Ways and means for encouraging friendly propaganda and discouraging hostile propaganda (including possibly revival of Press Committee).

b) Exchange of delegations of Parliamentarians, technical experts in various fields, economic Planning authorities and similar groups.

c) Revival of showing of Indian films (i.e. relaxation of ban on their import into Pakistan) if necessary of reciprocal basis.

d) Exchange of visits by musicians, poets and other artistes.

e) Expansion of trade and cooperation in various economic fields e.g. jute production and marketing.

4. Miscellaneous items.

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0468. Letter from Pakistan President Mohammad Ayub Khan to Prime Minister Indira Gandhi.

Larkana (Sind), February 7, 1966.

President’s Camp
Pakistan,
Camp Larkana

7 February 1966

From: Field Marshal
Mohammad Ayub Khan, N. Pk. H.J.

Dear Prime Minister,

Your High Commissioner, Mr. Kewal Singh, has delivered your message to me in Larkana this afternoon. I am glad to learn of your constructive decision in a matter which is of mutual benefit to India and Pakistan. I am also issuing immediate instructions to our civil and military authorities to permit the resumption of air flights of India and Pakistan planes across each other territories on the same basis as that prior to 1st of August, 1965.

The Late Prime Minister, Lal Bahadur Shastri, discussed with me the necessity of taking such measures in our mutual relations as would make a salutary impact on our people and, further the need for the early restoration of normal relations between the two countries. We believed that prompt action to this end would greatly facilitate the opening of a more conducive and beneficial period of relations between India and Pakistan. In this context, as a manifestation of our earnest intentions to improve relations and to generate confidence, we discussed the desirability of a meeting between our two Army Chiefs to draw up plans for withdrawals and resumption of air flights. We also discussed the need to appoint Ministers who would facilitate future negotiations between India and Pakistan on all our differences and disputes to enable lasting peace to return to the Sub-Continent. I am therefore glad to note that you have issued orders on the early resumption of air flights according to the spirit of our undertaking.

Before I conclude, permit me to add a personal note of admiration for the manner in which you have responded to the Tashkent Declaration. This leads me to believe that we are moving in the right direction and that you will continue to make profound contributions to a happier relationship between us.

I can assure you that you will find me readily reciprocating to your endeavours in any positive measures made in this regard.
With warm regards,

Yours sincerely,

Her Excellency
Mrs. Indira Gandhi,
Prime Minister of the Republic of India,
New Delhi.

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0469. Savingram
SECRET
From : Hicomind, Karachi
To : Foreign, New Delhi

MOST IMMEDIATE


Foreign Secretary from Kewal Singh.

Met AYUB Larkana on 7th evening at BHUTTO’s residence. BHUTTO was naturally present and repeatedly intervened during the conversation.

2. I gave the President the letter from the Prime Minister about overflights. BHUTTO pointedly remarked that they had already heard the news from All India Radio and the Pakistani Press. President however read the letter and expressed his real satisfaction at the Prime Minister’s decision which he said was very much in the right direction and will be greatly welcomed in both the countries. You must have by now received president’s reply which shows how warmly he appreciated this decision.

3. The President asked me to convey the following message to our Prime Minister:

He had greatly admired our Prime Minister’s speeches on Tashkent Declaration and Indo-Pak relations immediately on her assumption of office. These speeches fortify the hopes of friendly future of our two nations.

a) The Prime Minister had rightly identified the greatest problem of our two nations, viz., the problem of poverty and misery. We must therefore sincerely work for resolution of our differences and reduction of tension so that we could cooperate in peace and prosperity of the Sub-Continent.

b) He was having very serious difficulties from the opponents of Tashkent Declaration who accuse him of having sold Kashmir down the drain. It
was however his sincere conviction that Tashkent Declaration was in the interest of both the nations and could help in solving the Kashmir problem also.

c) The Prime Minister of India should be assured that he would like to work sincerely for Indo-Pakistan friendship. He was however facing tremendous difficulties. That did not mean that he underestimated the difficulties of the Indian Prime Minister. In fact, he felt that Mrs. GANDHI had assumed that heaviest responsibilities that can fall upon any leader in the world. Her speeches gave him great hope of friendship and cooperation between our two countries.

4. After thanking the President I told him that the Prime Minister of India and her Cabinet colleagues attached the greatest impotence to our relations with Pakistan. It was in this very context that I had come to see him as the agenda proposed by the Pakistan Government had caused real concern in India. Building up friendship and cooperation between India and Pakistan was going to be a very hard and patient work.

As the hearts of millions of people were filled with a new hope it was the sacred duty of the two Governments to sustain and fortify this hope. The Pakistani agenda with its emphasis on Kashmir could not serve this cause. The proposed Ministerial meeting should aim at normalizing our relations and dealing with problems arising out of the unfortunate armed conflict in September. The delegations could also explore possibilities of economic and cultural cooperation and deal with other outstanding problems capable of easy solution. All this would bring great joy and confidence to our two peoples and would generate an atmosphere of goodwill and friendship. In this atmosphere more intractable problems like Kashmir could also be discussed at later stage.

5. The President said that he appreciated the difficulty anticipated by us but Kashmir was in reality the cause of the last conflict. We therefore shall have to apply our minds to Kashmir problems. He did not mean that the problem could be settled overnight but we could not shut our eyes to it. I drew President’s attention to the Tashkent discussion and explained that any discussion on Kashmir would only mean firm reiteration of the two different points of view. Reopening of such controversial discussions could only harm the Tashkent spirit and lead to mutual recrimination. As he had rightly pointed out the very peace and prosperity of our two nations was at stake and it would be tragic if we failed our peoples at this juncture. It was for this reason that my Prime Minister felt that our approach should be such which leads to amity, cooperation and positive results. BHUTTO interjected and said how could there be amity unless we were prepared to face the Kashmir issue. I told him that according as we solved some of the problems and achieved active cooperation in
economic and cultural fields the Kashmir problem would assume its proper proportion and could be reexamined in the friendly atmosphere between the two countries. BHUTTO said that in that case it would be putting that Kashmir question in cold storage. I told him that insistence on Kashmir and acrimonious discussions on the subject would put us exactly in the same situation as on 5th January after the ministerial meeting in Tashkent. If the intention is to deal a death blow to the Tashkent Declaration this would be the ideal agenda.

6. The President said that he appreciated Government of India's viewpoint but he would like the Indian Prime Minister to appreciate his difficulties also. He was facing the most serious opposition in Pakistan on this issue. I pointed out how on the Indian side there had been greatest restraint on statements even when some interpretations of the Tashkent Agreement had been given in Pakistan which aroused serious questioning and criticisms in India. This proved the desire of my Government to cooperate to the best of their ability. It must be realized that some parties in India were stoutly opposed to the Declaration and are sure to attack the Government in the Parliament in a few days. Our minister shall have to make statements to set the record straight. The present agenda could only help those in both countries who were opposed to Tashkent Agreement and Indo-Pak friendship.

7. At this stage BHUTTO said in that case matters like normalization of relations and other problems could be dealt with through diplomatic channels. The ministerial meeting could also take place much later after the Parliamentary session in India and Pakistan are over. In reply I told the President that the idea of minister's meeting was to strengthen the hopes of our people as the impact of such a meeting would be widespread and the constructive decisions taken would be widely acclaimed by the people. I also suggested to the President that as in Tashkent, the difficult political problem could in due course be discussed at a higher level between the two heads of Governments. President replied that he agreed that we should avoid controversial debate on Kashmir issue as that would be harmful. He would agree that it should not be discussed between the delegations. Perhaps the two Ministers could exchange views on this among themselves. Or, better still, the two heads of Governments could do so through their special emissaries, viz., the High Commissioners. He could convey his views confidentially to the Indian Prime Minister through ARSHAD HUSSAIN and he would be glad to receive me whenever Indian Prime Minister wished to convey her views. This would avoid any controversial discussion and would ensure complete secrecy. I promised the President to convey his suggestion to my Prime Minister but suggested that the discussion on Kashmir should wait till substantial progress has been made on other matters to improve the atmosphere. Mere reiteration of the present positions can only vitiate the atmosphere. BHUTTO again intervened to say that the procedure could be
worked out provided we were clear that the basic problem shall have to be discussed. I appealed to President to reconsider the question of agenda in the light of what I had explained to him. He said that he had great difficulties in the matter but he would like me to convey his message to the Indian Prime Minister and then see him after my return from New Delhi.

8. I am afraid the conversation was far from satisfactory due to BHUTTO’s presence. I feel President would have been more helpful and precise if BHUTTO had not constantly intervened. President's stress on Kashmir was not as strong as that of BHUTTO but naturally he wanted to support his Foreign Minister in the presence of a Foreign Representative.

9. After the dinner I sat with the President along with the Iranian Foreign Minister when the President started the subject again in Hindustani and said:

(a) Nothing could have been easier for him than to say in Tashkent that since Prime Minister SHASTRI was not prepared to discuss Kashmir he could not reach any agreement. The Pakistani nation and these oppositional leaders would have acclaimed him as a great man. But he felt intensely that the only way for the survival of India and Pakistan was to make a real effort towards reconciliation and friendship between the two countries. He was being accused of having sold the blood of Pakistani martyrs but he was anxious to stop the flow of blood between the two nations in the years to come. It was important that Indian leadership should display sincerity and statesmanship in their relations with Pakistan. He had no doubt that the new Indian Prime Minister has the same objective and has was also convinced that she would have a lot of opposition. We should however be prepared to face the music if we have to ensure peace and friendship between our two nations.

(b) Of course, Pakistan was dearest to him but he wanted to be believed that he was a friend of India. We must remember that friends of India and Pakistan were getting fewer and fewer every day and this was our last chance. If we failed our peoples in their hopes this time, the coming generations would never forgive us.

(c) India is a big county with immense material and intellectual resources. She can occupy a great place in the world for which Pakistan could never be a rival. He was however sure that India would never be able to occupy that place unless she was able to befriend Pakistan with understanding and goodwill.

10. I raised the question of the agenda again and urged him to reconsider the matter. Our peoples had suffered grievously for years from the hatred and bitterness created in the name of Kashmir. We should give them some respite
from this controversy and concentrate on some constructive and cooperative efforts. The President promised to consider the points raised by me.

11. My impression of the talk with AYUB are:

(i) He would like to be reasonable about the agenda but he is in serious difficulties not only with the opposition parties and hostile elements in the Punjab but also with his own colleagues. (BHUTTO, AZIZ AHMED, ALTAF HUSSAIN and SABUR ARE STAUNCHLY OPPOSED to President’s new policy).

(ii) Agenda is mainly the work of BHUTTO and Company, and the President could not over-rule them even if he wished to, in the present political situation.

(iii) If we could provide some face-saving in the wording of the agenda or the procedure of discussions it might be possible for the President to agree. He himself could not suggest anything or, perhaps, he did not wish to suggest in the presence of BHUTTO.

(iv) The President seems quite sincere in his desire to improve relations with India but he knows that it is not possible to undo the effect of last 18-years’ propaganda and policies overnight. He needs time to silence the Opposition, but in the meanwhile, he is forced to lend support to statement and position which can wreck the Tashkent Declaration.

12. Before I took leave he said that I should see him soon after my return and let him know the dates when the Ministers can visit Pindi. He would plan his programme for the end of February after hearing from me.
0470. Statement of Pakistan Minister of State for Foreign Affairs Zian Noorani in the Senate.

Islamabad, February 20, 1966.

According to available report from India, the Muslim community is deeply resentful of the judgment of a District Court in UP transferring the Babri mosque at Ayodhya, near Faizabad, to the Hindu community. On February 14 last, the Muslims took out a procession in Delhi, to protest against the judgment. They were subjected to lathi charge and firing, as a result of which one person was killed and several were injured.

Subsequently, riots have been reported from Srinagar and Sehore, near Bhopal, and other places. The toll of the dead and injured has mounted.

The All-India Muslim Majlise Mushawrat, representative Muslim organisation, has submitted a memorandum addressed to the Indian Prime Minister, demanding the restoration of the status quo about the mosque until the title suits have been decided by higher court. It has pointed out that the historical mosque, built over 450 years ago, has been converted into a temple by a judgment without parallel in judicial history and without hearing the Muslim Waqf Board.

The judgment which caused deep shock to the Muslim community was celebrated by the Hindu community in some places as a victory. The Majlis has also appealed for a judicial inquiry into the violence against Muslims and demanded compensation for those killed and injured in the anti-Muslim violence.

The Majlis has also urged all Muslim members of the Indian Parliament to convene and discuss ways and means to continue their struggle for the restoration of the mosque to the Muslim community.

The position of the Government of Pakistan on communal violence in India has been clearly stated on a number of previous occasions. The Government strictly adheres to the principle of non-interference in the internal affairs of other States, including India. It is the responsibility of the Government of India to take appropriate measures to ensure the safety and the security of the affected people and punish those responsible for these acts of violence. Of course, our people cannot remain indifferent to the plight of human beings, particularly those with whom they share bonds of religion, culture, and family ties.
Mr. Speaker, Sir, I am grateful to hon. Members who, while participating in this debate, lent massive support to the Tashkent Declaration. I am very happy that this support came not only from hon. Members belonging to this side of the house but several hon. Members from the Opposition Benches also supported the Tashkent Declaration, and have given on many occasions more reasons and arguments in favour of acceptance of the Declaration by the country. This expresses the determination of our people to treat this as a non-party issue, as a national issue.

My task in replying has been greatly lightened. It is very much easier as several hon. Members who have already participated and have lent their support to the Tashkent Declaration have given various arguments and reasons to remove some of the doubts that had been raised by those hon. Members who criticized the Declaration. I will not, therefore, be long in my reply. I will try to confine myself to meeting some of the specific points that have been raised by hon. Members who criticized the Declaration.

At this stage, I would like to say that a desire has been expressed by hon. Members that the Prime Minister should also make some statement on the Tashkent Declaration in the House. I am sure that this request, this wish that has been expressed on the floor of the House, will be conveyed to the Prime Minister, and in her intervention in the debate on the President’s Address, she can include her own statement on the Declaration.

The question of withdrawals of armed personnel from Haji Pir, Tithwal and Kargil has come up for comments; it has also been criticized by certain hon. Members. The question of infiltrators has also been mentioned. As a matter of fact, these two points are inter-connected, and I would like to say something on these two points together. We have first to see the objective that we had before us when the Indian armed forces moved to Kargil, the Tithwal and to Haji Pir. It is very important because we were facing aggression, and this massive aggression originated in the form of a large number of armed personnel crossing over to that part of Jammu and Kashmir which is in the actual possession and control, administrative and the rest, of the Government of India.

When we took up this matter with the Pakistan Government and pointed out to them the serious situation created by these armed infiltrators coming across into Indian territory, the Government of Pakistan did not accept any responsibility. It then became necessary for us to take defensive measures to
check infiltration, because the responsibility in this respect was not accepted by the Government of Pakistan. It was in that context that the Indian armed forces moved into these two passes, Tithwal and Haji Pir, and we moved into Kargil because our line of communication to the Ladakh area was under constant threat by the sniping and other provocative acts which were indulged in by the Pakistan forces. These were the objectives before us when we moved to these passes.

We have now to see whether, when we agreed to withdraw, our objective had not been realised, whether the reason for which we moved to these passes still persisted at the time we agreed to this withdrawal. We gave very careful consideration to the various aspects. This was a very serious matter, and we attached a very great deal of importance to it. It was necessary for us to give the most careful consideration to the implications of the step that we were taking in agreeing to the withdrawal from these areas.

As I said when I initiated this debate, three conditions were agreed to by Pakistan. Firstly, both countries agreed that the use of force would be abjured in the settlement of any dispute, secondly that cease-fire terms on the cease-fire line would be adhered to and respected by the two parties, and thirdly that there would be non-interference in each other’s internal affairs. Even one of these considerations or conditions is enough to correct the mischief that can be created by the movement of infiltrators.

Sending armed infiltrators, for instance, is obviously use of force, and if both parties agree that force will not be used for the enforcement of any claim or the settlement of any dispute, obviously they cannot say that they will send these infiltrators in the exercise of their right to enforce a claim or to settle a dispute. It is quite another thing, a separate issue to which I will come, as to whether they will respect this or not, but my point is: is the sending of infiltrators protected or can it be resorted to by any loophole that is there in the agreement? My contention is that we should keep these two things separate, the interpretation of the agreement and their intentions or the question whether they will respect the terms of the agreement or not. At this stage, I am on this question whether the agreement itself covers armed infiltrators or whether, notwithstanding the terms of this agreement and even if they adhered to this agreement, they can make out a case that they can send infiltrators.... Pakistan has at no stage said that they have got the right to send infiltrators. All along they have denied having sent infiltrators, and even now they do not say that they have the right to send infiltrators. It is an important point. One of the first conditions of the agreement is not to use force, and sending armed infiltrators is use of force. That is what I am trying to contend. It is quite clear that even Pakistan has not said that they are entitled to send infiltrators or to use force even if Kashmir is
not an internal matter of India. We do not accept the Pakistan contention that Jammu and Kashmir is not an integral part of India, and any interference by sending infiltrators, even by whipping up agitations there or trying to support those who are not accepting the writ of the local government there, is very much interference. We do not accept their interpretation of Jammu and Kashmir not being an internal problem or an internal responsibility of the Government of India.

The important point that I was mentioning at this stage was that this question of infiltrators and their being sent is covered by this condition which has been agreed upon between the two sides. I will not repeat it.

The second point that has been mentioned is that they do not accept Jammu and Kashmir as the internal problem of India, and therefore there may be a loophole for sending infiltrators. My reply to this is two-fold. Firstly, it is our interpretation, it is our very firm stand, that Jammu and Kashmir is an integral part of India, and that its sovereignty is not negotiable. In these circumstances, we do not accept this interpretation that they have got the right to interfere in this. So far as the question of armed infiltrators is concerned, whatever may their position with regard to Jammu and Kashmir, even if they are keeping up a dispute on that issue which we do not accept, we clearly say that there is no dispute—even then I contend that the clause relating to non-use of force covers this completely and any step that they take to interfere with the established administration on one side of the cease-fire line is a clear violation of the Tashkent Declaration, and is therefore something about which we need not have any doubt in our minds....

The late Prime Minister Lal Bahadur Shastri had also said: if the other party says that it wants to discuss Kashmir or they want to raise some point, all that I have to do is to state clearly that Jammu and Kashmir is an integral part of India; that is the position to which India, he said, would steadfastly adhere. In this context, at the meetings in Tashkent between our late Prime Minister and President Ayub Khan, it is a fact that President Ayub did raise the question of Kashmir.

Our late Prime Minister made a clear and categorical statement that Jammu and Kashmir is an integral part of India and that is the position to which he strongly adhered; we are not going to alter that position. As to what President Ayub said, or their Foreign Minister said, they are well known; they say from time to time that the people of that area should be permitted to express their desire about their future. If in reply to that we categorically reject any such claims and reiterate our stand on Jammu and Kashmir, it is not discussing the question of Kashmir; it is only reiteration of the position and that fact, Mr. Speaker, is clearly enunciated in the Declaration. The Declaration says that
the two sides reiterated their position. Prof. Hem Barua is hurling the declaration at us. We went through every word of it. Shri Dwivedy raised a point that the position and manner in which this sentence is used perhaps might cast some cloud on our assertion. It is not at all correct. Article I says that the Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good neighbourliness between India and Pakistan in accordance with the U.N. Charter. It is unexceptionable. They reaffirm their obligation under the Charter not to have recourse to force but to settle their disputes through peaceful means. I would very strongly urge that this is a obligation not to use force. This should not be lightly dismissed; this is a clear affirmation of their obligation. They considered that the interests of peace in the region, particularly in the Indo-Pakistan sub-continent and indeed the interests of the people of India and Pakistan were not served by the continuance of tension between the two countries. They also said that our attitude should be to develop good neighbourly relations, to discontinue tension. It was in this context and in this background that Jammu and Kashmir was discussed and each side set forth its respective position. I have already said what our position was: namely, that it is an integral part of India. The other party said that they have got their own claim. They agreed to disagree on this issue. To bring about good neighbourly relations, they said there were other matters which should be attended to and the rest of the declaration proceeds to mention some of these other matters. The mention in this background under which Jammu and Kashmir was discussed is a point which clearly brings out our clear statement and position on Jammu and Kashmir. I would also like to mention that in the course of my talks with the Foreign Minister of Pakistan and his colleague, talks during which on our side my colleague Shri Chavan and other members of the delegation were present, I reiterated our position and our stand on Jammu and Kashmir in unmistakable terms. Some hon. Members here and some outside had mentioned that the country should be told as to what was talked between the two sides. I would like to clarify the position.

The Indian position on Jammu and Kashmir was not whittled down in the slightest and we reiterated in clear and unmistakable terms our stand and Pakistan is in no doubt about our stand. No newspaper, no critic or supporter of the Tashkent Declaration from Pakistan has ever asserted that India has deviated from its stand on Jammu and Kashmir. On an issue on which even Pakistan does not claim that we have changed our stand on Jammu and Kashmir, it is not wise or in our national interest to continue to agitate these points and unnecessarily to create doubts even when the other party is in no doubt.

I do not want to go into the whole history of how this wave of infiltration started and how we took preventive action by moving into some of the passes and
how vigorously our security forces took very stern and effective measures to deal with the infiltrators who were operating in the Jammu and Kashmir territory…

The infiltrators who had crossed over were being dealt with and our security forces and our police made a very thorough job of it. If ultimately we were able to control the situation it was due to the effective steps that were taken by the security forces. I would also like to add that the Government of Jammu and Kashmir and, if I may add, the people there, acted very strongly and they fully cooperated with these steps taken by the authorities in dealing with the infiltrators. It was this support given to us, the lack of the response which mistakenly Pakistan thought they would get from the people, which was mainly responsible in thwarting the designs of the infiltrators. We are grateful to the people who gave information to the local authorities. We had a large number of non-officials who traced the movement of these people and supplied information to the authorities which ultimately led to the mopping up operations and in providing the necessary security to the areas and to the targets which unfortunately had been been at by the infiltrators.

I would also like to add that after the cease-fire operations, although Pakistan did continue to keep this posture that they had never sent these infiltrators, and continued to disown their responsibility, we have definite information that they called upon these people, who had been sent across, to return to that area. We had definite information on that score, and a large bulk of these people actually crossed over into the other territory. Our security forces also have been stepping up their efforts which continued after the cease-fire, because our Prime Minister had made it absolutely clear that any cease-fire agreement that is arrived at or any cease-fire arrangement that is accepted does not mean that our efforts to deal with the infiltrators or to deal with them effectively would in any way be influenced by the cease-fire. We made the position clear that this is an internal, law and order matter, and we had to function effectively. It was the combined effect of these two things: the continuous drive by our security and armed forces, the civilians and the civilian government - all this combined effort put so much pressure on them and they found, particularly after the cease-fire, that there was no point in their staying on, and a large number were actually thrown out and pushed back into the other territory. Out of the total number of infiltrators who were in thousands, a good bulk has been thrown back. A large number of them were killed; some of them were also arrested. The number that might be left there might be very, very small. It is very difficult for me to give any number, but it cannot be more than a few odds and ends, say, half a dozen or 10 people in one remote area or the other. I have not got the census or the list. If I knew the exact number, I will get hold of them or kill them or shoot them, those who come here without any authority. But the point is, the
Pakistan Government, naturally from the very beginning, had taken the attitude that they are not concerned with them, that they have not sent them; we have information that they had done so and they had sent across these people. We had information that they were receiving messages and we intercepted some of those messages, and it was on that basis that we kept the county and this House fully informed about their activity; that they were sent across and they were supported. We had also information - we had definite information - that they were withdrawn after the cease-fire. So, this was a combined effect of the two-pronged operation, pressure by us, by our security forces, and also their attitude that they wanted to withdraw. In a matter like this, we have to see the results and need not insist on a public statement that they have withdrawn. I am sure that even on this statement of mine they might say, “No; we never sent anyone; we have not withdrawn anyone.” They may say as in their earlier statement that “We have not sent any man even in the initial stages”. So, we have to look to the situation on the ground and view it realistically, and realize that in future, these conditions are accepted: that non-use of force is accepted; non-interference in one’s internal affairs is accepted; and that observance of the cease-fire terms and the cease-fire line. So, in actual fact also, based upon this agreement that they have entered upon, we were fully satisfied that the question of infiltrators hereafter is not likely to arise and it is covered by the agreement because it was thereafter that we agreed in respect of Haji Pir and Tithwal, the passes through which we had moved in order to check further infiltration....

We are clear that if the terms of the agreement are adhered to, then, the question of sending infiltrators does not arise. It is a very pertinent question and a practical question; that is, if they do not adhere to the obligations that they have undertaken, then what is the guarantee? It is a very pertinent question. But the reply to this is linked up with all the other agreements that have been entered into between the two countries. In a matter like this, if we start with this attitude that any agreement that is entered into is not likely to be adhered to, they will find some excuses to go back upon the agreement, then, the reply is that we know how to deal with the situation. Then a new situation develops altogether. The agreement is clear. If they do not adhere to it, if they go behind the agreement and they do not faithfully carry out their obligations under the agreement and surreptitiously take resort to something else then it is a clear violation of the agreement; then a situation arises, and we will take the sternest measure to meet the situation, and of that we have never made any secret. I would beg of this House to see that the agreement is very clear, and that the ultimate protection in this case is provided by the agreement and by their adherence to this agreement. If the agreement is not adhered to, it depends upon our capacity to deal with the situation. Many of our foreign friends, sympathetic friends, have many times mentioned to us that a country of 45
crores or 48 crores of people hardly needs to go to the international community to say that this is a nuisance by the infiltrators and that there should be some solemn agreement on their part that they will never send the infiltrators. They have admitted their responsibility, though not in these clear words, that if the terms are adhered to, it is covered. If they do not observe the terms then it is a situation where our strength and our capacity to deal with them will be the real guarantee. That is something which we should not lose sight of….

The other broad political issue which Mr. Nath Pai raised is vital. In fact, that is the most important issue which cuts across any words that might be used: What is the ultimate guarantee in these cases? For that the reply is, we have to depend upon our strength and we have to tell the world, as they have told us on many occasions, if the infiltrators come, notwithstanding this agreement, the answer is, shoot them; hang them in the passes. That will be the biggest deterrent. Even on this occasion, although they started in a surreptitious manner, although it caused some worry to us, the way we dealt with this problem effectively is the biggest guarantee that they will not try again. What have they gained by this, except that they have lost hundreds of people and they had eaten their words? When Pakistan embarked upon this misadventure, they had all types of flamboyant statements to make: “We are doing this with this object or that object”. It is not for me to remind the Pakistani leaders, but without introducing any element of criticism of their earlier statements on this issue, I would certainly ask, whereas Pakistan had embarked upon this to realize certain objectives, viz., to get a solution of the Jammu and Kashmir problem which they thought fits in with their pattern, have they succeeded? No; they have not.

Ultimately the terms of the agreement are such that any action of that nature will be covered. Will they do that again? If they adhere to the terms of the agreement, they would not do that. But if they do not adhere to the terms of the agreement, a new situation arises, which the country will have to deal with, with all determination. I am sure that the full support of this House and of the country will be with any steps that are taken to deal with that situation.

The date 5th August is important, because on 5th August this infiltration started. Withdrawal of all armed personnel to positions which obtained prior to 5th August definitely covers the infiltrators also.

Another point which has been mentioned was that it appears as if some pressure was exercised on the late Prime Minister, Shri Lal Bahadur Shastri. I am very sorry that any such suggestion directly or indirectly was made… About this alleged pressure, those of us who were in touch with Shri Lal Bahadur Shastri can say that the actual volume of his work; the actual physical pressure, in those days was much less compared to the work he used to do in India where his responsibilities were so great, meeting a large number of persons from all
sections of the House and leaders of various political parties, apart from his administrative work. But in Tashkent, we had gone for a special purpose. Myself, my colleagues and even the Press people who were there at Tashkent everyone knows that, judged in terms of sheer volume of work, it was much less as compared to his normal routine in Delhi.

Regarding the second point whether the functioning of the Soviet leaders and the Soviet delegation was such as to create the slightest feeling in our mind that they were trying to sell any particular idea, I would like to say categorically that the attitude of the Soviet leaders in this respect was one of full understanding of our position. Even before going to Tashkent, I had paid a visit to Moscow and had long talks with the Chairman of the Council of Ministers, Mr. Kosygin and also with their Foreign Minister, Mr. Gromyko. I had explained in full detail our stand on the various issues that were likely to come up during the Tashkent talks. Our stand on all these issues was fully known to the Soviet leaders. There was a great deal of understanding and they were quite objective. It will be absolutely wrong to suggest that they exercised any pressure directly or indirectly. It will be wrong on our part to suggest anything of that nature.

I would like to reiterate the expression of our gratitude to the Soviet leaders for all the understanding that they showed. If you look at the circumstances what could be the pressure? I fail to understand. Our late Prime Minister had gone to Tashkent as a great hero. He had the will and support of the entire country with him. Our army was standing on the outskirts of Sialkot and Lahore and we were occupying strategic passes. In the Security Council this matter has been agitated and we demonstrated very clearly that India will not brook any interference - we know what our case is and we will adhere to it steadfastly. So, what was the circumstantial pressure on him? Here was a person who was more or less in command of the situation. To suggest that there was any pressure either circumstantial or otherwise which impelled him to adopt this attitude is absolutely unjustified. There was some pressure on him in the sense that the saw as to what was in the best interests of the 600 million people of India and Pakistan. He, as a great leader, who could fight bravely the battles, also knew that India’s general attitude of peace also is something which requires all possible support and nursing. Therefore, if he acted in the interest of peace, when he was in that strong position, when he had this support, you cannot say there was any pressure of any kind, direct or indirect, on him. He acted in a very brave manner in reversing past unhappy trends by signing the agreement and in a sincere effort to reverse the trends without yielding on any essential matters. Therefore, I would like very categorically and clearly, to reiterate that there is no question of any pressure either factual or circumstantial. He knew what he was doing and he did it with a great gesture, with great strength and it is for us really to honour that.
The Indian objective, when we had to face this armed conflict, was to repel aggression. That objective had been fully realized. We successfully met this aggression on the ground and also in signing this agreement. Now, some test of this can be the reactions of other countries. This is one of those rare agreements which has been welcomed by all countries excepting one, our northern neighbor, China or some critics on the other side. It is very interesting to see how the Chinese leaders looked at it. Even their reaction was not very spontaneous to start with. They started building up their attitude and they took some weeks before they actually gave out as to what was in their heart of hearts with regard to this. Apart from their hostility to India, about which we know, the House knows and the country knows - it is not that aspect that I want to put forward so much at this stage - unfortunately, China is one country which continues to hold that this doctrine of peaceful co-existence or the efficacy of peaceful means for resolving disputes is not good. All these are doctrines which, are not accepted by China. They saw in the Tashkent Declaration a clear vindication of these two very important principles of international behaviour, namely, the importance and the efficacy of peaceful co-existence and determination to solve their dispute by peaceful means. On both these grounds the official Chinese reaction is against this Declaration. They say the Soviet Union want to demonstrate that by bringing India and Pakistan together, and by asking them to abjure the use of force for settlement of any dispute, notwithstanding differences they can co-existence is possible and that settlement of disputes by peaceful means is also possible. As you know, the Chinese believe in the inevitability of war. They steadfastly hold that view that nothing can be resolved except through violence and resort to force. That is a doctrine which we have never accepted, which the rest of the world does not accept, and I would very humbly but very strongly place this aspect, not in any spirit of animosity against China because that relates to a matter which we can swear - we have got our problem - but let us take it at a higher level - their adherence to the doctrine of the inevitability of war - this Declaration is a clear blow to their doctrine. For that reason also, this is a vindication of the general code of behaviour which the international community has embarked upon and is going assiduously to follow.

I would, before ending, earnestly appeal, now that we have had the debate, now that we have had our full say on this issue, let us now hereafter bring about a general support for this in our country so that the unfortunate trends of deteriorating relations, continuous friction and continuous tension might be reversed. I know that the process is difficult. I know that there may be difficulties which may also be created by the statements by the other side, may be that there are some difficulties on our side. But I would appeal that this Declaration is something worth working for; war and armed conflict is to be resorted to only if necessary in order to safeguard our security and integrity, but if peace can
be restored by peaceful means and peaceful approaches, howsoever impracticable these efforts may appear to resolve all differences, it is something which is worth trying, and it is in that spirit that we should view this Tashkent Declaration.

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0472. [SECRET]

Letter from Prime Minister Mrs. Indira Gandhi to Pakistan President Mohammad Ayub Khan.

New Delhi, February 22, 1966.


Dear Mr. President,

I thank you for your message dated February 7, 1966, which was delivered to me by your High Commissioner. The discussions which you had with late Prime Minister, Shri Lal Bahadur Shastri, and to which you have referred in the second paragraph of your letter are fully in accord with our thinking and approach. It is important that we should press ahead with the early restoration of normal relations between our two countries.

2. Some of the things to which you refer have already been done. Over flights have been resumed. Our Army Chiefs have met and have agreed upon a plan of withdrawals which has already been implemented. Progress has been made in the resumption of posts, telegraphs and telecommunications between the two countries. Exchange of prisoners has been proceeding rapidly and satisfactorily. We have made a good start with the implementation of the Declaration. However, this progress should be accelerated.

3. Meanwhile, as you know, we had taken the initiative in proposing a very early meeting at Ministers' level which, we had hoped, would take place early in February, even before our Parliament had met. We had proposed that our Foreign Minister, Commerce Minister, and Minister of Transport, Aviation and Shipping should go to Rawalpindi and it was our expectation that they would carry the process of normalization further and settle all problems relating to cargoes, properties as well as transport and communications. We had also in mind that the Ministers could discuss further steps towards the implementation of the Tashkent Declaration. We have been informed that the Pakistan Government would propose a 6-point agenda, which has rather unfortunately
received some publicity. I feel that we should try to avoid a situation in which each side proposes a cut and dried agenda which might create delay and difficulties in the meeting of the Ministers. My suggestion would, therefore, be not to have any fixed agenda in advance, leaving it open to the Ministers from either side when they meet, to raise any matters to which they attach importance. I hope you will agree that this will be the most fruitful and the best way of proceeding with the meeting. As regards dates of the meeting, with Parliament in session, it is less easy for three Cabinet Ministers to be absent at the same time. I am, however, anxious that the meeting should take place as early as possible within the dates which had been proposed by your Government. I have asked Shri Kewal Singh to settle the exact dates.

4. As you know, there are extremists in both countries who are critical of the Tashkent Declaration and who do not see the tremendous benefit which would accrue to the peoples of India and Pakistan if it is implemented in letter and spirit. I feel confident that the bulk of the people in the two countries truly desire peace and amity. Therefore, it is up to us to ensure that this deep-rooted desire is allowed to manifest itself and that the atmosphere is not vitiated by propaganda of the wrong kind which emphasizes and magnifies points of difference and ignores the wide area of common interests between the two countries. I am sure that the lead which you are giving to your people to explore fresh avenues of cooperation is the right one.

With warm regards,

Yours sincerely,

(Indira Gandhi)

His Excellency
Field Marshal Mohammad Ayub Khan,
President of Pakistan.
0473. Extract from the First of the month broadcast by Pakistan President Ayub Khan.

Rawalpindi, March 1, 1966.

Explaining Pakistan's foreign policy, President said

1. China poses no threat to the sub-continent
2. Pak ties with Peking no bar to friendship with the United States
3. Kashmir cannot be ignored or put off

"The guiding principle of our foreign policy is that differences among other countries should not interfere with our relations with them. Consequently, alongside our ties of sincere friendship with China, we are developing friendly relations with the United States on the one hand, and the USSR on the other...these countries understand and appreciate our point of view."

"The miasma of misunderstanding created about the Tashkent Declaration in the country is gradually clearing up. Emotions are yielding place to self assurance and unity in national thought and action. It is, however, useless to entertain any hope of constructive endeavour from persons who habituated to striking a discordant note merely for the sake of opposition and whose mind is afflicted with doubts and misgivings. Patriotic elements have come to appreciate the need and purpose of the Tashkent Declaration."

"The aim of the Tashkent Declaration is that both India and Pakistan should resolve their mutual differences and their relations should be normalized as between two neighboring countries. No right-thinking person can deny that the basic dispute between India and Pakistan concerns the right of self-determination of the Jammu and Kashmir. This dispute can not either be ignored or indefinitely put off, nor can it be resolved merely by repeating that it is too old or too complicated. What is required is that representatives of the two countries should try to understand and address themselves to it in a realistic manner. Unless dispute between nations are resolved, relations between them cannot be normalized, for such relations cannot exit in a vacuum. For this, a climate of understanding is needed.

"Both Pakistan and India should realise that they will not be able to devote their resources fully to the welfare of their people, if their defence expenditure is not curtailed. Nor can friendship between them be founded on a permanent basis. After a just solution of the Kashmir dispute has been found, the two countries should also reduce their armed forces."
0474. Summary record of meeting of Indo-Pakistan Delegations at Rawalpindi 10:45 a.m. to 12:45 p.m., Wednesday, March 2nd, 1966.

Present:

**Indian side:**

Sardar Swaran Singh, Minister for External Affairs.
Shri N. Sanjiva Reddy, Minister for Transport, Aviation, Shipping and Tourism.
Shri Manubhai Shah, Minister for Commerce.
Shri C. S. Jha, Foreign Secretary.
Shri V. Shankar, Secretary, Department of Civil Aviation.
Shri D.S. Joshi, Secretary, Ministry of Commerce.
Shri L. P. Singh, Home Secretary.
Dr. Nagendra Singh, Secretary, Department of Transport.
Shri Kewal Singh, High Commissioner for India in Pakistan.
Shri A. K. Dar, Joint Secretary, Ministry of External Affairs.
Shri K. S. Bajpai, Officer on Special Duty, Ministry of External Affairs.

**Pakistan side:**

Mr. Zulfiqar Ali Bhutto, Foreign Minister
Mr. Ghulam Faruque, Commerce Minister
Khan A. Sobur Khan, Communications Minister
Mr. Aziz Ahmed, Foreign Secretary
Mr. M. H. Zuberi, Communications Secretary
Mr. M. Aslam, Commerce Secretary
Mr. Altaf Gauhar, Information Secretary
Mr. A. H. Quraishi, Chief Secretary, West Pakistan
Mr. M. Arshad Husain, High Commissioner for Pakistan.
Mr. Agah Shahi, Additional Foreign Secretary
Mr. M. A. Alvie, Director General, Foreign Office (occasionally)

Mr. Salman A. Ali, Director-General, Foreign Office.

Mr. I. A. Akhund, Director, Foreign Office.

A brief discussion between F. M. and Mr. Bhutto on how to start led to the two Foreign Secretaries being asked to give a resume of the previous day’s meetings between officials, and the Indian Foreign Secretary was asked to begin.

F.S: We talked for several hours yesterday morning and exchanged the points which might be discussed between the two sides. Mr. Aziz Ahmed brought up the six items contained in the proposed agenda which had been sent to us earlier in February. He explained that Pakistan considered it necessary to discuss what he called the items most essential for ensuring the peace in the sub-continent which he said had eluded us for the last 18 years and these items were ‘Kashmir’, reduction of armed forces on both sides, prevention of the exodus of people, notably the future of Jammu & Kashmir refugees, the so-called evictions from India, and the use of the eastern river waters, notably the Farakka Barrage; Mr. Aziz Ahmed also mentioned the item on implementation of existing agreements.

On our part we have our list of items consisting of various subjects which we put under three broad heads: first, the immediate problems connected with the restoration of normal relations, such as the restoration of properties and assets seize by either side in connection with the conflict, the resumption of air services, trade etc.; second, the steps to be taken in regard to some long-standing problems on which progress might be feasible in the interest of both countries, e.g. settlement of our eastern border problems; third, the positive measures for the promotion of friendly and good neighbourly relations on which we could start, for instance, the question of propaganda and the very wide possibilities of expanding trade. Both sides also thought that there might be another heading of what Mr. Aziz Ahmed called residual and what we called miscellaneous matters arising from the implementation already undertaken of the Tashkent Declaration.

Both during the enumeration of Mr. Aziz Ahmed’s points and many times over subsequently, it was stated by Pakistanis that Kashmir was the basic question which must be discussed. We were not clear whether Pakistan meant it was a sine qua non for a discussion of any other subject but understood that there should be simultaneous discussion of all subjects. Mr. Aziz Ahmed asserted that there was strong public opinion in Pakistan which expected progress on Kashmir. The point of view I ventured to press on our behalf was that the Heads of Government had talked about this barely two months ago. To our knowledge they talked about it in a very friendly and very frank manner on the
basis of a fine personal equation between them, and they came to the conclusion that the points of view of the two sides were so far apart as to be irreconcilable. Because they realized this, the reference to Kashmir was expressed as it is in Article I of the Declaration. Therefore, I said that there was no reason to think our discussing it at official’s level would be more fruitful, though we recognize that Kashmir would sometime have to be discussed or would have to find a solution. We told Pakistan in advance that anything could be raised at this meeting, but there were many matters without which normalization of relations was incomplete and until we had wiped the slate clean, on our level it was difficult to have a fruitful exchange on Kashmir, which was an important political matter. I added that it should not be thought that strong feelings on this issue were confined to Pakistan; it was best for the question to be discussed between Ministers. This went on for quite some time and I have only reported very briefly the substance of yesterday morning’s discussions.

Then Mr. Aziz Ahmed also mentioned some other matters. He said that in the Sialkot region there were some small areas, 25 acres here, 4 kanals* there and a 100 kanals somewhere else from which the Indian forces had not withdrawn. I told him that we had no knowledge of this but were taking note of what he said and would ask our authorities to look into the matter. Then he spoke of some reports of vandalism by the Indian Forces withdrawing form the areas on the Pakistan side. Of these too I explained we had no knowledge except the very unhappy reports that we ourselves have received of extremely regrettable acts committed on the Indian territory from which Pakistani forces had withdrawn. Thirdly, reference was made to the recent agreement reached between our respective Army Chiefs on the reduction of forces in Jammu & Kashmir, and we had some argument on whether or not the reduction envisaged in Article I of that agreement entitled India to maintain forces additional what might have been thought necessary in 1949 in view of the subsequent developments requiring us to defend Ladakh.

So we exchanged ideas on matters we would each like to discuss but we did not actually go into any of these matters, except in an incidental way and over the question of level of forces to be maintained in Kashmir. Mr. Ahmed said that we must discuss Kashmir and, indeed that he was under instructions from his Minister to do so. I said that was not the instructions from my Minister and it was best that we reported to our respective Ministers and resume discussion later. That was the point at which we agreed to end yesterday.

Mr. Aziz Ahmed: Well, if I may say so, Mr. Jha has given an extremely good summary of what happened yesterday and I would only like to mention one or two points to supplement what he said. His impression of what I intended to

* Measurement of land used in the Punjab.
convey to him of moving towards the Kashmir solution *pari passu* with progress on other issues is quite correct. I went into the details of the strength of feeling in Pakistan and I explained it was not possible for us to make progress on any other item that India or we might want to bring out unless we could show some progress on the Kashmir issue. Our people would not tolerate anything else.

There was some discussion on whether officials were competent to tackle this issue and I explained that on our side we felt, and indeed our instructions were, that we could start discussions at official level. This was normal procedure on any matter; if we ran into difficulties and could not resolve them, we could ask for instructions from our Ministers or they could meet. If the Ministers also found that they could not resolve difficulties, they in turn could seek orders from their Heads of Government. Mr. Jha, however, felt that he had no authority to discuss Kashmir. I made it clear that we did not think this could be settled in one meeting or even two or three; it would take time – there might have to be several meetings, but the important thing was that we should begin with some movement towards a solution.

Meanwhile, we could take up the residual matters arising from the implementation of the Tashkent Declaration, and in that context I brought up with his permission three points. First, the wanton, willful, almost planned destruction in Kasur and Gadhra – things had happened which need not have happened, which were quite unnecessary on any ground. Of course, we all knew that in war things were done which no one could reasonably like to see done. But this looked like planned, active destruction. I also mentioned the three points from which the Indian Forces had not yet withdrawn; it was almost ridiculous for me to have to bring to his attention four *kanals* or ten *kanals*, or even less, of minor, meaningless, remnants, and he kindly promised to take note of what I had said. Thirdly, I raised the very important matter which our C-in-C had brought to our attention. He had reported the agreement on the quantum of forces on either side of the Ceasefire line, which would be as in 1949 level. That is to say, they would be brought down to the 1949 level. Subsequently, on the 17th February, the Defence Minister of India said in the Indian Parliament that the agreement did not affect the strength of the forces required for the region of Ladakh border on China. I had pointed out that such a view would make nonsense of the agreement. We had some further discussion on this, as apparently your understanding of the agreement differed from ours.

You thought that the ceiling had been fixed taking into account what you might need for Ladakh whereas our understanding was that the ceiling would be brought down to the 1949 level. Our General Headquarters felt that if, in addition to the 1949 level, forces could be increased because they were considered necessary to defend Ladakh, these could be used, as in fact they were used in the past, on our side of the ceasefire line. It is no use telling our Army people
that no, they need not worry and everything would be all right. And it is therefore, necessary to ensure that the agreement was as intended.

F.S: I had only reported on what was discussed yesterday without going into the merits of the questions that were discussed. Since, however, Mr. Aziz Ahmed has not confined himself to this; perhaps, I should also explain what was said from our side.

On the agreement between the two Army Commanders, I had pointed out that we had to defend Ladakh against aggression. We had been attacked before and Government worth its name could neglect the duty of being ready in case we were attacked there again. The forces needed to protect Ladakh would certainly not be used against Pakistan. This question of the forces necessary because of the necessity of defending Ladakh had arisen with UNMOGIP in 1959 or 1960 and we had explained to them that we had had to send in troops in view of the Chinese moves and UNMOGIP had not considered this any violation of the Cease-fire Agreement. I also pointed out yesterday that the text of the new agreement between the Army Chiefs does not say that the forces had to be at exactly the level in 1949, but that they should be kept at that level which UNMOGIP had accepted in the context of the 1949 agreement. These are two quite different things. What the agreement means is that the level should be what the UNMOGIP accepted now bearing in mind our needs in Ladakh. I ventured to mention that this was something we were obliged to do; we could not leave Ladakh unguarded. Moreover, if we have differences now over this point, in the spirit of frankness made possible by the Tashkent Declaration, we can talk over the matter fully. Ultimately it is a matter of trust. Pakistan can rest assured that the forces would be needed by us only for defence and would not be used against Pakistan.

F.M: There were two other points Mr. Aziz Ahmed mentioned.

F.S: We said we would look into them. As regards the allegations of destruction, I was obliged to say that we had received reports of the felling of trees, the destruction of temples, the replacement of idol by heaps of bones, of unspeakable scribbling on the walls against our leaders and all sorts of other vandalism on the Pakistani side before they withdrew from our territories. We fully realize that minds get inflamed during fighting and this is one of the consequences of war. I pointed out that two wrong did not make one right, but we have our own reports just as Pakistan said she had hers. As regards the non-vacation of territory on the Pakistani side, as I said, we would look into the matter.

Mr. Aziz Ahmed: I must add that the discussions were not closed yesterday on any of these issues. I had no intention of answering the points Mr. Jha has made.....
F.M.: I do not think any useful purpose could be served by that here and now. We shall leave you to try and convince each other later.

May I just say a few words on the main point that held up progress yesterday? We had discussed this entire matter very fully at Tashkent and the result was what was said in Article I of the Declaration: “It was against this background that Jammu and Kashmir was discussed and each of the sides set forth its respective position” That is to say that we each reiterated our position, and, having set it forth, we agreed to take other steps knowing full well that no agreement was possible in regard to Kashmir. On this the two views were irreconcilable; they were so wide apart that there was no way of bridging the difference and yet we agreed to take up other matters and improve relations. For example, under Article II which provides for withdrawals, the Army Chiefs of the two sides have met and what they agreed upon has been implemented. If there were any points of difference still left, they could meet again and discuss them. Then again there are Articles III and IV in which the two sides agreed that relations would be based on the principle of non-interference in each other’s internal affairs and that they would discourage propaganda against the other side. On this aspect also some steps have been taken. We understand that you issued instructions to your authorities not to carry on anti-Indian propaganda and we on our side took similar action. We cannot say that everything is perfect. Each of us has difficulties, which are alike, but one can notice the improvement; we are glad to find that compared to the past there is considerable restraint for the most part, on your side as on ours, and so some progress has been made. If we look at Article V also, we find progress in that the High Commissioners of the two sides have returned to their posts and their missions are functioning normally. Then there is Article VI where the two Heads of Government agreed to consider measures towards the restoration of economic and trade relations, communications, as well as cultural exchanges, and to take measure to implement existing agreements. There are four components to this; in the field of communication a number of steps have been taken, such as the resumption for over-flights and of telecommunications; steps remain to be taken regarding communications by rail and road. Some of this progress has been at your suggestion and some at ours, but it has been to our mutual advantage. As regards trade we had agreed to consider measures; similarly regarding cultural exchanges. I suggest we should agree to discuss these at appropriate levels. We have come prepared on our side to look into these questions at any level convenient and it will be to our mutual advantage if we can make a start.

Then Article VII has also been implemented. Article VIII is also important: the two sides agree that they “will continue the discussion of questions relating to the problems of refugees and evictions/illegal immigrations”. They also agreed that they “will create conditions which will prevent the exodus of people”. I
would like to point out that “they further agreed to discuss the return of property and assets taken over by either side in connection with the conflict”. I urge that we should really agree here and now to discuss further these obligations we have undertaken under Articles VI and VIII. To my mind some of them are directly concerned with the recent unfortunate conflict.

We have already taken some steps to solve the problems thrown up by the conflict and it would be thoroughly in accordance with the Declaration to normalize other matters which remain to be dealt with and which we have agreed to resolve. In pursuance of Article IX, we are at your service to discuss matters of direct concern and these seem to us the matters on which we should make some progress. At Tashkent your President was good enough to mention to me and to my colleague Shri Chavan that I should visit Rawalpindi in a few weeks so that further steps could be taken to implement the Declaration. It is in that spirit that we have come. Let me say that I do not underestimate the feelings on your side, both at the public and official levels, but I would like to convey to you in all earnestness that our difficulties are also real. If we do not say too much about it in public by making statements it is because that does not contribute towards the improvement of relations. It was for the sake of fulfilling the purpose of the Tashkent Declaration that we have taken the decision within our Government and also in our Congress Party at Jaipur to avoid as far as possible statements which would come in the way of implementing the Declaration. We have even tried hard to convince those who have not agreed with us – but please do not make any mistake, there are very strong feeling on our side also. Yet we are trying hard to move ahead. I have myself made several statements in and cut of Parliament that we must implement the Declaration fully in letter and spirit.

I have taken these few minutes to deal with the matters that have arisen at our present meeting, not in order to enter into any argument, but merely to suggest what our approach should be. The problem of Kashmir is difficult; it is important; it is important from your point of view and also from ours. The views of the two sides are well-known. It would not serve the purpose of this meeting, if I reiterated what is already known. I would urge that notwithstanding the differences, on which we have agreed to seek peaceful solution, we should tackle the other issues that would be in accordance with our obligations and also the expectations of our people. Implementation of other issues is not dependent on Kashmir. I am not suggesting that we should not discuss Kashmir at an appropriate stage. But we have taken other steps in some sphere, which represent a real and purposeful movement towards the achievement of the Declaration’s objectives. But not all the steps have been completed. We feel that it would be in the mutual interest of both countries if we give directions to our officials to study the Declarations. They should see what action can be
taken in accordance with Article IX and broadly review all the obligations and the other problems created by the unfortunate conflict so that we could get these out of the way and move towards a further improvement of our relations.

Mr. Bhutto: Thank you very much, Mr. Foreign Minister. We have heard with great interest what you had to say. For our part, I would like to say that we would also like to fulfill our obligations. It is not only the Tashkent Declaration under which our obligations are at stake; the basis of our foreign policy has been to fulfill all the obligations we have entered into, inside or outside the United Nations, bilaterally or multilaterally. We have to fulfill our obligations in whatever form they are and it is our policy to fulfill them in regard to all countries with whom we have entered into agreements.

It is not that we do not want to make progress: we want to very much. Substantial progress could have been made here if an agenda could have been agreed to in advance. As it was, the whole of yesterday was spent on this question of an agenda. Before this meeting you had made certain proposals; taking into account the needs of the sub-continent, we had also made certain suggestions for discussion. We had differences on this question, which is quite understandable. Your High Commissioner saw our President and explained the difficulties on your side, and our President pointed out our own difficulties, these were very useful talks. The main thing is that we should make efforts towards all solutions and not stand on formal positions. If the efforts are not sensational or dramatic that is even better in a way but we have to take account of the feelings of the public.

So when your High Commissioner met the President the second time in Karachi, we agreed that this meeting should take place without any agenda. However, procedural matters also have their importance, not only for this meeting, but also for future meetings. We believe it is possible to reconcile our views on this aspect. I do not want to enter into a legalistic argument on what are the obligations under the Tashkent Declaration, but since this has been raised, I much explain our point of view. Take Article I for instance. We have very definite obligations under this. What is important is not that Jammu & Kashmir is mentioned, but the background against which it is mentioned which is that it is the fundamental dispute that has been the cause of tensions between the countries. If you go into the Tashkent Declaration, you will find that it gives supreme, primordial importance to this issue. It may not be put in that language for reasons that have been stated—public feelings and all that. So the language may be moderate but the importance given at Tashkent to this issue is clear and if you take that into account, that it is the bone of contention between us, and if you accept that it is the stumbling block in our relations, then it will be appreciated that all other issues are of a secondary and residual character.
They need not have come into the agreement except that they are all connected with this basic issue. Look at Article II, that is directly connected with Article I. If there had not been a conflict and if there had not been tensions for the last 18 years, there would not have been any need for the armies to confront each other and no need for their withdrawals. Article II, therefore, flows from Article I because it is the consequence of the basic dispute.

You mentioned the clause about non-interference. That principle is not something that flows from Tashkent. As two separate states, and particularly as members of the Afro-Asian community, and having subscribed to the Bandung principles, we have always to abstain from interference in each other’s affairs. As you, if I may say so, very wisely told President Ayub yesterday, partition is an historical fact. Therefore, you live on your side of the fence and we do so on our, without trespassing on each other; because if we do that, tension arises. You also referred to Article IV. Well, no mad dog has bitten us that we should want to abuse you, but actually when strong feelings are aroused, things get said which can be taken as hostile propaganda. But this is all because of the basic dispute. As a mater of fact, between two sister countries relations should be much closer than between others. We have just given Mian Arshad Hussain a palace in Delhi and we want him to live in it and have the closest relations, but abnormality came in because of the basic conflict and that is why we had to have an agreement to restore normality. As for Article VI, which speaks of trade and other relations these too were disrupted because of the conflict. So this also flows from Article I. Similarly the problems of exodus, refugees from Jammu & Kashmir etc. which are dealt with in Article VIII – all these problems arise from the basic issue between the two countries.

Therefore, we must look at that basic cause. I believe the positions you have explained and which we hold are not irreconcilable. We do not say that we must have a settlement here and now. As you know, you and I had talks on this for over six months and we know it will take time. But that does not mean we should procrastinate. As you can see, the lapse of time has not contributed to solution. So it is important not to lose more time but to turn the corner quickly.

We agree that it is necessary to reverse the trends of the past and the best way is to look at the fundamentals. All we ask of you is to agree to discuss the matter. We know your positions and you – better than anyone else – know our own: so we do not want just a reiteration of each other’s views. The question really is of intentions, of bona fide. Taking the lesson from the past we must see how counteract productive our delays in the past have been. So we ask you to consider and understand the difficulties we see. If we can agree on the modalities, we can also agree on the publicity side – that is not important. But
if we say ‘let us set it aside’, then progress is really illusory. Believe me I am not saying this because I am a victim of some prejudice, but because that is the lesson of the past. There have been so many times when the two sides have met and dealt with some issues – important issues – you will remember our first Prime Minister Liaquat Ali went to Delhi and had talks with Mr. Nehru and we were told everything would be all right. Then Ghulam Mohammed also went to Delhi and was told the same thing. Then Mohammed Ali Bogra went and saw Mr. Nehru, and Noon and others, there was a great deal of progress. Then too we had High Commissioners in close touch: and we had trade – in fact we were very dependent on India economically in those days: then we settled so many of our boundary problems, to which you made such valuable contributions. And the culmination of this progress was the Indus Water Treaty which was the most complicated and intractable of all problems after the Kashmir problem. And what was the result?

We must not close our eyes but should set a direction and simultaneously take up other issues. We certainly intend to fulfill our obligations. Our Foreign Secretary referred to public opinion but I would like to say that even if there is strong public opinion, we will fulfill obligations. International obligations have to be fulfilled – not only the Tashkent Declaration but others, whether in the United Nations or outside. I do not want to go into the legality whether obligations under the United Nations have primacy, but the important thing is to take a non-legalistic view and move forward in the right direction. Mr. Jha, you are looking at the Charter, I think it is Article 103 or 113. I am not sure which, but as I say that is not the important part. The main thing is to make a start.

F.M. Thank you for your very clear statement of your views, which you have expressed with such clarity and forcefulness. I am glad to hear you are anxious to, and intend to, honour all agreements. I fully agree that we must direct our efforts towards implementing the Tashkent Declaration as a whole. You have set-out the philosophy of your understanding of the agreement in a particular manner. I would not like to go into that philosophy or understanding, though it is not ours. But there are one or two points I must bring out and leave for your consideration.

In the Tashkent Declaration we have agreed not to use force and to resolve our differences by peaceful means. Once we have said that, it must be our attempt to try and solve those differences in peaceful ways. It is difficult for me to accept the view that the rest of the Article or the whole tenor of the Declaration is dependent on the solution of Kashmir. I recall what your distinguished President very wisely said to us yesterday, that even Kashmir is a symptom of the distrust between the two nations of two countries. The Tashkent Declaration is the first agreement to try and remove that distrust. I recognise that Kashmir
is one such problem as we have to resolve, but it is difficult to accept the view that it is the cause of all our problems. I must say I greatly appreciated what the President said about its being a symptom of the basic distrust and what we have to do under the Tashkent Declaration is actually to reverse that distrust and develop cooperative and friendly relations.

We are not arguing here before some third party but have only to convince each other. So, there is no point in reiterating arguments with which each side is familiar. That does not take us any further. I do not want to go into this in more detail but I must repeat that under the Tashkent Declaration we undertook four things in particular: to resolve all our differences by peaceful means only; second to sort out the problems arising from the conflict: thirdly to settle other problems: and the fourth aspect which you have not covered is to take new steps to develop a new relationship. Now the question of Jammu and Kashmir has its place in the third of these categories. But this is a problem on which Pakistan alone does not have a point of view: we also have our view, and, as I say, those two are contradictory. You have put your view, with great plausibility, that all problems stem from Kashmir: but there is the other view that they are all born of distrust, and as I said yesterday, we should see whether we cannot solve the other problems arising from this distrust.

Let me also make it quite clear that we are not asking you for anything particular to which you must agree at this meeting. We are only throwing up ideas and ringing up the problems which have to be settled because they have been left over by our most unfortunate conflict and the public would be greatly influenced by seeing some progress in settling them. It may take two or four or six meetings. If in your view we cannot deal with them at this meeting, we could agree to meet again, but if you think progress is possible now, perhaps you could give us some indication of what you would like to do next.

At this point the Pakistan delegation decided to consult among themselves in private. They came back after about 20 minutes and Mr. Bhutto announced that they felt that either the two Foreign Ministers, assisted by the Foreign Secretaries or all the three Ministers from each side assisted by the two Foreign Secretaries should meet again in the afternoon to have a further discussion. It was agreed that the 3 Ministers and the Foreign Secretary from each side should meet immediately after lunch.

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Record of the talks between Foreign Secretary C.S. Jha and Soviet Ambassador Bonediktev.
New Delhi, March 4, 1966

F.S. We have just returned from the Indo-Pakistan Ministerial talks in Rawalpindi. These were held in pursuance of the Tashkent Declaration. That was such a valuable agreement, in which the U.S.S.R. played such an important part, that I invited Your Excellency to come here today as we thought we should keep you informed of what has happened and also give you some of the impressions we gathered.

As your Excellency probably knows, when President Ayub called at our Prime Minister’s villa at Tashkent to pay his condolences on Shastrij’s death, he suggested to our Foreign Minister that he might come over to Rawalpindi and settle some urgent matters. He mentioned, in this context, the question of over-flights. We agreed to the idea of such a visit and our Foreign Minister mentioned that we could usefully discuss some other matters such as properties, rail and air traffic resumption etc. After returning from Tashkent, we made a suggestion to Pakistan to have a Ministerial meeting, either at Delhi or at Rawalpindi, to consider further steps towards the implementation of the Tashkent Declaration, particularly some matters of urgent normalization of relations. After some further exchanges with the Pakistanis, our Prime Minister wrote to President Ayub, who agreed that the meeting might take place without any fixed agenda, and we accordingly went with our three Ministers and a number of officials. We took a very large delegation so as to be able to deal with a wide variety of subjects.

At Rawalpindi, there was a brief opening meeting of the full delegations of the two sides and then the officials were asked to start discussions. Mr. Aziz Ahmed, the Pakistan Foreign Secretary, led the Pakistan side and I spoke on behalf of India. We first exchanged lists of the subjects that might be discussed. The Pakistanis brought out again the list of six subjects which, it will be remembered, they had announced earlier last month as their proposals for the agenda. They started with what they called ‘the basic cause that led to the Indo – Pakistan war namely, Kashmir’. Thereafter, they wanted to discuss the reduction of armed forces. Then they added the question of preventing the exodus of people, especially the so-called refugees from Jammu and Kashmir; what they called the problem of evictions of Muslims from Assam; the Farakka Barrage; and the implementation of exiting agreements. These Pakistani proposals were framed in rather provocative terms which we could not accept but we were quite prepared to discuss the substance of most of them. We had
told them that they were free to raise any issue and we had taken a delegation which could deal with most of the matters over which they had expressed concern. On our side, we also gave a list of various subjects under three broad heads; problems requiring immediate attention to complete the normalization of relations which had been disturbed by the conflict; some long-term problems on which we could try and make progress and create a better atmosphere; and thirdly, some positive measures to develop better relations. I shall give Your Excellency a copy of the list of the items which we had proposed as well as of what the Pakistanis gave. Mr. Aziz Ahmed said that Kashmir was the basic cause of all tensions between India and Pakistan and it would not be possible to discuss any other subjects without discussing Kashmir first. He, therefore, said we must discuss Kashmir. No thought was given by the Pakistani side to our suggestions. They simply said that Kashmir was the main problem and the Pakistani public wanted to see some progress on that issue. We reminded them of the talks at Tashkent when the two heads of Government had discussed this matter. They had found the positions of the two sides irreconcilable but both had agreed to disagree, and this was reflected in article I, which said that both sides had reiterated their stands. We did not think that in less than two months since the Tashkent talks, the situation had changed in such a way as to justify further discussion or repetition of what was said at Tashkent. Therefore, while India was perfectly willing to listen to what Pakistan had to say and expressed her own views, no useful purpose would be served at this officials’ meeting by raising this problem; the subject should best be left to be discussed between the Heads of Government, if the Pakistanis wished, between the Ministers of the two Governments and not between the officials.

We also pointed out that the Tashkent Declaration mentioned various other matters which should be discussed. We saw no basis for the Pakistani views that nothing could be discussed expect Kashmir. We, therefore, suggested that we should follow the scheme of the Tashkent Declaration and deal with other items, as that was the most practical as well as the right basis for proceeding.

The first stop was to complete normalization in the various fields we had indicated in our list – return of properties, resumption of rail and air services, movement of people, etc. We made it clear that we were fully prepared to discuss all the other items on their list except Kashmir because if this was put forward first it would be a road block preventing all progress. The Pakistanis first refused to recognise any distinction between immediate and long-term problems. Secondly they adhered to the view that unless Kashmir was discussed, they could not take up other issues. Discussion on this went on for nearly two days. We tried to persuade the Pakistanis but they would not change their attitude. Then on the afternoon of March 2nd, the three Ministers of the two sides, together with their respective Foreign Secretaries met by themselves to see if they could resolve the difficulty.
and progress could be made. Pakistan at this stage put forward the following proposition: they would discuss all matters – i.e. all the items in both the lists – at the same time; they explained that all subjects including Kashmir should be taken up simultaneously and as and when we reached a decision on any issue we should not announce it but keep it a secret until such time as agreement was reached on Kashmir when all decisions can be announced together. They also made it clear that none of the decisions reached could be implemented until all were simultaneously announced at the end. We told them this was a thoroughly impracticable suggestion; we did not use the word absurd but that is what the proposal really was. For example it would mean that even if we agreed to return each other’s ships, we would not actually hand them over for one or two or three years until we had reached agreement on Kashmir. This was not a situation justified under the Tashkent Declaration. Unfortunately, the Pakistani attitude did not change despite our offer to discuss various matters which they considered important and urgent, leaving only Kashmir for later, - perhaps at a meeting of the two Heads of Government. We did not say that we will not discuss Kashmir but only that it will be more useful to take it up at a later stage. Indeed even at Pindi we left it open for them to take up the Kashmir question if they so wished between the Ministers. Our main argument was that it was essential to improve the atmosphere between the two countries by various settlements and positive new measures. Once the atmosphere improved, perspectives would change both in India as in Pakistan. But it was barely two months ago that the whole question had been talked over by the two Heads of Government, and at present no useful purpose would be served, at any rate by raising it at the officials meeting.

At one stage, Mr. Bhutto suggested that in that case there need be no Communiqué and both sides should issue separate statements. We said that that might seriously damage the Tashkent spirit and it would be better to have a joint communiqué. The officials were, therefore, asked to meet and after prolonged discussions, in which the Ministers also joined, the joint communiqué which you have seen was issued.

That is the narrative of the bare facts of our proceeding in Rawalpindi. In addition, I would like to give Your Excellency some of the impressions we brought back:

First, I would like to say that we found the atmosphere fairly cordial and it was possible to exchange views in a friendly way.

Secondly, we are extremely disappointed that the Pakistan attitude was such that no progress was possible even in regard to normalization of relations. In fact, I must say we have to regard it as a bit of a set-back. At the same time, we were glad we went and resumed contacts at various levels – with the Pakistan President and the Ministers - after a very long interval; and even if no concrete result occurred, the exchange of views has been extremely useful.
Thirdly, we did feel there was a change in the Pakistan attitude regarding the Tashkent Declaration. They still say it is a valuable agreement and they affirm their desire to live up to their obligations, but when it came to discussions within the framework of the Agreement, we could not but see that there was some departure from what was contemplated at Tashkent. The Pakistanis appear to have gone back to their usual line that no improvement of relations is possible without Kashmir settlement. This was their pre-Tashkent line and unfortunately it appears that they have reverted to it.

Fourthly, they showed no interest at all in the questions of normalisation which still remain to be dealt with.

Fifthly, we came away with the distinct feeling, which is based on our talks with the Pakistani President and Foreign Minister, that it would not be correct to suppose any difference in their policies. It is sometimes reported in the Press that President Ayub is keen to implement the Tashkent Declaration and begin a new chapter in Indo-Pakistan relations, while Mr. Bhutto is being difficult. Our experience indicated that such a view would not be in keeping with the facts.

We do not want to be gloomy about what happened. We realize that attitudes cannot change very suddenly and indeed perhaps the fact that we agreed to talk again is an encouraging sign. But we would like to inform Your Excellency, and through you the Soviet Government, who had played such a large part in bringing about an agreement at Tashkent, that somehow even President Ayub seems to be yielding to pressures which are building up against the Declaration, both against its purposes and its framework. So far as we are concerned, we would like to continue discussions to strengthen the Declaration. Our Government leaders have declared this times out of number, and we will persevere in trying to build up relations in the spirit of the Tashkent Declaration. So far as Pakistan is concerned, we are still hopeful that at the next meeting their attitude may be better, but somehow we got the impression that with the completion of the withdrawals the entire Pakistan attitude has changed. Perhaps this is not correct, and we shall continue looking for more hopeful signs. If their attitude changes, the next time we meet some progress may prove possible. As I say, we told them we would always discuss any issue they wished, but it was also necessary to have a change of attitude and atmosphere, and until that takes place there was very little to achieve.

I apologies for speaking at such length, but we felt we should keep your Government fully informed. I do not ask Your Excellency to comment, but if there is anything more you would like me to say, I am at your disposal.

Mr. Bonediktev: I am very grateful for all that you have said and will convey it to my Government. With your permission, I would like to ask a few questions.
First, how do you explain the reasons which have made Pakistan take such an attitude at a meeting held at their suggestion?

F.S. Well, there is no doubt that there was some opposition to President Ayub after his return from Tashkent, especially in the Punjab, and this gave an opportunity to certain elements, such as Mr. Bhutto, who have apparently been able to impress upon the President that unless Kashmir is kept in the forefront, nothing can be done. They talk a great deal about placating their public opinion. As you knew, their public opinion is not like ours, indeed it is tailor-made; and they talk rather too much about it as though they were trying to exploit it to bring pressure on us.

Perhaps we should also take note of the external factors that may be at work. We cannot ignore the possible influence of the Chinese. As you know, Liu Shao-chi is shortly due to visit Pakistan. Then it is interesting to note that the very day we arrived, in his first of the month broadcast, President Ayub made it a point to re-assert that China posed no threat to the sub-continent. (At this point, Secretary II, Shri Azim Hussain, who was also present, drew attention to Mr. Bhutto’s very strong attack on Vice President Humphrey’s reported suggestion that Pakistan understand the danger from China). It is particularly interesting that President Ayub should have felt inclined to reinforce Mr. Bhutto on this point the very day we arrived and go out of the way to re-affirm Pakistan’s friendship with China. So perhaps the Chinese influence has to be taken into account. Also - this is naturally speculation – it is a fact that there are various countries, not many, but a few, who have not been happy about the improvement of Indo-Pakistan relations and about Russia having acquired such an importance in this region. President Ayub gave us – and you – at Tashkent the impression of being concerned about the need for Indo-Pakistan cooperation, but of being surrounded by those who thought differently; he certainly gave no such impression during our visit to Rawalpindi.

Mr. Bonediktev: you think that there are influences at work on him, both external and internal?

F.S. Well, external influences also work through internal forces. For instance, the Chinese influence would be through the Pro-Chinese elements. There was a very interesting remark in President Ayub’s first of the month broadcast to the effect that China would not attack anyone unless she was provoked; the implication was that India had provoked the 1962 attack by China.

Mr. Bonediktev: Would it be correct to draw the conclusion that from the military point of view and the diplomatic point of the view the Tashkent Declaration has been well implemented, but on the economic side – return of cargoes and properties, etc, - it has not been implemented?
F.S.: No, I do not think it would be correct to say that. Some of these issues may seem quite small, but the main thing is that political goodwill is necessary; and if that had been there, why should they keep our properties, cargoes, etc? So, it is not just an economic aspect. It is the implementation of the agreement in the full political sense that matters. We would not like to give you the impression that we gave great importance at Rawalpindi to ships and cargoes; on the contrary we made it clear there were many other important matters we would like to tackle, but this return of properties would have been symbolic of a political attitude and would have encouraged goodwill among the people.

Mr. Bonediktev: I would like to ask one more question. Is there much opposition to the Tashkent Declaration in India?

F.S.: No, by and large our people have welcomed it as a good agreement. There are of course some critics, mainly in the Jan Sangh, but generally speaking, our public opinion is favourable to it. I would again like to say that we would stand by the Agreement, but unfortunately we have run into difficulties from the Pakistan side. We would like to strengthen the agreement, but it should be Pakistan’s endeavour to strengthen it also.

Mr. Bonediktev: I thank you again for telling me all that you have and shall not fail to report to my Government fully.


New Delhi, March 4, 1966.

As the House is aware, the Tashkent Declaration provides for various measures to be taken and various issues to be discussed between India and Pakistan. Both sides have been taking action in fulfillment of some provisions of the Declaration, notably Articles II, V and VII, which relate to the withdrawal and disengagement of forces, the restoration of normal diplomatic relations, and the exchange of prisoners. There has also been partial progress in respect of the restoration of communications envisaged in Article VI, as also under Article IV, which calls for the discouragement of propaganda directed against the other country. However, for further progress in pursuance of the Tashkent Declaration numerous other issues of immediate as well as of long-term importance need to be settled and as a result of exchange between the two Governments it was
decided that to this end a meeting be held at Ministers level between the two sides at Rawalpindi on March 1st and 2nd.

According, the Indian Ministers of External Affairs, of Transport, Aviation, Shipping and Tourism, and of Commerce, accompanied by several advisers, had a brief formal opening meeting with the Ministers of Foreign Affairs, of Commerce and of Communications of the Government of Pakistan and their advisers on the morning of 1st March. Thereafter many meetings, formal, and informal, at Ministerial and Official level, were held and a joint communiqué was issued on the evening of 2-3-1966. I place on the Table of the House a copy of the communiqué.

As stated in the Communiqué, the talks in Rawalpindi were of an exploratory nature and led to a useful exchange of views. During their exchanges with the Pakistan Government preparatory to the Conference, the Government of India had suggested that it be held to consider further steps towards the implementation of the Tashkent Declaration. The Government of India had added that, in particular, discussions take place on the questions of restoration of trade, economic relations and communications and the property and assets taken over by either side. The Government of Pakistan had proposed that Ministerial meeting should discuss six additional items which were briefly, according to them, the dispute over Jammu and Kashmir, the reduction of armed forces following settlement of the Kashmir dispute, the creation of conditions preventing the exodus of people, the so-called evictions, the Farakka Barrage and the implementation of exiting agreements.

Eventually it was agreed that the meeting take place without any agenda, each side naturally being free to raise whatever issues it wished to. At the discussions held on March 1st and 2nd, each side explained to the other at length which issues they felt could most appropriately and usefully be discussed at this stage to achieve the purposes of the Tashkent Declaration. The Pakistan Delegation highlighted the question of Kashmir, which they appeared to consider as the root cause of all other Indo-Pakistan issues and which had to be tackled if progress were to be achieved in improving Indo-Pakistan relations. The Indian delegation reiterated the Government of India’s views on the Kashmir question and explained that, as no useful purpose could be served by discussing it, the Conference should proceed to complete the normalization of relations in the fields disturbed by the conflict and also take up some other major issues, the solution of which would lead to a better understanding between the two peoples. We pointed out that the significance of the Tashkent Declaration was that on the one hand the two sides would not resort to forces but would settle their differences by peaceful means, and, on the other, they would proceed with the settlement of various individual issues even though on some other issues their positions might remain far apart.
Both sides reaffirmed their resolve to adhere to the terms of the Tashkent Declaration and to discharge their obligations under the Declaration and, having exchanged views on the approach which each considered would best further this cause, decided to meet again at a later date.

0477. SAVINGRAM

From: Foreign New Delhi
To: All Missions and Posts Abroad

IMMEDIATE


Head of Mission/Post from Foreign Secretary.

Pakistan press has in recent weeks published a number of articles casting doubts on India’s sincerity in implementing Tashkent Declarations and also openly accusing us of already breaking it. In actual fact, from moment they returned from Tashkent, Pakistanis have been violating letter or spirit of Declaration in various ways. We deliberately refrained from taking notice of this increasingly disturbing trend in Pakistan’s attitude towards Declaration, making allowance for Ayub regime’s domestic political difficulties and also hoping that they would at last cooperate in implementing the agreement. We are still anxious to avoid entering into any public controversy with the Pakistanis, but their conduct during Ministerial meeting in Rawalpindi earlier this month, and a number of statements made by their leaders, have tended to strengthen impression that, having secured the withdrawal of forces, they are losing interest in implementing Declaration. In view of this, and of their attempts to blame us for breaches of the Declaration of which it is they who are guilty, it is advisable to point out informally in influential circles in country/countries with which you deal the contrast between Pakistan’s cynical attitude towards Declaration and our sincere desire to use it as basis for developing genuinely cooperative relations with Pakistan.

2. We would, therefore, like you to draw attention to the following points:

(a) Tashkent Declaration’s specific articles provide logical and practical
scheme for improving relations through four categories of action: normalisation of relations in military field by return to position prevailing before conflict; normalisation of relations on civil side also to position prevailing before conflict; commencement of efforts to settle some long-term problems; and adoption of new measures for strengthening good relations. There could be overlapping of action under each category, but clearly a practical sequence in time has to be worked out logical basis for which is that you must normalize relations before you can improve them. India had accordingly proceeded to complete military normalisation and begin return to civil normalcy. Troops were withdrawn in accordance with Article II; prisoners were exchanged in accordance with Article VII; High Commissioners returned and normal functioning of diplomatic missions resumed in accordance with Article V; over-flights and (at our instance) some resumption of P. & T. facilities was arranged in accordance with requirement in Article VI for restoration of communications. (Also at India's insistence some overland routes are being kept open to facilitate movement of people).

(b) India had initiated or cooperated in all these measures without laying down any conditions and without insisting that they be kept pending till the Ministers of the two sides met. However, to complete return to pre-conflict position, it remained for two sides to restore other communication facilities to resume trade under Article VI and to restore seized properties under Article VIII. There two articles also envisaged discussion of some long-term issues. On January 28th, Government of India therefore proposed a Minister level meeting “to consider further steps towards the implementation of Tashkent Declaration”. India mentioned in particular the questions of restoring trade, communications and properties, but ruled out no other subject, her purpose being solely to move forward both according to the letter and the spirit of Tashkent. On February 4th, however, Pakistan Government published list of 6 agenda items starting with Kashmir and going on to other issues which were not only highly contentious in substance but highly provocative in their wording. To avoid controversy which would hardly have helped purpose of Tashkent Declaration, our High Commissioner was instructed to meet President Ayub with a view to evolving a constructive approach. Eventually Pakistan Government agreed to the Indian suggestion that two sides meet without agenda, each naturally being free to raise whatever subjects it wished.

(c) Indian intention was to make progress by completing normalisation of relations, tackling some long-term issues, including those which Pakistan was interested in raising, and initiating some new measures of
cooperation. A larger and high powered delegation was therefore sent, prepared to deal with a wide variety of issues. Pakistan, however, then took the extraordinary position that no items of implementation could be discussed unless progress towards a Kashmir settlement was ensured, and even if agreement on other matters was reached Pakistan would not be willing to implement them or normalize relations pending a Kashmir settlement. India pointed out that there was nothing in Tashkent Declaration to justify such an attitude, that on the contrary Pakistan had so far been cooperating in implementation of various measures required under Declaration without waiting for any discussion on Kashmir, and that there was no reason or logic in suddenly adopting this new and obstructive stand. It was even made clear to Pakistanis that if they wished to raise Kashmir, they were at liberty to do so, but this was an issue on which the Heads of two Government had agreed to disagree barely two months earlier, there was no indication of a change in Pakistan's attitude, and Pakistan had no reason to expect a change in India's attitude, a discussion on Kashmir was therefore hardly likely to be fruitful; however, if they insisted, their Ministers were free to discuss it with the Indian Ministers, while officials tried to advance towards settlements on issues they could more appropriately deal with. Only response from Pakistanis was astonishing argument that whole Tashkent Declaration rested on Kashmir, and that no other issues could be resolved until Kashmir was solved, so discussion should start on Kashmir at officials level.

(d) Till the Ministerial meeting, Pakistan had been implementing parts of Tashkent Declaration without insisting on any Kashmir settlement or even discussion. Her sudden new obduracy and recrudescence of her anti-Indian propaganda, make it difficult to avoid conclusion that she was only interested in implementing those parts of the Declaration which were of vital interest to her – withdrawal of Indian troops and resumption of over-flights between East and West Pakistan, having achieved these she is now re-agitating Kashmir, using Declaration as nothing more than what Pakistan Information Secretary Altaf Gauhar described on February 2nd: “an instrument of strategy to achieve national objectives”.

(e) In fact, a succession of pronouncements by Pakistani leaders attempted to weaken significance of Declaration practically as soon as it was signed, particularly the commitment not to use force, Pakistani leaders also tried to maintain that Declaration did not cover infiltration into Kashmir and even repeated the demands for self-determination for Kashmiris which they had stopped talking about during and after conflict. Such statements are becoming more and more frequent and ominous. Following quotations are illustrative:
“...The people of Jammu & Kashmir have a right to decide their own future and we will continue to support their inalienable right... The Declaration has in no way detracted from or damaged our national viewpoint on Kashmir. Their right to choose their future remains inviolate”.
(President Ayub in broadcast of January 14, 1966)

“...We told the Indian Prime Minister that Pakistan was ready to reiterate that it would fulfill its responsibility of maintaining peace, a responsibility that Pakistan had accepted under the U.N. Charter. This responsibility means that nations should not resort to the use of force so long as avenues of peace remained open...We also told him that peace could be maintained only if the issue of Kashmir was settled in a reasonable manner.”
(President Ayub in broadcast of January 14, 1966)

“We did make it clear to India that an honourable solution of the problem of Jammu and Kashmir was an essential pre-requisite to the establishment of lasting peace between Pakistan and India.”
(President in broadcast on February 1, 1966)

“The Tashkent Declaration is not an end itself and cannot by itself represent a turning point in our relations with India.

“The state can only be sponged clean when the people of Jammu and Kashmir have exercised their inherent right of self-determination and there can be no doubt or ambiguity about it.... The President addressed the nation yesterday. He specifically assured the people of Pakistan that they will continue to support the inalienable right of the people of Jammu and Kashmir to decide their own future”.
(Foreign Minister Bhutto in statement issued in Larkana on January 15, 1966)

“The UN Charter, which represents the collective resolve of the World community to perpetuate peace, in Article 51 recognises the ultimate right of a nation to wage its struggle for freedom. It is precisely in this context that in the Tashkent Declaration we have reaffirmed our obligations under the Charter”.

“Specter of war and conflict can vanish only when a lasting peace is achieved by allowing the people of Jammu and Kashmir their right to freely determine their future.”
(Mr. Bhutto’s statement issued in Larkana on January 15, 1966)
(N.B.: Article 51 does not bear the meaning Mr. Bhutto tries to give it, as it merely upholds the right of self-defence, which is not relevant.)

“This phrase’ (i.e. armed personnel) “does not cover the case of the
Mujahdeen…What happens on either side of the cease-fire line does not
come within the purview and, indeed, is not covered at all by this clause.”
(i.e. Clause II of the Tashkent Declaration.) “Also the phrase armed
personnel’ does not cover the type of people as was envisaged in the
Security Council Resolution of 1948.” (Reference is to U.N. Resolution of
February 6, 1948, which spoke of withdrawal and continued exclusion of
irregular forces and armed individuals’ from Jammu and Kashmir)

(Information Secretary Altaf Gauhar’s speech on March 4th analysing
Tashkent Declaration)

This paragraph (i.e. Article II(IV) of U.N. Charter) “clearly requires
Member States to refrain from threat or use of force (the word ‘refrain’ is
to be noted) against the territorial integrity or political independence of
any State. And where the territorial integrity or political independence of
any State is itself a subject-matter of dispute, obviously the provisions
of this paragraph cannot be operative”.

(Altaf Gauhar’s speech of March 4th
analysing Tashkent Declaration)

“The people of Kashmir are our brothers and our kin. It is inconceivable
for anyone to think that we can go back on our solemn pledge to assist
them in their liberation…For Pakistan, a just and honourable settlement
of the Jammu & Kashmir dispute remains the only path towards the
goal of a lasting peace and a relationship of true cordiality between the
countries and their peoples.”

(Foreign Minister Bhutto in statement issued in
Larkana, February 9th)

“….Jammu and Kashmir dispute, on whose settlement alone hinges
peace between India and Pakistan.”

(Statement by Mr. Bhutto at Lahore on February 25th as reported in
DAWN under headline “Talk of peace futile if Kashmir not solved).

“An honourable settlement of Jammu & Kashmir dispute is a sine qua
non for a durable peace between Pakistan and India”.

(President Ayub in National Assembly in
Dacca – March 8th).
“The unresolved dispute over Jammu and Kashmir remains the most fundamental obstacle to peace between Pakistan and India”.

(Mr. Bhutto in National Assembly at Dacca on March 14th.)

“(The Tashkent Declaration) forecloses no possibilities, blocks no avenues to the achievement of our legitimate aims and the vindication of our just rights”.

(Foreign Minister Bhutto in National Assembly in Dacca on March 14th. N.B.: Obvious implication is that use of force in Kashmir is not foreclosed by Tashkent Declaration; this is contrary to Declaration’s clear terms.)

“Pakistan went to Tashkent because it did not like to refuse Russia’s request when it was attempting to medicate for the first time in the dispute with India….Russia had always used its Security Council veto on Kashmir and it would have been a mistake to turn down the invitation”.

(President Ayub in Rajshahi on March 16th as reported by Reuter. N.B.: Implication is that Pakistan was never sincere in seeking rapprochement with India but merely in diplomatic maneuvering with Russia.)

3. We fully intend persevering in efforts to carry out Tashkent Declaration in letter and spirit, and despite Pakistani provocations we do not wish to revert to old habits of conducting our controversies publicly and internationally. We would like you, however, to stress in private talks that we are getting no cooperation from Pakistan and her new tactics are seriously denigrating and damaging to Tashkent Declaration.

❖❖❖❖❖
INDO-PAK RELATIONS:

The Foreign Minister remarked that our own assessment was that for about 4 or may be 5 weeks after the Tashkent Declaration, we distinctly had the impression that Pakistan were taking steps to implement that declaration. This was not based merely on specific acts and the like, but on the general atmosphere in Pakistan and also the general friendship that was reciprocated or exhibited to the members of our Missions abroad and their willingness to talk to them as they used to do much before the hostilities. We also had reports from a large number of our Missions from various foreign capitals that their talks with the members of Pakistani Missions there had given them the impression that they were reversing the trend of criticism and animosity, etc. Their radio broadcasts were also not very critical. In informal briefings also, even at a higher level, they were generally in favour of giving content to the Tashkent Declaration.

The Foreign Minister went on to say, “Then two or three things happened: I) some of you have noticed in your press reports that the number of casualties on the Pakistani side was much higher than figures they had mentioned. These had been anything between 10 to 14 thousand. There was a great deal of pressure in the Punjab areas and there were demonstration also against the Tashkent Declaration. There is a very strong move in East Pakistan for complete autonomy and some people very strongly urge almost breaking away with Pakistan. He was also told that there might be a very strong move against officials from West Pakistan, even against those who are in industry. After all this, it appears that Ayub was feeling greatly worried about all these tendencies. He had therefore to do something spectacular. According to some school of thought, President Ayub thought that the only way to do all this was to strengthen the “hate India” campaign and this was the easiest thing to quieten Pakistan and to consolidate his position”. Here the foreign Minister made a reference to the reported differences between President Ayub and Foreign Minister Bhutto and said that it was accepted in all parts of the world that there was difference of position between Ayub and Bhutto.

Referring to the Indo-Pak Ministerial talks at Rawalpindi, the Foreign Minister said that it appeared that about 4 or 5 days before the Indian delegation went
to Pindi they (Pakistan) took the decisions to reverse all that they had been doing in the earlier stages. This might be because of the accumulated effect of all the factors already mentioned.............. Everything changed overnight and in the course of the Ministerial meeting they said something which was not at all consistent with the Tashkent Declaration. When a correspondent referred to President Ayub's "First of the Month Broadcast", the Foreign Minister denied that he had said at Pindi that "the atmosphere for discussing this (Kashmir) was not congenial". He had merely said that Prime Minister Shastri and President Ayub had touched upon this subject at Tashkent and they had come to this conclusion that both parties should reiterate their positions. If anyone wanted to go through that exercise, the talks could go on for a number of days, it was important that there was no mention in the Tashkent Declaration that we would discuss Kashmir. Now the Pakistanis took the position that we cannot discuss any of the matters unless we make some progress on Kashmir. It was our duty to point out clearly that in the text of the Tashkent Declaration there was absolutely no mention (of Kashmir) at all. It was their interpretation which was unwarranted either by the circumstances or by the text of the Declaration. This was a matter which required careful consideration, it would be wrong for us to take the line that because Pakistan had adopted a wrong attitude so we didn't bother and we wouldn't discuss. Whether we discussed it or not, we should continue to take the position that discussion of other matters should not be left even if there was no discussion on Kashmir. We should insist on their discharging their obligations under the Declaration. The other thing can be that we start saying that if Pakistan didn't discuss we wouldn't discuss either. Then we would accept the line that India also accepted that we should not discuss anything else unless we made progress on Kashmir. That was not in our national interest. The Foreign Minister said, "It is for this that I am saying that where there is any dispute between the two countries everything will be resolved by peaceful means. We can continue to point out the anomalous position that they have taken with regard to the Tashkent Declaration. They are trying to connect any progress of Tashkent Declaration with progress on the question of Kashmir. It is something which is totally unacceptable to us."

The Foreign Minister went on to say that perhaps China was the only country which opposed the Tashkent Declaration. No other country had made any statement which was opposed to the Tashkent Declaration. Whatever the Americans might say later, if the opinion or the reaction of the Western correspondents was any index of the thinking of their Governments, they were generally looking for all opportunities to see that these Talks failed and nothing came out. Later on Dean Rusk, President Johnson and Prime Minister Wilson etc. had said that it was a good document and should be adhered to. If there was any complete failure of the Tashkent Declaration, no country would be
happy except China because tension would start again. Our attitude should be clear viz. that we want to strengthen our relations with Pakistan, diplomatically, culturally and economically.

Replying to a question on the anti-India propaganda in Pakistan, the Foreign Minister said that we had conveyed to them more than once, pointing out specific instances whenever their statements were completely opposed to the Tashkent Declaration. On other things, we had taken up with them, issues regarding properties. We got some reports that they had started taking action. The Foreign Minister said, “Let us hope we make some progress; we have been taking up these specific issues with them. Whenever we have taken up with them they have evaded by saying that the property has been taken by the Custodian of Properties for better security.” When asked as to whether Pakistan had confiscated these properties, the Foreign Minister said that they had not taken any precise steps which could be called “expropriation”. They said “It is for good management”.

Commenting on the likelihood of the next Indo-Pak Ministerial Meeting being held, the Foreign Minister said: “I am not very enthusiastic about it, but I won’t say I don’t want a meeting. If a meeting is there, I will face it. Next time they have to come here. I was disinclined to make any suggestion about the meeting. Last time we took the initiative and said we were prepared to go to Pindi”.

Withdrawal of Forces from the Border:

The Foreign Minister said that the first thing was that, generally, we had somehow or other worked ourselves up in the mood as if we were not interested in withdrawal and it was only the Pakistanis who were interested in it. Basically, this presumption was not correct. After the ceasefire our forces were facing each other. It was most difficult and most irritating for any Army boys just to remain facing each other without any fighting. During the fighting the local population also gave some cooperation and some support to them. Once that was over, there were the normal functioning of human beings and their problems, the problem of their grain, their food etc. It was most unfair to any army in the world, including the Indian army, “that you didn’t ask them to fight and still they sit at a distance of 40 yards”. The second thing was what the alternative was for us….. “We had accepted the ceasefire”. We had said that there should not be any further infiltration on the ceasefire line and then we would withdraw. That was more or less the only condition. Notwithstanding our stand, the Security Council Resolution of September 24 was quite clear.

The Foreign Minister said that it was very essential to keep in mind “that at Tashkent you did secure one thing; an agreement between the countries that the differences will be settled peacefully”. Prime Minister Shastri had made it
clear that the real question between India and Pakistan was whether they were
going to fight again and that if he was satisfied that armed conflict would not
solve the problem and force would not be used then he would look at every
problem from a different angle. We actually know that notwithstanding our
stand, sooner or later we had to withdraw to our positions and no one would
permit us to continue to occupy their posts. And if that was ruled out then
there was no other alternative than to secure as much as we could no these
other issues. “Now there is an agreement and you can always point out that
tension is inconsistent with what you have agreed at Tashkent.” the Foreign
Minister said. Withdrawal was inevitable……. Moreover, they continued to
be in Chhamb where about on lakh of our people were displaced. Similarly,
we were in Sialkot and Lahore areas. If the armies were allowed to face
each other, this would mean that we were taking the two countries to another
armed conflict and it was not good for both the countries to clash again. So
we need not be apologetic about our withdrawal.

When the Foreign Minister was asked about the chances of another armed
clash between the two countries, he said that the biggest guarantees against
a clash were the realization by Pakistan that they cannot have an upper
hand against India and then this Tashkent Declaration.

The Foreign Minister said he had no information as to what the Prime Minister
had in her mind when she said that Soviet leaders were taking this up with
the Pakistanis.

The Soviet had not spoken to us at all about another Summit with Pakistan.
No one had broached with us anything from Pakistan or from others of a
possible meeting. The Foreign Minister said that he…… causally to
President Ayub that it was time that he and our new Prime Minister might
meet sometime. He could not notice that he (President Ayub) was keen
about it. Our attitude was never to say “No” to anybody at any time. They
(Pakistanis) will never ask for a summit and on this occasion I am not very
keen to press for a meeting. The Foreign Minister said that he would wait
for another 2 – 3 weeks. If at any moment we felt that there was some
change of progress he would suggest a meeting.

Under the Tashkent Agreement we had to withdraw and that had nothing to
do with de jure ownership. The agreement was only to unwind what
happened. The two Chiefs of the army staff had agreed that whenever there
was another dispute at any particular point of any sector, local commanders
and then higher officers should meet. We had made it clear to them that we
wanted to carry out this Declaration and if there was anything which was not in
accordance with the principles laid down, we would rectify that. The point was
really of possession and not of de jure ownership. The correct position was
that in the Declaration there was mention of only return to positions held before 5th August.

About Pakistan's reported objection to India not having vacated three posts on the Jammu border, the Foreign Minister said that India never had any intention to grab any territory.

Immediately after the Tashkent Declaration we had written to our Missions abroad to stop anti-Pakistan propaganda in keeping with the spirit of the Tashkent Declaration. But now we have told them to counteract any misstatement of the Pakistanis and to repudiate and contradict any twist in interpretation of the Tashkent Declaration. At the same time we did not want our Missions to adopt an attitude of virulent propaganda.

About infiltrators, the Foreign Minister said that so far they have not sent infiltrators into Kashmir but he would not say that they will not send them.

The royal reception given to the Chinese leaders, Chen Yi etc. shows the trend of thinking of the Pakistani leaders. The Chinese went out of their way to give statement to beat down whatever little was left of the Tashkent Declaration. At each meeting they have been pointedly referring to Kashmir. Amongst the Pakistani people also they have been projecting a picture that China is a real friend on the Kashmir issue. It is quite interesting that the American and other Western newspapers have been trying to soft-peddle this phenomenon.

The Foreign Minister went on to say that Bhutto wished to describe India as a "spoilt child". Pakistan, the Foreign Minister said, had been pampered. The American didn't believe that something had gone wrong with Pakistan and they believed that Chinese influence did not exist in Pakistan. "I totally disagree with them. It is a very clear case that Pakistan thinks China as their naturally." the Foreign Minister said.

In the international sphere, the Chinese relationship with several other countries had received set-backs, for example with Indonesia and Africa. Chinese are happy with Pakistanis as they explain the Chinese position to the international community. President Ayub had said that China had nothing but peaceful intentions towards her neighbours. Thus Pakistan was useful to China also. It was a clear case even in Vietnam or in South East Asia. If Indonesia was no longer in that position, obviously it was a serious set back to them. It appeared that they were now trying to pick some countries from different parts of the world and trying to make their relations much more intimate with them. Pakistan's relations with several countries, for example Iran and Turkey, were affected. Even those countries which are near Pakistan and have been helpful to them are generally concerned about this growing collusion and collaboration.
between China and Pakistan. How deep is their conspiracy is a matter of guess. The Chinese are very clever. They will not give any undertaking that they will shoulder any major responsibility for Pakistan. The same thing they are doing in Vietnam. No Chinese soldier has gone to Vietnam to fight. They are very cautious and they do not want to be drawn in any conflict directly with America. In our case, it suits them to pressurize us by keeping up tension on the border with Pakistan…… The Foreign Minister said that it was quite obvious that the Chinese were supporting Pakistan more than any other country.

In reply to a question the Foreign Minister said that he did not think that Chou En-lai had given any assurance to Sheikh Abdullah. At Algiers the meeting took place at a reception and there were a large number of people there. There they had some talks for a short while and he thought that the Chinese were too far sighted to commit anything. They would exploit the position but they would not put their foot in for the sake of somebody else. About the latest Pak-China Joint Communiqué, the Foreign Minister referred to Chou En-lai visit to Pakistan and the Joint Communiqué then issued. The same words he said had been repeated in the present communiqué.

The Chinese have given tanks to Pakistan. Our information is that they (Pakistanis) took a last minute decision about displaying Chinese tanks in the parade. We have not got clear information about the number of tanks given to Pakistan. It is perhaps one shipload or something…. 
0479. Extract from the Official Memorandum by Pakistan’s Foreign Minister Zulfikar Ali Bhutto to President Ayub Khan.

Islamabad, April 11, 1966.

We have good relations with China not because China gave an ultimatum to India during the September war. Our good relations with China preceded the ultimatum. Our relations with China have developed not on account of any particular initiative taken by China, but on account of the hard realities of geography, history and politics. If good relations with the great powers depend on each and every initiative either in favour or otherwise then there would be no continuity or certainty in State relations and no logical rules determining the course of relationship between the States. Therefore, it is essential for us to improve our relations with the Soviet Union independent of any particular initiative….This will give our relations a broader scope and much greater maneuverability.

0480. Letter from Foreign Secretary C. S. Jha to Ambassador in the United States B. K. Nehru.

New Delhi, May 11, 1966.

Ministry of External Affairs
New Delhi


My dear Ambassador

Please refer to Banarjee’s telegram No. 407, dated the 29th April 1966 to Narayanan. The assessment of the State Department regarding the future course of Chinese foreign policy is interesting. We would largely agree with the general part of the assessment viz. that there would not be any change in Chinese policy, but only in nuance and atmospherics and that China would concentrate attention on certain areas in Asia and Africa. You would have, no doubt, seen our own assessment of Chinese foreign policy sent with our letter No.C/104/8/66-CE, dated the 9th March 1966. We feel that Asia, particularly
the countries neighbouring China would be the main target of attention by the Chinese in the immediate future. They would try to consolidate the friendship with these countries who are already friendly to them, try to win over or allay the suspicions of others and intensify opposition to those countries like India which are adversaries and rivals. We do not however feel that the Chinese will write off the other countries for the time being as opined by the State Department. They might refrain from over-extending their resources all over Afro-Asia but would still continue to cultivate these countries, maybe at a lower key, without trying to overwhelm them with pressure for the time being. The Chinese do not consider the adverse developments in certain Asian and African countries as the last word in the politics of these countries. For them these are only part of the zig-zag course of revolutionary progress.

2. We find it difficult to go along with the State Department appraisal that the Chinese stand in Pakistan was one of moderation. It is true that during the recent visit to Burma and Afghanistan, President Liu Shao-chi and his party made relatively moderate statements. This was largely due to the attitude of Burma and Afghanistan themselves. Our information is that in both these countries the welcome accorded to the Chinese guests was modest and guarded. This was not so in Pakistan, where the whole leadership as well as the populace went to greet the Chinese with enthusiasm.

3. To say that the warmth of the welcome in Pakistan was the work of opponents of Ayub Khan within the country is in our opinion not true to facts. There is enough evidence that Ayub Khan actively used the Chinese visit to overcome domestic criticisms against the Tashkent Agreement and also to demonstrate to the people that China is behind them in the quarrel with India. By allowing a mass reception for the Chinese leaders, the Pakistani President was not only playing China against India, but warning the U.S.A. and the U.S.SR. of the potentialities of Sino-Pak relations unless these countries took a more accommodating attitude on Pakistan's conflict with India. One should not underestimate the significance of the popular reception given to the Chinese leaders in Pakistan. Because the whole visit was pointedly directed against India, almost to the exclusion of world problems, it does not follow that Sino-Pakistan collaboration against India does not have serious repercussions on the situation in Asia and also on the future course of Pakistan's internal and external policies. In our view the Chinese were diplomatic to the pint of cunningness when they decided not to embarrass Pakistan by not making statements which would interfere with Pakistan's relations with the United States. This enabled Pakistan to explain away their collusion with China, as Bhutto did when he said, “Pakistan's friendship with China was not going to be at the cost of relations with United States or vice-versa” and that “the Chinese are our friends, but they must also know that the Americans are our allies.”
What China knows is that the time is not yet ripe for detaching Pakistan from the U.S.A. They want to make Pakistan take the first few steps which would set in motion a process of independent thinking in Pakistan and eventually make it difficult for the Pakistan Government to remain an effective ally of the United States.

4. Liu Shao-chi’s visit had, as one of its main purposes the creation of a pro-Chinese political base in Pakistan. India was the one single issue around which such a base could be created. Hence Liu Shao-chi could say as he did in Dacca that “we require of each other nothing particular other than unity against aggression”, that is, unity against India.

5. During Liu Shao-chi’s visit, both the Chinese and the Pakistani leaders made extremist statements against India. Because such extreme statements were not made regarding Vietnam or against the U.S.A., it would be superficial to conclude that the stand of the Chinese was one of moderation in Pakistan. It should not be forgotten that Chen Yi said at the Karachi reception that “the Chinese people will not forget the support given to them by Pakistan Government and the people in international affairs”. It should not also be forgotten that President Ayub Khan himself had rebutted Vice President Humphrey’s remarks that “Pakistan was fully aware of the threat of communist China” and emphatically stated that there was no danger to the subcontinent from China. The Pakistanis also supported the Chinese stand on the question of U.N. representation; this is interesting because the U.S.A. is constantly trying to persuade us to depart from our stand on Chinese representation in the U.N. It would be sad and shortsighted for the United States to believe that anti-Indian collaboration between China and Pakistan would not in the long-run jeopardize their position not only in the subcontinent, but in the whole of Asia. Of course, the Americans are relieved that there was no reference to Vietnam in the joint communiqué issued in Rawalpindi. But this does not necessarily mean that the Pakistanis in their discussion with the Chinese supported the U.S. stand on Vietnam. By this omission the Pakistanis were merely avoiding embarrassment for themselves. In the communiqué issued in Rangoon also there was no reference to Vietnam.

6. We have no information whether the request of Pakistan for the removal of tele-communication base has anything to do with Liu Shao-chi’s visit. But it cannot be denied that such requests are intended to please the Chinese and the Soviet Union and are an indication of the changing Pakistani stand in the international field. This request has also to be reviewed in the context of the Chinese supply of arms and equipment to Pakistan.

7. On the question of Chinese moderation, we would like to point out that statements emanating from Peking indicate a hard rather than a softer line in
Chinese foreign policy. Chou En-lai’s speech at the rally for the Albanian Chairman was couched in what was for him unusually strong and intemperate language and did not show any sign of a moderation either towards the U.S.A. or the U.S.S.R. As the occasion was to honour the Albanian leader, China’s main partner in the Sino-Soviet conflict, most of Chou En-lai’s criticisms were directed against Moscow. But then, even the opposition to modern revisionism was put forward as a pre-condition for making the fight against U.S. imperialism victorious. Vice Premier Chen Yi at a reception on May 4 to welcome overseas Chinese from Hong Kong and Macao justified China’s basic foreign policy and asserted that far form having failed that policy has succeeded and that it was the U.S.A. and not China which was being isolated on basic problems like Vietnam. In view of all this, we cannot agree with the State Department’s assessment of Chinese moderation either in Pakistan or in its general foreign policy. In regard to India the Chinese attitude is becoming more and more obstinate and hostile. As India is an important target of China’s Asian and world policy, it would be short sighted to underrate the significance of Sino-Pak relationship merely because, for the present, it is obviously directed against India.

8. To us U.S. naiveté in this matter is surprising. How do they from the long term point of view expect China to be contained, without the emergence of a power in Asia like India, strong and united, and capable by its size, resources and its military and economic strength to provide a counter-balance to China. The only other countries in Asia which could fulfil such a role are Japan, Indonesia and Pakistan. The last two are for obvious reasons excluded; and Japan’s capacity is inhibited by the fact of its being an ally of the U.S. under the U.S.- Japan military alliance. The collusion between China and Pakistan in so far as it is intended to weaken India is definitely against U.S. interests and against the interests of peace in Asia.

Yours sincerely

Sd:
(C.S. Jha)

Shri B.K. Nehru
Ambassador of India
Washington

ENCLOSURE - I

Gist of an interview Shri P.K. Banerjee, Minister, Embassy of India, Washington had with Mr. William Bundy, Assistant Secretary of State

In an interview with Shri P.K. Banerjee, Minister in our Embassy in Washington, Mr. William Bundy, Assistant Secretary of State clarified what the U.S.A. meant
when it said that it did not recognise the concept of sanctuary. He told Shri Banerjee that if it were ever the case that communist Chinese forces intervened United States would not accept any concept of sanctuary. At the same time any decision to take action would be based on careful evaluation of facts and would be subject to discussion at an appropriately high level.

On Chinese policy in future, they feel that in view of recent set backs particularly in Indonesia, Cuba and Ghana, there may be a change in nuance and atmospherics but not in their Chinese policy. This recent review of Chinese policy when their Ambassadors were summoned for consultations indicate only tactical changes; Chinese may have decided to concentrate on certain areas in Asia and Africa which are receptive and write off others for the time being. There is no evidence of a change in Chinese policy on basic issues like Vietnam and attitude towards U.S. and USSR. Nevertheless their statements in Pakistan, Burma and Afghanistan and the communiqués issued indicate her moderation of stance. They may be attempting to build up prestige in such areas with moderate attitudes on world problems. Chinese visits to West European non-communist countries like Denmark, Sweden, and France are in the offing.

Regarding Sino-Pakistan relations US does not believe that there is any agreement yet on anything which is inimical to their interest. The warmth accorded to Chinese leaders in West Pakistan was the work of opponents of AYUB within the country. The visit had no connection with Pakistani request for removal of telecommunication bases and this episode goes back to Indo-Pak war.

Chinese moderation has had no impact on North Vietnam whose delegation was recently accorded moderate reception. The North Vietnamese delegation thanked the Chinese for expediting Soviet shipments of arms and could be interpreted as leaning towards China in Sino-Soviet dispute. U.S. officials feel that the North Vietnamese are playing the balancing game in this dispute.

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Enclosure II

Extracts from the speech of Chairman Liu Shao-chi at the State Banquet in Rawalpindi on the 26th March 1966

Last year, when Pakistan was subject to India’s armed attacks, its Government, people and army put up a heroic resistance and dealt a heavy blow at the aggressors. The Chinese Government and people firmly supported Pakistan in its righteous fight against aggression. Recently, when the imperialists and their collaborators were vilifying China without scruple and attempting to form a ring of encirclement against China, the Pakistan Government sternly refuted
the nonsense about China's threat to the subcontinent, thus expressing the firm will of the Pakistan People to maintain friendship with the Chinese people.

We have always held that the Kashmir dispute should be settled in accordance with the wishes of the Kashmir people. Any attempt to deprive the Kashmir people of their right of self-determination or to bury the Kashmir question will neither be countenanced by the Kashmir people nor by the Pakistan people. President Ayub Khan has of late repeatedly stated that the Pakistan Government will not change his position on the Kashmir question and will continue to support the Kashmiri people in their struggle for freedom. The Chinese Government and people firmly support the righteous stand of the Pakistan Government and the just struggle of the Kashmir people for their right of self-determination.

Extracts of the speech of Chen Yi at the Civic Reception at Lahore on the 29th March 1966.

.....Last year when the Pakistan people rose in resistance against India's armed aggression; the people of Lahore stood at the forefront of the struggle. Faced with the invasion of a strong enemy, you put up a valiant resistance, feared no sacrifice and displayed great patriotism and heroism, thus adding a brilliant chapter to the annals of the Pakistan people's fight against aggression. Under the leadership of President Mohammad Ayub Khan, the Pakistan people, united as one and filled with a common hatred toward their enemy, triumphed over the enemy, superior in strength and number, and finally repulsed the aggressor and safeguarded the independence and sovereignty of their country. Your victory shows that a people fighting for a just cause is invincible. On behalf of the Chinese people, I wish to pay high tribute to the people of Lahore and the entire Pakistan people.

Where there is oppression, there is resistance. It is only natural, that, the people of Indian occupied Kashmir, who could no longer tolerate the brutal rule, should have unfolded a heroic struggle. The Kashmiri people will not stop their resistance so long as India does not cease its oppression.

......It is our bounden duty to give firm support to the Pakistan Government and people in their just struggle against India's armed aggression.
Extract from the speech of Liu Shao-chi at a Banquet in Lahore on the 28th March 1966

The Lahore district was the battle-front where Pakistan dealt a heavy blow to the Indian aggressors. We are very happy to have come to this heroic city. On behalf of the Chinese people, I would like to take this opportunity to salute the heroic people of Lahore, pay a tribute of sorrow to the martyrs who valiantly laid down their lives at different fronts, and extend our sympathy to all our brothers who were wounded and to the families of martyrs.

Extract from the speech of Chen Yi at the Civic reception in Karachi on 30.3.1966

The Chinese people resolutely stood on the side of the Pakistan people when Pakistan was subjected to India’s armed attack. The Chinese people have consistently supported Pakistan’s just stand on the settlement of the Kashmir questions. We are grateful to the Pakistan Government and people for their correct appraisal of this. Dear Friends: The Chinese people, on their part, will not forget the support given them by the Pakistan Government and people in international affairs. Such mutual support constitutes the reliable basis for the profound friendship between our two peoples.

Extracts from the speech of Liu Shao-chi at a Civic Reception in Dacca on 15.4.1966

…..We were merely doing our bounden duty in giving support to your struggle against aggression. Moreover, support is in our view always mutual. Your struggle against aggression has not only upheld the sovereignty and dignity of Pakistan, but also made an important contribution to the defence of peace in this part of the world. This constitutes in itself a strong support to the Chinese people. Speaking of thanks, it is we who should first express thanks to you.

In the future, should East Pakistan or West Pakistan again face the armed attack of any aggressor, the Chinese Government and people will continue to support the Pakistan people in their struggle to safeguard national independence, state sovereignty and national unity. So long as the Kashmiri people still suffer from brutal oppression and are deprived of their freedom, the Chinese Government and people will continue to support them in their struggle for the right to self-determination. We will never change this stand of ours, no matter how others may abuse and slander us.

* * * * *

The United States is genuinely making active preparations for attacking China. But in order to achieve this, it has, first of all, to bring the countries and regions
around China under its control. It is precisely under the “anti-Chinese” banner that the United States is forcing these countries to abandon their independent policies and submit to its strategic needs. Should they refuse to accept US control or obey its orders, it will resort to subversion and sabotage. Although Africa is thousands of miles away from China, yet the imperialists make anti-Chinese outcries to divert the people’s attention when they carry out subversion and sabotage there. The peoples of Asia and Africa are not to be duped, and China cannot be isolated. It is an honour for China to be regarded by the imperialists as their main enemy. This proves that China is firm in supporting the anti-imperialists revolutionary struggles of all peoples, and that she is not indulging in empty talk but acting on her own words. The evil doings of the imperialists are enabling the Afro-Asian peoples to see more clearly who are their enemies and who their friends. Let us, peoples of Afro-Asian countries unite still more closely and carry through to the end the struggle against imperialism, colonialism and neo-colonialism.

Extracts from the Joint Communiqué issued at the end of the visit to West Pakistan of Liu Shao-chi and party

The President expressed the deep gratitude of the Government and people of Pakistan for the support they received from the Government and people of China in resisting aggression. The Chairman expressed admiration for the heroism and patriotism of the Pakistan people in their just struggle against foreign aggression and intervention. The Chairman reaffirmed that the Chinese Government and people adhere to their principled stand of opposing aggression and assisting its victims, and that the Chinese people unswervingly stand at the side of the people in their struggle to defend national independence and sovereignty and oppose aggression.

The Chairman and the President expressed satisfaction at the development of friendly relations between their countries. They stressed that the friendship between China and Pakistan is not based on expediency but on a solid foundation. The people of the two countries have given sympathy and support to each other in the struggle against aggression, and a profound friendship has been forged between them.

◆◆◆◆◆
Aide Memoire delivered by the High Commission for India in Pakistan to the Pakistan Ministry of Foreign Affairs regarding properties of Indian Banks in Pakistan.


It is understood that the property and assets of the Indian Banks in Pakistan such as furniture, office equipments, vehicles, land, building etc. are likely to be disposed off by auction or distributed amongst the Pakistan Banks for which tenders have been called.

2. Parts of the building belonging to Indian banks are being allotted to the Pakistani Banks.

3. The depositors are being persuaded and even pressurized to withdraw from the Indian Banks amounts up to 70% of the total deposits in their accounts subject to a minimum of Rs 10,000/-. The idea apparently is to close the accounts in due course and thereby bring the activities of the Indian Banks to an end. It is also feared that in case there would be still some accounts open at the State Bank of Pakistan. This seems to be particularly true of the State Bank of India at Dacca.

4. Notices of discharge are being served on the employees of the State Bank of India, Dacca. About 24 persons (all Muslims) have already left the State Bank of India and joined other Banks. The Hindu employees (about 6 in number) have refused to accept the notices on the ground that these are against the terms and conditions of their service.

5. These activities are contrary to the spirit of Tashkent Declaration. In clause VIII of the Declaration the return of the property and assets taken over by either side in connection with the conflict was envisaged after mutual discussion between the two Governments.

6. Two protest notes No. P(P- IV)285(5)/66 dated the 25th February, 1966 and dated the 7th April, 1966, have been sent to the Government of Pakistan through their High Commission in India, but no reply has yet been received.

ISLAMABAD
14TH MAY 1966.
Express Letter from High Commissioner for India in Pakistan Kewal Singh to the Foreign Secretary C. S. Jha on future course of India – Pakistan relations.


From : Hicomind Karachi.
To : Foreign New Delhi.

Express Letter

Foreign Secretary From Kewal Singh

Continuation my Savingram of May 8 in reply to your telegram of May 5 in which you had very rightly drawn attention to Pakistan's evident policy to bury the Tashkent Agreement and in which you had posed the question as to how we could keep this Declaration alive and foil Pakistan's objectives. In my Savingram of My 8, I had given you my views. Now that Government are about to arrive at a policy decision. I feel I should present my further views to you urgently.

2. I have reported the latest developments to you in my telegram of May 15 and my Savingram of May 17.

3. As you pointed out, after the first period of honeymoon following the Tashkent Agreement Pakistan policy has undergone a radical change reverting to old ways. Pakistan has been busy (a) refurbishing her depleted arsenals, (b) building up tension and hatred against India, (c) painting a picture of India faced with acute political, economic and social crises and its leaders resorting to war hysteria to divert public attention form the critical situation within, (d) painting lurid pictures of repression and tyranny in Kashmir and above all accusing India of sabotaging Tashkent Agreement which Pakistan was willing to observe.

4. You had suggested 5 possible lines of action on which I had given you, after the most careful consideration, my views in the Savingram of May 8. Since then further conversations with officials, public men and Foreign Diplomats have confirmed these conclusions. The first 4 steps suggested by you in your telegram of May 5 would inevitably face the major obstacle of Pakistan's insistence on a definite commitment regarding the Kashmir issue as they involve meeting at one level or another where either in person or behind
the scenes Bhutto would insist upon this. Both in my recent meeting with him and in his speech of May 18, Bhutto had made this more than clear and this has been dutifully publicised in every media of propaganda. With this general observation, the following are my comments on the suggestions contained in your telegram:

(a) The Ministerial Meeting can serve no purpose as Bhutto will insist on “meaningful discussions” on Kashmir as a condition precedent to normalization. He has often told me: “How can you have goodwill or normalization unless you are prepared to take concrete steps to solve the basic problem?” Pakistan would probably reject such a meeting and if accepted, Pakistan would see to it that it is a failure.

(b) While I would still strongly support a Summit Meeting through Soviet initiatives, India (Pakistan) do feel that continuous Soviet association might tend to make them more neutral in future between India and Pakistan. On this point Ambassador Kaul can best advise the Ministry.

(c) A Summit Meeting without a third party initiative would require considerable preparation. Failure would have disastrous consequences. Manzoor Qadir, for example, cited the instance of the meeting in October 1961 between Pandit Jawaharlal Nehru and Ayub in which many hopes had been placed but because of lack of any meeting of minds on Kashmir, it was a complete fiasco. Brohi, Arshad Hussain and several other leading Pakistanis advise against Summit till careful preparations have been made through diplomatic channels.

(d) I adhere to the view that a letter from our Prime Minister to President Ayub would serve little purpose. Probably, Bhutto has a draft reply already prepared.

(e) This is the steps that I would strongly recommend provided domestic and other considerations make it practicable for the Prime Minister to make a major policy statement in Parliament including a dramatic gesture which would have a general public appeal in Pakistan and in the world.

5. My considered conclusion, therefore, is that, apart from the possibility of another Summit through Soviet initiative, the choice for us lies between adopting a policy of “wait and see” and a dramatic announcement by our Prime Minister. (I shall refer later to what can be done through diplomatic channels.)

6. In coming to this conclusion, I have been reinforced by talks which I have had with Manzoor Qadir, Brohi and Amir of Kalabagh who warned me against meetings at whatever levels. Kalabagh hates Bhutto for his policies (especially deep involvement with China) which will spell disaster for Pakistan. He is
convincing that Bhutto, Aziz Ahmed and Altaf Gauhar, who were opposed to the signing of the agreement in Tashkent, are now determined to destroy it. The President is entirely under the influence of Bhutto and other wild men and this is leading to tension with India and getting closer to China. He feels no meeting at this stage can be successful. Similarly both Manzoor Qadir and Brohi were not in favour of a meeting but felt that a major and dramatic gesture on our part would do irreparable damage to the myth assiduously built up by the present regime, i.e. that India was out to destroy Pakistan. It would also strengthen the hands of those in this country who wanted peace and friendship with India, both inside and outside the Government. We should examine this suggestion most seriously as to me it appears to provide the only brake upon the down-hill course that Indo-Pakistan relations are assuming with ever greater speed.

7. The Prime Minister’s statement might:
   (a) reaffirm our desire to fulfill the Tashkent Agreement and live in peace and friendship with Pakistan;
   (b) reaffirm that we shall respect Pakistan’s territorial integrity and sovereignty and wish Pakistan peace and prosperity;
   (c) announce our decision to take any or all the following steps to normalize our relations with Pakistan:
      i) Opening of land routes and railway traffic between India and Pakistan as it existed before September 1965.
      ii) Resumption of IAC and PIA flights between the two countries.
      iii) Removal of restrictions on the movement of people.
      iv) Maintenance of telecommunications in perfect working order on our side provided Pakistan does the same on her side.
      v) Release of all ships, cargoes and property.
      vi) Removal of all restrictions on trade.
      vii) A definite date to hand over Berubari.
   (d) Express the hope that these steps which are to the benefit of the people of the sub-continent as a whole will lead to the détente so necessary for the resolution of disputes between India and Pakistan and will establish firm foundations for lasting peace in future. We might also express our willingness to discuss all our disputes to find a peaceful solution to them.

8. On the above proposals, reciprocal action by Pakistan would be necessary if steps outlined are to be effective. If there is no response, the
people of Pakistan and the world will know who is responsible. East Pakistanis are particularly keen that if Pakistan Government is opposed to normalization, the blame should be squarely and publicly put on them.

9. Apart from the above steps for normalization and improving relations we should make the following unilateral offers which will convince the Pakistanis that India wants to live in friendship with them and wants to help Pakistan in her economic development:

(a) We should agree to joint collaboration in Eastern Rivers with a view to ensure better irrigation and navigation facilities as well as better means of flood control in the interest of both the countries.

(b) We should offer to sell coal and iron ore to Pakistan at the production rate and by charging less than the commercial freight.

(c) We should agree to enter into a 4-year contract for the purchase of jute from Pakistan at prices to be fixed between S.T.C. and the Jute Growers Association. This would provide a market and fair price for the Pakistani jute growers.

(d) We should also invite a delegation of 50 businessmen and industrialists and another delegation of 20 journalists to visit India for a fortnight. Pakistan may not accept any of the above offers but its effect on the Pakistani public in general and especially in East Pakistan will be very important.

10. The advantage of such a major policy statement by the Prime Minister are:-

(i) It is one step that can be taken without ant definite commitment on the Kashmir issue;

(ii) It would go a long way to undo the effect of propaganda that India was out to destroy Pakistan. Thus it would help in strengthening forces, both in and outside Pakistan Government that genuinely desire a long-term settlement;

(iii) It would certainly have the effect of strengthening those in East Pakistan who are opposed to the present regime;

(iv) It would strengthen the hands of both the U.S.A. and U.S.S.R. in bringing pressure upon Pakistan. Moreover it would show the world that we were genuine in our professions of normalizing and improving our relations with Pakistan.

11. The disadvantages or drawbacks of this step are:
It would probably not meet with any response from Pakistan because of the advantages set out above.

(ii) It would be represented by Pakistan as a triumph of their “confrontation” policy.

(iii) The steps suggested for announcement by the Prime Minister may not be such as would be acceptable to Indian public opinion.

12. In my judgment a policy of “wait and see” entails grave disadvantages and has hardly anything in its favour. The only favourable factor might be that no other step can be taken in view of the prevalent mood of Pakistan’s leaders. While it was difficult for then to sell the Tashkent Agreement, it is comparatively easy for them, at least in West Pakistan, to revive the old pre-Tashkent policy of hatred against India which has been built up over several years. It might also be politically more acceptable to Indian opinion. However, the dangers of such a policy are:

(i) It would mean the end of the Tashkent Declaration, a consummation heartily desired by Pakistan and China. The world opinion, seldom very objective in such matters, will apportion equal blame to India and Pakistan.

(ii) Sooner or later, depending upon the speed of Pakistan’s rearmament and, a suitable international state of affairs, Pakistan in collusion with China would once again resort to forces against us.

(iii) Pakistan’s approach to the Security Council would become inevitable. While we cannot be happy about this move the Prime Minister’s policy statement could go a long way in convincing the world opinion that we want to live as friends and that we are prepared to resolve our differences peacefully by bilateral discussions.

13. While Government has to decide what initiative we should take to improve relations with Pakistan, there is one factor which on our part must be taken into account both in internal and external policies. There is at present no indication that we can expect cooperation from Pakistan in the tasks of peace. They will continue their present policies of hatred against India, incitement to Indian minorities and provocation of troubles all along our borders. In collusion with China and with the aid of Muslim countries the pressures against us will be increased. Therefore, while endeavouring to achieve some measure of co-existence, if not friendship, with Pakistan, we should be fully prepared for “Confrontation” – Pakistan’s policy towards India announced by Bhutto.

14. It is quite certain that Pakistan will have friendly feelings and respect for
India only when she is convinced that our economy is strong and that our war potential is much greater than theirs. They must be convinced that India is a power as great as China to reckon with in Asia. I realise that strengthening of our economy and building up of our war potential will take a long time and we must meanwhile try to ensure against risk of Pakistan’s hostile adventures against us.

15. Knowing as we do, Bhutto’s thesis on India’s future, viz., “a decaying organism” we should have no doubts about Pakistan’s determined polices to harm and subvert India. Our efforts to weaken Pakistan, therefore, should have the topmost priority in our planning. I have specially in mind the opportunities in Baluchistan, Pakhtoonistan and East Pakistan. It is only when the Pakistanis become painfully conscious of their Achilles heels that they would refrain from inciting and aiding minorities, tribal peoples, and India’s neighbours. We have had approaches from some people and I shall discuss these personally on my next visit.

16. We should also undertake propaganda drive to convince the Pakistanis of the false image of India put up by the Pakistan propaganda machine. This would mean greater restraint on statement by political leaders and considerable work and imagination in putting across the correct image of India through broadcasts and other publicity media. (Our new programme of broadcasts to Pakistan is already having an excellent effect but much more can be done and the broadcasts must be on the medium wave if they are to be available to the majority of the people in the rural areas.)

17. In conclusion, India would reiterate what I have said before that in any discussions with Pakistan at this stage we shall have to face the major problem of Kashmir. Unless we are prepared to having negotiations on Kashmir no meeting with Pakistanis can yield any results. The Pakistan Government is not going to be content with mere “discussions” on Kashmir. They are now insisting in concrete steps and soon they will insist on self-executing machinery. We should therefore agree to discussion on Kashmir with our eyes open that Pakistan is going to insist upon some immediate concession on Kashmir. Brohi is of the opinion that the moment we agree to take one step on Kashmir, we will be forced to take several other steps; hence we should be very cautious in making any commitments on Kashmir. He does not believe that Kashmir is a real grievance of the Pakistanis. This is only a symptom of the divergent political ideologies of India and Pakistan and India should not, in his view, sacrifice her philosophy of life to placate Pakistan which, in any case, will be a brief respite. He is, of course, one of the rare people in Pakistan who feel that India’s stand id correct. Manzoor Qadir was equally firm in his advice that we should not make any commitments on Kashmir unless we are able to fulfill them. The
most serious accusation against India, he said, is that she has made promises in the past which she has never honoured. He, therefore, advised that in making any promises on Kashmir we should be absolutely certain that we are in a position to honour them within a very short time. It would do further great harm to Indo-Pakistan relations if India were to make some sort of a promise with a view to buy time.

18. Reporting from Pakistan in her present mood, I would want that approach to Kashmir question should be as follows:-

(a) Every measure, economic and political, should be undertaken to consolidate our position in Kashmir. While we can express our willingness to discuss Kashmir, we should make no statement which can have the slightest unsettling effect in the Kashmir Valley.

(b) After general elections, we can consider if Sheikh Abdullah is at all prepared to play a constructive role. (I know he can be very dangerous because of his bitterness against India but this is a matter on which we must do thorough study through reliable sources.) It is, of course, certain that if Abdullah is prepared to play a decent role, Pakistanis will have no legs to stand upon and a solution along the cease-fire line would be accepted internationally.

(c) We should have no doubt in our mind that in any bilateral discussion on Kashmir, Pakistan is going to insist upon concessions which it would be impossible for us to make at any time, and certainly not before the General Elections.

19. I would suggest that we should continue making demarches for normalization through diplomatic channels on various matters and our initiative should be given maximum publicity through our radio broadcasts intended for East and West Pakistan. At present, the Pakistani Government, through its publicity media, is anxious to convey the impression that it is India which is not normalizing relations with Pakistan. If people know that we have made formal requests to Pakistan Government to allow free movement of people from one country to another, to open roads and railway links, to ensure efficient functioning of tele-communication system and to resume trade, etc., they would realise that it is the leaders of Pakistan who are responsible for their sufferings and difficulties and not the Indian Government.

(Kewal Singh)
K. S. Bajpai from U.S Bajpai*

CHOU-EN-LAI left early this morning well after 36 hours stay in Rawalpindi. President AYUB and CHOU-EN-LAI met for four hours discussion from 9 A.M. yesterday: Talks were in two phases. In first round till about 1.30 AYUB was assisted by FARUQUE YUSUF FIDA, ALTF GAUHAR, General RAZA and S.M. KHAN (now Ambassador to China) and Director General KAMALUDDIN dealing with China. The Chinese side comprised of CHIAO KUAN-HUA the Vice Foreign Affairs Minister CHAO YI-MINQ alternate member of the Central Committee of the Communist Party and seven other officials of CHOU-EN-LAI’s entourage. After brief interval second session continued between AYUB FARUQUE and YUSUF on one side and CHOU-EN-LAI with one aide presumably interpreter on the other. Official spokesman told that all problems including Kashmir and Viet Nam had been discussed.

2. There was no official communiqué and Pakistan Foreign Office explained to me that visit was unofficial. However there were brief speeches following dinner yesterday by President AYUB to CHOU-EN-LAI. Following are the substantive paras of AYUB’s speech proposing toast to COU-EN-LAI and latter’s reply:

AYUB “As I have already had occasion to say in the past it is a firm principle in our foreign policy to promote friendly relations with all countries of world – specially our neighbours, Pakistan and China are close neighbours and have historic links. The development of friendly relations between them conforms to their national interests and reflects the desire of their peoples to forge good neighbourly ties. This friendship is not based on expediency but on principles and will continue to flourish over the years.

“The people of Pakistan can never forget the invaluable support of the people and Government of China in their hour of need. We also value greatly the support of China to the right of the people of Jammu and Kashmir to decide their own future as pledged to them by both India and Pakistan.

* U.S. Bajpai was Deputy High Commissioner in Karachi and K.S. Bajpai, his brother was OSD/Director (Pakistan) in the Ministry of External Affairs.
“Our two countries are engaged in efforts to develop their economies and to improve the lot of their peoples. We greatly admire China for the remarkable progress made by her in every sphere in a short space of time. We can learn much from your experience. We therefore welcome the growth of commerce and economic cooperation between our two countries.

“In order to maintain and promote our development we need conditions of peace and order in our region and the world. This can come about only through a just settlement of issues involved in keeping with the wishes of the peoples concerned.”

CHOU-EN-LAI: In recent years, thanks to the common efforts of our two Government and peoples the friendly relations between our two countries have greatly developed. Both our countries abide by the five principles of peaceful co-existence.

“The Chinese people resolutely support the Pakistani people in their just struggle against foreign aggression and in defence of national independence. The Chinese people resolutely support the Kashmiri people’s just struggle for the right of self determination. The friendship between the Chinese and Pakistani people has been tested and will continue to prove that it can stand tests.

“The imperialists and reactionaries are trying hard to sabotage our friendship. We are confident that their schemes will eventually not succeed. Our friendship is in the fundamental interests of our two peoples and enjoys the support of the broad masses of the two peoples and therefore cannot be broken”.

3. Apart from difference no doubt between speeches at a social function and official communiqué at the end of LIU SHAO-CHI’s official visit it is interesting to note one variation. Communiqué had said “President (AYUB) expressed deep gratitude of Government and people of Pakistan for support they received from Government and people of China in resisting aggression”. On this occasion “hour of need” has replaced “aggression”. It was left to CHOU-EN-LAI to mention this latter word though without communiqué’s reference to Chinese “admiration” of Pakistan valour. I will telegraph our assessment of CHOU-EN-LAI’s visit as soon as different reactions are available.

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Continuation my telegram No. 387, dated 30th June, 1966 from Hicomind, Islamabad, National Assembly having gone into recess on July 1, I could not meet any politicians in Pindi; however, I called on Director General KAMALUDDIN, in-charge at Foreign Office, dealing with China, U.S.S.R. and East European countries, and some diplomats. On basis of talks with these and press coverage as well as editorials one can hazard a preliminary assessment of CHOU EN-LAI’s visit.

2. AYUB has played his cards very well and achieved two objectives. In the first place, visit has served as nothing else could have done to emphasize that despite BHUTTO’s departure there had been no change in Pakistan’s foreign policy of which outstanding feature has been friendship with China. At the same time visit was not sufficiently played up to alarm the Americans and once again AYUB managed to prevent the Chinese guest from making any references to Viet Nam. We shall only know, perhaps from Chinese statements or form leakages here later as to what CHOU EN-LAI got out of this visit.

3. Ever since BHUTTO’s exit there has been considerable agitation both in press and parliament suggesting that BHUTTO had been sacrificed to American pressure and that his departure was price paid for American aid. It will be recalled that AYUB and official spokesman have been at pains to dispel this impression. Immediately following announcement of CHU EN-LAI’s visit press was inspired to comment that this was proof, if any were needed, that there was no change in foreign policy which had been and continued to be directed by AYUB. In his own speech at banquet to CHOU EN-LAI and in his first of the month broadcast AYUB has emphasized basic friendship with China. Editorial comment has followed the same line. At the same time except for few Urdu papers press coverage about his visit was neither lavish nor extensive, except in Pakistan Times which was perhaps only paper to carry the full text of CHOU EN-LAI’s speech, while most papers published full test of AYUB’s speech.
Moreover, while usual advertisements by firms exhorting people to line the roads in Rawalpindi were published and multi-coloured flags hoisted along the road to the airport there were no dancing children with flowers nor were the crowds large. The welcome was in fact more correct than cordial, and not one normally expects for a Chinese visitor of CHOU EN-LAI’s standing. This playing down was undoubtedly for the benefit of the Americans. This is well illustrated by two different versions of why CHOU EN-LAI did not go to Murree as originally planned: the Soviet Ambassador said that CHOU EN-LAI did not wish to be whisked away into obscure hills where possibilities for publicity were limited and, therefore, insisted on staying in Rawalpindi where the Assembly was still in session; CARGO the U.S. Charge’ said that CHOU EN-LAI’s health would not permit him to go to a place as high as Murree, conveniently forgetting that CHOU EN-LAI’s health seems to be no impediment to his flying as I doubt very much whether planes are pressurized much below 6,000 to 7,500 feet while at altitudes of well over 30,000 feet.

4. There is also official substantiation of the fact that the visit was played down. KAMALUDDIN said that CHOU EN-LAI’s visit had been planned long ago, when he was scheduled to go to Rumania in May and that it was incorrect to say that then he was to stop only for a few hours in Karachi. His programme had always been to stop at least overnight. According to such information as we have, while it is true that CHOU EN-LAI was supposed to come in May, press reports at that time merely said that he was to stop for a few hours in Karachi. Moreover officially inspired reports announcing his visit to Pindi rather than Karachi stated that the visit was “unheralded”. KAMALUDDIN further said that there was nothing unusually significant about the visit: CHOU EN-LAI had embarked on a long flight and found it convenient to stop on the way. He naturally chose friendly countries; on the way out he stopped in Afghanistan and on the way back in Pakistan. CHOU EN-LAI had himself said that visit was unofficial and that was why there had been no communiqué.

5. Among diplomats the interesting comments or ideas were from the Soviet Ambassador and the Acting High Commissioner for Canada. The Soviet Ambassador felt that AYUB had benefited most from the visit: he said that acclaim with which BHUTTO was received in Lahore and Karachi and other places after his demission from Office had shown that he and his policy represented substantial element in the country which AYUB had to placate; CHOU EN-LAI’s visit was excellent opportunity to do this. He had nothing to lose by reiterating assurance of friendship with China, as he already had a firm promise of American assistance. Canadian, Acting High Commissioner propounded intriguing theory that timing of BHUTTO’s departure was tied up with CHOU EN-LAI’s visit. He said that BHUTTO’s exit had been decided quite some time ago. However, in anticipation of popular reaction it was considered...
advisable to announce this when some suitable occasion arose to demonstrate that BHUTTO’s policies were not being abandoned. CHOU EN-LAI’s visit had originally been fixed for May when he was scheduled to go to Rumania, but for various reasons CHOU EN-LAI had to postpone this. Therefore, BHUTTO’s departure was delayed. Clearly there could be no better occasion to demonstrate that there was no change in Pakistan’s foreign policy, particularly of its main plank of friendship with China, than visit of Chinese Prime Minister. CARGO was non-committal. He said it was impossible to find out what had actually happened and refused to be drawn when I asked whether he attached any significance to GHULAM FARUQUE’s presence during talks as he was both Defense Adviser and Commerce Minister. CARGO confined himself to saying that the welcome was the usual official one reserved for all visiting dignitaries and that official spokesman had given the shortest press briefing known in Pindi, lasting only six minutes. (This is, of course, true.).

6. While it is clear that Pakistan public has to some extent been reassured about continuity of policy of friendship with China and Americans have not been alarmed, one can only speculate as to what else happened during or as result of visit. Undoubtedly the opportunity must have been taken to reassure the Chinese that BHUTTO’s departure would have no effect on Sino-Pakistan relations. However, CHOU EN-LAI probably had to accept the fact that Pakistan was compelled to improve its relations with the United States and the U.S.S.R. both of whom are in a better position to give economic aid and, perhaps sell or give military hardware, than the Chinese. The fact that GHULAM FARUQUE was present throughout the talks would suggest that both military and economic aid were discussed. The official spokesman implied that discussions on economic affairs were largely devoted to existing arrangements although further co-operation was also considered. In the press only the Huriyat has come out with a story that the Chinese promised increased military and economic assistance. If this is a fact, one would have thought that some official reference might have been made to it in order to further emphasise the continuity of Sino-Pakistan cooperation if not collaboration. On the other hand on the eve of the Consortium meeting and in the expectation of some tangible results of NUR KHAN’s visit to the U.S.S.R., it might have been considered wiser to remain quiet for the time being.

7. Editorial comments, apart from stressing Sino-Pak friendship and continuity of Pakistan’s foreign policy emphasized that Sino-Pakistan friendship was no danger to anyone not even to India which was merely playing up the Chinese bogey to obtain foreign assistance. It has also been pointed out that although in the ideological sphere there may be differences with the Chinese hard political realities necessitate closest relations with China and both Washington and Moscow must understand this. The veteran journalist SULERI
writing in the *Morning News* has warned that Sino-Pakistan friendship cannot be taken for granted and every effort must be made to nurture and safeguard it. These relations might be altered if there were to be an accommodation between India and China. Underlying press comments and editorials there is a lurking fear of U.S. pressure and perhaps even Soviet influence being directed against close Sino-Pakistan ties, as the man in the street in Pakistan, since September, feels that China is its firmest foreign friend. He also missed the fanfare and publicity normally accorded to an eminent Chinese leader.

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0485. **Informal Note handed over by the Indian High Commissioner in Pakistan to the Foreign Secretary of the Pakistan Ministry of Foreign Affairs proposing a meeting of the Officials of India and Pakistan.**

*Islamabad, July 6, 1966.*

“The Government of India would welcome a meeting with Pakistan in accordance with the Tashkent Declaration. Such a meeting should be held without pre-conditions, each side being free to raise any issues arising from the Declaration, and to seek as wide an area of agreement as possible. To ensure that a meeting is fruitful, the Government of India feel that there should be a meeting at official level, which will prepare the ground for a subsequent ministerial meeting. The Government of India would be happy to receive a delegation of Pakistani officials in New Delhi on any date that may be convenient.”

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SAVINGRAM

From: Hicomind, Karachi.
To: Foreign, New Delhi.

MOST IMMEDIATE

From: Bajpai

1. AYUB in his first of the month broadcast was concerned to meet various criticisms to which he and his Government have subjected: It is clear that popular reaction to BHUTTO’s departure as well as events in East Pakistan have caused him greatest anxiety. As regards Indo-Pakistan relations he has repeated stand taken by official spokesman few days ago that without progress on Kashmir no purpose is served by meetings.

2. AYUB began by emphasising that new taxes were necessitate by requirements of national defence. People demanded adequate defence arrangements; hence expenditure on this had been increased. Such expenditure could not be borne without sustained economic development and this had been provided for.

3. He then thanked the countries giving aid to Pakistan and hoped forthcoming Consortium meeting would meet Pakistan’s needs. He said there was misunderstanding that foreign aid was at the cost of national honour and prestige. He denied that this was so. All loans were repayable and would be repaid. National prestige was not something that could be bartered away and those who suggest that aid had been taken at expense of national honour were country’s enemies. He then referred to new phase in economic development where heavy industry would be set up and referred to recent agreement with China in this regard.

4. Following are excerpts on foreign affairs and Indo-Pak relations from AYUB’s broadcast:

   “This agreement is a manifestation, too, of our friendly ties with China. Only a couple of days back the Chinese Premier, Mr. CHOU EN LAI paid us a two-day visit while on his way back from Rumania. Our people accorded him a warm welcome.

   My talks with the Chinese Premier have been fruitful in every respect. We had discussions on world situation and matters of mutual interest. The meeting, as usual, was held in an atmosphere of friendship and cordiality. I have often said that our relations with China do not spring
from temporary dictates, but are based on mutual cooperation and desire for peace. This basis of our friendship will always endure.

We are developing our contacts with Russia also. An economic mission is being sent to Russia for talks on projects in which Russian Government has evinced interest.

We have friendly and brotherly relations with Indonesia and I hope these relations will continue to grow.

I regret to say that in spite of our best efforts there has been no change in India’s attitude. Lately some Indian leaders have made statements which do not reflect any restraint or spirit of understanding. At the same time, it is being said that there should be another meeting between India and Pakistan at official or ministerial level.

I would like to ask: If Indian attitude remains the same as is reflected by the statements of their leaders, what purpose would such a meeting serve? A meeting must be purposeful. It is not a formality that must be performed.

If India shows any willingness to find an honourable and equitable solution of our disputes we shall have no objection to hold a meeting. But if the object is to ignore for the time being real and basic cause of conflict and to settle minor things, such a meeting would neither benefit India nor Pakistan.

With a view to establishing peace and stability in this region it is imperative that both the parties should strive to find out a solution of the Jammu and Kashmir dispute. So long as purposeful effort is not made to settle this issue such a meeting will neither have any meaning nor will there be normalisation of the situation”.

5. AYUB then proceeded to reiterate that foreign policy did not change with personalities and those who were swayed by sentiments in such matters were not doing the country any service. These references to BHUTTO’s departure and to the popular reactions are extremely significant in emphasizing the extent of this latter as well as the weight attached to it. Following are the relevant paragraphs:

“I have stated all this to explain to you our foreign policy again. People forget that national interests do not undergo any change with the entry or exit of a person. Whenever there is a change in the Governmental set up some people hasten to spread all sorts of rumours. The reaction of others is so sentimental that they arrive at wrong conclusion without giving the least thought to the crux of the matter.
Just as a responsible government does not bow to foreign pressures, it cannot sacrifice national policy and interests at the altar of the sentimental crisis of a group in the country. May I assure you that whatever the Government is doing is to safeguard your interests.

You possess sterling qualities. The spirit of unity, resolution and discipline that you displayed during the 17 days of war, will live for ever. We need this sense of unity, resolve and discipline today more than ever before.

Those who stir up sentiments do not pause to think that emotionalism, kills all qualities and virtues. I, therefore, appeal to you to preserve these virtues so that you may serve your national and country.”

6. He then proceeded to castigate those supporting autonomy in East Pakistan. Following are the relevant paragraphs:

“Another coterie which is in the habit of playing with people’s sentiments had tried to stir up trouble in East Pakistan. In the name of regional autonomy they were trying to launch a programme which would have spread hatred and contempt in various parts of the country. The Government watched all this patiently. But when their activities passed all bounds, the Government had to take stern measures. Thank God, the situation is now normal in East Pakistan and people have been saved from being misled.

I need not reiterate that East and West Pakistan are one and will ever remain one. The people of both the wings have common faith, common resolve and common future. There can be no question of any separation between them.”

7. It may be noted that AYUB made no reference in broadcast to bombing of Hanoi and Haiphong which has been generally condemned by the press. KAMALUDDIN, Director General in Foreign Office dealing with China and USSR, told me that he felt the Americans had gone much too far and he did not know where this would lead to. Evidently however, a price has to be paid for U.S. aid and propitious atmosphere has to be created for the forthcoming consortium meeting. Foreign Office views have, therefore, not been voiced.
0487. Informal Note handed over by the Pakistan Foreign Secretary to the Indian High Commissioner in Pakistan.


“...The Government of Pakistan notes the Government of India’s response to the proposal made by them on 28th May for the resumption of meetings at the Ministerial level in pursuance of Tashkent Declaration. At the conclusion of meeting held in Rawalpindi in March last both countries had agreed that all disputes between them should be resolved in the interest of peace. As the Government of India are aware, the dispute on Jammu and Kashmir lies at the root of Indo-Pakistan conflict. In acknowledging the Government of India’s response to the proposal for resuming the Tashkent dialogue, therefore, the Government of Pakistan wishes to seek confirmation not only that each side will be free to raise any outstanding issues but that meaningful negotiations leading to a settlement of all disputes and differences in particular the Jammu and Kashmir dispute, will take place. The Government of Pakistan also attaches very great importance to a reduction of the armed forces of the two countries. On this understanding and subject to agreement on the level at which the second meeting should take place, the Government of Pakistan would be glad to send a delegation to New Delhi on dates which may be mutually accepted by both sides.”

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0488. Note from the Ministry of External Affairs to the Ministry of Foreign Affairs of Pakistan regarding meeting of officials of the two countries.

New Delhi, August 6, 1966.

The High Commissioner for India in Pakistan has transmitted to the Government of India the response of the Pakistan Government to the proposals made on their behalf by the Indian High Commissioner in Pakistan on 6 July 1966.

The Government of India note that the Pakistan Government are agreeable to a meeting provided prior assurances are given with regard to certain issues which they considered important. The Government of India’s proposal for an officials’ level meeting was made in pursuance of the Tashkent Declaration which provides for meetings at different levels and does not envisage any pre-conditions or advance assurances. It goes without saying that any talk between India and Pakistan must be serious and purposeful.
The Government of India have already made clear in the proposal that each side will be free to raise any issue. The Government of Pakistan have their own views on Kashmir and other matters. So have the Government of India. The Tashkent Declaration calls for progress in various fields of Indo-Pakistan relations without progress on any matter being made a pre-condition for progress on another. It is the task of both Governments to strive sincerely for reconciling differences and for expanding the areas of agreement and to persevere in efforts towards the peaceful resolution of their differences. This objective can best be achieved by discussion without prior commitments or assurances from either side.

The Government of India sincerely hope that the Government of Pakistan will join with them in making a fresh beginning towards the development of friendly relations and mutual cooperation, to the benefit of the peoples of both countries, it was in this spirit that they had made the proposal of 6 July 1966, for an officials level meeting. The Government of India trust that the Government of Pakistan will approach the proposals in the same spirit. The Indian High Commissioner has been authorised to ascertain the Pakistan Government’s convenience as to the time of the meeting.

6 August 1966.
0489. Note from the Pakistan Government to the Indian Government regarding meeting of the Officials of the two countries for normalization of relations.

Islamabad, August 31, 1966.

The Government of Pakistan have taken note of the communication received through the Indian High Commissioner on 6 August. They regret to note that it does not offer the clarification sought by them on 26th July. The Government of India regard the question raised by Pakistan in its note of 26th July as an attempt to impose pre-conditions or seek prior assurances with regard to the Jammu and Kashmir dispute. They have put forward the consideration that the Tashkent Declaration calls for progress in various fields of Indo-Pakistan relations without progress on any matter being made a pre-condition for progress on another.

Without wishing to enter into a debate on the matter, the Government of Pakistan wish to point out that the Tashkent Declaration obviously did not visualize that either side would insist on the exclusion, explicitly or by implication, of any outstanding issue from the ambit of purposeful negotiations between the two countries, much less the Jammu and Kashmir dispute which finds mention in the very first paragraph of the Declaration, relating to the peaceful settlement of disputes.

In the communiqué issued at the conclusion of the Ministerial Conference held in Rawalpindi on 1 and 2 March 1966, both sides agreed that all disputes between Pakistan and India should be resolved to promote and strengthen peace between them. This affirmation was welcomed by the Government of Pakistan as being fully in accord with the letter and spirit of the Tashkent Declaration which was signed in order to establish peace between Pakistan and India on a firm basis and to remove the cause of conflict between them. If the Government of Pakistan are impelled to seek confirmation that the understanding reflected in the Rawalpindi communiqué of 2 March 1966 continues to represent the Indian position and that the Government of India are prepared to hold meaningful discussions in pursuit of it, it is because the statements of Indian policy on the matter and its actual application in Indian held Jammu and Kashmir, convey a contrary impression. The Government of Pakistan have been much concerned to note in particular the statement of the Prime Minister of India that Kashmir is not the basic cause of conflict between India and Pakistan, and another by India’s Home Minister that the September 1965 war between India and Pakistan had solved the Kashmir problem. The most recent pronouncements of the Indian Prime Minister and Home Minister—as reported in the Indian press—go even further in stating that Kashmir was not negotiable and that the State’s accession to India was final and irrevocable.
The Government of India appear to have foreclosed any remaining possibility of a meaningful dialogue between Pakistan and India in pursuance of the Tashkent Declaration.

While each side may have its own views on this dispute it is scarcely possible to enter into meaningful negotiations on the subject in the face of assertions that the Indian held part of the said State has becomes an integral part of India or that the settlement of the dispute is irrelevant to the establishment of peaceful and friendly relations between the two countries. The Government of Pakistan trust that the Indian Government will realise the inconsistency between assertions of this nature and their assurance that talks between them must be purposeful and serious.

The Government of Pakistan wish to take this opportunity to draw attention to the propaganda campaign unleashed against this country in India, the accusations made at the most responsible level, of alleged Sino-Pakistan collusion in the military and nuclear fields and the continual indoctrination of Indian public opinion to look upon Pakistan as a dangerous enemy in flagrant violation of the Tashkent Declaration. Activities of this nature do not conform with the Government of India’s declaration that both countries should strive sincerely for reconciling of difference and for expending the areas of agreement and persevere in efforts towards the peaceful resolution of their differences.

The Government of Pakistan have taken serious note in this connection, of the letter addressed on 18 August to the Pakistan High Commissioner by the Indian Foreign Secretary, Mr. T.N. Kaul. There is no truth whatsoever in the allegation made therein that Pakistan troops have been concentrated along the cease-fire line and the Indo-Pakistan border in a threatening manner. On the contrary, the Pakistan Government have received reports to the effect that Indian troops, both infantry and armour, have been deployed and reinforced along the Jammu - Sialkot border and the Chhamb area, in a threatening posture. Therefore, it is not Pakistan which is aggravating tension and initiating hostile propaganda.

In the verbal demarche he made to the Pakistan High Commissioner on the previous day, the Indian Foreign Secretary thought fit to hold out a threat of renewed hostilities against Pakistan, repeating in substance the statement which the Prime Minister of India made on the 4 August in the Indian Parliament. In the face of the military preparations which are going on in India, the Government of Pakistan cannot remain indifferent to these threats and are bound to take appropriate measure for the defence and security of the country.

The Government of Pakistan wish to reiterate, however, that they remain willing to enter into negotiations with India for the settlement of all outstanding dispute and differences on a just and honourable basis. To enable these negotiations
to commence the Government of Pakistan seek no other assurance from the
Government of India than every dispute shall be negotiated seriously and without
reservations with a view to resolving it.

31 August 1966

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0490. Note of the Government of India to the Government of
Pakistan regarding Official talks for normalization of
relations.

New Delhi, September 10, 1966.

The Government of India have seen the communication handed over to their
Acting High Commissioner by the Government of Pakistan on August 31st.
They regret to note that while these exchanges between the two Governments
so far have been concerned entirely with the question of another meeting
between them under the Tashkent Declaration, the Government of Pakistan,
in their latest note, have gone into a variety of extraneous matters and have
thought fit to make accusations against the Government of India, which are
neither justified in fact nor in consonance with the spirit of the proposals made
by the Government of India.

2. It was made clear in the Government of India’s notes of July 6 and August
6 that at the proposed meeting each side will be free to raise any issue. It
would, as already pointed out in the note of August 6, be the task of both
Governments to strive sincerely for reconciling differences and for expanding
areas of agreement. The note added that in the view of the Government of
India this could best to achieved by discussion without prior commitments or
assurances from either side, and, furthermore, any talks between India and
Pakistan must be serious and purposeful. The Government of India repeat that
once the two delegations meet, it would be open to either side to raise any
question, and discussions must be held with the seriousness befitting all
discussions between India and Pakistan.

3. It is not understood why, when the Government of India’s position has
been repeatedly set out, orally and in writing, the Government of Pakistan
should persist in their demand for clarifications on points which have already
been made clear. The Government of India find it difficult to avoid the conclusion
that the Government of Pakistan desire to secure from them a commitment
that they give up their position on Jammu and Kashmir and on other matters. The Government of India must point out that such an attitude on the part of the Government of Pakistan is hardly reasonable. It is obvious that any agreement for discussion or negotiation between Sovereign States must be without prejudice to their respective points of view. The Government of India are not asking the Government of Pakistan for any prior assurances in respect of any of the questions that might be discussed between the two countries at the proposed meeting. There is equally no reason why the Government of Pakistan should expect the Government of India to give such assurances.

4. The Government of Pakistan have made a grievance of some public statements reported to have been made by the Indian leaders, and have dwelt on these in their latest note. The Government of India regret that the latest communication of the Pakistan Government cites some Indian statements out of context. The Government of India would have liked the Government of Pakistan to take note of and appreciate the repeated statements by the leaders of the Government of India reiterating their earnest desire for the development of friendly and good neighbourly relations between India and Pakistan. For example, the Prime Minister of India at her May 20th Press Conference, in her broadcast of July 7th, in her message to the President of Pakistan while over-flying Pakistan on July 17th, on August 15th at the shrine of Khwaja Nizamuddin Aulia and on August 18th in a press interview earnestly expressed India’s desire for the improvement of relations between the two countries. Indeed, the President of India and the Prime Minister and other members of the Government of India have repeatedly affirmed the determination of India to carry out the Tashkent Declaration in letter and in spirit.

5. The Pakistan Government seem to take the view that any reiteration by India of its position on any question is an obstacle to another meeting under the Tashkent Declaration. On their part, the Government of India do not feel that any useful purpose would be severed or that it is relevant in connection with the holding of the proposed meeting to quote the numerous statements by Pakistani leaders not only reiterating the Pakistani stand on many questions, including that on Jammu and Kashmir; but doing so in a manner which is at once provocative and contrary to the spirit of the Tashkent Declaration. Among the more recent of these statements are some by the Foreign Minister of Pakistan which go so far as to assert that Kashmir belongs to Pakistan. He stated in Karachi on July 24 that the letter “K” in ‘Pakistan’ stood for Kashmir; and on July 28 that Pakistan and Kashmir were bound by unbreakable ties. On July 24th, the Pakistan Foreign Minister even threatened further conflict between the two countries, in defiance of the categorical affirmation in the Tashkent Declaration that the two Governments will resolve their differences by peaceful means. While the Government of India naturally regret such statements, they
have not let these come in the way of their efforts to bring about an improvement of relations or regarding them as an obstacle to a meeting between the two Governments. By parity of reasoning, there is no reason why, when a member of the Indian Government reiterates India’s well-known position that Kashmir is an integral part of India whose sovereignty is not negotiable, the Pakistan Government should make a grievance of it.

6. Among the extraneous and contentious points now introduced by the Pakistan Government into these exchanges is the allegation that India has violated the Tashkent Declaration by unleashing a propaganda campaign against Pakistan. This allegation is baseless. On the contrary much harm has been done to the purposes of the Tashkent Declaration by vilification of India by Pakistani leaders and by the Pakistan press and Radio, to which the Government of India have repeatedly drawn attention. Unfortunately, India’s representations have had no effect. The latest in the campaign against India is the wholly unfounded propaganda unleashed by Pakistan to the effect that India was planning to be a nuclear weapons power and is to undertake a nuclear explosion. In spite of India’s denial, which has been accepted by the International Community, Pakistan persists in such false propaganda.

7. The Pakistan note of August 31st also alleges that in a conversation between the Secretary in the Ministry of External Affairs and the Pakistan High Commissioner in India, the former held out a “threat to renew hostilities against Pakistan.” There is no basis whatsoever for this gross misrepresentation of the discussion between these two officials. The Secretary in the Ministry of External Affairs did no more than point out the seriousness of the Pakistani military build up, the dangers thereof and the obligations of the Government of India to defend India’s territorial integrity against any aggression.

8. The Government of India are somewhat puzzled at the induction in the Government of Pakistan’s note of the wholly unrelated matter of the diplomatic exchanges between the two Government on the Pakistan troops movements in the vicinity of the international frontier with India. They note that two weeks after reports of Pakistan’s military preparations were brought to the attention of the Pakistan Government, the latter have made allegations of military preparation and threat from the Indian side. The Official spokesman of the Government of India has already denied these allegations. As the Pakistan Government are aware, the Government of India have, with a view to ensuring tranquillity along the border between India and Pakistan, proposed a meeting of the Chiefs of Army Staffs of the two countries. The Government of Pakistan will, it is hoped, agree that, in the spirit of the Tashkent Declaration and in accordance with the subsequent agreement between the Chief of the Indian Army Staff and the Commander-in-Chief of the Pakistan Army, reports of such
movements should be discussed between them with a view to the easing of tension created by such reports.

9. It was with the object of reversing the unfortunate trends in the relations between the two countries and to give them a new direction that the Government of India had proposed the officials level meeting with Pakistan. Both Governments have solemnly subscribed to the Tashkent Declaration; both have affirmed their adherence to and their desire to implement the Declaration; both have already taken certain steps to carry out the measures envisaged in the Declaration. The Government of India have no other desire than to proceed in co-operation with the Pakistan Government to take further measures along the lines which both have set out in the Declaration.

10. The Government of India have repeatedly informed the Pakistan Government, and do so again, that they are willing to discuss all issues, with a sincere desire to find solutions for them, and without pre-conditions. The question of seeking further assurances in this regard should, therefore not arise at all.

11. The Government of India interpret paragraph 8 of the Government of Pakistan’s note as containing agreement to the proposal for a meeting in which all disputes and differences between the two countries, could be raised and discussed with a view to reaching solutions, and that such discussions or negotiations would be without prejudice to either side’s point of view. If this is a correct interpretation of the Pakistan Government’s position, the Government of India would be glad to receive a delegation of officials from Pakistan in Delhi. They have asked their Acting High Commissioner to discuss a mutually convenient date.
Aide Memoire of the Government of India to the Pakistan Government regarding baseless propaganda by Pakistan against India.

New Delhi, October 3, 1966.

Aide Memoire

The Government of India note with regret that the Government of Pakistan continue to indulge in baseless propaganda against India in contravention of the letter and spirit of the Tashkent Declaration. Renewed propaganda has been made by Pakistan about alleged intentions of the Government of India to amend the provisions of the Indian Constitution affecting purchase of properties and seeking of employment etc. in the Indian State of Jammu and Kashmir. Such propaganda has been carried out also through the Government controlled press and Radio of Pakistan. Additionally on September 5, 1966, the High Commission of Pakistan in New Delhi presented an Aide Memoirs on the subject to the Ministry of External Affairs.

The Aide Memoire refers to a private Member’s Bill to be introduced in the parliament of India. The Government of Pakistan should be aware that under the system of Parliamentary democracy prevailing in India, any Member of Parliament can introduce any Bill advocating the views of that particular Member on subjects dealt with by the Parliament of India. It should be equally clear that it is entirely and exclusively for the Parliament of India to dispose of such Bills. It goes without saying that the Government of India could not entertain advice or interference from any other government in such matters or in regard to the scope of the application of the Constitution to any part of India including Jammu and Kashmir. Similarly, the elections in the Union of India and its constituent States, or matters related thereto, are solely the concern of the Government of India and no foreign Government has locus standi in the matter. The Government of India cannot entertain interference in the internal affairs of India.

The Pakistan High Commission Aide Memoire of September 5, 1966, speaks of Jammu and Kashmir as “a territory in dispute” and of “attempt to prejudice the exercise by the people of Jammu and Kashmir of their right of self – determination”. The Government of India reject, as they have rejected in the past, the Pakistani plea of Jammu and Kashmir being “a territory in dispute”. There is absolutely no legal warrant for such a description. The correct constitutional position, namely that the State of Jammu and Kashmir is a constituent unit of the Indian Union, has been made known to the Government of Pakistan and the Security Council on numerous occasions.
The Government of India accordingly reject the Pakistan High Commission Aide Memoire of September 5, 1966*.

In conclusion the Government of India cannot but deplore the threatening language used in the Pakistan High Commission Aide Memoire sounding “a note of warning”. Warnings of this kind and the language in which these have been couched, are hardly conducive to promoting understanding and peaceful relations and are totally out of tune with the letter and spirit of the Tashkent Declaration. On their part, the Government of India, ignoring such warnings, will continue to persevere in trying to build peaceful and good neighbourly relations as also in fostering understanding and friendship with the Government and people of Pakistan in accordance with the solemn resolve undertaken by both sides at the highest level under the Tashkent Declaration.

* The Pakistan Aide Memoire had drawn attention of the GOI to the Private Member’s Bill and desired “to sound a note of warning to the GOI that any steps such as those under reference, are contrary to the spirit and letter of the Tashkent Declaration and are certainly not conducive to the establishment of peaceful and good neighbourly relations as envisaged in the Declaration.”
SECRET

Letter from the Officer on Special Duty (Kashmir) in the
Ministry of External Affairs M. Rasgotra to the Heads of
Mission.

New Delhi, October 6, 1966.

IMMEDIATE

M. Rasgotra,
Officer on Special Duty (Kashmir).

Ministry of External Affairs
New Delhi


My dear Ambassador/High Commissioner,

I enclose copies of minutes recorded in this Ministry on the lines of Pakistan’s recent propaganda on the question of Kashmir and the motivations behind that propaganda. The situation is not static, of course. However, indications are that sooner rather than later Pakistan may ask for a discussion of the Kashmir question in the Security Council. If so, in view of Para 4 of the Council’s resolution of September 20, the members of the Council may say it is difficult to resist the request for a meeting or meetings for the purpose.

2. As directed by the Minister of External Affairs, our point-of-view should be explained vigorously to the Foreign offices of the countries which are members of the Security Council. In your discussions, the following points should be emphasized:

i) By paragraph 4 of its resolution of September 20, the Security Council decided “to consider, as soon as operative paragraph 1 of the Council’s resolutions 210 of September 6 (cessation of hostilities and withdrawal of all armed personal back to the positions held by them before 5 August 1965) has been implemented, what steps could be taken to assist towards a settlement of the political problem underlying the present conflict, and in the meantime calls on the two Government to utilise all peaceful means, including those listed in Article 33 of the Charter, to this end.” Our view, which is well-known, is that Kashmir is not the underlying political problem. The underlying political problem is Pakistan’s unceasing animosity towards India and her desire to bring about a weakening, disruption and dismemberment of our country. We
have, in the past, given assurances, and are prepared to reiterate them, that India has no designs on Pakistan and wishes nothing but progress and prosperity of the people of Pakistan. Indeed, it is Pakistan which has launched military ventures against India since partition – twice in Kashmir and once in Kutch. At the same time, we cannot entertain any claim from Pakistan on the territories of the State of Jammu and Kashmir, which forms an integral part of India. If Pakistan is to be prevented from further adventures of the kind she must be made to realise that the UN will not condone aggression.

ii) The Security Council resolution of September has been overtaken by the Tashkent Declaration whereby Pakistan and India declared their “firm resolve to restore normal and peaceful relations between their countries and to promote understanding and friendly relations between their peoples”. There are many problems between India and Pakistan which await discussion and settlement to the benefit of both countries. In pursuance of the Tashkent Declaration, we have repeatedly proposed an Indo-Pakistan meeting at the official level preparatory to a meeting at the Ministerial level. Instead of agreeing to such a meeting with a view to resolving outstanding problems, Pakistan demands assurances from us that there will be “meaningful talks on the Kashmir dispute” and asserts that no Indo-Pakistan problems can or need to be resolved unless the “Kashmir dispute” is settled to Pakistan’s satisfaction. Pakistan’s endeavour since the Tashkent Declaration has been to erode and get away from the Declaration, whilst blaming India for non-cooperation. A solution of the Kashmir question may become possible only if the general atmosphere between India and Pakistan become normal and understanding and feelings of friendship develop between the two countries. Instead, Pakistan’s continuing anti-Indian propaganda in violation of article IV of the Tashkent Declaration appears aimed at further aggravating tensions.

iii) The slogans that Pakistan raises viz. plebiscite or the Kashmiri people’s right of self-determination, are irrelevant to the Kashmir issue. You may kindly study carefully Foreign Secretary’s Savingram No. 27280 of October 29, 1965, and the note sent to you with B.L. Sharma’s letter No. P-V.104(21)/65 of November 25. Generally your position on the subject should be in the furtherance of the lines of the Savingram of October 29. It may be added that the processes of self-determination have taken place in Kashmir and the State’s accession to India was reaffirmed by a popularly elected Kashmir Constituent Assembly. Democratic system prevails in the State of Jammu and Kashmir as in the rest of India, and basic liberties and fundamental freedoms are ensured to the people of
Kashmir as to other citizens of the Republic. For the reasons we have explained in the Security Council on a number of occasions, a plebiscite is now out of the question. India cannot and will not agree to the general proposition that the principle of self-determination should apply to integral parts of sovereign, independent State. That is only likely to lead to the dismemberment of many newly independent countries.

iv) Pakistani agitation in international forums is not likely to yield anything tangible or useful on Kashmir or other Indo-Pakistan issues. It would only tend to regenerate tension. If, however, the Security Council decide to resume debate, it should do so with the aim of persuading Pakistan to see the futility of conflict, to live in peace and friendship with India and to seek settlement of all differences with India bilaterally and peacefully. We have not barred a discussion of the Kashmir question with Pakistan, but it is futile for Pakistan to expect that India would move away from its basic position that Kashmir is an integral part of the Union of India. The accession of the State to India is final and irrevocable, and any discussion of the question of Kashmir, bilaterally with Pakistan or in the Security Council, would have to be in that context. In recent months Pakistan has been sending small parties of infiltrators into Kashmir in breach of the ceasefire agreement and Tashkent Declaration. Pakistani officers were found to be involved in the conspiracy to murder Chief Minister Sadiq. Recently we have captured a gang of Pakistani saboteurs. Further information concerning this gang will be sent to you shortly. Pakistan must be made to adhere to its undertaking to “observe the ceasefire terms on the cease-fire line” and maintain peaceful normalcy along the Line.

v) It is necessary that the world, more especially the members of the Security Council, should pay due regard to the considerations of the balance-of-power in and around the Indo-Pakistan sub-continent. India is being threatened by China on the one hand by Pakistan on the other. The collusion between these two countries has assumed character of a de-facto politico-military alliance directed against India. The Government of China has openly declared its support for Pakistan in any conflict with India and Pakistani authorities have acknowledged these declarations with gratitude. In recent months China has supplied large quantities of offensive weapons (aircraft and tanks etc.) to Pakistan and the flow of arms continues. Goaded by her hatred of India, Pakistan has embarked on a reckless policy of assisting the expansion of Chinese influence and power into the Indo-Pakistan sub-continent. Bhutto’s departure has made no change in this policy. For its own security and that of South-East Asia generally, India is duty-bound to resist the spread
of this influence. Any suggestion or solution envisaging the weakening or withdrawal of India's presence from any part of Kashmir in the face of growing military collaboration between China and Pakistan in the area would be viewed by India with the utmost concern.

3. The foregoing is intended to serve as guidelines to counter Pakistani initiatives. You need not make a specific issue to the Kashmir question or whether or not it should be taken up by the Security Council. You should cover these points in the course of broad general survey of Indo-Pak relations with high authorities of the Foreign offices of the countries of your accreditation, and let us know of their responses.

Your sincerely,
(M. Rasgotra)

All Heads of Mission abroad.

Note recorded by OSD (K) on the possible Pakistani moves to take the issue of J & K to the Security Council and submitted to the Foreign Secretary.

Ministry of External Affairs

Motives behind mounting Pak Propaganda and Demarches in recent days. In recent days Pakistani propaganda, statements and diplomatic notes (to us), especially those having a bearing on Kashmir, appear to have assumed increasingly truculent and assertive tone. For instance Pakistan lodged a protest concerning the conspiracy trial in which some Pakistani officials were implicated. We rejected Pakistan's note, which cast aspersions on judicial proceedings, as baseless and malicious characterizing it as interference in the internal affairs of India in disregard of the Tashkent Declaration. In a reply which came two days ago, Pakistan Government states:

"The reference (to the Tashkent Declaration) is wholly irrelevant in the context of the present case, the territory in question being one in dispute between the two countries, and the final disposition of which is the subject of a solemn agreement between the two countries reached under the auspices of the UN."
The note adds:

“The Government of Pakistan wish to state that they consider the reply as totally unsatisfactory and the tone and language in which it has been couched as unacceptable”.

2. Some days ago, the Pakistan Times wrote an editorial about the introduction of a Private Member’s Bill for the removal of Article 35A from the Indian Constitution. This article prohibits the settlement and employment etc. of non-residents in the State of Jammu and Kashmir. The editorial was couched in vicious language and described the introduction of a Private Member’s Bill as a conspiracy to integrate the State and upset the status quo. We instructed our High Commission to explain to Pakistan Government that while we cannot deny to any Member of Parliament the privilege to introduce a bill reflecting his particular point-of-view, Government had in the past apposed a similar bill. Our High Commission explained the position to the Pakistan Foreign Office an August 30, drawing their attention to the inappropriateness of Foreign Minister Pirzada’s statement on the subject and to the falsity of subsequent Press propaganda in Pakistan. Nevertheless, the Pakistan High Commission here has, today, handed over an aide memoire which in part reads:

“The Government of Pakistan are constrained to sound a note of warning to the Government of India that any steps such as those under reference, are contrary to the spirit and letter of the Tashkent Declaration and are certainly not conducive to the establishment of peaceful and good neighbouring relations as envisaged in the Declaration.”

This note also refers to:

“….the express injunction contained in the Security Council Resolutions of 30th March 1951 and 24th July 1957 against any attempt to prejudice the exercise by the people right of self-determination.”

3. Simultaneously, with these diplomatic moves the vernacular Press in the Pakistan has been whipping up war hysteria in the country. Last week, the JANG headlines ran:

“THE DANGER OF RENEWED WAR BETWEEN INDIA AND PAKISTAN.”

Another popular Urdu daily, ANJAM, carried the following headlines:

“PROVOCATIVE CONCENTRATION OF INDIAN TROOPS ON PAKISTAN BORDER AND ALONG CEASE FIRE LINE.”

“INDIA LOOKING FOR EXCUSE FOR RENEWING WAR.”
“PAKISTAN WILL NOT REMAIN NEGLIGENT TO HER DEFENSE.”
“PAKISTAN CANNOT REMAIN SILENT SPECTATOR TO INDIA’S PROVOCATION.”

The HURIYAT Captioned:
“INFANTRY AND ARMOURED CORPS OF INDIA ADVANCE TO PROVOCATIVE STAGE.”

“PAKISTAN WILL NOT DESIST FORM COUNTER-ACTION” etc.

4. Obviously, this incitement to war is not without purpose; possibly the purpose might be to rouse sufficient frenzy for the celebration of the Defense-of-Pakistan-Day on September 6. It is significant that for several days the Government of Pakistan denied any intention or plan for the celebration of this day. Later, when an official announcement was made, the reason put-forth by Pakistan officials in discussion with our officers was that “public opinion was not prepared to be denied celebration on this day”. Pakistan officials also told our High Commission that while it was not Government’s intention that there should be any provocative action, they could not, of course, be responsible for every individual who might take into his head to do something stupid.

5. In the light of the foregoing, the possibility of “incidents”, especially in P.O.K., along the cease-fire line cannot to ruled out altogether. While we should take note of these developments, and our authorities should be given due warning, I do not personally think that Pakistan is yet ready, or will be inclined to risk a major military adventure. All this is, perhaps, more in the nature of preparation for revival of agitation over Kashmir in the Security Council, and possibly also in the General Assembly (in the course of the general debate). A Pakistani spokesman said on September 1 in Pindi that he saw no immediate chance of another Tashkent Summit under Soviet auspices and that Pakistan had decided to take issue back to the Security Council at an appropriate time.

6. The time that will perhaps best suit Pakistan aims will be the weeks immediately before the elections in India. The debates in the Security Council in 1957 and 1962 at Pakistan’s instance were held in January and February. On the other hand Pakistan may find it difficult to resist the temptation of a Security Council debate coincidently with the General Assembly session. General Assembly does offer attractive propaganda and publicity opportunities.

S/- M. Rasgotra
5.9.1966
Note by F.S.
The above note may be seen. Since it was written, there is, superficially, some slight reduction in tensions, and alarums and incursions, F.M. is to meet Pirazada (Pakistani foreign minister) this evening at dinner in London and will have had the opportunity of assessing Pakistan intentions. Generally speaking, it will be correct to assume that even if there is some temporary diminution of Pakistan's belligerence, there is no change in their long-term plans and motivations. These seem to be –

(i) To prepare militarily for the 'inevitable' conflict for the 'liberation' of Kashmir, since there is not the slightest possibility of India changing its stand on Kashmir.

(ii) To work progressively towards making the Tashkent Declaration a dead letter; by their actions, statements and military preparations, Pakistan has as good as buried the Tashkent Declaration, but still pays lip service to it for political reasons, mainly the desire not to alienate the Soviet Union. Nothing would suit Pakistan better than to recreate a situation of acute tension between India and Pakistan along the international frontier and the ceasefire line so as to find a good ground for agitation of the Kashmir question in the Security Council. At present it is believed that most members of the Security Council, when approached, tell Pakistan that the Tashkent Declaration provides a new direction for the settlement of Indo-Pakistan disputes and that efforts should be made to find solutions in terms of that Declaration. However, if a situation of acute tension arises along our borders, international opinion would regard the Tashkent Declaration as having failed and may be prepared for a discussion of the Kashmir question at the United Nations.

2. If the assessment in the preceding paragraph is correct, then Pakistan is unlikely to agree to the meeting proposed by us as that would mean reactivation of the Tashkent Declaration, which in turn would make international involvement in the Kashmir question through the Security Council or the General Assembly more remote. It is also possible – though in my views unlikely – that she may feel that by agreeing to a meeting and by demonstrating failure at the meeting, she would have a better ground for invoking that Security Council or/and the General Assembly.

3. It is true, as pointed out by OSD(K), that both in 1957 and 1962 Pakistan took the Kashmir question to the Security Council just before the General Elections in India. She may be tempted to choose similar strategy again this time. On this reckoning, Pakistan is likely to bring up the Kashmir question again before the Security Council, either during the currency of the General Assembly or soon after the General Assembly in January, 1967. I myself think
that the former is more likely. In 1967, her request for a Security Council meeting was made on December 1. Agitation of the Kashmir question in the Security Council gives Pakistan much better publicity during the General Assembly session.

4. Before doing so, however, Pakistan is likely to sound opinion at the current session of the General Assembly, which she is bound to utilise actively for anti-Indian propaganda.

Sd/- C. S. Jha
15.9.1966

F.M.

We should be active to meet such a situation and should concentrate on the Capitals of countries which are members of the Security Council.

Sd/- Swaran Singh
18.9.1966

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0493. **Record of discussions held between C-in-C Designate Pakistan Army and Chief of the Army Staff, India on 13/14 September 1966 at New Delhi.**

1. It was agreed that any formations that may have moved forward should revert to their normal peace locations as soon as possible.

2. It was agreed that timing and place of any exercises at divisional level or above be carried out by either army would be intimated to the other side. Any exercises at brigade level or above to be carried out by either side in the State of Jammu and Kashmir would be intimated to the other side through UNMOGIP. Holding of such exercises in the immediate vicinity of the border/Cease Fire Line will be avoided.

3. Prior information in regard to the holding of blackout exercises in towns near to the border will also be exchanged.

4. In order to avoid any misunderstanding on either side it was agreed to establish telephone/radio communications to facilitate contact between C-in-C Pakistan Army and Chief of the Army Staff India.

5. In the State of Jammu and Kashmir the normal procedure of the Sector-
Sub-Sector Commanders meeting under the auspices of the UNITED NATIONS to investigate and arrest a situation where necessary will continue to be followed as already laid down.

6. In the order to restore completely the pre-5 August line it was agreed that the Sector/Sub-Sector Commanders meetings in Sialkot should re-start to resolve the problems in the same manner as it has been done in the past.

7. It was agreed that piquets held by either country on the wrong side of the Cease Fire Line will be vacated on a verdict given by the UNMOGIP.

8. In East Pakistan the normal procedure of meetings between BSF/EPR at appropriate level will continue as and when necessary.

Sd/- Lieutenant General
Sd/- General Commander in Chief Designate
Chief of the Army Staff of India.
Pakistan Army (PP Kumaramanglam)
(A M Yahya Khan) 14th Sep 66.
14 Sep 66.

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0494. Pakistan Radio Broadcast regarding Official level meeting.
Rawalpindi, September 23, 1966.

Pakistan has told India that no useful purpose will be served by continuing exchanges on holding an Indo-Pakistan meeting at the Official level, without a change of heart on the part of India towards the Kashmir dispute. Officials sources said in Rawalpindi yesterday (September 22) that the Indian High Commissioner was summoned to the Foreign Office and given a verbal reply to the Indian note of the 12th of this month suggesting an official-level meeting.

The sources said, Pakistan made it clear that unless the Kashmir problem was solved and the people of Jammu and Kashmir given their rights of self-determination, the relations between the two countries can hardly be on an even keel. The main purpose of the Tashkent Declaration was to secure a lasting peace between the two countries, and this objective cannot be achieved unless the Kashmir dispute is settled. India was told that the arguments advanced in her recent communication were self-contradictory. On the one hand, India expressed her willingness to discuss all disputes at the official level meeting but on the other, she persists in her untenable stand that Kashmir
is an integral part of India. This obviously amounts to closing the door on negotiations, because Kashmir is the basic cause of conflict between the two countries and has led to two wars in the past.

The source further said that India has added yet another element to the existing situation namely the continued arrest of political workers in ‘occupied Kashmir’. All this is contrary to what she says in her communication. The latest communication shows that the Indians have not changed their approach to the basic cause of the conflict. Their reiteration that India’s self – proclaimed sovereignty over Jammu and Kashmir is not negotiable, that the state is an integral part of India, will make negotiations between the two countries merely an exercise in futility. Pakistan has repeatedly pointed out statements of this nature, and even more the actions which the Indian Government has been taking to complete the annexation of the ‘occupied’ territory were bound to cause deterioration in relations between the two countries. If the Indian Government persists in this course of action, it will frustrate the achievements of the Tashkent Declaration which was to establish an abiding peace between India and Pakistan.

The Indian High Commissioner was told, however, the Pakistan will continue to make sincere efforts to establish friendly relations between the two countries on a permanent basis. The Pakistan Government is ready to enter into negotiations for the settlement of all disputes and differences as soon as it receives some indication that India realizes the importance of living in peace with Pakistan.

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0495.  

CONFIDENTIAL  
Note of the Government of India to the Government of Pakistan regarding holding of Official Talks.

Rawalpindi, September 28, 1966.

The Government of India regret to note from the communication made orally by the Acting Foreign Secretary of Pakistan to the Indian High Commissioner on September 22, in answer to Government of India's note of September 10, that the Government of Pakistan are not agreeable to holding an officials meeting with India under the Tashkent Declaration. The Government of India are unable to appreciate the view of the Government of Pakistan that in proposing discussions without pre-conditions India has imposed limitations unacceptable to Pakistan and that no meeting would serve any useful purpose without prior assurance that India would give up her position on Kashmir. This means in effect that while Pakistan may enter into discussions adhering to her position, India cannot do so. Such an attitude can only amount to closing the door to any efforts for improving Indo-Pakistan relations through mutual discussions.

The Government of India have repeatedly informed the Government of Pakistan that they desire to co-operate fully with Pakistan to implement the Tashkent Declaration. It is to this end that they proposed a meeting at which all issues raised by either side could be discussed, with the seriousness necessary to find solutions for them. They are unable to understand why the Government of Pakistan should persist in ignoring these categorical affirmations and should instead insist on India giving further assurances and prior commitments in regard to particular questions. No discussions to resolve differences between sovereign States are possible if one side requires the other to enter into negotiations with prejudice to its own position.

The Government of India are willing, as they have already made clear, to discuss any issue without any preconditions in order to make as much progress as possible, in as many fields as possible, for improving relations between the two countries. They are ready to hold a meeting with Pakistan with a view to thus implementing the Tashkent Declaration when the Government of Pakistan find it possible to do so.
0496. Note Verbale from the Ministry of External Affairs to the High Commission of Pakistan in India regarding appointment of M. C. Chagla as the Foreign Minister of India.

New Delhi, November 24, 1966.

No. P(PIV)307(1)/66. New Delhi, the 24th Nov.1966

The Ministry of External Affairs presents its compliments to the High Commission of Pakistan in India and has the honour to invite attention to the press reports of remarks by H.E. President Ayub Khan in answer to questions after his speech at the Royal Institute of International Affairs, London, on November 18, 1966. Giving his reaction to a question on the appointment of Mr. M.C.Chagla as Foreign Minister of India. H.E. the President is reported to have expressed views to the effect that:

It does not look as though they are looking for an opportunity to make up with us. Knowing the man, I am not hopeful. What is needed is a powerful political personality with firm views about a settlement and able to give effect to them. A Foreign Minister representing a minority is not in that position.

2. The Ministry is constrained to point out that these widely reported remarks coming from the Head of a State besides their questionable taste are quite impermissible. They could hardly be calculated to improve relations between the two countries. Such remarks not only constitute interference in the internal affairs of India but also amount to an attack on the very principles on which the Republic of India is based. All citizens of India are Indian nationals with equal rights in every respect and they have always exercised their rights fully.

3. The President of Pakistan is also reported to have spoken in highly disparaging manner about Hinduism which is professed by millions of people in India and abroad including Pakistan. Giving reasons for his conclusions, President Ayub Khan is reported to have expressed sentiments to the effect that:

We are Muslims, believers in equality. We are colorblind, have no racial prejudices. India and Hinduism are based on inequality and on colour and race. Their basic concept is the caste system....We could live side by side but not together............

The Ministry deeply deplores that the Head of State of Pakistan should choose to speak in this slanderous manner of a religion which count hundreds of millions among its followers, in India, Pakistan and other countries, thereby hurting their feelings.
4. While pointing out the impropriety of such remarks about one of the great religious faiths of the world, the Ministry expresses its deep concern over the President's affirmation that Hindus and Muslims can never live together considering that Pakistan has a very significant Hindu minority. These remarks imply that there is no place and no future in Pakistan for its 9 million Hindus and evidently it is this mentality which has been responsible for forcing million of Pakistan nationals, not professing a particular faith, to leave their hearths and homes in Pakistan. The reported remarks of the President of Pakistan are also in total violation of the Nehru-Liaquat pact and the Tashkent Declaration and the Ministry strongly protests against them.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of Pakistan in India the assurances of its highest consideration.

The High Commission of Pakistan In India,
Chanakayapuri, New Delhi.

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0497. SECRET
Letter from the Ministry of External Affairs to the Heads of Mission regarding the speech of President Ayub Khan.
New Delhi, December 3, 1966.

Government of India
Ministry of External Affairs
New Delhi

No (PIV) 307(1)/66. 3rd December, 1966.

My dear Ambassador/High Commission,

During the past five weeks President Ayub has, on a few occasions, publicly made disparaging statements about India accompanied by brief remarks to the effect that lack of reciprocation and absence of Indian desire for friendship is coming in the way of improving Indo-Pak. Relations. He repeated these latter assertions during his recent visits to Jordan and the U.K. in November. President Ayub presumably goes by the general publicity premise that sympathetic audiences accept the affirmations of high placed speakers without further verification.
2. The replies to the usual questions about Indo-Pak relations which were put to President Ayub at the end of his Chatham House address in London on November 18, 1966, reveal in true light, however, the attitude of the Pakistan Head of State towards India. These questions and answers were widely reported and the verbatim record thereof has been Morse cast to our Mission in the I.S.I. evening transmission of 25th November, 1966. The comments there on in the Manchester Guardian on 21st November 1966 have been Morse cast. Forwarded herewith is a copy of the pretest which we were constrained to make to the Pakistan High Commission here on November 24, 1966*, against this virulent and deplorable outburst of President Ayub at London.

(President Ayub’s remarks given in this protest are in summary form and not the verbatim text).

3. You might use the above mentioned material in continuation of our Circular No.983-Dir (PAK-S)/66, dated 10th August, 1966, about development since the Tashkent Declaration, to expose Pakistan’s real attitude towards promoting friendly relations with India.

Yours sincerely,

(A.K.DAR)

* Document No.496.
0498. Note Verbale of the Ministry of External Affairs handed over to the Pakistan High Commission in India regarding disposal of enemy property.

New Delhi, December 28, 1966.

The Ministry of External Affairs, Government of India, Presents its compliments to the High Commission for Pakistan in India and has the honour to state that according to report carried by Pakistan observer of December 25 and confirmed in Reuter message dated Dacca, the 27th December 1966, 190 Indian inland water transport Vessels and other river craft illegally seized in East Pakistan by the local authorities during September/October, 1965 are to be given away to some local shipping companies at nominal prices.

The Ministry strongly protests against this proposed move of the Pakistan authorities to dispose away Indian property, seized at the time of the September 1965 conflict, in such unconscionable manner. There have been reports that Pakistan has also consumed or otherwise disposed of other Indian properties seized illegally in Pakistan. The Ministry believes that all the Indian assets and properties in Pakistan are in the nature of continuing trust and any attempt on the part of Pakistan authorities to dispose them unilaterally would not only be flagrant violation of the Tashkent Declaration which Inter alia envisages the return of all properties and assets taken over by either side in connection with the late conflict, but would also be against all norms of civilized international law and practice.

The Government of India accordingly urge most strongly that the Government of Pakistan take immediate measures to prevent the reported move of the East Pakistan authorities to dispose of the Indian vessels and further to ensure necessary action to bring about, on reciprocal basis, the restoration in their entirety of all Indian assets and properties seized by Pakistan as repeatedly proposed by India and called for under the Tashkent declaration, In the interim, the Government of India reserves all rights in respects of these Indian properties seized illegally by Pakistan.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for Pakistan the assurances of its highest consideration.

The High Commission for Pakistan,
Chanakyapuri,
New Delhi.
0499. Note Verbale from the Pakistan High Commission in India to the Ministry of External Affairs regarding the statement made by President Ayub Khan in London.

New Delhi, January 19, 1967.

Pakistan High Commission
New Delhi

No.1(1)-CSVI/66-II. January 19, 1967

The High Commission for Pakistan presents its compliments to the Ministry of External Affairs and has the honour to refer to the Ministry's Note. No.P(PIV)-307(1)/66, dated 24th November, 1966, concerning some statements made by the President of Pakistan in London. The Government of Pakistan reject the note as baseless and couched in unacceptable language.

2. The two statements cited in the note have not only been quoted inaccurately, but torn out of context and give an entirely unwarranted interpretation. It is difficult to avoid the conclusion, in view specially of the campaign simultaneously unleashed in Indian publicity media, that the sole purpose of the Government of India's demarche was to make propaganda capital against this country.

3. The historical, political and social factors which led to the creation of Pakistan are well-known. The President’s reference to this historical background in reply to a question on the subject, in no way justifies the conclusion that there is no place in Pakistan for its Hindu citizens. In trying to stir up a storm over this matter the Government of India wish perhaps to divert attention from the contrast with conditions prevailing in India where various religious and cultural minorities continue to suffer harassment and discrimination.

4. The fact of the matter is that all communities in Pakistan are living in complete peace and harmony. It is difficult to understand on what grounds the Government of India arrogates to itself the guardianship of the interests of the Hindu citizens of Pakistan. The assurance reported to have been given by Mr. Chagla in the Lok Sabha on the 1st December to the effect that Government of India would see to it that nothing happens to the lives and property of Hindus in Pakistan, not only makes an unfounded insinuation but constitutes a gross interference in the domestic affairs of Pakistan. Equally improper was Mr. Chagla's reported description of the political system of Pakistan as an “artificial and fake form of democracy”.

5. The President's observations concerning the present Foreign Minister of India were made in reply to a question from a journalist and were confined to
The implications of his appointment with regard to relations between Pakistan and India. They cannot, in any way, be considered to represent an interference in India’s internal affairs.

The High Commission avails itself of this opportunity to renew to the Ministry the assurance of its highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi.

0500.  Note Verbale from the Pakistan High Commission in India to the Ministry of External Affairs regarding the statement of President Ayub Khan about the Muslims in India.

New Delhi, January 31, 1967.

No.1(1)-CSVI/66-II.  January 31, 1967

The High Commission for Pakistan presents its compliments to the Ministry of External Affairs and with reference to their Note No. P (PIV) 307 (I)/66, dated November 24, 1966 has the honour to say that the remarks of the President of Pakistan referred not to the constitutional and legal rights of Muslims in India but to the actual conditions prevailing there.

2. Reports published in the Indian press itself and statements made by responsible Indian personalities show that the minority communities and more particularly, the Muslims of India, continue to suffer disabilities and hardships. Communal riots have become a recurring feature in India; as recently as November last, serious rioting took place against the Muslim community in Calcutta and Udaipur causing considerable loss of life and property to them.

3. On the other hand the minorities in Pakistan enjoy complete freedom and security of life and property. Communal harmony continues to prevail throughout Pakistan and there is no basis for the Ministry’s assertion that the minority communities in Pakistan are the subject of communal propaganda or are suffering from a sense of insecurity.

The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.
Letter from the Ministry of External Affairs to the Indian Heads of Mission abroad regarding the progress of normalization of relations with Pakistan.

New Delhi, February 8, 1967.

No. PI/103/5/67 8th February, 1967

Dear Head of Mission,

Our Circular letter No.PI/103/27/66 of 25/11/66 explained to you the limited progress made in the implementation of the Tashkent Declaration and drew your attention to the negative attitude of Pakistan which alone stood in the way of further progress. It is clear now – a year after the Tashkent Declaration – that in signing it, Pakistan’s immediate interest was to secure the withdrawal of the Indian forces, the repatriation of Pakistani prisoners of war, the resumption of over-flights to and from East Pakistan and the restoration of full diplomatic relations. Since securing these principal gains, Pakistan has been tardy in taking any additional major steps towards complete normalisation of relations.

2. However, there has been some minor progress of a very limited nature, such as the partial restoration of postal and telegraph services, the re-opening of two out of 51 check-posts, restricted visa facilities, the exchange of two Indian steamers for two Pakistani steamers, etc. Evidently these were the minimal measures that Pakistan was prepared to take in order to create the impression abroad that further steps should be made dependent on progress in regard to Kashmir, lest the Kashmir question should be ignored by default.

3. This is an erroneous impression, because in many vital respects normalisation has not even begun to take place. There still remain wide areas in which progress can be made. We had categorized these areas for purposes of practical discussion with Pakistan and proposed a continuous dialogue with Pakistan on these matters, but unfortunately Pakistan has evinced so far no marked enthusiasm. For example, our offer to re-open trade has been ignored, river transit facilities to and from Assam have been denied, seized properties


have not been exchanged etc. However, only recently Pakistan indicated its willingness to discuss at the technical level the resumption of civil flights and the full restoration of tele-communications, and details are now being arranged through diplomatic channels. It would seem that Pakistan is disposed to discuss only those issues that are clearly in her own interests but not matters which are in our interests.

4. This selective approach to normalisation of relations and the insistence on a Kashmir settlement as a pre-condition have combined to kill the Tashkent spirit in Pakistan, where the Tashkent Declaration is regarded virtually as a dead letter. Indeed Article IV of the Declaration is now honoured more in its breach in Pakistan than its observance, and we have been obliged to lodge several protests against the resumption of anti-Indian propaganda in the Pakistan press. In these circumstances, further steps towards normalisation will become more difficult and dilatory, and the Kashmir question will bring to the fore more often. Pakistan evidently does not share our view that restoration of normal relations could usefully precede discussions on the Kashmir problem. On the contrary, Pakistan seeks to give the impression that it has gone as far as it can to implement the Tashkent Declaration and that it cannot go further for fear of jeopardising its position on Kashmir, unless we first agree to make progress on Kashmir!

5. This self-righteous position is suavely put across with sweet reasonableness by President Ayub Khan with a good deal of earnestness, which apparently carries conviction with some foreigners. His frequent reiteration of Pakistan’s desire for friendly relations with India has a mesmeric impact on foreign leaders, who need to be reminded that ironically enough it was during his regime that Pakistan attacked India twice in 1965 in Kutch and Kashmir. Also the real Ayub Khan comes through occasionally when he is off his guard, as he was during his recent Chatham House when he displayed the same venom and bigotry that characterizes the fanatics in Pakistan. This schizophrenic Pakistani attitude of hating all that India stands for and yet having to co-exist with it creates problems that puzzle and challenge and at the same time appear to be within reach of practical solutions.

6. Another line of propagandas indulged in by President Ayub Khan is that of the injured innocent who pleads before foreigners (a) that India has not accepted Pakistan as a full-fledged sovereign country, (b) that India does not recognise that Kashmir is disputed territory, (c) that India is a big country with vast resources, (d) that India can afford to be generous to Pakistan, (e) that India is over-arming herself at a rate which compels Pakistan to divert more of her resources to defence expenditure with adverse economic consequences to both etc. This is the image of India that Pakistani spokesmen ceaselessly project abroad and at home, which we must vigorously counter.
7. There can be no doubt about our respect for Pakistan's sovereignty, and our legal and constitutional position in Kashmir is beyond question. At the same time in the exercise of our sovereignty over Kashmir we have been prepared to negotiate a settlement, but it is unrealistic (and irrelevant) to expect us to agree that Pakistan has a legal claim to Kashmir. India does not have unlimited resources and its problems are of greater complexity and larger magnitude in relations to Pakistan's. Generosity of spirit there is in abundance in India but there are severe limitations to practical gestures of generosity to Pakistan. Similar gestures in the past seem only to have whetted Pakistan's appetite for more of the same. On the contrary, we are called upon to cope with consequences of the influx of thousands of refugees from East Pakistan – an ever-present problem which imposes the gravest stresses and strains on our resources and equilibrium. Pakistan's past performances and present policies towards her minorities do not inspire much confidence in her generosity.

8. As regards the "arms race" that President Ayub Khan talks about, it is Pakistan that is probably trying to keep pace with us, and so far as we are concerned there can be no question of a race with Pakistan. Our defence requirements must inevitably take into account the fact that we have not only Pakistan to contend with but the very much bigger menace from China. We are not "over-arming" ourselves – on the contrary we are rectifying the defects and deficiencies in our defence which in the past had led two of our neighbours to attack us. Our policy is to improve our defence mechanism so as to deter a potential enemy from committing aggression against us with impunity. At the same time we are naturally anxious to reduce our military expenditure, but it will be suicidal to do so until the relations with our neighbours are normalized and conditions for peaceful co-existence are re-established.

9. While these general criticisms of India have to be met in one way or another it is in regard to Kashmir that we must be particularly careful to counter Pakistan's propaganda, for Kashmir is Pakistan's major political objective. Pakistan has been propagating the line that India is holding Kashmir against the wishes of its people, who consequently have become restive and a liability for India, that India's lost international prestige can be retrieved only through accepting an "honourable" settlement, that Pakistan is ready to hold "meaningful and purposeful" discussions with India, that justice can be done to the people of Kashmir only by keeping the solemn pledge made to them *i.e* through a plebiscite, that once the problem is settled in this manner there would follow an era of peace and plenty in the subcontinent etc. These facile arguments are the more difficult to counter because of their seeming plausibility, but even so we must do everything we can to put across our point of view.

10. What Pakistan means by the above line of propaganda is that it is not prepared to vacate its aggression in Kashmir, or even accept the present cease-
fire line as a basis for a final settlement. The “meaningful” discussions it has in mind relate either to the holding of a plebiscites, or to the acquisition of more territory through negotiations. Evidently Pakistan’s interest is more in the latter than in the spiritual or social welfare of the people of Kashmir. Our position on Kashmir continues to be the same and there is no reason for any change. We have already lost to Pakistan and China almost half the territory of Kashmir that legally is a part of India, and there can be no question of giving up to the aggressor through negotiations what ha has failed to gain through the use of force. A plebscite at this late period is as irrelevant as the churching of legal marriage after 20 years! The UN Resolution had laid down certain pre-conditions to a plebiscite, and if a plebiscite was not held then, it was certainly due to Pakistan’s failure to fulfill those conditions.

11. Why Pakistan cannot allow the present status quo in Kashmir to continue in the larger interests of peace is a question that needs to be posed frequently? It may be that having whipped up so much frenzy and fanaticism over this issue and virtually created a Frankenstein; it has become such a powerful force in internal politics that is not easy for the Government to control it; also Pakistan apparently finds it difficult to stomach the existence of a Muslim-majority state as a part of secular India. Nevertheless Pakistan’s failure to respect the status quo in Kashmir is bound to raise doubts and suspicions in the mind of the Indian people as to Pakistan's long-term aims and ambitions. Such suspicions are not allayed by Pakistan’s propaganda and support for the NAGA & MIZO rebels and Tara Singh’s secessionist views. Thus if Kashmir has come to be the thin end of the wedge for us, it should not surprise anyone, least of all Pakistan. Peace therefore depends on maintaining the status quo in Kashmir and basing on it ground rules for peaceful co-existence between the two countries. But the first step is the progressive de-escalation of the Kashmir problem inside Pakistan, and a beginning in this direction can be made by the Government of Pakistan only if all friends of Pakistan and India were to advise her to do so with all seriousness and candour. The Tashkent Declaration provides the necessary framework for this process.

12. You are doubtless keeping a weather eye open for local Pakistan moves and will acquaint the Foreign Office of the country of your accreditation with our views as and when necessary. It is hoped that this letter will be of some interest and use to you in projecting our points of view.

Your sincerely
(R. Jaipal)

All Heads of Mission.
0502. Letter from the Indian Foreign Minister M. C. Chagla to the Foreign Minister of Pakistan Syed Sharifuddin Pirzada regarding the speech of President Ayub Khan.

New Delhi, February 27, 1967.

We have seen the text of His Excellency President Ayub Khan’s speech at the Pakistan Institute for International Affairs on 28 January in which the President, if I may respectfully say so, spoke eloquently on the need for diverting to the task of increasing the production of food and the necessities of life, the resources that are at present being used by both India and Pakistan on arms and armament. Agreeing with the sentiments of His Excellency the President, the Government of India consider that an earnest effort should be made by the two countries to reach agreement aimed at bringing about reduction in the expenditure on arms in both countries. They suggest a meeting at the level of officials to discuss this important question.

Accept Excellency the assurances of my highest consideration.

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0503. SECRET


New Delhi, March 18, 1967.

Ministry of External Affairs

New Delhi

No.P-V/151/3/67

18th March, 1967.

Subject: The Kashmir Question – invalidity of past U.N Resolutions concerning plebiscite etc. – inapplicability of self-determination in Kashmir

Dear Head of Mission,

Some time ago, the Swedish Ambassador in Pakistan Mr. Finmark, was reported by the Pakistan press to have remarked that Sweden continued to support a settlement of the Kashmir question in accordance with the past resolutions of
the Security Council and the principle of self-determination etc. We have noticed
a tendency on the part of the press in Pakistan to distort the remarks of foreign
dignitaries with the object of reinforcing the impression in the public mind that
the entire world supports Pakistan’s propagandist plea for the application of
the principle of self-determination to resolve the Kashmir question. Beside
Sweden is generally well thought of and exercises considerable influence in
international circles; and we feel that this would be a good opportunity to probe
the Swedes as to what their thinking really is on these matters especially after
Pakistan’s abortive aggression in 1965.

2. Our Ambassador in Sweden took the matter up with the Secretary General
in the Ministry of External Affairs, Government of Sweden. Simultaneously, the
Foreign Secretary had a talk with the Swedish Ambassador here. I enclose a
copy of the record of the talk between the Foreign Secretary and Ambassador
Heckscher for your information.

3. You may find the material in this note useful for your conversations to
counter Pakistan’s propaganda about the continuing validity of past resolutions
of the Security Council and applicability of the principle of self-determination to
Kashmir. The conversation was, of course, confidential and we should not use
its content in such a way as to cause any embarrassment to the Swedes.
Ambassador Heckscher was refreshingly forthright in expressing his and his
government’s views to the Foreign Secretary in confidence. In such use as
you may wish to make of the material in the enclosed note, Ambassador
Heckscher should not be mentioned.

Yours sincerely
(M. Rasgotra)

(Enclosure I to circular letter No.P-V/151/3/67 of 18th March, 1967)

INVALIDITY OF U.N. RESOLUTIONS:
INAPPLICABILITY OF SELF-DETERMINATION IN KASHMIR.

Record of Foreign Secretary’s talk with Ambassador Heckscher of Sweden
on 31st January,

In connection with the reported statement of the Swedish Ambassador in
Pakistan at Sargodha, in which he is said to have remarked that Sweden
favoured a solution of the Kashmir problem in accordance with U.N. Resolutions
and the principle of self-determination for the people of Kashmir, I had earlier
written to our Ambassador requesting him to put our point-of-view across to
the Swedish Government. I had also suggested that Foreign Secretary might
kindly receive the Swedish Ambassador here and explain to him our view-
point, concerning the inapplicability of the principle of self-determination to Kashmir. Ambassador Heckscher met FS at 12 noon on January 31. The meeting, at which I was present, lasted over an hour.

2. FS had barely mentioned the subject when Ambassador Heckscher said that his colleague in Pakistan never made the statements attributed to him by the Pakistan press. The Swedish Ambassador in Pakistan (Finmark) and other foreign envoys in that country were placed in a very difficult position. Pakistani correspondents brought up the question of Kashmir at every conceivable occasion and their remarks or statements were often distorted out of shape to reinforce impression, for the benefits of the public, that the entire world supported Pakistan’s position on Kashmir. Ambassador Heckscher, nevertheless, welcomed the opportunity of having a talk with FS on the Kashmir question generally.

3. FS said that he would not dilate upon the facts of the case as these would be known to the Ambassador. There was much talk in Pakistan about the Kashmiris’ right of self-determination. The principle of self-determination, FS said, is mentioned in Article 1(2) of the Charter of the United Nations in the context of friendly relations and world peace etc., and in Article 55 in the context of stability and well-being which are necessary for peaceful and friendly relations among nations and for economic and social cooperation among nations. Self-determination is, therefore, not an end but a means to an end. A stage has come FS said when all the various ramifications of this principle should be examined, especially as there is a tendency to widen the scope and meaning of this doctrine with the object of seeking its application to linguistic, cultural, religious and other minorities of sovereign states. The Charter, mentions self-determination as a kind of linear scale. Its application to any particular country or situation is a political matter and must necessarily be judged in the light of political conditions and circumstances. The United Nations General Assembly has accepted self-determination as an essential step prior to achievement of independence by a colonial territory. The method could be either a plebiscite or referendum or elections (as in the case of most colonial territories of the United Kingdom). The real question today is to determine the circumstance in which the principle of self-determination should apply and to define the limitations of the doctrine with regard to sovereign States or groups or minorities within sovereign States. In India’s view, FS emphasized, self-determination could not be applied to parts comprising ethnic or other groups: otherwise most States, especially the newly independent ones would become vulnerable to chaos and disintegration. This would be contrary to the spirit and purposes of the Charter which seeks respect for the sovereignty and territorial integrity of members of the United Nations.

4. Ambassador Heckscher said that his country was acquainted with the problem. Sweden comprises minority groups such as the Lapps and the Fins. He
agreed that the object of the United Nations is to bring about a synthesis rather than work towards the disintegration of States. Self-determination had been applied in the past in Europe for the formation of new States but not as between States. He mentioned the case of Upper Silesia (Poland) and of the Saar.

5. Foreign Secretary said that the principle of self-determination was applied in Europe by mutual agreements, for the general reconstruction of frontiers. Self-determination, the Foreign Secretary went on, is a political right which cannot be applied as a mathematical formula. In Europe there were certain favourable, pre-disposing factors such as in the case of the Saar the agreement between France and Germany and more importantly, the general agreement among the people to the application of the principle. There was also the historical background of a certain identity of the Saar; there was no religious conflict involved, the whole population of the Saar being Christian. Thus, where a harmonious set of circumstance coalesce, one may conclude the existence of conditions suitable for a plebiscite. Where, however, there was no such conglomeration of favourable circumstances, the exercise of self-determination was not only unsuitable but positively harmful. Among a group of people, for example, which had a hard minority – religious ethnic or cultural and equally determined majority who did not see eye to eye, self-determination or plebiscite could only become the instrument of suppression of the minority. And this would be against the purpose of the principle of self-determination enshrined in the Charter (example: the Greek and Turkish minorities in Cyprus). In Kashmir, too, the religious division of the population was 70% Muslims, and 30% Hindus and others. If the plebiscite was to be taken because of religious composition of the population – and this was the only ground that Pakistan advanced for claiming that Kashmir should belong to Pakistan – and assuming (even though this is not a very valid assumption) that the people voted according to their religion, then a plebiscite in Kashmir would become the instrument of oppression and suppression of the 30% minority. Therefore, to talk indiscriminately and glibly of self-determination, as was the tendency in the United Nations, was, purely from the point of principle in regard to the application of self-determination, entirely wrong.

6. Reverting to the Cyprus question, Ambassador Heckscher said that the problem there was not really one of self-determination but of the sanctity of a treaty the Treaty of Zurich. What had happened was that Markarios had flouted the constitution to begin with: then the question of Enosis and the minorities etc. had arisen. If it were the question of changing the whole set up, only then would the question of self-determination arise.

7. Going into the history of the question briefly, FS recalled that after Kashmir’s accession in 1947, we had said that we would consult the people. This offer was
incorporated in part III of the UN Commission’s Resolution of 13 August but part III could have been reached only through the implementation of parts I and II. Pakistan created all manner of difficulties and problems in the implementation of the first two parts of the resolution. It refused to withdraw its forces from POK. Pakistan’s violation of the resolution, its non-fulfillment of the obligations placed upon it and the efflux of time rendered the resolution null and void. It was now completely obsolete and could not be revived. As regards the unilateral undertaking for a consultation of the people’s wishes given by the Government of India this was to come after the soil of Kashmir having been cleared of the raider. That condition was stipulated in the UNCIP resolution also. It was only after India was convinced that Pakistan had no intention of withdrawing from POK that she felt that Kashmir’s progress could not be held up and a Constituent Assembly was constituted through elections. The Assembly had finally and irrevocably reaffirmed the State’s accession to India. This was followed by two General Elections, and the third was in the offing. Democratic processes were at work in Kashmir and the Kashmiri people, as part and parcel of the Indian people, were participating in Indian democracy. Dissidents, FS said were apt to say that the elections in Kashmir were rigged, but this is usually said of all election by the defeated parties. Elections in Kashmir were as free and fair as they were in the rest of India. They are conducted in Kashmir by the same election machinery which conducts elections in the rest of the country.

8. FS then said that in 1965 Pakistan had resorted to the use of forces to settle the Kashmir issue in violation of the Charter, in violation of the principle of good-neighbourliness, and in violation of the cease-fire agreement between India and Pakistan. He referred to the Secretary General’s report placing the responsibility for events of 1965 squarely on Pakistan. It was a clear case of calculated, unprovoked aggression. Ambassador Heckscher intervened to say that he was fully convinced of Pakistan’s responsibility for the happening of 1965. The question was FS said, what happened to the resolutions of UNCIP and those of the Security Council which Pakistan brought up from time to time and to which Ambassador Finmark was reported to have referred as a basis for solution of the Kashmir question. When there was a chance of the implementation of the UNCIP plan (resolutions of 13 August 1948 and 5 January 1949) Pakistan prevented our moving forward to part III of the first resolution (consolation of the people’s wishes) by committing breaches of the cease-fire and by refusing to withdraw its forces from POK. We could not now, particularly after Pakistan’s aggression had removed from the field all resolutions of the Security Council; and no longer had they any relevance of validity. The only agreement currently binding on the two parties was the Tashkent Declaration. India has been trying, FS said, to secure full implementations of this Declaration and has taken several unilateral steps in that direction with little or no response.
from Pakistan. So far as Kashmir is concerned, what remains under the Tashkent Declaration is the cease-fire line and nothing else.

9. Ambassador Heckscher did not question thesis and generally seemed in agreement with it. Reverting to Ambassador Finmark’s reported interview at Sargodha, he hoped that we would understand that Finmark and other foreign envoys in Pakistan were subjected to frightful pressures and harassment. India need not pay undue attention to what Finmark was alleged to have said about self-determination or the continuing validity UN Resolutions. He (Ambassador Heckscher) had had discussion with the Swedish Foreign Minister and Madame Myrdal and there was general consensus in all responsible quarters in Sweden that the resolutions on 1948/1949 could not apply today. The Ambassador said: “In Sweden nobody feels that 1948 resolution can apply today. The situation now is just not what it was then. We would have favoured a referendum then; but we do not favour one now”.

10. Ambassador Heckscher said that he had had talks with Jarring recently and Jarring also felt that the idea of holding a referendum in Kashmir was dead, particularly in view of the many changes that had come about in the course of time. Also, what the Kashmiris might now want would be independence. “I do not say that they should have it”, he said, “but I have heard some talks about Kashmir wanting some status like that of Sikkim or Bhutan. A referendum can hardly deal with a complicated situation of that kind”. Without going into legal aspects, he would say that he was convinced that the United Nations resolutions had become politically invalid. He would add, however, that it would be desirable that some agreement be reached between India and Pakistan and such as agreement would involve concessions from both sides, but it would, nevertheless, be desirable that some agreement be reached. FS commented that India had been anxious over the years to come to an understanding with Pakistan but India’s efforts had been frustrated by Pakistan’s presumptions, fantastic demands and generally non-cooperative and intransigent attitude.

11. Ambassador Heckscher concluded by saying that public opinion in Pakistan had been kept in ignorance: it did not realise what, in fact, had happened in 1965. He said: “The whole thing failed ignominiously: if you fail in a design of this kind, you have to pay the price for your failure. The public opinion in Pakistan would have to come to a realization of this sooner or later.”

Sd/- (M. Rasgotra)
OSD (Kashmir)
0504. Letter from the Pakistan Foreign Minister Syed Sharifuddin Pirzada to the Foreign Minister of India regarding proposal for arms reduction.

Rawalpindi, April 7, 1967.

I thank you for your letter dated 25 February 1967, which was handed to me by your High Commissioner in Pakistan, His Excellency Mr. Samarendranath Sen.

We have given careful thought to your proposal for a meeting of officials to discuss the subject of reciprocal arms limitation. We have also had occasion to discuss with your High Commissioner the general question of relations between our two countries. He has, no doubt, conveyed to you our thinking on these subjects.

You are aware of our view that question of arms limitation can be realistically tackled if an effort is made simultaneously to negotiate a settlement of the Jammu and Kashmir dispute, which has been and remains the cause of continuing ill-will and tension between Pakistan and India. It continues to be our view that any approach which ignore the necessity of reaching a lasting settlement of this basic dispute between our two countries would be unrealistic.

The Government of Pakistan have regretted the fact that the continuous optimism expressed on this question in the communiqué we jointly issued at the conclusion of the Rawalpindi Conference last year was belied by subsequent developments. I must also express my disappointment at the fact that discussion held in the last year between our two Governments at various levels have not led to a break in the deadlock. I can assure you that we remain ready nevertheless to enter into negotiations with your Government for the settlement of the Jammu and Kashmir dispute and on other matters including the question of bringing down the strength of forces on both sides to reasonable levels. I have asked our High Commission at Delhi, to take up the thread where it was left. If you consider that more detailed discussions can now be held on these matters, we shall be willing to depute other officials to assist him in these talks.
0505. Note Verbale from the Ministry of External Affairs to the High Commission for Pakistan in India regarding the reported speech of President Ayub Khan.

New Delhi, April 11, 1967.

Ministry of External Affairs
New Delhi


The Ministry of External Affairs, Government of India presents its compliments to the High Commission of Pakistan in India, and has the honour to bring to its notice a news report appearing in the March 27 issue of DAWN, Karachi, about a speech given by H.E. President Ayub Khan at the Diamond Jubilee session of the Anjuman-i-Islam at the Islamia College Hall, Lahore, on March 26. The President is reported to have said, among other things:

“In another two or three decades, the present generations which fought for the achievement of Pakistan against the evil forces of Brahminism would be gone, to be succeeded by those who were born after Independence, and hence had no personal or direct contact with the forces and factors that necessitated the creation of this state………..

The news-report further goes on:

“Recalling the glorious struggle which culminated in the achievement of Pakistan, the President said this was now a part of history, but with the passage of time the picture of the motivating factor was getting out of focus. The generation which was coming of age was born after Independence and having no proximity with the machinations of Brahminism never experienced the immediate impact of the odds their ancestors had to face…………

“The President said the only remedy was that the coming generations should be constantly kept informed as to why the Muslims of this continent chose to fight for a separate homeland and what made them a nation separate from the Hindu majority of the undivided India”.

2. The Ministry is constrained to point out that the above remarks, coming soon after his disparaging references to the Hindu religion at a gathering in London on November 18 1966, are extremely unfortunate, as they have emanated from none other than the Head of the Pakistan State and Government. They denote a deep-seated tendency to malign an ancient religion and philosophy professed by millions of people in India, which is desirous of
promoting friendly relations with Pakistan so that their succeeding generations
may be saved from the scourge of religious bigotry and strife. What is most
distressing is that the President of Pakistan should try to sow in the minds of
the new generations the seeds of hatred against India based on a distorted
reading of history and religion. The Government of India greatly regret that the
President of Pakistan should have felt it necessary to speak in the manner he
did. They hope, however, that wiser counsel would prevail in the long run and
the future generations in Pakistan would be enabled to live in peace and
friendship with India.

3. The Ministry also draws attention to the following statement made by Mr.
S.M. Zafar, the Central Law and Parliamentary Affairs Minister of Pakistan, at
a meeting of the R.C.D. Students Association held in Lahore on March 23,
1967, according to a report in the Pakistan Times of March 24:

“Pakistan is the shield against the evil designs of expansionism that are
hatched in India. In defending Pakistan, we are defending the flanks of
other Muslim countries of the Middle East ——

“Recalling the remarks of President Mohammed Ayub Khan made at a
dinner arranged in honour of His Majesty the Shahinshah of Iran, Mr.
Zafar said, President Ayub emphasized ‘Pakistan did not fight the war
merely to defend her own sovereignty and integrity but the war as much
was fought in the cause of other Muslim countries’.”

4. The Government of India regret very much that Pakistan should choose
to enlist religion as a political instrument in the conduct of its anti-Indian
propaganda in other Muslim countries. Such a policy is bankrupt and is doomed
to fail. There is not another Muslim country which believes that Pakistan is the
self-appointed defender of its faith or its sovereignty.

5. The Government of India cannot but protest against the above-mentioned
utterances of the President of Pakistan and his Minister of Law and
Parliamentary Affairs, as they are in violation of Article IV of the Tashkent
Declaration, and are likely to prejudice the growth of friendly relations with
India.

The Ministry of External Affairs avails itself of this opportunity to renew to the
High Commission of Pakistan the assurances of its highest consideration.

The High Commission of Pakistan in India,
New Delhi

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SECRET

Letter from Acting High Commissioner for India in Pakistan
P..N. Kaul to Joint Secretary Ministry of External Affairs.

Karachi, April 16, 1966.

High Commission of India
Karachi

No. AHC-631/66. April 16, 1966

Subject: Possibility of a Second Round with India.

John Ridley, Special Correspondent of Daily Telegraph, London had been to Kabul recently to cover Chinese leaders’ visit to Afghanistan. He has since left for Siagon for his new assignment there. He had a chat with our Third Secretary (Information) Mr. Motihar and disclosed that from the talks which he had with several people in Pindi and Karachi he got the impression that a second round was being talked about. According to him the possibility of second round materializing is placed around June. Although he said, he himself, was not able to believe that a second round would take place so soon, he was surprised to find the knowledgeable people talking about it again. He felt that Bhutto group was on top and the army also was putting pressure for a show down. He also gathered that Air Marshal Nur Khan was becoming politically ambitious with the support of his uncle Nawab of Kalabagh. He feels that appointment of Lt. Genl. Yahya Khan is indicative of the tough line the authorities might like to pursue. He wondered if with arms and ammunition which Pakistan had acquired from various sources including China she would be tempted to create fresh troubles across the ceasefire line in Kashmir.

2. Our own assessment is that while Pakistan is likely to mount tensions against India she was not likely to launch a military venture in the near future. However, we cannot take chances and must take note of various comments that might be made by knowledgeable people like John Ridley. The possibility cannot be ruled out that keeping in mind that time was operating against Pakistan and India would become even stronger in the years to come the authorities here might be tempted to risk an adventure in the near rather than in the distant future. While remaining calm and hopeful that Pakistan would not risk another conflict it would, therefore, be wise on our part to be ready to face the worst, if it comes.

3. You may like to show this letter to the High Commissioner, if the is still there. This is for the information of all concerned.
0507. Letter from the Indian Foreign Minister M. C. Chagla to the Foreign Minister of Pakistan Syed Sharifuddin Pirzada regarding India – Pakistan Relations.

New Delhi, May 6, 1967.

I thank you for your letter of April 7, 1967 which was brought by High Commissioner in Islamabad, Shri S. Sen, a few days before my departure for a visit abroad.

2. On my return, we have given consideration to Your Excellency’s communication. I was also expecting to know from your High Commissioner in Delhi the details of your ideas in terms of the last paragraph of our letter. We have, however, not heard from H.E. Mr. Arshad Hussain, and meanwhile we find that the texts of my letter of 25 February 1967 addressed to you and your letter of 7 April have appeared in the Pakistan Press. I, therefore, hasten to reply to your Excellency’s communication of 7 April.

3. Our proposal for a meeting of officials to discuss the question of arms reduction by both countries was made in the sincere belief arising from H.E. President Ayub’s speech of 28 January 1967 at the Pakistan Institute of International Affairs, that the Government of Pakistan were as anxious as the Government of India to see a reduction of the mounting burden of armaments in both countries and the diversion of the resources available as a result of such reductions to the promotion of increasing food production and the welfare of the peoples of the two countries.

4. I have read your Excellency’s letter carefully and have come to the conclusion that our simple and straight-forward proposal is not acceptable to your Government. The question of arms reduction is related to a subsidiary
position and is inseparably linked up with what you describe a settlement of Jammu and Kashmir dispute.

5. I must confess to Your Excellency our disappointment at the response of your Government to our proposal. The question of arms reduction by both countries patently stands on its own merits. Any such reduction is good in itself and is bound to have a wholesome effect on the economy of the both countries and to create a better atmosphere all round between the two countries. We are unable to accept the contention that a reduction in arms expenditure can only come about with or after the settlement of the Jammu and Kashmir question. Such a view does not seem to us to be helpful. It has the inevitable connotation that Pakistan is interested in escalating its expenditure on arms for the purpose of achieving its aim in Kashmir. Any such implication is unacceptable to us. It negates the Tashkent Declaration in which both Pakistan and India have pledged to settle all their disputes and differences by peaceful means.

6. The Government of India have stated previously many times both in parliament and outside that we are, without any preconditions or precommitments on either side, ready to discuss all questions between India and Pakistan, including the Kashmir question, at any time and at place mutually convenient to the Governments of India and Pakistan. We firmly adhere to that position and wish to reiterate that we are ready to enter into discussions with your representatives on all matters.

7. I was hopefully interested to learn that it is your desire that the threads should be taken up where they were left last year. We are most anxious that our Governments should start a dialogue and discussion through which alone a peaceful solution of our dispute and differences can ever be reached. Your Excellency will agree that this is the meaning and spirit of the Tashkent Declaration. Since we have not had the pleasure of hearing from your High Commissioner, I am asking our High Commissioner to meet you and to discuss how and where the threads can be picked up again. We are ready to receive a team of your officials in Delhi to discuss questions that either side may wish to bring up. It is also our intention that the meeting between our officials should be on a quiet, continuing and confidential basis and we sincerely wish both sides should try to reach agreement on various matters.

Accept Excellency the assurances of my highest consideration.

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Circular letter from Ministry of External Affairs to Indian Heads of Mission abroad.

New Delhi, June 8, 1967.

Ministry of External Affairs
New Delhi

No.PI/103/5/67. the 8th June, 1967

Dear Head of Mission,

This is in continuation of our circular letter No.PI/103/5/67 of 8th February 1967 in which we had intimated to you the limited progress in the implementation of Tashkent Declaration.

2. The limited progress was in respect of withdrawal of the two forces, exchange of prisoners of war, restoration of full diplomatic relations, resumption of over-flights, re-establishment of only two check-posts out of 51, the exchange of only two of the three steamers seized by each country and restricted visa facilities etc. The relations between the two countries have not returned to normal as was envisaged in the preamble of the Tashkent Declaration. Seized properties have not been exchanged, trade continues to be at a standstill despite India’s unilateral decision to remove all trade embargoes and to return all seized cargoes. Travel between the two countries is still subject to restrictions and communications have not been fully restored. There has been no further progress towards normalisation since then.

3. In the course of the exchange of note between the two Governments last July-October, in which we tried to revive the possibilities of a discussion under the Tashkent Declaration, we proposed a discussion at official level of a wide range of subjects: full restoration of communications in all fields including river transit through East Pakistan, the question of travel between the two countries including travel to the enclaves, full restoration of postal and tele-communications, resumption of trade, restoration of seized properties, etc.; Pakistan’s response was limited: they wish to discuss in the first instance only tele-communications and commercial flights by national carriers and when we pointed out our interest in other subject as well, they suggested that other subjects of mutual interest could be proposed for discussion by either side after the first round of talks was over. If we agreed to limit the subject for discussion to tele-communications and civil air flights, they said they would be willing to send a delegation to India for talks on resumption of civil air flights and would also agree to receive an Indian delegation in Pakistan to discuss
restoration of tele-communications. We have been making efforts to prevail upon the Pakistan Government to have the scope of proposed talks extended to cover the restoration of communications in all its aspects. The final response of the Pakistan Government is still awaited.

4. Our attitude is eminently reasonable and is in line with the Tashkent Declaration, both in letter and in spirit. After all, when there is a conflict over a particular problem, the first step is to re-establish confidence between the parties by restoring normal relations and thereafter in the atmosphere of goodwill to tackle the problem. Unfortunately, the Pakistan rulers, after failing for a second time in September 1965 to wrest Kashmir by force and after signing the Tashkent Declaration in the full knowledge of India’s stand, as explained by the late Prime Minister Shri Shastri to Ayub that there could be no change in India’s position on Kashmir, have been feeding their population with stories of false victories in the September war and thereby generated a new wave of hostility to India – playing up India as the big enemy who wants to destroy Pakistan – a trend which they are admittedly unable to reverse unless they can show a diplomatic victory against India, which, in effect, would mean that India should either agree to a plebiscite in Kashmir or be prepared for a settlement that would give additional areas of Jammu and Kashmir State of which they already illegally occupy more than a third.

5. When the Pakistan President in his address in January 1967 to the Pakistan Institute of International Affairs expressed the desirability of a reduction in the arms expenditure of both countries, in line with our policy to seek every opportunity to effect a settlement of our problems with Pakistan, our Foreign Minister expressing Government of India’s reciprocation of the views expressed by the Pakistan President sent a letter to the Pakistan Foreign Minister on February 25 suggesting official level talks in order to reach an agreement on the reduction in arms expenditure by both the countries. The Pakistan Foreign Minister rejected this proposal on the ground that the question of arms limitation cannot be realistically tackled unless effort is made simultaneously to negotiate a settlement of what he called the Jammu and Kashmir “dispute” which, according to Pakistan Government, is the main cause of continuing ill will and tension between Pakistan and India. (We have sent you copies of this correspondence.) After laying such pre-conditions, he expressed readiness of his Government to enter into negotiations with us for the settlement of Jammu and Kashmir “dispute” and other matters including the question of bringing down the strength of the forces on both sides to reasonable levels. In his reply of May 6, our Foreign Minister pointed out that Pakistan had relegated the arms reduction proposal to a subsidiary position and inseparably linked it with the settlement of the so-called Jammu and Kashmir “dispute”. He emphasized that the question of arms reduction by both countries stood on its own merits.
and such reduction could have a wholesome effect on the economy of both countries and create a better atmosphere. Our basic position that without any pre-conditions or pre-commitments on either side, India was ready to discuss all questions between the two countries including the Kashmir question at any time and at any place mutually convenient to the two Governments was also stressed. The U.S. decision to resume the supply of lethal spares to Pakistan appears to have made Pakistan more bellicose and recalcitrant.

6. On both these issues, viz., talks for normalisation of relations as well as for arms reduction, we are still awaiting Pakistan's final response. But the trend of developments from their side is not encouraging. Pakistan seems keen to revive the Kashmir Question in the Security Council though it does not appear that it has received any encouragement to that end or that the Council will meet to discuss the Kashmir Question in the near future. It is to be presumed that at the Security Council, Pakistan will press for the self-executing machinery for the settlement of the Kashmir question again as it did in September 1965. Pakistani officials have privately indicated to us that without some progress on Kashmir it was nearly impossible for the Pakistani Government to reverse the present policy. Pakistani propaganda for which frequent lead is given by both President Ayub Khan as well as his Foreign Minister is that there should be willingness on our part to enter into negotiations on Kashmir without the settlement of which there can be no peace in the subcontinent and when meaningful discussions or settling the Kashmir “dispute” take place; simultaneously arms reduction and other mutual problems could also be discussed. In effect Pakistan desires that we should resile from our stand in regard to Kashmir. To this end, Pakistan has been doing heavy propaganda that the Indian move for a dialogue was insincere and was only intended to impress the Powers who are interested in peace in the sub-continent. While the rest of the world including the Muslim world spoke appreciatively of the election of Dr. Zakir Hussain as the President of India, Pakistan alone was the exception. The officially inspired newspaper comments were peeved, critical and unfavourable in the face of the big impression created within Pakistan itself – some Pakistanis have courageously expressed their satisfaction in private – the triumph of secularism in India was something that the rulers of Pakistan could not stomach, since they are still wedded to the two-nation theory. Pakistan also appeared to be concerned over the effect of the election on opinion in the Muslim countries, particularly among the Arabs.

7. The recent statement of President Ayub Khan to a foreign newsman that the tension between India and Pakistan is now greater than it was on the eve of the Indo-Pakistani war in 1965 is significant. The statement goes to prove that Pakistan's arms build-up today is much greater than it was during the last Indo-Pakistan war. It is evident therefore, that Pakistan has been able to make
frantic purchases of military hardware from wherever she could get it. (You will no doubt emphasize this warlike posture both to the Foreign Office to which you are accredited as well as in educating public opinion. In this connection please see the editorial in the *Indian Express* dated May 31st, 1967, copy enclosed (not included here)).

8. Our policy is that we should continue to show our willingness to hold talks with Pakistan but such talks should cover the question of restoration of communications in all its aspects and not be confined only to two items in the communications field which suit Pakistan. It is also our view that trade relation should be included within the scope of such discussion and there is no change in our basic policy of readiness to discuss all questions concerning Indo-Pakistan relations with Pakistan. But there have been no indications at all of sincere desire on the part of Pakistan for a détente with India and Pakistan appears to prevent normalisation of relations only in order to keep the Kashmir issue alive and to maintain pressure on India for a solution through the U.N., knowing fully well that India will never agree to negotiate on Kashmir to the satisfaction of Pakistan.

9. The breach by Pakistan of Article IV of the Tashkent Declaration regarding discouraging anti-Indian propaganda continues unabated. Our several protests have not produced any change in the anti-India propaganda and in these circumstances further steps towards normalisation have become more difficult. In this connection the award of decorations to the cities of Lahore, Sialkot and Sargodha have kept the fires of anti-Indian hysteria burning. Pakistani leaders chose these occasions to make false and grave charges against India. The utilization of the World Islamic Congress (MOTAMAR) held in Pakistan in May for propaganda about Kashmir is also worth mentioning.

10. Pakistan has continued violation of Article III of the Tashkent Declaration by consistently inciting Sikhs, Nagas, Mizos and the Indian Muslims, particularly from Jammu and Kashmir, through the Government-controlled press and radio broadcasts. A daily programme called *Punjabi Durbar* is broadcast from the Lahore Station of Radio Pakistan. Its main aim seems to create disaffection among Sikhs towards their country and to incite them to demand a separate homeland for themselves. It is interesting to know that this programme usually starts with a *Path (recitation)* from Guru Granth Sahib (Holy book of the Sikh).

11. Pakistan also utilised without much success the visit of U Thant to Pakistan in early April and the later visits to Djakarta, Moscow and Japan of the Pakistan Foreign Minister for eliciting diplomatic support against India. While it can be categorically stated that U Thant did not respond at all and the Soviet Government did not accept Pakistan's interpretation of the Tashkent Declaration that India was violating it by her unwillingness to negotiate on Kashmir, the Pakistani Foreign Minister succeeded to a limited extent in Djakarta in obtaining
a repetition of the Malik-Pirzada communiqué of November 1966 at Karachi in regard to Kashmir but the Indonesian Foreign Minister has now resisted the use of the term plebiscite in this connection. Pirzada failed in his efforts to obtain promise of arms either from Moscow or from Djakarta. The visit of the Turkish Prime Minister to Pakistan in April was utilised by Pakistan to indulge in extensive propaganda against India. In the diplomatic field, Pakistan has the support of only China, Turkey, Iran, Saudi Arabia and Jordan.

12. As you will have noticed from the above, Pakistan’s insistence on negotiations for a solution of the Kashmir problem, before discussing any other problem relevant to India-Pakistan relations including that of normalisation subsequent to the 1965 conflict, is in effect putting the cart before the horse. But Pakistan is cleverly attempting to carry international opinion with it on the basis that the basic dispute is on Kashmir and once that is solved, all problems between India and Pakistan will resolve themselves. In the context of India-Pakistan relations during the last two decades, it will be noticed that this is a cyclical pattern with Pakistan. She frequently brings up the spotlight on the Kashmir problem after a barrage of heavy propaganda and the systematic working up of Pakistani sentiments; she fervently searches for international support, agitates in international forums including the United Nations and finally attempts a military adventure. Even the failure of two such military attempts does not seem to have made it clear to Pakistan that India cannot be cowed down and forced to surrender Kashmir.

13. As regards talks on Kashmir, the Foreign Minister in his letter to Pirzada has said that the Government of India are prepared for talks with Pakistan on any subject, including Kashmir. This position has been stated in the Indian Parliament before. It should, however, be clearly understood that the Government of India have a very precise basic position on the Kashmir question, namely that the State of Jammu and Kashmir having finally and irrevocably acceded to India, is an integral part of the Indian Union. Therefore, any talks on the Kashmir question will have to be within that basic framework and in the light of the realities of the prevailing de facto situation. We are quite clear that a plebiscite is out of the question and the principle of self-determination has no relevance to integral parts of sovereign States. Officer on Special Duty (Kashmir) has written to you from time to time about the possibility of a debate on the Kashmir question in the Security Council at Pakistan’s instance. We are not anxious for a debate as it is not likely to serve any useful purpose. To the contrary, it may embitter relations and undermine the framework of the Tashkent Declaration, which, for the present, offers the only hope of reconciliation between India and Pakistan leading to settlement of all Indo-Pakistan differences, step by step, peacefully and bilaterally. However, if the Security Council decides to resume discussion of the Kashmir question, the Government of India will state
their position with firmness and finality. This position is that the old resolutions of the Security Council are no longer valid after Pakistan’s second abortive attempt at the seizure of Kashmir by force, that a solution can come only bilaterally between the two countries, and this will have to follow, not precede normalisation of relations between India and Pakistan in an atmosphere of friendliness, goodwill, mutual accommodation and active cooperation in the interests of the people of the sub-continent as a whole. In other words, the Security Council really has no role to perform in this issue any longer and it would be well advised to leave the parties alone to find mutually satisfactory solutions to all their problems and differences.

14. Pakistan’s lack of interest in implementing the Tashkent Declaration, her violations of the various Articles of the Declaration by interference in India’s internal affairs and the scurrilous propaganda which she has been directing against India amply show evidence of a country that does not wish to remain on friendly terms with its neighbour. In contrast to the attitude of Pakistan, India has repeatedly stated that she is willing to discuss all problems including Kashmir with Pakistan without any preconditions or reservations in an effort to normalise relations with that country and to live as a friendly and amicable neighbour. India had strictly adhered to the spirit and letter of the Tashkent Declaration whose observance by Pakistan has been noted only to the extent of its breach of its various articles. Even the proposal regarding arms reduction which found some ready echo in President Ayub’s mind and which could have contributed to the easing of the tension between the two countries and promoted friendly relations is relegated to a place subsidiary to that of the Kashmir question. Therefore, we see that Pakistan’s efforts are to deny normalisation so as to keep the Kashmir issue alive and maintain pressure on India for its solution.

15. I have no doubt that you will keep us informed of the reactions in the countries of your accreditation and of your own efforts to keep the Government to whom you are accredited as well as the public informed of the uncooperative and abnormal behaviour of the Pakistan authorities to whom the problem of Kashmir appears to have become more important than the welfare and happiness of the people of Pakistan as well as the people of India. It is important that there should be no relaxation on your part and on the part of the entire Mission in efforts to educate the Government and the public opinion of the country to which you are accredited in the truth about Pakistan’s utter lack of respect and refusal to implement the Tashkent Declaration.

Your sincerely,

(P.R.S. Mani)

All Heads of Mission.
Note Verbale of the Ministry of External Affairs to the Pakistan High Commission in India regarding the illegal seizure of Inland Water Transport vessels and other river craft.

New Delhi, June 15, 1967.

Ministry of External Affairs
New Delhi

The Ministry of External Affairs, Government of India presents its Compliments to the High Commission for Pakistan in India and has the honour to invite the High Commission’s attention to the Ministry’s Note No. P(PIV)287(15)/66 dated 28th December 1966 and subsequent reminders dated 16th January 1967, 21st February 1967 and 3rd April 1967 regarding the 190 Indian Inland Water Transport vessels and other river craft illegally seized in East Pakistan by the local authorities during the conflict in September-October’ 65.

The Government of India have to state with great regret that while their note and reminders referred to above have remained unacknowledged, it has been confirmed through a statement made by Pakistan Minister of Defense in the Pakistan National Assembly on the 20th May 1967 that apart from putting these vessels and craft to illegal use for various purposes, the Government of Pakistan have auctioned some of them while some have been given to private parties. This arbitrary action of the Government of Pakistan is a flagrant violation of the Tashkent Declaration, by which the two Governments had agreed to return the properties and assets taken over by them. The Government of India would like to impress upon the High Commission once again that all Indian assets and properties in Pakistan are in the nature of a continuing trust and any measures towards utilization, transfer and disposal of these properties and assets are completely illegal and violate all principles of international law and practice.

The Government of India most emphatically protest against these illegal acts of the Government of Pakistan, which are without any moral or legal justification and for which Pakistan must bear full responsibility. The Government of India also declare that they will not recognize any title that Pakistan or a third party may claim to the Indian properties and assets pursuant to these illegal measures. The Government of India once again call upon the Government of Pakistan to restore these Inland Water Transport vessels and craft and also other seized properties and assets of Indian nationals and Indian public authorities to their owners. They would also like to strongly urge the High Commission to impress upon the Government of Pakistan, the immediate necessity of desisting form
proceeding with illegal utilization, transfer and disposal of these vessels and craft and other Indian properties and assets. The Government of India reserve their right to claim full compensation for the loss or damage to all properties and assets of Indian nationals as well as Indian public authorities.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for Pakistan the assurances of its highest consideration.

The High Commission for Pakistan,
New Delhi.

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0510. Letter from Pakistan Foreign Minister Syed Sharifuddin Pirzada to the Indian Foreign Minister M. C. Chagla regarding infructuous expenditure on arms by the two countries.

Rawalpindi, June 16, 1967.

Excellency,

Your letter of 6th May 1967 was delivered to me on 13th May by your High Commissioner in Pakistan.

2. We have given your letter very careful consideration. I am sorry that the Government of India considers the response conveyed to you in my letter of 7th April to mean that Pakistan is interested in escalating its expenditure on arms for the purpose of achieving its aim in Kashmir. Your Excellency will recall that it was Pakistan which first proposed that the armed forces of both countries – and not merely expenditure on arms – should be rounded to reasonable levels on a reciprocal basis. Your Government is also aware that from the beginning it has been our view that discussions on this subject would not be realistic if they were divorced from negotiations to reach a just and honourable settlement on the Jammu and Kashmir dispute. The interpretation Your Excellency has chosen to put on this position is therefore justified neither in fact nor in logic. I am constrained to say that such a polemical approach cannot contribute to the usefulness of the present correspondence.

3. We have taken note of your Excellency’s reiteration of the Government of India’s professed willingness to discuss all questions including Kashmir between our two countries without pre-conditions or pre-commitments. While
doing so, we could not of course ignore the statement of your Prime Minister, Mrs. Indira Gandhi that “the Government of India had nothing to negotiate with Pakistan on Kashmir.” I am bound to say that such a statement, made before your letter could reach me, is not calculated to open the way for the resumption of talks between our countries. Your Excellency’s proposal for unconditional talks on all subjects cannot, in the circumstance, be considered as providing a basis for the kind of purposeful negotiations which would lead to a lasting and mutually satisfactory settlement of all disputes and differences between our two countries. If your Government is in fact ready for a settlement of the Jammu and Kashmir dispute, it is difficult to understand why, as you state in Para 5 of your letter, it is unable to accept Pakistan’s request for simultaneous negotiations on this dispute and on the question of arms reduction.

4. In the absence of a clearer indication of the Government of India’s attitude concerning negotiations on Kashmir, we do not know what useful purpose would be served by meeting between our two countries at any level. By arousing unjustified expectations they may, in fact, have the contrary effect.

5. On a number of occasions we have made it known to your Government that we are willing to deal with such peripheral matters as can be settled to mutual advantage. In this connection, I might recall that as early as February 1966, we made known to you our readiness to resume air services between the two countries on a reciprocal basis. Similarly, we have responded favourably to your Government’s suggestions that steps might be taken to ensure the proper functioning of the tele-communication links between the two countries. Further progress on both matters awaits your Government’s agreement to proceed with them. Our High Commissioner at Delhi, who had not sought to trouble you in the absence of any indication of the Government of India’s reaction to my letter of 7th April, is of course at your disposal for any discussions you may wish to have with him. Your High Commissioner is also welcome to have discussions on these matters with us at any time.

Accept, Excellency, the assurances of my highest consideration.

Sd/-

(Syed Sharifuddin Pirzada)

H.E. Mr. M.C. Chagla,  
Foreign Minister,  
Government of India, New Delhi.
0511. Extract from the speech of External Affairs Minister M. C. Chagla in the Lok Sabha.

New Delhi, July 13, 1967.

Coming to Pakistan, I am sorry to report to this House that, as House knows, notwithstanding all our efforts, relations between Pakistan and ourselves are not good, and all our attempts at implementing the Tashkent Declaration have so far failed. Mr. Madhok said we should not show any appeasement towards Pakistan. I agree. But settling with Pakistan without sacrificing national interests is not appeasement, but statesmanship, and I assure the House that whatever agreement we may arrive at with Pakistan, assuming we do, would not be at the sacrifice of our national interests.

Pakistan should realise that we have no design on her territory. Pakistan should realise that however much some of us might deplore the partition of 1947 we have accepted this as a fact of history, we recognise Pakistan, and therefore it seems to us that there is no reason why Pakistan should increase her armed strength. Against whom is she arming except against us, because she has no other country except India whom she looks upon as her enemy?

But Pakistan’s alliance with China adds a new dimension to our relations with Pakistan. There is no doubt that the two countries are acting in collusion. My colleague, the Defense Minister said the other day that both countries are helping the Naga hostiles, the Mizo hostiles and other rebels and secessionists on our frontiers, and, as I said, this adds a new dimension to our relations with Pakistan, because, let us not forget that China is interested in seeing that there is no settlement between India and Pakistan. She was the only country that denounced the Tashkent Agreement, and she desires nothing more than the fact that conflict between India and Pakistan, or the bad relations between India and Pakistan, should go on.

With Pakistan we have and still have the many common bonds of history, tradition and culture, and, therefore, it is all the more regrettable that our relationship has followed such an uneven course. We, on our part, would certainly like to see the people of Pakistan prosper and progress and to have friendly neighbourly relations with them because, here again, we believe that friendly relations between India and Pakistan would contribute to the strength of both the nations and would help them both to achieve a better life for their people without our attention being diverted to other purposes.
It is for this reason that we welcomed that singing of the Tashkent Declaration and even now, in spite of all the obstacles which we face, that it is implemented. But the House is well aware how difficult this is. The immediate need, we feel, is to heal the wounds caused by the conflict of 1965 and to normalise our relations. This is what we have been trying to pursue with the Government of Pakistan.

The development of mutually beneficial economic and other relationship should not follow the consideration of more tangled political questions but should precede them and should aim at creating a friendly atmosphere. On our part, I should like to say that we shall not miss any opportunity of having a fruitful dialogue in order that such a feeling of trust and understanding is gradually restored and avenues are opened out for better collaboration on various issues.

0512. Note Verbale from the Ministry of External Affairs to the Embassy of Iran in India regarding the Joint Communiqué issued between Iran and Turkey.

New Delhi, July 20, 1967.

Ministry of External Affairs
New Delhi

No. P-V/104(7)/67  July 20, 1967

The Ministry of External Affairs present their compliments to the Embassy of Iran in New Delhi, and have the honour to invite the Embassy's attention to the joint communiqué issued by His Imperial Majesty the Shah of Iran and His Excellency the President of the Republic of Turkey on June 22, 1967 which states, *inter alia*, that concerning the question of Kashmir “the two Heads of the State reaffirmed their belief that this question should be solved in conformity with the resolutions of the U.N. taking into consideration the legitimate rights of inhabitants.”

2. The State of Jammu and Kashmir is an integral part of the Union of India. The rights of the inhabitants of any part of India are no concern of any foreign government, and this reference to “the legitimate rights of inhabitants” of a State of the Indian Union in the said Communiqué amounts to interference in the domestic affairs of India. The Government of India regret it and protest against this reference.
3. The Government of Iran will no doubt appreciate that it is not permissible for any country to pose as guardians and protectors of the rights of the people of another sovereign state. Surely, the Government of Iran would not countenance foreign government offering gratuitous advice as to how they should attend to problems concerning their own people or groups of people in their own country.

4. As regard U.N. resolutions to which the communiqué refers, a perusal of the records of the Security Council will show clearly that Pakistan violated all resolutions on the Kashmir question, which were agreed to by India and Pakistan. These resolutions are, therefore, no longer valid or applicable and the Government of India have amply stated their position in this regard in appropriate forums.

5. As the Government of Iran are aware, India and Pakistan have subscribed to the Tashkent Declaration, which specifically provides for bilateral settlement of all differences between India and Pakistan. Third party intervention in these differences has only aggravated them in the past, and such intervention is hardly likely to serve any constructive purpose in the future.

6. The Government of India, therefore, hope that the friendly Government of Iran will refrain from taking partisan attitudes, which may only encourage the Government of Pakistan to disregard or move away from the provisions of the Tashkent Declaration. The Government of India further hope that the Government of Iran will, on the contrary, urge Pakistan to seek solutions of its differences with India bilaterally in accord with the letter and spirit of the Tashkent Declaration.

The Ministry of External Affairs avail themselves of this opportunity to renew to the Embassy of Iran the Assurances of their highest consideration.

The Embassy of Iran,
New Delhi.

(A similar note was also sent to the Turkish Embassy in New Delhi on the same date)
0513. Note Verbale from the Embassy of Iran to the Ministry of External Affairs replying to its note of July 20, 1967 on Kashmir.

New Delhi, July 24, 1967.

Imperial Embassy of Iran
New Delhi

Ref. No. 2214. 24th July, 1967

The Imperial Embassy of Iran present their compliments to the Ministry of External Affairs of the Government of the Republic of India and by order of the Imperial Ministry of Foreign Affairs of Iran have the honour to state that an exhaustive explanation concerning the subject matter of the Ministry’s Note No. P-V/104(7)/67 dated the 20th July, 1967 was given to His Excellency the Ambassador of the Republic of India in Iran as long ago as the 24th June, 1967 and as they find the protest contained in the said Note to be unfounded, have to return the same to the Ministry.

The Embassy avail themselves of this opportunity to renew to the Ministry of External Affairs the assurances of their highest consideration.

The Ministry of External Affairs,
Government of the Republic of India,
New Delhi.

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0514. Note Verbale dated July 28, 1967 from the Turkish Embassy in India to the Ministry of External Affairs replying to its Note of July 20, 1967.

Turkish Embassy
New Delhi

No. 696-5/67

The Embassy of Turkey presents its compliments to the Ministry of External Affairs and with reference to the Ministry’s Note dated July 20, 1967, No.P-V/104(7)/37, has the honour, upon instructions form its Government, to inform the Ministry of the following:

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The Government of Turkey wishes to state that the reference to the question of Kashmir in the Turkish-Iranian joint communiqué merely indicated the concern felt by the Heads of State of Turkey and Iran during their talks over this conflict as a subject which closely interests the peace and security in the world and the views of their Government regarding this question. Any interpretation going beyond this view does not reflect the intention of this Government.

The Government of Turkey rejects therefore the charges and the protest leveled by the friendly Government of India in the above Note and regrets the way in which the Note was worded.

The Embassy of Turkey avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of the highest consideration.

Ministry of External Affairs
New Delhi– 11.

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0515. Note Verbale from the High Commission for Pakistan in India to the Ministry of External Affairs regarding properties seized by Pakistan.

New Delhi, August 12, 1967.

Pakistan High Commission
New Delhi

No.F.1(40)CSVI/65. August 12, 1967

The High Commission for Pakistan presents its compliments to the Ministry of External Affairs and with reference to the correspondence resting with the Ministry’s letter No. P(PIV)287(15)/66 dated December 28, 1966 has the honour to state that it is entirely wrong on the part of the Ministry of External Affairs to assume that the properties seized in war are in the nature of a continuing trust or that their disposal would violate the Tashkent Declaration. Assets seized during the war become the property of the seizing Government, whose legal right to their disposal is unquestionable. It is true that under the Tashkent Declaration the Governments of India and Pakistan undertook to discuss the question of seized properties. However, no progress has been made in implementing the Tashkent Declaration since the meeting held in Rawalpindi on the 1st and 2nd March, 1966. The blame for this lies entirely with the Government of India who
have gone back on the understanding embodied in the communiqué issued at the end of that meeting and have held up negotiations under the Tashkent Declaration by persisting in their untenable stand on Kashmir.

The High Commission avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India, New Delhi.

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0516. Note Verbale from the High Commission of India in Pakistan to the Pakistan Ministry of Foreign Affairs regarding celebrations of Defence of Pakistan Day.

Islamabad, September 1, 1967.

No. ISL(POL)108/66 September 1, 1967.

The High Commission of India in Pakistan presents its compliments to the Ministry of Foreign Affairs, Government of Pakistan, and has the honour to state as follows:

2. The High Commission notes with regret that the Government of Pakistan will again be celebrating the 6th of September as Defense of Pakistan Day. When similar celebrations were planned last year, the High Commission objected on several occasions to any special observance of September 6, as this was likely to engender ill-will between the two countries and was contrary to the spirit of the Tashkent Declaration. Bearing these considerations in mind, the Government of India has desisted from celebrating August 5th or September 1st.

3. The High Commission views with dismay the fact that extensive celebrations are again planned for September 6th. The High Commission also understands that these celebrations are planned not only within Pakistan but also by Pakistan’s diplomatic and consular missions abroad. The High Commission would again emphasis that such special observance by the Government of Pakistan of September 6, year after year is a further violation of the spirit of the Tashkent Declaration and must make the task of normalising relations between the two countries still more difficult. It would again urge the Government of Pakistan to desist from going ahead with its plans for observing September 6th in any special way.
4. The High Commission of India avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

The Ministry of Foreign Affairs,
Government of Pakistan,
Islamabad.

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0517. Letter from Sheikh Mohammad Abdallah to President Ayub Khan.

New Delhi, September 1, 1967.

In the name of God, Most Gracious, Most Merciful.

c/o Deputy Commissioner
Delhi.

1st September, 1967

My dear Khan Sahib,

May peace and blessing of Allah be upon you!

While giving your views on Confederation in your book “Friends Not Masters,” You have, amongst other things said:

“When Sheikh Abdullah and Mirza Mohd Afzal Beg came to Pakistan in 1964, they too had brought the absurd proposal of confederation between India, Pakistan, and Kashmir. I told them plainly we should have nothing to do with it. It was curious that whereas we were seeking the salvation of Kashmiris, they had been forced to mention an idea which, if pursued, would lead to our enslavement. It was clear that this was what Mr. Nehru has told them to say to us: I do not blame them because they were obviously acting under the compulsion of circumstances but they left me in no doubt that their future was linked with Pakistan.”

In order to keep the record straight I would request you to refresh your memory as to what actually I told you when I met you along with Mirza Afzal Beg, for I find certain discrepancies in your above statement.

We never carried with us any cut and dry proposal for the solution of Kashmir dispute and, to be fair to the late Pandit Jawaharal Nehru, he never forced us to put before you any particular proposal. No, we are not made that way. My sole
purpose in visiting Pakistan and meeting you was to persuade you to agree to a
summit meeting with the Prime Minister of India so that a solution acceptable to
all concerned could be found at the conference table. When asked if I had any
specific solution in my mind I told you clearly that I had none except the one that
erminated from the United Nations and to which both India and Pakistan agreed.
Incidentally I referred to a number of other possible solutions suggested from time
to time by various people and friendly countries. It was in this sequence that
confederation between India, Pakistan and Kashmir was mentioned by me as it
was also being suggested as one of the possible solutions. Of course, this
particular proposal was vehemently denounced by you. Such a solution, you felt,
would encourage forces of disintegration not only in Pakistan but more so in India.
My advice, to you, however, was not to reject any proposal outright but discuss
its pros and cons in a friendly manner at the conference table and convince the
other side that a particular solution would not lead to ultimate peaces which ought
to be the common objective of all. My whole emphasis was that parties must give
up their rigid attitudes and be prepared to listen to the view point of the other side
without attribution (of) motives.

Both India and Pakistan had, unfortunately, got too much involved in this dispute
and, therefore, such a solution only must emerge from the conference table
which the parties could present to their respective peoples as the only practical,
honorable, and just solution under the prevailing circumstances. None should
leave the conference table with a sense of defeat.

You were kind enough to agree to come to Delhi and meet late Pandit Jawaharlal
Nehru but to our misfortune, his sad and untimely death robbed us of this
opportunity.

I hope you are doing well.

With kindest regards.

You’re sincerely,

Sd/Sheikh Abdullah

His Excellency
Field Marshal Mohd. Ayub Khan,
President of Pakistan,
Rawalpindi.
0518. Note Verbale from the Pakistan Ministry of Foreign Affairs to the Indian High Commission in Pakistan regarding celebration of Defence of Pakistan Day.

Islamabad, September 5, 1967.

No I(I)-6/20/66 5th September, 1967

The Ministry of Foreign Affairs presents its compliments to the Indian High Commission and with reference to the High Commission’s Note No.ISL(POL)108/66 dated 1st September, 1967, has the honour to state as follows:

2. The aggression against the borders of Pakistan which occurred on 6th September, 1965, is part of the history of this country but the commemoration of that Day as the Defense of Pakistan Day, is not intended to engender ill-will between India and Pakistan nor has it done so in the past. Ill-will and tension are in fact engendered by the kind of statements habitually made by responsible Indian leaders accusing Pakistan of planning aggression against India.

3. The Ministry of Foreign Affairs is surprised that in a matter which rests entirely within the discretion of the Government of Pakistan, the High Commission should consider it proper to address this Ministry and ask it “to desist” from holding the Defense of Pakistan Day celebrations. The Ministry rejects the High Commission’s Note as unacceptable.

The Ministry avails itself of this opportunity to renew to the High Commission of India, the assurances of its highest consideration.

The High Commission of India, Islamabad.

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0519.

SECRET

TELEGRAM

From : Indembassy, Moscow.

To : Foreign, New Delhi.

MOST IMMEDIATE

No. 678. September 26, 1967

Foreign Secretary from Kewal Singh.

By now you must have seen press reports of speeches of KOSYGIN and AYUB at last night’s dinner in honour of President AYUB KHAN. Full text being sent by bag.

2. In regard to Indo-Pakistan relations both speeches give some indication of the attitude of the two leaders and obvious difference in emphasis. KOSYGIN prefaced his reference to Indo-Pakistan relations by pointing out to the imperialists who often succeeded in setting peace loving states one against another. Everywhere he said the imperialist quarters were trying to sow the seeds of discord and conflict. It was therefore specially important for all peace loving countries to facilitate the preservation and consolidation of peace by cooperation with one another in achieving this goal. He added: “we view from this angle the situation on the Asian sub-continent. Tashkent Agreement confirmed that the ways to solution of existing differences can and must be patiently sought and that the profound community of the interests of the peoples which had struggled together against colonialism can be stronger than the differences and contradictions inherited form the past.” He expressed his conviction that Pakistan-Indian relations can be improved without any foreign interference and that this was in the interest of both India and Pakistan as well as in the interest of peace in Asia. He expressed the hope that the people of these two major states of Asia would live and work in conditions of good neighbourliness and peace. “On our part we will facilitate this in every way.”

3. AYUB did not miss any one opportunity to emphasize to two points against India which will be his main theme when discussing Indo-Pakistan relations with the Soviet leader. He said “we welcome your initiative which led to the Tashkent meeting and look forward to ease of tension between the two countries. We must frankly say that our expectations have not so far materialized. He then referred to the two major factors which vitiated Indo Pakistan understanding:

(a) Dispute over the state of Jammu and Kashmir was the main stumbling block and was a source of serious tension in South Asia.
(b) Indiscriminate increase in armaments and the growing military imbalance in the sub continent is also a danger to peace. (implicit criticism of Soviet defence assistance to India which will be forcefully conveyed during official discussions).

4. Having mentioned the above two factors as impediments to normalisation of relations and danger to peace, he reiterated his commitment (or perhaps paid the usual lip service) to Tashkent Agreement. He said “I would like to take this opportunity to restate that Pakistan remains ready and willing to negotiate with India on all issues in the spirit of Tashkent Declaration. We believe that peace is essential for both countries so that they can build up their economies. You would notice that he has affirmed his willingness to negotiate with India on all issues in the spirit of Tashkent Declaration.

5. AYUB also introduced in his speech the question of non proliferation treaty and referred to the wide area of agreement between Pakistan and Soviet Governments. He warned that “the emergence of a sixth nuclear power should be prevented under all circumstances”.

6. Both leaders referred to growing friendly relations between Soviet Union and Pakistan. KOSYGIN assured his guest that the Soviet Government is fully resolved to further strengthen that friendly ties. He indicated that the talks between delegations would lead to new and useful fields of cooperation. AYUB expressed the hope that the present meeting will lead to further collaboration between economic and technical assistance received from the Soviet Union and assured his hosts that Pakistan has made good use of the economic assistance. He pointed out how the absorption capacity of Pakistan economy had increased and appealed for further economic assistance for the implementation of Pakistan’s third Five Year Plan.

7. Understand from reliable sources that Major General MUHAMMAD HUSAIN and Air Commodore Z.A. CHOWDHURI have also come with Pakistan President.

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0520. Statement of the Leader of the Indian Delegation to the UN and Minister of Defence Swaran Singh in the UN General Assembly in Reply to the Statement of the Foreign Minister of Pakistan.

New York, October 10, 1967.

Members of the Assembly will have noticed that in my statement I did not refer to the India-Pakistan question. My restraint was conditioned by the Tashkent declaration of which both India and Pakistan are signatories. It is therefore all the more regrettable that the Foreign Minister of Pakistan has once again chosen to refer to certain matters which are the internal affairs of India. I have no desire to enter into a controversy with him. I shall simply say that those charges have no basis whatsoever. I repudiate them in their entirety.

I shall now confine myself to some indication of positive approach which I see in the statement of the Foreign Minister of Pakistan. I welcome his statement that Pakistan is prepared to adhere to the Tashkent declaration as a basis for settlement of all disputes between the two countries. India and Pakistan had agreed at Tashkent that relations between the two countries should be based on the principle of non-interference in the internal affairs of each other. They also agreed not to have recourse to force and to settle their disputes through peaceful means. Further, they agreed that the two sides would continue meeting both at the highest and at other levels on matters of direct concern to both countries.

Another important provision of the declaration was the agreement of the two Governments to discourage propaganda directed against each other and, in fact, to encourage propaganda which promotes the development of friendly relations between them.

Ever since the signing of the declaration, India has made several attempts to start a constructive dialogue with Pakistan. Contrary to what the Foreign Minister of Pakistan has stated, the Prime Minister of India has also affirmed more than once our profound desire to have good neighbourly relations with Pakistan. For example, on 5 April 1967 my Prime Minister said:

“We have always stated our point that it is necessary, in fact it is vital, for India and Pakistan to work in co-operation on as many issues and in as many spheres as possible because we share the same problems and difficulties, and we shall certainly continue to make every effort possible to have greater understanding and goodwill with Pakistan.”
On our part, I should like to repeat with all sincerity that India is willing to discuss all disputes -- I repeat, all disputes -- with Pakistan without any preconditions. The Government of India stands by the Tashkent declaration and will patiently wait for a constructive response on the part of Pakistan.

0521. Record of discussions held between the Indian Chief of the Army Staff and Commander in Chief of Pakistan Army amplifying decisions contained in paras 2 and 3 of the Record of the meeting held at New Delhi on September 13-14, 1966.

Rawalpindi, October 25, 1967.

1. In amplification of the decisions contained in Paras 2 and 3 of Record of the Meeting held at New Delhi on 13-14 September 66, the following additional points were agreed:-

   (a) Exchange of information regarding exercises should reach the other side three clear days before the moves for the main exercise take place.

   (b) The information so exchanged, in addition to the time and place, should also include the level of the exercise.

   (c) Information on 'Black-Out' exercises would only be exchanged in respect of towns lying within twenty-five miles of the border/Cease-Fire Line. Such information should also reach the other side three clear days before the actual date of the exercise.

2. In order to prevent avoidable incidents along the Cease-Fire Line/the working boundary as agreed to by the military commanders, local commanders should resort to the agreed methods of solving disputes/disagreements by holding joint meeting at various levels through the good offices of the UN Observers. Para 5 of Record of Discussion of New Delhi Meeting dated 14 September 66 refers.

3. With regard to the Sialkot-Jammu Sector it was agreed that sufficient flexibility be allowed to local commanders to enable them to define that line North of the Tawi on a basis similar to the one followed while establishing the working boundary South of the Tawi as required vide Chiefs' agreement of 13-14 September 66.
4. It was agreed that service light aircraft will be permitted to operate up to a limit of 1,000 meters on own side of the border/Cease-Fire Line as discussed by the two Air Chiefs on 14-15 March 1966. Likewise civil agencies operating light aircraft should also be approached to observe the same limit. In cases of emergency, however, service light aircraft may approach own side of their border beyond the specified limit of 1,000 metres provided the other side has been given a prior notice to this effect.

5. With regard to the vacation of picquet's on the wrong side of the Cease-Fire Line, it was agreed that both sides will vacate such picquets as soon as possible in accordance with the verdict given by the UNMOGIP, except in case of general area Shaqma (NN 9283)/long (NN 9383), where the existing picquets would be surveyed jointly by a team consisting of representatives from the following:-

   (a) Survey of India.
   (b) Survey of Pakistan.
   (c) UNMOGIP.

Such surveys will be carried out from known trig points on both sides of the Cease-Fire Line. The picquets in this area would then be finally adjusted in accordance with the findings of the joint survey team.

6. In continuation of Para 8 of the Record of New Delhi Meeting dated 14 September 1966, and in partial modification of Para 21 of Part III of the agreement between Chief of the Army Staff India and Commander-in-Chief Pakistan Army dated 22 Jan 1966, it was agreed that the level of liaison from the Pakistan side will be as under:-

   (a) DG EPR (Brigadier).
   (b) Sector Commander (Lt. Col).
   (c) Wing Commander (Major).

India will nominate its own counterparts corresponding to the levels mentioned above and intimate their designation/ranks to Pakistan. This will ensure the holding of meetings within 24 hours of any serious incident as already agreed to mutually.

Sd:

General
Commander-in-Chief, Pakistan Army
(A.M. Yahya Khan)
25 Oct 67

Sd:

General
Chief of the Army Staff India
(P.P. Kumaramanglam)
25 Oct 67
0522.  

SECRET

SAVINGRAM

From: Indembsmasy, Paris
To : Foreign, New Delhi

IMMEDIATE

No.82-Sav  October 26, 1967

Foreign Secretary From Ambassador.

We have submitted preliminary report on AYUB’s visit to France in my telegram No.78 dated 22nd October. A copy of the joint communiqué issued after the visit is being sent to you separately.

2. President AYUB Khan’s visit lasted from October 16 to October 20 of which the 16th October was spent in Nice and the rest in Paris. He was accompanied by Foreign Minister PIRZAD. There was a fair amount of build-up of Pakistan and AYUB in the press prior to his visit and considerable publicity was given to the activities of AYUB’s meeting with DE GAULLE and his speeches on formal occasions during his visit. After the visit there have been some editorial comment in the press though the most important papers like Le Monde and Le Figaro have not commented. The visit thus clearly was given importance in the French Press and in French official circles. Many people had thought that AYUB had received warmer reception than some people had expected. On the other hand, AYUB’s visit to France was given considerable importance and publicity in the Pakistani press.

3. In assessing the results of AYUB’s visit to France it is necessary to understand why importance was attached to the visit. So far as France is concerned, it is conscious, much more so than before, of Pakistan’s importance as a large country of 110 millions and as the largest Muslim country. From such awareness arises the desire to have closer economic and political relations with Pakistan. The similarity in the attitude of indifference towards SEATO by both countries, the increasing independence of Pakistan from the U.S., the success of Pakistan’s development plans and its growing relations with the Soviet Union and China, as indeed the closeness of views of the two countries on Vietnam and West Asia have underlined the importance of cultivating Pakistan. The French desire without detriment to its relations with India which it values and is solicitous of maintaining and developing.

4. On the Pakistan side it seems to be a primary objective of its foreign policy to convince the international community, particularly the important powers, of its independence in foreign affairs and of its “non-alignment” despite its
nominal membership of CENTO. It is not without significance that the Pakistan President’s current visits are to the Soviet Union, France and Rumania in that order. Rumania itself is following a policy of non-alignment between China and the Soviet Union, which AYUB himself wishes to do. Acceptance of Pakistan by these countries as an independent minded country following a policy of virtual non-alignment would secure Pakistan respectability and influence in the Afro-Asian and the socialist world. Further objectives of the visit were to secure increased economic assistance and technical collaboration, further purchases of the French arms, and last but not least secure French support for Pakistan against India over Kashmir.

5. It is against this background that discussions took place during AYUB’s visit. AYUB himself had, two private meeting with DE GAULLE at which nobody else was present.

6. According to the French Foreign Office, the visit had not been as productive as Pakistan had hoped. There was a tour d’horizen of the international situation in which both sides found a closeness of views on all important issues. On West Asia there was complete identity of views and Pakistanis were vehement in voicing their condemnation of Israel. The communiqué merely expresses the wish that “conditions permitting to envisage an enduring settlement would come as soon as possible and such an agreement depends in particular on agreement between the principal powers”. However, an elaboration of this very brief statement is contained in DE GAULLE’s banquet speech on the 17th October after their first talk. DE GAULLE said: “So far as the conflict in the Middle East in concerned, like France you hold the view that the fact of starting the conflict is condemnable, that the acquisition of foreign territories by force of arms is unacceptable and that there should be a solution founded on mutual recognition of all the interested States, end of all belligerency, and the establishment of free navigation for all in a region whose political, economic and religious future concerns the whole world.” Incidentally, this appears to have been the first reference in a public statement by DE GAULLE to non-belligerency and to free navigation in association with non-recognition of conquered territories by force of arms.

7. VIETNAM – Though the two sides agreed that no military solution was possible in Vietnam and that the Geneva Agreement of 1954 should be adhered to, the Pakistanis spoke on the subject in a much lower key than they did on the subject of West Asia. The proposal to permit the Vietnamese to exercise self-determination was supported. The communiqué omitted to mention anything about cessation of bombing.

8. CHINA:- There was a general discussion about China. AYUB KHAN explained his position by saying that Pakistan was at the cross roads between
three great powers: Soviet Union, China and India. According to MANAC'H the Pakistanis were conscious of Chinese reactions to their developing relations with the Soviet Union but nevertheless were trying to come closer to the latter.

9. **USSR:** AYUB KHAN expressed his great satisfaction at his visit to the Soviet Union. Apart from his developing a political relationship he disclosed the Soviet promise of economic aid worth $500 millions between 1968 and 1975. The French appeared to be impressed by this as a very definite and significant involvement of the Soviet Union in Pakistan. According to MANAC'H, the Soviet Union was likely to make this aid dependent on Pakistan's maintaining peaceful relationship with India and her keeping away from Chinese influence.

10. **BILATERAL RELATIONS** - Most of the discussions between the French and the Pakistanis related to bilateral economic relations. Pakistan requested French assistance in gaining access for Pakistani goods to the European Common market. AYUB KHAN expressed concern over the British entry into the Common Market saying that in that event Pakistan would suffer an annual loss of 3 million pounds sterling. AYUB pleaded for a special concession for Pakistani manufactures enabling them to gain access to the Common Market countries. He also asked for French assistance to the stabilization of the prices of basic materials and for ensuring greater export of Pakistani manufactured goods.

AYUB KHAN asked for greater assistance for economic development of Pakistan and a larger participation of French enterprise both by way of technical cooperation and investment in Pakistan's industrialization. At his meeting with the Chamber of Commerce he said that Pakistan would like to receive a visit by a group of French businessmen and entrepreneurs towards end of this year or early next year.

He also specially requested for relief in the matter of debt repayment by Pakistan and asked for extension of credits up to 20 years. The French merely agreed to study the request pointing out that these were difficult questions.

The Pakistanis asked for larger credits for Pakistan than $10 millions promised through the Consortium. The plea for increased assistance was based on Pakistan's performance and satisfactory utilization of foreign aid and the disparity between French aid to India and to Pakistan, despite India's alleged poor showing, but the French did not encourage any hope of increase in French assistance through the Aid Pakistan Consortium and according to MANCA'H there was no question of any increase to the French contribution.

11. **PEACEFUL USES OF ATOMIC ENERGY** - Cooperation has been agreed upon between French nuclear authorities and those of Pakistan. A specific subject discussed was French assistance for recovering uranium from
the uranium bearing sands of a river in Pakistan in the Karakoram Mountain, for the purchase of which French would have the first option.

12. Pakistan has requested the assistance of the French Institute of Petroleum to assist in the setting up of a petroleum institute in Pakistan along the lines of the Indian Petroleum Institute and the French have positively received the proposal.

13. **CULTURAL AGREEMENT** – A cultural treaty is being negotiated which would provide for increased scholarships, professor and teacher exchanges and intensification of cultural and artistic activities by both states. As a measure of assistance in technical field, French envisage increase in number of scholarships, especially with a view to helping industrial and agricultural developments.

14. **ARMS** – It is believed that the Pakistanis brought up the question of the arms purchases. Full details of these discussions are naturally not easy to find out. In reply to a specific question, MANACH disclosed that a great deal of discussion had taken place for purchase of arms by Pakistan from France but nothing had been decided. There was a request by Pakistan for easy credit terms to purchase arms. In particular, AYUB KHAN pressed for the purchaser of Patton tanks. This request was denied by the French on two grounds:

   (a) That the Pattons having been provided by U.S., it was not possible to provide them to a third country without first obtaining American clearances. The French were not disposed to ask for such clearance.

   (b) The Minister of Defense, M. PIERRE MESSMER, pointed out that the tanks were in use by the French army and could not be spared, as it would be quite sometime before they could be replaced by AM 30 or other tanks.

15. We believe, that this is only part of the story and that the Pakistanis would not have missed the chance of discussing other arm purchases such as AM-30 tanks, Mirages, missiles, etc. Information regarding any such purchases or request for purchases may take time to filter through to us.

16. **CONCLUSION** – There is no doubt that the broad objectives on both sides have been achieved. AYUB KHAN usually succeeds in making a good personal impact on the Heads of the Government of the countries visited and this visit was no exception. DE GAULLE was particularly amiable and courteous towards AYUB as judged from newspaper accounts and photographs. In his speech at the official banquet, DE GAULLE was lavish in praise of Pakistan’s progress and went to the extent of quoting statistics of national growth, of Pakistan’s agriculture production, industry etc. He also paid a tribute AYUB
KHAN in his reply to AYUB’s banquet speech on the 19th October in the following words:

“You have described to the situation of Pakistan as being that one of the greatest countries of the world which we fully recognise. It confers on you particular responsibilities. You carry out these with dignity and firmness. Your visit is a profound personal souvenir for me because of the lucidity, clear sightedness and I would say of the vigour and courage with which you see your duties and responsibilities as Chief of State and the role of your country. I have been profoundly impressed by it.”

This is obviously a gain to Pakistan and will contribute particularly in the context of the comparable authoritarian political systems prevailing in both countries, to the strengthening of Franco-Pakistan relations.

17. AYUB was also able to confirm that Pakistan was following an independent policy, unhampered by its alliance with the United States. There have been references in the press and in DE GAULLE’s statement and in those made by the French Foreign Office in their conversations with us, that Pakistan’s policies have now changed and that their viewpoints were the same as that France. Thus AYUB seems in France to have repeated his success with the Soviet Union during his recent visit. From a talk I had with Ambassador ZORIN of USSR, it is quite clear that the Russians are now fully convinced that Pakistan’s policies have changed. ZORIN said that there was identity of views between Pakistan, Soviet Union and ourselves on Vietnam and West Asia and that Pakistan was now following sound policies. ZORIN further felt that AYUB’s visit to France would not be contrary to our interests. (It is significant that ZORIN talked of ‘our’ interest instead of Soviet Union or Indian interests. This indicates the measure of Soviet identification with us on larger global issues and must be regarded as satisfactory from our point of view.) From the point of view of bilateral relations, the visit must be regarded as fairly successful and as opening the possibility of increased economic collaboration and cooperation in the field of peaceful uses of atomic energy. There is also likely to be spurt in the development of cultural relations between Pakistan and France.

18. On Kashmir the Pakistanis wanted in the communiqué a reference to the right of self-determination and to a deterioration of the situation. The French did not want any reference to Kashmir. They cited the example of AYUB-KOSYGIN communiqué in which Kashmir was not mentioned. (Incidentally, we have received no copy of this, nor of the report from Moscow on AYUB’s visit.) Pakistanis were, however, insistent and referred to previous communiqué between the French and Pakistan on this subject. The French did not agree to any reference to self-determination or a deterioration of the situation. The phrase ‘peaceful and equitable’ was a French contribution.
19. After AYUB’s private meeting with DE GAULLE on the 17th October, the Pakistanis briefed the press that AYUB had found in DE GAULLE a sympathetic understanding of Pakistan’s position on Kashmir. According to MANCA’H this does not correspond to facts and was evidently put out by the Pakistanis for public consumption. DE GAULLE, who knows the whole problem was non-partisan, indeed in his reply to AYUB’s toast at the return banquet given by him to DE GAULLE, the latter made no mention of Kashmir and Indo-Pak relations in spite of the fact that AYUB had devoted a large part of his speech to expressing himself strongly on Kashmir and India’s intransigence etc. The French were surprised and embarrassed at this and according to MANCA’H, AYUB KHAN “forgot that we have very cordial relations with India”.

20. France’s non-partisanship and Pakistan’s inability to draw France in their favour must have been disappointing to the Pakistanis. They might, however, draw some comfort from the implicit recognition by the French that there exists the problem of Kashmir which must be settled. However, DE GAULLE talked in his banquet speech on the 17th October of a pacific arrangement un jour (one day), and the communiqué emphasizes the importance of solutions bilaterally and peacefully in accordance with the Tashkent Declaration. This corresponds to our position.

21. On the whole, therefore, there was nothing in the visit contrary to our interests. This is an aspect repeatedly emphasized by French officials, and the press while talking of Franco-Pakistan relations has usually spoken also of France’s cordial relations with India. France’s influence on Pakistan as indeed that of the Soviet Union is likely to be beneficial as regards Indo-Pak relations and in some ways should be welcomed by us. Nonetheless, we should not underestimate AYUB’s subtlety and cleverness. His life’s objective as he told the late Prime Minister SHASTRI at Tashkent is to go down in history as the one who brought about a solution of the Kashmir problem; there is nothing to indicate that he wishes such a solution to be no other than Pakistan’s terms which means ultimate union of Kashmir or at least of the Valley with Pakistan. Having failed in the past both by diplomatic means and through use of arms to bring about such a result, he is adopting another tactic, namely to secure the Soviet Union’s and to a lesser extent France’s active interest in the solution of this question. Its growing non-alignment it hopes will give it greater respectability and credibility with these and other countries, and wean away the Soviet Union’s sympathy for India on this issue. AYUB has not succeeded so far in these objectives but he is persistent and somehow makes a deep personal impact on his listeners. We shall have to counter Pakistan’s long term tactics by active diplomacy. We are already pursuing it with the Soviet Union. We have only started it with France. Considerable reinforcement of our efforts hitherto with France is necessary.
0523. Note Verbale from the Ministry of External Affairs to the Pakistan High Commission in India regarding Pakistan’s seizure of Indian properties.

New Delhi, November 21, 1967.

Government of India
Ministry of External Affairs
New Delhi

No.P.II.274/1/67-Vol.II

The Ministry of External Affairs of the Government of India presents its compliments to the High Commission for Pakistan in India and with reference to the correspondence resting with High Commission’s Note No.1(4C)-CS.VI/65 dated August 12, 1967, has the honour to state that it is not clear from their note whether Pakistan wishes to treat unfortunate armed conflict between India and Pakistan of August-September, 1965 as having the status of war. India has all along held the view that a state of war, with all its attendant consequences, did not exist between India and Pakistan during August-September 1965. In any case, even assuming, though not agreeing, that the hostilities had the status of war and Pakistan could have the rights of a belligerent, it is not at all true that “assets seized during the war become the property of the seizing Government, whose legal right to their disposal is unquestionable.” This proposition has no support form the leading authorities on international law, nor does it conform to state practice. And furthermore, it does not appear to be warranted even under the Defence of Pakistan Rules whereunder property may be seized and held not as property of the seizing Governments but for its preservation in contemplation of the arrangements to be made at the conclusion of peace. That the properties and assets taken over by either side in connection with the armed conflict were to be returned and not appropriated, was also specifically provided in Article VIII of the Tashkent Declaration, 1966 in the following words:-

“They (the Prime Minister of India and the President of Pakistan) further agreed to discuss that return of the property and assets taken over by either side in connection with the conflict.”

According, this Ministry re-affirms the desire of the Government of India to discuss the return of property and assets taken over by either side at an early date, and it awaits the response of the Government of Pakistan in the matter.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for Pakistan the assurances of its highest consideration.
0524. Statement by Prime Minister Mrs. Indira Gandhi in the Lok Sabha about the reported flight over Pakistan Occupied Parts of Kashmir by Dr. Kiesinger Chancellor of the Federal Republic of Germany specially in the light of his statement in Delhi that West Germany was neutral in its attitude towards India and Pakistan.

New Delhi, December 8, 1967.

Some time ago, several Pakistani newspapers carried reports alleging that a West German spokesman in Islamabad had said that West Germany supported the principle of self-determination in Kashmir. The Pakistan High Commission in New Delhi also issued a press release on November 28, 1967 and I quote:

“Rawalpindi, November 28: A West German spokesman said here last evening that West Germany favoured the settlement of the Kashmir dispute on the principle of justice and on the basis of self-determination”.

We naturally made enquiries from our High Commission in Islamabad and from the Embassy of the Federal Republic of Germany in New Delhi about the truthfulness of these reports.

Our High Commission in Islamabad has informed us that the statement in the Pakistan High Commission’s press release was based neither on the joint communiqué issued at the conclusion of Chancellor Kiesinger’s visit to Pakistan nor on the statement of any West Germany Spokesman in Islamabad. The Embassy of the Federal Republic of Germany in New Delhi has categorically affirmed that the reported statement was not made by any member of the West German delegation.

We have examined the joint communiqué issued summarizing the results of the talks between Chancellor Kiesinger and President Ayub Khan in Islamabad. The only reference to Kashmir in the joint communiqué appears in paragraph 6 which I shall read out. I quote:-

“The President of Pakistan explained to the Chancellor the situation with regard to Indo-Pakistan relations. In this connection, he expressed
his Government’s concern at the growing military imbalance in the Sub-
continent and reaffirmed his Government’s desire to seek a peaceful
and honourable solution of all disputes with India, including the dispute
of Jammu and Kashmir. The Chancellor took note of Pakistan’s position
and expressed the hope that these disputes would be peacefully
resolved”.

It is clear that the German Chancellor merely took note of Pakistan’s position
and expressed the hope that these disputes would be peacefully resolved.
This is in consonance with the Tashkent Declaration.

Mr. Speaker, Sir, may I now deal with another question. It is about the route
followed by the aircraft carrying the German party.

We have been informed that there was a proposal for Chancellor Kiesinger to
visit Gilgit. This was not accepted. Later, on the 27th November, a sight-seeing
flight to Nanga Parbat and K-2 was planned. As the House is aware, Nanga
Parbat was first climbed by a German expedition. Since then the Germans
have been interested in this mountain. This flight was cancelled because of
bad weather. On the 28th November on their way from Rawalpindi to Lahore,
the West German party was flown to Nanga Parbat and K-2. According to our
information, the West Germans were not told that they would be flying over
Gilgit, Hunza or Skardu and they have assured us that the flights was solely for
purposes of sight-seeing and that it had no political significance.

Hon’ble Members are familiar with the general behaviour pattern of a section
of the press in Pakistan. Every time an important visitor goes to that country,
an attempt is made to distort his statements and actions. I doubt if the world is
misled by such antics.

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Letter from Foreign Secretary Rajeshwar Dayal to Indian Ambassador in Soviet Union Kewal Singh regarding transit route for Indo-Afghan trade.

New Delhi, December 1967.

As you are aware ever since the Indo-Pakistan conflict in 1965 the Indo-Afghan land route via Pakistan has remained closed for the movement of trade and personnel. Under pressure of the Afghans, Pakistan has, however, allowed the movement of Afghan fresh fruit during the season through Pakistan to India. Also there is some movement of Indo-Afghan trade by the sea route via Karachi and by air. The fact still remains that Indo-Afghan trade has been severely restricted because of Pakistan’s refusal to open the land route. Pakistan’s obvious intention is to disrupt traditional Indo-Afghan trade, force Afghanistan to find other outlets for its fruit and dry fruit and thus de-link it from India. We have, of course, from time to time taken up this matter with Pakistan pointing out the unreasonable interference between traditional Indo-Afghan trade but there has been no positive response from Pakistan. We have also asked Afghanistan to take up this matter with Pakistan pointing out that the closure of the land route is not in the interest of Afghanistan. The Afghans have had no success in approaches they have made to the Pakistani authorities in this regard and one has to recognise that Afghans will not force the issue to a point where their own immediate interests are affected. Incidentally, the Afghans have promised to take up this matter again if and when a Pakistan Trade Delegation visits Kabul.

2. During the visit of this Trade Delegation one of the matters that will be discussed is the question of transit facilities through Afghanistan for PAK-USSR trade by the new road links which have been built. Afghanistan is keen that the road net-work is used for such trade as this could give them the necessary resources through transit dues and taxes to pay for the maintenance of the expensive highways. Even otherwise Afghanistan would like to become an important link for trade of this region. The USSR is apparently not averse to such a development as it would help their own politico-economic interests. As a matter of facts there have been recent press reports saying that Pakistan and the Soviet Union are at present working out ‘technical details’ for the opening of the land route via Afghanistan and that the USSR had initiated negotiations with Afghanistan in this connection. The Afghan Foreign Office, has, however, told our Embassy in Kabul that the report regarding Afghan USSR negotiations in not true.

3. As you know a proposal had been made in 1966 by the Afghans for holding a conference on trade and Transit to be attended by the USSR,
Afghanistan, Iran, Pakistan, India and Turkey. The proposal could not make headway because Pakistan did not agree to India's participation. However, if Pakistan Afghan-USSR trade develops as indicated above it would mean one step, and a major step, in Afghanistan achieving the objective which it had in holding the conference. It was in this context that during the Prime Minister’s visit to Moscow in October this year we had suggested that P.M. may like to discuss with Soviet authorities the possibilities of holding the regional conference suggested by Afghanistan with India’s participation. Unfortunately, during the short time that P.M. had in Moscow she was not able to discuss this matter. I am attaching herewith a copy of the brief prepared for P.M. in this connection (not included here).

4. We should be grateful if you could take up this matter with the Soviet authorities and let us know their reaction. It is obviously in our interest not to allow a situation to develop in which India is excluded from regional trade with this area and consequently limit its political influence.

With kind regard,

Yours sincerely

(R. Dayal)

Shri Kewal Singh,
Indian Ambassador, Moscow.

0526. Note Verbale from the Ministry of External Affairs to the Pakistan High Commission in India regarding seizure of properties of the minorities in East Pakistan.

New Delhi, January 8, 1968.


The Ministry of External Affairs of the Government of India presents its compliments to the High Commission for Pakistan in India and has the honour to state that numerous cases of forcible occupation of properties belonging to minorities in East Pakistan have come to the notice of the Government of India. It is further understood that under the Defense of Pakistan Rules, all lands and buildings belonging to non-resident owners (minority community) have been vested in the Deputy Custodian of Enemy Property, Dacca that all transfers of lands/buildings so vested in the Deputy Custodian by sale, exchange, gift, will
mortgage, lease or sub-lease or by any other manner have been declared null and void and that the properties of migrants including lands and buildings, etc. have been declared as “Enemy Property”. The Government of India strongly protests against such action of the Government of Pakistan.

The Government of Pakistan would agree that the interests of the minority community in East Pakistan have always constituted a different aspect and specific agreements have been entered into by India and Pakistan to safeguard them. With this end in view the Prime Ministers of India and Pakistan signed an agreement on the 8th April 1950, agreeing that each country shall ensure to the minorities complete equality of citizenship and full sense of security in respect of property. This Agreement lays down, inter alia, that right of ownership in or occupancy of the immovable property of a migrant shall not be disturbed. This Agreement has gone to the extent of protecting the ownership of all immovable property of a migrant even if he decides not to return to Pakistan and the ownership of all his immoveable property shall continue to vest in him.

It will be recalled that the above Nehru-Liaquat Agreement of 8th April, 1950 was specifically entered into in order to infuse confidence in the minds of the minority community in East Pakistan so that they can live in their own country with a sense of security and honour.

The application of the Defense of Pakistan Rules to the properties of non-resident owners as well as the forcible occupation of the properties of the minorities nullifies the spirit of the Nehru-Liaquat Agreement of 1950.

The Ministry would also take this opportunity to remind the High Commission of the two countries’ obligations undertaken in the Tashkent Declaration of January, 1966, to take measures to implement the existing agreements between India and Pakistan.

In view of the above, the Ministry would request the High Commission to take effective steps to return all properties and assets to the minorities of East Pakistan which either belong to the non-resident owners of the properties in Pakistan or to the minorities who are still living there.

The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

High Commission of Pakistan,
Chanakyapuri,
New Delhi

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0527.  

SAVINGRAM

From: Foreign New Delhi.
To: All Heads of Mission.

IMMEDIATE

No.0559-SAV.  January 18, 1968.

Pakistan has been describing events leading to expulsion of OJHA from Dacca as “Agartala conspiracy” to ‘bring about secession of East Pakistan’. Their apparent motive is to divert attention from a serious problem of internal disaffection in East Pakistan by describing it as “planned instigation” for secession with the “involvement of Indian army officers and diplomats”. We have already sent you by morsecasts/press telegrams our rejection of Pakistan protests in this connection.

2. We must counteract this false Pakistani propaganda but it would depend upon the extent of publicity that the event continues to receive in the country of your residence/accreditation.

i. Whenever Pakistan has faced serious internal problems, the tendency has been to involve India so as to distract people’s attention from genuine local discontent.

ii. There has been a gradual build up of the autonomy movement in East Pakistan as well as the organisation of both political parties opposed to the AYUB regime in the form of a Pakistan Democratic Movement for the restoration of the democratic system and rights. The charge of Indian involvement is to draw away public support from this movement.

iii. In view of the wide disparities between the two wings, there is growing discontent among the East Pakistanis.

iv. Initially, arrests were made on December 10, 1967, for what was described then as an attempt by “certain anti-national elements” to create a “law and order situation”. The story of alleged Indian involvement was as evident after-thought which took a month to crystallize.

v. Alleged Indian involvement has been claimed on the basis of reported confessions of arrested people. In a writ petition before the Dacca High Court on behalf of KAMALUDDIN AHMED and SULTANUDDIN AHMED, it was revealed that the denunciates were subjected to brutal tortures to extract signed confessions.
3. The repressive measures taken by the Pakistan authorities indicated that:
   a) the affair must have been serious enough to cause worry to the Government;
   b) the prevailing mood of frustration and resentment smouldering in East Pakistan burst into violence;
   c) the Pakistan Government will exploit the situation to silence opposition parties in East Pakistan.

4. A Pakistani Government Press report of January 6 said that the case against the plotters is expected to go for trial soon but we do not know if the trial will be public.

5. The above information should help in rebutting any false propaganda against India in connection with the affairs.

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0528. [SECRET]

TELEGRAM

From : Dyhicomind Dacca
To : Foreign, New Delhi.
Reptd : Hicomind Isamabad.

MOST IMMEDIATE


Mani from Guha.

Reference Pakistan Home Ministry’s press note 18th January. Our comments are as follows.

(i) For the first time the plot has been officially described as Agartala Conspiracy Case. This confirms the Government of Pakistan's determination to implicate India and also indicates the direction from which charges against India may be levelled.

(ii) Since detained persons have been arrested under Army Navy and Air Force Acts the possibility of open trial seems to be remote. Moreover it appears the whole case will now be dealt with by the Central Government. It also betrays their distrust of East Pakistan officials as well as politicians.
(iii) By involving Sheikh MUJIBUR RAHMAN in the “planning and guidance of the conspiracies” the Government seeks to root out autonomy movement. MUJIB had come to personify the constitutional demand for autonomy by launching six-point movement. Autonomy will be a dreaded word after its chief protagonist has been charged with treason in collusion with India.

(iv). By saying that Sheikh MUJIB “is also among the arrested persons” the press note 18th January hints that others besides 28 persons named earlier have been arrested.

(v) The main elements of the case as they now appear seem to consist in the conspiracy inspired planned and guided by Sheikh MUJIB with the help of some officials and armed forces personnel as well as party-men who established contact with Indian accomplices in Agartala with the help of this mission. It may be recalled that in 6th January press note OJHA was accused of helping Pakistanis to leave the country.

2. Suggest that for propaganda purposes we plug the line that a democratic and constitutional demand has been turned by dictatorial methods into a conspiracy. This marks a new stage in official reprieve of all democratic movement in East Pakistan. This may also be seen as preparation of ground for Presidential election which is due towards the end of 1969

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0529. TOP SECRET

Letter from Joint Secretary Ministry of External Affairs PRS Mani to Indian High Commissioner in Pakistan S. Sen regarding expulsion of Ojha.

New Delhi, January 20, 1968.

P.R.S. Mani,
Joint Secretary (Pak).

No. 31/520/no/68. January 20, 1968

Ojha returned and both Foreign Secretary and I have talked to him. We are convinced that there is no basis whatsoever to the fantastic charges levelled against him. His expulsion was no doubt intended to cover up the genuine
disaffection in East Pakistan by trying to show that there was a foreign hand in the affair. The allegation that Ojha had something to do with the conspiracy was made as long as a month after while the conspiracy itself was unearthed a day or two before the date on which the plan was to have been carried out. Some of the accused persons have apparently been tortured and made to sign statements involving Ojha. We have also noticed in this connection the *Dawn* of 10 January which confirms what President Ayub Khan had told you (after the discovery of the conspiracy) that he would like the talks to go on.

2. The charges made against Ojha were grave and the only manner in which we could react to it was as we did. In our opinion our prompt and speedy action has to a considerable extent put Pakistan’s efforts in this direction on the defensive. Ojha’s own view was that the Pakistan effort at involving him was due to: (i) their desire to cover up activities of their own officers in India as well as their financing and aiding the Naga and Mizo resistance; (ii) unnerved by the growing momentum of the autonomy movement in East Pakistan, Ayub’s Government was keen to discredit the Awami League and NAP leaders whom he had described already as ‘secessionists’. Governor M. Khan had also characterised those demanding autonomy as under instigation from across the border. The Pakistan authorities found the opportunity too good to be missed for involving the Government of India and thereby discrediting the opposition leaders in East Pakistan. One of the allegations made is that large sums of money were paid to the treasurer of the Chittagong district Awami League. No sensible person will ever believe that if such a movement is to be financed it will be done through a member of the minority community in the condition prevailing in East Pakistan. Moreover, Chaudhary does not hold a key position in the party hierarchy.

3. About M.M. Ahmed, you may recall on one of your visits to New Delhi I had mentioned that an important link between the Pakistan High Commission and the Plebiscite Front in J&K, Ghulam Mohd. Badharwahi had been arrested in August 1967. This man who had been in contact with Raja Arshad in the Pakistan High Commission had been regularly receiving money and guidance for subversive activities in Kashmir. M.M. Ahmad took over from Raja Arshad. Some revolvers were also supplied. M.M. Ahmad was also the authority guiding the work of Wahiduddin who had earlier expelled from India. The activities of M.M. Ahmad had been known to us for some time but we had wished to avoid taking any action till the false charges against Ojha.

4. The above is entirely for your personal background and since the arrested man in Srinagar may be brought to trial sometime, it will not be advisable to reveal any of the details. Also in the delicate political situation that now exists following the release of Sheikh Abdullah, we are naturally anxious to avoid
developments not conductive to the normalization of relations between the two countries.

Yours sincerely

( P. R. S. Mani )

Shri S. Sen,
High Commissioner of India in Pakistan,
Islamabad.

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0530. Letter from Pakistan President Ayub Khan to the Chairman of the USSR.

Rawalpindi, January 20, 1968.

From: Field Marshal Mohammad Ayub Khan, N. Pk., H. J.

Dear Mr. Chairman,

I thank you for your message of greetings on the occasion of the 2nd Anniversary of the signing of the Tashkent Declaration.

2. I recall with pleasure the days we spent in the beautiful and hospitable capital of the Uzbek Republic and also the sense of hope with which the Tashkent Declaration was signed. It is with regret that one must admit, nevertheless, that the hopes aroused by the Soviet initiative and the signing of the Tashkent Declaration still remain to be fulfilled. If progress has been halting and has, at times, received serious set-backs, then it is necessary to go to the root of the prevailing discord and ill-feeling between the two countries. It goes without saying, of course, that the two neighboring nations must base their relations on the principle of respect for each other’s territorial integrity and independence. I am sorry to say that certain recent occurrences have aroused serious misgiving in Pakistan on that score.

3. I shall not burden this letter with a repetition of Pakistan’s position on relation with India. Your Excellency is aware that Pakistan is anxious for the settlement, without exception, of all disputes and differences with its Indian neighbour. I have repeatedly said that we are prepared to adopt any approach on the matter which is reasonable and sincerely intended to lead to such a
settlement. In that spirit, we have not been unwilling to take up such matters as can be settled to mutual benefit. It serves no purpose however to deny that the unresolved dispute concerning the future of the State of Jammu and Kashmir remains the crux of relations between Pakistan and India. It is our belief that an honourable settlement of this dispute will not only meet the Kashmiri peoples’ demand for justice but will put an end to the perpetual instability in this region.

4. Mr. Chairman, the close and continuing interest taken by the Soviet Union in peace and friendship between Pakistan and India is understood and appreciated by the Government and the people of Pakistan. We have no doubts that the influence which your great country wields, will be used to further this purpose. I can assure you at all times of Pakistan’s sincere co-operation in this task.

With warm personal regards,

Sd/-
Mohd. Ayub Khan

His Excelency Mr. A.. Kosygin
Chairman, Union Of Soviet Socialist Republics,
Moscow.

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0531.  
TOP SECRET

Letter from Deputy High Commissioner for India in Pakistan to Foreign Secretary Rajeshwar Dayal on his meeting with Z.A. Bhutto.


My dear Foreign Secretary,

Last night I met Mr. Bhutto at a farewell reception by the Cuban Charge d’affaires: Bhutto and his wife came in at the fag end of the party and I suggested that we might meet later at the Sind Club. I said that I had not made any efforts to see him recently because I did not wish to embarrass him. He said that he would always be happy to see any of us; he was not, in the least, worried about the consequences.
2. He was looking rather tired and drawn and when I remarked upon this at the Club, he said that he had been extremely busy, touring and addressing meetings in various parts of West Pakistan. He said he was amazed at the number of people who turned up at his meetings and the evident enthusiasm of his audiences as well as their affection. He said he was confident that he would receive the same acclaim in East Pakistan where he intended to go later. He continued that President Ayub had no real support in the country and was, in fact, a man with feet of clay. He was extremely bitter about Ayub and said that the man was not to be trusted. He then went on complain about hostility towards him in India. “You have treated me very badly” he said. I said I did not know how we had treated him badly: we were hardly in a position to do so. He said “No”; our papers and criticism of him were extremely hostile. This I said was hardly unexpected in view of the attitude that he had always adopted towards India and which he continued unchanged. He said that we were quite wrong in thinking that he was hostile to India. We should read his speeches and utterances carefully and read between the lines. We would then find that there was no basic enmity in him towards India, he had lived in India for several years and had many good memories of it. The two countries, he said, had a great deal in common and should settle the Kashmir dispute. This was the only way for the two countries to avoid being exploited by third parties. The Kashmir issue, he felt, could be settled, but he did not think that Ayub could do so as he had neither the guts nor the imagination for this task. When he was Foreign Minister, Ayub would always say to him “now you go and talk to the Indians- I cannot”. In fact he, Bhutto, was the only person who could settle the matter and we were very mistaken if we thought that Ayub was the only man to talk to in Pakistan. I said I was very happy to hear that he was not hostile to us and agrees that we must settle all outstanding issues. I asked him whether he had any concrete suggestions regarding the settlement of Indo-Pakistan problems, particularly, as regards what he described as the main issue namely, Kashmir. He said he would not, at this stage, spell out any concrete suggestions.

3. The above is a summary of what Bhutto said. As usual he was extremely affable and voluble and, in fact, apart from a few interjections on my part, Bhutto maintained an intense monologue. It would be easy to dismiss him as a frustrated megalomaniac and this may, in fact, be a correct description of him today. On the other hand, there is no denying the fact that he enjoys certain popularity in this country and has to be watched. He is clever, has means and an attractive personality when he wants to be pleasant. There has been very little in the papers about his tours and the speeches that he has made pointing out the contradictions between his present and past stands. I hope to get some more information as regards the success or otherwise of his tours in due course. Many would agree with his assessment that Ayub has little popular following but few would do so with regard to his statement that Ayub has feet of clay.
Even though very little has appeared about his speeches, it is evident from them that Bhutto has no clear ideas about anything, much less Kashmir; hence his failure to put forward any concrete suggestions. Most responsible persons and politicians do not regard him as a serious political figure: this may very well be true but their assessment could also be coloured with a certain amount of jealousy of a young man who has had a colourful and eventful career. We could not talk very long as Bhutto had to go away for dinner and he said he would like to meet again. If and when this occurs -- and I have had no talk with him for months -- I am sure, he will have some more interesting things to say. What really intrigues me is as to why he should have gone out of his way to establish his “non-enmity” towards India. Nor do I understand why he so readily agreed to talk. One reason may very well be that he is completely unsure of himself and seeks reassurance. Some time ago, when I had met him casually at another party, the only question he asked me was, what was the assessment diplomats had about him: he was sure that we had a very good assessment about the situation in Pakistan. He again asked me this question and I gave the same answer namely, that he was in much better position to judge, particularly as compared to me, as contacts of Indian diplomats were severely circumscribed.

Yours sincerely,
(U. S. Bajpai)

Shri Rajeshwar Dayal,
Foreign Secretary,
Ministry of External Affairs,
New Delhi.
Letter from High Commission of India in Pakistan to the Ministry of External Affairs regarding Pakistan’s relations with China.

Islamabad, April 4, 1968.

No.ISL(POL)104/7/68. April 4, 1968

Please refer to your D.O.No.12/1188/NGO, dated March 19, 1968, regarding the paper you are preparing for Tehran on Pakistan’s relations with China. In my view, the only point that can be emphasized with credibility is that, whether Pakistan is alive to Chinese global designs or not, she tolerates or condones certain Chinese actions only in her immediate short-term interest. She is, as it were, saving her skin for the present oblivious of the fact that such Chinese actions can in the long-term spell danger not only to herself but to other parts of the world. I come to this conclusion from the following very brief note on Sino-Pakistan relations.

2. Pakistan’s attitude towards China has been expounded in the President’s book. Pakistan regards her as the great Power of Asia and it is the President’s attempt to walk a triangular tight rope between the United States, the Soviet Union and China, and to establish a series of “balancing equations”. In my view, the relationship is, for one thing, born out of fear. Pakistan must keep on good terms with this power of almost immeasurable potentialities. For another, it pays dividends. China can to some extent be used against India, Pakistan’s hostile neighbour. The Chinese lever could in certain circumstances be used to thwart American or Soviet pressure. Ayub also emerges as the statesman who can talk to both East and West.

3. What is the Chinese attitude towards Pakistan? In my view, the Chinese attitude at the present moment is governed solely by a question of tactics. I think the Chinese know that today they cannot supplant America in Pakistani favour. The Americans hold the economic strings, let alone the fact that the regime, by its background, its nature and for reasons of sheer survival will, if forced to the choice, choose America rather than China. It is, therefore, the Chinese policy to harp upon the gratitude Pakistan owes them from the time of the Sino-Indian conflict and to profit from the mistakes made by others. The Chinese can afford to wait. They also have their hands full at the present moment.

4. What has all this meant in practical effect? Pakistan is notably reticent on happenings within China. Take, for instance, the Cultural Revolution. Pakistan press reporting has been noticeably muted on the outrages that
accompanied the movement. There has been nothing, or scarcely anything, on the desecration of mosques and the vilification of *Ulema*. On other matters which are a source of pride to the Chinese, Pakistan has followed the Chinese line or, at any rate, taken good care not to condemn the Chinese. Take, for instance, China’s nuclear explosion. After shouting themselves hoarse about the possibility of an Indian nuclear bomb, the Pakistanis only praised the Chinese achievement. It should, however, be noted that on the last occasion the Pakistani acclaim was not as much as might have been expected, although that feat of an Asian Power in coming close to Western achievements was commended. Thus, the sacrilege of Islam finds no condemnation by the State which tiresomely boasts its Islamic being; the possession of the ultimate weapon by the Power which avowedly does not fear a nuclear holocaust in not admitted as a cause for apprehension. The implications of such Chinese actions are not discussed in the open here.

5. The Chinese, while playing their waiting game, are content, with one qualification to which I shall come later, to make their presence known within Pakistan. Thus, the Pakistani market is flooded with incredibly cheap Chinese toys, pens and such like articles. All Chinese delegations and visitors remind Pakistan of Chinese solidarity with Pakistan and of China’s strength. In world-councils, such as the Afro-Asian solidarity Organisation, China and Pakistan collaborate against India, thus weakening the voice of the developing nations. On Indo-Pakistan problem Chinese propaganda echoes Pakistan’s. Similarly Pakistan propaganda echoes China’s as, for instances, on the happening on the Sikkim border last year, or on happening within India, for example Naxalbari, although it is my impression that Pakistani propaganda is less assiduous in its imitation of the Chinese. Instances of Sino-Pakistan collaboration are too well known to you for me to repeat them here. The implications are obvious: Because of her differences with India, Pakistan collaborates with China in running down the one non-aligned developing state in Asia which stands up to the Chinese. How then do states which fear the Chinese view this? What will be the attitude of Pakistan when Chinese eyes are turned upon them? And what will happen to Pakistan herself if India were meekly to succumb to Chinese blandishments? In undermining the Indian buttress, is not the Pakistani regime undermining its own fortifications? Opportunism, after all, forms part of the foreign policy of any country and in my view to criticise opportunism as such would cut little ice; but opportunism regardless of, or contrary to, long-term interests is a different matter.

6. The qualification is that in East Pakistan the Chinese do not merely wait upon time for their influence to be felt: there is probably a more positive effort to create nuclei of Chinese supporters, whether in people or in institutions. For instance, the National Awami party is split into the pro-Chinese and the pro-
Moscow group; and in Bhutto the Chinese find a ready echo of their sentiments. The training of Pakistani army units in East Pakistan offers perhaps another nursery for the implanting of Chinese seedlings. The Sunday Standard of India reported recently that the Chinese were behind the East Pakistan conspiracy. What truth there is in this, I do not know; but some East European diplomatic here view this theory with great skepticism: They say that Pakistan is China's one friend in Asia today and the Chinese will not be so foolish as to provoke even her at the present time.

7. There are obviously some practical results in the economic and defence fields. The Chinese contribution to Pakistan's Third Five Year Plan runs at Pak Rs.200 million, and the Chinese are building an industrial complex at Taxila. However, there are rumours that no progress had been made in building the complex because the Chinese have not kept up with their promises. In any case, the Chinese economic aid pales into insignificance against the American contribution; and the Pakistan armed forces are by no means dependent upon the Chinese as yet.

8. In my view, it is the regime's policy to see that Chinese influence does not get out of hand. It is, for instance, noticeable that when Pakistani delegations visit China, they pay the usual praise to Mao's leadership, Chinese achievements and so forth, but they maintain silence on issues such as Vietnam and sometimes even on colonialism, Western imperialism, etc. The attitude of the regime is shown in a number of little ways. We are told, for instance, that the Chinese Embassy had had to protest verbally to the Foreign Minister on the confiscation of Mao badges. We are also told that the Pakistanis vetoed a Chinese proposal for the induction into Pakistani territory of a large number of Chinese technicians for building a road from Gilgit. Even some of the performances of the "East is Red" dance troupe were marred by rudeness from the audience, and some would have it that this was inspired. Government spokesman make speeches time and again claiming that socialism is not for developing nations. There is no consorting with Chinese Embassy personnel here and they are, in fact, held at arm's length.

9. However, whatever limits the regime might impose, the fact is that the Chinese influence can grow, insidiously, almost imperceptibly, so long as the regime goes along with China and is willing in its public stances to close its eyes to what we regard as her true colours. Some East European diplomats think that a number of journalists even in West Pakistan are much taken by Chinese influence. China also has the obvious attraction to the youth of a closed society in search of a radical call. Given its set-up, there is very little that the regime can do about this sort of urge; and, as the regime goes along with China, depicting her as the one staunch friend who stood by Pakistan in
her moment of peril, and who stands in the way of the Soviet-American build-up of India, so in equal measure is the attraction of China likely to increase. Apart from actual steps towards subversion, it is this sort of attraction which the Chinese must count upon for playing its part when the time is ripe. The regime must counter the spread of Chinese influence by progress, stability and religion; but this has its own limitations which can be seen in the question: Which is the greater threat to the Ayub regime, the Right or the left?

10. I do not know whether what I have said above is of any help to you in your paper for Tehran. On reading this letter I feel the important points that might be borne in mind are, firstly, it is no use depicting Pakistan as already being within the Chinese net because I think nobody believes this; and secondly Pakistan colludes with China in order to find an identity for herself and because of Indo-Pakistan differences; thirdly, China is willing for the time being only to treat with Pakistan on equal terms; but, fourthly, for the benefits to be derived form such collaboration Pakistan might well close its eyes to the long-term implications of Chinese policy till it is too late to do anything about it. It is this that can be dangerous, for it means that for immediate benefits long-term and more fundamental interests might be forgotten or ignored. It is only if we can say this that our criticism of Pakistan’s policy as being “opportunist” has any validity.

11. You have also asked me for references. I am afraid all, and very much more, that we have here is with the Ministry and I have asked Mangalmurti on his next visit to Delhi on the 8th instant to explain to you the difficulties in giving you the references of letters, reports and telegrams sent from here.

Yours sincerely,

(K.P.S. Menon)

Director (EA),
Shri Manjit Singh
Ministry of External Affairs,
New Delhi.
0533. **Note Verbale of the Ministry of External Affairs to the Pakistan High Commission in India regarding seizure of properties.**

New Delhi, June 28, 1968.

Government of India
Ministry of External Affairs
New Delhi

No.PII.274\11\67
June 28, 1968

The Ministry of External Affairs of the Government of India presents its compliments to the High Commission for Pakistan in India and has honour to state that High Commission would recall that properties and assets of Indian nationals in Pakistan of an enormous value were seized by the Government of Pakistan during and after the Indo-Pak conflict of August\September, 1965. The Government of India have protested on several occasions against the illegal seizure, utilization, transfer and disposal of these Indian properties and assets and reserved their right to claim full compensation for the loss and damage of all such properties and assets of Indian nationals as well as Indian public authorities. The Government of India have always held the view that the seized properties should be in the nature of a continuing trust and their disposal except in the interest of their owners' would violate the provisions of the Tashkent Declaration of 10.1.1966. The Government of India have also apprised the High Commission of their view that even though the Indian assets and properties have been seized under the Defense of Pakistan Rules, these cannot be held as properties of the seizing government but should be preserved in order to be returned to their rightful owners, under mutually agreed arrangements to be arrived at, at a later date. The Government of India, therefore, in consonance with this obligation as undertaken in article VIII of the Tashkent Agreement of 10.1.1966, reaffirmed their desire to discuss the question of return of properties and assets taken over by India and Pakistan at an early date, but no reply from the Government of Pakistan has yet been received, in spite of reminders.

2. The Government of India have since come to know that the following hotels in West Pakistan owned by the Associated Hotels of India have been vested with the Custodian of Enemy Property in Pakistan:

i. Oberoi Falettis, Lahore

ii. Oberoi Flashmans, Rawalpindi

iii. Oberoi Deans, Peshawar

iv. Oberoi Cecil, Murree
The value of the above property is about Rs. 2 crores. But it is surprising to know that the Government of Pakistan have allowed Pakistan International Airways to take over the above four hotels at a nominal value of Rs.40 lakhs, a value which appears to have been arbitrarily fixed. Apart from the above properties, the Associated Hotels of India had a credit balance of approximate Rs.7 lakhs at the time of the outbreak of the Indo-Pak conflict of August-September, 1965.

3. It is also known that the Government of Pakistan have through their various Gazette Notifications declared a large number of shares/securities held by Indian nationals and India undertakings in Pakistani business concerns as “Enemy Property”. The magnitude of the Indian interests affected by such action will be borne out from some of the instances given in the enclosed statement. The Pakistan Observer of 1.5.1968 had reported that the Government of Pakistan is exploring the possibilities of disposing of big units of “enemy property” against payment in foreign exchange and that prospective buyers of “enemy property” have been asked by the Pakistan Enemy Property Management Board to let it know if they are in a position to make payments in foreign exchange. The Government of India have also come across further instances of the taking over of properties as well as shares held in Pakistan undertakings in East Pakistan by members of the minority community and India concerns. Some of the instances are mentioned in the enclosed list. (Not reproduced here)

4. The Government of India would once again remind the Government of Pakistan that the Tashkent Declaration of 10.1.1966 makes it obligatory on both the Governments to discuss the return of property and assets taken over by either side in connection with the Indo-Pak conflict of August-September 1965. It is also clear that Tashkent Declaration of 10.1.1966 signifies the termination of the armed conflict between the two countries and, therefore, any Declaration by the Government of Pakistan of Indian properties/assets in Pakistan as “enemy property” after the signing of the Tashkent Declaration, is a violation of that solemn pact. But the Government of India regrets to note that instead of agreeing to discuss the return of these properties as they have undertaken to under Article VIII of the Tashkent Declaration, the Government of Pakistan are continuing to take over arbitrarily and indiscriminately the properties of Indian nationals in Pakistan and also disposing them of at paltry sums disregarding the interests of the Indian nationals, and Indian business concerns. The Government of India strongly protest against such arbitrary and illegal action of the Government of Pakistan and request the High Commission to impress upon the Government of Pakistan the need for discussing the return of these property and assets with the Government of India. The Government of India reserve the right to demand full compensation in regard to the properties
and assets of Indian nationals and business concerns who have been affected by such arbitrary and illegal action. The Ministry would once again extend an invitation to the Government of Pakistan to send a delegation to India for discussing this problem whose resolution is in the mutual interest of the two countries.

The Ministry avails itself of this opportunity to renew to the High Commission of Pakistan the assurances of its highest consideration.

High Commission for Pakistan,
Chanakyapuri, New Delhi.

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0534. Note Verbale from the Ministry of External Affairs to the Pakistan High Commission in India regarding the impounding of Indian sailing boats by Pakistan during the 1965 conflict.

New Delhi, July 31, 1968.


The Ministry of External Affairs of the Government of India, presents its compliments to the High Commission for Pakistan in India and has the honour to state the following sailing boats (some of them mechanized) had been impounded in Pakistan during the India-Pakistan conflict of August/Sept., 1965:-

1. “Khatau Pasa”
2. “Nirmaya Sagar”
3. “Sidiki”
4. “Harisagar”
5. “Khichri”
6. “Rabbani”

2. On 10th Feb., 1966, the Counsellor of the Indian Mission had, during his interview with Mr. B.A. Khan of Pakistan Foreign Office, personally requested for the release of the first three sailing boats and this was followed up by a letter No. ISL(POL)4/66 dated the 14th Feb., 1966 from the Indian High
Commission. Later, the High Commission of India at Islamabad vide their note No. ISL(COM)2(11)/66 dated 22nd July, 1966 made an official representation to the Government of Pakistan for the release of the above sailing boats. Since then, the matter had been pursued by the Indian High Commission with the Government of Pakistan, but there had been no release of these sailing boats.

3. The Tashkent Agreement of 10th Jan., 1966, signifies the cessation of all conflicts between India and Pakistan. With this end in view and in the light of Article VIII of Tashkent Agreement, the Government of India have on more than one occasion requested the High Commission to discuss the return of property and assets seized by either side, at an early date. While reaffirming the desire of the Government of India in this direction, the Ministry requests the High Commission to take steps for the release of these sailing boats.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for Pakistan the assurances of its highest consideration.

The High Commission of Pakistan
Chanakyapuri
New Delhi.

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0535. Statement by the Foreign Minister of Pakistan on Kashmir. Islamabad, August 1, 1968.

My attention has been drawn to a recent press report stating that the Indian Prime Minister had declared that India was not obligated under the Tashkent Declaration to settle the Kashmir dispute with Pakistan.

The world knows that the Tashkent meeting was arranged at the wise initiative of Mr. Kosygin as a follow through to the UN Security Council Resolution of 20 September 1965 which had brought an end to the armed conflict between the two countries over Jammu and Kashmir. It is not secret that the Kashmir dispute formed the hard core of talks in Tashkent. In fact, Article IX of the Declaration provided a machinery for settling disputes existing between the two countries. Kashmir is the basic and the most important dispute. Therefore, it follows that contrary to the impression which Mrs. Gandhi has sought to create India is very much obligated to settle the Kashmir dispute in terms of the Tashkent Declaration.

I am not surprised at India’s attempt to deny the existence of its commitment under a solemn agreement. On one excuse or the other, India had not fulfilled
its pledge to hold a plebiscite in Jammu and Kashmir and it continues to deprive the people of the State of the exercise of their right of self-determination. Not to mention the Tashkent Declaration, what has India done to fulfill its pledge to hold a plebiscite in Jammu and Kashmir or to meet the obligations under the UNCIP resolutions of 13, August 1948 and 5, January 1949?

India’s latest attempt to wriggle out of its commitment merely highlights its equivocal attitude and make-believe posture towards negotiations with Pakistan on Kashmir and other unresolved issues between the two countries. At one time India claimed that it is prepared for discussions with Pakistan on all subjects including Kashmir, at any time, at any level and at any place. Yet, the Indian Prime Minister says that “India has nothing to negotiate with Pakistan on Kashmir”. The highly organized propaganda machine in New Delhi goes on repeating professions of India’s good-will towards Pakistan. Yet India is not prepared to have meaningful talks with Pakistan on the Kashmir dispute which has twice led the two countries to war.

Whatsoever the Indian leaders may say, the Kashmir issue has not been foreclosed. Nor will this dispute disappear by India’s unilateral repudiation of international agreements. Statesmanship demands that India should face the reality of the situation and join hands with Pakistan in an earnest effort to find a just and equitable solution of the bitterness and blood between our two countries. Pakistan will always be ready to co-operate with India in this effort which could lead to the establishment of genuine peace and amity in the subcontinent.

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0536. Note Verbale from the Indian High Commission in Pakistan to the Pakistan Ministry of Foreign Affairs regarding J & K.
Islamabad, August 24, 1968.

No. ISL (POL) 103/1/68. 24th August, 1968

The High Commission of India in Pakistan presents its compliments to the Ministry of Foreign Affairs, Government of Pakistan, and has the honour to refer to their Note No. IN(4)/6/4/67 dated July 20,1968, regarding the Jammu and Kashmir Representation of the People (Supplementary) Act,1968.

2. The baseless allegations made in the Note have been repeatedly exposed in the past by the Government of India and its representatives in the Security
Council. The State of Jammu and Kashmir acceded to India in 1947 and is Indian Union territory. Any changes contemplated in the relations between the State and the Centre would be in conformity with the law and Constitution of India and, therefore, a matter for India alone to decide. The Note under reference is, under the circumstances, an unwarranted interference in the domestic affairs of India and the High Commission has been instructed by the Government of India to reject the same.

The High Commission of India avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

0537. Note Verbale from the Ministry of External Affairs to the Pakistan High Commission in India regarding seized properties.

New Delhi, November 6, 1968.


The Ministry of External Affairs of the Government of India presents its compliments to the High Commission for Pakistan in India and has the honour to invite the High Commission's attention to the question of the return of the property and assets taken over by the Government of Pakistan in connection with the armed conflict of August/September 1965, and to Ministry's several notes in this connection, in particular Notes Nos. PII/274/1/67.Vol.II dated the 21st November, 1967, PII/287/1/67 dated the 8th January, 1968 and No. P(PIV)287(9)/66 dated the 31st July, 1968, respectively. The Government of India have throughout expressed their readiness to discuss the subject of the return of property and assets taken over by either side and has extended invitations to the Government of Pakistan to respond to this request in order to implement the undertaking given by the two Governments in Article VIII of the Tashkent Declaration 1966. This Article, as the High Commission is aware, provides as follows:

".... They further agreed to discuss the return of the property and assets taken over by either side in connection with the conflict."

2. Rather than respond to these invitations, it is regrettable that the Government of Pakistan has not only attempted to disown responsibility for Indian property and assets seized by them during and after the hostilities but
have also, in an arbitrary manner, attempted to assume the right to appropriate the property and assets.

3. The Ministry has now come to know from the reports published in Pakistani newspapers that the East Pakistan Enemy Property Board, Dacca, proposes to disposes of by auction in the near future a large number of valuable Indian properties, such as cotton mills, tea gardens, cinema halls, industrial concerns, etc., as per list enclosed, which had been seized by the Pakistan Government during and after the armed conflict.

2. The Ministry protests against the arbitrary acts of the Pakistan Government first in seizing the property illegally and then disposing it of without any regard to international law and practice. Assuming, although not at all agreeing, that Pakistan could seize property and assets of Indian nationals during the armed conflict, it is well established under international law and practice that such property and assets must be held in custody as a continuing trust, without disturbing title or ownership. Even the Defence of Pakistan Rules under which the property seized was and held require the property to be preserved in contemplation of the arrangement to be made at the conclusion of peace. The hostilities having ceased, and the parties having agreed in Article VIII of the Tashkent Declaration 1966 to discuss the return of the property and assets, the question of their disposal by sale, auction or otherwise, on the basis that this property belongs to Pakistan, is on the face of it illegal. A transferee or purchaser could never get a clear title to such properties. The Government of India, therefore, urge the Government of Pakistan to take steps immediately to stop auction of the properties mentioned in the enclosed list as well as of any other properties similarly seized, the sale and instruct the East Pakistan authorities to desist from the sale or disposal of the seized Indian properties. Should they disregard this request and hold the illegal auction or otherwise dispose of the property and assets, the Government of India reserve their right in respect of Indian property and assets seized by Pakistan and will not recognize title that Pakistan or any third party may claim as a result of this illegal sale by auction or by any other mode of transfer.

5. None of the properties to be auctioned are perishable goods. Neither has the Government of Pakistan notified the Government of India that any of these are deteriorating. Property consisting of perishable goods or those which are deteriorating could alone be considered for sale or disposal in other ways. But here too the disposal must be done in agreement between the two Governments so as to ensure that the property is not sold at a throw-away price, and the sale proceeds thereof must continue to be deposited with Government, to be taken into account at the time of return of property or assets.
6. In order to restore normalcy in this regard, and with a view to implement the undertaking solemnly agreed upon in the Tashkent Declaration, the Ministry once again invites the Government of Pakistan to take immediate measures to discuss the return of property and assets taken over by either side in connection with the conflict.

7. The Ministry avails itself of this opportunity to renew to the High commission the assurances of its highest consideration.

**The High commission of Pakistan, New Delhi.**

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**List of Indian properties proposed to be auctioned by the East Pakistan Enemy Properties Management Board, Dacca.**

1. Prem Nagar Tea Estate, Sylhet
2. Kumarshail Tea Estate, Sylhet
3. Mohini Mills, kushtia
4. Nagar Mahal Cinema, Dacca
5. Goalando Ice Co. Ltd., Rajbari, Faridpur
6. Padma Ice Factory, Faridpur
7. Messrs Dullichand Amritlal & Co. Dacca
8. Dacca Aluminium Works, Dacca
9. Banga Luxmi Mills, Panchali, Bogra
10. M.M. oil Mills Ltd., Faridabad, Chittagong
12. Gunin Ice Factory, Kawarchar, Barisal
13. Shakti Aushadhalya Swami Bagh, Dacca

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SECRET
Letter from the Indian Ambassador in Soviet Union Kewal Singh to Foreign Secretary T. N. Kaul.

Moscow, November 14, 1968.

Kewal Singh, Ambassador.

Embassy of India
Moscow


My dear Foreign Secretary,

I had an opportunity to have two conversations with Mr. Etemadi, the Afghan Prime Minister who has just concluded a State visit to the Soviet Union. As you know, Etemadi and I had worked together during the time he was Ambassador in Karachi. After his term in Karachi he returned to Kabul as Foreign Minister and he has been Prime Minister for over a year now. During the Kremlin reception on the 51st Anniversary of the Great October Revolution, on the evening of November 7, I met him first when he called me through the Chief of Protocol to the High Table where he was standing with the Soviet leaders. He went on to chat with almost uninterruptedly for about 40 minutes. He was obviously very anxious to convey to me the gist of his conversations in Moscow. Even though the Iranian Ambassador was anxiously waiting to have a chance to talk with him, Etemadi told the Chief of Protocol that he had something very important to tell me and he wanted a little more time. Since this was all done in full view of 500 and odd guests at the reception, it was obvious that Etemadi wanted to make this conversation an ostentatious gesture for the benefit of his hosts.

2. Etemadi talked to me mostly about the Soviet arms aid to Pakistan. He said that he had repeatedly mentioned to the Soviet leaders the great concern of the Afghan Government on this development. Afghanistan and India were the only two countries against which these arms could be used by Pakistan and the Afghans did not understand why it has been necessary to make this change of policy now. The Afghan Prime Minister was particularly emphatic upon one point; he had told the Soviet leaders that they did not fully realise the possible encouragement that they were themselves giving to the more intransigent and hawkish elements in Pakistan during the unstable period by this decision to provide military equipment. Etemadi then said that he had also told the Soviet leaders in no uncertain terms about Pakistan’s obstructive tactics about the transit trade between India and Afghanistan. He told them that unless this was solved the Soviet ideas, however laudable they were about regional
cooperation in the area, would remain unrealised. He said that he had deliberately included a reference in his speech at the Chairman Kosygin's dinner to the Tashkent Declaration against the advice of some members of his team who felt that this was an issue which is not concerned with Afghanistan directly. He overruled their counsel because he thought that the Tashkent spirit was being forgotten now in developments like the Soviet decision to supply arms to Pakistan. He then went on to say that he had been very careful not to mince words during his dinner speech. He had spoken at length about the demand for Paktoonistan. In fact the TASS and the PRAVDA reports on the speech did mention that “the Prime Minister set forth the position of his Government concerning Pushtoonistan”. The TASS report also included Etemadi’s laudatory reference to the Tashkent Declaration and has a scarcely veiled reference to the transit trade problem in the following sentences:

“Afghanistan, desirous of developing its international relations and availing itself of this opportunity and assistance of friendly countries, is prepared to become again the important centre it was in Asia before and expresses a wish to develop trade and transit between East and West, North and South without any geographical reservations.”

Mr. Etemadi then spoke to me about his forthright speech during the inauguration ceremony of the Gandhiji Centenary Celebrations in Kabul at which Shri Jaypraksh Narain was the chief guest. Etemadi then went on to stay that he would like to have another talk with me after he met Chairman Kosygin on Monday, the 11th when he was scheduled to meet Mr. Kosygin for the second time after his return from Leningrad.

3. I accordingly called on him at 4-00pm on Monday and had a very long conversation for about 75 minutes. Since we had just heard about the riots in Rawalpindi and the shots which had been fired at President Ayub, we talked first about the implications of these developments in Pakistan. Etemadi was most categorical in his opinion that President Ayub’s position was extremely weak; there was great discontent at the graft and corruption in the country and that Ayub regime had become synonymous with maladministration in the popular mind. He had to win the next year’s election and in no normally conducted elections could he hope to do so. He would therefore exert every means in his power to remove all opposition and also to elements even strong contenders for power from within his own immediate circle. Yahya Khan, Etemadi expected, would be the first to go. Musa on the other hand seems to be in no immediate danger.

4. He went on to speak about Bhutto who, he said, was a much more matured, restrained and mellowed individual than the arrogant, though, ambitious, young politician whom we had both known in Karachi. Bhutto had
been his guest in Kabul for a week last year and they had had long conversations. Bhutto was quieter and definitely more mature. Etemadi had tried to impress upon him the need for an individual aspiring for supreme power in Pakistan to have a more adult, mature and understanding relationship with India and the Indian leaders. Etemadi told me that he had tried to convey to him again and again the need for realism in Indo-Pakistani issues and told him that he should not continue to base his whole programme on unrealizable and extremist demands. Bhutto conceded that Ayub was all powerful for the present and that for the immediate future he did not hope to have any success. But he was very confident that in the long run the youth of Pakistan was fully with him and would accept his leadership.

5. On Ayub himself, Etemadi continued to be bitter; he had surrounded himself with weak people, yes men, who were conniving at his continuous violations of law. He would stoop to any means to survive in power even the latest incident could well be, he hazarded a guess, an attempt on Ayub’s part to find a pretext to put Bhutto behind the bars.

6. Turning to Ayub’s foreign policy, Etemadi went on to say that his run of luck would not last much longer. He had told the Soviet leaders that they were totally mistaken in their impressions of Ayub’s sincerity. He was like a juggler throwing three balls in the air at the same time, his friendship with China, United States and the Soviet Union. Some time in the near future, sooner than later, he was bound to drop one of the three. After saying all this, Etemadi returned to the major topic of his earlier conversation with me: the question of Soviet arms aid to Pakistan and its repercussions within India and Afghanistan. On this occasion, however, he was much more prudent and realistic in his assessment and anxiously wanted to convey to us also his advice that we should not over react. He said in the Afghan Parliament he had had to answer three hours heckling on this subject and had to sooth the members by saying that this did not represent a major threat. In the Foreign Relations Committee, however, he was more forthright and told his colleagues that it would like be unrealistic to expect of the Soviet Union to give us any assurances on every aspect of their foreign policy. After all this was a deal arrived at between two sovereign nations and there is a limit to what they could achieve by diplomacy. They should, therefore take Soviet protestations at their face value and not unnecessarily irritate them. Here he went on to caution us, particularly against exaggerated criticisms of the Soviet leaders. He said that some Indian leaders have even reproached the Soviet Union during their tours abroad. This would not do any good. After all, the Soviet Union was a great power and in its long term planning for Asia they had to take into account that emergence of China, the imminent withdrawal of the United States from South East Asia and the internal developments in naturally disturbed areas like East Pakistan. There
were factors of which we could not be fully aware which prompted the present Soviet decision. It would therefore be better for us to be prudent in our assessment and, while registering our misgiving, be restraint in our reactions.

7. He told me that both India and Afghanistan should remember that the only party which would benefit by our over-reacting would be Ayub and his small coterie. He noted that Ayub never mentioned Afghanistan as his enemy. Only India was repeatedly condemned. To his own people he boasted that his policy has been successful in securing friendship with all the three powers. By protesting friendship too much we would only strengthen Ayub’s position at home.

8. About Soviet-Afghan relations, Etemadi expressed the greatest satisfaction. They had just celebrated the 50th Anniversary of their diplomatic relations and nothing has happened in recent years which would make them doubt the sincerity of the Soviet approach in their bilateral relations.

9. I asked the Afghan Prime Minister whether he had noticed that the Soviet Union had gone so far as to print a reference to that part of his speech dealing with Pustoonistan in the TASS report. He said that this was actually the result of earlier Afghan protestations about disproportionately small coverage of the Afghan representative’s speech in the General Assembly in Soviet papers. I then asked him what his assessment was about the completion of the mountain road between Sinkiang and Gilgit which has now provided to the Chinese a new convenient point of entry into our region. He said that the Afghan Government were definitely nervous about this development and were vigilant about it.

10. On Pakhtoonistan itself, he said that, while he thought Ghaffar Khan is a great patriot and an honoured guest, we should avoid anything which would unnecessarily acerbate relations between India and Pakistan. This was the reason why during his conversations with Shri Jayprakash Narain and our Ambassador A.N. Mehta he had strongly suggested that we should be very careful before inviting Badshah Khan to India for the Centenary Celebrations of Mahatma Gandhi. He himself is an enthusiastic admirer of Badshah Khan and it was because of his own suggestion that he had strongly attacked Ayub at the Gandhiji Centenary Meeting for calling him a traitor. He said that Ayub was a British mercenary when he and his followers were suffering in the Indian jails. While all this was true, however, it would be essential for India and Afghanistan to avoid any irritations which would only help to strengthen Ayub’s hands.

11. On transit trade also, Etemadi said that he had been extremely forthright in his conversation with the Russians. He had repeatedly brought out this
question during his talks with Mr. Kosygin. He explained how Pakistan's unhelpful attitude was damaging Afghan economy as well as providing a continuous irritation in promoting Indo-Pakistan rapprochement. In this connection he had repeatedly impressed upon the Soviet leaders their responsibility following up the Tashkent Declaration, which had more than purely bilateral significance.

12. I hope I have succeeded in conveying to you the gist of Etemadi's views on all these issues. He is obviously anxious to keep in touch with the Government of India on these matters. He is also immediately anxious to prevent the arms aid episode from being exploited by the Pakistan Government for its own purpose. He seemed to be much more convinced during his second conversation of the *bona fides* of the Soviet Government than when he first met me.

With kind regards

Yours sincerely,

(KEWAL SINGH)

Shri T.N. Kaul,
Foreign Secretary, Ministry of External Affairs,
New Delhi.

Note verbale from the Ministry of External Affairs to the Pakistan High Commission in India regarding the attack inside Indian territory by the hostile Mizos from their sanctuary in East Pakistan.

New Delhi, December 31, 1968.

Ministry of External Affairs
(Pakistan Division)
New Delhi

No. PI/103/2/68

31st December, 1968

The Ministry of External Affairs presents its compliments to the High Commission for Pakistan in India and has the honour to say that on the 28th October 1968, about 150 Mizo hostiles, who had been taking shelter in East
Pakistan, crossed into Tripura, and later attacked the Indian outpost at Chaumanu. The manner in which the attack was carried out, and the kind of weapons used by them indicate careful preparations which would not have been possible but for the sanctuary accorded to these Mizos in East Pakistan territory. As a result of this attack three Indian Constables were killed.

The ministry protests against this and would once again request the High Commission that the Pakistan authorities may be instructed not to allow East Pakistan territory to be used by these hostiles as convenient hide-out for carrying out raids in Indian Territory.

The Ministry avails itself of this opportunity to renew to the High Commission for Pakistan the assurances of its highest consideration.

High Commission of Pakistan in India,
Chanakyapuri, New Delhi.

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0540.

SECRET

Letter from the Ministry of Commerce to the State Governments in India regarding vesting of enemy property in the Custodian of Enemy Property for India.

New Delhi, January 1, 1969.

Government of India
Ministry of Commerce
New Delhi

No. 12/55/65-E.Pty. dated the 1st January, 69

To All State Governments and Union Territories.

Subject: Vesting of certain moveable properties in India of Pakistani nationals in the Custodian of Enemy Property for India under Rule 133-V of the Defence of India Rules.

Sir,

I am directed to invite your attention to the Government of India, Ministry of Commerce notification No.12/55/65-E.Pty dated the 27th August, 1966 reproduced below:-
In exercise of the powers conferred by sub-rule (1) of Rule 133-V of the Defence of India Rules, 1962, the Central Government hereby orders that the properties in India, detailed in the Schedule annexed hereto, belonging to, or held by or managed on behalf of all Pakistan nationals shall vest in the Custodian of Enemy Property for India with immediate effect.

THE SCHEDULE

1. All balances (including fixed deposits) held by
   (a) Commercial Banks;
   (b) Exchange Banks; and
   (c) any body or person or firm doing banking business.

All monies including bonus, gratuity, provident fund and the like held by any person or firm residing or carrying on business in India.

Accordingly, cash balances, provident fund balances, gratuity, and up-paid wages held by any person/firm in India on behalf of all Pakistani nationals vest in the Custodian of Enemy Property for India.

2. Consequent on the lifting of the State of Emergency on the 10th January 1968, the Enemy Property Act, 1968, has been promulgated on the 20th August 1968. Under Section 5 of the Act, all enemy property vested before the expiration of the Defense of India Rules, 1962, in the Custodian of Enemy Property for India, shall continue to remain so vested in him. Section 8 of the Act makes it obligatory that any money payable to an enemy should be paid to the Custodian. Accordingly, it is requested that all offices of the State Governments, Municipalities, District Boards and Corporations may be directed to submit returns (in duplicate) of such balances, deposits, monies etc. held by them, so far as they belong to Pakistani nationals, who were either discharged, retired or who have left the service giving the following particulars.

   a) Name and designation of the individual.
   b) Address in India and Pakistan (if known)
   c) Particulars of monies due.
   d) Remarks, if any.

The returns should be forwarded to the Custodian of Enemy Property, Kaiser-i-Hind building, Currimbhoy Road, Ballard Estate, P.B.No.689, Bombay.

3. A copy of the returns referred to in Para 2 may be forwarded to the Accounts Officer concerned with a request that payment there from should not be made without the prior authority of the Custodian of Enemy Property.
This procedure applies only to cases where such balances, deposits, monies, etc, are not payable through the Central Claims Organistaion, Ministry of labour, Employment and Rehabilitation, New Delhi or the Indian Missions in Pakistan under the Indo-Pakistan Agreements.

Yours faithfully
(M.K.B. Bhatnagar)
Under Secretary to the Govt. of India

0541.

SECRET

Note recorded by Principal Secretary to the Prime Minister P. N. Haksar regarding High Commissioner – designate to Pakistan B. K. Acharya.

New Delhi, January 27, 1969.

Prime Minister’s Secretariat

Shri B. K. Acharya is calling on P.M. at 4.30 P.M. this afternoon.

2. J.S. has submitted a note to P.M. advising that P.M. might tell Shri Acharya that he has been specially selected for his next assignment as our High Commissioner in Karachi. While I agree that P.M. might say comforting things to Shri Acharya so that he does not carry into the new assignment his real or imaginary grievances, it is equally essential that Shri Acharya should be told quite firmly that the assignment in Pakistan is in no way less important than any other assignment in the Foreign Service. Indeed, Shri Acharya will have to summon up all his intelligence, knowledge, experience and integrity in discharging his duties and responsibilities in Pakistan. Indo-Pakistan relations are going to be extremely difficult and complex. The Chinese have a finger in the pie. The Soviet Union is trying to have some sort of a new look at their relations with Pakistan. The Sino-American dialogue will have its impact on Pakistan. Shri Acharya will have to act with a great deal of wisdom, flexibility and foresight if he is to be of any use to us there.

3. By temperament and training, Shri Acharya is inclined to be rigid and is not sufficiently introspective to have that all-too-essential a quality, namely,
a certain amount of self-criticism which saves one from being too self-righteous. This needs to be corrected by letting Shri Acharya know that his new job will make great demands on him.

Sd/-
(P.N. Haksar)
27-1-1969

Prime Minister
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0542. Note Verbale from the Pakistan High Commission in India to the Ministry of External Affairs denying Pakistan's support to Mizos.

New Delhi, February 19, 1969.

Pakistan High Commission
New Delhi
No. 5(2)-CSV1/67. February 19, 1969

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs and with reference to the Ministry's Note* No. PI/103/2/68, dated the 31st December, 1968, has, under the instructions from the Government of Pakistan, the honour to state that the allegations made by the Ministry are entirely baseless. The Government of Pakistan are surprised that in spite of repeated and emphatic denials by the Government of Pakistan, the Government of India have once again chose to make mischievous allegations of assistance to the Mizos by the authorities in East Pakistan. In rejecting the Ministry's protest, the High Commission for Pakistan request the Government of India again to desist from the repetition of such propaganda which is meant to malign Pakistan and can, therefore, serve only to exacerbate relations between the two countries.

2. The High Commission for Pakistan in India avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi.

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* Document No.539.
0543. Note Verbale from the Indian High Commission in Pakistan to the Pakistan Ministry of Foreign Affairs regarding enemy properties.

Islamabad, April 28, 1969.

High Commission of India
Islamabad

No. ISL(COM2(1)/66-III, April 28, 1969

The High Commission of India in Pakistan presents its compliments to the Ministry of Foreign Affairs, Government of Pakistan and has the honour to invite the Government of Pakistan's attention to the question of the return of properties and assets taken over by the Government of Pakistan in connection with armed conflict of August-September, 1965, and to Government of India's Note No. PII/274/11/67-Vol.II, dated 6th November, 1968, regarding the proposal of the East Pakistan Enemy Property Management Board, Dacca, to dispose of by auction a large number of valuable Indian properties in East Pakistan. The Government of India has to state with great regret that while it has received no response to its note mentioned above, it has seen three Tender Notices issued by the East Pakistan Enemy Property Management Board, Dacca, published in the Dawn, a daily paper of Pakistan, dated 19 March, 1969, inviting tenders for the sale of the assets of certain Indian properties, e.g. industrial units, commercial firms, tea estates, etc., before 22 April, 1969. The Government of India strongly protests against the proposed sale of these properties. The Government believes that all Indian assets and properties in Pakistan are in the nature of a continuing trust and any attempt on the part of Pakistani authorities to dispose them of unilaterally would not only be a flagrant violation of the Tashkent Declaration but also be against all norms of international law and practice.

2. The Government of India have throughout expressed their readiness to discuss the subject of the return of property and assets taken over by either side and have extended numerous invitations to the Government of Pakistan in this regard so that the undertaking given by the two Governments in Article VIII of the Tashkent Declaration of 1966 is implemented. This Article, as the Government of Pakistan is aware, provides as follows:

“….. They further agreed to discuss the return of the property and assets taken over by either side in connection with the conflict”.

It is highly regrettable that the Government of Pakistan have refused to hold discussions on this subject and have continued in an arbitrary manner not only to seize more Indian properties but to dispose them of. It is well established
under international law and practice that such property and assets must be held in custody as a continuing trust, without disturbing their title of ownership. The hostilities having ceased, and the parties having agreed under Article VIII of the Tashkent Declaration to discuss the return of the property and assets, the question of disposal by sale, auction or otherwise on the basis that they belong to Pakistan, is clearly illegal. A transferee or a purchaser could never get a clear title to such property. The Government of India, therefore, urge the Government of Pakistan to take steps immediately to stop the sale of these properties referred to in the Tender Notices mentioned above. Should the Government of Pakistan disregard this request of India and continue to permit the illegal disposal by sale, auction or otherwise of Indian property and assets, the Government of India reserve all their rights in respect of these properties, including the right to claim full compensation for any loss or damage to these properties. Further, the Government of India will not recognise the title that Pakistan or any third party might claim to have acquired by such illegal disposal of Indian properties.

3. The properties referred to in the Tender Notices mentioned above are not perishable commodities. Nor has the Government of Pakistan notified the Government of India that any one of them is deteriorating. The property comprising perishable goods or those which are deteriorating could alone be considered for sale or disposal in other ways. But here too the disposal must be done in agreement between the two Governments so as to ensure that the property is not sold at throw-away prices, and the sale proceeds thereof must continue to be deposited with the Government, to be taken into account at the time of the reciprocal return of properties and assets.

4. In order to restore normalcy in this regard and with a view to implement the undertaking solemnly agreed upon in the Tashkent Declaration, the Government of India once again invites the Government of Pakistan to take immediate measures to discuss the return of property and assets taken over by either side in connection with the conflict.

The High Commission of India avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs,  
Government of Pakistan, Islamabad.

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I had said very clearly, in unmistakable terms, that there has been in Pakistan widespread expression of democratic urges and the people of Pakistan have been demanding changes in the political system which would result in greater popular participation in the Government of the country. I had also said that with the people of Pakistan we have ties of history and culture and that we are close neighbours, that we are naturally interested in stability, peace and progress of Pakistan and that we wish Pakistani people well.

Much has been said about Soviet arms supply to Pakistan. I thought that, on a number of occasions, we had made it quite clear that we had spoken to the Government of Soviet Union that the arms support that they are giving to Pakistan beyond the normal requirements of defence of Pakistan could only create a mood in Pakistan which could make them more intransigent, which could create difficulties for us here. I think, we have made our point quite clear to the Soviet Union. They are aware of it.

May I say that we have been rather concerned about that arms position in Pakistan. In Tashkent, when Pakistan declared that it would adopt an attitude of peaceful settlement of our differences, we had accepted that Pakistan had finally come to realise that use of arms would not produce any result for them, that they could not force a decision on us by use of arms and that it would be their desire now to normalise relations and engage in a peaceful dialogue in which we could try to find solutions to some of the differences. But, unfortunately, this has not been done by Pakistan.

Despite the Tashkent Declaration, they have not attempted to normalise the relations in which it would have been possible for us to engage in a meaningful dialogue. It is our hope that the Pakistan Government will realise that it is not possible for them to force a settlement on us by use of arms and that they will, sooner rather than later, agree to discuss our differences in a peaceful manner, so that we can come to their solutions. And I can assure you that it will be our sincere effort to find the solutions with Pakistan to problems that have worried us all these years.
The Ministry of External Affairs, Government of India, presents its compliments to the High Commission for Pakistan in India and has the honour to state as follows:

2. We have just heard that the earlier report that the Government of Pakistan have disposed of 188 boats belonging to the Indian Inland Water Transport Company is correct. We have also learnt that the Government of Pakistan have sold the Oriental Buildings belonging to the Life Insurance Corporation of India at Lahore, Karachi and Rawalpindi to a Pakistan party, namely the Kohistan Limited. Over and above these, we are told that the Pakistan Government intends to dispose of the North Bengal Sugar Mills Co. (P) Ltd, at a throw-away price of Rs.1 crore, while the value of this property is estimated to be over Rs. 7 crore.

3. It is amazing that Pakistan is going ahead with this disposal of property of Indians seized in 1965 and without informing us, indeed in the face of our strong objections in this respect, and in utter disregard of its obligations under Article VIII of the Tashkent Declaration. No less than 15 Notes have been delivered to the Government of Pakistan by the Government of India on this subject. In our latest Notes of 6 November 1968 and 28 April 1969, we have fully clarified our position and reiterated our request to discuss the question of properties and assets seized by either side in connection with the 1965 conflict. Far from replying to our Notes or acceding to our request for talks on this subject, the Government of Pakistan have commenced the sale of these properties without any justification. The sale of the properties of Indians is all the more surprising because none of these properties was either deteriorating or perishable.

4. The Government of India protest against these sales of Indian properties, and reserves the right to take such action as it may deem appropriate in protection of its legitimate interests against these acts of Pakistan, in unilateral violation of its international obligations. The Government of India would like to know specifically what the intentions of the Government of Pakistan are in regard to the implementation of Article VIII of the Tashkent Declaration.

5. The Government of India requests the Government of Pakistan to furnish urgently a complete list of properties seized during and after the 1965 conflict and the properties disposed off together with a detailed list of the values realized.
The Government of India once again invites the Government of Pakistan to discuss the return of properties and assets seized by either side in connection with the conflict.

The Ministry of External Affairs, Government of India, takes this opportunity to renew to the High Commission for Pakistan in India the assurances of its highest consideration.

High Commission for Pakistan in India,
Chanakyapuri,
New Delhi.

0546. Letter from the Indian Prime Minister Mrs. Indira Gandhi to Pakistan President Yahya Khan.

New Delhi, June 22, 1969.

Excellency,

I have been thinking of writing to you for some time. Apart from the brief meeting with Air Marshal Noor Khan in New Delhi last May, there has been no opportunity to meet members of your Government to discuss our relations. I am writing to share some of our thoughts with you.

Whatever the difficulties between our two countries, their destinies are inextricably intertwined. Our two Governments together share the heavy responsibility of ensuring the welfare and prosperity of over seven hundred million people.

Today there is almost a total lack of contact between the peoples of the two countries. Commercial, economic and cultural relations are completely cut off. I am sure you will agree that this is not a satisfactory situation between two neighbouring States which have so much in common.

I feel that it would help to remove misunderstanding and misconceptions if we were to ease the regulations for travel between the two countries, encourage greater cultural contacts in the field of letters, art, music, science and sport.

Commerce is an important factor in bringing the two countries together.

Another point is that shipping companies and Airlines, which are neither Indian
nor Pakistani, are earning foreign exchange from the people traveling between the two countries.

We feel that these and other aspects of normalization and improvement of relations should be more comprehensively examined. If you agree, we could set up a joint India-Pakistan body for this purpose at any level acceptable to you. I have already suggested a no-war pact between Pakistan and India. This would go a long way in removing distrust and suspicion between our two peoples. I hope that these proposals will receive your earnest consideration.

Shri Kewal Singh, Secretary in the Ministry of External Affairs, is visiting Islamabad and I am asking him to deliver this letter to you. He will, of course, be ready to exchange views on matters of mutual interest.

With the assurances of my highest considerations.

Indira Gandhi

His Excellency General Yahya Khan,
President of Pakistan.
Islamabad.

0547.  
SECRET  
Record of the discussion between Secretary Ministry of External Affairs Kewal Singh and Foreign Secretary of Pakistan.
Islamabad, July 4, 1969.

Yusuf (Pakistan F.S.) said:

i) So far as ‘No War Pact’ offer is concerned, our two Governments stand pledged not to resort to war under the U.N. Charter as well as under the Tashkent Declaration. What purpose would another “No War Declaration” serve unless the basic causes of tensions are removed?

ii) There is your proposal for joint machinery. We feel such machinery must be self-executing. We are not averse to bilateral talks but if no satisfactory solution is arrived at what are we to do after that? The joint machinery proposal must include mediation or arbitration if the talks fail.
iii) What subjects is the joint body going to deal with? It must include all subjects. You say so far as Kashmir is concerned there is no problem of Kashmir and joint machinery cannot go into it. If you leave out this basic dispute what is the use of the joint body?

iv) If the joint body is to deal only with subjects like trade, civil flights communication etc. these can be easily solved through diplomatic channels or through delegations within one month. It is more important problems such as the Kashmir dispute and the Farakka issue that should be dealt with by the joint machinery.

I explained:

a) The position of both the parties on Kashmir is well known and their positions are poles apart. Does it mean that the solution of the Kashmir question must be made a condition precedent to normal good neighbourly relations between India and Pakistan. Both sides stated their positions clearly and firmly at the Tashkent meeting. Our position has not changed since then. Kashmir question should be left aside for the present so that relations are normalized and goodwill and trust is created between our people as a result of contacts and exchanges. When friendly atmosphere has been created even question like that of Kashmir can be re-examined.

b) Aim should be to develop goodwill and friendship between our two peoples. We should try to co-operate in as many spheres as acceptable to the two Governments. If we can achieve that even difficult problems would assume different perspective.

3. Yusuf said:

How can one leave Kashmir aside? Things continue to happen every day in Kashmir. We do not want Kashmir solution as a condition precedent. We are prepared to wait for months provided it is agreed that after six or eight months the question of Kashmir will be taken up and there will be self-executing machinery for it. How can we leave Kashmir in cold storage, when new laws are being applied to Kashmir every day?

4. I told him that the State of Kashmir is having a full-fledged democracy. Consequently the State Government and the Government of India must take all sorts of new decisions from time to time to meet the political, economic and social requirements of the State. We cannot stop the process of development of political and economic institutions of the State of Jammu and Kashmir.

5. Yusuf said let us have discussions on Kashmir also bilaterally. But we must agree that if these bilateral discussions do not succeed in finding a solution we would abide by the decision of a body acceptable to both parties.
6. I told Yusuf that such a proposal would not be acceptable to us as we will not agree to any mediation or arbitration over the territory which is an integral part of India. In any case we two have to solve our problems bilaterally in a spirit of goodwill and understanding. We cannot accept a third party coming and imposing solution on us.

Farakka:

7. Yusuf said that this issue arouses strong emotions in Pakistan. India’s strategy is to complete the barrage by prolonging discussion on technical data and study of Pakistan’s requirements. Once the barrage is completed Pakistan will be faced with a *fait accompli*. That is hardly a goodwill approach. Again and again Pakistan is asked to provide data in respect of her projects. Then months are spent in picking holes in these schemes. Is Government of India going to provide all the water for which Pakistan’s requirements are established? India may not be in a position to do so even if Pakistan’s requirement is brought down from 50,000 to 30,000 causes. Why then carry on this game of asking Pakistan to define her schemes and provide technical data and scheme. India should clearly say how much water they are prepared to supply to E. Pakistan. He continued: The Indian engineers say that the regeneration will be about 18,000 causes. In addition it was indicated that Govt. of India could provide about 4000 cusecs. If India can guarantee 18000 cusecs regeneration plus about 4,000 cusecs more, Pakistan would be quite satisfied.

8. I pointed out to Yusuf that we could spare hardly any water from our dire needs in U.P. and Bihar. The intention was to meet in a cooperative spirit some reasonable requirements of Pakistan keeping in view the availability of water in the River. The present Pakistani scheme was utterly unrealistic. It would entail flooding of large Indian territory and could hardly be seriously meant for irrigation of a small area of four districts in East Pakistan. This would be one of the biggest schemes in the world and one cannot understand the purpose for which Pakistan has planned this project except to render talks with India impossible. I drew his attention to the comparative population in the Ganga basin in India and in the four districts in East Pakistan which received irrigation from Padma. Pakistan’s original demand was for 3500 cusecs. It has now been increased to nearly 58,000 cusecs. How can we think of an understanding when Pakistan is putting up schemes which are meant to wreck any negotiations?

9. Yusuf replied that it was true that Pakistan had asked for 3500 cusecs at an early stage several years ago when they were thinking of only one aspect of the project. The prospective uses had not then been considered. So long as India was prepared to guarantee regeneration of 18,000 cusecs plus 4,000 cusecs, Pakistan would adjust here requirement accordingly.
10. **I told Yusuf** that we could not guarantee regeneration and as a gesture of friendship will not take any water regenerated after the Farakka barrage although the river runs along the Indo-Pak boundary.

11. **Yusuf replied**: It is obvious that India always wants to have its own way. Kashmir is impossible and on Farakka India cannot spare water badly required by East Pakistan nor can regeneration be guaranteed. Yet India claims that they want to have a friendly and good neighbourly relations.

**He continued**: Take other issues. There are constant irritants. We are asked to keep quiet about Kashmir to create proper atmosphere. What is India’s attitude? The other day we had protest notes on the road built by Pakistan in her part of Kashmir. The Foreign Minister of India said that the only problem in Kashmir was the return of Azad Kashmir. At the end of WANA Conference the Foreign Minister was also reported to have said that if settlement of Kashmir means some price to be paid by India, in that case India would rather not have any settlement at all. All these things spoil the atmosphere. There is no need for a “No War Pact”. Similarly, joint body cannot be acceptable to Pakistan if some questions are excluded from the purview of the joint body.

**He added**: Take for example, India’s attitude in the following cases:

a) If Pakistan approaches anybody for arms, for tanks and aircraft, India makes lot of noises all over the world and pressurizes the country concerned so that Pakistan is denied any arms.

   Does India want Pakistan to be weak in Defence? Even if Indo-Pak relations are the happiest, would Pakistan Government give up its responsibility for the defence of Pakistan? Like any other Government in the world Pakistan shall have to keep her defence forces strong and well equipped. Pakistan has to explore various supply sources for her defence. Even if Pakistan spent her whole budget on arms, she will not be as strong as India particularly as India has developed a capacity for indigenous production. Pakistan can ill-afford to spend on arms as her sources are very limited and the economic and social requirements of the nation would not permit any Pakistani Government to spend huge sums on arms. This was made very clear to Pakistani leaders during the political demonstration a few months ago.

b) Marshall Tito of Yugoslavia sent invitation to Pakistan to joint the Conference of Peace Loving nations. India did not want Pakistan to be included in the Conference. Pakistan had given a positive reply to Yugoslavia but it was amazing the way India made frantic efforts to exclude Pakistan from this conference. Pakistan is not keenly interested in the Conference and Pakistan knows what real results this conference
is going to achieve. But this shows the mentality of India towards Pakistan.

12. I pointed out that all that he was referring to was the consequence of the present relationship of suspicion and distrust that was prevailing between our two countries. The aim should be to remove all distrust and ill-will. I could, I said, cite scores of examples where Pakistan has indulged in all sorts of hostile activities against India. But what we are considering now is the intention and the way to reverse the present trend and develop good neighbourly relationship.

Is not normalization desirable in itself instead of every time insisting upon some assurances about settlement of Kashmir in accordance with the wishes of Pakistan?

13. Yusuf said: No; Pakistan public opinion would not permit it. If we deal with the whole package, we will go along with you. If the major problem is left out, it will not be acceptable to our people.

Yusuf added: Take another case where Pakistan has a strong reason to feel aggrieved. Badshah Khan's aim is to disintegrate Pakistan. This is what he has been advocating during the last 22 years. His aim, according to Pakistan, is certainly not to promote peace; yet Govt. of India goes out of its way to confer on him Nehru Peace Award. There are reports that he will be given a purse of Rs. 80 lakhs. What will he do with this money? Obviously he will use for subversive activities against Pakistan. He might have been a great disciple of Gandhi but last 20 years history shows that he is a traitor to Pakistan. How can Pakistan ignore that India is encouraging him?

Sd/- Kewal Singh
Secretary - I

◆◆◆◆◆
0548. Letter from Pakistan President General Muhammad Yahya Khan to Prime Minister Mrs. Indira Gandhi.

Rawalpindi, July 26, 1969.

From: General Agha Muhammad Yahya Khan, H. Pk. H.J.
President's House, Rawalpindi

26 July 1969

Madam Prime Minister,

Thank you for your letter of the 22nd June, 1969, which Mr. Kewal Singh brought with him.

We were glad to receive Mr. Singh. The occasion illustrated that given goodwill and understanding, our two countries can resolve seemingly intractable disputes in a peaceful and honourable manner. Indeed, considering the responsibility that rests on our two Governments for the well-being of several hundred million people, I do not know if there is any other acceptable approach to the problem of placing Indo-Pakistan relations on a permanent, friendly basis. This was the spirit in which we discussed matters with Mr. Singh. This is also the spirit in which I am replying to your letter.

Any two neighbours in our situation are bound to have differences, and disagreements, some superficial and some deep-seated. The former are of a fleeting nature. They arise, and. fade out in a hundred ways in the course of neighbourly dealings. But the deep-seated ones vitiate the atmosphere and poison relations. It is they which must be eliminated, so that minor and transitory differences do not get blown out of all proportions. While I agree that it is desirable to eliminate minor problems, I am convinced that their removal alone would not bring about that feeling of mutual trust without which friendship amongst neighbours is illusory.

It is for this reason that I urge that we go back the heart of the matter and seriously tackle the causes underlying all our mutual troubles. It is our sincere conviction that amity and friendship will continue to elude India and Pakistan if our two Governments run after the shadow that the peripheral issues are and evade the reality that our two outstanding disputes regarding Jammu and Kashmir and the Ganges waters represent.

We have considered your proposal to establish a joint body to examine comprehensively the issues raised in your letter and "other aspects" of normalization and improvement of relations. We have always been, and continue to remain, ready to enter into a dialogue as long as it is not only
understood but made clear by both sides that it would encompass all outstanding issues with a view to finding a solution for them.

We have explained our viewpoint at some length to Mr. Kewal Singh and given him our ideas of the type of self-executing machinery that would be necessary concomitant of a no-war pact.

With the assurances of my highest consideration.

Yours Sincerely

(Gen. Yahya Khan)

Her Excellency Mrs. Indira Gandhi
Prime Minister of India,
New Delhi.

❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖

0549. Note Verbale from the Pakistan Ministry of Foreign Affairs to the Indian High Commission in Pakistan regarding extension of Indian laws to J & K.

Islamabad, September 3, 1969.

No. IN(4)-6/5/69 3rd september, 1969

The Ministry of Foreign Affairs presents its compliments to the High Commission of India in Pakistan and has the honour to state as follows:

2. On August 20, 1969 the Minister of Law, Government of India, introduced in the Lok Sabha a bill entitled “the Central Labour Laws (Extension to Jammu and Kashmir) Bill 1969” seeking to extend the application of a large number of labour enactments of Government of India to the occupied State of Jammu and Kashmir. In the statement of objects and reasons for the introduction of this bill it was stated that “in order to secure uniform application of the various labour laws to the whole of India it has been decided, with the concurrence of the Government of Jammu and Kashmir, to extend certain labour laws to that State”. Furthermore, while introducing the bill the Law Minister is reported to have declared that “it is the attempt of the Government to see that the special position of Jammu and Kashmir State as mentioned in article 370 of the Constitution is eroded little by little and in course of time it will be entirely corroded, resulting in Jammu and Kashmir having the same status as other States”.


3. The Government of Pakistan take a serious view of and strongly protest against the Government of India’s decision to introduce the aforesaid measure in violation of the express injunctions contained in the Security Council’s resolutions of the 30th March, 1951 and 24th January, 1957. As stated by the Law Minister himself, this bill, like similar measures taken by the Government of India in the past, is designed to erode gradually the special status of the State of Jammu and Kashmir and finally to integrate the disputed territory completely with India. This is contrary to the solemn agreement contained in the UNCIP resolutions of August 13, 1948 and January 5, 1949 which provided for the disposition of the State of Jammu and Kashmir in accordance with the freely ascertained wishes of its people. The Government of Pakistan, therefore, urge upon the Government of India to desist from proceeding with this illegal measure, to repeal similar measures taken in the past and to honour its international commitments in the determination of the future status of the State of Jammu and Kashmir.

The Ministry avails itself of the opportunity to renew to the High Commission the assurances of its highest consideration.

The High Commission for India in Pakistan,
Islamabad.

0550. Note Verbale from the Ministry of External Affairs to the Pakistan High Commission in India regarding J & K.

New Delhi, September 16, 1969.

No. PV/104/29/69

The Ministry of External Affairs presents its compliments to the High Commission of Pakistan in India and has the honour to refer to Note No. IN (4)-6/5/69 dated September 3, 1969 from the Ministry of Foreign Affairs, Government of Pakistan.

2. The Government of Pakistan are aware that the state of J & K. acceded to India in 1947 and is a part of India. Any changes undertaken or contemplated either within the State, or in relations between the State and the Centre, are matters entirely for India to decide.
3. The Government of India consider the Note under reference as another attempt by the Government of Pakistan at unwarranted interference in the internal affairs of India in furtherance of Pakistan’s ambitions on Indian territory and, therefore, reject the same. It is hoped that the Government of Pakistan will desist from such interference in future.

The Ministry of External affairs avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

The High Commission of Pakistan,
Chanakyapuri,
New Delhi.

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0551. Record of the meeting of Prime Minister Mrs. Indira Gandhi and Foreign Minister with US Secretary of State William Rogers.

New York, October 24, 1969.

Rogers. I hope I shall have a chance to see F.M. in Washington.

F.M. No I have to go back with P.M tomorrow evening.

F.S. to Rogers. Won’t you be here tomorrow?

Rogers. But my schedule is more tight.

Rogers asked Sisco. Can’t I have some time tomorrow?

Sisco. I am afraid not. The ceremony and reception will go in.

Rogers. I am authorised by the President to say that our decision to give arms to Pakistan “is a one time exception. That will not be repeated. We appreciate your concern and moderation”.

P.M. We may be moderate, but you wait till Parliament meets.

Rogers. We always get criticism.

P.M. I do not think your decision was well timed. It comes just when our relations are likely to get better with Pakistan.

Rogers. Is it likely to make things worse?
P.M. I am afraid so. There will be great pressures. Trends in our Parliament and in Pakistan will become more difficult. Though I do not think China will attack us, but we have to be prepared.

Rogers. We think it is a right decision. In any case Russia and China are supplying arms to Pakistan and they are not criticized.

P.M. Criticism against them was equally strong. Pakistan is only getting more and more arms and cannot use them against anyone else except India and they have said so.

Rogers. It is not whether they get arms or not but we do not want them to get arms only from China and Russia. We give economic aid to India, and we would not like Pakistan to use arms against India.

P.M. I do not think you will succeed. Kosygin also said the same but he was wrong.

Rogers. We think the criticism against us is much tougher.

P.M. I have not said a word yet.

Rogers. It is important for us to have relations with Pakistan though we do not want to take decision against your wishes. But we have to keep our interest in mind.

P.M. I do not say you should not take decision in your own national interests, but I want to make you aware of our feelings. We greatly appreciate the help you have given us but there are certain matters on which we feel strongly, e.g. colonialism.

Rogers. We appreciate that, e.g. in Vietnam we have lost 43000 people. We have offered ceasefire and withdrawal. Our people also feel strongly. There is a unanimous support for Nixon's policies.

P.M. We share your concern, for the families who have lost their near and dear ones. But you have not achieved the objective to combat communism.

Rogers. I do not accept that premise.

P.M. Well, that is what we were told.

Rogers. Red China is the one country that has not come out yet. The non-aligned countries have criticized us.

P.M. Only the future will tell how people there feel.

Rogers. Japan and Indonesia support our move.
F.M. Neither of them is so near China as we are.

Rogers. What is your point?

F.M. We have the greatest concern regarding China.

Rogers. You have no concern regarding China.

F.M. We have.

P.M. And there has been great collusion between China and Pakistan.

Sisco. That is why we also want to supply arms to Pakistan.

F.S. Soviets thought the same at one time but were proved wrong.

Sisco. I hope it can be kept within limits and proper perspective.

Rogers. Yes.

P.M. Even the “one time exception” will be difficult for us to mention in Parliament. It should be clarified from your side publicly. Your Spokesman said something different.

Rogers. Keating has said so.

F.S. Mr. McDermot, your spokesman said “limited exception”.

Rogers. May be he can clarify.

Sisco. I agree it is better for us to clarify it.

Rogers. I think it is important if this can be kept in balance. Congress feels more strongly that there is not enough appreciation of the new Administration’s policies.

F.M. The Democratic Party had maintained the arms embargo.

Rogers. I was talking of general relations. Congress feels India is non-aligned against us though I have tried to defend it.

P.M. That is because they do not understand what India stands for. We are striving hard and we need help but we cannot change our basic policies even if we do not get help. I have spent my life fighting. Even if I do want it, people will not allow it. That is why the people support me. Otherwise there would be dictatorship. We have to think of our interests. We want to be friendly with all our neighbours. That applies to USSR also. We make a policy and USSR supports us. We take decisions on our own. They support the Afro-Asians.

Rogers. May be, we all feel self-righteous.
P.M. That was a long time ago.

Rogers. Well not so long ago. Only after World War II. We felt we were fighting for freedom. We have returned Okinawa to Japan. Most of us did not have to work in government.

P.M. I was not thinking of Government but we had to go to jail. I do not care who criticizes me in my own country or outside. I fight it even if I have to give my life. But, to be frank, there has been foreign interference. It has been in my father’s time and it is so now.

Rogers. Please tell me and I will stop it. Your previous F.M. (Dinesh Singh) told us about our cultural centers.

P.M. I cannot pin down anything. We have no proof. I am not personally concerned.

Rogers. But I am and will certainly stop it. We did not like your former Foreign Minister’s public charge though he told us privately he did not mean it against us, but was talking generally.

P.M. I cannot tell you specifically and I do not know what the previous Foreign Minister told you.

Sisco. You mentioned “support” - we have given support to your government.

P.M. Yes, that is considerable.

Sisco. You mentioned recently “economic pressures”. We attach no string to our aid. This is really our policy and we do not understand these questions of economic pressure or interference.

Rogers. I am glad this question has come up. We cannot go in – in fact there is tendency towards isolation. Your ex F.M. said publicly that our cultural centres were interfering. He must have some reason or he is paranoid. That is why we would like to know so that we can stop it.

Sisco. May be if we can reschedule a meeting in the evening we could discuss it further.

Rogers. Among friends it is necessary to get behind this.
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My Late Wife
Mandip Kaur

Mother of
Puneet and Mantosh

Mother-in-Law of
Gurpreet & Kamaljeet

Grandmother of
Arjan,
Geetika
Amitoj
Zorawar
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INDIA – PAKISTAN RELATIONS

SECTION-I

POLITICAL.......CONTINUED

1970-1974
0552. **Message of Prime Minister Mrs. Indira Gandhi to Pakistan’s President Yahya Khan on the occasion of the Fourth Anniversary of the Tashkent Declaration.**

New Delhi, January 16, 1970.

I take this opportunity of the Fourth Anniversary of the Tashkent Declaration to renew the hope that the future will bring about greater understanding, goodwill and cooperation between our two countries. Mutual trust, friendship and cooperation between our two peoples can be the best guarantee for peace and prosperity on the sub-continent. The Tashkent Declaration, incorporating the acceptance by the two sides to renounce force and to resolve all our differences bilaterally through peaceful negotiations, provides a sound basis towards this objective. On our part, we shall continue our earnest endeavours for the implementation of the Tashkent Declaration with a view to establish a lasting friendship and cooperation between India and Pakistan. I hope it will be possible for your Government to take effective steps in this direction.

I send to you, Mr. President, and to the people of Pakistan, our sincere good wishes.

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0553. **Note verbale from the Ministry of External Affairs to the Pakistan High Commission in India regarding a hostile demonstration in front of the Office of the Deputy High Commission of India in Dacca.**

New Delhi, March 6, 1970

NO:PII/452/2/70 March 6, 1970

The Ministry of External Affairs presents its compliments to the High Commission of Pakistan in India and has the honour to state that shortly after noon on the 28th February, 1970 there was a large demonstration in front of the Office of the Deputy High Commission of India in Dacca. About a hundred persons came in a procession up to the gate of the Chancery and staged a noisy demonstration denouncing the Government of India and the construction of the Farakka Barrage. The demonstrators were carrying twenty placards, some of which read ‘destroy’ Indira’s hateful conspiracy’, Farakka’s death trap, break it, blow it up’, and other extremely hostile slogans.
2. During this objectionable and provocative demonstration, five speakers spoke and each of the speeches threatened that if the Deputy High Commissioner of India did not convey their message to Delhi, Calcutta and Pindi, they would not shrink from violent action. The speakers also threatened that the next demonstration would not be peaceful if Pakistan’s demands on Farakka were not met.

3. Further, threats were made by the speakers in referring to the 1965 conflict, and they threatened that Pakistan would deal heavier blows if India persisted in its anti-Pakistan policy.

4. Stones were also thrown into Chancery compound by the demonstrators and it was fortunate that the damage caused was minimal.

5. On the following day, the 1st March, 1970, another demonstration was staged in front of the Chancery of the Deputy High Commission for India in Dacca. This demonstration comprised over two hundred persons. The demonstrators came in a procession right up to the gate of the Chancery carrying banners and placards and chanting hostile and provocative slogans including ‘down with Indian Brahminism’, “students, take up arms, free Ganga Waters’, ‘blast Farakka Barrage’. It does not appear that any effort was made by the police to curb the demonstrators by preventing them from approaching the Chancery.

6. The Government of India strongly protest against these provocative anti-Indian demonstrations before the Office of the Deputy High Commission for India in Dacca. It is evident that had the authorities taken firm and timely action, the incidents could have been avoided. It is particularly unfortunate that such well organized demonstrations were allowed to occur during the very time when talks were going on between Delegations from India and Pakistan at Secretary level. The Government of India strongly urge the High Commission to move the Government of Pakistan to ensure that suitable action is taken against the persons involved in these demonstrations and that such incidents are not permitted to occur in future.

7. The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of Pakistan in India the assurances of its highest consideration.

High Commission of Pakistan,
New Delhi.
Excerpts from the record of conversation of Foreign Secretary T.N. Kaul with Soviet Prime Minister A.N. Kosygin.

Moscow, May 25, 1970.

The Soviet side was represented by:
1. H.E. Mr. A.N. Kosygin
2. Mr. N.P. Firyubin
3. Mr. A.A. Fomin
4. Ambassador Pegov

The Indian side consisted of:
1. Shri T.N. Kaul, Foreign Secretary
2. Shri Kewal Singh, Secretary
3. Shri D.P. Dhar, Ambassador

Foreign Secretary: we are grateful to Your Excellency for having found time to receive us. I have the honour of carrying a personal letter from my Prime Minister for Your Excellency. (F.S. handed over Prime Minister's sealed letter to Mr. Kosygin). My Prime Minister felt concerned when she heard that you were unwell. She was very happy to learn that Your Excellency's health is fully restored. The Prime Minister also asked me to convey through Your Excellency her good wishes to His Excellency President Podgorni and H.E. Mr. Brezhnev and her warm regards and best wishes to you personally.

Chairman Kosygin: I shall be very happy to convey your Prime Minister’s regards to my colleagues Comrade Brezhnev and Comrade Podgorni. Kindly thank her on my behalf for her greetings and good wishes and convey my best wishes for her success.

Foreign Secretary: Your Excellency, we are about to embark on very important bilateral talks with your Foreign Office. The very composition of this delegation reflects the serious wish of our Prime Minister that these talks should be invested with greater content and meaning and should lead to fruitful and concrete results. It is our earnest desire that while we should endeavour to strengthen the good relations which so happily prevail between our two countries, we should also discover new areas of cooperation and collaboration for mutual...
benefit. As instructed by my Prime Minister, I now have your permission to convey to Your Excellency a general picture of the political and economic situation in our country.

(Foreign Secretary then elaborated the draft of the Fourth Five-Year Plan of India and then proceeded to give a picture of the political scene.)

* * * * *

Last year after the split in the Congress Party many prophets of doom, some of our English language newspapers and the Western Press had predicted the fall of the government and weakening of political forces led by our Prime Minister Mrs. Indira Gandhi. Events have proved otherwise. Today we are internally much more stable and politically stronger than before. Even though Mrs. Gandhi’s Government is technically a minority Government, it had not only received over-whelming support in Parliament but has also enlisted the enthusiastic allegiance of broad masses of India. While the extreme right and the extreme left in our political life cancels each other out, the program and policies of Mrs. Gandhi party are gathering greater and greater support among various sections of the people and like minded parties. This trend has been clearly in evidence in the results of the bye-elections both to the State Legislatures and the Parliament held in recent months. The nationalization of banks, removal of the privileges of the former rulers and many other dynamic measures indicate the movement of politics in our country towards a more progressive direction.

In spite of some irritating voices which one hears here and there in our country it is our firm view that the vast majority of our people and almost all the important political parties are wholly in favour of our maintaining good relations with the Soviet Union and also wish that we would further strengthen bonds in future.

Your Excellency, we understand that President Yahya Khan is due to pay a visit to your country in the near future. In this context I wish to inform Your Excellency that in pursuance of the Tashkent spirit we have taken and are taking quite a number of measures towards normalization of our relations with Pakistan. Unfortunately, the response on the part of Pakistan has been negative and extremely disappointing. I would like to recall here that our Prime Minister went to the extent of sending last year my colleague, Mr. Kewal Singh specially to Pakistan with a letter for President Yahya Khan. In this letter, amongst other things, our Prime Minister had proposed to President Yahya Khan that we would be prepared to take all steps to reestablish and improve our relations with Pakistan in the field of trade, transit, and freedom of movement, communications etc. she also proposed a No War Declaration and the creation of a bilateral machinery at any level for dealing step by step with various matters
so as to remove tensions and bitterness which unfortunately plague the relations between the two countries today. Pakistan’s response to this important and if I may say so extraordinary gesture of goodwill on the part of our Prime Minister was one of cold apathy. It is our hope that this visit to the Soviet Union may lead President Yahya Khan to initiate new processes of normalization of relations with us.

Chairman Kosygin: It is a remarkable coincidence that when I met the Pakistan Ambassador this morning I talked to him exactly like this. I understand that he is proceeding to Pakistan for a short period fairly soon. It seems we are thinking alike and that I had already anticipated your Prime Minister’s thinking. In fact, a trade and transit agreement would be beneficial for the whole region.

Foreign Secretary: My Prime Minister has instructed me to convey her gratitude to you for the assurance you and Marshal Grenchko were good enough to convey to her through our Defence Minister, Sardar Swaran Singh regarding your decision to suspend further arms supply to Pakistan. We deeply appreciate this gesture on the part of the Soviet Union and we have no doubt that it will contribute greatly to the preservation and maintenance of peace in the sub-continent.

The Prime Minister also asked me to convey her sincere appreciation of the economic aid and cooperation received by our country in certain key areas of development and wanted me to remind Your Excellency of the need to meet some of our urgent defence requirements. In the first instance we attach great importance to the establishment of a Design Bureau for the manufacture of aircraft. We have established with your help an excellent complex for the manufacture of MiG aircraft. We have proposed to the Soviet authorities that this Bureau can be conveniently set up at Nasik. The Prime Minister made a special request about it to Mr. Dementiev when he visited us towards the beginning of this year. Our Prime Minister had also impressed the need for the creation of this Bureau on Mr. Skachkov. Our Ambassador has once again submitted an aide memoire for the same purpose to your Government.

We had also conveyed a request to the Soviet Government in a aide memoire submitted by our Ambassador some time last year for the supply of technical documentation and know how for the manufacture of 76.2 mm naval ammunition. The Defence Minister reminded Mr. Skachkov about this matter when he was in India recently. The Defence Minister has once again reiterated his request regarding the manufacture of this ammunition in a letter which my colleague, Mr. Kewal Singh has carried from him for Mr. Skachkov. This ammunition, Your Excellency, is meant to be used in the Soviet naval craft which we have purchased from you and which are likely
to remain in use with us for many years.

Chairman Kosygin: I have been told that you do not need enough of this type of ammunition to justify its manufacture in your country.

Foreign Secretary: Your Excellency, it is the considered view of our experts that our need for this ammunition is considerable and is therefore economically justified. In any case in such matters we cannot always apply the economic yardstick too strictly. Nevertheless, we have already given facts and figures to allay the doubts of the Soviet experts and I would request our Ambassador to make available any further information that may be required in this behalf.

The Prime Minister was very happy indeed to receive from you through our Defence Minister the approval of the Soviet Government to supply us bombers which would satisfy our specific requirements. We were told that the weaponry of these bombers was undergoing tests. We hope we will receive an indication regarding the supply of these bombers soon when tests are completed.

In August last year when Your Excellency visited India you mentioned to our Prime Minister that it would be worthwhile for us to augment our naval strength. Our experts have examined our requirements and they feel that we should acquire four more submarines from the Soviet Union. With your permission I would like to mention to you what the late Marshal Malinovsky told me when I was here as India’s Ambassador. He said that India would require a minimum of 24 submarines for guarding its vast coastline. In that context, therefore, I feel that our request is rather modest. I would, however, like to submit that the submarines we wish to acquire from the Soviet Union will have to be of the latest and the most advanced type.

Chairman Kosygin: I shall instruct the State Committee for Economic Relations to have special attention to these questions and would like you to take up these subjects with them.

(Foreign Secretary at this stage referred to the Soviet desire to purchase railway wagons from India and the price at which these could be sold was discussed. The Foreign Secretary also made a request for the conversion of some of the Indian debts to the Soviet Union into grants. There was also some discussion regarding an underground rail system for Calcutta.)

* * *

Foreign Secretary: .........Excellency, I came to the Soviet Union straight from Bhutan. There have been two intrusions into Bhutan recently in two weeks. Even though they have withdrawn into their own area, we are not very sure of
their intentions and design for future. We would appreciate what Your Excellency’s assessment is. One can never be sure of what the Chinese are up to.

Chairman Kosygin: We had read about Bhutan’s protest to China.

Foreign Secretary: We had lodged it with the Chinese on their behalf and the King had also issued a press statement.

Chairman Kosygin: What is the length of Bhutan’s border with China?

Foreign Secretary: About 500 miles.

Chairman Kosygin: What about the population of Bhutan?

Foreign Secretary: About one million.

Chairman Kosygin: Are the people very poor?

Foreign Secretary: It is not an industrially developed area. The people are poor like the people of all countries in Asia. We have been giving substantial aid to Bhutan and there is vast improvement in the living conditions of the people in this backward region.

Chairman Kosygin: I am sorry to interrupt you. As regards our relations with China I have to report nothing new. There has been no progress. There are no contacts between us and China except the parleys which are proceeding between the two delegations at Peking. These parleys are also deadlocked. When we formulate a proposition to China just indulges in wild criticism of it and her attitude is always negative. Of course, there have been no clashes: there have been no shooting. The border between the two countries are comparatively peaceful. One cannot foretell what the Chinese intentions are going to be in Bhutan or elsewhere. For that matter I do not know what their stand is going to be on Cambodia and the unfortunate situation developing there.

* * * * *

Chairman Kosygin: Do you think that Nepal is afraid of the Chinese?

Foreign Secretary: It is quite possible they may be afraid of the Chinese. But there is no reason why they should allow the Chinese to have such a free hand in the affairs of Nepal. However it is a matter of great satisfaction to us that by and large the majority of the people of Nepal entertain feelings of deep friendship for the people of India.
Chairman Kosygin: As regards our bilateral relations I am very happy to know that they are developing and flourishing. Our relations with your Prime Minister and your President are extremely intimate and friendly. In fact, it rarely happens in history that such cordiality and such camaraderie should exist between two great powers. We have complete faith and confidence in your Prime Minister. There can be no misunderstandings between us. In fact, we should never allow any misunderstanding to interfere in or affect our relations. In the past, unfortunately, some time, some misunderstandings have arisen, but we shall never allow any misunderstandings to arise ever in our relations. Our future relations far from getting worse shall become stronger, deeper and closer. It is true that some times one can make a confused assessment of a situation. It does happen on occasions. I can assure you that never again will there be any confusion which can cloud our relations with your great country. It is in the same light and against the same background that we will approach our talks with Yahya Khan. When he leaves our country he will be left in no doubt about our firm resolves to continue and strengthen our relations with India. We shall exert our influence with Yahya Khan and tell him that the establishment of good relations between India and Pakistan will not only be in his own interest but also in the interests of Pakistan. If you have any questions that you would like me to take up with Yahya Khan in order to influence his mind and to improve relations or which are in the interest of India please let me know either through Firyubin while you are here or after you return to India through Ambassador Pegov who will inform me. We are going to pursue the same line with Yahya Khan regarding the immediate interests of Afghanistan. We will do everything to remind him of the realities of the situation. We shall remind him of the Tashkent Declaration. As years are flowing by we will not allow him to forget the relevance of Tashkent.

* * * * *

(T. N. Kaul)
0555. Note Verbale from the Pakistan High Commission in India to the Ministry of External Affairs regarding a demonstration by the Bhartiya Jana Sangh outside the Pakistan High Commission.

New Delhi, July 1, 1970.

Pakistan High Commission
New Delhi.

No. 2887-CSVI/70.

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs and has the honour to invite their attention to the demonstration and rally organized by the Delhi Branch of the Bharatiya Jana Sangh outside the High Commission on June 28, 1970. This was addressed by a number of speakers, including several Honourable Members of Parliament. The speakers, while making false allegations against the Government and people of Pakistan in connection with the so-called exodus of the minority community from East Pakistan, demanded the cession of certain districts of East Pakistan for the rehabilitation of Hindus who are wrongly alleged to have migrated from there. The speakers asserted that Pakistan would have to accede to this demand and that if it did not do so the people of India would wrest this territory by force. This was also the theme of some of the slogans raised by the demonstrators and of placards displayed by them. One speaker, Mr. Yagya Dutt Sharma, even threatened that the Hindu nation, which had in the past buried Tamerlane, Aurangzeb and Mughal rule in India would also take Pakistan to its grave.

2. These statements and slogans, the High Commission very much regrets to point out, not only constitute a direct assault on the territorial integrity of Pakistan, but also a naked incitement to violence and an open threat of war against a neighbouring country, which harbours neighbourly and friendly sentiments towards India. These have accordingly caused the gravest concern to the Government and people of Pakistan. It is of equally grave concern to them that prominent public figures should continue to be allowed by the Government of India to indulge in such a blatantly hostile, aggressive, and chauvinistic and war like campaign against Pakistan. The High Commission has therefore been instructed to lodge a strong protest with the Government of India.

3. Apart from the speeches and slogans referred to above, a number of other extremely abusive and provocative slogans were also raised by the demonstrators. Some of these were:
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INDIA-PAKISTAN RELATIONS

a) “Pakistan Murdabad,”

b) “Pakistani Kutto, Hosh men ao” (Pakistani dogs, come to your senses)

c) “Mita Kar rahengey Pakistan”
   (we shall not rest until Pakistan is annihilated).

d) “Pakistan, Hai Hai.”

4. The raising of such slogans in public can only serve to intensify the feelings of hostility towards Pakistan that are unfortunately being built up in India, and to vitiate the atmosphere between the two countries. The High Commission is shocked that such slogans, involving foul attacks against a neighbouring country and a challenge to its sovereign status, should be countenanced by the Government of India. The High Commission protests strongly against the failure of the Government of India to prevent continued attacks against the people and state of Pakistan and hopes that, in the overall interest of relations between Pakistan and India, effective steps will be taken to put an end to further manifestations of this nature.

5. The High Commission also hopes that suitable action will be taken against persons responsible for the spread of such animus against Pakistan.

6. The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India, New Delhi.

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Note from Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, July 30, 1970

No. 4(24)-CSVII/70

July 30, 1970

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs, and has the honour to draw their attention to the resolution adopted at the recent meeting of the General Council of the Bharatiya Jana Sangh in Chandigarh demanding that Pakistan should cede some of its territory to India for the purpose of resettling migrants from East Pakistan. Reports relating to the adoption of this resolution appeared in local newspapers on July 19. Earlier, it was reported that another organization had demanded the cession of three districts of Pakistan to India. During the discussion in the Council one member, Acharya Dev Parasad Ghosh is reported to have gone to the extent of calling for the “Liquidation” of Pakistan in order to realize the objective of “Akhand Bharat”.

2. The Ministry will recall that the High Commission, in its Note No. 2887-CSVI/70 dated July 1, had drawn the attention of the Government of India to the demand for the cession of certain districts of Pakistan made by speakers at a demonstration and rally organized by the Delhi Branch of the Bhartiya Jana Sangh out side the High Commission on June 28. It had pointed out that such direct assaults on the territorial integrity on their country could not but cause the gravest concern to the Government and the people of Pakistan. The High Commission had hoped that the Government of India would have taken steps to ensure that such blatantly hostile, aggressive and chauvinistic sentiments against Pakistan are not given further public expression at least by well known political leaders and recognized political parties. It deeply regrets that the Government of India continue to countenance such attacks against the territorial integrity of a neighbouring and friendly State.

3. The High Commission is once again constrained to protest in the strongest terms against the continued failure of the Government of India to prevent such attacks and also against the scurrilous propaganda that accompanies them, in flagrant violation of Sub-para 8 of para C of the “Liaquat – Nehru Agreement”. Such propaganda can only exacerbate tension between the two countries and is completely inconsistent with the Government of India’s professions of friendly feelings towards Pakistan. The High Commission, therefore, trusts that the Government of India would take steps to put an end to such propaganda and the continuing attacks against the territorial integrity of Pakistan.
4. The High Commission avails itself of this opportunity to renew to the Ministry, the assurances of its highest consideration.

The Ministry of External Affairs
Government of India

0557. Note Verbale from Pakistan Ministry of Foreign Affairs to the Indian High Commission in Pakistan regarding Pakistan help to rebel Nagas and Mizos.


No. 11/1/71-I(V) January 30, 1971

The Ministry of Foreign Affairs presents its compliments to the High Commission of India in Pakistan and with reference to Indian Ministry of External Affairs Note No. PI/103/5/70, dated 29th December, 1970, has the honour to state as follows:

2. It is a matter of regret that the Government of India should, from time to time, repeat baseless allegations about Pakistan's involvement in giving shelter, imparting military training and supply of arms to the Negas and Mizos. The Government of Pakistan has repeatedly rejected these charges as being without substance.

3. The Government of Pakistan finds it significant that the allegations made at para 3 of the Note under reference should be brought to its notice at this time when the incidents are alleged to have taken place about a year ago.

4. It is clear that the Government of India has taken recourse to this method in order to divert the attention of the world and that of its own people from the serious situation arising out of Indian action against the Nagas and the Mizos.

5. The Government of Pakistan, vide its Note No. 11/2/70-I(V), dated the 4th April, 1970, had pointed out that as a result of persecution and repression by the Indian forces, members of the Naga and Mizo tribes have, from time to time, been compelled to cross the Indian border into Pakistan causing damage to lives and properties in Pakistani territory. Instead of taking effective measures to stop these intrusions the Government of India has again repeated the old fabricated stories of Pakistan's involvement with the tribesmen.
6. The Government of Pakistan reiterates its earlier request that the Government of India should take necessary steps to check the exodus of these unwanted persons to Pakistan.

7. The Ministry of Foreign Affairs avails itself of this opportunity to renew to the High Commission of India in Pakistan the assurances of its highest consideration.

The High Commission Of India in Pakistan, Islamabad.

0558.

TOP SECRET

Extract from the Paper Prepared by the Cabinet Secretariat (Research and Analysis Wing) on the “Threat of a military attack or infiltration campaign by Pakistan”.

New Delhi, January 14, 1971.

C(abinet).S(ecretary). may please see the enclosed two copies of a note on the ‘Threat of a military attack or infiltration campaign by Pakistan’, prepared in the R&AW.

2. some of the information incorporated in this note was given by us earlier to the Joint Intelligence Committee for the preparation of their papers. The conclusions in the present note are, however, based on our separate assessment.

3. The main points brought out in this note are:-

a.) the impressive increase in Pakistan’s armed might since her confrontation with India in 1965, and

b) the possibility of a combination of circumstances leading to a situation in which Pakistan might be tempted to start fomenting violent agitation, sabotage etc. in the J&K State followed by extensive infiltration.

Signed /R. Kow

C.S.
Threat of a military attack or infiltration campaign by Pakistan.

**INTRODUCTION**

PAKISTAN has considerably increased her armed strength since 1965. Her Army, Navy and Air Force have achieved a good state of military preparedness for any confrontation with INDIA. The potential threat of a military attack by PAKISTAN on INDIA is quite real, particularly in view of the SINO-PAKISTAN collusion. PAKISTAN has also the capability of launching another infiltration campaign into JAMMU & KASHMIR.

**AIM**

2. The aim of this paper is to examine the possibility of PAKISTAN mounting military operations/infiltration campaign during 1971, taking into consideration the preparedness of her armed forces and the political situation in the country.

**Editor’s Note:** The note gives strength of the three wings of the Pakistan Defence Forces, their deployment and equipment etc and then goes on to give its political assessment:

**POLITICAL SITUATION**

27. **Pakistan Occupied Kashmir.**

The formation of a so called democratic Government in POK would help PAKISTAN in disclaiming, if necessary, her direct involvement in any future operations to promote insurgency in JAMMU & KASHMIR. It would also strengthen PAKISTAN’S contention that the Kashmiri people themselves were struggling on both sides of the cease-fire line for their ‘liberation’. SARDAR ABDUL QAYYUM KHAN, the newly elected POK President, is a dynamic and aggressive person with organizing capacity and is publicly committed to the ‘liberation’ of KASHMIR and its accession to PAKISTAN. Therefore, if he gets encouragement and secret backing from the PAKISTAN Government, he could intensify efforts to organize and build up the Al Mujahid Force sponsored by his party for infiltration campaign at an opportune time. In spite of much propaganda, the Al Mujahid and the Al Burq, another volunteer guerilla organization, have yet to get off the ground. They cannot arrange adequate training for their volunteers unless facilities are provided by the PAKISTAN Government and Armed Forces. The indications are that PAKISTAN would work towards building up popular unrest in JAMMU & KASHMIR, which could be exploited at an opportune moment for launching a ‘liberation’ movement from POK. The Al Mujahid and other guerilla organizations like the Al Burq would afford a good cover to PAKISTAN to induct into them the Dufai Mujahids and other Kashmiris who have already been given military training for waging guerilla warfare by the Pakistani authorities.
PAKISTAN

28. After the recent elections, SHEIKH MUJIBUR RAHMAN has emerged as the unchallenged leader of EAST PAKISTAN. His party would have an absolute majority in the National Assembly. He would, therefore, be in a strong position to press for the incorporation of his party’s six point programme in the Constitution. He would find it difficult to make any compromise in his stand on the main Constitutional issues, since his party had declared that the elections would be considered as a referendum on the six point programme.

29. In the Western Wing of PAKISTAN, particularly the PUNJAB and SIND, BHUTTO seems to have captured the imagination of the common man, because of his promises of early radical changes in the social and economic order. His party has emerged as the dominant political force in WEST PAKISTAN. It is difficult to judge whether his anti INDIA posture yielded him rich dividends, because other rightist parties, the leaders of which also consistently indulged in INDIA baiting, did badly in the elections.

30. The Awami League would have an absolute majority in the National Assembly. It would, however, appear that the Awami League would find it necessary to enlist the support of some parties and groups from the Western Wing in the National Assembly. In view of the very impressive success gained by the PPP, the chances of framing an acceptable Constitution, and of forming a durable Government at the Centre, would depend on some understanding being reached between SHEIKH MUJIBUR RAHMAN and ZULFIQAR ALI BHUTTO. It is likely that because of political compulsions and the realities of the situation as it develops, SHEIKH MUJIBUR RAHMAN and BHUTTO would reach a working understanding.

31. The Legal Framework Order (LFO) has left it to the National Assembly to evolve for itself a voting procedure for framing the Constitution, although YAHYA KHAN has indicated that this procedure should be just and fair to various regions. In the actual framing of the Constitution, the real issue which would defy an easy solution would be the extent of autonomy to be given to EAST PAKISTAN and the powers of the Centre. Hard bargaining could be expected on this crucial issue which would also involve the question of the authentication of the Constitution by the President in the light of the five basic principles laid down in the LFO. One of those principles stipulated that all powers, including legislative, administrative and financial powers shall be so distributed between the centre and the provinces ....................

.....................................................and that the federating States should have exclusive authority to levy all taxes and duties, though the Federal Government would have a share of the State taxes for meeting its own expenditure.
Therefore, unless there is some compromise by the Awami League on this point, a Constitution incorporating the six-point programme would definitely militate against the LFO, in which case President YAHYA KHAN could be expected to withhold authentication. It would, however, be very difficult for YAHYA KHAN to withhold the authentication of any Constitution framed by the National Assembly in view of the massive mandate given to the Awami League by the people of EAST PAKISTAN. Such an act on his part would provoke a more dangerous reaction if BHUTTO’s PPP joined the Awami League in passing the Constitution.

32. The present ruling elite consisting of hard liners in the Armed Forces, the privileged bureaucrats and the vested economic and feudal interests might possibly exert pressure on YAHYA KHAN to try to reverse the trend towards the transfer of power to the representatives of the people in the circumstances which have emerged from the elections. In that event, there would be a temptation for YAHYA KHAN to consider the prospects of embarking on a military venture against INDIA with a view to diverting the attention of the people from the internal political problems and justifying the continuance of the Martial Law. This possibility, however, would seem somewhat remote because YAHYA KHAN, who has so far tried to appear responsive to public opinion and has shown a sense of realism in his actions, would realize that if there was a military fiasco or even stalemate, the country would suffer and he himself might be ousted. The indications also are that the EAST PAKISTANIS and even some sections of the people in the Western Wing, would not be hoodwinked by such tactics. If, on the other hand, YAHYA KHAN did not yield to a pressure of this type brought to bear by the hard-liners, there could be a possibility of a military coup against him. There is, however, no information so far of any definite plan of this nature.

33. If a democratic national Government comes into existence by about the summer of 1971, and representative Governments also start functioning in the Provinces, there would be chances of a better climate prevailing in the INDO-PAKISTAN relations. BHUTTO too might behave with some moderation and restraint if he came to share real power. BHUTTO is considered to be an opportunist by many prominent public figures in PAKISTAN. He would realize that resort to a major military action against INDIA would inevitably result in increasing the influence and the power of the Armed Forces. At least some of his anti INDIA stance is for domestic consumption only.

34. Thus, at present the political situation in PAKISTAN has not crystallized and is at a very crucial stage. The success or failure of the current Constitutional experiment could be expected to have a definite impact on PAKISTAN’s policy towards INDIA. If the present Martial Law regime sincerely desires to bring
about political stability in the country and pacify the alienated East Pakistanis with a view to keeping the two Wings together, it would avoid a military showdown with India. The threat of a military attack or infiltration campaign by PAKISTAN would also recede if genuine democracy starts functioning in PAKISTAN. There would, however, be increased possibility of PAKISTAN resorting to a military venture against INDIA if the democratic process is aborted or the National Assembly is dissolved either due to its failure to evolve an agreed Constitution or refusal by YAHYA KHAN to authenticate it.

**COLLUSION WITH CHINA**

35. The relations between CHINA and PAKISTAN continue to be close. The C-in-C of the PAF visited CHINA in May-June, 1970 and the C-in-C of the Pakistan Navy in September, 1970. President YAHYA KHAN himself paid a 5-day visit to CHINA in November, 1970. It was significant that his entourage included Maj Gen MALIK ABDUL ALI, Chief of the Joint Secretariat, GHQ, and Maj Gen KHURSHED HAIDER, Director General, Munitions and Production. There have also been other exchanges of visits between the two countries. However, while there have been clear indications of collusion between CHINA and PAKISTAN in pursuing an antagonistic policy towards INDIA, there is little evidence so far to show that these two countries are planning a concerted military action against INDIA. CHINA is pre-occupied to a considerable extent with the developments in Indo-China and the Sino-Soviet border dispute. It is unlikely that CHINA would actively get involved, militarily, in an INDO-PAKISTAN conflict. Nevertheless, it is to be expected that in the event of all out hostilities between INDIA and PAKISTAN, CHINA would adopt a threatening posture on the Sino-Indian border and even stage some border incidents and clashes, to prevent the diversion of Indian troops, assigned to meet the Chinese threat, to the theatres of war with PAKISTAN. CHINA would also assist PAKISTAN by arranging a steady flow of supplies and military stores.

**ASSESSMENT AND CONCLUSION**

36. The present state of PAKISTAN's military preparedness is such that she has the capability of launching a military attack against INDIA on the Western front or an infiltration campaign into JAMMU & KASHMIR. Actually, PAKISTAN would realize that any large scale infiltration campaign from POK would, in all probability, escalate into all out INDO-PAKISTAN conflict. PAKISTAN's main objective continues to be the annexation of the State of Jammu and Kashmir.

37. The operational responsibility for POK rests on 12 and 23 Inf Divisions having ten Inf Bdes (three regular PAKISTAN Army Bdes and seven POK Bdes). These Bdes include twenty two POK Infantry Battalions, seventeen of which are deployed along the cease-fire line and five are held in reserve, as
well as nine Infantry Battalions of the regular PAKISTAN Army. Eight of these Bdes have one Mountain/Composite Mountain/Light Regiment of Artillery each, while the remaining two Bdes have a field Regiment each. In addition to the above forces, PAKISTAN can count on reinforcements from amongst 7 Inf Div at PESHAWAR and 9 Inf Div at KHARIAN. PAKISTAN could also use elements of 6 Armd Div in the CHHAM-JAURIAN Sector. The Razakar Force, which is now called the ‘Dufai Mujahid’ Force, has been increased to about 35,000 trained men, of whom about 10,000 are on active list and are attached to the various POK Bns. In addition, there are about 8,400 troops of the Frontier Corps, which form part of Scouts, deployed in the northern areas of POK.

38. According to a recent assessment, the following forces could be spared by PAKISTAN for infiltration operations:-

- a) Karakoram Scouts)  
  Northern Scouts )  
  Gilgit Scouts )  
  Approximately 2,500

- b) POK Inf Bns  
  Approximately 3,000

- c) Dufai Mujahids  
  ,,  
  5000

- d) Special Service Group (SSG)  
  500

- e) Personnel migrated to  
  PAKISTAN  
  ,,  
  2000

  Total 13,000

SSG personnel were reported to have infiltrated into J&K in two batches of 30 and 20 men in October, 1969, in RAJOURI, NOWSHERA and JAMMU areas for reconnaissance and gathering tactical intelligence. They stayed on the Indian side of the cease-fire line for about two weeks. It was also learnt recently that an officer of the KASHMIR Affairs Department visited the WAZIRISTAN area in the last week of October, 1970 and recruited 150 tribesmen. The indications are that these tribals would be given military training and, thereafter, possibly used for infiltration.

39. It is likely that the modus operandi of any future infiltration campaign by PAKISTAN would be to send in trained personnel into the border villages in small groups. The able-bodied adult males who had migrated to POK and PAKISTAN in 1965 from POONCH and RAJOURI Sectors and who have since returned, could be expected to help the infiltrators. After the underground apparatus has been established in JAMMU & KASHMIR and the local
Administration weakened through political agitations and subversive activities, efforts would be made, at an opportune time, to promote a general uprising and intensify sabotage activities with a view to paralyzing the civil administration. The induction of the main column of infiltrators may be expected at this stage when attacks on the Security Forces would also have started. This would be made to coincide with the creation of a tense situation on the border which would commit our Armed Forces there. The main targets for the infiltrators would be bridges, lines of communications, petrol and supply dumps, airfields, formation headquarters, ammunition depots, police stations, power-houses and other key installations. The terrain all along the POK border is favourable for infiltration. The lines of communication in POK have been considerably improved since the 1965 conflict. The winter months would, generally, not be suitable for large-scale infiltration. The period from April to September is more likely to be chosen for this purpose.

It would appear to be the current strategy of PAKISTAN to work towards building up popular unrest in J&K which could be exploited at an opportune moment for launching a ‘liberation’ movement there. However, any decision by PAKISTAN to launch another infiltration campaign, followed or accompanied by military action by her Armed Forces, would have to take into consideration the prevailing geo-political factors, and the likely international reactions to such a venture on her part, which would probably escalated in an all out war. The possibility, however, of PAKISTAN resorting to limited infiltration and starting subversive/sabotage activities to start off and sustain violent disturbances in J&K, cannot be ruled out, as PAKISTAN may consider that such action on her part was not likely to provoke INDIA to retaliate against her. PAKISTAN should, normally, be expected to embark on an attempt to capture substantial territory in J & K only if she is confident of success in a swift and short war. Any such decision on her part would also depend on her assessment of CHINA’s willingness and ability to tie down substantial portion of the Indian Armed Forces elsewhere. PAKISTAN would also realize that any military action by her against INDIA has every chance of resulting in the stoppage of economic and military aid from the USSR and the USA. The political situation in PAKISTAN would, as indicated above, play an important part in influencing PAKISTAN’s decision either in favour of launching an attack/infiltration campaign or against it. An important factor which could tempt PAKISTAN to make an attempt to grab KASHMIR through infiltration and military action, would be a serious deterioration in the law and order situation in J & K.

To sum up, the situation as it develops in J & K and the trend of political events in PAKISTAN, would have considerable bearing on the question of the Pakistani military threat to INDIA during 1971. The possibility of a military venture by PAKISTAN would increase if the current Constitutional experiment there is
aborted or fails, as in that case the Martial Law Regime might consider that a military confrontation with INDIA or an infiltration campaign into J & K is likely to result in diverting the attention of the people from the internal political problems and in their acquiescence in the continuance of the military rule. Consequent to the action taken against the Plebiscite Front leaders and workers in J & K, the PAKISTAN and POK Governments may utilize the die-hard pro-Pakistani elements and ‘agent-provocateurs’ to aggravate the resultant discontent by acts of mischief and sabotage. The effort would be to inflame the passions of the people and make any popular movement turn violent. If the law and order situation is not quickly controlled and there are widespread violent disturbances, it is likely that some infiltrators would be sent across the cease fire line to promote a popular uprising and to prevent the agitation from dying down. There is a distinct possibility that PAKISTAN might exploit a continuing violent agitation, which has disrupted the civil administration and diverted the attention of Indian Security Forces, to launch an infiltration campaign. Special vigilance to guard against such a threat would appear to be necessary from about the month of April, 1971, particularly because the deliberations in PAKISTAN’s National Assembly would also be reaching a decisive stage about May/June, 1971. It is probable that PAKISTAN would disclaim any direct involvement in infiltration campaign by taking the plea that the people of POK and J & K had themselves risen in arms against Indian ‘occupation’ and that the infiltrators belonged to volunteer guerilla organizations.

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0559. Message* from External Affairs Minister to Pakistan Minister-in-Charge of Internal Affairs Abdul Rashid Khan.

New Delhi, February 1, 1971.

I have yesterday conveyed through your High Commissioner here our grave concern for the safety well-being and safe return of all passengers and crew and the Indian aircraft that was hijacked to Pakistan on January thirtieth. We have already offered to send immediately a relief aircraft for this purpose with additional crew to bring back hijacked plane but regret that we have not yet received your clearance. Earnestly request you to take all necessary steps to give immediate clearance. If there is any difficulty regarding this, request you to send to day positively all our stranded passengers and crew by road under adequate security arrangements from Lahore to Hussainiwala where we shall receive them. As you will appreciate there has already been undue delay and any further delay will only worsen the situation which we and i hope you also wish to avoid.

* The message was sent following the hijacking to Lahore of an Indian Airlines flight from Srinagar to Jammu on January 30, 1971. On the same day another message was sent by Minister of Civil Aviation to his Pakistani counterpart on the same lines but adding that hijacking involved “blatant breach of international law and customs and must be condemned by both governments”. He also cautioned him that “prolongation of present situation was not in the interest of our two nations”. On the same day, Minister of Civil Aviation of India sent a separate message to Indian Acting High Commissioner in Islamabad for delivery to the appropriate authorities in Islamabad on his behalf which read: “Deeply disturbed at prolonged delay in allowing passengers and crew of Indian Airlines plane to return to India along with baggage, cargo and mail. Our relief Aircraft with spare crew has been standing by awaiting clearance from your authorities. Hijacking involve blatant breach of international law and custom and must be condemned by both governments. Urge your personal intervention to secure return of the plane along with passengers and crew without delay. Prolongation of present situation not in the best interest of our two nations. Regards.” The Minister asked the High Commission “to confirm immediately by telephone or telegram that the message has been delivered”
Letter from Chief Minister of Jammu and Kashmir G. M. Sadiq to Prime Minister Mrs. Indira Gandhi.


Chief Minister
Jammu and Kashmir

NO: S-14/CMS-70 Jammu-Tawi, Feb: 2, 1971

Dear Indira ji,

Hijacking of the Indian airlines aircraft, by Pak agents over Jammu on the 30th January is a matter of grave concern. Apart from other consequences it is likely to have, Pak agents’ success in the matter could have the effect of bolstering up the morale of Pakistani elements within the valley closely after their suffering a major setback as the result of the State Police operation in smashing the ‘Al-Fateh’ gang. There will, no doubt always be occasions when authorities concerned fail, despite honest and serious efforts, to fully control the activities of agents and spies of a foreign power but what makes this hijacking incident singularly grave and unfortunate is the failure to prevent it even though we have had with us for quite some time now reports of Pakistani plans to hijack one of our planes in flight.

You are no doubt aware that the first report of Pak intelligence Plans for hijacking came to the Union Home Ministry early last year and it was also known that the intention was to force a plane to land in Pakistan while I was on board. The Director, Intelligence Bureau, Government of India, warned our I.G.P. in this regard vide his secret Communication dated the 13th July 1970 and indicated that according to information received Pakistan had trained some persons in its guerilla organization for the purpose of hijacking a Fokker Friendship plane between Jammu- Srinagar - Delhi. The Communication laid down certain precautionary steps which our Police initiated immediately. Almost simultaneously with these measures, our I.G.P. requested the Director, Intelligence Bureau (vide his secret communication dated the 18th July, 1970) to inform the State Police of the identity of the agent from whom information regarding the hijacking plan had been received so that our C.I.D. could question him and have fuller information about this sinister design. Repeated attempts were made thereafter by the I.G.P. as also the Chief Secretary to persuade the Union Home Ministry and the Director, Intelligence Bureau to let them have the necessary particulars of the agent who, as it became known to us subsequently, had given the information originally to the Border Security Force. The matter was
discussed at one or two meetings also but to no purpose. The B.S.F. took the
Stand that it could not reveal the identity of the agent and it pains me to have to
record, the Director, Intelligence Bureau, did not take a different stand. Viewed
in retrospect, it will indeed appear most unfortunate that our requests should have
been turned down and facilities for interrogating the agent refused outright. It is
also amazing that the Union Home Ministry should have felt powerless in asking
the B.S.F. to help the State C.I.D question the agent. Had our C.I.D been able to
interrogate the man I have no doubt whatsoever that the disaster which befell us
on the 30th January could have been avoided by timely action.

Strange as it may seem, not only was the identity of the agent kept away from
us but, what is perhaps worse, the B.S.F. in order to provide cover to him went
as far to employ him as a Sub-Inspector. It is even being said that the man was
also provided with a passport for travel to Pakistan without the knowledge of
the State Government.

Investigations which our Police has made following the hijacking of the Indian
Airlines aircraft have revealed that it was this very agent (Mohd Hashim Qureshi)
who with the help of another accomplice, named Ashraf, forced the pilot of the
Fokker Friendship plane to land in Lahore. It has also been established that
Hashim after being employed by the B.S.F. was placed on duty at Jammu and
Srinagar airfields on different occasions in order to identify and apprehend
Pakistani agents trained in hijacking. Hashim was thus able not only to have
access to all information relating to travel plans of VIPs and others but also
keep an eye on movement of our aircraft in a most sensitive area. On the day
of the occurrence itself, Hashim was able to avoid prying eyes of one of our
Police officers at the Srinagar airport because of the fact of his being a Sub-
Inspector in the B.S.F. The Police official on duty had, I am told, chanced to
see a torn clandestine poster which Hashim was carrying and when an enquiry
was made from him in this regard he gave the simple answer that he was
carrying it for reporting the matter to his higher authorities in the B.S.F.

It is now established that Hashim was actually an agent planted by the
Pakistani intelligence in the B.S.F. and, incredible though it may seem, he
was able to “impress” his officers in the B.S.F. so much that they went out
of their way in affording him various facilities besides employing him as a
Sub-Inspector in the Force. In view of the knowledge that we have picked
up in the course of our investigations about Hashim’s extravagant ways it is
quite possible that he was also the recipient of large sums of money from
our intelligence agencies. If a Pakistani agent can infiltrate our Security
ranks with such ease as Hashim was evidently able to do, I do not know
what a sorry pass we should be coming to soon.

I must confess to you my sincere feeling that our intelligence and counter-
The whole affair of the hijacking of our aircraft needs to be subjected to a sifting enquiry at the highest level so that we are able to profit from our costly and grievous mistake and devise measures for an effective functioning of our intelligence set-up as a whole. You might like to consider entrusting such an enquiry to your Secretary, Mr. Haksar, who should for this purpose call for all relevant records in this connection from the central and State Home Departments. The Security of the country and its honour cannot be allowed to be sacrificed to satisfy the caprice of a particular person or agency. There has to be effective coordination on all sides and the mistakes we have committed as a result of lack of co-ordinated functioning must in no case be allowed to recur. I may also express to you my sincere opinion that in the interest of security in Jammu and Kashmir the present proliferation of intelligence agencies should be ended and the work relating to intelligence and counter-espionage work are far from being effective or efficient. What makes matters worse still is the proliferation of intelligence agencies and a complete lack of co-ordination in their functioning. It is difficult to understand why B.S.F. should operate an intelligence set-up of its own when we have the Intelligence Bureau, State CID and the Military Intelligence working already in J&K. Information which B.S.F. in the course of its duties may be able to gather could very well be passed on for further enquiry and follow-up action to agencies which are primarily meant for intelligence work. Had the B.S.F. not been allowed to keep an Intelligence Department of its own, Hashim should in normal course been passed on the Intelligence Bureau and the State CID for questioning and other action and there would not have been any occasion for the Home Department at the Centre to be a party to the unwise decision of not permitting the agent's interrogation by our Police. Our intelligence set-up has over the years developed a high degree of knowledge and competence in dealing with Pak espionage which it is impossible for a new agency like the B.S.F. to attain. As you are very well aware, the State CID has in recent years unearthed and smashed quite a number of Pakistani cells and spy organisations and with the experience they have, they should certainly have been able to prevent the implementation of the hijacking plan.

I may also recall here that during your visit to Srinagar in June last year you had referred to the Pakistani Plan for hijacking one of our aircraft and laid great stress on the need for effective measures in this connection. The matter had come up to me also twice in my capacity as the State Home Minister and I had suggested that the Director, Intelligence Bureau, should at least arrange for a joint interrogation of the B.S.F. agent by State and Central Intelligence agencies. Unfortunately enough, the Home Ministry thought it wise it dismiss this suggestion also on the plea that no intelligence agency could allow its agent to be questioned by another agency.
allowed to be handled only by Intelligence Bureau and the State C.I.D. I would even suggest that in the context of the situation in Jammu and Kashmir the whole work should in the main be handled by the State C.I.D in co-ordination with the Intelligence Bureau in view of the experience and knowledge which our Police have gathered in combating Pakistani espionage.

With kindest regards,

Yours sincerely

(G.M. Sadiq)

Shrimati Indira Gandhi,
Prime Minister,
New Delhi.

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0561. Statement by Prime Minister Mrs. Indira Gandhi on the hijacking of Indian Airlines plane which was later blown up at the Lahore Airport.

New Delhi, February 3, 1971.

The Government of India and the people of India are justifiably indignant at the abatement, incitement and encouragement given by the authorities in West Pakistan in helping the hijacking of Indian Airlines Fokker Friendship aircraft to Lahore on January 30. The delay in the return of the passengers and the crew was inhuman and without justification. The refusal to return the aircraft with its baggage, cargo and mail is against all canons of international law and the UN General Assembly resolution passed at the 25th session to which Pakistan is a party.

The blow up of the plane at Lahore airport under the very nose of the Pakistan authorities by the two criminals who hijacked it to Lahore airport deserves to be condemned. We regret to say we have heard no word of condemnation from Pakistan so far. The authorities in West Pakistan do not perhaps realise the serious repercussions of their negligence and indirect encouragement to these two criminals who were allowed the freedom of Lahore airport to make trunk telephone calls to their accomplices in Pakistan without hindrance. It is amazing that the Government of Pakistan could no control these two individuals for three whole days and allowed them to blow up the Indian plane.
We hold the Pakistan Government wholly responsible for allowing this dastardly crime. At the same time, we are glad that the people of Pakistan showed friendliness towards the stranded passengers and crew and waved greetings to them during their road journey from Lahore to Hussainiwala.

We want to strengthen friendship with the people of Pakistan but we will not tolerate any case of vandalism, abatement, incitement or encouragement of subversive elements from Pakistan who may venture to disturb law and order in our country. We should like to tell the Government of Pakistan that the encouragement of such activities will lead to serious consequences for which they will be wholly responsible.

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0562. Note from the Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, February 3, 1971.

Government of India
Ministry of External Affairs
New Delhi

3rd February, 1971

The Ministry of External Affairs presents its compliments to the High Commission of Pakistan in India and has the honour to State as follows:—

2. The encouragement and support given by the Government of Pakistan to the two persons who hijacked the Indian Airlines Fokker Friendship Aircraft to Lahore on January 30, 1971, is in violation of all norms of international behavior and of International Law. The attitude of the Pakistan authorities in this entire matter has been extremely objectionable from the time the aircraft was hijacked to Lahore No attempt was made to condemn the incident and in fact, by agreeing to grant political asylum to these two criminals, the Government of Pakistan have made clear their direct involvement in it. The encouragement and support given to these two persons by the Government of Pakistan directly led to the blowing up of the aircraft on the 2nd February. The Pakistan authorities neither made any effort to restrain them from blowing up the aircraft nor did they, according to reports, make even an attempt to save the aircraft, despite the fact that, as under established international law and practice, it was the
responsibility of Pakistan to return immediately the hijacked aircraft with the baggage, cargo and mail.

3. The Government of India strongly protest against the action of the Government of Pakistan in extending assistance and support to and even encouraging these two criminals, and their failure to protect the aircraft and its contents. The government of India claim damages in respect of the destroyed aircraft, as well as for the baggage, cargo and mail and the loss resulting from the detention of the aircraft in Pakistan.

4. The Government of India hold the Government of Pakistan wholly responsible for any consequences that may flow from this deplorable incident and hope that the Government of Pakistan will refrain in future from assisting, inciting or encouraging such incidents in the interests of peace and harmony between the two countries.

5. The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of Pakistan the assurances of its highest consideration.

High Commission of Pakistan,
New Delhi

0563. Message from Mr. N. Sahgal, Secretary to the Government of India, Ministry of Tourism and Civil Aviation, to International Civil Aviation Organization.

New Delhi, February 4, 1971

1. I have the honour to bring to your notice the following incident of hijacking of an Indian aircraft involving detention of passengers and crew and deliberate destruction of the aircraft at Lahore international airport in Pakistan:—

An Indian Airlines Fokker Friendship aircraft VT-DMA whilst operating a scheduled service No.422-A from Srinagar to Jammu on 30th January, 1971, was hijacked at about 1238 hrs. IST and diverted to Lahore (Pakistan). This act of hijacking was committed by two persons, one of whom entering the cockpit threatened the Pilot with a revolver and the other threatened the passengers with a hand-grenade. This aircraft was forced to land at Lahore International airport at 1325 hrs. IST with
26 passengers and 4 crew as also the two hijackers on board. The aircraft was also carrying considerable quantities of baggage, cargo and mail.

On the afternoon of the same day, as soon as the Indian Civil Aviation authorities learnt of the unlawful seizure and diversion of the aircraft to Lahore, the DGCA, Pakistan was contacted on the telephone and by W/T Signal by the DGCA, India. At first, the DGCA, Pakistan agreed to facilitate the immediate return of the aircraft, passengers, crew, cargo and mail to India. The same assurance was also conveyed by the High Commissioner of Pakistan in India to the Secretary in the Ministry of External Affairs, Government of India. Messages continued to be sent, through all channels, to DGCA, Pakistan and other concerned authorities for the return and restoration of passengers, crew members, aircraft, baggage, cargo and mail on 30th January, 31st January and on 1st February 1971. The Pakistan authorities however took the position that whilst the passengers and crew members had been disembarked, the two hijackers were still on the aircraft and were threatening to blow it up in case the Pakistan authorities tried to take charge of the aircraft. In the circumstances, the Pakistan authorities claimed that they were unable to make arrangements for the immediate return of the plane but that they would facilitate the return of the passengers and crew members.

On the morning of 31st January 1971, the Indian Civil Aviation authorities offered to send a relief plane and a spare crew to Lahore to bring back the hijacked aircraft and its passengers as well as its crew. At first, the Pakistan authorities agreed that a relief plane from India could be sent but later declined permission urging the ground that demonstrators at Lahore airport would not permit the landing or the take off of the Indian relief plane. Alternatively, the Pakistan authorities were requested to send the Indian passengers and crew members on an Ariana Afghan Airlines aircraft which landed at Lahore at about 2330 Hrs. (IST) on 31st January 1971, but Pakistan turned down this request on the same grounds as above.

On the morning of 1st February 1971, whilst the passengers and crew members continued to be detained in Lahore, the Minister of Civil Aviation in India addressed to the Minister in charge of Civil Aviation, Pakistan, a telegraphic message expressing concern and distress at the prolonged delay in allowing passengers and crew to return to India. The Minister also informed the Pakistan authorities that the Indian relief aircraft with spare crew had been standing-by, awaiting clearance from the Pakistan authorities. The Minister of External Affairs, Government of India, addressed a similar message to the Home Minister of Pakistan. Still
Pakistan failed to give clearance for the Indian relief plane, nor were the crew members of the relief aircraft granted visas for Pakistan by the High Commission Pakistan in India. On the afternoon of 1st February, 1971, passengers and crew members of the Indian hijacked aircraft were permitted to leave and were brought by road and handed over to the Indian authorities on the India–Pakistan border. They had been in Lahore for a period of two days. Meanwhile the Indian hijacked aircraft VT-DMA continued to be detained at Lahore International airport.

At 2030 hours (IST) on February 2, 1971 the aircraft was blown up and destroyed at the Lahore International Airport within sight and control of the Pakistan Police, civil and military authorities, and in the full view of the press and television cameras. The fire brigade which was at hand, took no action until the last minute.

2. The following factors are significant in this regard:

a) Although it was incumbent under international law and usage and custom for the Pakistan Government to have repatriated immediately the stranded passengers and crew, they took more than 48 hours to send them to the India-Pakistan border. The passengers and the crew were not allowed to bring their baggage, nor were the cargo and mail released.

b) Although the Pakistan Government stated that the hijackers were preventing them from boarding the aircraft and taking it into custody and were brandishing a revolver and a hand grenade to ward them off, the Government of Pakistan announced that they had given them political asylum in Pakistan on the very first day of the landing without disarming them. It is strange that instead of taking the offenders into custody and returning the plane the Government of Pakistan granted political asylum to them. The Government of India is not aware of any instance in which political asylum has been granted by a country to offenders even when these offenders do not submit to the laws of that country and continue to threaten with firearms and grenades the safety of an international airport, persons and property thereon, and an aircraft unlawfully seized from a foreign country.

c) The hijackers were freely permitted to visit, by turns, the terminal building of Lahore airport, to put in long distance calls to accomplices in Pakistan from there and meet various people besides being provided with food and other amenities, which alone enabled them to continue their unlawful possession of the aircraft for 3½ days against the alleged efforts of the Pakistan authorities. This happened on the apron of the Lahore international airport in full view of the authorities, troops and police there.
Advance arrangements were also made by the Government of Pakistan for the press and T.V. to cover the destruction of the Indian aircraft. This destruction of the aircraft was dramatized on the television network of Government of Pakistan and it was made to appear as if the event was an occasion for celebration.

d) It was alleged by the Pakistan authorities that a large crowd had prevented them from repatriating the crew and passengers to India, whereas the fact is that there is strict martial law in Pakistan and it is not possible for crowds to gather or demonstrate without the connivance of the local authorities. In point of fact, there was no crowd gathered at the Lahore airport even though some politicians visited the airport. What is more, the airport was throughout open for all normal traffic including the Ariana flight which landed there on 31st January.

3. The Government of India would like to reiterate its declared policy of condemning and curbing acts of unlawful seizure of aircraft and unlawful interference with civil aviation. It deplores the detention of passengers and crew members in Pakistan for a period of two days and the destruction of the hijacked aircraft. This is contrary to the principles of the Chicago Convention and other international conventions. Article 11 of the Convention on offences and certain other acts committed on board aircraft, signed at Tokyo on 14th September 1963, Article 9 of the Convention for the Suppression of Unlawful Seizure of aircraft adopted at The Hague on 16th December 1970, the various resolutions adopted by the International Civil Aviation Organisation and the Resolution No.2645 (XXV) adopted by the General Assembly of the United Nations, have all expressed deep concern over acts of hijacking and unlawful interference with international civil aviation and have called upon States to take every appropriate measure to return immediately aircraft, passengers, crew, cargo, mail and baggage whenever an act of unlawful seizure of aircraft takes place. In this case the aircraft was destroyed with the active assistance of the Government of Pakistan. Also the Government of Pakistan detained passengers and crew for two days. Cargo, mail and baggage have not been returned as yet.

4. The Government of India deplores this deliberate act of the Pakistan Government in violation of international law, usage and custom and reserve their right to take such further action as it may deem necessary.
0564. Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, February 4, 1971.

Ministry of External Affairs

No. P-13/8/71 4th February, 1971

Ministry of External Affairs presents its compliments to the High Commission of Pakistan in India and has the honour to state as follows:

The Government of India are deeply disturbed by the instigation, abetment and encouragement given on Pakistan territory to unlawful and subversive activities in India. This has resulted in the recent hijacking of an IAC plane which was, in spite of repeated requests from the Government of India, not only not returned to us but was deliberately allowed to be blown up by two criminals under the very nose of the West Pakistan authorities. The Government of India have exercised restraint and tried throughout not to escalate the incident.

The Government of India have demanded compensation for the loss of the aircraft, baggage, cargo and mail and the damage caused by the detention of the Hijacked plane in Lahore. The protest and the demand for compensation was conveyed to the Pakistan government yesterday. Until this matter is satisfactorily resolved the Government of India have decided to suspend, with immediate effect, the over flight of all Pakistani aircraft, civil or military, over the territory of India. This decision is not meant to inconvenience the people of India or Pakistan but is taken in the hope that the Government of Pakistan will settle this matter amicably and peacefully without delay.

Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of Pakistan the assurances of its highest consideration.

The High Commission of Pakistan,
New Delhi.
Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, February 5, 1971.

Ministry of External Affairs
New Delhi

No.PSP/411/6/71 February 5, 1971

The Ministry of External Affairs presents its compliments to the High Commission of Pakistan in India and has the honour to state as follows:

2. A demonstration by the Delhi University Students Organisation took place outside the Chancery premises of the Pakistan High Commission on the 3rd February, 1971, resulting from the actions of the authorities in Pakistan in respect of the two criminals who hijacked an Indian Airlines aircraft to Lahore and were finally allowed to blow it up three and a half days later, The Indian authorities had taken full and adequate measures to ensure that the demonstrators should not enter the premises of the Pakistan High Commission, cause any damage to them or violate the normal facilities extended to all diplomatic missions.

3. Unfortunately, when the demonstrators were outside the Chancery of the Pakistan High Commission, several members of the Pakistan High Commission started throwing stones and brickbats from inside the High Commission premises at the demonstrators outside which resulted in injuries to some of the demonstrators as well as several police officials on protective duty in the area. It is further reported that some members of the High Commission indulged in other regrettable acts such as using provocative and threatening language against the demonstrators. Photographers have appeared in the newspapers of the 4th February, 1971 of members of the Pakistan High Commission throwing stones from inside the High Commission premises at the demonstrators. These unusual and unfortunate action on the part of the High commission staff greatly provoked the demonstrators and rendered the task of the police personnel extremely difficult.

4. The Ministry of External Affairs express their surprise and concern at such unusual behaviour on the part of the members of the Pakistan High Commission and express the hope that members of the Mission would refrain from such provocative acts. The Ministry of External Affairs would like to assure the High Commission of Pakistan in India that they are taking every possible step to ensure the safety and security of the Pakistan Mission and its personnel.
5. The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of Pakistan the assurances of its highest consideration.

High Commission of Pakistan,  
New Delhi.

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0566. Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, February 5, 1971.

No. PSP/411/6/71 February 5, 1971

The Ministry of External Affairs presents its compliments to the High Commission of Pakistan in India and has the honour to stated as follows.

The two persons, Mohammed Hashim Qureshi and Mohammed Ashraf, who hijacked an Indian airlines aircraft to Lahore on January 30, 1971 are guilty of serious criminal offences under Indian laws by which they are required to stand their trial in India. It is requested that they may be returned immediately under escort to the Indian authorities at a place and time to be mutually agreed, the details of which may be communicated at an early date.

The Ministry of External Affairs avail themselves of this opportunity to renew to the High Commission of Pakistan the assurances of its highest consideration.

High Commission of Pakistan,  
New Delhi.

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0567. **Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.**

Islamabad, February 5, 1971.

No IN(III) 14/1/71

5th February, 1971

The Ministry of Foreign affairs presents its compliments to the High Commission for India in Islamabad and has the honour to acknowledge the receipt of the High Commission’s Note No: ISL/103/6/71 dated 4th February, 1971, conveying the decision of the Indian Government to suspend, with immediate effect, the over flight of all Pakistani aircraft over its territory.

2. The Government of Pakistan categorically reject the contention of the Government of India that the Pakistan authorities are responsible for the hijacking and had deliberately allowed the Indian Airlines Corporation plane to be blown up. The High Commission is fully aware that the plane was throughout in the possession of hijackers and any attempt at dislodging them by force by the Pakistan authorities could only have been counterproductive. The Government of Pakistan took all reasonable measures within its means to obtain the release of the plane. It has since officially deplored the blowing up of the plane.

3. The logic of the demand by the Government of India for compensation is not understood. The IAC aeroplane was hijacked by two nationals of Kashmir, a territory which is under the military occupation of India. It is beyond comprehension how the Government of India could consider the Government of Pakistan in any manner responsible for the act of hijacking. The Government of Pakistan subscribes to international conventions which are designed to discourage hijacking and fully stands by its comments. It cannot however have control over and be responsible for hijacking of planes by persons outside its territorial jurisdiction.

4. The High Commission’s Note regarding compensation for the IAC aircraft was received late in the evening of 3rd February 1971. The Government of Pakistan regrets that within a short period of the delivery of the said Notes, the Government of India should unilaterally decide to suspend the overflights of all Pakistani aircraft including civilians aircraft over the Indian territory. These overflights have been operating on reciprocal basis, under agreed arrangement between the two governments. Their suspension in this arbitrary and unilateral manner cannot but be interpreted as a serious breach of international and bilateral commitments.

5. The Government of Pakistan is surprised at the Government of India’s claim that the said measure was taken not to inconvenience the people of
Pakistan. The Government of India is well aware that the commercial PIA flights, apart from passengers, carry essential supplies to East Pakistan and the suspension of these flights cannot but adversely affect the present relief operations in East Pakistan.

6. The hijacking incident is the direct result of repressive measures taken by the Government of India in occupied Kashmir. The Government of Pakistan regrets that instead of employing normal diplomatic procedures for resolving it, the Government of India has used this incident to heighten tension between the two countries. In addition to the suspension of overflights of all Pakistani aircraft over Indian territory, the Pakistani diplomatic mission and its personnel in New Delhi have been subjected to unceasing demonstrations for the last few days which culminated yesterday in the burning of High Commission property and injuries to its personnel. The Government of India’s attention has been invited to this in an aide memoire which was handed over to the Indian High Commissioner yesterday, as well as in oral representations made to him.

7. The Government of Pakistan has no wish to allow the situation to deteriorate further, and while reserving its position to claim compensation for the damage caused to the Pakistan High Commission in New Delhi, requests the Government of India to rescind its decision to ban the overflights of Pakistan aircraft, and invites it to have recourse to established diplomatic procedures so as to allow the situation to return to normal. There is no reason why this problem, like other matters between our two countries, cannot be solved by mutual discussion, in a spirit of understanding.

8. The Ministry avails itself of this opportunity to renew to the High Commission of India in Pakistan the assurances of its highest consideration.
0568. Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, February 9, 1971.

Ministry of External Affairs
New Delhi

No. PSP/411/6/71 9 February, 1971

The Ministry of External Affairs presents its compliments to the High Commission for Pakistan in India and with reference to the Note-Verbale dated 5 February 1971, handed over to the High Commission for India, by the Ministry of Foreign Affairs of the Government of Pakistan, has the honour to state as follows:

The Government of India categorically reject the disclaimer of the Government of Pakistan of their responsibility for and involvement in the crime of hijacking of the Indian Airlines aircraft to Lahore airport, on 30 January 1971, and its blowing up on 2 February 1971. Instead of showing a willingness to settle the matter amicably and agreeing to pay compensation for the loss and damage caused, the Government of Pakistan have sought to confuse the issue by introducing wholly extraneous matters and have even gone to the extent of questioning the sovereignty and territorial integrity of India. The Government of India regard this attitude of the Government of Pakistan as totally uncooperative, negative and obstructive. If the Government of Pakistan are not willing to settle the matter of compensation and to return the two hijackers to face their trial in India, the situation may deteriorate, and Government of Pakistan will be wholly responsible for any consequences that may follow.

The Government of India are fully convinced, on the basis of evidence, that the premeditated criminal act of hijacking and wanton destruction of the India Airlines aircraft within the protected area of Lahore International Airport was the direct result of the Government of Pakistan having permitted their territory to be used for instigating, abetting and encouraging unlawful and subversive activities against India. The Government of India wish to remind the Government of Pakistan that on 1 September 1970, they had informed the Government of Pakistan through their High Commissioner in New Delhi about the existence of a conspiracy in Pakistan to hijack Indian aircraft to that country. It was because of the active involvement of agencies of the Government of Pakistan in such subversive activities that the Government of India had recently to declare a member of the diplomatic personnel of the Pakistan High Commission in India persona non grata.

The responsibility of the Government of Pakistan for the criminal hijacking and
deliberate destruction of the Indian Airlines aircraft is borne out, *inter alia*, by the following facts:

(i) The Government of Pakistan gave asylum to the two self-confessed criminals even while they were threatening to blow up the Plane and before they had been disarmed and had surrendered themselves to the Pakistan authorities;

(ii) They have publicly expressed their solidarity with these criminals and their associates;

(iii) They refused to disarm the hijackers and take them into custody;

(iv) They failed to take adequate measures to protect the aircraft and its contents;

(v) They permitted the two criminals to move and act freely in the airport area and terminal building, including making long-distance telephone calls to their accomplices in Pakistan and meeting Political leaders like Mr. Z.A. Bhutto, Mian Mahmood Ali Kasuri, etc., journalist and others freely;

(vi) The criminal were provided with food and other amenities for three and a half days, thus facilitating their continued unlawful occupation of the plane;

(vii) The Lahore Station of Pakistan TV — a Government organization — was obviously with foreknowledge, able to film and later televise the entire sequence of the blowing up of the aircraft;

(viii) The two criminals, even after they had come out of the aircraft, were allowed to prevent the local fire Brigade from fighting the flames engulfing the aircraft;

(ix) Crowds were permitted to congregate in the protected area of an international airport when the authorities had all the resources of a Martial Law administration available to them;

(x) The two criminals were allowed to destroy the aircraft in full view of the troops, police and other airport personnel; and

(xi) The Government of Pakistan created unnecessary delays and difficulties frustrating the attempts of the Government of India to be of assistance in bringing back to India the passengers, crew and contents of the aircraft besides the aircraft itself.

The conduct of the Government of Pakistan in relation to this act of air piracy
compelled the Government of India to enforce certain measures for ensuring safety of aviation and the restoration of public confidence in air transit. Accordingly, they were compelled to reroute their own services to avoid overflying Pakistan and to suspend over flights across Indian territory by Pakistan aircraft, both civil and military. The violation by the Government of Pakistan of their international obligations under the Tokyo Convention of 1963 on Certain Offence on Board Aircraft, the Solemn Declaration of the Extraordinary Session of the Assembly of the International Civil Aviation Organization held at Montreal in June 1970, the United Nations General Assembly resolution 2645 (XXV), and the Hague Convention of December 1970, and their failure even now to give compensation for the loss and damage caused to India and to prosecute the two hijackers and return them to India make it clear that the Government of Pakistan are not willing to ensure the safety and security of aviation and air transit over the sub-continent. It is therefore necessary to continue these restrictions until the Government of Pakistan accept their responsibility and make amends for what has been done and give assurance about the future.

The Government of India are amazed at the accusation made by the Government of Pakistan that India’s action will interfere in the carriage of essential supplies for relief work in East Pakistan. They would like to remind the Government of Pakistan that they had given the extraordinary facilities of a blanket clearance, covering unrestricted number of over flights, even at night, by Pakistan Air Force aircraft across Indian territory, for ferrying relief supplies to East Pakistan, for a period of over two months. Further, it was the Government of Pakistan that created all kinds of difficulties and obstructions in the way of commencing and maintaining the deliveries of relief supplies from India for the cyclone-affected people of East Pakistan. In any case, if the Government of Pakistan wish to fly any relief supplies to East Pakistan, they can still do so in foreign aircraft. Instead of accusing the Government of India, the Government of Pakistan should ponder whether through their willful interference in the internal affairs of India they are not creating a situation of confrontation which is not in the interests of the people of India or Pakistan.

The Government of India take serious objection to the reference to the internal affairs of India in the note under reference, and wish to remind the Government of Pakistan of their obligation to vacate their aggression on Indian territory in the Indian State of Jammu and Kashmir. If the Government of Pakistan persists in its attitude of openly or clandestinely interfering in India’s internal affairs, they will be wholly responsible for the consequences of this policy.

The Government of India categorically reject the insinuation in the same note that the Pakistan High Commission in India and its personnel were deliberately subjected to demonstrations, and draw the attention of the Government of
Pakistan to the extraordinary behavior of the personnel of the mission whose fusillade of brickbats and bottles injured the police and other personnel engaged in the duty of protecting the mission and its personnel. The Government of Pakistan should realize that these spontaneous demonstrations were only a natural expression of the indignation of all sections of the Indian people against the deliberate provocation of the Government of Pakistan. The Government of India categorically deny that any member of the Pakistani mission was injured or even touched by the demonstrators. The Government of India had assured the Pakistani mission that all possible measures had been taken and would continue to be taken to safeguard their security and this assurance has been fully implemented by the Government of India through the very elaborate preventive measures they took.

The demands made by the Government of India are logical and simple: first, the Government of India should be compensated for the loss of the aircraft, and secondly, the two criminals who hijacked the aircraft should be surrendered to Indian authorities so that they can stand their trial.

The Ministry of External Affairs avail themselves of this opportunity to renew to the High Commission of Pakistan in India the assurance of their highest consideration.

High Commission of Pakistan in India
New Delhi

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0569. **Press Note issued by the Government of Pakistan regarding the “Recovery of Dues to Enemy Subjects or Firms etc.”**


PRESS NOTE, E.NO. 373 A.

Recovery of dues to enemy subject or firms from Pakistan Parties.

**SPECIAL TRIBUNAL SET UP TO HEAR PETITIONS FROM AGGRIEVED**

The CMLA has been pleased to promulgate the Marial Law Regulation No. 70 dated 26th September 1970, concerning matters relating to recovery of amounts due from Pakistani parties to enemy subjects or enemy firms. The MLR authorizes the Custodian of Enemy Property for Pakistan to call upon a person or an organization to pay his or its dues, allowing him at least 15 days time for the purpose. If the person or party concerned fails to pay the dues, the Custodian has the authority to take possession of his or its property and to recover the dues by sale of the property.

In order to provide opportunities of representation and redress to aggrieved parties, the MLR lays down that the Central Government shall constitute a Special Tribunal of which at least one member shall be a retired Judge of the High Court or a person qualified to be a judge of the High Court to hear petitions filed by the aggrieved parties. A Special Tribunal with Mr. Justice Aminul Islam, SQA., a former Judge of the East Pakistan High Court, Dacca, has been set up for the whole of Pakistan and is located at 75 Kakrail Road, Dacca. The Special Tribunal shall, for the purpose of a proceeding under the MLR, have the same power as are vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908) for trial of a suit. The decision of the Special Tribunal shall be final and shall not be called in question by or before any court including the Supreme Court and the High Courts. A party aggrieved by an order issued under the MLR or under the provisions of the Defence of Pakistan Rules shall have the right to file an appeal against such order before the Tribunal within 30 days of the issuance of the order.

Ministry of Communications,  
(Communications Divisions)  
Government of Pakistan,  
0570. Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, February 15, 1971.

Ministry of External Affairs
New Delhi

No.PII/452/4/71 February 15, 1971

The Ministry of External Affairs present their compliments to the High Commission for Pakistan in India and have the honour to State as follows:

The Government of India are disturbed to learn that the two criminals who hijacked an Indian aircraft to Pakistan on January 30, 1971, and blow it up at Lahore airport on February 2, 1971, have already been lionized and publicly paraded in Lahore and that they are being permitted to be similarly lionized and paraded in Rawalpindi today. The Government of India feel concerned over the possibility that such licence given to these self-confessed criminals and their associates may lead to further attacks on the High Commission of India in Pakistan and its personnel.

The Government of India therefore request that adequate measures be taken to protect the Indian mission in Pakistan and their personnel in terms of the assurance already conveyed by the Government of Pakistan.

The Ministry of External Affairs take this opportunity to renew to the High Commission for Pakistan the assurance of their highest consideration.

High Commission of Pakistan in India
New Delhi

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Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, February 16, 1971.

The Ministry of External Affairs present their compliments to the High Commission for Pakistan in India and have the honour to State as follows:

2. The Government of India have noted with serious concern the refusal of the Government of Pakistan to accept their request for the return of Mohd. Hashim Qureshi and Mohd. Ashraf to India, who hijacked the Indian Airlines aircraft to Lahore on January 30, 1971.

3. Instead of co-operating in this matter so that an amicable solution can be found, the Government of Pakistan have attempted in their Aide Memoire, handed over to the High Commissioner for India in Pakistan on February 6, 1971, to question the territorial affairs. On this particular aspect, the Government of India have made the position amply clear and it does not require reiteration.

4. As regards the two criminals, they are guilty of a serious crime and are required for trial in India. The Government of Pakistan are required to return them to India and the Government of India would once again urge them to do so. The responsibility for the consequences of continued refusal would rest wholly on the Government of Pakistan.

5. The Ministry of External Affairs avail themselves of this opportunity to renew to the High Commission for Pakistan the assurances of their highest consideration.

High Commission of Pakistan,
New Delhi.
0572. Note of Ministry of External Affairs to Pakistan High Commission in India.


Ministry of External Affairs
New Delhi

No.PSP/411/6/71

March 3, 1971

The Ministry of External Affairs present its compliments to the High Commission for Pakistan in India and, with reference to Note dated 13 February 1971 handed over to the High Commission for India in Islamabad by the Ministry of Foreign Affairs, Government of Pakistan, has the honour to state as follows:

2. The Government of India regret to note that instead of making any effort to seek an amicable settlement of the situation arising from the hijacking and eventual destruction of the IAC aircraft on the lines suggested in the note of 9 February 1971, the Government of Pakistan have again sought to confuse the issue by introducing extraneous and irrelevant matters and by making obviously incorrect statements, e.g. that Indian aircraft continued to over fly Pakistan even after over flights by Pakistani aircraft had been banned. The Government of Pakistan are well aware that over flights of Pakistan territory by Indian aircraft had completely ceased before the ban in question was imposed.

3. The Government of India have already stated their position to the Government of Pakistan. The Government of Pakistan’s failure to deal with the two hijackers and the manner in which they have dealt with the whole matter cannot but be an open encouragement to the repetition of such criminal acts in future.

4. The Government of India wish to remind the Government of Pakistan that after the Indo-Pakistan conflict of August/September 1965, they would have been well within their right to disallow the resumption of over flights so long as relations between India and Pakistan had not been fully normalized. However, on a specific request made by the then President of Pakistan, the Government of India agreed, in February 1966, to forego their right to demand prior settlement of outstanding issues and consented to resume mutual over flights. Such over flights by the scheduled services of the civil airlines of one country across the territory of another are, as the Government of Pakistan are aware, a matter of privilege. They constitute a facet of the normal relations between the countries concerned and the privilege in question is extended in the context of the broad and universally accepted objective of fostering better relations and friendliness within the family of nations. In this context, the Government of India would reiterate that the hijacking of the IAC aircraft and
its destruction were the direct result of the policy of confrontation and interference pursued by the Government of Pakistan over the years. In the circumstances, the Government of India are constrained to conclude that the hostile policy of the Government of Pakistan against India and the manner in which they have dealt with the recent hijacking of the Indian aircraft pose a direct threat to the safety of aviation and air transit and the national security of India. The Government of India are therefore perfectly within their right to demand action against the hijackers, compensation for loss and adequate assurances from the Government of Pakistan regarding the future.

5. The Government of India take serious objection to the slanderous accusations contained in the note under reply and categorically reject them. They further wish to state that should the Government of Pakistan genuinely desire an amicable settlement of the present question and restoration of normal relations, they should refrain from interfering in our internal affairs. On their part, the Government of India would be willing to receive from the Government of Pakistan directly through normal diplomatic channels any concrete indications of the willingness of the Government of Pakistan to proceed towards a settlement of the question of compensation for the loss of the IAC aircraft, the punishment of the two criminals who hijacked it and adequate assurances regarding the future.

6. The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of Pakistan in India the assurance of its highest consideration.

The High Commission of Pakistan in India,
New Delhi.

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TOP SECRET

TELEGRAM

Cabinet Secretariat
(Research and Analysis Wing)

From: Dyhicomind Dacca
To: Foreign New Delhi

No. 575/CS/71 March 14, 1971

FOREIGN SECRETARY FROM SEN GUPTA.

Your Cipher Telegram dated 11th received today just before departure for Calcutta. Visit essential to please Mujib. Shall contact on telephone from Calcutta. Personal discussion would have been better. Maintaining absolute secrecy and my movement free from suspicion. Mujib’s dissatisfaction conveyed by emissary captain Sujat Ali. Mujib again sent special appeal for help at this critical hour. Two and a half divisions Pakistan army commanded by Lt. General Mitha Khan being moved from Quetta to East Pakistan. Mujib feels this movement possible due to withdrawal of Indian Army from West Pakistan Border. Mujib also feels interception of troops, ships and aircraft to East Pakistan on pretext violation of Indian Borders can only shake military morale. India’s decision in this connection be communicated immediately so that Mujib can decide his next move.

2. U.S. Ambassador Farland during talks with Mujib agreed to ensure withdrawal of Pakistan Army from East Pakistan on condition leasing of a bay island for seven years. Mujib reluctant to agree but if no help forthcoming from big Asian nations particularly India, Awami League may be forced to accept Farland’s proposal ultimately. Mujib says East Pakistan has gone to the point of no return and is in position to strike at the army with Arm provided India could stop further reinforcement. Mujib wants your decision immediately. Mujib has no alternative but to fight for independence. If we can gain gratitude of Bangladesh by showing slightest good gesture our Naga and Mizo problems would be settled fully and Kashmir problem fifty percent. Kindly communicate your decision telegraphically to Sinha in my absence.

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Note of Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.


Ministry of Foreign Affairs
Islamabad

No. IN(III)-14/1/71 March 22, 1971

The Ministry of Foreign Affairs presents its compliments to the High Commission for India in Islamabad and with reference to Note dated 3 March 1971, handed over to the High Commission for Pakistan in New Delhi by the Ministry of External Affairs, Government of India, has the honour to state as follows:

2. The Government of Pakistan notes with regret that the Government of India has so far not agreed to withdraw its unjustified ban on flights of Pakistani aircraft over the Indian territory. Instead, the Government of India has suggested that these over flights are in the nature of “privilege: extended to Pakistan in 1966 and that India was within its rights to withdraw it unilaterally. The Government of Pakistan cannot accept this position and are firmly of the opinion that the mutual over flying rights are governed by the 1948 Agreement between Pakistan and India as well as International Conventions on the subject. Even if, for the sake of argument, the Government of India could claim that after the 1965 conflict it was “well within their right to disallow the resumption of over flights so long as relations between India and Pakistan had not been fully normalized”, the Government of India has, in the note under reference, acknowledged that the “Government of India agreed, in February 1966, to forego their right to demand prior settlement of outstanding issues and consented to resume mutual over flights”. So far as outstanding disputes are concerned it has always been the endeavor of the Government of Pakistan to settle them in a peaceful, just and equitable manner.

3. In regard to the Government of India’s allegation of Pakistan’s “failure” to deal with the hijackers and their complaint about the “manner in which Pakistan dealt with the whole matter”, the helpful action taken by the Government of Pakistan has already been explained fully in the notes of 5 and 13 February 1971. Besides, the Government of Pakistan would invite the attention of the Government of India to the recent announcement in which it has been stated that a judicial inquiry, headed by a High Court Judge, is being held to investigate into the hijacking incident.

4. The Government of Pakistan rejects the contention of the Government of India that the Government of Pakistan has in any way interfered in the internal affairs of India. Without wishing to enter into a controversy, the Government of Pakistan invites attention to the fact that it is the Government of India which
has on occasions interfered in the internal affairs of Pakistan. In this context, attention is drawn to a statement reported to have been made by the Government of India spokesman on 8 March 1971, in which referring to the question of rescinding the ban on over flights, it was remarked that “it is obvious the people of East Pakistan would view any sudden ending of the ban with deep misgivings”.

5. The Government of Pakistan once again invites the Government of India to withdraw the ban on over flights of Pakistani aircraft across Indian territory, imposed in violation of the provisions of the International Conventions and bilateral Agreement. This step will also create favourable condition for an amicable discussion of the hijacking incident and related issues for which Pakistan remains ready as before. With this and in view, the Government of Pakistan invites the Government of India to instruct its High Commission in Islamabad to enter into negotiations with the Ministry of Foreign Affairs of the Government of Pakistan.

6. The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

The High Commission for India in Pakistan, Islamabad.

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0575. Broadcast of President Yahya Khan to the people of Pakistan.

Islamabad, March 26, 1971.

On the sixth of this month I announced March 25 as the new date for the inaugural session of the National Assembly, hoping that conditions would permit the holding of the session on the appointed date. Events have, however, not justified my hope and the nation has continued to face a grave crisis.

In East Pakistan, a non cooperation and disobedience movement was launched by the Awami League and matters took a serious turn. The events were moving very fast and it became absolutely imperative that the situation was brought under control as soon as possible.

With this end in view I had a series of discussions with political leaders in West Pakistan and subsequently on March 15, I had a number of meetings with
Sheikh Mujibur Rehman in order to resolve the political impasse. Having consulted West Pakistani leaders, it was necessary for me to do the same over there so that the areas of agreement could be identified and an amicable settlement arrived at.

As has been reported in the Press and other news media from time to time, my talks with Sheikh Mujibur Rehman showed some progress. Having reached a certain stage in my negotiations with Sheikh Mujibur Rehman, I considered it necessary to have another round of talks with West Pakistan leaders in Dacca. Mr. Bhutto reached there on March 21 and I had a number of meetings with him.

As you are aware, the leader of the Awami League had asked for the withdrawal of Martial Law and transfer of power prior to the meeting of the National Assembly. In our discussions, he proposed that this Interim period could be covered by a proclamation by me, whereby Martial Law would be withdrawn, provincial Governments set up and the National Assembly divided into two committees, on composed of members of East Pakistan and the other composed of members from West Pakistan. Despite some serious flaws in this scheme in its legal and other aspects, I was prepared to agree, in principle, to this plan in the interests of peaceful transfer of power but with one condition. The condition which I clearly explained to Sheikh Mujibur Rehman was that I must first have unequivocal agreement of all political leaders to this scheme.

I, therefore, discussed the proposal with other political leaders. I found them unanimously of the view that the proposed proclamation by me would have no legal sanction whatsoever. It will neither have cover for Martial Law nor could it claim to have been based on the will of the people. Thus, a vacuum would be created and chaotic conditions would ensue. They also considered that the splitting of the National Assembly in two parts through a proclamation would encourage divisive tendencies that may exist. They, therefore, expressed the opinion that if it is intended to lift Martial Law and transfer power in the Interim period, the National Assembly should meet to draft an Interim Constitution Bill and present it to me for my assent. I entirely agreed with their view and requested them to tell Sheikh Mujibur Rehman to take a reasonable attitude on this issue.

I told the leaders to explain their views to him that his scheme whereby on the one hand you extinguish all source of power and Martial Law and on the other fail to replace it by the will of the people (in the National Assembly) will merely result in chaos.

They agreed to meet Sheikh Mujibur Rehman, explain the position and try to obtain his agreement to the Interim arrangement for the transfer of power to emanate from the National Assembly.
The Political leaders were also perturbed over Sheikh Mujibur’s idea of dividing the National Assembly in two parts right from the very start. Such a move, they said, would be totally against the interests of Pakistan’s integrity.

The Chairman of the Pakistan People’s Party at the meeting between myself, Sheikh Mujibur Rehman and him had also expressed similar views to Mujibur.

On the evening of March 23 political leaders who had gone to talk to Mujib on this issue called on me and informed me that he was not agreeable to any changes in his scheme. All he really wanted me to do was to make the proclamation whereby I withdraw Martial Law and transfer power.

Sheikh Mujibur’s decision of starting his non-cooperation movement is an act of treason. He and his party have defied the lawful authority for over three weeks; they have insulted the Pakistan flag and defiled photograph of the father of the nation. They have tried to run a parallel Government, they have created turmoil, terror, insecurity and a number of murders have been committed in the name of the movement. Non-Bengali brethren and others who have settled in East Pakistan are living in a state of terror and are fleeing for fear of their lives.

The armed forces in East Pakistan have been repeatedly subjected to taunts and insults of all kinds. I wish to compliment them on the tremendous restraint that they have shown in the face of grave provocation. Their sense of discipline is indeed praiseworthy. I am proud of them.

I should have taken action against Sheikh Mujibur and his collaborators weeks ago, but I had to try my utmost to handle the situation in such a manner as not to jeopardize my plan for a peaceful transfer of power. In my keenness to achieve this end I kept on tolerating one illegal action after another and at the same time was trying to arrive at some solution. I hardly mention the efforts made by me and by the various political leaders to get Mujib to see reason. We have left no stone unturned, but he has failed to respond in a positive manner. On the other hand, he and his followers kept on flouting the authority of the Government even during my presence in Dacca.

The proclamation that he proposed I should make was nothing but a trap. He knew that it would not have been worth the paper it was written on and he could have done anything with impunity. His obduracy and his absolute refusal to talk sense made one conclude that the man and his party are enemies of Pakistan. They want East Pakistan to break away completely from the country.

We will not let some power-hungry, unpatriotic people to destroy this country and play with the destiny of 120 million people.
In my address to the nation on March 16, I had told you that it is the duty of the Pakistan armed forces to ensure the integrity, solidarity and security of Pakistan. I have ordered them to do their duty and fully restore the authority of the Government.

In view of the grave situation that exists in the country today, I have decided to ban all political activities throughout the country. As for the Awami League, it is completely banned as a political party. I have also decided to impose a complete Press censorship. Martial Law regulations will very shortly be issued in pursuance of these decisions.

In the end, let me assure you that my main aim remains the same, namely, transfer of power to the elected representatives of the people. The sooner the situation permits, I will take fresh steps towards the achievement of this objective.

It is my hope that the law and order situation will soon return to normal in East Pakistan so that we can again move forward towards our cherished goal.

I appeal to my countrymen to appreciate the gravity of the situation for which the blame rests entirely on anti-Pakistan and (secessionist) elements.

26 March 1971

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0576. TOP SECRET

Record of conversation between Chairman Kosygin and the Indian Ambassador D.P. Dhar.

Moscow, March 23, 1971. (10.00 AM)

Apart from the Interpreter the Chairman was assisted by Mr. Fomin and his Special Assistant. The Ambassador was accompanied by the Minister.

The Chairman opened the conversation by asking the Ambassador whether he was leaving for Delhi in the near future. The Ambassador replied that he would not be leaving for Delhi immediately but might do so after a few weeks. The Ambassador said as the question of his leaving for Delhi had somehow arisen, he would like to take this opportunity to inform the Chairman that to his infinite regret he would be leaving the Soviet Union and his post also within a short time. He had an extremely fruitful period of duty in this country and he would like to express his deep gratitude to the Chairman and his colleagues in
the Government and especially to his friends in the Foreign Office for their personal interest and solicitude for his welfare which they had always shown to him. The Ambassador went on:

I came to this country at a rather difficult period. Now I would be leaving when things are much better, both for India and the Soviet Union and also for Indo-Soviet friendship. In fact, all my life, I have been a partisan, even an ardent partisan, of Indo-Soviet friendship and it has been my ambition to contribute whatever I can for the development of Indo-Soviet relations. The friendship between our two countries has been an article of faith with me and I hope to cherish it wherever I go, whatever task I am called upon to perform in the future. Before I actually leave I hope I shall have an opportunity of formally calling upon you to pay my respects. The present one, I would like to explain, is not in the nature of a formal farewell call. I have been instructed by my Prime Minister to convey to Your Excellency her views on two or three matters of great urgency. It is for this purpose that I have craved your indulgence at a time when I know you are so busy. I am fully conscious of the fact that you are pre-occupied with the 24th Congress of your party. It was very gracious of you, an expression of your friendliness for India and my Prime Minister particularly, to have agreed to receive me now.

Chairman Kosygin said that he would be very happy to listen to all that the Ambassador had to say.

AMBASSADOR: Before anything else, Your Excellency, I would like to share with you my joy at the recent developments in India. At this moment, I would recall the first meeting I had with Your Excellency when I came here more than two years ago. I tried on that occasion to give you my assessment of the picture of the political situation in my country. I then said that the political trends in India were leading to a polarization of the Left and Right forces. The rightist reactionary forces were uniting to resist all progressive measures; at the same time there was also a corresponding, but a slower, attempt by the leftist forces also to act together. My country, I then recalled, had passed through difficult times. First it was our conflict with China in 1962 and with Pakistan in 1965. Difficult times followed, times of famine, hunger, struggle and conflict. While our friends were fully concerned at this, our enemies were full of glee and expectation that the country would fall into pieces. I, at that time, elaborated before you the role of my Prime Minister as I saw it in shaping the events in my country. I saw her leading the battle courageously and spiritedly against the forces of status-quo, reaction and extremism. It was a grim struggle and it is a matter of pleasure for all of us that the Prime Minister and her party have won the first round of the battle decisively.
My Prime Minister specially asked me to thank you for your various messages of friendship during those difficult times, the support, the assistance and even the words of good cheer which you always spoke to her in those difficult times. This, Your Excellency, is not merely a matter of formality but of genuine and sincere emotion. It is the Prime Minister's sincere desire that I should communicate to you our deep sense of thankfulness.

Today the situation is different. The political picture now in India is very tidy, clean and clear for the first time. Important issues were very clearly decided by the people of India and the electorate have given the Prime Minister a massive mandate. The Prime Minister and her party have been given by the Indian people the authority to tackle the most urgent issues of our country, the bridging of the gap between the rich and the poor, immediate reform in land relations, strengthening of the Public Sector and the application of the principles of social justice to the millions of the poor and the dispossessed in our country. She has also been given a mandate to continue the policies of Nehru in foreign policy, the policy of non-alignment, peace and friendship with the Soviet Union and other socialist countries.

During these elections we have also had fortunate evidence of some understanding, some limited understanding, between the Congress led by Mrs. Gandhi and some elements – more realistic elements, if I may say so – in the leftist forces in the country. Even though this is true, it is unfortunate that the left parties continue to be divided; at the same time, it is true that there has been, in general, a consolidation of the left forces and an erosion of the feudal, monopolistic, reactionary and chauvinistic forces who formed themselves into a grand alliance during the elections. As a result of the elections the broad features of policies and issues have now become evident and identifiable with the interests of the common man. There is, however, still the urgent need for continuous effort to achieve the unity of the forces of progress. There is no doubt that the right-wing forces have been routed. However, this newly born unity of the new forces will, I am afraid, be subjected to attacks by elements both indigenous and foreign. Already in the western countries the press has started saying that the Congress is going to dispense with the left forces after the electoral victory. Mischievous propaganda is thus being assiduously carried on with the frank intention of bringing about dissention in the newly forged unity amongst forward looking sections of our people. I would like to tell Your Excellency that the victory of the progressive forces in India would have been even more impressive if there had not been disunity in the left ranks and distorted and narrow understanding of the powerful role of my Prime Minister and her party in defeating reaction. It is my hope that the forces of the left will concentrate more on consolidating and mobilizing public opinion in favour of carrying out radical and far-reaching reforms rather than in pursuing, as in the past, negative
and barren attitudes towards the role and the leadership of Mrs. Gandhi and her party in shaping the future of the country as a whole.

Your Excellency, now that a new government has been formed, our immediate problem is to increase, so to speak, the national cake in volume and at the same time re-arrange the distribution of that cake among the people of our country according to more just principles. In the question of increasing our national production we hope to get, as in the past, your assistance in a larger and greater measure; in the second question relating to the re-arrangement and flow to all sections of the people of all the benefits in the country, it is our hope that we shall profit by your example.

In the foreign policy matters, my Prime Minister has asked me to convey to Your Excellency our determination that we shall continue to co-operate actively in all the healthy initiatives in which both the Soviet Union and India have been engaged for the achievement of peace. In Asia we will be prepared to take a more active part in supporting efforts for organizing some type of a collective security system which would lead to unity and security in Asia in which all Asian states would be fully represented. We have always emphasized that any cooperative effort in Asia should have mainly the content of economic cooperation and coordination and not any military overtones. In this context your ideas of Regional Economic Cooperation and particularly Transit Trade would be welcome to us and would in our opinion provide a healthy beginning and direction towards the fulfillment of the larger goal of Asian cooperation.

With regard to Pakistan I would like to assure you that my Prime Minister and her government are very much interested in the continued stability of Pakistan as an entity, as a country. Your Excellency and my Prime Minister have been having a meaningful exchange of views on this subject. I would not like to add anything to what has been submitted to you on this matter. I would only like to re-state our firm belief in a stable, united, democratic Pakistan. We wish that country well. Indeed, as I told Mr. Fomin, when we were waiting outside, that even if we look at this question from the point of view of a really selfish Indian, who is involved in looking absolutely narrowly to the self-interest of his own country, the first hope and desire that he would entertain would be to establish friendly and cordial relations with Pakistan.

The basic questions in our elections, Your Excellency, related to domestic policy. Some questions of foreign policy were also broadly discussed in the elections. For example, the so-called grand alliance of the right-wing parties carried out a vicious campaign of anti-communism and anti-Sovietism. It was alleged that the Soviet Union was dominating the Government of India and that the mid-term elections were influenced by the views of the Soviet Government. This campaign was even carried to a point of stupidity. It was
whispered that the Prime Minister had gone to Ladakh before announcing the mid-term poll and consulted you on the high Pamirs. Then there were other minor irritants which had been occasioning some disturbances in our relations like persistent demand by the reactionary circles for an enquiry into the circumstances which led to the tragic demise of Shastri at Tashkent. This and similar other irritating questions were agitated both within and outside Parliament. I remember that the Foreign Office used to be disturbed about these developments. I used to tell my friend, Mr. Fomin, who is present here, that these slanders were of a temporary character, deliberately used for poisoning our relations. I was confident that in time the people would reject these slanderers and calumniators of Soviet-Indian relations. All the crusaders, for example, for having a judicial enquiry into Shastriji’s death have been ignominiously defeated at the polls including its prominent notary Mr. T.N. Singh in U.P. I told my Foreign Office colleagues that they should not judge the people of India by what is published in the irresponsible press owned by vested interests in India.

In this context, I would particularly like to take this opportunity of placing on record our deepest sense of appreciation of the very important decision which Your Excellency and your colleagues took with a view to suspending the arms aid to Pakistan. This was the highest act of statesmanship. If this step had not been taken at the right time it would have been a source of great embarrassment to everyone of us in the election battle. This alone could have been a subject, which would have been exploited in the Indian public to the absolute disadvantage of the progressive forces.

Our Prime Minister has also asked me to convey to Your Excellency her assurances that we will endeavour to continue and develop the progressive policies we have been pursuing in the Middle East and in South-East Asia. With a strong government led by her in the saddle I would like to mention it to you that it will be now possible for us to develop and take new initiatives for lessening the tension and indeed for solving the problems involved in the tragic situations of Middle East and Indo-China.

Your Excellency, I would now like to return to the question of Pakistan. It is a matter of great satisfaction to us that our kind friends like yourself do not have to be convinced of our bona fides in our relations with Pakistan. I would like to assure you, however, that in the future also you will not find us wanting in making the appropriate response, the appropriate gesture whenever it is sought. At the same time I hope you will forgive me for saying that we will always have to be careful and wary about the intentions of Pakistan. We have been bitten three times and we cannot, therefore, but be shy. We have every reason to be worried about any accretion of military strength to Pakistan which she has
secured from the countries of the western camp and also other friends. We are also feeling worried and apprehensive that, to divert attention from internal difficulties, someone might be tempted to start some offensive activities on our borders. I am not a pessimist, a prophet of doom, but I will be failing in my duty if I do not draw your attention to these unfortunate possibilities. I would like to give Your Excellency only two examples to illustrate what I have been saying. Seven days before the East Pakistani elections a story was put out that India had invaded East Pakistan. The story was circulated by all the government controlled mass media in Pakistan. A tremendous tension was created. There was no truth at all in these allegations. The second example is the hijacking incident about which I do not want to go into details. An Indian plane was burnt; the hijackers were taken out in a procession at Lahore as heroes. All this is well-known but what is not so well known is the fact that there were large scale movements both on West Pakistan’s borders with India and in the East on the Tripura - Assam border. These two examples I give not out of bitterness, Your Excellency, but as a measure of the abundant caution which we have to exercise in our relations towards that country.

As Far as China is concerned, nothing has changed. There has been no expression of overt friendship and enthusiasm for India on the Chinese side. We have now a strong government and we are in a position, much better position, to take further initiatives, if necessary, to normalize our relations with China. But, Your Excellency, you will appreciate we cannot argue before a stone wall. In the absence of a genuine reaction we cannot indulge in fanciful thinking. I would like to mention this to Your Excellency that we would try to keep our doors for conciliation and restoration of cordial relations with China always open. We would also take particular care to avoid all provocations and irritations. Nevertheless, after all this is said I do not see much of a hope in reaching any friendly agreement with China in the near future. Once again I hope you will not regard me as a pessimist, but I feel it is not consistent with the hegemonistic, expansionist philosophy of the present leadership in China to tolerate a strong, united and independent India which has friendly relations with the countries of our own choice.

Last of all, I would like to convey to Your Excellency my Prime Minister’s most heart-felt gratitude to the Soviet Government and to you personally for the very positive response to the requests made for further equipment and military hardware handed over to Ambassador Pegov by Mr. Haksar, Prime Minister’s Secretary. This response has indeed been generous. There is, however, one matter of serious disappointment which we were unhappy to see in the Soviet reply and I would like to bring this regrettable question to the attention of the Soviet Government. This is the question of the bomber aircraft. This is a request which we have made on many occasions in the past. In fact our Prime Minister
herself had placed this item before Your Excellency. Your Excellency will recall that when the present Foreign Minister, who was then incharge of Defence, called on you last year and mentioned this question to you, you were very kind to indicate that there was a possibility of a bomber of Soviet manufacture, answering our requirements, being supplied to us. This had given us hope and we were all happy indeed. Unfortunately, the reply to the memorandum shows that this is not possible. Very briefly I would like to tell you why we are anxious to secure this aircraft. Our desire for having bombers is dictated by our absolute need for our security. The Pakistanis have acquired 2 squadrons of MIRAGE-III-E aircraft from France and supplemented it recently by 30 MIRAGE –V aircraft. Recently they have also purchase B-37 bombers from West Germany. By this purchase they have made considerable increase to their fleet of fighter bombers and their offensive abilities in the air. Even at the risk of boring you and in spite of being aware that Your Excellency knows all the details of these aircraft I would still like to highlight some of the special features of the capabilities of these aircraft which cause us worry.

MIRAGE III-E is a long range fighter bomber/intruder aircraft capable of carrying a variety of weapons. It is equipped with Tactical Air Navigator (TACAN) and sophisticated fire control, bombing computer and automatic gun sight. Its weaponry comprises of :-

2×30 mm Cannons with 125 rounds each
2×1000 lbs bombs

Or

A.S. 30 Air/Surface missile
2×1000 lbs bombs.
2×18 Rockets (68 mm)
2×250 litre fuel tanks

In interception role it can carry one MATRA Air/Air missile together with guns and 2 sidewinder Air/Air missiles. Its maximum performance is :-

- Sea level 870 MPH
- At 12000 meters Mach 2.2
- Service Ceiling at Mach 1.8 17000 m.
- Service Ceiling using Rocket motors 23000 m.

This aircraft is also capable of carrying MARTEL (missile Anti-rader Television) a guided Air to Surface missile which can be fitted with interchangeable heads for T.V. guidance or anti-radar homing mission. It is claimed that this missile
has a stand off capability. In its role in ECM environment it is a very effective weapon. The anti-radar version (AS -37) offers an all weather attack capability against radar antennae in several frequency bands. It can be launched at very low, medium or high altitudes and flies a homing trajectory into the emitting target source without further control from parent aircraft.

MIRAGE-V is a modified version of Mirage III-E with less sophisticated electronic equipment and a greater weapon load. Its performance is compatible with MIRAGE III-E. It can carry up to 4,000 kg weapons and its combat radius of action is as follows :-

High/Low/High
Configuration 1300 km.

Low/Low/Low
Configuration 650 km.

Ferry range with 3 external tanks is 4000 km.

Mirage's radius of action permits this aircraft to reach most of our airfields in North India. Indirectly it affords adequate protection against retaliation from Indian fighters and light bombers. If equipped with ECM capability, it could seriously threaten our radar stations including those operating in conjunction with our SAGW.

What is really worrying us is the effective operational range of this aircraft. Once again I would like to mention that all the cities of Northern India, your Excellency, will be within bombing range of this aircraft. We have reliable information that one Pak Mirage was located in the USA and was being fitted with electronic counter measures. They have now aircraft fitted with an anti-Radar device which gives it an all weather capability.

Against these all that we have are aged and aging Canberras. This is the position. Any chink in our armour, any weakness, any loophole in our defence, will be, as Your Excellency is well aware, an invitation to adventure. Pakistan has got many sources of supply. We have chosen, deliberately, as a matter of policy, to depend upon your kind assistance for the maintenance and development of our defence capabilities. How do we remove these inadequacies in our defence? We have no way to go, neither do we wish to go elsewhere for this assistance. We shall be most grateful if you will have another look at it. I hope your Excellency will agree with me when I say that we can be trusted to use our defence capability only for defensive purposes. We have no interest in other countries, we seek no territory, we seek merely to protect what we have. I am most grateful to Your Excellency for listening to me so patiently all this time. I intended to speak about some important phases of economic cooperation between the two countries but I will postpone this to the very end and mention
them only if Your Excellency has time.

CHAIRMAN KOSYGIN: I would like to begin by telling you that we are unhappy to know that you have decided to leave the Soviet Union. I would like to tell you that we would be very unhappy to part with you. I myself and my colleagues have watched with appreciation your activities and fruitful labours in the cause of Indo-Soviet friendship. Please accept my sincere gratitude and our appreciation for your efforts. The fact that very friendly relations have always existed between the two countries, your task as India’s Ambassador became comparatively easy in finding answers to questions and I and my colleagues were particularly pleased by the contribution you made personally to further strengthen the friendly relations between India and the Soviet Union. Please do let me know when you leave the Soviet Union so that I shall make it a point to say good bye to you personally.

I am most grateful to your Prime Minister for what you have told us about her views on the present situation. The analysis that you have given of the situation in India, by and large, corresponds with our own assessment. There is also great similarity in the views that your Prime Minister and the Soviet Government have with regard to various important issues in the world. It is true that there were some doubts entertained by some people about the outcome of elections in your country but I and my colleagues were extremely sure, absolutely clear cut, absolutely explicit in our belief that her victory would be certain, complete and comprehensive. We knew that she and her party were pitched against a powerful array of reactionary forces, all ganged up against her and that they would use every means, every method to gain victory. But as before we had faith in her and her policies and the great maturity of the Indian people and we were sure of her success. Mr. Ambassador, it would not be an exaggeration to say that every person, that every man, woman and child in the Soviet Union followed with the deepest sympathy and interest the brave struggle which was waged by your Prime Minister in India. All of us reacted with great enthusiasm to the successes scored by your Prime Minister. If we go still deeper into the matter I should say that every decent person in the world sympathizes with your Prime Minister and calls her victory his own. Her victory during the elections and the setting up of a strong progressive government with the support of such a large majority is of great value to all of us and to the entire progressive mankind. We greet this event with feelings of jubilation. These were indeed historic days for India and the great people of India. What is important is that the people of India have emerged from this election as a mature people. They have shown that they know how to chose their leaders, how to defend the interests of India. The Indian people will never forget these historic days which witnessed the success of progressive forces in their country and the rout of reactionary forces. We certainly agree with you that the struggle is by no means
over. Your Prime Minister feels so and she has said so and we agree with her. The struggle might be severe and long. The reactionary forces will join together to regain power and restore their position. They will not spare any effort and they will be able to count on the support of United States and other reactionary regimes. Therefore, vigilance will be necessary for preventing this. As to the policies of the Government of India our views coincide with your government on the issue of the major problems in the world like Indo-China and South-East Asia. As far as the problems of Indo-China and West Asia are concerned we cannot expect that they will be solved very soon but we do appreciate your sentiments and feel assured that the voice of your Prime Minister, which indeed is the voice of India, will always be raised for the establishment of peace and also for the support of righteous causes.

Your most acute problem is, of course, with Pakistan. As you know we are having constant consultations with your Prime Minister about the developments in Pakistan. Please tell your Prime Minister on my behalf that we are very satisfied with the consultations we are having with each other and we are indeed grateful to her for the manner in which she has shown appreciation and vision in assessing the present situation. We shall continue to have consultations with her. As far as our foreign policy towards Pakistan is concerned, please convey my assurances to your Prime Minister that we will always formulate it in consultation with India and we shall take no step which does not meet with her approval or which is even remotely harmful to the interests of India. Whatever we do, whatever initiatives we shall take, we shall consult her and seek her advice.

You mentioned China. As you know negotiations have been going on between our two countries for a long time. No essential changes have taken place since we last informed your Prime Minister of the latest developments. In fact there is nothing new to report except that yesterday our Ambassador met CHOU EN-LAI. I have not received so far the details of the talks.

I would like to inform you, Mr. Ambassador, that we are very much satisfied with our bilateral relations particularly in the field of economic cooperation. The new orientation which has been given to these relations is most welcome to us. I would like to assure you and through you I would like to assure your Prime Minister that we will do everything in our power to develop these relations and be of assistance and help to India in whatever sphere she wishes within the range of our possibilities. I agree with you that we should do everything in our power to enlarge these relations, extend them and enrich them.

Now we come to the question of defence problems. You have mentioned the question of bombers. I would like to study this question once again before taking a decision. However, you would know that now a days in major conflicts
this type of aircraft will hardly play any role; you must believe me that our bomber industry is not fully developed in our country for the limited roles that you have in view. We are certainly aware of what Pakistan has acquired. It is our impression that it has not made a substantial difference in their capabilities. We know about the Mirage aircraft and other aircraft. We, as far as developments in Pakistan are concerned, are watchful and vigilant. We can assure you that we will do everything to ensure that no event, under any circumstances, goes against you.

As far as, as you put it, the irritants in our relations are concerned, for example the campaign about Prime Minister Shastri's tragic death and other press campaigns, we understand the position fully. There are people who react to such events and try to take advantage of small problems but we are confident that the victory of the Prime Minister's government will make these attempts ineffective.

As far as our own political relations are concerned they are, of course, in an excellent condition and now they have an excellent and a bright future. I would like to take this opportunity of informing you and through you your Prime Minister that we are expecting that she will find it possible and convenient to visit the Soviet Union officially. In fact this is long overdue. She can do it any time she considers opportune and convenient. As you know we have, in the past, invited her many times. May I take this occasion to sincerely reiterate this invitation? As I said earlier we have already conveyed formal invitations to her earlier. We repeat it now and we hope that she will be kind enough to accept it in the near future. I am making this invitation to Her Excellency the Prime Minister not only on my behalf or on behalf of my government but on behalf of Comrades Brezhnev and Podgorny and on behalf of all the peoples of the Soviet Union. It will be a peoples reception. Every citizen of the Soviet Union would like to utilize the opportunity of her visit to shower their affection on your Prime Minister.

In conclusion I would like to ask you to convey to your Prime Minister the most sincere greetings of all of us, my colleagues Mr. Brezhnev and Mr. Podgorny and myself and all the rest of us. All of us admire the struggle she has conducted and waged. We feel that her victory is a victory of the people of India and that it has elevated the prestige of India in the international arena to a level unheard of in the world. All of us feel similarly in this matter.

Ambassador conveyed his grateful thanks for the invitation and hoped that it would be his personal pleasure and privilege to be in the Soviet Union when the Prime Minister visited this country. 'It would indeed be, if I may put it that way, a last act of grace while am here'.

AMBASSADOR: I would also like to convey to Your Excellency our deep
gratitude for the strenuous efforts made by the State Committee for Economic Relations with Foreign countries and the team under General Siddorovitch in helping us to resolve the acute problem which we faced in the matter of supply of aircraft spares. I am hoping that two more delegations, one for the Army and one for the Navy, will come later and seek and secure a solution for their difficulties also.

CHAIRMAN KOSYGIN: when the matter of the crisis in the spare parts was brought to my attention I gave immediate orders that this should be solved to your entire satisfaction.

AMBASSADOR: I have taken too much of your time. I have been here for nearly two hours. It is, however, a matter of great pleasure and privilege for me to have been afforded this opportunity to exchange views with Your Excellency about the situation in our country, about the relations between our two countries at this historic moment one week after our elections and one week before the Congress of your great Party. May I wish all success to you in the fulfillment of one of the most elaborate and many faceted plans for economic development, on which you have just embarked. As I said, Your Excellency, I have taken too much of your time. I shall, therefore, discuss some important economic and commercial matters with my friends in the Foreign Office who will no doubt place them before you for your kind perusal and attention.

Before I leave, however, I wish to revert to a subject which I have already mentioned. This may be construed as impertinence on my part but I feel emboldened to mention this very important question because I happen to be a friend and I am aware that as excellent relations between our two countries and between the two Prime Ministers, my submission will not be taken amiss. This, once again, relates to the question of bombers. We would appreciate if you were to take us into confidence and tell us if you have any difficulties in meeting our request. We will understand and appreciate frankness in dealing with this issue. This answer need not be given to me but Your Excellency can convey your reasons directly to my Prime Minister, so that she is in a position to appreciate your difficulties, if any. You will once again forgive me if I venture to inform Your Excellency that if this issue remains unresolved or is allowed to continue to remain in its present nebulous state it will lead to unnecessary and avoidable misunderstandings.

CHAIRMAN KOSYGIN: Mr. Ambassador you have once again mentioned the question of bombers. I can assure you that we will reconsider this matter in the nearest future and we shall, without delay, convey our views as has been suggested by you to your Prime Minister.
0577. Statement by Foreign Minister Swaran Singh in Parliament on Recent Developments in Pakistan.

New Delhi, March 27, 1971.

The Government of India cannot but be gravely concerned at the events taking place so close to our borders. We can, therefore, understand the deep emotions which have been aroused in this House and in the entire country.

Honourable Members are, I am sure, fully aware of political developments in Pakistan since November 28, 1969 when the President of Pakistan announced his plan for evolving a democratic Constitution and for the transfer of power to the elected representatives of the people.

The Government and the people of India have always entertained the friendliest of feelings for the people of Pakistan. We had therefore hoped that a democratic evolution in Pakistan would follow its natural course and that the elected representatives would evolve a Constitution reflecting the urges of the vast majority of the people expressed through the elections held in December last year.

However, events have taken a different and tragic turn. Instead of peaceful evolution there is now a bloody conflict.

According to reports received, the Pakistan Army started taking action on the midnight of 25th and 26th March against units of the East Pakistan Rifles, the provincial police and the people. The reports are that casualties have been heavy. On the morning of March 26th, the Radio Station at Dacca was seized by the Army. Thereafter the Radio Station made an announcement of 15 new Marshal Law Regulations banning, among other things, all political activities, processions, meetings speeches and slogans. Complete censorship of all news, Radio and Television programmes was imposed.

More than two regular Divisions of the Pakistan Army are deployed in suppressing the people of East Pakistan. Our hearts go out in sympathy to the people who are undergoing great suffering.

We naturally wish and hope that even at this late stage it would be possible to resume democratic processes leading to the fulfillment of the aspirations of the vast majority of the people there. We cannot but take note of the fact that such a large segment of humanity is involved in a conflict and that many people are suffering in the process.

Recently, when natural disaster overtook East Pakistan, the Government and people of India along with other members of the international community responded to bring relief to the sufferings of the people there.
We are prepared to make our contribution once again, in concert with the members of the International Community or International humanitarian organizations, concerned with bringing relief to innocent victims of conflict.

0578. Statement by Prime Minister Indira Gandhi in the Lok Sabha on recent developments in Pakistan.

New Delhi, March 27, 1971.

[Intervening in the discussion on the statement made by the Minister of External Affairs on recent developments in Pakistan in the Lok Sabha on that day, the Prime Minister, Mrs. Indira Gandhi said in the House]

The point is that this news (regarding the arrest of Sheikh Mujibur Rahman) has come through Radio Pakistan and, therefore, I cannot say whether it is true or not. But we should not take it as true because it could be just a propaganda.

Sir, the strength does not lie in words. If my colleague, Shri Swaran Singh, has not spoken with passion, it is not much for lack of feeling either on his part or on the part of the Government but because of the fact that we are deeply conscious of the historic importance of this movement and the seriousness of the situation.

Something new had happened in East Bengal - a democratic action where an entire people had spoken with almost one voice. We had welcomed this, not because we wanted any interference in another country's affairs, but, because there were the values, as one of my hon. friends pointed out, for which we have always stood and for which we have always spoken out. And we had hoped that this action would lead to a new situation in our neighbouring country which would help us to get closer, which would help us to serve our own people better and create an entirely new situation. As our statement has said this has not happened and a wonderful opportunity for even the strengthening of Pakistan has been lost and has been lost in a manner which is tragic, which is agonizing and about which we cannot find strong enough words to speak because this again is a new situation.

It is not merely the suppression of a movement, but it is meeting an unarmed people with tanks. We are in close touch, as close touch with the events as is possible in such a situation. I am sure hon. Members will understand that it is not possible for the Government to say very much more on this occasion here.
I would like to assure the hon. Members who asked whether decisions would be taken on time, that obviously that is the most important thing to do. There is no point in taking a decision when the time for it is over. We are fully alive to the situation and we shall keep constantly in touch with what is happening and what we need to do. But I agree with him also that we must not take merely a theoretical view. At the same time we do have to follow proper international norms. But there are various other suggestions made here, about genocide and so on, about which we are fully conscious and which we also discussed with the leaders of the Opposition.

I think at this moment I can only say that we do fully share the agony, the emotions of the House and their deep concern over these developments because we have always believed that freedom is indivisible. We have always raised our voice for those who have suffered, but, in a serious moment like this, the less we, as a Government say, I think the better it is at this moment. I can assure the House that we shall keep in close touch with the leaders of the Opposition so that they can continue to give us their suggestions and we can also give them whatever knowledge we have.

 Resolution adopted by both the Houses of Parliament on East Bengal.

New Delhi, March 31, 1971.

Moving the Resolution on East Bengal in both the Houses of Parliament on March 31, 1971 the Prime Minister, Shrimati Indira Gandhi, said:

The tragedy which has overtaken our valiant neighbours in East Bengal so soon after their rejoicing over their electoral victory has united us in grief for their suffering, concern for the wanton destruction of their beautiful land and anxiety for their future.

I wish to move a resolution which has been discussed with the leaders of the Opposition and, I am glad to say, approved unanimously.

TEXT OF RESOLUTION

“This House expresses its deep anguish and grave concern at the recent developments in East Bengal. A massive attack by armed forces, dispatched
from West Pakistan has been unleashed against the entire people of East Bengal with a view to suppressing their urges and aspirations.

Instead of respecting the will of the people so unmistakably expressed through the election in Pakistan in December 1970, the Government of Pakistan has chosen to flout the mandate of the people.

The Government of Pakistan has not only refused to transfer power to legally elected representatives but has arbitrarily prevented the National Assembly from assuming its rightful and sovereign role. The people of East Bengal are being sought to be suppressed by the naked use of force, by bayonets, machine guns, tanks, artillery and aircraft.

The Government and people of India have always desired and worked for peaceful, normal and fraternal relations with Pakistan. However, situated as India is and bound as the peoples of the sub-continent are by centuries old ties of history, culture and tradition, this House cannot remain indifferent to the macabre tragedy being enacted so close to our border. Throughout the length and breadth of our land, our people have condemned, in unmistakable terms, the atrocities now being perpetrated on an unprecedented scale upon an unarmed and innocent people.

This House express its profound sympathy for and solidarity with the people of East Bengal in their struggle for a democratic way of life.

Bearing in mind the permanent interests which India has in peace, and committed as we are to uphold and defend human rights, this House demands immediate cessation of the use of force and the massacre of defenceless people. This House calls upon all peoples and Governments of the world to take urgent and constructive steps to prevail upon the Government of Pakistan to put an end immediately to the systematic decimation of people which amounts to genocide.

This House records its profound conviction that the historic upsurge of the 75 million people of East Bengal will triumph. The House wishes to assure them that their struggle and sacrifices will receive the whole hearted sympathy and support of the people of India.”

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0580.

Record of Foreign Minister Swaran Singh’s conversation with USSR Charge d’affaires Dr. V. K. Boldyrev on April 4, 1971 at 6.00 PM.

Ministry of External Affairs

The Cd’A said that he had been directed by his government to communicate to the Prime Minister the following information:

The Soviet Ambassador in Islamabad had been sent for by the Deputy Foreign Minister of Pakistan, Mr. Sultan Khan, on April 2 and told that, guided by the friendly nature of Soviet-Pakistan relations and concern for preservation of peace in the sub-continent, he wished to bring to the notice of the Soviet government the serious nature of the situation existing on the Indo-Pak borders.

He alleged that six Divisions of the Indian Army were deployed in West Bengal and that small armed groups from Indian territory had started infiltrating into East Pakistan to help the freedom fighters. Also, on the night of April 2, four Indian naval ships had forced a Pakistan merchant vessel to turn back from the vicinity of Dwarka to Karachi. Mr. Khan said that the Pakistan government wished to bring to the notice of Moscow that Indian actions cannot but provoke reaction from other States leading to an international conflict. Pakistan was not interested in such a development and had not sought the deterioration in Indo-Pak relations.

The Cd’A said that ‘it went without saying” that the Soviet Ambassador did not in any way, ‘directly or indirectly’, associate himself with the Pakistan Deputy Minister’s statement. The Soviet government thought that it was their duty to bring this to the notice of their Indian friends and particularly of the Prime Minister. It would be highly appreciated in Moscow if P.M. could share her views.

2. Foreign Minister said that he would convey the message to P.M. However, the Foreign Office in Islamabad had already spoken to the High Commissioner for India on similar lines and it had already been explained to them that the allegations were totally unfounded. India had no intention of intervening militarily in the matter and it was obvious that the Pakistan authorities were trying to build up a hate-India campaign and making unwarranted allegations to divert the attention of people, particularly in West Pakistan. As for the two incidents mentioned, it was entirely incorrect to claim that we were sending any people into East Pakistan. However, it had to be remembered that the Indo-East Pak border was hitherto manned by the East Pak Police who owed allegiance to Mujibur Rehman and there could have been movement to either side with their
connivance. We were not at all concerned and were, in fact, worried when people come in from East Pakistan. We were not keen on having refuge seeker coming in large numbers. It was apparent that the West Pakistan army authorities were trying to explain the growing momentum of the freedom fighters. As for the charge of interference with the ship, this too was without foundation: was it possible for naval ships to compel any ship to return? We believed in the freedom of the high seas unless our territorial waters were violated.

If we had any intention to interfere with their ships, we would have done so when they were moving large numbers of troops and equipment to East Pakistan.

If Pakistan’s talking in this way indicated some plans on their part, or in collusion with any of the countries with whom they had military understanding, to embark on a military adventure, they would bear the entire responsibility and they should not run away with the idea that they would be able to get away with it.

3. The Charge d’Affairs stressed that the Soviet Ambassador did not, in any way, associate himself with the statements. He requested that the message should be conveyed to P.M. and her reply obtained.

Foreign Minister replied that the Cd’A should convey his reply to Moscow. The message would be conveyed to P.M. and if P.M. had anything to add to what he had said, this would be communicated. The Cd’A said that he appreciated F.M.’s receiving him and that the Soviet government highly appreciated the confidential exchange of information and contacts with Government of India on the developments in East Pakistan. F.M. said that we, too, valued these and wished to keep them completely confidential. He would be away for two days, during which the Cd’A should keep in touch with F.S.

Sd: G Dhume
Under Secretary (EE)
5.4.1971
0581.  
SECRET

Circular Letter from the Ministry of External Affairs to all Indian Missions and Posts abroad regarding East Pakistan.

New Delhi, April 17, 1971.

No. PI/103/10/71 April 17, 1971

Dear Mission,

The Prime Minister has directed that with immediate effect we should refer to East Pakistan as East Bengal.

Yours ever

Ministry

Heads of all Indian Mission and Post abroad.

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0582.  
Note Verbale from the Pakistan High Commission in India to the Ministry of External Affairs regarding grant of asylum to the Pakistani members of the Crew of a ship flying the Lebanese flag.

New Delhi, April 24, 1971.

No. 1(10) CSVI/71. April 24, 1971

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs, and has the honour to state that according to a report appearing in The Statesman, Delhi, of April 20, 1971, 26 Pakistani members of crew of SS Ivory Napaire, carrying a Lebanese flag, were granted asylum by the Government of India while the ship anchored at Budge Budge in 24 Parganas (West Bengal).

2. The High Commission requests the Ministry kindly to intimate to it urgently the correct position with regard to the above report. In case the report is correct, it would constitute another instance of open interference by India in the internal affairs of Pakistan in contravention of all norms of intercourse between sovereign States.

3. The High Commission views with serious concern these acts of overt and covert interference by India in the internal affairs of Pakistan. It is a matter
of further concern that such acts have multiplied in the recent past despite the Government of India’s professions to the contrary.

4. The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi.

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0583. Note Verbale from the Ministry of External Affairs to the Pakistan High Commission in India regarding the influx of refugees from Pakistan.

New Delhi, April 30, 1971.

No. PII/281/71 April 30, 1970

The Ministry of External Affairs, Government of India, presents its compliments to the High Commission for Pakistan in India and has the honour to state that the Government of India have received disquieting reports about large scale influx of refugees from East Pakistan to India of late.

2. It has been ascertained that since January 1970, about 29,000 persons have been forced by circumstances within East Pakistan to enter India through unauthorized routes by walking across the border with the help of touts operating within East Pakistan. According to them, while they were crossing the border the members of the East Pakistan Rifles forcibly took away all their belongings. The bulk of refugees so crossing the border belong to Khulna District of East Pakistan. they hail from villages within the jurisdiction of police stations Dumuria, Rampal and Baitaghata.

3. It has also been learnt from these refugees after careful interrogation that they left East Pakistan on account of the generally insecure conditions facing the minorities in Pakistan, namely, thefts, robberies, decoities and, in particular, offences against women, like rape, molestation, abduction and forcible marriages of Hindu girls to Muslims. It is universally complained that the Pakistan police take no action on complaints from the Hindus. The general
feeling of insecurity is stated to have been further accentuated by the recent
election campaign during which some communal parties have been making
sinister insinuations questioning the minority community’s very loyalty to
Pakistan.

4. The Government of India have noted with concern that this influx of
refugees is continuing unabated. The Government of Pakistan will no doubt
realize that men, women and children in East Pakistan would not voluntarily
elect to abandon their hearths and homes if they were enjoying security of life,
property and honour. The Government of Pakistan will also appreciate that
such large scale illegal migration from Pakistan tends to create a totally
undesirable and sensitive situation. The Government of India are also faced
with the immediate problem of giving relief and rehabilitation assistance to
these innocent refugees on humanitarian considerations, as they are unwilling
to return to their hearths and homes in Pakistan, apart from the problem of
maintaining law and order in circumstances exciting the feelings of the people
where the migrants tend to collect.

5. The Government of India protest against the failure of the Government
of Pakistan to ameliorate the continuing unhappy plight of the minority
community in Pakistan and are constrained once again to urge the Government
of Pakistan to take effective measures to assure the security of the life, property
and honour, and to enable them to live in peace and honour as equal citizens
of Pakistan. The Government of India also request the Pakistan Government
to punish the persons causing harassment to the members of the minority
community and to restore confidence amongst them so that further illegal
migration of these Pakistan nationals of the minority community does not take
place. Attention of the Government of Pakistan is once again drawn to the
Nehru - Liaquat Pact of 1950, which requires them, inter alia, to guarantee to
their minorities, security, full freedom and equality of rights.

6. The Government of India would appreciate being informed of the action
taken in this regard, if there is no objection.

7. The Ministry of External Affairs avails itself of this opportunity to renew
to the High Commission for Pakistan the assurances of its highest consideration.

The High Commission for Pakistan,
Chanakyapuri,
New Delhi.
0584. Note Verbale from the Ministry of External Affairs to the Pakistan High Commission in India regarding the Pakistani Crew of a ship allowed to stay on in India.

New Delhi, May 11, 1971.

No. PI/103/14/71 11 May, 1971

The Ministry of External Affairs presents its compliments to the High Commission of Pakistan in India and with reference to the latter’s Note 1(10) CSVI/71 dated the 24th April, 1971 has the honour to state that 26 East Bengali members of the crew signed off at Calcutta port and have been permitted to stay on in Calcutta till they are in a position to leave for their destination. Those members of the crew have been granted the necessary landing permits to enable them to remain in Calcutta for this purpose.

2. It is a matter of some concern to the Ministry of External Affairs that the High Commission of Pakistan chose to record their protest without first fully ascertaining the facts. The Ministry of External Affairs takes serious exception to the allegations contained in the above mentioned note of the High Commission for Pakistan which, as already indicated, is totally unfounded.

3. The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of Pakistan the assurances of its highest consideration.

High Commission of Pakistan,
New Delhi.

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0585. Letter from the Indian High Commissioner in Ceylon Y. K. Puri to the Prime Minister of Ceylon Mrs. Sirimavo R. D. Bandaranaike explaining the position with regard to the influx of refugees in India.


No.PS/HC/EB/71. May 21, 1971

Subject : EAST BENGAL

When I had the privilege of seeing you the other day I had an occasion to talk to you about the situation in East Bengal. In that connection you had asked me
whether the six points, on which Sheikh Mujibur Rehman’s demand for autonomy was based, were known before the elections.

2. The six points in question were actually laid down by a conference of the Opposition Parties held at Lahore in February, 1966. For your information, I enclose herewith a copy of the six-point programme agreed to on that occasion, not only by the Awami League but also, in principle, by some of the Opposition Parties in West Pakistan. It will be noticed this programme does not envisage anything in the nature of secession. In fact it specifically mentions the role of East Pakistan in preserving the integrity of Pakistan.

3. It is openly on the basis of these six points that the Awami League of Sheikh Mujibur Rehman fought the elections, which were held under arrangements made by the Martial Law Administration and which were the first ever held in the history of Pakistan on the basis of universal adult suffrage.

4. The result of these elections could not have been clearer. Sheikh Mujibur Rehman’s Awami League won 288 seats out of 300 Seats for the Provincial Assembly of East Bengal. They also won 168 out of 169 seats in the National Assembly allotted to East Bengal. There could be no more eloquent testimony to the solid support for Sheikh Mujibur Rehman and the six point programme from the whole of East Bengal.

5. On the basis of his overwhelming victory Sheikh Mujibur Rehman not only had a tremendous popular mandate for an Awami League Ministry to come into power in East Bengal but he also held more than 50 percent of the votes in the National Assembly and some at least of the members of the National Assembly from West Pakistan were likely to support him. On the majority attained by his own Party alone he became entitled to become the Prime Minister of Pakistan (not merely the Chief Minister of East Bengal). It is perhaps this prospect of Pakistan being ruled by a Prime Minister from East Bengal who enjoyed a solid majority and had full support for the six point programme that proved unpalatable to the military regime and led to the decision to undo the electoral victory of the Awami League by military force.

6. It is alleged that Sheikh Mujibur Rehman wanted East Bengal to secede from Pakistan. As far as one can judge from all available evidence, he had no such plans until after he found that the Central Government of Pakistan had no intention of giving effect to the results of the elections or to confer on East Bengal the autonomy in financial matters that it had been seeking as a means of re-dressment of the economic exploitation of East Bengal for the last 23 years. In this connection the following quotation from a speech from Sheikh Mujibur Rehman might be of interest:
“We believe that this feeling of absolute equality, sense of inter-wing justice and impartiality is the very basis of Pakistani patriotism. Only he is fit to be a leader of Pakistan who is imbued with and consumed by such patriotism. A leader who sincerely believes that the two wings of Pakistan are really two eyes, two ears, two nostrils, two rows of teeth, two hands and two legs of the body politic of Pakistan, a leader who feels that to make Pakistan healthy and strong one must make each one of these pairs equally healthy and strong, a leader who earnestly believes that to weaken any one of these limbs is to weaken Pakistan as a whole, a leader who zealously holds that anyone who deliberately or knowingly weakens any limb of Pakistan is an enemy of the country and a leader who is ready to take strong measures against such enemies, is the only person entitled to claim the national leadership of Pakistan. Pakistan is a magnificent country with an uncommonly wide horizon. To be fit to become its leader one must possess a similarly magnificent heart with an uncommon breadth of vision.”

7. It is also to be noted that before the army cracked down on March 25th, Sheikh Mujibur Rehman was asked by a Press Correspondent whether he would advocate a secession of East Bengal from Pakistan. He replied that the question of such secession did not arise, as his Party held the mandate of the majority of the people of Pakistan taken as a whole.

8. It has been alleged in some quarters that Sheikh Mujibur Rehman went on increasing his demands or that he would not wait for the National Assembly to decide the political issues. There is no evidence of any type whatsoever that throughout the negotiations between him and the President of Pakistan, or at any time before the 25th of March, 1971, Sheikh Mujibur Rehman went beyond the six point programme on the basis of which his Party had won an overwhelming majority. As regards the question of the meeting of the National Assembly, the facts are that Sheikh Mujibur Rehman had requested a meeting of the National Assembly by the 15th February, 1971. The President of Pakistan fixed the 3rd March. Between the 15th and the 28th February Mr. Bhutto threatened to boycott the Assembly if it met on the 3rd March. On the 1st March the President of Pakistan announced that the meeting had been postponed without fixing another date. On the 3rd of March the Pakistan Army opened fire on a large number of persons who were peacefully protesting against this postponement and a large number of people were killed. On the 6th of March the President of Pakistan announced a meeting on the 25th of March. On the night of 25th the Pakistan Army started a pre planned programme of large scale terrorization and the elimination of leadership potential in East Bengal. What has happened subsequently is by now well known to the world, based on eye-witness accounts
including those of foreign students who were in Dacca University on the night of the army’s attack on that University.

9. There have been allegations that India had promised and/or has given military or other help to the Awami League or to the people of East Bengal. There is no truth in this. The Government of India have not, to this date, given any arms or any other material help to the people of East Bengal at their fight, whether constitutional in the first phase and armed in the second phase, against the oppression and exploitation by West Pakistan. In fact the Government of India were, up to the 25th March, 1971, extremely careful not to do or say anything which might in any way diminish the chances of an agreement between Sheikh Mujibur Rehman and the President of Pakistan, or which might prejudice the chances of a reversion to Parliamentary democracy in Pakistan. It is only after the brutal military repression, the genocide and the terrorization of the population started on March 25th that the Government of India had to speak out for human rights and for democracy and to express their moral support for the people of East Bengal in the struggle for self expression and the end of exploitation.

10. This may be an internal matter for Pakistan but India cannot overlook that in the name of its own internal affair, Pakistan has committed such brutality against its own people, in defiance of human rights, that over 3 million of its citizens have spilled over into India in a state of terror and exhaustion. The provision of the most elementary relief to these refugees, on humanitarian grounds, is a monumental task, which has cost the Government of India an intolerable political and economic burden. The majority of these refugees are Muslims and the rest are Hindus, Buddhists, Christians and tribals. On purely humanitarian grounds and irrespective of their religion, the Government of India are providing such relief as is within their power and means. The number of these refugees is still growing and the first and absolute necessity of the case is to bring moral pressure on Pakistan so that the killing and the terrorization is stopped and conditions are created in which more people do not feel it necessary to abandon their homes and flee and in which those who have come to India can go back to their homes. In the meantime, having regard to the very large number involved, which is still increasing, the help of the whole international community will be necessary to save these people from starvation, disease, exhaustion from lack of shelter in the torrential rains of the monsoon and extreme hardship in other forms. If the number of refugees rises to 5 or 8 million, the situation will become completely untenable.

11. This letter is intended only to keep you informed of the present situation. Of course the Government of India and the refugees from Pakistan will be very
grateful for any concrete help which the Government of Ceylon or voluntary organizations in Ceylon or the Ceylon Red Cross can extend with a view to bring the very minimum of subsistence and protection against disease and starvation to over 3 million human beings who have crossed over to India to seek temporary refuge.

With kind regards,

Yours sincerely,

Sd/-

Y.K. Puri

Hon’ble Sirimavo R.D. Bandarnaike, M.P.,
Prime Minister of Ceylon, Colombo

0586. Note Verbale from the Pakistan Ministry of Foreign Affairs to the Indian High Commission in Pakistan regarding Pakistani refugees in India.

New Delhi, May 24, 1971.

No.14/12/71-I(V). May 24, 1971

The Ministry of Foreign Affairs presents its compliments to the High Commission for India in Pakistan and with reference to Note No. D. 4622 PI/71, dated May 14, 1971, from the Ministry of External Affairs, Government of India, to the Pakistan High Commission in New Delhi, has the honour to state as follows:

2. The nature of demand made against the Government of Pakistan in the Note under reference is indeed extraordinary. Under the guise of expressing concern for the refugees the Government of India has attempted to arrogate to itself the right to sit in judgement over the developments in East Pakistan and to dictate to the Government of Pakistan certain course of action in regard to matters which are exclusively Pakistan’s own affairs. Similarly, the allegation of deliberate expulsion of people from East Pakistan through a campaign of terror is totally false, malicious and unwarranted.

3. The allegations as also the demand made against the Government of Pakistan by India constitute direct interference into the internal affairs of Pakistan. The Government of Pakistan, therefore, rejects as totally unacceptable
the Note under reference. In this connection, attention of the Government of India is invited to its obligation under the Charter of the United Nations and the principles of international law which enjoin the member states to desist from meddling into the affairs of other states.

4. The figure of refugees as mentioned in the Note is highly exaggerated and bears no relationship with the realities of the situation. Again, it is the Government of India which largely has to accept the blame for whatever refugees there might be in India. These people became the victims of the conditions created by India’s armed infiltration into East Pakistan as well as the false and distorted Indian propaganda and highly exaggerated accounts of incidents put out by the AIR and the Indian press the credibility of which now stands thoroughly exposed. Public encouragement given by the Indian leaders has also contributed to the influx. In this connection, mention may be made of the statement by the Prime Minister of India on March 27, 1971, in which she is reported to have said that India would keep her borders with East Pakistan open to receive any refugees who might come.

5. In the circumstances, it appears to the Government of Pakistan that the refugee problem has been deliberately allowed to take certain dimensions by the Government of India with some ulterior motive. This apprehension is further confirmed by the fact that instead of treating the question of refugees on humanitarian basis a callous campaign has been launched by India for political purposes. In this connection, the insinuation contained in para 2 of the Note under reference and the statement of the Indian Prime Minister at Rani Khet on May 19, 1971, in which, referring to the refugee problem, she is reported to have said that India “is fully prepared to fight (against Pakistan) if a situation is forced on us” is ominous.

6. In so far as Pakistan is concerned there has never been any question of withholding permission to the return of its bona fide and law abiding citizens to their respective homes. In this connection, attention of the Government of India is invited to the statement made by the President of Pakistan on May 21, 1971, urging the Pakistani citizens to return to East Pakistan.

7. This is in sharp contrast with India’s persistent refusal to take back over half a million Indian nationals evicted by her from Assam, Tripura and West Bengal to East Pakistan. These refugees have been a great economic burden on the Government of Pakistan for the last ten years. The Government of Pakistan demands that India should take immediate steps for their return and rehabilitation in their own properties in India.

8. Lastly, the Government of Pakistan takes serious exception to the use of the terminology East Bengal. The Government of Pakistan demands that, in
future, the Government of India should refer to East Pakistan by its accepted official name only.

9. The Ministry avails itself of this opportunity to renew to the High Commission for India in Pakistan the assurances of its highest consideration.

The High Commission for India in Pakistan, Islamabad

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0587. Speech of Prime Minister Mrs. Indira Gandhi replying to the debate in the Lok Sabha on the situation arising out of the arrival of refugees from East Bengal.

New Delhi, May 26, 1971.

Mr. Speaker, Sir, May I express my deep appreciation of the sentiments voiced on all sides of the House in regard to the struggle of Bangla Desh? I fully realize that even though some Hon. Members have used harsh words, they have done so out of deep emotion and feelings of concern. They have reflected the anguish which we and the entire country feel at the tragic and heartrending happenings in Bangla Desh. My Government and I share that anguish and deep concern.

It is only natural that with our own traditions of love of freedom, our involvement with the values of democracy and human rights, we should feel deeply concerned when these values are crushed.

We have heard much talk of democracy. The Allies claimed that the Second World War was fought to save democracy. But when democracy is so flagrantly and so brutally being destroyed, we do not hear much comment, nor do we see the sort of spontaneous strong responses which the situation warrants. Could there be a greater or a clearer expression of democracy than the one we witnessed in the elections in Pakistan? Let me remind the House that although the elections were held under the rules formulated by the military regime, immediately afterwards military repression was used mercilessly to halt the process leading to the formation of a democratically elected Government in Pakistan.

We are told by some countries that while they may disapprove of what is being done by the military rulers, they cannot be a party to the disintegration of
Pakistan. Is it suggested that we wish the disintegration of Pakistan? Have we not, as many Members have pointed out, at every step tried not only for propriety in our relationship but also for friendship? If there is a struggle between the two parts of Pakistan, it is certainly not of our making but of the rulers of Pakistan. Is it anybody’s contention that the methods being used today can achieve any integration or stability worth the name now or in the future?

The question of secession is also raised, if I may say so. This is a distortion of facts. It is conveniently forgotten that the majority of Pakistan’s people live in the eastern region. In a democratic system, the majority does have certain rights. They cannot be accused of secession if they assert those rights. However, if today there is such strong feeling amongst our people it is not merely because the democratic rights and liberties of 75 million people are being crushed but because of the damaging effect which this cruel tragedy is having on our entire country economically, politically and socially.

This is the reality of the situation. It is not propaganda or the figment of anyone’s imagination. Our experience of the influx of refugees and the preposterous propaganda by Pakistan has reinforced the fact that what is happening in Bangla Desh does have many sided repercussions on our internal affairs. That is why I have said that this cannot be considered merely as an internal problem of Pakistan. It is an Indian problem. More, it is a world-wide problem. The international community must appreciate the very critical character of the situation that has now developed. Any failure to do so may well lead to disastrous consequences. For what is happening in Bangla Desh is not just a political and economic problem. It is a problem of the very survival of the people of that whole area, the people of Bangla Desh.

It is a problem created by calculated genocide that is resulting not only in the murder of tens of thousands of men, women and children but also forcing many more to seek refuge and shelter in India. It is a problem that threatens the peace and security of India and indeed, of South East Asia. The world must intervene to see that peace and security is re-established and maintained.

As Hon. Members know, yesterday, there was a similar debate in the other House. I had to sit there also for a part of the time, and so, I could not listen to all the speeches which were made here. I was sorry, however, to hear some hon. Members take even this opportunity to cast aspersions on our Foreign Office. I must deplore this tendency to try and find an easy way out by blaming the services. I do not say that we have not made mistakes or that all our representatives are always up to the mark. When there is a mistake, we should certainly find fault. But constant criticism is disheartening and demoralizing. We should not blunt the instruments with which we have to function. Our work here and abroad has to continue. We do realize that any help given to the
rulers of Pakistan will be used against the innocent people of Bangla Desh. On this occasion our representatives abroad have worked hard and have done excellent work. They have been as effective as they could possibly be in the prevailing circumstances. Some Governments have set views and even if their sympathies are roused, they are not often willing to take a stand on a matter such as this. I would like to say that all our Services engaged in dealing with the present situation have shown fortitude and a sense of dedication.

If it gives some solace to Hon. Members to abuse the Government and blame them for lack of courage, for lack of direction and even of understanding, I certainly do not want to deprive them of this comfort. To some Members, guts are equated with voice power and the use of passionate words. I wish life were so simple.

Now, this Government may have many faults; but it does not lack courage nor is it afraid of taking a risk if it is a necessary risk. As I have said many times over, we are not merely concerned with the legal aspect of this situation or, indeed, of any situation. We are concerned with one thing and one thing only – our own national interest and security and naturally that of the heroic people of Bangla Desh. That is why it is important to act calmly. The situation is far too grave for anything else.

The word ‘recognition’ has echoed from every side, as if recognition by itself could solve the many difficulties which confront the people of Bangla Desh or the many difficulties which our country faces especially our States on the border, that is, West Bengal, Assam, Tripura and Meghalaya. We have given deep and anxious thought to all aspects of this question. It is, as my colleague has said, constantly under review. We are not waiting to see what other countries will do in the matter. Whatever decision we take in this or other issues is guided by our own independent assessment of the situation and how our interest in the broadest sense are served.

Yesterday, I spoke in very deliberately measured words of our present difficulties and of the likely dangers and burdens, not because I am or ever have been afraid of burden or of danger, but because I want Hon. Members to think deeply about all these matters.

Danger can be faced only when one is prepared for it. This, as I said previously and I should like to repeat, is no time for party rivalry. We must stand together; we must help one another in the economic and other tasks which confront us. Communal tendencies must be curbed. All parties, I think, must help to ensure that the question of Bangla Desh and of the refugees is not reduced to a communal level but is kept on its true level which is a national and an International one. I shall continue to keep in touch with the Leaders of the
Opposition and with other Members of this Hon. House on these questions and developments, and I hope that Members will feel free to come to see me to express their views or whatever knowledge they have on the subject. In the meantime, there is not much else that I can say.

I would only say, let us not lose heart. Let us have faith in ourselves and in our people. Let us have faith in the courageous people of Bangla Desh and in their determination to fight for their rights. No great task is achieved without sacrifice. There is an old saying:

‘Is experience gained with a song? 

No, it takes all that a man has.’

Sacrifice and hardship there must be for all who fight for freedom or for justice or for a great cause. But I have no doubt that the spirit of man and the spirit of freedom cannot be vanquished. We must face this entire problem with this confidence, and do what we have to do with calm and deep thought and with unity amongst ourselves.

It is true that there was an intrusion in part of Assam, and the Chief Minister had phoned to me. But we did send immediate help, and all the intruders were driven out. The situation is under control. They were driven out by five o’clock the day before yesterday.

Any case of spying is always treated with the utmost seriousness, whether in Assam or anywhere else in the country.

This point has been answered on many occasions.

The Hon. Member told me about this yesterday. We are looking into the matter.

So far as I know, all such entrants are being registered except some who manage to avoid registration. Although my colleague, the Minister for Rehabilitation, is doing all he can to provide tents, tarpaulins, etc., there is no doubt that we are not fully equipped to deal with such a large influx. So, there is bound to be discomfort and hardship which we are trying to minimize to the extent possible.

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Letter from the Indian Ambassador in Moscow D. P. Dhar to Foreign Secretary T. N. Kaul regarding the proposal to conclude a treaty with USSR.

Moscow, June 5, 1971.

D.O.No.677-Amb/71 June 5, 1971

My dear

I made my farewell call on Marshal Grechko today in the morning. The conversation turned out to be rather interesting and purposeful. Tandon has prepared a brief record of these talks which is enclosed. I am submitting a copy of this record to the Foreign Minister for his perusal also on his arrival in Moscow.

I would not like to enter into a detailed argument about the advantages and disadvantages of concluding the proposed treaty with the Soviet Union at this juncture. It would perhaps be improper for me towards the fag-end of my present assignment to take responsibility of making any positive recommendations. I would, however, like to bring a few recent facts which are relevant to this issue to your kind attention.

The Soviet Union tried to remove the sharp edges from the controversy which raged between India and Pakistan in the wake of the hijacking incident. They were prepared even to play the role of an honest broker or perhaps of an interested and concerned mediator between the two countries. Events moved fast and there was a confrontation between Mujib and Yahya in Dacca. In this controversy also, it is now well known, the Soviets tried to mediate between the two sides. In fact, it is my suspicion which even the Soviets are also very grudgingly admitting that Yahya perhaps made the use of their good offices to silence the suspicions of Mujib about the intentions of Yahya and his military regime. Then the negotiations broke down and the bloodiest drama in recent human history was enacted in East Bengal. I have no doubt in my mind that the Soviets are aware that we may in spite of our wishes to the contrary be slowly inching forward towards a conflict with Pakistan. Such a possibility is rendered more somber and ominous in their minds by the publicly pronounced attitude of China. The mention of this document in various forms from Pegov to Grechko, from our Central Committee contact to a junior dignitary as Labochev in Foreign Office makes it clear that in spite of the developing crisis in our relations with Pakistan and with the Chinese intervention as a distinct possibility the Soviets would be prepared to accept the responsibilities and obligations which would devolve on them as a result of such a commitment.
Zaheedi’s shame-faced threat to us that Iran would come to the assistance of Pakistan the activities of the so-called consortium of some Islamic countries the continuing threats from China, all put together make me wonder whether we are being wise in reacting in a lukewarm manner to the Soviet offer of unequivocal help to us. The pros and cons of this proposal and its present and ultimate utility can best be judged in New Delhi in consultation with the Foreign Minister and other concerned authorities. It is, however, important that we do have some sort of an understanding of what we expect the Soviet Union to do for us in the event of our country being involved in a conflict with Pakistan singly or along with her allies. I am not talking merely in terms of the political requirements of the situation as it will develop as a consequence of a conflict of this type. I am more interested in the military aspects of the aid and assistance which we will need and which we are bound to seek. You will recall that in a meeting of the Committee of Secretaries for Internal Affairs in which the three Defence Chiefs were present and which was convened in your chamber I posed this question squarely to all of you. It was agreed then at Sam’s suggestion that the three Defence Chiefs would study this matter and prepare detailed proposal. I wonder if any action has been taken so far as a result of that decision. Even now it is time that we should devote our attention seriously to this problem, determine clearly in our minds the sources from which we can secure help and assistance in the event of an open conflict with Pakistan. Once again, I would like to mention here that I am not sure whether the conclusion of a treaty in the form in which it was discussed in the year 1969 would satisfy the needs of the present situation. Perhaps, an exchange of letters which would set out the same objectives as were contained in the treaty would be an equally good substitute for the treaty at the present juncture. Or, again, we could think in terms of a secret document which could emerge as a result of the joint consultations between the General Staffs of the two countries or as a result of consultations which could be held on a purely political level.

As I have mentioned earlier, I am submitting a copy of this letter and the record of my discussion with Grechko to the Foreign Minister. I will naturally take this opportunity of discussing some details of this question with him.

With kind personal regards,

Yours sincerely

D.P. Dhar

Shri T. N. Kaul,
Foreign Secretary,
Ministry of External Affairs,
New Delhi.
A. Record of discussions held during the course of the farewell call by Ambassador D. P. Dhar on the Defence Minister of Soviet Union Marshal A. A. Grechko.

Moscow, June 5, 1971.

After exchange of courtesies, the Ambassador stated that he had come to bid farewell to Marshal Grechko and while doing so, he would like to express sincere gratitude to the Soviet leaders and personally to Marshal Grechko for the kindness and consideration which was extended to him throughout his stay in the Soviet Union. The Ambassador added that wherever or in whatever capacity or position he happened to be, he would deem it his privilege to continue to serve the cause of achieving greater cooperation and friendship between the two countries.

2. Marshal Grechko expressed his sorrow over the departure of the Ambassador from the USSR but added that he had no doubt in his mind that the Ambassador would always continue to promote the cause of friendship between the two countries which was of mutual benefit. The Ambassador wished to take this opportunity of conveying to the Marshal the deepest appreciation of his Government and of his own for the great role that the Marshal had played in not only agreeing with our assessment of our defence needs but also in assisting us to secure a positive satisfaction from the Soviet Government.

3. The Ambassador added that towards the very beginning of his arrival in Moscow, he had on various occasions brought to the notice of the Soviet Government and also to the special attention some of the deficiencies and inadequacies in our defence equipment. He was happy that towards the conclusion of his term of office in the Soviet Union, most of these requirements had either been met or had been accepted in principle. Several delegations had come to the Soviet Union recently, representing various defence organizations, they had held fruitful consultations with the Soviet experts and some equipment had already been contracted for being purchased and some was in the process of being contracted.

4. Marshal Grechko observed that the Soviet leaders, the Soviet Government and he personally held the Ambassador in very high regard for his ability and for his devotion to the cause of his country and also for the great contribution he had made to further develop the Indo-Soviet relations.

5. The Marshal then expressed his deepest regrets for not being able to meet his great friend, Sardar Swaran Singh during his visit to the USSR. He
would have to leave Moscow at about 11.30 a.m. on the 7th of June for Sevastopol where his presence was unavoidable during the military manoeuvre and training exercises which were scheduled to commence from that date as already announced in the press. He stated that this training exercise would cover the south, south-east and south-west of the USSR and would be a combined exercise of all wings of the Soviet Defence Forces. He stated that his continued presence during the exercise was unavoidable. Till the moment of his departure for Sevastopol on 7th June, he would remain continuously busy with the Defence Minister of Sweden who was already on a visit to the USSR. He added that his engagements with the Swedish Defence Minister were so crowded that he had no free time to meet Sardar Swaran Singh. He expressed his deep concern in not being able to meet him, who was a good friend of his and had sent a warm letter to him. He wished that if (it) could be possible for Sardar Swaran Singh to meet him at Sevastopol.

6. The Ambassador stated that since Sardar Swaran Singh would be on a very short visit here, it would not be possible for him to meet Marshal Grechko at Sevastopol. He assured Marshal Grechko that as a good friend, Sardar Swaran Singh would understand his difficulty and that he need not feel unduly concerned about his inability to meet him. The Ambassador stated that Sardar Swaran Singh would have perhaps made some requests personally to Marshal Grechko about certain defence matters. Now that there was only a faint possibility of the two leaders meeting each other, the Ambassador said that he would make bold to make some of these requests of his behalf. He stressed that he would mention these requests not in any way implying that he had not already received the maximum satisfaction from Mr. Skachkov and the Soviet organizations under him. The Marshal intervened and said ‘Please do not worry. There is no need to be polite. Skachkov’s organization is directly a part of my Ministry. Skachkov is only a ‘cover’. The Ambassador then requested Marshal Grechko to consider the possibility of increasing the quantity of Armoured Personnel Carriers to be supplied by 15th September, 1971 from 50 pieces to 85 pieces and that of 130 mm ammunition to be supplied in 1971 from 40,000 rounds to 90,000 against our new requests. The Ambassador also mentioned our interest in acquiring, after evaluation, special Soviet anti-aircraft guns and bridging spans. He stated that he hoped to receive consideration for these requests from Marshal Grechko as a parting gift.

7. Marshal Grechko stated that he had got accustomed to listen to many requests from the Ambassador. He had always endeavoured to do his best to meet these requests. Even now he would do his utmost to be of help. Marshal Grechko then said: ‘I hope my friend, you are now happy about the aircraft which we have now agreed to supply. This was your old grievance. I hope we have succeeded in removing it. You are always fond of describing your
requirements as only for defensive purposes. Surely, this weapon is not a
defensive weapon but a fairly offensive one’.

8. The Ambassador thanked Marshal Grechko for this remarkable gesture
to our Government and the Prime Minister in offering this aircraft. He also
thanked Marshal Grechko for his kind offer to study the requests mentioned by
him. The Marshal added in a lighter vein ‘You always get everything you want
from us’. The Ambassador stated that this was perhaps due to the
reasonableness of our requests as well as the kindness and generosity of the
Soviet Government in considering them.

9. The Ambassador then stated that our country was passing through a
very difficult phase. We had already four million refugees from East Bengal on
our hands and about 50,000 to 60,000 refugees were entering India every day.
Unfortunately, in their wake, they were carrying cholera with them. This epidemic
had spread in some of the refugee camps and it was apprehended that it might
spread to the rest of Bengal. The Ambassador stated that the seriousness of
the situation was aggravated by regular provocations by Pakistan on our
borders. He further stated that while the border on our side was guarded by the
Border Security personnel, Pakistan was deploying regular army personnel
including artillery units. This was against all the provisions of the agreements
and the mutually accepted ground rules. All this had created considerable
tension and to add to our problems, ‘Our friend from the North’ had also assumed
a threatening posture. The Ambassador stressed that we were really passing
through a very difficult period.

10. Marshal Grechko stated that there was no doubt that it was a very
complicated situation and it was difficult to foresee how events would develop
just as it was difficult to foresee six months back that such a situation would at
all develop in such a manner in East Bengal.

11. Marshal Grechko again intervened to say: “If I were you, I would not be
worried by Pakistan. You should take into account the unpredictable enemy
from the North”. Marshal Grechko continued to say that, personally speaking,
he was convinced that there was a definite Chinese policy. He did not know
how to define it in words – perhaps it could be described as a policy of sabotage
and black-mail. A hostile situation had developed due to the feelings of hatred
of China towards the USSR. Marshal Grechko further stated that hatred towards
the USSR was ingrained in the minds of Chinese children even from the age of
five years. All their art, culture and education demonstrated this hatred. He
stated that on account of this hostile attitude of China, a tense situation was
created on the Eastern borders of the USSR. China had made claim to 1.5
million kilometers of Soviet territory embracing a population of eight million.
He stated that the Chinese even boasted to starting aggression and added that
according to his judgment, the Chinese policy would remain like that for many years. He further stated that the USSR laid no territorial claim on China and it would not be the first to start any conflict. He proceeded to say with some emphasis that in case China started to ‘use aggression, the USSR would not hesitate to use its strength and force in repelling it’. He further stated that in the recent past, the USSR had considerably increased its armed strength on her eastern borders. The concentration of forces there was five to seven times more than before. These included land forces, air force, naval units and also rocketry. The Chinese were aware of the superiority of Soviet forces on the Eastern borders and this had ‘downed their tail’. Of course, the Chinese were aware ‘of our army concentrations’. Chou En-Lai had been repeatedly grumbling about it. Grechko said ‘Of course, we made no secret of it and informed the Chinese that these preparations were a direct conclusion of their continuing hostility towards the USSR and this position would not change till they alter their attitude completely and basically’. Of course, he said, that it was idle to believe that such wide-spread military preparations could be kept a secret. In Mongolia alone, there were nearly 70,000 Chinese and Mongol-Chinese; border was very inadequately guarded with 100 to 150 kms., separating one check-post from another. The Marshal said that how could they hide the strength of their forces in Mongolia. At present there were 1,000 tanks and several thousands aircraft stationed in Mongolia. Where two years ago, there was not a single tank or a single aircraft there. The Chinese knew the purpose of these tanks. The terrain permitted them to move straight to Peking even if half of these forces were destroyed, the other half would comfortably reach its destination. The Marshal added that the Chinese were aware of the Soviet mood and would not dare to play any pranks with them. This, however, placed a crushing financial burden on their country, but it was unavoidable because the requirements of security had to receive precedence over any other need of the community. Unfortunately, however, the Marshal added, the Chinese were aware that India was relatively militarily week. They could, therefore, afford to be aggressive, even insolent and arrogant towards India. They had to be watched, he added, and India had to be careful.

12. Ambassador stated that India’s policy was one of peace. She would never take the first step in creating conditions for conflict. However, India shall be ready for the worst and give a befitting reply to any aggression launched against her singly or jointly in collusion. It was not that India was not able to or could not otherwise develop deterrent weaponry of her own. We had not done so far several reasons. In the first instance, it was even the Soviet view that there should not be a proliferation of weapons of a certain type and as far as India was concerned, though she would not be a party to bind herself down to a course of action considered appropriate by others for her, she was wedded
to the use of these new energies for purpose of peace and peaceful development. Secondly, India needed every ounce of her scarce resources for investing in order to improve the standard of living of her teeming millions. The Ambassador added that, thirdly, which in his opinion was important, India believed that she could count the strength of her friends as her own strength in the event of difficulty or crisis.

13. **Marshal Grechko stated** that ‘We must be ready to fight the Chinese aggression very seriously’. He further stated that it would be of vital importance both to India and the USSR if our friendship was ‘fixed’ in a treaty of mutual help of the kind recently concluded by the USSR with the UAR. He added that such a Treaty would demonstrate to China, Pakistan and any other potential aggressor the solidarity between the peoples of the two countries. Such a document would deter any one from embarking on an adventure against India. He further stated that he had spoken to Sardar Swaran Singh about three years ago to have such a treaty and had also shown him the draft of a possible document. He as Defence Minister had shown that treaty to Sardar Swaran Singh who also at that time was the Defence Minister of India only because of his friendship for him as he knew that these matters did not fall within the purview of Defence Ministers. He, however, did not know how the diplomats in both the countries had looked at this matter but he was certain that such a treaty would be of benefit to both the countries. **The Ambassador stated** that he had been fully associated with this matter. He was working at it for six months and he had been authorized by his Government to discuss the draft of such a Treaty with the Soviet Foreign Office. As a result of these discussions, an agreement had been reached in principle at their level on the text and contents of the proposed document. The job had thus been done at the diplomatic level and “Abede” (meal) was ready on the plate. Ambassador further added that Marshal Grechko was aware that soon after the finalization of this document at the Foreign office level, quite a number of important changes took place in India. The question arose whether the political climate was appropriate and the time opportune for concluding such a document. It was agreed that for some time consideration of the document should be postponed. Recently after the elections which gave the Prime Minister a massive mandate from the people, he had occasion, the Ambassador said, to very briefly refer to this matter during the course of his talks with Chairman Kosygin. Ambassador had told him that now that the elections were over, we would have to pick up the threads of quite a number of problems from where we had left them nine to ten months ago. He had the question of this document in his mind as one such matter. The Ambassador assured the Marshal that he would convey his views faithfully to Sardar Swaran Singh. The Marshal reiterated that what he had said was his
personal view and he felt that a treaty between the two countries at this time would be opportune and appropriate and he would suggest that it should contain some reference to military cooperation also. The Ambassador said that in principle we had never been opposed to the suggestion for having such a treaty. The only question that had to be determined was the appropriateness of the occasion and also that of the time so that such a treaty should not cause any harm to the interests of the two countries but promote what was its main objective, viz., mutual strength of relation between the two countries and a further consolidation of their friendship. Ambassador further felt that any mention of military cooperation would have to be done in a very lukewarm manner in the document itself. Perhaps, the same purpose could be achieved by an exchange of letters or record of the exchange of views on mutual assistance. In any case, like the Marshal, these were, the Ambassador said, his personal views and he was not competent, particularly now that he was on the verge of relinquishing his charge as the Representative of India in the Soviet Union to make any statement which would even remotely involve a commitment of any sort. The Ambassador, however, wanted to ask a question from the Marshal as to whether in view of the present tensions which existed between Pakistan and India as a result of the direct action of Pakistan in East Bengal and on our borders abetted and aided by China, it would be appropriate at the present moment to conclude such a treaty. The Marshal was of the categorical view that such a treaty would perhaps act as a strong deterrent to force Pakistan and China to abandon any idea of military adventure. Even then, he said if they invite a conflict, they would be courting a disaster.

14. The Ambassador said, he would like to venture an opinion even though he was aware that he was technically not competent to express it. In his view, the Ambassador said the defence of the steppes could be guaranteed by the effective defence of the Himalayas and the effective defence of the Himalayas would *vice versa* guarantee the defence of the steppes. It was gratifying to note, Ambassador added, that there was an awareness of the mutuality of interest both in terms of security and defence on the one hand and long term development on the other between the leaderships of the USSR and India. The Marshal said "I am in absolute agreement with your formulation. Do you think that the massing of our troops in the western and the north-western borders of China does not help India directly in her defence against China? If the Chinese had not to contend against our forces, they would release their hordes for use against you. We have to understand these problems in the military sense – in the operational sense."

15. The Ambassador thereafter stated that there was another matter which Sardar Swaran Singh might have liked to mention to Marshal Grechko at personal level. He asked whether Marshal Grechko could suggest the
acquisition of some more equipment by India from the USSR after assessing what we needed and what the USSR could supply. He added that any suggestions by Marshal Grechko in this regard would be studied by us without causing any misunderstanding. Marshal Grechko stated that suggestions in this respect could be made either only after the USSR knew what equipment India had, in what condition it was and what additional equipment India needed. He added that if such information was asked for, it could lead to misunderstanding. The better course that he could suggest was for the Indian experts to study their problems and state clearly what type of equipment they would need in relation to their problems either for purpose of defence or for increasing essential offensive capabilities. These requirements then could be studied and analysed by the Soviet experts in consultation with our experts. He added jocularly, “Of course, all the questions cannot be solved in a day. Some questions will have to be left for solution to the future. Otherwise there would be no justification for you and I to meet again”. Ambassador added that he only wanted to tell the Marshal that it was possible that we may require more equipment but Ambassador said he would like to assure the Marshal that our demands will not be such which could embarrass the Soviet Government nor would they spread to fields where we knew it would be difficult for the Soviet Government to accommodate us.

16. Thereafter, Marshal Grechko again expressed his regret for his inability to meet Sardar Swaran Singh in the circumstances explained by him. He stated that he had discussed this matter with Gromyko but no possible solution had been found till then because all his time was tightly booked with the Swedish Defence Minister. Marshal Grechko, however, noted the time of arrival and departure of Sardar Swaran Singh and again consulted his published programme. He left the Ambassador with the feeling that perhaps he may call on the Foreign Minister at an odd hour before he leaves for Sevastopol.

17. The Ambassador again thanked the Marshal for his kindness and courtesy. The Marshal was very affable and extremely friendly and he presented his latest book to the Ambassador with his autograph. He once again made very complimentary references to the Ambassador’s work in the Soviet Union.
0589. Letter from the US President Richard Nixon to Prime Minister Indira Gandhi regarding the visit of Henry Kissinger to New Delhi.


THE WHITE HOUSE
WASHINGTON

July 1, 1971

Dear Madame Prime Minister:

Dr. Kissinger is visiting New Delhi to discuss United States relation with India and in particular to seek your views on the problem caused by the movement of millions of refugees from East Pakistan into India. As I told your Foreign Minister when I talked with him in the White House on June 16, we are concerned about the problem not only because of its humanitarian aspects, but more importantly because it is a major international issue with implications for all of us. It is because of these implications and our concern for the peace and well being of Asia that we must all devote so much attention to encouraging progress toward a solution.

I hope that the assistance which we have been able to provide in support of the refugees and which has been discussed with your Foreign Minister will help to meet your most pressing immediate needs.

With regard to the need for actions which will make possible a reversal of the refugee flow, we have continued to emphasize that a return to peace and security in East Pakistan and a visible political settlement are crucial to restoration of a more stable situation in South Asia. Dr. Kissinger will also be talking to President Yahya about this subject and will be delivering a personnel message from me. I think there has been some forward movement in this regard over the past several weeks, but there is a need for more.

It is hoped that the recent difficulties over the delivery of arms ordered by Pakistan prior to March 25 will not prevent us from working together to achieve the objectives of peace and prosperity in South Asia, which are in the United States’ interest as well as in India’s. I understand the nature of your Government’s concern. You can appreciate the essentially restrictive nature of the interim actions we have taken since the civil strife began in East Pakistan. the United States must maintain a constructive relationship with Pakistan so that we may retain some influence in working with them toward important decisions to be made in that country, as we have in the past.
It was a great pleasure for me to have had the opportunity to discuss those issues with your Foreign Minister last month. I very much hope that we can continue to have frank exchanges of views on these matters and that you will be entirely candid with Dr. Kissinger in telling him how my government can be of assistance in resolving such complex and difficult problems.

Sincerely,

Sd/- Richard Nixon

Her Excellency
Indira Gandhi
Prime Ministry of India
New Delhi.

0590.  
SECRET  

Record of the meeting between the Assistant to U. S. President on National Security Affairs Henry Kissinger and the Principal Secretary to the Prime Minister P. N. Haksar.

New Delhi, July 6, 1971.

Prime Minister’s Secretariat

Dr. Henry Kissinger called on me on Tuesday, July 6, 1971, at 6.00 p.m. and stayed on until 7.20 p.m. I met him again with Dr. Vikram Sarabhai at a lunch and had further conversations with him for another 1-1/2 hours. As I could not obviously take notes of the conversations, I recorded brief notes after the conversations. However, it would be idle to pretend that I can reproduce verbatim the precise language he used, but the record reflects as accurately as possible all that was said.

H.  (P.N. Haskar): Welcome, Glad to see you again. Our last meeting was much too brief.

K.  (Henry Kissinger): I am glad to be back in India. The weather is much cooler.

H.  Yes, we have had some showers and it has cooled down. I hope you have had some little rest after arrival.
K. Not much, as I had to meet our Embassy people. However, I have been greatly looking forward to meeting with you. I wonder how much time you have, as I know how busy you are.

H. So far as I am concerned, I am entirely at your disposal. We have a dinner this evening. We can carry on until then if you so desire.

K. I deeply appreciate this because I know the burden you carry. May I raise one small matter initially?

H. Yes, please do by all means.

K. It is a little delicate, but I would like to have an opportunity to meet P.M. alone. How much time has P.M. set apart to meeting us?

H. I am not certain, but I should imagine that it would be about half an hour to 45 minutes.

K. Could I have 10 or 15 minutes alone? I cannot suggest this to the Ambassador. After meeting P.M. alone, the Ambassador could perhaps be called in. Don’t you think that he should be called in?

H. It is only right and proper that the Ambassador should be there, but if you wish to see P.M. alone for a few minutes, this could probably be arranged.

K. Will you then speak to the Ambassador?

H. This can be arranged.

K. I have a letter from the president and I would like to deliver it to the Prime Minister and have a few minutes alone with her.

K. I leave it entirely to you then.

K. I should like to discuss with you not only the present situation which is difficult, but also the long term perspectives of Indo-American relations. I must say that the question of arms sale is the worst example of bureaucratic muddle. When I read about it in the *New York Times*, I was myself taken aback, we are having it thoroughly investigated.

H. I would personally accept your explanation. We are ourselves familiar with bureaucratic muddles in our country. However, my impression was that the United States was better organized with its far better Information System. However, if it was a case of ‘bureaucratic muddle’, then surely one should expect that it would be stopped. We have received no assurances on this.

K. India should not really worry too much about these arms sales. Taking the overall position, these supplies are only of marginal significance. There is also the consideration that we have to have some leverage with Yahya Khan.
H. This is what troubles me. The implication of calling it 'bureaucratic muddle' is that it was something wrong which ought not to have happened and has happened because of muddle. But when you argue that it is of marginal significance, I personally do not agree. Also, you cannot explain the arms supply as a bureaucratic muddle and yet argue that such supply gives you leverage. There is some contradiction in this.

K. I see the point you are making, but our Pentagon people argue that we should not cut off completely these military supplies which are basically non lethal.

H. The only conclusion I draw from what you have said is that Pentagon people have their way. I also do not accept the validity of the metaphysical concept called 'non lethal'. I should perhaps explain why I say so. You are aware that between 1954 and 1965, United States, ignoring all protests from India, pumped into Pakistan $2 billion worth of military hardware. Everyone knows that this hardware requires spares. A Patton tank, for instance could be immobilized because a few track links were required. Track links appear non lethal, but when supplied and fitted on to the Patton tank, make that tank active. Such tanks so far have only been used against us. Despite the assurances given by President Eisenhower that American arms supplies will not be used against India, they were used exclusively against India. This kind of contradiction between what you say and what you do, develops a credibility gap. It is not good for the kind of relations we like to establish with your country. You would recall that when I had occasion to meet you when you came here with President Eisenhower, I had mentioned to you that all of us were anxious to give stability to Indo-American relations, but were troubled about the framework of American policy vis-à-vis India and Pakistan. unless this framework is changed, all the good things you do to us and for us, get negatived and neutralized.

K. I can only assure you that President Nixon and his closest advisers are anxious to make a fresh start. The President sincerely feels that in this whole region of South and South-East Asia, India is the one country which has all the potentialities of being not only a big power, but a Power for peace and stability. Pakistan is only of a small regional significance and does not occupy any place in our global perspective.

H. Apart from being the closest Adviser to the President, you are a most distinguished political scientist and from the books you have written and which I have read, I felt overwhelmed by your power of analysis. Please do not take it as a flattery. In any case, as the saying goes, 'good wine needs no bush'. However, I did want to ask you if you have spent some time in analyzing the phenomenon called 'Pakistan'. 
K. I am familiar rather intimately with Europe and I am beginning to learn about this part of the world, but India is one of the countries with which I deal. I let the State Department send papers to President, but when it comes to India and a few other countries, I take personal interest.

H. I feel reassured. But India is an extremely complex country and unless you spend a little time and study its complex problems, you may well get a picture which is far removed from reality and the same thing applies to Pakistan. In fact, Pakistan is that part of India which bears an Islamic label. Pakistan consists, like India, of several linguistic sub-national groups. Pakistan consists of Punjab. We too have our Punjab. Pakistan consists of East Bengal just as we have West Bengal. Pakistan also has Baluchistan, Frontier Province and Sindhu just as we have Maharashtra, Gujarat, Tamil Nadu and a host of other States. We are intensely conscious of the complex problem of marrying regional aspirations with national aspirations. All this requires very delicate handling. Despite this, explosive situations develop and we have to defuse them. These situations develop on simple things like locations of an industry, or use of a particular language, disputes relating to utilization of river waters, boundary disputes and so on. Some sort of tensions exist in Pakistan. There are great disparities in development of various regions of Pakistan and these disparities and the problems which arise from them cannot be resolved by all the emotive power of Islam. If religion could provide a basis for creating Nation-States, Europe would probably still have the whole Roman Empire. And if national and sub-nationalist aspirations could be made subordinate to dynastic concepts, Austro-Hungarian Empire would not have fallen apart. And when you have a State like Pakistan defying all laws of social and economic development, accentuating regional disparities, then you are building up an inherently unstable system. The burst up in East Bengal and the earlier turbulence in Baluchistan, are all rooted in total defiance of the elementary principles of social, economic and political engineering by the military junta in Pakistan.

K. I have no difficulty in agreeing with your analysis, but the question is: what can we do to change it? I have heard it said that East Bengal would not have been in the present situation and the Awami League would not have got the votes they got had it not been for the cyclone. Of course, this is a ridiculous theory.

H. It is, of course, ridiculous, but I am troubled that you should have even mentioned it. I suppose human mind has a craving for simplifying things and putting them in capsules which one can easily swallow. I hope this simple explanation of the success of the Awami League at the last elections is not being swallowed by persons who are less perceptive than you are. Awami League’s success is a long history. It began with resistance of East Pakistanis
to the imposition of Urdu language. We, in India, understand very well what passions are aroused by linguistic controversies. We had an explosion on this question in Tamil Nadu. One has to understand that the deeply-rooted cultural and linguistic traditions of the constituent elements of Pakistan are in no way different from those obtaining in the various States of India. In India too, we have political forces, largely represented in organizations like the R.S.S. and the Jan Sangh, who think that the complex political and social structure of India could be based on the concept of Hindu Rashtra (nationalism) just as Pakistan thought that they could create a Nation-State on the basis of Islam. Of course, our Government knows that we cannot build a viable India on the basis of it being a Hindu country. That is why we have, all these years, laid such great emphasis on both democracy and secularism. The influx of a large number of refugees and more particularly the fact that now nearly 90% of those coming out of East Pakistan are Hindus by religion, gives a powerful impetus to those disruptionist forces in India who want to appeal to the religious sentiments of the people. Our Government is seriously concerned about this development, as it strikes at the very root of our attempt to build secular democracy.

K. Do you think that the Hindu refugees will go back or would like them to go back?

H. It is a cruel thing to say that we would not like these refugees, whether Hindu or Muslim, to go back. As to whether they will go back or not, quite clearly, they would not go back, nor can we push them back, if the political situation and the regime in East Pakistan is such that they feel that they would be subjected to same sort of butchery which they have only recently experienced. I personally have no doubt that if East Pakistan had a democratic Government of the kind which the Awami League envisaged, not only the Muslims would go back but also the Hindus. After all, despite all the discrimination to which the Hindus have been subjected in East Pakistan, nearly 10 millions of them continued to remain there for all these years. Also, whatever might be the pull of religion, people of Bengal, be they Hindu or Muslim, are deeply devoted to their country. People from many parts of India have migrated abroad, but people from Bengal have not. In contradistinction, the people from Punjab have no difficulty in adapting themselves or adjusting themselves in other parts of India or in foreign lands. So, I have no doubt that East Bengali refugees would like to go back and would, in fact, go back if they feel reassured about their life, liberty and limbs.

K. It has been said that India is preventing the return of normalcy because of the support you are giving to the guerilla movement.

H. I shall be perfectly frank with you on this question. As you are undoubtedly
aware, prior to the events of March 25, 1971, there were large number of East Pakistan Bengalis who had received military training and formed part of military and para-military organizations. There were the East Bengal Regiments; also East Pakistani Rifles. In addition, there were people who were described as the Mujahids and the Ansars. Our estimate is that these people who had received military training and had arms and equipment deserted en bloc. They numbered some 40,000 to 50,000 people. The hard core consisted of East Bengal Regiments. According to our information, they put up desperate but heroic resistance to the onslaught of the West Pakistan army. Even if one assumes that three-fourths of them died, there still remain 10,000 to 12,000 of these people still inside Bangla Desh. They provide the hard core of the Mukti Fouj (liberation army). Many foreign correspondents, who have recently been to East Bengal at the invitation of the Pakistan Government, have testified to the fact that these people are active there, so far as we are concerned, we have given no arms, and that they are probably living either on the arms they had or the arms they might have snatched. Of course, our frontier is such that even with the best will in the world, we could not possibly seal it at every point and it is not impossible for these people to go in and out. And this is what is keeping up the resistance and not what India is doing. We have bent over backward to ensure that despite many provocations given to us day after day by the regular Pakistan army, neither our Border Security force nor our Army respond to such provocations.

K. I am worried about the possibility of a conflict between India and Pakistan. In the event of such conflict, China would certainly react and this would lead you to rely upon Soviet assistance. Such a development will cause complications for us in America.

H. We in India are not seeking the conflict. In fact, we wish to avoid the conflict. We want a peaceful solution. Prime Minister has written to President Nixon and Heads of other friendly Governments seeking their advice on how to solve this problem. Everyone has testified to the restraint we have shown. But I would like to ask you if you can give me some sort of a picture which we could look forward for peacefully solving the problem created for us by the influx of refugees. This is our approach. As I said, we want, and we would like, to avoid a conflict. However, if one is forced upon us, I can understand your fears about China reacting in a particular way, that is, in a way which is detrimental to us. However, in such a situation, it is not unreasonable for us to expect and to hope that United States would take a sympathetic attitude towards our country. Viewed in this context, I am a bit puzzled by your saying that if we get involved in a conflict which is not of our choosing and the Chinese intervene in one way or another, United States, instead of assisting us, would feel some sort of discomfiture. I should, in fact, like to have some idea of the broad
framework within which you view your policies towards the Soviet Union, China and India.

**K.** Soviet Union is a great and powerful State. We have been continuously in contact with them on a variety of matters. However, there has not been a period when our contacts and conversations could go on un-interrupted. Something happens and there is a sliding back. This is due to two factors: firstly, cumbersomeness of decision making in the Soviet Union. There is probably too much of bureaucratization; secondly, the Soviet Union is still concerned with maintaining her ideological position. And so we have ups and downs. However, the President is determined to push through our contacts and conversations with Soviet Union, particularly in sphere of Strategic Arms Limitation. We do not think there is any conflict of Soviet and American interests so far as India is concerned. Both of us want a peaceful and stable India. As for China, we are desirous of improving our relations. We think that we can now quickly move forward in this direction. However, it would be a folly for us to seek to improve these relations with China in a manner that the interests of the Soviet Union are put in jeopardy. Also, if the Chinese seek to dominate areas outside their country, or, for instance, dominate India, we cannot connive at this. In this global view, Pakistan is only of regional significance.

May I ask you how you view, in long term perspective, India’s position in the world as it is evolving and more particularly, long term perspectives India’s position in the world as it is evolving and more particularly long term perspective of Indo-U.S. relations?

**H.** I am assuming that the present Administration in the United States will get away from some of the working assumptions of their past policies which express themselves, in our view, in the United States wanting to maintain a balance between Pakistan and India; it has also, in the past, expressed itself in the power and prestige of the United States being ranged against us on the question of Kashmir, or on the question of Goa. Because of these manifestations of U.S. policy, India had to seek support from the Soviet Union. In course of time, these relations with the Soviet Union, as a State, have grown and multiplied. I was glad to hear that you felt that there was no conflict of interests of Soviet Union and the United States and that both the countries desire peaceful and stable India. In this view of the matter, I did not understand some of the accusations made by your State Department about our leaning on the side of the Soviet Union. I don’t think we lean. We wish to have stable relations with the United States and we see no conflict in having such relations with your country and having equally good relations with the Soviet Union. As I said, if we can get over the past and also work together in solving the most critical situation created by the events in East Pakistan, then we can calmly look forward
to a long period of stable, friendly relations with the United States. And if the problem of South Vietnam is resolved, and we have in South and South East Asia States which are truly sovereign, indeed as sovereign as Ceylon, I, for my part, see no difficulty in entering with these States into arrangements which will ensure the security and sovereignty of these States and their neutralization. I said that you may not have regarded it as of any great significance India’s recent response to the request of the Government of Ceylon to send our troops and our Navy. It signifies the extent to which India can play a part in safeguarding the security and territorial integrity of friendly sovereign states in this part of the world.

K. Yes, we were most impressed by India’s response to the situation in Ceylon and felt heartened. You referred to the legacy of the past. I agree that many things were done in the past which make no sense whatever to me. But that era is gone. Are there any other matters impeading development of Indo-American relations? I had a report of what took place in New York when Prime Minister was last there.

H. Yes, that was quite extraordinary. Mr. Rogers apparently forgot for a moment that he was the principal diplomat of United States and he even forgot that he was addressing not only a Prime Minister, but a gracious lady. I also felt that perhaps Mr. Sisco could have spoken less loudly. In any case, the matter raised by Prime Minister was important.

K. Do you think that no change has taken place in recent months?

H. I do not observe these matters in detail. It seemed to me that some old habits persist. In a sense, these were understandable. After all, United States was a big Power having a large Mission. It also inevitably had Intelligence Agencies operating. I can imagine that when they first began their operations in India way back in 1947 during the cold war period and found the Government of India and Mr. Nehru seemingly unsympathetic to the United States’ cold war aspirations, Intelligence Agencies must have established contacts with those elements in India which were opposed to Government and to Mr. Nehru. In human affairs, there is a tendency for things to continue unless positively checked. These often continue at lower levels even when higher levels are clear about things.

K. Could we maintain contact with each other at a personal level in confidence? I shall always welcome your letting me know any instances. I can assure you that we have not given any authorization to our Intelligence Agencies in India to maintain contacts with political elements hostile to the Government of India.
Perhaps it is taking time for your directions to filter down. In matters of this sort, Ambassadors are helpless.

Do you travel abroad?

I am very much tied to my desk and I do not travel unless there is a special occasion for this.

It would be a good thing if we can meet once in a while and sit down and talk, not merely about political matters, but about Indo-American cooperation in a variety of other matters in the field of science and technology and in matters connected with exploration of space.

Yes, this is a good idea and worth pursuing. Coming back to the Bangla Desh, may I ask you what kind of a solution you consider possible?

It is rather difficult for me to say. Much would depend upon my talks with Yahya Khan. We have few other contacts there.

I hope that your conversations with Yahya Khan would result in real communication between two minds. The British Parliamentary delegation which recently visited Pakistan and talked to Yahya Khan, could not carry on any rational dialogue with him. I understand that Cargill had a similar experience. I feel, however, that you might be able to prize him upon. We would be interested to know the result of your conversations.

Yes, I will let you know this. What would be the best means of conveying this.

The best means would be to convey it, through our Ambassador in Washington, personally to me.
K. President was deeply impressed with the success of your visit. I want to explain the events that followed your visit. When I saw *New York Times* my reaction was same as yours, i.e. it cannot be true. The bureaucracy sometimes blunders.

Military action in March in East Pakistan seemed a civil war at that time. Refugees were exclusively Muslim. We discussed the question of arms. We were told no arms were going to be shipped in September. No orders had been placed under the ‘one time exception’. No licenses were to be issued. There would be administrative delays on existing undertakings. This is what the bureaucracy told us. We in the White House and the State Department believed it. But the bureaucracy did not keep us and you fully informed of things already delivered to the docks prior to March 25, 1971. None of us was aware of this category when we talked to you. We were therefore very much surprised at the *New York Times* Report.

Whatever the outcome of this tragedy, great nations should not indulge in treachery and must keep things above board. That was bureaucratic blunder. As for events that followed, we are trying to find out what exactly is moving. When I left we did not have an exact catalogue, for example the F-86 engines they have sent for reconditioning are their property as against the ammunition which can be used against people. The total amount cannot exceed dollars 29 million. We have already stopped items that are to move out of depots.

President’s policy is as follows:

1. Political solution between Pak President and East Bengal people.
2. It must involve substantial majority of refugees or all of them.
3. We want to use our influence in Islamabad for this.
4. We do not know if there will be a solution or confrontation.
5. We shall review the transit of arms to see if it involves items that would upset the military balance. We want to be absolutely honest with you.

F.M. Let us keep suspicions apart. What is the present policy is more important.
K. We have not issued any licence after 1\textsuperscript{st} April – two were issued but revoked. No orders were taken on ‘one time exception’.

The President was well treated in Pakistan when he was out of office. He has a personal equation with Yahya Khan. Still he has not allowed anything to Yahya under one time exception.

The only thing available are arms licenced before April 1 that were in commercial channels and not in depots or not at the dockside. Totaling 1 million dollars, \textit{e.g.} items like parachutes. The maximum total can be 29 million dollars and we are going to review it.

F.M. Some items are not from commercial firms. Are there different kinds of depots?

Sisco. Dr. Kissinger has referred to commercial channels regarding items which have been licenced.

F.M. If what is available in depots can be channelled through commercial channels it can be significant.

K. That was true before April 1 but not after that.

F.M. How far back would licences issued before April 1 take us?

K. One year is maximum period of licence, that is up to 1.4.70. Usually they take out more licences than the orders they place so the actual figure is much less than the 29 million dollars.

F.M. We were all along under the impression that nothing would move after March 25. It would have been better if we had been told the truth.

K. I agree. I was myself under the impression that nothing would move before 1.9.71., except a few police rifles.

F.M. Nobody is under cross examination and it would be the duty of your staff to give the whole information. I would give hell to my staff if they did not give me full information.

K. Our bureaucracy is not as disciplined as yours, \textit{e.g.} our military adviser was killed in Laos but the bureaucracy did not include his name among Military Attaches. Therefore I said nil when asked if any Military Attache had been killed. I am raising hell, but I agree that is no consolation. We were ourselves misled.

F.M. It is an embarrassment, not to me but to you, though I may face an angry Parliament. That is part of my job, but it does give a serious blow to our relations which we were trying to build up in a frank manner.
K. I entirely agree. Relations between two great countries must be based on strict confidence.

F.M. After my meeting with your President I was profoundly impressed and noticed even a slight change in the State Department’s attitude. It could be traced to the White House.

K. That is true. The feeling was mutual. The President felt the same way as you. He has made the very same point that you have made to me.

F.M. Regarding the substantive issues I want to have a clear picture from you so that I can speak accordingly.

K. I would like next week to review the list when I get back and tell you precisely where we stand to your or our Ambassador or both.

F.M. I would like you to convey to your President that we expect a good review not on purely legalistic basis. We would urge that there should be a review of this policy because a great deal has happened ever since I met your President. Any supply of arms to Pakistan would be detrimental to your interest also and primarily to ours.

When I was talking to Secretary Rogers he said. ‘It is in our national interest’. That could end the argument, but we would like to know what is that national interest. We do not see any basic conflict between your and our national interest.

K. Nor do we.

F.M. We would like to have a frank discussion as to whether your national interest cannot be served in some other way, e.g. during the Dulles period you had a policy of counter communism. We did not agree with the supply of F-104 and other war machines etc, but now there are clear postures that you are friendly with USSR and China and your President’s policy is different from previous US policy. It passes my understanding if we are coming in the way of your interest – if so, we may review our own policy.

K. Let me give you a general answer and then we could talk alone. Our general view is that India is one of the pivotal countries in the world because of its size, government, etc. It can be an example to others and a force for peace and stability in the world. As compared to India, Pakistan has only a regional and not global role and has only a limited appeal to other countries. Therefore, our commitment to the vitality and cohesion of India is important - to the strength and growth of India - compared to almost any other great power. We are relatively disinterested in any political party.
F.M.  Though some of your parties claim it.

K.  I know. There was an unfortunate discussion between Secretary Rogers and your Prime Minister, but nothing could happen there without our Ambassador’s knowledge. Nothing can happen in USA without my knowledge.

F.M.  But you yourself said bureaucracy can do things without your knowledge.

K.  I am trying to get on the top of the bureaucracy and have issued instructions that any licence issued after 1969 not cashed within six months cannot be renewed. You can write to me privately whatever you like, but not formally.

F.M.  I had a frank discussion with your Ambassador. It was not all recorded. In such matters there cannot always be proof. If we had proof we could take action.

Amb. Keating. The political staff was guarded during the elections.

K.  Ambassador has direct access to the White House.

F.M.  We do not accept kite flying and convey things only when we are convinced.

K.  Our relationship with Pakistan is historical. It started with a military alliance. We are however more sophisticated now. We do not have the same view as the military view of the situation. But we do believe: (i) War between India and Pakistan would be a disaster and make the sub-continent an arena for outside powers. (2) The President has some equation with Islamabad and wants to use it for a political solution. I cannot guarantee if it is possible but we shall try. (3) We know you cannot maintain 6 million refugees without serious consequences. This is our general assessment.

F.M.  We know Pakistan is getting a lot of arms from China. We cannot do anything about it. But your giving of arms to Pakistan will provoke a war.

K.  It is our judgment that the maximum of military equipment will not enable Pakistan to go to war or to do anything more to East Pakistan. I shall review the situation next week.

I understand the symbolic effect of stopping our supply to Pakistan. You would like us to shock Islamabad by stopping all supplies. We do not believe that status quo can be maintained. If we see then our policy does not bear fruit then it will have to be reviewed.
F.M. I hope you have examined Yahya Khan statement.

K. We are looking at it very carefully. We know Mujibur has his problems.

F.M. I was told that your President would take it up with Yahya Khan, but I have not mentioned this to the press. After Yahya Khan’s statement we would like you to reconsider. His statement has dispelled any possibility of even regional autonomy. Whether Mujib is there is not so important. Yahya Khan’s statement means (he) wants to continue with military rule, but for how long. I am very doubtful if people of East Bengal will accept any solution unless Yahya Khan changes his policy basically.

Bottomley (U.K.) told me he was convinced. Yahya Khan does not know the whole story. He is ignorant of true situation. If Yahya Khan continues this line, we cannot but feel that the international community under your leadership cannot influence Yahya Khan. Therefore you will have to review your policy and we too.

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Kissinger’s talks with F.M. alone as mentioned by F.M. later.

K. Our national interest shows that India is a reliable country of large size, US national interest is that India should become strong. There is no clash between our national interests.

(2) Kissinger did not explain how their national interests were served by supplying arms to Pakistan.

(3) Kissinger would speak to Yahya Khan that even economic aid may be stopped if there is no political settlement. But why does India insist that there can be no political settlement except with Mujib and Awami League.

F.M. replied we have seen Yahya Khan’s letters to others. We know him.

K. Yahya Khan says you do not want to send back refugees.

F.M. This is ridiculous. It is not in our interest to keep them.(it seems Sisco had mentioned this to K.)

F.M. When we say Mujib or Awami League, we are not keen on any particular individual or set up. What we mean is that a military regime or a communal regime will not inspire confidence among the refugees. They cannot go back in the same regime which pushed them out or a civilian but a communal regime.
K. Our and your long range interests coincide.

F.M. Third countries can cut off oil. Is it your policy to permit this? Do you wish to continue arms supplies.

K. what about China and USSR.

❖ ❖ ❖ ❖ ❖
Dr. Henry Kissinger, Assistant to President on National Security Affairs called on Defence Minister on 7.7.1971. at 6 p.m. Defence Secretary was present. Dr. Kissinger was accompanied by Mr. Harold Saunders and Ambassador Keating. A brief record of the conversation follows:

Dr. Kissinger said he would be interested to know the Defence Minister’s assessment of the Chinese position and our preparedness in the context of the crisis in East Bengal. Defence Minister replied that there was no change in either factor over the last couple of years. Even before Pakistan's military operations in East Bengal, China had been assisting Pakistan in various ways to our detriment, such as training Pakistanis for guerilla warfare and training and equipping Naga and Mizo hostiles on our border. Dr. Kissinger said that he had not heard of this before. He enquired whether there was any increase in China’s forces. The Defence Minister replied that there was no substantial increase though here and there they were improving their bunkers.

Dr. Kissinger wanted to know whether we would get any notice of China’s intentions if they chose to create trouble. Defence Minister said that there would be some notice because they would have to build up their stocks and logistics are not easy over that terrain.

Dr. Kissinger wanted to know how long the Chinese would take to prepare offensive action against India. Defence Secretary thought it might take two to three months to augment troops and to stock up supplies. Dr. Kissinger asked, ‘Would you get that much of warning?’ Defence Secretary said, ‘No, not likely because we may not get timely information from inside Tibet.’ He asked the visitor ‘Judging from their present political stance, do you think China will start something without some justification?’ Dr. Kissinger replied, ‘We think it highly unlikely. I might also tell you that we would take a very grave view of any Chinese move against India.’ Probing a little further, Defence Secretary asked, ‘In view of the present situation between you and China, is it possible that China would be in some doubt in this regard?’ Dr. Kissinger said, ‘We will leave them in no doubt.’ Defence Secretary remarked that ‘The Chinese would then have to take this into account.’ He added that the Chinese were a cautious people and except for their action in Korea and in 1962 against us, there had been no precedent of any such military action by them. Dr. Kissinger said, ‘We have been adopting a certain attitude in order to promote tranquility and peace but if it looks as if they are going in for violence, we would take a very grave view.’ He added that it was in the United States’ interest to have a strong and stable India.
Reverting to the Pakistan situation, Defence Minister said we had grave apprehensions as to what was going to happen in regard to East Bengal. “For some time India and Pakistan had been maintaining a sort of military preparedness vis-à-vis one another. We felt that any accretion to the military strength of Pakistan naturally increased the threat to us. Now we have the Bangla Desh situation as well. This should be viewed in a wider perspective, I studied in Bengal and the fathers of some of the present leaders of Bangla Desh were with me. The West Pakistanis do not regard the average Bengali as one of them. How then, would it be possible for them to live in peace together?’

He went on to point out how the East Bengalis were discriminated against by the West Pakistanis. It was for the United states to consider, he said, whether any continuation of the Bangla Desh situation was in the interests of India or Pakistan or this whole region.

Dr. Kissinger asked, ‘Please tell us what we should do in this situation? We would really like your advice.’ Defence Minister replied, ‘It is not for us to tell you what to do. You need only remember that Pakistan has been sustained entirely by you. Do you agree?’ Dr. Kissinger replied, ‘Only partially.’ Defence Minister smiled back, ‘No, not just partially, almost entirely. Consider the volume of assistance you have given in building up Pakistan’s economy and her military strength.’ Dr. Kissinger repeated his question, ‘What should the U.S. do?’ Defence Minister observed, ‘The moment our people feel that the refugees are going to continue here, the tension will be intense.’ Therefore, a solution would have to be found. The people of Bangla Desh had made their wishes clear in the last election. If there was any doubt about it, the will of the people could be ascertained again in another election. He was implying that as often as you hold a fair election, the results will be the same as in the last. ‘What is said in the newspapers, Indian and foreign,’ he said, ‘is only a fraction of what is happening there’. ‘If economic aid did not come from various countries, Pakistan cannot retain Bangla Desh.’

Dr. Kissinger said: ‘No massive aid is being given now. So perhaps things will work out.’

Defence Secretary observed that the general interest of Pakistan and of the region cannot be served by Pakistan’s present course of action. Neither could military action ensure the integrity of Pakistan. Dr. Kissinger said, ‘I would like to make one thing clear, we are not advocating secession.’ It was explained to him that Awami League had not sought secession but they had wanted an autonomous government. The Minister pointed out: ‘We knew even before he made his statement on June 28 that President Yahya Khan was thinking of some kind of civilian Government, but an unrepresentative Government will not be acceptable to the people of Bangla Desh and will not be able to keep its
hold on East Bengal. If it becomes Bangla Desh, it will be the 2nd largest Muslim state in the world, Indonesia being the first and India being the 3rd.'

Defence Secretary recalled the article by Mr. Mascarenhas the journalist who had escaped from Pakistan. The article showed clearly the mainsprings of West Pakistan Army’s actions in East Bengal. The Minister remarked that the ‘average Punjabi in Pakistan considered himself as the Ruler and the Bengali as the ruled. They had never put faith in the Bengalis. Mujib had never thought of leaving Pakistan. He had generally ‘exercised as moderating influences on the extremists.’

Bhashani had wanted separation but Mujib had not and he had swept the polls. Removing Mujib from the scene would be removing a moderating influence from this part of the world. Dr. Kissinger asked, ‘you say we should do something about this?’

Defence Minister: I say only you can.

Dr. Kissinger: ‘I have understood the intensity of your feeling. Actually, the Ambassador had reported to us on this point. You say we have been equating India and Pakistan. Actually, we regard a strong stable India to be in our basic interest.’

Defence Minister: ‘The pressure on us here and particularly on me as Defence Minister to take some action has been mounting but we have been resisting this.’

Dr. Kissinger: ‘We are strongly opposed to a military conflict here.’

Defence Minister: ‘So are we but there is a limit to what we could take. It was in Agartala recently. The Pakistanis were going on shelling at the border. Some of these shells were falling on our side.’

Defence Secretary remarked that there were four Divisions ‘plus’ of Pakistani troops in East Bengal. Dr. Kissinger asked how they were supplied. Secretary answered that they were supplied by sea.

Defence Minister: ‘These troops cannot sustain themselves without outside assistance. They do not understand the language and have changed even the number-plates on vehicles to Roman letters and figures. They cannot get the wheat they prefer. Hence they cannot continue their military operations without help from outside.’

Defence Secretary said that the Pakistan Army had some gun-boats and boats supplied by the Chinese. America had also supplied them a number of boats to help in cyclone relief and now the Pakistan Army was using them for their own
purpose. Dr. Kissinger spoke of the need to use such influence as the United States had with Pakistan for the purpose of persuasion. Defence Secretary pointed out that Pakistan had not allowed itself to be influenced into moderation even when the United States' influence with them was at its best. ‘You could not have had greater influence than when you gave them two billion dollars worth of arms.’

**Dr. Kissinger:** ‘The arms now going to Pakistan from the United States are trivial in quantum and content and irrelevant for the present conflict’.

**Defence Minister:** ‘I have studied the American and Indian newspapers on what you call ‘bureaucratic loopholes’. Our own assessment is that while no new offensive stuff is going, the spare parts and other little items that are going could activate old material.’

**Dr. Kissinger:** ‘I really do not know. I am going to study the lists when I get back.’

**Defence Minister:** ‘We are not interested so much in talking of the quantum. We are more interested in your intention.’

**Dr. Kissinger:** ‘Our intention is what I have told you, i.e. to bring about a solution which would help the refugees to go back. We have no interest in producing a Bay of Pigs situation here. It would be insanity to pursue today the policies we pursued in the 1950’s.’

**Defence Minister:** ‘I know that if India is weakened, it will affect the stability of the world and that cannot be in your interest. So I accept what you say.’

**Dr. Kissinger:** ‘We are interested only in a global balance. We would like India to play a constructive role in South and South-East Asia which she can if she is strong. We would not like India to be dominated by any outside power.’

**Defence Minister:** ‘A stronger India would be in a better position to help you in your objective.’

**Dr. Kissinger:** ‘We would like to keep an eye on the long-term objective. We should have from time to time constructive discussions at high levels. These two days have given me a new awareness of the problems of this region. I have in the past given considerable attention to it. I will give it even more attention hereafter.’
Statement made by the External Affairs Minister Swaran Singh in the Rajya Sabha on Pakistan President’s threat to Declare War.

New Delhi, July 21, 1971.

President Yahya Khan is reported to have said that ‘if India made any attempt to seize any part of East Pakistan’ he will declare war.

Pakistan has been trying for some time to mislead the world into thinking that the situation in Bangla Desh is a matter between Pakistan and India whereas in fact it is a matter between the military rulers of West Pakistan and the people of Bangla Desh. It is the Pakistan regime’s own actions, and the brutalities committed by the Pakistan Army in Bangla Desh, that have landed Pakistan in a morass in Bangla Desh. Only a settlement with the already elected representatives of the people of Bangla Desh will enable the military rulers of Pakistan to extricate themselves from this morass.

So long as Pakistan does not recognize this, the activities of the Bangla Desh freedom fighters will continue and increase. When the freedom fighters succeed in liberating territory in Bangla Desh and Pakistan uses it as a pretext for attacking us, then I must make it clear that we are ready to defend ourselves.

We have no desire ‘to seize any part of Pakistan’, President Yahya Khan is either trying to mislead his people and the world at large or preparing them for an aggression against India by making such unwarranted and baseless statements.
Letter addressed by the Pakistan Ministry of Foreign Affairs to its Heads of Mission abroad regarding the Indian attitude.

Islamabad, July 24, 1971.

Government of Pakistan
Ministry of Foreign Affairs
Islamabad

NO.14/26/71-I(V) July 24, 1971

My dear Ambassador/High Commissioner,

Following the announcement of the Presidential plan for transfer of power on June 28, 1971 the Indians have become more explicit about their aims in East Pakistan. Addressing a meeting of the ruling Congress Party, the Indian Minister for External Affairs, Mr. Swaran Singh recently said ‘We may have to take action of our own if a satisfactory political solution to the “Bangla Desh” crisis is not found soon.’ Outlining India’s concept of a “solution” the Minister said that Shaikh Mujibur Rahman, the President of the defunct Awami League, would have to be a party to any plan for the transfer of power. He went on to say that President Yahya Khan’s attempt to install a ‘quisling Government’ would not meet the requirement of the situation.

2. Peter Hezalhurst of the London Times who interviewed Mrs. Indira Gandhi on June 29, 1971, provided an insight into the line of action India had in mind. He reported that during the course of his interview with the Indian Prime Minister, the latter refused to deny or confirm that India had considered the following options:-

(a) India would mount a naval blockade to cut off East and West Pakistan until President Yahya Khan entered into a political settlement with the Bengalees by which the displaced persons could return to their homes.

(b) It could arm and strengthen the hands of the ‘Liberation Army’.

(c) It could carve out a region in ‘East Pakistan’ for the displaced persons.

3. Meanwhile, on July 12, 1971, Defence Minister, Mr. Jagjivan Ram had stated in the Lok Sabha that ‘in their determination to establish a democratic order the freedom fighters have our sympathy and support’. The perspective in which the remark was made is clear from the assertion made elsewhere in the speech that ‘the indomitable courage of the freedom fighters will ultimately succeed in establishing ‘Bangla Desh’.
4. This desperateness in the Indian attitude came in the wake of the failure of the Foreign Minister, Swaran Singh and Mr. J.P. Narayan to convince the foreign powers of the urgency of a particular type of political solution in East Pakistan during their whirlwind world tour early last month.

5. During the course of a debate in the Lok Sabha on June 28, 1971, after his return from abroad Mr. Swaran Singh said “the hard fact is that most countries regard the situation in Bangla Desh as Pakistan’s internal Affairs”. Sounding a note of despair he said that the countries’ “foreign policies are conditioned by their self-interest and the capitals I visited wanted to keep their options open”. In a press conference on June 29, 1971, Mr. J.P Narayan said that India should not expect others to help her out of her difficulties. He added that “I found no evidence anywhere that anyone was prepared to pull the chestnuts out of fire for us.”

6. You should brief the Government of your accreditation and the press and other local mass media about India’s threatening posture against Pakistan on the lines indicated above. You should emphasise in particular that after having failed to enlist foreign support for installing the Secessionists into power, the Indians are now giving all the indications of implementing Mrs. Gandhi’s threat of ‘unilateral action’ against Pakistan to achieve their ends. No wonder the Indian Prime Minister is reluctant to meet our President for a reduction of tension in the sub-continent.

Yours sincerely,
Sd/- Abul Ahsan
Director

All Heads of Mission Abroad
Record of discussions at the meeting between Special Representative of Prime Minister Ambassador D.P. Dhar and the Soviet Foreign Minister A.A. Gromyko in the Soviet Foreign Office.

Moscow, August 4, 1971.

The following were present:

On the Indian Side
1. Shri D.P. Dhar
2. Dr. K.S. Shelvankar, Ambassador
3. Shri A.K. Damodaran, Minister
4. Shri S.V. Purushottam, Counsellor

On the Soviet Side
1. Mr. A.A. Gromyko, Foreign Minister
2. Mr. V.V. Kuznetsov, First Deputy Foreign Minister
3. Mr. A.A. Fomin, Chief of South Asia Division

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Mr. Gromyko opened the discussion on the various amendments (to the Draft Treaty of Peace) that had been suggested by the two sides at the first meeting (minutes no available). He said that he would like to deal with Article V a little later.

In the second paragraph of Article IV, Mr. Gromyko suggested the replacement of the expression 'Government of India' by the 'Republic of India'. This was accepted.

Article VII was acceptable to the Soviet side as proposed by the Indian side.

On Article XII, Ambassador Dhar stated that the Indian side would prefer to retain the expression ‘by peaceful means’. He was agreeable to the deletion of the word ‘exclusively’. It was finally agreed that the first sentence of Article XII would read as follows:
ARTICLE XII

‘Any difference of interpretation of any Article or Articles of this Treaty which may arise between the High Contracting Parties will be settled by peaceful means bilaterally in a spirit of mutual respect and understanding.’

Returning to the preambular part of the Treaty, the two sides agreed on the modifications suggested in the second line of paragraph 4 which would now read ‘peaceful coexistence and cooperation between’ in place of “peaceful and cooperative coexistence between”. On the wording of the last para of the Preamble, there was a brief discussion about the format in which the names and appointment of the plenipotentiaries of the two sides for signing the Treaty should be stated in the Treaty. Firstly, it was agreed that the expression ‘Government of India’ in the first line of the last para will be replaced by ‘Republic of India’ and that in the second line the words ‘Government of the’ will be omitted. Secondly, it was agreed that at the place where the appointment of the plenipotentiaries of the two countries is to be indicated, the expression ‘the Government of India’ will be replaced by ‘on behalf of the Republic of India’ and that in the second line the words ‘Government of the’ will be omitted. Secondly, it was agreed that at the place where the appointment of the plenipotentiaries of the two countries is to be indicated, the expression ‘the Government of India’ will be replaced by ‘on behalf of the Republic of India’ and, similarly, the Soviet side will be indicated by ‘on behalf of the Union of Soviet Socialist Republics’ in place of ‘the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics’. The last para will, therefore, read as follows:

“The Republic of India on the one side, and the Union of the Soviet Socialist Republics on the other side, have decided to conclude the present Treaty, for which purpose the following plenipotentiaries have been appointed:

On behalf of the Republic of India:

On behalf of the Union of Soviet Socialist Republics:

Who, having each presented their Credentials, which are found to be in proper form and due order, have agreed as follows:"

It was agreed to retain the title of the Treaty as contained in the Indian Draft.

It was agreed that the Treaty will have the usual Title Deed reading as follows:

“Done in New Delhi on ...........”

And the signatures of the plenipotentiaries will be just below this.

Ambassador enquired about the time-schedule of the Treaty. Mr. Gromyko stated that the Soviet Government’s final consent to the Draft they had worked out together should be available by Friday, the 6th August, 1971, when the Soviet Government’s decision on Mr. Gromyko proceeding to India for the
signing of the Treaty will also be made known to the Indian delegation. Mr. Gromyko said that he anticipated no difficulty in either of these two procedures and that the Indian side could expect him to arrive in New Delhi in the early hours of the morning of Sunday, the 8th August. The Treaty could then be signed on August 9, 1971.

Ambassador Dhar informed Mr. Gromyko that Prime Minister Mrs. Gandhi was going to tell her colleagues about the preparations for the signing of the Treaty and that the approval of the Indian Cabinet to the text could be expected by Saturday, the 7th August, 1971, that is, well before Mr. Gromyko's arrival in India. Mr. Gromyko said that he would be grateful if Ambassador Dhar could kindly ensure that after the Soviet representative's arrival in India, there should be no 'hedge-hogs' with regard to the text. Mr. Dhar explained that he did not expect any major point to arise, but at the Cabinet consideration of the text, it was possible for a word or two or for a minor textual change to be introduced. Mr. Gromyko requested that, all the same, what he mentioned should be conveyed to his colleague in India.

Ambassador D.P. Dhar then requested the permission of Mr. Gromyko to say a few words. He said that he was carrying a personal message from the Prime Minister for Mr. Brezhnev and Chairman Kosygin. He was conscious of the fact of his short visit and the engagements and preoccupations of the Soviet leaders. If, therefore, some time could be found for him to convey the message to General Secretary Brezhnev and Chairman Kosygin personally, he would consider it a great privilege.

Tracing the sequence of discussions over the Treaty, Ambassador Dhar stated that we had been considering very actively the desirability of entering into such a Treaty relationship with the Soviet Union. This was first mentioned by the Soviet side two and a half or three years ago. Mrs. Gandhi had even at that time discussed it with some of her close associates and, as was known to the Soviet side, her own response and that of her close associates to the idea was positive and enthusiastic. In the background of the principled, consistent and close friendship and cooperation existing between India and the USSR – a relationship which regarded the establishment of peace and easing of tensions as its highest objectives and whose architect was our great Prime Minister, the Late Jawaharlal Nehru -, it was only appropriate that this relationship should be formalized into a Treaty of Friendship, Peace and Cooperation. That is why the Prime Minister, Mrs. Gandhi decided to consider the Soviet Draft. The two Governments recognized the importance of such a step and appointed their representatives to negotiate a Treaty. Ambassador Dhar added that he was happy to note that on behalf of the Government of India he had the good fortune to conduct the negotiations.
The Prime Minister of India, Shri Dhar continued, had wanted very much to conclude the Treaty soon after discussions on it were almost completed about two years ago, but the question of its timing worried her and Chairman Kosygin was gracious enough to indicate that she should decide the timing of conclusion of the Treaty. The circumstances that led to its postponement are well known; these were explained to the Soviet side by us including our Foreign Minister when he visited Moscow last June. Ambassador Dhar explained how before and during the last elections, friendship with the USSR had become an important issue before the electorate. The overwhelming mandate received by Mrs. Gandhi and her party confirmed not only this friendship but underlined the desire of the people of India to expand and further strengthen it.

Ambassador Dhar stated that hopefully we were about to sign the Treaty and should be aware of the background of constant Indian interest in the task of strengthening friendship and cooperation with USSR. The conclusion of the Treaty would be a momentous step and the Prime Minister would like to reiterate it. It is a significant factor in relations not only between India and the USSR but among other nations. India was conscious of the fact that while the step would cause jubilation to some, it would also disturb some minds and invite the displeasure of others. This is but natural. Great friendships do invite big jealousies. Our Prime Minister would like the Soviet leaders to know that she and her colleagues are fully aware of these factors, that they have taken them fully into account, that they have decided to take this step with their eyes open and are ready to face any consequences flowing from it. We know that some countries in the west would not like it; some near us amongst our neighbours may also not like it and may create difficulties for us. Ambassador Dhar said that he would like to reiterate that India had decided upon it with her eyes open.

Ambassador Dhar said that the Prime Minister of India wanted to specially invite the attention of the Soviet leaders to some unfortunate developments in the Indian sub-continent and in the whole of Asia. Asia was under torment, it was bleeding. There were tensions everywhere, in Indo-China and in the Middle East. As if this was not enough, a most unfortunate tragedy was created in East Bengal. A brutal and minority military regime has ruthlessly carried out and is carrying out atrocities, unmentionable cruelties and genocide on a majority, the gruesome details of which have been reported and confirmed by impartial observers. Certain consequences have flown out of this monumental tragedy. Millions have fled to India. Many more millions are stalked by disease and starvation and it is inevitable that large numbers of them will flee to India for shelter and to save their lives from the continued military repression in East Bengal. It was unnecessary to repeat these facts since no one was more aware of the terrible consequences of
this gruesome tragedy than the Soviet Government and no one had responded more humanely to the requirements of the situation than the Soviet Union. The question arose: what should be done to meet the situation? The economic strains felt by India were enormous, but the social and political tensions were no less appalling. *i.e.* India had not talked of the communal nature of the persecution in East Bengal. Apart from the intelligentsia which supported the Awami League, the Hindu minority had been especially selected for attention by the ravaging Pakistani army. India has 60 million Muslims and it was a tribute to the Prime Minister’s quality of leadership that no communal tensions had been allowed to get out of hand inside India. The Prime Minister had acted as a dyke against the immense pressures exerted by both the rightist and the leftist parties in this regard. The Soviet side was aware of the decision of the RSS and the Jan Sangh to start an agitation on the slogan that the Government of India had not done enough for Bangla Desh, that it should immediately recognize Bangla Desh.

Ambassador said that we would be willing to recognize Bangla Desh, but at this moment it would only make the situation more precipitate and lead to further deterioration. Yahya Khan has already shown a lot of bellicosity; his war-mongering is matched in fervour and enthusiasm by China. Pakistan’s intransigence has been further strengthened by the help rendered by them in facilitating Kissinger’s visit to China. In fact, it has provided the Pakistani Army dictatorship a new theme to encourage its bellicose posture.

He said that we were increasingly receiving reports of trouble in Pakhtoonistan, Baluchistan and Sind which are protesting against the Punjabi domination. West Punjab is only one State of the western part of Pakistan. Gaffer Khan’s statement might have come to the notice of the Soviet Government; he accused the Punjabi minority of trying to decimate the majority not only in Bengal but in West Pakistan also.

The United States, Ambassador Dhar continued, was trying to satisfy its client. Our Foreign Minister’s unfortunate experience of US duplicity about shipments to Pakistan has destroyed whatever little faith we had left in the US leadership. We had been bitten several times and there was no need to narrate the deception carried out by the USA when it gave us assurances in the context of the creation of SEATO and CENTO that US arms in Pakistan would not be used against India. In the present situation, we could not imagine how the Americans changed their mind only two days after they had assured our Foreign Minister at the highest level in Washington that a total embargo on US arms supplies to Pakistan had been imposed. Shri Dhar added that our Prime Minister wanted the Soviet leaders to know this as also the fact of the support given to Pakistan by a few western powers and by China.
The partisan warfare in East Bengal, said Shri Dhar, was constantly expanding and widening. The people of Bangla Desh were determined to throw out the alien ruler; no bridge, however feeble, now existed between the ruler and the ruled. The Pakistanis had been unable to find any quislings. They were able to get together only 17 members elected last December for their purposes; all the rest had met separately and declared their full allegiance and support to the Bangla Desh liberation movement. The movement with the total support of the people was bound to succeed. The army in East Bengal was, therefore, getting more and more nervous and rapidly hateful.

Ambassador Dhar said that it seemed to us in India that we were sitting on the top of a volcano which might explode any minute. We could not allow our country to be blown up into pieces along with it. We did not want a war. We would like to apply ourselves to the job of economic developments in conditions of peace and tranquility. We were thinking of coordinating our Fourth Five-year plan with ‘your Ninth Five-year Plan’ when suddenly this rude interruption in our efforts took place. It was full of dangers and the Indian Prime Minister, said Shri Dhar, wanted him to convey to the Soviet leaders that it was absolutely necessary to put our heads together to prevent a war, to take steps so that adventurers did not unleash it. This was our primary aim and it was one of the common endeavours of USSR and India. Shri Dhar said that India, therefore, was seeking the Soviet Union’s advice, assistance and guidance so that peace could be maintained in the sub-continent.

If, however, in spite of our endeavours, a war was forced on India, Ambassador Dhar said, India and the Soviet Union should jointly assess how best the situation could be met. He emphasized that the primary aim, nevertheless, remained to prevent a conflagration. At the same time, it would be unwise to remain oblivious of the possibility of a conflagration materializing in actual fact – a war being forced on us. In that event, the two countries have to determine the means and methods of cooperating with each other in the economic, political and defence fields so as to meet the situation effectively.

Concluding, Ambassador Dhar mentioned that he had, in conveying the Prime Minister’s message, tried to share with Mr. Gromyko the fears and apprehensions that were being felt in India. ‘We are on the threshold of a new opportunity that this Treaty will unfold, opportunities of greater cooperation, whatever be the temporary difficulties and disadvantages. I have no doubt that it will become the corner stone of our relations. It may even provide the foundation for building a collective security system in Asia which was proposed by His Excellency Mr. Brezhnev and which was so lucidly explained by Your Excellency at a meeting of the Supreme Soviet. I would like to conclude by saying that the tragic events in the sub-continent have not destroyed our faith
in the goodness of mankind, our faith in Indo-Soviet friendship and cooperation and our peoples’ and our Governments’ firm commitment to further strengthen relations between our two countries.

The Foreign Minister, Mr. Gromyko expressed his gratitude for the detailed account given by Ambassador Dhar of Indo-Soviet relations, of the factors concerning the Treaty and for his analysis of the developments in ‘your region of Asia’. He said that he would convey all this to Comrades Brezhnev, Kosygin, Podgorny and others who would carefully go through what had been said on behalf of Mrs. Gandhi. He particularly appreciated the fact that the Indian side had taken every factor concerning the possible consequences and effects of the Treaty into account and added that the Soviet side had also taken into full account all aspects of the matter and come to the conclusion that the conclusion of the Treaty was necessary and extremely important.

About the situation in South Asia, he said that the Soviet policy was well-known to the Indian leaders. The Soviet Government shared India’s concern at the military clique’s repression in East Pakistan. So far as Indo-Pak relations were concerned, the Soviet Union firmly believed that peace between the two was in the interest of both the peoples of India and Pakistan and all people in the whole of South Asia. The Soviet Government felt very strongly about the situation and they were doing everything possible to prevent aggravation. The entire situation was receiving the Soviet Government’s constant attention and care and the Soviet Government were happy that India also wanted to prevent any deterioration in the situation. He promised to convey all that had been discussed and said to Chairman Kosygin and added that he would be able to let Ambassador Dhar know the following day if there was anything that he would have to convey on behalf of Chairman Kosygin to him.

Ambassador Dhar thanked Mr. Gromyko for the patience with which he had heard him and expressed the hope that these matters should be discussed in greater detail and depth in India during Mr. Gromyko’s visit.

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During the course of the lunch hosted by Gromyko for me, I suggested that it would be useful for him to have two experts, one from the Army and the other from the intelligence side, included in his delegation. I advised Gromyko that an assessment of the military situation as it confronted India and the Soviet Union in Asia would have to be made even though in somewhat broad terms at this stage. Similarly, it was important that India and the Soviet Union should exchange information which would help them to make an assessment of the overall strength and also the intentions of China and Pakistan separately as well as jointly. At the same time they should make an appreciation of the attitude of the United States
in the context of the recent developments both in relation to Pakistan and China. Gromyko agreed and said that he would discuss this matter with Chairman Kosygin during the course of the cabinet meeting which he was due to attend the same afternoon in connection with the finalization of the document.

Yesterday (6th August, 71), while I was having an informal exchange of views with Fomin in the Soviet Foreign Office, Gromyko sent for me quite unexpectedly. He told me that the suggestion that I had made to him on the previous day during the course of the lunch had met with the approval of Chairman Kosygin, but it was extremely difficult to select the proper persons and collect the required material at such short notice. He, therefore, was apologetic in not being able to carry the two persons bearing the description which I had mentioned to him earlier as members of his delegation during his forthcoming visit to India.

I, however, took this opportunity of once again drawing Gromyko’s attention to some of the essential matters allied to the question of the document which he would, as a natural course, be required to discuss with the Indian leaders during the course of his visit to New Delhi.

As had been stated by me at some length during the course of my conversation with Gromyko and Chairman Kosygin, we would have to determine all possible measures and initiate all conceivable efforts to ensure that Pakistan and her highly ebullient and belligerent allies do not feel tempted to unleash a war against India. Gromyko intervened to say that while he agreed with me, he would also like to remind me that this matter had an important bearing on the obligations which flowed directly from the agreements envisaged in the document. I agreed with Mr. Gromyko and told him that in that case, I would like to reiterate some important matters in as much as they bore essential relevance to some significant provisions of the treaty. Let us say that the threat of conflict exists to-day. Indeed I would say that the threat of attack is absolutely apparent in the context of the Sino-Pakistani behaviours towards India. There can be a difference of opinion whether this threat of attack is absolutely imminent or is yet slightly remote. Nevertheless, an obligation has been cast on the two parties to enter into consultations as to how such a threat should be removed. All the measures for this purpose, whether these are undertaken individually or in concert with each other, or in alliance with like-minded countries, or from the forums of the United Nations, will have to be determined at least in broad outline. Secondly, I had no doubt in my mind, that a discussion between Mr. Gromyko and the Indian leaders would also become inevitable regarding the steps which may have to be taken in the military, economic and the political spheres in case an attack materializes as a reality. We will also have to discuss the forms of consultations. These consultations can be at various levels. What is more important perhaps would be the need to have the situation under
constant and intimate review and scrutiny. How do we do that? These, I said, would be some of the questions which would engage Mr. Gromyko’s attention in the course of his discussions with the important leaders of Government of India. Mr. Gromyko agreed fully with my observations and said that he would come prepared for such discussions and he had no hesitation in admitting that these matters were important in themselves and had great relevance not only to the treaty but to the demands of the contemporary situation.

He, however, wanted to know from me whether he would have these discussions with the Prime Minister or the Defence Minister or the Foreign Minister or with all the three of them. He very politely seemed to suggest that matters of this nature will have to be discussed at a fairly high and restricted level. I said that the mechanics of these proposals could be worked out on his arrival in Delhi.

I told Mr. Gromyko that my talk with Chairman Kosygin had opened very fruitful possibilities of approaching some of the countries of Asia for co-operating with each other in the background of the new developments which had taken place in this continent as a result of the ping pong diplomacy. I told Mr. Gromyko that so far the situation in Asia indicated that a large number of countries were either apprehensive of the Chinese hegemonistic expansionist postures or the interventionist attitude of the USA. The minds of people of various countries in Asia oscillated between these two sets of fears and doubts. Now I had no doubt in my mind that at the present stage many countries in Asia would be in political disarray. Let us take the example of Japan and Thailand, as typical of the countries under the American influence. The whole relationship between America and these two countries and also other countries falling in the same category, were based on how and in what manner a defensive system could be built against the encroachments and expansionist tendencies emanating from China. There would be serious re-thinking even amongst the non-aligned countries of Asia in the immediate neighbourhood of China, including countries like Indonesia and Ceylon. It would be worthwhile after the conclusion of this treaty, for the Soviet and the Indian Governments to pursue a common strategy of allaying, in fact, altogether removing the fears which envelope the policies of these various countries. They could co-operate with each other, they could stand on their own legs, they could draw succour from each other, become economically viable and self-reliant. And in this endeavour, they could count on the friendly cooperation of the two great countries of Asia, viz. India and the Soviet Union. In short, I told Mr. Gromyko that the whole spectrum of inter-state relationships and arrangements is now in a state of flux and of change. It should be possible for us to resurrect the free resurgent personality of Asia. I told him that I did not mean this in a chauvinistic sense, but in the broader context of peace and political tranquility in this region. Mr. Gromyko said that he whole heartedly agreed with my understanding of the new developments of the situation in Asia.
In fact, he was himself thinking of re-formulating the Soviet policies towards Japan. He would be extremely interested in discussing his views with the Indian leaders and it would be a matter of great importance for peaceful development in Asia if the Soviet Union and India could jointly pursue healthy and co-operative policies towards Japan. Mr. Gromyko added that the two countries could similarly forge a common approach to many other countries in Asia.

Sd/ D.P. Dhar
7/8/1971

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0596. TOP SECRET

Record of Conversation between Chairman A.N.Kosygin of the USSR and D.P. Dhar Special Representative of Prime Minister.

Moscow, August 5, 1971.

Ambassador K.S. Shelvankar and Minister A.K. Damodaran were also present. The Chairman was assisted by his Special Assistant and Mr. A.A. Fomin.

Chairman Kosygin started the conversation in a very pleasant and informal manner by saying it was an example of the great co-operation and friendship between the two countries that he was able to meet two Ambassadors at the same time. Mr. Dhar had come to the Soviet Union on a very pleasant mission.

Mr. Dhar replied that to him it had been a tremendous privilege to be able to come back to the Soviet Union for the special purpose of completing this very important work which had been initiated during his tour of office. In fact, he had actually come to assist Dr. Shelvankar in finalizing the document as he was new to his assignment in the Soviet Union had no time to familiarize himself with the various aspects of this Document. “In one sense, therefore, I am here at the behest of Dr. Shelvankar. Dr. Shelvankar is a great Indian, distinguished and learned, and a great believer in the cause of strengthening friendship between India and the Soviet Union. The very fact, Your Excellency, that you have an array of two Ambassadors in front of you bears testimony to the special and intimate relations which exist between our two great countries. It also provides evidence that the principles of co-existence can extend even to Ambassadors.”
Chairman Kosygin said that the new Ambassador was indeed very lucky to be able to start his mission in such an auspicious manner and on such a happy note. The Chairman then intimated to Mr. Dhar that he was willing to listen to all that he asked to say.

**Mr. D.P. Dhar:** Your Excellency, I have come to the Soviet Union, as you know, with a specific purpose and at the express desire of my Prime Minister who wanted me to convey her personal greetings to yourself, to H.E. Mr. Brezhnev and H.E. Mr. Podgorny and all other leaders of the Soviet Union and also her best wishes for the success and prosperity of your people.

**Chairman Kosygin** said that he was extremely grateful for this message and would see to it that it was communicated to all the other leaders.

**Mr. D.P. Dhar:** To me, Your Excellency, this visit represents the fulfillment of a dream. To have been entrusted with this delicate and historic mission during the early part of my stay here was a great privilege and that mission is now completed. In completing this task I would like to remember, with special gratitude and affection, H.E. Mr. Firyubin, Mr. Fomin, Mr. Khlestov, among the friends of the Foreign Office with whom my colleagues and I functioned with such cordiality and in a spirit of camaraderie. I would be failing in my duty if I were not to place on record the really great contribution made by H.E. Mr. Firyubin and all his colleagues in finalizing this Document. It was very gracious of H.E. Mr. Gromyko to have spent several hours discussing with me all the details of this Document and also, several other matters connected with this Document. I am certain that you, Your Excellency, already have a clear picture of our discussions through Mr. Gromyko. Therefore, I would only very briefly touch upon the background of this Treaty.

You will remember, Your Excellency, that the idea of having such a Treaty between the Soviet Union and India was first initiated by you. This was 2 ½ years ago and it produced an immediate and warm response from my Prime Minister. My Prime Minister, Mrs. Gandhi, was anxious to conclude, as soon as circumstances permitted, this Document. Then came a period of changes in our country, changes of many types — quick, kaleidoscopic, difficult and sometimes complex changes. There was, therefore some delay in our finalizing these discussions and I remember very well, because I was personally present, how graciously Your Excellency informed our Prime Minister that the time of signing this Treaty could be chosen by the Prime Minister of India and all the formalities concerned carried out accordingly. You unreservedly assured her that she would be the sole judge of choosing the opportune moment and appropriateness of the occasion for completing this Document.

After the recent Elections, Your Excellency, when the progressive policies of
Mrs. Gandhi and her party were given an overwhelming support by the people of our country and the forces of reaction, conservatism and communalism were defeated, we felt that the time had come – the climate was suitable for initiating new and active discussions on this Document which could take place in this new and refreshing background. We felt that in this new phase of our national life it would be only most appropriate that we could forge richer ties with the Soviet Union and complete the work which had been left incomplete before the elections.

You might recall, Your Excellency, that just after the elections I had the privilege of calling on Your Excellency and reporting to you the significance of a new era of stability and progressive endeavours which had opened up in the wake of these elections. I had occasion to inform you then that the victory of Mrs. Gandhi and her party in the elections had made it possible for us to pick up the threads of discussion on several important matters which had been left over for better times in the period immediately preceding the elections. The resumption of discussions on this Document, with a view to finalizing its Draft for being concluded as a Treaty between the two Governments, was one of the subjects which I had in mind then. Later, during his recent visit, our Foreign Minister also informed Mr. Gromyko as well as Your Excellency of the intention of our Prime Minister to take early steps for finalizing this Document. There is, therefore, nothing new about this Document or about the mutual desire to have it concluded. Of course, the circumstances in which it is likely to be signed may have somewhat altered.

I was, therefore, instructed by my Prime Minister to proceed to the Soviet Union and to inform Your Excellency that our Government desires to conclude this Treaty and this decision has been taken by our Prime Minister and some of her principal colleagues. I would like to inform you also that this decision has been taken by our Prime Minister and her principal colleagues with the full consciousness that it marks the historic moment in the development of relations between India and the Soviet Union, and also it marks a new development in the relations between nations. The circumstances of history, the background of the relationship which exists between India and the Soviet Union are unique in so many ways. It is based upon principles. It is rooted in the best interests of our countries and we are convinced this friendship forms a corner stone of peace in the area and the world; more than anything else this friendship epitomizes the shared beliefs of our two countries in the eternal principles of peace. It is a friendship which has stood the test of time. It has met, during its history, many storms, quite a lot of opposition and several criticisms. But it has remained steady mainly because the people of the Soviet Union and the people of India always maintained unflinching dedication to the cause of peace and unselfish friendship that existed between them. At this time one has to bow
one’s head in humility and respect to the memory of the great architect of this friendship, Jawaharlal Nehru, and also offer sincere tribute to the endeavours of the great defender of this friendship today, his daughter Mrs. Indira Gandhi, our Prime Minister.

Thus, in effect, this Treaty will only formalize what in reality has already been in existence for so many years. My Prime Minister believes that a Treaty of this nature between our two countries will form a truly significant and important event. We also recognize and this, on behalf of my Prime Minister, I have already mentioned to Mr. Gromyko yesterday, that great friendships always provoke great enemies, great jealousies. While we are aware that this Treaty will be welcomed by peace loving people everywhere, by democratic countries, by progressive forces all the world over, there will be some people and countries who will be displeased, indeed annoyed and irritated, as these quarters have always been opposed to this special and unique relationship between India and the Soviet Union. My Prime Minister wanted me to inform your Excellency that we are fully aware that some of the western powers will be particularly unhappy about this Treaty. We also know that our neighbours, the Chinese and the Pakistanis, will be still more unhappy at this development. We know and we are quite prepared for the fact that the conclusion of this Treaty will cause us some detriment, some harm, some disadvantages will accrue to us because of it. My Prime Minister wanted me to inform you, your Excellency, that we have considered all these implications, analysed the situation carefully and finally and formally concluded that a Treaty between India and the Soviet Union would serve the best interests of both countries; apart from its being in the fundamental national interests of both countries, it will also be a powerful contribution for peace in the whole world. As I said the Prime Minister is aware of the risks and the difficulties that may come in our way and, therefore, we are taking this step with open eyes, without equivocation and hesitation. My Prime Minister also wanted me to inform you and the Soviet leadership that in our understanding it is directed against none but has only as its aim the promotion of peace in the world. Your Excellency, this is the background of this historic Document. It is a basic development and fully reflects permanent and fundamental values which we have always cherished.

The Prime Minister believes in India’s friendship for and co-operation with the Soviet Union. She wanted me to assure you, Your Excellency, that this is totally independent of all temporary considerations and depends only on permanent values.

The next question which I would, with your permission, like to discuss with Your Excellency, is the critical situation as it obtains today in the sub-continent and in our neighbourhood. You will recall that my Foreign Minister had the
privilege of submitting detailed information, regarding this development during his visit to the Soviet Union, both to Your Excellency and to Mr. Gromyko. In view of this I need not dilate on the details of this question, my Prime Minister has, since then, received your kind advice with gratitude and we have done everything in our power to prevent the escalation of the situation into a conflict. We have carefully concentrated only on the question of the refugees and the basic issues involved in their tragic exodus. These refugees are even now pouring into our country day after day. Just now there are a little under 8 million refugees who have already come over. The exodus continues at the rate of 40 to 50 thousand a day. We have concentrated on the demand that conditions should be created in East Bengal which would enable them to go back to the land of their origin in a situation of peace and with the guarantees of a peaceful life. I would not like to go into details, Your Excellency, because you already are aware of most of them. I would, however, like to repeat that the influx of refugees and the continued frightful repression by the Military Junta of West Pakistan in East Bengal constitutes a very grave danger to peace in the sub-continent. This has imposed upon our country a tremendous financial strain. There are even worst strains, strains of a political and of social nature in the very fabric of the Indian society. We have not given any publicity to this but it is an unfortunate fact that the majority of the refugees are non-Muslims. The military regime has systematically wiped out first the intelligencia, the intellectuals, the avant garde, which has stood for all that is decent and good in Bengali life, progressive groups and then proceeded to organize a genocide of the non-Muslim population of the country. As Your Excellency knows we have 60 million Muslims in India. It is a remarkable tribute to the courage and steadfastness of Mrs. Gandhi and her unswerving faith in secular principles and her undoubted influence on the people of India, that she has so far been able to check the communal tensions, in fact communal retaliations, which could very naturally flow from these tragic events. At the same time, however, it is difficult to see how long we can continue to prevent the deterioration of the situation into a communal frenzy. How long can Mrs. Gandhi act as a dyke against the rising floods of communalism. We are full of serious apprehension that the whole of India might be drawn into the vortex of strife and communal disorder. You can imagine the unfortunate consequences of such an eventuality.

There is yet another complicating factor of which I am sure Your Excellency is very well aware, viz., that our eastern borders are very sensitive – have been sensitive for several years. There has been organized subversion and trouble financed, armed and abetted by China and Pakistan particularly in the Naga and Mizo areas. Then there is the question of the Maoists – we call them Naxalities – who are out to disrupt peace all over India. Their operations are concentrated in the eastern parts of India. They also derive inspiration, finances and support from China. India, therefore, cannot acquiesce in this existing
situation and cannot adopt a pose of total inaction. We are sitting on the top of a volcano. We cannot allow it to explode and tear the fabric of the unity of India into threads. We are, more or less, caught in a vice from extreme left anarchist elements inspired and fostered by foreign nations on the one hand and on the other by obscurantist, communal and reactionary elements, both engaged in achieving one aim viz., the disruption of India and bringing to naught the splendid achievements of the recent elections. You have received a copy of a letter from my Prime Minister through Ambassador Shelvankar. I have only elaborated some of the details of what my Prime Minister has mentioned in that letter.

The second question relates to the attitude adopted by Pakistan and her allies towards us. Developments are taking place very fast in Pakistan. Immediately following the lightening attack launched by the organized Pakistan army against the unarmed people of East Bengal and the period of unlimited repression consisting of mass rapes, murder of children, annihilation of intelligencia etc., there has been a complete alienation between the rulers of West Pakistan and the people of East Bengal. Even under the most forbidding circumstances, in the past, history has provided instances where foreign occupying forces found it possible to discover quislings; but this has not been achieved so far in East Bengal. All the elected members in the Central parliament and the local Assembly have now publicly avowed their unequivocal, uncompromising allegiance to the principle of complete independence of East Bengal. At the same time they are now taking resort to action against the military government. The liberation forces are very active and have been able to cause substantial damage to the Pakistani armed forces. Our information is that the Pakistani army suffers causalities of the order of nearly a battalion strength every month. The army causalities and wide-spread damage to communications and other vital installations are admitted even by the controlled Pakistan and Dacca radios. It is being admitted that the liberation forces are inflicting damages upon the communications and the military strength of the occupying army. Now there is another development. After the holocaust of military occupation and repression, there is starvation in the country and this, we are afraid, will provoke a further exodus. Thousands of young men, doctors, lawyers, engineers, professional men and the intelligentsia are taking up arms and joining the liberation forces in their thousands. In West Pakistan also there have been significant changes. The West Punjabi clique is being increasingly isolated from North West Frontier Province, Balauchistan, and Sind. The great Pakhtoon leader, Abdul Gaffar Khan, has recently issued a statement which is of considerable significance. As a result of all these circumstances and also, unfortunately, as a result of the constant encouragement from China and also from the United States, which has more prominent since the part played by them as mediators between Kissinger and the Chinese leaders, Yahya Khan has become more and more determined in his evil course. His bellicosity, his threats of total war against
India are becoming irritatingly frequent. His bellicosity is being echoed equally strongly by the Chinese regime and we have evidence that there are some troop movements of the Pakistani army in both the western and eastern sectors. There is, Your Excellency, thus a real danger. As in the case of a gambler, who knows he is to lose, as a result of failure of all his calculations, Yahya Khan may be forced to commit aggression against India. There is evidence that he is being strongly tempted to make war with India, that he in fact is flirting with the idea of war.

(A few minutes before this an Assistant had come into the room and handed over to Chairman Kosygin a small news sheet and he had carefully studied it for some minutes. He then intervened and said-

Chairman Kosygin: I have just received information that even yesterday Yahya Khan spoke about the possibility of a war with India. This is an Agence France Presse report. It says that Yahya said yesterday that the situation in the eastern zone is becoming more and more tense and there is danger of aggression against East Pakistan. The situation is tense and in normal circumstances there would be war. 'We are, however, exercising patience to avoid war but patience has its limits.'

Mr. D.P. Dhar: It is obvious that President Yahya Khan would not like us to forget and would like to use every occasion to remind us of his threats. But about our attitude towards this question, I do not think it is necessary for me to explain it in any great detail to Your Excellency. Among the world’s statesmen, there is really no one better than you, a trusted friend of India, who knows the mind of our Prime Minister as you do. She abhors the idea of another conflict with Pakistan. She detests the very possibility of being entangled into a conflict with Pakistan. She has asked me to convey to you her assurances that we will do everything to preserve peace. She will do her best to avoid a war with Pakistan. In spite of the greatest provocations which are now being flaunted at us, we shall do everything in our power to preserve peace. This represents the unflinching determination of my Prime Minister. We in India believe that we have nothing to gain from a war. Indeed, we have everything to lose by a war. As a matter of fact, Your Excellency, one of the most valued bonds which hold the people of the Soviet Union and India together is their abhorrence of war and their dedication to peace. Both of us would like to do everything possible to keep peace all over the world, most of all in our part of the world. In fact our Prime Minister has asked me to tell Your Excellency that we deeply appreciate the benefit of your valuable and sage advice. How can we, by ourselves and in co-operation with other friendly countries, react to this threat? We would like very much to coordinate and evolve a common attitude, a common strategy or a parallel strategy to meet the threat from Pakistan, the intention and the obvious desire of Yahya Khan and his clique to unleash a war against India. The Prime
Minister has asked me to convey to Your Excellency her deepest appreciation of the advice given by you for which she and her colleagues are deeply obliged. She has, once again, asked me to seek the advice of Your Excellency about any move which in the view of the Soviet government would be necessary to reduce these tensions and deter the aims of the Pakistani military junta to unleash a war and also to discover ways of averting armed conflict in the subcontinent and for preserving peace. This is the second submission I have been asked to make to Your Excellency. We, as I said, wish to avert a conflict. We are prepared to act in concert with you. We are ready to explore the use of international forums for achieving this one aim viz., making it impossible for Pakistan and her allies to start an armed conflict.

I will now come to the third and the last part of the message which my Prime Minister has asked me to convey to you. As I submitted to Your Excellency just now that while we shall do everything in our power singly or in the forums of the world to avoid a conflict, we have to take into account the possibility of a conflict also. We know it is a purely hypothetical question. Nevertheless, you will agree with me that while one hopes for the best one must be prepared for the worst. We are convinced, Your Excellency, that the Soviet assessment on all these would be of enormous benefit to us. At a time when not merely our part of Asia but other parts on our continent, Indo-China, the Middle East lie bleeding, victims of cruel conflict and tension, a continent full of troubles and tribulations, India represents the only example of stability – an oasis of peace surrounded by fierce turbulence. What do we do then in the event of such a contingency? How are we to confer with each other to act to meet such a contingency? I hope we will have the benefit of your advice about what we should do, how we should react if our peace is also, in fact, disturbed and a conflict is forced on us.

Chairman Kosygin: I am most grateful, Mr. Ambassador, for a long and extremely generous oral message you have brought from the Prime Minister – a message which testifies to the faith and trust you have in the Soviet Union. We appreciate this very much. This is going to be an act of trust on your part, an act not caused by temporary considerations, but something which will remain in the memory of the people of the Soviet Union, India and the world for several centuries. We fully share the estimate you have made about the importance of this Treaty and the assessment of your Prime Minister of this Treaty. As far as the Treaty itself, I do not see any obstacles to the conclusion of the Treaty according to the plan. We have decided to agree fully with all the amendments which you have suggested to our Foreign Minister, Comrade Gromyko. He will soon fly to Delhi to sign the Document. I would like to say we appreciate fully the strength and the determination shown by your Prime Minister in reaching this decision after analyzing all the factors which have a bearing on this – after
she has taken into account all the aspects. We are fully conscious of the role, the great role, the personal role, played by your great Prime Minister in reaching this decision. I have no doubt that this will be welcomed as one of the events of great significance in the world of our time. We would also like to add a special tribute to the work which has been done by the Foreign Minister of India, Mr. Swaran Singh, who has laboured hard to bring this to a successful conclusion. More than anything else I would particularly like to compliment you, Mr. Ambassador, on your personal contribution towards the strengthening of relations between our two countries. Your very successful stay in the Soviet Union as the Ambassador of India to our country which has been now crowned by this great achievement. We have noted with satisfaction how, parallel with the hard work and your general activities regarding the development of relations between our two countries in all spheres, you have at the same time made pains taking efforts to complete this Document which, as I have said, will go down in the history of our relations indeed as a great contribution. It was only appropriate, therefore, that the Prime Minister would have chosen you, Mr. Ambassador, personally to come here for the special purpose of completing this most important work. The great success which has attended your career as Ambassador in this country makes us anticipate that you will have much more glorious and further success in your future career both as a diplomat and as a politician. We are therefore, deeply appreciative of the decision of your Prime Minister to send you to the Soviet Union to finalise this very important and historic Document. We also agree with you on the assessment of your Prime Minister about the value of this Treaty itself. The importance of this Treaty depends more than anything else on the mutual faith which exists between our two countries. It is a manifestation of the complete trust which exists between the two countries and the two peoples – it is also a manifestation of our strength (the strength of our two countries) – our moral strength reflected also in political economic and military affairs. The friendship between India and the Soviet Union is not merely a question of words only. I quite agree with your assessment of this Treaty as being not due to temporary considerations. There will be people who will be asking what is the purpose of this Treaty, who gain an advantage from this Treaty. It will be the wrong question because in such a situation when there is such mutual respect and understanding, there will be no question of anyone getting advantage at the expense of the other. We should also remember that such a Document between India and Soviet Union is a great factor for peace. Both our countries proceed upon the principles of complete trust and equality between our two States. More than anything else, Mr. Ambassador, this is a Treaty of peace, directed against war. When we evaluate in the immediate future the number of countries which will be interested in this Treaty, you will find, of course, that there are some countries which will have a negative reaction. They will make negative remarks. This
does not mean that the people of those countries will not welcome it. For example, we think the leaders of China will have a negative attitude. We also think that the ruling military clique in Pakistan will not be happy. In the United States there will also be a negative reaction from the government. But in all these countries it is not the government but the people who matter. In Pakistan particularly there is no doubt that the ordinary people will be happy. The military regime of Yahya Khan will have a negative reaction. As for China the government will be against this, of course. But we know that there are forces in China who will welcome this development. In Indonesia there will be many people who will welcome this Treaty. Thailand has its difficulties. There also the people will be happy. Indo-Chinese people on the whole will welcome this Treaty. People everywhere will understand this Treaty as a symbol of peace and co-operation, as an instrument for lessening tension and not increasing tension. We should be very careful in presenting it to the world in such a manner.

As for the United States, President Nixon will be completely against the Treaty. But in the Congress and in the country itself there will be many people who will by sympathetic. In other parts of the world like Latin America, this Treaty, I am confident, will be greeted as a symbol of peace and tranquility during a period of tension and conflict directed against war and dedicated to peace.

This much for the Treaty itself. Now I shall turn to the situation in Pakistan about which you, Mr. Ambassador, have spoken so eloquently. The Prime Minister, Mrs. Indira Gandhi has written to me in this matter and I have studied the letter and I know the situation is complicated and becoming more complicated every day. President Yahya Khan recently sent us a telegraphic message requesting us to receive a special messenger from him. We have sent a copy of that message to the Prime Minister. We did not agree to receive the envoy. Again, recently Pakistan has requested us to receive her envoy. We shall receive him this time and we will send to the Prime Minister a copy of Yahya Khan’s message and also all that transpired between us.

We fully agree with Mrs. Indira Gandhi about the absolute need of protecting peace in the region against war. We would like to repeat that war is not in the interests of India. It is not in the interest of the peoples of India. When this envoy comes, we will make it absolutely clear to him that we will stick to the present decision of giving no weapons, no further weapons or military equipment. We will also make it clear to him that no more spares will be given. We have some economic assistance like the steel plant and other projects. In these matters also we will apply economic pressure to moderate the bellicose policy of the Pakistani Government.

In the connection, I would like to note that only yesterday President Nixon, in an interview, has announced his intention of giving economic and other aid to
Pakistan. We do not know what exactly he is going to give but this policy is obviously the policy of provoking war between India and Pakistan with some forces in the United States backing both the sides. This would, in effect, be extending the policy of Vietnamisation to the sub-continent. The President of Pakistan has also been making dangerous statements like those you mentioned to me and like the one I read out to you earlier. One way of looking at things would be to assume that both Nixon and Yahya Khan are making these statements only for internal consumption. In the case of President Nixon there is also another motive. Some of the statements are deliberately made to support internal opposition to Mrs. Gandhi, support the well-known forces in India who have always been arrayed against the present government. The United States attempts to make skillful use of all the elements in your country which are engaged in a struggle against Mrs. Gandhi. They finance them and they give them physical support in many ways. Nevertheless, I agree with you that we should also take the statements of the military clique of Pakistan seriously. It is quite possible they may mean serious business. We should be prepared for it.

Let us consider the most crucial problem, the problem of your borders. In the first instance let us take into account the purely military aspects of this question. According to our information, your enemies, Pakistani intelligence and others, know all about your borders and everything even beyond them. They know quite a lot about the military situation in your country. The refugees go forward and backward, military formations travel across the border, many people see and watch what is happening, almost at every point of your frontiers. It is obvious that nothing is a secret from your enemies. They know how many units you have on the border, where they are stationed, their strength, their arms and all the connected matters. I would like to repeat that both the United States and Pakistan know all this. They know that, they talk about these things like refugees being armed and sent across the border to fight etc. they do so on the basis of irrefutable knowledge. It is my advice to you that you should be more careful. You should be cautious, you should not allow your intentions or programmes to become visible to everyone. It is for you to make a very careful assessment of what more you should do to ensure that a climate of absolutely secrecy about all that is happening on your borders is scrupulously maintained. Otherwise you will face many difficulties and many dangers. What you intend to do should remain know only to you. No one else should have evidence of your intentions. I would again wish you to be careful.

I would now like to refer to another aspect of the matter which you mentioned to me. The answer to your question really lies in the fact that you should strengthen your armed forces. This strength should become known and it should be manifest to everyone. I do not mean that the manifestation of your strength should be interpreted as a desire on your part to use it against somebody. But
it should in very clear terms administer a warning to everyone, it should frighten your enemies, it should frighten Pakistan and her allies. Pakistan and her friends know that you have the strength to counteract all their nefarious designs. Once the enemy knows that across your borders and violation of your sovereignty means their death they will recoil and never dare at anything against you. In spite of this if they are so foolish as to do something against you, please do not worry. They will have to face your strength and court disaster for themselves. It is my advice to you that you should have strong defence forces and that fact alone will enable you to avert war.

I am happy to learn that your Foreign Minister will be visiting several countries. This is very important. He will be visiting Indonesia. It is necessary to do propaganda to organize support among the countries of the region and the countries of the world. Both China and the United States are anxious to have influence in the region. It is, therefore, necessary that you and other like-minded countries should unite together against this. In this connection, of course, the strongest factor will be this Treaty. I know that the Treaty will face the opposition of the reactionary forces in India and they will do their best to fight the Treaty. They are capable of doing anything to frustrate your government and its aims. That is why it would be necessary for you to exercise caution, vigilance. It is necessary to be careful. I would, once again, particularly advise you to be careful about the police and the army, about their reliability, effectiveness and ‘battle preparedness’.

Yesterday, I was speaking to Comrade Brezhnev, who is resting in the South and he particularly told me to convey through you to the Prime Minister that he fully supports this Treaty and its provisions. He wanted to convey his personal greetings to Mrs. Gandhi. He believes that the fruitful results of this Treaty will contribute to still further strengthening of our friendship. Comrade Podgorny and other members of the Politbureau have also asked me to convey their best wishes to the Prime Minister. I do not think it is necessary for me to go any further into details since Gromyko will be flying to New Delhi and there he will fully inform the Prime Minister all of our views. We really do not have any secrets from you. In conclusion I would like to repeat that the friendship with India is very much cherished by the people of the Soviet Union and it is our belief that this friendship will contribute to peace and progress all over the world.

Chairman Kosygin at this stage turned to Dr. Shelvankar and welcomed him as the new Ambassador. He expressed his conviction that the new Ambassador would have as successful a career in strengthening Indo-Soviet friendship as his predecessor. Dr. Shelvankar thanked the Chairman for his kind words and handed over the official copy of the letter which had been sent by the Prime Minister through him to be personally handed over. A copy of the letter had earlier been sent to the Chairman through the Foreign Office.
Mr. Dhar invited the attention of the Chairman to the fact that several items of our defence requirements which had been projected by him in his capacity as the Ambassador to the Soviet Government had yet to be cleared for being supplied to India. He had been instructed to draw the kind attention of the Chairman to the urgent need of our requirements in respect of these items. Chairman Kosygin said that as far as the Petyas were concerned, he hoped that the required number would be made available to the Indian Navy from out of the Soviet fleet. These would require some changes which, he had no doubt, would be completed in the shortest possible time. The decision of the Soviet Government would also be conveyed to the concerned departments regarding the supply of the other items required by the Indian defence forces.

Mr. Dhar also informed the Chairman that the Prime Minister was very keen to visit the Soviet Union. She was acutely conscious of the fact that this visit was long overdue. Developments in India, however, needed her constant and uninterrupted attention. This prevented her from realizing her wish to pay an early visit to the Soviet Union. Nevertheless, Mr. Dhar said, she had instructed him to convey to the Chairman that it would give her great pleasure to find an early opportunity of visiting the Soviet Union and have a free and frank exchange of views on various important subjects with the Chairman and his colleagues. The Chairman said ‘Mr. Ambassador, you have jumped the gun, as we say. I was about to request you to convey our request – indeed a request from Comrade Brezhnev, Comrade Podgorny, myself and other members of the Polit Bureau of the Soviet Government, to your Prime Minister to visit the Soviet Union. She could make this visit private or official, depending entirely on her convenience. We in the Soviet Union would take pride in welcoming your Prime Minister, whom we respect not only as our great friend, but also as a world leader of great stature.’ Mr. Dhar promised to convey the sentiments of the Chairman and his colleagues to the Prime Minister.

The Chairman then expressed the view that as it was agreed to treat Mr. Dhar’s visit to the Soviet Union as confidential, today’s meeting should be announced in the press as having taken place only between him and the new Indian Ambassador to the Soviet Union. Mr. Dhar agreed with this procedure. He informed the Chairman that in fact this procedure suited him admirably on two accounts. In the first instance, Mr. Dhar said that his mission required deliberate anonymity on his part and secondly, being temperamentally a shy person, he welcomed the fact that his name would be omitted from being mentioned in the press.

Mr. Dhar thanked the Chairman warmly for receiving him and having such a frank and free exchange of views on important matters concerning the two countries.
Agreement on Arrangements for the Repatriation of Indian personnel from Dacca and Pakistani personnel from Calcutta.

New Delhi, August 6, 1971.

1. Swiss diplomatic Representatives coordinate and supervise the arrangements of the simultaneous repatriation in Dacca and Calcutta. For this purpose the Swiss authorities will delegate Mr. Enrico Tosio, Swiss Consul General in Karachi, in Dacca and Dr. Pritz BOHNERT, Counselor of Embassy at the Embassy of Switzerland in New Delhi, to Calcutta.

2. The Government of India and the Government of Pakistan will designate a Representative in Calcutta and in Dacca respectively who will be responsible for the carrying out of the repatriation arrangements and with whom the Swiss Representative will deal. The name of this liaison officer will be conveyed to the Swiss Ambassador in New Delhi for information of the other party.

3. The Swiss Representative will supervise the ‘safe conduct’ provided by the respective Governments for the departing personnel from their residences up to the boarding of the aircraft. Security measures are the responsibility of the Host Government.

4. The Swiss Representatives will ensure and supervise the simultaneous departures of the aircraft from Dacca and from Calcutta. For this purpose they are to be given the facilities of communicating with each other on the High Frequency radio of the Airport Control towers in Dacca and Calcutta. They will also be in touch with the operating personnel of the control towers at each end.

5. It is agreed by the two Governments that the Indian personnel is to be repatriated by one Soviet aircraft and one Swiss aircraft. The Pakistani personnel will be repatriated by one Iranian aircraft. All aircraft will only make one trip each. The personnel of the two Governments will carry their personal belongings only.

6. To ensure simultaneous repatriation the aircraft will take off at exactly the same time at each end. The difference in time between Dacca and Calcutta will be taken into account for fixing the agreed departure time.

7.(a) The respective Governments will grant exit permit early in advance of the departure so that there will be no holding up in boarding the aircraft at the airport. There will be no immigration and health formalities.

(b) The Governments will also ensure prompt clearance of the belongings of the departing personnel. No Government property or archives will be
carried. The two Governments will have the right to demand inspection by customs to ensure that this understanding is adhered to.

8. Each person to be repatriated will be allowed to carry with him personal belongings of himself and the members of his family to the extent of availability of space in the aircraft.

9. (a) Heavy personal effects which cannot be transported by air such as cars, furniture etc. should be transported to the seaport and shipped from there. The respective local Governments will arrange for such transportation and shipment of such effects; the cost will be defrayed by the Home Government of the national to be repatriated.

(b) A list of such personal effects will be prepared by the Deputy High Commissioner concerned and handed over by him to the Swiss Representative for onward transmission to the Representative of the Host Government.

10. Property of the Indian Government in staff residences in Dacca and property of the Pakistan Government in staff residences in Calcutta is to be stored in premises already rented by the respective Governments and may be sealed by the Deputy High Commissioners or their Representatives before their departure. The safe keeping of this property will be the responsibility of the Host Government in either case.

11. The Deputy High Commissioner for India in Dacca and the Deputy High Commissioner for Pakistan in Calcutta or a Representative designated by the Deputy High Commissioner will be given permission to personally visit his staff early in advance of departure in order to advise the members of his Mission on the repatriation. The Swiss Representative will be present during such visits.

12. The Government of Pakistan will inform the Deputy High Commissioner for India in Dacca of the above arrangement on repatriation and the Government of India will likewise inform the Deputy High Commissioner for Pakistan in Calcutta.

New Delhi,

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0598. **TOP SECRET**

Letter of Pakistan President to Chairman A.N. Kosygin.

August 1971.

Prime Minister’s Secretariat

On instructions from Chairman Kosygin, the Soviet Ambassador handed over to P.M. on an extremely confidential basis, copy of President Yahya Khan’s letter to Chairman Kosygin. After F.M. and F.S. have seen this, P.M. desires the Ministry of External Affairs to look into the letter so that we could meet the kind of propaganda in which Pakistan is engaging.

P.N. Haksar
Secretary to P.M.
6-8-1971

Foreign Minister.
Foreign Secretary.

The Letter of President Yahya Khan to the Chairman of the Council of Ministers of the USSR A.N. Kosygin.

Esteemed Mr. Chairman,

I have carefully considered your letter dated 24 June, 1971 as well as the views you expressed during your recent talk with our Ambassador. In the spirit of friendly understanding and trust I would like to inform you of the latest events in our country and to share with you my opinions on some questions which were covered in your letter as well.

You stated that a political settlement in Pakistan which takes into consideration legitimate interests of our people would normalize the situation which threatens the cause of peace in our region. All my efforts were consistently being aimed at coming to national consensus in respect of a constitutional arrangement which would be firm and at the same time provide for integrity and cohesion of Pakistan. I declared last March that as soon as it would be possible I should take new steps in transfer of power to the elected representatives of the people. Later I made public my well-thought out plan for this aim and I feel confident that in about four months my plan will be successfully carried out.

You stressed the importance of solving the problem of displaced persons and also advised to remove factors which make people seek refuge in India and prevent their return to East Pakistan. I agree with you. We took a number of
steps to prepare conditions for their return. It is equally important that India should take corresponding steps lest our efforts are in vain. From the very beginning we considered this as a question of humanitarian character. Some six weeks ago I appealed to our citizens who had gone to India to return to their houses in East Pakistan. This was followed by the announcement of general amnesty by the Governor of East Pakistan. To facilitate the repatriation of the displaced persons 21 reception centres were opened along the border between East Pakistan and India. The UN High Commissioner for Refugees who had visited some of these centres, expressed satisfaction with the steps taken for the reception and accommodation of refugees. We suggested that he should leave behind his representative in East Pakistan and took steps to provide him everything needful for frequent visits to these centres to observe the measures being taken there. We also requested the UN High Commissioner for Refugees to render help in the work of settling these people.

The Government and other bodies in India, which so eloquently expressed their concern over human conditions and complained against the impact of this problem putting unbearable strain on the Indian economy, engaged themselves in the business of creating one obstacle after another in the matter of repatriation of the displaced persons to East Pakistan. The Prime Minister of India and her Defence Minister said in public that India was against the idea of return of the displaced persons to East Pakistan and that they would permit them to return only to ‘Bangla Desh’. Fabrications and hostile inventions to the effect that the displaced persons will be killed or repressed on return to East Pakistan and that their property will be confiscated, are being spread in India. The Prime Minister of India states that she will not allow them to stay in India but at the same time she will not allow them to return to East Pakistan to be butchered. Other Indian leaders speak of a political settlement in East Pakistan which must be acceptable for India.

They keep on talking about armed conflict to settle the problem of the displaced persons. Such statements from the side of the Indian demoralize and sow fear and disbelief in the minds of the displaced persons. How can they return, Mr. Prime Minister, under such conditions? We have to think whether India is sincere, when she says that this is a problem of humanitarian character.

You said further, that the guarantees of personal security regardless of language, religion and so on would facilitate an early settlement at this problem. I fully agree with you. In my broadcast to the whole country on June 28, I expressed sympathy with all displaced persons on behalf of our whole country and said that it would be inhuman, if the matter of their early return to normal life were not given paramount attention which it deserved.
Once again I reiterated that all citizens of Pakistan regardless of religion, caste or beliefs, who had crossed our borders and were in India, should return to their homes and reunite with their families.

With a certain regret I note that part of your letter alleging that Pakistani military units crossed the Indian border and fired at the Indian civil population. I have to declare with all determination, I am capable of that the facts are quite different. In fact, the cases of border crossings by the Indian troops, violations of our air space and also heavy artillery and mortar shelling of our villages have become frequent. A very serious incident occurred on July 3, when four fighters and one armed helicopter of the IAF intruded up to six miles into the limits of our territory and made fire at the village near Dinajpur. In Sylhet the Indian shelling is regular as it is evident from the extract of the article from the Daily Telegraph. Describing the aims of military activities along the border near Sylhet, the Daily Telegraph correspondent Clair Hollingworth wrote that those few British estate owners who stayed in the area fully justified in blaming the Indian Government for vast destructions at the factories of the known tea estates in Sylhet district of East Pakistan as well as for mass exodus at the Hindu skilled labour. Five of the British tea estate owners who met Mr. Bottomley team complained according to the report of the Daily Telegraph that they continue to be disturbed by shelling by mortars, rifles and sometimes 25 pounders from across the Indian border.

We regard it as unthinkable to strive for increasing tension in the Indo-Pakistani sub-continent in the period of the national crisis. By no means we have ever threatened India, and the military confrontation with this country at any time would cause a great damage to our national interests. With all my sincerity I would like to assure you about our firm intention to strive for the peaceful solution of all Indo-Pakistani problems.

I would like to use this opportunity to inform you that our peaceful intentions have got no corresponding response in India and we are constantly subjected to intimidation and intolerable provocations. Responsible Indian leaders, including the Prime Minister, continue to make statements threatening to undertake military actions against Pakistan. The Prime Minister of India is reported to have said recently that if the international community failed to create such a situation in Pakistan which would be acceptable for India, the Indian Government would take necessary measures in order to solve this problem with Pakistan. There were made some statements in the Indian Parliament calling to occupy a part of the East Pakistan territory by force for settling the DP’s there. There were some reports in the foreign press that India would launch a naval blockade of East Pakistan and Indian side did not repudiate this information. The Indian Government give encouragement and military assistance to the disruptive elements inside East Pakistan and to those who
cross the border into India. According to the report of the Times from its correspondent in East Bengal, at least 30,000 men are being trained now in special camps which were set up by the Indian army for staging armed attacks upon our territory.

Taking into account the friendly interest shown by the Soviet leaders and particularly by you, Prime Minister, to the events in the Indo-Pakistani subcontinent, I appeal to you once again to use your considerable influence upon Indian leaders, in order not to allow their interference into the internal matters of Pakistan and to remove all obstacles for returning DPs from India to East Pakistan. Several thousands of DPs have already returned and many more continue to come daily. We would welcome the continuous increase of their number. I am sure that your active mediation in this matter with the Indian leaders would be a very important contribution for preserving peace in this region.

General Agha Muhammed Yahya Khan

0599. Letter from Prime Minister Mrs. Indira Gandhi to US President Richard Nixon.

New Delhi, August 7, 1971.

Dear Mr. President,

Thank you for your letters – one dated May 29 and the other brought by Dr. Kissinger, dated July 1. I have read them with interest. Dr. Kissinger has no doubt spoke to you about his wide-ranging discussions in New Delhi.

Since I wrote to you on May 13, the situation has not improved. Sanguinary conflict continues unabated in East Bengal. The number of Pakistani citizens fleeing their homeland and seeking shelter in India is steadily augmenting. We now have more than seven million registered evacuees. The West Pakistani army has driven out the greater part of the minority community as well as more than a million Moslem citizens of East Bengal. In recent weeks, the number of the latter is increasing.

It is not for us to object to the United States maintaining, as you, Mr. President, have put it, ‘a constructive relationship with Pakistan’ so that the U.S. may ‘retain some influence in working with them towards important decisions to be made in that country’. We have waited patiently and with restraint, hoping for a turn in the tide of events which the Government, Parliament and people of India could recognize as a step towards a political settlement.
Your letter of May 29 referred hopefully to President Yahya Khan’s press conference of May 24. Since then, we have carefully considered his statement of June 28 and his utterances on television. These pronouncements show a hardening of attitude and it seems to us that they do not take us nearer a solution.

Nothing would give me, my colleagues in the Government and the Indian people a greater sense of relief than to be able to say that the United States was working towards a viable settlement which would restore peace and the semblance of civilized Government in East Bengal which would enable Pakistani citizens to return to their homes.

However, the malaise afflicting the socio-political structure of Pakistan and the tensions prevailing between the various parts of it are deep rooted. The present attempt is to solve chronic problems, arising out of political, social and economic disparities, by force. I believe that the Government of the United States supports the view that the posting of U.N. observers on either side of the frontiers of India and East Bengal could solve the problem of the refugees. We regret that we do not see the situation in this light. India is an open democracy. We have a large diplomatic corps and many representatives of the world press. We have had visits of parliamentary delegations from various countries. All are free to travel and to visit the refugee camps. They see for themselves that although we are doing all we can for the refugees, life in the camps is one of deprivation and acute discomfort. Hence it is unrealistic to think that the presence of a group of U.N. observers could give any feeling of assurances to the evacuees when every day they see new evacuees pouring in with stories of atrocities. Would the League of Nations Observers have succeeded in persuading the refugees who fled from Hitler’s tyranny to return even whilst the pogroms against the Jews and political opponents of Nazism continued unabated? In our view, the intentions of the U.N. Observers might be more credible if their efforts were directed at stopping the continuing outflow of these unfortunate people and at creating conditions which, to any reasonable person; would assure the safety of life and liberty of the refugee who wishes to return to East Bengal.

Mr. President, I am touched by your generous references to the vitality of Indian democracy and the strength of purpose of our Government in meeting the complex social and economic problems which confront India. These problems have been rendered more complex by the action of the Pakistan Army and the burden on us is almost unbearable. It is by sheer act of will that we are able to hold on.

I should like to mention one other matter. Our Government was greatly embarrassed that soon after our Foreign Minister’s return from his Washington visit and despite the statements made by Ambassador Keating in Bombay on April 16 and by the State Department’s spokesman on April 15, 1971 came the news of fresh supplies
of U.S. arms to Pakistan.

It was a sad chapter in the history of our sub-continent when the United States
began to supply arms to Pakistan in 1954 and continued doing so up to 1965.
These arms have been used against us, as indeed we feared they would be. And
now these arms are being used against their own people whose only fault appears
to be that they took seriously President Yahya Khan’s promises to restore
democracy.

In the midst of all the human tragedy, it is some relief to contemplate the voyage of
the astronauts in the Apollo-15. These valiant men and the team of scientists
supporting them represent man’s eternal longing to break from the constraints of
time and space. As I write this, the astronauts are heading homewards, back to
our earth. We pray for their safety and success. Please accept, Mr. President, our
warm felicitations.

I was glad to have your message regarding your initiative to normalize relations
with the People’s Republic of China. We have welcomed this move and we wish
you well.

With best wishes and regards,

Yours sincerely
Indira Gandhi

His Excellency
Mr. Richard M. Nixon,
President of United States of America,
Washington.
Government view with grave concern press reports of President Yahya Khan’s statement that Sheikh Mujibur Rahman would be ‘court martialled’ and that he could not say whether or not the Sheikh would be alive when the so-called Pakistan National Assembly meets. President Yahya Khan himself had, in one of his earlier statements, referred to Sheikh Mujibur Rahman as ‘the future Prime Minister of Pakistan’. As the leader of the Awami League Party which won 167 of the 169 seats to the National Assembly from Bangla Desh, and thus had a clear majority of votes in the National Assembly of Pakistan, Sheikh Mujibur Rahman held a unique position as the acknowledged leader not only of East Pakistan, but of the whole of Pakistan. What happened after the 25th of March this year is known to the whole world. The denial of the verdict of the people and letting loose of military oppression and trampling on the fundamental human rights of the people of Bangla Desh stand self-condemned. Instead of respecting the verdict of the people and acknowledging Sheikh Mujibur Rahman as the elected an undisputed leader of Bangla Desh, the Pakistan Government has launched a reign of terror and carried out a calculated plan of genocide, the like of which has not been seen in recent times. To stage a farcical trial against Sheikh Mujibur Rahman is a gross violation of human rights and deserves to be condemned by the whole world.

We have repeatedly expressed our concern for the safety and welfare of Sheikh Mujibur Rahman and his family who also are under house arrest or in prison. We have conveyed our concern to foreign governments and asked them to exercise their influence on the Government of Pakistan in this regard. Should any harm be caused to the person of Sheikh Mujibur Rahman or his family and colleagues, the present situation in Bangla Desh will be immeasurably aggravated and the present Pakistani rulers will be solely responsible for the consequences. We share the concern expressed by about 500 Members of Parliament in this regard. We appeal to the conscience of humanity to raise their voice against the action that the President of Pakistan proposes to take. We express our condemnation of the proposed action and warn the Government of Pakistan of its serious consequences.

New Delhi, August 9, 1971.

I have the honour to lay on the Table of the House a copy of the Treaty of Peace, Friendship and Co-operation, signed today by me on behalf of the Government of India with Mr. A.A. Gromyko, Foreign Minister of the USSR Government, who has signed it on behalf of the Union of Soviet Socialist Republics.

Government welcome this Treaty as a further step towards strengthening friendship and cooperation between India and the Soviet Union. The Treaty will, we are convinced, provide a stabilizing factor in favour of peace, security and development not only of our two countries, but the region as a whole. It is not aimed against any third country. In fact, we hope that this Treaty will provide a pattern for similar treaties between India and other countries in this region. Such treaties between countries of this region would stabilize peace and strengthen their independence and sovereignty.

I should like to emphasise in particular that this Treaty is, in its true sense, a Treaty of Peace. It strengthens our policy of non-alignment, respect for which is expressly mentioned in the Treaty. We sincerely hope that the policy of non-alignment will be further strengthened and will become an effective instrument for the safeguarding of our national interests as well as an important factor in the maintenance of universal peace and international security and in the lessening of tensions in the world.

It is a Treaty of Peace, Friendship and Cooperation. It is also a Treaty of non-aggression. It further provides a credible assurance that in the event of an attack or a threat thereof, the High Contracting Parties shall immediately enter into mutual consultations in order to remove such a threat and to take appropriate effective measures to ensure peace and the security of their countries. This should act as a deterrent to any powers that may have aggressive designs on our territorial integrity and sovereignty. It is, therefore, in essence, a Treaty of Peace against War.

Sir, the world is presenting a rapidly changing and dynamic picture. There is a change in the configuration of various world forces. Our policy of non-alignment is a dynamic policy which can be adapted to these changing situations. I should like to assure Hon'ble Members that our policy of peace stands firm as ever. We have no designs on the territory of other countries. At the same time, we
shall not tolerate aggression or threat of aggression from any country. We do
not want to provoke war with any country. We shall do everything in our power
to defend peace and prevent war.

**Following is the text of the Treaty:**

**TREATY OF PEACE, FRIENDSHIP AND COOPERATION BETWEEN THE
 REPUBLIC OF INDIA AND THE UNION OF SOVIET SOCIALIST
 REpublics**

**DESIRous** of expanding and consolidating the existing relations of sincere
friendship between them.

**BELIEVING** that the further development of friendship and cooperation meets
the basic national interests of lasting peace in Asia and the world.

**DETERMINED** to promote the consolidation of universal peace and security
and to make steadfast efforts for the relaxation of international tensions and
the final elimination of the remnants of colonialism.

**UPHOLDING** their firm faith in the principles of peaceful coexistence and
cooperation between States with different political and social systems.

**CONVINCED** that in the world today international problems can only be solved
by cooperation and not by conflict.

**REAFFIRMING** their determination to abide by the purposes and principles of
the United Nations Charter.

The Republic of India on the one side, and the Union of Soviet Socialist
Republics on the other side.

**HAVE** decided to conclude the present Treaty, for which purpose the following
Plenipotentiaries have been appointed:

**On behalf of the Republic of India:**
Sardar Swaran Singh,
Minister of External Affairs,

**On behalf of the Union of Soviet Socialist Republics:**
Mr. A.A. Gromyko,
Minister of Foreign Affairs,

Who, having each presented their Credentials, which are found to be in proper
form and due order,
HAVE AGREED AS FOLLOWS:

ARTICLE I

The High Contracting Parties solemnly declare that enduring peace and friendship shall prevail between the two countries and their peoples. Each party shall respect the Independence, sovereignty and territorial integrity of the other party and refrain from interfering in the other’s internal affairs. The High Contracting Parties shall continue to develop and consolidate the relations of sincere friendship, good neighbourliness and comprehensive cooperation existing between them on the basis of the aforesaid principles as well as those of equality and mutual benefit.

ARTICLE II

Guided by the desire to contribute in every possible way to ensure enduring peace and security of their people, the High Contracting Parties declare their determination to continue their efforts to preserve and to strengthen peace in Asia and throughout the world, to halt the arms race and to achieve general and complete disarmament, including both nuclear and conventional, under effective international control.

ARTICLE III

Guided by their loyalty to the lofty ideal of equality of all peoples and Nations, irrespective of race or creed, the High Contracting Parties condemn colonialism and racialism in all forms and manifestations, and reaffirm their determination to strive for their final and complete elimination.

The High Contracting Parties shall cooperate with other States to achieve these aims and to support the just aspirations of the peoples in their struggle against colonialism and racial domination.

ARTICLE IV

The Republic of India respect the peace loving policy of the Union of Soviet Socialist Republics aimed at strengthening friendship and cooperation with all nations.

The Union of Soviet Socialist Republics respects India's policy of non-alignment and reaffirms that this policy constitutes an important factor in the maintenance of universal peace and international security and in the lessening of tensions in the world.

ARTICLE V

Deeply interested in ensuring universal peace and security, attaching great
importance to their mutual cooperation in the international field for achieving those aims, the High Contracting Parties will maintain regular contacts with each other on major international problems affecting the interests of both the States by means of meetings and exchanges of views between their leading statesmen, visits by official delegations and special envoys of the two Governments, and through diplomatic channels.

ARTICLE VI

Attaching great importance to economic, scientific and technological cooperation between them, the High Contracting Parties will continue to consolidate and expand mutually advantageous and comprehensive trade, transport and communication between them on the basis of the principles of equality, mutual benefit and most favoured nation treatment, subject to the existing agreements and the special arrangements with contiguous countries as specified in the Indo-Soviet Trade Agreement of December 26, 1970.

ARTICLE VII

The High Contracting Parties shall promote further development of ties and contacts between them in the fields of science, art, literature, education, public health, press, radio, television, cinema, tourism and sports.

ARTICLE VIII

In accordance with the traditional friendship established between the two countries each of the High Contracting Parties solemnly declares that it shall not enter into or participate in any military alliance directed against the other party.

Each High Contracting Party undertakes to abstain from any aggression against the other Party and to prevent the use of its territory for the commission of any act which might inflict military damage on the other High Contracting Party.

ARTICLE IX

Each High Contracting Party undertakes to abstain from providing any assistance to any third party that engages in armed conflict with the other party. In the event of either Party being subjected to an attack or a threat thereof, the High Contracting Parties shall immediately enter into mutual consultations in order to remove such threat and to take appropriate effective measures to ensure peace and the security of their countries.

ARTICLE X

Each High Contracting Party solemnly declares that it shall not enter into any obligation, secret or public, with one or more states, which is incompatible with this Treaty. Each High contracting party further declares that no obligation
exists, nor shall any obligation be entered into, between itself and any other State or States, which might cause military damage to the other Party.

ARTICLE XI

This Treaty is concluded for the duration of twenty years and will be automatically extended for each successive period of five years unless either High Contracting Party declares its desire to terminate it by giving notice to the other High Contracting Party twelve months prior to the expiration of the Treaty. The Treaty will be subject to ratification and will come into force on the date of the exchange of Instruments of Ratification which will take place in Moscow within one month of the signing of this Treaty.

ARTICLE XII

Any difference of interpretation of any Article or Articles of this Treaty which may arise between the High Contracting Parties will be settled bilaterally by peaceful means in a spirit of mutual respect and understanding.

The said Plenipotentiaries have signed the present Treaty in Hindi, Russian and English, all texts being equally authentic and have affixed thereto their seals.

Done in New Delhi on the ninth day of August in the year one thousand nine hundred and seventy one.

On behalf of the
Republic of India
(Sd.) Swaran Singh
Minister of External Affairs

On behalf of the
Union of Soviet Socialist Republics
(Sd.) A.A. Gromyko
Minister of Foreign Affairs

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SECRET

Record of the Talks between Prime Minister Indira Gandhi and the Soviet Foreign Minister A. A. Gromyko.

New Delhi, August 10, 1971.

Gromyko. We are very satisfied with the welcome given in Parliament to the Treaty. We also heard about your rally in Delhi. May I congratulate you on its success.

P.M. Government reports say that there were 1 million people but the party workers say there were 2 million people.

G. Government should always be strict with figures.

Yesterday my colleagues and I were greatly interested in hearing your views about the situation in East Pakistan, your relations with Pakistan and China. Today I would like to give you our assessment. Yesterday in my talk with your Foreign Minister has made my task today easier: We understand the concern of the Government of India over the situation created by upheavals in East Pakistan. We consider your policy and position well founded and we condemn the treatment meted out by West Pakistan to East Pakistan and its people. We believe more than ever that the Pak military will not succeed in keeping down the people of East Pakistan for long and the rule is doomed. May be it is not for us to prejudge whether East Pakistan should be separate from West Pakistan or one with it, but we know that people of East Pakistan are waging a just struggle for their inalienable rights. This determines our policy and our attitude to your policy. The people of East Pak must have the last word. We resolutely condemn the oppressive policy of West Pakistan in East Pakistan.

The problem of refugees has been created by the West Pakistan military regime. They and Yahya Khan are responsible for creating this situation. You may rest assured that in regard to refugees we shall always support your position.

We have told the Pakistan leadership and Yahya Khan how we assess the situation and their regime. We have told them so resolutely and shall do so again. The information I have received regarding the situation will help us to draw appropriate conclusions and report to our leadership. The deep analysis you gave yesterday and your general approach will help us to determine what steps we should take. Today we are convinced, more than ever, that we cannot rely on the word of the military leadership in West Pakistan and Yahya Khan.

P.M. There is a report that Mujib is going to be tried tomorrow and will be immediately executed. There is tremendous emotion and I cannot say what reaction it will produce in India.
The Jan Sangh will exploit it for political reasons.

G. We received this information from your F.M. yesterday. Thank you for what you have told us. I am sure we will not remain indifferent and will take certain steps. If it happens, it will be scandalous and will rouse strong resentment against the military regime of West Pakistan among our people.

As regards China our understanding of your attitude is that China is on Pakistan’s side and is encouraging Pakistan against you. This is also our assessment. This is a destructive policy of China, though it is difficult to assess to what extent China is encouraging Pakistan, but there is no doubt they have responsibility for it.

The position of USA is, I think, as bad as they are encouraging Pakistan through their military deliveries and also politically. We know your assessment and it coincides with ours.

Our leadership appreciates your position of restraint as far as possible in relation to the developing events and in relation to the policy of Pak Government. We believe it would be very good if your Government continues the restraint and regards the situation in a cold blooded way. We know the emotions of your people which are justified. It would be good if they could be kept under control. The heart should be warm but the mind should be cool as we say.

P.M. To the extent possible we should keep calm and cool as I said yesterday. But the situation is not static. More and more refugees are coming in. I do not know what we can do unless some solution is found. I am posing the question to you what can we do.

G. We also realize it is not an easy problem and there is no easy solution. We will put considerable pressure on Sultan Alam Khan the First Vice Foreign Minister of Pakistan when he comes to Moscow. The Pak Government must give guarantees of security to those people who left because of unbearable conditions. We shall say so to Pakistan firmly and take into consideration Mujib’s projected trial and its consequences.

Another consideration is that India and USSR should closely watch military preparations of Pakistan – after our Treaty – and exchange all information more fully.

On the eve of my departure to India Comrade Breznev asked me to convey to you that the Soviet Union is prepared to convey all information to India at all levels and through all possible channels. He attaches greatest importance to it.

Your F.M. raised some specific points this morning. They will be given serious and close consideration. When we finish this subject I would like to talk about Sino - US relations and their collusion and Nixon’s visit.
P.M. You have given your assessment regarding Pakistan and China. What is your concrete assessment of the actual support that China will give to Pakistan? What can be done about it?

G. According to statements of Pak leaders and of Yahya Khan – they told us – that they are not going to wage war against India. This is confirmed by some other information we have. On the other hand there are hints or semi hints in the statements of China that she is going to support Pakistan. Our information is not specific regarding what China can do to aid Pakistan, but that does not exclude possibility of China doing something. Nor can there be any guarantee regarding this. But it is not easy for China to act against India.

P.M. Except that they could try to take NEFA (present day Arunachal Pradesh) which they claim.

G. We have no such information. But as we exchange information we shall give particular attention to this. We watch very closely the situation created by contact between US and China regarding Nixon’s visit. We take a cool view of it. No particular earthquake has occurred. It was not totally unexpected.

P.M. I said the only unexpected thing was the melodramatic manner of it.

G. You are quite right. Nonetheless some aspects should be kept in view by you, us and others. Normalization of relations between U.S. and China does not itself become negative, if it is done in the normal way. The US Administration – Nixon and Rogers – gave us assurances it will not do the slightest damage to US - Soviet relations. We do not take these assurances at their face value as we know the handwriting of US policy makers. We know very well they try to step on our toes whenever they can. As for example in Vietnam where we condemned their aggression. Our understanding is that US and China do not have an easy field before them. Neither side can depart radically from its position. It is not as simple as just coming to Peking

(F.M. left at this stage as he had to go to Parliament).

G. I should tell you that the Soviet Union will pursue its former policy towards USA and not give it up. We will agree whenever it is possible. But we will continue to condemn US aggressive policy, e.g. regarding 4 - Power talks on West Berlin. Nixon has told us he would like them to continue. We do not exclude a successful conclusion. Also regarding SALT negotiations, our attitude will be the same. But US course is not quite clear yet. As regards strategic nuclear disarmament, the attempt is to exclude accidental or unauthorized attack by both US and us, but this is not disarmament. Please treat this as confidential.
As for Sino-Soviet relations, they are bad and even tense. There are no bloody border(s), incidents of fighting, but our negotiations on the border issue are not making any progress. We will not cede any territory to China and they have learnt this lesson. But we are willing to make mutual insignificant concessions in some places. Chinese leadership has not informed us regarding Nixon’s visit. We will continue the same policy towards China. We are going to watch the situation from the Chinese side, bearing in mind the Washington-Peking axis. Certain other states have expressed concern regarding Sino-US détente, especially Japan. She is a major Asian State and we both should focus our attention on her. We understand why Japan is concerned regarding China and why China is concerned about Japan—at least Chinese leaders say so. We have smooth relations with Japan except in the Kurille islands. They would like to have two or some of them, all 4 of the islands. They have different appetites, but our territory will remain ours and we told them so. We told them to have a Treaty of peace with us on a realistic basis. In 1955 Premier Hotoyama signed a declaration of renunciation of war with us. We would like both India and USSR to have better relations with Japan and think what steps would influence Japan. She is facing the crossroads, whether to re-militarise or to have peace. We cannot be indifferent to this. e.g. regarding the bases and US troops in Japan. Would US prefer a weak or strong Japan militarily? US herself does not know the answer. We should therefore have close consultations regarding our attitude to Japan on this and other questions.

We do not exclude possibility of attempts to disrupt our friendship or to stand in the way of strengthening this friendship on some suggestions from China or USA. We should be above such suggestions and have confidence in our relations. We have no information on any specific point regarding this, but we should be on the look out in the future. This is what my leadership wanted me to tell you.

P.M. what would be the effect on South and South East Asia.

G. Each country has its own view, but it is clear that this agreement is a blow to China and USA who have their own plans. In DRVN and therefore also a blow to other people of South East Asia who sympathise with Saigon. Therefore, it has had and will have a negative effect on Saigon and South East Asia. We know it from the horse’s mouth that the attitude of Saigon is very negative. This is in strict confidence.

P.M. What about other countries?

G. I do not know concretely about Thailand, but I know that Thai government’s policy is only an appendage of USA.
Indonesia, Malaysia and Ceylon feel disturbed as China may be able to make a movement further southward.

In France, in general they assess it in positive terms but they are not enthusiastic about it. If I may go back to South-East Asia, Thailand has reason to be afraid of China, but will they automatically go into the orbit of China? We have no reliable information regarding Thailand. But the whole region is worried at the possibility of China moving southward.

**P.M.** What about Yugoslavia?

**G.** They regard it favourably. Yugoslav leadership showed tremendous ability to make 180 degrees turn. It came as a surprise even to us. They gave a very warm welcome to it. They do not mention any negative aspect of it. There was a time when they shouted they will not tolerate Chinese domination. However, we are taking some steps which we can to improve relations with Yugoslavia.

**P.M.** Is the Yugoslav attitude because of economic reasons, because of her relations with the West?

**G.** They do not have bad relations with the West as it is, but their attitude on this issue shows lack of principles. They will not profit from it. They have this in mind.

**P.M.** We are deeply concerned regarding West Asia.

**G.** It is very complicated. If we give a realistic assessment, there is no tangible movement towards a solution because US and Israel backed by US (sic) are not prepared to make any withdrawals which UAR demands and which you and we support. We are against the demands of war by some extremist Arab countries as we do not think that all political possibilities have been exhausted. We give much equipment to the UAR and their fighting force is much more effective but it does not ensure 100 percent victory.

**P.M.** What is the position in Sudan?

**G.** We regret very much what happened in Sudan as we felt they were doing well. The core of the problem is that Numeri was planning for some time to weaken ties with progressive countries. Therefore, he took strong action against all progressive elements in his Government a long time ago. We are very much concerned at the massacre taking place there. We fear Sudan may be thrown back by many years. We feel countries like yours and you personally could exercise your political authority to influence events.

**P.M.** And Algeria?
G. During recent times we have had even relations with them. On international problems they have clear positions. In the past they were for war against Israel, but we told them it was not realistic. On other issues, like colonialism, etc, they are with us. We would like to strengthen relations with them.

P.M. Mr. Kaul reminds me that Algeria is openly supporting Pakistan and Mr. Numeri.

G. This will have to be taken into account.

Do you have any different assessment from ours regarding USA or China?

P.M. No. But what does China think she gains from this.

G. Evidently Taiwan is the main issue. Also the possibility of doing harm to USSR. How can they think of wanting to strengthen you? As regards China’s right to enter UN, we consider it legitimate.

P.M. This is also our position.

G. Do you have contact with Iran, Turkey, Algeria which are inclined to support Pakistan?

P.M. We thought our relations with Iran were improving, but they have told us that in case of conflict they will stop our oil and are giving US arms to Pakistan already. One of our Ministers went to Algeria. Most of these Arab and Muslim countries say they do not want disintegration of an Islamic country. If Pakistan disintegrates, it is not because of us, but because of actions of its military regime.

G. Have you had any talks with China or USA regarding Indo-Soviet relations as our relations were on the rise?

P.M. We are hardly on talking terms with Peking. After Mao’s famous smile, our CDA in Peking had some talks but they have not made any progress. After meeting with other Heads of Government I wrote to Chou En-lai regarding East Pakistan, but have had no reply.

G. Thank you for the information you have given me. It helps us greatly and has great meaning for us.

P.M. These talks have great significance. Your visit has made a tremendous impact on our people.
0603.  **Message of Prime Minister Mrs. Indira Gandhi to the Heads of Government.**

**New Delhi, August 10, 1971.**

Government and people of India as well as our Press and Parliament are greatly perturbed by the reported statement of President Yahya Khan that he is going to start secret military trial of Mujibur Rahman without affording him any foreign legal assistance. We apprehend that this so-called trial will be used only as a cover to execute Sheikh Mujibur Rahman. This will aggravate the situation in East Bengal and will create a serious situation in India because of the strong feelings of our people and all political parties. Hence our grave anxiety. We appeal to you to exercise your influence with President Yahya Khan to take a realistic view in the larger interest of the peace and stability of this region.

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0604.  **Message of External Affairs Minister Swaran Singh to the U. N. Secretary General U Thant.**

**New Delhi, August 10, 1971.**

We are distressed and shocked at the announcement made in Rawalpindi that they propose to commence Sheikh Mujibur Rahman’s trial from tomorrow. This announcement comes in the wake of the several categorical statements, which have lately emanated from President Yahya Khan about Sheikh’s culpability in waging war against Pakistan and in having indulged in treasonous activities. Sheikh Mujibur Rahman is an outstanding leader of his people, much beloved and much respected. His victory at the polls in December 1970 was perhaps the most magnificent one, in any similar election anywhere in the world, in recent years. Our people, press, Parliament and Government are all convinced that the problems which have been created for us by Pakistani action in East Bengal will be multiplied ten-fold if the Government of Pakistan do something precipitate and extreme in the context of Sheikh Mujibur Rahman’s life and welfare. We would like to appeal to Your Excellency to take urgent steps to request Government of Pakistan not to take this action which is certain to make their difficulties and ours very much worse. Anything they do to Mujib now will have grave and perilous consequences.

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0605. Statement by Deputy Minister of External Affairs Surendra Pal Singh in the Rajya Sabha regarding the trial of Sheikh Mujibur Rahman by the Pakistani military authorities.

New Delhi, August 12, 1971.

According to reports, the trial by court martial of Sheikh Mujibur Rahman has started in West Pakistan on the 11th August for “waging war against Pakistan”. This trial is being held in camera without allowing any foreign legal assistance to him. Earlier, in the course of several statements, President Yahya Khan had warned that the punishment could include death penalty and that he could not say whether or not the Sheikh would be alive when the so-called Pakistan National Assembly meets. Government view with grave concern these developments. President Yahya Khan himself had, in one of his earlier statements, referred to Sheikh Mujibur Rahman as “the future Prime Minister of Pakistan”. As the leader of the Awami League Party which won 167 of the 169 seats to the National Assembly from Bangla Desh and thus had a clear majority of votes in the National Assembly of Pakistan, Sheikh Mujibur Rahman held a unique position as the acknowledged leader not only of Bangla Desh but of the whole of Pakistan. What happened after the 25th of March this year is known to the whole world. The denial of the verdict of the people and letting loose of military oppression and trampling on the fundamental human rights of the people of Bangla Desh stand self-condemned. Instead of respecting the verdict of the people and acknowledging Sheikh Mujibur Rahman as the elected and undisputed leader of Bangla Desh, the Pakistan Government has launched a reign of terror and carried out a calculated plan of genocide, the like of which has not been seen in recent times. To stage a farcical trial against Sheikh Mujibur Rahman is a gross violation of human rights and deserves to be condemned by the whole world.

We have repeatedly expressed our concern for the safety and welfare of Sheikh Mujibur Rahman and his family who also are under house arrest or in prison. We have conveyed our deep anxiety and concern to the Secretary General of the United Nations and foreign governments and asked them to exercise their influence on the Government of Pakistan in this regard. Should any harm be caused to the person of Sheikh Mujibur Rahman or his family and colleagues, the present situation in Bangla Desh will be immeasurably aggravated and the present Pakistani rulers will be solely responsible for the consequences. We share the concern expressed by all members of Parliament in this regard. We appeal to the conscience of humanity to raise its voice against the action that the President of Pakistan is taking. We express our condemnation of the action and warn the Government of Pakistan of its serious consequences.
0606.  

Note by Prime Minister for a treaty with China. 

New Delhi, August 12, 1971. 

Prime Minister's Secretariat,  
(Pradhan Mantri Sachivalaya) 

Should we not indicate to Misra* that the Indo-Soviet treaty does not preclude similar Treaty with China? 

Sd/- Indira Gandhi  
12.8.71 

I would respectfully submit that a Treaty of the kind we have just concluded with the Soviet Union reflects, in time and space, a particular coincidence of interest. In all the Chanceries of the world, the Treaty has been interpreted in this light and I believe rightly so. For us now to go round saying to all and sundry that we are prepared to sign a similar Treaty would appear either unrealistic or, if I may say so, something lacking in seriousness. Bearing this in mind, I had submitted to F.S. the other day that we are overdoing this business of our readiness to sign a similar kind of Treaty with anyone who might come forward. This attitude dilutes the impact of the Treaty we have signed and also makes us look a little cheap. I recall reading a telegram from our Embassy in Japan. Our Ambassador offered a similar Treaty to Japan and, as I expected, Mr. Hogen, who was speaking to our Ambassador and who is an extremely shrewd person, said that he had noted what the Ambassador had to say and pointed out that it would be some time before Japan is able to react to this suggestion, as the Chinese were always accusing Japan of militarism. So, from this I conclude that it would be quite wrong of us to openly rush to Japan to offer to them a similar treaty. I think we have to be quite clear in our mind as to which countries might sign such a Treaty and then we should quietly work for it and not publicly state, day in and day out, that the Treaty with the Soviet Union is so routine that we are ready to sign it with everyone. This is how, at any rate, I see the problem. As for signing a Treaty with the Chinese, even a talk about it would not bring about a Treaty with China and it would certainly attenuate greatly the effect of the Treaty which we have signed with the Soviet Union. 

P.N. Haksar  
19.8.1971 

* Brajesh Misra was Charge d'affaires of India in Peking.
Note by the Principal Secretary to the Prime Minister P. N. Haksar on the call by the Soviet Ambassador.

New Delhi, August 14, 1971.

IMMEDIATE
Prime Minister’s Secretariat

The Soviet Ambassador called on me, at his instance, at 5.15 this evening. He said that he was instructed to convey to Prime Minister, information on two matters: Firstly, that Chairman Kosygin had received Prime Minister’s message on Sheikh Mujibur Rahman and that immediately on receipt of the message, the Soviet Government instructed their Ambassador in Islamabad to call on President Yahya Khan and to tell him that among the Soviet people, responsible official circles of the Soviet Union and the world at large, there were great feeling about the manner in which Sheikh Mujibur Rahman had been imprisoned and now sought to be tried and executed, and that if this were to happen, it would aggravate the situation seriously. The Soviet Ambassador said that they had not received a reply from President Yahya Khan and that as soon as it is received, it will be duly conveyed to P.M.

2. The Soviet Ambassador then referred to a letter which the Government of Pakistan has addressed to the Chairman of the Security Council for this month, who is apparently the Italian Permanent Representative. He handed over to me copy of this letter which has been sent to the Soviet Permanent Representative in a confidential manner. A copy of the letter from the Government of Pakistan is at slip ‘A’, together with a copy of Chairman, Security Council’s letter addressed to the Soviet Charge d’Affaires in the Permanent Mission in New York.

3. The Soviet Ambassador added that in dealing with this matter which has been raised by the Pakistan Government, the Soviet Union will cooperate with India in the same manner as they had done when the question of U.N. Observers was raised. And if this question was ultimately raised in the Security Council, they would have no hesitation in vetoing it.

Sd/-
(P.N. Haksar)
14-8-1971

Prime Minister

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CONFIDENTIAL AND URGENT

Letter from the Permanent Representative of Italy at the UN to the Soviet
Permanent Representative at the UN.

Permanent Representative of Italy in the United Nations.

3956 August 11, 1971.

Mr. Ambassador,

His Excellency Ambassador Aga Shahi, Permanent Representative of Pakistan
in the United Nations handed over to me this morning the enclosed letter in
which he was informing that his Government “in the interests of peace proposed
that the Committee of good offices of the members of the Security Council
should visit both countries/Pakistan and India/particularly the areas of present
tension with the aim of relieving the threatening situation”.

The Ambassador Shahi did not request to issue his letter as an official document
of the Security Council but requested me to keep this letter as confidential to
circulate it among the members of the Council and to start private consultations
on his Government’s proposal.

I shall be grateful, if you take this letter into consideration. In the nearest future
I shall establish a contact with you to consider the contents of the letter.

Please accept the assurances of my highest consideration.

Vireo Vinchi

Ambassador, the Chairman of the Security Council.

Ambassador
Victor L. Israelian,
Charge d’Affairs & Permanent Representation of
the Union of Soviet Socialist Republics in the United Nations.
New York.

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Letter from the Permanent Representative of Pakistan at the UN to the
Italian Permanent Representative at the UN and Chairman of the Security

UNOFFICIAL TRANSLATION

Pakistani Mission in the United Nations

Your Excellency,

My Government has instructed me to call the attention of the members of the Security Council to the present crisis in the relations between India and Pakistan and to the situation on the border between East Pakistan and India in the hope that the members of the Security Council will find appropriate means of averting the obvious threat to peace.

2. As the members of the Security Council are aware, the relations between India and Pakistan are tense due to disputes which remain unsolved during a long period of time. This tension has become so deep in the result of the present situation that it creates a dangerous possibility of a conflict which may not remain limited or localized.

3. The Pakistani delegation periodically informed the members of the Security Council about the measures taken by the Government of Pakistan for improving the situation. Pakistan is not only aware of the problem created by displacement of the large number of persons from East Pakistan, but also strives for their repatriation. It called upon these displaced persons with an appeal to return to their homes. It promised them the prompt rehabilitation. It announced restoration of their property and a general amnesty. It quickly accepted the proposal made by the Secretary General on 19 July that the Representatives of the High Commissioner for Refugees should be accepted on both sides of the border for “facilitating the voluntary repatriation of refugees in a safe and organized manner, paying due attention to their welfare”. Shortly speaking, it has demonstrated its readiness to cooperate in the maximum possible way in implementation of any measures, which would serve the cause of averting the escalation of the present situation to an armed conflict between India and Pakistan.

4. But it is clear that all measures of this kind cannot be successful without a full cooperation of the Government of India. Unfortunately it has not shown this cooperation so far. The members of the Security Council are aware that the Government of India categorically refused the proposal of the Secretary General, contained in his Memorandum of 19 July. But that is only one of the smallest manifestations of a completely negative approach. The Foreign Minister of India stated in the Indian Parliament on 20 July that India “did everything possible for supporting the liberation army”. This publicly accepted support consists in training, organizing, arming, financing and guiding the forces, which try to cut Pakistan into the two parts and cause an irreparable damage to the economy of East Pakistan. Besides that there are irrefutable proofs of the direct participation of Indian military personnel in raids across the border to East Pakistan. It is obvious that as long as the border between India and East Pakistan remains violated the refugees cannot
cross it to return to their homes. Thus the tragedy of these people will not only continue but aggravate.

The Government of Pakistan strives for the peaceful end of this dangerous situation. Though it cannot agree with any interference in affairs which in essence are under its inner jurisdiction, it addressed all the countries friendly both to India and Pakistan to advise the Indian leaders to take the path of reconciliation and peace. The President of Pakistan publicly proposed to meet the Prime Minister of India “in any place and at any time”. Unfortunately this proposal was rejected.

6. As one cannot permit the situation to aggravate and in order to avert the distinctive (destructive) war between these two countries, the Government of Pakistan in the interests of peace proposed that the Committee of good offices of members of the Security Council should visit both countries, particularly the areas of present tension with the aim of relieving the threatening situation.

7. I shall be grateful if you convey to the members of the Security Council the contents of this letter. Please accept, Your Excellency, the assurances of my highest consideration.

A. Shahi
Extraordinary and Plenipotentiary Ambassador,
Permanent Representative of Pakistan
In the United Nations.

His Excellency
Mr. Pierco Vinchi
Extraordinary and Plenipotentiary Ambassador,
Permanent Representative of Italy
In the United Nations,
The Chairman of the Security Council,
New York.

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Summary of Discussions at Pakistan Ambassadors’ Conference held in Geneva on August 24-25, 1971.

A meeting of Pakistan Ambassadors was held in Geneva on Aug 24-25 presided by Foreign Secretary Sultan Khan and attended by Lt. Gen M. Umer and Information Secretary, Roedad Khan. The main points were:-

The For. Secy. Admitted that the present crisis as the biggest since 1947 and blamed India. He referred to the hostile press in the U.S.A. and the hostile press and govt. reaction in U.K. He thought that Pakistan’s case had not been understood. He mentioned the Aug 17 letter of Kosygin promising Russia’s continued desire to help Pakistan. President Nixon had also agreed to continue maintaining economic and other aids to Pakistan. China is also interested to maintain the integrity and strengthening of Pakistan. Many Arab states had told India not to interfere.

Lt. Gen. Umer believed that the military situation was under control in the absence of any organized military resistance. As such no organized military operation was necessary except repelling Indian aggression and action of saboteurs. To counter saboteurs, civil armed forces and Razakars have been organized. He admitted that the communications had been almost ruined and would take a very long time to restore. The Awami League would remain banned and some members would face criminal charges and if found guilty would lose their seats. He mentioned that some civil-ization of the administration to take place soon. Martial Law would assist civil administration. He asserted that economy had to be restored, food to be sent to areas of shortage. The future constitution would ensure autonomy as well as integrity. But according to him nothing was constant in politics.

Information Secy. Roedad Khan admitted that the image of Pakistan had been badly tarnished. He mentioned of a most resolute publicity offensive to be launched. He asserted that adequate staff and funds would be made available.

Main observations of the Ambassador/High Commissioners:

U.S.A. Mr. Z.M. Faruqi (for Agha Hilaly) said that Nixon well disposed to Pak. views as a result of Pak role in US/China rapprochement. He admitted the scepticism of U.S. public and Congressmen over Bangla Desh. The US would continue to assist the current projects. Admitted that Senetor Kennedy’s support of Awami League and refugees in India made adverse publicity for Pakistan. He believed that the establishment of civil govt. in East Pakistan would improve the image of Pakistan. He urged that intellectuals, students
from both wings to visit USA to influence the views of the U.S. govt. and the public.

**USSR. Ambassador Jamshed Marker** believes that the Russian have no intentions to sever ties with Pakistan and that the Indo-Soviet Treaty was mainly aimed to extend Russian influence in the South East Asia. He regarded the Treaty as more anti-Chinese than anti-Pakistan. Soviet Union has given no indication that the economic aid to Pakistan would be reduced.

**U.K. High Commissioner Salman Ali** said that British govt. had not seen Pak. view. He revealed that the High Commissioner had set up a Pakistan Solidarity Organisation to counter the various Bangla Desh Organisations. He blamed the British press as Jewish inspired and British TV as largely Indian inspired. He thought that the British Labour Party was bent on undoing the partition of 1947. the H.C. had been financing groups and individuals to focus Pakistani views. He also spoke of methods to befriend the Sylhetis. He advocated the insertion of advertised publicity in the *Times* and other newspaper during the visit of Mrs. Gandhi to UK and the opening of the General Assembly of the UN. He would also try to screen the Pak films on the Bengali massacres of the non Bengalis.

**China. Amb. K.M. Kaiser** said that China wanted non-intervention. He stated that China had advised for a political settlement maintaining the integrity of Pakistan. China suspects the Indian motives in supporting Bangladesh. China is ready to give aid for rehabilitation of E Pak. economy. The Chinese press did not publicize the Indo-Soviet Treaty and China believed that it is directed against China. China intends to strengthen her relations with Afghanistan, Ceylon, Nepal and Burma. China would like to see Pakistan active in the politics of Indo-China. Amb. Kaiser was not sure about the nature of Chinese help in case of a war between India & Pakistan. Private sources indicate arms shipment to Pakistan since March 25 was almost nil. Most of the Chinese weapons Pakistan now using were received during the years after 1965.

**UN. Amb. Agha Shahi** said that in the last ECOSOC meeting Pakistan got support on technical grounds and not on substance. He is afraid that in the forthcoming Gen. Assembly Session India would get strong support on Bangla Desh issue. He suggested that some drastic measures must be taken to prevent this. Restoration of civil govt. substantial return of refugees, tackling the present food shortage, postponing the trial of Sk. Mujib were some of his suggested measures. He mentioned of the hostile press in the USA. *New York Times, Washington Post, Time and Newsweek Magazines* and recommended advertised publicity. He strongly suggested that the press and TV must be made to see Pak. view at any cost. He recommended that the Pak. Delegation to UN should include East Pakistanis.
France: Amb. Dehlavi said that French press and public not sympathetic to Pak views. According to him France regarding the……………(not legible)

W. Germany: Amb. J.G. Kharas said that W. German govt. regarded this as an internal affair but India had been trying to blackmail W.G. with the threat of recognizing East Germany. He mentioned about adverse publicity made by German press and suggested that action be taken to counter this.

Canada: H.C. M.S. Sheikh said that Canada was concerned over repressive action of the Pakistan army. Both the govt. & press remained adverse after the visit of the Canadian parliamentary delegation to India and Pakistan. He stated that a Pak. students organization has been formed to publicize Pak views but he was not optimistic about any appreciable change in the press or of the Govt. of Canada.

Italy: Amb. Hamid Nawaz Khan said Italian Govt. had not suspended its aid to Pakistan even after the suspension of aid by the Consortium. Some aids for the Tarbela project is still on the pipeline. He mentioned about the Italian press being unsympathetic (because of the murder of Catholic priest.)

India: H.C Sajjad Hyder said that the Indian Foreign Office trying its utmost to influence the foreign ambassadors. He did not agree that Indo-Soviet treaty would restrain Mrs. Gandhi in her plan to recognize Bangladesh. He believed that India and Russia may have some agreement on future actions with regard to Bangladesh.

Switzerland: Amb. Afzal Iqbal said that the Swiss govt. was very much distressed at the human misery in the East Pakistan.

Austria: Amb. Enver Murad said that the Austria govt. had shown great anxiety over the reported loss of human lives as well as influx of refugees into India. Austrian press had been very critical of Pakistan action in East Pakistan.

Turkey: Amb. Iftikhar Ali said that although the Turkish govt. was committed to assist Pakistan both Turkish press and public were divided on this issue. He did not foresee any favourable change in their attitude towards Pakistan.

Poland: Amb. Bashirul Alam said that the Polish govt. did not agree with the contentions of the Pak. Govt. Polish govt. greatly concerned over the refugee problem. Polish press was critical of Pakistan and held it responsible for the E.P. tragedy. He also did not foresee any appreciable change in the position of either of the Polish press or govt.

Spain: Amb. Maj. Gen Syed Abid Ali said that the Spanish govt. completely understood Pakistan stand. Spain not only fulfilled with promptitude all the arms order placed with them but had offered additional supplies at favourable terms. But some of the press were critical of Pakistan.
Czechoslovakia. Amb. Kamaluddin said that the Czech govt. as well as press were anxious about the Pakistan tragedy and urged for a political settlement.


Argentina: Amb. Abdul Homin arrived after the meeting had ended.

Ghana : H.C  S.A. Moid said that the Ghana govt. followed neutral policy.

Bulgaria:  Amb. Mustapha Kamal did not much of any importance (sic).

Netherlands: Amb. R.S. Chatari said that the Dutch govt. was greatly perturbed over the human misery. Holland was distressed over the unilateral moratorium decision. But Dutch govt. had agreed to lease out 7 Coasters on payment of 2.8 million dollars.

Nigeria : H.C Samiullah Koreshi said that Nigeria supported Pakistan since Nigeria herself suffered from such a secessionist revolt.

Belgium: Amb. Masood said that neither the press nor the govt. did appreciate the stand of Pakistan govt.

Yugoslavia : Amb. I.A. Akhund said that the Yugoslav govt. was friendly disposed towards Pak. but did not agree that the revolt was India-inspired. He also reported of very active part played by one Mr. Bam of India at present Head of UNDP in Belgrade.

The following decisions were reached:


2. The foreign press to be allowed into Pakistan for reporting and treated nicely and must be won over at all costs.

3. All Pak missions should take serious steps to cover press, TV, radio through articles, demonstrations and letters to the editor.

4. The Parliaments, universities must be made aware of Pakistan position.

5. A micro-institute under a few scholars or officials be set up in Switzerland to disseminate Pakistani views.
0609. Press Note of the UN Press Section regarding the Indian complaint to International Court of Justice on the hijacking of Indian aircraft to Pakistan.


United Nations
Press Section
Office of Public Information
United Nations, N.Y.

Press Release ICJ/290 7 September 1971

World Court to Consider New Case Brought by India Against Pakistan

On 30 August, the Government of India filed in the Registry of the Court an Application instituting proceedings against Pakistan.

The case has its origin in India’s decision in February 1971 no longer to permit the overflying of its territory by Pakistan aircraft. The case concerns the question of whether the Council of the International Civil Aviation Organization (ICAO) – a specialized agency of the United Nations – has jurisdiction to deal with a complaint by Pakistan against that decision.

The Application states that India and Pakistan are parties to two instruments concluded at Chicago in 1944: the Convention on International Civil Aviation and the International Air Services Transit Agreement. Under these two instruments, aircraft of each of the two countries had the right to overfly the territory of the other. According to the Application, this regime was suspended during a period of hostilities between the two States in August-September 1965 and was never revived. In February 1966, the two Governments concluded a special agreement under which a new concession to overfly each other’s territory was granted, but on a provisional basis, on the basis of reciprocity, and subject to the permission of the Government concerned. After the diversion of an Indian aircraft to Pakistan and its destruction at Lahore airport (30 January – 2 February 1971), the Government of India suspended overflights of its own aircraft over Pakistan territory and withdrew permission for Pakistan aircraft to overfly the territory of India.

On 3 March 1971, Pakistan submitted the matter to the ICAO Council, which is empowered to deal with disputes concerning the interpretation or application of the 1944 Convention and Agreement. India argued that the Council had no Jurisdiction in the present dispute, which related on the contrary to the termination or suspension of these two instruments in so far as they concern overflights between
two States. On 29 July 1971, the ICAO Council decided that it had jurisdiction. In its present Application, India, on the basis of article 84 of the Convention and Article II of the Agreement, appeals from that decision to the Court.

The Application claims that:

(a) the ICAO Council has no jurisdiction to handle the matters presented by Pakistan, as the 1944 Convention and Agreement have been terminated or suspended as between the two States:

(b) the ICAO Council has no jurisdiction to consider Pakistan’s complaint, since no action has been taken by India under the Agreement; in fact no action could possibly be taken by India under the Agreement since that Agreement has been terminated or suspended as between the two States;

(c) the question of Indian aircraft overflying Pakistan and Pakistan aircraft overflying India is governed by the special regime of 1966 and not by the Convention or the Agreement of 1944. Any dispute between the two States can arise only under the special regime, and the ICAO Council has no jurisdiction to handle any such dispute.

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0610. Special Statement of Pakistani President Yahya Khan.

Islamabad, September 18, 1971.

As you are aware my aim has always been to have constitution framed by the elected representatives of the people. When on the 28th of November 1969 I announced my plan for the transfer of power, I discussed various alternatives for framing the constitution of our country and I adopted a democratic programme of having a constitution framed by the elected representatives of the people. Unfortunately my original plan received a very serious setback by the developments in East Pakistan.

I have always maintained that the shock the country received due to the crisis in East Pakistan will not be allowed to jeopardize my aim for the transfer of power to the elected representatives of the people. In my statement of June 28 this year I declared that because of deadlock created by the crisis in the Eastern wing I had no alternative but to get the constitution prepared by a committee in consultation with political leaders and constitutional experts which will contain a normal amending procedure in the constitution itself.
However, after careful thought and detailed consultations with political leaders I have come to conclusion that the constitution which will be prepared by a committee of my officials should be presented to the National Assembly and once the assembly meets in its full strength i.e. when bye-elections have been held, the assembly shall discuss the constitution and if any member puts forward any constructive amendment for improvement he should have an opportunity to do so.

In order to enable the members to bring forward such amendment I have evolved a simple method for the initial period of three months. An amendment may be passed by the house by a simple majority which must include a consensus of all the federating units. If any amendment is presented to me, after having been passed by the National Assembly, in the manner specified earlier, and if I give my assent to the amendment after full consideration in the national interest, it will then be incorporated in the constitution.

If, on the other hand, it is found that the amendment is unacceptable in the national interest it will be returned to the assembly for reconsideration. The Assembly may return it to me for reconsideration with modifications, or in the original form. I will at that stage, reconsider it and if it is still found unacceptable the amendment will then have to follow formal amending procedure provided in the constitution itself.

Thus a period of 90 days will be allowed for the Assembly to discuss and put forward any amendment it considers necessary. After the Assembly has had an opportunity to discuss and debate fully and thoroughly the constitution within a period of 90 days, the constitution will then cease to be provisional and will be given a final shape. The whole object of this procedure is to offer to the representatives of the people an opportunity to make improvement in the constitution which I had of necessity to get prepared by a committee.

As it must be evident to you by now, I have never had any desire to impose a constitution on the country, nor do I have such a desire now. The main reason from getting this constitution prepared by a committee was to hasten and facilitate the process of transfer of power. At the same time the elected representatives of the people will have full opportunity to discuss, debate and make improvements in the Constitution.

I sincerely believe that this is how the exigencies and urgencies of the crisis can be reconciled with the expression of the people’s will.

At the end, I should like to reiterate that I would be only too glad to accept amendments as long as those changes do not adversely affect the territorial integrity and solidarity of our nation, or the ideology on which Pakistan is based.

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0611.  

SECRET

Letter from Pakistan Ministry of Foreign Affairs to its Missions abroad.

Islamabad, September 30, 1971.

Government of Pakistan
Ministry of Information & National Affairs
(External Publicity Wing), Islamabad

No. 14(14)/71 – OSD(III) September 30, 1971

Subject :- Anti-Pakistan gramophone record entitled ‘Bangla Desh’.

A song is English entitled ‘Bangla Desh’, sung by George Harrison, a member of the Beatles’ Trio, is being sold commercially in U.K. and several other countries. The BBC and Radio Kuwait are reported to have played this record on August 29. It contains hostile propaganda against Pakistan.

Press Counsellors, Press Attaches and Missions are requested to get in touch with their contacts in the radio organizations in their respective areas and advise them to have this excluded from broadcasts.

Press Counsellors in London is requested to send us a disc of this song so that we may consider an official ban on its entry or playback in Pakistan.

Sd/- S.A. Hussaini, TQA
Officer on Special Duty.

All Press Counsellors and Press Attaches (By name).
All Missions without Press attaches (by name).

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SECRET

Letter from Pakistan Ministry of Foreign Affairs to its Heads of Mission abroad.

Islamabad, October 1, 1971

Ministry of External Affairs
Islamabad

From: Mr. Naseem Mirza, PFS. Director (UN)

No. UN(I)-1/24/71 October 1, 1971


My dear Ambassador/High Commissioner,

I enclose herewith for your information the extracts from the ‘Introduction to the report of the Secretary-General on the work of the Organization’ relating to Kashmir and East Pakistan.

2. In para 130 of the Introduction (Annexure I) (Not reproduced here) the Secretary General has mentioned Kashmir as one of ‘the great issues or hard core problems of our time’.

3. As regards East Pakistan (Annexure II) you may please usefully exploit the portions which are favourable to Pakistan, whenever a suitable opportunity presents itself, in your discussions with the officials of the Governments of your accreditation. It may please be explained that the UN Secretary-General has reiterated that the developments in East Pakistan are purely an internal affair of Pakistan and that the return of refugees is being hampered by the Indian infiltrators.

With kind regards,

Yours sincerely

Sd/- Naseem Mirza

All Heads of Pakistan Mission abroad.

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ANNEXURE II

EAST PAKISTAN

177. The civil strife which erupted in East Pakistan in March 1971, and its aftermath, are the matters of deep concern to me as Secretary-General of the United Nations. While the civil strife in itself is an internal affair of Pakistan, some of the problems generated by it are necessarily of concern to the international community. The recent events in East Pakistan, following on the cyclone disaster of last November, have resulted in extensive loss of life, destruction and disruption. The plight of much of the population is serious, and millions of people have fled to the adjacent states of India bringing to the Indian authorities overwhelming health and relief problems and imposing an intolerable burden upon their already strained resources. International assistance on an unprecedented scale was urgently needed both for the relief of the distressed people in East Pakistan and for aid to the East Pakistan refugees in India.

178. I expressed my concern over this situation to President Agha Mohammad Yahya Khan shortly after the events of March 1971 and have been in continuous touch with the Governments of Pakistan and India, both through their Permanent Representatives at the United Nations and through other contacts. In these exchanges I have been acutely aware of the dual responsibility of the United Nations, including the Secretary General, under the Charter both to observe the provision of Article 2, paragraph 7, and to work, within the framework of international economic and social cooperation, to help promote and ensure human well-being and humanitarian principles.

179. It was with this latter responsibility in mind that I appealed for assistance both for the East Pakistan refugees in India and for the population of East Pakistan. In order to channel the assistance given in response to those appeals, I designated the United Nations High Commissioner for Refugees as the focal point for assistance to the refugees in India and assigned, with the agreement of the Government of Pakistan, a representative in Dacca in order to make as effective use as possible of the international assistance made available for the relief of the population of East Pakistan. In addition to those two emergency relief operations, the High commissioner has initiated, with my full concurrence, an effort to facilitate the voluntary repatriation of the refugees now in India.

180. At its meeting on 16 July 1971, the Economic and Social Council held a full discussion of these operations, based on the statements made in the Council by the High Commissioner and the Assistant Secretary-General for Inter-Agency Affairs. At the conclusion of this discussion, the President of the Council expressed full support for the action taken by the Secretary-General.

181. Substantial contributions have been promptly offered in response to my appeal for the refugees in India. However, the money and supplies made
available are not nearly sufficient, and the Indian Government still faces the appalling and disruptive problem of caring for millions of refugees in its territory for an unforeseeable period of time.

182. The response to my appeal for the relief operation in East Pakistan, particularly in its initial phase, has been far from sufficient or adequate to the magnitude of the task. In this connection, I should mention that in my dealings with the Government of Pakistan, I have been at pains to emphasize the necessity of being able to give to the donor countries appropriate assurances that their contributions will reach their intended destination – the people of East Pakistan.

183. Efforts to bring about the repatriation of the refugees have so far been unavailing. Since President Yahya Khan announced his agreement to allow the East Pakistan refugees to return on 25 May, only an insignificant number of refugees have done so, and, according to Indian and other sources, the total number of the refugees in India has steadily increased.

184. The crux of the matter is that international and government efforts in East Pakistan are increasingly hampered by the lack of substantial progress towards a political reconciliation and the consequent effect on law, order and public administration (of) the region. There is a danger that serious food shortages, and even famine, could soon add to the sufferings of the population unless conditions can be improved to the point where a large scale relief programme can be effective. Equally serious is the undoubted fact that reconciliation, an improved political atmosphere and the success of relief efforts are indispensable prerequisites for the return of any of the refugees now in India. The situation is one in which political, economic and social factors have produced a series of vicious circles which largely frustrate the efforts of the authorities concerned and of the international community to deal with the vast humanitarian problems involved.

185. These human tragedies have consequences in a far wider sphere. The violent emotions aroused could have repercussions on the relations of religious and ethnic groups on the subcontinent as whole. The relations between the Governments of India and Pakistan are also a major principles of the territorial integrity of States and self determination has often before in history given rise to fratricidal strife and, in recent year, has provoked highly emotional reactions in the international community. In the present case, there is an additional element of danger for the crisis is unfolding in the context of the long-standing and unresolved difficulties between India and Pakistan – difficulties which gave rise to open warfare only six years ago. Although there can be no question of the deep desire of both Governments for peace, tension between them shows no sign of subsiding. The situation on the borders of East Pakistan is particularly
disturbing. Border clashes, clandestine raids and acts of sabotage appear to be becoming more frequent, and this is all the more serious since refugees must cross this disturbed border if repatriation is to become a reality. Nor can any of us in the United Nations afford to forget that a major conflict on the subcontinent could all too easily expand.

186. In tragic circumstances such as these, it is all too easy to make moral judgements. It is far more difficult to face up to the political and human realities of the situation and to help the people find a way out of their difficulties. It is the latter course which, in my view, the United Nations must follow.

187. In the light of the information available to me, I reluctantly came to the conclusion, by mid-July, that the time was past when the international community could continue to stand by, watching the situation deteriorate and hoping that relief programmes, humanitarian efforts and good intentions would be enough to turn tide of human misery and potential disaster. I was deeply concerned about the possible consequences of this situation, not only its humanitarian aspect, but also the potential threat to international peace and security and the bearing it might have on the future of the United Nations as an effective instrument for international co-operation and action. It seemed to me that the tragic situation arising from these events, in which humanitarian, economic and political problems were mixed in such a way as almost to defy distinction, presented a challenge to the United Nations as a whole which must be met.

188. For these reasons I felt it was my duty, as Secretary-General, to bring this problem to the attention of the Security Council. I did so on 20 July by means of a memorandum to President of the Council. In that after outlining the considerations set forth above, I stated that the political aspects of this matter were of such far-reaching importance that the Secretary-General was not in a position to suggest precise courses of action before the members of the Security Council had taken note of the problem. I believed, however, that the United Nations – with its long experience in peace-keeping and with its varied resources for conciliation and persuasion – must and should play a more forthright role in attempting both to mitigate the human tragedy and to avert a further deterioration of the situation. I expressed the view that the Security Council, the world’s highest body for the maintenance of international peace and security, was in a position to consider, with the utmost attention and concern, the situation on the subcontinent and to reach some agreed conclusions as to measures which might be taken. My primary purpose was to provide the basis and opportunity for such discussions to take place and to express my grave concern that all possible means should be explored to resolve this tragic situation.

189. At about the same time as I submitted this memorandum, which is related to a concern for international peace and security, I made a humanitarian
proposal, also in the exercise of my responsibilities and within my competence as Secretary-General, aimed at facilitating the process of voluntary repatriation of refugees by establishing on both sides of the border a limited representation of the United Nations High Commissioner for Refugees. As an initial step, I suggested that such representatives should be stationed in two or three areas to be selected by the two Governments, in consultation with him. The Government of Pakistan accepted my suggestion, but the Government of India did not on the grounds that it was not preventing the refugees from returning to East Pakistan.

190. Recently I also took an initiative for the strengthening of the United Nations relief operation in East Pakistan. On the recommendation of my representative in Dacca, I approved a plan to increase considerably the United Nations personnel for this operation, thus greatly improving its effectiveness. This would also put the Organisation in a better position to assure the international community, and donors in particular, that all supplies reach their destination – the people of East Pakistan. It is my hope that with this strengthening of the United Nations operation, more contributions will be obtained for the relief and rehabilitation that are so urgently needed in East Pakistan.

191. In a disaster of such vast proportions, the international community has a clear obligation to help the Government and peoples concerned in every possible way. But, as I have indicated, the basic problem can be solved if a political solution based on reconciliation and the respect of humanitarian principles is achieved.
Letter from Pakistan Foreign Secretary to Pakistan Ambassador in Paris.

Islamabad, October 2, 1971

IMMEDIATE

From: Sultan M. Khan, S.Pak; SQA; PFS
Foreign Secretary
Ministry of Foreign Affairs
Islamabad

My dear Ambassador/High Commissioner

The French Ambassador, who has returned recently after spending a few weeks on leave in France, called today. The purpose of the visit was to tell me that he expected worsening of the French public attitude against Pakistan in the coming weeks. I expressed surprise at this and enquired why this should be so when things were beginning to get better in Pakistan. At the peak of the crisis, I pointed out, the French public opinion had remained objective.

2. The Ambassador replied that it was also difficult for him to understand why it should be so and his feeling was based mainly on what he had heard during his stay in France from different quarters. Probably, it was the accumulated result of the publicity which had been going on and which had tarnished Pakistan's image. He knew, for example, that some members of Parliament would make statements when the session opens in early October. Moreover, people like Mr. Malraux, although not representing any one, had a certain hold on sections of public opinion, and their antipathy towards Pakistan would influence others. The Ambassador was at some pains to emphasise that the attitude of the French Government remained as it was before and pointed out that recently at a press conference President Pompidu had reaffirmed his Government's known position about the situation in Pakistan.

3. I asked the Ambassador what could be done to meet the anticipated adverse trend. He made the following remarks which, in my opinion, are valid and need to be pursued.

1. People at large in France do not understand the details of our case. For instance, when the Indians say that there should be a settlement between the elected representatives of the people in East Pakistan and the Central Government in Islamabad, it falls on willing ears, and people see nothing
wrong with it. Great importance is attached in France to matters like representation, elections, self determination etc. It was for this reason that throughout the history of the dispute France has supported Pakistan’s stand on Kashmir. It has to be explained repeatedly by us that those who were elected changed their mandate and instead of autonomy for which trust had been placed in them by the electors, they sought secession. In other words, a group of self-seekers betrayed the trust of the people.

(ii) Further, we should never get tired of informing the French that Pakistan accepted U Thant’s proposal for stationing UN Observers; Pakistan also proposed the Good Offices of the UN Security Council to de-fuse the situation; the President of Pakistan accepted the initiative of the Shah of Iran to meet Mrs. Gandhi at Tehran but India rejected all these moves.

(iii) The formation of the civilian Government in East Pakistan headed by an East Pakistani Governor, and a Cabinet composed entirely of East Pakistanis was an interim measure to hold by–elections for which dates had been set. Thereafter transfer of power will take place to the elected representatives of the people.

4. To the above, I would add the following:

(a) India says that she will not accept UN observers or a Good Offices Committee of the Security Council, but she insists on raising Pakistan’s internal matters in the General Assembly and in other bodies of the UN. There could be no greater example of contradiction.

(b) India does not desire transfer of power to the representatives of the people, and as the internal situation gets better, she is intensifying interference through infiltrators and also massing her armed forces around East Pakistan as well as on the borders of West Pakistan to threaten and browbeat us and to prevent by-elections from taking place. Her objective is that the longer the stalemate continues the greater would be the economic burdens on Pakistan as well as the political complications not only in East Pakistan but also in West Pakistan.

(c) Mr. Brezhnev is expected to pay a visit to Paris soon. It would be very timely if our official views on different aspects of Indian interference and the obstructions they are placing in the way of the return of the displaced persons are once again brought to the attention of the French Government. Emphasis should be made on the mounting threat to breach of peace. In recent days there have been three major incidents of infiltration resulting in heavy casualties to infiltrators. Nearly eight Divisions are encircling East Pakistan. These are distinct from the Divisions available to India facing China. Eight Divisions are massed along the frontiers in West Pakistan. Indian Air Force has activated
airfields closer to Pakistan in both wings, inducted sophisticated supersonic aircraft there, and also moved forward Air Force tactical headquarters nearer the scene of operations. Nearly 60 percent of the Indian Navy is deployed near Bombay and the remaining at Vishakapatnam, on the East Coast. All these preparations point only in one direction: Conflict.

5. The President will be addressing President Pompidu separately in the near future in time for the visit of Mrs. Gandhi, but it is also necessary to brief the French Government in time for Mr. Brezhnev’s visit. Since he will be coming to Paris after Mrs. Gandhi’s visit to Moscow, it is possible that the subject of continued threat to peace in the sub-continent may come in discussions in Paris, and we should try, through the French, to gather some indication of the latest Soviet thinking. This would be most useful.

6. Reverting to what the French Ambassador had to say and suggest, kindly redouble the efforts of the Embassy, at all levels of public opinion to present Pakistan’s point of view again and again. Everyone tends to get excited about the sufferings of the displaced persons, but if we can get some Members of parliament and other leaders of public opinion to refer to the numerous constructive steps which Pakistan is taking regarding their return and rehabilitation and in the political field and by contrast, the difficult attitude which India has adopted, it would be most helpful to our cause. It would also be immensely useful if the French could invite Mr. Brezhnev’s attention to these steps taken by Pakistan, and add that Pakistan needs time and uninterrupted peace to resolve the complicated problems facing her.

Yours sincerely

Sd/- Sultan M. Khan

H.E. Mr. S.K. Dehlavi, HQA, SPK, PFS.,
Ambassador of Pakistan, Paris.

Copy to all Heads of Pakistan Mission abroad.

Since the points raised in this letter are of general application to most of our Missions, a copy is being endorsed for similar action in countries of their accreditation. In Socialist and other countries where circumstances do not permit an approach to parliamentarians and other sections of public opinion, action should be taken at the level of Government.

Sd/- Sultan M. Khan
Foreign Secretary
SECRET

Letter from Pakistan Ministry of Foreign Affairs to all its Missions abroad.

Islamabad, October 6, 1971

Government of Pakistan
Ministry of Information & National Affairs
External Publicity wing (PSY-War Cell), Islamabad

No. 4/80/70-OSD(PW)48. 6th October, 1971.

Subject: Secessionist/regional movement and anti-centre feeling in India

Dear Missions/Departments,

In continuation of our Counteraction circular letter No. 44, issued on 30th September, 1971 on the subject mentioned above, your attention is invited to the Reuter story, which appeared on the front page of the Pakistan Times dated October 4, 1971 under the heading 'Sikh case before UN' for suitable exploitation in exposing the suppression/betrayal of the Sikh community of India by the ruling circles of New Delhi. In this connection, also please note the PPI News item entitled ‘Sikh volunteers being treated as criminals’ which was published in the Pakistan Times, Rawalpindi on October 5, 1971. These papers have already been supplied to you by the PID.

Yours ever

Ministry

TO ALL MISSIONS

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SECRET

Letter from Pakistan Ministry of Foreign Affairs to its Missions abroad.

Islamabad, October 8, 1971.

IMMEDIATE

From: Aftab Ahmad Khan, SQA; S. K; PFS
Director General
Ministry of Foreign Affairs, Islamabad

No. 14/42/71 – I (V) October 8, 1971
My dear Ambassador,

In advance of Mrs. Indira Gandhi’s visit, it is necessary that the Government of your accreditation should be fully briefed about the critical situation in the subcontinent resulting from India’s persistent intervention in our internal affairs and continuous violations of our borders. In this connection, the main point to emphasize is that whether it be for the creation of a climate conducive to the return of displaced persons or for the normalization of situation on the borders, it is essential that further deterioration in Indo-Pakistan relations should be arrested and that India and Pakistan should work out ways and means to reduce tension. For this purpose, Pakistan has been willing to hold discussions with India at any level. India, on the other hand, had contended that it was not a party to any dispute and that its concern was limited to the return of displaced persons.

2. We are confident that no one will be misled by the Indian argument. India’s insistence on a political solution of the East Pakistan problem in a particular manner prior to its agreement to allow the displaced persons to return, is a clear proof of its determination to dictate us about our own affairs. Further, its support to those who have disintegration of Pakistan as their objective, puts the responsibility for the creation of present tension squarely on India’s shoulders.

3. All the countries which are friendly to India and Pakistan and which are interested in the maintenance of peace in the sub-continent should, therefore, urge upon India the need for entering into negotiation with Pakistan for reducing tension and defusing the present critical situation.

4. Furthermore, the nature of Indo-Pakistan relations is such that controversies are bound to arise between the two countries about the procedures for the return of displaced persons as well as on the ways and means for reducing tension. It is, therefore, necessary that as proposed by U. Thant, the U.N. Observers should be posted on the both sides of the border. In addition, a good offices mission of the U.N. Security Council as requested by Pakistan should also visit the areas of tension. These are specific and constructive proposals which in our view should prove effective and helpful in the present situation.

5. The Government of your accreditation should be requested to use its good offices with India for accepting the above mentioned proposals. In case they have any alternative suggestion to offer, Pakistan will be glad to give it serious thought.

Yours sincerely

Sd./- Aftab Ahmad Khan
Islamabad, October 12, 1971.

My dear countrymen,

I am addressing you today in a matter of grave concern to all of us. As you are aware, hostile forces which opposed the establishment of Pakistan have never accepted its existence and have been constantly on the look out to weaken us and to ultimately destroy the country. In spite of your sincere endeavours towards amity and friendship over the past 24 years, I regret to say that India has never missed any opportunity to bring harm to Pakistan. Her hostile designs towards us have been evident from a number of actions that she has taken and continues to take against us. The forcible occupation of Kashmir, attack on Pakistan in 1965, the construction of the Farakka barrage, despite our persistent efforts to point out the terrible miseries that it would cause to the people of East Pakistan, are some of the major examples of India’s efforts to weaken us and to harm us in every possible way. There are innumerable instances of their ill-will towards Pakistan.

India’s latest efforts to disintegrate Pakistan are well-known to every one of you. She has tried to cut away East Pakistan from the rest of the country in collusion with certain secessionists in that wing by assisting the miscreants with arms, ammunition, funds and sending infiltrators to cause damage to life and property of patriotic East Pakistanis. She has shelled and continues to shell a number of areas in that wing with artillery and mortars. The world is gradually coming to know that all major sabotage activities like the blowing of bridges, disruption of communications in East Pakistan are being conducted by Indian infiltrators in the name of the secessionist. Frogmen— saboteurs trained and sent by India attempted to damage food ships in and around the ports in East Pakistan. Of course they have been dealt with by our armed forces but by such acts India’s aim cannot be anything else but to create famine conditions and starve the people in East Pakistan. So much for their claims of sympathy for the people of our Eastern Wing.

In addition to these hostile activities, India has moved forwards armed formations of all types including infantry, armour, artillery all along our borders of East Pakistan. Similarly, Indian Air Force units have been located in positions from where they can secure a direct hit to that wing. In Western zone also, a large number of units and formations have been moved out of their peace stations and brought forwards towards our borders.

It is obvious from these moves and posture adopted by her armed forces that there is a serious possibility of aggression by India against Pakistan. These
feverish military preparations can lead to but one conclusion and that is she can launch a war of aggression against Pakistan at short notice.

While there is no reason for undue alarm, I have described to you the hostile moves of India as the nation must know and realize the dangerous situation the country is facing today. However, let me assure you that the Government and the armed forces are fully alive to the situation and are aware of the imminent danger of aggression by India in both wings. Your valiant armed forces are fully prepared to defend and protect every inch of the sacred soil of Pakistan. With complete faith in the righteousness of their cause and the trust and help of Allah, our armed forces will successfully meet the challenge of aggression as they have done in the past.

But let me remind you that in the event of war or equally grave emergencies, it is not enough that only the Government and the armed force should be ready to meet the challenge. Each one of you has a responsibility and duty to perform. In the present critical situation, every one must work hard with the spirit of a true Mujahid in his own particular sphere.

With the aggressive forces on our door step, we must sink all our differences, throw parochial and provincial prejudices, eliminate suspicion and mistrust. I have no doubt that people will rise to the occasion and join hands with their armed forces to meet the challenge to her security, integrity with patriotism and courage. Indian leaders by their bellicose statements have left no doubt in anybody’s mind about their intention. They have been openly talking about the unilateral aggression against Pakistan and some of them have deliberately sought to whip up war frenzy. A number of important Indian leaders have been visiting foreign capitals to vilify and malign Pakistan and to solicit support for the cause of the secessionists who have crossed over to India. The world, however, can see through the Indian game. It cannot be hoodwinked by her propaganda. All peace loving countries of the world have understood with sympathy the problem we are facing and striving to resolve.

A number of friendly countries have given us assistance directly and through the UN for the relief and rehabilitation of displaced persons and for the reconstruction of East Pakistan’s economy. I would like to express my grateful thanks to them.

We have been gratified by the reassuring attitude of a very large number of countries who have fully supported the stand that events in East Pakistan are our internal matter and that no one has any right to tell us how to conduct our affairs.

Recently I sent envoys to call on the leaders of some African and Latin American countries who have supported us in upholding our action in suppressing the internal rebellion and disorder. Messages of solidarity with our cause have
been received from friends in the Muslim world, a number of Asian and African countries. We deeply appreciate the friendship and support of the Government of the People's Republic of China in our just stand. The understanding shown by the US Government in the present situation is an important contribution for the principle that every nation has a right to find a solution to its own problems.

I have noted with interest the keen desire of Premier Kosygin expressed during a recent speech at Moscow that for the maintenance of peace in the sub-continent the Soviet Union will do everything possible in the event of breach of peace. I welcome this and sincerely hope that the Soviet Union would use its influence to persuade India to refrain from indulging in acts which would lead to an armed conflict. I however, regret that Premier Kosygin made no mention of the various positive steps taken by me to transfer power to the elected representatives of the people as well as to facilitate the return and rehabilitation of displaced persons. Many proposals by the United Nations like posting of UN Observers to facilitate the return of displaced persons and diffusing the explosive situation on the borders have been welcomed by us but spurned by the Indians. This is not the way towards peace.

As a result of the amnesty granted by the Government and as a result of the arrangements made for their rehabilitation, about two hundred thousand displaced persons have come back to Pakistan. but India is still holding back a large proportion, although their number is grossly exaggerated by Indians. In this regard we would welcome international agencies to assess the correct number of displaced persons. This proposal has also been turned down by the Indians.

The obvious conclusion one can draw from this is that she has bloated the figures of the displaced persons for one purpose alone. And that is to extract maximum external aid under false pretences. She is forcibly keeping displaced persons in a pitiless state in stinking slums and does not allow them to return home.

We would be grateful for all friendly countries if they would influence India to resolve the issue of displaced persons as a human problem instead of making political and financial capital out of this. Let them return to their homes. The international community should also impress upon India the need to desist from interfering in our internal affairs and to withdraw her forces from her borders. This is the only solution for reducing tension in this area. The alternative is this will lead to a disastrous war which will lead to colossal damage to life and property in both the countries.

It is our sincere belief whether it be for the creation of a climate conducive to the return of displaced persons or for the normalization of the situation, it is essential that India and Pakistan should work out ways and means to reduce tension and allow normalcy to return at the very earliest.
Having this in mind we have accepted in the past and will always be prepared to consider any positive initiative from any quarter which would help to realize this objective. Here I would like to address a word to my countrymen who are living abroad and who are misled by the horrifying tales borne by the imagination of Indian propagandists and their foreign protagonists. I am glad that facts are now becoming known to them. I wish it is possible for them to come home to see for themselves and to discover how the Indian propagandists have distorted the truth.

I have repeatedly said and I say it again that we are a peace loving country. We want to live in peace with all the nations of the world, particularly our neighbours. We have no desire to interfere in the affairs of other people. Nor shall we allow other to interfere in ours. Undisturbed and lasting peace is essential for the prosperity and well being of our people. We have throughout done our utmost to avoid conflict and exercised every restraint in the interest of peace. However, unilateral efforts by us only in such a situation are not enough. There has to be response and reciprocity from India. We know and I hope that our neighbours also realize that armed conflicts do not solve any problem. In fact, more problems are created. Though the problems hamper peace and progress, we believe firmly that all outstanding issues between our two countries including those of Kashmir, and the Farakka Barrage should be settled peacefully in a just and equitable manner. While we desire peace, we are fully prepared to defend and protect our territorial integrity and sovereignty. Let there be no misunderstanding or miscalculation on this account.

I would now like to apprise you of the details of my plan for the transfer of power which I announced on the 28th of June this year and which was followed by a statement by me on the 18th of September this year. I might mention here that the plan was fully discussed with the political leaders and they were informed in clear terms of what I was going to announce. As you are aware, I have already taken certain steps towards the fulfillment of my plan. Arrangements have been made by the Chief Election Commissioner to hold bye-elections to fill the vacancies in the National Assembly as well as the Provincial assembly in East Pakistan. The Constitution will be published by the 20th of December this year. The National Assembly will be summoned on the 27th of December this year. You are also aware that the National Assembly will have every opportunity of suggesting amendments in the Constitution and a special procedure for facilitating this work has been evolved for the initial period of ninety days. This procedure would be that the Assembly may propose an amendment to the Constitution by a simple majority of the total number of seats of the Assembly and consensus of provinces, that is to say, a minimum of twenty five percent of total seats of each province. For purposes of arriving at these figures, a fraction will be taken as a whole. I might add that this period of ninety days include the time taken for consideration or reconsideration of the proposed amendments by me.
I thus visualize that the proposed amendments will continue to be submitted to me throughout this period from its commencement. The last amendment, however, may be submitted to me by the House not later than eighty days from the commencement of the three month period in order to give me at least ten days for such consideration or reconsideration. The completion of the whole process will not exceed the total period of ninety days. The polls for the National Assembly will be completed on the 23rd of December. The National Assembly will be summoned to meet on the 27th of December under the chairmanship of the oldest member of the House who will be nominated by me. This will be followed by oath taking by the members and the election of the Speaker and the Deputy Speaker.

4. Now, in order to accelerate the process of transfer of power, the Central Government will be formed soon after the inaugural session of the National Assembly. The ninety day period for submission and consideration of amendments will commence after the Central Government has been formed. The Provincial Assemblies in West Pakistan can be summoned at short notice after completing the bye-election for women's seat, and a few other bye-elections.

5. As regards East Pakistan, the election schedule for bye-elections for the Provincial Assembly has already been announced by the Chief Election Commissioner, that is to say, bye-elections for 105 seats are being held along with the 78 Seats of the National Assembly from the 12th of December to the 23rd of December.

The polls for the balance of 88 seats of the Provincial Assembly will be held from the 18th December to 7th January. The way for the functioning of the provincial assemblies in the provinces will thus have been cleared and stage for the formation of governments in these provinces would have been set.

I have explained my plan for the transfer of power in detail now. As I have said earlier, this plan was made fully known to the political leaders and now I have explained it to the nation. There should be no longer any cause of speculation. While I would expect all political parties to sincerely devote their attention towards the fulfillment of this plan, I would appeal to the leaders of the nation not to forget the grave danger of external and internal threats to the solidarity and integrity of the country. The stakes are so high, the dangers so grave, that on no account should we be diverted from our main objective, the defence of this country, and the achievement of a democratic way of life. Any action or statement by anyone of you in this country, which would divert the nation from these main aims cannot obviously be patriotic. I would like to appeal to my nation, particularly to the national press and the political leaders, to desist from causing or giving air to speculation and rumours which if not
curbed, can only seriously hamper the process that I have spelt out earlier to you. It would only gladden the hearts of enemy. Let the nation turn up as one man and march ahead towards the achievement of our goal. Let us show to the world what stuff we Pakistanis are made of. I have no doubt in my mind that the people of Pakistan whose love of the Holy Prophet, whose great strength is that of their Iman (religion), who rely on the help of Allah, will rise to the occasion and meet any challenge from any direction.

In the end, I would again like to impress upon you that there is no cause for undue alarm but there is certainly no room for complacency. The situation must be faced in a calm, cool manner. We must remain vigilant, make full preparations to meet any threat to our integrity and sovereignty. Let us sink all our differences and we must once again prove to those who have designs against us that we are a united nation firmly resolved to frustrate their plans. No power on Earth can cow down a nation of 120 million Mujahids of Islam determined to guard their independence and fulfil their destiny. Let us demonstrate it once again that every single citizen of Pakistan is capable of making the supreme sacrifice for the just and noble cause, defence of this land. May Allah help us and grant us success in protecting Pakistan, restoring democracy, raising the standard of living of our people. God be with you and bless you all. PAKISTAN PAINDABAD.

0616. Reply of President Yahya Khan to UN Secretary-General’s message of 20th October, 1971.

Islamabad, October 20, 1971.

Excellency,

I have today received your message of October 20, 1971, through my Ambassador.

I fully agree with your appreciation of the gravity of situation which is worsening rapidly on Indo-Pakistan borders. I also fully share your concern for preservation of peace and prevention of a disastrous situation developing for both the countries which could only result in suffering for millions of people. Already as a result of shelling of border villages on our side hundreds of men, women and children have been killed and wounded and large numbers rendered homeless.)
It is a pity that a press conference in New Delhi on October 19, 1971, the Indian prime Minister has summarily rejected the proposal for withdrawal of forces of both countries from borders. The reason advanced for this is that Pakistan's lines of communications to borders are shorter than those of India. I do not wish to enter into a controversy on this point and would suggest that withdrawals of man power along with armour and artillery may take place all along the Indo-Pakistan International frontiers both in East and West, if not to peace time stations, then at least to a mutually agreed safe distance on either side of the border to provide a sense of security on both sides. At the same time armed infiltration and shelling into our borders in East Pakistan should cease.

I further recommend that UN Observers on both sides of borders should oversee the withdrawal and supervise the maintenance of peace. Only the recognized border security and police forces should then remain at border posts which they have traditionally occupied.

I also welcome the offer you have made for making your good offices available and very much hope that you can pay an immediate visit to India and Pakistan to discuss the ways and means of withdrawal of forces. This I am sure will have a salutary desirable effect and further the cause of peace.

In view of the urgency and gravity of the situation confirmed by Indian leader on October 19 last, threatening to occupy and hold border cities of Lahore and Sialkot a public declaration by you of your intention to visit India and Pakistan to seek a settlement of differences would be most desirable.

In conclusion I assure you of full co-operation on the part of my country in all your efforts directed towards the preservation of peace.

Please accept, Excellency, the assurances of my highest consideration,

Agha Mohammad Yahya Khan,
President of Pakistan.
0617.

TOP SECRET

Telegram from Indian Embassy in China to Ministry of External Affairs.

Peking, October 29, 1971.

TELEGRAM

From: Indembassy, Peking
To: Foreign, New Delhi
Rptd.: Hicomind, London (for Foreign Secretary)
No.153 October 29, 1971

Secretary (East) from Mishra.

There is some evidence to indicate CHOU EN-LAI and KISSINGER discussed situation in Indian sub-continent.

2. Director East European Affairs in Chinese Foreign Ministry told an East European Ambassador on 27th October.

There are many rumours that a war between India and Pakistan is imminent but situation is not so serious; China hoped (later he said ‘believed’) U.S. will not encourage two countries to embark on a war; Soviet Union is also not interested in a war on sub-continent; China certainly does not want a war between India and Pakistan; China hoped India will not embark on one.

3. Significantly Chinese official did not say anything about what Pakistan might do and thus implied perhaps that China has advised Pakistan against a war. By saying China ‘believed’ U.S. is not encouraging either country. Chinese official clearly hinted at an understanding between China and USA.

4. Also on 27th October Ceylonese Ambassador met Vice Foreign Minister HAN VIEN LUNG. When I asked Ambassador if Indo Pakistan tension was discussed he replied in negative but added his impression was that ‘China was indifferent!’ He also said China’s support to Pakistan has been over rated.

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Talks between US Secretary of State Rogers, Prime Minister Mrs. Gandhi and External Affairs Minister Swaran Singh in New York – end October, 1971. (exact date not given)

Rogers. President thought it would be useful to continue discussions regarding other problems and I would be grateful you could tell us anything you wish regarding Pakistan and bring us up to date.

P.M. The real situation is that the security of India is threatened not only by Pak armed forces at our border, but by the situation in East Bengal and not only by the influx of refugees. I am worried by security aspect but that cannot destroy us. We can bear anything; it may ruin us but not finish us. Certain threats to our security and stability can be seen. Any piece by piece solution will not help. Pakistan is attempting to convert their difficulties in East Bengal into an Indo-Pak dispute, which it is not. They are doing this only to divert public opinion. They think that by accelerating tension they can threaten our security.

Rogers. What do you mean by that?

P.M. For example Jaiparakash Narain feels that we should take firm action, that we should have gone to war right at the beginning. I did not think that was right because I know what a war means. We are being pushed step by step to exasperation. My colleagues thought that I should not come on this trip, but I came because I thought that would ease the situation.

Rogers. Quite right.

P.M. In the beginning we did not retaliate, but we were intimated. I visited the border areas. When I visited J&K, Pak planes flew over. Now these planes have again begun to fly over our territory. We cannot bear this at the cost of security. Although I have a big majority in Parliament, my party and other parties’ opposition is very strong. Unless we can prove that the threat to India has receded, I cannot do anything.

Rogers. Difficulty is involved in the risk of war. We faced the same situation in North Korea when our planes were attacked.

Your judgment is sound. As President said it would be a tremendous tragedy if war broke out. The situation has been created by others and not by you. We will do all we can. We are already taking some steps. Arms shipments are exaggerated, thought we realize its psychological effect. It will now stop. Since
1965 we only permitted spare parts. ‘We had one short delivery’.

F.S. Can it be said then that there will be no further shipment?

Sisco. Yes, except what is in the docks. We gave only 4.5 million dollars worth of arms so far.

L.K. (ambassador): Can this be made public now?

Rogers. Soon after we had talked to Congress leaders. We accept that India and Pakistan should not be equated. We did suggest mutual withdrawal at first, but now we suggested to Yahya Khan unilateral withdrawal.

We agree it is basically a political problem and not just a military problem. We have talked to Yahya Khan and Awami League. Yahya Khan has agreed to meet with approved Awami League leaders and Bangla Desh leaders, now in India, or someone designated by Mujibur Rahman.

If we can secure withdrawal of troops from borders, talks can start at the same time. We cannot ask Yahya Khan to release Mujibur Rahman. But if talks start it would be some progress.

L.K. Military people are completely out of touch with public feeling, as for instance Yahya Khan’s statement that Mujib would be killed if he went back to East Bengal. Pakistan military authorities have little local support even in Dacca.

Rogers. We would prefer – we do not want to press this point – that you will also withdraw if Yahya Khan does so unilaterally.

P.M. He may withdraw from West Pakistan border, but what happens in East Bengal? The main danger is from there.

Rogers. In the west also there is shooting?

P.M. No. it is mainly in the East. There is no shelling in the West.

F.S. In the East Pakistan army is right on our borders as the East Bengal Rifles and Police have defected.

Haksar. Explained the ground rules regarding Border Security Force and said: ‘It is a long open border, 650 miles. Though in West Pakistan they say they want military lines for training purposes, our contact told our Generals that this was nonsense and we had, therefore, to ensure security of our borders.

Rogers. Would not a unilateral withdrawal be useful?

Sisco. We will not discuss details with you, in the West or the East. We understand your fears in East Pakistan.
**Haksar.** Withdrawal can be misleading. We have had memories of Kutch and Rajasthan. In what way can it be more harmful if Yahya Khan negotiated with Awami League.

**Rogers.** We can only act as a catalyst. Yahya Khan is desperately looking for a political solution.

**P.M.** He is looking for a political solution that by passes elected leaders. In our view that is no political solution. He was continuously shouting for war – a religious war – His tone was even worse than his words in his Radio broadcast. He thought he would frighten us. He said China; USA, USSR and others were on his side and India was alone. This is what drew the wrath of my people on you.

**Rogers.** This is where we differ. We do not think he wants war nor do you. He wants a political solution though his ideas are different.

**P.M.** The important point is not my or his assessment but what lies in the future. He thought he could solve it militarily. We said No. Now we say that the men whom he is presenting will not succeed and he will – jeopardize both East and West Pakistan.

**Sisco.** Short of outright independence Yahya Khan is prepared to consider anything.

**Rogers.** We are not trying to raise questions of prestige. We recognize that ultimately Mujibur Rahman and Awami League have to come in, but we want to start the process by talks with Bangla Desh leaders or a nominee of Mujibur Rahman.

We have made progress in establishing U.N. presence in Dacca. We are not going to give any more weapons. We do not want to equate India and Pakistan. We are playing a role and we hope you understand. We have tremendous respect for India.

**Haksar.** The practical difficulty is that we cannot say Yahya Khan wants a political settlement. Hitherto all his actions are not consistent with a political settlement. He wanted to finish this job in a week’s time. When he failed he blamed India and called Mujibur Rahman a traitor. Then he formed Peace Councils and Razakars with non-Bengali Muslims. But it did not work. Then he removed Tikka Khan but that did not improve matters. Governor Malik is nobody. How can we say without any new elements that he is for a political settlement. We cannot tell our people that Yahya Khan will not talk to Mujibur Rahman who did not declare for independence while his Awami League did. The British talked to Gandhi and Nehru, Jaykar and Sapru, but Yahya Khan is not willing
to talk with Mujibur Rahman. What evidence is there that Yahya Khan has changed his mind? But Sisco is correct that there is a link between withdrawal and political settlement.

**Rogers.** What is your conclusion? We are doing all we can. We cannot do more.

**Haksar.** I am not scoring a point. We have a common diagnosis and should seek common remedy. We have 9 million refugees and an increasing influx. Where is the light at the end of this tunnel. I asked Kissinger. This is our common concern.

**Rogers.** No one sees the light at the end of the tunnel. In Korea or in Vietnam. We by and large, agree with you. We all agree and so does Yahya Khan that there has to be a political solution. If we start, may be some light at the end of the tunnel appear. War could be tragic for India and the world. We agree with 90% of what you say, but we cannot force Yahya Khan to deal with Mujibur Rahman whom he regards as a traitor.

**Haksar.** So he regards all the Bangla desh leaders. Churchill said worse things about Gandhi.

**L.K.** Neither of us is saying you should have done more and are not doing enough. Yesterday’s briefing showed mature restraint on both sides.

**Haksar.** Your Ambassador in Pakistan made a valiant effort for Pakistan.

**Sisco.** I agree with you regarding Yahya Khan’s published statement. Which does not show that he wants a political settlement.

**Rogers.** This is one of the few times we have not talked about the Middle East. Your Ambassador is doing an excellent job as your other colleagues. We understand fully your political problem at home. We also doing everything we can. P.M. was complimentary to our President yesterday regarding South East Asia. Our relations are much better.

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0619. Record of meeting between Prime Minister Mrs. Indira Gandhi and U.S. President Richard Nixon.

Washington (DC), November 4, 1971.

The White House
Memorandum of Conversation

Subject: Meeting Between President Nixon, Prime Minister Indira Gandhi, Mr. Parmeshwar Narain Haksar and Dr. Henry A. Kissinger

Time & Place 10:30 a.m., November 4, 1971 in the Oval Office

Following press photographs, the President welcomed the Prime Minister and expressed his pleasure at the opportunity that this meeting provided for an exchange of views on a range of subjects of mutual interest to old friends. The president suggested that the first session might be used to discuss the situation in South Asia and that the second session on Friday might be reserved for discussion of broader issues, to include the People’s Republic of China, the Soviet Union and the situation in Southeast Asia.

The Prime Minister agreed to this formula and expressed India’s admiration for President Nixon’s skill in handling both the Vietnam situation and his initiative in seeking the normalization of relationships with the People’s Republic of China, the Soviet Union and the situation in Southeast Asia. It appeared from the Indian perspective that each move of the United States had been carefully thought out and well designed. Each move was accomplished in an imaginative and effective way, with a style which kept the main objective in view and which did not permit diversionary distractions to derail progress. The President thanked the Prime Minister for her expression of support and noted that the attitude of the Prime Minister’s government had been most helpful in the process. He noted that the U.S. had expected a great deal of criticism domestically from more conservative elements who are opposed to the normalization of relationships with the People’s Republic of China. On the other hand, he was convinced that the steps had to be taken in the interest of stability in Asia. The President stated that stability could best be served when parties are able to communicate and this has been his initial objective. Dr. Kissinger added that he agreed it was important that the People’s Republic of China no longer remain isolated.

The President continued that the essential objective is to eliminate the frustrations that China’s isolation can cause and thereby achieve increased moderation. The very act of communication between parties has a beneficial effect in relieving tensions. India’s understanding of this process and support for it have proven very helpful. The U.S. has always had great respect and
admiration for the Indian people and there is a deep-seated friendship for India among the American people. Americans want India to succeed.

With respect to the recent Senate action on the foreign aid, the President emphasized that he was fighting to have it restored and was equally confident that his efforts would succeed. On the other hand, there are strong sentiments in the U.S. which no longer favour and extensive foreign assistance expenditure.

The President then asked Mrs. Gandhi to present her views in detail on the situation in South Asia. In initiating this discussion, the President emphasized.

1. The U. S. has no illusions with respect to the realities of the situation
2. The initiation of hostilities between India and Pakistan would be unacceptable from every perspective.
3. For this reason, U.S. policy toward Pakistan has been shaped by the imperative to retain influence with the Government of Pakistan.
4. In this regard our military assistance program has been retained in a most limited fashion to enable us to continue a dialogue with that government. The U.S. has and will continue to discourage military actions by the Government of Pakistan.
5. The situation demands the continuation of U.S. aid to relieve the plight of the nine to ten million refugees on both sides of the border. This is an enormous task which requires the concentrated efforts of all the parties.

The President then outlined the measures which the U.S. has taken to relieve the plight of refugees in India and in Pakistan. He listed specifically the following:

1. In June and July the U.S. Government persuaded Pakistan that a famine was likely in East Pakistan if massive forestalling efforts were not undertaken. We have just received a report from Mr. Williams in Dacca that widespread famine has probably been averted as a result of major U.S. Pakistani and UN efforts. Such a famine could have further exacerbated the problem of the flow of Moslem refugees and created a tremendous new burden on India.
2. Despite initial opposition by President Yahya in April, following pressure from the U.S. Government he agreed to an international relief presence in East Pakistan.
3. At U.S. urging the Pakistani government accepted a civilian governor in East Pakistan.
4. U. S. pressure on Pakistan resulted in President Yahya's public proclamation of amnesty and specific public reference by him to returnees of all creeds, Hindus as well as Moslems.

5. U. S. representations brought assurance from President Yahya's that Mujib would not be executed.

6. U.S. representations also resulted in President Yahya's agreement to pull some military unite back from Pakistan's western border with India as a first step toward de-escalation.

7. President Yahya informed our Ambassador Tuesday, November 2, that he is prepared: to hold direct discussions with cleared Awami League leaders, to meet with a Bangla Desh leader from India and to consider our suggestion that Mujib be allowed to designate the representative.

The President stated that the Australian Ambassador shares India's concern and is most sympathetic with the difficulties that the situation in East Pakistan have brought the people of India. On the other hand, the U.S. could not urge policies which would be tantamount to overthrowing President Yahya. It is recognized that Mujib is a core factor in the situation and that unquestionably in the long run Pakistan must acquiesce in the direction of greater autonomy for East Pakistan, but the situation is extremely fragile and Yahya's flexibility is very limited in the short run. Unquestionably Mujib's fate is an essential aspect of the problem and ultimately he will have to play a role in East Pakistan's future. However, he depends largely on the way events proceed in the shorter term. The greatest danger of all would result if either side were to consider that military action could provide a solution that only an historical process can settle. Should India resort to force of arms, the current balance suggested that it would succeed in a military sense but in a political sense there could be no winner.

The President continued by observing that the consequences of military action were incalculably dangerous. In this regard, India's recent agreement with the Soviet Union was understood by this government but India must recognize that it is not popular in the U.S. It must, therefore, have an impact on the general attitude of the U.S. Government. Should the situation deteriorate to armed conflict, there is doubt that the conflict could be limited to just India and Pakistan. It would have implications and possibly great dangers for the whole framework of world peace. The American people would not understand if India were to initiate military action against Pakistan. While the U.S. could not expect India to determine its own policies based solely on U.S. attitudes, these attitudes should be taken into consideration.

The President then asked the Prime Minister if she believed that President Yahya could really survive if Mujib were released at this point in time. The President
noted that the U.S. Government understood the political realities of the situation in East Pakistan. On the other hand, practical considerations and limitations on the courses of action open to all parties could not be overlooked. Nevertheless, many have attributed a lack of progress and the continuing deterioration of the plight of the refugees as somehow resulting from U.S. policies. For this reason, the President remained deeply concerned and had concentrated more time on this particular problem than on any other subject. Criticism, no matter how well meaning, tended to further limit the U.S. Government’s ability to be helpful.

Prime Minister Gandhi stated that India was not being driven by anti-Pakistan motives. India had never wished the destruction of Pakistan or its permanent crippling. Above all, India sought the restoration of stability in the area and wanted to eliminate chaos at all costs. The Prime Minister recalled the genesis of the partitioning of the subcontinent and noted that the solution, largely dictated from abroad, had left the peoples of the area restive and dissatisfied. President Nixon agreed that the partitioning of the subcontinent had contributed to a permanent instability and noted that India had a larger Moslem population than Pakistan.

Prime Minister Gandhi observed that many harbor the feeling that her father had let the country down by accepting the partitioning along the lines ultimately reached. Nevertheless, once the decision had been taken it had been accepted. But the partitioning generated a persistent “hate India” campaign which resulted in the conflicts of 1947 and 1965. Since that time, U.S. arms shipments to Pakistan had become a major point of concern to the Indian people. The provision of armaments to Pakistan could not help but affect the attitude of the Indian Government even though its leadership attempted to restrain outraged public opinion. To the degree that these shipments continued, the Prime Minister was subject to attack even from her own party.

Following India’s independence, it was the leaders of the independence movement who formed India’s government. On the other hand, in Pakistan it was the loyalist or pro-British factions which formed Pakistan’s government. Pakistan proceeded to imprison or exile leaders of the independence movement. Baluchistan, as well as the provinces along the northwest frontier, has a strong desire for greater autonomy. There has been, therefore, a long history of separatist policies in Pakistan which heretofore has not necessarily been supported in India. Yahya was mistaken in trying to suppress Mujib.

India, on the other hand, has always reflected a degree of forbearance toward its own separatist elements. The pattern has been clear. West Pakistan has dealt with the Bengali people in a treacherous and deceitful way and has always relegated them to an inferior role. As the situation worsened, India attempted to ameliorate it by maintaining communication with all the parties.
The Prime Minister then turned to the great numbers of refugees who continue to stream across the border from East Pakistan. She noted that there were many estimates of what the totals might be and that precise calculations had to be inconclusive due to the confusion and the possibility of miscalculation.

President Nixon stated that this tragic situation demanded prompt and extensive humanitarian assistance and that for this reason he would continue to pressure the U.S. Congress to provide this assistance.

The Prime Minister noted that India had been accused of supporting guerrilla activity but that the situation was not that clear. She drew a parallel to the problems the U.S. Government had when Cuban refugees based in Florida launched forays against the Cuban mainland.

The Prime Minister then cited the additional problems which had resulted from the severe cyclone. She noted that the situation was aggravated by the differences in religion and background between the refugees and the local population in India on which they were superimposed. This situation demanded the utmost efforts on the part of the Indian Government to prevent communal riots and bloodshed.

President Nixon stated that U.S. policies were predicated upon the need to have the refugees return to their homes. The Prime Minister emphasized the great dilemma facing India. She noted that India does not object to observers but has difficulty in understanding what role they would play. She stated that, contrary to current criticism, foreign observers were free to go where they pleased.

President Nixon expressed sympathy with India’s dilemma and noted that the U.S. and other nations as well, were greatly concerned with the problems posed by the flood of refugees from East Pakistan. He noted, however, that many of the tactics which were being employed by the Bangla Desh were increasing the dilemma. For example, it was difficult to understand their motives in harassing and destroying the flow of humanitarian supplies being carried in ships to Chittagong harbour. Also it would seem that guerrilla activity of this type must involve sophisticated training and equipment.

The Prime Minister then described in detail the atrocities which were occurring in East Pakistan. She noted that despite oppressive measures, the Pakistani military had been unable to establish control in the area. There were, of course, continuing accusations that India had instigated the guerrilla movement and continued to support it. However, the realities were that it was no longer realistic to expect East and West Pakistan to remain together. The pressures for autonomy are overwhelming.
The President agreed that accusations and counter-accusations on both sides made progress most difficult. It also complicated the U.S. Government’s efforts to be helpful. There was no doubt that Pakistan must ultimately do more to relieve the situation.

The Prime Minister stated that President Yahya continued to speak of a Holy War. It may well be that the presence of Indian forces along Pakistan’s frontier had deterred the initiation of military action by Pakistan thus far. This tense situation had influenced India toward making its treaty with the Soviet Union as a means of creating an additional deterrent. Stability in India was an important objective to the Soviet Union and, therefore, the Soviet Union had been pressing for a political solution. Many in India have been opposed to the Soviet treaty and the majority of the Parliament was concerned about this.

President Nixon asked the Prime Minister for her views on how a solution could be achieved. The Prime Minister stated that India’s major concern was the impact of the situation on India itself.

President Nixon stated that U.S. efforts with respect to Pakistan were designed to alleviate the situation along constructive lines. The U.S. Government had always admired the people of India and shared its concerns. This had been clearly demonstrated. The restrictions we had placed on military assistance to East Pakistan had been undertaken with our relationships with India clearly in mind.

The Prime Minister replied that the crucial issue remained the future of Mujib who was a symbol of the imperative for autonomy.

The President reassured the Prime Minister that the U.S. Government had thus far placed great pressure on Pakistan. It had urged President Yahya to move his forces back from the border with India unilaterally as a de-escalatory step. While the U.S. Government understood that India must make its own judgment in this regard, based on its national interests, some disengagement would serve the interests of lessening tensions.

Mr. Haksar noted the difficulties for India posed by the displacement of Indian forces.

The President expressed his understanding for India’s problem in undertaking the displacement of forces, but he noted that President Yahya had indicated a willingness to undertake some pullback. If India now believed that such a step would not contribute to the lessening of tensions, it would be necessary for the U.S. to reconsider its efforts to effect such a pullback by Pakistani forces. Up to now, the U.S. had been urging President Yahya to take the first step and President Yahya had expressed a willingness to do so on a unilateral basis. It
had been the U.S. Government’s view that if Yahya would undertake such a step we could then anticipate similar moves on the part of India. Obviously, however, India would have to make its own decision.

President Nixon assured the Prime Minister that the U.S. Government would continue to pursue all avenues to improve the situation. The U.S. Government would:

— continue to assist with humanitarian relief efforts, both through multilateral organizations and bilateral programs.
— continue to urge restraint on the Pakistan Government.
— explore with all parties measures to facilitate a political solution.

However, the President stated, nothing could be served by the disintegration of Pakistan. The initiation of hostilities by India would be almost impossible to understand. In some respects, the situation was similar to that in the Middle East, where the U.S. Government had told the Israeli Government that it could not support the initiation of hostilities by that government, despite our long established ties of friendship and respect. It would be impossible to calculate with precision the steps which other great powers might take if India were to initiate hostilities.

As the meeting concluded, President Nixon expressed the U.S. Government’s continuing sympathy and support for the Government of India at this most difficult and trying time.

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0620.

SECRET

Telegram from Ministry of External Affairs to Indian Embassy in West Germany Conveying the message from Peking.

New Delhi, November 8, 1971.

TELEGRAM

From: Foreign, New Delhi
To: Indembassy, Bonn

Following is retransmission of Indembassy, Peking, telegram dated November 08*.

Begins. No.162.

(First of Two Parts)

Secretary (East) from Mishra.

Bhutto’s visit to Peking from 5th to 8th November.

No joint communique issued. Only guidelines to nature of talks and their results are speeches by CHI PENG-PEI and BHUTTO at Chinese banquet given 48 hours after arrival of delegation. A comparison of two speeches (as also taking into account Chinese pronouncements in April this year) reveals that:

a. China’s support to Pakistan for the purpose of deterring India from deliberate military measures is reiterated. Words used are almost exactly same as in CHOU’s message of 10th April to YAHYA. However the phrase ‘should Indian expansionists dare to launch aggression against Pakistan” “has been changed to read “should Pakistan be subjected to foreign aggression”.

b. China is “greatly concerned over the present tension in the sub-continent”. China holds that disputes between states should be settled through “consultations and not by resorting to force” and welcomed YAHYA’s proposal for withdrawal of armed forces from the borders and disengagement as “reasonable” since it is “helpful to easing tension in the sub-continent.” By using these words and phrases China indicate she does not want a war in Indian Sub-Continent.

c. Regarding situation in East Bengal there is some deviation in Chinese position. While CHI mentioned “domestic secessionists” he goes on to

* Prime Minister was in Bonn at that time.
advocate “a reasonable settlement” in East Bengal. This is a guarded reference to the need for a political settlement. At another point he expresses hope “the Pakistan people will strengthen their unity and make joint efforts to overcome difficulties and solve their own problem”. This is a public hint to Pakistan to associate people of East Bengal in solving the problem. Thus China while continuing to support Pakistan’s “national unity and unification” joins the ranks of those who have advised YAHYA to seek a political settlement in East Bengal.

d. CHI castigates India for having “crudely interfered in Pakistan’s internal affairs carried out subversive activities and military threats against Pakistan by continuing to exploit the East Pakistan question”, but he makes no (Second and Last Part) mention of refugees who have fled to India.

e. There is no Chinese reference to Kashmir or 1965 war in speeches or usual slogans. BHUTTO referred to both in his speech but Hsinhua has deleted them in its report. This is very significant and may be designed to remove one point of discord between India and China. Omissions of reference to 1965 particularly as BHUTTO mentioned it in connection with China’s support to Pakistan in that year indicates that China wants to keep its options open in the event of war between India and Pakistan.

f. As was to be expected BHUTTO lashed out at India with unbridled fury. But Hsinhua while not diluting India’s “interference” in East Bengal has sought to moderate BHUTTO’s speech by many significant omissions. Apart from deleting references to Kashmir, 1965 war, refugees, India’s lack of “mutual respect tolerance and accommodation” towards its neighbours, Pakistan’s accepting U THANT’s proposals, following attack on Indian leaders is left out by Hsinhua. “Indian leaders by their statements have left no doubt in anybody’s mind about these intentions. They openly talk about unilateral actions against Pakistan and have created war hysteria in their country”. Further BHUTTO’s claim that Pakistan has China’s “complete understanding and unstinted support” has been reproduced only as “understanding and support”.

g. At return banquet same evening (7th November) no formal speeches were made. But while proposing toast BHUTTO said he was returning “with complete satisfaction”. CHOU EN LAI only talked of “satisfactory result” on matters of mutual interests. Since CHOU spoke after BHUTTO this is significant.

There is some difference of opinion between BHUTTO and SULTAN KHAN. At press conference on 7th November BHUTTO said it was not necessary to rush to U.N. Security Council in a panic. When SULTAN
KHAN intervened to say that the question could be left open. BHUTTO claimed there was complete identity of views in talks with Chinese but added that this was his personal view thus indicating difference of opinion with other members of his delegation.

2. My overall assessment is that China has adopted an attitude of restraint and is advising Pakistan to do the same. Pakistan is also being advised to seek a political settlement in East Bengal. At the same time China wants to keep its options open in relations with India. China has not played up BHUTTO’s visit. In fact military aspect of delegation has not been emphasized at all although Pakistani propaganda sought to give impression that all the arms and equipments are theirs for the asking. Our earlier information that already passed on to DMI (Indian Army) was that China was stalling on move for supply of arms and equipments*. Perhaps this is the reason why high ranking officer of the three services made the trip to Peking along with BHUTTO.

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*. Next day on November 9 Mishra clarified further that his source had told him that China "will give all arms and ammunition" besides support to Pakistan at the UN but "will not intervene in the event of War between India and Pakistan." The Source ascribed Chinese reluctance to intervene “dictated by desire to avoid direct clash with Soviet Union.”

At the invitation of the People’s Republic of China the President of Pakistan, General Agha Mohammad Yahya Khan paid a State visit to the People’s Republic of China from 10th to 14th November, 1970. During the visit the Chinese People’s great leader Chairman Mao Tse-Tung met the President of Pakistan, General Yahya Khan and members of his party and had a cordial and friendly conversation with them.

The President of Pakistan and party were accorded a rousing welcome and a magnificent and enthusiastic reception by the Government and People of China. This fully demonstrates the sincere friendship and the high regard of the People of China for the people of Pakistan.

Premier Chou En Lai and President Yahya Khan held talks in a very sincere and friendly atmosphere on important international issues further developing the friendly relations and cooperation between China and Pakistan and other questions of common interests.

Both sides were highly satisfied with the result of the talks.

Taking part in the talks on the Chinese side were Chief of General Staff, Huang Yung Sheng, Vice Premier Li Hsien Nien, the Deputy Chief of General Staff, the Vice Minister of Foreign Affairs, the Vice Minister of Foreign Trade, the Vice Minister of the Commission for Economic Relations with Foreign Countries, the Head of the Peking Department of General logistics and leading officials of military and foreign affairs.

Taking part in the talks on the Pakistan side were Professor G.W. Choudhury, Minister for Communications, Lt. Gen. Pirzada, Principal Staff Officer to the President, Mr. M.M. Ahmed, Economic Adviser to the President, Mr. Sultan M. Khan, Foreign Secretary, Mr. K.M. Kaiser, Ambassador of Pakistan, Mr. A. Ahmed, Secretary Ministry of Information and National Affairs, Major General Malik Abdul Alim, Major General M. Haider, Mr. Tabarak Hussain, Director General Ministry of Foreign Affairs, Mr. M.A. Jafri, Minister Embassy of Pakistan, Mr. F.A. Zuberi, Director, Ministry of Foreign Affairs, Group Captain S.A. Khan, Air Attaché Embassy of Pakistan and Col. S.A. Khan, Army and Naval Attaches, Embassy of Pakistan.

The two sides expressed full satisfaction at the all round development of the friendly relations between China and Pakistan on the basis of the five principles of equal respect for sovereignty and territorial integrity, military non aggression,
non-interference in each others internal affairs, equality and mutual benefit and mutual cooperation.

The two sides expressed the view that the further strengthening and development of the friendly relations and cooperation between China and Pakistan will ensure their common desire and fundamental interest of the two peoples and will be conducive to the Afro-Asian peoples cause of unity against imperialism.

The two sides expressed the view that the experience by both China and Pakistan in the five principles of peaceful co-existence was exemplified in the settlement of the boundary questions between the two countries. Such friendly relations between China and Pakistan provided a good example of friendly relations between States practicing different social systems.

The Pakistan side expressed full appreciation of the assistance and cooperation that China had extended to Pakistan and warmly acknowledged the fact that China’s generous help in the true spirit of mutuality of benefit had contributed to the economic development of Pakistan.

Noting that Pakistan had launched the fourth five year plan, the Chinese Government expressed its willingness to render to Pakistan further assistance within the Chinese means and capacity to help make the economy of Pakistan self-reliant.

Warmly praising the determination and courage that the people of Pakistan have consistently displayed in safeguarding their national integrity, the Chinese side reiterated their further support to the people of Pakistan in their struggle for the defence of national independence and against all forms of outside aggression or foreign interference and to the Kashmiri people in their just struggle for the right of self determination.

The Chinese side noted with interest the recent offer made by the President of Pakistan on the withdrawal of troops with a view to making the people of Jammu & Kashmir to freely exercise their right of self determination and consider it worthy of the support of the people of various countries.

The Pakistan side expressed thanks for the Chinese support. The President apprised the Chinese leaders of the dispute over the distribution of the Ganges Water. The Chinese side appreciated Pakistan’s stand for a peaceful solution of this question and hoped for an early settlement of this dispute.

The Pakistan side reiterated that the Government of the People’s Republic of China was the sole legal government of the Chinese People and that Taiwan was an inalienable part of the territory of the People Republic of China.
Pakistan side expressed its firm conviction that without the participation of the People’s Republic of China, the important problems that confront the world today could not be resolved and reaffirmed that the legitimate rights of the People’s Republics of China in the UN should be restored forthwith.

**The Chinese side expressed thanks for the friendly stand of Pakistan.**

The two sides held that the present international situation was continuing to develop favourably. The two sides held that the people of all countries have the right to settle their problems by themselves without outside interference, and without outside threat and interference.

* * * * *

Both sides agreed that the visit of the President of Pakistan, General Agha Mohammad Yahya Khan, to China and the useful exchange of views between the leaders of the two countries would lead to further development, strengthening and consolidation of the friendly relations between the Peoples Republics of China and the Islamic Republic of Pakistan.

The President of Pakistan took this opportunity to renew his invitation to his Excellency Premier Chou En Lai to pay a visit to Pakistan at a mutually convenient date. The Premier while thanking the President of Pakistan indicated that he would visit Pakistan at the earliest possible opportunity.

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0622. **Letter from Prime Minister Mrs. Indira Gandhi to US President Richard Nixon.**

New Delhi, November 18, 1971.

Dear Mr. President

I should like to thank you for your warm reception and kind hospitality during my recent visit to Washington. It was a privilege to meet you and Mrs. Nixon again.

The opportunity to discuss matters of immediate concerns and also wider international issues with you was of great value to me.

Immediately on my return to Delhi three days ago, I spoke to my colleagues in the cabinet and to the leaders of the opposition parties in Parliament about he
broad results of the discussions which I have had with you and with other heads of states and Governments.

The winter session of our Parliament began yesterday and I made a statement there. I am asking Ambassador Jha to invite your personal attention to it. It reflects our anxiety and hope. I made it in the faith that justice will prevail and the reality of the situation appreciated. This faith is sustained by the discussions I had with you which, I believe, led us to a common understanding of the root causes of the tragedy in East Bengal. I also believe that we generally agreed about the manner in which this crisis could be resolved so that we would be relieved of our suffering and danger to our country.

I hope that the vast prestige of the United States and its wisdom, which you personify, will be used to find a political solution acceptable to the elected representatives of East Bengal and their leader Sheikh Mujibur Rahman. On my Part I shall make every effort to urge patience on our people. However, I would be less than honest if I were not to repeat that the situation in which we find ourselves has long been an unbearable one.

I am somewhat concerned to learn of efforts to involve the Security Council. However well-intentioned these may be, I have little doubt that any public debate at this stage will lead to a hardening of attitudes, which would make the task of reconciliation an extremely difficult one. This is part of the common experience of many solutions which we jointly seek. In India it will create the impression that the participants are interested not so much in a lasting solution as in side tracking the main issue, namely, the Revolt of the people of East Bengal against the Tyranny of the military regime of West Pakistan, first in denying them the fruits of development and then in suppressing their legitimate demand for democratic rights. I hope that the influence of the United States will be used to prevent the development of such an impression.

We have all admired the great courage which has inspired you in taking several important and decisive initiatives to resolved complex problems. I sincerely hope that the same clear vision will guide relations between our two democracies and will help us to come closer. It will always be our effort to clear any misunderstanding and not to allow temporary differences to impede the strengthening of our friendship.

With warm regards and best wishes to you and to Mrs.

Yours Sincerely

Indira Gandhi
Mr. President

I am addressing this message to you with a deep sense of urgency in view of the grave situation which has arisen in my country as a result of unprovoked and large scale attacks by Indian Arms Forces into various parts of Pakistan.

On the same day, another brigade of 23rd Indian Division launched an attack in the Belonia Salient of Naokhali District pushing 8 miles deep into Pakistan territory, supported by the rest of the Division.

In the Brahmambaria subdivision also on November 21 attacks were launched by a battalion group each from 57th Division against two of our border posts at Mukandpur and Saldandi which were over run.

In Sylhet District Maulvi Bazar subdivision, two battalion groups attacked and over ran border out posts at Dhalai, Atheram and Zakiganj. The battalion groups included two companies of Gurkhas.

On November 21, another attack was launched in Rangpur District in the Burangamari Salient where an Indian Brigade Group penetrated 15 miles into Pakistan territory up to Nageshwari.

On the same day in Jessore District, a major offensive was launched by a brigade group of 9th Indian Division supported by armour and air cover. The attack was launched opposite Chaugacha and Indian tanks penetrated about 8 miles into Pakistan territory.

The Indian air attack was challenged by Pakistan Air Force. One Indian aircraft was destroyed and we lost two. Six Indian tanks were destroyed in the engagement and eight of ours were destroyed.

Intermittent shelling of Jessore airfield continues. In Mymensingh District repeated attacks against our border out posts at Karitola have been repulsed.

As many as 12 Indian Divisions have been deployed around East Pakistan. In addition there are 38 battalions of the Indian Border Security Force. 2nd and 5th Indian mountain divisions which were previously deployed on the borders with China have also been moved towards East Pakistan. The 8th Mountain Division (of 6 brigades) has also been moved to East Pakistan borders towards Sylhet from Nagaland where only one brigade is now left.

Twelve squadrons of the Indian Air Force are now placed around East Pakistan. A sizeable Indian Naval force comprising aircraft carrier, frigates, landing ships
and two submarines is standing by near Vizigapatham in the Bay of Bengal posing an amphibious threat to Chittagong and Chalna ports. The approaches to Chalna Port have been mined by the Indians with the result that two merchant ships chartered for carrying food grains and other essential supplies have been damaged. This would seriously disrupt food supplies to East Pakistan.

Mr. President, as you are aware Indian armed forces in the last few months have maintained pressure all along our Eastern borders. Apart from training, equipping and launching rebels supported by Indian Border Security force personnel into Pakistan territory, Indian artillery units have been constantly shelling areas in East Pakistan. But as I have pointed out above, in the last 3 or 4 days the Indian Armed Forces have turned from localized attacks to open and large scale warfare on so many fronts. They have further escalated the conflict by introducing armour and Air Force. Pakistan Army and Air Force Units in East Pakistan have been under strict orders not to cross the Frontiers and to exercise utmost restraint in the face of grave provocations. The present situation, however, is such that the offensive launched by Indian Armed Forces must be met by us with all the force at our command in the defence of our territorial integrity.

We were assured from time to time that India did not intend to launch open and large scale warfare against Pakistan. It is now evident that far from exercising restraint India has chosen the path of unabashed and unprovoked aggression. India continues to harp on the theme that the inroads into Pakistan are being made by the so called ‘Mukti Bahini’ – a rebel force created, maintained and sustained by India. No one will be deceived by the Indian claim which stands disproved by the scale of present operations and by the equipment including armour and Air Force elements now being used.

Mr. President, I have kept in touch with you since the beginning of the crisis in East Pakistan and I have always been deeply appreciative and thankful for your understanding and wise counsel. In addressing this message I am also conscious of your sincere concern for peace in this region and stability in the sub-continent. On my part, I would like to say unhesitatingly that I wish to avoid a senseless and destructive war with India. But the developing situation created by India may lead us to a point of no return. I am sanguine that your personal initiative at the present juncture could still prove decisive in averting a catastrophe. I shall anxiously await your response.

With warm personal regards.

(Agha Mohammad Yahya Khan)
0624.

SECRET

Call by the Pakistan High Commissioner in India on
External Affairs Minister Swaran Singh.

New Delhi, November 24, 1971.

Ministry of External Affairs,
New Delhi.

The Pakistan High Commissioner called on F.M. at his (PHC’s) request at 4.30 p.m. today. The following is the summary record of the meeting:

2. After the exchange of courtesies the PHC said that although he had not received any instructions from his Government to meet F.M., he had asked for a meeting in the context of the border situation to see whether anything can be done to reverse the present situation so that the cause of peace would not suffer. The President of Pakistan has already sent his greetings on the occasion of Id to the Government of India and the High Commissioner felt that people on both sides would bless F.M. if he could do something to avert the disastrous course of events. He wanted to know whether Mr. Atal (Deputy High Commissioner of India) would be returning with a message from the Government of India for the President of Pakistan. He (PHC) would like to appeal to F.M. not only as F.M. but also as someone he had known all his life to do something to avert this collision course. In addition to the efforts which Mr. Atal would make, he was prepared to go to Islamabad himself or send a message to the Pakistani President from us if we so desired and would place himself at our disposal in this matter.

3. F.M. replied that the burden of any collision would have to be borne by the peoples of the two countries. He enquired of the PHC whether he had heard our PM’s statement in Parliament today. The PHC replied that he had not seen the text of the statement but had heard about it. He had also heard the Pakistani version from their Radio Pakistan. He had not come to contest or argue about anything we had said. F.M. asked the PHC what Pakistan Radio had broadcast in this regard. The High Commissioner replied that Pakistan Radio had mentioned that the Indian army had launched massive attacks with tanks in several sectors and that India was now actively participating in the fighting. The two armies (Indian and Pakistan) were in conflict.

4. F.M. asked if Pakistan Radio had said anything about the air battle. The High Commissioner then gave the Pakistani version about the loss of two of their aircraft during patrolling duties on their side of the border after being attacked by Indian planes. F.M. wanted to know what Pakistan Radio had said about the pilots; on which side were they? The High Commissioner replied that
it was only a question of 5 kilometres this way or that and that when an aircraft was flying at 600 M.P.H. such a small distance made no difference to the side of the border.

5. **Regarding the air incident.**

F.M. ‘We do not want escalation. Our Prime Minister has stated in parliament today that we treat this matter as a local incident. We do not consider an air incident like this an act of aggression or war but we will shoot down intruding aircraft.’

6. **Regarding Pakistan Radio report quoted by the PHC that the Indian army was involved massively in the struggle of the ‘freedom fighters’:**

F.M. “I do not wish to enter into an argument in this regard and what I have to say should be taken in the friendly spirit in which it is meant. You should report to your Government that the Mukti Bahini has become a very effective force to reckon with. The continued projection of the Mukti Bahini as “Indian agents” or “the Indian Army” participating in the fighting is a wrong appreciation of the situation by the Government of Pakistan.

Propaganda is of course a different matter but I would regret it if this view of the Pakistan Government has to be taken as their real appreciation of the situation”.

7. **Replying to the PHC’s contention that the freedom fighters had emerged as a strong force because of Indian help to them against his Government:**

F.M. “The PHC must know that originally the Pakistan army could overpower the freedom fighters only because they were engaged in pitched battles. The freedom fighters have their own arms and are also receiving supplies from abroad. It would be factually wrong to think that they have no support except from India. They have other supporters, both official and non-official. I would suggest in all earnestness that the best way for Pakistan to defuse the situation is to make a dramatic political gesture. It is not for us to suggest what this should be because we do not want to give the impression that we are wedded to any particular course. I am making the suggestion in a friendly and purely informal way that Pakistan in its own interest should try some method other than military. I am not saying this officially but as man to man at this late stage only because you asked me. Such a political gesture will be not only in Pakistan’s interest but peripherally it will be to our interests also with regard to the refugees regarding whom we have security problems because some of them could be involved in sabotage and have to be screened carefully.”
Pakistan Government can rest assured that we do not want a conflict.

8. In reply to the PHC’s remark that F.M.’s advice indicated that he had in mind the solution which India had been advocating all along:

F.M. ‘We have carefully avoided taking any attitude on the substance of the solution. We have not said that there must be any particular solution but it is our assessment that only a solution acceptable to the people of East Bengal can ensure normalcy and create conditions in which the refugees can return. This aspect of the matter has not received from your Government the attention it deserves. Having been here for some time you should appreciate the pressure on us for recognition and other measures. Our Prime Minister has even then not taken any decision about the substance of the solution. We leave it to the leaders of Pakistan to judge what it should be. But as somebody senior in age to you and as a politician I must mention that in my considered judgement a breakaway civilian regime is not likely to deliver goods. The replacement of an elected group by another through executive action gives people the impression that they are being cheated. This kind of replacement of individual ‘x’ by individual ‘y’ by executive action angers people and is unlikely to produce the desired results even if it is done with the best of intentions’.

9. The Pakistan High Commissioner then referred to the personal attacks against him in the Indian press, particularly the manner in which they highlighted statements made by the Head of the “so-called Bangla Desh Mission”, Mr. Choudhury. Mr. G.K. Reddy’s article which alleged that he (P.H.C.) had been personally responsible for misrepresenting the Government of India’s views to Islamabad, indicated official briefing. Even his wife had been attacked by our press, “a thing which has never happened in Pakistan to the family of any Indian High Commissioner”. Accusations against him for delaying repatriation of the personnel of the Indian Mission in Dacca, refusal to issue a press release about Hussain Ali could have been based only on official information. F.M. advised the PHC not to take such press attacks to heart and draw, if possible, some comfort from the fact that our press did not spare even our P.M. he could assure him that all that had appeared in our press could not be taken to be our view.

10. F.M. then enquired about the plans of the PHC and when his successor could be expected. The PHC replied that he would be here for two months for personal reason before going to Turkey. F.M. concluded by saying that if it was not considered improper he would like to take the liberty of reciprocating the Pakistani President’s Id greetings. He added “the people of India and Pakistan want to live in peace with each other and anybody in your position can contribute to the maintenance of peace and be of considerable service to both countries. It is unfortunately a great pity that 8 months have elapsed while the burden of refugees on us has continued. The Pakistani leaders tried the
military method against their own people first and then against us through the movement of troops. I would urge them to consider whether this military approach has succeeded. I would suggest to them that they should try another approach. There is no question of prestige as such being involved between the rulers and the ruled."

11. The Pakistan High Commissioner said that what had happened in Pakistan was their internal affair which they would try to settle according to their best light but he would like to state that they had not adopted a military approach or effort against India. He had been in India for a considerable time and during recent months he had been conscious of threats repeatedly uttered against Pakistan, specially the statements made by the Indian Defence Minister.

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0625. Telegram from President of the US to US Ambassador in India containing a Message from President Richard Nixon to Prime Minister Indira Gandhi.


Subject: Presidential Message to Mrs. Gandhi.

1. In view of further deterioration in Indo-Pak situation you should at request of President seek earliest possible appointment with Prime Minister to present following letter.

2. QUOTE

Dear Madame Prime Minister:

I have read with care your letter of November 18 in which you shared with me your most recent thoughts on the current situation in South Asia. I very much share your hope that our discussions and the continuing dialogue between us will indeed clear away misunderstanding and lead to the strengthening of the friendship between India and the United States. Your visit to Washington helped to clarify views about many of the problems affecting South Asia and about the steps which are required to achieve a viable political solution. Hostilities between India and Pakistan would negate the efforts which we hoped to make such solution. I appreciate your assurance that you will make every effort to urge patience on your people.
Unfortunately in recent days the danger of war has increased. Considering how productive our talks were, I am distressed at the recent deterioration of the situation and at the ominous trend of events. Military engagements along India’s border with East Pakistan have increased in number and strength. Tanks, aircraft and regular forces have been involved on both sides. In this connection I note your Government has confirmed that your armed forces have been engaged on Pakistan territory. The situation has reached a critical stage and there is a danger of all out hostilities. As I indicated to you during your visit, the American people would not understand if Indian actions led to broad scale hostilities. Hostilities would inevitably affect our ability to be helpful in many of the ways which we discussed. I hope that you will take into account American Attitude as you formulate your policies for the future.

In our conversations, I mentioned to you that President Yahya Khan would be willing to take the first step in disengaging his forces on the frontier provided India were willing to take reciprocal action. I have not heard from you on the point. And I hope you would agree promptly to designate a representative who could discuss a limited disengagement with a representative named by President Yahya. Such a step would be in the interests of both India and Pakistan and of peace in the world. A limited withdrawal would not only help deescalate the situation, and recent events have shown how real the dangers of escalation are, but it would also create conditions which would facilitate efforts to achieve a political solution. It is only in a defused situation that progress can be made in the direction of a political settlement for which we continue to work.

In view of the seriousness of the situation, I have also written to President Yahya and Premier Kosygin.

Sincerely

Richard Nixon

Unquote

3. In making presentation Ambassador should stress the President’s deep personal concern at the developments of recent days, reiterate the degree to which an Indian decision to have recourse to war would not be understood in the United States, and complications for US-Indian relations.
0626. State Department telegram to the American Embassy in Islamabad and repeated to their embassies in New Delhi, Moscow, London, Tehran, and Missions in New York, Calcutta and Dacca containing message for President Yahya Khan.


TELEGRAM

For Ambassador Farland.

Subject: Presidential Message to President Yahya.

No. State. 212620

1. This cable contains Presidential letter to Yahya for delivery soonest.

2. As you will see from sotels President has written to Mrs. Gandhi and PM Kosygin to urge that India agree promptly to talks with Pakistan looking towards mutual withdrawal of forces. In presenting President’s letter to Yahya, you should stress that we have urged GOI to name a representative promptly who could talk to a representative named by Yahya on how to achieve mutual withdrawals. You should also tell Yahya that we have also indicated to GOI willingness of Yahya to take first step in this regard, provided there is Indian response.

3. For your information we believe GOI and GOP high level military representatives are best way to proceed; we do not want to get into middle of trying to work out details of disengagement. This has to be done on ground by military reps., of two governments.

4. Text of letter to Yahya follows:

QUOTE:

Dear Mr. President:

Thank you for your letter of November 22 in which you describe the deepening conflict along your country’s eastern borders with India. I am grateful to you for the continued friendship and candor in our relationship which your letter represents. You know the importance I attach to this.

I am especially gratified to have reaffirmation of your strong desire to avoid what you so wisely say would be a senseless and destructive war with India. I have asked Ambassador Farland to convey to you directly what we have been trying to do recently, as friends of both Pakistan and India, to counsel restraint,
to accomplish a withdrawal of forces, and to contribute to a lessening of tensions. I have made clear to the Government of India that the people and government of this country would find great difficulty in understanding of Indian actions led to broad scale hostilities. We are also continuing to make our views known on this to the Soviets, at the highest level.

Mr. President, my government intends to continue as a concerned friend of Pakistan to act in ways that hopefully might help prevent war between your country and India. War would only further complicate the difficult but essential task you face in achieving the viable political accommodation among your people which I know you seek and which I am sure you agree has now become a matter of even more urgent necessity.

I have asked Mr. Ambassador Farland to keep in closest touch with you and your associate in the days ahead. We will welcome any suggestion your government may wish to discuss with us that will help reduce the risk of further conflict in South Asia.

With warm regards,

Richard Nixon

UNQUOTE.

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0627. U.S. State Department Telegram to US Embassy Moscow repeated to US Missions in Islamabad, Dacca, New Delhi and New York, containing the letter from President Nixon to Chairman Kosygin of USSR.


Subject: South Asian crisis

1. We are increasingly concerned at deteriorating military situation in South Asia and at prospect of full scale hostilities between India and Pakistan in near future. You should seek earliest possible opportunity to present following letter from President to Chairman Kosygin.

2. QUOTE

Dear Mr. Chairman:
I have been following extremely closely developments on the South Asian subcontinent. The recent border incidents which have involved engagements between Indian and Pakistani aircraft, tanks, and artillery in the Jessore sector of East Pakistan have been of particular concern to me, as I am sure they have been to you. The situation has reached a point at which there appears to be an imminent danger of full-scale hostilities between India and Pakistan.

As Ambassador Beam has made clear to Foreign Minister Gromyko and Mr. Kuznetsov, the United States government is doing all in its power to assist in de-escalating the crisis and to search for a viable political solution to the problem. It is neither in the interests of the United States nor of the Soviet Union that there be war in South Asia. I welcome the assurances that your Government is using its influence to promote a peaceful resolution of this crisis.

In order to deescalate the crisis, we have proposed to the Governments of India and Pakistan that they withdraw their forces a limited distance from the frontiers. President Yahya has indicated his willingness to take the first step of withdrawal if he could be assured that the Indian would reciprocate. I believe that a limited pull-back would directly contribute to a lowering of tension and would make possible the pursuit of the political settlement which we recognize is essential. I hope that your Government would give support to this idea with a view to having India and Pakistan designate promptly high level representatives who could work out the details.

Finally, I agree fully that our governments should continue to consult closely on this matter.

Sincerely yours

Richard Nixon

UNQUOTE

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0628.  

SECRET

TELEGRAM

From: Foreign New Delhi
To: Hicomind London
Repeated: Indiadel New York
Info: Indembassy Washington
      Indembassy Moscow
      Indembassy Paris
      Indembassy Peking

No.24680  November 27, 1971.

High Commissioner from Secretary (East).

British High Commissioner saw me this evening and said that he has been instructed to convey to us 3 points made by Pakistan Foreign Secretary to British High Commissioner in Islamabad on November 25 (when latter had gone to deliver reply of Prime Minister HEATH to YAHYA KHAN’s circular appeal dated November 24)

1. President Yahya Khan had said more than once that if East Pakistani territory was taken and held war must result.

2. Indian recognition of Bangla Desh must mean war.

3. 3 1/2 Pakistani Divisions in East Pakistan could not be abandoned without the most serious repercussions in West Pakistan. (The High Commissioner could not elaborate on this)

2. Pakistan Foreign Secretary pre-fixed his remarks by saying that even if the Pakistani public and the Pakistani leaders could have agreed to negotiate with the Awami League, the publicity given by Indian leaders to such demand ruled this out.

3. The High Commissioner asked me whether we would like to convey any replies on these points to Pakistan Government. I told him that our High Commissioner is in Islamabad and the Pakistan High Commissioner in New Delhi. The Pakistan Government are free to use both the channels for communicating directly with us.

4. I told the High Commissioner that there has been no change in the policy explained to him by Foreign Minister that the Indian Army had no intention of taking or seeking to retain Pakistani territory. I said that we would not, however tolerate Pakistan causing any damage to our territory. If they fire from Pakistani territory at us and caused death and destruction, we would see to it that they
stopped such firing. I added that there has been no change in our policy regarding recognition of Bangla Desh as earlier enunciated by Prime Minister.

5. I then referred to the Belgian move for calling a meeting of Security Council and said that the main problem can only be solved by YAHYA KHAN negotiating with elected representatives of East Bengal and not by Security Council. Security Council meeting would make the issue seem to be an Indo-Pakistan affair and would only harden positions all round. The High Commissioner said that we would not find British position in any way embarrassing to us on this matter.

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0629. Telegram from Chairman Kosygin of the USSR in reply to the letter of the U. S. President Richard Nixon “concerning events on the Indian Sub-Continent”.

Moscow, December 3, 1971.

TELEGRAM

Esteemed Mr. President

My colleagues and I carefully acquainted ourselves with your letter of November 27 concerning events on the Indian sub-continent.

We share the anxiety, expressed in your letter, about the aggravation of the situation in this region.

Weighing once again what steps could be taken to de-escalate tension leads us to conclude that the suggestion about the withdrawal of troops irrespective of our wishes appears scarcely feasible in the present, specifically existing circumstances.

We are convinced that we both should firmly support a political solution of the question, clearly stating this to the interested parties, and for understandable reasons, particularly to the President of Pakistan Yahya Khan.

Specifically, this should mean a recommendation to Yahya Khan immediately to release Mujibur Rahman and to resume negotiations with him and with other leaders of the people’s party. Understandably, these negotiations need to begin at that stage where they were interrupted because of the arrest of the representatives of one of the sides participating in the negotiations.
We think that both our Governments would perform a good and necessary deed if they would energetically support such a course of action. If the Pakistan side would take account of this friendly advice, this would then relieve the present dangerous tension, would avert further worsening of the situation, and would open the way to a political settlement in East Pakistan.

Now every day, every hour is dear. On this bases we are addressing ourselves at the present moment to the President of Pakistan Yahya Khan and to the Prime Minister of India Indira Gandhi.

Respectfully,
A. Kosygin

0630. Gazette Notification issued by the Government of India announcing that Pakistan has committed aggression against India.

New Delhi, December 4, 1971.

The Gazette of India
Extraordinary
Part II – Section 3- Sub-Section(i)
Published by Authority
Ministry of External Affairs
New Delhi
Notification

G.S.R. 1848 – In pursuance of clause (a) of section 19 of the Passports Act, 1967 (15 of 1967), the Central Government hereby declares that a foreign country, namely Pakistan is committing external aggression against India.

(NO. VI/49/34/71).
0631. Note Verbale from the Ministry of External Affairs to the Embassy of Switzerland requesting it to look after India’s interest in Pakistan in view of Pakistan breaking off diplomatic relations with India.

New Delhi, December 6, 1971.

No.10115/S(E)/71 December 6, 1971.

The Ministry of External Affairs present their compliments to the Embassy of Switzerland and, in view of the announcement made by Pakistan of breaking off diplomatic relations with India, have the honour to request the Government of Switzerland to look after India’s interests in Pakistan.

The Ministry of External Affairs avail themselves of this opportunity to renew to the Embassy of Switzerland the assurances of their highest consideration.

Seal of the Ministry
(SD/- S.K. Banerji)

Embassy of Switzerland
Nyaya Marg,
Chanakyapuri
New Delhi – 21.

0632. Note Verbale from the Embassy of Switzerland to the Ministry of External Affairs requesting agreement to the request of Pakistan to look after its interest in India.

New Delhi, December 6, 1971.

Embassy of Switzerland

The Embassy of Switzerland presents its compliments to the Ministry of External Affairs of the Republic of India and has the honour to inform the Ministry that the Government of Pakistan have approach the Government of Switzerland with the request to look after the interests of Pakistan in India as protecting power. The Swiss Government have agreed to exercise these functions provided that the Government of India agrees to the mandate.
The Government of Switzerland would be grateful to receive the Government of India’s consent*.

The Embassy of Switzerland avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

New Delhi, 6th December 1971.

Seal of the Embassy of Switzerland

The Ministry of External Affairs
Government of India, New Delhi.

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0633. Note verbale from the Embassy of Switzerland to the Ministry of External Affairs regarding its request to look after Indian interests in Pakistan.

New Delhi, December 7, 1971.

Ambassade De Suisse

No. 822.0

The Embassy of Switzerland presents its compliments to the Ministry of External Affairs and has the honour to confirm that the Swiss Federal Council in Berne having accepted that Switzerland assume the interests of the Republic of India in Pakistan and that this latter country has agreed, the mandate has formally begun on December 7, 1971.

All requests concerning the protection of Indian interests must be addressed by the Indian diplomatic Mission in Berne to the Division of Political Affairs, Service of Foreign Interests, who will decide what should be done and transmit instructions to the Swiss Embassy in Islamabad so that it takes the necessary steps. The results of these steps will be transmitted to the Indian Authorities by the same channel in reverse direction.

It is evident that for the protection of the Indian interests in Pakistan numerous problems arise needing the application of practical measures (protection is of

* On 8th December Ministry of External Affairs in a Note No:6255-JSP/71 conveyed to the Swiss Embassy its agreement to look after the “Interest of Pakistan in India as protecting power.”
persons and belongings, consular affairs, etc.). It is therefore important to be informed as quickly as possible about the intentions of the Government of Republic of India in this respect so that the appropriate instructions can be sent to the Swiss diplomatic Mission in Islamabad.

The Political Department, Book-keeping Service, will establish special records of the expenditures in relation with the protection of interests which are assumed by the protected country.

The above information was transmitted by aide-memoire personally by the Head of the Service of Foreign Interests in Berne to the Ambassador of the Republic of India in Berne.

The Ministry of External Affairs, Government of India. New Delhi

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0634. Meeting of Washington Special Actions Group
December 12, 1971, 11:15 a.m.

Subject: South Asia

Participants:
Henry A. Kissinger, Chairman
State – John Irwin; U. Alexis Johnson; Joseph Sisco
Defence – Warren Nutter
CIA- Richard helms
JCS- Admiral Thomas Moorer
AID – Maurice Williams

Summary of Decisions
The President’s decisions were announced.

1. Our U.N. Ambassador would go to the Security Council today with the strongest possible statement calling for an immediate ceasefire and withdrawal. The resolution should be based on the General Assembly resolution and would
be introduced by us or by another country. Our Ambassador should clarify strategy with Bhutto. The importance and seriousness of the situation should be emphasized. We should edge toward calling it aggression.

2. Our Fleet will move to the area through the Straits and into the Indian Ocean. In 45 hours they could move anywhere we wanted them. If asked, Defense could say that the purpose was to stand–by – for a possible evacuation of Americans.

0635. TOP SECRET

Telegram from Principal Secretary to the Prime Minister
P.N.Haksar to the Indian Ambassador in Peking Brajesh Mishra containing a letter from Prime Minister to the Chinese Premier Chou En-lai.

New Delhi, December 11, 1971

TELEGRAM

From: Foreign New Delhi
To: Indembassy Peking

Most Immediate

11-12-1971

Brajesh Mishra from Haksar. Personal.

Please convey following message from Prime Minister to Premier CHOU – EN – LAI. The signed letter will follow in due course.

BEGINS

My dear Prime Minister,

Although the Representatives of China in the United Nations have made harsh and ill-informed allegations against India, I feel that I should, nevertheless, write to you so that you may have a connected account of facts as we see them.

When I wrote to Your Excellency in July, it had already been evident that the policy of military repression pursued by the Government of Pakistan in
Bangladesh would aggravate tensions and imperil peace in the sub-continent. Our assessment has all along been that no amount of force would be able to suppress the people of Bangladesh or thwart their aspirations for democratic rights. It was for this reason that we continuously urged the release of Sheikh Mujibur Rahman, to be followed by negotiations between President Yahya Khan, Sheikh Mujibur Rahman and the other genuinely elected representatives of the people of Bangladesh. A growing volume of international opinion also came to the same conclusion.

It is a matter of regret that the military regime persisted in ignoring the realities of the situation, despite the combined pressure of world opinion and the advice of many Governments well disposed towards Pakistan.

Instead of seeking a settlement, the Government of Pakistan continued to persecute the people, installed the so-called ‘civilian’ administration in Dacca and went ahead with its plans to hold bye-elections to fill seats arbitrarily declared vacant. All this added to the anger of the people, who intensified their struggle. The sequel of events is well known to Your Excellency.

During this entire period, we bore the burden of an ever-growing number of refugees, now totaling 10 million, and exercised the utmost restraint in the face of repeated violations of our air space, shelling of Indian areas in the East and other provocations.

When these violations continued in spite of our repeated warnings, we were compelled to take defensive action at Boyra on November 21 to silence Pakistani tanks and guns. The very next day, three Pakistani Sabre jets intruded into India air space and were brought down on our territory.

However, we regarded these as isolated local incidents and hoped that the military regime in Pakistan would desist from further provocations. But this hope was belied. At 1730 hours Indian Standard Time on December 3 Pakistan launched a sudden but evidently pre-planned attack on our western borders. The Pakistan Air Force made simultaneous strikes on our airfields at Amritsar, Pathankot, Srinagar, Avantipur, Uttarlai, Jodhpur, Ambala and Agra. A few minutes later, heavy Pakistani shelling began all along our western border.

Pakistan Radio made the baseless allegations that Indian Armed Forces had launched a massive attack on the border of West Pakistan on the afternoon of December 3, without specifying either place or time, and claimed that their Sabre jet aircraft were attacking Indian positions in retaliation. This was a total fabrication.

At the time the Pakistani attack started, I was in Calcutta addressing a public rally. Our Defence Minister was in Patna and the Finance Minister was in Bombay. We rushed to New Delhi immediately to take counsel with our colleagues and came to the conclusion that there was no alternative but to repel Pakistan’s wanton aggression by force.
With your vast experience of human affairs and movements of people in revolt, I am sure you will appreciate that every Government derives its legitimacy from the support which it receives from its own people. The majority of the people in Pakistan who live in Bangladesh and who number as many as 75 million people have repudiated their allegiance to Pakistan. This may be deplorable. But it is unrealistic to imagine that the revolt on so vast a scale could be explained away in terms of the fiction of ‘Indian interference’ or ‘India’s alleged ambitions’.

China as an Asian Power, who together with India struggled against imperialism, should be able to understand the phenomenon of people’s revolt. Situated as we are, we are deeply affected by the consequences of this revolt. Millions of refugees have poured into our land.

I am sure that China, along with the other nations of the world, desires that these refugees should be able to go back to their homeland. The question is: how and in what conditions they would return? I earnestly request you to consider this matter with the utmost objectivity.

It is not for us to interfere or advise Pakistan how it should structure its political life, but as a neighbouring country, we cannot help observing that every step which the military regime in Pakistan has taken, has led to a successive alienation from its own people. And it is we who have to suffer the consequences.

May I, in all sincerity, request Your Excellency to exercise your undoubted influence with the Government of Pakistan to acknowledge the will of the people of Bangladesh, so that the suffering of these unfortunate people is not further accentuated and that peace is restored to the sub-continent. On our part, we shall do our utmost to seek the restoration of peace on a durable basis.

We ardently desire to be allowed to live in peace in order to pursue our own way of life, neither interfering with others nor allowing interference from outside. We seek friendly relations with all our neighbours and we seek China’s friendship too. In my last letter I had indicated our readiness to discuss the problems of mutual interest.

As one looks towards the future of this Earth, I have no doubt that its only hope for advancement in peace and tranquility lies not in conflict but in cooperation. Let each one of us seek in cooperation to bring happiness and a sense of fulfillment to our people.

With assurances of my highest esteem and consideration,

Yours sincerely

Indira Gandhi

END

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0636.

From: Foreign New Delhi
To: Indiadel New York

MOST IMMEDIATE


T.N. Kaul from Haksar Personal.

I have just now received your message setting out certain proposals which FARMAN ALI has apparently made on his own. We had received information about these proposals from other sources also.

2. As you have rightly pointed out, these proposals have not been accepted by the President of Pakistan. Consequently, we are not called upon to react to proposals made by individuals.

3. P.M. desires that whatever proposals are made, our delegation should not take any position, but forward these proposals to the Government of India for their consideration. This is desirable both tactically and also to give the appearance that every proposal will receive our careful consideration.

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ANNEXURE - I

Following is the text of the message from Major-General Farman Ali as handed over to Paul Marc Henri, United Nations Administrator in Dacca;

“For the President of Pakistan.

(a) As the responsibility of taking the final and fatal decision has been given to me I am handing over the following note to Assistant Secretary General Mr. PAUL MARC HENRI after your approval.

(1) It was never the intention of the armed forces of Pakistan to involve themselves in an all out war on the soil of East Pakistan.

(2) However a situation arose, which compelled the armed forces to take defensive action.

(3) The intention of the Government of Pakistan was always to decide the issue in East Pakistan by means of a political solution for which negotiations were afoot.

(4) The armed forces have fought heroically against heavy odds and can
still continue to do so but in order to avoid further bloodshed and loss of innocent lives I am making the following proposals;

(a) As the conflict arose as a result of political causes it must end with a political solution.

(b) I therefore having been authorized by the President of Pakistan do hereby call upon the elected representatives of East Pakistan to arrange for the peaceful formation of the Government in Dacca.

(c) In making this offer I feel duty bound to ask the will of the people of East Pakistan and demand the immediate vacation of their land by the Indian forces as well.

(d) I therefore call upon the U.N. to arrange for a peaceful transfer of power and request:

   (1) An immediate ceasefire
   (2) Repatriation with honour of the armed forces of Pakistan to West Pakistan.
   (3) Repatriation of all West Pakistan personnel desirous of returning to West Pakistan.
   (4) The safety of all persons settled in East Pakistan since 1947.

(5) Guarantee of no reprisals against any person in East Pakistan.

(a) In making this offer I want to make it clear that this is a definite proposals for peaceful transfer of power.

(b) The question of surrender of the armed forces will not be considered and does not arise and if this proposal is not accepted the armed forces will continue to fight to the last man;'

**************

Annexure II

Following is the text of the message from Paul Marc Henri to the Secretary General, U Thant:

(1) Have been received by Major General Farman Military Adviser to Governor East Pakistan and by Chief Secretary at 1300 on Friday December 10, 1971.

(2) I was handed a note the text of which follows which can be considered as a firm offer to comply within the terms of the Soviet resolution to the Security Council concerning the basic conditions for cessation of hostilities in East Pakistan.
(3) My personal comments and suggestions are the following:

AAA. The military situation is desperate but the armed forces or at least part of them are quite ready to fight to the last man.

BBB. Subpara DDD 3, 4, and 5 above are fundamental. (These paragraphs relate to FARMAN ALI's proposals) The minorities in question have now regrouped in Dacca in certain quarters, are armed to the teeth and are ready to defend their lives in a last desperate resistance against a threatened massacre.

CCC. It is essential that the Indian Forces should give some minimum guarantee in the respect of the above. In this regard the All India Radio is carrying threats of reprisal which can only exacerbate the animal fear which grips large sections of the population.

DDD. Two totally distinct operations are described in this proposal one is the peaceful transfer of power to the elected representative of East Pakistan through the setting up of a Government, politically acceptable to the people. Two, is repatriation with honour of the Armed Forces of Pakistan to West Pakistan.

EEE. I do not see any distinct chronological relationship between the two. My impression is that the United Nations guarantee is essentially required for the peaceful repatriation with honour of the armed forces of Pakistan to West Pakistan and for the repatriation of all West Pakistan personnel desirous of returning to West Pakistan. Also United Nations guarantees as yet un-described are required for protection of certain categories of persons as mentioned above.

FFF. This is by far the most immediate problem. If India guarantees the above the transfer of power can take place almost immediately in any possible or desirable manner provided that this process not interfered with the major logistical operation involved in the transportation back to West Pakistan of nearly 100000 military personnel, perhaps 50000 civilian personnel and possibly a massive transfer to West Pakistan of the so called Bihari population.

(4) It is the wish of General Farman, acting with the full authority of President, that you should immediately inform the Security Council of the above communication and that you should obtain from the armed forces of India and their allies an immediate agreement for cease fire providing for zones of regrouping wherever appropriate of the armed
forces of Pakistan and of civilian wishing to be repatriated to West Pakistan.

(5) We are now dealing with a matter of hours concerning the avoidance of the final assault on Dacca. It seems to me that only a Security Council resolution can be binding on both parties concerning cease fire and peaceful evacuation of the city of Dacca and the territory of East by the Pakistani army”.

ENDS

You know of course that the original proposals of FARMAN ALI have not been approved by YAHYA KHAN and now stand withdrawn.

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0637. TOP SECRET

Telegram from Principal Secretary to the Prime Minister P. N. Haksar to the Indian Permanent Representative at the UN S. Sen 

New Delhi, December 11, 1971.

From : Foreign New Delhi
To : Indiadel New York
Repeated To: Hicomind London
Indembassy Paris
Indembassy Bonn
Indembassy Washington

MOST IMMEDIATE

No. 371835 December 11, 1971

TINOO* SEN from HAKSAR.

We have received disturbing reports that individual representatives of Bangladesh in various countries have in a state of emotional excitement said that they will wreak vengeance on collaborators, Razakars, Pakistani armed

* Tinoo was the name de plum of Sumer Sen.
forces etc. By doing so, they are putting themselves in the wrong, whatever may be the emotional justification for their outbursts. On the contrary, they should say that they have been victims of such bloodshed and would act with humanity as a civilized state. Bangladesh is emerging as a State in the family of nations. Their representatives have everything to gain by appearing dignified, calm, and self-possessed. It would be most useful if you can get together the representatives of Bangladesh and impress upon them the importance of not doing or saying anything which will hurt their cause.

0638.

TOP SECRET

TELEGRAM

From: Foreign New Delhi
To: Indiadel, Washington.
Repeated: Indiadel, New York.

Reference your telegrams 567 and 568 of December 9 and 10 respectively. We have no territorial claims or ambitions so far as Bangla Desh is concerned. If we had any, we would not have accorded recognition to that Government. The act of recognition means self-imposed restraint on our part against making any claims whatsoever.

We have no claims against the territory of West Pakistan. However, this does not mean that Pakistanis can continue to savagely attack our forces and occupy our territory and that we should, in advance, declare to them that they can do all this and we shall sit with our hands tied and surrender meekly to their attacks.

As for Azad Kashmir, the State Department ought to know that for a period of 24 years, India has consistently maintained that this territory legally belongs to us. Pakistan, on the other hand, has not only seized this territory, but continues to advance claims on our State of Jammu and Kashmir. And Yet we have in the past said that we will not alter the status quo by force. In this context it would be relevant for us to ask the State Department representatives if they can tell us what are Pakistan’s intentions in regard to Jammu and Kashmir. Why are they mounting attacks after attacks with their Armoured Division against Chhamb?
Merely to seek assurances from us in regard to West Pakistan without giving us an assurance that so far as United States is concerned, it ceases to support Pakistan’s claim to Bangladesh and to state of Jammu & Kashmir, appears to us not only unfair way of treating us, but extremely partisan and one-sided. However, we have no desire to aggravate the situation and shall exercise self-restraint consistent with the needs of self-defence.

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0639. TOP SECRET

Letter from Principal Secretary to the Prime Minister P. N. Haksar to Secretary in the Ministry of Information and Broadcasting.

New Delhi, December 13, 1971.

My dear Robi,

In his report to the U.N. Secretary General U Thant, UNEPRO Administrator Paul Marc Henry has reported that a very large number of U.P. and Bihar Muslims and others have been concentrated in a particular area in the city of Dacca. All of them are gripped by animal fear of being massacred either by Mukti Bahini or by Indian Armed Forces. They have been armed to the teeth and would naturally fight for their lives. He has stated that All India Radio has been feeding their fear by threats of reprisals. I do not know if this is a fact. Quite obviously, such threats are self-defeating. We should, on the contrary, say that Indian Armed Forces will not resort to the barbarism of Pakistan Armed Forces that everybody who peacefully surrenders will be treated with respect and his life safeguarded. You might also say that Major General Farman Ali, under instructions of President Yahya Khan, had offered to transfer power to the elected representatives of Bangladesh but that President Yahya Khan, displaying total insensitiveness to the suffering of the people, has withdrawn that offer. Therefore responsibility for continuing unnecessary bloodshed rests squarely on the military junta in Pindi who enjoying safety and comfort of Islamabad are showing callous disregard for the suffering of the people in Bangladesh and in Dacca.

Yours Sincerely
Sd/-
(P.N.Haksar.)
Shri R.C. Dutt,
Secretary,
Ministry of Information and Broadcasting,
New Delhi.

Copy to (1) Defence Secretary and (2) Chief of the Army Staff, with a request that if they have any suggestions for variation in themes of our broadcast, these may be communicated immediately to me.

(P.N. Haksar)

0640.

Note recorded by Principal Secretary to the Prime Minister for the information of Prime Minister.

New Delhi, December 13, 1971,
Prime Minister’s Secretariat

December 13, 1971.

If I have been able to understand it, Mr. Kuznetsov’s mission is as follows:-

1. The Soviet leadership at the highest level wishes to inform itself of our thinking on certain vital matters.

2. The most vital is our objectives in West Pakistan. According to them, United States’ commitment to defend the territorial integrity of West Pakistan is of a nature and character that any provocation on our part which might lead U.S.A. to conclude that we have territorial ambitions in West Pakistan would enlarge the conflict.

3. The Soviet leadership is also anxious that India should enable the Soviet Union to say something in the Security Council which is not altogether negative in character. It is apparently the Soviet view that the so-called Farman Ali proposals, even though rejected by Yahya Khan, provide a basis for building up a set of proposals which while not compromising Indian objectives in Bangladesh give an appearance of positive approach to problems of restoring peace in the sub-continent.

2. I had discussions with Mr. Kuznetsov on the footing that all I was saying
was my own, without any commitment and was in the nature of an exercise in thinking aloud. This morning again I had further discussions with the Ambassador Extraordinary accompanying Mr. Kuznetsov.

3. The Ambassador Extraordinary put to me a paper setting down certain principles. This paper is at Slip ‘A’. (Not available) I told him that since the central theme of Farman Ali’s proposals is transference of power to the elected representatives of the people, we should begin with that. The Ambassador Extraordinary did not argue too much and accepted this proposal. On that basis I suggested to him a set of principles which I had set out in the paper at Slip ‘B’. (not available)

4. In setting down these principles which might form the basis of some initiative in the Security Council, the Ambassador Extraordinary pointed out that at this stage they would require a general approval on the part of India. However, they would initiate these proposals exclusively on their own responsibility and that when these proposals are formally made in the Security Council, India would naturally not reject them out of hand but say that they would like to consider them and also consult with the Government of Bangladesh.

5. I told the Ambassador Extraordinary that having regard to the time factor involved, I could not give any commitment that Prime Minister would be in a position to say anything on these proposals by the time Mr. Kuznetsov meets P.M. He said that he understood this position, but enquired whether Prime Minister would be shown these proposals before the meeting with Mr. Kuznetsov. I told him that I would undertake to do this before the meeting, but how much time P.M. would have to read these proposals I could not say. In any case because when formally made in the Security Council, P.M. would naturally wish to consult with some of her colleagues in the Cabinet.

6. The Ambassador Extraordinary said that he understood this very well but since time was the essence of the matter if P.M. could give us some indication in the course of today.

7. Fortunately, the Security Council meeting has been adjourned until tomorrow and this gives us a little time.

8. Since I have taken in hand in setting down these proposals, naturally my own feeling is that no harm would be done if we were to tell the Soviet Union that proposals along these lines and in the sequence set out would not be rejected by us and we shall give them our consideration. I feel that we should also advise them that if these proposals are to see the light of the day, it might be desirable for some country other than Soviet Union or Poland
to take the initiative. This would enable the Soviet Union to be free to resist amendments which would not be acceptable to us or even use veto if the proposals take a shape which is unacceptable to us.

9. P.M. may kindly send for me as soon as she is free from the work of the Consultative Committee on Atomic Energy.

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0641. Statement by the External Affairs Minister Swaran Singh in the Security Council over-ruling the Soviet Delegate Mr. Malik’s Point of Order asking the Council to invite Bangla Desh Representative.


Mr. President, it is not my intention to challenge your ruling, but I thought it better that the position should be clarified. You stated that your ruling did not mean that persons who might be competent to give information about what is happening there would be barred. The representative of the Soviet Union has pointed out that he had not suggested that they should be invited as representatives of the State, but under rule 39 as persons competent to supply the Council with information or to give other assistance in examining matters within its competence.

This is a matter which is not denied by anyone—and I suppose it will not be denied even by the representative of Pakistan -- that apart from the armed forces of India and Pakistan being engaged in the conflict in Bangladesh, there is also a large number of persons armed, organized and accepting the orders of the government of Bangladesh who are participating in partisan activities and carrying on their fight for maintaining their freedom. Whereas I can understand the reluctance to invite them as representatives of the state, any discussion which is calculated to restore normalcy in that area and create conditions in which the hostile armed activities should come to an end, is not practical and does not have any content or meaning unless a group which is functioning there, according to us in their capacity as persons who belong to the armed forces of the government of Bangladesh, is heard by the Council. Other countries may not recognize them, but the reality is there, and in that capacity persons who might be competent to give information regarding what is happening in the area, information which will enable the Security Council to decide on adequate measures in accordance with whatever may be the wish
and desire of the Council, should give that information within the meaning of Rule 39. Those decisions will actually have to be implemented in the area. By that process those persons will also be involved in establishing a durable peace. It appears to be absolutely essential that an opportunity should be given to such persons to enable the Security Council to understand the issues involved and also to allow them to assist the Security Council in enforcing any decisions that it may take to restore peace and to bring about normalcy in that region.

With these observations, I would strongly urge the Security Council or you, Mr. President, to consider the desirability of affording an opportunity to such persons, within the meaning of Rule 39.

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0642.  TOP SECRET

Note for Political Affairs Committee of the Cabinet.

New Delhi, December 14, 1971.

Prime Minister’s Secretariat

I am sending to P.M. four more copies of the note for P.A.C.(Political Affairs Committee). I would beg P.M. to get all these copies back from her colleagues.

Sd/- P.N. Haksar
14-12-1971

Prime Minister

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Prime Minister’s Secretariat
(Pradhan Mantri Sachivalaya)

Note for the Political Affairs Committee of the Cabinet.

As a result of the conversations which our Foreign Minister and Foreign Secretary had in the U.N. and en route, it has become clear that every day’s delay in completing the military operations in Bangladesh is playing into the hands of our opponents. In order to meet the situation, suggestion have been made that some Member-State of the U.N. might, on its own initiative, suggest a draft of a Resolution either to the Security Council or to the General Assembly based on
certain set of principles to which India could express her readiness to consider only. The political and tactical advantage of doing this need hardly be spelt out. We shall gain time. We would not appear negative and intransigent and that we would be able to say that we are ready to respond to anything which is reasonable. The question for consideration is whether one could evolve a set of such principles.

2. The following principles are submitted to the P.A.C. for their consideration:

1. Peaceful transfer of power in Bangladesh (East Pakistan) to the genuinely elected representatives of the people headed by Sheikh Mujibur Rahman who should be immediately released.

2. Immediately on commencement of the process of transference of power, there shall be cessation of military actions in all areas and a ceasefire for a period of 72 hours initially.

3. With immediate commencement of the initial period of the ceasefire, Pakistani armed forces shall begin withdrawal to designated places in Bangladesh (East Pakistan) for the purpose of evacuation from the Eastern theatre of war.

4. Similarly, all West Pakistan civil personnel and other persons wishing to return to West Pakistan as well as all East Pakistani civil personnel and other persons in West Pakistan wishing to return to Bangladesh (East Pakistan), shall be allowed to return under U.N. supervision being assured by all appropriate authorities concerned that no reprisals will be used against any person.

5. As soon as the withdrawal of Pakistani forces and their grouping for that purpose had commenced within the period of 72 hours, the ceasefire shall become permanent. Indian forces shall withdraw from Bangladesh (East Pakistan). However, the commencement of such withdrawal of Indian armed forces will take place with the consent of the newly established authorities set up as a result of transference of power to the genuinely elected representatives of the people headed by Sheikh Mujibur Rahman.

6. Recognising the principle that territorial gains made by application of force shall not be retained by any party to a conflict, Governments of India and Pakistan through their appropriate representatives of the respective armed forces shall immediately commence negotiations in the Western theatre of war as soon as possible.

3. The principles set out in paragraph 2 are sufficiently elastic to generate discussion and give time. They also have the merit of reflecting the proposals
which General Farman Ali formally made on behalf of President Yahya Khan to the U.N., but which Yahya later withdrew. The positive substance of those proposals was the readiness to transfer power to the elected representatives of the people. This is what we have been consistently urging and today we are fighting for achieving this objective. The Farman Ali proposals, together with the text of the message of the U.N. Representative in Dacca, Mr. Henri, are annexed to this note. (These may be seen at Document No………………………)

4. It is well understood that neither U.S.S.R. nor Britain, France or Poland will sponsor any Resolution based on the above principles. Either a Member of the Security Council not belonging to this Group or some Member State not a Member of the Security Council, could sponsor the idea of working a Resolution. It is also understood that neither India, nor Soviet Union, nor Poland, nor Britain, nor France will be committed to these proposals. The initiatives for obtaining the sponsorship will not be taken by India, directly or indirectly. We shall remain free to seek elucidation, and suggest amendments. Only we will not reject them outright.

5. P.A.C.’s approval is sought to the principles set out in paragraph 2 above subject to the reservations spelt out in paragraph 4.

(P.N. Haksar)
Principal Secretary to the Prime Minister

New Delhi,
Dec. 13, 1971
0643. **TOP SECRET**

Letter from Principal Secretary to the Prime Minister to Defence Secretary.

New Delhi, December 14, 1971.

IMMEDIATE

Principal Secretary to the Prime Minister,
New Delhi

December 14, 1971

My dear K.B.,

I know that you are aware of the complex political factors dominating our western front. All the reports we received yesterday from Washington, London, Moscow and sources close to China point to the fact that the United States and China have now only one dominant interest, namely to preserve the integrity of West Pakistan. Anything that we may do or say which gives the impression that we have serious intentions, expressed through military actions or dispositions and propaganda, that we wish to detach parts of West Pakistan as well as that of Azad Kashmir would create a new situation.

Yours sincerely,

Sd/- P.N. Haksar

Shri K.B. Lall,
Secretary,
Ministry of Defence,
New Delhi.

Copy to Shri R.C. Dutt, Secretary, Ministry of Information & Broadcasting, New Delhi, for his information and guidance. It appears that PIB had prepared some material calculated to stimulate Sindhi irredentism in West Pakistan. The PIB release was picked up by the PTI. Such a publicity within our country has to be stopped forthwith and all PIB releases fanning Sindhi, Baluchi or Pathan irredentism must be withdrawn.

(P. N. Haksar)
0644. Letter from Prime Minister Indira Gandhi to US President Richard Nixon.

New Delhi, December 12, 1971.

Dear Mr. President,

I am writing at a moment of deep anguish at the unhappy turn which the relations between our two countries have taken.

I am setting aside all pride, prejudice and passion and trying, as calmly as I can, to analyse once again the origins of the tragedy which is being enacted.

There are moments in history when brooding tragedy and its dark shadows can be lightened by recalling great moments of the past. One such great moment which has inspired millions of people to die for liberty was the Declaration of Independence by the United States of America. That Declaration stated that whenever any form of Government becomes destructive of man's inalienable rights to life, liberty and pursuit of happiness, it was the right of the people to alter or abolish it.

All unprejudiced persons objectively surveying the grim events in Bangladesh since March 25 have recognized, the revolt of 75 million people, a people who were forced to the conclusion that neither their life, nor their liberty, to say nothing of the possibility of the pursuit of happiness, was available to them. The world press, radio and television have faithfully recorded the story. The most perceptive of American scholars who are knowledgeable about the affairs of this sub-Continent revealed the anatomy of East Bengal's frustrations.

The tragic war, which is continuing, could have been averted if during the nine months prior to Pakistan's attack on us on December 3, the great leaders of the world had paid some attention to the fact of revolt, tried to see the reality of the situation and searched for a genuine basis for reconciliation. I wrote letters along these lines. I undertook a tour in quest of peace at a time when it was extremely difficult to leave, in the hope of presenting to some of the leaders of the world the situation as I saw it. It was heart-breaking to find that while there was sympathy, the war could also have been avoided if the power, influence and authority of all the States and above all the United States, had got Sheikh Mujibur Rahman released. Instead, we were told that a civilian administration was being installed. Everyone knows that this lip service was paid to the need for a political solution, but not a single worthwhile step was taken to bring this about. Instead, the rulers of West Pakistan went ahead holding farcical elections to seats which had been arbitrarily declared vacant.
There was not even a whisper that anyone from the outside world, had tried to have contact with Mujibur Rahman. Our earnest plea that Sheikh Mujibur Rahman should be released, or that, even if he were to be kept under detention, contact with him might be established, was not considered practical on the ground that the US could not urge policies which might lead to the overthrow of President Yahya Khan. While the United States recognized that Mujib was a core factor in the situation and that unquestionably in the long run Pakistan must acquiesce in the direction of greater autonomy for East Pakistan, arguments were advanced to demonstrate the fragility of the situation and of Yahya Khan’s difficulty.

Mr. President, may I ask you in all sincerity: was the release or even secret negotiations with a single human being, namely, Sheikh Mujibur Rahman, more disastrous than the waging of a war?

The fact of the matter is that the rulers of West Pakistan got away with the impression that they could do what they liked because no one, not even the United States, would choose to take a public position that while Pakistan’s integrity was certainly sacrosanct, human rights, liberty were no less so and that there was a necessary inter-connection between the inviolability of states and the contentment of their people.

Mr. President, despite the continued defiance by the rulers of Pakistan of the most elementary facts of life, we would still have tried our hardest to restrain the mounting pressure as we had for nine long months, and war could have been prevented had the rulers of Pakistan not launched a massive attack on us by bombing our airfields in Amritsar, Pathankot, Srinagar, Avantipur, Uttarai, Jodhpur, Ambala and Agra in the broad day light on December 3, 1971 at a time when I was away in Calcutta, my colleague, the Defence Minister, was in Patna and was due to leave further for Bangalore in the South and showed perfidious intentions. In the face of this, could we simply sit back trusting that the rulers of Pakistan or those who were advising them, had peaceful constructive and reasonable intent?

We are asked what we want. We seek nothing for ourselves. We do not want any territory of what was East Pakistan and now constitutes Bangladesh. We do not want any territory of West Pakistan. We do want lasting peace with Pakistan. But will Pakistan give up its ceaseless and yet pointless agitation of the past 24 years over Kashmir? Are they willing to give up their hate campaign posture of perpetual hostility towards India? How many times in the last 24 years have my father and I offered a pact of non aggression to Pakistan? It is a matter of recorded history that each time such offer was made, Pakistan rejected it out of hand.
We are deeply hurt by the innuendos and insinuations that it was we who have precipitated the crisis and have in any way thwarted the emergence of solutions. I do not really know who is responsible for this calumny. During my visit to the United States, United Kingdom, France, Germany, Austria and Belgium the point I emphasized, publicly as well as privately, was the immediate need for a political settlement. We waited nine months for it. When Dr. Kissinger came in August 1971, I had emphasized to him the importance of seeking an early political settlement. But we have not received, even to this day, the barest framework of a settlement which would take into account the facts as they are and not as we imagine them to be.

Be that as it may, it is my earnest and sincere hope that with all the knowledge and deep understanding of human affairs you, as President of the United States and reflecting the will, the aspirations and idealism of the great American people, will at least let me know where precisely we have gone wrong before your representatives or spokesmen deal with us with such harshness of language.

With regards and best wishes.

Yours sincerely

Indira Gandhi

0645. Message from Lt. Gen. A.A. Niazi, Commander of the Pakistan Eastern Command to the Indian Chief of Army Staff.


In order to save further loss of innocent human lives which would inevitably result from further hostilities in the major cities like Dacca, I request you to arrange for an immediate ceasefire under the following conditions:

A) Regrouping of Pakistan armed forces in designated areas to be mutually agreed upon between the commanders of the opposing forces;

B) To guarantee the safety of all military and para-military forces.

C) Safety of all those who had settled in East Pakistan since 1947;

D) No reprisals against those who helped the administration since March, 1971.
In those conditions, the Pakistan armed forces and para-military forces would immediately cease all military operations.

I would further abide by any resolutions which the Security Council of the United Nations may pass for the permanent settlement of the present dispute.

I make this proposals with full authority vested in me by virtue of my position as Martial Law Administrator of Zone B (East Pakistan) and Commander Eastern Command exercising final authority over all Pakistan Military and para-military forces in this area.

Sd/- Lt. Gen. Niazi

Witnessed:

Major General Farman Ali.

0646. Message from the Indian Chief of Army Staff to Lt. Gen. A. A. Niazi, which was conveyed through U.S. Embassy in New Delhi.


BEGINS

FIRSTLY I have received your communication re: a ceasefire in Bangladesh at 1430 hours today through the American Embassy at New Delhi.

SECONDLY I had previously informed General Farman Ali in two messages that I would guarantee (A) the safety of all your military and para-military forces who surrender to me in Bangladesh. (B) complete protection to foreign nationals, ethnic minorities and personnel of West Pakistan origin no matter who they may be. Since you have indicated your desire to stop fighting I expect you to issue orders to all forces under your command in Bangladesh to ceasefire immediately and surrender to my advancing forces wherever they are located.

THIRDLY I gave you my solemn assurance that personnel who surrender shall be treated with the dignity and respect that soldiers are entitled to and I shall abide by the provision of the Geneva Convention. Further as you have many wounded I shall ensure that they are well cared for and your dead given proper burial. No one need have any fear for their safety no
matter where they come from. Nor shall there be any reprisals by forces under my command.

FOURTHLY Immediately I receive a positive response from you I shall direct General Aurora the Commander of Indian and Bangladesh forces in the Eastern theatre to refrain from all air and ground action against your forces. As a token of my good faith I have ordered that no air action shall take place over Dacca from 1700 hours today.

FIFTHLY I assure you I have no desire to inflict unnecessary causalities on your troops as I abhor loss of human lives. Should however you do not comply with what I have stated you will leave me with no other alternative but to resume my offensive with the utmost vigour at 0900 hours Indian standard time on 16 December.

SIXTHLY In order to be able to discuss and finalise all matters quickly I have arranged for a radio link on listening watch from 1700 hours Indian standard time today 15 December. The frequency will be 6605 Khz by day and 3216 KHz by night. Call signs will be CAL (Calcutta) and DAC (Dacca). I would suggest you to instruct your signalers to restore microwave communications immediately.

ENDS

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0647. Indian announcement declaring a Unilateral Cease-fire on the Western Front.

New Delhi, December 17, 1971.

We have repeatedly declared that India has no territorial ambitions. Now that Pakistani armed forces have surrendered in Bangladesh, and Bangladesh is free, it is pointless in our view to continue the present conflict.

Therefore, to stop bloodshed and unnecessary loss of life we have ordered our armed forces to cease fire everywhere on the western front with effect from 2000 hours IST on Friday, December 17 1971.

It is our earnest hope that there will be a corresponding immediate response from the Government of Pakistan.

17 December 1971

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Statement by Pakistan President Yahya Khan accepting the Cease-fire.


I have always maintained that war solves no problems and there should be negotiations between India and Pakistan for resolving outstanding disputes.

In pursuance of this stand Pakistan had accepted several proposals made by the General Assembly of the United Nations and by friendly countries which could have averted the present situation between India and Pakistan.

Pakistan had also accepted the three resolutions of the Security Council as well as the General Assembly resolution calling for a ceasefire, withdrawal of armed forces to their respective borders and a political solution to the problems facing Pakistan.

The General Assembly resolution had the overwhelming support of 104 member nations of the international community and the world expected India to respond to it in the interest of peace.

It is unfortunate that India showed total disregard of all these urgent expressions of world opinion which would have spared bloodshed and suffering.

Now India has made an offer of ceasefire on the western front. Pakistan is already committed to a ceasefire along with other consequential steps through its acceptance of the General Assembly resolution and is willing to reciprocate within the framework of this resolution. If India is sincere, she should proceed through the UN to formalize it.

In keeping with the foregoing and in the interest of peace, I have responded to the Indian offer and have ordered my armed forces to cease fire from 1430 hours GMT (2000 hours IST).

17 December 1971.
0649. Statement by Prime Minister Mrs. Indira Gandhi in Parliament on Ceasefire on Western Front.

New Delhi, December 17, 1971.

On March 31, 1971, six days after the great upheaval in Bangladesh. I had the honour to move a Resolution in this House.

I said then that India’s permanent interest in peace and our commitment to uphold and defend human rights demanded the immediate cessation of the use of force and of the massacre of the defenceless people of Bangladesh. I had called upon all peoples and Governments to take urgent and constructive steps to prevail upon the Government of Pakistan to immediately end the systematic decimation of a people.

I had concluded my statement by expressing the profound conviction of this House that the historic upsurge of the 75 million people of East Bengal would triumph. We also gave an assurance that their struggle and sacrifice would receive the wholehearted sympathy and support of the people of India.

Today the pledge we then made together in this House and in the country stands redeemed.

It is natural that the people of India should be elated. We can also understand the great rejoicing of the people of Bangladesh. I share the elation and the joy. But as the Gita says, neither joy nor sorrow should tilt the balance of our equanimity or blur our vision of the future.

All those who have borne arms, all those who have been involved in the planning and direction of the operations, all the people of India who have responded so generously – these are to be thanked and congratulated.

It is a victory but a victory not only of arms but of ideals. The Mukti Bahini could not have fought so daringly but for its passionate urge for freedom and the establishment of a special identity of Bangladesh. Our own forces could not have been so fearless and relentless had they not been convinced of their cause.

India has stood for breadth of vision, tolerance of the points of view of others, of being in the battle, yet above it.

We stand for democracy, for secularism and for socialism. Only this combination opens the way for full freedom, gives protection to the weaker sections and the opportunity for the growth of different personalities. We believe that no nation can be built on concepts which are negative or which
do not have meaning for all its people. Unfortunately, Pakistan had based its policies on hatred for and confrontation with India.

While we re-dedicate ourselves to our ideals, I hope the people of Pakistan will seek a path which is more in keeping with their circumstances and needs. These 24 years we have heard many aggressive speeches and much abusive and false propaganda against us. We cannot believe that this is the true voice of the Pakistani people. They have been kept in darkness by their successive regimes.

We want to assure them that we have no enmity towards them. There are more things in common than those which divide us. We should like to fashion our relations with the people of Pakistan on the basis of friendship and understanding. Let them live as masters in their own house and devote their energies to the removal of poverty and inequalities in their country.

It is this sincere desire which prompted us late evening to instruct our Army, Navy and Air Force to cease operations from 2000 hours today on all fronts in the West.

I am grateful for the support which all political parties of the country have given throughout this difficult period and specially to this initiative on behalf of peace.

This offer was communicated to the world community by our Minister of External Affairs, Sardar Swaran Singh, in New York. We also had it formally conveyed to the Government of Pakistan through the Swiss Embassy. We hope that the people and rulers of Pakistan will appreciate and reciprocate this offer.

The consequences which flow from a failure to do so will rest squarely upon the military rulers of Pakistan. However, regardless of what happens on the Western front, let us not be complacent. The coming months specially will bring new and complex problems. We must be ever vigilant to safeguard our integrity and our interests, and above all the fundamental beliefs of our national existence.
Letter from the US President Richard Nixon to Prime Minister Mrs. Indira Gandhi.


Dear Madame Prime Minister:

I have received your letter of December 15, 1971, in which you seek to place the responsibility for the war in the subcontinent on others and in particular the United States. In the light of the many exchanges over the past year it cannot surprise you that I reject this view.

I will write you soon at greater length in confidential channels where this discussion belongs. But I cannot let your statement that 'not a single worthwhile step' was taken to bring about a political solution remain without response on the public record. It is a matter of judgment what is 'worthwhile'. The U.S. made efforts extending for nine months to take steps to assist the refugees and to provide the worthwhile basis for political negotiation.

When we met in Washington you were assured of our intention to continue to carry the main financial burden for care of the refugees. You were informed of the Government of Pakistan's willingness to take the first step of military disengagement if it could be assured that India would reciprocate subsequently. You were also informed of various ways which could be used to get talks started between the Government of Pakistan and Bangladesh representatives. We asked your Ambassador to work out with us a specific timetable for political evolution. You said that India wanted a peaceful solution. We accepted this statement at face value.

We never made any claims that our proposals met India's position fully. They were proposals which would have started the process of negotiations. I had thought that this was one of those times when statesmanship could turn the course of history away from war.

If there is a strain in our relations, and there is, it is because your government spurned these proposals and without any warning whatsoever chose war instead. The subsequent disregard of your government of repeated calls of the United Nations for cease-fire and withdrawal— adopted by overwhelming majorities – confirms this judgement.

The stand taken by the United States in recent days has not been taken against India. It has been taken against the practice of turning to military action before all political resources are exhausted.

We recognize that India is a major Asian power and that we share the common values of genuinely democratic government. No act has been taken with a desire
to damage the relationship between our two great countries. We should hope that the day may come when we can work together for the stability of Asia, and we deeply regret that the developments of the past few months in South Asia have thrust the day of stability farther into the future.

Sincerely
Richard Nixon

Her Excellency
Indira Gandhi
Prime Minister of India
New Delhi.

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0651. Note Verbale from the Swiss Embassy in New Delhi conveying a message from the Pakistan Ministry of External Affairs.

New Delhi, December 19, 1971.

Ambassade De suisse

The Embassy of Switzerland presents its compliments to the Ministry of External Affairs and has the honour to relay the following message received by the Government of Switzerland from the Swiss Embassy in Islamabad:

‘The Ministry of External Affairs of the Government of Pakistan informs that several ships of Pakistan and foreign nationality, as a consequence of events, had to be re-routed to Colombo, Singapore and other ports in the Middle Orient. The merchandise transported by these ships is destined for India and Pakistan. The Ministry of External Affairs wishes to submit, through the protecting power, the request to the competent Indian authorities that these ships should not be intercepted. Pakistan is ready to undertake a similar undertaking on the basis of reciprocity.’

The Embassy of Switzerland avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

New Delhi, 19th December 1971.
0652. **Note Verbale from the Swiss Embassy in New Delhi to the Ministry of External Affairs conveying a message from the Government of Pakistan.**

**New Delhi, December 19, 1971.**

_Ambassade De suisse_

The Embassy of Switzerland presents its compliments to the Ministry of External Affairs and has the honour to inform the Ministry that it has received the following message which was transmitted to the Swiss Political Department by the Swiss Embassy in Islamabad:

‘The Government of Pakistan accuses India of a number of ceasefire violations:

1) Occupation of WAGAN ATTARI border village of PULKUNJRI

2) Occupation of three posts in the Rajasthan sector

3) Numerous cases of firing in Kashmir

4) Capture of a post South of HUSSAINIWALA with seizure of 26 soldiers

The Ministry of External Affairs of the Government of Pakistan further states that they had picked up a radio conversation in which an Indian unit had asked its superior whether the prisoners should be shot. The Pakistan authorities request the intervention of the Swiss Government and states that Pakistan has also made prisoners.

The Pakistan Government has also learned that Mukti Bahini had committed atrocities in East Pakistan against certain groups of the population. They request the Government of India to intervene to prevent such inhuman acts.

The Government of Switzerland, acting as the protecting power of Pakistan interests in India, kindly request the Government of India to investigate these alleged violations.

The Embassy of Switzerland avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

**New Delhi, 19th December, 1971.**
SECRET

Ministry of External Affairs

Please prepare a brief note for our record about the treatment given to the Members of our Mission in Islamabad/Karachi after the cutting of diplomatic relations by Pakistan. I would particularly like to know whether the diplomatic immunity of our Missions was in any way violated by the Pakistan authorities. Brief details may be given about the arrangements made by the Pakistan authorities for looking after the needs of members of our Missions after they were confined to their houses.

(S.K. Banerji)
Secretary (East)
21.12.1971

As desired by Secretary (East) Vide his note dated 21.12.1971, I record below the treatment given to members of our Mission at Karachi by the Pakistani authorities.

1. At about 5.30 p.m. on December 3, Shri J.N. Bhat, First Secretary, telephoned me at home to say that according to Pak Radio, ‘India had attacked Pakistan on the Western front’. I rushed to the Chancery immediately. Other officers joined as soon. After getting the news confirmed from AIR, we destroyed our 3 way cipher links keeping just the 2 way link with Delhi. As our Security measures were all dependable and well-rehearsed, I asked the other officers to go to their respective residences and myself stayed behind at Chancery along with Shri J.N. Bhat. Capt. Syal, Naval Adviser also decided to stay in the Chancery. (He continued to stay there till we were evacuated to Delhi whereas Bhat and I were shifted to India Lodge on December 5). Subsequently, when Pak. Authorities were surrounding Chancery Building, 2 way cipher links as also all other classified papers were burnt.

2. At about 10.30 p.m. on December 3, Pakistani uniformed police and other security officials entered the Chancery compound and also the compound of Hindustan Court flats where our officers were staying. At the Chancery, they forced the guard on duty to open the gates at gun-point and thus entered the Chancery compound. Subsequently, they came into the building itself by forcibly entering the reception. Shri J.N. Bhat, First Secretary, who had gone home to collect some night clothing, was stopped by the police when he was trying to enter the building. Shri Bhat pointed out to them the grave implications of their action in having entered the premises of a diplomatic mission. The officer in-charge told him that he had his orders. The police also made efforts to come to
the first, second and other floors but were unable to do so as we had, in the meantime, immobilized the lift. The only other way to enter these floors was by breaking open a number of iron grills. They did not do this and after some time, withdrew from the reception area. However, for all these days the authorities remained inside the Chancery compound. At Hindustan Court the Police withdrew from the compound after having initially entered it and staying for the night of December 3. At India Lodge, Assistant High Commissioner’s residence, the police remained outside the four walls of this building all through.

3. On December 5, I sent a third person note to the Local Foreign Office, asking to see some responsible officer so that I am allowed to visit the officers and staff members and enquire after their welfare. Protocol Officer Hamid came to see me in the afternoon. We were asked to shift into 3 buildings. Consequently I drew up lists as to who would be staying where and gave these to Pakistani authorities. We were shifted on the afternoon of December 5, itself. But this was done in a haphazard and hurried manner, no officer was allowed to supervise the shifting and it did cause inconvenience to a number of our members of staff. Some of the individuals were also not shifted to the places I had earmarked for them. This resulted in much difficulty later when we had to hand over the Mission to Swiss Consulate.

4. Security officials posted outside the three buildings, namely, Chancery, India Lodge and Hindustan Court, used to take one person from each building to the market every second or third day to make purchases of fresh vegetables etc. from the market. On the whole, these arrangements were satisfactory. Moreover, we all had stored rations for a month or so in anticipation. We were, however, unable to get some medicines urgently needed by a few staff members. These were subsequently purchased for us by the Swiss Consulate.

5. During this confinement, we were allowed absolutely no contact with our colleagues confined in other buildings or with any other outsider. Repeated requests by me to be allowed to visit the other two buildings to enquire about the welfare of our officers and staff were turned down. We were also not permitted any newspapers or periodicals. On the whole, Pak security officials were overtly courteous but obstinate.

6. On December 8, Swiss Consul General Mr. Enrico Tosio called on me. He also visited other officers and staff at Chancery and Hindustan Court. He asked me to start preparing for handing over the Mission to him. But I pointed out that this would be impossible unless at least 3 or 4 staff are shifted to Chancery and some officers are permitted to accompany me to Chancery. Mr. Tosio came back on 12th to say that we might be leaving on 13th/14th. Three members were shifted to Chancery on 12th evening and handing over was done on 13th & 14th.
7. Some of our officers and staff were inconvenienced due to the fact that they were shifted in a great hurry, had to leave even their clothes behind and were not allowed till the very last day to go and collect the same. But things improved considerably after the Swiss were nominated to look after our interests in Pakistan and Pak Security authorities behaved much better after that.

Sd/-
(N. K. Bakshi)
Assistant High Commissioner,
Karachi,
22-12-1971


THE SECURITY COUNCIL

Having discussed the grave situation in the subcontinent which remains a threat to international peace and security,

Noting the General Assembly resolution 2793 (XXVI) of 7 December 1971,
Noting the reply of the Government of Pakistan on 9 December 1971,
Noting the reply of the Government of India on 12 December 1971,
Having heard statements of the Deputy Prime Minister of Pakistan and the Foreign Minister of India,
Noting further the statement made at the 1617th meeting of the Security Council by the Foreign Minister of India containing a unilateral declaration of a ceasefire in the western theatre,
Noting Pakistan’s agreement to ceasefire in the western theatre with effect from 17 December 1971,
Noting that consequently a ceasefire and a cessation of hostilities prevail.

1. Demands that a durable ceasefire and cessation of all hostilities in all areas of conflict be strictly observed and remain in effect until withdrawals take place, as soon as practicable, of all armed forces to their respective territories and to positions which fully respect the ceasefire line in Jammu
and Kashmir supervised by the United Nations Military Observation Group for India and Pakistan;

2. **Calls** upon all Member states to refrain from any action which may aggravate the situation in the subcontinent or endanger international peace;

3. **Calls** upon all those concerned to take all measures necessary to preserve human life and for the observance of the Geneva conventions of 1949 and to apply in full their provisions as regards the protection of the wounded and the sick, the prisoners of war and civilian population;

4. **Calls** for international assistance in the relief of suffering and the rehabilitation of the refugees and their return in safety and dignity to their homes and for the full cooperation with the Secretary General to that effect;

5. **Authorizes** the Secretary General to appoint if necessary a Special Representative to lend his good offices for the solution of humanitarian problems;

6. **Requests** the Secretary General to keep the Council informed without delay on the developments relating to the implementation of this resolution;

7. **Decides** to remain seized of the matter and to keep it under active consideration.

**22 December 1971**

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Note from the Ministry of External Affairs to the Swiss Embassy regarding procedure for the Swiss Embassy to act as the Protecting Power.

New Delhi, December 22, 1971.

The Ministry of External Affairs presents its compliments to the Embassy of Switzerland and has the honour to refer to the Embassy Note No. 822 of 13th December 1971 and the meeting between His Excellency the Ambassador of Switzerland and the Secretary (East) in this Ministry on 22nd December 1971.

The Ministry has noted the procedure in paragraph 2 of the Note.

In regard to paragraph 3, the Ministry would request the assistance of the Government of Switzerland, as the Protecting Power, from time to time as required for the protection of Indian nationals, property and other interests instead of cataloguing all the needs of the Government of India in this respect at one time. It was understood from His Excellency the Ambassador of Switzerland during the meeting mentioned above that this is acceptable since it would be difficult to make a list of all present and future requirements at one time.

The Ministry wishes to take this opportunity to record its appreciation of the assistance being rendered by the Government of Switzerland as the Protecting Power and also to renew the assurances of its highest consideration to the Embassy of Switzerland.

New Delhi, December 22, 1971.

The Embassy of Switzerland,
New Delhi.
Prospects in Bangladesh:

Foreign Minister opened the discussion by giving a brief assessment of the present situation in Bangladesh and in West Pakistan. He said that the extent and nature of reprisals against those who had collaborated with the West Pakistan regime had not been as violent as some people had feared despite the atrocities that the Pakistan army and the Razakars had perpetrated. We ourselves feared that much worse would happen. There had naturally been considerable jubilation among the Bengalis after the surrender of the Pakistan army but their intention was to look after those who were not with them in the struggle. They would not like to take reprisals against the civilians but it was possible that there would still be some reprisals. For this reason we had taken General Niazi and the former Governor Malik to India. The latter was regarded as a Bengali collaborator of the West Pakistan regime.

It was our hope that the people of Bangladesh will take over the administration completely as quickly as possible. We did not want to send any administrators but it was clear that they required some help for a month or six weeks. Hence we had to send some administrators to assist them. In particular the police force in Bangladesh had been badly shattered during the course of the freedom struggle. The entire police force had joined the freedom struggle and in the initial stages had made the mistake of taking on the army in frontal pitched battles. The results of such battles could hardly be doubted since the police could not be effective against the army in this kind of conflict. Subsequently, the police formed the focal point of the Mukti Bahini and it would take some time for them to revert to their normal task of maintaining law and order. It was necessary for the Bangladesh Government to bring about a certain amount of decentralization in the administration in order to restore proper functioning.

Over the course of the last nine months the politicians who had won the election were cut off from the main stream of life in the county but basically, despite this, their image as the leaders of the people persists and their original luster not only continue but has been heightened as proved by the enthusiastic welcome given to them on their return to Dacca.
Prospects in West Pakistan

Regarding West Pakistan, FM had not been able to make an assessment of the major overhaul particularly in the army which had been undertaken by Bhutto. He did not know whether this would strengthen or weaken the army; it could work either way. The changes brought about by Bhutto were in order to shape the country in accordance with his own ideals but it was still too early to judge what effects these would have.

There has been frustrations among the West Pakistanis and Bhutto has cashed in on this. For instance, he spoke of continuing struggle even after the surrender. On the other hand, he has also shown a capacity of realism. He showed this in formulating the Security Council Resolution. Also privately Bhutto has been saying that it is the military which has ruined Pakistan and he himself wants to start afresh and wants friendship with India. However, it is doubtful whether he can do anything because in order to consolidate his position in West Pakistan he may be obliged to adopt an anti-Indian posture. In adopting such a posture he would not run any risk on the ground as there is a ceasefire.

Bhutto has made some moves for reconciliation with the people of the North-West Frontier by releasing Wali Khan, and removing the ban on the N.A.P.

FM also mentioned that Mujib appears to be alive since Bhutto has decided to let him out of prison and put him under house arrest.

British attitude

FM said he greatly appreciated the consistent stand adopted by the U.K. and the understanding shown by the British of the real problems involved in the sub-continent over the past months. If other countries particularly the United States had shown an equally good understanding then perhaps a head on collision could have been avoided. The British attitude has resulted in a new relationship and a new understanding between India and the U.K. We greatly value this and our intention is to consolidate this new relationship. In particular FM mentioned that the British Permanent Mission in New York had played a balancing role and had definitely been a stabilising factor during the discussion at New York.

Sir Alec said that they had done their best in New York and elsewhere to get some kind of the recognition of the realities of the situation.

He said that as far as reprisals are concerned it was their assessment that it would be remarkable if there were not any although he hoped that we would use our influence to ensure that they were prevented.

Recognition by U.K.
On the question of recognition Sir Alec said that the British criteria are ‘fairly firm and fairly flexible’. Usually these criteria are that the Government had to be in effective control of the territory. It would be difficult to day that this is so as long as any Indian troops are in Bangladesh.

FM said that one of the reasons that Pakistan army did not fight was that they were doing a police job which was not their real role. Hence they were not in the best of shape. We would not like to be put in a similar position and we would like to get out as quickly as possible. Sir Alec asked when this might be and FM replied that we would keep the British informed of the developments.

Sir Alec said that once they knew the position they would be able to judge more accurately when it would be possible to grant recognition.

Sir Alec mentioned Commonwealth membership asked whether FM would advise the Bangladesh authorities to take this matter slowly. He said it would be advisable to see how the question of recognition by various countries goes before they actually apply for membership of the Commonwealth. It was in any case desirable that West Pakistan should approve of such membership.

Foreign Minister said that it might be possible for them to express an intent to apply for membership of the Commonwealth without actually putting in a formal application for the time being. The Bangladesh Government were pledged to abide by the principle of the U.N. Charter and of the Geneva Convention and they would also in due course like to take their place in the Commonwealth.

He added that the Bengali people are extremely intelligent and they would like to take their own decisions and give the impression that they are taking their own decisions despite the fact that our army is there.

**Bangladesh-West Pakistan Relations.**

Sir Alec said that he had met Bhutto on his way back at the airport. Bhutto feels that he would like to be given the opportunity to regularize West Pakistan’s relations with East Bengal. He feels there is an outside chance of some relationship being established. Bhutto had asked what India’s attitude would be if he got in touch with the Bangladesh leaders.

FM said that he did not think that we would have any objection to Bhutto speaking to the Bangladesh leaders. However, if he makes the same mistake as Yahya Khan did by trying to divide the people and rule by this means he would fail. As far as we were concerned we have recognized Bangladesh as a sovereign country and this means that it is up to them whether they want to discuss such matters with Bhutto. As a sovereign country they may decide to have links with Burma or they may decide to have links with any other country.
Sir Alec asked whether it would be possible for West Pakistan and East Bengal to form some kind of confederation.

FM said this was very doubtful. The Bangladesh leaders would stay independent but they would certainly wish for friendly relations with West Pakistan. They cannot accept Bhutto as the leader of Pakistan; he himself has placed Nurul Amin, who is an East Bengali in the position of Vice President where as earlier he was the Prime Minister and Bhutto was the Deputy Prime Minister. So even symbolically he has not retained that degree of representation for the Bengalis.

Sir Alec asked whether China had confined her role in providing military equipment or had done anything more active in support of Pakistan.

**China’s Role**

FM said that China had supplied weapons in fairly large quantities to Pakistan. The Chinese had also continuously given the impression that they would intervene physically. They were very good at giving this impression in a subtle way by putting it in words which could not be contradicted even if they did not intervene. Evidently the Pakistanis did believe that the Chinese would intervene and the latter encouraged them to adopt extreme postures.

Sir Alec asked whether the Chinese would cut their losses or whether they would give even more backing to West Pakistan.

FM said that the latter is more probable. The Chinese are firm believers in the doctrine of continuous struggle. They would have assessed at an early stage that Bangladesh would emerge but they would like those who are pro-Chinese either to be in authority or to be playing significant role. Hence they may well encourage subversion or try by such means to ensure that their supporters have a role to play.

**C.F.L. in Kashmir**

Sir Alec asked about the question of Kashmir specifically whether we would agree to the reversion to the earlier ceasefire or whether we feel that adjustments are required.

Foreign Minister said that we have not really yet got down to thinking about it. As far as West Pakistan was concerned we had no intention of keeping our army there. As regards the ceasefire line, we would like to have some rationalization of some kind but basically we would be willing to revert to the earlier position.

In reply to a question about Kargil, FM clarified that some of the posts in that area overlooked our road. These posts are of no strategic significance to Pakistan.
He then said he doubted whether Pakistan would accept any change in the cease-fire line. In fact it would suit Bhutto not to come to a settlement. President Yahya Khan was facing a disaster even in the West and this made him a realist but Bhutto is likely to continue a tough attitude and anti-Indian stance with the encouragement of China.

U.S. attitude

FM asked Sir Alec about the U.S. attitude. What were his conclusion after his discussion at Bermuda?

Sir Alec said that apart from a postmortem of past events nobody had enough knowledge of future attitudes or trends to discuss there in any details at Bermuda. The British had explained reasons for their position and the Americans had accepted these. Regarding the future of West Pakistan they had not gone into this subject in any detail but the Americans would like a stable West Pakistan as the British would and as, he felt sure, India would. The Americans have not yet discussed these matters even with Bhutto.

As regards economic aid to India, there would be problems the Americans Congress has taken a very stiff attitude and it might be some time before the administration would consider resuming it. But the U.S.A. has been very generous on humanitarian issues and they would undoubtedly be generous in regard to relief assistance and there may be a way here for India to get back into a relationship.

As far as recognition was concerned this would present greater problems for the U.S. Government than for the British.

Sir Alec said that his general impression was that while the Americans had no fixed idea about the future they were somewhat unhappy about what has happened in the past.

FM said that we had avoided taking too much of an excited attitude and had been restrained in our comments. There were indications at New York that towards the later stages the Americans were more quite, particularly in their interventions. If this represents a rethinking we welcome it; we have no interest in wanting to worsen matters. There is a strong anti-U.S. feeling in India at present and this was sharpened by their sending an aircraft carrier to the Bay of Bengal. FM mentioned that he had spoken to Mr. Royle about the British proposals to send their naval ships to the area and he was glad that the British had understood our position. Sending naval ships at such a time would have been misunderstood in India.

FM then said that if the U.S.A. arms Pakistan heavily this would not help the situation. We would, of course, have no objection to their giving economic aid.
Sir Alec said his assessment was that the aid given by the U.S.A. to West Pakistan would be economic though it was possible that they may give some arms.

He doubted, however; whether aid to India would be resumed early.

FM clarified that the question of aid to India was not such a difficult problem though we may have to make some sacrifices. But if the U.S.A. start arming Bhutto in a big way while he is saying that he will take revenge, then India would have to divert its resources increasingly for defence and this would be a negative factor.

Sir Alec mentioned that the mistake Pakistan had made was to turn to China and virtually abandon links with the Western powers through SEATO and CENTO.

FM asked whether there was any parallelism between U.S.A. and Chinese thinking in this area. The Chinese had acted in a curious way in New York; they had voted for the Security Council Resolution but in the speech the Chinese delegate had said many things against it.

Sir Alec said he did not think there was any parallelism between the U.S.A. and China particularly not in the sense of coordinating their policies.

**Aid for Bangladesh**

He then mentioned the question of reconstruction in East Bengal, humanitarian assistance and help to the refugees for rehabilitation. He said Bhutto had asked if India could give maximum encouragement to the international Red Cross for this purpose. The Bangladesh Government may not want foreign teams operating inside their country but the Red Cross could be treated by them on a different basis.

He said Bhutto had also mentioned the question of the reprisals to him.

Foreign Minister said that we had advised the Bangladesh Government against reprisals and if they took our advice this would help to stabilize the situation in their country. It was our hope that they would not take reprisals.

Regarding the international Red Cross, he said he would have to talk to the Bangladesh Government about it. He had already met the representative of the international Red Cross and told him to maintain good contacts with the Bangladesh Government. Many Governments may hesitate on juridical grounds to have such contacts but the Red Cross could do so.

**Sir Alec asked about aid for returning refugees.**

FM said the process of the rehabilitation of refugees on their return would be much easier than that of making provisions for them as refugees. In this matter
the Red Cross could function in cooperation with the Bangladesh Government. They should not try to function independently. The Bangladesh administration would be carrying out the rehabilitation and would be appointing officers for this purpose in the various districts. Many of the refugees came from border areas and their return would present fewer problems.

**U.K. Bangladesh relations**

FM suggested that the British may like to keep their Deputy High Commissioner in Dacca on a *de facto* basis.

Sir Alec agreed to do this and said that the British were willing that some kind of relations should be established with East Bengal. British jute interests had been enquiring as to what they should do and this was one specific matter in which they were interested in developments in East Bengal.

FM said there were other problems also such as those of foreign exchange and of currency.

The British Deputy High Commissioner could also assist for example in giving travel documents. People from Bangladesh who are resident in the U.K. would be going to visit their country and when they return they would require travel documents. Sir Alec stated that there would be no difficulty in regard to such matters since some kind of visas or documents could be provided.

FM mentioned that he had spoken to Adam Malik who gave the impression of taking a realistic view of the present situation. He had said that for him Pakistan means East Pakistan and he would like to have exchanges of professors and other such exchanges between Indonesia and East Pakistan.

Our advice to the Bangladesh authorities should be that they should not create difficulties in developing a working or *de facto* relationship with other countries in order to force the pace of recognition.

FM then mentioned that the Bangladesh people will have all types of problems facing them especially in the economic field. Perhaps the British could start thinking about this for example through collaboration in various projects or through humanitarian aid.

Sir Alec mentioned that the Bangladesh Government may like to encourage U.N. agencies to undertake humanitarian and other work in their country. An impression has been created that they do not much care for the U.N. but quite a large sums of money have been committed by the U.K. for action there through the U.N. and there would be difficulties in trying to get this money back and re-channeling it bilaterally.
FM said that there might be some suspicion in the Bangladesh authorities about the U.N.; for example U.N. transport was extensively used by the West Pakistan army to try to crush the freedom struggle. However, at this stage the Bangladesh people should be able to get over that.

0657. Record of discussions held between Foreign Secretary T.N. Kaul and Sir Denis Greenhill, Permanent Under Secretary of State in the British Foreign and Commonwealth Office.


C.F.L. in Jammu and Kashmir

Sir Denis Greenhill opened the discussions by asking about our intentions in Kashmir. He said he was not sure ‘where you go from here’.

FS said that FM had made it clear to the international community and in the Security Council that J&K is an integral part of India. However, we have not used force in this matter as we are anxious to avoid any threat to the peace. It was Pakistan which had crossed the ceasefire line and we had to take defensive action. Some adjustments have to be made to make the line more viable and safe for the future. We were ready to talk to Pakistan about this but should Pakistan use force at any time we would have to respond accordingly. Our Prime Minister has made a unilateral statement that as regards the ceasefire line we do not wish to use force to recover our territory which is at present held by Pakistan.

Sir Denis asked whether the first stage in negotiations with Pakistan would be in our view to tidy up the ceasefire line by making adjustments.

Foreign Secretary replied that this was the question for the commanders from the two sides to discuss. At present we were occupying about 2000 square miles in West Pakistan and the Pakistanis were in occupation of about 50 square miles of our territory. These questions would all have to be discussed including the ceasefire line to make this more rational. For example around Kargil we have taken certain heights which are of no use to Pakistan but they are of importance to us. There are also some posts in the Thithwal area which are of vital importance to our Security but are not of particular importance to Pakistan. The same is the case with certain high points between Uri and Haji
Pir though we have not occupied Haji Pir as we did in 1965. All these were matter for the commanders from the two sides to discuss.

Sir Denis mentioned that the question of how long the negotiations would go on depends on who is the established authority in Pakistan and how long it would take for some established authority to emerge.

FS said we are ready to open negotiations tomorrow and agreed that whether this would be possible or not would depend on developments in Pakistan.

**Situation in West Pakistan.**

Sir Denis said he would guess that West Pakistan may not be in a position to start such discussions immediately. They have been hit by a stunning blow and it would not be till later that they would realize the extent of damage that had been done. In the army the full effects of the events have not been worked through yet and they are still in the process of adjustments. Such adjustments also depended on whether any one could challenge Bhutto and who that could be.

FS pointed out that we had said that we would welcome Bhutto as the Democratic leader of the largest party in West Pakistan. But he must recognize that the Awami League was by a far a larger party in the East. This means that West Pakistan must recognize that there are now two independent entities. Bhutto’s statements could be for public consumption but there was a danger that he could become a prisoner of his own propaganda.

Sir Denis said that Bhutto had problems of his own in adjusting to the new situation. Perhaps he would be compelled to make such statements till the lessons of recent events have sunk in at various levels in West Pakistan. Sir Denis said that Bhutto thinks unification is now a practical political possibility.

FS asked whether Bhutto was trying to link up the question of recognizing the realities in Bangladesh with Kashmir. If this is so, he is living in an unreal paradise.

Sir Denis said that the most difficult job that any leader could have is to lead a country in defeat. This requires a lot of patience by him and by others.

FS wondered whether he would really be prepared to be impatient. Were the Chinese or the Americans egging him on in adopting his present posture?

Sir Denis said he did not think so. The Chinese may have said that India will rue the day they committed aggression against Pakistan, but he did not think they would egg Bhutto on in his present course.
FS said we think Bhutto is receiving encouragement from the Chinese. He has been saying that he did not expect the war so soon and, therefore, did not ask the Chinese to intervene; had he done so they would have intervened effectively.

Sir Denis said he did not think that the Chinese were really in a position to give significant assistance to Bhutto in his proclaimed intention of unifying Pakistan. It was, however, possible that Bhutto was banking on the Chinese to give him assistance by creating trouble in Bangladesh and so creating a lever in his favour.

U.S. attitude

FS asked about American policy and Sir Denis replied that his impression as a result of discussions in Bermuda was that the Americans were very upset with India and they made no secret of that fact. Their reappraisal of the situation in the subcontinent and their future actions there will definitely be influenced by this. They feel that looking back over the last twenty five years. They have done a tremendous amount for India and despite this India had not acted in the way they had expected. He said it would take the Americans a long time to readjust their ideas about the subcontinent.

Sir Denis said that the Americans feel that relations between the two wings of Pakistan could have been dealt with satisfactorily through negotiations. They felt the action taken by India set an extremely dangerous precedent. In particular they have felt that India was operating ‘a sort of modified Brezhnev doctrine under which when you see democracy in danger it is sufficient for you to go in and clean the place up’.

FS mentioned here our sincere appreciation for the attitude taken by the British. He said in New York he had worked in close consultation with Sir Colin Crowe. This was in contrast to the U.S. attitude.

Sir Denis specified that the British attitude now was that whatever had happened in the past, they wished to make the most constructive contribution in the effort that will be required to tidy things up. India could help the British as well as every one else in this effort by using her influence to prevent the Bangladesh Government from forcing the pace of events on the question of recognition. Given time these things can work themselves out satisfactorily. The question of recognition should not be pushed to a point of conflict. In regard to Britain’s attitude for example they had every intention of resuming development aid to Bangladesh as soon as circumstances permit. However, if the question of recognition is prematurely brought to ahead for example if the Bangladesh
authorities say that they will not deal with the British or others unless recognition is accorded, this would make things more difficult.

FS said that there is great appreciation among the Bangladesh authorities of the attitude taken by Britain and France and naturally their own attitude to Britain and France would accordingly be different to that towards other like the U.S.A.

FS mentioned that Sir Alec had said the British attitude towards recognition was ‘firm and flexible’. In what respects was it firm and in what respects was it flexible.

Sir Denis said that Britain’s attitude was flexible in being realistic. They would not adopt a dogmatic attitude in regard to relations with the Bangladesh authorities or refuse to have any contacts because the question of formal recognition. HMG would have to say in Parliament that the necessary and well known criteria have been fulfilled. This means control by the Bangladesh Government of its own destiny and of its own administration and the fact that this is likely to remain so. That is, its authority should not be maintained by any one else’s bayonets and it should be on its own feet.

FS asked whether the British would then like our forces to withdraw immediately.

Sir Denis denied this and explained his understanding that they would need to remain there for some months. This seemed sensible since there are likely to remain problems which the Indian forces would need to help out with. However, if it becomes apparent that the Indian forces are going to run the show in Bangladesh for ever, this would create problems on the question of recognition.

When FS said that we had no desire to stay Sir Denis mentioned that ‘originally the British also had no desire to stay in areas which eventually became part of the British Empire. This was the way the British Empire was built’.

Foreign Secretary replied that there was no comparison between the two cases. He then said that the British Deputy High Commissioner in Dacca should remain in touch with the Bangladesh authorities on a de facto basis. There are various problems which would arise and which he could discuss with them. The attitude of the Bangladesh authorities is not hostile and we have advised them to have de facto relations with other countries for the time being. We hope that the in the next few weeks recognition would be given. Since the longer recognition is delayed the greater is the possibility that Bhutto, in pursuit of his claim would start a conflict.
Sir Denis mentioned that their Deputy High Commissioner is already in touch with Bangladesh authorities on a de facto basis.

Regarding Bhutto one has to show a little bit of patience. If recognition of Bangladesh comes very early Bhutto's task would be made more difficult. The violent reactions that would occur in West Pakistan would make it more difficult for Bhutto to calm things down and to take a more sensible line. One of the basic problems that would arise of course is if Bhutto continued to insist on a sort of Hallstien doctrine regarding Bangladesh.

FS said that he would probably insist on adopting such a line. However, the dangers of delaying recognition were that he would be strengthened in propagating an Hallstien type of doctrine. Further there are certain overall considerations which have to be taken into account. After all the population of Bangladesh was 75 million as compared to only 50 million in West Pakistan.

Sir Denis mentioned that they would like to work out something which would be in the best interests of all three parties.

**East Bengali Seamen under detention in U.K.**

Foreign Secretary said that according to a report some East Bengali seamen had gone ashore in the U.K. because they had trouble with their West Pakistani superior officers. They had left the ship and had now been reportedly put in Pentonvill prison. The Bangladesh Government would be taking up this matter but we would be grateful if something could be done about this.

Sir Denis respected that a note be kept of the matter and that whatever was possible for the release should be done.

**U.S. arms and economic Aid**

In response to a query by the High Commissioner on U.S. attitude Sir Denis said that there would be no problem in the grant of aid and assistance for straight humanitarian operations. But in the Consortium their attitude towards aid to India would be difficult. He pointed out that there was no a new factor in the American attitude towards aid. Formerly, they were unhappy if they offered aid and people did not want it, but now they are happy if people do not want it. They are not anxious to give aid.

Foreign Secretary said that if the U.S.A. start arming Bhutto the situation would become full of dangerous possibilities for the stability of the area.

Sir Denis said he would be astonished if the Americans thought or talked in terms of building up Pakistan militarily. However, it was in their interest that West Pakistan should survive as a cohesive State.
FS said 'so are we. We would welcome it if West Pakistan becomes stable and prosperous'.

**Indo –West Pakistan negotiations**

**Sutherland** asked what other subjects we envisage could be discussed with the Pakistan Government. Some of the subjects, apart from the evacuation of the army from each other’s territory, could be the return of Pakistani forces which have surrendered to India and the return of Bangladesh people in West Pakistan to East Bengal. Would these be discussed at military commander’s level or at other levels? There was also the question of over-flights.

FS said that we would like to get all these questions out of the way if possible. The exchange of people and personnel could be sorted out; naturally the Bangladesh Government would have to come in regarding the exchange of people. However, on the specific question of over-flights, West Pakistan would have to recognize Bangladesh Government before those could be resumed.

**Sir Denis** asked whether there was the prospect of famine in Bangladesh as a result of planting of rice not having taken place.

**Reconstruction in Bangladesh**

FS said the reports regarding these matters were not entirely true. Normally, Bangladesh is about one million ton short of rice. They have three crops of which the main one is the Aman crop; this will run short according to our estimate by about 20%. On the other hand, 10 million people from Bangladesh have been in India and we have been feeding them. On balance it should be possible to solve this matter.

**Sir Denis** asked about the transport problem between India and East Bengal and within East Bengal.

FS said that we could certainly help in solving this; the international community should also help. The main problem will be the re-construction of their homes and houses, giving them grants for this purpose; the restoration of law and order and running of the administration. For example there has been feeling against the non Bengali collaborators and four of them were killed but this is nothing compared to what might have happened.

In the matter of reconstruction, we would like the U.K. to join us in the effort. However while dealing with the Bangladesh authorities, while they have to be aware of the British susceptibilities, their susceptibilities are infinitely greater and the British should respect them.

**Sutherland** mentioned that the U.N. could be one channel for humanitarian aid, but U.N. seems to be unpopular.
FS said he had discussed this matter with U Thant and others of the U.N. the U.N. has a skeleton staff in Bangladesh and the Bangladesh authorities would deal with them on a de facto basis but not as a supra national authority. If the U.N. accepted this and respect these susceptibilities of the Bangladesh authorities and did not send their staff in large numbers to the area, there should not be any difficulty.

Sutherland mentioned that a small team from the international Red Cross were on their way to Bangladesh via Calcutta. They were having some difficulties.

FS said international Red Cross representative had met him in New York and had been told to go to Delhi to meet us. If they had come to us in Delhi and had approached the Bangladesh authorities there would have been no problem. It was better not to force matters by arriving in Calcutta and demanding to go in.

Sir Denis said that it was the instinct of the international Red Cross to go to the scene where action is required as quickly as possible.

Indo-U.K. bilateral talks.

Foreign Secretary raised the subject of the Indo-U.K. bilateral talks and asked when it might be possible to hold them. This time it was the turn of the British to come to India.

Sir Denis said that some dates had been tentatively proposed and envisaged the talks being held in the third week of February.

FS mentioned that it would be preferable if the talks were not held during a Parliament session as we would be extremely busy during that time. Perhaps they could be held between 15th, 16th, 17th of February or thereabouts.

Sir Denis mentioned that the Indo-British technological group would be meeting in mid February and while the bilateral talks should not coincide they could be held immediately before or after.

He then added that while returning on the plane from Bermuda the British Prime Minister had spoken to him about contacts between Britain and India. Mr. Heath had wondered whether it would not be possible to have a meeting at Minister-level. Would there be any advantage in holding the proposed talks at Minister level instead of official level.

FS agreed and said that we would have no objection to the talks being held at higher level.

Bangladesh and Commonwealth.

FS then said that in regard to Bangladesh joining the Commonwealth, they may have to wait till recognition comes from other Commonwealth countries. However,
would it be at all embarrassing if the Bangladesh authorities make a declaration of intent that they will join. We think it would be a good thing if they joined the Commonwealth and do not remain outside.

Sir Denis said that a declaration of intent would embarrass West Pakistan. It was possible that West Pakistan would react by saying that if Bangladesh joined the Commonwealth they would withdraw. This question should be taken slowly by the Bangladesh authorities. The British did not want everyone to take up attitudes from which they would not later be able to retreat.

Sir Denis asked whether there was any recent information regarding Mujibur Rehman. He was out of the jail and was now under house arrest. There was also a story that Bhutto may use Wali Khan as an intermediary to discuss matters with Mujib.

FS asked whether British representatives in West Pakistan could contact Mujibur Rehman. They could perhaps try and let us know whether any information is available.

FS then asked if Sir Denis would give him an idea of British perspective on the future and their ideas hopes and apprehensions.

British hopes and fears

Sir Denis said their hopes were that the whole thing will settle down; the operation having taken place the patience will be healthier as a result so that constructive work can start.

He mentioned Farakka and FS said that this was never really a problem and it was quite easy to solve it now.

Sir Denis added that Britain would certainly make whatever contributions they could including in the field of aid and technological contacts.

British fears were that matters would not settle down and that Bhutto would continue to take a difficult line. He said in these matters one should not under-estimate the tenacity of the Chinese. They were extremely concerned about Soviet intentions in this area and would read a great deal more into Soviet relations with India than is justified. They are immensely influenced by the fear that India’s relations with the USSR are a threat to them. They are becoming increasingly sensitive of Soviet actions and they feel that while they cannot dictate what should happen they are entitled to take legitimate precautions in view of these developments.

FS asked why the Chinese should feel aggrieved and added that while it was difficult to predict it was likely that China was more concerned with the ideological war with Russia.
Sir Denis said the Chinese would think that the Soviet Union was adding India to the balance on its side of the scales. Hence they would seek to compete.

The Chinese are never the ones to make the first moves if they want to normalize relations. Others have to go first to them. His instinct was that they would not like to make the first move. However, in terms of action they are more likely to indulge in propaganda and subversion than in creating incidents along the border.

**Indian Ocean**

FS asked about the Indian Ocean and whether Chinese expansionist policy worries the British.

Sir Denis said that border crossing by the Chinese would not worry British. But there was an area from Indonesia via Singapore and Malaysia through Burma up to Bangladesh. This is an area that concerned the British very much. It was an area in which the Chinese were very active especially in Malaysia. In Burma also if they stirred their stumps they could do a lot of damage.

FS reassured Sir Denis that the British need not feel threatened or worried in this area since we could look after their interests.
0658. Note from Ministry of External Affairs to the Swiss Embassy in New Delhi.

New Delhi, December 31, 1971.

No.PSP/415/12/71 December 31, 1971

The Ministry of External Affairs presents its compliments to the Embassy of Switzerland and with reference to the Aide Memoire given by His Excellency the Ambassador of Switzerland on December 22, 1971, the Ministry wishes to inform the Embassy that it notes the willingness of the Government of Switzerland to cooperate, 'more particularly in regard to visits to military camps and civilian internee camps and to supervise the application of obligations resulting from such action', and to say that the matters referred to therein are being examined by the Government of India. In the meanwhile, as the Government of Switzerland are aware, the International Committee of the Red Cross are carrying out its humanitarian work under the relevant Geneva Conventions.

The Ministry of External Affairs avails itself of this opportunity to renew to the Embassy of Switzerland the assurances of its highest consideration.

The Embassy of Switzerland in India
New Delhi.

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659. Press Conference of Prime Minister Mrs. Indira Gandhi.

New Delhi, December 31, 1971.

QUESTION: I would like to know whether your assessment during tour abroad and meeting the Heads of States, including that of the United States, and the reactions after Pakistan declaring war on us were different.

THE PRIME MINISTER: I would say that on the whole they were accurate; of course there was some little difference.

Q: Do you see in Mr. Bhutto's latest utterance any indication of a change towards the acceptance of the reality? And could you assure Mr. Bhutto that you accept the independence of Pakistan as it stands now so that peace talks could start?
P. M: Mr. Bhutto has made very many statements, and not all of them saying the same thing. But I do not know what you mean by saying ‘do we recognize Pakistan?’ we do recognize Pakistan but we also recognize Bangladesh.

Q: Now that a brilliant victory has been scored by India over Pakistan, and you are being hailed as Empress of India, Bharat Mata and Durga, what have you decided (a) about the captured areas being returned to Pakistan, (b) repatriation of Pakistani prisoners of war, (c) getting back Pakistan occupied areas in Kashmir and (d) getting back our jawans and officers, if any, who are in the custody of Pakistan?

P. M: To all these questions I do not think I can give any answer now, because it is a matter for negotiations. So far as territory is concerned, our stand has been quite clear. The whole idea of ceasefire line was to maintain peace and security. Now we have to see whether this has been attained. And, I think it may be necessary to have some adjustments, but it is all a matter for talking over. I don’t think that I can give a categorized answer.

Q: Before the war some western powers were saying that they would press for the release of Sheikh Mujibur Rahman. Now the war is over. Have you any information if any of these powers has done anything to secure the release of Sheikh Mujib Rahman? Secondly, since Sheikh Mujibur Rahman is the President of Bangladesh, under what law can the President of a foreign country be kept under detention?

P. M: I think your question is a very pertinent one and it is for the United Nations and all the international community to give an answer to it. So far as the efforts to release Sheikh Mujib are concerned, we are certainly making every possible effort and I think that many other countries also are doing so.

Q: what is your assessment of the present military situation on Indo-Pakistan borders; is it an uneasy ceasefire, with bleak prospects of a truce agreement or is it indicative of some lull before a big storm that is to come?

P. M: it is very difficult to say. As you know there have been breaches of the ceasefire.

Q: Earlier there were statements in Delhi about movement of Chinese communist troops during the war. Have these movements continued? Have they caused any concern or anxiety to the Government of India?

P. M: I don’t think that there is any sizable movement. There was some movement but I don’t think that there were threatening movements.
**Q:** Indo-American relations have suffered quite a setback in the past two months. How do you see the future relationship and what do you think America should do to try to patch them up again?

**P. M:** Well, if they have had a setback, it certainly is not due to us. We have done everything possible to be friendly, and because we value friendship with America we would very much like our relationship to be friendly again. What can be done, I think, it is easier for you to figure out. A certain situation exists and one must see and one must recognize the reality of it. Also much of this depends on whether the U.S. Administration wants friendship or not because that is the first question which you have to ask them. So far as the people are concerned, I must say that they have shown the greatest understanding and sympathy throughout this very difficult period and a very large portion of my mail is from American citizens, from quite old people -- I mean from an old lady of 85 to Class III of some schools. Also, I must say that the American media, news media have also given a correct picture of what is happening. I thought, the realities were obvious not merely to us but to most of the world. The realities are that a situation was created in Bangladesh, whereby the Pakistani army sought to annihilate an entire population, an entire people, 75 million of them. This was regarded by the world community as an internal affair, although even according to the United Nations it is not really so. You cannot annihilate the whole people and be allowed to do it even if it is in your own country. But the world community chose to see it as an internal problem, although even according to the United Nations it is not really so. You cannot annihilate the whole people and be allowed to do it even if it is in your own country. But the world community chose to see it as an internal problem. Well, very soon this problem overflowed into our country in the shape of over 10 million refugees, who were wounded, starving, ill. They spread a certain amount of disease in the beginning. We had tremendous financial problems, to feed them and give them shelter, and then they created administrative problems, social and political problems, and most dangerous of all, a danger to our security. Now this was the situation then. We were told by all other countries that they were doing everything possible to help towards a peaceful solution. We have not been able to see to this date what exactly was done to this end. Nobody has really been able to point this out to us. If it was a question of talking to the Pakistan Government, well, nine months a pretty long time; and if they are not going to listen in nine months, what guarantee was there that they were going to listen in the next month or two?

Now the present reality is that a new country, a new State, has come into being. Its name is Bangladesh. It has a Government and it is working hard and fast to bring about normal conditions, and it has, by and large, already succeeded.

**Q:** You have mentioned the problems presented to India by these millions of refugees. But millions of them are so happy here and they are so well looked after that they do not want to go back. How are you going to encourage them?
P. M: I am afraid you are not very well informed because firstly, although we did our very best, I do not think anybody can say that they were very comfortable here. You have only to see the TV films taken -- perhaps by yourself -- of the conditions in the camps.

The question is whether they want to remain in India and not go back. I do not believe that it is true. I think the great majority of them do want to go back. They said they did not want to go back at a stage when they were sure that they would be killed when they returned. They could not foresee a free Bangladesh presumably at that time and, therefore, they were not sure of their future. Today when they see that there is a stable government, they see that things are returning to normal, already 260,000 have gone back and we think that most of them will have returned by the end of January and certainly by the end of February.

Q: Could you give us some idea of what Mr. Nixon wrote to you in his recent letter? Has he tried to justify his blatantly partisan attitude during the India-Pakistan war or there is some change in his attitude?

P. M: I do not see what purpose is served by continuing this sort of polemics. Had Mr. Nixon wanted his views to be made public, he would have given his letter to the press.

Q: Is the Government of India likely to take a fresh look at its relationship with the Arab countries, particularly Egypt, in view of their attitude to (a) the war thrust on India by Pakistan, (b) the reaction of Egypt in particular to Mr. Bhutto’s emergence as President of Pakistan and (c) the attitude of the Arab countries towards Bangladesh?

P. M: If you follow all that has been happening in India and how we formulate our policies, it is not a pendulum that swings from side to side. We base our policies on certain basic matters, ideas, ideals and so on and there is no cause for us to change our policy. So far as reviewing it or giving it a fresh look is concerned, that is done constantly by our Foreign Office. As you know, even with China, our attitude remained consistently the same regardless of their attitude towards us.

Q: The self styled President of Pakistan, Mr. Bhutto, is every day threatening another war with India. Do you expect any such war in future?

P. M: I think it is wrong to say ‘self styled’. He has been sworn in as President. Some of his speeches have been threatening and some have also made some friendly gestures. It is very natural that Pakistan should be in a traumatic stage. I am sure as they return to normal and calmer thinking, they will see that it is in the long term interests of us all that India and Pakistan should have better relations.
Q: What will be the eventual outcome of Bihari Muslims in Bangladesh? Do you think there is a possibility that they might wind up as evacuees in India?

P. M: There is no chance of that at all. There were a few reprisals right at the beginning. But the situation has been in control now for quite a while. Well, if I may say with due respect I think that was a rather mischievous sort of question, because one of the Western press tried to show up and printed these rather terrible pictures of a few people being killed. I am against anybody being killed and certainly against people taking the law into their hands and so on. But one must view things in perspective. When a million people were killed, when on the eve of surrender, 218 intellectuals were brutally murdered, tortured in front of their families, their children, their daughters, their wives, we did not see these pictures appearing in many newspapers. Twenty people were killed afterwards. I agree that they were brutally killed. But there is some sense of proportion between twenty and over a million people, and I think that the restraint which the people of Bangladesh have shown in this matter is quite remarkable.

Q: Would it help if Mr. Nixon was to visit India and Bangladesh to see the reality for himself?

P. M: This is for the President to decide himself.

Q: How will you assess the Indo-Soviet relations in the present year?

P. M: The Indo-Soviet relations have been good and I think that our friendship has deepened. This gave us tremendous moral support during the critical period.

Q: In view of the stand taken by the United Nations to keep the Indian Ocean free from the foreign ships, what stand are we going to take on the presence of the U.S. 7th Fleet in this Area? Are you going to take this matter back to the United Nations?

P. M: I don’t think it is still there. Is it?

Q: There was an earlier question as to whether the Nixon Administration wanted to improve relations. The Nixon Administration has called India the aggressor and Mr. Rogers has in a recent press conference said he has no reason to apologise for that statement. Could you tell us what your views are of the Nixon Administration’s policy? What do you think is their view about India?

P. M: I think specially since you come from New York yourself, you are able to answer all this. I don’t think it is proper for me to go into it. I think what has been said and how it tallies with what has actually happened, it is there for all the world to see and people’s saying things does not change the situation. You can say something for one year, for 10 years, or a hundred years but the reality of the situation is not going to change just because you happen to be a big
country or a rich country. The reality remains, as the U.S. has discovered in other parts of the world, by the way.

**Q:** In view of our recent experience and also the renewed emphasis that you have recently laid on the need for self reliance and reducing dependence on foreign aid what readjustment or re-orientation of policies and attitudes are necessary for the people and the Government to achieve these targets?

**P. M:** So far as re-assessment is concerned, it is happening all the time. Your life is not in compartments. You do not say from Monday to Tuesday I do something else and from Wednesday to Friday I do something else. It is one continuous thing. You are re-assessing your policy every single day and if a change needs to be made, it is gradually made all along the line. Our desire for self-reliance is also not new but now we are in a better position to work towards this. We can do without aid now, whereas earlier we could not, even though our desire was to do without aid.

**Q:** What would be your comment on the resumption of American bombing on Democratic Republic of North Vietnam?

**P. M:** The question was about the bombing of North Vietnam. I share the world’s horror at this, coming so soon after President Nixon’s statement. I forgot the exact words, something about bullets and shells being not the way to bring about peace.

**Q:** Has your Government made an assessment of the economic needs of Bangladesh? If so, how big a hand can India lend to Bangladesh?

**P. M:** Our people have been working with the Bangladesh experts and Government for some time on this. Whatever we can do and what the Bangladesh people would like us to do, we shall try to do. Fortunately, the damage to the economy of Bangladesh is not as great as we had feared at first. The tactics as well as the rapid advance of the Indian Army also helped to mitigate the damage. There has been damage to communication and so on. Our railways have done a very good work in trying to re-establish the links and our Army has done a very good work in re-building of bridges and so on. It is certainly a big task but it is a manageable task.

**Q:** How do you view the prospects of peace in the world and in this sub-continent, particularly in 1972?

**P. M:** We all desire peace. We can achieve it by working for peace. There are different kinds of peace. There is peace of the graveyard too and I do not think any of us wants that kind of a peace and when some nations were telling us that a solution was possible in Bangladesh my fear was that they were
envisaging that kind of a solution, that is, if the people were annihilated there would be no problem.

Obviously, we could not accept that situation. There can be peace when people allow other people to live their own lives and everybody is concerned for the rights of the human being, for human dignity, human freedom and the voice of the underprivileged.

Q: Will the Government of India now tell the United States to refrain from arming any neighbouring country in view of the fact that the U.S. arms were used only against India by Pakistan, failing which it will be considered as a hostile act or an unfriendly act?

P. M: A hostile act or an unfriendly act has a specific meaning in international language. But we do regard this as not friendly to India. It has happened before and we have heard indications that it may happen again.

Q: Has not the time now come to say goodbye to U.S. aid and ask all the AID agencies functioning here to wind up their show?

P.M: I would like to make one thing clear. With the growth of knowledge and so on, somehow the people instead of becoming clearer about language, seem to be blurring it more. Aid, as you all know, is not aid at all; it is a long term credit, and India has so far paid back every cent, penny, paisa of what we owed to other countries; so it is not really aid as such; it is merely a loan. As I said before, we are trying to be fully self reliant; with every passing year we do more things ourselves; we have greater know how, and greater capacity. And today if countries want to stop their so called aid, we will have hardship in some area; there are some specialized areas where we may not be able to manage by ourselves immediately but it is not going to push us back. We can manage. It will mean greater hardship but it is something that we can manage.

Q: I am asking a supplementary question. Recently Americans loaned submarine Ghazi and that was used against India. Do you not think this unfriendly action, and should not India protest about it?

P.M: What is the point of counting all the unfriendly actions? As you know all these things have their own reactions. It did us no harm.

Q: Pakistan was supported by America and China, two nuclear power countries. Are you thinking of reviewing your atomic policy and planning to produce atom bombs just as a deterrent against possible threats from those two nuclear powers?

P.M: I do not think it is necessary. I think we were able to deter people quite sufficiently without.
Q: During the recent Bangladesh developments we witnessed that the international community is completely indifferent to the sufferings of the people. Now, there does not seem to be any indication of any international effort to help them rebuild themselves. Do you feel that in recent years there has been toughening of international relations, certain heartless attitude of the big powers in dealing with each other and with other nations?

P. M: It is not true to say that no nation is trying to help them; I think they are having talks with some countries which are wanting to give help. I do not know whether the world is more callous than before or not; it is very difficult to measure the degree of callousness; but they have shown a lot of callousness in the Bangladesh situation as well as other situations around the world.

Q: Has any country like France or Britain offered you their good offices to start peace talks with Pakistan and to get Mujib released?

P. M: These are two separate things. So far as talks with Pakistan are concerned, I think this should be dealt with on a purely bilateral level. I believe some countries - I do not know exactly which at this point - are trying to get Mujib released.

Q: Some time back, somewhere towards the end of November, it seemed that we were very close to restoring some part of our relationship with China. How do you view our relationship with China in 1972?

P. M: I hope it will get much better. I do not think it has deteriorated, by the way. I think the Chinese reaction was exactly as I expected; neither more nor less.

Q: Will there be any changes in the Indian Five Year Plan because of the war?

P. M: There has been a re-appraisal of the Plan. I think we do have to look at our priorities again, because this has been a heavy financial burden. But it is too early to say whether there has to be any great change or not.

Q: Following the death of Dr. Sarabhai, will our atomic energy and space research programme suffer a setback?

P. M: Dr. Sarabhai occupied a very important place and he was a very fine person, a very fine scientist as well as a fine man. So, naturally, his death is a loss to Indian science and to the country. But no country is really dependent on any person and I am sure there are many very bright young people and more will be coming up as time goes on.

Q: Ideologically, how do you see the Chinese and American support to the military regime of Pakistan? Is it not a collapse of Chinese interpretation of Marxism and American understanding of democracy? It is more pertinent in the context of India combining politics with modernity.
P.M: Each country looks at these questions from the point of view, what it considers, its own interest. Some countries also have a picture of what they consider their global interests. We in India also look at things from our own interest. We are not trying to be holier than other people. But we believe that our interests are so closely tied up with our ideals that if we separate them our interests will not be well served; and that is what we have stood for, our voice has always been raised for freedom, democracy and the rights of the common man. Now what other countries do, I do not think it is fair for me to dilate on.

Q: Regarding self-reliance in economic policies, don’t you think that in the present mood of the people some radical and concrete measures are required instead of continued assessment by the various Ministries and departments?

P. M: I do not think the two are contradictory. I think that radical measures can be and are taken even though Ministries make the assessments.

Q: In view of your observation that India and Pakistan should remain at peace with each other and also in view of the latest statement of Mr. Bhutto published this morning, would you like to renew the country’s offer of ‘no war pact’ with Pakistan?

P. M: I don’t know whether it is necessary to make a formal offer of a ‘no war pact’, but I think we have made our views very clear that we don’t believe in war, and that if India and Pakistan were to give up thought of war and cooperate peacefully it would be of mutual benefit.

Q: In view of Pakistan’s continued hostile action, would you consider reimposition of contraband control as was done by the U.S.A. as a measure of defence, on October 22, 1962, with reference to Cuba even though there was a thing like Bay of Pigs disaster, or is it your judgment that adoption Of U.N. Resolution declaring the Indian Ocean virtually as an area of peace would be good enough?

P.M: The resolution is good, but obviously one has to work to implement it. India has always believed that Indian Ocean should be an area of peace and we shall do everything possible to keep it so.

Q: Going back to the question of self-reliance will it be correct to say if the United States offers economic aid again, your Government will reject it?

P. M: It depends on what the help is for, and what the nature of it is and the conditions and all kinds of things. As I said, we do plan to cut down on foreign aid, no matter from where and it is only for certain very special things that we might accept help.
Q: With the conclusion of negotiations between the two Germanys, how soon will you recognize G.D.R. now?

P. M: I will let you know as soon as we take a decision.

Q: The Opposition parties are critical of the move to put off the budget session by one or a few more months and they say that the ruling party is afraid of facing the poll after imposing very heavy taxes. What is your justification for putting off the budget session?

P. M: We have not put it off at all. It usually is either in February or March. When there are elections sometimes, it is a little later. And, election date is not fixed by us; it is fixed by the Election Commissioner.

Q: There was some controversy about a particular treaty between the United States and Pakistan, you said. Is there any treaty between them that is unknown to us?

P. M: If it is unknown to me, how can I say?

Q: You said about China that the reaction was expected; nothing less, nothing more. But did you expect Yugoslavia and Egypt also to behave in the same way?

P. M: I don’t think the first resolution of the United Nations was necessarily against us, because when a problem is put, talking merely of a ceasefire and so on a lot of people get taken in by it, and many countries have problems in their own countries, and naturally they do not want it to affect them.

Q: Some political parties have made a suggestion that the state of emergency now in force should be lifted before elections are held to State Assemblies. Do you think the time has come to consider this suggestion to lift the state of emergency?

P. M: This suggestion was mine, not that of the Opposition parties. On the contrary, they thought that the emergency should continue. We thought that if we had some powers whereby, if necessary, emergency could be put in some limited areas in the country, then it would not be necessary for the whole country to be under emergency. But the Opposition did not like this, and they themselves said that ‘it is better that you continue the emergency’. That is why it is there. But we do not want to continue it any longer than is absolutely necessary.

Q: Is there any change in your desire to hold elections in West Bengal in view of the fact that you have not been able to get a decision from the Opposition?

P. M: These matters are in the hands of the Election Commissioner. We have put our views and presumably the Opposition parties will put their views. But I think he has certain difficulties at this moment.
Q: Referring to China, you said that its conduct has been neither more nor less than what was expected. Would you say the same of the Japanese Government?

P.M: I can only say we had hoped that some of these other countries like Japan would have taken a more realistic attitude.

Q: I am referring in particular to the Japanese Government’s action suspending aid and now offering to resume talks. Don’t you think this very insulting?

P.M: I think they are just being realistic. Once they realize that their previous position was not the right one, they now take the right one. What response we give is for us to consider.

Q: Some of the very countries which have publicly been very critical of us and have been talking of our being in occupation of East Pakistan are now suggesting privately that we should keep our forces in Bangladesh for quite some time, presumably to safeguard their own properties and investments there, whereas we are preparing to thin out our forces and withdraw them. Would you like to state your policy on this matter?

P. M: Our policy is regardless of whether people are criticizing us or are praising us. Our policy is based on what we consider the right thing to do. I think it is right for the Indian army to move out as soon as it possibly can. Already quite a large number have come out and the others, I hope, will come out soon. As I said, earlier there was some fear about the non Bengalis who are resident there, about their safety. But I think the Bangladesh Government is in full control of the situation.

Q: What form will aid to Bangladesh take? Will it be government to government aid or will private investment be allowed as so many of our industrialists seem to be too eager to do?

P. M: I think this is for the Government of Bangladesh to decide what kind of help they want. But I might say, if I may share a secret with so many people, that those of our people who want there have come back full of praise for the new young people they have in their Secretariat and so on. They say they are of a very high caliber, well trained, very intelligent and dedicated. I don’t think they will want very much help from our side.

Q: In the recent war with Pakistan we have seen very old and friendly countries never cared for us at the time of real need. What will be our reaction for our future relations with them?

P. M: As I said we are not at all bothered whether other people care for us or not, whether they abuse us or flatter us. All these things are superficial things.
We are concerned with what we consider to be in India’s interest and in the interest of world peace and we shall pursue that path whether we have people with us, or whether we are alone. I have said this many times and I shall continue to say it because that is the stand of the Government of India and I think, of the people of India.

Q: Would you clarify to the people in India whether the Pak occupied area of Kashmir is linked with the withdrawal of forces when you negotiate with Pakistan?

P. M: I think the people of India have full faith in me and they do not need me to clarify anything to them.

Q: Do you propose to have a mutual defence treaty with the new Bangladesh Government to safeguard their security?

P. M: I think you must have seen today there was a report about a speech or statement by the Foreign Minister of Bangladesh. He said there in no need for us to have treaties. Should there be a need, we will consider it then.

Q: Mr. Bhutto had said that he was working on a Summit meeting between India and Pakistan. Would you think that a Summit meeting at this stage would be advisable? If so, what should be its agenda? And also what preparation in needed before that Summit meeting could be held?

P. M: I do not think that one can decide at what level the meeting should be just now. As I said that when the situation is more settled in Pakistan, then these things can be worked out.

Q: Have you any fear that the personality cult in our country might receive a further boost as a result of recent developments?

P. M: I do not have any fear at all about anything.

Q: In the morning newspapers you might have noticed a new type of influx - - some people joining your party from Cong(O). It seems if this goes on unabated, the party might grow even bigger than what it was before the split. What are you going to do about it?

P. M: What is important is not how big the party is but whether all these people who are coming in well sincerely abide by our programmes, our policies and the kind of functioning we want to have in this country.

Q: May I ask in this connection, whether you would forgive those people who actually expelled you from Congress and take them back if they wish to return? I am told that some feelers have already been thrown through some intermediaries that they would like to come back.
P. M: There is no question of forgiveness because I never held any resentment against them or anybody. I think that life is too short to waste on such unproductive emotions or feelings. But so far as people’s coming back is concerned, it depends on whether their coming back is going to strengthen the party and strengthen us in what we want to do.

Q: Don’t you think that you are going to State elections too soon with two unhealthy trends which might develop out of it? One is that your party may, on the ground of a national victory sweep the polls and to that extent weaken democracy, and, secondly, the national rallying point which you have become could have been utilized for a period at least to channel our energies to productive purposes and that trend may suffer because all political trivialities will now crop up.

P. M: It is a funny way of strengthening democracy by not having elections. If elections had not been due, I would not have held the elections earlier. As a matter of fact they are even now being held a little later than they should have been because they should have been in February. While the actual fighting was on, I did not think it possible to hold elections. But when we consulted the Opposition leaders, several of them said that elections should not be postponed beyond March, and I felt well if you can’t hold them in February, it is unlikely that you will be able to hold them in March. So we were for postponement but most of the Opposition parties were not. And now that there is a ceasefire, there is no actual fighting, there is no good reason not to hold elections, especially because in India, because of weather and so on, it is not possible to hold them in every month. If you have the monsoons then large areas cannot go to polls. So we are restricted in the timings. Therefore, it is a good thing to hold them.

The other statement you made is equally astonishing, which is, if you have elections, the Opposition parties will not help in economic programmes. I think it is a very sad commentary on them that when they see that the need of the nation is for economic progress, they should offer an excuse, elections or any other excuse, or take a contrary line. I doubt if it will help them or the country; but postponing the elections is not going to help.

Q: Will you state that during these elections the DIR will not apply to Opposition parties who might be criticizing your party or the ruling party?

P. M: It certainly won’t be applied for criticizing us; it will apply only if it is the national interest.

Q: You did not give your own opinion whether you think that return of some of the old stalwarts will strengthen the party in implementing its purposes or will weaken it. You left it rather vague.
P.M: Because surely we were not discussing it personality by personality; so you can only give a general answer. The policy of the party in taking back people from the Congress, who were in the Congress earlier, is to view each case separately.

Q: Madam Prime Minister, this year two events have happened. One is winning the elections and the other winning of the war. Which is your finest hour?

P. M: I am one of those people who enjoy a challenge and these were indeed great challenges. But I do not think life is ever without challenges. It is only when I am dead that you can see which was the finest hour.

Q: Have you received any specific feeler from Kamaraj to get back? We learn that in Madras both the Congress parties rank

P.M: I have not received any.

Q: The year 1971 has proved a lucky year to the country under the great leadership of Mrs. Gandhi. In that light, I would like to know how we should celebrate 1972 tonight so that it may bring more luck and prosperity.

P.M: Firstly, I do not believe in luck. Luck comes only to those who have the character to attract it and who have the character to hold it. It is not something that by chance flutters in through the window. You have to work jolly hard. And I think the best New Year resolution you can make is that everybody should work hard to create the type of India which we all want.

Q: You have been talking of cutting down imports. Have you decided to completely stop import of Hollywood films some of which are your favourite also?

P.M: I am surprised that you know which are my favourites. I have not seen a film for a long time now, unfortunately. I don’t think it is a good thing not to see them. But it just has happened.

Q: The question remains unanswered.

P. M: She is the de facto Minister.

Q: Shri Bansi Lal said in a public meeting yesterday that you have become so popular all over the world that if you stand against Nixon, you will defeat him. Any comments?

P. M: I think politicians talk too much.

Q: Do you envisage any difficulties in the supply of international aid to Bangladesh due to the failure of other countries to recognize the Government
of Bangladesh? In other words how will this aid be channeled in, if there is no formal recognition between the United States and the Bangladesh Government or between any other country and the Bangladesh Government?

P.M: I think the United States itself was not recognized for many years after its Independence, I think, seven years. The U.S.A. did not recognize the Soviet Union for 16 years; it still has not. Do not think any of this has prevented their having every kind of relations, contacts, trade and everything.

Q: May I have this opportunity on my behalf and my colleagues to wish you a very happy and glorious new year and pray for many such victories for India under your great and dynamic leadership?

P. M: Thank you very much. Any more questions?

Q: When are you likely to visit Bangladesh?

P.M: I do think that there are far too many advertisements in newspapers. If they have so many pages, we should get more news, or articles or things which are more of interest to everybody. I think you seem to have run out of questions.

Q: Some people have been urging that we should demand reparations from Pakistan for the war it treacherously thrust on us. Could we have your views in the matter?

P. M: There is no doubt that Pakistan did commit aggression on us and the matter can be considered.

Q: During all your speeches you have been emphasizing the moral aspects of the war. This was probably the only just war in the history of mankind as far as I understand history. The western newspapers and most of the western politicians are looking at the moral aspects of the war. Is it not that something is wrong with their attitude? Is it not that the time has come when they should change their attitude to see the happenings in this part of the sub-continent in a different perspective?

P. M: We believe in co-existence. I do not think it is for us to say what other countries should think and what they should do, except when it concerns us. I do not think it is true to say that this is the only moral war. I saw my friend here shaking his head. He is probably thinking of the American War of Independence. There have been many wars of Independence; there were many other such fightings which had every good reason and the morality behind them. But while the moral aspect is very important and the question of ideal is very important, I think we should give due credit to the achievement of our armed forces helped by the para-military forces such as BSF and others. They really did a superb
job. As many outsiders who know more about military strategy than I do have said that they did it with the minimum of damage. Somebody who was livings in Dacca, a foreigner, has told us that he himself was pilot in World War II and he has seen other fightings in other places but this is the first time he saw pilots actually risking their lives in order to see that they hit the target and not anything besides it. I think that the moral aspect is important but I think the preparedness of the Indian army and the leadership as well as the quality of the Indian jawans is something that needs our praise.

Q: Could you sum up India's present position in the international community?

P.M: I do not know what you mean about present position. Our position is the same. We do what we think is right. We have done it in the past, we are doing it now and we shall continue to do so. So far as other countries are concerned, what I said to them when I was there is not that we are asking you to do this because it is good for India, but we are asking you to face the realities of the situation because we think that is in your interest. Since the situation is going to be there every country should have seen what was in its long term interest. This is all that I tried to do when I went abroad.

Earlier, I think you said something just now about my going to U.S.A. I think I might as well clarify that I have no territorial ambition whatsoever.

Q: What is your assessment of the American Seventh Fleet being in the Bay of Bengal during the crucial days of the conflict?

P.M: The question is why was the Seventh Fleet sent to the Bay of Bengal at a very crucial time. I can only say that I do not think it had any good intentions.

Q: What do you think of BBC’s coverage of the war?

P. M: I have not listened in and I don’t know.

Q: It is reported that an extensive tour programme is prepared by the Congress President for your tour all over the country to campaign for the Assembly elections. Have you accepted it?

P. M: I am touring all the time, whether the programme is arranged by the Congress President or somebody else. Part of my job is to tour the whole time so that I can keep in touch with what is happening.

Q: Earlier, you said that there has been no change in your attitude towards China. Does it mean that you are hoping to normalize the relations with that country and sending an Ambassador soon?

P. M: Now don’t jump various steps. I do not know when an Ambassador will go but so far as normalization of relations is there, that was my hope earlier and it remains my hope.
Q: When do you propose to appoint our Ambassador in Bangladesh?
P. M: The matter is under consideration.

Q: If the press reports are correct, a large quantity of arms and ammunition have been smuggled into West Bengal from Bangladesh, because most of our border posts are unmanned at the present moment. It is also being said that these might fall into the hands of parties wedded to violence and it may lead to intensification of interparty clashes.

P. M: I think some arms were smuggled in, but the border posts are manned, and I do not think there is great danger of that. Now we have seen in Bengal that the public is also very much aware of this. I think they are going to stand up to any kind of violence of this type.

Q: In view of the atrocities committed by the West Pakistan army, would you consider the admissibility of setting up a War Crimes Tribunal, since certain things have happened which have nothing to do with fighting a clean war.

P. M: This is up to the Government of Bangladesh.

Q: Now that there is no East Bengal, do you think we should continue with the name of West Bengal?

P. M: As a matter of fact there was no reason even before. It could have been East Bengal and Bengal.

Q: East Pakistan also?

P. M: We don’t say West Pakistan any more. We just say Pakistan and Bangladesh.

Q: Is there a proposal to make Gen. Manekshaw Field Marshal because of the excellent services rendered by him during the war.

P. M: He did render excellent services; there is no doubt, I think we can end now. Nobody has any more questions and we have gone the full hour. I would just like to say this, because a question was asked earlier and I did not give a complete reply about reprisals. I want to go back to that because the hint was that perhaps it was Mukti Bahini which was indulging in this. So I wanted to say that the people who have fought so heroically for their freedom and sacrificed so much for the liberation, for the creation of Bangladesh, I am quite sure, I have full confidence, they will now work equally hard for the unity and reconstruction of their country and also to give their country the right sort of image in the world. I am giving just an added argument why I don’t think that sort of thing can continue.
Now, 1971 has been a year of grim challenges if I can put it that way. It has been a year of tremendous hard work and of tremendous effort for us in India. But it has also been a year of achievement. And I think the two always go together. You can never have achievement unless you have challenge and hard work. In India we do not want a soft life. We don’t want an easy path. We want to have challenges so that we can prove that we can meet them and we can overcome them. I think somebody asked me yesterday or the day before, what my goal was. Now goals, of course, are many and I don’t think that one ever reaches one’s goal because that would not be a goal then. I think what I would like for my country is that we live in dignity, and as our army has shown, we die with dignity too when we have to die. So far as my view on life is concerned, just this morning I was looking at some book and my eyes fell on Browning. I don’t know whether I have got the words right because I have not got it with me, but he said something that life should be a stuff on which to try the strength of one’s soul. I think all these challenges that we are getting in India are strengthening us, are uniting our people; and so long as we continue to go in the right direction, I have no doubt that we shall overcome our difficulties.

May I say ‘Thank you very much’ to the press of India and to that of the other countries, because they have also had to face many challenges, and they have faced them with courage and good reporting. May I wish you all a very happy 1972, by ‘happiness’ I do not wish you an easy time, but I wish that whatever difficulties you may have, you will overcome in joy.

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0660. Record of discussion between Indian Foreign Minister Swaran Singh and the Swiss Ambassador in New Delhi.

New Delhi, January 1, 1972.

Ministry of External Affairs,
New Delhi

The Swiss Ambassador, Dr. Frits Real, called on the Foreign Minister at 11.30 this morning.

2. F.M. congratulated the Swiss Ambassador on the smooth efficiency with which repatriation of the diplomatic personal was carried out.

3. In reply FM's enquiry whether the Swiss Ambassador was in touch with his counterpart in Islamabad, the latter answered in the affirmative and said that in order to quicken action, radar communication has been established between his Embassy here and the Swiss Embassy in Islamabad, and they conferred with each other twice a day.

4. FM enquired whether it was customary, in such cases, that the Swiss Embassy in Islamabad would furnish any political reports to the country whose interests they may look after. The Swiss Ambassador clarified that they would perform only those obligations which were of a "technical" nature, and no political information would be furnished. The Swiss Ambassador added, in reply to FM's query, that his colleague in Islamabad was functioning only in West Pakistan and had no communication with Dacca.

5. FM said that this was an unprecedented situation when a big chunk of a country has become independent after turmoil, there would be no precedent as to how to deal with the situation. The Swiss Ambassador agreed and added that the situation is more complicated, because the country has not yet been recognised.

6. FM said that, internationally, the country may not be recognized but the hard reality is that they are in de facto control. In a situation like this, how would the Swiss Ambassador in New Delhi or his counterpart in Islamabad deal with them?

7. Dr. Real said that Islamabad did not even have the means to deal with Bangladesh. He himself would, therefore, have to deal with Bangladesh because when the war ended, the Indian army took over certain tasks in regard to the Pakistan army; they also declared that they would obey the Geneva Conventions. Switzerland has some obligations as a protecting power under the Conventions - functions in regard to prisoners of war and civilian internees. Switzerland could,
however, only deal with a government which had signed the Convention and that
government was the Government of India. But de facto, he could deal with
Bangladesh on the spot. The protecting power had obligations which in some ways
were parallel with the activities of the ICRC. As a protecting power for Pakistan in
India, he was entitled to visit the pows and civilian internees in Bangladesh.

8. FM wondered how “civilian internees” would be defined. Various aspects
would have to be studied carefully. In the east, where these events took place,
there is a country which we recognized as independent and sovereign. What
exactly was the implication of the term “civilian internees” would have to be
enquired into.

9. The Swiss Ambassador said that from the advice he had received from
Berne “civilian internees” meant those who had been interned under the
protection of the Indian army – that would mean West Pakistani officials.

10. FM intervened to say that there were no “West Pakistani” officials. In
fact, there would be only Pakistani officials. The Swiss Ambassador said that
there may be non-officials also who may not be interned. He recalled the case
of Germans in the USA during the Second World War. All the Germans were
not interned but as a protecting power for Germany, Switzerland could visit
them according to the Geneva Convention.

11. FM said that our initial reaction was that they any action taken by
Bangladesh in this respect is something over which we have no control because
we recognized them as a sovereign power. Secretary (East), who was also
present, reminded the Ambassador that there was a joint command of the
Indian and Bangladesh forces.

12. FM clarified that our functions were not those of an occupying power
and that is why we had sent only an interim reply to the Swiss Note. The Swiss
Ambassador said that his Government was pressing for an early reply. They
would like to know whether India recognized the obligations of the protecting
power under the Geneva Convention. India had accepted Switzerland as the
protecting power for Pakistan. General Manekshaw had said that the war
prisoners were under the protection of the Indian army.

13. FM said that we were not quite clear whether, because Switzerland was
acting as Pakistan’s protecting power in India, it was automatically looking
after Pakistan’s interests in Bangladesh. F.M. assured the Swiss Ambassador
that the Indian army had a tradition and in accordance with these traditions,
you would fulfill the spirit of the Convention but the technical question is whether,
because Switzerland is looking after the interests of Pakistan in India, it is
automatically entitled to function in another separate country. We were studying
this question; the Swiss Ambassador may also study it.
14. The Swiss Ambassador then said that the Pakistan Government had given permission for the Swiss Ambassador in Islamabad to visit Indian prisoners, but here he was not able to visit the Indian camps. The Swiss Ambassador further added that this permission was sought at the request of Secretary (East).

15. Secretary (East) explained that we only wanted to know whether the Pakistani would agree to the Swiss Ambassador in Islamabad visiting the camps.

16. The Swiss Ambassador said that permission for the Swiss Embassy in Islamabad to go to Lyallpur had been received. He added that General Maitra of the ICRC had even asked for a list of the prisoners. He also said that Mr. Tosio, the Swiss Counselor in Karachi, had been to see the Indian sailors detained in Karachi. The Pakistan Government has also given permission for a representative of shipping company to see the Indian crew whenever they wished.

17. Secretary (East) clarified that we requested the Swiss to look after our interest in Pakistan. What was involved was our consular interests in Pakistan, and in Switzerland’s capacity as our protecting power, we had requested that Swiss Ambassador that the Indian crew who had been off-loaded in Pakistan, should be released.

18. The Swiss Ambassador said that “protecting power” was defined in Geneva Convention. What would happen if Pakistan took the same view as we took?

19. F.M. said that we would not object if Pakistan took that stand and we would leave it at that. F.M. added, however, that the reason why he had asked in the beginning whether the Swiss Ambassador’s work involved political matters was that the question of internees in Bangladesh was a political issue. The impression the Swiss Ambassador had given was that that political matter were outside his purview.

20. The Swiss Ambassador said that the prisoners of war were under Indian supervision or Indian protection. FM explained that there was a distinction between the two. Here is unprecedented situation, and even if we wanted we cannot function in Bangladesh, because we had recognized Bangladesh.

21. The Swiss Ambassador said that his Government has asked that one of his officers should be sent to Dacca and contact the Commanding Officer in charge of the prisoners and also, if necessary, the local authorities. He did not, however, act although he wanted to send this officer on Monday last and, in fact, the Bangladesh authorities had given him a visa. The Swiss Ambassador asked whether India did not want Mr. Iuthi, who had recently come form Switzerland to look after Pakistan affairs in his Embassy should go to Dacca.

22. FM said that this also clearly raised a very important question whether a member of the Swiss Mission which is looking after Pakistan’s interests in
India, was in capacity permitted to look after Pakistan’s interests in Bangladesh also. The Swiss Ambassador thought that it was under the Geneva Convention, but the Foreign Minister pointed out that there were legal complications. The “civilian internees” are with Bangladesh and not with us. FM enquired whether Pakistan had asked the Swiss Embassy to look after its internees in Bangladesh also; in that case it would be a simple matter. The essential points is that merely because Switzerland was looking after the interests of Pakistan in India and India’s interests in Pakistan, it did not follow automatically that Switzerland was looking after Pakistan’s interests in Bangladesh.

23. The Swiss Ambassador said that it was just a question of prisoners of war, as protecting power Switzerland had to look after the prisoners of war. Explaining a hypothetical situation, the Swiss Ambassador said that if, for example, during World War II American prisoners were held by the German army in Austria, the protecting power for America could insist on the German authorities providing facilities to visit the American prisoners in Austria.

24. FM pointed out that there were two categories (i) civilians, and (ii) army personnel. There was also a unified command and the surrender was in another country. We have to examine very carefully the legal implications. This is because Bangladesh is not a party to the Geneva Convention. Article 45 did not contemplate a country which Islamabad not recognized.

25. The Swiss Ambassador said that he would inform Berne of these discussions: that according to our point of view, the Swiss Embassy’s obligations were not automatic. FM suggested that the Ambassador should add that the surrender took place in Bangladesh and that there was a unified command in Bangladesh. We wanted to study this matter more carefully. Legal matters apart, we wanted to be helpful in a humanitarian way. We shall accept all obligations whether legal, humanitarian or practical. But Bangladesh which we recognized as sovereign was in de facto control and we cannot control them.

26. The Swiss Ambassador agreed to transmit these views to his Government. FM said that we would have this matter fully examined by our legal experts.

(R. Ranganthan)
Deputy Secretary (PAK)
1.1.1972
Aide Memoire of the Swiss Embassy in India regarding the applicability of Geneva Conventions in the present situation between India and Pakistan.

New Delhi, January 7, 1972.

AIDE MEMOIRE

The Competent authorities of the Federal Political Department of the Swiss Government examined anew the question of applicability of the Geneva Conventions in relation to the present conflict between India and Pakistan particularly the question of the obligations deriving from these Conventions for Switzerland as Protecting Power and for India having agreed to Switzerland’s mandate. They advance the following:

1. Article 8 of the third Geneva Convention provides that the Convention shall be applied “with the cooperation and under the scrutiny” of the protecting Power. It results form the preparatory work and the most authoritative commentaries that this article of the Convention confers expressly upon the Protecting Power a direct responsibility and a right of initiative of its own. The moment the Protecting Power had accepted the mandate and has been agreed upon as a mandatory Power by the State of Residence, it automatically assumes all duties irrespective of the intent of the requesting Power (or Power of origin) and without further agreement with the Power in which the mandate is to be carried out (State of Residence). The members of the diplomatic and consular staff of the Protecting Power are ipso facto entitled, in virtue of their capacity as official representatives of their Government, to engage in the activities arising out of the Convention.

2. Specifically, Article 126 of the third Geneva Convention confers upon the representatives or delegates of the Protecting Power the right and the duty of visits to and the inspection of all places where prisoners of war may be held particularly places of internment. The right of access to such places of internment and of the visits to prisoners of war by those representatives of the Protecting Power may not be prohibited “except for reasons of imperative military necessity, and then only as an exceptional and temporary measure”.

3. From what precedes, it derives that under the third Geneva Convention the prerogatives of the Protecting Power are granted automatically from the very moment this Power did accept the mandate and has been agreed upon as Protecting Power by the State towards which it exercises the said mandate.

4. By recognizing Bangladesh, India performed an act of national policy determining her bilateral relationship with that entity. It is not up to Switzerland to express judgment neither on the sovereign decision of India nor on the effects...
which may be born out of this recognition on the bilateral level. However, the said decision by the Government of India cannot have, on the other hand any legal effects, for the time being, regarding third states and among them in respect to the Swiss Confederation in the exercise of her duties to safeguard the interests of the parties to the conflict and to supervise the application of the Geneva Conventions as conferred upon her by Article 8 of the third Geneva Convention, Article 9 of fourth Convention and by Article 1 of both Conventions.

5. It has further to be considered that Bangladesh does not, for the time being, fulfill the requirements for recognition under international law since their authorities have been installed only a short time ago and Pakistan has not relinquished any of her sovereign rights on East Pakistan territory. Besides, as long as the Indian armed forces continue to remain in Bangladesh, it is not possible to judge whether the authorities governing this entity would be able to maintain an administration sufficiently stable over the major part of the territory and population which constitutes precisely a prerequisite for attaining international recognition. It appears finally that this position is shared by the members of the international community which so far neither as a whole nor by a majority has been able to recognize Bangladesh as a sovereign State.

6. While Switzerland does not intend to express any judgment on the effect which the recognition of Bangladesh by India may have on bilateral relations between India and that entity, India cannot either on her part attribute to this act of recognition an international effect. Specifically, India cannot invoke the fact of having recognized Bangladesh with the view of renouncing - wholly or partly - her obligations which she undertook to respect by signing a multilateral worldwide instrument namely the Geneva Conventions. With regard to these Conventions, whatever the relations between India and Bangladesh may be, the Indian army is to be considered an occupying force in the technical sense of the term and therefore bound by all the obligations which derive form such function.

7. Even if India’s argument that she had recognized Bangladesh already on December 6th, 1971, i.e. before the surrender of the Pakistan Armed Forces, was to be accepted as the basis of legal considerations one would arrive at the same conclusion; namely, the fact remains that the act of recognition did not precede the moment at which Indian Armed Forces entered the Eastern Province of Pakistan. Thus, even under this hypothesis at least until December 6th, 1971, a state of military occupation in technical sense did partly exist.

8. India having signed the fourth Geneva Convention, it follows form the above that Article 47 of the fourth Convention does apply. This article stipulates that the rights of protested persons and consequently the duties of the Occupying Power are not being modified by any subsequent agreement that may be concluded between the Occupying Power and the authorities of the occupied territory.
9. Concerning the particular question of the transfer of protected persons, be it prisoners of war or interned (protect) civilians, Article 12 of the third Convention and Article 45 of the fourth Convention prohibits such transfer to a Power which is not a Contracting party to the Conventions. Quite independently of the question of being a recognized State or not, Bangladesh is in fact not a party to the Geneva Conventions. The responsibility for the treatment of prisoners of war and of interned civilians remains unquestionably with the Detaining Power.

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0662. Note Verbale of the Ministry of External Affairs to the Swiss Embassy in New Delhi regarding looking after Pakistan's interests in India.

New Delhi, January 13, 1972.

No.PSP/415/12/71 New Delhi, 13.1.1972

The Ministry of External Affairs presents its compliments to the Embassy of Switzerland and has the honour to refer to the Embassy's Note of 6th December, 1971 and the subsequent Aide Memoire handed over by His Excellency the Ambassador of Switzerland on 22nd December, 1971, on the question of looking after Government of Pakistan's interests in India.

The Government of India wish to clarify that when they communicated their agreement to the Government of Switzerland in their Note of 8th December 1971 their understanding was that the Government of Switzerland would act as protecting power for looking after Pakistan's interests in India under the Vienna Convention on Diplomatic Relations 1961. It would be recalled that by its Note of December 6, 1971, to the Embassy of Switzerland the Government of India, in view of the announcement made by Pakistan of breaking off diplomatic relations with India, requested the Government of Switzerland to look after India's interests in Pakistan in this very context.

The Ministry of External Affairs avails itself of this opportunity to renew to the Embassy of Switzerland the assurances of its highest consideration.

New Delhi, January 13, 1971.

The Embassy of Switzerland,
New Delhi.

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0663. An unsigned Note given by the Ministry of External Affairs, Government of India to the Swiss Ambassador in New Delhi.

New Delhi, January 14, 1972.

1. The assumption that Switzerland is already a protecting power under the Geneva Conventions is not correct. Switzerland was appointed protecting power to look after India’s interests in Pakistan and Pakistan’s interests in India with effect from December 6, 1971 under the Vienna Convention on Diplomatic Relations. This was the intention, the understanding and the context of Switzerland’s appointment on December 6, 1971, after the breakup of diplomatic relations by Pakistan on that date due to India’s recognition of the Republic of Bangladesh.

2. The question of appointing Switzerland as a Protecting Power under the Geneva Conventions is receiving the consideration of the Government of India.

3. While indicating their understanding of the legal implications of the Geneva Conventions and the obligations of India arising there under it may not be necessary for the Swiss legal advisers to bring in political matters. In this regard, paragraph 5 of their Aide Memoire is particularly offensive in as much as it questions the qualifications of Bangladesh to be recognized and therefore reflects on the judgment of a member of Government who have already recognized Bangladesh or who may be recognizing that State and its Government in future.

4. Paragraphs 6 and 8 of the Aide Memoire are also equally and needlessly offensive, based as they are on the assumptions made in paragraph 5. India is regarded as the occupying power in Bangladesh and the Government of Bangladesh is called “the authorities of the occupied territory”. This would be offensive to India as well as to Bangladesh. India has recognized Bangladesh. Its forces entered Bangladesh at their request to assist their forces in their struggle for liberation. The Pakistani Armed Forces had surrendered to the Joint Command, and recognized the Armed Forces of Bangladesh specifically in the Instrument of Surrender. The fourth Convention relating to Civilians cannot accordingly apply to Bangladesh after the close of military operations thereafter December 16, 1971. The exception will be the persons who continue to be in detention after that date. The Government of Bangladesh is in occupation of its own territory. India is not an occupying power in Bangladesh.

5. In view of the above, the assumptions and inferences drawn in paragraph 9 of the aide memoire cannot apply to the custody of prisoners of war or protected persons who are in the charge of the Government of India and the Government of Bangladesh.
6. The facts indicated in paragraph 7 of the Swiss Aide Memoire and the inferences drawn there from also require further reflection by the Swiss legal advisers. It is well-known that Pakistan made an unprovoked attack on India on December 3 and India was, therefore, perfectly within its rights to take measures of self-defence, at any place. In so far as Bangladesh is concerned, India entered there, apart from in exercise of its rights of self-defence, at the request of the Government of Bangladesh. The context of this request is clear from the communication addressed to the Government of India by the Government of Bangladesh which were referred to by the Prime Minister in her statement in Parliament on December 6, 1971, on the formal recognition of Bangladesh, and copies of which were placed on the Table of the House.

7. In a nutshell, it must be recognized that the parties in conflict in Bangladesh were three, namely, India and Bangladesh on the one side and Pakistan on the other. It is in this context that the protecting power has to play its role under the Geneva Conventions. The Government of Bangladesh has already publicly declared on December 13, 1971, that it will respect the provisions of the Geneva Conventions as well as the provisions of the Charter of the United Nations. India and Pakistan are already parties of the Geneva Conventions.

0664. Aide Memoire of the Government of Pakistan delivered to various Governments regarding the entry of Pakistani nationals who entered into India in the wake of 1971 conflict.

Islamabad, January 18, 1972.

AIDE MEMOIRE

As a result of disturbed conditions in East Pakistan, a number of Pakistani nationals were compelled to cross over into India. Amongst them are Government officials, businessmen, employees of tea estates, representatives of banks and commercial firms etc.

2. A list of such Pakistanis who are reported to be in India has been compiled and is attached. This is not a complete list and the actual number of Pakistanis would be much larger.

3. According to information available in Islamabad, the majority of Pakistanis mentioned in the list were apprehended by the Indian authorities and detained in jails in India.
4. The Government of Pakistan has approached the Government of India to release these persons on humanitarian ground and to arrange for their expeditious repatriation to Pakistan. These persons are neither criminals nor have they deliberately violated any Indian Law. Therefore, there is no justification for their continued detention in India. Unfortunately the Government of India has so far not responded to Pakistan’s request. Nor has it confirmed the whereabouts of these persons. Consequently, their kith and kin in Pakistan are greatly worried about their welfare.

5. As this is a humanitarian question, the friendly governments are requested to use their good offices with the Government of India and arrange the release and repatriation of all Pakistan officials etc., who are detained or stranded in India and who wish to return to their homes.

0665. Note Verbale of the Swiss Embassy in India conveying a proposal of the Government of Pakistan regarding persons stranded in India and Pakistan as a result of the conflict.

New Delhi, February 21, 1972.

EMBASSY OF SWITZERLAND

No. 826.5

The Embassy of Switzerland, Pakistan Affairs Division presents its compliments to the Ministry of External Affairs of the Government of India and has the honour to inform them that the Government of Pakistan has proposed – through Swiss diplomatic channels – to examine, on a reciprocal basis, the possibility of delivering exit permits to nationals of India and Pakistan who are stranded in the other country as the result of the outbreak of the recent conflict.

These persons were generally on visit to relatives in the other country and would like to return home where they left members of their family. Several have to resume their professional activities.

The Embassy would appreciate being informed if the Indian authorities agree to this proposal.
The Embassy of Switzerland avails itself of this opportunity to renew to the Ministry of External Affairs of the Government of India the assurances of its highest consideration.

New Delhi, 21st February, 1972.

Ministry of External Affairs,
Government of India,
New Delhi.

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0666. TOP SECRET

Note recorded by the Indian Ambassador in Paris of the discussions between D.P. Dhar, Chairman, Policy Planning Committee, Ministry of External Affairs and French Foreign Minister Schumann.


I accompanied Shri Dhar when he called on Foreign Minister Schumann. The meeting lasted for one hour and a quarter. I give below the main points which emerged.

2. Mr. Schumann thanked Shri Dhar for the greetings and good wishes of our Prime Minister conveyed by Shri Dhar and requested Shri Dhar to convey his high esteem and good wishes to her. Shri Dhar also expressed appreciation of the understanding of France of the recent events leading to Indo-Pak conflict.

3. Schumann then said that he wanted to know “from a humanitarian point of view” the position of the Pakistani civilian officials and other prisoners of war who were in Indian custody. He hastily added that France had been asked by Pakistan about this matter. Shri Dhar explained that the prisoners of war – regular soldiers – were very well looked after and that India was treating them even better than what the Geneva Convention required. As far as the civilian officials are concerned, some of them are charged with war crimes and they have been transferred to the custody of the Bangladesh Government. A short discussion on the timing of the release of the prisoners of war ensued and Shri Dhar made it clear that India could not release the equivalent of almost five Divisions of the Pakistan regular army who could
be rearmed and deployed against us, unless durable peace with Pakistan was achieved. Shri Dhar also explained that the Government of Bangladesh was involved in it because of the atrocious war crimes committed by many who were now prisoners and, therefore, this issue could not be settled bilaterally between India and Pakistan without the participation of Bangladesh. (My impression was that Schumann was probing – not necessarily on behalf of Pakistan – to discover India’s real intentions regarding the POWs. The French understood it very well – even if they do not admit it publicly – that India cannot hand back the prisoners unless real peace replaces the present provisional ceasefire. We need not soften our attitude on this. Recently the French have been asking for extradition of a former Nazi official from Bolivia charged with atrocities in France during the war. Therefore, the French appreciate that Pakistani war criminals cannot be just forgiven and forgotten.)

4. There was then discussion on the possibility of achieving a durable peace settlement. Shri Dhar said that India had no feeling of vulgar military triumph, India coveted no Pakistani territory, and all India wished was a just and durable peace leading eventually to the friendly cooperation among the three countries in the sub-continent – Pakistan, Bangladesh and India. Shri Dhar mentioned “a package of peace” in this context and he explained that all the elements of friction which had created conflict between India and Pakistan since Partition must now be identified and disposed of in the peace negotiations. Shri Dhar emphasized that India could not go on leaping from war to war and a settlement should give at least a decade of peace to the sub-continent. (Schumann said that a decade of peace was not enough – it should be for eternity!) Schumann made a very cautious and tentative offer of mediation which Shri Dhar adroitly ignored. Shri Dhar mentioned that Bhutto might come to Delhi according to a message he had received, though there were ambiguities in the first part of the message. Schumann seemed surprised and said that this meant that Bhutto wanted meaningful talks. Shri Dhar hoped that Bhutto’s visit, if it materialized, would not be similar to the visits he had been making of late to various countries. Shri Dhar mentioned here the vast process of forthcoming State elections which would require PM’s attention. Shri Dhar also wondered whether Bhutto was in complete control or whether the relics of the military regime were still operating the levers of power from behind the façade of Bhutto. Why wasn’t Bhutto giving up Martial Law. He was not even a military officer and he was elected by the largest party in Pakistan and it was inappropriate for him to act the Chief Martial Law Administrator. Schumann referred to the agitation in the provinces of Pakistan in this context and Shri Dhar stated
that only democracy and regional autonomy—responding to the legitimate aspirations of Pathans, Baluchis and even considerable sections of Punjabis—could save Pakistan’s unity. The military regime achieved the break-up of Pakistan and, if resurrected it could dismember what was formerly West Pakistan. In this context Shri Dhar said India was held together because of democracy and that DMK which started off as a secessionist party, was not banned and it finally abandoned its secessionist policy.

5. Shri Dhar then explained at some length the tragedy of Pakistan which practically since its birth has been dominated, corrupted, and oppressed by a military elite set-up armed, and supplied by certain foreign powers for their own purpose and that this military elite had as its ally a strong section of the bureaucracy which developed a vested interest in upholding the regime to the detriment of the people of Pakistan. Now the military elements were humbled but were not destroyed. They might be lying low for the present. It would be a great catastrophe if the same old policy which created the military elite were to be revived because in that case there would be no hope for Pakistan and there would be great turmoil in the entire region. (Schumann seemed very interested and listened patiently. I am glad that Shri Dhar gave this analysis of the situation to Schumann, because I have been talking on parallel lines earlier and this thesis, coming form the level of Shri Dhar, would make a powerful impact on the highest quarters in France. This is particularly important because in the past France has been a major supplier of arms to Pakistan.)

6. The discussion was then channeled by Shri Dhar to the possibility of a joint action by China and Pakistan at the opportune moment to open another round of conflict. Shri Dhar asked Schumann’s opinion on this. Shri Dhar also mentioned how we had been scrupulously polite and even friendly to China in spite of the abuse heaped on us by Peking. Schumann doubted whether China would participate in any military action against India saying “China always talks loudly but acts prudently”. Schumann thought that China’s anger against India was because of India’s friendship with the Soviet Union. Shri Dhar pointed out that France maintained friendship both with the Soviet Union and with China and he wanted to know the recipe of French success. Schumann said that after all France had not signed a treaty with Soviet Russia, to which Shri Dhar replied that even before the Treaty with the Soviet Union was signed, China had been hostile. Schumann suggested that India should stress her non-aligned policy in various statements to signal to Peking the Indo-Soviet friendship was not directed against China. (The French do believe that China is obsessed by the fear of the Soviet Union but my conversations with the French over the last two
years indicate to me that, quite apart from the obsession with the Soviet Union, the Chinese, in the opinion of the French, want to keep India off balance and establish Chinese pockets of influence on the sub-continent. The French hope – this has been mentioned to me by them – that India will be strong enough to counter Chinese moves in her own way.)

7. The discussion then turned back to the prospects of a durable peace between India and Pakistan and Schumann mentioned in this context the feasibility of guaranteeing the frontiers of the countries in the sub-continent. Shri Dhar discouraged this line of thought but assured Schumann that India would do everything reasonably possible to give Pakistan full sense of security. He suggested that a belt of territory ten miles wide on either side of the frontier could be demilitarized though India would not accept foreign observers. In any case, the UN observers on the Kashmir ceasefire line had never been able to prevent infiltration, incidents and even conflict. (Though Schumann did not comment on this, I foresee no difficulty in convincing the French of the justice and correctness of our position. The French themselves are allergic to the UN or foreign observers in the context of their own territories and they certainly will not make difficulties for us if we firmly uphold our position.)

8. Shri Dhar talked of the close and growing Indo-French relations which he thought could be "concretized", both in the political and economic context, to ensure that establishment of durable peace not only in the sub-continent but also in the whole south-Asian region. (A treaty of friendship with France would be very desirable form our own points of view and Shri Dhar would discuss this on his return to Delhi.) Shri Dhar then suggested that Foreign Minister Schumann might lead the French delegation to the annual bilateral talks to be held in Delhi this year. Schumann appeared gratified but he mentioned how strenuous his programme was (I know this to be true) but he asked the Director of the Asia Division of the Foreign Office who was taking down motes, to look for appropriate dates.

9. Shri Dhar then followed the Director to his room to clarify one or two points which had been raised during Shri Dhar's talks with Schumann. As France had voted for the last Security Council resolution after the termination of the Indo-Pakistan conflict, the Director of the Asia Division raised the matter of "troop withdrawals". It was explained to him that ceasefire was not peace and that India would certainly withdraw her troops from the West (Pakistan) and settle other issues after peace was established. (I shall have to follow this up because the Director was not completely convinced about the 'ceasefire not being peace'.) The Director also wanted some clarified –
I think to his satisfaction – when it was pointed out that the various elements of tension had to be negotiated on to achieve real peace. Earlier, Schumann had appeared to be satisfied that we would settle all problems with Pakistan proper while the Kashmir problem might remain outside the area of settlement. It was made clear to the Director, as it was done to Schumann earlier, that the package of peace related to overall settlement of all elements of tension and friction and that included Kashmir also. (I am reasonably optimistic about convincing the French that Kashmir need not be kept out of a peace settlement with Pakistan. In fact, I have already raised this matter and the response has not been discouraging.)

(D.N. Chatterjee)
Ambassador
22.2.1972.

TOP SECRET

Record of discussions between Chairman, Policy Planning Committee of the Ministry of External Affairs D.P. Dhar and Mr. A.N. Kosygin, Chairman of the Council of Ministers of the USSR.

Moscow, February 24, 1972

After the initial pleasantries, Chairman Kosygin remarked that he was glad to meet Shri Dhar again, “now that all problems have been solved”. Chairman Kosygin seemed completely relaxed and in very good humour. Verbatim record of the discussions which followed is given below:

Dhar: I am very glad that Your Excellency could receive me. I shall not take much of your time since I know how busy you are.

Kosygin: Please wait for a moment. I am going to take a sheet of paper to take down some notes.

Dhar: My Prime Minister has asked me to convey her sincere and heart-felt thanks to the Soviet Government, to Your Excellency, to Comrade Brezhnev, President Podgorny and the people of the Soviet Union for the support and unfailing help and understanding extended to us during our difficulty. She has sent a letter to Your Excellency but unfortunately the aircraft has not arrived
yet. But I have sent a copy of the letter in advance to you. The main points on which she wants your assessment and advice are contained in her letter.

It will be good if Your Excellency can, as on the last occasion, give your comments and advice on the questions raised by the Prime Minister, and then we can exchange our views.

_Kosygin:_ You know, first of all I would like to put some questions to you. This means that we can put some questions to each other. As you are aware, Sheikh Mujibur Rahman is coming to our country soon. I am unable to see from the letter of your Prime Minister what kind of “specifics” she wants us to raise in our meeting with him. He comes on March 1, 1972, and it is a necessary for us to do everything so that our talks will take due account of your interests. It is, therefore, most important for us to know about these aspects.

I would like to say that if you see some shortcoming in our talks with Sheikh Mujibur Rahman, this can be attributed to you (looking at Chairman Dhar). All the more so as we all consider you to be an expert on Bangladesh.

I will now look through the letter and try to answer the questions your Prime Minister has raised. Firstly, your Prime Minister has mentioned about the further developments, etc. I am saying this since it concerns Bangladesh. We will consult you to coordinate all our actions so that we have a consistent and steady point of view. Our Ambassador in Bangladesh (Mr. V.F. Popov) has just come in today from Dacca. We are now in close contact with the Bangladesh Government. Our Ambassador will inform us of his talks with Sheikh Mujibur Rahman and we will, of course, take this into consideration also.

The first question your Prime Minister has put is of our relations with Pakistan and Bhutto. She has said that Ambassador Pegov keeps you informed and that your views are communicated to us through him. So we have really nothing more to tell you about this.

As regards whether we can rely on the statements made by Mr. Bhutto, that he wants good relations with India and is willing to have talks, it is difficult to give a categorical answer. It is also not possible to say whether we can place any faith in these statements. But if we try to handle this question, taking due account of developments in Pakistan, and analyse them, we can imagine the situation which he is in now. Madam Prime Minister also writes that she understands the difficulties of Mr. Bhutto. It is necessary first to analyse and find answers to a number of questions. Do we want to support Bhutto or do everything to see that he is not there? In such an event who is to succeed Bhutto? Will his successor be better or worse?
You are probably in a better position to answer these questions since you are aware of the situation in Pakistan and the events which are likely to follow each other.

You know that in the past Bhutto was a difficult and complicated man. The statements he made after the Tashkent Conference were antagonistic to India and of a strong nature. After he has come into power he has made statements of a different nature. He has been to Peking and to some other States. Here again he has made different kinds of statements. But whatever his statements, he is already basing himself on the position that reunification with Bangladesh is no longer possible.

As I can see from the Prime Minister’s letter, the Indian side is interested in a stable regime in Pakistan which will be friendly to India. But the coming into power again of the Army in Pakistan can only be on the platform of revenge and with the support of China and the United States. They can hardly accept that they will be popular if they accepted the status quo. Only revanchist slogans to create a united Pakistan, etc., can be expected from them. This is not a categorical statement but we see no other possibility. The people are in revolt in Pakistan and everything seems to be on the boil there. Pakistan is now less than half of what it was.

May be you have more detailed data on Pakistan, and the struggle and the possible emergence of more progressive forces but we have no such information.

In order to find a way to satisfy public opinion, the main question Bhutto is trying to resolve is the return of POWs and internees. We will appreciate to have your views, if you deem it possible, so that we can orientate ourselves on the basis of Bhutto as Head of Government in regard to further developments with India, particularly since we see no prospective candidate who can proceed on these lines. There is also this, that if you wish to test Bhutto’s sincerity your side should have direct talks with him.

As regards the question as to what you would like us to convey in our talks with Bhutto, we have already transmitted what you had wished us to do. Of course, the talks can proceed in two directions. We understand that the Indian Government has indicated that the talks could be held at the level of Heads of Government or they could also be held, for instance, at the level of Foreign Ministers, respective Chiefs of Staff, Foreign Secretaries or Defence Secretaries. While this course is possible, it would be better in our view for either the Heads of Government or their confidential personal representatives, perhaps with yourself on the Indian side, to meet first. It may be also another way for formulating the guidelines without involving
the rigidities of a comprehensive agenda as a basis for the talks between the Heads of the State. I do not give this as our advice but only as a point of view. If military representatives of the two sides meet, they are bound to get involved in arguments and it is difficult to say for how much time the talks may drag on. We also are not inclined to favour talks at the Secretaries at this stage. That will give a formal framework to the pre-summit talks which may not be conducive to better results.

We agree with Madam Prime Minister that there is no consistency in Bhutto’s statements – they are friendly and unfriendly, revanchist and conciliatory. But without talks you cannot settle your problems and so an approach to talks must be found. Undoubtedly the most careful analysis on the approach to the talks would be required to ensure that they are crowned with success. To me, personally, it appears that it may be necessary for your Prime Minister and President Bhutto to meet so that questions are considered in a global context and one can discuss recognition of Bangladesh by Pakistan, entry of Bangladesh into U.N., return of POWs, etc., and even perhaps Kashmir.

I am glad to see from the letter that your Prime Minister is positive about Bhutto’s visit to the Soviet Union. We regard the statement with satisfaction. But we believe we cannot receive him earlier than end of March. The dates are not yet finalized. I think this is all that I have to say on the question of Pakistan.

As regards the position of United States and China, this is still not clear. They are bound to discuss developments in the sub-continent. To some extent they can affect Bhutto’s attitude as well as the solution of the problem. He is hardly independent enough to ignore their voice. We do not yet have any details about the U.S. and Chinese talks. If we had, we would have informed you. We will do so as soon as something is known. At any rate, the Joint Communique will be published soon and may throw some light on their attitude on the Indo-Pakistan question. They will not bypass this question, which is clearly of concern to them.

Regarding our relations with China there are no changes there. The status quo continues. The Sino-Soviet talks have not recommenced. Ambassador Likhyachov is now holidaying in the Soviet Union and has not gone back to his post. We have had no forward movement in our relations with China.

The malicious position of Chinese leaders against the Soviet Union is being pursued as before and particularly by Prime Minister Chou En-lai. Having failed in their gamble of helping Pakistan against India, the Chinese are now trying to strengthen their position in an opportunist way. They have been comparatively silent recently on the question of Bangladesh. However, they are trying to play one against the other so that there is no unity in the sub-continent. May be they cannot succeed in this but it cannot be ruled out. In the beginning they were
very strongly against Bangladesh and then played it down. Similarly they shouted about help to Pakistan which was later shown to be a bluff. Now they are looking for ways and means to save their face.

We also understand the complexity of the situation in Bangladesh. This is a State not yet fully established. Many forces are working there. The Chinese and the British are both trying to expand their influence and so also the United State, so that Bangladesh can be made to orientate itself towards them. We have got only some approximate knowledge of the forces working in Bangladesh. You are better informed about them. It is important that Sheikh Mujibur Rahman adheres to that line which first and foremost corresponds to the interests of India. It is necessary to have a good friend of India in Bangladesh. During their discussions with Sheikh Mujibur Rahman, the Soviet Government will do everything possible to strengthen the most friendly relations existing between Bangladesh and India. If there are any “specifics” which you wish us to raise in our discussions we will be glad to do so.

We highly appreciate the gigantic work done by India under difficult circumstances, as well as the moral and material help you gave to Bangladesh. The Central Committee, the Party, the Politburo and Comrades Brezhnev and Podgorny greatly admire and appreciate the policies of your Prime Minister whose consistent, bold and determined policies had led to victory and had created a new unity in India itself between the people and the leadership. We are convinced that the forthcoming elections will show greater unity of the people and the opposition parties will be able to do nothing against it.

We on our part will continue our position of full support to your Government and to your Prime Minister and will do everything in that direction. We are sincerely glad about the events which have taken place and congratulate you on this immense historic victory of your Prime Minister.

Dhar: I am grateful to Your Excellency for your analysis of the situation. I would like to take a few minutes to explain some of the points that you have raised. As you know, our earlier assessment of developments in the sub-continent has been proved correct. We had made it clear that as soon as Bangladesh was liberated we would do everything on our part for immediate cessation of hostilities. We feel that time has to come to turn away from conflict and tension and work for a new chapter to ensure a durable peace. The unilateral cease-fire declared by India flowed from this position.

Your Excellency will recall that when I had the privilege of meeting you in this very room during the recent conflict, when the U.S. Aircraft Carrier “Enterprise” was at our doorstep, certain decisions had been taken. We agreed that India was not working for the disintegration of West Pakistan. We also agreed that
we would do nothing to alter the status quo in Kashmir by the use of force, though the U.N., and the Soviet Union in particular, had conceded that juridically the sovereignty of India extended over the whole of Jammu and Kashmir State as it was constituted on the occasion of the partition of India. We further agreed that as soon as Bangladesh was liberated we would create conditions for immediate cessation of hostilities. In fact, Mr. Kuznetsov had been put to some inconvenience by being woken up at midnight to be informed of our Prime Minister’s confidential decision that as soon as the Pakistani occupation forces in Bangladesh would surrender, we would declare a cease-fire. Only our Prime Minister and a very few others knew of this decision at that time.

Kosygin: You know, you took a very good decision. It was analysed very well.

Dhar: Soon after this we made a unilateral offer for talks without pre-conditions at any time, at any place and at any level, as mutually convenient. We had conveyed this decision also to your Excellency through Ambassador Pegov. We have taken all steps to have a durable peace and are prepared to talk directly to Bhutto or his representatives but the talks must cover the fundamental issue of war and peace.

A few days ago we had received a message from Bhutto through the Ceylonese Government which began with a strange concern and solicitude for the difficulties of Prime Minister and Sheikh Mujibur Rahman and offering to have talks in New Delhi. As you know, the first offer of talks was made by us.

Kosygin: Was this message received after your offer?

Dhar: After. Even after our formal communication to the Secretary-General of the U.N. about it. The lack of reference to India’s message was obviously meant to convey the impression that the offer of talks is being made originally by Bhutto. The wordings and timing of the message have raised some doubts in our minds.

Kosygin: This is certainly strange. That is why I asked.

Dhar: We are seriously concerned as to how we can secure peace. You have been good enough to study the problem and have an intimate knowledge of our affairs. We have been attacked four times by Pakistan in the space of two decades.

Now there is the question of POWs. Whatever the form of the talks, whether at the level of Heads of Government, their confidential personal representatives, etc., the intention is to succeed in having a durable peace. It should not be another lull before a new storm. As regards POWs, apart from Bangladesh having to be consulted, it is not practicable to hand over nearly one hundred
thousand trained men capable of taking up arms without seeing even a faint glimmer of hope for peace.

Kosygin: Where are the POWs now, in camps or in tents?

Dhar: They are in regular barracks and our soldiers are in tents. In fact, the POWs thanked the Chief of Army Staff when he visited the camps, since it is very cold now in the open.

Kosygin: Are the camps in many places?

Dhar: Yes, both for reasons of security and due to limitation of accommodation.

Turning to the question of return of territory, we do not want an inch of the territory of West Pakistan which is under our occupation today. But in Kashmir we are faced with the question whether we leave this artificial line where trouble breaks out frequently or whether we should address ourselves to this problem also once and for all. Even if all other issues between the two countries are resolved but the Kashmir issue is allowed to fester like an open wound, there can be no hope of permanent peace in the sub-continent. I had mentioned this question last time to you and also at length to Mr. Firyubin.

Kosygin: How much of the population in Kashmir is under Pakistani rule?

Dhar: About 65 per cent is in India and 35 per cent in the POK.

Kosygin: How many in number?

Dhar: About 1.5 million in POK.

Kosygin: What about territory?

Dhar: They have more territory.

In case you want to balance the picture by giving them a little more population, we will be only too happy to oblige them.

As I have stated earlier, we have been attacked four times by Pakistan. On the last occasion Pakistan was a signatory to a solemn Agreement at Tashkent concluded under your auspices. The only part of the Agreement accepted by Pakistan was the right to over-fly India to Dacca. They did not return our property but auctioned it. Not one obligation contained in that international Agreement was fulfilled by Pakistan. Bhutto had participated in the Tashkent Conference, and you are aware of the intransigent attitude he adopted there. All this will make clear the flamboyant and thoroughly unreliable character of Bhutto.

Kosygin: Please do not think he is a relation of ours.
Dhar: In fact, I had said that he was my friend and from that point of view, perhaps, I could be more suspect!

But I feel it will be a mistake to relate the problems of peace and tranquility in the sub-continent to the choice of one person or the other. The real choice is between two different systems — the system of military dictatorship which breeds war or a democratic structure which holds out the hope for security and peace. And it is not possible to say that Yahya Khan was better than Ayub Khan or that Bhutto is better than Yahya Khan, or Gul Hassan will be better than Bhutto or Rahim Khan will be better than Gul Hassan. In determining the question of peace, we cannot afford to be a prisoner of preference for one person over the other.

Kosygin: Eventually, the system also projects the person in power. When I spoke of Bhutto I meant, do you think you can have an agreement or understanding with him? Or is it ruled out?

Dhar: I am very skeptical personally about our reaching an agreement with Bhutto. However, this opinion, whether it is subjective or objective, cannot alter the present reality. In the interest of seeking peace, India will be prepared to go all out for talks with Bhutto. To refuse to talk to him will be contrary to our declared position and our objective of peace.

Kosygin: Do you think he feels stable or not?

Dhar: There is going to be no stability in Pakistan as long as China and U.S. keep propping up the military junta.

Kosygin: Do you think that U.S. and China are satisfied with him?

Dhar: I think he is capable of playing any role. He is capable of being anybody’s stooge. I do not think he is a person of high principles. If I may repeat what I had told Mr. Schumann in Paris, the mistake that the western powers committed was to pump in 2 billion dollar worth of free military equipment into Pakistan to prop up a military elite. This had created vested interests for this military elite in maintaining a certain structure of the State for this Junta to remain in power only by repeated confrontations and conflicts with India. The United States and China chose this junta as a lever to hamper the developmental processes in India.

Today there are forces in Pakistan, not only in Pakhtoonistan and Baluchistan, but for the first time even in West Punjab which are trying to secure the establishment of democracy, for which after the elections, the structure already exists, who are openly pleading for a policy of rapprochement and understanding with India. It should be our endeavour to encourage these forces. If the ruling class that broke up Pakistan continues to survive, even West Pakistan will
inevitably break up; not as Mr. Bhutto alleged because of “the monkey business” of the Soviet Union to stir up trouble inside West Pakistan, as published in his interview with Mr. Sulzberger of the *New York Times*.

We are worried today that while it is in keeping with the policies and objectives of both the Soviet Union and India to seek the establishment of peace in the Sub-continent, China and USA may have designs to the contrary. We are concerned by the resumption of arms aid to Pakistan by the U.S. and reliable intelligence reports that China will supply equipment for two or three Divisions of the Armed Forces of Pakistan. This leads us to apprehend a new adventure. It is in this context that the Chairman of our Chiefs of Staff Committee, General Maneckshaw is visiting Moscow to share our assessment of the situation with the Soviet side and to do everything to prevent a fresh confrontation. But if such a confrontation should take place, India has to be fully prepared for it.

Our assessment is that a fresh confrontation may begin with active Chinese support and U.S. military aid materially, towards the end of April or early May when the northern passes become passable. This factor also has to be taken into account and it becomes necessary for India to replace the losses in military equipment which we had suffered in the recent conflict. It is very important that this should reach us before the end of April or early in May. The only positive signs in Pakistan today are that the democratic forces are able to raise their voice in favour of a settlement being reached with India. I can assure you that as and when direct talks with Pakistan take place we will take your suggestions fully into account.

**Kosygin:** I would like to ask you quite openly as to what you have decided about Kashmir? Have you or have you not decided to take that part of Kashmir forcibly?

**Dhar:** Which part?

**Kosygin:** The part with 1.5 million population under Pakistani rule. Have you settled to embark on such a policy? In our opinion what you intend to do will play an important role in future developments. You know that Pakistan already has the Pushto and Baluchi problem and it is making itself felt.

Secondly, in your assessment for whom is time working – is it working for your side or their side? Do you think postponement of talks will be helpful to your side or to Pakistan? If you cannot answer these questions for any reason I will not insist. Without interfering with your decision in any way, we merely wish to get the orientation.
Dhar: There is complete frankness between us and over the three years I have known Your Excellency there has never been a single occasion when it has been otherwise. In fact, the amount of trust and confidence you have given me has always overwhelmed me.

Kosygin: You may wonder why I asked this question. You spoke of Kashmir as a "bleeding wound" which causes trouble. Please do not think I doubt your words. I believe you as I believe myself. The question is as to what has to be done to this "bleeding wound"? Should this wound be only bandaged now or has the time come for a surgical operation? Whether this question is decided or not has a bearing on other events.

Dhar: I would like to repeat to Your Excellency that we will do nothing to alter the present territorial status quo on the CFL by forces or any other means. There has not been, there is not and there shall not be any plans for this. I recall that at Tashkent you had informally dropped a hint to General Ayub Khan whether it was possible to convert the cease-fire line into an international boundary. Personally I believe that the situation can be normalized by give and take. It is possible, with suitable modifications of the CFL, to convert it into an international boundary.

Kosygin: Today the problem is one of stabilization. Whatever may happen 30 to 40 countries have recognized Bangladesh. The forces which want revenge now have no basis for it. Even if they gather together they would not get support except from USA and China. But if hostilities are started by India in Kashmir it will help these forces to raise their heads.

Dhar: We shall do nothing ourselves to disturb the existing status quo.

Kosygin: The way you have suggested is the correct way. Of course there can be accepted changes by talks but not by military action. I think Bhutto is afraid of this possible adjustment but there are some forces in Pakistan which may even desire it.

As for the personal assessment of Bhutto you have given, I fully agree with you. Please do not misunderstand that we are some how interested in Bhutto. If Pakistan has friendly relations with you then they will have the same with us. Bhutto as an individual does not interest us but we are interested in a personality who can bring peace. We feel that coming into power of the military can complicate the situation.

I am not going to give an assessment of the people there. There are many who have aggressive views at the present moment.
You referred to 2 billion dollars of military aid given to Pakistan. Over 100 billion dollars, or according to some estimates 200 billion dollars, have been invested by the USA in Vietnam. But all the same they will have to get out from there. But, in general, they will try to cling on as long as possible. I am glad you gave your clarification in the matter.

As for the timing of the talks, your talks with Pakistan are inevitable. Your talks also cannot be with the help of the third countries and will have to be direct. None of us can answer the question you have referred to about the success of the talks. Of course the correct timing of the talks will be very important. I think prospects of stability will be brighter.

The chances of stability will also increase after Sheikh Mujibur Rahman’s visit here. We shall do everything possible to strengthen the present status of his Government which has surely the most friendly relations with India.

There is another point which interests us. This is the behaviour of the U.K. in this case. Of course they maintain their influence there, or otherwise how could it be that they should have suggested such an early entry of Bangladesh into the Commonwealth?

Dhar: There is U.K.’s influence in Bangladesh but I do not think that the entry of Bangladesh into the Commonwealth is due to this. There is a large Bengali population in England and there are British interests in the jute trade. When I was asked in Dacca about the entry of Bangladesh into the Commonwealth, I advised them that they have to make up their own mind.

There are competing influences discernable in Bangladesh. The CIA is openly backing reactionary forces and the Maoists are doing their best to undo the stability in Bangladesh. As a result of our mutual understanding out of which Bangladesh was born, US and China have suffered in their influence and have been isolated in the sub-continent – even in Pakistan where the bluff of China and the U.S. has been exposed and resentment against them exists.

Kosygin: Are there any nuances which we should take into account in our discussions with Sheikh Mujibur Rahman.

Dhar: I had a talk with Mr. Firyubin and have given him my detailed views on developments in Bangladesh and also in regard to the leaders. It would be best if Mr. Firyubin can convey these to you. Of course, Mr. Firyubin and I had differences in the past in regard to our respective assessments, but our (Indian) assessment has been proved right. In spite of this fact, I can assure you that my relations with Mr. Firyubin are of the friendliest nature and he has always been very kind and considerate towards me. Bangladesh is now a State in the stage of adolescence and it is possible to influence her policies in the right direction during its formative period.
During Prime Minister Indira Gandhi's recent talks with Sheikh Mujibur Rahman in Calcutta, *inter alia*, she made the following important points:-

(a) That Soviet Union and other Socialist countries had combined their efforts powerfully with India not only to secure his release but also accomplish the liberation of Bangladesh.

(b) That Soviet Union like India was interested in having a friendly, genuinely independent strong Bangladesh which would contribute to the stability and peace of sub-continent – in fact the whole region.

(c) That all aid was not good aid and one need not go far to seek an illustration of this because Pakistan itself we the worst victim of “bad aid”.

(d) Similarly, all “left” was not bad “left”. In fact, the danger to Bangladesh stemmed from the forces of the extreme right and extreme left, as was our experience in India also. Therefore one should not shy away from limited but principled cooperation with other parties who were interested to defeat these two extreme political tendencies. The cooperation of CPI and Congress was an example in point.

These points in brief I thought I would mention to you.

I shall take a few minutes more to complete my brief. In the first instance, we need some military equipment. As we have proved in the past, we have always requested only for our very minimum requirements. We have suffered some losses in equipment which must now be made good. It is very important that we should receive this equipment before the end of April of early May.

Kosygin: we shall do everything possible.

Dhar: I thank you, Your Excellency. I mentioned this since the discussions with our delegation are progressing somewhat slowly.

The second point which I wish to raise makes me feel a little embarrassed. Due to various reasons we are presently in a difficult financial situation. We had spent nearly a million pounds a day on looking after the refugees. The difficulties have been aggravated by the suspension of U.S. aid and we are not going to beg for its resumption, and also stoppage of PL-480 imports. We have further incurred considerable expenditure in regard to the liberation movement in Bangladesh and the 14-day war. These developments have created pressure on our budget which is due to be presented in March. We do not want to take advantage of your friendship and kindness and make any demands of you merely on that account. We are self-respecting people and we shall never embarrass you by addressing any request which is not in keeping with our
dignity. But I have to raise this question with you in view of the difficulties which I have briefly enumerated.

Kosygin: we will consider this.

Dhar: We have a proposal which I can explain to Mr. Firubin, namely postponement of payments over a short period and the extension of the period of repayment by a few years.

Kosygin: We already have this request from your side. We shall consider it very seriously. We had received the request through Ambassador Pegov.

How is the Prime Minister?

Dhar: I cannot understand how she is able to bear up with the strain. At present, every day she also addresses a large number of election meeting. The strain on her is great. Even some of us who have the privilege of working with her, even though in peripheral capacities and with lesser responsibility and far less quantum of work, are on the verge of a physical breakdown. And she carries on this burden day in and day out without rest or respite.

Kosygin: This is very bad, you know. She should not strain herself unduly, particularly after the pressures she must have gone through over the last months. She is a person of great strength. She is an asset not only for her country but for the entire progressive mankind. Please convey to her best wishes and greetings on my behalf and on behalf of all other members of the Polituro.

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Record of discussion between Deputy Minister of Foreign Affairs of USSR N.P. Firyubin and Chairman, Policy Planning Committee D.P. Dhar.

Moscow, February 24, 1972.

Mr. Firyubin welcomed Chairman, Policy Planning Committee and said he looked forward to have his assessment of the latest developments. Mr. Firyubin said that he had sent Prime Minister’s letters on to their destinations and also requested for the meetings with Chairman Kosygin and Mr. Brezhnev.

2. Chairman said that he sincerely looked forward to the discussion and also the opportunity of conveying to the Soviet leaders the views of our Prime Minister on various questions. Mr. Firyubin told the Chairman that although the time-schedule was tight, with one party delegation presently in Moscow and another shortly to arrive, they would do their very best to realize the appointments.

3. Mr. Firyubin then opened the discussion by saying that they were fully occupied at the present time with preparations for the visit of Sheikh Mujibur Rahman who will arrive on March 1. They hoped the visit would be fruitful. The Soviet attitude was fully in conformity with Indian views in this regard. As regards Pakistan, the Soviet Government is acting in the same key as India.

4. The Chairman expressed pleasure at the forthcoming visit of the Bangladesh Prime Minister to the Soviet Union. In fact, the Chairman informed Mr. Firyubin that during his last visit to Dacca, the Bangladesh Prime Minister had discussed the contents of his reply to the query made by the Soviet Government through us, about the possibility of a rapprochement between Dacca and Islamabad. On that occasion, the Chairman had ventured to suggest to the Soviet Consul General that in his reply to the letter of Sheikh Mujibur Rahman, it would be appropriate for Chairman Kosygin to invite Mr. Mujibur Rehman to pay a visit to the Soviet Union. Mr. Firyubin confirmed that this message was duly received by Chairman Kosygin from their Consul General in Calcutta and the suggestion was deeply appreciated.

5. The Chairman added that incidentally the Soviet Union would be the first country to be visited by Shaikh Mujibur Rahman, apart from India, after his assumption of office as the Prime Minister of Bangladesh. Mr. Firyubin said that they had no doubts the appropriateness of the invitation extended by the Soviet Union to Sheikh Mujibur Rahman. He said he will be grateful if the Chairman could reply to some questions and also indicate any specific aspects
which it may be useful for the Soviet side to raise with the Bangladesh Prime Minister.

6. The Chairman said that he had been privileged to be closely associated with the developments in Bangladesh during the last ten months and he would be glad to share his experience. While on occasions the Soviet assessment had differed from ours regarding the likely course of events in Bangladesh, India had been proved right. The active cooperation between India and the Soviet Union had been responsible by and large not only for the independence of Bangladesh but also in preventing the interference of the combined forces of the American Administration and the Chinese Government. It was also now clear beyond doubt that there was no hope of even a symbolic association between the two wings of what once constituted Pakistan.

7. The Chairman said that these are matters of the past and now both India and the Soviet Union must think of the future. A new inter-relationship of forces had come into existence in the subcontinent. The Chairman said that one of the principal aims of his visit was to identify areas in which the Soviet Union and India could coordinate their efforts to deal with the changed situation so as to defeat the machinations of war-mongers and to open a new vista of peace. This would require a thorough analysis of the attitudes of other powers as well as of our own attitudes. There is no doubt that if India and the Soviet Union work together a durable peace can be found. A stable peace in the subcontinent will radiate far beyond its borders. It will affect beneficially the situation in South East and West Asia, in the Pacific Ocean and in fact in the whole area south of the Himalayas. India and the Soviet Union have no competitive interests but share similar aims and can work together.

8. The Chairman expressed his satisfaction about the visit of Sheikh Mujibur Rahman. The advice and influence of the Soviet Union to the Prime Minister of the new State of Bangladesh is bound to be beneficial in its formative years.

9. Mr. Firyubin said that he had some questions. Firstly, in connection with Sheikh Mujibur Rahman’s visit to which they attached great significance, they would appreciate the Chairman’s advice, particularly so since he knew all the top leaders of Bangladesh personally. This would make it easier for the Soviet Government to prepare for Sheikh Mujib’s visit. Secondly, although the Soviet Government have clear picture of the emergence of the new state, they would welcome as much information as possible about the present state of affairs in Bangladesh itself: in particular, the inter-relationship of political forces. Thirdly, the Soviet Government would be grateful to have our assessment of the situation in Pakistan, the measure of stability there and the strength of the opposition forces – not only to counter but to defeat the present regime. Mr. Firyubin said that the forces of chauvinism and the ultra-extremists with pro-Chinese feelings
are active in this regard. Fourthly, Mr. Firyubin wished to learn from the Chairman something about the economic and nationalities questions in Bangladesh, the path of economic development which would be followed in the future.

10. The Chairman said that he would be glad to answer these questions briefly. On the first question about the political characteristics of the leadership, he had already discussed this with Chairman Kosygin, Mr. Firyubin and other leaders on several occasions in the past including the role of the Awami League and other parties. There had been some difference in the Soviet assessment in this regard. But, it would be correct to say that the movement under Sheikh Mujib can best be described as a modern version of 19th Century nationalism imbued with the ideals of freedom and independence. Sheikh Mujib is undoubtedly the most popular leader of Bangladesh for whom the people have almost idolatrous adulation. Historically speaking, a person with such mass following can either degenerate into a Nkrumah or Soekarno or elevate himself to the position of a Nehru or a Lenin. In our view, the positive factors which exist in Bangladesh can convert it into a progressive State with a socialist framework. The people of Bangladesh have been under a dictatorship for two decades and freedom had been earned at great cost by the entire people – the working class, peasants, students, etc. There in no monopoly or organized capitalism, since the entire structure of investment had so far been foreign in that it was all from West Pakistan singly or in collaboration with foreign concerns. To give an example, Bangladesh had no indigenous banking system of its own. So when the Bangladesh Government speaks of socialism they do not speak of it as a fashionable slogan but as a practical proposition. In giving a broad socialist content in their State policies, they will be neither hampered by the resistance of vested interests nor by the fuss of ideological controversy. Moreover, the process of nationalization cannot result in any conflict with an indigenously entrenched bourgeoisie. The main development will certainly be in the public sector. There may, however, be some difficulty in implementation of far reaching land reforms since part of the leadership of the Awami League and even of the NAP is feudal with land-holding interests. But the popular base of Sheikh Mujibur Rahman consist of landless peasantry and small landholders and this class may be expected to move the Government in favour of radical land reforms, perhaps even more radical then what we have succeeded in achieving in India so far. The Chairman said these were some of the political and economic indicators of the shape of the future political and economic structure of Bangladesh. There was one other welcome development. This was the announcement by Sheikh Mujibur Rahman on his return to Bangladesh that the Government would be based on a Cabinet system and not on a Presidential system. The Presidential from of Government, even though in the past it was basically and intrinsically a naked dictatorship, had become malodorous in the mind of the common people of Bangladesh. The fact that
Sheikh Mujibur Rahman had made his choice for a system of collective responsibility to a freely elected Parliament and at the same time initiated speedy action to complete the new Constitution on democratic, secular basis, gave one the hope that Sheikh Mujibur Rahman would perhaps not choose the path of authoritarianism but would be amenable to a system of democratic functioning and as such would respond to the obligations inherent in such a system.

11. The Chairman concluded by saying that while these were the positive developments which generated hope, there are forces at work trying to subvert and undo Bangladesh. One of their aims is to create schisms and dents in the friendship between India and Bangladesh. As the policies of India and the Soviet Union are considered by these forces as two faces of the same coin, this also means that it is likely that they may make an effort to create a cleavage in the close relations existing between India and the Soviet Union over our attitude towards Bangladesh. CIA propaganda in Bangladesh and also in West Bengal harps on these that association of India and Bangladesh “will bring Bangladesh into the orbit of the Soviet Union”. The other propaganda platform is to revive chauvinist forces in Bangladesh on the basis of Muslim link with some of the reactionary Muslim countries of the world. Even the humanitarian vehicle of aid was being used to achieve their objectives.

12. The Chairman said that it is in the above light that the Soviet Government would have to formulate its attitude in its discussions with Sheikh Mujib. During the recent talks which our Prime Minister had with Sheikh Mujib, she had told him that the interests of India and, if we may presume, of the Soviet Union are very limited in Bangladesh, namely, 1) that Bangladesh should be a genuinely free and independent country; ii) that it is in the interests of Bangladesh not to allow itself to become a tool of these forces which are enemies of peace in the region, in the name of aid, religion etc.

13. As regards the inter-relation of political forces in Bangladesh under the accepted leadership of Sheikh Mujibur Rahman, there has been fullest coordination and harmony between all progressive elements like the Jamaat-i-Islami, the Naxalites etc. There are still large caches of arms yet to be recovered. There are still stresses and strains in the field of law and order and signs of impatience amongst the youth. These are factors which can contribute to tensions and even strife but they are fairly under control at present.

14. The Chairman said that as Mr. Firyubin is aware the Indian army is being withdrawn from Bangladesh. We had taken this decision quite some time ago since anti-Indian forces were using the presence of the Indian
army for their propaganda purposes. By the 15th of March, ten days earlier then the deadline we have announced, the last Indian soldier would have left Bangladesh.

15. Then there was the question of economic reconstruction of Bangladesh. This is a colossal task. It would be very important for the Soviet Union and other socialist countries not to lose time in participating in the reconstruction of Bangladesh in a big way.

16. To sum up, the approach of India and the Soviet Union to Bangladesh should not be merely one of trade and commerce but basically, and intensely, political.

17. As regards the question of nationalities, which Mr. Firyubin had raised, the Chairman said that he presumed this was with reference to the presence of ethnic non-Bengalee minorities in Bangladesh. He said that before he visited Dacca, even he could not believe that human nature can be so debased as to indulge in such unmentionable crimes although one had read of the Hitler atrocities. In Bangladesh these were not considered to be merely quislings but criminals. They had become the sword-arm of the Pakistan occupation forces. When the Chairman had pleaded with sections of the leadership, intellectuals, professional people etc. that an endeavour should be made to absorb this minority into the national life of Bangladesh, there had been no response. Taking a practical view, the Chairman said that he did not think they had any future in Bangladesh. Sheikh Mujibur Rahman had himself said that while he had given them protection of life and limb, he could not ensure the normal life of a citizen for them since they are so deeply hated. There would seem to be no other humanitarian solution possible except to exchange population between West Pakistan and Bangladesh of the respective minorities. Every day mass graves were being dug up and fresh evidence of atrocities was coming in. This made any endeavour, howsoever feeble they may appear at the moment, for reconciliation, completely ineffective.

18. Mr. Firyubin enquired as to how many people would be involved in such an exchange. The Chairman said that there were one to one-and-a-half million non-Balgalees in Bangladesh while the population of Bangalees in West Pakistan (inclusive of civil servants) would be around 600, 000.
The discussion between the COAS and the members of the Soviet General Staff lasted for a total of nearly nine hours. Today, Defence Minister Grechko gave a lunch for the COAS and me. Curiously enough, he wished to have some talks with us confidentially before we started the lunch. These talks went on from 2 p.m. to 4:30 p.m. and it is only after that that the formal lunch commenced.

2. The Marshal had been fully briefed by his colleagues of the General Staff on the exchange of views that had taken place between them and us. We briefly recounted the steady development of the friendly relations between India and Soviet Union which found a happy culmination in the Treaty of Peace, Friendship and Cooperation. In recent days, we told the Marshal, the sympathy, support and understanding that the Soviet Union had displayed towards India in her days of trouble and travail had further cemented these bonds of friendship. During the past six or seven years, one of the happiest feature of our cooperation with the Soviet Union was visible in the relations which had grown between the defence forces of the two countries. These relations had, during the recent conflict, blossomed into a deep understanding and camaraderie.

3. The COAS then drew the attention of the Marshal to the policy of confrontation which Pakistan, with the support of China and the United States, was pursuing towards India, and shared with him his apprehensions that this may again lead to a renewal of conflict between India and Pakistan. The Marshal was very lavish in his praise of the role of the defence forces of India in this conflict and said that he felt particularly proud that they had made the best use of their weapons and achieved spectacular results. He wished to congratulate the defence forces of India on their heroism, professional proficiency and superior combat-worthiness. He also praised the professional qualities of the leadership of the defence services of India. He then talked with deep feeling and affection about our Prime Minister. He said that one of his proudest possessions was a photograph of Mrs. Gandhi which always adorns the main room of his house. He wondered if the Prime Minister at all remembered him as one of her admirers and well-wishers. India, he said, was fortunate to have been gifted with a leader of such ability and eminence.
4. The Marshal, turning straight to us, said that he, as a soldier, did not believe in mincing words. He felt that we had, in the past, and we were still overrating the threat to the security of India from Pakistan. We have always missed the ominous sources from where the real threat to India emanates, namely, China. China had stooped so low that they had not only repudiated the principles of socialism and fraternal internationalism, but had now entered into open collusion with US-imperialism not only against the Soviet Union and other socialist countries but against the whole of progressive humanity. China was the real danger and India would be well-advised to constantly remind herself of this fact. She could ignore this fact only at her own peril.

5. The Marshal, then turning to the COAS, said that he would prefer to put politics aside for a moment and talk as soldier to a soldier. In this capacity, he added, he felt that history had cast the role of India and the Soviet Union into those of allies against this menace. He said that he saw the future very clearly; that they would have to defend themselves together against this menace and it would be wise for both countries to coordinate their strategies and plans and harmonies their defence organizations for meeting such an eventuality. In fact, he said, he would go further and think in terms of some form of a military alliance. Then, again, turning sharply to the COAS, he said that he would like him to mark his words that India would need the Soviet Union and the Soviet Union would need India and her support to deal with the designs of China. He added that it was important, therefore, to talk in terms of the realities of the situation rather than little phantoms like Pakistan. For the next 10 to 15 years China knew that she was incapable of causing any harm to the Soviet Union because she would not have an atomic arsenal ready by then. The Soviet Union had also made it unequivocally clear to them that a attempt on their part to disturb the peace or encroach on Soviet territory would bring about a massive retaliation in which every weapon would be used from which it would take her long to recover. "I said this openly and publicly in a meeting attended by 2,000 of our top-ranking officials", the Marshal added.

6. I told the Marshal that our own relations with China had not registered any improvement in spite of our persistent desire to do so. We also, as the COAS had told him, were trying to take into account the possible malevolence of Chinese intentions. I told him that the mechanism for mutual consultations and coordination of our strategy and tactics already existed in terms of Article IX of the Indo-Soviet Treaty. I agreed with him that the threat from China to both India and USSR cannot be ignored particularly in the light of Nixon’s visit to Peking and the known position of the U.S. and China on matters vitally affecting peace and security in the sub-continent and in Asia. It would not only be useful but also necessary and timely for our two countries to take these factors fully into account. The COAS added, “What advice would the Marshal
tender to me as a distinguished and highly experienced soldier?” The Marshal said: “Be constantly vigilant, be on your guard, never lower your guard, never be caught napping”. The COAS added that it was for this purpose that we wanted equipment and, as the Marshal was aware, we will try to make the best use of the equipment that we would acquire from the Soviet Union. “If we have an alliance”, the Marshal said, “I shall earmark 50 IBMs for your defence against China. I shall not locate them on your soil but on my own so that you do not run any risk. What else do you want to do for your defence?” I told the Marshal that I felt extremely unhappy when we had to higgle and haggle about a few tanks here and a few tanks there. I asked him how I could, in all honesty, tell my own people that the great Red Army could not spare 150 tanks or 50 Schilkas (anti-aircraft) off its own shelf? The Marshal replied: “Would Mrs. Gandhi just tell Brezhnev? He will ring me up and I will say, Comrade, I will not only give 150 tanks but 15,000 tanks. But it has to be settled at that level”. (I have been getting more and more the feeling that with the passage of every day, Brezhnev is outdistancing more and more his other colleagues in importance and political significance.) The Marshal then related the story, in strict confidence to us, about the chase by the Soviet submarine fleet of the Seventh Fleet when it went beyond the Malacca Straits. He said that one of their nuclear-powered submarines went 400 metres below the “Enterprise”. “That is how, General Maneckshaw, the Americans wished the world to believe that they can defend their Fleet against my submarines”. “The question of equipment,” the Marshal added, “was not of very great importance.” But he believed that the time had come when India and the Soviet Union must enter into a detailed understanding of how and in what manner they should meet the Chinese threat whenever it materializes. The Marshal had some technical discussions also on matters of professional importance with the COAS.

7. He was in a very Happy, relaxed and extremely friendly mood. When we moved to the lunch table, he took me arm in arm wished me to convey his warmest and deepest regards to our Prime Minister and an assurance on behalf of the Soviet Union armed forces that they would always be at her disposal.

(D.P Dhar)
Chairman, PPC

Moscow,
Note recorded by Chairman of the Policy Planning Committee in the Ministry of External Affairs on his assessment of the visit of the Indian Chief of Army Staff to the Soviet Union.

Moscow, February 26, 1972.

The visit of the COAS began on a dull note and in fact gathered momentum only after a late start. At first, we were rather puzzled whether the Soviet side was at all keen to receive this delegation. Later developments, however, revealed to us that our earlier disappointments were unfounded and, in fact, from my experience of the Soviet Union I consider it a most rewarding visit.

2. The discussions with the Soviet General Staff covered a total of nine hours. The COAS divided the exposition of our point of view broadly under the following categories:

i) Our experience and analysis of the recent conflict with Pakistan.

ii) The behaviour of Soviet weaponry in the war – a description of their merits and demerits.

iii) The need for acquisition of equipment within a prescribed time-frame for (a) replenishment of the losses and (b) acquiring additional punch and fire-power in the areas where it was found to be deficient in comparison to that of our adversary.

iv) The military strength and offensive capabilities of Pakistan and China and also the potential for their augmentation by third parties.

v) An assessment of the short-term and long-term threats which may materialize against the security of our country from Pakistan and China, either singly or collusively with such material and other help which the United States of America and the CENTO and SEATO allies of Pakistan were capable of mustering.

3. I was left with the very happy impression that the manner in which the COAS dealt with the variety of subjects was professionally competent and even otherwise outstanding. His Soviet counterparts were greatly impressed and he succeeded in evoking from them frank and detailed response. It is also my impression that they gave their assessment of the situation without any reservation and with frankness.

4. After my talks with Chairman Kosygin, I felt it advisable to request the COAS to explain, in purely professional and military terms, the implications of the issues of prisoners of war and the cease-fire line in J&K. The COAS did
this with rare ability and secured the acceptance of our point of view on both these questions by the Soviet General Staff.

5. On the question of the prisoners of war, the Soviet General Staff conceded that until the authorities responsible for the defence of our country had full assurances of a stable peace it would be nothing short of folly to hand over nearly 100,000 trained men who could be arrayed against us, augmenting the already existing strength of the enemy. The Kashmir cease-fire line, they agreed, represented a highly untenable position, and the time had perhaps come when, purely form a military point of view, the stabilization of this line as a secure frontier should be discussed and achieved.

6. I am sure the COAS will be giving a professional account of his talks here. In my view, the prestige of India and her capacity to safeguard her interests, consistent with her adherence to the principle of peace and amity, had been vastly enhanced in the Soviet Union generally, but more particularly in the mind of the professional soldier. Even the members of the General Staff praised, with unrestrained emotion, the high quality of political leadership provided by our PM throughout these many months of crisis.

7. The COAS and I, along with the Ambassador, had a long meeting with Marshal Grechko and a separate note on our talks with him is attached.

(D. P. DHAR)
Chairman, PPC.

Moscow,
February 26, 1972.

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Letter from Chairman of the Policy Planning Committee in the Ministry of External Affairs to Principal Secretary to Prime Minister P.N. Haksar.

Moscow, February 26, 1972.

D. P. Dhar
Chairman
Policy Planning Committee,
Ministry of External Affairs,
New Delhi,

CAMP: Embassy of India, Moscow.

February 26, 1972

My dear,

I am enclosing two notes – one containing my impressions of the meeting the COAS had with the Soviet General Staff and the other outlining briefly our talk with Marshal Grechko.

2. This is the second occasion that Marshal Grechko has revealed, in his usual soldierly language, the thinking of the Soviet leadership. You will kindly recall that he was the first to suggest the conclusion of an Indo-Soviet Treaty. Now, again, he happens to be the first to suggest that the two countries should arrive at a firm understanding which will involve a programme of cooperation, coordination and even structural inter-relation of strategy, tactics between the Soviet and Indian defence forces against a possible Chinese involvement in a conflict with us or with Soviet Union.

3. I told Marshal Grechko that even without thinking in terms of any military alliance, the Indo-Soviet Treaty already provides for consultation under Article IX for both sides to take stock of any threat to their security and to devise necessary effective measures to counter the same. From our discussions with Marshal Grechko it is very clear that the Soviet Government is genuinely concerned about a possible military conflict with China. I feel that this suggestion is very important and we should find the earliest occasion to discuss all its implications, in the first instance, with the Prime Minister as soon as the COAS and I are back in India.

4. The day's rest that you had so kindly planned for me in Paris has already worn off and the Russians, with their amazing disregard for organized hours of work, have literally exhausted me. Nevertheless, I shall also endeavour to send you a note on the basis of some very good ideas which Krishna gave
me regarding the various questions which may arise during the course of our
dialogues with Pakistan. I will also be sending you a detailed account of my
talks with Chairman Kosygin and a brief account of the discussions which I
had in the Foreign Office with Firyubin for over 4 hours.

5. I am enclosing another set of these documents for the perusal of the
Prime Minister in case she finds time to glance through them.

With kind regards,

Yours sincerely

(D.P. Dhar)

Shri P.N. Haksar,
Principle Secy. To the Prime Minister of India,
New Delhi.

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0672. TOP SECRET

Note by D. P. Dhar, Chairman of the Policy Planning
Committee of the Ministry of External Affairs on his talks
with the leaders of the French Government in Paris and
Chairman Kosygin in Moscow on the ways and means to
establish peace in the sub-continent in the post-
Bangladesh period.

NOTE NOT DATED.

After talking to Schumann, M/S. Alfon and other functionaries of Quai d'Orsay
in Paris and later with Chairman Kosygin in Moscow, it is my impression that
there is universal appreciation for our initiative in seeking direct talks with
Pakistan without pre conditions. There was, moreover, identity of view on two
important modalities which, according to us, should govern these talks. In the
first instance, it was understood that we should not rush into talks without due
preparation as otherwise we may court a failure. Secondly, no time should be
lost in trying to frame a rigid agenda as that would involve premature wrangling
and argument. We should nevertheless, by agreement, draw up a list of subjects
which the two sides were likely to raise and discuss in their meeting. Chairman
Kosygin, however, did not favour pre-summit talks either at the level of the
Foreign Ministers or the officials of the Foreign and Defence Ministries in
combination with, or separately from, the Chiefs of the Military Staff. In case preparations had to be made for the first meeting between our Prime Minister and Bhutto, then it should be done by emissaries who enjoy the confidence of the two leaders, secretly and away from the fanfare of publicity. (Kosygin was very kind and suggested as an example that I could be one such emissary). The French, with their flair for secret diplomacy, more or less favoured a similar approach and wished to know in an oblique manner whether they would be asked to play any role in this process.

2. Both in Moscow and Paris there was a certain amount of skepticism about the sincerity and genuineness of the offer of initiating talks with us by Bhutto. One thing was understood that the talks could be held only after we had settled down after the completion of our elections.

3. We have succeeded in evoking both sympathy and understanding for the legitimacy of the desire on our part for exploring strenuously the paths which could lead to durable peace. The objectives before us are not to rest content with the transient palliatives of mere cessation of hostilities but to frame measures for preventing its resumption in the near future. With the known desire of India to avoid tensions and conflict, neither in Paris nor in Moscow did I find any apprehension that there was need for further stabilization of cease-fire, otherwise war would be lurking round the corner. The attitudes of neither revealed any urgency for taking any measures apart from the simple cease-fire which exists today in this particular context.

4. There was, however, a natural sympathy for the issue of the POWs – a sympathy not born out of any particular regard for Bhutto or Pakistan but as a normal reaction to the unfortunate fate of these victims of wrong Pak policies. It is also felt that the pressures on Bhutto are rising for seeking a settlement with India on account of this issue because it affected not only a large number of people in the vocal West Punjab but the continued incarceration of the prisoners of war acted as a reminder of humiliation of defeat. As I have already informed you in my earlier communications our position on this issue has been understood fully and there is a realization that the return of the POWs has to be resolved, on the one hand, with the Bangla Desh authorities and, on the other, on the basis of its vital association with essential problems of our security. Peace, therefore, or a dependable promise of peace, has to precede a disposal of this issue. Sam (Manekshaw-COAS) has done remarkably well in striking a chord of understanding in the minds of the Soviet General Staff on this score.

5. What is our own strategy regarding this issue? We have studied the question from the point of view of international law and conventions and covenants etc. we now know that some of them can be arraigned for trial for crimes against humanity and genocide etc., but we have not yet coordinated
our strategy with the Bangla Desh authorities on how to deal with this issue. The Bangla Desh Government, as I have already informed you, seems to be interested in this issue only to the extent of using it as a lever for securing the return of the Bengalees, officers and others, at present residing in West Pakistan. We have not yet involved them in an understanding of the problem of security that forms an essential content for us of any approach to the solution of this problem. This has to be done. We cannot afford to speak with two voices on this issue.

6. The next issue is that of Kashmir, made more ticklish both by age and disuse as a slogan of blatancy which sustained Pakistan's bigotry. In fact, whenever I mentioned the desirability of dealing with the question of Kashmir as a part of the process of securing durable peace, I could feel a yawn of boredom greeting me with the unexpressed pathetic question, 'why raise an issue which is lying almost dead in its present state of dormancy?' The world of international affairs being status quo-ist both as a consequence of sheer lethargy as well as the exigencies of present world politics, the natural inclination is not to stir the Kashmir dispute too deeply lest it should foul the possibilities of an agreement which may be available otherwise on the remaining issues with Pakistan. I do not mean to say that I did not find full understanding for the first time of the need for resolving the Kashmir issue finally and satisfactorily in Kosygin's language 'by a bold surgical operation'. Nevertheless, we shall have to work harder and take more firm attitudes for making the solution of the Kashmir problem integral to the main problem of the establishment of a durable peace.

7. This would mean that we should prepare our case on this issue. It has to be prepared not by resurrecting old and archaic arguments about the relevance of which you and I were doubtful even in 1948. Our presentation has to be fresh with a new look and it should bear the stamp of our new prestige and authority. Apart from working out briefly the juridical context of the Kashmir issue which in any case will be only for purposes of reference rather than for actual use, we shall have to concentrate on working a viable, secure line of division which becomes a firm frontier and inviolate as far as possible. We should also be prepared as a quid pro quo while gaining an inch here to yield an inch or two elsewhere in shaping this line. Here again, we have not even mentioned the problem of Kashmir to Bangla Desh and what attitude we would expect them to display when it is likely to be debated between us and Pakistan and perhaps later in the Security Council. Would it be possible for them to say that with the disappearance of old Pakistan, both as a concept and as an entity, any international obligations with regard to Kashmir which may have been imposed on India, have lapsed? In other words, that the validity of the Security Council resolutions on the Kashmir question no longer has any basis. At any
rate, what we have to do is to get out of the old commitments which have been stipulated in the Karachi agreements of 1948 because there has been no progress in the last 25 years or so towards the implementation of the other elements contained in the Security Council resolutions. If the impossible division of one single country, ethnically, historically, geographically a distinct entity, namely Germany, into two parts artificially despite the known fact of the lack of desire of one part against such a division, has been converted into an internationally acceptable fact, I find no reason why the division of Jammu and Kashmir which was at best an aggregate of artificially patched bits of territory cannot be sustained, particularly if such a solution lays the foundation for stable peace in the sub-continent, in fact the whole region.

8. It is understood and I have made it clear in our talks that we are not interested in clinging to the territories of Pakistan which are at present under our occupation and the return of these territories will provide no problem whatsoever. This measure of understanding should not be minimized because it illustrates the faith of these nations in the peaceful objectives of the Prime Minister which has become amply known to them during the course of her leadership throughout the period of this crisis.

9. Lastly I would suggest that we should prepare a paper on the non-performance of the obligations which Pakistan had undertaken as a part of Tashkent agreement relating to various matters, more importantly the restoration of properties, trade, communications, etc. Here again, we shall have to coordinate our approach and strategy with the Bangla Desh Government.

10. Even at the risk of repetition, I may once again state for your consideration that all the aspects of our known and likely difficulties with Pakistan should be clearly identified and a fair measure of understanding secured from the Bangla Desh Government for the approach that we propose to adopt both during the course of our dialogue with Bhutto and in case the talks get deadlocked, during the course of the debate which is bound to be re-activated in the Security Council.

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0673. Aide Memoire of the Government of Pakistan regarding stranded persons sent through the Swiss Embassy.

New Delhi, February 25, 1972.

On 24th February 1972 the Ministry of External Affairs of the Government of Pakistan has given to the Swiss Ambassador in Islamabad the following

Aide Memoire

“The message conveyed by the Ambassador of Switzerland on February 17, conveying the Government of India’s willingness to enter into discussions with Pakistan, is under consideration. Meanwhile an official spokesman of the Indian Government is reported to have stated that India was ready to have talks with Pakistan without any preconditions. If correctly reported, the statement is welcome because this has been the stand of the Government of Pakistan from the very beginning and it is glad to note India’s acceptance of this principle. At the same time, however, several statements have been made by responsible Indian leaders which amount to laying conditions for such talks. One such statement was made by the Defence Minister of India on January 27, in which he is reported to have talked about territorial adjustments in the negotiations between the two countries. This statement has not been contradicted. In view of these conflicting statements, it would be appreciated if the Ambassador of Switzerland would kindly seek necessary clarification from the Indian Government.”

New Delhi, 25/2/1972

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0674. Note by Director (Legal and Treaties Division), Ministry of External Affairs on the Legal Opinion on the implications of accepting Switzerland as a Protecting Power under the Geneva Convention.

New Delhi, March 1, 1972.

Secretary (East) is aware that he had conveyed to the Swiss Ambassador on 14 January, 1972, when the latter called on him, our views about the legal framework within which India could consider accepting Switzerland as Protecting Power under the Geneva Conventions. A copy of the legal frame-work, given to the Swiss Ambassador informally in an unsigned note, is enclosed for ready reference.
2. It is understood that Switzerland is contemplating recognition of Bangladesh shortly; we should accept them as a Protecting Power under the Geneva Conventions. Their recognition of Bangladesh would certainly smoothen their role as a Protecting Power and to an extent remove the difficulties we had earlier indicated to them, namely that since the prisoners of war and the civilians have surrendered in Bangladesh to the joint command of the forces of Bangladesh and India, India alone would not be able to accept Switzerland as a Protecting Power in relation to such POWs or civilian internees. Bangladesh must also recognize Switzerland as a protecting power and Switzerland must approach them directly in this regard. Obviously, Bangladesh would be able to do so only if Pakistan were to make a request to Switzerland to protect their interests in Bangladesh. This would thus imply at least a de-facto recognition by Pakistan of Bangladesh and its Government. It might also be added that if Pakistan agreed to make such a request, the relations between the two countries will be regulated by the Geneva Convention directly. It might further be added that to the extent the fourth Geneva Convention relating to Civilians is applicable Bangladesh could make a reference to the provisions of Article 36 thereof, which indicates that special agreements may be concluded between the parties to the conflict concerning the exchange and repatriation of their nationals in enemy hands. Mutatis Mutandis, they may utilize this provision for arranging repatriation of Bengali Muslims from Pakistan to Bangladesh and of Behari Muslims from Bangladesh to Pakistan.

3. By accepting Switzerland as a Protecting Power, after they have recognized Bangladesh, India and Bangladesh would of course be taking steps which would ensure greater international appreciation and acceptance in regard to the treatment of POWs, the trial of some POWs by the Bangladesh authorities, and their release and repatriation to each other's country. However, once we accept this role for Switzerland, we must be aware that - they would then be entitled to visit and interview the POWs and the civilian internees to be fully informed about their treatment, to receive complaints from them directly, to receive information about their trial, to arrange assistance and defence to them, etc. etc. Thus, in so far as trial is concerned, the prisoner’s representative and the Protecting Power must be told, as soon as possible, of the offences punishable by death under the law of the Detaining Power (Article 100); three weeks' notice of the particulars of a forthcoming trial of a POWs must be given to the Protecting power (Article 105); conviction must be reported (Article 107) to the Protecting Power; six months must elapse between notification of a death sentence to the Protecting Power and execution (Article 101); and so forth.

4. If the recognition of Bangladesh by Switzerland takes more time to materialize, and if some additional time is spent on making further arrangements between Pakistan and Bangladesh about the recognition of Switzerland as a
Protecting Power in each other's territory, the question of Swiss role as a Protecting Power may become academic particularly if political development took place in the meanwhile at a fast pace and the possibility of direct negotiations between India, Bangladesh and Pakistan on these issues materializes. In that event, the question of POWs and Civilian interests would be settled directly and there would be no need for a Protecting Power. However, I might add that the question of trial of POWs and civilian internees by Bangladesh is a thorny question and is bound to be time-consuming. If any such persons are kept back for trial, under Article 85 of the third Convention they retain the privileges and safeguards of the Geneva Conventions and accordingly, they will still have to be repatriated after they have undergone the sentence. Accordingly, whether, and if so at what point of time, should Switzerland be accepted as a Protecting Power, must be considered primarily from a political point of view, keeping in mind the above legal aspects of the question.

Sd/-
No.Dir (L&T)/72
(S.P. Jagota)
1.3.1972
Camp: Permanent Mission of India to the UN New York

Secretary (East)

0675. SECRET
Letter from Ministry of External Affairs to Indian Ambassador in Switzerland.
New Delhi, March 2, 1972
Ministry of External Affairs
New Delhi.

R. Ranganathan
Deputy Secretary (Pak)
No.PSP/412/81/71 2nd March, 1972

My dear Head of Mission,
In the period from 25th March 1971, to the 2nd December 1971, a good number
of West Pakistanis, who were residing in the former East Pakistan, illegally crossed over into India out of fear of danger to their lives. These West Pakistanis included senior government officials, business executives (mostly of tea gardens) and other well-placed persons. Some of them were apprehended in India on charges of illegal entry; many others are, presumably, still at large. We do not still have with us an accurate list of these persons. Under the present regulations, these persons cannot leave India unless their exit from the country is specifically authorised by the Government of India.

2. These West Pakistanis have influential connections in West Pakistan and, presumably, the Pakistan Government felt obliged to take a special interest in securing their early repatriation. In addition to addressing the Government of India in many individual cases, the Pakistan Government also sought the intervention of foreign Governments in this matter. Further, they issued publicity bulletins in the U.N. circles and capitals abroad with a view to putting pressure on us.

3. In the first list handed over to us in June 1971, the Pakistan Government had said that 33 such West Pakistanis had crossed over into India; subsequently, according to the Pakistan Government this number has increased.

4. The Government of India’s view in this matter has been that while we were prepared to allow these West Pakistanis to return to their homes (subject to security considerations), we have to take into account the fact that, ever since 1965, the Pakistan Government had kept in detention hundreds of Indians on flimsy pretexts, e.g. inadvertent crossing of the border, even though in reality, the Indian nationals concerned may have been kidnapped. Our request for information in regard to our nationals in Pakistani jails used to be ignored by the Pakistan Government; our Missions were prevented from rendering any consular assistance to our own people in Pakistani jails. In brief, the attitude of the Pakistan Government in regard to our nationals on their custody was one of utter non-cooperation. The reasons for this are not far to seek: the punishment for illegal entry into Pakistan were severe, but on the contrary, the Indian laws were mild and Pakistanis arrested for similar offences in India were used to be generally let off after a token punishment. The Pakistan Government, therefore, felt reasonably certain that their nationals in our custody would be released after short sentences. There was, therefore, no special reason for them to be co-operative in this matter.

5. In these circumstances, we felt it necessary to ensure that while arranging for the release of the West Pakistanis who had come over from Bangladesh into India, it would be appropriate for us to secure the return of our own nationals in Pak custody.
6. On 1st December 1971, the High Commission for India in Pakistan made a proposal to the Pakistan Government that an exchange of civilians held in custody in either country may be arranged as early as possible. The Pakistani government seemed interested to discuss this matter, but on the 3rd December 1971, open hostilities started and Pakistan broke off diplomatic relations with us. No progress was made on this issue.

7. On 17th January 1972, the Pakistan Government revived the proposal through the Swiss channels. According to the Pakistani Government, there are now 109 West Pakistanis who had entered India from Bangladesh. We have replied to the Pakistan Government through the Embassy of Switzerland in New Delhi (copy enclosed) that we are willing to take up the proposal for the exchange of pre-war civilian prisoners detained in the two countries during the period 1965 to the 2nd December 1971. We have also furnished to them a list of our nationals in Pakistani custody. According to our information, there were 150 Indian nationals under detention in West Pakistan, and 278 in former East Pakistan. (We have included the names of Indian prisoners in the former East Pakistan also, just to provide for the possibility that some of them may have been transferred to West Pakistan before the 16th December, 1971.

8. While we are awaiting a reply from the Pakistan Government in this matter, we propose to take the following action in regard to the Pakistani list of 109 persons:

(i) ascertain whether the persons concerned are actually in our custody;

(ii) ensure that only civilians are involved and that no military or para military personnel are included in the list;

(iii) ascertain whether these persons came over to India prior to the war. Those who had entered this country after this date would be disposed of in consultation with the Bangladesh authorities.

9. The above is for your information and such use as you wish to make of it.

Yours sincerely

(R. Ranganathan)

The Ambassador of India, Berne.


◆◆◆◆◆
President Bhutto’s handling of the domestic crisis in Pakistan since the middle of January, has graphically exposed the more negative features of his government. Instead of strengthening his Party’s popular base by convening the National Assembly and lifting martial law he and his colleagues have been anxious to find excuses for perpetuating martial law. The Impression is, therefore, gaining ground amongst his political opponents, both NAP (National Awami Party) and the Right Wing parties, that he is not so much interested in establishing a representative and democratic system as in creating a system to retain personal power through a pseudo-dictatorship, in which the PPP and the Army support each other to the exclusion of all democratic forces. In this context the setting up of the para military youth organization called the People’s Guard under Retired Major General Akbar Khan (organizer of the Kashmir Raiders in 1948) assumes added significance.

2. The enclosed analysis of President Bhutto’s domestic policies during the past two months reveals his strong inclination for the use of unscrupulous tactics as well as strong-arm methods to eliminate potential rivals. His so-called reform measures like nationalization of industries and purges in the army have been marred by his obsessive desire to settle old scores with his enemies from the period of Ayub Khan and Yahya Khan. Similarly, in the Frontier region and in Baluchistan he has been trying to buy support by various means in order to undercut the influence of the NAP/JUI combination.

3. However, all these tactics on the part of Mr. Bhutto have only helped in consolidating the opposition constituted by such diverse elements as the NAP/JUI on the one hand and the two Muslim Leagues and Jamaat-i-Islami on the other. The demand for immediate lifting of Martial Law and convening of the National Assembly has become urgent and universal. The continuing unrest and agitation, gheraoes (blockades) and specially the wide-spread strike by the police which
has been described by Mr. Bhutto himself as “a mutiny”, have shaken the Government to its very foundations. In the face of these developments, Mr. Bhutto has not only had to make some compromises with the opposition parties i.e. postponement of local bodies elections, but he has also had to go in for a major shake-up at the top levels of the Army, Air Force and Navy. He has had to part company with General Gul Hasan and Air Marshal Rahin Khan who had brought him into power in December, to join hands with the hard-line faction of General Tikka Khan and with a new leadership in the air force.

4. In coming months, therefore, it is to be seen whether Mr. Bhutto will be able to retain this uncomfortable coalition with the Army or whether the Army will not once again set up and unadulterated military dictatorship. Even if Mr. Bhutto retains his present hold, genuine democratic forces in Pakistan are likely to be curbed severely and unrest might be the order of the day.

Yours sincerely,

( A.S. Chib )

Analysis of President Bhutto’s domestic policies
(January – February 1972)

i) Attitude towards parties in NWFP and Baluchistan

In dealing with opposition political parties Mr. Bhutto is ignoring the defeated parties in the Punjab and the Sind (he can afford to do so in view of the PPP majorities) and is concentrating on tackling Wali Khan’s NAP in the NWFP and the NAP/JUI combination in Baluchistan, which together holds a majority of the Provincial Assembly seats. Initially, President Bhutto tried to entice the NAP into joining hands with him, by lifting the ban imposed by President Yahya and offering three posts in his Central Government to NAP and JUI nominees. However, Wali Khan remained non-committal as Bhutto’s offer meant the involvement of the NAP in an essentially undemocratic arrangement with the PPP dominated Government at the Centre, without any commitment for either convening the National Assembly or lifting of Martial law. (Action significantly similar to Mr. Bhutto’s efforts in January – February 1971, to encourage the idea of setting up a so-called National Government at the centre with Sheikh Mujib’s participation, while martial law continued under President Yahya). The objective in both cases was the same, namely, to push through a Constitution in accordance with the dictat of an authoritarian Government, supported by the army.

ii) Demand for lifting of Martial Law

Wali Khan’s answer was to reject the idea propounded by PPP leaders that martial
law is necessary for introducing Socio-Economic reforms. According to him a duly elected National Assembly can vote on the reforms with the sanction of the people. The lead taken by Wali Khan in calling for the removal of martial law gathered sufficient momentum to encourage even traditionally anti-NAP leaders like Khan Abdul Qayyum (PML) to state that the goal before the people was the lifting of martial law and restoration of democracy. Similar statements were made by leaders of the JUI as well as Jamaat-i-Islami at Lahore in January and February. On February 17 the PPP Central Working Committee decided in its meeting to ignore the opposition’s demand by stating that in the supreme national interests and for the integrity of the country, martial law must be continued for some time. On February 19, Mr. Bhutto introduced another factor by tying up the lifting of martial law with the conclusion of his talks with Sheikh Mujib and our Prime Minister.

iii) Demand for Convening of Provincial Assemblies.

Wali Khan had also demanded the immediate convening of the provincial assemblies as the NAP and the JUI which together hold majorities in the NWFP and Baluchistan are in position to form Governments. Mr. Bhutto’s answer to his speech at Larkana on the 22nd January was, that provincial assemblies would be convened on the 23rd March and Ministries would be formed by the majority parties but that in NWFP and Baluchistan “cooperation of other parties” would be necessary. This special proviso introduced in the cases of NWFP and Baluchistan where the PPP was in a minority was blatantly partial. To add to the controversy, the Government announced its decision to hold wholly unimportant local bodies elections before convening the provincial assemblies, on the ground that this was necessary to establish democracy in the country at the grassroots level. (Reminiscent of Bhutto’s enthusiastic support of Basic Democracy during President Ayub’s time).

The NAP saw in this move yet another design to undercut its popular support in NWFP and Baluchistan by establishing a cadre of PPP office-holders loyal to the Government at the town and village levels, through rigged elections. Wali Khan demanded that the democratization of the local bodies should be carried out by the duly elected provincial governments and that the Centre should not interfere in provincial matters. Significantly, Wali Khan’s old enemy, Khan Abdul Qayyum again supported this anti-Government demand. At Lahore the CML (Daultana group) announced its intentions to boycott elections to local bodies until the martial law was lifted. The JUI came out with a similar resolution. Thus the Bhutto Government’s stand on this issue ultimately led to the formation of a joint front of diverse Political parties to agitate the demand for postponement of the local bodies elections till after the convening of provincial governments. On 19th February the Bhutto Government was forced to yield ground, when the local bodies Minister, Mohd. Hanif, announced the postponement of the proposed elections till after the convening of the Provincial Assemblies on March 23.
(iv) **Arming of People’s Guard**

Another point of provocation in NWFP and Baluchistan arose out of the Government’s decision to arm the People’s Guard under the organization of retired Major General Akbar Khan, Mr. Bhutto’s Adviser on National Security. Wali Khan accused the PPP of trying to create an organization similar to Hitler’s S.S.Guards which would create conditions of civil war in Pakistan. According to Pakistan Press reports Akbar Khan had stated that the People’s Guards were soon to be provided with firearms to fight the ‘reactionary and the anti-people elements and those who wanted to create discontent against the people’s government.’ Wali Khan threatened to take counter measures to organize armed Pathan youth most of whom were already familiar with the use of guns. Under attack from Wali Khan General Akbar Khan had to publicly deny the charge that People’s Guards were being armed, though the existence of the organization was not denied.

(v) **PPP clashes With the Police and Civil unrest**

The PPP youth volunteers were soon to show their hand when they broke up a political rally at Peshawar addressed by Air Marshal Asghar Khan, as he criticized Mr. Bhutto’s policies. This led to a clash between the Police and the PPP volunteers, which later triggered off countrywide strikes and violent demonstrations by the police. The strikes and demonstrations by the policeman came as the culmination of widespread civil unrest all over Pakistan during the preceding weeks. While the police also joined in the general clamour for higher wages, it is learnt that in some places policeman struck work because of excessive interference by the PPP workers who went to the extent of getting arrested persons released.

In the industrial sector *gheraoes* and strikes were organized by workers at Karachi, Lyallpur, Lahore and Oakara. While the PPP accused right-wing parties for fomenting such strikers at Karachi the well-known pro-Bhashani left-wing labour leader Kaneez Fatima issued a three month notice to Mr. Bhutto’s Government to fulfill its promises towards labour, failing which government would have to reckon with even bigger strikes.

The labour unrest continued despite the announcement of the new labour policy by Mr. Bhutto, as the labour groups felt the Government’s measures did not go far enough. Similarly, the strikes by policemen continued to spread to new areas despite the latest threat by the Punjab Governor on 27th February that striking policemen will henceforth be dealt with under the martial law involving R.I. upto 14 years. It was earlier revealed by the Governor that at Hyderabad, policemen had gone to the extent of seizing the armoury and cutting off telephone connections of top government officials, before striking work. At Lahore troops had to be called out as striking policemen clashed with civilians on the 25th February. According to reports reaching Kabul the policemen’s strike at Peshawar was no ordinary strike.
It involved attacks by the policemen on Government offices, police posts and particularly on PPP offices. Portraits of Mr. Bhutto and even of Mr. Jinnah were reportedly burnt along with PPP flags.

(vi) Dissatisfaction within the PPP

Another incident highlighting the dissatisfaction within the PPP ranks was the seizure of the Party’s Central Secretariat in Karachi by an 18-member Action Committee on 10th February. All attempts by senior party officials to persuade the PPP workers to end their forcible occupation failed as the Action Committee insisted on speaking only to Mr. Bhutto or the Provincial Chairman Ghulam Rasool Talpur. The situation was ultimately resolved by the latter’s intervention. There was considerable dissatisfaction amongst the ranks of the PPP at the manner in which party offices were distributed. There were even some demands for the resignation of Mr. Bhutto and his Ministers and for holding elections for posts at all levels.

(vii) Settling old scores

Considerable resentment has been caused amongst opposition groups by the high-handed manner in which the Bhutto Government has proceeded to take action against individuals with whom Mr. Bhutto had old scores to settle. In the course of the decision to take over the management of certain industries he singled out relatives of the Ayub Khan family, i.e. General Habibullah, Chairman of the Gandhara Industries, was put under arrest on some trumped up charges, the diamond mines at Swat belonging to President Ayub’s younger son-in-law were expropriated. However, certain other industries where Government control could have been more justifiable were left untouched. In NWFP the lands of the Nawab of Hoti (Commerce Minister under President Ayub) were expropriated prior to any general pronouncement of land reforms. It was being openly said in Pakistan that Mr. Bhutto hesitates to touch landlords in the Sind as many of them like Talpur, Jatoi, etc., are members of the Government. Also, that he does not wish to touch Army officers owning lands along the Punjab-India border. In the NWFP and Baluchistan there are no such compulsions as the PPP has nothing to lose and land reforms can bring the added advantage of winning support amongst the landless, labourers and tribesmen, making inroads into the NAP’s influence.

(viii) Freedom of the Press.

An incident that has achieved considerable notoriety is the arrest and continued detention of the Editor of the *Dawn* Mr. Altaf Gauhar (the influential information Secretary under Ayub Khan). He was supposedly arrested for charges brought against him by the Yahya Government which were never implemented. However, it is generally believed that the real reason for Mr. Altaf Gauhar’s arrest was that Mr. Gauhar who had fallen foul of Mr. Bhutto during the Tashkent talks, was engaged in writing a pamphlet exposing his negative role. However, since a search of Altaf
Gauhar’s house failed to produce results, he was put in prison and refused bail to keep him from revealing the truth. Altaf Gauhar before his arrest had advocated lifting of martial law and recognition of Bangladesh by Pakistan. This he may have done at the instigation of the Haroon family, wealthy industrialists and proprietors of the Dawn group newspapers, who had large investments in Bangladesh as well as links with the Awami League.

(ix) Students

Finally, the students who Bhutto had long championed have also voiced opposition. The NSF, which agitated for Bhutto’s release from prison in 1968, on 17th February 1972 threatened to launch a mass movement if President Bhutto did not restore democratic institutions forthwith. The NSF President accused the Bhutto regime of collaborating with Jagirdars and capitalists.

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0677. Interview of President Bhutto with Dilip Mukerjee and B. K. Tiwari of the New Delhi based newspapers Times of India and Indian Express respectively.

Larkana (Sind), March 14, 1972.

I. COOPERATION NOT CONFRONTATION

Pakistan can no longer afford to pursue the policy of confrontation towards India. Confrontation was a right policy at one time; “It was to our advantage and it served our national interest.” However, in today’s changed situation, “I would like to pursue the policy of consultation, not confrontation.”

Our people “would like to see peace and I am going to make a genuine search for peace”. President Bhutto said.

II. TALKS WITH INDIA

(a) Summit meeting proposed: President Bhutto prefers direct talks with our Prime Minister to a meeting between officials and emissaries of the two countries.

(b) Venue of talks: President Bhutto would be willing to come to Delhi. But if Prime Minister could make it, “she is welcome to Pakistan”.

(c) No third Party intervention: Negotiations should be strictly bilateral. President Bhutto said; “I am allergic to third party intervention.”
Step-by-step approach favoured: Mr. Bhutto recalled Pt. Nehru’s ‘realistic approach’. Indo-Pakistan problem cannot be resolved in ‘one day’. A Tashkent type settlement ‘simply does not work’. The first summit meeting should have a “limited purpose”. At this meeting “we can take a number of steps to create a better situation to facilitate progress towards a final settlement”.

III. SPECIFIC INDO-PAKISTANI ISSUES

(a) Kashmir: While both sides must take into account the genesis of the problem and the commitments made, the fact remains that “struggle for self-determination cannot be inspired from outside. Like revolution it cannot be exported …… we have been to war several times over Kashmir……..the problem has not been resolved for us by military means. You have not resolved it politically either……it is for you to solve the problem. You set the tone. I cannot set the pace any more.

(b) Prisoners of War:

(i) The POW issue should not be treated on the basis of “legal fictions”. The Mukti Bahini did not have any role in the East. Even assuming there is joint Indo-Bangladesh jurisdiction over the POWs, “it is for you to make the right suggestion to Sheikh Mujib. He will be amenable.”

(ii) If India used the POWs to “milk Pakistan” Pakistan would have only two alternatives: (i) capitulation (2) continuing confrontation.

(iii) As long as the POWs remain in Indian camps, tension will be generated in Pakistan. “Political crisis or instability in Pakistan is not to your advantage”.

(iv) India should make a “handsome gesture” and repatriate the POWs. India runs no risks in returning the POWs – the war has ended; a fairly durable ceasefire exits. Repatriation would strengthen Bhutto’s hands and give him elbow room during negotiations on the basic issues of conflict between the two countries.

IV. BANGLADESH

While parrying a question on the reality of Bangladesh, President Bhutto expressed determination to “make some progress” in Pakistan’s relationship with Bangladesh.
Record of discussion between Foreign Secretary and the Swiss Ambassador.

New Delhi, March 15, 1972.

The Swiss Ambassador called on the Foreign Secretary in the evening of 15th March 1972. He began by repeating the same points raised by him in the discussion with Secretary (East) earlier in the afternoon of which a summary is given in the attached note*. A gist of the additional points raised during discussion with the Foreign Secretary is given below:

(i) The Swiss Ambassador referred to the limitations placed by India on the Swiss functioning as a Protecting Power under the Geneva Conventions for Pakistani interests in India. He expressed the hope that with the recognition of Bangladesh by the Swiss Government it would now be possible for India to remove these limitations. Foreign Secretary replied that even if India were to accept the Swiss as a Protecting Power it would not be possible for us to allow them to deal with the prisoners of war captured from the Eastern theatre unless the Bangladesh Government also accept the Swiss to act as a Protecting Power on behalf of Pakistan. He explained that prisoners from the Eastern theatre were taken into custody by the Joint Indo-Bangladesh Command and as such India could not act without authority by the Bangladesh Government. Foreign Secretary, however, said that we could consider the possibility of allowing the Swiss to act on their mandate vis-à-vis the Pakistani prisoners of war taken from the Western theatre; in whose case the Bangladesh authorities were not directly concerned.

(ii) The Swiss Ambassador stated that as Pakistan had appointed the Swiss to act as a Protecting Power on behalf of their nationals imprisoned in India, it was for the Government of India to suggest what steps they should now take in this regard. Foreign Secretary replied that the next step should be that they should approach Bangladesh Government if they would agree for the Swiss to act as a Protecting power on behalf of Pakistan. Bangladesh Government may even think of entrusting the Swiss to look after their interests in Pakistan vis-à-vis the Bengali soldiers and officials who are reported to have been put under some kind of concentration camps in Pakistan.

(iii) The Swiss Ambassador suggested that they could perhaps look after Pakistan’s prisoners of war in India with the consent of the Bangladesh

* Not available
They could deal with their welfare and humanitarian aspects under the Geneva Conventions while the question of repatriation can be taken in hand later when there is an agreement between Pakistan, India and Bangladesh. He repeated that the attitude of India to this whole matter was important as India is a signatory to the Geneva Conventions and it is therefore not logical that she should put legal limits on the mandate of the Swiss. The Swiss Ambassador also tried to suggest that in January when the matter was first raised the Bangladesh Mission in Delhi was willing to give a visa to one of his Embassy officials to visit Bangladesh but he was advised by our Ministry not to send this official. Foreign Secretary corrected the Swiss Ambassador by saying that the grant of the visa by the Bangladesh Mission did not automatically afford the right to the Swiss official to visit POW camps in Bangladesh. Such a permission could have been given only by the Bangladesh Government. Obviously, the Bangladesh Government is not willing to go along with Pakistan’s idea of tackling the POW question in isolation from the overall settlement on the issues such as the Bengali minorities in Pakistan etc.

Foreign secretary also mentioned that even according to Article 133 of Geneva Conventions it is necessary that there should be a prior agreement in a peace settlement for the repatriation of prisoners of war. A peace settlement has not yet taken place between India and Pakistan even though active hostilities may have ceased and we could not be expected to return as many as four divisions of Pakistan’s regular troops without some assurance that the Government of Pakistan is not likely to make preparations for another confrontation with India. Such an assurance can come out of the proposed bilateral talks between India and Pakistan about which an offer has been made through the U.N. Secretary General and repeated to Pakistan.

(iv) The Swiss Ambassador enquired if in view of the circumstances our Government felt the Swiss had any useful role to perform. Foreign Secretary replied that in view of Switzerland’s additional policy of neutrality, their association with the institution of Geneva Conventions and their record in assisting the repatriation of Indian and Pakistani High Commissions personnel we would say that the Swiss have a very useful role to play. In the present context the Swiss could convey to President Bhutto that we want to settle all problems with them in a spirit of give and take; we do not want to take any undue advantage of our military victory; we do not want to keep territory except for minor adjustment and that if Mr. Bhutto acts in a statesman like manner there can be a settlement for lasting peace in the whole sub-continent. The Swiss Ambassador said that his counterpart in Islamabad was unfortunately not familiar with the thinking of the Indian Government and is perhaps not able to reflect his
views as clearly as he should. The Swiss Ambassador enquired if in our view there will be some useful purpose if he were to visit Islamabad and try to put across the views of the Indian Government directly to the Pakistan authorities. Foreign Secretary told him that our Government will not misunderstand such a visit if it is at the initiative of the Swiss Government. The Swiss Ambassador enquired that Mr. Bhutto may say on what authority he had come to Islamabad to talk to him. Foreign Secretary replied he could say that the authority was on the basis of talks he has had with our Government. The Swiss Ambassador before leaving said that he would think over this possibility and if he feels any useful purpose will be served he would approach Berne about it.

(A.S. Chib)
Joint Secretary (Pak)
16th March, 1972.

0679.  
CONFIDENTIAL

Message from the British Home Minister Sir Alec Douglas-Home to the Indian Prime Minister Mrs. Indira Gandhi.


I had a long talk with President Bhutto this morning. He is very anxious to talk over with you the ways in which an entirely new relationship with India may be established. He would like to have a meeting which would first range over all the possibilities and secondly fix an agenda for future meetings, dealing with the various matters which would make up a final settlement.

He told me of the proposal that each of you might start with a trusted emissary but he feels that what is required is a real meeting of minds between you and him and that no substitutes could really do this with the authority and public support which you and he could command.

He is anxious that such a meeting should be convened quickly before the middle of next month. He would rather like to bring some of the leaders of sections of opinion in Pakistan with him so as to involve them from the start in the creation of a new climate of relations.

But he would not, I think, wish them to be in on the intimate talks which he would like with you and which he considers basic to improved relations.
Finally he would like the invitation to talk to come from you. Although he is of course aware of your public statements, I think a formal invitation would help him enormously.

If I may add an opinion of my own, I greatly hope that you will find it possible to suggest such a meeting.

I believe it would loosen a situation which looks like becoming increasingly rigid. Contact with Mujibur Rahman would thereafter become much easier. I will send a further message on this very soon. With best wishes.

Alec Douglas-Home.
20 March 1972.

0680.
SECRET

Note recorded by the Secretary (East) in the Ministry of External Affairs S. K. Banerji to the Principal Secretary to the Prime Minister regarding discussions with Pakistan.

New Delhi, March 21, 1972.

In Foreign Secretary’s telegram No. 24324 dated 12.2.1972 to our Permanent Representative in New York, we give the text of the letter which he was asked to give to the Secretary General expressing our readiness to have direct talks with the Government of Pakistan at any time, at any level and without any preconditions, for achieving lasting peace between India and Pakistan. The text of the letter was handed over by us to Heads of Mission of Security Council countries in New Delhi on the 14th and 15th February, 1972. I gave the Swiss Ambassador a copy of the Aide Memorie on the evening of 15th February “in order to keep him informed of developments” and not specifically for the purpose of transmitting the message to President Bhutto. The Swiss Ambassador in Islamabad met the Pakistan Foreign Secretary on the morning of 17th February and informed him of our message sent to the U.N. Secretary General. I reproduce below a hand-written note given by the Swiss Ambassador to me on the 23rd February, 1972:-

“The text of the Aide Memoire was transmitted by me to Berne late afternoon of 15th February, with commentary of Mr. Banerji.”
2. The Swiss Ambassador in Islamabad met the Foreign Secretary at the MEA in the morning of 17\textsuperscript{th} February. The Foreign Secretary seemed at the time not yet aware of the Aide Memoire to Dr. Waldheim. He told the Swiss Ambassador who must have informed of India’s willingness to negotiate without any preconditions: “This is a very interesting message”. He then said that he would inform President Bhutto without delay and he is sure that the reply would be in the affirmative.

\textit{Sd/- F.Real”} \\
23.2.72

\begin{flushright}
\textbf{2. On the 25\textsuperscript{th} February the Swiss Ambassador handed over to J.S.(Pak) the following note:-}
\end{flushright}

\begin{quote}
\textit{“ EMBASSY OF SWITZERLAND IN INDIA”}
\end{quote}

On 24\textsuperscript{th} February 1972 the Ministry of External Affairs of the Government of Pakistan had given to the Swiss Ambassador in Islamabad the following

\textbf{Aide Memoire}

“The message conveyed by the Ambassador of Switzerland on February 17, conveying the Government of India’s willingness to enter into discussions with Pakistan, is under consideration. Meanwhile an official spokesman of the Indian Government is reported to have stated that India was ready to have talks with Pakistan without any preconditions. If correctly reported, the statement is welcome because this has been the stand of the Government of Pakistan from the very beginning and it is glad to note India’s acceptance of the principle. At the same time, however, several statements have been made by responsible Indian leaders which amount to laying conditions for such talks. One such statement was made by the Defence Minister of India on January 27, in which he is reported to have talked about territorial adjustments in the negotiations between the two countries. This statement has not been contradicted. In view of these conflicting statements, it would be appreciated if the Ambassador of Switzerland would kindly seek necessary clarification from the Indian Government.”

\textit{New Delhi, 25/2/1972.”}
The Swiss Ambassador was given the following reply orally by J.S.(Pak) on the same date:-

“Our message of 15th February which was from Government to Government is absolutely clear. It is not capable of any misconstruction.”

3. The Swiss Ambassador handed over the following Aide Memoire to Principle Secretary to P.M. on the 28th February:-

“Aide Memoire”

With reference to the message which the Ministry of External Affairs of the Government of India requested the Swiss Ambassador to relay to the Pakistani authorities in response to their Aide Memoire of 24th February, 1972, regarding clarifications, the Embassy of Switzerland wishes to transmit the following message received by the Swiss Ambassador in Islamabad on 27th February 1972 from the (Pakistan) Ministry of External Affairs:

“The contents of the message communicated to us yesterday have been interpreted by the Government of Pakistan to mean that there are no preconditions to proposed negotiations between India and Pakistan. If we do not hear to the contrary by March 2, we would understand that our understanding is correct.

The above message was given to the Swiss Ambassador in Islamabad by the Secretary General of the Ministry of External Affairs.”

It was decided by us not to send any message to Pakistan, thereby confirming correction of Pakistan’s presumption.

4. The Ceylon High Commissioner handed over the following note to Secretary (West) on 17th February:-

“No.PAD 12

Ceylon High Commission
Kautilya Marg, Chanakayapuri,
New Delhi

February 17, 1972

The High Commission for Ceylon in India presents his compliments to the Ministry of External Affairs of the Government of India and has the honour to
state that the Prime Minister of Ceylon has received the following message from President Ali Bhutto of Pakistan for transmission to the Hon. Prime Minister of India Smti. Indira Gandhi.

Message commences-

“I should be grateful if you would be so kind as to convey to the Prime Minister of India on my behalf that both she and Mujibur Rehman are faced with situations which need to be resolved expeditiously. Its continuation is neither in the interest of India nor of Pakistan not indeed of the sub-continent as a whole. I am ready to meet her with open mind and without any preconditions whatsoever. I am hoping that she also would be willing to do likewise. I would be willing to come to New Delhi on any mutually convenient date. It is my firm belief, our contacts can be productive for lasting peace in the sub-continent.”

Message ends.

The High Commissioner for Ceylon should be grateful to receive the reaction of the Hon. Prime Minister of India for onward transmission to the Prime Minister of Ceylon.”

5. On the 18th February I sent for the Ceylon High Commissioner and told him that we had not been able to follow the meaning or significance of the first sentence of the message and were wondering whether there had been any error in transmission. I told him that we would appreciate clarification of this part of the message. The Ceylon High Commissioner sent me the following Top Secret letter which was received by me on the 23rd February:-

“No.PAD/12

February 22, 1972

Dear Shri Banerji,

I wish to refer you to our discussion of the 18th instant. I have been informed by my Government that there has been no fundamental mutilation in the transmission of the message sent by President Bhutto to the Hon. Prime Minister of India. The only alteration is that in the first sentence of the message, the word ‘situations’ should read as ‘situation’.

I have also been informed that the clarification sought has been referred to the Government of Pakistan.

Yours sincerely

Sd/- N.Q. Dias

High Commissioner.”
6. on the 24th February, I received the following Top Secret letter from the Ceylon High Commissioner:

“No. PAD/12

February 24, 1972

Dear Shri Banerji,

Further to my letter of even No. dated February 22, 1972, I have been directed to inform you that the Pakistan Embassy in Ceylon desires that the following sentence be substituted for the first sentence of the message contained in my third person note No. PAD/12 dated February 17, 1972, which I personally handed over to you.

“I should be grateful if you would be so kind as to convey to the Prime Minister of India on my behalf that she and I are faced with a situation which needs to be resolved expeditiously.”

Yours sincerely,

Sd/- N.Q. Dias
High Commissioner.

7. The final text of the message from President Bhutto to the Prime Minister would, therefore, read as follows:-

“I should be grateful if you would be so kind as to convey to the Prime Minister of India on my behalf that she and I are faced with the situation which needs to be resolved expeditiously. Its continuation is neither in the interest of India nor of Pakistan nor indeed of the sub-continent as a whole. I am ready to meet her with open mind and without any preconditions whatsoever. I am hoping that she would be willing to do likewise. I would be willing to come to New Delhi on any mutually convenient date. It is my firm belief, our contacts can be productive for lasting peace in the sub-continent.”

(S.K. Banerji)
Secretary (East)
21.3.1972

Principal Secretary to P. M.
Record of discussions between the Foreign Secretary and the Swiss Ambassador.

New Delhi, March 26, 1972.

Record of Discussion between the Foreign Secretary and Dr. Frits Real, Ambassador of Switzerland, on 26-3-1972.

The Swiss Ambassador, Dr. Frits Real, called on the Foreign Secretary at 10.30 a.m today.

2. The Swiss Ambassador said that he is obliged in the name of Pakistan to protest against a further incident of shooting of a Pakistani POW in an unidentified camp. FS, after speaking to Defence Secretary, said that we did not know of this incident, and that we would enquire. But till the facts were known we could not accept the Pakistani protest. FS added that the highlighting of such incidents by Pakistan did not help at all, it only aroused passions.

3. The Swiss Ambassador raised the question of repatriation of sick and wounded POWs. FS said that we were in touch with the Bangladesh Government and that we hoped that they would agree to the return of such of those sick and wounded POWs as were not wanted for war crimes.

4. At this stage, FS reminded the Swiss Ambassador that we ourselves took the initiative in the matter of repatriation of sick and wounded in the West. We were disappointed that Pakistan did not hand over 121 of our sick and wounded POWs. We would like that ICRC to go into this. We had in addition two cases in which Pakistani behaved inhumanly towards our prisoners.

5. The Swiss Ambassador enquired if we would like him also to go into this matter. FS replied that on purely bilateral problems, even if they are covered under the Geneva Conventions, we would like the Swiss to look after our interests. The Swiss Ambassador pointed out that Switzerland had been appointed protecting power for Pakistan and we had made it clear this was only under the Vienna Convention. It was also believed that once Switzerland recognized Bangladesh, it would be easier to proceed further in this matter.

6. Clarifying the position, FS said that we would not expect Switzerland to go to POWs camps of prisoners taken in Bangladesh. Now that Switzerland had recognized Bangladesh, the Swiss Ambassador would be able to keep in touch with Bangladesh and if Bangladesh wanted Switzerland to look after its interests in Pakistan it is a matter for them and Pakistan to decide. So far as the west is concerned, Switzerland looked after our interests.
7. The Swiss Ambassador said that his Government regretted our stand that he could not go into issues concerning POWs or civilian internees under the joint responsibility of India and Bangladesh. FS pointed out that on the contrary it was our regret that the Swiss Government had not understood our point of view. We accepted Switzerland as protecting power only for Pakistan under the Vienna Convention. The Swiss Government in their note had gone to the extent of describing our position in Bangladesh as that of an occupying power. Anyhow, the position is now clear. We could consider accepting Switzerland as protecting power (under the Geneva Convention) only for the West, but the Swiss Ambassador must first get the reaction of his Government.

8. Regarding the proposal made at one time for the Swiss Ambassador’s visit to Islamabad, the Swiss Ambassador said that his Government had agreed to the visit but Secretary (East) had later mentioned that there were now many channels. FS replied that we had offered to Pakistan bilateral talks through other channels. It was for the Swiss Government to decide whether it was worthwhile for the Ambassador to go to Islamabad. As for communications to Pakistan we would use the Swiss channels rather than anything else. We had complete confidence not only in the Government of Switzerland but also in the Swiss Ambassador himself. The Swiss Ambassador said that his Government was willing to let him go to Islamabad and that he would wait to know what we would like him to do. Giving the present position of the talks with Pakistan, FS said that there is need for caution and care and we had taken some steps. At the present moment there may be no role for the Swiss to play but we would like to use the Swiss agency rather than any other.

9. The Swiss Ambassador said that, speaking personally, with regard to POWs, the impression in western countries is that if India instead of Pakistan had 93,000 POWs in the other country, India’s attitude would be different.

10. FS said that after all war is war. We all know how long it took for the German prisoners to return after World War II. Ours was a genuine difficulty. We had to take into account the views of the Bangladesh Government and the atrocities committed by the Pakistan army. For Pakistan also, sooner peace is re-established the better it would be. Otherwise, other developments may take place. In a settlement, everything will fall in its place.

11. The Swiss Ambassador said that while under the Geneva Conventions the ICRC was playing purely a humanitarian role there were other issues, mostly legal, e.g. death certificates of POWs or the last will which POWs might wish
to make. These cannot be attended to by the ICRC, and were the duties of the protecting power. FS said that these issues could be examined by us. As for the western sector, we could consider Switzerland’s role as a protecting power but the Ambassador should first obtain the reactions of his Government.

12. Referring to the visit of Ambassador Kellor, FS requested that he may be assured that we did not want to keep the POWs indefinitely but it cannot be glibly said that once ceasefire in announced everything is settled. Bangladesh is an essential party; we appreciated Bhutto’s difficulties and would not like to increase his problems. We are keen to ensure a durable peace in the sub-continent.

13. The Swiss Ambassador, explaining his personal view, said that the essential reason for Keller’s visit was probably public pressure; there had been comments in the Swiss press that Switzerland has achieved nothing and it was reflection on the Ambassador himself. Some people in Switzerland felt that he should have called on the Prime Minister and placed the problem before her, but he knew very well that this was unnecessary. For him, therefore, Keller’s visit was somewhat embarrassing. FS again assured the Ambassador that we had complete confidence in him personally.

(R.Ranganthan)
Deputy Secretary (Pak)
26.3.1972

✦ ✦ ✦ ✦ ✦
0682. Message from the Government of Pakistan for the Government of India received through the Swiss Embassy in New Delhi regarding Indian nationals stranded in Pakistan.
New Delhi, March 28, 1972.
The Embassy of Switzerland, Pakistan Affairs Division, presents its compliments to the Ministry of External Affairs of the Government of India, and has the honour to inform the Ministry that it has received - through Swiss diplomatic channels – the following message from the Government of Pakistan:
“The list of Indian nationals stranded in Pakistan after the outbreak of hostilities is being prepared. The Indian Government may kindly also be requested to provide a list of Pakistani nationals similarly blocked in India”.
Simultaneously the Embassy of Switzerland is submitting to the Ministry of External Affairs of the Government of India, an updated list based on its local record.
The Embassy of Switzerland avails itself of this opportunity to renew to the Ministry of External Affairs of the Government of India the assurances of its highest consideration.
New Delhi, March 28, 1972.
The Ministry of External Affairs,
Government of India,
New Delhi.

0683. SECRET
Letter from the Indian Ambassador in France D. N. Chatterjee to the Secretary (East) in the Ministry of External Affairs S. K. Banerji.
Embassy of India
Paris
D.O.No.PAR/103/3/71 11 April 1972
Last evening Secretary General Alphand came to dine with me. We had discussion on various subjects which, naturally, included Indo-Pakistan relations. I mention below briefly some of the things he said:
2. Alphand had called the newly posted Pakistan Ambassador towards the end of last week and told him that it was to the interest of Pakistan to open serious negotiations with India to establish durable peace. Alphand had explained to him that Bangladesh government should also be a party to the negotiations and that all contentious subjects should be dealt with in the talks. In reply to my question Alphand said that in the first phase of negotiations, Kashmir, in his view, should be left out because the Kashmir issue was so charged with emotion that to take up Kashmir at the very beginning of peace talks would inevitably result in a stalemate. Alphand felt that there was better chance of settling the “Kashmir dispute” if it was put off until the second phase of negotiations. I told him that “Kashmir” was one of the subjects which Pakistan had always seized on to justify a conflict with India and durable peace could not be established unless this ghost was laid once and for all. I added that Pakistan certainly could not conquer that part of Kashmir which was under our control, while we had the power to assert our physical control over Pakistani held part of Kashmir though we chose not to demonstrate our military superiority in this context. Alphand agreed. I went on to say that “Kashmir” had to form part of a general peace settlement with Pakistan and, of course, the modalities would, no doubt, be determined by the parties concerned.

3. I distinctly got the impression the Aplhand was thinking of converting the Kashmir ceasefire line into an international frontier, but he felt that other issues such as Pakistani recognition of Bangladesh, evacuation of occupied territories by both sides, exchange of prisoners-of-war, re-establishment of diplomatic relations between Islamabad and Delhi, and general normalization of relations be dealt with first as these matters could be settled without undue friction if the emotionally charged Kashmir issue was not injected too early into the peace talks. It is possible that Ambassador Legards had been informed of this and he may reflect this point of view in his talks when he sees you next.

4. At a recent Reception, I chanced to meet General Yakub, the new Pakistan Ambassador. He seems to be a pleasant person and, being less abrasive than Dehlavi, he had already made a favourable impression (as I had expected) on the French Foreign Office. Apparently Yakub had not argued against Alphand’s proposals. I also discovered that Yakub and myself were together at the Indian Military Academy as cadets. He seems to be willing to establish personal relations with me.

5. In my telegram No. 18, dated the 31st March, 1972, I had said that the delivery of Mirages (under the old contract) to Pakistan was to begin in September this year. We have made discreet enquiries at the Dassault Factory and now we understand that delivery would not begin until December this year of January next year.
0684. Letter from the President of Sudan Gaafar Mohmed Niemer to the Prime Minister Indira Gandhi regarding Pakistani prisoners of war.

Khartoum, April 9, 1972.

The Democratic Republic of the Sudan
People’s Palace,
Khartoum, Sudan

9th, April 1972

Dear Prime Minister,

We have been closely following the developments between your great country and Pakistan. Recently we are concerned over the problems which have arisen in the aftermath of the conflict. Such concern is motivated by the friendly relations we maintain with your country, and the great affection we have for the great Indian people under your wise and sagacious leadership.

It is our sincere desire to see peace and friendship prevail between India and Pakistan. But in order that peace and friendship may prevail, we believe that an endeavour should be undertaken to remove the obstacles that prevent the attainment of these objectives. In this respect, we wish to mention the issue of the repatriation of the prisoners of war who are still being held. The question of the repatriation of the prisoners of war, we believe is a humanitarian problem and until it is resolved it will tend to create many difficulties.

In this connection, we noted with satisfaction Your Excellency’s recent announcement in which Your Excellency had expressed desires and hopes that both India and Pakistan turn their backs to the era of conflict and confrontation and work together in a spirit of co-operation. This hopefully
encourages us to express our sincere wishes that the solution of the question of the repatriation of the prisoners of war could be the first positive step in this direction.

In conclusion, we like to express our sincere desire to further enhance our long established, cordial and fraternal relations, and to promote them in the interests of our two peoples. May I wish Your Excellency good health and prosperity for the people of your great country.

Major-General (PSC)
Sd/-
Gaafar Mohmed Niemeri
President & Prime –Minister
Democratic Republic of the Sudan

H. E. Mrs. Indira Gandhi,
Prime Minister of India.

DRAFT*
Letter from the Prime Minister Indira Gandhi to the Sudanese President in reply to his letter of April 9, 1972.

New Delhi,

Dear Mr. President,

I was touched by the warmth of the sentiments expressed in your letter of April 9. I heartily reciprocate Your Excellency’s desire to further enhance the long-established cordial and fraternal relations between our two countries. Indeed, this has been our constant aim and endeavour. I do not recall an occasion when we acted in a manner detrimental to the interests of the Democratic Republic of the Sudan.

I share Your Excellency’s concern about the problems which have arisen in the aftermath of the conflict in the sub-continent. The origin and the causes of this conflict need to be considered with the utmost of objectivity.

Ever since independence, we have sought only peace and friendship with Pakistan. If Pakistan had reciprocated, the history of the last 25 years would have been altogether different. Both our countries would have advanced with greater rapidity. There would have been political stability in the entire sub-continent. Our two peoples would have prospered. India and Pakistan,

* Only draft could be located. The Editor is unable to vouch if this was the exact text which was finally issued.
cooperating together as good neighbours, would have been a source of strength
to all the countries of the developing world. Unfortunately, the successive rulers
of Pakistan chose the path of confrontation and hatred with India and also
alienated the majority of the people living in its Eastern Wing.

Despite all that has happened, I should like to assure Your Excellency that our
desire for good neighbourly relations with Pakistan has in no way diminished.
On the contrary, we ardently desire a durable peace between our two countries.
Inspired by that, I took initiative for a direct dialogue with Pakistan and talks at
the official level have already taken place. We are hoping to have a meeting
with President Bhutto later in this month.

We do not wish to keep the Pakistani prisoners of war in India. We should like
to return them as soon as possible to a Pakistan which gives us credible
assurances of peace in the future. However, Your Excellency will appreciate
that the vast majority of the prisoners of war held by India surrendered to the
Joint Command of the Armed Forces of India and Bangladesh. Bangladesh is
a sovereign, independent country recognized by a majority of the Members of
the United Nations and is now a Member-State of both the World Health
Organization and UNCTAD-III. We have made it known to Pakistan and to all
our mutual friends that the Government of Bangladesh is a necessary party to
take any decision regarding the repatriation of prisoners. It is a matter of profound
regret that Pakistan has not yet addressed itself to this problem and has been
delaying coming to terms with Bangladesh.

If Your Excellency shares the point of view I have endeavored to express, I
hope that Sudan’s influence would be exercised in persuading Pakistan to
take appropriate steps for normalization of its relations with Bangladesh, so
that all the three countries in the sub-continent could together overcome the
aftermath of the conflict and thus lay the foundations of peace, stability and
cooperation within the sub-continent.

Please accept, Excellency, the assurances of my highest esteem and
consideration.

Your sincerely,

(Indira Gandhi)

His Excellency,
Major General Gaafar Mohmed Niemeri,
President and Prime Minister,
The Democratic Republic of the Sudan,
People’s Palace, Khartoum.
Agenda proposed by Pakistan for the Emissary level Talks between India and Pakistan.

Agenda proposed by Pakistan on 26.4.1972 in the following order of priority

I. Elimination of the consequences of war= Return to peace
   1) Repatriation of POWs and civilian internees.
   2) Withdrawal of forces.

II. Normalisation of Relations.
   1) Resumption of Diplomatic Relations.
   2) Cessation of hostile propaganda.
   3) Restoration of P&T services.
   4) Restoration of air and see links including over-flights.
   5) Opening of border posts.

III. Improvement of Relations.

A. Short-term measures (with necessary climate)
   1) Resumption of trade.
   2) Cultural exchanges.

B. Long-term measures (In due course – with necessary climate created)
   1) Disputes.
   2) Economic cooperation wherever possible.
   3) Cooperation as far as possible in international organizations.

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0686. **TOP SECRET**

Emissary level talks between India and Pakistan

Agenda items proposed by India on 28.4.1972 for the Summit Talks between the Prime Minister of India and the President of Pakistan.

1. **Elements for formalizing an understanding on the establishment of durable peace:**
   (a) Renunciation of conflict and confrontation and adoption of a policy of enduring peace, friendship and cooperation;
   (b) Non-interference in the internal affairs of each other;
   (c) Settlement of disputes by peaceful means;
   (d) Non-use of forces against the territorial integrity or political independence of each other;
   (e) Reaffirmation of the obligations arising under the UN Charter;
   (f) Inviolability of the frontier/boundary between India and Pakistan;
   (g) Preventing activity the formation of movements aimed at promoting subversion of the legally constituted authority of the territories of each other or aiding or abetting any secessionist disruptive strife in each other’s territory.

2. **Elimination of the consequences of war – return to peace:**
   (a) Repatriation of prisoners of war;
   (b) Withdrawal of forces;
   (c) Resumption of diplomatic relations;
   (d) Settlement of properties seized by either side during the conflicts of 1965 and 1971;
   (e) Resumption of communications and over-flights;
      (Posts & Telegraph, air and sea links etc.)
   (f) Opening of border posts;
   (g) Provision of adequate travel facilities between the two countries.

3. **Prohibition of hostile propaganda.**

4. **Promotion of trade** and commerce, cooperation in economic and social development in agreed fields, and in international organizations, as far as possible.

5. Exchanges in the fields of science, culture and sports.

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Emissary Level Talks between India and Pakistan.

Rawalpindi, April 29, 1972.

Agenda For Meeting between the President of Pakistan and the Prime Minister of India.

   *B. Withdrawal of forces and repatriation of Prisoners of War.

2. Normalisation of relations:
   (i) Resumption of diplomatic relations.
   (ii) Resumption of communications and overflights;
        Posts and Telegraph, air and sea links etc.
   (iii) Opening of border posts.
   (iv) Provision of adequate travel facilities between the two countries.

3. Cessation of hostile propaganda.

4. Resumption of trade. Cooperation in economic and other agreed fields,
   including international organizations, as far as possible.

5. Exchange in the fields of science and culture.

Sd/- Aziz Ahmed
Special Emissary of the President of Pakistan.
RAWALPINDI, April 29, 1972.

Sd/- D.P. Dhar
Special Emissary of the Prime Minister of India

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* Items 1A & B may be taken up simultaneously for consideration and decision by the President of Pakistan and the Prime Minister of India.
Agreed General Principles for submission to the Meeting between the President of Pakistan and the Prime Minister of India.

April 29, 1972

1. Need to normalize relations.
2. Willingness to think afresh casting aside the shackles of past policies.
3. Recognition of the underlying desire of peoples in both countries for peace and harmony in the sub-continent.
4. Need for the establishment of durable peace in the sub-continent.
5. Need for ending military confrontation and starting a new chapter as good neighbours.
6. Undesirability of diverting resources from development of defence.
7. Necessity that the Summit should not fail.
8. Cooperation in the future as far as possible in agreed fields.
9. Willingness to settle disputes peacefully.
10. Early cassation of hostile propaganda.

Sd/- Aziz Ahmed
Special Emissary of the President of Pakistan.
Rawalpindi, April 29, 1972

Sd/- D.P. Dhar
Special Emissary of the Prime Minister of India
0689. Joint Statement on Talks between the Special Emissaries of India and Pakistan.

Rawalpindi, April 30, 1972.

The Special Emissaries of the President of Pakistan and the Prime Minister of India met at Murree and Rawalpindi from April 26 to 29, 1972. Shri D.P. Dhar, Special Emissary of the Prime Minister of India was assisted by Shri A.S. Chib, Joint Secretary, Shri P.L. Sinai, Director, Shri S.P. Jagota, Director, Col. A.J.M. Homji, Staff Officer, Shri J.N. Bhat, Press Officer, Shri N. Dayal, Under Secretary and Shri R.K. Kapur, Senior Research Officer of the Ministry of External Affairs, Government of India. Mr. Aziz Ahmed, Special Emissary of the President of Pakistan, was assisted by Mr. Rafi Raza, Special Assistant of the President, Mr. Iftikhar Ali, Foreign Secretary, Ambassador Sajjad Hyder, Mr. Aftab Ahmed Khan, Director General and Mr. Abdul Sattar, Director General of the Ministry of Foreign Affairs, Governments of Pakistan. This was the first occasion on which representatives of India and Pakistan were able to meet and communicate directly with each other on behalf of their Governments since tragic developments of last year.

The Special Emissaries held several sessions. These were marked with cordiality and a readiness on both sides to appreciate each other's point of view.

Shri D.P. Dhar also called on His Excellency the President of Pakistan. He conveyed to the President the greetings of the Prime Minister of India and took the opportunity to thank him for the gracious hospitality accorded to him and the members of his Delegation. The Special Emissaries have accomplished the task entrusted to them. They have settled the modalities for the forthcoming meeting between the President of Pakistan and the Prime Minister of India and have defined the subjects to be discussed by them. In this connection they considered several matters, including in particular those bearing on the establishment of durable peace in the sub-continent. The two Emissaries wish to place on record their satisfaction that ground has been prepared for a meeting between the President of Pakistan and the Prime Minister of India. The meeting will be held towards the end of May or the beginning of June at New Delhi. A mutually convenient date will be announced in due course.

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Note recorded by the Indian High Commissioner in Bangladesh Subimal Dutt on his meeting with the Soviet Ambassador in Bangladesh.


The Soviet Ambassador came to see me this afternoon by previous appointment. He stated as follows:

(1) Recently the Ambassadors of France, Denmark, West Germany and the High Commissioner of Great Britain called on him and all of them tried to convince him that if there is any trial of prisoners of war in Bangladesh, the situation will take a serious turn and any possibility of understanding with President Bhutto would be ruled out. The world opinion also would be highly critical.

The Ambassador has the impression that all these envoys were trying to persuade him indirectly to report accordingly to his Government, himself supporting this view. These persons also referred to the maltreatment of Biharis.

I gave the Ambassador my assessment of the situation and told him that these Ambassadors also spoke to me on the same lines and I had replied answering their doubts.

(2) The Ambassador mentioned that according to his information the officials are anti-Soviet and anti-Indian. They are not keen on economic collaboration with India and the Soviet Union, and therefore, putting obstacles in the hope that they would then be able to suggest to their Government to invite assistance from the U.S.A.

(3) The Ambassador also expressed the view that there is deterioration in the economic situation in Bangladesh recently and this was a matter for concern. He said he was not able to understand the economic policies of the present Government. Apparently, in the Ambassador's view pressures for socialism are not as adequate as they could be.

(S. Dutt)
High Commissioner
11.5.1972
Record of the discussions between the Indian Ambassador in Bangladesh S. Dutt and Foreign Minister of Bangladesh

Dacca, June 1, 1972.

The High Commissioner called on the Bangladesh Foreign Minister on Friday, 1st June, at 5.15 P.M. at the latter’s residence.

The High Commissioner spoke on the following points:

1. In the Economic and Social Council debate at the U.N. the Chinese delegate said that it was Indian aggression that created Bangladesh. This obviously indicated that China has not yet changed its assessment of the factors that led to the birth of Bangladesh.

2. The High Commissioner then went on to give some details about the build up of Pakistan’s armed forces since December 1971 and China’s role in supplying a large proportion of military hardware.

3. On the question of return of POWs, the High Commissioner said that a study made by us shows that most of the countries (like USA, UK, France) which were loud in criticizing us now for holding back the POWs (in apparent violation of Geneva Conventions) had themselves taken on an average 2-3 years and even more to repatriate their POWs after the end of the last war.

4. The High Commissioner said that anti Indian criticism in Bangladesh had become strong and their intensity had increased especially in the past 4-6 weeks. This was carried out with the help of malicious and slanderous writing in some local newspapers and the local businessmen appear to have joined forces against India. Their criticism is basically directed at the present Government of Bangladesh and India is being used as an alibi. The HC handed over a copy of the Hau Kathe of May 27 to the Foreign Minister. The CIA has been very active and substantial funds are being spent for this purpose.

The Foreign Minister made the following points:

(a) The Bangladesh Government feels that the two Governments should meet and have discussion on the question of relations between India and Bangladesh. This was especially necessary now as forces at work mainly in Bangladesh, were trying to drive a wedge in the existing friendly relations between the two countries. As an example of the malicious propaganda that was being carried out he said the journalist Anthony Mascarhenas had told him that he had been told that “Indian troops have positioned all around Dacca” and also that, “Jessore is already
under the Indian Army.” Mr. Mascarenhas would not divulge any names. The Foreign Minister said that at least that would have enabled the Bangladesh Government to pinpoint the direction from which these stories were emanating. At present, international moves and intrigues were directed at two targets i.e. (i) the Government of Bangladesh and (ii) Indo-Bangladesh friendship. Their aim is to bring about a situation of confrontation between India and Bangladesh. Their purpose is to ensure that anti-Indianism takes firm root here, as then India would continue to have a hostile neighbour.

(b) The present thinking of the Bangladesh Government, on the question of travel regulations between India and Bangladesh is that a system of entry permits should be introduced. Bangladesh would like to restrict travel to India of delegations and groups who now travel fairly freely.

(c) The Bangladesh Government feels that further exchanges of views on the forthcoming Indo-Pak Summit should take place. Rumours have been spread to the effect that Bangladesh and Pakistan have had meetings or at least contacts. No such meetings and or contacts have taken place. It appears that there are some who while accepting that there is a new government in Bangladesh, have not yet totally accepted the idea of a new sovereign independent nation.

(d) Nepal may ask Bangladesh to obtain from India transit facility for trade between themselves. The Foreign Minister will be visiting Nepal, either between 12th and 15th June or between 13th and 16th June.

(e) The Chief Minister of West Bengal, is to arrive on the 10th June. As agreed upon earlier by the two governments, formal invitation to him was being sent through the Ministry of External Affairs.

(A.K. Banerjee)
Second Secretary
2.6.72
Aide Memoire of the Government of India to the Government of Pakistan on the question of stranded persons.

New Delhi, May 15, 1972.

AIDE MEMORIE

The Governments of India and Pakistan have already indicated that they have no objection to the removal of the restriction on the departure of nationals, who were stranded while on temporary visits in December, 1971. The Government of India therefore propose the following:

(i) The restriction on the departure of stranded visitors may be removed with effect from the 25th May, 1972, if acceptable to the Pakistan Government, on a reciprocal basis;

(ii) Such stranded passengers should be allowed to return from Pakistan and India by air, sea and land;

(iii) India is willing to allow the stranded Pakistani nationals to travel to Pakistan by air from Delhi to Karachi or Lahore on international airlines operating on these routes as well as by sea from Bombay. It may please be confirmed if Pakistan Government will afford reciprocal facilities for Indian nationals stranded in Pakistan;

(iv) India would also allow stranded Pakistani nationals to cross over by the land route at Attari-Wagah every Thursday, provided Pakistan Government affords reciprocal facilities to Indian nationals stranded in Pakistan.

May 15, 1972.


AIDE MOMIRE

The Embassy of Switzerland in Islamabad has received from the Pakistan Ministry of Foreign Affairs the following message:

“It was agreed at the meeting of the Emissaries that hostile propaganda will be reduced gradually and stopped by a certain date before the meeting of the Heads of Government. The Government of Pakistan has taken necessary steps in that direction and proposes to implements the agreement by May 25, 1972. The Government of Pakistan will be grateful to receive confirmation from the Government of India about similar action on its part.”

May 22, 1972.

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0694. Press Release issued by the Government of India regarding hostile propaganda.

New Delhi, May 26, 1972.

The External Affairs Ministry, in an announcement here today, says:

“A few days before the Emissary-level talks were scheduled to begin at Murree the Prime Minister had issued orders that programmes broadcast over Radio and T.V. networks in India should faithfully reflect our desire for a durable peace with Pakistan and not, in any way, create ill-will between peoples of India and Pakistan. India’s emissary at the meeting in Murree informed the emissary for Pakistan about the Prime Minister’s unilateral decision and expressed the hope that Pakistan Government would take reciprocal action. Later, the Pakistan emissary informed us of their intention to take reciprocal action to “taper off” programmes against India on their Radio and T.V. networks and to stop it altogether on a date to be fixed later.

In pursuance of this an Aide Memoire was received from Pakistan Government on May 22, through the Swiss Embassy in India, in which Pakistan had declared its intention to implement this proposal effective from May 25. The Government of India have welcomed Pakistan Government’s decision.”

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AIDE MEMOIRE

The Ministry of External Affairs with reference to the oral message communicated by Mr. A. Monnier, Counsellor of the Embassy of Switzerland in New Delhi to Mr. R. Ranganathan, Deputy Secretary on May 30, would request the Embassy to kindly transmit the following message to the Ministry of Foreign Affairs, Government of Pakistan:

“The Ministry of External Affairs have been informed through the Swiss Embassy in New Delhi that the Ministry of Foreign Affairs, Government of Pakistan desire a formal reply to the Pakistan Government’s Aide Memoire of 22nd May proposing the cessation of hostile propaganda from the 25th May 1972.

In this connection, the Ministry would like to draw the attention of the Government of Pakistan to the Prime Minister’s letter of 24th May, 1972 addressed to the President of Pakistan. In this letter the Prime Minister had welcomed the implementation of the agreements reached between the Emissaries of the two countries in regard to the cessation of hostile propaganda and had indicated that as far as India was concerned, instructions had already been issued before the meeting of the Emissaries that hostile propaganda against Pakistan should stop.”

New Delhi,
June 1, 1972.
0696. Note of the Pakistan Ministry of Foreign Affairs sent through the Swiss Embassy regarding hostile propaganda.

Islamabad, June 1, 1972.

The Embassy of Switzerland in Islamabad transmits the following messages of a note of June 1, 1972 from the Ministry of Foreign Affairs, Government of Pakistan:

“As a follow up of the decision taken at the Emissaries Meeting in Murree to taper off and completely stop hostile propaganda, Radio Pakistan has completely stopped with effect from 25th May, 1972, all broadcasts that could be considered as hostile to India. It has, however, been noted that some India radio stations have not fully responded. Two specific instances are noted below:

(a) On 22nd May in its news bulletin at 7.40 hours, All India Radio broadcast the following item: “In Quetta yesterday, President Bhutto was forced by an unruly crowd to cut short his speech. President Bhutto escorted the visiting Iranian Princess Ashraf Pehlavi from the platform and drove away.” This is a negation of the facts and is clearly intended to create a false impression. The President has spoken for 50 minutes before a responsive audience and his entire speech was broadcast by Radio Pakistan.

(b) In a news commentary broadcast by Srinagar Radio at 19.25 hours on 19th May, it was stated that a clash between the NWFP Government and the Central Government in Pakistan was inevitable on the “Pakhtoonistan” issue. It was also claimed that the Pakistan Delegation’s visit of Afghanistan was a complete failure. The above report has no relation to the facts.

The Government of Pakistan would wish to bring to the notice of the Government of India these instances of violation of agreement and request that fresh instructions be issued to All India Radio so that such propaganda is not broadcast in future.”

June 2nd, 1972.
Letter of External Affairs Minister Swaran Singh to Foreign Ministers of some friendly countries.

New Delhi, June 7, 1972.

Excellency,

As Your Excellency may be aware, following the conflict resulting from Pakistan's aggression on India on the 3rd December 1971, and the surrender of Pakistani forces in Bangladesh on the 16th December 1971, India offered to Pakistan a cease-fire on the Western front later the same day. The offer was accepted by Pakistan on the following day, as a result of which a cease-fire came into effect on the 17th December 1971.

Shortly afterwards, India took the initiative to suggest to Pakistan that talks should take place between the two Governments to establish lasting peace between our two countries. An exchange of correspondence took place between the Prime Minister of India and the President of Pakistan for a meeting between them to resolve all issues so that durable peace may be established. By agreement between them, a meeting of their Emissaries took place in Pakistan in the last week of April 1972, in order to make preparations for the Summit Meeting. The Emissaries of India and Pakistan were able to reach agreement on the Agenda for the meeting of their Heads of Government and also suggested jointly that the meeting could be held towards the end of May or the beginning of June. However, His Excellency the President of Pakistan suggested a later date, which India had accepted and a meeting between the Prime Minister of India and the President of Pakistan would take place in India on the 28th June, 1972.

We on our part are anxious that these talks should result in ending forever the unfortunate cycles of conflicts followed by cease-fire – which has been the history of the recent past – and would lead to the establishment of lasting peace and friendly and good neighbourly relations so vital for the progress of our two countries. We earnestly hope that in the talks between the Prime Minister of India and the President of Pakistan there would be a frank discussion of all matters which have caused tension and conflict between us in the past and would result in an accord being reached which would lead to enduring peace between India and Pakistan.

One of the subjects which would come up for discussion between the two Heads of Government would be the return of the prisoners of war. As Your Excellency may be aware, the bulk of the Pakistani POWs in India surrounded to the Commander of the Joint India-Bangladesh forces in Dacca and they continue to remain in the joint custody of India and Bangladesh.
Any discussion regarding their repatriation would necessarily involve Pakistan, Bangladesh and India. Bangladesh has been recognized by 75 countries. It has been admitted to the World Health Organisation and to UNCTAD. The Bangladesh Government have acceded to the Geneva Conventions. Pakistan, however, has not yet found it fit to recognise Bangladesh. The Bangladesh Government, on their part, have publicly indicated their inability to take part in any discussions with Pakistan until Pakistan has recognized them. Pakistan’s non-recognition of Bangladesh has thus created an unnecessary hurdle in making possible a meaningful discussion of the question of repatriation of prisoners of war in the ensuing talks between India and Pakistan.

It is our considered view that a satisfactory and peaceful solution of these problems, which is so essential for the well-being and prosperity of the people in this sub-continent, can only be arrived at by mutual efforts through bilateral negotiations. My Prime Minister will be approaching the forthcoming meeting with the President of Pakistan with this hope and objective in view.

I am writing this letter to share our thoughts with you so that we may have full understanding of your esteemed Government for the endeavours that India is making to reach a peaceful solution of problems affecting this region.

Please accept, Excellency, the assurances of my highest consideration.

(Swaran Singh)

0698. Letter of the Indian Prime Minister Mrs. Indira Gandhi to the French President Georges Pompidou.

New Delhi, June 12, 1972.

Your Excellency,

Once again I am writing to share my thoughts with you on the aftermath of the tragic events which took place on this sub-continent last year.

Perhaps I might begin with a bare recital of the board facts from the date when Pakistan, finding itself unable to control the situation within its eastern wing, imposed a war on us.

On the day of the surrender of Pakistani forces in Bangladesh on December 16, 1971, India offered a unilateral ceasefire of the western front to Pakistan.
On the following day the offer was accepted by Pakistan and the ceasefire became effective on December 17, 1971.

In the middle of February 1972, India took the initiative in suggesting to Pakistan that talks between our two Governments should take place to try to establish a lasting peace between the two countries. Subsequently, I personally wrote to President Bhutto to suggest a preliminary meeting of special emissaries of the two countries, which would prepare for the summit meeting. This was ultimately accepted. A special emissary was sent to Islamabad in the last week of April 1972.

The emissaries of India and Pakistan were able to reach agreement on the agenda for the meeting of the Heads of Government. They also agreed that the meeting should be held towards the end of May or the beginning of June. However, His Excellency the President of Pakistan suggested a later date which India has accepted and a meeting is now scheduled to take place on June 28, 1972.

Since our independence, we have consistently worked for peace and friendship with Pakistan. We are convinced that if Pakistan had reciprocated, the history of the last 25 years would have been entirely different. Pakistan and India could have made more rapid advance. There would have been political stability on the entire sub-continent, more rapid advance for both countries to prosperity for our people. Cooperating as good neighbours, we could both have helped to strengthen the other countries of the developing world. Unfortunately, the successive rulers of Pakistan chose the path of confrontation with and hatred of India, and also alienated the majority of the people living in its eastern wing.

I should like to assure you that despite all that has happened, our desire for good neighbourly relations with Pakistan is undiminished. Hence our anxiety that the forthcoming talks with President Bhutto should succeed in putting an end to the unfortunate cycles of conflicts followed by ceasefire and should lead to the establishment of lasting peace, to friendly and good neighbourly relations which are so vital for the progress of both countries.

We should like to return the Pakistani prisoners of war as soon as possible to Pakistan which gives us a credible assurance of peace in the future. Neither our people nor our Parliament will understand the reasons for the return of the prisoners of war to a country un-reconciled to a durable peace with India. While we are not insensitive to the humanitarian aspect dealing with the prisoners of war – indeed we are looking after them as best as we possibly can – we regard the question of the establishment of durable peace between India and Pakistan as a matter of equal if not of greater humanitarian importance.
I should like also to invite your attention to the fact that the vast majority of the prisoners of war held by India surrendered to the Joint Command of the Armed Forces of India and Bangladesh. Bangladesh is a sovereign, independent country of 75 million people which is now recognized by a majority of the members of the United Nations. It is also a member-State of the world Organisation and of UNCTAD-III. And yet there is no indication that Pakistan has given serious thought to coming to terms with the reality of Bangladesh. This adds complication to all the problems of the sub-continent, including the question of repatriation of prisoners of war.

Please accept, Excellency, the assurances of my highest consideration.

(Indira Gandhi)

His Excellency
Mr. Georges Pompidou,
President of the Republic of France, Paris.

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0699. Aide Memorie of the Ministry of External Affairs regarding hostile propaganda to the Ministry of Foreign Affair of the Government of Pakistan sent through the Swiss Embassy.

June 16, 1972.

AIDE MEMOIRE

With reference to the Aide Memoire dated 2nd June, 1972 from the Embassy of Switzerland, New Delhi, the Ministry of External Affairs request that the following message may be transmitted to the Ministry of Foreign Affairs, Govt. of Pakistan.

"The Government of India have inquired into the instances quoted by the Ministry of Foreign Affairs of alleged violation of the agreement on cessation of hostile propaganda. The verified position is that while the item broadcast by A.I.R on 22nd May, 1972 was based on an AP report from Quetta itself, the news commentary from Srinagar Radio on 19th May, 1972 was derived mainly from Kabul Radio broadcast. It would, therefore, be clear that there was no intention to distort facts of events in Pakistan.

The Government of India wish to take this opportunity to reiterate their resolve to fully honour their decision on stoppage of hostile propaganda."
The Government of India, however, feel constrained to draw the attention of the Government of Pakistan to the fact, that, despite their decision to stop propaganda broadcasts directed at India with effect from May 25, 1972, Pakistan Radio continues to put out objectionable and mischievous anti-Indian items. A statement containing a few examples of such hostile broadcasts is attached herewith.

The Government of India earnestly hope that the Government of Pakistan would issue suitable instructions to the concerned authorities in Pakistan so that hostile propaganda items are not broadcast in future."

New Delhi, 16th June, 1972.

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STATEMENT OF HOSTILE BROADCASTS OVER PAKISTAN RADIO

25.5.1972 Radio “Azad Kashmir” accused India of usurping the freedom of the Kashmiris, the Sikhs and the Mizados. In its “Zarb-i-Kaleem” programme, the Radio said that the seeds India had sown in “East Pakistan” would be reaped by her in West Bengal and Assam. India will lose both these States.

26.5.72 The features “Waqt Ki Awaz” accused the “ruling clique” in India of being unaware of the meaning of “friendship”. India, the commentary stated, nourishes its enmity towards Pakistan and wants to establish supremacy over its neighbouring countries”.

25.5.72 Radio “Azad Kashmir” accused India of conspiring with Israel against Pakistan and termed the Indian leaders “imperialists”.

28.5.72 The Punjabi Darbar programme quoted the allegation levelled by Pakistan’s delegate to the Social Committee of the ECOSOC to the effect that Pakistani Prisoners of War were being subjected to inhuman treatment by India.

28.5.72 Pushtu feature from Peshawar denounced “Indian Brahmins” for feeling intoxicated after capturing “East Pakistan”. The feature alleged that this was because India had never in its history won victory in war. It was stated that the Hindu leaders in India would also like to bring Pakistan under their domination.

Radio “Azad Kashmir” alleged that the Indian Prime Minister had stated in a speech last December that India would like to take revenge for the thousand year of Muslim rule, which India had not forgotten.

30.5.72 Radio “Azad Kashmir” accused India of using the POW question as a lever, of not being sincere in its approach to Pakistan and of interfering in the internal affairs of Pakistan.
31.5.72 Radio “Azad Kashmir” commented that India had not accepted the very existence of Pakistan and accused India of going back on the promise made in regard to Jammu & Kashmir.

1.6.72 In its broadcast Radio “Azad Kashmir” spoke of “Sharp reaction being expressed” in Bangladesh against the looting and smuggling of essential commodities by India. In another programme the Radio said that while Indian imperialists were talking of peace and friendship towards Pakistan, they were committing ceasefire violations.

3.6.72 A commentator speaking in the Lahore programme “Waqt Ki Awaz” accused India of keeping the people of Kashmir cowed down by force. The commentator said that Kashmir dispute was as important for PAKISTAN as the Palestine issue was for the Arabs and Cyprus for Turkey. Kashmir, Palestine and Cyprus were described as the symbol of struggle of the people against oppression by impartial powers.

4.6.72 In a programme broadcast over Radio “Azad Kashmir” it was alleged that Indian rulers were thinking in terms of military adventurism.

5.6.72 Radio “Azad Kashmir” warned India not to interfere in Pakistan’s internal affairs. In its “Zarb-i-Kaleem” feature, the Radio made derogatory remarks about India’s Defence Minister and said: “Had Jagjive Ram seen his face and figure in the mirror, he would not have perhaps felt the need to give lessons to Pakistan on the formulation of foreign policy”.

12.6.72 In a programme spot lighting newspaper headlines, Radio Pakistan quoted the Governor of Sind as having alleged that “Bharati and Russian agents plotted disturbances in Karachi for making the summit conference unsuccessful”.

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0700.  

SECRET

Telegram from Ambassador in Belgium to Ministry of External Affairs.

TELEGRAM

From: Indembassy Brussels  
To: Foreign New Delhi.

MOST IMMEDIATE

No.51  

S.K. Banerjee* from Ambassador Patel.

Mr. De BASSOMPIERRE Head of the Asia Division in the Belgian Foreign Office called me today and spoke to me on the following lines:

(1) Belgian Government were very happy that summit talks were being held between India and Pakistan and hoped that these would lead to a general peaceful solution for the problems of the sub continent. They were in no position to give any advice to either side but wished to convey their concern for establishment of lasting peace in the area.

(2) India not only was the victorious party but also enjoyed greater political stability and economic progress. On the other hand Bhutto's position at home was not strong. India was therefore in a position to act in a statesman like manner and afford to be somewhat generous.

(3) The Belgian Government were following the developments in the Indian sub-continent with interest in the context of the general world situation. They felt that the establishment of lasting peace in the sub-continent was an important element in the chain of developments in other parts of the world such as Europe and Vietnam which were also of concern to them.

(4) The Belgian Government had also spoken in similar terms to Pakistan and stressed the need for finding solutions to all the problems involved.

(5) Although they appreciated the position that the P.O.W. surrendered to a joint command of India and Bangladesh they felt that India as a detaining power should have arranged for their immediate repatriation after the establishment of an effective cease fire.

(6) As regards Kashmir in their view both sides should go back to the

* Secretary (East) in the Ministry of External Affairs
November line of 1949 subject to such modifications as might be mutually agreed upon.

2. DE BASSOMPIERRE said that the Belgian Foreign Minister who is away in Luxemburg today wished the above to be brought immediately to the attention of the Government of India. The Belgian Ambassador in New Delhi had also been instructed to speak on similar lines in New Delhi.

3. I drew DE BASSOMPIERRE’s attention to the recent letter of the Foreign Minister dated 7th June addressed to Belgian Foreign Minister and reiterated the arguments contained in it emphasizing the following:

(1) India could not act unilaterally with regard to P.O.W.S. Bangladesh would have to be a party to any discussion with regard to them. It would be helpful if friendly governments persuade Pakistan to recognize Bangladesh so that such discussions could take place. DE BASSOMPIRRE said that they had already indicated their views to Pakistan that the latter should recognize Bangladesh.

(2) The cease fire line of 1949 was no longer valid. There was therefore no question of any return to that line. Lasting peace could only be established after mutual agreement on a permanent international boundary.

4. DE BASSOMPIERRE suggested that India could further increase its already high prestige by unilaterally releasing a small number of P.O.Ws who were clearly not war criminals. I said that it would be difficult to take such unilateral action unless all the issues involved had been discussed among all the parties concerned including Bangladesh. He particularly requested that this subjective thinking might be communicated to you.

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Telegram from Indian Embassy in Moscow to Ministry of External Affairs.

Moscow, June 26, 1972.

From: Indembassy Moscow
To: Foreign New Delhi

MOST IMMEDIATE

No.511 June 26, 1972

Foreign Secretary from (Ambassador) Shelvankar.

I met FOMIN today to get some information on AZIZ AHMED’s visit. FOMIN told me a detailed report had been prepared and was awaiting KOSYGIN’s approval before it was transmitted to PEGOV* to be communicated to Prime Minister. He was therefore sorry, he said, that he could talk to me about it only unofficially and in the terms detailed below:

2. According to FOMIN, AZIZ AHMED had nothing new to say about the preparatory talks in Murree and nothing different from what the Soviet side had already heard from us and from their Ambassador in Pakistan. What AZIZ AHMED told the SOVIET side about BHUTTO’s aim at the summit was consistent with assurances given by BHUTTO to BREZHNEV in Moscow last March–namely, to work for a lasting peace settlement with India. AZIZ AHMED’s tone was restrained; he carefully avoided making any harsh or unfriendly remark about India. His only complaint was that Pakistan’s expectation that at least some POWs would be released by India before the summit had not been fulfilled. The fact that AZIZ AHMED was generally moderate and reasonable, and more or less objective in his account of the Murree discussions, FOMIN said, justified some optimism.

3. In answer to my questions, FOMIN further said that AZIZ AHMED had not brought any specific proposal or suggestion to the Soviet Government in connection with the summit except the point that a prior token gesture by India on prisoners repatriation would help to create a good atmosphere. AZIZ AHMED had also requested the Soviet side to inform the Indian Prime Minister that Pakistan would take a positive attitude at the summit. He had given them some idea of Pakistan’s thinking on the question of Bangladesh recognition but FOMIN expressed inability to be more explicit on this. The “Details” he said would be communicated to Prime Minister by PEGOV. On BHUTTO’s visit to the 14

* Soviet Ambassador in New Delhi
Muslim nations FOMIN said the impression AZIZ AHMED have was that the tour was intended to dissuade these countries from recognizing Bangladesh until Pakistan had made up its mind on the question. AZIZ AHMED may have received some assurance in this respect from CHOU-EN-LAI when he went to Peking recently.

4. FOMIN was curious vague hesitant and circumlocutous in all that he said. When pressed to give his own assessment of the summit prospects in the light of what AZIZ AHMED had told them he said he was now more optimistic and hopeful. BHUTTO he said was of course unpredictable and this had to be kept in mind. But AZIZ AHMED was speaking strictly within the brief he had brought from his President and what he had to say strengthened Soviet Government’s optimism about the summit which FOMIN thought should yield some positive results. FOMIN was at pains to emphasize that everything they said to AZIZ AHMED form the Soviet side was in line with their understanding of the Indian position.

5. I gathered that AZIZ AHMED had brought a message from President BHUTTO for the Soviet leaders. They in turn might be sending him a letter through their Ambassador in Islamabad before BHUTTO’s departure for India.

0702.  TOP SECRET

Record of the meeting between Foreign Minister Swaran Singh and Soviet Ambassador N. Pegov.

New Delhi, June 27, 1972.

The Soviet Ambassador handed a communication which he said he had received just this morning.

F.M: Is it about Aziz Ahmed’s visit?

Pegov: Yes: I received the communication just this morning but the Prime Minister had left.

F.M: I am also leaving tonight and will receive Bhattu tomorrow. He will not be very happy to see me.

Pegov: I shall take this opportunity and your kindness to request you to get acquainted with this information and to convey it to the Prime Minister.

(F.M. read the communication carefully.)
F.M.: thank you Your Excellency. I have very carefully studied the information. We have noted with satisfaction that the Soviet leaders have insisted on Aziz Ahmed the necessity for a Peace Treaty and the need to strive for peace in the sub-continent. If the Soviet assessment turns out correct about Bhutto’s readiness to work towards a final settlement on Jammu & Kashmir in the form of conversion of the ceasefire line into a permanent boundary, then the Summit will succeed in creating an atmosphere of peace and in reversing the military confrontation between Pakistan and India.

Your leaders have rightly conveyed to Aziz Ahmed that India is not approaching the Summit as a victor. Our Prime Minister has stated this a number of times. We are anxious for a durable peace. We would like to work out a “just and honourable peace” – to use the words of Aziz Ahmed. This has to be just and honourable to both. Pakistan alone cannot be the judge of what is just and what is honourable.

You will agree Your Excellency that the question of return of POWs is one where we are anxious also to effect the return as soon as possible. It will facilitate the return of POWs if the climate is one of peace and not of confrontation. If this is achieved and Bhutto wants peace, a decision on the return of POWs will be facilitated. Also if the reality on the sub-continent is increasingly accepted by Bhutto, by recognition of Bangladesh, this will also facilitate their return.

To sum up, if we see that peace is in sight, we can return the POWs – not if we think confrontation will continue. Also the recognition of Bangladesh will facilitate the process. Reading the message carefully, Aziz Ahmed seems to have conveyed elements of these thoughts in his talks with the Soviet leaders.

One position should be made clear. This is in regard to conversion of the ceasefire line into an international boundary. If settlement is in sight, we will propose this. If settlement is not in sight, our traditional position will remain viz., that Jammu & Kashmir is an integral part of India and is entirely ours by legal accession.

But in the interests of a lasting peace, we are willing to recognize the line of actual control, with minor modifications, as the international boundary. This will be the final position and will not be at the beginning of the process. It cannot be the starting point on which Pakistan can again raise objections.

We do not appreciate Bhutto’s position when he says that he must first talks to Sheikh Mujibur Rehman before he recognizes Bangladesh. Sheikh Mujibur Rehman has already said that he will not talk to Pakistan before Bangladesh is recognized. Bhutto will cause more complications for himself and for Pakistan by not recognising Bangladesh and by sticking to this unrealistic attitude.
Our unfortunate experience of the past is that Pakistani spokesmen speak with different voices in Moscow, Peking, Washington and India. We will judge carefully what Bhutto says and if he means serious business, we will respond.

We greatly appreciate the friendly sentiments of the USSR Government in taking us into confidence on talks with Aziz Ahmed and also for the views of the Soviet leaders on the best way of settling the problem. Those views are also our views and we thanks the USSR leadership for talking a principled stand based on justice.

I shall convey this to the Prime Minister.

The meeting thereafter came to a close with the Soviet Ambassador conveying his best wishes for success in talks.

(A.P Venkteswaran)
Joint Secretary(EE)
27.6.1972

TOP SECRET

Letter of the Soviet Ambassador N. Pegov addressed to the Prime Minister Mrs. Indira Gandhi enclosing the report on the talks of Soviet leaders with Aziz Ahmed in Moscow.

New Delhi, June 27, 1972.

Esteemed Madame Prime Minister,

On the instructions from Moscow I am conveying to you the confidential information on some consideration of the Soviet leaders regarding the present situation in the South Asian sub-continent and also on the talks with Mr. Aziz Ahmad, a special representative of President Bhutto, secretary-general of the Ministry of External Affairs of Pakistan.

Unfortunately, I could not call on you in Delhi; therefore I am using the kindness of H.E. Sardar Swaran Singh for conveying to you the above mentioned confidential information.

With deep regards,
Unofficial Translation

Continuing the practice of a friendly confidential exchange of opinions, the Soviet leaders would like to share with the Prime Minister certain consideration in regard to the present situation in the South Asian subcontinent.

We highly appreciate the state wisdom, displayed by the prime minister at this complicated junction for the peoples of the subcontinent. The Prime Minister is well aware of the position of the Soviet Union. We firmly and consistently stand for the establishment of a lasting peace at the subcontinent, for the speediest solution by negotiations of all the complicated problems, created as a result of the developments of the last year. In this connection the Soviet leaders sincerely hail the reached agreement on the meeting of Prime Minister I. Ghandhi with President Bhutto in Simla on July 28, and would like to hope that the meeting will lead to the solution of the basic problems, dividing India and Pakistan.

It would be a pity, if the meeting in Simla gives no positive results. It would only put the wind in the sails of those forces in Asia and beyond it, which, proceeding from their narrow interests, are longing for the preservation of tensions in the region.

Moscow is aware that the problems dividing India and Pakistan are complicated and that it is not easy to resolve them. The Soviet leaders agree with the Prime Minister that much will depend on the position, which Bhutto will take at the coming negotiations.

Taking into account this very circumstance, the Soviet side is striving to use all the available opportunities to prompt President Bhutto to take not in words but in deeds the course for the speediest normalization of the Indo-Pakistani relations and for reaching a political settlement on the subcontinent taking into account the present realities.

The talks of the special representative of President Bhutto, the General Secretary of the Foreign Ministry of Pakistan Aziz Ahmad in Moscow/ he was received by A.N. Kosygin, A.A. Gromyko and N.P. Firubin/ were subordinated to this goal. We have already informed the Prime Minister that he visited the USSR on the initiative of the Pakistani side.
A. Ahmad conveyed to the Soviet leaders President Bhutto's assurances that he was, as before, interested in the speediest normalization of the relations with India and in achieving a political settlement on the subcontinent.

Replying to the question, what the President would like to convey through us to the Prime Minister of India, A. Ahmad asked to pass over the following information:

“We want to live in peace with India. We wish also the restoration of peace and normal conditions in Bangladesh. This is the paramount goal. The President is ready to discuss with Mrs. Indira Gandhi any problem, which she would like to touch at the forthcoming meeting, including the question of a peaceful settlement. We think, it will be unrealistic to consider that all the problems, including that of Kashmir which could not be settled for 25 years, can be solved during one 5-day meeting. If all the issues are not settled at one meeting, the leaders of our countries could meet once again.

Finally, the Prime Minister of India may count on President Bhutto's readiness to go as far as it can be possible in the joint search for a peaceful solution. But he had no right to agree to such a settlement which would be dictated by India or would be connected with the renunciation by the President of main principles or basic national interests. The settlement should be an honorable, honest and just one for the both parties. Otherwise, there will be no settlement and that would have disastrous effects.”

Pakistan's position on some basis problems which arose on the subcontinent after the armed conflict of 1971 is, according to A. Ahmad, as follows:

President Bhutto agrees in principle to the desirability of signing a political treaty or an agreement between India and Pakistan, which would contain the party’s pledges not to use force and not to intervene into each others' domestic affairs, etc. Talks with A. Ahmad produced an impression that Bhutto is ready to achieve ultimately in principle an agreement on this matter already in Simla on the condition that such agreement would remain strictly secret for some time, until the President paves the way in Pakistan for making this agreement public.

During the talks a great importance was attached to finding out the position of Pakistan on Kashmir and to exercising by the Soviet Union an appropriate influence in favour of making Bhutto to adopt a more realistic position on this most important issue.

According to A. Ahmad's information, President Bhutto stands for the speediest withdrawal by India and Pakistan of their troops from the ceasefire line in Kashmir to the positions, held by them before the armed conflict in 1971. Though
A. Ahmad was stressing, that Pakistan intended to insist firmly on the observance of the UNO Resolution on the Question of the ceasefire line. It seems to us that the Pakistani side had a reserve position on the problem of Kashmir. When A. Ahmad realized that the Soviet side completely supported the Indian point of view on the necessity of a final settlement of the Kashmiri question on the mutually accepted basis, he said, that President Bhutto was not against discussing this question in Simla. Without giving up the condition of the withdrawal of the troops in Kashmir to their previous positions at this stage, A. Ahmad made to understand, that Bhutto is ready, in principle, to consider the possibility of converting the ceasefire line into the permanent international frontier.

As A. Ahmad said, President Bhutto attaches as before the paramount importance to the earliest repatriation of the Pakistani POWs. It was clear by everything, that though Bhutto would like to prefer to separate artificially the POWs’ question from other outstanding problems of the Indo-Pakistani relations, he understands an unreality of such an approach. In any case, having realized the negative attitude of Soviet side to such a position, A. Ahmad said that Bhutto was ready to discuss in Simla the question of POWs’ repatriation on the basis of the agreed agenda, emphasizing that the position of the President in the country would be considerable stronger, if India could shortly start the repatriation of at least a small group of the POWs and civilians.

A. Ahmad made to understand, that President Bhutto in principle accept that necessity of Bangladesh’s recognition by Pakistan but he still believes that the preliminary meeting with M. Rahman would make such a step easier for him. A. Ahmad strictly confidently informed that Bhutto intended to put the question of recognition of Bangladesh before the National Assembly in August this year, and later might have a referendum in the country on this problem. According to A. Ahmad, agreements reached at Simla, can be put for approval before the National Assembly.

The Bhutto’s representative confirmed the negative position of Pakistan, known to Indian side, concerning the demand of Bangladesh for trial of the Pakistan POWS, who committed crimes during the events of 1971. A. Ahmad also claimed that trials of civilians in Bangladesh who previously collaborated with Pakistani military administration is badly timed from the point of view of creating a favourable climate for the Simla talks. He also referred to the negative reaction of broad circles in Pakistan to these trials.

During the talks in Moscow A. Ahmad was asked to convey to President Bhutto position of the Soviet Union, known to the Prime Minister. We drew the attention of the Pakistani side to the fact that it was highly important for the success of the forthcoming talks at Simla to come forward with a peace programme which
would create a basis for a settlement of all the particular disputes between Pakistan and India. We stated, in particular, that we expected Bhutto to fulfill his promise, given in Moscow to take constructive steps towards concluding a political treaty or an agreement with India, towards settlement on a realistic basis of the Kashmir and other outstanding questions through bilateral negotiations.

In other words we repeated our position on all problems of a political settlement in the subcontinent, which was agreed with the Prime Minister and with the Government of India.

The talks with Ahmed give an impression that Bhutto understands the necessity of normalization of the situation in the sub-continent and the responsibility, which he would take on himself, if the meeting in Simla does not bring about positive results.

The Soviet leaders are sending a message to the President of Pakistan with the purpose to influence him, properly in favour of his adoption of a constructive and realistic stand at the Simla meeting.

It is noteworthy that during the talks A. Ahmad expressed apprehensions that India could go to the Simla meeting with a rigid approach of a victorious country. We resolutely rejected these allegations and underlined that Prime Minister I. Gandhi had informed us that India, as a victorious country, did not want to threaten Pakistan or to humiliate the Pakistani people, did not strive for any territorial acquisitions.

We are satisfied with India’s constructive stand and its approach to the Simla talks, we think that such a position will promote considerably a success of the forthcoming negotiations with the President of Pakistan, will confront him with a necessity to seek a mutually acceptable solution of the outstanding problems.

We believe that A. Ahmad’s information about his visit to the PRC, which he intimated in Moscow, can be of some interest to the Prime Minister. According to A. Ahmed, he had given to Chou En-lai the information on Pakistan’s position similar to that which was conveyed to us. The Chinese side alleged that it was striving for the establishment of peace in the subcontinent and standing for the existence of a strong and independent Pakistan. As noticed by A. Ahmad, the USA, in Pakistan’s opinion, also stuck to that position.

Moscow payed (paid) a special attention to the statements by the Prime Minister about the desirability of consultations between India and the USSR on actions directed at frustrating the plots of the USA and the PRC in Bangladesh. The developments in that country show that the activities of the enemies of Bangladesh are obtaining more and more dangerous character. We completely
share this idea of the Prime Minister and are ready to consult her on the abovementioned questions in any form convenient to her. It is merely necessary in our common interests.

The Soviet leaders would like to assure the Prime Minister that the Soviet side is always striving for coordinating its efforts with the efforts of friendly India on all the problems of the subcontinent, and this fully corresponds with the Soviet Indian Treaty on Peace, Friendship and Co-operation, which serves well both our two countries and the cause of peace in general.

Moscow would be grateful, if the Prime Minister finds it possible to share her views on the mentioned questions.

L.I. Brezhnev, N.V. Podgorny and A.N. Kosygin avail themselves of this opportunity to convey to the Prime Minister their regards and best wishes.

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Note of the Cabinet Secretariat on the ensuing talks between India and Pakistan.

New Delhi, June 28, 1972.

According to a report, the British Foreign Office assessment in connection with the Summit talks between the Indian Prime Minister and the Pakistan President is as follows:-

1. Bhutto would aim at serious negotiations at Simla.
2. Bhutto might announce recognition of Bangladesh at Simla if there is an agreement between India and Pakistan for the releases of the Pakistani prisoners of war captured in the Western sector. The intention of Pakistan in having this agreement would be to exploit it for building pressure on India for the release of POWs captured in the Eastern sector.

Sd/- (G. C. Saxena)  
28-6-1972

Principal Secretary to P. M.  
Shri P. N. Haksar

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0705. Address of President Z. A. Bhutto to the nation on the eve of his departure for India to attend the Summit Conference.

Islamabad, June 27, 1972.

Tomorrow I am leaving for discussions with the Prime Minister of India. I want to take this opportunity of talking to you.

My brothers and sisters, I want to share with you the problems which confront us. I want to share with you our hopes for the future. We are going to India in circumstances which are but a part of the tragic legacy we inherited. The war we have lost was not of our making. I had warned against it but my warning fell on deaf ears of a power drunk Junta. They recklessly plunged our people into the war and involved us in an intolerable surrender which lost us half our country. The Junta did not know how to make peace nor did it know how to make war.

Four divisions, fully equipped were surrendered into enemy hands within fourteen days of the conflict. Over 90,000 of our people are now in enemy hands. A first class fighting machine has become dispirited and degenerate through continued involvement into vested politics. Degeneration and lack of national purpose have seriously affected all our institutions and all our attitudes. The country was on the edge of a political, economic and moral collapse. This is a tragic situation with which we have to deal. We have come a long way from the dark December days. Our people have been revitalized. Our armed forces are under new leadership, recapturing the motivation that makes them the finest in Asia. Our economy is on the way to recovery.

Some disgruntled men of yesterday have the temerity to question why we are going to India? Do they think that we should not seek the return of our prisoners of war? Do they suggest that we should allow the Indians to continue their occupation of two tehsils in Sind and one in the Punjab? Do they think that we can remedy the situation if we do not go to India to talk about these matters?

The past 25 years have been an era of confrontation and war in the subcontinent. With what results to the peoples of the region? They remain the poorest, the most under-fed, illiterate and disease-ridden. It has been a heavy price, and the heaviest has been paid by the poorest in the land. The people of Pakistan sacrificed everything, including political and economic progress. Those who gave their love and tears for Pakistan has to wait for a generation for the advent of democracy. We have lost all hopes for the future. We have lost the largest part of our country. The history of last 25 years makes a pitiable reading.

All this must change. We must concentrate our efforts on serving the people and introducing an era of economic growth. This does not mean that we should
reduce the strength of our armed forces. The defence of our motherland will continue to be of supreme concern to us.

But we will have to reorient our outlook to build a new, strong and vibrant Pakistan. The people of Pakistan must see some measure of prosperity and progress. They have endured much hardship and sacrifices. They have the right to realize the dream which inspired the creation of Pakistan. To provide such a change we are going to India in search of a durable peace in the sub-continent. We hope that the Indian leaders share the same sincerity of purpose.

For nearly three decades we have quarreled while the rest of the world watched us with cynical amusement. In order to find a modus vivendi to live as good neighbours we must have a dialogue. That is the civilized way. The Americans are meeting the Chinese at the level of chief executives. At the height of the Viet Nam war, peace negotiations continue. And the United States-Soviet summit took place in Moscow at a time when war clouds were thickening. We believe in listening to the other point of view in the making and demanding adjustments where adjustments can be made without compromising fundamental positions. One reason we have failed over the years is because of our basic unwillingness to discuss issues with each other. Let us exercise this option now in our search for peace with honour. Peace certainly cannot be imposed and yet remain durable. It must be equitable and acceptable to both India and Pakistan. It is an inherent contradiction to think that a one-sided settlement can lead to durable peace. It can never be lasting. It can only lead to continued instability and war. This is the lesson of history. The Treaty of Versailles which ended the First World War in Europe attempted to impose a humiliating peace on the German nation. In 15 years it was overturned, and a few years later the world was submerged in a massive and bloody conflict without parallel.

It we do not learn from history, we will never learn. To achieve durable peace in the sub-continent the existing obstacles must be removed. The consequences of the last war must be eliminated. Our prisoners of war and civilian internees must be returned and withdrawal of the armed forces must be arranged forthwith.

As far as the authorities in Dacca are concerned there must be an end to the talk of war trials and responsible attitude must be shown towards the non Bangallies and the Bengal federalists allowing them to live as honourable citizens, free from persecution.

The issue of prisoners of war is the most important immediate concern to our people. Tens of thousands of families have been deprived of their fathers and husbands, sons and brothers. Your Government has taken every measure to alleviate their hardships but no amount of moral and material support can provide
a substitute for the absent ones. Our people have shown fortitude in the face of this affliction and if necessary will bear with continued separation. But India had no justification, moral or legal, for continuing to detain our sons. She is flagrantly violating the Geneva Conventions by holding our people prisoners for six months. If by doing this the Indians think they can force us to accept humiliating terms of peace, they are mistaken. As I have repeatedly said, we will not barter principle at stake for human flesh.

In total violation of the resolution passed by 104 member states of the General Assembly of the United Nations on the 7th of December, 1971 and by the Security Council on the 21st of December last year, the Indians have refused to comply with the demand for withdrawal. How can peace be achieved. Nearly one million of our people have been rendered homeless by the continued illegal occupation of our territory. This is not the way to establish durable peace. The Indians must without further delay, arrange to withdraw their armed forces.

By a curious exercise of logic, the Indians say they cannot return our military personal, nor can they withdraw from our territory without first arriving at a permanent peace settlement. Surely, this is putting the cart before the horse. It is only by the return of our people and the withdrawal of forces that we can hope to pave the way for a permanent peace.

The Indians would also have us abandon the right of self-determination for the people of Jammu & Kashmir. But how can we? It is not our right. That is the question. It is the right, the birth-right of the people of Jammu & Kashmir. The principle of self-determination is universally accepted. This right of the people of Jammu & Kashmir has been enshrined in numerous resolutions of the UN acknowledge by Prime Minister Jawaharlal Nehru, the father of the present prime minister. It is for the people of Jammu & Kashmir to assert or abandon their right of self-determination. It is for us to adhere to principles. We will not forsake our principles, whatever the consequence.

The Indians also seek a readjustment of the international frontier between our two countries, to remove what they call ‘irrationality’ but, in effect, to acquire more territory. Are they not satisfied with the seizure of Hyderabad, Junagadh and Manavadar; with their occupation of Kashmir; with the dismemberment of our country? By peace do they mean further expansion? There can be no peace at the expense of our sovereignty. Peace in the sub-continent depends on justice and goodwill. The people of Muslim Bengal have, truly been through a terrible ordeal perhaps, more than anyone else, they require a period free from strife in order to put together the shambles of their shattered land and build anew. This they can do by putting behind the event of the recent past. I do not believe that talk of war trials and the ill-treatment of non Bangalis federalists can, in anyway, contribute to peace in the future. Instead of moving
forward, such measures lead back into the past, a past which has not only been negative but also destructive.

The people of Muslim Bengal are our brothers. Together we fought for our independence. Today we are estranged. But need this estrangement be permanent? This is something we have to settle with the leaders of Muslim Bengal. It concerns our two people. India has no *locus standi* in the matter. This I have repeatedly stated. This cannot be settled on the soil of India.

I hope to meet Sheikh Mujibur Rahman, and then put the outcome of our discussion to the people, to the elected representatives in the National Assembly. In fact, there is no question of by-passing the National Assembly in any matter of fundamental importance.

The task which lies ahead in our discussions with India is not an enviable one. The people of Pakistan have reposed their confidence in me and I must fulfill the duty I owe them. The unanimous vote of confidence in me passed by the National Assembly of Pakistan confirmed and reinforced my mandate from the people.

The crisis end to end is not of our making. You and I warned against it. But now it is there in its fullest form for you and me to confront. I ask you to put yourself in my place. For a moment think that you are me. For I am with you in war and in peace, in distress and in joy.

Fellow Citizens, ask yourself what you would do if you are in my place? How will you negotiate if you are seeking to reconstruct Pakistan? If you are determined to make Pakistan and vindicate national honour, you must exercise wisdom and patience. Slogans are wonderful, but in their own place. There is a time for along and there is a time for reflection. I have always reposed my confidence in the people and sought their guidance and inspiration. It is for this reason that before undertaking the present mission to India, I consulted a cross-section of people to explain the situation and seek their views. Some individuals had said that there was no necessity for my holding these meetings as I am armed with the mandate of the people. But I remain firmly convinced that dialogue with the people is a continuing process. Too long have they been denied this dialogue and we only have to look back to December to see the results.

In the last two weeks, I have talked to leaders in every field, to elected representatives, persons of every shade and opinion, *ulemas*, intellectuals, editors and journalists, lawyers, teachers and students. I have also met the commanders of our armed forces. For the first time, in the history of Pakistan, representatives of all sections have been involved in matters of vital national concern at the highest level. I have undoubtedly, gained from these exchanges. The consensus that has emerged will guide me during our discussions in India. It is heartening to know that as I go to India I carry with me the prayers and
support of our people. You may rest assured that I will never let you down. I have never failed you. I shall never fail you.

Apart from the people of our country, I have also consulted our friends and neighbours abroad. As part of this process I have also visited Peking and Moscow and recently sent a special envoy to these two capitals. As you all know my last mission took me to 14 countries in the Middle East and Africa. This was in continuation of my earlier visits to eight Muslim countries in January. The support that has been shown both at home and abroad will undoubtedly strengthen my hands in negotiating terms of peace. Let nobody doubt that these terms are still to be negotiated. A final settlement cannot take place in the forthcoming negotiations with India. A decision on the fundamental issues can only be taken by the people through their chosen representatives. I am going to hear what the Indian leaders have to say. I shall put over views to them. I hope we shall find some common ground for a lasting peace. I hope we can set the tone and the pace for lasting *mouds vivendi*.

Whatever proposals are made these will remain dependent upon the will of our people. Whatever the outcome of the Simla meeting its acceptance or rejection will not be for me alone to decide but the whole nation.

The history of relations between India and Pakistan is indeed melancholy. It is one of missed opportunities and distrust. It has cost the people of the sub-continent dearly. We are prepared to make a new beginning. If the Indians reciprocate this sincerely, I believe we can make a new beginning.

The search for peace is long and arduous. We cannot in one stroke wipe our past differences and suspicions. We cannot tear off the leaf of history in one week. We have to move forward step by step, and at each step with sincerity on both sides. And this will be sufficient.

We are prepared to discuss now and later all issues within the framework of principles. There have been negotiations in the past with India right from 1947. There can be negotiations in the future. Discussions in the past may have failed to resolve the issue but so has other alternative – war. And the failure of talks, you will agree, is less costly than that of war.

It is better to talk directly than through intermediaries. With this in view we have to first resume diplomatic relations with India. After all we did not break diplomatic relations in the 1965 war. For that matter it will be of mutual benefit if we reopen communications, letters and telegrams can be exchanged. We can start again and it will no doubt be of benefit to the people of the region if a measure of trade is resumed in good time after due deliberations.
Bu this is anticipatory. We have made many gestures to India. We have offered the hand of peace, and in token the unconditional release of the Indian prisoners of war in our custody. Surely it is now up to India to demonstrate her desire for peace in deeds rather than words. But so far India has not made a single constructive gesture to herald a new era in our relations.

We desire peace but not at any price. We desire peace but not at the expense of our principle and honour. I repeat, we seek a just and honourable peace, a peace at the service of our people. We have a difficult task ahead, a task made all the more difficult by certain forces at work in Pakistan.

It is no coincidence that just before my departure labour and language trouble should have erupted in Sind. Some have tried to create dissent in the reborn unity of the nation. They are not patriots. They are not friends of Pakistan. They are not friends of our people. They have been merely posing as patriots and friends of the poor; in truth they are enemies of the people. They have been trying to make trouble during my absence and after my return. But we will not allow these anti-people elements to succeed in their nefarious aims. We will crush them with the power of the people. We will not permit anyone or anything to play with our Pakistan. Inshaallah, nothing can stop us from together building a new and vigorous Pakistan. Nothing can stop us from keeping our appointment with destiny.

The challenge is there both for you and for me. Shall we grasp this moment or shall we let it pass? I declared to this new generation of Pakistan that with your trust and confidence in my judgment we shall cross the broken bridges and reach the mountain top. I beseech you in the name of Allah and in the name of Pakistan to give me your prayers and you good wishes. Pakistan Zindabad.

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Assessment of the speech of President Z. A. Bhutto by the Secretary to the Prime Minister. P. N. Dhar.

New Delhi, June 28, 1972.

I think Bhutto's broadcast must have sounded reasonable to impartial listeners. He talked of the resumption of trade and travel and diplomatic relations, etc. to domestic audiences, he impressed the fact that he will not accept any settlement which is not just and honourable. He, obviously, could not say anything less than that. For us, the speech is a curtain-raiser. He describes P.O.Ws and territory occupied by us as 'fruits of aggression' and asks us to disgorge these ill-gotten gains if we are really interested in durable peace in the sub-continent. To Kashmiris, he said, that the right of self-determination is not something given to them by Pakistan but one that is enshrined in numerous U.N. Resolutions and recognized by India at one stage. But he significantly added that they can also abandon this right, if they so choose. [In the news bulletin that followed the broadcast, the Kashmir part has given a wrong emphasis.]

In this context, our problem is to produce an argument that will convince the Pakistanis that we are holding on to POWs only because Pakistan has failed to recognize Bangladesh. And since the Government of Bangladesh is a party to the question, Pakistan's non-recognition of this Government has tied down our hands. To prove our bona fides, we can readily agree to return the POWs of the Western Sector.

On Kashmir, since he has put the ball of self-determination in Kashmir court, we can refer him to the statements of Kasem (Qasim), Beg and Abdullah and our willingness to abandon our rights to Pak-occupied Kashmir and some further territorial adjustments without disadvantage to Pakistan.

It is significant that Bhutto began and concluded his broadcast by longish reference to his promise to work for the welfare of the people. It seems that he wants to build his political support on a mass base rather than on elitic (elite) preferences. If that be so, Bhutto should have a vested interest in the reduction of defence expenditure. The present budget is undoubtedly defence-oriented and leave much less than was expected for his promised economic reforms. I do not know how the budget has been sold domestically, but he can very well argue that he has had to postpone the reforms so that he may not have to speak from a position of utter weakness at the summit. From our point of view, Bhutto's promises of economic reforms and people's oriented politics are most welcome. Compulsions of these promises will reduce the scope of military confrontation with India. This gives hope that he, in fact, will feel compelled to
avoid the confrontationist course, unless his welfare oriented economic programmes and war machine are financially supported by external sources which seems unlikely because of the sheer size of the bill.

(P. N. Dhar)
28-6-1972

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SECRET
Assessment of the speech of President Z. A. Bhutto by the Principal Secretary to the Prime Minister P. N. Haksar.
New Delhi, June 28, 1972.
Prime Minister's Secretariat
President Bhutto’s broadcast over the Pakistan radio last night needs to be carefully studied. It is reasonable. It is constructive in its approach. It will sound reasonable to the outside world and we have to take this into account.

2. It may be worthwhile summarizing the main structure of his arguments. Briefly, it may be stated as follows:-

(i) He admits that he is the inheritor of a tragic legacy of the misdeeds of his predecessors whom he describes as “a power-drunk junta”.

(ii) He admits that the past 25 years of relations between India and Pakistan have been “an era of confrontation and war”, so that the peoples of the region have suffered.

(iii) He emphasizes that a whole generation of Pakistanis had to wait for “the advent of democracy”. He also holds out the hope to the people of Pakistan that he desires to serve the people and introduce an era of economic growth giving to the people of Pakistan some measure of prosperity and progress.

(iv) He describes the *raison d’ etre* of going to India as a search of a durable peace in the sub-continent, to regain two *tehsils* in Sind and one in the Punjab under occupation of India. He further justifies the need for a *modus vivendi* with India as good neighbours. And he justifies negotiations by referring to the negotiations between the Americans and the Chinese
and the Russians and the Americans. Finally, he says that talks and negotiations are less costly than war.

3. There are, of course, negative features in his speech. There are:-

(i) He still talks about the right of self-determination to the people of Jammu & Kashmir which he describes as being “enshrined in numerous Resolutions of the U.N. and acknowledged by Prime Minister, Jawaharlal Nehru”. However, it is note-worthy when he says that it is for the people of Jammu & Kashmir to assert or abandon their right of self-determination.

(ii) He recalls the story of Hyderabad, Junagadh and Manavadar. He accuses us of dismembering Pakistan and evokes the image of India as one wanting “further expansion”.

(iii) He accuses India of not having made a single constructive gesture to herald a new era in our relations.

(iv) Finally, continued efforts to paint India as aggressor in defiance of established facts.

4. President Bhutto states that he is coming to India to hear “what the Indian leaders have to say” and that he “shall put our views to them”. He is realistic enough to say that “we cannot tear off the leaf of history in one week and have to move forward step by step and at each step with sincerity on both sides.” He also said that he is prepared to discuss now and later all issues within the framework of principles. He then goes on to express his great desire for resumption of diplomatic relations with India which will enable India and Pakistan to talk directly, rather than through intermediaries. He expresses his readiness to re-open communications, so that letters and telegrams can be exchanged. He talks about the benefits to the people of the sub-continent if a measure of trade is resumed in due time after due deliberation.

**Structure of negotiations with President Bhutto**

5. I feel that there should be a brief one-hour session between P.M. and Bhutto alone. I could be present if P.M. so desires. In this session, P.M. should, in her own way, convey to President Bhutto our deep desire for peace with Pakistan. P.M. might also say that she, on her part, has no difficulty in accepting that President Bhutto too desires peace. Two things stand in the way: firstly, the history of our past relationship; and, secondly, President Bhutto’s own image in India. It is too much of a burden for P.M. to carry if she also has to present to our parliament and people that President Bhutto is entirely different a person than what he presents himself to be. It is for the President to consider how she can discharge this burden with credibility.
6. The most painful aspects of the past relationship are:-


(b) Pakistan’s active involvement in encouraging the Nags, the Mizos and the sponsoring of the so-called right of self-determination of the Kashmiris. Finally, Pakistan’s continuous involvement with the Muslims of India.

7. There is another difficulty which is not of our making, namely, the relations or rather the lack of them between Bangladesh and Pakistan. The long shadow of this is inevitably cast even on our sincere desire to make a new beginning in relations between India and Pakistan. P.M. might say how she wished that the summit which is now taking place had been preceded by normalization of relations between Bangladesh and Pakistan. P.M. might make President Bhutto aware of the intensity of emotional feeling in Bangladesh and how very extremely sensitive they are to the question of the Joint Command and their insistence that they are a necessary party to the settlement of the question not merely of the prisoners of war, but repatriation of civilian internees. Passionate feelings are involved in regard to the fate of the Bangalis in Pakistan. These are the facts we have to face, howsoever inconvenient they might be.

8. The question is: how do we get over these difficulties? P.M. might say that she has said all this not with any emotion, but merely as facts to be reckoned with. The terrible legacy of the past had to be got over. And this can be got over if we are today able to enunciate the broad features of our future relationship in which the strongest element should be our firm resolve not to use force in settling our differences either as they exist, or that might arise in future. Such a declaration accompanied by some concrete steps towards implementation of this resolve would put us on the new road to life of peace, amity and good neighbourliness. P.M. might then ask President Bhutto: how do we set about it?

(P. N. Haksar)
28-6-1972
Telegram from Ambassador in Paris for Principal Secretary relayed to him in Simla.

June 28, 1972.

TELEGRAM

From: Foreign, New Delhi
To: Indian Delegation Simla

MOST IMMEDIATE

No.48 June 28, 1972

The Following Telegram received from the Indian Ambassador in Paris on June 27 was repeated to the Indian Delegation at Simla.

P.N.Haksar from (Ambassador) Chatterjee.

I had 35 minutes talk with POMPIDOU today on subjects arising from PM's letter. Present French official thinking indicates (a) Need for Indian magnanimity (b) liberation of POW (c) Dealing the Kashmir issue only in second phase of Indo-Pakistan peace talks (e) recognition of Bangladesh by Pakistan.

It is essential to reverse direction of French thinking regarding (b) and (c) above. Hence my interview with POMPIDOU. I explained at length all the aspects of the POW question and he was satisfied that they were well treated. But he said "India is now a great power" you have nothing to fear from Pakistan. If Pakistan attacks you, she will again be defeated and as disastrously". He stressed need for magnanimity which he thought was also effective as policy.

3. On Kashmir I told him plainly and at length that leaving that state as a kind of "no-man's land" was to invite trouble. For inexplicable reasons, some powers did not consider Pakistan attack on Kashmir in 1965 as aggression against India. I stressed that unless we had proper international frontier, Kashmir might play the disastrous role of a Balkan state before the First World War. POMPIDOU listened intently and nodded but said that he could not see how Bhutto could at one strike recognize Bangladesh and also renounce claims on Kashmir. Bhutto was simply not strong enough for this. A little later after liberation of prisoners and a certain normalization of relations, Bhutto's attitude might be different. I disagreed and cited our bitter experience of the last 25 years.

4. The interview throughout was cordial and it was good of POMPIDOU to have received me considering the monetary crisis, his forthcoming visit to Bonn,
presence of foreign heads of state in Paris etc. POMPIDOU smiled often to ease the tension whenever I looked grim at his enunciation of what we should do regarding Kashmir. (He said—at least twice—that India was “a great power” now and—“great powers are always tough”). But my general impression—without wishful thinking—is that PM’s letter has had good effect on him and if I can keep on putting our case on Kashmir directly and indirectly (through my Gaulist channels) French position may well be modified to our advantage. Last year I had similar experience regarding the liberation struggle in Bangladesh. PM’s visit to Paris was decisive in that context. This time too we must be patient and persistent.

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0709. Interview of Prime Minister Indira Gandhi with a group of Pakistani journalists.

Simla, July 1, 1972.

[Most of the questions and answers were in Urdu and it is a free translation of the conversation]

**Question:** When are you coming to Pakistan?

**The Prime Minister:** That will be decided later. There is no question of any definite date at present.

**Q:** Do you wish to visit Pakistan?

**P. M:** It is not a question of anybody’s wish. It is of what we want to do. I have long felt, particularly ever since the new trend of friendship and of forgetting old conflicts began in Europe. If we have a look at history, Europe has been dominating the whole of the world. It seems to me that if we do not resolve our problems, Asia will always remain in a state of suppression and will be subject to pressures. There is poverty everywhere in all our countries big and small. There are problems which we can never solve whatever help we get from outside and whatever effort we make ourselves. It is absolutely essential that we begin a similar trend here (in Asia) not from the chauvinistic point of view. There are masses who have been under suppression since centuries and have remained poor. They should get a chance to begin a new life. It is therefore, necessary to settle all mutual disputes. If my visit helps this purpose, I shall be only too happy to go there.
Q: Did you ever visit Pakistan after partition?

P. M: I had gone once with Panditji. Perhaps at the time of Liquat Ali Sahib. I don’t recollect the date.

Q: (Not clear, it related to the Summit).

P. M: A brief summit took place yesterday.

Q: When is the next meeting?

P. M: There will be one today also.

Q: Are you satisfied with yesterday’s meeting?

P. M: The whole situation is quite complex – both for Pakistan and for us. The fact that a meeting takes place at all, is bound to have some effect.

Q: Are you satisfied with the progress of the talks?

P. M: It is a word that is being used in all connections. I am not a person who is ever satisfied because I feel no matter what happens better could have happened. But in the circumstances one can’t expect very much; one can only expect that a small beginning is made in lessening tension and suspicion and fear of the people on both sides.

Q: There is a common feeling that the biggest hurdle in the present is the lack of trust. In your view how can this trust be revived so that there is a relaxation in the situation and things get moving?

P. M: The first basic thing is whether both the sides really want peace and compromise.

Q: what is your opinion?

P. M: I believe they do want it.

Q: Both?

P. M: Yes; both want it.

Q: Have you any idea what our problems are?

P. M: Your President has tried to give me some idea.

Q: Has he succeeded or not?

P. M: Even before his telling us we did know about your difficulties. People who have reached agreements in Europe and elsewhere faced no less difficult problems.
Q: At the end of Mr. Dhar’s talks when he visited us it was thought that the situation had become more favourable. After the lapse of these two months, it now appears that more obstacles have arisen. This is the impression of others and those present here.

P. M: Some of the statements that have been made have not helped. Their effect has not been very good. The President himself feels that, that some hardening of attitude has taken place among certain elements.

Q: We also feel that as time passes and if there is no forward movement – things cannot remain static in this age.

P. M: They can never remain static.

Q: The movement is always there, backward or forward. If they do not move forward they will move backward.

P. M: It is correct. There has been some hardening of attitude in Bangladesh as well during this period.

Q: How can a softening in these attitudes be brought about?

P. M: There is no prescription for such things. There is no patent medicine that can be given. Only an effort can be made.

Q: But you are the doctor.

P. M.: No. I am not.

Q: As the bigger country, some gesture..

P. M: I do not believe in big or small. As I told the President on the first day, everything is automatically balanced in the world. If we have some advantages in being bigger we have the same amount of disadvantages, because of the size of the population, the area and the levels of development. It is possible that if the progress continues for many years, we might be some power at some time. As it is we are equally balanced.

Q: (Inaudible)

P. M: Perhaps it is there in your country. I do not know. There is far greater political consciousness here than in other countries I have visited. Everyone follows everything. He has his own opinion.

Q: It has grown much in our country also. More than required. The people express view on every matter, on the biggest problems. Mrs. Gandhi, there is a request. Can you permit Pakistan TV team to visit the POW camps.
P. M: I do not know if it will be of any use.

Q: This will help improve the climate between the two countries.

P. M: It can be good and it can be the other way round. They are in a good condition. The question really is...

Q: Our friends have told us that they are in a very good condition. But it will have a good effect on our country if a group of journalists were allowed to visit the camps. I think they would report on their very good condition.

P. M: It will have to be seen from every point of view what will be its effect.

Q: It we go into the details and depths the whole issue becomes confusing.

P. M: Even then one has to look at all the four sides before doing anything, and consider what the implications are.

Q: Apart from the Jan Sangh is there any determined opposition to a rapprochement with Pakistan?

P. M: Well, in the political parties, that Socialist party. They say they want a rapprochement but they want a federation or a confederation, something like that. But in the ordinary people there is still some fear and especially among people who live along the borders. Quite honestly they say that you will agree to something and as soon as they are ready they will attack once again and we are the ones who will suffer. This is very bluntly said.

Q: But there is change in the effective conditions. The fact is that Pakistan is one tenth of the sub-continent.

P. M: Well, in military strength there is not much difference. We have a very big frontier and we have two frontiers. So I don’t think we are superior. One of the difficulties in this interim period is the startling size of your defence budget...

Q: Compared to yours?

P. M: Ours is a smaller fraction of the total.

Q: But you are self-sufficient.

P. M: Well, not really. Only in food grains.

Q: (not clear).

P. M: Well, you see this is where we have diametrically opposite views, because we have never used our forces for any aggressive purpose nor do
we ever intend to do so. But we have had unprovoked invasions on both sides. Even the first time your troops went into Kashmir, we had no troops there at all, not a single one. There was no presence at all. And your own Foreign Minister at that time finally admitted at the U.N. that the Pakistan troops had gone, although in the beginning you had said “no, they were merely tribals.”

Q: Won’t it probably have a good impact if your and Bhutto Sahib’s visits to each other are frequent?

P. M: It may. I admit that meeting can be useful. You have seen the friendly welcome accorded to him despite fears and suspicions. If the people do not cheer him loudly it does not mean that they did not want to do so. They did not know what would be his thoughts. Many people told me that they were wanting but they were hesitant. But whenever the President raised his hand even slightly then everybody waved.

Q: Is there any possibility of your visit?

P. M: There is no definite discussion. The President just made a reference to it.

Q: (Not fully audible – but it referred to POWs and that Pakistan is not short of manpower but only of weapons).

P. M: And you have no shortage of resources for those either.

Q: The other point I like you to comment on is that you are a signatory to the Geneva Convention. If I remember rightly, Article 118 says that the POWs will be exchanged soon after the cessation of active hostilities – I think that is the phrase. Bearing these two points in mind, how do you justify your position on the POWs issue?

P. M: We have fully conformed with the Geneva Convention. But if you look at that the situation is not that simple. For instance, they do make provision for trials for war crimes. The majority of the troops have surrendered in Bangladesh to a joint command and this also is something which just cannot be ignored. And we have no choice. It is not a question whether we want to do this or do not do that. We have no choice in this matter, unless we have the concurrence of the leaders of Bangladesh, we cannot take any action without that.

Q: Even on the question of those civilians who never wore any arms?

P. M: But they were taken there, you see. They were found in that area. So far as those who surrendered on the Western front there should be no...
Q: But the Article refers to detaining country?

P. M: To that Bangladesh said if you have any problem you send them back here and we will look after them. So you see this....

Q: It is said that those army officers who are possibly repatriated will be used against you. But not the civilian officers. At least civilians...

P. M: It is not such a simple situation. There is a third country involved and we cannot interface in your relations with them and more than we could with your relations with any other country. So, the sooner you patch up or come to some agreement the easier it would be to deal with all the other questions. That is the complicating factor.

Q: where would you like to make the beginning?

P. M: You see some things are not in my hands. So it is no use saying where I will make a beginning. In Bangladesh, at the most I can say, “well in our view, perhaps you should do this.” But that is for them to judge.

Q: If I recall correctly, it was at your, I mean at the request of the Indian delegation, which visited Pakistan that Pakistan agreed to the participation of Sheikh Mujibur Rahman at a certain stage of this session between you and Mr. Bhutto. And so far as we know there was no other condition than this on the question of Mr. Mujibur Rahman such as that we should first recognize Bangladesh; then he would come here. What has really been the development in the intervening period? Isn’t it that the idea is to secure recognition before he could come and join the talks?

P. M: So far as we are concerned, there is no condition. But as I said, he is the leader of his country and we can only tell him “Well, this is a good thing or this will help.” But it is for him to take the ultimate decision. And as I said earlier in reply to another question, we feel that the attitude there had also hardened.

Q: But this becomes your condition. So far as we are concerned...

P. M: But look, what can we do about it? Our situation is like those countries which are sending telegrams to me and probably to your President, such as Canada and others, who say that we must do everything to have a solution or an agreement. “Please make the summit a success.” This is all we can say to Bangladesh also.

Q: Bangladesh will listen to you because of the help you have given..

P. M: The world is neither like that nor it should be. Because we gave a
little help to Bangladesh, towards the end, it does not mean that they are not a sovereign people. That is a fully independent country. They have their own opinions. They have their own difficulties. It is no an easy situation.

Q: But if you….

P. M: Now you have the Bengalis. It might help if you did something about it.

Q: Now this is a question for the peace of the whole of the sub-continent. You are the major partner.

P. M: I sincerely do not believe in major and minor. There are many countries far smaller than Pakistan. But all are equals —whether in U.N. or in other world matters. Compact states have their own advantage.

Q: But you are in a good bargaining position.

P. M: I am not a debater. That is one of my disadvantages.

Q: (Not fully audible—but concerned Bangladesh)

P. M: We cannot help it. Our liking or not liking something does not change history. A situation was created in Bangladesh which caught us unawares. We had no idea of it until it burst upon us as a bombshell. At that time we had come to a certain stage in our political and economic situation where we were looking forward to big progress. We were absorbed in our own affairs. Suddenly the whole situation burst open and the manner in which it developed overflowed into our territory affecting the stability of our country. The social, political and administrative tensions are yet to be overcome.

Q: A new leaf has been turned, has it not been? Can’t we make a new beginning?

P. M: If we did not appreciate the fact, there would not be this summit. We do appreciate that a Government has been formed in Pakistan, and that there is a democratically elected President, that can reflect the thinking of the country. I myself have been saying that we should not keep looking backwards. We must look towards the future. But, certainly, you cannot ignore history in this sense that certain mental attitudes have led to certain situations. But if you stick to those attitudes, may be you come to an agreement but very soon again you have the same sort of situation. The past intrudes only to that extent.

Q: Well, to make a beginning we will have to clear the air. Let us say the present democratically elected Government of Pakistan had been handed
down certain things by a regime which the people of Pakistan never accepted or never endorsed.

P. M: No. But if you will excuse my saying so, we sometimes see the Pakistani press. Now you have only to compare the newspapers - this is not a question of what I say or your people say - of the last year or two years or three years, if you like, and see what sort of attitude was projected to the people as a whole. You will not find any sort of "hate Pakistan" campaign in our press except perhaps in the Jan Sangh newspapers. And that also has come out very recently.

Q: The press in Pakistan till a few months ago was completely controlled. So the press really at that time reflected that attitude of the Government. It can't be interpreted as reflecting the people's attitude.

P. M: But does it not have an effect on the people when they read this sort of thing?

Q: There is a realization. I do not know if it is in India or not, that with the change of regime this is the time for some sort of time for the settlement between Pakistan and India. A time like this would probably never come again. Mr. Bhutto is the kind of person who can deliver the goods and he can thrash our certain issues. If the settlement is not made today such an opportunity would never come probably for many years. I don't know whether there is such a realization here or not.

P. M: I think there is. Of course I think that any time is opportune time for something good, such as an agreement. But I entirely agree with you that President Bhutto is certainly better placed and, as I said earlier, he himself has the type of attitude which can help towards an agreement. We are not always sure whether this attitude is reflected in other members of the delegation.

Q: Has a breakthrough taken place?

P. M: It is very difficult to say anything categorically. But I wouldn't be too pessimistic about it either. I think something can be done. You see, nothing very definite has emerged. So it would not be correct for me to give any definite answer. But as I have said, I am not pessimistic.

Q: My question may be hypothetical but suppose this current discussion fails to produce any very meaningful results, would you think that it would close the door on any future discussions also?

P. M: I hope not.

Q: When are you meeting again?
P. M: We will be meeting in a smaller group. I don’t know whether it is a secret or not, but I share a lost of secrets with others! I think we are meeting in a smaller group. We will be just deciding that. We had originally thought of 10 o’clock but anyway we are not quite ready. So it may either be later this morning or in the afternoon.

Q: We are not a part of the delegation, but if something happens we will also return home happy.

P. M: There must be hope always.

0710. SIMLA CONFERENCE
June 28- July 2, 1972

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A. Speeches of Prime Minister Mrs. Indira Gandhi and President Z. A. Bhutto at the opening of the India – Pakistan Summit.

Simla, June 28, 1972.

Prime Minister Shrimati Indira Gandhi’s Speech:
May I welcome you all. I am glad that you were able to come. This meeting is not perhaps easy of us. Yet I personally feel, and my country feels confident that it should mark a new beginning in our relationship. We welcome the trend of your broadcast, namely to forget the past and look towards the future. Many changes have come about all over the world and there is no reason why we cannot look at our problems afresh.

Pakistan President’s Reply:
I would like to thank you, Madame Prime Minister, on behalf of my entire delegation and on my behalf for your hospitality. I hope that our past contacts will prove beneficial. But before we leave to have this discussion, I want to say a few words. Believe me, we are interested in Peace. That is our objective and we will strive for it.

We want to turn the corner we want to make a new beginning. We are dealing with a very difficult situation, with many past prejudices. I am sure it is difficult
for us as well. We have to make a sincere effort. A little experience of the past might be helpful to understand our problems.

I want to begin with this assurance to you and to your delegation and to the people of India that we would forget that past bitterness, and hostilities and will strive to attain peace with honour. We will try and work it out, and in that you will have my country’s, my people’s and our fullest cooperation.

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B. TOP SECRET

Summary of Discussions between official delegations of India and Pakistan.

Simla, June 28, 1972.

Chairman* opened the discussion by expressing the hope that the task before the two delegations would not be too difficult as the leaders had defined it precisely and without ambiguity. This should facilitate the deliberations.

Chairman said that he had been asked by the Prime Minister to convey that India wished to make a genuine and firm search for peace “that shall reign henceforth”. In this search it would be necessary to make some references to the past. But these references should not be made in a spirit of recrimination, but rather for guidance for the future and for the course that the two delegations would chart out for submission to their Heads of Government. The basic question was: whether there is complementarity in the relations and the cooperation that we seek, or whether apprehensions of continuing confrontation would characterize our relationship. Chairman said that, doubtless, in the course of the discussions differences would crop up, but we should not allow these differences to become insurmountable hurdles in the path of peace. We should attempt to circumvent, if not remove all obstacles, and reach an agreement so that the wishes of our leaders are fully met.

Chairman said that he had been deeply struck by Mr. Ahmed’s frankness, candour and cooperation during the Murree talks. He hoped that the Pakistan side would once again share confidences with India to enable a speedy resolution of mutual problems.

* Chairman of the Policy Planning Committee D.P. Dhar
Chairman suggested that the discussions proceed on the basis of the documents already available to us, namely the agenda finalized at the Murree talks supplemented by the agreed general principles.

In his opening reply Mr. Aziz Ahmed said that Pakistan would heartily reciprocate India’s attempts at a genuine search for peace. He expressed appreciation for Prime Minister’s welcoming statement and felt that if the two sides approached the agenda items in the spirit in which the Prime Minister of India and the President of Pakistan desired, problems could be solved and a picture emerge which would show to the peoples in both countries that India and Pakistan were decided to move resolutely on the path to durable peace.

Mr. Ahmed recalled Chairman’s “impressive” handling of the emissary-level deliberations and expressed Pakistan’s gratitude for some very positive assertions made by the Chairman on that occasion. In particular the following extracts from Chairman’s statements had had a very favourable impact on the discussions:

(a) that India was prepared to give all assurances; that it wished Pakistan well and that it fully recognized its identity and the compactness of its personality;

(b) that India would do nothing to place President Bhutto in an embarrassing situation; and

(c) that India recognized that any solution to mutual problems should be such as would be accepted by the peoples of the two countries.

On the basis of this approach, progress was made at the Murree talks despite the limited brief of the Pakistan emissary. The talks had generated considerable optimism in Pakistan about the future.

Mr. Aziz Ahmed recalled a reference to the question of POWs during the emissary level talks. He had then suggested that if India wanted to keep the POWs indefinitely, she could do so. He said he was not being “cussed” when he made this statement; it only reflected Pakistan’s conviction that if such a line was adopted by India, it would not be conducive to the establishment of durable peace. Mr. Ahmed asserted that he presence of POWs in India posed certain difficulties for President Bhutto. However, the magnitude of the question was not such that the President would not be able to cope with. The reason was that recruitment to the Army in Pakistan was traditionally done from five districts of the Punjab. In these areas the people were used to seeing their men-folk going to war and dying by the thousands. The people therefore were not seriously agitated over the continued detention of the POWs in India. Their general sentiment was that the Pakistan Government should not accept a
‘dictated peace’ or abandon her principles in any anxiety to effect repatriation. Mr. Ahmed quoted the impression gathered by Pakistan’s Chief of Army Staff’s recent tour of a certain district: the latter was categorically told that he relative of POWs were ready to wait, as even in peace time they saw the soldiers only once a year.

Mr. Ahmed said he had made another suggested at the Murree talks, namely that unless repatriation of POWs and withdrawals from occupied territories commenced prior to the holding of the summit, people in Pakistan would feel that India was exerting pressure to extract a settlement from President Bhutto. It had been suggested, Mr. Ahmed recalled, that had the POWs been released before that summit there would have been a tremendous impact in Pakistan. Chairman, at that stage, had agreed that India could consider releasing the Western theater POWs, women and children of prisoners, stranded in Pakistanis and eventually civilian internees. However, since then nothing had happened and India had obviously rejected Pakistan’s suggestion. This had caused considerable personal disappointment to Mr. Ahmed.

Mr. Ahmed stated that the second point that belied his optimism was the fact of the absence of Sheikh Mujib at the summit talks for discussing the question of POWs. Pakistan was initially against tripartite talks on this issue. However, on Chairman’s suggestion they had agreed. The fact that he could not be persuaded to join the deliberations was unfortunate. On the other hand, the Sheikh continued to say that there would be no discussion with Pakistan until Bangladesh was recognized. In this context, a further element of pessimism had been introduced by the fact that India’s Foreign Minister had reportedly endorsed Sheikh Mujib’s position.

What had, however, caused a grave reaction in Pakistan is the news that trials of the so-called collaborators had already begun in “East Pakistan”. A strange law had been put into operation for holding these trials: it was with retrospective effect from 25th March 1971.

Under this law, personnel of the U.N. Agencies working in “East Pakistan” should also be tried as collaborators. Recently, a report had come out that one person had been tried and sentenced to death. Even, senior officials are to be tried. Moreover, not a single day passed without the so-called Ministers in Dacca reiterating their intention to hold trials. Mr. Ahmed said that this had caused a very “unpleasant situation”. It had also been reported that India would be handing over POWs to the Dacca authorities for trial. This had caused tremendous resentment in Pakistan. Fortunately, a denial had been issued by India.

Mr. Ahmed said that the developments enumerated by him above had caused pessimism in Pakistan. Foreign Secretary interjected to say that the very fact
that the emissary-level talks had led to the present summit meeting was in itself a positive outcome which should generate optimism. Mr. Ahmed replied that recently there had been some set-backs.

Chairman said that the views expressed by him during the emissary talks were reflections of the sentiments of the Prime Minister and the overwhelmingly large segments of public opinion in India. Chairman emphasized India’s desire for durable peace and said that the peace we seek is one between equals. Why then should Pakistan raise again and again their apprehensions about an unequal peace? There is no such thing; an imposed settlement can only be the precursor to wars and confrontations. India talked to Pakistan not only as an equal but as an estranged brother. There is a deeper quality to our relationship which has been lost but which has to be recaptured. We are not so vulgar, and nothing is farther from our intentions, as to dictate any peace settlement to Pakistan. We are sincerely animated by a desire to turn our backs on an unfortunate and tragic past and to build up a new chapter based on trust and mutual confidence.

Chairman said that when he spoke of the possibility of repatriating categories of POWs, he had simultaneously set out two necessary conditions which were regarded by India as essential pre-requisites to repatriation, viz:

(a) the question of concluding a peace settlement between India and Pakistan, and

(b) India’s commitment to Bangladesh on the question of POWs.

Chairman recalled that he had suggested that Pakistan should agree to the consultation and association of Bangladesh on this question. As Pakistan could not agree to accept such consultation and association, Chairman had asked for a formulation form Pakistan that would satisfy India’s requirement in the matter. The formulation, however, submitted by Pakistan omitted both “consultation” and “association” and was merely restricted to a “discussion” with Sheikh Mujibur Rahman. Chairman had suggested that this attitude of Pakistan could jeopardize even the other results of the emissary talks. He had, therefore, requested Mr. Ahmed to inform us subsequently about Pakistan’s decision in the matter. No communication had, however, been received.

Chairman reiterated that our position on the POWs should not be interpreted as a device to stall on the question of their repatriation. It reflected a commitment to which India was honour bound. The key to the resolution of the difficulty posed by our differing approaches; however, lay not with India but really with the President of Pakistan. India would not plead for the recognition of Bangladesh by Pakistan. But, Chairman said, such recognition would be very helpful in resolving not only the question of POWs but also other issues of a
We were not making any gratuitous suggestion; we leave it exclusively to Pakistan to take a decision on this question. On our part whatever influence we have with Bangladesh, we have used it in a positive manner, to bring forbearance to frayed tempers. India, Chairman reiterated, was not so callous as to trade in human flesh. We are not going to use the question of POWs or withdrawals for forcing anything on Pakistan which goes against that country's dignity.

Mr. Aziz Ahmed said that his sense of pessimism may have been due to some misunderstanding. Pakistan did not realize that the difference between “consultation” and “discussion” with Bangladesh was so vital for India. However, Pakistan’s main anxiety at this present juncture was that in Sheikh Mujib’s absence what progress could Pakistan expect on the question of POWs? How do the two sides proceed? Do we postpone a decision until Sheikh Mujib finds it possible to participate?

Chairman suggested that the delegations should first tackle the question of determining the elements of durable peace which was the first item on the agenda. Afterwards, solutions could be found to other questions. Mr. Ahmed stated that it had been clearly mentioned in the agenda that the items regarding a peace settlement and the POWs would be taken up simultaneously. If India could not take decisions on the question of POW repatriation and withdrawals we were “stuck” straightway. The Sheikh did not want to talk to Pakistan. This in itself was very unwise. But if this fact stymied a discussion on POWs, it would be a double tragedy.

Chairman stated that if we made headway on a peace settlement, other problems, which seem intractable at the moment, would also lend themselves to a solution. As regards the specific question of the POWs, there were two elements; there was a bilateral aspect as well as a trilateral element which involved consultation with Bangladesh. Chairman suggested that the two sides might first discuss the bilateral aspect instead of getting bogged down. What was more important, we should concentrate on how enduring peace could be established. The question of POWs, withdrawal from territories and other allied matters were merely the after math of the hostilities: they were not in themselves the cause of conflict, but its sequence. By addressing ourselves to finding a cure for the disease, the symptoms would sort themselves out subsequently.

Mr. Ahmed asserted that, in view of India’s position that the bulk of the POWs surrendered to a joint Indo-Bangladesh command, the bilateral aspect of the question was insignificant as it involved merely 600-odd POWs. However, what is required is a decision regarding the vast, majority of the prisoners. In Pakistan’s view therefore the absence of the Sheikh was a “major hurdle”, unless, of course, the Indian Government had already consulted the Dacca
authorities and had obtained agreement on questions relating to repatriation of POWs. Pakistan Delegation could not possibly return with only a peace settlement; without POW repatriation and withdrawal of forces, there would be little merit in continuing discussions.

Chairman urged Mr. Ahmed not to throw up his hands in despair at the very outset. India’s desire for the establishment of perpetual peace did not in any manner imply an agreement on this issue in vacuum, without taking decisions on other problems.

At this stage Mr. Ahmed enquired in specific terms that if Pakistan could reach an agreement with India on a statement embodying the elements of durable peace, would India be in a position to make a declaration about the repatriation of POWs and troop withdrawals? Or, would a reference to Shiekh Mujibur Rahman still be required? Chairman replied that if we could see the prospects of peace emerging and are also able to resolve the bilateral question relating to the POWs, we could jointly address ourselves to the other questions. Let our agreements first take some shape and form. We could then take up consideration of the residual difficulties. We were happy to note that Pakistan had had time to devote itself to the question of the elements of durable peace. There should, therefore, be no difficulty on this score. On the POW question the bilateral aspects could be discussed and settled. It was, therefore, only the question of the association and consultation of Bangladesh that presented a problem. Chairman suggested that Mr. Ahmed might like to communicate this to President Bhutto.

Mr. Ahmed abruptly suggested that unless the Indian Delegation had anything further to state on items 1(a) and (b) of the agreed agenda, the meeting could be adjourned. Intervening in the discussion, Principle Secretary to Prime Minister stated that while India could not advocate the recognition of Bangladesh by Pakistan, the lack of recognition created problems for us. It was our impression that even in Pakistan there was a feeling that recognition of Bangladesh would facilitate Indo-Pakistan discussions. We had also received the impression that Pakistan was itself, contemplating such recognition. If this was indeed Pakistan’s thinking, we could remove the main obstacle to an agreement on durable peace between the two countries. He wondered whether it would not be possible to devise a formulation which would enable the two sides to get rid of this obstacle within an agreed time-frame given the perspective of durable peace.

Principal Secretary stated that while the Americans, Russians and Chinese could talk about the affairs of the sub-continent, it should not be beyond the peoples of this region to find a modus vivendi. It was necessary for both of us to recognize the realities of the situation. They had to be faced. It was futile to transfer epithets
to a third person, who was not even present. Principle Secretary assured the Pakistan side that we were sensitive to their position, but urged a joint resolution of mutual problems. Mr. Ahmed's query as to how these problems could be resolved; Mr. Haskar replied that Mr. Ahmed was far too experienced a civil servant to pose this question. Mr. Ahmed then suggested that India might help in persuading Sheikh Mujib to meet President Bhutto without any preconditions. Mr. Haksar replied that the Sheikh was a person of deep emotions and a leader who took things very seriously. Foreign Secretary intervened to say that even the Sheikh has felt that movement was possible when an agreement had been reached with Pakistan regarding the exchange of a thousands hardship cases on either side. But this proposal had subsequently been rejected by Pakistan.

Mr. Ahmed explained why the exchange proposed by the ICRC has fallen through. Pakistan could not start by repatriating “civilians” without first taking some steps on the question of the return of POWs. A civilian exchange would have created an adverse reaction in Pakistan. The Armed Forces would also not have liked it. In any case, the exchange involved peons etc. and other people who did not really matter. However, Mr. Ahmed felt, the mere fact that this exchange did not go through should not make Sheikh Mujib obstinate. The Sheikh was clearly on the “wrong end of the stick”. Mr. Ahmed again solicited India's assistances in persuading Sheikh Mujib to talk to President Bhutto. If a meeting did take place, President Bhutto would sympathetically consider Pak-Bangladesh matters. The main problem was that President Bhutto had consistently taken a public position that there could be no recognition of Bangladesh without a prior meeting with Sheikh Mujib. He cannot possibly go back from this position. He could have, perhaps initially - - even up to three months ago - - decided himself to recognize Bangladesh. He cannot do so now. President Bhutto finds that with the passage of time, opinions in Pakistan are hardening on the question of recognition. This was a natural corollary of the rising morale in Pakistan and is precisely why President Bhutto now has to take the whole question to the National Assembly. President Bhutto is, of course, seized of the problem, and has even considered the expensive proposition of holding a referendum on the question He must be able to carry the people with him in any decision that might be taken on this issue.

On the other hand, President Bhutto had strived ceaselessly to prepare the ground for the summit. He has repeatedly spoken of Pakistan's decisive and humiliating defeat at the hands of India to meet the argument of revanchist and hard-line elements in the country, despite the fact that this hurts the people of Pakistan and particularly the Armed Forces. The President had also undertaken visits abroad with the same objective. He has held meetings at Murree with different sections of the Pakistani public - - all as part of his endeavours for peace. But while he does what he can, he cannot go ahead and recognize
Bangladesh on his own. It was difficult to accept the Sheikh’s condition of recognition before entering into any dialogue with Pakistan. Principal Secretary categorically rejected this assertion.

Chairman said that India was gratified to know of President Bhutto’s valiant efforts to induct peace into a war-torn sub-continent. Pakistan should rest assured that in this endeavour of President Bhutto, India is completely with him.

Chairman then summed up the discussion as follows:

(1) It was possible to perceive a broad, viable perspective of peace which could be followed by normalization of relations, vacation of occupied territories and the repatriation of the prisoners of war.

(2) The only hurdle to reaching such a peace settlement was the lack of Pakistan’s agreement to the association of Sheikh Mujib on the question of repatriation of POWs.

Chairman said that if the Pakistan side agreed to these conclusions, they could be remitted to the respective leaders.

Mr. Ahmed then enquired that if President Bhutto agreed to a suggestion to hold talks with Sheikh Mujib, would the Sheikh be able to join the delegation here at Simla. Chairman disabused Mr. Ahmed of the persistent Pakistani impression that Sheikh Mujib needed but a small hint from India to come running to Simla. He suggested that the question of the Sheikh’s association had to be approached jointly. It was a small obstacle that could be crossed, but because of this problem the two sides should not throw away the possibility of discussion and agreement on more vital issues. Shall the talks founder (flounder) on the mere question of the presence or absence of Sheikh Mujib?

Mr. Ahmed reiterated the Pakistan position that the summit must result in visible progress on the questions of POW repatriation and troop withdrawals. Without such movement President Bhutto would not be able to place any other agreement that might be reached at the Summit talks before the people of Pakistan. Was the Indian side suggesting even a tentative agreement on these issues?

Principal Secretary assured Mr. Ahmed that India was sensitive to Pakistan’s position. Chairman added that India would not do any thing that would be derogatory, or cause embarrassment, to the President.

The meeting adjourned with the understanding that the two delegations would report to their leaders and that another session would be held at 10 A.M. the following day. It was also agreed to issue a joint statement to the press indicating that the discussions were continuing satisfactorily as this would discourage harmful speculation.

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C. Joint Statement issued after the firsts meeting between the Indian and Pakistani delegations.

Simla, June 28, 1972.

The summit talks between India and Pakistan began at 5 p.m. in Simla today. At the opening session the Prime Minister of India extended a warm welcome to the President of Pakistan and his delegation and expressed the hope that the talks would mark a new beginning in the relations between the two countries. The President of Pakistan thanked the PRIME MINISTER for her words of welcome and hospitality extended to his delegation and reciprocated her sentiments.

The Prime Minister and the President of Pakistan than met separately in a restricted session. They nominated their respective delegations to commence discussions on the agenda finalized at Rawalpindi on April 29, at the conclusion of the emissary level talks.

The delegation headed by Shri D.P. Dhar and Mr. Aziz Ahmed began their discussions at 7 p.m. the talks were held in a cordial and constructive atmosphere and continued for two hours. It was decided that the two delegations would report to their respective leaders and resume their discussions on Thursday, 29th June at 10 a.m.

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Mr. Aziz Ahmed, leader of Pakistan delegation, referred to the Indian draft on elements for durable peace submitted at the Emissary-level discussions at Murree. He recalled the two comments he had then made on this document, namely that any such statement should be compact, simple and in accordance with common international usage, and secondly that it should contain an effective machinery for peaceful settlement of disputes. Shri D.P. Dhar reminded Mr. Ahmed that he had then expressed full agreement to the first comment but had reserved his comments on the second at a later stage.

Mr. Ahmed said that the most important consideration for them in devising the language of any agreed understanding is that their President should be able to sell it to the people of Pakistan. Along with the question of recognition of Bangladesh, any understanding reached with India would have to be ratified by the National Assembly. Mr. Aziz Ahmed then referred to the joint declaration issued by U.S.A. and U.S.S.R. and said that they felt that this declaration contained formulations which could guide us in evolving an understanding. They had prepared a draft on this model (Annexure A) which he would like to submit with the following comments:

Mr. Aziz Ahmed said that this draft understanding did not include the last two points of the draft of elements on durable peace submitted by the Indian Delegation at Murree talks (These concerned the inviolability of the frontier or boundaries and preventing subversion in each other’s territory), as they felt that these were covered by other relevant provisions.

Shri D.P. Dhar said that we were not wedded to any particular terminology or expressions, nor prisoners of any captions or labels. We were, however, convinced that any agreed formulation should firstly be in conformity with the existing situation, and secondly capable of implementation, thus paving the way for future relations between the two countries. To this extent the U.S.A./U.S.S.R. declaration does not contain principles which can be incorporated in an understanding between India and Pakistan. However, he said that he was happy that we were moving in a positive direction and promised to study the document given by the Pakistani delegation most carefully.

Shri D.P. Dhar also expressed his doubts concerning the inclusion of machinery for peaceful settlement of disputes, as it had implications of arbitration, mediation, etc. He felt that the world was fast moving towards bilateralism, as
the USA/USSR declaration itself indicated. Therefore there was no need for us
to look towards any outside agency or country or forum for settling our disputes
or differences of opinion. Moreover, self-executing machinery and similar
expressions were products of past suspicions and mistrust. It is our hope that
in the altered circumstances we would be able to settle our disputes bilaterally.
However, Shri Dhar said he would like to reserve his comments on this provision
and had made the above observations only as he had left India’s position on
this subject unclear at Murree. Shri Dhar also said that the seven elements of
peace submitted by the Indian Delegation at Murree, though unexceptionable,
could be extended to cover more problems or facts which may need support.
And therefore we would not like to be rigid on these principles.

Shri D.P. Dhar then mentioned that he had not formally brought out the question
of Kashmir which had been the sources of conflict and tension between our
two countries although he had mentioned it in private to the leader of Pakistan
Delegation as also to the President of Pakistan.

Mr. Ahmed tried to defend their concept of machinery for the settlement of
international disputes by saying that this is a necessary and reasonable
formulation which provides for peaceful settlement of our disputes. It is not
born of any mistrust but is being suggested with a view to any eventualities
that may arise in future. He further said that the people of Pakistan were
expecting a provision of such a machinery in any understanding with India, as
they would otherwise feel that President Bhutto had been pressurized into
singing a peace settlement due to the Pakistani prisoners of war in India, Indian
occupation of Pakistani territories and the fact that India’s military resources
are five times bigger than those of Pakistan. He also said that they would
discuss Kashmir separately if that was also to be made a condition of peace.

Mr. Ahmed again referred to the internal pressures on President Bhutto and
underlined the absolute necessity of reaching a settlement acceptable to the
people of Pakistan.

With reference to the internal pressure on President Bhutto, Shri Dhar said
that in the interests of peace and friendship for our future generations, one had
to take certain calculated risks. He also said that in enunciating any elements
of peace we have to take care that they do not contain any agreements or
formulations which were never kept or acted upon in the past. In this context
he referred to the Tashkent Declaration which was wholly accepted by India. If
an agreed document has to reflect the present situation, it must seek to abjure
the right of either party to alter any situation by use of forces. In the past Pakistan
had always reserved the right to alter situation by use of force, and under the
shadow of the Kashmir issue, it was impossible to decide on various other
considerations. Instead of trying to use forces to settle issues, we should let
them remain unsettled. When Mr. Ahmed mentioned that we have to take recourse to other peaceful means like arbitration, mediation, judicial settlement etc., Shri Dhar said that as signatories to the U.N. Charter we can always bilaterally decide to settle any dispute by any of these means. He reminded Shri Ahmed that the Kutch issue was similarly referred to a judicial tribunal.

Shri P.N. Haksar said that the U.N. Charter itself mentioned other peaceful means by which international disputes could be settled. Shri Dhar said that it was the Kashmir issue which brought us back to self-executing machinery, arbitration, mediation, etc. and recalled that India had never accepted these in the past. When Ahmed said that this might mean our going back to the 1951 position, Shri Dhar said that he hoped we shall be able to resolve that Kashmir issue also.

**Shri P.N. Haksar made the following two points:**

(a) that we should not allow ourselves to be influenced by echoes of the past but come with new ideas and new approaches which can help us solve our own problems ourselves, instead of either going to war or involving distant countries into our disputes,

(b) Indian politics has its own compulsions and complications. We consider it our business to manage our obscurantist and hard-core elements. We are similarly hopeful that you will be able to manage yours. But we cannot permit our individual internal compulsions to affect the settlement in favour of either party.

Commenting on this Mr. Ahmed said Pakistan’s compulsions were of a unique nature as his country had faced dismemberment, had 93,000 prisoners of war in India and had it territories occupied by Indian Army. These are not normal compulsions of internal politics but reflected that results of last year’s tragic events. He expressed that the Indian side would appreciate this.

It was then decided to adjourn the meeting so that the Indian delegation could study the draft submitted by the Pakistan delegation. It was also decided that the official delegations shall meet again at 4 p.m. and report to their respective leaders who would be meeting later in the evening.
E.

Summary record of discussion between the official delegations of India and Pakistan.

Simla, June 29, 1972. (5.30 P.M.)

Chairman (D.P. Dhar) stated that the Indian Delegation had prepared a document which calibrated our ideas on durable peace. It also incorporated suggestions from the draft submitted earlier by the Pakistan side on the basic principles that should govern relations between the two countries. Chairman stated that we had called the document a “treaty”, but this did not mean that it had to be labeled as such. The inspiration to term it a treaty, Chairman remarked, had actually come from Pakistan; all the earlier agreements between the two countries had been observed more in their breach than implementation. Mr. Ahmed interjected to say that a less obtrusive designation than a 'treaty' would be required. He, however, said “We do not want to raise eye-brows unnecessarily”. He, however agreed to Chairman’s suggestion that calling any agreement reached between the two sides a 'statement' would be too mild, dull and inappropriate.

Chairman then presented India’s draft treaty “for reconciliation, good neighbourliness and durable peace” between India and Pakistan. (Attached as annexure ‘B’)

After a brief perusal though the document, Mr. Ahmed stated that his initial reaction was that the treaty was worse than even the Tashkent Declaration. It could not possibly go through Pakistan’s legislature. President Bhutto would not even place it before the National Assembly. The treaty implied a rejection and negation of Pakistan's proposals. Mr. Ahmed said that Pakistan had desired an ‘informal’ agreement, couched in simple language of common currency. Any agreement also had to provide for a self-executing machinery for its implementation; this was vital for Pakistan. The Indian document was nothing more than a no-war declaration in its old form which had been rejected 20 years ago. Mr. Ahmed said that he categorically told Chairman at Muree that President Bhutto was not even prepared to discuss a no-war treaty. The Pakistan Government had also considered Chairman’s suggestion that there could be a secret agreement between the two sides on such a no-war declaration, and had decided against it. Moreover, Chairman had then promised that whatever agreement may be reached on the non-use of force would be worded as innocuously as possible. India’s present draft treaty was a very far cry from innocuity. Mr. Ahmed wondered why India was so keen to have Pakistan agree to a no-war declaration. At no time had Pakistan been a threat to India’s security, despite constant propaganda in India that this was so. History has disproved,
and recent events have clearly established, that Pakistan can never pose a threat to India. It was India which now had in detention over 90,000 Pakistani prisoners. India was also in occupation of Pakistani territory. There can, therefore, be no doubt as to which country poses the “threat”. On the basis of the document presented by India, Mr. Ahmed asserted, there could be no “meeting ground” between the two sides.

Chairman replied that he had listened to Mr. Ahmed’s observations with considerable dismay. The reference to India being a threat to Pakistan was unfortunate. We thought that the deliberations would be guided by the wise statement of the Pakistan President that it would be futile to determine “who had fired the first shot”. There was, of course, Chairman said, a common belief in India that we had been subjected to unprovoked attacks by Pakistan on several occasions. But we did not wish to go into this controversy as we felt that the task of the officials of both sides was not to apportion blame or credit for past events but rather to devise means of how best we could turn backs on the unfortunate chapter of the past.

Chairman said that Mr. Ahmed’s observations had brought to the fore the principle elements in the present situation - - the apprehension and fear in both countries about each other’s intentions. The Indian document seeks precisely to eliminate this apprehension. It provides for disengagement, balanced reduction of forces, removing the fear of sudden attack, etc. We had gone further and, in abridgement of our sovereignty, had provided for joint inspection teams to supervise the suggested balanced reduction as also the stationing and deployment of the Armed Forced.

Chairman said we had endeavored to make far-reaching commitments instead of mere assertions regarding the maintenance of peace between the two countries. We had gone to the core of the problems in the hope that the Pakistan side would find this approach unexceptionable. For instance, the treaty had sought to remove yet another apprehension on both sides that the unity, solidarity and identity of India and Pakistan were threatened by means that were latent and not open like war.

Moreover, Chairman said, the expressions and words used in the Preamble of the Treaty closely resemble the language of the Pakistani draft. The wording of the other articles was precise and of common usage, thereby meeting Pakistan’s points on this score. It was unfortunate that Pakistan should regard the document as another Tashkent Declaration and condemn it outright. In any case, the tragedy of the Tashkent Declaration was not that its language was the language of surrender but rather one of non-implementation of its provisions. India’s draft treaty was not similar. It was also not a simple no-war declaration. It rather contained the principles enshrined in the UN Character, expounded at
Bandung and accepted in most of the recent treaties concluded between Western powers. It did not even remotely smack of a dictated document. Pakistan was not being asked to sign on the “dotted line”.

Chairman then took up Pakistan’s insistence on providing for a self-executing machinery to settle mutual disputes. Why should the two countries, he said, bind their hands to arbitration and mediation in advance. The concept of such a machinery had proved self-defeating in the past. Moreover, the means that this machinery laid down were already embodied in the UN Charter which, as the Chairman had explained in the morning session, could be resorted to by both countries by common agreement. Specifically laying down arbitration, mediation, etc. conveys the impression of continuing distrust and suspicion on both sides.

Chairman suggested that the Pakistan side consider the Indian draft in the spirit in which it had been prepared. It should not be difficult to grasp this spirit. The provisions of the document could, of course be reframed or altered by mutual discussion.

Mr. Ahmed said that he was deeply conscious of his personal failure in conveying to the Indian Delegation the limitations under which the President of Pakistan was operating. Public opinion in Pakistan was very raw, very sensitive. The President was striving ceaselessly to extricate his people from this state of mind. This was a difficult task as very big issues were involved. (Bangladesh recognition, living in peace with a country after last year’s events). Apart from public opinion the President also had his own commitments, he will do nothing which involves a surrender of principles. He did not want another Tashkent Declaration. It was true that the Declaration contained some unexceptionable principles but the people in Pakistan, perhaps illogically and irrationally had never accepted it. The President would have to take this opinion into account. Pakistan was not being difficult, but they would rather do without a settlement than agree to something which could not be sold to their people.

Mr. Ahmed asserted that the two sides were working on false premises. He could not agree to the Indian Document, its format, its elements. This was not the psychological moment. Pakistan merely wanted a briefly worded agreement on principles which could be put across to the people. The Pakistani draft was, therefore, precise and brief. But the Indian side had totally rejected its contents and format, and had instead suggested a treaty. The President could never agree. Mr. Ahmed said he would, nevertheless, place it before the President as an indication of how India’s mind was working.

Chairman asked for a clarification on how the document involved any surrender of principles. Frankly, we did not know the precise areas in which we had
Mr. Ahmed replied that he could not accept the Chairman’s remarks as the basis for discussion. Specifically, however, the following aspects of India’s draft treaty were unacceptable:

(a) it involved a surrender of Pakistan’s right to determine the best way to defend the country by providing for balanced reduction of forces and joint inspection.

(b) There is no provision for a ‘machinery’. Pakistan may not insist on a “self-executing machinery”, after obtaining President Bhutto’s approval, but some such provision was a pre-requisite to any agreement on non-use of forces.

Regarding (a) Chairman said that this provision was incorporated as we felt that it would meet with Pakistan’s approval. If it did not please the Pakistan side, it would be withdrawn. Secondly, we had thought that the provisions of the UN Charter would themselves be adequate to cover the point raised by Mr. Ahmed at (b). Mr. Ahmed replied that the Charter was not enough. What was India’s objection to arbitration or decision by tribunal? Precedents in the context of Indo-Pak relations could be found in the Bagge Award and the Kutch Tribunal, both of which had succeeded in settling disputes. Mr. Ahmed reiterated that the maximum that Pakistan could go was to avoid, with President Bhutto’s approval, a precise definition of the self-executing machinery. But if this minimum position even was not acceptable to India then, Mr. Ahmed confessed, he did not know how to proceed further.

In conclusion, Chairman cautioned against complete despair. He suggested that the Pakistan side co-relate the ideas contained in the Indian and Pakistani drafts and perhaps superimpose our suggestions onto the Pakistani proposals. A formula could well be devised which would prove unexceptionable. We should at least go through these steps before confessing to failure. Mr. Ahmed agreed to do so.

It was decided that the officials’ delegation would resume discussions at 10 A.M. the following day. The two sides also agreed to issue a joint press statement.
ANNEXURE “B”
INDIA
29-6-1972

DRAFT TREATY FOR RECONCILIATION, GOOD NEIGHBOURLINESS AND DURABLE PEACE BETWEEN THE REPUBLIC OF INDIA AND THE ISLAMIC REPUBLIC OF PAKISTAN.

THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF PAKISTAN,

DETERMINED to put an end to the conflict and confrontation that have hitherto marred the relations between India and Pakistan and work for the promotion of a friendly and harmonious relationship between the two countries and their peoples with a view to the establishment of durable peace in the sub-continent.

CONVINCED of the undesirability of diverting resources from development of defence, and of the need to devote their resources and energies principally to the pressing task of advancing the welfare of their people.

UPHOLDING their firm faith in the principle of peaceful cooperation and co-existence between States, non-interference in each other’s internal affairs and respect for sovereignty, national independence and territorial integrity of each other,

DECLARING their firm resolve to restore normal and peaceful relations between their countries and to work jointly and unceasingly for maintaining a climate of reconciliation and understanding between their peoples,

HAVE AGREED as follows:

ARTICLE I

The Government of India and the Government of Pakistan attach supreme importance to maintaining a climate for durable peace and preventing the development of any situation capable of causing exacerbation of their relations.

ARTICLE II

The Government of India and the Government of Pakistan affirm their resolve to respect the independence, sovereignty and territorial integrity of each other and refrain from interfering in each other’s internal affairs.

ARTICLE III

The Government of India and the Government of Pakistan regard as totally inadmissible recourse to war for the solution of international problems, and
hereby renounce the threat or use of force in their mutual relations. In pursuance of this pledge, they undertake to settle all issues between them bilaterally and exclusively by peaceful means.

ARTICLE IV

The Government of India and the Government of Pakistan shall refrain from organizing or encouraging the formation of irregular forces or armed bands including mercenaries or volunteers howsoever named, for incursion into the territory of the other State. They shall not assist by any means activities, whether armed or otherwise, directed towards the overthrow of the lawfully constituted authorities of each other.

ARTICLE V

In order to concentrate their energies on economic and social development and to avoid diversion of resources from development to defence, the Government of India and the Government of Pakistan agree to a balanced reduction of their defence forces facing each other and of their stationing and deployment in areas mutually specified so as to eliminate the possibilities of a sudden outbreak of hostilities.

The Government of India and the Government of Pakistan further agree that joint inspection teams shall be established to ensure effective implementation of agreements entered into pursuant to this Article. The joint inspection teams will submit their reports from time to time to the two Governments.

Both sides agree to enter into a Protocol for the implementation of this Article, which shall be an integral part of this Treaty.

ARTICLE VI

The Government of India and the Government of Pakistan agree that in order to create and maintain a climate of peace, friendship and understanding between the peoples of the two countries, it is essential that all hostile propaganda directed against each other shall cease. They further agree that both countries shall actively encourage the dissemination of information to promote the development of friendly relations and cooperation in various fields between the two countries.

ARTICLE VII

The Government of India and the Government of Pakistan undertake to identify and develop areas of cooperation and common interest between their two peoples. In order to achieve this objective, they shall establish joint commissions or other joint bodies so that areas of cooperation may develop on a firm and
long-term basis for mutual benefit. For this purpose, both sides agree to enter into Protocols which shall be integral parts of this Treaty.

ARTICLE VIII

The Government of India and the Government of Pakistan regard commercial, economic and cultural ties as important and essential elements in the strengthening of bilateral relations. They agree to promote the growth of such ties.

ARTICLE IX

The Government of India and the Government of Pakistan agree to facilities visits of nationals of one country to the other through mutually agreed routes for personal, commercial, religious, cultural and other reasons.

ARTICLE X

The Government of India and the Government of Pakistan agree that with a view to the effective implementation of this Treaty, periodic consultations shall be held between the two countries at appropriate levels.

ARTICLE XI

This Treaty shall enter into forces upon signature. It shall continue to be in force for a period of ten years in the first instance. It shall continue to be in force thereafter until it is terminated by either party by giving to the other six months notice in writing.

IN WITNESS WHEREOF, the representatives duly authorized by their respective Governments have signed this Treaty in two original texts, each of which is authentic.

DONE on this the ___________ day of _________ one thousand nine hundred and seventy two.

For the Government of India
For the Government of Pakistan

NOTE

As agreed earlier, the question of Jammu and Kashmir will be discussed separately. To complete the text of this Treaty, the Agreement reached at such discussion shall be incorporated in the form of Articles at an appropriate place in this Treaty, and shall constitute an integral part of this Treaty.
PAKISTANI DRAFT
(June 30, 1972)

Agreement on Bilateral Relations between the Government of India and the Government of Pakistan

The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship with a view to the establishment of durable peace in the subcontinent, so that both countries may henceforth devote their resources and energies principally to the pressing task of advancing the welfare of their peoples.

In order to achieve their objective, the Government of India and the Government of Pakistan have agreed as follows:

1. The two Governments reaffirm the universal and unconditional validity of the purposes and principles of the Charter of the United Nations as the basis of relations between the two countries, and declare that the breach of these principles cannot be justified in any circumstances whatsoever.

2. The two Governments shall in their bilateral relations adhere to the principles set out in the Declaration on the strengthening of International Security adopted by the United Nations General Assembly on 16 December, 1970, and which was accepted by both India and Pakistan. In accordance with the Declaration they reaffirm that they will:

   (i) respect each other’s national unity, territorial integrity, political independence and sovereign equality;

   (ii) refrain from the threat or use of force against the territorial integrity or political independence of each other;

   (iii) not interfere in any manner whatsoever in each other’s internal affairs; and

   (iv) fulfill in good faith the obligations assumed by them under the United Nations Charter.

3. Any dispute between India and Pakistan or any situation the continuance of which is likely to endanger peace between them will be settled by peaceful means such as negotiation, inquiry, mediation, conciliation, or, should these methods prove unavailing, by arbitration or judicial settlement.

4. In order to concentrate their energies on economic and social development, the two Governments will, as far as possible, avoid diversion of their resources from development needs to defence purposes, keeping in view the principle of equal security.
5. Hostile propaganda directed against each other shall cease. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.

6. The two Governments will progressively normalize their relations step by step:
   i. Resuming communications, postal, telegraphic, sea, land and air links, including over flights, in accordance with bilateral agreements entered into by the two Governments in the past and relevant international Conventions and Agreements.
   b. Opening of border posts.
   c. Providing adequate travel facilities to the nationals of the other country.
   d. Resumption of trade and cooperation in economic and other agreed fields as far as possible; and
   e. Exchanges in the fields of science and culture.

In this connection teams of experts from the two countries will meet from time to time to work out the necessary details.

7. This Agreement will be subject to ratification by both countries and will come into forces with effect from the date on which the instruments of ratification are exchange. The President of Pakistan had declared that this Agreement will require ratification by the National Assembly of Pakistan.

In the meantime, both Governments will take immediate steps to implement Resolution No. 307 (1971) of the United Nations Security Council by –
   (i) withdrawing all armed forces to their respective territories and to positions which fully respect the Cease Fire Line in Jammu and Kashmir supervised by the United Nations Military Observers Group in India and Pakistan; and
   (ii) repatriating all prisoners of war and civilian internees in each other’s custody in conformity with the Geneva Conventions of 1949.

Also, the two Governments will resume diplomatic relations as from an agreed date.

(Zulfikar Ali Bhutto)  (Indira Gandhi)
President,   Prime Minister
Islamic Republic of Pakistan.     Republic of India

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Draft Joint Statement by the President of Pakistan and the Prime Minister of India on Basic Principles of Relations between India and Pakistan.

The President and the Prime Minister are resolved that India and Pakistan put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion a friendly and harmonious relationship with a view to the establishment of durable peace in the sub-continent so that both countries may henceforth devote their resources and energies principally to the pressing task of advancing the welfare of their peoples.

In order to achieve this objective the President and the Prime Minister are agreed that in their bilateral relations India and Pakistan will adhere to the principles set out in the Declaration on the Strengthening of International Security adopted by the United Nations on the 16th December, 1970. more specifically those principles which bear on renunciation of thereat or use of forces, respect for territorial integrity, non-interference in each other's internal affairs, their sovereign equality and political independence, and the principles that states shall fulfill in good faith the obligations assumed by them in accordance with the Charter.

The President and the Prime Minister also agree, as required by the same Declaration, that any disputes between India and Pakistan or any situation the continuance of which is likely to endanger peace in the sub-continent will be settled bilaterally and by peaceful means, as set out in the Annexure to this statement, in such a manner that international peace and security and justice are not endangered.

Peaceful Methods for the settlement of India – Pakistan Disputes

The President and the Prime Minister of India agree that any dispute between the two countries or any situation the continuation of which is likely to endanger peace in the sub-continent will be settled through bilateral negotiations or mediation and, should these methods fail, by arbitration or judicial settlement. To that end, they agree that when other methods prove unavailing, at the request of either Party an arbitral or judicial tribunal, as the case may be, will be set up, one member of which will be nominated by India and one by Pakistan and the third member, who will be the Chairman, may be appointed by mutual agreement or, in the absence of such an agreement, by the Secretary General of the
United Nations. They further agree that the award of the tribunal shall be binding on both Governments and shall not be questioned on any ground whatsoever.

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G. TOP SECRET

Summary Record of Discussions between the Official Delegations of India and Pakistan.

Simla, June 30, 1972. (3.00 P.M.).

Mr. Ahmed presented a revised draft agreement which he said incorporated some suggestions from India’s draft treaty. Mr. Ahmed asserted that the Pakistan side was motivated by a sincere effort to resolve the major issues and to push the official discussions forward. In their revised draft they had also taken the liberty to include the rest of the items of the agenda for the summit.

On the document itself, attached as Annexure C, Mr. Ahmed had the following comments to make:

(i) Paras 1 & 2 had been adapted from the relevant provisions of the U.N. Charter and the U.N. Declaration of the Strengthening of International Security of 16th December, 1970.

(ii) The Indian side would observe that as a concession to their position, the Pakistan side had eschewed any reference to a self-executing machinery in Para 3.

(iii) Para 4 was a redraft of the principle calling for the diversion of resources from defence to development in the agreed general principles finalized by the Emissaries at Murree.

(iv) Paragraph 7 provided for the agreement’s ratification by Pakistan’s National Assembly for the implementation of its first half, while the remaining portion could be implemented straight away.

In his reply, Principal Secretary stated that India recognized the efforts that have gone into the preparation of the draft. But as Pakistan had covered a wider field, the Indian side would have to give it serious consideration. Principal Secretary however mentioned the following initial reactions:-

(1) We had our doubts about Para 3.
Para 6 (i) presented a slightly new angle. We would therefore like Mr. Ahmed to elaborate on it. The other sub items of Para 6 presented no serious problem.

The Indian side would have to examine the wording of the concluding paragraph 7. There was no objection in principle, however.

Principal Secretary also commented on the references to the U.N. Resolutions passed last year and stated that even then India had expressed certain reservations in the matter.

There was some discussion on the Pakistani suggestion that over-flights, communications etc. be restored “according to bilateral agreements”. Shri Haksar stated that while these items could be covered by existing agreements, these agreements may require some revision and amendments. Mr. Ahmed replied that he was not particular, one way or the other. He then referred to Chairman’s reference the previous evening to a mutual agreement on withdrawing the case on over flights presently being debated by the ICJ. He enquired whether this was Chairman’s personal suggestion or whether the Indian side had a definite proposal to make in this regard. Principle Secretary replied that India did consider it odd that litigation on a question arising out of the hijacking incident last year should continue in today’s changed context. Mr. Ahmed promised to consult President Bhutto as to what best could be done in the matter.

Principal Secretary then asked for clarification on the term “equal security” contained in Para 4 of Pakistan’s draft. Mr. Ahmed replied that this term was taken from the agreement recently entered into between the United States and the Soviet Union and merely meant that the two countries should feel equally secure in respect to the intentions of the other. It did not imply any equality in armaments between the two countries. In any case such equality was beyond Pakistan’s capacity. Pakistan only wanted to maintain sufficient armaments that could equip a deterrent force necessary for the country’s security. What would constitute this deterrent forces will have to be determined by the technical and military experts; its size would also be dictated by the availability of resources.

Principal Secretary referred to the mention by Mr. Ahmed of the disparities between India and Pakistan. We would like to make some observations on the subject. He requested Secretary to Prime Minister, Shri P.N.Dhar, to set out this view point.

Shri Dhar clarified that he would speak as a professional economist with a bias in favour of productive investment. On this basis, he said, there could be no meaningful comparison between India and Pakistan, in terms of absolute figures.
because of the differences in the size of their respective economies. Comparison would be rational, however, on the basis of percentages of the respective national incomes. On this basis, India spends 3.6% of her national income on defence as against 9% by Pakistan. Comparison could also be made on the basis of budget figures. They reveal that while India spends a total of 12% of her national budget on defence, the corresponding percentage in the case of Pakistan comes to 33%. Despite the comparatively low figures of expenditure on defence in India, we find that our economy cannot really bear this burden. We have a compulsion to reduce military expenditure especially in terms of economic commitments to the people. We feel that, correspondingly, the strains on Pakistan's economy must be greater. This state of affairs has caused development in both countries to remain stunted. Evidence of this can be found in the rate of savings in both India and Pakistan which have, since 1947, remained of the order of 5%.

The discussion then turned to the question of Kashmir. Principal Secretary requested the Pakistan side to favour us with their preliminary views on the subject. Mr. Ahmed replied that he had “very little to say”. Pakistan, of course, would welcome an early settlement of the dispute; but they could not possibly consider any solution as long as there is no progress on the questions of POW repatriation and troop withdrawals. At the moment, there is no equality in the negotiating positions of the two sides. Any solution reached at the moment would convince the Pakistani people that it had been extorted under pressure. Principal Secretary enquired whether Pakistan contemplated any formula which could assist the ultimate solution of Kashmir dispute. Mr. Ahmed replied that it would be unwise to make suggestions in this regard for the present. He has already clarified that Pakistan could not force a settlement of the issue. It cannot afford to attack India. It also had severe economic compulsions. It was only concerned with striking a balance between peace and development on the one hand and national security on the other. Pakistan ardently desires peace. However, Mr. Ahmed said, he could not enter into a discussion on Kashmir. Perhaps, the leaders of the two sides may discuss the issue but it would not be worthwhile to include any reference on Kashmir in the present draft agreement. The leaders may wish to make a reference to this issue in a separate communiqué although substantive negotiations would have to await a more propitious juncture, say, six months or a year. The question of timing was important.

Principal Secretary said that he had a few observations to make. We had deliberately not called into witness the past history of our relations. Both sides had their own respective “mythologies”. What was now required was to work for durable peace. Secondly, India believes that her own domestic compulsions would also have to be reckoned with in any consideration of the question of
peace in the area. If we accept the Pakistani draft our people would feel that the sourest factor of our relations had not even been referred to and no hope or direction had been indicated as to how the problem could be resolved. Principal Secretary requested Mr. Ahmed to consider the reasonableness of our position and to take into account the factors mentioned by him.

Mr. Ahmed stated that Pakistan had already made several compromises. For the first time they were singing a document of peace. Pakistan was genuinely interested in peace as it felt that confrontation had only served to involve other powers in the affairs of the sub-continent. Last year’s events have increased the chances of such third country intervention. Perhaps India, which was a big power, can withstand external pressures. Pakistan could not prevent foreign encroachment. Therefore Pakistan had agreed to a written document of peace with India, pledged to turn away from confrontation and had provided alternative means for settling disputes. Having done this, why was it necessary to settle the Kashmir question today; especially when Pakistan did not enjoy equality in negotiations? Let us wait for few more months, perhaps a year. Future summits could tackle this question.

Principal Secretary said that India understand the structure of the argument put forward by Pakistan. He wondered whether there was any way of persuading Pakistan to accept that the discussions were being conducted only on one basis — that of equality. We earnestly desire a solution to this problem. India’s socio-political structure is based on peace. We would like to remove the endless curse of conflicts on the question of Kashmir. There are differences in our positions on this question. While we believe that Jammu and Kashmir is a part and parcel of India, as stated in our Constitution, President Bhutto keeps calling for a solution through self-determination. We frankly do not understand what this means. We do not accept the concept of self-determination for integral parts of a country. We would, however, like to find some solution. For this, Principal Secretary said, it would be useful to know the parameters within which Pakistan envisaged a solution to the question of Jammu & Kashmir. Pakistan should take us into confidence even if we do not come to any agreement.

Mr. Ahmed did not think that the two sides should proceed with this debate as, he felt, discussion would neither be conducive to a settlement nor to the maintenance of a friendly and helpful atmosphere. The views expressed by the leader of the Indian delegation were very controversial.

Foreign Secretary enquired as to how Pakistan contemplated further discussions. He referred to Mr. Ahmed’s statement that the two sides might wait for a year before tackling the question of Kashmir. After then what? Foreign Secretary reiterated that for India’s Parliament and people there could be no durable peace unless and until there was a solution on Kashmir. Mr. Ahmed replied that since
the Indian side insisted on knowing Pakistan’s position on Kashmir, he would in very general terms summarise it. Pakistan believed in the right of self-determination for the Kashmiris. This right has not been conferred on the Kashmiri people by Pakistan. It could not be taken away from them. It was also recognized by the United Nations and, initially accepted by India. Secondly, Pakistan felt that any settlement had to be in accordance with the wishes of the people of the State of Jammu & Kashmir, ascertained as impartially as possible, perhaps through a plebiscite.

Principal Secretary enquired whether the Pakistani position as enumerated above, was non-negotiable, whatever the form of the document to be signed by the two sides. Mr. Ahmed reiterated his suggestion that a reference to Kashmir could find place in a separate communiqué, where it could be stated that the matter would be taken up at subsequent meetings. He replied in the negative to Principal Secretary query whether there was any flexibility in this position. Principal Secretary reiterated that for India the question of Kashmir was very important and if there was no understanding, a new situation would be created which would require serious consideration.

The two sides tentatively agreed to meet at 10 a.m. the following day. It was also decided that no joint statement need be issued to the press although the press could be verbally told that discussions were continuing on all items of the agenda. Unfair speculation, which alleged that the Prime Minister was not available for a meeting with President Bhutto should also scotched.

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H. Record of meeting between the Prime Minister and the Indian Delegation (Foreign Minister, Principal Secretary to P.M. Foreign Secretary, and Secretary (East)) and President of Pakistan and the Pakistan Delegation (Mr. Aziz Ahmed, Secretary General, Mr. Rafi Raza, Special Assistant, and Mr. Iftikhar Ali, Foreign Secretary) held at 3.45 P.M. on July 1, 1972, at Himachal Secretariat.

Simla, July 1, 1972.

**President:** We have exchanged three drafts. We received that latest Indian draft (Enclosure A) – at least I received it – at 3.15 P.M. today. We have prepared something (Enclosure B) on the basis of the Indian draft. Whatever are our apprehensions, we can discuss them frankly and resolve them if we can.

**Foreign Minister**, referring to Article 5 of the Pakistan draft (regarding repatriation and withdrawals), enquired whether there had been discussion between the official delegations on this matter. **Mr. Aziz Ahmed** said that there had been only a very preliminary discussions. **Foreign Secretary** pointed out that we had made reservations on the contents of this Article in the earlier Pakistani draft.

**President Bhutto**, referring to Para 5(i) of the draft (Enclosure B), said that he had told P.M. yesterday that as far as U.N. observers are concerned, if that is our view, we need not deal with them.

**P.M.** Our point is that the ceasefire line has no validity. It did not keep the peace.

**President:** If one’s attitude is to use force, consequences will follow, whether observers are there or not. On the other hand, if we have negotiations, steps will be taken following the negotiations. There will be a changed outlook on the problem. Shall we start with the beginning of the draft?

**P.M.** The main problem is in regard to Article 5.

**President:** Article I is identical in both your and our drafts. The word “both shall” should be added in Article 1(ii).

**P.M.** We do not see any need in Article 1(vi) for a reference to the Declaration on the strengthening of International Security.

**F. M.** The U.N. Charter has already been referred to earlier in Article 1(iv). What is the need for adding the Declaration?
F.S. We had mentioned “bilateral”. This has been omitted.

President: We have deleted in our draft any reference to a self-executing machinery because of your sensitiveness. The U.N. Charter does not bring in any compulsions.

F.M Do we want to look to our Heads of Government or to the U.N?

President: The Declaration provides a framework for negotiations provided in the Charter, for example, good offices. We will go back to this point later.

F.S. said that the Declaration mentions so many things and enquired whether if was necessary to bring in the Agreement.

President: There is a whole history behind the proposal for a No War Pact. It conjures up in us a sense of capitulation. The present draft is a major departure. It gives us an opportunity to cover up this idea multilaterally. As we have both agreed to the Declaration, its mention will bring about a swing in our public opinion. Entirely from the practical point of view, it helps us. I do not see why you should object. It strengthens qualitatively our bilateral commitment.

F.M.: We do not want to go over the past but wish to start with a clean slate. If we bring in the whole concept of U.N. Resolutions, we are back again to our original positions. There should be a break with the past. We have not gone to the U.N. except over Kashmir. (The President interrupted “and Junagarh”). To commit ourselves again to the U.N. would be difficult for us to explain to our people.

President: The Declaration has no reference to Kashmir. It is not a question of our going to the U.N. I am cynical about the U.N. this reference is not for the purpose of our taking this matter again to the U.N.

F.M.: The Declaration contains a lot of vague generalities.

P.M.: it does not add anything but weakens the bilateral approach. We have confined our references only to such an approach.

President: Article 1(iv) and 1(vi) will be discussed again.

P.M.: Your Article 5(i) and (ii) are not at all acceptable to us. This was the bone of contention in earlier Pakistani draft also. Our point of view has been clearly stated.

F.S.: said that repatriation and withdrawal have to be part of durable peace and can take place only after durable peace has been established.

President: The rationale of our Agreement for peaceful settlement would be
knocked out without these two provisions and we would appear to be negotiating under duress.

**F.S.** said that we regard the solution of the question of Jammu & Kashmir as important for the establishment of durable peace. That is why we have introduced our Article 5 (Enclosure A).

**F.M.** We understand you have difficulty in solving the question of Jammu & Kashmir straightway.

**President:** it would make it more difficult to solve this problem if you hold on to P.O.Ws and to the captured territories. I have been saying in Pakistan how can we fight for the rights of Kashmiris? I have prepared public opinion for the days ahead. But we cannot do it under compulsion. We did not express any views on the statements issued by Sheikh Abdullah and Afzal Baig. For us war is not on the cards; there is a vast difference between India and Pakistan as it stands today.

**P.M.** As regards P.O.Ws there is firstly our own difficulty, what we feel about durable peace. Secondly, there is the attitude of Bangladesh, which we discussed last evening. We have a basic difference: we feel that we have been the victims of aggression several times. For us to sort out everything without sorting out the basic problems would be difficult. Our people would feel that we would be jeopardizing our national interest thereby. Just as you have to prepare your people, this is the kind of argument that comes up here.

**President:** You can tell your Lok Sabha that there is a complete change in our relations.

**P.M.** We have no intention of keeping the P.O.Ws indefinitely.

**F.S.** said it is important for us to obtain Parliamentary approval to the solution of the Kashmir problem.

**Principal Secretary to the PM:** The officials have met and we have exchanged ideas. We feel that we are on the eve of a new kind of relationship. Discussions at our level cold not produce results on the question of P.O.Ws. Mr. Aziz Ahmed had suggested that we have the Bangladesh Government’s agreement on this subject in our pocket. That is not so. We are leaving some difficult question behind, not because we have forgotten about them but for discussion at future meetings. Hence we have listed them in Article 5. We are not using them as pressure points but there is need to discuss them further in order to solve them. Confidence would have grown by the time we meet next; other obstacles would have been removed. There is agreement about good neighbourliness and to solve problems peacefully.
P.M.: Our Foreign Minister was asked by our people to demand more land, a corridor, to get reparations etc. There is considerable feeling in our political circles on these matters. We are holding them back as the price for peace. I do not know what reactions there would be in our parliament. There is considerable feeling that Kashmir should figure in our agreement.

President: You have great things for your country. It would be ungracious for your people to ask you for more.

Mr. Aziz: In Murree, Shri D.P. Dhar said that he was speaking with the Prime Minister’s full authority. He said that India did not want to keep the P.O.Ws a day longer than necessary but that there should be some understanding, a document-- in however innocuous a language -- that Pakistan would have peaceful relations with India. Secondly, he said that Sheikh Mujibur Rehman would be associated with the negotiations in some form. We have now produced a document. Talks broke down earlier on the question of machinery for solving disputes. We have now given that up also. The present draft shows that we have turned a new leaf to live in peace. I was not given to understand that a settlement of the Kashmir question is a condition precedent. Any discussion on Kashmir, as long as the P.O.Ws remain, would be taken in Pakistan as having been held under duress.

F.M.: That would depend on the context of the agreement.

Mr. Aziz Ahmed: We have agreed to everything except Kashmir.

President: I have, in a way, agreed to Kashmir being resolved by peaceful means within the framework of the U.N. Charter, peacefully between us. No further problem remains. Let us therefore agree about the P.O.Ws.

F.M.: Our attitude is not to stall on this question but there is the involvement of Bangladesh in it.

President: It would be a great tragedy if the whole thing were to hinge on this.

P.M.: We have recognized Bangladesh. Prisoners of war surrendered to the Joint Command. We are bound by this. I told Sheikh Mujibur Rehman in Dacca that the repatriation of P.O.Ws would be with his concurrence.

President: If Sheikh Mujibur Rehman and I could meet, we could solve this. But if he starts war crimes trials, we would reach a point of no return and it would make my task impossible. There would then be trials of Bengalis in Pakistan also. I hope I meet Sheikh Mujibur Rehman this month.

F.S. suggested that this matter could be left over till then.
President: I would then not be able to carry out the agreement. If I sign the agreement, I am bound to implement it. Is the agreement to flounder on Sheikh Mujib’s caprice?

P.M. It is not Sheikh Mujib’s caprice; he has his public opinion.

Principal Secretary to the PM: Shri D.P. Dhar and we felt that there is a feeling of forward movement. It is not we who have asked Sheikh Mujib not to do something; on the contrary. The agreement may change the situation.

President: I have respect for Sheikh Mujib.

F.M.: Sheikh Mujib has mentioned to us that he is beholden to you.

President: It is going to be counter-productive for Sheikh Mujib also.

F.S. said that if we have durable peace, it may be easier for Sheikh Mujib. In this agreement there is no settlement on Kashmir. That is why we have suggested Article 5.

P.M.: I do not know Sheikh Mujib very well. I met him alone for about 10 minutes in New Delhi, for about 30 minutes in Calcutta and for an hour in Dacca. There has been a hardening of attitude in Dacca. The impression that we have been given is that they lay great importance on their recognition. If recognition comes, they may then be softer on other things.

President: I intend taking up this matter in August.

P.M.: This is a question between you and Bangladesh. In their private talks, Bangladesh leaders say that they do not stand in need of recognition. We have never suggested to them that they should not talk to you. We have not given any advice to them; this is a matter between them and you.

P.M.: The people in Bangladesh are extraordinarily touchy because of their newly acquired independence.

President: It is a great pity that we are stuck like this.

P.M.: Where do we go on from here?

Mr. Aziz: I repeat what I suggested to Shri. D. P. Dhar that people in Pakistan would feel that negotiations had been held under duress if P.O.Ws and captured territories are not returned. Hence we had suggested that if a start could be made of a few P.O.Ws being returned before the Summit Meeting, it would make a very big impact. Could something similar be done now and a start is made? The President would be asked questions on this point on his return to Pakistan. Repatriation of P.O.Ws is necessary under the Geneva Conventions.
F.M.: That is why we have made our formulations in our draft.

Aziz Ahmed: The Agreement has to be ratified by the National Assembly according to the assurances given by the President. We do not know whether the Agreement in its present form would be ratified.

President: As regards the Kashmir dispute, in the foreseeable future an agreement will emerge. It will evolve into a settlement. Let there be a line of peace, let people come and go. Let us not fight over it.

F.S. said that it would be very difficult to explain to our people that there has been no settlement on Kashmir.

F.M.: The debates on the Tashkent Agreement in our Parliament should be studied to see the feelings on this subject.

P.M.: Our Prime Minister Shastri paid with his life over the Tashkent Agreement. He would have had a very difficult time if he had come back.

F.M.: Shastriji received a great set back when he talked to his family after singing the Tashkent Agreement. There was a great deal of suspicion in both our countries.

F.S. said that we have made a gesture by sending back 199 seriously sick and wounded Prisoners of War to Pakistan against 24 sent by Pakistan to India.

P.M.: Why this has become a very complicated problem is because we took certain unilateral initiatives in 1965, for example, regarding seized cargoes, but there was no response. I have been charged with giving up various claims (against Pakistan). I sent an innocent message to President Ayub on the occasion of the inauguration of Mangla Dam when I was flying over Pakistan. There was criticism in our Parliament for a month over this message.

President: Your contention is that Pakistan committed aggression. Now there is a commitment on our part that there will be no more aggressions. You have got what you had wanted.

F.M.: We claim the whole of Jammu and Kashmir though we have no intention of going to war over it.

P.M.: There was criticism even against our declaration of cease-fire, which we did only on the compulsion of peace.

President: My back is to the wall; I cannot make any more concessions.

F.S. said that if in Jammu & Kashmir the line of actual control could be made into a line of peace, other steps could follow.
President: Isn’t this document (Enclosure B) enough?

F.S. said that we cannot afford to go on fighting. During the next three to six months, we can go ahead rapidly to solve our mutual problems.

President: In Trieste they came to an agreement without either side giving up their principles. We can come closer; I cannot say on timing but we shall proceed as quickly as possible.

Aziz Ahmed: Is it your stand that there can be no withdrawal until a Kashmir settlement?

F.M.: That is an oversimplification. Our formulation is in Article 5 of our draft.

Aziz Ahmed: When will troop withdrawals start?

P.M.: In a way they have already started with the seriously sick and wounded Prisoners of War. This first session of our meetings has cleared some ground. We shall move forward hereafter.

F.M.: Your ratification of the agreement itself will take one-and-a-half months.

President: Ratification will be done by the end of August. But we would find great difficulty in securing ratification.

F.M.: Public opinion is the same in both countries. We have to face it.

P.M.: I said to the President last evening that the Opposition in our Parliament was kinder to me when I was in a minority than now.

President: I am keen on an agreement which I can carry back with me.

F.M.: With peace assured between us, you will be in an ideal position to carry on your economic program.

President: I cannot use force.

F.M.: You have shown great gifts of political handling in Pakistan.

With this the meeting came to an end.

(S.K. Banerji)
Secretary (East)
2.7.1972
Enclosure-A

INDIAN DRAFT

1-7-1972

Agreement on Bilateral Relations between the Government of India and the Government of Pakistan.

1. The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the sub-continent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their people.

In order to achieve this objective, the Government of India and the Government of Pakistan have agreed as follows:

(i) That the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries;

(ii) That the two countries will not use forces for the settlement of any differences between them and will resolve them exclusively (by peaceful means) through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and shall prevent the organization, assistance or encouragement of all acts detrimental to the maintenance of peaceful and harmonious relations;

(iii) That the pre-requisite for reconciliation, good neighbourliness and durable peace between them is a commitment by both the countries to peaceful co-existence, respect for each other’s territorial integrity and sovereignty, non-interference in each other’s internal affairs and cooperation on the basis of equality and mutual benefit.

(iv) That the basic issues and cause of conflict which have bedeviled the relations between the two countries for the last 25 years shall be resolved bilaterally and by peaceful means;

(v) That they shall always respect each other’s national unity, territorial integrity, political independence and sovereign equality;

(vi) That they shall always refrain from the threat or use of force against the territorial integrity or political independence of each other;
2. Hostile propaganda directed against each other shall cease. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.

3. In order to progressively restore and normalize relations between the two countries, it was agreed that:

(i) Steps shall be taken to resume communications, postal, telegraphic, sea, land and air links, including over flights.

(ii) Steps shall be taken for the opening of border posts.

(iii) Adequate travel facilities to the nationals of the other country will be provided.

(iv) Trade and cooperation in economic and other agreed fields will be resumed as far as possible.

(v) Exchange in the fields of science and culture will be promoted.

(In the connection) teams of experts from the two countries will meet from time to time to work out the necessary details.

4. This Agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures, and will come into force with effect from the date on which the Instrument of Ratification are exchanged.

5. Both Governments agree that their respective Heads will meet again at mutually convenient time in the future and that, in the meanwhile, the officials of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalization of relations, including the question of Jammu & Kashmir, repatriation of prisoners of war and civilian internees, withdrawal of all armed forces to their respective territories and the resumption of diplomatic relations.

(Indira Gandhi) (Zulfikar Ali Bhutto)
Prime Minister President
Republic of India Islamic Republic of Pakistan
Enclosure – B

1 -7- 1972

PAKISTAN’S DELEGATION’S VIEW ON INDIAN DRAFT
[PAKISTAN’S COUNTER DRAFT]

Agreement on Bilateral Relations between the Government of India and the Government of Pakistan.

1. The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the sub-continent, so that both countries may henceforth devote their resource and energies to the pressing task of advancing the welfare of their peoples.

In order to achieve this objective, the Government of India and the Government of Pakistan have agreed as follows:

(i) That the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries;

(ii) That the two countries are resolved to settle their differences by peaceful means though bilateral negotiations or by any other peaceful means mutually agreed upon by them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organization, assistances or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations;

(iii) That the pre-requisite for reconciliation, good neighbourliness and durable peace between them is a commitment by both the countries to peaceful co-existence, respect for each other’s territorial integrity and sovereignty and non-interference in each other’s internal affairs, on the basis of equality and mutual benefit.

(iv) That the basic issues and causes of conflict which have bedeviled the relations between the two countries for the last 25 years shall be resolved by peaceful means as provided in the U.N. Charter.

(v) That they shall always respect each other’s national unity, territorial integrity, political independence and sovereign equality;

(vi) That, in accordance with the Declaration on the Strengthening of International Security adopted by the U.N. General Assembly on 16th December, 1970, they shall refrain from the threat or use of forces against
the territorial integrity or political independence of each other in accordance with U.N. Charter.

2. Hostile propaganda directed against each other shall cease. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.

3. In order progressively to restore and normalize relations between the two countries step by step, it was agreed that:
   (i) Steps shall be taken to resume communications, postal, telegraphic, sea, land including border posts; and air links, including over-flights.
   (ii) Adequate steps shall be taken to promote travel facilities to the nationals of the other country.
   (iii) Trade and co-operation in economic and other agreed fields will be resumed as far as possible.
   (iv) Exchange in the fields of science and culture will be promoted.

In this connection delegations from the two countries will meet from time to time to work out the necessary details.

4. This Agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures, and will come into force with effect from the date on which the Instruments of Ratification are exchanged.

5. In the meantime, both Governments will take immediate steps to
   (i) withdraw all armed forces to their respective territories and to positions which fully respect the Cease Fire Line in Jammu & Kashmir (Supervised by the United Nations Military Observers Group in India and Pakistan); and
   (ii) repatriate all prisoners of war and civilian internees in each other’s custody in conformity with the Geneva Conventions of 1949.

Also, the two Governments will resume diplomatic relations as from an agreed date.

6. Both Governments agree that their respective Heads will meet again at a mutually convenient time in the future and that, in the meantime, the officials of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalizations of relations including the dispute of Jammu & Kashmir.

(Indira Gandhi)  
Prime Minister  
Republic of India

(Zulfikar Ali Bhutto)  
President  
Islamic Republic of Pakistan

Simla, the... July, 1972.

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The President of Pakistan and the Prime Minister of India held discussions in Simla from June 28 to July 2, 1972, with a view to usher in an era of reconciliation, good neighbourliness and durable peace between the two countries and peoples. They were assisted in their talks by their Ministerial colleagues. The officials of the two sides held a number of meetings, and explored the possibilities of reaching agreement on the items of the agreed agenda for the Summit.

2. The Prime Minister of India and the President of Pakistan discussed all major problems affecting the relations between the two countries. They also discussed Jammu & Kashmir. They expressed the hope that a mutually agreed settlement of all outstanding issues would be possible and that the process of reconciliation initiated at this first meeting of the Heads of Government would be continued.

3. The Prime Minister of India and the President of Pakistan agreed that they would meet again at mutually convenient time in the future. In the meanwhile, the representatives of the two sides will meet to prepare the ground further for the continuing effort of the Heads of Government to establish durable peace, good neighbourly relations and normalization of relations between the two countries.

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Agreement on Bilateral Relations between the Government of India and the Government of Pakistan.

1. The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the sub-continent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their peoples.

In order to achieve this objective, the Government of India and the Government of Pakistan have agreed as follows:-

(i) that the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries;

(ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations;

(iii) That the pre-requisite for reconciliation, good neighbourliness and durable peace between them is a commitment by both the countries to peaceful co-existence, respect for the each other's territorial integrity and sovereignty and non-interference in each other's internal affairs, on the basis of equality and mutual benefit.

(iv) That the basic issues and causes of conflicts which have bedeviled the relations between the two countries for the last 25 years shall be resolved by peaceful means.

(v) That they shall always respect each other's national unity, territorial integrity, political independence and sovereign equality;

(vi) That they will refrain from the threat or use of forces against the territorial integrity or political independence of each other.

2. Both Governments will take steps within their power to stop hostile
propaganda directed against each other. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.

3. In order progressively to restore and normalize relations between the two countries step by step, it was agreed that:

(i) Steps shall be taken to resume communications, postal, telegraphic, sea, land including border posts, and air links including over-flights.

(ii) Appropriate step shall be taken to promote travel facilities to the nationals of the other country.

(iii) Trade and co-operation in economic and other agreed fields will be resumed as far as possible.

(iv) Exchange in the fields of science and culture will be promoted.

In this connection delegations from the two countries will meet from time to time to work out the necessary details.

4. In order to initiate the process of the establishment of durable peace, both the Governments agree that:

(i) Indian and Pakistan forces shall be withdrawn to their side of the international border.

(ii) In Jammu & Kashmir, the line of control resulting from the cease-fire of December 17, 1971, shall henceforth be respected by both sides, as a line of peace. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this line.

(iii) Minor adjustments of the Line of Peace in Jammu & Kashmir or the rest of the international border considered necessary by both sides to make the border more rational and viable may be made by mutual agreement.

(iv) A joint body composed of an equal number of representatives, nominated by each Government, shall be appointed to establish ground rules and to supervise the effective observance of the Line of Peace and the rest of the border between the two countries. The withdrawals shall commence upon entry into force of this Agreement in accordance with the ground rules evolved by the above-mentioned joint body and shall be completed within a period of 30 days thereof.

5. This Agreement will be subject to ratification by both countries in
accordance with their respective constitutional procedures, and will come into force with effect from the date on which the Instruments of Ratification are exchanged.

6. Both Governments agree that their respective Heads will meet again at a mutually convenient time in the future and that, in the meanwhile, the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalization of relations, including question of repatriation of prisoners of war and civilian internees, a final settlement of Jammu & Kashmir and the resumption of diplomatic relations.

(Indira Gandhi)  
Prime Minister  
Republic of India

(Zulfikar Ali Bhutto)  
President  
Islamic Republic of Pakistan

Simla, the..... July, 1972.  
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K.  

TOP SECRET  

Record of the meeting between the Pakistan Official Delegation (Mr. Aziz Ahmed, Mr. Rafi Raza and Mr. Iftikhar Ali) and the Indian Delegation (Shri P.N. Haksar, Shri T.N. Kaul, Shri S.K. Banerji and Shri P.N. Dhar).

Simla, July 2, 1972. (3.30 P.M.).

Mr. Aziz Ahmed began by saying it would be our last meeting as our draft of the Agreement (Enclosure A*) has not been found acceptable by them. He enquired whether he should give their (?) reasons for this. Shri Haksar said that depended upon Mr. Aziz Ahmed. Mr. Aziz Ahmed said that in our draft, we had gone back: Pakistan cannot accept that the ceasefire line had ceased to exist. This is the main reason for not accepting the Indian draft. He suggested that we could perhaps give thought about a Joint Communiqué.

2. Shri Haksar said that the Joint Communiqué would be no problem. However, he said that to dismiss our draft Agreement on this ground was a severe disappointment. We have proposed in it withdrawal all along the border.

* Not available. Perhaps it is reference to Document I above which was also handed over to the Pakistani side on 2nd July.
For the sake of a word, namely, ‘ceasefire line’, it is a great disappointment to us that the draft Agreement has been found unacceptable.

3. Mr. Aziz Ahmed said that the President had stated that Pakistan respected the U.N. Resolution. He had referred to the ceasefire line as the line of peace.

4. Shri Haksar said that what troubled him was not the failure to accept our draft but the reasoning that went behind it. We are proposing withdrawal all along the borders. In Kashmir, we are not asking Pakistan to give up her position on Jammu & Kashmir. We are finding a formula for total withdrawal; yet our proposal has been rejected.

5. Mr. Aziz Ahmed said that there are two objections to the Indian draft:
   (i) In J&K there would be no withdrawal;
   (ii) There would be no repatriation of Prisoners of War until the Kashmir question is settled.

Pakistan wanted implementation of the U.N. Resolutions.

6. Shri Haksar said he contradicted both these points categorically. The Pakistan side wanted to thrust the U.N. Resolution down our throat. He referred to the reservations which our F.M. had made on the Resolution which, he added, the Pakistani Foreign Minister had torn up and had walked out of the Security Council.

7. Shri Haksar said that the Pakistani side wanted everything; they are not satisfied with any partial solution. They are not accepting withdrawal because the word ‘ceasefire line’ – which has been sanctified by the U.N. – has not been used.

8. Yesterday the Pakistani side had wanted both withdrawal and repatriation. We are not responsible for Pakistan tying their hands on the recognition question. Our assurances are sincere. We will make our efforts with the Bangladesh Government in this respect. In the meanwhile, he expressed the hope that Pakistan would also make their efforts.

9. Shri Haksar added that our Armies are facing each other. President Bhutto had stated publicly that our troops are occupying two Tehsils in Pakistan. We are ready to move back from them. Yet the Pakistan side is pinning their hopes on the U.N.

10. Mr. Aziz Ahmed while regretting the failure to reach agreement said that there is a fear of outside intervention in the affairs of the sub-continent. Shri Haksar strongly repudiated this so far as India was concerned and said that no outside power will ever be allowed to intervene in India.
11. Shri Haksar repeated that he greatly regretted Mr. Aziz Ahmed’s statement that our proposal for withdrawal is a setback.

12. Thereafter, the two Delegations discussed the question of an agreed Joint Communiqué. The Indian draft (Enclosure B*) was handed over the Pakistan Delegation. The Pakistan Delegation said that their draft would be given to the Indian Delegation before tonight’s Dinner by President Bhutto.

(S. K. Banerje)
Secretary (East)
2 – 7 – 1972

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(SIMLA AGREEMENT)

Simla, July 2, 1972.

1. The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the sub-continent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their peoples.

In order to achieve this objective, the Government of India and the Government of Pakistan.

HAVE agreed as follows:

(i) That the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries;

(ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally*

* Came into force on 4 August 1972.
alter the situation and both shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations;

(iii) That the pre-requisite for reconciliation, good neighbourliness and durable peace between them is a commitment by both the countries to peaceful co-existence, respect for each other's territorial integrity and sovereignty and non-interference in each other's internal affairs, on the basis of equality and mutual benefit;

(iv) That the basic issues and causes of conflict which have bedeviled the relations between the two countries for the last 25 years shall be resolved by peaceful means;

(v) That they shall always respect each other’s national unity, territorial integrity, political independence and sovereign equality;

(vi) That in accordance with the Charter of the United Nations they will refrain from the threat or use of force against the territorial integrity or political independence of each other.

2. Both Governments will take all steps within their power to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.

3. In order progressively to restore and normalize relations between the two countries step by step, it was agreed that:

(i) Steps shall be taken to resume communications, postal, telegraphic, sea, land including border posts, and air links including overflights;

(ii) Appropriate steps shall be taken to promote travel facilities for the national of the other country;

(iii) Trade and co-operation in economic and other agreed fields will be resumed as far as possible;

(iv) Exchange in the fields of science and culture will be promoted.

In this connection delegations from the two countries will meet from time to time to work out the necessary details.

4. In order to initiate the process of the establishment of durable peace, both the Governments agree that:

(i) Indian and Pakistani forces shall be withdrawn to their side of the international border;
(ii) In Jammu and Kashmir, the line of control resulting from the cease-fire of December 17, 1971 shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this Line;

(iii) The withdrawals shall commence upon entry into force of this Agreement and shall be completed within a period of 30 days thereof.

5. This Agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures, and will come into force with effect from the date on which the Instruments of Ratification are exchanged.

6. Both Governments agree that the respective Heads will meet again at a mutually convenient time in the future and that, in the meantime, the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalization of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.

Sd/-
Indira Gandhi
Prime Minister
Republic of India

Sd/-
Zulfikar Ali Bhutto
President
Islamic Republic of Pakistan


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M. Farewell Message of President Bhutto to the Indian Prime Minister Mrs. Indira Gandhi.


Madam Prime Minister,

On behalf of my Delegation and on my own behalf I convey to Your Excellency, to your Government and the people of India our sincere thanks for the great hospitality extended to us during our stay in Simla. The arrangements left nothing to be desired. The Agreement we signed last night represent a breakthrough in
our relations. I return home with firm conviction that we can embark on a new era of peace. If we implement the Agreement with sincerity and goodwill, we can give to our people the peace with honour and progress which we have not found for so long. Today we have that opportunity. I have no doubt that we can set the foundation of a durable peace which we owe to our people. As I leave India I wish to convey to the people of India my good wishes for their happiness and prosperity. We have no doubt that under your judicious leadership they will prosper and progress.

Another message issued by President Z.A. Bhutto before boarding the Helicopter to the people of Simla and Pakistani Prisoners of War and internees in India.


I would like to thank the people of Simla for their hospitality during our stay at this beautiful hill resort. But, above all, I wish to express my thanks to them for their patience and forbearance in the face of security cordons, which though necessary, caused inconvenience and marred their holidays. But everyone accepted these difficulties, for which my delegation and I are thankful.

I cannot but take this opportunity also to address a few words to the tens of thousands of our prisoners of war and civilian internees who are in camps in India. They have remained uppermost in our minds. Their relations and friends, as indeed all the people of Pakistan, are deeply interested in their well-being and early repatriation. We have no doubt that this problem, which is essentially a human problem, will be resolved before long. We now have an agreement which should lead to their early return home. Meantime our thoughts and prayers remain with you.

♦♦♦♦♦
Report on Miss Benazir Bhutto’s Visit to Simla During the Indo-Pak Summit Conference (28th June -3rd July 1972)

By Veena Datta, IFS

Miss Benazir Bhutto arrived in Simla on the morning of 28th June, 1972 along with her father, His Excellency Mr. Zulfikar Ali Bhutto, President of the Republic of Pakistan. As instructed by the Chief of Protocol, I received them at Himachal Bhavan at about 1 P.M. Mrs. Manorama Bhalla had accompanied Miss Bhutto form the helipad to Himachal Bhavan. On showing Miss Bhutto to her suite, we conversed for about half-an-hour. The conversation related mostly to her education at Radcliffe College, Harvard University, where she is majoring in “Comparative Government” and is due to graduate in June 1973. She indicated that although she would have preferred to study Psychology, her father insisted on her doing a course on Political Science. He would like her to join Oxford University after graduation, just as he had done. Benazir, however, would prefer to join the Harvard Law School instead. She had done Senior Cambridge in 1969 from the Convent of Jesus and Mary, Murree.

2. We left Benazir (known as Pinkie to her close friends) at about 1.45 P.M. so that she could lunch with her father. As far as possible, they preferred to have their meals together, just by themselves. This enabled them to discuss the day’s events and exchange notes.

3. Although her scheduled programme was due to commence only on the 29th morning, on the 28th evening Miss Bhutto requested to visit a few bookshops in Simla in order to see some books on Indo-Pakistan relations, particularly those published after the Sino-Indian conflict of 1962 and after the two Indo-Pak conflicts on 1965 and 1971. she was very interested in books which threw some light on the Indian viewpoint regarding these issue. No such books had yet appeared n the bookstalls in Pakistan. She bemoaned the lack of similar enterprising authors in Pakistan who could spell out their side of the story. She mentioned that she had been instructed by her father to collect such books for him and emphasized that she had come to India as his Personal Secretary. During our unscheduled visit (at about 5.30 P.M.) to various bookshops on the Mall, she took down the name of some 7 to 8 books including Dilip Mukherjee’s “Bhutto: Quest for Power” B.G. Verghese’s “End of confrontation” Pran Chopra’s “Indo-Soviet Treaty”, and Brig Dalvi’s “Himalayan Blunder”. She rejected several titles including D.R. Manekar’s “Pakistan cut to size”; Benedict De Costa’s “Dismemberment of Pakistan”; and books on Bangladesh like “Rape of Bangladesh” by Antony Mascarenhas. Subsequently she told me that her father’s Military Secretary bought about 10 books, including some which she had rejected. Benazir was very flattered and excited to know that Indian authors had paid so
much attention to her father’s biography, and was equally delighted to note that huge and friendly crowds greeted her wherever she went. She often waved to them and did ‘Aadab’ in the typical cultured Indian Muslim style.

4. Benazir remarked on several occasions during her subsequent stay in Simla that she had never received such a welcome by the people or the Government anywhere, not even during her recent tour of the Middle East countries with her father. In Iran, for instance, she remained largely indoors in the Palace. She added that Iran being a monarchy, State Guests had little chance of coming into contact with commoners, and even though her mother has wanted to meet her relations in Teheran, she was unable to do so because of these protocol difficulties.

5. When we returned to Himachal Bhavan at about 7 P.M., Mr. Bhutto was having tea on the lawns with a few of his close advisers, after having returned from his first meeting with Mrs. Gandhi. Benazir wanted to talk to him about the books she had selected and also to enquire whether she could give a few interviews to the Press Correspondents who were very keen to meet her. One look at his face, however, seemed to convince her that he was not in an approachable mood at all. On one more occasion, she confided in me about her father’s depressed and frustrated mood during their stay at Simla. She described her lunch with her father on 2nd July. Mr. Bhutto refused to eat anything and was lost in thought throughout the meal. Suddenly he pushed away his chair and told Benazir that the summit talks were so badly deadlocked and were heading for a failure. He was about to leave the room but at the door he turned back and said that there seemed to be just one last ray of hope. This incident depressed Benazir very greatly although she did her best to hide her feelings from the public and carried on with her scheduled programme. Father and daughter thus appeared to me to be in close communion with each other as regards their thoughts and moods. Benazir was always anxiously vigilant of her father’s changing moods, but insisted that in spite of it, he was basically a very kind hearted, warm, affectionate and reasonable man, who could discern clearly all aspects of a problem placed before him. He was a devoted father and head of a well-knit nuclear family. She once remarked that in spite of his heavy pre-occusions, he found time to guide her even in such minor matters as what she should wear on any particular occasion.

6. Miss Bhutto’s scheduled programme from 28th June to 3rd July is attached at encl-A. She evinced a keen interest in all the places she visited and was very receptive and responsive to different aspects of Indian culture and education. She particularly enjoyed going to the Convent of Jesus & Mary where she met some of the Nuns who had been with her in Murree. She also enjoyed the picnic to Fagu where she met and talked to several young people of her own age group.
7. She told me that she was scheduled to visit China along with her brother, towards the end of July on a good-will-cum-educational tour and was looking forward to it excitedly.

8. Miss Bhutto struck me as an extremely intelligent person, remarkably poised and self-confident for a girl of her age. She is a close confidence of her father, who made it a point to call her in for almost all the political discussions he held with his close advisers. Her approach to her father’s close colleagues like Rafi Raza, Hayet Mohd. Sherpao and Ghulam Mustafa Jatoi was that of a contemporary, and she felt free to talk to them as to people of her own generation. At the end of any political discussion at which she might be present, her father often asked her for her views on the matter. I got the impression that her father is grooming her for a political career. This could have been one of the reasons why Mr. Bhutto brought her with him to the Simla summit. She often remarked that Mr. Bhutto’s party had a large number of active political women workers. It can, therefore, be surmised that he wants her to assume their leadership.

9. Miss Bhutto was very cautious and careful in all her remarks on the subject of Indo-Pakistan relations. She was regularly briefed by her father throughout her stay in Simla on the statements and comments that she should make on the subject. She fought shy of making any comparison between India and Pakistan even on such apparently innocuous matters like movies and handicrafts. This was her first ever visit to India, and she readily admitted that she came with mixed feelings. She could not ignore the fact that India and Pakistan had fought three wars in 25 years, and this did not make for normal relations between the two countries. As a result, she was uncertain of the reception she would receive in India. However, Benazir repeatedly told me that even within a day she began to feel that Indians were genuinely friendly. The large cheering crowds she met everywhere, the lavish presents she received and the extensive press coverage of her visit helped convince her of India’s sincerity towards her country.

10. She is a devoted daughter and is quite willing to give in to her father’s dictates even on such vital issues as her future career, her education and who she should marry. She is proud of her father and is extremely unhappy that he has been “vilified and maligned” in the Indian press. She was particularly unhappy at the “factual inaccuracies” in Dilip Mukerjee’s book on Mr. Bhutto. When Dilip Mukerjee sought an interview with Mr. Bhutto to seek clarifications on these points, he was advised to meet Benazir, who gave him an interview from which we were excluded.

11. While reiterating her father’s dictum that peace between India and Pakistan must be based on principles, she emphasized that the reaction of the younger generation in Pakistan (i.e. the product of post-partition days) was quite different and un-inhibited by bitterness and reproach as compared to those who have
lived through the days of partition. She felt that it was the younger generation who could show the way to a peaceful sub-continent. Although she was in a depressed mood on the evening on 2nd July when the summit talks appeared to be floundering, on the morning of 3rd July she was jubilant and effusive. She described the "Agreement" as a very promising beginning in Indo-Pakistan relations. She emphasized that this was the maximum outcome that could be expected at the first meeting between the heads of two states, which were fighting a bitter war only six months ago.

12. Benazir is essentially a simple fun-loving teenager, who nevertheless tried hard to build up a public image of being a sober and mature person. I suppose that this must be in accordance with her father's wishes and instructions. However, she tended to get rid of these inhibitions whenever she was alone with us. While describing her impressions about America, she deplored the break up of the nuclear family and did not appear to be a champion of the women's lib movement in the States. She was greatly impressed to see that Indian girls are doing so well in the Foreign and Administrative services and said that she would persuade her father to introduce legislation to permit women to join these services in Pakistan as well.

13. Benazir is responsive to affection and sincerity in personal relations. Her father too, seemed to greatly appreciate any gesture of friendship and kindness towards his daughter. This alone explain Mr. Bhutto's friendly and kind attitude towards me. He authographed his Banquet invitation card to me and penned the following lines:

"Thank you for all your troubles.

With best wishes,

Zulfiqar Ali Bhutto
Simla, 3rd July 1972."

Benazir felt free enough on two separate occasion to write:

"In the delicate atmosphere in which we arrived, you made me feel relaxed with Indians. Thank you.

B. Bhutto
30th June, 1972."

"Although I will not be here for your wedding at the end of this year, my best wishes to both you and your fiancé.

Thank you for making my trip a memorable one.

Pinkie Bhutto
3rd July, 1972."

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0712. **Briefing by Foreign Secretary for Heads of Foreign Mission on the Simla Agreement.**

**New Delhi, July 4, 1972**

**Ministry of External Affairs**

i) The Agreement reflects the genuine and sincere desire of both India and Pakistan to end the past era of confrontation and usher in a new chapter of cooperation, friendship and durable peace. This was not an easy task because of past conflicts and lingering doubts, suspicions, and fears. However, there was realization on both sides that conflicts had not helped and that it was essential to mitigate the sufferings of the people of the two countries and put their energies to more productive use;

ii) The Agreement underscores the desire of the leaders of India and Pakistan to find a bilateral and peaceful approach to resolving mutual problems. This is a most important aspect of the Agreement. We Asians have been victims of several wars. There is now a realization that we can solve our problems ourselves.

iii) While establishment of durable peace was the first requisite for normalization of relations, something more was needed to ensure the economic and social progress of the people of India and Pakistan. In the Agreement there is provision for resumption of communications, bilateral trade, cultural exchanges, etc. Moreover, the Agreement provides for meetings between the Heads of Government as also representatives of the two sides to further discuss the modalities and arrangements for durable peace and normalization of relations.

iv) There was awareness on the part of Pakistan that while some of the questions were purely bilateral in nature, others were trilateral, with which Bangladesh was intimately involved. India went to the maximum extent possible in the bilateral field by offering troop withdrawals from occupied territories. There was no bargaining on this question; the offer was made in view of the assurance of durable peace and in pursuance of Prime Minister’s oft-repeated statement that India did not covet an inch of Pakistani territory.

v) In Jammu and Kashmir, both sides agreed to respect the December 17, 1971 line of control (not the 1949 cease fire line) without prejudice to the recognized position of the two countries. The Agreement also provides for further meetings to discuss the final settlement of Jammu and Kashmir. This precludes any supervisory role for the UNMOGIP.
vi) The Agreement does not solve all our problems but we regard it as an important step forward in our quest for the establishment of durable peace.

vii) We regard the Agreement as important not only for India and Pakistan but for cooperation among all the three countries of the sub-continent. We also feel that it has some relevance to the countries of Asia and even South Asia and West Asia.

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0713. Message from the Pakistan Government to the Government of India sent through the Swiss Embassy.

July 12, 1972

AIDE – MEMOIRE

The Ministry of Foreign Affairs of the Government of Pakistan has transmitted the following message dated July 12, 1972 to the Embassy of Switzerland in Islamabad to be forward to the Ministry of External Affairs of the Government of India.

BEGIN

India is in control of the railway line in the Khokhrapar Chor Sector in Sind. Pakistan is in physical control of a part of the Hussainiwala Headworks. The Government of Pakistan would be prepared to ensure that the Headworks are left intact at the time of withdrawal of troops and would expect that the railway line mentioned above would also be left in good order.

END

New Delhi, 21st July 1972.

❖ ❖ ❖ ❖ ❖
0714. Excerpts relevant to Simla Agreement from the speech of Pakistan President Zulfikar Ali Bhutto in the National Assembly.

Islamabad, July 14, 1972.

Now I come to the Simla Agreement at last. Sir there have been three distinct attitude towards the Simla Agreement. One is, that it has been praised beyond recognition. Second, that it has been condemned and condemned wholly. Thirdly, cautiously it has been said that it is only beginning. Why have we got three different attitudes? Objectively speaking we have got three different attitudes because there are three different thoughts associated with the Simla Agreement. People have praised it. People have attacked it but my friend Mr. Ghaus Bakshh Bizenjo has said, “his eulogies are necessary.” If it was a question of eulogies, to sing them. So when my agents do not praise it, how can I expect my friends to praise it? And I told my friends to take my attitude if they want to take because there can always be an objective conclusion. But why have they praised it? There must be some good reasons. Because circumstances were really impossible, India had all the cards in her hands and India is not a generous negotiator. They had Pakistani territory. They had East Pakistan separated from Pakistan. They had 93,000 prisoners of war. They had the threat of war trials and so they were sitting pretty, as the saying goes. What did we have in our hands? Riots, labour troubles and all sorts of internal dissensions. But we also had something else in our hands. Basically the common man of Pakistan, the poor man of Pakistan, the nameless man of Pakistan, the faceless man of Pakistan was with us. We had his blessings. When he went home he prayed for our success. We had his support and we had courage in our hands and we had our convictions. So out of this unequal situation it arose.

One great lawyer of Karachi told me, “You see, you must do what Talleyrand did after the defeat of Napoleon”. He thought he was giving me great wisdom. I told him that Talleyrand went to the Congress of Vienna in September 1815 after the defeat of Napoleon at Waterloo, but that Napoleon almost won at Waterloo. It was the last minute intervention by Prussia that brought about his defeat. Moreover, the Congress of Vienna was a multilateral conference. The concept of the balance of power in Europe was the pillar of British policy and the British did not want the power of France to be obliterated. But there was no such situation in our Simla discussion. It was a discussion between India and Pakistan; if you like, between victorious Pakistan and defeated India! It was a meeting between India and Pakistan. We had, Sir, nothing, hardly anything. And, I tell you, there is some vanity in every man and I believe that I also possess a little bit of vanity although I am not high caste like our Sardar of
Dera Ghazi Khan. But there is a little vanity in an individual and I was not at all comfortable in our defeated circumstances. But we met and we discussed. I do not need go into the details as I am coming to that later. We thrashed out an agreement about which I think we could come back and say that if it was not a victory for Pakistan it was also not a defeat. So some people, my sycophants, Rao Khurshid Ali and Mr. Abdul Khaliq raised it. So there is no question of my having asked them to do it. What is important is that the people praised it, the people accepted it, and the people understand it.

Sir, I have been accused by my friend from Dera Ghazi Khan that he whipped up agitation against the Tashkent Declaration, that I whipped up agitation against the Tashkent Declaration for personal power and aggrandizement. Mr. Faruque is sitting here, returned recently from his honeymoon. You ask him, if faithful to his God, what was my attitude at Tashkent? I am coming to Tashkent later. I told Ayub Khan at Tashkent, “I know the people of Pakistan; they will never accept your agreement”. That was my conclusion at Tashkent before I even arrived in Pakistan. There was a spontaneous revolt against Tashkent. We did not inspire it. It had already taken place before we landed on the soil of Pakistan. I had predicted it even at Tashkent. The people did not accept the Tashkent Declaration. Today our friends from the opposition might say anything, anything against the Simla accord. But you see, these problems go to the heart of the people. We who believe in the people, we know that the people cannot be deceived. They have accepted it; they did not accept Tashkent. They have accepted this for good reason; they had rejected Tashkent for good reason.

The people are the final arbiters; the people are finally sovereign. They have a sixth sense which none of us is endowed with. That is why the people have accepted it. Now whatever you may say against it, eloquently or otherwise, they are not going to refuse this agreement. It does not betray their interests; it has not been against them. So the debate here is really superfluous. But it had to take place because you represent “the sovereigns”, as Mr. Daultana told us in his lecture the other day. The point is that since you represent the sovereign, you have to finally give your assent but the people have already accepted it. So, Sir, that is why they praised it.

Now it has been condemned. This is very important. You must take cognizance of it. Why has an agreement which even the enemies think – I do not want to use the word ‘enemy’ – the other side thinks is fair, good and proper, been subjected to condemnation? Certainly, therefore, there is nothing wrong with the agreement *per se*. there is another motivation behind the condemnation. This is very important because if this is condemned I cannot move forward. They would have tied my hands. Because if something which is patently in our favour, patently to the advantage of Pakistan, to be condemned then it is
impossible to move forward to more difficult problems. It is being condemned not because the agreement is bad but because there are other reasons and those other reasons are more vital.

The third view calls it a “beginning”. But even on this, people have different interpretations to which I will come later.

Now I want to cover those who have condemned it. Sir, if there is no motive behind the condemnation then there must be some reason which is inherent in the Agreement. What is that reason? The reason is that Pakistan was victorious. That General Aurora surrendered to General Niazi and that Calcutta fell and West Bengal was liberated! Otherwise there is no other reason for condemnation. Unless we come to the conclusion that Pakistan was victorious, Aurora surrendered to Niazi and Calcutta fell and with it came the liberation of West Bengal!

Otherwise, I really cannot find any rational reason, my dear friends, for any opposition to it. But, surely, Sir these Gentlemen, these friends of ours, they must know the ultimate realities. Certainly they are aware of the situation Pakistan is facing. Certainly they cannot be ignorant of what is happening. You know, the 20th of December, things were bad when I took over; and today when I look back to that, I wonder how we have pulled through. It was a nation completely demoralized, shattered, and these very chauvinists, who are now talking in these terms, they sent messages, “immediately recognize Bangladesh, immediately agree to Indian terms, otherwise West Pakistan will also be finished and our women and children will be raped by Indian soldiers”. I told them not to be defeatist in their outlook, to hold on, to have the spirit to revive.

And today these some individuals are speaking in terms which are chauvinistic, which are unbelievable. What are they saying? That fundamental issues relating to the very existence of Pakistan have been compromised; Bangladesh has been recognized; Kashmir has been surrendered; the case of Kashmir has been withdrawn from the United Nations; Indian hegemony had been accepted; the spirit of Jehad has been destroyed; strategic positions in the Lipa Valley have been given to the Indians; a no-war-pact has been signed, a non-aggression Pact; Hussainiwala head-works have been returned for wasteland in Sind – and what about the poor displaced persons over whom they are having sleepless nights? – the prisoners of war have not been brought back; Indian aggression has been respected; the two- nation theory has been destroyed and a precedent has been set for the breaking up of the remaining part of the country.

Sir, I admire their perverse imagination. They have risen to glorious new heights. But I would like to ask you, before I even go into the analysis of the situation,
how has the existence of Pakistan been compromised? How has Bangladesh been recognized in this agreement in Simla? I said not only to Prime Minister Indira Gandhi but also at my Simla Press conference that I refuse to recognize Bangladesh on the soil of India. Then how have we compromised Bangladesh by going to Simla, by coming to an agreement in Simla? “Kashmir has been surrendered”, it has been said. How has Kashmir been surrendered? I am coming to that later. On the contrary, for the first time, after Tashkent, Kashmir has been reactivated. It has been argued that Kashmir has been withdrawn from the United Nations. How has Kashmir been withdrawn? It is an item on the Agenda. If I withdraw it then I will say we have withdrawn it. If one likes to go to the United Nations, I am prepared to send Mr. Hafiz Prizanda abroad again. So, why should you say that Kashmir has been withdrawn from the United Nations? “Indian hegemony”; What hegemony of India has been accepted? We said we want Indian friendship, not Indian leadership. I have said it time and again. I told Mrs. Indira Gandhi, “How do you accept your leadership to be imposed on the people of Pakistan?” Rightly or wrongly the Muslims of the subcontinent have ruled the subcontinent for 700 years. How can we now today accept their tutelage and the domination of India over us?

The spirit of Jehad, Sir this is the worst of it. Did the Muslims destroy the spirit of Jehad over a fair and good agreement? Is that the resilience of Musalmans? Is that what Musalmans are made of? Is the spirit of the people destroyed by coming to an agreement? On the contrary the agreement revives the spirit of the people. If an agreement is against the interest of the people, the people revolt against it and the spirit is raised rather than destroyed, as a result. How can Musalmans, claiming to be Musalmans, make such an assertion? Only because they are sitting in the opposition? After all, as one of the Members has said, have the Muslims not lost before? In the days of the Holy Prophet (peace be upon him) also battles were fought and the Muslims spirit of Jehad was never destroyed. The same Khalid who opposed the Holy Prophet and who was responsible for the defeat of the Muslim forces because a Musalman and he took the forces of Islam to Spain and other places. If I talk to you about Islamic history, then they will say, “How can a kafir speak about Islamic history?”

“Strategic points of Lipa valley has been given away”, they say. O! Field Marshals, what do you know of all these advice from the former Commander-in-Chief of Staff? I have taken advice from the former Commander-in–Chief who was retired. These are technical matters. In 1965, Kargil was lost to Pakistan. Again Kargil was lost to Pakistan. But you know what we have got in exchange for it. We have got the whole Chhamb sector. But if you want to say this thing, and it sounds nice to you, of course, you can say it but it is not true. This is not the military position.
"Hussainiwala headworks" I am surprised that a Member of a progressive party should have advanced that argument, but I am not surprised because he came from the Jamit-i-Islami to our Party. Sir, territories of nations are sacrosanct. It is not a question which is more valuable and which is less. Every piece of Pakistan territory smothers earth to us. The member may not like Tharparkar. Tharparker is far away from where he stays. But I am in love with Tharparkar and every part of Pakistan from Khyber to Karachi and any part of Pakistan whether alluvial of desert, productive to unproductive. It is sacred to me. For me it was a great sense of achievement that we could get back our territory, and if they get back their territory why should I be opposed to the people of Rajasthan? Why should I want them to suffer? We have no quarrel with the people of India. Why should their areas be turned into a desert? Why should there be floods? Are we so cruel to want the Indian people to suffer when we are getting our own territory, two Tehsils in Sind and one Tehsil in Shakargarh in Punjab, back? Shakargarh is a very important place from Tharparkar in 1965; one and a half million refugees came back.

I took over on 20th December. I sent the Governor of Sind the next day to Tharparker, I sent the Governor of Punjab the next day to Shakargarh. We love the people of Sharkargarh and Tharparker. They have voted for us. They are our blood. They are our kith and kin.

"Indian aggression had been made respectable." How has the Indian aggression been made respectable? In what way? It is very well to use these words, but how can it be said that Indian aggression has been made respectable? I cannot understand. Since I cannot understand it, I cannot give an answer.

"The Two-Nation theory has been compromised." Sir here is indisputable point. Enemies cannot compromise with the two nation theory. What is happening in Sind today? If we have to build Pakistan, we must accept Pakistan. We must love Pakistan. We must have respect for Pakistan. We must be identified with Pakistan. We must have a State of Pakistan. We must believe in the creation of Pakistan in the making of Pakistan and in the glorification of Pakistan. Others have nothing to say for this. That is like being done away by proxy. What is the concept of sovereignty? Will England be compromised because of France’s hostility; Germany because of France; the Soviet Union because of American hostility? If President Nixon meets Chairman Mao Tse-tung, has China’s sovereignty gone? Is China’s concept gone? If Mr. Nixon meets Mr. Kosygin, is American sovereignty gone? After all let us be pragmatist? At least, let us have some concept. It is all very well to say things, but prove it to us; show it to us.

“A precedent has been set for the breakup of the rest of the country.” How can a precedent be set for the break-up of a country? We have already set our own
precedent by taking wrong decisions, by pitting brother against brother. Precedents are not legal factors. It is not a case in the Privy Council or in the House of Lords or in the Supreme Court of India or Pakistan. This precedent is a political factor. These are human relations. These are the questions of love and hate. These are the questions of harmony or discord. These are questions of dichotomy or reconciliation. How can a precedent be set for the breaking up of the country? The country can be broken if we take the wrong decisions, if we pursue undemocratic means, if we destroy our own soil and if we go against our own people.

Now, Sir, there are people who are opposing the Simla Accord because they say they want to take revenge from India. But even if they want to take revenge, is this the moment to take revenge? Is this the moment to go to war with India? You know the agent provocateur. The role of the agent provocateur has been perfected in our times. I do not want to give example of other countries where agent provocateurs went more extremes that was warranted by the situation. I do not want to talk of other countries because it is not fair for me in my position to do so. But these people are nothing short of agent provocateurs. They want to provoke a war with India immediately, here and now. They want to see Pakistan eliminated. Why do they want to do it? I don’t want to say more. Look into their past and you will find the answer.

Now, Sir, others have said it is only a beginning. Yes, it is true, it only a beginning. I admit, it is not even a first step. It is a first shot. It has been left to the people which way they want to go; whether they want to take the path of war or they want to take the path of peace. It is a question of interest. We have had agreements so often in the subcontinent, outside the subcontinent, but unless the intentions are there, we cannot move forward. You want peace with India; you want an honourable settled peace on the basis of rights, equity and justice. You want that or you do not want that. You want to go under Indian tutelage or you want to fight with Indian straightaway.

There are three courses left. First is, fight straightaway and decide finally. Second is, no, we have peace. Some people will say have peace for all times based on justice, equity and fair play. Other say: “have peace to build Pakistan, but later take revenge. The Indian also think. They also must wonder what is Pakistan’s object – what these Musalmans want, who have never reconciled. I am not revealing some secret. It is an objective analysis. As far as fighting immediately is concerned, it is out of the question. If you want to be jingoistic, if you want to be Bonapartist, somebody else will have to go into it. I will not do it because I know it will be the end of my country.
Others say build Pakistan, a strong progressive, people’s Pakistan. In which direction will that people’s Pakistan go, is not for me to decide? I will not be there. My mandate is limited. My mandate is to build Pakistan. I will build Pakistan. I will give every ounce of my intelligence; I will give every part of my life to build my country. It is for the future generations to decide whether they want to make it a progressive, prosperous and happy Pakistan. It is for them to decide if they will go to war or to peace. Only they will decide. If the Indians want to know what Bhutto’s intentions are, I tell the Indians of my intentions that I cannot do it. Not in the next 5, 10 or 15 years. So, all I can do is to build Pakistan. It is for the people of Pakistan and the people of India to decide what kind of relationship they want between themselves. Only two big leaders have spoken for the people. It is time for the people of India to decide whether they want to live honourably as good neighbours, or whether they want to be enemies, always hostile to each other and always at war with each other. That decision does not lie in our thinking, the people’s thinking, but the people fundamentally think for themselves. I can only help them to get going, get them prepared for what they want. That is all I can do. I can do no more. I will make a prosperous Pakistan, a great Pakistan, a monumental Pakistan in the service of the people, a Pakistan for the poor masses of Pakistan.

We have to release great energies and we have also to unleash a great force. We have to open the golden flood-gates and we have to channelise our energies. When it comes to a bad situation the old guard leaders say that we are responsible for it, and when we succeed they say, we were talking the same thing many years ago. Your talk was just talk, but we galvanized the people and we brought the energies of the people into play. Of course, they were talking before me about socialism in this country, but they could not get themselves elected even to a Municipality. I am not ashamed of what I have done to the people of Pakistan. I am proud of having galvanized them. I am proud that there is now a sense of dignity in the common man. I am proud that the Hari can tell his Zamindar to go to hell and that he wants his rights. If there is chaos in the wake, it is productive chaos, not negative chaos.

Those who do not have a sense of history will never understand these things. There will be problems but we must face them. Europe had these problems. We have kept the giant asleep; we have let the giant sleep too long. It is a big giant. We have shaken it out of its long slumber. We said, “Get up, you cannot sleep. You fool, open your eyes. It is now for you to fight for your rights.” My friends ask: what has the people’s Party done? Where is their manifesto? What we have done is to set a great movement of great ideals into motion. Those who used to be elected from their bathrooms have been defeated. This is not a mean achievement, no matter how much they ridicule us. I can mobilize the
energies of the people of Pakistan and make them into a great, progressive and modern state, with modern thinking and contemporary ideas, in the service of the people of Pakistan. The world will praise it. Let the people of Pakistan then decide what is going to be their future with India.

Coming to this Agreement, my friend, Mr. Bizenjo said that it is a matter of intentions. Sir, there are two kinds of treaties. International Law, Sir, - with due deference to Mr. Malik Akhtar, who speaks with authority, with authoritative ignorance – has two concepts for treaties—one Pacta – Dunt – Servanda and the other Clausula Rebus Sic Stantibus. One treaty is sacred, is binding and is for implementation. The other treaty is just a scrap of paper. It can be discarded and it can be thrown into dustbin. Now it is for you to decide whether you want the former type of treaty or the latter type. It is not for me to decide whether you want to use your collective force to bring about harmony to the people of this sub-continent. It is not for me to decide.

In this context, we say that the Indians cannot be trusted and the Indians say that Pakistanis cannot be trusted. This is a big debating point. Some talk here about Munnoo and Chunnoo, and the talk of Muhammad Bin Qasim and of Mahmood Ghaznavi, and the talk goes on and on. But who is going to judge those intentions? It is through actions and conducts by which intentions are judged and, with all due respect, I would say that in the past India has not inspired confidence in us. Whatever my friends may say, that Pakistan has been built on hate, that we are responsible for confrontation, I do not want to introduce a sour note in this national debate. I have great respect for my friends in the Opposition and I do not want to analyses their speeches. I would say no more than this, that I do not think it is right to say that we have not inspired confidence in the minds of the Indians.

I do not want to go into the question of Hyderabad, Junagadh and Manavadar. You all know that better but for how long are we to go round the mulberry bush? Somebody has to cut the Gordian knot. I have just told you that I cannot cut that knot because I will not be there in terms of history to cut it. So someone else will have to take the courage and say, “All right, I am going go to do it”. If we are capable of that courage then I think we can make some progress. But if we continue in this vicious circle, if we go into the antiquity of history we will go suspecting each other. After all, France and Germany had the same problem.

But where are we going? Somebody has to say that a new situation has arisen and a new pattern is needed and I am going ahead. I do not have that courage, I hope somebody after me might adopt that course and might try to put things in the situation where they are, or both of us, can get together and say alright let us forget the past, let us forget our follies, let us forget all the wrong that we have done – we live in the same geographical area, we cannot get out of the
sub-continent. We cannot change geography. Pakistan cannot be lifted and taken to Canada and India cannot be lifted and taken to Australia. Since we live here let us find some method of living together, some modus vivendi. Let us live on the principle of live and let live. I think then we will be able to bring to the people, peace that has been denied to them for centuries.

Let us do so for your children, for my children, for everyone’s children, so that they can build their country, build hospitals, build schools, and can give education to their children. We need not remain the cesspool of the world, not the slum of the world that we are. We can then rightly tell the world that we are an ancient people, we are a great civilization and show them what our civilization means. We can say, “See what we have done for ourselves.” This is all I believe we can do and this is what I will strive to do.

Sir, in this connection, I would like to tell the House and, through your kindness, the people of my great country that I have kept my pledge to the people. My pledge was that I will not compromise principles, which I have not done. I had said, there will be no bargaining, which I have not done. I had said that I will not compromise the right of self-determination of the people of Jammu & Kashmir, which I have not done. I had said that I will not discuss Bangladesh in India, which I have not done.

Sir, any student of history knows that secret agreements never flourish. Secret agreements have no validity. As long as they remain secret, they are of no value, and the moment they come out, the people oppose them. So you have to know how the world had moved from the days of Moenjedaro in order to know that secret agreements are really redundant.

I told the people that I would bring the Agreement to the people, and I have done it. I have brought it to you, to all of you, and now it is for you to accept it or reject it. I will not accept it if you reject it. It is not my personal property. I have told you that I do not feel a sense of elation; I do not need any Qaseedas (songs of praise); I do not want it if you do not want it. Why should I want it if you do not want it? If you are not happy with it, how I can be happy with it? If you are not happy with it, how can I feel a sense of justification? If you feel humiliated, if my country does not like it, if my people are against it, if they feel that I have let them down, they should throw out this Agreement and they should throw us all out. We do not want it if you do not want it. So, I have brought it to the people. I have brought it to this August House.

I had said, Sir, that I would redeem national honour. Some people have asked how will I redeem national honour? Sir, redemption of national honour is not a day’s job. National honour does not get redeem until you can do it and not come in the way of that redemption, not to obstruct that redemption. I have not
obstructed that redemption. I have upheld Pakistan’s dignity, sovereignty and self-respect under very tiring and difficult circumstances. I can swear before God and man that I have not in any way compromised Pakistan’s self-respect, sovereignty and honour, and that itself is redeeming national honour. If the redemption of national honour means something else to some people, I would say that today is not the day for Salahuddin to get on his horse. I have not deviated from my belief and my concepts although they say that I am full of contradictions. That is another story, whether I am or not. I have not in any way deviated from a single basic principle.

Long ago in 1966 I had said in my book “The Myth of independence” that “bilateralism is the only form of foreign policy that Pakistan should adopt”. I have struggled for bilateralism. There is the former Foreign Secretary sitting here and others who know the struggle I had with Ayub Khan for the concept of bilateralism. I have not surrendered the concept of bilateralism. I have actually vindicated my own position on this concept of foreign affairs. To agree to bilateralism now is in no way a deviation from my own concepts and my own beliefs.

Sir, before leaving for Simla, we made all the preparations that were humanly possible, because, as I have said, we had nothing in our hands. We had no trump cards; we had no leavers; the only lever was to consult our people, meet them, and also to visit foreign countries, fraternal countries, friendly countries, Russia and China. It was a fatiguing endeavour, but it is done in the supreme national interest and I think it paid dividends. Some Members of the Opposition have appreciated it, for which I thank them.

Now, Sir, we come to the criticism that the Simla Agreement is worse than the Tashkent Agreement. While it is said that the Tashkent Agreement was a better agreement, the arguments given here are that East Pakistan was with us at that time, therefore, Simla is worse than Tashkent; the doors of the United Nations had not been closed at Tashkent; Kashmir was not settled at Tashkent – it was settled in Simla according to inference – withdrawals were effected throughout West Pakistan including Kashmir, where on this occasion, this was not done; a better ceasefire line was not given to India in Kashmir, as was done at Simla. A certain official was present at both Tashkent and Simla, who has been responsible for all the damage.

I will take the last point first, Sir. I do not think it is fair, whether a Member in this House be a prince or a pauper, to make such allegations. It is not fair, it is not fair to the official and it is not to the leadership. I can never conceive of an official of my Government doing something against my instructions. It will be a direct insult to me. I cannot conceive of a greater insult. Whatever was done by the officials and this official at Simla, was with my concurrence, with my support
and under my guidance. Every move that was taken, every step that was taken, every word that was uttered was with my consent. They were with me all the time, taking my instructions. So it is not fair to say this. How, they say the same official was in Tashkent. Of course he was. I was also in the Tashkent and I must say to the credit of this official that in the whole galaxy of Ministers and officials who accompanied us at Tashkent, this official was the one to stand by me. He was the only one to tell Ayub Khan that the Foreign Minister is right. All others went and stood under Ayub Khan’s wings telling him, “Do what you like. Sign it, Sign it.” When I opposed Ayub, this official said, “Sir, you have no right to be so harsh to the Foreign Minister he is doing his duty to the country.” And that is why he came into Ayub Khan’s bad books.

Ayub Khan did not forgive him for standing by me at Tashkent, and threw him out soon after I left the Government for standing not by me but by Pakistan’s interest.

I resent and deplore those allegation made by relations of Ayub Khan to cover the betrayal of the nation of Pakistan at Tashkent. I assert that if Ayub Khan had left the Tashkent negotiations to me and to my officials, just as I left the Simla negotiations to the officials, we would have secured a much better agreement perhaps we could have secured a settlement of the Kashmir dispute at Tashkent. But Ayub Khan, the Field Marshal, was shivering in his pants, the Field Marshal was browbeaten, the Field Marshal was shaking.

And what did the Field Marshal do at Tashkent? What is the difference between Tashkent and Simla? At Simla, we had lost half the country, we had 93,000 prisoners of war, our three Tehsils were in Indian hands, we had threats of war trials, and Pakistan was demolished and demoralized physically and ideologically. At Tashkent we went with our heads high. If we had not won the war, there was at least a draw. East Pakistan was with us not because Ayub Khan kept it with us but because of other factors. Mr. Shastri was in a weak position. Mt. Shastri was demoralized and was trying to find a way out.

During the first meeting at Tashkent which I had with Mr. Chavan, the Defence Minister said to me, “You must settle Kashmir here and now, there must be a final settlement”. I said, “Mr. Chavan, if you expect me to remove the ashtray from here to there, I would not do it. If Kashmir has to be settled it has to be settled on our terms”. Then he want to Mr. Shastri and Mr. Shastri went to Mr. Kosygin who went to Ayub and they all said, “You have a very difficult Foreign Minister and unless and until he is removed from the negotiations there can be no progress.”

The Ayub Khan come to us and said, “You know, these people have told me that I am a statesman whereas they are politicians and that I alone can settle
this problem.” According to Ayub Khan, Shastri told him, “I am too small a man, I am too little a person, I am in the hands of my Lok Sabha but, Sir, you are a great man, a great ruler, a great statesman, you can go beyond your people, you can go beyond the nation”. Ayub said, “Well, if he cannot do it, if he cannot compromise on Kashmir, I will make a compromise on Kashmir”. I was the one man who got up. Mr. Ghulam Faraque was also there, I said, “Shastri had no right to compromise because his people had not given him this right. Don’t feel you have been given the divine right by God because, finally you are answerable to God Mr. Ayub Khan”. For that I was victimized, for that I was browbeaten, for that there were assassination attempts on me, because I stood for the integrity and the honour of Pakistan at Tashkent.

Today you say that Tashkent was better than Simla. On what basis do you say that Tashkent was better than Simla? If you come to such feudalistic and obsolete conclusions, Sardar Sahib, let me tell you, my dear friend from Dera Ghazi Khan, that you have misread the mood of the people, that you have miscalculated the courage of the people of Pakistan to have come to that conclusion. We did not exploit Tashkent, we were betrayed at Tashkent. Kashmir was put aside at Tashkent. If today I have difficult problem it is not because of the prisoners of war, it is because of the legacy of Tashkent. Books will be written on it.

They say, “Why don’t you talk of the Tashkent secrets.” I am too much of a Pakistani, too patriotic to talk about the Tashkent secrets. Those secrets are coming out.

If Kashmir has become an insurmountable problem for us, Mr. Chairman, Sir, it is not because of our dereliction and weaknesses at Simla, it is because of Ayub Khan at Tashkent when he said, “I am prepared to put Kashmir aside. I am prepared to forget Kashmir”. And today he lives, he lives free, he lives with respect, and we are blamed for everything. We are told, “What have you done to keep up national honour? The aggressed are being acquitted. There is an unequal treatment”. My answer is “who brought about the surrender of Pakistan at Tashkent when we had at least come to equal terms with India?”

Why we did not win the war in 1965 is another story, which I may tell you. But you will have to sit here a little longer for that, as you also made me sit for five days. I am going to these lengths to elaborate my points because my friends must know, they must understand.

Sardar Kher Baksh Mari wants to know why I think my coat is liked by people. It is because I stood by the people. Sardar Sahib, don’t be envious because my coat is liked by the people, or my handkerchief is liked by the people. I have shed my tears for you and wiped them with my handkerchief, so don’t forget the past that easily, Mari Sahib, and talk like that.
So, Sir, the point is that we have the legacy of Tashkent. If you want to talk about precedent, it was set at Tashkent. The precedent was not set at Simla. And yet you say that Tashkent was better than Simla.

Tashkent was a betrayal of the whole nation. Tashkent was abject surrender, a complete capitulation without cause.

It is said that at Tashkent withdrawals were effected throughout that border. Yes, because the Indians wanted to establish the ceasefire line as an international boundary. Is there no logic in these people? Don’t they understand that, by bifurcating and delinking the international line from the ceasefire line in Kashmir, we have it admitted that Kashmir is a disputed issue, otherwise why should there not have been a total withdrawal if it was an international line? At Simla, I did not agree to that position, but Ayub Khan had accepted it because he had forgotten Kashmir at Tashkent.

Reverting now to this Simla accord itself, Sir, at Tashkent, the Indians and their friends wanted everything to be settled in one go. Naturally, if Ayub Khan had agreed to a settlement on Kashmir like that, why not settle everything in one go at Simla too? But we said no to that. We said it will be a step-by-step approach. That means we are concerned about Kashmir. If we were not concerned about Kashmir I would have said, “All right, let this all be done in one go.”

In earlier years, Pakistan had asked India to resolve this fundamental dispute but Mr. Nehru refused and suggested a step-by-step solution to the problem. Now the Indians say, “We were wrong then and Pakistan was right. Resolve the basic problem and everything else will follow”. But neither they are right now nor were we right then. The point is this the Indians took the position earlier on a step-by-step solution because they did not want to come immediately to Kashmir as at that time, there would have been a plebiscite and Kashmir would have gone to Pakistan. So they did not want to come directly to Kashmir and, instead, wanted a step-by-step settlement. They sought a settlement on Kashmir now because, due to our defeat, the balance had tilted in favour of India. Therefore we did not agree to it. So the tables have been turned, not because we were right and they were wrong but because the objective conditions have changed. Than it was in their interest to go step-by-step; and now it is in our interest to go step because we do not want to surrender Kashmir.

If I wanted to surrender Kashmir, I would have said, “Let us go about it the way Ayub Khan did”. Mrs. Indira Gandhi had originally said, “it must be a package deal, a basket deal”. Mr. Dhar said to me “it must be a bouquet of roses, all in one”. I said. “No, one rose at a time.”
Sir, why are we not being given even a little credit for having done a very elementary thing for our national honour and self respect? We have worked very hard in the face of overwhelming odds to secure agreement on a step-by-step basis so that we do not have to tackle the Kashmir dispute immediately.

Then they say what about our prisoners of war. Prisoners of war would have been sitting at home if I had given even a hint for the Kashmir settlement. When they said, “settle Kashmir if you want prisoners of war”. I would have got them back. When I refused this, Indira said at least settle the principles. “If I settle the principles it amounts to settling the whole thing”. That is what I told them, because there is only one principle and that is the principle of self-determination which you do not accept. If I give another principle it means partition and partition would be on the basis of the present ceasefire line. I cannot give another principle. You will have to keep the prisoners as long as you want. Now if you all want to jump down my throat for not bringing back the prisoners of war, I shall accept it.

So, this is the situation, and yet all kinds of allegations are being made that Tashkent was better than Simla. We are also being asked, “What was done about Bangladesh? What have you done about Kashmir?” The simple answer is: if you wanted us to settle everything at Simla, we could have done it but on whose terms? That is what India wanted, to settle everything.

Now, as far as the prisoners of war are concerned, a mention of Geneva Conventions and United Nations has been made. Sir, you are a lawyer, my friends, many of them, are lawyers, and you know that status of international law. Is international law a superior court? Is international law a superior Government? International law is just a philosophy. International law is a subject which people study when they have nothing else to study. That is why I studied it.

Let us be realistic. Let us be pragmatic. Where is the sanction behind the Geneva Conventions? Has a single United Nations resolution from the inception of the United Nations to this day been implemented which does not have the concurrence of the Great Powers? Has the resolution on South Africa been implemented? Have the resolutions on Israel been implemented? Have the resolutions on the Indo-Pakistan sub-continent been implemented? None of them. None of them. None of the resolutions, and not the Geneva Conventions. Who has implemented them?

It is for the states finally to decide. We know that India had violated the Geneva Conventions. We know India has violated the United Nations Charter. What has the United Nations done? It has given India Hyderabad. It had given India Kashmir. It had given India Goa and Pondicherry. With every violation of the United Nations Charter they acquired more territory. In the beginning we were
excited at the concept of the United Nations. We thought that the United Nations was a super-government and that it would answer all our problems. That is not the position.

The key to the release of the prisoners of war is in India’s hands. Of course, the Geneva Conventions are there. But the keys are with Mrs. Indira Gandhi. They are not in my custody. They are in her custody. She has to decide. You may throw the Geneva Conventions into her face. She would not accept them. What can I do? No use talking about it.

India has accepted the withdrawal of troops from the borders. Troop withdrawal is more difficult to obtain than the return of prisoners. Prisoners cannot be kept indefinitely. Territory can be kept indefinitely. Israel has not left an inch of Arab territory but they have returned all prisoners of war. Territory is more sacred, more permanent. Once withdrawals take place, what is the rationale for India to keep the prisoners? The war has ended. There is a ceasefire. There are withdrawals. Why should they keep prisoners? Certainly, we will tell our brothers and every one else to help in the process. We will certainly get back our prisoners of war— if not today, then tomorrow. They will come back Inshallah.

Now, Sir, back to the Simla Agreement. I am afraid that what has been said on the question of “mutual agreement” in the accord is not correct. If we want peaceful settlement either it is through the United Nations or it is by mutual agreement. We have not withdrawn our case from the United Nations. You know very well what we have got from the United Nations. In 1948 the first resolution, Mr. Nehru had an agreement with the British Prime Minister. Mr. Attlee, and the passage of the resolution was delayed by a few days. The British made a point that the Pakistan forces would withdraw from Azad Kashmir completely but from the Indian occupied Kashmir only the bulk of the Indian forces would be withdrawn. What “bulk” means is very difficult to determine. That was the day, that was the moment when you jeopardized the right of self-determination in Jammu & Kashmir. Whether India did that with British help or with someone else’s help is open to an objective study. It goes back to 1948.

What was the basis for the United Nations to say that Pakistan forces withdraw from Azad Kashmir and the Indians would remain in occupied Kashmir? Was not India the aggressor? Why was the aggressor allowed to remain in Kashmir and the aggressed to withdraw from Kashmir? Who equated the aggressor with the aggressed? Who gave an unequal treaty? We gave respectability to the concept of aggression in Kashmir? Not this government. We were not anywhere on the scene. Why was it agreed at that time? Somebody will be saying that I am attacking the Quaid-i-Azam. Quaid-i-Azam is dead. I am not
attacking anyone. I am just mentioning to you the objective facts. That is the position under the 1948 Resolution.

After that, every successive Resolution – please study them, Sir, went against the concept of self-determination, went against our basic position. So much so that in 1964 the United Nations was not even prepared to give only a consensus, which I rejected. It was humiliating to accept that consensus. And what did the President of the Security Council say? He said, “we can say India and Pakistan must have bilateral negotiations”. But, forget about that.

In 1965, after the September war, we were in a good position, a favourable position. The United Nations at that time was not even prepared to mention the name of Kashmir in the Resolution. The Resolution mentioned the political problem underlying the cause of the conflict. When Mr. S.M. Zafar told them to put in the word “Kashmir” they said that they would not do so. That is after the war. When I went to the United Nations at least they agreed to use the words “the political problem underlying the cause of the conflict” which appeared in the Resolution. They said that they could not mention Kashmir – Kashmir’s situation had changed.

The British position on Jammu and Kashmir has changed. The American position has changed. And the Russians have said that they would veto any resolution on Kashmir even before they have seen it. That is the position in the United Nations.

But we have not left the United Nations for whatever it is worth, for whatever we have got or not got from the United Nations. I was not a Minister, I was not President, I had not gone to Simla, when in the last meeting of the United Nations I walked out in sheer disgust. I did not tear up any resolutions; I tore up the pages on which I was writing my notes. I said, “You keep it yourself”. You know the “compliments” I paid to the United Nations, but if the people of Pakistan think the only answer to Kashmir lies in going to the United Nations. If you think we have withdrawn the case from the United Nations, I shall take every member of the Opposition to the United Nations to disprove that, and then let us see what the United Nations gives us. I am not deploring the United Nations. I am not deploring the United Nations. I am just giving you the factual position.

In the light of these circumstances, without getting out of the United Nations, what have agreed to at Simla? We have agreed to have bilateral negotiations and that too under the Charter of the United Nations, under the Principles of the Charter of the United Nations. I have mentioned deliberately the word ‘Charter’ because Charter includes also the International Court of Justice. So, the point is this: if our bilateral negotiations fail, there is nothing to stop the process going to the United Nations. One Member of this Assembly said that
we had tried peaceful means for 25 years and what had we got by peaceful means? My dear friend, my dear brother, we have tried peaceful means for the last 25 years but we have also tried war in 25 years. We might not have gained anything by peaceful means but how much have we gained by war? The gain by war is that we lost half the country; the gain by war is that we have 93,000 prisoners of war there in India; the gain war is that we have lost some of our tehsils which we are going to get back as a result of the Simla Agreement; the gain by war is that we have established for the moment at least that India has militarily an upper hands. If we have gained nothing by peaceful means, we have certainly not gained by war.

What do you want – war or peace? I have told you that it is for the future generations to decide what they want. But today certainly you cannot take out a war chariot, because you are not in such a position. December 17, 1971 is not away from July 14, 1972. The Indian Defence budget has not been cut. It has, on the contrary, been increased. The general international situation has not changed. Do you want to go to war? Yes, you might overthrow me, that may satisfy you, but there is no other justification to pursue such a course of action. So, Mr. Chairman, Sir, with due respect, I would say that the position we have taken is preeminently justifiable.

I was going to quote from the United Nations Charter but it is getting late in the night. Otherwise I would have established to you by quoting some Article from the Charter that we have no way compromised our position. There is Article 103 which provides that if an agreement between two countries is inconsistent with the Charter of the United Nations, the Charter prevails. So, if we have come to an agreement which is inconsistent with the United Nations Charter, the Charter will still prevails. That is Article 103. Article 51 of the Charter says that a State has the inherent right of national self-defence. Article 33 of the Charter speaks of the settlement of disputes by adjudication. Article 11 of the Charter says that the Assembly can only make recommendations. Article 10 provides that the Security Council can make decisions. Article 23(3) says that the Security Council can only come to a settled agreement if all the five Great Powers agree.

I could go on quoting from the Charter. I am not a good lawyer. I was a bad lawyer. That is why I went into politics. But that is the position under the Charter. Don’t throw the Charter at me. I know the Charter inside out. If we can get Kashmir by the Charter certainly we would go to the United Nations tomorrow.

Sir, there is only one way to “get” Kashmir – neither by negotiations, nor through the United Nations. If you want to have the people of Kashmir to secure the right of self-determination you must fight for their right of self-determination. There is no other method. Twenty five years of history has shown us that the
right of self-determination cannot be achieved by proxy. Even the Americans, the greatest power on earth, cannot deprive the people of Vietnam the right of self-determination by using all their power and all their might in that small, little country. If the people of Jammu & Kashmir want their independence, if they want freedom, if they want to be a free people living in fraternity and friendship and comradeship with Pakistan, they will have to give the lead. I tell you, Sir, on the floor of this House, with the solemn commitment of the people of Pakistan, that if tomorrow Sheikh Abdullah or Maulvi Farooq or others, start, a people's movement, we will be with them. We were with the people of the Third World in their struggle for independence and self-determination, and so, how can we not be with the people's struggle for liberation if the people of Jammu & Kashmir are prepared to make sacrifices for their inherent rights. That is the answer.

We have not compromised anything. We say we have not given the people of Jammu & Kashmir the right of self-determination. It is their inherent right. I have got quotations of Mr. Nehru saying, that I do not want to quote them all now but Mr. Nehru has said, “we believe in the right of self-determination of the people of Kashmir”. What did it mean when we said in the Simla Agreement “without prejudice to the recognized position, that is the international position? Pakistan’s position of self-determination is an internationally-recognized position. India’s position of usurpation of Jammu & Kashmir is not the recognized position because international law, the United Nations and the world do not recognize it. When we say “without prejudice to our respective positions”, it is really without prejudice to our position because India’s position is not based on principles. At one time India said ‘self-determination’. Now India says ‘usurpation’ and tomorrow better wisdom might prevail on Mrs. Indira Gandhi after reading the ‘Glimpses of World History’ and she might again say ‘self-determination’.

So let us try it out because there is only one recognized position that is Pakistan’s position. So when we say without prejudice it means without prejudice to Pakistan’s position because that is the only recognized position. So we stand by the position, thoroughly committed, up to the end from the cradle to the grave, from sunrise to sunset, provided, of course, the people of Jammu & Kashmir are in the vanguard. And with them there will be the Baluch, Pathan, Punjabi and the Sindhi.

Struggle is not a new thing for us. We have struggled internally. We can struggle for our people. We have been belied and browbeaten by bullets of jails. Wali Khan Sahib says that every child in the Frontier knows how to shoot. So we know how to shoot. We will fight if we want to fight. We will struggle if we want to struggle. We will sacrifice if we want to sacrifice. This is an eternal position and there can be no position better than that.
Mr. Chairman, Sir, much mockery has been made of the policy of confrontation and a 1000-year war. How many people, including Mr. Ali Hasan Magi, have tried to explain the concept of a 1000-year war. The 1000-year war is an objective concept. It is not a subjective concept. If Zulfikar Ali Bhutto says, “We will fight for a thousand years”, and if the people of Pakistan refuse to do that, they will throw me in the lunatic asylum. But it is a fact that the people of Pakistan accepted this concept and that is why it has been the subject of so much talk and discussion.

What does a 1000-year war mean? Does it mean that we will stand behind a machine gun and shoot for a thousand years? Even America does not have that much ammunition. So it is a metaphysical concept. It is an objective concept. It means that a nation will never surrender its rights till eternity. As long as it lives that nation will fight for its rights. Have I committed a sin by saying that we will fight and fight? As Bizenjo Sahib says: “Nobody can take away rights as long as the people are willing to fight for their rights till eternity”. From the days of the Roman Empire up to the Present times people have fought for their rights.

We have lived a thousand years in the sub-continent. A thousand years are nothing in the future. No individual can rule for a millennium. Even Hitler who claimed to rule for a millennium was finished in twelve years. So it is not the struggle of an individual. It is the peoples struggle. If the people do not want to fight, they do not want to struggle, they will never accept it. But if the people of Pakistan want to fight and they say we will fight for our rights till eternity, then they will fight. It may be a thousand years, it may be ten thousand years; they will do it whether I say ten thousand years or not.

One great stalwart of the Opposition said: “we had heard that war would go on for a thousand years. We should have fought five hundred years, one hundred years, fifty years, twenty years, even ten years. Or at least we should have been able to fight for seventeen days”. According to their light, to scale down from 10 years to 17 days is fair enough. This is not my concept that I should reduce a thousand year’s war to 17 days. In fact, these people cannot understand its objective and purpose. A defeated man cannot understand the meaning of a thousand year long struggle. Zulfikar Ali Bhutto has not been traitor to the cause of Pakistan’s struggle. If the nation is prepared and if the nation accepts then 10 years or 17 days make little difference. Victory and defeat are transitory events in the life of a nation. I can look down the vista of years and see the vision of victory after a 1000 years and not the defeat of today as they do.

About confrontation, Sir, I do not want to go into the political aspects of confrontation but you know finally where we stand today. We stand here because
of conformation. If we have not succeeded in our favour. It has not succeeded in India’s favour but, finally, the settlement or the new development and the turning point came through confrontation. So the validity of the concept of conformation is not lost by the defeat of Pakistan. It has been vindicated by the victory of India. What can we do if we did not have men enough, if we had chicken, usurpers, avaricious and corrupt people ruling Pakistan? Could not we in 1962 confront India and take Kashmir? But at that time the Field Marshal was hiding in Hunza and we were searching for him. In 1965 also, had it not been for failings, weaknesses and corruption, we could have gone on up to Delhi. This is a fact.

Opportunities can never remain at the doorsteps of a nation for all time. Opportunities change, situations change. Americans, with all the slur that has been cast on them, had given us weapons and equipment which in the 1965 war gave us superior armament and a superior Air Force. This is known to the Indians. This is known to the whole world. Mr. Neville Maxwell has written that he was waiting at Bangkok because he expected the Pakistan Army to be in Delhi because of the armored division. In the Rann of Kutch — and Generals are sitting here — we could have wiped out the Indians. In 1962 certainly we could have taken Kashmir because India had withdrawn all her forces from the border. But if you lose your opportunities, if you lose your chances, if you turn turmoil into greed, into a caprice, then no one can help you. India took advantage of the opportunity that came her way.

How can you say that the policy of confrontation has not achieved its purpose? Why do I admire Napoleon? Because Napoleon was the last professional soldier who went to war. Professional soldiers do not go to war. It is only civilian leaders who go to war.

We lost our opportunities, we turned our back on them, but the Indians did not. Her nation will salute Mrs. Indira Gandhi for the decision she took. It required courage. If General Manekshaw was the President of India he would never have the courage to do so. If enemies do something which is in their interest we must acknowledge it. She took her decision. This is a decision which Ayub Khan and Yahya Khan shuddered to take.

Who says the policy of confrontation has failed? I had to go to Simla because the policy of confrontation succeeded. It succeeded in India’s favour instead of ours, because from 1962 to 1965 we let the opportunities go and did not make use of them. The Indians took advantage of their opportunity. It was confrontation which went in favour of India and against us because we lost the opportunities. We lost the chance, because the representatives of the people were thrown out and were victimized.
0715. **Message from the Ministry of External Affairs to the Pakistan Ministry of Foreign Affairs sent through the Swiss Embassy.**

July 21, 1972

Aide Memoire

The Ministry of External Affairs has the honour to request the Embassy of Switzerland to transmit the following message to the Ministry of Foreign Affairs, Government of Pakistan in reply to their message dated July 21, 1972.

BEGINS

India has never any intention of destroying the railway line in the Khokrapar Chor Sector in Sind or, for that matter, of damaging or destroying any other facility which exists in areas occupied by Indian forces, prior to their withdrawal, the Pakistan Government’s proposal that the Headworks at Hussainiwala and the railway line in the Khokrapar Chor Sector in Sind, should be left intact, when respective forces of the two sides withdraw, is welcome and accepted.

ENDS

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0716. **Letter from the Soviet Premier A. Kosygin to Prime Minister Indira Gandhi. [Unofficial Translation from Russian text]**

Moscow July 21, 1972

Esteemed Mrs. Prime Minister,

We have already got a possibility to set forth through the Soviet Ambassador the Soviet point of view on a new situation on the subcontinent arisen after the successful negotiations in Simla. We are glad that the results of these negotiations have been met with a wide support not only in India but also in Pakistan. The ratification of the Simla Agreement by a convincing majority of the Pakistan National Assembly testifies, in our opinion, to big positive changes, which have recently taken place in sentiments of various Pakistani circles. This once again confirms validity and wisdom of the policy pursued by you at the talks with Bhutto in Simla.

We hope that new steps will become possible in the nearest future aimed at normalizing the situation on the subcontinent and this process will continue, regardless of intrigues of enemies of the stabilization of peace in this area.
You, probably, already know, from the information conveyed earlier by the Soviet Ambassador through Foreign Minister Mr. S. Singh, that my colleagues and myself share your apprehensions regarding possible development in Bangladesh, taking into account intrigues by the USA and China. We are convinced that in this matter the interests of the Soviet Union and India coincide. We stand for steady advancement of the sovereign state of Bangladesh along the path of democratic development, for a solution of emerging problems by herself, without any outside interference. We, like India, render all possible assistance and support to this new state. We have undertaken appropriate steps to hold consultations on this question with leaders of the friendly socialist countries, which regard with understanding complicated problems facing the leadership of Bangladesh. As you have been already informed, the Soviet side is ready to hold appropriate consultations with the Government of India in any form convenient to it. Possible forms and dates of such consultations could be agreed upon through the diplomatic channels.

The views in of your letter of June 23, regarding a practical significance of the meeting of the Soviet leaders with President Nixon in May coincide with our own assessments of this event and of its possible international consequences. We intend to maintain contacts with U.S. Government in order to continue efforts aimed at strengthening peace and international security, which all peoples and states are interested in.

It is very important that the understanding reached in Moscow would be concretely converted into practical deeds of the U.S. administration – in the field of bilateral relations with us and in the sphere of international life. This applies, first of all, to the course pursued by the USA in Indo-China where the aggressive war unleashed by the United States against the Vietnamese people and peoples of other countries of this region continues. This applies also to the US policies towards West Asia and the countries of South Asia.

As you rightly note, a real perspective of further lessening tensions and developing international cooperation has opened in Europe. But mobilization of all peace-loving forces is required here also to fortify the favourable trends and to achieve new positive results.

I would like to express my satisfaction over the fact that you have agreed to use our invitation to visit the Soviet Union. We treated with understanding your considerations regarding your being busy in the late June and we shall be glad to see you in Moscow in the time, convenient for the both sides, which could be specified additionally.

I take this opportunity to convey to you the regards and best wishes from L.I. Brezhnev, N.V. Podgorny and from myself.
With respect, A. Kosygin

Moscow, the Kremlin, July 21, 1972.

Her Excellency
Mrs. Indira Gandhi,
The Prime Minister of the Republic of India,
New Delhi.

0717. Statement by External Affairs Minister Swaran Singh in the Lok Sabha initiating the debate on the Simla Agreement.

New Delhi, July 31, 1972.

I have the honor to lay on the table of the House a copy of the agreement between the Government of India and the Government of Pakistan signed at Simla by the Prime Minister of India and the President of Pakistan on July 2, 1972.

The agreement is a first step towards establishing durable peace on the subcontinent. It provides a framework which, if faithfully worked out, can bring about an altogether new relationship between India and Pakistan. The experience of the past 25 years shows that outside agencies and third party involvement have made the solution of problems between India and Pakistan extremely difficult. Recognizing this, it was agreed by both sides that they will settle their differences by peaceful means through bilateral negotiations or any other peaceful means mutually agreed upon between the parties. This trend of bilateralism which is showing itself in other areas of the world is a healthy trend and we welcome it. The idea of providing for “self executing machinery” which would automatically bring in involvement of third parties or outside agencies has thus been given up.

Another important feature of the Agreement is that both sides have agreed that the basic issues and causes of conflict which have bedeviled relations between the two countries during the last 25 years shall be resolved by peaceful means. Both sides have further agreed that they will refrain from the threat or use of force against the territorial integrity and political independence of each other. Both Governments have agreed that pending the final settlement of any of the problems between the two countries neither side shall unilaterally alter the
situation. They have further undertaken that both sides shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations.

A number of steps have been proposed for the normalization of relations under article 3 of the agreement. They include communications, travel facilities, trade, cooperation in economic and other agreed fields and exchange in the fields of science and culture.

Once these principles for the establishment of durable peace were accepted by Pakistan and Pakistan further agreed that in Jammu & Kashmir, the line of control resulting from the cease-fire of December 17, 1971, shall be respected by both sides without prejudice to the recognized position of either side, we agreed to the withdrawal of Indian and Pakistani forces to their side of the international border. A smooth implementation of this will generate the necessary confidence for the growth of friendly and peaceful relations between the two countries.

I would like honorable Members to look at the agreement in the proper perspective of history. This Agreement comes after a long period of conflict and confrontation between the two countries and opens up the possibility of establishing normal and cooperative relations on the sub-continent. The Agreement is based on the principle of equality of sovereign nations and not in the spirit of a victor dictating his terms to the vanquished. We have kept our promise which we had made before, during and after the last war that we do not have any designs on Pakistan's territory. We hope that Pakistan appreciates this and will reciprocate by adhering faithfully to the letter and spirit of this Agreement. The Agreement is only a first step, a beginning in the process of establishing peace, friendship and cooperation. The success of this Agreement and of the process it has initiated will depend on its faithful implementation. As far as India is concerned, we are prepared to treat the new Pakistan as a friend. The things that unite the interests of the people of India and Pakistan are far more important and lasting than the things that seem to divide us. It is in this spirit and in an effort to serve the long term common interest of the people of the sub-continent and this region that we have signed this Agreement and it is in this spirit that we would like it to be judge.
Mr. Speaker, Sir, there is hardly any need for me to intervene in this debate because I find that from our own side and from Members of the Opposition there has come solid support for this Agreement. And the only arguments, if one can call them arguments, which were put forward by the Jan Sangh (now Bharatiya Janata Party), have been very ably refuted by Members from all sides of the House.

This morning, we witnessed what I can only call an utterly deplorable and ridiculous demonstration on the floor of the House. I do not think that any Members of the House, no matter on which side or which policy he stands for, will say that such doing have anything whatsoever to do with democratic functioning and that is why it is astonishing that the same Members had the cheek to talk of democracy in this House today. One could have called such an action childish. But it would be an insult to the children of India to call it so.

I must repudiate very strongly – I do not think there is any need to do so but these things must go on record – the constant allegation that the Government of India is acting at the behest of some outside power. I think – I am sorry for these people – I can only say that they must be suffering from some deep inferiority complex. They must be suffering from an utter lack of confidence in the people of India. (Interruption) I am not going to yield. I am capable of taking care of myself… (Interruption) I am not yielding to this gentleman at all. They have made enough demonstration of their behaviour, their sagacity and their experience, as they call it, this morning. The House has had enough of it. I hope, Sir, you will not in future permit such behaviour on the floor of the House. When foreigners have visited this House and when I have gone abroad it is sad to hear comments on this sort of behaviour taking place inside the House. This is no compliment to Indian democracy or to Indian unity.

Mr. Vajpayee spoke also of Indian unity. I know something about the unity of this country and the unity of the people. Let me repeat what I have said before, that unity is for a purpose. You do not have unity just for the sake of unity. You have unity to make the country strong; you have unity to take the country forward. You do not have unity to take the country down, to show meanness, to show pettiness and to show lack of statesmanship. Today Mr. Vajpayee was right in saying that he had some lakhs of people with him. He does have. But let me remind him that the population of India is 60 crores and not with Mr. Vajpayee. He may have a few lakhs but there are still the crores of people. Are we going to listen to the voice of the crores or are we going to listen to the voice of the small, whining minority?
It is not a minority that speaks up with strength; it is a whining, weak, full-of-inferocity. He has not only no confidence in the people of India, he has shown utter disregard for the people of Kashmir. How dare he say that we are leaving the people of Kashmir to the tender mercies of the Pakistanis? Do not blame the people of Kashmir who have stood by us in all times of turmoil. At a time when there was no Indian military to help the people of Kashmir, it was their own militia who met the Pakistani attack. (Interruption) how dare he challenge their bravery? How dare he challenge their solidarity with India?

This country, and this Government, is keenly aware of where it is going and where it wants to go. There were a time – not very long ago; only last year – when the same hon. Members did not believe me when I said that we knew what was going to happen in Bangladesh that we were going to see that the refugees were returned with honour and safety. Mr. Vajpayee said to me, ‘I do not believe you’. I said, ‘Mr. Vajpayee I am not concerned with whether you believe me or not; I am concerned with what is going to happen’. And today it is not I who am saying what happened. Can Mr. Vajpayee deny that there is Bangladesh today? Can Mr. Vajpayee deny that the refugees have gone back to Bangladesh? And still he says,

‘I do not believe you’. Let him not believe me; it matters little to the people of India whether he believe or does not believe. But history will show whether what has happened has been for the good of India.

I have made no tall claims for the Simla Agreement; I make no tall claims now. All I say is that it is a beginning; it is a small beginning perhaps, but it is a good beginning. Why do I say so? I am not concerned with whether we can trust the President of Pakistan or not; I am only concerned with whether we can trust ourselves or not. Do we trust ourselves or not? Have we the strength to handle the situations or not? This is what concerns me. Are we afraid? May be the Jan Sangh is afraid of Pakistan...

Shri Hukum Chand Kachwai: No.

Shrimati Indira Gandhi: Why do you shout like this if you are not? (Interruption) it is no use saying anything now. (Interruption)

I appeal to the Members of my Party. I am not like the leaders on the other side; I am fully able to defend myself; I do not need support from others. Every time when Mr. Vajpayee got up, eight of his members felt it necessary to support him. But this is not necessary on our side of the House.

Now we have a certain national pride, and when I use the word ‘pride’, I do not mean any false pride. I do not mean any feeling of arrogance, but pride in this nation and what it has stood for, pride in the Indian people and what they are
capable of doing, pride which makes you want to do your best to give your utmost, no matter what it costs, for the good of the country. Perhaps it is a settlement that cannot be understood by some of our friends opposite. We cannot blame them. They are no less than Pakistan, creatures of partition. They had no place in India before, and perhaps they fear that they will have no place when there is complete peace. That is why they are so concerned that the spirit of confrontation should continue.

What is the basic issue before us? May I take the House into confidence? No, I must digress a moment - we have been blamed by all sides for not consulting the opposition. Now, we held a meeting of the leaders of the opposition on the 19th of May where we told them whatever it was possible to say before the Simla talks actually took place. We put our point before them. Our friends from the CPM refused to attend the meeting. But we cannot be blamed for that. The others, including the Jan Sangh, were present. There was nothing more we could have said, had we met even one day before the talks. Therefore, it is not true to say that we did not put our views before them. Naturally, we could not know the details. We did not know how things would proceed.

The very first remark that I made to Mr. Bhutto was that we have to decide, Pakistan and India have to decide, whether the interests of these two countries are complementary, or are they always going to be conflicting? This is a major issue to decide. If we think that our interests conflict, then you can have one agreement or a hundred agreements and you will not have peace. But, if we believe today that our interests are largely the same, that the major problems we face are the problems of poverty of our peoples, of the economic backwardness of our countries and the incessant effort of the foreign powers to pressurize us – we all know and most of us have been involved in the freedom struggle, what deliberate attempt there was to create friction within ourselves. Why? So as to weaken the freedom struggle. They knew that if all the religions and all the communities kept together, then their unity would create a strength that nobody could move, not even the great British Empire. But they knew also that if they could divide us on any issue, whether it is language or religion or anything else, well, then they would have a chance of defeating us. That is why their effort was to create dissensions.

After Partition, they could not do it in the same manner. Therefore, the attempt of those who were interested in keeping the sub-continent weak, was to see that this confrontation should continue between the different parts of the sub-continent so that we would be more involved in this sort of quarrel than in tackling our basic problems and trying to become strong in ourselves.

This is what we have to study. When this is the state of affairs, do we permit it or should we say. ‘Enough’ we have had enough of the traps of others. Today
we must realize what is in our real interest. There is no doubt that the real
interest of this country, as of Pakistan lies in peace between the two countries.

Now, will there be peace or not? I am neither an astrologer nor do I consult
astrologers. I do not know. All I know is that I must fight for peace and I must
take those steps which will lead us to peace. If they do not work out, we are
prepared. It is not as if we are disregarding the interests of the nation. We are
not saying, ‘No, no; we thought there would be peace. Even, if somebody
attacks us, we are not ready(?). This is our attitude. We are prepared to face
any threat or any kind of aggression, would it take place. But we must all
consider, as our friend hon’ble Member Shri Anthony has said, whether this is
really within the realm of possibility or whether it is a remote consideration or
thing.

In a situation like this, when we obviously have the upper hand, we are in a
position to guide affairs. Had we stood up saying as when two children are
quarrelling, ‘You have taken my toy, I must have it before I speak to you or
something like that, if we had that kind of attitude, what would have happened?

It may be that the talks would not have broken down, we could have said, ‘Mr.
Bhutto, go back and we shall meet again.’ And the same would happen next
time. We could keep on meeting and have very pleasant meetings or perhaps
not so pleasant. What would have been achieved? Would India have been
stronger? Would we have been able to relax more than what we can today, for
instance? We would not. As some historian has said, had the countries of
Europe treated Germany with the understanding that India has shown to
Pakistan, there would not have been a Hitler and there would not have been a
Second World War.

So, it is a question of the manner of dealing with things. A situation has been
created whereby it is, I am not saying impossible, but difficult for Pakistan to
do very much against us. It is for us, by our action, by our behaviour, to see
that this situation is maintained. This is not done by taking up a hard attitude or
soft attitudes, but by assuming a situation whereby the capacity for Pakistan or
any other country acting against us minimized.

Several Members have pointed out that the situation has changed in Pakistan.
I think the leadership of Pakistan is fully aware of the chance. We in India are
fully aware that the situation has changed in India also. It is not the situation
which pertained at the time of Tashkent; it is not the situation which pertained
at the time of previous arguments; it is different situation. Today we have the
whole Indian public, and, in spite of the Jan Sangh, it is a united public, it is
united on the main issues, it is united in guarding its interests. I do not think it
is feasible for anybody to go against the interests of the people.
Shri Hukum Chand Kachwai (In Hindi): Go amongst the people, then you will know.

Shrimati Indira Gandhi: I do not need Shri Kachwai’s advice on what I should do, nor do the people want his advice.

As I said, we are not afraid of Pakistan; we are not afraid of any other people either also. But, we do realize that the danger is not so much from Pakistan as it is from those forces who envisage confrontation on this sub-continent, or confrontation in Asia, to be in their interest. As I have said on a previous occasion, Asia is a continent which has given great richness to the world. It is to the exploitation of Africa and Asia that today the affluent countries owe their wealth and their riches and their industrial advance.

But we remain where we are. Why? Because, we are caught up in past thinking. Somebody provokes us and we get provoked into saying, ‘all right, let us fight amongst ourselves.’ We do not see that the third parties are taking advantage of us.

The time has come when Asia must wake up to its destiny, must wake up to the real needs to its people, must stop fighting amongst ourselves, no matter what our previous quarrels, no matter what the previous hatred and the bitterness. The time has come today when we must bury the past. We should see in what way we can make the people of Asia, who were rich not only in heritage, once more regain – I won’t say past glory, because I don’t believe in that kind of glory, but certainly a status in the world, where they can also mould the future in order to make the world a fit place for man to live in.

This is the vision of the future which must guide us today. If we get entangled in petty quarrels then we have to say good bye to such a future and we will always be enmeshed in conflicts. That is why we must now look, not to the past, but to the future. If we say we must look to the past, how can we ask Pakistan not to look to the past? We have to choose – either both look to the past or both say, ‘Good-bye to the past. Let us try to build a new future’. It is easier for us to say good-bye to the past because we have never preached hatred. At the worst times, we have expressed our concern for the people of Pakistan, have expressed our sorrow at their being deluded by their leaders, by their military dictatorship and so no. We have never preached any hatred against Pakistan. So, for us, it is a little easier; but in the case of Pakistan which has promoted a hate-campaign, and which has attacked India so many times, is it realistic to expect a sudden wishing away of past attitude and adoption of new? These things do not come about by wishing or wanting. I think that President Bhutto is making a sincere effort to take his people go towards a new future. Whether he will succeed or not, I do not know. But at least, he is
making an effort; and I think that it is in our interest that his efforts to turn the face of Pakistan from its past hatred and bitterness to a new future of peace and friendship is very much worth supporting.

During the debate, it was also said that certain remarks here were made for political purposes. This is a ridiculous statement. There is nothing in the world which is not political. The people who consider themselves as non-political are usually those who do not want change, but they are no less political than those who do want change.

We also remember that at the time of Bangladesh also, while everybody was with us and broadly supported us, there were parties which tried to take political advantage of the situation. They did raise the sort of issues which they thought would catch the public imagination, which would show the Government in a poor light, whether it was the question of the refugees or the question of marching our Army in to Bangladesh or anything else. Therefore, let us not get pulled by these soft words or imagined that these things were not political. All of us in this House are political beings, and we are very conscious of the political action taken by others. Had there been no political motives, there would have been no reason to have the sort of tamasha (show) held on the border – that is the only word that describes it. It was a tamasha that the people regarded it also – or to have the sort of tamasha that we witnessed here.

There is one other point to demonstrate how little regard these people have for truth. Almost every day, there is some story or other in their newspaper which is completely fabricated and baseless. Today there was one which caused me some worry, something about a Pakistani attack on Naya Chor. I have enquired and am told that it is absolutely baseless. It is completely fabricated. So you see that there is constant effort to renew an atmosphere of confrontation, of giving out news that would incite people.

I do not want to say anything more at this stage. But there is one point – some Members from my own party talk about hope in the leadership and do on, but this leadership has always stood for one thing, and that is hope in the people of India. Let us not lose that because that is our strength. I think that is India’s strength. We are with the people. My colleague Shri Swaran Singh reminded me of another point. It seems that apart from the other heavy work that the Jan Sangh has, they indulge in eaves dropping on telephone contestations – imaginary ones. I have not phoned to anybody while I was in Simla, neither privately nor officially.

I do not remember whether the hon’ble Member said that I phoned or Sardar Saheb (Swaran Singh) phoned or Shri Yeshwantrao Chavan) phoned or Shri Jagjivan Ram phoned or Shri F.A Ahmed (they were Central Ministers) phoned
or somebody else did so, on our behalf. That is what I am replying to. It is immaterial whether anybody spoke to any foreign country, spoke to Moscow. I categorically declare that nobody spoke to any foreign country at all. We did receive a large number of messages from various countries hoping and wishing that the talks would be successful, but nobody gave us any advice as to what we should do for the good reason that they know that our reaction to such advice is not very good. We like advice on some occasions, but not on all occasions, because each country must make its own decisions. It is only the country itself and the leaders of that country can judge what is in the interest of the country. Nobody from outside, however great a friend of India, or enemy can tell us what is in the true interest of India. We know, as I have said earlier, that nobody from outside can be interested in our strength; it is only we ourselves who are concerned.

Therefore, I plead with the hon'ble Members of the Jan Sangh not to be the voice of outside reaction as well as of reaction inside the country. Today they are repeating what the enemies of India outside are saying. That is what the Jan Sangh is propagating.

I know that the House has supported the agreement and the entire world has supported it. let us do so with grace and dignity.

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0719.  

CONFIDENTIAL

Letter from External Affairs Minister Swaran Singh to Pakistani Minister for Political Affairs Ghulam Mustafa Jatoi.

New Delhi, August 4, 1972

PERSONAL

4th August, 1972

Excellency,

You would no doubt have received word that we have ratified the Simla Agreement and with the receipt of the Instruments of Ratification by your Government, the Agreement would come into forces. We are now looking ahead to a speedy and smooth implementation of the various provisions of the Simla Agreement.

2. I am taking the liberty of writing to you. I had the pleasure of meeting you at Simla during the Indo-Pakistan Summit talks. There is one matter – a human and political problem – to which I would like to invite your attention. This concerns the Pakistani nationals belonging to the minority community living in the areas captured by Indian forces adjoining the Rajasthan/Gujarat borders during the recent conflict. Many of these Pakistan nationals who either remained in the occupied territory in their homes or in camps which had to be set up by the Government of India for their welfare, or came into Indian territory are apprehensive and uncertain about their staying on in their homes when the territories are returned to Pakistan. As they belong to the land which is being restored to Pakistan, it is only fit and proper that they should remain there. The question is can India and Pakistan resolve the anxiety of these people in the spirit of mutual accommodation shown at Simla? My Prime Minister had raised this matter with his Excellency the President of Pakistan at Simla, and the President had been good enough to assure her that he would take suitable steps to reassure these people and ensure their staying on in safety and honour in their hearths and homes in Pakistan. His Excellency the President had suggested that he would send one for two leaders of the area, including a member of the National Assembly, Mr. Rana Chandra Singh, to visit these refugees and prevail upon them to stay on in Pakistan. Subsequently, the Principal Secretary to the Prime Minister, Mr. P.N. Haksar, had written to the Special Assistant of the President, Mr. Rafi Raza on the 14th July, in the same connection.

3. Now that the Agreement has been ratified and the Army commanders of the two sides are to discuss shortly the programme of withdrawals to the
international border, you may kindly discuss this matter with his Excellency the President of Pakistan. Both sides are looking forward to the return of good relations between our two countries. The people living on a either side of the border should not be under any sense of fear or suspicion. It appears to be necessary that appropriate atmosphere and conditions would have to be created so that these people may have a sense of security. This can be brought about by suitable action at the political level and would also have to be backed by affective administrative measures in Pakistan territory. The size of the problem is not very large and I thought I should seek your good offices for initiating suitable action on the Pakistan side which would enable these people to continue to remain there or which might enable those who have crossed over to the Indian side to return to their hearths and homes. The success of our two countries to deal with this matter affectively would go a long way in building goodwill among people in the area, apart from mitigating human suffering.

4. I shall be grateful if you could kindly indicate the steps which are being taken in this matter.

With warm personal regards,

Yours sincerely

Sd/- (Swaran Singh)

His Excellency
Mr. Ghulam Mustafa Jatoi
Minister for Political Affairs and Communications, Government of Pakistan
Islamabad

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0720. Letter from Prime Minister Indira Gandhi to Prime Minister of Sri Lanka Sirima R.D. Bandaranaike.

New Delhi, August 7, 1972

My dear Prime Minister,

Very thoughtful of you to send me a framed photograph of the statue of the Sedant Buddha of Anuradhapura. My father and I both admired it and all these years I have kept it at the entrance of my own home. Thank you for thinking of me.

I regret that I have not been able to reply to your letter of June 14. I was away in Sweden, Czechoslovakia and Hungary. Soon after my return from there, I had to go to Simla. I am taking the earliest opportunity to share with you my thought on the subject of the meeting of the non-aligned States. I agree that it would be useful to have a summit meeting of the non-aligned countries in the near future. However, I feel that such a meeting should be preceded by intensive consultations and careful preparations as was done in the case of the Lusaka summit. I hope that the Foreign Ministers who are meeting in Georgetown will be able to find an acceptable date, possibly in 1973.

So far, non-aligned meetings, whether at the summit or at the ministerial level, had been convened whenever it was felt that there was a distinct need for holding them in the light of the prevailing world situation. I believe that this is a good practice and should be continued. Institutionalizing arrangements for the holding of the summit meetings is likely to diminish their importance and impact. Therefore, we should meet as and when necessary.

I agree that the next summit should be held in Asia. We will be glad if we could meet in Ceylon in recognition of the role you have been playing in the non-aligned movement. I hope that this matter will be satisfactorily resolved in Georgetown and a consensus will emerge in favor of having a meeting in Ceylon.

I meant to write to you about the Simla summit. I need not dwell on the agreement itself the text of which must be known to you. In his private talks with me, President Bhutto told me that although he himself was the father of the policy of confrontation with India, the situation had entirely changed and he now believed in peaceful cooperation. The two points he was most anxious about were, firstly, the withdrawal of troops and, secondly, the return of the prisoners of war. With regard to the second, the vast majority of the POWs had surrendered to a joint command of the Indian Army and the Bangladesh forces in Bangladesh. Hence, no decision can be taken about them without the concurrence of Sheikh Mujibur Rahman. We would have no objection to Sheikh Mujib participating in the talks, but he himself feels strongly that he should not
meet President Bhutto was somewhat upset at this attitude but hinted that he might recognize Bangladesh before the matter comes up in the United Nations, i.e. in August or beginning of September. On the Indian side, we felt that durable peace was not possible without a settlement of the Kashmir question. The President assured me that he would like to do this and seemed to accept what he himself called a “line of peace” on the border. However he did not wish to make this public at present.

The President’s approach was not evident in the attitude of his officials and it is difficult to believe that the President was unaware of this. Every day it seemed that the talks would break and it was only with great patience and perseverance that an amicable atmosphere was restored finally and almost at the last moment an Agreement was reached. So far as we are concerned, it is not wholly satisfactory and many matters remain to be settled. But it is a beginning. Much depends on President Bhutto’s attitude and the direction he gives to his people. We hope that the Agreement will lead to a new era of cooperation and peace between the two countries.

With Warm regards and best wishes,

Yours sincerely,

(Indira Gandhi)

Her Excellency Sirima R.D. Bandaranaike, M.P.,
Prime Minister of Sri Lanka,
Colombo.
0721. Letter from Pakistan Foreign Secretary to the Indian Foreign Secretary sent through the Swiss Embassy.

August 7, 1972

Embassy of Switzerland

The Embassy of Switzerland presents its compliments to the Ministry of External Affairs of the Government of India and has the honour to inform the Ministry of the following communication which the Embassy received this morning at 11.00 a.m. from the Ministry of Foreign Affairs of the Government of Pakistan for onward transmission to the Ministry of External Affairs of the Government of India:

BEGIN

From: Iftikhar Ali
    Foreign Secretary
    Ministry of Foreign Affairs
    Government of Pakistan
    Islamabad

To: His Excellency
    Mr. T.N. Kaul
    Foreign Secretary
    Ministry of External Affairs
    Government of India
    New Delhi

Excellency,

This is to inform you that the Government of Pakistan has taken certain decisions pertaining to Indian nationals in Pakistan and that the following press statement is being issued in Pakistan at 18.00 hours today:

( i ) Now that the Simla Agreement has come into force with the exchange of instruments of ratification, the Government of Pakistan has decided to take further measures to relieve the difficulties of Indian Nationals in Pakistan. Accordingly all Indian civilians who had been detained for illegal entry into Pakistan before December 3, 1971, and those interned during the hostilities in December 1971 are being released. So, all Indian nationals who had entered Pakistan on regular visas and have been stranded in Pakistan since December 3, 1971, may now leave Pakistan.

( ii ) This decision of the Government of Pakistan has already been communicated to the International Committee of the Red Cross which had approached the Government in this connection.
( iii ) To facilitate the departure of Indian nationals, the Wagah border post will be opened on a date or dates to be announced as soon as possible.

With the assurance of my highest consideration.

Ends

The Embassy of Switzerland avails itself of this opportunity to renew to the Ministry of External Affairs of the Government of India the assurances of its highest consideration.

New Delhi, 7th August 1972.

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0722. Letter from Pakistan Foreign Secretary to Indian Foreign Secretary sent through the Swiss Embassy.

Aide – Memorie

With reference to the Aide-memoire of the Ministry of External Affairs, Government of India, dated August 7, 1972, the Embassy of Switzerland has received this afternoon the following message from the Ministry of Foreign Affairs, Government of Pakistan for onward transmission to the Ministry of External Affairs, Government of India:

BEGINS

From: Mr. Iftikhar Ali
Foreign Secretary
Ministry of Foreign Affairs
Government of Pakistan
Islamabad

To: His Excellency
S.K. Banerji
Secretary
Ministry of External Affairs
Government of India

Excellency,

We have received your message, which was delivered to us by the Swiss Embassy on the 8th August, 1972, in which you have asked for certain clarifications about the exact categories and number of Indian nationals who
would be released and allowed to leave Pakistan under the decision of the Government of Pakistan.

2. The following categories of Indian civilians are covered by this decision:
   a) Indian nationals who had entered Pakistan on regular travel documents and have been stranded in Pakistan since the out-break of hostilities in 1971. The number is estimated at 6,500.
   b) Indian civilians who were interned during the hostilities in December, 1971. These would include seamen and civilians from the areas occupied by Pakistan during the conflict. Their number is about 300.
   c) All Indian civilians who had been detained in Pakistan prior to the war on the charge of illegal entry into Pakistan. Their exact number is unknown but is believed to be small.

3. Those Indian civilians who are serving sentences, after having been convicted on criminal charges, are not included among those to be released. This category of civilians has no relation to the events of 1971.

With assurances of my highest consideration.

ENDS

New Delhi, August 11, 1972

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0723. Extracts from President Bhutto’s address to the Pakistan National Assembly.

Islamabad, August 14, 1972.

The fact that our brothers in the East have now chosen to call themselves Bangladesh, a secular state, does not make them cease to be Muslims. Their motivation and inspiration is Muslim. Mere physical severance from this part does not and cannot change this basic and primeval reality. Let us not forget easily that Bengali separatists have consistently and continuously based their case on the 1940 Resolution itself. Mr. Ataur Rehman, Maulana Bhashani, and even Shaikh Mujibur Rehman spoke repeatedly and with eloquence on Muslim separatism in the sub-continent on this basis. So how has separation negated the two-nation theory? How has it changed the basis of Muslim nationhood in the sub-continent? Our future relationship with the Eastern part of the country remains to be determined. It cannot be determined in isolation. The issues facing the sub-continent will have to be faced painfully and in their totality.

I had hoped there would be full debate on the subject in this session of the House followed by a positive decision. But as I explained recently this is not now possible. The dialogue that we expected to establish with Dacca authorities in July has not taken place. We have not changed our position regarding East Pakistan. We unambiguously stated time and again that the resolutions of the General Assembly and the Security Council of the United Nations adopted on the 7th and 21st December 1971 respectively should be enforced. We continue to maintain this position steadfastly. Those members of the international community, both great and small powers, who uphold right and justice, will, I believe, continue to support our right position, our position of principles. In doing so they will not only be supporting Pakistan but the principles of international law, justice and morality. They have said that we are prepared to discuss our future relationship and links with the leaders of East Pakistan discussions free in every sense and free from any preconditions. We have said that these discussions are necessary before any decision can be taken. We continue to maintain this position. It is not we but the Dacca authorities who have refused to come to grips with an inescapable dialogue, the only sensible and civilized way to resolve our problems, or for that matter the problems of any people. We are deeply grateful to those friendly countries that have stood by us. We will remain beholden to them. Let me take this opportunity to repeat again and categorically that we will, at all times, keep these friends fully informed of developments in our endeavour to hold discussions between the elected leaders of the two wings to determine our future links and relationship.
The present developments in the Security Council will remain related to the developments here. We will speak with the same voice and we will take the same stand; there should be no doubt in anyone’s mind of this obvious necessity.

Hounourable Members, those who speak of objective reality should know that the only objective reality, in lasting sense, in this sub-continent is that Muslims and Hindus are separate nations. This does not mean that the separate nations must continue to live in a state of perpetual vendetta. Geography with its cruel compulsions has placed a burden of responsibility on us. Surely we can learn to live and let live. This is the process that the Simla Agreement has set in motion.

0724.  
SECRET  
Telegram from Principal Secretary to Prime Minister to High Commissioner in Bangladesh.  
New Delhi, August 14, 1972.  
TELEGRAM  
MOST IMMEDIATE  
High Commissioner from Haksar. Personal  
Your telegrams 731 of August 11 and 736 of August 11 and 736 of August 12. our Foreign Minister is at present away in Guyana and is returning only early tomorrow morning. He has had conversations with Foreign Ministers of non-aligned countries on Bangladesh’s admission to the United Nations. We shall know his assessment only when he returns. We have also asked our Permanent Representative in New York to let us have his assessment. In the meantime, you may like to speak to the Foreign Minister and the Acting Prime Minister along the following lines-

(I) Bhutto’s publicly stated position on recognition of Bangladesh has certainly altered since Simla Summit. This might be due to consolidation of opposition to him internally. There is also visible deterioration in the situation prevailing in Sindh and in Baluchistan too. His opponents might, therefore, be in a stronger position to use the question of recognition of Bangladesh as also the Simla Summit against him. The Chinese must
be aware of this and are probably, for their own reasons, trying to throw some spanner in the works.

(ii) Bangladesh should deal with the objections raised by the Chinese and Pakistanis on a factual basis without bringing into it acerbity and request all those Governments who have recognized Bangladesh to give a public expression of their support to the application for admission. A widespread expression of such support between now and August 21 might have effect on the Chinese.

(iii) All our Missions, including those situated in the countries who are members of the Security Council, have been directed to actively canvass support in favour of Bangladesh’s admission.

(iv) As for Bangladesh or India raising the question of legitimacy of Pakistan continuing to be a member of the U.N., we are examining this matter. However, considering that there are still a very large number of countries who even while supporting the admission of Bangladesh would not wish to sever their connections with Pakistan, it is unlikely that argument to unseat Pakistan would carry wide acceptance. If this assessment is correct, which it appears to be, then merely raising the matter without winning point is not likely to have any effect and might even adversely affect Bangladesh’s interest.

2. You have rightly emphasized in paragraph 3 of telegram 731 that even while concluding Simla Agreement, our Prime Minister took particular care to safeguard the interests of Bangladesh by refusing to discuss the question of repatriation of prisoners of war. It was also made quite clear to Bhutto that unless Bangladesh was recognized, and thus becomes a party to a decision on the question of disposition of prisoners of way, we can have no agreement. We continue to adhere to this view. The Pakistanis were extremely anxious at Simla to establish diplomatic relations with us. We told them that this has to await normalization of our relations. As I had reported to Sheikh Saheb, the Pakistanis had even brought to Simla their Ambassador designates to India. There are provisions in the Simla Agreement for normalization of communications, trade, etc. we are at present withholding action on implementing this part of the agreement. However, our Bangladesh friends should recognize that a country like India cannot abrogate an Agreement which has been solemnly ratified. Such a step on our part would have adverse repercussions.

3. We fully endorse the advice given by you in paragraph 2 of your telegram 736.
0725. Letter from Prime Minister Mrs. Indira Gandhi to Pakistan President Zulfikar Ali Bhutto.

New Delhi, August 19, 1972.

Dear Mr. President,

You must have heard of the widespread discussion which took place in India on the Simla Agreement. Many forces combined to oppose this Agreement within our Parliament and outside. My colleagues and I in the Government of India and our Party took an uncompromising stand in defence of the Agreement. We have every interest in fulfilling the Agreement both in letter and in spirit.

In Simla I spoke to you about the problems of the refugees who have come into the Rajasthan, Sind and Gujarat sectors. I was reassured by your response that you also were aware of this problem. My Principal Secretary, Mr. P.N. Haksar, wrote about this to your Special Assistant Mr. Rafi Raza, on the 14th July, 1972. As there was no answer, my colleague, Sardar Swaran Singh, wrote to Mr. Jatoi*. However, we have had no reply so far.

A certain shadow has also been cast by the manner in which the question of the delineation of the line of control in Jammu and Kashmir is being considered by representatives of Pakistan. The reported statements of the spokesman of your Foreign Office appear to us to be at variance with our understanding of the nature and character of the line of control.

We could not reach a settlement on the question of the prisoners of war in Simla because of the absence of Bangladesh. We had hoped that this particular difficulty would be sorted out, enabling Bangladesh to participate in our future meetings. This hope has received a set back by some of the pronouncements on the subject which have been reported.

We had agreed that we would meet again at a mutually convenient time and also that our representatives would meet to further discuss several matters of great importance to both our countries. I am naturally anxious that nothing should stand in the way of these contemplated meetings. However, I feel constrained to point out that some recent developments are causing anxiety. In Simla there was a spirit of understanding and mutual confidence which enabled us to reach an agreement. It would be a pity if that spirit were allowed to languish.

In order to dispel any doubts about the future perspective of settling outstanding problems I suggest that our representatives might meet once again to exchange

* Document No.719.
views. If convenient you could send a representative of your confidence to New Delhi for this purpose. However, if for some reason this is not possible, I would ask my colleague, Sardar Swaran Singh, to go to Pakistan to confer with you. Sardar Swaran Singh would be accompanied by some high officials. I hope that it will be possible to hold the proposed meeting in New Delhi or in Islamabad in the immediate future.

With regards,

Yours Sincerely,

(Indira Gandhi)

His Excellency,
Mr. Zulfiquar Ali Bhutto,
President of the Islamic Republic of Pakistan,
Islamabad.

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0726. Letter as approved by the Principal Secretary to the Prime Minister for the Foreign Secretary of Pakistan Ministry of Foreign Affairs.

New Delhi, August 19, 1972.

Prime Minister’s Secretariat

I have taken the liberty of amending the draft of a message to be sent to the Pakistan Government which you had kindly sent me yesterday. I place below the revised draft.

(P.N. Haksar)
19-8-1972

Secretary (East). M.E.A.

BEGIN

From: S.K. Banerji,
Secretary,
Ministry of External Affairs,
Government of India,
New Delhi.
To: Mr. Iftikhar Ali,
Foreign Secretary,
Ministry of Foreign Affairs,
Government of Pakistan,
Islamabad.

Excellency,

In the speech delivered by his Excellency President Bhutto before the National Assembly of Pakistan on the 14th August, 1972, which was heard over Radio Pakistan, the President is understood to have referred to the UN General Assembly Resolution of 17th December, 1971, and the US Security Council Resolution of 21st December, 1971, in the following terms: "We unambiguously stated time and again that the Resolutions of the General Assembly and the Security Council of the United Nations adopted on the 17th and 21st December, 1972, respectively, should be enforced. We continue to maintain this position steadfastly."

The Government of India wishes to seek a clarification from the Government of Pakistan as to the implications of this statement attributed to the President of Pakistan, on the continued applicability of the UN Resolutions, even after the Indo-Pakistan Agreement on Bilateral Relations signed at Simla on 2nd July, 1972.

The operative paragraphs 1 of the U.N. General Assembly Resolution of December 7, 1971 as well as the Security Council Resolution of December 21, 1971 provide for an immediate ceasefire and withdrawal of the armed forces. The ceasefire came into effect on December 17, 1971. As for the withdrawal of the armed forces, paragraph 4(i) of the Simla Agreement provides for it. In the light of these facts, it is not clear why it is considered necessary to refer to the U.N. General Assembly and the Security Council Resolutions of December 7 and December 21, respectively.

As for the reference to the ceasefire line in J&K in the operative paragraph 1 of the Security Council Resolution, the Government of Pakistan is aware that it has been superseded by paragraph 4(ii) of the Simla Agreement which enjoins upon the parties to the Agreement to respect "the line of control resulting from the ceasefire of December 17, 1971".

Paragraph 2 of the General Assembly Resolution deals with the voluntary return of the refugees to their homes. This too has been fully implemented and all the refugees have returned to their homes in Bangladesh.

Operative paragraph 3 of the Security Council Resolution calls for "all measures necessary to preserve human life, and for the observance of the Geneva
Conventions of 1949 and to apply in full their provisions as regards the protection of wounded and sick prisoners of war and the civilian population". As the Government of Pakistan are aware, the reports of the I.C.R.C. on their visits to camps for POWs and civilian internees in India bear ample proof that these Pakistani nationals are being treated humanely and in accordance with the provisions of the Geneva Conventions. The sick and wounded prisoners have continuously been repatriated to Pakistan in batches. Thus, the objective set out in paragraph 3 of the Security Council Resolution of December 21, 1971 has been met.

Neither of the two U.N. Resolutions, cited by his Excellency the President of Pakistan, refer specifically to the repatriation of prisoners of war. However, this matter was discussed bilaterally, both at the Emissary level meeting in Murree and at the Indo-Pakistan Summit in Simla. India had clearly indicated on both occasions that this subject can be finally settled only if the Bangladesh Government is also a party to the settlement as the Pakistani forces in the eastern theatre had surrendered to the Joint Command of India and Bangladesh. Further, it was linked with the establishment of durable peace between India and Pakistan, as later embodied in the last paragraph of the Simla Agreement.

It would appear that the recent interpretation given by the Pakistan Government to the implementation of the U.N. Resolutions of December 7 and 21, 1971 is in contradiction of the factual position mentioned above; in fact, it amounts to the by-passing and ignoring of the Simla Agreement, which enjoins the two Governments to adopt the method of bilateral negotiations for the settlement of differences and for the establishment of durable peace in the sub-continent.

The Government of India are of the view that the stand now taken by the Government of Pakistan casts a shadow on the Simla Agreement which needs to be removed if the Agreement is not to be put in jeopardy.

It will be appreciated if a clarification is received from the Government of Pakistan on the applicability of the U.N. Resolutions of December 7 and 21, 1971 to the situation emerging after the signing of the Simla Agreement.

ENDS.
0727. Letter from Pakistan President to Prime Minister Indira Gandhi.

Rawalpindi, August 22, 1972

President’s House
Rawalpindi

August 22, 1972

Dear Madam Prime Minister,

I thank you for your letter of 19th August.

2. I should like at the outset to assure you that we are determined to ensure that the Simla Agreement is implemented in its letter and spirit. As was to be expected, the Agreement has aroused considerable opposition in certain quarters in Pakistan, as it has in India. We have firmly resisted this opposition and will continue to do so. I am glad to note that he majority of the people in both countries have approved the Agreement and wish it to constitute the basis of future relationship between our two countries.

3. We were contemplating that the meeting of the representatives envisaged in the Simla Agreement might take place some time next month. In the meantime, in view of what you have stated and in order to remove any impression that may lurk in the mind of the public in your country or ours that the spirit of Simla has in any way suffered a set-back, I consider it necessary that discussions between our representatives should be initiated without loss of time and that they should meet on the earliest possible date. I have nominated Mr. Aziz Ahmed as my Special Envoy for this purpose. He will be assisted by my Special Assistant, Mr. Rafi Raza and a small team of senior officials from the Foreign office. If it is convenient to your Government, the team will arrive in New Delhi on August 25.

4. I regret we were not able to inform you earlier of what we were doing about our nationals who had moved into India as a result of the war last year. Mr. Jatoi has written to Sardar Swaran Singh on this subject explaining what we plan to do to deal with this problem. I need hardly reiterate that these refugees will not only be welcome to return to their homes but will be assured of a life of safety and dignity as Pakistan nationals.

5. I do not anticipate that any difficulty is likely to arise in the delineation of the Line of Control in Jammu and Kashmir by our senior Commanders. I find that the Suchetgarh meeting reached businesslike and sensible conclusions, which should facilitate the quick determination of this Line. As far as I know the
delineation of this Line has proceeded reasonably smoothly since then. In this respect we shall adhere to the provisions of the Simla Agreement.

6. The question of repatriation of prisoners of war continues to be a matter of grave concern to us. Apart from other considerations, as you know, this is fundamentally a humanitarian issue. We regret that Mujibur Rahman decided not to attend the Simla meeting. Some of the statements by the Dacca authorities since then have created the impression that they intend to use the issue of repatriation of the prisoners of war as a lever to extract recognition from Pakistan. This, and their negative response to the conciliatory gestures we have made over the past several months has inevitably led to a hardening of public opinion in Pakistan on the question of recognition. I have, therefore, found myself unable to refer this question to the National Assembly at this stage, although I had originally planned to do so. We continue to hope, however, that wiser counsel will prevail and that some progress in relations between Islamabad and Dacca can be made in the near future.

7. We are anxious, as I am sure you too must be, that human suffering should end without further delay. With this object in mind my Government decided recently, as a first step, to release all interned Indian nationals and to remove restrictions on the exit also of those Indians who have been stranded in Pakistan since the beginning of hostilities last December.

8. We trust Mujibur Rahman and his Government can be prevail upon not to mar the Simla spirit of understanding and goodwill. We find reassurance from your letter that your Government wishes that spirit to continue to mark future relations between our two countries.

With kind regard,

Yours sincerely,

Sd/ - Zulfikar Ali Bhutto.

Her Excellency Mrs. Indira Gandhi,
Prime Minister of the Republic of India,
New Delhi.

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0728. Letter from Pakistan Minister for Political Affairs Ghulam Mustafa Khan Jatoi to External Affairs Minister Swaran Singh.

Islamabad, August 22, 1972.

Excellency,

I thank you for your letter of August 4, 1972, on the subject of our nationals who crossed over to India following Indian military operations in Tharparkar district. I regret there has been some delay in writing to your Government on this subject.

I should like to point out at the outset that the President has not been unmindful of his talk with your Prime Minister on this subject. This matter has been engaging his personal attention. Since his return from Simla, he has received Rana Chander Singh and discussed with him the question of how our nationals now in India can be persuaded to come back to their homes after the Indian army has withdraw from that area. Under instructions from the President, Rana Chander Singh has also called on the Secretary General of the Foreign office and on the Foreign Secretary and discussed this matter with them. I should like to state categorically that the President and his Government are most keen to ensure that these refugees return to their hearths and homes in Pakistan at the earliest possible opportunity.

As a result of these discussions it has been decided that as soon as the Indian Army has withdrawn from that area, mines and other hazards have been cleared and it has been safe for the return of its original inhabitants, necessary steps will be taken to facilitate their return to this area. A Reception Camp will be set up at near the area and those who are now in India would be invited to come back to their homes. I may mention, that at the appropriate time, similar Reception Camps will also be set up for the reception of all our nationals who are presently interned in India.

In the meantime, it has been decided, in accordance with Rana Chandar Singh’s suggestion, that he and two Members of Parliament from Tharparkar should visit the area, even while it is in occupation of the Indian Army, to reassure the people who are still residing there and also invite a number of prominent Hindu leaders of the area currently in India, to be named by him, so that he could speak to them with a view to persuading the refugees to return. The Government of Pakistan would appreciate any assistance that your Government may be in a position to give in this regard. Please be assured that our Government would do everything possible to facilitate the
return of these displaced persons to their homes and to ensure that they live there in safety and honour as citizens of Pakistan.

Yours sincerely

Sd. Ghulam Mustafa Khan Jatoi
Minister for Political Affairs and Communication

* The transcript of this discussion was not available.
June regarding the scrupulous maintenance of the cease fire and the resulting quiet conditions have convinced me that we are able to maintain tranquility along the line of control in the future also. Our troops in J & K are only too familiar with the line of control but there are inevitably some areas where there are minor differences which must be resolved immediately if our aim of initiating the processes of durable peace is to be realized. With this in view and in order to avoid any future dispute, I consider it essential that our Representatives should meet to clearly delineate the line and have this marked on maps. Finally, the message says that the delineation of the line of control in J & K should be completed very quickly as I feel that unless this is done, it will leave room for local disputes and confrontation which will mar our efforts to produce congenial conditions for the full implementation of the Simla Agreement. It is for you and I to ensure that we do everything possible to successfully complete the process for the establishment of durable peace as agreed between your President and my Prime Minister.” In the reply from Gen. Tikka Khan to this message, there is no hint at all of the kind of things which were subsequently said from your side. I read from the minutes of the Senior Military Commanders held between August 10 to 12, 1972. Paragraph 6 of our record says:

Now we are surprised. According to our understanding of the Simla Agreement, we came to an agreement that there was to be a line different from the cease-fire line of 1949. It was a line which may be called a Simla Agreement line and, therefore, to import into it either the description or the conception of the cease-fire line of 1949 is, I must say, surprising. And I think this kind of argument is still going on and various proposals are made in regard to its nomenclature. The message received from our DMO says that “the Pak representative stated that his stand on question of a line of control in J & K is that such a description can be given only to that portion of the CFL which has been disturbed. Undisturbed portion of the CFL would continue to be called the CFL and should be governed by the provisions of the Karachi Agreement including the use of U.N. Observers.” Yesterday, you said that this matter could be sorted out. You said that there were no difficulties and probably the nomenclature would not present any difficulties. The nomenclature should be totally free from difficulties. These difficulties were neither anticipated by your COAS nor ours. Suddenly for these difficulties to arise at all leads us to conclude that some things which were not acceptable at Simla at the political level are being sought to be introduced at the level of the Army Commanders, in a matter which ought to have been dealt with politically, if that was your understanding. I am not blaming you for it. I am merely trying to point it at an early stage. This question of 1949 Agreement United Nations Military Observers Group, their role, etc., was the subject-matter of a discussion arising out of a draft which you had presented.
Paragraph 1 of the draft was to the following effect:

“Withdraw all armed forces to their respective Territories and to positions which fully respect the cease-fire line in J & K supervised by the U.N. Military Observers in....”

This draft was discussed between the President of Pakistan and the Prime Minister of India and your President was kind enough to say to my Prime Minister that he understood our sensitivity on this question and subsequently when we worked it out, it finally represented a different picture. I do not want to go into the legalities of this matter, but I have broadly stated the position that the cease-fire line, by its very nature, is different from the line of actual control. In 1965, there was the Tashkent Agreement in which the cease-fire line is specifically referred to. It had to be referred to, because it is a matter of common knowledge, understanding that............. Every fresh war brings an end to the cease-fire line. That being the position, to hark back to the Karachi Agreement, which has been wiped out by the tragic conflict, is not consistent with the legal regime. It is not consistent with our understanding of the Simla Agreement. It is not consistent with the exchanges arising out of your draft paragraph. And, therefore, we have this annoying question. Why rake it up? What is its significance? That question I would like to put to you with great respect. I should have thought that this was a matter which was so clear that it was not relevant to go ahead defining this line and call it a line of control resulting from the cease-fire. Therefore, when the matter is so simple, when there is a document of discussion and yet the thing is raked, we felt that it is a legitimate cause for doubts in our minds that something else is behind it than what appears on the surface. Yesterday you said that although you have agreed to regulation of our relations on a bilateral basis – a great achievement – you said that “we are able to build up a case for going to the U.N. Security Council, although you said you, on your part, reserved the right ‘at present’ to go to the U.N. I was disturbed by the use of the words ‘at present’. We are bound to ask: Are we here buying time, as it were, and buying time for agitating the matter not in bilateral, but in international forums? Then, we are entitled to know if that is your understanding. Our understanding at Simla was that for variety of domestic reasons, President Bhutto was not able to say publicly certain things which he was prepared to say privately. We can understand the domestic compulsions of President Bhutto. But to say publicly that everything is reserved and bilateralism is only for the time being at present, that future remains dark and uncertain etc. – these things were said not by Opposition leaders or your Ministers, by the Head of your State – has caused doubts in our minds. Our understanding was that President Bhutto said that he would go so far as to call it a line of peace, but he cannot call it so publicly. We can understand that. But now an altogether different interpretation is put on it. And now I cannot understand proposals being made
on compromise formula, this kind of formula with certain portions should be
called something and other called something else. On the Military Observers
Group, I refer to record of a meeting between the Prime Minister, Foreign
Secretary, Secretary (East) and President Bhutto, yourself, Mr. Rafi Raza and
Mr. Iftikhar Ali Khan.

“President We have exchanged three drafts. We have received the
latest Indian draft. We have to get something on the basis of the Indian
draft. Whatever our apprehensions…..

Foreign Minister referring to article 5 of the Pakistan draft enquired if
in this matter …. 

Mr. Aziz Ahmed There had been a very preliminary discussion. 
President Bhutto told P.M. yesterday that as far as U.N. Observers were
concerned, we need not deal with them.

Now if we cannot maintain the inviolability of the line we hope would be
delineated, there would be further complications. U.N. Observers have certainly
not helped peace in the past and so far as we are concerned, their presence
gives us no feeling of assurance. This will ……… Our army and your army, 
between our leaders and your leaders. So far as we are concerned, the whole
regime of 1949 cease-fire is dead and gone, just as it was buried in the past,
because we would not like to do things ……… That was the philosophy, hope
and aspiration which sustained us and which brought about the Simla
Agreement. If you think that U.N. Observers have some role to play, it gives us
no hope. In great earnestness and sincerity, I took the opportunity of putting a
question, a simple question. Are there any circumstances you envisage at
present when you would like to rely on the Security Council or its Resolutions
to obtain withdrawal and release of prisoners of war, rather than really on
fulfillment of the Simla Agreement paragraph 6 of which deals specifically with
the subject?

Mr. Aziz Ahmed : I can answer that question with a straightaway ‘No’. We will
have to settle that between ourselves.

Mr. Haksar : I am very glad to hear that. There are a whole lot of things you
said yesterday about Sheikh Mujibur Rahman, his psychology etc. it is no part
of my brief to defend Sheikh Mujibur Rahman or to speak for him. It is onerous
enough for me to speak for my side.

You said one of the troubles was of communication between you and
Bangladesh. Long time ago I was student of sociology and there was a big
chapter suicide nevertheless interesting subject which has stood me in life to
understand other people is that other people’s superstitions are….. superstitions.
Those are the facts to be...... The emotions, sentiments, feelings, right or wrong, and that is why in Simla our Prime Minister was sensitive to difficulties which might........ In fact, my Prime Minister told President Bhutto that he knows his people, he will handle them in his own way. But we realized that we should meet some way, half way, do something ........ We thought of withdrawal because .......... Now Bangladesh, I think, feel strongly about their recognition. They feel that 82 countries have recognized them. They feel that it is natural for them on the strength of their recognition to get in the United Nations. It is a State. They have committed no trespasses against anybody. They have not abrogated any obligations assumed under the Charter by them which would prevent any country to be a member the U.N. and they said that as we are supposed to be friends, we want your support, support of everyone to enter United Nations. I do not think that the line of their reasoning is illegitimate and I do not think that anybody in India would say no. We will not sponsor help in the process of their being taken in the United Nations.

Mr. Aziz Ahmad: I too share that.

Mr. Haksar: Bangladesh had not entered U.N. nevertheless. Lot of people voted for it. One against. Now so far as they are concerned, Bangladesh is not admitted. I understand that it was the view of Sheikh Mujibur Rahman that he wanted to test the realities. Now we have to live with the consequences of it. This matter is postponed and I frankly do not follow the argument. The Chinese say that Bangladesh has not fulfilled her obligations. What obligations we would like to know. Our suspicion is that Bangladesh is merely for India....... That India has not fulfilled her obligations is not correct. Regarding the POWs we are in the process of fulfillment. The General Assembly Resolution talked of ceasefire, return of refugees, withdrawals. All these have been fulfilled and are in the process of being fulfilled. As we read it when the Chinese say that Bangladesh has not fulfilled her obligations, it is pressure on Bangladesh and on us, that we should deal with question of prisoners of war in terms of the Security Council Resolution, which we did not accept in Simla, and that we should not deal with it in terms of paragraph 6. Therefore, I take it that Pakistan has not associated itself with this particular interpretation which the Chinese had put on their self-imposed task of being the only authentic upholder of the Charter of the United Nations. I said yesterday that we in India feel that Chinese are perfectly free to do whatever they like. They are a sovereign State. But we are trying to understand the meaning and consequences of it, because we have seen arguments being advanced from your side which lend colour to the conclusion that it is now your intention to deal with the question of POWs through the instrumentality of other agencies than those contemplated within the Simla Agreement. We have been perfectly straightforward, honest and sincere with you. We told you our difficulties as you told us of your difficulties.
We are not insensitive to your difficulties. Our difficulties are that we cannot deal with the question of prisoners of war in the absence of Bangladesh. You may have good case that they are unreasonable, but I am not wondering what has happened last night is going to help us. As I said yesterday, we are concerned with the consequences of it. You can just as well say, quite rightly, that this is none of our business, but without this we cannot have a move forward. We cannot abrogate our obligations. Time and again we have explained at Simla and today again that we are in difficulty.

Shri Kaul: Without recognition Bangladesh's attitude stiffened.

Mr. Aziz Ahmed: May I get one thing out of way first? It is a reference to the question of Bangladesh's desire to enter the U.N., to the effect that Pakistan was acting in coalition with China in opposing Bangladesh's admission to the world body. Well, I thought attack on Pakistan's motives, the characterization of the conduct of Pakistan, of its diplomatic relations with China, I feel that I should protest against this. There is a great improvement. I hope that you are satisfied that our members by and large confine with the requirements of Simla Agreement. If, however, there are any failings on our part, we shall try to improve. But I was sorry to note this attack on us. We have diplomatic relations with China only of coalesive nature and we are designing some prejudices against India. It is very unfortunate that this should be so and I thought I should bring this to your notice.

Now we go back to your statements. I am very glad that you have set out your views frankly. This is what we came for I would also try to be as frank as I can. Let me first assure you that we are not trying to change the Simla Agreement. I want to assure you categorically on that point. I said yesterday that statement by the Indian senior Commander that if the line of control is not delineated, then there will be no withdrawal of our forces from the western border was not a statement which was really relevant to his task. He is not concerned with the line of control on the western border. He was concerned with the very limited task of trying to find out jointly with our Commanders in the area where the line of control lay at the time of the ceasefire of 17th December, 1971. I said that he introduced a political issue. He had no authority to do that. The questions such as to what extent U.N. is involved in this, will be involved in this, whether the U.N. Observers have any role to play, have no role to play, they did not concern the service people. The portion is quoted, I myself noted that, questioning the need for him to raise this issue. It was not his job to raise this matter. So I do not condon his conduct in this regard. I find, reading the press, that something terrible has happened, that we are involved in trying to alter the Simla Agreement. Well, it is good to read your papers which is as if we are being exposed to what they think but I was surprised that this was being blown
up into something...... That was the view I expressed hesterday. It is still my view today. So far as we are concerned, there are no serious difficulties in determining the line of control, there will be no difficulty in determining the line of control, there will be no difficulty in determining where exactly the line of control is and our instructions to our men are that if we cannot come to agreement, it does not mean you stop your work but that the line of control must be defined. As I have mentioned yesterday, to be just as you naturally wanted, there is no reason why we should delay the delineation issue. There is certainly no reason why through this very simple thing of delineating the line of control, we should alter the character of Simla Agreement. We do not want it and we have no desire to do so. I would also like to give you one more assurance that of and so far as the extent of which it impinges on your stand on Kashmir or our stand on Kashmir, hear our stand where it will be part of ceasefire line it is your stand. Let us...... by the agreement itself without prejudice to the respective positions of our parties. I do not see really there is any need for us to worry about the implication of the line of control and certainly we have no such worries as you may have been led to believe. So we are quite clear in our mind that tasks assigned to the Commanders is a straightforward one.

This is really a minor matter. It is not going to hurt us. It is not going to help you. There is no desire to alter the Simla Agreement. We are not trying to do that. We have no intention whatever to try and alter the Simla Agreement. I would also give you the other assurance.

Let them call it whatever name. The point is very minor. I have got to get President's clearance that we protect our position. You call it of course the line of control and it is in fact the line of control and this is what we are trying to seek what is the line of control.

I can assure you that President is not going to ....

No political briefs were given to our Army Commanders. Now that we see that the way they handled this on our side, as we see there are mistakes on both sides, both sides ..... We are not going to try and change the Simla Agreement by other line of control. We will not do it and in any case there is neither any ......nor it is possible to do it nor we have any intention to do it.

It is not the object to attempt to change anything what the President said. I have no authority to say nor it is our President's....... What happens is that there is a differences of opinion between you and us on the interpretation of what your Prime Minister said or what our President said. Well, my view is that an impression remains after listening to your very clear, frank and sincere statement yesterday that difference of opinion is not of vital nature.
You also asked me this question that is it our intention to deal with the question of prisoners of war through the instrumentality of other agencies than those contemplated under the Simla Agreement. No. A similar question I answered while you were making this statement. This matter has to be settled between you and us and I see from the way the situation has developed, Bangladesh is creating trouble for both of us. I think the real problem that faces is and we must seek your assistance and help in this. We should really jointly work, instead of sitting 300 miles apart, the line of control delineation and the next step of repatriation of prisoners of war. Sheikh Mujibur Rahman is creating difficulties both for you and us. You may perhaps say that it is what is happening and the fact that he is creating trouble on the question of prisoners of war might persuade our people to...... So far the result has been just the reverse. I do not know whether you saw President's statement of 14 the August in favour of recognition of Bangladesh. Though the atmosphere was hostile in the country, but he felt that he must say something on this issue. Afterwards he felt that this would not be appropriate time and he raised this question in the Assembly; let there be cooling time and let the people recover, those who are opposed to the Simla Agreement.

Mr. Rafi Raza: I think when you said that members of the Government and Party make speeches also. I think I would. I think the party itself will go down...... quite a strong feeling Punjab that is one of my critical support where the issue will be but I would not put it that dissidents number more than handful in any part. But it is the general public feeling, it is not so much concerned as our own PPP members. This may be reflected by the People's Party.

Shri Kaul: Bangladesh's entry to U.N. could have tremendous effect at this time and perhaps soften the public opinion in Pakistan.

Mr. Aziz Ahmed: He is to take the atmosphere in the country into account and in the party. You know I told you that President's intention is not to use...... everybody speak his mind. Some of them support the agreement. There are members in the PPP who are against the Simla Agreement. Carrying the Party collectively ........ has to take into account the opinion in the country. This is what you and I have to consider, a joint strategy on this issue. How do we bring Sheikh Mujibur Rahman into this? How do we bring about some change in rather unbending stand on the question of recognition? He can be persuaded to attend the next summit. These are the things we can discuss.

Mr. Haksar: The President was pleased to observe at Murree frankly and I think he repeated to our Prime Minister at Simla probably if he had finished with the question of recognition. But my feeling is that as an observer of the Indian scene in 1966-67 or particularly after 1969 when the Congress Party led by Mrs. Gandhi did not have a majority. There were many occasions when
one had to take a decision contrary to one what is regarded as public opinion because once you give in public opinion gets deep. This has been our experience. Here also these chaps Jan Sangh and Swatantra, my good friend Phioo Mody who regards himself ……. Jan Sangh mounted terrific……. They found extraordinary support in Majlis…. than …… because they had grouse on Aligarh Muslim University and they had grouse about the Simla Agreement sell out something which is watered by the blood of the Indian jawans and so on. I suppose if one could bend round……. What I am saying is first of all they should ……. you must ratify through Parliament. We did it before meeting of Parliament. PPP has 18 votes. I take it that other parties, they are opposed to it from the speeches they have made.

Passage of time is a great healer or is it going to complicate matters. Truly speaking, I have no doubt once relations are normalized, good relations with Bangladesh and we really can go places above.

**Mr. Aziz Ahmed:** I cannot advise President on this. He is not changed. It is not after having gone from Simla that there has been change. He knows when this has been done, timing of it, how this to be done. You and I cannot advise that this is the time.

I turned on the Radio and I heard someone praise your bureaucracy. He said that it is the best bureaucracy in Asia and in the world. I wish the same happens in our country.

Well, this is a matter in which we need your help and understanding and some kind of communication, continued exchange ideas between you and us, when we certainly exchange ideas, when we have representatives meeting, but before this break this deadlock.

Buying time. Interested in agitating this matter in international forum. Were we departing from the Simla Agreement. No.

**Mr. Haksar:** I told you what has caused us anxiety. We recognized that when there is a change from the past, inevitably that past and the future mingle. What we felt was probably not required even so little a thing. Let us say about Kashmir. I know that the official version does not contain, but your *Pakistan Times* carried shedding of blood. I think too much of blood has already been shed. There was an element of incitement. If from the floor of this House say that ……. This brought comfort to our enemies who were JanSangh. About your quoting various things (Chakravarti’s article in the *Hindustan Times*). If you look at the press of India as a whole, they have played very constructive role in defending the Simla Agreement. Our Radio has tried to do it. We always had grouse against the……in the past about the so-called……. Well, you can maintain the position that Azad Kashmir is independent. They run their own
Radio. Please do something for it. May be, you have persuasive powers, but what they say, it is dreadful, it is not even decent. Shouldn't there be some decency in phraseology?

**SECRET**

**Draft of Agreed Decisions**

In pursuance of the recent exchange of letters between the Prime Minister of India and the President of Pakistan, the representatives of the two sides met in New Delhi from 25 to 28th August, 1972. The Pakistan Delegation comprised

The Indian Delegation

2. The two sides reviewed the developments since the signing of the Simla Agreement and the need to resolve any doubts that may have arisen on either side in order to ensure the smooth implementation of the Agreement both in letter and in spirit. They reaffirmed the determination of the two Governments to implement the provisions of the Simla Agreement in letter and in spirit. They further reaffirmed their mutual obligation to adhere to the principle of bilateralism as embodied in the Simla Agreement for finding a solution of all outstanding problems between the two countries as well as for establishment of durable peace and normalization of relations.

3. The following recommendations to their respective Governments were agreed to by the two delegations: -

(i) The line of control in Jammu & Kashmir resulting from the cease-fire line of December 17, 1971, will be delineate all along its length on maps to be exchanged by the two sides in terms of paragraph 4(ii) of the Simla Agreement and described in detail in the notes appended to the maps. The inviolability of the line of control will be ensured by both the sides bilaterally in accordance with paragraph 4(ii) of the Simla Agreement (without intervention of any outside agency).

(ii) The delineation of the line of control in Jammu & Kashmir, as agreed in sub-paragraph (i) above, will be competed by the 4th of September.

(iii) Withdrawals of the respective forces to the international border will start from the 4th of September and be completed as soon as possible.

(iv) The political leaders designated by His Excellency the President of Pakistan will visit the areas of Sind occupied by the Indian forces and
also the camps in India where the Pakistani refugees and the minority communities have taken shelter in order to assure the said refugees that they will be welcome to return to their hearths and homes in Pakistan and assured of a life of safety and dignity as Pakistan nationals. The Indian side will give facilities for these visits in order to reassure the said refugees that they can return both in the occupied areas and elsewhere in Pakistan to a life of safety and dignity. The withdrawal of the Indian forces from the areas of Sind occupied by them will be integrated with the plan of the resettlement of these refugees by the Pakistan authorities.

(v) The two sides agreed that Bangladesh is a necessary party to discuss the repatriation of Pakistan prisoners of war and civilian internees. The Indian side stated that the mutual recognition of Bangladesh by Pakistan would facilitate further progress in this regard. The Pakistan side stated that the Pakistan Government had not changed its mind about according recognition to Bangladesh, but it was a question of time.

(vi) Both sides agreed that in accordance with the letter and spirit of the Simla Agreement, the case before the ICAO on the hijacking of the IAC plane would be withdrawn without prejudice to the respective claims of each side and settled bilaterally in accordance with the spirit of the Simla Agreement.
Agreed recommendations of the Leaders of the Indian and Pakistani delegations regarding implementation of the Simla Agreement.

New Delhi, August 29, 1972.

In pursuance of the recent exchange of letters between the Prime Minister of India and the President of Pakistan, the representatives of the two sides met in New Delhi from 25th to 29th August, 1972. The Pakistan Delegation comprised Mr. Aziz Ahmed, Special Envoy of the President of Pakistan, Mr. Rafi Raza, Special Assistant to the President of Pakistan and Mr. Abdul Sattar, Director-General, Ministry of Foreign Affairs. The Indian Delegation comprised Mr. P.N. Haksar, Principal Secretary of the Prime Minister of India, Mr. T.N. Kaul, Foreign Secretary, Mr. S.K. Banerji, Secretary, Ministry of External Affairs and Mr. A.S. Chib, Joint Secretary.

2. The two sides reviewed the developments since the signing of the Simla Agreement and the need to resolve any doubts that may have arisen on either side and to ensure the smooth implementation of the Agreement. They reaffirmed the determination of the two Governments to implement the provisions of the Simla Agreement in letter and in spirit.

3. The following recommendations to their respective Governments were agreed to by the two delegations:

(i) The line of control in Jammu & Kashmir resulting from the cease-fire of December 17, 1971 will be delineated along its entire length on maps to be exchanged by the two sides in terms of paragraph 4(ii) of the Simla Agreement. This line will also be described in words in such detail as is adequate to avoid any misunderstanding. The inviolability of the line of control will be ensured by both the sides in accordance with paragraph 4(ii) of the Simla Agreement. It was agreed that the delineation of this line will be completed by the 4th September, 1972.

(ii) In view of certain practical difficulties that have arisen, it may not be possible to complete the process of withdrawals within the period specified in the Simla Agreement. Accordingly, the withdrawals to the international border will be completed by the 15th September, 1972.

(iii) Political leaders from Tharparkar will visit the areas of Sind occupied by the Indian forces in order to assure the inhabitants of the area that they will be welcome to remain in or return from camps in India to their homes in safety and dignity, in accordance with the Plan given by the Director of Military Operations of Pakistan to the Director of Military Operations
of India on August 21, 1972 (vide Annexure). Indian side will give the necessary facilities to ensure full implementation of the Plan.

(iv) The Indian side stated that Bangladesh is a necessary party to discuss the repatriation of Pakistani prisoners of war and civilians internees, and that the recognition of Bangladesh by Pakistan would facilitate further progress in this regard. Pakistan side noted the Indian view and stated that the question of recognition of Bangladesh is under serious consideration.

(v) Both sides considered it desirable that the case regarding over flights now pending before the I.C.A.O. Council should be settled bilaterally.

Sd/-

(P.N.Haksar)                      (Aziz Ahmed)
Principal Secretary to          Special Envoy of the President
The Prime Minister of India,          of Pakistan and Secretary-General,
Government of India.                        Ministry of Foreign Affairs,
New Delhi, 29th August, 1972             Government of Pakistan.

ANNEXURE

Resettlement of Displaced Persons

Outline plan for the resettlement in Sind of sections of the minority community displaced as a result of war, handed over by the DMO of Pakistan to the DMO of India on 21-8-1972.

1. The President of Pakistan is anxious that all persons displaced as a result of war shall be rehabilitated in their homes as soon as possible and that the lives, properties and rights of the affected minorities are to be fully safeguarded to enable them to resume life where it was disturbed by war.

2. To this end, under the direction of the President, necessary machinery has been set up, plans made and material resources allotted to enable speedy resettlement of displaced persons.

3. This plan, in outline, is based on the following:

(A) That Indian authorities have agreed in the first instance that they will arrange for as many as possible of the displaced Pakistani nationals who left for India during and after the war to return to their homes before vacating areas in Sind.

(B) That the remaining Pakistani nationals who are unable to return for any reason in the first instance are kept temporarily in camps on the Indian side.
(C) That as soon as Indian forces vacate areas in Sind, Pakistan forces shall move forward to re-occupy these areas. Immediately afterwards the civil administration shall be established which will have a special component organized to implement resettlement and rehabilitation.

(D) Simultaneous with re-establishment of the civil administration, police and paramilitary forces will establish a network of posts with mobile reserves at union level for enforcing necessary authority to curb any hostile activities against the returning minorities.

(E) Relief committees, social welfare bodies and teams consisting of members of the National and Provincial Assemblies of all denominations from the affected area and other notables will move in to ensure harmony between all sections of the people.

(F) The next step will be to establish reception centers at suitable places near the border inside Pakistan to receive the balance of displaced persons held in Indian camps.

(G) Displaced persons received in these reception centres will be gradually moved to their homes.

(H) As far as possible, only after steps in paras (A) to (F) have been completed will displaced persons of the majority community presently held in camps in the interior of Sind, who belong to areas where the minority community is also living, be brought forward and resettled.

(I) The strength of police command, [sic] other law enforcing agencies is to be substantially increased in the affected areas with a view to providing more effective protection to the minority community.

[Regarding para. 3 (B) above: The Indian authorities will be intimated when the reception centres are ready to receive (the remaining Pakistani nationals)].

29 August 1972

♦♦♦♦♦
0731. Statement by the External Affairs Minister Swaran Singh in the Parliament regarding the meeting of the representatives of India and Pakistan.

New Delhi, August 30, 1972.

The Prime Minister sent a letter to the President of Pakistan on August 19 suggesting that representatives of the two governments might meet to exchange views on the developments that have taken place since the Simla Agreement was signed and to resolve any doubts about the future prospects of settling the outstanding problems in the spirit of mutual confidence as contemplated in the Simla Agreement. In response, the President of Pakistan sent a reply on August 22 that Pakistan is determined to ensure that the Simla Agreement is implemented in its letter and spirit and that the Agreement should constitute the basis of future relationship between our two countries. He suggested that his Special Envoy, Mr. Aziz Ahmed, assisted by the Special Assistant to the President, Mr. Rafi Raza and a small team of senior officials from the Foreign Office would arrive in New Delhi on August 25.

Mr. Aziz Ahmed and the members of his delegation held frank and comprehensive discussions from August 25 to 29, 1972 with the Indian delegation led by Shri P.N. Haksar, Principal Secretary to the Prime Minister, on the developments since the Simla Agreement with a view to resolving any doubts that may have arisen. The text of a Joint Statement to the press issued on the conclusion of the discussions is laid on the Table of the House.

I should also like to inform the Honourable members that the Principal Secretary to the Prime Minister had written to the Special Assistant to the President of Pakistan, Mr. Rafi Raza on July 14 regarding the need to ensure the safety of the person and property of the Pakistani nationals who had been affected by the war and who had remained in the territories of Pakistan occupied by our forces in Sind or crossed into the territory of India. When no reply was received, I wrote on this subject to the Minister of Political Affairs and Communication of the Government of Pakistan, Mr. Ghulam Mustafa Khan Jatoi, on August 4. Mr. Jatoi sent me his reply on August 22 stating categorically that the President of Pakistan and his Government are most keen to ensure that the persons affected by the war return to their homes in Pakistan at the earliest possible opportunity. Pakistan has decided to send Rana Chanadar Singh, a member of the Sind Provincial Assembly and two Members of Parliament from Thaparkar to visit the area even while it is under the occupation of the Indian Army, to reassure the people who are still residing there and also to invite a number of their prominent leaders who are currently in India, so that they could speak to them with a view to persuading the affected persons to return. The President
POLITICAL RELATIONS: 1970-1974

of Pakistan has also assured our Prime Minister in his letter that these affected persons would not only be welcome to return to their homes but would be assured of safety of life and dignity as Pakistan nationals. The Government of India have agreed to this suggestion in the hope that this will create the necessary atmosphere and conditions to enable the affected person to remain in or return to their homes in Pakistan and live there in safety of person and property.

Some differences had arisen in the discussions between the Indian military commander and the Pakistan military commander regarding the delineation of the Line of Control in Jammu & Kashmir resulting from the ceasefire of December 17, 1971. The discussions held between the Indian and Pakistani delegations have resolved these differences and it has been agreed that the Line of Control in Jammu & Kashmir will be delineated along its entire length and maps showing this line will be exchanged by both sides. The delineation of the line will be completed by September 4, 1972. The inviolability of this line will be ensured by both sides in terms of the Simla Agreement. Withdrawals in terms of the Simla Agreement will now be completed by September 15, 1972 as mutually agreed by the two delegations.

As for the question of return of prisoners of war and civilian internees, we have reiterated to the Pakistan delegation that this question cannot be settled without the participation and agreement of the Government of Bangladesh. We have impressed on the Government of Pakistan that any delay in the recognition of Bangladesh by them will hamper the process of durable peace and normalization of relations and delay the achievement of the objectives set out in the Simla Agreement. It is our earnest hope that Pakistan will not further delay the recognition of the realities of the new situation on the sub-continent. It is in the interest of the three countries of the sub-continent to resolve their difference by mutual discussions.

Excerpts from Foreign Minister’s replies to questions in Rajya Sabha on September 1, 1972.

A. Recognition of Bangladesh by Pakistan

1. It is a fact that after the Simla Summit meeting we did have a distinct impression based on talks and exchange of views that the question of recognition by Pakistan was a matter to which Pakistan would give the highest priority. It is because they knew fully well that the association of Bangladesh and their agreement for any final settlement of the prisoners of war, who had surrendered themselves on the Eastern front or in Bangladesh, was a necessity.
We also got an impression that it was increasingly realized by Pakistan that it was not in their interest not to recognize Bangladesh, and therefore, they would proceed quickly in this respect. Subsequently, I concede, there has not been a positive development and we have reiterated our decision, as I have said, that they should recognize Bangladesh so that the process of normalization in the sub-continent among the three countries could be established for arriving at a final settlement with regard to the prisoners of war.

2. They gave us an impression that they will very seriously consider this matter as a matter of high priority.

3. We repeated the position to the Pakistan delegation that continued non-recognition of Bangladesh is a circumstance which obviously comes in the way of normalization of relations and establishment of durable peace and specifically it is coming in the way of the final settlement of the question of the prisoners of war and we were told by them that they were seriously considering the question of the recognition of Bangladesh…

B. Line of Control in Jammu & Kashmir

1. Sir, the agreement between India and Pakistan is that the line of control as it existed at the time when the cease-fire became effective on the 17th December, that line of control will be actually delineated and agreed upon between the two sides and any change of position in favour of Pakistan that had taken place after the 17th December will be restored and the line as it existed on the 17th December will be established as a result of these talks.

2. …..the 17th December line will be restored and these two posts (in Tithwal) to which the honorable member now makes a reference – we have made the position clear – that they went over to the Pakistan side after the 17th December and I have no reason to believe that two Governments will not agree on this.

3. ……..according to what has been here (Joint Statement), the two sides will ensure the inviolability of the new line of control that is established there. And in view of this, the UN observers have no role whatsoever. I have no hesitation in saying that even today they have no role so far as India is concerned. We do not recognize the role of the UN observers because the ceasefire line as it existed earlier, about which the UN observers had a role according to certain agreements, no longer exists. There is a new line which is described as ‘line of control’ and in that the UN observers have no role. So far as the UN observers are concerned, we are not allowing them to play any role.

4. …….Now the point that is raised is about the latest Pakistan radio reports (These reports had spoken of delineation only in “disturbed areas” of Kashmir). I would only say that the Joint Statement is so clear and categorical that any
misrepresentation by Pakistan radio should be taken as something contrary to the Joint Statement. It is the Joint Statement, to which the Pakistan plenipotentiary has subscribed, that is operative, and any interpretation to the contrary that might be given by Pakistan radio or by any other individual is something which is beside the point, has no relevance and we should ignore it.

5. Between a statement signed by a plenipotentiary and a version put out on the radio, I would certainly prefer the statement which is signed by the plenipotentiary.

C. Displaced Pakistan Nationals From Areas occupied by Indian Army

1. As a general principle it is difficult for us to accept that any citizen of any of our adjoining countries, if he comes over to us, then automatically we should be compelled to take him as a refugee or as a stateless person and should be responsible for looking after him. This is a principle which cannot be accepted as a general principle. Of course, with our traditions of tolerance and of compassion, we have from time to time been giving succor and relief to the people who came over to India. But at the same time we have insisted that it is the responsibility of our neighboring country to create conditions that such displacement of people do not take place. And if such displacement do take place then it is their responsibility to create conditions there so that these people can return and return in honor with their person and property safe.

2. ..........it is the responsibility of Pakistan to create the conditions there which would enable these Pakistani nationals to return to their homeland, from which they have been displaced, to return in the confidence that their person and property would be safe. We cannot absolve them of that responsibility, and we should insist on the Pakistan authorities both at the political and administrative level to create those conditions. Well, after they have done that, as many people as would like to go, they would go. But if there is any remnant we will take a human view of them.

3. We would continue to hold Pakistan squarely responsible for the safety and security of Pakistani nationals whatever may be their religion who have been displaced, and at the same time I have said that we will take humane view.

D. Bilateralism

1. Sir, it is true that some of the things which my honourable friend has mentioned, the attitude and the actual statements made by the Pakistani representatives on the various issues are hardly consistent with bilateralism. It was for this reason that we had to suggest that they should come here or that we were prepared to go to Islamabad to have discussions so that we might
bring the two sides back to bilateralism and it is in that spirit, Sir, that the talks between the two delegations took place and there is now a joint statement…

2. ………So, the essence of the agreement is bilateralism. If there are any difficulties in interpretation, they will have to be resolved bilaterally. If there is any dissatisfaction on either side about implementation, that also will have to be resolved bilaterally by mutual discussion.

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0732. Extract from the Statement of External Affairs Minister Swaran Singh in the Lok Sabha in connection with the discussion regarding the meeting of the Representatives of India and Pakistan on the implementation of the Simla Agreement.

New Delhi, September 2, 1972.

One point has been raised what will happen to the two posts in the Lipa Valley which, according to us, were taken by Pakistan after 17th December? The Agreement is quite clear. Both the sides are committed that the line of control as it existed on 17th December will be restored and the two commanders will settle that line of control. And I have no doubt in my mind that these two posts cannot be retained by Pakistan because they were not with Pakistan on the 17th of December……..

The Simla Agreement settled the principle, that the line as it existed on the 17the December has to be respected by the two sides. But, there may be a difference of opinion as to what was the line on the 17the December. This is precisely the business of the two representatives and in this case, the two Governments have entrusted this responsibility to the Commanders because they were familiar with what was happening on the ground and if the line of control had been settled in Simla itself, then we should have withdrawn on the following day.

Under the Simla Agreement, the principle was settled that the line of control as it exited on the 17th December, has to be respected. But some body has to show on the ground where the line is and also to delineate it on maps. So, this is the process which has been going on and I would like to remind this hon. House… that while I made the statement about the Simla Agreement, I had
said that the question of delineation of the line of control and the question of withdrawal will have to be simultaneous………

Now, as a matter of fact, according to this agreement, the line of control has to be delineated first and the withdrawals will take place eleven days later. So, if anything, we have tried to give a concrete shape - within a time from the time the agreement has been arrived at. So, I do not see what objection can there be to this approach….

Another point has been made. What is the role of the UN Observers in relation to the line of control? The reply is simple. The UN Observers were there in accordance with the Karachi Agreement. There was a cease-fire line and the UN observers' role was to see that there were no disturbances of that cease-fire line and no violations of that cease-fire line. Now, there is no cease-fire line. There is a line of control. There is no Karachi Agreement and there is no UN role at all in relation to the line of control because the line of control did not exist when the UN observers were there. …

The line of control in Jammu and Kashmir, resulting from the cease-fire of December 17, 1971, will be delineated along its entire length. …

Now this point has been raised: what is the significance, when it is said that this is without prejudice to the recognized position of the two sides? This is a broad question. I would like to take this opportunity to clarify it. We have to remember there is no final settlement about Jammu and Kashmir in this Simla Agreement. The agreement is that there will be a final settlement. You cannot expect the other side to give up their legal attitude till there is a final settlement. What is meant in so many words is that our position in relation to Jammu and Kashmir is there – that is the legal position – but notwithstanding that legal position there is the physical position on the ground so that there will be a new line of control delineated along the entire length.

At this stage I would like also to explain the significance as to why we now say that it is to be delineated on the entire length. There was an attempt on the side of Pakistan to say that the major part of the original ceasefire line was not disturbed in the course of war and there were only certain deviations or disturbances of that line. There was an argument which was put across - mistakenly according to us, and they did not stick to that argument in the course of the discussion – as if there could be some role for the UN along that portion which was not disturbed. But now, according to this agreement there is going to be a delineation of the line of control as it stood on December 17, in the entire length, which means, the line of control is what will emerge on the maps and on the ground, as a result of the agreement between the two countries, saying, this is the line of control, so that we can be doubly sure that there is no
relationship with the 1949 ceasefire line, so that there may not be any argument later that something of the original thing is still left for which there may be some remote chance of UN observers coming.

This is the whole significance of the present agreement that in view of the clear agreement between the two sides, that inviolability of the line of control will be observed by both sides.

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AIDE MEMOIRE

The Embassy of Switzerland in New Delhi is requested to convey the following message to the Ministry of Foreign Affairs of the Government of Pakistan.

BEGINS:

In continuation of their communication dated 4th September 1972, the Ministry of External Affairs, Government of India, have the honour to state that it is now possible to exchange the Pakistani and Indian nationals taken into custody form respective territories captured by either side in the Western sector during the December 1971 conflict. Consequently, arrangements have been made by Government of India for receiving Indian nationals of the category from Pakistan at the Wagah border on September 16th/17th and for handing over Pakistani nationals of this category on the 18th and the 19th. The number of Pakistani nationals of this category is about 700.

The Government of India had handed over to I.C.R.C., New Delhi, lists of 431, Indian nationals believed to have been captured by Pakistan from occupied Indian territories. In their reply dated 18th July 1972, I.C.R.C. forwarded a list of only 272 persons in this category. In a communication dated 11th August, 1972 from His Excellency Mr. Iftikhar Ali, Foreign Secretary, Ministry of Foreign Affairs, Government of Pakistan to Shri S.K. Banerji, Secretary, Ministry of External Affairs, Government of India, the number of Indian nationals in this category is said to be about 300. It is hoped that the Government of Pakistan is
taking the necessary action to enquire into the whereabouts and welfare of the remainder who have not yet been accounted for.

ENDS

New Delhi,
8.9.72

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0734. **Aide Memoire of the Government of India to the Swiss Embassy in New Delhi to transmit a message to the Pakistan Government regarding lifting of restrictions on Pakistani nationals for departure to Pakistan.**

New Delhi, September 12, 1972.

AIDE – MEMOIRE

BEGINS

The Ministry of External Affairs, Government of India, has the honour to inform the Ministry of Foreign Affairs, Government of Pakistan, that restrictions have been lifted on the departure of those Pakistan nationals who had entered India from West Pakistan before December 3, 1971, on valid travel documents and were stranded due to the outbreak of hostilities in December 1971. Accordingly, instructions have been issued to the State authorities to stamp exit endorsements on the passports of all such Pakistani nationals so that they can leave India for Pakistan by land, sea or air.

ENDS

New Delhi,
12 September, 1972.

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Aide Memoire of the Government of India to the Swiss Embassy in New Delhi requesting them to transmit a message to the Pakistan Government regarding arrangements for exchange of Indian and Pakistani nationals.

September 15, 1972

AIDE MEMOIRE

The Ministry of External Affairs, Government of India, request the Embassy of Switzerland in New Delhi to transmit the following message to the Ministry of Foreign Affairs, Government of Pakistan:

BEGIN

The Ministry of External Affairs, Government of India, has the honour to inform the Ministry of Foreign Affairs, Government of Pakistan, that the immigration authorities of the Government of India at air and sea check-posts, as also the land check-posts at Wagah, have made necessary arrangements to receive Indian nationals who had gone to Pakistan on valid travel documents and were stranded there due to the outbreak of hostilities in December 1971. They would freely permit the entry of those Indian nationals whose passports have expired but were valid till December 2, 1971, a day before the outbreak of hostilities. As a special case, those Indian nationals whose passport had expired within six months of the outbreak of hostilities, i.e., between June 1 and December 2, 1971, and who were unable to get these revalidated, shall also be permitted to enter India on satisfactory clearance of the documents in their possession by immigration authorities at the Wagah land checkpost.

In the case of those Indian nationals whose passports had expired even before June 1, 1971, and were not renewed since, Swiss Missions in Pakistan have been requested to advise them to get in touch with the Embassy of Switzerland at Islamabad or the Consulate General of Switzerland at Karachi so that appropriate action can be taken in extending the validity of such expired passports to enable these Indian nationals to return to India at an early date.

END

New Delhi, 15.9.1972.
Letter of the Joint Secretary Ministry of External Affairs addressed to the Heads of Indian Mission circulating to them a note on “President Bhutto’s Handling of the Opposition” in Pakistan.

New Delhi, September 20, 1972.

A.S. Chib,
Joint Secretary (Pak)
No. PI / 102 / 4 / 72-II September 20, 1972

Dear Head of Mission,

I enclose a note prepared by Shri K.N. Bakshi, Deputy Secretary (Pak) on President Bhutto’s handling of the opposition in Pakistan. The note contains an incisive analysis of the latest trends in the domestic situation in Pakistan since the language riots in July and throws light on Bhutto’s standing vis-a-vis the opposition political parties, as well as, in relation to the Army.

2. The analysis of Bhutto’s handling of the NAP / JUI provincial coalition and his motivations for allowing a controversy to build up on the fanciful “London Plan” is most interesting. As correctly surmised, Bhutto has since publicly denied the existence of this alleged anti-nationals conspiracy in his statement before the Karachi Chambers of Commerce and Industry on 16th September. After allowing his information Minister Maulana Kausar Niazi to cast aspersions on Wali Khan’s loyalty to Pakistan, Bhutto calmly declared that there was nothing to the London Plan. It is typical of Bhutto in his handling of the domestic situation to allow controversies to build up to let off steam and then to assume the role of an arbitrator and mediator. It cannot be denied that so far Bhutto has successfully ridden out turbulence in the domestic political situation in Pakistan by using these tactics. Despite the weakening of his position after the Sind Language riots and the developing under-currents amongst the traditional supporters of army rule in Pakistan, there is as yet no evidence of a sizeable threat to President Bhutto’s authority.

Your sincerely

( A. S. Chib )
President Bhutto’s handing of the opposition in Pakistan.

According to recent reports, the uneasy relationship between the PPP controlled Central Government and the provincial governments in NWFP and Baluchistan run by NAP-JUI coalitions, is showing signs of increasing strains. Pakistan’s Information Minister, Maulana Kausar Niazi, has accused top NAP leaders (Khan Wali Khan, President of NAP, Mr. Attaullah Ulla Khan Mengal, Chief Minister of Baluchistan, and Mr. Ahmad Nawaz Bagti, Finance Minister of Baluchistan) of hatching a conspiracy against Pakistan during their recent stay in London. Describing the opposition leaders as “anti-national elements” he alleged that they were demanding four different states as opposed to the concept of one Pakistan. Pakistan Radio reports also alleged that these leaders had urged Sheikh Mujib to use his influence with India to prevent withdrawal of troops from occupied areas by September 15 as this would have strengthened Bhutto’s hand.

“London Plan”

2. These accusations which have come to be known as the “London Plan” are not a sudden development but have been built up gradually through government controlled media like the Press Trust newspapers and Radio Pakistan. In fact, when Bhutto’s attention was drawn to such reports in Pakistani newspapers, he was quoted as having said “Intrigues against Pakistan never ended. There is nothing new in it”. It is quite obvious that Niazi had brought out these serious charges against NAP leaders in the full knowledge of his President.

Baluchistan Governor Bizenjo was urgently summoned to Rawalpindi for immediate consultations. According to an official spokesman the President had taken note of the serious concern caused amongst people by the reports pouring in from London and appearing in the Pakistani press. The President was said to be unhappy about the situation and anxious to rectify it.

3. On his way to Pindi Governor Bizenjo described these reports and accusations as “false and mischievous”. Similar denials were issued by other NAP spokesmen. It was categorically stated that no NAP leader has met Mujib. The question is, why has President Bhutto thought it fit to bring out such a serious charge against these important opposition leaders at this stage? To analyse Bhutto’s motives and any action he might now take, one must look at the internal situation in Pakistan as it prevails toady.

Bhutto’s difficulties – dissension within PPP

4. It is now quite certain that the domestic situation in Pakistan since July
has displayed a certain erosion of President Bhutto’s authority. The inept handling of the language riots in Sind, the continuing labour unrest, the sagging industrial production, rising prices and expectations, have all made their contribution towards creating and maintaining unrest in Pakistan. Bhutto’s Government finds it difficult to do some thing immediately to satisfy the aspirations of the people which it had itself helped to arouse. A backlash of the Sird riots has caused serious dissensions in the PPP. The language controversy split the party right down the lines and many a PPP leader in Sind was reported to have sided with the Sindhi aspirations. On the other hand, reports of the displacement of a large number non-Sindhis, including Punjabis, has had serious repercussions in Punjab, Bhutto’s stronghold. This is borne out by the fact that amongst those arrested under the maintenance of internal security in Pakistan recently are PPP leaders from both Sind and Punjab. The compromise evolved the controversy has satisfied neither the Sindhis nor the non-Sindhis. Whereas Sindhis accused Bhutto of having cowed down, the ‘Muhajir’ and Punjabi elements criticize him, for having acted more like a Sindhi rather than as a Pakistani President. Dissensions in the party seem to have reached such a stage that, according to some reports, PPP members in the National Assembly were asked to hand over their letters of resignation as a surety for good behaviour to a Central Minister – a measure allegedly taken to maintain discipline in the party. It is obvious that the party needs discipline if one were to go by the speeches of dissident members both inside and outside the National Legislature. According to an opposition leader, people’s party has not been able to hold even a single public meeting in Punjab during the recent weeks.

Rightist Opposition

5. On the other hand, rightist opposition in Punjab has really gone to town in a big way to cash in on the Sind riots. The major cities of Sind like Karachi and Hyderabad, were always Jamaat strong-holds. Given the sympathy of the Punjabis with the cause of Urdu and ‘Muhajirs’ in Sind, it was easy for these opposition parties to exploit the issue in Punjab. It is in this context that a number of rightist leaders in Punjab were recently arrested. Another issue on which the rightist parties have been able to whip up opposition against Bhutto in Punjab is the Simla Agreement which they describe as “sell out.” Punjab has always been in the fore-front as breeding ground for anti-Indian confrontationists and the opposition has reportedly made significant gains during their recent campaign.

Armed forces

6. Bhutto’s equation with the Armed Forces is still far from clear. Army Chief Tikka Khan has been described as a good soldier with no political ambitions. But during his recent tour of Sind, he was enthusiastically welcomed wherever he
went. In fact, posters in some Sindhi towns appealed to him to take over the reins of government from Bhutto. According to some reports, he received thousands of telegrams from non-Sindhis in the Sind to this effect. Some unconfirmed reports have even suggested the active involvement of the Armed Forces in the language riots. Similarly, the recent retirement of a dozen odd senior army officers by Bhutto could have been due to the fact that there was some kind of a plot in the Armed Forces against the civilian government. Bhutto’s Ministers never tire of reminding the people of conspiracies against the regime.

7. In his speeches Bhutto has repeatedly emphasized that Pakistan was given a crushing and decisive defeat by India in the December conflict. Apparently, the bulk of the officer corps in the Army do not think so. According to reports available with us they are convinced that it was the corrupt leadership of persons like Yahya that let them down, that they had done quite well in the Western sector, and that they have only suffered a temporary set-back and not a permanent defeat. The rightist parties have also been plugging this line in an obvious effort to please the Armed Forces. What is however interesting to note is that even People’s Party leaders have now started saying the same thing. This is clear from the speeches made by Central Ministers during Defence of Pakistan Day celebrations in September.

8. Moreover, “Bonapartism” is far from dead in the Pakistan Armed Forces and it would be naïve to think that they have abandoned all hopes of controlling the destinies of Pakistan once again. They are lying low because they have to. The events of 1971 were a great set-back to their own morale as also their image in the public. But if Bhutto’s government cannot deliver the goods fast enough and confusion and lawlessness prevail, the Army could certainly stage a come-back. The so-called ‘Islam Pasand’ parties would prefer the Army to Bhutto any day despite their professions of allegiance to democracy. The Army could also use them as a convenient front. The feeling of revanchism being whipped up by these elements could prove a tremendous asset. Above all, Punjabis who control the Army as also the bureaucracy would like to continue to hold their dominant place in Pakistan’s politics.

9. In Bhutto’s equation with the Army, Major General (Retd.) Akbar Khan, is another curious factor. He is an arch conspirator, a brilliant instigator and a master organizer of subversion. In the new government he heads Pakistan’s intelligence set-up, in addition to being the top boss in the People’s Guards movement, a para-military arm of the PPP. Apparently, Bhutto is using him to keep some kind of a check over the Army where he has a lot of prestige. But some recent reports have suggested a growing liaison between him and Tikka Khan which could prove dangerous to Bhutto.
NAP’s Growing Influence

10. In this precarious situation Bhutto has also to contend with the growing influence of NAP in Punjab and Sind. Wali Khan has succeeded to a certain extent, in projecting a national image. Controlling the provincial governments in NWFP and Baluchistan in coalition with JUI has given NAP an additional source of strength. Together the two parties have managed to establish themselves as a symbol of democracy and democratic opposition in Pakistan. For example, they continue to advocate a federal constitution for Pakistan with a parliamentary form of government, fundamental rights, etc, whereas Bhutto’s sympathies for a presidential government are well-known. Similarly, NAP has been advocating greater provincial autonomy, whereas Bhutto desires a strong centre. In his speech to the Baluchistan High Court Bar Association recently, Bhutto described this divergence in approach as a major reason for the delay in the framing of the constitution.

11. Bhutto has been trying his best to neutralize NAP influence but without any significant success. There were reported efforts to “buy” some of the NAP legislators. These did not succeed. An abortive attempt was made on Wali Khan’s life and Quyyum Khan, an arch enemy of Wali and Bhutto’s Central Minister, was accused of involvement in the plot. Bhutto has also tried in vain to win over the NAP by offering ministerships in the Centre in exchange for accommodating PPP in the provincial coalition. There have been much advertised meetings between Bhutto and NAP-JUI leaders to evolve a “cooperative approach”, but nothing seems to have come out of these, as the recent London Plan shows. On the other hand, there has been continuous mudslinging between the provincial governments and some of Bhutto’s Ministers.

12. It is not beyond Bhutto to try more devious methods and he has indeed done that. He has been using the break-away NAP leader Abdul Samad Achakzai, to create a division amongst Baluchis and Pathans in Baluchistan. Achakzai has been demanding the creation of a new province called “Pakhtoonistan” which would include the Pushto speaking population of NWFP and Baluchistan. Simultaneously, demands are also being made for the creation a province of “Qabalistan” to be carved out of the tribal areas of NWFP, thus reducing the weight of the existing province in Pakistan’s politics. Similarly, as mentioned above, Bhutto has taken Qayyun Khan as his Minister of Interior in order to neutralize NAP influence in NWFP. Qayyum Khan has the dubious reputation of being adept at creating lawlessness and confusion. Reports of clashes between landlords and peasants in NWFP disturbances at public meetings etc. show that Qayyum Khan is not sitting idle.
Bhutto’s options

13. In these circumstances it is clear that the so-called “London Plan” has been invented. (In fact, this is the second London Plan which has appeared on Pakistan’s political horizon: the earlier one also included, amongst others, Daultana). Bhutto can have the following objectives in mind:

(a) As apprehended by NAP leaders and suggested by some commentators Bhutto might make use of this alleged plot to come down heavily on the NAP and JUI. These allegations are of an extremely serious nature and Bhutto can seek to justify any strong-armed tactics, in the interest of Pakistan’s integrity. However, we do not think Bhutto would adopt these methods. Firstly, he is aware that, unlike Bengalis in the former East Pakistan, Pathan and Baluchs would not take any high-handed action lying down. Any armed confrontation leading to civil war would be suicidal. Secondly, even large scale arrest of NAP leaders and imposition of curfew, press censorship etc. would only be counter-productive by making heroes of the opposition. Thirdly, to take any severe action will first have to suspend the provincial government which would, in turn, lead to a far-reaching constitutional crisis. Lastly, it would give the Armed Forces an opportunity to reassert themselves in Pakistan’s internal politics.

(b) Bhutto might use these allegations to embarrass the NAP leaders and thus to naturalize their growing influence. These efforts to malign NAP as anti-national can be expected to sell well in Punjab. This would give Bhutto an opportunity to achieve two objects in his political stronghold simultaneously. Apart from undercutting the growing NAP influence, he would also be able to play the chauvinistic sentiments of the Punjabis, thus re-establishing PPP influence in the province which is being eroded by the rightist opposition.

14. Bhutto can also utilize the situation thus created to pressurize NAP into “cooperating” with him in matters like framing of the national constitution. Similarly, this could give him another handle to try and decide NAP leaders. Some unconfirmed reports suggest that Baluchistan governor Bizenjo seems to get along much better with the President than with the others.

Conclusions

15. It can, therefore, be concluded that the so-called ‘London Plan’ is another attempt by Bhutto to embarrass NAP, neutralize its growing influence and to create conditions under which they are forced to his line. Bhutto will not take any drastic action against NAP leaders despite the serious accusations. At the most, he might ask Qayyum Khan to intensify his efforts at creating disturbances in the two provinces with a view to discrediting the governments.
16. Another interesting feature of the so-called conspiracy is the alleged request to Mujib to use his influence with India not to withdraw from occupied areas. This has implications which go beyond the internal politics. Due to the delay in the delineation of the line of control in Jammu & Kashmir, it was clear that withdrawals were not taking place by September 15.

This is, therefore, a warning to India that any delay in the process would only result in Bhutto’s government coming heavily on NAP and other forces friendly to India. In his address to the Chamber of Commerce and Industry in Karachi on 15 September 1972, President Bhutto took serious objection to the reported observations of Wali Khan in an interview to Indian newspaper which cast aspersions on Bhutto’s trustworthiness. Bhutto linked this to the Simla Agreement and asserted that “this did amount to ask India not to trust Pakistan”.

Sd/-
(K. N. Bakshi)
Deputy Secretary (Pakistan)

0737. Message of Principal Secretary to Prime Minister P.N. Haksar to Aziz Ahmed.

New Delhi, October 22, 1972.

From: DDMO, INDARMS
To: DDMO, PAKARMS

PLEASE PASS ON FOLLOWING MESSAGE TO HIS EXCELLENCY MR. AZIZ AHMED FROM MR. P.N. HAKSAR.

QUOTE. I deeply regret that owing to my absence from New Delhi, there has been delay in replying to your redrafted message handed over to DMO India by DMO Pakistan at Suchetgarh on October 15 at 1711 hours. Government of India are glad to accept your proposals subject to amendments as in following sub-paragraphs:

One. Substitute last clause in your para one by following:

Quote. They should record their joint recommendations in regard to Line of Control in J & K area to their respective chiefs for submission to their respective governments. Unquote.
Two. Add the following at the end of your para two:

**Quote.** On the two chiefs confirming to each other that ground positions have been carried out to conform to the line of control an announcement may be made simultaneously from ISLAMABAD and New Delhi releasing to the press broad details of the line of control in Jammu & Kashmir in accordance with the provisions of the bilateral agreement between India and Pakistan signed in Simla. **Unquote**

Three. The last six words in paragraph three of your redrafted message may be substituted by the words **quote** their respective chiefs for securing approval of their respective governments. **Unquote.**

Shall be grateful for your confirmation of the amendments proposed. **Unquote.**

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0738. **TOP SECRET**

Note by the Principal Secretary to the Prime Minister P. N. Haksar on a message received from President Z. A. Bhutto on October 22, 1972 and submitted to the Prime Minister Mrs. Indira Gandhi.

Prime Minister’s Secretariat

P.M. may kindly see the message* from President Bhutto which was received this morning. As P.M. is going away tomorrow and will not return to New Delhi until the 29th, I feel that the reply should go today. I have, accordingly, prepared a draft which is at Slip B. The most important part of President Bhutto’s message is in paragraph 10 of it. I discussed this matter with the C.O.A.S. and he agreed that perhaps P.M. could respond by modifying the position we had hitherto taken. In this connection P.M. may kindly see the portion sidelined ‘A’ in blue chalk of the draft reply to President Bhutto’s letter. As I could not get the C.O.A.S. on telephone, I am sanding him a copy of the draft with the request that he might convey directly to P.M. any amendments he might wish to make to the draft and more particularly to the portion sidelined ‘A’.

Sd/-
(P.N. Haksar)
22. 10. 1972

* Message not available.
Dear Mr. President,

I have your message of October 22. I wrote to you on August 19, 1972 because the way the question of the delineation of the line of control in Jammu & Kashmir was being dealt with caused me considerable anxiety. I felt that the matter was of sufficient importance for our representatives to meet. I was glad that the meeting took place.

2. I know that your representatives took the position that there was no connection whatever between withdrawals from the international frontier in accordance with paragraph 4(i) of the Simla Agreement and provision in paragraph 4(ii) of it. We, on the other hand, have consistently taken the position that paragraph 4 must be implemented as a whole. And if this is to be done, then the delineation of the line of control is of no less an importance than the question of withdrawal of troops from the international border. Having regard to the fact that in the past our two countries have been involved in conflict in Jammu & Kashmir, the undertaking in paragraph 4(ii) that neither side shall seek to alter the line unilaterally and that both sides shall refrain from the threat or the use of force in violation of the line of control were matters of vital importance. The argument that obligation in respect of withdrawal is time bound and that those explicit and implicit in paragraph 4(ii) are not, does not appear to us to be a reasonable one.

3. I felt that during the Delhi talks, the distinguished representative of Pakistan accepted the legitimacy of our concern when we both agreed that the withdrawals and delineation were equally important parts of paragraph 4 of the Simla Agreement and that one could not envisage situation in which withdrawals from the international border take place leaving the delineation of the line of control and its inviolability hang in a state of uncertainty. I would urge upon you in all sincerity to try and see our point of view in this matter. However, I am glad that we are on the eve of reaching an agreement in regard to the delineation.

4. You have, Mr. President, referred to certain human aspects of the
problem. It was these very human aspects which weighed with me in Simla when I agreed to the withdrawal of troops. I do not want you to feel that I have become insensitive to these problems. I am, therefore, giving directions to the Chief of our Army Staff that as soon as the delineation is completed and approved by our two Governments in accordance with the procedure which has been now settled between us, the withdrawal from the international frontiers shall commence and be completed within a period of 10 to 11 days. I hope no difficulties will arise in carrying out adjustments of the ground positions to conform to the line of control within the period of five days to which we have both agreed.

5. When one surveys the results of the full and final implementation of paragraph 4 leading to withdrawal of Indian troops from fairly large areas of Pakistani territory, I am baffled why the Pakistani side should have been arguing about little points along the line of control in Jammu & Kashmir. I can assure you, Mr. President that we are not only anxious to implement the Simla Agreement both in letter and in spirit, but we have consistently refrained from agitating any aspect of our mutual relationship or mutual problems in any international forum or anywhere else. I was, therefore, saddened when I read the speech which your distinguished delegate made in the general debate in the U.N. this year. We gave strict instructions to our delegation not to exercise their right of reply.

Yours sincerely,

(Indira Gandhi)

His Excellency
Mr. Zulfikar Ali Bhutto,
President of the Islamic Republic of Pakistan,
Islamabad.
Letter from Principal Secretary to the Prime Minister P.N. Haksar to Secretary General Pakistan Ministry of Foreign Affairs Aziz Ahmed.

New Delhi, October 23, 1972.

Dear Mr. Aziz Ahmed,

I conveyed to you through the channel of DDMO, Indarmy, and DDMO, Pakarmy, the following message on Sunday, October 22, 1972-

Quote. I have your message of October 20 conveying your Government's acceptance of the amendments proposed in sub-paragraphs 1 (1) and 3(3) of my message of October 19. Taking into account the considerations you have urged, we agree with the suggestions contained in paragraph 3 of your message. The final position in respect of the procedure will thus be as follows:

(1) As soon as the line of control has been delineated and the maps have been signed by the Senior Commanders and exchanged as provided in the Joint Statement signed in Delhi on August 29, 1972, they should record their joint recommendations in regard to the line of control in J & K areas to their respective Chiefs for submission to their respective Governments.

(2) The signed maps and relevant documents should then be forwarded to the two Governments and as soon as they have accorded their approval to the line, an announcement may be made simultaneously from Islamabad and New Delhi in the following terms:

“The line of control has been delineated in J & K in accordance with Simla Agreement of July 2, 1972 and that it has the approval of both Governments. Adjustments of ground positions will be carried out to conform to the line of control approved by both Governments within a period of 5 days from the date of this announcement.”

Simultaneously, both Governments may release to the press only broad details of the line of control. Thereafter, adjustment of ground positions of both sides will be carried out to conform to the line of control approved by both Governments within a period of 5 days from the date of simultaneous announcement of approval by both Governments. As soon as this operation has been completed, an announcement may be made simultaneously from Islamabad and New Delhi that adjustment of ground positions of both sides has been carried out to conform.
to the line of control which was delineated in Jammu & Kashmir in accordance with the Simla Agreement of July 2, 1972 and was approved by both Governments.

(3) On conclusion of their work, the Senior Commanders may announce only repeat only that they have completed their task and have forwarded their recommendations to their respective Chiefs for securing approval of their respective Governments.

2. Grateful for your confirmation that the procedure outlined in the preceding paragraphs correctly reflects our mutual understanding. Unquote.

2. I confirms having received the following message in reply on October 22, 1972 at 1955 hours :-

Quote Thank you for message of DTO 221545. This is to confirm that the procedure outlined in your message correctly reflects our mutual understanding. Unquote.

With warm regards and best wishes,

Yours sincerely

(P. N. Haksar)

His Excellency
Mr. Aziz Ahmed,
Secretary-General,
Ministry of Foreign Affairs,
Government of Pakistan, Islamabad.
Dear Mr. Aziz Ahmed,

I have your letter of September 27, 1972. I am sorry that owing to my intermittent absence from New Delhi, there has been delay in sending reply. I need hardly say how warmly Government of India welcomes your suggestion that in accordance with paragraph (v) of agreed recommendations signed between us in New Delhi on August 29, 1972, we should settle between us the case regarding over flights now pending before the ICAO Council. However, it is not clear to me if Government of Pakistan contemplate moving the Council under Article 17 of the Rules for the Settlement of Differences, 1957, requesting them to discontinue the proceeding. Naturally, we would support such a request in any manner you deem it appropriate. We could even make a joint request.

2. You have apparently a somewhat different view in the matter and desire to keep the proceedings in a state of suspended animation even though paragraph (v) of Delhi Agreement considered it desirable, without any qualification, that the case regarding over flights now pending before the ICAO Council should be settled bilaterally.

3. The Government of India are ready to start talks with Government of Pakistan both for resolving the manner in which the proceedings in ICAO Council should be discontinued or suspended as well as for making the proposals to settle the case bilaterally.

4. in the meantime, I am wondering whether Government of India and Government of Pakistan could both agree to inform the ICAO Council that as the two Governments are about to commence negotiations, the matter before the Council need not be taken up during the 77th and 78th sessions commencing respectively on November 13, 1972 and February 26, 1973. This will also dispose of the enquiry made by the President of the Council, which has presumably been also addressed to the Government of Pakistan.

5. Please let me know if the suggestions I have made about our bilateral talks and for dealing with the immediate situation in the Council will be acceptable to you. As for the time and venue for talks between our two countries on the subject of over flights, we would welcome your delegation coming to New Delhi sometime during the first week of November i.e. after the Diwali and
Idulfitr holidays. However, we would be equally prepared to send a delegation to Pakistan if this is more convenient.

With warm regards and best wishes,

Yours sincerely

Sd / - (P.N. Haksar)

His Excellency Mr. Aziz Ahmed,
Secretary-General,
Ministry of Foreign Affairs,
Government of Pakistan,
Islamabad.

0741.  SECRET

Note of discussions between the Indian High Commissioner in Dacca with the Soviet Ambassador in Dacca regarding recognition of Bangladesh by Pakistan.

Dacca, November 4, 1972.

High Commission of India, Dacca

The Soviet Ambassador, Mr. V.F. Popov, who has recently been back from home leave, saw me today. He said that the Soviet Ambassador in Islamabad had been told by President Bhutto (Pakistan Government?) early in October that Pakistan would not recognize Bangladesh before next Spring. President Bhutto will require time to explain facts to his people. Sheikh Mujibur Rahman, in the President’s view, is being unreasonable in insisting on recognition before meeting him. Bangladesh has separated not as a result of a spontaneous movement by the people but by Indian intervention, and the President must convince his people that he has done everything possible to keep the two parts together before recognizing Bangladesh as a separate country. President Bhutto also complained about India being unreasonable about the implementation of the Simla Agreement.

2. On return to Dacca Popov saw Sheikh Mujib. The Sheikh said Bhutto could not be trusted and he would not meet him before recognition. He was not anxious to start war crimes trial immediately, but Pakistan could claim no say in the trial of Bangladesh collaborators.
3. The assessment of the officers of the Soviet Mission is that anti-Indian and anti-Soviet feelings have grown in recent months in Bangladesh. It is being said for example that Soviet fishing trawlers which have been gifted to Bangladesh have no refrigeration facilities. The Bangladesh Government is deliberately delaying signing the draft agreements with the Soviet Union. These drafts have been lying with the Bangladesh authorities for many months and they are not responding to the Embassy’s request for action. A propaganda is being carried on by Western circles that the capacity of India and the Soviet Union to assist Bangladesh is limited, and if the country is to come out of a serious economic crisis, it must turn to the Western countries for assistance.

4. I gave Mr. Popov my assessment of the current situation in Bangladesh. I said I was aware of the anti-Indian campaign being carried on by Bhashani with the assistance of extreme right and extreme left elements. In this context I referred to the recent communal flare up and said it was extraordinary that simultaneously on the same date and between the same hour communal troubles should have broken out in many parts of Bangladesh. We had information that some of the anti-social elements who had participated in the trouble were handsomely paid. The anti-India campaign was basically directed against Sheikh Mujib and his Government – that they had sold the country to India and are willing parties to Indian domination. While I agreed with the Ambassador that correct facts must be placed before his people by the Prime Minister and his colleagues and no amount of our saying to the contrary will convince the people, we have to recognize the realities of the situation. Eighty percent of the people are illiterate and orthodox Muslims all easy victims to anti-Indian and anti-Hindu propaganda. With the elections due in a few months’ time Sheikh Mujib cannot take a very firm line which would make action against Muslim extremists but I am convinced that he wants to maintain friendly relations with India (and the Soviet Union). After the new elections when he comes back to power with a clear mandate, he is expected to take a more firm line against those determined to harp on communalism and carry anti-Indian propaganda. Until then we have to be patient and understanding. I agreed with the Ambassador’s view that India and the Soviet Union are being bracketed together by the extreme elements as enemies of Bangladesh. I advised the Ambassador also not to lose patience, and promised to keep in close touch with him.

(S. Dutt)

High Commissioner

4.11.1972.
Statement made by the External Affairs Minister Swaran Singh in the Rajya Sabha on the question of delineation of the Line of Control in Jammu and Kashmir.

New Delhi, November 14, 1972.

Hon'ble Members would recall my statement in the House on August 30, at the conclusion of the meeting between the representatives of India and Pakistan, wherein I had conveyed the agreement of both sides to the delineation of the line of control in Jammu & Kashmir along its entire length. I had also stated that maps showing this agreed line would be exchanged by both sides and that delineation of the line would be completed by September 4, 1972 and withdrawals to the international border would be completed by September 15.

In accordance with the Simla Agreement the line of control had to be mutually respected, therefore its delination has to be agreed so that its inviolability may be ensured by both sides.

The Senior Military Commanders of India and Pakistan, who were entrusted with the task of delineating the line of control on maps, have so far held 9 rounds of discussions. By the 7th round, which was completed on October 18, an agreement was reached on 19 maps delineating the entire length of line of control from the Chamb area on the international border to Partapour sector in the North. These maps were to be signed in the 8th round. On that occasion, however, Pakistan's Senior Military Commander raised a fresh controversy over a pocket approximately 1½ square miles in area which is in Pakistan's occupation but separate from the line of control. Several messages have been exchanged between the Chiefs of the Army Staff of India and Pakistan on this issue and as a result further meetings took place between the Senior Military Commanders on November 7 and 9. However, these discussions failed to iron out the differences. It is now being considered whether the stage has been reached for a meeting at another level to resolve this question.

Honourable Members would appreciate that as the talks are still in progress, it would not be in our national interest to discuss this matter in greater detail. The major task of delineation of the line of control in Jammu & Kashmir, in terms of the Simla and Delhi Agreements has been completed on maps. It is hoped that the remaining problem will also be resolved by further bilateral discussions. After the delineation of the line of control is approved by the two Governments the withdrawal of troops to the international border will be completed in the shortest possible time. We hope that Pakistan Government will view this matter in realistic and constructive manner.
0743. Announcement by India and Bangladesh regarding the repatriation of Bangladesh women and children from Pakistan to Bangladesh.

**New Delhi and Dacca, November 26, 1972.**

The Governments of Bangladesh and India note that the Government of Pakistan has announced its decision to permit, as a first step, 10,000 Bengali women and children to leave Pakistan for Bangladesh. While they regret that, in response to the joint Indo-Bangladesh proposal, Pakistan has not agreed to the repatriation of all families (women and children) of Bangladesh nationals in Pakistan regardless of numbers and purely on humanitarian ground, they have noted that Pakistan has described their response as “a first step” in this direction. Consequently, arrangements could be made for commencing repatriation of all families (women and children) of Pakistani civilian internees and POWs detained in India to Pakistan via the land check post at Wagah. The date on which the repatriation will commence can be settled by mutual agreement. The Embassy of Switzerland in New Delhi is being requested to obtain Pakistan Government’s concurrence in this regard. Regarding the repatriation of families of Bangladesh nationals from Pakistan to Bangladesh, the Pakistan Government is requested to inform the Swiss Embassy in Islamabad of the travel arrangements which they propose to make for their repatriation.

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0744. Statement by the External Affairs Minister Swaran Singh in the Parliament regarding the release of POWs captured on the Western front.

**New Delhi, November 27, 1972.**

According to a broadcast of Radio Pakistan the Government of Pakistan are reported to have decided to release 617 Indian prisoners of war. These prisoners of war were captured on the western front. Government of India have not received any official communication on this subject. It will be recalled that during the Simla Conference the Government of India had offered to release all the Pakistani prisoners of war numbering 540 who had been captured on the western front, but the Government of Pakistan at that time did not show any interest in this offer. The Government of India reiterate their offer to release all those Pakistani prisoners of war who were captured on the western front.

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0745. **Statement of the Ministry of External Affairs on the repatriation of POWs captured on Western Front.**

*New Delhi, November 28, 1972.*

In pursuance of the statement made by the Foreign Minister on November 27, 1972 in both Houses of Parliament, announcing the Government’s decision to release all the Pakistani prisoners of war who had been captured on the western front, it has been decided that the repatriation of these prisoners will take place on December 1, 1972. Arrangements are being made to send these prisoners numbering 540 to the Indo-Pakistan border at Wagah where they will be released to the Pakistan authorities. The Embassy of Switzerland in New Delhi are being requested to send a representative to the border check-post to be present on the occasion.

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746. **Joint Indo-Bangladesh Announcement regarding repatriation of Pakistani women and children.**

*New Delhi, November 30, 1972.*

As a humanitarian gesture, the Governments of Bangladesh and India have decided to repatriate to Pakistan, families (women and children) of Pakistani civilian internees who sought protection with the Joint Command of the India-Bangladesh forces and families of prisoners of war who had surrendered to the Joint Command.

It is hoped that the Government of Pakistan will act in the same humanitarian spirit and allow the families of all Bangladesh nationals who are detained or held up in Pakistan to return to Bangladesh. On receiving positive response, arrangements will be made to give effect to this proposal on both sides expeditiously.

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Dear Mr. Aziz Ahmed,

I have your message of December 2. Our Chief of the Army Staff, General S.H.F.J. Manekshaw, has sent a communication to General Tikka Khan suggesting a meeting on any of the dates between December 6 and December 8. He has also expressed his readiness to go to Lahore or Islamabad for the meeting. I earnestly hope that they will meet at an early date and reach a settlement so that we could go forward with the implementation of paragraph 4 of the Simla Agreement and thereafter take steps towards implementation of paragraphs 6 and 3.

2. I must confess to a feeling of disappointment when you say that you found General Manekshaw giving an inflexible negative response to various alternatives suggested by General Tikka Khan in their meeting at Lahore on November 28. During our negotiations both in Simla and Delhi, we endeavored with utmost of sincerity to take into account your difficulties and even domestic compulsions. It is, therefore, very unfair to attribute to us inflexibility. Indeed, we could not agree with you more when you say that we should not permit deadlock over Thako Chak to continue. We have every interest in keeping the Simla Agreement intact and, indeed, improve upon the spirit which animated it, so that we could go forward to the kind of future which both your President and my Prime Minister had in mind.

3. I have carefully gone through the chronology of discussions on Thako Chak during the talks between the Senior Military Commanders of India and Pakistan right up to what was stated on October 19 and 22 by Pakistan’s D.M.O. Be that as it may, it is not my intention in this message to discuss this unfortunate controversy at this long distance. But I would like you to personally go through the entire record and see whether our feeling that Thako Chak dispute is so very unnecessary, is justified or not.

4. Finally, I should like to reiterate once again what I conveyed to you in my message of November 25 that our commitment to the implementation of the Simla Agreement is deep and abiding and that I do not have to present our credentials of sincerity and consistency.

With warm personal regards and best wishes,
Yours sincerely  
(P. N. Haksar)

His Excellency Mr. Aziz Ahmed,  
Secretary-General,  
Ministry of Foreign Affairs,  
Government of Pakistan,  
Islamabad.

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0748.  
TOP SECRET  
Summary Record of discussions between the Acting Indian High Commissioner in Dacca and Bangladesh Foreign Minister.  
Dacca, December 6, 1972.  
High Commission of India  
Dacca  

The meeting was held at Foreign Minister Samad’s suggestion. Mr. Samad stated that in the aftermath of the proceedings of the U.N. General Assembly about Bangladesh’s admission, Bangladesh and India should consider taking some initiatives which would

(a) prevent Pakistan from exploiting the contents of the Argentine resolution approved by the General Assembly for political or propaganda purposes;
(b) resolve the impasse on issues like the repatriation of the Bangladeshis from Pakistan and about recognition of Bangladesh by Pakistan; and
(c) expedite Bangladesh’s admission to the U.N. and put Pakistan on the defensive in relation to Bangladesh and India.

2. Foreign Minister Samad informed the undersigned that he was thinking of an initiative on the following lines, the announcement regarding which could be made on the 16th December (Victory Day) to get maximum political mileage out of the initiative. The outline of the initiative given by Mr. Samad is as follows:

(i) Bangladesh Government will hand over a list of 150 war criminals required for war crimes trials in Bangladesh to us by the 10th of December and ask for their being sent back to Bangladesh.
(ii) Once was agree to the list and repatriation arrangements are made for these war criminals, Sheikh Mujibur Rahman will make a statement on the 16th December announcing that India has been asked to return the war criminals to Bangladesh and that war crimes trials would be held in the near future. Bangladesh and India are willing to repatriate the remaining Pakistani Prisoners of war taken in the Eastern Sector by the Joint Command, provided Pakistan

(a) accords recognition to Bangladesh;
(b) agree to the repatriation of Bangladesh nationals back to their country; and
(c) take positive steps to expedite the implementation of the provisions of the Simla Agreement.

(iii) The Prime Minister of Bangladesh would also be willing to meet President Bhutto if the above suggestions are accepted.

(iv) A governmental announcement would be made that this initiative by Bangladesh conforms in spirit to the recommendations of the Argentine resolution.

3. Mr. Samad hoped that such a move might put Pakistan politically on the defensive, particularly because an offer would be made for the return of the large majority of Pakistani Prisoners of war. This might also be useful argument at the U.N. about Bangladesh’s reasonableness. The Chinese point of view that the return of the prisoners of war is an important factor affecting Bangladesh’s admission to the U.N. might also be partially met by the above initiative.

4. Mr. Samad planned to submit the above proposals at a cabinet meeting on Thursday, the 7th December, for preliminary consideration. He had not mentioned this to his Prime Minister so far. He asked the undersigned whether he had any personal preliminary reaction to this proposal. The reactions given by the Acting High Commissioner were the following:

(i) The pre-conditions stipulated for repatriating the majority of prisoners of war are nothing new. This has been the traditional stand of Bangladesh and India.

(ii) If the initiative taken by Bangladesh is linked up by Bangladesh itself with the U.N. resolutions, it would invite U.N. intervention and contradict the principle of bilateralism which we have emphasized in resolving pending problems in the subcontinent.
Announcement of war crimes trials being held at this point of time may result in the attitude of President Bhutto stiffening in relation to Bangladesh and India. It may also be interpreted by the international community as a contradiction of one of the clauses of the Argentine resolution which had urged that all parties should refrain from any act which would increase tensions or make the resolution of the pending problems difficult.

The Acting High Commissioner suggested that Mr. Samad might have a discussion with the High Commissioner before he finalized the proposal. Mr. Samad agreed.

Foreign Minister Samad then recalled his conversation with Acting High Commissioner on the 4th December during which he had suggested that the Pakistani offer for the repatriation of 10,000 women and children and 5,000 others should be viewed cautiously and that discussions regarding the proposals should be soft-pedaled because Bangladesh apprehends that many of these may be indoctrinated persons who would act as Pakistani agents in Bangladesh. Mr. Samad stated that he had discussed the matter again with the Prime Minister of Bangladesh, who felt that regardless of this negative possibility, Bangladesh nationals being offered by Pakistan have to be accepted by Bangladesh. This was a matter of principle. Mr. Samad however said that before actual repatriation takes place, the Government of Pakistan may be asked to provide the following information:

(a) A list of names. The name of the father/husband/head of Family;
(b) The home addresses of these women and children in Bangladesh;
(c) How many of them would go directly to their homes and how many would like to remain in reception camps till the heads of families return and arrange for their permanent resettlement here.

If Pakistan provides this information, then at least Bangladesh authorities would have an opportunity to keep track of the activities of the Bangladeshis coming from Pakistan.

Foreign Minister Samad then mentioned that he had reported his conversation with President Ceausescu of Romania on China - Bangladesh relations to our Foreign Minister Sardar Swaran Singh and the former Foreign Secretary Mr. T.N. Kaul. Mr. Samad conveyed that during his visit to Romania early in November he had a two-hour closed-door private discussion with President Ceausescu, during which President Ceausescu mentioned that Chinese were unhappy about Bangladesh not trying to normalize relations with China and Bangladesh’s “rigid attitude regarding Pakistan.” China, according to President Ceausescu, was willing to have good relations with Bangladesh.
provided Bangladesh followed “a correct foreign policy in relation to China and Pakistan.” Mr. Samad stated in response that Bangladesh was equally anxious to have normal relations with China, but the Chinese should not link up the question of their having good relations with Bangladesh with the state of Bangladesh’s relations with Pakistan. Instead of arguing only Pakistan’s cause, China should try to appreciate the problems of Bangladesh and the motivations of Bangladesh’s policies in relation to Pakistan.

8. The minutes of these discussions between President Ceausescu and Foreign Minister Samad were finalized by them the same evening. President Ceausescu, with the approval of Foreign Minister Samad, conveyed the text of these minutes to Mr. Chou En-lai through the Romanian Embassy in Peking, suggesting that the Chinese might like to respond to Mr. Samad’s views. Later, when Mr. Samad was in London, a note containing the Chinese response to the above minutes was handed over to Mr. Samad. The note was sent by the Romanian Government through the Romanian Embassy in London with the suggestion that Mr. Samad might like to respond to the Chinese views contained in the note. The Chinese note reiterated the Chinese stand that the resolution of the problems of the subcontinent depends on Bangladesh agreeing to the repatriation of all the prisoners of war and to Sheikh Mujibur Rahman meeting President Bhutto without pre-conditions. China is willing to have good relations with Bangladesh provided Bangladesh frees itself from the incorrect attitude in foreign relations which it has been taking under the influence of the Soviet Union.

9. Foreign Minister Samad informed the Acting High Commissioner that this was the first communication from China meant for Bangladesh, which has come through diplomatic channels. The Prime Minister of Bangladesh has decided to respond to this Chinese communication by means of a note. The note would contain a statement of Bangladesh’s attitude towards Pakistan and related problems. It would also reiterate Bangladesh’s desire to normalize relations with China. Mr. Samad told Acting High Commissioner that the note was to be sent to the High Commission of Bangladesh in London. The High Commission would hand over the note to the Romanian Ambassador in London who would then transmit it, through his Government, to Peking.

10. The Acting High Commissioner suggested that Foreign Minister Samad might receive High Commissioner Mr. Dutt for a detailed discussion as early as possible. The Foreign Minister stated that Mr. Dutt could call on him at his residence on the 7th December at 5.30 P.M.

Sd/- J.N. Dixit
Deputy High Commissioner
11-12-1972.
Summary of discussions between Foreign Minister of Bangladesh and the Indian High Commissioner Subimal Dutt.

Dacca, December 7, 1972.

High Commissioner Shri Subimal Dutt, accompanied by the Deputy High Commissioner, called on the Foreign Minister at his residence at 5.30 p.m. on the 7th December.

2. High Commissioner spoke to the Foreign Minister on the suggestion made in Foreign Secretary’s telegram No. 25676 dated the 6th December about the Bangladesh Government agreeing to receive the Secretary General of the U.N., Dr. Kurt Waldheim, between the 9th and the 10th February. High Commissioner stated that it would be advisable for Sheikh Saheb to adjust his election programme so as to be able to receive the Secretary General. As the Secretary General would be visiting Pakistan, Prime Minister’s not receiving Dr. Waldheim, apart from creating an adverse impression on him, might give an advantage to Pakistan on international public opinion. High Commissioner strongly recommended that Dr. Waldheim should be received. Foreign Minister Samad agreed with the suggestion. He said that he would take up the matter with the Prime Minister. High Commissioner stated that if the Prime Minister agrees, the invitation may issue through the Bangladesh Observer at the U.N. Foreign Minister Samad said that he would expedite a positive decision on this suggestion. The Foreign Secretary of Bangladesh would inform the Deputy High Commissioner of the decision of the Bangladesh Government in the matter early in the following week.

3. High Commissioner then recalled Mr. Samad’s conversation with the Deputy High Commissioner on the 6th December and enquired as to what precisely Bangladesh expects to gain by taking an initiative which involves an announcement of the dates for war crime trials with the pre-conditions which Mr. Samad had in mind about repatriating the large majority of Pakistani POWs. The High Commissioner made the following comments on this initiative:

(i) The preconditions stipulated for repatriating the majority of prisoners of war are nothing new. This has already been the stand of Bangladesh and India.

(ii) If the initiative taken by Bangladesh is linked up by Bangladesh itself with the U.N. resolutions, it would invite U.N. intervention and contradict the principles of bilateralism which we have emphasized in resolving pending problems in the sub-continent.
(iii) Announcement of war crimes trials at this point of time may result in the attitude of President Bhutto stiffening in relation to Bangladesh. It may also be interpreted by the international community as a contradiction of one of the clauses of the Argentine resolution which had urged that all parties should refrain from any act which would increase tensions or make the resolution of the pending problems difficult.

(iv) It might stiffen China’s attitude at the U.N. The initiative regarding war crimes trials might have an adverse impact on international public opinion.

4. High Commissioner underlined that the holding of war crimes trials should be decided on full consideration of possible impact on domestic public opinion and international public opinion. From the point of view of internal politics, there is both a positive and negative side. On the one hand, holding of war crimes trials may satisfy Bangladesh opinion which is keen on trial of war criminals, but on the other hand this might result in Bhutto putting an equal number of Bangladesh nationals on trial. This in turn might result in criticism of the Government here by opposition parties and others and more pressure on Government to do everything possible for the return of Bangladesh nationals.

5. While agreeing with this analysis, Foreign Minister Samad added that if all the Bangladesh nationals are not repatriated, there would be the additional criticism that the Bangladesh Government, while agreeing to repatriate a large majority of Pakistani Prisoners of war, has not been able to arrange for the repatriation of all Bangladesh nationals who are innocent.

6. High Commissioner said that from the point of view of international public opinion, the announcement of war crimes trials in the immediate aftermath of the debate at the UN would have an adverse impact. If, however, the Bangladesh Government wants to announce the holding of these trials, they should also announce the procedures which would be followed at the trials, the legal framework within which the trials would be held and the details regarding the composition of the war crimes tribunal, the objective being to tell the world that adequate facilities for defense would be given to the accused, that the trials would be fair and in consonance with the relevant principles of international law.

7. Mr. Samad agreed that this is necessary. He informed the High Commissioner that it is a matter of political judgment whether all the details should be announced or not. The Law Minister, Mr. Kamal Hossain had already informed Mr. Samad that announcements can be made about the procedures and composition of the tribunal. Mr. Samad enquired whether it would be a good idea to ask for the return of war criminals immediately from India adding that the accused could be ‘secretly’ brought over to Bangladesh. The Prime
Minister, Sheikh Mujibur Rahman could then make a statement on the 16th December that the Government of Bangladesh is only trying a limited number of war criminals and is willing to repatriate the large majority of the prisoners of war if Pakistan also agrees to repatriate all the Bangladesh nationals and agree to discuss all pending problems with Bangladesh and India on a basis of equality, recognizing the realities of the situation on the sub-continent.

8. High Commissioner said that such an initiative may not have the desired result. High Commissioner expressed the view that while the Government of India would be willing to send back the war criminals required by Bangladesh, the chances of keeping the whole transaction secret are remote. If the Prime Minister is going to make an announcement on the 16th December, then the objective of this temporary secrecy is not clear. High Commissioner observed that if might be advisable at this stage to announce a programme of war crimes trials. His suggestion was that if an announcement was to be made, the Government of Bangladesh could make a general announcement that, after due legal scrutiny the Government of Bangladesh has now finalized the list of persons against whom there is prima facie and justifiable evidence of their having committed genocide and crimes against humanity. Simultaneously there should be some indication of the composition of the tribunal and assurance of full facilities to the accused for defence. It is for the Government of Bangladesh to take a decision on broader considerations such as international public opinion and likely consequence on important issues like recognition by Pakistan and repatriation of Bangladesh nationals etc. Bangladesh should avoid making a definite statement about dates of trials.

9. The Foreign Minister said that one of the motives for bringing back the war criminals quickly to Bangladesh was that this would reduce international pressure on India for the repatriation of all Pakistani prisoners of war.

10. High Commissioner stated that international pressure on India would not be reduced by repatriating a limited number of prisoners of war accused of war crimes to Bangladesh. In fact, once such repatriation takes place, the pressure on India might increase. High Commissioner underlined that the initiative of the type envisaged by Mr. Samad and communicated to the Deputy High Commissioner on the 6th December would not bring any dividends from Pakistan, China or the U.N. at this stage.

11. Mr. Samad acknowledged that the High Commissioner’s analysis indicates that the entire question of taking a diplomatic initiative should be examined anew. He said that while there is a necessity to take some sort of an initiative it would have to be more carefully formulated. Mr. Samad said that a precise formulation would be prepared and after it has been considered by the Prime Minister, it would be handed over to the High Commissioner by the Foreign Secretary.
12. Mr. Samad then recounted to the High Commissioner his conversation with President Ceausescu about Bangladesh - China relations, which he had conveyed to Deputy High Commissioner on the 6th December. (Reference paragraphs 7, 8 and 9 of Summary of Discussions with Deputy High Commissioner). Mr. Samad also informed the High Commissioner that a reply has been sent to the Chinese note through the Romanian Embassy in London on the 5th December. Mr. Samd said that the Chinese communication through the Romanian Government and the text of the reply from Bangladesh to China would be handed over to the Deputy High Commissioner.

13. High Commissioner stated that Bangladesh should not have any undue expectations about China resiling from its basic stand on the repatriation of the POWs and the necessity of unconditional talks between Prime Minister Sheikh Mujibur Rahman and President Bhutto.

14. Mr. Samad stated that while he agreed with this assessment, the Government of Bangladesh was sending a reply to the Chinese so that the Chinese Government would not have an excuse to criticize Bangladesh for not having responded to the Chinese overtures through the Romanians.

15. Mr. Samad enquired of the High Commissioner whether in his assessment; the contents of the Argentine resolution imposed any obligation on Pakistan to recognize Bangladesh if issues like the Prisoners of war etc. are resolved. High Commissioner read out the contents of the Argentine resolution to the Foreign Minister (the text of the resolution had been taken by the High Commissioner to the meeting) and pointed out that none of the provisions of the Argentine resolution imposed any obligation for recognition on any of the parties. It only talks about resolving the pending problems to facilitate establishment of normal relations.

-SD (J.N. Dixit)
Deputy High Commissioner
11.12.72

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0750. Statement by the External Affairs Minister Swaran Singh in the Lok Sabha on the Thako Chak Issue.

New Delhi, December 8, 1972.

I told the House yesterday that serious efforts were being made to settle the outstanding differences in regard to the delineation of the line of control in Jammu and Kashmir. I can now inform the House that these efforts have been successful. The Army Chiefs of India and Pakistan met at Lahore yesterday. At the end of the meeting they issued the following joint statement and I quote from it:

“General Sam Manekshaw met with General Tikka Khan once again at Lahore on December 7, 1972. The meeting lasted three hours and was held in an atmosphere of goodwill and mutual understanding.

“The two Chiefs were able to compose the differences that existed and are directing their senior military commanders Lt. Gen. P.S. Bhagat and Lt. Gen. Abdul Hameed Khan to meet at Suchetgarh on December 11, 1972 and finalise the delineation of the line of control in Jammu and Kashmir as adjusted by them (two Chiefs). This line of control will commence from Chhamb Sector and end in the Turtok Sector (Partapur Sector).”

Honourable Members will appreciate that what was involved in the negotiations which concluded in Lahore yesterday was not a territorial question. It involved the acceptance by Pakistan of a position which India had held all along, namely, that there was a basic difference between the border dividing the state of Jammu & Kashmir and Pakistan and the line of control in Jammu and Kashmir.

We are naturally glad that in the interest of not merely the Simla Agreement but of future relations between the two countries in the spirit of this Agreement Pakistan has recognised, at least by implication, the validity of our stand. The consequence of this fact is likely to be lost if we think merely in terms of territory. In Lahore, our Chief of the Army Staff insisted that the question of Thako Chak had to be settled in terms of its own merits.

The Honourable Members will appreciate that the delineation of the line of control consisted in the acceptance or rejection by either side of claims made on the basis of military positions on the day of the ceasefire, namely, 17th December 1971. Once Pakistan agreed to settle the question of Thako Chak, our Chief of the Army Staff reviewed some of the claims which Pakistan had earlier made. As a gesture in the interest of peace, we settled some of these
claims and this also resulted in the rationalization of the line of control, by minor adjustment.

Finally, the Hon'ble Members will appreciate that the essence of all negotiations being conducted by us is not to depict the solution of problems in negotiation as total victory or total defeat for one side or other. In fact, it is wiser to say that in the interest of further implementation of the Simla Agreement, the Agreement reached in Lahore yesterday is a victory for both, and if I may add defeat for none.

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0751. Letter from the Principal Secretary to the Prime Minister P. N. Haksar to the Secretary General of the Pakistan Ministry of Foreign Affairs Aziz Ahmed regarding the Line of Control in Jammu and Kashmir.

New Delhi, December 11, 1972.

Dear Mr. Aziz Ahmed,

I jus now received your message which reads as follows: -

“I am to inform you that the Government of Pakistan has accorded its approval to the Joint Recommendations submitted by the Senior Military Commanders of Pakistan and India today December 11, 1972, in regard to the delineation of the line of control in Jammu & Kashmir.

If the Government of India also accords its approval to the Line of Control as jointly recommended by the senior military commanders, I suggest that an announcement may be made simultaneously from Islamabad and New Delhi at 6 PM (WPST) today, 11 December 1972, in terms suggested in your letter No. 308/PSS/72, dated October 23, 1972, namely, “the Line of Control has been delineated in Jammu and Kashmir in accordance with the Simla Agreement of July 2, 1972 and that it has the approval of both Governments. Adjustments of ground positions will be carried out to conform to the line of control approved by both Governments within a period of 5 days from the date of this announcement.

This Government proposes simultaneously to release to the Press broad details of the Line of Control.”
2. I have the honour to inform you that Government of India too has accorded its approval to the joint recommendations submitted by the Senior Military Commanders of Pakistan and India today, December 11, 1972 in regard to the delineation of the Line of Control in Jammu & Kashmir. I agree with paragraph 2 of your message containing terms of the announcement to be made at New Delhi and Islamabad at 1830 hours (IST) on December 11, 1972 in the terms suggested in my letter No. 308/PSS/72 of October 23, 1972.

With warm personal regards and bet wishes,

Your Sincerely,

(P.N.Haksar)

His Excellency
Mr. Aziz Ahmed
Secretary-General,
Ministry of Foreign Affairs,
Government of Pakistan,
Islamabad.

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0752.

TOP SECRET

Record of the discussions between Indian Deputy High Commissioner J. N. Dixit and the Bangladesh Foreign Minister.

Dacca, December 11, 1972.

High Commission of India
Dacca

Foreign Minister Mr. Samad called me for a meeting at 1300 hours this afternoon. Mr. Enayet Karim, the Foreign Secretary was present during the meeting at the Foreign office.

2. Mr. Samad stated that he had asked me to come in continuation of High Commissioner’s conversation with them on the evening of the 7th December. The Foreign Minister confirmed that, as suggested by the High Commissioner, Sheikh Saheb has agreed to receive the Secretary General of the U.N., Dr. Kurt Waldheim, on the 9th or 10th February. Ambassador S.A. Karim, the Bangladesh
Observer to the United Nations, has been instructed to extend an invitation to Dr. Waldheim on behalf of the Prime Minister of Bangladesh. The invitation is to be delivered on the 11th or the 12th December. Mr. Samad stated that most probably a meeting between Dr. Waldheim and the Prime Minister of Bangladesh would be organized on the forenoon of the 10th of February 1973. Foreign Minister will hold discussions with Mr. Waldheim on the 9th afternoon and he will also host a dinner or other appropriate entertainment for Dr. Waldheim.

3. I place below a telegram is continuation of High Commissioner’s telegram No.1057 dated the 9th December to the Foreign Secretary, which may issues subject to High Commissioner’s approval.

4. Referring to the information which Mr. Samad gave the High Commissioner about the note sent to the Government of Bangladesh by the Government of the People’s Republic of China, Mr. Samad said that due to some reasons he does not wish to hand over the text of Bangladesh’s reply to the note. He however asked the Foreign Secretary, Mr. Karim, to read out the full text of both notes to me. Foreign Minister Samad clarified that the Chinese note was received by him in London in the third week of November and that the reply to the Chinese was sent through the Romanian Embassy in London on the 5th December 1972.

5. The main points in the Chinese note as it was read out to me by Mr. Enayet Karim were as follows:

(i) China had taken a principled stand on the Bangladesh issue. This principled stand about which China has been consistent, has been ‘injured’ by the attitude of Bangladesh and India. This situation has not changed.

(ii) It is China’s hope that the problems of the subcontinent could be solved “by peaceful means” by the countries concerned.

(iii) President Bhutto had repeatedly offered to meet Sheikh Mujibur Rahman unconditionally, but Bangladesh has not responded to this offer. Instead, Bangladesh has stipulated the pre-condition of recognition. Bangladesh has also not implemented the provisions of the U.N. Security Council resolutions of December 1971. Bangladesh has not agreed to the repatriation of the Pakistani Prisoners of war.

(iv) “It is the opinion of the Government of China that if Bangladesh implements the UN resolutions of December 1971, agrees to the repatriation of all the Pakistani Prisoners of war, agrees to a discussion without pre-conditions with President Bhutto and follows a free and independent foreign policy, the problems between Bangladesh and Pakistan would be finally resolved satisfactorily by peaceful means.”
“This would also create conditions for the establishment of good relations between China and Bangladesh.”

(v) If Bangladesh accepts the above suggestions, China would not oppose Bangladesh’s admission to the United Nations. China is not “emphatically or categorically opposed to Bangladesh’s admission to the U.N.” China only wishes to ensure that correct principles are followed in international relations.

6. The main points in the reply sent by the Government of Bangladesh to the Chinese note on the 5th December are the following:

(i) Bangladesh has been and is following a free and independent foreign policy. It is incorrect to state that Bangladesh’s foreign policy is influenced by any other country.

(ii) It is not Sheikh Mujibur Rahman but President Bhutto who is stipulating pre-conditions to resolve pending problems in the subcontinent. It is President Bhutto who is refusing to treat Bangladesh on the basis of equality and sovereignty. He is making recognition conditional to a prior meeting, which is inconsistent with the realities of the situation in the subcontinent. Once the Government of Pakistan accepts the emergence of Bangladesh as a sovereign country, the Prime Minister of Bangladesh would be willing to have discussions on all pending problems with President Bhutto.

(iii) It is the opinion of the Government of Bangladesh that normalization of relations with China by means of China’s recognition of Bangladesh, Bangladesh’s admission to the U.N., which China can facilitate by withdrawing its veto, and recognition by Pakistan of the independent existence of Bangladesh would be conducive to durable peace and stability in the subcontinent and would also expedite the speedy resolution of all pending problems between the countries of the subcontinent.

(iv) The Government of Bangladesh considers it desirable to normalize relations with China and is willing to undertake necessary initiatives for this purpose on the basis of equality and sovereignty of Bangladesh.

(v) All pending problems of repatriation, implementation of the UN resolutions etc. will be facilitated by the international community and Pakistan recognizing Bangladesh’s independent political existence.

(vi) The Government of Bangladesh earnestly hopes that the Government of the People’s Republic of China will appreciate and understand Bangladesh’s point of view in the matter and would support endeavors to normalize the political situation in the subcontinent and to ensure durable peace in the area.
7. The significant points in this exchange of notes are China’s repeated insinuation that Bangladesh is not following a free and independent foreign policy and China’s insistence that Bangladesh’s admission to the UN would only be allowed by them after Bangladesh comes to terms with Pakistan within the framework of the U.N. resolutions of December 1972. The note also tends to suggest that the pending problems of the subcontinent can be resolved between Pakistan and Bangladesh without the involvement of India. China has indicated its decision not to recognize Bangladesh till the conditions stipulated by China are met by Bangladesh. The Government of Bangladesh in its reply has rightly emphasized the independence and freedom of Bangladesh’s foreign policy. It has also set out the correct priorities in steps to be taken for normalization of relations with Pakistan. The reply points out that recognition, admission to the UN and an end of a policy of ambivalence and confrontation by Pakistan are necessary to resolve all the pending problems in the subcontinent. The reply of the Government of Bangladesh invariably refers to countries of the subcontinent there by countering the Chinese attempt at excluding India from the process of normalization of relations between Bangladesh and Pakistan. The reply appeals to China to exert its influence with Pakistan to appreciate Bangladesh’s point of view and to recognize the facts of life on the subcontinent.

8. Foreign Minister Samad’s assessment was that while this reply may not bring about immediate positive results in basic terms in relation to Pakistan, UN or normalization of relations with China, a dialogue has been initiated with China, which may ultimately help in the normalization of relations with that important neighbour of Bangladesh.

9. Mr. Samad stated that he had generally informed our Foreign Minister of the contents of the Chinese note when he passed through Delhi in November. He had also informed our Foreign Minister that the Government of Bangladesh would be sending some sort of a reply.

10. High Commissioner may consider sending a copy to this note to the Ministry of External Affairs. If he agrees, the note may be sent to the Foreign Secretary and the Principal Secretary to the Prime Minister. If so decided, I will put up a forwarding letter for High Commissioner’s consideration.

Sd:
(Deputy High Commissioner)
11-12-1972.

High Commissioner.
Statement by the External Affairs Minister Swaran Singh in the Lok Sabha on the finalization of the Line of Control in Jammu and Kashmir.

New Delhi, December 12, 1972.

Mr. Speaker Sir,

Hon'ble Members will recall my statement in the Lok Sabha on December 8 regarding the outcome of the meeting between the Chiefs of Army Staff of India and Pakistan held at Lahore on December 7, 1972. In pursuance of the decisions taken in that meeting the senior military commanders of the two sides completed the task of finalizing the maps showing the delineated line of control in Jammu and Kashmir and submitted their agreed delineation of the line of control to their respective Governments for approval. The approval of the Pakistan Governments was received in the evening of December 11 and approval of the Government of India was transmitted to them the same evening. The following announcement was made in New Delhi and Islamabad:

"The line of Control has been delineated in Jammu and Kashmir in accordance with the Simla Agreement on July 2, 1972 and that it has the approval of both Governments. Adjustments of ground positions will be carried out to conform to the line of control approved by both Governments within a period on 5 days from the date of this announcement.

The broad description of the line of control resulting from the ceasefire of December 17, 1972 in Jammu and Kashmir as delineated on maps along its entire length is laid on the Table of the House. This line has been delineated on 19 Mosaic maps commencing from the Chhamb sector on the international border and ending in Turtok-Partapur sector in the north. This line of control in Jammu and Kashmir has been determined through bilateral negotiations between India and Pakistan. As Hon'ble members would recall in accordance with the terms of the Simla Agreement, this line will be respected by both sides, neither side shall alter it unilaterally and both sides shall refrain from the threat or use of force in violation of this line.

I informed the House on December 8 that the controversy over the small pocket of Thako Chak about 1 ½ square miles in area in the occupation of Pakistan, had been resolved. Once Pakistan agreed to withdraw its troops from Thako Chak, we agreed, as a gesture of goodwill, to rationalize the line by minor adjustment of mutual claims. In the process, we withdrew our earlier claim in respect of the villages of Dhum and Ghikot, situated along the line of control, amounting to about 0.45 square miles in area.
Broad details of the line of Control:

(a) From MANAWAR TAWI NW 605550 the Line of Control runs North West up to a point 3 miles West of JHANGAR (with CHHAMB inclusive to PAKISTAN), from where it turns North East wards to MITHIDHARA NR 2619, thence North and North –West-wards up to PUNCH River at NR 052669 (approximately 6 miles South West of PUNCH).

(b) From there the Line again turns North Eastwards and thence North up to JARNI GALI (inclusive to INDIA) in GULMARG sector, thence Westwards passing through MINDI GALI (inclusive of INDIA) up to PIR KANTHI (inclusive to PAKISTAN), thence Northwards passing through CHHOTA KAZI NAG (inclusive to INDIA) approximately 7 miles North West of URI, up to KAIYAN in LIPA Valley (inclusive to INDIA) thence the Line of Control runs Westwards up to RICHHMAR GALI with KATRAN KI GALI inclusive to PKISTAN and the WANJAL Ridge and CHAK MUQAM Heights inclusive to INDIA.

(c) From RICHHMAR GALI, the Line of Control runs Northwards passing West of TITHWAL up to 3 miles North of KERAN, thence turning North Eastwards up to LUNDA GALI (inclusive to INDIA), thence Eastwards to HARMAAGI village in KEL sector (inclusive to PAKISTAN), DURMAT in KANZALWLAN Sector (inclusive to INDIA) and heights 14236, 15460 and KAROBAL GALI in MANIMARG sector (all inclusive to INDIA), thence along NERIL (inclusive to INDIA), BREILMAN (inclusive to PAKISTAN), and North of CHET in the KARGIL sector, up to CHORBATLA in TURTOK sector.

(d) From there the Line of Control runs North Eastwards to THANG (inclusive to INDIA) thence eastwards joining the Glaciers.
0754. Joint Statement by the Governments of India and Pakistan regarding withdrawal of armed forces of the two countries to their side of the international border.


The Chiefs of Army Staff of India and Pakistan have reported to their respective Governments that their forces have been withdrawn to their sides of the international border in conformity with the Simla Agreement.

As reported on December 17, 1972, adjustment of ground positions of both sides to conform to the line of control in Jammu and Kashmir had been carried out with the exception of a few positions in the northern area of Jammu and Kashmir where it was held up due to heavy snowfall. Adjustment of these positions will be carried out as soon as the weather conditions permit.

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0755. TOP SECRET

Letter from the Indian Ambassador in the United States L. K. Jha to the Foreign Secretary Kewal Singh regarding possibility of supply of arms to Pakistan by the United States.


No. 811-S/Amb/72 December 20, 1972

My dear Kewal,

In the report I have sent you of my talks with Maurice Williams as well as in the summary which is going by this very bag of my conversation with Moynihan, you will find repeated references in one way or another to the question of supply of arms to Pakistan, particularly under the one-time-exception. I shall be exploring the subject further when I meet Kissinger for lunch tomorrow. However, I thought I should send you a fuller picture of my reading of the situation as well as pose a few questions regarding the attitude which we should adopt.

2. It seems to me that some decisions have been made. They cover the return of Pakistani equipment which had come for repairs and had been detained. They also cover at least the supply of weapon-carriers which were a
part of the one-time-exception. In both these cases, pressures from the trade are strong. So I believe are the pressures in respect of supplies already contracted under the peace indigo project. It is my judgment that the motions of consultation are really in the nature of advance information and an attempt to soften our opposition by indicating that our own peace indigo project would benefit. My feeling is that this announcement could take place fairly soon, possibly simultaneously with or immediately after an announcement regarding release of the suspended 87 million dollars of aid in respect of which US went back on its signed agreement. The attempt will be to project all this as a case of honouring past pledges.

3. I am less certain about the aircraft included in the one-time-exception as well as in regard to the spares. Public reaction in this country to supply of military aircraft to Pakistan at this juncture is not likely to be favorable. However, the President is quite capable of brushing that aside if he is so inclined. Congressional opposition may receive more serious notice lest legislative impediments come in the way of future maneuverability. In any event, the most likely strategy will probably be to get whole of the one-time-exception or such part as it is intended to give finally out of the way before Moynihan arrives, and thereafter Moynihan could come forth with assurances that there will be no repetitions at least in near future.

4. Any revision of the embargo will make available a number of items for commercial purchases by both India and Pakistan. However, the resumption of spares supplies of a lethal nature will, I think, be a low key operation.

5. The question which I have been asking myself and discussing also with Eric is the line we should be taking before any announcements are made or definite decisions communicated to us. One extreme position would be to maintain an opposition to all arms at all times going to Pakistan.

6. Another approach would be to immediately undertake a sustained critical attack for any relaxation of the existing ban. In doing this we would have to advance arguments which would inter alia include the relative defense strengths of the two countries, the domestic situation in Pakistan, and the momentum for normalization within the sub-continent. Any substantive dialogue on these questions would require us to take a more sophisticated approach about the various items of equipment.

7. The possible advantage of a dialogue is that we will receive at least prior intimation in a situation where we can exercise no veto. We might event obtain some concessions through persuasion, and finally a convention of prior consultation may be established. On the other hand, we will have to guard against the Administration’s undoubted capacity to use any discussions as evidence of collusion by us later however unmerited.
8. Then, again, on the question of timing, certainly we have a strong point to urge that until things have got to normal the US should not create impediments to peace by injecting arms into Pakistan. We can even quote their own statements on the Bangladesh debate in the General Assembly. Here again, do we apply argument across the board or on a more selective basis?

9. A question might inevitably come up as to what is the political impact on Pakistan of any resumption of US arms supply in the near future. Does it strengthen Bhutto or the Army? If the latter, would this not act as a destabilizing factor inside Pakistan?

10. Another point that could be made is that US should say to Pakistan that the one-time-exception will be fulfilled after certain thighs have happened, e.g., recognition of Bangladesh. This would smack of pressures. Would it be a good thigh? Secondly, no less important, should we be taking a line which would suggest that US might exercise pressures on countries through its instrumentalities of military (and economic) aid?

11. I am posing these alternatives without giving a lead. It is not that I have no views on them but the issues are such that I cannot take a line relying on our own judgment here. The only strong view I have is that a blanket opposition is perhaps not the best course to adopt.

12. Of course, in any discussion that we may have we would have to say that the Indian people, the Indian parliament and, therefore, the Indian Government will have to publicly criticize any such move in strong categorical terms. We could not possibly lead the US to believe that the Government of India will acquiesce to whatever supplies they might make in the near future. But at the same time, insofar as there is a semblance of consultation, it would be worthwhile attempting to giver our comments in some detail.

13. I am sending a copy of this letter to Haksar.

Yours sincerely,
Sd/ (L.K.Jha)

Shri Kewal Singh,
Foreign Secretary,
Ministry of External Affairs,
New Delhi.

◆◆◆◆◆
PERSONAL
Enclosed is a copy of the report regarding my recent visit to Dacca.

2. I have informed P.M. of this separately, and am also endorsing a copy of the report to F.S.

Principal Secy to P.M.
(Sri P.N. Haksar)

Signed. R. N. Kao
10-1-1973

PERSONAL

BANGLADESH

I reached Dacca on the 3rd instant (December) in the evening, and started from there on the return journey on the 6th (December). Sri P.N. Banerjee, Joint Director, R&AW, accompanied me on this trip.

2. There were two meetings with the Prime Minister of Bangladesh, and also courtesy calls on the following Cabinet Minister:-

a) Syed Nazrul Islam, Industries Minister.

b) Mr. Tajuddin Ahmed, Finance Minister.

c) Mr. Khondkar Mushtaq Ahmed, Power & Irrigation Minister.

d) Mr. Kamruzzaman, Relief Minister.

e) Mr. Samad, Foreign Minister,

f) Mr. Rab Sherniabat, Land Revenue Minister.

3. Apart from the exchange of greetings and the good wishes which I conveyed to him on behalf of the Prime Minister, the important points which came up during my discussions with Sheikh Mujibur Rahman, are briefly enumerated below:-
a) I asked the Sheikh whether he had any news from Pakistan about certain proposals regarding which he had written to the Prime Minister in October, '72. These proposals were conveyed by him to Secretary General Waldheim through Sir Robert Jackson. He said that there had been no reply from Pakistan.

b) To my question about his views regarding Pakistan-Bangladesh relations, and the steps which India should take after the withdrawal of the troops, he answered with heat that as Pakistan had in its draft Constitution mentioned of a Muslim Bangla, and provided for a future possibility of Muslim Bangla rejoining Pakistan, there was no question of talks between him and Bhutto. He had no specific comment to offer regarding any steps India should take.

c) When asked regarding a statement made by Foreign Minister Samad about the so-called three-legged foreign policy of Bangladesh, Sheikh Mujib said that there was some misrepresentation and misunderstanding about the matter. He explained that Mr. Samad intended to imply only that Bangladesh would have friendly relations with all major countries in this area viz USSR, India and China.

d) I suggested to Sheikh Mujib the desirability of refuting the statement discussed some time ago by the Information Department of the Govt. of Bangladesh, carrying the story that India had printed Bangladesh currency notes far in excess of the quantity authorized by the Bangladesh Govt. and that this was causing a devaluation of the Bangladesh currency. He admitted that such a statement had been issued, but added that no useful purpose would be served by refuting it now. He remarked that the local press had taken no notice of this statement, and that the matter had died down. In his opinion, issuing a contradiction at this stage, would only resurrect the controversy.

e) Reviewing the current political situation in Bangladesh, Sheikh Mujib said that the Bangladesh Communist Party (Moni Singh group) and the NAP (Muzzaffar group) had proposed that the Awami League should have an electoral alliance with them, so that a few Assembly seats could be left open for the BDCP and the NAP (M). This proposal had been turned down. Since then these two opposition parties had adopted a hostile attitude towards the Awami League, and against Prime Minister Mujibur Rahman.

f) The Sheikh felt that the tremendous popular response evinced at his recent election meetings had spread consternation and despondency amongst the opposition circles, most of which were bent upon creating
chaos in the country. They wished to force the hands of the Govt. either
to cancel or to postpone the elections. He declared that such mischievous
moves would be thwarted.

g) According to the Prime Minister of Bangladesh, Pakistan is sending
money from London via Calcutta to Maulana Bhasani and Ataur Rahman
Khan of the Jatiya League, so that they should carry on subversive
activities in Bangladesh. According to his information, the Pakistan Govt.
had earmarked rupees six crores for these purposes. Sheikh Mujib could
not, however, give me any details about this report, and said that he
would pass them on to me when they were available.

h) According to him, the National Socialist Party of Rab-Siraj is also getting
money from some sources in India. He added that Sri Jai Prakash Narain
was acting as the channel for giving this foreign monetary help.

i) The Sheikh added that Pakistan was trying hard to strengthen the Muslim
Bangla movement, and that some reactionary and communal elements
including the followers of Maulana Bhasani were active in this regard.
Recently one person distributing pamphlets in favour of the establishment
of Muslim Bangla was arrested.

j) Sheikh Mujibur Rahman deprecated the killing of two students belonging
to the Chhatra Union, followers of the NAP (M) group, on 1.1.73 in a
police firing, before the USIS office in Dacca. They were demonstrating
against the American bombing of North Vietnam. He, however, said
that the opposition parties led by the NAP (M) were exploiting this issue
in an attempt to create large scale violence in the country, so that it
would be impossible to hold the general elections.

k) While talking of the police firing over the students' procession, Sheikh
Mujib said that the Bangladesh Govt. had no tear gas shells. He therefore
desired that I should make a special effort to get some such shells
released by the Govt. of India immediately.

(Note: Action about this has been taken separately and it is understood
that on the basis of an earlier request received from the Bangladesh
Govt. about 700 shells have already been dispatched.)

l) The Sheikh bemoaned the fact that most of his bureaucrats did not
support loyally the policies of the Govt. and were pro-Pakistan and anti-
Indian in their outlook. He said that the police force was also, by and
large, unreliable. In view of this, he had to depend more and more on
the National Militia (Jatiya Rakkhi Bahini), which is being trained with
the help of our special Frontier Force officers. He forecast that during
the elections, the Rakkhi Bahini would have to be deployed extensively, and said that he proposed to increase its strength, if necessary, up to 50,000.

4. Sheikh Mujibur Rahman also mentioned the following points to me, and desired that they should be specially conveyed to the Prime Minister:-

i) He proposes to bring up for trial about 100 prisoners of war in February or March next and hoped that the Prime Minister would agree with this.

ii) India should give moral and material help to the Sindhis, the Baluchis and the Pathans to win their freedom. The best way to do this should be decided by the Indian leaders.

iii) A proper dialogue should be maintained between the concerned authorities in Bangladesh and India, regarding the activities of Naxalites.

iv) He intends to increase the strength of the Rakkhi Bahini, and might seek our further help in this regard.

v) Sheikh Mujib expressed concern over what he described as black market operations in Bangladesh currently, on our side of the Indo-Bangladesh border. He said that unofficial money changers gave only 50 Indian rupees against 100 Bangladesh Takkas. This, according to him, hurt his position in Bangladesh. He, therefore, requested that the Prime Minister should consider establishing some official money changing facilities near the Indo-Bangladesh border, where Takkas should be exchanged with Indian rupees at the official rate. He said that in order to stop this black market, he was also thinking of stopping all traffic across the border for two or three months.

vi) Mujibur Rahman praised the manner in which the officials of our Embassy in Kabul had helped Bangladesh nationals fleeing from Pakistan. He desired that his congratulations and thanks should be conveyed to the officials concerned, and urged that similar arrangements should be made by the Indian Mission in Jeddah to look after the Bangladesh Hajis who go to Saudi Arabia.

vii) The Sheikh observed that after the elections in Bangladesh were over, he would like to meet the Prime Minister at a time and a place convenient to her, possibly Darjeeling.

viii) Mr. Mujibur Rahman repeated to me a suggestion he had made some months ago that our weekly political assessments should be made available to him for personal information. The subjects of interest mentioned by him are:-
POLITICAL RELATIONS: 1970-1974

(a) US activities in Asia,
(b) Chinese policy, and
(c) the overall situation in Pakistan. Here, he referred again to what he had mentioned earlier about Pakistan wanting to send through London up to rupees six crores to Bangladesh to create trouble there before the elections. He added that in this transaction he suspected the involvement of some Marwaris also.

5. Given below is the summary of the discussions held with other Ministers:-

(a) Except Mr. Tajuddin Ahmed, none had much to say. One question, however, was put to all the Ministers, viz. where the Govt. of India could do anything to counteract the anti-India propaganda in Bangladesh. None of the Ministers gave a clear answer to this question, but most felt that this propaganda could best be countered from within Bangladesh by her leaders. Some remarked that anti-Indian propaganda was already being thwarted by the pro-India public utterances of the Awami League leaders.

(b) Mr. Tajuddin Ahmed painted a dismal picture of the present political situation in Bangladesh and said that he was in danger of his life. He made a specific mention of the violent activities which had started on 1.7.73 after the killing by Police firing of two students of the Chhatra Union NAP (M) before the USIS building at Dacca. He said that the Chhatra League (Siddiqi-Makhan group) and the Awami Youth League of Sk. Fazlul Huq Mani had taken to violence to try to crush their political opponents, particularly those belonging to the NAP (M), the National Socialist Party (Rab-Siraj group) and the student wings of these parties. Mr. Tajuddin said that if these irresponsible elements in the Awami League were not restrained in time, there would be a blood-bath in Bangladesh, which might make it impossible to hold the election in a peaceful atmosphere.

(c) According to Mr. Tajuddin it would not be good for Bangladesh if the Awami League was returned with an overwhelming majority in the ensuing election. He felt that without an effective opposition, both the party and the Govt. would take to dictatorial ways which would bring a lot of misery to the people of the country. He observed that it would be ideal if the Awami League secured about 70% of the seats, and the majority of the remaining 30% went to the NAP (M). He said that there were many educated and patriotic people in the NAP (M) and that if a substantial number of candidates from this party were returned in the election, it would help not only in the establishment of democratic socialism in the country, but would also prevent the Govt. from going
the autocratic way. He added that the NAP (M) was suffering from a lack of funds, and that without some extraneous assistance; it would not be possible for the party to fight the election successfully.

d) Both Mr. Tajuddin and Syed Nazrul Islam in their separate talks with me found fault with Prof Muzzaffar Ahmed. They said that he was haughty, argumentative and rigid in his approach. According to them, Altaf Hossain, the Vice President of the NAP (M), was a much more sober and discreet person and should have been allowed a free hand to lead the party, but he had been removed by Muzzaffar Ahmed.

e) Mr. Tajuddin and Syed Nazrul Islam also independently expressed the view that the Bangladesh Communist Party of Mani Singh was financially better off than the NAP (M). It did not, however, have many good workers and its following was also less than that of the NAP (M).

6. Sri Banerjee also, separately, met a number of his secret contacts. Attached is a brief note (Annexure) (not available) giving his overall assessment of the situation, with which I broadly agree.

7. It is expected that there would be widespread violence in Bangladesh before the election. Some of the hot heads who support the ruling party are foolishly creating a situation in which the opposition parties might get unnerved, and refuse to contest the election. This could only harm the Bangladesh Govt. and also tarnish the image of the Bangabandhu. The militants of the Awami League Chhatra League are so intolerant of any personal criticism of Sheikh Mujibur Rahman, that in one reported incident, a man who had dared to tear off a picture of his had his ear chopped off on the spot. Such senseless impetuosity would trigger off other violence. The consequences of this could be very serious for Bangladesh, considering that there still is a very large number of unaccounted for fire arms, ammunition and explosives in the hands of various groups.

New Delhi, January 9, 1973

No. PII/311/2/72

The Ministry of External Affairs presents its compliments to the Embassy of Switzerland in New Delhi and requests that the following message may kindly be transmitted to the Ministry of Foreign Affairs, Government of Pakistan.

BEGIN

Radio Pakistan’s Urdu feature Aaj Ke Akhbarat, (Today in the Newspapers) broadcast from Lahore at 0750 hours on 24th December, 1972 quoted the Pakistan Army Chief of Staff as having made the following “disclosure”:

‘Officers of the Pakistan Army are being subjected to torture at secret camps at the Red Fort’.

The broadcast also quotes the Associated Press to say that

“the Indian Commander has admitted the existence of the secret camp at Red Fort. Officials of the International Red Cross have also inspected the Camp. According to this report, most modern gadgets are being used to brain-trash these officers.”

It is regrettable that a totally false and misleading story of this kind should have been broadcast by Radio Pakistan. This items is in obvious violation of paragraph 2 of the Simla Agreement on cessation of hostile propaganda.

The Ministry hopes that appropriate instructions will be issued to the concerned authorities in Pakistan so that such hostile anti – Indian items are not broadcast in future.

ENDS

The Ministry of External Affairs avails itself of this opportunity to renew to the embassy of Switzerland the assurances of its highest consideration.

Seal of the Ministry of External Affairs

Government of India

The Embassy of Switzerland, New Delhi.

❖ ❖ ❖ ❖ ❖
0758. Letter from Pakistan Foreign Secretary Mumtaz A. Alvie to Foreign Secretary Kewal Singh.


From: Mumtaz A. Alvie, SQA, PFS

January 22, 1973

Dear Mr. Kewal Singh,

At the Delhi meeting of the Special Envoys in August 1972 it was agreed that it would be desirable to settle the overflights case pending before the Council of the International Civil Aviation organization through bilateral negotiations. Accordingly, when the president of the ICAO Council asked Pakistan and India whether the case should be scheduled for hearing before the 77th Session of the ICAO Council in November 1972 or the 78th Session in February 1973, both India and Pakistan separately informed him that we had no objection to the hearing being scheduled for the 78th Session.

2. It was then hoped that in the meantime the Government of India and the Government of Pakistan would be able to hold bilateral negotiations in this matter. It appears that our pre-occupation with more pressing bilateral issues may not permit us to take up discussion of the overflights case at an early date. Accordingly it is suggested that ICAO Council should be approached by India and Pakistan to postpone further consideration of this case and in accordance with Article 14 of the Rules for the Settlement of Differences invite the parties concerned to undertake direct negotiations. These negotiations could be held at a date to be fixed later according to our mutual convenience.

With kindest regards,

Yours sincerely

(Sd/-)

(Mumtaz A. Alvie)

Mr. Kewal Singh,
Foreign Secretary,
Ministry of External Affairs,
Government of the Republic of India,
New Delhi.
0759. Letter from Foreign Secretary Kewal Singh to Pakistan Foreign Secretary Mumtaz A. Alvie sent through the Embassy of Switzerland.

New Delhi, February 20, 1973.

AIDE MEMOIRE

The Embassy of Switzerland, New Delhi, is requested to convey the following message to Mr. Mumtaz A. Alvie, Foreign Secretary, Ministry of Foreign Affairs, Government of Pakistan. This is in reply to the latter’s communication of January 22nd to Shri Kewal Singh, Foreign Secretary, Ministry of External Affairs, Government of India.

Begins

Thank you for your letter of 22nd January suggesting postponement of further consideration of the overflights case now pending before the ICAO Council.

2. Following the Delhi talks of August, 1972 and subsequent correspondence between us, we had hoped that bilateral negotiations could commence not only for resolving the manner in which the proceedings in the ICAO Council should be discontinued but also to settle the matter bilaterally in terms of the Simla Agreement. We had even invited a delegation from Pakistan for these talks during the first week of November 1972 or, alternatively, to send one to Pakistan. In spite of that, no talks have taken Place so far.

3. You have stated that pre-occupation with other matters may not permit you to take up discussion on the overflights case “at an early date”. In view of this the only course open to the two Government is to adopt the same procedure which was followed in November, 1972, namely to request the president of the ICAO Council not to schedule the case at its 78th session.

4. As you would recall, the agreement reached on 29th August 1972 at the New Delhi meeting of the special envoys was that both Government would settle the case bilaterally.

5. However, in view of your letter and the shortage of time at our disposal we are sending the following communication to the president of the ICAO Council:

   “With reference to your enquiry regarding the overflights case, the Government of India’s view is that the case may be taken up by the ICAO Council at its 78th session.”

We trust that the Government of Pakistan would be agreeable to sending a similar communication to the ICAO Council President. In the meanwhile we
hope, we would be able to take steps to hold bilateral negotiations to settle the case at an early date.

Your sincerely

Sd/- Kewal Singh

Mr. Mumtaz A. Alvie, SQA,PFS
Foreign Secretary, Ministry of Foreign Affairs, Government of Pakistan, Islamabad.

New Delhi, February 20, 1973.

ENDS

0760. Letter of the Indian Foreign Secretary Kewal Singh to the Pakistan Foreign Secretary Mumtaz A. Alvie.

New Delhi, March 8, 1973.

Dear Mr. Alvie,

I have just received your letter of February 28, 1973 in which you have raised the question of propaganda by news media in either country directed against the other. At the very outset I would like to assure you that I welcome this communication. It is only by frank exchanges between us on this subject that we can hope to reverse the unfortunate trend of hostile propaganda. Since we, in India, are determined to implement fully para 2 of the Agreement in this respect, as, indeed, every word of the Simla Agreement, it appears very useful to us to frequently examine how far the two Governments are achieving the objective of preventing hostile propaganda and encouraging the dissemination of information which promotes friendly relations between the two countries.

2. You have in your letter, referred to the list which you sent to us on November 30, 1972, in fact that was the last list we received of items broadcast by All India Radio which were considered objectionable by you. We took prompt and appropriate action on the list received from the Pakistan Government and I am glad to say that there has not been, according to my knowledge, any propaganda, publicity or comments on our side which would be termed as hostile to Pakistan. You would, however, permit me to mention that in some of the
instances quoted in the list sent by you, the radio commentators had merely
carried statements by opposition leaders or press comments. This, you would
appreciate, cannot be termed as reflecting the opinion of the Government. Such
extracts from the two statements of Opposition leaders etc. are also quoted by
the Pakistan Radio and we have seen no justification to take exception to it.

3. In this connection, I am glad to read that you had acknowledged that the
Government of India had also brought a number of instances where hostile
propaganda had been carried on by Pakistan publicity media against India. I
had earnestly hoped you would have taken suitable measures to prevent such
hostile propaganda. I must, however, confess my great disappointment that in
actual fact this hostile propaganda has not only continued but has been further
intensified lately. You would recall our sending 5 notes on this subject dated
These notes list a large number of instances of highly offensive and
objectionable propaganda directed against India by Radio Pakistan broadcasts.
More than the volume of such material is the content and their tenor. In a spirit
of frankness and with the objective which we both wish to achieve, I enclose
some examples selected at random of the highly offensive propaganda that is
being carried on against India. I hope something will be done to stop this.

4. In case of All India Radio, I have no hesitation in affirming that, in
pursuance of the objectives of para 2 of the Simla Agreement, All India Radio
is working under severe restraint. I have personally gone through a large
selection of our broadcasts and find that All India Radio has scrupulously
avoided making comments on law and order situation in Pakistan such as the
language riots in the Sind, the recent developments in Baluchistan etc.
However, it is a matter of deep regret to us that Radio Pakistan has been going
out of its way to exploit each and every domestic issue in India for propaganda
broadcasts beamed to India. I give below two examples where the situation in
Andhra Pradesh was the subject of comment by Radio Pakistan:

“Whenever any nation has adopted the path of injustice, and aggression
and has dug a pit for other nations through conspiracies, it has itself
fallen into it. What is happening in the Indian State of Andhra Pradesh at
present is the latest example of this fact...”
(Muzaffarabad station on 11th January 1973 at 2125 hours)

“The crisis in Andhra Pradesh had raised its head in the early days of
India’s independence when the Government crushed the “independence
movement in Telengana” with forces. In 1965 the Telegana Movement
was sought to be crushed by merging the Telegana region with the higher
Telegu-speaking state of Andhra Pradesh....”
(Lahore station on 20.2.1973 at 1740 hours)
5. We earnestly believe that cessation of all forms of hostile propaganda on the Radio Station directed against the other country is highly desirable and in our mutual interest. This is an essential step for creating goodwill and friendly feelings between our two peoples in the cause of peace and good neighbourly relations which we earnestly cherish. We shall certainly continue our efforts to achieve this objective and would urge you also to take necessary steps in this direction.

6. For some reason, this Muzaffarabad station of Radio Pakistan continues to function as if it has a special license for denigrating India. It would be recalled that this matter was discussed during the Emissary - level meeting at Murree and the understanding reached was that cessation of hostile radio propaganda would cover all stations on both sides, including those in Kashmir.

7. You have thought it fit to raise the question of the Prime Minister’s interview with the editor of the Morning News and the alleged remark attributed to her to the effect that President Bhutto does not believe in consistency. I wish this matter had not been raised at all as statements made by Heads of Governments on both sides can hardly be discussed by us in a correspondence of this nature. However, since you have raised this question I cannot but set the record straight. The Prime Minister is always conscious of the considerations of courtesy and decorum when referring to other Heads of Government and her inoffensive remark to the editor of the Morning News has, I am afraid, been torn out of context and misconstrued. In this connection, may I draw your attention to the reported interview of President Bhutto to an Italian journalist published in L’Europa of April 27, 1972, which if true, contained some highly derogatory remarks about our Prime Minister. However, as you know we preferred to ignore this interview. More recently or January 3, while speaking at a public meeting in Karachi, President Bhutto is reported to have made highly offensive remarks against our Foreign Minister. The following quotation from the Pakistan Press is illustrative:

“I know Swaran Singh and I want to tell him in clear words that I am not the man to wilt under threats of “Sikha Shahi”.

(New Times, Rawalpindi, Jan.4, 1973)

It is a matter of great regret that no official agency in Pakistan has so far taken the trouble to deny those offensive remarks against our Foreign Minister. In the circumstances and unless some clarification appears, one cannot but expect Pakistan’s publicity media to take their cue from such a derogatory statement.

In the end I would like to say again that we attach greatest importance to the cessation of hostile and unfriendly propaganda against each other. We on our part would take every possible step to achieve this objective. It is with that end
in view that I have welcomed your communication to me and I hope that my present letter would be received by you in the same spirit.

Yours sincerely,

Sd/- Kewal Singh

Mr. Mumtaz A. Alvie,
Foreign Secretary,
Government of Pakistan, ISLAMABAD.

761. Letter from Pakistan Foreign Secretary Mumtaz A. Alvie to Foreign Secretary Kewal Singh.


Dear Mr. Kewal Singh,

Thank you for your letter of February 20, 1973. We too have informed the President of the ICAO Council as below:-

"The Government of Pakistan has no objection to the overflights case not being taken up at the 78th Session of the ICAO Council. The case may please be scheduled for the 79th Session instead".

2. Before the next session we would like to arrive at a mutually satisfactory understanding as to the future course of action. In our view, the ICAO Council should resume consideration of the case at the 79th Session. We do not intend then to press for a discussion by the ICAO Council of the merits of the case. We would have no objection if the Council, acting under Article 6 read with Article 14 of the Rules for the Settlement of Differences, decides to suspend proceedings for a specified period and to invite the parties to undertake bilateral negotiations. In fact, we would be prepared to give an indication to the President of the ICAO Council along these lines. After the Council decides to suspend proceedings. The delegations of India and Pakistan could meet on an agreed date to try to arrive at a mutually satisfactory settlement.

3. In his letter of October 25, 1972, Mr. P.N. Haksar had indicated that the Government of India thought the ICAO Council might be approached for discontinuance of the overflights case under Article 17. Discontinuance would amount to withdrawal of the application and complaint made by Pakistan to the
ICAO Council in 1971 which, as we had explained earlier, would not be in keeping with the understanding reached at Delhi and as such is not acceptable to Pakistan.

4. As we agreed at Delhi, the Government of Pakistan continues to consider it desirable that the overflights case should be settled bilaterally. However, to facilitate bilateral negotiations, it is necessary that the Council should suspend but not discontinue the proceedings. The ICAO Council Rules do not provide for bilateral negotiations outside the purview of the Council.

5. We do hope that, in the light of the position stated above, Government of India would find the suggestions contained in paragraphs 2 and 4 above acceptable.

With kindest regards,

Yours sincerely,

Sd/- (Mumtaz A. Alvie)

Mr. Kewal Singh,
Foreign Secretary,
Ministry of External Affairs,
Government of India,
New Delhi.

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0762. Statement issued by the High Commission of India in Nigeria regarding Pakistani Prisoners of War.


No. 12/73

Pakistani Prisoners of War — Facts and Realities

Recently much concern has been expressed in the press for the Pakistan prisoners-of-war who surrendered to the Joint Bangladesh and India Command under the Instrument of Surrender in the Eastern Theatre. A great deal of emotion has been generated while facts and realities have been overlooked. What are these facts and realities?

(1) Pakistan declared war against India on December 3, 1971 which ended when India unilaterally offered a ceasefire on 16th December. A day later Pakistan responded and hostilities ceased.

(2) Desirous of converting the ceasefire into a just and durable peace and with a view to normalizing relations between the countries of the sub-continent, Indian initiated Emissary-level talks with Pakistan which ultimately resulted in the Summit at Simla between the President of Pakistan and the Prime Minister of India in July 1972.

(3) At the initiative of the Prime Minister of India agreement was reached at Simla. The two countries “resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them”. Consequently, India withdrew from 5000 square miles of territory which had come under its control in the West, enabling over one million uprooted Pakistani citizens to return peacefully to their homes. All Pakistani prisoners taken in the Western theatre were released and repatriated.

(4) The Simla Agreement envisaged, prior to another Summit between the Heads of Government of India and Pakistan that “the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalization of relations including the questions of repatriation of prisoners of war and civilian internees...”

Projected talks at officials level for resumption of trade, air services and other exchanges so necessary between two neighbouring countries have not, however, got off the ground because of Pakistan’s insistence on settlement of the prisoners of war issue to the exclusion of all others. It is not India’s desire to hold the prisoners a day longer than necessary; in fact,
it is anxious that they should be repatriated as soon as possible. However, Pakistani intransigence in not recognizing the realities of the situation stands in the way of fulfillment of this desire. It is clear that since Pakistani Forces surrendered to the Joint Command of India and Bangladesh no settlement could be arrived at without Bangladesh being a party to it.

(5) At Simla, President Bhutto accepted the realities in the sub-continent and promised recognition of Bangladesh in August 1972. Yet now, not only has he resiled from this position but the earlier of-repeated pre-condition of a simple meeting with Sheikh Mujibur Rahman has steadily been escalated to a demand that recognition of Bangladesh can only follow a settlement of all outstanding problems, including apportionment of external financial liability between the two countries. And this attitude continues in spite of the fact that Sheikh Mujibur Rahman has received an overwhelming mandate for his policies from his countrymen.

(6) Pakistan’s refusal to recognize Bangladesh has resulted in a situation where negotiations between three equal sovereign States cannot begin. The draft constitution now being debated in the National Assembly of Pakistan makes references to “East Pakistan” and “Muslim Bengal”, describing this territory as under “foreign occupation”. This posture can hardly be said to be indicative of Pakistan’s desire to normalize relations between the countries in the sub-continent or to pave the way for durable peace and fruitful cooperation among them.

(7) Bangladesh, a sovereign State with a population of 75 million, recognized by over 100 countries and having suffered a pogrom with few parallels in history, is expected to forget, forgive and concede to becoming a “non-country” to reach agreements of a far-reaching character and implications as a pre-condition to recognition character and implications as a pre-condition to recognition by Pakistan. It is also expected to agree to the release of prisoners-of-war while Pakistan, without any reason other than that they serve as hostages, keeps over 300,000 Bangladesh nationals in concentration camps because on termination of active hostilities they were living in West Pakistan and faithfully serving what then happened to be their country. Pakistan claims that they are living in their homes etc. but the International Committee of Red Cross (ICRC) has been denied access to their “homes”.

(8) To save the Pakistani soldiers from the wrath of Bangladesh people and in order to fulfill in letter and spirit the pledge given to the Pakistan
Commander in the Eastern theatre to protect the lives and honour of those who surrendered, India brought prisoners from Bangladesh to India and keeps them in prisoners-of-war camps in strict accordance with civilized precepts governing such matters. Pakistani propaganda has been using some portions of ICRC report out-of-context in support of its allegations of inhuman treatment by India of prisoners-of-war. The ICRC, in its note of January 9, 1973, has this to say:

“The ICRC wishes to recall that the principal purpose of reports it addressed to the Governments is either to enable them as circumstances may indicate, to make desirable improvements in the conditions for detention of prisoners or to obtain information about the circumstances of their nationals. Although recipients of those reports become proprietors of them, and can therefore do what they wish with them, the ICRC always insisted upon the fact that these documents should not be utilized in a manner contrary to the principle of strict neutrality of its humanitarian action. The purpose of these reports should, therefore, in no case, provide material for polemics.”

“If, however, a Government sees fit to publish such reports ICRC has the right to expect that it will reproduce the entire text with no modification whatsoever. Consequently, the International Committee of Red Cross regret that the publication of its report by Pakistan authorities did not comply with the spirit of prevailing principle that certain modification were made in the text of this report; and that one passage therein was quoted out of context. Very firm representations have been made to the appropriate authorities following this publication and utilization made of it.”

However, it is now becoming increasingly clear that certain elements in Pakistan, opposed to normalization of situation in the sub-continent and unhappy at the positive turn of events at Simla, are seeking to reverse this process of history by exploiting this sensitive issue. Could it be that the prisoners-of-war have become a pawn, not in the hands of India and Bangladesh, but in the hands of those who still seek a “1000 years confrontation with India”? Is the prisoners-of-war question to be settled by advertisements in the newspapers of the world or by the “demands” and “rights” of Pakistan, to the exclusion of the two other sovereign parties in the sub-continent, as advocated by these elements? Or rather by the acceptance of the reality that there are three countries in the sub-continent, that present day world climate is to seek a détente and lessen tensions so that even the most intractable problems can eventually be tackled by peaceful negotiations?
1890

INDIA-PAKISTAN RELATIONS

(10) There can be only one answer which India and Bangladesh have given repeatedly to the third country in the sub-continent. Let us sit down and talk as equals with a desire to achieve peace and thus open a new era of friendship and cooperation in the sub-continent.

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New Delhi, April 17, 1973.

The Government of India and Government of the People’s Republic of Bangladesh have been giving consistently their most anxious thought and consideration to the problem of restoring friendly, harmonious and good neighbourly relations between India, Bangladesh and Pakistan on the basis of sovereign equality of each state with the object of promoting, in every possible way, durable peace in the sub-continent, so that each country may devote its resources and energies to the pressing task of advancing the welfare of its own people. With this object in view, the Government of India and the Government of the People’s Republic of Bangladesh have been carrying on mutual consultations. More recently the Foreign Minister of the People’s Republic of Bangladesh His Excellency Dr. Kamal Hossain, paid a visit to Delhi on 13 April, 1973 at the invitation of the Minister of External Affairs, Government of India, Mr. Swaran Singh. The discussions between the two Ministers concluded on April 16.

During these discussions and mutual consultations the Government of India and the Government of the People’s Republic of Bangladesh considered measures to promote jointly the processes of normalization in the sub-continent and to solve the humanitarian and other problems arising out of the armed conflict of 1971.

Reviewing the entire situation in the sub-continent the Government of India and the Government of the People’s Republic of Bangladesh noted with regret and concern that progress in the establishment of friendly and harmonious relations had not yet been achieved owing to the failure of Pakistan to recognize the realities in the sub-continent. They felt that the policy hitherto pursued by the Government of Pakistan had stood in the way of negotiations among all the three countries on the basis of sovereign equality of each. They further noted with concern that Pakistan continued to persist in hostility towards Bangladesh and despite the clear provisions of the Simla Agreement, continued to maintain
a hostile attitude against India. The Government of the People’s Republic of Bangladesh reiterated their stand that they cannot participate in any discussions with Pakistan at any level except on the basis of sovereign equality.

Despite the difficulties created and hostility manifested by the Government of Pakistan, the Government of India and the Government of the People’s Republic of Bangladesh are resolved to continue their efforts to reduce tension, promote friendly and harmonious relations in the sub-continent and work together towards the establishment of a durable peace.

Inspired by this vision and sustained by the hope that in the larger interests of reconciliation, peace and stability in the sub-continent, Pakistan will refrain from persisting in hostility, and bearing in mind the letter and spirit of the Simla Agreement concluded between India and Pakistan which Bangladesh had welcomed, the Government of India and the Government of the People’s Republic of Bangladesh jointly declare as follows:

Without prejudice to the respective positions of the Government of India and the Government of the People’s Republic of Bangladesh, the two Governments are ready to seek a solution to all humanitarian problems through simultaneous repatriation of the Pakistani prisoners of war and civilian internees, except those required by the Government of the People’s Republic of Bangladesh for trial on criminal charges, the repatriation of Bangalees forcibly detained in Pakistan and the repatriation of Pakistanis in Bangladesh i.e., all non-Bangalees who own allegiance and have opted for repatriation to Pakistan.

The Government of India and the Government of the People’s Republic of Bangladesh earnestly hope that Pakistan will respond to the constructive initiative taken by the two Governments to solve the humanitarian problems in the manner set out in Paragraph 5.
Statement issued by the Government of Pakistan regarding Prisoners of War.


The Government of Pakistan has carefully considered the statement issued in Delhi on April 17th. While the statement purports to be inspired by the vision of a durable peace in the sub-continent the Government of Pakistan notes with regret that it contains several allegations which are both unfounded and unfair. Not wishing to enter into polemics over these issues and thus to prolong a chain of charge and counter-charge, Pakistan deems it sufficient to reiterate its resolve to adhere to the letter, and fulfill the spirit of the Simla Agreement with a view to the reduction of tensions, the settlement of disputes and the building of international relations in the sub-continent on the foundations of justice and equity. The many offers, acts and initiatives of the Governments of Pakistan towards this end hardly need to be recalled.

2. It is a fact beyond question that the normalization of the situation in the sub-continent has been obstructed by India’s continuing to hold in illegal captivity over 90,000 Pakistan prisoners of war and civilian internees despite the cessation of hostilities sixteen months ago. The Geneva Convention of 1949 about the treatment of prisoners of war, to which India is a signatory, makes it the obligation of the detaining power to release and repatriate prisoners of war “without delay after cessation of hostilities”. The obligation is unilateral and unconditional. The principle involved is basic to international law and any compromise with it, open or disguise, can set a calamitous precedent. Apart from humanitarian considerations, it will nullify all obligations under the Geneva Conventions, which civilized nations have laboured for over a century to evolve and to make binding on all states. The Government of Pakistan notes with concern that the “initiative” embodied in the statement issued in Delhi invites Pakistan to compromise the principle by agreeing to, or acquiescing in, conditions which are irreverent and unrelated to the repatriation of the Prisoners of War.

3. The Government of Pakistan cannot recognize the competence of the authorities in Dacca to bring to trial any among the prisoners of war on criminal charges. According to an established principle of international law, only a competent tribunal of Pakistan can have jurisdiction in this matter since the alleged criminal acts were committed in a part of Pakistan and since also the persons charged are the citizens of Pakistan. It would be repugnant to a nation’s sovereignty to surrender its exclusive jurisdiction in this regard. The Government of Pakistan reiterates its readiness to constitute judicial tribunal of such character and composition as will inspire international confidence, to try persons charged with the alleged offences.
4. Apart from these inescapable consideration of both sovereignty and justice, the Government of Pakistan is gravely apprehensive that if the authorities in Dacca begin to hold these trials, it will poison the atmosphere and seriously retard the establishment of that climate of peace and reconciliation which is a dire necessity for the welfare of the peoples of the sub-continent.

5. On its part, the Government of Pakistan, in its desire to put an end to a chapter of tragic conflict, has exercised maximum restraint even to the extent of refraining from exercising its rightful jurisdiction and bringing to trial those Bengalis in Pakistan against whom there is evidence of the commission of such acts as subversion, espionage and high treason. The terms of the Delhi statement would make it impossible for this restraint to continue.

6. The Government of Pakistan is prepared to fully cooperate with arrangements for all Bengalis to leave Pakistan if they so wish. Indeed, the Government of Pakistan has always sought a humanitarian solution of the problem and has taken several steps consistent with that aim.

7. As regards “Pakistanis in Bangladesh”, the proposition contained in paragraph 5 of the Delhi statement is extraordinary, advancing the unique doctrine that an ethnic, linguistic or political minority can be persecuted, offered an “option” under pain of loss of jobs, property or even life and arbitrarily expelled from its place of domicile, creating an obligation for Pakistan to receive its members. The Government of Pakistan is acutely distressed at the tragic suffering of the victims of this prejudice and bigotry, and urges the international community to persuade the authorities in Dacca to protect the basic human rights to which these unfortunate people are entitled. The solution of the humanitarian problem which may still arise should be a concern of humanity. The Government of Pakistan is willing to fully participate in the effort of alleviating this human plight.

8. Notwithstanding these difficulties inherent in the terms of the Delhi statement, the Government of Pakistan feels that it constitutes a response to Pakistan’s urgings for further dialogue between Pakistan and India. For obtaining the necessary clarifications of the implications of the statement, and in the spirit of promoting an advance towards peace, the Government of Pakistan has decided to invite representatives of the Government of India to Islamabad for discussions and also to explore further possibilities for the implementation of the Simla Agreement. The process of the normalization of the situation in the sub-continent would be accelerated by India’s promptly fulfilling its unconditional obligations under the Geneva Conventions.
0765. Letter from Pakistan Minister of State for Defence and Foreign Affairs Aziz Ahmed to External Affairs Minister Swaran Singh.


Dear Sardar Swaran Singh,

By the time this reaches you, your Government will have seen the Statement that the Pakistan Government has issued in response to the India Bangladesh Declaration on the question of repatriation of prisoners of war and related matters. We should like you to know that in defining its response the Government of Pakistan has been motivated by a sincere resolve to see the obstacle to Sub-continental reconciliation removed.

My Government feels that the Government of India's statement opens the door to resumption of dialogue between our two Governments, which, unfortunately, has remained suspended for several months. We consider it important that we resume discussions with your Government with a view to an early settlement of the prisoners of war question so as to be able to take further steps to implement the Simla Agreement and pave the way for the normalization of the situation in the Sub-continent.

My Government would be happy to receive in Islamabad a representative of the Government of India to discuss this matter. From our point of view the period 28 April - 3 May, both days inclusive, will be suitable. However, if that should not be convenient for your Government, the Indian delegation would be equally welcome if it came at a later date, preferably in the third week of May, when the President and I will have returned from Iran.

With best wishes,

Yours sincerely

H.E. Sardar Swaran Singh
Minister for External Affairs,
Government of India
New Delhi

Sd/- (Aziz Ahmed)
Letter from Pakistan Foreign Secretary Mumtaz A. Alivie to the Indian Foreign Secretary Kewal Singh.

My dear Foreign Secretary,

On receipt of your letter of March 8, 1973, I immediately asked for an investigation of the instances of hostile propaganda that you had mentioned. I need hardly add that, on its part, the Government of Pakistan remains resolved to implement the Simla Agreement in its totality, including Article 2, and the instructions of the Government to the concerned authorities are absolutely clear on this point and have been reiterated.

2. I do not wish to burden you with a list of hostile broadcasts by All India Radio. The Foreign Office sent a list on March 6, 1973 to your Foreign Office through the Swiss Embassy. Another has been dispatched on 25 April 1973. I would like merely to suggest that you ask the concerned authorities to exercise greater care than they have so far done. From the item below you will see that All India Radio has not exercised the restraint that is required under the Simla Agreement:

"It is surprising to know about the concern of Radio Pakistan over Afghan Government's demand for the right of self-determination of Pukhtoons... After imposition of one-unit, Pathans were once again thrown under the domination of Punjabis. Pathans are treated as slaves. Pathans never recognised Muslim League and this led to the step-motherly treatment meted out to them right since the inception of Pakistan...President Bhutto replaced Governors in this Province (NWFP) and in Baluchistan just to have his own influence there. This step was taken just because President Bhutto has no confidence in Pathans."


3. This is a serious violation of the Simla Agreement which forbids not only hostile propaganda but also interference in the internal affairs of each other. However, it is not our purpose to enter into a controversy on this issue. While we feel there has been considerable improvement generally in the tone of the press on both sides, lapses still continue to occur and both governments would need to continue to exercise vigilance so that they do not.

Yours sincerely,

Sd/- Mumtaz A. Alvie.

Mr. Kewal Singh, Foreign Secretary,
Government of the Republic of India, New Delhi.
0767. Press Release issued by the Bangladesh Government on resumption of talks on repatriation of prisoners of war.


No. 24. May 3, 1973

The Joint Indo-Bangladesh Declaration of 17th April, 1973 has been welcomed by many Government leaders and the press of foreign countries as a bold step-forward towards solution of the humanitarian problems of the sub-continent, arising out of the events of 1971. The Declaration deals with the repatriation of three categories of persons viz. the prisoners of war (except those required by the Bangladesh Government for war crimes trial) and civilian internees, the Bangalees forcibly detained in Pakistan and the Pakistanis in Bangladesh. As such, viewed in this context the Declaration provides the rare opportunity for immediate solution of the outstanding problems of the sub-continent.

2. Bangladesh had been consistently taking initiatives with a view to create an understanding amongst the countries of the sub-continent for achieving the ultimate goal of peace, stability and cooperation. The joint Declaration is a result of this effort wherein the humanitarian issues which concern thousands of innocent people have been isolated from the political ones.

3. It may be recalled that Bangladesh and India took the initiative of releasing the wives and children of the POWs and the civilian internees in November 1972. Again, Bangladesh was the first to declare its willingness to repatriate to Pakistan all those Pakistanis living in Bangladesh who have opted for Pakistan. Bangladesh had hoped at the same time that these moves would facilitate the return to their homeland of all the Bangalees now illegally detained in Pakistan. And finally, India and Bangladesh took the bold and magnanimous initiative by making the Joint Declaration for resolving at one stroke all the humanitarian problems faced by countries of the sub-continent through simultaneous repatriation of the Pakistani prisoner of war and civilian internees, except those required by the Government of the People’s Republic of Bangladesh for trial on criminal charges, the repatriation of Bangalees forcibly detained in Pakistan and the repatriation of Pakistan in Bangladesh i.e. all non-Bangalees who owe allegiance and have opted for repatriation to Pakistan.

4. While Bangladesh has never failed in making constructive approaches with a view to reduce tension in the sub-continent, Bangladesh cannot on principle, negotiate with Pakistan on any issue except on the basis of sovereign equality. This stand as taken by Bangladesh is both correct and realistic. Unlike Pakistan, Bangladesh does not believe in constantly changing its stand to suit the topical needs of internal or external politics.
5. There are about 250,000 non-Banglees in Bangladesh who have opted to return to Pakistan. Therefore, in the Joint Declaration both Bangladesh and India have, in accordance with the wishes of these people, called on Pakistan to take back their citizens.

6. It may be recalled here that President Z.A. Bhutto of Pakistan had, in an interview with the senior editor of the Newsweek, Mr. Borchgrave, in March 1972, said: “We can take some – one for every Bengali who wants to leave our side.” In another interview with Mr. Peter Preston, published in the Guardian of March 2, 1972, Mr. Bhutto had while discussing “the human problem of poor Biharis” in “East Pakistan” said: “In principle I would say they have every right to come here. I would like to see what can be done to bring as many as possible here.” Mr. Bhutto further said: “And if some of them come – say two three four hundred thousand – perhaps a little more than the one who goes from here then that would be better”.

7. From the foregoing account it is clear that the recent attempts by the Government of Pakistan to disown their own nationals is a volte-face which the world community should recognize. Pakistanis living in Bangladesh, who owe allegiance to and have opted for Pakistan, are not a minority in any sense of the word. They could be a minority only if they were citizens of the country.

8. The seriousness of the situation faced by the three groups of people awaiting repatriation calls for an urgent implementation of the proposals contained in the Joint Declaration of 17th April, 1973. In fact, it is only in this way that the human problems could be resolved and the hopes and aspirations of the innocent people who are unfortunate victims of the events of 1971 would be realized. This would create a better and favourable atmosphere for achieving peace and stability in the region.

9. On the question of trial of war criminals, numbering 195 the stand of Bangladesh is very well known. The prisoners of war, facing trials, had committed grave crimes against humanity in Bangladesh. The overwhelming weight of international, legal and public opinion favoured the trial of these war criminals. The fact that only 195 out of 90,000 prisoners are being put on trial for the crime makes it amply clear that the motive of the trials is not to seek vengeance but to vindicate the cause of justice and uphold the principles of law.

10. It may be mentioned that the International Commission of Jurists have unequivocally upheld the jurisdiction of Bangladesh to hold such a trial. There is the principle of universal jurisdiction whereby any county can try persons, who have committed crimes against humanity irrespective of where such crimes were committed and irrespective of the nationality of the accused. The crimes
were committed on the soil of Bangladesh and against the people of Bangladesh in contravention of Article 3 of the Geneva Convention. While Pakistan had been invoking Article 118 of the Geneva Convention for the release of the prisoners of war, she is deliberately ignoring the fundamental provision of Article 3 of the Geneva Convention which prohibits commitment of crimes of certain nature during conflicts not of international nature. The trial of war crimes by Bangladesh is being undertaken for the violation of this article and as such is in conformity with the international practice.

11. Bangladesh is not concerned with legalistic arguments. If, however, Pakistan is inclined to do so, it is open to Bangladesh to reassert its own legal position as reserved in the Joint Declaration. Such an adoption of strictly legal position by both sides, is however, not envisaged in the Joint Declaration, which only seeks solution of the humanitarian problems on humanitarian consideration alone. Pakistan has continued to persist taking hostile postures as manifested in the first article of her Constitution. Besides, preventing the Bangalees from returning to Bangladesh by Pakistan, it is also an act of hostility as aliens cannot be detained forcibly unless they are enemy aliens.

12. Pakistan has threatened to put on trial the innocent Bangalees on cooked-up charges. Such trials, if held, would mean a crude attempt at blackmail through "judicial reprisal", which would in turn violate all cannons of internationally accepted civilized conduct. This, it need hardly be asserted, would further vitiate the atmosphere and stand in the way of solution of the humanitarian problems.

13. The inherent reasonableness of the Joint Declaration and its importance as an instrument for progress for creating a durable climate of peace and stability in the sub-continent need to be understood in their correct perspective. Unfortunately, Pakistan's response, as could be ascertained from the statement of April 20, 1973, has rather been disappointing. The Government of Bangladesh hope that Pakistan would understand the magnanimity of the offer and accept the proposals for resolving the humanitarian problems. It is further hoped by the Government of Bangladesh that the initiative taken by India and Bangladesh in their Joint Declaration for solution of humanitarian problems without any further delay will receive the appreciation and support of the World Community.
0768. Letter from External Affairs Minister Swaran Singh to Pakistan Minister of State for Defence and Foreign Affairs Aziz Ahmed regarding the question of POWs.


Dear Mr. Aziz Ahmed,

I have received your letter of 23rd April. I have also seen the Pakistan Government’s statement of the 20th April. I must confess at the outset that we are disappointed at Pakistan’s response, as shown in these documents, to the Declaration which we had made jointly with Bangladesh on the 17th of April.

2. The Indo-Bangladesh Joint Declaration had sought to resolve simultaneously the humanitarian issues arising out of the armed conflict of 1971. This was its sole, immediate objective. India and Bangladesh had deliberately set aside political considerations although they were of vital importance to them, so as not to impede the resolution of humanitarian issues. We propounded no legal arguments; indeed we had eschewed them to achieve the humanitarian objective. We had hoped that your Government’s response would be in the same spirit; concentrate on the humanitarian issues, without political and legal argumentation.

3. You will have seen my statement made in Parliament on the 24th April. This shows how our hopes have been belied. Your Government’s statement of the 20th April advances a whole host of legal and political contentions. You will excuse my saying, Mr. Minister, that if India and Bangladesh start disputing these contentions, as indeed we are entitled to, the resolution of the humanitarian issues will be interminably delayed. In fact any objective assessment would show that Pakistan Government’s statement of April 20 is tantamount to rejection of the proposals contained in paragraph 5 of the India-Bangladesh Declaration.

4. Your letter only adds to our misgivings. We have studied it carefully. We cannot help the conclusion that all that has been done is to invite a representative of India for a discussion on the prisoners of war question only. There is no effort whatsoever in your Government’s response to take into account the respective position of the Governments of India and Bangladesh. For instance, Pakistan’s contention, as mentioned in paragraph 2 of the statement, that India has unilateral responsibility and obligation towards the prisoners of war who had surrendered to the joint command of Indo-Bangladesh forces, is contrary to the conclusions reached in the discussions between India and Pakistan at Simla and New Delhi during last year and is totally unacceptable. In this connection you may recall the following extracts from the Agreed
Recommendations signed by yourself and Shri P.N. Haksar, then Principal Secretary to the Prime Minister of India, on 31st August, 1972:

PARA 3 (iv)

“The Indian side stated that Bangladesh is a necessary party to discuss the repatriation of Pakistani prisoners of war and civilian internees, and that the recognition of Bangladesh by Pakistan would facilitate further progress in this regard. Pakistan side noted the Indian view and stated that the question of recognition of Bangladesh is under serious consideration”.

Likewise, the contention of Pakistan Government in paragraph 3 of its statement questioning the competence of the Government of Bangladesh to bring to trial certain prisoners of war on criminal charges is unacceptable. The same is the case with the untenable observations contained in paragraph 7 of the Pakistan’s statement about the Pakistani nationals in Bangladesh, who have declared their allegiance to Pakistan and are desirous of repatriation.

5. We earnestly hope therefore that the Pakistan Government would review their stand on the Joint Indo-Bangladesh Declaration which suggests a practical way for the simultaneous resolution of all the humanitarian issues emanating from the December 1971 conflict. Obviously, there cannot be a solution which takes into account only those issues which interest Pakistan and ignores the position of Bangladesh and India. In our view talks can be purposeful and lead to quick results if Pakistan Government were to indicate their agreement in principle to the solution set out in paragraph 5 of the joint Declaration of April 17, 1973. The representatives of India and Pakistan can then work out modalities for implementing the solution.

6. I should like to add that I have consulted Dr. Kamal Hossain, Foreign Minister of Bangladesh, and this letter represents the joint response of India and Bangladesh.

Yours sincerely
(Sd)

Swaran Singh
Statement in Parliament by External Affairs Minister Swaran Singh in response to Calling Attention Notices on the reported internment of Bangalees in Islamabad.

New Delhi, May 9, 1973.

We have heard with deep concern reports emanating from Islamabad that several thousand Bengalees were rounded up suddenly from their homes in Islamabad in the early hours of the morning of 6th May and transported in police trucks and buses to unknown destinations. The press reports indicate that these Bengalees have been taken to internment camps in some obscure places. However, the official spokesman of the Government of Pakistan has tried to explain that the Bengalees have been shifted from their homes “because of congestion and pressure on official housing in the capital”. He also indicated that this was being done in preparation for their ultimate repatriation to Bangla Desh.

The President of Bangla Desh, Mr. Justice Abu Sayeed Chowdhury has urged the international community to condemn Pakistan’s action in rounding up the Bengalees in Islamabad and has expressed the “deep concern and anguish” of the Government of Bangla Desh on this development. We fully share the anxiety of the Bangla Desh Government at the fate of the innocent Bengalees affected by this arbitrary action of the Pakistan Government. Pakistan should bear in mind that action of this nature, instead of solving the humanitarian problems and ending the suffering of lakhs of people, can only cause further bitterness and retard the process of normalization in the sub-continent.

Laws of humanity and justice require that persons stranded in foreign countries against their will have the right to return to their homes. The Governments of India and Bangla Desh have already indicated in the Joint Declaration of April 17, 1973 a fair and practical way for the immediate and simultaneous resolution of all humanitarian issues arising out of the December 1971 conflict.

It is regrettable that Pakistan Government instead of seizing the opportunity of bringing about a fair and amicable settlement of the humanitarian problems should have resorted to forcibly uprooting the Bengalees from their homes and sending them to far off internment camps.

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0770. Aide Memoire of Pakistan Government regarding repatriation of POWs received through the Embassy of Switzerland.


The embassy of Switzerland presents its compliments to the Ministry of External Affairs of the Government of India and has the honour, upon instruction from the Federal Political Department in Berne, to inform the Ministry of the following Aide-Memoire which has been handed over by the Ambassador of Pakistan in Berne to the Swiss Government on May 11, 1973.

Aide Memoire

1. The India – Bangladesh statement regarding repatriation of Prisoners of War given fullest consideration at the highest level in all appropriate forums of the Government of Pakistan and a statement was subsequently issued expressing restraint and positiveness in the approach to solve humanitarian problems. The joint statement of India-Bangladesh is the first concrete response to Pakistan’s initiatives for breaking the stalemate and Pakistan is fully prepared to explore further possibilities in the spirit of promoting peace and normalcy. Accordingly, notwithstanding the difficulties inherent in the terms of the Delhi Statement the Government of Pakistan has invited the Government of India to send its representatives for discussions.

2. The Governments of Pakistan believes that the process of normalization would be accelerated if India promptly fulfils its obligations under the Geneva Conventions. The obligation to release and repatriate prisoners of war is unilateral and unconditional. This obligation cannot be made subject to any extraneous conditions. Pakistan has fulfilled its part by releasing Indian prisoners of war several months ago in accordance with the Geneva Conventions. Pakistan cannot be a party to any compromise to the universally recognized principles enunciated in the Geneva Conventions. It is hoped that the world community in general and Switzerland as depository State of the Instruments of Ratification of the Geneva Conventions in particular will assist and support Pakistan in upholding this principle.

3. Pakistan has never recognized Bangladesh as a detaining power in respect of Pakistani prisoners of war. It is well known that the so-called “Joint command” was a myth and Bangladesh has no locus standi in regard to the Pakistani POWs held in India and she has no right to try them. The trials of Pakistani prisoners of war by Bangladesh would take the situation to a point of no return. There would be a great resentment and revulsion in Pakistan and the atmosphere would be vitiated and the efforts of the President of Pakistan for reconciliation and recognition of Bangladesh would be foiled.
4. Pakistan is however prepared to hold trials in Pakistan if evidence is furnished regarding any crimes that may have been committed. Pakistan would react strongly if Bangladesh does not desist from holding trials. It would be impossible for the Government to continue to exercise self-imposed restraint in regard to trials of those Bangalees who committed acts of subversion, espionage and treason.

5. Bangladesh must be restrained from harassing and persecuting its ethnic, linguistic and political minority. These unfortunate people deserve the concern and sympathy of the whole world community. Pakistan is willing to fully participate in all efforts to alleviate their plight. Bangladesh has no right, legal or moral, to subject its ethnic linguistic and political minority to discrimination and then to give it an option to leave their homes. The non-Bengalis whom Bangladesh wants to expel have ever since their migration from India lived in the territory that now comprises Bangladesh. They are not of West Pakistan origin. Since 1947 Pakistan has had to cope with millions of refugees with the attendant problems. Pakistan cannot be justly expected to accept the burden of these hundreds of thousands more refugees.

6. Pakistan is prepared to fully cooperate with the arrangements for Bengalis to leave Pakistan if they so wish and has indeed always sought a humanitarian solution and taken several steps with that aim. India cannot claim any say in the matter of the repatriation of Bengalis from Pakistan or of Pakistanis from Bangladesh. The questions are of Pakistan-Bangladesh concern and Pakistan has been ready to enter into discussions with Dacca authorities on these questions.

7. There is no justification in the attempt to blackmail Pakistan into accepting the transfer of a minority from Bangladesh. Bangladesh should not obstruct the release and repatriation of Pakistan prisoners of war.

The Embassy of Switzerland avails itself of this opportunity to renew to the Ministry of External Affairs of the Government of India the assurances of its highest consideration.

Ministry of External Affairs,
Government of India,
New Delhi.

Statement by the Official Spokesperson of the Pakistan Ministry of Foreign Affairs regarding offer of talks by Pakistan.


India has rejected the invitation of Pakistan to send a representative for discussion of the India-“Bangladesh” statement* of 17th April. India has asked Pakistan first to accept India-“Bangladesh” proposal and only for the purpose of discussing modalities of the implementation would India be prepared to enter negotiation. Commenting on this latest Indian communication, a Foreign Office spokesman said that "it is apparent that the continued detention of 92,000 Pakistan soldiers and civilians in India is sought to be used in order to impose a unilateral solution on Pakistan in regard to the trial of 195 Pakistani prisoners by “Bangladesh” and the expulsion of non-Bengalis from “Bangladesh” to Pakistan”.

The Spokesman pointed out that the use of prisoners of war as a lever of pressure for extracting concessions violates the humanitarian principles of the Geneva Conventions. Moreover, such tactics of pressure are bound to vitiate the Simla spirit of dialogue and mutual accommodation as basis for resolving the outstanding issues and promoting the establishment of a durable peace in the sub-continent.

The latest communication from India and the reported statement of the Indian External Affairs Minister in the Indian Parliament on 11th May, make it clear that the New Delhi statement of 17th April was nothing more than a propaganda ploy to divert the mounting world criticism against the continued captivity of 92,000 Pakistan POWs after nearly 17 months of the cessation of hostilities.

* Please see Document No.763
Message of the Government of India for the Government of Pakistan sent through the Swiss Embassy in New Delhi.


No. PI/302/3/73. 14th May, 1973

The Ministry of External Affairs presents its compliments to the Embassy of Switzerland in New Delhi and has the honour to request that the following message may kindly be transmitted to the Ministry of Foreign Affairs, Government of Pakistan.

BEGIN:

"In the talk in Kashmiri on 25th April, 1973, Radio Pakistan while taking exception to India’s disappointment at the continuing hostility of broadcasts over Radio Pakistan, and specifically from the so-called Azad Kashmir Radio, asserted that the "Azad Kashmir area, the Azad Government and the Azad Radio are not a party to or responsible for any agreement". The Government of India are surprised at this contention. It would be recalled that in Foreign Secretary’s letter dated 8th March to Pakistan’s Foreign Secretary, attention had been drawn to the fact that the Muzaffarabad station of Pakistan Radio continued to function as if it had a special license to denigrate India and that this violated the understanding reached during the Emissary-level talks at Murree, namely, that the agreement on cessation of hostile propaganda would also cover broadcasts over the so-called Azad Kashmir Radio.

The Government of India are surprised at this contention. It would be recalled that in Foreign Secretary’s letter dated 8th March to Pakistan’s Foreign Secretary, attention had been drawn to the fact that the Muzaffarabad station of Pakistan Radio continued to function as if it had a special license to denigrate India and that this violated the understanding reached during the Emissary-level talks at Murree, namely, that the agreement on cessation of hostile propaganda would also cover broadcasts over the so-called Azad Kashmir Radio.

It is a matter of regret that instead of honouring this agreement, encouragement is actually being given by the Pakistan Government to the so-called Azad Kashmir Radio to put out vicious and objectionable items directed at India. Reference is invited to the statement made on April 19 by Pakistan’s Minister without Portfolio who, while commending the work done by the Travkhal station of the so-called Azad Kashmir Radio, had stated that it was “working for an extremely noble cause and keeps alive the spirit which the expansionist forces like Bharat are trying to crush”.

The Government India would strongly urge the Government of Pakistan to issue appropriate instructions to all stations of Radio Pakistan, including the so-called Azad Kashmir Radio, to respect the obligation undertaken in terms of para 2 of the Simla Agreement and to desist from indulging in hostile anti-Indian propaganda".

ENDS
2. The Ministry of External Affairs avails itself of this opportunity to renew to the Embassy of Switzerland the assurances of its highest consideration.

The Embassy of Switzerland, New Delhi

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0773. PAKISTAN’S CASE REGARDING POWS AT THE INTERNATIONAL COURT OF JUSTICE, THE HAGUE.

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A. Letter from J.G. Kharas, Agent of the Government of the Islamic Republic of Pakistan

To : The Registrar, International Court of Justice, The Hague.

Subject: Institution of proceedings

Sir,

In accordance with Article 40, paragraph 1, of the Statute and Article 35, paragraph 2, of the Rules of Court, as amended on May 10, 1972 I have the honour to address to you this written Application of the Government of Pakistan against the Government of India.

2. The subject of the dispute relates to charges of genocide against 195 of the over 92,000 Pakistani prisoners of war and civilian internees being held in India. The central issue is whether or not Pakistan has an exclusive claim to exercise jurisdiction in respect of such persons by virtue of Article VI of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly on the 9th of December, 1948, to which both India and Pakistan are parties.

3. The succinct statement of the facts and grounds on which the claim of the Government of Pakistan is based is as follows:-

(a) On the 21st November, 1971, taking advantage of the internal situation in East Pakistan, and acting in breach of her obligations under the United Nations Charter, the Government of India launched direct armed attacks against Pakistan’s Eastern Province. These armed attacks continued to mount until Pakistan was forced to take measures in self defence. The fighting spread to West Pakistan and resulted in a state of war
between India and Pakistan on the 3rd December, 1971. India notified the existence of a state of war to Pakistan through the Government of Switzerland the 4th of December, 1971.

(b) On December 11, 1971, the Chief of Staff of the Indian Armed Forces, General S.H.F.J. Manekshaw, called upon the Pakistan Forces in East Pakistan to surrender to the Indian army. In a radio broadcast he gave his “solemn assurance” that the personnel who surrendered would be treated with the dignity and respect all soldiers are entitled to, and that India would abide by the provisions of the Geneva Conventions. Consequent upon this call by General Manekshaw and wishing to avoid any further blood-shed and destruction, the vastly outnumbered Pakistani forces under the Eastern Command surrendered to the Indian army on December 16, 1971.

(c) The External Affairs Minister of the Government of India confirmed this assurance of General Manekshaw in the United Nations Security Council on December 12, 1971 in these words:-

“India stands committed to dealing with the enemy forces according to Geneva Conventions”.

He also recalled that India’s Chief of Army Staff had assured West Pakistani troops in East Pakistan of their safe evacuation to West Pakistan, if they surrendered.

(d) Consequent upon this call, on the 16th of December, 1971 the Eastern Command of the Pakistan army surrendered, and a large number of armed personnel became prisoners of war of India which was the sole belligerent power in the international conflict with Pakistan. Consistent with Article 12 of the Third Geneva Convention of August 12 1949, relative to the Treatment of Prisoners of War, the prisoners passed into the hands of the belligerent power, India. The responsibility for the treatment of prisoners of war, thus, in accordance with the above mentioned Article, rested exclusively with the ‘Enemy Power’ India and not with the individuals or military units that had captured them.

(e) The prisoners of war, including civilians paid out of the resources of the armed forces, according to information received through the International Committee of the Red Cross, number 81, 888. In addition, India continues to detain over 10,000 civilians, among them 6,500 women and children.

(f) On the 16th December, 1971, India made a cease-fire call which was accepted by Pakistan and hostilities ceased at 14.30 hours GMT on the 17th of December, 1971. The Security Council of the United Nations
took cognizance of the matter on the 21st of December, 1971. Mr. Swaran Singh, the Indian Foreign Minister, stated before the Council:-

“With the independence of “Banglsa Desh” and the surrender to Pakistan troops there, their earliest possible repatriation from the Eastern theatre has to be arranged. They are under our protection and we have undertaken to treat them in accordance with the Geneva Conventions”.

The Security Council adopted Resolution No. 307, in respect of the conflict on the 21st of December, 1971, in which it noted the cessation of hostilities and called upon India and Pakistan to withdraw from territories occupied by them. The Security Council also called for the observance of the Geneva Conventions.

In January, 1972 the over 92,000 Pakistani prisoners of war and civilian internees, who were under Indian custody, were transferred to Prisoner of War Camps in India. India, as the sole Enemy Power, had the right to detain the Pakistani prisoners of war until such time as hostilities ceased. However, in spite of the cessation of hostilities, which the Security Council acknowledged on 21 December, 1971, India continues to hold the Pakistani prisoners of war in contravention of the Geneva Convention. Pakistani civilians, who voluntarily placed themselves under Indian protection on the basis of the assurance of earliest possible repatriation to West Pakistan, were wrongfully interned and continue to be illegally and improperly detained.

4. Meanwhile, during the occupation, with Indian encouragement and help, the leaders of East Pakistan set up that territory as the “independent State of Bangla Desh” and declared their intention of holding trials for genocide and “crimes against humanity” of a number of Pakistani prisoners of war now in Indian custody. The Government of Pakistan cannot agree the trial of its prisoners of war by “Bangla Desh” since Pakistan has exclusive jurisdiction over its nationals in respect of any acts of genocide allegedly committed in Pakistani territory. Moreover; the concept of crimes against humanity is not even remotely applicable.

5. The “Bangla Desh” authorities have nevertheless continued to make declarations of their intention to proceed with such trials, principally in relation to alleged acts of genocide. This is apparent from Presidential Order No. 8 of 1972, issued by the President of “Bangla Desh” and entitled the “Bangla Desh Collaborators (Special Tribunals) Order, 1972. In the Preamble of the Order it is stated as follows:-
“Whereas certain persons, individuals or as members of Organizations, directly or indirectly have been collaborators of the Pakistan armed force, which had illegally occupied “Bangla Desh” by brute force and have aided and abetted the Pakistan armed forces in occupation in committing genocide and crimes against humanity....”

The intention, therefore, to try the personnel of the Pakistan army for the alleged acts of genocide is clear. This intention is also borne out by the numerous statements made by leaders of “Bangla Desh”, some of which are noted here:-

(i) On February 22, 1972, a Government spokesman of “Bangla Desh” stated that Pakistani officials would be tried for acts of genocide. Sheikh Mujibur Rehman also reiterated his intentions in this regard.

(ii) On June 8, 1972 “Bangla Desh” Prime Minister, Sheikh Mujibur Reham, reiterated that the trial of some Pakistani prisoners of war on charges of genocide would be held in “Banglad Desh”.

(iii) On June 14, 1972 a “Bangla Desh” Foreign Ministry official stated that India had agreed to hand over some Pakistani prisoners of war to “Bangla Desh” for interrogation and trial on charges of genocide.

(iv) On April 26, 1972 the “Bangla Desh” Prime Minister stated that he could not understand how people who had committed genocide could escape the consequences and that they must be punished.

(v) On January 17, 1973 India told the United Nations that persons who had committed grave crimes such as genocide and crimes against humanity were, in its view, not entitled to any immunity under the Geneva Conventions and that the Joint Command of “Bangla Desh” and Indian forces had the right to demand their evacuation on behalf of the Government of “Bangla Desh” so that they could be taken into custody pending appropriate legal action under the law of the land and international law.

(vi) On March 17, 1972, the Deputy Minister for External Affairs of India told the Rajya Sabha that India had informed “Bangla Desh” that in case it wanted to try any Prisoners for committing genocide and other war crimes, the Indian Government would give all assistance.

(vii) On April 17, 1973 the Dacca Radio announced that 195 Pakistani prisoners of war would be tried in “Bangla Desh” for committing genocide and crimes against humanity. This was confirmed by the Foreign Minister of “Bangla Desh” Dr. Kamal Hossain.
6. Under Article 118 of the Third Geneva Convention and Article 134 of the Fourth Geneva Convention, India is under obligation to repatriate prisoners of war and civilian internees immediately upon the cessation of hostilities. In so far as the Prisoners of war captured on the Western Front are concerned, India and Pakistan have implemented Article 118 of the Third Geneva Convention. Thus on December 1, 1972, Pakistan unilaterally returned 617 Indian prisoners of war so as to initiate the process of repatriation under the Convention, without having any assurance from India that it would also start a similar process. India, however, did respond by repatriating only 550 Pakistani prisoners of war. But the process of implementation of these obligations was never completed and India refused to take further steps in implementation of its obligations under the above noted provisions of the Geneva Conventions. Instead, Indian leaders have made it clear that trials will take place in “Bangla Desh” and one hundred and ninety five prisoners captured on the Eastern Front shall be transferred to “Bangla Desh” by India for the purpose of trials principally for acts of genocide.

7. In a Joint Statement on April 17, 1973 India and “Bangla Desh” have decided as follows:-

“Without prejudice to the respective positions of the Government of India and the Government of the People’s Republic of Bangla Desh, the two Governments are ready to seek a solution to all humanitarian problems though simultaneous repatriation of the Pakistani prisoners of war and civilian internees, except those required by the Government of the People’s Republic of Bangladesh for trial on criminal charges, the repatriation of Bengalis forcibly detained in Pakistan and the repatriation of Pakistanis in Bangladesh, i.e. all non-Bengalis who owe allegiance and have opted for repatriation to Pakistan”. India as the Detaining Power has, therefore, sought to place conditions on the repatriation of Pakistani prisoners of war after the cessation of active hostilities and has acted in breach of its international obligations under Article 118 of the Third, and Articles 133 and 134 of the Fourth Geneva Conventions. India is also in breach of the aforementioned Conventions since it has not complied with the provisions regarding humane treatment under the said Convention. It is to be noted in this context that 129 Pakistani prisoners of war have been shot by Indian Guards of whom 45 succumbed to their injuries. In addition, 120 soldiers and civilians have, according to reports received through the International Committee of the Red Cross, died of illness. Over-crowding, unhygienic conditions, malnutrition and inadequate medical facilities which characterize the captivity of Pakistani soldiers and especially of the civilians are no doubt the cause for this loss of life.
8. The Government of India has further held out threats reiterated in the statement of April 17, 1973, that those of the Pakistani prisoners of war and civilian internees who are required by the Government of Bangladesh for trial would be transferred from India to Bangladesh. According to Indian Press reports, the number of such persons is 195.

9. Pakistan does not accept that Indian has a right to transfer its prisoners of war for trial to “Bangla Desh” and claims that by virtue of Article VI of the Genocide Convention, persons charged with genocide shall be tried by a Competent Tribunal of the State in the territory of which the act was committed. This means that Pakistan has exclusive jurisdiction to the custody of persons accused of the crimes of genocide, since at the time the acts are alleged to have been committed, the territory of East Pakistan was universally recognized as part of Pakistan. Further the Genocide Convention does not warrant the holding of over 92,000 persons in custody in breach of their right under international law to be repatriated, merely because of allegation against a few regarding acts of genocide.

10. Without prejudice to what has been stated above it is not possible to have a ‘Competent Tribunal’ within the meaning of Article VI of the Genocide Convention in “Bangla Desh”, in view of the extreme emotionally charged situation that prevails there. This was demonstrated in the recent trials of the “Collaborators” when Sir Dingle Foot, the Chief Counsel for Dr. A.M. Malik, the former Governor of East Pakistan, and others, was not allowed to enter Dacca on November 13, 1972, and the former Governor and other eminent persons were convicted and sentenced to brutal punishments after summary proceedings for so-called complicity with the Pakistani forces in the alleged acts of genocide. Moreover, the requirements of a ‘Competent Tribunal’ are that it must apply international law, have impartial judges and allow the accused to be defended by counsel of their choice. Further, no retrospective application of a law is permissible.

11. Since the above facts disclose a question of interpretation and application of the Genocide Convention, the jurisdiction of the International Court of Justice is invoked under Article IX of the Genocide Convention, in accordance with which disputes between contracting parties relating to the interpretation, application or fulfillment of the Convention, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute. Thus the court has jurisdiction under Article 36 (1) of its Statute.

12. May it please the Court:

To adjudge and declare, whether the Government of India appears or not, and after such time-limits as the court may fix in the absence of an agreement between the parties:-
(1) That Pakistan has an exclusive right to exercise jurisdiction over the one hundred and ninety-five Pakistani nationals or any other number, now in Indian custody, and accused of committing acts of genocide in Pakistani territory, by virtue of the application of the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December, 1948 and that no other Government or authority is competent to exercise such jurisdiction.

(2) That the allegations against the aforesaid prisoners of war are related to acts of genocide, and the concept of crimes against humanity or 'war crimes' is not applicable.

(3) That there can be no ground whatever in international law, justifying the transfer of custody of these one hundred and ninety-five or any other number of prisoners of war to “Bangla Desh” for trial in the face of Pakistan’s exclusive right to exercise jurisdiction over its nationals accused of committing offences in Pakistan territory, and that India would act illegally in transferring such persons to “Bangla Desh” for trials.

(4) That a ‘Competent Tribunal’ within the meaning of Article VI of the Genocide Convention means, a Tribunal of impartial judges, applying international law, and permitting the accused to be defended by counsel of their choice. The Tribunal cannot base itself on ex-post facto laws nor violate any provisions of the Declaration of Human Rights. In view of these and other requirements of a ‘Competent Tribunal’, even if India could legally transfer Pakistani Prisoners of War to “Bangla Desh” for trial, which is not admitted, it would be divested of that freedom since in the atmosphere of hatred that prevails in “Bangla Desh”, such a ‘Competent Tribunal’ cannot be created in practice nor can it be expected to perform in accordance with accepted international standards of Justice.

J.G. Kharas,

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B. Letter of the Government of India to the Registrar, International Court of Justice regarding Pakistan’s Application on the Question of POWs.


Sir,

Upon instructions received from the Government of India, I have the honour, to communicate to you, as follows:

2. The Government of India have received your telegrams of May 11, 13 and 14, 1973 respectively. They have also received on May 16, 1973, your Airmail letter No. 54249 of May 11, 1973, along with its enclosures, which includes a certified copy each of application filed by Pakistan instituting proceedings against India entitled “Trial of Pakistani POWs Jurisdiction under the Genocide Convention (Pakistan versus India)” and of the request for the Indication of interim measure of protection.

3. The Government of India have pre-used the application and the request. Pakistan has attempted to seize the Court by invoking Article 9 of the Genocide Convention in accordance with which, it is stated in the application, “dispute between contracting parties relating to the interpretation of application or fulfillment of the Convention shall be submitted to the International Court of Justice at the request of any of the parties to the dispute”. It is further stated in the application that “the Court has jurisdiction under Article 36 (1) of its statute”.

4. The Court would no doubt, be aware that while filling its instrument of ratification on 27th August, 1959 to the Convention on the Prevention and Punishment of Crimes of Genocide 1948, the Government of India entered a reservation on Article 9 of Convention which reads as follows:-

“With reference to Article 9 of the Convention the Government of India declare that for the submission of any dispute in terms of this Article to the Jurisdiction of the International Court of Justice, the consent of all the parties to the dispute is required in each case”.

(Please see multilateral treaties “in respect of which the Secretary General performed depositary functions that list of signatures, ratifications, accession, etc. as at 31st December, 1971 (ST/LEG/SERD/5, Pages 66, 68).

5. The Government of India accordingly presume that the application and the request were communicated to them for their consideration whether consent should be given by them in terms of Article 9 of the Genocide Convention. The
Government of India regrets that they cannot give consent in terms of afore mentioned reservation to Article 9 of the Genocide Convention to Pakistan for raising the alleged subject matter before the International Court of Justice under that Article.

6. Without such consent the Court cannot be in proper seisin of the case and cannot proceed with it.

7. It may be further stated that there is no legal basis whatsoever for the jurisdiction of the Court. Accordingly with the highest respect for the President of the Hon'ble Court, it is submitted that Pakistan's application and request are without legal effect.

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May 28, 1973

On 23 May 1973, the Ambassador of India at the Hague, upon instructions received from the Government of India, addressed a communication to the Registrar of the International Court of Justice stating that Pakistan's Application and Request for interim measures, both filed on 11 May 1973 were without legal effect, since there was no legal basis whatsoever for the Court being seized of the matter without the consent of the Government of India. The Government of India regretted that they could not give consent in terms of their reservation to Article IX of the Genocide Convention to Pakistan for raising the alleged subject matter before the International Court of justice.

2. In this statement, the Government of India wish to elaborate and emphasize their views that there cannot be any valid seisin by the Court of the case, that the Court cannot proceed with it, and that the lack of Court's jurisdiction to deal with the merits of the case is manifestly absent at the threshold of the unilateral proceedings sought to be instituted by Pakistan.

Pakistan's Application and Request

3. Pakistan has under Article 40, paragraph 1 of the Statute and Article 35, paragraph 2 of the Rules of Court, as amended on 10 May 1972, sought to institute proceedings by bringing a case by a written application addressed to
the Registrar. “The subject of the dispute,” according to Pakistan’s Application, “relates to charges of genocide against 195 of the over 92,000 Pakistani prisoners-of-war and civilian internees being held in India. The central issue is whether or not Pakistan has an exclusive claim to exercise jurisdiction in respect of such Person by virtue of Article VI of the Convention on the Prevention and Punishment of the Crimes of Genocide adopted by the General Assembly on the 9th December 1948, to which both India and Pakistan are parties”.

4. The party making the application is Pakistan; the party against whom the claim is brought is India.

5. The precise nature of the claim is set out in the submissions which request the Court to adjudge and declare as follows:-

(1) That Pakistan has an exclusive right to exercise jurisdiction over the one hundred and ninety-five Pakistani nationals or any other number, now in Indian custody, and accused of committing acts of genocide in Pakistani territory, by virtue of the application of the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, and that no other Government or authority is competent to exercise such jurisdiction.

(2) That the allegations against the aforesaid Prisoners of War are related to acts of genocide, and the concept of ‘crimes against humanity’ or ‘war crimes’ is not applicable.

(3) That there can be no ground whatever in International Law, justifying the transfer of custody of these one hundred and ninety-five or any other number of prisoners of war ‘Bangladesh’ for trial in the face of Pakistan’s exclusive right to exercise jurisdiction over its nationals accused of committing offences in Pakistan territory, and that India would act illegally in transferring such persons to ‘Bangladesh’ for trials.

(4) That a ‘Competent Tribunal’ within the meaning of Article VI of the Genocide Convention means, a Tribunal of impartial judges, applying international law, and permitting the accused to be defended by counsel of their choice. The Tribunal cannot base itself on ex-post facto laws nor violate any provisions of the Declaration of Human Rights. In view of these and other requirements of a “Competent Tribunal”, even if India could legally transfer Pakistani Prisoners of war to “Bangladesh” for trial, which is not admitted, it would be divested of that freedom since in the atmosphere of hatred that prevails in “Bangladesh”, such a ‘Competent Tribunal’ cannot be created in practice nor can it be expected to perform in accordance with accepted international standards of justice.
6. In conformity with Article 35, paragraph 2, of the Rules of Court, Pakistan in paragraph 11 of the Application has sought to invoke the jurisdiction of the International Court of Justice under Article IX of the Genocide Convention, in accordance with which, it is stated in the Application, “disputes between the contracting parties relating to the interpretation, application or fulfillment of the Convention, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.” And it is categorically stated in paragraph 11 of the Application: “Thus the Court has jurisdiction under Article 36 (1) of its Statue.”

7. In the Request for interim measures of protection, made under Article 41 of the Statute, read with Article 66 of the Rules of Court, after stating the submissions made in the Application, Pakistan has prayed for the Court to indicate the following interim measures of Protection:-

(1) That the process of repatriation of prisoners of war and civilian internees in accordance with international law, which has already begun, should not be interrupted by virtue of charges of genocide against a certain number of individuals detained in India.

(2) That such individuals, as are in the custody of India and are charged with alleged acts of genocide, should not be transferred to “Bangladesh” for trial till such time as Pakistan’s claim to exclusive jurisdiction and the lack of jurisdiction of any other Government or authority in this respect has been adjudged by the Court.”

8. Pakistan’s Application and the accompanying Request have thus been unilaterally made by them by invoking Article IX of the Genocide Convention 1948.

Preliminary Observations

9. The Government of India would like to submit the following preliminary observations regarding the Genocide Convention:-

India regards the Genocide Convention as among the most important humanitarian Conventions adopted by the United Nations. The Convention confirms that genocide whether committed in time of peace or in time of war is a crime under international law, which the Contracting Parties undertake to prevent and to punish. It provides for protection against destruction, in whole or in part, of national, ethnical, or religious groups, and for the punishment of persons committing genocide, whether they are constitutionally responsible rulers, public officials or private individuals.

The object and purpose of the Convention is thus the prevention and punishment
of the crime of genocide and the promotion of international cooperation “in liberating mankind from such an odious scourge.”

India has contributed to the progressive development of international humanitarian law in this field, since the initiative taken by them in this matter in 1946. It had throughout supported the universal application of this Convention and has always denounced its breaches wherever they have taken place.

In the normal course, any controversy, difference or dispute relating to the interpretation, application or fulfillment of the Genocide Convention, including those relating to the responsibility of a State for genocide, should be invoked by a victim of genocide to enforce the object and purpose of the Convention. The applicant should be a sufferer, the respondent must explain and defend his action which constitutes a breach of the object and purpose of the Convention.

Lest the Convention be invoked for political purposes in utter disregard of the object and purpose of the Convention, the Government of India, both while the Convention was being adopted and at the time of the filing the Instrument of Ratification, opposed the compulsory reference of disputes as embodied in Article IX of the Convention. To this, we will revert a little later.

The present case vindicates our stand and proves our fears. India is sought to be made a defendant or a respondent in an application to enforce the Genocide Convention. The acts on which the charges of genocide, among others, may be based, the exclusive right to try which is in question, were not committed by any Indian responsible ruler, public official or private individuals. Nor were the acts committed on Indian Territory. Nor is India harbouring or shielding any alleged offenders against their being tried for the offences of genocide. Nor is India itself holding any trials. It is well-known throughout the world that the alleged acts of genocide and other crimes were committed by persons, to shield and protect whom, among others, Pakistan has filed this Application and the request for interim measures. The territory where these acts were committed, the State whose nationals were victims of genocide and who wish to bring the offenders to justice, are neither the applicant in the present case nor even the defendant or respondent.

And Pakistan submits (please see their fourth submission) that the Court should adjudge and declare that Bangladesh, in the atmosphere of hatred that prevails there, will not be able to establish in practice a competent tribunal within the meaning of Article VI of the Genocide Convention, nor will such tribunal be expected to perform in accordance with the accepted international standards of justice.
Thus the Court has been approached by Pakistan to adjudge and declare upon the rights, obligations and competences of a third state, viz. Bangladesh, which is a party in interest, even in the absence of its consent to the Court’s jurisdiction.

Attention is invited in this connection to what the Court stated in respect of Albania in the Monetary Gold Case:-

“Albania has not submitted a request to the Court to be permitted to intervene. In the present case, Albania’s legal interests would not only be affected by a decision, but would form the very subject matter of the decision. In such a case, the Statute cannot be regarded, by the implication, as authorizing proceedings to be continued in the absence of Albania”.

(ICJ Reports 1954, page 32)

India’s Reservation to Article IX and the law

10. We may turn now to India’s reservation to Article IX of the Genocide Convention.

11. The Genocide Convention adopted on 9 December 1948 was subject to ratification (Article IX). While expressing its consent to be bound by this Convention, the Government of India in its Instrument of Ratification filed with the Secretary General of the United Nations as depositary of the Convention on 27 August 1959 entered the following declaration:-

“With reference to Article IX of the Convention the Government of India declare that, for the submission of any dispute in terms of this article to the jurisdiction of the International Court of Justice, the consent of all the parties to the dispute is required in each case’.

12. The Government of India confirmed and ratified the Convention subject to the above declaration. A certified copy of the Instrument of Ratification containing the above declaration is annexed hereto. This instrument was deposited with the Secretary General on 27 August 1959. (Please see Multilateral Treaties in respect of which the Secretary General performed depositary functions —list of signatures, ratification, accession, etc, as at 31st December 1971 (ST/LEG/D/5. Pages 66.68).

13. This declaration on reservation thus excluded the legal effect of Article IX of the Genocide Convention in its application to India.

14. Pakistan has never raised any objection to this reservation for the past fourteen years since 1959.

15. Reference may now be made to the effect of making a reservation to a Convention vis-à-vis country which makes no objection.
16. In so far as the Genocide Convention is concerned, it will be recalled that until October 1950, 19 states had deposited instruments of ratification or accession, one of the ratifications (Philippines) and one of the accessions (Bulgaria) being subject to reservation. The Genocide Convention was to enter into force on the 90th day following the date of deposit of the twentieth instrument of ratification or accession (Article XIII). In determining when 20 instruments adequate to bring the Convention into force had been deposited, the Secretary General of the United Nations, as depositary, was faced with questions concerning the acceptability of instruments containing reservations. Although the question was resolved when on October 14, 1950, five states deposited instruments of accession without reservations; the subject of reservations to multilateral conventions was included in the Agenda of the fifth Session of the General Assembly at the initiative of the Secretary General. The General Assembly by resolution 478 (v) dated 16th November 1950 requested the International Court of Justice to give its advisory opinion on the relevant question.

16. The questions asked for the Court’s advisory opinion and the answers given relevant to Pakistan’s Application, are as follows:-

- **Question I.** Can the reserving State be regarded as a party to the Convention while still maintaining its reservations if the reservation is objected to by one or more of the parties to the Convention but not by others?

- **Question II.** If the answer to Question I is in the affirmative, what is the effect of the reservation as between the reserving state and:
  a) The parties which object to the reservation?
  b) Those which accept it?

17. The Court’s opinion was as follows:

“In so far as concerns the Convention on the Prevention and Punishment of the Crime of Genocide, in the event of a State ratifying or acceding to the Convention subject to a reservation made either on ratification or on signature followed by ratification.

**On Question I:**

By seven votes to five.

That a State which has made and maintained a reservation which has been objected to by one or more of the parties to the Convention but not by others, can be regarded as being a party to the Convention if the reservation is
compatible with the object and purpose of the Convention, otherwise, that State cannot be regarded as being a party to the Convention.

On Question II:

By seven votes to five,

(a) that if a party to the Convention objects to a reservation which it considers to be incompatible with the object and purpose of the Convention, it can in fact consider that the reserving State is not a party to the Convention;

(b) that if, on the other hand, a party accepts the reservation as being compatible with the object and purpose of the Convention, it can in fact consider that the reserving State is a party to the Convention”.

(ICJ reports 1951, p.29)

18. The Advisory Opinion supported the concept of flexibility in the operation of multilateral conventions in the following words:

“Mere general resort to reservations, very great is nevertheless to be regarded as a party to the convention in relation to those contracting parties that have accepted the reservations – all these factors are manifestations of a new need for flexibility in the operation of multilateral conventions”.

(Ibid. pages 721, 22)

19. The Court also referred to the fact that, although finally approved unanimously, the Genocide Convention was the result of a series of majority votes, which make it necessary for certain states to make reservations. It then concluded that:

“In this state of international practice, it could certainly not be inferred from the absence of an article providing for reservations in a multilateral convention that the contracting states are prohibited from making certain reservations”.

(Ibid, page 22)

20. Thus, while becoming a party to the Genocide Convention a state can enter a reservation. It shall continue to be a party to the Convention even if this is objected to by some parties, but not by others, if the reservation is compatible with the object and purpose of the Convention. If the reservation is not compatible, that State cannot be regarded as being a party to the Convention.

21. The question of compatibility was left to be determined by each State which while deciding whether to make a reservations, object to a reservation, or accept a reservation. The Opinion stated as follows:
“The object and purpose of the Convention thus limit both the freedom of making reservations and that of objecting to them. It follow that it is the compatibility of a reservation with the object and purpose of the Convention that must furnish the criterion for the attitude of a State in making the reservation on accession as well as for the appraisal by a State in objecting to the reservation. Such is the rule of conduct which must guide every State in the appraisal which it must make, individually and from its own standpoint, of the admissibility of any reservation”. (Ibid., page 24)

22. Thus, if a reservation is incompatible, the reserving State is not a party to the Convention. If another State objects to the reservation as incompatible, the Convention does not enter into force as between the reserving State and the objecting State. On the other hand, the Convention continues to be in force as between the reserving State and the accepting State, subject to the reservation. If a country has not objected to a reservation within a reasonable or specified time, it shall be considered to have accepted it.

23. On January 12, 1952, the General Assembly adopted Resolution 598 (VI) and, after noting the Advisory Opinion provided, inter alia, as follows:-

“2. Recommends to all States that they be guided in regard to the Convention on the Prevention and Punishment of the Crime of Genocide by the advisory opinion of the International Court of Justice of 28 May 1951.

3. Requests the Secretary-General:
(a) in relation to reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, to conform his practice to the Advisory opinion of the Court of 28 May 1951;
(b) In respect of future conventions concluded under the auspices of the United Nations of which he is the depositary;
(i) To continue to act as depositary in connection with the deposit of documents containing reservations or objections, without passing upon the legal effect of such documents; and
(ii) To communicate the text of such documents relating to reservations or objections to all States concerned, leaving it to each State to draw legal consequences from such communications.

24. The Advisory Opinion having been commended by the General Assembly to all States and to the Secretary General for conforming his practice as depositary of the Genocide Convention as well as in relation to future
Conventions, may be treated as international law on the point of reservations to the Genocide Convention, at the time India entered its reservation to Article IX in 1959.

**Vienna Convention on the law of Treaties**

25. The law embodied in the Advisory Opinion and commended by the General Assembly was eventually accepted by the International Law Commission and on their recommendation by the Vienna Conference of the Law of Treaties. Thus, under Article 19 of the Vienna Convention on the Law of Treaties, 1969, it is provided as follows:

“A State may when signing, ratifying, accepting, approving or acceding to a treaty, formulate a reservation unless:

(a) the reservation is prohibited by the treaty;

(b) the treaty provides that only specified reservations, which do not include the reservation in question, may be made; or

(c) in cases not falling under sub-paragraphs (a) and (b), the reservation is incompatible with the object and purpose of the treaty.

26. The mode of acceptance and objection to reservations to the extent it is relevant to Pakistan’s Application is indicated in Article 20, paragraphs 4 and 5 which read as follows:-

“4. In cases not falling under the preceding paragraphs and unless the treaty otherwise provides:

(a) acceptance by another contracting State of a reservation constitutes the reserving State a party to the treaty in relation to that other State if or when the treaty is in force for those States;

(b) an objection by another contracting State to a reservation does not preclude the entry into force of the treaty as between the objecting and reserving State unless a contrary intention is definitely expressed by the objecting State;

(c) an act expressing a State’s consent to be bound by the treaty and containing a reservation is effective as soon as at least one other contacting State has accepted the reservation.

5. For the purposes of paragraph 2 and 4 and unless the treaty otherwise provides, a reservation is considered to have been accepted by a State if it shall have raised no objection to the reservation by the end of a period of twelve months after it was notified of the reservation or by the
date on which it expressed its consent to be bound by the treaty, whichever is later.”

27. The procedure regarding reservations is set out in Article 23, which reads as follows:

“1. A reservation, an express acceptance of a reservation and an objection to a reservation must be formulated in writing and communicated to the contracting States and other States entitled to become parties to the treaty.

2. If formulated when signing the treaty subject to ratification, acceptance or approval, a reservation must be formally confirmed by the reserving State when expressing its consent to be bound by the treaty. In such a case the reservation shall be considered as having been made on the date of its confirmation.

3. An express acceptance of, or an objection to, a reservation made previously to confirmation of the reservation does not itself require confirmation.

4. The withdrawal of a reservation or of an objection to a reservation must be formulated in writing.

28. In Article 21 it is further provided that a reservation established in accordance with Articles 19, 20 and 23:

“(a) modifies for the reserving State in its relations with that other party the provisions of the Treaty to which the reservation relates to the extent of the reservation; and

(b) modified those provisions to the same extent for that other party in its relations with the reserving State”.

Paragraph 3 is also significant and provides as follows:

“3. When a State objecting to a reservation has not opposed the entry into force of the treaty between itself and the reserving State, the provisions to which the reservation relates do not apply as between the two States to the extent of the reservation”.

29. These articles are declaratory of international law relating to reservations to multilateral conventions.

**Legal Effect and consequences of India’s Reservation to Article IX**

30. Bearing in mind the Advisory Opinion of the International Court of Justice
on the question of reservations to the Genocide Convention, its commendation by the General Assembly to all States, and the law embodied in the Vienna Convention on the Law of Treaties, the legal effect and consequences of India’s reservation to Article IX of the Genocide Convention in relation to the proceedings unilaterally sought to be instituted by Pakistan may now be summed up as follows:

1) While becoming a party to the Genocide Convention, India could enter a reservation, despite the silence of the Convention on the question of reservations. Thus it is manifest that India’s reservation to Article IX is legally effective. (See paras. 17 to 20 and 25 above).

2) While making the reservation to Article IX, India had satisfied itself that the reservation was admissible and was compatible with the object and purpose of the Convention. (See para. 21 above).

3) The reservation made by India, which is more or less similar to reservations made by some 15 other States (Albania, Algeria, Argentina, Bulgaria, Byelouruissin SSR, Czechoslovakia, Hungary, Mongolia, Morocco, Poland, Romania, Spain, Ukranian SSR, USSR and Venezuela) in relation to the same Article IX, was deposited with the depositary and was notified by him to all parties to the Convention. Pakistan has made no objection to India’s reservation during the past 14 years since 1959.

(Please see Multilateral Treaties. OP. cit. pp.66-70)

Thus, on the face of it, Pakistan has accepted India’s reservation as valid and compatible. (See para 26 above).

4) As Pakistan is an accepting State, the application of Article IX of the Genocide Convention to India stipulates the requirement of the consent of India before any proceedings can be instituted by Pakistan in the International Court of Justice.

5) If Pakistan institutes proceedings in the Court unilaterally, without obtaining India’s prior consent thereto, as it has attempted to do in the present case, the Court cannot be properly seized of the matter and cannot proceed with the case, unless the Government of India consents thereto.

The Government of India has in their communication of 23 May 1973 regretted that they cannot give their consent to these attempted proceedings.

6) By suppressing the material fact about India’s reservation in their
unilateral Application, Pakistan has attempted to mislead the Court to become improperly seized of the matter.

7) Assuming, without, admitting, that India’s reservation was not valid, the result will be that India will not be deemed to be a party to the Convention either in relation to all other States or in any case in relation to Pakistan. The Court cannot proceed with the case if the other State is not a party to the Convention.

8) In any view of the matter, therefore, the unilateral Application by Pakistan, in the face of the absence of consent by India, cannot make the court seized of the alleged subject matter thereof.

Attention is invited to the following excerpts from some eminent commentators on this point:-

Manley O. Hudson in his book The Permanent Court of International Justice. 1920-1942

(1943 edition) on page 419 states as follows: “Under Article 32 of the 1936 Rules an application must” as far as possible, specify the provision on which the applicant founds the jurisdiction of the Court”. If this requirement should not be met, it would seem that the Court should at once raise the question of its jurisdiction, even if the requirement be met, it ought to be possible for the Court acting \textit{proprionmotu} to examine the sufficiency of the basis of jurisdiction set out before the application is transmitted to the intended respondent. However, Article 33 of the 1936 Rules requires the Registrar to “transmit forthwith to the party against whom the claim is brought, a copy of the application”, the fact that the State against which the application is brought might be willing to accept the Court’s jurisdiction may be a justification of this provision. The Registrar’s Transmission of a copy of the application to the intended respondent does not necessarily commit the Court, but in a doubtful case the transmission ought to be delayed until the Court has had opportunity to instruct the Registrar. The intend respondent may proceed to defend on the merits in which case it may be held to have consented to the jurisdiction, or it may file a preliminary objection and thus require the Court to consider the question of jurisdiction, or it may do nothing, in which case it risks a decision in favour of the applicant under Article 53 of the Statute provided that the Court can satisfy itself that it has jurisdiction under Articles 36 and 37 of the Statute and that the claim is well founded in fact and law. When the application by Liechtenstein in the Gerliczy Case was filed in 1939, it was forthwith transmitted to Hungary though the application disclosed the possibility of a question as to the Court’s jurisdiction.”
Ibrahim F.I. Shihata in his book The Power of the International Court to Determine its own Jurisdiction, 1965, on page 56 states as follows:—

“Second, if the application submitted to the Court does not rely on any jurisdictional title, that is, if it is obvious that the Court lacks all jurisdiction it cannot reach the conclusion that it has jurisdiction as long as this is not clearly acquiesced to by the defendant. In such a case the Court will not have even the incidental power to determine its jurisdiction. It will merely make an “administrative” order to remove the case from the list. Jurisdiction, even the most incidental jurisdiction, assumes, as will be shown, a proper seisin of the Court. If the Court is not properly seized, it has no jurisdictional powers.”

On pages 86, 87, Shihata states as follows:—

“As to the argument that sizing the court by means of an application is “only possible where compulsory jurisdiction exists”, the present Court found that this was “a mere assertion” not justified by either Article 40(1) of the Statute or Article 32(2) of the Rules.

This does not, however, mean that a unilateral application of this kind is in itself sufficient for seizing the Court. It all depends on the later development and in particular on the reaction of the other party. In this respect four hypotheses could be conceived:

(i) The other party may refuse the offer to submit to the Court’s jurisdiction. By such a refusal it prevents the seisin of the Court, and the latter will have to dismiss the application by an administrative order. This procedure was applied in eight cases before the present Court.

(ii) The other party may explicitly accept the offer implied in the unilateral application allowing, therefore, the proper seisin of the court, and perfecting its jurisdiction through the new agreement made post hoc. This was the Court’s conclusion as to the attitude of Albania in the Corfu Channel Case (1948).

(iii) The other party may directly submit its defence on the merits of the claim without raising at that stage any objection against jurisdiction. This will more likely be taken as an implicit acceptance of the Court’s Jurisdiction and will thus lead to the same result reached in hypothesis (ii) The Permanent Court’s attitude in the Minority schools case (1928) supports this conclusion.

(iv) The other party may give no answer. This is merely a theoretical hypothesis with no precedent in the practice of the International Court. No consent could of course be derived from the mere failure to comment
on receiving a copy of an application not based on any pre-established title of jurisdiction. Because such an application is not in itself capable of seizing the Court and, therefore, of allowing the application of Article 53 of the Statute which assumes a valid seisin, this hypothesis should be dealt with as hypothesis (i) and the case should normally be dismissed by an order”.

**Shabtai Rozenne** in his book *The Law and Practice of the International Court* Volume II (1965 edition), on page 540 states as follows:

“The procedures of settlement and discontinuance envisaged in Articles 68 and 69 of the Rules are only available where the seisin is prime facie effective, at least to the extent of requiring the case to proceed to the stage of preliminary objection. In the instances of unilateral arraignment under the doctrine of forum prorogatum, this condition does not exist, and neither of the Articles is available (in the absence of some positive act on the part of the applicant) to initiate the removal of the case form the list if the potential respondent does not accept the invitation contained in the application, to confer jurisdiction on the Court. In such circumstances the Court, in general exercise of its powers under Articles 36 and 48 of the Statute, has ordered the cases to be removed from the list. Here it is the action of the Court rather than the initiative of either of the parties, that provokes the removal from the list.”

9) Finally, the question of interim measures of protection does not arise in the face of the patent and manifest lack of jurisdiction, and more so where the Court is not properly seized of the matter.

In *Fisheries Jurisdiction Case*, the Court observed as follows:

“16. Whereas on a request for provisional measures the Court need not, before indicating them, finally satisfy itself that it has jurisdiction on the merits of the case, yet it ought not to act under article 41 of the Statute if the absence of jurisdiction on the merits is manifest.”

(ICJ Reports 1972 page 33)

31. In view of the above, when the absolute absence of jurisdiction is so patent and manifest at the threshold of the institution of proceedings, the question of summoning the parties for a hearing to determine its jurisdiction does not arise. The only proper action for the Court to take is after by itself examining the Application and the Request in the light of India's observations, to remove the Application from the list by an administrative order.

32. This view of the Government of India is consistent with the deep respect it has for the International Court of Justice which is hereby reiterated.
33. Finally, reference may be made to the communication dated 25 May 1973 addressed by the Ambassador of Pakistan at The Hague to the Registrar in response to the Government of India's letter of 23 May 1973. A response thereto can be made only after the Government of India is enabled to examine the communication within a reasonable time.


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D. Letter No. 54370 Dated 25th May, 1973 from the Registrar of the International Court of Justice addressed to the Embassy of India at The Hague.


Sir,

I have the honour to acknowledge receipt of Your Excellency's letter of 23rd May, 1973, reference No. HAG/103/4/73 received in the Registry yesterday, with regard to the proceedings instituted by Pakistan against India concerning the trial of Pakistani POWs.

2. I have today received a letter in this connection from the Agent of Pakistan, to whom I communicated a copy of your letter. I am transmitting a certified copy of it to Your Excellency's Government, and attach a further a copy for your Excellency's information.

* * * * * * * * * * * *


Subject: Trial of Pakistani POWs – Jurisdiction under the Genocide Convention: Pakistan's application instituting proceedings.

Sir,

I have the honour to acknowledge receipt of the certified copy of the letter dated 23rd May, 1973 from the Ambassador of India to the Netherlands, relating to Pakistan's application instituting proceedings in the afore-mentioned case, and to state that the Government of India have incorrectly presumed that their
consent to the jurisdiction of the Court is necessary, and should be given to by 
them in terms of Article IX of the Genocide Convention.

2. The Government of Pakistan notes that Article 40 of the Court’s statute 
does not make it obligatory to indicate the grounds on which the Court’s 
jurisdiction is based. However, Article 35, paragraph 2 of the Rules of Court 
states that the party instituting proceedings shall also “as far as possible, specify 
the provision on which the applicant founds the jurisdiction of the Court”.

3. Keeping in view the statute and rules of Court, the Government of Pakistan 
referred merely to the main provisions on which the jurisdiction of the Court 
could be founded, that is Article IX of the Genocide Convention. It is clear that 
the Court’s jurisdiction can be founded under this Article at the request of any 
of the parties to a dispute. The consent of the Government of India is, therefore, 
not necessary.

4. It is however, regrettable in the extreme that the Government of India 
seeks to exclude the jurisdiction of the Court in respect of a multilateral 
convention of such major humanitarian importance, when the International Court 
has been made the main guarantor, and supervisory body, regarding its 
interpretation application and fulfillment. The Government of India purports to 
rely on its declaration of August 27, 1959, which reads as follows:

“With reference to Article IX of the Convention the Government of India 
declare that, for the submission of any dispute in terms of this Article to 
the jurisdiction of the International Court of Justice, the consent of all 
the parties to the dispute is required in each case”.

The Government of Pakistan wish to place on record that the Indian declaration 
referred to above is inadmissible under the Genocide Convention and is of no 
legal effect whatsoever. The Government of Pakistan reserves its right to 
present detailed arguments in support of this proposition at the appropriate 
time, when the preliminary objection raised by India against the jurisdiction of 
the Court shall be heard in accordance with the statute and rules of Court. For 
this purpose, it is obligatory upon India, as a party to the statute to appoint an 
agent and make an appearance before the Court. It is a duty imposed upon 
India by the statute and rules of Court to follow the procedure prescribed for 
raising preliminary objection.

5. That such a “reservation” can be challenged as being without legal effect 
is clear from the international Court’s judgement in the advisory opinion 
concerning reservations to the Genocide Convention of 1951. Thus on page 
22 of its opinion the Court states: “the character of a multilateral convention, its 
purpose, mode of preparation and adoption are factors which must be 
considered in determining, in the absence of any express provision on the
subject, the possibility of making reservation, as well as their validity and effect”. Again on page 24 of its opinion the Court states as follows: “the object and purpose of convention thus limits both the freedom of making reservations and that of objecting to them. It has nevertheless been argued that any state entitled to become a party to the Genocide Convention may do so while making any reservations to choose by virtue of its sovereignty. The Court cannot share this view. It is obvious that so extreme an application of the idea of State Sovereignty could lead to a complete disregard of the object and purpose of the Convention”.

6. That such “reservations” can be questioned before the International Court, is clear from the Courts own views expressed on page 27 of the opinion which are as follows:

“It may be that the divergence of views between parties as to the admissibility of a reservation will be not in fact have any consequences. On the other hand, it may be that certain parties who considered that the assent given by other parties to a reservation is incompatible with the purpose of convention, will decide to adopt a position on the jurisdictional plane in respect of this divergence and to settle the dispute which thus arises either by special agreement or by the procedure laid down in Article IX of the Convention”.

Accordingly, Pakistan invokes Article IX of the Genocide Convention to challenging the admissibility of the Indian “reservation”, and asserts that it had no legal effect whatsoever.

7. In view of India’s regrettable opposition to the jurisdiction of the Court, Pakistan also relies on all other provisions establishing the Court’s jurisdiction. In particular Pakistan relies on the Indian declarations accepting as compulsory the jurisdiction of the International Court under Article 36 para 2 of its statute. The Government of Pakistan does not regard the reservation in respect of Commonwealth Members made by India to be applicable to Pakistan now that Pakistan has left the Commonwealth.

8. The Government of Pakistan also relies on Article 17 of the General Act for the pacific settlement of international disputes of September 26, 1928 (notwithstanding any reservations made by India under that Convention) as read with Article 36 (1) and Article 37 of the statute of the Court. Pakistan would also rely on article 41 of the general Act in accordance with which disputes relating to the interpretation or application of the General Act, including those concerning the classification of disputes and the scope of reservations, shall be submitted to the Permanent Court, and now by virtue of Article 37 of the Statute, to the International Court of Justice. Pakistan is a party to the General
Act under International law by virtue of succession to the multilateral conventions entered into by British India before partition.

9. In accordance with Article 35 Paragraph 2 of the rules of Court these grounds will be more fully developed by the Government of Pakistan in this memorial. The Government of Pakistan request the Court to indicate to the Government of India that the subject matter is still sub-judice and that their preliminary objections as to the Court's jurisdiction shall be heard in accordance with the statute and rules of Court.

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E. Order of the International Court of Justice in the Case concerning Trial of Pakistani Prisoners of War. (Pakistan Vs. India).


INTERNATIONAL COURT OF JUSTICE

13 JULY 1973

CASE CONCERNING TRIAL OF PAKISTANI PRISONERS OF WAR

(PAKISTAN V. INDIA)

REQUEST FOR THE INDICATION OF INTERIM MEASURES OF PROTECTION

ORDER

Present: President LACHS; Judges FORSTER, GROS, BENGZON, PETREN, ONYEAMA, IGNACIO-PINTO, MOROZOV, JIMENEZ DE ARECHAGA, SIR Humphrey WALDOCK, NAGENDRA SINGH, RUDA; Registrar AQUARONE.

The International Court of justice.

Composed as above,

After deliberation,

Having regard to Articles 41 and 48 of the Statute of the Court,

Having regard to Article 66 of the Rules of Court,

Having regard to the Application by Pakistan filed in the Registry of the Court on 11 May 1973, instituting proceedings against India in respect of a dispute
concerning charges of genocide against 195 Pakistani nationals, prisoners of war or civilian internees, in Indian custody.

Makes the following Order:

1. **Having** regard to the request dated 11 May 1973 and filed in the Registry the same day, whereby the Government of Pakistan, relying on Article 41 of the Statute and Article 66 of the Rules of Court, asks the Court to indicate, pending the final decision in the case brought before it by the Application of the same date, the following interim measures of protection:

   “(1) That the process of repatriation of prisoners of war and civilian internees in accordance with international law, which has already begun, should not be interrupted by virtue of charges of genocide against a certain number of individuals detained in India.

   (2) That such individuals, as are in the custody of India and are charged with alleged acts of genocide, should not be transferred to ‘Bangla Desh’ for trial till such time as Pakistan’s claim to exclusive jurisdiction and the lack of jurisdiction of any other Government or authority in this respect has been adjudged by the Court.”

2. **Whereas** the Government of India was notified by telegram the same day of the filing of the Application and request for indication of interim measures of protection, and of the precise measures requested, and copies of the Application and the request were at the same time transmitted to it by air mail.

3. **Whereas**, pursuant to Article 40, paragraph 3, of the Statute and Article 37, paragraph 2, of the Rules of Court, copies of the Application were transmitted to Members of the United Nations through the Secretary-General and to other States entitled to appear before the Court.

4. **Whereas**, pursuant to Article 31, paragraph 2, of the Statue, the Government of Pakistan chose Sir Muhammad Zafrulla Khan to sit as judge ad hoc, and he sat in the case until 2 July 1973.

5. **Whereas** the Governments of Pakistan and India were informed by communications of 14 May 1973 that the Court would in due course hold public hearings to afford the parties the opportunity of presenting their observations on the request by Pakistan for the indication of interim measures of protection, and the opening of such hearings was subsequently fixed for 29 May 1973;

6. **Whereas** on 28 May 1973, as a result of communications received from the Governments of Pakistan and India, the Court decided to postpone the opening of the public hearings, and subsequently fixed 4 June 1973 as the date for such opening.
7. **Whereas** by a letter dated 23 May 1973 from the Ambassador of India to the Netherlands, received in the Registry on 24 May 1973, the Government of India declined to consent to the jurisdiction of the Court in the case, and claimed that without such consent the Court could not properly be seized of the case and could not proceed with it, and that there was no legal basis whatever for the jurisdiction of the Court in the case; and whereas in two statements transmitted to the Court with letters from the Ambassador of India to the Netherlands dated 28 May and 4 June 1973 the Government of India presented a further reasoned statement that the Court had no jurisdiction in the case.

8. **Whereas** at the opening of the public hearings, which were held on 4, 5 and 26 June 1973, there were present in Court the Agent, Deputy-Agent and Counsel of the Government of Pakistan;

9. **Having** heard the observations on the request for interim measures on behalf of the Government of Pakistan, and the replies on behalf of that Government to questions put by Members of the Court, submitted by His Excellency Mr. J.G. Kharas and Mr. Yahya Bakhtiar, Attorney-General of Pakistan.

10. **Whereas** in a letter of 11 July 1973 the Agent for Pakistan informed the Court of its expectation that negotiations will take place between Pakistan and India in the near future in which the issues which are the subject of its Application will be under discussion; and whereas in that letter the Government of Pakistan asks the Court to postpone further consideration of its request for interim measures in order to facilitate those negotiations;

11. **Whereas** in the same letter the Government of Pakistan further asks the Court to fix time-limits for the filling of written pleadings in the case;

12. **Considering** that it is Pakistan which requested the Court to indicate interim measures of protection on the basis that the circumstances of the case so required.

13. **Whereas** it is of the essence of a request for interim measures of protection that it asks for a decision by the Court as a matter of urgency, as it is expressly recognized by the Court in Article 66, paragraph 2, of the Rules of Court.

14. **Whereas** the fact that the Government of Pakistan now asks the Court to postpone further consideration of its request for the indication of interim measures signifies that the Court no longer has before it a request for interim measures which is to be treated as a matter of urgency; and whereas the Court is not therefore called upon to pronounce upon the said request;
15. **Having** regard to Article 66, paragraph 1, of the Rules of Court which provides that a request for the indication of interim measures of protection may be made at any time during the proceedings in the case in connection with which it is made.

16. **Whereas** in the circumstances of the present case the Court must first of all satisfy itself that it has jurisdiction to entertain the dispute;

**Accordingly,**

**THE COURT**

**By 8 votes to 4**

**Decides that the written proceedings shall first be addressed to the question of the jurisdiction of the Court to entertain the dispute;**

Fixes as follows the time-limits for the written proceedings:

1 October 1973 for the Memorial of the Government of Pakistan,

15 December 1973 for the Counter-Memorial of the Government of India;

And reserves the subsequent procedure for further decision.

**Done** in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this **thirteenth day of July one thousand nine hundred and seventy-three**, in four copies, one of which will be placed in the archives of the Court, and the others transmitted respectively to the Government of Pakistan, to the Government of India, and to the Secretary-General of the United Nations for transmission to the Security Council.

(Signed) **Manfred LACHS**

President

(Signed) **S. Aquarone**

Registrar

Judge NAGENDRA SINGH appends a separate opinion to the Order of the Court.

Judge PETREN appends a dissenting opinion to the Order of the Court.

(Signed) **M.L.**

(Initialled) **S.A.**
SEPARATE OPINION OF JUDGE NAGENDRA SINGH.

While voting with the majority for what in legal effect now constitutes a clear withdrawal by the Applicant of its request for interim measures sought under Article 41 of the Statute of the Court, I have all along felt that in this case, irrespective of the competence of the Court in relation to the Applicant (Pakistan) and the absent non-applicant (India), which aspect will be examined in the second phase, it is patently obvious that the court has no jurisdiction in relation to Bangla-Desh.

It is well known that Bangla-Desh is a sovereign State recognized by over 90 countries and now a regular member of the several specialized agencies of the United Nations and a distinct member of the international community. The fact remains, however, that without its consent there can be no exercise by the Court of jurisdiction in relation to its rights.

Moreover, from the viewpoint of the Court’s adjudication, whether ad interim or final, what is vital is the positive pleading of Pakistan that Bangla-Desh and not India is contesting Pakistan’s claim to exclusive jurisdiction for the holding of trials of 195 prisoners of war. This is manifest from paragraph 4 of Pakistan’s Application, wherein it is stated that “The Government of Pakistan cannot agree to the trial of its prisoners of war by ‘Bangla Desh’ since Pakistan has exclusive jurisdiction over its nationals in respect of any acts of genocide allegedly committed in Pakistani territory.”

It is indeed an elementary and basic principle of judicial propriety which governs the exercise of the judicial function, particularly in inter-State disputes, that no court of law can adjudicate on the rights and responsibilities of a third State (a) without giving that State a hearing, and (b) without obtaining its clear consent.

Furthermore, it appears to me that the Court has not been in proper seisin of the case from the very beginning and lacks all prima facie competence. If that be so, it is regrettable to have instituted a further phase by fixing time-limits for the Parties to plead on the question of jurisdiction.

However, it is true that the Applicant, by its letter of 11 July 1973, requested the Court to agree to postpone the entire case as the Parties were about to enter into negotiations for an amicable settlement of the dispute. As already stated, a request for postponement in relation to interim measures can only have the legal effect of withdrawal, which must take priority over all other considerations, particularly when India had declined to be present and has, therefore, no say in regard to the request of Pakistan. It is in these circumstances that I voted with the majority for the decision of the Court.
While doing so, however, I do hold that the Court, when agreeing to postponement of further consideration of the request for interim measures and finding that it is not therefore called upon to pronounce thereon, should, have declined to deal any further with the case, as judicial propriety does not permit the Court to advance any further therein.

Signed: Nagendra Singh

DISSENTING OPINION OF JUDGE PETREN

Having voted against the Order, I append this dissenting opinion. In my views, the first question to which the Court should have attended was that of its own jurisdiction on the merits of the case, a question to which the Order does not advert until the last paragraph of the recitals.

In all cases, the Court obviously has a duty to satisfy itself as soon as possible that it has jurisdiction. The fact that the Indian Government denies the jurisdiction of the Court in the present case can only render the examination of that question even more urgent. There is no indication that the possibility of that Government’s recognizing the Court’s jurisdiction in the present case has been envisaged in the negotiations which, as mentioned in the letter dated 11 July 1973 from the Agent for Pakistan, are being carried on between the Governments of India and Pakistan. The fact that the Government of Pakistan has requested the indication of provisional measures does nothing to dispense the Court from the duty of settling the question of its jurisdiction even in the initial stage of the proceedings, if that should prove to be possible. In the absence of the Government of India, it is, in accordance with Article 53 of the Statute, incumbent upon the Court also to take into consideration such elements as militate in favour of the position adopted by that Government.

The arguments of the Government of Pakistan with regard to the jurisdiction of the Court were set forth at public hearings on 4, 5 and 26 June 1973. The reasons why the Government of India denies that jurisdiction have been presented in statements transmitted to the Court by letters from the Ambassador of India dated 23 and 28 May and 4 June 1973. The question of jurisdiction, as presented to the Court by the two Governments, does not appear to be enmeshed with the merits of the case. There is therefore reason to ask whether the Court, having taken cognizance of the arguments put forward any the two Governments, could not and should not have decided the question of its jurisdiction at the present early stage of the proceedings, with the aid of its own lights, instead of deferring consideration of this preliminary question to a new phase of the case by first inviting the two
Governments to engage in written proceedings extending until 15 December 1973 and destined to be followed by further oral proceedings.

For the purpose of its decision in that connection, the Court, in my view, had to take the following elements into consideration.

The arguments of the two Governments on the subject of the Court's jurisdiction concerned inter alia the construction of the Convention of 9 December 1948 on the Prevention and Punishment of the Crime of Genocide, and in particular its jurisdictional clause, as also the question whether Pakistan is a party to the General Act of 26 December 1928 for the Pacific Settlement of International Disputes and, if so, whether the jurisdiction of the Court could be founded upon that instrument. I am of the opinion that Article 63 of the Statute of the Court required the questions thus raised to be notified without delay to the States parties to the two international instruments in question. Those notifications, however, were not made, and the majority even opposed considering the question of notification in respect of the Genocide Convention before the Court had pronounced on the request of the Government of Pakistan for the indication of interim measure of protection. Given the mandatory character of the notifications provided for in Article 63 of the Statute, I do not believe that the Court may settle the question of its jurisdiction without having complied with the provisions of that Article of the Statute. In that, therefore, there exists a first obstacle to the Court's pronouncing upon its jurisdiction at the present stage of the proceedings.

Nor is it possible to pass over in silence the fact that the judge ad hoc chosen by the Government of Pakistan has ceased to sit in the case since 2 July 1973. On what questions the Court may deliberate in the decision of a case is a question which, in my view, deserves the closest attention. In particular, I have grave doubts as to the possibility of the Court's settling the question of its jurisdiction in the absence of a judge ad hoc. In the present instance, it is true that this absence could not have prevented the Court from deferring consideration of the case in conformity with the request of the Government of Pakistan, but to my mind it would have constituted a further reason for considering that now was not the time to settle the question of jurisdiction.

That having been said, I am by no means convinced that it was necessary, for the information of the Court, to open the door to further pleadings on its jurisdiction as wide as the present order has done. Furthermore, the time-limits fixed are such, in my view, as to justify some apprehension that the present case may exemplify the drawbacks that arise when different manners of settling an international dispute are confused. The attitudes of the two Governments in question give me the impression that it is much rather the intervention of the mediator than that of the international judge which would be more likely to help
them resolve the series of disagreements between them. The judicial role of the Court does not, I feel, connote any consideration of problems from that angle.

Even so, as it is in my view necessary to allow States parties to the Genocide Convention and the General Act of 1928 - provided they are notified of the existence of the above-mentioned questions – sufficient time to enable them to request to intervene in the proceedings, I was in a position to assent to the operative paragraph of the Order, the terms of which concern solely the organization of the further proceedings on the question of the Court's jurisdiction.

If I have nevertheless voted against the order, it is essentially on account of paragraphs 13 and 14. According to the letter of its Agent dated 11 July 1973, the Government of Pakistan has found it appropriate to ask the Court to postpone further consideration of its request for the indication of interim measures in order to facilitate negotiations; but there was nothing in that letter to indicate that the Government of Pakistan wished to withdraw its request for the indication of interim measures. Now in paragraph 13 of the Order, the Court expresses the view that it is of the essence of a request for interim measures of protection that it asks for a decision by the Court as a matter of urgency. It is consequently stated in paragraph 14 that, by the effect of the desire expressed by the Government of Pakistan that the further consideration of the request be deferred, the Court no longer has such a request before it. As the Government of Pakistan has not withdrawn its request for the indication of interim measures of protection I am unable to assent to that conclusion.

(Signed) Sture Petren

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F. Press Statement of Attorney General for Pakistan


Following are the reasons why the Government of Pakistan, on 11 July, 1973, applied to the International Court of Justice for the postponement of consideration of their Request for the indication of interim measures of protection with regard to 195 Prisoners of war whom India had threatened to hand over to Bangladesh for trials on charges of genocide.

(1) The President of Pakistan and the Prime Minister of India signed an agreement in Simla on the 2nd July, 1972, whereby it was provided that any of the disputes or problems between the two countries would be settled through bilateral negotiations or any other peaceful means agreed upon between the parties, within the framework of the United Nations
Charter. It was further provided under Article 1 clause (ii) of the same agreement that “pending the final settlement of any of the problems between the two countries neither side shall unilaterally alter the situation on both sides shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peace and harmonious relations”.

(2) In spite of Government of Pakistan’s best efforts and contrary to the provisions of the Geneva Conventions Government of India on one pretext or another refused to repatriate over 92,000 Pakistani Prisoners of War and civil internees. When public opinion became highly critical about India’s attitude towards and treatment of the Pakistani POWs India and Bangla Desh issued a joint statement at New Delhi on the 17th April, 1973, the relevant part of that statement appears in its paragraph 5 which is as follows:-

“Without prejudice to the respective positions of the Government of India and the government of the People’s Republic of Bangla Desh, the two Governments are ready to seek a solution to all humanitarian problems through simultaneous repatriation of the Pakistani prisoners of war and civilian internees, except those required by the Government of the People’s Republic of Bangla Desh for trial on criminal charges, the repatriation of Benglees forcibly detained in Pakistan and the repatriation of Pakistanis in Bangla Desh, i.e., all non Bengalees who owe allegiance and have opted for repatriation to Pakistan”.

It was clear from this statement that India attached certain unfair conditions to the repatriation of our POWs, contrary to the requirements of the Geneva Conventions of 1949, and also proposed to surrender to Bangla Desh those Prisoners of War who were wanted for trial on alleged acts of genocide and other offences by Bangla Desh in complete disregard of Pakistan’s exclusive jurisdiction over these Pakistani nationals. The offences were allegedly committed in a territory at a time when it was universally recognized to be part of Pakistan (East Pakistan). The offenders as well as the victims of these alleged offences were both Pakistani nationals.

(3) On 20th April in a rejoinder to the said joint statement of India and Bangla Desh Pakistan claimed exclusive Jurisdiction to try the alleged offenders and invited negotiations with India on these and other issues.

(4) In a message dated the 8th May, 1973, the Minister of External Affairs, Government of India, rejected Pakistan’s claim to try the said Prisoners of War and refused negotiations on other related issues and asked
Pakistan to agree in advance to all the proposals made by India and Bangla Desh in paragraph 5 of their said joint statement of 17 April, 1973. The relevant part of 8th May statement of the Indian Minister for External Affairs is as follows:-

“Likewise the contention of Pakistan Government in paragraph 3 of its statement questioning the competence of the Government of Bangla Desh to bring to trial certain prisoners of war on crime charges are unacceptable. The same is the case with the untenable observation contained in paragraph 7 of Pakistan’s Statement about the Pakistani nationals in Bangla Desh, who have declared their allegiance to Pakistan and are desirous of repatriation.

In our view, talks can be purposeful and lead to quick results if Pakistan Government was to indicate their agreement in principle to the solution set out in Paragraph 5 of the joint declaration of 17 April 1973. The representatives of India and Pakistan can work out the modalities for implementing the solution”.

It was this total rejection of Pakistan’s claim and refusal to negotiate the matter and the threatened transfer to Bangla Desh of 195 Prisoners of War in question who according to Bangla Desh authorities were to be tried by the end of May, 1973, that led Pakistan to approach the International Court of Justice and also make a Request for the indication of interim measures of protection with regard to the said POWs.

(5) Thereafter under the directions of the President of the International Court of Justice the Registrar of the Court sent a message to Government of India informing them about the institution of proceedings by Pakistan against India and expressed “the hope that the Government of India will take into account the fact that the matter is now sub-judice before the Court”.

(6) On receipt of Pakistan’s application and notice of the date of hearing, the Government of India refused to appoint an Agent or appear before the Court but through various letters addressed to the Registrar questioned the competence of the Court to deal with the application filed by Pakistan. In her letter dated 4 June, 1973, India, however, indicated her willingness to negotiate on the subject matter of Pakistan’s application filed in the Court and relied on Article 1, clause (ii) of the Simla Agreement of July, 1972. On page 21 of the said letter India stated as follows:-

“Attention in this respect is also invited to Article 1, clause (ii) of the Simla Agreement 1972, which was signed by the President of Pakistan
and the Prime Minister of India on 2 July, 1972, and after having been considered by representative Assemblies of the two countries, was ratified and is in force. This clause provides “that the two countries are resolved to settle their differences by peaceful means through bilateral negotiations and peaceful means mutually agreed upon between them”. In so far as the repatriation of war and civilian internees is concerned, Article 6 of the Simla Agreement does provide for negotiations between the countries concerned to settle the related questions. The subject matter of Pakistan’s Application must, therefore, be considered and resolved in conformity with the provisions of the Simla Agreement and in consultation with the parties concerned. No bilateral or trilateral negotiations have yet taken place on the subject matter of Pakistan’s Application”.

(7) After that further communications between the Governments of India and Pakistan indicated an understanding that negotiations would shortly be held on this and other issues between the two countries. These negotiations are to be held in the last week of this month.

(8) It was under these circumstances and taking into account India’s commitment under the Simla Agreement that “pending the final settlement of any of the problems between the two countries neither side shall unilaterally alter the situation and both shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peace and harmonious relations” that Pakistan, with a view to facilitating the negotiations with India and for creating an atmosphere of goodwill, requested the Court to defer or postpone further consideration of Pakistan’s Request for interim measures of protection.

I am grateful to the Court that it has in effect accepted our request for postponement and has not given any decision on our Request but has in their order stated that Pakistan was at liberty to move the Court again should the need and urgency for interim measures arise again. The Court has been further pleased to fix time limits for Pakistan and India for filing their written pleadings pertaining to the exercise of jurisdiction by the Court. Thus the matter remains sub-judice. We earnestly hope that the negotiations pertaining to the repatriation of the Prisoners of war and trial of the said 195 POWs will result in an amicable settlement between the parties concerned.

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0774. Letter from Pakistan Minister of State for Defence and Foreign Affairs Aziz Ahmed addressed to Indian Foreign Minister Swaran Singh.


Dear Sardar Swaran Singh,

I am in receipt of your letter dated May 8*. We agree that the issues with which we are faced are basically humanitarian and that, if they are to be resolved without delay, both Governments should refrain from getting involved in a discussion of their legal and political implications. I should like to assure you that we have been ready at all times to approach the question of repatriation of prisoners of war and that of Bengalis and Pakistan nationals stranded in Pakistan and Bangladesh respectively from a purely humanitarian angle. We had further hoped that a resolution of these issues would open the way to the further implementation of the Simla Agreement with a view to normalization of the situation in the sub-continent. It was with this object in mind that we had invited your Government to send a representative to discuss these issues further. I should make it clear also that this invitation did not imply that your representative would discuss the prisoners of war question only. In suggesting that we resume discussions with your Government with a view to an early settlement of the prisoners of war question, we had certainly not intended to bar discussion of the other humanitarian problems. We would of course be willing to discuss these other problems as well.

It is not, however, possible to accept your suggestion that we agree in principle, in advance even of a discussion of the issues involved, to the proposal contained in para 5 of the joint India-Bangladesh declaration of April 17. You would appreciate that to rule out further dialogue except on the condition you have laid down is scarcely the best way to promote a resolution of the humanitarian issues in question and I regret the Government of Pakistan is unable to concur this proposition.

We suggest that our two Governments resume the dialogue without preconditions on either side, mindful only of the fact that an early solution to the humanitarian problems has to be found so as to promote a reconciliation and establishment of durable peace in the subcontinent.

Yours sincerely,

(Sd) Aziz Ahmed.

* Document No.768.
My dear Foreign secretary,

I wrote to you on 26 March giving the views of the Government of Pakistan on the overflights case at present before the ICAO Council. We had suggested that both India and Pakistan request the Council to resume consideration. As I said we on our part would not press for a discussion of the merits of the case at the forthcoming hearing of the case and would have no objection if the Council suspended proceedings, under Articles 6 and 14 of its Rules, and invited the parties to undertake bilateral negotiations.

Since then, the Foreign office has sent a reminder through the Swiss Embassy. We have not, however, received a reply.

I now find that ALL India Radio is alleging that Pakistan has decided to reactivate the overflights case in the ICAO Council. All India Radio broadcast at 2030 hours on 19 May 1973 said that Pakistan is asking the ICAO Council “to take action in the case” and that “according to observers this is another shift from the Simla Agreement”.

You will appreciate that this is not the correct position. The request to the ICAO Council is entirely in the context explained in my letter of 26 March 1973. It does not involve any new decision. The Government of Pakistan continues to consider it desirable that the Overflights case should be settled bilaterally. We fully abide by the understanding reached at New Delhi in August 1972 and I need hardly add that we remain determined to fulfill the Simla Agreement.

Yours sincerely

(Mumtaz A. Alvie)

Mr. Kewal Singh,
Foreign Secretary,
Ministry of External Affairs,
Government of the Republic of India,
New Delhi
0776. Aide Memoire presented by the Government of Pakistan to the Government of India regarding PoWs received through the Swiss Embassy.


Embassy of Switzerland

The Embassy of Switzerland presents its compliments to the Ministry of External Affairs of the Government of India and has the honour to bring to their attention the following aide-memoire which was handed over to the Head of the Federal Political Department (Ministry of External Affairs), Berne, on 25th May, 1973, by the Ambassador of Pakistan with the request to inform the Government of India of its contents;

Aide-Memoire

The Government of India has rejected the Government of Pakistan's invitation to send a representative to Pakistan for discussion on the question of the repatriation of POWs and other implications of the Joint India-Bangladesh statement of April 17, 1973. In a letter, sent by Sardar Swaran Singh to Pakistan's Minister of State for Defence and Foreign Affairs he has asked the Government of Pakistan to review and agree in principle to the proposals set out in paragraph 5 of India-Bangladesh joint declaration of April 17, 1973.

2. The reply from the Government of India makes it clear that no further negotiations on the question of the repatriation of the Pakistani POWs could be held unless Pakistan first accepts the following Indian demands:

Transfer to “Bangladesh” of some 195 Pakistani POWs and civilian internees for trials on criminal charges;

Transfer to Pakistan of 250,000 non-Bengalis who according to Bangladesh owe allegiance to Pakistan and have opted for repatriation.

3. The conditions that India has attached to the release of the Pakistani POWs are against the provisions of the Geneva Conventions and Pakistan cannot accept the use of Pakistani POWs as a lever of pressure for extracting concessions on the un-related issues.

4. The Indian reply further makes it clear that the joint statement of April 17, 1973 is an attempt to divert the mounting world criticism against the continued captivity of 92,000 Pakistani POWs nearly 17 months after the cessation of hostilities between India and Pakistan.

5. The process of normalization would be accelerated if India fulfils its
obligation under the Geneva Conventions. The obligation to release the
Pakistani POWs is unilateral and un-conditional. Pakistan has already fulfilled
its obligation by releasing Indian POWs several months ago. Pakistan cannot
be a party to any compromise on the recognized principles enunciated in the
Geneva Conventions.

6. The trial of any Pakistani POWs would take the situation to a point of no
return. There would be great resentment and revulsion in Pakistan and thus it
would be a serious setback for the efforts to bring about reconciliation on the
subcontinent.

7. The Government of Pakistan in its desire to put an end to the chapter of
tragic conflict has exercised maximum restraint. It has not exercised its rightful
jurisdiction and has not tried the Bengalis in Pakistan against whom there is
evidence of committing acts of subversion, espionage and high treason. The
terms of the joint statement of April 17, 1973 would make it impossible for this
restraint to continue.

8. The Dacca authorities legally have no right to bring to trial any Pakistani
POWs on criminal charges as any alleged excesses which might have been
committed had taken place inside Pakistan and, according to the established
principles of international law, only Pakistan would hold trials on such charges.
Pakistan has given an assurance that it will investigate all charges against its
POWs and will punish all those found guilty by the due process of law.

9. Bangladesh is not a detaining power either in fact or in law in respect of
Pakistani POWs. The so-called joint command was a myth.

10. Legally and morally Bangladesh has no right to subject a linguistic, ethnic
or political minority to discrimination and then offer its members an option to
leave their homes. The non-Bengalis whom Bangladesh wants to expel ever
since the immigration from India have lived in the territory which now comprises
Bangladesh. Most of them were born and brought up in East Pakistan and
have never been to West-Pakistan. They are not in any sense of West-Pakistan
origin. Consequently they must continue to live in Bangladesh under the
arrangements which would safeguard their legitimate rights.

11. Since 1947, Pakistan has had to cope with millions of refugees with
innumerable problems and as such Pakistan cannot be justly expected to accept
the burden of hundreds of thousands of more refugees.

12. The Government of Pakistan recognizes the right of the Bengalis to leave
Pakistan if they so wish. The Government of Pakistan has always sought a
humanitarian solution of this problem and has taken several steps consistent
with that aim. Pakistan has continued to treat the Bengalis well and those who
have opted to stay in Pakistan continued to do and many among them occupy high and important position in Pakistan.

13. In November 1972 the Government of Pakistan had agreed to permit 5,000 Bengalis to leave Pakistan on humanitarian grounds. Their cases were to be recommended by the ICRC. Later in the same month, India had offered to repatriate the women and children of the Pakistani POWs in India. In return the Government of Pakistan had offered to permit 10,000 Bengalis women and children to leave Pakistan.

14. The ICRC in Pakistan had collected the particulars of about 15,000 Bengalis to be repatriated and the Government of Pakistan had issued exit permits for about 12,000. The ICRC has received authorization from Dacca for their repatriation on the basis of the particulars supplied by the ICRC.

15. According to the latest information most of the 6,500 women and children of the Pakistani POWs have refused to leave for Pakistan as they do not want to be separated from their heads of families. The Swiss Embassy's survey indicated that 1,279 women and children may be repatriated but so far the Government of India has not supplied the Government of Pakistan with a list containing their names.

16. In the meanwhile, last month the Prime Minister of Bangladesh has requested the United Nations Secretary-General for a ship to transport the 15,000 Bengalis from Karachi to Chittagong. He also offered that the ship could carry back 20,000 Pakistanis.

17. The Government of Pakistan has informed the United Nations Secretary General of its acceptance of this offer. The Government of Pakistan will accept the repatriation of all persons who on verification are found to be of the West Pakistan origin. According to the ICRC estimates their number is 10,000.

Berne, Dated May 25, 1973

The Embassy of Switzerland avails itself of this opportunity to renew to the Ministry of External Affairs of the Government of India the assurances of its highest consideration.

New Delhi, May 26, 1973

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0777. Letter from Foreign Secretary Kewal Singh to Pakistan Foreign Secretary Mumtaz A. Alvie.


Ministry of External Affairs
New Delhi

Foreign Secretary

26th May, 1973

Dear Mr. Alvie,

We have received your message of May 24 through the Embassy of Switzerland. It is re-assuring to know that you are still interested in settling the over flights case bilaterally. I must say that your earlier message of 7th May informing us of your unilateral request to the ICAO Council to take up the over flights case in its 79th Session, had created a very different impression on us. Regarding the points raised in your letter of March 26, our view of the understanding reached at Simla and later reiterated during the meeting of special envoys of Pakistan and India at Delhi on 29th August, 1972 is reflected in the wording of paragraph 5 of the Agreed Recommendations of the Delhi meeting which is reproduced below:

“Both sides considered it desirable that the case regarding over flights now pending before the ICAO Council should be settled bilaterally”.

2. Our clear understanding of the implications of this recommendation is that bilateral negotiations should be held between India and Pakistan under the framework of the Simla Agreement and not as a result of Council mediation. However, as suggested in your letter of March 26 we have no objection if the council suspends the proceedings while bilateral negotiations under the Simla framework are in progress.

3. If this position is acceptable to your Government, in pursuance of the clarification given in your communication of May 24, we would like to know whether you are now in a position to indicate a suitable date for a meeting to commence bilateral discussions. On getting an affirmative reply, we could jointly request the ICAO Council once again, not to schedule the case for the 79th Session. I shall await your urgent confirmation on this point.

Yours sincerely,

Sd/-Kewal Singh
Mr. Mumtaz A. Alvie,
Foreign Secretary
Ministry of Foreign Affairs
Government of Pakistan
Islamabad.

0778. Letter from the Indian Foreign Secretary Kewal Singh to the Pakistan Foreign Secretary Mumtaz A. Alvie.


Dear Mr. Alvie,

Thank you for your letter of May 2, 1973. I fully reciprocate your view that there is need to exercise greater vigilance to put a stop to hostile Radio broadcasts.

2. However, you will kindly recall that in my letter of March 8, 1973 I had drawn your specific attention to the objectionable tone and content of the broadcasts from the Muzzafarabad station of Radio Pakistan. I had conveyed our Government’s disappointment at the continuation of these broadcasts, contrary to our Government’s agreement during the Emissary - level talks at Murree in April 1972 that hostile broadcasts from all Radio stations, including those in Kashmir will be stopped. We regret to note that this vital question has not been referred to at all in your letter of 2nd May.

3. On the other hand, we were surprised to note that in a talk in Kashmiri on April 25, 1973, while taking exception to India’s disappointment at the continuing hostility of broadcasts from stations in Pakistan Occupied Kashmir, Radio Pakistan asserted that the so-called Azad Kashmir Radio was “not a party to or responsible for any agreement”. We have also come across an instance of official encouragement being given to the so-called Azad Kashmir Radio to continue its tirade against India. On April 19, 1973, Pakistan occupied Kashmir Radio quoted Pakistan’s Minister without Portfolio as having stated that the Radio was “working for an extremely noble cause and keeps alive the spirit which the expansionist forces like Bharat are trying to crush”. We have already communicated our concern in this matter in a formal note of protest sent through Swiss diplomatic channels on May 14, 1973. A reply to this message is awaited.
4. We have separately replied to the communications dated March 6 and April 25, 1973 containing lists of All India Radio broadcasts which you have found objectionable. We are also looking into the item quoted by you in your letter of May 2, 1973.

5. Meanwhile let me assure you once again that we believe that cessation of hostile propaganda is an essential step for establishing normal and friendly relations and we hope that Pakistan Government will agree that this action will be in the larger interests of the two countries.

Yours sincerely,

Sd/- Kewal Singh

Mr. Mumtaz A. Alvie, S.Q.A., P.F.S.
Foreign Secretary,
Government of Pakistan,
Islamabad.

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0779. Aide Memoire of the Indian Ministry of External Affairs to the Pakistan Ministry of Foreign Affairs regarding PoWs sent through the Embassy of Switzerland.


Ministry of External Affairs
New Delhi


The Minister of External Affairs, Government of India presents its compliments to the Embassy of Switzerland and with reference to their Note Verbale No. 822.O dated 26th May, 1973 has the honour to request that the following message along with the enclosure thereto may kindly be conveyed to the Government of Pakistan:


The Ministry of External Affairs is unable to understand Government of Pakistan’s contention made in para 15 of their Aide memoire under reference
that the list of women and children who have opted for repatriation to Pakistan has not so far been supplied to them. It may be recalled that the Ministry of External Affairs had furnished to Pakistan Government through Swiss diplomatic channels a list of 6503 wives and children of Pakistani POWs and civilian internees as far back as 15th February, 1973.

As some of the family members of the Pakistani POWs and civilian internees did not wish to be repatriated separately from the heads of families, the Embassy of Switzerland in New Delhi were requested to send a representative to the POW camps to satisfy themselves that the Pakistani women and children who did not wish to be repatriated without their husbands/heads of families were doing so of their own free will. After completing this verification the Swiss Embassy had indicated that 1279 wives and children had opted for immediate repatriation to Pakistan. It was learnt that the Swiss Embassy had furnished this information to the Government of Pakistan along with a list of these wives and children containing their particulars. In view, however, of Government of Pakistan’s contention in para 15 of their Aide Memoire under reference that they have so far not received this list, a nominal role of the 1279 women and children opting for repatriation to Pakistan along with the names of 9 additional women and children who have subsequently opted for repatriation to Pakistan is here with enclosed” (not enclosed here).

The Ministry of External Affairs avails itself of this opportunity to renew to Embassy of Switzerland the assurances of its highest consideration.

The Embassy of Switzerland,
New Delhi
My dear Foreign Secretary,

I have received your message of May 26.

2. If any impression was created that Pakistan was not interested in settling the Over flights case through bilateral negotiations, it was mistaken. As I said in my letter of March 26, 1973, we continue to consider it desirable that this case should be settled through bilateral negotiations. With this purpose in mind and indeed to facilitate bilateral negotiations, it was suggested in the letter of March 26 that the ICAO Council should be approached at the 79th Session, under Articles 6 and 14 of the Rules for the Settlement of Differences to suspend proceedings and invite the parties to undertake bilateral negotiations.

3. As I said in my letter of March 26, we had informed the ICAO Council in March that Pakistan had no objection to the Over flights Case not being taken up at the 78th Session of the Council. In the same communication, the Council was requested to schedule the case for the 79th Session.

4. Accordingly, we expect that the Council would take up the case at the 79th Session. We have not yet received any firm indication from the ICAO Secretariat but we hope the Council would schedule the case for the latter part of June 1973.

5. I would like to reiterate that the Government of Pakistan would not want at this session to enter into the merits of the case. The Council can adopt a resolution to suspend its proceedings and invite the parties to undertake bilateral negotiations. We trust that this procedure has your concurrence. Once the Council has taken this decision, the delegations of India and Pakistan can meet at a mutually convenient time.

Yours sincerely,
(Mumtaz A. Alvei)

Mr. Kewal Singh,
Foreign Secretary,
Ministry of External Affairs,
Government of the Republic of India,
New Delhi

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Rules for the Settlement of Differences

Article 14

Negotiations during proceedings.

(1) The Council may, at any time during the proceedings and prior to the meeting at which the decision is rendered as provided in Article 15(4), invite the parties to the dispute to engage in direct negotiations, if the Council deems that the possibilities of settling the dispute or narrowing the issues through negotiations have not been exhausted.

(2) If the parties accept the invitation to negotiate, the Council may set a time-limit for the completion of such negotiations, during which other proceedings on the merits shall be suspended.

(3) Subject to the consent of the parties concerned, the Council may render any assistance likely to further the negotiations, including the designation of an individual or a group of individuals to act as conciliator during the negotiations.

(4) Any solution agreed through negotiations shall be recorded by Council. If no solution is found the parties shall so report to Council and the suspended proceedings shall be resumed.
0781. Letter from Pakistan Minister of State for Defence and Foreign Affairs Aziz Ahmed to External Affairs Minister Swaran Singh.


From: Mr. Aziz Ahmed HPk. HQA., SPk.
Minister of State for Defence & Foreign Affairs.

June 4, 1973

My dear Sardar Swaran Singh,

On May 31, our Foreign Secretary, Mr. Mumtaz A. Alvie, wrote to your Foreign Secretary, Mr. Kewal Singh, suggesting that the ICAO Council should be approached at the 79th Session to suspend proceedings and invite the parties to undertake bilateral negotiations.

2. It has since been brought to my notice that last February the President of the ICAO Council had proposed “deferment of the Council’s consideration of the over flight case until one of the parties requests that the matter be taken up by Council”

3. On further consideration, I think it should be sufficient if we accepted the proposal of the President of the ICAO Council. Therefore, we propose to inform the President of the ICAO Council accordingly and hope you would wish to do likewise.

4. AS regards Mr. Kewal Singh’s enquiry whether we are in a position to indicate a date for a meeting between the delegations of our two countries to discuss this matter, I would suggest that this question may also be considered at the meeting of the representatives of India and Pakistan proposed in my letter of May 16.

With Kind regards

Yours sincerely

(Aziz Ahmed)

His Excellency
Sardar Swaran Singh,
Minister for External Affairs,
Government of the Republic of India,
New Delhi
Aide Memoire of the Ministry of External Affairs to the Ministry of Foreign Affairs Government of Pakistan.

New Delhi, June 7, 1973.

Aide Memoire

The Ministry of External Affairs, Government of India, has been greatly surprised to receive the two Aides memoire of the Government of Pakistan dated 11th and 25th May, 1973, through Swiss diplomatic channels. The Government are unable to understand or appreciate the motivation in sending these Aides Memoire to the Swiss Government when correspondence was already going on directly, since April, between the Foreign Minister of India and the Minister of State for Defence and Foreign Affairs of Pakistan, to establish the basis and scope for talks under the Joint Indo-Bangladesh Declaration.

2. However, in view of the highly distorted, misleading and, in some case, factually incorrect rendering of India's position given in these Aides Memoire the Government of India are constrained to reiterate their views on the subject.

3. Pakistan's assertion in the Aide Memoire of 25th May that the Government of India have "rejected Pakistan's invitation to send a representative to Pakistan for discussing the implications of the Indo-Bangladesh Joint Declaration of April 17, 1973 is a distortion of facts. The Foreign Minister of India in his letter of May 8, 1973, had suggested that if Pakistan Government indicated their agreement in principle to the solution set out in para 5 of the Joint Declaration "talks can be purposeful and lead to quick results". This statement obviously reflects the constructive approach and desire of India and Bangladesh for meaningful talks with Pakistan, and cannot by any stretch of imagination be construed as a "rejection" of Pakistan's invitation for talks.

4. The Government of India categorically reject Pakistan's contention that India has laid any preconditions or demands before negotiations can commence on the question of Pakistani POWs. It is quite clear from the wording of Paragraph 5 of the Joint Indo-Bangladesh Declaration that the solution proposed is for "simultaneous repatriation" of the three categories of persons, including Pakistani POWs and civilian internees, who have been affected by the conflict of 1971. Contrary to the impression sought to be created by Pakistan, it is Pakistan herself which is laying pre-conditions and introducing political considerations by insisting on a one-sided solution of the POW issue in utter disregard of the other equally pressing humanitarian issues arising out of the 1971 conflict involving Pakistani national in Bangladesh.

5. Pakistan Government cannot absolve itself of the responsibility for causing delay in the resolution of the humanitarian issues arising out of the
December 1971 conflict. Had they recognized the changed realities in the sub-continent, the way would have been cleared long ago for the participation of Bangladesh as a sovereign equal in talks between the three Governments to resolve these humanitarian issues. However, in the absence of any such decision by Pakistan, Governments of Bangladesh and India, by separating the humanitarian issues from political and legal considerations, have suggested a practical solution in their Joint Declaration of April 17. It is, therefore, inexcusable and unfair on the part of Pakistan to describe in its Aide Memoire the Joint Declaration as “an attempt to divert the mounting world criticism” on the POW issue. This remark belies the claim of Pakistan that it is sincerely and genuinely working for an early resolution of these humanitarian issues.

6. Pakistan’s allegation that India has a unilateral obligation to release the POWs is totally unacceptable as it does not take into account the fact that the Pakistan POWs now in India, had surrendered to the Joint Command of Indo-Bangladesh forces on the territory of Bangladesh. Bangladesh Government thus has joint responsibility towards these prisoners of war. This was made clear to Pakistan repeatedly in the meetings at Murree, Simla and New Delhi last year. During the meetings at Simla and Delhi in July and August, 1972, when the necessity of Bangladesh’s participation in talks on the repatriation of prisoners of war was mentioned this was not challenged by the Pakistan side. In fact, the line taken by the Pakistan side was that the recognition of Bangladesh was receiving most serious consideration by their Government, the clear implication being that Bangladesh would then be able to participate in the talks.

7. Pakistan would doubtless admit that a source of much greater irritation than the trial of 195 Pakistani POWs for criminal offences is the continuing lack of agreement on the repatriation of three categories of persons affected by the conflict, viz., 400,000 Bangalees in Pakistan, 260,000 Pakistanis in Bangladesh and 90,000 Pakistani POWs and civilian internees in India. Rather than make an issue of the small number wanted for trials in Bangladesh, the more constructive approach would be to relieve the suffering and anxiety of the hundreds of thousands of individuals in the three categories by bringing about their simultaneous repatriation in accordance with the Joint Declaration.

8. Pakistan Government’s threat to start retaliatory trials of some Bangalees in Pakistan clearly shows in advance their utter disregard for principles of justice and reveals their desire to wreck vengeance on the innocent. The Bangalees in Pakistan can hardly be treated on the same footing as the 195 soldiers wanted by Bangladesh against whom there is clear evidence of involvement in heinous crimes, such as murder, rape, etc. The world at large is already aware of the magnitude and nature of crimes committed by Pakistani soldiers in the campaign of 1971.
9. In their two Aides Memoire, the Government of Pakistan have alleged that the proposed repatriation of Pakistanis in Bangladesh to their homes in Pakistan is an attempt by Bangladesh to “expel” a so-called “linguistic, ethnic or political minority”. Facts contradict and expose the hollowness of this claim. Out of a total of approximately 600,000 non-Bangalees, the majority have decided to stay on in Bangladesh, thanks to the statesmanlike and humane policy followed by Bangladesh Government. Only an estimated 250,000 have declared their allegiance to Pakistan and are desirous of repatriation to Pakistan. The allegation of arbitrary expulsion of these persons and of option taken under duress in unfounded.

10. It is strange logic to state that while Pakistan Government “recognizes the right of Bangalees to leave Pakistan if they so wish”, Pakistan is not prepared to fulfill its obligation towards its own nationals stranded in Bangladesh who have voluntarily declared their allegiance to Pakistan and have asked for repatriation. In this context, Pakistan’s contention that the repatriation of Pakistan nationals from Bangladesh would constitute a “burden” is not understood. Pakistan has also overlooked the fact that India had to face the burden of looking after millions of refugees at the time of partition and this process continued, particularly on the Eastern side, for a number of years. Subsequently, when the Pakistan Army started their campaign of terror against the civilian population in East Bengal in March 1971, India had to give shelter to millions of refugees. Later, Bangladesh was faced with the task of rehabilitating these millions. If the Pakistan Government is genuinely interested in normalizing the situation in the sub-continent, the resettlement of some 250,000 of its citizens repatriated from Bangladesh should not be considered an exceptional burden, especially when 400000 Bangalees in Pakistan will simultaneously be repatriated to Bangladesh.

11. The contention made in paragraphs 13 to 17 of Pakistan’s Aide Memoire of May 25, alleging that India had not furnished the list of women and children desirous of repatriation, is also contrary to facts. This has been dealt with in a separate communication dated May 30, 1973 to the Government of Pakistan, a copy of which is enclosed*.

New Delhi

* Please see Document No.779.
0783. Letter from External Affairs Minister Swaran Singh to Pakistan Minister of State for Defence and Foreign Affairs.

New Delhi, June 7, 1973
Minister of External Affairs
June 7, 1973

Dear Mr. Aziz Ahmad,

Thank you for your letter of June 4 and regarding the over flights case. We are glad to note that you are now agreeable to the ICAO Council deferring consideration of the case so that bilateral negotiations between us can commence. We presume therefore, that on the receipt of this letter you will be formally requesting the President of the ICAO Council for the deferment of this case. Meanwhile, we are writing to the President of the ICAO Council also to indicate that in view of your letter, we are desirous of deferment of this case so that bilateral negotiations can commence. On receiving confirmation from the ICAO Council that this case has been deferred, a date can be fixed according to mutual convenience for a bilateral meeting. We would appreciate receiving confirmation telegraphically of the action taken by you.

Yours sincerely
(Swaran Singh)

H.E. Mr. Aziz Ahmed,
Minister of State for Defence and Foreign Affairs,
Government of Pakistan
Islamabad.
0784. Letter of External Affairs Minister Swaran Singh to the Pakistan Minister of State for Defence and Foreign Affairs regarding POWs.


Ministry of External Affairs
New Delhi

Dear Mr. Aziz Ahmed,

Your letter of 16th May, 1973, has been with us for some time. Our reply has unfortunately been delayed. This is partly due to the contradictory positions which your Government has conveyed to us in the course of the last month on the Joint India-Bangladesh Declaration of April 17. When your letter of 16th May reached us we appreciated your clarifying that the issues which faced us were “basically humanitarian” and that your Government was ready “to approach the question of repatriation of prisoners of war and that of Banglees respectively from purely humanitarian angle”. You had further stated that your invitation to our representative to discuss these issues did not imply that our representative would discuss the POW question only.

2. A few days earlier, we had received your Government’s Aide Memoire dated 11th May officially communicated through Swiss Diplomatic channels. This Aide Memoire was to say the least not only offensive in tone but reveals a negative attitude towards the solution contained in paragraph 5 of the India-Bangladesh Declaration. For instance, it is alleged that “the so-called Joint Command was a myth and Bangladesh has no locus standi in regard to the Pakistan POWs held in India and she has no right to try them”. Then again it stated “India cannot claim any say in the matter of repatriation of Bengalees from Pakistan or of Pakistanis from Bangladesh. The questions are of Pakistan-Bangladesh concern and Pakistan has been ready to enter into discussions with Dacca authorities on these questions”.

3. While we were naturally surprised on being confronted with these categorical assertions in the note of 11th May, we were willing to consider the possibility that your letter of 16th May, and the assurance contained therein on specific issues, perhaps superseded the contents of the Aide Memoire of 11th May. However, our hopes were totally belied when we received your second Aide memoire dated 25th May which your Government chose to hand over to the Swiss Foreign Minister in Berne for transmission to us. In the circumstances, we can hardly be blamed for taking note of the contents of this Aide Memoire which was issued later than your letter of 16th May. What are we to make of this official communication which blatantly accuses us of rejecting Pakistan Government’s invitation to send our representative to Pakistan for discussion?
You would agree that this observation completely ignores my letter of 8th May to you in which we had suggested a certain basis for making the talks purposeful and fruitful. Then again a totally unfounded charge is made against us that in our reply further negotiations on the question of the repatriation of Pakistani POWs have been made conditional on Pakistan’s prior acceptance of certain “Indian demands”. I need hardly emphasize that the India-Bangladesh Declaration makes no demands. It only suggests a practical and equitable solution for resolving all the humanitarian issues arising out of the 1971 conflict simultaneously. We sincerely believe that under existing circumstances when there are unresolved political issues, and Bangladesh is not recognized by Pakistan, this is the only way in which those humanitarian issues can be resolved simultaneously.

4. In this context we (are) greatly surprised to note Pakistan’s observation in the Aide Memoire dated 11th May that India cannot claim any say in the matter of repatriation of Bengalees from Pakistan or of Pakistan from Bangladesh. Pakistan is no doubt aware of the stand of the Bangladesh Government that they will not enter into talks with Pakistan except on the basis of sovereign equality. The joint India-Bangladesh Declaration, however, does provide a framework for a solution for all humanitarian issues arising out of the 1971 conflict without prejudice to the respective position of the parties concerned. Consequently, if our representatives are to discuss the resolution of these humanitarian issues, the Joint India-Bangladesh Declaration provides the basis.

5. You will no doubt agree that in order to create conditions for a fruitful meeting of the representatives of India and Pakistan, the shadow cast by the two Aides Memoire should be removed and the Government of Pakistan should clarify whether it is prepared to discuss the simultaneous repatriation of Pakistani POWs and civilian internees, the Bengalees and the Pakistanis. On our part, I reaffirm our readiness to hold talks on this basis with the representatives of the Government of Pakistan.

Yours sincerely,

(Sd) Swaran Singh.

His Excellency,
Mr. Aziz Ahmed,
Ministry of State for Defence and Foreign Affairs,
Government of Pakistan, Islamabad.

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0785. Note of the Embassy of Switzerland transmitting a note from the Ministry of Foreign Affairs of the Government of Pakistan protesting about the alleged transfer of some Pakistani PoWs to Bangladesh.

New Delhi, June 18, 1973.

Ambassade De Suisse

The Embassy of Switzerland, Pakistan Affairs Division, presents its compliments to the Ministry of External Affairs of the Government of India and has the honour to transmit the text of the following note of the Ministry of Foreign Affairs of the Government of Pakistan dated June 16, 1973:

“The Government of Pakistan has seen a news item with a photograph in the Morning News, Dacca, dated May 3, showing some members of the East Pakistan Civil Armed Forces who were under detention in India.

The Government of Pakistan strongly protest against this unwarranted action of the Government of India for which there is no justification whatever. The Government of Pakistan urges the Government of India to put an immediate stop to the transfer of any Pakistani prisoners of war from India to Bangladesh. It is hardly necessary to add that such transfers would jeopardize the prospect of normalization of the situation in the sub-continent”.

The Embassy of Switzerland avails itself of this opportunity to renew to the Ministry of External Affairs of the Government of India the assurances of its highest consideration.

New Delhi, June 18, 1973.

Ministry of External Affairs
Government of India,
New Delhi.
0786.

SECRET

Extracts from the Record of discussions between Dr. Henry Kissinger and the Indian Ambassador T.N. Kaul at the latter’s Residence.


After the initial courtesies, Dr. Kissinger said that the President had planned to receive the Ambassador earlier but was waiting for Dr. Kissinger to be available. He had just returned from Paris and was going to Camp David on Sunday for discussions with Secretary Brezhnev. The President would probably stay on the West Coast after the Brezhnev visit and it might be possible to arrange a meeting there or in Washington around July 10. The President had received the Prime Minister’s letter and was planning to send her a note to await her arrival at Lake Placid.

2. The Ambassador said he was proceeding to Ottawa tomorrow and would report to the Prime Minister on his meetings with the President and Dr. Kissinger. He then went on to say that we had got over the heat generated by the events of 1971 and so had the U.S. We would like to concentrate on the present and the future.

3. Dr. Kissinger said that US actions in 1971 were reactions to a tactical situations and were not in accordance with any fundamental US interest.

4. The Ambassador said that when they had last met, Dr. Kissinger had briefed him on Sino-US relations and dropped a hint about a possible visit to China. But, unfortunately, he had missed the point. He remembered that Dr. Kissinger had then remarked that the US was interested in a strong and stable India and did not want Chinese domination in the Asian region. Dr. Kissinger confirmed that this still remained true.

5. The Ambassador said that we welcomed the American détente with China and the Soviet Union and hoped that this would have a favourable fall out in other regions including South Asia.

6. Dr. Kissinger said that he saw no difficulties. The US was no longer in mortal competition with the Soviet Union. They, therefore, accepted that each country should choose its own foreign policy and would not force any choice on India. The only factor was that there should be mutuality of interests. The US had been trying to use its influence with the Chinese to improve their relations with India. He believed that there had been some improvements.

7. The Ambassador said that there had been some improvement in the style but not in the substance of the relationship. There had been no concrete
response to the feelers that India had put out to China. Perhaps they were waiting for a normalization of relations between India and Pakistan. Dr. Kissinger agreed that improvement between India and Pakistan would certainly make the situation easier for the Chinese.

8. The Ambassador said that we were making every effort in this direction. We had succeeded in persuading Bangladesh to give up its pre-condition of recognition by Pakistan, and in the Joint Declaration of April 17, we had tried to separate the humanitarian issues from the legal and political issues.

9. Dr. Kissinger said he felt that it should be possible to arrange for a simultaneous recognition of Bangladesh with the return of POWs.

10. The Ambassador remarked that the contents of the latest communications with Pakistan belied this hope. (At this point Dr. Kissinger was given the two Pakistani Aide Memoires and he read through them).

11. He then said that when President Bhutto comes here Kissinger will certainly use US influence to get him to agree to a simultaneous recognition and return of the POWs. Did we feel that this was an appropriate solution?

12. The Ambassador said that following recognition Pakistan could talk directly to Bangladesh on the question of the repatriation of the Bengalis in Pakistan and the Pakistanis in Bangladesh, and on the question of the war-crime trials. We would be quite happy to see this happen. But the question of POWs could not be dealt with in isolation. It had to be dealt with simultaneously with the Bengalis in Pakistan and the Pakistanis in Bangladesh.

13. Dr. Kissinger asked whether the war-crime trials were an absolute necessity. The Ambassador said that his personal feeling was that some arrangements were possible in this regard. Bangladesh was obliged to carry out the trials because of public feeling, but the prisoners could, after trial, perhaps, be externed to Pakistan for the execution of their sentences. He emphasized that he had no authority to put this forward but this was a personal assessment he had made. What was important was that there should be simultaneous movement of all three categories, viz., POWs, the Bengalis and the so-called Biharies. When Dr. Kissinger asked whether this meant that this would be an exchange of Bengalis and Biharis when Dr. Kissinger asked whether this meant that this would be an exchange of Bangalis and Biharis when Dr. Kissinger asked whether this meant that this would be an exchange of Bangalis and Biharis when Dr. Kissinger asked whether this meant that this would be an exchange of Bangalis and Biharis when Dr. Kissinger asked whether this meant that this would be an exchange of Bangalis and Biharis when Dr. Kissinger asked whether this meant that this would be an exchange of Bangalis and Biharis when Dr. Kissinger asked whether this meant that this would be an exchange of Bangalis and Biharis and that the POWs would also be then returned at the same time, the Ambassador confirmed his impression. He pointed out that the so-called Biharis in question were Pakistani nationals-- those who wanted to go back and had opted for Pakistan and represented less than half the total number in Bangladesh.
14. The Ambassador pointed out that we had been somewhat surprised by the delay in recognition as Bhutto had more or less told us in Simla that he would recognize Bangladesh in July or August 1972. Dr. Kissinger confirmed that he had also had the same impression. The Ambassador mentioned that there had been some Press reports that Bhutto had discussed this at a PPP meeting in Nathiaglai (a place well known to Kissinger) (in Murree) and had obtained the silent approval of half the members present for giving him the authority to recognize Bangladesh, but had opposed a referendum on the subject. May be he was serious; maybe he was not. One could not be certain about Mr. Bhutto.

15. Dr. Kissinger said that they would certainly talk to Present Bhutto on this subject. They also seemed to have some indication that Bhutto might consider early recognition of Bangladesh.

16. The Ambassador said that when he had met Assistant Secretary Sisco, the later had mentioned to him the feeling that he had noticed amongst certain neighbours of India apprehensions about the threat from a strong India. He hoped that this assessment was not shared by the White House. Our relations with Bhutan, Nepal, Sri Lanka, Burma and Afghanistan were good. In fact, the real fears in this region were in respect of China and not in respect of India. Recently when the Foreign Minister had been to Rangoon, the Burmese had given him details of Chinese intervention and interference in their affairs.

17. Dr. Kissinger said that one could only be judged by one's actions. India was a major country in South Asia. He certainly saw no military threat from India to Ceylon or Nepal.

18. The Ambassador said that we had perhaps the greatest stake in the stability, cohesion and prosperity of Pakistan than anyone else. It was to help Bhutto, as the first democratically elected leader, that we had made concessions at Simla. We had done this in spite of strong domestic opposition to withdrawals from Pakistani territory.

19. Dr. Kissinger said that the Pakistanis had leveled accusations against us for encouraging separatist tendencies, for instance in Baluchistan. The Ambassador explained that we could not have any physical contact with either Baluchistan or the frontier province, because of geography. It had been clearly accepted by everybody including Pakistan that there was no Indian collusion in the foreign arms which had been discovered in the Iraqi Embassy in Islamabad. In any case, what would be gained by such efforts? Dr. Kissinger said that it had been said that many Indians had never accepted partition. The Ambassador said that some right wing groups such as the Jan Sangh may have articulated such a position in the past. However, even they were now
reconciled. The Government of India had at no time been interested in such an idea whether it was Pakistan or Bangladesh. Our Prime Minister had made this quite clear publicly before, during and after the 1971 conflict- even at the National Press Club here in Washington. We had enough domestic problems of our own and we would not increase them by any such merger. Dr. Kissinger jocularly remarked that Bangladesh was a loser.

20. The Ambassador said that he would like to emphasize that our objective was that Pakistan should emerge as a stable and viable unit with whom we could have increasing trade, economic and cultural exchanges. We would like to extend this even further to include Iran. It was true that Iran had certain misgivings. The Ambassador explained that these were partly due to the isolation of the Shah, his advisers only allowed a Pakistani version to reach him. When he had met Prince Sadruddin Aga Khan in Geneva, he had also pointed this out. The principal adviser was Zahedi, who was now Ambassador to the US and had been the Foreign Minister. When he (the Ambassador) had called on the Shah before the 1971 conflict, the Shah had been non-committal about Iran’s support for Pakistan, but Zahedi had stated categorically that they had sent arms in 1965, and they would send arms now. Nevertheless, we hope to build up our relations with Iran. We have one functioning joint venture and we would like to have more. We had sent Mr. Haksar to Tehran to explain the position. It was in Iran’s own interest that there should be friendship between Iran, Pakistan and India. The Shah had some fears of Iraq and the Baluchi minority in Iran but India had no designs on him or on Pakistan territory.

21. Dr. Kissinger said that they too had had the impression that India’s intervention in West Pakistan was intended to further dismember Pakistan. Perhaps this had been a mistake. Ambassador explained that we never had any such designs. We had, in fact, made public statements to this effect before the actual fighting started in 1971. It was also incorrect to say that we had refrained from further action in West Pakistan because of Russian pressure. The Russians had never conveyed any suggestion to us in this regard.

22. Dr. Kissinger said that US interest was that there should be good relations between India and her neighbours including Iran.

23. The Ambassador said that during his term as Ambassador in Tehran, relations with Iran had been excellent and if Iran had fears of her Arab neighbours, friendship with India might be a stabilizing influence. Dr. Kissinger enquired how this could be achieved when Iran saw her main threat as coming from the Soviets and the Soviets having links with Iraq and India. The Ambassador explained that the answer to this lay in establishing friendly relations with all her neighbours. We had no quarrel with Iran obtaining arms in connection with her own security. But we were concerned that these arms
could easily be transferred to Pakistan. It had created considerable concern among the India public, Parliament and the Press. We had sought assurances but had not received them. In fact, Deputy Secretary Rush had said that no permanent assurances were possible.

24. When Dr. Kissinger said that he thought that there were severe restrictions on the transfer of such arms, the Ambassador told him that there had been transfers of arms from Iraq during 1971 and even tanks had been transferred in 1972. The Ambassador said that we would like to have credible assurances, and he had put this point to Secretary Rogers, who had promised to consider it.

25. The Ambassador pointed out that our main concern was that the availability of arms would strengthen militaristic and anti-Indian groups on Pakistan and weaken the democratic forces. This would be against the interests not only of India but also Pakistan and the US.

26. Dr. Kissinger said that US was now more aloof from the evolution of the sub-continent. They did not intend to send any large scale arms to Pakistan, apart from spares He promised to look further into this matter.

27. The Ambassador and Dr. Kissinger compared notes about common acquaintances in China. The Ambassador then asked Dr. Kissinger for his assessment of the Chinese attitude towards India. Dr. Kissinger said that Chinese were emotional about India. This may be partly due to their relationship with Pakistan. He also believed that it was due to the arrogant treatment to some of their leaders in India in 1960, 1961 and 1962. They also believed that India was acting as a Russian puppet in the pursuit of Soviet foreign policy objectives. For instance, should India sign a treaty with Indonesia of a nature similar to the Soviet treaty, the Chinese would see that as a treaty bringing the Soviet Union into Indonesia.

28. The Ambassador explained that Prime Minster Nehru had never taken a hard line with China. They had themselves roused strong feelings because of their somersault in their attitude towards the McMahon line in 1960 and their armed incursions into Indian territory. The Indo-Soviet treaty was not a military alliance and we had, in fact, offered to have similar treaties with other countries. However, as President Nixon had pointed out in 1971, there was no need for such a treaty between India and the US. Pandit Nehru had declared even in 1960, when Chou En-lai visited India that one of the corner-stones of our foreign policy was that we should work for friendly relations between India and China.

44. The Ambassador agreed. He said that he hoped that there will be no setback to the dialogue by an unnecessary quantity of arms going to
Pakistan. Dr. Kissinger said that they had no further intentions of supplying arms to Pakistan.

45. The Ambassador gave details of the increase in the Pakistani army strength and their capacity to draw upon friendly Islamic countries which made them much stronger than they were in 1971. We were genuinely concerned that the acquisition of these arms would lead them to some misadventure even if it was suicidal. Our hope was that we could build up a cooperative relationship between Iran, Pakistan, India and Bangladesh which would reduce or eliminate all external domination or pressures and this would be consistent with US interests. Dr. Kissinger said that they also had the same outlook towards the region.

46. The meeting concluded with usual expression of greetings. Dr. Kissinger asked the Ambassador to ring him up or his office any time he wanted the white House to do anything.

Sgd. E. Gonsalves.
Minister (P)
5.6.1973

0787. Letter from the Indian Ambassador in the United States to the Soviet Ambassador regarding possibility of discussions on the Indian Sub-continent between President Nixon and Secretary General Brezhnev.


Dear Mr. Ambassador,

During my last meeting with you, I raised the question whether the situation on the Indian sub-continent was likely to be discussed between Secretary-General Brezhnev and President Nixon. I enclose a brief Note emphasizing the main points in this regard, without entering into the details. I was hesitant to send it to you at this time when you are so busy, but I feel I should now send it to you in view of the reported remarks of the Foreign Minister of China regarding Iran’s role in the Gulf. (Please see report in the CHRISTIAN SCIENCE MONITOR of Tuesday, June 19, 1973 under the caption “Peking swings support to Iran”). It is likely that the Chinese Foreign Minister may make even stronger
Noises in Pakistan, where he has gone from Tehran. You must have already seen detailed reports on the subject and I need not say more.

2. Please convey my respectful regards to Secretary-General Brezhnev and best wishes for the success of his visit which, I am sure, will contribute to lessening of international tensions and strengthening the forces of peace in the world.

With regards,

Yours sincerely

(T.N. Kaul)

His Excellency Mr. A.P. Dobrynin,
Ambassador of the Union of Soviet Socialist Republics,
1125, 16th Street, N.W.
Washington D.C.

Enclosure to T. N. Kaul’s letter.

The Simla Agreement reached in July 1972 by the Prime Minister of India and the President of Pakistan was the first evidence of a change of attitude from confrontation and conflict towards negotiation and cooperation. The basis was a peaceful resolution of problems by discussions bilaterally. It was welcomed by almost all countries including the United States and U.S.S.R. Especially important, it was welcomed by the people of Pakistan, India and Bangladesh.

2. Despite some difficulties, progress has been made in returning Pakistan territory, the exchange of prisoners of war taken on the western front, and on establishing a line of control in Jammu & Kashmir. India’s efforts to make further progress in building up other areas of bilateral cooperation with Pakistan have met with little success. India intends to persist in these efforts.

3. Pakistan had agreed at Simla in July and reiterated in the Delhi Conference in August 1972 to consider early recognition of Bangladesh. They have failed to do so. On the contrary, they have indulged in propaganda against India on the question of the remaining prisoners of war seeking to turn international opinion in their favour. This is contrary to their agreement not to poison the atmosphere by such propaganda and also contrary to their agreement at Simla and Delhi that Bangladesh was a concerned party to the release of the prisoners of war. At their instance, China vetoed the admission of Bangladesh to the United Nations although Bangladesh is recognized by an overwhelming number of the members of that body.

4. After the Bangladesh elections in March 1973, the Governments of India and Bangladesh decided that despite Pakistan’s intransigence, efforts should
continue to maintain the Simla spirit. Accordingly, they decided to separate the humanitarian issues from the political and legal issues. In a joint Declaration on April 17, they offered to resolve all these issues simultaneously incorporating most points earlier made by President Bhutto himself. Pakistan’s response has been deliberately confusing and self-contradictory. While offering to discuss the declaration, they have also sought to make a legal case for separating and dealing with the prisoners of war issues in isolation. They have also sought to raise in the International Court of Justice the question of restraining India from returning to Bangladesh the small number of 195 prisoners of war who are to be tried under criminal charges.

5. India and Bangladesh are confident that in the long term there can only be increasing and fruitful cooperation among the governments and peoples of the sub-continent. The stand taken by Pakistan can only delay the final achievement of this inevitable goal. However, the quicker Pakistan recognizes the realities and joins in constructive efforts to solve the problems of the sub-continent the greater the advantages will be to all, including Pakistan. India has the greatest interest in the establishment of a peaceful, friendly, stable and viable Pakistan on her borders.

6. Pakistan’s attitude is partly due to domestic factors. There are vested interests in maintaining a confrontation with India particularly among the military and the bureaucracy. There is reason to believe they do not really want the prisoners of war back as they might be embarrassed and exposed. However, public opinion in Pakistan has been in favour of the Simla spirit, in favour of recognition of Bangladesh and in favour of accepting the Joint Declaration. The reactionary circles have been receiving considerable support from China, from Iran and some Islamic countries in the shape of diplomatic and political support and military supplies. The U.S. decision to lift the embargo on arms supplies will also strengthen these forces. U.S. aid is also useful in providing the foreign exchange for purchases from other countries. Pakistan’s massive arms buildup could have serious consequences for the sub-continent. While India could eventually deal with any military threat, this could mean an arms race which would adversely affect the social and economic development of both countries. Also as Bangladesh has shown, the encouragement of the anti-Indian militaristic forces in Pakistan leads to developments within Pakistan which could permanently damage her own internal stability.

7. It is, therefore, the responsibility of all countries who have any influence with Pakistan to urge that government to abandon its methods of confrontation and military buildup, to come back to the path of negotiation and to recognize the new realities.
1969


Dear Sardar Swaran Singh,

I am in receipt of your letter of 11th June, in reply to my letter to you of 16th May.

2. At the outset I should like to reiterate, what I had stated in my letter of 16th May, that we have been ready at all times and, still are – to approach the question of repatriation of POWs and that of Bengalis and Pak nationals stranded in Pakistan and Bangladesh respectively from a pure humanitarian angle. The two Aide Memories, dated 11th May and 25th May, to which you refer, were not meant for transmission to the Government of India. Apparently they were transmitted to your Government through some misunderstandings and I am still trying to find out who was responsible. I trust that this explanation would remove “the shadows” to which you have referred in the concluding para of your letter.

3. My letter of 16th May clearly implied that we would be prepared to discuss not only the question of repatriation of Pak POW and civilian internees but also other issues mentioned in your statement of 17th April 1973. This still remains our position.

4. We suggest, subject to the convenience of your Government, the talks may start on this basis between the representatives of the Governments of India and Pakistan in Karachi on 9th July.

With best wishes,

Yours sincerely

Aziz Ahmed

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Letter from the External Affairs Minister Swaran Singh to the Pakistan Minister of State for Defence and Foreign Affairs in reply to the latter’s letter of June 23, 1973.

New Delhi July 3, 1973

Dear Mr. Aziz Ahmed,

Thank you for your letter dated 23rd June in reply to mine of 11th June.

2. We have noted your clarification that the two aide memoire, dated 11th May and 25th May, were sent to us inadvertently and that your Government’s position is as stated in your letter of 16th May namely, that you are ready to approach the question of repatriation of POWs and that of Bangalees and Pakistani nationals stranded in Pakistan and Bangladesh respectively, from a purely humanitarian angle. As already mentioned in my earlier communication to you, in our view, talks can lead to quick results if, in accordance with the Joint India-Bangladesh Declaration, the repatriation of these three categories of persons takes place simultaneously.

3. In the circumstances, it would be useful for the representatives of the two Governments to meet in the near future to discuss the problems and modalities relating to the repatriation of the three categories of individuals indicated in the Joint Declaration of April 17, 1973.

4. As to the venue for the talks we would have gladly accepted Karachi but for the fact that this would pose a certain practical difficulty. As you are aware, the issues to be discussed in these talks are also of vital concern for Bangladesh Government, and this would require the necessity of urgent consultations by the Indian delegation with the Government of Bangladesh. For obvious reasons, if the talks are held at Karachi, such consultations will not be possible. We would, therefore, hope that under these special circumstances, your Government would be good enough to agree to the talks being held in New Delhi. Further, we hope that instead of 9th July, as suggested by you, we could commence the talks a week later on the 16th July. This would enable us to hold prior consultations with the Bangladesh Government, which are necessary for the success of the talks.

5. We shall await your confirmation that the changed venue and date is convenient to the Pakistan Government.

Yours sincerely,

(Sd) Swaran Singh

Mr. Aziz Ahmed,
Minister of State for Defence & Foreign Affairs,
Government of Pakistan, Islamabad.
0790. Letter from Pakistan Minister of State for Defence and Foreign Affairs Aziz Ahmed to Swaran Singh, Foreign Minister, Government of India.


Dear Sardar Swaran Singh,

Thank you for your message of July 3, in reply to my letter of June 23,

1. I regret the date suggested by you for the talks will not be suitable. The President will be in the United States at that time and I will be accompanying him.

2. As regards the venue, we feel that it is our turn to have the opportunity to play host and that the talks should be held in Pakistan. In order that your representatives may be able to communicate with New Delhi and Bangladesh Government more easily, the talks can be held in Islamabad or Murree. In either case necessary facilities will be available.

3. If it is convenient to your Government, the talks may commence on July 28.

Yours sincerely,
(Sd) Aziz Ahmed,

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0791. Resolution of Pakistan National Assembly dated July 9, 1973, on recognition of Bangladesh.


The National Assembly, believing that the spirit of Muslim brotherhood should govern relationships between the people of Pakistan and those of the area which now calls itself Bangladesh acclaims all efforts directed towards the healing of wounds suffered by both communities in the tragic events of 1971. The Assembly is confident that mutual forgiveness and understanding will eventually prevail over rancour and hate which democratic and progressive elements in both communities deeply deplore. In this context the National Assembly endorses the stand taken by the Government with respect to immediate issues which need to be resolved for the normalization of the situation on the subcontinent.

The Assembly is convinced that the prerequisite to such normalization is the

The Assembly strongly supports the Government’s position on the issue of holding trials, some among prisoners of war and civilian internees, on alleged criminal charges and urges all concerned to respond to the needs of reconciliation by refraining from holding any such trials, which would cause a grave setback in efforts being made towards normalization of the situation on the subcontinent.

In accordance with these principles the assembly is of the opinion that the Government of Pakistan may accord formal recognition to Bangladesh and initiate such constitutional measures as may be necessary therefore, at a time when in the judgement of the Government, such recognition is in the best national interests of Pakistan and will promote fraternal relationships between the two communities.

0792. Letter from the External Affairs Minister Swaran Singh to the Pakistan Minister of State for Defence and Foreign Affairs regarding the proposed meeting between the two countries to resolve the humanitarian issues.


Dear Mr. Aziz Ahmed,

I have your message of July 5. When we have suggested New Delhi as the venue for the meeting of our representatives, we were guided entirely by the imperative need for close and continuous consultations with Bangladesh on all matters arising out of the discussions. Although you have been good enough to offer communication facilities, you will appreciate the delays and difficulties which will arise. However, since the question of having the venue in Pakistan is of importance to you, we are quite ready to send our representatives to Karachi or Islamabad. As for the date of the meeting, I am afraid July 28 has a serious disadvantage because both the Prime Minister and Foreign Minister of Bangladesh will be away from Dacca from July 26 till about August 12 as they will be visiting Yugoslavia and thereafter they will be in Ottawa to attend the meeting of Heads of Government of Commonwealth countries. With them
away, the problem of maintaining contacts with them, let alone consulting with them, which is essential, will be as you can imagine, extremely difficult. In the circumstances I suggest that if it is convenient to you, our representatives might meet either at New Delhi, as we have proposed, or in Karachi or Islamabad, as you suggest, on July 24. If President Bhutto and you are due to return to Pakistan on an earlier date, we shall be ready to send our delegation on that date. I might perhaps at this stage indicate that our delegation will be led by Shri P.N.Haksar, who has the status of Minister of State.

Yours sincerely,
Sd/- Swaran Singh.

H.E. Mr. Aziz Ahmed,
Minister of State for Defence & Foreign Affairs,
Government of Pakistan, Islamabad.


Dear Sardar Swaran Singh,

Thank you for your message of 10th July which reached me this morning. I am sending this reply immediately as I am to proceed abroad tomorrow morning.

I was scheduled to come back on 27th July. However, I have decided to cut short my visit abroad and shall return to Islamabad in time to receive Mr. P. N. Haksar and his colleagues for the talks on 24th July, as suggested by you.

We would have also like to comply with your wish that we come over to New Delhi but, you will appreciate, my tour programme is so tight that it would not be possible for me to reach New Delhi on 24th July. I hope, therefore, that it would not be too inconvenient for your Government if the talks are held in Islamabad.

Yours sincerely,
Sd/- Aziz Ahmed,
SECRET

Extract from the Telegram from Ambassador in the United States T. N. Kaul to Foreign Secretary Kewal Singh.


Foreign Secretary from Ambassador/ Personal.

(Repeated Secretary to Prime Minister)

I met Kissinger for over an hour in his office today at his request. Gonsalves accompanied me. Detailed report follows by bag. Following were main points discussed:

Summit

2. Kissinger confirmed by and large Dobrynin’s version conveyed in my earlier telegram. He said that situation in sub-continent was discussed in a general way and US urged mutual restraint by both super powers. Gulf situation was not discussed. He did not attach too much importance to doubts and suspicions in Western Europe although France was a special case. West Germany was also concerned about possible reduction of US forces. However, as Kissinger said “These fears are unjustified. Summit Agreement aims at Prevention of war and does not lay down manner in which war, if it breaks out, should be conducted. It safeguards position of allies of either party. The only obligation is that of consultations”. I told him we were, on the whole, satisfied with the summit agreement as published. It was an improvement on the Shanghai communique which had unfortunately made a reference to “self-determination in Kashmir” and “legitimate interests of China in South Asia”. He took my remarks in good spirit and said he was glad to find that India had no misgivings about either party carving spheres of influence. I told him that the stage of super powers or great powers carving out spheres of influence had passed.

Sub-Continent:

3. Kissinger welcomed forthcoming Indo-Pak meeting on 24th July. He hoped postponement of Bhutto’s visit to USA would not affect meeting. I expressed hope that in spite of postponement, US would exert its influence on Bhutto to make positive response to Joint Indo-Bangladesh declaration of 17th April at forthcoming meeting. He said US fully supported Simla spirit and hoped the meeting would achieve positive results. He added that Dacca trials appeared to be mini stumbling block. I replied it was a matter to be settled between Bangladesh and Pakistan. I expressed my personal impression that if Bhutto recognised Bangladesh it might facilitate solution of this problem. He
asked if he could convey this to Pakistan. I said I had no authority from my Government and none at all from Bangladesh to convey any specific suggestions. It was merely my personal impression and neither India nor I should be quoted but if Kissinger agreed with this impression he might convey it as his own to Pakistan. Bangladesh Foreign Minister had however repeated recently that trials would be held. They were suspicious of Bhutto’s intention to really recognise Bangladesh. If Bhutto made gesture it was possible it might allay suspicions of Bangladesh to some extent. I made it clear that this was my personal impression and not based on anything I had heard from my Government or from Bangladesh.

India-Iran-Pakistan-Bangladesh:

4. I explained that we had no conflict of interests with Iran. We did not wish any instability or fragmentation of Pakistan. Iranian or Pakistani suspicions and fears in this regard were totally unjustified. We would like to see an area of peace and cooperation between Bangladesh, India, Pakistan and Iran. I expressed it as my personal opinion that perhaps some kind of understanding between the four on the lines of Panch Sheel might be desirable. Kissinger reacted positively to this suggestion and asked whether he could suggest to the Shah to make such a proposal as if it came from the Shah himself. I said we did not wish to claim credit for any ideas and if the Shah would sponsor such an idea we would certainly consider it. I explained however that this was only my personal idea and I had not cleared it with my Government. I was wanting to get his response first. Since his response was positive I would communicate it to my Government.

Gulf:

5. I told Kissinger that large scale injection of arms to some countries of the Gulf by USA was likely to encourage injection of arms to other countries by other powers. We had no desire to take sides in internecine quarrels of the Arab countries in general and the Gulf countries in particular. An international agreement ensuring respect for the territorial, sovereignty and independence of the Gulf countries guaranteed by USA, USSR and possibly India, Pakistan and Iran might be worth considering. He asked what the Russian response would be. I said they were likely to look upon it with suspicion but in my personal opinion it would be in line with the spirit of détente that had set in. He expressed the opinion that if Russia came in, China might also have to be brought in. I said that was up to China and the other powers concerned but if China and Russia both came in, it might complicate matters.

He then asked if Iran could be treated as a Gulf country. I said it was definitely a Gulf country. He said he would think about the idea. I expressed my personal
opinion that injection of arms in Gulf would create tensions and might lead to another Vietnam in the Gulf area if an arms race took place there. Surely it was worth while considering ways and means of preventing another Vietnam situation arising in this area. I pointed out in particular the danger of giving arms like Phantoms which had a range of 1500 miles to Iran. We were particularly concerned because in 1965 and 1971 arms as well as aeroplanes had been passed on by Iran to Pakistan. He feigned ignorance about the supply of Phantoms to Iran and asked Saunders, who was also present, if this was so. Saunders confirmed that Iran had already two squadrons of Phantoms and was to get six more. I added that a credible assurance that US arms would not be passed to third countries would go some way in allaying our apprehensions, though such assurances could not be 100 percent foolproof. He said he was going to meet the Shah alone and would impress on him to assure India, apart from US assurance, that arms would not be passed by Iran to Pakistan. I told him that I had known the Shah personally and if he thought it would serve any useful purpose I would be glad to meet him during his visit to Washington. He suggested that I ask the Iranian Ambassador to fix an appointment for me. I said I would think it over. Kindly let me know whether I should make such a request or not.

(Other issues discussed were Cambodia, PL—480, Rescheduling of Debts, Food imports, Development assistance, etc.)

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0795. Press Conference of Pakistan’s Attorney General Yahaya Bakhtiar on Pakistan’s withdrawal of its request to the International Court of Justice.


Pakistan has withdrawn its request to the World Court here for interim measures of protection against India in her dispute about prisoners of war because the two countries’ Foreign Minister are starting talks on the issue in Pakistan on July 24, Pakistan Attorney-General Yahaya Bakhtiar said at The Hague.

Speaking at a press conference at the Pakistan Embassy the Attorney-General said the talks between the two countries might last until September and October. If the outcome was favourable Bangladesh might be invited to take part. This would in fact amount to a de facto recognition of Bangladesh by Pakistan, Mr. Bakhtiar said.
He said that India was only willing to repatriate 92,000 Pakistani prisoners of war (80,000 soldiers and 12,000 relatives including 6,500 children), provided that West Pakistan not only allowed the Bengalis to go to Bangladesh but was also prepared to absorb the non-Bengalis. According to the Government of Bangladesh these amounted to 160,000 West Pakistanis. But according to the Pakistan Government this group amounted to many hundreds of thousands of persons, perhaps even millions, who had left for the new state from India and Burma and who had no ties whatsoever with West Pakistan.

Attorney General Bakhtiar said that Pakistan was prepared to absorb part of these people, but certainly not all of them. They should also be enabled to settle in Bangladesh and India, he added.

He said India had told the World Court in a letter that it was willing to solve the dispute with Pakistan peacefully and bilaterally.

Mr. Bakhtiar said Pakistan was willing to recognize Bangladesh provided the prisoners of war are repatriated. Both parties had committed war crimes, but it was not right to select 195 Pakistan prisoners of war and blame them, while Pakistan itself was holding former President Yahya Khan and the former Chief of Staff of the Army prisoner pending an investigation. In the mean time Bangladesh itself did not allow an investigation into the war crimes committed by the followers of Mujibur Rahman—the ‘Mukti Bahini’, the Attorney General said.

0796. TOP SECRET

Note recorded by Joint Secretary in the Ministry of External Affairs on Pakistan’s likely stand on the Joint India—Bangladesh Declaration during the forthcoming Talks at Islamabad on July 24, 1973.


President Bhutto’s recent statements and those of his spokesmen provide a good indication of Pakistan’s likely stand at the forthcoming talks. A brief subject wise analysis of these statements together with additional information gathered from intelligence and diplomatic sources is given below:

While in Mr. Aziz Ahmed’s letter of 16th May he had indicated Pakistan’s willingness to discuss the repatriation of the three categories of persons, namely,
Pakistani POWs in India and Bangladesh and Pakistan nationals in Pakistan and Bangladesh respectively, there was no indication that Pakistan would necessarily accept the idea of simultaneous repatriation. In fact indications are that Pakistan is desperately keen to avoid an interlinking of the POWs and Bangalees with the return of Pakistanis from Bangladesh. It is reliably learnt that at a recent meeting arranged under the World Bank auspices in Washington to discuss the division of assets and liabilities the Pakistan representative took the opportunity of discussing with his Bangladesh counterpart the problems of the three-way exchange proposed in the Indo-Bangladesh Declaration. The suggestions made by the Pakistan representative were on the following lines:

i) The question of repatriation of ‘Biharis to Pakistan should, for the time being, be delinked from the offer of the three-way exchange, and, to begin with, the exchange should be only a two-way one involving the return of the Pakistani POWs in India against the repatriation of Bangalees detained in Pakistan;

ii) Pakistan is willing to implement this two-way exchange beginning from the first week of August 1973;

iii) Pakistan is prepared to accept the retention, for the time being in India, of 195 Pakistani POWs required for trial if Bangladesh also agrees to put off the simultaneous repatriation of ‘Biharis’ to Pakistan. The ‘Biharis’ in Bangladesh could at a later stage be sent to Pakistan in batches of ten to twenty thousand at a time subject to a prescribed ceiling provided their cases are based on certain categories such as hardship or compassion;

iv) It is hoped Bangladesh would eventually allow the question of the trial of 195 Pakistani POWs to be quietly dropped.

It is to be seen whether Pakistan will go even so far in the talks with India, as the position underlined in the above proposals communicated direct to the Bangladesh representative at Washington. Pakistan still harbours the anxiety to deal directly with Bangladesh on all questions except that of the POWs on which it wants to deal with India exclusively. It would be pertinent to recall that this was the purport of Pakistan’s statement of April 20 which Mr. Aziz Ahmed described in his letter to the Foreign Minister, dated April 23, as the Pakistan Government’s “response to the India-Bangladesh Declaration on the question of repatriation of prisoners of war and related matters.” Since unlike the two Aide Memoire of 11th and 25th May Pakistan has not recanted on its statement of April 20, it would presumably remain as Pakistan Government’s basic response to the proposals contained in the Joint Declaration. The only slight change of stance is in terms of the letter dated the 16th May of Mr. Aziz Ahmed
wherein at least the idea of discussing repatriation of the three categories has been accepted.

Significantly, President Bhutto in reply to a question relating to Shri Haksar’s statement to the effect that the talks will be held on the basis of the Joint Declaration of April last, is reported to have commented that Pakistan should not agree in advance to anything which according to him “it did not understand”. He added “that is why we asked for talks to seek clarifications of the Delhi offer.”

On the role of Pakistani negotiators in the forthcoming talks President Bhutto said “the scope had been determined by the National Assembly resolution on the recognition of Bangladesh which meant that the recognition would be considered only after all Pakistani POWs were repatriated and the threatened trials by Bangladesh was cancelled. Another idea put forth by President Bhutto in his TV interview of July 9 is to suggest that the forthcoming meeting would be “a limited meeting meant for a bigger meeting.” He reintroduced the idea of the forthcoming meeting being in preparation for another summit by saying “quite long ago I suggested that Mrs. Gandhi and we should meet. I invited her to Pakistan”.

The kind of questions which the Pakistan delegation is likely to ask on this subject are revealed in the following quotation from President Bhutto’s National Assembly speech on July 9:

> “Who are the Pakistanis in Bangladesh? On what ground can they be considered to comprise only of non-Bangalees? What was the kind of option they were supposedly given? How can the Dacca authorities release themselves from the obligation of respecting the human rights of all the people who had made East Pakistan their home a year before the establishment of Pakistan? How can they ignore the universal declaration of human rights which forbids exile or arbitrary declaration of legal or moral claims of people on racial or ethnic ground?..... No solution will be workable if it does not take into account the physical, economic and social consequences for the life and future of the human beings involved. The human beings involved are not only the members of this unfortunate minority but also those among whom they are suggested to be resettled.”

Following the decision of the ICJ in rejecting the application of Pakistan for an interim injunction to prevent India from transferring POWs for trial to Bangladesh, the Pakistan Government has tried to give its own interpretation to this development. A Pakistan Foreign Office spokesman stated on 16th July that it was hoped India would not take any unilateral action which could (undermine)
the prospects of success of the Indo-Pakistan negotiations. He further stated that the "case remains sub-judice before the World Court and the Simla Agreement also lays down that neither side can unilaterally alter the situation pending settlement of any of the problem between the two countries" (interestingly enough this latter wording is used in the Simla Agreement specifically with reference to the Line of Control under paragraph 4 (ii) and is not applicable to any other issue).

Pakistan’s Attorney General Yahya Bakhtiar in his press statement at the Hague on July 17 has also reiterated this point. Mr. Bakhtiar referring to Dr. Nagendra Singh’s “separate opinion” in which the latter had criticised the Court for not declining to deal any further with the case, has made the following comment:

Pakistan was “grateful to the Court that it has in effect accepted the request for postponement and has not given any decision on our request but has in its order stated that Pakistan is at liberty to approach the Court again should the need and urgency for interim measures arise again.”

In view of this Pakistan’s likely stand on the issue of war trials is going to be that India should give an undertaking that the 195 prisoners of war required for trial in Bangladesh will not be transferred till the question of jurisdiction is established by the ICJ. It is possible that Pakistan might go to the extent of creating a deadlock on this issue and go in for third party mediation to persuade Bangladesh to drop the idea of trials. They may bank upon reports that the top leadership in Bangladesh is now divided as to whether they should go ahead with the trials or work for the early return of the Bangalees stranded in Pakistan. Mr. Bhutto wants to dangle the additional bait of recognition before Bangladesh in case the Bangladesh Government drops the idea of war trials.

(A.S. Chib)
Joint Secretary (Pak)
18.7.1973

Foreign Secretary
Shri P.N. Hakasar, Secretary to P.M.
Joint Secretary (BD)

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A. Summary of meeting on 24 July 1973 at Rawalpindi at 9.00 a.m.

1. Mr. Aziz Ahmed dwelt at some length on the deadlock, as he saw it, over the Simla Agreement. Indian statements and propaganda would give the Indian people the belief that Pakistan should not be trusted, and the present regime was no more than the former one in a new garb. The main obstacle in normalisation was the continued detention of POWs. When this was so, it was not possible to move ahead on “peripheral” matters such as over flights. As stated at Simla, President Bhutto did indeed wish to recognise Bangladesh, but he had to carry his people with him. Mr. Aziz Ahmed called for a resurrection of the Simla Agreement.

2. Shri Haksar said that he thought it was a pointless exercise to go into the past and to indulge in mutual recrimination. The Joint Declaration was a serious and earnest effort to solve the humanitarian problems. Bangladesh had set recognition aside: In fact she can now afford to wait for Pakistan’s recognition. Pakistan seems to seek all the time to keep options open, e.g. ICJ, ICAO, and the two Aide Memoire sent to the Swiss. If Pakistan had recognised Bangladesh, the POWs would have been back a long time ago; that had not happened, and India and Bangladesh were trying to find a way to clear the human debris of 1971. Both countries felt that the Pakistan Government would accept the trial of a mere 195 POWs, an impression that was based on statements by the Pakistan President himself. Either Pakistan can take back all the POWs with the exception of the 195, or thousands would be held up.

3. India and Bangladesh, Shri Haksar said, did not understand the question of economic burden argument of Pakistanis who come from Bangladesh to Pakistan. Immense transfers of people had taken place in Europe and there was no reason why Pakistan should not take its nationals who claimed allegiance to it. He was glad to hear that there would be no problem about Bangladesh nationals from Pakistan going back.

4. Mr. Aziz Ahmed recalled that he had described the Joint Declaration as a positive step. He was deeply appreciative of India’s efforts in persuading Bangladesh to set aside the question of recognition. However, Pakistan would not accept the trials of POWs, nor can Pakistan accept the Joint Declaration
“demand” that Pakistan should accept all those non-Bangalees from Bangladesh who owe allegiance and are desirous to go to Pakistan. He would explain the reasons to Shri Haksar.

(K.P.S. Menon)
Joint Secretary (BD)
4.8.1973

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B.

SECRET

Ministry of External Affairs

Indo-Pak Talks

Meeting of Special Emissaries 9 a.m. on 24th July, 1973.

Mr. Aziz Ahmed opened the talks by welcoming Shri P.N. Haksar (Secretary to the Prime Minister) and the Indian Delegation. He said he was glad that Shri Haksar could come to Rawalpindi. Pakistan has felt for some time that all was not well with “our relations”. The spirit of Simla was getting eroded; its implementation had got bogged down. The present meeting, therefore, was a welcome development. Mr. Ahmed expressed regret that Pakistan could not agree to New Delhi being the venue for the talks. India’s Foreign Minister had given “strong reasons” while suggesting New Delhi, as a venue. However, since, Mr. Ahmed said, he could not have made it in time for the talks, Pakistan suggested Islamabad. Mr. Ahmed assured the delegation that they would have no problem in communicating with Delhi whenever they so desired.

Mr. Ahmed said he would like to make a brief statement covering the period of one year since the Simla Agreement. He said it was not so much a question of individual items and question that is important but rather the totality of relations. Mr. Ahmed recalled that at Simla there were two alternative courses of action open to the Indian and Pakistani teams; one would have led to continued friction, tension and confrontation, the other to the establishment of friendship and amity and eventually to durable peace in the sub-continent. Mr. Ahmed said that fortunately the leaders of the two sides chose the second course. He expressed appreciation for the courage and far-sightedness shown by the Prime Minister, despite opposition in India, and said that without this even the talks at Simla would have broken down. To Pakistan the Simla Agreement reflected a fundamental change in India’s attitude. This feeling was based on the
assurances given first by Shri D.P. Dhar at Murree when he said that India was of the view that a strong and independent Pakistan was in her best interests. Mr. Ahmed said that this was the first time that such sentiments had been voiced at an authoritative level. Subsequently, these sentiments were reiterated by India’s Prime Minister at Simla. She not only spoke out for a strong and independent Pakistan but also emphasised the necessity of the two countries living in peace. For this reason, Mr. Ahmed said, Pakistan felt confident that whereas the earlier agreements between India and Pakistan had not been implemented, the Simla Agreement would work.

Since then unfortunately there has been a progressive erosion not only of the Agreement but also the spirit behind it. This is evident from the fact that the two sides have taken one year to meet even though under the Agreement they were to discuss “the modalities and arrangements” for establishing durable peace and normalisation of relations. The lack of progress is causing some anxiety to Pakistan. Pakistan would like to know India’s view as to why this had happened. As far as Pakistan is concerned, it felt that the following reasons were responsible for the lack of implementation of the Simla Agreement and the erosion of its spirit:

i) Pakistan regretted to say that initially there was a certain amount of “dragging of feet” on India’s part in implementing the Agreement. The result was that there were no troop withdrawals until 20th December, 1972 even though according to the Agreement withdrawals had to be effected by 4th August and subsequently, in terms of the Delhi Agreement, by 15th September, 1972. This delay naturally occasioned considerable dis-enchantment in Pakistan as also amongst the “men of goodwill” in India. Mr. Ahmed said that in saying this, his object was not to start a debate but only to convey the reason why doubts arose amongst people regarding the Simla Agreement.

ii) Secondly, a number of statements have been made by responsible Indian leaders, including the Prime Minister and the Foreign Minister, casting aspersions on Pakistan’s bona fides regarding the implementation of the Simla Agreement. It has been said (by the Foreign Minister) that Pakistan was not implementing the Agreement. Pakistan would like to know, Mr. Ahmed said, where it had failed. Then India’s Prime Minister has stated that while at Simla President Bhutto had said that Bangladesh would be recognised, subsequently he ((Bhutto) had changed. Other Indian statements, have accused the Pakistan Army of dictating policy to the Bhutto Government on the question of the POWs. Mr. Ahmed said that such statements were based on a misconception and could only create an unfavourable impact on public opinion in India. Even the Joint Indo-Bangladesh Declaration speaks of Pakistan’s hostile attitude. While the
statement that “Pakistan continued to persist in hostility towards Bangladesh” may be understandable, for the Declaration to say that Pakistan has “continued to maintain a hostile attitude against India” is very unfortunate. Mr. Ahmed said that he would like to be enlightened as to how Pakistan has pursued a hostile policy against India. Finally, after the Joint Declaration, Pakistan’s response was characterised as “negative” and it was stated that Pakistan did not want to get her POWs back as President was afraid that their repatriation would create troubles for himself. This, Mr. Ahmed said, was an extraordinary statement.

Mr. Ahmed went on to say that while Governments can discount these statements as part of the game of politics, India should consider the impression they generate amongst the people when taken in their totality. If he were an Indian citizen, his reaction to the various accusations made could only be “Pakistan cannot be trusted.” Mr. Ahmed said that this was not the way to promote the objectives of the Simla Agreement.

iii) Hostile anti-Pakistan propagandas, despite the provisions of the Simla Agreement. Mr. Ahmed said that while on their side, Pakistan was aware that the “Azad Kashmir” Radio was “misbehaving”, and they were doing their best to restrain it, the instances of hostile propagandas in India’s press and Radio were very numerous. Pakistan realised that in a democracy it was difficult to control the Press. They were even prepared to ignore critical references in some newspapers, which were perhaps necessitated by reasons of domestic politics. But when AIR not only broadcasts but persists in hostile propaganda, Pakistan is naturally concerned. Mr. Ahmed gave the following recent instances of what he termed objectionable items carried by AIR:

(a) The Urdu Tabsara programme on 6th June broadcast that the Pakistan Government “had begun preparations for the massacre of the local people” much before civil disobedience began in Bangladesh;

(b) In the same programme on 3rd June, AIR stated that four army divisions had been deployed in Baluchistan, where the Peoples Party was following a “divide and rule” policy. It was also stated that President Bhutto’s attitude was no different from that of his predecessors.

(c) AIR stated on 3rd July that the situation in Baluchistan was deteriorating day by day and it was now similar what had obtained in Bangladesh in 1971. It was further said that the events in Baluchistan proved that Pakistani rulers had not learnt any lesson from Bangladesh. (Mr. Ahmed said that this sort of commentary will only convince the Indian people that President Bhutto is another Ayub or Yahya in a different garb).
(d) On 8th July the TABSARA commentator quoted some letters ostensibly received from Bengalis in Pakistan to claim that they (Bengalis) were being kept in detention camps and that Bengali girls were being raped in these camps, including by personnel of the armed forces.

(e) On 14th July AIR accused President Bhutto of following the same old policy of confrontation by collecting arms and ammunition.

Mr. Ahmed admitted that Pakistan was perhaps also not entirely blameless on the question of propaganda from India. But when it was taken together with other factors, the effect on the peoples of both sides could only be adverse. Already they are asking if the Simla Agreement (not only its spirit) was still in force. India knows about the deadlock that exists. It is also known how this deadlock originated. India may say that Pakistan is to blame. In Pakistan’s views, however, the key for making further progress lies in India’s hands.

Continuing, Mr. Ahmed said that he would like to take the opportunity to remove one incorrect impression which India’s Prime Minister has, regarding President Bhutto’s alleged assurance at Simla on the question of Pakistan’s recognition of Bangladesh. It was true that President Bhutto had the intention of recognising Bangladesh. Only he was not able to go forward with his original plan. President Bhutto has of course not given up the intention. In Delhi Pakistan’s Special Envoy had clarified that the matter was receiving “serious consideration”. This, Mr. Ahmed assured was no empty statement. President Bhutto has been trying for months to carry the people with them. He has held mass meeting in the frontier, Punjab and Sind. At many places the people shouted that recognition was “Namazoor” (not acceptable). President Bhutto, however, continues with his efforts to convince the people. He always knew that he could get a resolution passed in the National Assembly, given his majority. But on this very important, fundamental question the President wanted the people with him. Now when he felt that enough preparatory work had been done, and since he was anxious to get this matter through before proceeding abroad, he decided to put the question to the National Assembly in face of continuing opposition in the country. Here again difficulties had arisen. Several lawyers said that the Opposition parties planned to file writ petition in the High Court challenging the National Assembly’s competence to pass a resolution on the subject since, under Pakistan’s Interim Constitution, Bangladesh was a part of Pakistan and there could be no question of according recognition. It was in anticipation of this trouble that the question of the National Assembly’s competence was referred to the Supreme Court. Even this action occasioned criticism and was regarded as a “mere trick” by “some friends”; luckily, Mr. Ahmed said, the Supreme Court ruled that the National Assembly had jurisdiction to consider the matter and a resolution was eventually passed. While the opposition did stage a walk-out, and has
subsequently tried to whip up emotions by going to the streets, fortunately in the country at large there have been no disturbances so far. But the real test will come when formal recognition is accorded to Bangladesh. Pakistan hoped that when that time came, reconciliation would have taken place and the question would have ceased to be an emotional issue. Mr. Ahmed added that the question of recognition of Bangladesh can now only come up after 15th August when the new Constitution of Pakistan comes into force.

Reverting again to the question of the “deadlock” between India and Pakistan, Mr. Ahmed said that Pakistan could not be held responsible. Soon after the Line of Control was delineated and ground adjustments and troop withdrawals effected, and President Bhutto had felicitated India’s Prime Minister and had expressed the hope that further implementation of the Simla Agreement would become possible. The President had said, however, that before progress could be made, the two countries would have to remove the main obstacle to normalisation, viz., the continued detention of POWs in India. In stating this, Pakistan was not over-stressing the importance of resolving the POW issue. Even at the Murree talks, item 1 of the agenda for the Summit meeting suggested not only the definition of “elements of peace” (already set out in the “most important” Article 1 of the Simla Agreement) but also troop withdrawals and POW repatriation Agreement thus already exists to live in peace and to remove the consequences of war. However 92,000 POWs continued to be under detention in India. when this was, Pakistan could naturally not be expected to respond to India’s suggestion to resume over flights which was a relatively “peripheral” issue. The people in Pakistan would not accept it. For Pakistan the POW question remains the single most important obstacle to normalisation of relations. In India’s views, Pakistan had to recognise Bangladesh before a solution of this issue could be found. Even on the question of Bangladesh recognition, Pakistan was “easing the situation” and moving forward.

Pakistan regarded it as extremely unfortunate that no progress could be made in implementation of the Simla Agreement for the last seven months. “We could not even meet and talk.” Pakistan has persistently called for discussion; “The initiatives have come from us.” Pakistan, Mr. Ahmed said, was glad that the Government of India agreed to withdraw its “preconditions” and to commence discussions. It regards the present meeting as “crucial”. India and Pakistan are today again back at across-tables. The two sides cannot afford to fail. If the present meeting produces no result, the repercussions as far as the Simla Agreement is concerned, could be serious, even “irreversible”. Already, Mr. Ahmed said, a great deal of damage had been done to the vision and spirit of Simla and to the *bona fides* of India and Pakistan. Many people say that a dead-end has been reached. Pakistan, however, hopes that the situation can still be retrieved. President Bhutto remains determined to move forward. He
heads a party which is committed to the welfare of the people. He is extremely distressed and sensitive about the expenditure being currently incurred on defence, which amounts of 54% of Pakistan’s revenues. President Bhutto’s party slogan that brought him to power was “Roti, Kapra aur Makkan” (food, clothing and housing). He cannot implement his programmes if the defence expenditure remains at its present level. However, Mr. Ahmed said Pakistani “Chauvinism” will not accept reduction in defence expenditure and cited the instance when at the time of defence budget presentation, members of the National Assembly refused to allow any cut motions. This was of course not a good sign, although people may genuinely think that in the present situation no other alternative exists. India and Pakistan could break the existing tension and suspicion by demonstrating to their peoples their resolve to go forward and implement Simla Agreement. Pakistan hoped that the present meeting would lead to a “resurrection” of the Simla Agreement.

Before concluding, Mr. Ahmed categorically stated that the Army had no say in the Government or policy of Pakistan. President Bhutto is in complete control. Any contrary notion in India would be wrong and misleading. The people in Pakistan know the tragedies that can take place if the Army comes to power, as it did in Yahya’s time.

After having thanked the Pakistan Government for their hospitality, Shri P.N. Haksar said that the purpose of their visit has already been clarified in the exchange of correspondence between F. M. and Mr. Aziz Ahmed. India ardently desires to do everything within her power to find a solution to the ‘human debris’ of the 1971 conflict. Legal and political considerations have already been set aside in our sincere effort to solve these problems. If Pakistan had agreed to discuss all the humanitarian issues, the problems could have been solved already. If Pakistan had agreed to the repatriation of the three categories of persons, namely, POWs Bangalees and Pakistanis, the process of repatriation could have already begun.

Complimenting Mr. Aziz Ahmed’s admirable advocacy of the Pakistani case, Shri Haksar said that Mr. Aziz Ahmed had tried to put India in the dock; he added that he was not going to reciprocate. Shri Haksar urged that the two sides should put their heads together to solve the problems. He said that going into the history of the past six months would not help. He could also quote numerous statements including those made by the highest Pakistani authorities. He added that while such statements are made in public India is secretly asked to ignore them. Problems cannot be solved with propaganda campaigns costing vast sums of money which in any case, a poor country like India cannot afford to undertake even if Pakistan can.

Shri Haksar said that the Joint Declaration was a serious and earnest effort on part of Bangladesh and India to solve the humanitarian problems. Shri Haksar
recalled that during discussions at Simla and New Delhi, it was well understood by Pakistan that the POW issue could not be resolved without Bangladesh’s concurrence. The question of Pakistan’s recognition of Bangladesh had arisen only in that context; otherwise this was something entirely up to Pakistan. India has not advocated and does not advocate Bangladesh’s recognition. Bangladesh rightly feels that they cannot have any discussions with Pakistan except as a sovereign equal, they have been recognised by many countries and can afford to wait for Pakistan’s recognition. This is the background in which the Indo-Bangladesh Joint Declaration was made. If for any reasons the same Joint Declaration has any particular connotations for Pakistan, perhaps it can be re-named. Pakistan seems to be allergic to No-War pact, bilateralism and now to the Joint Declaration.

Shri Haksar said that Pakistan has been talking about humanitarian considerations. He added that these considerations apply equally to human beings in uniform or in civilian clothings. Pakistan does not claim the detained Bangalees as her nationals and does not want them. Regarding Pakistanis in Bangladesh, India would like to know Pakistan’s arguments that they are not her nationals. But assuming that they are, Pakistan has certain obligations towards them to let them return home.

Referring to the two aide memoire sent by Pakistan Government, Shri Haksar said that India had genuine doubts which were clarified in Mr. Aziz Ahmed’s letter to FM expressing Pakistan’s readiness to discuss all humanitarian issues. Pakistan’s propaganda machine has been taking the line that Pakistan had taken all the initiatives and India had been obstructive. It is a fact, however, that despite difficulties, doubts and hesitations, India made a sincere effort along with Bangladesh to solve the humanitarian issues. Shri Haksar referred to the offers earlier made by India regarding a no-war pact, a treaty of non-aggression, balanced reduction of forces, etc., which were not acceptable to Pakistan. Whatever Pakistan’s reasons, it does seem to India that Pakistan has been trying to keep its options open. Pakistan rushed to ICAO and subsequently when it suited them to postpone hearing of the case, quoted the Simla Agreement. Pakistan indulged in a vast and expensive propaganda campaign to malign India. Shri Haksar said that instead of removing all the POWs/civilians from Dacca, India could have left a few thousands behind with foreseeable consequences. We did not do that; nor have we advertised this fact because this is not India’s style. Entering into negotiations does not necessarily mean the emergence of an agreement. Despite this Pakistan has not been ready to discuss the over flights’ case. Shri Haksar said that he would not go into the question of
-hostile broad-castes by Radio Pakistan or objectionable statements by Pakistani Spokesmen as this would serve no purpose, although he could certainly devote a whole session to enumerating these instances.

Shri Haksar said that he would try and understand Pakistan's difficulties and urge them to try and understand India's limitations. He is therefore, prepared to stay in Pakistan as long as necessary so that a solution could be reached for the humanitarian problems. Solution of these problems should be our mutual objective as both Governments in India and Pakistan are committed to removing poverty and misery from their respective countries. President Bhutto is endeavouring to introduce democracy in Pakistan and it is India's sincere endeavour to help Pakistan at this juncture in whatever way it can. Shri Haksar, therefore, urged his counterpart that they should not let mutual recriminations stand in the way of mutually solving the humanitarian problems for which Indian delegation had come.

Shri Aziz Ahmed said that it was not his purpose to trade recriminations or put India in the dock but to talk frankly. They were meeting after over ten months and he would have liked to hear Shri Haksar's views on the implementation of Simla Agreement and if and where Pakistan might have made mistakes. The only purpose was to enable us to go forward. Mr. Aziz Ahmed then said that in the absence of diplomatic relations, it was easy to misunderstand each other from statements made by either side.

Regarding the two aide memoire, Mr. Aziz Ahmed said that he came to know of their existence when the American CDA told President Bhutto that India was happy with his letter but extremely unhappy about the two aide memoire sent by Pakistan. Mr. Aziz Ahmed said that he had then thought that this referred perhaps to the ICAO case. It was only later that he discovered that their Ambassador in Berne had, on his own, asked the Swiss to convey these aide memoire to India. There was apparently some misunderstanding between the Ambassador and the Swiss authorities, and the Pakistan Government had expressed their unhappiness to the Ambassador. At this stage Shri Haksar referred to the "private enterprise" of Pakistani Ambassadors and quoted the incidence of Pakistan's Embassy in Peking having circulated an objectionable aide memoire immediately after the Simla Agreement.

Regarding the ICJ case, Mr. Aziz Ahmed said that Bangladesh's Foreign Minister, Mr. Kamal Hussain, had made a statement that the POW trials will be held by the end of May. Therefore, Pakistan felt that the only way of stopping it was to go to the ICJ. Pakistan realised that India must be under great pressure to transfer the POWs and Pakistan's action would strengthen
India’s hands also. It was thought that India could tell Bangladesh that in view of the ICJ case, the POWs could not be transferred immediately. Mr. Aziz Ahmed said that it was not Pakistan’s intention either to malign India or to be obstructive. Pakistan also realises that ICJ decisions are not always based on purely legal considerations. However, when we heard that the trials have been postponed till October and that India had decided to enter into negotiations, Pakistan told ICJ to postpone consideration of interim measures and the Court accepted Pakistan’s request. Mr. Aziz Ahmed also explained that about a million Pakistanis were affected as they were related to the POWs and Pakistan Government had to do something. He conceded that Pakistan may have acted in haste, could have got in touch with India who could have guaranteed Pakistan not to transfer the POWs to Bangladesh till a settlement had been reached. He added that in the absence of any channel of communication Pakistan could not do so.

Expressing his personal feelings, Mr. Aziz Ahmed said that, given the will, Shri Haksar and he could settle the problems in five minutes. He said that they have had a meeting with the full delegations from both sides as this was a valuable opportunity presented after a long time. He added that their idea was to exchange impressions. He agreed, however, that they could now concentrate on crucial matters.

After a short break for tea, Shri Haksar began his reply by commenting on the somewhat large size of the delegation, which he said only reflected India’s earnestness and desire to settle all problems that require resolution. However, the size of the delegation should not inhibit the Pakistan side from proceeding in the constructive manner to resolve the humanitarian issues. Shri Haksar said that if the Pakistan Emissary wanted restricted meetings, he was agreeable.

Shri Haksar said that India and Pakistan, whether they liked it or not, were destined to remain neighbours. “India will not form part of the Pacific nor will Pakistan form Part of the Atlantic.” A modus vivendi should, therefore, be reached. Shri Haksar said that he did not subscribe to the theory of confrontation; this belongs to the past. We believe that the world today does not admit of postures of hostility, unless we become pawns in a bigger political game. Today’s world was not made to measure for confrontation. For many years the American had spoken of communism as the main evil, while the Russians regarded capitalism and imperialism in the same vein. These theories are no longer valid.

Shri Haksar assured Pakistan’s Emissary that India’s Prime Minister and Government are very serious about living in peace with Pakistan. He asked
Pakistan to put India to the test and said that if India failed in that test, Pakistan could always go back to its original policy. India believes in peace; this has been our consistent motivation right from the ceasefire in December 1971 to offering withdrawals and recently the proposal contained in the Joint Declaration. These are serious contributions. We are in dead earnest to resolve our mutual problems and have come with the intention of finding solutions.

Shri Haksar said that it might be of some help to the Pakistan side if he explained to them the background of the efforts which went into the formulation of the Joint Declaration. He said that we in India were stymied. It was the easiest of matters for us to release these POWs. We also knew that such action on our part would have brought us good certificates, both domestically and internationally. It would also have prevented India being painted in dark colours. Like Pakistanis, we Indians also like to be loved. However, our hands were tied. In Simla we explained that we cannot get a move on the question of the POWs without the association and concurrence of Bangladesh. Our hopes arose regarding a settlement when President Bhutto told the Prime Minister that he had every desire and intention to recognise Bangladesh. We were told of Pakistan’s difficulties. We also understood the explanation given by the Pakistan side at the Delhi talks, when the Sind language riots were given as a reason for delaying recognition. The fact, however, remains that the recognition of Bangladesh was not forthcoming and without Bangladesh’s participation no progress could be made on the question of POWs.

Shri Haksar referred Mr. Ahmed to his statement regarding the difficulties of communication in the absence of diplomatic relations between India and Pakistan. He remained Mr. Ahmed that at least in the case of India and Pakistan the idiom was the same and that there were no communication problems, it is not easy for India to convey to Pakistan what Bangladesh feels. Moreover, if Pakistan feels that it has communication difficulties with India, the communications gap between Pakistan and Bangladesh would be much wider. Despite this situation, Bangladesh and India held discussions to decide whether something could be done to settle the question of “human debris” which resulted from the December 1971 conflict.

Shri Haksar said that India understood Pakistan’s point of view on the question of war trials. Bangladesh, however, feels very strongly on this issue. What can India do? We have to convey to Pakistan the Bangladesh point of view. For Bangladesh, the holding of war trials is a solemn commitment made more solemn by constant reiteration. Bangladesh and India, however, did feel that the Pakistan Government would accept the trial of a mere 195 POWs. This impression was caused by an interview given by President Bhutto himself; he
once said that he was relaxed on the question of war trials and would be prepared if even a 1000 POWs were kept back for this purpose. We, therefore, tried to find a way out and our suggestion is contained in the joint Declaration. Shri Haksar said that it was good of Mr. Ahmed to have appreciated the genuineness of this joint offer.

Bangladesh is entitled to hold war trials. This belief is supported by other international legal organisations, such as the International Commission of Jurists. Their number was reduced to the barest minimum. In response, however, Pakistan went to the ICJ, raising the issue of Bangladesh’s competence to hold the trials. This also raised the question of the jurisdiction of the ICJ itself to consider the matter.

Pakistan can, in the circumstances, adopt two courses: it can say that because 195 POWs cannot be repatriated, thousands others must similarly await repatriation. On the other hand it can agree to the return of the thousands while the 195 remain behind. This would be following the maxim of the greatest good of the greatest number.

Shri Haksar said that it was gracious of Mr. Ahmed to express the view that no trouble need be anticipated regarding the repatriation of Bangladesh nationals from Pakistan. However, when Pakistan says that there is a problem about Pakistanis in Bangladesh, should India take it to mean that Pakistan’s objection is not on the question of principle. India knows Pakistan’s argument that the return of its own nationals from Bangladesh would create an economic burden. This argument, Shri Haksar said, was conveyed to the Bangladesh Government who replied that there could not really be any question of a burden since the Pakistan nationals would only be replacing the Bangalees in Pakistan who are to be repatriated to Bangladesh.

Bangladesh and India feel that they made a very genuine attempt through the Joint Declaration to resolve the humanitarian issues. If Pakistan’s recognition had come earlier, as India had understood at Simla, the solution to the humanitarian issues would have come earlier. But now India and Bangladesh had to find a way out. Shri Haksar stated that at this juncture, India and Pakistan could either get “awfully entangled” or find solutions in a constructive manner. Pakistan and Bangladesh already have difficulties. The Pakistan Emissary had referred to certain overtures made earlier towards Bangladesh to which, it was alleged, there had been no response. Shri Haksar said that while India does not derogate from the generosity of the Pakistani offers, in his personal opinion people are inclined to look the gift horse in the mouth. The more one talks about gifts, the more suspicion it generates. Sheikh Mujibur Rahman, as Prime Minister
told President Bhutto, has his own compulsions and is responsible to his people. Pakistan should take a realistic view and consider the human parameters.

Shri Haksar said that India and Pakistan can reach a deadlock today on the question of war trials; similarly on the question of Pakistanis in Bangladesh there could be a deadlock. Even if no progress could be made, India could take it, despite criticism that a continuing stalemate would occasion against India. Shri Haksar said that harsh words have never broken any bones. India’s nerve had not been shaken. On the other hand we, India and Pakistan, can adopt a constructive attitude and endeavour to address themselves to those questions that can be solved and got out of the way. Pakistan had herself suggested the step-by-step approach at Simla. We accept the validity of this approach. India feels that the commencement of the process of repatriation of various categories of human beings as suggested in the Joint Declaration would be a very positive development. If European History is to be seen, it would be noticed that transfer in Europe were of the order of 30 million people. Transfers of Greeks and Turks, Bulgarians and Germans alone amounted to some 13 million people, under very tragic circumstances. Transfers here were resorted to as a means of stability. The Europeans, Shri Haksar said have virtually propounded a theory of transfers for reducing irredentism in politics. The magnitudes were vast compared to which our problems are small. It is not also, the first time in history that the question of transfers of population has been suggested. Shri Haksar urged Pakistan to look at the problem in a more realistic manner and stated that with traditions of civilization and combined wisdom, it should not be beyond our ingenuity to find the solution required.

Shri Haksar said that he was posing to Mr. Ahmed the dilemma that India found itself in. At this stage, Pakistan could show to the world that the Indians are insincere. India will live with it. On the other hand, Pakistan could regard India as a genuine friend which has made a conscious effort, within the limits of its capacity, to find solutions to the problems facing the subcontinent. If Pakistan adopted the latter approach, a happier result would be reached. In saying this, Shri Haksar said, he was reflecting the aspirations of the Prime Minister and the Government of India. India feels that there was no advantage for India or Pakistan to be at each other’s throats. The hard facts were that either the two Governments give to their people a decent standard of living or accept big trouble ahead. Compared to the latter possibility, in which the hopes and aspirations of millions of people were involved, the magnitude of the existing humanitarian problems was small.

Shri Haksar concluded by saying that he had tried to convey to Pakistan’s Emissary the efforts, background, the difficulties, the motivations and the hopes
and aspirations that had gone into the formulations, howsoever imperfect of the Joint Declaration which was necessitated since the three parties in the sub-continent could not sit together to resolve their problems.

Commenting on the Joint Declaration, Mr. Aziz Ahmed said that they were not averse to calling it Indo-Bangladesh Joint Declaration. They were, however, surprised to note that the Declaration referred to Pakistan’s “hostility” “hostile attitude”. Mr. Aziz Ahmed said that they could understand Bangladesh referring to Pakistan’s alleged hostile attitude due to their non-recognition of Bangladesh, opposition to Bangladesh’s UN membership, etc. But they were indeed surprised that India also found Pakistan’s attitude hostile. He added that he would not go into this aspect in view of Shri Haksar’s earlier remarks.

Mr. Aziz Ahmed referred to his TV interview wherein he had said that the Joint Declaration had some positive features and was a step forward, particularly the delinking of Bangladesh’s recognition by Pakistan from humanitarian issues. He added that it was indeed to India’s credit that she was able to persuade Bangladesh’s to agree to this. All the same there were some difficulties which can be removed by mutual discussions. Mr. Aziz Ahmed further said that repatriation of Bangalees presented no problem and mentioned that Pakistan had offered to let them go as early as April ‘72 but the offer was turned down by Sheikh Mujibur Rehman on the ground that they would communicate with Pakistan only after recognition. Mr. Aziz Ahmed also referred to Pakistan’s offer of sending 100,000 tonnes of rice to Bangladesh as a gift which had elicited no reply. He added that it is not that Pakistan did not want the Bangalees to go to Bangladesh but that there has been no agreement so far under which Pakistan could have let them go. He added that Pakistan had done their best to make it easier for India and Bangladesh to take a lenient view on relevant issues. He referred to the offer made by India and Bangladesh to repatriate all families (women and children) of Pakistani POWs/Civilians against which Pakistan had offered to repatriate 10,000 Bangalees. In fact Pakistan had added another 5,000, asked ICRC to prepare lists and given a blanket approval for their repatriation. However, no progress has been made due to Bangladesh’s suspicion as they want to screen each individual before his agreeing to his repatriation. Bangladesh also accused Pakistan of trying to send back 5,000 destitute. Pakistan could have exploited this as priority had to be given to hardship cases, but Bangladesh insisted that others must come first. Secretary General of the UN was informed of Pakistan’s action and UN High Commissioner for Refugees took up this matter with Bangladesh but with no results.

On the other hand, ICRC had prepared a list of 10,000 persons of West Pakistani origin in Bangladesh. But the Bangladesh government said that they must
examine each individual case before giving their approval. These are the difficulties in unfreezing the situation.

Referring to para 5 of the Joint Declaration, which mentions repatriation of Pakistani POWs minus those required by Bangladesh for trials on criminal charges, Mr. Aziz Ahmed said that Pakistan cannot agree to this. He added that apart from legalistic reasons which have been enumerated in Pakistan's replies; this would be in direct contradiction to the whole object of the Declaration which aims at promoting friendship and reconciliation. He said that this would reopen old wounds and lead to demands in Pakistan for the trial of 203 Bangalees against whom there is evidence of having indulged in espionage, sabotage, treason, etc. These trials and counter-trials would lead to a cycle of vengeance which will not promote reconciliation. Moreover, public opinion will never tolerate these trials.

Mr. Aziz Ahmed then referred to the “demand” made in the joint Declaration that Pakistan should accept all those non-Bangalees in Bangladesh who owe allegiance and are desirous of repatriation to Pakistan. The Government of Pakistan cannot agree to this for a variety of reasons which, Mr. Aziz Ahmed said, he would like to discuss later with Shri Haksar. In conclusion, he said, that due to these reasons Pakistan could not respond to the very positive move made by India and Bangladesh.

In reply, Mr. Aziz Ahmed said that they fully understood and appreciated the difficulties. India must have had in evolving the Joint Declaration which is a big move forward. He added that they have no wish to under-rate the difficulties and dilemmas faced by India; but Pakistan had her own dilemmas and difficulties as she is directly affected by two of the propositions made in the Joint Declaration.

Mr. Aziz Ahmed agreed that many of the difficulties would not have arisen if Pakistan had recognised Bangladesh which has not been due to any lack of intention on the part of the Government but due to public opinion in the country being against it. He said that this was how the problem had arisen as under the circumstances they are unable to communicate with Bangladesh either bilaterally or in a tripartite meeting. Despite Pakistan’s efforts, Bangladesh is not prepared to have a dialogue with Pakistan before recognition. This is something Pakistan finds difficult to appreciate. Mr. Aziz Ahmed said that they have concretely moved towards the recognition of Bangladesh; Pakistan’s new Constitution does not apply to “East Pakistan”. The recent resolution passed by the National Assembly of Pakistan should satisfy Bangladesh of Pakistan’s bonafides in this regard. Unfortunately, this has not been so.

Mr. Aziz Ahmed said that Pakistan has no intention of letting the talks fail in
order to malign India. He said that Pakistan does not give a damn to world opinion and would only do what is in her interest. He added that they can only get an occasional patronising pat from the world whereas other countries would really hold them in no high esteem, if they cannot solve their problems with India. It serves others if we remain at logger-heads but Pakistan does not want this to continue. He said that confrontation had not helped Pakistan and any favourable comments in any newspaper are only the ephemeral gains. Mr. Aziz Ahmed said that they have no desire to perpetuate deadlock. He added that there was a basic shift in the attitude amongst the leadership in both the countries. However, after 25 years public opinion cannot be changed overnight and some lapses are bound to take place on both sides. However, Pakistan recognises the difficulties inherent in these new attitudes and the President of Pakistan has already demonstrated his courage and determination to face these difficulties, by, for example, telling the people that Pakistan has to recognise Bangladesh. Mr. Aziz Ahmed added that despite this recognition of Bangladesh was not possible before any talks can be held with Bangladesh. Since Pakistan has no communication with Bangladesh, she would like to request India to lend them their good offices in this regard.

Mr. Aziz Ahmed concluded by saying that he had given his views on the formula contained in the Joint Declaration. There were difficulties regarding the two points mentioned by him. He suggested that they should meet later in the afternoon at a limited session for further discussions. It was agreed that the meeting would be held at 5.00 p.m. It was further agreed that a statement would be drafted for release to the Press and put up for the approval of the leaders of the respective Delegation.
C. Summary of important points made at the meeting on 24.7.1973 at 5. p.m. in the Hotel Intercontinental, Rawalpindi (Restricted Session).

Ministry of External Affairs

A. War Trials

1. Mr. Aziz Ahmed said that the Pakistan Government will in no circumstances agree to war trials. There will be “Kangaroo trials” and the Army will resent them. There is no general demand in Bangladesh for trials. Sheikh Mujibur Rahman is not working for reconciliation. Reconciliation is more in Bangladesh’s interest.

2. When the President said that a thousand can be kept he did not mean that they can be tried, but only that the vast majority should be immediately returned to Pakistan.

3. There will be counter-trials.

4. It was open to India to prevent the trials by:

   (a) pleading that Geneva Convention prevented the transfer to another country;

   (b) the Simla Agreement forbade unilateral alteration in the situation and encouragement of conditions detrimental to the maintenance of peaceful and harmonious relations.

5. Even acceptance by implication of trial is impossible for Pakistan. (This was in response to the suggestion of Shri Haksar that instead of concentrating on what might take place when trials are held, we should start with immediate repatriation of the three categories).

1.2 Shri Haksar

   (i) refuted the argument that the trials would be “Kangaroo trials”. He pointed out that Sheikh Mujibur Rehman was answerable to public opinion in Bangladesh. It could well be understood why he thought the trial is necessary. Pakistan should allow justice to take its course;

   (ii) the Geneva Convention did not preclude the transfer of POWs to the Bangladesh Government, a co-detaining power, and

   It was not possible for India to use the argument of the Simla Agreement
with Bangladesh because Pakistan had gone to the ICJ in defiance of the Agreement. In any case the ICJ had refused to grant Pakistan interim measures. If the Court says Bangladesh has no jurisdiction, how does it help Pakistan? If the Court says “no” how is Bangladesh bound by it? (Bangladesh has not been impleaded).

(iii) So far India did not transfer the POWs to Bangladesh, telling Bangladesh that they could not be transferred till Bangladesh was ready with the legal provisions. Now Bangladesh has passed its law and India is honour-bound to transfer them.

(iv) When the process of repatriation of 89,000 odd POWs starts along with the repatriation of Bangalees and Pakistanis, the temperature will start getting lower and it will have a reconciling effect. Instead of concentrating on what might take place when trials are held, we should start with the repatriation of the three categories immediately.

Acceptance by Pakistan of Pakistan nationals from Bangladesh.

2.1 Mr. Aziz Ahmed said:

(i) by Pakistan nationals in Bangladesh Pakistan meant those Pakistanis who have West Pakistan domicile will be accepted. When they start coming back and the Bengalees start going back to Bangladesh, the lowering of temperature can be expected and the question of non-Bangalees can resolve itself in that atmosphere:

(ii) if some non-Bangalees pose a problem later, “we could discuss it at that time”.

2.2 Shri Haksar said:

(i) Legally, morally and culturally, Pakistan has no right not to accept Pakistan nationals;

(ii) Pakistan’s case is a strange amalgam of various pleas;

(iii) As for the alleged economic burden, when the land-man ratio of Pakistan and Bangladesh is considered, it is Bangladesh which will have the greater economic burden. If Bengalees come to Bangladesh and nearly a similar number of Pakistanis go to Pakistan one fails to understand the argument of the economic burden;

(iv) Bangladesh is not indiscriminately getting rid of Pakistan nationals. They do not want to keep about 260,000 people who say they do not owe allegiance to Bangladesh, have Pakistan nationality and want to go to Pakistan. Pakistan does not accept Pakistan nationals and yet criticises
the Bangladesh Government for not treating them with humanity. This is a strange extraterritorial concern.

Recognition

Shri Haksar pointed out that it was made very clear to President Bhutto at Simla that so far as the question of POWs was concerned, discussion with Bangladesh would be essential and recognition of Bangladesh will facilitate these discussions. The basic fact is that for more than a year recognition has not taken place and it is nowhere in sight. Mr. Aziz Ahmed stated that the President had been strenuously working for recognition and had now got through the enabling resolution of the National Assembly. He also argued that there was implied recognition in that Pakistan's new Constitution makes no mention of the Province of East Pakistan. Formal recognition, however, could only take place after the POWs are repatriated, war crimes trials are given up and the non-Bangalees are not ill-treated in Bangladesh. “Unless this happens, people say that recognition will set seal to India’s aggression against Pakistan”.

Shri Haksar also refuted Mr. Aziz Ahmed’s statement that there had been a deadlock for the past six or eight months. On Shri Haksar’s query as to what was meant by “the point of no return”, Mr. Aziz Ahmed said that it meant that “there is no chance of improvement of the situation after that”.

(K.P.S.Menon)
Joint Secretary (BD)
2.8.1973

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Verbatim record of the meeting held between the Indian and Pakistani delegations at Hotel Intercontinental,
Islamabad, July 24, 1973. (5 P.M.)

The following are the main points that came for discussion during the restricted meeting of the Indian and Pakistani delegations. Shri P. N. Haksar was assisted by Foreign Secretary Shri Kewal Singh and Secretary to the Prime Minister Professor P.N.Dhar. Mr. Aziz Ahmed was assisted by Mr. Altaf A. Shaikh, Additional Foreign Secretary and Mr. Abdul Sattar, Director General.

After about 7 minutes of polite conversation, the serious discussions started which mainly took place between Shri P.N.Haksar and Mr. Aziz Ahmed.

Mr. Aziz Ahmed: My President and I have been giving serious thought for a long time to the Joint Indo-Bangladesh Declaration of 17th April. As I said before, it has positive aspects and we appreciate the efforts that have gone into the formulation of this declaration. There are, however, two points which I must state in very clear terms:—

A. We simply cannot agree to the trial of prisoners of war. I will give you the reasons why it is utterly impossible for us to accept this. What sort of trials are going to be held in Bangladesh? They would be Kangaroo trials - palm tree trials. What will they achieve? With the holding of trials the atmosphere will be surcharged with emotions. Nobody dare give evidence in favour of the accused because the moment anybody comes forward to do so, he will be shot. Will any judge have the courage to give a fair decision in such an emotionally surcharged atmosphere?

In Pakistan, the public will never accept it and Pakistan Army will strongly resent it as they would feel that our men are being humiliated. What does Mujib hope to achieve with these trials? Even our soldiers who return will react violently. They will ask us what was the hurry in getting them back? They could have waited, but they would not tolerate the humiliation of our men and leaving them to be sacrificed in Bangladesh.

These trials will force us to counter-trials. That is not pleasant for us, but we will be left with no choice. This will generate hatred and bitterness.

On trials, therefore, our position is clear: as my President has stated, war trials will lead to the “point of no return”. Our acceptance of these trials is completely out of question.

I can see your problem. Mujib has been an extremely difficult man to deal with.
I have known him for 25 years. There is no general demand in Bangladesh for
trials. It is only some people in the ruling party who, out of sheer vindictiveness,
will ruin all chances of reconciliation. Even one of your Indian journalists wrote
in the Hindustan Times of the 11th June that the Bangladesh public generally
was not concerned about the question of trials. It is only the ruling party. We
know Mujib and we know how utterly irrational he can be.

How do we deal with this question? I have made it clear that we will never
agree to the trials. I make for your consideration two suggestions. I do not
know how far you consider them feasible. But let me put them to you:

(i) Under Geneva Convention, you have to repatriate the prisoners of war
to Pakistan and not to any other country. You could, therefore, tell the
Bangladesh Government that, there being no other course open to you,
you will have to send them to Pakistan to which they should agree.

(ii) You have also a commitment under the Simla Agreement which should
enable you to resolve this problem. In Article 1 sub-para (ii) it is stated
that “Pending the final settlement of any of the problems between the
two countries, neither side shall unilaterally alter the situation and both
shall prevent the organisation, assistance or encouragement of any acts
detrimental to the maintenance of peaceful and harmonious relations”.

You could, therefore, say to Mujib that you have to honour this commitment
and you could not alter the position by handing over POWs to him.

I do not know how far these suggestions are acceptable to you, but I put them
before you for your consideration and I would say again that Mujib is a very
difficult man and we can appreciate your situation. But from our side it should
be perfectly clear that so far as war trials are concerned, in the words of my
President “We simply can’t take it”.

B. Then there is the question of the Pakistan nationals. You asked me to
define what I mean by Pakistan nationals. I would say that those Pakistanis
who have West Pakistan domicile will be accepted by us and there will be no
problem in that. But if Mujib were to include in this category Biharis, whose
faces he does not like and whom he wants to expel, we cannot agree to it.

Shri P. N. Haksar: Thank you for giving me your point of view. Let me first of
all give you my reply to the suggestions made by you. In regard to your argument
that we have responsibility under the Geneva Convention to transfer POWs
only to Pakistan, I am fairly certain that this suggestion is legally not tenable.
However, we will check it up. It is my understanding of the legal provisions that
the POWs can be transferred to another country provided that country has
signed the Geneva Convention and, as you know, Bangladesh Government
has signed the Convention. Geneva Convention also provides for the trials of
the POWs. I must frankly say that the provisions of the Geneva Convention
can provide no comfort to you or to me and we cannot refuse to transfer POWs
to Bangladesh Government in view of their surrender to the Joint Command
and in view of the fact that they are a co-detaining power.

You then referred to the provisions of the Simla Agreement. Apart from other
reasons, you yourself have made it impossible for us to advance this argument.
In defiance of the provisions of this Agreement, you went to the International
Court of Justice on the question of the POWs. You went with a plea for interim
measures which plea has been rejected by the International Court of Justice.
How can we deny the right of Bangladesh Government to ask for the transfer
of the POWs after this, particularly as the POWs are in joint custody in India?

You said this morning that this was a sudden decision. You were taken unawares
by Kamal Hossain’s statement in Calcutta on 17th April(?). If I may submit, from
the documents produced before the International Court of Justice, it is obvious
that this case has been prepared over a long period. You had contemplated
taking it to ICJ after having made full preparation. We are also intrigued as to
what happened in the International Court of Justice as we find that your ad hoc
Judge has not been functioning in the ICJ, since 2nd July’73

In case, as of today, there is no proposal relating to POWs before the Court.
How do you want us to argue before the Government of Bangladesh when
they claim a right to the transfer of POWs and to their trial by them?

You went to the Court to say that Bangladesh has no jurisdiction. Supposing
the Court says: “Yes, they have jurisdiction”, how does that help you? If the
Court says “No”, how is Bangladesh bound by it?

(They have not been impleaded??)

You must also appreciate Mujib’s position. There is already strong political agitation.
If trial is not held, it will be held up against the Bangladesh Government and they
have to take into account the strong public reaction. They have repeatedly assured
the nation that trials will be held. Mujib, therefore, wants to go ahead with the trials
and this has been made clear to us.

It is simply impossible to fall back upon the Simla Agreement as a plea not to
transfer the prisoners. More so, as there is an acute feeling generally entertained
in India that Pakistan keeps all options open to herself and chooses to do what
suits her.

Mr. Aziz Ahmed: What are those options open to Pakistan? Where has Pakistan
taken a decision which could have hurt India? Pakistan is without choice.
Shri P. N. Haksar: I can explain what I mean by Pakistan choosing options to exploit every situation:

(a) When it suited Pakistan, they indulged in paid advertisement campaign all over the world against India. Full page advertisements paid by Pakistan were published in leading newspapers of many countries to malign India, to show how inhuman Indians were in detaining the POWs. Poor womenfolk of the POWs were sent round the world to do propaganda against India. It was made very clear to President Bhutto in Simla that, so far as the question of POWs was concerned, discussions with Bangladesh would be essential and recognition of Bangladesh will facilitate these discussions. That recognition has not taken place.

(b) Again, Pakistan had the option to recognise or not to recognise Bangladesh. At one time we were told it was a question of a couple of months. Pakistan has not taken that step so far.

(c) Pakistan goes to I.C.J. or to I.C.A.O. when it suits her. On the other hand, when she chooses, she demands of us to stick to bilateralism and adhere to the Simla Agreement.

On the question of Pak nationals, I would like to know more precisely the grounds of your resistance to receive back Pakistani nationals. Legally, morally and culturally, you have no right not to accept them. On what principle you refuse to take them back? Your case is a strange amalgam of various pleas. At times you say: you are prepared to exchange “head for head”. Then, you say: only the relations and separated families would be allowed to come to Pakistan. At another time you talk of economic burden. If you consider the land-man ratio of Pakistan and Bangladesh, it is Bangladesh which will have the greater economic burden. In any case, each side must accept its nationals. If Bangladesh can take Bengalees and nearly similar number of Pakistanis come to Pakistan, one fails to understand the argument of economic burden.

One also reads in your newspapers about “Islamic nationality”. What is this conception of nationality without territory? The days of Holy Roman Empire are gone long ago. Frankly, I see no reason whatsoever how you can refuse to take these people back.

You say you have reservations on the question of Joint Command. You say it is a fiction. May be. Even if it is a fiction, according to you, it is a very powerful fiction. Fiction, when it is accepted, is a powerful factor in the hearts and minds of people. We are bound by the surrender to the Joint Command. Bangladesh has every right to have a say on any decision relating to the POWs.

A book has been published recently in Pakistan by one of your writers. It
describes the happenings in those days when that grim tragedy had overtaken Bangladesh. The writer praises Mukti Bahini and General Osmani. He gives details of the happenings - the massacres, the rapes and all that. They were real things and your man admits it.

At the time of surrender, we could have left most of the soldiers in Dacca or at least a sizeable number. We said “no” to that. We thought in the interest of the safety of the POWs they should be brought away from Bangladesh where the atmosphere was so surcharged because of the heinous crimes against humanity committed by the soldiers. As the situation has improved, they demand from us that we should transfer not only 195 but more than that number to Bangladesh. They naturally point out that the POWs are being detained on their behalf and they are in the joint custody of both Governments.

There is no legal argument we can advance against Bangladesh. It is too late in the day to argue about Geneva Convention or Simla Agreement. The fact of Joint Command or its fiction, if you so like it, is too well established.

The Basic factor is that for more than a year recognition has not taken place and it is nowhere in sight. So far we have not transferred the POWs telling Bangladesh that we could not transfer the POWs till Bangladesh Government was ready with the legal provisions. Now they have passed the law and we are honour-bound to transfer them. Your going to I. C.J. dramatized the whole issue; interim measures have not been granted to you. Only the question of jurisdiction remains which we do not acknowledge. What reply can we give to the Government of Bangladesh?

Mr. Aziz Ahmed: In that case it appears that we have no meeting ground. You have referred to our going to the I.C.J. after long preparations and careful deliberation. It is true that the Attorney General had been giving thought to this matter for some time. But the first time I learnt of this was in a Cabinet meeting when one of the Ministers drew attention to Kamal Hossain’s statement in Calcutta to the effect that the trials will be held by the end of May and India will transfer the prisoners to Bangladesh. I personally opposed going to the International Court of Justice on the ground that no trials would, perhaps, be held in the near future. But then, during the Cabinet discussion I felt that my advice could have serious consequences if trials were actually held. Therefore, I agreed in the Cabinet that the case should be referred to the International Court of Justice. You mentioned the printed briefs. I saw the printed briefs for the first time only in the plane when I was going to Tehran with the President. This was after the Cabinet decision. In fact, President also saw the briefs for the first time during that flight.

I might further add that it was during the Cabinet meeting that the summary of
letter from Sardar Swaran Singh was telephoned to us. We were told that para. 5 of the letter read that there would be no talks unless conditions laid down in the Joint Declaration was (were) accepted and the meeting was only to discuss the modalities.

**Shri P. N. Haksar:** Whoever gave the summary of the Indian Foreign Minister’s letter misinterpreted it;

**Mr. Aziz Ahmed:** We felt that the talks were very uncertain with these pre-conditions and Bangladesh was determined to hold the trials immediately. Thus we had little choice but to rush to I.C.J. I knew that will not help, but we took a decision as we had no choice, at that time.

If we agree among ourselves, the case can be withdrawn from the I.C.J.

**Shri P. N. Haksar:** In the difficult situation in which we are placed and your situation vis-a-vis Bangladesh you go and say in an international tribunal that Bangladesh has no jurisdiction. Where is the basis for negotiations?

**Mr. Aziz Ahmed:** You have referred to the delay in recognition. My President had no option in the matter. He is committed and he has made public pronouncements to that effect. He wants to bring about recognition and he has been working strenuously for it since Simla. He realised that it would not be enough to get the support of the P.P.P. or the National Assembly only. He addressed public meetings all over the country. There was the strongest opposition from the public at times who shouted *Na manzoor* (*not acceptable*). He, however, persisted. Then he was told that nothing would be possible till after the Bangladesh election. Secretary General of the United Nations also told him the same. Similar was the opinion expressed in India. He told several Heads of State that he is determined to recognise and he is preparing the ground for it.

After the passage of the enabling resolution of the National Assembly, he has got the authority to recognise. Therefore, President has had no alternative option and has stood by his commitment. It was necessary for him to get the public opinion to support him.

Shouldn’t Bangladesh be convinced that there is already implied recognition? The new Constitution makes no mention of the province of East Pakistan. That is already implied recognition. Formal recognition, however, can take place only after the POWs are repatriated; war crime trials are given up and the non-Bengalees are not ill-treated in Bangladesh. Unless this happens, people say that recognition will set seal to India’s aggression against Pakistan.
On war trials again, we are having the strongest agitation going on. In Karachi, leading opposition leaders have voiced their feelings in the strongest terms. I myself had to spend a couple of hours arguing with them before I went with President to Rome the other day. I argued with them that more than 100 countries have recognised Bangladesh and if we don't recognise Bangladesh, it won't vanish into the Bay of Bengal. Time must come when we must recognise Bangladesh.

I accept that you did a great thing by bringing the POWs out of Bangladesh. Otherwise, trials would have taken place long ago. We can imagine the fate these soldiers would have suffered, but for their transfer to India.

As I said before, at this juncture, India has a grave responsibility for the future of the sub-continent. What is the objective of these trials? As I said this morning, it is a crucial period of our history. Is the objective reconciliation, peace and amity, or, is it to create hatred, bitterness, tension and conflict?

If the objective is reconciliation, how will the POW trials promote this reconciliation? There is an inherent contradiction in the Joint Declaration. What does Mujib want to achieve by war trials? Do you think that our Armed Forces will tolerate it, or the Pakistani people will agree to it? Do you think the people of Pakistan will allow any Government to accept it? Mujib must understand it. If he wants conflict and confrontation, let it continue.

We are asked every day: “Why don’t you get the POWs back?” We tell them: “What can we do? We cannot force India.”

Shri P. N. Haksar: You have spoken with considerable emotion and I can appreciate that. If we are stuck, we are stuck. I can only say that we have done our very best with a clear conscience in the circumstances in which we are placed. If you are not prepared to accept 90,000 soldiers minus 195, it is just too bad.

Mr. Aziz Ahmed: But, at what price? We leave 195 at the tender mercy of Mujib.

Shri P. N. Haksar: I must say that the point of Bangladesh also deserves consideration and if I may say so, you are, perhaps, not taking a fair view of the situation. Any newly emerged Government wanting to establish itself in the international community will not set up what you choose to call “Kangaroo trials”. There will be international observers and international lawyers and certainly the Government will maintain a standard of justice which receives international recognition. I must submit that by using expressions like “Kangaroo Courts” you are imagining a situation which I cannot imagine could arise. It is
not going to be a mob trial. They will observe internationally accepted judicial procedures. I feel you are exaggerating your fears. I must also say that the people of India are bewildered at your recent statements. Your President had said that one thousand soldiers or so could be retained for trials, but the rest should be sent back. Now it is only 195 whom it is proposed to retain and try. When the process of repatriation of 89,500 odd prisoners of war starts along with repatriation of Bengalees to Bangladesh and Pakistanis to Pakistan, the temperature will start getting lower and it will have a reconciling effect. If you like, we can start this process on the 1st of August. This will defuse the surcharged atmosphere. The starting of the process itself will have the effect of reconciliation.

Mr. Aziz Ahmed: We know Mujib. I do not think he is working for the cooling down of temperature. He has no reason to throw out the non-Bengalees. We are prepared to take Pakistanis of West Pakistan domicile and Bengalees can go back to Bangladesh. With this the lowering of temperature can take place and the question of non-Bengalees will also resolve itself in that temperature. If some non-Bengalees pose a problem later, we could discuss it at that time. It is not statesman like to ask us for a commitment just now to take all non-Bengalees whom Mujib wants to throw out of Bangladesh. Even about POW trials, it is Mujib who is trying to whip up the agitation. His Ministers are doing the same. There is no demand from the public. As I said, your own correspondent says there is no such demand in Bangladesh. I tell you what sort of trials will take place. Will anybody defend any of the POWs? They are killing each other every day in the streets. If anybody speaks in defence of a POW, he will be shot. All sorts of false witnesses will be produced and people will be hanged on any charges leveled against them.

The only hope is that some lawyers say that Bangladesh cannot legislate retrospectively. If International Council of Jurists says, they can, let that be so. But then there is no question of reconciliation. Hatred will be aroused in Pakistan by charges of rapes, murders etc. We will be forced to try Bengalees who helped in the dismemberment of Pakistan which is not a small crime.

We simply cannot leave our POWs at the mercy of Bangladesh. So far as we are concerned, the “trials shall not take place”. That will lead “to point of no return”. You say you cannot say this thing to Mujib. Why can’t you do so? He is mucking up everything. He is behaving like a petulant child. I would say he is being very foolish. It is Bangladesh which will gain most by reconciliation. He will wreck all chances of reconciliation by reviving bitterness, hatred and tension.

Crimes were committed on both sides. His own men were guilty of the most heinous crimes against humanity. We shall never agree to the humiliation of
the Pakistani Army, Navy and Air Force. Which leader in the world will have the courage to say that he agrees to such trials? To us, Mujib’s position seems incomprehensible. He is being irrational, emotional.

Shri P. N. Haksar: I would still like to be clearer about your attitude on Pakistan nationals. Bangladesh Government is not indiscriminately getting rid of them. They don’t want to keep about 260,000 people who say they owe no loyalty to Bangladesh, have Pakistani nationality and want to come to Pakistan. Transfer of populations on a big scale have taken place since the 1st World War. It is true transfer causes hardship, but it is a lesser evil than the continuation of disloyal elements in a national territory. You don’t accept them as Pakistani nationals and yet you criticize the Bangladesh Government for not treating them with humanity. It is a strange, extra-territorial concern and affection. When they say they want to come to Pakistan, you refuse to address yourself to the problem.

You say that you don’t agree to the trials. You say you don’t agree to the commencement of repatriation. President Bhutto himself had said at one time that a thousand or so could be retained and the rest should be sent back. How do you explain this?

Mr. Aziz Ahmed: President has to respond to the temper of the people. Take, for example, recognition. He had hoped to recognize but then he found the necessity for consulting people because he sensed the mood of the people. Hence his public meetings all over the country. You must expect some change with the passage of time.

Besides, what President meant was that you send the rest back immediately. While saying that you can retain 1000 or so, he did not mean that he agreed to the trial of the prisoners. All that he was suggesting was that, at least, the vast majority should be immediately allowed to get back to Pakistan.

Shri P.N. Haksar: You must appreciate that these constraints are applicable in case of Sheikh also. He has also to take account of very strong public opinion. You talk of contrariness of the Sheikh and you yourself admit the contrariness of the position of your President. You must accept that the inequities are equal. What, may I ask, is meant by “point of no return”?

Mr. Aziz Ahmed: It means that there is no chance of improvement of situation after that. In fact we are already deadlocked for the last 6 or 8 months.

Shri P.N. Haksar: What you mean to say is that if 195 POWs are not returned, no progress can be made on the totality of the situation. I don’t agree with you that we have had a deadlock. We have made great effort all along. It was in December that the troops were withdrawn, the territories were vacated and the
line of control was delineated. Then, there were Bangladesh elections. We had hoped that during this time the recognition would take place which, unfortunately, did not materialize. I understand your reasons. On April 17th we made a Joint Declaration. You should be able to appreciate the enormous and sincere effort which went behind this declaration. This initiative which promises immediate repatriation of half a million human beings deserved appreciation and a positive response.

**Mr. Aziz Ahmed:** But the POWs are still there.

**Shri P.N. Haksar:** You have not helped matters by not recognizing Bangladesh. You should appreciate Bangladesh’s concern also. There are women and children and families on both sides.

We cannot tell Bangladesh that they are over-doing when they talk of war trials. They can reply that they have terrible memories of what had happened. Massacres and rapes and destruction everywhere. Why doesn’t the Pakistan Government allow justice to take its course against those who did such bad things? There is a point in Bangladesh Government wanting to insist on judicial redemption. They are not blood-thirsty but they do want that the people responsible for horrible crimes must be brought to justice.

My submission would be that instead of concentrating on what might take place when trials are held, we should deal with the present. We should start the repatriation of the three categories immediately.

**Mr. Aziz Ahmed:** Even acceptance by implication of trials is impossible for us. Bangladesh Government should understand our position. They should turn to constructive things. Trials is going to be a drama with one-sided witnesses and nobody having the courage to defend the accused. The very fact of trial we oppose. It is not the question of conviction.

**Shri P.N. Haksar:** On the other hand, you are prepared to hold trials in Pakistan. Therefore, you are not opposed to the trials; you are opposed to trials by Bangladesh.

**Mr. Aziz Ahmed:** We are opposed to trials. What we mean is that if they must be held, they must be held in Pakistan. I would again like to say in the end, that on the question of trials our position is very clear. Pakistan Government will in no circumstances agree to the war trials.

At this stage Mr. Aziz Ahmed said that we could, perhaps, meet tomorrow afternoon again.

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Summary of important points made at the meeting held at the President Secretariat.

Islamabad, July 26, 1973. (10.30 AM)

(Restricted Session)

A. TRIALS:

(i) Shri Haksar said that he had informed the Pakistan side of the Bangladesh Government's position. On the Pakistani side there were several contradictions. Shri Haksar cited statements made by the Pakistani President, e.g., to NEWSWEEK of the 3rd April, 1972, and to BLITZ.

(ii) India was talking to Pakistan on this subject because Pakistan and Bangladesh are not on speaking terms.

(iii) As he had suggested, the repatriation of POWs, Bengalees and Pakistani nationals should start. This may have a calming effect and improve the atmosphere for further developments regarding the trials. Shri Haksar pointed out that he had no authority to negotiate on the question of trials.

(iv) If the Joint Declaration is not acceptable, Pakistan should say what is acceptable, so that the Indian side could take it back and India and Pakistan may meet again.

1.2 Mr. Aziz Ahmed stated that (i) trials cannot be accepted: Unless the question of trials is out of way, no forward movement can take place.

(ii) India must understand Pakistan's position: If India brings 10,000 POWs tomorrow and leaves them at the Pakistani frontier; can Pakistan say “no”? Pakistan also knew that she cannot convey agreement to receiving POWs while leaving 195 back for trials. Those who come will say that their colleagues had been betrayed and they would have stayed back.

(iii) God knows what would happen in the courts constituted by Mujib. Counter trials would have to be held.

(iv) By a brilliant stroke, India has skirted the question of recognition in formulating the Joint Declaration. India and Bangladesh could also skirt the question of war crimes trials.

(v) If the atmosphere improves and steps are taken towards reconciliation, Mujib may not talk about war trials.
B. Repatriation of Pakistani Nationals From Bangladesh.

2. Shri Haksar said that he utterly failed to understand the Pakistani point of view. The Pakistani nationality is not a fictional concept. The Pakistan nationals in Bangladesh had not been rendered stateless. When a state breaks up, option is given to the persons. The charge of racism is unfair: if “Biharis” leave Bangladesh that is racism, but not when Bengalees have to leave Pakistan! Legally and morally Bangladesh has been correct.

(ii) Pakistan raise a plea of economic burden. It should be explained in some concrete terms. We do not understand the economic argument as there would be an exchange of Bangalees going to Bangladesh and Pakistani nationals coming to Pakistan.

(iii) The Pakistan President said that these persons migrated to East Pakistan prior to Partition. How is this relevant? In both countries large number of People migrated before partition. Karachi is full of them and they are Pakistani nationals.

(iv) Pakistan insists that they stay in Bangladesh even if they profess loyalty for Pakistan and want to come to Pakistan. At the same time Pakistan expresses concern for their welfare in Bangladesh. Pakistan seems to claim some extra territorial rights. How is it possible to understand Pakistan’s position? Pakistan also sponsors the idea of “Muslim Bengal”! Is this not interference in the domestic affairs of another State?

2.2 Mr. Aziz Ahmed said:

(i) After the separation of Bangladesh, Pakistan nationals mean people of West Pakistan domicile. There are also people who hold Pakistani passports. They have a claim. Apart from these, Pakistan is prepared to take other people with a view to reuniting families. But the Pakistan President feels it is not possible for him to agree to take people other than from these categories from Bangladesh.

(ii) Barring people of West Pakistan origin, everybody should be eligible for Bangladesh citizenship. The principal need is to provide for certain cases of hardship which Pakistan is prepared to do. Pakistan is prepared to consider any variation if the Indian side has any suggestion of a variation.

(iii) The options were taken under “duress of circumstances”. It will take some months for the atmosphere to improve, even after repatriation is complete. Problems could then be solved in an atmosphere of reconciliation. When tempers cool down, there will be time to consider which other categories of non-Bengalees can be taken by Pakistan. Many “Biharis” may not like
to leave their homes in Bangladesh where they have been for 25 years. If some want to come after condition had returned to normalcy, Pakistan will certainly consider.

(iv) The question is not economic, but political. There are underlying political forces against it and those who ask today that the “Biharis” should come will turn against the President tomorrow if he accepts them.

C. Recognition:

The Indian side pointed out:

(i) When at last Pakistan chose to get a resolution of the National Assembly, a number of conditions have been built into the resolution – and these were sponsored by the Government. They are not the results of amendments by the Opposition. Were they intended to bring the Bangladesh Government to its knees to seek recognition.

(ii) Bangladesh is no longer keen on recognition.

(iii) To give recognition graciously could improve the atmosphere, and the problems which the resolution imposes as preconditions could be resolved in that improved atmosphere.

3.2 Mr. Aziz Ahmed stated that Pakistan had hoped to take some steps about recognition, but public opinion had to be satisfied. There can be no forward movement unless the trials are out of the way.

D. CREDIBILITY GAP:

Shri Haksar pointed out that he did not know what he should tell his Government about the Pakistani view on various matters because of differing statements. He cited statement on confrontation and yet talk of peace; the Simla Agreement and yet the ICJ; contradictory statements on trials and acceptability of Pakistani nationals, etc. Mr. Aziz Ahmed said, “The President spoke of confrontation in the past. It will not be so for the future,” but requested Mr. Haksar to put all this frankly to the President: He himself would not do so.

The tenor of the talks, as the tenor of earlier talks, suggests that Pakistan was holding out the bait of reconciliation and co-operation in future while asking India and Bangladesh to drop war crime trials and to make concessions on the return of Pakistanis.

(K.P.S. Menon)
Joint Secretary.
Ministry of External Affairs

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On the Indian side, Shri P.N. Haksar was assisted by Shri Kewal Singh, Foreign Secretary, and Professor P.N. Dhar, Secretary to the Prime Minister. The leader of the Pakistan side, Mr. Aziz Ahmed, had with him his colleagues Mr. Altaf A. Shaikh, Additional Foreign Secretary, and Mr. Abdul Sattar, Director General.

Mr. Aziz Ahmed: Well, I am at your disposal. How do we begin? How do we face the problems that we have before us; not your and mine problems alone, but the problems of the 700 million people of this sub-continent. I must confess that I feel overwhelmed with the responsibility which has been placed on you and me. Believe me, of my responsibilities in the Foreign Ministry and the Defence Ministry, the one that preoccupies me most is the resolution of our relations with India. This is constantly at the back of my mind. What do we do? We both know what we want; but how do we achieve it? The objectives were made clear in the Simla Agreement, but how do we attain those objectives? May I request you to share your thoughts with me.

Shri P. N. Haksar: I must say that we ourselves are constantly assailed by this question. We tried our best. We tried most earnestly to work for the objectives set out in the Simla Agreement. I tried, perhaps, in an imperfect way, but with utmost sincerity, to communicate to you the genuineness of our efforts to build up peace, understanding and friendship in the sub-continent. I have not tried to engage in a debate or to win a point. I am convinced by experience that a series of victories in a debate lead to one’s defeat. Even if you score a point, you don’t pave the way for conversation but provoke further debate. The one who feels he has lost a point will try to win the next point. I say this because I have been solely guided by a desire to assure you how earnestly we desire to resolve the problems that we have before us with utmost goodwill and sincerity.

As I see, the object of this visit is two-fold: Firstly, to liquidate the most painful aspects of the aftermath of 1971. By the Joint Declaration we made a sincere attempt to resolve the enormous human problems. I devoutly hope that even if we don’t reach an agreement, at least you would be convinced of the sincerity of our motivation.

Secondly, we should strive to fashion the long-term relations between our two countries. And, to achieve that, we must ensure that there is no credibility gap. There is at present a lack of communications between us. We have no diplomatic relations; hence we have to check and recheck what we say and do.
It has been my sincere endeavour to comprehend your point of view on several
issues, but I must confess that if I were to return to Delhi today and report to
my Prime Minister the sum total of the different statements, arguments and
reasons put forward by you, I shall present a very confused picture. Frankly, I
am confused; I don’t understand the rationality of your position on several
points. Believe me, I do not say this in a spirit of debate; I am expressing to you
my feelings frankly.

I said and not without sense of responsibility or with a view to saying something
striking that we in India seem to feel that Pakistan keeps all its options open.
While we want to build up mutual understanding and goodwill on a sincere
basis, we constantly find that you try to preserve your maneuverability in what
you say and do despite our mutual commitments. As against that, you want us
to adhere strictly to Simla Agreement when it suits you. It also disturbs us the
manner in which you handle the matters which are of common concern to our
two Governments.

Take the whole episode leading to your going to the I.C.J. We examined the
document you presented at the Hague. You told me that it was Dr. Kamal
Hossain’s statement about the trial of war prisoners by the end of May which
compelled you to rush to the I.C.J. You also said that your decision was
precipitated by someone reading to you an extract from the letter of my Foreign
Minister on telephone and that para. 5 of that letter, as read to you, gave you
the impression that India was being obdurate May I point out that the document
you presented to the ICJ does not refer to Dr. Kamal Hossain’s statement but
refers to the report in the Pakistan Times of June 15th, 1972. Your memorial
refers to this report of the Pakistan Times of June 1972. Mind you it was of
1972 and not 1973. Our worry is that if Dr. Kamal Hossain’s statement or a
misinterpreted extract of my Foreign Minister’s letter, read on telephone, could
impel Pakistan to rush to the ICJ (although even that argument is not supported
by your memorial) then, we can be in for more serious and unpleasant surprises
from you.

As I said, your memorial talks of June 15, 1972. You could have easily got in
touch with us. You could have sought clarification from us.

Again, you say that the Attorney General did a good deal of preparation but
without your knowledge. Frankly, this would not be understood in my country.
In our country Attorney General occupies a very high position. But he does not
give advice unless sought.

In my Foreign Minister’s letter, there was nothing which could be construed as
rejection by India of the possibility of our entering into serious negotiations.
We were seeking clarification and that was necessary because of your statement
of April 20th and your aide memoires of May 11th and May 25th. Again, about your aide memoires, you say there was some mistake and that some unauthorized communication was issued by your Ambassador concerning us. In these circumstances, what stops somebody, in future, issuing a statement seriously damaging the interests of our two countries?

Then there is the question of repatriation of Pakistani nationals. Frankly, I utterly fail to understand your point of view. There is something called Pakistan nationality; it is not a fiction. Every state has its law of nationality. How do these people cease to be Pakistani nationals?

You drew my attention to the reference made in the Joint Declaration about Pakistan’s hostility towards India and Bangladesh. In your Constitution, which is adopted by the sovereign Parliament and sponsored by His Excellency, the President of Pakistan, you talk of aggression and you talk of some steps to be taken when the aggression is vacated. We are, thus, termed as aggressors and continue to be aggressors.

Thus, you have your options. In your Constitution, you talk of aggression; when we meet, you talk of peace.

Then, one hears so much of thousands years of confrontation. We simply don’t understand what is meant by this confrontation and what is the purpose to be achieved by these pronouncements? Do you speak of it as a matter of history or a projection of future? I can only ask you if you can produce any speech by our political leaders between 1947 and 1973 ever referring to any confrontation between us. I hope you don’t think of yourselves in terms of descendants or inheritors of some political ambitions of thousands years ago. You and we are new States. We have to think of the future of our relations and our peoples. We are not aware of such confrontation and we reject such a suggestion. If you choose confrontation, naturally, the choice is yours.

In Simla, your President had said that confrontation was a matter of the past. He further said that he himself was the author of confrontation which he wanted to bury. But yesterday in a press conference he referred to thousand years of confrontation. There is a credibility gap. This must be bridged by you.

But reverting to Pakistani nationals in Bangladesh, either there is a concept of Pakistani nationality, or, there is none. Your President said that they migrated to East Bengal prior to partition. I ask you, how is it relevant? In both countries large number of people migrated before Partition. Karachi is full of them. Are they not your nationals? In our country, people came from various parts of West Punjab, including Peshwar, Rawalpindi, before partition. They are our nationals.
If you have any other concept of nationality, which is not defined by your law, please inform us.

When talking of the repatriation of the Pakistani nationals, you raised the plea of economic burden. Let us examine it. You should explain it to me in some concrete terms.

Recently, a large number of people came over to India from Sind. We did not quarrel about it. In a civilized manner, we tried to do our part. We asked your people to come and talk to them. They continue to be a burden, but we have accepted it. We do not understand the economic burden argument as there would be an exchange of Bengalees going to Bangladesh and Pakistani nationals coming to Pakistan.

On the question of war trials, I have followed your arguments. Our reason to talk to you on this subject is that you and Bangladesh are not on speaking terms. And it is not we who are coming in the way. If you are able to speak to each other, you should be able to discuss the question and should be able to appreciate the feelings of Bangladesh on this subject which are equally strong.

The question of recognition again, has kept us confused. And, at last, when you chose to get a resolution from the Assembly, a number of conditions are built into the resolution. It is not that these conditions are the result of amendments by the opposition. The resolution is sponsored by the Government.

What can we say to that? You delayed recognition for several months. Then you referred the matter to the Supreme Court. Then you got the authority from the parliament which you did not need. It is not for us to question your efforts, but we must judge by the end product. No recognition has taken place and it is not within sight.

You say to me that we should tell Sheikh Mujib to agree to this and that. You must appreciate that it is highly embarrassing for us. Whatever your estimation of Sheikh Mujib, please remember, that he, like all Heads of Government, in democratic countries, is the product of democratic elections. He has won two elections. You call him petulant or irrational, but the fact is that he is the elected leader of 75 million people. We have to acknowledge his position with respect. He has to take into account the feelings of his own nation. How can we presume to make suggestions to him which he does not think to be in his national interest?

Thus you see we are left with doubts and contradictions in your position. How can I convey correctly your position to my Government or to Bangladesh Government?
I suggested: let us begin the process of repatriation of different categories of people; let us deal with this situation urgently which is a source of human suffering and tension. Let us start with the repatriation of POWs, Bengalees and Pakistani nationals. This may have a calming effect and may improve the atmosphere for further developments regarding the trial of prisoners of war. I must state that I have no authority to negotiate on the question of trial.

I submit again, that in the lager interests, we should begin this process. Even if a few ships sail with the repatriates and a few trains bring POWs, uniting these people with their families, it will ease tension and greatly improve the atmosphere. This is the result you and I desire and this is also the result which Bangladesh desires.

As I pointed out, Bangladesh has, of course, economic difficulties. With the disaster they passed through, these difficulties are but natural. But one should not rejoice in that. Their difficulties will affect you and will affect us. We have all to be concerned about their difficulties.

There is some anti-India propaganda there. But it does not worry us. It is the future of that country that should be of concern to both of us. I am sure they can handle their problems, but, in the interest of the peace of the sub-continent, you and we have to be concerned about it.

All I can say is, that if human ingenuity cannot devise a solution to our difficulties of today, this indeed will be very sad for the future of all of us. We made an honest attempt and offered the Joint Declaration. If this is not acceptable to you, please tell us what is acceptable. I can take it back with me and we can meet again.

I am at my wit's end as to what I should go and report to my Prime Minister and my Government. I can say that there are certain difficulties and that our Pakistani friends have local compulsion, but as the record of our talks stands, we are quite confused. Please resolve your contradictions so that we clearly understand your position.

Re. Pakistani nationals: Let us discuss calmly propositions based on terms of law or principle. I am making an honest attempt to understand your position.

They cannot be rendered stateless. Law and international practice does not accept people being rendered stateless. How do your nationals in Bangladesh cease to be Pakistani nationals? U.K. accepts that British passport holders are their responsibility whether they are originally from India or Pakistan or some other country. They cannot shirk their responsibility by talking about the basis of origin. The law of nationality places responsibility squarely on U.K.
When a State breaks up, option is always given to the persons. Bangladesh Government gave that option to the non-Bengalees. It is not that these people are being pushed out, as it is argued sometimes. There was a large number; of whom, the majority exercised the option to stay there as Bangladesh nationals. The residue which is smaller maintained that they are Pakistani nationals and want to go to Pakistan. How can we blame the Bangladesh Government when legally and morally they have been correct and, hence, insist that the Pakistani nationals should leave for Pakistan?

In some of your statements, you talked about the racist doctrine. That is not at all fair. Maybe you like to use that argument in public debate, but it is highly unjust and offensive. You say that if Biharis were to leave Bangladesh, that its racism. On the other hand, it is not racism when Bengalees have to leave Pakistan to go to Bangladesh.

**Mr. Aziz Ahmed:** The Bengalees can stay. We have given them the option.

**Shri P. N. Haksar:** But so has the Bangladesh Government. They have given option to the non-Bengalees and a large number of them have opted for Bangladesh nationality. Those who insist on their Pakistani nationality and want to come back to Pakistan must be accepted by the Pakistan Government. It is no use bandying words like racism.

You insist that they must stay in Bangladesh even if these Pakistani nationals profess loyalty for Pakistan and want to come to Pakistan. At the same time, you express concern for their welfare in Bangladesh. You seem to claim to have some extra-territorial rights. How can we understand your position? You also sponsored the idea of “Muslim Bengal”! Do you not realize that it is interference in the domestic affairs of another state? Maybe you feel you don’t accept Bangladesh and hence you have a right to do so. Well, in that case, we come back to your attitude that there is aggression and you are waiting for the aggression to be vacated.

These things and attitudes do cause us concern about your good faith. You may talk of your compulsion, but we don’t see these attitudes and designs based on any compulsions. They are the free exercise of your options against us or Bangladesh.

**Mr. Aziz Ahmed:** I am grateful for your speaking so frankly. That is most important among us. The very purpose of our meeting will be defeated if we don’t talk with utmost frankness. If you go away feeling confused, as you say you are, no purpose will be served by this meeting.

You referred to a credibility gap. There is, of course, a communication gap between us. So long as diplomatic relations are severed, this gap will
continue. We should remain prepared for some difficulty in communications and understanding in the present circumstances and need not be too upset about it.

After Simla Agreement, your Prime Minister had expressed some doubts about the implementation of the Agreement. We responded immediately to remove your doubts. That is why I came to Delhi. I would be prepared to do so again if ever you have any doubts about our position. We should be prepared to meet more often. In the present circumstances, there is likely to be some misunderstandings and doubts, but it should be possible for us to remove them by discussions.

You find that my statement of our position has left you confused. May be, I was unable to explain properly. But I spoke sincerely and made an earnest effort to explain to you our point of view.

I spoke to you about the Cabinet meeting and what happened there. It is not normal to give outside an account of what happened in a Cabinet meeting, but I wanted you to know the real reason for our rushing to the ICJ.

I must explain again that after Kamal Hossain’s statement in Calcutta, we thought you might transfer the POWs to Bangladesh immediately. You saved the POWs from trials by bringing them out to India. We knew that so long as they are with you, they were safe. But when Kamal Hossain made the statement after his visit to New Delhi, we thought you might have agreed to the transfer. We did not have any choice.

I told you I was unhappy about the decision. I stated in the Cabinet meeting that going to the ICJ will delay matters and create difficulties for repatriation. When another Minister in the Cabinet asked me what if the trials are held. I had no reply. Besides, as I said before, at that very stage we received an extract of your Foreign Minister’s message saying that Indo-Pakistan talks can be purposeful only if Pakistan Government indicated its agreement in principle to the Joint Declaration of 17th April. It is quite possible that we misinterpreted the message, but our impression was that, unless we agreed beforehand to the basic principle, there could be no meeting and that the meeting was only to discuss modalities. This is how we came to the decision that we must approach the ICJ. Immediately to stop Bangladesh from holding trials. We honestly felt that this might strengthen your hands also. ICJ case can be withdrawn tomorrow. It was purely a defensive action.

If the trial danger is removed, and if POWs can be repatriated, we can withdraw the case tomorrow. We had genuine fear that something might happen unless we rushed to the ICJ. But we are prepared to withdraw the case now if we both agree.
Now about recognition: Here again, you seem to misunderstand our position. My President has no option in the Matter. He stands committed to recognition. He, however, found that he had no choice but to explain the position fully to our people. President went on tour to various parts of the country to seek the approval of the people. Your Prime Minister, however, got the impression that we were deliberately delaying recognition.

**Prof. P.N. Dhar:** Since the issue of recognition was getting delayed, the obvious conclusion was that the understanding given to us was not being implemented.

**Mr. Aziz Ahmed:** President felt that he must seek people’s approval. He had no choice in the matter. He went in helicopter from place to place and undertook some intensive and very tiring tours.

Assembly resolution was no problem, but it was the temper of the people which worried him. He wanted to assuage their feelings and get the people’s support.

I am not going to argue as to what was embodied in the Interim Constitution. As my President said in Simla, we want to turn our back on the past. We want to build up a new future.

**Prof. P.N. Dhar:** This is where we find difficulty in understanding. Yesterday, you said that some newspaper or radio reports from India have a serious impact on the minds of your people. You say now that you want to turn your back on the past. Yet, we hear repeated references to confrontation at the highest level. You would appreciate that these statements have effect on the minds of the people in India also. They simply cannot understand these statements.

**Mr. Ahmed:** Yes, President spoke of confrontation in the past. It will not be so for the future.

**Prof. P.N. Dhar:** But there had been references to India trying to be a dominant power, trying to exercise hegemony. What will be the impact on the minds of the Indian public and the Pakistani public of such accusations? You must also bear in mind that Sheikh Mujibur Rahman has also a public opinion to contend with. His people underwent untold sufferings and, in their tormented feelings, the people of Bangladesh expect their Government to honour the commitments on the war trials. At one time it was stated in Pakistan that a thousand odd people could be retained for trial. But now they are thinking of only 195 people to be tried for crimes against humanity. If Mujib says he is going to give up trials, his nation may never forgive him. Similarly, when you impose conditions on recognition, people in India and Bangladesh do start entertaining serious doubts about the sincerity of your desire for normalization of relations with India and Bangladesh.
Mr. Aziz Ahmed: (Addressing Mr. P.N. Haksar). I hope to be able to arrange a meeting for you with the President tomorrow. I have received a message from him and he has agreed to the meeting. Please talk to him frankly and mention all your doubts and your difficulties in understanding our position. On the question of confrontation also, put your questions frankly to him and I am sure he will explain to you. He is always happy to remove misunderstandings. I cannot tell him, but you can certainly question him about all your doubts.

Shri P.N. Haksar: I thank you for arranging the meeting. I shall look forward to the honour of meeting the President. Your President said that the question of Bengalees was not difficult. They could go. In that case, you should help them in departing for Bangladesh. We on our part have stated about the POWs that 90,000 minus 195 can be repatriated straightaway. Thus, large mass of human beings, at present divided from their families, can get to their homes immediately. We are left with the question of the Biharis. The Bangladesh position is that Pakistani nationals, who want to go to Pakistan, should be allowed to go. Your argument is that there is economic burden. Perhaps, we can assess that burden. It may be possible for us to understand your economic argument if you can explain a little more in detail. It should be borne in mind that a large number of Bengalees would be leaving Pakistan.

On the question of trials, I told you Bangladesh Government’s position. On your side there have been several contradictions. It would be presumptuous on my part to question the statement of the President. He is the Head of the State for whom I have great respect. But on this question of trials, he had said at times that he could live with the trials. If I recall correctly, in an interview to the *Newsweek* of 3rd April, 1972, he had said that he is not apologizing for the excesses committed by the Army in Bangladesh. He had accepted that they had done very bad things. He had stated that if Mujib wanted to bring some people to trial, Pakistan will be prepared to oblige. Then again, in an interview to the *Blitz* of India, which is widely read, President had said: “if there are charges against 5,000, 10,000 people, they can be retained. But why keep the whole lot of the prisoners of war there?”

Mr. Aziz Ahmed: As I said before, we are at the crossroads. Our talks are at a crucial stage. We must take positive decision at this stage, on all the issues. If we work sincerely, appreciating each other’s point of view, we may be able to present the people of India and Pakistan with good news. Delay can only mean more tension, more suspicion and more doubts. There will only be charges and counter-charges, as time passes. I think, in this meeting we should be able to come to decisions.

The prisoners of war have already been there for 18 months. You must understand our position on war trials and Pakistani nationals.
I assure you we want to deal with the situation in an unemotional and realistic manner, on the basis of the humanitarian considerations. This is the approach which was very rightly suggested by your Foreign Minister, Sardar Swaran Singh. On this depends the future of the sub-continent. If we all could cooperate, one can imagine what it would mean for the economic prosperity and social progress of the 700 million people of the sub-continent.

Shri Kewal Singh: I am glad you say so. This is the vision that is before our Government which we would sincerely strive to realize. Other nations in the world have overcome their historical hostilities and bitterness and are today cooperating wholeheartedly for the welfare of their peoples. We would like to see that there is cooperation between our countries based on mutual trust and mutual benefit.

But Pakistan Government must appreciate it has some basic responsibilities, if that hope is to be fulfilled. We cannot give hope of peace, prosperity and friendship to our peoples if there is constant talk of confrontation which, it is repeatedly being said, has continued for a thousand years. Is it likely to inspire our people in India and Pakistan to think in terms of friendship, amity and cooperation? If we have to realize the hopes of a peaceful and prosperous sub-continent where amity and friendship prevails, the attitude and pronouncements from Pakistan side have to be very different.

You suggest that Sheikh Mujibur Rahman should show understanding in the cause of reconciliation. Pakistan, unfortunately, has failed to take even a small step which could have made a big contribution to reconciliation. That is the question of recognition. Even now, when the Assembly has passed the resolution in favour of recognition, so many conditions have been imposed with Government’s approval before recognition is accorded. What is the purpose of those conditions? Are these intended to make Bangladesh Government go on its knees to seek recognition? It is our impression that Bangladesh is no longer keen on immediate recognition. Their leaders don’t spend sleepless nights if recognition is not accorded to them. At one stage, it was matter of great importance. You missed the opportunity. Today, they are quite indifferent to it. Why not, then, recognize graciously rather than impose conditions? This could, possibly, have a big impact on the minds of the leaders and people in Bangladesh and could improve the atmosphere. The problems of which the resolution is being imposed as preconditions could, perhaps, be better solved in that improved atmosphere if recognition is accorded in a better spirit.

Mr. Aziz Ahmed: We genuinely want to work for durable peace on the sub-continent. As I said before, we want to forget the past, but we have genuine difficulties which you should appreciate. Unless the question of the trial of POWs is out of the way, no forward move can take place. We are stymied.
About recognition, we had hoped to take some steps, but it was the public opinion we had to satisfy.

I must, however, say again that trials we cannot accept. May I suggest one thing? You were able, through a brilliant stroke, to skirt the question of recognition in formulating your Joint Declaration. Is it not possible to skirt out the question of war trials also? That may help in a forward movement.

You should appreciate the position in which we find ourselves. If you bring 10,000 POWs tomorrow and leave them at our frontier, can we say ‘No’? We also know that we cannot convey agreement to receiving POWs while leaving 195 back for trials. Those who come will accuse us for betraying our soldiers. They will ask us as to why we agreed to their colleagues being left behind and being let down. They would say: “We would have stayed back. Why have you sacrificed our colleagues?

This is our real problem. I hope Mujib will abandon his negative approach and involve himself in constructive action. Otherwise, it will hurt the process of normalization God knows that will happen in the Courts constituted by Mujib. Passions will be excited and memories of 1971 will be revived. We shall also have to try the Bengalees who worked for the dismemberment of Pakistan.

We hope Mujib will say one day that let the past be forgotten. He can do so. He can make his people agree to. Hence, I agree with you that the process should begin, but the question of trials worries us. Can you help us in finding a way out?

We agree bad things happened, but this Government was not responsible for them. Mujib should know that. This Government has totally repudiated Yahya’s policies. Mujib should know Bhutto. That is why I say that Mujib should show statesmanship. My President has his difficulties.

If Mujib is seeking justice and not revenge, then there are Bengalees who also committed atrocious crimes during the same period against the Biharis and others who were in favour of one Pakistan. The massacres committed by them should also be punished.

As I said before, it is Bangladesh which stands to gain more with peace and reconciliation in the sub-continent. We draw no pleasure from Bangladesh’s difficulties. They have separated and we wish them well. When some foreign country asks us, we tell them to help Bangladesh. We particularly tell them that the humanitarian aid to Bangladesh must continue.

I served there for 20 years and I know Bangladesh well and I know its needs. I know the immense pressure of population and the limitation of its resources.
If the question of war trials is out of the way, there can be cooperation between the three countries.

**Shri P.N. Haksar:** On your side you could help. Take the question of recognition. You got the authority of the Parliament which you did not need. You could have had the authority without conditions saying that President Bhutto could recognize Bangladesh at the appropriate time. Why was it necessary to spell out the conditions and make the recognition conditional on various things? I do not believe it was difficult for the President to recognize Bangladesh any time. He can tackle most difficult questions and carry public opinion with him.

I recall the manner in which he dealt with the question of language in Sind. We know how extremely difficult the language issues can be. Yet, he was able to resolve it.

**Mr. Aziz Ahmed:** Please tell all that to President. You should speak to him frankly. Whatever you feel strongly in India, you should not hesitate in telling the President.

**Tea Interval**

**Mr. Aziz Ahmed:** As I said before, you had shown great wisdom in skirting the question of recognition. You and Bangladesh should skirt out the question of war trials. You asked me again about the definition of a Pakistan national. After the separation of Bangladesh, it means people of West Pakistan domicile. There are others who hold Pakistani passports. They have also a claim. Apart from these, we are prepared to take other people with a view to re-uniting families.

Beyond these categories, the President feels it is not possible for him to agree to take other people from Bangladesh. President knows that those politicians, who today support that the Biharis should be accepted from Bangladesh, will be the first to attack and condemn him when the Biharis reach here. It is not for Bangladesh Government to exercise the option whom to keep and whom to push out.

**Shri. P.N. Haksar:** There are well-known aspects of the question of nationality. There is always the municipal law based on territorial and ethnic aspect. But where a territory secedes, choice of the person is very important. One cannot force a person to stay and accept another nationality against his will. The Pakistani nationals in Bangladesh have been given the option. Bangladesh Government cannot be expected to keep them when they have professed their loyalty for Pakistan and want to go to Pakistan.
We had that experience in our own history. After partition, our two Governments enacted laws relating to citizenship. Millions of people who migrated, became citizens according to these laws.

When the French possessions merged with India, the people were given a choice between the Indian nationality and French nationality. Same thing happened in the case of the Portuguese possessions. French and Portuguese Governments agreed to take their citizens who exercised the option to retain their nationalities. It is not the question of a state imposing citizenship, the option of a citizens is most important.

Mr. Aziz Ahmed: Barring people of West Pakistan origin, everybody in Bangladesh should be eligible for Bangladesh citizenship. He has rights and duties in that State. Principal need is to provide for certain cases of hardship which we are prepared to do. If you suggest any variation, we are prepared to consider.

Shri P.N. Haksar: I am not sure if you have consulted some legal experts. It would be impossible to sustain your position legally. The people in Bangladesh do not *ipso facto* become citizens of Bangladesh. The state determines, according to its municipal law, as to those who qualify for being its citizens. People who find themselves in a country are not necessarily qualified for its citizenship.

Mr. Aziz Ahmed: As your Foreign Minister had rightly said, we should look at all questions from the humanitarian angle and not from a legalistic point of view.

The case of Pondicherry is different. It did not secede from India. It was a colonial possession. Besides, French and Portuguese willingly agreed to take these people.

Shri P.N. Haksar: I agree that the humanitarian aspect is important, but in this case both the legal and humanitarian aspects lead only to one conclusion, namely that Pakistan must accept its nationals. A man says that I was a Pakistani national, I am a Pakistani national and I want to continue to be a Pakistani national. Is it not inhuman to leave him in a foreign territory? If free volition is exercised, how can one deny a national of a country to go to his country? We have examples of large movements after World Wars I and II. People are not forced to stay in a territory under compulsion.

Mr. Aziz Ahmed: We are prepared to look again from the humanitarian angle. But the atmosphere must improve before we can take up additional commitments. Today, the option is not voluntary. People are suffering from privation, lack of security and a sense of fear. It is the “duress of the
circumstances”. Once the atmosphere improves, we can re-examine if some more people want to come to Pakistan. It will take a few months before the atmosphere improves. It will not be so sudden. For example, when the POWs come to Pakistan, they will not necessarily contribute to immediate friendly feelings between India and Pakistan. They will say that they were very badly treated. They will say that to get sympathy and to get good jobs. Similarly, the Bengalees returning home are going to speak very harshly of Pakistan. But, after the passage of a few months, things will improve.

Broadly, our approach is that the problems should be solved with statesmanship and in an atmosphere of reconciliation. The vast majority of Biharis may be anxious to come away because the tension is high. When tempers cool down, that will be the time to consider which other categories of non-Bengalees can be taken by us. If atmosphere improves and steps are taken towards reconciliation, Mujib may not talk about the war trials and many Biharis may not like to leave their homes in Bangladesh. After all, they have been there for 25 years and they have made their homes there. If some do want to come after the conditions have returned to normalcy, we shall certainly consider.

There is a major political difficulty. Despite brave speeches, no one will support the President if Biharis and others are accepted in Pakistan. The question is not economic, but political. We know the underlying political forces against it.

Take recognition: President was convinced that it was a matter of a couple of months. How different it proved? If recognition had taken place in time, a number of problems would have been solved POWs, war trials, repatriation etc. Not being able to recognize has done us lot of harm.

(Kewal Singh)
Foreign Secretary
27-7-1973

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G. Verbatim record of the meeting of Indian delegation with Pakistani President Zulfikar Ali Bhutto at his residence.

Islamabad, July 27, 1973. (7.30 P.M.)

President Bhutto received Shri P.N. Haksar at the President’s residence. Shri Haksar was accompanied by Shri Kewal Singh, Foreign Secretary, and Prof. P.N. Dhar, Secretary to the Prime Minister. On the Pakistani side, Minister of State Aziz Ahmed and Foreign Secretary Agha Shahi were present.

After preliminary polite exchanges, the following conversation took place:-

President Bhutto: I have been looking forward to a meeting since Simla. It was necessary to meet as so much has been appearing in the press, in statements etc. By exchange of views one can know where you went wrong and where we went wrong. Of course we can both put up a perfect case in newspapers, but in the interest of our relations it is important to meet and talk. Mr. Aziz Ahmed has briefed me fully on the talks you have had. I am not interested in drawing up a charge sheet and a counter charge sheet.

There are one or two things I would like to clear straight away.

First of all about the question of recognition. Before leaving for Simla, I met various delegations of political leaders. Students, intellectuals, activists, etc. to discuss our attitudes and policies with them. I wanted to have the sense of their thinking before going to Simla. All of them said that so far as Bangladesh-Pakistan relations are concerned, this subject should not be discussed in Simla. Earlier, when I had discussions with Mr. D.P. Dhar, I had envisaged the possibility of meeting Mujib in Simla or, at least, of discussing Bangladesh-Pakistan relations there with the Prime Minister. But I found that most of leaders I met before going to Simla were not in favour of our relations with Bangladesh being discussed in Simla. Therefore, even before leaving Lahore, I publicly said that in Simla I was not going to discuss questions relating to Bangladesh, it is only the Indo-Pak relations that we would be discussing.

At the meeting in Simla, the ice was broken and I was happy with the very useful discussions and the understandings we reached. In that informal atmosphere we discussed other matters also. I informally mentioned to the Prime Minister that I hoped to take the question of the recognition of Bangladesh to the National Assembly by August. Mind you, this was quite informal a sort of loud thinking on my part.
When I came back, I called a meeting of the Party’s Central Committee and I found that not a single members was in favour of the question of recognition being put before the National Assembly. They said they were not prepared to take a risk. There will be strong opposition in the countryside and they won’t be able to go back to their homes. They have to live in their constituencies and they have to face their people. They simply cannot take the risk. The Members were not only diffident, they were frightened. They said this question must be postponed.

I, therefore, thought that I must prepare the public opinion on this issue of recognition. I went to Lyallpur where the feelings were very high and there was strong resentment on the question of recognition. I addressed public meetings there. I went to Karachi and several other towns addressing public meetings advocating recognition. I addressed a public meeting in Pindi; it was a huge meeting and the crowds were very enthusiastic and jubilant. But when I touched the question of “recognition”, there was turmoil, firing from various directions; sten guns were used. Everything was helter-skelter. Members of the National Assembly pointed out to me that they had warned me about the public reaction.

I went to the Frontier Province and addressed meetings there also.

You would, thus, see that I had to adopt a step by step approach. As a result, I see that while there was strong opposition, people are now getting more accustomed to the possibility of recognition. Even today, if I say I am going to recognize Bangladesh tomorrow morning, students and militant elements will again raise their heads and start violent agitation. That does not mean that I have not decided to do so. The decision will be taken one morning. Finally, I have now got the National Assembly’s authority.

I had to do all this so that people feel that they have been taken into confidence. I had to get their authority. I am not inhibited in my freedom of action; but it was essential to give general satisfaction to the people that I am consulting them.

You see this country is having democracy after 15 years. People are highly sensitive. They are watching whether their democratic rights are being respected or not; whether they are being consulted or not. I had no choice in the matter.

I say all this to remove the misunderstanding you have in India. I had not given any categorical assurance. In fact, I had promised before going to Simla that I shall not discuss Bangladesh question. But, in that atmosphere of informality I did mention the possibility of early recognition. However when I returned, I found that the situation was very different. I am anxious to remove any misunderstanding. It is not true that I made a promise and went back on it.
Then there is the question of our going to the International Court of Justice. I studied Law and Jurisprudence although I must confess my knowledge is very rusty. Our Attorney General, who studied the case thoroughly, was dead certain of our position. He said our case was absolutely just and there could be no question of a decision against us. He steamrolled us into taking this step. Now I asked him why he gave such advice. Did he have a girl friend at the Hague that he was keen to go there?

Of course, we said in Simla that we will solve our differences bilaterally. I have not gone away from that. I know third parties cannot help us. We must try to solve our problems among ourselves. I must, however, say that you talk a very rigid view of bilateralism. Suppose, by the end of the century, we have a million meetings and no progress is made, you cannot say no other avenue should be explored. There is UN and the ball then will be in their court.

Besides, this was only a peripheral issue. We have not taken the main issue out of bilateralism, even if you put a rigid interpretation. We have not met for a year. All sorts of things are said in the press and on the radio. They are counter-productive.

Since Simla, I have not said a single word contrary to your Prime Minister or the concept of Simla. You have dealt with others Quaid-e-Azam, Liaquat Ali Khan and others. You know, our people, how emotional they are and how they get worked up and go berserk. They are having democracy for the first time after 15 years. I have to be extremely careful. They are ready to accuse me of “betrayal” or “sell out”. One cannot live in a vacuum.

If I am accused of “sell out”, I cannot proceed further. I have to say things. You must understand my position.

I invited your Prime Minister three or four times. I had hoped she would come and sense the atmosphere. We could meet not only in the Simla framework, but also outside it. I repeatedly invited her.

I am glad you came with your delegation. We had replied within 3 days of the receipt of the Joint Declaration. We consulted the Army Chiefs and other leaders and took prompt decision. We sought some clarification. I know you had to take time because you had to consult Dacca. About the venue, we had no quarrel, but we felt it was our turn. I was keen on this meeting, so much so that, while I was going to Washington and Aziz Ahmed was to accompany me, I told him to return to Rawalpindi for talks with you. I was anxious that the things should start moving fast.

I would request you to try to find a method to move forward at least one more step. There has been no progress for a long time.
There are two other questions I would like to deal with:

Firstly, the war trials. I shall be brutally frank. I simply cannot take the risk. After the great disaster we suffered, there has been a stupid attempt recently of which you know. There are centers of chauvinism. I am not worried about my future. If democracy goes, it will be a disaster. Tomorrow, if I am not, I don’t mind. But if democracy collapses, everything will go to pieces. I tell you: So far as prisoners of war are concerned you can throw the whole lot in the Ganges, but I cannot agree to the trials. That would be the point of no return; I mean that will be disaster for Pakistan; not for you, not for Bangladesh. If everything goes to pieces, whom are you going to talk to? You must appreciate my inability to acquiesce to war trials.

Secondly, the question of Biharis. You are responsible why I cannot take the Biharis. It is All India Radio which goes on saying: “the rights of the Sindhis are being destroyed; where is the Sindhi culture?” Sindhis say “we don’t want Biharis”.

However, I do not rule out taking some non-Bangalees. We are prepared to discuss and negotiate. Once I meet Mujib, it should be possible to work out a reasonable settlement. Mujib needs them more, for his mills and his railways etc.

It is not a question of one Bangali going and one Bihari coming. It is not my position, I have not said that. It is not an economic question.

I come from Sind. I know their problems. I owe something to my constituency. We can think of taking some people, divided families and the like.

Mr. P.N. Haksar: May I first of all tell you Mr. President how grateful I am that you have been gracious enough to receive us so soon after your return. Before leaving for Rawalpindi, I met my Prime Minister. She asked me to thank you for the verbal message you sent through Khushwant Singh. She smiled and wanted me to assure you that she did not mind your occasional sallies so long as you let her know later that they were not really meant for her. It is true, Mr. President, that no meeting has taken place since Mr. Aziz Ahmed’s visit. It would have been a good thing if a meeting had taken place.

I would explain to the best of my ability what happened since Simla as we see it.

What concerns us very much is the gap nascent gap in our understanding. The bridging of the gap is even more important than the other issues we have before us and those issues are certainly important. It is the language, the phrases and the idiom which is used that leaves a gap and creates doubts.
Unfortunately there are no other means of communication between human beings than verbal formulations.

You have made a case against us that we have been insensitive to your invitation or have been dragging our feet in not responding to your invitation. I would submit respectfully that, after the withdrawals in December, we have not been lying idle. We had reasonable expectation that the problems between Pakistan and Bangladesh will be dealt with between you two. It is neither wisdom nor sagacity to try to take upon ourselves the questions which are better discussed and settled by you two. We had expectation of recognition which would have absolved us of this responsibility. We had hoped that there would be recognition and there would be a dialogue between Bangladesh and Pakistan.

I do not say that there was any formal assurance, but I would submit that there was an expectation and that we had reason for entertaining that expectation.

When discussing the question of POWs in Simla, we stated clearly that we could deal with this question only if Bangladesh agreed. We rejoice that you got the agreement from us in Simla. We rejoice that you outwitted us.

My Prime Minister and Foreign Minister attach the greatest importance to the Simla Agreement. I am only a small fry but I would like to do my best to be of some service in bringing about reconciliation between India, Pakistan and Bangladesh. I have no past with Pakistan, no complexes. I profoundly feel the tragedy of the present situation. That probably is the reason why I have been entrusted with my present onerous responsibility.

Mr. Aziz Ahmed came to Delhi and said: “President was keen to recognize, but there was a difficulty because of the Sind riots”. He assured me that the Government agencies in India had not taken interest in these riots and had not played up the Sind riots.

If there is anything about Sind which our radio or our Official agencies had said, please let me know. We will apologies and we will stop it immediately. Perhaps Mr. Agha Shahi could document our trespasses of which I am not aware.

**The President:** When we had trouble with our army officers, All India Radio first accused us that this Government is incapable of taking any action. Later on it started saying that this Government was destroying the best army officers.

**Mr. P.N. Haksar:** Let Mr. Agha Shahi give me proof. We will take most firm action.

Believe me, Mr. President, we have a deep commitment to Pakistan’s integrity and inviolability and to the processes of democracy.
In August 1972, Mr. Aziz Ahmed explained that there had been some delay in recognition. We expressed the hope that it will take place soon. We can understand the delay. I admire the efforts you have been making, Mr. President, of which you have given graphic examples. I know these democratic processes from our own experience in India. Prime Minister Nehru and our present Prime Minister have to address meetings all over the country to carry the masses with them, to carry parliament and colleagues. We rejoice in your efforts.

But as of today, recognition has not taken place. It is not for us to sit in judgment. But we have to take cognizance of the fact that recognition has not taken place.

My prime Minister has not said that you, Mr. President, have reneged on your promise of recognition. She only said that expected recognition has not taken place.

But the basic problem is that Bangladesh is not ready and willing to talk unless there is recognition. How do we get out of this situation? Still, we have been applying our minds seriously to further steps

In early March, Bangladesh elections took place and it was not fair to approach them before the elections. As soon as elections were over, I went to Dacca on 1st of April and came back on 6th. On the 13th April, Dr. Kamal Hossain came to Delhi and we announced our Joint Declaration on the 17th.

We take no credit for this Joint Declaration. Bangladesh deserves the credit. They set aside the legal and political questions. They sidetracked the question of “recognition”.

It is true we got your response promptly. But if I may say so, your response was negative Your reply was a repetition of the old stand. So far as POWs are concerned “yes”, but so far as other humanitarian questions are concerned, “no”. Hence, my Foreign Minister, Sardar Swaran Singh, wrote to Mr. Aziz Ahmed for clarification.

At this stage wonder of wonders happened. Two aide memoire which, we are told, were unauthorized, were sent to us which raised serious doubts about your willingness to solve these humanitarian questions. Now we are told that it was a “private enterprise” of an Ambassador; that the aide memoire were not meant for my Foreign Minister’s eyes. Meantime, you took the decision to go to the ICJ. You say, Mr. President, that we are interpreting bilateralism “rigidly”. The adjective either strengthens or weakens a noun. I do not know the connotation of this adjective. There is no rigidity on our part. We only want both of us to be honest to the commitment we made in the Simla Agreement.

We closely examined the document you submitted to the ICJ. The case is based on a statement which appeared in Dacca on the 14th June 1972 according
to which it was alleged that the trials were likely to take place and the POWs were likely to be handed over. This was one year ago. Nobody asked us about this. Bilateralism meant that you could have asked us and you could have discussed with us. Of course, we cannot prevent you from going anywhere.

You said, Mr. President, “if a million meetings take place and nothing is achieved, shouldn’t you explore other avenues?” But in this case, not even two meetings had taken place.

I would frankly submit that going to the ICJ has put the spanner in the works. Bangladesh Government, naturally, says that they are not bound by anything. You have gone to the Court and they are not a party to the case.

**Pakistan Nationals:**

As usual, India is used as the whipping boy. We are required to explain to Bangladesh why non-Bengali Pakistanis cannot be accepted in Pakistan. We are told it has something to do with All India Radio. I would like to have the exact complaint and we shall look into it. We shall undo it. What do we say to our own Government, Bangladesh Government and to our people as to your attitude towards Pakistani nationals? Bangladesh whose point of view we are privileged to represent here would ask for an answer as to why you are not prepared to take your own nationals.

The question of domicile is difficult to understand. If a Pakistan citizen is in Dacca, or London, or Tehran or Abu Dhabi, he remains a Pakistani citizen. He has a right to come to Pakistan. There is no legal or moral ground on which you could refuse to accept your nationals back. However, if it is a question of modalities, numbers, difficulties and burdens, we are prepared to listen to and understand your position. We want to understand your position in terms of numbers. I could try to understand your position if you were to say that it should be only 6 lakhs, 4 lakhs or 3 lakhs. That you could take so many. I could convey your views to my Government and to the Bangladesh Government. But I do want to hear something which is legally and morally tenable and which is free from contradiction.

Mr. Aziz Ahmed stated that we should give up trials. You have to see that the Prime Minister of Bangladesh has a commitment to his people and he has repeated this commitment many times. To us, he is the Prime Minister of Bangladesh elected by his nation and we have to respect his point of view. He has also to respect the wishes and expectations of his people. Thus, you see that we are not in a comfortable position.

Are we insensitive to our reputation? Do we like to be called inhuman and brutal? We are stuck. You tell us what to do. Here is a proposal to make a
move forward. With the commencement of the simultaneous repatriation of the three categories, we hope tension will be lowered and it will contribute to further constructive decisions.

Mr. Aziz Ahmed had asked me if we could not skirt around the question of war trials. Let me have a concrete proposal.

About Biharis, you said nothing can be done. You have explained your difficulties. If I may respectfully submit, I have admired your courage in taking decisions. Take the agitation on the Sindhi language. You solved it. We know something about the language problem.

We don’t want to do anything which will create difficulties for you. I would only submit that if Pakistani nationals have been loyal to you, have stood by you and they say they cannot stay in the foreign country, let them come home. If you have difficulties let us examine them —about the numbers involved and the modalities of repatriation.

Regarding my Prime Minister’s visit, she will come tomorrow, but when she comes, what will be the result of the visit? Ordinarily, among neighbours and under normal circumstances, visits of goodwill take place. But our situation today, unfortunately, is very different. You say nothing can be done till the question of the POWs is resolved. What will the Prime Minister of India come and talks about?

Finally, if you will permit me, Mr. President, I would like to say something most respectfully. I am not a historian. (Pointing to the picture of a Buddha on the wall). What do you feel about that picture? Is, or is not that a part of Pakistan?

President Bhutto: I respect Buddha.

Mr. P.N. Haksar: Then, Mr. President, May I humbly ask, why do you talk of confrontation of thousand years? Are you in conflict with your own history? Is Pakistan in conflict with its own personality? To talk of confrontation has impact on the minds and hearts of people in India and Pakistan. It will be picked by wrong type of people in India. Is that a contribution to the durable peace in the sub-continent? There is Marx’s, but as I said, I am not a historian. In Iran, is there a confrontation between the period of Cyrus the Great and the post-Islam period? You said Sindhi language is 5,000 years old. Is there confrontation in Sind between the last one thousand years and the previous 4,000 years? I beg of you, Mr. President, to think it over the implications of the pronouncements about confrontation of a thousand years. This creates serious repercussions unnecessarily. I say unnecessarily because if you gain something, we can understand.
President Bhutto: I will say less of it in future. (President looked embarrassed and confused and said “It was for internal…”, but did not complete the sentence).

Mr. Aziz Ahmed: Mr. President, I suggested to Mr. P.N. Haksar that if we could skirt around the question of war trials, we might see some possibility of moving forward with the question of repatriation. About Biharis, I had mentioned, that we are prepared to accept those who had West Pakistan domicile; we could also take some who have relations in Pakistan and those who hold Pakistani passports. I had explained that if repatriation started, there will be improvement in the atmosphere. Instead of talking of Biharis at this point, I suggested that we should wait and let the atmosphere cool down a bit. After the process has started and there is improvement in the atmosphere, we could examine other cases also of people who express their option to come to Pakistan. Meanwhile, a meeting with Prime Minister Mujib could further help in resolution of this question.

It was said that our recognition was subject to conditions. If Prime Minister Mujib meets tomorrow, recognition can take place immediately.

President Bhutto: If you can ask Mujib to be reasonable, I can ask China to drop the veto. We can show our good faith in that way. We feel Mujib should, in that case, realize there is some contribution from our side. This could also improve your relations with China. We could make common approach to many things. We could collectively get out of the quagmire.

Mr. P.N. Haksar: I appreciate your gesture, Mr. President. I would beg of you to kindly show magnanimity to Pakistani nationals. It is my understanding that by the categories mentioned by Mr. Aziz Ahmed, only about 10,000 to 15,000 people will come back. I cannot make this suggestion to the Bangladesh Government. My serious embarrassment is that this suggestion was already made through Prince Sadruddin and was rejected by the Bangladesh Government. May I submit that you should think in terms of a much larger number that you can absorb? Considering also the large number of Bangalees who would be leaving.

President Bhutto: You should inform Mujib that we can help him in admission to the United Nations. That is important for him. Perhaps, that will help.

Shri P.N. Haksar: My difficulty is that of communications. Sheikh Mujibur Rahman is in Belarade. Dr. Kamal Hossain is also there. When I report, it is possible Sheikh, Mujibur Rahman may be in a position to take a decision; may be, he would have to consult his colleagues. If the present proposals are not acceptable, perhaps, we return. We could say that we had discussions, but nothing came out of them and that we hope to meet again. That will take
considerable time. Sheikh Mujib will come back about the 12th of August. Then I shall have to go to Dacca and meet him there. That would mean earliest meeting would be in the 3rd or 4th week of August.

Mr. Aziz Ahmed: At present it is not possible to take into account the so-called “options” exercised by the people in Bangladesh. There must be improvement of the atmosphere. We could then discuss again the question of some more who may want to come to Pakistan.

President Bhutto: The number of those whom we can accept from Bangladesh can be negotiated.

Shri P.N. Haksar: If there is acceptance of the principle that Pakistan will look after its nationals then we could discuss the manner of repatriation. We could discuss numbers. We could discuss the question of burden. But if you enunciate a new principle of nationality, viz. West Pakistan domicile, then it becomes very difficult to resolve this problem.

Mr. Agha Shahi: You have advanced a legal argument. Legal aspects are highly complicated. If we accept that the entire population of Bangladesh is of Pakistani nationality. We must, therefore, have a human approach. There are Bengalees in Pakistan; we don’t ask them to go back.

Shri P.N. Haksar: I am not averse to practical solution. In fact, that is what I am trying to understand. It is the definition of nationality based on West Pakistani domicile, which you say is not tenable in law or ethics. On humanitarian ground, we should discuss the number of individuals who are entitled to come and whom you are in a position to take.

Mr. Aziz Ahmed: We cannot enunciate a principle and yet work on numbers. It will be a contradiction in terms. We can only think of numbers whom we can possibly absorb on economic and political grounds.

Shri P.N. Haksar: Please examine this question carefully. It is a very important problem. I would submit to you, Mr. President, to deal it with as much magnanimity as possible. It is then that we can make a move forward.

Recently, after the unfortunate conflict, a hundred thousand people have gone to India from Sind and Gujarat. Your leaders came to talk to them. They are still on our hands. We are looking after them. We do not make much noise about it. We are dealing with the problem on humanitarian grounds.

Considering the larger perspective ahead, I would appeal to you to take a large number as you can absorb even at a pinch. Both on legal and humanitarian considerations they are entitled to come here.
President Bhutto: Please don’t think that I don’t feel sorry for them. I do. But if I say so, then there will be a storm in Pakistan. Politically there will be very strong opposition.

Mr. Aziz Ahmed: I can discuss the question of numbers with Mr. Haksar. We can meet tomorrow and see if we can work out a reasonable solution.

President Bhutto: It is sad that we have no diplomatic relations. Why have we to depend on the Swiss? To me it seems that the time has come when we must restore diplomatic relations.

Shri P.N. Haksar: If the issues before us today are resolved, we will be in a position to take further steps in normalizing our relations. I shall report what you say to the Prime Minister.

President Bhutto: (Turning to Mr. Aziz Ahmed) You should discuss again tomorrow. Try to find a formula about the numbers.

(Turning to Shri P.N. Haksar) I shall not be miserly. We will deal with the question with understanding.

I must, however, say that we should avoid misunderstanding. When Mr. Karanjia saw me, I said you can keep a thousand or two thousand soldiers back. But send the rest back. I did not say that they can be tried for war crimes. I only said that they can be kept as Amanat (collateral).

You discuss it tomorrow with Aziz Ahmed. As I said, we won’t be miserly. We must find a solution to this so that we can deal with other matters.

Sd/-
Kewal Singh
29-7-1973

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H. **TOP SECRET**

Summary record of the meeting held at the Pakistan Foreign Office.


A. Pakistani Draft:

1. Shri Haksar asked for a Pakistani draft which could be considered. This draft should take into account the joint Declaration, President Bhutto’s words of the previous evening that he would be generous on the question of Pakistani nationals and, thirdly, the fact that Bangladesh has set aside recognition in order to facilitate resolution of humanitarian problems.

B. Pakistani Nationals-Legal Aspects:

The Indian side made the following points:

i) Taking Bangladesh and Pakistan Citizenship Laws, the points that stood out were:

   a) A person who affirms his allegiance to a foreign State shall not be a citizen of Bangladesh.

   b) Under international law, it is not the duty of a new State, to make all persons found therein citizens of that State.

   c) In conformity with State practice Bangladesh allowed a large number or non-Bengalees option to choose their nationality.

   d) Persons who do not become Bangladesh nationals can retain their original nationality. The Pakistani suggestion that only such persons who are domiciled in West Pakistan will be their nationals is not borne out by international law nor by Pakistan’s Citizenship Act.

   e) Neither under Pakistan’s Citizenship Act, nor under its Constitution of April, 1973, can Pakistan render stateless its own nationals in Bangladesh. To do so would also constitute a violation of international law. Under international law, Pakistan is also obliged to receive back its nationals from Bangladesh, should they wish to return.

ii) India wished to follow the humanitarian approach. But in legal matters she wanted legal cogency. The brief from Bangladesh could not be set aside as a legal quibble. We would like to see Pakistani legal refutation. (This was in reply to Pakistani comments).
2.2  i) The Pakistani side said legal arguments cannot be conclusive and a humanitarian approach has to be adopted. The legal case could be refuted.

ii) However, Pakistan was prepared to examine a legal note giving the Bangladesh point of view.

C. Trials:

3.1 The Pakistani side said:

i) If there is a break down now there will be no settlement.

ii) If the question of war crimes trials cannot be settled now, let the issue be skirted.

iii) If there is a settlement, Pakistan can withdraw the case from the ICJ. How would this effect the pressure on India to transfer the POWs to Bangladesh.

3.2 The Indian side said:

i) The decision to withdraw from the ICJ or not has to be that of the Government of Pakistan.

ii) There are no pressures on India from Bangladesh. Bangladesh itself is subject to pressures of its own public opinion.

(K.P.S. Menon)
Joint Secretary (BD)
4.8.73

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I.  TOP SECRET

Verbatim Record of the meeting held at the Pakistani Foreign Office.


On the Indian Side, Shri P.N. Haksar was assisted by Shri Kewal Singh, Foreign Secretary, Prof. P.N. Dhar, Secretary to the Prime Minister, Shri A.S. Chib, Joint Secretary for Pakistan.

2. The Leader of the Pakistan side Mr. Aziz Ahmed had with him his colleagues Mr. Agha Shahi, Foreign Secretary, Altaf Ahmed Sheikh, Additional Foreign Secretary and Mr. Abdul Stattar, Director General.

Mr. Aziz Ahmed:

3. I am glad, you spoke out your mind to the President yesterday. Sometimes this is necessary. I must say you were able to state your case frankly and fully and this has more effect than my putting up strong notes. How do we proceed now? What Should be the guide-lines? If you have any suggestions, you may mention them.

Shri P. N. Haksar:

4. The President was most gracious in receiving me. It would be better if we now formally put something in writing. If you have something ready, we can consider it this afternoon. I may say at the outset that as far as my Government is concerned, I know its mind and am quite confident about the latitude that I have. However, I have very little latitude as far as the Bangladesh Government is concerned. Therefore, the formulation that we have to make in drafting our agreement has to be based on the Joint India-Bangladesh Declaration.

5. We will produce something this afternoon which I can assure you will be positive and is acceptable to your Government.

6. The broad features which should comprise this formulation have already been discussed between us and should be taken into account. Add to this the kind of blessings given by President Bhutto yesterday, namely, that he will be generous on the question of Pakistan nationals to be repatriated from Bangladesh. We should also take into account the fact that Bangladesh has already set aside the question of recognition in order to facilitate the resolution of the humanitarian issues. These should form the guidelines for preparing a draft which can be considered by the two sides.

7. On one question I would like to do a little exercise. Bangladesh
Government has given us a paper mentioning the legal aspects of the nationality question, namely, the nationality of Pakistanis in Bangladesh who wish to be repatriated to Pakistan. I would like to invite Dr. Jagota, Joint Secretary (L&T) to join the meeting to briefly state the issue. Really speaking there is no problem. These persons in Bangladesh are Pakistani national. The problem is how this fits in with Pakistan law of the Government of Bangladesh as now instituted.

8. Dr. Jagota made a brief statement, a summary of which is given below:-

“According to Bangladesh, the nationality question has to be examined both under international law and the citizenship laws of Pakistan and Bangladesh. Bangladesh having been established as a sovereign independent State, it was entitled under international law to frame its own nationality law. The term “nationality” had from internal viewpoint the aspect of citizenship which established civil rights of persons residing there. From international angle, it established the right of a State to afford diplomatic protection to the interests of its citizens abroad. There are two basic tests for establishing nationality by a sovereign State, namely (a) genuine link of the persons with the territory, and (b) their allegiance to the state. Applying these criteria, Bangladesh had established their law by a Presidential Order 149 of 1972, which has been amended by the Bangladesh Citizenship (Temporary Provision) (Amendment) Act, 1973. Thus all persons who had genuine link with Bangladesh either by birth or by permanent residence therein are Bangladesh citizens. Two other provisions have been made, bearing in mind the same twin tests, namely:

i) that if a permanent resident of Bangladesh or his dependent is in the course of his employment or in the pursuit of his studies, residing in a country which was at war with Bangladesh and is being prevented from returning to Bangladesh, he shall be deemed to continue to be resident in Bangladesh and

ii) that a person who affirms his allegiance to a Foreign State shall not be qualified to be a citizen of Bangladesh.”

9. Thus the Bangladesh citizenship law is secular and lawful and is in accordance with international law. Under international law, it is not the duty of a new State to make all persons found therein citizens or nationals of that State. Further, in conformity with State practice, Bangladesh allowed a large number of non-Bengalis option to choose their nationality, including that of Bangladesh. A number of them have voluntarily affirmed their allegiance to Pakistan and expressed their desire to return to Pakistan. Finally, persons who had not become Bangladesh nationals, will retain their original nationality.
Pakistan has suggested that only such persons who are domiciled in West Pakistan will be their nationals. This is neither borne out by international law nor by Pakistan’s Citizenship Act.

10. An analysis of Pakistan’s citizenship law would bear this out. Pakistan’s citizenship law is embodied in the Pakistan’s Citizenship Act 1951, which was amended in 1952, and which appears to be still in force. Their new Constitution of April 1973 has not defined Pakistan citizenship nor has the citizenship law been amended. According to the Citizenship Act 1951, a person who was born in the territory comprising Pakistan, or who migrated to Pakistan from India before April 13, 1951 (the date when the Act came into force), is a citizen of Pakistan. Other migrating from India until the 1st January, 1952, may be registered as citizens of Pakistan upon obtaining certificate of domicile. Even persons who had first migrated to India and have returned to Pakistan may also become citizens of Pakistan by obtaining permit for permanent return to Pakistan. Persons also became citizens of Pakistan by birth after 1951 or by descent. Thus such “non-Bengalees” in Bangladesh who migrated from India before 13 April, 1951 became citizens of Pakistan by operation of law. Others became citizens of Pakistan in accordance with the provisions referred to above.

11. Under Pakistani law, a person will lose his citizenship if he acquired the citizenship of another State. Accordingly, those persons who have become Bangladesh nationals would no longer remain Pakistani citizens. All other persons will retain their Pakistani citizenship.

12. The Pakistan Citizenship Act makes elaborate provisions for deprivation of citizenship under Section 16. No provision is made for depriving a citizen of his citizenship if he was a natural-born citizen or if he migrated to Pakistan before April 13, 1951. In the case of other migrants, they can be deprived of citizenship only if they received the certificate of domicile by fraud etc. The question of depriving naturalized persons of their citizenship is not relevant in the present case.

13. Thus, it will not be lawful for Pakistan to render stateless their own nationals in Bangladesh. Such action would be illegal in terms of their Citizenship Act, and also unconstitutional because under Articles 4 and 25 of their Constitution of April 1973, citizens of Pakistan, wherever they may be, are to be treated in accordance with law, and enjoy equality before the law. Rendering human beings stateless would also constitute a violation of international law. Therefore, Pakistan has an obligation in international law to receive back its nationals from abroad.

14. To conclude, Bangladesh has, in conformity with international law, established its nationality law. Persons not eligible to become Bangladesh
citizens retain their original nationality. Under the provisions of Pakistan's citizenship Act, 1951, also, persons who have not acquired another citizenship continue to be their nationals. They cannot be deprived of their citizenship except in accordance with Section 16, which does not apply to the case of Pakistani nationals in Bangladesh. Under international law, a State is not obliged to treat all persons found in its territory as its nationals. Nor can Pakistan make them stateless. Pakistan has an obligation in international law to receive back all its nationals from Bangladesh, should they wish to return to Pakistan.

Mr. Haksar:
15. There is a presumption even under Municipal Law that it is not humane to deprive citizens of their nationality. In Pakistan’s new Constitution, only territory is defined, there is no re-definition of nationality.

Mr. Agha Shahi:
16. What you have stated is the legal contention of Bangladesh. Even though on the face of it, it may look convincing, it is really speaking quite lopsided. I am quite sure Pakistan Government can produce an equally good legal refutation to establish that the non-Bangladeshi in Bangladesh are not Pakistani citizens. In the present context, such legal quibbling is not going to help.

Mr. Haksar:
17. I would like to see this refutation. Citizenship is rooted in humanity, so are the Geneva Conventions. The idea is that in the modern day wars should be made as humane as possible. Similarly, any action to deprive the hundreds of thousands of nationals of their citizenship would not be a humane act. I cannot set it aside as a legal quibble or as a technical matter. We are not dealing with conveyance or the Law of Contract Human beings are not cattels or goods and one cannot say that Citizens Laws of Pakistan have ceased to exit.

Mr. Agha Shahi:
18. What I am trying to say is that Bangladesh Government cannot interpret the law as it suits her this presentation. Bangladesh has chosen to go by international law where it suits her, at other places she chooses to go by sovereignty. I agree with the contention that under present circumstances all Bangladesh citizens are Pakistani citizens. However, we have to see how far this approach suits Pakistani and it is Pakistan’s sovereign right that regardless of existing laws, it should decide citizens. However, we have to see how far this approach suits Pakistan and it is Pakistan’s sovereign right that regardless of existing laws, it should decide upon the suitability of Bangladesh's contention.
on this issue. Our sovereignty is not subordinate to that of Bangladesh. I agree we have no right to make persons stateless and there is something written in the Charter of Human Rights to that effect. Neither has Bangladesh any right to make its citizens stateless.

19. This would show that legal arguments can never be conclusive between States. We have, therefore, to adopt a humanitarian approach and find a solution which is fair to India, Pakistan and Bangladesh. This is in accordance with what President Bhutto mentioned last night.

Mr. Haksar:

20. I heartily reciprocate your last comment on the need for humanitarian approach. However, let me tell you that when you accuse Bangladesh of arbitrariness in its approach to this question, this is unjustified. Bangladesh law is exactly on the lines of Pakistan law as it now stands and on this basis you have no case for denying citizenship to thousands of your own nationals. If you say that all Bangladesh nationals are Pakistani nationals, this is a jolly uncomfortable argument for you. In that case how can you deny them the right of movement from one part of Pakistan to the other.

Mr. Aziz Ahmed:

21. I must point out that it has already been agreed in my correspondence with Sardar Swaran Singh that we will tackle these legal considerations. I shall quote from Sardar Swaran Singh’s letter of 8th May, para two of which states:

“India and Bangladesh had deliberately set aside political considerations although they were of vital importance to them so as not to impede the resolution of humanitarian issues. We propounded no legal arguments; indeed we had eschewed them to achieve the humanitarian issues, without political and legal argumentation.”

In my letter of 16th May, I replied as follows:

“We agree that the issues with which we are faced are physically humanitarian and that, if they are to be resolved without delay, both Governments should refrain from getting involved in discussion of their legal and political implications.”

It is clear from this that we have agreed between us that three issues will be tackled on a humanitarian basis eschewing legal and political implications. I think we should confine ourselves to this approach, otherwise, we shall get bogged down in a legal tangle. Nevertheless, if you give us a legal note giving Bangladesh Government’s point of view, we are prepared to examine it.
Mr. Haksar:

22. We want legal cogency to be maintained on legal matters. While we are of course, willing and prepared to tackle these issues on a humanitarian basis, I am not resiling from the position stated in Sardar Swaran Singh’s correspondence with you.

Mr. Aziz Ahmed:

23. On the issue of war trials proposed by Bangladesh, there seems to be little meeting ground. My own feeling is that if we break down now, there will be no settlement. All that had to be said on either side had been said. I do not see any possibility of a change of heart on the part of Bangladesh. Therefore, we have to find a way out. If we cannot settle the question of war crimes trials, here and now, let us agree to “Skirt” the issue for the time being. Let the people in Bangladesh know that the door is open for a settlement and that we are preparing a draft of the agreement. A draft of the agreement on all issues, including war trials.

24. I will put it to the President and if there is a settlement we can withdraw the case on this issue from the ICJ. However, we would like to know if this will increase the pressure on India to transfer the prisoners of war to Bangladesh I can tell you that India’s objection on the jurisdiction issue was justified. We are sure that India has resisted pressures from Bangladesh to transfer the prisoners of war but we would like to know if it would help in any way if we withdraw the case.

25. You might like to know what prompted us to take this issue before the ICJ. We were greatly disturbed by a statement made by Dr. Kamal Hossain at Calcutta on his way back from Delhi wherein he said that the trials would commence by the end of May. We, therefore, felt that some urgent action was required to stop this. This decision was taken at a hurriedly convened Cabinet meeting. However, I was not even aware of the details of the application filed by our Attorney General till quite late, as I was preparing to go abroad. Another reason for going to Court was that we were disturbed by your Foreign Minister’s letter of 8th May in the last paragraph of which there was a mention that unless we agreed in principle to the proposal contained in the Declaration, there could be no talks.

Mr. Haksar:

26. By seeking my advice in this matter you have put me in a very awkward position. I cannot advise you at all. Whether you wish to withdraw or continue has to be a decision of the Government of Pakistan. As the misunderstanding about our position on talks, I think this need not have arisen at all. This has
been amply made clear in Foreign Minister’s correspondence. It should be remembered that Foreign Minister’s letter of 8th May was in the context of Pakistan’s statement of April 20 which had put Pakistan’s stand in a legal strait jacket. In the circumstances India can do no more than to seek a clarification of Pakistan’s position. Obviously, Pakistan’s statement of April 20 did not provide a negotiating basis.

27. As to the idea of pressures on India by Bangladesh Government, I can only say that there are no pressures on us, but Bangladesh Government itself is subject to pressure of public opinion which is in favour of justice being done to the victims of brutalities, perpetrated during 1971.

(A.S. Chib)
Joint Secretary (Pak)

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J.

TOP SECRET

Summary of discussions of the meeting on July 28, 1973 at 5.30 P.M.

A. Number of Bangladesh national in Pakistan:

1. The Pakistan side said:
   (i) The ICRC had estimated in November 1972 the number at 157,000 with a 15% margin of error. This margin applied to the 95,000 persons in the private sector, not to the military and civilian personnel:
   (ii) On enquiries from the Indian side, the Pakistan side clarified that these persons were being kept at camps at Warsak, Gujranwala and near Karachi. Only 210 officers were involved in grouping these persons. They were with their families. The decision to group them was taken because resentment was expressed by those who did not escape to Bangladesh that those who went ahead would find jobs:
   (iii) Of the civilian officers, probably 15 or 16 civilians would not want to return to Bangladesh. They all had their families with them:
   (iv) Nearly 12,000 persons have come to Pakistan through Nepal and Burma. The President has not allowed the Razakers to come.
B. Pakistani Draft:
(i) This was unlikely to find favour with Bangladesh. They had skirted recognition and were now being asked to skirt trials. At the same time 203 Bengalees were being kept for reprisal trials.
(ii) What was being offered to Bangladesh was what had been formerly rejected by Bangladesh.
(iii) The Pakistan President had said that he would not take miserly view of the people who go back. The Pakistan attitude should be informed by generosity.

2.2. The Pakistan side said:
(i) The Bengalees had also committed crimes. They were also guilty of the crime of treason. They had stolen secret documents and passed them on to the Soviet Union for passing on to India and to the British:
(ii) It was because of these crimes that Pakistan had laid off Bangladesh officials:
(iii) It is Pakistan, not Bangladesh, that has had to bear the brunt of events:
(iv) The ICRC or the UNHCR could be asked to take fresh options of those who had opted. Thus the door is being kept open for further negotiations, in a calm atmosphere:
(v) Pakistan will not accept settlement on the basis of trials being held and on the basis of Pakistan accepting 260,000 persons:
(vi) If there is a breakdown, there is no point in another meeting soon because the gap is too wide; a meeting could to take place some time next year.

(K.P.S. Menon)
Joint Secretary (BD)

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TOP SECRET

Verbatim record of discussion between the Indian and Pakistani delegations.

Islamabad, July 28, 1973. (5.30 P.M.)

Mr. Aziz Ahmed was assisted by Mr. Agha Shahi, Mr. Abdul Sattar, Mr. M.A. Jafri and Mr. Shahnawaz. Mr. Kewal Singh and Mr. P.N. Dhar accompanied Mr. Haksar. Mr. K.P.S. Menon and Mr. A.S. Chib were also present.

Mr. Aziz Ahmed read out the Pakistani draft, copies of which were still being typed, which the Pakistani intended to hand over to us. Pending arrival of the copies, Mr. Haksar asked what, according to Pakistan, was the number of Bangalees.

Mr. Aziz Ahmed: According to the ICRC, about 150,000; some of us think that it is even less than this figure. Through Nepal and Burma nearly 12,000 persons have come from Bangladesh but we have allowed only certain categories to come. We have not even allowed the Razakar to come. This shows how firm the President has been, because probably the Razakars would be killed if they go back to Bangladesh. But if all are allowed to come this will be, to quote my President, to “open the flood gates”.

Mr. P.N. Dhar: The number has been arrived at by multiplying the heads of families by an average family size?

Mr. Aziz Ahmed: Yes. I think that the ICRC has been pretty good. They carried out a very good census.

When India and Bangladesh proposed in November 72 to let the families go, the President said that makes about 6,000, we will let 10,000 go. Then he said let it be 15,000. The list of these 15,000 was proposed solely by the ICRC. We understand from Indian sources that only about 2,000 women and children are willing to come away without their men folk, but we are not waiting for these 2,000 to come. Sheikh Mujibur Rehman has now said that he wants to examine each individual of the 15,000. Not a man has, therefore, moved. There has been no movement on either side for about nine months. Pity.

(Mr. Sattar entered at this point)

(After consulting Mr. Sattar)

Mr. Aziz Ahmed: The ICRC estimated the number of Bangalees at 157,000 with a 15 per cent margin. But this applies only to the 95,000 persons in the
private sector, not to the military and civilian personnel. The ICRC estimate was made in November, 1972. Since then thousands have left. We took the line that we would take reasonable precautions, but if they want, let them go.

**Mr. Haksar:** What was the motivation for the round-up?

**Mr. Aziz Ahmed:** We found there was considerable resentment among those left behind that those who went would get the jobs. The proposal had been under consideration for 6 months. We treated them well. We do not want to embitter them. Till the end of August, we paid their full salaries. We then cut these down to half and then further but stipulated a minimum of 1,000. For people like the *Chaprasis* (peons) there was no cutting down. However, we found that far too many were going. A lot of anger was expressed by those left behind. So we put them into repatriation camps. Their families are with them. The camps are at Warsak, Gujaranwalla and near Karachi.

**Mr. Sattar:** Only 210 officers are involved in the decision to group these persons, together with their families. ICRC has visited all three camps and sent reports to its headquarters.

**Mr. P.N. Dhar:** Do the army personnel also have their families with them?

**Mr. Aziz Ahmed:** Very few. For they were staying in barracks.

**Mr. Haksar:** All the 157,000 Bangalees want to go?

**Mr. Aziz Ahmed:** Perhaps not about 15 or 16 civilians.

**Mr. Haksar:** Did the ICRC also take the census or whether these persons wished to back?

**Mr. Aziz Ahmed:** The ICRC assumed that they wanted to go.

**Mr. P.N. Dhar:** The other ranks do not have their families with them?

**Mr. Aziz Ahmed:** I should think so. Our other ranks also do not have their families with them.

We have been slanged a great deal about the treatment of Bangalees. This happens every time Mujibur Rehman speaks.

*(The Pakistani draft was handed over)*

**Mr. Haksar:** Instant reactions should be avoided when we are dealing with serious matters with far reaching consequences. However, with great regret I have to say that I do not have the feeling that this framework will meet the objective that we so ardently desire. I do not want to use strong words, but I have to express my feeling of disappointment, especially, because when I and
my colleagues returned after calling on H.E. the President, I was expecting some generous impulse in making these proposals. I should like to seek your permission to consult my colleagues and let you have not an instant but a mature reaction during the course of the day. Knowing as I do our Bangladesh friends, I don’t think they are likely to bite this piece of morsel. Broadly speaking, their reactions would be that they have been bending backward all along the line. They set aside recognition. Now they are being asked to skirt around trials, a matter of deep importance to them. You are keeping the Bangladeshis according to your own admission, as an act of reprisal which according to them is not justified. They have been served with a dish which, as I said to the President, has been offered to them before, garnished with Mr. Sadruddin. All the concessions have been given unilaterally by Bangladesh—skirting around recognition, and now, skirting around trials. Even assuming that they agree to the latter, I am not sure what they have got: the reprisal trials of the 2 ½ 3 Bangladeshis, and nothing on the return to Pakistan of Pakistanis.

My observations are made in the knowledge of how their mind works. Perhaps we could meet again tonight.

Mr. Aziz Ahmed: I am very sorry to hear this. If Bangladesh is going to exercise the veto on our relations, so be it.

Mr. Haksar: It is not a question of a veto but they will ask me, what have you got from Pakistan? Sheikh Mujibur Rahman has his commitments. I, too, have difficulties. It is unfortunate if all our labour leads us to this end. But I have an unenviable task of trying to convey as best as I can Bangladesh’s feelings. I cannot say that theirs in an unreasonable reaction. It is in fact a reasonable reaction. Two major issues, which are just as emotive, just as much involving reiterated commitments, you want to set aside. I am saying all this with great deliberation and sotto voce. If this is the result, let us part, still with goodwill, perhaps sad, hoping to meet again.

Mr. Aziz Ahmed: This is all we can say. What else can I say? At another meeting? I shall be sorry if this meeting fails, but it looks a though there is no meeting ground.

You talk about commitments to Bangladesh. But there is a higher commitment to the Simla Agreement. Do we progress? There is another point which I would like to mention: I was very sorry to hear you say to the President that you were outwitted at Simla.

Mr. Haksar: The President said this to the Washington Post. I think the President understands very well what I meant. I told the President, the Prime Minister
asked me to say that she has received his verbal message. She does not mind his occasional sallies so long as she is informed later on that they were not meant for her. I rejoice in our being outwitted if it means that the result is the Simla Agreement.

**Mr. Agha Shahi:** Is it any particular parts or the whole of our offer which is unacceptable?

**Mr. Haksar:** I don’t know about the formula for skirting around the trials. I don’t know about the justice of keeping 203 Bangladeshis. Then, again, about the number of people you are willing to take and the way it is done. I need not go into the preamble which is not entirely satisfactory but these are the facts of the case.

**Mr. Agha Shahi:** Bangladesh is so emotional that they see only their side of the case, but there has been treason of troops (Aziz Ahmed adds, also of Civil Servants - Foreign Service Officers giving away secrets). Do they really think that the misdeeds, wrongs, crimes were committed by only one side? How is this possible? There may have been alleged excesses. But are they lily-white and we black? There must be some objectivity, not this one-sided approach. We thought that with the passage of time there would be less subjectivity but this has not happened.

Bangladeshis think they are doing us a great favour by setting aside recognition but what about our own traumatic experience, of having one State split into two? We have not raised questions of international law because we wanted a non-legalistic approach. We have not raised the questions of the rights and duties of States, etc. because we know that if States ignore their obligations, nothing can be done.

We realize you are charged with thankless duties but we have really great practical and political difficulties in absorbing persons who come back. Haven’t we even the right to point out that 203 persons committed crimes? This is not a fair approach.

**Mr. Haksar:** No useful purpose will be served by going into all this. I accept that on your side there has been a traumatic experience. It is no use drawing up a balance-sheet of horrors. But they feel, and I think with some justification, that they have been rather more at the receiving end. May be you feel they should not be emotional. But I have seen some of these things and I can only say in justification of their feelings, whenever a conflict of this nature takes place, there is a long history behind it. You talk of a power-drunk military junta, but that is in the past. Why do you want to be inheritors of that legacy at all? There is a book written by a Major General of your army which recounts some
of the things that happened. Things went wrong somewhere down the line. Ayub, Yahya did not see things as they should have seen. But I do not want to debate all this. You are stepping into shoes which are not yours. We all want to start a new chapter, you, we, Bangladesh. So we tried to set aside the question of recognition.

You are not saying that you don’t want to recognize. In fact you have been persuading your people to accept recognition. I am not questioning your sovereign right to decide upon recognition. You want to do it – and you have not done it. Why fling it in my face? The question of recognition is the greatest act of reconciliation. As the President said, “We want to embrace our brethren”. But you cannot embrace them when you do not recognize them. Mr. Aziz Ahmed has told us how the President argued with the politicians. The president himself said in Simla that perhaps he had made a mistake. What is the rationale of what you are saying, Mr. Agha Shahi? You were not in the sub-continent in those days; you were not facing the realities.

Mr. Agha Shahi: For a year I was facing headlines about the Pakistani genocide.

Mr. Haksar: Facing headlines is not the same as facing realities. I can live with headlines. I faced realities. What is the good of headlines? The world will not help us. As I said, your President himself wants to recognize Bangladesh. He swallowed the dust of your villages to do so and then faced your Assembly.

Mr. Aziz Ahmed: There is nothing I can do to present our case in a manner which will meet our with your acceptance. We have to think of our responsibilities. It is our men who are kept as POWs. It is we who should recognize Bangladesh. We are asked to accept Bangladesh’s right to hold trials. We are asked to accept the alleged optees; probably they have opted because of the conditions in Bangladesh. You accuse us of reprisal trials, but what will our people think? A top Secret telegram was stolen and passed on to the Russians by Foreign Service Officers to be sent on to the Indians. Something were even sent to the British. Files have been stolen. This happened after the war. We then decided to lay off these officers, but this had also happened during the war.

If Mujibur Rehman thinks that he is at the receiving end, he is not right. We have to bear the brunt of the situation. All right, keep the POWs for another 18 months. All right, let him have his trials. Let him throw out the non-Banglaees. We will not accept them. We have no power to dissuade him from doing what he wants to do.

As I said, we are back at the cross-roads where we were before the Simla Agreement. One road points to re-conciliation, another to suspicion and confrontation. At the time of the Simla Agreement the leaders chose the right
road. We are back at that point again. There can be nothing doing on the Simla Agreement with things as they are. We can go on mounting nice expressions about the Simla Agreement, but we shall be deluding ourselves. The choice is yours. We don’t have the POWs. If you say that unless we agree to these demands, you will keep the POWs, we will wait. This will be accepted as a fact of life.

Mr. Haksar: If you had taken the choice we gave you way back in April or May, all the POWs minus 195 would have come back. It was your choice not to take them back.

Mr. Aziz Ahmed: Not on those conditions.

Mr. Haksar/F.S.: …… to arrive at the Joint Declaration we made a tremendous effort. On trials Bangladesh says this and this is what has happened and they have made commitments on scores of occasions to hold trials. You say, that may be so, but a point of no return will have been reached. You say, skirt around the trials. My leader says, I don’t know, I shall have to consult Bangladesh. Secondly, what you are offering to do is what was formerly rejected by Bangladesh. How one we report this to Mujibur Rehman?

Mr. Aziz Ahmed: We have not asked him to give up the trials. We have only asked for time for all to consider the matter dispassionately. On your putting aside the question of recognition I said on TV that this a step forward. On persons coming from Bangladesh also we are keeping the matter open. Let me tell you the consideration I have in mind. We could ask the ICRC or the UNHCR to go and take fresh options of those who have opted. We are thus keeping the door open for further negotiations. But if you expect us to accept a settlement on the basis of trials being held and on the basis of our accepting 206,000 persons, then there will be no settlement. If there is a breakdown, we will meet some time next year, because there is no point in another meeting soon. The gap is too wide.

Mr. Haksar: I would leave you with a small thought. The President said that he would not take a miserly view of the people to come back. Your attitude could be informed by generosity, which is a paraphrase of what the President said.

(K.P.S. Menon)
Joint Secretary (BD)
L. First Draft of the Agreement presented by Pakistan at the discussion held on July 28, 1973.

In Simla last year, the Government of Pakistan and the Government of India "resolved that the two countries put an end to the conflict and confrontation that had hitherto marred their relations and work for the promotion of friendly and harmonious relationship and the establishment of durable peace in the sub-continent".

2. Reaffirming that resolve, the Special Envoys of India and Pakistan met in Rawalpindi, determined to resolve those issues which stood in the way of the further implementation of the Simla Agreement and the promotion of reconciliation in the sub-continent. These issues are:

(i) Repatriation of prisoners of war and civilian internees from India to Pakistan;

(ii) repatriation of Benalis in Pakistan to Bangladesh;

(iii) repatriation of Pakistan nationals in Bangladesh to Pakistan.

They considered that the best way to resolve these issues was to adopt a humanitarian approach.

3. The discussions of the Special Envoys of India and Pakistan were throughout inspired by this approach. It has now been agreed with the concurrence of their respective Governments that:

(i) Pending further consideration of the question of repatriation of 195 prisoners of war in India and 203 Bengali officials, military and civilian in Pakistan, all the remaining prisoners of war in India and all the remaining Bengalis in Pakistan and Bangladesh respectively; and

(ii) as regards the non-Bengalis who, according to the joint Indo-Bangladesh statement of April 17, 1973 “opted for repatriation to Pakistan” in the first instance, all persons of West Pakistan domicile now in Bangladesh, employees of the Central Government and their families, and members of divided families, irrespective of their original domicile should be repatriated simultaneously with the repatriation of the persons mentioned in the foregoing clause.

4. The Special Envoys were confident that the implementation of the above agreement would make a major contribution to the promotion of reconciliation in the sub-continent. It was also agreed that, as soon as a measure of reconciliation has been achieved, representatives of India and Pakistan and, if possible, of Bangladesh, will meet to consider the question of migration to
Pakistan of such other persons in Bangladesh from amongst those said to have “opted for repatriation to Pakistan”, who constitute hardship cases or who have special and adequate reasons for seeking migration to Pakistan.

5. It was further agreed that the process of repatriation referred to in paragraph 3 should start without delay and for this purpose, nominees of India, Pakistan and Bangladesh, assisted by representatives of the International Committee of the Red Cross and U.N. High Commissioner for Refugees should meet at Wagah on August ———— 1973, to work out the arrangements and modalities of simultaneous repatriation of all the categories of persons referred to in that paragraph.

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M. TOP SECRET

Summary of important points made at the meeting held at the Pakistan Foreign Office.


A. Repatriation of Pakistanis from Bangladesh

1. The Pakistani side made the following points:

   (i) President Bhutto had consulted the Chief Ministers of Punjab and Sind. The repatriates will only be settled in Punjab. Pakistan would be willing to accept persons of West Pakistan domicile now in Bangladesh, employees of the Central Government and their families, irrespective of original domicile. In addition, they would take some hardship cases, of not more than 20,000. This would comprise a total of 50,000. These hardship cases would be a part of a secret agreement which Pakistan would disown, if made public. After the repatriation of POWs, and war crimes trials have been set aside, Pakistan would be willing to ascertain the options through an impartial international agency and take another 20,000, making 70,000 in all. Mr. Aziz Ahmed was willing to recommend to his President that this last figure of 20,000 was to be a floor, and not a ceiling.

   (ii) The ICRC census had shown only 170,000 Bangladesh nationals in Pakistan, of whom 15,000 had already left clandestinely. A large number of the remainder would not wish to go to Bangladesh. Bangladesh’s approach is racist.
(iii) The *London Times* had described the options taken by Bangladesh as ‘dubious’ options and when there is a change in the situation, even those who have opted for Pakistan can opt for Bangladesh with a clear conscience.

(iv) In economic terms, the question of absorptive capacity was only a small question. The issue was really a political question for which only the President can be the judge.

(v) If international verification takes place it will not be simultaneous. That is at a time when tempers had cooled down.

The Indian side said:

1.2(i) What was even more worrying than small number being accepted by Pakistan was the unwarranted description of Mujib’s action as ‘racist.

(ii) The problem was disproportionately magnified even as to political difficulties. India had absorbed 100,000 Pakistani nationals from Sind. A small road block was preventing the opening up of the vista of cooperation. There could be either international verification, in which case Pakistan must take all those who wished to go to Pakistan, or alternatively, one should go by numbers. If the latter, there must be some proportionality.

B. War Crimes Trials

2. The Indian side pointed out:

(i) Pakistan’s retention about 203 Bangladesh national was a negative step:

(ii) The suggestion of skirting the trials could be put to Sheikh Mujibur Rahman. However, recognition was being made contingent on the disposition of 195 and 203 – as the word ‘disposition’, a deliberately un-emotive word was used. But discussions would have to take place between Pakistan and Bangladesh, not Pakistan and India. How will this be possible without recognition? If any weight was to be attached in the package offer by Pakistan, recognition must take place.

(iii) The sugar-coating offered by Pakistan — of recognition when the 195 are returned and of UN membership — would not exist in the agreement. It was, therefore, only a deferred hope.

2.1 The Pakistan side said:

(i) They might be able to ask the Chinese to permit Bangladesh entry to UN after war crimes trials are skirted — and they thought China would
agree — but recognition was not possible without war crimes trials being dropped because of the National Assembly resolution. With UN membership, tempers in Bangladesh will come down and war crimes trials will probably be forgotten. Fewer people will want to come to Pakistan and there would be reconciliation. However, if Bangladesh says that war crimes trials shall be held, and Pakistan shall accept these people back, then nothing would happen. The Simla Agreement will be as good as dead.

(ii) If repatriation starts, trials might be dropped. Mujib may talk to the President and say if recognition comes he would drop the trials.

(K.P.S. Menon)
Joint Secretary (BD)
4.8.1973

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and their families and members of the divided families irrespective of their original domicile, all of whom together number nearly 17,000 persons. In Paragraph 4, of the proposal made by Pakistan on 30th July (it should be 28th) there is a provision for Pakistan taking some more “hardship cases”. President Bhutto has indicated that Pakistan will be willing to enter into a “secret agreement” which Pakistan will disown if made public but according to which they would be willing to take 20,000 people from Bangladesh belonging to this hardship category. This would make a total of 50,000 people. Later, after the repatriation of Pakistani POWs has taken place, and the question of war trials has been set aside, Pakistan would be willing to ascertain through some impartial international agency like the ICRC or the UNHCR the wishes of the optees who are supposed to have declared their allegiance to Pakistan. Some simple question can be asked as to why they wish to migrate to Pakistan and if they have any good reasons. However, this will be subject to a ceiling of 20,000 persons, thus making an overall total of about 70,000 persons. This is the utmost limit to which Pakistan can go and President Bhutto wanted it to be emphasized that it would not be possible to stretch these limits any further.

Bangladesh’s estimate of Bangalees in Pakistan who are likely to go is quite exaggerated. They have been talking of 3 to 4 lakh persons whereas the ICRC which had carried out a census has mentioned a figure of 170,000 out of whom 15,000 have already left Pakistan clandestinely. Amongst the rest, there is a large element of population comprising persons who are employed in small jobs, such as labourer and domestic servants. Word has gone around that employment opportunities and economic situation are better in Pakistan. Quite a few of these Bangalees may not eventually go to Bangladesh. Therefore, Pakistan’s capacity to absorb non-Bangalees from Bangladesh is even more limited.

Looking at the package now offered by Pakistan realistically, if this is acceptable to Sheikh Mujib, we can assure them that Bangladesh will get recognition from Pakistan and also be admitted to the United Nations. I am mentioning these additional benefits which can accrue to Bangladesh if they are reasonable. Pakistan is making this offer in all sincerity in order to promote the process of reconciliation.

Mr. P.N. Haksar: You have mentioned that the 20,000 persons comprising hardship cases can be chosen after normal conditions prevail. Who is to judge whether normal conditions have come about?

Mr. Aziz Ahmed: This can be seen at that time. We have no strong views about this. We can leave it to the international agency or it can be decided by some other means. My own feeling is that if Pakistan’s proposal is accepted by Bangladesh, recognition will follow and normal conditions will prevail.
Mr. P.N. Haksar: What about your idea of holding 203 Bangalees for counter trials? This would be a negative step. Would this not vitiate the atmosphere?

Mr. Aziz Ahmed: Bangladesh cannot have everything its own way. We are not holding these people as hostages. We have had clear cut evidence in our possession for quite some time about the involvement of these persons in espionage and anti-State activities. There were some Bangalee officials who, month after the war was over, indulged in lifting of documents from our Foreign Office and handing them over to Foreign missions. A top secret telegram was handed over to the Soviet Embassy to be passed on to India. Another officer contacted the British Embassy. I will not go into details but we are willing to organize an international tribunal to try these people and we are sure that there is enough evidence to convict them. However, we are saying to Bangladesh that let by-gone be by-gone and we are not interested in going ahead with these trials if they also drop the idea of trying Pakistan POWs. We have suggested in our proposal that the idea of trials on both sides can be skirted around for the time being. We are not saying now that no trials should be held. We only say that this matter can be discussed between Bangladesh and Pakistan and may be we can find an amicable solution. However, if this is not acceptable to Bangladesh, we can drop it but in that case the deadlock will continue.

Mr. P.N. Haksar: I am prepared to convey your proposal for skirting around trials to Bangladesh Government. It is up to them to consider it. However, I must insist that the threat of counter trials is a negative factor and does not seem to us to be justified.

Regarding the views expressed by you about accepting Pakistani national from Bangladesh, I must say that there is no intention on the part of Bangladesh or ourselves that this should result in the opening of flood gates, as feared by Pakistan. There are two ways of tackling the problem:

(a) Verification — an international agency such as the ICRC or the UNHCR can be asked to verify the number of those who want to migrate to Pakistan. Bangladesh has indicated that their number is no more than 206,000;

(b) Numbers — if Pakistan insists on going by numbers, this should be proportionate and should have some relationship to the total population of non-Bangalees which is over 6,00,000. Pakistan’s calculations have hardly any relationship with this total.

You talk of political difficulties in absorbing 206,000 persons from Bangladesh who are your own nationals. You would recall that India has after the withdrawal of troops from occupied territories in Sind absorbed nearly 100,000 Pakistani
nationals who have crossed over from Pakistan during the hostilities and have stayed on. Despite the attempt at exploitation of this issue by Opposition parties in India, we have taken steps to tackle this problem in a statesman like manner. Therefore, I feel that if the total number of non-Bangalees is over 600,000 and only 260,000 want to come to Pakistan, it is not an insurmountable situation. The offer from Pakistan is nowhere near the total. It is not 90%, 80% or even 50%. I am not bargaining, but Pakistan's current offer cannot be taken seriously.

Prof. Dhar: In terms of the overall magnitude of the problem, and what you have stated about the alternatives of reconciliation and continued confrontation in the subcontinent, this problem of Pakistan nationals seem to be a minor road block. You will agree it is not important enough for Pakistan to wish to choose the wrong path, merely because of this minor obstacle.

Shri P.N. Haksar: The alternative are quite spectacular. On the one side there is the prospect of durable peace, on the other, you say there is confrontation and deadlock. Are we to choose the latter for the sake of 260,000? Do you want us to believe that any figure above the 70,000 mentioned by you is going to hamper Pakistan's political system?

Mr. Aziz Ahmed: It is not a question of bargaining. It is incontrovertible issue for President Bhutto. He can only go so far as his political judgement and his political advisers will permit him.

(A.S. Chib)
Joint Secretary (Pak)

Morning Meeting of 29.7.73 (continued):

Mr. Aziz Ahmed: May be I am wrong. I am glad of that clarification. We cannot take Bangladesh's options seriously. Under the conditions we are surprised that more did not opt for Pakistan. The whole basis of Bangladesh's approach is wrong. They talk about non-Bengalis. But then they should say you take the Bengalis also who, they claim, owe allegiance to Pakistan — there are 60,000 of them in jails. This contradiction shows up the racist approach of Mujibur Rahman.

Mr. Haksar: Quite seriously, and with great respect, what troubles me much more is your approach, more than the number of 60,000 or 70,000. You call Bangladesh racist, but they are not asking you to take all the non-Bengalis not even 300,000.

Mr. Aziz Ahmed: Did they give the option to the Bengalis also?

Mr. Haksar: No. Why should they? We need not go into the background: it was a struggle for Bengalis nationalism.
Mr. Agha Shahi: But the situation is going to change when the repatriation is completed and there will be the recognition of Bangladesh.

Mr. Haksar: We have not reached that stage. You are talking about a confrontation.

Mr. Aziz Ahmed: Are you satisfied by the stalemate?

Mr. Haksar: No. We are trying to break it. You should take into account that others also have political difficulties. It is for our political masters to arrange political difficulties. Sheikh Mujibur Rahman has his own difficulties.

Mr. Aziz Ahmed: We lost half the country. It is we who have the difficulties.

Mr. Haksar: Are we going into all that? Why? I go by what your President said that your former political masters lost it. We are prepared to take a risk on the highly emotive issue of trials.

Mr. Aziz Ahmed: There is no risk because the trials are only being postponed.

Mr. Haksar: .......All elected political leaders are entitled to equal respect. What is the use of haranguing me about this?

Mr. Agha Shahi: One gets the impression that it is considered that Sheikh Mujibur Rahman is doing us a great favour. It is to be appreciated that he is also a beneficiary by our recognition and Bangladesh's admission to the U.N. We are trying to tell you the difficulties. The President went to the Assembly. We, as negotiators, are pressing him to be as liberal as possible. We are not pushing out the Bengalis. Once the recognition comes, there will be a qualitative change. Then even those who opted for Pakistan can opt for Bangladesh with a clear conscience. The options for Pakistan have been described by the London Times as 'dubious options'. Which other countries (besides Pakistan) have had to face our political, constitutional, economic and international problems? We believe our offer is based on genuine goodwill and considerable political risk. We believe the entire situation will undergo a qualitative change.

Mr. Agha Shahi: Kaiser has to keep cool in his seat. The Chinese have told him that, I assure, you.

Mr. Kewal Singh: Suppose there is verification of the 600,000, will this be a simultaneous verification?

Mr. Aziz Ahmed: No. Tempers must cool down.

Prof. Dhar: We are talking in terms of a definite number or, if there is verification, the result will be X. I am not sure you will like this.
The whole thing is based on one supreme first principle, i.e., the humanitarian. You made a reference to absorptive capacity. But this has to have reference to a magnitude. In terms in which we are talking, you are magnifying the problem. If the figure was something like one million then I can understand such reference, but not now. We have on the one hand this small input from which we stand to gain a huge output, which is the broad highway facing us. Instead of this we are getting stuck on this small input. Some rationality of approach will result in great benefits to both of us.

Skirting of trials etc. has to be worked out, persuasion will be needed, emotional barriers will need to be lowered. And from all this, with some reasonable approach, there can be great benefits. Honestly, I do not understand your approach.

**Mr. Kewal Singh:** Is absorptive capacity your difficulty?

**Mr. Aziz Ahmed:** That is not the President’s view. It is a political question. For that the President is the judge. From the economic point of view, it is a very small matter. We are not worried about that. We are worried about what happens to these people, where do they go? If not to Sind, then to the Punjab? No matter if Punjab says we can take the lot, they will gravitate to Karachi and Karachi is a politically difficult city.

I do not say the Simla Agreement will die. I say it will be as good as dead. With the POWs still with you, there can be no progress. There will be no recognition and Bangladesh’s entry to the U.N. will be barred. The whole world is laughing at us that we can forget at the moment but negative forces will begin to operate.

**Mr. Aziz Ahmed:** With U.N. membership, tempers in Bangladesh will go down. War crime trials will probably be forgotten. Fewer people will want to come back. There will be reconciliation. But if Bangladesh says that the war crime trials shall be held, Pakistan shall accept these people back, then nothing will happen.

**Mr. Haksar:** You dangle the carrot of recognition and U.N. membership of Bangladesh before our nose, more correctly Bangladesh nose.

**Mr. Aziz Ahmed:** This is not a carrot, but we have political difficulties.

**Mr. Haksar:** But this will not be part of the Agreement and it will not be entered in it.

**Mr. Agha Shahi:** A carrot:

**Mr. Haksar:** Yes, in Simla also you dangled the carrot of recognition. It was a promise. But there may be more difficulties, perhaps there will be larger crowds showing *Na manjoor (not acceptable)*...
What you describe is a sugar coating which is non-est in terms of the Agreement. So far it has been only a deferred hope. I cannot say to Bangladesh, look you are going to attain respectability, You are going to enter the Athenaeum club. I will be described as a fool.

Prof. Dhar: Does your National Assembly resolution also have reference to “other matters” being settled before recognition?

Mr. Aziz Ahmed: No, there is no vagueness about the resolution (He reads the text which refers, among other things, to recognition at a time when it is in the best interests of Pakistan).

Mr. Aziz Ahmed: So you say it is not worth anything?

Mr. Haksar: Please do not put words into my mouth. I do not say that it is not say that it is not worth anything, but I do say that it is an incontrovertible fact that what you are offering will not be part of the Agreement. Obviously, you cannot put into the Agreement what is in your sphere of Sovereignty.

Mr. Agha Shahi: The President himself said this. You can convey the President’s words.

Mr. Haksar: I will convey this and your words. But the fact still remains that it is not part of the Agreement. The President has been arguing in favour of recognition, but he has come up again with political difficulties. The President is the sole judge of these difficulties. Such difficulties are more unpredictable than forecasting the weather with balloons, radar, etc. In my country, too, we know about political difficulties. All of a sudden, for instance, Andhra Pradesh was torn apart by the Mulkis versus the non-Mulkis.

Mr. Agha Shahi: Why do you think we will not recognize Bangladesh? In order to reconquer Bangladesh?

Mr. Haksar: That will also be a solution! But pending reconquest, Article 1 Paragraph 3 of your Constitution will come into force. Bangladesh has past experience. Past experience also influence our relations with you. Look at our idiom. We hear of a confrontation theory. I have read the histories of Toynbee, Marx, Engel, Lenin, Mao Tse Tung, and also the Romantic View of History etc., but no where have I found the theory of confrontation. This seems to be a case of multiple schizophrenia. It is childish even for a child. What do we do now?

Mr. Aziz Ahmed: Put it to Mujibur Rahman. If he says no, then no it will be.

Mr. Haksar: I ask again, what is the point of my putting it to him? Give me something which I can support.
TEA BREAK

Mr. Aziz Ahmed: I do not see that there will be any in this figure. The only alternative I see is that we tell Mujibur Rahman that this is the minimum figure to which the President is committed. If this agreement goes through, recognition is sure — this will only happen when war crime trials are dropped — then it might be possible to agree to a few more. (?) If repatriation starts, trials might be dropped. Or Mujibur Rahman may talk to the President and say if recognition comes I will drop the trials. But we will not go by Bangladesh’s options. With a new census in a more propitious climate by an independent agency, it might be possible perhaps to take some more. He, Mujibur Rahman, can also give reasons why more should go. This figure, therefore, is the floor, not the ceiling. Once the two conditions are met, it is open to Mujibur Rahman to argue that recognition can even precede a meeting. This can happen. I will be told by the President that he is not in this bargaining game. I can only put it to him, let this be the minimum, and not the maximum figure, and if you have any suggestion, I shall put it to President.

Mr. Haksar: ... My understanding was that if this package was acceptable, then U.N. membership etc. will follow. If, however, recognition is contingent on the question of war crime trials, then we are in a jam. Each of you has a leverage — you have 203 and Bangladesh 195. But if there is to be no meeting then how can you negotiate on the trials? If there is weight to be attached to this package, then recognition must take place so that discussions can take place as to what to do with the 195, 203 etc. Otherwise, we get back to square one. This reverses the situation.

Mr. Aziz Ahmed: I have no authority to go beyond the National Assembly’s resolution. We are reminded again and again that the Assembly is a sovereign body.

Mr. Haksar: The President said we will advise the Chinese not to veto Bangladesh’s admission to the U.N. This is a big step toward recognition.

Mr. Aziz Ahmed: If that step is taken, would it be easier for Mujibur Rahman to take other steps? (?) The Chinese keep reminding us again and again that they stand on principles. We are going to say to the Chinese that though war crime trials remain possible, please abstain. I think the Chinese will agree. If Mujibur Rahman says, here is an earnest of good faith to put it at its lowest that Pakistan has shown it means well, all right, I am willing to talk to Bhutto. If Nixon can travel all the way to China to talk to Chou En-lai, Mujibur Rahman should be able to agree. You can tell Mujibur Rehman at least talk. Then if he drops the trials, all will be plain sailing.
Mr. Haksar: The question of the disposition of 195 pows and 203 Bengali civil and military personnel should be properly the subject of discussion between you and Bangladesh, which presupposes recognition and discussion. But if recognition is contingent on dropping the trials, then this is an altogether different matter. You will notice that in using the word disposition, I have deliberately used an emotive word.

Mr. Aziz Ahmed: But we cannot ignore the National Assembly resolution.

Mr. Haksar: We, too, have resolution. It is a mistaken concept that Parliament governs the country.

Mr. Aziz Ahmed: Mujibur Rahman has taken one step after another for the trials. He has just amended the law.

Mr. Haksar: This makes reversal more difficult. But I am prepared to argue this case...

Mr. Agha Shahi: Did you take it that the President’s words about the UN meant that he would allow Bangladesh’s admission to U.N. before the repatriation of all POWs?

Mr. Haksar: Quite. I took it that there would be recognition and then you would discuss the disposition of the 195 and 203.

Mr. Agha Shahi: After repatriation of the others, there would be discussion.

Mr. Haksar: Between whom?

Mr. Agha Shahi: Between you and us.

Mr. Haksar: No, no. We do not come into this. The discussions would have to be between you and Bangladesh.

(K.P.S. Menon)
Joint Secretary (BD)
1.8.1973

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Summary of discussions between the Indian and Pakistani delegations at Hotel Intercontinental.

Rawalpindi, July 29, 1973 (8–10 PM).

1. Shri Haksar summarized the points he had understood in the morning as follows:
   
   (a) De-linking and Acquiescence to UN membership of Bangladesh from recognition of Bangladesh;
   
   (b) Recognition of Bangladesh on completion of the repatriation of the POWs, except for the 195;
   
   (c) Discussion thereafter between Bangladesh and Pakistan on the disposition of the 195 POWs not repatriated and the 203 Bangladesh nationals retained by Pakistan.

2. Pakistan side asserted that recognition of Bangladesh would take place only on repatriation of all the POWs, including the 195. They argued that this was the meaning of the Pakistan National Assembly Resolution regarding the recognition of Bangladesh. They stated that the President had been consulted since the morning meeting and he felt that he would have to comply with the National Assembly Resolution in these terms. (Pakistan side regarded it as a concession that they were not taking into account that clause of the National Assembly Resolution which refers to recognition being given at a time “in the best national interest of Pakistan”. They also argued that if the 195 were not returned with the rest of the POWs, and the question of trials was only skirted round, then the threat of trials remained, which would not be in consonance with the National Assembly Resolution).

3. The Pakistan side stated that they would find it impossible to waive opposition to Bangladesh’s admission to UN without completion of the repatriation of all the POWs including the 195. Similarly, they argued that they could not advise China to acquiesce in Bangladesh’s admission to the UN till Pakistan found it possible to recognize Bangladesh (that is, till all the POWs including the 195 are repatriated). The Pakistan side would not budge on this stand, although with the return of all the POWs, except 195, they would have a leverage of 203 Bangladesh nationals, retained by them, against the 195 POWs not returned.

4. Pakistan side admitted that it would not be possible to complete by October, by which date they envisaged the return of all the POWs, the return of the Bangladesh nationals from Pakistan to Bangladesh. However, they said that this fact would not affect their decision to recognize Bangladesh, and to
permit its entry into the UN, by October, if all the POWs including the 195 had been returned by then.

5. **The Pakistan side stated** that they were sure that not the entire 157,000 Bangladesh nationals in Pakistan (their figure based on an ICRC estimate of November 1972) would wish to return to Bangladesh.

6. **It was explained to the Pakistan side** that it would not be possible for the Bangladesh nationals to return from Pakistan to Bangladesh overland via India because of the immense transport problems. The Pakistan side said that they could only approach the UNHCR for ships. The Pakistan side was advised to do so and we said that we would be glad to inform the result. Pakistan side also said that they understood that the UNHCR might approach the Americans for bulk carriers which could transport 20,000 in a matter of 15 to 20 days. They also thought that the UNHCR was thinking in terms of arranging transport by aircraft.

7. **Pakistan side provided** figures showing that they would be willing to take 69,000 Pakistanis from Bangladesh (including 20,000 which was to be part of a secret agreement).

(K.P.S. Menon)
Joint Secretary (BD)
1.8.1973

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TOP SECRET

Verbatim Record of the discussion at Hotel Intercontinental.

July 29, 1973. (from 8 to 10 P.M.)

Mr. Agha Shahi asked to call on Shri Haksar at 8.00 P.M. He was accompanied by Mr. Sattar. Shri Haksar was accompanied by Shri Kewal Singh, Foreign Secretary, Shri P.N.Dhar, Secretary to Prime Minister and Shri K.P.S. Menon, Joint Secretary (BD).

Mr. Agha Shahi: We have considered what you said. We would like to continue the meeting tomorrow at 10-30 at the Foreign Office. Meanwhile we would like to give you a draft of what we said today.

(Mr. Agha Shahi handed over two copies)

Mr. P.N. Haksar: This will constitute?

Agha Shahi: The secret agreement. It demonstrates its earnestness and sincerity. We have met your point that circumstances might arise which prevent recognition, by giving you written guarantee that recognition will be given.

Mr. P.N. Haksar: Both the President and Aziz Ahmed said that requesting China not to veto Bangladesh's entry to the UN is a separate matter from recognition. Is admission to the UN contingent on this?

Mr. Agha Shahi: Yes, because we have to bear in mind China's stand on principle. Once we recognize Bangladesh, we can ask China to consider supporting Bangladesh's admission or not to veto it, but first must come recognition.

Mr. P.N. Haksar: I thought this morning you were arguing that you would acquiesce in Bangladesh's admission to the UN. Even with the best will in the world and assuming that we reach agreement, we will take some months to implement it.

Mr. Agha Shahi: The UN meets in the third week of September. We have, therefore, two months from the first of August.

Mr. P.N. Haksar: It is too much to expect that all this can be completed by September or October.

Mr. Agha Shahi: How can we approach the Chinese?

Mr. P.N. Haksar: That should present no problem. You can say that you are in the process of re-conciliation.
Mr. Agha Shahi: Say, that the POWs take about two months. Then the atmosphere will improve so much that by October Bangladesh will be a Member of the UN.

Mr. P.N. Haksar: Assuming that it was agreed that the trials may be temporarily put aside, then I said this morning that I expected that the disposal of the 195 Pakistani POWs and the 203 Bangladeshis in Pakistan would be subject matter of discussion between Pakistan and Bangladesh.

Mr. Agha Shahi: But the Minister of State read out from a resolution in our National Assembly; we went and saw the President about this. The President said he would have a very difficult time with the Assembly. He must show compliance within the resolution.

Mr. P.N. Haksar: Ninety-nine per cent of your resolution is implemented and on top of that you have 203. He who comes to equity must come with clean hands.

Mr. Agha Shahi: Bangladesh can be seated in the UN this year. Let us fix a final time for it. Finish everything by October. We had to think what would be consequences of our first recognizing Bangladesh. It is obvious that if we did so we would have to support Bangladesh’s admission to the UN. If we first support Bangladesh’s admission to the UN, then recognition must follow as a matter of course. We were impressed by your argument that the supervention of circumstances might prevent recognition. Therefore, we committed ourselves in black and white, the Assembly Resolution also mentions that recognition has to be given at a time when it is “in the interest of Pakistan”. We have eliminated all these factors of “in of “in the interest of Pakistan” to give you the assurance about recognition.

Mr. P.N. Haksar: When the repatriation of the POWs and the others is completed you will have in hand 203 against 195 POWs. Therefore, you will have more than fulfilled the Resolution by having 8 extra detainees.

Mr. Sattar: But the threat of trials still remains.

Mr. P.N. Haksar: That is why the possibility of putting in deep-freeze…. the question of trials should be calmly discussed. You will note that I have not used the word “trials”; instead I have used the word the “disposal” of the 195.

Mr. Agha Shahi: As to whether our Assembly Resolution can be interpreted in this way is a matter for the President.

Mr. P.N. Haksar: If you think it necessary we can present to the President our point of view.
Mr. Sattar: You mentioned a time-frame of two months.

Mr. P.N. Haksar: No. What I was saying was that even if everything is completed in two months, as you suggest, you will still have 203 against 195. But given the transport and other facilities, it is impossible to complete everything in two months.

Mr. Sattar: It did not take more than two months to take out POWs from Bangladesh.

Mr. P.N. Haksar: At that time we were in a state of war mobilization. Now we have food and other problems also. And from here the Bangladeshis will have to go by ships.

Mr. Sattar: (Turning to Agha Shahi) It is true that it will take more time for the Bangladeshis to go from Pakistan.

Mr. P.N. Haksar: It takes at least 10 days one way by ship. How can you complete it in two months?

Mr. Agha Shahi: 157,000 will not go in any case, unless you want us to force them out.

Mr. H.N. Haksar: We do not wish you to force out anyone. But at any rate most will go. I would suggest that you should prepare a time-frame programme. You will find that the shipping situation is not easy. The whole programme has to be time-bound, which means that time-charters will be necessary.

Prof. Dhar: It is solely a question of logistics that makes us say that two months will not be possible.

Mr. Sattar: The UNHCR had made some investigation. It had toyed with the idea of asking the Americans for bulk carriers.

Mr. K.P.S. Menon: Mr. Sattar already knew that although Bangladesh had approached the UN several months ago for the ships, no shipping was yet in sight.

Mr. Sattar: If all the POWs came back and all the Bangladeshis had not yet left, that would not affect our decision.

Mr. P.N. Haksar: It has to be simultaneous: we do not want difficulties as at the time of delineation.

Mr. Sattar: The Bangladeshis can go through India.

Mr. P.N. Haksar: So you will take them from Karachi to Wagha? From Calcutta
there is no train connection. It would mean the total disruption of our movement of food, coal, etc.

Mr. Sattar: UNCHR will have to charter ships but (turning to Agha Shahi) it cannot do in a month or six weeks.

Mr. P.N. Haksar: We also have shipping services, for instance, the Mughal lines. But please prepare a time programme. If you can give me a time schedule, I shall be very grateful.

Mr. Sattar: We have not worked on this. I only know that:

i) When Bangladesh approached the UNHCR for ships to transport 15,000 Bangladeshis, the UNHCR approaches the Americans.

ii) By August/September the Haj Traffic would not have started and so the shipping position might be easier. The UNHCR thought that in an American bulk carrier they could transport 20,000 in a matter of 15 to 20 days, but all they have to do was to get the ships.

iii) They also say that transport might also be possible by airplanes.

Mr. P.N. Haksar: I suggest you do this exercise and let us know what are the prospects of getting ships from the Americans, the UNHCR.

Prof. Dhar: During the three months of Monsoon, the goods capacity of our railways is reduced to 60 percent. We now also have problem of transport of food. Therefore, in transport we have a very small margin.

Shri. K.P. S. Menon: We had already been in touch with the railways about transport and found that this was extremely difficult.

Mr. Agha Shahi: Therefore, the Bangladeshis will have to go by ships or air.

Mr. Sattar: There is another problem. We are not sure that the UNHCR will provide assistance. The Bangladesh Prime Minister had asked the UN Secretary General for assistance to move 20,000. To this request the UN has acceded, but we do not know whether they will accede to more such requests.

Mr. P.N. Haksar: I suggest you do your exercise, to cover the movement of the Bangalees and the Pakistanis from Bangladesh.

Mr. Agha Shahi: It seems that we should make a general appeal to the world to assist in transport on humanitarian ground.

Mr. Sattar: All I can do is approach the UNHCR tonight. I might then get a reply in the next couple of days.
Mr. P.N. Haksar: So long as I am here I would be glad to have a reply. But the schedule is getting tight: the Foreign Secretary has to go to the Ottawa Conference.

Mr. Agha Shahi: Please do not push UN Membership of Bangladesh in the Commonwealth Conference because it would lead to a diplomatic confrontation.

Mr. Kewal Singh: It is not for us to do anything of this sort there.

Mr. Haksar: The Bangladesh Prime Minister will be there and it is his concern.

Mr. P.N. Haksar: To go over again the points I understood this morning:
(a) The delinking of acquiescence to UN Membership for Bangladesh from recognition of Bangladesh.
(b) Recognition of Bangladesh on completion of repatriation of POWs.
(c) Then a discussion between Bangladesh and Pakistan on the disposal of the 195 and 203.

(Dhar asked for the figures given in the morning)

(Sattar handed over a sheet of paper)

Mr. Sattar: (About the figures) The ICRC has given us some tentative estimates.

Mr. Sattar (contd): Also, some applications are not yet in. Therefore, the particular figures under some of the heads in the sheet I have given you are uncertain.

Mr. Agha Shahi: Mr. Haksar, why are you asking for the delinking of recognition from admission to the UN? Because you want Bangladesh admitted before the repatriation of POWs is completed? In that case we will oppose Bangladesh’s admission.

Mr. P.N. Haksar: It might not be completed but it will be in the bag. The President said in Paris “I told Agha Shahi that Bangladesh’s admission to the UN can take place.”

Mr. Agha Shahi: No; it is impossible to waive opposition to the Bangladesh’s admission to the UN without the completion of the repatriation. For that we have made a time-frame, completing the process by October.

Mr. P.N. Haksar: I do not think this is leading us anywhere. In the first place, I did not come here to discuss these matters.
Mr. Aghah Shahi: (interrupting) In this morning’s meeting you said that the recognition might be supervened by circumstances. That is why we have now given you this in writing. Do you mean to say that you understood the President to waive recognition unilaterally?

Mr. P.N. Haksar: No, but following upon our arriving at an agreement which is being implemented. It is necessary to work out a time-frame.

Mr. Agha Shahi: We have done it by October

Mr. Haksar: This is impossible.

Mr. Agha Shahi: Does Bangladesh want to gate-crash the UN in the face of Pakistan’s opposition? Why, when we want to support Bangladesh

Mr. P.N. Haksar: I do not know what Bangladesh will say, but at a guess they might say we are prepared to wait for admission to the UN.

Mr. Agha Shahi: (emotionally) All right. We are not helpless. We are not a door-mat. We may have only a few people with us; but they stand by principles. Bangladesh has intellectuals, Andre Marlaux and the old world with it. It is our county that has been dismembered. We are giving you everything. Do something. You always plead political difficulties.

Mr. P.N. Haksar: Mr. Agha Shahi, you have not the background of Indo-Pakistan negotiations. We have never pleaded political difficulties, not once.

Prof. Dhar: You are really going very beyond your Resolution.

Mr. P.N. Haksar: They have 195 and you have 203. So you have an extra leverage.

Mr. Sattar: But the Possibility of trials remains.

Mr. Dhar: That is one logical possibility. But there are other logical possibilities. You have been saying that once the process starts the atmosphere will improve.

Mr. Sattar: For Heaven’s sake decide this matter, then we can go on to bilateralism.

Mr. Haksar: I know your style of negotiations. On the first day you create a crisis but I am waiting. I am waiting to be able to put my influence behind a matter where it will be worthwhile to do so. But you still make recognition contingent on the return of the 195.

Mr. Agha Shahi: We give you a guarantee in writing but still…

Mr. Haksar: But how? You still make recognition contingent. Do you know how often I went to Bangladesh?
Mr. Sattar: No one in Pakistan will question your credentials. The President himself has expressed respect for the work you have done.

Mr. Haksar: I know your methods of negotiations. In Simla I gave Aziz Ahmed something and he just rejected. In Simla I offered to withdraw our troops and Aziz Ahmed immediately rejected. At that rate we would have just seat facing each other.

Mr. Agha Shahi: Yes, but we would not have gone under because of this.

Mr. Haksar: You know the difficulty we had? We had to go to the PAC (Political Affairs Committee of the Cabinet) and our Prime Minister had to argue strenuously and yet you keep lecturing me!

Mr. Dhar: On the troops withdrawal he (Haksar) had to work around the clock. We don’t mention these difficulties because we feel embarrassed. There was formidable opposition in the PAC. After hours of reasoning with the PAC, it came to us as a tremendous relief that the suggestion was accepted. We thought we had at last something to our Pakistan friends. But the moment we offer it Aziz Ahmed, rejects it just like that. He said, “It is a retrograde step”. And in India the Jan Sangh and others describe it as a sell-out and heap insults on Haksar. That is why one gets upset, when we get things through with so much difficulty, it is so summarily rejected.

Mr. Agha Shahi: We have no differences in objectives but the question is how to reach them.

Mr. Haksar: Do it with some grace. Show grace. I mentioned to the President what he had told the Washington Post and Khushwat Singh. We are talking here amongst four friends. The Prime Minister laughed. She asked me to say that I do not understand the President’s occasional sallies if I am told later that they are not meant for me. But what about the JS, etc. I am ready to do what I can but you should strengthen my hands. All you do is to hedge a bet. You say no recognition; but you have 203 against 195. We don’t want to negotiate about these persons. Then, since you do not recognize Bangladesh, how will you do so? You will simply indulge in a slanging match.

Mr. Agha Shahi: Mujibur Rehman says 300,000 (at another place the figure mentioned is three million) were murdered. Roscoe Drummand looked into this and found that the figures are wrong. All Right, doesn’t matter about that, we are barbarians.

Mr. Haksar: You go on talking about self-determination for Kashmir; we know you will say it, but how do you think, it affects our people? Also you talk about a thousand-year confrontation.
Mr. Dhar: In our school books we emphasize that we are proud of the composite culture of India. Our Prime Minister is perhaps the one person who argues consistently against the Jan Sangh.

Mr. Sattar: We also have a Jan Sangh. Our President has made strenuous efforts, touring the country, convincing groups. Although each time he mentions the subject he knows he is lighting fuse.

Foreign Secretary: You should do it with grace. You have the 203 against 195.

Mr. Haksar: As I said, there is also the question of modalities. How are you going to negotiate with Bangladesh without recognition I had envisaged that you would recognize Bangladesh and then have a discussion about the 195 and the 203. Why again, do you go on using the word “trials”? I have not used it: I have deliberately used the word “disposition” about these persons.

Mr. Sattar: In this document which we have given you, we have not used the word “trials”.

Mr. Agha Shahi: We have signed and given a document with guarantees of recognition. We cannot go beyond the National Assembly Resolution.

Mr. Haksar: Your President made a deeply moving speech in the National Assembly. I have a feeling that the Resolution is not a nonstarter, as it were, particularly when we reach our agreement.

Mr. Dhar: You yourself have said that as repatriation takes place this will give a momentum to improving the situation. Therefore, you can still recognize Bangladesh during the process of repatriation.

Mr. Agha Shahi: We cannot advise the President on a political matter which in the National Assembly.

Mr. Haksar: Please convey to the President our views. If you think it proper, we would be prepared to do so.

(The Pakistani side made no comment upon this, and thereupon meeting ended)
Verbatim record of the meeting of P. N. Haksar. with Pakistan President.


President Bhutto: I am glad you have been with us; you had to work hard for 7 days.

Mr. Haksar: Mr. President, all for a good cause.

President Bhutto: Azia Ahmed has been keeping me informed of your discussions. If it hasn’t worked out now, we must try again.

Mr. Haksar: I think the talks were very useful for understanding each other’s point of view. As you know, the major problems were two:

First, it was the question of war trials. You, Mr. President had said that you could not stand it. You had explained that even if you could live with them, they would be counter productive. They would generate bitterness and hatred and foul up everything, Mr. Aziz Ahmed also elaborated on that with great conviction. However I told him and repeat with all the emphasis at my command that your retention of 203 Bangalis is totally unjustified and inadmissible. You should not insist on it.

Secondly, on the question of Pakistani nationals, there has been a slight forward move. You had said, Mr. President that you will deal with this question generously. I must confess that the proposal from your side does not, if I may say so, go far enough. As of today, there is a wide gap between what you suggest as your absorptive capacity and the expectations of the Bangladesh side whom I have the honour to represent.

We should try to bridge this gap with our offer and your efforts.

These are the basic issues of the Joint Declaration. I would say again that I and my colleagues have found the discussions very useful and helpful in pointing to the direction for the resolution of the problems.

You had been good enough to refer to the idea that occurred to you in Paris which you had mentioned to Mr. Agha Shahi. As I understood, you had felt that with a view “to sweeten the atmosphere,” you could consider speaking to the Chinese Government to facilitate the entry of Bangladesh to UN. In the Joint Declaration we had set aside the question of recognition and admission to the UN etc, but like Charles’ head, this subject kept popping up. I submitted to Mr. Aziz Ahmed that in the framework of a total picture, this subject could be of
considerable interest. However, it was not really for us to discuss. It was really a matter for you and China. Recognition also was a matter within your sovereign right. Subject to these considerations, I present picture for you to consider. Proceeding on the assumption that we agree (with the approval of the Bangladesh Government) to set aside for the time being the question of war trials, we then begin the repatriation of 90,000 minus 195 POWs to Pakistan. Simultaneously, Bengalees will start leaving for Bangladesh. If we reach a *modus vivendi* on non-Bengali Pakistani nationals in Bangladesh, they also start moving to Pakistan simultaneously. Thus, a process begins by which a large number of people from India, Pakistan and Bangladesh start going to their hearths and homes. Naturally, we should consider the question of logistics quickly. We will have to provide ships and trains and other means of transport. I have asked Mr. Sattar to do the study here and we shall do the study in New Delhi as soon as we reach there.

Let us say that we begin the repatriation of the three categories by the end of August and within about 2 months i.e. by the end of October, a large number of these people would have already reached their homelands. If during this period the question of the admission of Bangladesh to the United Nations came up, Pakistan could take the position that while you have not recognized Bangladesh, you will not stand in the way of their admission, mainly because the main humanitarian problem was being resolved according to an agreement between the three Governments.

What to do after that? What to do with the bodies of 195? As explained by Mr. Aziz Ahmed, it should mean that Bangladesh should then agree to give up the trial of 195 POWs. I submitted to him and I submit to you, Mr. President that this will involve long distance communications - statements through Press and Radio and in other public forums. Would this really bring about the sort of quiet dialogue and deeper understanding which is necessary for the disposal of this highly emotional question? I would like to present the picture, the scene at that time. 99% of the POWs will have come home. Bangladeshis and Pakistani nationals would also have joined their families in their respective countries. On all sides there would be a feeling of relief and happiness. What would be left would be 195 POWs. I ask you whether you could not say at that stage: “at last the time has come when we feel we should recognize Bangladesh in our national interests”. You could explain that immediately with recognition you would like to discuss with Bangladesh Government all questions, *inter alia*, the disposal of 195 POWs. The desired result could be achieved by a discussion within four walls of a room between you and Sheikh Sahib or between your representatives and Sheikh Sahib’s representatives. Without recognition, the debate will be carried on by public pronouncements which will only complicate the issues of this residual matter.
I told Mr. Aziz Ahmed that our talks have been extremely useful. Even coming to Rawalpindi, Mr. President, has been useful. As you said, otherwise we talked through press and public statements.

We had the honour of meeting you and had exhaustive discussions with Mr. Aziz Ahmed and Mr. Agha Shahi. We have not been able to reach an agreement, but as I said, our discussions give hope for the realization of objective which you desire and we desire. I, therefore, suggested to Mr. Aziz Ahmed that we could meet again, say, on the 18th August, to continue further talks with the hope of reaching a final agreement.

We shall return to Delhi tomorrow. Sarder Svaran Singh and the Foreign Secretary will be in Ottawa. After the return of Sheikh Mujib to Dacca, I shall go and see him there. We could, therefore, meet about the 18th of August.

President Bhutto: I recall my first meeting with Mr. D.P.Dhar when I had just assumed office after the war. He asked me as to what sort of sub-continent I envisaged. Did I see continuation of strife, conflicts, suspicion, deadlocks and stalemates? Or did I think that the time had come for the 700 million people of the subcontinent to live in peace and work for good relations and cooperation. I had no hesitation in giving a reply. I told him that we have made mistakes; you have made mistakes after partition. At one time, we made strong statements both here and in India that we will accept no aid if there are strings attached to it. We had hoped to pursue certain policies and we learnt a great deal over the years. World is different from what we imagined. We attached too much importance to UN resolutions and outside approach. After this long journey, a realization has dawned on us that there should be a rational approach. I told him that the only way for economic and social progress for Pakistan was in good relations with India. Pakistan has had 15 years of Martial law and badly needs institutions, infra-structures, political stability and economic progress. We must settle our problems with India. We cannot go on living in tension and confrontation.

Indie is much closer to us - much closer than Bangladesh which is more than 1,000 miles away. We have, therefore, to deal with you every day. We had deep association with Bangladesh and we have affection for them. But our day to day problems are with you, and our cooperation has to be with you. For example, we have to have much closer relations with you than Nepal and you have to have much closer relations with us than Afghanistan. This is a geographical compulsion. It must make us wise to the urgency of good neighbourly and cooperative relations with India.

As soon as our problems with Bangladesh are over and they have entered "UNO and other things are settled, we must address ourselves to what is most
important - the problems of Indo-Pak. relations, our immediate and long term problems.

We should not be obsessed by Pakistan- Bangladesh relations. Our relations with India are of vital importance to us and so are they to you.

I don’t want to go into details or into the merits of the issues you have discussed. I am glad that you feel satisfied that some progress has been made in the talks.

When I mentioned to you about the idea that occurred to me in Paris which I said could sweeten the atmosphere, I was thinking of what additional initiative we could take. I was of the view that if our talks proceeded well, we should give one more push to help the process of reconciliation. I said, just off the cuff, to Agha Shahi that we could perhaps, ask the Chinese to give up the Veto on Bangladesh’s admission to the U.N.

I must confess that, originally, China did not contemplate using the veto against Bangladesh’s admission. In fact, they were not at all enthusiastic. But, when I found that Mujib was riding the high horse and was under the impression that he could push himself into the UN, he could hold on POWs and could do whatever he liked, I felt the time had come for us to react. We thought he should know that the world is more complex. I therefore, sent my emissary to Peking to sound them on this. As I said, they were not enthusiastic. When a Super Power takes a position, it wants to base it on some principle so that their credibility is not affected. So, we put our heads together and the Chinese agreed that on the basis of the UN resolutions they could oppose Bangladesh’s entry into UN unless the resolutions were implemented. They made a good case of it and they were able to bring home to Bangladesh that she also had to take into account the question of POWs’ trials etc. They stood by us in UN. They have been taking this position on principle. We cannot say to them “stand up or sit down” according to our whims.

If, however, the essential part of the resolution or at least the substantial part of it is met that is to say, all POWs minus 195 have reached back, the position becomes different. We could tell them that the substance of the resolution has been implemented and that Pakistan would not oppose Bangladesh’s entry into the UN.

This, I felt, will be a move forward, but please note that is not only when the repatriation begins, but when major part of the repatriation has already taken place. Otherwise, Mujib might again say something and might again raise some problems.

You said that since you will have 195 POWs with you and we will have 203 Bangalees with us, we have equal leverage and that recognition could take place even if the question of giving up of trials is not finally decided.
I would like to say that we don’t want to be vindictive. We don’t want eye for eye and tooth for tooth. We don’t say that since Mujib is going to have a tamasha (theatrical performance) here.

Please understand that the 203 Bengalees are no leverage for us. I don’t want to try then. Mujib has made a fetish of trials. He has staked his prestige on it and has made statements of all sorts in Paltan Maidan.

Theoretically we have a strong case against these Bengalees. They have been stealing cipher documents and secret files and have been passing them on to some Missions and outside Pakistan even after the war. The charges are strong enough for their trial. But qualitatively there is a difference. In Dacca, they will have charges of rape, murders and massacres and by whipping up emotions they will create an atmosphere of hatred and bitterness. Qualitatively, our charges are of a different nature. The leverage is not of the same value. Charges would not cancel each other. We would hold trials if only we are forced to. I find it impossible to agree to recognition before the threat of trials is given up.

We would like to speak to Mujib or Bangladesh representatives. There are so many questions including questions of assets and liabilities.

I don’t mention assets and liabilities because of the money involved, but because I want all irritants to be out of the way. All that can cause friction should be discussed and resolved. I do not know what else Mujib might have up his sleeve of which he could make a big issue.

I would also like that the Bangladesh Government will be humane to people in prisons there who believed in one Pakistan. Fazlul Quadir Chaudhuri died the other day. There are large numbers rotting in prisons. They must adopt a humane approach.

The last talk I had with him was on the 27th December before he left on the 7th January (?). I would not like to mention to you the promises he made. You would not believe them, but I have all that tape-recorded. He said a lot about Pakistan and Bangladesh relations, but I don’t want to dwell on this subject.

I must state that I have “gone really to the edge of the precipice”.

I would like to say again how glad I am you came and saw things. Although we belong to the same part of the sub-continent, things here are very different. People here, bash each other’s head on the slightest provocation. You have read of riots and shooting in the press. This is not a crisis. It is normal here.

I simply cannot go any further. I have to take into account the public opinion and the advice of other political leaders.
May be I could take a further small step after discussions.

We will send Aziz Ahmed and Agha Shshi to Delhi. We must also both think of the time-table of the repatriation. You study in Delhi and we have it studied here. The sooner the repatriation starts, the better. About the talks, you have suggested the 18th August. On the 14th August, we have the inauguration of the New Constitution and other things, thereafter. But I think, the sooner Aziz Ahmed goes to Delhi, the better.

Mr. Aziz Ahmed: Perhaps, some day between 1st and 10th August could be agreed upon. That would be more convenient for me.

Mr. Haksar: Sheikh Mujib will return to Dacca only about the 13th or 14th August. I shall have to have discussions with the Bangladesh leaders. That is why I suggested 18th August as the earliest date.

President Bhuto: Never mind. Mr. Aziz Ahmed can go to Delhi on the 18th. There are important things here, but heavens won't fall if Aziz Ahmed is not here.

Mr. Haksar: Mr. President, my I say something in response to what you said about the relations between us in the sub-continent. We attach, I mean my Prime Minister attaches, the greatest importance to the future of our relations. You said that we should not look back, but work for future of friendship and cooperation. This vision, Mr. President, is constantly before us.

In regard to Bangladesh, they have enormous problems and the recent history has left deep scars. In discussing the problems of Bangladesh, one has to take these facts into account. One has to take into account the feelings based on their tragic experience. And yet Sheikh Sahib showed statesmanship in setting aside the question of recognition.

Please believe me that we are not submitting to whims and fancies of Bangladesh. We examine their point of view as objectively as possible. There is also the question of our relations with them as our relations with you. We are geographically linked with Bangladesh in an intimate sort of way. Healthy relations between India and Bangladesh based on confidence and goodwill are essential for the peace in the subcontinent. If there is any disturbance in Bangladesh it is bad for us and it is bad for you.

You can, perhaps, relax because you say that it is 1,000 miles away from you, but we cannot do that. We have to carry them with us by understanding their point of view and by reasoning with them.

I said Sheikh Mujib is my master. I literally meant it. When I go to Dacca, as my Prime Minister's emissary, I meet him as the Prime Minister of his people
freely elected by 75 million people. Here I am representing his point of view. It is an extremely unusual position. I would beg of you not to advance a proposition, that we are unmindful of the interests of amity between us. We want your reconciliation with them also.

We don’t merely say that what the Bangladesh Government says is right. We study their point of view. We objectively discuss it with them. The relations between Bangladesh, India and Pakistan have to be harmonized.

Take for example, the question of trials. You have explained your point of view. We will put this to Bangladesh. But you have no case for keeping 203.

I would again urge upon you to consider if you could not bridge the wide gap in regard to the Pakistani nationals. They mentioned a figure of 260,000 who have exercised their option. The number suggested here falls short of that.

In the end, may I again thank you very much, Mr. President for receiving us twice in spite of your heavy preoccupations. I greatly value my exchange of views with you.

I am glad we came and we had, as I said, before, extremely useful exchange of views which helped understanding on both sides. We spoke with Mr. Aziz Ahmed and his colleagues. We spoke frankly and sometimes bluntly. It was necessary for both of us to fully understand each other’s point of view.

President Bhutto: I thank you and your colleagues again for coming to us. Please convey my regards to your Prime Minister. I hope you are satisfied with the final communiqué that is being issued.

Mr. Haksar: Thank you, Mr. President. The talks have been useful and we continue them after about two weeks.

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**Summary record of the meeting.**

**July 30, 1973. (10. 45 AM).**

Discussion turned mainly upon the text of the proposed secret agreement which Pakistan side had handed over the previous evening,

2. **The Indian side made the following points:**

   i) Taking the numbers, there was a vast disparity between what we thought Pakistan should do and what Pakistan is prepared to do.

   ii) The offer was illusory in that recognition of Bangladesh and its admission to U.N was made contingent on the return of the 195 - this despite the fact that Pakistan would have in its hands the leverage of 8 more persons of Bangladesh (203 as against 195). The resolution of the 195 can only come by discussion between Pakistan and Bangladesh which would mean after the recognition of Bangladesh by Pakistan.

   iii) The Pakistan side was reminded that they had stated at the previous day's meeting that even in the absence of recognition of Bangladesh they could abstain on Bangladesh’s admission to the U.N.

   iv) If Pakistan now wished to delete the offer, that was up to Pakistan. (This was in response to Aziz Ahmed's query as to whether it should be deleted).

   v) The questions of recognition and Bangladesh’s admission are peripheral to what the Indian side had come to discuss.

   vi) The following possibilities were now opened:

      a) To say that we have met, exchanged views and decided to discuss again.

      b) That there has been a total failure and that we are to meet only a year hence. We do not like this.

   vii) The Pakistan side was being invited to a meeting in Delhi in August. If they felt that they could not meet for a year that was their choice.

   viii) Pakistan side was asked for a reasoned reply to the legal note earlier handed over on the Pakistan nationals.

**Pakistan side made the following points:**

(i) The secret offer could be deleted.
(ii) So long as the U.N. resolutions are not implemented, Pakistan cannot recognise Bangladesh. How could Pakistan allow Bangladesh’s admission to the U.N.? Nor could she advise China, a power of some status in the world, which stands on principles.

(iii) It was admitted that making Bangladesh’s admission contingent on the U.N. resolutions and the observance of the Geneva Conventions, was not a concession. The Pakistan side was only expressing what is in its mind.

(iv) The number of 20,000, in the secret agreement, is not a ceiling. The number can be negotiated in a calmer atmosphere, just as the question of trials was being left flexible.

(v) Mr. Aziz Ahmed had not made himself clear if he had given the impression that Pakistan would abstain on Bangladesh’s admission to the U.N. in the absence of recognition.

(vi) Mr. Aziz Ahmed would not attend any further meetings this year. There was nothing that he could say at any such meeting. If nothing happens before the U.N. Assembly session, feelings will run high and the position with Bangladesh will further deteriorate.

(K. P. S. Menon)
Joint Secretary (BD) 8.8.73

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Mr. Aziz Ahmed was assisted by M/s Agha Shahi, Sattar, Jaffri, Shahnawaz, Bhatti and another officer. With Shri Haksar were Foreign Secretary, Shri Kewal Singh, Secretary to the Prime Minister, Shri P.N.Dhar, JS(BD) Shri K. P. S. Menon, JS(Pak) Shri. A. S.Chib. Deputy Secretaries in the Pakistan Divisions (MEA) Shri K.N, Bakshi and N. Dayal joined the meeting later.

Mr. Agha Shahi: You have seen the Secret Document. I have nothing to say. We know each other’s views. We have gone to the farthest limit possible for us. Perhaps you think that is not enough, but we have done our utmost. I am at your disposal.

Shri Haksar: Since I am under compulsion to say something, I feel even if we have reached the situation you described - and I hope you will consider again that situation - I would say that our meeting here, the atmosphere, our call on the President had been of immense benefit and value to us.

Coming to substantive matters, the attempt to defuse the extremely emotional question of trials and counter trials is for consideration. In all conscience, however, I cannot say that Pakistan’s position on the repatriation of Pakistanis from Bangladesh is at all satisfactory. I had put forward the legal position. You invited me to set aside the legal position and quoted my Foreign Minister’s letter in justification. Even then I said that on the citizenship issue there was no contradiction between law and humanity: the law merely respects that humanity. I would still urge you to let me have a reasoned reply to the legal case. I handed over to you the legal note which I had promised you. I would be glad to be informed of Pakistan’s position on this note.

If we go beyond the compass of law to quantities, we then come to your offer. Para 5 of your offer is a contingent one, and so we restrict ourselves to para 4. There are vast disparities between what we think you should do and what you are prepared to do. You were good enough to say that to enable me to sell this program - which is wholly unsatisfactory in numbers - you would make an offer, which you did make in the secret offer contained in the note I was given last night. But this is hardly an offer: It is purchasing trouble for the future.
Mr. Aziz Ahmed: You don’t like it?

Shri Haksar: We don’t like the way it is put

Mr. Aziz Ahmed: We can delete it.

Shri Haksar: The rationale of this offer is supposed to be something which the Pakistanis are offering of their own bat. That means, firstly, a promise to acquiesce, if not sponsor, Bangladesh’s admission to the United Nations and secondly, to recognise Bangladesh. But both are made contingent on a solution satisfactory to you of the 195 against the 203.

One can easily foresee that the resolution of this can only come by discussion between Pakistan and Bangladesh and such discussion can only take place after recognition of Bangladesh by Pakistan. Admission to the UN is still made contingent on your getting these 195. This is hardly an offer for I should imagine that if everything went all right and you would recognize Bangladesh then Bangladesh’s admission to the UN would be automatic. You have thus made us an illusory offer. I cannot tell Bangladesh that I have brought them something new.

If you say that there is nothing more that you have to offer, then we have the following possibilities:

i) We can say that we met, exchanged views and decided to discuss again.

ii) That there has been, if you so like, a total failure and that we are to meet only a year hence. We would not like it.

But as I see, your sugar coating of the pill is bitterer than the pill itself.

Mr. Aziz Ahmed: We can delete it

Shri Haksar: Which? The Offer?

Mr. Aziz Ahmed: No, the Secret Offer

Shri Haksar: If you wish it you are welcome to do so. It is the same position as you took about the ICJ: if you wish to withdraw the case, you may do so. But to say that once everything has happened you would then recognise Bangladesh and sponsor its admission to the UN is nothing new. What is offer? What is the grace of a gesture?

Mr. Aziz Ahmed: On the question of UN Membership if recognition has taken place this will present no problem. This presumes that even the 195 have come back, implying that the trials have been given up. We will then not oppose
Bangladesh’s admission, and we would ask China not to do so either. So long as the UN resolutions are not implemented one cannot recognise Bangladesh. Then how can we allow her admission? Nor, in that case, can we ask China to do so. China, after all, has stated that she is standing on principle. She is a Power of some status in the world. We cannot suddenly tell her to forget all her principles.

I agree that if Bangladesh’s admission is contingent on the full implementation of the UN resolutions regarding repatriation, observance of the Geneva Conventions, then what we are doing is not a concession. But we are not making a concession. We are telling you what is in our mind. There are so many things we can do together. All that is blocked today.

I have tried my very best. If Sheikh Mujibur Rehman and the President agree then we can take 20,000 more. This is not a ceiling. It was my idea, off my own bat. The President agreed. It occurred to me, let us leave this matter of numbers also flexible, just as we have left the question of trials flexible, postponed for the time being for a calmer atmosphere. We can then get down to much bigger issues: the Simla Agreement, normalisation, etc. Maybe Bangladesh will also be able to join in this process.

I agree that the last few months in which there has been no progress have not been entirely wasted. You have thought of the Joint Declaration, which is a positive step. We have also been giving thought to this matter and our President has towed the country for the recognition of Bangladesh.

(From here onwards, the detailed account was taken down by Shri KN Bakshi, DS (Pak))

The following are the more important points:

I beg of you that we settle this matter here. I am not coming to any meetings this year. What will I do at meetings? What will I say? There is nothing new that I can say. If nothing happens before the UN Assembly, then feelings will run high and the position with Bangladesh might further deteriorate.

**Foreign Secretary:** We had told you yesterday that you would find the sponsorship of Bangladesh to the UN difficult. In the absence of recognition you said you could abstain.

**Mr. Aziz Ahmed:** This is not what I meant. Perhaps I did not explain myself properly.

**Mr. Agha Shshi:** While the admission of Bangladesh can be considered at any time during the session, the application has to be filed. We envisage a total approach. We are doing everything possible to complete the process for
Bangladesh’s admission in two months. If Bangladesh gets admission in two months then there will be no problems.

**Shri Haksar:** I am left with a strong impression that you want everything your own way. The question of recognition of Bangladesh and its admission to the UN are peripheral to what we came to discuss. You are offering what is bound to happen when your terms are fulfilled, for it is obvious that recognition and admission will then follow. We are offering you the return of 89 or 90,000 POWs. If you were not keeping hostages, I could understand superiority of your position, but you are insisting on doing so.

**Mr. Aziz Ahmed:** The trials are only postponed.

**Shri Haksar:** We set aside the question of recognition. The trials can be considered in a calmer atmosphere. If you cannot meet us for a year, that is your choice. We are suggesting that you meet us in August in Delhi. You will have one more success to your credit I will cease to deal with this matter. I mean this. I cannot go again to Dacca in view of the attitude that you have taken.

(The meeting broke up for tea)

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**POST TEA PROCEEDINGS**

**Mr. Aziz Ahmed:** Our talks of yesterday have more or less brought out what had to be said on either side. We have gone to the farthest limit in trying to meet the point of view of Bangladesh. This may not seem satisfactory to you but this is the best we can do under the circumstances. We can now draw up the points of agreement or we can admit failure.

**Shri P.N. Haksar:** Our meetings here and the opportunity we have had for discussing other matters, also the meeting with your President have been of immense value in trying to understand each other’s point of view.

In respect of substantive matters we have agreed to place before the Bangladesh Government your idea of skirting around trials and counter-trials for the time being so as to bring about a settlement of the other issues. However, I cannot say that your approach to the problem of Pakistan nationals in Bangladesh is realistic or even generous. On the one hand you want to set aside the legal position, although one cannot find any conflict between law and humanity in these matters. In any case we would request you to let us have a reasonable reply of Pakistan’s legal position on this subject. We have already handed over a note which represents Bangladesh Government’s legal position.
Regarding the Pakistan draft for the proposed agreement our feeling is that there are wide disparities between what we had set out to do and what is offered in paragraph 4 of your draft dated 29th July 1973. On a dispassionate consideration the offer as mentioned by Agha Shahi is not reasonable; the rationale of this is objectionable. Recognition and admission to the UN are both tied to the question of stopping the trial of 195 Pakistani POWs. To make admission of Bangladesh to the UN contingent upon this factor makes it a totally illusory offer.

Mr. Aziz Ahmed: As I said before, this is the farthest limit to which we are prepared to go. If nothing can be done we will have to admit failure. In that case we will have to contend with the continuation of the present stalemate and there can be no progress on the Simla Agreement.

Shri P.N. Haksar: If you say there is nothing more that can be done we have two alternatives before us. Firstly we can issue a statement which can indicate that we have discussed the three humanitarian issues in detail and there is need for further consultations. We shall adjourn for the present and have another meeting in Delhi. Alternatively; we will have to acknowledge that there is a total deadlock. In that case Pakistan will also have to face the consequences.

In all conscience I must mention that the sugar-coating you have tried to provide is more bitter than the pill. To go on believing that your offer of recognition made in its present form is a concession is hardly realistic. This is not going to attract Bangladesh. They are obviously going to feel that once all conditions are fulfilled, you are bound to recognise them. You are also likely to agree to their admission to the U.N.

Mr. Aziz Ahmed: The admission question is not so simple. The Chinese are not going to act at our bidding. They will say, one day you ask us not to recognise Bangladesh because of certain reasons and another day you want us to act differently, even though those reasons still exist. As you know the Chinese are very strict on principles. They will insist that the UN Resolutions should be implemented first.

I cannot understand how you find our offer so unsatisfactory. I thought that just as the trials question can be kept flexible, the question of number of Pakistan nationals to be repatriated from Bangladesh can also remain flexible. We have already indicated that after the situation is normalised we are prepared to discuss with Bangladesh the question of taking some more persons after international verification.

I beg of you that we should settle this matter here and now. I am not coming for any meeting to Delhi this year. If you want to postpone this meeting and want us to consider the matter please write to us when you get back. We will have to
take into account our existing commitments and programme. There is the Pakistan National Assembly Session and after that the UN General Assembly starts.

Shri Kewal Singh: I would like you to reconsider the essentials of what we are discussing. It seems to me that the question of recognition has nothing to do with the India-Bangladesh Declaration. Similarly, Bangladesh’s admission to the UN has also nothing to do with this Declaration. As you would recall it was President Bhutto who had raised this matter, and in all fairness to him, it should be acknowledged that he was suggesting it as a way of improving the atmosphere. If it is your position that the other more important issues have to be settled first before Pakistan can accord recognition and stop obstructing Bangladesh’s admission to the UN then it is best to settle the humanitarian issues. As Haksar has already mentioned, when you speak of skirting around the issue of trials and at the same time wish to keep 203 Bengalis as hostages, you have more than an insurance in your hand. It is not understandable, therefore, why additional conditions are necessary. If Pakistan wants to recognise Bangladesh then it should do so in good faith and with good grace. This action should then be taken immediately, so that it becomes easier for other issues to be resolved.

Mr. Aziz Ahmed: We were not making any concessions, when we mentioned that the way will be clear for recognising Bangladesh and for her admission to the UN, once she has agreed to Pakistan’s proposals. We were only stating our factual position. We cannot tell our National Assembly, which is a sovereign body, to change the terms of the resolution on recognition. Nor can we tell China something contradictory to what we have said last year, on the question of admission to the U.N.

Mr. Agha Shahi: We have also to take into account the time frame. If repatriation takes place in two or three months Bangladesh can be admitted in this very session of the UN General Assembly by, say, 15th October. We will both jointly sponsor admission of Bangladesh and get it through with the help of other UN Members.

Shri P.N. Haksar: There you are quite wrong. Pakistan cannot sponsor the admission of Bangladesh without first recognising her. In any case, as we have pointed out, recognition and admission are peripheral to what we have come to discuss here which is the settlement of humanitarian issues. As to the admission question, I must say that even you cannot prevent Bangladesh’s admission to the UN once everything has been settled.

(A. S. Chib)
Joint Secretary (Pak)
TEA INTERVAL
(Morning Session 30th July 1973)

After the first session on 30th July, 1973 in the Pakistan Foreign Office, the discussion was carried on during the tea interval in Mr- Aziz Ahmad's office. Those present were: Shri P.N. Haksar, Shri Kewal Singh, Shri P.N, Dhar, Shri A.S. Chib. On the Pakistani side, Mr. Aziz Ahmed was assisted by Mr. Agha Shahi, Pakistan Foreign Secretary and Mr. Abdul Sattar, Director General.

Mr. Aziz Ahmed continued the argument made during the earlier session that the Pakistani side had sincerely tried to put down in writing their offer of taking additional number of non-Bangalees from Bangladesh so that the total is 69,000 in the first instance. After implementation of the other provisions of the Agreement suggested by Pakistan and recognition of Bangladesh there can be discussions between the two Governments on taking some more persons. Thus Pakistan is no longer putting a firm ceiling on this figure. In addition, Pakistan had also written down their offer of asking China to remove the obstacle in the way of Bangladesh's admission to the UN. Aziz Ahmed, however, maintained that it was difficult to change the provisions of the National Assembly Resolution according to which recognition can take place only after the idea of trials has been cancelled and all the prisoners of war are repatriated.

Shri Haksar pointed out that Pakistan's proposal was tantamount to creating another intractable problem by making the issue of recognition dependent on cancellation of war trials when the whole idea was that the question of trials should be put in cold storage for the time being and settled through direct talks. How can direct talks take place if Bangladesh is not recognised? Shri Haksar then mentioned what was his concept for a possible solution subject to the proposal being approved by the Government of Bangladesh, India and Pakistan. Main features of this scenario were as follows;

(i) Pakistan should accept the idea of simultaneous repatriation of 90,000 prisoners of war (except the 195 required for trial), the repatriation of all Bengalees in Pakistan and the repatriation of Pakistan nationals in Bangladesh who have declared their allegiance to Pakistan subject to a maximum of 260,000.

(ii) Bangladesh to consider defusing the trials issues by freezing it, without prejudice to the position of either side. Pakistan will similarly freeze the question of trying 203 Bengalee officials on alleged charges of treason.

(iii) After the repatriation of the three categories has begun and a certain number have been exchanged Pakistan Government will request its
allies, especially China, not to oppose the admission of Bangladesh to the United Nations.

(iv) After the repatriation of the rest under the three categories is completed, excepting the case of 195 Pakistani prisoners of war in India and 203 Bangalis in Pakistan, Pakistan Government will announce the recognition of Bangladesh to enable direct talks to take place between the two countries for reaching an amicable settlement on the trials issue.

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TOP SECRET

Summary record of important points of the meeting at the Pakistan Foreign Office:


1. Mr. Aziz Ahmed stated that Pakistan has sincerely put down in writing its offer to take back 69,000 non-Bengalees in the first instance from Bangladesh. After the completion of the agreement suggested by Pakistan, and recognition of Bangladesh, there can be discussion between the two Governments for getting more persons. Therefore, the figure of 69,000 was not a ceiling.

2. Mr. Aziz Ahmed also said that Pakistan had put down in writing its offer to ask China to allow Bangladesh's admission to the U.N. But recognition can only take place after trials are dropped and POWs are returned because of the National Assembly Resolution.

3. Shri Haksar pointed out that to make recognition contingent of cancellation of trials was tantamount to creating another intractable problem. Shri Haksar spelt out the broad features of a possible solution as he saw it, subject to approval of the three Governments:

i) Pakistan accepts simultaneous repatriation of all three categories, except the 195.

ii) India persuades Bangladesh to defuse the trial issue by freezing it, without prejudice to its position. Similarly Pakistan freezes the question of trials of 203.
iii) After repatriation has commenced Pakistan speaks to China not to oppose Bangladesh’s admission to the U.N.

iv) After repatriation is completed, except for the 195 and 203, Pakistan recognised Bangladesh to permit discussion between the two for amicable settlement on the trials issues.

(K.P.S. Menon)
Joint Secretary (BD)

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U. TOP SECRET

Summary of discussions between the Indian and Pakistani Delegations at Hotel Intercontinental.


i) Mr. Aziz Ahmed confirmed that President Bhutto had told Shri Haksar the previous evening that the admission of Bangladesh to the U.N, can be made Independent of the return of 195 persons required for trials. However, the recognition of Bangladesh is still dependent on Bangladesh giving up the trials,

ii) Mr. Aziz Ahmed admitted that political issues were brought into the current discussions by Pakistan. He hoped that political issues would not be tied up with humanitarian problems.

iii) Shri Haksar referred to the slanted briefing given to the Pakistan Press the previous evening. Mr. Aziz Ahmed promised to issue a denial and set the record straight.

iv) Shri Haksar asked for Pakistan’s note on the legal basis of Pakistan’s case on Pakistan nationals in Bangladesh. Mr. Aziz Ahmed promised to forward this too to India in due course.

v) Shri Haksar invited a Pakistan Delegation to New Delhi to discuss the overflight case if Pakistan Government considered that bilateral negotiations should be held to resolve this issue.
vi) Shri Haksar asked for instances of AIR’s reporting, to which Pakistan had objected regarding the situation in Sind and the trial of Army officers in Pakistan. The (Indian) Foreign Secretary promised to send to Mr. Agha Shahi an aide memoire on the interference of Pakistan television with channel 4 of Indian television.

vii) The Joint communiqué was agreed upon and it was decided to issue it at 1800 hrs. IST 31.7.1973.

(K.P.S. Menon)
Joint Secretary (BD)

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V. TOP SECRET


Further to the agreement signed by them at Rawalpindi on, ………………..1973, the Special Envoys of India and Pakistan, with the concurrence of their respective Governments, have agreed as follows:

1. Formal recognition of Bangladesh will follow soon after the repatriation of the 195 Pakistani prisoners of war and 203 Bengali military and civilian officials retained in India and Pakistan respectively under paragraph 3(i) of the agreement.

2. In addition to according recognition, as provided in paragraph 1 above, the Government of Pakistan will also help in the admission of Bangladesh to the United Nations.

3. With reference to paragraph 4 of the agreement, the Government of Pakistan will admit up to twenty thousand persons from amongst those said to have opted for repatriation to Pakistan who constitute hardship cases or who have special and adequate reasons for seeking migration to Pakistan, it being understood, however, that when the President of Pakistan and the Prime Minister of Bangladesh meet they could discuss the matter and agree to a higher figures.

1. **Persons of West Pakistan domicile** - 16,000
   
   (a) Applications in 10,500
   
   (b) Expected 5,500
2. Members of Divided Families - 11,000  
   (a) Applications in: 7,500  
   (b) Expected: 3,500  

3. Plus those who have already left Bangladesh- 22,000
   via other countries:  
   - Already reached Pakistan: 1,500  
   - Still in Nepal: 7,000  
   - via Burma, Sri Lanka: 3,500  
   - Hardship cases: 20,000  
   **Total:** 69,000  

W. **Note handed over to Mr. Sattar Director General in the Pakistan Foreign Office on July 30, 1973.**

We have most carefully considered the possibilities discussed in today's meeting for dealing further with the matters under discussion. These were that certain issues will be presented to His Excellency the President of Pakistan in the hope that he could provide the direction and basis for carrying on further negotiations. Alternatively it was agreed that the talks in Islamabad would be adjourned and a meeting can take place in Delhi on the 18th August 1973 so that during this period India has the opportunity to consult with Bangladesh Government on the return of the Prime Minister and Foreign Minister of Bangladesh to Dacca. It was felt that this would also provide His Excellency the President of Pakistan time to consider these issues further. This seems to us to be the fairest and most constructive way of handling the situation.

We had suggested for your consideration that a request may be made to His Excellency the President of Pakistan to enable Shri P.N. Haksar accompanied by Shri Kewal Singh, Foreign Secretary and Professor P.N. Dhar, Secretary to the Prime Minister, to make a farewell call on him. This would provide them the opportunity of giving their assessment of the current series of negotiations.

As we have agreed to adjourn, we would not like to trespass on the hospitality of Pakistan Government any longer and therefore intend leaving for Delhi tomorrow afternoon i.e. 31st July. Clearance for the flight and details of route to be followed by the special I.A.F. aircraft which will carry the Indian delegation may kindly be given.

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X.

Note Of the Ministry of External Affairs making a Summary Record of Discussions at Hotel Inter-Continental.

Rawalpindi, July 31, 1973. (9.00 A.M.)

Making some preliminary observations, Mr. Aziz Ahmed said that President Bhutto had asked him to ensure that there was no misunderstanding on what he had told Shri P.N. Haksar last evening. The President had said that so far as the admission of Bangladesh to the UN is concerned it can be made independent of the return of 195 persons required for trials. However, recognition of Bangladesh is still dependent on Bangladesh giving up the idea of trials. Mr. Aziz Ahmed added that these measures were within the scope of the National Assembly Resolution on recognition of Bangladesh.

2. Mr. Aziz Ahmed reiterated Pakistan Government's view that the great merit of the Joint India-Bangladesh Declaration was to have separated political issues from humanitarian problems so that the latter can be resolved on purely humanitarian considerations. Pakistan appreciated the positive contribution made by the Government of India in persuading Sheikh Mujibur Rehman not to insist upon prior recognition of Bangladesh by Pakistan for the resolution of humanitarian problems. However, it seemed that the resolution of humanitarian issues has somehow got linked with political problems. Mr. Aziz Ahmed admitted that these political issues were brought into the current discussions by Pakistan. He expressed the hope all the same that the political issues will not be tied up with humanitarian problems and that the three humanitarian problems enumerated in the Joint Declaration will be resolved on humanitarian grounds.

3. Since this was the last meeting in the current series, Shri Haksar took the opportunity to thank the Pakistan Government for their gracious hospitality and the courtesy extended to the Indian Delegation. Shri Haksar said that in view of the future of the sub-continent, bridging the communications gap between the two countries was far more important than even the successful resolution of the humanitarian issues which emanated from the conflict of 1971. In this context, he was happy that the discussions had been conducted in an extremely frank manner and both sides now fully understand each other's position on various issues. He had come to Pakistan with a feeling of optimism; he would like to conclude his visit in the same note and look forward to the resumption of their discussions at New Delhi.

4. Shri Haksar however said that it was a matter of deep sorrow that someone on the Pakistan side had briefed the Pakistani press and given a
wrong slant. The Pakistan Times was, therefore, blaming India for trying to extort political concessions. This was regrettable because, as Mr. Aziz Ahmed was aware, India had not raised any issues extraneous to those mentioned in the Declaration. The issue of Bangladesh’s admission to the UN had been raised by President Bhutto, and in all fairness to the President, he had suggested it as a way of improving the atmosphere. Shri Haksar added that he had not met any Pakistani journalist. Mr. Aziz Ahmed agreed with Mr. Haksar and said that in fact the Pakistani Press is annoyed with him as he had also been tight-lipped all through the present discussions. Shri Haksar quipped that it seemed to be a case of ‘private enterprise’ on the part of someone in Pakistan’s delegation. Aziz Ahmed promised to issue a denial and set the record straight.

5. Shri Haksar then referred to some other matters like the over-flights case. In his last letter to Shri Haksar, Mr. Aziz Ahmed had said that he would consult other departments of the Pakistan Government regarding bilateral negotiations on this case. Shri Haksar added that if Pakistan still considered that bilateral negotiations should be held to resolve this issue, he would like to extend an invitation to a Pakistan Delegation to come to New Delhi at a mutually convenient time for discussions.

6. Secondly, President Bhutto had mentioned that All India Radio had made some trespasses regarding the situation in Sind and the trial of some Army Officers in Pakistan. Shri Haksar said that he would be grateful to receive concrete instances. Thirdly, India had given Pakistan a legal note establishing the basis for the nationality of Pakistani citizens in Bangladesh. Shri Haksar added that it would be appreciated if Pakistan could give us a similar note containing the legal basis of Pakistan’s case on this issue.

7. (Indian) Foreign Secretary referred to the subject of interference by Pakistan Television with the Indian Television broadcasts from Srinagar on Channel IV. Channel IV of the Television was registered with India and broadcasts from Rawalpindi Television station and its booster stations were interfering with the telecasts of our Srinagar station. Mr. Agha Shahi said that they would investigate this matter on the receipt of an Aide Memoire, which Shri Kewal Singh had promised to send.

8. Mr. Aziz Ahmed said that since Shri Haksar had asked for a legal note on Pakistan’s case regarding Pakistani nationals in Bangladesh, this would be forward to India in due course. He expressed the hope, however, that the two sides would not get bogged down in a legal tangle but seek a solution to the humanitarian problems on purely humanitarian grounds. Mr. Aziz Ahmed said that they were pleased to have the Indian delegation in Pakistan. The special
merit of these discussions had been that the two sides had understood the issues with much greater clarity. Moreover, they had come to know each other personally which was indeed a very important factor.

9. It was decided to conclude the present series of discussions by issuing a Joint Communique. The text of the Joint Communique was finalised and it was decided that this would be issued at 18-00 hours (1ST).

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Y. Joint Statement issued at the conclusion of the Indo-Pakistan Talks held in Rawalpindi and Islamabad on the implementation of the Simla Agreement.


The Minister of State for Defence and Foreign Affairs of the Government of Pakistan, Mr. Aziz Ahmed, and the Special Emissary of the Prime Minister of India, Shri P.N. Haksar, assisted by the delegations consisting of senior officials of the two sides, held talks in Rawalpindi and Islamabad from July 24 to 31, 1973. The Special Emissary of the Prime Minister of India also called on His Excellency Mr. Zulfikar Ali Bhutto, President of Pakistan, on July 27 and 30, 1973.

During the course of these talks which were marked by mutual understanding, the two sides reviewed the progress so far made in the implementation of the Simla Agreement since their last meeting in New Delhi in August, 1972. In the context of the normalisation of the situation in the subcontinent, they discussed the humanitarian issues set forth in the India-Bangladesh Declaration of April 17, 1973, namely, the questions of repatriation of Pakistani prisoners of war and civilian internees in India, Bengalis in Pakistan and Pakistan nationals in Bangladesh.

In the course of the talks certain issues arose which required further consideration by both sides. It was, therefore agreed that the discussions will be resumed at New Delhi on August 18, 1973.

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Note on the Talks held in Rawalpindi/Islamabad on the Implementation of Simla Agreement.

New Delhi, August 6, 1973

Ministry of External Affairs

Note of the Ministry of External Affairs on Pakistan's attitude during the talks held in Rawalpindi and Islamabad from July 24 to July 31, 1973 to review the implementation of the Simla Agreement and discuss the repatriation of Pakistani Prisoners of War.

General

Pakistan's tactics were designed to show that impediments on individual issues would prevent process towards normalization on the sub-continent. The plea, in effect, was that India and Bangladesh should take commissions to remove the impediments in the overall interest of normalizations. Thus, after making an eloquent plea for the “resurrection of the Simla Agreement”, Aziz Ahmed went on to offer two specific baits to Bangladesh. These were admission of Bangladesh into the UN and the recognition of Bangladesh by Pakistan.

2. An aspect of Pakistan’s advocacy was the attempt to show that where India and Bangladesh had taken a positive step, as in the Joint Declaration, the credit went mainly to India. It was Sheikh Mujib who was being obdurate. It was now for India to show equal statesmanship, as Pakistan saw it, by persuading Bangladesh to give still further concessions in order to permit steps to be taken towards normalization in the sub-continent.

3. Pakistan initially took the line that if there was a breakdown in the talks the Simla Agreement would be as good as dead and there would be no point in a meeting for another year. Finally, she agreed to adjournment of the talks, to re-commence in Delhi, on 18th August.

War Crime Trials

4. Pakistan stated categorically that it will on no account accept war crimes trials. To do so would be to reach the point of no return which Aziz Ahmed defined as meaning that once the trials are held “there is no chance of improvement in the situation”.

5. Pakistan stated that she could not even accept the trials by implication, that is, that she could not accept the repatriation of all the POWs except the 195, because those who come back would claim that their comrades had been betrayed and that they would have been willing to stay on in India with their comrades so long as the issue was not resolved.
6. Ultimately Pakistan came out with the proposal that the issue of war crimes trials be skirted, just as the issue of recognition had been skirted. After repatriation of the three categories was completed, the question of the 195 (and the 205 Bengalees in Pakistan) would then be decided by discussion. It was Pakistan’s hope that such discussion would take place in a calmer atmosphere, when repatriation was completed and when, perhaps, Bangladesh was a member of the UN. Pakistan expressed the hope that in such an atmosphere, Bangladesh might even agree to drop altogether the question of trials.

7. However, as Pakistan saw it, discussions on the 195 were to precede Pakistan’s recognition of Bangladesh, since, according to Pakistan, the National Assembly resolution did not permit her to recognize Bangladesh before all POWs, including the 195, were returned to Pakistan. In effect, therefore Pakistan visualized discussions on the 195 taking place between India and Pakistan.

**Pakistani Repatriates from Bangladesh**

8. Pakistan began by defining Pakistanis in Bangladesh as only those of West Pakistan domicile. Only these would be accepted back. Subsequently she added on other categories. She would accept also the employees of the Central Government and their families, irrespective of original domicile, those with Pakistan passports, others to help re-unite families and some hardship cases. She gave a category-wise breakdown showing the total figure she was prepared to accept as 69,000, of which 49,000 would be accepted straightway on simultaneous repatriation, and 20,000 would be repatriated as a result of subsequent discussions, but this understanding was to be part of a secret agreement. Aziz Ahmed said that he would recommend to the President that 20,000 was not a ceiling.

9. Pakistan’s contention was that discussions about the last 20,000 would take place in a calmer atmosphere after repatriation of the others. She further stated that the options already given by Pakistanis in Bangladesh could be taken again by an independent agency such as UNHCR or the ICRC, but these options would not take place before or simultaneously with the repatriations of the other categories, but only after some time when, according to her, tempers will have cooled. She expressed the view that if fresh options were taken, not all those who had opted for Pakistan would do so again.

10. Pakistan conceded that the argument of returning Pakistanis presenting an economic problem was not valid: The issues was a political one.

11. As against Pakistanis coming back, Pakistan was willing to let all the Bangladeshis from Pakistan return to Bangladesh, except for 203 to be retained. However, Pakistan followed what was he said to be the ICRC estimate taken in November 1972 that the total number of such Bangladeshis does not exceed
157,000, which figure, apart from the military and civilian personnel, was subject to a 15% margin of variation. Pakistan also expressed the conviction that a large number of the 157,000 would not wish to go to Bangladesh.

12. Pakistan did not present, verbally or in writing, its legal case on its conception of Pakistani nationals in Bangladesh, but promised to let India have a note on the subject.

Recognition

13. On the recognition of Bangladesh, Pakistan claimed that her hands were tied by the conditions of its National Assembly resolution — conditions which the Government itself had introduced into the resolution and which were not the result of opposition amendments. At one stage, Aziz Ahmed stated that recognition would only take place after all the POWs are repatriated, war crimes trials are given up, and the non-Bengalees are not ill-trusted in Bangladesh. This last clause was not repeated in subsequent discussions, but Pakistan stood by the position that she could not recognize Bangladesh till the war trials are dropped and all the POWs, including the 195, are repatriated. She even argued at one point that she was making a concession by waiving that phrase in the National Assembly resolution which permits recognition as a time which is in the best national interest of Pakistan. She also argued that there was implied recognition of Bangladesh in that Pakistan's new Constitution makes no mention of the province of East Pakistan.

Pakistan’s Bait

14. The bait offered to Bangladesh was the possibility of UN entry this year and Pakistani recognition of Bangladesh. After initially taking the line that neither was possible unless the trials were dropped and all POWs were repatriated, on the last day, after Shri P.N. Haksar’s discussions with the President on the previous evening, Pakistan stated that UN entry for Bangladesh was possible if the issue of trials was skirted for the time being, with the disposition of the 195 being kept aside for futures discussions, but recognition was still dependent on Bangladesh forgoing the trials altogether. It was pointed out to Pakistan that if the recognition of Bangladesh and Bangladesh’s entry into the UN were made contingent on the return of all the POWs, then Pakistan was in actuality making no concession and was making to Bangladesh an offer which Bangladesh had already rejected. It was also pointed out that the baits offered could only be regarded as a deferred hope, since they would not be spelled out in an agreement to be arrived at. Pakistan conceded that the offer was not a concession and stated that it only represented Pakistan’s thinking. Shri P.N. Haksar had spelled out (on 307.73) the broad features of a possible solution, subject to the approval of three Governments, as follows:-
(i) Pakistan accepts simultaneous repatriation of all the three categories, except the 195;

(ii) India persuades Bangladesh to defuse the trials issue by freezing it, without prejudices to its position. Similarly, Pakistan freezes the question of trials of the 203 Bangladeshis;

(iii) After repatriation is commenced, Pakistan speaks to China not to oppose Bangladesh’s entry into the UN;

(iv) After repatriation is completed, except for the 195 and 203, Pakistan recognizes Bangladesh to permit discussions and between the two for settlement on the trials issue.

15. It would be seen that Pakistan has come around to accepting these broad lines except for point (iv). There is, however, an important reservation. There still remains a vast disparity between the figures of Pakistanis in Bangladesh who have opted for Pakistan (260,000) and the numbers that Pakistan is willing to take (49,000 plus 20,000 subsequently), despite the fact that President Bhutto stated that he would not be miserly on this issue. There also remain differences on the very basis on which Pakistan in willing to take the initial 49,000 a category wise basis which is unacceptable to Bangladesh and the repatriation of the subsequent 20,000, at any rate, will not take place simultaneously with the other two categories, whereas Bangladesh insists on the simultaneous repatriation of all persons of all categories. It is also still to be seen whether Bangladesh will accept a solution for the time being on these lines.

(K.P.S. Menon)
Joint Secretary(BD)

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AA. Statement of Minister of State in the Ministry of External Affairs Surendra Pal Singh in both Houses of Parliament on the Talks in Rawalpindi/Islamabad.

New Delhi, August 2, 1973.

As the House is aware on April 17, 1973, the Governments of India and Bangladesh issued a Joint Declaration which contained an offer for the immediate and simultaneous resolution of the humanitarian issues arising out of the conflict of December, 1971. The Government of Pakistan sought certain clarifications on the Declaration and for this purpose invited the Government of India to send a Representative to explain the various provisions of the Declaration. However, at the same time the Pakistan Government in its statement of April 20, 1973, came out with certain positions on these humanitarian issues which were not acceptable to the Governments of India and Bangladesh. After an exchange of correspondence between our Foreign Minister and Pakistan's Minister of State for Defence and Foreign Affairs, Mr. Aziz Ahmed, Pakistan indicated its willingness to discuss on the humanitarian basis for the repatriation of the three categories of persons mentioned in the Declaration, namely, Pakistani prisoners of war and civilian internees in India, Bangladesh nationals detained in Pakistan and Pakistani nationals in Bangladesh. This exchange of correspondence took place with the knowledge and in consultation with the Bangladesh Government. A Delegation led by the Special Emissary of the Prime Minister of India, Shri P. N. Haksar, and comprising Shri Kewal Singh, Foreign Secretary, Prof. P.N. Dhar, Secretary to the Prime Minister, and senior officials from the Ministry of External Affairs, visited Rawalpindi and Islamabad and held discussions with the Pakistan Delegation from July 24 to July 31, 1973. The Pakistan Delegation was led by Mr. Aziz Ahmed, Pakistan's Minister of State for Defence and Foreign Affairs and included Pakistan's Foreign Secretary, Mr. Agha Shahi, and other senior officials.

During the course of these talks, questions relating to simultaneous repatriation of the three categories of persons mentioned in the Joint India-Bangladesh declaration were discussed in full detail. In the context of normalising the situation in the sub-continent, the two sides also reviewed the progress made so far in implementing the Simla Agreement. The Pakistan side acknowledged the fact that the Joint India-Bangladesh Declaration which had separated political considerations from the humanitarian issues was a step forward and paved the way for an early resolution of these issues. Some progress was made in defining these issues and it was agreed between the two Delegations that a point had been reached where further consideration by both sides was necessary. It was, therefore, agreed that the current discussions be adjourned and later resumed at New Delhi on August 18, 1973.
As the Hon'ble Members will appreciate, in view of the delicate nature of the negotiations and the need for further consultation with the Government of Bangladesh, it will not be in our interest to reveal further details about these talks.

0798. India-Bangladesh Consultations on Issues to be discussed with Pakistan

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A. Briefing by Prime Minister’s Special Envoy P. N. Haksar to Bangladesh’s Foreign Minister Kamal Hossain on his discussions with Pakistan on the question of POWs.


I. Points made by Mr. Haksar

1. Mr. Haksar gave a detailed resume of his meetings with Mr. Aziz Ahmed and with President Bhutto in the week of July 1973.

2. Mr. Haksar emphasized that due to the difficulties in communications with the Bangladesh Prime Minister and Foreign Minister and due to the nature of instructions, which he had received from the Bangladesh side, the Indian delegation had to keep stone-walling alternative proposals or formulae which Pakistan put forward during the last round of talks.

3. The Pakistani side, though still obdurate and unreasonable on fundamental things, had shown some inclination to discuss a *modus Vivendi* if India and Bangladesh showed a similar Inclination. But even this inclination of Pakistan was not straight forward. The offer of recognition and the offer to facilitate Bangladesh’s admission to the UN, when analysed in detail, indicate that Pakistan was not making any concession. This point was emphasized to Mr. Aziz Ahmed.

4. The talks with Pakistan clearly indicated that the two basic questions on which a mutually satisfactory solution should be found to implement the proposals contained in the Indo-Bangladesh Joint Declaration of April 1973,
are:

(a) the issue of war crimes trials, and

(b) the issue of the return of Pakistani nationals now resident in Bangladesh.

5. The Pakistani delegation indicated to the Indian delegation that under no circumstances could they accept the war crimes trials proposed to be held. There was a suggestion on their part to ‘freeze’ the question of war crimes trials as it stands today, as Pakistan would otherwise be compelled to hold trials of 203 Bangladesh nationals against whom there is sufficient evidence of their having committed high treason against Pakistan.

6. As far as the return of Pakistani nationals from Bangladesh is concerned, Pakistan has agreed to the return of about 70,000 persons including the 20,000 Pakistanis who have already clandestinely gone away from Bangladesh to Pakistan.

7. Mr. Haksar gave his assessment of the internal situation in Pakistan, highlighting the following trends:

(a) Though President Bhutto and his party have made inroads into the North-west Frontier Province and to some extent into Baluchistan, the province of Sind still remains a trouble spot.

(b) The internal situation in Pakistan is complex and fluid. The Army still has great influence. President Bhutto does not seem to have complete control even over the Civil Service, much less over the Army.

(c) President Bhutto is facing a difficult economic situation, with various pressures competing to sway him. The general impression is that, with the kind of populism which President Bhutto has utilised for his political survival, his continuation in power will necessarily depend on support from elements of the previous oligarchy, which ruled Pakistan. He has not succeeded in changing the political infrastructure of Pakistani society.

8. Bangladesh should take note of the fact that the impact made by the Joint Declaration is on the wane as subsequent events including the Indo-Pakistan talks have overtaken it. Bangladesh should also carefully weigh the positive as well as negative implications of taking a rigid stand on the elements of the Joint Declaration and allied problems in the light of the last Indo-Pakistan talks. The reaction of international public opinion and the UN to the continued detention of the POWs should also be taken into account while making this assessment, as the matter can be raised in the UN.

9. In response to a question from the Foreign Minister of Bangladesh, Mr.
Haksar stated that the objective of freezing the trials was that, without prejudice to the views held by Pakistan or Bangladesh on the issue of war crimes trials, the repatriation of the other categories of persons would follow by mutual agreement.

10. Mr. Haksar ended by saying that he had come to seek instructions on the stand that he should take on the issues which he enumerated, at the forthcoming talks with Pakistan commencing in Delhi on the 18th August.

II. Points Made by Dr. Kamal Hossain

1. Dr. Kamal Hossain congratulated Mr. Haksar on the firm manner in which he met the Pakistani delegation’s tactics at the last round of talks in Rawalpindi. Mr. Haksar acknowledged the congratulations, stating that it was only deserved to the extent that he carried out the Bangladesh Foreign Minister’s instructions.

2. Dr. Kamal Hossain wished to know how Mr. Aziz Ahmed brought in the question of war crimes trials while discussing the Joint Declaration. Mr. Haksar replied that, given the nature of Pakistani politics today and the influence of the Army in Pakistani politics, as far as Pakistan is concerned the question of war crimes trials cannot be isolated from the other pending issues.

3. Dr. Kamal Hossain made the point that while both Bangladesh and Pakistan could assert the right to hold trials and counter-trials, there is no logical basis for Pakistan to link the question with the humanitarian problem of repatriation. Mr. Haksar commented that it is not a question of the logic or legality of the right to hold trials by either country that is important. The point to be reckoned with was that both the Governments had declared their determination to exercise this right to hold trials. It is the political implication of this stand on the part of Pakistan and Bangladesh that affect the negotiations, and the problem has to be resolved.

4. Dr. Kamal Hossain enquired what “freezing” of the trials meant. Mr. Haksar explained that it meant holding the trial in abeyance without prejudice to the right of Bangladesh to hold the trials or, from Pakistan’s point of view, to her right to hold counter-trials.

5. Dr. Kamal Hossain said that while one can take note of the suggestion for freezing the war crimes trial of 195 POWs, he could not understand the logic of Pakistan keeping 203 Bangladesh nationals for trials without any legal basis. Mr. Haksar said that it was a plain case of keeping hostages. But it was a political fact to be acknowledged because Pakistan is serious about holding the trial, of 203 Bangladesh nationals if the war crimes trials take place in Bangladesh.

6. Dr. Kamal Hossain made enquiries about the total number of Bangladesh and Pakistani nationals who, according to Pakistan’s assessment, have to be repatriated. Mr. Haksar gave the background, emphasizing that Pakistan claims
that there are only a little over 150,000 Bangladesh nationals and not the larger number which Bangladesh estimates. Dr. Kamal Hossain suggested that Mr. A.K.H. Morshed should sit with Mr. K.P.S. Menon and cross-check the figures.

7. Dr. Kamal Hossain also requested for the authentic text of the telegram sent from Islamabad by Shri Haksar to the Bangladesh delegation during Prime Minister Mujib’s visit to Belgrade and Ottawa. Mr. Haksar agreed.

III Conclusion

The first meeting in the current series of Indo-Bangladesh discussions indicated the following:

1. Bangladesh is aware of our anxiety about not retaining the POWs too long.

2. The Bangladesh Government may be willing to consider the postponement of the war crimes trials for some time. The modalities and the political quid, pro quo to be ensured from Pakistan, if the trials are postponed for some time, would be worked out by Bangladesh if the occasion arises.

3. Bangladesh may be willing to modify its claims about the numbers of Bangladesh nationals stranded in Pakistan and Pakistanis who wish to go back to Pakistan from Bangladesh.

4. The Bangladesh authorities are keen to get as precise an assessment as possible of the internal situation in Pakistan to determine how strong Bhutto’s position in Pakistan is. Indications are that if Bhutto will last, Bangladesh would be inclined to a conciliatory stand on pending issues.

5. Mr. Haksar’s preliminary remarks conveyed to Dr. Kamal Hossain (were indicative of) India’s desire to avoid a deadlock at the next Indo-Pak talks. The remarks also gave Dr. Kamal Hossain an idea of India’s problem of facing international public opinion about the POWs issue.

Sd/- (J.N. Dixit)
Deputy High Commissioner
16-8-1973

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B. **TOP SECRET**

Summary of discussions held between the Foreign Minister of Bangladesh and Shri P.N. Haksar on the 16th August 1973, at 10 a.m.

High Commission of India
Dacca

The meeting was held at the Government Guest House. The following were present at the meeting:

**Bangladesh side:**

1. Dr. Kamal Hossain, Foreign Minister.
2. Mr. Enayet Karim, Foreign Secretary.
3. Mr. Fakhruddin Ahmed, Additional Foreign Secretary.
4. Br. A.R. Mallick, High Commissioner for Bangladesh in India
5. Mr. A.K.H. Morshed, Director General (SC)

**Indian side:**

1. Shri P.N. Haksar
2. Shri S. Dutt, High Commissioner of India.
3. Shri Kewal Singh, Foreign Secretary.
4. Shri K.P.S. Menon, Joint Secretary (BD).
5. Shri J.N. Dixit, Deputy High Commissioner.

2. Initiating the discussions Shri P.N. Haksar stated that the comments which Mr. Kamal Hossain had sent to him at Rawalpindi from Belgrade and Ottawa on the issue of war crimes trials and on the irrationality of Pakistan way of dealing with its own nationals in Bangladesh were conveyed to the Pakistani side but the Pakistani response was obdurate.

3. Dr. Kamal Hossain stated that he had studied the contents of Mr. Haksar’s telegram as well as the specific proposals made by Pakistan in the form of draft agreements in great detail. Pakistan’s agreeing to the return of all Bangalees except 203 persons whom they want for counter trials was an unacceptable proposition. Pakistan was equally obdurate in trying to introduce
the question of war crimes trials into the discussions which were primarily aimed at implementing the proposals contained in the Indo. Bangladesh Joint Declaration of April 1973. Be that as it may, one has to find a practical solution to pending problems. Bangladesh’s approach, therefore, is to modify the Pakistan draft agreement to make the proposals of Indo-Bangladesh Joint Declaration a central theme of a new draft agreement. Dr. Kamal Hossain suggested that the elements of the Joint Declaration and the elements of the Pakistani proposals may be compared and an agreement embodying a practical and just compromise between them may be formulated. Taking the Pakistani approach to the question of repatriation of Pakistani nationals resident in Bangladesh first, it appears that Pakistan has an open-ended approach to the problem. In the first instance seems agreeable to accept certain limited categories of Pakistani nationals from Bangladesh. In the second phase, subject to a ceiling of 260,000 Pakistani nationals, Pakistan may be agreeable to accept a larger number.

4. Dr. Kamal Hossain thought that Pakistan (Bangladesh) may be agreeable to having two agreements with Pakistan: one stating the principles governing the repatriation of Pakistani nationals, and the other stating the actual numbers to be repatriated: the procedure for repatriation and the time-frame for repatriation. Dr. Kamal Hossain wished to know whether his assessment of Pakistani inclination was correct.

5. Shri Haksar reading from the record of his discussions at Rawalpindi between the 24th and the 31st July, commented that Pakistan had talked about repatriation of Pakistani nationals. So, it would be fair to assume that Pakistan accepts in principle the need of receiving back all Pakistani nationals. But in the operative paragraphs of the agreement dealing with repatriation which Pakistan had proposed, they stipulated very arbitrary criteria for determining the identity of Pakistani nationals. Pakistan stopped short of accepting all persons who have declared their allegiance to Pakistan who are now in Bangladesh. Shri Haksar stated that, he told the Pakistani delegation that their approach was unjust and illogical.

6. The basic fact, however, remains that Pakistan contemplates receiving a higher number of Pakistani nationals from Bangladesh at a later stage. They have indicated their willingness to initially accept only about 20,000 such persons. The larger number of persons owing allegiance to Pakistan can return to Pakistan only when Prime Ministers Bhutto and Mujib meet.

7. Dr. Kamal Hossain stated that if Pakistan accepts in principle the return of all Pakistani nationals, though only initially receiving a limited number, a practical formula can be evolved. It would be India’s task to reduce the gap between the total number of 260,000 Pakistani nationals who have to go back
to Pakistan and the actual number of persons whom Pakistan is willing to accept. High Commissioner Mallick stated that a possible method could be an exchange of Bangladesh and Pakistani nationals on a one to one or on a head to head basis.

8. Shri Haksar clarified that he had not talked about a numbers game or an exchange of Pakistani and Bangladesh nationals on a head to head basis. Shri Haksar had left a thought with the Pakistani authorities that a precise exchange of Pakistani and Bangladesh nationals in equal numbers may be a thin proposition, but an overall number of persons to be exchanged can be determined either on the basis of a gross figure including the persons who had already gone to Bangladesh and to Pakistan through indirect means or on the basis of a net figure to be agreed upon between the two Governments excluding, the persons who had already traveled from one country to the other. Either of these formulae could be embodied in the agreement to be signed between India and Pakistan after the next talks. The agreement could be in two sections. There could be an open agreement in which Pakistan agrees to take back all Pakistani nationals provided their number does not exceed the total number of Bangladesh nationals returning to Bangladesh. This will ensure a closer approximation of population leaving each way. But this arrangement will still not meet the requirement of a large number of Pakistani nationals to be repatriated from Bangladesh to Pakistan. To cover this problem a secret agreement could be signed in which Pakistan would agree to take more non-Bangalees subject to further discussions at a later stage. Another method by which Pakistan can be persuaded to accept a large number of non-Bangalees would be to suggest that both the number of Bangalees to be returned to Bangladesh and the Pakistanis to be returned to Pakistan could be determined by an objective verification by the Swiss, the ICRC or the UNHCR. It should be proposed that the verification should be preceded by adequate publicity which would enable Bangladesh and Pakistani nationals to avail of the opportunity fully.

9. The secret agreement which Pakistan had proposed at Rawalpindi had difficult elements. It had envisaged the repatriation of larger number of Pakistani nationals from Bangladesh on the basis of discussion to be held between Prime Ministers Bhutto and Mujib. Such a discussion in any case cannot be held before recognition. Shri Haksar therefore told the Pakistanis that they were attempting an indefinite postponement of the repatriation of Pakistani nationals. The alternative would be for Prime Minister Bhutto and Sheikh Saheb to organise the repatriation of Pakistani nationals by means of indirect means or public declaration. Diplomacy by public declaration is never fruitful or successful. Dr. Kamal Hossain agreed that the Pakistani approach outlined in the proposals at Rawalpindi was impractical. He expressed the view that if an open agreement between India and Pakistan could state the basic proposal that Pakistan agrees
to take back the Pakistani nationals according to a phased program and then if a secret agreement could be finalized giving details of the phased program of repatriation of Pakistani nationals subject to the ceiling of 260,000 persons, then the problem could be resolved.

10. Shri Kewal Singh as well as Shri Haksar stated that Pakistan would not subscribe to any agreement stipulating a general principle that Pakistan would accept back all Pakistani nationals. Pakistan had firmly resisted all the legal, moral and political arguments which Shri Haksar had advanced in this regard during the Rawalpindi talks.

11. Dr. Kamal Hossain stated that the objective is to finalise an agreement which would be acceptable to Pakistan. This would naturally involve having an agreement which would convince Pakistan that it has only limited liabilities regarding Pakistani nationals in Bangladesh. The aims can be realised if the open agreement only mentions the general principle of Pakistan’s willing to accept all Pakistani nationals and the secret agreement talks about a phased program of repatriation by which in the initial stage Pakistan accepts Pakistani nationals equivalent to the number of Bangladesh nationals sent back to Bangladesh. In the second phase Pakistan would agree to receive back Pakistani nationals on the basis of discussions to be held in due course with Bangladesh subject to the ceiling of 260,000 persons.

12. Shri Haksar asked as to what arguments can be put forward to convince Pakistan that it should receive an additional number of Pakistani nationals apart from the numbers repatriated in the initial stages. The stipulation for Pakistan’s accepting an additional number of Pakistani nationals at a later stage would not meet the objective which Dr. Kamal Hossain had in mind of convincing Pakistan that it would have only limited “immediate or prospective liabilities in regard to Pakistani nationals in Bangladesh”. If Pakistan accepts the general principle that all Pakistani nationals can come back to Pakistan, though it will not be an open-ended liability for them, Pakistan will not accept such a predicament. The secret agreement which stipulates the precise ceiling of Pakistani nationals to be repatriated will not be an adequate shield for the Pakistani Government to explain the situation to their own people. Shri Haksar quoted Mr. Aziz Ahmed’s remarks to the effect that Pakistan is not in a position to accept even Razakars now resident in the Akyab area due to political difficulties. Mr. Aziz Ahmed is reported to have said that even if they faced the prospect of being shot, they cannot receive back in Pakistan. The only formula which may be acceptable to Pakistan would be one providing for exchange of Pakistani and Bangladesh nationals on the basis of parity. The additional number of Pakistani nationals to be repatriated should be left to a later discussion between Bangladesh and Pakistan without stipulating figures or numbers in the agreement. Shri Kewal Singh stated that even bringing Pakistan around to
this view would be a difficult exercise. He recalled that it was after three days
continuous persuasion including a discussion with Prime Minister (President)
Bhutto that Pakistan agreed to receive “20,000 additional hardship cases from
Bangladesh” as agreed to by them during the Rawalpindi talks.

13. Dr. Kamal Hossain stated that taking all the factors described by Shri
Haksar into account, it appears that in the first instance it would be better to
formulate a proposal providing for an exchange of Bangladesh nationals on a
one to one basis. Shri Haksar added that an open agreement providing for this
(as described above) could be supplemented by a secret agreement providing
for an additional number of Pakistani nationals to be returned to Pakistan. Shri
Kewal Singh stated that while pressing for an exchange on a head to head
basis, it would be better to finalise the figures on a net assessment rather than
a gross assessment of persons who have moved and who are likely to move
from one territory to the other. Shri Haksar and High Commissioner Shri Dutt
agreed with Shri Kewal Singh’s view. Shri Haksar added that if one makes an
assessment of the gross figure of persons moving from one territory to the
other, it would involve the two Governments in a contemplated debate about
the number of persons who have already gone from Bangladesh to Pakistan
and from Pakistan to Bangladesh. There would also be the problem of
calculating the number of persons who have assumed Bangladeshi or Pakistani
nationalities after the events of 1971 and proceeded to either country. Making
arrangements on the basis of “net figures” would have a neatness. The figures
of persons to be exchanged can be calculated from a certain date. Dr. Mallick
and Foreign Secretary Kamal Hossain then enquired whether a proposal of
the type discussed would be acceptable to Pakistan.

14. Shri Haksar replied that Pakistan would not readily accept the suggestions
which were being discussed because Pakistan’s view is that only the province
of Punjab can absorb the migrant population. The other provinces, NWFP,
Baluchistan and Sind, have either economic or political difficulty in accepting
the migrant population from Bangladesh. It is taking to account these difficulties and
after consulting the Governments of Punjab, Baluchistan, Sind and NWFP that
the Pakistani side had suggested the overall figures of 70,000 non-Bangalees as
an acceptable number of persons to be repatriated from Bangladesh. Though this
is the present attitude of Pakistan, the proposals discussed during this meeting
with Dr. Kamal Hossain are credible and arguable. Shri Haksar stated that he
would therefore not hesitate to put this proposal to Pakistan.

15. Dr. Kamal Hossain suggested that it would then be useful for the Indian
dlegation to submit a draft open agreement providing for Pakistan’s accepting
in principle Pakistani nationals in Bangladesh, the secret agreement providing
for returning the number and modalities and the phased programme of
repatriation. Shri Haksar, Dr. Mallick and Dr. Kamal Hossain expressed the view
that while such a proposal can be put forward and logically argued, the oligarchic nature of Pakistani politics and Prime Minister (President) Bhutto’s problem of political survival will present difficulties in the implementation of any agreement.

16. Shri Haksar stated that while this may be so, the basic interest of India and Bangladesh at the next round of talks and in the months to come is to appear reasonable and flexible within reason in dealing with pending problems, so that neither Pakistan nor the international community can blame India or Bangladesh for being unreasonable or rigid. The second interest that India and Bangladesh have in common is not to give to Pakistan an excuse to continue a policy of confrontation with India or Bangladesh. Dr. Kamal Hossain agreed.

17. Shri Haksar stated that the second, problem creating a hurdle in implementing the proposal of the Joint Declaration is the problem of war crimes trials. The Foreign Minister mentioned that the Joint Declaration of India and Bangladesh had clearly kept the issue of war crimes trials out, but Pakistan insisted on making it a part of the discussions on the Joint Declaration. Dr. Kamal Hossain enquired whether the proposal was to freeze the trials for the present and to commence them at a later stage. If this is so, then what Pakistan is requesting is a further concession from Bangladesh. If this request is acceded to, it would be a major concession. It would be a fair presumption that the request is being made with a view to ensure Bhutto’s survival in power and for urgent political consideration which affect the Pakistani Government. If this is so, an appeal for such a concession should not be accompanied by the brandishing stick or a threat of holding counter trials of 203 Bangladesh nationals. Pakistan should be asked to simply make a request for the concession of freezing the trials and they should not hold the trials of 203 Bangladesh nationals. Pakistan’s attitude of threatening the reprisals while asking for a concession is unacceptable to Bangladesh.

18. Shri Haksar stated that it is not such a simple matter. If it is a question of general appeal to be made by Pakistan on political considerations, the appeal would be not to hold trials. Then there would be no question of Pakistan detaining or trying 203 Bangladesh nationals. The Pakistani argument is that if Bangladesh cannot cancel the trials, then as a compromise measure to resolve the more important humanitarian problems they may freeze or postpone the trials for the time being. While Pakistan will cooperate in dealing with other humanitarian problems, they will keep 203 Bangladesh nationals as hostages to ensure that the 195 Pakistani POWs do not come to any harm.

19. Dr. Kamal Hossain stated that this is a clear case of political blackmail and it is not a rational approach which Pakistan has.

20. Shri Haksar agreed with Dr. Kamal Hossain. He added that perhaps the
only circumstance in which Bangladesh can agree to postpone the trials will be if all Bangalees are repatriated unconditionally by Pakistan.

21. Shri Kewal Singh informed Dr. Kamal Hossain that Shri Haksar emphasised the points made by Dr. Kamal Hossain about war crimes trials to the Pakistani side. Shri Haksar had mentioned that Bangladesh's setting aside the question of recognition was an important concession, but Pakistan was not convinced by Shri Haksar's argument on this matter.

22. Dr. Kamal Hossain stated that India and Bangladesh should move in a systematic manner “in stages” if a concession is to be given on the war crimes trials. The first decision would be for Bangladesh to agree to postpone the trials. Secondly in reciprocation Pakistan should agree to repatriate all Bangalees without retaining any for counter trials. Freezing the trials is a major concession and if India and Bangladesh do not insist on the second condition mentioned above, they would be responding to Pakistan's request to a concession while Pakistan is not making any concession at all.

23. The Foreign Minister pointed out that apart from the 203 Bangladesh nationals who are expected to be tried, Pakistan already has nearly 2000 and odd Bangladesh nationals in jail, some of whom have already been tried and condemned. So the reprisal trial of Bangladesh nationals would be politically unacceptable to Bangladesh. Shri Haksar appreciated Dr. Kamal Hossain’s point of view and pointed out that what Pakistan is indulging in is a simple exercise of emotional exploitation. Shri Haksar added while Pakistan is not as concerned about the war criminals Bangladesh has much more concern about the 203 Bangladesh nationals who may be tried. But the proposal outlined by Dr. Kamal Hossain of freezing trials if all Bangladesh nationals are repatriated is a credible and arguable stand.

24. Dr. Kamal Hossain enquired what Shri Haksar's assessment is on Pakistan's response to this concession. Shri Haksar stated that the problem is essentially psychological. The ego of the Army of Pakistan is involved. Pakistan will argue that while they appreciate the postponement of war crimes trials, they want a double insurance for the safety of the prisoners of war which they are organising by detaining 203 Bangladesh nationals and threatening to try them. The basic problem with Pakistan is that it is not a question of its having lost Bangladesh but with the separation of Bangladesh, Pakistan having lost the very raison de'tre for its existence. India and Bangladesh should realise that they are dealing with a very sick and confused society without any ideological integrity or political cohesion. Pakistan is like “six characters in search of an author”. Dr. Kamal Hossain commented that it would be more appropriate to describe Pakistan as a number of sub-cultures looking for a national identity. Dr. Kamal Hossain enquired whether the Indian delegation
had also produced any draft agreement of the type which Pakistan produced
during the Rawalpindi talks. Shri Haksar stated that the Indian delegation had
not produced any agreement, though for his own guidance Shri Haksar had
prepared a working paper. It was intended to clarify ideas about the normal
problems connected with the re-patriation of the population of the prisoners of
war. Shri Kewal Singh added that a preliminary assessment made in the Indian
working paper was that it would take about 8 months to bring back all
Bangladesh nationals by ships.

25. Shri Haksar stated that in this context it would be relevant to take
note of another position which Pakistan had been taking. Pakistan has been
stating that it is not asking all Bangladesh nationals to go back. If Bangladesh
nationals in Pakistan on their own wish to return to Bangladesh and if
Bangladesh is keen on receiving them back, the Government of Bangladesh
should pay for the repatriation of Bangladesh nationals. Similarly, as it is
the desire of the Government of Bangladesh to send back non-Bangalees
to Pakistan, the cost of their repatriation also should be met by the
Government of Bangladesh. Shri Haksar suggested that a position paper
on this issue may be prepared by Bangladesh.

26. Dr. Kamal Hossain asked what India and Bangladesh’s next step should
be if Pakistan refuses to come to agreement to resolve pending problems in
spite of the concessions being formulated and offered at present. Dr. Kamal
Hossain stated that the request for the postponement of the trials had come
mainly because Bangladesh, had delayed the trials. Delaying the trials had
perhaps prejudiced Bangladesh’s position in the matter. Dr. Kamal Hossain
wondered whether even at this stage it would not be an effective pressure
tactic on Pakistan to transfer the 195 POWs accused of war crimes in
Bangladesh. This will bring home to Pakistan the immediacy of war crimes
trials and if they are worried about these trials, they may become more
reasonable towards India and Bangladesh.

27. Shri Haksar stated that while India is duty bound to hand over the war
criminals to Bangladesh, the overall implication of such a step should be
carefully considered. Whether such a transfer should take place or not is entirely
for the Government of Bangladesh, to judge. If Bangladesh feels that the transfer
of POWs before the 18th of August will make the Pakistanis more amenable to
reason, it is not a realistic assessment. It might only stiffen Pakistan’s attitude.
Dr. Mallick enquired what the impact of such a transfer would be on the
Pakistanis. Shri Haksar stated that the Pakistani delegation would most probably
state that in view of the transfer of POWs the whole atmosphere for negotiation
has been vitiated. They may express the view that since war crimes trials are
impending, there is no need for further discussions with India.
28. Dr. Kamal Hossain stated that the transfer of the POWs would not automatically lead to the trials. It would naturally be a political gesture to bring pressure on Pakistan. The POWs would be transferred to Bangladesh. While they would not be tried, they would still remain postponed. The transfer of the POWs would also counter the general rumour circulated about Indo-Bangladesh ties on the issue of war crimes trials.

29. Shri Haksar stated that such a gesture will not be very fruitful. While there is no question of the trials being unjustified, the political reality to be reckoned with is Pakistan’s having 203 Bangladesh nationals hostages. We can skirt round somewhat by telling the Pakistani not to hold counter trials. This can be argued, but if the prisoners of war are transferred to Bangladesh, then this argument would lose credibility. Dr. Kamal Hossain understood Shri Haksar’s point of view. He, however, added that if Pakistan refuses to respond to the concessions being offered, then perhaps the war criminals should be transferred to Bangladesh to respond to Pakistan’s obduracy. Shri Haksar stated that while on the face of it, this seems justified the implication of such a step should be worked out. Suppose Pakistan does not respond to the concessions offered and the next round of Indo-Pakistan talks fail, then what is the leverage that India and Bangladesh can use against Pakistan? India and Bangladesh can take unilateral action to implement the proposals of the Joint Declaration. Pakistan can refuse to respond to the unilateral gesture also. It should be noted that the prisoners of war have been with India and Bangladesh for 18 months. The question is whether India and Bangladesh can maintain them for another year or so; particularly can India afford to retain them for an indefinite period? Bangladesh should put itself in India’s position. While it is true that Bangladesh nationals in Pakistan are in difficulty, the fact remains that the prisoners of war detained in India attract greater international attention. Lord Mountbatten had recently written to Shri Haksar asking for the expeditious return of the POWs. Even if one overlooks the serious political implications in terms of domestic politics and international public opinion of retaining the POWs indefinitely, India and Bangladesh must carefully assess whether the POWs can be used as a leverage for attaining India’s and Bangladesh’s purposes in relation to Pakistan. It was Shri Haksar’s assessment that the POWs being wasting asset would be a progressively less effective leverage to get back the Bangladesh nationals.

30. Shri Kewal Singh pointed out that there is no domestic pressure on the Pakistan Government for the return of the POWs.

31. Dr. Kamal Hossain again enquired whether the war crimes trials can be used to compel Pakistan to reasonableness if the next round of talks fails.

32. Shri Haksar remarked that it would be very difficult to anticipate Pakistan’s reaction, but there is very little likelihood of their being affected by the war crimes trials.
33. High Commissioner Shri Dutt pointed out that apart from not making any impact on Pakistan, the holding of war crimes trials might affect Bangladesh’s more tangible interests. The Bangladesh nationals will not come back. The resultant trends in Bangladesh politics would be a serious problem for the Government of Bangladesh.

34. Dr. Kamal Hossain stated that while these problems would emerge, the Government of Bangladesh would explain to their people that the trials are being held because Pakistan had failed to respond to the concession offered.

35. Shri Kewal Singh stated that if the war crimes trials are held, the implication will be:

(a) Pakistan will hold counter trials;

(b) The prisoners of war will remain in India as Pakistan will refuse to accept them back without the concession on the trials.

(c) The repatriation proposals covering Bangladesh nationals as well as non-Bangalees in Bangladesh will not be implemented.

A major international situation will develop. It would be adverse to Bangladesh and India’s interests. The blame for the stalemate will be laid squarely on India and Bangladesh doors. While the continued tension of the prisoners of war will remain the focus of international attention, the plight of Bangladesh nationals in Pakistan will not get any publicity. As far as Prime Minister Bhutto is concerned he will survive the crisis created by Bangladesh’s holding war crimes trials by organising counter trials of 203 Bangalees. The entire exercise of holding war crimes trials is therefore impolitic at this stage. Dr. Kamal Hossain enquired whether India and Bangladesh cannot brief the international community about the concession made to Pakistan and thereby attract their support and sympathy.

35. (36) Shri Haksar stated that the international community’s response to our explanations would be lukewarm. Their major, though pervert concern would still remain the prisoners of war. Shri Haksar stated that the point to be considered is that the time frame within which Bangladesh can obtain satisfaction on the issues of the return of Bangladesh nationals and of the repatriation of Pakistani nationals along with the POWs back to Pakistan, Shri Haksar stated that it was his assessment that Pakistan will not become contrite because of Bangladesh’s holding war crimes trials. As far as India is concerned India is holding the POWs primarily to meet Bangladesh’s objective. But if the POWs become an ineffective leverage for gaining this objective with the passage of time, then India and Bangladesh, apart from not gaining their objective, would also tarnish their image in the international community. Shri
Haksar recalled that India had vacated the territories in West Pakistan only to maintain the consistency of India’s foreign policy stance of fair-mindedness and of not having territorial ambition against any country. Shri Haksar’s assessment was that the POWs cannot be used much longer as a bargaining instrument to persuade Pakistan to India and Bangladesh’s point of view. On the contrary the continued detention of the POWs can be utilised by Pakistan to claim that it is indicative of India and Bangladesh’s hostility towards Pakistan. The overall result of indefinitely retaining the POWs would be Pakistan’s continuing its policy of confrontation and India and Bangladesh’s having to live in an atmosphere of tension.

36. Dr. Kamal Hossain stated that he could not understand Pakistan’s approach. Pakistan’s only response to the Indo-Bangladesh Joint Declaration has been to threaten counter trials and nothing else.

37. Shri Haksar stated that one has to deal with Pakistan realistically. One should also carefully assess the international community’s reaction to the Joint Declaration. While most countries have welcomed the Joint Declaration as a positive step forward, none of them has endorsed it as the final and just method of resolving pending sub-continental problems. The international community’s view is that while the Joint Declaration is a good initial step, India and Bangladesh along with Pakistan should have a flexible approach to improve on the proposals of the Joint Declaration if they are not adequate to meet the situation. Shri Haksar recalled that even a very friendly country like the Soviet Union indicated to India during the 1971 conflict that India should not expect the Soviet Union to go on vetoing the Security Council resolutions. There was a serious suggestion from the Soviet Union that India should examine the possibilities of coming to a settlement with Pakistan on the basis of the cease-fire proposals forwarded to the UN by Gen. Farman Ali. Fortunately the proposals were overtaken by events on the ground. During the same period Shri Haksar had to ring up the French Ambassador to request him to ask his Government to continue its neutral posture regarding the Indo-Pakistan war at the UN. Shri Haksar stated that the main point that he was making is that one should not set too much store by the international community in such matters. Their reactions are not based on consideration of justice or logic. Shri Haksar stated that if India and Bangladesh do not take a more flexible stand, there would be another deadlock and India would reach a position where it may not be able to hold on to the POWs for an indefinite period because India would not be getting any political returns for holding them. It is in this context that Bangladesh should make its judgment. Bangladesh should also take into account the fact that with the passage of time the POWs still in prison, combined with the holding of war crimes trials will, not strengthen India and Bangladesh’s negotiating position, vis-a-vis Pakistan. Whereas by adopting a more flexible
approach some progress can be made about the repatriation of stranded population in both countries.

38. Dr. Kamal Hossain enquired what happens if Bangladesh holds the war crimes trials and India unilaterally sends back the remaining prisoners of war.

39. Shri Haksar stated that this can be done but the result would be that Pakistan would expect the POWs back and refuse to send back the Bangladesh nationals. Nor would they expect any non-Bangalees from Bangladesh.

40. The Foreign Minister enquired whether a unilateral initiative by India and Bangladesh to send back Pakistani nationals will not work.

41. Shri Haksar stated that at best a unilateral offer of repatriating Pakistani nationals would be a tactical exercise. Pakistan will refuse to accept the Pakistani national from Bangladesh.

42. Dr. Kamal Hossain then enquired: “Then what are the options available to India and Bangladesh if the next round of Indo-Pakistan talks break down”?

43. The Foreign Secretary, Mr. Enayet Karim, intervened to say that a situation seems to have developed where India and Bangladesh seem to be making all the concessions. He detailed the concessions given highlighting the points yielded on recognition: only 37% of the non-Bangalees are being asked to go back to Pakistan. Mr. Enayet Karin enquired if an appropriate publicity about the concessions made would not assuage international public opinion in favour of India and Bangladesh.

44. Shri Haksar stated that he need not repeat his realistic, though somewhat cynical, assessment of international community’s reactions in such matters. He added that if in spite of the reasonableness shown, the talks fail, then India and Bangladesh can discuss further steps to be taken. Shri Haksar remarked: “We may cross that bridge when we come to it”. Shri Haksar added that while the United Nations will not pass any resolution endorsing or appreciating the concessions made by India and Bangladesh, it would certainly pass a resolution asking India and Bangladesh to return the POWs. In the circumstances neither India nor Bangladesh should be sanguine about the world’s reaction or willingness to bend Pakistan to India and Bangladesh’s purposes.

45. It should also be noted, that the pressure on Pakistan would be less because Pakistan is “an available country”. India and Bangladesh have decided not to be compelled to play the role of concubines to super powers. So they face a more difficult and challenging predicament which requires greater dynamism and flexibility. Commenting on Pakistan’s easy situation, Shri Haksar pointed out that though Pakistan has left the Commonwealth, none of the
Commonwealth countries during the recent Conference at Ottawa passed any resolutions or made any statements supporting India and Bangladesh’s cause vis-a-vis Pakistan. They did not ask Pakistan to recognise Bangladesh. In the circumstances the problem to be realised is that India and Bangladesh have to work together for the fulfilment of their own interests. If in spite of our effort, state of confrontation continues with Pakistan, we can survive it but the effort should be to avoid it. India’s concern about Bangladesh is that it wishes to be a neighbour of Bangladesh with no domestic pre-occupations. The events of 1971 have generated political problems as well as economic problems. India has spent nearly 300 crores of rupees in drought relief in 1973. The period between the end of 1972 till today has been perhaps the most critical in the post-Independence history of India. But India is determined not to be swamped by these problems. With Bangladesh’s cooperation and understanding, the political problems with Pakistan can be resolved. If India goes with a flexible approach to the forthcoming negotiations with Pakistan which clearly indicates to the world that, India and Bangladesh’s motives are reasonable and genuine aiming at sub-continental stability and peace, there are prospects of some success. A greater amount of reasonableness is called for in such a situation as India and Bangladesh are dealing with Pakistan which is basically an unstable, troubled and oligarchic society.

46. Dr. Karaal Hossain agreed that in this context a flexible approach should be evolved.

47. Joint Secretary (BD), Shri K.P.S. Menon, Director-General (SC), Mr. A.K.H. Morshed, and Deputy High Commissioner, Shri J.N. Dixit, were asked to prepare a draft agreement of position paper embodying proposals for (a) the postponement of the war crimes trials, (b) the repatriation of Bangladesh nationals, and (c) the phased repatriation of the Pakistani nationals from Bangladesh.

(J.N. Dixit)
Deputy High Commissioner.
17.8.1973
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C. Summary of discussions held between the Foreign Minister of Bangladesh and Shri P.N. Haksar on the 16th August 1973 at 4 p.m.

The meeting was held at the Government Guest House. The following were present at the meeting:

Bangladesh

(1) There would be a postponement of the trials.

(2) The future of war criminals could be determined by discussion between the Government of Bangladesh and the Government of Pakistan at a later date.

(3) The discussions on the future of war criminals would naturally follow after Bangladesh and Pakistan have recognised each other.

(4) The postponement of the trials would be conditional to Pakistan repatriating all Bangladesh nationals without retaining any of them for ground trials.

(5) As far as the repatriation of Pakistani nationals from Bangladesh goes, in the first stage Bangladesh and Pakistan would send back a number equivalent to Bangladesh nationals who have been repatriated from Pakistan.

(6) The repatriation of Bangladesh nationals from Pakistan would be preceded by the Swiss-Mission ascertaining their wishes at their places of residence in Pakistan. The Swiss Government's response in this regard would be given wide prior publicity to enable all Bangladesh nationals in Pakistan to exercise their option.

(7) The balance of Pakistani nationals who will remain in Bangladesh (when the initial number of Pakistani nationals as determined have gone back) would be repatriated at a later date in a phased programme of repatriation to be finalised by direct discussions between the Prime Ministers of Pakistan and Bangladesh. This discussion would be on the basis of, sovereign equality after Bangladesh and Pakistan have recognised each other.

(8) The initial figure of Pakistani and Bangladesh nationals to be exchanged is to be calculated on the basis of net figures and not gross figures.
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(9) Arrangements concerning the future of the war criminals and the repatriation of, balance of Pakistani nationals to be repatriated after the initial repatriation programme has been implemented, may form the part of a secret agreement.

3. Shri Kewal Singh suggested that it might be useful to have a protocol annexed to the agreement to be signed with Pakistan giving all the details of the arrangements to be made for the repatriation of Bangladesh and Pakistani nationals. The protocol should also provide for access by the Swiss representative to Bangladesh nationals in jails in Pakistan.

4. Shri Haksar stated that the repatriation of different categories of persons should be the responsibility of the Governments in whose territories these persons are at present.

5. The priority by which different categories of persons to be repatriated from each country should be determined by the country concerned, so that there is equality among the types of persons being repatriated from Bangladesh and Pakistan.

6. In response to a query about the future of nearly 2,000 Bangladesh nationals imprisoned in Pakistan from Bangladesh side, Shri Haksar responded that the matter can be taken up with Pakistan more effectively if Bangladesh could provide factual data like name, place of imprisonment, etc. of such persons.

7. Speculating on the possibility of exchange of such imprisoned Bangalees with pro-Pakistani elements in jail in Bangladesh, Dr. Kamal Hossain as well as Mr. Mallick stated that they would have no objection to the pro-Pakistan elements like collaborators and Razakars going to Pakistan if Pakistan would accept.

8. The documents submitted by Shri K.P.S. Menon, Mr. Morshed and Shri Dixit were amended by Dr. Kamal Hossain in consultation with each other, the final version of which is available with JS (BD).

9. Dr. Kamal Hossain stated that the agreements reached would be discussed by the Prime Minister with Shri Haksar later in the evening and after Sheikh Saheb had approved of the agreements they would be finalised in a meeting to be held on the 17th August forenoon. Dr. Kamal Hossain also indicated to Shri Haksar that the new instrument given to Shri Haksar for negotiations with Pakistan would be explained to Bangladesh Cabinet on the forenoon of the 17th August.

Sd'-

(J. N. Dixit )
Deputy High Commissioner
17-8-73.

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Main points made during the discussions between the Prime Minister of Bangladesh and Mr. P.N. Haksar on August 16, 1973. (1800 Hrs).

Points made by Mr. Haksar.

(1) Mr. Haksar gave a detailed resume of the talks which he had with President Bhutto and Mr. Aziz Ahmed in Rawalpindi between 24th and 31st of July.

(2) The talks revealed that the two main issues which prevented Pakistan from agreeing to the proposals made in the Indo-Bangladesh Joint Declaration to resolve humanitarian problems in the sub-continent were:

(i) Bangladesh’s decision to hold War Crimes Trials, and

(ii) Bangladesh’s insistence on sending a large number of Pakistani nationals (260,000) back to Pakistan.

(3) The Pakistan side has suggested:

(a) Skirting of the War Crimes Trial issue by postponing it pending a final resolution of the problem by later discussions;

(b) Reducing the number of Pakistani nationals to be repatriated from Bangladesh to Pakistan to a practical and acceptable number;

(4) Mr. Haksar wished to have precise instructions from the Prime Minister of Bangladesh on how we should respond to the above suggestions, as not having a flexible approach to the above problems may result in a deadlock with Pakistan.

(5) Such a deadlock would lead to a situation where India and Bangladesh would have to retain POWs for an indefinite period.

(6) The retaining of POWs would create adverse international public opinion which would damage the image of India and Bangladesh and, at the same time, the capacity of India and Bangladesh to utilize POWs for bargaining purposes would be reduced because the POWs are a wasting asset. Pakistan can face the non-return of POWs with lesser difficulties than those which India and Bangladesh will face by retaining them. Possible solutions to resolve the issues enumerated by Pakistan have been discussed with Dr. Kamal Hossain and some formulae have been evolved. Sheikh Saheb’s final Instructions on these formulae would be the basis on which Mr. Haksar will negotiate with Pakistan at the next round of talks.
Points made by the Prime Minister

(1) The Prime Minister stated that he was aware of the discussions between Dr. Kamal Hossain and Mr. Haksar since the 15th August evening and he agreed with the general approach evolved by Dr. Kamal Hossain and Mr. Haksar.

(2) Specifically Sheikh Saheb agreed to:

(i) The postponement of the War Crimes' Trial provided Pakistan does not hold 203 Bangladesh nationals for counter trials and agrees to the repatriation of "all Bangladesh nationals from Pakistan".

(ii) Sheikh Saheb agreed to the repatriation of Pakistani nationals from Bangladesh "in two instalments" to meet Pakistan's difficulties in the matter. Initially, Bangladesh will send back to Pakistan Pakistani nationals equal in number to the Bangladesh nationals who would be repatriated from Pakistan.

The second phase of repatriation should be agreed to in principle by Pakistan in the Agreement to be signed with India. The Agreement should stipulate that the balance of the non-Bangalis who have opted to go to Pakistan subject to the ceiling of 260,000 persons should he repatriated to Pakistan at a later date, on the basis of discussions to be held between the Prime Ministers of Bangladesh and Pakistan on the basis of sovereign equality (which means after mutual recognition by Bangladesh and Pakistan of each other)

(3) Sheikh Saheb stated that the above provisions should form part of the open agreement between India and Pakistan and not a part of any secret agreement, as was originally envisaged in the discussions between Mr. Haksar and Dr. Kamal Hossain on the 15th of August and on the afternoon of the 16th August.

(4) Sheikh Saheb was opposed to having any secret agreements about postponement of trials or dealing with the repatriation of all the Pakistani nationals. Whatever compromise arrangements have to be made should form part of an open agreement which should be fully explained to the people of Bangladesh.

(5) Sheikh Saheb authorized Mr. Haksar to show Prince Sadruddin Aga Khan's letter to the Bangladesh Foreign Office estimating the total number of non-Bangalis in Bangladesh to be nearly 800,000, to the Pakistan delegation. Sheikh Saheb was of the view that showing this document will clearly prove to the Pakistanis that Bangladesh would only be sending a little over 1/4th of the total non-Bangali population
back to Pakistan on the basis of their clear options. Mr. Haksar agreed that this should be a convincing document to show to Pakistan. In response to a query on the implications of the postponement of War Crimes Trial by Sheikh Saheb, Mr. Haksar and the Foreign Secretary Shri Kewal Singh explained that the implications would be the following:

1) The War Crimes Trials would be postponed for the time being;

2) The question of trials and the future of the war criminals would be discussed by the Government of Bangladesh and Pakistan at a later date;

3) Such a discussion would be only on the basis of sovereign equality;

4) It would mean that the discussion would follow mutual recognition by Bangladesh and Pakistan of each other;

5) Postponement of the trial would not mean the suspension of Bangladesh’s right to hold the trials till Bangladesh itself decides otherwise.

6) In response to a query from Mr. Haksar as to whether the Indian delegation should discuss the question of Bangladesh's admission to the U.N. and Bangladesh’s recognition by Pakistan, with the Pakistani delegation, Sheikh Saheb stated that this issue need not be discussed with Pakistan. Bangladesh is not anxious to get Pakistan’s recognition nor does it need Pakistani assistance for admission to the UN. Admission to the UN is not in the gift of Pakistan which Bangladesh is to seek as a supplicant. Bangladesh is only interested in joining the UN because it desires the world peace and because it subscribes to the principles and objectives of the UN.

7) Sheikh Saheb stated that if in spite of the latest concessions being offered by India and Bangladesh, Pakistan insists on holding counter trials of 203 Bangladesh nationals, then there is no need for any compromise with Pakistan. Sheikh Saheb would not mind the talks being deadlocked if Pakistan insists on trying Bangladesh nationals as an act of reprisal.

Sd/-

(J. N. Dixit)
16.8. 1973

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Record of discussions between the Prime Minister of Bangladesh and Shri P.N. Haksar on the 16th August 1973 at 6 P.M.

The discussions lasted from 1805 to 1925 hours. They were held at the home of the Prime Minister at Road No. 32, Dhanmondi Residential Area.

The following were present at the meeting:

Bangladesh Side
(1) Sheikh Mujibur Rahman, Prime Minister;
(2) Dr. Kamal Hossain, Foreign Minister;
(3) Mr. Enayet Karim, Foreign Secretary.

Indian Side
1) Shri P.M. Haksar, Special Envoy of the Prime Minister;
2) Shri Kewal Singh, Foreign Secretary;
3) Shri J.N. Dixit, Deputy High Commissioner.

After the exchange of initial courtesies Shri Haksar gave a brief resume of the discussions which he had at Rawalpindi between the 24th and the 31st of July. Shri Haksar recounted the earlier obdurate stand taken by Pakistan on various issues. He described the ambivalent and contradictory approach which President Bhutto has towards pending problems. He mentioned that due to the principled stand taken by India and Bangladesh, Pakistan has shown some inclination towards arriving at mutually acceptable solutions. Shri Haksar expressed the hope that he had not failed in representing Bangladesh’s point of view at the last Indo-Pakistan talks accurately. Shri Haksar pointed out that the two basic issues which were defined as hurdles in the way of the resolution of the pending humanitarian problems by Pakistan were the prospect of Bangladesh holding war crimes trials and the problem of the large number of Pakistanis who wish to go back from Bangladesh to Pakistan. These were complex problems to resolve, but the vision which inspires Bangabandhu and Shrimati Gandhi is one of ensuring sub-continental stability and peace and particularly of preventing Pakistan from reverting back to its “politics of authoritarianism and barbarism”. The Prime Ministers of India and Bangladesh have the political if one may say so, virtue of being responsive to their respective
peoples. Their leadership is based on the confidence of their people. So they are capable of greater idealism and vision in their political actions. In the case of Pakistan it is not so. Even otherwise, discussing the specific tactics of dealing with Pakistan, the fact is that Pakistan is using the Bangladesh nationals as a lever against India and Bangladesh, whereas India and Bangladesh are using the POWs for similar objectives. But the question is whether the lever which we are using, namely, the retention of the POWs, can be used with the same effectiveness with the passage of time. This is a matter to be judged and an issue on which Bangabandhu’s guidance would be welcomed. Mr. Haksar stated that while mentioning these general considerations he is not forgetting that India and Bangladesh have made several concessions to Pakistan.

3. The Prime Minister intervened to say that India had vacated thousands of square miles of Pakistani territory, which was a specific act of generosity.

4. Mr. Haksar stated that be that as it may, any attempt at solving the pending problems by “dictating or stipulating conditions” will not meet with success in international politics. This is a lesson of history. Mr. Haksar quoted the negative consequences which resulted from the Versailles Treaty of 1919. He added that the German nation which had cohesion and a tangible cultural and ethnic background as a nation succumbed to the barbarism of Nazi philosophy because of the diktat of Versailles. So one should imagine the impact on Pakistan if it is confronted with such a situation, given Pakistani society’s lack of cohesion and unity as a nation.

5. Mr. Haksar added that the pending problems as well as Pakistan’s thinking on them could be effectively tackled only if India and Bangladesh continued to respond to them jointly in a rational manner. There is no question of India or Bangladesh having a different approach in the matter.

6. Recalling Pakistani suggestions for resolving the problems outlined in the Joint Declaration, Mr. Haksar mentioned the Pakistani suggestion to “skirt the issue of war crimes trials”. Mr. Haksar stated that his response to the suggestion was firm. He had told the Pakistani delegation that their Government’s decision to hold trials of 203 Bangalees was an unjustified act of reprisal. Their asking for the “skirting of the issue of war crimes trials” while holding hostages, makes their proposal about the trials unacceptable. If Pakistan wishes to make a separate appeal to Bangladesh through India for postponing the war crimes trials on political grounds, it would be a different matter.

7. Mr. Haksar also recounted the discussion which he had with Mr. Aziz Ahmed about the fate of Pakistani nationals in Bangladesh who wish to go back to Pakistan. Mr. Aziz Ahmed was told that according to the laws of
Pakistan itself their refusal to the non-Bangalees who have opted to go back to Pakistan from Bangladesh was an illogical and unrealistic stand.

8. Mr. Haksar informed Sheikh Saheb that the Pakistani side did not contradict him on his basic advocacy about Pakistani nationals in Bangladesh. But they tried to explain their attitude in terms of the economic and political difficulties which President Bhutto would have if he were to accept the large number of Pakistani nationals from Bangladesh. According to President Bhutto, Punjab is the only part of Pakistan where the Pakistanis from Bangladesh could be settled as the other areas in Pakistan are either over-populated or politically tense, making them unsuitable for the absorption of the migrating Pakistani nationals from Bangladesh. Given these circumstances, if Pakistan continues to be rigid in its stand and if India and Bangladesh refuse to show flexibility of approach, the prospect is of a deadlock. India and Bangladesh can certainly sit out through a deadlock, but the question is whether such an acceptance of a deadlock and the continuation of an atmosphere of confrontation with Pakistan will meet India’s and Bangladesh’s real interests. India’s assessment was that accepting a deadlock would not serve India’s or Bangladesh’s purposes. The prisoners of war are a wasting asset. Even otherwise India and Bangladesh have the additional limitation of being conscious of their civilised and rational image in the international community. Holding on to the POWs would tarnish the image of reasonableness and civilised behaviour for which India and Bangladesh are known. The compulsions of India’s and Bangladesh’s historical and political traditions would make it difficult for India and Bangladesh to retain the POWs. So both from the practical and the normative points of view an indefinite stalemate about the POWs or the other pending problems would not be conducive to India’s and Bangladesh’s interests. Force and politico-military blackmail cannot be used in this era and this time to alter territories or to bring about desired political results.

9. The Prime Minister intervened to say that while all that Mr. Haksar stated was true, one could have solved the problem when India was returning the Shakargarh area to Pakistan. All the Pakistanis in Bangladesh could have been put in the Shakargarh area and the land could have been returned to Pakistan with the Pakistani nationals.

10. Mr. Haksar stated that while Sheikh Saheb had the option to do this, in his opinion, Sheikh Saheb would never have undertaken the exercise because Sheikh Saheb was a political leader well known for his idealism, and for his rational, constructive and civilised approach towards politics.

11. Mr. Haksar said, “You, Sir, and my Prime Minister can have many wicked ideas when confronted with certain situations, but neither of you will go against your own civilised natures.”
11. Mr. Haksar recalled the behaviour of the Portuguese and the French Governments about their small colonies in India after the British left India in 1947. He contrasted the behaviour of the Portuguese with that of the French. The French were rational and practical. But the Portuguese were not and ultimately they had to succumb to the forces of history. Mr. Haksar stated that he had discussed the problems which are likely to come up during the forthcoming Indo-Pak talks in Delhi with Dr. Kamal Hossain and stated that he and Dr. Kamal Hossain were in the process of evolving a joint approach to ensure, to the extent possible, the success of the next round of Indo-Pak talks.

12. The Prime Minister stated that he had received a full report on Mr. Haksar’s discussions with Dr. Kamal Hossain. He told Mr. Haksar that while he is aware of the complexity of the negotiations with Pakistan, he wished to know how many concessions India and Bangladesh should make to make such negotiations successful. The Prime Minister recounted the various concessions made to Pakistan since Bangladesh’s liberation. Bangladesh had set aside the question of recognition. It had agreed to the repatriation of a number of West Pakistanis to Pakistan, including certain categories of POWs. Now the suggestion is that Bangladesh give concessions on war crimes trials as well as about the repatriation of Pakistani nationals resident in Bangladesh. Sheikh Saheb added, “I have the responsibility to explain the situation to my nation. I would have to explain the concessions that I have to make. I would like to know once and for all what the nature of these concessions would be,”

13. Mr. Haksar explained that he was advocating a certain amount of flexibility on the difficult issue of war crimes trials and the repatriation of the Pakistani nationals. He was not advocating a unilateral granting of concessions to Pakistan by Bangladesh.

14. The Prime Minister said that he had considered the suggestions made to meet these problems as a result of the discussions which Mr. Haksar had with Dr. Kamal Hossain. The Prime Minister agreed that it could be conveyed to the Pakistani delegation that the war crimes trials would be postponed. But Pakistan should not insist on holding trials of 203 Bangladesh nationals. The holding of trials of Bangladesh nationals by Pakistan would be entirely unacceptable to the Government of Bangladesh.

15. As far as the question of the repatriation of Pakistani nationals from Bangladesh goes, Sheikh Saheb reiterated that he could under no circumstances accept a predicament where he would have to allow nearly 260,000 non-Bangalees who had declared their allegiance to Pakistan, to continue to stay in Bangladesh. It would be accepting a subversive fifth column in the population of Bangladesh, which would be detrimental to Bangladesh’s stability and the growth of democratic institutions in this country. Sheikh Saheb
added that while this was his basic position, he would not be averse to a via media to resolve the problem. Sheikh Saheb stated that instead of a secret arrangement being arrived at between India and Pakistan for the repatriation of the 260,000 Pakistanis from Bangladesh, the open agreement should make provision:

(a) for an equal number of Bangladesh nationals and Pakistani nationals to be exchanged from Pakistan and Bangladesh respectively in the initial stage; and

(b) for the later repatriation of the remaining Pakistani nationals in Bangladesh on the basis of a discussion between the Prime Ministers of Bangladesh and Pakistan in due course - a discussion which would be held on the basis of sovereign equality (naturally after the recognition of Bangladesh by Pakistan).

16. Sheikh Saheb added that it should be mentioned to the Pakistanis that the United Nations High Commissioner for Refugees had estimated the total number of non-Bengalees in Bangladesh at nearly 800,000. Bangladesh is only suggesting the repatriation of a little over a quarter of this number of persons to Pakistan, because they have clearly opted for Pakistan.

17. Mr. Haksar stated that he had mentioned the general figures, but he had no specific documentation to back up these figures. Mr. Haksar specifically mentioned that though he had the letter written by Prince Sadruddin Aga Khan in his possession, he was asked not to show it to the Pakistani side. Sheikh Saheb enquired why the Bangladesh Government had put in this reservation. Mr. Dixit stated that the reservation was made by the Bangladesh Foreign Office on the ground that Prince Sadruddin Aga Khan had written the letter giving the number of non-Bangalees in Bangladesh as 800,000, in his personal capacity. Sheikh Saheb said that that should not be a consideration if the letter is only to be shown confidentially to the Pakistani delegation to prove a point. Sheikh Saheb then formally authorised Mr. Haksar to show to the Pakistani delegation the letter written by the UN High Commissioner for Refugees in support of the Bangladesh Government’s argument for the repatriation of 260,000 Pakistani nationals back to Pakistan.

18. Mr. Haksar stated that as Prince Sadruddin is very close to the Pakistani Government, utilising a document emanating from him would be a particularly effective argument with the Pakistanis.

19. Sheikh Saheb stated, “I have given you some concessions. Is there any more concession that Bangladesh can give?”

20. Mr. Haksar stated that he did not desire or need any concessions from
Bangladesh. He was representing the interests of the Governments of India and Bangladesh both. The question of Bangladesh giving any concessions to the Indian side does not arise because India and Bangladesh have joint interests in the pending matters with Pakistan. Mr. Haksar added, “You are my political master in my negotiations with Pakistan. You do not have to give concessions to a servant employed in a specific task. I have only come to seek instructions from you on how you would like me to deal with the task assigned to me, keeping in view the evolving nature of the task.”

21. The Prime Minister stated that his basic instructions are:

(a) Mr. Haksar should negotiate for the return of the Pakistani nationals resident in Bangladesh back to Pakistan in two installments. The first installment should be a number of Pakistani nationals equal to the number of Bangladesh nationals coming back from Pakistan. The second installment, which would cover the remaining Pakistani nationals resident in Bangladesh, would depend on discussions between the Prime Ministers of Bangladesh and Pakistan in due course.

(b) Bangladesh would agree to a postponement of the war crimes trials. “But there is no question of Pakistan retaining or trying 203 Bangladesh nationals.”

22. Sheikh Saheb then enquired whether, subject to the above agreement, India would be willing to hand over the 195 Pakistani POWs charged with war crimes to Bangladesh. Mr. Haksar stated: “We will see. We will see.”

23. Sheikh Saheb then enquired what precisely the “skirting” of the war crimes trials issue would mean. “What are its implications?” Mr. Haksar stated that precisely the “skirting” of the war crimes trials issue would involve the following:

(i) The trials would be postponed for the time being.

(ii) The question of the trial of the 195 POWs accused of war crimes would be discussed between Bangladesh and Pakistan at a later date.

(iii) Such a discussion can only be held on the basis of sovereign equality,

(iv) Which means that such a discussion can only follow the recognition of Bangladesh by Pakistan.

24. Shri Kewal Singh clarified that postponing the trials would not mean Bangladesh giving up its right to try the accused POWs.

25. Dr. Kama Hossain enquired whether an agreement to postponement of the trials would automatically result in Pakistan’s withdrawal of the case from the World Court at The Hague.
26. Mr. Haksar stated that this would not automatically follow. But Pakistan's case in the World Court is so weak that once the trials are postponed, they would find it problematic to sustain the case in the World Court. The matter will have to be decided politically between Bangladesh and Pakistan, and Pakistan would have to disentangle itself from the predicament in which it has got itself involved at the World Court on this issue.

27. Sheikh Saheb then enquired what precisely was the justification for Pakistan holding counter-trials of 203 Bangladesh nationals. Mr. Haksar explained to Sheikh Saheb the Pakistani stand on this issue as outlined by President Bhutto and Mr. Aziz Ahmed to him. Mr. Haksar summed up the Pakistani position by saying that it is not based on any valid arguments of law, justice or logic. Pakistan's decision to hold trials of 203 Bangalees is clearly an act of political blackmail, but the fact is that they are in a position to do so and that it is a matter of concern to Bangladesh and India.

28. Sheikh Saheb responded by stating that if in spite of the latest concessions being offered by Bangladesh and India, Pakistan insists on holding the trial of 203 Bangladesh nationals, then India and Bangladesh should not give any concessions. There should be no compromise. Sheikh Saheb stated that if such trials of Bangladesh nationals are going to be held, “let the Indo-Pak talks fail. I do not mind.”

29. Mr. Haksar sought the permission of Sheikh Saheb to raise a completely different matter, namely, the general suggestions made by the Pakistanis about their agreeing to support Bangladesh's candidature for the UN and their agreeing to recognize Bangladesh. Mr. Haksar recalled that these suggestions were formulated by President Bhutto in consultation with the Pakistan Foreign Secretary, Mr. Agha Shahi, in Paris late in July “to sweeten the atmosphere”. Mr. Haksar enquired whether the Prime Minister would like to give any instructions on these two points (of Bangladesh’s admission to the UN and recognition by Pakistan) if the Pakistanis touch upon these suggestions again. Mr. Haksar said that while he would carry out any fresh instructions on these matters, he had told the Pakistanis in Rawalpindi that their offer of supporting Bangladesh's admission to the UN or of recognizing Bangladesh did not involve any concessions at all because these were not matters which involved any sacrifice or compromise on their part.

30. Sheikh Saheb stated that he was firmly opposed to Mr. Haksar’s discussing these matters with Pakistan. Sheikh Saheb stated that he would like Mr. Haksar to tell the Pakistanis that Bangladesh does not wish to discuss either the question of recognition or the question of their admission to the UN with Pakistan. Bangladesh is not very concerned about Pakistan’s recognition, nor does it wish to become a member of the UN because of Pakistan’s support
or intervention. Foreign Minister Dr. Kama! Hossain intervened to say that admission to the UN is not in the gift of Pakistan. Pakistan should not arrogate to itself the role of a benefactor of Bangladesh in this matter. The Prime Minister added that he had no qualms about facing another Chinese veto in the UN. Bangladesh is only concerned about joining the UN on the basis of its desire for peace and its commitment to the principles and objectives of the UN. The desire is idealistic and not based on any considerations of regional or other politics.

31. Sheikh Saheb enquired of Mr. Haksar whether Mrs. Gandhi had asked Mr. Haksar to convey any specific suggestions on her behalf on the matters to be discussed at the forthcoming Indo-Pakistan talks. Are there any specific suggestions or requirements?

32. Mr. Haksar stated that Mrs. Gandhi had not given him any suggestions or requirements to be conveyed to Sheikh Saheb. Mr. Haksar called Sheikh Saheb’s attention to the Indian Prime Minister’s speech on the 15th August, in which she stated that India and Bangladesh have a reasonable and practical approach towards sub-continental problems and expressed the hope that the forthcoming talks would lead to positive results. She forewarned the people of India that if Pakistan remains obdurate, then India and Bangladesh would have to meet any critical situation that may emerge due to the failure of the talks.

33. Mr. Haksar stated that he was one of the most brutally frank civil servants. His approach to problems was to speak up his mind and to give his clear advice to the political leaders with whom he worked. After giving such advice, it was his practice to carry out whatever instructions he received to the best of his ability. Mr. Haksar expressed the hope that Sheikh Saheb would give him the liberty to be as frank as he has always been with his own Prime Minister.

34. Mr. Haksar stated that Prime Minister Mrs. Gandhi was concerned about Sheikh Saheb’s health. The Prime Minister responded by saying that though he had been somewhat unwell recently he had recovered.

35. Sheikh Saheb said that he was aware of the tremendous problems that India was facing today and added that much of it was because of the sacrifices that India made in 1971 and 1972 for Bangladesh. Mr. Haksar stated that Sheikh Saheb should mention anything about sacrifices. Whatever India did was on the basis of shared ideals with the people of Bangladesh. Mr. Haksar added that apart from the magnitude of the problems that India is facing, the Indian leadership has to resolve them by democratic methods. To work a democracy is problematic. A leader ruling by democratic methods should have ‘three hearts, two brains and six kidneys.’ But somehow India will meet these problems.

36. Sheikh Saheb said that he also was faced with a difficult situation and
there are people in Bangladesh who had asked him to become a dictator for a period of ten years before introducing democratic institutions in the country. But he had, insisted on setting Bangladesh on the path of democratic growth from its very inception. Sheikh Saheb hoped that the difficult economic situation in the six States of India suffering from drought and shortage of food, would improve soon. He added that it has been noted that in spite of 25 years of independence India is still facing these difficult problems. So Bangladesh should be prepared for similar predicaments.

37. Foreign Secretary Shri Kewal Singh mentioned in response to Sheikh Saheb's queries that food grains were not available even against cash payments in the world market. India had asked Canada for 2 million tons of wheat, but had been able to obtain only 200,000 tons. Sheikh Saheb said that Bangladesh has also had to buy 1.2 million tons of wheat during the current year.

38. Sheikh Saheb then requested Mr. Haksar to give his assessment of the domestic political situation in Pakistan. Mr. Haksar stated that the situation in Pakistan was fluid and still controlled to a great extent by the previous oligarchy which ruled Pakistan. Mr. Haksar called Sheikh Saheb's attention to the theory of historical evolution propounded by the historian, Mr. E. H. Carr, who, in a dissertation entitled What is History?, had stated that history consists of the interplay of the forces of change and continuity in any given society. This is happening in Pakistan. Bhutto desires change, but he is a prisoner of the forces of continuity.

39. Sheikh Saheb remarked that the emergence of Daud Khan as the ruler of Afghanistan may create more problems for Pakistan. Mr. Haksar stated that while this may be true to some extent, Afghanistan is incapable of making a definitive impact on regional politics. Mr. Haksar remarked that the Afghans are a marginal people. They do not have a historical past or national political dynamism enough to affect the course of events in other countries. So one should not attach too much significance to Afghan propensities in relation to Pakistan.

40. Discussing the regional tensions within Pakistan, Mr. Haksar stated that the tribal cultures of Baluchistan and the North-West Frontier Province are incapable of spear-heading a genuine political movement for change. In these areas money and tribal rivalry were the determining factors of politics. The Sindhis are incapable of joining up with the Baluchis and the Pathans of the NWFP to organize a change in Pakistan. Mr. Haksar quoted the examples of the political careers and attitudes of Mr. Bugti and Mr. Wali Khan in support of his analysis.

41. Sheikh Saheb agreed with Mr. Haksar's assessment and added that the conflict between the Bugtis, the Mengals and the Murrees will naturally prevent
the emergence of a united revolutionary political force in Pakistan. So the prospects in Pakistan are uncertain and disturbing. Mr. Bhutto occupies a very tense and unstable chair of authority.

42. Mr. Haksar stated that while this is true, the common people in Pakistan have become conscious of the harm that military rule has done to them. Mr. Haksar quoted the example of a conversation he had with a private individual in Pakistan who stated that the trouble with military rule is that the army does not know how to rule and once they start ruling they commit excesses and there is nobody to prevent them from committing them. Sheikh Saheb agreed that this was a succinct assessment of military regimes.

43. Sheikh Saheb wished Mr. Haksar success in the forthcoming Indo-Pak talks and invited him to return to Dacca for a more leisurely visit.

(J.N. Dixit)
Deputy High Commissioner

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F. TOP SECRET

Record of discussions between Shri P.N. Haksar, Special Envoy of the Prime Minister of India, and Dr. Kamal Hossain, Foreign Minister of Bangladesh, on the 17th August 1973, at 9 A.M.

The meeting, which was held at the State Guest House, lasted from 9 A.M. to 10.30 A.M.

The following were present:

Bangladesh Side
1) Dr. Kamal Hossain, Foreign Minister;
2) Mr. Enayet Karim, Foreign Secretary;
3) Dr. A.R. Mallick, Bangladesh High Commissioner in India;
4) Mr. Fakhruddin Ahmed, Additional Foreign Secretary;
5) Mr. A.K.H Morshed, Director General, Ministry of Foreign Affairs.
Indian Side

1) Shri P.N. Haksar, Special Envoy of the Prime Minister;
2) Shri S. Dutt, High Commissioner;
3) Shri Kewal Singh, Foreign Secretary;
4) Shri K.P.S. Menon, Joint Secretary, Ministry of External Affairs;
5) Shri J.N. Dixit, Deputy High Commissioner.

2. The objective of the meeting was to finalise the formulation of the instructions which Mr. Haksar was to carry to Delhi for the forthcoming Indo-Pakistan talks.

3. Foreign Minister Dr. Kamal Hossain stated that there was really no basic problem to be discussed since Mr. Haksar had received instructions from the Prime Minister himself. Dr. Kamal Hossain however wished to go on record that he appreciated the firm and brilliant manner in which Mr. Haksar dealt with Mr. Aziz Ahmed and President Bhutto. Dr. Karaal Hossain particularly appreciated the manner in which Mr. Haksar raised the issue of confrontation with Mr. Bhutto. Dr. Kamal Hossain also noticed that the record of the talks at Rawalpindi indicated that it was President Bhutto who introduced the points concerning Bangladesh's admission to the UN and recognition of Bangladesh into the discussions. Dr. Kamal Hossain reiterated that Bangladesh is against the issues of recognition and admission to the UN being discussed by Pakistan. Bangladesh has no wish to request for support from Pakistan for admission to the UN. Pakistan has no right to arrogate to itself the role of a donor of admission to the UN.

4. Shri Kewal Singh remarked that this was a valid approach and that once this was clearly conveyed to Pakistan, they would desist from raising extraneous issues.

5. Mr. Enayet Karim stated that apart from the considerations stated by the Foreign Minister, Bangladesh's seeking assistance from Pakistan to join the UN will dilute the fundamental stand, taken by Bangladesh that it is automatically eligible for admission to the UN. If, after having taken this stand over the last 18 months, Bangladesh suddenly gets admitted to the organization due to Pakistani intervention, the implication would be that Bangladesh was not eligible before for admission to the UN. This is a predicament which would be unacceptable to Bangladesh. Mr. Haksar and Mr. Kewal Singh agreed with this assessment.

6. Mr. Kewal Singh informed Dr. Kamal Hossain that, according to India's information, the Chinese were not very keen on vetoing Bangladesh's admission
to the UN. They only exercised the veto because of repeated requests for this from Pakistan. Mr. Haksar remarked that the argument concerning the UN was basically the brainchild of Agha Shahi with his involvement with the UN. Mr. Haksar stated, “Such clever boys can be put in their place.”

7. A discussion then took place on the text of the working paper which Mr. Haksar is carrying to India. The final version amended by Bangladesh is available with JS(BD). Two special points regarding the working paper were mentioned by Mr. Haksar. Firstly, the discussion on the repatriation of the additional number of non-Bangalees from Bangladesh to Pakistan can be held either by the Prime Ministers of Bangladesh and Pakistan themselves or by their nominees on the basis of sovereign equality and consequent upon recognition. The second point which Mr. Haksar made about the working paper was that it should be stipulated in whatever agreement is signed with Pakistan that during the transfer of populations the persons repatriated would be treated with the utmost humanity and consideration. This formal provision in Mr. Haksar’s opinion, was necessary to avoid hardships which would be imposed on Bangladesh nationals leaving Pakistan.

8. Mr. Haksar stated that he wished to leave the following additional points for consideration by Bangladesh:

(1) Bangladesh should consider whether, as a co-detaining power, India, should not he a party to the discussions about the future of the war criminals who would be retained. It should be examined whether discussions should not be tripartite; though Shri Haksar’s personal assessment was that it would be convenient for India to leave this problem to Bangladesh and Pakistan. If due to the developing situation, the POWs ultimately are transferred to Bangladesh, then the question of India’s being a participant in such talks does not arise, but otherwise the point is worth considering.

(2) Mr. Haksar stated that Bangladesh should consider the implications of taking over physical custody of 195 war criminals. If the war criminals are transferred to Bangladesh immediately, the political impact of the decision to postpone the trials could be lessened. Bangladesh’s taking over the POWs should be a definitive step at an appropriate stage to counter any Pakistani obstinacy in future.

(3) Mr. Haksar stated that in the current discussions at Dacca the assumption was that the concessions being offered by India and Bangladesh may result in Pakistan not insisting on detaining 203 Bangladesh nationals and holding war crimes trials against them. Mr. Haksar informed Dr. Kamal Hossain that the argument that he will use to compel Pakistan to
abandon the idea of counter trials would be that if Pakistan insists on
retaining 203 Bangladesh nationals, India will hand over 195 war
criminals to Bangladesh. This will ensure a political symmetry of
negotiating positions for both Bangladesh and Pakistan. While the trials
will remain postponed, the physical custody of the war criminals would
be with Bangladesh authorities. Mr. Haksar added that he will convey to
the Pakistanis that if, however, Pakistan gives up the idea of counter
trial of 203 Bangladesh nationals, then apart from the postponement of
the trials, Pakistan may be given the additional assurance that the actual
transfer of 195 POWs, the timing and manner of it etc. will be delayed
and decided at a later stage.

(4) Mr. Haksar then inquired what Bangladesh’s position would be if Pakistan
remains obdurate about trying 203 Bangladesh nationals. Would
Bangladesh accept the situation where 203 Bangladeshis are retained in
Pakistan and 195 war criminals are kept in Bangladesh while the rest of
the repatriation progresses? Dr. Kamal Hossain stated that this point
has to be considered, but Bangladesh cannot be a party to any formal
agreement on the above arrangement. Mr. Haksar clarified that this
would not be an agreement, but a situation on the ground in which India
and Bangladesh may have to acquiesce to ensure the solution of other
humanitarian problems.

(5) Mr. Haksar also asked Bangladesh to consider whether the custody of
the war criminals should be with a neutral party during the period between
now and the date of discussions of their future? Dr. Kamal Hossain
stated that such a neutral custody would be unacceptable to Bangladesh.
If Bangladesh is not having the custody of war criminals they should
remain with India. Mr. Haksar clarified that the points which he raised
above were ones which occurred to him and that he still has to get the
Government of India’s approval for the line of negotiations which he will
take on this problem.

9. A detailed discussion followed on the logistical arrangements to be made
for the repatriation of populations. The total number of persons to be repatriated
being nearly half a million, the logistical and economic magnitude of the problem
cannot be over-estimated. Mr. Haksar stated that the basic principle should
be to make the countries concerned responsible for the repatriation of persons
to be repatriated from their respective territories. The international agencies
can play a supporting role. It was agreed that the concerned authorities in the
two Governments would prepare a working paper on operational details and
financial implications of the repatriation proposals presuming that they would
be accepted at the forthcoming talks.
10. Dr. Kamal Hossain then inquired what India’s reaction would be if the next round of talks also failed? Mr. Haksar stated that it would be better to think about crossing that bridge when one comes to it. He added that if the talks fail, India and Bangladesh would have to consult each other again to devise new solutions to the problems. Mr. Haksar, however, stated that he cannot but emphasize the fact that India and Bangladesh both are subject to the basic limitations that the prisoners of war cannot be retained much longer. Their utility as a bargaining point is diminishing at a rapid rate. Apart from the problems that are generated by their presence in India, India and Bangladesh would be subject to acute international pressure if the POWs are detained indefinitely. This is the basic limitation within the framework of which further solutions would have to be found if the next round of Indo-Pakistan talks fail.

(J.N. DIXIT)
Deputy High Commissioner

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0799.  
SECRET

Excerpts from the Telegram from the Indian Ambassador in the United States T. N. Kaul to Foreign Secretary Kewal Singh.


Personal

Foreign Secretary from Ambassador-
Repeated Secretary to Prime Minister.

15 August, 1973

Had lunch with KISSINGER today (15th ) for 1 ½ hours. After lunch I took MG KAUL to call on KISSINGER for about half an hour. Sending separate telegram regarding MG KAUL’s conversation with KISSINGER. Following are main points discussed at lunch:

(1)  Shah’s visit:

KISSINGER said Shah had told him that our Foreign Minister’s visit had been
very useful and removed some of his doubts and suspicions. Shah had told Foreign Minister that before considering giving any help to Pakistan in case of an Indo-Pak conflict, he would first consult India. Shah seemed genuinely worried about integrity of what remains of Pakistan and particularly at Soviet and Afghan attitude towards Pakhtoonistan and Baluchistan. He had also hinted at Indo-Iraq close relations.

Regarding arms, Shah was willing to consider reduction of arms by Iran, Pakistan and India. I told KISSINGER that India's requirement of arms could not be equated with that of either Pakistan or Iran. We had to defend our frontier on two fronts. KISSINGER replied that Shah was concerned about India's expanding Navy. I told him our Navy was not aimed against the Shah and our present Naval strength was hardly adequate even for our own defences considering the long coastline. In any case we had no trouble with Shah and he should have no anxiety from our side.

(2) Indo-Pak Relations:

KISSINGER said that it would be stupid and suicidal for Pakistan to provoke another conflict with India. He thought it was inconceivable in the light of India's superior military strength. I told him I agreed that it would be suicidal for Pakistan to embark on another misadventure against India but one could not ignore the desire for vengeance of a defeated army, especially if they had access to superior weapons. I mentioned F-4, F-14 and F-15 which the Shah was buying from USA. KISSINGER ruled out the possibility of the Shah transferring any of these planes to Pakistan as they needed special training to operate, which Pakistanis did not have. He assured me that America would not give any additional arms to Pakistan and BHUTTO knew this very well. I told him I was glad to hear this assurance because giving of any additional arms to Pakistan would not only vitiate the improving atmosphere between India and USA but would retard normalization of Indo-Pak relations and increase tension on sub-continent. He assured me that US had no desire to vitiate the present improving atmosphere between India and USA and between India and Pakistan. As he said, "it would take perhaps another war to make us change this policy". I told him I sincerely hoped such contingency would not arise because we had no interest in having another conflict with Pakistan unless Pakistan forced one upon us as in 1971.

In this connection I told KISSINGER that the forthcoming Indo-Pak meeting on 18th August was important. On its success would depend normalization of relations not only between India and Pakistan but possible reconciliation between Pakistan and Bangladesh. Question of trials could be separated from the humanitarian package proposal presented by us. It would be In BHUTTO's
interest to accept it at the forthcoming meeting and not delay it any further. KISSINGER agreed with me and said he would tell Pakistan Ambassador about it today. He had gathered from latter that the Rawalpindi meeting had made some progress and further progress is likely in Delhi. He added that if Bangladesh would give up trials BHUTTO would be prepared to recognise Bangladesh. This would also help normalisation of relations between China and India according to him. I told him that question of trials and recognition was a matter between Pakistan and Bangladesh and could only be settled between them. In order to improve atmosphere for this it was necessary that the package humanitarian proposal be accepted in toto.

(3) **Bangladesh:**

KISSINGER expressed some concern about present situation in Bangladesh. I told him that according to our information the food and economic situation in Bangladesh was improving and they had turned the corner partly due to American PL-480 grains and the diversion of Soviet food ships.

I then asked KISSINGER whether he had spoken to the Shah about the idea of an India-Pakistan-Bangladesh-Iran agreement to respect the sovereignty and territorial integrity of each other. He said he had and Shah’s response was not negative. However the Shah did not wish this to be a form of BREZHNEV-Asian Security system. I told him that this had nothing to do with BREZHNEV’s idea and could be an agreement between the four countries without any other outside power coming in. He said that was a good idea and he could probe it further

* * * * *

5. In the evening KISSINGER attended our Independence Day celebrations to which we had not invited many Americans. He told me that although in 1971 he had tilted towards Pakistan, the tilt was over and he recognized the new realities on the sub-continent.

6. My general impression was that Kissinger was trying his best to show his friendly attitude to India.
0800. India-Pakistan Talks-II-New Delhi.

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A. SECRET

Telegram from Ambassador in the United States T. N. Kaul to Foreign Secretary Kewal Singh. Repeated to Secretary to Prime Minister.


Personal

Henry Kissinger telephoned me in San Francisco today. He referred to my conversation of last week and said he had passed word to Pakistan. They had confirmed that if “Your Bangladesh friends are reasonable, a settlement should be possible this week end. We have indicated to them our desirability of settlement”. He also told me that President may see me at San Clemente on Tuesday, but he will confirm it later. Grateful if you would kindly telegraph Indembassy Washington any important information or message which I should convey to President if and when I see him. I shall be in Los Angeles from Sunday the 19th August till 22nd noon and Washington can inform me of your message by telephone.

**********
B. Statement by Aziz Ahmed, Minister of State for Defence and Foreign Affairs on arrival in New Delhi for the talks on POWs.

New Delhi, August 17, 1973.

I am glad to be in Delhi again on a mission of peace. I was here nearly a year ago. Since then until last month, when Mr. Haksar visited Rawalpindi, there was unfortunately a suspension of dialogue between the two countries. As a result no progress could be made in resolving certain outstanding problems which are not only humanitarian but have a profound bearing on the promotion of reconciliation and peace in the sub-continent.

It is good that the dialogue has at last been resumed. We have come here to continue the talks that Mr. Haksar and his colleagues had with us in Rawalpindi last month. Considerable progress was then made and we hope we may reach an agreement during this visit. On our part, I may assure you that our Government is fully conscious of the need to resolve the outstanding issues so that our two countries may proceed with implementation of the Simla Agreement with a view to normalising the situation in the sub-continent.

We consider that implementation of the Simla Agreement is a matter of the utmost importance to the future well-being of the peoples inhabiting this sub-continent. The Agreement itself was an outstanding tribute to the statesmanship, far-sightedness and sagacity of the Heads of Government of our two countries, we consider ourselves bound by this Agreement. We will continue to do everything we can to implement it in the spirit of Simla.

There is a feeling in certain quarters in India that Pakistan is not implementing this Agreement. We are not aware in what particular respect we have failed to honour the Agreement. We do know, however, that we have done our part and are ready to continue to do so. However, if we have held the view that the situation in the sub-continent cannot be normalised so long as over 90,000 of our citizens continue to languish in Indian prison camps, is that an unjustified stand to take? These unfortunate human beings, who include thousands of women and children, have been in detention in India now for 20 months. Can anyone reasonably expect that normality can be introduced in the prevailing situation in the sub-continent under such circumstances?

We have come to resolve this intensely human problem as also the other humanitarian issues set out, in the India-Bangladesh Declaration. The Declaration aims at promoting sub-continental reconciliation. We wholly support this objective. Indeed we have taken several initiatives in this behalf in the past. As a further contribution to that end my Government has recently decided
to release all Bengalis who had been convicted, or were to be tried, for attempting to leave Pakistan with contraband without the necessary authority. All cases against them have been withdrawn.

The Joint Declaration purposes to delink the humanitarian issues of repatriation of Pakistani prisoners of war in India, Bengalis in Pakistan and Pakistan nationals in Bangladesh, from political issues. We welcome this approach. We too consider that issues relating to repatriation should be settled on humanitarian grounds alone; their settlement should not be made dependent, on settlement of political issues. If we proceed on this basis, there should be no difficulty in solving these issues during our forthcoming talks with your leaders here.

My Prime Minister attaches great importance to an early settlement of these issues so that we may proceed with the implementation of the Simla Agreement and put an end - as the Agreement states - to the conflict and confrontation that have marred our relations in the past and work for the promotion of a friendly and harmonious relationship and establishment of durable peace in the sub-continent. Only by so doing will we be able to devote the needed resources and energy to the pressing task of solving the grave problems of poverty and hunger that afflict its peoples.

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C.

TOP SECRET

TELEGRAM

From: Foreign New Delhi

To: Hicomind Dacca.

Repeat: Indembassy Washington (for Ambassador) Indiadel New York (for Permanent Representative.)

MOST IMMEDIATE

No. 27449. August 19, 1973

High Commissioner from P.N. HAKSAR (Personal).

Please convey the following message to Dr. Kamal Hossain:

There were two sessions with Pakistan Delegation yesterday (18th August) lasting nearly 5 hours. In the opening session I began by saying that I should like to bury the ghost of the so-called “extraneous issues” for ever. While
expressing appreciation for AZIZ AHMED publicly disowning my responsibility for having allegedly raised these issues I said that in the last paragraph of his letter he was still referring to these issues. I said that I wanted AZIZ AHMED and Pakistan Government to know for all times to come that Bangladesh is not repeat not hard pressed in seeking the good offices of Pakistan for entry into the United Nations and was not repeat not interested in asking for recognition.

I then went on to strongly reiterate arguments based on law and humanity enjoining Pakistan to accept its responsibility towards its citizens in Bangladesh who had opted for Pakistan. I exposed Pakistan’s hollow charge that Bangladesh’s policy on this question is “racist” citing ICRC UNHCR sources to show that out of nearly 800,000 non-Bangalees only 260,000 have opted for Pakistan. Since Pakistan chooses to call these opted “Federalists” and Article I of Pakistan’s constitution talks in terms of “foreign aggression” existing in “the Province of East Pakistan”, the obvious conclusion is these persons are working for Pakistan. In the circumstances how can Bangladesh which is a sovereign nation retain such individuals? Regarding the issue of trials I pointed out that Pakistan’s plea for skirting around issue for the time being is eroded by her intention to keep 203 Bangladesh civilian and military officials as hostages for holding counter trials. I said these two issues could only be resolved by basing our approach on uniform application of principles and by removing contradictions so obvious in Pakistan’s stand. We could not build a bright future in the light of the past.

AZIZ AHMED in his characteristic style began by bitterly complaining that my remarks to the press on return from Dacca describing Pakistan’s approach as rather negative or far short of what Pakistan ought to have done were unfair and led to dissipation of optimism with which he had come to Delhi. He thought these remarks made soon after my return from Dacca indicated that Sheikh Sahib had rejected Pakistan’s offer. He tried to explain how Pakistan’s approach had been constructive as in deference to India’s insistence at Pindi that Sheikh Sahib cannot give up the idea of trials, Pakistan had suggested compromise formula of “skirting the issue for the time being.” He said that they had done this on being impressed by my argument that repatriation of large numbers on both sides will improve the atmosphere. Regarding Pakistan nationals, AZIZ AHMED stuck to the formulation based on categories and numbers given in Pakistan’s second draft agreement. He argued this was the farthest limit to which they could go and in any case the question of “higher figure” had been left open for decision when the Prime Ministers of Pakistan and Bangladesh meet.

I reminded AZIZ AHMED that the impression conveyed to our delegation in Pindi was not that Pakistan had reached ultimate limits on these two issues. Regarding repatriation of Pakistan nationals, President BHUTTO had said “I
will not be miserly in dealing with this question”. I was, therefore, unable to appreciate AZIZ AHMED’s despondency and insistence that no move forward was possible.

In the afternoon session I faithfully conveyed latest position of Bangladesh and India as emerging out of the recent talks at Dacca. I mentioned that Bangladesh felt and we agreed with them that Pakistan wanted to go on asking for more and more concessions while herself not moving one bit towards compromise. When the Joint Declaration was announced in April last, Bangladesh had already made a big concession by setting aside recognition to pave way for resolving all humanitarian issues. Now Pakistan was insisting on trials of 195 being frozen even though this was a sensitive political issue for Bangladesh leadership. On top of this Pakistan wanted to keep 203 Bangalee officials and military personnel as hostages. I pointed out that Bangladesh Government have gone to the farthest extent. However there was some possibility for Bangladesh Government to consider the concept of “skirting round” the trials. But this was impossible to consider if Pakistan insists on keeping 203. Regarding Pakistan nationals, I said Bangladesh Government could not understand the validity of Pakistan’s calculations based on categories and numbers. After all only 206,000 had declared their allegiance to Pakistan out of nearly 800,000 non-Bangalee and in terms of existing laws Pakistan and Bangladesh, Pakistani ought to accept its own citizens. In this context, I read out President Bhutto’s earlier interviews with Guardian and Newsweek wherein he had indicated willingness to accept variously two to three lakh “Biharis” or at least agree to a head-for head exchange i.e. the same number of Pakistanis from Bangladesh as the number of Bangalees leaving Pakistan. I argued that if there was some difficulty in accepting large numbers at the same time, the matter could be tackled in two stages. As to the plea of internal difficulties this applied not only to Pakistan but Bangladesh as well, adding that task of every Government is to govern and to get over political difficulties.

AZIZ AHMED reacted by saying that whatever explanation we might give in support of contention that Bangladesh’s stand was reasonable and Pakistan’s was not, the fact remained we are stymied and the move forward to a sensible solution of these issues was paralyzed. He spoke emotionally about suffering of relatives of 90,000 POWs detained in India for over 20 months which would continue to mar relations between the two countries for years to come. Referring to the idea of retaining 203 Bangalees in Pakistan, he said treason is a very serious crime, especially since treason had succeeded and the country had been split up. How can Pakistan Government justify to its public the retention of 195 POWs in India if these 203 Bangalees are also released? Even the returning POWs will condemn Pakistan Government for leaving behind 195 in that event. While he admitted that Bangladesh Government’s willingness to
consider skirting around the war trials for the time being was a step forward he described it as almost “break through”, he was totally adamant on suggestion that no Banglaee should be kept back as hostages. Regarding Pakistani nationals, AZIZ AHMED said that either Pakistan takes all those who are pro-Pakistan, in which case the number will be 5 or 6 lakhs, otherwise we must stick to categories. He repeated that Pakistan’s offer that another 20,000 hardship cases can be taken after verification and the proviso of an increased number to be agreed after a meeting between Shaikh Sahib and BHUTTO was a reasonable offer.

I said that the way AZIZ AHMED was looking at things there was no option but to say that we are stuck. I repeated that Pakistan had itself tied its own hands by insisting on 100% fulfillment of its conditions and unless there was a change of heart, there cannot be a break-through. The meeting adjourned on a somber note when AZIZ AHMED said that he would return to Islamabad soon after his call on our Prime Minister. However he ended up later by saying that he was prepared to look at any proposals we might have to make.

Despite most categorical statement I made at the very outset that Bangladesh does not repeat not seek Pakistan’s good offices for U.N. admission, Pakistan delegation appears to be strongly under the impression that Bangladesh was so desperately interested in admission to U.N. that if Pakistan were to facilitate it a great benefit would be conferred on Bangladesh. It is for you to consider how this impression has got round and how it could be corrected so that my statement makes of total credibility.

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D. 

TELEGRAM

From: Foreign New Delhi.
To: Hicomind Dacca.

MOST IMMEDIATE

No, Primin-21154. 20 August, 1973

High Commissioner from P.N. Haksar.

Please convey the following to Dr. Kamal Hossain:

We had another meeting with AZIZ AHMED, AGHA SHAHI and ABDUL SATTAR which lasted little over an hour. Their formal position both on the question of retention of 203 and on the number of Pakistani nationals to be repatriated has the appearance of being non-negotiable. On the question of 203, their major concern is not the desire to retain them but to be able to explain to the public at large in their country the reason for not keeping a leverage against the 195 left over for the time being. In some private conversations they have suggested the idea of guarantee in a vague and undefined manner. As far as we have been able to understand, they would like an assurance reduced in writing that if 203 are transferred along with the rest of Bangladeshi nationals, 195 shall continue to remain where they are at present and India, as their custodian, will guarantee that they would not repeat not be transferred to Bangladesh until the question of their disposition is settled bilaterally between Bangladesh and Pakistan. The numbers are non-negotiable but they go on repeating that they have left the question open so that the numbers could be augmented later when discussions take place bilaterally between Bangladesh and Pakistan.

2. From all accounts, AZIZ AHMED’s present brief does not appear to entitle him to depart from the broad positions reached at Rawalpindi and we do not know if he has the courage or the competence to argue in favour of propositions which will have the effect of qualitatively changing the character of that brief. I thought I should let you know of this as it has substantial bearing on the results of the negotiations.

3. As I had mentioned in my earlier telegram, we are now under an obligation to put forward certain ideas on paper. I have already telegraphed to you our well considered draft, I shall be grateful for your most immediate instructions both on that draft and on the question referred to in paragraph 1 of this telegram.

**********
E. TOP SECRET

TELEGRAM

From: Hicomind Dacca.
To: Foreign New Delhi.

MOST IMMEDIATE

No. NIL. August 21, 1973

Following is repetition of a message number 902/73 dated August 20 sent through R and A Wing.

P.N. Haksar from High Commissioner,
Personal.

Your telegram No. 27449 of August 19. The message meant for Dr. KAMAL HOSSAIN was transmitted to him today at 12 noon. MORSHED as you know is already in Delhi.

2. KAMAL HOSSAIN has taken particular note of the contents of the last paragraph of your telegram and is considering appropriate corrective action.

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F. TOP SECRET

TELEGRAM

From: Foreign New Delhi
To: Hicomind Dacca

MOST IMMEDIATE


High Commissioner from Haksar

We are meeting the Pakistanis again this afternoon. We propose probing their position on the question of 203 Bangladesh civilian and military personnel being retained in Pakistan as well as on the question of the number of Pakistani nationals to be repatriated. We shall, of course, maintain our position that unless the 203 are repatriated along with other Bangladeshis in Pakistan, Bangladesh
is not repeat not even prepared to consider the freezing of the trial of 195. As for the number of Pakistani nationals to be repatriated, we would still insist that Pakistan should agree to take all those who have opted for Pakistan.

Considering that Pakistan had made in Rawalpindi a written offer on the question of freezing of trials as well as on the question of repatriation of Pakistani nationals in terms of certain categories, Pakistan representatives have suggested to us and I have already reported on this in my yesterday’s telegram that we present some sort of counter proposals. We have, therefore, prepared a kind of memorandum of understanding which we would like to present to Pakistan, subject to Bangladesh’s approval, sometime tomorrow i.e. August 21. I am separately telegraphing the text of this.

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G. TOP SECRET

TELEGRAM

From: Foreign New Delhi
To: Hicomind, Dacca

MOST IMMEDIATE


High Commissioner from Haksar.

The following is the text of the memorandum of understanding proposed to be presented to Pakistan on August 21, 1973.

BEGIN:

Bangladesh, India and Pakistan desirous of solving the humanitarian problems resulting from the conflict of 1971 and thus enabling the vast majority of human beings referred to in the Joint Indo-Bangladesh Declaration of April 17 to go to the respective homes of their choice agree to the following principles:-

(1) Pakistan agrees to repatriate all Bangladesh nationals in Pakistan who wish to be repatriated and shall not repeat not detain any one for any reason whatsoever.

(2) Bangladesh agrees to repatriate initially the bulk of Pakistani nationals in Bangladesh who have opted for repatriation to Pakistan.
(3) All prisoners of war and civilian internees to be repatriated to Pakistan except those whose cases, are dealt with in paragraph 4.

(4) In consideration for Pakistan repatriating all Bangladesh nationals in Pakistan to Bangladesh as provided for in paragraph 2, Bangladesh agrees to consider that no trial of any of the 195 POWs shall take place during the entire period of repatriation and that such prisoners of war shall remain in the custody of India.

After complete implementation of the repatriation of the category of persons enumerated in paragraphs 1 to 3, Bangladesh and Pakistan together with India as the custodian of 195 POWs will discuss the question of disposal of 195 POWs, it being understood that Bangladesh can participate in such meeting only on the basis of sovereign equality.

The principle of simultaneity will be observed throughout the process of repatriation of the three categories of persons.

ENDS.

It will be recalled that in the morning of the day of my departure, I had specifically raised the possibility of Pakistan insisting on retaining the custody of 203 Bangladesh civilian and military personnel. Assuming that we fail to dislodge them from this position, we would like to know if Bangladesh would agree to Pakistan retaining these 203 on condition that Bangladesh obtains the custody, of 195 POWs and the repatriation of the rest of POWs, Bangladesh nationals and Pakistani nationals in Bangladesh shall commence, assuming of course that we reach a satisfactory agreement with Pakistan on the question of the number of Pakistani nationals to be repatriated in terms of the formula we had evolved in Dacca.

It may be noticed that I have so far even in the draft set out above only committed Bangladesh to “consider” the question of freezing of trials. As for the use of the word “initially bulk” in paragraph 2, our idea is that we shall start by saying that our concept of bulk is 2,40,000 leaving behind about 20,000 Pakistani nationals, whose case is to be disposed of during the bilateral discussions envisaged. Our fall back position, of course, remains that initially we should insist on the head for head formula leaving the remaining to be negotiated bilaterally between Bangladesh and Pakistan on the basis of sovereign equality.

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H.

TOP SECRET

TELEGRAM

From: Indiadel, New York
To: Foreign, New Delhi

MOST IMMEDIATE


P.N. Haksar from Tinoo*.

Personal.

Many thanks your useful and timely telegram No.27449 dated 19th Aug.

2. AZIZ AHMAD’s argument for pro-Pakistanis rather than Pakistani citizens in Bangladesh is untenable, but accommodation based on general principle of Pakistan accepting all its nationals and then determining who, they are and if they wish to go to Pakistan may be feasible. However, such an outcome has to have an initial commitment for repatriation of a definite number 100,000 immediately (but without the approach to ‘classification’), keeping the final figure flexible and perhaps even subject to future bilateral negotiations.

3. Provided Bangladesh agrees, Bengali hostages can at best be tolerated as the group coming last in the process of evacuation, but Pakistanis insistence on any agreements by us or Bangladesh to hold these 200 odd people will create several political and moral problems. You have already emphasised this.

4. Pakistani assessment of its great leverage because of Bangladesh’s assumed desire for Pakistani recognition and entry into the U.N. is due partly to (i) the enthusiasm shown for these measures by Bangladesh officials in New York and elsewhere and (ii) general desire for establishment of relations between Bangladesh and China. (For different reasons USA and USSR would like to see these relations start).

5. Our love and best wishes for success.

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* Mr. Samar Sen, Indian Permanent Representative at the UN.
I.

TELEGRAM

From: Hicomind Dacca.
To: Foreign New Delhi.

MOST IMMEDIATE


Following is repetition of our message dated: 21st August sent through R and A Wing.

BEGINS.

No. 905/73.

P.N.Haksar from High Commissioner

Personal.

Contents of, your telegrams No. 21152 and 21153 were conveyed to Dr. Kamal Hossain late in the evening. After having examined the Draft Memorandum of Understanding contained in your telegram No, 21153 Dr. KAMAL HOSSAIN has suggested the following amendments:

Paragraph 1 is in-order. Paragraph 2 of suggested Memorandum, providing for Bangladesh repatriating bulk of Pakistani nationals, seems to imply that Bangladesh has reservations about repatriating Pakistani nationals, which it is not the case. Nor does this para make any provision for the repatriation of the balance of Pakistani nationals who would be left behind in Bangladesh. These two points have to be incorporated: in paragraph 2 clearly. Paragraph 2 may therefore read: “Pakistan agrees to receive initially the bulk of Pakistan nationals in Bangladesh who have opted for repatriation to Pakistan. Pakistan further agrees to enter into discussions with Bangladesh to arrange for the repatriation of Pakistani nationals who would be left behind in Bangladesh after the initial phase of repatriation of Bangladesh and Pakistani nationals is completed it being understood that such discussions between Bangladesh and Pakistan will be held on the basis of sovereign equality.”

Paragraph (3) is in order.

Paragraph (4) may be modified to read as follows:

"In consideration for Pakistan repatriating all Bangladesh nationals in Pakistan as provided in para (i), Bangladesh agrees to consider that no trial of the 195
POWs shall take place during the entire period of repatriation and that such POWs shall remain in India. (The words “in the custody of” in your draft may be omitted.) After the complete implementation of the repatriation of the categories of persons enumerated in paras (1) to (3), Bangladesh, Pakistan and India will discuss the matter of 195 POWs, it being understood that Bangladesh can participate in such meetings only on the basis of sovereign equality. The principle of simultaneity will be observed throughout the process of repatriation of the three categories of persons.” You will notice that the second sentence in para (4) has been shortened and simplified.

2. Bangladesh Government presumes that the contents of the Memorandum as amended above, while providing the basis for negotiations, when being finalized as an agreement, will conform as far as possible to the Draft which was finalized during your recent discussions in Dacca, subject of course to minor editorial and verbal changes which you may consider it necessary.

3. Bangladesh Government’s response to the points raised in last paragraph of your telegram No. 25513 will follow earliest. Have requested Dr. KAMAL HOSSAIN to respond to them by this afternoon.

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J. TOP SECRET

TELEGRAM

From : Hicomind Dacca,
To : Foreign New Delhi,

MOST IMMEDIATE

P.N. Haksar. from High Commissioner.

Personal.

Your telegram No. PRIMIN-21154.
The following is Dr. Kamal Hossain’s reply:

BEGIN.

I would like to clarify that your draft memorandum of understanding conveyed to me last night by the High Commissioner has in substance our approval. The
amendments suggested by us were for your consideration in the light of progress in negotiations.

2. As regards the Question referred to in paragraph 1 of the review in your telegram No. 21154 and last part of your telegram No. 21153 of 20th August, if Pakistan continues to insist that 203 will be retained by them the 195 P.O.Ws will be transferred to Bangladesh. This may be conveyed when considered appropriate.

3. If necessary an assurance in writing may be given that if 203 are transferred along with the rest of Bangladesh nationals the 195 P.O.Ws would continue to remain where they are.

4. I would like to add that you should feel completely free to adjust your negotiating stance according to circumstances as I have full confidence in your judgement.

ENDS.

2. The above reply as well as my earlier telegram convey Kamal Hossain’s comments on the draft memorandum covering all the points raised in your telegram No. 21153 and 21154.

**********

K.

TOP SECRET

TELEGRAM

From: Congendia. San Francisco.
To: Foreign, New Delhi.

MOST IMMEDIATE

NO.16. August 21, 1973

FIRST OF TWO PARTS:

P.N. Haksar. Repeated Foreign Minister from T.N. Kaul.

Personal.

Reference your cable. Met Kissing at San Clemente for one and a half hours this morning. Shall telegraph separately about other matters. This telegram contains points mainly regarding Indo-Pakistan talks.
I spoke just on the lines of your telegram and expressed disappointment at AZIZ AHMED’s negative attitude. He mentioned that he had spoken to Pakistan’s Ambassador regarding desirability of settling matters during Delhi meeting. According to him Pakistani response was positive. He agreed to telegraph BHUTTO again today asking him to give up insistence on retaining 203 Bengalees (KISSINGER admitted that they were being held as reprisals). He would tell BHUTTO that it was his impression based on reliable source that the question of trial of 195 Pakistani POWs could be skirted around and kept pending until discussion between Pakistan and Bangladesh regarding this question and recognition. If there was agreement between Bangladesh and Pakistan the matter could be resolved amicably. Till then these 195 Pakistani POWs would be kept in India.

I told KISSINGER I could not give any undertaking or assurance that 195 prisoners would be kept in India till their future was resolved amicably between Bangladesh and Pakistan. Bangladesh was not desperate about recognition by Pakistan. However if Bangladesh agreed to give up war crimes trials in exchange for recognition by Pakistan or otherwise, that was another matter. If there was no amicable settlement between Bangladesh and Pakistan and Bangladesh demanded return of these 195 war criminals we could not refuse it. It was however my

SECOND AND LAST PART.


....personal impression, based on talks with some Bangladesh authorities (I did not mention TAJUDDIN’s name) that if Pakistan agreed to repatriate all the 240 000 Bengalees who wanted to go back to Bangladesh and agreed to take back all the 260000 Pakistanis in Bangladesh who wanted to go back to Pakistan and Pakistan did not detain the 203 Bengalees, the atmosphere for settlement of trials of Pakistanis and recognition of Bangladesh would be much improved. It would also create a favourable impression for Pakistan.

KISSINGER said it would be a difficult operation and his approach to BHUTTO would have to be subtle. He agreed to make the approach and requested that we should not make any commitment in the Delhi talks about keeping 195 POWs in India without his first getting O.K from BHUTTO as otherwise BHUTTO was quite capable of going back on AZIZ AHMED’s word to us. He also requested that if he gets O.K. from BHUTTO then we should not embarrass U.S.A. by handing over 195 war criminals to Bangladesh until all avenues of settlement of question between Bangladesh and Pakistan are exhausted. I told him I could, not make any commitment or give any assurance regarding this matter but would convey this to you and communicate with him soonest.
possible. KISSINGER asked me if it would serve any useful purpose if he talked to Bangladesh to soften their attitude to war criminals trials. I told him it was for him to assess the desirability of this course. He said he was asking me because they did not wish to make any approach without our concurrence and that we should not misunderstand. I told him I would let him know on hearing from you. He said he would send a message to BHUTTO anyway suggesting that Pakistan agree to repatriate all the Bengalees including 203 and agree to take all the 260000 Pakistanis who wish to return to Pakistan with the hope of creating atmosphere for settlement of war crime trials and recognition.

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L.

TOP SECRET

TELEGRAM

From: Hicomind, Dacca.
To: Foreign, New Delhi.

MOST EMMEDIATE

No.482. August 22, 1973

P.N. Haksar from High Commissioner

Personal.

Your telegram No. 21155 dated 22nd August. Following is the reply from Dr. KAMAL HOSSAIN to your message:

BEGIN:

For Mr. P.N. HAKSAR from Foreign Minister of Bangladesh.

The answer to your question is in the affirmative, it being understood that this would be as a matter of last resort and that any final agreement would be so formulated as to make it clear that we have not acquiesced in this reprisal measure.

ENDS.

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M.               TOP SECRET

TELEGRAM

From : Foreign New Delhi,

To : Hicomind Dacca

MOST IMMEDIATE

No. 26451.     August 22, 1973

Reference HAKSAR's telegram of this evening. Following is text of memorandum of understanding which may kindly be conveyed to Bangladesh Foreign Minister:

Begins:

Desirous of solving the humanitarian problems resulting from the conflict of 1971 and thus enabling the vast majority of human beings referred to in the Joint Indo-Bangladesh Declaration of April 17 to go to the respective homes of their choice Bangladesh, India and Pakistan agree to the following principles;-

(1) Pakistan agrees to repatriate all Bangladesh nationals in Pakistan who wish to be repatriated and shall not detain any one for any reason whatsoever.

(2) Pakistan agrees to receive initially the bulk of Pakistani nationals in Bangladesh who have opted for repatriation to Pakistan. Pakistan further agrees to enter into discussion with Bangladesh to arrange for the repatriation of the remaining Pakistani nationals who have opted for Pakistan, it being understood that such a meeting between Bangladesh and Pakistan will be held on the basis of sovereign equality.

(3) All Prisoners of War and civilian internees will be repatriated to Pakistan except those whose cases are dealt with in paragraph 4 below.

(4) In consideration of Pakistan repatriating all Bangladesh nationals in Pakistan as provided in paragraph 1, Bangladesh agrees to consider that no trial of the 195 Prisoners of War shall take place during the entire period of the repatriation and that such Prisoners of War shall remain in India.

(5) After the complete implementation of the repatriation of the categories of persons enumerated in paragraphs 1 to 3, Bangladesh, Pakistan and India will discuss the matter of 195 Prisoners of War, it being understood that Bangladesh can participate in such meetings only on the basis of sovereign equality.
(6) The principle of simultaneity will be observed throughout the process of repatriation of the three categories of persons.

(7) The Government of Pakistan will make the logistic arrangements for the persons in its territory who are to go to Bangladesh. Similarly, the Government of Bangladesh will make the logistic arrangements for the persons who have opted for Pakistan and are to go to Pakistan. The Government of India, on its part, will make the logistic arrangements for the Pakistani Prisoners of War and civilian internees who are to be repatriated to Pakistan.

Ends

Note: Separately this telegram was repeated to the Indian Ambassadors in the United States, France, the Soviet Union, and the High Commissioner in United Kingdom the same day with the instructions that the respective Governments of their accreditation may be briefed at the highest possible level without handing over the text of the Memorandum.

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N. TOP SECRET

TELEGRAM

From: Foreign, New Delhi.
To: Hicomind, Dacca

MOST IMMEDIATE

No. Primin 21155 August 22, 1973

High Commissioner from Haksar

Personal.

Please convey the following message from me to Dr. Kamal Hossain:

BEGINS:

I and my colleagues are most grateful to you for reiterating your confidence in
us. We are also grateful to you for the clarity of your instructions. However, there is one little point about which we are not clear. If as a matter of last resort — an eventuality against which we shall fight tooth and nail, we find the talks breaking down on the question of Pakistan retaining 203, are we entitled to say that Bangladesh and India protest against Pakistanis insisting on their retention and that, on the basis of complete parity between Bangladesh and Pakistan 195 will be transferred to Bangladesh but the repatriation in respect of the three categories minus 195 and 203 will commence and will be completed. Grateful for urgent guidance.

ENDS.

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O.

TOP SECRET

TELEGRAM

From: Foreign New Delhi,
To: High Commissioner Dacca

MOST IMMEDIATE


High Commissioner from P.N. Haksar (Personal).

Please convey the following message to Dr. Kamal Hossain:

BEGINS;

We handed over a slightly revised version of the Memorandum of Understanding to the Pakistanis this evening, the text of which is being telegraphed separately. A copy of it is also being handed over to your High Commissioner here. Our overall impression is that in consideration of 195 remaining in India, Pakistan might drop retaining 203. Their position on repatriation of Pakistani nationals is still rigid but they have carefully kept the door open. They made a slight gesture, by offering to take 20,000 hardship cases, at this stage of repatriation which in their original proposal was to be contingent upon verification after "cooling, down of tempers". I have made it abundantly clear to them that even this position of Pakistan is not repeat not satisfactory. Let us hope that when we meet again tomorrow, they show greater accommodation and that they will also finally agree to drop the question of retention of 203.
It might amuse you to know that AZIZ AHMED tried to raise with me the questions whether the number 195 could be reduced. He said that when MAZAR ALI and NAJIULLAH visited Bangladesh last year, they were told by some anonymous but important persons in Bangladesh that the number of people to be tried would be very very small, indeed. He mentioned the figure of 5 or 6. He asked me to plead with you for the reduction of the number of people to be tried. I told him that I had anticipated such a possibility in advance of AZIZ AHMED raising it, and that while in Dacca I had also enquired whether 195 was the final figure and whether it could be less., I also told him that I got a categoric answer that 195 represented the reducible minimum and that in any case this figure has got so widely publicized that it cannot be reduced. If AZIZ AHMED raises this matter again tomorrow, I would repeat again what I told him today, saying that I have again consulted Bangladesh and that the position remains unaltered.

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P. TOP SECRET

TELEGRAM

From: Foreign New Delhi,
To: Hicomind Dacca

MOST IMMEDIATE


High Commissioner from P.N. Haksar.

Please convey the following message to Dr. Kamal Hossain:

Personal

BEGINS:

1. Last night, the Pakistanis handed over to us a tentative draft. The text is being telegraphed separately, The following part is relevant:

(iii) All Pakistan nationals in Bangladesh will also be repatriated to Pakistan with the maximum of dispatch. The question who is entitled to repatriation under this description, will need Pakistan's concurrence.

It is further agreed that the repatriation of the following among the Pakistan nationals, namely, persons who are domiciled in what was West Pakistan,
employees of the Central Government and their families, members of divided families irrespective of their original domicile and others who constitute hardship cases, will be taken up as matter of first priority."

2. As I reported to you in my telegram yesterday, Pakistan delegation was rather insistent in refusing to accept the validity of options exercised by Pakistani nationals. They also want to reserve the right to take only those who, according to them, are "eligible". I need hardly say that we shall, of course, argue our case firstly on the basis of our memorandum and secondly on the basis of the draft we have jointly prepared in Dacca. However, I should like to have your guidance and advice whether the following formulation would be acceptable to you in lieu of paragraph 4 of our Dacca draft.

**BEGINS:**

Without prejudice to the respective positions of Bangladesh and Pakistan on the question of options exercised by Pakistani nationals in Bangladesh, Pakistan, guided by considerations of humanity, agrees, initially, to receive in Pakistan optees whose number equals the number of Bangladeshi nationals returning from Pakistan to Bangladesh. Repatriation of the remaining number of persons who according to the Joint Indo-Bangladesh Declaration of April 17, 1973, "opted for repatriation to Pakistan", shall be determined in accordance with the decisions to be arrived at a meeting of the Prime Minister of Bangladesh and Prime Minister of Pakistan or their representatives, it being understood that such a meeting can only take place on the basis of sovereign equality.

**Ends**

3. Both on the formulation of paragraph 4 of the Dacca draft and the revised draft suggested above question will arise, namely, in what order these persons are to be repatriated from Bangladesh to Pakistan. In order to answer this question, are we entitled to enter into a secret agreement which will not be published by either side that "persons who were domiciled in what was West Pakistan, employees of the Central Government and their families, members of divided families irrespective of their original domicile and others whose total will be equal to the number of Bangladeshi nationals repatriated from Pakistan will have priority."

4. I am conscious of the fact that if you were to agree to the formulation on the order of movement of Pakistani nationals, you may also wish to indicate, on the basis of reciprocity, your priorities in respect of movement of Bangladeshi nationals in Pakistan. If my assumption is correct, I shall be grateful for your guidance.**Ends**

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Q. TELEGRAM
From: Foreign New Delhi
To: Hicomind Dacca

MOST IMMEDIATE
NO. Primin-21161. August 23, 1973

High Commissioner from P. N. Haksar.

Personal

Please convey the following message to Dr. Kamal Hossain

BEGIN:

The following is the text of the draft, handed over to us by the Pakistani delegation:-

(i) All Prisoners of War and civilian internees in India with the exception of …………, and all Bengalis who wish to leave Pakistan will be repatriated to Pakistan and Bangladesh respectively with the maximum of dispatch.

(ii) As for the remaining ………………prisoners of war, they will remain in the custody of India until the question of their repatriation to Pakistan is decided by the Governments, of Pakistan and Bangladesh.

(iii) All Pakistan nationals in Bangladesh will also be repatriated to Pakistan with the maximum of dispatch. The question who is entitled to repatriation under this description, will need Pakistan’s concurrence.

It is further agreed that the repatriation of the following among the Pakistan nationals, namely, persons who were domiciled in what was West Pakistan, employees of the Central Government and their families, members of divided families irrespective of their original domicile and others who constitute hardship cases, will be taken up as a matter of first priority.

The Special Envoys were confident that the repatriation of prisoners of war and Bengalis will generate an atmosphere of reconciliation between Pakistan and Bangladesh and thus create conditions favourable for a meeting of the leaders of the two countries who would then decide what further categories of persons who wish to migrate to Pakistan may be permitted to do so.

ENDS

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R. 

TOP SECRET

TELEGRAM

From : Foreign New Delhi,
To : Hicomind Dacca

MOST IMMEDIATE


High Commissioner from P.N.Haksar.

Personal

Please convey the following message to Dr.Kamal Hossain:-

BEGINS:

Today’s meeting was full of surprise. After having given some indication yesterday which I had reported to you that they might not insist on retaining 203, Pakistanis produced an extraordinary draft which I am separately telegraphing to you. You will notice that they wanted to retain 11 Bangalees as hostages as against 21 POWs. How they arrived at this figure only Pakistanis know. They did not even care to explain. We charged the Pakistani delegation with double dealing and, double talk. We cited their own paper which had totally omitted reference to retaining any Bangladesh nationals. They more or less pleaded that the paper was wrongly handed over to us. Caught literally with their pants down, they had to make a promise that they would strongly recommend to their Prime Minister that 203 need not be retained. This then they proceeded to treat as a very great concession and said that their Prime Minister had given them firm instructions that there can be no accommodation on the question of number of Pakistani nationals to be repatriated in terms of categories they have already indicated. We shall naturally fight against this. But both in Rawalpindi and here they have shown extreme rigidity on the number of Pakistani nationals they are ready to take initially. I am wondering if you can suggest any basis for agreement on the numbers other than our Dacca Draft.

ENDS

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From: Foreign New Delhi,
To: Hicomind Dacca

Reference Shri P.N.HAKSAR Telegram of this evening. Following is text of revised Pakistani Draft handed over to us this evening, which may kindly be conveyed to Bangladesh Foreign Minister:

BEGINS:

In Simla last year, the Government of Pakistan and the Government of India resolved that the two countries put an end to the conflict and confrontation that had hitherto marred their relations and work for the promotion of friendly and harmonious relationship and the establishment of durable peace in the sub-continent.

Reaffirming that resolve, the Special Envoys of India and Pakistan met in Rawalpindi and New Delhi, determined to reach agreement on those issues which stood in the way of the further implementation of the Simla Agreement and the promotion of reconciliation in the subcontinent.

Accordingly, in keeping with the humanitarian approach envisaged in the India-Bangladesh Joint Declaration of April 17, it is agreed-as follows:

1. India will repatriate all Pakistani prisoners of war and civilian internees except those whose case is dealt with in clause (4) below.

2. Pakistan will facilitate the repatriation of all Bengalis in Pakistan who may wish to go to Bangladesh except those whose case is dealt with in clause (4) below.

3. Bangladesh will facilitate the repatriation of, and Pakistan will receive, a substantial number of non-Bengalis who are eligible for repatriation to Pakistan. Among them, persons who were domiciled in what was West Pakistan, employees of the Central Government and their families, members of divided families Irrespective of their original domicile and others who constitute hardship cases will be taken up
for repatriation as a matter of first priority. It is further, agreed, that, the Prime Ministers of Pakistan and Bangladesh or their designated representatives will thereafter meet to decide what additional number of persons who may wish to migrate to Pakistan may be permitted to do so.

(4) 21 Pakistani prisoners of war and 11 Bengali officials shall not be transferred from the country in which they are presently detained pending the settlement envisaged in clause (5) below.

(5) Representatives of India, Pakistan and Bangladesh will meet by the end of October 1973 to reach a settlement in regard to the persons mentioned in clause (4) above.

Provided that if no meeting is held or no settlement is reached these persons shall be repatriated, to their respective countries not later than 1 January 1974.

(6) The repatriation of all persons mentioned in clauses (1), (2) and (3) will be carried out with the maximum of despatch.

(7) India, Pakistan and Bangladesh will each be responsible for making the necessary logistic arrangements within its territory for the repatriation of the persons covered by this agreement.

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T. TOP SECRET

TELEGRAM

From: Hicomind London
To: Foreign, New Delhi

MOST IMMEDIATE


P.N. Haksar, from Rasgotra*

Personal.

Your telegram No. Primin-21156. SIR ALEC DOUGLAS HOME and Lord BALNIEL are both away from London but I have today briefed Sir THOMAS BRIMELOW, who is shortly taking over as Permanent Under Secretary, and Sir ERIC NORRIS Deputy Under Secretary for South Asia in Foreign and Commonwealth Office, about Memorandum of Understanding which we have handed over to Pakistan delegation. They both recognised importance of concessions by Bangladesh not only to freeze question of trials but also to consider repatriation of Pakistan nationals in Bangladesh in two stages. They also appreciate that the readiness to discuss the matter of 195 Pows with Pakistan after implementation of repatriation reflects an attitude of flexibility on Bangladesh’s part.

2. Sir ERIC NORRIS mentioned that he had received a telegram from Sir TERENCE GARVEY just before lunch today saying that yesterday when, they contacted Pakistan delegation, they found it divided: AZIZ AHMAD was optimistic about success of talks but AGA SHAHI thought deadlock had been reached.

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* Deputy High Commissioner in the Indian High Commission, London.
U.

**TELEGRAM**

*From:* Hicomin, Dacca  
*To:* Foreign, New Delhi

**MOST IMMEDIATE**

No. 488.  

*August 23, 1973*

**P.N. Haksar from High Commissioner Personal**

Messages contained in your telegrams 21160 and 21161 of 23rd August conveyed to KAMAL HOSSAIN late this evening. Bangladesh Government’s response to your telegrams above will be dispatched from here at 11 AM tomorrow (August 24) which should reach you by tomorrow afternoon. KAMAL HOSSAIN wished me to explain to you that his reply is being sent tomorrow as SHEIKH Saheb wished the proposed reply to be endorsed by Bangladesh Cabinet which is meeting early tomorrow morning.

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V.  

**Revised Draft = August 23, 1973**

**Pakistan Revised Draft Memorandum of Understanding.**

In Simla last year, the Government of Pakistan and the Government of India “resolved that the two countries put an end to the conflict and confrontation that had hitherto marred their relations and work for the promotion of friendly and harmonious relationship and the establishment of durable peace in the sub-continent.”

Reaffirming that resolve, the Special Envoys of India and Pakistan met in Rawalpindi and New Delhi, determined to reach agreement on those issues which stood in the way of the further implementation of the Simla Agreement and the promotion of reconciliation in the subcontinent.

Accordingly, in keeping with the humanitarian approach envisaged in the India-Bangladesh Joint Declaration of April 17, it is agreed as follows:

1. India will repatriate all Pakistani prisoners of war and civilian internees except those whose case is dealt with in clause (4) below.
(2) Pakistan will facilitate the repatriation of all Bengalis in Pakistan who may wish to go to Bangladesh except those whose case is dealt with in clause (4) below.

(3) Bangladesh will facilitate the repatriation of, and Pakistan will receive, a substantial number of non-Bengalis who are eligible for repatriation to Pakistan. Among them, persons who were domiciled in what was West Pakistan, employees of the Central Government and their families, members of divided families irrespective of their original domicile and others who constitute hardship cases will be taken up for repatriation as a matter of first priority. It is further agreed that the Prime Ministers of Pakistan and Bangladesh or their designated representatives will thereafter meet to decide what additional number of persons who may wish to migrate to Pakistan may be permitted to do so.

(4) 21 Pakistani prisoners of war and 11 Bengali officials shall not be transferred from the country in which they are presently detained pending the settlement envisaged in clause (5) below.

(5) Representatives of India, Pakistan and Bangladesh will meet by the end of October 1973 to reach a settlement in regard to the persons mentioned in clause (4) above.

Provided that if no meeting is held or no settlement is reached, these persons shall be repatriated to their respective countries not later than 1 January 1974.

(6) The repatriation of all persons mentioned in clauses (1), (2) and (3) will be carried out with the maximum of dispatch.

(7) India, Pakistan and Bangladesh will each be responsible for making the necessary logistic arrangements within its territory for the repatriation of the persons covered by this agreement.

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Indian Draft Agreement -August 24, 1973

The special Representative of the Prime Minister of India, Shri P.N. Haksar, and the Pakistan Minister of State for Defence and Foreign Affairs, His Excellency Mr. Aziz Ahmed, held talks in Rawalpindi from July 24 to July 31, 1973 and in New Delhi from August 18 to August,….. 1973. Shri P.N. Haksar was assisted by Foreign Secretary, Shri Kewal Singh, Secretary to the Prime Minister, Shri P.N. Dhar, Joint Secretaries in the Ministry of External Affairs S/Shri K.P.S. Menon, A.S. Chib, and Dr. S.P. Jagota, Deputy Secretaries S/Shri K.N. Bakashi and Naresh Dayal. The Leader of the Pakistani Delegation was assisted by the Foreign Secretary, Mr. Agha Shahi, Director General in the Ministry of Foreign Affairs, Mr. Abdul Sattar and Directors, Mr. Abdul Waheed and Mr. Khalid Saleem. These talks were held in the context of the Joint Indo-Bangladesh Declaration of April 1973.

2. Desirous of solving the humanitarian problem resulting from the conflict of 1971 and thus enabling the vast majority of human beings referred to in the Joint Indo-Bangladesh Declaration to go to the respective homes of their choice, India and Pakistan have reached the following agreement:-

(1) The immediate implementation of the solution of humanitarian problems as set forth in paragraph 5 of the Joint India-Bangladesh Declaration of 17th April 1973 is without prejudice to the positions of the respective parties concerned relating to the case of 195 prisoners of war;

(2) Repatriation of all Pakistani prisoners of war and civilian internees (except 195) will commence as soon as logistic arrangements have been completed and from a date to be settle by mutual agreement. This date would be subject to the arrangements being completed for commencement of the repartition of Bangalees in Pakistan and of the Pakistani nationals in Bangladesh;

(3) Simultaneously, the repatriation of all Bangalees in Pakistan and all Pakistani nationals in Bangladesh to their respective countries will commence. The repatriation of Pakistan nationals from Bangladesh will be carried out as follows:

(a) Pakistan agrees to receive initially the bulk of Pakistan nationals in Bangladesh who have opted for repatriation to Pakistan. The repatriation of these persons will be completed simultaneously with the repatriation of the Pakistani prisoners of war and civilian internees. If the process of repatriation from any of the three countries is held up for whatever reasons, the repatriation from one or both of the remaining two countries may also be held up;
(b) Pakistan further agrees to enter into discussions with Bangladesh to arrange for the repatriation of the remaining Pakistani nationals who have opted for Pakistan, it being understood that such a meeting between Bangladesh and Pakistan will be held on the basis of sovereign equality;

(4) In consideration of Pakistan repatriating all Bangladesh nationals in Pakistan, Bangladesh agrees that no trials of the 195 prisoners of war shall take place during the entire period of the repatriation and that such prisoners of war shall remain in India;

(5) After the complete implementations of the repatriation of the categories of persons enumerated in paragraphs 2 (2) and (3a) Bangladesh, Pakistan and India will discuss the matter of 195 prisoners of war, it being understood that Bangladesh can participate in such meetings only on the basis of sovereign equality;

(6) The time schedule for the completion of repatriation of the Pakistani POWs and civilian internees from India, the Bangalees from Pakistan and the Pakistan and the Pakistani nationals from Bangladesh will be worked out by India in consultation with Bangladesh and Pakistan respectively. The Government of Pakistan will make the logistic arrangements for the persons in its territory who are to go to Pakistan. Similarly, the Government of Bangladesh will make the logistic arrangements for the persons who have opted for Pakistan and are to go to Pakistan. The Government of India, on its part, will make the logistic arrangements for the Pakistan POWs and civilian internees who are to be repatriated to Pakistan. In making such logistic arrangements the Governments concerned may seek the assistance of international humanitarian organization and others.

(7) The representative of the Swiss Federal Government shall have unrestricted access at all times to Bangalees in Pakistan and to the Pakistani nationals in Bangladesh. The Government of Bangladesh and the Government of Pakistan will provide all assistance and facilities to such representative in this regard including facilities for adequate publicity for the benefit of the persons entitled to repatriation under this agreement;

(8) All persons to be repatriated in accordance with this agreement will be treated with humanity and consideration;

(9) Governments of India and Pakistan have concurred in this agreement. The Special Representatives of the Prime Minister of India having consulted with the Government of Bangladesh also conveyed the concurrence of the Bangladesh Government in the agreement;
During the course of the talks both at Rawalpindi and at Now Delhi which were marked by mutual understudying, the delegations of India and Pakistan reviewed the progress so far made in the implementation of the Simla Agreement since they met last in New Delhi in August 1972. Both the delegations reaffirmed the resolve of their respective Governments expressed in the Simla Agreement that “the two countries put an end to the conflict and confrontation that had hitherto marred their relations and work for the promotion of friendly and harmonious relationship and the establishment of durable peace in the sub-continent.” In this connection the Special Representatives were confident that the repatriation of prisoners of war, Bangladesh and Pakistan nationals will generate an atmosphere of reconciliation between Pakistan and Bangladesh and thus contribute to the building of a structure of durable peace in the sub-continent.

(P.N. Haksar)
Special Representative of
the Prime Minister of India.

(Aziz Ahmed)
Minister for State for Defence and Foreign Affairs,
Government of Pakistan.

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(To be Included in the Communique)

In Simla last year, the Government of Pakistan and the Government of India “resolved that the two countries put an end to the conflict and confrontation that had hitherto marred their relations and work for the promotion of friendly and harmonious relationship and the establishment of durable peace in the subcontinent”.

Reaffirming that resolve, the special Envoys of India and Pakistan met in Rawalpindi and New Delhi, determined to reach agreement on these issues which stood in the way of the further implementation of the Simla Agreement and the promotion of reconciliation in the sub-continent.

Accordingly, in keeping with the humanitarian approach envisaged in the India-Bangladesh Joint Declaration of April 17, the Special Envoys have respectively given the following undertakings.
1. India will repatriate all Pakistani prisoners of war and civilian internees except those referred to in clause (4) below.

2. Pakistan will facilitate the repatriation of all Bengalis in Pakistan who may wish to go to Bangladesh.

3. Bangladesh will facilitate the departure of, and Pakistan will receive, a substantial number of non-Bengalis who are eligible for entry into Pakistan. Among them, persons who were domiciled in what was West Pakistan, employees of the Central Government and their families, members of divided families irrespective of their original domicile and other who constitute hardship cases will be taken up for repatriation as a matter of urgency. It is further agreed that the Prime Ministers of Pakistan and Bangladesh or their designated representatives will thereafter meet to decide what additional number of persons who may wish to migrate to Pakistan may be permitted to do so.

4. Bangladesh agrees that no trial of prisoners of war shall take place and that such prisoners of war shall not be transferred to Bangladesh pending the settlement envisaged in clause (5) below.

5. On completion of repatriation of the persons referred to in (1) & (2), representatives of India, Pakistan and Bangladesh will meet in order to reach a settlement in regard to the prisoners of war mentioned in clause (4) above.

The Special Envoys are confident that the repatriation of prisoners of war to Pakistan and of Bengalis in Pakistan to Bangladesh would make a signal contribution to the promotion of reconciliation in the sub-continent and create an atmosphere favourable to a constructive outcome of this meeting of the three countries.

6. The repatriation of all persons mentioned in clause (1), (2) and (3) will be carried out with the maximum of dispatch and completed in not more than three months.

7. The process of repatriation should start without delay and for this purpose, nominees of India, Pakistan and Bangladesh, assisted by representatives of the ICRC and UNHCR should meet at Wagah on .................1973, to work out the arrangements and modalities for the expeditious repatriation of all persons mentioned in clauses (1), (2)& (3) of this agreement.

8. India, Pakistan and Bangladesh will each be responsible for making the necessary logistic arrangements within its territory for the repatriation of the persons covered by this agreement.

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TOP SECRET

TELEGRAM

From: Hicomind, Dacca
To: Foreign, New Delhi

MOST IMMEDIATE

No.490. August 24, 1973

P.N.Haksar from Dutt (High Commissioner).

Personal

I am telegraphing you separately KAMAL HOSSAIN's reply to your message in Primin-21162 read with Joint Secretary (BD)'s telegram No.26452 of 23rd August. In personal discussion with me, KAMAL HOSSAIN emphasised, and he wanted this to be conveyed to you, that in their anxiety to reach a final and definite settlement on outstanding humanitarian issues, Bangladesh has already made concessions on a number of important points in modification of the stand in the joint Indo-Bangladesh Declaration of April. Unless they have some assurance that Pakistan is equally anxious to reach a settlement they would not like making any further concessions as Pakistan would make that a starting point in any future discussion. Indeed KAMAL HOSSAIN went on to say that if Pakistan continues its intransigent attitude, Bangladesh may have to go back to its original positions on outstanding issues.

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TOP SECRET

TELEGRAM

From: Hicomind, Dacca
To: Foreign, New Delhi

MOST IMMEDIATE

No.489. August 24, 1973

P.N. Haksar from High Commissioner, Personal.

Your telegram No. Primin-21162 and Joint Secretary (BD)'s Telegram No. 26542 of the 23rd August.
The following is Dr. Kamal Hossain reply:

Message Begins.

**Mr. P.N, HAKSAR from Foreign Minister of Bangladesh.**

We cannot but express amazement and dismay at the Pakistani draft presented in the meeting of 23rd August since it seems to introduce new and highly objectionable elements and departs materially from what were regarded as basic assumptions. Indeed it is manifestly inconsistent even from their own earlier draft. We have thus far been making our utmost efforts towards a settlement and have been showing accommodation on point after point but the latest Pakistani draft shows total lack of appreciation and reciprocity and indeed manifests an attitude of intransigence and raises serious doubt about their sincerity for a settlement. Would appreciate your assessment as to their intentions.

2. We presume that you have rejected the latest draft and will be able to proceed with negotiations from the position reached on the night of the 22nd August when they gave the first draft on which you sought our instructions(as conveyed in your message 21160 of 23rd August).

3. On this message our position is as follows:

(I) We have no repeat no objection to your presenting the revised formulation regarding repatriation of Pakistani nationals in lieu of para 4 of our Dacca draft.

(II) To solve the question of the order of movement we agree to the formulation within quotation in paragraph 3 of your message provided (a) our priority in respect of military personnel, civil servants of all grades and other categories of persons could also be indicated clearly in the memorandum, (b) these clauses are incorporated in a memorandum of understanding regarding mode of implementation of the agreement and not repeat not a secret agreement (it will however be understood that the memorandum of understanding regarding implementation of the agreement will not be given publicity by any one of the parties concerned) and (c) the principle of simultaneity is strictly observed throughout the process of repatriation.

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AA.

TELEGRAM

From: Foreign, New Delhi
To: Hicomind, Dacca

MOST IMMEDIATE


High Commissioner From P.N. Haksar (Personal).

Please convey the following message to Dr. Kamal Hossain

BEGIN

I had handed over to Pakistanis draft of a proposed agreement which is being telegraphed separately. After alarums and excursions, the Pakistanis at least indicated their readiness to accept our position on 203. However, we had an extremely stormy session on the question of Pakistan nationals. The only redeeming feature was that AZIZ AHMED said that we should, meet again tomorrow instead of threatening to go home. In the meantime, AGHA SHAHI has gone to Larkana to meet BHUTTO. He has been asked to return either tonight or early tomorrow morning. We have, naturally, no means of knowing on what precise point he has gone to receive instructions but quite obviously it relates to the extremely difficult question of repatriation of Pakistani nationals. AZIZ AHMED retailed again the political difficulties which this question raises for BHUTTO. We tried to probe them about the acceptability of parity formula which he rejected vehemently. We propose to give it to him again tomorrow in writing in the form set out in paragraph 2 of my telegram No. 21160 of August 23 to which you have been good enough to give your approval. We shall then assess their reactions to it. Only as a matter of last resort, we shall deal in the manner indicated in paragraph 3 of my telegram under reference to which also you have given your approval. However, I shall be grateful if you will kindly let me have immediately a more precise definition of categories of Bangalees to be repatriated on a priority basis. I am seeking this clarification because in your telegram you refer to "other categories of persons". Do you wish it to remain as it is without further refinement; or, you would wish to particularize it further?

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BB.

TELEGRAM

From : Indemassy Washington,
To : Foreign New Delhi.
No. Nil

24 August, 1973

MOST IMMEDIATE

P.N. HAKSAR FROM T.N. KAUL-REPEATED FOREIGN MINISTER—

PERSONAL

Your telegram Prirnin-21156 August 22nd. I spoke to KISSINGER in San Clemente on telephone from Washington this morning. I asked him whether I could convey to him the telephone information received from India. He said it would be all right and added that he himself had wanted to get in touch with me to convoy something on the phone. I gave him gist of your telegram emphasizing the reasonable attitude shown by Bangladesh in agreeing to freeze question of trials and consider repatriation of Pakistani nationals in Bangladesh in two stages provided, bulk of them are repatriated to Pakistan and all Bengalis including 203 who have opted for Bangladesh are repatriated.

2. He gave me following information:

He had got in touch with BHUTTO and spoken to him on the lines of my telegram sent from San Francisco. He added I am not supposed to tell you this but I am doing so in the confidence and belief that it will help the discussions in Delhi. His impression after talking to BHUTTO was that he would be more receptive to sending back the 203 Bangladeshis if separate the 195 from them and show some flexibility regarding numbers returning to Pakistan from Bangladesh. He added 'I am glad to see that there is some progress towards this already on your side. Our impression is that there is some goodwill and receptivity on Pakistan's side also and the main stumbling block about Pakistan equating 203 and 195 has been removed. This receptivity on Pakistan's side has been conveyed to us on a personal and confidential basis and should not be mentioned in the Delhi discussions.

3. He asked me to convey to Prime Minister and Foreign Minister that his main desire was to help Delhi discussions in any way possible. He also said he would be glad to meet Foreign Minister during his brief visit to UN and hoped that Foreign Minister would be able, to have a longer meeting with him in Washington. I told him I would convey this to Foreign Minister.
4. He suggested that we might give an unsigned note of our latest proposal to Pakistan to his assistant, SAUNDERS, in Washington so that he understands the position clearly and can further press BHUTTO if necessary. I told him that I would be glad to give a paraphrased gist as I had conveyed to him on the telephone. He said that would be all right. I am asking ERIC* to verbally give the gist to KISSINGER’S Assistant today who can take it down in his own hand.

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CC.              TOP SECRET

TELEGRAM

From: Foreign, New Delhi,
To: Hicomind Dacca.

MOST IMMEDIATE


High Commissioner from Haksar. Personal.

Please convey immediately the following message to Dr. Kamal Hossain:

“This is in continuation of my telegram 21163 of August 24. AGHA SHAHI is due to return at 1100 hours Indian Standard Time. We are likely to meet this afternoon.

I have already telegraphed to you the draft of an agreement which we have given to Pakistanis. Despite Pakistan’s volte face we have been unrelenting about 203 and are fighting to win our point on 203 and keeping 195 where they are. However, on the question of Pakistani nationals to be repatriated, I anticipate, as I have already indicated to you, extreme difficulty. When we begin our talks this afternoon, we will naturally begin in terms of para 3 the draft agreement. If Pakistan rejects it totally we will then proceed in terms of para 2 and, if necessary, of para 3 of my telegram 21160 of August 23. Only if all these positions are totally unacceptable to Pakistan, I should like to put for your urgent consideration the following formulation:-

BEGIN:

* Eric Gonsalves, Minister in the Embassy of India at Washington.
All Pakistani nationals in Bangladesh will be repatriated to Pakistan with the maximum of despatch. The order of movement of such persons will be indicated by the Government of Pakistan to the representatives of the Swiss Federal Government and the order of movement for Bangalees would be indicated by the Government of Bangladesh. Initially, there will be a parity of numbers between Pakistani nationals to be repatriated to Pakistan and Bangalees in Pakistan to be repatriated to Bangladesh. On completion of this process of repatriation, the question of repatriation of residue of Pakistani nationals to Pakistan will be discussed between the Prime Minister of Bangladesh and the Prime Minister of Pakistan or their representatives, it being understood that such a meeting could only take place on the basis of sovereign equality.

ENDS

Instead of categories being indicated to the representatives of the Swiss Federal Government, we could have a Memorandum of Understanding which will not be published and would therefore be secret in terms of paragraph 3 of my telegram 21160 of August 23.

Grateful for urgent instructions"
Quote:-
1. India agrees to repatriate all Pakistani prisoners of war and civilian internees in India. The repatriation will begin as soon as the necessary transport arrangements can be made and will continue with the maximum dispatch.

2. Bangladesh agrees to drop the trials against Pakistani prisoners of war referred to in the Joint India - Bangladesh Declaration April 17, 1973.

3. In consideration (1) and (2), Pakistan agrees to accord recognition to Bangladesh immediately.

Also in that event Pakistan will be glad to help Bangladesh in obtaining membership of the United Nations.

4. Pakistan agrees to permit all Bengalis in Pakistan, who may so wish, to leave Pakistan. Bengalis who can make arrangements for their own transport may leave immediately. The repatriation of the rest will start immediately Bangladesh is able to make necessary arrangements for their transport by air or from Karachi to Bangladesh by sea; and would continue with the maximum dispatch.

5. Bangladesh agrees to permit as a matter of priority all non-Bengalis in Bangladesh who are of West Pakistan domicile, or who are servants of the Central Government of Pakistan with their families and members of divided families, irrespective of domicile, plus an agreed number which constitute hardship cases to leave for Pakistan by sea or air, as soon as Pakistan is able to make the necessary transport arrangements, with the maximum dispatch.

6. The Prime Ministers of Pakistan and Bangladesh will meet as soon as it is mutually convenient for them to do so to decide what further numbers of non-Bengalis who may wish to migrate to Pakistan may be permitted to do so.

Unquote.

2. We have made no comments though we had an inkling of it all along when Pakistanis raised the question in Rawalpindi. Grateful for urgent instructions.

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TEXT OF THE MESSAGE

P.N. Haksar from High Commissioner (.) Personal (.)

Your telegram PRIMIN 21167 of August 25th (.)

The following is Kamal Hussain’s reply handed over at 1505 hours today (.)

“P.N. Haksar from Foreign Minister Bangladesh

Pakistan’s so called “total package” appears to be calculating to wreck the prospects of agreement (. As you rightly pointed to them, they have raised entirely new matters which are totally inconsistent with the fundamental assumptions on the basis of which an agreement was being worked out (.)

So far as the number of non-Bangalees to be repatriated, we had already indicated flexibility by approving the alternative formulation contained in your telegram No. 21160 August 23rd and indeed feel the latest formulations suggested by you in your telegram No. PRIMIN 21164 dated August 25th could be accepted provided the implications thereof are made explicit, the memorandum of understanding so that unnecessary controversy over the definition of Pakistani nationals may not obstruct the process of the implementation (. We further agree instead of categories being indicated to the representatives of the Swiss Federal Government this matter could also be dealt with in the memorandum of understanding (.)

We would request you to give us as early intimation as possible if you anticipate talks are going to be wrecked so that we can also begin to brief diplomats and the press in Dacca and in important capitals before Pakistan can launch its propaganda offensive to obscure the fact that India and Bangladesh have made large concessions both in making the Joint Declaration and thereafter in the course of negotiations and that talks have been wrecked by the Pakistan raising entirely new and untenable demands it would also be necessary in that event for talks to be held urgently between India and Bangladesh to evolve a new strategy(.”

2. Kamal Hossain added “the only language that might bring Pakistan to the senses would be to indicate to them that in case the talks are not successful Bangladesh would be compelled to proceed with the war crime trials (. To meet this eventuality India would have to immediately transfer the 195 war criminals (. A hint to Aziz Ahmed that immediate action would be taken to
transfer the war criminals to Bangladesh may soften him up. Kamal Hossain added that though this is not being put in the formal reply which he is sending to you, as reproduced above, this view of his may be conveyed to you in parenthesis. With reference to the last sentence in Kamal Hossain’s message above, Enayet Karim has indicated these discussions if necessary, can be held either at Delhi or at Dacca according to your convenience. 

**Message ends.**

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**FF.**

**SECRET**

**DRAFT AGREEMENT**


The Special Representative, of the Prime Minister of India, Shri P. N. Haksar, and the Pakistan Minister of State for Defence and Foreign Affairs, His Excellency Mr. Aziz Ahmed, held talks in Rawalpindi from July 24 to July 31, 1973 and in New Delhi from August 18 to August ...., 1973. Shri P.N. Haksar was assisted by Foreign Secretary, Shri Kewal Singh, Secretary to the Prime Minister, Shri P.N.Dhar, Joint Secretaries in the Ministry of External Affairs, S/Shri K.P.S. Menon, A.S.Chib and Dr. S.P. Jagota, Deputy Secretaries, Shri K.N. Bakshi and Naresh Dayal. The Leader of the Pakistani Delegation was assisted by the Foreign Secretary, Mr. Agha Shahi, Director General in the Ministry of Foreign Affairs, Mr. Abdul Sattar and Directors, Mr. Abdul Waheed and Mr. Khalid Saleema. These talks were held in the context of solving the humanitarian problems set out in the Joint Indo-Bangladesh Declaration of April 1973.

2. During the course of the talks both at Rawalpindi and at New Delhi which were marked by mutual understanding, the delegations of India and Pakistan reviewed the progress so far made in the implementation of the Simla Agreement since they met last in New Delhi in August 1972. Both the delegations reaffirmed the resolve of their respective Governments expressed in the Simla Agreement that “the two countries put an end to the conflict and confrontation that had hitherto marred their relations and work for the promotion of friendly and harmonious relationship and the establishment of durable peace in the sub-continent”. In this connection the Special Representatives were confident that the repatriation of prisoners of war, Bangladesh and Pakistan nationals will generate an atmosphere of reconciliation and thus contribute to the building of a structure of durable peace in the sub-continent.
3. Desirous of solving the humanitarian problems resulting from the conflict of 1971 and thus enabling the vast majority of human beings referred to in the Joint Indo-Bangladesh Declaration to go to their respective countries, India and Pakistan have reached the following agreement.

(1) The immediate implementation of the solution of these humanitarian problems is without prejudice to the respective positions of the parties concerned relating to the case of 195 prisoners of war referred to in clauses (4) and (5) of this Agreement;

(2) Subject to para 3(1), repatriation of all Pakistani prisoners of war and civilian internees will commence with utmost dispatch as soon as logistic arrangements are completed and from a date to be settled by mutual agreement;

(4) Bangladesh agrees that no trials of the 195 prisoners of war shall take place during the entire period of repatriation and that pending the settlement envisaged in clause (5) below such prisoners of war shall remain in India;

(5) On completion of repatriation of Pakistan prisoners of war and civilian internees in India, Bangalees in Pakistan and Pakistani nationals in Bangladesh, or earlier if they so desire, Bangladesh, India and Pakistan will discuss and settle the question of 195 prisoners of war. Bangladesh has made it clear that it can participate in such meetings only on the basis of sovereign equality.

The Special Envoys are confident that the completion of this repatriation would make a signal contribution to the promotion of reconciliation in the sub-continent and create an atmosphere favourable to a constructive outcome of these meetings of the three countries.

(7) For the purposes of facilitating this repatriation the representatives of the Swiss Federal Government and any international humanitarian organization entrusted with this task, shall have unrestricted access at all times to Bangalees in Pakistan and to the Pakistani nationals in Bangladesh. The Government of Bangladesh and the Government of Pakistan will provide all assistance and facilities to such representatives in this regard including facilities for adequate publicity for the benefit of the persons entitled to repatriation under this agreement;

(8) All persons to be repatriated in accordance with this agreement will be treated with humanity and consideration.

(9) Governments of India and Pakistan have concurred in this agreement. The Special Representatives of the Prime Minister of India having
consulted the Government of Bangladesh also conveyed the concurrence of the Bangladesh Government in the agreement.

( Aziz Ahmed )
Minister of State for Defence and Foreign Affairs, Government of Pakistan

(P.N. Haksar)
Special Representative the Prime Minister of India.

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0801. Statement by the Minister of External Affairs Swaran Singh in the Lok Sabha on Indo-Pakistan Talks.


As the House is aware, a Delegation led by the Special Emissary of the Prime Minister of India, Shri P. N. Haksar, visited Rawalpindi and Islamabad and held discussions with the Pakistan Delegation led by Mr. Aziz Ahmed. Pakistan’s Minister of State for Defence and Foreign Affairs, from 24th to 31st July, 1973. During the course of these talks questions relating to simultaneous repatriation of the three categories of persons mentioned in the Joint Indo-Bangladesh Declaration of April 17, 1973, were discussed in full detail. The Pakistan side acknowledged the fact that the Joint Indo-Bangladesh Declaration, which had separated political considerations from the humanitarian issues, was a step forward and paved the way for an early resolution of these issues. Some progress was made in defining these issues and it was agreed between the two Delegations that a point had been reached where further consideration by both sides was necessary. In pursuance of this decision, the discussions were resumed at New Delhi from 18th August, 1973 and continued till the 28th August, 1973. These discussions took place with the full knowledge of and in consultation with the Bangladesh Government.

As a result of these talks, an agreement was signed yesterday, the 28th August, 1973, between the Governments of India and Pakistan. I lay on the Table of the House, a copy of this Agreement.

The Agreement provides for the resolution of the humanitarian problems resulting from the conflict of 1971. The Agreement envisages the simultaneous
repatriation of all Pakistani prisoners of war (except 195), the repatriation to Bangladesh of all Bengalees in Pakistan and initially a substantial number of Pakistanis now in Bangladesh to Pakistan. The time-schedule for the completion of repatriation of these three categories of persons will be worked out by India in consultation with Bangladesh and Pakistan as the case may be. It is further agreed that the Prime Ministers of Bangladesh and Pakistan or their designated representatives will thereafter meet to decide what additional number of Pakistanis in Bangladesh may be permitted to return to Pakistan. Bangladesh has made it clear that it will participate in such a meeting only on the basis of sovereign equality.

The immediate implementation of the solution of these humanitarian problems is without prejudice to the respective positions of the parties concerned relating to the case of 195 prisoners of war. In the meantime these 195 prisoners of war shall remain in India and no trials shall take place during the entire period of repatriation. It is further agreed that Bangladesh, India and Pakistan in a tripartite meeting will arrive at a settlement of the question of these 195 prisoners of war.

In arriving at this Agreement all three countries, Bangladesh, India and Pakistan, made constructive contributions. It is our earnest hope that this Agreement will be one more step towards the goal of establishing durable peace in the sub-continent.

◆◆◆◆◆
Letter from the Indian Ambassador in the United States T. N. Kaul to P. N. Haksar Principal Secretary to Prime Minister regarding future course of action following the signing of the Agreement on POWs.


My dear,

Congratulations on bringing about a most difficult agreement. It reminded me of our efforts in Simla. Only this time the task was even tougher. The manner in which you handled both Bangladesh and Pakistan - and possibly our own people - is an example of how such negotiations should be carried out. Although I did not receive any direct encouragement from Delhi, I tried to sell the line that was finally adopted to Kissinger, and am glad he bought it and sold it to Bhutto. This may have played some little part in persuading Bhutto ultimately though I think his main compulsions were internal.

2. What next? Is Bhutto really sincere in the agreement that his stooge has signed? Is he going to implement it fully in letter and spirit? I still have some doubts, but the effort has to be kept up. I hope Bangladesh will not mislay its cards. And what thereafter when China also comes into Bangladesh with a full fledged diplomatic mission? What about our own relations with China?

3. I have been giving thought to some of these questions, but do not find a ready answer. I would hope that if Bhutto and Bangladesh play the game, we may be able to create an area of real peace and cooperation on the sub-continent. This should, in my opinion, be our first and foremost concern. If this can come about, then we could keep foreign influences out and talk from a position of equality with other powers - China USA, USSR, etc. However, I do feel that we should not give up reliable friendships for doubtful ones. While USA seems to be veering round to the recognition of the new realities on the sub-continent, I am doubtful if they are doing this without any mental and other reservations. Our friendship with USSR is an important factor, which will weigh in the minds of USA as well as China, and should not, in any case, be weakened. If we can, at the same time, develop normal and friendly relations with USA and China, we should certainly try but not at the cost of our friendship with USSR. I hope that we are also devoting some attention to improving relations with our other immediate neighbours like Afghanistan, Sri Lanka, Burma, Nepal, Bhutan, etc. I am little doubtful about Iran, particularly about the present regime. However, that is no reason why we should not try to cultivate Iran also and blunt her hostility.
4. These are some of the random thoughts that come to my mind at this moment. I would appreciate some response from you.

5. I have been mooting the idea of a fair and equitable exploitation of the resources of the world in food, fuel, fertilizer, irrigation, power, science, technology research and development. I have even mooted the idea of a World Bank for this purpose and not weighted in favour of any particular power, or group of powers, so that the resources of the world may be utilised in a manner that the fruits of exploitation may be equitably distributed, keeping in view particularly the needs of the developing countries. May be this is just a distant dream but I would like to know your reactions to this idea.

6. I came here mainly because you insisted and advised me to do so. I have not regretted the decision so far, but am not sure whether it will produce any fruitful results. I have been quite frank and firm in the exposition of my country’s cause, both in private and public, in this country. The response has not been negative but I wait for concrete results. By the end of the year, it should be clear whether America means business with us or not. I am keeping my mind open. Unfortunately, the President and the Administration are so much overwhelmed with Watergate and its various ramifications that they have little time to devote to other things. However with Kissinger’s becoming Secretary of State, it may be possible to move forward at a quicker pace.

7. I am planning to visit India at the end of November. I hope you will be in Delhi at that time.

Looking forward to the pleasure of hearing from you and with affectionate regards to Urmila, Nandita and Meeko and yourself.

Yours ever.
(T.N. Kaul)

Shir P.N. Hak sar,
C/O The Prime Minister’s Secretariat,
New Delhi.

◆◆◆◆◆
Islamabad, September 7, 1973

Ministry of Foreign Affairs
Islamabad

September 7, 1973

My dear Ashok,

You must be gratified, as we are, at the tenor of the Press reports on the Delhi Agreement which generally reflected the satisfaction, hope and goodwill expressed by the leaders of the two delegations at the signing ceremony on August 28.

In this generally harmonious atmosphere, one dispatch has jarred us. The New York Times of August 30 published a report which opens as follow:

“New Delhi, August 29 - A Foreign Ministry Spokesman said here today that the process of releasing Pakistani prisoners of war in India would start immediately but that it ‘might take six months or five years to be completed’.”

The same dispatch quotes the spokesman as having said that “sovereign equality” meant that Pakistan agrees to recognise Bangladesh first and, further, that “some understanding” had been reached on Pakistan’s recognition of Bangladesh.

In view of the spirit of understanding and conciliation which has suffused India-Pakistan talks, we thought we only need to bring the above to your attention, and hope that you will agree that these remarks were both unnecessary and unhelpful.

With best wishes,

Yours sincerely

(Abdul Sattar)
Director General

Mr. Ashoke S. Chib,
Joint Secretary,
Ministry of External Affairs,
Government of the Republic of India;
New Delhi
0804. Record of the meeting of Pakistan Prime Minister Z.A. Bhutto with U.S. President Richard Nixon and U.S. Secretary of State (Designate) Henry Kissinger.

Washington (D.C.), September 18, 1973

State Department Memorandum

The White House Washington Memorandum of Conversation September 18, 1973

Participants:
The President
Henry A. Kissinger, Assistant to the President and Secretary of State Designate
Harold H Saunders, NSC Staff
ZulifikarAli Bhutto, Prime Minister of Pakistan
Aziz Anmed, Minister of State for Foreign Affairs and Defense
Sultan Khan, Ambassador of Pakistan

[Date and Place: Tuesday, September 18, 1973, from 11:00 a.m. to 12:45 p.m. in the President’s Oval Office on the first day of Prime Minister Bhutto’s Official Visit.]

Kissinger: Ambassador Khan put me on the plane to Peking (for Dr. Kissinger’s secret visit from Rawalpindi in July 1971).

President: You were most helpful and discreet. We are extremely grateful for what you did.

Khan: When I later saw Chou En-lai, he said I could tell my US friends that Dr. Kissinger’s visit was the best kept secret since D-Day.

Bhutto: When I came for President Kennedy’s funeral. I was Foreign Minister. Ayub Khan was in Dacca at the time, and by the time I got his consent to go it was late and I had to use a chartered plane. I met President Johnson, and the first thing he said to me was. “So you are going to break bread with Chou En-lai.” I was taken aback. It is a good thing I knew my Bible: otherwise I would not have known the phrase “breaking bread.” Here I had come simply to bring the condolences of my people, and I was confronted with that statement. Times have changed.
President: He was a very direct man.

I am sorry our visit had to be postponed from July. However, more things have happened and we can discuss them.

The important point I want to emphasize is what I said in my welcoming remarks that the independence of Pakistan is a cornerstone of US foreign policy. I chose the word “cornerstone” deliberately; I spoke with Dr. Kissinger about it as we walked over to the ceremony. We have always felt this way. We have not always been as successful in our policies as we might have been. However, this is the situation now. We hope your visit will reemphasize our dedication to that principle. Everything else will fit into that proposition. Our relations with Iran and with the PRC fit into that framework. We will not compromise on that principle. Our new Secretary of State [pointing to Dr. Kissinger] understands this.

Kissinger: We have told Chou En-lai this is our view. We have encouraged China to give military supplies to Pakistan, and we will find out through what means it is possible for us to help. We had extensive talks with the Shah, and we urged him to make contingency plans and his own deployment in ways that would help Pakistan, as well as to transfer equipment when possible. We have also made it clear to India that this is our policy.

President: Making this clear to India has been at considerable domestic cost. We have a number of people in the US who are enthusiastic supporters of India.

Kissinger: The Soviet Ambassador approached me on Afghanistan. I told him that if the recent coup in Afghanistan remained an internal Afghan affair, that would be one matter. But if it resurrected the Pushtunistan dispute, the US would be engaged. This is the basic policy of the President.

President: We can talk candidly about this. When you were here before [December 1971], I explained to you that domestic public opinion in the US is somewhat difficult to handle. At the time of the India-Pakistan war in 1971, no one could understand why we did not back India. It is ironic that our great newspapers like the New York Times and our columnists argue that we should back India simply because it was “bigger.” The world will not be safe for anybody but the very big and very strong if we adopt that as a principle of our foreign policy.

While we seek good relations with all nations, we consider Pakistan to deserve our continued friendship regardless of India or the USSR. This is not just because we are pro-Pakistan, although I admire the guts and courage of the Pakistani people. But this is not just a matter of friendship; it is a matter of the
interests which the US has in a peaceful world. It is our interest that a nation not be overrun. On this our policies are in agreement. When we get down to particulars in our relationship, there may be some problems. But on the big issues we agree.

Bhutto: Thank you very much. This is a rare opportunity to talk with you. Please allow me to be candid because we do not have the opportunity to talk frequently.

First, I know that some people think there is a highly subjective element in South Asia, that emotions blind people there to cold logic. It is true that we have had personal regimes in Pakistan; there has been too much of that. Having said that, however, we know that you understand the subcontinent extremely well. You have been there. There is no naiveté in this office on the situation in South Asia. You also come from a party that has long experience in Asia. You have had your own personal experiences there. That helps a great deal.

We, Pakistanis would like to make our humble contribution to your effort to bring peace around the world. The Middle East problem is interconnected with the South Asian one. Pakistan cannot be unaware of that, and every day we find new emphasis being put on the importance of the Persian Gulf.

India is claiming to be a big power, but it is not clear what being a big power means. There are more people starving today in India than in Pakistan. There are many contradictions in India and we feel sorry for the Indian people and the economic privations they suffer.

The recent floods have set Pakistan back. Otherwise, we would have been looking forward to self-sufficiency in wheat and sugar and we have already been exporting rice. If it had not been for the floods, the prospects of our going ahead would be bright. In contrast, India is disillusioned with its own lack of progress. India also seems disillusioned with what has happened in Bangladesh. If Pakistan had followed a “Nehru policy” there would have been a number of Bangladeshs in India in the 1960s.

President: Dr. Kissinger made the same point to me the other day.

Kissinger: It has been my feeling that India started a process in Bangladesh that would work to the long-range disadvantage of India itself.

President: Not that we wish India to have trouble. I simply want to note that Dr. Kissinger and you have each raised the same point.

Bhutto: India has burned its fingers in the furnace of Bengal. Over the years we have had Sikhs, Nagas, Mizos approach us for help against India. They wanted our support in their fight for autonomy within India. We did not give them our support.
There are other factors than “bigness” involved in being a big power. There is the strength of economy. India’s legs are hollow. They are building a huge military colds sus at the same time. But that is India’s look-out. Another element one must assess is geographic position. Pakistan is situated at the mouth of the Persian Gulf. Any state that has access to the Karachi coast can dominate the Gulf. That is why the Soviet Union is so interested in that coast.

Pakistan has been committed to Western civilization. We have been committed to the US. In earlier days, there was a simplistic approach to world affairs in which the choice was between God and Satan, and we chose God. Nehru used to say that Pakistan was the most allied ally of the US. Pakistan supported the UK in the Suez crisis, and the Egyptians say they have not forgiven us yet. We have always tried to make our contribution. We kept away from Third World non-alignment sentiments.

Meanwhile, Nehru visited the Soviet Union, and the India-USSR relationship grew closer. That was in the 1950s.

In the 1960s, our relations with the US on a people-to-people level remained profound. There was only one consideration that caused difficulties in the relationship—Pakistan’s relationship with the PRC. That relationship was rooted in the fact that the Soviets were pressing on Pakistan since they had an interest in a warm water outlet. That being the case, we did not want bad relations with China at the same time. Apart from our relationship with China as a neighbor of South Asia, we felt that the problems of Southeast Asia would not be solved without Chinese participation.

President: It is only fair to say, too, that the fact that the US at that critical time seemed to cool its relations with Pakistan forced Pakistan to revise those relations. I was in Pakistan in 1964. I saw Ayub Khan then. He said to me, “Trust is like a thin thread; once it is broken, it is hard to put together again.” The initiative to China had to develop.

Bhutto: For Pakistan the changing relationship with the US was more painful. There was a romanticism in the relationship. This was wrong, stupid. But it was there.

The changing mood also coincided with the Sino-Indian conflict of 1972 (?), along with the Soviet pressure in Pakistan. At that time, Averell Harriman came to Pakistan with Duncan Sandys. Pakistan could have walked into Kashmir. Harriman told us not to move. He told us that the US supports a full settlement of the Kashmir problem. Then, Harriman and Sandys went to New Delhi and told Nehru that the US was eager to help India and India pulled back.

President: He pulled back when India didn’t need us anymore.
**Kissinger:** Or at least he could take us for granted.

**President:** He thought he could get something for nothing.

**Bhutto:** The US jumped the gun. We urged restraint, but the US felt Nehru was forthcoming and responded. The US provided 60 million in credit without consulting with Pakistan. Pakistan asked why the US was in such a hurry. That was in December 1962. In March 1963, another 60 million for India was announced. The US said that its global interests required this. Pakistan asked how India had modified its views. Then Pakistan began negotiating with India. Pakistan advised the continuation of negotiation, but while these were going on, the White House issued a statement saying that a Kashmir settlement was not necessary. After that Pakistan did not say any more, but the US went on to provide long-term assistance to India.

India took advantage of this. India is an important nation, but India needs US economic assistance and PL 480. The US does not need India. There is no reason why the euphoria toward India should continue. The Secretary of State Designate has said that the days of that kind of euphoria are finished and that your policy would be pragmatic from here on.

Pakistan is not the only neighbour of India that has suffered -- Nepal, Sikkim, Burma and China have all suffered similarly. So it is not that Pakistan is wrong and India is right. And it is not that Pakistan does not want good relations with India. Pakistan is determined to have good relations because we have promised a better life for our people. We have shown our *bona fides.* But living in peace with India does not mean Indian hegemony in South Asia.

The experience of 1971 was a freak. There were a couple of morons in power in Pakistan. Now, Bangladesh is in difficult straits.

**President:** What do you project for Bangladesh?

**Kissinger:** We have seen intelligence reports to the effect that there are Pakistani flags from time to time flown in Bangladesh. Do you see the same reports?

**President:** This is just for our information. They are good people. Many top Pakistani leaders were from Bengal, and I have met some of them. What do you think is going to happen? Do you think Bangladesh will survive?

**Bhutto:** Of course, the people will survive. But they are a most unfortunate people. We want good relations with them and we will have them. But, as I see it, it is inevitable that they will come under Chinese influence.

**President:** I’m sorry. I did not mean to interrupt.
Bhutto: We are prepared to have good relations with Bangladesh. If it had not been for the floods, we would have the most viable unit in South Asia. If Bangladesh wants a loose relationship with us in the future, we are prepared to have some kind of loose confederal relationship with them.

We are going to have a problem with the Afghans. Now they lay claim to two Pakistani provinces. This keeps raising the question: Is something wrong with the basic concept of Pakistan? I don’t think this can be. Two million people have given their lives for the idea of Pakistan. But people keep calling it into question.

President: The tragedy of the early days was in not settling the Kashmir question right at the outset.

Bhutto: Pakistan must have some meaning. Two million people have given their lives for it. Why do we have these problems? It is easy to stir up secession anywhere in the world. The Indians seem to be concentrating on that.

Pakistan now has 65 million people and is moving ahead. It is not that Afghanistan wants to revive its claim from the past; there is more to it than that. We believe that the USSR is interested in reviving this problem. Afghanistan by itself is no problem for Pakistan.

Now, when we talk about this, the US Government position has been that there is no concrete evidence of Soviet involvement.

Kissinger: The brother of the President of Afghanistan has just been to Moscow.

President: I am totally aware that the leadership of Afghanistan is tilting toward the USSR. You have made a fundamental point—that the fragmentation of nations is not just a problem for the subcontinent. It is a problem in Africa, of course. Even Britain has this problem in Ireland. Having countries torn apart this way can create nothing but chaos. We will support the integrity of Pakistan against either Afghanistan or India. [To Dr. Kissinger] Be sure your friends in the State Department understand that, Henry.

Kissinger: In three months, they will be your friends, too, Mr. President.

President: We'll see about that.

Bhutto: The Soviet Union has its eyes glued to the coast. Afghanistan alone would not fulfill Soviet ambitions. India alone would not fulfill Soviet ambitions. I am not saying that the Soviet Union wants to dismember Pakistan. They want to win us to the Asian Collective Security Pact. The former Afghan government was not accepting that approach.
President Daud of Afghanistan does not have roots in the coup which brought him to power. The majors and colonels under him trained in the USSR. Those young boys are difficult to predict. They will not rest until we get harpooned and lassoed.

There is no use comparing European collective security to the proposal for Asian collective security. Europe may be ripe for that kind of arrangement, but Asia is not ripe for it. There are still territorial disputes and wars going on. There is a tenuous cease-fire in Southeast Asia. Asia is in a state of flux. The objective conditions for this kind of approach to security have not crystallized. We do not feel that any approach to Asian security should be spearheaded by the USSR. We do not see why others who have interest in Asia like the US should not be involved. The Soviets are unhappy about us. They are trying to ginger up Afghanistan.

Iran agreed to a communiqué in which they accepted in principle the idea of Asian collective security. The Shah explained that he had only given in on the words and would remain cautious about the idea and about any practical steps. I told him that the principle itself was offensive to Pakistan.

I know Chou En-lai feels that the Soviets are concentrating on the middle of Asia — Persian Gulf, Pakistan and Iran — and then after directing everyone’s attention to that area, Chou feels that the USSR will hit China.

**President:** Mrs. Gandhi told us that the friendship treaty did not mean anything.

**Kissinger:** She offered the same kind of treaty to the US.

**Bhutto:** In the Persian Gulf, Pakistan has very good relations with the Emirate states. Pakistan also has good relations with the Arab states, even with the new messiah in Libya. Pakistan has had some pilots in Libya until they were asked to take off against the sixth fleet and we told them nothing doing.

**President:** It is important that Pakistan, to the extent it can, play a leveling role with the new states like the Gulf states.

**Bhutto:** Relations with Iran are good. It is something of a feat to have good relations with both Iran and with the Arab states.

But we do have good relations with Iran - the best of relations. I have great admiration for the Shah. However, there are one or two aspects of our relationship that we need to talk about. In the past we had contingency plans with Iran for Iran’s help in case of trouble. But when trouble came, help did not materialize, Iran had to consider how the Soviets would react. It is very well for Iran to say that Iran will come to Pakistan’s aid. However, this sometimes creates a bad reaction in Pakistan. Our people are a strong people, and they
respond by asking why Pakistan needs Iran’s aid. For the Shah to talk that way suggests that Pakistan is going to disintegrate tomorrow and Iran will bail us out. Instead of contributing to our ability, that kind of statement creates a feeling of inferiority.

**President:** I understand. Those offers of help should be made privately and executed publicly.

Henry, when you go to State Department, I want you to tell them to knock off discussion of further dismemberment of Pakistan. I do not know whether there is much of a problem on that in State or not.

Our problem is that the attitude in the US is that Pakistan is essentially governed by military dictatorship, and there is a love affair between the American liberal establishment and India.

One of the things you can do here, Mr. Prime Minister, is to talk to people and to let them see that you are a liberal in your own right. Your record helps you here. You can speak not just as a spokesman for the interests of your country but as a leader of thought. The Indians have made their appeal in the US on the basis of a higher morality. But their actions have shown them to be something else.

Dr. Kissinger caught the devil before the Senate Foreign Relations Committee in his confirmation hearings.

**Dr. Kissinger:** India so dependent on Soviet military equipment.

**President:** You can be persuasive here, Mr. Prime Minister. One of the problems Pakistan has in the US, frankly, is the public relations problem. Sometimes your candor proves to be a detriment. But your credibility with the liberal establishment will be very helpful. You can help to develop more support in Congress for our helping you. In the military area, our hands are tied. We bit the bullet in the spring by returning to a policy of providing spare parts. We need to create a climate now so that when we take another little move, the roof won’t cave in.

On other issues, you have a debt problem, and we want to be very helpful on that.

**Kissinger:** The Prime Minister was very helpful with Senator Percy when he visited Pakistan this summer, and you know, Mr. President, how pro-Indian Percy has been.

**President:** You have a strong moral case. You can be persuasive. But don’t make them choose between India and Pakistan. What we would like to do over the next three years is to be in a position to help Pakistan in a crunch if a
crunch comes - economically or otherwise. Humanitarian assistance is no problem except for wheat, which is a problem of availability. Our problem is the Congress.

**Kissinger:** What we need to do is to help Pakistan through a series of individual programs.

**President:** Yes, rather than one big package. The US must have at least an even-handed policy toward South Asia rather than a pro-Indian policy.

**Kissinger:** We have to lay a consistent base over a period of time.

**President:** Public relations is important to us in getting that base established.

**Bhutto:** We are aware of your Congressional problems. Thus we have not really pressed the military supply issue we do not want to embarrass you or burden your position. But our need is really dire, Iran—and even a great power—has so many complications when it tries to go to the aid of another country. You can choose your time for acting, but who are we to say when we will need assistance. We need to be self-reliant.

We are your allies and will continue to be your good friends. But if Kuwait and Saudi Arabia are entitled to military sales, now that there is peace between India and Pakistan, perhaps we are entitled to the same. If we take an initiative with India to insure peace - we may even offer a reduction of military forces— we must have the psychological and political advantage of knowing that we can stand on our own feet.

Please consider our needs. It is your choice and your decision. But we believe we can appeal to you. We do have a case.

**President:** There is total agreement with you on that. There was great agonizing in this office during the 1971 war. We were hopeful that we could have provided more. I know that many of our friends are concerned that the US initiative with the USSR is so important that the US would not stand by its older friends. But as our declaration on avoiding nuclear war indicated, you can be sure that improvement of US-Soviet relations will never be at the expense of friends or third countries. Our Chinese friends must realize this too. I think they do.

**Kissinger:** I think so

**President:** The Soviet leaders realize that we are not talking about a condominium. In our talks with Brezhnev, we have never given an inch on South Asia. On the contrary, in 1971 some very stiff messages went to Moscow. Henry, do you want to describe the conversation we had in San Clemente with Brezhnev on this point?
Kissinger: We called the attention of the Soviets in 1971 to a letter from President Kennedy to President Ayub saying that we would help Pakistan if it were attacked by India. We told the Soviets that we regarded that letter as in full force and as applying to that situation in 1971. This was at the time when we received reports that the Indians were shifting their troops to move against Pakistan.

We also told the PRC that if they came into the war in support of Pakistan and if they were attacked, they would have our full support. As it turned out, they could not do this. The winter prevented them, and they were not ready. We have told Brezhnev that we would consider an attack on Pakistan in any form as inconsistent with the detente between us.

President: As a footnote to our conversation in San Clemente, I referred to Soviet aid to India as one way the Soviets commit aggression through using third countries.

Kissinger: The President instructed me to tell Ambassador Dobrynin after the coup in Afghanistan that any outward projection of the Afghan crisis would not be in the spirit of detente.

President: I will tell Gromyko the same thing. It is in the interest of world peace that the US try to have a modus vivendi with the USSR. The Soviets sometimes don’t appreciate what this means. It is also necessary for us to have a relationship with the PRC. Pakistan is a critical country. It is in the road to warm water ports. US interests are served by a strong and independent Pakistan.

Henry, you may want to tell the Prime Minister about my conversation with Mao Tse-tung.

Kissinger: The President began his conversation with Mao by saying that it was not sentimentality but parallel necessities and commonality of interests which had brought the US and China together. The Chinese are an attractive people but they are not sentimentalists. In February, when I saw Mao again, he picked up this theme. When I go to China, we will synchronize our views further about our common interests in your part of the world.

In short, we see a need for detente.

Bhutto: The Europeans do not need to worry about detente.

President: Henry, the difference between Europe and Asia is important. The Prime Minister is making an important point. It had not come home to me before how different the situations are.
**Kissinger:** We have not taken up the Soviet position on Asian collective security. We are opposed to it. There cannot be a conference which does not include the PRC, Japan, the US, India, Pakistan.

**President:** Southeast Asia is not ready yet.

**Kissinger:** It is true that in Europe there is a clearly defined military balance.

**Ahmed:** I was just recently in Peking. The PRC sees detente as a Soviet effort to put Europe under chloroform.

**Kissinger:** Ironically, detente has made the Europeans more alert. Our strategy is to force the Soviets, if they do mischief, to do it from a position of peace so that we can mobilize domestic support for our response.

**President:** We fully recognize that it is possible to have the appearance of detente at the top with games being played underneath. In Afghanistan, for instance, the Soviets can say, "Who, me?" We are going to be watching very carefully and will not be taking anything on faith. But the Soviets have no illusions about how we feel.

**Kissinger:** Concretely, what have they gotten away with since the President took office?

**President:** The Prime Minister might say that they had gotten away with Bangladesh.

**Kissinger:** But your policy was tougher than any conceivable policy that anyone else could have followed, Mr. President.

**Bhutto:** That is why we do not want you to be in that position again. We want to get our inherent strengths mobilized. We do not want to embarrass you.

**Kissinger:** Ambassador Helms will be coming to Pakistan in November. He will want to talk with you about some of the possibilities of transferring arms.

**President:** As former head of our CIA, he understands about that sort of thing.

**Bhutto:** To sum up, in our conversation tomorrow there are three things that I would like to talk about a little more: (1) I would like to say a little more about military assistance. (2) I would also like to talk further about our food needs. (3) Also, we want a port in Baluchistan. The Iranians are building a port at Chah Bahar. We need one on our coast. The Soviets are deeply interested in this coast and they have offered us to help with oil exploration, geological survey and that kind of thing. We would rather have a US
presence. The port would be at Ormara. If the US is interested, there could even be a US presence there.

(At this point, Sultan Khan produced the attached map of Baluchistan, opened it up and showed where the port of Ormara would be.)

Ahmed: This is a map put out by the movement for an independent Baluchistan. You will see how the borders include areas of not only Iran and Pakistan but also a little area into the Soviet Union. Thus, the Soviets could say that they had given up a little bit to Baluchistan, too, but the main purpose would be to provide open access directly from the Soviet Union through Baluchistan to the coast.

President: Let me say in summing up that we welcome you as a friend. In the 1950s we found ourselves on opposite political sides, but that is past. [Reference to Bhutto's role while at UCLA as a supporter of Helen Douglas, political opponent of the President.]

Bhutto: That was my only mistake [laughing].

President: The interests of the United States require fulfilling our promise of support to you. In 1971, considering what we were up against, we did about what we could. We used and will continue to use our influence with the USSR. They have to understand that they will place in jeopardy their new relationship with the US if they pursue subversive activities in this area. During the war in Vietnam, the real question came down to whether they wanted to jeopardize their relationship with the US by needling Hanoi to escalate the war. In conclusion, to recall what President Ayub said, I hope you will leave feeling that you can trust us and that we will have begun rebuilding the very delicate thread of trust and confidence.

We can get into specifics tomorrow.

[The President escorted the Prime Minister to his car.]

Harold H. Saunders [HS initialed]
0805. **Aide Memoire of the Government of India to the Government of Pakistan regarding arrangements for the repatriation of POWs at Wagah – Attari border and Aide Memoire of the Swiss Embassy confirming the suggested arrangements.**

*New Delhi, September 22, 1973 and September 26, 1973.*

**AIDE MEMOIRE**

The Government of India have been considering appropriate arrangements at the Wagah Attari border in order to ensure not only unhampered repatriation of the Pakistan prisoners of war and civilian internees but also expeditious clearance of tourist traffic and Afghan fresh fruit consignments. For this purpose, the following arrangements are suggested.

(i) On the 28th and 29th September, 1973, handing over of the prisoners of war and civilian internees at the check post would commence at 0900 hours (IST) and not at 1000 hours (IST) as communicated earlier.

(ii) Until 1600 hours (IST) on the 28th September and 1300 hours (IST) on 29th September, the check post should be closed to all civil traffic.

(iii) After repatriation of the prisoners of war has been completed for the day, clearance of the Afghan consignments and tourist traffic can commence. This may necessitate keeping the check-post open beyond the normal working hours.

2. The Government of India would be grateful to receive urgent concurrence of the Government of Pakistan in this proposal, following which suitable instructions can be sent to the Immigration and Customs authorities and a joint announcement made simultaneously from Islamabad and New Delhi.

*New Delhi, September 22, 1973.*
Aide Memoire of the Swiss Embassy in reply to the above:

New Delhi, September 26, 1973.

Aide Memoire

The Embassy of Switzerland transmits the following message, received through Swiss diplomatic channels, dated September 26, 1973 from the Ministry of foreign Affairs of the Government of Pakistan:

The Ministry of foreign Affairs has the honour to state that the Government of Pakistan agree to the arrangements suggested by the Government of India in their Aide-memoire from September 22, 1973 regarding opening of the Wagah - Attari border for repatriation of Pakistan POWs and civilian internees and clearance of tourist traffic and Afghan fresh fruit consignments."

New Delhi, September 26, 1973.

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0806.  Letter from Indian Foreign Secretary Kewal Singh to the Pakistani Foreign Secretary Agha Shahi regarding repatriation of POWs.


Dear Mr. Agha Shahi,

I have your message of 19th September in which you have expressed some disappointment at what you term as “delay in the commencement of the repatriation.” I must confess that I fail to understand the justification for this observation

2.  In terms of the Delhi Agreement (para 3 clause viii) the schedule for the completion of repatriation of Pakistani prisoners of war and civilian internees from India, the Banglaeess from Pakistan and the Pakistanis from Bangladesh, had to be worked out by India “in consultation with Bangladesh and Pakistan as the case may be.” Obviously, we could not work out a comprehensive schedule of repatriation without finalization of shipping and air transport arrangements. Since the U.N. Secretary General’s appeal for international assistance in this regard is yet to materialize, strictly speaking, large scale repatriation is not yet possible. The UNHCR airlift is only able to carry a limited number and it is only now, as you have stated, that its capacity is being increased. You would appreciate that even with regard to the UNHCR airlift, we had received no information from you as to the number of Bangalees proposed to be repatriated and the period required for completing this operation. We got this information from Bangladesh when they offered to repatriate 2,600 Pakistanis from Bangladesh in return for 2,000 Bangalee civil servants and defence personnel from Pakistan. Taking note of this, we ourselves took the initiative to suggest that we should match the proposed repatriation between 19 and 30 September by repatriating 1,680 Pakistani prisoners of war and civilian internees, as we were anxious that the three-way repatriation under the Delhi Agreement should commence as early as possible. You would thus see that we had done our best in the circumstances and it is not fair to accuse us of delay in commencing repatriation.

3.  We have noted that the UNHCR flights are now likely to continue beyond the 30th September and that subject to availability of planes it would be possible to repatriate 600 Bangalee defence and civil services personnel daily. We can assure you that we will not be found wanting in matching this effort by repatriating additional number of prisoners of war and civilian internees in early October. However, it would considerably help us if timely information is given to us about the detailed schedule of repatriation to be carried out by the UNCHR.
4. We need hardly state that we will ensure simultaneity in repatriating Pakistan prisoners of war and civilian internees from India throughout the operation. There is no question of interruption or hiatus in the repatriation of prisoners of war. However, the pace of their repatriation will necessarily be dependent on the pace of repatriation of Bangalees and Pakistanis in accordance with the Delhi agreement.

We are most anxious that the repatriation of all persons covered by the Delhi Agreement should be carried out with the least amount of delay so as to bring about a nearly resolution of the humanitarian issues. However, we shall need Pakistan Government’s fullest cooperation and understanding to fulfill this task.

With kind regards,

Yours sincerely,

(Kewal Singh)
22/9/1973

Mr. Agha Shahi,
Foreign Secretary, Ministry of Foreign Affairs,
Government of Pakistan.

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Aide Memoire of the Government of Bangladesh protesting on the Statement of Pakistan Prime Minister at the UN threatening to oppose the admission of Bangladesh to the UN if it did not abandon the War Crime Trials.


Aide Memoire

The Prime Minister of Pakistan, Mr. Z.A. Bhutto thought it fit to use the United Nations Forum to threaten Bangladesh that Pakistan will oppose the admission of Bangladesh to UN till Bangladesh abandons the war crimes trials. His Excellency the Foreign Minister of India has already given a befitting reply to such “crude” remarks by Mr. Bhutto. The Government of Bangladesh would like to put on record its position on this issue as stated below:

(i) Bangladesh has been and is entitled to membership of the UN she fulfilled all the criteria for membership.

(ii) Extraneous and bilateral issues should not be allowed to be injected into the consideration of Bangladesh’s application for membership of UN.

(iii) The Delhi Agreement sought the solution of humanitarian problems left over from the conflict in 1971 and the Govt. of Bangladesh attaches great importance to the implementation of the Delhi Agreement. Bangladesh has been following a constructive and positive approach in her relations with all countries of the world and even on the question of solution of outstanding problems with Pakistan. The Govt. of Bangladesh would, however, like to make it absolutely clear that the Delhi Agreement has nothing to do with the question of membership of Bangladesh in the UN. To raise this question in the UN is, in fact, against the letter and spirit of the Delhi Agreement. The Delhi Agreement spells out in clear terms how the question of 195 POWs in the UN would be dealt with. Any attempt to preempt the agreement by agitating the question of 195 POWs in the UN would, therefore, not only run counter to the letter and spirit of this Agreement but would indeed, spoil the atmosphere favourable to further positive development towards normalization and establishment of durable peace which has been fostered by this Agreement.

(iv) The formula accepted in the Delhi Agreement was to skirt the question of trial in order to achieve three way repatriation. Raising the question of 195 POWs in the UN would, therefore, defeat the purpose of that formulation. This would in effect mean that Pakistan is going back on its commitment not to raise this matter while the process of actual
repatriation is under way.

(v) The three countries in the sub-continent are going ahead with arrangements for very speedy repatriation in cooperation with the UN Secretary General and other humanitarian agencies and also a number of friendly countries. It is, therefore, essential that nothing should be done which may in any way, stand in the way of implementation of the Delhi Agreement.

(vi) It would be premature to raise any matter extraneous to repatriation programme at this stage. Not only the war crimes trials but some other outstanding issues with Pakistan also can await settlement through discussion among the parties concerned on the basis of sovereign equality.

(vii) The members of the UN should respect the unanimous declaration of the non-aligned summit regarding membership of Bangladesh in the UN.

(viii) If Pakistan raise the question of war crimes trials in the UN and links it with the question of Bangladesh’s membership in the UN it would be mixing political questions with humanitarian problems. The overwhelming concern of the international community for the solution of humanitarian problems must be reflected in dissuading Pakistan from starting this game particularly because Pakistan itself accused Bangladesh earlier of linking political questions with humanitarian problems. To inject war crimes trials into the UN at this stage would vitiate the atmosphere created by the Delhi Agreement and would amount to a negative development.

New Delhi,
0808. Record of discussion between the External Affairs Minister Swaran Singh and the US Secretary of State Henry Kissinger.


The Foreign Minister, accompanied by the Ambassador, was with the Secretary of State, Dr. Henry Kissinger, for half an hour before lunch at the State Department on 3rd October 1973. Mr. Joseph Sisco, Asst. Secretary of State, was also present.

2. FM congratulated Dr. Kissinger on his appointment as Secretary of State. Dr. Kissinger humorously remarked “Now I cannot pick and choose when I should go before the Senate Foreign Relations Committee as I used to do before. I am now obliged to appear before them whenever they require me”.

3. Dr. Kissinger expressed the hope that FM would be able to come again soon. FM said that he had been to the State Department twice before and would be glad to come again. FM invited Dr. Kissinger to pay a visit to India. The latter accepted the invitation with thanks.

4. Dr. Kissinger congratulated FM on his speech at the UN and said “I have read it with great interest”. FM replied that he had also read Dr. Kissinger’s speech with great interest, and had asked the Ambassador to give a full text of his speech to the State Department.

5. Dr. Kissinger then said “We are delighted with your Ambassador”. FM said “So are we with Ambassador Moynihan”. Dr. Kissinger said that he was thinking of getting Mr. Moynihan back, but since he considered Indo-American relations very important, he decided to keep him on in India. FM said he was glad to hear this because Ambassador Moynihan seemed to have “imbibed the spirit of India”.

6. FM added “I know you have plenty of problems but we believe that things can change for better in our area and this could lead to greater security and stability there. There is thus a mutuality of interest between our two countries regarding this.”

7. Dr. Kissinger said “I have told your Ambassador many times over lunch and otherwise that the difficulties of 1971 are over and we can now have better relations. We consider India as our key interest in South Asia. We have no clash of interests and an objective basis exists for good relations between us”.

8. FM said “This is also our genuine and sincere desire. Geography indicates that Afghanistan, Burma, Pakistan, Nepal, Bhutan, Bangladesh, Sri Lanka and
India have so much in common, viz., rivers, mountains, economic interests, etc. Our 700 million people could lead a better life if there is peace, friendship and cooperation in South Asia on the basis of sovereign equality. This would add to the stability and prosperity of the whole area. We have no desire to lead or dominate others or be the overlord of any area. Our size naturally creates some feelings among our smaller neighbours. We therefore go out of our way to re-assure them. We have never interfered in their internal affairs or political, social or economic systems. We have close and friendly relations with all of them. Our relations with the former King of Afghanistan were good and they are equally good with the new Government.

9. **FM** added that he did not wish to dilate too much on the sub-continent, but he thought it necessary to mention that with the Simla and Delhi Agreements India, Pakistan and Bangladesh have demonstrated that problems could be solved mutually and peacefully.

10. **Dr. Kissinger** said “We think it is a major development and we are glad that things are being settled in a good way”.

11. **FM**: “The fact that India and Pakistan were able to agree and settle mutual problems is significant, and I should like to assure you that despite military vicissitudes, we did not give any feeling to Mr. Bhutto that he represented a defeated country. Our Prime Minister made him feel completely at ease”.

12. **Dr. Kissinger**: “Our only interest is to see success in your efforts. We do not support one side or the other. We have some concern only about Afghanistan. We have told Pakistan and Iran not to interfere in the internal affairs of Afghanistan unless Afghanistan tries to subvert their internal system.”

13. **FM**: “This matter came up when I went to Iran and spoke to the Shahenshah”.

14. **Dr. Kissinger**: “The Shah mentioned to me about your visit”.

15. **FM**: “I asked him plainly “Is it your position that you will always side with Pakistan against India, whatever the merits of the question are? And he said that it was not a blanket commitment to Pakistan. He made two points (1) if Pakistan was aggressed upon, he would support Pakistan, but he did not think it was Indian policy to commit aggression against Pakistan; (2) if there was a danger of disintegration of Pakistan particularly in Baluchistan, he would support Pakistan in resisting such a movement”. “I told him that my Prime Minister and I had made several statements that we had no interest in the internal affairs of Afghanistan and Baluchistan”.

16. **Dr. Kissinger**: “The Shah was not accusing India but only mentioned various possibilities”.
17. **FM**: “He was mainly worried about Baluchistan and indirectly about NWFP. I told him that we were not supporting any subversive movements there”.

18. **Dr. Kissinger**: “The Shah told me that you had asked him if he would consult you before he gave any arms to Pakistan and he said to you that he would”.

19. **FM**: “Yes, he said this to me”.

20. **FM** then assured Dr. Kissinger that “We had no interest in the dismemberment of Pakistan and wanted to do everything possible to bring about peaceful, friendly and cooperative relationship with Pakistan.

21. **Dr. Kissinger** thanked FM and told him that USA welcomed this policy.

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0809. **Aide Memoire of the Government of India addressed to the Government of Pakistan regarding the POWs.**

New Delhi, October 12, 1973.

**Aide Memoire**

The Embassy of Switzerland, New Delhi, is requested to transmit the following message to the Ministry of Foreign Affairs of the Government of Pakistan.

Reference Pakistan Government’s aide memoire of October 8, 1973, regarding alleged transfer of Pakistan prisoners of war and civilian internees to Bangladesh.

2. As the Pakistan Government is aware, all Pakistani soldiers and civilians who surrendered to or sought the protective custody of the Joint Commend of India and Bangladesh forces in the Eastern Sector, were brought to India and lodged in POW civilian internee camps. Full details regarding these persons were furnished to the Government of Pakistan through the International Committee of the Red Cross during 1972. The Pakistan Government is also aware that the ICRC representatives have been visiting these camps regularly and furnishing copies of their reports to the Government of Pakistan.

3. No Pakistani POW or civilian under protective custody has been transferred to any country except Pakistan either before or after the signing of the Delhi Agreement.
4. However, some persons in the camps had informed the ICRC and the Government of India that they were nationals of countries other than Pakistan and had desired to be repatriated to these countries. After due verification with governments of the countries concerned and in consultation with the ICRC, these persons were repatriated to their respective countries, like Bangladesh, Afghanistan, U.K. etc. Detailed particulars of such repatriations are available with the ICRC.

New Delhi

The Embassy of Switzerland,
New Delhi.

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0810. Note of the Embassy of Switzerland to the Government of India regarding repatriation of non-Bengalis.

New Delhi, November 9, 1973.

The Embassy of Switzerland, Pakistan Affairs Division, presents its compliments to the Ministry of External Affairs of the Government of India and has the honour to draw the Ministry’s attention to the fact that since the end of the hostilities in December 1971 an unknown but certainly considerable number of Non-Bengalis have illegally crossed into India from Bangladesh and have stayed here without reporting to the Indian authorities.

These Non-Bengalis obviously belong to different categories. Some of them are of West Pakistani origin, some members of divided families, some former employees of the Central Government. Some, however, have no connection with West Pakistan. A few may be in possession of valid Pakistani passports, others may have no valid documents. Several amongst them seem to be registered on the repatriation lists prepared by the ICRC and sent to the Government of Pakistan following the Delhi Agreement.

Articles in the press have indicated that the Indian authorities have arrested a number of these Non-Bengalis illegal entrants during the past months.

The Embassy requests the Ministry to intimate the measures envisaged once these Non-Bengalis report to the Indian authorities. Particularly, the Embassy would like to know:
— Whether they are arrested and subsequently sent back to Bangladesh as has been reported, which might endanger their lives;

— Or whether and under what conditions and to which categories exit-permits are granted to proceed to Pakistan. Exit-permits have been granted in several cases known to this Embassy;

— Or whether it is envisaged to repatriate them as a distinctive group.

The Embassy would also like to know whether the Ministry intend to take up the question of repatriation with the Government of Pakistan as their case resembles to the case of Pakistanis who, on their way to Pakistan, are stranded in Nepal and other countries.

The Embassy of Switzerland, Pakistan Affairs, Division, avails itself of this opportunity to renew to the Ministry of External Affairs, Government of India, the assurances of its highest consideration.

New Delhi, November 9, 1975.

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0811. Aide Memoire of the Ministry of External Affairs to the Pakistan Ministry of Foreign Affairs drawing attention to certain speeches of Prime Minister Zulfikar Ali Bhutto which were contrary to the Simla Spirit.

New Delhi, November 9, 1973.

AIDE MEMOIRE

The Embassy of Switzerland in New Delhi is requested to transmit the following message to the Ministry of Foreign Affairs, Government of Pakistan, Islamabad:

BEGINS;

According to Radio Pakistan, H.E. the Prime Minister of Pakistan told a public meeting in Rawalkot on 7th November 1973 that “he could assure the Kashmiris that they could count on his support at every stage of their liberation straggle.” Similarly, addressing another meeting at Bagh, he said that “if the people of Kashmir are prepared for sacrifices, the Kashmir problem will be solved. He said we should be prepared for everything and every sacrifice. He added if one is prepared for war, one is spared of it.
2. According to another Radio Pakistan broadcast, the Prime Minister is reported to have indicated at Muzaffarabad on 5th November, 1973 that representation would be provided to the people of Pakistan-occupied Kashmir in the Pakistan Federal Legislature and also envisaged that this change in the pattern of relations could be made applicable not only for Azad Kashmir but also for the entire state. He reiterated in his speech at Keil on 6th November, 1973 that he told the political parties in Azad Kashmir that if they come to an agreement, his Government would accept it.

3. Government of India are constrained to point out that these and other similar statements by the Prime Minister of Pakistan during his recent visit to Pakistan-occupied Kashmir are contrary to the letter and spirit of the Simla Agreement. According to para (ii) of the Simla Agreement "the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries neither side shall unilaterally alter the situation and both shall prevent the organisation, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations."

4. In some other speeches, delivered at Pullundri and Bhimber on 8th November, the Prime Minister of Pakistan is reported to have "declared that in order to impress upon the Indian Government as to where it stood in Kashmir, he would make an appeal to the people of Kashmir to observe a peaceful hartal on one of the Fridays. The response to this call would serve as a symbolic protest in occupied Kashmir." This appeal and its connotations are not only in contravention of the Simla Agreement but also constitute unwarranted interference in the internal affairs of India.

5. Government of Pakistan would surely agree that such statements by the highest authority in Pakistan can only cause apprehension amongst the people and Government of India regarding Pakistan’s intentions about the implementation of Simla Agreement through which the two countries are resolved to work for “the promotion of friendly and harmonious relationship and the establishment of: durable peace in the sub-continent.”

ENDS

New Delhi November 9, 1973
The Embassy of Switzerland,
New Delhi.
0812. Letter of External Affairs Minister Swaran Singh to the the Minister of State for Defence & Foreign Affairs, Government of Pakistan regarding certain statements of Pakistan Prime Minister which were contrary to the spirit of Simla Agreement.


We had on the 9th November addressed an Aide Memoire to the Pakistan Ministry of Foreign Affairs inviting attention to some recent statements made by His Excellency the Prime Minister of Pakistan which in our view were not in tune with the aims and objectives of the Simla Agreement. While doing so we thought it best to leave it to your good judgement as to how the serious doubts and misgivings which had arisen in India could be removed.

2. This hope has unfortunately been belied as some further statements have been made which are quite disturbing to us.

3. As you are aware, the Simla Agreement lays down the principles and the procedure for bringing about “a final settlement of J & K”. Accordingly, it would be recalled that the settlement has to be in the context of normalization of relations between the two countries and has to be achieved by peaceful means through bilateral negotiations. It is also incumbent upon both countries that nothing should be done by either side unilaterally to “alter the situation and both shall prevent the organisation, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations”. In this context, we are surprised to note that during the speech at Mirpur on 9th November when some students in the crowd raised slogans “we want guerilla warfare to liberate Kashmir”, the Prime Minister is reported to have said “I like the slogans because these are revolutionary slogans”. He further exhorted the audience that if there are any young men who are interested in guerilla war they should join Pakistan’s Special Services Guards or Commandos and receive proper training. Do we understand from this that the Pakistan Government is now out to encourage the idea of guerilla warfare in Kashmir in total negation of the solemn understanding reached at Simla for the peaceful settlement of differences between the two countries? Obviously, in the absence of a categorical denial by Pakistan Government, the conclusion drawn above is inevitable.

4. The Simla Agreement enjoins upon both countries respect for each other’s territorial integrity and sovereignty and non-interference in each other’s internal affairs. This is stated to be the pre-requisite for reconciliation and good neighbourliness. In this context it is most unfortunate that during his speech at Bhimber on 8th November, the Prime Minister should have thought it fit to speak
about the relations between Hindus and Muslims in India in disparaging terms. He was reported to have said “we have cut the Sardars, Khans, Jagirdars and exploiters to their size and thus we have no regional or communal systems here in the country. These systems obtain in India where Muslims are forced to eat with the Hindus in the same plate. You, the people of Kashmir, know it fully well that you could not touch even the glass from which a Pandit used to drink water. We naturally feel that statements of this kind are likely to incite communal passions and disturb harmonious relations between various communities in India. This is, therefore, not in accord with the mutual understanding reached at Simla about non-interference in each other’s internal affairs.

5. You would recall that on our part when you wrote to me on 27th October saying that there were certain misgivings in Pakistan about my visit to Kabul I readily assured you in reply of November 16, that we could continue to firmly adhere to the principle of non-interference in each other’s internal affairs in accordance with the Simla Agreement. Even without this assurance you would have noticed that during Sardar Naim’s visit to Delhi earlier and my visit to Kabul there was not one statement issued by us which can be deemed to have violated this principle.

6. In the circumstances explained above unless Pakistan Government immediately clarifies its position publicly, the conclusion will be inescapable that Pakistan Government is now paying scant regard to the provisions of the Simla Agreement and has taken upon itself to openly interfere in the internal affairs of India. Since this matter has aroused very serious concern to us I would request you to let me have an early reply so that we both understand, as to where we stand.
0813.  Letter of Pakistan’s Foreign Secretary to the Indian Foreign Secretary regarding detention of some Pakistani nationals in Indian jails.


Ministry of Foreign Affairs
Islamabad

November 21, 1973

Dear Mr. Kewal Singh,

Following the events in East Pakistan since March 1971, hundreds of West Pakistani officials and non-officials entered India. They were forced to do so in order to save their lives. They were arrested, prosecuted on charges of illegal entry and sentenced to imprisonment. Many of them are still reported to be in Agartala and other jails and others are on bail in India.

These unfortunate people have already suffered much for over two-and-a-half years. On humanitarian as well as legal grounds, they deserve to be released and repatriated without delay.

I might add that Pakistan has already freed all Indian nationals who were held in custody in Pakistan on charges of illegal entry in 1971.

The only Indian nationals at present under detention in Pakistan are about 350 criminals who were convicted on various charges before 1971. We have offered to release all of them on basis of reciprocity. Over a year ago, we provided their list to the Government of India. However, so far we have not even received the list of Pakistan nationals held in Indian jails since before the events of 1971.

While it may take the Government of India more time to prepare the list of pre-1971 Pakistani detenus and convicts, the case of those who entered India in 1971 to save their lives deserves to be viewed separately. We would hope that in the spirit of the Simla and Delhi Agreements, the Government of India will now be able to release and repatriate them.

With best wishes,

Yours sincerely

(A. Shahi)

Mr. Kewal Singh,
Foreign Secretary,
Ministry of External Affairs,
Government of the Republic of India,

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0814. Aide Memoire of the Pakistan Ministry of Foreign Affairs to the Ministry of External Affairs regarding repatriation of POWs.


Aide Memoire

The Embassy of Switzerland transmits the following message, dated November 23, 1973, received through Swiss diplomatic channels from the Government of Pakistan:

"The Government of Pakistan has taken note of the statement by the Indian Minister for External Affairs in the Lok Sebha on the repatriation of prisoners of war from India, of Bengalees from Pakistan and non-Bengalees from Bangladesh. According to the All India Radio, the Minister is reported to have stated that due to Pakistan delay, the pace of repatriation of its nationals in Bangladesh had slowed down.

As explained in this Government’s Aide-memoire, dated 12th November, 1973, this statement is based on a misunderstanding of the responsibility of the Government of Pakistan in the matter of repatriation of non-Bengalees from Bangladesh. Nevertheless, in view of the fact that Bangladesh was not able to repatriate Non-Bengalees this Government had cleared fast enough from Bangladesh, this Government decided to take whatever additional steps were possible within its sphere of responsibility to enable Bangladesh to speed up the repatriation process. It has noted with satisfaction that this action has had the desired result and the rate of repatriation of non-Bengalees from Bangladesh has “remarkably increased” as reportedly stated by Sardar Swaran Singh. The Government of Pakistan regrets to note that, on the other hand, there has been a deliberate slowing down by the Government of India of repatriation of Pakistani prisoners of war. We have not been able to find any justification for this action in the Delhi Agreement and trust that the Government of India would take early steps substantially to accelerate the pace of repatriation of Pakistani prisoners of war. At the present rate their repatriation would not be completed until May 1974, whereas — assuming that the necessary transport facilities will remain fully operative - the repatriation of Bengalees from Pakistan and of non-Bengalees (that) this Government has agreed to accept from Bangladesh, could be completed by end of January 1974."

0815. Message from Pakistan Minister of State for Defence and Foreign Affairs Aziz Ahmed in reply to Indian External Affairs Minister’s letter regarding certain statements of Prime Minister Bhutto.


“Reference your message of 21st November. We are glad you have expressed your concern with complete frankness. Only by sharing such misgivings, can we both understand as to where we stand.

2. It was for like consideration that I was impelled to write to you on 27th October about exchange of visits between Delhi and Kabul. The reply you were good enough to send on 16th November, has helped clear the air.

3. It seems that reports that have reached your Government of the Prime Minister’s speeches in Azad Kashmir are incomplete or inaccurate. Taken out of context, extracts can lead to wrong constructions. The Prime Minister’s speeches, read as a whole, could not justify the kind of impression you have formed.

4. You have expressed concern over what the Prime Minister said to a group of young men who advocated guerilla war at his public meeting in Mirpur on 9th November. What actually happened is that a huge public gathering in Mirpur, a tiny group of students proceeded to disturb the meeting with slogans, in favour of guerilla war to liberate Kashmir. Turning to them, the Prime Minister said I like these slogans because these are revolutionary slogans. These slogans reflect the spirit of the people. There will be no progress till people have the right spirit and enthusiasm. Since Pakistan People’s Party is a revolutionary electoral mandate to introduce socialism in Pakistan, the Prime Minister, by commenting the young men’s attitude in these terms, set it within the framework of his party political program. He also advised them that if any of them was interested in guerilla warfare they should join Pakistan military or Para military forces. Immediately thereafter the young men stopped disturbing the meeting. This is the Prime Minister’s way of handling any hecklers at public meetings.

5. Since this incident has been fully reported in the Pakistan press, there is no need to clarify the Government position publicly on this point. It would be wholly inadvisable to blow up a small, inconsequential incident such as this out of all proportion by doing so. It is best forgotten, Perhaps it has not been brought to your notice that at practically every public meeting in Azad Kashmir, Prime Minister took the line that the Kashmir dispute should be resolved through peaceful means, that war would not resolve this issue and in support thereof
he mentioned that three wars fought during the last 26 years had left this issue unresolved.

6. I should mention that perusal of Prime Minister’s speeches in their entirety would show that their main thrust were directed towards a possible reorganisation of administration of Azad Kashmir which would enable rapidly to bring the benefit of development and modernisation to that territory in accordance with the People’s Party’s economic objectives.

7. You have also taken exception to one or two remarks made by Prime Minister during his speech at Bhimber on 8th November. Here Prime Minister was again merely stating certain facts, namely, that we had cut the Sardars, Jagirdars and exploiters down to size and that there were no regional or caste taboos in Pakistan. We regret that statements made in this connection should have caused offence in India.

8. While not in any way wishing to justify any lapse or supposed lapse on our part in implementing the Simla Agreement by proffering counter complaints, I should like to take this opportunity to invite your attention to Radio Srinagar’s programme BAAT CHEET (Talks programme)on 8th November. Denouncing Prime Minister’s statement concerning Kashmiris right of self-determination, the broadcast said that “The Pakistan rulers should desist from making such statements about an area where they stand as aggressor. They have no right to do so. If the right of self determination is so dear to them, why do they not accept this right for the oppressed people of Baluchistan and NWFP.”

9. More recently, AIR seems to have cast aside all restraint in this regard, despite the assurances contained in your letter of 16th November concerning your visit to Kabul. For instance

“(a) Observers say Pakistan Army is perpetrating untold tyrannies on the people of Baluchistan. In view of these conditions, Sardar Bugti did not consider proper to continue in office;

(b) There seems no end to political violence. The situation is very critical in Baluchistan and the NWFP as the Peoples Party have not been able to find feet in these provinces. It is for this reason that an attempt to crush the opposition with great force is being made in these areas.

(c) It appears that the ruling party leadership has decided to crush opposition with an iron hand instead of coming to an understanding with it. AIR, TABSARA (commentary) 23rd November, 1973.

(d) Movement of independent Pakhtoonistan is gaining momentum in Pakistan.
(e) Reports from northern area of the NWFP, speak of growing resistance to the armed intervention by Islamabad. Several protest meetings have been held against intervention of the Pakistan Government in the affairs of Pakhtoonistan. The meetings have asked Islamabad to withdraw its armed forces from the territory. AIR News 0740 hours 26th November, 1973.

10. You may wish to look into this matter. So far as my Government is concerned, as you are aware, we have in the course of several communications addressed to your Government, repeatedly affirmed our resolve to promote friendship and harmonious relations with India and work for durable peace and, with that end in view, to implement the Simla Agreement in the letter and the spirit. This still regains the Pakistan Government’s inflexible objective.

0816. Letter from Indian Foreign Secretary Kewal Singh to the Pakistani Foreign Secretary Agha Shahi regarding exchange of persons detained in prisons of the two countries.


Dear Mr. Agha Shahi,

Please refer to your message dated November 21, 1973, received through Army channels.

2. As you are aware, we had as far back as 29th April, 1972, agreed that respective nationals detained in either country before the outbreak of hostilities on 3rd December, 1971, should be exchanged. In fact it is a matter of deep regret that despite the understanding reached so far back, the matter has remained pending. I have gone into this question carefully and am unable to understand the reasons as to why your Government has not responded to our repeated initiatives for effecting limited exchanges pending completion of verified lists of detained nationals on both sides.

3. During the period February 1972 to August 1972 we had forwarded to Government of Pakistan lists of as many as 790 Indian nationals of this category who according to our information are in Pakistan’s custody—some of them since 1965-66. Pakistan Government, however, sent us a list of 380 names of Indian nationals who are in their custody which, on examination, revealed that only 88 names were in common between it and our list of 790.
4. We had also received from Pakistan Government a list of 380 who are allegedly detained in India. Some of these persons are those who are supposed to have entered India from former East Pakistan between March and December 1971. After verification with our State Governments we had prepared a list of 115 Pakistan nationals of this category who have been identified so far. This list was sent in two installments to your Government with our Aide Memoires of 29th September and 9th October, 1973 and communicated through Swiss Embassy. We can assure you that we are continuing our efforts with the help of State Governments to locate more Pakistani nationals of this category and will inform you as soon as this information is compiled.

5. In the meantime, you would appreciate our anxiety to ascertain the whereabouts and welfare of Indian nationals detained in Pakistan whose names were in the list of 790 which was communicated to you last year. We had, therefore, readily agreed to your Government’s proposal some months ago that representatives of the Swiss Missions in the two countries who are entrusted with the task of looking after consular interests on either side should be enabled to visit these detained nationals whether they are in jails or on bail so that on the basis of their reports, additional verified lists can be prepared. We thought that this would be a practical way of tackling this problem in either country. We were, therefore, greatly surprised to know recently that the Government of Pakistan was now not keen about this proposal. I hope you would reconsider your decision in this regard and if possible revive this proposal.

6. I have noticed that in your letter you have by implication tried to draw a fine distinction between Pakistan nationals who crossed over into India illegally during the period March to 3rd December, 1971 and Indian nationals detained in Pakistan for several years. In this context, I am unable to agree with your contention that Pakistan has freed all Indian nationals who were taken into custody in 1971. Perhaps you have in mind the civilians captured by your Army from Hussainiwala or other areas in the Western border. If this is so, I would like to clarify that India had also reciprocally, released Pakistan civilians captured during the conflict from the Western border.

7. You have rightly pointed out that on humanitarian grounds the pre-war detainees should be released and repatriated. However, I am sure you would agree that humanitarian considerations should be equally applicable to the Indian nationals detained in Pakistan for so many years. Surely, it would be highly unfair to apply some kind of fine distinction in their case and keep them in detention indefinitely. I think once your Government is able to take a fair decision in this regard and deal with this matter on the basis of purely humanitarian considerations as well as reciprocity, there is
no reason why we cannot resolve this problem in a mutually satisfactory manner.

Yours sincerely,

Sd/-

(Kewal Singh)

His Excellency
Mr. Agha Shahi,
Foreign Secretary,
Ministry of Foreign Affairs,
Government of Pakistan, Islamabad.

0817. Letter from the Pakistani Minister of State for Defence and Foreign Affairs to the Indian External Affairs Minister Swaran Singh regarding POWs.


Dear Sardar Swaran Singh,

You will recall that in the course of one of our meetings in New York you mentioned that since under the Delhi Agreement the trial of the 195 prisoners of war had been effectively blocked and their transfer to Dacca ruled out, the relief we sought from the International Court had in fact been provided by that Agreement. Under the circumstances you suggested that we consider the question of withdrawing our case from the International Court of Justice.

2. I am glad to inform you that the Government of Pakistan has decided to withdraw the case and necessary action to give effect to this decision is being taken. This has been done not only for the reasons stated by you but in order also to help promote normalisation of the situation in the Sub-continent in conformity with the spirit of the Simla and Delhi Agreements.

With best wishes

Yours Sincerely

(Aziz Ahmed)

His Excellency Sardar Swaran Singh,
Minister for External Affairs,
Government of the Republic of India, New Delhi.
I would like to place on record certain aspect about points which have been raised. I will try to be very brief because I do not want to make a very comprehensive speech covering every point. I would start with the last point raised by Shri Nawal Kishore. This was also referred to by Dr. Bhai Mahavir. And that is about Prime Minister Bhutto’s speeches and his general attitude. I would like to say very briefly the following which is partly factual, because you might recall that I had informed either this House or the other House that we had already taken this matter up — I think I mentioned it here during the Question Hour — with the Government of Pakistan. The House is aware of the reported statements of the Prime Minister of Pakistan during his tour of Pakistan-Occupied Kashmir in early November which were contrary to the aims and objectives of the Simla Agreement, in particular, the provisions regarding non-interference in each other’s internal affairs.

On 9th November we had sent an aide memoire to the Pakistan Government drawing pointed attention to these statements. We had said that in our view such statements by the highest authority in Pakistan could only cause apprehension among the people and the Government of India regarding Pakistan’s intention about the implementation of the Simla Agreement. Later on 21st November I sent a personal message to Mr. Aziz Ahmed, Pakistan’s Minister of State for Defence and Foreign Affairs wherein I drew his attention to the speeches of the Prime Minister of Pakistan, particularly the speech at Mirpur on 9th November, which had tended to create the impression that he had endorsed the slogans from a section of the crowd which was advocating “Guerilla Warfare to liberate Kashmir”. I asked Mr. Aziz Ahmed to clarify the Pakistan Government’s position on this subject so that we could understand where we stood in terms of the Simla Agreement. Mr. Aziz Ahmed has sent me a reply. In his reply which was received towards the end of the last month — his reply is dated November 29 — Mr. Aziz Ahmed has tried to explain that Prime Minister Bhutto’s speeches, read as a whole, could not justify the kind of impression we had formed. Regarding Mr. Bhutto’s remarks at Mirpur he clarified that the Prime Minister was actually trying to pacify a section of the crowd which was shouting these slogans and was creating a disturbance. He has further said that this is Mr. Bhutto’s style of dealing with hecklers. He has further stated that on the other hand Mr. Bhutto has been repeatedly advocating during this tour that war would not resolve the Kashmir issue and that three wars fought during the last twenty-six years had left this issue un-resolved.
These are the words Mr. Aziz Ahmed has used while making a summary of the general trend of Mr. Bhutto's speeches. According to Mr. Aziz Ahmed, Pakistan Government remains committed to promoting friendship and harmonious relations with India and to implementing the Simla Agreement in letter and spirit. My only comment is that the fact that they are trying to be defensive on this and are trying again to come back to the Simla Agreement is a factor in the situation which we should not ignore. While we have taken note of this clarification, we cannot but express our unhappiness that the Prime Minister of Pakistan should have thought it fit to make remarks in his speeches which violated the provisions of the Simla Agreement regarding noninterference in each other's internal affairs. We will, therefore, earnestly hope that Pakistan Government will fulfill the assurance contained in Mr. Aziz Ahmed's letter of 29th November. It is necessary for us not to forget the objective. The objective is clear. We have to stabilise peace. In our relations with Pakistan we have to reverse the trends of confrontation and we are dead-earnest to establish good neighbourly relations. And if there are any deviations from the side of Pakistan, it should be our duty to point out those deviations and try to bring them back on to the rails so that they continued to be firm on the Simla Agreement. It is not a very pleasant task. But while dealing with a history of the type that we have had with Pakistan, the main objective has to be kept in view and it is with that objective that we continue to make our efforts.

I would also like to take this opportunity to bring the figures up to date with regard to repatriation of the three categories of persons about which I made a reference in my opening remark. I have got now figures which are fairly recent. I have got figures up to 2nd December, 1973. The figures available with us till 2nd December, 1973 are quite impressive and they show that the persons repatriated were as follows:

Prisoners of war and civilian internees in India . . . 30,190
Pakistanis from Bangladesh…… 22,593
Bangladesh nationals from Pakistan .... 52,821

The number is well over a lakh and this trend is continuing. My senior brother Shri Awadheshwar Prasad Sinha has pointed out that even this morning it was on the radio that more prisoners of war have gone. It is true that during these three or four days further repatriation has taken place. But I am giving you authentic figures which show that over one lakh persons have already been repatriated.

As the House is aware, we are dealing with three categories of persons — prisoners of war and civil internees in India; Bangladesh nationals in Pakistan and Pakistani nationals in Bangladesh. The outstanding number is still substantial. It will take some months more before we complete this first phase.
Indian prisoners in Pakistani custody at the time of cease-fire had been repatriated long ago. We had exchanged Pakistani prisoners that came into our custody from Western side with the Indian P.O.Ws, that were in their custody. It is obvious that there were no Indian prisoners of war on the Eastern side.

A part of the money according to international convention is recoverable and we have reserved our right to claim the expenditure which is recoverable according to international law.

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Aide Memoire

The Embassy of Switzerland transmits the following message, dated December 11, 1973, from the Government of Pakistan and destined for the Government of the People’s Republic of Bangladesh to the Government of India for their information:

“In accordance with paragraph 2 of the Memorandum of Understanding signed at New Delhi on August 28, 1972, the Government of Pakistan was to repatriate Bangalee defence services personnel and civil servants and their families on a first priority basis. The repatriation of these categories is approaching completion.

2. Out of about 52,000 defence services personnel and their families, over 36,000 have already been repatriated. Of the civil servants and their families only about 4,000 are left.

3. Of the remaining 20,000 defence and civil services personnel and their families, about half will be repatriated by air from Karachi and the other half from Lahore. With readjustment in placement of the available aircraft at present engaged in the repatriation operation, it is hoped that all the remaining defence and civil services personnel and their families will be completed in about three weeks.

4. For smooth continuation of the operation, it is necessary that the completion of repatriation of the defence and civil services personnel should
be dovetailed with the commencement of the repatriation of the civilian Bangladesh nationals in Pakistan.

5. The Government of Pakistan must soon have necessary information about the civilian Bangladesh nationals awaiting repatriation from Pakistan. It has been learnt from the ICRC that applications of the Bangalee civilians have already been obtained and forwarded by it to the Government of Bangladesh for clearance. It is necessary that these clearances should now be available so that the concerned authorities can make the necessary logistic arrangements. The Bangladesh nationals will have to be notified of departure dates. They will need time to prepare. The authorities will have to assemble them. All this will require time.

6. Unless the clearances are granted without further delay, it is inevitable that there will be a hiatus in the repatriation operation."


Dear Mr. Aziz Ahmed.

Thank you for your message of December 6 received through the Army channels.

2. We are glad to note that your Government has decided to withdraw its application to the International Court of Justice on the issue of 195 Pakistani prisoners of war required for trial by Bangladesh Government.

3. You have referred to my conversation with you at New York. I recall having asked you at a social function whether it was true that Pakistan Government was thinking of repaginating this question before the International Court of Justice. I said if this was so it would be rather a surprising step on the part of Pakistan Government in view of the fact that Pakistan was a partly to the Delhi Agreement wherein an agreed procedure had been indicated for
tackling this issue. You had said that you would have the matter re-examined on your return.

4. I am also glad to note that this decision has been taken by your Government in order to promote normalization of the situation in the sub-continent in conformity with the spirit of the Simla and Delhi Agreement.

Yours Sincerely,
(Swaran Singh)

His Excellency Mr. Aziz Ahmed,
Minister for State for Defence and Foreign Affairs,
Government of Pakistan,
Islamabad.

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0821. Letter from the Pakistani Foreign Secretary to the Indian Foreign Secretary regarding the prisoners of pre-war period.


Dear Mr. Kewal Singh,

I regret the delay in replying to your letter of November 30, 1973 about the question of pre-war prisoners. I was out of the country until mid-December.

2. I am happy to inform you that the Government of Pakistan has agreed to visits by Swiss Embassy officials to jails in Pakistan where Indian nationals are under detention. To start with, they will visit Peshawar on January 7, 1974.

3. The list of 380 Indian nationals under detention in Pakistan that was provided to the Government of India was based on complete information collected from the Provincial Governments. We have once again requested the authorities concerned to investigate if any other Indian nationals are held in Pakistan. I can assure you that if any are found we shall promptly convey their particulars to the Governments of India. You will agree that it is not possible
for the authorities in Pakistan to give any explanation on the basis of Indian claim lists unless information is provided about the places of detention.

4. I regret to say that information about all Pakistan nationals known to be held in India has not so far been provided by the Government of India. For instance, according to a letter from a prisoner, about 300 Pakistani nationals are said to be under detention at the Alipur Central Jail in Calcutta on charges of illegal entry. Their names have not been sent to us. Even the name of a prisoner who has been visited by the Swiss Embassy at the Patiala jail has not been included in the lists of 125 persons so far provided by the Government of India.

5. You will agree that the period of one year and 8 months since the two countries agreed in principle to exchange pre-war prisoners, should have been sufficient for the concerned authorities in India to collect the names and particulars of Pakistani nationals held in jails or on bail in India.

6. In the absence of complete lists, the Government of Pakistan is prepared to agree even to a partial exchange. I must, however, state that in that case the question of persons held or convicted on security offences should be treated separately.

7. The Government of Pakistan is prepared, pending complication of complete lists, to release on basis of reciprocity, all Indian nationals in custody in Pakistan, except those held or convicted for security offences. If this is acceptable, the Government of Pakistan and the Government of India should agree to release and exchange all the known prisoners and detenus, apart from the excepted category, on a mutually agreed date. And later, if any persons are discovered to be in jails, they should also be promptly released and repatriated.

8. As for the prisoners held or convicted on security charges, their lists may be exchanged separately and they can be the subject of a separate agreement.

With best wishes

Yours sincerely,

(A.Shahi)

His Excellency Mr. Kewal Singh,
Foreign Secretary,
Ministry of External Affairs,
Government of the Republic of India,
New Delhi.

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Reply Message of the Indian External Affairs Minister Swaran Singh to the Pakistani Minister of State for Defence and Foreign Affairs Aziz Ahmed regarding speeches of the Prime Minister of Pakistan.

New Delhi, January 8, 1974.

In your last message dated November 29, 1973 you had clarified that the speeches made by the Prime Minister of Pakistan during his visit to Muzaffarabad and certain other places in November 1973, read as a whole, could not justify the kind of impression that we had formed. Further you had also been good enough to reaffirm your Government’s resolve to promote friendship and harmonious relations with India and to implement the Simla Agreement in the letter and spirit. You may have noticed that in my statement before our Parliament last month I had made use of your clarification and explained this matter in as constructive a manner as possible.

2. We had naturally thought that after the helpful clarification given by you there would be no recurrence of the kind of statements to which we had taken exception earlier. Against this background I deeply regret having to invite your attention to the following remarks reported to have been made by the Prime Minister of Pakistan during a public speech at Rawalpindi on December 20, 1973 (DAWN of Karachi dated 21st December 1973):

“He reaffirmed his Government’s resolve to intensify the struggle for recognition of Kashmir’s” right of self-determination. He wondered why his announcement that he would call for Hartal on a particular Friday in Occupied as well as in Azad Kashmir should have evoked protest from India. He explained his idea was to show to the world that people of Jammu and Kashmir State were with Pakistan heart and soul, in finding a place of dignity and self-assertion for themselves.”

3. We had hoped that the unfortunate move calling for a Hartal in Jammu & Kashmir contained in one of the earlier statements of your Prime Minister about which we had drawn your Governments attention in an Aide Memoire date November 8, 1973, would have been allowed to die a natural death. This was the logical conclusion drawn from your last message. Therefore, we are surprised to note the reassertion of this idea contained in your Prime Minister’s reported statement of December 20.

4. I think a word needs to be said here about the possible consequence of this move. We have noticed that it is being claimed in Pakistan that a response to the call for Hartal in Jammu and Kashmir would serve as “a symbolic protest” and as an expression of the so-called solidarity of the Kashmiris with Pakistan.
You are no doubt aware that the occurrence of Hartals and agitations is quite common not only in India but in Pakistan as well. However, if any artificial connotation of the kind mentioned above is given by either side, it would affect Pakistan equally as much as India. Therefore, it is in this context that I would urge you to think of this matter in the larger context of developing harmonious relations between India and Pakistan and of establishing durable peace in the sub-continent. Needless to say that encouragement by a Prime Minister of a country of Hartal in a neighbouring country is a most serious interference in the internal affairs of the neighbouring country.

5. We have also noticed that in the same speech the Prime Minister of Pakistan made the following remarks:

“He was prepared to talk not only with Khan Wali Khan but also with Indira Gandhi and his other patrons.” He said, “it was malicious to say that excesses were being perpetrated on the people of Baluchistan and that four divisions of Army were deployed there. Those who indulged in such propaganda were the enemies of Pakistan and agents of India.”

We are at a loss to understand how totally unwarranted allegations of this kind against the Prime Minister of India in the context of a purely internal situation in Pakistan are likely to further the objectives of the Simla Agreement.

6. We would, therefore, earnestly hope that in the interest of harmonious relations to which both Pakistan and India are committed under the Simla Agreement your Government would find a suitable opportunity of correcting the wrong impression which has been created in India by these statements.
0823. Aide Memoire of the Government of Pakistan regarding resumption of various links.
Islamabad, January 19, 1974.

EMBASSY OF SWITZERLAND

The Embassy of Switzerland presents its compliments to the Ministry of External Affairs, Government of India and has the honour to communicate to the Ministry the following Aide-memoire, dated January 19, 1974, received from the Ministry of Foreign Affairs, Government of Pakistan:

BEGINS

AIDE MEMOIRE

“The following message may please be communicated to the Ministry of External Affairs, Government of India, New Delhi:

Reference Minister of External Affairs, Government of India, message of December, 3, 1975, proposing an exchange of delegations for discussion and implementation of the steps envisaged in Paragraph 3 of the Simla Agreement to restore and normalize relations between the two countries.

The Government of Pakistan is of the view that first it would be desirable to take up the subject of resumption of postal, telegraphic, sea and land communication between the two countries. After this important step has been taken, the other steps envisaged in Paragraph 3 of the Simla Agreement can also be discussed at the appropriate time.

Accordingly in order to discuss the resumption of communications, the Government of Pakistan has great pleasure in extending an invitation to the Government of India to send a delegation to Pakistan in the first week of March 1974.”

ENDS

The Embassy of Switzerland avails itself of this opportunity to renew to the Ministry of External Affairs of the Government of India the assurances of its highest consideration.

New Delhi, January 21, 1974.

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0824. Letter from the Pakistani Minister of State for Defence and Foreign Affairs Aziz Ahmed to Indian External Affairs Minister Swaran Singh regarding the speeches of the Pakistani Prime Minister.

Islamabad, January 24, 1974.

Ministry of Foreign Affairs
Islamabad

From: Mr. Aziz Ahmed,
Minister of State for Defence and Foreign Affairs
Islamabad

January 24, 1974.

Dear Sardar Swaran Singh,

I write in reply to your letter of January, 9.

I regret that you should have again found it necessary to express concern over a subject in respect of which the position of my Government had been clarified at some length in my letter of November 29. May I suggest again that the Prime Minister’s speeches should be read in the context in which they are made. In the public speech on December 20, out of which you have culled some of his remarks, the Prime Minister briefly dealt with the Kashmir dispute in reply to domestic critics who had alleged that the speeches he had made during his tour of Azad Kashmir in November were tantamount to abandonment of Pakistan’s position on Jammu and Kashmir. Similarly his other remarks to which you have taken objection should also, we think, be viewed in the proper perspective.

Such a perspective would require, in our view, that we do not pick on a statement here or there in the Prime Minister’s public speeches but keep in view the totality of his approach to the India-Pakistan relationship. This is brought out clearly in the interview he gave to Dr. Satish Kumar, which has been published in the Hindustan Times, New Delhi, on January 2.

Take, for instance, the importance he attaches in that interview to the establishment of diplomatic relations between the two countries. Giving the instance of the energy crisis and other recent developments that he said here going to have far-reaching ramifications on the economies of both countries, he said:

“If today we had diplomatic relations we would be able to consult each other and find out where we go from here, because we are really sinking together.

You see sudden changes, sudden mutations take place and we find ourselves groping in the dark because we do not have a dialogue, we do not have relations...
with each other. And we are still hankering over past feuds. The world has moved on and we in the sub-continent have remained behind”.

Stressing the need for establishment of normal relations between Pakistan, India and Bangladesh, he said:

“We are excellent in losing opportunities and are bad in seizing opportunities. We have made progress, judging from the way things move in the sub-continent, lackadaisically and slowly. Simla was an achievement for peace. Delhi also made its contribution. And now we await further developments. I would go to the extent of saying that we anxiously await further developments in the process of normalization.”

It was in this same spirit that during that interview he also pleaded at considerable length for a saner approach to the question of the “colossal” and “back-breaking” expenditure on defence in both India and Pakistan.

It would be helpful we think in the achievement of the objectives of the Simla Agreement if we concentrated on the positive features of statements made by leaders in both countries.

Finally, you have complained about the statement made by the Prime Minister concerning a hartal in Jammu and Kashmir. We agree with you that encouragement by the Prime Minister of a country of a hartal in a neighbouring country would be most serious interference in the internal affairs of that country. However, as you are aware, we do not accept your claim that the State of Jammu and Kashmir is a part of India and the Simla Agreement duly recognizes and respects this position.

Before I conclude I should like to say that we took note of your statement in the Indian Parliament on December 6, as being helpful in the creation of an atmosphere conducive to promotion of a harmonious relationship between India and Pakistan.

With best wishes,

Yours Sincerely,

Sd/-

(Aziz Ahmed)

His Excellency
Sardar Swaran Singh,
Minister of External Affairs,
Government of India,
New Delhi.

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0825. Letter of Pakistani Minister of State for Defence and Foreign Affairs Aziz Ahmed to the Indian External Affairs Minister Swaran Singh regarding Pakistanis held in India for illegally entering the country.

Ministry of Foreign Affairs
Islamabad

January 25, 1974

Dear Sardar Swaran Singh,

During the disturbances in East Pakistan in 1971 hundreds of (West) Pakistanis had to seek refuge in India in order to save their lives from Bengalee extremists. For nearly three years they have been under detention in India on charges of illegal entry. We have been trying but do not seem to be making much headway in securing their release. I see no alternative now to troubling you and seeking your intervention.

2. I should be grateful if you could kindly personally look into this matter so that these innocent refugees are saved from needless suffering. They had not entered your country with criminal intent. In any case, they have suffered more than enough already.

3. The whole question appears to have got bogged down in details of essentially unrelated issues. The release of these unfortunate refugees has been linked with that of pre-war prisoners held for criminal offences, particularly with persons detained on espionage charges.

4. I assure you that we on our side will respond adequately in finding an early solution to the question of release of pre-war prisoners as well. In fact Mr. Agha Shahi has already written to Mr. Kewal Singh suggesting that the question of security prisoners be discussed separately, while persons held for other criminal offences could be released promptly.

Yours sincerely

(Aziz Ahmed)

His Excellency Sardar Swaran Singh
Minister of External Affairs,
Government of the Republic of India.
New Delhi, January 27, 1974.

Dear Mr. Aziz Ahmed,

I have received your message dated 25th January, 1974, regarding the pre-war detainees which we have studied carefully.

2. I notice we have been corresponding with your Government on this question for the past two years. For one reason or the other, not a single person out of the Indian and Pakistani pre-war detainees has been repatriated, even though as far back as April 1972 agreement had been reached that all Indian pre-war detainees in Pakistan and Pakistani pre-war detainees in India will be exchanged. Pakistan's message received through Swiss Embassy on 29th April, 1972 had stated “the Government of Pakistan is agreeable in principle to exchange all prisoners and internees detained in the two countries during the period prior to the month of December, 1971.”

3. The real cause of this unfortunate stalemate has been the subsequent change in Pakistan Government's position and in insisting that a distinction should be made between prisoners who are allegedly charged with security offences and those charged with other offences; the implication being that those charged with security offences should continue to be detained in Pakistan. I am unable to see how either side is going to accent the argument advanced by the other about the nature of charges on the basis of which these persons are detained. Even on humanitarian grounds Indian nationals, many of whom have been kept in detention in Pakistan from as far back as 1965, should now be allowed to return home. We understand that there are some Indian prisoners who have gone insane while in captivity and some may have died. As a concrete instance, I may mention that only on January 21 we were informed through Swiss Embassy that an Indian national Ram Daleeli who was in Kot Lakhpat Jail had died after prolonged illness. At no stage had we been informed of the fact that this person had been seriously ailing. It is hard to believe that Pakistan Government will derive any advantage from prolonging captivity of these hapless and unfortunate individuals.

4. We are quite prepared on our side to release all Pakistani pre-war detainees including those charged with security offences and would naturally expect that in accordance with the agreement reached between the two sides in April 1972, all pre-war detainees, irrespective of the charges against them, should be released by Pakistan. This is the only way we can bring this matter to an amicable solution.

New Delhi, January 25, 1974.

The Ministry of External Affairs, Government of India, presents its compliments to the Embassy of Switzerland, New Delhi, and has the honour to request that the enclosed aide memoire may kindly be transmitted to the Government of Pakistan.

The Ministry avails itself of this opportunity to renew to the Embassy of Switzerland the assurances of its highest consideration.

New Delhi, January 25, 1974.

AIDE MEMOIRE OF THE GOVERNMENT OF INDIA

Reference Government of Pakistan’s message of January 21, 1974 in response to Government of India’s proposal contained in their aide memoire of December 31, 1973, for an exchange of delegations for discussion and implementation of the normalization measure envisaged in paragraph 3 of the Simla Agreement.

2. The Government of India have noted Pakistan’s view that first it would be desirable to take up the subject of resumption of postal, telegraphic, sea and land communications between the two countries. As Pakistan is aware, the underlying objective of paragraph 3 of the Simla Agreement is to progressively restore and normalize relations between the two countries. The first important step therefore is to remove the hardships faced by thousands of people in both countries due to the lack of communications and travel facilities. It follows, logically, that discussions should not only deal with resumption of
postal and telegraphic links and sea and land communications but also result in re-establishing air links including over flights between the two countries. It would be mutually beneficial to the airlines of the two countries to resume over flights on a reciprocal basis so that long detours could be avoided. Apart from these considerations, it may be mentioned that all these items are contained in paragraph 3(i) and (ii) of the Simla Agreement and it would be appropriate to take up the subject of communications and travel as a whole. It would seem that without simultaneous agreement on resumption of travel facilities, restoration of some forms of communications while leaving out others, as suggested by Pakistan, would have little practical utility.

3. On hearing from the Government of Pakistan further, India would be glad to send an appropriate delegation to Pakistan on a mutually convenient date in March to discuss all the items mentioned in paragraphs 3(i) and (ii) of the Simla Agreement.

New Delhi
January 25 1974

0828. Summary Record Note of discussion between Joint Secretary (Pak) Ministry of External Affairs and Swiss Ambassador on the question of Indian pre-war detainees in Pakistani jails.

New Delhi, February 7, 1974.

The Swiss Ambassador called on J. S (Pak) at 4.45 p.m. on Thursday, the 7th February, 1974 and handed over a report prepared by the representative of the Swiss Embassy in Islamabad on his visit to the 50 Indian pre-war detainees located at Lakpat jail (Lahore). The Swiss Ambassador indicated that the Swiss Embassy’s representative in Pakistan would shortly be visiting another one hundred Indian pre-war detainees presumably at Lahore itself.

On examining the above-mentioned report, J. S (Pak) observed that it was clear from the visit report that the Swiss Embassy representative had not been allowed to visit all the Indian pre-war detainees located at Kot Lakhpat Jail (Lahore) since none of the 50 on whom reports had been submitted was held for security offences. Pakistan thus seem to be making a distinction between pre-war detainees held for security offences and those held for other offences.
JS (Pak) felt that it was imperative that the Swiss Representatives should be allowed to meet all the Indian pre-war detainees in Pakistan irrespective of the charges on which they were held. While the question of exchange of Indian and Pakistani pre-war detainees was being examined at a high level between the two Governments, it was essential that rapid progress should be made in the preparation of verified lists of Indian and Pakistani pre-war detainees on the basis of visits to all of them by the representatives of the Swiss Embassies in the two countries.

Accordingly, JS(Pak) requested the Swiss Ambassador that on the same pattern as India was allowing the Swiss Embassy’s representatives to visit all Pakistani pre-war detainees in India, Govt. of Pakistan should be requested to ensure that all Indian pre-war detainees were visited by Swiss Embassy’s representatives in Pakistan on a reciprocal basis, JS(Pak) agreed to the Swiss Ambassador’s suggestion that an aide-memoire on this matter should be handed over to him as this would strengthen his hands.

(Satish Chandra)
Under secretary (Pak)

0829. Aide Memoire of the Government of India on the pre-war Indian detainees in Pakistani jails.

New Delhi, February 8, 1974.

AIDE MEMOIRE

In the recent correspondence exchanged between His Excellency Mr. Agha Shahi, Pakistan Foreign Secretary and Shri Kewal Singh, Indian Foreign Secretary, an understanding had been reached that representatives of the Swiss Missions in India and Pakistan would be permitted to visit pre-war detainees in various jails in the two countries so that they could prepare verified lists of the actual number of persons of this category who are in detention. It was considered essential to do so in view of the need for reconciling conflicting estimates put up by the two sides. While agreeing to this proposal it was of course understood that the Swiss representatives will be permitted to visit all pre-war detainees irrespective of whether or not they had been charged with security offences. It need hardly be emphasised that the task entrusted to the Swiss representatives in the two countries is that in accordance with their
consular functions they should be enabled to locate and identify the actual existence of respective nationals under detention. This task can hardly be fulfilled to the entire satisfaction of the two countries, if some of the prisoners are not allowed to be met by the Swiss representatives on the ground that they are charged with security offences.

India on its part has been facilitating the Swiss representative to meet all the Pakistani prisoners in a jail which is visited, irrespective of the nature of charges against individual prisoners. This will be borne out by an examination of the reports furnished by the Swiss Embassy representative on the 98 Pakistani pre-war detainees met by them so far. From the visit report on the Kot Lakhpat jail (Lahore) furnished to India by the Swiss Embassy in New Delhi on 7th February 1974 it appears that only those Indian pre-war detainees who were not charged with security offences have been allowed to be met by the Swiss representative.

If this impression is correct, the Government of India would urge the Government of Pakistan to reconsider this matter carefully in the light of the reasons cited above and to issue necessary instructions to its jail authorities so that the Swiss representative is allowed to interview all Indian detainees, irrespective of the offences with which they are charged.

New Delhi
8th February 1974

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0830. Note Verbale of the Swiss Embassy in New Delhi forwarding a Note Verbale of the Government of Pakistan regarding pre-war detainees.

New Delhi, February 12, 1974.

The Embassy of Switzerland, Pakistan Affairs Division, presents its compliments to the Ministry of External Affairs of the Government of India and has the honour to communicate to the Ministry the following Note Verbal, dated February 9, 1974, received from the Government of Pakistan:

"The following message may be conveyed to the Ministry of External Affairs, Government of India:

Islamabad, February 9, 1974.

BEGINS

As the Government of India is aware, representatives of the Swiss Embassy are in the process of visiting the nationals of India and Pakistan detained in the other country. On humanitarian considerations and in order to start the process of release and repatriation, the Government of Pakistan proposes to the Government of India that the detainees visited to date by the representatives of the Swiss Embassy be released and repatriated forthwith by the two countries on the basis of reciprocity. The Government of Pakistan is hopeful that this process would then continue until all such detainees in either country have been released and repatriated.

ENDS

The Embassy of Switzerland, Pakistan Affairs Division, avails itself of this opportunity to renew to the Ministry of External Affairs of the Government of India the assurances of its highest consideration.

New Delhi, February 12, 1974.

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0831. Note Verbale of the Swiss Embassy in New Delhi forwarding Aide Memoire of the Government of Pakistan to the Ministry of External Affairs regarding normalization of relations.

New Delhi, February 14, 1974.

Embassy of Switzerland

The Embassy of Switzerland presents its compliments to the Ministry of External Affairs, Government of India and has the honour to communicate to the Ministry the following Aide-memoire, dated February 12, 1974, received from the Ministry of Foreign Affairs, Government of Pakistan:

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AIDE MEMOIRE

Islamabad, February 12, 1974.

“Reference is made to the message dated 25th January 1974 from the Ministry of External Affairs, Government of India, on the subject of exchange of delegations for discussion and implementation of the normalisation measures envisaged in Para 3 of the Simla Agreement.

2. The Government of Pakistan have noted the Indian view that the question of over-flights should be discussed simultaneously with talks on resumption of postal, telegraphic, sea and land communications.

3. The Government of Pakistan is prepared to separately discuss the restoration of over-flights and settlement of the case pending before the ICAO Council. However, since this subject may require prolonged discussion, it should not be allowed to impede progress on the other normalisation measures on which agreement can be reached expeditiously.

4. The Government of Pakistan, therefore, reiterate its invitation to the Government of India to send a delegation to Pakistan on a mutually convenient date in March 1974, in order to discuss, in the first instance, the restoration of postal, telegraphic, sea and land communications.”

ENDS

The Embassy of Switzerland avails itself of this opportunity to renew to the Ministry of External Affairs of the Government of India the assurances of its highest consideration.

New Delhi, February 14, 1974.

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0832. Note Verbale of the Swiss Embassy in New Delhi forwarding Aide Memoire of the Government of Pakistan regarding visit of Swiss Representative to Indian pre-war detainees in Pakistani prisons.

February 14, 1974.

EMBASSY OF SWITZERLAND

The Embassy of Switzerland presents its compliments to the Ministry of External Affairs, Government of India and has the honour to communicate to the Ministry the following Aide-memoire, dated February 13, 1974, received from the Ministry of Foreign Affairs, Government of Pakistan:

BEGINS

AIDE MEMOIRE

“Reference is made to the Ministry of External Affairs Aide-memoire dated 8th February 1974 regarding visits by the representatives of the Swiss Embassy to pre-war detainees in the two countries.

2. The impression that the Swiss representatives may not be permitted to visit Indian detainees of certain categories is based on a misunderstanding. The Government of Pakistan clarify that the Swiss Embassy representative will be permitted to visit all Indian pre-war detainees in Pakistan irrespective of the charge on which they were detained.

3. The Indian detainees are in the process of being shifted to Lahore prison pending agreement on repatriation. The 50 visited by the Swiss Embassy representative constituted only the first batch of such detainees. Another visit by the Swiss Embassy representative will be arranged after the Islamic Summit to all the remaining Indian detainees in Lahore Prison. Thereafter, visits would also be arranged to all other prisons from which such detainees have not till that time been transferred to Lahore.

4. It is reiterated that the decision of the Government of Pakistan to allow visits by the Swiss Embassy representative is without any reservations and applies to all pre-war detainees irrespective the nature of charges against them.”

ENDS

The Embassy of Switzerland avails itself of this opportunity to renew to the Ministry of External Affairs of the Government of India the assurances of its highest consideration.

New Delhi, February 14, 1974.

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Reference is made to the message dated 14th February 1974 from the Ministry of Foreign affairs, Government of Pakistan on the subject of exchange of delegations for discussion and implementation of the normalization measures envisaged in paragraph 3 of the Simla Agreement.

2. The Government of India observe from Pakistan’s reply that Pakistan is in principle not against the idea of commencing talks on resumption of communication facilities mentioned in item (i) of paragraph 3 of the Simla Agreement but wishes to relegate discussion on the restoration of air links and over flights to a later date. In India’s view it does not stand to reason that a discussion of the item mentioned in the Simla Agreement, namely, “air links including over flights” has to be tied up with the settlement of the ICAO case. The ICAO case is a separate issue and if Pakistan Government so desires discussion on this case can be taken up separately. However, it is only logical that discussion for the resumption of air links including over lights should commence along with the discussion in paragraph 3 (i) of the Simla Agreement. On all these matters it would be necessary to work out new agreement so that a fresh start can be made for resuming normal traffic between the two countries in line with the objectives of the Simla agreement.

3. If Pakistan is agreeable to this suggestion, Government of India can send a suitable delegation to Pakistan to discuss the resumption of communications, postal, telegraphic, sea, land including border posts, and air-links including over flights. It will be understood that the case pending before the ICAO Council will be the subject matter of a separate discussion at a later date, as desired by Pakistan.

4. At the same time Government of India would wish to reiterate its view that mere restoration of communication facilities without simultaneous agreement of resumption of travel between the two countries would have little practical utility. For this reason it is hoped that Pakistan would also be prepared to commence discussions on resumption of travel between the two countries even while the discussions on restoration of communications are continuing. For this purpose the Government of India would be glad to extend an invitation to a delegation from Pakistan to visit India in the second half of April 1974 to discuss arrangements for resumption of travel including
the review and rationalization of Indo-Pakistan visa Rules.

New Delhi
February 25, 1974.

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discussions on these items have met with one excuse after another from Pakistan. In 1973, Pakistan argued that the question of prisoners of war should be settled first. When India and Bangladesh found a via-media in the form of the Joint Declaration of April 1973, Pakistan produced further complications by refusing to accept its responsibility towards its own nationals in Bangladesh, who had opted for Pakistan. After painstaking negotiations, a solution was found in the Delhi Agreement to which Pakistan became a party. After the signing of the Delhi Agreement in August 1973, and particularly after the three-way repatriation process had begun in September 1973, there was little excuse left for Pakistan to continue dragging its feet on the question of resuming communications, travel, etc., with India. However, when India took the initiative on 31st December 1973, to remind Pakistan that discussions could now commence for implementing the normalisation measures visualised in paragraph 3 of the Simla Agreement, a limited and rather illogical response was received from Pakistan on 19th January, 1974. Pakistan wanted discussions to be limited only to resumption of postal and telegraphic, sea and land communications omitting air links and over flights from the item mentioned in the Simla Agreement. India pointed out this omission in its communication to Pakistan of 25th January and suggested that not only there should be talks to resume all forms of communications including air links and over-flights but that resumption of communications should go hand-in-hand with resumption of travel, which was also included in paragraph 3 of the Simla Agreement.

3. Pakistan argued in its rejoinder of 12th February that discussions for the resumption of over flights should be left to a later date as settlement of the case pending before the ICAO would require ‘prolonged discussions’. India in its latest Aide Memoire of 25th February has suggested that if Pakistan so desires a discussion of the case pending before the ICAO can be taken up separately, but that there was no reason nor justification for tying up this case with the discussion on the resumption of air links including over flights, an item which figures in the Simla Agreement. What is required at this stage is to work out fresh Agreements on all forms of communications including air links and over flights and for this purpose India is prepared to send a delegation to Pakistan. It is further reiterated in India’s reply that mere restoration of communication facilities without simultaneous agreement on resumption of travel between the two countries would have little practical utility. For this purpose, Government of India extended an invitation to Pakistan to send a delegation to Delhi in the second half of April 1974 to discuss arrangements for resumption of travel including the review and rationalization of Indo-Pakistan Visa Rules.

4. It is felt that if Pakistan Government is at all sincere about improving relations with India, it should accept India’s reasonable offer. Otherwise, the
conclusion will have to be drawn that the Bhutto Government is more interested in a symbolic re-establishment of diplomatic relations with India while obstructing talks on the resumption of communications, travel and trade. In December 1973, Mr. Bhutto himself took a hand in trying to create public opinion in India in favour of resumption of diplomatic relations to the exclusion of everything else. Several Indian journalists were invited to Pakistan and given interviews by Mr. Bhutto. Some of these journalists unfortunately fell for this line, and on return indulged in a press campaign advocating that Pakistan’s ‘offer’ should be accepted. Pakistan Government is also briefing third countries in the same way.

5. In the circumstances, Mr. Bhutto’s proposal for a symbolic re-establishment of diplomatic relations, without implementing normalization measures, has to be examined carefully. The following considerations are important from India’s point of view:

(a) Without agreement on the resumption of communications, civil aviation, travel and trade, the re-establishment of a diplomatic mission in Pakistan will have little practical utility beyond its acting as a post office, for exchange of messages. This need is not felt as since the Simla Agreement, an Army ‘hot-line’ has been in existence between Delhi and Islamabad which is frequently used. In fact, frequent messages are being exchanged between the Foreign Minister and Mr. Aziz Ahmed as well as between the two Foreign Offices;

(b) There is little reason for India to set up a mission in Pakistan with second class rights, shorn of normal facilities open to all other Missions, on the erroneous plea by Pakistan that due to bad relations communications, trade and travel cannot be resumed. Obviously, new agreements have to be worked out before hand on all these items for which discussions have to begin between the two Governments. The presence or absence of a diplomatic mission is hardly material for this purpose. Frequent talks have taken place between the two sides at various levels, in the last two years, without any difficulty;

(c) Without establishment or even a beginning of normality in relations between the two countries, opening of Missions in the two countries will only create a false sense of normality. Once these agreements on communications, travel, trade and cultural exchanges have been signed, resumption of diplomatic relations can take place on a firm basis and a fresh start can be given to Indo-Pak relations, in accordance with the objectives of the Simla Agreement. Besides, resumption of abovementioned measures will benefit Pakistan equally and
(d) Our experience of dealing with Mr. Bhutto in the last two years has shown that a policy of firmness and patience pays dividend, ultimately. This has been amply demonstrated in the negotiations and the implementation of the Delhi Agreement. Again, on the Recognition issue, the firm attitude adopted by Bangladesh and India leading to Pakistan’s unconditional recognition of Bangladesh, also provides an object lesson. We have, therefore, to wait a while for signs of a genuine desire on the part of Pakistan to normalize relations with India.

6. This letter issues with the approval of Secretary (E).

Yours sincerely

(A.S. Chib)

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0835. Aide Memoire from the Embassy of Switzerland to the Ministry of External Affairs transmitting a message dated March 1, 1974 from the Prime Minister of Pakistan Z. A. Bhutto.

New Delhi, March 21, 1974.

Embassy of Switzerland

Aide-Memoire

The Embassy of Switzerland transmits herewith the following message, dated 1st March, 1974, received through Swiss diplomatic channels on March 20, 1974, only - from the Prime Minister of the Islamic Republic of Pakistan with the request that it may be communicated to Her Excellency Mrs. Indira Gandhi, Prime Minister of the Republic of India.

BEGINS

*Dear Madame,

I (Prime Minister Pakistan) wanted to write to you earlier, but could not do so owing to both your pre-occupations and mine. I am writing now at a time when the evolution in the subcontinent has provided me much cause for satisfaction. Opinion in Pakistan developed in such a way as to enable my Government to extend formal recognition to Bangladesh without causing any strife or confusion. This would not have been possible if the bulk of the prisoners of war had not been repatriated. The Islamic Summit Conference also contributed to the establishment of a climate of reconciliation.
I am looking forward to the consolidation of this progress to the benefit of all at the tripartite meetings scheduled to be held in New Delhi from April 5th. The return to their homes of 195 prisoners of war should remove the last remaining obstacle to the normalization of relations between Pakistan and India and between Pakistan and Bangladesh. This could pave the way for such improvement for the relations of the three countries as would make an eligible impact on the consciousness of their peoples.

We on our part have no inhibition against any of the various steps envisaged in the Simla Agreement. I believe that after agreement is reached on the release and repatriation of 195 prisoners of war, we will be able to consider measures for accelerating the process of normalization.

You must doubtless have been informed of the deliberations of the Summit Conference. The Lahore declaration proclaims the identification of the Muslim World with the joint struggle of the peoples of Asia, Africa and Latin America for a juster economic dispensation. The Arab cause, of course, received emphatic support in the context of the larger struggle for peace with justice. But the creative nature of the present historic situation and the opportunities it offers for the third world to construct an equitable world order, in place of the existing imbalance, was also one of the Conference’s dominant themes.

With kind regards and best wishes,

Yours sincerely,

Sig.

Zulfikar Ali Bhutto"  
ENDS.
Dear Mr. Prime Minister,

Thank you for your message dated 18th March. As you know, we have warmly welcomed your Government’s action in accordign formal recognition to Bangladesh. This has cleared the way for the promotion of a friendly and harmonious relationship amongst all the countries of the sub-continent - an objective towards which my colleagues and I shall continue to direct our sincere efforts.

The immediate outcome of the recognition of Bangladesh has been the convening of the tripartite meeting in accordance with the Delhi Agreement. I earnestly hope that this meeting will be successful in resolving the remaining problems mentioned in the Delhi Agreement so that the atmosphere is further improved for greater understanding, goodwill and cooperation between the three countries. We shall try our utmost to contribute to the success of this tripartite meeting although it is the wisdom and mutual understanding of Pakistan and Bangladesh which can bring about the happy solution of the pending issues.

I am glad to know that your Government is not against implementing the various steps envisaged in the Simla Agreement, to bring about the normalization of relations between our two countries. As you are aware, we have already suggested to your Government an exchange of delegations to begin discussions on the resumption of all forms of communications and travel. These discussions are envisaged in the Simla Agreement and are not in any way tied up with the issues which are to figure in the tripartite meeting. Therefore, talks between India and Pakistan on these matters can begin at any time convenient to both sides. We feel it would be desirable and necessary to work out fresh agreements in the field of tele-communications, civil aviation, travel, trade etc., as many of these items have remained suspended since 1965 and circumstances have changed since then. Such agreements cannot but be beneficial to the interests of Pakistan and India. It is unfortunate that in the past these matters have been viewed with a certain reserve and mistrust; this is all the more reason that we should try to break away from this sad legacy so that future generation can look forward to an area of peace and harmonious relation between our two countries.

I am glad to note that in the Declaration issued at the conclusion of the Islamic Summit Conference in Lahore, the participating countries have identified themselves with the joint struggle of the peoples of Asia, Africa and Latin
America for social and economic development. This is in the fitness of things because economic issues are now of prime importance to all developing nations, whatever their religious affiliations. As you know, the non-aligned summit had also placed emphasis on bringing about cooperation between nations for a more equitable distribution of the world’s economic wealth and resources.

I am sure that the forthcoming Special Session of the U.N. General Assembly which is to study the problem of raw materials and development must be engaging your Government’s attention. Since our two countries have been affected more or less in the same manner by the current economic crisis which is a world-wide phenomenon, it would be desirable for our respective delegations at the General Assembly Session to cooperate with each other, and with the delegations of other developing countries to formulate a common approach.

With regards,

Yours sincerely,
(Sd)

Indira Gandhi.

His Excellency
Mr. Zulfikar Ali Bhutto,
Prime Minister of Pakistan, Islamabad.

0837. Tripartite Agreement signed by Mr. Kamal Hossain, Minister of Foreign Affairs for Bangladesh, Sardar Swaran Singh, Minister of External Affairs for India and Mr. Aziz Ahmed, Minister of State for Defence and Foreign Affairs for Pakistan.

New Delhi, April 9, 1974.

On July 2, 1972, the President of Pakistan and the Prime Minister of India signed an historic agreement at Simla under which they resolved that “the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the sub-continent.” The Agreement also provided for the settlement of “their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon.”
2. Bangladesh welcomed the Simla Agreement. The Prime Minister of Bangladesh strongly supported its objective of reconciliation, good neighbourliness and establishment of durable peace in the sub-continent.

3. The humanitarian problems arising in the wake of the tragic events of 1971 constituted a major obstacle in the way of reconciliation and normalisation among the countries of the sub-continent. In the absence of recognition, it was not possible to have tripartite talks to settle the humanitarian problems as Bangladesh could not participate in such a meeting except on the basis of sovereign equality.

4. On April 17, 1973, India and Bangladesh took a major step forward to break the deadlock on the humanitarian issues by setting aside the political problem of recognition. In a Declaration issued on that date they said that they “are resolved to continue their efforts to reduce tension, promote friendly and harmonious relationship in the sub-continent and work together towards the establishment of a durable peace.” Inspired by this vision and “in the larger interests of reconciliation, peace and stability in the sub-continent” they jointly proposed that the problem of the detained and stranded persons should be resolved on humanitarian considerations through simultaneous repatriation of all such persons except those Pakistani prisoners of war who might be required by the Government of Bangladesh for trial on certain charges.

5. Following the Declaration there were a series of talks between India and Bangladesh and India and Pakistan. These talks resulted in an agreement at Delhi on August 28, 1973 between India and Pakistan with the concurrence of Bangladesh which provided for a solution of the outstanding humanitarian problems.

6. In pursuance of this Agreement, the process of three-way repatriation commenced on September 19, 1973. So far nearly 300,000 persons have been repatriated which has generated an atmosphere of reconciliation and paved the way for normalisation of relations in the sub-continent.

7. In February 1974, recognition took place thus facilitating the participation of Bangladesh in the tripartite meeting envisaged in the Delhi Agreement, on the basis of sovereign equality. Accordingly, His Excellency, Dr. Kamal Husain, Foreign Minister of the Government of Bangladesh, His Excellency Sardar Swaran Singh, Minister of External Affairs, Government of India and His Excellency, Mr. Aziz Ahmed, Minister of State for Defence and Foreign Affairs of the Government of Pakistan, met in New Delhi from April 5 to April 9, 1974 and discussed the various issues mentioned in the Delhi Agreement, in particular the question of the 195 prisoners of war and
the completion of the three-way process of repatriation involving Bangalees in Pakistan, Pakistanis in Bangladesh and Pakistani prisoners of war in India.

8. The Ministers reviewed the progress of the three way repatriation under the Delhi Agreement of August 28, 1973. They were gratified that such a large number of persons detained or stranded in the three countries had since reached their destinations.

9. The Ministers also considered steps that needed to be taken in order expeditiously to bring the process of the three-way repatriation to a satisfactory conclusion.

10. The Indian side stated that the remaining Pakistani prisoners of war and civilian internees in India to be repatriated under the Delhi Agreement, numbering approximately 6,500, would be repatriated at the usual pace of a train on alternate days and the likely short-fall due to the suspension of trains from April 10 to April 19, 1974, on account of Kumbh Mela, would be made up by running additional trains after April 19. It was thus hoped that the repatriation of prisoners of war would be completed by the end of April, 1974.

11. The Pakistan side stated that the repatriation of Bangladesh nationals from Pakistan was approaching completion. The remaining Bangladesh nationals in Pakistan would also be repatriated without let or hindrance.

12. In respect of non-Bangalees in Bangladesh, the Pakistan side stated that the Government of Pakistan had already issued clearances for movement to Pakistan in favour of those non-Bangalees who were either domiciled in former West Pakistan, were employees of the Central Government and their families or were members of the divided families, irrespective of their original domicile. The issuance of clearances to 25,000 persons who constitute hardship cases was also in progress. The Pakistan side reiterated that all those who fall under the first three categories would be received by Pakistan without any limit as to numbers. In respect of persons whose applications had been rejected, the Government of Pakistan would, upon request, provide reasons why any particular case was rejected. Any aggrieved applicant could, at any time, seek a review of his application provided he was able to supply new facts or further information to the Government of Pakistan in support of his contention that he qualified in one or other of the three categories. The claims of such persons would not be timebarred. In the event of the decision of review of a case being adverse the Governments of Pakistan and Bangladesh might seek to resolve it by mutual consultation.

13. The question of 195 Pakistani prisoners of war was discussed by the three Ministers, in the context of the earnest desire of the Governments for reconciliation, peace and friendship in the sub-continent. The Foreign Minister
of Bangladesh stated that the excesses and manifold crimes committed by these prisoners of war constituted, according to the relevant provisions of the U.N. General Assembly Resolutions and International Law, war crimes, crimes against humanity and genocide, and that there was universal consensus that persons charged with such crimes as the 195 Pakistani prisoners of war should be held to account and subjected to the due process of law. The Minister of State for Defence and Foreign Affairs of the Government of Pakistan said that his Government condemned and deeply regretted any crimes that may have been committed.

14. In this connection the three Ministers noted that the matter should be viewed in the context of the determination of the three countries to continue resolutely to work for reconciliation. The Ministers further noted that following recognition, the Prime Minister of Pakistan had declared that he would visit Bangladesh in response to the invitation of the Prime Minister of Bangladesh and appealed to the people of Bangladesh to forgive and forget the mistakes of the past, in order promote reconciliation. Similarly, the Prime Minister of Bangladesh, had declared with regard to the atrocities and destruction committed in Bangladesh in 1971, that he wanted the people to forget the past and to make a fresh start, stating that the people, of Bangladesh knew how to forgive.

15. In the light of the foregoing and, in particular, having regard to the appeal of the Prime Minister of Pakistan to the people of Bangladesh to forgive and forget the mistakes of the past, the Foreign Minister of Bangladesh stated that the Government of Bangladesh had decided not to proceed with the trials as an act of clemency. It was agreed that the 195 prisoners of war may be repatriated to Pakistan along with the other prisoners of war now in the process of repatriation under the Delhi Agreement.

16. The Ministers expressed their conviction that the above agreements provide a firm basis for the resolution of the humanitarian problems arising out of the conflict of 1971. They reaffirmed the vital stake the seven hundred million people of the three countries have in peace and progress and reiterated the resolve of their Governments to work for the promotion of normalization of relations and the establishment of durable peace in the sub-continent.

Signed in New Delhi on April 9, 1974, in three originals, each of which is equally authentic.

[The Agreement has been signed by Kamal Hossain for Bangladesh, Swaran Singh for India and Aziz Ahmed for Pakistan.]

New Delhi, 9 April 1974

The Minister of External Affairs, Government of India, and the Minister of State for Defence and Foreign Affairs, Government of Pakistan, examined the question of the nationals of either country detained in the other prior to the conflict of 1971. They agreed that this was a humanitarian question which should be settled quickly with a view to alleviating the suffering of the hundreds of individuals involved and their families.

2. With this objective in view, the Government of India and the Government of Pakistan

Have Agreed as follows:

(i) All nationals of either country detained in the other prior to the conflict of 1971 shall be released and repatriated, irrespective of the charges on which they are detained, with the maximum possible dispatch but in no case later than 14th August, 1974. After that date, neither country shall continue to detain any national of the other who was arrested prior to the conflict of 1971.

(ii) The process of release and repatriation shall commence without waiting for the compilation of complete lists of such detainees. The detainees so far visited by the representatives of the Swiss Missions, shall be repatriated forthwith. The remaining detainees shall similarly be released and repatriated after they are located by the representatives of the Swiss Mission in either country:

(iii) The two Governments shall give extensive publicity to this Agreement in the Press and over the Radio and bring it to the attention of the Governments of their States/Provinces and of the authorities in charge of all jails, prisons and detention centers for immediate compliance.

(iv) Each Government shall provide all necessary facilities to the delegation of the International Committee of the Red Cross to trace those of the pre-war detainees who are still reported to be missing after 14th August 1974.

(v) If a detainee claims to be the national of the country in which he is detained, his case shall be investigated and decided by mutual agreement between the two governments.
Pending their release and repatriation, all detainees shall be treated with humanity and consideration.

This Agreement shall enter into force on signature.

Signed in duplicate at New Delhi on 9th April 1974.

For the Government of India
(Sd/-)
Swaran Singh
Minister of External Affairs, Government of India

For the Government of Pakistan
(Sd/-)
Aziz Ahmed
Minister of State for Defence and Foreign Affairs, Government of Pakistan

Dated : 9-04-1974

0839. Joint Communique issued on the review of the progress of the process of normalization with Pakistan.

New Delhi, April 9, 1974.

During the presence of His Excellency Mr. Aziz Ahmed, Minister of State for Defence and Foreign Affairs, Government of Pakistan, and his delegation in New Delhi from April 5 to April 9, 1974, it was decided by mutual consent to review the progress in the implementation of the Simla Agreement.

The two Ministers agreed that since the signing of the Simla Agreement, there had been steady progress towards the realisation of its objectives. They reiterated the resolve of the two countries to settle their differences in accordance with the provisions of the Simla Agreement. It was agreed that the time had come for exchange of delegations to discuss the implementation of normalisation measures envisaged in paragraph 3 of the Simla Agreement.

Discussions would commence shortly for working out fresh agreements, where necessary for the resumption of postal and telecommunication links, restoration of travel facilities, particularly for pilgrims on a priority basis. Steps would also be taken progressively to implement other measures mentioned in paragraph 3 of the Simla Agreement.

On the question of military and para military personnel the two countries reported missing, following the conflict of 1971, it was agreed that, in this purely
humanitarian matter, further efforts should be made to locate them. In this 
regard the two countries will afford necessary facilities to the Tracing Agency 
of the International Committee of the Red Cross.

The two Ministers signed an agreement for the release and repatriation of all 
nationals of either country detained in the other prior to the conflict of 1971.

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0840.

SECRET

Extract from the Record of External Affairs Minister Swaran Singh’s meeting with the U. S. Secretary of State Dr. Henry A. Kissinger,

New York, April 15, 1974.

FM (Swaran Singh) had about an hour’s meeting with Dr. Kissinger at the 
latter's suite in Waldorf Towers, New York, on 15th April 1974 from 6.30 to 
7.30 p.m. Ambassador Kaul and Ambassador Sen were also present on our 
side. On the other side, Mr. Atherton, Assistant Secretary of State, and Mr. 
Harold Saunders, Special Assistant to Dr. Kissinger, were also present. Mrs. 
Kissinger joined for about 10 minutes. FM congratulated her on her marriage 
and invited her to visit India with her husband. She thanked FM and said that 
she was greatly looking forward to visiting India, as she had never been there 
before.

FM told Dr. Kissinger that June would be hot in Delhi and Kashmir would be 
very cool. Dr. Kissinger replied half humorously and half seriously “If I go to 
Kashmir, I will infuriate three countries. I have never been there, but I have 
heard it is one of the most beautiful places in the world. I have been in Delhi, 
Bombay, Ahmedabad and Jaipur before, but that was in January. I also saw 
the Ajanta and Ellora caves which impressed me deeply. He said that he 
could not spend more than 3 days in India - perhaps 2 days in Delhi and one in 
Agra and Khajuraho. His wife would naturally want to see Agra. FM warned 
that Khajuraho would be hot in June. Mrs. Kissinger thought she could stand 
dry heat but not humid heat. After further pleasantries Mrs. Kissinger excused 
herself. The following conversation then ensued.

Dr. Kissinger: Your Ambassador has been very active and very effective. 
Sometimes he employs terror tactics. What I mean is he threatens that he
wants concrete results and not merely sweet words and thus he puts me under moral pressure.

FM: I am glad our relations are definitely improving slowly and steadily. Both sides are doing everything possible and there is a turn for the better.

The general situation in our parts of the world has also improved and is contributing to the improvement of relations. A war that should never have taken place, did take place, but we took initiatives to re-establish peace and stabilise it.

Dr. Kissinger: We were very pleased with your efforts in arriving at the recent agreement.

FM: It was not easy, but paved the way for cooperation and normalisation. Recognition of Bangladesh by Pakistan paved the way for the recent meeting, though recognition was delayed too long. If it had come earlier, this meeting could also have taken place earlier. Prime Minister Bhutto is fond of choosing dramatic moments for such things and he chose the Islamic summit meeting to announce his recognition.

Dr. Kissinger: Perhaps he did so to make it domestically easier for him.

FM: I am not so sure. In Simla, when Ambassador Kaul was also present, Mr. Bhutto told us he could and should have recognised Bangladesh in early 1972 but he did not do so. He creates dramatic situations and then tries to solve them in a dramatic manner. That is his style and we are getting used to it. However, Bangladesh was very generous in agreeing to give up the trial of 195 POWs against whom feelings were very strong among the people of Bangladesh.

Dr. Kissinger: I must say I did not think in 1971 that Bangladesh would muster the wisdom that it has shown.

FM: Well, within 3 months all prisoners of war will be repatriated.

Dr. Kissinger: What is the progress about the others? - The Bengalis in Pakistan and Biharis in Bangladesh.

FM: 84,000 prisoners of war have gone back. Almost all Bengalis in Pakistan who wanted to go to Bangladesh numbering about 124,000 have gone to Bangladesh. There may be about 2000 or 3000 left, but the Pakistanis in Bangladesh are still there in large numbers. They worked for Pakistan during 1971 and called themselves Pakistanis and want to go to Pakistan, but the Pakistan Government is resisting. Bangladesh did not make an issue of this and only stuck to the categories which Pakistan had agreed to take back previously, and asked for a review of the question, joint consultations, etc.
Then there is the other matter of the meeting between the Prime Ministers of Bangladesh and Pakistan to decide how many additional numbers of Pakistanis in Bangladesh will be taken by Pakistan.

**Dr. Kissinger:** Pakistan is not keen to take them back.

**FM:** No, that is what makes Bangladesh suspicious, that Pakistan wants to leave them behind in Bangladesh as a sort of fifth column.

**Dr. Kissinger:** It would not be in the interests of Pakistan to start trouble again in Bangladesh. I talked to the Chinese. They plan to recognise Bangladesh and be very active there - not necessarily in a constructive way, but against India. Whatever our views were in 1971, now that Bangladesh exists, we want to contribute to stability on the sub-continent. We recognise that close and friendly relations between India and Bangladesh are important for peace and stability in the sub-continent, whatever Chinese interests and policy may be.

**FM:** The Chinese are keen to come soon to Bangladesh. They want to exploit the internal situation there - economic, political, etc. against India.

**Dr. Kissinger:** That is the impression I got from them. The Chinese expressed sympathy for the people of Bangladesh and thus win them over.

**FM:** There are some pro-Chinese elements in Bangladesh, and China will use their presence to embarrass Bangladesh Government and India, but we have to live with that problem. I agree with you that Indian and US interests in Bangladesh are the same.

**Dr. Kissinger:** They are parallel. We have no interests in reviving the controversy of 2 years ago. It had nothing to do with Bangladesh, but was linked to our policy towards China and the Middle East. We want democracy and freedom to flourish in Bangladesh and India.

**FM:** You may have heard of the extreme pro-Chinese Communists called Naxalites. They originated from a place called Naxalbari in West Bengal, close to Bangladesh. Naxalites in Bangladesh and in West Bengal are working in close cooperation. There have been political assassinations in Bangladesh. There is also economic difficulty. There is the problem of food shortage. They have not received anything by way of their share of the assets of undivided Pakistan.

**Dr. Kissinger:** Do you think I should go to Bangladesh for a day or so from Delhi? They have invited me. I suspect your Ambassador perhaps put them up to it!
**Ambassador:** I certainly did not, but they were making anxious enquiries.

**Dr. Kissinger:** Should I go to Bangladesh?

**FM:** That is for you to decide.

As you may recall, we had over 300,000 troops in Bangladesh during the conflict, but they left in less than 3 months, although the Bangladesh Government wanted them to stay on for reasons of internal instability etc. We did not wish to get involved in the internal affairs of Bangladesh.

**Dr. Kissinger:** That was very wise. If you had stayed longer, you might have antagonised Bangladesh.

**FM:** Bangladesh Government did want us to stay on, but we did not want it. We did not want to influence them in any way. Even in the recent talks, we only played a mature friendly and cooperative role and encouraged Pakistan and Bangladesh Foreign Ministers to sort out and resolve their differences among themselves though we know China and Pakistan will try to exploit circles in Bangladesh, which are unfriendly to us, we there not surprised by this. China is already next door to us. So we are fully prepared for it. It won’t come as a surprise to us.

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0841. Letter from Indian Foreign Secretary Kewal Singh to Pakistani Foreign Secretary Agha Shahi regarding normalization of relations.

New Delhi, April 27, 1974.

Dear Mr. Agha Shahi,

You would kindly recall that during the bilateral discussions between our Foreign Ministers, earlier this month, the question of further implementation of normalisation measures envisaged in paragraph 3 of the Simla Agreement, had come up. The Joint Communiqué issued at the end of these talks reflects our agreement that “discussions would commence shortly for working out fresh agreements, where necessary, for the resumption of postal and
telecommunication links, restoration of travel facilities, particularly for pilgrims on priority basis”.

2. As hopes have been raised in both countries for early movement towards normalisation, you would agree that we should now give practical shape to this idea and fix a date when the delegations can meet.

3. You would recall that in our Aide Memoire of 25th February we had proposed sending a delegation to Pakistan to discuss the resumption of communications, postal, telegraphic, sea, land including border posts and air links including over flights. However, regarding resumption of air links including over flights, Mr. Aziz Ahmed had said after the discussion with Sardar Swaran Singh that he would ask your Civil Aviation authorities whether resumption of air links and over flights can be discussed separately from the case pending before the ICAO, as proposed by us.

4. In the same Aide Memoire we had also invited a delegation from Pakistan to visit Delhi for reviewing and rationalizing the Indo-Pakistan Visa Rules, in preparation for resumption of travel. However, in view of the subsequent discussion at Delhi, we will be prepared to send a composite delegation to Pakistan comprising officials from the concerned technical Ministries and the Foreign Office, in the second half of May. On hearing from you further we can agree to a mutually convenient date when our delegation can visit Islamabad.

5. We presume by now you would have consulted your Civil Aviation authorities and would have taken a decision whether the item pertaining to resumption of air links including over flights can be discussed separately, from the case pending before the ICAO. If so, kindly let us know your views to enable us to take a decision in this matter.

Yours sincerely,
(Sd) Kewal Singh

Mr. Agha Shahi,
Foreign Secy. Government of Pakistan,
Islamabad.

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Islamabad, May 9, 1974.

Dear Mr. Kewal Singh,

Before I received your message of April 27, we were already in touch with the authorities concerned of the Government of Pakistan in connection with the discussion Pakistan and India had agreed to commence in order to work out fresh agreements, where necessary, for the resumption of postal telecommunication links and restoration of travel activities, particularly for pilgrims. I am happy to extend an invitation on behalf of the Government of Pakistan to the Government of India to send a delegation to Pakistan in the second half of May. We suggest that the talks begin on Wednesday May 22, 1974 in Islamabad.

2. Kindly confirm if the suggested date is convenient to the Government of India. Also please let us know the composition of the Delegation. Its members will be the guests of the Government of Pakistan during their stay here.

3. As for the over-flights case pending before the International Civil Aviation Organization and resumption of air-links between Pakistan and India, we are still consulting with the concerned authorities. As soon as these consultations have been completed, we shall inform the Government of India.

Yours sincerely

(Sd) Agha Shahi

Mr. Kewal Singh,
Foreign Secretary,
Ministry of External Affairs
New Delhi

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NEW DELHI, MAY 14, 1974.

Dear Mr. Agha Shahi,

Thank you for your message of May 9 suggesting that talks might begin on Wednesday May 22 at Islamabad to implement some of the steps envisaged in paragraph 3 of the Simla Agreement.

2. While we look forward to commencing these talks, I am afraid, the date suggested by you does not suit me as I will be in London at that time in connection with the meeting of senior officials of the Commonwealth countries. On my return I will have to fulfill an existing commitment which will keep me busy till the end of the first week of June. Therefore, with the best of intentions the earliest we could visit Islamabad will be between June 7 to June 15. You may kindly let me know a date convenient* to you during that period when we should arrive in Islamabad.

With kind regards,

Yours sincerely,

( Kewal Singh )

Mr. Agha Shahi,
Foreign Secretary,
Ministry of Foreign Affairs,
Government of Pakistan, Islamabad.

* In reply Mr. Shahi on May 15 confirmed June 10 for the start of the talks.
I was planning to write to you when reports of your recent statement in Lahore regarding India’s peaceful nuclear explosion test were brought to my notice. I am sorry that you should have assumed in spite of our categorical declarations that the nuclear test which our scientists have conducted entirely for developing nuclear technology for peaceful and economic uses somehow poses a threat to Pakistan’s security.

Our Foreign Minister, Sardar Swaran Singh, has already made a statement but I also should like to assure you that we remain fully committed to our traditional policy of developing nuclear energy resources entirely for peaceful purposes. The recent underground nuclear experiment conducted by our scientists in no way alters this policy. The underground test was conducted in carefully controlled conditions and is designed to develop technology for various economic uses of nuclear energy. Every country has the right to develop its natural resources and this especially so at a time when the world crisis in raw materials and energy resources has demonstrated that the tapping of all forms of energy resources is essential to our survival. India has advanced sufficiently in nuclear research to develop its nuclear technology for the utilization of its indigenous resources for peaceful and economic purposes. We have entered into collaboration with several developing countries for the peaceful uses of atomic energy.

I am aware that in popular parlance a nuclear explosion evokes an awesome and horrifying picture. However this is because our minds have been conditioned by the misuse of nuclear energy for the development of weapons and by the use of these weapons in Hiroshima and Nagasaki. We in India have condemned and will, continue to condemn military uses of nuclear energy as a threat to humanity. However the development of the peaceful, use of nuclear energy rather than posing a threat provides a ray of hope for mankind faced as it is by the specter of dwindling energy resources.

It is strictly in this context that our scientists have launched on this experiment. Every care and precaution was taken to conduct the test underground in such a way as to preclude any risk of pollution or radiation hazards either to our own people or to those in neighbouring countries.

There are no political or foreign policy implications of this test. We remain committed to settle all our differences with Pakistan peacefully through bilateral negotiations in accordance with the Simla Agreement. Moreover both countries
have resolved to break away from the past history of confrontation and conflict and to work to develop normal relations and establish durable peace. I am sure you will acknowledge that the agreements which have been worked out between our two countries in the last two years have been reached on the basis of absolute equality. There is no reason whatsoever to give up this healthy trend or for a change of policy on the part of either country merely because we have conducted a test for the peaceful uses of nuclear energy.

You have shown statesmanship in dealing with the problems of the sub-continent. We welcome the announcement of the forthcoming meeting of the officials of our two countries to discuss matters of common interest.

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0845. Aide Memoire of the Government of India regarding arrangements for the repatriation of POWs.

New Delhi, May 31, 1974.

AIDE MEMOIRE

Reference Embassy of Switzerland’s aide-memoire dated the 13th February 1974 it would be greatly appreciated if the following message could kindly be communicated to the Government of Pakistan:

BEGIN:

“Reference Government of Pakistan’s message dated 9th February 74.

In view of the fact that repatriation of POWs was invariably completed each day within two hours, the Government of India issued necessary instructions to the concerned Attari /Wagah land border check-post authorities as communicated in its message of 1st October 1973 to Government of Pakistan, to receive civil (passenger and goods) traffic from 1200 hrs IST onwards on the days of repatriation. The concerned authorities were also instructed to keep the check-post open beyond 1600 hrs IST, the normal closing time, in order to facilitate the clearing of all civil traffic coming from Pakistan to India which had reached the India check-post prior to 1600 hrs IST.

It has been ascertained by Government of India that on the days on which the POWs were repatriated, the concerned authorities kept the check post open beyond 1600 hrs. IST to facilitate clearance of civil traffic reaching it
prior to its normal closing time. Naturally on other days when no POWs were repatriated there was no necessity to keep the check-post open beyond 1600 hrs. IST.

It has further been ascertained by Government of India that the Attari /Wagah land border check-post is being kept open on all days of the week till the prescribed closing time of 1600 hrs. IST and it does not close earlier at 1530 hrs. as contended by Government of Pakistan. It is possible that the contention of the Pakistan check-post authorities that the Indian check-post closes at 1530 hrs. might have arisen on account of their overlooking the time difference of 30 minutes between Indian Standard Time and Pakistan Standard Time.

In view of the foregoing, it would be apparent that the instruction issued regarding the timing during which the Attari /Wagah land border check-post was to be kept open have been followed by the concerned Indian check-post authorities. Since the repatriation of POWs has now been completed, the special facility referred to above for opening the Attari/Wagah land border check-post open beyond 1600 hrs. is no longer necessary and the Indian check post would be kept open only between 0900 hrs. and 1500 hrs. IST on all days of the week’.

END

May 31, 1974
0846. Message of Pakistan Foreign Secretary Agha Shahi to the Indian Foreign Secretary regarding talks on normalization.

Islamabad, June 1, 1974.

Dear Mr. Kewal Singh,

Since I wrote to you on May 17, 1974, the nuclear test conducted by India has come as a shock to the people of Pakistan and caused a serious setback to the efforts towards the normalization of relations between our two countries.

2. The Government of Pakistan is, therefore, of the view the talks for the restoration of postal and tele-communication links and travel facilities between the two countries should be deferred until such time as the atmosphere is more favourable for a constructive outcome.

Yours sincerely

(Agha Shahi)

Mr. Kewal Singh,
Foreign Secretary,
Ministry of External Affairs
New Delhi.

0847. SECRET

Extracts from the Telegram from the Indian Ambassador in Washington T. N. Kaul to Foreign Secretary Kewal Singh regarding his meeting with US Secretary of State Dr. Henry Kissinger.


Foreign Secretary from Ambassador.

My luncheon with KISSINGER was postponed from 4th to 7th in view of visit of Prince FAHD of Saudi Arabia. I met KISSINGER at Luncheon at State Department alone today for over one hour. Following subjects were discussed:

* * * *
(3) NUCLEAR EXPERIMENT: I told him I had been re-reading his book on Nuclear and Foreign Policy published in 1957. He had predicted therein that secondary powers would be able to acquire nuclear device within a few years. He said I am not surprised that India has exploded a nuclear device I was sure India would do so sooner or later. State Department wanted to launch a campaign against India, but I had to firmly put it down and authorized issue of only a mild statement. I do not mind if India makes nuclear weapons. In fact I am sure India will do so. Why should India not make them if she has the capability, when we and other nuclear powers make them? I felt he was deliberately leading me on. I therefore categorically rejected any idea of India going in for nuclear weapons, firstly because we could not afford the luxury and secondly, because we did not feel the necessity for it as it was inconceivable that any nuclear weapon power would dare to use nuclear weapons in any future conflict. He said he was glad to hear this because he had to answer a lot of questions in the Congress where he had been for the last two days and today pleading for the aid packet. He suggested that I should also meet some Congressmen in this regard. I told him that I had already met leading Senators and some leading Congressmen and their reaction was not negative. Even New York Times which had been critical had in today’s leaderette supported aid to India in spite of nuclear test.

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(5) SUB-CONTINENT: I told him that France had welcomed our nuclear experiment while reaction in third world generally had been favourable. Japan’s reaction was predictable. Canada: reaction was mainly because of their impending elections. Pakistan’s reaction was unnecessarily sharp and may be due to internal troubles of BHUTTO. I hoped that Pakistan would see the benefits of normalisation and cooperation with India. Nuclear experiment had created a very good effect internally in India and produced political confidence and stability among our neighbours vis-a-vis China and Russia. It had great potential for economic cooperation between the countries of the region including Iran and Afghanistan. KISSINGER said he was glad to hear this and he would certainly advise BHUTTO not to impede process of normalisation but to facilitate it.

I told him that it was my duty to warn that any resumption of lethal weapons to Pakistan by US would have adverse effect on the process of normalisation and adversely affect stability in the region. He said AZIZ AHMED pleaded strongly for military supplies because of alleged threat from India. We have however given no promise and have no proposal to revise our policy in this regard. We shall always consult you in such matters. However he asked me how we could justify refusal of arms supplies to Pakistan when we were getting large quantities from USSR. I told him that Pakistan’s armaments at the moment
were greater than in December 1971 although she had a smaller area to defend now. India had not yet been able to replenish the arms she had lost in 1971 conflict. We had two fronts to look after while Pakistan had only one. I could give him details of Pakistan’s armaments if he so desired. He said it would be good for us to talk to Pakistan in this regard and may be it would be possible for the two to agree on reduction of armaments along their common border. He accepted India’s need for armaments on the Sino—Indian borders.

(6) BANGLADESH: I told him that we had signed some useful agreements with Bangladesh recently and if only Pakistan would agree to the process of normalisation we could safeguard the sub-continent against instability and foreign intervention. I asked him if he thought that Bangladesh would be admitted to UN on the 10th. He said he thought so and agreed that the three countries of the sub-continent should normalise their relations and cooperate with each other. America’s and India’s interests in Bangladesh were parallel and there was no conflict. America did not wish Bangladesh to become a satellite of China. He hoped that India would be able to exercise her influence in Bangladesh for peace and stability in the region.

(7) IRAN: I told him of PM recent visit to Iran and the understanding and cooperation that had resulted from it. He said he had also had similar reports from the Iranian side and was glad about it. He said that AZIZ AHMED had informed him that India had located a Military Mission in Afghanistan and was helping them against Pakistan. I told him that there was not an iota of truth in the allegation. Our military people had visited Afghanistan, Iran and other friendly countries, but we do not have a military mission in Afghanistan. He said he was glad to hear it. I told him that Pakistan and Aziz Ahmed, in particular, was in the habit of raising bogies against India with other countries and his statement should not be taken at its face value.
Letter from Indian External Affairs Minister Swaran Singh to Pakistan Minister of State for Defence and Foreign Affairs Aziz Ahmed.

New Delhi, June 15, 1974.

Dear Mr. Aziz Ahmed,

I am constrained to draw your attention to some of the remarks made by His Excellency Mr. Zulfikar Ali Bhutto Prime Minister of Pakistan, in the course of a statement in the Pakistan National Assembly, on June 7, 1974, which are not only against the letter and spirit of the Simla Agreement but also constitute gross interference in India’s internal affairs. Relevant extracts from this Statement as broadcast by Radio Pakistan, are enclosed.

2. According to Radio Pakistan Prime Minister Bhutto alleged that “with many Indian citizens starving and going without food, when the armed forces have been used to suppress the people and kill the people, who had come out on the streets because they are hungry, the Indian Government has used bullets to kill starving citizens of her country”.

3. The Simla Agreement specifically provides for non-interference in each other’s internal affairs. Despite this commitment, which we for our part have scrupulously been adhering to, adverse comments were being made from time to time by Radio Pakistan and some leaders on our internal affairs. So far we had chosen to ignore such comments. But it is unfortunate that Prime Minister Bhutto himself has now deemed it fit to comment on India’s internal affairs on the floor of the Pakistan National Assembly.

4. In Simla, we had agreed that both Governments should take all steps within their power to prevent hostile propaganda directed against each other, and both countries would encourage dissemination of such information as would promote development of friendly relations between them. Shortly after our peaceful nuclear experiment, my Prime Minister had addressed a personal letter to Mr. Bhutto reiterating that there were no political or foreign implications of the test and urging that the resolution of the two countries after the Simla Agreement to develop normal relations and establish durable peace should not be permitted to be diluted merely because of the test. Yet, Prime Minister Bhutto has thought it fit to say that “India has acquired a nuclear weapon at very great cost, very grave risk and very great sacrifice to intimidate and blackmail Pakistan”. The Prime Minister has even gone farther to describe India as an “implacable opponent of Pakistan”. Such statements emanating from the Head of the Government of Pakistan naturally cause us deep pain and anguish, even more so as they are accompanied by similar references by
Pakistani representatives in various international forums, letters to the international Press, etc. It is more than probable that such statements would encourage other leaders of public opinion in Pakistan to step up hostile anti-Indian propaganda. This development is bound to reverse the historic trend towards normalisation of relations and establishment of durable peace which was so painstakingly evolved at Simla and which we have managed to maintain despite having to face one obstacle after another. Simla Agreement apart, it is the normal and healthy practice that all countries should scrupulously avoid commenting on internal affairs of other countries.

5. On our part, we continue to believe that there is no reason whatsoever to give up the healthy trend of developing normal relations between our two countries merely because India has conducted a test for the peaceful uses of nuclear energy. We have done our best, and are prepared to do even more to allay any genuine misgivings that your government might have about the peaceful nature of our nuclear energy programme. I would venture to urge that we should continue to take joint steps to reverse the atmosphere of confrontation and to pursue the path of restoring normalcy and establishing durable peace in the sub-continent. I am convinced that this is in accord with the aspirations of the peoples of both Pakistan and India.

With kind regards,

Yours sincerely,

(Sd) Swaran Singh

H.E. Mr. Aziz Ahmed,
Minister of State for Defence & Foreign Affairs,
Government of Pakistan, Islamabad.

EXTRACTS FROM THE SPEECH MADE BY HIS EXCELLENCY THE PRIME MINISTER OF PAKISTAN TO THE PAKISTAN NATIONAL ASSEMBLY ON JUNE 9, 1974

Mrs. Gandhi, the Prime Minister of India, had an election campaign in 1970 and the main plank of her election campaign was Gharibi Ko Hattao (Remove poverty). That was the main plank. If the main plank for her election campaign was Gharibi Ko Hattao, then how does it make sense to spend millions of dollars for acquiring nuclear weapons? India is in the claws of a most serious economic crisis, an economic crisis which she has not seen before; although she has seen many economic crises but the magnitude and gravity of this crisis has never been seen before. Now with serious economic crisis, with painful inflation, with many Indian citizens starving and going without food,
when the armed forces have been used to suppress the people and kill the 
people who had come out on streets because they are hungry, it is very difficult 
to shoot those who had come out because they are demanding food. Yet the 
Indian Government has used bullets to kill starving citizens of her country. 
She has resorted to many other extreme measures to suppress the people, 
she has crushed labour strike, she has crushed the Railway strike; 20,000 odd 
persons in a day’s time were imprisoned for lawful strike. On the one hand that 
is India’s economic position and yet India has indulged in the luxury to go 
nuclear. In that case, we have every right to ask ourselves that there must 
have been a great objective to make all these sacrifices. Otherwise, it simply 
does not make sense.

—RADIO PAKISTAN ON 9-6-1974 AT 2050 HRS-

India is a big country, India still is an important country without a nuclear bomb. 
India is much bigger than Pakistan. India has got an ancient culture, India has 
got literature, art, philosophy India does not have to explode its atom bomb to 
acquire prestige or greatness. And so all roads lead to one conclusions and 
that conclusion is that India has acquired nuclear weapon at a very great cost, 
very grave risk and very great sacrifice to intimidate and blackmail Pakistan. 
The fact that Pakistan will not be intimidated and blackmailed is a separate 
question. To brandish a nuclear sword at Pakistan and to extract political 
concessions out of Pakistan to exercise domination over the sub-continent, to 
exercise hegemony over the neighbouring States. These are the purposes for 
which India has acquired nuclear weapons. And if she does not succeed in 
political blackmail and if there is a possibility of a conflict Pakistan cannot rule 
out the possibility that India will use a nuclear device.

—RADIO PAKISTAN ON 9-6-1974 AT 2050 HRS-

....even the common man, the man in the street, the man in the villages, he will 
understand what it means for neighbouring country to have exploded a nuclear 
device. A neighbouring country which has been an implacable opponent of 
Pakistan, a neighbouring country which has gone to war with Pakistan on no 
less than three occasions in the last 25 years and which on the last occasion 
gineered the dismemberment of our country, the same neighbouring country 
which has been demanding from the world that it be recognised as a dominant 
power of the sub-continent.

—RADIO PAKISTAN ON 9-6-1974 at 2050 HRS-
0849. Letter from Pakistan Minister of State for Defence and Foreign Affairs Aziz Ahmed to the Indian External Affairs Minister Swaran Singh.

Islamabad, July 9, 1974.

Dear Sardar Swaran Singh,

I regret I was not able earlier to reply to your message of June 15. I have been almost continuously out of the country since it was received.

2. The extracts you appear to have seen from the statement by our Prime Minister in the National Assembly on June 7, 1974 are not accurate and, taken out of context, could have conveyed a wrong impression. For instance, you have quoted him as having described India as an “implacable opponent of Pakistan”. This phrase is picked out of a sentence which ran as follows:-

“The intellectuals will draw their own conclusion. But even the common man, the man in the street, the man in the village, fully understands what it means for a neighbouring country to have exploded a nuclear device, a neighbouring country which has been an implacable opponent of Pakistan.”

You will observe that the Prime Minister used this phrase in the context of the past, a period of conflict and confrontation between the two countries to which the Simla Agreement also refers.

You have mentioned the Prime Minister’s remarks about the situation in India. He did refer to it briefly but not with the intention of interfering in India’s internal affairs; he did so to illustrate the point that if despite its economic difficulties India had set aside resources to acquire nuclear weapon capability then, he said, “We would have every right to ask ourselves that there must be a superior object, there must be a greater object to make all these sacrifices.”

I would like you to know that India’s nuclear explosion, just at a time when we thought the stage had been set for further progress towards normalising the situation in the sub-continent, came as a rude jolt to the people of Pakistan. It was a strange, totally inexplicable development considering your Government’s repeated public assertions that it was resolved to work for durable peace.

This development has caused a serious set-back in the process of normalisation. Inevitably, the projected talks between officers of the two Governments had to be postponed in order to give time to my Government to assess its implications. In the speech in the National Assembly, the Prime Minister had gone on nevertheless to say that the damage need not be irreparable. Again, in Dacca,
on June 29, he said Pakistan hoped that “this set-back, serious as it is, will not be permanent”. He added that if there were no more nuclear blasts in future, “it would contribute to picking up the threads”.

The Indian Prime Minister is reported to have said that India would not use its nuclear potential for military purposes. Some concrete evidence would be needed to support this statement.

In this connection I note that you are “prepared to do even more to allay any genuine misgivings that your Government might have about the peaceful nature of our nuclear energy programme”. We would appreciate being informed of what specifically you propose to do in concrete terms to reassure us in respect of your nuclear programme.

In the meantime, we agree that we should continue to take joint steps to pursue the path of restoring normalcy. The India-Pakistan talks could be rescheduled. However, before this is done the necessary atmosphere has to be created. We consider that the least that needs to be done in this connection is that before the talks are resumed Pakistan should be publicly assured that India still stands committed to those provisions of the Simla Agreement that forbid the use of force or threat of force - including use or threat of nuclear weapons - and which enjoin upon both countries to respect each other’s territorial integrity, political independence and sovereignty and to work for durable peace in the sub-continent.

Yours sincerely

(Aziz Ahmed)

His Excellency
Sardar Swaran Singh,
Minister for External Affairs,
Government of India, New Delhi.

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0850. Note recorded by Joint Secretary (Pakistan) in the Ministry of External Affairs on the letter of Pakistan Minister of State for Defence and Foreign Affairs Aziz Ahmed.

New Delhi, July 10, 1974.

A reply has been received from Mr. Aziz Ahmed today to our Foreign Minister’s message dated June 15 regarding the objectionable statements made by Mr. Bhutto in the context of India’s peaceful nuclear experiment. The text of Mr. Aziz Ahmed’s reply is enclosed.

2. While the message is outwardly couched in reasonable terms, it is clear that in tangible terms, Pakistan Government has now laid certain pre-conditions which have to be fulfilled before talks on normalisation can be resumed. These conditions are as follows:

(a) Reference is made in para 6 to Mr. Bhutto’s statement at Dacca on June 29 that if there were no more nuclear blasts in future by India “it would contribute to picking up the threads”;

(b) In para 7 it is mentioned that Pakistan wants some “concrete evidence” in support of our Prime Minister’s statement that India would not use its nuclear potential for military purposes;

(c) In para 9, it is mentioned that before the talks on normalisation measures can be resumed, “Pakistan should be publicly assured that India still stands committed to those provisions of the Simla Agreement that forbid the use of force or threat of force including use or threat of nuclear weapons etc.”

3. The following analytical comments are offered:

(i) Pakistan’s latest position on resumption of talks for normalisation of relations with India, based on the prior fulfillment of certain conditions, is wholly untenable. India and Pakistan are committed to implement these measures under the Simla Agreement. Pakistan cannot unilaterally impose some preconditions such as guarantees against the imaginary nuclear threat by India before talks can begin. This demand is very similar to the attitude displayed by Pakistan in 1966 in the context of the Tashkent Agreement when they made implementation of normalisation measures dependant on prior settlement of the Kashmir issue. We cannot, therefore, accept this line of reasoning;

(ii) The question of affording some concrete assurances to Pakistan regarding peaceful uses of our nuclear programme, has to be
considered separately in the light of our over-all objectives for the harnessing of indigenous nuclear resources for peaceful and economic uses. Obviously, for the sake of resuming telecommunication links and travel with Pakistan, which is all that Pakistan has in mind, we need not bind ourselves down to assuring Pakistan that we will have no more nuclear explosions in the future, even for peaceful purposes.

(iii) Simultaneously with the dispatch of this message, Mr. Bhutto has yesterday issued a statement to *New York Times* in which he has asked the U.S. Government for resumption of arms supply in fulfillment of its treaty obligations and as Pakistan is threatened by India. The Americans had conveyed to us on July 6 that Mr. Bhutto is not against resumption of talks with India. These two moves give added proof that Pakistan's message is still in the nature of a tactical move and is designed to impress the Americans and other super powers that Pakistan on its part has made a reasonable gesture towards India. Internally, Bhutto is now even more dependent on the armed forces and extremist elements in his Party and any genuine moves for normalisation with India are unlikely in the near future.

4. In view of the foregoing analysis, the following suggestions are offered for consideration:

(i) We can send another communication from Foreign Minister, also couched in reasonable terms so that the dialogue is kept open. However, we should point out that the implementation of normalisation measures, as envisaged in the Simla Agreement, should not be made dependant on fulfillment of extraneous conditions. We cannot accept Pakistan's contention that postal and telecommunication links and travel between the two countries cannot be commenced because of India conducting a peaceful nuclear test, which in no way threatens Pakistan or anyone;

(ii) As to assurances regarding India's peaceful nuclear programme, the Prime Minister's letter of May 22 has already made it clear that there has been no change in India's policy of restricting development of nuclear technology to peaceful and economic uses. Secondly that India remains committed to the provisions of the Simla Agreement for settling all differences with Pakistan through bilateral and peaceful means.

(iii) As desired in Aziz Ahmed's letter, we are willing to state publicly that India stands committed "to those provisions of the Simla Agreement
that forbid the use of force or threat of force including use or threat of nuclear weapons etc."

(iv) We should ask Pakistan to indicate a date when the talks visualised for the June 10 meeting can be resumed.

A. S. Chib
J.S. (Pak)

Foreign Secretary/Foreign Minister

Note Recorded by Foreign Secretary

Reference notes from pre-page.

JS(Pak) has rightly pointed out that the main purpose of Aziz Ahmed’s letter seems to be to give an appearance of being reasonable through an attempt to explain away the offensive portions of Bhutto’s speech, and a reiteration of Pakistan’s interest in working towards restoration of normalcy. Aziz Ahmed has laid down certain pre-conditions, but my own feeling is that we need not take them too seriously. After all, Pakistan should know that all the assurances that could be expected from us regarding the peaceful nature of our nuclear programme, and our adherence to the provisions of the Simla Agreement, have already been given on several occasions, in various ways and at the highest level.

2. We could reply to Aziz Ahmed’s letter, but there need be no great hurry for us to do so. I would prefer that we wait for a couple of weeks before sending out a brief acknowledgement to Aziz Ahmed, expressing our satisfaction that Pakistan continues to believe in working towards restoration of normal relations between our two countries and informing Pakistan that we shall await an indication of the dates which they consider more appropriate for the officials’ meeting.

3. I am recommending this gap of a few days before sending a reply due to two reasons. Firstly, the American CDA rang me up this morning and said that, consequent on his discussions with me last week, he had received a communication that the State Department had informed Bhutto of India’s willingness to resume a dialogue. Pakistan would thus be aware that the ball is really in her court. Secondly, as FM is aware, we have been somewhat perturbed to get reports of Pakistani troop movements close to the border. This subject was again raised by the Defence Secretary last evening in a meeting with the Cabinet Secretary. It is quite likely that transmission of their message through the Americans is to show to them that the Pakistanis are being very reasonable and it is India which is being difficult in the resumption of talks. Laying down the
conditions in Aziz Ahmed's letter could also be used later to show that they were always ready to talk provided India fulfilled some basic conditions which they considered essential for Pakistan's security. The movements on the frontiers, in my view, could also be later represented as in response to the danger from India and further to support their plea for early supply of American arms.

4. We should wait for a couple of weeks and see the result of Pakistani moves. In any case, they know through the Americans that we are willing to talk, if they so desire. Our reply shall have to be suitably worded after any developments that come to our notice during the next two weeks.

(Kewal Singh)
Foreign Secretary

Foreign Minister

Discussed with F. S.
F. S. may send this to P.M. with the gist of my discussion with him.

Sd/- Swaran Singh
Secretary to P. M. may like to draw PM's attention.

2. I discussed this with F.M. who agrees that we should not send our reply to Aziz Ahmed in a hurry. Aziz Ahmed has made a lame effort to explain away Bhutto's provocative and offensive statements over the past few weeks and the Pakistani attempt to lay down some conditions for talks is quite unacceptable.

3. F.M. also felt that during our talks with the U.S. officials, we should avoid giving them an impression that they have a role to play in this matter. We could convey to them the correct position so that they appreciate that in approaching them Bhutto is adopting his usual propagandist stance, projecting Pakistan as being reasonable and interested in resuming a constructive dialogue with India, while at the same time continuing to act and speak in a quite different manner altogether. Bhutto's speeches in the National Assembly and outside, recent movements of the Pakistani army (one is told they are for anti-smuggling) and accusations against India are meant to build up tension rather than improve the atmosphere for a dialogue. If Pakistan is genuinely interested in working with India for normalisation of relations, there is nothing to prevent the Pakistan Government from approaching us directly; for our part, we would respond positively.

Sd/- (Kewal Singh)
Foreign Secretary

Secretary to P.M.
POLITICAL RELATIONS:1970-1974

P.M. may kindly see Aziz Ahmed's reply to our F.M. She may like to glance through J. S. (Pak)'s note.

Sd/-
Secretary to PM

Signed
Indira Gandhi

0851. Letter from Pakistan Foreign Secretary Agha Shahi addressed to Indian Foreign Secretary Kewal Singh.


Dear Mr. Kewal Singh,

For several weeks, All India Radio has been engaging in increasingly hostile propaganda against Pakistan. Typical extracts of some of the hostile broadcasts have been brought to the notice of the Ministry of External Affairs, Government of India. Not to speak of refraining from such attacks, All India Radio propaganda has, we regret to note, become more offensive as the following instances will confirm:

“The aim of Pakistan rulers has always been exploitation. They talk about freedom, democracy and self determination but their aim has always been exploitation and when they lose any opportunity of exploitation they become confused.” - AIR URDU 0750 hours on 21st July, 1974.

“Mr. Bhutto is making deliberate attempts to create chaos among the people. For this purpose Mr. Bhutto is constantly telling his people that there exists a threat to Pakistan from India and Afghanistan. Such a threat is merely a creation of Mr. Bhutto's own mind. In fact Mr. Bhutto is making baseless and false utterances for diverting the attention of his people from the internal chaos of the country.” – AIR (TABSERA) URDU 2055 and KASHMIR 1750 hours on 23rd July, 1974.”

2. We are even more surprised that His Excellency Sardar Swaran Singh, the esteemed Foreign Minister of India, should have chosen to attack the Prime Minister of Pakistan personally in the course of his speech at Ludhiana on July
15. According to reports, he accused the Prime Minister of Pakistan of having “unleashed a reign of terror in Baluchistan and NWFP” and of having started “a campaign to malign India, apparently to divert attention.”

3. We on our part have throughout the past two years sought faithfully to carry out our obligations under Para 3 of the Simla Agreement regarding cessation of hostile propaganda. Official media in Pakistan avoid statements which might be considered as attacks on the political independence and territorial integrity of India or as interference in its internal affairs. Whenever the Government of India has brought to our notice any violations of the Agreement, these have been investigated and where necessary action taken to prevent recurrence of violations.

4. The Government of Pakistan continues to believe that the cessation of hostile propaganda by the official media of the two countries against each other was and must remain an essential ingredient in the efforts of the two countries to achieve the objective of normalisation of relations between the two countries. Vitriolic and vituperative attacks can only vitiate the atmosphere and delay the realization of the objective to which the Heads of Government of India and Pakistan committed their respective countries at Simla.

5. In conclusion, I must express the hope that in pursuit of the mutual interest of the two countries you will take appropriate action to stop All India Radio from continuing its hostile propaganda against Pakistan.

Yours sincerely,

Sd/-

(Agha Shahi)

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0852. Letter of the Indian External Affairs Minister Swaran Singh to Pakistan Minister of State for Defence and Foreign Affairs Aziz Ahmed.

New Delhi, August 2, 1974.

Dear Mr. Aziz Ahmed,

Thank you for your letter of July 9, which has been under our consideration for some time.

2. In this letter, I propose to deal primarily with the question of rescheduling the India-Pakistan talks about which reference has been made in the last paragraph of your letter.

You have said that we should continue to take joint steps to pursue the path of restoring normalcy but that before this is done, the necessary atmosphere has to be created. We feel that the one obvious step that needs to be taken to improve the atmosphere is to put a stop to the unfortunate campaign that has been going on nearly for the past two months in which our motivations are being called to question and it is being suggested that India is out to threaten Pakistan both militarily as well as from within by encouraging divisive tendencies in Pakistan. Such apprehensions on the part of Pakistan are not only baseless but totally devoid of reality. There is no possible reason or motivation as to why India should suddenly change its attitude towards Pakistan when for the past two years we have worked constructively to settle several difficult problems peacefully and through direct talks with Pakistan. Anyhow, I am asking our Foreign Secretary, Shri Kewal Singh to put across our views regarding hostile propaganda in his reply to the message received from your Foreign Secretary on 27th July, 1974.

3. Our peaceful underground nuclear experiment cannot be held responsible for vitiating the atmosphere because we have not made any unreasonable demands of any kind on Pakistan since this experiment was conducted. On the other hand, taking into account some of the apprehensions voiced in Pakistan, our Prime Minister took the initiative of writing to Prime Minister Bhutto on May 22, assuring him that we remain fully committed to our traditional policy of developing our nuclear energy resources entirely for peaceful purposes and that the recant underground experiment in no way altered this policy. The Prime Minister further assured in this letter that there were no political or foreign policy implications of this test and we remained committed to settle all our differences with Pakistan peacefully through bilateral negotiations in accordance with the Simla Agreement.

4. We consider it singularly unfortunate, that despite our Prime Minister’s assurances, Pakistan should have unilaterally postponed the talks scheduled for June 10 to discuss the resumption of postal and telecommunication links
and travel facilities between the two countries. Discussions on resumption of normalisation measures, envisaged in the Simla Agreement, have nothing to do with our peaceful nuclear experiment, whatever Pakistan Governments reservations on the subject. We take it that Pakistan Government also feels, as we do, that implementation of normalisation measures is for the mutual benefit of the people in the two countries and, therefore, this should not be made subject to political considerations and fulfillment of conditions which were not envisaged in the Simla Agreement.

5. On our part, we have publicly reiterated that India adheres to the Simla Agreement in which the threat or use of force against the territorial integrity or political independence of each other, is clearly excluded. We have repeatedly stated that all differences between the two countries can be settled bilaterally through peaceful means in accordance with the Simla Agreement. As to the use of weapons, we have been consistently following a policy of opposing all weapons of mass destruction. In view of all this, we find it difficult to understand Pakistan's repeated assertions that there is nuclear threat from India when it is known fully that no such threat exists.

6. I have reiterated these ideas publicly in the remarks made by me yesterday in my speech before the Upper House of our Parliament, Rajya Sabha, in the course of winding up the debate on international situation. These remarks are reproduced below:

"I would like once again, Mr. Deputy Chairman, to say that there has been a suggestion that India should continue its initiative for the implementation of the Simla Agreement notwithstanding the unfortunate position the Prime Minister of Pakistan has taken. Several Hon. Members from the Opposition benches and also from this side made that suggestion. My response to this is that even though we have taken strong exception to some of the recent statements of Pakistani leaders, which are directed against India, we have made it clear repeatedly that we remain committed to all the provisions of the Simla Agreement, particularly those provisions which enjoinder on both India and Pakistan that they should respect each other's territorial Integrity and sovereignty and non-interference in each other's internal affairs. We also remain committed to the idea that there should be no threat of the use of force against each other and all differences should be settled through peaceful means bilaterally. In view of this fact and in view of the assurances contained in our Prime Minister's letter of May 22 to Prime Minister Bhutto, Pakistan should rest assured that the best guarantee for durable peace in the sub-continent is the Simla Agreement which should be observed by both signatories in the letter and spirit. The consequential proposition and line of action is clear; the parties should pick up the
threads at the point at which unilaterally Pakistan called off the talks and we should start seriously implementing the other provisions of the Simla Agreement and should take steps for establishing durable peace in the Indian sub-continent.”

7. We earnestly hope that the clarification given in this letter and my remarks before the Rajya Sabha, reproduced above, would enable you to take an early decision to reschedule the talks on normalisation measures, earlier postponed at Pakistan's instance.

Yours sincerely.

Sd/- (Swaran Singh)

His Excellency
Mr. Aziz Ahmed,
Minister of State for Defence and Foreign Affairs,
Government of Pakistan, Islamabad.

0853. Letter from Pakistan Minister of State for Defence & Foreign Affairs Aziz Ahmed to the Indian External Affairs Minister Swaran Singh.

Islamabad, August 10, 1974.

Dear Sardar Swaran Singh,

I thank you for your letter of August 2, in reply to my letter of July 9, on the question of rescheduling of India-Pakistan talks.

2. We agree that one of the obvious steps that needs to be taken to create an atmosphere conducive to resumption of those talks is that all hostile propaganda must stop. I am not aware that the Pakistan press or radio has been guilty of such propaganda in recent months. However, it is not our intention to raise a controversy in this regard and, without waiting for Mr. Kewal Singh’s reply to our Foreign Secretary’s complaint about hostile propaganda Indian news media have recently indulged in, we have again issued order to our news media requiring them to ensure that the provisions of the Simla Agreement on this subject are scrupulously observed. I trust that your Government will also take necessary steps to that end.

3. In my letter of 9th July, I mentioned that your Prime Minister was reported to have stated that India would not use its nuclear potential for military purposes
and I went on to suggest that, in order for us to be assured in this regard, there would need to be some concrete evidence to support that statement.

4. In your letter you have indicated no specific steps that you would be willing to adopt to reassure us and the world generally in respect of your nuclear programme, but have only restated your general “commitment” to your “traditional policy of developing nuclear energy entirely for peaceful purposes”. It was precisely in support of this kind of commitment that we had asked for same concrete evidence.

5. We intend to continue to seek the necessary assurances in this regard in all appropriate quarters. However, we consider that this need not hold up resumption of talks between the two countries aimed at normalizing the situation in the sub-continent. We also note that in your statement in the Rajya Sabha you have given the kind of public assurances I had asked for in my letter, namely, that you remain committed to those provisions of the Simla Agreement which enjoin on both India and Pakistan to respect each other’s territorial integrity and sovereignty, to refrain from interfering in each other’s internal affairs and not to use or threaten to use force against each other. We, therefore, suggest that India-Pakistan talks on restoration of communications and travel facilities may, if it is agreeable to your Government, begin in Islamabad on September 12.

6. I further suggest that it would help clear the atmosphere for the forthcoming talks if your letters of June 15 and August 2 and my letter of July 9 and this letter were made public if you agree, this may be done simultaneously in Islamabad and New Delhi on August 14.

Yours sincerely,

(Aziz Ahmed)

H. E. Sardar Swaran Singh
Minister for External Affairs
Government of India New Delhi.

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0854.  SECRET

Telegram from Indian Ambassador in the US T. N. Kaul to Foreign Secretary Kewal Singh on his talks in the State Department.


Foreign Secretary from Ambassador

I expressed concern over recent action by Pakistan against Afghanistan including aircraft intrusions, and air force and troop movements. Also drew attention to disturbing troop movements along the Indian border. I said we hoped that BHUTTO was not trying to divert attention from his domestic difficulties by provoking military adventures. We had noted that while he was incorrectly accusing us of moving our troops, he had also expressed willingness to resume talks. SISCO said that they also were aware that Pakistan was now ready to talk. They had not troubled to analyse BHUTTO’s public statements.

They were keeping a close watch on the situation between Pakistan and Afghanistan. They were aware of “concern of Afghan friends”. They would like a period of quiet so that there could be concrete, discussions and had told both parties so. Afghanistan had told them that they were ready to talk but BHUTTO was placing pre-conditions. There was not as yet a sufficient framework for constructive talks. But they hoped that there would be no actions which would make the situation deteriorate.

Regarding Indo-Pak talks the US felt there was no need for them to take any initiative as this was being done adequately by the two sides LAINGEN mentioned that they had heard from their Embassy in Islamabad that Pakistan had proposed that talks should start on September 10. Please let us know whether this is correct and if any date has been finalised.

2. When I stated that it was unfortunate that Pakistan had delayed these talks unnecessarily by two months, SISCO said they could not be expected to disregard the explosion, and two months is a relatively short period. I also explained the recent concrete steps taken by us to improve relations with Sri Lanka, Bangladesh, Burma and Indonesia. I expressed the hope that it would be possible for Pakistan to understand the need to take part in this process of consolidating cooperation in the region. I again stressed the importance of arm’s not being injected into the region. SISCO observed that his understanding of the US national interest was that the US had to accept the geo-political situation on the sub-continent. India was the strongest power. He had never believed in the theory of equilibrium between India and Pakistan. It was obviously in the US interest to find out what the mutual interests between US
and India were and then to build up to that. I said that I appreciated this. We were anxious to strengthen BHUTTO’S hands so that he could come more easily to settlements with us. We hoped that both the US and Iran could use their considerable influence with BHUTTO to move this process forward.

* * * * *

0855. TOP SECRET

Letter from Joint Secretary (Pakistan) in the Ministry of External Affairs A. S. Chib to the Deputy High Commissioner in the Indian High Commission in Bangladesh.

New Delhi, August 14, 1974.

My dear

You would have already seen copies of Foreign Minister’s correspondence with Mr. Aziz Ahmed dated 15th June, 9th July and 2nd August, 1947. I now enclose a copy of the latest communication dated 10th August, received from Mr. Aziz Ahmed in which he has suggested re-scheduling of the June 10 meeting in the 2nd week of September.

2. Bangladesh Deputy High Commissioner, Atual Karim, came to see me today and wanted to know as to what were the prospects for our talks with Pakistan. He had seen news reports to the effect that Aziz Ahmed had sent a reply to Foreign Minister’s message of 2nd August. I told Karim that generally the line taken by Aziz Ahmed was that the ‘concrete evidence’ wanted by Pakistan to reassure them regarding India’s nuclear programme had not been given but that he quite agreed that this need not hold up talks under the Simla Agreement. Karim asked whether Pakistan would not try to enlarge the scope of the talks to include the Kashmir issue in view of Mr. Bhutto’s remarks at Quetta. I told him that we were aware of Mr. Bhutto’s remarks but the letter received by us form Aziz Ahmed mentions talks only on communications and travel. I said we have no illusions about the fact that Mr. Bhutto may have suggested talks at this stage for tactical reasons while he continues with his aggressive posture towards Afghanistan and is also making all sorts of statements on Kashmir.
3. I asked Karim if Bangladesh had received any sounding from Pakistan about further talks with them. Karim said that unless Pakistan shows some willingness to have substantive discussions on the assets and liabilities question, they cannot discuss other issues such as reopening of trade. In fact there were legal difficulties. He said that there had been no soundings about further talks with Bangladesh. He then exchanged views with me about the internal situation in Pakistan particularly the anti-Ahmadiya agitation on which his view was that Bhutto is likely to declare the Ahmadiyas a minority community.

4. Towards the end, Karim asked again whether we were likely to accept the proposal for talks with Pakistan. I told him that Foreign Minister had returned only yesterday and a final decision on the subject would take some time. However, in view of the fact that we had all along favoured the idea of bilateral talks under the Simla Agreement, one couldn’t rule out talks. The main thing is that Pakistan had tried to tie up talks on normalization measures under the Simla Agreement have nothing to do with the nuclear issue. This does not mean, however, that we feel that Pakistan will now be more reasonable or sincere on the idea of normalizing relations with India.

5. I thought I would share this information with you as I have no doubt that the Bangladesh Government will draw its conclusions once we go in for talks with Pakistan. You will no doubt keep us informed about their thinking.

Yours Sincerely

(A.S. Chib)

Shri J.N. Dixit,
Deputy High Commissioner of India
Dacca.

◆◆◆◆◆
Letter from the Pakistan Foreign Secretary Agha Shahi to the Indian Foreign Secretary Kewal Singh received through the Swiss Embassy.

Islamabad, August 19, 1974.

Dear Mr. Kewal Singh,

I received your reply of August 8, 1974, last week. Although in view of the correspondence between our ministers, a reply may not be necessary I am waiting to explain our position on the points you have raised, in the hope that this may contribute to a better understanding between our two countries.

2. I agree with you that no purpose is served by scoring points against each other in regard to hostile propaganda, by the official media of the two countries. I shall not, therefore, reproduce in this letter any of the numerous instances of attacks by All India Radio on the Government and Prime Minister of Pakistan. These will be forwarded by the Foreign Office for such action as you may deem appropriate. On our part, the Government has already taken steps once again to ensure that the provisions of the Simla Agreement in regard to cessation of hostile propaganda are scrupulously observed, as our Minister of State for Defence and Foreign Affairs has already said in his letter of August 10, 1974, to you Minister for External Affairs. I would like to hope that the Government of India will do likewise.

3. In this connection, I wish only to bring to your notice that All India Radio has recently resorted to the practice of rebroadcasting false news items emanating from Radio Kabul about the internal situation in Pakistan. It appears to us that such dissemination of hostile propaganda of Kabul Radio represents a violation of Paragraph 2 of the Simla Agreement which requires the two governments to take all steps within their power to prevent hostile propaganda directed against each other. We would however, like to know your views in this regard.

4. In your letter, you have accused Pakistan of launching a campaign to denigrate India since the beginning of June. In support of this view you have quoted the Prime Minister of Pakistan to have said in his June 7 speech in the National Assembly that the “Indian commitment was not worth the paper it is written on”. I have had it checked from the record of the National Assembly that he did not make such a statement.

5. It appears that the Government of India has not appreciated the restraint with which the Government of Pakistan articulated the anxiety that was bound to arise in Pakistan in the wake of the Indian nuclear test so close to its border. Particularly in view of the tragic history of conflict and confrontation and the unresolved disputes which have bedeviled relations between the two countries.
What Pakistan has said, in essence, is that there is no difference technologically between the testing of a nuclear device and the detonation of a nuclear weapon and, secondly, that the existing assurances of non-nuclear weapon states against attack or threat of attack by a nuclear power need to be strengthened. Pakistan’s view on the first point is in fact the basic premise of the non-proliferation treaty. India is entitled to its own view, but we hope you appreciate that we have a genuine difference of opinion with you on this point and expression of this difference cannot be considered by any means as denigration of India.

6. The second component of our position, namely, the need for stronger security assurances to non-nuclear weapon states, is equally unexceptionable. Recalling that India itself has in the past supported this demand and in view of its declaration that it does not intend to produce nuclear weapons, we hope that India may find it possible to lend its continued support to efforts for securing stronger security assurances for non nuclear states.

Yours sincerely,
A. Shahi.

Mr. Kewal Singh,
Foreign Secretary,
Ministry of External Affairs,
New Delhi.

0857. Letter from External Affairs Minister Swaran Singh to Pakistan Minister of State for Defence and Foreign Affairs Aziz Ahmed.

New Delhi, August 20, 1974.

Dear Mr. Aziz Ahmad,

Thank you for your letter of 10th August in reply to my letter of 2nd August, which I have seen on my return from tour abroad.

2. I am glad to know that you have agreed that before talks are resumed, something has to be done to stop all hostile propaganda and that you have issued appropriate instructions. It goes without saying that such restraint has to be shown by both sides and to the extent that our official news media have been found wanting, we shall take similar steps.
3. The date suggested by you i.e. September 12, 1974 for the commencement of India-Pakistan talks is acceptable to us. As visualised in the Joint Communique issued between us on April 9, 1974, the forthcoming meeting can discuss and work out fresh Agreements, for the resumption of Postal and Tele-communication links and restoration of travel facilities. We shall inform you of the detailed composition of the delegation and the mode of travel shortly.

4. I also accept your suggestion that it would be helpful if my letters of June 15, August 2nd your letters of July 9 and August 10, are made public. To this may be added my letter of today. If you agree, We can release this correspondence simultaneously in New Delhi and Islamabad on Friday, 23rd August, at 12 noon.

5. I am confident that given adequate goodwill and spirit of accommodation on both sides, the coming talks would be successful and would pave the way for the implementation of other normalisation measures envisaged in paragraph 3 of the Simla Agreement. Our success at these and subsequent talks would be hailed by millions in our respective countries who have for long looked forward to normal and good neighbourly relations between Pakistan and India.

With kind regards.

Yours sincerely,

(Swaran Singh)

H.E, Mr. Aziz Ahmed,
Minister of State for
Defence and Foreign Affairs,
Government of Pakistan, Islamabad.

❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖
Joint Communique issued at the end of Foreign Secretary-Level discussions between India and Pakistan.

Islamabad, September 14, 1974

In accordance with the provision of the Simla agreement enjoining upon the Government of India and the Government of Pakistan to take steps progressively to restore and normalize relations, the delegations of the two countries met at Islamabad from September 12 to September 14, 1974, to work out agreements on the resumption of postal and telecommunication links and restoration of travel facilities.

2. His Excellency Shri Kewal Singh, Foreign Secretary led the Indian delegation. He was assisted by representatives of the Ministry of External Affairs, Ministry of Home Affairs and the Department of Communications. The Pakistan delegation was led by Mr. Agha Shahi, Foreign Secretary. He was assisted by representatives of the Ministries of Foreign Affairs, Interior and Communications.

3. The two sides concluded agreements on exchange of letter post Items and Postal Parcels, resumption of Telecommunication services and on issuance of Visas and Travel between the two countries. In regard to the Telecommunication Services it was agreed that the telecommunication system between the multi-exchange area of Bombay and the multi-exchange area of Karachi shall be linked by satellite circuits within a period of six months. In addition to the Agreement on issuances of Visas and Travel they concluded a Protocol on group visits to religious shrines in either country.

4. The leaders of the two delegations also availed themselves of the opportunity to discuss the implementation of the other measures mentioned in paragraph 3 of the Simla Agreement. It was agreed that the civil aviation delegations of the two countries should meet to discuss the 1971 case regarding over flights and the questions of resumption of over flights and air links between the two countries. It was further agreed that the representatives of India and Pakistan would exchange visits to explore possibilities of trade between the two countries on a mutually profitable basis. The two sides also agreed to examine steps to promote exchanges in the field of science and culture.

5. Shri Kewal Singh was received by His Excellency Mr. Zulfikar Ali Bhutto, the Prime Minister of Pakistan and by His Excellency Mr. Aziz Ahmed, the Minister of State for Defence and Foreign Affairs. During these talks, views were exchanged on matters of bilateral interest. It was appreciated that obstacles and setbacks encountered in the course of implementation of the Simla Agreement would be overcome through patience and perseverance and the continued firm commitment of the two countries to the principles of peaceful
co-existence, respect for each other territorial integrity and sovereignty and non-interference in each other internal affairs.

(Sd) Agha Shahi (Sd) Kewal Singh
Foreign Secretary Foreign Secretary
Ministry of External Affairs Ministry of External Affairs
Government of Pakistan Government of India
Islamabad

September 14, 1974.

0859. Aide Memoire of Ministry of External Affairs to Pakistan Ministry of Foreign Affairs.

New Delhi, October 10, 1974.

The Ministry of External Affairs, Government of India have seen Pakistan’s Aide Memoire dated September 18, 1974, sent through Embassy of Switzerland in New Delhi.

2. The Government of India are astonished at the show of concern expressed in Pakistan’s Aide Memoire regarding the discussions with Sheikh Mohammad Abdullah which are entirely an internal matter for India and in which Pakistan has absolutely no locus standi. As this is clearly an attempt to interfere in India’s internal affairs, the Government of India categorically reject Pakistan’s Aide Memoire.

3. The Government of India must point out that in fact it is Pakistan which has violated the Simla Agreement by bringing about a material alteration in the situation in Pakistan occupied territories of Jammu & Kashmir. Pakistan Government has recently imposed a so-called interim Constitution in the occupied territories whereby a Council is to be set up under the Chairmanship of the Prime Minister of Pakistan with nominated members from Pakistan’s National Assembly. Other features of the interim constitution also show that virtually all important affairs of Government in these occupied territories will be controlled by the Central Government of Pakistan, with a view to integrate these territories with Pakistan.

4. Close on the heels of this action has come the announcement by Prime Minister of Pakistan at Gilgit on September 24, bringing about the merger of
Hunza and an end to its separate entity. It was also reportedly stated by the Prime Minister that the northern territories of Jammu & Kashmir under Pakistan’s occupation would be given representation in Pakistan’s National Assembly.

5. The Government of India while taking note of these developments wishes to bring to the notice of Government of Pakistan that their actions constitute a material and unilateral alteration in the situation and are thus in violation of Para-I (ii) of the Simla Agreement. In the circumstances, Government of India reserve the right to such further steps as are necessary through peaceful means to safeguard the well established position of India with regard to Jammu & Kashmir.

6. In view of the facts mentioned above it ill behoves Pakistan to suggest that the discussions going on with Sheikh Mohammad Abdullah will vitiate the atmosphere for the development of relations between the two countries. It would be most unfortunate if Pakistan once again tries to bring extraneous considerations to bear on the implementation of measures envisaged in the Simla Agreement and recently reiterated in Joint Communique issued at the conclusion of Secretary level talks at Islamabad on September 14, to bring about further normalisation between India and Pakistan. In such an event Pakistan will have to bear the responsibility for impeding this progress as it is fully aware that these steps are in the larger interests of the peoples of the two countries and are essential to establish durable peace.

New Delhi, October 10, 1974.

❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖
Letter from Indian Foreign Secretary Kewal Singh to the Pakistan Foreign Secretary Agha Shahi.

New Delhi, October 21, 1974.

Dear Mr. Agha Shahi,

Kindly refer to your message dated October 9, regarding the understanding reached during the talks at Islamabad on September 14, on the following lines:

“In pursuance of paragraph 2 of the Simla Agreement in regard to the cessation of hostile propaganda, the two Governments agree that they will direct their respective Radio Broadcasting Stations to cease dissemination of any item hostile to the other country which reproduces or is based on reports in the domestic or foreign press or on foreign radio broadcasts.”

2. This is to confirm that beginning from the 1st of November, 1974, broadcasting stations of All India Radio will observe the terms of the Understanding contained in the paragraph reproduced above vis–a–vis Pakistan on the basis of reciprocity. Your letter dated September 14, on this subject and my reply would constitute a firm understanding between our two Governments.

3. I must, however, point out that in the last one month since we reached this understanding on September 14, there has not been the slightest let up in the anti–India broadcasts by Radio Pakistan. What is particularly disturbing is not so much the news items picked up from third sources but the commentaries regularly broadcast by Radio Pakistan which are directed to India’s internal matters. In the period since 15th September, your Radio commentaries have attacked us on subjects such as alleged starvation of “crores of people” in India; alleged atrocities on political prisoners in the jails of West Bengal and Bihar; India’s “annexation” of Sikkim; allegation that India’s “peaceful intentions” regarding the peaceful nuclear explosion, are aimed at misleading world opinions. Quite apart from these subjects, Radio stations located in occupied Kashmir, have been carrying on a propaganda campaign on the issue of talks with Kashmiri leaders such as Sheikh Abdullah. The comments on this subject, addressed to people in Jammu and Kashmir, are blatantly instigatory and inflammatory in nature.

4. We are separately sending you a list of such objectionable broadcasts by Radio Pakistan during the last one month. I am sure you would agree that the very purpose of our reaching a bilateral understanding as on September 14, will be defeated if Radio Pakistan continues to indulge in this kind of propaganda campaign. It is unrealistic to expect that if the radio stations of one
side continue with hostile propaganda of this sort, the radio stations from the other would not try to pay back in the same coin. We would, therefore, sincerely hope that while issuing instructions on the lines of the September 14 understanding, you would also instruct your radio stations to stop all propaganda in the form of commentaries, etc., which amount to open interference in India’s internal affairs. Such propaganda, in any case, is in violation of the Simla Agreement.

Yours sincerely,
(Sd) Kewal Singh

Mr. Agha Shahi,
Foreign Secretary,
Ministry of Foreign Affairs,
Government of Pakistan,
Islamabad.

* * * *

0861.

Extracts from the Telegram from Ministry of External Affairs to Heads of Mission abroad briefing them on the visit of U.S. Secretary of State Henry Kissinger.

New Delhi, November 1, 1974

You must have by now read the Joint communiqué issued after Kissinger’s visit.

2. Following are the main points of our discussions which centered on bilateral relations, South Asia and neighboring countries, détente, Indian Ocean and world economic situation.

3. **South Asia:** We stressed the need for peace and stability, normalization of relations on the subcontinent, settlement of all differences with Pakistan through peaceful bilateral means without outside interference and promotion of cooperation among all countries of the area. We told KISSINGER good relations with India and other neighbors, However, we were disappointed at Pakistan’s hesitations and the slow pace of improvement at Pakistan’s hesitations and the slow pace of improvement in our relations. KISSINGER said that the US is strongly committed to supporting the Simla process and
would like to see it expedited. US did not favour any outside interference in the 
affairs of the subcontinent.

4. The possibility of resumption of American arms to Pakistan was discussed 
in some depth. It was pointed out to KISSINGER that there was no threat to 
Pakistan's security from any country. In fact Pakistan was now militarily stronger 
than before 1971. Pakistan had received considerable military hardware from 
China and with the help of oil money of its Middle Eastern friends had acquired 
sophisticated weapons from several European countries. We left KISSINGER 
in no doubt that any induction of American arms into Pakistan directly or 
indirectly will not only come in the way of normalization of relations but will 
also cause fresh tensions in the region by encouraging it to follow adventurous 
policies towards its neighbours.

5. KISSINGER told us that the US did not believe in balancing Pakistan 
against India and had not made any attempt to establish parity. He repeatedly 
stated that the US had no intention in encouraging an arms race in South Asia. 
He also assured us that there will be no secret or clandestine arms transfers to 
Pakistan.

6. Afghanistan: KISSINGER said that BHUTTO had complained that direct 
and Indirect support to Baluchi. We told KISSINGER that our impression was 
quite different. It was not Afghanistan but rather Pakistan which had taken 
recourse to military measures and had thereby complicated the settlement of 
Baluchi and Pakitoon issues. Pakistan Military moves and pressures along 
Afghan borders were a real cause of concern to the Afghan Government which 
wanted to resolve the issues by peaceful means.

7. Iran: KISSINGER welcomed the improvement in Indo-Iranian relations.

8. China: We drew KISSINGER’s attention to Chinese efforts to ferment 
subversion and create instability on the subcontinent and the Himalayan region. 
KISSINGER said that in its relations with China, US will not do anything to 
jeopardize India’s security or interests. US was against giving China a free 
hand in Asia and will oppose any Chinese attempt to extend her influence beyond 
her borders to other areas. On Sino-Indian relations, KISSINGR’s assessment 
was that the trend of improvement, although temporarily interrupted by Chinese 
reaction to events in Sikkim, was likely to be resumed after some time.

9. Bangladesh: KISSINGER told us that Indian and American interests 
were parallel. It was totally against US policy to use Bangladesh against India’s 
interests. He categorically stated that the United States “will not encourage 
directly or indirectly any power to use economic dislocation in Bangladesh to 
get a foot-hold on the subcontinent”. He also expressed strong interest in the 
continuation of cordial relations between Indian and Bangladesh.
10. **PNE:** In spite of much speculation in the Western press that KISSINGER might try to pressurize India on the question of nuclear explosions, there was only a brief discussion on this subject. We informed KISSINGER of our policy against development of nuclear weapons and of using nuclear policy for peaceful purposes only. Both sides felt that nuclear energy does not contribute to any proliferation of nuclear weapons. You will have noticed from the Joint Communique that the United States welcomes India affirmation of the policy of using nuclear technology for peaceful purposes only. This is an improvement on earlier US position, though we shall have to watch their future moves carefully.

11. **USSR:** We told KISSINGER that Indo-Soviet Treaty was not an alliance and was not directed against any other country. KISSINGER said that Indo-Soviet friendship did not come in the way of better Indo-US relations. He had no evidence that India was pursuing a pro-Soviet line on issues of concern to US.

12. **Indian Ocean:** Differences on Indian Ocean as a zone of peace remain as before. We conveyed to KISSINGER our concern over the establishment of the US military base at Diego Garcia. He reiterated US view that this did not constitute a threat to India or any of the littoral states. He also said that this question had not been raised in his recent visit to Moscow.

13. **Bilateral:** Apart from the establishment of the Joint Commission to promote exchanges in trade, technology and education, etc. further high-level contacts are expected to continue when Foreign Minister visits Washington and President FORD comes to India next year. Both sides felt there was no conflict of interest between them and there was much scope for further strengthening, of their relations. KISSINGER said that the United States recognized India’s role as a major Power in the world and as a dominant power on the subcontinent. No outside force could change this position.

14. **Assessment:** Our assessment is that KISSINGER’s visit has contributed to better understanding between a better appreciation of India’s views on major questions of bilateral regional and international importance. KISSINGER’s reiterating of support for the Simla Agreement not equating Pakistan and India, assurances regarding not using Pakistan to counterbalance India, America’s disassociation from Chinese disruptive policies towards South Asia, Indo-US similarity of interests in the peace progress and stability of subcontinent as well as of Bangladesh recognition of the positive role of non-alignment in the world and American acceptance of our view that India-Soviet friendship is not an impediment to Indo-American relations are some of the gains of our talks. While it remains to be seen how
the US policy will be conducted in Asia in coming month and years, we welcome the United States continuing awareness and recognition of the realities of the situation on the subcontinent as well as India’s role as a factor for peace and stability in South Asia. In talking about KISSINGER’s visit you should take particular care to stress that our relationship is based on equality and mutuality of interests. The improvement of our relations in not at the expense of either country’s relations with third countries. While his visit has created better atmosphere and removed some past misunderstandings, much will of course depend on concrete American actions especially in the sub-contentment.
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My Late Wife
Mandip Kaur

Mother of
Puneet and Mantosh

Mother-in-Law of
Gurpreet & Kamaljeet

Grandmother of
Arjan,
Geetika
Amitoj
Zorawar
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◆◆◆◆◆
INDIA – PAKISTAN RELATIONS
SECTION-I

POLITICAL.......CONTINUED
1975-1989
0862. Aide Memoire of the Ministry of External Affairs regarding Kashmir.

New Delhi, January 10, 1975.

Reference is invited to Government of Pakistan's Aide Memorie of November 25, 1974, received through the Swiss Embassy in New Delhi, on December 2, 1974.

The Ministry of External Affairs, Government of India, must point out that in terms of the Simla Agreement, paragraph 4(ii), it is mentioned that in Jammu & Kashmir, the Line of Control, resulting from the cease-fire of December 17, 1971, shall be respected by both sides “without prejudice to the recognized position of either side”. It should, therefore, be clear that this wording fully safeguards India’s well-known stand that the whole of Jammu & Kashmir is an integral part of India.

The Government of India cannot also accept the views expressed in Pakistan’s Aide Memorie, that the amendments to the interim constitution of so-called Azad Jammu & Kashmir and the merger of Hunza with the Northern territories do not constitute a fundamental change in the situation. It is obvious that the setting up of a Council with the Prime Minister of Pakistan as the Chairman and a number of Pakistani Ministers and M.Ps as members is a major constitutional change envisaged under the interim constitution imposed in the occupied territories, and cannot be considered as a mere administrative arrangement. From any objective assessment, this step can only be considered as a measure for imposing full control of the Government of Pakistan on the occupied territories of Kashmir. The fact that recently for the first time, the Administration in Pakistan-occupied Kashmir has been given representation in Pakistan’s Provincial Coordination Committee further confirms this view.

New Delhi, the 16th January, 1975.
The Embassy of Switzerland, New Delhi may kindly transmit the following message to the Ministry of Foreign Affairs, Government of Pakistan, Islamabad:

BEGIN
No.P.II/412/26/74 4th January, 1975
Reference message from the Government of Pakistan dated the 5th December, 1974, regarding discussions held in New Delhi on post-war detainees and other assorted matters.

The proposals of the Government of Pakistan have been considered by the Government of India which has the following comments to offer:

a) The position as mentioned in clause 1 of the message of the Government of Pakistan is confirmed, i.e., the term “pre-war detainees” will apply to nationals of either country apprehended up to December 17, 1971. In view of administrative problems involved, it is suggested that these people will be repatriated by the 15th March, 1975.

b) The term “post-war” detainees will be applied to nationals of either country detained in the other from the 18th December, 1971 onwards. Obviously it is neither possible nor necessary to put a terminal date. For the sake of administrative convenience the term “Pakistan nationals” will be applied to those persons who have been so categorized by the visiting Swiss representatives. It is understood, of course, that in the event of repatriation only those persons will be offered who are acceptable to both countries.

c) It is confirmed that the two Governments will exchange the lists of post-war detainees as soon as possible. The lists are to be exchanged by the 1st April, 1975.

d) The Swiss Embassy representatives in New Delhi have visited a number of post-war detainees already. It is confirmed that visits will be arranged by the Swiss Embassy representatives to check all post-war detainees held in both countries. The reports will, of course, be rendered to the respective Governments.

e) The position regarding the exchange of photographs of persons classified as mental cases is hereby confirmed.

f) The government of India agree to the suggestions made in Para 6 of the
message of the Government of Pakistan. The Government of India looks forward to the specimen copy of the prescribed form proposed by the Government of Pakistan. It is also confirmed that all said persons would be repatriated, if approved.

(g) The understanding detailed in Para 7 of the aide memorie is hereby confirmed.

ENDS

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February 19, 1975.

The Embassy of Switzerland, Pakistan Affairs Division, received the following message, dated February 19, 1975, from the Government of Pakistan:

"Reference Ministry of External Affairs, New Delhi, Aide-memorie, dated January 4, 1975, regarding post-war detainees and other assorted matters. The Government of Pakistan has the following comments to offer:

1. As suggested in sub-Para (a) of the Aide-memorie it is agreed that nationals of either country apprehended up to 17th December, 1971, will be repatriated by the 15th March, 1975.

2. It is agreed that lists of nationals of either country detained in the other from 18th December, 1971, onwards, may be exchanged by the 1st April, 1975.

3. It is also agreed that only for the sake of administrative convenience the term "Pakistan nationals" will be applied to those persons, who have been so categorized by the visiting Swiss representatives. In fact, only such persons who had entered into India from former West Pakistan will be treated as Pakistan nationals.

4. It is confirmed that visits will be arranged by the Swiss representatives to check all detainees held in both countries after the 17th December, 1971. The reports will, of course, be rendered to the respective governments.

5. The contents of sub-paras (c), (f) and (g) of the Aide-memorie are noted. The specimen forms referred to in sub-parts (f) has already been sent to the Government of India with Government of Pakistan Aide-memorie, dated 2.1.1975."

New Delhi, February 25, 1975

❖ ❖ ❖ ❖ ❖
0865. Letter of Indian Foreign Secretary Kewal Singh to the Pakistani Foreign Secretary Agha Shahi.

New Delhi, February 25, 1975.

Dear Mr. Agha Shahi,

I am constrained to invite your attention to a commentary broadcast in Urdu from Radio Pakistan, Lahore, yesterday, 24th February, at 1755 hours, which contains material of a most objectionable kind and is an obvious violation of the understanding reached through exchange of letters between us on 14th September and 30th October 1974.

2. The commentary written by one Ali Rizvi of MASHRIQ contained observations such as “Bloody clashes have begun throughout Kashmir as a protest against the understanding reached between the Government of India and Sheikh Mohammed Abdullah”… “The Jehad of the Kashmiri freedom fighters has entered a new phase”… “This struggle has began in Srinagar, Anantnag and Udhampur through violent demonstrations. Even firing has been resorted to”.

3. Since no violent incidents of any sort have taken place, we naturally conclude that false and baseless allegations of this kind are being broadcast by Radio Pakistan to instigate such incidents across the line of control in Jammu & Kashmir. As you are aware, All India Radio scrupulously observed the terms of the Understanding and has not only eschewed comment on the internal situation in Pakistan but has withheld broadcasting news items put out by international press agencies and radio stations on incidents that have been taking place in the NWFP and Baluchistan. I trust, therefore, that on receipt of this message you would kindly take effective steps to immediately stop this kind of propaganda items on Kashmir being broadcast by Radio Pakistan. Unless this is done, we will have to draw the inevitable conclusion that Pakistan Government is no longer interested in observance of the Understanding reached between us in October last on non– dissemination of hostile broadcasts.

4. I shall be grateful for your immediate reply to this communications.

With kind regards,

Yours Sincerely

(Kewal Singh)

His Excellency Mr. Agha Shahi,
Foreign Secretary,
Government of Pakistan, Islamabad.

❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖
0866. Letter from Pakistan Prime Minister Zulfikar Ali Bhutto to Prime Minister Mrs. Indira Gandhi.

Rawalpindi, February 25, 1975.

Dear Madam Prime Minister,

I am taking the earliest available opportunity to write to you concerning the lifting of US embargo on arms supply to India and Pakistan which was announced last night.

2. I am sorry that public reaction in India to this development should have been so adverse. All it does is to remove a curious anomaly whereby we were unable to acquire from the United States the necessary replenishment for our defence equipment. I can assure you that there is absolutely no reason to believe that our demand for the removal of this anomaly indicated any departure from our resolve to further the process of normalization of relations between India and Pakistan in the building of a durable peace in this region. The Simla Agreement continues to govern our considered policy with regard to our relations with India and, as far as it is in our power, we will not allow ourselves to be deflected from the Simla process. We have no desire to get involved in an arms race in the sub-continent. We are convinced that an arms race would be fatal to our economic development and to all our efforts to satisfy the desperate needs of our people.

3. Despite the unfortunate controversy that has been started over the issue of the ending of the US embargo the fact remains that the basis for establishing lasting peace in the subcontinent will remain lacking if one of the countries in South Asia feels that it is militarily incapable of ensuring the protection of its independence and territorial integrity. Such a disparity in the matter of defence capability as between one country and another would continue inevitably to impart a basic fragility to any structure of peace. A sense of its own security is vital if a country is to contribute significantly to the promotion of durable peace in this strategically sensitive region.

4. As you know, in order to be durable, we envision peace in the subcontinent to be based on the equality of sovereign States, their complete and unquestioned territorial integrity, the peaceful settlement of disputes, the removal of inter-state suspicions and the rejection of hegemony and dominance by any power over this region. We are still hopeful that our two countries will cooperate in establishing these foundations of peace.

5. Your accord with Sheikh Abdullah seems to us to be designed to foreclose a settlement of the Kashmir dispute, which would reflect the wishes of its people and secure the consent of both India and Pakistan. We cannot but protest against
this move. We remain convinced that since it does not change the character of
the Jammu & Kashmir dispute, the goal of a final settlement, honourable and just,
will continue to be pursued by both your Government an mine.

6. We are doing everything we can not to let developments such as these
cause an irreversible set back to the process initiated by the Simla Agreement.
As a manifestation of this resolve I intend shortly to dispatch a delegation to
India in order to try and conclude an agreement with regard to civil aviation so
that one more step in the direction of normalization of the situation in the sub-
continent will have been taken. Knowing your part in the conclusion of the
Simla Agreement, I am confident that you will ensure that such an agreement
is reached and that generally the process of normalization continues unhindered.

Yours sincerely,
(Sd)/- Zulfikar Ali Bhutto

0867. Letter of Pakistani Foreign Secretary Agha Shahi to the
Indian Foreign Secretary Kewal Singh.

New Delhi, February 27, 1975.

Dear Mr. Kewal Singh,

Before receiving your message of 25th February, 1975, this morning we had
learned of its substance via All India Radio broadcast where upon immediate
investigations were made to determine the fact. We have been assured that
Radio Pakistan has scrupulously observed the agreement between India and
Pakistan regarding the cessation of hostile propaganda and the understanding
on its elaboration you and I signed on 14th September, 1974.

2. We have also asked to see the transcript of the commentary to which
you refer in paragraph 2 of your message and its violation of the existing
agreement between two countries has taken place. Steps will be taken to
prevent recurrence, as has been the practice in the past whenever one of the
side has brought such alleged violation to the notice of the other.

3. Particularly in view of the previous practice the last sentence of the
paragraph 3 of your message has caused us surprise and regret. From tone it
appears that the Government of India does not consider that the observance
of the agreement on cessation of hostile propaganda suit its interests at preset.
Such a decision would be unfortunate, considering the efforts both sides, have
invested over the past three years to bring about cessation of hostile propaganda by their respective radio stations. Moreover, unilateral decision to terminate obligation under an international agreement on the bases of an alleged violation would be inconsistent with the recognized principles regarding validity of international agreement.

4. We might add that we, on our part, have on three occasions during the past fortnight brought to the attention of Ministry of External Affairs, Government of India, instances of infractions by all India Radio of the agreement on cessation hostile propaganda, expressing the hope that the Government of India would take steps to prevent the recurrence of such instances, without holding out the sort of warning implied in your message.

With kind regards,

Yours sincerely

Agha Shahi

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0868. Letter of Indian Foreign Secretary Kewal Singh to the Pakistan Foreign Secretary Agha Shahi.

New Delhi, March 1, 1975.

Dear Mr. Agha Shahi,

Thank you for your reply to my message of 25 February, which was received this morning. The reason why we had to brief the Press that I had sent a message to you on these lines was due to the fact that in the last four days Radio Pakistan has been repeatedly broadcasting false reports of alleged “bloody clashes” in Kashmir about which I had complained to you. Not only has this kind of propaganda been kept up but the Urdu commentary on 27 February went to the extent of describing Sheikh Mohammed Abdullah as a “traitor to the cause of Kashmiri people, a hater of Islam and lover of Hindus”. Some alleged old comments from the foreign press and old statements of Maulvi Farooq were used in commentaries to make it appear as if these were made in response to Pakistan’s call for Hartal. On 26th and 27th February, Radio Pakistan again spoke of “bloody disturbances”, “bloody clashes” in the valley and mountains of Kashmir, when no such incidents had taken place. All this constitutes hostile propaganda and is in violation of the understanding of October 30, 1974.

2. These are a few of the very recent examples. We are separately sending you, through Swiss Embassy, a lengthy list of violations in the last one month,
which would, show you beyond any doubt that Radio Pakistan has not been observing the Understanding with any seriousness.

3. I appreciate your assurance in paragraph 2 that on seeing the transcript of the objectionable commentary referred to in my message of 25th February, you would take appropriate steps. On my part, I can assure you that once your instructions to Radio Pakistan are put into practice and its present campaign of anti-India propaganda of the kind mentioned above, particularly on Kashmir, stops, we shall on our part reciprocate in full measure. Meanwhile, so long Radio Pakistan continues this sort of campaign, it becomes necessary for All India Radio also to set the record straight.

4. We are most anxious that both sides strictly avoid any hostile propaganda as such propaganda is fatal to the promotion of goodwill and the growth of friendly feelings between the peoples of the two countries. I am aware of the fact that you were personally most responsive when at Islamabad, in September last year, I first made the suggestion for reaching a formal understanding in this regard. You can, therefore, rest assured that I am quite keen that this Understanding should be implemented strictly in the mutual interest of the people in both countries.

With kind regards,

Yours sincerely,

(Kewal Singh)

Mr. Agha Shahi,
Foreign Secretary,
Government of Pakistan, Islamabad.

(PS: I have just seen your message of 28 February)
0869. Letter of Pakistan Foreign Secretary Agha Shahi to the Indian Foreign Secretary Kewal Singh.

Islamabad, March 4, 1975.

I am glad to note from your message of March 1 that the Government of India continue to be interested in the reciprocal observance of the agreement on cessation of hostile propaganda. We, on our part, not only remain committed to the provisions of the agreement and the understanding you and I signed on 14 September 1974 but shall also maintain efforts to ensure their observance.

We are awaiting receipt of the list of violations mentioned by you in paragraph 2 of your message and I can assure you that as in the past, in future, too, we shall investigate the charges and take appropriate action to prevent recurrence of violations where these may have taken place.

As I said in my message of 28 February we are sending to the Ministry of External Affairs, Government of India, extracts of transcripts of AIR broadcast which constitute infringements of the India-Pakistan agreement regarding hostile propaganda. You will see that All India Radio has discarded all restraint and does not even desist from vituperations against the Head of the Government of Pakistan. For instance, in its Tabaera on 27 February at 2015 hrs., AIR said “There is one man rule in Pakistan. Government and the ruling party are the nick names of the whims and caprices of one person. Anyone who dares to speak against the Quaid’s opinion had to leave not only the Government but the party as well”. Similarly, in an English commentary at 2045 hrs on 27 February in its Spot Light Programme, AIR alleged: “Provincial Ministries of Pakistan are dismissed at the pleasure of Mr. Bhutto and opposition leaders sent to prison”.

We trust you will take action to restrain All India Radio from broadcasting such hostile propaganda.

With kind regards,

Yours sincerely

Agha Shahi

His Excellency Shri Kewal Singh,
Foreign Secretary,
Government of India, New Delhi.
0870. Letter of Indian Foreign Secretary Kewal Singh to the Pakistani Foreign Secretary Agha Shahi.

New Delhi, March 10, 1975.

Dear Mr. Agha Shahi,

Thank you for your message dated March 4, 1975. I am glad to receive your assurance that you will continue efforts to ensure observance of the Understanding on non-dissemination of hostile propaganda on radio stations.

2. I would like to assure you that we are totally opposed to any personal attacks being made against the Head of Government or other respected leaders of a neighbouring country in radio broadcasts. In the case of India and Pakistan, this is obviously against the spirit of the Simla Agreement and the Understanding formalized between us. I have made a note of the two instances mentioned in your message and have called for the full transcripts of the commentaries in Urdu and English. If there has been a lapse despite our instructions to the contrary, we shall take steps to ensure that there is no recurrence.

3. May I take this opportunity of mentioning again that the campaign of slander and personal attack against our leaders, launched by Radio Pakistan, still continues. I give below an instance selected at random from the press round-up broadcast by Radio Lahore on 2nd March, which is illustrative of the offensive manner in which our leaders including the Prime Minister are being described:

“The world-wide response to Premier Bhutto’s appeal has exposed to the world the Indira–Abdullah collusion and it has become clear that the future of 50 lakh Kashmiri’s cannot be decided by two expansionist and fortune-seeking brains.”

4. I am sure you would like to look into this, and ensure that such offensive references to India’s leaders, and propaganda about our internal affairs, do not recur on Radio Pakistan. On our part, as I have repeatedly sought to reassure you, we have been making all possible efforts to respect our understanding on the subject, and shall continue to do so.

Yours sincerely,
(Sd) Kewal Singh

His Excellency Mr. Agha Shahi,
Foreign Secretary,
Ministry of Foreign Affairs,
Government of Pakistan, Islamabad.
Letter of Prime Minister Mrs. Indira Gandhi to Pakistan Prime Minister Zulfikar Ali Bhutto.

New Delhi, March 20, 1975.

Dear Mr. Prime Minister,

I have received your letter of the 25th February. We have given careful attention to your views on the US Government's decision to lift the arms embargo and on developments in the State of Jammu & Kashmir.

2. We welcome your assurance that Pakistan continues to look on the Simla Agreement as the basis for developing good neighbourly relations between our two countries. From our side, we feel strongly that the Simla process should not be impeded, much less suffer a set-back. The Agreement and the subsequent concrete initiatives demonstrate our sincere desire to build a new relationship of understanding, and cooperation. There should be no doubt regarding our firm intention in this regard.

3. However, in the background of the conflicts on the sub-continent, and the history of the use of American weapons against India, the US Government's decision to resume arms supplies has evoked strong public reactions in India. We have regretted this decision because it threatens once again to increase tensions in our region. We agree with you that each country must have legitimate concern for its security and for the means to protect its independence. However, you have talked about the disparity in defence capability between our two countries. On this matter we have to ask ourselves some searching questions. Is real stability to be based on parity of arms, without considering a country’s size, its land frontiers and coastline and diverse problems? Will not such a quest generate an unending search for and acquisition of weapons and lead only to greater tensions and weakening of economic endeavours? It would be illusory to think that such an arms race could be halted at some acceptable level. It is more likely to result in heavier burdens and impediments to the economic progress of our respective peoples.

4. We believe that a genuine and lasting sense of security between our countries can best emerge through self-restraint and a conscious effort to build mutual confidence. It can be facilitated by a firm commitment to non-aggression and to non-use of force, which was envisaged in the Simla Agreement. We are prepared to explore with your Government mutually acceptable methods of built-in safeguards to reduce tensions and to avoid the likelihood of future conflicts. Given an atmosphere of trust, such measures can go hand-in-hand with measures of economic cooperation.
5. Against this background, I cannot but express our regret that your Government should have wholly mis-interpreted the Accord reached with Sheikh Abdullah and his colleagues. I cannot see how this violates the Simla Agreement. This development is in accordance with the democratic process to which we are wedded. The people of the State have overwhelmingly welcomed Sheikh Abdullah and the new Government. Moreover, we feel that this Accord should facilitate normalization between Pakistan and India. The high level exchanges between our two Governments in November 1973 and January 1974, and your own suggestion of a line of peace in Jammu & Kashmir, encourage us to see this development as a help rather than a hindrance in the achievement of friendly relations. But in frankness I must tell you that we are deeply disturbed at the manner in which this step has been misconstrued by your Government and by the propaganda campaign and call for agitation and hartal across the line of control. This can only vitiate the prospects of early normalization.

6. Regarding Civil Aviation, we had invited your delegation to commence talks in New Delhi on the 20th February but this date was not convenient for your side. Your suggestion for an early meeting is being earnestly considered and I have asked our officials to try to arrange talks in the month of April, subject to mutual convenience. In the meanwhile, we hope that the atmosphere will be conducive for constructive talks.

7. We feel strongly that both our countries must desist from propaganda against each other. Nothing can be more damaging to the prospects of cooperation and the fulfillment of agreements already reached than the resumption of hostile public postures. From our side I can assure you we will do nothing to encourage suspicion and hostility towards Pakistan and I hope your Government will also exercise similar restraint.

With best regards,

Yours sincerely,

(Sd)

Indira Gandhi.
0872. Statement issued by the Pakistan Ministry of Foreign Affairs on Sikkim.

Islamabad, April 11, 1975.

“The grave news of annexation by force of the State of Sikkim* by India must be a matter of great concern to the world and, in particular, to the States of this region.”

“India has once again, demonstrated its predilection for resorting to the use of force in ordering its relations with its neighbours instead of basing them on the principles of respect for territorial integrity of States and non-interference in their internal affairs.”

“This disturbing pattern of approach to relations with smaller neighbouring States must inevitably shake confidence in India’s commitment to a policy of building durable peace in the region.”

“Only last September India took action to erode the status of Sikkim by reducing it to what it termed an ‘Associate State’. India did so by an act of its parliament although the parliament had no legal competence, whatever to legislate for the Himalayan State. And now even the act of the Indian legislature has been negated through aggression against this small and defenceless neighbour.”

“What the world feared might be India’s real intention has been confirmed by the annexation of the State. There is a vast difference between actual practice and India’s professions of commitment to peaceful methods of settling disputes.”

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* The spokesman was referring to the Sikkim State joining the Indian Union by an amendment of the Indian Constitution.
Letter from Pakistan Prime Minister Zulfikar Ali Bhutto to Prime Minister Mrs. Indira Gandhi.

Rawalpindi, April 25, 1975.

Dear Madam Prime Minister,

I wish to thank you for your reply of 20 March 1975 to my letter of 25 February, 1975.

2. My letter pledges the resolve of the Government of Pakistan to promote the Simla spirit. It is, therefore, a matter of satisfaction to read that your administration is likewise determined to remove all impediments that may inhibit the implementation of the Simla Agreement.

3. It was, and it still remains, our hope that such an attitude would govern the pronouncements of your Government and media. The adverse reaction in India to the lifting of the United States arms embargo would have been perhaps understandable if the decision discriminated against India and benefited only Pakistan and, even more important, if it deflected U.S. from the course of dialogue and negotiation or had resulted in any change in our settled policy to continue steadfastly to work for durable peace in the subcontinent.

4. You will no doubt recall the circumstances which led the United States to impose the embargo. Since then we have extended recognition to Bangladesh as a sovereign state and have concluded and signed several agreements with your country. Would it not have been contrary to logic and reason for the embargo to continue when the events which led to its imposition in the first place are so much behind us.

5. If I spoke of the disparity in the matter of defence capability between our two countries, it was also to underscore the point that, given its preponderant military strength India had no reason to expect threat from Pakistan. In such a desperate situation, however, it is only natural that the relatively smaller country would cast about for means to assure its own defence and security. This impulse operates almost independent of the geo-political considerations to which you have alluded in your letter. Even if these considerations were held to be of absolute validity, they would still not add up to the propositions that Pakistan should be left militarily helpless. We in Pakistan, by adopting measures to attain a needed degree of defence capability certainly do not have any desire to generate an arms race in the region. We know the futility of such an endeavour. Nor we are prepared to pay the price in human misery that such an attempt will entail.

6. The accord reached between you and Sheikh Abdullah has caused concern to our people because they had hoped that any steps you chose to take in this regard would be in accord with the Simla Agreement. It, therefore,
inevitably follows that a line of peace in Jammu and Kashmir cannot be one that is arbitrarily imposed. It can only be a line that takes into account our recognized position on the principle of self determination, a principle to which both our governments are committed.

7. I welcome your suggestion to explore with us mutually acceptable methods of built in safe guards to reduce tensions and to avoid the likelihood of future conflicts between our two countries. I had already, in my letter of 25 February indicated our desire to see peace established in the subcontinent on the universally accepted principles of peaceful co-existence. I reiterate my hope that on these foundations we can erect an edifice of durable peace between our two countries and peoples.

8. It is against this background that we are studying the recent proposals of your Government regarding the arrival in New Delhi of a civil aviation team for Pakistan. We are anxious that these talks take place as soon as mutually convenient. That attempt to remove one more irritant from our bilateral relations can get under way.

9. Like you, we cannot also gain say the desirability, and indeed the urgency, of both countries desisting from hostile public postures. We reiterate our firm willingness to discharge the obligation undertaken by us in this regard. In fact we have, once again impressed upon our information media the imperative need for refraining from hostile propaganda as agreed to between our two Governments.

10. Recently, we have had the occasion to draw the attention of your authorities to several instances of hostile propaganda against Pakistan. It is my hope that your Government will take the step necessary to ensure that such instances do not occur.

11. In conclusion, Madam Prime Minister, I wish to reassure you our sincere desire to create an atmosphere that would be conducive to constructive and meaningful step being taken so that the process of normalization of relations between the two countries can continue a pace.

With regards,

Yours sincerely

(Sd)

Z.A. Bhutto

Her Excellency Mrs. Indira Gandhi,
Prime Minister of the Republic of India, New Delhi.

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Joint Communique issued at the end of the talks between Indian Foreign Secretary Kewal Singh and Pakistan Foreign Secretary Agha Shahi.

New Delhi, May 20, 1975.

At the invitation of Mr. Kewal Singh, Foreign Secretary, Government of India, His Excellency Mr. Agha Shahi, Foreign Secretary, Government of Pakistan, paid a visit to India from May 15 to May 20, 1975, to discuss the normalization of relations envisaged in the Simla Agreement. The delegation of Pakistan included senior officials from the Ministry of Foreign Affairs, Ministry of Fuel, Power and Natural Resources, the Civil Aviation Division, the Department of Civil Aviation, and a representative of the Pakistan International Airways Corporation. The delegation of India included senior officials from the Ministry of External Affairs, Ministry of Tourism & Civil Aviation, Department of Civil Aviation, representatives of Air India and Indian Airlines Corporation and the Department of Irrigation, Ministry of Agriculture and Irrigation. During his stay, His Excellency Mr. Agha Shahi was received by the Prime Minister of India, Shrimati Indira Gandhi and the Minister for External Affairs, Mr. Y.B. Chavan.

The two Foreign Secretaries welcomed the opportunity of meeting again after a lapse of about eight months to review the discussions on civil aviation matters including the 1971 cases pending before the International Civil Aviation Organization. Various formulations were discussed with a view to resolving this matter amicably so as to enable the resumption of air links and over flights between the two countries. Both sides felt that a resolution of this matter will facilitate further improvement of relations between the two countries. The two Foreign Secretaries agreed that there was a need for another round of talks before this matter could be resolved in a manner which is fully satisfactory to both sides.

At the initiative of the Government of India, the Government of Pakistan had earlier agreed to the exchange of views on various aspects of the Salal hydroelectric plant about which some objections had been raised by Pakistan. As a result of discussions in New Delhi, the two Foreign Secretaries instructed their respective senior officials in the two delegations concerned with this Project to discuss and satisfy the Pakistan side that the design of the plant was in conformity with the requirements of the Indus Waters Treaty. In this connection, it was also agreed that the Indian side will supply within one month from the date of receipt of the request, to the Pakistan officials such additional information relating to the design criteria of the Plant which has a bearing on the objections raised by Pakistan. The two Indus Commissioners will then meet and endeavour to resolve the matter within two months. The two Commissioners will keep
their Governments informed of the progress made in this regard so that in case of difficulties fresh Government instructions can be given for their resolution under the Indus Water Treaty, 1960.

The two Foreign Secretaries recalled the commitment of their Prime Ministers to the Simla Agreement and emphasized their determination to carry forward, in a spirit of mutual accommodation and goodwill, the normalization of relations between the two countries. The opportunity was utilized for having an in-depth review of the various agreements signed since September 1974 in order to bring about a more meaningful implementation of these agreements. There was also a useful and frank exchange of views on matters of bilateral concern and of regional interest. It was acknowledged that hostile propaganda against each other is an obstacle in the way of attaining good-neighbourly relations and effective steps should be taken to implement the existing Understanding regarding hostile radio broadcasts. It was agreed further steps would be taken to curb all forms of hostile propaganda against each other.

0875. **Statement issued by the Pakistani Prime Minister Z.A. Bhutto commenting on the reported statement of the Indian Prime Minister Indira Gandhi.**

*Islamabad, June 15, 1975*

“I find it is necessary to comment on Mrs. Indira Gandhi’s reported remark that recent developments* in India have brought the greatest happiness to Pakistan. She has suggested to her people to realize what that means. Mrs. Gandhi seems to be either grossly misinformed or is raising a smokescreen to cover the realities of India’s present crisis.”

“What makes her remarks more painful is that not one word has been uttered by any official spokesman or agency in Pakistan on recent development in India. We do not gloat over the predicaments of others. We take a serious and long-term view of such situation. Pakistan subscribes to the principle of non-interference in the internal affairs of other states. We scrupulously adhere to it even in the case of India, despite India’s frequent violations of it in the case of Pakistan. The people of Pakistan have had enough trouble caused by external

* The reference was to the judgement of a court in Allahabad which annulled the election of Mrs. Indira Gandhi to the Lok Sabha and consequent developments.
subversion and intervention. We realize only too well that such shortsighted and misconceived policies lead to calamitous results beyond the boundaries of the State against which they are employed.”

“India’s present problems are of her own making. To try to involve Pakistan in them is a crude, diversionary manoeuver that is bound to fail. The people of India cannot be so naive or innocent as to be misled by such stratagems. These are hoary tactics and they are doomed to miscarry.”

“Mrs. Indira Gandhi must know the Pakistan of today will not tolerate aggression or external interference. She would therefore, be well advised to concentrate her attention exclusively on India’s internal situation for the good of her country and its downtrodden and oppressed millions.”

“Whatever the state of affairs in India, Pakistan standard committed to the Simla Agreement. In this context, we are prepared to receive even tomorrow an Indian delegation to resume the suspended talks on civil aviation.”

“At the same time, we cannot lower our guard. We are resolved to remain more vigilant in order to defend the nation’s independence and territorial integrity. We have to be watchful lest Mrs. Indira Gandhi bedeviled and bewildered by the present crisis, seeks to extricate herself from this mess by embarking upon an adventurist course against Pakistan. Such a course was adopted more than three years ago. In the period of time which has elapsed since, the representative Government of the people of Pakistan has not remained dormant. Pakistan today is more united, stronger and more capable than ever before to meet any attack or aggression. Nobody should have any misapprehension on that score.”

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Aide Memoire of the Ministry of External Affairs regarding some tendentious remarks by the Attorney General of Pakistan.

New Delhi, July 18, 1975.

The Ministry of External Affairs, Government of India, presents its compliments to the Ministry of Foreign Affairs, Government of Pakistan, and has the honor to state as follow:

According to reports appearing in the Pakistan press on the proceedings of the case against the National Awami Party, the Attorney General of Pakistan made the following remarks concerning India*:

(i) “On the other hand he (Khan Abdul Gaffer Khan) crusaded for the entire Muslim nation being left to the tender mercies of the Hindus who later proved to be proverbial wolf in sheep's clothing for the hapless Indian Muslim minority”;

(ii) “Mrs. Indira Gandhi told President Nixon that in the British division of the sub-continent Pakistan had most unjustly been given both Baluchistan and Pakhtoonistan”; and

(iii) It is an irony that whereas King Ahmed Shah Durrani had rushed to the rescue of Indian Muslim brethren from the Maratha hegemony the present day scions of the dynasty have not only been utterly apathetic to the suffering of the Indian Muslims, but had joined hand with the Hindus to undo Pakistan. NAP – Afghan - Indian collusion against Pakistan does not, of course, permit condemnation of India”.

3. The Government of India are greatly surprised to note that an official of the Pakistan Government of the status of Attorney General should have thought it fit to make tendentious and factually incorrect statements about India. For instance, there is absolutely no basis for attributing certain observations to the Prime Minister of India which she is alleged to have made to the former President of the U.S.A., Mr. Richard Nixon. To say the least, it is quite unethical that such a baseless allegation should be made against the Prime Minister of India during the proceedings of the Supreme Court in Pakistan. Government of India, therefore, takes serious exception to these remarks.

4. The other remarks of the Pakistan Attorney General regarding Indian Muslims and the majority community in India have an obvious communal tinge

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* The Attorney General of Pakistan Yahya Bakhhtar during the course of his arguments and at the stage of winding up the case of the Government of Pakistan versus National Awami Party before the Supreme Court of Pakistan made these observations.
and lack any legal justification or propriety. There seems no reason whatsoever why such observations should have been made at all as they have little relevance to the case being argued by the Attorney General.

5. While drawing the attention of the Government of Pakistan to these instances which constitute a serious violation of the spirit and objectives of the Simla Agreement, the Government of India hopes that the Attorney General of Pakistan will be suitably advised not to make such subjective and factually incorrect observations against India or to unnecessarily drag India into a matter which is primarily of Pakistan’s domestic concern. Such unwarranted observations by a high official of the Pakistan Government are bound to cause misunderstanding between the two Governments.

6. The Ministry of External Affairs avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Government of Pakistan, the assurances of its highest consideration.

The Ministry of Foreign Affairs,  
Government of Pakistan,  
Islamabad.

No.PI/102/8/75  
New Delhi, the 18th July, 1975

ENDS.
0877. Aide Memoire of the Government of Pakistan regarding normalization of relations.

February 16, 1976.

The Embassy of Switzerland, Pakistan Affairs Division, has received the following message from the Government of Pakistan, dated February 16, 1976.

“The Government of Pakistan has in the past few months addressed a number of communications to the Government of India emphasizing Pakistan’s sincere desire for good neighbourly relations with India and outlining measures that would help to achieve that objective by removing existing impediments to normalization. For instance, Pakistan has already suggested a method of resolving the over-flights issue based on the formulation proposed by the Indian Foreign Secretary, which almost wholly accords with the expressed Indian position on this subject. Recently, Pakistan has also proposed that experts of the two sides meet to resolve the question of delimitation of the maritime boundary between the two countries. Further evidence of Pakistan’s desire to normalize and promote good relations with India is evident from the assurances given to Indian officials, during the recent visit of the Indian trade delegation, of Pakistan’s determination to bring about a greater balance in its trade with India, despite an acute shortage of foreign exchange.

Pakistan now proposes to go further in its desire to facilitate trade and promote travel between the two countries. It has decided to restore the rail links with India through the Wagah/Attari route. Action to restore this is now in hand.

This initiative is in accord with Pakistan’s settled policy to continue the process of normalization. We trust it will draw an appropriate response from the Government of India. It is also hoped that such evidence of Pakistan’s desire to continue with the normalization process will dispel notions, which of late have been gaining currency in Indian Government circles, that Pakistan is somehow dragging its feet over the implementation of the Simla agreement.”

No.828/11/76

New Delhi, February 19, 1976

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0878. Statement of the Official Spokesman of the Pakistan Ministry of Foreign Affairs on slow pace of normalization of relations with India.

Islamabad, March 16, 1976.

“The Government of Pakistan’s attention has been drawn to a statement made by Indian Foreign Minister, Mr. Y. B. Chavan, while replying to questions in the Indian Parliament on 12th March 1976, in which he accused Pakistan of displaying ‘contradictory attitudes’ which led to ‘serious doubts that Pakistan is genuinely interested in a normalization of relation’ with India.’

“These accusations have no validity in fact. There are three outstanding issues under the Simla agreement which remain to be settled between India and Pakistan, namely the establishment of diplomatic relations, the right to over-fly each other’s territories and the Kashmir dispute. On each of these matters a positive response is awaited from the Indian side. Pakistan proposed the re-establishment of diplomatic relations as early as 1972 and broached the subject on a number of occasions since then. India has shown no interest so far. Similarly Pakistan’s several compromise formulae for a mutually acceptable settlement on resumption of over-flights have met with no success. In October last year, in an attempt to resolve the matter Pakistan even showed willingness to accept a formulation for a settlement which was very close to India’s only to learn that India was no longer interested in the settlement of this issue at this stage.”

* Pakistan’s Minister of State for Defence and Foreign Affairs, Mr. Aziz Ahmed, had on March 2, made a similar statement while speaking on an Adjournment Motion in the National Assembly regarding slow pace of normalization. He had also named the three outstanding issues – re-establishment of diplomatic relations, restoration of air traffic between the two countries and over-flights, and settlement of the Kashmir dispute, which he said were holding fuller normalization.

Opposing an adjournment motion sought to be moved by the Opposition’s Ahmed Raza Qasuri on the reported hostile propaganda campaign against Pakistan in the Indian Press and the Indian Government’s indifference towards issues with Pakistan, Mr. Aziz Ahmed had said while the Government of Pakistan continued repeating that relations with India were improving progressively, it was true that until nine months ago the two countries were proceeding satisfactorily in normalizing their relation step by step and the progress over the last four years in this regard was satisfactory.

He listed the areas where sufficient progress had been achieved and said: “the territories occupied by the two countries in 1971 were restored to the respective sides, the prisoners of war were released without any condition, steps were taken for the restoration of limited travel between the two countries, trade was resumed after 10 years, telecommunications and postal links and banking facilities were restored, visits to religious places on both sides were resumed and India also agreed to delimit maritime boundaries.”

Admitting that in recent times there had been some slowing down, he attributed this to India and its hostile propaganda against Pakistan.
"On the Kashmir dispute, Pakistan has been throughout ready for talks as provided in the Simla Agreement, but the Indian Government have not so far been willing to take up this issue. Pakistan has been keen to accelerate the process of normalization of relations and is ready to hold talks on any one or all of these subjects, as soon as India is willing to do so."

"The Indian Prime Minister, in an interview with the Indian weekly ‘Blitz’ of March 6, 1976 gave credence to false reports that Pakistan had undertaken clandestine shipments of arms to pro-Pakistan elements in Bangladesh. The allegation is totally without foundation."

"Notwithstanding these setbacks, for which India is responsible, it remains Pakistan’s desire and settled policy to pursue the path of normalization and promotion of friendly relations with India as laid down by the Simla Agreement."

0879. Letter from Pakistan Prime Minister Zulfikar Ali Bhutto to Prime Minister Mrs. Indira Gandhi.

Rawalpindi, March 27, 1976.

Dear Madam Prime Minister,

I feel it necessary to take the initiative to write to you on the question of normalization of relations between India and Pakistan. For a variety of reasons, this process appears to have come to a standstill. The mutual advantage for breaking the stalemate is self-evident. Despite the setbacks, the people of Pakistan stand committed to the objectives of durable peace between our countries.

2. It is regrettable that the process in part at least, should have been interrupted by our inability to reach agreement on the resumption of over-flights. We should have thought that the momentum of normalization generated by the agreements to restore other communications, would have facilitated an agreement on this issue. It seems pointless to enumerate here the various stages through which these negotiations have passed without achieving results.

3. On our part, we have earnestly explored the question of how we can increase our trade and have, in that context, restored the rail link with India at Wagah and have also agreed to delimit the maritime boundary between the two countries. We have, thereby sought to keep intact the process of
normalization. However, so long as there is no progress on other outstanding issues such efforts can be only of partial value and attain peripheral results.

4. In order, therefore, to impart to the normalization process the impetus that it needs and in keeping with our sincere desire to improve relations with India we would be prepared to go to the length of withdrawing Pakistan’s case from ICAO. How else can the impasse be broken?

5. I trust that now the problem of over flights should stand resolved. This ought to enable us to turn our attention to the remaining issues envisaged in the Simla Agreement.

With regards.

Yours sincerely,

(Sd)

Zulfikar Ali Bhutto

0880. Letter of Prime Minister Mrs. Indira Gandhi to Pakistan Prime Minister Zulfikar Ali Bhutto.

New Delhi, April 11, 1976.

Dear Prime Minister,

Thank you for your letter of the 27th March. You have referred to the present impasse in the normalization of relations between Pakistan and India. This stalemate is not of India’s making. We have been acting on our firm belief that the Simla Agreement enjoins us to persevere sincerely in our efforts towards the establishment of durable peace and harmonious bilateral relations between our countries. I welcome the prospect opened up in your letter of restarting the process of normalization of relations which would pave the way for reconciliation of relations and the promotion of peace and stability on our sub-continent.

2. I am glad to learn that you now find it possible to offer to withdraw the case pending before the ICAO. The Civil Aviation problem has indeed come in the way of the process of normalization and your willingness to withdraw it is helpful.

3. I am prepared to instruct our Foreign Secretary to get in touch with his counterpart in Pakistan and arrange for a meeting at a mutually convenient date for joint deliberations to discuss pending matters such as air-links between
our countries, over-flights and the resumption of rail and road communications. We are prepared to go further and discuss measures for the restoration of diplomatic relations with your representatives.

4. On hearing from you, the schedule for holding such meetings, particularly those arising out of the provisions of the Simla Agreement, can begin. But, in the meantime, I think it is important to make renewed and purposeful efforts to improve the climate of our relations by firmly curbing propaganda which creates mistrust of each other, and desisting from steps which may be hostile to the interests of the other country. The recent statements and observations about India emanating from your side have caused us concern and have given our people the impression that Pakistan wants to arouse suspicion regarding India’s policies and intentions towards her neighbours. This is regrettable and hardly conducive to the fulfillment of the Simla Agreement to which you have referred in your letter. We are convinced that none of the countries on the sub-continent can benefit from tensions. In order to progress more purposefully towards the promotion of the welfare of our peoples, we should recognize the logic of our inter-dependence and the need for a cooperative relationship.

With regards,

Yours sincerely

(Sd/- ) Indira Gandhi

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0881. Letter from the Pakistan Prime Minister Zulfikar Ali Bhutto to Prime Minister Indira Gandhi.

Islamabad, April 18, 1976.

Dear madam Prime Minister,

I thank you for your letter of 11 April.

I was impelled to write to you in an earnest effort to resume the process of normalization of our relations by resolving the impasse over the issue of over-flights and air-links.

Your response suggests that we should now be able to take another step towards that objective. We would welcome your delegation to visit Islamabad to conclude an agreement on restoration of over-flights and air-links and to discuss resumption of diplomatic relations and other matters mentioned in your letter. My Foreign Secretary has been instructed to contact his counterpart to arrange a mutually convenient date.

I agree that both countries should eschew hostile propaganda against each other. How can we not share the views that causes of tension in our relations should be removed?

However, I regret to note that you think that it is Pakistan which is at fault. On our side, we are not unmindful of a number of statements which have recently emanated from India and which cannot possibly help in creating a climate conducive to the fulfillment of the objectives of the Simla Agreement.

This notwithstanding, I believe that, given goodwill on both sides, we should be able to overcome impediments to the normalization of our relations as envisaged by that agreement.

With regard,

Yours sincerely,

(Sd/-) Zulfikar Ali Bhutto

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0882. Letter from the Indian Foreign Secretary Jagat Mehta to the Foreign Secretary of Pakistan Agha Shahi.

New Delhi, April 29, 1976.

Ministry of External Affairs,
New Delhi

29th April, 1976

Dear Mr. Aga Shahi,

Please refer to your message of 23rd April. We agree that in the spirit of the letters exchanged between our two Prime Ministers, representatives of the two countries should meet and work out the modalities of normalizing our relations, as envisaged in the Simla Agreement. We are as keen as you are to move towards the resumption of over-flights and air services between the two countries. As stated by our Prime Minister, we further deem it desirable that in such a meeting, other pending issues, like restoration of rail and road links, acceleration of trade exchange etc. and the resumption of diplomatic relations can also be simultaneously examined and settled.

The timing of the meeting presents some difficulties for me. I have some longstanding engagements which include playing host to foreign visitors. As you may know, we have also made commitments for discussions with Bangladesh which are urgent and important. Much as I would wish to be able to have our meeting in the first week of May, it does not appear feasible. The Iranian Prime Minister is visiting India on the 10th May. A meeting could have been squeezed in the early part of the second week of May even though it would coincide with the visit of a Technical Delegation from Bangladesh. Depending on the dates when you are likely to return to Islamabad after your engagements abroad, may I suggest that our delegation plan to be in Islamabad for 3 / 4 days on/or after the 19th of May. This would incidentally allow time for preparations for purposeful deliberations. We certainly attach importance to the resumption of this dialogue, which we hope, will lead to early fulfillment of the steps envisaged in the Simla Agreement.

Yours sincerely,
(Jagat Mehta)
Joint Statement issued at the end of India – Pakistan Talks on normalization of relations between the two countries.


Pursuant to the letter written by Prime Minister Zulfikar Ali Bhutto on March 27, and the reply of Prime Minister Mrs. Indira Gandhi of April 11, the delegations of India and Pakistan met in Islamabad from May 12 to 14, 1976, with the objective of resuming normalization of relations between the two countries as envisaged in the Simla Agreement. The discussions were held in a frank and friendly atmosphere.

His Excellency Shri J. S. Mehta, Foreign Secretary led the Indian delegation. He was assisted by representatives of the Ministries of External Affairs, Tourism and Civil Aviation, Finance, Home Affairs, Railways, Shipping and Transport and Commerce. The Pakistani delegation was led by Mr. Agha Shahi, Foreign Secretary. He was assisted by the representatives of the Ministries of Foreign Affairs, Railways, Finance, Communications, Commerce, Interior, Information and Broadcasting, Law, Aviation Division, the Departments of Civil Aviation, Ports and Shipping and Pakistan International Airlines Corporation.

In regards to matters relating to civil aviation, the two delegations discussed the modality of withdrawing the cases and counter claim pending before the Council of the International Civil Aviation Organization and agreed to send a joint letter to the Council for the purpose. They further agreed to the resumption of over flights and the restoration of air links between the two countries. It was decided that expert delegations from the two countries will meet to work out the necessary details.

The two delegations agreed to resume goods and passenger traffic by rail through the Wagah/Attari border. In this connection the Pakistan delegation stated that the rail track on its side was already functional. The India delegation undertook to carry out the necessary repairs on its side as soon as possible.

The two sides recognized the advantage that would accrue to trade between the two countries with the resumption of freighting of goods by rail.

It was decided that the experts of the two countries should meet urgently to work out a detailed agreement regarding interchange, freight rating, compensation claims, custom formalities, the creation of a wagon pool, etc. for the goods and passenger traffic between the two countries.

The two sides agreed to grant multiple journey visas valid for one year to the members of the railway staff operating on scheduled services along the specified routes.
The two delegations agreed that goods meant for the other country could also be transported by road up to the Wagah/Attari border. For this purpose, they undertook to make necessary arrangements for the trans-shipment, warehousing, bonding and custom clearance, etc.

The two delegations discussed the question of early re-establishment of diplomatic relations between their countries. They agreed that each country should be represented by an Ambassador with supporting staff in the capital of the other country. In view of the problems which had been faced in the past in the functioning of their respective diplomatic missions, the two delegations re-affirmed their adherence to the Vienna Convention on Diplomatic Relations 1961 to which they were party and agreed on a basis of reciprocity, to grant each other’s missions all facilities and courtesies for their normal functioning.

The two delegations reviewed the working of the Indo-Pakistan Trade Agreement of January 15, 1975, and the Shipping Protocol of January 15, 1975. They agreed that in terms of Article 3 of the Trade Agreement, in addition to state trading organizations, the private sector be also enabled, with effect from July 15, 1976, to participate in the trade between the two countries subject to the laws, rules, regulations and procedures in force in their respective countries from time to time.

The two delegations also agreed that the Joint Committee envisaged under Article 9 of Trade Agreement should be constituted immediately to review the working of that Agreement and that the first meeting of the Joint Committee should be held at the Commerce Secretaries’ level as soon as possible and, in any case, before the end of 1976.

The two sides decided that a further meeting of the respective shipping experts should be held, as early as possible, to review the Protocol on Shipping as provided in Article 22 of that protocol.

The two delegations reviewed the existing visa agreement for regulating travel between the two countries. They noted that the arrangements envisaged in that agreement were working satisfactorily and required no change.

The two delegations discussed measures for promoting cultural and scientific exchanges as envisaged in the Simla Agreement. They agreed that further discussions on these measures could be undertaken in due course.

The two sides held discussions on the question of the detainees and agreed
that this humanitarian issue is needed to be resolved expeditiously. They also agreed to make efforts to locate persons still untraced and repatriate them with all possible dispatch in accordance with the existing working arrangements.

The leader of the Indian delegation, His Excellency Shri J. S. Mehta, was received by the President of the Islamic Republic of Pakistan.

The Indian delegation warmly thanked the delegation of Pakistan for its hospitality.

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New Delhi, June 1, 1976.

We have studied with care the references to India in Prime Minister Bhutto’s speeches and press conference in Peking. The gesture of protest by our Charge d’Affaires at Prime Minister Bhutto’s statement during the banquet given by him was legitimate and justified. It should moreover have been entirely expected by Prime Minister Bhutto, as it had taken place once before in similar circumstances two years ago. Our representative could not but protest and express our concern if the Prime Minister of Pakistan chose once more to introduce discordant notes when the process of normalization between our two countries through direct, peaceful and bilateral contacts have just started. On India’s part, we will continue to strive sincerely for friendship and cooperation in the sub-continent which we believe can best be achieved without outside interference.

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0885.  

SECRET

Letter from Foreign Secretary J. S. Mehta to Heads of Indian Mission abroad.

New Delhi, June 16, 1976.

Ministry of External Affairs,
New Delhi

J. S. Mehta
Foreign secretary

No.PI/103/57/74       June 16, 1976

Subject : Resumption of diplomatic and social contacts with Pakistani Missions abroad

My dear Head of Mission,

As you are aware, the Joint Statement signed at Islamabad on May 14, 1976 envisages the re-establishment of diplomatic relations between the two countries. It was further agreed that each country should be represented in the other country by an Ambassador with supporting staff. These arrangements are to come into effect more or less simultaneously between the 17th and 24th July, 1976.

In view of the above developments, it has become necessary to revise the instructions issued in Ministry’s express letter No. DII-557(3)/73 of 31st October, 1973. It has accordingly been decided that normal protocol practice with Pakistani missions may be resumed. However, our approach should be based on a careful calculation of the extent to which the Pakistani Missions are likely to reciprocate as in practice do so. You may resume normal social contacts with the Pakistani Heads of Mission and at a lower level on the basis of anticipated or actual reciprocity. It follows that the Pakistani Heads of Mission and diplomats may be invited to our National Day functions and reciprocally Indian Heads of Mission and diplomats may attend Pakistani National Day Functions. However, no one should attend any Pakistani function directed against India such as the commemoration of the Defense of Pakistan Day which falls on September 6.

In order to enable the Ministry to monitor the extent to which Pakistani diplomats abroad are prepared to normalize contacts with their Indian counterparts, we would like to receive reports wherever there is a departure from the accepted protocol by the Pakistani Head of Mission/Diplomat.

Yours sincerely,

(J. S. Mehta)

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Prime Minister Zulfikar Ali Bhutto said Pakistan stood for normalization of relations with India but it could not brook any compromise on the fundamental Kashmir issue.

Pakistan, he said, had made it clear that “genuine and sincere normalization with India cannot come until and unless there is settlement of the Jammu and Kashmir dispute on the basis of the right of self determination”.

Mr. Bhutto was speaking at a reception hosted in his honour by the Command and Staff College, Quetta.

Mr. Bhutto said Pakistan was not against the spirit of accommodation, adjustments and compromise, but, he pointed out there were certain fundamental issues on which a compromise could not be made. Kashmir was one such issue.

He said when compromise took place on fundamental issues, then, instead of solving the problems, it made the problems more complicated than before.

The Prime Minister said many issues could be solved on the basis of give and take which was part and parcel of civilized conduct. But this principle could not be taken to its logical conclusion in each and every aspect of human life affecting the vital interests of a nation.

On certain basic issues a compromise only lead to greater tension and disaster, the Prime Minister added.

He said States have tried to find compromises on fundamental problems, but instead of resolving the issues they had created greater complication and enlarged the area of confrontation.

Not quoting a contemporary example which might give rise to any misunderstanding, the Prime Minister referred to the past when the Munich compromise led to World War II. We do not have a Munich mentality, he stressed.

He, however, said Pakistan was not irrationally committed to certain matters. It had a practical approach while standing by its principles.

Pakistan, he said, believed that there was room for normalization. Normalization could take place without a settlement of the problem. But until the fundamental
problem was resolved there could not be a move towards a progressive normalization leading to co-existence and co-operation the Prime Minister said.

Referring to those who called for taking the Kashmir dispute back to the United Nations, Mr. Bhutto explained the Government’s point of view on the matter. He recalled the experience of the past and said the United Nations for which Pakistan had all the respect and regard, had its limitations. “We have been to the United Nations”.

Mr. Bhutto pointed out that everyone knew how the power of the Security Council had been ineffective on so many issues.

Kashmir, he said, was the oldest issue before the United Nations. There were more documents in the archives of the world organization on Kashmir than on Cyprus or Palestine. The U.N. archives are all full with documents on the Kashmir dispute, he said.

In the context of lack of efficacy of the world body to implement its decisions, the Prime Minister made a mention of the veto power. He said even on those matters on which a veto had not been applied, mandate of the world organization were not implemented. These matters included the U.N. resolution 242 on Palestine.

Before a veto was applied on Kashmir, there were resolutions on the dispute by the world body, in 1948 and 1949, calling for a plebiscite. These resolutions were not implemented because one of the parties was not prepared to comply with them.

The Prime Minister said in spite of the well-known facts, some people here asked for going back to the United Nations on the question of Kashmir, shutting their eyes to the "very long" experience of the past.

The Prime Minister said Pakistan believed that bilateral negotiations must be given a chance as this was the most efficacious method of resolving dispute peacefully.

Noting the progress already achieved under the 1972 Simla Accord, Mr. Bhutto said all problems between Pakistan and India except the Kashmir dispute had been settled.

Now, an effort must be made to solve the Kashmir issue through bilateral negotiations, he said. However, he added, if these efforts failed “we can then consider other peaceful methods of settlement”. If necessary, Pakistan could also go to the United Nations, but “we will await bilateral negotiations”

As for India, he again stressed that a genuine effort should be made by both sides to solve the remaining problem through bilateral negotiations.
The Prime Minister emphatically said that no transit facilities had been given to India. The Indian Railway arrangements ceased at the border. Their operations did not extend to the Pakistani side.

He said that the whole approach of Pakistan was based on the “supreme interest of Pakistan and of the people of Pakistan”.

Pakistan, he said, had taken a rational approach in the world-wide perspective because no nation could move in a style completely isolated from the rest of the world. “We have to take into account the movement of the world”. The international climate and the various contemporary tendencies and propensities on the international scene had to be kept in mind.

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0887. Letter from Pakistan Prime Minister Zulfikar Ali Bhutto to Prime Minister Indira Gandhi.

Rawalpindi, August 11, 1976.

Prime Minister House

11th August 1976

Dear Madam Prime Minister,

I believe it is a matter of equal gratification to both of us that communications and diplomatic relations between our two countries are now restored. Once we reach a fair and honorable settlement of the major problem which has bedeviled us for more than a quarter century, I see no reason why our two countries should not be two mutually cooperative neighbours and, each in its own sphere, devote all our energies and resources to the battle against our common foes: hunger, ignorance and disease.

It is in this spirit and with the anticipation of fair dealing and amicable dialogue that I am writing to you about the treasure which is being unearthed in Jaipur under your Government’s orders. Considering that both our countries have taken the same view of the rights of the princely order and, with complete justification, abolished it as an appendage or association of the colonial regime, I am certain that no one can maintain the argument that your Government’s action involves confiscation of the private property of any individual or dynasty.
From all accounts, it is clear that the treasure is a historical inheritance of the subcontinent which was bequeathed to it by its pre-colonial sovereignties, especially the Mughal emperors in coalition with their Rajput allies. That, before or during the anarchy which ravaged the subcontinent and invited foreign domination, these assets were mis-appropriated and hoarded by a particular war-lord has no bearing whatsoever on their legal or moral ownership.

As your expedition of locating the treasure proceeds, I would urge you to remain cognizant of Pakistan’s claim to its due share of this wealth. This is an asset which was not known at the time of the partition between the two successor states (then called Dominions) of India and Pakistan. However, the order that was enforced with the agreement of both Governments, did not fail to provide that any property or benefits can be shared between them where such sharing is just and equitable. The historical provenance of this treasure, regardless of the location of its physical discovery, makes it the joint patrimony of our two countries and I am confident that, with an approach based on equity, we will dis-countenance any usurpation and amicably arrive at a formula for the division between us.

I trust you will appreciate that we would not wish this matter to be handled in a contentious, far less acrimonious, manner. I suppose that both our countries dispose of enough moral resources not to allow every claim to develop into a dispute but to settle it with fairness, vision and maturity.

With best wishes,

Yours sincerely,

Zulfikar Ali Bhutto

Mrs. Indira Gandhi,
Prime minister,
Republic of India, Delhi
SAVINGRAM from Indian Embassy in Islamabad to Ministry of External Affairs.
Islamabad, September 17, 1976.

SAVINGRAM
From: Indembassy, Islamabad
To: Foreign, New Delhi
No. 043- SAV September 17, 1976

IMMEDIATE

Foreign Secretary from Ambassador Personal

SHAH NAWAZ sent for me this afternoon to convey preliminary findings of their hijacking investigations. The culprits claimed they acted in protest against (a) “demise of democracy and detention of 50,000 political prisoners”, (b) “denial of rights to Kashmiris” and (c) “treatment of Muslims in India.” Pakistan had suppressed this part of the report when announcing decision to try the hijackers lest we thought Pakistan was encouraging anti-Indian propaganda. In fact, Pakistan was anxious to avoid anything that would not promote friendly relations and therefore “as a gesture to India” none of this would be allowed to come out. HYAT MEHDI, also present added further explanation that Pakistan had taken this decision because recently statements had been made at the United Nations “such statements have to be made” but Pakistan was genuinely wanting to promote good relations and to demonstrate this to us; he seemed to be implying that this “gesture” was intended as a sort of balance for the less amicable actions in New York.

2. I said we had throughout greatly appreciated the tact and skill with which Pakistan had handled the whole unfortunate affair and would certainly appreciate this further cooperativeness we had refrained from asking any questions about hijackers till now not only because it was Pakistan’s right and responsibility to take preliminary steps, now completed, but because we were sure the investigation was in good hands and we would be told in due time. We were obliged now to be told what were the mad ideas by which the culprits were possessed. However, I wondered how the silence over their alleged motives could be maintained when the case came to trial; would it be held in camera? SHAH NAWAZ said he had not thought about this but HAYAT MEHDI said he had felt sure there were ways in which matters could be kept from the public. To my further questions SHAH NAWAZ replied:
(a) No date was fixed for the trial; I was left to think the laws’ delay might take considerable time.

(b) The Pakistani laws for breaking which the hijackers would be tried would be whole host of offences, from illegal entry to possession of weapons and intimidation of people; it was not quite clear whether piracy was cognizable offence in municipal law. (sic)

3. I deliberately refrained from asking for particulars about the hijackers as SHAH NAWAZ did not seem disposed to give any. I can revert to the subject if and when you want. I did however ask why the number of men to be tried was given as five when six had been taken into custody. Hilaly rang me back later to confirm that there had been an error and the correct number was six, all of whom would be tried.

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0889. Letter from External Affairs Minister Y. B. Chavan to Pakistan Minister of State for Defence and Foreign Affairs Aziz Ahmad.

New Delhi, September 17, 1976.


Excellency,

I am writing to you to convey the sincere thanks of the Government of India to the Government of Pakistan for the co-operation extended to us in securing the safe return of the passengers and the crew as well as the Indian Airlines aircraft involved in the hijacking incident which took place on 10th September, 1976. I would particularly like you to convey my sincere thanks, to H.E. the Prime Minister of Pakistan, whom I troubled over the phone in your absence and who kindly assured me of every assistance from the Government of Pakistan in ensuring the safety of the persons on board and the aircraft.

For all accounts from our officers as well as the passengers who have returned, the Pakistan officials and authorities greatly exerted themselves and their eventual success speaks of their ability, tact and prudence. The passengers and crew also spoke warmly of the courtesies shown to them at Lahore airport by the Pakistan authorities. The co-operation in tackling this unfortunate episode
was in keeping with the spirit of normalization and augurs well for the improvement of good neighbourly relations between our countries.

I understand that your Government is conducting a preliminary investigation on the identity, circumstances and motives of the hijackers. We hope the results of these investigations would be conveyed to us as soon as they are completed.

With the assurances of my highest consideration,

(Y.B. Chavan)

H.E. Mr. Aziz Ahmed,
Minister of State for
Foreign Affairs and Defence,
Government of the Islamic Republic of Pakistan, Islamabad.

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0890. TOP SECRET

TELEGRAM

From : Indembassy, Islamabad
To : Foreign New Delhi

MOST IMMEDIATE

No.080. December 30, 1976

Foreign Secretary from Ambassador

Interview with BHUTTO referred to in my letter No. ISL/AMB/851/76 dated 21st December was given to me this evening. Lasted 80 minutes, mostly devoted to general comments on course of Indo-Pakistan relations, which can await reporting by beg, but following matters require urgent attention.

2. BHUTTO said visit opportune for enabling him to tell me “before you read it in newspaper or are told by AZIZ AHMED or AGHA SHANI” that hijackers of our plane were being released because thorough enquiries by two or three separate agencies showed them to be “nothing more then cranks”. He was advised Pakistan had fulfilled its international law obligations to us by returning plane and detaining hijackers pending investigations and was now free to do as it thought best. Not much had been allowed to appear
in press but opposition was trying to make capital out of detention of “Kashmiri martyrs”, so BHUTTO decided best way to defuse issue was to free them.

3. I said I was certainly glad not to be left to learn this from press, but would like time to consult Delhi about what we might wish to do in this eventuality so unexpected after Foreign office had officially told me hijackers would be tried for breaking Pakistani laws. I had even been assured Pakistan was deliberately suppressing from media culprits’ allegations about acting in protest against emergency, etc. and none of these would come out even at trial. BHUTTO said I could discuss further with AZIZ or SHAHI as he did not know what I had been told but he had just “a couple of days ago” seen file that no case could be made out against hijackers in law so he had approved recommendation for their release. I said I understood legally Pakistan was free to do as it wished, but we were vitally interested party; we had not considered asking for return of culprits because Pakistan was taking legal action, but if Pakistan now changed its mind, even though we had no extradition treaty, we would surely want to cite what next step was appropriate in new circumstances. I added if Pakistan was wanting to be helpful about denying publicity to hijackers’ wild allegations about their motives, would not releasing them facilitate their falling into hands of that very opposition BHUTTO said he was trying to pre-empt? BHUTTO said “we will take care of that”, but if we asked for extradition, point would arise that they were Kashmiris, not Indians. I said Kashmiris were Indians under our law, upon which BHUTTO said that will raise “that whole issue”. I said it was precisely for that reason that I wondered if Pakistan could not keep the men in custody at least till I could consult Delhi. BHUTTO said he could not promise anything but I could talk to AZIZ or SHAHI, he had merely mentioned decision to me since I happened “by coincidence” to be with him and he did not wish me to think later he had kept it back from me.

4. As BHUTTO avoided further discussion, I shall tell AGHA SHAHI tomorrow that we understand Pakistan’s legal rights but new decision is contrary both to what we had been told Pakistan intended (including AZIZ AHMED’s statement to VISHNU AHUJA in Mexico that BHUTTO was willing to send the men back to India) and to (in) spirit of helpfulness to us displayed so far. I did not know what Delhi might wish, it might well be we would leave things entirely up to Pakistan but at least we should be given time to think over changed position, I have no doubt this is BHUTTO’s decision as part of his great concern to deny opposition any basis for accusing him of being friendly to India, and foreign here is in no position to change BHUTTO’s
mind (even assuming it wants to and has not just been stringing us along all the time). BHUTTO has also obviously calculated whatever we do suits him: If we do not ask for return, he has achieved his immediate objective without controversy with us over Pakistan’s volte face; if we ask for ……………………………………….(more to follow)

[Editor’s Note: Remaining part of this telegram could not be traced.]

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0891. Letter from Prime Minister Indira Gandhi to Pakistan Prime Minister Zulfikar Ali Bhutto regarding treasures being unearthed in Jaipur.

New Delhi, December 31, 1976.

Dear Mr. Prime Minister,

I regret the delay in replying to your letter of the 11th August, 1976 in which you have specially mentioned the “treasure which is being unearthed in Jaipur”. I had asked our legal experts to give careful consideration to the claim you made on behalf of Pakistan. They are of the clear opinion that the claim has no legal basis. Incidentally, the “treasure” has turned out to be non-existent.

I fully share the gratification you have expressed at the restoration of the broken links between our two countries. We believe that with a spirit of understanding and goodwill it should be possible for us to enter into a cooperative neighbourly relationship for the benefit of our peoples.

With best wishes,

Yours sincerely,

(Indira Gandhi)

Mr. Zulfikar Ali Bhutto,
Prime minister,
Islamic Republic of Pakistan,
Islamabad.

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Note Recorded by Ambassador K. S. Bajpai on his meeting with Pakistan Foreign Secretary Agha Shahi on December 31, 1976.

Islamabad, January 1, 1977.

EMBASSY OF INDIA
ISLAMABAD

As reported in my telegram No.080 Mr. Bhutto informed me when I called on him on 30th December evening that he had approved the release of the hijackers of our plane; and when I sought to discuss the difficulties this would create, he advised me to go into further details with Mr. Aziz Ahmed or Mr. Agha Shahi. I accordingly phoned Mr. Agha Shahi first thing yesterday morning, repeated briefly what Mr. Bhutto had told me and asked to see him. He said he would call me as soon as possible and we met at 6.30 last night (31 December) for approximately 40 minutes. Director General Hayat Mehdi was also present.

2. Mr. Agha Shahi straightaway began by saying he had a talk with the Prime Minister, who had instructed him to explain in greater detail the Pakistani decision. In the first place, the hijackers all came “from your part of Kashmir”. The Pakistani authorities found that the hijackers were all naïve and even a bit simple, with only their ring leader showing any intelligence, and he had a personal grievance, claiming he had been dismissed from his job in Kashmir and jailed for some misdemeanor. This apart, they all claimed they had hijacked the plane to draw world attention to the Kashmir issue, which they felt was being forgotten, although the Kashmiri Muslim was being persecuted under Indian rule. Elections being imminent, the continued detention of these people would give the opposition, who had very little they could effectively project against the Government and who were looking for any stick with which to beat the Government, a real issue. Although the Pakistan government had tried to keep everything quiet, there was already criticism over the detention and any day now there might be an open demand for their release. This would force the Government into all sorts of explanations and release would appear to have been forced by opposition pressure. One thing Mr. Bhutto could not do was to plead Government of India’s case, so on full consideration he had decided to release the detainees before the opposition tried to raise the issue. Mr. Bhutto had, however, noted what I had said about the hijackers being more of a liability if they were freed, and had instructed him to examine the methods of keeping some restraint on them; he could not indicate what might be done but perhaps the court when releasing them could bind them over for good behavior. Mr. Agha Shahi would be holding a meeting of concerned officials to look into this
problem and would do their best to avoid embarrassment. It had originally been intended to announce the release last night itself but in view of my talk with the Prime Minister and the impossibility of holding this meeting with all concerned officials before Monday, the announcement was being held over till Monday evening. Mr. Agha Shahi would be obliged if I could meanwhile explain the full position to my Government.

3. I said we had been assured by Mr. Shah Nawaz and Mr. Hayat Mehdi, when I was called by the former to the Foreign Office around October 12, that the hijackers would be tried for breaking the laws of Pakistan. Mr. Agha Shahi interjected that that was the original decision, which had even been publicly announced, but on further investigation it was found that this would create more difficulties because the ring leader said he would call defence witnesses “from your part of Kashmir” including Maulvi Farouq; he also said he had certain documents in a black box which in the hurry of the hijacking crisis handling, had not been taken into Pakistan custody and the relevance or value of which in a trial so long after the event was doubtful. So it was to avoid these complications that a trial was considered impossible, apart from the question of their claim of political motivations. Furthermore, it was found it would not be possible to hold the trial in camera and there would be a lot of publicity which was best avoided. I said we had also thought of all these dangers and I reminded Mr. Hayat Mehdi that I had asked in our October meeting how they could avoid publicity and had been assured that would be taken care of. Similarly, Mr. Bhutto had been much more categorical than the Foreign Secretary in telling me on December 30 that as far as the freed hijackers going around and saying things was concerned, “Don’t worry about that, we can take care of that.” Mr. Agha Shahi looked a bit staggered and said he did not know what exactly could be done, but was holding the meeting on Monday precisely to tie things up. I said the uncertainty on this point Mr. Agha Shahi now indicated made my original fears all the more justified, and it seemed to me that the hijackers at liberty would be more of a political liability in the sense Mr. Bhutto had in mind than if they were retained in detention. Mr. Agha Shahi said this had been carefully considered and it was felt the detention would give the Opposition an effective issue which they presently lacked. I said M/s Agha Shahi and Mehdi knew their country better than I did and Mr. Bhutto knew it best of all as he had his fingers on many pulses, but I had to be frank; I simply could not see the detention of these hijackers having any real effect whatsoever on the outcome of the elections. All Mr. Agha Shahi could say to that was that this was a matter which had to be left to Prime Minister Bhutto’s judgment.

4. I then reverted to the original assurances that these gentlemen would be tried, and referred briefly to the whole atmosphere in Indo-Pakistan relations since the normalisation steps were completed in July. We had been building
up more cooperative and harmonious attitudes and trying slowly to extend the areas of cooperation. There were many who felt the pace was very slow and to them we had pointed out the positive features which had appeared since May, of which the most encouraging had been the tact the Pakistanis had displayed over the hijacking affair. The new attitude being taken by the Pakistani authorities on this affair would raise many suspicions in India. Just as Mr. Bhutto said there were people in Pakistan who found normalization inimical to Pakistan’s interests, we had our counterparts who were very dubious about Pakistan’s intentions towards India. The release of the hijackers would only add to the misgivings felt in India about the whole future of Indo-Pakistan relations. All of us who were trying to bring about a process of re-education so that people on both sides could look at each other afresh, would have a difficult time explaining the change in Pakistan’s position after the categorical assurances given by Mr. Shah Nawaz and Mr. Mehti about the trial and especially after Mr. Aziz Ahmed had told Mr. Vishnu Ahuja in Mexico that Mr. Bhutto was even willing to send the hijackers back. We had naturally considered asking for them at the initial stages after the hijacking, when we were trying to consider that course we could follow. We had simply put the whole thing out of our mind once the Pakistanis told us they had taken such a helpful decision about prosecuting the culprits. That still seemed the best decision, but if Pakistan were not going to try them, we might want to since they had broken our law.

Mr. Agha Shahi said, “That will be impossible, it will raise the whole Kashmir issue in a big way.” I said I was aware of the possibility and precisely for that reason thought that continued detention was the best solution. If the Pakistan Government thought otherwise, we should at least be given time to consider the position as it stood today. It might be that Delhi would leave things entirely in Pakistan’s hands. We recognized the legal position under the Tokyo and The Hague Conventions which gave Pakistan full discretion to do as it please, but I was sure the Pakistan Government were not unmindful of the effects of what they might do on the course of Indo-Pakistan relations. In any case, we had at Simla agreed to promote good neighbourliness and in that spirit alone it might become necessary to seek Pakistan’s cooperation in returning the hijackers to India. I could not say what Delhi’s final views might be because I was sure our people would be as taken a back as I was when Mr. Bhutto so unexpectedly told me the new decision.

5. Mr. Agha Shahi said he would like me to explain to Delhi how the Pakistanis were also under pressure of time, for the political reasons mentioned. AS he had already said, they had intended to announce the decision last night and had only delayed matters in deference to my talk
with Prime Minister. They would certainly like me to explain the whole background to Delhi but hoped I could get their reaction by Monday.

6. I again repeated the objections to any change from the decision to detain and prosecute in Pakistan and urged that we be given further time to consider our course. I re-emphasized the surprise that would be felt in Delhi which had so far assumed the Pakistani position was as communicated to me by Mr. Shah Nawaz and as supplemented by Mr. Aziz Ahmed’s statement to Mr. Ahuja in Mexico that Mr. Bhutto was willing to return the hijackers. It was only right that we be given some time to consider the new position. After further discussion on this point, Mr. Agha Shahi said he would not like to put me to inconvenience, but since it was possible for me to go to Delhi on Sunday and come back by Monday, he would hold things till Tuesday evening. It was also arranged that I would be given the hot-line facilities to talk to the Foreign Secretary in Delhi.

7. I promised to try to get through to Delhi and then speak to Mr. Agha Shahi again. Mr. Hayat Mehdi, who then saw me out of the building, said to me that he could understand the new decision being unexpected, but would earnestly urge my explaining the whole background to Delhi, pointing out the domestic political complexities. He added, “you know, this is Prime Minister’s decision and there is really nothing we can do about it.” I told him I could not guarantee Delhi’s reaction but thought it would be very difficult for us not to ask for the return of the hijackers. Mr. Hayat Mehdi said they had considered that possibility from the very start and found it would simply not be possible, as the political repercussions in Pakistan would be enormous. I said in that case, how could Mr. Aziz Ahmed tell Mr. Ahuja in Mexico that Mr. Bhutto was willing to return the hijackers? (I deliberately pointed this out twice in my conversation with Mr. Agha Shahi, and both time he had simply looked at Mr. Mehdi and not said anything.) Mr. Mehdi said he had not thought it fit to comment when I had made this statement in my talks with Mr. Agha Shahi, but frankly he was very surprised to hear me say it; he could not imagine Mr. Aziz Ahmed saying it since he knew for a fact that the possibility had been very carefully considered and very emphatically discarded.

(K. S. Bajpai)
Ambassador
1 Jan’77
0893. TOP SECRET

Record of the meeting between Ambassador K.S. Bajpai and Pakistan Foreign Secretary Agha Shahi.

Islamabad, January 1, 1977.

Foreign Secretary was assisted by Mr. Hayat Mehdi, Director General and the Ambassador was accompanied by Counsellor Singha.

2. Ambassador thanked the Foreign Secretary for the meeting. He recalled his earlier meeting with Prime Minister Bhutto on 30th December and with the Foreign Secretary on 31st December. Ambassador was surprised to hear from Prime Minister Bhutto that the Government of Pakistan had decided to release the hijackers. As there are grave implications of this decision on Indo–Pakistan relations, Ambassador contacted Delhi through courtesy of Foreign Office of Pakistan. Foreign Secretary of India was out of station, Ambassador was able to establish contact with Dr. I. P. Singh, Mr. Vellodi, Secretary and Professor Dhar Secretary to Prime Minister. As discussed with the Pakistan Foreign Secretary on 31st, the Ambassador disclosed his plans to fly to Delhi on Sunday the 2nd and proposes to come back to Islamabad on the evening of 3rd to keep within the deadline of Tuesday, the 4th when government of Pakistan propose announcing release of he hijackers. I added that I should not like to anticipate what Delhi might decide but I would be failing in my duty if I did not say I felt that Delhi would consider the Pakistani intention a serious set back to Indo-Pakistan relations.

3. Ambassador pointed out that hijacking was a very serious offence of concern to the international community. Several international meetings and conventions were held to tackle this issue and prevent such a crime. Pakistan had decided to put the hijackers on trial, so India was content to leave the matter in the safe hands of Pakistan. Pakistan Government’s decision to release the hijackers is exactly opposite position to the one they had adopted so far. This presents serious implications. The hijackers had committed offences in India under the Indian law and also in Pakistan under the Pakistan law. Pakistan is quite competent to take cognizance of the offences committed in her territory and proceed with the trial. If Pakistan does not want to put the hijackers on trial, India would perhaps like to proceed with the trial. In such a case India would request Pakistan for handing over the hijackers to her.

4. Ambassador pointed out that he did not know what exactly the stand that India will take, but it is clear that India is very much concerned with this new development. Time at his disposal in Delhi will be very short and therefore he has alerted Delhi on this issue. He hopes to come back on Monday evening with his Government’s instructions.
5. Ambassador drew Foreign Secretary’s attention to the various steps taken by the two countries in normalising and improving relations between them. Release of hijackers was a great setback to Indo-Pak relations, implications of which may not have been fully weighed before taking this decision. During his meeting with the Prime Minister, it was pointed out to him that decision to release the hijackers was taken on political considerations as the Opposition would have made it an issue during the forthcoming elections. Ambassador pointed out that the Opposition parties could use the released hijackers to their advantage in the same manner as they might have used their detention. He did not see much difference in the vote catching potentialities of these hijackers whether in detention or in freedom. Even if their release would make difference of few votes, it was not going to make any difference in the results of elections. On the other hand, their release would bring major upset in the growing relations between the two countries. By weighing the advantages of the release of hijackers and the continued improvement of relations between India and Pakistan, the balance was against their release. Ambassador requested the Foreign Secretary to point this out to the Prime Minister.

6. Foreign Secretary heard the Ambassador’s views with great attention and undertook to bring it to the notice of the Prime Minister. He, however added that even if India demanded return of the hijackers “we would be bound to refuse it”. He said that decision to release the hijackers was taken after great deliberations. There were two evil courses open to “us”. The first one was to put them on trial. If a trial is held, it was difficult to make it in camera and would have to be an open one. As state secrets or security of are not involved, trial would have to be an open one. In such a trial many complicated and explosive issues like the Kashmir problem and treat of Muslims in India would come up. Hijackers Abdul Hamid was in jail for three years. The hijackers may also call Maulvi Farooq as their witness. One of the hijackers was an AMC – Army Medical Corps. He was posted in Jabalpur and did duty of a stretcher bearer during communal riots there. Besides, further investigation would have required some help from India. Considering all these factors it was decided not to proceed with the trial, as it would only have provided publicity to all those charges and done much more harm to Indo-Pakistan relations. Detention of hijackers would draw considerable criticism. The Prime Minister Bhutto, in his political judgement, does not want to wait for the time when the demand of the release of hijackers is made by the opposition parties. Release of the hijackers at that stage would appear to be conceding the demand of the opposition parties. Prime Minister has therefore decided to anticipate their demand, release the hijackers and thus deprive the opposition parties of possible criticism of the government during the elections. Decision to release the hijackers was taken in order to defuse the matter and not to allow it to become a national issue. Foreign Secretary also pointed out that there was no consensus on the hijacking
issue. Even in the UN when the resolution was moved, India had tabled an amendment for the Arabs which allowed for release of culprits on political grounds.

7. Ambassador therefore pointed out that besides the two courses mentioned by the Foreign Secretary, i.e., trial or release of hijacker, a third course was also available to Pakistan that of continued detention of the hijackers. This appeared to be the best course at present before the matter receives more thorough examination.

8. Foreign Secretary mentioned that their further detention appeared to be difficult. Mr. Hayat Mehdi at this stage pointed out that Government had already announced completion of investigations. Continued detention was be difficult in these circumstances.

9. Ambassador again emphasized the adverse effect release of hijackers will have on Indo-Pak relations. Domestic political advantages gained by their release are too small when compared with the advantages of continued improvement of relations between India and Pakistan. After release of the hijackers, they may be roaming around to be utilized by any political party for its advantage. Detention of hijackers would deprive the opposition of using these persons to their advantage.

10. Foreign Secretary thereafter mentioned that administrative steps would be taken to ensure that the hijackers after release were not free to roam about. They may be bound down for good behaviour. Foreign Secretary express his inability to be a judge on the political implications and that was left to the Prime Minister to make his own judgement.

11. At the end Ambassador again emphasized that the decision to release the hijackers had surprised him. Although he could not predict the course of action that may be taken by the Government of India, there was no doubt that this decision of Government of Pakistan would have serious implications on Indo-Pak relations. He wished such a decision was not taken. After he would come back from Delhi, he would get in touch with the Foreign Secretary.
Savingram from Ambassador K.S. Bajpai to Foreign Secretary.


From: Indembsay Islamabad.

To: Foreign New Delhi.

Sav: 02-Sav. January 4, 1977

Reference our discussions in Delhi yesterday. I saw Agha Shahi this morning and told him Pakistani views regarding release of hijackers have been very carefully considered at the highest level in our Ministry and also reported to the Prime Minister. I had personally tried to put across what Bhutto and Agha Shahi had told me. Even from the view that Pakistan was motivated by the best intentions, I was obliged to inform him that our best efforts to see their points left us unable to see any merit in or validity to them. In terms of law, in terms of the interests of the international community, in terms of the future of Indo-Pak relations, even in terms of the domestic political compulsions which Pakistan said she was hoping to deal with, we felt the only course was to stick to the decision Pakistan had originally taken to try the hijackers. This was what we had been assured that Pakistan would do. This we found was what Pakistan had also informed the I.C.A.O. in writing and I quoted from their letter. We saw no reason at all to change that decision now. They had said that they had completed their investigations and the change was considered necessary in the light of the further investigations, but we did not see how they had completed their investigations. Theirs had been a sort of ex-parte investigations. Since they had merely questioned the culprits; they had not even given the full particulars of the hijackers to us and we didn’t even get a chance to tell them anything we might be able to. As regards the point that we had not ratified The Hague Convention and that Pakistan had not yet undertaken the relevant domestic legislation (Agha Shahi interjected “We have no law about it”) I said the fact remained that we were both signatories and fully committed to its purposes and obligations. I reminded him that failure to try the hijackers would be an encouragement to others to think they could get away scot-free on similar offences. Finally, any other course would carry serious hazards for future Indo-Pak relations. In short, I was instructed by my Government to ask the Pakistan Government to reconsider its latest decision and keep to the original one.

Agha Shahi said it was true we have not been given all the particulars and that
in that sense the investigations was not complete but enquiries with us could
not lead to ant any evidences admissible in the court whereas calling of
witnesses, including political personalities, would lead to complications.
However, since it was my Government's request that Pakistan Government
stick to trial, he would report to this higher authorities. I said I would await a
further call from him.

At the end, incidentally, to clarify what he had claimed about our alleged non-
support of the German Resolution in the UN on taking hostages, I explained
the position as I was briefed to by Dr. Jagota. Agha Shahi tried to maintain that
we had not agree with the German text. I simply told that it was in any case an
incidental matter and that the main points were that I had already put to him.

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0895. TOP SECRET

Savingram from Indian Embassy in Pakistan to Ministry of External Affairs.


From: Indembsay Islamabad

To: Foreign New Delhi.

MOST IMMEDIATE

No. 03-Sav. January 4, 1977

Foreign Secretary from Ambassador

My Savingram No.02-Sav of this morning. AGHA SHAHI met me again after
two hours to say he had reported our discussion to his superiors and had been
asked to convey the following:

(1) In first place, Mr. Bhutto had informed me of decision to release hijackers
merely as a matter of “courtesy and decency” since I happened to be
with him shortly before decision was to be announced and he did not
wish me to think he had deliberately withheld information, but it had not
been his intention that his gesture should be used to enter into
negotiations on the subject. I said if this had not been Pakistan’s intention
it should have been: Pakistan Government would surely have realized
matter was of serious importance to us and if they were going to act unilaterally, leaving it for us to learn the decision from the newspapers, it showed very little regard for Indo-Pakistan relations. SHAHI then changed tack, arguing they had certainly wanted to let us know in advance and were happy to give us opportunity to consider their views so that we could understand they were acting with good intentions, but there was never any question of their changing their position.

They regretted that they had been unable to convince us of their *bona fides* but their decision had to be between a choice of evils and they were convinced release was least harmful way of dealing with a situation which was not of their own making. He, therefore, wishes me to inform Government of India that after considering what I had said they adhered to their decision on release.

I replied that this would be disappointing and disturbing to Delhi but if Pakistanis were adamant my Government had instructed me to say the culprits should be returned to us. Shahi said I knew their position on that; it would be impossible as it would create "a much more explosive situation" for them to deal with and do much greater damage to Indo-Pakistan relations; they were under no legal obligation, having fulfilled all that they were under by returning plane and passengers. I said on that we would have to disagree as we felt that they had both legal and moral obligations. However, without going over all the arguments on both sides, I would like him to take it that my present talk with him constituted an official request for the hijackers return. Was I to take it that his remarks constituted Pakistan’s official refusal? He said, “Yes.”

Shahi added he would like me again to assure Government of India that, unwelcome their decision might be to us, it was only course open to Pakistan in view of danger of domestic political exploitation of detention or of trial. I said on this question as on question of legal obligation we would have to disagree, as it seemed to us that leaving these gentlemen at large would provoke just as much, if not more, exploitation as continued detention. Indeed, I felt bound to re-emphasize as strongly as possible hazards to Indo-Pakistan relations arising from course Pakistan now preferred. It would cause deep concern in Delhi and could do incalculable harm to our future relations. Pakistan’s decision itself was an undeserved setback to our relations and extent of further harm the released criminals would cause remained to be seen. Shahi said, as promised, this aspect had been carefully considered by concerned Pakistani authorities, and he could assure us they “would not allow the men to be made into heroes”; they would be kept under careful watch and control. They would be kept
away from the press but, ominously enough, Shahi said “one or two of the opposition might try to get at them” but the authorities “would do their best”. I repeated the hazards for Indo-Pakistan relations arising from this release and emphasized that the extent of harm to those relations would be directly connected with how the hijackers behaved. We noted the Pakistani assurances of concern for our future relations and the restraints they promised to impose on the culprits and we could only now wait and see, but we deeply deplored decision neither to hold trial nor return culprits.

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0896. Statement by the Official Spokesman of the Ministry of External Affairs on the decision of the Government of Pakistan to release the hijackers of the Indian Airlines Boeing Aircraft.

New Delhi, January 6, 1977.

The decision of the Government of Pakistan to release the hijackers of the Indian Airlines Boeing aircraft on the plea that sufficient evidence was not available to justify the institution of criminal proceedings against them is highly regrettable.

It is contrary to the assurances given by the Government of Pakistan to the Government of India and the Council of the International Civil Aviation Organisation.

The Government of Pakistan have also not agreed to the subsequent request of the Government of India to return the offenders to India to face trial.

The Government of India deplores these moves as they are not in consonance with the process of normalization of relations between the two countries which can be strengthened only on the basis of mutual trust and understanding.

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Circular Telegram addressed to Indian Missions abroad briefing them on the facts of Pakistan decision to release the hijackers of the Indian aircraft hijacked in September 1976.

New Delhi, January 7, 1977.

No. 27600 January 7, 1977

MOST IMMEDIATE

Head of Mission from Foreign Secretary.

You must have received text of statement made by our official spokesman on decision of Government of Pakistan to release hijackers of Indian Airlines Boeing plane. Following is background of these developments:

On 30th December, 1976, Pakistan Prime Minister told our Ambassador in Islamabad, who had sought an interview in another connection, that he had approved recommendation of concerned authorities in Pakistan to release the hijackers as enquiries made by several agencies showed them to be “nothing more than cranks”. Bhutto added that he was advised that Pakistan had fulfilled its obligations in international law by returning the plane and detaining the hijackers pending investigations and was now free to do as it thought best. Subsequently, Pakistan Foreign Secretary, in giving further details told the Ambassador that elections in Pakistan being imminent, continued detention of hijackers would give Opposition, which had very little else to show against Government, a stick with which to beat the ruling party. Pakistan government, he added, had faced a good deal of criticism as hijackers are from Kashmir, but domestic compulsions were such that they could not keep them under detention any longer.

Ambassador while expressing disappointment at Pakistan going back on its assurances to us, sought time for government of India to give thought to this matter.

This questions was considered at the highest level and on our instructions our Ambassador urged Pakistan authorities to try the hijackers (as they had pledged to do), and in case they did not want to try them, to return them to India to face trial. Pakistan Foreign Secretary, with whom Ambassador had several meetings, informed him on January 4 that Pakistan Government were not in a position to accept our request. On January 5, Pakistan Radio announced decision to release hijackers as “sufficient evidence was not available to justify institution of criminal proceedings against them.”
Statement by our official spokesmen has been carefully warded to avoid repercussions that might be used to put blame on us or disturb process of normalization of relations. On our part, we do not want to take any further steps in this matter. However Pakistan’s action violates assurances given not only to us verbally but to ICAO in writing and shows scant regard which Pakistan has for international conventions on hijacking to which it is a party.

We would like you to apprise Government of your accreditation at a high level of these facts and clarify any distortion.

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0898. SECRET

Record of the call made by Pakistan Ambassador in New Delhi Fida Hassan on Foreign Secretary.

New Delhi, January 11, 1977.

Ministry of External Affairs

The Pakistan Ambassador, Mr. Fida Hassan accompanied by Mr. Shahid Amin. Minister in the Pakistan Embassy called on the Foreign Secretary at 3.15 p.m. on 11.1.1977 at his request. Joint Secretary (Pak & Af) was also present.

After exchange of preliminary Courtesies, Mr Fida Hassan said that he had called on F.S. to discuss matters relating to the hijackers of the Indian Airlines plane. He said that he had seen many comments in the Indian newspapers on the on the decision of the Government of Pakistan not to institute legal proceedings against the hijackers. Some of these editorial comments were very strongly worded and negative in approach. He particularly mentioned the editorial on the subject in the National Herald. Mr. Fida Hassan added that this paper had a particular standing with the Ruling Party and hence had decided to discuss this matter with F.S. He also made a mention of an editorial in Urdu Pratap. Giving further details of these comments, Mr. Shahid Amin added that there were two aspects of the matter which had caused them some worry. In the first Place, the headlines in the news papers on the statement of the official spokesman of the Ministry of External Affairs gave the impression as if something very drastic in Indo - Pak relations had happened. He added that the way the reports appeared gave the impression
that the process of normalisation had received a serious setback. In the second Place the editorial comments added to this impression by taking a negative line.

This kind of impression Mr. Fida Hasson stated was contrary to what prime Minister Bhutto had told Ambassador Bajpai. The Pakistan Prime Minister, he said had impressed on the Indian Ambassador that in the interest of Indo-Pak Relations we should try to defuse this issue. Further, the Pakistan Foreign Secretary had assured Ambassador Bajpai that the hijackers will be restricted so that anything they say is not Publicised. In fact, no comments by them or on them have appeared. The Ambassador added that his Government felt that this issue should not be allowed to stand in the way of normalisation of relations and that press comments like those which appeared in India that it was a severe setback to relations were not proving helpful in this matter.

Foreign Secretary told the Pakistan Ambassador that as far as the substantive issue was concerned (as had already been explained to the Pakistan authorities), the Government of India could not but deplore and greatly regret Pakistan Government’s decision. We had expressed appreciation of the cooperation for the return of the passengers and the aircraft. We had noted Pakistan Government’s decision in accordance with the international conventions to try the hijackers. The decision to release them contrary to the assurances came as a surprise. This was discussed with our ambassador and he had been advised to inform the Pakistan Government that either they should be tried or returned to India for trial. After the Public statement of the Pakistan authorities announcing release of the hijackers, we considered it necessary to make our viewpoint clear, which was done in the statement of the official spokesman. In the nature of Indo-Pak Relations, concern at this decision and adverse feelings were inevitable and found expression in official comments. It was, however, not our Government’s decision to cause a setback to Indo-Pakistani relations. But this in a way would depend on the behavior permitted and the control exercised on the hijackers. The official spokesman’s statement did not say that these developments has caused a serious setback to the process of normalisation of relations. Foreign Secretary then obtained a copy of the exact statement and read it to the Ambassador and offered to send him a copy. The headlines and some further comments were made by the newspapers. The Foreign Secretary reminded the Ambassador that in such matters no censorship or control is exercised on the editors. Referring to the press comments which he had seen, F.S. said that not all the comments were negative. The editorial in the Times of India, which appeared on the previous day, sought to argue that though the decision of the Pakistan Government was regrettable, the process of normalisation should not be adversely affected.
As regards the Pakistan Government's desire to defuse this issue, the Foreign Secretary reiterated that Government of India had no desire to agitate this matter in the press. In this connection he added that it would in a sense depend on whether the Government of Pakistan themselves also exercised restraint on the press there. A lot would depend on the extent to which the hijackers are kept away from the press and the Opposition during the election campaign. Mr. Fids Hassan replied that he would convey this to his Government.

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0899. Interview of Pakistan Prime Minister Z. A. Bhutto with the Indian Journalist Khushwant Singh as carried by *Pakistan Times* on January 14,1977.

**Correspondent:** First I would like to ask what are the concrete steps you have undertaken on your side to implement the Simla Agreement?

**Prime Minister:** The Simla Agreement is being implemented by one side alone. Both India and Pakistan have completed the process of settling issues which were taken up when our delegations met at Simla. The issue that remains is the basic one but all others have been resolved. Trade has been restored and people are now travelling between India and Pakistan. Normalization is in progress.

**Correspondent:** But in a very low key. There is much more scope for trade and exchange of people.

**Prime Minister:** It takes some time for trade to grow. After all we have not traded with each other for ten or eleven years. Now contacts are being re-established or new ones made between businessmen and traders. I am sure that they will find ways and means of increasing the volume of trade to the mutual benefit of both countries.

**Correspondent:** Would you say that there is any inhibition on your part to buy things which we can sell you cheaper than what you are getting from other countries?

**Prime Minister:** There should generally be no inhibition in buying from India goods and commodities of acceptable quality which are cheaper than those of other countries. But our trade policy cannot be change to have Pakistan dependent on one country only. We also cannot suddenly or completely sever our commercial ties with nations we have been trading with for years. These
ties led to a diversification of our trade. We would like give up that general pattern. But, of course, prices are important. Also the quality of goods. But no, there is no inhibition, no directive against trade with India.

**Correspondent:** Is there any fear that Pakistan may become too dependent on India for the supply of any commodity?

**Prime Minister:** No, we have found that getting dependent on a country is a fear rather than a practical reality. After all, no country has really ever been suffocated when its source of supply has been cut off. At one time in 1965, to give you an example, our military supplies were completely cut off and an embargo was imposed on Pakistan. At that time we received military equipment only from the United States. But we found new source and we were able to get our military equipment from other countries. Of course, there can be a time lag but in these days of fast communications even that can be reduced. Getting used to new equipment and material is also a negative factor but that too can be overcome. We have experienced the consequences of exclusive dependence on any one country and learnt what to do when that one source dries up. So if a part of our trade with India consists of such purchase as iron or steel or tractors or some other commodities we shall not suffer from a mini-phobia of some dependence on India, especially when India too will be buying some goods from Pakistan. Should any strains develop in Indo-Pakistan relation we shall use our experience to re-adjust. In that sphere we can claim considerable know how.

**Correspondent:** Would you say when you said only one issue in the context of the Simla Agreement that you were referring to Kashmir?

**Prime Minister:** Yes, the dispute over Jammu and Kashmir is the only one that is left among those mentioned in the Simla Agreement which says that without prejudices to the position of either side and at an appropriate time, we will enter into bilateral negotiations on the issue. I have been asked this question about the remaining issue by a number of other journalists and commentators. I, in turn, frequently asked the more knowledgeable ones to identify the issue which still remained outstanding between India and Pakistan. Their answers showed that they were right on the target. There is, of course, the matter of the Salal Dam – and I hope that a satisfactory solution of it will be found – which in a way is an offshoot of the Jammu and Kashmir dispute, but the Salal Dam dispute has its own mechanism for settlement under the Indus Basin Treaty. So, strictly speaking, it does not come under the preview of the Simla Agreement. So, strictly speaking, it does not come under the preview of the Simla Agreement. I have been now telling my interviewers that all other problems that were outstanding at the time of the Simla Agreement and which we had pledged to overcome and resolve, had been settled. I would ask which one expect Kashmir, in that context, remained to be settled? And I told those journalists that Pakistan and India will
discuss it at an appropriate time which, perhaps, would come when the other issues were out of the way. Well, those issues were now basically settled and we could now turn to the main issue. I used to say that we would enter into negotiations after our elections and the Indians elections. But that was before your government postponed your election by yet another year. I have not repeated this statement since then. We will have our elections sometime next year and the Government which will come to power with a fresh mandate from the people will be ready to begin negotiations. Well, I can certainly say that if my party is returned to office, our Government would be fully prepared for bilateral negotiations on Kashmir with your Government. That would be in full compliance with the Simla Agreement, both in letter and spirit.

Correspondent: Would you have any new proposals on Kashmir?

Prime Minister: No, why should we have any new proposals? The Simla Agreement recognizes our position. But when we enter into negotiations we shall hear what the other side has to say about the issue and about the commitments already made by us. If India feels that this basis does not suit her position, then it is for India to state what should be the basis. Pakistan’s basic position is what is internationally known to be our undeviating view on the Jammu and Kashmir issue. If India wants to get out of these commitments, it is for her to tell us. We have nothing else in mind. We can only see a democratic solution to the problem, based on the will of the people. Search me and you will find that I do not have any other satisfactory method of finding a solution.

Correspondent: Would you say that a sort of ‘no-war declaration’ would have any useful consequences?

Prime Minister: This was discussed at Simla. And we felt that a ‘no-war declaration’ can come only after our problems are resolved, when there are between us no disputes which might lead to war. But if a ‘no-war declaration’ is to be considered it can only be considered if there is a self-executing mechanism for the settlement of outstanding disputes like the one provided in the Indus Basin Treaty. In other words if bilateral negotiations fails we can then resort to good offices, to mediation, to arbitration, and finally, to the International Court of Justice. Only in that case, if under international law, a provision can be made, if a self-executing mechanism can be provide for the settlement of disputes in a ‘no-war declaration’, can we consider such a declaration. But if a mechanism for settling the disputes by a specified procedure cannot form part of a non-war declaration then agreeing to such an announcement would really mean the acceptance of the status quo in Jammu and Kashmir.

Correspondent: Let’s talk about your personal equation with Mrs. Gandhi.

Prime Minister: Well, I told you last night that she made a valuable and distinct
contribution at Simla. She acted with courage and vision, and I believe that she has faith in the agreement and that she believes in the value of normal and friendly relations with our country. In the last five years, the process of normalization generally has gone quite satisfactorily and this has been due to the reciprocal desire of both our Governments to proceed with normalization. From this you can make you reduction of her outlook on the question of Indo-Pakistan relations.

Correspondent: And you said that you have invited her to visit Pakistan.

Prime Minister: Yes, of course, it was at Simla that I invited her to return my visit and subsequently also I have repeated the invitation to Mrs. Gandhi. But, now, I don’t know when our elections will be held. It will be some time next year and we will consider the matter after the election.

Correspondent: Do you think there is any possibility in the idea that there can be some kind of association between Pakistan, Bangladesh and India something in the nature of the European Common Market or some kind of most favored country treatment?

Prime Minister: I cannot, at this stage, say categorically if anything on the lines of the European model can emerge among our three countries in the foreseeable future because the conditions in Europe and the condition in our subcontinent are different. It took Europe a very long time to achieve the present equilibrium and to evolve to the present level and nature of relationship that is not deeply affected when differences on matters of great or little importance arise. This because Europe has attained a high degree of political maturity, not in the sense of being composed of ancient civilization and all that, but in terms of resolving their problems, in terms of accommodating each other. Europe as it now is the result of an evolution, a process that saw many accommodations being arrived at. It wasn’t just one accommodation that resulted in the evolution I spoke about. The objective conditions in Europe are different from those in India, Pakistan and Bangladesh. Our relationship is not yet mature. For instance, there is a different situation now between India and Bangladesh than it was two years ago. India now seems to be in the process of repairing relation with Bangladesh. The talks that are taking place on Farakka Barrage at the Ministerial level is an effort to remove the strains and misunderstanding that have cropped up in your relations with Bangladesh. So in the first place, the bilateral relations between Bangladesh and India have to be stabilized. The bilateral relations between India and Pakistan also have to attain a higher order of understanding and the bilateral relations between Pakistan and Bangladesh also require the adjustment on some matters. Only after we three have settled down in our present dealing with each other can we think in terms of greater collaboration among us.
Correspondent: Pakistan played a distinctive role in bringing China and the United States closer. Why shouldn’t you do that for us?

Prime Minister: In the case of Bangladesh?

Correspondent: No, India and China.

Prime Minister: I see. Well you have now exchanged ambassadors and this in itself show there is a marked improvement in your relations with China, and I feel that you are getting into position to have better relations with China, does not lie on initiatives, positive or negative, taken by Pakistan. Factors that determine the relationship of any country with three Great Power are altogether of different nature.

Correspondent: What message can I have from you on the Quaid Centenary? Can I quote you?

Prime Minister: Well I have said quite a bit on the Quaid in the last few days because we are in the final week of his Centenary. To you as an Indian, I would like to say that it is a wrong to think that the Quaid was either anti-Hindu or anti-Indian. The Quaid in the beginning of his career was known as the Ambassador of Hindu-Muslim amity and good-will, and it was later that he turned to Pakistan when he founds that he was not able to achieve his early objective. But you must remember that even after the creation of Pakistan he sincerely sought to have good and friendly relations with India. At the moment we are talking about normalization. The Quaid did not talk about normalization. He talked about friendly relations with India, and he was anxious to have friendly relations with India. He attached very great importance to relations with your country. If he had not died only a year after the establishment of Pakistan, this view would have become better known. His speeches in the Constituent Assembly were of a more secular nature. He also made efforts to keep the Hindus in Pakistan and not to let them migrate. When riots broke out in Karachi in January 1948 he was anguished. This aspect of the Quaid’s career has not been emphasized much but it is there. Although he was the architect and the founder of Pakistan, at no stage, in his great and distinguished career, did he ever harbor ill-will or malice toward India or toward the majority community of India. On the contrary he envisaged a kind of relationship which has developed now between Sweden and Norway, of two countries which could not live as one but in their separation they could co-exist on the basis of equality, and attain great friendship and amity. It has been said that at one stage he was even thinking of retaining his house in Bombay so that off and on he could go there and spend some month. This was his original idea before the great exodus started and the carnage and riots really ripped the sub-continent apart. There were many people who even tried to either suppress some of his statements calling for good relations with India. He called for good and friendly relations, notwithstanding the problems
which arose over Hyderabad, Junagadh and Kashmir. It might be argued by some people that the Quaid might have felt this way before these international disputes arose; he tried to resolve them by trying to have negotiations with India. That sometimes a good part of history gets lost when events and actions are not reported in full.

全文

0900. Record of the meeting of the Indian Ambassador K.S. Bajpai with Pakistan Foreign Secretary Agha Shahi.

Islamabad, February 1, 1977. (12.30 P.M.)

Embassy of India
Islamabad

Ambassador met with Mr. Agha Shahi today at 12.30 p.m. The talk lasted for about 45 minutes.

After a brief exchange on Mr. Agha Shahi’s recent participation in the Islamic Conference in Karachi and the Ambassador’s participation in the Envoys Conference in New Delhi, the Ambassador told him that he has been asked to mention that the historic agreement in May 1976 which led to the restoration of relations between the two countries had paved the way for gradual improvement of Indo-Pak relations. Obviously there are still some problems left but the May Agreement marked a new high in the relations between the two countries. In view of this, it has been distressing to read unpleasant things being written about us in Pak newspapers. He said that he did not want to start any meaningless exercise, like in the old days, of exchange of correspondence on propaganda. Of course, file on the subject of what we could legitimately take exception to is already quite thick. Also, there is the indirect sort of Press material as on developments like the Non-alignment meet and about the meeting in New York. Such material also indulged in criticism of India by selection. There is also the question of reproduction of other countries complaint or of what, for instance, the English Press have been saying about us. Ambassador pointed out that “we never see anything in India’s favour to balance all this,” but that meanwhile the needling goes on. He said that he was aware that sometime similar things occur on our sides also and that Pak Embassy in exercise of its duty points this out to the Government of India. But, said the Ambassador, he himself had been content to hope and wait for an improvement, to be reflected in the Press showing a greater sense of responsibility. But lately there have been a couple of things
which have been particularly offensive to India. Referring to a recent *Dawn* article, by one A.T. Choudhury, on Indian elections, Ambassador emphasized that how we handle our electioneering is our own business.

But more than such articles is the problem of what the Pak Government itself has been saying. Referring to the White Paper on Jammu and Kashmir, the Ambassador said that while he agreed that every Government has a right to educate its own public, White Papers and like are really exercises which Govts. indulge in while in the midst of polemical warfare. India and Pakistan are not in the middle of any such warfare. But since the Government of Pakistan has found it worthwhile to release it, the Government of India has been obliged to study it. He said that the White Paper accuses India of fraud and conspiracy of never having acted honestly and of having reneged on its international obligations. This, pointed out the Ambassador, is not the language of reconciliation. It is uncalled for at the present time and is reminiscent of the cold-war days’ language. Ambassador said that we realize that Pakistan is in the midst of electioneering. But we do not accept the facts as presented in the White Paper. He said that we do not want to take this up in writing with the Government of Pakistan but that the Pak Government must bear in mind its possible repercussions in India. The Indian public opinion must not be ignored, especially when old quarrel are revived in this way. We hope that such things are not repeated and we must express our regret at what has been said in the White Paper. Ambassador concluded by saying that he was aware that the Foreign Office cannot necessarily control what is said in an election year. But we cannot but feel that the whole exercise has been concocted for election purposes.

Mr. Agha Shahi replied that the political leadership of Pakistan had given it a great thought before the White Paper came out. He said that it was realized that there are several things which would be highly unpalatable to Government of India. But "we have had a bitter dispute over which two wars have been fought".

"However, our Prime Minister thought- and this reflects the Foreign Office’s own judgment – that somehow the Kashmir issue should be insulated from the heat of election." He said that opposition has been charging the Government of having paid lip service to the Kashmir dispute. By publishing the White Paper, the Government has performed a highly educative function. He said that some of the facts were highly confidential but it was necessary to release them to the public. The White Paper has succeeded in bringing home to the public the facts about Kashmir and has that way ensured that exploiting Kashmir for election purpose is not right. It may be premature to conclude that the purpose has been served but there is every indication that the Opposition has steered away from Kashmir dispute. Otherwise there was every possibility of it being made the principal issue in this election year. People in Pakistan- even the
intelligentsia – are simplistic. The White Paper has thus served a highly constructive purpose by ensuring that Kashmir is not precipitated as a major issue in the elections. As regards the content of the White paper, he was aware that there are certain sentences and phrases which would cause irritation in India. But he must assure us that Pakistan did not deliberately want to spoil relations with India. He said that the language of the White Paper, when compared to the language used in International forums in the past, is much more temperate and restrained.

He denied that the White Paper has been concocted for election purposes. He said that it had been compiled by highly responsible people. In the process, there was naturally some selection involved because it would otherwise have become unmanageably long. Mr. Shahi added “Please tell your Government that it is a healthy indication that the Opposition cannot attack Mr. Bhutto now”. He added, however, that “we cannot escape the facts and the history of the case.” As regards the need for the White Paper, Mr. Shahi reiterated that as Mr. Bhutto had himself told the Ambassador, “it is impossible in Pakistan to hold elections without one being called upon to explain one’s position on Kashmir.”

Ambassador said that he would be happy to accept what Mr. Shahi has said. He said that what we disagree about, first, is the language used. Certainly when compared to the past language, we are grateful for small mercies. We are aware it is not so sharp as it might have been, but the use of such language could have been avoided even for electioneering purposes. What is said in the heat of arguments in United Nation is different from what is reduced to cold print. More than the language used, we do not accept the White Paper’s facts. He said that Mr. Shahi spoke about the need for selection, but selection itself can be form of slant. We disagree on the facts selected. We are nevertheless grateful for the reassurance that Pak intention of releasing the White Paper is of a constructive nature.

Secondly, continued the Ambassador, we would be happy to be spared further pamphleteering which may unpleasantly drag us in. He said that as regards it being a necessity because of elections, we should have thought that Mr. Bhutto’s record spoke for itself in as much as his worst critic could not justifiably make the charge that he has been weak on Kashmir. Ambassador reiterated that we cannot but regret that we are dragged in this way. He also reiterated that it may have unavoidable consequences on Indian public opinion and that if these consequences are in the way of better relations between the two countries, the development would help neither country. He renewed the hope that further effusions of this nature will not be inflicted on us.

Mr. Shahi said that as regard the necessity of the document, there are many critics of Mr. Bhutto who are in the campaign. He said that he was aware that India
thinks differently about it but Simla Agreement and its implementation had been an enormously uphill task in Pakistan. “Our politicians can be very perverse.” The White Paper had thus necessarily to be couched in a manner whereby it would be directed towards the arguments which are being put forward by the critics. The selection involved was unavoidable but, said he; the main need of continuity of the presentation has been scrupulously followed. There has been no slanting as such. As about India being dragged in, he said that this was inevitable and unavoidable because the principal international issue in Pakistan is Pakistan’s relations with India. He said that Mr. Bhutto has been educating the people of Pakistan that it is useful to have good relations with India. The people of Pakistan, especially in the Punjab, have strong feeling on the subject. He concluded by saying “I would think that it should be clears to you that in the short period of two month from now, we can resume the threads of our normal relations.”

Ambassador said that he had noted what Mr. Shahi said. He was aware of the compulsions of politics and that he had constantly borne in mind what Prime Minister had told him. India also looked forward to resuming the threads after the elections. But the White Paper is of major significance. And we also have elections in India and it may not always be possible to maintain restraint. So far we have been trying to maintain the position of not responding to things which are being said about us. Even about the White Paper, the matter is being taken up verbally only and will presumably be taken up by our Foreign Office with the Pak Ambassador in New Delhi. But, added the Ambassador, “I hope that the public silence of ours is not misunderstood as lack of public feeling.” Our Press may start saying anything about the subject. (At this stage, the Ambassador also mentioned that he had asked for a meeting with the Pak Prime Minister).

Ambassador said that he would like to mention to Mr. Shahi that while India is interested in developing relations with Pakistan over a wide spectrum regardless of differences in certain areas, there appears to be misconception in Pakistan that India is very very interested in this and that it is distressed when the movement is lacking. This wrong impression must be cleared for India is not impatient and is not in a hurry though, of course, objectively speaking it is of obvious interest to India to widen relations with Pakistan. This is the position that our Government has taken in the spirit of Simla Agreement. But it must be remembered that there are people in India also who view relations with Pakistan with a great deal of suspicion. India’s position should, therefore, not be taken for granted. Ambassador concluded by saying that Mr. Shahi had referred to the Simla Agreement, so he must add that “bearing in mind Simla, there is much in the White Paper that surprises us; that is of course, a part of the larger question and we will go into that later but I feel that I must mention it to you.”

Mr. Shahi said that we should show the maximum degree of understanding because of the election. He said that the Pakistan Prime Minister was trying
his best to keep things from “boiling over”. He said that he was naturally the
best judge of the situation.

As regards the general articles critical of India, he said that “we will have a
look”. He suggested that the matter be taken up by the Indian Embassy with
the Pak Foreign Office. He said that generally the Govt. Trust paper had shown
restraint but some of the other papers, especially the “incorrigible” *Nawa-e-
waqt*, were a big problem. Sometimes even the Govt. Trust papers were not
amenable to Govt. guidance

Ambassador said that India has the same problem also. But that we did not
intend to take up isolated cases of press comments because it would be futile,
unproductive and be reduced to recriminations. Ambassador said that he is
“dead set” against such taking up of individual cases. He concluded by
suggesting whether it would be possible for Pak Government to review the
advice on maximum restraint to Pak news media.

( K. Doshi )
Counsellor
1.2.1977

0901.
SECRET

Record of Discussion of the call by Pakistan Ambassador
Syed Fida Hassan on External Affairs Minister Atal Behari
Vajpayee.

New Delhi, March 31, 1977.

Pakistan Ambassador, Syed Fida Hassan accompanied by Mr. Mujahid
Hussain, Counsellor, called on Foreign Minister at 12.30 pm on 31st March
1977. Foreign Secretary and J.S. (Pakaf.) were also present at the meeting.

Syed Fida Hassan, warmly felicitated Shri Vajpayee on his assuming the office
of the Minister of External Affairs. F.M thanked the Ambassador and said that
he was new to the job and was trying to make himself up-to-date on various
aspect of our foreign relations. However, he added, the foreign policy of India
had followed a pattern which was more or less based on a national consensus.
Hence, there was not going to be a change in it. As far as Pakistan was
concerned, he assured the Pakistan Ambassador that there was not going to
be any change in India’s policy. India, he added, would persistently search for the avenues for further strengthening the process of normalization of relations with Pakistan. In fact, if at all any change may take place in this regard; it may be in the nature of our seeking closer friendship and co-operation with Pakistan.

Outlining the attitude of the ruling party towards foreign policy question, F.M specially pointed out that the Government of Pakistan should have no misgivings from the fact that he personally had belonged to the Jan Sangh Party. He added that the Jan Sangh party virtually did not exist as it had become a part and parcel of the new Janata Party. He said that the election manifestos of Janata Party and the Centre For Democracy had laid emphasis on having very close and friendly relations with our neighbours. In the emergence of the Janata Party, a new chapter has been opened and it had become necessary for our friends outside to realize the significance of this fact. F.M. added that unfortunately a kind of scare had been created about the role of Jan Sangh and other former opposition parties, which now constitute the Janata Party.

As for the future, F.M. went on to say that now that elections had ended in India and Pakistan, the time had come for both the countries to pick up the old threads and to resume the normalization process. F.M. pointed out that two rounds of talks had taken place on Salal Hydroelectric Project and was hoping that a third round to take place so that the matter could be settled soon. Pakistan Ambassador replied that he would remind his Government about their convenience for resuming the talks. F.M. assured the Pakistan Ambassador that the Salal Project was meant only producing electricity and he could assure his Government that India had no desire to disrupt the flow of the river. He expressed the hope that the Government of Pakistan would appreciate India’s need for this project so that an amicable solution could be found. F.S. remarked that the atmosphere in the previous round of discussion had been one of mutual consideration and understanding. He added that Pakistan’s attitude toward our problem with Bangladesh on Farakka had been correct and based on an understanding of our situation. He added that we very much appreciate this attitude based on the realization that such matters can best be dealt through bilateral negotiations. Pakistan Ambassador expressed his agreement with F.S adding that the Government of Pakistan valued bilateralism and there was no going back on it. Expressing his appreciation of this attitude, F.M. observed that only third parties benefit from such differences between neighbours. He added both India and Pakistan had a great task before them namely improving the lot of their poor people. Our limited resources should be directed toward this objective. The world was changing fast and it was necessary that countries like India and Pakistan realize that they do not pawn in the hands of big powers.
Before the meeting ended, the Pakistan Ambassador presented to Foreign Minister a set of publications containing Mr. Bhutto’s articles and speeches.

Foreign Secretary jocularly added that earlier our emphasis on bilateralism was noted by the Pakistan side and we were reassured that Bhutto had now blessed bilateralism.

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0902. Letter from Pakistan Prime Minister Zulfikar Ali Bhutto to Prime Minister Morarji Desai.


Dear Mr. Prime Minister,

I am taking the earliest opportunity after the victory of your Party in the recent General Elections in India to send as my Special Envoy, Mr. S. Shah Nawaz, who will convey to you my personal message of greetings on your assumption of the high office of the Prime Minister of India. I sincerely look forward to the opportunity your appointment as Prime Minister offers for realizing our common objective of establishing durable peace in our region, in accordance with the principles laid down in the Simla Agreement.

2. The manifesto of your Party projects a constructive and statesmanlike approach to the question of India’s relationship with its neighbours. In this context, your Foreign Minister’s statement that India would do nothing to “reverse the process of normalization”, is gratifying. These are significant factors which make me hope that the process of normalization of relations will now be taken to its logical conclusion. I feel that the time has come for both countries to bury the old, obdurate and tragic attitudes and to come to grip with reality.

3. The Special Envoy will be at your disposal for discussion of any bilateral or other matters which you may wish to raise. He will also explain to you our position on the convening of a Third World Summit.

4. Our proposal for a Summit meeting of the non-developed countries is a sincere effort to organize a common approach for the solution of a burning worldwide problem. Its inspiration is identical to that of your Party’s pledge to “work with other Third world nations to establish a new and just international economic order.” The proposal envisages a line of action in cooperation and not in confrontation with any developed or non-developed country. More
specifically, I wish to assure you that there is nothing in this proposal which is at variance with the purposes of the Non-Aligned Group of countries. It is, therefore, my fervent hope that no credence will be attached to the deliberate misconstructions to which this proposal has at times been subjected and that you will extend to it your prestigious support. There is every reason for India and Pakistan to cooperate in promoting this initiative which is in the fundamental interest of the peoples of both countries.

5. Please accept my best wishes for your health and for the well-being and progress of the people of India.

Yours sincerely

(Sd)

Zulfikar Ali Bhutto

His Excellency
Mr. Morarji Desai,
Prime Minister of India
New Delhi.

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0903.  

Record of the meeting between Foreign Secretary J. S. Mehta and Pakistan Additional Foreign Secretary Shah Nawaz on a visit to New Delhi as the Special Envoy of Pakistan Prime Minister

New Delhi, April 5, 1977.

Ministry of External Affairs
(Pakaf. Division)

Mr. S.Shah Nawaz, Additional Foreign Secretary in the Pakistan Foreign Office, who is here as the Special Envoy of the Pakistan Prime Minister, called on the Foreign Secretary on Tuesday April 5 at 11.00 A.M. in his office. Also present were Ambassador Bajpai, the Pakistan Ambassador, Mr. Hayat Mehdri (Director-General in the Pakistan Foreign Office), Mr. Zafar Hilaly (Director in the Pakistan Foreign Office) and the undersigned. Following is a summary record of the discussion:
Foreign Secretary: We are grateful that the Prime Minister decided to send you, even though at short notice. We have been pre-occupied with the non-aligned bureau meeting. However, the Foreign Minister has met the diplomatic corps, the press and some individual Heads of Mission including the Pakistan Ambassador.

Mr. Shah Nawaz: It is kind of you to agree to receive me at short notice, in the midst of your pre-occupations. This is an indication of your own friendship and goodwill for Pakistan. It is important that a meeting is taking place so soon after your new Government has been installed; we also have new Government in Pakistan. I hope the meeting will be fruitful. I have a personal letter from my Prime Minister to yours which I shall deliver myself. I am at your disposal for discussions on bilateral relations as well as the Third World Summit proposal which has been widely misunderstood.

Ambassador Bajpai: The call on the Prime Minister has been arranged for 2.30 p.m. tomorrow; that on the Foreign Minister at 4.00 p.m. tomorrow.

Foreign Secretary: The Prime Minister and the Foreign Minister have had no hesitation in receiving you. As the Foreign Minister has already told your Ambassador, our foreign policy basically remains the same, being a product of national consensus. Our relations with our neighbours have top priority. The Indian people welcomed the improvement of relations with Pakistan; we believe the Pakistan people welcomed it too.

Bilaterally, there is a basis for the Governments of India and Pakistan to increase co-operation. Stability in the sub-continent is of interest to each country. The sub-continent is in a way unique it differs from other newly independent countries because of a more developed infrastructure for industrial and agriculture progress. In India we have a somewhat bigger problem as we are well populated. However, in both countries, the people have contributed much more to their own progress than in other countries. In fact, our sharing of our resources and trained manpower with other countries can increase if we can avoid problems between ourselves. There has been progress on Salal which should be settled in time. The new Government will take sometime to settle in. As the Foreign Minister told the Pakistan Ambassador, Pakistan need have no fears because of his Jana Sangh background.

Mr. Shah Nawaz: We have seen the reassuring statements that have already been made about normalization. On behalf of my Prime Minister, I have to convey to you that Pakistan would like India’s faith and trust, and would not like the process of normalization to be hindered in any way. We hope we can fruitfully and honourably carry on our relationship on the successful implementation of the Simla Agreement, on which depends the progress and
prosperity of both countries. The Government of Pakistan is totally committed to the Simla Agreement. Both our sides are committed to the final implementation of the provisions of the agreement and we hope we can move forward. We on our side are ready. India should have absolute confidence that, as the Prime Minister has said, Pakistan is keen that the relationship should develop on a straightforward basis. We should look afresh at all realities and base our attitude on them. These are our principles. We will no doubt find common ground for a fruitful policy in the future.

The Third World Summit proposal has been mis-interpreted and the previous Government did not appear to favour the idea. When Mrs. Gandhi met Mr. Agha Shahi (the Pakistan Foreign Secretary, in October 1976) she expressed a fear that this was a bid to start a rival to the non-aligned movement. There is not the slightest basis for this. The gap between the developed and the developing countries is very wide, even though some, like India have made greater progress. This is particularly so after the energy crisis. There has so far been no remedy. The developed world has been consulting within itself to stall the move of the developing countries towards establishment of a just economic order, as a change from the system we have inherited from the colonial past. The developing countries will not succeed through half-hearted, disorganized efforts and it would be unrealistic to expect the developed world to make any substantial concessions in this way. It is therefore, necessary to make them see reality. If the present idea had come from the non-aligned we would have accepted it. The Paris Talks have been a total failure. The developed world is not going to give up its economic advantages easily. It is going to try to divide the developing countries into smaller groups or deal with them on an individual basis. Third world countries have differences but the idea is to remove our disadvantages through a united approach. It is not designed to institutionalize the idea, but would be a one-time affair. How it develops would depend on those who would like to “steer” the movement - it is not really a movement in that sense. The majority will be non-aligned countries. We are ready to discuss thread-bare any suspicions, which there ought not to be. We hope you will support it, as from any angle, we cannot find any reason why you should not. The proposal ought to be welcomed.

Pakistan has sent special envoys to other countries. We find that most of them do see the point clearly and do not have any objections. But no country can take a decision on its own – it would have to be collective decision by all concerned. We hope you will give it deep thought, particularly during the bureau meeting. We firmly believe that if this does not crystalise today, it will have to in the future. Because of the wide ranging decisions required, they just have to be taken at the summit level. Thus, the political will will be properly expounded.
Modalities need to be discussed as we have no idea of the location, timing etc. At the moment it is being thought of as a one time – affair.

Mr. Hayat Mehdi: There is no intention of competing with any group, and we do not want it to be seen that way. The Prime Minister had written an article even before the Colombo Summit, but he withheld it from publication; the Foreign Office asked the Ambassadors not to lobby for it lest Pakistan be thought of as trying to up stage the non–aligned. When the developed countries are on the verge of fourth summit, we should at least make one attempt.

Foreign Secretary: The new Government has not had time to consider various policy questions. The earlier attitude of the Government, as stated by Mrs. Gandhi to Mr. Agha Shahi, as well as the prevailing feeling in the non-aligned bureau and at the Colombo summit, is that there is no need to analyse the world economic situation – it is well known. The question is not of understanding the problem but of how to over come it. When the non-aligned movement started, it was with a sense of a continuation of the political motivation of independence movements and with time there was an increased awareness of economic problems reflected further in the group of 77 and other specialized agencies. All the resolutions in these groups when put together show that the problem remains. While there is an awareness of a certain commonality, the problem is aggravated when various groups start competing with each other. While the question of a solution continues to baffle us, each country is trying its own methods.

Much will depend on us as our capability to co-operate with others depends on how we co-operate with each other. This is not sub-continental chauvinism but a belief that this would be part of strengthening the capability of developing countries.

Foreign Secretary: What is the summit membership you have in mind? In what way do we go beyond the UN or the group of 77, where the same problem is being analysed?

Mr. Shah Nawaz: It includes all Third World countries, not just the non-aligned. Also, it would be a meeting at the highest level. I agree with what you said, - the idea is not to go into confrontation - but there must be an effective way for a part of the world which is at a disadvantage to have a fruitful dialogue with the affluent. This would be a constructive dialogue not through confrontation but co-operation. A summit would ensure the absence of fragmentation which the developed countries would hope for, and incite by giving short-term help. The only way to deal with the powerful organization of the West on an equal basis would be unitedly. There can be no disagreement between the non-aligned and us on this issue. The best way to resolve the differences among the Third World countries would also be at the top. Thus, individual countries could see
that answers to problems within the group and that today’s concessions would not be in their long term interests. We have concluded that without an approach at the highest level, we cannot challenge the developed countries.

**Ambassador Bajpai:** How will the composition vary from the group of 77?

**Foreign Secretary:** What about a summit level special session of the United Nations? It is an existing body which would provide for continuity, since the objectives are well known.

**Mr. Shah Nawaz:** Institutions do exist but the situation is so extraordinary that ordinary institutions will not do. We can cope with the situation at the moment but it requires quick action. A Third World summit would be a demonstration of the supreme political will and its determination; this would force the developed world to transform the picture. Existing institutions can be effective once the developed world sees the developing countries united.

**Mr. Hayat Mehdi:** A summit at the UN is a possibility but it could be a second step, as it would be open to the entire membership. There is a need to solidify our bargaining position first; if we go to the UN right away, our efforts would be futile.

Regarding membership, the modalities have been left vague as Pakistan does not wish to impose its own thoughts but would prefer a consensus. As for timing Pakistan is conscious of the need for thorough preparation and a definition of the objective. The summit would emphasise guidelines and solutions. Such an attempt would be fruitful only if the highest political will is involved; there are many sound declarations at a lower level without the total commitment of those who subscribe to them. This is an attempt to raise the level.

**Mr. Shah Nawaz:** We are open to questions and consultations. There is nothing controversial in the proposal excepting the idea itself, which should not be abandoned because of any suspicion or misinformation — that would be a tragedy.

**Foreign Secretary:** As Mrs. Gandhi told Mr. Agha Shahi, we have had reservations about duplicating institutions like the UN and the group of 77 but we have not canvassed against the proposal. We have to consider non-aligned opinion. But our reservations should not be seen as existing because the idea is Pakistan’s as we do not want this to be a complication in Indo-Pakistan relations.

**Ambassador Bajpai:** I want to clarify that Mrs. Gandhi did not tell Mr. Agha Shahi that we fear the proposal was to subvert the non-aligned movement, she said that members of the non-aligned movement had reservations. Also, that we were looking at it with greater sympathy because it came from Pakistan.

**Mr. Shah Nawaz:** We have talked about possible bilateral co-operation at a
higher level. If we are seen pursuing this idea internationally, we would have an impact because it would be something rare.

Mr. Hayat Mehdi: It could even be held under the aegis of the United Nations. Pakistan is not capable of hosting such a meet. (In a subsequent light exchange on hotel accommodation, Mr. Mehdi said India had plenty of hotel rooms at holiday resorts and so could host the conference).

Mr. Shah Nawaz: The whole world has been talking about the recent democratic experience in our countries. In Pakistan, this was the first ever general election based on adult franchise. There is much excitement before, during and after an election. This is a cycle we have to go through. The west always looks at us either as novices or as people with devious minds, and emphasizes its own superiority in such matters. The western press has spread a lot of stories about the Pakistan elections; they have not yet done so about your because it does not suit them to do so now but they will in due course.

There are all kinds of accounts about the Pakistan elections, some of which your Ambassador must have heard. We would like to listen to our (your?) version, which is the correct version:

The Prime Minister took a big decision about holding the elections, because while they solve some problems, they create others. The Opposition challenged the declared results and walked out. Even before the results were announced they said they had won – this was rather startling. Until polling day on March 7, they declared their confidence in the Election Commissioner. When the results were announced they raised a hue and cry and decided on a boycott. The Prime Minister made several offers, explaining that this was the nature of democracy, but the Opposition refused to meet him. Their complaints are not based on facts. The Prime Minister has allowed eight tribunals, made up of High Court and Supreme Court judges, to investigate all complaints. The Election Commission has full powers to decide all cases suo moto. Where there are irregularities, it will disqualify the candidate, and even declare the opponent elected. Some irregularities inevitably happen, in India and in Pakistan. The Opposition presumed that it would get the votes because of the crowds it drew (during the campaign). The Prime Minister’s campaign procession in Karachi was the largest ever in the city, but the PPP lost there.

What is important to remember is that for the first time, there was an election in Pakistan conducted by a civilian Government on the basis of adult franchise and on the main plank of the PPP, involving social and economic development. For the first time and party eschewed any appeal to the most primitive feelings such as Islam in danger – these are old themes. The Opposition is basically led by people who want time to revive these old themes, whereas Mr. Bhutto stood by socialism and secularism, which they did not want.
The hard fact is that whatever impression India might have had about Mr. Bhutto, it is clear that it is his ideas and policies which hold the promise of a good, co-operative relationship between India and Pakistan.

**Foreign Secretary:** Every country determines its own system of government. In both countries, the governments are subject to the will of the people. We went to the polls simultaneously. Emotional issues were avoided. What India wants is a stable government with the support of the people. We have gone into the exercise and been strengthened in our internal and external policies.

**Mr. Shah Nawaz:** The Prime Minister is totally committed to a policy of normalization.

(L.K. Ponappa) (Mrs.)
Under Secretary (Pakaf. P.)
5.4.77

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**0904. Letter from Prime Minister Morarji Desai to Pakistan Prime Minister Zulfikar Ali Bhutto.**

New Delhi, April 8, 1977.

Dear Mr. Prime Minister,

I thank you for your letter of April 3, 1977, for your courtesy in sending it with the Special Envoy and for the sentiments you have expressed, which Mr. Shah Nawaz most ably elaborated.

I entirely agree that India and Pakistan must, as neighbours, make mutual efforts to develop trust, harmony and good-neighborly co-operation with each other. We have welcomed the normalization of our relations with Pakistan and as I assured your Envoy, it will be our purpose to give this process further momentum and content. The manifesto of my Party, to which you have referred, in this respect reflects the deep desire our people and Government have always felt to strengthen, above all, the depth and extent of friendship with those countries with whom we share a region and a community of interest in drawing closer together.

In public statements made soon after assumption of office, our Foreign Minister and I have made it clear that it will be our Government's firm resolve and policy to work for even better relations with Pakistan, and I take this opportunity to reaffirm this to you, without any reservations.
I am glad that you recognize that durable peace - I would go further and say permanent peace - in our region is India’s objective. It is enjoined on both our countries not only by the Simla Agreement but our cultural and ethnic bonds by the compulsions of geography, by our needs and hopes for the progress of our peoples and, I believe, by their ardent desire to live side by side in harmony and friendship. With your co-operation in pursuing it as our common aim, I am sure we can bring immense benefits to the peoples of our two countries.

I have noted your reference to your proposal for a Third World Summit. Your Special Envoy spoke to the Foreign Minister and me about this and has, I understand, discussed it in details with our Foreign Secretary, but we have yet to appreciate its full implications.

Your gesture in sending Mr. Shah Nawaz with the message of felicitations and good wishes was welcomed not only by the Government but appreciated by our people and our public opinion. In reciprocating your kind sentiments through this letter, which I am giving to our Ambassador to take from here, may I convey my best wishes for the prosperity and happiness for the people of Pakistan and for your good health and welfare.

Yours sincerely

(Morarji Desai)

His Excellency Mr. Z.A. Bhutto,
Prime Minister of the Islamic Republic of Pakistan.
Islamabad.
0905. Record of the Call by the Indian Ambassador K. S. Bajpai on the Pakistan Prime Minister Zulfikar Ali Bhutto.

Islamabad, April 26, 1977.

Embassy of India
Islamabad

The Ambassador’s call on Prime Minister Bhutto, requested on April 12, materialized at 7.45p.m last evening. The call lasted just over half an hour.

2. The Ambassador said our Government has greatly appreciated Mr. Bhutto’s gesture of sending a Special Envoy to meet the new leadership in India. Mr. Shah Nawaz had been warmly welcomed, and the sentiments expressed fully reciprocated. Our Prime Minister had immediately given the Ambassador his reply with instructions to re-emphasize the view contained in it when delivering the letter to Mr. Bhutto. The Ambassador had therefore sought an appointment even though he realized how busy Mr. Bhutto would be.

3. Mr. Bhutto thanked the Ambassador for bringing the letter. He read it and said: “It’s a very nice letter” and expressed the hope that the sentiments expressed in the two letters would be “put into action”. The Ambassador said that was Delhi’s view too. He hoped Mr. Shah Nawaz would have felt and managed to convey the feeling of warmth and friendship shown in all his meeting in New Delhi. With any new Government, emphasis and nuances might differ but over the years a board consensus had developed over the essentials of our Foreign policies, and our Prime Minister and Foreign Minister have made it very clear that the new Government adheres to these essentials. Basic among them was our commitment and deep dedication to developing friendly relations with our neighbours and especially to further normalizing relations with Pakistan. This view was unanimously shared by all those who framed policies. Our Prime Minister had even spontaneously remarked that the term “durable peace” used in Mr. Bhutto’s letter might be substituted by the words “permanent peace” (Mr. Bhutto nodded). Delhi would quite frankly like to see the common sentiments recently exchanged translated into specific field of action of which there were several, both big and small, where progress could be made to mutual benefit – the small in some way could be even more important. We realized that in contemplating further moves, timing would be vital. We ourselves were in no hurry. We wished Pakistan to know for every step they took we would be glad to take one or even two, but we had no wish to force the pace and would move according to the timing that suited Pakistan.

4. Mr. Bhutto recalled his speech of March 28 in which he had said that Pakistan had planned new initiatives with the intentions of “accelerating” the
process of normalization between two countries. He said he had heard from Mr. Shah Nawaz of the very friendly reception accorded to him in India, and of the uniformly positive and warm views expressed on Indo-Pak relations in every discussion and at all levels, especially during his calls on our Prime Minister and Foreign Minister. Pakistan was very appreciative of these friendly sentiments. This is a factor which “deeply encouraged us”.

5. The Prime Minister then asked for Ambassador's assessment of the recently concluded Indo-Pak Trade talks. The Ambassador replied that the discussions had proceeded smoothly. One difficulty felt by Pakistan related to one-way movement of goods traffic. Pakistan expressed anxiety to balance the trade. Ambassador said that it may not be quite practical or realistic to talk of balanced trade. The question really was one of whether Pakistan found it financially and commercially advantageous to effect imports from India. There were certain obvious benefits, such as short delivery periods, reduced freight rates and reducing the congestion on Karachi Port and substantial foreign exchange savings, which accrued to this country by trading with India. As an instance, Ambassador cited Pakistan’s need for tractors which India could fully meet; “we need only roll them across the border”. Ambassador reiterated that if Pakistan was interested in making purchases from us, we were available but it was for Pakistan to decide. We felt trade relations were an effective means of overcoming misconceptions and misgivings that have been entertained in either country about the other. We on our part would be glad to buy whatever we could form Pakistan though there was not much point in thinking of mechanical or arithmetical balance”. In any case, the difficulty might automatically resolve itself once cotton production revives in Pakistan.

Mr. Bhutto said that Pakistan was “all for promotion of trade”. He saw no reason why this country should not purchase an item like tractors from India. He did feel though that the two countries should try to achieve a balance to the extent possible.

6. Mr. Bhutto next asked Ambassador whether business communities in the two countries had established contacts with each other. Ambassador replied that contacts between the business circles had not increased in the manner one might have anticipated. Frankly speaking, he said, it was a “question of signals” from the top. While talk of ‘hostility’ to trade resumption was an exaggeration, we did experience a sense of “hesitation” on the part of many commercial organizations in Pakistan. The difficulty was that over the years many attitudes have developed on both sides. A fresh approach was needed. For this the tone had to be set by the leadership. “Everyone would then follow suit”. Mr. Bhutto nodded and emphasized that India need have no “doubts on this score” (of policy). He had in fact told the new Finance Minister to look into the question of intensifying trade and promoting business contacts.
7. Reiterating Pakistan’s desire for normalization Mr. Bhutto asked the Ambassador: “Where else can we expand cooperation?” Ambassador replied: “you name it - we will be glad to look into it”. He said that there were enormous areas in which cooperation could be envisaged. Mr. Bhutto asked “what specifically”. Ambassador said there were possibilities in the personal, cultural, scientific, economic even political fields if we looked ahead. There was the bilateral framework of normalization in accordance with the Simla spirit. Cooperation between India and Pakistan could be for the benefit of the sub-continents for the wider region in which we were and even in international fields and forums such as various UN and other Conferences where though we might have differences in particular matters there were broad areas of common interest and common approach. By intensifying cooperation bilaterally and internationally we could have a very good effect on the rest of the world.

8. Mr. Bhutto asked if any specific point of tension had recently arisen between our two countries in international forums. Ambassador replied that fortunately since the seal had been set on normalization last May, there had been no “sharp exchanges”. A few statements may have been made but generally matters had proceeded smoothly. Ambassador said he would like to take this opportunity to make the position clear on one point Mr. Bhutto had raised about which there were some misconceptions in Pakistan: there was some feeling, India was dragging its feet on Third World Summit proposal. Frankly there were misgivings in many quarters and in the Non-aligned Bureau there were such strong feeling that we had actually helped tone down the criticism of several of our friends to the idea. Mr. Bhutto would be aware that to many non-aligned nations the proposal was unwelcome; they felt the concept being propagated by Pakistan would dilute the non-aligned movement itself. We ourselves had not, as our Prime Minister said, grasped its full implications. There were also some reservations, not on Pakistan’s intentions but on the “effectiveness” of the proposal; some people feel it might be better to tackle the problems differently. Mr. Bhutto said if it were not an effective way of tackling the industrialized countries, why should so many of them be strongly opposed to the idea? Surely their opposition itself showed how useful the proposal was to the Third worlds interests. Ambassador said some countries felt that it only stiffened opposition to keep on having conferences and resolutions which the industrialized countries did not like. There had been so many, it might be better to work quietly now to put them into effects. This was, however, a matter of tactics. If we could work together on Pakistan’s idea well and good. In any event Ambassador assured Mr. Bhutto that the matter was not viewed by us as an Indo-Pak issue. On the other hand, we had looked at the proposal sympathetically precisely as it had come from Pakistan.
Mr. Bhutto affirmed that Pakistan had “no quarrels” with India on this point.

9. The Pakistan Prime Minister asked the Ambassador several random questions on India’s family planning programme, its effects on elections, food situation and crop prospects, price structure and stability and export trends. He raised the question of our potato and onion exports to West Asian countries. The Ambassador said he knew the shipment of these vegetables through Pakistan to Iran last year had aroused some controversy but he thought if something was good for the countries of the region, there should be no objection in Pakistan. There was even prosperity in it and nothing humiliating. Mr. Bhutto agreed that there was nothing humiliating in extending such facilities, but unfortunately, for some reason the matter had become a “highly sensitive” one in Pakistan. He thought, however, the problem could be looked into in due course and said we could rest assured that Pakistan would examine the problem. He concluded the discussions with the assurance that in further normalization, Pakistan would “bring thing to a good head”.

(N. Dayal)
Counselor (P&E)
27-4-1977

0906. Record of discussions during the call by the Pakistan Ambassador Syed Fida Hussan on Prime Minister Morarji Desai.

New Delhi, June 6, 1977.

Syed Fida Hassan, Pakistan Ambassador paid a courtesy call on the Prime Minister at 6.30 p.m. on June 6, 1977. The Pakistan Ambassador was accompanied by Mr. Sahid M. Amin, Minister in the Pakistan Embassy. During initial exchange of courtesies, Pak Ambassador said that he was grateful to P.M. for giving him time on the eve of his departure for London to attend the Conference of the Commonwealth Heads of Government. P.M. replied that he could see him whenever he liked. During the subsequent conversation, Syed Fida Hassan referred to the expectation aroused by the Commonwealth conference, particularly in regard to economic matters. India’s attitude towards the internal political situation in Pakistan was also discussed. The following is a gist of the conversation:
Pakistan Ambassador: The Government of Pakistan has watched the discussions in the North-South dialogue and is particularly disappointed to see that rich nations are chary in coming to the help of the developing countries. All this goes to show the need for concerted action by the developing countries. Our Prime Minister has already given his ideas on this matter in an article on what the Third World’s attitude should be. We have sent this article to your Government. The Special Envoy of Prime Minister Bhutto had also an occasion to discuss this matter with Your Excellency.

Prime Minister: I am aware of the discussions and the attitude adopted by the developing countries. We, on our part, have approached these problems without any expectations. Nor, have we any fears. We feel that our habit of dependence on the developed countries must go. This tendency to depend on others is the main malady of developing nations. While there is scope of logical reasoning, the developing countries should not bother too much about what help the developed countries are going to give them. We, in India, are happy to receive the help of developed counters. But, we are fully convinced that ultimately we have to help ourselves.

As regards the proposal for the Third World Summit meeting, we fear that such a gathering would become a Third Bloc, which would not be in the interest of the developing countries. However, we are not against dialogue. In fact, we feel that unless people meet and talk, misunderstandings are created. Personal talks between leaders are the best way to solve bilateral problems. No amount of indirect diplomacy can achieve what direct personal contacts can.

Pakistan Amb: I am very happy to hear Your Excellency’s views. In fact, our Prime Minister would be very happy to have the opportunity of meeting you for a personal discussion. We hope, he would do so as soon as our internal problems are settled.

Prime Minister: He is most welcome. Whenever he wishes to come, I would be very happy to extend an invitation to him. I am in no hurry. Let him take his time and come at his convenience. I hope peace will return in Pakistan soon. We want to have peace inside our neighbouring countries.

While on this subject, I must mention that I feel unhappy when we receive reports from Pakistan that there is a feeling there that India has changed its policy towards Pakistan; that we have some designs against Pakistan; that there are military movements along the border; that we are against Mr. Bhutto etc. I would like to assure you that all this is wrong. You should think what we would gain by such manoeuvres. What is happening in Pakistan is entirely your business. Why should I or any one else in this country say what kind of government the people of Pakistan should have? It is a matter for the people of Pakistan to decide. Our newspapers are free now and they write about things happening in Pakistan. But,
they don’t represent the Government. In fact, they sometime write about me also in the same way. I would, therefore, like you to understand the situation.

I am sorry to hear some demonstrations which have taken place in front of your Chancery. I would like to state categorically that I don’t like these demonstrations. As you may be knowing, so many demonstrations take place in front of my house also. But, you should appreciate that under our laws we can take actions against such people only if they indulge in vandalism or make statements which are objectionable under our laws. We will take stringent action against such people whenever they act in this way. I would like you to appreciate that I have no sympathy for these demonstrators. They do not represent any body. Many people in India talk of human rights. My advice to them is that they should talk of human rights and should try to ensure the preservation of these rights only as far as this country is concerned. They have no business to call for the preservation of human rights in other independent countries. To doing so would be an interference in the internal affairs of those countries. Let me tell you that when Shri J.P. Narayan gave his statement about the treatment being meted out to B.P. Koirala by the Government of Nepal, we immediately disassociated the Government of India from this stand. The same will be our attitude towards all our neighbours.

As regards fears expressed in Pakistan about India having some designs against your country, I would like to say most categorically that this is completely wrong. We are neighbours. We want peace with all countries. But, the thing of utmost importance is that we must have peace in our own regions. I have no hesitation in saying that in this matter, India being the biggest country in this region, has the greatest responsibility. I am saying this not out of pride or conceit but it is a fact of life. It is the duty of India to make its neighbours feels safe and not to have any suspicions from it. We have the same attitude towards Pakistan. We would not like to give you any occasion to be suspicious of us. In fact, I would go to the extent of saying that you can always count on our help. I cannot say this loudly. I have no hesitation in saying that peace in this area depends more on India than on its smaller neighbours. But, this does not mean that only one country can bring about peace. Both the sides have to make an effort. It also does not mean that we would placate any one. We will not accept anything which is wrong.

Pakistan Amb: I would like to clarify that no one in the Government of Pakistan or the Ruling Party has made any such allegations. Of course, some newspapers did make some mention. As far as the Pak Government is concerned, we want that the provisions of the Simla Agreement should be fully implemented.

Prime Minister: I am aware that the Government of Pakistan has not made any such allegations. But, I know that it is quite tempting for some people in Pakistan to make such insinuations as a way out of the present internal problems. What should be realized in a situation like this is that some people in this country may retaliate and it may become difficult for us to control them.
You must have seen some days back a statement in the Press about ‘Akhand Bharat’. I would like your Government to know that such views do not represent the feelings of the Government. Even though what was meant by the term ‘Akhand Bharat’ in this statement was some kind of confederation between India and Pakistan, we do not approve of it. The idea of such a confederation between India and Pakistan is completely unacceptable to us. I would go to the extent of saying that I would not agree to any such confederation even if a proposal to that effect comes from Pakistan. We have agreed to the partition of the country and the creation of Pakistan. There is no going back now. In this connection, I would like to relate to you an incident. In 1964, Sheik Abdullah had suggested to Mr. Jawaharlal Nehru that the latter should propose some kind of confederation between the two countries to the Government of Pakistan. I was not in office at the time. But after hearing about this proposal, I immediately advised Pandit ji against it saying that such a move from us would be misunderstood. I am happy that Mr. Nehru agreed with my view and did not make the proposal. After all, we have to be correct in our behaviour. My Government is of the view that our neighbours should not be made to feel insecure. We on our part will try to make every effort to see that our neighbours do not suspect us.

I must admit here that I feel unhappy when I hear about effort being made by Pakistan to procure sophisticated weapons. I would only ask: Why do you want these weapons? From whom do you want to protect yourself? Or, against whom do you want to use these arms? We have no evil designs against Pakistan to make you feel the need of arm for your safety. On the other hand, India is ten-times bigger in man-power, as compared to Pakistan. In view of this situation, why should there be such an attitude of confrontation? I would like to tell you that I do not believe in protesting to countries which want to supply arms to Pakistan. I only ask them to see for themselves, whether it is correct for them to engage in this kind of business. We have told the Americans that if in their judgment they feel that they should supply arms to our neighbours, India would have to take necessary steps in self-defense. I for one have no fears from our neighbours. I would go to the extent of saying that we have no desire to possess atomic weapons, even if you produce such weapons.

**Pakistan Amb:** I am very happy to hear these remarks from you and I have, no doubt, that your views will carry a great deal of weight at the Disarmament Conference at the United Nations next Year.

**Prime Minister:** I hope they will take some action at the Conference instead of only talking. Our policy is clear. We have told the Super Power that they have no right to preach nuclear restraint to us as long as they do not apply it to themselves. The fact is that they are hypocritical about this matter. As far as we are concerned, we are very frank with them. I would like to mention to you that about ten years
back, we had been offered a nuclear umbrella for giving up our option to conduct atomic tests for peaceful purposes. At that time, I had advised against our accepting any such umbrella. I had said that we should prefer to have our own nuclear weapon instead of coming under such an umbrella.

Pakistan Amb: I have taken a great deal of your time. Before I take your leave, I would like to assure you that what you have told me today would be greatly welcomed in my country. I feel greatly re-assured after hearing your views.

Prime Minister: Please convey my warm greeting and best wishes to Mr. Bhutto.

(I.P. Singh)
Joint Secretary(Pakaf)
June 7, 1977

0907. Statement by External Affairs Minister Atal Bihari Vajpayee in the Lok Sabha on the Pakistan Army taking over Power in Pakistan.

New Delhi, July 5, 1977.

Now that the point has been raised in the House, I would like to confirm that a Pakistan Radio announcement today quoted a statement by a military spokesman issued in Rawalpindi that the Armed Forces of Pakistan took over control of the administration of the country this morning. The spokesman stated that top political leaders belonging to the Pakistan Peoples’ Party including former Prime Minister Mr. Bhutto and PNA leaders have been taken into “temporary protective custody”. The spokesman said the situation in Pakistan is normal and peace and tranquility prevail everywhere.

While naturally we follow events in our neighbouring countries with interest, I would like to reiterate that these developments are an internal affair of Pakistan. India has consistently followed a policy of non-interference in the domestic affairs of others countries. The House is aware that after assuming office, this Government has publicly reaffirmed the policy of seeking good neighbourly relations with all countries in the region so that peace and stability may prevail in the sub-continent.
Record of the call made by the Pakistan Ambassador Syed Fida Hussan on the External Affairs Minister Atal Bihari Vajpayee.

New Delhi, July 7, 1977.

Ministry of External Affairs
(Pakaf. Division)

The Pakistan Ambassador, Mr. S. Fida Hassan, called on the Foreign Minister on Thursday, July 7, 1977 at 4.30 p.m. at the Foreign Minister's office in Parliament House. He was accompanied by Mr. Shahid Amin, his Minister. J. S (EE & Pakaf) was also present. The call was arranged following a request from the Ambassador. Following is a summary record of the discussion:

**Pak Ambassador:** I would like to brief you on the changes in Pakistan. I saw your statement in Parliament. There has been a take over by Martial Law. At first, it was said that the army had taken over the administration; then, that there was martial law all over. The President will perform his usual function. Provincial Chief Justices have been appointed Governors. As Gen. Zia-ul Haq explained, this is a purely interim arrangement with the intention of holding elections within three month.

The Pakistan Government will continue to develop friendly relations with countries in accordance with the UN Charter.

As far as possible, the country will be run under the current Constitution with a military council of four, consisting of the Service Chiefs and the Chairman of the Joint Chiefs of Staff Committee.

Our Government wanted me to assure you that Pakistan will abide by the terms and conditions of the Simla Agreement. Our Foreign Secretary has spoken similarly to your Ambassador (the Ambassador handed over the text of Gen. Zia-ul Haq's broadcast of July 5, 1977).

As regards your Defense Minister's statements from time to time, such as his recent one implying some apprehension about the developments in Pakistan having same effect on India (the Ambassador was incoherent but was obviously referring to the Defense Minister’ statement in Lok Sabha on July 5, 1977), any apprehension of Pakistan trying to build up its arms supplies is totally misplaced. India need have no apprehension about the purchase by Pakistan of arms from America since we are only trying to replace old arms - no more. “Why should you fear?” The Prime Minister recently told me that India is 10 times the
size of Pakistan and Bangladesh put together. There is, therefore, no cause for India to fear each time Pakistan tries to get arms to “redress its balance”. There is no question of Pakistan having any aggressive intentions.

**Foreign Minister:** The defense Minister’s statement was only a passing reference. He did say that it was an internal affair of Pakistan. But such events are bound to have repercussions because we are so close to each other. What happens in India does affect you: so also, what happens in Pakistan is bound to affect us.

The question of arms supply has been discussed many times. In spite of its size, India has had to face wars in the last 30 years. If new, sophisticated arms are injected into the area, there are bound to be apprehensions on both sides. If India were to get large quantities of sophisticated arms, Pakistan is bound to feel apprehensive of a build-up. We have made our position on Pakistan very clear and repeated the offer of a no-war pact, although it has not been taken very well in Pakistan.

**Pak Ambassador:** As the former Foreign Minister, Mr. Aziz Ahmed, explained, it should also provide for settlement machinery to take care of dispute like Kashmir.

**Foreign Minister:** Where is Mr. Aziz Ahmed now?

**Pak Ambassador:** He is not under detention. The former Minister and the leaders of the NA are probably in Islamabad. As you know, they are under “protective custody”.

**Foreign Minister:** That is what they said here about us also; Is Mr. Bhutto all right?

**Pak Ambassador:** Yes, he is being looking after.

Thank you for your sentiments. I would like to reiterate that India gets unnecessarily apprehensive on the question of an arms build-up. When I had called on the former Prime Minister, Mrs. Gandhi, she spoke of the same thing. I asked her for details, since a few days earlier, in a TV programme, the Director of one of your official defense institutes (Shri P.R. Chari, Director, Institute of Defence, Studies and Analyses), he had said India need not bother about the 80 million deals Pakistan had concluded with the USA. I told her this was how your own people felt and she agreed with me. Since arms are expensive the value of a deal should not bother you. If people ask why Pakistan should arm itself, it could be said that Pakistan is not receiving any arms. The arms it has are out-of-date and need to be replaced and, to a certain extent, modernized. This should cause no apprehension.
At a Foreign Secretaries' meeting, possibly between Mr. Agha Shahi and Mr. Kewal Singh, it was suggested that if India felt so strongly about the subject, why not discuss some ratio (of arms)? This offer could be considered once again. Time and again the press, your people and your government alarmed on the subject. They think, without reason, that both sides are arming themselves feverishly.

**Foreign Minister:** There were some reports in the American press about the US Government not agreeing to various proposals. The question asked here would be why should fighter planes be introduced into the region?

**Pak Ambassador:** Our planes are of a 20-years vintage. What is wrong with new planes? They are to replace the old ones.

**Foreign Minister:** There would be a demand here for our obtaining similar planes, and this itself would lead to an arms race.

**Pak Ambassador:** Something could be done about maintaining a balance between our two countries.

**Foreign Minister:** The offer can be considered, although while doing so, India's requirement on other frontiers should also be taken into account.

**Pak Ambassador:** These are details which could be discussed by both sides. Your resources are huge. “Why should you have any fear of Pakistan trying to upset the balance?”

**Foreign Minister:** I welcome your assurance that Pakistan will adhere to the Simla Agreement. At the same time I would like some further steps taken towards an accelerated growth of our relationship as part of normalization. There should be more exchange in the economic and cultural field. People are finding it difficult to visit their family members.

**Pak Ambassador:** Visas are issued in the normal course. There is some delay in the timing. So long as both sides have the intention of abiding by the Simla Agreement and work steadily towards it, it will open the door to better understanding in the future.

**Foreign Minister:** One matter has been of some concern to me particularly since many people have spoken to me about it since I took office. Some defense personnel involved in the 1971 war have been either captured or listed as missing. Some talks have been held at the official level. No exchange of figures known to either side has taken place. Some civilians are also involved.

**Pak Ambassador:** We exchanged lists of civilians from time to time. About two weeks ago India unilaterally sent back a number of Pakistanis. I am not
sure if the defense personnel have been categorized as such. I will look into this personally.

Mr. Shahid Amin: Most defense personnel were repatriated long ago. We list missing individuals as unaccounted for. It is possible that there are similar cases of Indians in Pakistan. The matter has not been raised since the Embassy opened in New Delhi; it was perhaps discussed in Islamabad in May 1976. (List of missing defence personnel had been handed over at that time). If there are any outstanding cases we shall try to expedite them.

Pak Ambassador: There is no point in holding on to prisoners when there is a general agreement on their repatriation. I will let your office know of our findings.

Foreign Minister: When our Prime Minister met the Shah, they discussed the question of a railway line joining Bangladesh, India, Pakistan and Iran and going even further. We would like to see this happen. Economically our region should come closer together. If Europe can have a community, why can’t we in our region make such an effort? Yet, this cannot come about unless Pakistan agrees.

Pak Ambassador: All the countries have to agree. I shall pass on this point to Islamabad. “Why should it be summarily thrown out if India and the Shah like the idea?” the Foreign Secretaries can take it up at a meeting after the preliminary examination is over.

It was a pity that the Prime Minister could not halt at Islamabad following our former Prime Minister’s invitation. Mr. Desai had told me that it was good if meetings took place between heads of government. It was in pursuance of that comment that we informed Islamabad, but the invitation could not go out earlier because of other pre-occupation.

Foreign Minister: The Prime Minister’s schedule was fixed. He had to get back by the 17th for the budget.

Pak Ambassador: There is a standing invitation to the Prime Minister of India to pay a visit to Pakistan. The present Government has decided to hold elections by October and hand over power to the people’s representatives. It is a matter of just three months.

Foreign Minister: We are interested in stability in Pakistan. It is your concern as to what kind of Government there should be, although being a democracy we would like to see democratic governments all over the world. Our Ambassador has reported that everything is peaceful in Pakistan that life is normal and that travel across the border is preceding as usual. So, if politicians fight too much, they invite trouble.
Pak Ambassador: You in India have experienced political dog-fights but have managed to overcome your differences.

Foreign Minister: People should be allowed to choose freely. If there were no charges of rigging, there would have been no problem. In Jammu and Kashmir we opposed the National Conference, which won. We have accepted the results.

(In reply to a comment by the Ambassador, Foreign Minister informed him about the unanimity achieved over the nomination of Mr. Sanjiva Reddy as President. Foreign Minister observed that there was some poetic justice in this, given the chain of events that took place following the controversy over Mr. Reddy’s nomination in 1969)

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0909. SECRET

Call by the Ambassador K. S. Bajpai on Chief Marshal Law Administrator General Zia-ul-Haq.

Islamabad, July 9, 1977.

Embassy of India
Islamabad

Ambassador was asked to see the Chief Martial Law Administrator, General Zia-ul-Haq, at 8.45 p.m. this evening. At the meeting, which lasted approximately 20 minutes, Mr. Agha Shahi, Secretary-General, Ministry of Foreign Affairs, was also present.

The gist of discussion was as follows:-

Gen. Zia: Mr. Agha Shahi has already conveyed to you our commitment to abide by all accords with India. I wanted to reiterate this assurance. Pakistan has to concentrate on its neighbours; India being the big neighbour, we want to convey to you the interim Government’s intention to continue development of relations on the basis of the Simla Agreement.

We have established a Caretaker Government. Our sole objective is to organize elections in three month’s time. We wish to implement what had basically been agreed to between the contending political parties. Fifty percent of the problem has already been resolved. So far, we have been very lucky: everything has been peaceful. We hope that 90 days will be enough.
We are very grateful for India’s reaction to the events in Pakistan. From the Statesman and other newspapers I have noted the statement made by your leaders on these changes. I have also noted there have been no troop movements on your side. India need have no apprehensions. You can convey to your Government that Generals are always the last people to want war, even though training for them is the main business of all soldiers. I am not a war-monger. You would note that the situation on the borders has remained peaceful. There has been no movement of troops on our side and we are very glad there have been none on yours. Everything has been normal, even traffic. Wagah has remained open.

Ambassador: I am sure Delhi will be as impressed as me when I convey the sentiments you have just expressed. Your assurance would be very welcome. You must have read about Ambassador Fida Hassan meeting with my Foreign Minister. The Government of India would like to fully reciprocate these assurances and to convey again that we only wish Pakistan prosperity and stability and a harmonious relationship between our two countries.

Gen. Zia: Yes, our desire is also to live as good neighbours.

Ambassador: It is no secret to yours Government authorities that Pakistan’s trials and tribulations of recent months have been a matter of great distress to us. It is, of course, inappropriate for me to comment on your internal developments. But it may not be tactless for me to say that the evidence of the wisdom of your action is the welcome accorded to it by your own people (General Zia nodded). We have noted that the situation is totally peaceful. This should augur well for the future. You have chosen to make the Military Administration an interim Government. It is entirely for you to decide what suits the needs of Pakistan. On our part, may I assure you, we are fully committed to a policy of friendship and development of cooperative relations with whatever Government Pakistan chooses. This policy cannot be better summarized than by a small incident: when my Prime Minister read the word “durable peace” in the letter taken by Mr. Shah Nawaz, he immediately remarked the term should rather be “permanent peace”: Our relationship should be “like a Hindu marriage – indissoluble.” Anyone who witnessed the feeling in India last July will testify to the joy felt by everyone at the old era having ended and at the establishment of the machinery for carrying forward the process of normalization. Now it is up to leaders like you and professionals on both sides to take further steps in this direction. We are convinced that there is a great scope for improvement of relations to our mutual benefit. We can also prepare to take necessary initiatives or to reciprocate to any proposals you might wish to make. But as I have said before, we are aware of some inhibitions on your side so we leave both the extent and pace of cooperation to you.
Gen. Zia: The Military Council desires to keep things moving in the right direction. We will act as best as possible in the spirit of the Simla Agreement and hope to hand over something better than what we found at the end of 90 days. The Military Council, of course, cannot take too many bold measures. We are a Caretaker Government, and it will be the responsibility of elected political leaders to determine basic policy issues, but whatever we can do in smaller ways we will.

Ambassador: The scope and framework of your activity is a matter of your choice and wisdom. We will march in step. I also want to assure you that if India can do anything to help Pakistan achieve the stability you seek, we are available.

Gen. Zia: Thank you.

Ambassador: You have so many responsibilities, we will not be meeting often.....

Gen. Zia: Any time....

Ambassador: So, my meeting with you this evening has given me the opportunity for one thought. I think it very important we understand each other. You had said that Armies were basically trained to fight...

Gen. Zia: But, as the Prime Minister said: “Politicians never want elections and Generals never want wars”, although both prepare constantly to these ends.

Ambassador: But, we sincerely hope we have turned our backs on wars. We know the respect the Army enjoys among the people of Pakistan and of its contribution, time and again, to serving the country.

Gen. Zia: We need all good wishes and moral support to complete our mission.

Ambassador: You have it from us. But we no longer know each other. Speaking frankly, I find one thing seriously lacking: we have no broad spectrum contacts now. In the fifties, there were much greater problems between us, but never a conflict. This was really due to personal contacts on both sides. Whenever a genuine crisis arose someone would catch a plane from Karachi to Delhi or Delhi to Lahore to discuss matter over with their counterparts and say Arey bhai aisee bhi kya baat hai. (Oh brother, what is this problem?) These talks prevented escalation of the difficulties. In the sixties, unfortunately, this relationship changed. Bilateral discussions became infrequent and contacts became limited to official. The danger is that, despite very fine officials on both sides sitting in our back-rooms we begin to imagine what the others intentions are; there is nothing like a dialogue.

Gen. Zia: Yes. Through discussion half the battle is over.

Ambassador: We should have dialogues at all levels: human, official, political, economic, cultural- even between the Armies.

Ambassador: Well, there is sometime talk about our cultural hegemony or economic hegemony, but we never even think of such things. I would like to assure you that we want to work with Pakistan as a separate sovereign State, whatever the Government it gives itself. That is your internal affair. Pakistan may adopt its own policies and go its own way. But, we hope you will go with us. We have had a very chequered 30 years’ history. We feel it important to take a fresh look at each other. Our countries have changed greatly. We hope that we can cease fighting yesterday’s battles.


Mr. Agha Shahi: May I raise an important humanitarian matter in the spirit of what you have just been saying? You might recall the Agreement last year on release of Indian and Pakistani nationals detained in either country. Pursuant to this Agreement, three batches each have already been repatriated. Recently, on 25th June, 139 Pakistanis were unilaterally released by India also pursuant to this agreement. I am glad to say that we have now prepared a complete list of Indians under detention in Pakistan. 200 cases have already been processed and will shortly be sent home, and we hope to repatriate the balance at an early date.

Ambassador: This is great news, not only for the families of the detainees, but also my Government. As you know, when our new Government came to power it decided unilaterally to release all your detainees.

Gen. Zia: These are the Human aspects of our relationship.

Ambassador: We are most grateful for your gesture. I hope it is symbolic of the new spirit which will further strengthen our relations.

I must not take up more of your time, it is already late. May I say you are setting quite a remarkable pace of activity, though I would rather work like you than the way we diplomats have to spend our evenings.

Gen. Zia: In the Army I have been used to it for the last 33 years. Now, of course, the task we have before us is of a far greater magnitude. I hope and pray we will be successful in accomplishing this task. Then we can devote our energies to our normal work.

Light conversation followed during which General Zia mentioned that he was born in Jullundur in 1924, received his training first at Mhow, then at Ahmednagar, from where he was commissioned in 1945. The General came to see the Ambassador off in his car and asked him to convey his greeting to the Prime Minister, Foreign Minister and General Raina.

( N. Dayal)
Counselor (P&E)
9-7-1977.

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0910.

SECRET

Note by Foreign Secretary J. S. Mehta on the dinner hosted by the Secretary General of the Pakistan Foreign Ministry in honour of External Affairs Minister Atal Bihari Vajpayee.


Pakistan Secretary General Mr. Agha Shahi had a dinner in honor of our Foreign Minister on 3rd Oct. Permanent Representative, Secretary (East), Mr. Vellodi and I were also invited. The atmosphere was very cordial. Recent developments in Pakistan and India were discussed. There was general satisfaction expression at the improved climate of relations between India and Pakistan. The hope was then expressed that improvement would continue. In the conversation we mentioned that there was scope for improved and greater facility for movement from Pakistan side, freer exchange on the cultural and sport side. Our public opinion had been restrained and friendly despite internal developments in Pakistan. In passing I also hinted that there was no reason for reaction if some other country’s representative happens to mention India’s size and alleged pre-eminent position. India itself does not advance such claims.

2. Agha Shahi also mentioned Ganga water issue and Bangladesh and congratulated the F.M. Referring to Salal, he said that the technical question which were mentioned in October 76 have now been made. They would have been happy to have further talks on the Salal question in March or April after the Pakistan elections.

3. As soon as political situation in Pakistan has stabilized, he would suggest when the talks would be held. We told him that we were willing to discuss but we did not remind them because we thought it may not embarrass him at this time.

4. In his conversation with me he had enquired about Indo-US bilateral discussions on Tarapur fuel. I told him that such discussions were continuing.

5. Mr. Akhund, Pakistan’s Permanent Representative indicated that they did not have much expectations and are not in favour of Brandt Commission.

(J.S. Mehta)
Foreign Secretary
3.10.77

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Assessment of the situation in India-Pakistan Relations by the Ministry of External Affairs after the military take over in Pakistan.

New Delhi, October 6, 1977.

It has been our endeavour to reassure the present regime in Pakistan that development in Pakistan are entirely its own internal affair. We hope that Pakistan successfully tides over its internal crisis, so that the process of normalization of relations with that country can be resumed in order to establish lasting peace and encourage the growth of harmonious cooperative relations. We thought, like everyone else, that elections would be held in October; Gen Zia no doubt had his reasons for postponing them. Public opinion in India, meanwhile, has expressed the hope that Mr. Bhutto will be given a fair trial. As for the likely course of event in Pakistan, the indications are that the Army leaders would not permit the return to power of Bhutto and his party, primarily as it involves the question of their own survival. Thus, the possibility of elections being held would emerge only if chances of a PNA victory brighten. In the meantime, the Army may try to consolidate its hold over the country. The result of all these forces at work may be political instability in the near future.

2. We have sought to encourage the growth of bilateral trade unhindered by development in Pakistan. In implementing existing agreements and not hesitating to approach Pakistan over conclusion bilateral agreements wherever necessary (e.g. Agreement on visa facilities for airlines personnel signed on August 31 and the Telecommunications Agreement signed on October 1), we have sought to show that we seriously desire to maintain the momentum in the normalization process. Movement across the border by rail and road continued uninterrupted before and after the Army take-over in Pakistan. On the day of the take-over, the Foreign Minister made a statement in the Lok Sabha reiterating that this was an internal affair of Pakistan. While we naturally follow events in our neighbouring countries with interest, India has consistently followed a policy of non-interference in the domestic affairs of other countries.

3. The military regime in Pakistan has in turn, reassured us that Pakistan would honour past commitments and treaty obligations and would continue to endeavour to develop relations with us and abide by the terms of the Simla Agreement. This position has been conveyed by Gen. Zia-ul-Haq, Chief Martial Law Administrator to Ambassador Bajpai and by the Pakistan Ambassador to the Foreign Minister. As an indication of the mutual desire to continue the process of normalization, the military regime announced its decision to release 200 Indian detainees in Pakistan in reciprocation for our earlier gesture of releasing 200
Pakistan detainees. Recently, we have again unilaterally announced our willingness to repatriate another 500 Pakistan detainees from India.

4. India further demonstrated its goodwill for Pakistan by arranging for the quick return of all 4 passengers of the Cessna Skyhawk aircraft which crash landed in Indian territory on September 23. The damage plane has also been returned to Pakistan.

5. India has consistently believed that it is in its interest to have a strong and stable neighbour in Pakistan. As a continuation of the Government of India’s policy to normalize relation between two countries after signing the Simla Agreement, and in the process, to restore all severed links, the Government of India believes that logical progress in the same direction should lead to the further growth of good neighbourly relations and economic cooperation based on the logic of interdependence. It is in this spirit that the Government of India hopes that certain outstanding matters can be resolved once the internal situation in Pakistan attains a measure of stability. These issues include:

i) **Transit Trade through Pakistan:** During the Talks in Islamabad in May 1976, we offered to Pakistan transit trade rights through India to Nepal and Bangladesh, in return for similar rights for us to Iran and Afghanistan. Pakistan did not accept the offer even though there was considerable interest in it in both Iran and Afghanistan. We do not wish to pressurize Pakistan on this point and have left it to Iran and Afghanistan to use their good offices with Islamabad. Pakistan’s objections to the question on transit are in all probability politically motivated. However, it would be in the interest of all countries concerned and a progressive move towards détente in the region, if this facility were introduced. As of now, Pakistan is the only country holding out against it.

ii) **Salal Hydro Electric Project:** Under the Indus Water treaty of 1960, while India has the full use of the waters of the western rivers for non-consumptive purpose, it is obliged to adhere to certain design specifications provided in the Treaty, whenever facilities are set up for such use. The Treaty also allows Pakistan to raise specific objections to a design. Pakistan raised general objection to the Salal-hydro-electric project in J&K at the meetings of the Indus Waters Commission over the past few years. In 1976, Pakistan in fact wished to take the issue to a Neutral Expert, in terms of the Treaty. In the spirit of normalisation, India suggested one more attempt at the governmental level to resolve the issue. Two rounds of talks have been held and after detailed discussions Pakistan has come round to agree that the design has no harmful capacity and, in fact, does not deviate from the Treaty’s specifications. The differences have been considerably narrowed down and it is hoped that at the third, the matter can be settled.
Maritime Boundary: The settlement and demarcation of the maritime boundary between India and Pakistan assume a certain importance because both countries are going in for off-shore oil exploration. We are waiting for Pakistan to indicate when it will be ready to start negotiations.

Military Supplies:

5. During the recent past, instead of publicly taking up the question of the supply of military hardware to Pakistan with the United States and other Western countries, we have diplomatically appraised these countries of our concern. The present proposal under consideration of the US Congress seems to be limited to spare components, primarily for refurbishing old equipment. However, an ever vigilant eye on arms sale and supplies has to be maintained. With a military government in Pakistan, there might be an increased stress on the acquisition of sophisticated weapons. We were glad to note that the U.S. decided against supplying A-7 deep penetration strike-aircraft to Pakistan because it would mean the introduction of sophisticated weaponry into this area. We hope the US will continue to adhere to President Carter's policy of limitations on arms sales, since a reversal could only lead to strengthening of militarism in Pakistan and a revival of arms race in the sub-continent. India does not believe that a situation of confrontation in the sub-continent is in the interest of any of the countries in the region or of outside powers. As far as we are concerned, the Prime Minister told the Pakistan Ambassador in the course of a meeting on June 6, 1977 that India wants peace in the region and has no designs against Pakistan to make it feel the need for arms for its safety.

6. The assumption of power by the Armed Forces in Pakistan has, inter alia, led to a certain hardening of religious attitudes which, the Afghanistan Government have told us, have caused them concern. Iran too seems to have its apprehensions about such a stand. Rigidity based on religion in Pakistan would perhaps give countries like Saudi Arabia an opportunity to get involved in developments in the sub-continent. India hopes that whatever the influence working on the Government of Pakistan, the military regime will not be tempted to take a confrontationist attitude towards India.

7. The military regime in Pakistan remains committed to the installation of the nuclear reprocessing plant with French know-how. The French Foreign Minister has recently reiterated that France will adhere to its agreement with Pakistan.

8. While we have our misgiving about Pakistan's acquisition of the plant, we have not taken any public position on this matter. The Prime Minister in June also denied press reports stating that he had discussed the matter with French leaders. If the subject is raised, we need only say that India's position
on the availability of nuclear technology for peaceful purpose to developing countries is well known. India is committed to harnessing nuclear energy only for peaceful purpose and believes that the proliferation of nuclear weapons is not in anybody’s interest.

India’s attitude to Pakistan remains one of patience, restraint, reasonableness and cooperation, based on the belief that there is no alternative to the peaceful and bilateral solution of problems and differences.

October 6, 1977.

Note on the Chinese position on Kashmir.


Ministry of External Affairs
New Delhi

Note by Joint Secretary (Pakistan)

The statement of Chinese leaders on Kashmir on the occasion of General Zia’s visit to China this year and those made during Mr. Bhutto’s visit in May, 1976, differ in three important respects:

i) Whereas during the last visit Chinese Government supported the “struggle” for self-determination, this time they supported the “efforts”.

ii) On the previous occasion they supported the “right of self-determination”. This time they supported only the “exercise of self-determination.

iii) During 1976 the Chinese Government expressed their support for “the people of Jammu & Kashmir”. This time they supported “the Pakistan people” in their effort for exercise of self-determination by the people of Jammu & Kashmir.

2. In addition, after the visit the Pakistan Foreign Secretary told our Ambassador that reference to J&K in the statements of General Zia in Peking was only for the sake of form and record.

3. The above would show that on the both sides there has been a dilution of emphasis on Jammu & Kashmir.
Joint Secretary (North and East Asia)  
Ministry of External Affairs  
(East Asia Division)

Note by Joint Secretary (North & East Asia)

I place below a statement showing representative Chinese statements on Kashmir since 1957. (not included here) From a perusal of the same it would be obvious that on various occasions China has not only supported the right of self-determination of the Kashmiri people but also explicitly, Pakistani support to the Kashmiri people in the so-called exercise of this right, in the context of committed Chinese backing to various other Pakistani postures vis-à-vis India. At one stage the Chinese even viewed the question in terms of the Kashmiri people’s right to “national” self-determination, but this word has been omitted in more recent times. In other words, both in past and present statements, the essential Chinese stand which, to say the least, would embarrass India, has remained more or less constant.

2. Chinese responses during various high-level Pakistani visits to Peking have invariably kept in tune with the urgency and stridency of articulated Pakistani demands on those occasions. To the extent that on the recent visit of General Zia-ul-Haq, the Chief Martial Law Administrator, the Pakistani side made only a proforma reference to Kashmir, the result is that the Chinese have not made more enthusiastic noises than the Pakistanis.

3. Against the above background, the reversion to a formulation whereby the Chinese Government and people support Pakistan in their efforts for the exercise of self-determination of the people of Jammu and Kashmir, takes into account the present state of India-Pakistan relations and is in keeping with the Chinese understanding of the Simla Agreement. It may perhaps be interpreted as acquiescence in whatever India and Pakistan may agree upon ultimately. However I would submit that the tendency to read too much into the statement should be avoided at this stage, partly because so much has been said by China in the past including a statement as early as in 1975 that it is entirely up to India and Pakistan to reach a friendly settlement of the question through peaceful negotiations from which Chou-en-Lai stand there has been a vigorous pro-Pakistani shift. Subsequent events have shown that the Chinese have moved from this rather neutral position to a position of open hostility to India over the Kashmir question.
4. As for the use of phraseology such as “exercise” and “efforts” perhaps again one should not read too much significance. Particularly since the new Government assumed office in India, and in the context of visible successes of India’s policy of promoting better relations with immediate neighbours and removing past differences, it would appear too openly disruptionist, if Chinese pronouncements – as distinct from policies – did not take account of the more relaxed atmosphere in the sub-continent. Hence the speeches made on the occasion of Zia-ul-Haq’s visit by Chinese leaders take account, in their own fashion, of the trend towards improvement of relations between India and her neighbours in the South-Asian sub-continent. This is a tactical line which in addition is also in keeping with the improvement of the atmosphere in relations between India and China. To the extent that in past conflict-situations in the sub-continent China always came out second best, one may perhaps envisage that present Chinese policy would not favour an open conflict or eruption of tensions between India and Pakistan, till at least the time when the domestic situation in Pakistan improves noticeably. This tactical policy again may need to be examined further, if Bhutto re-emerges on the scene.

5. All-in-all, while it may be optically true that General Zia-ul-Haq’s visit went off on a lower-key that is usual for Pakistani visits, one should note that all that the Chinese needed to say vis-à-vis India has actually been said, either in direct or indirect terms albeit with a change in the style of presentation. Our Ambassador’s telegrams from Peking also would tend to see definite political gains for Pakistan from General Zia’s visit to Peking. We have had other reports that the Chinese have re-affirmed assistance to seven defence projects in Pakistan and we will have to await details of these before we can draw any firm conclusions about the continuing scale of Chinese military assistance to Pakistan. This issue would be an important touch stone before we can draw firmer conclusions of an abatement of Chinese political support to Pakistan.

(C.V. Ranganathan)
Joint Secretary (N&E)A
9.1.1978
Letter from Prime Minister Morarji Desai to Pakistan Chief Martial Law Administrator General Zia-ul-Haq.

New Delhi, February 5, 1978.

Excellency

I am taking the opportunity of sending this letter to you through our Minister of External Affairs.

As our Foreign Minister will explain, in the realm of our foreign relations we have placed special emphasis on the development of close and friendly relations with our neighbouring countries. In line with the policy, we have exchanged visits with many of our neighbours. The current goodwill visit of our Minister of External Affairs to Pakistan is not only an affirmation of this policy of the Government of India but is also symbolic of the improved state of relations between our two countries and of our desire to put them on a co-operative footing.

I feel that your visit to our country will be very timely and in pursuance of the same objective. I have great pleasure in extending a most cordial invitation to Your Excellency and Begum Zia-ul-Haq to visit India. I hope we would have the opportunity of welcoming you in India at an early date.

Please accept, Excellency, the assurances of my highest considerion.

Yours sincerely,

Morarji Desai

H.E. General Mohammad Zia-ul-Haq,
Chief Martial Law Administrator and Head of Government of Pakistan
Islamabad.

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SECRET

Record note of discussions held during External Affairs Minister’s Call on Gen. Zia-ul-Haq, Chief Martial Law Administrator of Pakistan.

Rawalpindi, February 6, 1978.

Foreign Minister (Atal Bihari Vajpayee) called on Gen. Zia-ul-Haq, Chief Martial Law Administrator and Head of Government of Pakistan at 12.30 p.m. on February 6, 1978, at the latter’s residence in Rawalpindi. F.M. was accompanied by FS, Ambassador, K.S. Bajpai and JS (Pak-Iraf). On Pakistan side, in addition to Gen. Zia, the following were present:

1. Mr. Ghulam Ishaq Khan
   Secretary General-in-Chief
2. Mr. Agha Shahi,
   Advisor on Foreign Affairs,
3. Mr. Shah Nawaz
   Foreign Secretary
4. Mr. Naimuddin Sheikh,
   Director-General,
   South Asian Affairs,
   Ministry of Foreign Affairs of Pakistan
5. Mr. Shahid Amin
   Pakistan CDA in New Delhi

The following is a record of the conversation which lasted for about seventy minutes.

Chief Martial Law Administrator: We are, indeed, very happy that you are able to visit Pakistan. When we learnt from the Press that you would visit Pakistan whenever an opportunity arose, I immediately decided that we should invite you. I am happy that you accepted our invitation. This visit has been a source of pleasant surprise to the people in Pakistan, with the only exception of the politicians. With due respects to you, I would like to express a personal opinion about politicians out of power. My own view is that politicians in power have different ideas and views, those out of power are all part of the same species in every country.

F.M.: In my opinion, the explanation for this is that when in power the politicians represent the majority view which differs from time to time and place to place. Whereas, when they are out of power, they all suffer from the same problems.
C.M.L.A.: As far as the politicians in Pakistan are concerned, I often tell them that I am not their competitor. I tell them that it is those whom the people choose who have to lead this country. I particularly tell our politicians that they are supposed to guide the people and formulate public opinion. They are supposed to lead the people and not be led by them.

I had a very interesting talk with Prime Minister Callaghan of Britain on this subject during his visit to Pakistan. Mr. Callaghan told me that the basic principles which had guided him in 40 years of his political career were two – speak the truth and trust the people. I feel that these are the best guide-lines for any politician. Personally, I have tried to speak the truth and to trust my people.

F.M.: Excellency, Prime Minister, Shri Morarji Desai has asked me to convey his greetings and good wishes to Your Excellency.

C.M.L.A.: I am very grateful for Prime Minister Desai's kind sentiments. I appreciate very much his attitude towards neighbours and particularly to Pakistan. I am grateful for the perfect understanding shown by India towards the internal developments in Pakistan. The helpful attitude adopted by India has made our task much easier. India could make things very difficult for us. We, therefore, deeply appreciate the attitude of your Government. I had conveyed our feelings to Ambassador Bajpai. I had told your Ambassador that a soldier spends his whole life in the art of warfare. I have taken part in four wars. But, a soldier is the last person who wants war. A soldier always looks for peace. This is my attitude. Fortunately, the climate of the relations between our two countries today is totally different from what it had been for the last 30 years. Today, we are not only inter-dependent but there are many things in which we have a collective approach. The demand of the hour is to adopt an international approach and rise above narrow nationalistic considerations. No nation can thrive on pure jealousies. This is my view.

I told the Indian correspondents yesterday that people should not be so allergic to good relations developing between India and Pakistan. Pakistan was not carved out because of some accident of history. It came into existence as a result of a deliberate effort and on the basis of a consensus of the people in the sub-continent. It is true that some people were opposed to the emergence of Pakistan. But, by and large, there was a consensus. The case of Bangladesh is completely different. Bangladesh was born out of war. Even Israel's case is separate as it was created by force. Such being the genesis of Pakistan, why should not the people of Pakistan and India live in peace? My own view is that the people in both the countries have a constructive outlook towards one another. It is only the politicians who sometimes try to cash on the past history of conflicts between the two countries. The politicians in Pakistan very often speak without meaning anything. They claim that they are expressing the public point of view. Even if it is true, I tell
them that public opinion itself should not be allowed to grow like grass. It should be trimmed and channeled along constructive lines.

As regards India, I am happy that our relations are on the way to normalization. I hope our efforts will succeed fully. I told your Ambassador sometime back that there are three things which are necessary in order to put our relations on a firm and friendly footing. First, there should be trust, second there should be understanding, and third, which is most important; there should be no mutual fear. On this third aspect, I am of the view that the initiative should always come from the bigger country. In our case, it is incumbent on India, being the bigger country, to take the initiative to eliminate fear from its smaller neighbours. I was very happy to learn from late Ambassador Fida Hassan that Prime Minister Desai holds the same view.

As for your current visit, I think we both have taken bold steps. There was one bold step from your side and another one from our side. You are aware of the commotion in our press for the last ten days over your visit. I had a meeting with our political leaders a few days back. They all started harping on the question of Kashmir. Many of them said that there was no sense in such visits unless the question of Kashmir is discussed and settled. I asked them; why are you so sensitive about Kashmir? How can you solve the problem without talking with India? I told them that the establishment of contacts and communications is the most important step for solving such problems.

F.M.: Excellency, we are aware of the commotion in your press. There has been a lot of speculation in the Indian Press also. In fact, at one time I was almost thinking of canceling my visit because of the embarrassment which was being caused to your Government and particularly to Your Excellency by my impending trip. But, I decided that it was a bold step on the part of both our Governments and we should not retrace it.

C.M.L.A.: We appreciate your gesture.

F.M.: I had a very friendly chat with Mr. Agha Shahi in New York in the course of which I had apprised him of the policy of my Government. I would like to reiterate that the Janata Government means what is says. Our Prime Minister has that reputation. I have visited a number of our neighbouring countries before coming to Pakistan. I availed of the opportunity in each case to assure our friends of our friendly feelings for them. I am happy to say that our assurance has convinced the neighbouring countries that I have visited.

C.M.L.A.: We in Pakistan believe in what your Government says. You have proved not only by words but by deeds during the last one year that you have goodwill for us.

F.M.: We know you have a difficult task at home and our efforts should be not to say anything or to do anything which makes it more difficult.
C.M.L.A: I know it and we are grateful for it. Coming to the question of the ways and means for pushing further the process of normalization, I feel that there is a communication gap between our two peoples. This, I feel, should be bridged. For example, why should we not exchange our newspapers? I mentioned this to your journalists yesterday – let there be a free exchange of newspapers. In fact, it should be possible for people in either country to buy any newspaper from the other country.

F.M.: This is a very good suggestion. In fact, we on our part are ready to go in the field of establishing contacts to any extent that you desire us to proceed.

C.M.L.A: We would also like that the journalists of either country should be located in the capitals of the other country. In fact, I was told yesterday that some of your journalists wanted to stay a few days longer in Pakistan. I told them that they all were welcome to stay and that we would arrange a tour for them to go around the country as our guests. I can say that this is my gift to them.

F.M.: This is excellent. Another problem which needs to be streamlined is that of visas. The present visa regulations are indeed difficult. We feel that these should be liberalized. We, on our part, have no reservation in this matter.

C.M.L.A: We have no reservation either.

From our side, there are two main issues about which people get excited – the first one is Kashmir. As I have already mentioned, I had told our political leaders that I will mention this matter to Mr. Vajpayee. But, I also told them that this was not an issue which could be solved quickly. There was no ready-made answer to this problem. In any case, I told them that we should not show any allergy to talk about it. Let the results not be as we want them to be, but there is no harm in talking.

The second problem is that of trade. Here, there is a lot of idle criticism, in our press which we try to answer in our own way. But, there are some genuine problems. I would particularly mention the case of some 6000 scooters and bicycles which have been imported from India. A private party has filed a writ-petition in the Lahore High Court against these imports on the plea that they would hurt the domestic industry. When I got the news of the writ-petition, I had the relevant facts collected and would like to mention these for your information. The bicycles made in Pakistan are available at a price of Rs.600/- as against Indian-made bicycles which cost only about Rs.250/-. I am told that even if we take off the excise and other taxes from our products, the price per bicycle would still come to Rs.450/-. You would see that this is a difficult situation. In fact, the protective arrangements we have set up for our industries are not able to cope with the situation created by imports from India. If we leave everything to our
trade, of course they will be only too happy with all these imports. There are unscrupulous businessmen here as in India. But, the industry does suffer sometimes. I hope whenever our trade teams meet, they would take this problem into consideration.

We feel that the trade should have some kind of balance. If this could be achieved, it will open tremendous prospects for continued expansion. This would also show that there is inter-dependence between us.

**F.M.** I fully agree that the trade should not be one-sided. India has no intention of dumping anything in Pakistan for harming Pakistan’s industry in any way. I would like to assure Your Excellency that we will cooperate with you fully in this matter.

**Agha Shahi:** A meeting to review the Trade Agreement between the two countries is going to be held very soon. It may take place either later this month or in the next month. We have assured the politicians as well as others who have raised this matter that we would try to safeguard Pakistan’s interests during the forthcoming negotiations.

**Ambassador Bajpai:** I would only like to clarify here that all the exports from India are coming to Pakistan in accordance with your existing regulations.

**C.M.L.A:** We are conscious of that. But I hope you would appreciate that even though we do not have a trade arrangement which asks for balanced trade, the politicians and the press do raise their eye-brows when they find the imbalance to be so glaring.

**F.S.** I would like to mention here that before coming to Pakistan the Minister of External Affairs had exerted a good deal of pressure on his Cabinet colleagues to ensure that India is able to purchase more goods from Pakistan. In addition to this, the Government of India has under active consideration a proposal for effecting some liberalization in our global imports. If this takes place, Pakistan would also be able to benefit from it.

**F.M.:** I would like to inform Your Excellency that we have decided to buy some cotton from Pakistan, and we hope very soon the concerned people in the two countries would get together to thrash out the necessary arrangements. I had a talk with Shri Barnala, our Minister of Agriculture & Irrigation on this subject before my departure, and he has agreed to purchase some cotton.

**Agha Shahi:** You should do that soon because our cotton crop is selling very fast.

**F.M.:** I have also had a talk with Shri H.N. Bahuguna, our Minister for Petroleum.
He has said that if Pakistan could supply us gas in any form, we would be happy to import it.

**C.M.L.A:** I have told your Ambassador that we are agreeable to supply gas to you. We have got some new gas-fields. If it suits your Government, let the details be worked out.

Another item over which an agreement has been reached in principle for export to India is rock salt. But, unfortunately no concrete steps have been taken so far in this matter.

**C.M.L.A:** What I would like to impress upon you is that some concessions should be given by India to us. It will be most welcome.

**Ambassador Bajpai:** I would like to suggest that it would be better if suggestions for concessions came from Pakistan side. Otherwise, if we offer any concessions on our own, some people here may accuse us of a hegemonic attitude.

**C.M.L.A:** In addition to trade, there are other areas where there is possibility of a great deal of cooperation between our two countries. I have particularly been impressed by the phenomenal increase in the production of high-yielding varieties of wheat and cotton in India. For example, you are growing a lot of crops in Rajasthan which used to be a desert. If we could get a UN expert or even an Indian expert, who could advise us on this matter, we would be very grateful. We would also be happy to offer to you whatever experience we have been able to gain in the field of agriculture.

**F.M.:** We would be glad to welcome a delegation of your experts on agriculture. I would like to assure you that the Government of India would be happy to share their experience in this field with Pakistan.

**C.M.L.A:** Sometime back I received a copy of the *Illustrated Weekly of India*, possibly because it had a picture of mine. This issue had a very interesting article on the development of cooperative in India. I feel that Pakistan can learn a great deal from India in the field of cooperatives. I saw from this article that cooperatives have been more successful in States like Maharashtra, Gujarat than was in Uttar Pradesh. If we could get some information on this matter, perhaps we could consider adopting the same system.

**F.M.:** We would be happy to provide you whatever information you need. Perhaps when the Expert delegation comes from Pakistan, I am myself quite convinced that cooperatives are the only answer to the economic problems of developing countries. In countries like ours, both private and state capitalism suffer from major handicaps.
F.S.: In fact, I feel there should be greater contacts at various professional levels between the two countries and these should be publicized also.

C.M.L.A: A good beginning has been made in the field of Hockey. I would like to mention that it was my personal decision to make this suggestion to your Government. It was definitely a risk because there are many in this country who frown upon such contacts but I thought we must make a beginning.

F.M.: We are very happy. We hope that Cricket teams would also visit. Let us play cricket without politics.

C.M.L.A: Let us hope this will also happen.

F.M.: Excellency, there is a point which has been agitating our minds a great deal. As you might know, there are some Indian defence personnel who have been missing since 1971. The relations of some of these persons have been receiving information from Pakistan about their being alive in Pakistan. This is a humanitarian matter and I will certainly secure Your Excellency’s personal intervention in having these persons traced and repatriated. A lady, one Mrs. Tambe, came to see me a few days back. She believes that her husband is in some jail in Pakistan, as he has been seen by some one who has conveyed this news to her.

C.M.L.A: We have no intention of keeping any Indian under detention in Pakistan. I have told your Ambassador that as soon as these people can be traced, they would be sent back to India.

Agha Shahi: Sir, we have tried our level best. It is quite possible that their identities are not stated clearly. I have, therefore, asked that a Special Officer should be sent to all the jails in Pakistan to interrogate each and every Indian detainee in order to ascertain whether any of them belong to this category. Perhaps, the Army may also like to depute an officer with the team who may be helpful in locating the Indian defence personnel.

C.M.L.A: This is a good suggestion. I will give instructions that from the Army side also someone should visit these places of detention. I would like to assure you that we will do everything possible to have these persons traced. Take it from me that they will be released as soon as they are traced. Please let us have whatever other information you may have.

Agha Shahi: We have been given photographs but the problem arises because these photographs are by now quite old. I would, therefore, suggest that whatever other information is available, should be given to us afresh along with copies of photographs. If the persons concerned who are supposedly in detention in Pakistan could give their whereabouts, we would definitely have those places thoroughly searched.
As regards other detainees, a number of exchanges have taken place in terms of the Foreign Secretaries Agreements on this subject. We hope that the process of verification of detainees would be accelerated so that people join their families as early as possible.

F.M.: We also would like the Pakistani detainees in India to go back as early as possible.

We will give whatever information is available with us. Photographs and some other information have already been supplied to your Embassy in New Delhi as well as to our Embassy here. Nonetheless, we will give you again whatever information is available with us.

I would now like to hand over to Your Excellency a letter from Prime Minister Desai extending a most cordial invitation to you to visit India at your convenience.

C.M.L.A: There was no need of a formal invitation from Mr. Desai. I am at his disposal. (Davat ki kya Zarurat thi. Ham un ke khadim hain). (Where was the need for an invitation. We are your servants.) Please thank the Prime Minister on my behalf. I gratefully accept this invitation.

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0915. SECRET

Record of discussions between External Affairs Minister Atal Bihari Vajpai and Mr Agha Shahi, Adviser on Foreign Affairs to the Chief Martial Law Administrator of Pakistan.

Islamabad, February 6, 1978.

[The talks were held at the Pakistan Foreign Office in Islamabad. The record is near verbatim.]

Ministry of External Affairs
(Pak-Iraf Division)

Agha Shahi: I have great pleasure in extending on behalf of the Interim Government of Pakistan, a warm and cordial welcome on your first visit to Pakistan. We are conscious of the importance of the occasion and its momentous nature because the last visit of an Indian Foreign Minister was in March 1966 when Sardar Swaran Singh came in the wake of the Tashkent Declaration. Since then till 1973, there was no contact until Mr. P.N. Haksar
visited Pakistan as the Special Envoy of the Prime Minister. Your visit is, therefore, most welcome. It enables us to resume contacts envisaged in the Simla Agreement which is the basic instrument governing the relations between our two countries.

There is a new Government in India today and there has been a change of government in Pakistan. We congratulate you on the graceful manner in which you overcame your internal problems. The achievement of the Indian people has been justly acclaimed the world over. We have been deeply impressed by the successful transition in your country in accordance with the democratic process.

We were happy over this smooth change-over and took an early opportunity to establish contact with your government when Mr. Shah Nawaz visited Delhi as the Special Envoy of the then Prime Minister. His talks with Prime Minister Desai were considered highly positive and set the tone of our relationship. We deeply appreciated the sentiments expressed by Prime Minister Desai. We are also happy to say that the attitude of the Government of India to Pakistan has been in accordance with the principle of non-interference in internal affairs. This is also the principle that we scrupulously respected during the time of India’s internal difficulties.

Mr. Shah Nawaz’s talks with you created a good impression on us. We have greatly welcomed your statesmen-like approach to relations between our two countries. In the light of what I have said about the attitude of your government, therefore, your visit to Pakistan given us great pleasure.

I am also very happy to see my good friend Mr. J.S. Mehta with whom I have negotiated in the past. We have had our difficult moments which we surmounted in May, 1976. That was an important agreement leading to the restoration of air services, rail links, and resumption of diplomatic relations and the expansions of trade. Moreover, it was an agreement which was implemented according to schedule, without a hitch. Subsequently, I visited New Delhi in October 1976 for talks on the design of the Salal dam. The talks continued in a second round in Islamabad and we managed to close the gap between our respective positions very considerably. Having had first hand experience of Mr. Mehta’s negotiating ability and appreciating the spirit with which he has approached our discussions, I take particular pleasure in his presence. I also welcome Dr. I.P. Singh, whose responses to day-to-day dealings between our two countries augur well for Indo-Pak relations. Ambassador Bajpai has been working indefatigably to promote relations and is most ably representing and safeguarding your interests. I also welcome the other members of your delegation.

F.M. (Atal Bahari Vajpayee): Thank you for your kind sentiments and your warm welcome to this beautiful city. At one of my press conferences in India, I
had expressed the desire to visit Pakistan. I am grateful to you for your kind invitation enabling me to come to your great country. We met in New York and discussed international issues and regional problems. We both touched briefly on bilateral questions. I carry a message of goodwill from the Government and people of India to the Government and the people of Pakistan. When Mr. Shah Nawaz visited New Delhi, we assured him – and I would like to reiterate that assurance – that India would like to have good neighbourly relations with Pakistan. The Janata Government has accorded top priority to fostering friendly relations with all neighbouring countries and Pakistan is a very important neighbour.

In pursuit of this policy, I have been to Afghanistan, Nepal, Burma and Bhutan. I am now here to reiterate that we want a strong and stable Pakistan. There should be no apprehension on your side on this ground. I should like to be very frank with you and your delegation and the other leaders whom I propose to meet. I did belong to a political party which wanted the re-unification of the sub-continent by peaceful means but that party does not exist any more. Here I represent a new party and a new Government. We have decided to have friendly relations with all countries on the basis of equality and reciprocity. We are large in size and population but we have no intention of playing the role of a big brother. As you rightly mentioned, we respect other countries’ independence, territorial integrity and right to have the political, social and economic systems which the people of these countries want. We hope to develop friendly relations irrespective of any ideological considerations.

There has been too much speculation about my visit. There has been a talk of having a South Asian Economic Community. I would like to state very clearly that I have not brought any proposals nor any package deal. We would like to develop beneficial bilateral relations. If countries in this region find it profitable to co-operate in certain fields, it will obviously have to be done with the willing consent of all the countries concerned. India, on its part, would like to have such co-operation among the countries in the region.

We have recently solved the Farakka problem, which bedeviled us for 25 years, on the basis of bilateral negotiations. Nepal wanted two treaties with India. The Prime Minister told them, you can have as many treaties as you like, provided there is an arrangement to ensure that the economic interests of either country are not harmed.

We would like to go ahead with the process of normalization under the Simla Agreement. The Janata Government stands by the Simla Agreement. As you rightly mentioned, after we resumed diplomatic relations, some further links have been established and the process of normalization has been going on. But, if you agree – and it is entirely up to you – the process can be accelerated.
Recently, some of your artists visited India and received an enthusiastic welcome. We would like such visits to take place more often. Here also, if there is agreement on both sides, then alone can such contacts be fruitful. There is going to be a Mushaira (poetic symposium) in Bhopal, on February 25, 1978, which I am inaugurating. The organizers wish to invite some poets from Pakistan. I would like to repeat the invitation although I do not know if any one will be going. These cultural contacts can be increased. Journalists from one country can go to the other. But, these are specific issues which I am not here to discuss. My visit is essentially a goodwill visit. I am glad to be here and am touched by the warmth of the sentiments you have expressed. I hope the visit would lead to a better relation between us.

As I mentioned there has been much talk about Asian Community. We want co-operation between the countries of the region. But, it is far from our mind to give any military and political over-tone to co-operation in the economic field. You have known of the proposal for Asian Collective Security. India did not accept it. We said that if all the countries involved decided to settle their disputes through negotiations in a peaceful manner, there would be no need for a formal agreement. That idea has not been pursued further. We have had discussions with the Shahanshah, who was here yesterday. We felt that if all countries in the region agree that coming together in the economic field is of benefit to all, then alone can such co-operation materialize. We are in no hurry. However, as developing countries, we do feel that if we tell the industrialized nations that they should help us, it is incumbent on us to co-operate among ourselves. Your Excellency was in Paris (FM later corrected this to say that he meant Mr. Aziz Ahmed, the then Foreign Minister) for the North-South dialogue. The whole question has now gone back to UN. Developing countries have to work in close co-operation to persuade the industrialized countries to see reason and to come to our help.

One question which is not bilateral is the preparation for the UN General Assembly’s Special Session on Disarmament. We would like developing nations, all non-nuclear-weapon nations, to consult each other and evolve a common strategy so that the Special Session leads to concrete results. We feel that if the Session is held only to make long speeches and express pious hopes without any decisions on concrete measures, the whole purpose would be defeated. We, therefore, regard the work being done in the Fourth Committee for the Special Session as very important. The USA and the Soviet Union are having talks in Geneva where China and France are not represented. These two countries will, however, be at the Special Session in New York. We are consulting other countries also.
India has unilaterally declared that it will not manufacture atomic bombs. We have not signed the NPT because we feel it is discriminatory and unequal. India would like to use nuclear energy for peaceful purposes and not lag behind in the field of technology. Regarding nuclear disarmament, we think all nations should renounce atomic weapons. There is no question of gangup but we would like to impress on the nuclear weapon States that they should do something concrete in this direction. I would like to invite your comments on this point.

I would like to thank you for your warm and kind hospitality. I never thought that I would visit Pakistan as Foreign Minister of India.

**Agha Shahi:** You are welcome here in any capacity. But you are still young. We look forward to your further successes.

What you have said about Indo-Pak relations is most welcome. As for press speculation, there was no reason to expect otherwise. This speculation which was based mostly on reports in the foreign media, seems to have ignited the press people in this country, leading to demands for a clarification about the idea of an Asian Common Market. We tried to tell them that there has been no concrete official proposal and that we do not know what it means. But, the papers said that the Pakistan Foreign office was very na"ive and ignorant. Then we thought that we would try to dispel groundless speculation and fears about your visit. We undertook briefings in Islamabad, Lahore and Karachi to have your visit viewed in the right perspective and to keep the atmosphere propitious for the success of your visit.

What you have said about India’s attitude towards the smaller countries which are its neighbours is very welcome. The Janata Government has shown by deeds that its professions are meant seriously and sincerely. We have welcomed the agreement on Farakka. It was a difficult matter and its amicable resolution has been very well received. Also, your agreement to Nepal’s request for two treaties shown an approach based on goodwill.

On international matters, we think your attitude to Asian Collective Security is very similar to our approach. We have been approached often for support for such an agreement. We thought that it would create unnecessary problems and compromise our friendly relations with other countries. India’s attitude on this question has been important and crucial. So, we can steadily forge ahead, working for the peaceful settlement of disputes. We also share this view through long experience of pacts; we are quite disenchanted with them. Therefore, we share your disenchantment with such proposals whatever quarter they emanate from.
We have been co-operating with your delegations in international forums. Our delegations co-operated well at the North-South dialogue. We have been disappointed with the attitude of the industrialized countries but feel we must persist. We are willing to go along to see if there can be any worthwhile results on a collective basis.

We are taking a good measure of interest in the Special Session in Disarmament. At New York, there is some difficulty about our extending co-operation because the non-aligned have formed a group by themselves. At the C.C.D. at Geneva, the non-aligned groups within the committee have included aligned countries; Pakistan and Iran are members. We have advised our delegation in New York to contact leading non-aligned members and urge that Pakistan and Iran also be allowed to join the group. We have almost identical stands. We have also submitted a working paper. We assure you of our readiness to co-operate.

Your assurances on the non-manufacture of nuclear weapons are very welcome. We have no reason to doubt your sincerity. The reasons for your not signing the NPT are understandable. There is no difference between us on this point. We would like you to give thought to our proposal for a multilateral declaration to this effect. Such a declaration would ensure greater stability since the situation in the individual countries could change with a change of Govt. A multilateral undertaking binds all successor governments. What is said unilaterally could be said multilaterally and this would be an advance.

You mentioned greater cultural contacts. I was glad to meet the Indian journalists here yesterday, for a frank, off-the-record discussions. I told them that if we can be safeguarded against being shown up in print on what we think, we can have a freer exchange of views. It is not possible to conduct diplomacy through the press. I told the journalists that we cannot possibly mention everything that we discuss as this would cause controversies. We have had discussion in frankness and on a basis of confidence. I have put myself in their hands. I had taken your press in confidence in the past and there has been no occasion to regret this. I have asked them to understand our point of view. They asked for permission to stay longer in Pakistan and we are giving active consideration to this request.

When Foreign Secretary Mehta and I signed our accord (in May 1976) it was on the understanding that we wanted to err on the side of caution on our side because of the state of feelings in our country. I am glad to say we have been able to take steps as the occasions have arisen; we will continue to do so. The latest is the decision on the hockey matches. I can assure you that this is an important gesture. But, we would like such things to appear, as they should, very normal. However, in the context of our relations, it is a very important gesture although there may be some controversy about who will win.
Ambassador Bajpai has had several meetings with Mr. Shah Nawaz, myself and the CMLA and we have all spoken very frankly and freely. We know you are dissatisfied with the speed on genuine grounds. But, please leave the pace to us.

Your visit is a revolutionary step. That we were able to arrange it with such complete smoothness is itself a great forward step after the Shimla Agreement. What you told Mr. Shah Nawaz as well as what Prime Minister Desai has said reflects your true desire to normalize relations with Pakistan. Your enunciation of wanting good neighbourly relations is reassuring.

It must be understood that you are a large country with a population of 650m, industrially advanced, and economically powerful, although this is not necessarily reflected in your per capita income which is low like ours. But, your industrial prowess and 'What not', the state of advanced technology and your strategic position, your weight and importance in international councils are self evident. We accept this, it is your due. But, regardless of our history and circumstances, the proximity of such a large country does create psychological reactions in smaller countries which are its neighbours.

When I was posted in China, I had heard Premier Chou En-lai say that according to their thinking they specially go out of their way to reassure their smaller neighbours since even without China doing anything these smaller neighbours get a feeling of fear. Chou said that this was the central doctrine of their policy towards smaller neighbours. I would say this is true, even when relations are at their best as they have been with us.

This holds true about a large country in any part of the world. If India is conscious of this – and Prime Minister Desai’s words show that he is of this thinking – then a psychological climate for the total normalization of relations would be assured.

In the past, while we did not wish to deny India’s importance and weight in councils, we found that some powers tried to enhance their relationship with India by making gratuitous statements on leadership in this part of the world. We appreciate that India did not allow itself to be carried away by such unsolicited testimonials. We have told these friends that such statements are not helpful in stabilizing the political situation in our part of the world. They are repugnant to the doctrine of relations based on equality and represent a retrogression to a position which existed before World War I, the residue of which was carried over to the eve of World War II. We appreciated your spokesman’s views. We are glad you did not misunderstand our statements.

The Shimla Agreement gives the basis for good relations between us, based on peaceful co-existence, sovereignty, non-interference in internal affairs and respect for each other as equals. This is the basic instrument governing our relations. We expect all countries to respect it.
In May (1976), we made important progress in the resumption of diplomatic relations which have been progressing very well. Air and train services have been resumed, we have made a beginning in having cultural contacts and in the field of support. We know there are difficulties regarding visas and travel. Here also we are taking steps and look forward to progressive liberalization.

I know this is a very sensitive subject. But, I feel our relations should be such that we can have discussions even on a sensitive subject in a spirit of goodwill and in an amicable manner. There are really two main issues. The first is resumption of negotiations on the Salal dam. I referred to this earlier. We had two sessions in October, 1976. We made considerable progress in bridging the gap. There were some outstanding difficulties. We on our part wanted to make sure of what steps we would need to take if there were agreement on the basis of the negotiations. We got our engineers together and they found that we would have to make modifications which may involve an expenditure to the tune of Rs. 22 to 30 crores. We thought we should call for a pause in these negotiations because of the elections round the corner. We feared that the Opposition would exploit the issue. So we postponed the matter till the elections were over. You know what happened thereafter. There was an upheaval. At first, the Government went in for a 90-day operation, but felt compelled to postpone the elections till October, 1978. If you are ready, we would be willing to resume negotiations on Salal from the point at which they were left off.

The second issue is inevitably Kashmir. Whenever we brief people to explain relations with India, they raise this issue. At the most recent occasion, three days back, the political leaders met Gen. Zia. They asked us a number of questions on the full implementation of the Simla Agreement. We told them that we had carried out the steps envisaged, that it was possible to have fuller implementation, and that it was our policy to enlarge the amplitude of the agreements reached. When we came to the final clause of the Agreement according to which both sides have to work for durable peace on the basis of peaceful settlement of disputes and the non-use of force and having regard to Prime Minister Desai’s desire for not only a durable but permanent peace, the political leaders urged us to invite your attention to that part of the final clause which envisages a meeting of the Heads of Government for a final settlement of Jammu & Kashmir.

We know it is a sensitive subject for you and for us. But we do believe we should try to turn our attention to this aspect of the Agreement which would open the way for permanent peace. We do not say that we in any way have reservations about having been able to leave confrontation behind or that we wish to qualify the Simla Agreement on the non-use of force. We emphatically reiterate that we will be guided by the Simla Agreement. Not only will the acceleration of our relationship be immeasurably fortified but the door would be opened to very many possibilities if we can in a spirit of understanding and with the desire to find solutions
acceptable to both sides arrange a meeting of Heads of the two Governments to discuss the only outstanding issue between the two countries.

I know this is a goodwill visit and do not wish to mar the visit. What I have said is with all goodwill and friendship, but I am duty-bound to bring the concern of the people and the Government of Pakistan to your attention.

**F. M.** I welcome your offer to resume talks on Salal. I would like the details to be worked out by officials.

On the question of Kashmir, you have public opinion. We also have public opinion. I was in the Opposition when the Simla Agreement was signed. I led a procession in Delhi condemning the Agreement because we thought that some issues which could have been decided were left unsettled. My role is now reversed. I have to defend the Simla Agreement and I am doing so honestly. There is no alternative to peaceful co-existence. The Simla Agreement says that Pakistan and India will settle all disputes and outstanding issues in a peaceful manner, without use of force. I have gone through the record of the Simla talks and found that there was some informal understanding. There was much discussions on whether the Line should be called the Cease-fire Line, or the Line of Actual Control, because the words used were important. Ultimately the words used were Line of Control.

The Agreement also said the Kashmir question could be discussed. We know each other’s positions. The issue is sensitive. But, I would be very frank with you. If Kashmir is allowed to become a plaything of internal politics in Pakistan or India, it is not good. I would like to draw your attention to the fact that in our general elections, no bilateral issues relating to our relations with Pakistan were raised. We kept scrupulously aloof.

Unfortunately, Kashmir has become a political plaything in your country. This is to be avoided. Unless we prepare public opinion on both sides, try to guide it on the path of reason and understanding, any solution will be attacked by some elements as a sell-out. We had the Farakka agreement and there were accusations in Parliament although these were on a low key and we were able to convince the people.

At sometimes, the people will have to be told on either side that the issue has to be solved on the basis of realities. I met Sheikh Abdullah before coming here. He said how can discussions on Kashmir be held without the people of Kashmir being consulted. He also said that Kashmir is a part of India and we would sink and swim together.

I am not clear in my mind how we are to proceed on this question. If we raise false hopes, all that we have achieved over the last year in normalizing our
relationship will be lost. But, talks can always be held. I have brought a letter of invitation from our Prime Minister to Gen. Zia-ul-Haq. If he visits India, any question can be raised.

But I would like to mention that if we go ahead in normalizing relations, this climate of trust and confidence is further improved, the exchange of ideas, people even goods, if Pakistan is ready for that; if not, we will not insist – takes place, then this question can be tackled. At the moment, I don’t see any solution apart from saying that we discussed the matter and disagreed. This is not going to help India or Pakistan.

I would like to thank you for talking in confidence with Indian journalists. Ambassador Bajpai says you have done a heroic job in convincing people that this is essentially a goodwill visit. If we march ahead on the road of understanding, every problem can be solved in an amicable manner.

Agha Shahi: Thank you. I think it is time to call on Gen. Zia. We have made a careful note of what you have said. I think perhaps given the nature of the subject, we might perhaps have a further exchange in the same spirit at that level.

F.M.: What do we tell the press?

Agha Shahi: That we discussed bilateral relations and some international questions.

F.M.: And if they ask about Kashmir?

Agha Shahi: Shall we not say anything now? What would you like to say? We must think of how to put it. But we could say, ‘please wait……till after the call on Gen. Zia’.

F.M.: We have to make some preliminary remarks. They are waiting outside.

Amb. Bajpai: We can’t avoid them.

Agha Shahi: Shall we say ‘Bang (snap of fingers), we discussed Kashmir?’

Amb. Bajpai: We could say that talks were held in a cordial atmosphere.

Agha Shahi: If they ask about Kashmir, let us say we discussed it and the two sides put forward their respective points of view.

F.M.: I agree.

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Press Conference of External Affairs Minister Atal Bihari Vajpayee at the end of his visit to Islamabad.


Opening Remarks.

Gentlemen,

I am happy to meet the members of the Press Corps in Islamabad. As one think of the ups and downs of Indo-Pakistan relationship, this is a historic visit. I have been greatly impressed by the warm cordiality of the reception which I have received. I find there was an appreciation of the Janata Government’s desire to maintain good relations and improve them wherever possible between us and our neighbours. Amongst them Pakistan, for obvious reasons, has special importance. I mentioned to the Foreign Affairs Adviser that it is true India happens to be a big country but its approach is not of a big brother. We want to improve relations on the basis of equality, non-interference and goodwill. This clearly implies respect not only for the sovereignty of each country but the right of each country to determine its own political and social system. We believe that through the resolution of problems and co-operation between us, we can accelerate the process towards the fulfillment of our developmental aspirations. Coexistence has to be on the basis of sovereignty. We recognize development and cooperation can only be with the consent of the countries concerned and with their acceptance that it would be of benefit to each one of them. Having visited other countries in our neighbourhood, and having made our desire clear from the very beginning that we want peace and friendship with Pakistan, I came here essentially as an emissary of goodwill. I had no package or specific items of agenda for this mission.

In view of our history, it would be naïve to deny that there are psychological problems which we have to recognize and face. Indeed, my attention was drawn to public opinion and some anxieties in the Press, about my visit and its purpose. Public opinion in India has also some anxieties about Indo-Pakistan relations. My own belief is that broad public opinion in both countries has welcomed the normalization of our relations and the restoration of several links between us. You will be aware that one of the most heartening things was that during the process of our General Elections, relations with Pakistan never became an issue or a subject of controversy. In the year 1977 there was also a political change in Pakistan but the fact that despite political upheavals in both countries, the climate of Indo-Pakistan relations did not receive a setback is a tribute to the maturity of our two peoples. This encouraged me to undertake this mission of goodwill.
The discussions that I have had, have been marked by great cordiality. It covered bilateral relations and also the international issues such as the North-South dialogue, special session on disarmament on which we have a broad similarity of approach.

During these discussions the Pakistan side referred to the Simla Agreement and we assured them that the Janata Government stands by this Agreement.

The Agreement which clearly indicates that both countries are committed to abjure the use of force continues to provide the basis for our relationship.

The question of Kashmir came up in these discussions. Both sides stated their respective positions and both sides recalled that the Simla Agreement commits us to good neighbourliness and durable peace and to endeavour to prevent hostile propaganda against each other.

Though there was no agenda, our discussions have been fruitful and constructively motivated. On behalf of our Prime Minister I transmitted a letter to the Chief Martial Law Administrator which formally invited him to visit India. I am glad to say he accepted the invitation in principle.

We noted there has been a significant improvement in our trade relations and recognized that it should and could grow in a balanced manner to mutual advantage and not to harm the economy of the other. The trade teams are to meet shortly, to review the agreement and to see how the two-way trade can develop in the future.

Both sides express the feelings that there should be a freer exchange of visits between the two countries. Visa procedures should be expedited and liberalized.

The Chief Martial Law Administrator has agreed that we should explore the possibilities for stationing journalists of the two countries in each other’s capital. I would also like to thank him for inviting the Indian journalists accompanying me to stay on and tour Pakistan. It was also agreed that the procedures to make available the newspapers of the two countries should be facilitated.

We welcomed the current visit of the Pakistan Hockey team to India and we hope that such exchanges of sports teams will become a regular feature of relations between the two countries.

We also recognize that it would be useful from the point of view of economic development of the two countries if experts and professionals have opportunities to meet their counterparts in the other country.

We also agreed to complete the process of exchanging the detenus between the two countries.
We have agreed to resume talks on the Salal Dam project from where they were left off in October 1976.

I have reason to believe that my visit here is in the spirit in which it was intended, as a gesture of goodwill towards a neighbour has been well worthwhile. Notwithstanding the difficulties which are a challenge to our wisdom, I believe, relations between Pakistan and India can continue to develop. The important thing is that we respect each other’s personalities and aspirations. For our part I am convinced that good relations are in our separate and common interest, and in the interest of the region as a whole. In this quest, we have the good wishes of our peoples and the whole world.

QUESTIONS AND ANSWERS

QUESTION: The Salal Dam on the Indian side of the Chenab has been the subject of various meetings. What are the prospects of an equitable settlement of the issue which would satisfy both India and Pakistan?

ANSWER: We have agreed to resume the negotiations at the same stage as they were left off in 1976. Let the teams meet and go into the details of the whole question.

QUESTION: Are you willing to remove certain misgivings which Pakistan has on Salal in your talks?

ANSWER: We have had no formal talks. But if Pakistan has any misgivings, we will take all steps to remove them.

QUESTION: The Simla Agreement says that Kashmir will be discussed by India and Pakistan. You said that the Kashmir issue was raised – have any points of agreement been arrived at?

ANSWER: I came on a goodwill visit. There is an interim Government in Pakistan. The question of Kashmir has defied solution for 30 years. No one expected it would be solved during a visit which has extended to three days. As stated, it was discussed. India and Pakistan put forward their points of view and there the matter ended for the present.

QUESTION: You mentioned exchange of journalists. Will Pakistani journalists – Kashmiri journalists – be allowed to go to Kashmir?

ANSWER: We will discuss that when you come to Delhi.

QUESTION: You said we are entering an era of cooperation. Do you think it is possible without the resolution of the basic dispute?
ANSWER: Even according to the Simla Agreement, the Kashmir issue is to be discussed after the normalization of relations. Some steps have been taken in that direction and they are welcome. Much remains to be done.

As a result of this visit, I hope a climate of understanding and trust which already exists to some extent will be further augmented; and in that climate India will be ready to discuss all the questions with a view to solving them of course.

QUESTION: If the initiative on Kashmir is left to India, from where would you start – the deadlock at the U.N., the Tashkent Declaration or the Simla Agreement.

ANSWER: If the matter is left to me, I would not like to approach it in the manner suggested in the question. I would not like to look backward but forward. Much water has flowed down the rivers of India and Pakistan since the Resolutions of 1949 in the Security Council. India stands by the Simla Agreement. We have discussed Kashmir. Even the Agreement provides that irrespective of the positions taken by both countries, the question will be discussed and a final settlement arrived at. I have no more to add to that.

QUESTION: What are the prospects for further cooperation for normalization vis-à-vis the aspects of establishing greater peace, especially because of the positions taken by India and Pakistan on the Indian Ocean?

ANSWER: The question of making the Indian Ocean a zone of peace is being discussed in the United Nations. It is a subject matter of negotiations between the U.S. and the Soviet Union. India would like all foreign bases to be eliminated from the Indian Ocean. The littoral countries are in a position to guarantee the freedom of navigation through the Indian Ocean but if a big power rivalry continues, tension will increase. Regarding the Indian Ocean, Indian and Pakistan hold almost identical views. We have been working in close cooperation at the U.N. I hope this question will figure during the Special Session on Disarmament about which I have had discussions with Mr. Agha Shahi.

QUESTION: What steps has your Government taken to remedy the grievances of Muslims in India?

ANSWER: I do not know what grievances you have in mind. I would not like to discuss the question of Muslims in India here, just as you would not like me to discuss the position of Hindus in Pakistan.

QUESTION: We have appreciated the appointment of a Minorities Commission and also the work of the Minorities Commission in U.P. many years ago. The question was in this context.
ANSWER: Thank you for the clarification.

QUESTION: There are winds of change blowing. Given your political background, your presence here has struck a happy note. But the views of a powerful political party in India which speaks of Akhand Bharat affects the political atmosphere since it has recognized Pakistan as the number one enemy of India.

ANSWER: I would like to reassure you that the Janata Government and Party recognize Pakistan as an independent sovereign nation with which India would like to develop friendly relations on the basis of sovereignty and mutual benefit. If you do not like the statements that are made, don’t publish them – this will help our cause (of developing friendly relations).

QUESTION: What are the prospects of the Janata Government, particularly in the forthcoming elections?

ANSWER: The Janata Government is only one year old and has four years to go. I hope you would like the Janata Party to win the elections.

QUESTION: Do you have anything to say on the Shahanshah’s visit?

ANSWER: The question of a new economic order was discussed in detail. The Joint Communiqué, after the Shah’s visit, makes a reference to talks held between Prime Minister Morarji Desai and the Shah. We do feel, industrialized nations have to do much more than what they have done so far to narrow down if not completely bridge the gulf between developed and developing nations. But in our talks with the Shah, there was particular emphasis on the point that if we want industrialized nations to help developing countries, it is incumbent on developing countries also to help each other. This is why we have decided to enlarge the area of cooperation with Iran in the economic field. India would like to enlarge such cooperation with other neighbouring countries.

QUESTION: Regarding the Indian Ocean Zone of Peace Proposal, apart from big power rivalry, could there not be balanced reduction of forces in the countries around the Indian Ocean? Also, could not the countries of South Asia renounce nuclear weapons?

ANSWER: I will answer the second part first. India has already declared that she will not manufacture atomic weapons. This was done unilaterally. Let others in the region also make such announcements. But when we talk of making a particular region a nuclear-free we give legitimacy to the stockpile of nuclear weapons in other regions. India stands for a nuclear weapon-free world. What is the use of declaring South Asia a nuclear-free zone if nuclear weapons are manufactured, assembled and transferred in our neighbourhood? I recently saw a report that Israel had been able to get nuclear weapons. Which are the
countries which helped Israel and which are helping South Africa? Those who possess nuclear weapons should subject themselves to full-scope safeguards regarding the transfer of fissionable material to countries which want to go nuclear.

Regarding the Indian Ocean, we do have navies belonging to littoral countries which will be there to safeguard the coast-lines. They do not pose a threat to any neighbouring countries. India has a vast coastline and naturally requires a bigger navy, of course for defensive purposes and to keep trade going. But let the big powers agree to end their rivalry; then the littoral countries can meet to discuss all relevant questions.

**QUESTION:** Did you have any discussions on the Asian Common Market?

**ANSWER:** There was no discussion on what is known as the Asian Common Market. There has been discussion on extending bilateral cooperation, regional cooperation, but not on the so-called Asian Common Market.

**QUESTION:** Could you elaborate on regional cooperation? What is its scope?

**ANSWER:** That all countries in the region live in peace, have friendly relations and diversify their relations in various fields.

**QUESTION:** Was any Regional Economic Market discussed, instead of an Asian Common Market?

**ANSWER:** Trade between India and Pakistan has just begun. We would like to increase it if there is no objection from Pakistan. So the question of discussing a regional market did not arise.

**QUESTION:** In the context of South Asia, you mentioned normalization. Can you elaborate on it? We have diplomatic relations, we are trading, our hockey teams are playing one another. What do you think is going to bring a new dimension to normalization?

**ANSWER:** May I read from the Simla Agreement? There has been some progress. There is much to be achieved. For example, dissemination of information, the question of cooperation in the scientific field – there are many such issues.

**QUESTION:** Your Government was not in power when the Simla Agreement was signed. There is a feeling in Pakistan that the Indian Government has avoided talks on Kashmir.

**FOREIGN MINISTER:** Which Government?

**QUESTION:** The previous Government. The previous Prime Minister (of
Pakistan) had asked for talks a number of times. We felt the former Indian Prime Minister was avoiding talks.

**ANSWER:** I would not like to comment here on the previous Government in India.

**QUESTION:** When the previous Government was in power in India there was a fear here that you had got nuclear capability. You have a new government. Have you done anything to allay these fears during your recent visits? What has the reaction been?

**ANSWER:** Prime Minister Morarji Desai has said that even if the whole world manufactures atomic weapons, India will not. This statement has been well received. There should be no apprehension in Pakistan.

**QUESTION:** In your introductory remarks, we welcome your statement that India’s approach is not that of a big brother. You talked of psychological cooperation which is really vital because we have had a very sensitive history. You claimed that by India’s settlement on Farakka with Bangladesh, the Janata Government is really trying to get the neighbouring countries to believe in its sincerity. In the case of Pakistan, with only one issue, we expected during this visit you would have discussions and arrive at some understanding to resume discussions. We are not satisfied.

**ANSWER:** Satisfaction is subjective. I am satisfied, I wish you were too.

**QUESTION:** I wanted to know if you have reached any understanding to resume discussions.

**ANSWER:** When two sides meet, each side is free to raise any question. This applies to the question of Kashmir also.

**QUESTION:** What about the obligation under the Simla Agreement? We cannot extend the accord over centuries.

**ANSWER:** So far as I know, there is no time frame for the Simla Agreement.

**QUESTION:** You said regarding Kashmir that both sides explained their stands. There has been a change of government in India. Do you visualize approaching any common point in both the stands to the problem?

**ANSWER:** There is one common ground, namely, that all issues are to be solved without use of force in a climate of understanding and trust.

**QUESTION:** Your party’s view on the Simla Agreement is well known—that it was a stab in the back. How do you reconcile this with what you are saying now?
ANSWER: There is no denying the fact that I was the person who led a procession in Delhi against the Simla Agreement and criticized the Agreement on the floor of the House. This I did as a member of the Bhartiya Jan Sangh which no longer exists. The people voted to power the Janata Party on the basis of a common programme. What I had said then was a minority opinion, obviously. The policy of the Janata Government is to stand by all agreements previously entered into. This is what we have been trying so far. I am prepared to forget the past. I would like you to do the same. My old party wanted India to manufacture atomic weapons. Again, that was a minority view. The Janata Party did not agree with that view. I have now accepted the view that there is no need to manufacture atomic weapons. There should be no misgiving on that ground.

QUESTION: Your Prime Minister is said to have offered to share India’s nuclear technology with Pakistan.

ANSWER: Has he? I have not seen any such report. But India is ready to cooperate anywhere in the world in the peaceful uses of nuclear energy.

QUESTION: What about joint ventures?

ANSWER: No, this was not discussed.

QUESTION: Have you received President Carter’s cold and blunt letter?

ANSWER: We received a very warm letter from President Carter last week. The subject matter was nuclear energy. But receiving a warm letter is no news; only a cold and blunt letter would make news!

QUESTION: I asked because of pressures Pakistan is facing about its reprocessing plant. Would you favour Pakistan receiving it?

ANSWER: I am certain Pakistan would be able to resist any pressure.

QUESTION: The Janata Party is said to be a disparate conglomerate.

ANSWER: When you come to Delhi. I will give you a special interview. We can discuss the question there.

QUESTION: Before you came to Pakistan you had hoped the visit would mark the turn of new leaf in Indo-Pak relations. Would you evaluate it now?

ANSWER: I would like the evaluation to be by the press. If tomorrow you say that a new leaf has been turned, then a new leaf has been turned.


Head of the Government of the Islamic Republic of Pakistan
Islamabad,

28 February 1978

His Excellency
Mr. Morarji Desai,
Prime Minister of India,
New Delhi,

Dear Mr. Prime Minister,

It gives me great pleasure to acknowledge your letter of February 5, which was delivered to me by your Foreign Minister Mr. Atal Behari Vajpayee during his recent visit to Pakistan, and to convey my acceptance of your kind invitation to me and to my wife to visit India.

We welcomed the visit of your Foreign Minister early this month and had a useful exchange of views with him. Our talks with him have further strengthened my belief that with goodwill and sincerity of purpose we can resolve all our problems and open a new chapter of friendship and cooperation based on a code of good-neighbourliness. It is my conviction that the growth of trust and confidence and the development of mutually beneficial relations between our two countries are essential for the realization of permanent peace and stability in our region. We were impressed by Mr. Vajpayee's constructive approach to problems and sincerely appreciate his contribution, both in his official talks and public declarations, towards the promotion of better political climate for the further development of relations between our two countries.

Mr. Vajpayee's visit has already yielded good results. Among these is the agreement to resume talks on the Salal Dam. My Adviser on Foreign Affairs, Mr. Agha Shahi will be visiting New Delhi on a mutually convenient date for this purpose. It is my earnest hope that his return visit would enable us to reach an equitable agreement on Salal and give an impetus to the continuation of a constructive dialogue between us.

Our resumed contacts in an improved atmosphere are largely due to your statesmanship and vision of friendly relations with neighbouring countries which we wholeheartedly share.
I look forward to the opportunity of visiting India on a mutually convenient date and to the pleasure of meeting you and exchanging views with you personally on all aspects of our relationship.

Please accept, Excellency, the assurances of my highest consideration and esteem.

Yours sincerely

Sd/-

General (M. Zia-ul-Haq)

0918. Speech of Indian External Affairs Minister Atal Bihari Vajpayee in Parliament on his visit to Pakistan.

New Delhi, February 27, 1978.

Ever since the Janata Party assumed office last year, the major thrust of the Government of India’s foreign policy has been towards fostering the development of friendliest possible relations between India and her neighbours. It was on the basis of this policy that I had earlier visited Afghanistan, Nepal, Bhutan and Burma. The same policy motivated my goodwill visit to Pakistan from February 6 to 8, 1978.

I went with no agenda for discussion. My intention, as an emissary of goodwill, was to clear India’s desire for a relationship of peace and friendship with Pakistan, on the basis of respect for sovereignty, territorial integrity, non-interference in internal affairs and mutual benefit.

The past history of the relations between the two countries has created psychological problems which both sides have to recognize, to face and to attempt to resolve. I mentioned to Mr. Agha Shahi, Adviser on Foreign Affairs, Government of Pakistan, that while it is true that India happens to be a big country, we want to improve relations between India and Pakistan on the basis of equality, understanding and goodwill. This clearly implies respect not only for the sovereignty of each country but the right of each country to determine its own political and social system. One of the most heartening features of our general elections last year was the absence of any controversy over our relation with Pakistan. During 1977, there were far-reaching political changes in Pakistan also. The fact that despite political upheavals in both countries, the climate of
Indo Pakistan relation did not receive a setback is a tribute to the maturity of our two peoples. This encouraged me to undertake this mission of goodwill.

During my visit, I had discussions with Gen. Zia-ul-Haq, Chief of Army Staff and Chief Martial Law Administrator and Mr. Agha Shahi, Adviser on Foreign Affairs. Our discussions were held in a very cordial atmosphere. They covered bilateral relations, and also international issues such as the North-South dialogue and the U.N. General Assembly’s Special Session on Disarmament, on which we had a broad similarity of approach.

During our discussions, the Pakistan side referred to the Simla Agreement. We assured them that the Janata Government stands by this Agreement. In this context, the Pakistan side made a mention of Kashmir. Both of us stated our respective positions, while recalling that the Simla Agreement commits both countries to abjure use of force.

During my discussions with Gen. Zia, we noted that there has been a significant growth in our trade relations, and recognized that they should and could grow in a balanced manner to our mutual advantage. Trade teams of the two countries are to meet shortly to review the Trade Agreement of 1975, and to study how two-way trade can develop.

The two sides also had discussions on the need to facilitate a freer flow of people and information between the two countries. In this context, the Government of India are happy to note that there has been some exchange of artists, scholars and sportsmen. We were also happy to welcome Dr. Amir Mohammad, Adviser on Agriculture of Government of Pakistan on February 20, 1978. He is visiting a number of our projects during his stay in India. We hope that his visit will mark the beginning of exchange in the field of science and technology, so that experts in both countries can learn from each other’s experience.

During my discussions, it was also agreed that we should complete the process of exchanging detenus held in either country with utmost expedition. This is a humanitarian problem and we are interested in seeing it resolved as soon as possible.

Another point of agreement was that we would resume talks on the Salal Dam projects from where they were left off in October, 1976. A delegation from Pakistan is expected to come here for this purpose shortly. Dates will be fixed according to our mutual convenience.

On behalf of our Prime Minister, I transmitted a letter to the Chief Martial Law Administrator, formally inviting him to visit India. He accepted the invitation in principle,
Sir, there was widespread speculation in the press about my visit before it took place. My own belief is that public opinion in both countries has welcomed the normalization of our relations and the restoration of the severed links. It is also my belief that there is a recognition in both countries that the pace in the development of our relations can and should be accelerated. We on our part are ready to go ahead. However, we recognize that such acceleration and further cooperation can be possible only with the consent of both the countries. 

In conclusion, I would like to state that I am convinced that good relations between the two countries of the sub-continent are in our separate and common interest, and in the interest of the region as a whole. My visit to Pakistan was based on this conviction. I do not think I would be wrong if I say that the discussions I had with Pakistani leaders have led to a better understanding and have helped in the task of removing misapprehensions, promoting greater goodwill and better understanding between the two countries. With greater contact between the two peoples and the established Governments, there can grow a climate of trust and confidence in which problems can be solved and good neighbourliness can be patiently fostered. India stands ready to cooperate in the growth of such relations to the extent Pakistan is willing to go.

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0919. 
SECRET

Telegram from Indian Embassy in Islamabad to Ministry of External Affairs.


TELEGRAM

From: Indembassy Islamabad.

To: Foreign New Delhi

MOST IMMEDIATE


Foreign Secretary from Ambassador

SHAH NAWAZ sent me just now to complain against publicizing statement (his version was from A.I.R.) to North Korean Vice President that Foreign Minister had told Pakistan leaders U.N. Kashmir Resolution were obsolete
and Kashmir was integral part of India. After dwelling at length on need to keep atmosphere free from acrimony and to progress on path of better relations on which Foreign Minister’s visit here had given such a good start, he said this was very sensitive issue with Pakistan public opinion, Pakistani press was deluging them with questions, AGHA SHAHI was leaving for airport en route to New York and would be bound to face press, so he wanted, apart from talking frankly to me on the issue, to warn me in advance that Pakistani views would have to be stated and we had “brought this on ourselves” by giving out Foreign Minister’s remarks.

2. I said I could not accept this argument. Ever since normalization we had very patiently avoided public controversies on Kashmir except when forced on us in the U.N. by Pakistan. Even when Foreign Minister came here, he had made plain to AGHA SHAHI how strongly he felt (about Pakistani harping on Kashmir) but had nevertheless exercised the greatest restraint in his press conference, precisely in order to help process of bettering relations. But as I had been consistently warning SHAH NAWAZ, we too had a public opinion which Pakistan seemed grossly to underestimate (which, by the way, is also why I have always urged that we in Delhi should protest to Pakistan about their statements on Kashmir. ) It was not Foreign Minister who had raised question of U.N. Resolutions, it was Pakistan. On our side we never even spoke about Kashmir during foreign visits. It was general ZIA who reverted to this unfortunate old practice in Peking and it was again ZIA who revived references to U.N. Resolutions when Bangladesh President came here. I had made it a point to convince SHAH NAWAZ then. Ever since Pakistani politicians and press had taken up this theme. It was not reasonable for Pakistan to keep repeating its position time and again and expect us to keep silent. We had done our best but persistent Pakistani reiteration naturally arouse questioning by our parliamentarians and press, so Foreign Minister had to make our position also clear.

3. SHAH NAWAZ interjected that whatever politicians and press here might say U.N. Resolution had not been invoked at any such high official level here as our Foreign Minister. I replied CMLA himself had reinvoked them, on which SHAH NAWAZ could only look away. He again talked of need to maintain right atmosphere and affirmed Pakistan was determined to do this, citing AGHA SHAHI’s visit to Delhi (which he confirmed for 10th April to 13th morning). A matter raised in Foreign Minister’s statement was best left for discussion at such meetings. Advance statements merely froze the situation and made for great difficulties for Pakistani reactions, which was why SHAHI would be forced to give Pakistani reactions.

4. I said SHAHI was accomplished diplomat and needed no guidance from me but all that needed to be said on questioning was that our Foreign Minister
had merely restated India’s position while Pakistan had consistently reiterat-
et its own and both position were well known. SHAH NAWAZ said he did not
know that SHAHI would say but he would have to take into account highly
sensitive feelings of Pakistani public on this issue. As to that I said that repetition
of Pakistani position without any reiteration of ours could arouse false
expectations, so perhaps it was as well for Pakistani public to be reminded of
realities. (In fact I am glad Foreign Minister has made our attitude clear again
in advance of SHAHI’s visit.) As for press I repeated that there were many
ways of handling such things and since Pakistanis said they wanted to avoid
acrimony. SHAHI could easily keep things on even keel.

5. You will know soon enough what SHAHI says. This is to inform you of
background, which certainly is not so straightforward as SHAH NAWAZ would
have us believe. All this is part of preparations for telling us in Delhi Pakistani
public opinion will not permit of advances in relations with us without movement
towards Kashmir settlement (except that I do not rule out Salal progress).
Timings is also of some minor use in coinciding with judgement on BHUTTO.

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0920. Statement by Pakistan Advisor on Foreign Affairs Agha
Shahi on the Statement by Indian External Affairs Minister
Atal Bihari Vajpayee on March 15, 1978 reaffirming
Pakistan’s stand on Kashmir.


Mr. Agha Shahi Adviser on Foreign Affairs has reaffirmed that Pakistan’s stand
on Kashmir remains unchanged.

Commenting on the reported statement of the Indian Foreign Minister, Mr.
Vajpayee on March 15, in his talks with the Vice President of the Democratic
People’s Republic of Korea that the U.N. resolutions on Kashmir have become
out-dated and the new Assembly of the Indian held Jammu and Kashmir and
the National Conference had declared this territory to be a part of India, the
Adviser on Foreign Affairs, Mr. Agha Shahi stated that Pakistan’s stand on
those two UNCIP resolutions remains unchanged.

In a statement issued here today, Mr. Shahi pointed out the Simla Agreement
provides for bilateral negotiations for the final settlement of Jammu and Kashmir.
It is a matter of satisfaction that during his recent visit to Pakistan the Indian
Foreign Minister affirmed that India was committed to honouring the Simla Agreement in all its provisions including that relating to the final settlement of Jammu and Kashmir, he added.

In regard to the basis of settlement, Mr. Agha Shahi said, the Simla Agreement safeguards the recognized position of either side on the Jammu and Kashmir dispute. Bilateral talks with India on a settlement of this dispute cannot therefore in any way erode much less amount to an abandonment of Pakistan’s stand on the two UNCIP resolutions of 13 August 1948 and 5 January 1949 which call for demilitarization of the state and a plebiscite to determine its future affiliation with Pakistan or with India.

He emphasized “this right of self-determination enshrined in the UN Resolutions is an inalienable right of the people of Jammu and Kashmir. It is not a right that can lapse or become out-dated merely because it has remained unenforced over a period of time. Nor can any pronouncements by the assembly of Indian held Jammu and Kashmir or the National Conference have the effect of invalidating or derogating from those resolutions.

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0921.  
SECRET  
Letter from Ambassador K. S. Bajpai to the Ministry of External Affairs regarding the records of External Affairs Minister’s discussions in Islamabad during his recent Visit.

Islamabad, April 2, 1978.

Ambassador of India
Islamabad

NO.ISL/AMB/475/78  
April 2, 1978

Dear Leila

I have been wanting to send you some slight modifications or additions to the records of the talks in the Foreign Office here and with the CMLA when FM came here. These records are already excellent and whatever points I recollect somewhat differently are really quite minor, but I am sending them nevertheless, because they do perhaps illustrate something further of the flavour of the talks. In particular, I think the way FM replied to Agha Shahi’s reference to Kashmir
is of some importance: my recollection is quite clear that he was very forthright, and I believe my version bring this out a little more. I might also say I am quite sure about the sequence of comments at the very end about what to say to the press because I would never dream of suggesting that the talks were held in a cordial atmosphere because I know this is one thing the Pakistanis avoid doing and I was struck by the unexpected suggestion from Agha Shahi. I think perhaps in the last minute hurry, his remarks and mine have been put in the reverse order.

2. Also of some importance are the remarks by Gen. Zia that he had publicly acknowledged his appreciations of the correct attitude taken by India towards Pakistan’s internal developments. In fact, as I had suggested before, we might get our Missions in the Gulf to confirm whether anything appeared in the papers on the lines of Zia’s claims.

3. Most important of all is what Zia said of there being two main problems between India and Pakistan: Kashmir and the mis-trust. This point is not in the record, so I am specially bringing it to your attention. The record has slightly telescoped the discussion and on page 6 it states: the second problem which he only spelt out briefly but which he specifically mentioned was the mis-trust. The record should begin on the page 5 as follows:

“From our side there are two main issues. One of course is Kashmir, the other the mistrust and misunderstanding that exist between us and comes in the way of our dealing with anything else. There are two things about which people get excited - the first one is Kashmir ……”

The rest of the records stand as it is with the clarification what is referred to on page 6 as the second problem is not the second of the two main issues Zia referred to at the beginning in his remarks but the second point of which people are excited here.

4. All the changes are indicated by underlining.

Yours sincerely,
(K.S. Bajpai)

Mrs. L.K. Ponappa,
Under Secretary (PAKIRAF)
Ministry of External Affairs,
New Delhi

Additions to record of discussions between the Foreign Minister and Mr. Agha Shahi in the Pakistan Foreign Office on Monday February 6th, 1978,
forwarded with US(Pak-Iraf)’s letter NO.PAF/122/10/77 dated the 27th Feb’78.

1. Page 12
   \[xx \quad xx \quad xx \quad xx\]
   **F.M.** I welcome your offer to resume talks on Salal. I would like the details-like timings to be worked out by officials.
   \[xx \quad xx \quad xx \quad xx\]

2. Page 13
   **F.M.** At sometime, the people will have to be told on either side that the issue has to be solved on the basis of realities. I met Sheikh Abdullah before coming here. He said how can discussions on Kashmir be held without the people of Kashmir being consulted. He also said that Kashmir is a part of India and ‘we would sink and swim together’.
   You say this has to be discussed. Of course anything can be discussed, but I must tell you frankly, I am not clear in my mind how we are to proceed on this question. If we raise false hope, all that we have achieved over the last year in normalizing our relationship will be lost. But, talks can always be held. I have brought a letter of invitation from our Prime Minister to General Zia-ul-Haq. If he visits India, any question can be raised. But frankly we must proceed on realities.
   \[xx \quad xx \quad xx \quad xx\]

3. Page 14
   \[xx \quad xx \quad xx \quad xx\]
   **Agha Shahi:** Shall we say ‘Bang (snap of fingers), we discussed Kashmir’?
   **Ambassador Bajpai:** If they ask about Kashmir, we can say it did come up and the two sides put forward their respective points of views.
   **Agha Shahi:** We could say the talks were held in a cordial atmosphere.
   **F.M.** I agree.
   
   ***************

**Addition to record of discussion during FM’s call on General Zia-ul-Haq, Chief Martial Law Administrator on February 6th,1978; forwarded with US(Pak-Iraf)’s D.O.PAF/122/10/77 dated the 27th Feb,1978.**

(1) Page 2:
   \[xx \quad xx \quad xx \quad xx\]
C.M.L.A. I am grateful for Prime Minister Desai's kind sentiments. I appreciate very much his attitude towards neighbours and particularly to Pakistan. I am grateful for the perfect understanding shown by India towards the internal developments in Pakistan. The helpful attitude adopted by India has made our task easier.

I said this publicly during one of my visits abroad, I think it was in Abu Dhabi, and some of our own people were very worried and asked me why have I said this, and I said why not, it is a fact.

India could make things very difficult for us. We, therefore, deeply appreciate the attitude of your Government. I had conveyed our felling to Ambassador Bajpai. I had told your Ambassador that a soldier spends his whole life in the art of warfare. I have taken part in four wars. But, a soldier is the last person who wants war. A soldier always looks for peace. This is my attitude. Fortunately, the climate of the relations between our two countries today is totally different from what it had been for the last 30 years. Today, we are not only inter-dependent but there are many things in which we have a collective approach. The demand of the hour is to adopt an international approach and rise above narrow nationalistic considerations. No nation can thrive on pure jealousies. This is my views.

xx xx xx xx

(2) Page 4

xx xx xx xx

F.M. Excellency, we are aware of the commotion in your press. There has been a lot of speculation in the Indian press also. In fact, at one time I was almost thinking of cancelling my visit…

C.M.L.A. But why? You are welcome any time.

F.M. … Because of the embarrassment which was being caused to your Government and particularly to Your Excellency by my impending trip. But, I decided that it was a bold step on the part of both our Government and we should not retrace it.

xx xx xx xx

Page 5

C.M.L.A. I know it and we are grateful for it. Coming to the question of the ways and means for pushing further the process of normalization, I feel that there is a communication gap between our two people. This, I feel, should be
bridged. For example, why should we not exchange our newspapers? I tried to read your press and our Foreign Office send me copies, but they are always old and I said to them why the hell can’t I just go out and buy me copies instead of waiting for them to send these to me? I mentioned this to your journalists yesterday- let there be a free exchange of newspapers. In fact, it should be possible for people in either country to buy any newspaper from the other country.

Page 5

C.M.L.A. We have no reservation either.

From our side, there are two main issues. One of course is Kashmir, the other the mistrust and misunderstanding that exist between us and comes in the way of our dealing with anything else. There are two things about which our people get exited- the first one is Kashmir....

Page 8

C.M.L.A. In addition to trade, there are other areas where there is possibility of a great deal of cooperation between our two countries. Recently we had a visit from the new Vice President of the World Bank, Ernest Stern. He told me about some of your projects which have been so successful in agriculture and I told our Agriculture Adviser: “you have to go and have a look at these.”

Amb. Bajpai: FM may be interested to know that we have told Dr. Amir Mohammad, the Pakistan Agriculture Adviser, that he would be most welcome and we are working on a visit by him

C.M.L.A I have particularly been impressed by the phenomenal increase in the production of high-yielding varieties of wheat and cotton in India. For example you are growing a lot of crops in Rajasthan which used to be a desert. If we could get a UN experts or even an Indian expert, who could advise us on this matter, we would be very grateful. We would also be happy to offer to you whatever experience we have been able to gain in the field of agriculture.

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Press interaction of Agha Shahi before his departure for Pakistan.

New Delhi, April 12, 1978.

The Foreign Affairs Adviser to the Pakistan Government, Mr. Agha Shahi, told a crowded press conference at New Delhi on April 12 that an agreement in principle had been reached with India on the design and the construction of the Salal dam and experts were busy drafting the accord, which he hoped to sign before leaving for home.

He said it was his belief that with the growth of mutual trust and confidence, it should be possible to strive for a just settlement of the Kashmir dispute, the only unimplemented provision of the Simla Agreement. The final settlement of this dispute would complete the process of normalization between the two countries which was so essential for peace, security and prosperity of the region, he added.

He also disclosed that ground was being prepared for the visit of Gen. Zia-ul-Haq to India.

Mr. Shahi said he had also exchanged views with President Sanjiva Reddy, Prime Minister Morarji Desai and the Speaker of the Lok Sabha.

The talks had been held in a friendly and relaxed atmosphere and he had discussed various bilateral questions as well as international and regional matters of mutual interest, he added.

SALAL DAM ACCORD IMPORTANT

Pakistan attached a lot of importance to the agreement on the Salal dam since it would prove that, given the political will and sincerity of purpose, all problems between the two countries, however intractable they might appear to be, could be resolved.

SUMMIT MEET MORE APPROPRIATE FOR KASHMIR ISSUE

On the Kashmir question, he said the commitment of both the countries to find a solution had been reaffirmed and with the improvement of relations, it would be possible to discuss a just settlement in a tension free and amicable manner. Neither side presented a formula for this, but he thought it was more appropriate to discuss it at a meeting of the heads of Government.

TRADE

With regard to trade, he said both sides had agreed that the relations in this sphere should be so developed as to be equally beneficial to both. A trade delegation from India would visit Pakistan shortly to review the volume of trade.
IDENTICAL VIEWS ON A NUMBER OF ISSUES

Mr. Shahi said the U.N. special session on disarmament and various proposals of particular interest of India and Pakistan were also discussed substantively and it was gratifying that the position of the two countries was identical or very close in significant respects on a number of issues. He looked forward to constructive cooperation between the two countries at the forthcoming U.N. session.

NUCLEAR NON-PROLIFERATION

The two countries had discussed the subject of non-proliferation and needed to strengthen the security of non-nuclear States. Specific measures ought to be adopted by the international community for a stronger sense of security and to reduce, if not totally avert, the danger of proliferation, he added.

INDIA NOT SEEKING HEGEMONY

Mr. Shahi disclosed that they had also exchanged views on the proposed purpose of the acquisition of deep-penetration strike aircraft by India, and said, "that we discuss such a matter is indicative of the progress of our relations."

Pakistan, he said, was satisfied that India was not trying to strive for any position of leadership or hegemony. His country accepted that the Government of India was sincere in its profession of sovereign equality of all nations and wanted to conduct relations with the surrounding smaller States on that basis.

REPATRIATION OF DETENUS

Pakistan and India had also agreed that all measures be taken as expeditiously as possible to solve the humanitarian problem like the verification of the antecedents and repatriation of detenus held by the two countries since 1971.
0923. **Press interaction of Prime Minister Morarji Desai with Pakistani Journalists*.  

**New Delhi, April 13, 1978.**

Prime Minister Morarji Desai has declared that he is ready to solve all problems with Pakistan, including Kashmir, in a reasonable manner,

Talking to Pakistan journalists at New Delhi on April 13, Mr. Desai said, “I am ready to discuss Kashmir and I have invited Gen. Zia-ul-Haq to India for this purpose, but I will not be drawn into a public controversy over this issue”. The interview lasted about an hour.

When reminded that India was a bigger country and it was for her to create confidence in her neighbours, Mr. Desai said he agreed with this, but that did not mean India should be stupid. He said Pakistan posed no danger to India. India’s problem was China and “you have been victims only because you dislike us. Why don’t you become friends, then you don’t have to go anywhere else.”

**INDIA NOT TO PUT UP WITH TRICKS**

When it was pointed out to him that there was a time when Pakistan had proposed joint defense of the sub-continent but India had spurned the offer, he said, “I don’t want to apportion blame but I am determined not to give you a cause for complaint. But I am not going to put up with any kind of tricks, that, I can assure you. “If you are unreasonable, I am not going to accede to it and if I am unreasonable you should not agree to it. But we must solve problems by discussions and talks. There is nothing which cannot be solved. After all what was the bone of contention between the two countries?”

**Plea against becoming tools in hands of others**

He said if the two countries came to an understanding with each other, he would not worry about the whole world. “But you don’t realize that. This region is a most critical region in the world and tactically it is in the best position. But if we are divided amongst ourselves, then everybody plays us against each other and like fools we became instruments, as we have done in the last 1,000 years. We must get out of that.”

Mr. Desai was told that suspicions could be removed if the basic cause, namely Kashmir, was solved. He said he thought differently but had never said “no” to that. “I have never shirked to discuss it. I can only disagree and say I am sorry and I will go on discussing till I am convinced or you are convinced. Why do

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*A group of Pakistani journalists had accompanied Agha Shahi who was in New Delhi for talks on Salal Dam Project.*
you quarrel if I don’t agree? Do you mean to say it will remove suspicions if I accept your demand? I cannot say either you or I am right, but let us discuss."

CALL FOR FREE MOVEMENT, FREE TRADE & NO SUSPICION

He said he would like to see the day soon when a man from Pakistan came to India without let or hindrance and \textit{vice versa}. He wanted free movement, free trade and no suspicions. He however added, he would not fall into a suicidal trap. “In the name of bigness you cannot make me do something which will hurt my country and hurt you ultimately. If Pakistan is hurt I am also hurt, but you don’t see that if we are hurt you will also be hurt. You delight in hurting us. We are being defamed all over the world by you.”

Mr. Desai said it was asserted in America that if India was the leader, there was danger in Pakistan. But, he added, India did not want to be the leader anywhere. “We want to be equal. In another breath, you tell me I am big and great, therefore, I should do this. This is irreconcilable.”

CO-OPERATION IN INTERNATIONAL FIELD

Asked about co-operation between India and Pakistan in the international field, particularly at the next U.N. special session, he said if the two countries were friends there could be co-operation at all levels, even on the question of nuclear non-proliferation. Interests of the two countries were the same. He had been fighting against nuclear weapon all his life and he wanted to end them as quickly as possible.

Regarding the evolution of a common strategy at the U.N., he said: “Where have we talked? Unless Heads of Government discuss, how can I say anything? I would like to do that.”

ON INDO-PAK TRADE

Regarding trade between India and Pakistan, he said: “That depends on you. If you choose to buy at higher cost from another country, who am I to tell you? Indian things are bound to be cheaper. Your balance of payments will be more unfavourable by getting things at a higher cost from outside. I am not forcing anything on you. I will import from you in preference to others, but you must shed suspicions. Let there be completely free trade but that can happen if there are no suspicions. You will be compelled to remove suspicions by my behaviour. I am not asking for responsive co-operation. I will co-operate in any case.

INDIA WILL NEVER ATTACK PAKISTAN

For the first time after 30 years, an understanding between the two countries was being brought about, and that to him was a cause for satisfaction. “Whatever
happens on the other side, I will be a friend and if this is reciprocated, it satisfies me," he added.

Told that the Indian expenditure on defense had alarmed some people in Pakistan and caused concern, Mr. Desai said: “Are you not responsible for it? Let me talk to you very frankly because I won’t say that to Mr. Agha Shahi. Let me assure you, we will not assault or invade Pakistan under any circumstances. But if we are invaded as it happened in the past, do you mean to say we would sell ourselves?” On being told that was a question of interpretation, he retorted: “I am prepared to go before any judge and will accept the verdict of any agency whom you name. It is for you to take up the challenge.”

ON INDIA-CHINA RELATIONS

Talking about China, he said India could not have complete friendship with China unless the territories occupied by China were given back. About 14,000 square kilometers of Indian Territory were under the occupation of China as a result of the Sino-Indian war. India wished to solve this problem peacefully and the Chinese had said that they would discuss it. If the Chinese gave him their hand he would extend his arm, but he would not make an appeal because India was an aggrieved party. “I told them: Show me where we have made a fault and I will show you what you have done,” he said.

Asked if he was hopeful about negotiations with China, Mr. Desai said China was a country very few could understand and one had to very cautious about it.
Record of discussions between External Affairs Minister Atal Bihari Vajpayee and Foreign Affairs Advisor to Pakistan President Agha Shahi at their meeting at the United Nations.


Mr. Agha Shahi started the discussions asking for Foreign Minister’s assessment of the recent developments in Afghanistan. Foreign Minister said that the coup came as a surprise. He said that there was no doubt that the present leaders of Afghanistan are Marxists but he said that what is important is that we should try to make a correct appraisal and not to overreact to these developments. Mr. Agha Shahi said that while Pakistan Government had taken the stand that what happened in Afghanistan was an internal affair, some of the pronouncements of the present leaders of Afghanistan had caused considerable concern to the Pakistan Government and even the public in Pakistan was exercised over them. Mr. Agha Shahi said that in the view of the Pakistan Government, all the efforts that his Government has made over the past few years with the previous Government of Afghanistan appear to have been nullified. Mr. Agha Shahi referred to the references made by the present leaders of Afghanistan to the issues of the Pakhtoon and Baluchi people had created problem for the Government of Pakistan. In particular, he referred to the statement made in the U.N. general debate on 6 June by the Deputy Prime Minister and Foreign Minister of Afghanistan, Mr. Amin when, after referring to the desire of the Government of Afghanistan for the expansion of friendly relations with India, he went on to speak about the need to ensure friendly relations between Afghanistan on the one side and Iran and Pakistan and China on the other. Mr. Amin also said that the issue of Pakhtoon and the Baluchi people should be sorted out on the basis of their will and historical background by means of understanding and peaceful political talks between Afghanistan and Pakistan. Mr. Agha Shahi went on to say that this is precisely what his Government had been striving to do with the previous Government of Afghanistan and he did not think that it was appropriate for Mr. Amin to bring the issue before the United Nations even though it was in the course of a statement in the general debate relating to disarmament. Mr. Shahi said that although members of his delegation had advised him against it, he had found it necessary to reply to Mr. Amin’s statement and in his statement. Mr. Shahi did refer to the readiness on the part of Pakistan to continue the talks with a view to the settlement of outstanding differences between their two countries in accordance with the five principles of peaceful coexistence, as laid down in the Pakistan-Soviet Union Communiqué of October 1974 and the Pakistan-Afghanistan joint communiqué concluded at Kabul in June 1976.
Foreign Minister said that the Afghans were a proud people and he felt that if India and Pakistan could consider seriously the question of cooperation with Afghanistan in the economic area it would help in not forcing Afghanistan to act too close to the Soviet Union. If one were to overreact or get panicky, it would undoubtedly lead to result that we want to avoid. The Government of Afghanistan, immediately after resumption of office, had come out very clearly on their intention to adhere to a policy of strict non-alignment. Mr. Shahi said that the Afghan Statement in the general debate recently was entirely pro-Soviet Union and he did not think that there was any doubt about their close alignment with the Soviet Union. Foreign Minister said that much would depend on Pakistan’s reaction. He went on to say that Government of India was extremely concerned to know about reports that had appeared in Pakistan to the effect that Afghanistan had become a Soviet satellite and between Afghanistan and India which was very close to the Soviet Union through the Indo-Soviet Treaty, Pakistan was being sandwiched. Mr. Shahi said that this was certainly not the official position and one could not prevent newspapers coming out with such stories.

Mr. Shahi said that there was some criticism in Pakistan about the undue haste with which India recognized the new Government of Afghanistan. Foreign Minister said that there was nothing surprising in this. The new Government of Afghanistan had approached the Government of India in the matter through our Ambassador in Kabul and, after giving careful consideration to whole aspects of the situation, the Government of India had decided to accord the recognition. Foreign Minister added that while we had to guard against Afghanistan not going reactionary, it would be most unfortunate if the Government of Pakistan were to use the development in Afghanistan to seek, under CENTO aegis, further arms assistance from the West. He said that it was the earnest hope of the Government of India that the developments in Afghanistan would not in any way cause the reversal of the normalization process that had started and that was making good progress between India and Pakistan.

Foreign Minister then referred to a report that he had received to the effect that the Pakistan Embassy official in Washington, had spoken to certain Senators asking them to oppose the supply of the enriched uranium for Tarapur. Mr. Shahi said that he had been informed about this and after making a very detailed enquiry into the matter he was in a position to say that this report was totally wrong. What really happened was that Embassy official had mentioned to the Congressmen that when the United States was considering supplying uranium fuel for Tarapur it was difficult for the Government of Pakistan to understand why the US Government should be opposing the sale of the reprocessing plant by France to Pakistan. Foreign Minister said that it was quite possible that it might have been put in a different way. In any case he hoped that such misunderstanding will not occur again.
Returning to the issue of Afghanistan, Mr. Shahi said that it was easy for the Government of India to deal with the change in the Government in Pakistan (Afghanistan?) because relations between India and Afghanistan have always been very friendly. In the case of Pakistan it was difficult because relations had not been very good in the past and a move had been initiated by the previous Government of Afghanistan to remedy the situation and it was the view of the Pakistan Government that such efforts had suffered a serious setback.

Turning to Indo-Pakistan relation, the Foreign Minister said that he was extremely unhappy that the trade talks did not make any headway and he was particularly unhappy because this was one of the issues that had been discussed during his last visit to Pakistan. Mr. Shahi said that the Government of Pakistan was currently reviewing this problem. However, he asked the Foreign Minister to be assured that the Pakistan Government had no second thoughts about anything that had been discussed during Foreign Minister’s visit to Islamabad early this year.

The discussion then led to the Pakistan’s proposal for the setting up of a nuclear-weapons-free zone in South Asia. Foreign Minister said that he was extremely unhappy and deeply concerned to hear that Mr. Shahi in his statement in the general debate had indicated that the countries of the region had agreed to the proposal or something to that effect. This was not factually correct. The Government of India had agreed to examine the suggestion which was made by Mr. Shahi during his visit to Delhi recently. It was most unfortunate that Mr. Shahi found it necessary to refer to this in his statement in the general debate and also to imply that India had accepted this proposal which certainly was not the case. There was considerable public criticism and concern over this and he said that the Government of India would find it extremely difficult under the circumstances to pursue the proposal. Mr. Shahi said that he had not said in his statement anything to the effect that India had accepted this proposal. In fact, he had repeated what he had said in the General Assembly last year. Foreign Minister said that he had seen the text of Mr. Shahi’s statement and it was quite clear that the impression that the statement created was factually incorrect.

During the discussion, Foreign Minister also referred to the reported exodus from Pakistan of a large number of Hindu Families. Mr. Shahi said these reports were exaggerated and that he would look in to this on his return to Islamabad.

( M.A. Vellodi )
Secretary (East)
10. 6.78
0925. Reaction of the Official Spokesman of the Pakistan Foreign Office to the report of India’s protest over the construction of the Karakoram Highway.

Islamabad, June 29, 1978.

Commenting on an All India Radio report regarding India’s protest over the construction of the Karakoram highway, a Foreign Office spokesman recalled that India had made a similar protest in 1969 which had been rejected by Pakistan in the following terms:

“The State of Jammu and Kashmir has never been recognized as a part of Indian territory of India and, therefore, the Government of India have no locus-standi to lodge any protest to the Government of Pakistan in respect of this matter”.

Reiterating the internationally recognized status of the state of Jammu and Kashmir as disputed territory, the Spokesman said that the future of the states remains to be determined in a free and impartial plebiscite, as provided for in the relevant UN resolutions.

Referring to the All India Radio’s claim that there was no question of self-determination for “an integral part of India”, the Spokesman said that neither was the territory of the state of Jammu and Kashmir an integral part of India nor could the inalienable right of self determination for the people of Jammu and Kashmir be abrogated or invalidated by India’s unilateral declaration.

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September 1, 1978.

Bilateral relations, with particular reference to trade and Kashmir, were discussed between the Chief Martial Law Administrator, Gen. Mohammad Zia-u-Haq and the Indian Prime Minister, Mr. Morarji Desai, at Nairobi on September 1, 1978.

The two Chief Executives had gone there to participate in the last rites of Kenyan President Jomo Kenyatta.

General Zia-ul-Haq described the meeting as a “beginning of the dialogue” and said that the talks, which lasted about 45 minutes, were held in a very friendly atmosphere. “Mr. Desai, is a very seasoned politician,” Gen. Zia-ul-Haq said, adding that, in very brief words, what he had told the CMLA was, that India was anxious for normalization of relations with Pakistan. “A strong and stable Pakistan is in the interest of India”, Mr. Desai had told him.

Both leaders explained their views on trade between the two countries and although no details were disclosed, Gen. Zia said that the discussions were held in a “very friendly atmosphere” and Mr. Desai was accommodating.

Asked whether Mr. Desai had renewed his invitation to him for a visit to India, Gen. Zia-ul-Haq said that “he, in fact, asked me about this… He told me that whereas he wished that I should visit India, he knew my difficulties and did not want to press on this.”

Asked further, Gen. Zia-ul-Haq said he would visit India when circumstances permitted, and when it would appear that his visit would benefit both sides. The relations between the two countries were such that his visit to India at this stage would not convey the correct impression.

What would be achieved if he went to India was the question which had to be evaluated fully, Gen. Zia explained. The type of relations between the two countries had created a peculiar situation in which the people were expectant and wanted concrete results and achievements, and not simple visits.

Answering another question, he said Kashmir constituted the real problem between India and Pakistan and something had to be done on that behalf. The record of the past 30 years of relations between the two countries had created a lot of misunderstanding and lack of confidence. What was needed was the removal of suspicions about India. As a senior partner, India should take the initiative in removing these suspicions. If that was done, the climate could be improved, which was in the interest of both the countries.
In reply to another question, he said Mr. Desai had not made any mention of the Karakoram Highway. When his attention was drawn to the statement* of Indian Foreign Minister, Vajpayee, Gen. Zia said he too had not mentioned the K-K Highway during his visit to Pakistan. And on being told that Mr. Vajpayee had made a statement in the Indian Parliament, Gen. Zia said he had done that in his own country and added smilingly, “Politicians have their problems”.

His talks with Mr. Desai could be considered “exploratory” and he had enjoyed them, Gen. Zia said and added that they had met first at the funeral and later he had gone to Mr. Desai’s hotel.

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* Statement made in the Lok Sabha in reply to a Calling Attention Notice on July 21, 1978.

0927.

SECRET

Record of discussion between External Affairs Minister Atal Bihari Vajpayee and Pakistan Foreign Minister Agha Shahi at the United Nations.


Permanent Mission of India to the UN
New York

No.NY/PM/151/19/78


After enquiring about FM’s premature return to Delhi, Mr. Agha Shahi observed that it appeared that FM had become a lynchpin for the Janata Party. He stated that Pakistan’s relations with the Janata Government were good and he expressed satisfaction over the fact that our PM had met with the Pakistani President, Gen. Zia at Nairobi. The two leaders had held cordial conversations. Others instance of improving bilateral relations was the current visit of the Indian Cricket team to Pakistan which had engendered lot of enthusiasm among the Pakistani public. An Indian trade delegation was also due to visit Pakistan very shortly. The Pakistani Permanent Representative noted that it was after sixteen or seventeen years that the two countries were playing cricket with each other. FM expressed the hope that we should continue to play cricket with each other.

2. The Pakistani Foreign Minister enquired as to FM’s assessment of the
evolution of the situation in Afghanistan, a country which he had recently visited. FM replied that the new Afghan Government appeared to be facing some difficulties, but since the Pakistan President had also visited Afghanistan recently, the Pakistan side would also have an assessment of the situation. Mr. Agha Shahi referred to the fact that when Gen. Zia visited Kabul, there has been no substantive talk between Pakistan and Afghanistan. Pakistan had told Afghans that it had no differences with the latter but if Afghans had any differences, Pakistan was prepared to talk about them. Mr. Shahi then again asked about the situation within Afghanistan. FM replied that there appeared to be a struggle going on between the Khalq and the Parcham parties. Mr. Shahi said that he was under the impression that the Khalq was on top and in this context referred to the recall of several Afghan Ambassador who had belonged to the Parcham Party. FM observed that it appeared that the Afghan Foreign Minister Mr. Amin was the strong man behind the Government. Mr. Shahi agreed with this assessment and referred to the tremendous boost given to Mr. Amin in the Soviet Media.

3. Prefacing his next question with the remark that FM need not reply if he did not want to, Mr. Shahi asked about FM’s assessment of Afghan’s intentions towards Pakistan. He enquired whether FM thought that the new Afghan authorities wished to discuss bilateral issue with Pakistan or whether they would “heat things up for us”. FM replied that when he was in Kabul, the Afghan authorities had told him that they were willing to negotiate their differences with Pakistan. Mr. Shahi indicated that negotiations on the basis of Afghan’s demands regarding Pakhtoonistan and Baluchistan would not be acceptable to Pakistan. FM added that the Afghans had told him that their revolution had not been accepted by some neighbours and that trouble was being created on their borders. The Afghans did not specifically mention Pakistan by name, but obviously they were referring to Mr. Shahi’s country. Mr. Ahga Shahi strongly denied any intention on the part of Pakistan to create trouble for Afghanistan. Such action by Pakistan would only prove to be counterproductive. Pakistan was in fact bent over backwards not to offend the Afghan Government. Pakistan had already received thousands of refugees from Afghanistan across her borders at considerable cost to herself. However, Mr. Shahi went on, Pakistan was coming to the conclusion that whatever friendly gestures it made, they would have no effect on the Afghan authorities. If Afghanistan raised bilateral issues in their statement to the Plenary of the General Assembly (scheduled to be delivered on October 3) Pakistan would be constrained to raise the issue of nationalities in Afghanistan in its own statement. Afghanistan’s talk about “the national destiny of the Pakhtoon and Baluchi people” was nothing short of a territorial demand. Mr. Agha Shahi had told the Afghan Foreign Minister, Mr. Amin, the last time they met in UN, that Pakistan was willing to discuss any differences which Afghanistan may feel it had with Pakistan. He had requested Mr. Amin not to agitate international fora. Mr. Shahi, however, observed that
Mr. Amin was a very rigid and determined man.

4. FM said that the Afghans say that they were not raising any new issues. These issues have been raised by previous Afghan Governments. Mr. Shahi replied that nevertheless, Pakistan was disquieted by the Afghan attitude. FM observed that the new Afghan Government was still in the process of formulating its views and that it still did not know its own mind. However, FM had not the impression that the Afghans wanted to quarrel with Pakistan. Mr. Shahi said that the Afghans kept raising issues thus compelling Pakistan to react. FM advised Mr. Shahi not to react to Afghan statements. Mr. Shahi said that he was compelled to react because of the Pakistani public opinion. Referring to the statement made by Afghanistan at the last GA session, Mr. Shahi said that mild reaction had been criticized in Pakistan.

5. Still on the Pak-Afghan relations, Mr. Shahi claimed that Pakistan had made a grand gesture by arranging Gen. Zia’s visit to Kabul. The Afghans had accepted the visit but had informed Pakistan that they were not willing to discuss substantive issues. Nevertheless, Pakistan went ahead with the visit.

6. The conversation then turned to bilateral matters. Mr. Shahi enquired whether FM was with the opening of an Indian Consulate in Karachi. Observing that India did not want any “special treatment”, FM enquired whether it would be Consulate-General or merely a Consulate. The Pakistan PR confirmed that it would a Consulate-General. Mr. Shahi expressed the view that gradually “things were falling into place” with respect to Indo-Pak relations. All Pakistan wanted was to ensure that Pakistani interests were not harmed, for example, in trade matters. Referring to the forthcoming visit of the Indian trade delegation to Pakistan, Mr. Shahi said that all would depend on the negotiating skill of the Indian trade delegation to persuade the Pakistani side to expand trade. FM confirmed that India too did not want to harm Pakistani interests. He acknowledged that some forward movement had been registered in Indo-Pak relations recently. However, on the question of trade, Pakistan was giving discriminatory treatment to India by insisting on State trading, unlike with other countries. In this context, he referred to the fact that Pakistan was not a socialist State. Mr. Shahi placed the blame for State trading on the allegedly bad experience on Pakistan’s private importers in their dealing with exporters. Secretary (East) observed that this question had also come up during the meeting between our PM and Gen. Zia. The latter had put forward the same argument which was not convincing. PM had told Gen. Zia that while the individual complaints of Pakistani importers could be investigated, such complaints could not justify a general policy decision regarding State trading. Mr. Shahi again asserted that the insistence on State trading was not politically motivated but was a result of the “tremendous agitation” of Pakistani private traders. The Pakistan Foreign Office had in fact recommended that private trade with India should continue, provided that the interests of Pakistani private traders were not jeopardized. He
again reiterated his view that all would depend now on the negotiating skill of the Indian trade delegation which was due to visit Pakistan.

7. FM then raised the subject of the continuing restriction on the circulation of Indian newspaper and periodicals in Pakistan. Mr. Shahi appeared not to have the latest information on the subject but asserted that leading Indian newspapers like the “Statesman” and “Times of India” were to be found in Pakistan, for example in Karachi hotels.

8. Mr. Shahi then expressed his sympathy about the recent floods in India. FM confirmed that the floods had been unprecedented and that the property damage had yet to be estimated, although fortunately, the loss of life and crop damage had not been severe.

9. During an ensuing discussion regarding the date of the Pakistani statement of the Plenary, Mr. Shahi observed that he had to postpone his statement from October 2 to October 4 because of the non-aligned meeting scheduled for October 2. (The Pakistani delegation had quietly attended the non-aligned Foreign Minister meeting today and were seated among the Observers, without, however, a name plate). In this context FM enquired whether Pakistan had taken any decision to leave CENTO. Mr. Shahi stated that Pakistan was in consultations with “regional friendly countries,” which also belonged to CENTO and had received contradictory advice from them. For the moment, the Pakistani Foreign Office was making a detailed study, which will be put up to the Pakistani leadership, when completed. Mr. Shahi had told the Soviets, during his recent visit to the Soviet Union, that Pakistan was reviewing its membership of CENTO. He had also told the Soviets not to pressurize them on the subject as such pressure would provoke a reaction in Pakistan and would be counter-productive. His talks in the Soviet Union had been fruitful and in this context he mentioned Soviet assistance in the setting up steel mills with a Soviet investment of about $ 240 million over 5 years. In the context of Soviet-Pak relations, Mr. Shahi observed that the USSR was also influenced by its close friend in Kabul. He had requested the Soviet authorities to help Pakistan by counseling moderation of the Afghan leaders. Similarly, he requested FM to counsel moderation to the Afghans, because of our close ties with that country.

10. FM observed that the question of guest status in non-aligned conferences was likely to be raised in Havana. He confirmed that the question of guest status for Romania and Portugal might also come up. Some delegations wanted the “guests” to clarify their intentions about their membership of military alliances. In this context, FM recalled that he had been criticized by certain circles in India for not opposing Pakistan’s attendance in the Belgrade Conference as guests. Even during his visit to Kabul, the Afghan Foreign Minister had asked why India had not opposed Pakistan’s attendance. This
lack of opposition to Pakistan's attendance had been cited by the Afghan side as one of the “minor differences” between India and Afghanistan. The other minor differences being that India had opposed the inclusion in the Belgrade Declaration of the idea that the Socialist bloc was the natural ally of the non-aligned countries. Mr. Shahi observed that all this proved that the new Afghan Government had not received enough exposure to the non-aligned Movement.

11. Mr. Shahi then enquired as to the number of countries which would participate at the Havana Summit Conference of non-aligned countries. FM stated that in his view most countries would participate though at different levels. In this context Cuba had adopted a low posture in the past few months to ensure the success of the Havana Summit.

12. The meeting ended with the exchange of the usual pleasantries.

(Sushil Dubey)
Counsellor
2.10.78

0928.
SECRET

Record of discussions between the Indian Ambassador in Islamabad and Pakistan Foreign Secretary Shah Nawaz.


Embassy of India
Islamabad

Foreign Secretary Shah Nawaz met the Ambassador on December 7, 1978 at 6.30 PM. Mr. Khalid Mahmood, Director-General (Sub-continent) was present. The following is a quasi-verbatim record of discussions.

SHAH Nawaz: I am sorry I have asked you to come here at this late hour but you must have already seen in this morning’s newspaper the headlines about the statement of your Foreign Minister which has caused us great concern. The language is harsh and almost threatening. This sort of thing causes a disturbance in relations. It becomes necessary to give a reply. The statement is intemperate in parts, causing great concern to us. It says Pakistan is playing with fire and warns of disastrous consequences. The Adviser has had to issue
a statement in reply. We thought we should inform you about this statement so that it does not come to you as a surprise.

**AMBASSADOR:** Thank you. (then after reading the statement, copy attached-Annexure): Well Mr. Foreign Secretary you must decide what you have to say in terms of what you feel necessary to safeguard your interests and also I hope in terms of what serves Indo-Pakistan relations. All I can say is that the statement of your Adviser is uncalled for. I must say that the reference "India’s professions of friendship" in the statement is unfortunate and gives a totally wrong picture. I have only seen parts of the statement of my Foreign Minister as appeared in your press. Have you got the full text?

**SHAH NAWAZ:** No but we have what was given by All India Radio. You have seen our papers, our people are upset, we have to tell them our views.

**AMBASSADOR:** I would rather we could have gone into all this when we had seen the full text of the statement. I have only seen a version in your paper quoting AIR. I will be able to comment more fully after seeing the complete text but I can say straightaway my Foreign Minister’s statement has to be reviewed in its full context. That is the context in which it was made and also of your President’s statement on November 27. I have already spoken to you about that (Mr. Shah Nawaz nodded). We realize that political compulsions make it necessary at times to make statements but I do not know why the President had to say what he did. It should not surprise you if we have to reply. You say the tone of my Foreign Minister’s statement is threatening and intemperate. What precisely is there in it that you find so?

**SHAH NAWAZ:** You and we have our stands on this issue. It is well known to each other. Both are entitled to state their stand. But it is one thing to express and articulate the differing positions, but stating it in such a way that it contains an element of threat as for instance Pakistan is playing with fire and there will be disastrous consequences is something which is both threatening and the language is intemperate.

We want good relations and have been trying to normalize them. It is not that what we have stated is new. Our stand is well known to you and it does not call for any abrasive comments.

**Ambassador:** This is your views. You have been mentioning my Foreign Minister’s referring to disastrous consequences. I repeat, you have to see it in the right context. He was replying to a calling attention motion about an absurd report somebody has compiled in the UN. It called for a reply that led to other aspects, and that is where your statements harping on self-determination had to be dealt with. We still have not got the text of his statement......
(At this point Mr. Shah Nawaz read out the AIR report of Foreign Minister's statement).

**AMBASSADOR:** As I have told you, I would like to reserve a fuller discussion on the subject after we have received the full text but I want to reiterate that we stand fully committed to the Simla Agreement. Till recently that was your position but you have now started reviving the UN Resolutions. This is something different and new. Continuous reference to UN Resolution of late is a new aspect.

**SHAH NAWAZ:** I know your stand and our stand and the different nuances. What is causing trouble and anxiety to us is the element of threat posed in the statement- if we start any adventures etc.

**AMBASSADOR:** I am afraid the element of threat has a different meaning for us in the context of the misadventures of the past.

**SHAH NAWAZ:** That is all a matter of the past.

**AMBASSADOR:** Insha Allah: But you must remember that there are people in India who want to feel sure it is not a matter of the future, and when you raise the issue unnecessarily we have to reassure them. I have stressed this to you time and again. You should not misunderstand or under-estimate public in India. We put up with a lot but that does not mean you can keep on provoking us. We have been extremely long suffering but what happens, you take advantage of that. You have been raising the matter in the UN for the last two years without our exercising the right to reply. We try to allow for you but you make no allowance for our opinion. You know how deeply distressed my Foreign Minister was about that reference which was made in the speech welcoming him on his visit here and how he controlled himself without in any way replying to the points raised. You remember the long discussions we had with you on this subject at lunch in my house, but still you pay no heed. It is a matter of trying our patience again and again.

**SHAH NAWAZ:** The statements in the UN that you have referred to were restrained.

**AMBASSADOR:** We appreciated it, and ignored it.

**SHAH NAWAZ:** We have had occasions in the past to discuss the statements which your Defense Minister, Jagjivan Ram made which were couched in terms which we found unacceptable. The press took note of it but we did not raise it officially.

**AMBASSADOR:** We had discussed that and I had explained to you.

**SHAH NAWAZ:** But this is worse. The language is strident?
AMBASSADOR: In what way is it strident?

SHAH NAWAZ: References to playing with fire is a touchy subject and has potential for creating problem.

AMBASSADOR: References to self-determination are also touchy. This is what our FM was trying to tell you, it has problem for you. But talking of problems between us, you have said before we have agreed to solve them under Simla. Certainly but lately you talk in different terms, which could mean a change in your policy. For all our problems, the relations between us have been in a very good tone. Now we have just created a wonderful atmosphere after the cricket tour. General Zia himself said so. So why did he have to say all that about Kashmir all of a sudden? And why do you for the last several months move away from the Simla Agreement and talk only of UN Resolutions which you know are unacceptable to us?

(Mr. Shah Nawaz made no comment and there was silence for nearly a minute).

Anyway, the remark in the Adviser’s statement to which I referred earlier, about "professions of friendship", it has sarcastic connotations, which is rather unfortunate considering the various steps that we have taken to normalize relations, as we will certainly continue to try to do.

SHAH NAWAZ: Professions are good if they are matched by performance.

AMBASSADOR: Have you any doubts? I have already explained to you that the reference to Kashmir by your leaders has been taken note of by the public opinion in India, and we had to deal with it.

SHAH NAWAZ: Shall we just say we wish your Foreign Minister had not made this statement?

AMBASSADOR: We should rather say we wish your President had not made it necessary for my Foreign Minister to make this statement.

SHAH NAWAZ: We should try to avoid these statements.

AMBASSADOR: Well, we could argue on that endlessly, but as a Lucknowi I must say “Pahlay aap” (You first). It is most important that we continue with the process of normalization and improvement of our relations. We have, however, noted a change in nuances of your statements. Instead of the Simla Agreement you have now started going back to the UN Resolutions, which is something not acceptable to us. For our part we will nevertheless carry on because that is our policy and our Foreign Minister’s statement is within that policy. Only don’t misunderstand or take advantage of our patience.

SHAH NAWAZ: But this statement can be interpreted as a threat…..

AMBASSADOR: Interpretation means interpretation. We can all read meaning we want to but should not pick out parts and misconstrue, we should look at
On December 18, President Zia told newsmen in Multan that he was satisfied with the explanation given by the Indian Ambassador to the Foreign Secretary when he was summoned to the Foreign Office on December 7. He pointed out that politicians often said certain things only to divert the attention of their people from their immediate problems, he stressed that the nature of Indo-Pak relations was such that “we start taking notice of even minor and inconsequential incidents and utterances; and added: “our nation is too touchy about our relations with India. I called our Ambassador in India and had discussions with him on the issue.” He, however, made it clear that Pakistan was not so weak as to be cowed down, but some things had to be dealt with through diplomatic channels. The Kashmir issue was a reality and Mr. Agha Shahi had recently raised it at the UN, he added.
The Pakistan Ambassador, Mr. ABDUL SATTAR, called on Foreign Minister on December 30, 1978 at 4.30 p.m. at his own request. The Ambassador was accompanied by Mr. MUJAHID HUSSAIN, Minister, Pakistan Embassy. Foreign Secretary and Ambassador BAJPAI were present during the meeting. The following is a quasi-verbatim record of the meeting. Nearly all of Foreign Minister’s remarks and some of Mr. SATTAR’S being translations from Urdu:

Mr. ABDUL SATTAR: Sir, I will be leaving for Islamabad next week. I hope this visit would enable me to give Islamabad an accurate summary of the relations between our two countries. I have already informed Islamabad what Foreign Secretary had kindly conveyed to me the other day, that there is no change in India’s policy towards Pakistan and that the process of normalization of relations with Pakistan would continue.

When I was in Islamabad from December 9 to 14, I had a chance to meet President Zia, Mr. Agha Shahi and others. Sir, unfortunately the report which appeared in the media over the discussions in Parliament had suffered a great deal in compression. The reports were all too brief and misleading. I may say that the perspective of the debate in Parliament was lost in the media reports. I have not myself been able to follow the full text of the discussions in Parliament, but I gather that the warning to Pakistan that it would be playing with fire was first made by Mr. KARAN SINGH….

Foreign Minister: You have not seen the text?

Mr. SATTAR: Much of it was in Hindi which I could not follow, but we have gone through it with those who know. The question now would be as to what might be done in Pakistan to rectify the misleading conclusions drawn by our press on the discussions in Parliament. It is my feeling that it will be very difficult to undo the damage caused by our press reports. I wish we could get back on the rails and move forward in the direction of building goodwill and preparing the ground for further normalization of relations between our two countries. The question is how is this to be done?

Foreign Minister: In my mind it is another question that arises: why are you referring to Kashmir in this way? You keep repeating it, that causes its own
reaction, but you no longer repeat it even in the Simla context. You have for some time now been talking only of the UN resolutions. When you take that stand, you say there is nothing harmful in it; but if we say what our views are, you get all upset. I suggest to you this is a delicate matter for us too.

Mr. SATTAR: Reiteration by the two countries of their known positions on bilateral issues should not really constitute set-back to the process of normalization of relations. The obligations of the two countries on the basis of Simla Agreement as regards the Line of Control are very clear, but without prejudice to these obligations, both the countries are free to restate their respective positions provided the statement are mere repetitions of known position. What Mr. AGHA SHAHI said was in measured terms. On your side there have been many statements by your Defense Minister which we have not taken up. We have said it is part of the domestic needs.

Foreign Secretary: We are talking of what is spoiling the atmosphere of relations between the two countries if there are unnecessarily frequent references by Pakistan to the Kashmir question, then unfortunately there is bound to be reaction here.

Mr. SATTAR: I do not know how frequent the repetitions of our known positions on Kashmir have been. Mr. AGHA SHAHI’s statement in the United Nations in October and President Zia’s speech in November have been two recent references made by our Government on Kashmir. I may state that neither of the references signify any change in Pakistan’s known position on Kashmir. They merely reiterate the known position. Therefore, if in response to these statements, the Government of India felt obliged to merely reiterate its position, there is no harm.

Foreign Minister: But where does it all lead to? It is true that in the Simla Agreement there is reference to recognized positions. If you feel you have to repeat yours, it is all right up to a point; but how many times? If you keep on raising it, it looks like a campaign.

Mr. SATTAR: If we look at the record of the last two years, there has been no campaign.

Foreign Minister: Yes, yes.

Mr. SATTAR: As far as I can recall, our leaders have only made a few statements on particular occasions.

Foreign Minister: But this time you did not even wait to see what I had said. Your Adviser issues a statement straight away - alien domination - back to the UN resolutions and then everyone starts strongly attacking us in your media.
Mr. SATTAR: The Adviser’s statement was in the context of the AIR reports.

Foreign Minister: But you keep on emphasizing your position again and again. You even equate it with the Palestinian issue. You are trying to excite the Muslim Countries.

Mr. SATTAR: You are referring to what General Zia said in the Rabita Conference in Karachi on July 6. That was not an official statement and he did not draw any parallels between the two issues.

Foreign Minister: But he spoke of the two issues in the same breath.

Mr. SATTAR: Sir, I would say he referred to the two issues in the same statement but there was no attempt to draw any parallel between the two issues and that was six months ago...

Foreign Minister: We have said anything. We do not want any setback in our relations, but, like you we too have a public opinion. You pick out Kashmir. You may not repeat it every day but it is again and again.

Mr. SATTAR: We have not been able to see eye to eye with each other on a number of issues. It is 6 ½ years since the Simla Agreement was signed. During this period the Government of Pakistan has taken a number of steps towards improving relations with India and we too have not wanted any set-back.

Foreign Minister: Trade has been a set-back. Actually it is against Simla.

Mr. SATTAR: Sir, I agree on trade. Unfortunately the hiatus in the question of bilateral trade certainly constitutes a set-back to our efforts to improve relations. The Government of Pakistan have nevertheless taken a number of steps towards improving relations with India. Sir, you are aware that the two sides have often not been able to move forward the way we both want. There are heights in the forward movement as well as depressions, but between the heights and set-backs there is a plateau. We have laboured to move step by step along this middle course. In the meantime if the positions of the two countries on bilateral issues are restated by either side, it should not be considered by the other side as a set-back to the forward movement.

Foreign Minister: You no longer mention you want to proceed with normalization in accordance with Simla- it is only UN, UN.

Mr. SATTAR: But we have also said we want to implement Simla Agreement.

Foreign Minister: That has been afterwards. Several times in the last year or so there has been no such reference. Now-a-day you are going on along the line of UN Resolutions.
Mr. SATTAR: I can assure you that my Government's commitment to the Simla Agreement remains constant. We are committed to carry it out.

Foreign Minister: What we feel is we should work in the Simla spirit. Take a small thing like cricket. It did good but you go and declare a national holiday. Then your Captain says on TV— with so many of our Muslims listening—that all Muslims had prayed for you. I emphasis these are small things, we should forget them but the public here notices.

Mr. SATTAR: I can understand the reactions here. I would only say the reaction in Pakistan to the success of the Pakistan cricket team in the series over India is a special thing. I may point out that in the World Cup Hockey Tournament in Buenos Aires though we did not even play with India, the success of the Pakistan team was celebrated with a public holiday.

Foreign Secretary: But the Indo-Pak cricket series was not a tournament. It is a question of reaction in Pakistan. That is the point

Ambassador Bajpai: I am your witness that the Pakistan Government did not announce the holiday in deference to public demand. In fact there has been public criticism. I happened to be giving my reception in Lahore. Gen. AZHAR came and said Gen. Zia was looking for your Captain to speak to him from Pindi. Your Captain came later to my room so I took the opportunity to ring up Gen. Zia and congratulate him. He then told the Captain about the holiday. I remember your own people were surprised. Some of your players even said “Goodness, if we lose does it mean a day of mourning”. So I say I am your witness that this national holiday was not in any sense of national triumph, it was just one of those thing.

Mr. SATTAR: In Pakistan, there are perhaps too many holidays. Sir, let me not be misunderstood. Unfortunately it is still true that sports exchanges between India and Pakistan are not taken by the Pakistan public as games. In the 50's, I recall, the conditions were much worse. Any sports event involving Pakistan and India were viewed by people as virtually wars between the two countries. I can say that, comparatively, the present attitude is quite reformed. Sir, I hope you are also aware of the reports of the tremendous amount of goodwill generated by the visit of the India cricket team. There were unfortunately moments such as Sahiwal and last hours of Lahore test. But the gains of the cricket tour were much greater. Our President made it a point to witness each of the cricket tests. Everyone I know in the Government wanted the tour to be a success. Mushtaq Mohammed was perhaps not as persuasive and endearing as Bishen Singh Bedi. Nevertheless, I think that the desire behind the cricket series was positive and the overall contribution of the series was to promote goodwill between our two countries.
Ambassador BAJPAI: There is no doubt that the cricket series was a tremendous success at the people-to-people level. It was remarkable not only that all the people from India - not only the team but those from Amritsar - complete strangers met with so much of warmth and goodwill, but also that 20 Indians could go round for two month all over Pakistan, even those areas of Pakistan where feeling towards India are normally exacerbated, without any incident.

Foreign Minister: That is it, at the people-to-people level the relations are by and large unexceptionable. Mrs. SHER SINGH, wife of the Minister of State for Defense, was telling me how well she was treated even by people she did not know.

Mr. SATTAR: The support we received from the President to enable people to come from India to witness the test matches was great. I recall when I first mentioned the matter to Ambassador BAJPAI about letting people go across, he feared it would be an impossible in the beginning but the fact that it finally came through, of course thanks to the help from the Government of India, only shows the genuine desire of Pakistan Government to increase people-to-people contacts between India and Pakistan. The Maharaja of Baroda is back in Karachi. Dr. CHANANA, MP has expressed a desire to visit Pakistan. We have a Justice here now on sightseeing.

Sir, I will submit for your consideration that reiteration by Pakistan on known positions on bilateral matters should not be construed by India as a desire to provoke a set back.

Foreign Minister: It is the manner in which it is done; the incessant repetition and the manner.

Mr. SATTAR: I am afraid we have certain pressures on us. Take Nawa-i-waqt. I can assure you that when I saw the newspaper reports on December 7, regarding the discussions in Parliament, they did not register with me as something to provoke any reaction in Pakistan. I feel easy in mind that you desire to continue building up of the relations with Pakistan. May be it was in the frame of mind that I reacted to the newspaper reports of the 7th. But in Pakistan, people draw different conclusion from the media reports. Some people felt provoked enough to react to the reports, particularly to the All India Radio broadcast. The AIR report was in some ways even inaccurate.

Foreign Minister: The AIR broadcast was over three week ago, but still your papers are going on. Cooperation can only be by agreement. I have always said you set the pace. But don’t let internal politics enter into Indo-
Pakistan relations. That way as you have Nawa-i-Waqt, we also have Opinions. We have parliament, you heard what Dr. KARAN SINGH said....

Mr. SATTAR: I have told my Embassy we must in future follow Parliament proceeding more carefully. Dr. KARAN SINGH of course is personally involved.

Foreign Minister: .... no, but there must be limits.

Foreign Minister: What was the reaction in responsible circles in Pakistan? What was the conclusion reached in Government circles? I would say that in the totality of the relations between our two countries, there is always a possibility that something can produce reactions in either side. If responsible circles take into account this possibility, there can be a judicious avoidance of behaviours which may cause reactions.

Mr. SATTAR: But that does not mean that we should accept the inevitability of reactions and set-back in our relations. Sir, your first statements in Parliament on December 6 was unexceptionable. But the speeches made by certain members after that only led to the reactions in Pakistan.

Ambassador BAJPAI: When I met Mr. SHAH NAWZ, I urged him to wait for the text of the discussion in Parliament before officially reacting to the media reports. The problem is that by issuing an official statement you have given an official imprimatur to the reports and reactions of Pakistani newspapers such as Nawa_i-Waqt. I conveyed to SHAH NAWAZ SAHIB that the Minister had merely said that since our two countries consist of plural societies with many such cultures, any talk of self-determination is a very dangerous thing.

Mr. SATTAR: You know what they say about our Foreign Ministry statement?

Ambassador BAJPAI: I know, that it was too mild.

Mr. SATTAR: The accusation of the public is that the Foreign Office statement was too mild. On December 7, the Foreign Office started getting telephone calls asking for the official reaction to the reports of the discussion in Indian Parliament. The Pakistan Foreign office could not plead that the text of the discussion in Parliament was not available in Islamabad. People who telephoned to the Foreign Office were themselves drawing the attention of the Foreign Office to the All India Radio reports on the matter. I agree that All India Radio does not represent the Government of India. But sometimes in all countries the version broadcast by national radios are understood as government versions. Similarly in Pakistan, for instance, there is always a misunderstanding that the Pakistan Times represents the Government of Pakistan though the paper is not necessarily reflective of Pakistan Government policy, it is only owned by the National Press Trust.
Foreign Secretary: I would submit what you really have to consider is what in effect is the Government of India’s present policy towards Pakistan. This is the question to which you will yourself have to prepare an answer. There is a direction in the total way the relations have been built up by the Government. In the hope that set-backs to the Government’s efforts to improve relations with Pakistan will be minimized, we have said that whether in economic, cultural or political matters, we are willing to respond to the extent Pakistan is prepared to go, but not wanting to appear to be pushing forward. The Minister has said it so many times that it is up to you to set the pace of our relations, we are ready to wait.

Ambassador BAJPAI: We do not want to press you.

Foreign Secretary: Yes, we do not want to be seen pressing. On our side we continue to try to improve relations. You are aware that as regards Afghanistan, from the beginning we explained to you our position and we have stood by it. Even in regard to the Durand Line.

Foreign Minister: Yes, you can imagine my going to Afghanistan and advocating the Pakistan cause; you remember what I said about the international frontier and what criticism there was. Afterwards the Afghans even said this was the only matter of differences between India and Afghanistan.

Foreign Secretary: That and the support we gave you on the Non-Aligned Conference.

Foreign Minister: Yes. You can see then the Soviet Bloc question enters into it. We welcomed you as guests. We have said if you want to leave CENTO and be full members we will welcome it. I still have expectations on Indo-Pakistan relations. But I must tell you frankly that the expectations have not remained what they were 20 month ago.

Forgive me, but we must be clear on the governmental net. We thought things were going well. Our Prime Minister confirmed this after his talks with General Zia. General Zia himself said so, but then he makes that statement on Kashmir. Something keeps happening which raises doubts. We would like to move forward but how can it be in this way?

Mr. SATTAR: Sir, I have been in my own way very much involved in India-Pakistan relations. We have to be some times extremely thick-skinned. Unfortunately, the history of our relations is such that it is natural for people to revert to criticism and protest. The alternative of trying to reverse the past needs patience and perseverance. Sir, your own contribution to building up the relations between our two countries was monumental in its proportions. Your visit to Pakistan brought about a metamorphosis in attitudes in our country.
POLITICAL RELATIONS: 1975-1989

You disarmed everyone during your visit. I hope the positive trends in our relations will ultimately prevail over the negative legacies. Our path is no doubt difficult, but I am definite that the Government of Pakistan wants to move forward in the process of normalization of relations. I hope you will also strive to guide your government to move forward in the relations with our country. There will be compulsions from time to time may be mistakes from time to time constituting set back to the trend of our relations.

Foreign Minister: I have been feeling that there has been too much harping over Kashmir in Pakistan and that is not good for our relations. When I spoke, there was no need to satisfy the opposition that was not at all in my mind, but what had been said on your side on Kashmir was in my mind. I don’t want to go on to the Kashmir question - we know the position. When I said so in Islamabad they said they did not know anything about Simla. Today you say your stuff every day. Now Mr. BHUTTO even attacks me you must have seen the summary in our press of his rejoinder to your White Paper which has been put out.

Mr. SATTAR: That has not been put out officially.

Ambassador BAJPAI: It is circulating in Pakistan.

Mr. SATTAR: This is a three hundred page document smuggled by YAHYA BAKHTIAR. The Pakistan Supreme Court took serious views of the smuggling out of the document by YAHYA BAKHTIAR. But yet, as Mr. BAJPAI says it is circulating. In the document, BHUTTO has not only referred to Kashmir but has spoken of various other things as well. He has given another statement during his personal appearance before the court to supplement the submissions of his counsels, where he states that he had forecast in 1977 the specter of present difficulties for Pakistan. He claims he had even forecast your statement of December 6. BHUTTO is facing the death sentence on NAWAB MOHAMMAD AHMAD KHAN’S murder case, and his defence has not been confined to this specific case but in the context of an international conspiracy to oust him from power.

Foreign Minister: And also to oust Mrs. GANDHI and Mrs. BANDARNAIKE.

Ambassador BAJPAI: In all fairness I must tell you that on the basis of the Pakistani reaction to what has been attributed to us; I have had to tell my Government that any possibilities for steps to improve relations will now have to be kept in abeyance for some time. It is undeniable that what has happened constitutes a major set-back to our relations. You asked how the adverse change in atmosphere could be set right. You know the limitations on our functioning. Since your media needs persuasion, it might behove your government to try, as only through a conscious effort on your part can it be put right.

Mr. SATTAR: I would agree with you if the responsibility for what happened rested entirely on the Government of Pakistan.
Ambassador BAJPAI: I am referring to what can be done with your media.

Foreign Secretary: What the Minister has said is that ultimately this is a complex matter of many factors and you must view things in their totality.

Mr. SATTAR: I had simply seen the papers of the 7th and left for Islamabad on the 9th. Even though I had not met anyone in Foreign Office here, it was my presumptuous conclusion that my discussions in Islamabad contributed to some extent in enabling our Government to view the events in perspective. I must admit that my contribution stood confined to a very limited circle. My limited objective presently would consist in rectifying to the extent possible the incorrect impressions formed first in Islamabad.

Foreign Secretary: Why are we isolating this incident? My submission is to view the incident in the totality of our relations. Secondly, it is the considered policy of our Government to improve the climate of relations in the region. The total evidences of this policy are there for you to see. You can yourselves put together these evidences which are pretty clear and credible.

Foreign Minister: You must have heard what I asked the Bangladesh Foreign Minister to convey.

Mr. SATTAR: Sir, there were many things in your last statement of December 7, which I wish had made headlines in newspapers rather than the first. The report of your message of goodwill to Pakistan conveyed through the Foreign Minister of Bangladesh has certainly contributed positively. While reporting your second statement, Nawa-i-Waqt felt that the line it was going to sell on Government of India’s policy towards Pakistan was being undermined. It also referred to your message through Bangladesh Foreign Minister. It argued that what it had first attributed to you was India’s true policy and the latter views were just cover. But the fact that it has been reported has had a positive effect.

Foreign Minister: You refer to the press and public opinion. There are also those who help form opinion. You see ours. You see here there is no anti Pakistan feeling. But can I say the same of Pakistan?

Mr. SATTAR: I would submit that the tortured history of India Pakistan relations calls for a great deal of perseverance on both sides in their efforts to normalize the relations. Sir, as a leader of your people, you are in a position to make a positive formal contribution to the growth of relations. Your visit to Islamabad virtually transformed the image of the policy of the Janata Government in the Pakistani people’s minds. It is my hope that the perspective created during your visit would ultimately prevail. I think if we maintain the general perspective, we can withstand the minor set-backs from time to time. I must say that the reaction of the India newspapers to the whole matter was remarkable. Except
from *Amrita Bazar Patrika*, the Indian newspapers have not picked up the treads of Pakistani press. Fortunately, the more significant sections of the Indian press have ignored the Pakistani press.

**Foreign Minister:** Please tell Agha Shai Sahib that, and tell him that what is going on inside over there and of course equally what goes on inside here must not be allowed to cast any shadow on our relations. Secondly, on Kashmir. We have not done anything. There is talk of creating distractions on the borders. We expects the same attitude from Pakistan you should not do anything. We have to remember what has happened in the past.

**Mr. SATTAR:** Sir, I am very much grateful to you for giving me so much of your time in spite of your terrible preoccupations.

(M.D. Bhadra Kumar)
Under Secretary (Pak-Iraf) Pol

0930.

SECRET

**Record of the Call by Pakistan Ambassador Abdul Sattar on Foreign Secretary Jagat Mehta.**

New Delhi, January 30, 1979.

Ministry of External Affairs
(Pak-Iraf Division)

The Ambassador of Pakistan, Mr. ABDUL SATTAR, accompanied by his Minister, Mr. MUJAHID HUSSAIN, called on the Foreign Secretary at 11.45 hours on 30th January 1979. The call was at the request of the Pakistan Ambassador. JS (Pak-Iraf) was also present.

2. The Ambassador began by conveying his appreciation for the special reference to Pakistan made in our Press Release dated 26th January, 1979, on felicitations received from foreign governments on the occasion of our Republic Day.

3. The Ambassador then referred to the recently held Conference in Pakistan of Pakistani Envoys posted in the Middle-East. The Ambassador said that the Conference was primarily engaged in an appraisal of Pakistan Government’s policy consequent upon the regional developments. The developments in Iran
constituted a major theme of discussion at the Conference. The future course of developments in Iran is evidently unpredictable and it is the hope of the Government of Pakistan that the situation there would stabilize and Iran would continue to make progress. The Ambassador said that Pakistan, being a recipient of substantial credits from Iran, is directly affected by the stability of Iran. (In this connection, the Ambassador revealed that during 1974-76 Pakistan had received from Iran credits amounting to $586 million) The Ambassador said that the outside world could at best merely watch and wait for the situation in Iran to stabilize. Mentioning that much of the information available in Islamabad on the Iran developments is speculative in character, the Ambassador said that according to this information the Administration in Iran stands virtually paralyzed. Referring to Ayatollah Khomeini, the Ambassador said that Khomeini’s following is not necessarily a fanatical religious following. When forums of public discussion were unavailable in Iran, the mosque became a rallying point. The feeling in Islamabad is that it would be incorrect to conclude that the agitation under way in Iran is controlled by obscurantist elements. There are liberal elements in the agitation and it remains to be seen how the balance is going to be struck between the various elements.

4. The Ambassador stated that the Envoy’s Conference discussed at considerable length Pakistan’s relations with Afghanistan. From April onwards, the Government of Pakistan has followed a correct and helpful policy towards Afghanistan. Pakistan has been helpful in whatever is possible in its relations with Afghanistan, particularly on the question of transit facilities. The Ambassador referred to his discussion with Foreign Minister on January 19, 1979, and said that during the meeting Secretary (West) conveyed the impression that there was some problem regarding the movement of food grains from India to Afghanistan. The Ambassador said that he has checked the position with Islamabad and if there is any problem in the movement of food grains from India to Afghanistan, the reasons for that cannot be attributed to any decision taken in Islamabad. Ambassador said that Secretary (West) had also mentioned that during the recent visit to India of the Afghan Deputy Planning Minister, the possibility of movement of goods from India to Afghanistan through the port of Karachi came up for reference. The Ambassador said that this is a matter which has to be taken up with Pakistan by the Afghan Government. There has been an unprecedented rush for Karachi port, especially because of the massive import of food grains and cement by Pakistan of late. The Ambassador said that if Afghan Government discusses the matter with the authorities in Pakistan, the latter would explain the position.

5. The Ambassador continued that during the Envoys’ Conference, it was made known to all the envoys that some problems have arisen out of the flight of some thousands of people from Afghanistan into Pakistan. The Ambassador
said that Pakistan hopes that the Government of India would appreciate the futility of sealing the Pakistan-Afghanistan border. According to the estimates in Islamabad, two weeks ago, approximately 20,000 Afghan refugees have so far crossed over to Pakistan. The Government of Pakistan is trying its best to ensure that the hospitality meted out to the Afghan refugees is not abused by them to go back and engage in anti-Government activities in Afghanistan. The Ambassador said that the Government of Pakistan has been trying to persuade the refugees to go back to Afghanistan.

6. The Ambassador said that what has caused concern to Pakistan is the absence of reciprocity on the part of Afghanistan. The Afghan Government is unfortunately high-lighting the differences with Pakistan and does not show any appreciation of Pakistan's helpful attitude. Afghanistan, in fact, tends to view the helpful attitude of Pakistan Government as a matter of right rather than discretion. It is the hope of the Government of Pakistan that there would be amelioration in the attitude of the Afghan Government. The Ambassador said that even though anti-Pakistani propaganda has not been in high gear over Kabul Radio, it has been rather strident in fora of various kinds and in public meetings in Afghanistan.

7. On a query from Joint Secretary (Pak-Iraf) about reports of clashes in areas of Afghanistan bordering Afghanistan (Pakistan?), the Ambassador said that the stories datelined Peshawar which have appeared in world press, are exaggerated versions conveyed to the foreign press corps in Pakistan by some motivated people. Ambassador said that according to the information available with Pakistan Government, clashes have taken place in Afghanistan all the same. While it is not known how serious the clashes have been, the assessment in Islamabad is that the Afghan Government is fully in control of the situation. There are various internal questions which the Government of Afghanistan has to address itself to, but there is no doubt in Islamabad that the Government has full control over the developments.

8. The Ambassador concluded with the hope that the Afghan Government would appreciate Pakistan's helpful policy of not interfering in the internal affairs of Affairs of Afghanistan. A certain amount of weapons is available with the tribals inhabiting the Pak-Afghan border, but the policy of the Government of Pakistan towards Afghanistan has been totally correct.

9. The Ambassador stated that there was no discussion during the Envoys' Conference on the relations with India. Happily, the consensus in Pakistan has been that normalization of relations with India serves the interests of both countries and that Pakistan should try to maintain the process of normalization. The Ambassador said that, nevertheless, both the countries should have a better understanding of each other's viewpoints. There has been a certain
amount of concern in Pakistan to the reports of comments made in India about the acquisition of arms by Pakistan. India is aware that Pakistan does not have capacity for indigenous production of arms. The indigenous contribution has been in fact less than 50% of the total defence needs of Pakistan. In the situation, Pakistan is compelled to buy from time to time various weapons from abroad. The Ambassador hoped that Government of India would see that Pakistan has to take into account its defence requirements. Therefore, when Pakistan acquires weapons from abroad, that should not tell on the mutual confidence between the two Governments. There is a belief in Pakistan that India desires to see Pakistan militarily helpless and without the capability for its defence.

10. The Ambassador hoped that there would be an opportunity for the leaders of the two countries to meet in the near future. He said that Mr. Agha Shahi has expressed the hopes that perhaps an opportunity would be provided when he could have a meeting with Foreign Minister in some third country.

11. Foreign Secretary thanked the Ambassador for his account of the recently held conference in Islamabad. Foreign Secretary stated that the Government of India has been watching the developments in the region with concern. India has an interest that the situation does not remain troubled for too long. It is our feeling that the developments in each country has a certain internal logic and there is causal link or connection between Iran, Afghanistan & Pakistan. But it does add up to a common apprehension of instability. Foreign Secretary said that India & Pakistan have shown a certain maturity in their dealings with each other. It is our desire that neither country should do anything which would create anxieties to the other.

12. Foreign Secretary referred to the developments in Afghanistan. Foreign Secretary said that our position on the developments in Afghanistan is well known. We hope the Afghan Government would continue its policy of non-alignment and diversification of its relations. India’s relations with Afghanistan are purely bilateral in nature and have no motives vis-à-vis Pakistan. In fact, our differences with the present Afghanistan Government consist in our attitude towards Pakistan. Foreign Secretary referred to the recent mid-term review of the progress of the Fifth Indo-Afghan Joint Commission. Foreign Secretary said that the discussions were functional and economic in nature. Foreign Secretary went on to say that we have our own limitations in giving aid to Afghanistan. But our aid to Afghanistan has some significance in that it shows that Afghanistan desires to diversify its relations. In so far as Afghanistan’s relationship with the Soviet Union is concerned, it has always been of a special nature. Foreign Secretary said that he would even hazard a guess that there may be differences between Afghanistan and the Soviet Union and that the differences may be even on the attitude to Pakistan.
13. Foreign Secretary referred to the thesis expounded by certain quarters that South Asia is the underbelly of the Soviet Union and therefore, the region of South Asia should be militarily bolstered by western countries against the Soviet Union. Foreign Secretary said that if one analyses the developments in Iran and Afghanistan, it is evident that the problem in these countries has been socio-economic-political. The answer to such a problem is certainly not in military terms. India does not believe that the answer to this problem is in gun-boat policy. India wishes that the situation in the region lends itself to frank discussions between India and Pakistan. In this connection, Foreign Secretary hoped that the time would soon be propitious for the Heads of Government of India and Pakistan to meet and discuss matters of common interest. We perceive that the logic of future in South Asia is in the direction of a rational allocation between productive and unproductive requirements by all the countries of the region.

14. Referring to Pakistan-Afghanistan relations, Foreign Secretary said that Pakistan’s relations with Afghanistan should in no way be linked to Pakistan’s relations with India. On our side, it shall be our earnest endeavour to improve relations with Pakistan. Foreign Secretary categorically stated that India would not want to contribute to Pakistan’s internal and external difficulties or see them exacerbated. India hopes that Pakistan would fully recognize this as a major contribution by India.

15. Foreign Secretary stated that there is a considered rationale in India’s policy towards China and in Foreign Minister’s forthcoming visit to that country. Foreign Secretary dispelled any attempt to draw the analogy of Indo-Soviet relations and stated that Indo-Soviet relations have their own rationale.

16. The Pakistan Ambassador enquired whether India felt that any of the Super Powers is trying to mould the situation in the region to its advantage. Foreign Secretary replied that this would be extremely unlikely and difficult. In fact, there are different lobbies within the Super Power. Besides, there is the question of strategic balance between the two super powers and the peculiar community of interests between them. Foreign Secretary referred to the Soviet warning against interference by any outside power in Iran. Foreign Secretary said that U.S.A. may be extremely anxious about the situation in Iran, but is in no position to control or modulate the developments. The primary concern of USA would be stability in the situation. The Soviet Union has not added to the stability either.

17. Pakistan Ambassador referred to the press reports of the discussions during the recent meeting of Parliament’s Consultative Committee. The Ambassador mentioned that during the meeting, according to press reports, some MPs had spoken of Pakistan as a surrogate of USA in the subcontinent. The Ambassador went on to say that Pakistan itself recognizes its modest position on the globe of the world. Pakistan is fully aware of the desirability of not
coming in between the two Super Powers. The Ambassador said that while he could understand the political motivations of some MPs to make such sweeping statements, he would acknowledge that at the responsible level in India there is a desire that such talk should be avoided. Foreign Secretary agreed that at the responsible level, leaders in both the countries have already confounded war-mongering. However, it would require constant vigil to proceed with the setting up of a relationship of mutual benefit between the two countries. It cannot be over-emphasized that such an endeavour is in the larger interest of both the countries. Foreign Secretary again referred to the futility of viewing security problems more in terms of acquisition and possession of military arms. If there is one lesson to be drawn from the developments in the region, it is that the problem of security for each country is basically the matter of political or economic strength at the grass-roots level. This holds good for India or Iran, and even for Pakistan.

(At this point, Foreign Secretary had to leave the discussions for another engagement. The Ambassador, however, continued his discussion with JS (Pak-Iraf).

18. The Ambassador referred to certain problems being faced by the Pakistan International Airlines in its operations in India. He said that when recently PIA asked for permission from the State Bank of India to make remittances of its revenues to Pakistan, they have been told to produce from the Income-Tax authorities a certificate on their financial operations in India for the current period as well as for the pre-1965 period. However, PIA’s records for pre-1965 period have all been taken away by the Indian Custodian of Enemy Property, who has not so far cleared PIA’s accounts. The Ambassador said that, on the other hand, the Pakistani Custodian of Enemy Property has already cleared the Indian Airlines’s accounts. The Ambassador said that when PIA and Indian Airlines resumed their operations in the two countries, the understanding was that the pre-1976 claims of the two countries would not be linked with the current operations. The Ambassador said that the Pakistan Government would be taking up this matter with India very soon. JS (Pak-Iraf) agreed that the 1976 understanding was that the present operations of the two Airlines would be independent of the pre-1976 claims. He said that the matter would receive the attention of the Government.

Foreign Secretary has approved the issue of this note.

No. 3/103/6/79

(M.K. Bhadra Kumar)
Under Secretary (Pak)-P.
I wish to report to the House on my visit to the People’s Republic of China, which had to be postponed at the last minute in October, 1978 because of medical advice. The mutually convenient dates for the visit had been fixed over six weeks ago. The House will recall that I had made clear that I was accepting the invitation of Foreign Minister Huang Hua to visit China in the spirit of adherence to our Government’s policy of non-alignment and to explore the possibilities of improving bilateral relations with all countries without jeopardizing well-established friendships. My visit and my conversations were entirely in keeping with this declared policy and objective. While exchange of views on international issues were always intended to figure in the discussions, the primary focus of my visit was on the difficult and complex questions which be set relations between India and China.

On the subject of the situation in the sub-continent, which was discussed at considerable length, I explained that, with full deference to the independence of our neighbours, we have sought assiduously to resolve outstanding problems. I spoke of our attempts to create a climate of confidence between the nations south of the Himalayas, which on the one hand, would lead to an optimization of our respective national development and cooperation between neighbours, and, on the other, could reduce and, hopefully, end, the long story of great power involvement and competition in the problems of our region. A stable and cooperative South Asia, I urged, can be an example and an asset to the world. Against this background, I described in detail our strict and scrupulous policy of non-interference in internal problems and the steps taken to improve relations with Pakistan. Even while we do not object to normal bilateral relations between Pakistan and China, the prospect of improvement of India-China relations would be impeded if their relations adversely affect our legitimate interests.

In this context, I summarized the origin and the long history of our differences with Pakistan on the question of Jammu and Kashmir. I informed the Chinese leaders that under the Simla Agreement, to which both countries are parties, we are committed to the final settlement of the Kashmir question through bilateral discussions. It has been the considered view of the Government and all sections of the people in India, that unlike the stand taken by Chinese in the fifties, the attitude adopted by the People’s Republic of China in the last decade and a
half had been an additional and unnecessary complication to the prospects of Sino-Indian relations. In this connection, I also reiterated our concern at the construction of the Karakoram Highway across territory which formed part of the State of Jammu & Kashmir.

The Chinese Government showed understanding of our policy towards Pakistan and our neighbours and expressed, both in public and in our conversations, appreciation of our efforts, and indeed, the rationale and success of the policy. The Chinese leaders noted the facts of improved bilateral relations between the countries in this region and the propitious climate of co-operation which now prevailed in the sub-continent.

0932. Aide Memoire of the Government of Pakistan sent through the Pakistan High Commission to the Ministry of External Affairs.

New Delhi, April 2, 1979.

The Adviser for Foreign Affairs, Government of Pakistan, informed His Excellency the Ambassador of India in Islamabad on 16 June, 1978 of Pakistani desire to join the Non-aligned Group. Already Government of Pakistan was giving serious consideration to the question of withdrawal from the Central Treaty Organisation.

2. The Adviser had in fact intended to raise this matter with His Excellency Mr. Atal Bahari Vijapayee, the External Affairs Minister of India, when they met in New York on 8 June, 1978. However, lack of time on both sides did not permit him to bring up the matter at the meeting. Later the Permanent Representative of Pakistan to the United Nations conveyed the Adviser’s message on the subject to the Minister for External Affairs of India. He explained that Pakistan’s admission to the Non-aligned Group as an observer would facilitate the process of Pakistan’s disengagement from CENTO. The External Affairs Minister referred during the conversation to the applicability of criteria of membership even in respect of observer status.

3. In the light of the consultations with India and other non-aligned countries Pakistan decided to apply at that stage for association in an appropriate capacity.
4. The Government of Pakistan has expressed appreciation for the welcome India extended to Pakistan as a guest at the Belgrade Conference of Foreign Ministers of Non-aligned countries. It also noted the observation made by the External Affairs Minister of India, expressing the hope that Pakistan would go on to detach itself from the military alliance system.

5. On 12 March 1979 the Government of Pakistan announced its decision regarding Pakistan’s withdrawal from CENTO. Pursuant to this decision, participation by Pakistan in the activities of the organization has ceased.

6. The Pakistan Adviser for Foreign Affairs has since addressed a letter to the Foreign Minister of Sri Lanka informing him of Pakistan's effective termination of its membership of CENTO, as a further reflection of its total solidarity with the aims and objectives of the non-aligned movement, thus meeting the existing criteria for membership of the movement.

7. The Pakistan Adviser informed the Ambassador of India in Islamabad on 28 March 1979 of the formal request Pakistan has already made for admission to the non-aligned movement.

8. The Government of Pakistan solicits the support of the Government of India for a favourable decision on Pakistan’s request for membership to be considered at the meeting of the Coordinating Bureau of Non-aligned countries scheduled to be held in Colombo next June.

0933. RECORD OF THE CALL OF PAKISTAN AMBASSADOR ABDUL SATTAR ON FOREIGN SECRETARY.

New Delhi, April 12, 1979.

Ministry of External Affairs
(Pak-Iraf Division)

The Ambassador of Pakistan, Mr. Abdul Sattar, at his request called on the Foreign Secretary on Thursday 12th April 1979 at 1800 hrs. The call lasted 45 minutes.

2. The Pakistani Ambassador began by saying that he had gone to Pakistan, on the 7th of April, to attend to some personal matters. He had also spent a couple of days in Islamabad where the Pakistan Foreign Secretary had asked
him to rush back immediately to Delhi to convey certain messages personally to our Government through the Foreign Secretary.

3. The Ambassador then said that the Government of Pakistan deeply appreciated Government of India’s policies followed during “the recent difficult days” in Pakistan. This was especially so in view of the heavy public and other pressures on the Prime Minister and his colleagues to make statements on internal developments in Pakistan (The Ambassador did not specifically refer to the Bhutto affairs, though this clearly is what he had in mind).

4. The Ambassador then handed over a copy of the notification on Pakistan’s withdrawal from the Central Treaty Organisation (CENTO). (A copy of the notification is attached—not included here). The Ambassador said that CENTO had ceased to exist as three members had withdrawn from the Organisation and had served notice of their intention not to participate in any further meetings or activities of the Organisation.

Pak – Afghan Relations

5. The Ambassador thereafter turned to events on the Pakistan- Afghan border and expressed the anxiety of his Government at these developments. Afghanistan’s recent allegations, that Pakistani troops, some times even dressed as Afghans, raided Afghan posts were false, unfounded and baseless as were the earlier charges that Pakistan was giving military assistance and training to Afghan dissidents. The Government of Pakistan has strictly followed a policy of non-interference in the internal affairs of Afghanistan. The events inside Afghanistan are its own affair. Thousands of Afghan refugees, who have come across the border, are only being given assistance of an humanitarian nature.

6. On being queried by Foreign Secretary whether the 35,000 Afghan nationals presently in Pakistan, were not distinct from those who traditionally moved across the border in the normal course, the Pakistani Ambassador said that Parvindas moved across the borders in different seasons but that they were different from the refugees who were presently in Pakistan. It was difficult to say exactly how many refugees were in Pakistan as it was not possible to take a census. In any case, the assistance being given to them was only humanitarian. Contrary to allegations, the Pakistani authorities were not permitting any anti-regime or counter-revolutionary activities by Afghan refugees which were directed against the Kabul leadership. Many foreign correspondents were given freedom to report news from Pakistan. Some of these correspondents met refugees who gave highly exaggerated stories of the happenings on the border. The responsibility for such dispatches, based on interviews with Afghan refugees, cannot be taken by Pakistan Government.
Nevertheless, the Government of Pakistan, as a further gesture of goodwill towards Afghanistan, has tried to dissuade journalists from reporting and covering events in Afghanistan from Pakistani territory. In this context, the Pakistani Ambassador mentioned that Rajinder Sareen, of Public Opinion Trend Analysis and News Service, is shortly visiting Pakistan. He would also be advised not to cover Afghan events while in Pakistan, but to do so by going to Kabul.

7. The Ambassador further stated that the Government of Afghanistan is aware of Pakistan's various concrete gestures to prevent the situation from deteriorating further. Despite Pakistan's gesture of goodwill, it is difficult to understand why Kabul wishes to escalate the situation and transfer the responsibility for this to Pakistan. Kabul has not restrained from launching false allegations against Pakistan. They fear that these allegations were merely a device to divert attention from the internal problem in Afghanistan. The Government of Pakistan fears, and has reasons to believe, that Afghanistan has escalated violence on the border of vitiate relations between the two countries, which may lead to hostile actions on the border. Reports have been received in Islamabad of Afghan preparation to launch attacks at different points on the Pakistan-Afghan border, possibly to coincide with the first anniversary celebrations of the Afghan regime, commencing from the 27th April. Such actions would severely strain Pakistan's policy of restraint that has so far pursued, despite Afghani provocations.

8. The Pakistani Government greatly appreciated our Foreign Minister's statement, last May, in regard to the Durand line and India's decision not to include adverse references to Pakistan in the joint Indo-Afghan communiqué which was issued following our Foreign Minister's visit to Kabul in May 1978.

9. The Pakistani Ambassador then said that Islamabad had received reports that the authorities in Kabul were exerting pressure on our Ambassador there to persuade Government of India to put military pressures along the India-Pakistan border and the line of control of Jammu and Kashmir, so that Afghanistan can undertake military activities with impunity along the Pakistan-Afghan border. The Pakistani Ambassador said that their reports would suggest that our Ambassador in Kabul had been approached in this regard by Afghan officials at various levels. Pakistani apprehensions had been further corroborated by reports received of some military movements along the line of control of Jammu and Kashmir which did not appear to be of an 'ordinary or routine' nature. Foreign Secretary said that he was not aware of any unusual military movements in Jammu and Kashmir and that military movements, if any, must be of an ordinary and routine nature. Some times movements did take place but these were related purely to internal security or reshuffle of troops on ordinary duties.
10. The Pakistani Ambassador continued the conversation by saying that Afghanistan was trying to prepare the ground for invoking the Treaty of Peace and Friendship with the Soviet Union. He referred to the troubles in Herat and said that it was conceivable that Afghanistan might try and externalize her domestic difficulties. It was all the more necessary, in this context, for the Government of India to pursue her well established policy of non-interference. Any other policy would be a set back to relations between India and Pakistan and the prospects of further normalization between the two countries. In essence, the message which he wished to convey was that New Delhi should exercise its influence, as far as possible, to ensure peace and stability in the region.

11. Foreign Secretary asked the Ambassador whether the newly appointed Pakistani Ambassador in Moscow, while giving President Zia’s letter to Mr. Kosygin, had briefed the Russians on Pakistani thinking with regard to Afghanistan. The Foreign Secretary said that a *Pravda* article had voice great concern at the organized support and training given to Afghan refugees in Pakistan. The article would suggest that the trouble in Afghanistan was not so much internal as external. FS then said that there was no reason to doubt that the Government of India would not continue to follow its well known policy of non-interference towards Pakistan and that problems between Pakistan and Afghanistan were to be resolved bilaterally between the two countries. India’s policies did hope for the promotion of regional stability but this was consistent with non-interference. FS then said while he had noted all that the Ambassador had said, he hoped that the position had also been suitably explained to the Soviets.

12. Foreign Secretary then enquired whether any of the Afghan refugees had returned to their country. The Ambassador replied that Pakistan would be happy if they all went back and in fact the Government of Pakistan was trying to encourage them to do so. The Durand line is not guarded throughout its length and for historical reasons the border has not, and possibly will not, be easily sealed. Foreign Secretary then referred to various reports that have been published, such as the *Pravda* article on assistance being given to Afghan refugees by Pakistan, USA, Iran and China. He wondered whether the situation could not be diffused? The Ambassador, while categorically denying these reports, said that messages had been sent to Moscow to explain Pakistan’s genuine interest in not allowing the situation to deteriorate or the violence to escalate in this area. Confidentially, the Ambassador mentioned that the disturbances in Herat were apparently aimed at the Soviet Union and anything between 20 and 100 Russains had been killed. Many families of the Russains had been sent back to the Soviet Union. In Afghanistan apparently there was a growing dislike for the Soviet Union. However this was an internal affair of Afghanistan.

13. The Ambassador then wished to explain why it was not easy to control the activities of the refugees as a great many did not live in camps, where the
Pakistani Government could control their activities, but lived outside with friends or tribal relations. On being asked by FS whether refugees possessed modern weapons, the Ambassador replied emphatically in the negative. He did add that in the tribal belts, people traditionally carried guns on their shoulders but these were old and obsolete. In response to another query, the Ambassador replied that there was no question of the refugees possessing modern weapons such as semi-automatic guns, etc. Certain limited smuggling in weapons did take place but reports to this effect had been highly exaggerated, as a result of irresponsible reporting by journalists. Mark Tully of the BBC was such an example. He had said that prayer meetings were being held all over Pakistan, after Bhutto's execution, which could be the spark that lights the fuse...

14. In conclusion, the Pakistani Ambassador said he had been asked to enquire from Foreign Secretary if it would be possible for FS to visit Islamabad at his convenience. Alternatively, the Pakistan Foreign Secretary, Mr. Shah Nawaz, could come to Delhi. If the idea appealed to Foreign Secretary, then the Ambassador would be happy to pursue it with Islamabad. However, if FS felt that the matter should pend a while, then he could leave it for the present. There was no fixed time frame for such a visit but as there were various matters pending discussion between the two countries, a visit would be useful. Foreign Secretary replied that G.O.I. would consider the suggestion at a suitable opportunity.

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0934. SECRET

Record of the Call by Pakistan Foreign Secretary Shah Nawaz on Prime Minister Morarji Desai.


Prime Ministers’s Office

Pakistan Foreign Secretary, Mr. Shah Nawaz, called on the Prime Minister of 31. 5.1979. He handed over a letter from President Zia, a copy of which has been sent to Foreign Secretary and Ambassador to Islamabad.

2. Prime Minister said that he was not happy about the mention in the letter regarding the communal situation in India. Prime Minister said that this was propaganda being carried on in Pakistan and asked how many Muslims had gone over to Pakistan or Bangladesh because of the allegations about insecurity
of Muslims in India. The fact of the matter in regard to the riots at Aligarh and Jamshedpur was that the first offensive action was started by the Muslims themselves. This has not been mentioned in India as it is the policy of the Government not to aggravate any communal situation. Prime Minister expressed unhappiness that in international forums also, Pakistani representatives go on making propaganda against India on this question.

3. Pakistan Foreign Secretary said that he was sent here by the President of Pakistan to express the latter’s thanks for the attitude taken by the Prime Minister on the question of punishment to Mr. Bhutto. President attitude, Prime Minister said that he took the decision as a matter of principle even though the decision was criticized in India.

4. As regards the communal question, Mr. Shah Nawaz said that President Zia had asked him to convey how much he appreciates Prime Minister’s policy in regard to minorities. Pakistan believes that this is a matter which is entirely an internal affair of India. However it is only in the context of the desire to develop friendly relations with India that concern is expressed on these matters. Prime Minister wondered how there can be development of friendly relations if propaganda is carried on by Pakistan against India day in and day out. At Islamic meetings, Pakistani representative always talks about these matters. Mr. Shah Nawaz said that it is not that the Government feeds the public with such reports; the Government cannot prevent news of communal riots reaching the Pakistani public. Prime Minister said that he was not talking about news reaching Pakistan. What he was talking about was the line taken by the official representatives of Pakistan at international gatherings. Mr. Shah Nawaz said that they would look into what the Prime Minister has said. Prime Minister said that this is always the response whenever he has raised the matter in the past, but it seems that nothing is done and there is no improvement. Prime Minister said that he would like to know whether any Indian representative had carried out propaganda against Pakistan in any international forum and asked why Pakistan cannot reciprocate the Indian attitude.

Prime Minister recalled that the Pakistani representatives have been carrying on propaganda that India should not be helped in regard to the Rajasthan Cannal project because it is a political project and not an economic project. Prime Minister wondered why such an attitude was taken and falsehood propagated. While the attitude of the Prime Minister himself is not determined by such matters, people in this country notice these things and then raise the question as to why India should behave properly while Pakistan continues such tactics. Even on the Kashmir issue, President Zia keeps on saying things which are not calculated to improve relations. As regards Mr. Aga Shahi, he never seems to open his mouth without condemning India. There is enough material which can be produced in
evidence of what the Prime Minister said but the Prime Minister did not wish to go into details. The usual cautious attitude of President Zia is thrown to the winds whenever he talks on Kashmir. It is quite possible that these utterances may please Pakistani people, but it is the duty of the leaders to try and change public opinion and not to feed it to the detriment of Indo-Pakistani relations.

6. Pakistan Foreign Secretary said that the public opinion was a legacy of the past and it is this legacy created by the predecessors of the Prime Minister which is making it difficult to improve relations. Prime Minister said that he did not want to go into the past because then he would also have to raise such matters and actions of the Pakistani leaders which had brought about this legacy. He recalled that President Zia had told him that the Pakistani rulers in the past had built up an atmosphere of hatred and that he wanted to change that. Prime Minister felt that it would be easier to talk to President Zia (who) had told him that the Pakistani rulers in the past had built up an atmosphere of hatred and that he wanted to change that. Prime Minister felt that it would be easier to talk to President Zia on these matters if only he were to accept the invitation and visit India.

7. Pakistan Ambassador said that with the help of India it might be possible for the Prime Minister and President of Pakistan to meet in Havana. Prime Minister asked the Ambassador how President Zia could go to Havana until Pakistan is admitted. As of now, Pakistan is not a member of the non-aligned movement. Mr. Shah Nawaz said that President Zia will come at the right time to India and the ground has to be properly prepared before president Zia can visit India. Prime Minister said that his regret was that there was not enough desire in Pakistan to develop closer relations with India. He did not agree with the argument about proper preparation for the visit. Prime Minister said that in India we do not need to have the ground prepared as in any case it is the political leaders who give the lead in this regard. Ambassador Bajpai intervened to say that President Zia had respect for the Prime Minister and has paid great tribute to the Prime Minister in a recent statement on the question of communal riots in India. Prime Minister said that his desire is to have complete freedom and relation with Pakistan so that trade grows freely and there are no visas and there is freedom of movement between the two countries. The main responsibility for achieving this must lie with the Government and Government leaders. Mr. Shah Nawaz said that the Prime Minister's correct policies had profound impact on the minds of the people in Pakistan. Efforts are being made by the Government over the last couple of years to improve relations and he was happy to say these efforts are bearing fruit.

8. The Pakistan Ambassador recalled Prime Minister's conversation about Mr. Agha Shahi and said that Mr. Agha Shahi had told him that he has constantly endeavoured to promote relations between India and Pakistan and he did not
know why India thought differently about him. The Ambassador asked whether there are new reports which had come to the Prime Minister’s notice. Prime Minister said that there were continuous reports about what Mr. Agha Shahi had said but he would not wish to go into details.

9. As regards the allegation about feeding wrong information to Ayotullah Khomeini, only a delegation led by Mr. Agha Shahi had met him and that delegation could not have said anything of the kind alleged by us. In fact, it is Pakistan’s desire that India should succeed in achieving its objective of bringing about communal harmony. Prime Minister said that recently at the Islamic Conference in Morocco also, the Pakistani representative made these allegations against India. This was perhaps done to create embarrassment to India amongst its Arab friends. However, India is on friendly terms with the Arab countries. Even Libya which is so religious-minded, believes us when we say that we are only interested in communal harmony.

10. Prime Minister then spoke about the sensitive issue of nuclear weapons. Pakistan keeps on talking about a nuclear free zone in South Asia. It is not possible to understand how such a zone can be nuclear free if the rest of the world is not. Prime Minister made it very clear that India will not agree to any nuclear free zone in South Asia. India has already declared unilaterally its desire not to use nuclear energy for military purposes. Pakistan should also make such a declaration. Prime Minister wondered what Pakistan means by its proposal for a joint declaration. Obviously this is intended to bring about inspection of India’s nuclear facilities by Pakistan and others. It is a clever policy of the United States to try and introduce full scope safeguards for nuclear facilities in India through backdoor methods. Prime Minister made it clear that India cannot agree to such proposals particularly when other nuclear-weapon posers like the USA continue to make atomic weapons of all kinds and refuse inspection.

11. Prime Minister said that President Zia had written to him that Pakistan is not interested in making nuclear weapons. Prime Minister is prepared to believe what the Pakistan President has written on the nuclear weapons issue. Therefore, Prime Minister did not understand why extraneous issues like nuclear free zone and joint declaration are sought to be introduced.

12. On the question of Pakistan’s admission to the non-aligned movement, Prime Minister referred to the bilateral defence treaties which Pakistan has with the United States. Mr. Shah Nawaz said that, the 1959 treaty with USA was only bilateral and many countries in the non-aligned movement have such treaties. He also referred to the Indo-Soviet friendship treaty in this regard.

13. Prime Minister said that the Indo-Soviet treaty was a friendship treaty and was not even remotely a defence pact. It would be clear if they study
the provisions of the treaty, which in any case was entered into by the previous Government. It is quite possible that other countries in the non-aligned movement might raise the question of Pakistan’s defence treaty with America. It would not be possible for India to join with Pakistan to defend Pakistan’s position in regard to these treaties. Pakistan did not denounce the treaty. As a matter of fact, it was Pakistan’s alliance with USA in the 1950s which has created problems between India and Pakistan. Prime Minister said that he must be truthful and wanted to point out that he could not join Pakistan in defending treaties at the non-aligned movement.

14. Mr. Shah Nawaz said that this treaty is not operative, as India knows very well. As a matter of fact, the United States, apart from helping Pakistan, is only putting pressure on Pakistan. Prime Minister said that in that case they should resist the pressure.

15. Prime Minister than spoke about the need to maintain good relations between Pakistan and Afghanistan. It was true that there was trouble in Afghanistan, but how does that concern Pakistan? Several Afghan nationals have come into Pakistan and Pakistan is helping them against the Afghan Government.

16. If Afghanistan is at fault in many ways, Pakistan is also at fault. Prime Minister said that he was expressing these views because he believes that Afghanistan, Pakistan, Iran and India must work together to achieve peace and development. Nothing should be done by any one which would aggravate the situation. Prime Minister also made it clear that Pakistan should have no apprehension that India would work against Pakistan if Afghanistan started anything against Pakistan. Prime Minister also emphasized that there was no question against Pakistan. However, he also wanted to make it clear that if Pakistan tried any tricks India was capable of finishing off Pakistan.

17. Prime Minister also spoke about Khan Abdul Gaffar Khan. Pakistan was not restoring his passport to go for medical treatment abroad. Khan Abdul Gaffar Khan had mentioned to us that in fact India is the only country which will accept him without passport.

18. Mr. Shah Nawaz said that the factual position is different from what Gaffar Khan may have told us. The fact of the matter is that both Russians and Czechs have refused to give him visas and that is why Gaffar Khan’s passport is lying with the Pakistan Embassy in Kabul. Pakistan is prepared to issue him passport any time.

19. Prime Minister said that both in Afghanistan and Iran the internal troubles would go on for quite some time because the changes in the Government have
taken place as a result of violence. However, outside countries should stay away from what is happening internally. Mr. Shah Nawaz said that Pakistan was also of the same view. However, the frontier was so difficult between Pakistan and Afghanistan that they cannot prevent people crossing over and coming into Pakistan. They did not wish to push these people back to certain death. Prime Minister said that if they create trouble against the Government of another country, then they have to be pushed back. He gave the example of Tibetans in India who were given refuge here but they were not allowed to do any propaganda against China. Similarly, Prime Minister had seen to it that the Bangladesh refugees in India did not carry on any activities against the Bangladesh Government.

20. Mr. Shah Nawaz said that this was the right policy and Pakistan was also following similar policy in regard to Afghanistan. However, the number of refugees was on the increase because of the difficulty of the terrain and it is for Afghanistan to stop their nationals coming into Pakistan. Even if Pakistan deployed its entire army it would not be possible for Pakistan to push back the refugees.

21. Prime Minister then enquired about the situation in Pakistan. Mr. Shah Nawaz said that Government had decided to hold elections in November. Elections would be both general elections and local elections. November 17 was the date for holding general elections.

22. Before the meeting ended, Mr. Shah Nawaz clarified that the letter sent by President Zia was written before Prime Minister's letter was delivered by the Ambassador to President Zia.

(Prakash Shah)
Joint Secretary
4 June 1979
Record of the Call by Pakistan Ambassador Abdul Sattar on Foreign secretary Jagat Mehta.

New Delhi, June 16, 1979.

Pakistan Ambassador Sattar called on Foreign Secretary on June 16 at his request. He was accompanied by Mr. Mujahid Hussain, Minister in the Pakistan Embassy. Joint Secretary (Pak-Iraf) was also present. The meeting lasted for about 45 minutes.

2. The Ambassador conveyed the greetings and thanks of the Pakistan Foreign Secretary, Mr. Shah Nawaz, for the generous hospitality that was extended to him and his delegation during their recent visit, both in Delhi and in Bombay. The Ambassador expressed the view that the visit was an important step and was extremely useful. In retrospect they were very grateful for the fact that the time was given for Mr. Shah Nawaz before the Non-aligned Bureau meeting in Colombo and before our Prime Minister's visit to the Soviet Union. This gave Mr. Shah Nawaz a chance to speak to PM about Pakistan's case before he went to Moscow. F.S. agreed that a lot of ground had been covered at the talks. This was a new habit and a good beginning. He also told the Ambassador that he had seen Mr. Agha Shahi briefly in Colombo. The Ambassador then handed over a letter from President Zia to our P.M. which, he said, expressed thanks for the gift of fruit which was sent to the President and his family through Ambassador Bajpai. He said that he had requested this meeting with FS to ask for a briefing on the discussions held in Moscow.

3. FS told the Ambassador that as he could well imagine, at this time the USSR was greatly exercised about Afghanistan. This question figured in the talks as also in President Brezhnev's speech and finds mention in the Declaration. FS said that the Soviets had told us, probably what they told Pakistan also, about their concern at the support, interference etc., from Pakistan territory to the opponents of the regime of the Democratic Republic of Afghanistan. As they had cautioned Pakistan that this support must stop, they mentioned this to us also and that they would not let down the Afghan regime.

4. Referring to the fact that there was no mention about South Asia in the Joint Declaration (this matter had been raised by Mr. Mujahid Hussain with JS (Pak-Iraf) earlier), F.S. said that our exercise had been to condense a much longer draft into a short and more concise statement. The omission of South Asia and the efforts being made to bring about better relations with neighbouring countries had been noted earlier and did not need reiteration. President Brezhnev had spoken about the subject in his banquet speech. Returning to
Afghanistan, FS said that in the Soviet view developments in Pak-Afghan relations were not satisfactory. Their view was that if there was no outside interference from Pakistan territory, the situation would stabilize. Mr. Brezhnev had even recalled the situation in 1927 when they had trouble in Central Asia due to the action of neighbours. The Soviets had told us that they had talks with the Government of Pakistan on the question of Afghanistan and felt that this action from Pakistan territory must stop and repeated that they could not be indifferent to it. They also expressed the view that India should try to exercise a restraining influence. P.M. explained to the Soviets our policy towards Afghanistan. We had been quick to establish diplomatic relations with the Afghan Government and desired to continue our on-going economic relations. We treated the Pak-Afghan problem as a bilateral matter. The Joint Declaration made three points on Afghanistan:

(i) The desire to develop friendly relations with DRA;

(ii) Support the aspirations of the people of Afghanistan for the preservation of their national independence and development; and

(iii) Opposing any interference by outside forces in the internal affairs of Afghanistan.

5. FS said that after PM left Moscow for Leningrad, he had stayed on in Moscow and had official level discussions on various matters with Sudarikov, (Head, South Asia Division of the USSR Foreign Ministry). He had reiterated India's approach to this matter at greater length. He got the impression from Sudarikov that it was recognized that there was an internal problem in Afghanistan. FS said that the rulers of Afghanistan were in the best position to understand the character and personality of the Afghan people. If there was outside support, “Where would it come from?” F.S. said that he informed the Soviets briefly of what Shah Nawaz had told him, viz., that the Pakistan Government stated that they were not giving any support to anti-regime elements and the difficulty of the terrain and the border. The Afghan Government also desires to sort out relations with other countries. He had got the impression that the USSR may have in mind some sort of summit-level talks between Afghanistan and Pakistan. From our side, we were trying to maintain our traditional relations with Afghanistan, which were open and largely economic and not ideological. But we would be happy to see stability in our region.

6. Ambassador Sattar said that even in public statements and also in private meetings, as FS has just informed him, the Soviets had asked India to exercise a restraining influence. This itself may not be as significant as the previous impression which had prevailed in Pakistan and which he had an occasion to mention to FS in April. (He was referring to the Pak concern that India might step
up pressure on their border). FS mentioned that the Soviets had not spelled out as to what exactly they thought India could do to exercise a restraining influence.

7. Ambassador Sattar then mentioned the Soviet suggestion, as reported, that India should play a role in helping the Afghan regime to stabilize. FS said that his answer had been that no fault could be found with our correct relations with Afghanistan, nor objection to our response in promoting economic cooperation. Ambassador Sattar then mentioned the report of Mr. Phadnis in the Hindustan Times, stating that in meetings with Mr. Brezhnev, PM had said that the Afghanistan regime should increase its own acceptability with the people and not merely blame things on Pakistan. FS said that while he could not comment on the report of Mr. Phadnis, he did feel that the Soviets also recognized that the Afghan regime had, perhaps, moved too fast. They had also, of course, said that they would not be indifferent and would stand by the Afghan Government. Such phrases were subject to different interpretations but should, of course, be carefully noted.

8. Ambassador Sattar said that there had been talks with the Russians in both Islamabad and Moscow. President Zia had recently received the Soviet Ambassador. He went over the problem with him and told him that the crux of the problem lay in Afghanistan. Pakistan had to face the consequences of it. There were 100,000 refugees from Afghanistan in Pakistan. The bulks were located in campus distant from the boundary. The Ambassador said that there was a section of refugees who had moved from the Afghan tribal belt to the Pakistan tribal belt among their own tribes. The tribal belt was long and the terrain was very difficult. There were long-standing traditions of hospitality among the tribal. Some of the refugees had brought along their families, cattle, etc. and did not want to move into camps. He said that they had told the Soviets that if they expected them to use force to compel the refugees to move from the tribal belt to the camps, this was beyond the capacity of the Pakistan Government and would involve serious difficulties. The Ambassador stressed that they were trying to explain this candidly to the Soviets. They were told by the Soviet Ambassador that the Pravda article of May 23 was based on solid and irrefutable evidence. Following the article Agha Shahi had ordered a thorough check to be made into each allegation. In the article it had been alleged that Pakistan was training commandos and that there were training camps in Peshawar and Naushera. A thorough check had been made and it was found that there was absolutely no basis for this. The Afghan Government had also recently charged that the frontier militia of Pakistan was involved in clashes inside Afghanistan. Ambassador Sattar said that this militia was very lightly armed and is a law and order force in this tribal area. In fact, this force was a method of giving subvention and employment to the tribesmen. It was a disciplined force under the control of the Pakistan army. In any case there
were no incursions across the international boundary. Since the Soviets did not appear to accept the Pakistani explanation, President Zia had suggested to the Soviet Ambassador that he should visit the area personally but had not responded. The President had also suggested the appointment of a Pak-Afghan group which could give a joint report after visiting the areas. He said that to this also there had been no response yet from the Soviets. Pakistan was also willing to have a high-level meeting with Afghanistan. There had been talks between the two sides and President Zia had visited Kabul last year. There had also been exchange of ministerial visits. Pakistan was willing to discuss the matter with the Afghans at any time.

9. FS said that Sudarikov had been aware of the Pakistan suggestions to send someone to the area.

10. Ambassador Sattar said that they really did not know how to convince the Soviets. Kosygin is reported to have told the Indian correspondents that after a revolution there was always a struggle between the progressive forces and the forces of regression. He said that such a process was happening in Afghanistan and, therefore, to imply Pakistani responsibility seemed to be a contradiction in terms.

11. FS expressed the view that even if the Soviets acknowledge that there is an internal problem also in Afghanistan, they have the suspicion that it is the encouragement and support from Pakistan territory which, according to them, if not is responsible, adds to the problem. Whether, in their view, this is the primary reason or a marginal reason one cannot say, but they keep on talking about this. Occasionally they mention Iran also but mostly it is Pakistan. FS said that as far as India was concerned, we had explained our position to the Soviets in terms which were not contradictory to what we had told Pakistan. Broadly, we have always said that this problem was bilateral but it did have an effect on the stability of the region and this stability is a policy goal with us. The Ambassador stated that they also shared this goal. Pakistan had hoped that, particularly after the recent moves by Pakistan (withdrawal from CENTO, application to join the Non-aligned Movement etc.) a foundation could be laid for strengthening relations between Pakistan and the Soviets. But this new complication had arisen which they could not control. He said that for the first time in 32 years of relations with Afghanistan there was a continuing influx of refugees into Pakistan from that country. Pakistan wished that the Afghan Government would stop the exodus and attract the refugees back. However, only they could take the necessary decisions.

12. Ambassador Sattar informed FS that, according to Radio Pakistan, the statement of our Prime Minister on this matter, as reported, had been commented on favourably in Pakistan. It had contributed to the consolidation of the trend for
reduction of suspicion and the creation of greater mutual confidence. PM’s press comments given for the record (not the report of Mr. Phadnis) were seen as articulating an appreciation of a complicated and difficult situation and different from the partisan approach of the Soviets. This difference in approach had made a profound impact. FS said that he was glad to note this.

13. The conversation then turned to the recent non-aligned Bureau meeting in Colombo. FS mentioned that Kampuchea and Egypt had been difficult problems. The Non-aligned Conference was not a place where national policies got changed. The acid test was that if the cohesion of the movement was to be maintained, then it should not be loaded beyond what it could bear. The international problems of common concern, of course, merited our attention, but by bringing up intra-regional problems into open discussion, the atmosphere was vitiated. FS said that the Ambassador might have seen our Foreign Minister’s statement in the plenary in which this was reiterated. In Havana there would be plenty of problems to cope with. FS said that we have supported the basic elements of the Arab position on the question of the peace agreement, and that position seemed to have broader support at the Conference. But there had been opposition on the question of suspending Egypt from the movement, particularly among the Africans. Ambassador Sattar expressed the opinion that, perhaps, since the OAU summit meeting was to take place before Havana the position might be clarified. He agreed that when bilateral matters were raised it became a nuisance for other countries who had to take positions. He said that he did not know if Pakistan made a statement on this subject at Fez but in any case Egypt did not attend to contest.

14. FS then mentioned the fact that the Islamic Conference had observer status in the Non-aligned Movement but the problem was to define exactly its link or role in the Non-aligned Movement. We must not be misunderstood. We supported the PLO but consistent with our Constitutional philosophy we feel that religious organization had a separate role to an international body like Non-alignment. Ambassador Sattar interjected to say that the visit by our FM to different Arab countries just before the Colombo Bureau Meeting must have helped to remove any misunderstandings. FS said that we were trying our best to improve our relations with the Arab world as with Pakistan. We respected the Islamic faith. But when there had been some communal incidents here and these attracted public attention in such international fora as the Islamic Conference, that certainly provoked reactions in our free press and Parliament. There was always a danger that this sort of thing could cause a setback to the climate of relations, be it with Pakistan, Arab countries or other Islamic countries. No one condoned such incidents but this was used by others to create complications. There had been a suggestion of an institutional link between the Islamic Conference and the Non-aligned Movement. However, the rationales of the two were different. There were a lot of reservations about this at Colombo.
15. Before concluding, the Ambassador asked to be forgiven if he presented a personal thought on this matter. He said that we were all very jealous about our internal affairs, particularly between Pakistan and India because of the long history and great sensitivity. We had to strive hard not to step on each others toes. But quite apart from India and Pakistan, when humanitarian situations arose he wondered if it was necessary to be overly sensitive. He recalled that in 1977 he had a talk with Mr. Rajeshwar Dayal at the Human Rights Commission in Vienna where the latter had asked him about the Ahmadiya minority of Pakistan. He thought that this was a perfectly legitimate concern in that forum. The Ambassador thought that the expression of an international interest in a humanitarian matter should, in fact, strengthen the hands of governments. FS said that he took the Ambassador’s point but when governments get involved there has to be a shrewd judgment that the expression of thought did not become politically counter-productive.

0936. SECRET

Letter from Ambassador K. S. Bajpai to Foreign Secretary Jagat Mehta.
Islamabad, August 2, 1979.

Ambassador of India
Islamabad


My dear Foreign Secretary,

This is in continuation of my telegram No.169 dated July 31, 1979, regarding the Pakistan Foreign Office’s interest in comparing notes with us in preparation for the Non-Aligned Havana Summit.

2. As reported in my letter No. ISL/AMB/456-A/79 dated July 27, 1979, the Pakistanis are very keen to have an assessment of the attitudes of our new Government towards Pakistan. In sum, over the last two years they had come to the conclusion that their eastern front would not present any problems to them in the foreseeable future and they are extremely anxious to reassure themselves that this will continue to be so. General Zia made it a point to speak to me at the Chinese Army Day Reception last evening on
precisely this point: it was to the effect that while the change of Government was entirely an internal matter for us, the process was impressive, he had developed great respect for our previous Prime Minister and had telephoned him to wish him well after he had resigned, but he was sure our new Prime Minister\* would continue the policy of good-neighbourliness and he had also telephoned him to convey him regards and good wishes. His telephoning in addition to sending a message is a reflection of his keenness to keep up an easy atmosphere on his Eastern Front.

3. From various officials who have talked to me off the record, it is clear that the authorities here are eagerly watching out for signals of what policy they should expect from us. I have, of course, been emphasizing the points made in your circular telegram No. 24361 dated July 29, and these are generally appreciated. However, there is a feeling that Indo-Pakistan relations have always been a special feature in the foreign policies of both countries, and that they are more susceptible to changes at least of emphasis, with changes of regime. I have an impression that this approach for consultations in preparation for Havana is not unconnected with the desire to find out how we are going to deal with Pakistan in the future – i.e. the extent to which we respond will be interpreted as indicating the extent to which a continuity of approach in the broader sense can be expected. It is even possible that, if they get enough encouragement, the Pakistan Foreign Office might like to use this idea of consultation on the Non-Aligned Summit as a cover for sending an envoy to Delhi to make a more general assessment of our attitudes in much the same way as the then Additional Foreign Secretary, Shah Nawaz, came to us in April 1977. But for the fact that he has just been to Delhi already, Shah Nawaz might very well have undertaken this mission himself. Our friends here always continue to be wary of appearing to their own hard liners to be taking too many friendly initiatives towards us and they are, therefore, unlikely to broach the suggestion of any visit on their own, but they seem to be fishing for possibilities. I cannot be sure that they would actually come, and since you will, in any case, all be meeting each other at various levels in Havana, they might be left to take their soundings on bilateral relations with us there. But would Government be interested in making a special gesture by responding to this request for exchanging ideas in advance of Havana to invite Pakistan to send Saqib or some other senior official to Delhi for this purpose? It would mean acceptance of the Pakistani claim that their admission is now a settled fact, but even the Afghans here tell me that they are reconciled to that, so that by itself is not

\* Charan Singh
too important a consideration. The real question is how far we would like to go to show friendship at this stage. You might like to consider the possibility and let me have Government's views.

With best respects and regards,

Yours sincerely,

( K.S. Bajpai )

Shri J. S. Mehta
Foreign Secretary,
Ministry of External Affairs,

♦ ♦ ♦ ♦ ♦

0937.  SECRET

SAVINGRAM

From :  Indembassy Islamabad
To :  Foreign New Delhi
No. 176-SAV August 12, 1979.

Foreign Secretary from Ambassador

Called on SHAH NAWAZ this morning pursuant to his having expressed wish at casual encounter few days ago to have a talk with me. It turned out his interest was in assessing likely course of political events in India and new Government's attitude. I said SATTAR must already have briefed him fully, that while all sorts of guessing games were going on about developments after Parliament reconvenes, his Government would be well advised to note that our new Government has taken firm grip of affairs and to deal with it as durable and decisive administration which in foreign policy would be guided by the consensus that had developed over several years. I reemphasized the commitment to work with neighbours for ever better relations and all the points already put across in terms of your telegram No. 24361 of 29th July.

2. On my side I draw attention to following two points: (a) AGHA SHAHI had spoken in UN Committee about our communal situation with his customary skill but criticisms by a Pakistani on such a sensitive issue were bound to affect climate of bilateral relations, as the projection of SHAHI's speech in Pakistani media all too unhappily showed. General ZIA himself had paid tribute
to our previous Prime Minister’s efforts to help minorities and it was well known that this one of highest priorities of our new Government – indeed it was one of the major factors leading to division of former Janata Party. It was most unfortunate that Pakistan’s Foreign Affairs Adviser should take up the question at this time. A defensive SHAH NAWAZ said these things were not coordinated, it was only coincidence and SHAHI had only said minorities could not feel confident of securing rights if groups wedded to ideas of religious superiority exercised Government power. I said I would not like to go into situation in Pakistan but this SHAHI observation applied to virtually all Pakistani Political Parties, some lately in Government; to reciprocate SHAHI’s friendly advice, our Government felt it best Pakistan did not make unnecessary references to our communal problems lest this provoke questions about plight of minorities in Pakistan and thus spoil atmosphere.

(b) Spate of dispatches and articles in Pakistan Press in last few days (as separately telexed) dealing with U.S. Congressman ZABLOSKI’S letter to VANCE had played up Pakistan's security needs and grievances on nuclear issue. These were bilateral matters between Pakistan and USA but it was regrettable that we were being unnecessarily dragged in, both as a potential danger to Pakistan because of our alleged instability and as a greater offender on nuclear matters. Such irresponsible comments were unfortunately being made by Pakistani diplomats in Washington and other Western capital also. We knew Islamabad was preparing for important U.S. Congressional Delegation but there was no justification for dragging us in ways which could make for difficulties in our relations with the U.S.A. Pakistan well knew problem we were having with Washington in nuclear fuel supplies for Tarapur: we had never done anything to embarrass Pakistan’s negotiations with USA or France (though we had our own anxieties about Pakistan’s programme) and found it incompatible with Pakistan’s declared policy of normalization with us for her to misrepresent India as violating American laws on the subject. As for our being a threat to Pakistan, history of relations in last several years spoke for itself, I had already conveyed our new Government’s commitment to policy of seeking cooperation of neighbours, specially Pakistan, for improving relations. I was authorized formally to assure his Government on this, and all the propaganda about us was not only wholly unjustified, it could unnecessarily come in way of better relations. SHAH NAWAZ expressed gratification at reiteration of our approach to Pakistan, professed to want to work in same way and rather lamely suggested dismissal of what their diplomats might be saying as merely the sort of concerned speculation inevitably when Governments of important countries change.
We need not make too much of these two matters, but with our friends here it is always advisable to register our reproaches as otherwise they tend to take advantage of our tolerance. I suggest some views be conveyed to SATTAR in Delhi.

3. Turning to subjects of common interest, I asked about Afghanistan and RCD.

(a) SHAH NAWAZ confirmed dates for SHAHI’s visit to Kabul had now been worked out (August 19) but was extremely sceptical of outcome. He complained of new points of friction, notably charges of Pakistan complicity in Bala Hissar incidents and “kidnapping” of Pakistan Embassy Clerk now being paraded as opting to live in Afghanistan. His assessment was that doubtful loyalty of army was adding to Khalq regime’s instability, it was difficult to explain to their own people how army units could mutiny and Pakistan was being used as traditional whipping boy. In such circumstances there was little prospect of thaw (though I got impression Pakistan was keen on seeking it to try and preempt possible Afghan objections to their entry at Havana; Afghan Ambassador here assures me Kabul will not raise obstacles, he is not well informed but Russian Ambassador confirms him). Interestingly, SHAH NAWAZ opined that recent Cabinet changes in Kabul were to prevent any army coup, adding he thought possibility increasingly unlikely as Political Commissar and indoctrination systems have been very effectively developed and Government seemed to know very quickly what any unit might be thinking. Pakistan attitude remains this strange mixture of fear that comments are in charge for keeps and hope that they can be destabilized.

(b) On RCD he confirmed what I reported in telegram No. 173 dated August 6, Pakistan Government were trying to prolong matters in keeping with accepted procedures for joint agreement on termination, but he had little doubt that given attitudes it would eventually be terminated.

4. SHAH NAWAZ showed further interest in comparing notes on Non-aligned subject. Grateful, if you have considered my letter No. ISL/AMB/469/79 dated August 2. Perhaps at this stage it is best simply to talk to SATTAR in Delhi. SHAH NAWAZ asserted ZIA would “definitely” attend Havana (there has been much speculation here that he wouldn’t) and was eager to meet our Prime Minister there, as SHAHI (due back here today) also would be to meet Foreign Minister.

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秘密

记录讨论：巴基斯坦驻印度大使阿卜杜勒·萨塔尔访见外交部长贾加特·梅塔的谈话记录

新德里，1979年8月21日

外交事务部
(巴基斯坦与印度事务司)

巴基斯坦驻印度大使阿卜杜勒·萨塔尔，陪同其副领事萨贾德·阿里，于1979年8月21日上午11时访问了外交部长贾加特·梅塔。此次访问是在巴基斯坦大使的请求下进行的。JS(Pak-Iraf)和印度驻巴基斯坦大使巴伊普也在场。阿卜杜勒·萨塔尔大使在访问中提到，他长时间未有机会拜访外交部长，他知道外交部长近来一直很忙，政府也被国内事务所牵绊。考虑到过去的七年中所投入的事情以及所有付出的善意和努力，两国政府和外交部门可以为近年来在改善印巴关系方面所做的努力感到自豪。1977年巴基斯坦在经历一场政治变动，但两国关系的节奏没有发生改变，同样，他很高兴看到巴基斯坦总统齐亚·侯赛因与印度总理查朗·辛格间的互访，这似乎表明双方都有改善关系的意愿。

2. 阿卜杜勒·萨塔尔大使提到印度总理查朗·辛格在独立日的讲话，他希望巴基斯坦的反应能够有节制。J.S(Pak-Iraf)表示，他看过两篇报道（其中一篇刊登在《纳瓦伊·瓦克特》上），这些报道对讲话表示批评，但指出讲话也是为国内听众准备的。阿卜杜勒·萨塔尔大使希望双方都能保持改善印巴关系的势头。

3. 阿卜杜勒·萨塔尔大使提到有关巴基斯坦核计划的报道，他遗憾西方媒体夸大了巴基斯坦的核意图。他在今年7月访巴基斯坦期间，已经得到了充分的说明。巴基斯坦外交部发现这些报道是美国的犹太人团体一手策划的，他们不仅担心巴基斯坦制造核武器，还担心核武器会落入巴解组织之手。他希望巴基斯坦总统和前总理之间的对话能够继续并保持。
4. Ambassador Sattar then dwelt on Agha Shahi’s statement in the UN Human Rights Commission against racial discrimination. He mentioned that he himself had represented Pakistan in the Commission two years ago and some delegates had expressed extraordinary and almost hostile curiosity about the status and problems of minorities in Pakistan and Mr. Rajeshwar Dayal, the Indian delegate was also present. At that time no special note was taken of this attitude on the part of certain delegates, but this time the matter has been brought out into the open and it is in the press. Ambassador Bajpai has already discussed this matter with the Pak Foreign Secretary and Ambassador Sattar hoped that the explanation given to him satisfied F.S. The Human Rights Commission was a forum for objective discussion on human rights questions such as the status of minorities etc. No resolution was to be adopted nor was any follow up action to be taken and, therefore, a statement made by the Pakistani delegate as a member of this commission need not have been blown out of proportions and taken very seriously.

5. FS thanked Ambassador for his explanation and agreed with him that credit for bringing about an improvement in Indo-Pak relations was naturally an effort on both sides. There had been a growing recognition that promotion of good relations between India and Pakistan was in the mutual interest of both countries. The improvement in our relations was beyond the expectations of outside powers. They have generally welcomed the comparatively friction free climate in this region. FS recalled his personal experience of this process of improvement of Indo-Pak relations in the last 3 years. Given the historical background of these relations, it required sensitive antennae, extreme caution and restraint in handling such negotiations. The old habit had been to score a point against the other. If the process of improvement required restraint and letting such temptation to countenance the other, where no serious immediate interests are involved, we have to let it pass. Without such sensitivity and restraint the improvement in the climate of Indo-Pak relations would receive a gratuitous set back. In India there has been on the whole satisfaction, indeed at times enthusiasm, at the improvement of Indo-Pak relations. The two countries have such a lot in common and we must recognize the long-term logic of trust and beneficial cooperation. This approach characterized Mr. Vajpayee’s visit to Pakistan, Mr. Agha Shahi’s visit to India and the useful dialogues at various levels between the two countries. There was need for a careful husbanding of relations.

6. The basic message of the new government has been that there will be continuity in our foreign policy. Our endeavours to foster ties of friendship with our neighbours will continue. Our approach has the benign support of the international community. Even if there are some
countries that do not favour an improvement of relations, it is certainly in the interests of India and Pakistan themselves to continue with the policy of normalization or relations.

7. So many events have taken place in these seven years since 1971-72. Many of them could have constituted a set back but both India and Pakistan did not allow that to happen. In fact, we recognize that whether it is Pakistan or any other neighbour, there is a need for sensitivity to the other country’s feelings, public reactions and policies. In this context, even normal reactions become a point of political friction. How much trouble can be taken to score a point becomes more important than can be emphasized. India and Pakistan have similarity of interests in economic matters in the international fora and they can cooperate to advantage. They both belong to the group of 77. Even while there is an element of competition, as exporters we have a common economic interest. Our situations are so similar and our approach on world economic problems is akin to each other. The logic of cooperation and mutual understanding is inescapable.

INCOMPLETE

0939. Briefing by Foreign Secretary on the meeting between External Affairs Minister Shyamnandan Mishra and Pakistan President Zia-ul-Haq.


Following is gist of briefing given to press by Foreign Secretary on Foreign Minister’s meeting with President Zia:

President Zia-ul-Haq of Pakistan received Foreign Minister today at his Villa in Havana. In a friendly conversation in Urdu which lasted about 40 minutes they discussed bilateral relations, development of nuclear energy by the two countries and prospects for bilateral trade. Foreign Minister briefed Zia about the proposed Indian elections and observed that the Indian and Pakistani elections might once again coincide. President Zia urged that India should not be deceived by reports in the U.S. press about Pakistan seeking to manufacture an Islamic bomb. Referring to his letter to Prime Minister Charan Singh Zia said that he had reaffirmed that Pakistan’s nuclear programme was entirely for peaceful purposes. His unilateral declaration that Pakistan would not manufacture nuclear
weapons was on the advice of Prime Minister Desai who suggested that just as India declared its renunciation of nuclear weapons, Pakistan should also make its intentions clear. Prime Minister Desai had said that such declarations would amount to same as joint declaration. He said that Pakistan neither had the intention nor the resources to develop a nuclear device. He said that being a soldier he loved peace more than anyone else and did not think that force should be used. On trade President Zia said that it was India’s turn to send a trade delegation to Pakistan to discuss improvement of bilateral trade and it was in the interest of two countries that trade should be developed at the earliest. When it was pointed out to him that what India sought was non-discriminatory trade relationship, President Zia said that no discriminatory measures would be taken against India. He hoped that it would be possible for India to send a trade delegation as soon as possible.

Foreign Minister clarified that what Prime Minister said at the Red Fort was that India might reconsider its nuclear policy if Pakistan manufactured nuclear weapons. If Pakistan did not go in for nuclear weapons, there was no need for India to review its policy*. He said that while there were many reports about Pakistan’s nuclear intentions all over the world there was no such report about India and this should be adequate assurance to Pakistan that India's intentions are entirely peaceful. Foreign Minister promised to look into the question of trade and agreed with President Zia that it was imperative to improve trade relations in the interests of the two countries.

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* This aspect was discussed in some details when Foreign Minister Shyamnandan Mishra had a meeting with Agha Shahi in Havana on September 1, 1979. See Document No.1844
SAVINGRAM

From : Indembsasy Islamabad
To : Foreign New Delhi

IMMEDIATE


Foreign Secretary from Ambassador.

Called on SHAH NAWAZ yesterday pursuant to desire he had expressed to see me and also to register points discussed with you in Delhi. Meeting interesting mainly for comments on Afghanistan which I have telegraphed separately, but he started by giving me opportunity to express our views on ZIA’s Havana references to Kashmir, which were coincidentally reiterated by him in Morning’s headlines. SHAH NAWAZ said he had originally wanted to review developments in India, both sides had done much to improve relations to their present satisfactory condition and he hoped nothing would be said or done that would cause any set-backs to these relations. I said those were our very views, our Government’s commitment to continuity of essentials of our foreign policy, especially good-neighbourliness had already been publicly declared and officially conveyed, we had also been encouraged by what ZIA had said in his meeting in Havana with Foreign Minister, who had been impressed by his sincerity and common-sense approach. (SHAH NAWAZ interrupted to say it had worked both ways, ZIA having been most favourably impressed by our Foreign Minister). Unfortunately there seemed to be considerable difference between intention and practice:

(1) Kashmir reference regrettable for 3 reasons; forum in which it was made (in which SHAH NAWAZ had assured us it would not, and ZIA himself acknowledged it should not be raised); effect of such retrogressive references on bilateral relations; and repercussions in India, where we were about to have elections and where statements by Pakistan leaders were bound to cause counter-statements by our leaders. SHAH NAWAZ sought our tolerance for compulsion of domestic situation but agreed that all three points had validity and offered to arrange for me to convey them to ZIA personally. I said we did not want to make this into a big issue, you had planned to speak to SATTAR but as he was here on leave I simply giving Delhi views, which were likely to be strengthened by ZIA’s call yesterday for “reviving” Kashmir issue. SHAH NAWAZ professed not to have seen this but said it would be all the better if I spoke to President. I said I might have letter for him later this month and would
defer pleasure till then. Discussion on this point concluded with SHAH NAWAZ hoping Indo-Pakistan relations would not be exploited in elections in either country; sharing his hope, I pointed out that the fact that this had already been done on the Pakistan side should be treated as preempting any objections he may feel obliged to raise if people on our side followed suit.

(2) Trade, Technical level exploration of possibilities of signing a new agreement had been held without any real movement on Pakistani side to reduce, much less to end, discrimination against us. This too was not in tune with ZIA’s own attitudes as originally conveyed when our Commerce Secretary called on him last year and as reiterated by him to F.M. In Havana, SHAH NAWAZ on this too pleaded for tolerance of domestic compulsions. I said we had offered full self restraint in controlling exports unwelcome to Pakistan, real proof of improving relations would be to give us a chance to prove we wished no harm to economy but only mutual benefit and development of vested interest in good relations, and we would now leave it to Pakistan to pick up threads when they felt ready (I later had chance encounter with Pakistan Commerce Secretary who expressed wish to review position with me shortly).

(3) On various lesser matters there had lately been more negativism on Pakistan’s side than we had been experiencing previously. Routine discussions between authorities of two Governments dealing with P&T, Civil Aviation, Railways, due under existing agreements had been cancelled or not fixed. Our staff was being put to great difficulty by rejection of our requests for houses here (prior clearance is required and has been denied in increasing numbers, nineteen so far; there has also been oppressive increase in surveillance). We would not like to read too much into this; basically in present circumstances best policy was to live patiently with existing level of relations, but experience showed that unless both Governments kept up positive efforts towards forward movement there was tendency here to slide backwards. We intended no complaints but since he wanted review of our relations I was merely mentioning this so he might see there was no deliberate backward movement but merely coincidence. He hastened to assure me there could only be fortuitous coincidence and no change in policy of friendliness. Indeed, he hoped we could have the next round of bilateral agenda-free horizon tour with your returning his visit to Delhi soon. I said we all looked forward to that but you had a very heavy schedule and, as SHAH NAWAZ agreed, next round at Foreign Secretaries’ level might best be fixed after both countries had completed their respective electoral processes. Cordial discussions then went on to various multilateral matters.

2. We happened to meet socially last evening when SHAH NAWAZ took me aside to say he had spoken to ZIA, it would be useful if I could convey all the same points to him personally and he would be happy to receive me. I said
there was no particular urgency and we might leave it till he was freer and I might have something more to convey. (ZIA is presently flying around the country as though he were running for office. Local bodies poll shows PPP exercising strong appeal, which is what worried regime, though motions towards general elections are still being taken). SHAH NAWAZ mentioned a few other points on which I am writing to you. If PM’s letter has been finalized, I can deliver it to ZIA and discuss these other aspects without touching on the main subject of the exchange of letters.

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0941.  
SECRET/PERSONAL

Letter from Ambassador K. S. Bajpai to Foreign Secretary Jagat Mehta.

Islamabad, September 26, 1979.

Ambassador of India
Islamabad


My dear Foreign Secretary,

Please refer to my Savingram No. 198-SAV dated 26.9.79, on my meeting with Shah Nawaz.

2. Apart from our free and friendly talk in his office, we had a more private discussion when he took me aside at the Saudi National Day reception that evening reiterating his Government’s desire to pursue amity with us. He said they greatly hoped a strong Government would emerge from our elections. I asked what the programme here was, which he misunderstood as applying to himself, confiding that after eight years he wanted to get away and hoped to do so but nothing was final. Proving to respect this confidence I clarified my query had referred to the electoral arrangements here. He said “let us see what happens tomorrow” and then hastened to add “the President really wants to have general elections but after all they are not an end in themselves. Lots of people are saying we had one general election and ended up with the division of the country; if we have another we may end up with further division.” We agreed that it was important that in neither country should electoral compulsions be allowed to cause complications for Indo-Pakistan relations. In this context I
stressed the need to avoid references to individuals. Zia’s September 23rd Gujranwala statement had repeated the claim that he had succeeded in reopening the Kashmir issue with our previous Foreign Minister who had to concede the need to do so after first refusing to. I said if our previous Foreign Minister felt obliged to rebut this, which was in any case not true (Shah Nawaz nodded agreement when I recalled the correct position regarding that visit), an unnecessary controversy could ensue. Shah Nawaz admitted he had not considered that aspect but agreed that both sides should be extra careful to avoid such complications like this. It was at this point that he said he had already spoken to the General and reiterated I should see him. I repeated there was no urgency and we could look into the possibility later.

3. Shah Nawaz then spoke further about Afghan affairs, making more categorical his view that the Russians were behind it. I simply said this was not our impression and it was best to get more authentic facts. He then went into a long account of Afghan history saying its people had no sense of being a nation and anyone who tried to fence it into a mould of modern nationhood always came a cropper. The way he spoke gave rise to a suspicion that he might be sharing a common Pakistani hope that Afghanistan might fall apart. Westerners here often speak of the possibility of a division. Incidentally, some Western diplomats here say they learn from Kabul that Tarrakki was an increasingly uncontrollable alcoholic and this had been causing problems of erratic behaviour, even at Havana. The Pakistanis do not seem to have any such impression; I wonder if we have anything to this effect in Havana.

4. Shah Nawaz then asked again about another bilateral session at Foreign Secretaries’ level. I have an impression that our friends here are wanting to discuss the nuclear issue. That is a matter we too have to devote our mind too but we have to see what happens politically here as well as wait for our elections before we can really discuss anything of consequence. I take it that is our view but I thought I should give you the full picture of Shah Nawaz’s thinking.

Yours sincerely,

( K.S. Bajpai)

Shri J.S. Mehta
Foreign Secretary,
Ministry of External Affairs,
New Delhi
Ministries/Departments of the Government of India might be aware that through two separate notifications under the Defence of India Rules, 1962 (copies enclosed (not included here)), all immoveable and specified movable properties of Pakistani nationals were vested in the Custodian of Enemy Property for India, Bombay. These immoveable and specified movable properties got vested in the Custodian of Enemy Property, for India under Section 5 of the Enemy Property Act, 1968.

2. Subsequently, under rule 151, of the Defence of India Rules, 1971, movable and immovable enemy properties were vested in the Custodian of Enemy Property for India. (copy of S.O.No. 511 enclosed (not included here)). These movable and immovable Enemy Properties, also got vested in the Custodian under the Enemy Property Act, 1968 as amended in 1977.

Section 5 of the Enemy Property Act, 1968 is reproduced below :

Notwithstanding the expiration of the Defence of India Act, 1962 and the Defence of India Rules, 1962 all enemy property vested before such expiration in the Custodian of Enemy Property for India appointed under the said Rules and continuing to vest in him immediately before the commencement of this Act, shall, as from such commencement, vest in the Custodian.

2. Notwithstanding the expiration of the Defence of India Act, 1971 and the Defence of India Rules, 1971, all enemy property vested before such expiration in the Custodian of Enemy Property for India appointed under the said Rules and continuing to vest in him immediately before the commencement of the Enemy Property (Amendment) Act, 1977 shall, as from such commencement, vest in the Custodian.
Thus all the immovable and specified movable properties continue to vest in the Custodian of Enemy Property for India.

All Ministries/Departments are requested to indicate whether appropriate action has been taken in the matter and the Custodian has been informed of the immovable and specified moveable properties vested in the Custodian of Enemy Property, Bombay. In case action has been taken in the matter, copies of the suitable instructions should be endorsed to the undersigned as well as the Custodian of Enemy Property. In case no action has been taken till now, suitable action may kindly be taken.

Copies of the Ministry of Commerce Notification dated 10th September and 11th September, 1965 are enclosed for ready reference (not included).

(Joginder Singh)
Director

To
Ministry of External Affairs,
South Block, New Delhi
0943. **Statement by the Spokesperson of the Pakistan Foreign Office on relations with India.**

**Islamabad, January 1, 1980.**

A Foreign Office Spokesman said that the Indian Ambassador was called to the Foreign Office this evening and his attention was drawn to Prime Minister Charan Singh's statement of 31st December reported by All India Radio, expressing concern over the reported U.S. decision to lift the arms embargo against Pakistan and his apprehension that the arms will be used against India.

It was pointed out to the Ambassador that far from desiring conflict or confrontation, Pakistan had been consistently seeking improved relations with India and other neighbouring countries and remained firmly committed to this policy, it was, therefore, a matter of deep regret that the Government of India continued to cast doubts on Pakistan's peaceful intentions and to oppose Pakistan's efforts to acquire even a minimum defensive capability. On the other hand, India itself was embarked upon a major programme of modernization of its armed forces and was engaged in acquiring the most sophisticated weapon systems from various sources. In his latest statement, Prime Minister Charan Singh himself had favoured strengthening of India's defence forces in a "big way" and said that the prosperity of a developing country was linked with a secure border. It was pointed out to the Ambassador, that this consideration was equally valid in Pakistan's case.

The Ambassador was reminded of Pakistan's long standing offer to enter into negotiations with India for a mutual balanced reduction of forces.

The Ambassador was reassured that Pakistan would continue its efforts to build better relations with India and other neighbouring countries on the basis of the principles of sovereign equality, non interference in each other's internal affairs and peaceful settlement of differences. The hope was expressed that India would fully reciprocate Pakistan's sincere desire for good neighbourly relations and regional harmony and eschew negativism in its attitude towards Pakistan.

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Record of the meeting between Pakistan Ambassador Abdul Sattar and Foreign Secretary.

New Delhi, January 7, 1980.

Ministry of External Affairs
(Pak-Iraf Division)

The Pakistan Ambassador, Mr Abdul Sattar called on Foreign Secretary on 7th January 1980 at 5.30 p.m.

2. Ambassador Sattar began by thanking the Foreign Secretary for receiving him and said that he wanted to have a further dialogue on the matters discussed at an earlier meeting with FS. He said that he had spoken to Islamabad after his telephonic conversation with FS but he had not received a specific reply, possibly because the Pakistan Government was at present engaged in an intensive examination of developments in Afghanistan and the implications thereof. In addition, the visit of Lord Carrington was also engaging the attention of Pakistan Government. On 7th morning Ambassador Bajpai met Pakistan Foreign Secretary, Mr. Shah Nawaz and the telegram about the call had as yet not been received by Ambassador Sattar. However, he had sufficient information from Islamabad to talk to FS about some matter that had been discussed in their earlier meeting.

3. The first point he sought to make was about the sequence of events that precipitated the induction of Soviet troops into Afghanistan. He said that President Zia had asked the Soviet Ambassador in Pakistan on 28th night the specific question that at whose invitation had the Soviet troops been sent to Afghanistan. The Soviet Ambassador had answered that it was at the invitation of Mr. Babrak Karmal that Soviet troops had been sent. FS said that this information was very interesting since the Soviet Ambassador here had mentioned that the Soviet troops had been sent at the invitation of the Afghan leadership.

4. Ambassador Sattar then dwelt on the reasons for the intervention. The Pakistani perception was that the Soviets had not intervened earlier to crush the insurgency because they had expected that the Afghan army would be in a better position in winter to achieve successes against the rebels. Though the Afghan army had met with some successes in October, the situation deteriorated rapidly and from early November to December there were substantial defections to the rebel side from within the Afghan army. Simultaneously, the strength of the insurgency in different parts of Afghanistan especially in the north-west provinces (and not only in those areas bordering Pakistan) increased and this
created an apprehension in Kabul that if the Afghan army were to disintegrate, the insurgents would take over. There was, in Pakistan’s view, a rift developing within the Peoples Democratic Party of Afghanistan and this rift was not healing in spite of best attempts by the Soviets. FS asked Ambassador Sattar what he meant by the north-west provinces. Ambassador replied that he was referring to the provinces adjoining the USSR border.

5. Ambassador Sattar then said that Soviet Union had in recent statements accused Pakistan of not only allowing insurgents to use its territory for anti-Afghan activities but also of allowing US and Chinese aid to insurgents in their fight against the Afghan regime. In the past the Soviet press had made such accusations but the emphasis had tended to disappear especially as their was increasing awareness in Moscow that the insurgency problem was not the creation of Pakistan and that Pakistan was neither the main cause nor even one of the causes of the insurgency problem. But now the Soviets were constantly highlighting Pakistan’s role in Afghanistan’s developments and had made these accusations against Pakistan at the United Nations Security Council. In fact, the Indian press and Amrita Bazaar Patrika in particular, had reproduced the Pravda article alleging that “the bulk of weapons being used by mercenaries were in Pakistan’s territory”. It appeared to the Government of Pakistan that it was an *ex-post facto* justification for developments in Afghanistan which were essentially triggered off by internal factors.

6. Ambassador Sattar then spoke about resumption of arms supplies to Pakistan since this subject had also been discussed by him earlier with FS. He assured FS that the American announcement had been made without consultation with Islamabad. There was disappointment in Islamabad that India had reacted the way it did to this report without checking its veracity and without taking into consideration the “miniscule quantum” of the arms aid proffered by the US. Even if the report was correct, given India’s desire for normalization and improvement of her relations with Pakistan and given India’s own satisfactory position on the defence front, India need not have reacted unfavourably to the American offer. India did not take into consideration Pakistan’s defence perceptions on account of the change in the strategic environment in the region or the fact that Pakistan had no indigenous defence capability even to produce artillery items or tanks. Each country’s defence needs were based on its own perception of its security environment and though Pakistan did not aim at a defence parity with India, it did want to equip itself adequately against foreign aggression. Ambassador Sattar hoped in this context that the Pak Foreign Secretary could come to India or FS could go to Islamabad and hold early consultations on the evolving situation in the region in the light of Pakistan’s concern for its integrity and security and India’s perception of its own national interests. This dialogue would be based on common concerns
and shared perceptions about the region. He wanted FS to dispel any apprehensions that FS may have, that Pakistan was preparing for any confrontation with India.

7. FS replied that Ambassador Sattar’s assessment of the situation in Afghanistan was broadly in line with our own assessment. There was, however, an additional reason that could have contributed to the course of Soviet action and that is the Iranian situation. He considered that it would be a grave matter if the USSR was to move further into Afghanistan and augment its present troop strength or if USSR were to move into Pakistan. This serious concern had prompted the Indian reaction to Soviet action in Afghanistan. India was against the induction of super power rivalry in the region and FS was gratified to find that India and Pakistan had common understanding and no difficulty on this questions.

He also expressed his gratitude for the clarification that the United States had made the announcement about the resumption of arms supplies to Pakistan without consulting Pakistan. He agreed with Ambassador Sattar that each country must judge for itself what its legitimate defence needs were but the US arms aid announcement drew Pakistan into a confrontationist situation which was none of its making. FS felt that both India and Pakistan could work together in diffusing the situation in Afghanistan and keep away from confrontationist situations. FS then asked Ambassador Sattar whether the Government of Pakistan had made any public statement assuring that it had no intention of helping insurgents in Afghanistan. Ambassador Sattar replied that Pakistan’s Permanent Representative to the UN, Mr. Niaz A. Naik had made a statement in the Security Council about Pakistan’s policy of scrupulous non interference and neutrality – a policy which Pakistan had followed consistently even when faced with the problem of refugees since early 1979 when the refugees from Afghanistan had started coming in great numbers.

8. FS enquired whether the Pakistanis had had any contact with the new Afghan Government. Ambassador Sattar replied that there had been no contact as yet and then enquired about India’s policy of recognition. FS said that it was India’s attitude to treat changes of government within a country as an internal matter and, therefore, we did not go through the process of recognition all over again on account of such changes. Ambassador Sattar recalled that when President Daoud was overthrown India had recognized the Taraki regime. FS clarified that this was only in response to a message from the Afghan Government. Ambassador Sattar recalled that Pakistan was one of the earliest Islamic countries to recognize the Taraki regime and Pakistan has indeed sought to treat all changes in governments as an internal matter of Afghanistan. But now a different situation had been created in Afghanistan because of the
induction of foreign forces. Pakistan had hoped that the Government in Afghanistan would be based on the wishes of the Afghan people but that was not to be.

9. Pak Ambassador then asked FS what the provocation could have been for the induction of Soviet troops into Afghanistan at this time. If it was the concern about the situation in Iran and the USSR wanted to protect its interests there, it could have tackled the Iranian situation through its forces along its border with Iran. Why was it necessary for the USSR to move into Afghanistan to deal with a possible US threat to its interests in Iran? There must have, therefore, been some other consideration prompting Soviet moves. FS replied that most of the USSR’s troop concentration has been in the northwest and the USSR has not been intending to pose a threat to Pakistan and this had been reiterated by Voronstsov, the Soviet Ambassador here. The primary concern of the Soviet Union was to deal with the internal situation in Afghanistan and an additional reason that could have prompted the Soviet action was USSR’s apprehension that the US was intending to carry out pre-emptive strikes on Iranian oil fields which would amongst other things affect Soviet Union’s economic interests for it bought sizable quantities of gas from Iran. Soviet action may, therefore, be seen as intended to forestall any punitive action that the US might undertake. Ambassador Sattar commented that American views had evolved over the two months spanning the Iranian crisis. In November 1979 in a display of strength and in an effort to solve the hostages, substantial naval presence of US and its allies was perceptible in the Persian Gulf region. This was in addition to the forces stationed in the Mediterranean Sea. In fact, Ambassador Sattar had heard that there was “an Armada” of about 70 to 80 US, British and French ships and aircraft carriers with about 200 aircraft, in the Gulf region around that time. But since then the US seems to have had second thoughts and its concern for the interests of its allies prevailed. Moreover, there was the USSR factor which had deterred the USA from implementing any such idea.

FS felt that USA was not really thinking so much about USSR’s reaction as about the reaction of its allies. US itself did not need Iranian oil as much as its allies. Moreover, USA had in recent times put forward a rather dangerous concept that oil is a human resource and should be freely available to all and then it had also floated another equally dangerous idea of a rapid deployment force consisting of several divisions in Europe capable of being airlifted to any point on the globe to deal with the third world countries. FS said that he could not be very definitive about the role of the Iranian crisis on Soviet action in Afghanistan and he was just postulating a theory. FS then thanked Ambassador Sattar for transmitting his message and hoped that the Pakistan Foreign Secretary would make it convenient to come to India even if he himself could
not leave India at this juncture. Ambassador Sattar then recalled Ambassador Bajpai’s suggestion to Pak Foreign office that Mr. Shah Nawaz could come as a special Envoy, presuming of course the ability of the Indian Government to receive a special Envoy so soon after it takes charge. Ambassador Sattar felt that even though going by strictly protocol considerations it was FS’s turn to visit Islamabad, should not be allowed to obstruct or hinder an ongoing dialogue between the two countries. FS agreed with this and stated that he wanted to emphasize the fact that increasingly, both India and Pakistan were going to be under tremendous pressure to contend with the USSR and it was India’s considered view that we should resist these external pressures. For this, close bilateral consultations were necessary so that bilateral and regional problems could be solved by discussion among ourselves without the super powers meddling in our affairs. Ambassador Sattar replied that developments in Afghanistan had introduced an undesired complication in the mainstream of Pakistan’s foreign policy which it had been developing for the last many years. Pakistan had made a conscious effort to avoid cold war confrontation and move towards non alignment, a fact which was recognized by India recently. Even after the Afghan revolution in 1978, Pakistan continued to follow a policy of non interference and non alignment and hoped that its entry into the Non-Aligned Movement would have a positive impaction in its relations not only with other Non-Aligned countries but also with the Soviet Union but unfortunately this did not happen and the situation in Afghanistan had a spill over effect in the form of Afghan refugees pouring into Pakistan. In the past, Pakistan had repeatedly told the Afghan Governments to seal its borders with Pakistan, since Pakistan itself was in no position to do so specially in the face of Afghan obstructionism. In the past if Pakistan did set up any posts in the border areas adjoining Afghanistan, the Afghan Government would raise a bogey about Pakistan wanting to have a strangle hold on the region and thereby creating complications in Pak-Afghan relations. In spite of interference by Afghanistan in Pakistan’s tribal areas, the Pak Government had had no problems with its tribals on the Pak-Afghan border and if today Pakistan had little or no control over movements of people in its borders with Afghanistan, it was because Afghanistan had itself through out discouraged the policy of establishing military presence in the border areas. In fact, at one time the strength of the Pakistan army in the NWFP was as low as one division. FS replied that the induction of fresh arms into the region was no answer and if Pakistan wanted to move any of its divisions to its border with Afghanistan it was free to do so and the Government of India was willing to give an assurance that India would pose no military threat to Pakistan. Ambassador Sattar thanked FS for this assurance but he requested him to understand the long term defence needs of Pakistan since Pakistan had no indigenous arms manufacturing capacity. FS stated that be that as it may, the US statement, made unilaterally, did not augur well
for the future of this region and gave the impression that Pakistan was being rearmed as a retaliation to the induction of Soviet troops into Afghanistan. Moreover, Pakistan could not possibly expect to use these arms against the Soviet troops in Afghanistan. Ambassador concluded by saying that the American record of arms supplies to Pakistan had not been a good one and in fact India’s persuasions in this regard had often held sway and prevented arms supplies to Pakistan and the American announcement though made at the time of the Soviet action in Afghanistan was long overdue.

(Lakshmi Puri) (Mrs.)
Under Secretary (Pak-Iraf)Pol.
8-1-1980

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0945.  Note from the Pakistan Embassy in New Delhi containing the text of the Letter from Pakistan President Zia-ul-Haq to Prime Minister Mrs. Indira Gandhi.

New Delhi, January 14, 1980.

The Embassy of Pakistan presents its compliments the Ministry of External Affairs and has the honour to communicate the following message from H.E. Gen. M. Ziaul Haq, President of the Islamic Republic of Pakistan to H.E. Madam Indira Gandhi, Prime Minister of the Republic of India, with the request that it may be transmitted to its high destination:

**Begins:** “Dear Madam Prime Minister,

It gives me great pleasure to convey to you my sincerest felicitations and good wishes and those of the Government and the people of Pakistan on your assumption of office as Prime Minister of India.

The overwhelming victory of your party in the recent elections is not only a tribute to your outstanding leadership but also a reflection of the deep confidence reposed in you by the people of India.

We are conscious of your personal contribution towards the conclusion of the Simla Agreement and feel confident that during your new term of office normalization of relations between Pakistan and India would be further accelerated. I assure you of our full cooperation in these endeavours and of
our sincere desire to carry forward the process of improvement of relations for the mutual benefit of our two countries and the promotion of peace and harmony in our troubled region.

Please accept my best wishes for your personal health and happiness and for the continued progress and prosperity of the people of India.

Yours sincerely

General M. Zia-ul-Haq

ENDS

The Embassy of Pakistan avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs,
Government of the Republic of India, New Delhi.

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0946. Letter from Prime Minister Mrs. Indira Gandhi to Pakistan President Zia-ul-Haq.


Dear Mr. President,

Thank you for your kind message of felicitations and good wishes on my assuming the office of Prime Minister of India.

The tremendous support which the people of India have given to me and to my Party in our election reflects their desire for economic development in an atmosphere of peace and stability. This implies good relations with our neighbours.

I fully share your wish to accelerate the process of normalization between our two countries. The Simla Agreement was based on the belief that the manifold economic and social problems which beset Pakistan and India need our entire attention, and that cooperation rather than confrontation would strengthen our countries and help to keep them free from foreign influences. Hence I am glad to note in your letter your own commitment to the Simla Agreement. Your cooperation is essential to keep alive the letter and spirit of that agreement and to take positive steps for its fuller implementation, which would enable our respective peoples to derive the maximum benefit from it.
Because of the importance I attach to better understanding and more fruitful links between India and Pakistan, I should like to refer to some recent developments in our region which have far-reaching consequences for our two countries. It is of vital importance that our Governments have a clear understanding of each other's thinking. Much is being said and apparently considered, which could seriously affect our existing relations as well as the prospects of improving them in the future. I believe it is imperative for our Governments to discuss these matters before any decisions are taken which could irrevocably damage the interests of our region and, indeed, of the world as a whole. Your Government has recently renewed the already existing invitation to our Foreign Secretary to visit Pakistan. We gladly accept. However a number of high foreign dignitaries are visiting New Delhi, so he cannot leave the country before early February. If your Government finds it convenient to send a representative for talks in India before then, it would be most useful and most welcome.

Thank you for the good wishes which you have sent for the Indian people and for myself. I reciprocate these fully.

With regards,

Yours sincerely,

(Indira Gandhi)

His Excellency General M. Zia-ul-Haq,
President of the Islamic Republic of Pakistan,
Islamabad.
0947. Letter from Pakistan President Zia-ul-Haq to Prime Minister Mrs. Indira Gandhi.

Islamabad, January 19, 1980

The Islamic Republic of Pakistan
Islamabad
30 Safar-ul-Muzaffar 1400 AH
19 January 1980

Her Excellency
Madam Indira Gandhi,
Prime Minister of the Republic of India,
New Delhi.

Dear Prime Minister,

I was happy to be able to receive Ambassador Bajpai at his request on January 17 when he delivered to me your letter of January 15. During the exchange of views that followed after I had read your letter, I gave expression to my immediate reactions which must have been conveyed to you already.

Your message which I greatly appreciate reflects, nevertheless, certain misapprehensions and misgivings in regard to Pakistan indicating a preoccupation with the past rather than with the new realities. In our perception these realities and the prospects for our region in the wake of the Soviet military intervention in Afghanistan should create points of convergence rather than divergence between our two countries. It was for this reason that we entered into consultations with the Government of India through Ambassador Bajpai without delay. I am in full agreement with you that our bilateral consultations on the vital developments in our neighbourhood should be a continuing exercise so as to enable us to explore ways and means of removing misunderstandings if any and enlarging the area of cooperation between our two countries.

It has been my constant endeavour during the past two years to promote friendly relations with India and to carry forward the process of normalization of relations in accordance with the letter and spirit of the Simla Agreement for which you, Madam Prime Minister, can take credit. You might agree that these efforts which I am happy to say were reciprocated by the previous Governments in New Delhi have not been unproductive. I sincerely hope that we can by joint effort clear the ground for building a lasting relationship of trust and confidence between Pakistan and India which is so indispensable for the security of our two countries and the peace and stability of our region.

It is a matter of regret that both your Government and mine have been and are so preoccupied with important engagements of a bilateral and multilateral nature
that it has not been possible to undertake bilateral consultations except through
the diplomatic channel. I assure you that considerations of protocol have not
been a deterring factor with us. My Adviser for Foreign Affairs and Foreign
Secretary are irredeemably committed right up to the end of this month and
are unable to leave Islamabad even for a day. I am glad that your Foreign
Secretary will be able to visit Pakistan in the first week of February and we are
looking forward to an exchange of views with him.

I would like to reiterate the assurance which may have been conveyed to you
by Lord Carrington that the current exchanges of views between us and some
of our friends and any decisions which may be taken will have relevance only
to our security concerns arising out of the recent developments in Afghanistan
and should in no way be a source of anxiety to India. We can discuss this and
other matters of common interest in the forthcoming talks with your Foreign
Secretary as well as in the talks at higher levels which can follow by mutual
agreement.

In the meantime I would like to assure you once again of our desire to explore
together with you all available ways and means of improving our relations on
the basis of what you have described as a clear understanding of each other's
thinking. We are fully conscious of the need for developing the best of relations
with India and visualize equally clearly the imperatives of safeguarding the
interests of our region and world peace.

As I told Ambassador Bajpai we are neither in competition with India nor wish
to promote a state of confrontation with it. I am, however, constrained to point
out that some of your recent statements in regard to the Soviet military
intervention in Afghanistan and the prospects of an appropriate increase in
Pakistan's defence capability in that context have not been reassuring. You,
Madam Prime Minister, in particular, have a unique opportunity to create a
feeling of trust and confidence in Pakistan, a smaller neighbour, whose strength
and stability is in the interest of India's own security.

With profound regards and best wishes,

Yours sincerely

General (M. Zia-ul-Haq)

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Assessment by Indian Ambassador K. S. Bajpai of the present state of India-Pakistan Relations.

Islamabad, January 30, 1980.

Since the May 1976 Agreement restoring all the links (including diplomatic missions) severed in 1971, Indo – Pakistan relations have remained on a comparatively even keel but without much forward movement. There was more public euphoria in India regarding the potentialities for normalization than either objective reality or the strong reserve on the Pakistani side justified, but to begin with the hope of greater cooperation was encouraged by deliberate, if limited, efforts on both sides, both to avoid acrimony and to look for positive measures for increased contacts and better understandings. There has been a marked absence of friction, and even when we have disagreed, the tone of our exchanges – and, indeed, of our relationship as a whole – has been infinitely more harmonious than almost ever before.

2. Circumstances in both countries helped give a feeling of a healthier atmosphere even though problems remained. The efforts of the post- March 1977 Government of India to acquire a new image of good neighbourliness came to coincide with the fall of Mr. Bhutto, and the subsequent eagerness of General Zia to appear keen on better relations with us. Symbolic of the urges at work on both sides was the agreement on the Salal Dam: the basics of this had actually been worked out between the two previous Governments towards the end of 1976 but Mr. Bhutto was at that time going in for his elections and was worried about exposing himself to the criticism that he was going “soft” towards India; in particular, he was subject to the pressures of his own Army commanders that any concessions to India on Salal effected their tactical capabilities in the Akhnur sector. However, when the Army leaders themselves took over, they found it easier to approve the Agreement which was signed in 1978. It is arguable whether what made the agreement acceptable to Pakistan was not the assessment that it was getting a better deal than it might do by going in for the third party arbitration provided for under the Indus Waters Treaty, but certainly the negotiations over Salal, by avoiding this third party intervention, gave a boost to the prospects of improving relations purely bilaterally.

3. Just before the Salal Agreement our then Foreign Minister paid a visit to Pakistan which left an excellent impression. The period of the visit and the agreement probably represent the high watermark of optimism in regard to Indo-Pakistan relations. Delhi was certainly very clear even then about the limitations, and in the field our approach was we could live with the level of relations achieved, that it was our duty to keep pointing out possibilities of
advance, however small, whenever they came to our attention, but considering the inhibitions on the Pakistani side we were content to leave the pace and scope of further cooperation to Pakistan. By and large, throughout this period, public opinion in Pakistan has been far more ready for advances in Indo-Pakistan relations than the Government has been ready to risk. Partly, it is inevitable that 30 years of negativism should leave their mark on the “Establishment” here, most of those in a position to influence decisions having thrived by showing how tough they could be in dealing with India; partly like all Governments in this country, even Bhutto and, far more, the Zia regime succumbed to the blackmail of what, for short, might be called the Nawa-i-Waqt lobby with its base in the Punjabi ruling hierarchy and strong support in the middle class elements in the principal Punjab towns. (influenced particularly by the Punjabi immigrants from India who are totally opposed to any cooperation for fear that it would eventually lead to a blurring of the divisions between the two countries, and so undermine their grip on the levers of power in Pakistan) — basically the Zia regime and its civilian and military advisers have been over-fearful of being accused of “selling out” to India. The regime was specially frightened in trying to save himself, Bhutto might also arouse his constituency to criticize the Zia regime on this score. There has also been a burning compulsion in the regime (specially in Zia himself) to demonstrate a capability for doing better than Bhutto ever did in safeguarding Pakistan’s interests and even in cutting a figure internationally.

4. The outstanding illustration of how all these fears and aims affect the conduct of policy is undoubtedly Zia’s decision not to visit India. Soon after he came to power, he went running to as many capitals as were ready to receive him, and showed real eagerness to visit Delhi, but was prevailed upon to try and get us to agree beforehand on a discussion on Kashmir. His hawks (including in this instance specially his Foreign Affairs Adviser Agha Shahi) persuaded him that unless he could come back from a Delhi visit claiming to have reopened the Kashmir question, or at least achieved a definite advance in that direction, he would be vulnerable both to public criticism and even to the intrigues of his ill-wishers within the Government.

5. The fact is that Zia’s a basic aim has been to keep India believing in his good intentions because he has been afraid we might interfere in the affairs of Pakistan at a time when the country has been under great strains and his own position susceptible to many challenges. While it may seem surprising to us in India that Pakistanis could have been afraid of our, as they put it, repeating the Bangladesh type of intervention, i.e. finding an excuse, while there was political turmoil and military ineffectiveness – of maneuvering for the further break-up of Pakistan this nightmare continues to haunt even otherwise sensible men in Pakistan and Zia has wanted to make quite sure of not giving us any excuse
for turning against him and going on to any such adventure. For most of the
last 3 years, the coincidence of the good neighbourly initiatives of the
Government in India with the need felt by Zia to placate us has given a promising
appearance to Indo-Pakistan relations. Other considerations apart, the severe
limitations of that promising appearance have been evident from the basic
difference in approach by the two sides: we on our’s have been interested in
promoting more people–to–people contacts, whereas the Pakistanis want to
limit them as much as possible.

6. Cultural and academic relations provide one example of the difference
in approach. Nothing frightens the Pakistani establishment and the Nawa-i-
Waqt lobby more than the thought of the Pakistani mind being exposed to the
“hegemony” of our ideas and experiences. To some extent this is
understandable: casting around as they are for a sense of identity, and
determined to make it as different from India as they can, the last thing the
Pakistanis want to be reminded of a common history and common culture etc.
To show our comprehension of their sensitivities, we have tried to encourage
just one way traffic– the Pakistani artists, scholars, etc. being given opportunities
to come to India without our insisting on reciprocity; but negativist elements
have managed to find means to prevent even this e.g. by not giving passport
endorsements for India to their people.

7. During the last 18 months or so, there has been a distinct increase in
this negativism towards India, in various ways, most importantly in relation to
Kashmir and in the June 1978 decision to ban Trade. Annexure A (not
reproduced here) recounts the evolution of Pakistan’s efforts to supersede the
Simla approach to Kashmir by reviving the UN Resolution and generally
internationalizing the issue. Annexure B (not reproduced here) summarises
the position regarding trade, on which Pakistan insists on excluding India for
any of the over 400 items any importer can freely import from anywhere else in
the world. Annexure C (not included here) lists some of the miscellaneous way
in which the Pakistani authorities have prevented even minor and completely
harmless steps from being taken. There remains still a considerable potential,
even in terms of public opinion in Pakistan, for greater positive inputs into, as
distinct from lip service to normalization with India, but those opposed to it
manage to retain the ascendency.

Sd/ K.S.Bajpai
30-1-1980
Letter from Pakistan President General Zia-ul-Haq to Prime Minister Mrs. Indira Gandhi.
Islamabad, February 17, 1980.

The Islamic Republic of Pakistan
Islamabad
17 February 1980

Her Excellency
Madam Indira Gandhi,
Prime Minister of India,
New Delhi

Dear Madam Prime Minister,

I wish to thank you for your letter of February 2 which was delivered to me by your Foreign Secretary, Mr. R. D. Sathe. He has no doubt conveyed to you my immediate reactions as well as the outcome of his talks at the Foreign Office and with the Minister of Finance and Commerce. I am satisfied that these talks were held in a constructive spirit and have contributed towards a better understanding of our respective points of view. The positive trend of these talks holds the promise of substantial progress in our bilateral relations provided external developments are not allowed to impede the process.

Our position in regard to the Soviet military intervention in Afghanistan is founded in principles universally accepted as the basis of international peace and security. We do not seek confrontation with any country, nor to speak of a super power. Nor can we remain a silent spectator when a neighbouring state, which was independent and non-aligned long before Pakistan and India gained freedom, is subjected to military occupation and loss of sovereignty.

The Soviet action in Afghanistan has dealt a shattering blow to those who place their faith in non-alignment as a means of safeguarding national independence and international peace. The military penetration of a country so strategically situated as Afghanistan threatens to revive cold war and to subject our region in particular to super power rivalry. For all these reasons, Pakistan joined other members of the world community, including most of the non-aligned states, in calling for the immediate, total and unconditional withdrawal of Soviet forces from Afghanistan.

Your Foreign Secretary informed us of some of the initiatives your Government is taking to secure the withdrawal of Soviet forces from Afghanistan. We wish you success but doubt if Moscow in its present mood would yield to persuasion alone. Nevertheless, we sincerely hope that the efforts being exerted by our two governments, each in its own way, would achieve the objective in view and restore the foundations of peace and stability in our region.
We cannot ignore the implications of Soviet military intervention in Afghanistan for the security of Pakistan and the region. This subject was discussed in some depth with your Foreign Secretary. Here I would like to express appreciation for your reaffirmation that in making arrangements for the security of our country, we can proceed on the basis that "India presented no problem to Pakistan". The converse is implicit in the facts of the situation. I can assure you in categorical terms that Pakistan has no intention to present a problem to India.

You, Madam Prime Minister, have said yourself that every country has the right to take necessary measures to ensure its security. Pakistan has not questioned or protested against India's programme of modernization and upgrading of its military forces and its commitment to an expenditure of billions of dollars on the purchase of sophisticated weapon systems from abroad while possessing a formidable indigenous capacity of its own for the production of arms. We have neither the resources nor the capacity to engage in an arms race with India. We are not in competition with India and do not seek conflict with it. Contrary to your information, Madam Prime Minister, we are not engaged in any "major rearmament programme". We seek an augmentation of our defence capability in accordance with our legitimate security needs. We have neither the desire nor the capacity to acquire and maintain a defence establishment which could in any way be a source of concern to India.

Madam Prime Minister, the objective factors do not for a moment justify India's frequently articulated fear of a threat to its security from Pakistan. Indeed, such apprehensions have validity only in reverse. Nevertheless, as a measure to reassure each other a proposal was discussed with your Foreign Secretary in regard to the level of forces which each country should maintain on the basis of an agreed ratio. I trust that the idea of consultations between our military experts on this matter would commend itself to you.

In these circumstances India's reflective opposition to any suggestion of acquisition of defence equipment by Pakistan embitters feelings in Pakistan and raises questions in regard to India's intentions. It is distressing to find assertions in the Indian press that there has been an adverse change in India's security environment on account of the possibility of acquisition by Pakistan of a credible defence capability in the wake of Soviet action in Afghanistan. We wonder why is it not possible for the leaders of opinion in India to accept the fact that the adverse change in the security environment of both India and Pakistan is directly and exclusively attributable to the Soviet military intervention in Afghanistan. I sincerely believe that India would be well advised to create a better image by demonstrating that it shares Pakistan's legitimate concerns about its security. This would necessitate a realistic reappraisal of India's traditional attitudes and the adoption of a positive approach towards Pakistan.
I must repeat that we cannot build a new relationship of mutual trust and confidence on the foundations of the bitter experiences of the past which for us include the loss of half the country. India would be committing a historic mistake if it remains chained to the deadweight of ill-founded memories which would distort its vision of the future and retard the development of friendly and harmonious relations between our two countries to which we look forward with hope.

As regards the mention of Kashmir in my statement at the Islamic Conference, I sincerely hope that India would not be over sensitive on this issue. While we are fully committed to the implementation of the Simla Agreement in letter and spirit, there is nothing in the Agreement to preclude reference to this issue in any forum. Pending a final settlement on Jammu and Kashmir the provisions of the Simla Agreement do not prejudice the recognised position of either side. References to the established positions need not, therefore, create any apprehensions in the minds of the peoples of the two countries, as both are pledged not to resort to the use or threat of force for the settlement of bilateral differences.

I look forward to the continuation of the dialogue between our two governments, confident in the belief that it will serve the best interests of the peoples of the two countries.

With profound regards

Yours sincerely

(General M. Zia-ul-Haq)
SECRET

Savingram from the Indian High Commissioner to Pakistan K. S. Bajpai to the Foreign Secretary Ram Sathe reporting on his talk with President Ziaul Huq and other senior officers of the Pakistan Foreign Office.

Islamabad, February 27, 1980.

From: Indembassy Islamabad
To: Foreign New Delhi

No. 33-Sav February 27, 1980

Foreign Secretary / JS Pak Iraf from Ambassador.

ZIA spoke to me briefly (at a small reception he had) on February 24, about wanting to continue dialogue with us following your “very encouraging” talks here, but expressed himself “concerned” by what looked to him to be our support of Soviet charges that insurgency in Afghanistan was due to activities from Pakistani side. I said the whole world had noted from the course of GROMYKO’S visit that almost for the first time in our long years on very close friendship, we had been unable to agree with USSR on a major issue, Afghanistan; for Pakistan press to misrepresent us as “colluding” with Soviets was nothing short of perverse, and if ever Zia and his officials had doubts about us despite all our assurances, there was obviously a major communication gap. He agreed, and indicated that he was hoping to send SHAHI to carry on discussions.

2. Pursuant to this meeting, I was called to the Foreign Office last evening for over an hour’s full dress session with SHAHI, SHAH NAWAZ, and whole India Division jointly. SHAHI elaborated ZIA’s remarks into long complaint on 2 points: that India was equating alleged help from Pakistan to what was actually purely spontaneous insurgency in Afghanistan with Russia’s massive intervention there and that we were keeping up a campaign against Pakistan limited attempts to improve defence capability, as though this and not the Soviet invasion of an independent, non aligned country was the cause of tension in the region. He protested in particular to some press reports of speeches by PM in U.P., which Pakistani Embassy had evidently telexed from Delhi. Our attitude greatly “perturbed” his Government who wondered why talks you had with ZIA, him and SHAH NAWAZ plus exchange of letters between ZIA, and PM, all so encouraging had had such “an ephemeral effect”. Pakistan had been looking forward to continued
discussions either at Foreign Secretaries' level or even raising them to his own but there seemed to be a change in our attitude.

3. I said the only report I had seen of PM’s speeches was what appeared in Pakistan Press and he would forgive me if I preferred to wait for a more authentic version than that before answering him. I then countered that the only change since your visit had been the deliberately organized campaign in Pakistan press to misrepresent us as a threat. SHAHI and SHAHNAWAZ both tried to convince me that there was no organized press campaign. Only a natural fear generated by what was being said on our side.

4. I dismissed this as incompatible with what I knew of Pakistan and repeated that there seemed to be a calculated effort not only to prevent Pakistani people from knowing our true position but to revive their animosity and fear against us. This made us wonder what sort of relationship with India, Pakistan Government really wanted. SHAHI claimed it had been repeatedly made clear that Pakistan wanted to enlarge areas of cooperation and had made specific proposals for talks on military levels so that a new era of confidence could dawn. I reminded him you had already noted it; we had also made it clear that because of importance we attach to Pakistan this was the first country with whom we had held talks, we were engaged in similar consultation with other countries and our intention was to pick up threads with Pakistan after we had completed these other consultations.

5. There was a good deal of special pleading about impossibility of Pakistan being a danger to India, vulnerability of this country to pressures from North-West, hesitations about getting involved in Western alliances. When SHAHI argued we should not worry about what little America looked if giving (which, he claimed, Pakistan had not even decided to accept). I pointed out: (a) Pakistan was itself arguing it needed infinitely vaster quantities; and (b) why did they ask BREZENSKI to extend 1959 Defence Agreement to apply not only against Russia but against India? It was this sort of mentality that made us wonder about Pakistani intentions.

6. All this was incidental. Ostensible reason for calling me was to convey to Delhi that Pakistan sincerely wanted dialogue but our attitudes were worrying, but real aim seemed to be to press the idea of talks on arms ratio. SHAHI mentioned this at least three times, and added that it should be between the military experts. I remain of the view that we must not get involved in this but we need to give an answer terms of which I will discuss in Delhi.
Quasi-Verbatim record of the talks between President Zia-ul-Haq and Special Envoy of the Indian Prime Minister Swaran Singh.

Islamabad, April 2, 1980.

**Gen Zia:** I have heard and read so much about you but only found out today that you were from Jullundur.

**S. Swaran Singh:** People in Jullundur remember you. You studied in St. Stephen College.

**Zia:** Yes. I went to Government High Schools in Simla and later to St. Stephen's College.

**S. Swaran Singh:** There was one other school.

**Zia:** That was Bishop Cotton. I was amongst the proletariat. Later I went to St. Stephen.

**S. Swaran Singh:** When were you there?

**Zia:** 1940-44. How was your visit to Hasan Abdul and how were the arrangements?

**S. Swaran Singh:** Quite satisfactory. You Minister in charge of Religious Affairs was there. He is very much respect by the pilgrims. He gave a speech and he spoke from his heart.

**Zia:** He is an old politician.

**S. Swaran Singh:** (Laughingly). You think politicians are not good.

**Amb. Bajpai:** At the airport I saw Yusuf Haroon.

**Zia:** He met me.

**S. Swaran Singh:** I find people from Jullundur have earned repute here. There was Justice Sharif who later became Chief Justice.

**Zia:** He is dead now.

**Amb. Bajpai:** The Present Chief Justice is also from Jullundur.

**S. Swaran Singh:** There are many others – Sajaad Haider, Justice Sharif Amin-ud-din, well known criminal lawyer, his son Bashir who later became a judge.
Ghulam Ishaq: He was Chief Justice in Peshawar. Now he is in Lahore.

S. Swaran Singh: I will try to look him up.

Zia: We will trace him for you.

Amb. Sattar: Our protocol is already trying to arrange meetings with those persons whose names you had mentioned in Delhi.

S. Swaran Singh: How time passes. I came to Pakistan last in 1966.

Zia: I thought you had been here later also.

S. Swaran Singh: Many believe that I have spent half my life here.

Amb. Bajpai: I actually started my career, in real terms, with Sardar Shahib in 1962 during the negotiations with Pakistan.

S. Swaran Singh: We have been arguing a lot over the years but that does not solve any problem. His Excellency Mr. Agha Shahi and I have argued several times at different forums. I wonder at times whether it was worthwhile.

Well Sir, I have come her to your Excellency to expose myself to the different thing here, primarily with a view to strength relations in concrete terms. I have not come with any specific proposal. I feel that we owe it to the younger generations that we should leave relations between India and Pakistan in a neater form. As Defence Minister I had to go to the so-called forward areas and I used to see young boys staying there in the perpetual snows. Sometimes I wonder whether we are going to leave these boys always perched at the height or reverse that trend. There is a genuine desire in India to reverse that trend. The process started with the Simla Agreement. I do not want to go into the details but there is an uneasy impression that we would have done more. There is a psychological moment in history and we must try to take advantage of the feelings of the people. There is an urge amongst the people for peace, cooperation and understanding. That becomes the solid basis for building the structure of peace on the wishes of the people. I have a feeling that moment has arrived. When ordinary people come as yatris, whom I saw today, I found that the ease with which they move in the bazaars and the welcome which they get from the local populace are very clear signals. I saw friendship in the eyes of the people who were all round. I am sure Pakistan friends would get the same impressions on their visits to India.

When some sort of uneasiness starts there is a feeling that we must help each other and our relations should not cause worry to each other when you or we are in trouble.
I have been asked by Shrimati Indira Gahdni to tell your Excellency that the Indian people desire a relationship of stability, peace and cooperation with Pakistan. We felt a sense of disappointment when conjectures were made on the basis of some of her statements. Statements made at Divisional or District Headquarters at times get misreported because the reporters in small towns do not understand the nuances. The positive step we feel is to generate mutual trust.

If at your level and at the level of our leadership, there is a genuine and mutual desire to maintain peace, all other things will fall in proper perspective. We do understand that you have some immediate problems. We have tried dispassionately to understand your reactions. We realize you know the essence of the problems and we do not wish to do anything to add to your worries. We only wish to act in a way to assure you and your colleagues that India would do nothing to cause you any embarrassment or anxiety. One way of course is to catalogue complaints and worries and make statement which only lead to an unending process of having to explain and defend. We should rise above these peripheral issues and go to the heart of the problem. We on our side feel that Pakistan is stable and would like to assure you that it is not only good neighbourly act to see a strong Pakistan but because it is also in our interest. Therefore, when some people or newspapers say that India is interested in maintaining pressure to take advantage of Pakistan's problems it is not correct. We get worried as certainly we do not have any such intention. It is in that spirit that we want to approach our relations. We should have that confidence. If there is a grievance we should analyze it. If we can have that kind of relationship then all problems can be resolved. I am realistic enough. We have to accept some differences in approach and in the manner of articulation that our assessment of situation may on occasions have genuine differences, but these are not matters which should divides us. There may be differences in approach and manner of articulation. For example, Afghanistan – our Prime Minister has said frequently that we are totally opposed to the presence of foreign troops in any country.

Whatever may be the differences they can be solved. The parties directly involved will be able to find some kind of a solution. The problem is how should we act so that you are convinced that India is not a source of worry for Pakistan. So if there is anything that I can contribute to this process, as my friend your Finance Minister this morning told me that as I am not in the Government I should give my opinion to both sides. Often the things which divide us are magnified in the press and in other forums. For instance, I met some journalists at an informal meeting and the British correspondent appeared only interested in highlighting our differences. We are accustomed to this and know how to deal with it. We alone can find an answer to our problems. The Simla Agreement
had provided for various steps for normalization of relations in economics and other fields. When we say we want to strengthen our economic relations it is not just the economic aspect that we have in mind. In the best of circumstances trade between India and Pakistan would be only a small percentage to the overall trade of either country. What we want is a friendly neighbour. Whether we need cement, cotton or any other thing we should be able to ask you for it. Similarly if you are interested in something you could approach us. What is required is the strengthening of mutual confidence.

Zia: Sardar Sahib you have undertaken a very noble mission. It will contribute to better understanding. Mr. Bajpai was present at different meetings I have had with people in the last 2 ½ years. I first met Vajpayee when he came here. Later I met Mr. Desai in Nairobi. I have also met Mr. Jagat Mehta and Mr. Sathe and other leaders. I told Mr. Vajpayee that I am a soldier and that as soldiers we are trained all our lives for that one occasion (war) which might never come and which we pray will not. I told him that I am a soldier of peace and wish to offer my hand of friendship. Then I met Mr. Desai. I greatly appreciate him and always go went to my feeling. I was impressed by the sincerity of his purpose and forthrightness. I have met a large number of world leaders but Mr. Desai has left a deep impression on my mind. It is a pity that I could not go to India in response to his invitation or that he could not come here because of various compulsions in our countries.

We never protested to Mr. Vajpayee or Mr. Desai or even to Ambassador Bajpai when you signed the Jaguar deal. In fact we never said a word. I do not know if it has been conveyed to you. All I had said to Mr. Sathe, when he was here recently, was, what was keeping India and Pakistan apart; peoples who have lived together for centuries. Though I believe in the “two nation theory”, because it was on the basis of this that Pakistan was created, yet I said that France and Germany or Germany and British, who have fought wars against each other for centuries, were today part of the same community. We created two countries from one on the basis of a political decision by an agreement. Some unpleasant things followed but the basic point is that the decision was reached by agreement. I told Mrs. Gandhi that as architect of the Simla Agreement, she should take more constructive steps. If with Mr. Desai we had moved forward one step, it was our expectation that Mrs. Gandhi should go four leaps. However, what we find now is that when the US offered us $200 million aid, which we have not even accepted, there was a hue and cry in India. Even if the aid was accepted it would have bought us only 12 aircraft or 24 helicopters or a few guns, but this has been projected as a threat to India. As regards developments in Afghanistan there are differences in our perceptions. Mrs. Gandhi’s statements before the election were different from those after she took over. She had said that Russian interference in Afghanistan cannot
be accepted but after assuming Premiership there was a sea change. Whether it was the local press reports or our mis-readings, this is what reached us loud and clear. We have since exchanged some letters. The regional powers like India who know the facts should have no difficulty in understanding the situation. I am glad to know from you about your viewpoint and through you would urge Mrs. Gandhi to use her influence on the Soviet Union. I told this to the Cuban Foreign Ministers. I said that President Castro, as President of the 6th session of the non-aligned conference and as a friend of the Soviet Union, should use his influence to end the aggression on a non-aligned and Muslim country. My feeling, Sardar sahib, is that there is so much we can do. If we do not, posterity will never forgive us for failing to bring India and Pakistan together and to live like a family of nations in the region. I recall that as a youngster when my brother and I fought, it was I as the elder one who took the initiative to shake hands. I told Mr. Sathe and earlier Mr. Vajpayee that Pakistan is a comparatively small country and is not in competition with India. We would like to work shoulder to shoulder with India. Small countries have complexes. I will give you an example, the President of Djabouti which has a population of 2 ½ to 3 lakhs, was here recently and we gave him the welcome of a Head of State. The newspapers here brought out special supplements and in one of them there was a mention of different political parties and about the party to which the President belonged. When I went to call on him, he was furious and was packing to leave.

S. Swaran Singh: I can assure you we won’t do that.

Zia: I apologized and told him that we will get the newspaper reports rectified. What I was trying to tell you was the feeling of smaller countries. I also told Mr. Sathe that if you object to our acquisition of $200 million, please take into account that Pakistan is a country of 340 sq miles and has a population of 78 million and I asked him to judge and assess as to what should be Pakistan’s requirement for her defence which would not be considered a threat to India. I said I was not joking and asked him to examine this. I took out my Atlas but I cannot do that to an elderly and respected leader like you. Mr. Desai had even said that Pakistan can no longer be a threat to India. Today we are half of our previous size. Our country was dismembered in 1971. Then the Prisoners of War returned and the Simla Agreement was signed. We are willing to discuss but India cannot have a veto on our defence.

S. Swaran Singh: No one can.

Zia: But I am serious. Relations in the past have been established on trade. The British and the Moghuls came for trade. As regards our economic relations the impression should not be given that India is only looking to Pakistan as her market. I had told Mr. Vajpayee if I was in his place I will buy, if nothing else,
some Pakistani brooms and dump them in the ocean just to help Pakistan export. There may be some kind of imbalance of trade though this is not an important aspect. We have so far been debating about trade in the public and private sector and there are different view points. The basic thing is confidence. The people of our two countries want to see better relations established and the quantum of misunderstanding of the past 32 years wiped away.

**S. Swaran Singh:** Thank you Excellency for your assuring statement. I am impressed by the candour and sincerity with which you have put forward Pakistan’s view point. I would like to say that in the set up which we have in India varying statements are made by politicians. We, in the Congress were most happy that Morarji Desai and Mr. Vajpayee carried out the policies incorporated in the Simla Agreement.

The important point is that on the basic question of our relations with Pakistan there exists a national consensus, which want stability and good relations with Pakistan. As a Government and nation we are genuinely keen to have friendly relations. However, you have mentioned certain basic matters. As far as security is concerned we are interested in seeing your security strengthened. We want to see the stability and not the disintegration of Pakistan and would be willing to make any contribution necessary to safeguard this. Take security itself. Even though I am not a soldier, I have had the privilege of dealing with security and defence. There is a basic change in the geopolitical situation. We in India were accustomed to 2 ½ fronts, which after 1971 has been reduced to two. In all our strategic thinking we have never contemplated redeployment of our troops from our Northern border, even in the 1971 conflict. Earlier you had only one front.

**Zia:** Now we have two.

**S. Swaran Singh:** It takes time to adjust to new development. We know, as a matter of fact, that in 1965 and 1971 when things were boiling you withdrew your divisions from your Western frontier. Zahar Shah told us and later Daoud told us the same thing. Now a situation has arisen where we can do for you what the Afghans then did for you. If your Eastern front is secure you will get much more security than what $200 million can buy. Like this you can get a billion dollar. Therefore I would appeal to you that this adds much to your security. You had mention your asking Mr. Sathe to examine your defence requirements. We cannot assess your security requirements. You have to examine the implications yourself. When you acquire arms or when we do so, some hardheaded generals on the other side will magnify the threat and produce a bill which is out of all proportion. If we have received Jaguars, your people in-charge of security will take that into consideration just as our will take that into consideration just as our people took your acquisition of Mirage planes 8 years
ago. As far as I remember we never criticized your acquisition of the Mirage planes but we did get worried when the Americans supply arms. Their intentions are different and they usually create different kind of problems. Only an American General told me that they have so far weapons dumped of which they have no account and that they can give 200 of an item against payment for 100. It is junk for them but it becomes potent when it reaches India or Pakistan. We get worried at this business of US aid. We did not say anything when you were acquiring tanks but when super powers get involved new dimensions are introduced. Can the 200 million dollar US arms assistance be regarded as a token or is it something more? As sellers and purchasers the Americans are hard and difficult bargainers. I agree that if it did not cast a burden on us it was different when it is $200 million in the first year, it can be 300 or 400 and more later what the Americans give you we are not entitled to ask though we might come to known later on.

Agha Shahi: The Americans have told you about it.

S. Swaran Singh: Even if they say we won’t believe them. We are concerned because of the additional burden which would be imposed on us. Cannot the same strength be achieved by talking to us? You can remove your Divisions from our frontier.

Zia: It is idea but it is question of basic confidence.

S. Swaran Singh: Building confidence is what we must do.

Zia: We have known about your deal of $2.6 billion with the Soviet Union. We agree that you are larger in size and you have larger requirements but we are reminded of the connivance with the Soviet Union which halved Pakistan. That is history which is difficult to forget even though we are trying to do so but these are bitter memories. How can Pakistan go to India and say that as we have been attacked by Afghanistan, we would like to with draw Divisions from the Indian frontier. Sardar Sahib you are an honest and sincere politicians and you know the meaning of speaking the truth.

S. Swaran Singh: It is very important.

Zia: That is right.

S. Swaran Singh: We do appreciate it. I am speaking the truth to you and not diplomatically. We do realize you have a problem. You are the best judge of how to deal with it. If you do not feel confident about India and take advantage of what is offered how can India feel confident of you.

Zia: We are threatened. In the present circumstances Pakistan must be strengthened.
S. Swaran Singh: Threats change.

Zia: I must say that we have heard from authentic sources that Mr. Desai refused to put pressure on us when asked by the Soviets to help ease the difficult situation in Afghanistan. Yet we were not sure whether another attempt at dismembering Pakistan would not be made and if in view of the different statement made what would be India's reaction this time.

S. Swaran Singh: If we cannot convince you of your genuineness then there can be no meting point. Please do believe me that I do not speak out of charity or in moral terms although I believe in morality. You must believe us. It is sheer self-interest that we need a strong Pakistan. Today Afghanistan is in difficulty. How can a country like India ever wish to dismember Pakistan?

Zia: It is heartening to hear that.

S. Swaran Singh: I would like to check on what Mr. Morarji Desai did. India and the Soviet do not always agree. I do not want to bother you about what we talked to the Soviet Union but if your advisers have shown you what appeared even in the western Press on Gromyko's visit to India, you would notice that they reported that India and the Soviet Union did not agree on the Afghan situation. For instance, if we continue to believe that any strengthening of Pakistan is aimed against us, or Pakistan feels that if we will take advantage of the Afghan situation against Pakistan, then there can be no trust. This leads to over-insuring ourselves all the time and eventually canceling out each other. Our relations with China at present are reasonably good but as you rightly said, one has to prepare for a contingency though we should not over-insure. For God's sake do not take these strategic deployment of troops in your calculation today which was made at a time of confrontation between the two countries. I would like to mention one idea. Can you readily recall any other instance similar to the withdrawal of every single Indian soldier from Bangladesh as quickly as we did? You also refer to our being an elder brother. Being elder has several problems – *Nazre buddoor* – because there are countries which do not want India to be strong. Contrary to what Kissinger had said that it was because of American pressure that deterred us from moving into West Pakistan. There was no such pressure. You refer to collusion between the Soviet Union and us in Bangladesh. On the contrary many commentators of the time mentioned that the Soviet Minister was in India putting pressure on us not to go beyond a point. He was there but there was no pressure. In war you do not listen to friend or foe. The American Fleet had come and made noises but that is all. Some say the Russians gave a warning to them. This is also not correct. We are at a crucial stage and must think that our future strategy should be based on confidence on each other.
You wanted to know if there was some way to discuss the level of troops. We would have to make an assessment about the threat. If you look at historical events – there is only one example of such talks, the MBFR negotiation at Vienna. These have only become possible after several other agreements. They began only because Willy Brandt signed the Moscow agreement guaranteeing the post war boundaries. The recognition of GDR, Warsaw Agreement between Poland and Germany any basic agreement on quantum of troops must be preceded by detente. The SALT I & II negotiations followed thereafter but in the eight years little progress has been achieved. So if I may say, take our two areas i.e. India and Pakistan. If the feeling continues of a threat from each other than where is the common meeting point as neither will agree on the quantum of the threat faced by the other from a third side, like the threat to India from China. It is, therefore, necessary to create conditions to understand the new geopolitical situation which will enable talks about force reduction. To be able to assess realistically the threats that we face and there after to reduce our forces would be ideal. But would our Generals on either side agree to the threat faced by other? I had a difficult time controlling them when I was in the Defence Ministry.

Zia: Thank you for your words of wisdom. There are two or three points which I would like to make straight from my heart. However, deep the affection may be of a father for his son, a mother for her daughter, a husband’s for his wife, or vice-versa, words must accompany action before that action there must be a verbal expression. It is heartening that the Government of India wishes to assure us not to worry about our eastern frontier. This had been conveyed to us first by your Ambassador and then by Mr. Sathe. Mr. Desai had also mentioned this, and now, I am glad to hear it from you. It would be a discourtesy on my part not to believe you. Sardar Sahib I believe you that India wishes to assure us not to worry about the Eastern border but at the same time this love and affection must be expressed, if not publicly, at least privately. There should not be conflict. In the last 24 years at time I had mentioned Kashmir but had also said that we are not in competition. The words that I now hear, whether misreported or not, do not convey the same feeling.

Sardar Swaran Singh: Security or Kashmir?

Zia: We are not touching Kashmir, If we could be assured of India regarding our security then we would say three cheers for India?

S. Swaran Singh: It is a positive suggestion. We will have to see how to implement it.

Zia: Regarding Simla Agreement…
S. Swaran Singh: Ambassador Sattar and I were there and know every word of it.

Zia: Laymen like me have read the Simla Agreement and even I feel that it in no better nor verse than a no-war-pact. Under the circumstances there is no justification for an arms race. India’s requirements are for India to decide. Pakistan has no right to ask questions. As far as Pakistan is concerned, I can assure you what we acquire is for our minimum defence requirements and nothing more.

S. Swaran Singh: The US aid offer has not been accepted.

When I was leaving Delhi some one asked me if I would be discussing the US offer and I said that the question does not arise as it has already been refused.

Zia: I told Brezenzski that we wanted to buy security for Pakistan and not the hostility of our neighbours or the animosity of the Soviet Union.

S. Swaran Singh: There should be a relationship of trust and confidence and not of taking advantage of the difficulties other might face with regard to a third country. This is the basic of good neighbourliness. There should be no doubt in either of our minds that India would like to take advantage of your present difficulties.

Zia: There should be a firm basis for a tension free relationship.

S. Swaran Singh: I am sorry we could not find it.

Zia: There must be some expression.

S. Swaran Singh: That we can arrange but this emboldens me to say that it was Mr. Agha Shahi who mentioned that he sought clarifications from the USA on the 1959 Agreement covering India. This is against the very spirit of the Simla Agreement.

Agha Shahi: Sardar Sahib there is misunderstanding. The 1959 Agreement is against Soviet controlled aggression. I have publicly said that I did not envisage India being controlled by the Soviet Union. My clarification about Soviet controlled aggression was that suppose Afghanistan attacks us how can it be established that it is a Soviet controlled aggression.

Zia: Regarding Pakistan India can play a positive and significant role.

S. Swaran Singh: We know our limitations and cannot play a role that may not be there.
When the Cuban Foreign Minister came here you had said that you would prefer the initiative from Dr. Castro in his capacity as the President of the non-aligned Conference.

Zia: We had told them that as President of the Non-aligned Bureau as a friend of the Soviet Union, he could use his influence.

S. Swaran Singh: I get the impression that you would have preferred the initiative by Cuba as President of the NAM. We have offered the Soviet Union one or two alternatives for an honourable withdrawal. We had suggested an international peace force of Islamic countries or non-aligned countries or countries of the region including India or even the UN. We had told them that they could seal the border.

Zia: What hurt us were the statements from India that this situation has resulted because of Pakistan’s interference in the affairs of Afghanistan.

S. Swaran Singh: I do not see that.

Zia: We got it loud and clear here.

S. Swaran Singh: There was the statement of the French President and our Prime Minister on Soviet intervention.

Zia: Your statement in the UN.

S. Swaran Singh: The 12th January statement?

Zia: Yes.

S. Swaran Singh: That is when Chaudhuri Charan Singh was the Prime Minister.

Agha Shahi: We believe it was approved by her.

S. Swaran Singh: The statement was made on January 12. Shrimati Gandhi was sworn in on January 14. At that time she was busy selecting colleagues and I can tell you that in politics that is a very difficult thing to do. Subsequent statements have been more carefully worded.

Zia: That is very reassuring. We are grateful.

S. Swaran Singh: Our intention is not to embarrass by issuing one statement after another which may not help.

Zia: If this is the reality you must speak out.

S. Swaran Singh: We have conveyed clearly to the Soviet Union what we felt. We have said so publicly too.
**POLITICAL RELATIONS:1975-1989**

Zia: At present there are 90,000 Soviet troops in Afghanistan.

S. Swaran Singh: As many?

Zia: 10 Divisions.

S. Swaran Singh: The internal situation seems to be bad. We feel sorry for the brave Pathans.

Zia: What is worse is the ruthless manner in which it has been done, leading to bloodshed and the pounding of small hamlets.

S. Swaran Singh: It is very said. The Afghans have suffered throughout history.

Zia: They have been subjugated.

S. Swaran Singh: We had to persuade the King of Afghanistan and use all our diplomatic skill for Babar’s tomb to be cleaned. We thought we had a historical obligation to do so and it was with great difficulty that they agreed to this partially. I am only mentioning this to show their independent character.

Shah Nawaz: Yes, they do not like the Moghals.

S. Swaran Singh: (Pointing towards Agha Shahi) How do we put this across?

Zia: At a press conference or through a carefully considered statement.

S. Swaran Singh: I always want to end on a positive note. There is one other point I would like to appeal to you on purely humanitarian considerations. Before I came a large number of parents of defence personnel came to see me. They ardently believe that their sons are alive despite what the Pakistan Government had said. Foreign Minister has answered Parliament questions in this regard and the matter has been taken up with you in a formal manner. I am reminded of a statement made by General Manekshaw who once told me that whatever other faults Generals may have there is one thing about them that they feel strongly about and that is that after laying arms they treat POWs well and their blood boils if any harm is done to these people. I earnestly appeal to you, and I do not want you to give a reply straightaway, but I would be most grateful if you could do whatever possible. There have also been a large number of reports in the Indian press.

Zia: I saw a report sent to me by our Ambassador.

S. Swaran Singh: We have got the names. We could probably have a secret arrangement for their return. If we have any such personnel in India, I do not know. If we do we would also return them to you.

The modalities can be worked out.
Bajpai: Sir, as I have said before to Mr. Shah Nawaz and even you. It is for the first time that the leadership in our two countries has no personal acquaintance with each other. It is vitally important to have such personal contact. There is no one better to initiate the process than Sardar Sahib. Although we can argue whether enough has been done for normalization since we put the seal on that process 4 years ago, we can all agree that the tone of relations between the two countries has been very even. It is a pity that an event of common concern, which should have brought us closer, has created misgivings. There have been so many things said here that the return of Mrs. Gandhi means danger for Pakistan, that our views on Afghanistan means we are ganging up with Moscow to undo this country, that we are opposing a single gun being acquired by Pakistan – because we mean to overload it – all such nonsense is being spread. I thought a visit such as is this one with quiet diplomacy, outside the normal diplomatic channels, would be the best starting point to remove these misconceptions as well as broader the range of contact, for the future. I think we will all agree from the way these talks have gone that it has indeed proved such a starting point (Zia nodded). It is therefore important - I do not wish to go into painful aspects of our relations – but this is the third time you oblige us to take issue with you about the Indo-Soviet Treaty. I do not like past pointers but it is important for the future that the leaders of Pakistan realize their own responsibility for 1971.

Zia: Of Course, but...

Amb. Bajpai: It is dangerous to blame these things on others - if you continue to do so, you will continue to misunderstand the true nature of Indian policies. You will continue to hold back the development of our relations, I fear you may even continue to make mistakes in handling your own affairs.

Agha Shahi: The Soviet Union always gives so much emphasis to the 1971 Agreement.


Agha Shahi: Yes, it causes us great concern.

S. Swaran Singh: I was the signatory to this Treaty on behalf of India, and I will not take much time to explain this. Have you seen the text?

Agha Shahi: We have it.

S. Swaran Singh: I was referring to the President, whether he had seen it. This Treaty has no relevance for the 1971 war. Nothing in Bangladesh was developing when we started discussing the contents of this Treaty. This was one of the best guarded secrets. It took us almost 3 years to hammer out the contents of this treaty. Now that it is history I can tell you that Marshal Grechkov,
as Defence Minister, in a casual meeting when I was also Defence Minister, floated the idea and said that relations between our countries had become so diverse that a statutory basis should be given for evolving bilateral relations in different fields. It has no relevance to development in Bangladesh.

Agha Shahi: That was in respect of the origin of the Treaty.

S. Swaran Singh: After a year or so I came again to the Foreign Office and told our Ambassador in Moscow to start discussing the details of the treaty. There was no military content in it and it was sheer coincidence that it was signed in 1971. This treaty is very different from other treaties signed between the Soviet Union and other countries. Are we prepared to sign a similar treaty?

Agha Shahi: There is military content in the Treaty.

S. Swaran Singh: That is not correct.

Agha Shahi: Article 9.

S. Swaran Singh: Article 9 only refers to the two counties consulting each other. There is no military content in it.

Agha Shahi: It does mention that the two countries would consult each other in order to remove any threat.

S. Swaran Singh: We have never invoked the terms of this treaty. I should also like to assure you that there is not a single piece of armament that we have received from the Soviet Union as aid. Everything we have got has been paid for, and through our nose. We had to go to the Soviet Union because, during Nehru’s time, we drew a complete blank when we approached the United States, U.K. and France. I repeat that we never received anything from the Soviet Union as aid.

Agha Shahi: But you received financial credits.

S. Swaran Singh: At times we pay them from our rupee account.

Amb. Bajpai: For sometime news reports have been floating that India and the Soviet Union have been negotiating arms supplies. Figures have also been mentioned. We do not know where this figure of 2.6 billion has come from.

S. Swaran Singh: Read the Treaty. We are prepared to sign the same treaty of peace, friendship and cooperation with you.

Zia: To supplement the Simla Agreement.

Amb. Bajpai: Coming from you, Sir, the offer looks more authentic but I had offered the same to them earlier also.
Zia: Yes.

S. Swaran Singh: There has been a certain feeling built around signing a no-war pact. We can think of an alternative.

Amb. Bajpai: I had suggested a non-belligerency pact.

S. Swaran Singh: We should be able to have a system where our Foreign Offices can contact each other, pick up the telephone and speak, if necessary.

Shah Nawaz: Last year we stared the practice of periodic consultations and the first meeting took place at Foreign Secretaries level in May and the second round when Mr. Sathe came here.

Zia: I have telephoned Mrs. Gandhi Twice.

S. Swaran Singh: We should spare you and the Prime Minister of this and leave it to our Foreign Offices. Developments in Iran are moving fast.

Zia: We have told the American that the use of force in Iran would be unproductive.

S. Swaran Singh: It is a typical case. In spite of the advice of their friends the Iranians have refused to give up the hostages. If Iran refuses to release the hostages then how can the Soviet Union be expected to withdraw from Afghanistan. The Soviets are much more hard headed. There was the Castro initiative also.

Zia: I was talking to the Soviet Ambassador, just the other day when he suggested a dialogue with the Afghans. I told him that after taking over the regime I shook hands with Daoud, later I went to Kabul and met Terraki and Amin and Agha Shahi was about to go to Kabul when the present regime took over with the help of Soviet tanks.

S. Swaran Singh: We can understand.

Zia: Babrak Karmel came on Soviet tanks. I told Ambassador Aximov that the key to the situation is in Moscow and not in Kabul and therefore we would wish to talk to the Soviet Union.

S. Swaran Singh: I wanted to tell you purely in confidence that the Soviet Union told us of a large number of incursions and we suggested that for them the best thing is to talk directly to you.

Zia: They should talk to us but the insurgency is in Herat and other places.

S. Swaran Singh: They have named the places, pinpointed areas and given
dates. They might be having some documentary evidence, including photographs.

Zia: It is a Soviet way of pressurizing. We also know them. The trouble is taking place in Ghazni, Bamiyan, Central Afghanistan, Bhadakshan, etc.

Agha Shahi: Places adjacent to the Soviet Union.

Lt. Gen. Arif: The Main spots are south of the Oxus River and Herat.

Zia: I have agreed to permit an international body to inspect every inch of Pakistani soil and see whether or not we are training the rebels. Would anyone else like to supplement.

Ghuam Ishaq: I met Sardar Sahib this morning and had a very useful talk.

Shah Niwaz: We are meeting again in the Foreign Office tomorrow.

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0952. Note Verbale from the Ministry of External Affairs to the Embassy of Pakistan in India expressing concern at the statement of President Ziaul Haq at the OIC.

New Delhi, May 21, 1980.

The Ministry of External Affairs presents its compliments to the Embassy of the Islamic Republic of Pakistan in New Delhi and has the honour to express its grave distress over certain portions of the inaugural address delivered by H.E. President Zia-ul-Haq at the 11th Session of the Islamic Foreign Ministers’ Conference on 17th May, 1980.

2. His Excellency referred in the earlier portion of this Address to certain problems which, according to him, were facing the Islamic world, in the following words: “Our Qubla-e-Awwal is under alien occupation, Arab lands have been usurped, Palestinian refugees are deprived of their just rights, Iran continues to face threats and there is massive presence of foreign troops in Afghanistan”. Later, the President painted out that as it has not been possible to cover all issues in his brief address, he was drawing the attention of the Conference “only to some vital and fundamental problems”. After mentioning some of the problems, he referred to “the long out standing and unresolved problem of Jammu and Kashmir”, as “yet another vital issue” facing the Islamic world. He then expressed his conviction that the honourable delegates would review all the vital problems facing the Muslim world.
3. It is obvious that the efforts of the President of Pakistan to project the “problem of Jammu and Kashmir” as an Islamic problem was to take the question once again outside the bilateral and into yet another multilateral sphere, specifically the Islamic Conference. The Government of India cannot but express surprise over this development as being contrary to Pakistan’s earlier of-repeated commitment to adhere to the letter and spirit of the Simla Agreement. The Government of India must point out that while in bilateral Indo-Pakistan discussions, forums and dialogue, Pakistan has emphasized this commitment, in other forums, and especially in multilateral forums where those present are not involved with any aspects of this matter, or with the bilateral Indo-Pakistan dialogue, Pakistan has sought to portray one aspect of the Simla Agreement as a communal matter. This is not acceptable.

4. During recent months the Government of India has sought to further a dialogue which the Government of Pakistan itself has acknowledge as constructive and useful. The visits to Islamabad by the Foreign Secretary of India, Shri R.D. Sathe, and the Special Emissary, Sardar Sawran Singh bear testimony to this. In point of time, it is noteworthy that these visits took place after the Extraordinary Session of the Islamic Conference that was held in Islamabad in January 1980. Indeed, some optimism was generated over a possible agreement emerging in due course.

5. The latest statement of His Excellency the President of Pakistan reflects an unfortunate incompatibility with the principles of bilateralism for normalising relations and for solving outstanding problems. The Government of India would like to point out that the manner in which Jammu and Kashmir has been referred to in the Islamic Conference may have a negative impact upon Indian public opinion with regard to efforts to normalize relations between the two countries.

6. The Ministry of External Affaire avails itself of this opportunity to renew to the Embassy of the Islamic Republic of Pakistan, the assurances of its highest consideration.

The Embassy of the Islamic Republic of Pakistan, New Delhi
0953. Statement of Foreign Minister of Pakistan Agha Shahi on arrival at Delhi airport.

New Delhi, July 15, 1980.

It gives me great pleasure to come to New Delhi once again with my colleagues and I wish to thank the distinguished Foreign Minister of India, H.E. Mr. Narasimha Rao for his invitation which has made this visit possible. Had mutual convenience permitted, I should have come earlier for an exchange of views with the distinguished Foreign Minister of India on recent developments of common concern to our two countries. My last visit to India was in April 1978 in my capacity as the Adviser for Foreign Affairs when the Salal Agreement was successfully concluded. In the meantime, important developments have taken place in our region and exchange of views have been held between our two countries at the level of Foreign Secretaries. In February and April this year, we had useful talks in Islamabad with Foreign Secretary Saths and Sardar Swaran Singh. We greatly appreciated Prime Minister Indira Gandhi's gesture in sending these distinguished visitors to Pakistan to enable the two sides to hold talks on the important developments in our region and to try to further improve our bilateral relations. With the visit of Foreign Secretary Shah Nawaz to New Delhi in May last year, our two governments took an important step in institutionalizing the exchange of views at the Foreign Secretaries level on a regular yearly basis. I welcome the opportunity which our present visit will provide for useful and constructive consultations on the far-reaching implications of the critical events in an area which historically and geo-politically is inextricably linked to the peace and security of our region. During official discussions, we shall also review the progress achieved in the normalization of relations between our neighbouring countries. With the consistent approach, securely rooted in the principle of peaceful co-existence, it would be possible to promote the recent trend towards the building of mutual confidence and understanding of our respective points of view on matters of common concern and indeed to move forward in resolving differences and securing the objective of permanent peace envisaged in the Simla Agreement. I feel greatly honoured by the presence of heads of diplomatic missions of countries, members of the Islamic Conference who have taken the trouble of coming to the airport to receive me and the members of my delegation.

It is a matter of sadness to us that our visit is taking place at a time of personal bereavement for Prime Minister Indira Gahdni who has borne the irreparable loss of her beloved and talented son Sanjay Gandhi in the prime of life. She has borne a suffering with remarkable courage and fortitude. President Zia-ul-Haq has felt deeply aggrieved at the tragedy which overtook the Prime Minister’s family. Indeed the tragic news of Sanjay Gandhi’s most untimely death was
received with shock and dismay all over Pakistan. I express once again our profound feelings of sympathy and heartfelt condolences to Prime Minister Indira Gandhi as well as to Mrs. Maneka Gandhi and other members of the bereaved family.

Thank you.
He also explained that the Islamabad resolutions of the Islamic Conference envisaged an international conference under the auspices of the United Nations or otherwise, it could be held under the aegis of the Non-aligned Movement. The non-aligned world would not be excluded from such a conference. “It was important to include these countries in the proposed conference because we cannot rule out the possibility of super-Power understanding and a division of the world into spheres of influence and another Yalta being sprung upon the smaller countries of the world.”

When pressed further on this question, Mr. Shahi said: “The Soviet Union has, in the May 14 proposal demanded that guarantees be given to Afghanistan about non-interference in its internal affairs. Naturally we expect that we be given reciprocal guarantee of non – interference. It is also the Soviet proposal that the guarantee be endorsed by the United States which means that it envisages a role and a commitment from the super – Powers. How and through what modalities can this commitment be given?

“Perhaps an international conference can be called. We do not say that the conference should be limited to the two super – Powers because all the five permanent members of the Security Council could participate in it and the neighbouring countries and the non-aligned States could also attend the conference”.

No Common Strategy

Asked if his visit to New Delhi had in any way helped to solve the Afghanistan question, he said he had found a common perception of interests of the region. The talks with the Indian leaders had helped him and given him encouragement but he would not go beyond saying that.

When asked if Pakistan and India had worked out a common strategy to solve the Afghan crisis, he said no such exercise had taken place. The first task he said, was to understand each other better and to ascertain if the approach was correct. As a result of the Pakistan team’s visit to India the activities of the Standing Committee of the Islamic Foreign Minister’ Conference were understood better.

Forces Ratio Issue not Pressed for the Present

When asked about the military expansion of India, he said he had conveyed Pakistan’s stand to the Indian Foreign Minister. Pakistan felt that the ratio of the military might of the two countries should be worked out. Mr. Narasimha Rao thought that the first phase was to build confidence in the peoples of the two countries. Pakistan felt that the proposal was itself a confidence-building measure, but since India did not wish to plunge into a discussion on this subject,
the proposal was not being pressed for the present. Pakistan would revert to it at the appropriate time.

No proposal regarding joint defence between India and Pakistan came up for discussion.

He contradicted Press reports that Pakistan had sent two Divisions of its army to Saudi Arabia to protect the Royal family.

**No N-Bomb Plan**

Asked how far was Pakistan from producing an atom bomb, he said: “At an infinite distance because we are not manufacturing an atom bomb”.

With regard to bilateral relation, he said the process of normalization was proceeding. Pakistan was ready to expand commercial relations on the principle of mutual benefit. Travel between the countries had increased manifold and contact through diplomatic channels was continuing. Further, it had been decided that consultations between Pakistan and India would be held regularly. He said he had given an invitation to the Foreign Minister of India to visit Pakistan.

**No Intention to Internationalize Kashmir Issue**

A questioner pointed out to Mr. Shahi that in violation of the Simla Agreement, Pakistan was raising the Kashmir question in international forums. He said the Simla Agreement stipulated that India and Pakistan would endeavour to solve the question of Jammu and Kashmir through discussions. So far, he said bilateral discussions were not being held.

When Pakistan explained its foreign policy in international forums, it had to mention Kashmir as it was an important subject. Internationalization meant that the issue was referred to a tribunal as a body ending up with a resolution or a recommendation. That Pakistan had not done and certainly she was not debarred from making general statements regarding her foreign policy.

**No talks on Bangladesh Move for Regional Summit**

Regarding the Bangladesh proposal for a regional summit, he said this subject was not discussed with the Indian leaders. “We are awaiting certain clarifications from the Bangladesh Government as to the agenda of the summit and if it would include political or economic questions and we need to be provided with explanatory memoranda about, what could be discussed. We think thorough preparations were called for if any worthwhile results are to be achieved”, he said.
Joint Press Release issued at the end of the visit of Pakistan Foreign Minister Agha Shahi.

New Delhi, July 17, 1980.

In response to an invitation from the Indian Minister for External Affairs, Shri P.V. Narasimha Rao, the Foreign Minister of Pakistan, Mr. Agha Shahi, paid an official visit to New Delhi from July 15 to 17, 1980. He was accompanied by Mr. S. Shah Nawaz Secretary – General, Ministry of Foreign Affairs, Mr. Mujahid Husain, Director General (South Asia), Mr. Qazi Humayun, Director (India) and Mr. Niazullah from the Officer of the Foreign Minister.

The discussions between the two Foreign Ministers were held in frank and friendly atmosphere. The talks extended over two sessions and covered bilateral, regional and international matters of mutual interest. Both sides found the discussions very useful and have agreed to continue the dialogue. Mr. Agha Shahi extended an invitation to Shri Narasimha Rao to visit Pakistan which was accepted with pleasure.

The Foreign Minister of Pakistan called on the Vice – President Shri M. Hidayatullah, and Prime Minister, Shrimati Indira Gandhi. He handed over a message from President Zia-ul-Haq to the Prime Minister. It was also agreed that the Foreign Secretaries of India and Pakistan would have their next round of discussions in New Delhi at a mutually convenient date in the near future.

Statement by External Affairs Minister P. V. Narasimha Rao in the Lok Sabha on his Talks with Foreign Minister of Pakistan.

New Delhi, July 18, 1980.

Sir, as the House is aware, the Foreign Minister of Pakistan, His Excellency Mr. Agha Shahi paid an official visit to India from July 15 to 17, 1980. We attached considerable importance to this visit coming as it did at a time when the situation in our region has been a cause of concern to all of us. In fact, ever since this Government came to office we have had continuing dialogue with Pakistan on our evolving bilateral relations as well as the general situation in this part of the world. The House will recall that our Foreign Secretary visited Islamabad in early February, within a month of this Government assuming
office. The process was continued with a visit, in April, of our former Foreign Minister Sardar Swaran Singh to Pakistan as a Special Emissary of the Prime Minister. The Prime Minister also had an opportunity of meeting the President of Pakistan when both of them were in Salisbury to attend the independence celebrations of Zimbabwe. These high level exchanges have been useful in giving each a clearer understanding of the other’s views and perceptions. In this context, the visit of Mr. Agha Shahi was both timely and welcome.

Afghan Settlement

Mr. Speaker, Sir, it was only natural that the situation in our region in general and in Afghanistan in particular figured prominently in the discussions that I had with my Pakistani colleague. As the House is aware, this Government has right from the beginning consistently emphasized that the difficult situation in Afghanistan could be resolved only through political means. Our effort has been to defuse tensions so that Great Power confrontation can be kept out of our region.

It was a matter of satisfaction to us to hear from the Foreign Minister of Pakistan that he too was in favour of a political settlement. In our wide-ranging consultations over the last several months we have discovered a growing consensus towards seeking negotiated political settlement of the situation in Afghanistan. We continue to hope that the efforts in this direction would lead to the emergence of the contours of a political solution that would take into consideration the genuine interests and concerns of all parties involved notably the people of Afghanistan. What is of the utmost importance is to begin the process of consultations amongst the countries most directly involved. While sharing this, Mr. Agha Shahi expressed the constraint viz. that according to him, in terms of the resolutions of the Islamic Foreign Minister’s Conference of May 1980 the three-man Standing Committee set up by the Conference could not initiate any dialogue in a manner that would amount to a recognition of the present Government of Afghanistan. We reiterated our views on the urgent need for the dialogue. There was a detailed discussion on this and other aspects of a possible process of negotiations.

Furthering Friendship

In my discussions with Mr. Agha Shahi I reiterated the firm commitment of the Government of India to the Simla Agreement which provided the framework for normalization of relations between our two countries. It has been this Government’s endeavour to further the Simla process and to create a climate of confidence. We have taken many steps to translate the principles laid down in the Simla Agreement into action but some still remain to be taken.
I expressed our desire that further movement in this direction should be accelerated and hoped that the Government of Pakistan would reciprocate this desire. In this context we would like to see more cultural exchanges between the two countries and the facilitating of greater people to people contact. In addition, I drew Mr. Agha Shahi’s attention to the opportunities of economic collaboration between our two countries that are waiting to be explored and called for strengthening of trade links. I am glad to say, Sir, that Mr. Agha Shahi’s response on these aspects of normalization of relations between the two countries was positive.

I was assured by Mr. Agha Shahi that there were no political inhibitions in regard to the expansion of Indo-Pakistan trade. The dialogue on trade relations is to continue shortly; talks are also likely to be held to finalise arrangements which would enable tourists from each country to visit the other. There is now a distinct possibility of more places of pilgrimage in each country being thrown open for visit by people of the other and also of an improvement in the facilities for travel between the two countries.

**Cultural Exchanges**

The need to increase exchanges in the cultural fields was also acknowledge on both sides. Possibilities of exchange in the near future, of Indian and Pakistan prisoners presently under detention on both sides, are also improving. I am confident that the peoples of our two countries would heartily welcome the restoration of normalcy in our relations and establishment of an environment of peace and friendship.

During his stay in Delhi, Mr. Agha Shahi called on the Prime Minister twice. On the first occasion, he conveyed condolences on behalf of President Zia-ul-Haq and the people of Pakistan, on her recent bereavement. During his second call, there were discussion on several international and regional issues as well as on matters of bilateral interest and it was agreed, _inter alia_, that all possible steps should be taken to facilitate further implementation of the provisions of the Simla Agreement.

Mr. Speaker, Sir, the Foreign Minister of Pakistan in his banquet speech made a reference to the proposal of his Government to hold talks at the level of military commanders on mutual reduction of force levels. This question had been discussed in great detail during the visit to Pakistan of Sardar Swaran Singh last April and our views, which were conveyed to the Government of Pakistan then, reiterated by me in our present talks. I impressed on Mr. Shahi once again that no question of this nature could at all arise unless and until, according to the common satisfaction of both countries, the requisite amount of trust and confidence have been created between them. Moreover, it would
neither be realistic nor feasible to make it a purely military exercise, but must reflect a shared political perception and understanding of each country's security needs by the other. Exercises of this nature undertaken elsewhere in recent years corroborate this conclusion.

Reference to Kashmir

As regard Kashmir, the Foreign Minister of Pakistan referred to it in his banquet speech in the following terms:

“We are firmly committed to the full implementation of the Simla Agreement in all its provisions and are confident that the process would be carried to its logical conclusions with a just and amicable settlement on Jammu and Kashmir which will usher in a new era of harmonious relations and fruitful cooperation in a wide field”.

It was pointed out during our talks that references to Kashmir in international fora by Pakistan even though they state that it is in accordance with their understanding of the Simla Agreement do not help to create a better atmosphere.

It is in the above overall context, Mr. Speaker, Sir, that one should assess the outcome of these talks. The talks did bring out the difference in perception known to exist between the two countries. Nevertheless, on several matters of common interest as well as of regional importance, the area of agreement was also not inconsiderable. In any event, the frank exchange of views was mutually beneficial. The talks were conducted in an atmosphere of utmost cordiality. Therefore to describe the outcome of our talks as a failure or a break down, I submit, would not be correct. We look forward, with cautious optimism, to progressive improvement of our relations.

Mr. Speaker, Sir, it is the Government of India’s conviction that a harmonious relationship between India and Pakistan is important for the peace and well being of South Asia. Towards this end, we intend to continue our dialogue with the Government of Pakistan and I have gladly accepted the invitation extended by Mr. Shahi to visit Pakistan at a mutually convenient date. We have also agreed that, before my visit, the Foreign Secretary of Pakistan would visit India for the next round of regular official level consultations.

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Interview of Prime Minister Mrs. Indira Gandhi to a group of visiting Pakistan Journalists.

New Delhi July 18, 1980.

Q: Regarding the Indo-Pakistan talks Mr Agha Shahi had said that a rapport between the two sides had been established but the Indian newspapers say again that it was a futile exercise. What are your views?

A: Our Foreign Minister has replied to that in Parliament today – it was a useful meeting.

Q: What do you think can be done to diffuse the situation arising out of the super Power rivalry in the region?

A: We have always said that if we are strong in ourselves and if we can co-operate, then what others do does not matter.

Q: Do you think there is ground for a common approach?

A: There has really been ground for a common approach. That is why we took the initiative for talks. There are basically the problems of giving a better standard of life to our peoples – the others would keep their hands off.

Why Mix up Afghanistan with Indo Pak Ties?

Q: This sentiment is reciprocated in Pakistan as well. But the point where we are bogged down is Afghanistan. How do you think a negotiated settlement can be brought about, where in the rights of the Afghan people are respected?

A: Firstly why should we be bogged down on Afghanistan? How does it in any way hamper our bilateral relations?

Q: Is there no possibility of a common approach?

A: No two countries can always think alike on all issues. I want to divide the two things. On the one side, there is the question of better relation with the people of Pakistan which, I think, can be achieved through trade, better communications, more exchanges. Perhaps you know that artists, journalist, sportsmen, all these people are anxious to have these exchanges. Then the industrialists. On the other hand, there is Afghanistan, which is a different problem. I don’t think we should mix up the two. We have already stated our views very clearly which has been appreciated all over the world. The proof of it is that a lot of people have changed their views. Those who had reacted very sharply in the beginning have come round to the point of view that it does not help to go to the brink of war and there should be a discussion and every effort to find a way out. Now, I have expressed it to your Minister also that had they
taken this approach in the beginning I don’t think we would have reached the present dead lock, but the initial reaction was such that it only gave the feeling to the Soviet Union that they were being encircled and therefore there was the necessity for them to be firmer. Now what can be done at this moment is very difficult to say.

Islamic Conferences & Afghan Issue

Q: Would you appreciate the efforts of the Standing Committee appointed by the Islamic Foreign Ministers Conference in this respect and if not would India take an initiative and secure the withdrawal of Soviet troops from Afghanistan?

A: Unfortunately, the Islamic summit went beyond Afghanistan and talked about all kinds of other things.

Q: Not the Standing Committee…

A: The conference as a whole did it. But…

Q: If you don’t accept the initiative being taken…

A: It is not a question of not accepting the initiative. We are interested in what is going to achieve the desired results and if any of these initiatives are going to achieve the desired result, then we welcome the initiative, but so far that has not happened.

Q: Would India not try for the pullout of Soviet troops from Afghanistan?

A: We are no closer than anybody else. We are good friends of the Soviet Union because we have tried to be friends with all the countries in the region and even far off. Some have responded, others have not. The fault is not ours. We tried to befriend China throughout and in fact it was in my former regime that you known with Pakistan and China we established diplomatic relations and took some initial steps for better relationship. So we are constantly trying for friendship with everybody. If they don’t respond that is not our fault. So far as the Soviet Union is concerned, they would naturally look at what they consider to be in their national interest. And if you see what has been happening in this region and what is happening in the Indian Ocean. We may or may not approve of it. It does not mean that I am supporting what they are doing or what the others are doing. But if other presences increase in the area, it is not right to expect that the Soviet Union will no react or try to do whatever they think is necessary for their protection of security. I want to make it clear that we have not supported their presence in Afghanistan. Not that I am telling you. We have directly told Mr Gromyko and others, but as I said we have to see the situation in the context of what else is happening.
Q: Do you really think there is a Pakistan-China - US axis which has made the position of the Soviet Union difficult?

A: It is not important what I think; it is important what they think and certainly they have been very worried since the USA-China collaborations. They were obsessed with it just as China is obsessed with them.

Q: Would then the initiative not lie with the Non-Aligned Movement? India is an important member of this group.

A: The non-aligned could take the initiative. Some discussions were held in various places like Salisbury and Belgrade but one must be sure that something will come out of it rather than just a meeting especially if it ends in an acrimonious debate. That would not be worthwhile.

On Military Preparations

Q: May I ask a question which is rather sensitive. One finds that defence preparedness in India causes apprehensions in Pakistan and vice versa. How do you think the fears of the two countries can be allayed?

A: I should really look at the matter objectively. We are spending much less as compared to our size, population, borders, land and ocean and the dangers which are not imaginary but which we have faced in the past. You probably known that Pakistan is spending double of its GNP or the per capita expenditure and we have faced aggression. Who is going to attack Pakistan? On the other hand every time that Pakistan has received or bought large amount of sophisticated weaponry those within Pakistan who are not happy about normalization, what the Americans call hawkish people, they get stronger by this. This is our worry.

Step-By-Step Approach only way not

Q: How then can the fears on both sides be allayed?

A: This can be done by a step by step approach. If there is greater friendship and cooperation. If you get to know each other better it leads to greater understanding and friendship and this is how the fears will go. If such relationship is established there would be no cause and our own attitude has always been constructive and friendly. Earlier I mentioned to you the speech of our Foreign Minister in Parliament.

Q: So it is a step by step approach?

A: How else can you do it?

Q: What about two military commanders getting together and deciding the
ratio of armed might so that the finances are available for the uplift of the people?

A: We are spending very little money as compared the threat we face. But you see Pakistan is not the only factor as I said earlier. Our land, sea and ocean frontiers are very vast. Besides, the size of our army has not increased. Right now, we are facing a barrage of things on defence in the debate which is on in Parliament.

Q: There is a feeling that India adopts double standards. Whenever Pakistan tries to procure arms there is an uproar in India, but it is all right when India has a massive deal with the Soviet Union for arms.

A: We have not had any huge amount of dole. You see, unfortunately, some of our people like a lot of publicity and it is put out in such a way that when there was one deal it was put out as if there were several deals. It came out on several days and so on. But all we are doing is to replace some of our old things. And it was nothing new it was something that was going on for quite sometime. You have to see the needs of the country. We have not been able to fill the gaps in our defence due to financial reasons.

On Tourism & Trade

Q: With regard to tourism, India sanctions very small amount for her nationals visiting Pakistan while Pakistan sanctioned foreign exchange to the extent of Rs. 150 million in one year for her nationals to visit India.

A: I am sorry I know nothing about this. (the Indian Ambassador to Pakistan intervened to say that the question had cropped up in the recent talks between two countries and the Indian authorities were looking into it.)

Q: The suggestion about the military commanders meeting remains unanswered.

A: I did refer to it.

Q: In the field of trade what are India's expectations because there has been an expansion in this area?

A: I don't think there has been much expansion and our information is that Pakistan has been willing to buy things from else where even though they are more expensive.

Q: The import of iron ore from India is a big order.

A: That is the first break after a long time.
Q: Pakistan would like to export some semi-finished or finished goods but India already manufactures them and there is where the problem arises and the balance of payment gets upset.

A: I am sure a solution to this can be found if you talk to the concerned ministries.

No early plans to visit Pakistan

Q: Is there a possibility of your meeting Gen Zia-ul-Haq?

A: In the near future I am not going anywhere at all. For the time being our Foreign Minister has accepted the invitation to visit Pakistan.

Q: One last question. Do you have a message for the people of Pakistan.?

A: Firstly I have received a large number of condolence messages from the people of Pakistan. I would like to express my deep gratitude, it is obviously impossible for me to reply to each individually. I also wish to reaffirm my strong feeling of the need for friendship and better relations between the two countries. And my good wishes to the people of Pakistan. I feel concerned over their welfare.

0958. New Delhi’s reaction to the Pakistan expression of concern for the communal violence in Moradabad.

New Delhi, August 29, 1980.

Indian Prime Minister Indira Gandhi accused Pakistan on August 29 of interfering in India’s domestic affairs by organizing protests in that country against the Indian communal riots.

A spokesman of the Ministry of External affairs told reporters at New Delhi on August 29 that Mrs. Gandhi had made the remarks during a meeting with visiting Japanese Foreign Minister Masavoshi Ito.

Mrs. Gandhi expressed her unhappiness at the manner in which Pakistan had acted, which “we feel is not conducive to communal harmony in India,” the official said.

The spokesman also said that India had protested last week to Pakistan over its public statement expressing concern over “anti Muslim violence” in India.
Earlier, Mrs. Indira Gandhi was quoted by Indian newspapers as having said that she suspected foreign forces behind the Muslim rioting. She did not name the countries involved.

Pakistan’s Ambassador in New Delhi, Mr. Abdul Sattar has denied the allegation that Pakistan was interfering in the internal affairs of India.

In a statement issued on August 30, the envoy denied that Pakistan had taken any step which could be termed as an interference in India’s internal affairs.

The Pakistan Governments has also denied Indian Press reports to the effect that it had taken up the issue of anti-Muslim riots in India at the international level or that it had made any preparations to lodge protests about them, a statement issued in Islamabad on August 30 said.

Reacting to the Indian protests the Pakistan Government told India that it would continue to endeavour for the maintenance of a tension-free atmosphere conducive to further progress in the normalization of relations between the two countries. In its response to Indian Foreign Secretary R.D. Sathe’s communications through the Pakistan Ambassador in New Delhi, the Pakistan Government reportedly said that it was inspired by the conviction that good neighbourly relations between Pakistan and India were in the interest of both the countries and their peoples.

Mr Sathe conveyed Government of India’s strong feelings over the reactions in Pakistan to the recent communal disturbances in India. Reacting to the Indian letter the Pakistan Government claimed that it adhered to the view that the commitments of the two countries to the principle of non-interference in each other’s internal affairs remained a pre-requisite for good-neighbourliness and durable peace between them. Pakistan came round to the view that it was obvious that the disturbance in Moradabad and some other places in India as well as the measures to restore law and order and prevent recurrence of such incidents, were an internal affair of India. Pakistan however maintained that given the history of Pakistan-India relations and the links between the people of the two countries, public reactions to the loss of lives in disturbances were natural and spontaneous. The Pakistan Government did not instigate or fan such reactions. Sections of the Press and leaders of public opinion might at times express themselves strongly in Pakistan as in India. It would, however, be a mis-judgement to ascribe inspiration for such expression to the Pakistan Government. To obviate misunderstandings, each government must inform itself of the freedom of expression the people and the Press enjoyed in the other country and the limitations on the capacity of the Government to control expressions of opinions.

Pakistan Government maintained that it was not aware of any international conspiracy aimed at the Indian Government. Certainly, it would not associate itself with any attempts against the stability and security of a neighbouring State. Nor had it an interest in creating difficulties for the Indian Government.
New Delhi, October 21, 1980.

**Question:** Would you say that there has been a set-back in the bilateral relations with Pakistan?

**Prime Minister:** Well, it is unfortunate that President Zia has gone against the letter and spirit of the Simla Agreement in raising Kashmir (issue) and, when we had the trouble in Moradabad, by trying to make it a major international issue. Such things do not help relations between nations; especially, it had a big effect on our own people here.

**Question:** In this connection the general question all over the world is that Pakistan is going to explode a nuclear device in three years’ time. If it happens, do you think the Government of India will revise policy of using nuclear power for peaceful purposes?

**Prime Minister:** President Zia keeps on denying it. Shall we take his word for it or not?

**Question:** You have to decide it.

**Prime Minister:** We have already. Our policy with regard to nuclear weapons is very clear. We do not think that they (nuclear weapons) will help in any way.

**Question:** Do you take his words for it?

**Prime Minister:** I do not think I like saying that someone in not telling the truth. We will leave it at that.

**Question:** (Inaudible)

**Prime Minister:** What poses a threat is the greater involvement of all the powers in the Indian Ocean and in the region, because the thing did not suddenly begin or the threat did not begin from the Soviet troops’ entry into it. For instance, long before that, there was a lot of activity in the Indian Ocean and there was Western activity in various other countries, and at that time also, we thought that this would lead to further involvement of others as well. This is what is happening. It is a kind of escalation. If someone enters an area, somebody feels that he has also to enter it.
0960. Letter from Pakistan President Zia-ul-Haq to Prime Minister Mrs. Indira Gandhi.

Islamabad, November 12, 1980.

Islamic Republic of Pakistan
Islamabad
03 Muharram-ul-Haram 1401 AH
12 November, 1980.

Her Excellency
Madam Indira Gandhi,
Prime Minister of the Republic of India,
New Delhi

Dear Madam Prime Minister,

I was happy to have the opportunity of meeting you in Salisbury last April and had hoped that our meeting would result in a better mutual understanding of our respective points of view and would serve to accelerate the pace of normalization of relations between our two countries. I, therefore, sent Foreign Minister Agha Shahi to New Delhi in the following July with high hopes. It was a matter of regret that despite our best efforts and those made by your Foreign Minister Mr. Narasimha Rao, the visit received a setback by the negative treatment it received from the local press. Nevertheless, I am looking forward to the future with hopes and expectations of better relations between us. In our assessment the recent regional and international developments also demand such an approach from both of us for the common good of India and Pakistan.

There is little need to dwell on these developments in regard to which detailed exchanges of views have already taken place between our two sides at various levels since February last when your Foreign Secretary visited Islamabad. In my letter of 17 February I have also drawn your attention to the opportunity these developments have created for bringing us closer.

It is in the mutual interest of our countries to bring to an end a lean period in our relationship for which I cannot find an adequate explanation; nor do I wish to seek one in view of the over-riding need for both of us to concentrate on the common objective of improving relations between our two countries undeterred by temporary setbacks. The progressive positive trend of Indo-Pakistan relations spread over a period of last few years should encourage us to look optimistically towards the future.

The recent communal disturbances in India and yours reaction to my mention of the question of Jammu and Kashmir in some of my public statements ought not to be allowed to cast a shadow on our bilateral relations. Our attitude on
both these matters had been fully explained during the official talks between our delegations and also in my personal letter to you to which I have already referred. I assure you that we regard the unfortunate communal disturbances in India as your internal affair though these have an inevitable impact on the atmosphere of our bilateral relations for reasons with which you are so familiar. As regards the question of Jammu and Kashmir, I need not discuss it in this letter because each of us is well aware of the view point of the other.

It is my sincere hope that despite any temporary setbacks we will not lose sight of the great imperative of improvement of relations between our two countries. There is need for developing an awareness among the peoples of our two countries of our common concerns arising out of the grave developments in Afghanistan, the Iran-Iraq conflict and other recent events which have profound repercussions on the security of our region. I also seek your understanding of our own efforts in these directions which no doubt will serve a common interest.

I take this opportunity to extend to you my very best wishes for your personal health and well-being on the happy occasion of your birthday which falls on November 19.

With profound regards,

Yours sincerely,

(General M. Zia-ul-Haq)

(Note: Mrs. Gandhi replied to this letter in January 1981. Document No. 1706)
SECRET

Letter from Indian Ambassador in Pakistan Natwar Singh to Foreign Secretary R. D. Sathe on the situation in Pakistan.

Islamabad, January 4, 1981.

Ambassador of India
Islamabad

No. ISL/AMB/16/81 January 4, 1981

Subject: Indo Pak Relations: Hard Times not great expectations.

After eight months in Islamabad I have come to the melancholy conclusion that Pakistan is a politically retarded country. The great Russian writer, Boris Pasternak wrote that, “the true measure of country’s civilization is the kind of men it produces”. Right now the shining lights of the Pakistani political firmament are president Zia-ul-Haq and Foreign Minister Agha Shahi – The two form a perfect pair of the tweedle dum and tweedle dee of pretentious silliness. Yet, both seem to know how to exploit time and circumstance. Paralysis of the nations’ political life has been exploited to his advantage by Zia, a top level schemer and operator. Zia, with his Islamization and Shahi with his sales-cackle (anti Indianism is the main product) have all but taken 80 million gifted people for a ride. The submission of 80 million Pakistanis by a military cum bureaucratic clique which is plainly driving them to disaster calls for some explanation.

2. From its very inception Pakistan has lived on myths and with one or two exceptions there has been a certain scum quality about Pakistani political and military leadership. One has only to read the utterances of Pak leaders to get a confirmation of this. No great vision has occupied their minds, no soaring idealism has marked their policies, no homage has been paid to those higher values of life and liberty which alone distinguish us from the wolf pack. For almost 30 years men full of cunning in ways and means of clinging to power, have sat like a blight over a long suffering people who have been allowed no say in moulding their destiny or an opportunity to elect their rulers. The breaking down of institutions, which would ensure a free and full democratic existence, has been deliberate. The contract between the government and the people has been broken time and time again. Retention of power has become the goal. But power without purpose is a panacea for disaster as the rise and fall of Zulfiqar Ali Bhutto shows.

3. Islamic World stretches from Morocco to Indonesia. It has a vague and fragile unity. It has however, one element in common – non-representative
governments headed by un-attractive dictators. Malaysia is the only exception. But powerful forces are at work in the Islamic World. One hopes, one prays that these forces will ensure that emergence of timely representative governments in these countries.

4. Ruskin said, “Great nations write their autobiographies in three manuscripts, the book of their deeds, the book of their words and the book of their art. Not one of these books can be understood unless we read the two others, but of the three the only trustworthy one is the last.” Pakistan has yet to write these books. It can only do so if it comes to terms with itself, jettison its mythological baggage and make an honest effort to evolve national ethos, in which friendship with India has a central place and which is a true reflection of her genuine heritage and past, a heritage and past which it shares with us of which we are rightly and humbly proud.

5. But one must not mix hopes with facts. We are required to deal with the reality, and the reality is a nation in abeyance, a country in suspense. We are, for some time more, condemned to transact business with an unrepresentative Government, at the helm of which is a man who has run out of ideas but not out of luck.

6. When the sun went down on 1980, President Zia was firmly in the saddle and had rendered all his political opponents inoperative, his military rivals ineffective, and this he had achieved without even solving a single national problem. Immense good luck, combined with well concealed cunning and well practiced humility, saw him home and almost dry. He is not popular and knows it. He is not endowed with a sharp, quick brain or a masterful personality, yet, he has come to dominate Pakistani national life. It speaks volumes for Pakistani polity. He is riding a tiger and knows it. He presided over a corrupt, but not a tyrannical administration. His very mediocrity is an asset in the prevailing climate of Pakistan. No alternative or acceptable instrumentality is forthcoming. So long as such a situation continues, President Zia has the situation well in hand.

7. 1980 was a good year for him. He became legal tender in the Islamic world after being an outcast throughout 1979 following the hanging of Mr. Bhutto. Outside the Islamic world too, he is no longer unwelcome. The international community (USA, IMF, The World Bank, etc.) have pledged him vast amount running into billions of dollars as aid, credits and loans. The General is not unaware that an injection of such large funds must lead to inflation, but economics has never been a strong point of the Pakistani establishment. He is insensitive enough to take a rebuff. He was shown scant respect by the Iranians, but took it in his military stride. Only a limited man would have made the speech that President Zia did make at the United Nations in New York of 1st October, 1980. But if he is genuinely sincere about anything, it is his religion. To an
outsider he appears a devout Muslim, who prays five times a day and leads a simple, almost austere life. A lot of people in Pakistan are impressed by his life style, which contrasts favourably with Mr. Bhutto’s flamboyance.

8. What can we expect from him on the Indo-Pak front? Is he genuine in his pronouncements about his desire to have friendly and cooperative relations with India? Does he really believe what he says? I really do not have the answer. But here we should pause and examine Pakistan’s past record and President Zia’s record. There we get no comfort and President Zia’s enthusiasm for the Janata Government makes me wonder whether he has any understanding of the Indian scene. So, I for one am not willing to give him the benefit of doubt. On the contrary, I feel reasonably sure that he and the people around him will miss no opportunity to create problems for us, to embarrass us in the non-aligned group, to question our secularism, or to carry on an anti-India tirade. References to Kashmir in international forums will continue, lip service will be paid to the Simla Agreement, trade will not increase, nor frequent cultural exchanges. The media will keep denigrating us and publishing all kinds of lies about India. We should not be surprised if Zia exploded his Islamic bomb this year. We should give some thought to the line we should take, if an explosion does take place. Having done our PNE, we shall naturally have to be careful about how we react. We shall of course then have a chance to expose Pakistan’s past military adventurism and ask if Pakistanis can be trusted to behave in a responsible manner in this regards. If all this were to change then the days of dictatorship in Pakistan would be numbered. Good and normal relations with India would mean a whole lot of people in the military, bureaucratic business establishment finding themselves without jobs – a prospect that they will resist to their dying day.

9. So what do we look for in 1981 as far as relations between India and Pakistan are concerned? “Hard Times”, not “Great Expectations”. Indications are that the Reagan administration will tilt towards Pakistan, CIA activities will increase, a stalemate in Afghanistan will suit Zia, as will the Iran-Iraq conflict. Pakistan’s economic situation looks promising in the short term. (No one has any long-term view on matters of substance.)

10. The departure of Zia would not make much difference, except perhaps a slowing down of Islamization. His replacement would not be an elected representative of the people, but another military man. Given the choice, I would rather deal with him than another tin pot General.

11. What should our response be? We should neither expect too much, nor despair of getting anything at all. We should take what we can get when the atmosphere is favourable. We should remain unimpressed in the face of verbal professions of friendliness. We should endeavour to make the weight of our
influence felt steadily among the people of Pakistan over a long period of time in the directions which best suit our interests. For this, we need to follow a policy of Benign Neglect of the Zia Government and of Genuine Concern for the people of Pakistan.

12. I enclose the following reports* for 1980.
   i) Annual Policial Report
   ii) Annual Economic & Commercial Report
   iii) Annual Publicity Report
   iv) Annual Consular Report
   v) Annual Administrative Report

   It is a matter of some satisfaction to us that these Reports are being dispatched to you on 4.1.1981.

   Yours sincerely,
   (K.Natwar Singh)

Shri R.D. Sathe,
Foreign Secretary,
Ministry of External Affairs,
New Delhi.

* Not included here.
0962.

Quasi-verbatim record of meeting of Indian Ambassador K. Natar Singh with the President of Pakistan, General Mohammad Zia-ul-Haq.

Islamabad, January 10, 1981.

(Meeting arranged at the request of the Ambassador to hand over letter from P.M. The meeting took place from 1915 hours to 2020 hours. It was attended by Mr. Riaz Piracha, Pakistan Foreign Secretary, and Qazi Humayun, Director (India) in the Pakistan Foreign Office)

Ambassador: It was extremely kind of you to receive me when you are so busy on the eve of your departure to five countries tomorrow morning. I am most grateful. I just wanted to hand over to you this letter from the Prime Minister which is in reply to your letter.

President: You are always welcome. You were away to India—on work/holiday.

Ambassador: Holiday to begin with, then I was inducted in connection with Brezhnev’s visit; as a result I had six days’ holiday only.

President: Yes, you were away when I saw your outgoing Defence Attache. I though that…

Ambassador: Yes, he was deeply honoured and touched by your gesture.

President: I wish I could have met the new one but he could not come because he was unwell.

(Reading the letter*)

Ambassador: The main para on page three is the hard core of how we feel.

President: It is kind of her, especially the sentiments in the last paragraph.

*The Official Spokesperson of the Indian Ministry of External Affairs said in New Delhi on January 12, that in her letter to President Zia-ul-Haq, Mrs Gandhi had said that the people and Government of India and she personally stood committed to the promotion of friendship, understanding and cooperation between the two peoples.

Mrs Gandhi said: “Friendly relations between the two countries are important for the well-being of our two peoples. They are also major factors in establishing peace and stability in this region. Therefore, guiding these relations on constructive line is not only a vital responsibility of our two governments put also imperative necessity for progress and prosperity of our two peoples.” Her letter was in response to the greetings Gen Zia sent to her on her birthday on November 15 last.
Ambassador: Our attitudes have not altered. They are here reiterated.

President: The last para is most encouraging, but the letter shows some hesitations, some suspicion, some misunderstandings.

Ambassador: Sir, with you at the helm of affairs, we should now be able to look forward to removing all doubts. My Prime Minister has given her clear assurances.

President: I am most grateful to her, but I note that she has been unhappy with my references to Kashmir. Every time I have made a statement on Kashmir, you have taken objection. I don’t understand this. Sincerely speaking, I think I have followed the Simla Agreement. We do not know whether there was any other understanding other than the record of the Simla Agreement that we have. Was there anything else in the Simla Agreement because Madam Gandhi, if I may use the word, seems to be very allergic to the very reference to Kashmir. We agree with her; we agree on what she says that the problem of Kashmir could only be dealt in terms of the Simla Agreement. To that extent, let me assure you that we have followed the essence and letter of the words and spirit of the Simla Agreement. The Simla Agreement provides for a bilateral solution without prejudice to our respective stands. But on your side whenever...

Ambassador: If I may respectfully say so, Sir, reference to Palestine and Kashmir in the same breath at the U.N. by you is not in keeping with the spirit of the Simla Agreement. There was understandably strong reaction to your U.N. reference in India.

President: But these are problems of the whole world, of the Muslim world. I only brought them to the notice of the Assembly. The Simla Agreement does not prevent us from mentioning Kashmir in international bodies. As I said, the Agreement was without prejudice to our respective positions to be settled bilaterally without resorting to force. Simla Agreement is the basis on which I want to promote our relations.

Ambassador: This is the bedrock on which our relations are based. The Simla Agreement does not say that Kashmir has to be mentioned. We do not refer to the problem internationally. We have learnt from our experience in the past twenty odd years before the Simla Agreement that the problem is better left to be settled bilaterally rather than internationally. We went to the U.N. as an aggrieved party in 1948. Just as you have your compulsions; we have our own.

President: Quite right, but what do you want us to do?

Ambassador: The Simla Agreement provided a method which, as I said, was based on our past experience. We should follow this method. If I may respectfully
say, in the Non-aligned conference next month, when your Foreign Minister speaks, a reference to Kashmir should be avoided. This will be noted by us and our people. This could be a beginning.

**President:** But I mentioned it in Havana.

**Ambassador:** Yes, but you are Head of State and we could not stop you. People there were rather surprised because not only were you joining Non-Aligned countries for the first time, but you were also aware that bilateral problems are not usually raised in this forum. However, this is in the past. You are now at the helm of affairs. You are in supreme control here. You can help in creating the right kind of atmosphere.

**President:** I have done whatever. I could on our part. But 80% of the action is from India. I have always said this and I still say: you are a bigger country; you have a bigger role to play. We are not in competition with you. We are fully willing to accept you as a bigger State. What we do not want is to live under the umbrella of Indian security. She has also herself mentioned that she is committed to the independence and sovereignty of Pakistan.

**Ambassador:** I was reading yesterday some of the works of Pandit Nehru. He said that Indo-Pak relations overshadow our domestic and foreign policies. These relations can be very close or very hostile. When we consider the question of Pakistan we have to look at it as a whole. We have to keep in mind the past because what we say now has grown out of the past. Our relationship is unique. Smt. Gandhi is committed to good relations with Pakistan. You do not have a Parliament to worry about, You do not have pressures from politicians. We do. The present Government has extended its hand of friendship.

**President:** As I said, I am prepared to go more than half way. I genuinely want good relations with India even at the cost of annoying some of my friends here. We have done a considerable amount. I succeeded in breaking the ice with Morarji Desai, but I am sorry to say I have not been able to establish rapport with Madam Gandhi. When I met her at Salisbury, I tried to explain to her, but she has continued with her suspicions and reservations. What can I do to have them removed? I refer to Kashmir you object to it. You talk about our arms purchases, which is not there. You blame Pakistan for tilting towards West and America.

**Ambassador:** Sir, this is because of sound historical reasons. As I was telling Mr. Agha Shahi the other day, military governments in Pakistan in the past have always had good relations with Republican Governments in the USA. Tension during these periods have risen.

**President:** But we are a Non-Aligned country now. We have withdrawn from the CENTO. We refuse to take military assistance from the Americans.
Foreign Secretary: Sir, If I may interrupt. (Turning to Ambassador) What is your thinking? Where do we now go?

Ambassador: What is yours? As I was saying, next month you are going to the Non-Aligned Foreign Ministers’ Conference in Delhi. The formulation of your Foreign Minister’s speech, the words he uses will be heard by us with great interest. He would be listened to not only by us, but by others. He will be among the most important Foreign Ministers there. What he says will be of great importance and can give the direction of Indo-Pak relations for sometime to come. In July, it was a pity that all the good result achieved was lost because of bad staff work on both sides. I take part of the blame. We should have exchanged the two speeches. The Press went to town next day. We really could have sorted it out and this entire misunderstanding need not have been there. The talks had gone well and our Foreign Minister in his speech said nothing controversial.

F.S.: We gave you our speech in advance.

Ambassador: No, No. This was not done as speeches on both sides were not available, if I remember correctly.

President: The question which the Foreign Secretary just now asked you is a good one. You said that we should avoid reference to Kashmir in the Non-aligned Conference. In what other manner, what other way, can we remove your suspicions?

Ambassador: You are the Head of a State. I am a mere Ambassador. But may I take your reaction to Moradabad. No responsible Party, person or paper defends communal disturbances. We condemn them and feel ashamed when these take place. Our Press exposes them. But Moradabad did not begin as a communal riot. It soon accumulated communal overtones. It is not merely a matter of shame for the Government but also all thinking Indians. At the same time, it is a reality which we have to face. There are the problems of 80 million Muslims, not merely the Muslims but also the Harijans. Hindu society unfortunately was stagnating for more than 2,000 years. Buddhism was the first reformist movement. Then once again, it went to sleep till the advent of Gandhiji. Harijans continued to be exploited. But we still have problems and it will take many years to rid society of these evils. Our problems are not simple and the scale is continental. When riots took place in Jamshedpur in 1978, Sir, you did not say a single word, but on Moradabad you did.

President: I was extremely careful.

Ambassador: But in the case of Moradabad, the Foreign Office issued a statement which was really an interference in our internal affairs. You would
recall that Smt. Gandhi opened her Independence Day speech at the Red Fort
with a reference to Moradabad. We all felt very bad.

President: But still it was an internal matter of India.

Ambassador: I was then in Lahore. Actor Mohammad Ali came to me and I
told him we do realize his feelings. I asked him if he did have any relatives in
Moradabad. He said he had some. I sent an officer to Amritsar to telephone
Moradabad. We do realize that there are deep feelings and emotions aroused
on this side. If you had a large number of Hindus in Pakistan and they were
victims of communal frenzy then there would be reaction in India. Running a
Secular State is a difficult task. Running a Federal State like India is even
more difficult. But there is for us no substitute for secularism. This is a delicate
and sensitive matter and we request your understanding. Some residual
problems of partition will take long to wither away.

President: You must have noticed that I did not utter a single word. I recognized
it as an internal matter of the Government of India. The Indian people have to live
in harmony with each other. You have 80 million Muslims, I have 80 million
Muslims. You have your problems and I have my own Problems. Here also I have
problems of minorities. So I said who I am to interfere in your internal affairs.

Ambassador: But you Foreign Office issued a statement.

President: That was after great pressure was put on us.

Ambassador: What is worse was the projection in your Press. This really had
an adverse effect in India. It was suggested by your Press – Government
controlled Press – that you take the matter up in Islamic Organisation and
internationalize it. The fury of the Press was indeed surprising and continued
for almost six weeks.

But talking of the Press, I saw yesterday in the television, Mr. Suleri’s interview
and must say, I was pleasantly surprised. If people like him could go and see
things for themselves, then the atmosphere could improve.

Foreign Secretary: But see what Kuldip Nayar has written in his latest book.

President: Yes, this has really made me worried.

Foreign Secretary: We really feel that all this objections of yours on Kashmir,
on our arms procurement etc. are really the symptoms of a deeper malice.
What is important is not merely removing the pain, but to remove the disease.
Suppose we remove these problems, will the doors open up? What you are
saying of Kashmir, reaction to communal problems, etc. appears to be really
what is only on the surface.
President: You must understand our fears. We have to live together in equality, mutual respect. We naturally have our apprehensions of our bigger neighbour.

Ambassador: Solutions are not easy and need good-will and right policies. Your joining the Non-Aligned Movement has been a good decision. We have always felt that necessity of Pakistan being a part of the movement. But you had a different outlook in the 50's and 60's. You took a particular turn which we thought wrong and injurious. So we welcomed your joining the Non-Aligned Movement. Our Additional Secretary has just arrived. I received him at the airport. He has come to discuss the draft of the document for the Non-Aligned Foreign Ministers' Conference. This is really a welcome development. India and Pakistan joining together in trying to work out non-aligned declaration in respect of the problems faced by the world. This did not happen five or ten years before. It is a small advance. It is a healthy development. We took the initiative for this.

President: Yes, it is a very healthy development.

Ambassador: Yes, this can mark the beginning of cooperation between our two countries in this forum. From here we can expand the area of our cooperation. We have a long way to go. This is a very long haul. Such cooperation can only be for the good.

President: I do admit that the Indian Government has taken many important steps like increasing of visits and more visas by opening of your Consulate in Karachi; all this does help to remove misunderstanding. But India has got to take the bigger step being the bigger country. I am committed to friendship with India and there is no going back on it. But in my heart there are also the fears of our past experience and of the future. We cannot forget what happened in Bangladesh. We have also fears of the motives of the Soviets from Afghanistan. But I want to live in peace; we must live like good neighbours. You are the bigger, larger and more developed nation. We are not in competition with you. We want to live in peace. I am prepared to do whatever we can. The Indian leadership must also appreciate this.

Ambassador: We do not want to keep anyone under our umbrella. What happened in Bangladesh was due to historical reasons. It was a result of certain polices—unacceptable policies pursued here by certain personalities. But you know the facts. I don’t have to go into details, but your Provinces have never had the kind of provincial autonomy and federal structure we have tried to work. That leads to your problem of national identity.

As regards Soviet Union, when Brezhnev came, I was in Delhi. He represented his point of view; spoke about the help being given to Mujahideens particularly by Pakistan. Mrs. Gandhi explained our position. She said that we were aware
of Soviet difficulties and their origins. But their policies in Afghanistan caused practical difficulties for us and within the non-aligned movement. Some political advance was imperative. Our relationship with the Soviet Union is mature enough and deep enough not to result in misunderstanding from such statements. Mrs. Gandhi expressed her view in a frank manner. The position she adopted form the very beginning was that condemnation will not help. You have tried it and it has not worked. We must try to find a political solution, which will enable them to get off the hook. But at the same time she clearly stated that India was opposed to the induction of foreign troops and outside interference. President Reddy said the same thing. It may be said that we may have had some influence in making the Russians accept the Secretary-General’s representative and you have announced that you are willing to talk to Karmal's party and not the Government in power. But there is no difference between the party and the Government. This is mere semantics.

President: Yes, very little difference.

Ambassador: Mr. President, I am only just an ordinary Ambassador. You are representative of a great country. The 750 million people must learn to live in peace and cooperation with each other. Geography has put us together. We cannot alter geography. We must try to develop good relations through efforts on both sides, which can be only achieved through understanding and patience. In your vision of a future Pakistan, good relations with India should be the central feature.

President: Ambassador Saheb, what would you like us to do about Kashmir?

Ambassador: The Simla Agreement has provided us with the answer. I can assure you, Mr. President, the Simla Agreement was not popular in India. Even within her Government and her Cabinet, there was opposition. But Mrs. Gandhi was extremely clear about the need for reconciliation and to find a solution bilaterally. It was an act of great statesmanship. She started the healing process. The only way that the solution could be found without resorting to force by talks between Pakistan and India.

President: The Simla Agreement is very clear. It says that we are committed to resolve the issue without prejudice to our respective positions and without resort to force. We really want to abide by the Simla Agreement. But from your objection it seems… as I said, if there is anything unwritten in the agreement, which we do not know and which we are not abiding by, please tell us.

Ambassador: No., there is nothing. However, if I may be allowed to suggest with all humility, since your reference to Kashmir in various international organizations has not helped, for whatever reasons it may be, our over sensitiveness or otherwise, you can consider another line. Since the line you
have adopted has not provided the right results – you might try an alternative line, not mention Kashmir.

**President:** Well, one can talk more on Kashmir, but it is, I am afraid, not the only issue. Reading this letter from Mrs. Gandhi I have a feeling that this is not the only issue that is agitating her. She said she has done more than she could. I say I have done everything and yet we still have our problems. Obviously, somewhere it has gone wrong. At Salisbury I tried to explain to her. I told her that the moment the Indian leadership comes to accept the existence of Pakistan, will the problems be over. You have to accept us as an independent sovereign nation.

**Ambassador:** Mr. President what you are saying is exactly what the Prime Minister has stated in the letter.

**President:** In her letter apart from the Kashmir she has spoken about the critical reference in the press. Mr. Ambassador, apart from the Trust papers, the press is really independent. Frankly they cannot be controlled.

**Ambassador:** We have the same problem. We also have the opposite of the *Nawai Waqt*. But no responsible person in India opposes good relations. In Pakistan you have a problem regarding provincial autonomy, your system is centralized. Ours is not. You had problems in the past and even now when one goes to Sindh there are people who talk about the control of the centre. In India problems are also difficult. There are great complexities, for example, the Assam problem.

**President:** Yes I do admit you are a bigger country with bigger problems but because of the complexities India has to (be) a secular country.

**Ambassador:** No one will argue that problems in India will not have immediate reaction in Pakistan and vice versa. We have faced these reactions in the past and we will continue to do so in the future, but it is necessary that we should create a climate free of tension.

**President:** Any practical approach to the problem of our relationship?

**Ambassador:** We have long historical links. We cannot forget this. We need patience and good will. Confidence building takes time.

**Foreign Secretary:** Well Mr. Agha Shahi will go to Delhi next month. Let us see if he can develop more ideas regarding cooperation. It will be good if he can develop some contacts with his counterpart at least to erase the bad taste of the last visit.

**Ambassador:** I am at your service, to do whatever little I can.
President: Ever since Madam Gandhi has taken power I have not uttered a single word against her. My objective has been to bring about better understanding between our two countries. Even when Mr. Desai was there, things were certainly improving. With Mrs. Gandhi, whom I respect as the architect of the Simla Agreement, I really wanted to have a clean and better understanding. I took care never to interfere in your internal affairs except during Moradabad when I was under great internal pressure. Frankly speaking, I cannot demand nor can I expect that Madam Gandhi, as the leader of a democracy, not make comments on Pakistan, a military government. But to continue to comment as in the past on so many occasions or as she did in the last interview regarding our tilt to *Times of India* – this is not fair. Who are we tilting towards? We are a non-aligned country and have withdrawn from alliances.

Foreign Secretary: She has issue several statement about you by name.

President: I don’t mind; I do understand.

Foreign Secretary: No, but she should not. Yours is one way of looking at it.

President: I really don’t understand why she talks about the tilt. Then there is constant criticism of our nuclear programme. She was asked about our programme, she said “I only hope nothing”. We have been repeatedly saying Pakistan really has nothing.

Ambassador: All this is due to your historical relationship with the Republican Party in the States, Pakistan followed a particular policy.

President: But in 1981, it is not conceivable that we are tilting towards the Americans. We left the CENTO, we joined the non-aligned movement. Please see our record.

Ambassador: I shall faithfully convey your feelings.

President: I don’t understand why you are so sensitive on Kashmir. Only once after six occasions did I refer to Kashmir. Where is the set back really?

Ambassador: In trade. Now the ball is in your court.

President: Show some flexibility and you will find us not wanting. We have given you a list and you must tell us what you want.

Ambassador: Mr. President I don’t think you have been advised fully. We have given a package.

President: But I have responded fully saying that such and such in the package is acceptable and such and such is not. I have agreed to you in principle. I
have said in principle why should we buy the same thing from elsewhere when we can get it cheaper, just half an hour away.

**Ambassador:** The fear that you will be overwhelmed by the Indian economy is totally unfounded. This concept of balance of trade that we have between the two countries is also not logical. By trading with us, we can help you to reduce your overall balance. We want to start with four or five areas but we are getting bogged down by details. If there is the will there is the way. As is the case of the iron ore deal. We can cooperate in the other areas too like cement and fuel from you. Or you can procure scooters from us instead of importing from Italy - from Amritsar at much cheaper price. But the problem is that those who are earning the commission are opposed to this and it will take away his annual trip to Europe. And he would hardly be interested in going to Amritsar.

**President:** No, no, our people love to visit your country.

**Ambassador:** It is unfortunate that due to historical reasons, industrial development did not take place in this region, as it did in some other parts of undivided India. But even in India, there are backward areas like Bihar whereas Maharashtra is industrially very developed. If it meets with your approval, I can work out package and show it to the Foreign Secretary.

**President:** I am all for it. If we can get our requirements from each other why should we patronize others.

**Ambassador:** We can be of great help to you in certain area, for example, medium scale industries. Similarly, you can be of benefit to us. We can save transport costs and learn from each other.

**Foreign Secretary:** Given the history of our past relations and differences, it will be fair to presume that any trade between the two countries must be basically balanced. This is necessary in order to prevent a backlash. One year the balance will be slightly in our favour and the next year in yours. And in due course, a pattern will emerge. In the beginning, we cannot start with a built-in system of imbalance.

**Ambassador:** No, when our former Commerce Secretary Shri Krishnaswamy Rao Saheb, who is now Secretary to the Prime Minister, was here, he proposed a package based on such principles which could not have adverse effect on your own industries in any way. The method which he suggested would have been beneficial to you, without causing any harm to your industry or economy. But you did not accept it.

**President:** Yes, we can do something.

**Ambassador:** If Japan and USA can be the biggest trading partners after
fighting a war, if France and Germany can join the same economic community why can we not trade with each other?

Foreign Secretary: Unfortunately, because unlike these countries, we carry out our “dosti” and “dushmani” at the same time. Well Sir, I was just telling the Ambassador that I must have a long talk with him.

Ambassador: I don’t believe in scoring debating points. All that I believe is that if we can contribute a little to the process of normalization, it may perhaps be worth it. Our children may see that we at least made an effort and might deserve a footnote in some book of history.

Foreign Secretary: I have therefore suggested that after I return he joins with me while I play golf and we have a long chat together.

(After this Ambassador and President spoke about the St. Stephens Centenary. The President agreed to give permission to ex-students to go to Delhi and suggested that in Islamabad the Ambassador has a dinner for Stephenians which the President will himself attend. The meeting ended with Ambassador wishing the President a happy journey, which he said he will again do formally at the airport ceremony next morning).

(Himachal Som)
Jan. 11, 1981
First Secretary (Pol)

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Interview of President Zia-ul-Haq with Indian journalist Inderjit

March 1981

Q: Mr. President, how do you view the present state relations between India and Pakistan? Have these suffered any deterioration in past few months? If so, what has caused the setback?

A: My answer, I hope, will not surprise you. I think the relationship has improved in the recent months in the sense that we seem to have greater understanding at the leadership level at my level and at your Prime Minister level because of exchange of some notes and letters. A few months back we had some deterioration in the relationship because of certain event. But that seems to be behind us and I feel that in view of what is going on at present, the chances of improving the relationship are better than they were some time back.

Q: The press in your country has recently talked loudly of a military build up across the border. Even now there are reports in the Indian press of heavy concentration of Pakistani force along with Jaisalmer and Barmer districts of Rajasthan. There is no build-up on the Indian side. What is the reality on your side?

A: There is no build up whatsoever on the Pakistan side also. Amazingly it is not the Pakistan press which started talking about the build-up either on the Pakistan side or on the Indian. Somehow the scare, if you permit to use the word, was spread buy the Indian press. I really do not know the reasons for it. Nor do I know the force behind this. All of a sudden, we found that the Indian press was giving news items of heavy concentration of troops on the Pakistan side but nothing on the Indian side. This is all utter fabrication. There is no truth of concentration on the Pakistan side. Leave alone concentration, there is no truth even of any movement close to the border.

Q: Would you say, Mr. President, there was no concentration over the last few months at all?

A: None whatsoever. But as you are aware, there is during the winter months, some movement of troops on a minor scale along the borders near Sialkot, Lahore, Bahawalpur, Sulemanki, on both sides. In act, the concentration on the Indian side is much greater this year. But these are annual exercises. Both sides have contacts at various levels and are aware of the nature of the movements.

Q: Mr. President, do you agree that such reports create a war psychosis even when the leaders of the two countries have reportedly declared that they
stand for peace and friendship? Do you think some kind of a permanent arrangement needs to be made to ensure against the build-up of such a dangerous war psychosis in future?

A: Very right. I must say that when reports of troops concentration started coming out in the Indian Press, I felt jittery, as I did not known anything about the reported movement. I think it is the responsibility of the Press on both sides to create better understanding and more confidence and not spread unnecessary rumours, scares and false reports. But I agree it would be better for India and Pakistan to come to some understanding so that such rumours and false news could be exposed and reality made known to both sides.

Q: What kind of arrangement could there be?

A: Well, the whole thing starts from a lack of trust. We must not forget that we, India and Pakistan have fought three wars. I only hope that we have both realized the futility of wars. There is realization of this in my mind. I would not mince words if I have to say to my own people that wars do not solve political problems. Political problems must be resolved through political means. In this year of the Lord 1981, might should not be right and therefore, we must have a better understanding. We must create more confidence in the minds of not only the people but also at the governments' level.

I suggested one thing to Sardar Swaran Singh when he was here. I said to him: Tell us, whether Pakistan should have a force for its own security or not. Should India have a force for its security or not? And if you come to the conclusion that there is justification for Pakistan to have an armed force for its own security, then ask your experts to tell us what should be the strength of our forces considering the defence requirements of a country like Pakistan and its geographic borders. I would accept their assessment and not debate it. In the process you may probably ask our reaction if you were to say all right, Pakistan should have this much and Indian that much. I said have as much as you like, I am not concerned. But I would be very much concerned when 18 divisions face Pakistan. We have then to think twice as to what all this exercise is about. But I made this offer.

Unfortunately, we had no reaction at first. The reaction that came much later was 'No'. India said, this is not a fair proposition. Because, Pakistan should have what Pakistan thinks necessary and India should have, what India thinks necessary. Then I said, if that be the case, why should India get allergic to Pakistan’s stress on its legitimate defence requirement. Here again, I proposed that if you want to know what we have and what we do not have, please come and ask me. I will tell you exactly what we have. And what you have I will not challenge.
Indian is a big country. Pakistan realizes this. Pakistan was dismembered in 1971. You know and I also know this. But looking at the facts of the matter today, Pakistan is a small country, with India as its next door neighbour. Some 35 years ago, we were one country. But for good, obvious and legitimate reasons we decided to part company as friends and live separately as good neighbours, friends and brothers. We have since fought three wars.

We very humbly suggest to you and through you to the people of India that it is about time that both countries decided what was good for them. As for Pakistan, I can say there is no doubt in my mind that the good of both the countries lies in peaceful relationship, in mutual understanding, confidence, and respect.

Pakistan is a small country, India is a bigger country. Pakistan today does not consider itself in competition with India. We can not. We are 80 million people, India is 650 million people. India is a bigger partner in this. It has a clear role to play and we grant it that much. But I think there is need for a batter understanding and more confidence. I am sure sooner or later these will come.

Q: These are excellent thoughts, Mr. President. I recall having a chat with Sardar Swaran Singh on his return. He and many others in the country felt that any discussion in regard to the defence forces of the two countries would have to be preceded by some political understanding. Is that what he said to you?

A: No, he did not say so. We were discussing bilateral relations and came to the question of defence forces. This is what I offered unilaterally, as an idea. However, I agree that every thing must emerge from a political understanding and it is political understanding which will bring about better military understanding, and more confidence is each other.

Q: India and its leaders opposed partition for long. Eventually, however, they accepted the creation of Pakistan. Today they wish Pakistan well and want it to be strong and stable and prosperous. Yet, many in Pakistan still seem to feel that India wants to undo partition. What is the basis for this Pakistani fear when India has nothing to gain from it? What, Mr. President, is your own perception? Do you believe that India poses a threat to Pakistan?

A: There is a doubt in the minds of the people of Pakistan, I must admit. They feel that perhaps Indian leadership or a segment of the Indian public has not reconciled to the idea of Pakistan. Whether they are right or wrong and what are the causes, you can debate for the next umpteen years. The answer will not be found. Many books have been written and many more will be written. For instance, what started the 1971 war? But its results are there. History will say that Bangladesh was created in 1971. Good luck to Bangladesh, they are our brothers. Our friends, and good luck to India. We wish them as well. But I wish that the people of India have the same feelings towards Pakistan. I am
very grateful to some Indian friends who have said that we want to see a strong, stable and prosperous Pakistan. But once bitten, twice shy. In 1971 as a result of Indo-Soviet collusion Pakistan was dismembered. So this tiny little country in comparison to India is now a little scared about what is left of it. India is rich in history and is 5000 years old. Pakistan came into being only 35 years ago and is a young, budding nation anxious not to get hurt.

Q: Thank you very much, Mr. President. Much will be written on the issue of Bangladesh. Friends in Pakistan entitled to hold the view that India deliberately dismembered Pakistan in collusion with Russia. We on our side feel we did not dismember Pakistan. We had a problem on our hands and wanted a solution. We feel we should accept the reality of today. Without going back into the past. This would create the kind of atmosphere required for greater understanding, and greater trust. Do you agree?

A: We should stop living in the past. The sooner we forget it the better for both Pakistan and India. I am trying to do this every time. I speak to my friends, editors, and countrymen. And, this is my prayer to my Indian friends also. Let us forget the past, start a new chapter and let us have a real good friendship between India and Pakistan.

ON MILITARY TIES WITH USA & 1959 AGREEMENT

Q: In this context, I refer to some new misgivings in India. In 1959 Pakistan had reached an understanding with the US under which Washington had assured all help in the event of any threat to its integrity and security. According to recent reports, Islamabad now seeking full and prompt US support in the event of an attack from my quarter. Does this mean that you apprehend the possibility of an attack from India?

A: Pakistan has many neighbours. We have in the east--India, in the northeast--China, and in the north -- Russia. Wakhan area is now under the Soviet Union.

Q: Is it true that they have moved into that area?

A: Sir, it is true. So we have the Soviet Union as our neighbour with 80,000 troops in Afghanistan. Then we have Iran. Now, when I say this, there is meaning behind it. When we talk to the United States in this context, then we should be asking for a security against Iran. Do we? Against China? We have perfect relations with China. The 1959 agreement is an executive agreement and, if I may clarify, it was only meant for a particular contingency. It was of no use to us in our conflict with India in 1965 and 1971. So as far as this treaty or agreement is concerned it is null and void. It is of no use to us.
You have a relationship with the Soviet Union. It is meant for particular contingencies.

We have now asked the USA to please identify its interest in our region. It is not for Pakistan to identify the US interests. In fact we have asked them to decide for themselves what interest they have in the area which now comprises Pakistan and what they are prepared to do to safeguard those interests. If they are prepared to safeguard their interests, they ought to give that much of support and security to Pakistan, provided our interests also coincide. We are not asking for an outright military assistance or any other programme or any other agreement or treaty, nothing of the sort.

Q: Not a military pact?

A: No sir, Otherwise by now Pakistan would have received not only $200 million but much more than that from the USA. We rejected that not because we knew that it was not liked by India. We thought it was not in Pakistan's interests to enter into a military pact against anybody which is not in the interest of Pakistan. We have received no response to this from the US as yet.

Q: When was the proposal first mooted?

A: I gave this to Mr. Brazinski (early last year) and repeated it in my meeting with President Carter. It has been taken up at the foreign ministers' level. We have had no contacts of importance with the new Administration. But we have also tried to convey to them through diplomatic channels.

SIMLA ACCORD AS GOOD AS A NO WAR PACT

Q: Indian has sought to set at rest Pakistani doubts about Indian intentions by offering a no-war pact on more than one occasion. However, according to Indian leaders, the proposal has been tuned down by Pakistan each time. Do you Mr. President, think there is need for a no ware pact between the two countries and, if so, what would be the best way to go about it?

A: In the last three and a half years, we have received no suggestion as such. But a number of journalists and friends have often asked me this question. My answer has always been that the Simla agreement is virtually a no-war pact if we can implement it, both in letter and in spirit. But recently I read somewhere, I do not know where it is right or wrong, that Mrs. Indira Gandhi has totally ruled out a no-war pact. So you know it is not only our reaction, she also feels the same way.

Q: Many people in India feel and talk about a no-war pact because they feel that there seems to be some crisis of credibility via-a-vis the Simla agreement.
Therefore, one wonders whether a no-war pact in the present situation would not help the situation.

A: You have a point. But history shows us that pacts are not worth the paper on which they are written if the spirit behind them is not there. And if you want to have good relationship then you do not need a no-war pact. I feel we should really be concerned with developing a good understanding between us rather than having an agreement on paper. We hope Mrs. Gandhi is as keen as I am that we should really make a breakthrough for better understanding between the two countries.

ON JOINT DEFENCE FOR THE SUB-CONTINENT

Q: Some people have not only been talking of a no-war pact but also of joint defence for the Subcontinent. At one stage the proposal had been made by President Ayub, but it had been turned down by Pandit Nehru who said: “Joint defence against whom”? Have you given any thought to this or do you think it is not necessary?

A: If at that time the question was joint defence against whom, the same question is valid even today. Take NATO, it is a joint defence against somebody. Then there is the Warsaw pact. So, pacts like this are against common threat perceptions and common enemies. I think Pakistan and India are not facing the problem of having to stand together against a common enemy. Somebody considered an enemy by India is perhaps friendly to Pakistan. We should forget who is a friend and who is an enemy. We should come to an understanding leaving the past behind and try and open new eras.

NO PAK ARMY DIVISIONS IN SAUDI ARABIA

Q: All major sources of world information seem agreed that your country has entered into a secret deal with Saudi Arabia for the supply of two Pakistani army divisions for a payment of $800 million annually. According to some reports, these divisions may not be sent to Saudi Arabia but would be kept in readiness in Pakistan as a rapid deployment force. What, Mr. President, are the facts?

A: It is totally false. You ought to known us better. We are not mercenaries. We have an understanding not only with Saudi Arabia but 27 other countries, Islamic and non-Islamic, where we have some training missions, military missions, air force — some army, some combined together — and it is in that respect that we have some elements in Saudi Arabia on training assignments. And that is about all. A rapid deployment force kept in Pakistan for Saudi Arabia is meaningless. Who is going to move these two divisions? Neither we nor Saudi Arabia have the means of conveyance. Against whom would these be
meant? All these are real conjectures. The Saudis have also denied these reports.

**Q:** How many people do you have in Saudi Arabia, Sir?

**A:** We have about 1,500 to 2,000 people. Most of them are engineers trying to improve Saudi roads and irrigation canals. And may be 200 of other personnel for training the infantry, artillery and armoured troops. This is about all.

**Q:** Following the Taif summit you were reported to have said that if there was any threat to Saudi Arabia, you would personally lead its defence. This statement has been viewed by some analysts to argue that if General Zia is going to rush to the aid of the Saudis, he will have to have some force already in Saudi Arabia for its acclimatization. Would you like to say something on this assessment?

**A:** I did not know that people read so much between the lines. Yes, I did say so. This shows my personal regard and concern for the people of Saudi Arabia. I said that if there is any kind of threat to the security of Saudi Arabia, and Pakistan is asked to help, I will lead the force myself. I will go along with it to fight if necessary. This is only my sentiment. It does not mean that I have 2000 troops there which General Zia-ul-Haq would lead in battle. No such things.

However, if there was any threat to the security of Saudi Arabia, by God, I will be the first man to go to its aid even at the expense of the Security of Pakistan.

**Q:** Threat to the security externally or also internally?

**A:** We do not interfere in internal affairs. We have our own problems. Saudi Arabia has its own just as India has its own problems. We should not think about the internal problems of any country.

**Q:** I am glad you answered this question, Mr. President, because people thought that you had made some kind of personal commitment to the present regime there. And even if they had some trouble internally you would rush to their aid.

**A:** But they have no trouble. They are a very solid, stable dynasty. The amount of work that they are doing for their country, I don’t think anybody else could do. I wish them all the best and I wish the people of Saudi Arabia all the best.

**Q:** There have been reports in New Delhi to suggest that Pakistan has, in addition, agreed to undertake responsibility on additional payment for the defence of Kuwait, UAE, Qatar, Bahrain, and Oman. Is there any truth in these reports about the creation of a new military grouping between Pakistan and the oil-rich Arab States.
A: This again is totally false. There is no such understanding or even talk about it. The security of the Gulf is the responsibility of the Gulf States and of nobody else. Pakistan has no intention of involving itself with anybody else in a military pact or anything like that.

Q: Some misgivings have been caused by a recent study on Pakistan by the prestigious American organization, The Rand Corporation. It has come to the conclusion that top military brass and some leading people in Pakistan are of the view that India has been and will always remain the principal threat to Pakistan. Do you accept this perception?

A: Partly they are right, because you go by record and you go by history. Rand Corporation cannot predict and I hope they do not predict. They have concluded on the basis of history that the principal enemy of Pakistan is India. Pakistan has good relations with China and can have a working arrangement with the Soviet Union. Iran is its perpetual ally. So who is left? It is India. We have had three wars and therefore they have come to that conclusion. But we should not go entirely by their study. They carried out the study in Iran, and they mixed up everything in that. And the result that came out was totally different.

So all I can say is that Rand Corporation can have their study and utilize it to their best advantage. We will draw different conclusions and live as I said not as somebody else wants us to but as we want to.

Q: Mr President, do I then take it that you do not consider India to be the main threat?

A: Militarily speaking, I will not write it off, because there is a history behind it. There is a deployment of troops. Today unfortunately, 80 per cent of the Indian troops are facing Pakistan. All your important installations cannot reach China, they can only be utilized in this region. We hope that they are for the defence of your country, but these are the factors which create suspicious and which create threat and which one cannot take lightly. If we are going all out for a good relationship, then does the other side also want the same thing?

I must tell you very frankly that when I met Mrs. Gandhi in Salisbury in April 1980, I asked her: "What are you afraid of? Pakistan is a small country."

She said: "No, you are the major threat to India. Because you have attacked us three times before."

I said, "Madam, it might have been at that time. But you have reduced us to half and dismembered us. How do you consider Pakistan a threat to India? I want to assure you that irrespective of the threat that you may see, Pakistan wants to be very friendly with India."
So between India and Pakistan this jigsaw puzzle will continue until such time that we really decide and try and remove the elements which create not only misgivings but elements which create unnecessary doubts and suspicions.

ON KASMIR, SIMLA ACCORD & INTERNATIONAL FORUMS

Q: May I now turn your attention to the Simla Agreement. Many in India feel that this accord provided for a de facto solution of the Kashmir issue along the line of actual control resulting from the ceasefire agreement of December 17, 1971. The agreement, it is further argued in India, virtually gave the line of control the status of an international border. Mr. Bhutto, it is said, wanted time to formalize this understanding and hence the reference in the agreement to “a final settlement” of the issue. What is Pakistan’s position now on this?

A: We have tried to find out whether there was some secret understanding between Pakistan and India at the time of the signing of the agreement. We have tried to probe. In fact I asked a very direct question and we sent out queries at diplomatic level to know whether there was a secret understanding. Because according to us the Simla agreement is what it appears to be. It is very elaborately described agreement. And according to it line of control is no more than a line of control.

Q: Has the line of actual control not been invested with the status of an international border? In the sense that this line of control shall not be changed through the use of force by either country?

A: No sir, no. It is a ceasefire agreement which has resulted in a line of control. It does not replace the international border. It further states that both sides agree not to alter the position by resort to force. But it is not necessary that we accept it. It only provides that if there is a doubt we will not go to war on that issue. But it does not stop either side, as it very clearly says, to take the issue to any forum that they like, subject to the understanding of the agreement and to the respective positions taken by both the sides. In other words the Simla agreement does not say that Pakistan will not talk about Kashmir at any other place except in the presence of the Indian Prime Minister or when Indian and Pakistani teams are present. It is unfortunately a hurdle in the relations between Pakistan and India. But it is a political problem and I say we should solve it politically be it now, next year or later. India being a bigger partner should have greater flexibility, should make the bigger gesture. If it can accommodate the UN General Assembly resolutions on the issue and resolve it, a very big step would have been taken in the normalization of relations.

Q: You are talking in terms of going back to the UN resolution.

A: Yes, our position has never changed. Simla agreement has not replaced
the resolution of the UN. It has only brought about the modus operandi for solving problems including that of Kashmir. Let us try bilaterally first. If there is any problem and you are not satisfied, let’s take it to the UN, the non-aligned movement or any other forum.

Q:  The Simla agreement provided for resolving all outstanding disputes bilaterally. Specifically, the agreement provides for resolving disputes “between the two countries by peaceful means, mutually agreed upon, between them.” So the whole exercise was then to pull issues out of international forums and sort them out between ourselves.

A:  That was the spirit, except in respect of Kashmir. It says very clearly in para 4 of the agreement that with regard to Kashmir, not withstanding the position maintained by either side, the Kashmir problem should be resolved peacefully. But again the exact words are not before me. Our position on Kashmir is that we abide by the UN resolutions, and we hope that some day India would also abide by them.

Q:  This raises altogether a new point in the sense that one has been expecting discussion on bilateral basis. When do you think you would like to discuss the issue?

A:  Since it is a very crucial issue, I think we should solve the smaller problems first so that the field is clear. Once we have solved the minor problems, removed misunderstandings and misconceptions, then we should talk first bilaterally about the Kashmir issue.

Q:  In other words you accept the broad approach of the Simla agreement which provided for resolving the differences between the two countries “by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them.”

A:  We maintain that all issues should be resolved bilaterally, including the Kashmir issue. In case we cannot find some solution then our basic stand is that the Kashmir issue should be resolved in the light of the UN resolutions. Let us clear the smaller hurdles first, clean up the slate and then take up the major issues bilaterally, and see what we can do about them.

Q:  In this context, considerable misgiving has been created by the fact that the Kashmir issue not only continues to be raised repeatedly at various international forums, including the Islamic Summit, but it has been equated with the Palestinian question. Further, it has been argued that the issue concerns the Islamic ummah (world). New Delhi feels that these statements are contrary to the letter and spirit of bilateralism in the agreement. One can understand your reference to it at the United Nations. But when it is posed as an issue
facing the *ummah* and bracketed with Palestine, it causes some pain to people in India. Do you agree that these references are contrary to the spirit of the Simla agreement?

**A:** Even in the Islamic conference, we did not raise the issue. It was mentioned in my speech in a particular context. But Pakistan did not try to raise the issue in any resolution seek its inclusion in the final communiqué. This was on our initiative and you should give us that much of credit. As regards United Nations, I mentioned it in the context of the inability of the UN to solve problems like Palestine and Kashmir.

**Q:** That was a sophisticated way of putting it. The important thing is that you brought up the issue. In the case of the Islamic summit was it necessary to mention it in your statement?

**A:** It was very necessary. I was quoting the problems facing the Islamic world and the Muslim world. For the Muslims of Pakistan and Muslims of Kashmir, this is a burning problems or at least a burning issue. India should not be so allergic if Zia-ul-Haq mentions about Kashmir in one context or the other. We don't want to provoke India for no rhyme or reason. Whenever we have mentioned Kashmir, we have done so in a very careful manner.

**ON BILATERAL TALKS WITH VAJPAYEE, MORARJI DESAI & MRS. GANDHI**

**Q:** Would it not be better if this issue was raised by your Foreign Minister or by yourself at the summit if you did want to take it up bilaterally rather than raise it in a way that leads to misunderstanding?

**A:** We have raised this issue bilaterally in the sense, that we have discussed it at the foreign ministers’ level and at my level. At some stage or the other, we have got to sit down and really see how we can solve the problem.

**Q:** You said you discussed it at your level too. With whom?

**A:** I mentioned this to the then foreign minister, Vajpayee when he came. We had a good and a very frank discussion. I spoke about Kashmir also to Mr. Desai when I met him in Kenya. And I think I mentioned it to Mrs. Gandhi also at Salisbury.

**Q:** What was the response of the three separately?

**A:** Vajpayee was very understanding. He Put forward India’s arguments. But he accepted that this was a problem which we must resolve and resolve peacefully and this is what we recommended. Mr. Desai, I must say is a very able statesman. Also, mercifully and sympathetic. He agreed there was a
problem and said that we were at liberty to raise it and come to certain conclusions, which would be better for both the countries.

Mrs. Gandhi was, however, extremely allergic. I think she also said: “Why do you keep on raising it?” I explained that it was written in the Simla agreement and we were going by the agreement. It was a very warn dialogue otherwise, but interjected by a few spurts of allergies here and there.

Q: Mr Desai and you are known to have talked to each other on some occasions. Did the question of a summit meeting between the two of you ever come up?

A: Before I left for Jomo Kenyatta’s funeral. I sent a message to Mr. Desai that I would like to meet him. The response from his side was warms. In fact, Mr. Desai was kind enough to ask me as to when I was coming to Delhi and I told him, “Sir, at the first available opportunity.” And this is my intention also. Whenever I feel that my visit of New Delhi would be beneficial to the relationship between our two countries I will be there in no time.

PROGRESS IN IMPROVING TIES IN OTHER SPHERES

Q: The Simla agreement was signed eight years ago. Among other things, it sought to progressively restore and normalize relations between the two countries step by step in various fields: communications, air links and over flights, travel facilities, trade and co-operation in economic fields and exchanges in science, culture and sports. Are you satisfied with the progress achieved so far? If not, what needs to be done?

A: In a way, I am satisfied. There is progress. But I am not fully satisfied. We can do a lot more and in this respect we should strive. He flights are there, travel facilities are there, trains are running. In 1976-77 only a few thousand persons came from India. In 1979-80, there were a quarter million visitors.

Q: The progress is generally halting. A cultural delegation was supposed to come to Pakistan from India. The idea was accepted in principle almost about a year ago. New Delhi has been waiting for a green signal from your side. But nothing has happened.

A: We are all for improvement even in the cultural field. I am a great lover of music of qawwali and ghazal. But there are a few constraints. Tomorrow we can ask for a cultural troupe. It would comprise Lata Mangeshkar and others. But it would create a sensation. I do think this is not the right time for such a sensation in Pakistan. Neither the dancers nor the girl singers for us. But other cultural activity must go on.
Q: What about the rail link between Khokrapar and Barmer in Rajasthan? This was to be restored quite some time back. And yet there has been no movement. This is a great disappointment to the people of Bombay.

A: There is some problems about the rail communication. Otherwise, we have no serious objection to it. I know there is a requirement for the Khokrapar link. We examine it and wherever we can improve the relations we shall certainly do so.

ON ROLE OF INDIAN & PAK MASS MEDIA

Q: Do you think that enough has been done under the Simla agreement to prevent hostile propaganda and to disseminate such information as would promote the development of friendly relations between them? New Delhi is particularly unhappy about the way recent communal incidents in Moradabad and elsewhere were projected in Pakistan both officially and in the press as being “anti Muslim.” This, in turn, provoked strong reaction in India. Would you like to comment?

A: The projection that we received here was that there were communal riots. All the reports emanated from the correspondents or the news agencies. We had no correspondent of our own at that time. When something happens then everybody starts sensationalizing. May be your own papers start from there. It is picked up by our papers. It is the Press which splashes these things. I blame the Pakistan Press equally.

Q: Many in India seem to feel that your Press has full freedom to write only in regard to India. It can go to town on communal issues or whatever stories they wish to pick up. Do you think some friendly advice could be given to the Press in your country in the context of the Simla Agreement?

A: Quite right. I think one should be more careful on such issues. I meet prominent journalists and editors practically once a month and I see in them a genuine desire of restraining themselves in Pakistan not only regarding the news about India but other news also. But some times something goes wrong somewhere.

ON TIES WITH MUSLIM COUNTRIES, CHINA & INDIA

Q: There is a view in India that Pakistan is currently more interested in identifying itself with the Islamic countries and not with secular India, ignoring history, geography and the common background. We do concede that Pakistan was founded on the basis of Islam; nevertheless the people in India would like to know where does its interest lie primarily with the subcontinent or with West Asia?
A: With both. If you think that Pakistan has decided to align itself totally with the West Asian Countries or the Islamic countries, you are wrong. We are very closely associated with China and we feel that our association with India should also be as close. To correct the impression. Pakistan's policy is that it must align itself with the Muslim countries because Pakistan is basically a Muslim country. But being part of the subcontinent. Pakistan is equally clear that it must have good relations with India as much if not better than what we have with the other countries of the region

ON PAK NUCLEAR PLAN

Q: You have denied that there is an effort to build an Islamic bomb and yet literature on the subject gets published time and again in the foreign press. The American government had reacted in a certain way, the Canadian government has come out with certain facts. And, doubt get created when you go for enriched uranium which is really not required for your own purposes of power generation. Doubts also arise when one finds that the whole exercise is not under the Atomic Energy Commission but under the Defence Ministry.

A: First of all, it is not under the Defence Ministry. This is false. But as in your country and in mine, the defence personnel get seconded to various places. Our nuclear installations and facilities are not under the Defence Ministry and are not affiliated to them even in the remotest manner. They are under the Atomic Energy Commission which is an autonomous authority and which I am looking after. I am the chief executive and the head of the Atomic Energy Commission and its facilities. Our programme is peaceful. We consider it our right to acquire nuclear technology because that is the only alternative to developing countries to fill the gap of its energy requirements. The only alternative for us is to acquire nuclear technology for peaceful purpose for our own requirements, not for defence requirements. Enrichment of uranium is a technology which is more for peaceful purposes than for anything else.

Q: Does Pakistan now believe in peaceful nuclear explosion? India, it may be recalled, has all along argues that peaceful nuclear explosions are to be distinguished from the weapons programme, Pakistan for its part; has always disagreed with this approach. Has Pakistan now changed its views on peaceful nuclear explosion?

A: We have not said so. We have not considered any explosion peaceful or non peaceful. We are not for the creation of a device which has to be exploded whether you give it the garb of a peaceful explosion or a military explosion. So, therefore, I would still reiterate that our programme is peaceful
and it is for the acquiring of technology and towards that end whatever is necessary, we will do.

Q: Following the Chinese nuclear explosion, many in India had advocated a bang, if not a bomb. Some of us wonder if you are thinking in terms of at least an underground nuclear explosion (if not a bomb)?

A: We have a very modest programme of trying to enrich uranium by centrifugal process. We are in a very elementary stage. This, incidentally, will not give you a bomb. There are many other things required to produce a bomb which are not looking into. We are only looking for acquiring enriched uranium facilities so that we can have a light water reactor. And since we know that it is not possible for Pakistan to acquire or order off the shelf light water reactors or heavy water reactors or have uranium enriched from elsewhere, Pakistan will have to stand on its own feet. It is in an effort towards that to be independent and also to acquire the technology. It is a very modest programme.

SOVIET PRESENCE IN AFGHANISTAN A THREAT TO ENTIRE REGION

Q: How do you, Mr. President, view the Soviet intervention in Afghanistan?

A: It has brought about a great qualitative change which India accepts. I think we should view this with great concern when 80,000 troops come and occupy a country and install a local regime then it is for India and Pakistan both to see the implication of such a move.

Q: Does the Soviet presence in Afghanistan constitute a threat to Pakistan? Or does it also constitute a threat to the entire subcontinent. How do you propose to meet the threat or do you feel that the sub continent needs to view it collectively and also meet it collectively?

A: It is a threat to the security of the region as such because we cannot take individual countries. Today it is Afghanistan. Iran is next door and it is as great a threat to Iran as to Afghanistan. It is also a threat to India and a threat to Pakistan. The borders will then not be at the Oxus river or at Landikotal. They will be at Wagah. So it is a threat to India as well. I think we ought to view this problem regionally as well.

Q: But how do we meet it?

A: We have to meet it on two counts. It is a military problem but we known that neither Pakistan nor India would like to solve it militarily. Therefore it is more of a political problem which should be solved politically by making Soviet Union realize that what it has done is wrong. Therefore they must vacate the country, restore the status of Afghanistan to that of a non-aligned Muslim country, withdraw its troops and let the people of Afghanistan decide their own
fate. And let these 1.5 million refugees who are at present on Pakistan soil return to their homes and hearths with honour and dignity.

Q: Two short supplementaries: Is it true that you are willing to have UN observers posted along the Afghanistan border to prove to the world that you are not sending in the freedom fighters. Second, have the Russians really moved into the strategic Wakhan area or the corridor of Afghanistan?

A: First, yes, I made the offer of UN observers a year ago to the Soviets and the Afghans. I said, if anybody wants to come to our borders and see if any Pakistanis are being sent from Pakistan and who is arming them? I maintain that the freedom fighters are not going from Pakistan. They are inside Afghanistan and the greatest activity is being generated now not near the Pakistan border but near the Russian border. My offer is still open today to anybody who wants to come and see.

Second the Russians have really moved into Wakhan. There are approximately 5000 Soviet troops located in Wakhan today. They have built a bridge over the river which is there and they are building a road now to link it up with the main centre of communication. We have also heard that there are some ground to air missiles as well as heavy artillery in the area, which was bounded earlier by the Soviet Union, China and Pakistan.

ON NEED FOR S. ASIAN REGIONAL FORUM

Q: President Ziaur Rahman of Bangladesh had proposed a regional forum for the countries of the subcontinent. Pakistan is reported to have accepted the idea in principle. Especially as our region is alone without any grouping to promote greater mutual co-operation. What are your own views in the matter, in the light of the highly encouraging experience of the EEC. Do you favour a summit on the subject and if so how soon?

A: We have been very clear on this. When President Zia-ur-Rahman talked to me I said it was a very good idea. But I also said that we ought to proceed very cautiously because all of a sudden six Heads of States assembling together somewhere will not solve any problems and then somebody would be allergic that so and so would not raise this question. Pakistan will not raise the Kashmir question. Bangladesh will not raise this. India will not demand that, Sir Lanka will not do that end so on. I said we ought to proceed very cautiously. It is a better that some groundwork is done. And that is possible if the talks start at a lower level. You know it took the EEC and the ASEAN countries 10 years to become viable groups. We ought to have some arrangements in the region because there is a vacuum. Perhaps we should proceed very cautiously at the foreign secretary’s level to be followed by the foreign ministers and once the necessary ground work has been done then the Heads of State should sit
down, have a nice meal, have a friendly chat and solve all the problems. The foreign secretaries are due to meet early in April. We favour the get-together.

ON INTERNAL POLITICAL SITUATION

Q: Finally, the internal situation. When do you propose to implement your ideas about restoring popular democracy in your country? What if any, are the reasons for the delay?

A: The present conditions in the country do not favour such an exercise. There is trouble brewing on the western frontier. With the situation in Afghanistan, the 1.5 million refugees on our soil and with political parties being dormant, no elections can produce any clear cut results.

Elections are not an end in themselves, they are only the means to an end. I feel that at the present moment, these will not give the desired result. Some elections for the time being. Nevertheless, from the very beginning I have been saying that we are for democracy with Islamic values. And there is no fundamental conflict between Islamic values and generally accepted democratic values. In fact, Islam is much more democratic than the so called western democracy. Because Islam lays down that everyone is accountable. You can catch a Head of State outside his house and ask him, “what have you done?”

I envy India in one respect. Whatever form of democracy is practiced there, it has been going on for the last so many years— from the days of the Government of India Act of 1935 (the first elections to state legislatures were held in 1937 under the Act) and even before that. Then, in India there is not one but three generations who have grown in democratic tradition.

But it has not been so in my country. The Father of the Nation died early. Then the Prime Minister was assassinated. Then there was a political turmoil. Next, there was the first term of martial law, then the second term and now this is the third term of martial law. In other words we have not had viable institutions.

It has been our effort to get the whole thing institutionalized. And the first thing we have done is to establish democracy at the lower level. After 15 years, we have had elections to local bodies. They are functioning very effectively for the last one and a half years. This is the foundation on which a democratic structure has to be built. Elections will be held in due course. For the time being, I am for greater participation of the people at various levels.

Since I cannot hold elections, I have got to do something by which the people can participate. The Cabinet is already there. Instead of the elected Assembly, I am now bringing in a nominated Assembly by having people who are elected representatives, such as the doctors of the medical association which elects
its executive body. The Council will for example have representatives of labour, teachers, engineers and students. I will have them all assembled, from committees and let them advise the government. They will act as the spokesmen of the people. They will act as a bridge between the people and the government and allow us to move to a point when we could hold elections. And then there could be a peaceful transfer of power from the military to civilians.

MRS GANDHI’S GESTURE RECIPROCATED

Q: To concludes, Mrs. Gandhi recently sent you a warm personal letter in which she assured you that India respects the integrity, sovereignty and independence of Pakistan. What is your message for her and for India and its people?

A: In the first place. I must thank your Prime Minister, Mrs. Gandhi for a very warm and friendly message. We are very grateful and we reciprocate it wholeheartedly. I also wish to take this opportunity of conveying through you, my love and affection for the people of India and my very best wishes. I look forward to visiting your great country at the first opportunity I can get. I hope you will be kind enough to convey my message to the people of India.

We on this side of the border have a lot of goodwill, a lot of affection for them. We have also a few stains as well which require to be washed away. But when given the present atmosphere, environment and goodwill on both sides, I see a very bright future for both India and Pakistan.

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New Delhi, April 3, 1981.

PAKISTAN

Now, finally or may be pre-finally Pakistan. It is known that I made more than a dozen statements in regard to Indo Pak relations during the last one year. On an average, at least one statement was made every month. Month to month, we were making new statements in the sense that we were reviewing the situation as it went on evolving. We did not make the same statement over and over. We have sent our envoys. The Foreign Minister of Pakistan also came here. We have had visits, we have had discussions here elsewhere, at the United Nations and other places. In relation to the actual meeting and contacts, I do not think that anything more could have been done. All that is physically possible to increase contacts, increase the frequency of discussions, increase the efforts to understand each other, have been done. I am not sure that anything more could have been done. Now, what is the real question? The real question is that Pakistan has to make up its mind. Ultimately, it is that simple because as I stated just a few days back in a statement in answer to a Calling Attention Motion, the attempt now is to suck Pakistan into something. Is Pakistan prepared to be sucked into it? Is Pakistan prepared to keep out of it? Is Pakistan prepared to play the role of a non aligned country, pure and simple? This is the real question. I did mention this in my statement. I made a guarded statement, yes, because things are fluid. At least on that day things appeared to be fluid. I did not want to say anything which would have the effect of pushing Pakistan into something. So, while we protested, while we expressed our concern to the authorities of the US Administration this very day — 31st March — our Ambassador is to meet Gen. Haig — we have not relented on our efforts. We have done everything that is possible to make them understand that this does not merely involve giving a few weapons to Pakistan. This goes much farther. This means creation of tensions. This means a new arms race in this region. This means a set back to the normalization of relations between Pakistan and India and it has so many repercussions. We have told the U.S. so, we have told Pakistan so. And, we are hoping against hope, because during the last three or four days, even that hope has dimmed a little, but we are still hoping that wiser counsel will prevail. However, I would like to submit to the House that if Pakistan insists on being armed to the teeth and the US Administration insists on arming Pakistan to the teeth once again, well all I have to say is that it is Pakistan’s teeth. I have nothing more to say on that. But so far as India is concerned, I would like to assure the House that we shall continue to be vigilant,
we shall continue to be aware of what is happening and we shall continue to be aware of what we have to do in relation to what is happening.

**Shri Chandrajit Yadav:** Are you proposing to meet Mr. Haig or are you asking the Ambassador to meet him?

**Shri P.V. Narasimha Rao:** This question was put to me the other day. We don’t run like that. The point is that there is a setting in which two Foreign Ministers can meet. I have said that meetings will take place in due course. But I must say that any panic displayed on behalf of the Government of India would be counter productive.

**Shri Chandrajit Yadav:** It is not out of panic. It is a serious situation.

**Shri P.V. Narasimha Rao:** Absolutely, I am serious about it. I have said so. I have not ruled out meetings. I have not ruled out discussions. I have not ruled out any of those things. But the point is, there is always a setting, a kind of preparation that has to be made. It is not as though they do not know our concerns. It is not as though they are studying this problem for the first time. These decisions are made deliberately and it is not as if they do not know what India stands for. But still all efforts will be made. This promise, this commitment, I would like to reiterate to the House.

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0965. **Interview of Prime Minister Mrs. Indira Gahdhi to M.B. Naqvi of the Pakistan daily Muslim, 2 May, 1981.**

**Question:** Madam Prime Minister, may I begin by asking you about your vision of the future of India and its place in the world?

**Answer:** Indian has always played a role of peace. That is vision. First of course we have to solve our own problems. Some of those solutions are dependent on peace in the world. I hope that India will always play such a role.

**Question:** What kind of a role would you favour for your country with special reference to the evolution of desirable state of affairs in the immediate region that we are living in?

**Answer:** Well the same. You known in the immediate region we have very similar problems of poverty, economic backwardness, the need for economic development, as keeping our personalities. So it stands to reason that unless
there is peace and unless there is understanding between us this tremendous task becomes very much more difficult.

**Question:** May I at this stage refer to the changing patterns of power relations in the world? Isn’t here a need to redefine the concept and practice of nonalignment? There is a feeling that it is sort of becoming ineffective if not irrelevant. Is not there a need to make it very positive, a compelling force?

**Answer:** Who thinks that it is becoming irrelevant?

**Question:** Madam, it is the impression one gathers from the world press.

**Answer:** The world press has always been against non-alignment. Since the very first meeting they have ridiculed it. They did everything possible – those who wrote and who were behind them – to sow dissension among our peoples. But the movement has survived all that. At the time of the very last meeting of the Foreign Ministers of non-aligned countries which was held in Delhi, also the world press had prophesied that this would be the end of the movement. On the contrary there was a consolidation. We came up with a statement which though not satisfactory to all, as indeed no statement can be, was acceptable to all and it has been praised by both blocs, East and West.

**Question:** I would very largely agree with you, Madam Prime Minister but still the fact that the nonaligned movement has not been a conspicuous success. On two issues that our region particularly has reason to be apprehensive: One is Afghanistan and the other is the Iran-Iraq war.

**Answer:** Surely, what movement has or what person has succeeded? Now if you think that somebody else has greater success, then you can say that the nonalignment had not succeeded. But as of now the non-aligned group is far closer to success than anybody else. Besides the objective of this group is not to take particular problem like these.

**Question:** What about that part of the question about making it a little more active and positive?

**Answer:** You know that in some years the movement had become a little more divisive and therefore weakened. This was the gain of the last conference of Foreign Minister, that once again there was a feeling there is a consolidation and that a base has been built for further action.

**Question:** Madam Prime Minister, by all accounts the international situation in southern areas of Asia is precarious where all manners of tension and great power rivalries obtain. Without asking you to futuristically delineate the various possible scenarios, may I request you to outline the role India can and should play to defuse and improve the situation in the three or four sub regions?
Answer: As I said earlier, India has been consistently playing the role of peace and we are greatly interested in peace in our region certainly in Asia as well as in other parts of the world. One of the reasons for the birth of the nonaligned movement was this – the tension between certain power groups and big power rivalries. This is why we feel that the non-aligned movement is as relevant today as its had ever been, if not more so because it is something that tries to defuse these tensions.

Question: At this point, Madam Prime Minister, I would like to bring in the specific question of Indo-Pakistan relations. How do you view the prospects of these relations in the long-term. In the medium term, in the current situation?

Answer: I would not prophesy. I can only say that I have very sincerely hoped that the Simla spirit will not only survive but will grow because I think that is the only basis for peace in this region in the larger term of the word. As I stated in reply to your earlier question that we have largely similar problems. We are also being used directly or indirectly in other peoples’ quarrels. And we as voices of the people of the sub-continent and of Asia as a whole can only be felt by the rest of the world only, if there is much greater understanding and cooperation between ourselves.

Question: In the present situation what is your assessment of the Simla spirit? Is it any stronger today?

Answer: I think it is a bit weak at the moment. This is why we have asked our Foreign Minister to go there.

Question: May I ask a little question, indiscreet one I suppose for a pressman? Is he going with something positive?

Answer: I don’t know what you mean by positive. I hope we never think of something negative. There is no specific proposal.

Question: What concrete steps, Madam Prime Minister, can be adopted by your Government?

Answer: We are constantly trying to see that the climate does improve.

Question: Does that answer Madam Prime Minister include the steps that you propose to take in the immediate future?

Answer: Steps can only be mutual. We can talk to the Government of Pakistan. I do not think one can just mention something in the air here.

Question: Before going on to the various specific problems to be resolved between India and Pakistan, I would like to interpose Madam Prime Minister, the Afghanistan Problem. The Russian intervention there has in the view of
many students of strategy greatly altered the security perception throughout South Asia. I know of Pakistan where it has. How about India’s security perceptions? Have they been affected if at all?

**Answer:** Well only in general sense, that any tension which is closer to us affects us. If you mean by this question that you think that Soviet Union is going to attack Pakistan, well I do not agree. But we have made our views very clear what we think about any intervention in any country. But usually people from the West pick out the Russian intervention. Now, how many other interventions have there not been by others. What is happening in the Indian Ocean? You cannot separate one particular event, however bad or unfortunate it may be, from the others because it is a long history of each person trying to go one step further. And this sort of thing is not happening only is Asia, it is happening in Latin America also.

**Question:** So it is. What I was interested in was that one has read in various books on the subject that from the very strictly defence point of view the peninsular India or the historical India was always regarded as a sort of unit wherein the inroads by foreign forces by forces I do not mean military forces, were regarded as detrimental to the security interests of the area. Does that view still hold ground in India?

**Answer:** I haven’t quite understood. But if we face whatever dangers there are together we will be stronger.

**Question:** You mean the countries of the Sub-continent?

**Answer:** All the countries. Well I would say all of Asia really, if that was possible. If it is not immediately possible perhaps sometime it will be. But you see any kind of attempt at just being against something always brings a reaction and that is why the world is in the present position.

**Question:** I do not have any military moves on the part of…?

**Answer:** No. I also do not speak of any military moves. Even otherwise if you have any kind of combination that people can think is against some kind of grouping or alignment, then it gives an excuse to other people to do what is not desirable militarily or otherwise.

**Question:** Well a corollary to the question Madam Prime Minister, is where do you fit Pakistan into this larger picture of the present security environment of this part of the world?

**Answer:** Well I have always said that we want a stable and strong Pakistan. This applies to all the other countries which are our neighbours. One of the aims of the non-aligned movement is that each country should be strong and stable in itself and safeguard it independence.
**Question:** You have mentioned, Madam, a while ago about the desirability of having a strong and stable Pakistan. Taking Pakistan as it is, what would you like to say or do which would contribute to the strengthening and stability of Pakistan?

**Answer:** I do not think that we are in a position to do much. This is something which your own Government and people must think out. The way we have built our strength was not to the liking of may people outside but it is succeeding for us and our main point was that we should be self-reliant.

**Question:** I am conscious that a number of Indian writers and politicians have been emphasizing the threat that Pakistan would become stronger, I am referring to the arms purchased by Islamabad. Do you think that a few more planes and guns in Pakistani hands would pose a threat that would override all basic, strategic and long term advantages of befriending Pakistan as a trusted, friendly neighbour essential to India’s long term interests?

**Answer:** We think that Pakistan as a trusted, friendly neighbour would be a very great advantage to India and I think to Pakistan also. I have never criticized merely the arms that Pakistan is getting. But what are the motivations at this point, and also how will those arms be used. Why are people worried? When I have spoken on this subject I have always put it in the larger framework that we do not want an arms race. Today the armament industry seems to be dominating all other industries in many parts of the world. This is a danger. Confrontation is there in many parts. In our neighbourhood there is actual war to which you referred earlier and there are many other tensions. Now at this point, if there is increase in arms it obviously increases tension.

**Question:** In the case of Pakistan the reason I known of is that they have ante deluvian arms and they need to replace some and even these are likely to be coming to them if at all sometimes two years from now or so. And the quantum is for all other world to see.

**Answer:** Well, that we do not know. Everybody does not always known what is happening.

**Question:** Does that warrant in your view the amount of reaction that it has elicited in India?

**Answer:** You known most people think that the reaction has been very mild. Even the Americans felt so. On the other hand when something has happened in India, the Pakistan Press and quite responsible people have gone absolutely over board in projecting it, well in not a very correct light. I am not saying that we should respond in the same way and we have not. But I do not think that Pakistan’s getting very sophisticated weapons at this time is going to strengthen Pakistan in any way at all.
Question: At the point, Madam Prime Minister, I would like to bring in the question of the nuclear bomb and the capabilities. Indian newspapers are full of stories of the Pakistani Bomb or Islamic Bomb, the source of which in my view is dubious. But as a point of departure one can assume that as a result of the nuclear research programme it can sometime in future acquire what is called a capability to explode a nuclear device. Would that in your view be synonymous with possessing the bomb?

Answer: No. Just an experiment would not. Whether the sources are dubious or not, I cannot say. But the information is not that there will be nuclear capabilities but actually making of bombs. Now that does change the overall situation and again leads to tension and so on and we know that there are a lot of people interested in this.

Question: Do you mean outsiders?

Answer: Also outsiders, I think.

Question: Madam Prime Minister, now what would Pakistan’s possession of nuclear capabilities such as India has possessed since 1974 do to the Indo-Pakistan relations? Could it not be made an occasion for to try and hammer out a new relationship of trust and cooperation for larger needs that you have in mind. The basic assumption I am making is that you can’t on account of Pakistan having followed a policy, you do not favour, afford not to record Pakistani cooperation in the common concern of South Asia and forcing it to look for friends in distant places.

Answer: I am very sorry but that is not factually correct. It is quite true that we do not favour military dictatorships and things like that. But we believe in co-existence. We have not let this stand in the way of attempting friendship with Pakistan. Perhaps, you will remember that it was I who took the initiative at that time. It was an extremely difficult time in which to propose one that we should have a unilateral withdrawal from Pakistan and later on to invite Mr. Bhutto here. It was not a popular thing to do, either amongst the people or amongst the politicians. Even those who are today championing the cause of Pakistan somewhat loudly – and I can put it what way none of them wanted it at that time. But it is because I kept this aim which you have mentioned, that we have common concerns and friendship is the basic necessity that I stuck my neck out so to speak, and I still think, still thinking. It was the right thing to do. As a result of that effort we have diplomatic relations with Pakistan and we have not gone as far as we have hoped but certainly relations are better than they had been before that.

Question: No what I had in my mind on the nuclear question is that it is likely to have some consequences in the relationship. Would that be not an occasion for you to make some such similar try?
Answer: There will be occasions all the time. Why do you have to wait for something to happen? The occasion for something to try for friendship is a continuous process.

Question: True. It is very true. But that might be a little more compelling action when the need for such need might be recorded with greater degree?

Answer: You see, earlier you mentioned our reaction in India and it is true that amongst the people the reaction is very sharp. We had a hard time in Parliament as well as Consultative Committees and various other Committees of Parliament, but your own Government's pronouncements as such make it very difficult. At no time we could stand in the way of any of Pakistan's legitimate needs of defence or anything else. It is because they get combined with a particular attitude that misgivings and apprehensions arise in people's minds.

Question: May I just add a little? Am I right in concluding that you would respond favourably if there were some kind of an initiative from Pakistan for a greater understanding?

Answer: It is not a question of initiative. It is a question of attitude.

Question: Well Madam, rightly or wrongly the impression that has spread in Pakistan that you are somewhat cold and distant towards Pakistan and that you are only concerned with making India a great power. This had fuelled the old mistrusts and fear of India's true intentions. How do you wish to dissolve this feeling?

Answer: As I said, if this was true, why would we have taken all the trouble (of returning territory and POWs). At that very moment, hardly anybody stood with me when I said that we must have peace with Pakistan. We thought that it was an opportunity which we should take. But I almost alone stood out against it at that time. Now if I had any evil intention towards Pakistan, why would I not have taken that opportunity to do something when I had it? Moment of one can say the greatest bitterness in Pakistan and here a feeling of triumph and so on (and which I do not share because I said that these are passing matters). But at that moment I stretched out a hand of friendship and that remains. Furthermore I have said many many times I do not believe in this idea of great power or any type of power.

We are trying to strengthen India in very possible way but only so that we have the capability of solving the problems of our own people. We feel our independence is not complete till we have given the people more economic independence and the opportunity to grow to their full stature and we find that the experience of other countries show that you cannot do it unless you have a base of self reliance. This is why we are working so hard towards it.
**Question:** Do you think that you will take an initiative that would appeal to the popular imagination in Pakistan? I take it that you wish to see good relations between India and Pakistan. Is it not time for you Government to take some bold steps to improve this climate?

**Answer:** Well if you suggest something we will see if it can be done.

**Question:** There could be some unilateral move even if the other side is not coming up with a concrete proposal.

**Answer:** But just saying something and not getting it done does not always help the situation. This is why we are trying to keep the dialogue going in the hope that something will emerge from the dialogue something helpful.

**Question:** Well, on the subject of improving the climate of relations in the region, I would like you to give your ideas on the subject of a political solution of the Afghanistan crisis. What in your view should be the way that Pakistan should go about this business and what initiatives can Indian take, if things were propitious and how these things can be made propitious?

**Answer:** I am afraid this is a very difficult question because Afghanistan has got bogged down. I think if people had seen it in right perspective it would have been easier to solve. But, as I said, most countries look at it as an isolated case. We do not see a similar out cry about similar situation in other parts of the world. Now all we can do and which we are doing is to talk to various people and to try and keep in touch with situation. The Soviet say Pakistan started interfering first and is encouraging infiltrators and so on. They even said that if only Pakistan stops interfering, they will be able to come out. I know that Pakistan has denied interference.

**Question:** Madam, giving the power equations between Soviet Union and Pakistan is it conceivable that Pakistan would like to do that kind of thing?

**Answer:** Well, they are not directly fighting with the Soviet Union, are they? And I don’t think in the heart of hearts they think there is a danger of the Soviet Union retaliating in militarily or any other way.

**Question:** I foresee any number of options open to the Soviet Union which can be very hurtful to Pakistan short of any military action. Without any military action they are in a position to make life very difficult for Pakistan. And anyone who does that ought to know what the possibilities are. Which is one reason why I think that a political solution…

**Answer:** We all want a political solution.

**Question:** A slightly more active role from you might be helpful.
Answer: Well, we are being as active as we can.

Question: Here, may I take an overview of the economic solution that obtains in India and also in the region? India’s achievements in this field are spectacular and yet the problem of people living below the poverty line is far from being solved. It is defyng solution. Similar is the case with other sub continental countries. There is much talk of economic cooperation in the region which will make a greater contribution to the prosperity of all. What are the economic concomitants to such a cooperation and how does your Government propose to create those conditions in which regional cooperation may really have a chance?

Answer: Firstly, I would like to say that the problem of poverty is not defyng solutions. One the contrary, we are reaching out to the people. Only, it takes time. We have nothing like the poverty that we used to have. And I have traveled a very great deal and especially when I was out of power I had to go mostly by road. So I went to quite remote places and I saw nothing that I had seen even ten year earlier. So these problems are being solved. But of course with every day, people’s awareness is more sharp and they want that we should go much quicker. They want more things. Their needs are increasing also day by day. Whereas people once were content with one meal a day, it is insufficient now. It is not sufficient and rightly so. But it is not true to say that poverty is defyng solution. Unfortunately, in between when there is any kind of other trouble the poor suffer more. Sometimes there is a slackening. Sometimes people in authority are not so interested in these programmes. But the problems are so gigantic. In Asia and Africa and Latin America there has been tremendous interference from outside and that is continuing. It takes different forms and now they are much more subtle than they used to. There are groups of people who indulge in activities that retard progress and which divert money from the basic things to just ensuring normalcy. But economic cooperation is essential and that is why in the non-aligned movement previously we had been laying far greater stress on the economic aspect. This was a way of binding people together. It was after wards when more politics came in that the movement weakened and the differences in people’s views came to the fore. I think that many of us in the developing world are in a position to help other, although we need help ourselves and in the Non-aligned movement it is our policy to strengthen these economic links.

Question: I was more particularly interested in the political pre-conditions that go with regional economic cooperation. You did mention obliquely the foreign influences that are keeping the people disunited and away from cooperation. Are there not other requirements of a political nature?

Answer: Obviously, if there was political understanding economic cooperation would be much closer. But I would say that the right way to find out what ever cooperation there is then try to enlarge.
Question: I was thinking of the possible framework within which economic cooperation could be pushed forward, expanded as well as intensified.

Answer: That is something that can't be done just unilaterally. It is something that has to be worked out inch by inch.

Question: True, but some kind of original inspiration or vision can be held out before working towards it begins?

Answer: You see, first the Government of Pakistan must also feel that our interests are largely complementary. Unfortunately they have always regarded us with suspicion, as you said. Now it is true we are a big nation but size can be a liability. It is not always strength.

Question: There could be ways.

Answer: We are always searching for those ways.

Question: There have been many statements in India about the clouds of war lowering over the horizon of South Asia. This kind of talk is creating an altogether a new fear psychosis in Pakistan where India's position towards Pakistan’s purchase of arms is misunderstood as a desire to keep Pakistan weak and vulnerable. How will that help India unless it is a way of papering over domestic crises? Also the overall security environment seems to have gravely worsened.

Answer: I don’t know about Pakistan, but I can assure you there is no desire for papering over any domestic crisis. We have to deal with each as it arises and solve the problems which give rise to them. Therefore, that is no way so far as we are concerned. So far as the talk about clouds of war, they are not found in India. India has been visited by a very large number of statesmen and officials from foreign countries and I can tell you that all of them have expressed their deep concern over this. Not between India and Pakistan, but the whole world. There does seem to be a greater concentration in our region because of the one war that is already being fought. There also are so many outstanding problems from before. Because you say that India’s remarks about Pakistan arms are being misunderstood, it is for you and for the Government of Pakistan to clear this misunderstanding. A country cannot be strong merely by the accretion of arms. Strength is in the people. I do not want to quote historical examples. You can have all other strength but if the foundation of a strong people is not there, then it does no help. In fact it can become a danger to the country itself. This is how we see the situation. We don't want this area to be caught up in global strategy and global rivalries. We think that is a greater danger. We are not afraid of Pakistan having arms, or Pakistan attacking us.
We can deal with it. But when once Pakistan becomes a part of these strategies then I think it become much more dangerous.

**Question:** The misunderstanding I was referring to was that an impression has gathered that...

**Answer:** But I think the impression is deliberately created.

**Question:** But it is widespread enough. Our people get hurt that the Indian Government doesn’t let the Pakistan people decide what level of arms they need and want to have.

**Answer:** Now, how we are interfering with your decision? We are giving our point of view as we give on many issues. But after all, it is for you to decide. We are just saying that experience has shown that this is not strengthening the country. And I would like to assure the people of Pakistan of the fund of goodwill which exists in India towards them, as any Pakistani visitor can see for himself. I can also assure you that this extends to the Governments. The Government has a feeling of goodwill and concern for the people of Pakistan and, as I have said in reply to several of your questions that we feel that a stable Pakistan and the progress of the people is as much in India’s interest as it is in Pakistan’s.

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**0966. Statement of External Affairs Minister P. V. Narasimha Rao on arrival in Islamabad.**

Islamabad, June 8, 1981.

I am grateful for the warm welcome extended to me and to the members of my delegation. My feelings on arriving in your beautiful country are a pleasing mixture of joy and anticipation. To avail myself of your kind invitation is, for me personally, an event that delights. I bring you the greetings and good wishes of our beloved Prime Minister, Shrimati Indira Gandhi, and the greetings of the millions of my countrymen who look to the people of Pakistan with affection and goodwill and who share the belief that India and Pakistan wish to build a splendid edifice of amity and cooperation.

In the last thirty odd years, we have had a chequered relationship now cordial, now strained – a mixed phenomenon of complexes affirmatives and doubts. This could now be consigned to the past, if we so wish. India wishes this sincerely. Let us give ourselves a chance.
We made a good beginning when we signed the Simla Agreement in 1972. The Agreement was more than a theoretical framework for peace; it was an impetus to greater friendship. Its spirit, to my mind, is much more comprehensive than the clauses contained in it. It flows invisibly like the well known “gupt vahibi” river Saraswati at the confluence of the rivers Ganga and Jamuna, and several other such confluences. We have come some distance since the Agreement was signed and there has been appreciable progress in what we have undertaken. But much remains to be done.

Ever since Shrimati Indira Gandhi returned to the helm of affairs in our country, we have, under her direction and guidance been working to improve Indo-Pakistani relations. We had the privilege, of welcoming Foreign Minister Agha Shahi to India last year. His visit gave an opportunity for both sides to understand each other a little more and appreciate each other’s perceptions. I trust that my visit will further this process.

INDIA’S COMMITMENTS TO FRIENDLY RELATIONS

India’s commitment to friendship with Pakistan incorporates its support for Pakistan’s well being and growth. Our Prime Minister has had occasion to underline this, and I take this opportunity to state unequivocally that we are committed to respect Pakistan’s national unity, territorial integrity, political independence and sovereign equality.

This is why we welcome your stated adherence to the creed and principles of non alignment. Commitment to the non-aligned cause has been a cardinal tenet in India’s foreign relations, and we are convinced that in a world beset by suspicion and confrontation, non alignment is the only guarantee of independent and meaningful action. Our support for your non aligned status is a necessary corollary of this conviction.

Let me also add that our friendship will be a two way current and between equals. I have had occasion to state this in the past, and I repeat it now: we are by no means insensitive to your concerns. We wish you well. As our Prime Minister said recently political independence is not complete till we have given the people more economic independence and the opportunity to grow to their full stature. We believe therefore that your stability and strength contribute to the well-being of the region in which we all live.

India and Pakistan must together have a more munificent vision for the future. We have shared traditions going back thousands of years. Consequently we have shared strengths and frailties too. This shows that cooperation between us makes good sense. We worked and are still working in close cooperation in many fields – to take a few examples; effort to eradicate apartheid; commitment
to the establishment of a just and equitable international economic order; cooperation in international cultural, educational and other fora. Our work at the recent Conference of Foreign Ministers of Non-aligned countries in Delhi achieved an acceptable objective without either of us claiming to have done any favour to the other. There is much more that can be done. And we believe that our cooperation can transcend or be made to transcend, whatever differences we might happen to have. I am sure we can take these differences in our stride as we go along, without permitting them to hold our countries to ransom.

Cooperation is possible, as I said, in many fields. Let us, to begin with, learn from each other. No nation is omniscient. You have at least as much to give us as we might have to give you. Let our people understand the variety and depth of all that exists in both countries. They are likely to find, after all, that to a large extent they dream the same dreams.

I have come to Pakistan, then with this belief in mind that we, on our part, shall work to deepen our friendship and cooperation with you hoping for a completely free and voluntary response from you.

I am looking forward to my talks with my colleague the Foreign Minister and other colleagues besides paying my respects to His Excellency the President. I hope my stay in this country will be pleasant and fruitful and compensate for the inconvenience in the hot summer which I am inflicting on my hosts in receiving me.

Thank you.
Joint Statement issued at the end of the visit of External Affairs Minister P.V. Narasimha Rao to Pakistan.

Islamabad, June 10, 1981.

The Foreign Minister have had two rounds of formal talks and number of informal discussions. During his stay in Islamabad Shri P.V. Narasimha Rao was received by the President of Pakistan, Gen Mohammad Zia-ul-Haq. Shri Narasimha Rao also met the Finance Minister Mr. Gulam Ishaq Khan. These exchanges have resulted in much closer understanding of each others viewpoints which provides a good basis for the further improvement of bilateral relations.

The talks were frank and constructive, and were held in a relaxed and cordial atmosphere.

Keeping in view the shared desire to improve relations between the two neighbours, it was felt that the process of confidence building called for patient and continuous effort. They noted that the strengthening of friendship between India and Pakistan served the interests of both peoples and was indeed a geopolitical imperative. They recognized that the news media on either side had a vital role to play in promoting better understanding between the peoples of the two countries.

Reaffirming their commitment to the Simla Agreement both sides noted that this agreement constituted a firm foundation for the preservation of peace and improvement of relation between the two countries. They noted that the Simla Agreement rules out the use of force or the threat of use of force between the two countries, and provides for peaceful settlement of all issues.

There was an in-depth discussion on bilateral matters between the senior officials of the two delegations. Further positive action in a number of areas was agreed upon with a view to expanding mutual cooperation.

There was a general exchange of views on various international issues including the Iraq-Iran War, the situation in the Middle East, the question of Gulf Security and the establishment of a zone of peace in the Indian Ocean. The views of the two sides on these subjects broadly coincided and the Foreign Ministers decided to keep in touch with each other in regard to future developments.

Both sides strongly condemned the Israeli aggression in Lebanon and the attack on Iraqi nuclear installations which have created an explosive situation.

With regard to the situation in Afghanistan the two Foreign Ministers reaffirmed their adherence to the declaration of the Non Aligned Foreign Ministers meeting in New Delhi in February 1981. They stressed that efforts should continue to
be made to arrive at a comprehensive and just political solution of the Afghanistan crisis.

Both sides reiterated their policy of using nuclear energy for peaceful purposes. They called upon all nuclear weapon states to engage in serious discussions on nuclear disarmament.

The two sides reaffirmed their adherence to the principle of Non-alignment which rules out participation in military pacts. Both sides agree that each country had the sovereign right to acquire arms for self defence. In this context they explained to each other their parameters of their defence acquisition and decided to remain in touch with each other on a continuing basis.

The two sides have agreed on more frequent exchanges of views at various levels. Mr. Narasimha Rao has invited Mr. Agha Shahi to pay a visit to India before the end of the year. The invitation has been accepted with pleasure.

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0968. Address of Minister of External Affairs P.V. Narasimha Rao to Pakistan Institute of International Affairs.

Karachi, June 11, 1981.

Mr. Chairman, Sir, You Excellency Mr. Agha Shahi, Ladies and Gentlemen, Sisters and Brothers.

It is indeed an honour for me to be invited by you to speak to the Pakistan Institute of International Affairs, which was inaugurated by that close associate of the Quaid-e-Azam, Nawabzada Liaquat Ali Khan. It is a measure of the breadth of vision of the Quaid-e-Azam and the Quaid-e-Millat that within six months of the creation of Pakistan they should have set up this Institute of high academic standing to interpret Pakistan to the world and the world to Pakistan. Earlier today, I placed a wreath on behalf of the Government and people of India at the Mazar of the Quaid-e-Azam. As I did so, I recalled Mahatma Gandhi’s letter to the Quaid in January, 1940 hailing the title conferred upon him. On this occasion I am particularly happy that H.E. Mr. Agha Shahi is present here. I have perhaps been causing him great inconvenience by dragging him wherever I go! He has been gracious enough to put up with this inconvenience and accompany me throughout my visit to this country. This has made it possible for us to talk informally and in a relaxed atmosphere. I am grateful to him.
Mr. Chairman, Sir, Pakistan and India met their tryst with destiny as independent nations within twenty four hours of each other. In his very first statement as Prime Minister of independent India, Pandit Jawaharlal Nehru declared that "we look upon the world with clear and friendly eyes". I bring today to my friends in Pakistan that same message. I also bring to you the message of our Prime Minister, Shrimati Indira Gandhi – "We have common concerns and friendship is the basic necessity".

There can be no doubt that while our fight for freedom was on, it was for the whole country as such and generally understood and felt on that basis. Naturally, therefore, as the struggle advanced to more and more decisive stages and as more and more signs of success appeared on the horizon, the emerging two dimensional concept of freedom came to be attended with controversy, whose intensity increased correspondingly with the overall quick tempo of the phase immediately preceding independence. Yet, after the crescendo, when freedom came as a fact, controversy gave place to conciliation. To be sure, it was gradual, even painful, this process of tapering off of tensions; yet it brought about a new atmosphere of normalcy in general, barring of course the specific problems that had surfaced meanwhile.

It may not be out of place to point out here that, in many ways, the partition of the country was debated and implemented in a manner which was entirely familiar to the common people of India. The concept of partition among co-sharers or co-inheritors was and is so much a part of our tradition that many persons from outside the sub continent, who had wanted a perpetual attrition at the people's level between the two countries, were rather unpleasantly surprised at the comparative ease and speed with which both countries, soon after the fact, plunged headlong into their respective internal problems – barring, I repeat, the specific issues that had been thrown up between them. Partition no longer remained an issue as such, just as in the face of the impending monsoon, partition of the ancestral land between two farmer brothers concluded during the preceding summer months no longer remains an issue. Their hope and effort directed towards the future. Their efforts depended on the monsoon, not against each other. So was, by and large, the case with the people of India and Pakistan.

New Relationship

Further, Mr. Chairman it is not our practice in this part of the world to hark back again and again to the circumstances of one's birth. Millions of people cannot even remember the dates of their birth accurately. No authentic data is available about the dates and places of birth of almost any of our saints, savants, kings, heroes and others held in the highest esteem in our history. We are essentially a forward-looking kind whose mind is conditioned to thinking of the hereafter.
Therefore, there seems to be on reason whatever why, in our mutual relations also, we should not come to concentrate on the future, instead of the past. And, in any event, those whose memories are still entangled in the partition are fast disappearing from the scene. For the new generations emerging and to emerge hereafter, India and Pakistan are two distinct and separate entities, totally independent, completely at liberty to attain whatever destinies they choose for themselves, deliberately and unfettered by any of the features of the past, taking it or leaving it, or any of it, as they wish to. Points of commonality need not in any way bind either country down to any particular relationship, other than what both consciously and in their respective interests choose to make of them. The pre-partition generation with its admixture of nostalgic and bitter sentimentality, has no right to condemn the coming generations to adhere to unwanted identities. In a word, the future on both sides must be free and based on interest and reason – and not on emotion.

I wish to reiterate, Mr. Chairman that these new premises of our existence are already being tacitly accepted, and I am absolutely certain that a new and fresh relationship is emerging between the two countries, based on objective realities, and not on notions. Even notices have begun to be conditioned by realities. It is not difficult to see that both countries can and should now co-exist, since in the world of today the only way to exist is to co-exist. It is high time that a clear-mined awareness of this new future is heralded and fostered continuously between India and Pakistan.

May I therefore, submit very sincerely that those who are still trying to see, or make others see, sinister designs in our two countries, aimed at each other’s existence are, to say the least, be credited with the perspicacity to know that there is not a single problem of hers which will come any where near solution by the undoing of Pakistan. And as for the fantastic fear that India wants to gobble up Pakistan, I can only say that those who are plugging this line are doing injustice to Pakistan and India both.

Pakistan’s Stability Important

No, Sir. Nothing is farther from India’s mind than this course. Alarmists and opponents of Indo-Pak friendship will. I am afraid have to concoct something more plausible than this worn out theory. And that something is just not there. We, on our part, are fully convinced that we have an abiding interest, even a vested interest in the stability of Pakistan. It is sometimes pointed out, with some justification, that this picture of India depicted in acquisitive juxtaposition to Pakistan can be traced, at least partially, to external sources. But that is all the more reason why we should shun it with greater determination since it is an insult to our intelligence. Our attitudes towards each other should freely evolve on the basis of our direct and clear perception of each others interests
and motivations based on direct contacts and direct exchange of views. We should develop an individual and, if necessary, a joint capacity to resist the negative impact on us by external trends, external elements and extraneous factors.

Coming back to the point that I was making about India’s acknowledging Pakistan’s separate and permanent identity as an abiding interest of ours. I do not think that this elite audience would expect me to catalogue the reasons for this interest in any great detail. I would, therefore, like to state categorically, on behalf of the Indian people and India’s Prime Minister that India has, and will always continue to have, full respect for the sovereignty, territorial integrity, stability and independence of Pakistan. When this is stated by Smt. Indira Gandhi, I hope it will be realized that there is no voice louder and clearer and no resolve more dependable. It would be my first and foremost concern to set all minds at rest on this score. Our respective successes and failures are and will continue to be entirely our own. We could profit a lot by not putting the blame for them on each other.

Thus, having disposed of this basic aspect, and unmoved by sentiments or bias, if we approach our problems as well as the scene around us and generally in the contemporary world, as two independent sovereign States with the given geo-political situation, I am sure we can work out a whole gamut of sensible relationship based on our respective perceptions. Such relationships will alone endure and we shall have a pragmatic framework of improving upon them, to the extent we both consider such improvement mutually beneficial.

Let me repeat, quite candidly that between sovereign States’ improvements of relations has to stem from a mutuality of desire; it is not possible to achieve this unilaterally in a vacuum, howsoever desirable it may be otherwise. States should be mature enough to absorb possible ups and downs in their relations and nothing should prevent them co existing peacefully for some time on a low profile of relations, meanwhile working silently for forging a framework of better relations, to emerge at a propitious future time. It is not unusual to find next door neighbours not being on taking terms for a while but neighbourliness prevails in the end. This is the experience.

I shall now briefly advert to the geopolitical situation which both our countries find themselves in. The extent, to which they share perceptions on the situation, is again a matter of their compulsions. Mr. Chairman, it is said quite emphatically that the world has traveled from bi-polarism during the past three decades. This trend is indeed unmistakable; but equally unmistakable is another trend namely that the world, while tending to become multi-polar, is at the same time being subjected to bipolar pulls in a variety of ways. I shall not go into the details of the methodology of these pulls and the intricate and subtle motivations
induced; they are all well known. It so happened that almost from the beginning of the bipolar race, some prominent leaders like Nehru, Tito, Nasser etc. strongly felt the illogic and irrelevance of the emerging polarization from the standpoint of a vast majority of mankind, just freed from the shackles of imperialism and colonialism, and finding itself faced with their accumulated need and problems hungering for urgent solutions. They had the vision to speak up for this dumb chunk of humanity called the Third World and conceived of the Non-aligned Movement. Since then, more and more “poles”, major and minor, have appeared on the horizon from time to time. Despite the short term question marks about their viability, independence and effectiveness, I believe no one doubts the conclusion that they have come to stay and that a return to the classic bipolarism of the late forties and early fifties is quite unlikely. The present scenario is, therefore, one of a painful, even perilous transition.

Cooperation in World Affairs

Where do India and Pakistan stand in this crucial transition? It seems to me, Mr. Chairman, this in the emerging multi-polar situation, South Asia is bound to be an important “pole”. Its size, location, resource and over-all potential compel it to play a no lesser role. There is no running away from it. This role, naturally and inevitably, entails the fulfillment of certain pre-requisite conditions. In the first place any “pole” properly so called, in a multi-polar system, should make conscious and strenuous efforts to minimize the specter of dependence behind and move in the direction of self-reliance. Obviously this self-reliance would not be absolute; it would be viewed in a new context of interdependence and complementarity. Can a new relationship of this kind be forged in South Asia? We need to examine this not from the limited stand-point of individual or even collective gains of the countries in the region, but in the truly global context of real multi polarity. To the extent this new relationship is strengthened, multi polarity, and along with it the political substance of Non-alignment is promoted, at least in the negative sense of making the old type of bipolar blocism more difficult and less meaningful. I suggest, Mr. Chairman that India and Pakistan could seriously think of their role – joint or separate, as they may choose – in this emerging context. I emphasise joint or separate because I think both are conceivable in a framework of accepted objectives and coordinated actions. What is important is that a beginning be made in the process of understanding the new context in all its ramifications. We have recently witnessed an important and interesting phenomenon of countries of our region manifesting their desire to work together for their common good. I refer to the meeting of the seven Foreign Secretaries of the South Asian countries in Colombo to consider the proposal of the late President of Bangladesh to establish a framework for regional economic cooperation. Perhaps we should expect to see more such initiatives being considered and it is in this context that I invite the attention of
one and all, especially intellectuals, to this issue. The matter has become particularly relevant after Pakistan has joined the Nonaligned Movement. This has come as a happy augury.

I now come to another, but allied topic of Economic Co-operation among Developing Countries (ECDC) and Technical Cooperation among Developing Countries (TCDC). It has been my happy experience during the past one and a half years, that on matters concerning the future of developing countries, both *inter se* and *vis-a-vis* the developed world, as also on the new International Economic Order and the strategies for the Development Decade, India and Pakistan have held almost identical views and worked in close-co-operation. This, again, was no doubt the result of decisions arrived at independently; what is important is that the decisions coincided in the way they did. It is possible to pursue this *modus operandi* further and in more diversified fields of endeavour. I propose that deeper thought be given in both countries to this activity which will perhaps outstrip everything else in importance in the near future. It will be mutually beneficial for both countries to play, and be seen to play the role which must legitimately belong to them.

On issues like those of the Middle East, South Africa, Namibia and several others, India and Pakistan are already in tune with each other and with the general consensus of the Non-aligned Movement. I have no doubt that in the years to come both our countries will be called upon to become more active on such vital issues. This is yet another opportunity to work in close cooperation in world affairs, given the will to do so.

Mr. Chairman, I shall touch upon a few issues on which our countries have not been in total agreement, although this phenomenon has been depicted as a measure of difference which is hardly justified by the factual position. I do consider it important to put these issues in proper perspective, especially before a gathering such as the one I am addressing.

**Afghanistan**

I shall, with your permission, start with Afghanistan, in view of its vital nature to Pakistan as well as to India. It all started on 27th December, 1979 when we in India were in the thick of elections of Parliament. By about 9th or 10th of January, 1980 results came in and our Party got an overwhelming majority. The Government was sworn in and our Party got an overwhelming majority. The Government was sworn in only on 14th January. It was during this interregnum that we inherited this problem. A resolution was tabled in the UN General Assembly calling for immediate, unconditional total withdrawal of foreign troops from Afghanistan. From the other side, the Soviet Union said that they had been invited by the leadership in Afghanistan and that they would not remain there longer than necessary. They also made accusations of interference in
the internal affairs of Afghanistan from across the borders and fomenting of insurgency etc. This was the scenario three or four days before our Government was formally sworn in.

We took stock of the situation and concluded that there was no hope of the implementation of the resolution in the terms in which it was couched. At the same time, we reiterated inter alia, our stand that we are opposed to the presence of foreign troops and bases in my country and expressed the hope that the Soviet Union would not violate the independence of Afghanistan. Mr. Chairman ever since that time started India's stand urging for a political solution with all the other concomitants clearly spelt out, including of course, withdrawal of foreign forces. Mr. Chairman, during the past sixteen months, we have doggedly stuck to that line, in the face of insufferable calumny, misrepresentation, distortion and a vicious smear campaign. The public statements of the Prime Minister and my own statements, speak for themselves and they are all public property. In particular, it may be noted that while in the initial stages we were subjected to the treatment I have just described our consistent stand did result in the gradual acceptance of the need for some kind of dialogue to resolve the problem. This is evident from the progressive modification of resolutions adopted and statements made over the last year.

On this occasion, I thought I owe it to myself and the cause, to bring out the above essential acts concerning India's stand on Afghanistan. However, I have desisted from mentioning many other aspects and subsequent facts because I do not intend to ruffle feathers and I want the issue to be settled under any of the initiatives known to have been taken already. Whatever the Agency, it is the result that matters. While it is encouraging that a political solution is now apparently favoured all round, it is regrettable that the time taken ostensibly in the quest for the solution is being promptly and assiduously utilized for purposes such as escalation of Great Power presence in the region on a permanent basis, leading to a vicious circle which no one seems to know how and where to break. I invite your pointed attention to this aspect which on no account should be swept under the carpet. The views of India and Pakistan on this issue while not being identical throughout, have not been diametrically opposite either and have in fact tended to come close to each other as time passed and events unfolded. They eventually converged on the New Delhi declaration which as you know, was based on consensus, like all such declarations. In the ultimate analysis each country' attitude should be judged by its commitment to that declaration. For my part, I am prepared to state categorically that India reaffirms her support for the relevant paragraph of the Declaration of the Non-Aligned Foreign Minister's Conference held in New Delhi in February 1981. And I am glad to add that both Mr. Agha Shahi and I have reaffirmed this in our Joint Press Statement issued yesterday.
**Kampuchea**

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No Basic Differences

These, then, are the issues on which Indian and Pakistan have somewhat different perceptions. No one can say they are too many, none too deep. Nevertheless, there seems to be an unfortunate tendency in both countries to play up the differences rather disproportionately all the time. I have often wondered why this should be so. Could it be a part of the overall effort to establish separate identities? Could it be a bundle of complexes developed on both sides, to the effect that any emphasis on similarities may prove unpopular? In that case how and why did such emphasis become unpopular? Could it be merely a hangover we are not able to get over? It is possible, Mr. Chairman that it may be a combination of all these and several other factors which has led to the playing up of differences. Be that as it may, I think it is time to realize that just like differences, similarities too cannot be wished away; so also complementarities. It is of course open to us to ignore them and go our separate ways, regardless of the cost of duplication, avoidable wastage, inconvenience of fixing up alternatives etc. Such a cost is known to have been accepted by sovereign States at times for countervailing reasons. What I wish to submit Mr. Chairman for the consideration of the people of Pakistan is that in our case there are no such countervailing reasons. The logic is overwhelmingly in favour of coming closer.

The stark reality which confronts the two of us is that we are both poor, and that for both countries, poverty is the main enemy. Hence our shared interests in the New International Economic Order. Hence too, the interest in our countries in the adaptation and application of scientific knowledge and technological known-how in the essential task before us; the betterment of our living conditions and the augmentation of the welfare of our peoples. I would, therefore, suggest that we move towards free exchanges in the economic field. I also believe that if we were to promote thoroughgoing academic exchanges, the greater cross-fertilization of ideas would gradually and irreversibly lead to a more sympathetic and mutual understanding at a deeper and more profound level.

**Simla Agreement**

We have in fact been attempting to do this since the commencement of the Simla process. The process of normalization envisaged in the Simla Agreement means and can only mean – the intensification of interaction at
all levels between our peoples and Governments and with a view to evolving an integrated, realistic and mature relationship.

We are happy to note that in the field of intellectual and cultural contact, we have received in India scores Pakistani writers and poets, journalists and commentators, musicians and other artistes. I would like to express my gratitude for the warm and enthusiastic welcome which you, in turn, have invariable reserved for Indian artistes and intellectuals and sportsmen visiting your country.

Our Destinies Are Inter – Linked

India’s desire for close and friendly relations with Pakistan is founded on a realistic appreciation in India of Pakistan’s inherent strength. In terms of population, Pakistan is one of the big countries in the world. Out of the 160 countries or so of the world, Pakistan comes in among the first ten or twelve. Apart from a large and skilled population, Pakistan has impressive natural resources, ranging from some of the most fertile land in the world to valuable mineral deposits. There is also much to admire in the economic progress you have made in the past three decades. These potentialities strengthen prospects of cooperation between Pakistan and India. Our own experiences and experiments in the spheres of agricultural research, development of resources of energy including solar energy, and intermediate industrial technology have been satisfactory and useful. If you are persuaded that this Indian experience is relevant to your needs and conditions and could contribute to strengthening your economy, we would be only too ready to share it with you.

It is our belief that the countries of the subcontinent constitute a fraternity, whose destinies are interlinked. This is what led our Prime Minister to tell The Muslim newspaper the other day.

“We feel that a stable Pakistan and the progress of its people is as much in India’s interest as it is in Pakistan”.

In conclusion, I would venture a few words about my vision for the future of Indo-Pakistan relations. I have referred to the Simla Agreement. Both our countries acknowledge that it provides a framework, a basis for expanding our relations, for encouraging our common endeavour for peace and stability so essential for the well being of our peoples. It would be our endeavour that attitudes and actions flowing there from contribute through varying vicissitudes, to the process of normalization; to strengthening the bonds of friendship; to adding positive and creative dimensions to our mutual
understanding. I am trying to look beyond the stage of normalization and aim at positive friendship based on active co-operation born of genuine mutual trust. I think we have to undertake a deliberate and conscious transformation of our respective psyches. I am conscious that this will be a gradual process. But all progress will depend on the cultivation of grace under pressure, empathy in adversity and a capacity to discern the positive and work for it in the face of limitations. My visit to Pakistan in intended to lay emphasis on this spirit.

It has been a privilege to be amidst you. I must convey my appreciation for the patience, with which you have heard me. Your valuable time that I have taken is in the expectation that, given the importance and impact that this institute has in your country, the suggestions that I have made will reach the people at large since the success of relations between governments and states is ultimately measured at the bar of public opinion. I convey to you the greetings of the people of India and their firm commitment not only to nurture but also to improve and expand friendly relations with Pakistan. I shall be returning to Delhi in a few hours. I would like to thank you and through you the citizens of Karachi and the Government and people of Pakistan for their warm hospitality.

I would like to add a few words at this point. Over the last three days I have had very cordial discussions with the Foreign Minister and the President of Pakistan. Some people ask, “What have you achieved?” My answer is that what one achieves through such meetings is not something cut and dried; but what we have achieved is, from our point of view extremely important, something which makes the way clearer. It is not a question of understanding between Agha Shahi and Narasimha Rao. We are only two individuals. We represent two great countries. We have approached our task with full sense of responsibility and humility. It has been the tradition in our part of the world for thousands of years, to work without expectation of reward. There is no reason to be daunted by what has not been achieved. But, in all humility, we have a right to claim and do claim, to have achieved something.

I believe that my visit at this time was very necessary. In the recent past, there has been some danger of our relations sliding back. We have succeeded in averting this danger and arresting this trend. I have requested Mr. Agha Shahi to visit India soon. In the Press Statement, the date set has been the end of this year. To my mind, this is the outer limit. If it is possible, given his and my own busy schedules to accommodate the visit earlier, it is necessary to do so, in the interest of Indo-Pak relations. I am glad to say that, in our informal discussion Mr. Shahi has agreed to this suggestion. We have come to an understanding which is very hopeful for both countries.
I am grateful for the all round friendly welcome, which is seen among every section of the people – unconnected with the Governments – during the brief period of my stay. I go back with the high hope that these positive trends will be strengthened in the future. We know that there are many forces which do not want our countries to be friends. That is why it is all the more important that we try our hardest to develop our friendship.

In conclusion, I would quote the words of a great poet.

"Meera paigham muhabat hai
Jahan tak ponchhay"

“my message is love,
Wherever it reaches”

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Karachi, June 11, 1981.

Opening Statement

I have had a very pleasant and meaningful visit to Pakistan. I would like to thank my friend, Mr. Agha Shahi for making my visit purposeful. I am also grateful to his Excellency President Zia-ul-Haq for the positive direction that he has given to the visit. Our basic positions have been outlined in the joint press statement which was issued yesterday. Although after the statements was issued, we have been traveling to Lahore and Karachi together, I have hardly anything to add to the joint statement except to say that we have since explored further possibilities of meetings, sooner than was envisaged originally. No dates have been fixed but I am glad to say that we were able to come to some understanding that the meetings could be held sooner. In my address to the Pakistan Institute of International Studies, I outlined in clear and unemotional terms, the rationale of Indo-Pak cooperation. I can only hope that this spirit will find reciprocation. Cooperation between our two countries makes sense. We have many things in common but I have refrained from over emphasizing commonality because as two sovereign nations, it is up to us to exercise and choose on which the common factors are to be built up and which of them to emphasize. I would like to express through you my deep gratitude to all those
people who attended my reception yesterday. They were representatives of a large cross-section of the people of Pakistan. I could not talk to them individually. But from their warm smiles, I could feel that there was friendship and affection in the air. I will carry back these pleasant memories to India and I hope we will be able to build up our future relationship on them. It is the responsibility of the media in both countries, and if fact of Government and people as well, to keep this atmosphere of goodwill and friendship alive. I do hope that wherever I went, I was able to convey this message. An elderly gentleman complained that my stay in Karachi was very short but I told him that this need not be the only short visit that I would pay to Karachi. I could come back here for many such short visits as part of frequent exchange of visits between India and Pakistan. So, thank you and God bless you all.

**Question:** Sir, it is evident from the joint press statement that it is fair to assume that a change of heart has taken place on both sides with Pakistan side understanding some of India’s positions and India has also conceded Pakistan’s right to fulfil its genuine needs. Sir, perhaps India has understood that if Soviet military aid to India does not lead to its alignment, US aid to Pakistan will not mean Pakistan being sucked into becoming a part of US strategy.

**Answer:** We have had discussions on all these matters. Both of us are satisfied with our talks. As for as change of heart if there are any thoracic surgeons, let them examine whether there has been any change of heart.

**Agha Shahi:** We are willing to subject ourselves to open heart surgery.

**Question:** What is the position on Indo-Pak trade?

**Answer:** I can only tell you that if possibilities for greater and mutually beneficial trade are thrown up, we would not be found wanting.

**Question:** Has India’s friendship with the Soviet Union proved an obstacle in Indo-Pak normalization?

**Answer:** (Pointing to Agha Shahi) He has not told me that and as I have already stated earlier, we have no complaints.

**Question:** Pakistan has not been happy with India’s stand on Soviet troop presence in Afghanistan. What is your view?

**Answer:** We have had detailed discussions on this and there is a complete understanding of our view point.

**Mr. Agha Shahi:** On this question, we have ourselves passed the stage of condemnation and we do not expect our friends either, to condemn.
Question: Don’t you think that the Congress Party in India is too dependent on one person *i.e.* Mrs. Indira Gandhi?

Mr. Agha Shahi: This is the internal affairs of India and such question need not be entertained.

Answer: No, I do not mind answering this question. Smt. Gandhi is our national leader, she is leader of the Parliamentary Party and she is also the leader of the party. However, elections and a democratic style of functioning is a very much part of Congress Party ethos. Party elections are held just like parliamentary elections and delegates select their party leadership. I am myself an elected Working Committee member and democratic procedures laid down in the Constitution of the party will continue to be followed.

Question: Was there any agreement on the question of arms acquisition by Pakistan? Has your visit solved all Indo-Pak problems?

Answer: We have discussed this matter at length and our joint statement also refers to this. The important thing is that the dialogue must go on. We are not claiming we have solved all our problems. This cannot be so in the course of one visit but we are willing to move towards solving them patiently and in a atmosphere of goodwill and friendship

Question: The Simla Agreement rules out the use of force. In this context is India willing to sign a no war pat with Pakistan?

(FM invited his counterpart Mr. Agha Shahi to handle the question).

Mr. Agha Shahi: The Simla Agreement pledges both countries to non-use of force. In other words both countries will not go to war. As for non aggression pact we have taken an important step forward. The first round is over and let us continue on our course. There is still a long way to go and there is no cause for euphoria. At the same time I would not say that we have taken only a step in thousand mile road. We hope to continue discussions so that these could ultimately lead to an *entente cordiale* of co-existence. You cannot discuss all issue in one meeting.

Question: Sir, whenever Hindu - Muslim riots take place in India it causes concern to the people of Pakistan. What are you doing to remedy this situation?

Answer: It is the concern of the Government of India and the people of India more than that of other countries. We have large minorities but everyone including the majority community wants to live in peace. But now and then incidents do occur which vitiate the atmosphere. Government has been and will be prompt in quelling such disturbance wherever and whenever they arise. We hope that the atmosphere will go on improving. We cannot afford such
vitiation of the atmosphere but in a vast country like India local problems tend
to trigger off such incidents. I would, however, like to assure you regarding
Government of India’s efforts in the direction of preventing such incidents and
taking remedial measures, when they do occur. I would only request you that if
there are misleading report about such incidents an attempt should not be
made to blow it up. The media would be doing great service to harmony in both
countries if it makes some efforts to show understanding for the problems that
we face.

**Question:** In your speech to the Institute of International Studies, Karachi you
spoke of promoting understanding between the two countries but don’t you
think that India as a bigger neighbour has a greater responsibility towards
promoting such an understanding with her smaller neighbours?

**Answer:** Why talk of big and small countries? Sovereignty has no size. What
we stress is sovereign equality and in this the question of size does not matter
at all. There are small, medium and big nations. But sovereignty is inherent in
all nations and it does not vary with the size of the nation. When I talk of
understanding between India and Pakistan such an understanding cannot be
defined but only understood.

**Question:** Did you have any discussion on the Kashmir question and have
you reached any understanding on resolving it?

**Answer:** The Simla Agreement is all comprehensive and we are both committed
to abiding by the Simla process on this as on other matters.

**Question:** What other question have you discussed?

**Answer:** At the official level there have been a breakthrough on many fronts.
His Excellency the President has indicated to me that Pakistan would participate
in the India International Trade Fair to be held in November/ December. This is
of great significance because Pakistan’s participation would help in removing
the ignorance that there is about each other and it would be an eye opener for
both sides.
Text of Statement issued by Pakistan’s Foreign Minister in response to the observations made by Prime Minister Mrs. Indira Gandhi.

Islamabad, July, 10, 1981.

Prime Minister Indira Gandhi’s gesture to send Foreign Minister Narasimha Rao to Pakistan last month was greatly appreciated by us. His visit at the time was particularly welcome because our exchange of views with him served to clear many misunderstandings and to prepare the ground for better relations between our two countries. The joint Press statement issued at the conclusion of Mr. Narasimha Rao’s talks in Islamabad reflected the hopes of the two sides and the progress that was made in reaching mutually agreed conclusion on some important matters. We took a very positive view of Mr. Narasimha Rao’s visit and have sincerely tried to build constructively on the foundations of goodwill and understanding created by his visit.

We greatly appreciate the fact that in her wide-ranging Press conference on external and internal issues on July 10, the Prime Minister of India also took an equally positive view of Mr. Narasimha Rao’s visit it to Pakistan for which she also took justifiable credit. We would like to assure the Government and people of India that we fully reciprocate Mrs. Gandhi’s assurances of goodwill and friendship for Pakistan and at the same time, we would like to reiterate that Pakistan has neither the intention nor the capacity of harm India in any way whatsoever. We have enough problems, both in the economic and security fields, which have no relevance to our relations with India, which occupy our full attention and claim the commitment of our total resources.

We can only afford to think in defensive terms and have no desire to acquire an offensive capability against any of our neighbour, much less India.

IAF’s Strike Power Greater Than PAF’s

The prospects of Pakistan’s acquiring a strictly limited number of F-16 aircraft over a period of five years from now, however, has conjured up fears which are entirely imaginary. With due respect to Prime Minister Indira Gandhi, it is travesty of facts to attribute to Pakistan’s limited and long deprived Air Force, a strike capacity three times that of India’s Air Force. The correct arithmatic about the relative strength of the two air forces in known to India. It works out roughly to a ratio of 5 to 1 in India’s favour, with the prospect of India being able to maintain and increase its overwhelming superiority indefinitely. India is welcome to do so. It is our hope, however, that in an atmosphere of good-neighbourly relations and in response to common concern, India will keep its powerful air armada as far away as possible from our frontiers.
No Seeking of Military Parity with India

As far as deep penetration strike aircraft are concerned, Pakistan has no such aircraft in the real sense of the term, considering India’s territorial depth. On the other hand, most of India’s strike aircraft can cover the full breadth of Pakistan from readily available bases all along the length of the Indo-Pakistan border. It was India which introduced a new weapons system into the region by contracting to acquire 200 Jaguar deep penetration aircraft. We assure the Prime Minister and people of India once again that Pakistan is not in an arms race nor does it aspire to military parity with India. Pakistan genuinely wishes to live in peace and amity with India. Relations between the two countries will improve in proportion to the goodwill towards each other and respect for realities to be shown by the leaders of the two countries.

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0971. Address by Foreign Secretary R. D. Sathe at the National Defence College.

New Delhi, September 4, 1981.

There are two views about neighbours. One is that one should maintain correct relations but not become familiar with them because this could lead to your neighbours beginning to use your house as their own. This would in turn lead to loss of your privacy, quarrels because in his welfare lies your own welfare. For example, if your neighbour’s house catches fire, your house is bound to be licked by the flames; if your neighbour’s family is struck down by a disease, your health could also be endangered. The choice of the correct attitude is indeed a difficult one to make. In the conduct of international relations we face the same problem. As far as India and her neighbours are concerned, it is just not possible to be indifferent or merely correct in our relations with one another. We have too many ties of history, ethnicity, blood relations, culture and commerce that bind us together. Our problem is compounded by the difference in size, capacity, levels of development etc. between ourselves and our neighbours. Now no one can be keenly unaware of the difficulties and obstacles that stand in the way of our achieving what might be called an organic equilibrium with our neighbours. Our relations particularly with Pakistan therefore assume an exceptionally important role. The historical legacy of partition and the mutual recriminations that accompanied it; the irreconcilability of the two-nation (and now three-nation) theory with the existence of a large body of Muslim in India;
the complexes, doubts, suspicions and fears arising out of the last three conflicts; the problems and tensions of economic development and so forth — these are some factors that inhibit free flowing and natural contact between India and Pakistan. The most formidable problem, and one which calls for a multi-prong diplomatic effort on our part, is the frequently negative role of what some scholars of international relations have called “the intrusive system” in other words, the role of the major global powers. Unfortunately, these powers have exacerbated atomisms in our region and worked against regional cohesion in their search for spheres of influence. Their inputs into countries of this region — and this is particularly true of Pakistan - have been instrumental in raising the volatility of an already weak region rather than assisting in the economic development and well being of its peoples. In the Indo-Pak context in particular, the intrusion of outside powers debilitates the already weak stimulus for friendship. It became difficult to break past habits of adversary posturing. Our efforts at working out a viable, tension-free relationship has borne some fruit, but clearly we are some distance away from a state of mature understanding rising above our legacy of “shared differences.”

2. How do we see our relations with Pakistan evolve in the troubled strategic environment of the 80s? For the 1970s, with the Simla Agreement of 1972, we had a framework for the conduct of our relations. We have to some extent come nearer the goals of normalization laid out in that agreement. Its emphasis was on restoring normalcy and making a new beginning. Some steps have been taken towards the restoration of normalcy through the re-establishment of air, sea, rail, road, telecommunications, trade, postal and diplomatic links and cultural and people-to-people contacts. We have also had 10 years of peace. This is no mean achievement. But in the present day changing geo-political configuration, we cannot afford to rest on our oars and must work towards a new beginning. Our commitment to the Simla Agreement remains unshaken, of course. It is an impetus to peace and understanding that deserves continued emphasis. My point however is that we should be innovative in our relationship so that the burdens of the past do not always catch up with us and make the going ponderous and cumbersome.

3. In the geo-strategic sense, we regard Pakistan as an integral part of sub continental security. We have therefore repeatedly pointed out to Pakistan that we are committed to respecting its territorial integrity, national unity, political independence and sovereign equality. We believe that a secure and stable Pakistan is in our national interests. It is also our desire to establish a durable frontier of peace and friendship with Pakistan. We are convinced of the imperatives of cooperation with Pakistan in other areas but the moot question remains; Is Pakistan ready to change the focus of its threat perception from India to the dangers arising out of a divided, mutually antagonistic sub-continent
rendered vulnerable to great power rivalry and the competitive military build up of the great powers in the Indian Ocean region? In these two years, I am afraid Pakistan pronouncements on the subjects have been couched in different language while addressing different audience. The signals to the west are that Pakistan has become a frontline State and must have the wherewithal to ward off the threat from the North-West. The Pak-US Joint statement (June 15, 1981) at the end of U.S. Under Secretary of State Buckley’s visit in June stated that the two sides had “discussed the serious threat to the region posed by the presence of foreign troops in neighbouring Afghanistan…” one can imagine that the Chinese were given a similar argument during the visit of Premier Zhao Ziyang to Pakistan. Exactly the reverse has been stated by the Pakistan Foreign Minister to domestic audiences – that the Soviet Union does not pose a threat to Pakistan. The Soviet Deputy FM Firyubin was told the same thing with the addition, for good measure, that the real threat is from India and that whenever Pakistan talks of hegemony, it means only India. Almost in the same breath, Pakistan has subscribed to the joint press statement issued during our Foreign Minister’s June visit to the effect that “the strengthening of friendship between India and Pakistan served the interest of both peoples and was indeed a geo-political imperative”. I am afraid there is more than a hint of ingenuity in all this. One could go further and say that there was a case of downright dishonesty on the part of Pakistan. But the contradictions scarcely conceal the fact that the main, if not the only, focus of Pakistan’s threat perceptions continues to be India. In this context, it is going in for a major re-armament programme with U.S. assistance; this is naturally a matter of concern to us. It is not merely that the $ 3 billion or more worth of military and security related economic assistance that Pakistan would be receiving from the USA over the next five years, beginning in 1983, and cash sales of some equipments including F-16 aircraft on an urgent basis would pose a significant threat to India. Most of you are experts here and world know what the implications of the proposed arms package are for the military balance between India and Pakistan. As a diplomat, I can only point out the dangers of such large scale injection of sophisticated weapons into the Pakistan military machine. It only strengthens the impulses for confrontation rather than friendship, for impulses and for mis-representation rather than understanding. Moreover and this, again, is well known to you – it becomes necessary for us, whenever Pakistan introduces new level of weapons sophistication into the region, to match these purchases with similar levels of weapon systems as a defensive measure. Though we do not question Pakistan’s right to acquire weapons for legitimate self-defence, we do have misgiving about any attempt to dilute our own security concerns. Also, it is necessary to consider the effect of this on the mood and climate that is necessary for moving on from a stage of normalizing our relationship to a stage of positive interaction and cooperation which does not admit of mutual suspicion or fear.
4. An argument that Pakistan is fond of using in defining the parameters of its standing and relationship vis-a-vis India revolves around India’s largeness, greater resources, industrial infrastructure and superior military might. Pakistan claims that a country which is 1/9th India’s size with hardly any economic resources and industrial infrastructure, and with 1/8th India’s population can in no way pose a threat to India. At the same time, there is an attempt to use this very argument to portray the picture of hegemonistic and expansionist India. On the other hand, there is at every occasion a self-conscious reiteration of Pakistan’s sovereign equality – a case of wanting to project handicaps to obtain benefits and still retain the trapping of power. The question is: how do we deal with these complicated processes of thinking and perception? As it happens, in the wake of the dismemberment of the British Empire in South Asia, India was the core nation and Pakistan was one of the breakaway states. We have not only long ago accepted post Independence realities but have also worked hard to instill confidence in our neighbours about our intentions, our capabilities and our priorities. We would be deluding ourselves and others if we try to shy away from the fact that we are a regional power, and in spite of the many flaws in our system, we have made considerable economic and socio-political gains in the years since independence. It is a function of our status as a regional power as well as our responsibility to project ourselves in this region with restraint and firmness. There is no question of our being hegemonistic and we have all along fought against any attempt by one country to dominate another. This is quintessential to our policy of Non–alignment. Our priorities are economic development and freedom from social conflict, for which an atmosphere of regional peace and harmony are essential pre-requisites. This is the central factor that governs our attitude towards our neighbours especially Pakistan.

5. Our land borders with Pakistan are almost entirely demarcated and there are no major areas of dispute. There is the problem about Pakistan occupation of a part of Jammu & Kashmir and we are committed to resolving the problem through negotiations and bilateral discussions without recourse to the threat or use of power. At Simla, both sides agreed that difficult problems of this sort will not be put away but that their resolution could be postponed until such time as a right climate was created on both sides for a reasoned resolution of differences. Thus, while we are committed to the Simla process to resolve the Kashmir question, there can be no meaningful discussion till such time as both countries in their individual and combined judgement think that the climate is ripe. This is a point we have impressed on Pakistan again and again; both sides should refrain from investing the Kashmir question: or any other question, for that matter – with hostile, emotional, religious, social, cultural or any other symbolism. Only then can problems cease to be irritants and become amenable to solution.
6. The presence of more than 80 million Muslims in India and their integration in India society sometimes create a feeling of insecurity in the minds of some Pakistanis. As a result, there are attempts by them to reap propaganda benefits out of any communal disturbances that take place in India because such incidents contribute to the self-confidence of those who denigrate India, and provide, at the same time an oblique and rather twisted rationale for the existence of Pakistan. An attempt is often made to invoke the Nehru Liaqat Ali Pact of 1950 in this regard and the Pakistan government has often chosen to comment on happenings in India. Pakistan has also complained in several Islamic fora against India and this has constituted an irritant in Indo-Pak relations. Apart from the legalistic argument that the Nehru-Liaqat Ali pact has no validity and the Pakistan Government has no locus standi for interfering in the internal affairs of India, the main question that must be faced is how long Pakistan will continue to need this argument for sustaining itself, and what the cost will be to Indo-Pak Government-to-Government and people-to-people relations. Apologists for Pakistan cited Pakistan's search for an identity as a reason for Pakistan's insistence for exploiting the communal troubles in India. This, to say the least is a most extraordinary excuse, if, after 35 years of separate existence, Pakistan still finds it difficult to establish its own identity.

7. The arms question which is ultimately related to Pakistan's perception of its relationship vis-à-vis India, has already been discussed at length. While there is no need to be alarmist, Pakistani actions obviously call for countervailing measures, even though the cost of such measures is burdensome and better avoided. Our size and exaggerated reports about our military capabilities need not on the other hand blind us to the realities of our strategic position vis-a-vis Pakistan. You would be in a better position than me to make an assessment in this regard since you are aware of the concept of the space force ratio and weightage that should be given to strikes capability and fire power over numbers in any evolution of relative force levels. But even without being a defence expert, it would seem to me that Pakistan's defence capability is not inferior to India's as is claimed by Pakistani authorities. Pakistan has come a long way since the division of military men and materials in 1947. Today, there is parity on our western borders. Even if forces deployed along our other extensive borders and in the interior of the country are taken into account there would be parity in respect of armour and near parity in respect of other constituents of the defence forces. Of Course, the space-force ratio, fire power and strike capability have to be evaluated appropriately. We must not lose sight of the relative size of the economies of the two counties. Pakistan spends 31.3 percent of its total budget on defence which works out to 7.4 percent of its GNP. As compared to this Indian defence spending is 17 percent of its total budget and 4.5 percent of its GNP.
8. These facts notwithstanding, Pakistan has tried to score a propaganda point by raising the question of mutual reduction of force levels. Our reaction has not been negative. We have told them that we will discuss the question provided we are convinced that it will be useful. We have pointed out that such talks are productive when there is a measure of mutual confidence. We believe that the objective situation for such mutual confidence should be promoted. And this is precisely change of heart of Pakistan’s part rather than mere verbalization and a change in Pakistan’s political economic and strategic perceptions of India resulting in its positive response to our efforts to cooperate and reduce tensions.

9. Several reports have been appearing about Pakistan’s efforts to acquire nuclear weapons capability through the building up of plutonium reprocessing plants as well as uranium enrichment facilities. Many of these reports speak of basement nuclear weapons capability for Pakistan within a year or two. This is obviously a matter of concern because India has in no way initiated this process nor contributed, in any way to Pakistan’s quest or power through nuclear weapons capability. A demonstration of its nuclear weapons capability or even publicizing its basement capability might be utilized by the leaders of Pakistan to win them popular support within the country as well as monetary support from some countries abroad. Apart from that it would be both a psychological and material advantage against India. What can India do in such circumstances but to hope that reason will prevail over the destructive and self-aggrandizing urge?

10. Earlier in my talk, I had spoken about the need to build up those aspects of our shared heritage that bring us together. We are in a unique situation with Pakistan, as with some of our other neighbours, of sharing not only land, sea and riverine borders but also ethnicity, language, religion and culture. People on both sides of our borders are also bound in ties of kinship. While these factors of commonality need not be over emphasized, they are the points that can lend weight to the Government on both sides to bend their energies towards working out a stable relationship between the two countries in the interest of the two peoples. Our efforts in the direction of promoting these contacts will continue.

11. There is, in our view, tremendous scope for the expansion of Indo-Pak trade and given the similarity of problems faced by India and Pakistan and the complementarity of the skills and industries developed by the two countries, there are good possibilities of economic cooperation. Pakistan has certain inhibitions in allowing free flow of trade in the private sector between the two countries. In time, we hope, through negotiations, to remove these inhibitions. Meanwhile, our attempt is to promote a better understanding of trade prospects
amongst trading and industrial circles in both countries. In this context, the participation of Pakistan in the India International Trade Fair, 1981, and representing Pakistan Chambers of Commerce, are positive development.

12. I have tried to outline for you the components that go into making or marring our efforts at improving the overall content of our relationship with Pakistan. We are convinced of the need to minimize tensions and differences and maximize areas of agreement. That is the goal that we have set for ourselves in the coming years and in the pursuance of this goal, we will stress imagination, patience, hard-work, flexibility and goodwill. We are willing to do what we can and trust that Pakistan will respond in a meaningful manner.

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0972. Statement issued by the Pakistan Ministry of Foreign Affairs regarding supply of arms by the United States and offer of India of mutual guarantees of non-aggression and non use of force

Islamabad, September 15, 1981.

Our dialogue with the United States has taken a positive turn with the recent visit to Pakistan of Mr. Peter McPherson, Administrator of the U.S. Agency for International Development, and Mr. James Buckley, U.S. Under Secretary of State who brought with him a personal letter addressed to President Zia-ul-Haq by President Reagan.

The programme of U.S. economic assistance to Pakistan over the next five years, was discussed in details with Mr. McPherson and his delegation and mutually satisfactory agreement subject to congressional approval, was reached.

Similarly, talks with Mr. James Buckley were also concluded on a positive note. As is known, an agreement in principle had been reached during Mr. Buckley’s earlier visit in June in regard to the acceptability of the US economic and military sales package which was offered at the time.

Soon after Mr. Buckley’s visit, a Pakistan military delegation visited Washington to discuss details of the military sales programme to Pakistan.

During these talks, certain issues relating to the delivery schedule of some essential defence items, had remained unresolved. During his recent visit, Mr.
Buckley clarified these issues to our satisfaction. As a result of our detailed exchange of views with him on this occasion, we were able to convey our formal acceptance of the US package as modified and revised in the consultative process which has now been completed.

Accordingly, these proposals will be put before the Congress as required by the US legal procedure. We have been greatly reassured the fact that the US Administration fully understands our essential concerns and that there is a genuine desire to build a new relationship between our two countries on the basis of trust, mutual respect and sovereign equality.

**Non Aligned Policy Not Compromised**

We wish to reiterate that our acceptance of the US package does not affect in any way our commitments as a member of Islamic Conference and the Non-Aligned Movement, our well-known position on major international issues in regard to which our foreign policy has consistently maintained a principled stand.

Similarly, the development of bilateral relations with the United States will not affect our relationship with any third country.

**On ties with India**

We would like to reaffirm, particularly in regard to our relations with India, that there would be no weakening of our efforts to develop a relationship of mutual trust and confidence with this important neighbouring country. We are not in competition with India in an arms race and the modest quantity of arms that we may acquire during the next five years is solely meant to achieve partial replacement of our obsolete defence equipment. All we propose to do is to acquire a minimum defence capability to ensure the security of Pakistan in the context of the regional situation which is far from reassuring.

Although, it is Pakistan as a small country which needs assurances from its larger neighbours in regard to its security. Particularly from India, which, despite its overwhelming military superiority, has embarked on a programme of acquiring the most modern offensive weapons including Jaguars, MIG-23’s and MIG 25’s and Mirage-2000 aircraft, in large numbers from Western sources, and on concessional terms from Soviet Union, we are prepared on our part to do whatever we can to promote mutual confidence. We would like to convey the assurance that in expressing our desire for a friendly and tension free relationship, we are not indulging in a propaganda exercise.

If India is inclined to banish its unfounded fears and is ready to grasp the hand of friendship which we extend, it shall not find us wanting in fully reciprocating any gesture on its part for establishing good neighbourly relations.
On our part we are prepared to enter into immediate consultations with India for the purpose of exchanging mutual guarantees of non aggression and non use of force in the spirit of the Simla Agreement.

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0973. Statement by the Official Spokesman on Pakistan’s Admission in Commonwealth.

New Delhi, September 18, 1981.

As far as the question of Pakistan’s readmission in the Commonwealth is concerned I can do no better than mention what the Prime Minister stated on September 17 in an interview to Mr. Michael Richardson an Australian journalist representing the newspapers, The Age. The Prime Minister had emphasized that there has to be certain criteria with regard to membership of the Commonwealth and certain objective considerations for any country wishing to reenter the Commonwealth after leaving it on its own. The Prime Minister stressed that the question of entry or admission of any country into the Commonwealth has to be on the basis of unanimity. Secondly membership of the Commonwealth is based on an expression of public opinion. There is no forum in Pakistan which can express itself on this question. The Prime Minister further mentioned that it has been India’s experience that Pakistan has used all such international forums repeatedly to raise bilateral issues. She stressed that these are the considerations which should affect the question of Pakistan’s reported desire to rejoin the Commonwealth. The Prime Minister also added that in India’s assessment no new development has taken place since Pakistan opted out of the Commonwealth which could be the basis for that country’s wishing to re-enter the Commonwealth.
0974. Aide Memoire of the Embassy of Pakistan regarding some remarks about the Prime Minister of India at a Seminar in Lahore.

New Delhi, September 30, 1981.

AIDE MEMOIRE

It may be recalled that on 12 August 1981 Foreign Secretary, Government of India, Informed the Ambassador of Pakistan of disrespectful remarks about the Prime Minister allegedly made by Maulana Abdul Sattar Niazi at the Seminar of Foreign Policy held in Lahore last July, in the presence of the Foreign Minister of Pakistan.

2. The protest was brought to the notice of the Government of Pakistan. The Pakistan Foreign Minister has also seen its contents.

3. The Pakistan Foreign Minister does not recall hearing the impugned remarks. The Minister has further stated that had he heard any such remarks, he would have surely deplored them. Mrs. Indira Gandhi, the distinguished Prime Minister of India is held in high esteem by the Government and people of Pakistan.

4. It may be added that Maulana Abdus Sattar Niazi is in no way connected with the Government of Pakistan. No major newspaper in Pakistan reported the remarks to which exception was taken. The weekly which quotes him as having made the remarks has insignificant circulation. Its relevant issue has not come to the notice of the Foreign Minister of Pakistan. Moreover, the authenticity of the alleged remarks is doubly doubtful: The Indian disseminator of the remarks acknowledges that he published an “edited” version in English of the text of the speech made in Urdu.

5. It may be further added that while the Government of Pakistan categorically deplors any show of disrespect towards the Prime Minister of India and leaders of other countries, some of the major Indian newspapers, including an organ of the political party in power, have published obscene and vituperative cartoons and comments against the President of Pakistan.

New Delhi, 30 September 1981.

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Telegram from Indian Ambassador in Pakistan to Foreign Secretary regarding visit of British Prime Minister Mrs. Margaret Thatcher to Pakistan.

Islamabad, October 9, 1981.

TELEGRAM

From: Indembassy Islamabad
To: Foreign New Delhi
Reptd: Hicomind London Indembassy Mosow
(Foreign New Dehi please pass)

IMMEDIATE

No. 171, October 9, 1981.

Foreign Secretary from Ambassador.

Mrs. THATCHER spent 16 hours in Pakistan and by her bellicose rhetoric endeared herself to her hosts. ZIA gave her Head of State Welcome and accompanied her to Peshawar and refugee camp. She gave ZIA and his Government a clean chit. This Certificate was anxiously and assiduously sought by ZIA. Mrs. THATCHER conferred legitimacy on his Government. He has, now for the West, become legal tender and main prop in the region.

In her banquet speech she vigoursly attacked Soviet Union adding that she spoke on behalf of 10 E.E.C. members. It was a confrontational performance. Zia also very critical of Soviet but used politer terminology. Surprisingly Soviet Ambassador who was on same table as me did not walk out.

On India ZIA spoke of a setback in bilateral relations. Pakistan efforts to improve relations with India would continue but Pakistan had every right to arm itself and Pakistanis never objected to others buying arms. Kashmir was not mentioned.

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The British Prime Minister Mrs. Margaret Thatcher paid a 15 hour visit to Pakistan, on her way home from the Commonwealth Summit in Melbourne. During her brief stay, she visited an Afghan refugee camp near Peshawar. President Zia gave her a ceremonial 19-gun salute welcome. He was with her throughout her stay.

2. In her talks with President Zia, Afghanistan figured prominently.

3. At a press conference, the British Prime Minister said that the Soviet invasion of Afghanistan had given a new dimension to Britain’s relationship with Pakistan. She said that every country had the right to defend itself against potential aggressors and observed that the acquisition of arms by Pakistan was not “war mongery” but rather “peace mongery”. She denied that the EEC had proposed any fresh initiative on Afghanistan. Responding to a question, she said that the U.S. was very sympathetic about Pakistan’s needs for military equipment and other western countries should also have the same view. If Britain was approached, she would be ready to assist and without much delay. She said that the international community greatly appreciated Pakistan’s conduct in securing the release of Indian plane along with hostages which was hijacked to Pakistan.

4. Earlier at the banquet held by President Zia in her honour, the British Prime Minister said that the 10-member states of the European Community supported Pakistan over Afghanistan. She said she could state that because at present Britain held the Presidency of the EEC. President Zia in his speech while outlining his country’s position on the problem of Afghanistan, referred to bilateral relations with India. He said that Pakistan wanted to usher in a new era of friendship and cooperation with India. Pakistan has had some success in this regard over the past four years and there had been some forward movement in the normalization of bilateral relations. However, of late, “this process has suffered a set back. I would not like to go into the details of the latest strain but would only confine myself to saying that as with other countries, our independence is very dear to us. Wile we recognize the right of other countries to buy defence equipment for safeguarding their independence and
territorial integrity and to enter into agreement with Great Powers, we also consider ourselves fully entitled to take necessary steps for the security and defence of our country." It is understood that initially the draft of the President’s speech was milder in tone while referring to his country’s point of view on Afghanistan. However, at the last minute, President Zia thought it fit to make it more hard-hitting on the Afghan and the Soviet Union.

5. At the refugee camp in Peshawar, Prime Minister Thatcher conveyed her sadness and anger over the plight of Afghan refugees and hoped that their cause would finally triumph. According to press reports, she, however, ignored a request made on behalf of the refugees by an Afghan elder for “modern and sophisticated weapons” to fight the ruthless enemy in Afghanistan. She announced at the camp, another installment of aid to the Afghan refugee programme of Pound 2 million.

6. The visit by local accounts was a success and a feather in the cap of President Zia. Pakistan's point of view on the Afghanistan problems as also on her acquisition of U.S. arms was fully and forcefully supported by the British Prime Minister. More importantly, the Zia regime was conferred by the British Prime Minister, on behalf of the Western nations, legitimacy it had been assiduously seeking.

7. The brief visit took place amidst much fan fare and publicity. The controlled media were harnessed fully.

0977.

SECRET

Excerpts from the Record of Discussion between Secretary (East) Ministry of External Affairs Eric Gonsalves and U. S. Ambassador-at-Large General Vernon Walters at the State Department.


[Ambassador and Counsellor (Political) were also present. Howard Schaeffer, Director, NEA was present on the U.S. side.]

2. Welcoming Secretary (East) to his office, General Vernon Walters recalled their meeting when Secretary (East) was in Washington in the early 1970s. Walters said that he knew that there were differences in perception on
a number of issues between India and the U.S. The U.S., however, was fully
cognizant of the fact that India is the largest democracy in the world. It was
only, therefore, natural that the U.S. valued its relations with India.

3. Referring to U.S. relations with Pakistan, Walters said that the Pakistanis
had learnt a lesson in the last war and could not now constitute a threat to
India.

Pakistan was fully aware of the fact that they could not regard themselves as a
potential rival to India. Secretary (East) responded that he would partially agree
with Walters. It had to be borne in mind that the Pakistanis had just not adjusted
themselves to the reality that they were one tenth the size of India. There were
also strands of thinking in Pakistan which called for a settling of old scores.

4. Dwelling further on our perceptions, Secretary (East) said that it was not
our view that Pakistan should not modernize its armed forces. What we objected
to was the supply of very high technology weapons which could cause problems
for us. Secretary (East) also said that there seemed to be an oversimplified
view of India's threat perceptions in the United States. He acknowledged that
while we are trying to improve relations with China, we still do have two live
borders and substantial number of troops to be deployed on our borders with
China. Secretary (East) also referred to the exaggerated reports by
Administration spokesmen about our defence capabilities. He said, for example
that it was claimed by Administration spokesman that India need not worry
about F-16s because we had a large number of Mig 25 aircraft, when
Administration officials were fully aware of the fact that we had only a few Mig
25 reconnaissance aircraft. Walters acknowledged that the Mig 25 was
essentially a reconnaissance aircraft with limited interceptor capabilities.
Secretary (East) also drew attention to the political implications of the supply
of aircraft like the F-16 especially after its use against the Osirak reactor in
Iraq. Bombay was now within the range of the Pakistan Air Force, naturally
calling for action within India for an appropriate response.

5. Walters acknowledge that India did face a problem in view of the fact
that it had to respond to public pressure, being a democracy.

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0978.

SECRET

Record of Foreign Secretary R. D. Sathe's talks with the Secretary General of the Pakistan Ministry of Foreign Affairs Shah Nawaz in New York.

New York, November 20, 1981.

FOREIGN SECRETARY'S OFFICE

During my visit to Kathmandu I had the opportunity of a frank-heart-to-heart talk with Riaz Piracha, the Pakistani Foreign Secretary, about Indo-Pak relations. He had suggested that I should have a similar talk with Shah Nawaz when I visited New York for the debate on Afghanistan in the UNGA. On my arrival in New York, I was told that Shah Nawaz had been enquiring from our Permanent Mission about the date of my arrival etc. in New York. Accordingly, I sought him out and arranged to have lunch with him in a down-town restaurant at which no one other than the two of us were present. The following is a resume of our talks.

2. I started off by saying that Indo-Pak relations have reached a new low and that the causes for this are to be seen in the manner in which the Pakistan have handled Indo-Pak relations in the last few months. Much was expected of FM's visit to Pakistan last June. FM had taken very great pains in the drafting of his speech for the Pak Institute of International Affairs. India's policy towards Pakistan had been set out with precision and clarity. It had been much appreciated in India, Pakistan and abroad. Yet within two days of our departure, Pakistan announced that substantial progress on the American arms and aid package including the purchase of F-16 from the US had been made. This had been a virtual slap in our face. Shah Nawaz said that he had told us during our talks in Islamabad that negotiations about the sale of F-16 were going on. I said I did not recollect that any specific mention of such talks was made during our visit though we were already aware that these negotiations had been going on since March 1980 and we had come to Pakistan in spite of this knowledge. Surely, I asked, Pakistan could have waited a little time before making an announcement on a matter which had caused so much apprehension in India. I went on to say that since the agreement to sell aircraft was still to be debated in the US Congress, the announcement could hardly be considered as anything but a stratagem to ensure that an improvement in Indo-Pak relations did not gain too much momentum. Shah Nawaz denied that there were any mala fides on Pakistan's side in this matter. I countered by saying that if there were no mala fides on the Pakistan's side then there must have been mala fides on the US side. I said that we were convinced that the US appeared to be dead set against Indo-Pak friendship and indeed it was this aspect that was the main...
cause of our worry: namely, that Pakistan was inclined to follow the US lead rather willingly – particularly in regard to American strategic perceptions. Shah Nawaz protested that this was not the case at all and that Pakistan’s security was a matter of national concern and no government in Pakistan can overlook the threat that the 85,000 Russian troops in Afghanistan posed or the burden of the 2.5 million refugees that Pakistan was being forced to look after. I said that the so-called threat to Pakistan from the Soviet presence did not seem very credible to us as Pakistan had not done anything to meet that threat and it was clear that Pakistan was acquiring arms only to strengthen herself vis-à-vis India. Shah Nawaz replied by saying that Pakistan’s defence forces were equipped with mostly outdated weaponry and what Pakistan was going to get over a period of 5 years was hardly likely to pose a threat to India. He said it would be madness on the part of Pakistan to challenge India and he was unable to understand how a few F-16s could possibly pose a threat to India. I said that since 1971 Pakistani defence forces had grown in size, they had acquired arms from China and France and we had not protested. We were protesting now because firstly, through the acquisition of US arms Pakistan was willy-nilly being dragged into US strategic perceptions; secondly, because the Pakistanis were acquiring a variety, and a quantity, of sophisticated arms which would upset the delicate balance which exists on the sub-continent; and lastly the rate at which these acquisitions could be introduced into the Pakistani inventory would put an enormous economic strain on us in order to maintain parity. Once again Shah Nawaz tried to refute this by saying that the arms would pose no threat to India, that it would be suicidal for Pakistan to take on India etc. I pointed out that the size of a country had not deterred smaller countries from attacking bigger ones and whatever the Pakistanis may say, the wars of 1965 or 71 were hardly of our making. I added that it was a well-known fact that Pakistan was very close to acquiring a nuclear weapon and this in combination with the delivery capability of the F-16 was surely a threat no neighbour of Pakistan can ignore. Shah Nawaz tried to deride this by saying that a few F-16s could hardly make a difference. I said that even one F-16 was dangerous enough since it could jam our radars with its sophisticated avionics and then push any number of planes through the hole which the F-16 would have punched in our radar screen. If the planes were to carry nuclear weapons it did not require too much imagination to understand why we were so agitated about the F-16 deal. I said that it would be idle to think that we would keep quiet over this matter.

3. I then turned to the propaganda war that Pakistan had let loose against India and particularly against Mrs. Gandhi. I said that the manner in which the Pakistani proposal about a non-aggression pact and the solving of all problems without recourse to force in the spirit of the Simla Agreement had been made could not be taken as anything but a propaganda gimmick. I said that not only
the manner in which the offer was made was ill conceived but it violated a principle that was agreed upon, namely, that important matters such as force reductions etc. should not be aired in public but be discussed through diplomatic channels. I said that Mr. Agha Shahi in spite of agreeing in June 1981 not to talk about force reductions in public, had referred to this matter in seminars and the Press more than once. I said even if Pakistan was serious about the September 15th offer why was it dragging its feet in communicating the offer through diplomatic channels? I said President Zia had said as long ago as the beginning of October that the offer would be communicated in writing and not long ago Riaz Piracha, the Pakistan Foreign Secretary, had also told me that he would ensure that a note was sent to us very soon after his return to Islamabad from Kathmandu. I said we are still waiting for such a proposal. Shah Nawaz said that the idea of offering India a non aggression pact was mooted by him some time ago. It was asked as to how a small country like Pakistan could offer such a pact to a larger and more powerful country like India. This question was hotly debated but it was decided that there would be no harm in Pakistan making such an offer since it was in any case meant to allay the unreasonable fears of India. Just when everything was ready for the offer to be made, the US-Pak negotiations on the arms and economic aid package were being finalized and it was decided, therefore, that the announcement on the US-Pak negotiations should also include the Pakistani offer of a non-aggression pact with India. I said that Shah Nawaz's explanation may well be the correct one but we could hardly overlook the fact that the announcement coincided with the opening of the UNGA, the CHOGM in Melbourne and the beginning of the Congressional hearings on US aid to Pakistan. I said that the manner in which the whole episode had been handled had left a bad taste. Shah Nawaz reluctantly agreed that the matter could have been better handled and promised that the offer would be sent to us in writing very soon and, upon my urging, also agreed that it would be accompanied by some more details of Pakistani thinking.

4. Our conversation then turned to Afghanistan. I asked Shah Nawaz whether Pakistan contemplated any new steps to resolve the Afghanistan question. He said that it would be up to the Afghans and Russians to make the next move. I said that I should have thought that the next move would come from the Pakistanis considering that they had just succeeded in getting a resolution passed on Afghanistan in to UNGA with such an overwhelming majority. Shah Nawaz said that, on the contrary, it was now up to the Afghans to make the next move and that he was willing to stay on for some time if there was some hope of the Afghans relenting on their present postures. I said that I had had talks both with Secretary General Waldheim as well as with the Afghan Foreign Minister Shah Mohd. Dost. Waldhem, I said, had told me that at the beginning of the GA he had been able to arrange some kind of “proximity
talks” between himself, Agha Shahi and Shah Mohd. As a result of the talks it had appeared to him that a situation was being reached when talks on the political solution of the Afghan question and the question relating to the return of the refugees from Pakistan could be taken up simultaneously. Waldheim was hoping to start the process now that the UN resolution on Afghanistan was out of the way, but was disappointed that Agha Shahi had gone away. I said that Shah Mohd. Dost had also voiced his disappointment over Agha Shahi’s sudden disappearance from New York. Shah Nawaz said that it was wrong to interpret Shahi’s absence as a deliberate action to avoid discussion of the Afghanistan problem. Shah Nawaz said that he had Ministerial rank and he was willing to stay on in New York as long as it was necessary in order to discuss the problem but added that the initiative would have to come from the other side. I said that in my opinion such an attitude would be rather unfortunate as all have to work to find a solution. I said that last year soon after the UNGA resolution had been passed, several promising opportunities were presented for solving the Afghan question. Unfortunately none of these had been successful. In the meantime the people of Afghanistan had been subjected to another year of turmoil and discomfort. I said that with the onset of winter the fighting between the Government troops and the rebels would be less in intensity and the next three months would be conducive to achieving some kind of breakthrough. I said that there was not much time to be lost and I hoped that every one concerned would apply their minds seriously to finding a solution. The only comment Shah Nawaz made was that the winter months are also the time for more refugees to come to Pakistan from Afghanistan. I retorted by saying that if Pakistan did not do anything would the world not say that Pakistan really wanted all the Afghans to come over to Pakistan? Shah Nawaz said that appeared to be the tactics of the other side and thereby to create a situation were Pakistan would be broken up. He said that he heard that this was also the aim of some others. In view of the fact that Shah Nawaz was clearly implicating India, I challenged him to say whether he had India in mind. He retracted to the extent of saying that he had merely heard this to be one of the aims of certain people who were inimical to Pakistan unity. I assured him that India was convinced that Pakistan’s unity was in India’s interest and that there need be no apprehension about India’s intentions vis-a-vis Pakistan.

5. Shan Nawaz then said that President Zia and he personally had worked very hard and very sincerely towards bringing about some kind of an understanding between India and Pakistan. Shah Nawaz asked whether it would be of any use for President Zia to make the offer of a non-aggression pact in writing to Mrs. Gandhi. I said that correspondence between the leaders of the two countries is always useful but it would be better if the normal channels were used for discussion of this question for the present. The heads of government can be brought into the picture subsequently. We agreed that the talk which we
had had was a useful one and that more such talks on a one-to-one basis would be useful. Shah Nawaz offered to meet me again should this become necessary. We agreed that it would be preferable not to have the meetings in New Delhi or in Islamabad as such meetings tend to attract too much attention. It was agreed that London might be the best place for us to meet as both of us had suitable alibis for visiting London.

(R.D. Sathe)
Foreign Secretary
26.11.1981

0979. SECRET

Call on Prime Minister by Ambassador At-Large of Pakistan
(5.45 p.m. on the 14th December in Parliament House)

PRIME MINISTER’S OFFICE

Record of Discussions

Mr. A.K. Brohi, Pakistan’s Ambassador At-Large, called o PM on the 14th December at 5.45 p.m. in Parliament House.

2. Referring to his stay in India 20 years back as Pakistan’s High Commissioner, he referred to an incident when he had visited Jabalpur after the riots there. Questions had been asked in the Indian Parliament about his trip, and Prime Minister Jawaharlal Nehru had described him as a friend of our country, adding that his presence here was the only compliment paid to us by Pakistan. Later, Panditji had telephoned him to enquire whether this public description had created any difficulties for him vis-à-vis his own Government. Mr. Brohi conveyed to PM the greetings of his President, and said that he had come for the Rotary meeting, to talk about the need for peace in our region. He had a lot of respect and admiration for India, and said that he was not probably a typical representative of his country. Acrimony, ifs, buts, and suspicion had marred our relations, which could have been avoided. General Zia had told him that it would be a good thing for him to go to India. He had replied that there were so many misunderstandings between the two countries. General Zia had told him that in his own case, he had the reputation of being an honest man. General Zia had given a message for the Conferences, and with fervor and prayer, he had expressed the hope for better relations in our region. He
had come to India with much love, if love could be accommodated in politics and in diplomacy. No one could exhibit hatred for for 24 hours. PM remarked that far from it, we were working to promote good relations. Mr. Brohi said that PM was the exception. PM replied that she had referred to "we" and not herself.

3. Mr. Brohi went on to say that we had not tried to be positive, and we had sacrificed ourselves on the altar of synicism. He wanted to say with all forvour and honesty that even in a world composed of nation states, the people of the Sub-Continent had played a unique role together in its culture and history. What was a political partition, was not such a surgical operation as it had been construed. We and our children could reverse the trend. He knew he spoke with sincerity, though not perhaps with great deal of logic. He did not want to go back from the meeting with PM with sorrow in his heart. He did not have much influence, since he was not in the political mainstream. He was a Rector of a university, and a staunch upholder of Indo-Pak friendship. He wanted to be accepted as a man of honour. It lay in PM.s power to bring us redemption, and this was a great cause to fight for.

4. PM said that we were fully committed to peace and to better relations with Pakistan. We had close links, and common problems. It made no sense at all that we should fight. We were so much absorbed in the tasks of economic development, that the burden of military expenditure was worth avoiding. Peace between us was not only an ideal, but also a practical necessity. If only India and Pakistan could hang together, we would be so much stronger and would have an impact on the world. But we had been on the wrong track. India is not to blame for this. We were making major efforts to improve relations, but there should also be some response on the other side. She did not know what more we could do. It made no sense to fight in today's world, where problems are vast. She also felt that no matter what happened we, both India and Pakistan, got the worst of it. Mr. Brohi remarked that our destiny was one and indivisible. The word "partition" was a wrong way of describing what had happened. PM said that all that belonged to the past. We were separate countries, and we accept this. Cooperation between us had to be as between two sovereign nations.

5. Mr. Brohi remarked that perhaps his attitude on this was stupid, but he felt that we should also show that although relations are between two independent countries, there is much which influences us together. It should be like the relationship in a family, where each son gets a share, without having to claim it from a third person. He believed that human and personal relations were vital. His own words would not have only a dictionary meaning, if he was accepted as an honest man. He gave two examples, adding that he was not good at explaining himself. When he had been Minister for Religious Affairs,
people had sought his help to obtain visas to visit religious centres in India. The fervour with which people wanted to go equalled that which they had for the holiest places. Secondly, the great masters who influenced him, and he would not name them all, were from this part of the world. He did not know Bengali, but he had read every line written by Tagors. For him, this land had a kind of sanctity.

6. PM said that during the 1965 war, when she had been Minister for Information and Broadcasting, and had visited some of the areas where fighting had taken place, she had been told that even in the midst of fighting, people on both sides had shouted queries to one another, asking about one or another living in such and such village. There were so many links between us.

7. Mr. Brohi said that he prayed that India should grow from strength to strength and that it should progress. No evil should scar its face and in the years ahead. Many the forces which had taken us the wrong way, take us along the right one. If he could leave this thought with PM, as from one who was identified with India and had walked its streets, he would be happy, because in a sense a part of him was here. He wanted to mention one last point. In the last 400 years, the growth of religious knowledge in Islam had been of a substantial character. However, this had come not from Al-Azhar, not from Damascus, not from Jordan, but from our region. There were many people in his country who wanted to sit at the feet of the masters in India, who were carrying on this work. This was part of our own links, though we were independent. He thanked PM for receiving him and added that if there was anything he could do to further the cause of friendship, he would do it.

8. The meeting ended after customary courtesies.

(K.K.S. Rana)
Joint Secretary to PM
15.12.81

Prime Minister's Office
U.O.No. PMS-31384 dated 16-12-1981
After exchange of pleasantries, FS mentioned about his being away on leave. The Ambassador jokingly commented that he was thinking that he is making a clandestine trip somewhere. FS stated about bad health and about his personal bereavement. The Ambassador offered him his condolences. Thereafter, FS mentioned that the Ambassador’s note to FM containing the instructions to the Soviet Ambassador in Islamabad was read with great interest by him. He observed that Pakistan was very much on the Soviet as well as on the Indian mind. He noted the mention of the role of India and the Soviet Union for peace as a distinctive feature of the note. Because of this note, FS expressed his interest in exchanging views in some details since with FM, perhaps there was not enough time for the purpose.

Stating the background to the recent developments in Indo-Pakistan relations, FS stated that there is lot of speculation in the press regarding the present state of Indo-Pakistan relations. He mentioned the no war pact offer of Pakistan and stated the initial response of the Indian Government to it. The press release of 15th September to the Government of India about arms acquisition indicated that no-war offer was in fact an addition to their public justification of the acquisition of American arms. The Indian Government felt that a press release cannot be a basis for official negotiations and the Indian spokesman reacted accordingly. Then came Zia-ul-Haq’s statement of 24th October that very soon something in writing would be communicated to the Indian Government laying out Pakistan’s concept of a no-war agreement. On 22nd November, there was a third person note from the Pakistan side which made essentially the same points. The Indian Government reacted in public and in Parliament on Pakistan’s proposals. He felt that Pakistan was talking at different times, in different voices on the subject. The Government of India has, however taken this offer seriously because the offer is from a Government which is not totally irresponsible. The Indian side felt that it will look at the proposal with seriousness of purpose as is expected of a serious Government not given to diplomatic ploys. A lot has appeared in the press during the last ten days criticizing the Government’s position on it and there had been a feeling in the public that the Government was adopting the right attitude earlier. Coming to the recent visit of India’s
Ambassador in Pakistan, FS stated that to put the Ambassador’s mind at ease, Mr. Natwar Singh was due to come to India on the 9th December but he postponed his visit in view of FS’s illness. The Ministry carries on frequent consultations with the Indian Ambassador in view of his nearness. Taking advantage of his presence in New Delhi FS said that a letter is being sent through him to Pakistan’s Foreign Minister. The letter is brief and in three parts: a) Mr. Agha Shahi is not well and it wishes him speedy recovery, b) there was an earlier agreement that Mr. Agha Shahi will pay a visit to India and hope was expressed that he will come some time; c) Seasons greetings to the Foreign Minister. Now, the Ministry is awaiting the Pakistani response and watching whether Pakistani leaders are happy to receive the Indian message. FS felt that it was better to talk in person rather than over the radio waves. During Mr. Natwar Singh’s visit, seriousness of the Pakistani offer was examined and there have been some recent high level Indian statements on the current state of Indo-Pakistan relations. FM made statements on the 25th November, on the 11th December in Lok Sahba and then in Rajya Sabha on the 17th December. PM also made a statement in Dehradun. It does emerge from the statements of our leaders that the Indian side is showing preparedness to look at Pakistan’s proposal.

The Indian approach is to examine it on the basis of the Simla Agreement and that the primary need for both Governments is to attend to the needs of the people in a tension free atmosphere. The Indian sides would insist on a commitment to certain principles, like the Panchsheel and that whatever be the disputes between the two sides, they should be solved only by peaceful methods. Nonalignment is a principle which is accepted both by India and Pakistan and that it was the Indian wish that there should be no involvement in big power confrontation (the Soviet Ambassador reacted to the phrase “big power confrontation” in a somewhat negative manner). In future these principles will be the basis for whatever relationship can be struck between the two countries and would form the touch stone for all proposals for improvement of relations. In that context, FS observed that the Soviet note was a very interesting one, and there are certain points on which he would be interested in the Ambassador’s comments.

The Ambassador interjected to state that the note has not yet been delivered to President Zia but it certainly will be. President Zia-ul-Haq is avoiding meeting with the Soviet Ambassador in Islamabad because the Ambassador’s instructions are that the Soviet feelings must be communicated to President Zia himself. AS (UN) found certain elements in the note of great interest. He noted that Pakistan is talking of Indo-Soviet relations in certain ways but this relationship is a factor of peace in Asia. Another interesting point was the Soviet
reference to their dialogue with the Pakistanis in August. The third interesting feature of these instructions was the mention of the flexibility displayed by the Afghan Government and the lack of response by Pakistan to the August proposals of the Afghan Government. AS was interested in knowing as to what precisely triggered off this note and also as to what really went right or wrong in August at the time of Soviet-Pakistan negotiations. The note speaks of Pakistan eroding her relations with the Soviet Union. It appeared to AS (UN) that the Soviet-assisted steel mill was indeed the only thing “for the present.”

AS (UN) further drew the Ambassador’s attention to an article in the Far Eastern Economic Review by a journalist, Lawrence Lifschuts, on the American military strategists’ view of Pakistan’s relevance to future US plans. The Ambassador state that as far as the August negotiations are concerned, nothing special happened except for the Soviet effort to sell to the Pakistan side the Afghan proposals. AS (UN) observed that that was the time when the Soviet Government talked to the Pakistanis about the Durand Line. The Soviet Ambassador stated that his leaders were very sore with Pakistan for their prevarication. The Soviet leaders were particularly sore about January when the Pakistani leaders suggested that they were prepared to sit down for talks with Afghans without Iranian participation. This observation was made by President Zia himself to the Soviet Ambassador in Islamabad. Later, a denial by the Pakistani leaders of such a commitment caused great heart burning in Kremlin. President Zia’s commitment was taken very seriously at the highest level in Moscow and their exasperation and anger was immense. In Moscow, he was even described as a “senseless character.” At that time, the Soviet Government sent a note to Islamabad. Then, in August, the Soviet efforts were turned down by the Pakistani leaders, and now, his Government feels that the only method which could work would be to alternately put pressure on Pakistan and to release it. So now, the Soviet Government wanted to put some pressure on them because the Pakistani leaders think that they are a very clever lot. The Soviet side is telling them that they will have to pay very dearly for this unreliableness. FS asked whether this pressure will affect economic relations between the two countries. The Ambassador answered that the steel mill is the only contact point between the two Governments at the moment and it will continue to remain so. They are interested in inviting a high power delegation for the opening of the mill but that is not the case. In any case, there are no new programmes envisaged at present. FS asked whether this was the first Soviet demarche. The Ambassador stated that the Soviet Government had tried earlier to bring them to the negotiation table but they were bent on making evasive manoeuvres. Now the Soviet side is putting the blame squarely for the present state of relations on the Pakistani leaders. FS asked whether he expected that this would lead to an increase in activity from the Pakistan side. He noted that previously, there was no mention of the role played at the
authorities in Pakistan. In this note, however, the Pakistan Government has been specifically blamed for its role in the interference in Afghanistan’s affairs. The Ambassador agreed and said that the earlier protestations of the Pakistani leaders about their non-involvement are now being rejected openly. The Soviet side is telling the Pakistani leaders that their Government was very much involved in external interference in Afghanistan, and the Soviet Government considers them responsible for it. AS (UN) queried the Ambassador as to what was the Soviet leverage with Pakistan. The Ambassador stated that it was close to zero. The Soviet Government can only shut down the steel mill but they don’t care for it. The Soviet leverage is of a purely verbal form or its capacity for creating disturbances close to the Pakistan border. AS (UN) further observed that he can understand that the PM and FM are interested in studying the seriousness of the Pakistani leaders. The Ambassador retorted that the Soviets knew that they were not serious. Diplomatically, however, it is an interesting move, and one does not know whether they thought of it themselves or somebody else inspired them. FS stated that the Pakistani leaders claim that the move has been considered for some time but as it is, the idea is very vague. The phrase “no-war pact” has been used in the communication to us coupled with the view of exchanging mutual assurances of non aggression and the non-use of force in view of the Simla Agreement. FS stated that he found the note from the Ambassador very interesting and was grateful to the Soviet Government for keeping the Indian Government informed about their dialogue with Pakistan. The Ambassador stated that he will inform the Ministry about the reaction of President Zia as soon as the Ambassador has met him. FS queried the Ambassador whether in his view, the Pakistani Foreign Minister will come to India or not. The Ambassador felt that he certainly would since this is a joint venture of Pakistan and the US to convince the Indian leaders that the arms being acquired by the Pakistan Government are not against India. It reminds him of the duplicity of Hitler’s Germany and the signing of the non-aggression Pact between the Soviet Union and Germany. It is a cynical proposal for the public. FS stated that it was indeed a good diplomatic move, and he felt that Pakistani’s bluff will have to be called. Frankly speaking the people in Pakistan are bearing an enormous defence burden with 7 per cent of the GDP is publicly declared to be diverted for defence. Even if they get armaments, the total cost to the economy of Pakistan will be enormous. The Ambassador did not agree and said that the cost would not be felt by the Generals in Pakistan. FS stated that when FM went to Pakistan, the atmosphere created by his statements and his visit was exceedingly good and in many ways very heartwarming. So much so that when Buckley was coming to Pakistan for talks, FS felt, he did not have a brief of F-16 but feeling that the atmosphere in Pakistan was good and the need for the two countries to eschew war was widely felt, he pulled out of his hat F-16s which FS thought he was not authorized
to do. His reason for saying that was that he did not get the *quid pro quo* which were the objectives behind the US moves towards Pakistan – as it came out in the Senate hearings. The Ambassador said that his guess was that Mr. Agha Shahi will come with a beautiful draft since that is the logic of the Pakistan and American moves. The US does not want a conflict with India because that may lead to their losing Pakistan. They are only interested in preserving Pakistan in its present state. They have an interest in getting from Pakistan a military base in the Indian Ocean and another one in Peshawar for the Rapid Deployment Force. The no-war pact is not the matter; what they are interested in is the continuation of the military regime there. The General, if he wants, can any time strike at India in Kashmir or any other place of his choice. But, for the time being, he is not going to lose anything by behaving like a “peace-loving General.”

FS asked him as to what kind of proposals Pakistan’s FM may bring. The Ambassador stated that on Kashmir, he did not expect anything new but everything else he may be prepared to accept. If the Indian side proposes anything of substance in Kashmir, the Pakistani side will reject it. FS thought that the fact of good relations between India and Pakistan would automatically loosen contacts with the US. Pakistan claims to be afraid of India and the Soviet Union and that the two countries may get together against Pakistan. However, it was his belief that if Pakistan comes to agreement with Afghanistan, just like India, then the kind of relationship it has with the US will be less close. It would be in our mutual interest. Since India is not a global power, it is much easier for her to talk to Pakistan and vice versa, thereby loosening her contact with the Americans. The Ambassador stated that he understood FS’s logic but that there was only one condition on which this can work. Their fears of Soviet or Indian attack are not real fears because the Soviet Union is prepared to accommodate their sensitivities. It is prepared to give guarantees and in other improved relations with them. But the Pakistani leaders have no such interests and President Zia is very good at political gambles. He wants to neutralize the Soviet Union and he seems to be winning on all these fronts. FS disagreed and said that Zia-ul-Haq is not winning and he has 2 million refugees on his hands. The Ambassador said that he was not feeding them; it is the American money. FS countered by saying that feeding apart, the refugees will be troublesome and they are going to move southwards slowly and slowly. The Ambassador jokingly commented that President Zia will manipulate that they came to India instead. FS said that that was not the case but that being the kind of people they are, they can create problems for the stability of society in Pakistan. The Ambassador agreed and said that there could be a Kurdistan in Pakistan. FS said that they were worried and increasingly so now. The Ambassador differed and said that they are only moderately worried and not so much about them at present. And then the General will be gambling for higher stakes when he gets the bomb. “Generals everywhere love bombs.”
FS changing the subject, requested the Ambassador to give some information on the current situation in Poland…………………………

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(Yogendra Kumar)
Under Secretary (EE-P)
26-12-1981

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SECRET

Letter from the Embassy of India in Moscow to the Ministry of External Affairs on Soviet – Pakistan Relations.

Moscow, January 12, 1982.

Embassy of India
Moscow

R. Sen,
Counsellor (Pol)
No. MOS/POL/104/4/82 January 12, 1982

My dear,

On the eve of Foreign Minister Agha Shani’s scheduled visit to India at the end of this month, we thought you may like to have a resume of Soviet – Pakistan relations as we see them from Moscow.

2. Pakistan’s internal and external policies had been severely criticized throughout last year, except for a very brief lull prior to the Non-aligned Foreign Ministers’ Meeting in Delhi, at the time Pakistan showed some signs of its willingness to come to the negotiating table with Afghanistan. This criticism continues unabated in the New Year. To give you an idea of the scope and intensity of the criticism of the Pakistani regime, I enclose five articles which appeared in a span of four days last week in the PRAVDA, KRASNAYA ZVESDA, SOVIETSKAYA, ROSSIYA and SOCIALIST INDUSTRY (not included here). Even when President Sadat was on the scene, General Zia had the dubious honour of being the most criticized leader of a developing country in the Soviet media. After Sadat’s assassination, he has the spotlight of Soviet criticism even more to himself.
3. Our Embassy in Islamabad had reported that after Deputy Foreign Minister Firyubin’s visit to Islamabad in end August 1981, the Pakistani Press had been told to refrain from criticizing Soviet leaders by name. This consideration has certainly not been reciprocated here. In fact, General Zia is rarely referred to as President of Pakistan. He is described most charitably as merely “the General” but more often as the “head of the Military administration,” the ‘Head of the military dictatorship’ or sometimes just simply as the “Pakistani dictator”. Unlike the late President Sadat, General Zia is not just severely criticized but often ridiculed. Not only his policies but his personal integrity are called into question. In end December last year, TASS went out of its way to quote an Italian magazine PANORAMA, which referred to General Zia setting a personal example of the widespread corruption in his country and refers to him as one of the wealthiest persons in Pakistan. Similarly, the government he heads is rarely referred to as the “Pakistan Government” but usually as a “military” or “reactionary regime”.

4. The legitimacy of the Pakistani government is questioned not just by the terminology used to describe it. There has been sustained criticism of the tightening of the “screws of the dictatorial authoritarian rule” in Pakistan by the banning of political parties, the constant postponement of elections, the muffling of the press, the mass arrests and suppression of popular opposition. General Zia’s recent decree on the formation of the Federal Advisory Council was also predictably termed as a “farce” and a “new political trick” to put the lid on the opposition and to blunt the democratic movement. The economic situation is also described here as being in a mess with Zia surviving essentially on funds made available by the United States and its allies such as Japan, reactionary Arab countries as well as the IMF and World Bank. This, in turn, is seen as increasing the Western hold on the present Pakistani regime. The Soviet Union’s sympathies with the political opposition in Pakistan became clearly evident particularly after the hijacking of the PIA aircraft to Kabul. Since then the Soviet media have often indicated support, in general for the Movement for the Restoration of Democracy and, in particular for the PPP.

5. The Soviets have publicly accused the United States of envisaging a role similar to that of the late Shah of Iran for General Zia. They privately point out that Zia should draw his own conclusions from what finally happened not only to the Shah but also to Sadat. At the same time, it may not be in the Soviet interest to see Zia removed in the wave of an Islamic fundamentalist movement as in the case of Iran. This would make the Soviet presence in Afghanistan more difficult in the long run though, as in the case of Iran, there would be short term Soviet benefits from a backlash of anti-Americanism that would be almost inevitable in such a movement. Given the limited influence of leftist political forces in Pakistan, the best Soviet bet would appear to be in a return to power
of the PPP. A factor to be kept in view by us is that Soviet occupied Kabul could increasingly play the role of a major centre for sustaining not only the Al-Zulfikar group but other secular opposition forces in Pakistan.

6. If the present stalemate continues, the Soviets may also be tempted to demonstrate to Pakistan that insurgency is a game which two can play by encouraging the secessionist sentiments among the Baluchis and Pushtuns. The revival of such nascent tribal nationalism may not, however, be in the long term Soviet, or for that matter, our own interests since their destabilizing impact may be difficult to contain.

7. In private conversations, such as your own talk with Valkov, the Soviets have tried to fathom how General Zia has managed to defy all predictions by surviving for so long. They ascribe this not to any statesmanship or charisma but to his “cunning” manipulations of differences in the political opposition, taking advantage of events such as the hijacking of the PIA aircraft, the lack of any outstanding political personality around which the opposition could rally and the careful nurturing of his main constituency, namely, the army. Yet they seem to feel that the present regime is inherently fragile.

8. While General Zia’s domestic policies have been criticized fairly severely, it is his foreign policy which attracted the strongest Soviet attack. At the highest level, Brezhnev did not make any reference at all to Pakistan in his address at the 26th CPSU Congress in February 1981. In a speech at Tbilisi on 22nd May 1981, however, Brezhnev expressed his annoyance at Pakistan’s “stubborn refusal” to come to terms with Afghanistan. A few days later, while speaking at the Mongolian Party Congress, Politburo Member Gorbachev had also criticized Pakistan primarily in the context of its attitude towards Afghanistan. In the Soviet media, however, the criticism of Pakistani foreign policies had been much wider and far more intense. As Valkov indicated to you, the Soviets are increasingly expressing their skepticism of Pakistan’s non aligned credentials. They portray Pakistan as becoming a “tool for expansionism for American militarists” acting in concert with Chinese “hegemonists” in the area. As Sergei Bulantsev said in a TASS commentary on 26th December 1981, “Islamabad pays for American weapons not only with dollars but also with the country’s sovereignty.”

9. The arms deal with the United States has been criticized on several grounds, including, among other factors, the following.

i) It is not prompted by the security concerns of Pakistan but Sino-American strategic interests in South and South-West Asia, which are not parallel any longer but coincide.

ii) It has a destabilizing impact since the arms to be supplied exceed Pakistan’s real needs. By upsetting the existing balance in South Asia,
the injection of American arms to Pakistan would inevitably lead to an arms race.

iii) The American arms would pose a threat to Afghanistan, Iran and, above all, to India. Experience had shown that Pakistani guns had been turned only in one direction – towards India. Simultaneously, the Soviet media has been reporting “feverish” intensification of Pakistani military preparations “along the line of control dividing the Indian State of Jammu & Kashmir.”

iv) The arms supply would be a prelude to the establishment of American naval, air and electronic espionage bases primarily a part of the proposed Rapid Deployment Force. Gwadar and Peshawar have been specifically mentioned as sites. This would pose a threat to India as well as to Iran since these bases will be linked up with the secret US contingency plan code-named “Operation Tripwire” aimed at Iran which has been disclosed recently by The Times of London.

v) The military and economic assistance is not only aimed at buttressing the present Pakistani regime but serves, in fact, as further encouragement for the suppression of the popular democratic movement in that country.

vi) It is an encouragement and even endorsement of the Pakistani Programme to acquire nuclear weapons (In has been noted that the F-16 aircraft are capable of carrying nuclear payloads).

vii) It is aimed at “complicating” the political solution of the Afghanistan question.

10. On the other hand, the Chinese military assistance to Pakistan and its collusion with the United States is said to be prompted, inter alia, by the desire:

i) to keep the pot boiling in Afghanistan.

ii) to goad Pakistan into a confrontation with India “the main obstacle to Chinese hegemony in South Asia” (The visit of the Chinese Chief of Army Staff, Yanz Dazhi, was projected as intending to “beef up” Pakistani strength on the Indian border besides coordinating assistance to Afghan rebels).

iii) to give China access to the Indian Ocean, including the Persian Gulf. (US Pacific Fleet Commander, Admiral Robert Long’s visit to Pakistan in November is linked with the earlier visit of the Acting Commander of the PRC Navy, Liu Da sheng).
11. While highlighting the threat posed to India by these developments, the Indian concern has been portrayed against the larger backdrop of enhanced US military presence in the Indian Ocean. Chinese military activities in POK and in Tibet, the participation of "external forces" to destabilize the situation in north-eastern India as well as in fostering communal tensions etc. Thus, while the Soviet message to Pakistan is that its present policies are against its own interests, the message to India is to underline the extent of the common security interests of India and the Soviet Union in the wake of the recent developments as well as the convergence of interests of the two countries in bringing Pakistan to the negotiating table with Afghanistan.

12. There seems to be a school of thinking that the Soviet intervention in Afghanistan, in the wake of the revolution in Iran, has considerably increased the Soviet stakes in reaching an accommodation with Islamabad since these developments have further enhanced Pakistan's strategic and political importance to the Soviet Union. It has been claimed that in the present circumstances, the Soviet may not be averse to making certain "concessions" to Pakistan at the cost of India and that, in the event of an Indo-Soviet (Pakistan) conflict, we may not even be able to count on Soviet support. This, in my view, conveys a totally misleading picture and is contrary to our assessment in Moscow of Soviet interests and motivations.

13. The American geo-strategic perception of Pakistan has essentially been in the context of its interests in the Persian Gulf and the Middle East. The developments in Iran, the Soviet intervention in Afghanistan and the recent death of Sadat have further sharpened this American perception of Pakistan. On the other hand, the major factor affecting Soviet perceptions in Asia is undoubtedly China and hence the importance of India and Vietnam—very much in that order—as forces to contain and dilute Chinese influence in South and South-East Asia. Added to this is India's sheer size and potential, its economic infrastructure, its political stability, its standing in the Non-aligned Movement and other international fora, its pre-eminence as a major power in region as demonstrated in 1971 and, above all, the steady, continuous and dynamic growth, without any serious setbacks in Indo-Soviet relations since the mid-1950's. In fact the recent developments in Iran as well as in Afghanistan have further increased the Soviet stake in its relationship with India—a relationship which has no parallel in terms of its history and its present importance in Soviet relations with any other developing country in the world. In the present context of the siege mentality which is increasingly becoming evident in the Kremlin, the relationship with India has assumed even greater importance. While this would be true even in objective circumstances, the personal factor also plays a role. The Soviets virtually utilize every opportunity not only to highlight Brezhnev's personal contribution and, by implication, his personal stake in
friendship with India but his warm relationship with our Prime Minister. The closest parallel is the relationship with Schmidt (Chancellor of West Germany). Hence the importance attached to Brezhnev’s visit to India in December 1980. A commemorative stamp was issued not only on the occasion of that visit but also to mark Brezhnev’s brief talk with our Prime Minister on the troposscatter link inaugurated in November 1981.

14. In spite of the above, the Soviet would obviously like to have good bilateral relations with Pakistan. They need not always view their relations with Pakistan through the prism of India’s perceptions. They also probably recognize that, given their present relations with China, the major potential leverage they have on India is Pakistan. Ideally they would like the spirit of Tashkent to prevail over that of Simla. However, in the present circumstances in the region and in the larger global context, it would be most unlikely and uncharacteristic of the conservative Soviet leadership to consider any move in Pakistan which would cause misunderstanding in India, let alone alienating India. A reorientation of Soviet attitudes towards India and Pakistan could only come about if there is a major break through in our relations with China.

15. The Soviet Union would obviously like to use whatever influence it can bring to bear on Pakistan to blunt its strategic consensus vis-a-vis United States and China. However, the Soviet leverage in Pakistan is mostly the stick and very little of the carrot. They can only hint that there are limits to their patience and threaten to play the Baluchi or Pakhtoon cards or consider hot pursuit and preventive strikes of Afghan rebels in Pakistani territory. They can try to make Pakistan realize the dangers of getting caught in the cross-fire between the super-powers. By way of economic inducements they can never hope to match what the West is offering Pakistan. In fact, their ability to grant any large credits for new projects will be severely limited by their enhanced obligation in Poland in addition to their existing responsibilities elsewhere. It is also unlikely that they will, at the present stage, repeat what they tried to do in the late 60s, namely, offer arms to Pakistan, recognizing that Zia’s main power base is the army. Their earlier tentative move in this direction which was effectively aborted by us, was essentially a hangover from their Tashkent euphoria. In any case, Article X of the Indo Soviet Treaty prohibits them from entering into any obligations with another state “which might cause military damage” to us.

16. General Zia was reported to have sounded Deputy Foreign Minister Firyubin about arms supplies in August 1981. Firyubin’s reported negative response (without consulting Moscow) was predictable in the present circumstances. During President Brezhnev’s visit to India in December 1980, the Soviets had, on the other hand, pressed us for a reference to Indo-Soviet cooperation in the field of defence in the Joint Declaration. This
reference was finally dropped at our insistence. However, President Brezhnev in his Vigyan Bhavan speech stated: “We regard as a very important field of our relations assistance in strengthening India’s defence capability… We conceal from no one that we wish to see friendly peace-loving India strong and capable of successfully defending its independence and promoting the cause of peace in Asia.”

17. What other inducements could the Soviets offer Pakistan? It has been said that they had tried to send “signals” to Pakistan on the status of Jammu and Kashmir. We had noted that Zia’s speech at the United Nations in 1979, including his reference to “self-determination in J&K, was carried in the Soviet Press. We also observed certain departures from normal Soviet reporting on the status of J&K. The worst reference was in IZVESTIA item on 23 December 1980 where POK was described as the “territory of Jammu and Kashmir occupied by Pakistan” and differentiated from the rest of J&K which was termed as “the Indian State of Jammu and Kashmir”. There have been a few other references which were not totally satisfactory from our point of view, namely that they did not clearly spell out that the whole of J&K is a part of our territory and that POK is under illegal occupation of Pakistan. We did not ignore these “lapses” and brought them squarely to the attention of the Soviet authorities - and rightly so. I also recognize that such “lapses” are not always innocent, though TASS has been known to make serious errors even while reporting the Soviet position on Afghanistan. After all, if the Soviet Union could call into question the status of Tibet and if Prof. Kapitsa could state emphatically that China should not take Soviet support for the Chinese position on Taiwan “for granted” why should we expect the Soviet position on J&K to remain frozen for all times? A reappraisal, however, if it comes will be only in the context of a major breakthrough in our relations with China which changes the entire geopolitical picture as seen from Moscow. Soviet media have incidentally described the Pakistani offer of a No-war Pact as a propaganda ploy and “a convenient screen for continuing its aggressive arms build up, implementing its nuclear programme and turning Pakistan into a US military vantage point.”

18. The Soviet ‘lapses’ in reporting the legal status of J&K have to be seen not only in the chronological perspective, but in the context of the essential thrust of the reports. All the recent references to J&K have been in the context of severe criticism of Pakistan and its aggressive activities in POK. For every ‘lapse’ we could locate there are at least a score of other reference which would fully satisfy the most discriminating of our legal pundits. The standard Soviet reference to POK is “the part of the Indian State of Jammu and Kashmir under the illegal occupation of Pakistan”. The Chinese have also been accused of gross interference “in favour of Pakistan” by referring to “relevant UN resolutions” in the context of J&K.
19. The Soviet have also indicated their willingness to reaffirm their clear cut position on J&K by including Krushchov's speech in Srinagar in December 1955 in the proposed joint publication of documents on “Soviet - India Relations – 1947 – 1980” under the auspices of the two Foreign Offices. They have been reminding us about this for a year now but our response has been inexplicably delayed. Could you please have our reply expedited? You file No WI/303/1/81 – EE refers.

20. The second carrot which is said to have been dangled before Pakistan is the Afghan recognition of the Durand line. Here again I would agree with Nirupam that we need not exaggerate the importance of the signal to Pakistan on the Durand Line in the Afghan statement of January 1981. Nirupam had rightly pointed out that, while Afghanistan had stated that it had no territorial claims against, or political dispute with Pakistan, it had left the door open for political differences by a revival of support for the Pushtun demand for self-determination.

21. Thus, while the Soviets have little room for manoeuvre in Pakistan without annoying India, the Pakistanis too seem to be finding it difficult to reassure the Soviets about their intentions or even their independence of action. The Pakistanis, have, of course, made several symbolic gestures to the Soviets. Zia has been going out of his way to call the Soviet Ambassador over for meals and calling personally at the Soviet Embassy after failing to turn up at the Soviet national day reception in November last year! Soviet officials claim that they are not impressed by such gestures since they apparently feel that these have been at least partially motivated by Zia’s desire to play the Soviet card to extract the best terms and expedite delivery schedules for American arms. Firyubin also made it a point (on instruction from Moscow) to visit Delhi immediately after his visit to Islamabad.

22. A normalization of Soviet – Pakistani relations is difficult to imagine without Pakistani recognition of Karmal or whoever is put in his place by the Soviets. And even if the Pakistanis have the desire or political cohesion and strength to take this step, they would certainly alienate the Americans, the Chinese and many of their friends in the Islamic Conference. The prospects, therefore, are that the present chilly relations between Soviet Union and Pakistan are likely to continue.

With kind regards.

Yours sincerely

(R. Sen)

Shri M.K. Mangalmurti,
Joint Secretary (EE)
Ministry of External Affairs, New Delhi.

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Excerpts from the Statement of Pakistani Foreign Minister Agha Shahi delivered before the Federal Council.

Islamabad, January 12, 1982.

- It is a great pleasure for me to be addressing the first session of the newly-constituted Majlis Shoora. I have no doubt that this Majlis will come to occupy an extremely important place in the political landscape of our country. The constitution of the Majlis Shoora has been a long and exhaustive exercise in which the President has tried to ensure that representatives of all parts of the country and of different segments of the people are included to work for the best interests of Pakistan. I am confident that your deliberations of various aspects of the national policies of Pakistan, including its foreign policy, will prove extremely useful to the Government in carrying out its responsibility of safeguarding the sovereignty and security of the country and promoting national cohesion and the well-being of our people.

- It is highly appropriate that the very first area of our national concerns to be taken up by this august assembly should be that of our external relations, for progress in other fields is possible only in an environment of peace, security and stability. I, therefore, feel privileged to be addressing you today on the principal relationships of Pakistan in the external sphere. In doing so, I shall focus attention on those problems and issues that are in the forefront of the concerns of our people on account of their bearing on our independence, security and territorial integrity.

On Permanent Nature of National Interests

- The national interests of a country do not change with changes of government or regime. Such interests are of a permanent nature. They postulate the element of continuity in the formulation and conduct of relations with other countries more especially with those which are neighbors. This element of continuity is manifest in the course of Pakistan – China relations over two decades. Despite changes of government and regime in both countries, their friendship and cooperation have continued to develop and prosper.

- Our ideology, and notably our commitment to Islam has always led us to cultivate close fraternal relations with the counties of the Muslim world. Then there are the policies and drivers of the Super Powers from which we cannot isolate ourselves, and beyond our bilateral equations with individual countries, lies a whole range of activities in multilateral
organizations designed to promote international cooperation, further economic and social progress and above all to maintain peace on the basis of respect for the independence and sovereignty and the territorial integrity of States and observance of respect for the equal rights and the right of self-determination of peoples.

- The making of Pakistan’s foreign policy is thus a more complex matter than might appear at first. We may be quite clear about our goals and objectives, but the road to their attainment is frequently beset with formidable difficulties resulting from the pursuit of their own interests and policies by other nations.

- Changes of leadership and revolutionary upheavals in the countries around us often create new situations and pose unforeseen challenges. The attitudes of neighbouring countries are also an important factor and constitute a major preoccupation in defining our external relations. Super Power rivalry impinges on all parts of the globe. The challenges that policy makers face become more complicated and the dilemmas they confront more daunting because the international situation remains constantly in a state of flux and the element of unpredictability of events is inherent in such a state of affairs.

- Pakistan’s geo-strategic situation is such that ever since its birth it has faced a succession of challenging situations. In this context, the Jammu and Kashmir dispute, the 1965 War and the 1971 Catastrophe, come at once to mind. In recent years, crises and problems in our region proliferated in such a way as to make us a focal point of world attention. In the resultant situation, the conduct of our diplomacy has become a fundamental element in our quest for security and survival as a free nation.

- In today’s presentation I should like to brief you on Pakistan’s external relations by elaborating on the President’s address to the nation on 24th December 1981, which constitutes an authoritative statement of our foreign policy.

**On Afghanistan Situation**

- The Key issue which continues to be of the deepest concern to us is the situation in Afghanistan, arising from the military intervention of a Super Power in a neighbouring country, with which we have close ties of history, faith and culture and with which we share a 1,400 miles long border. I need not go into the history of this crisis but would like to underline that Pakistan’s principled deposition on the problems of Afghanistan has been consistently upheld and supported by the international community.
The principles to which Pakistan adheres have been reflected in the resolution adopted by the Islamic Conference during its various sessions since its special emergency session in Islamabad and meeting of the Non-aligned Movement and of the General Assembly of the United Nations.

- The resolutions and decisions adopted by these organizations have called for the withdrawal of Soviet forces from Afghanistan, observance of respect for the Non-aligned and independent status of that country, the reaffirmation of the right of the Afghan people to determine their own political and socio-economic system free from coercion and outside interference and the return of the Afghan refugees to their homes in safely and honour.

- The international community has accorded ever increasing support for the principled stand which Pakistan adopted without the slightest hesitation as soon as the massive induction of Soviet troops into Afghanistan took place in December 1979.

- Honourable members are aware of the growing number of votes that we have been able to attract for the resolutions on Afghanistan at the successive sessions of the General Assembly of the United Nations. The first resolution on this issue was adopted by the General Assembly at its special emergency session on 14th January 1980, with 104 votes in favour, 18 against and 18 abstentions. This number increased to 111 votes in favour, 22 against and 12 abstentions during the regular session of the General Assembly in November 1980, and at its recently concluded regular session, the General Assembly adopted the resolution on Afghanistan by 116 votes in favour, 23 votes against and 12 abstentions.

- Consistent with this expression of the will of the world community, Pakistan has taken further initiatives on the basis of the four principles laid down by the international organizations that I have named above. We have informed the Secretary-General of the United Nations that we stand ready to enter into negotiations on this basis under his auspices without prejudice to the position of non-recognition of the Karmal regime until the foreign forces withdraw as enjoined upon by the Islamic Conference resolution of January 1980.

- The possibility of trilateral talks between Iran, Pakistan and the representatives of the ruling political party of Afghanistan (first suggested in June, 1980, by the Standing Committee of the Islamic Conference), under the auspices of the UN Secretary General, is still being explored. The Kabul authorities indicated in their 24th August 1981 proposals their
willingness to enter into these trilateral talks, but Iran has declined to participate. Pending the commencement of trilateral talks, Pakistan has agreed to hold indirect talks on the substantive issues of repatriation of refugees, withdrawal of foreign troops, guarantees of non-interference and so on, with the representatives of the ruling Peoples’ Democratic Party of Afghanistan through the intermediary of the Secretary General of the United Nations or his personal representative. In fact, much indirect talks have already commenced thanks to the interest shown by former UN Secretary General Waldheim and his then personal representative, Dr Perez de Cuellar, who has now succeeded Dr. Waldheim.

- After his first visit to Kabul and Islamabad in April 1981, Dr Cuellar informed us of the Kabul authorities’ willingness to discuss first the question of the return of Afghan refugees to Afghanistan. We agreed to the suggestion because, having given shelter and assistance to these refugees in an Islamic spirit and purely on humanitarian grounds, we have no desire to make political gains out of this colossal human tragedy by obstructing in any manner whatsoever their repatriation on an entirely voluntary basis.

- The massive influx of refugees whose number has by now swollen to 2.5 million (25 lakhs) continues to place great strains on our limited resources. Despite generous international assistance, we have to meet 40 per cent of the total cost of maintaining the refugees which now runs at more than Rs.4,000 million a year. Furthermore, we are of the view that negotiations for the return of refugees must inevitably lead to consideration of the question of withdrawal of Soviet forces from Afghanistan within an agreed time frame, which is the central issue to be addressed in negotiations for a political solution of the Afghanistan crisis.

- Last October, following my talks in New York with Secretary General Waldheim and Dr. Cuellar, the Karmal regime communicated to the UN Secretary General its official statements in regard to the terms and conditions it has laid down for the return of the refugees. The UN Secretary General has forwarded these statements to us, and we are now required to bring them to the attention of the Afghan refugees in order to ascertain their reaction for transmission to the UN Secretary General.

- I should like to make it clear once again, that having offered the Afghan refugees shelter on our soil out of considerations of Islamic duty and humanity; we have no intention of forcing them to go back to Afghanistan against their will. It is for the refugees themselves to decide whether or
not they consider that the Karmal proposals promise the conditions conducive to their return to their homes in safety and honour.

- We look forward to the resumption of shuttle diplomacy by the UN Secretary General’s personal representative through visits to Islamabad, Kabul and Teheran. We also remain open to the initiation of appropriate procedures for speeding up the indirect negotiations while pursuing our efforts to bring about direct trilateral talks between Pakistan and Iran and the representatives of the People’s Democratic Party of Afghanistan under the auspices of the Secretary General of the United Nations.

- The Secretary General remains the sole hope for a viable negotiating process in view of the rejection by the Soviet and the Karmal regime of earlier proposals. These included the initiatives of the Islamic Conference, acting through its Standing Committee of Foreign Ministers, and of the European Economic Community, first for a neutral Afghanistan in return for Soviet withdrawal, and later for an international conference in two stages to negotiate a political settlement and to guarantee its implementation.

- The recent Iranian proposal for the replacement of Soviet troops by a peace-keeping force comprising contingents drawn from Islamic countries has also been summarily turned down by Kabul and Moscow.

- There is widespread doubt that the Soviet Union will ever withdraw its occupation forces from Afghanistan. However, the position proclaimed publicly by the Soviet Union is that its forces will be pulled out in agreement with the Kabul authorities provided affective guarantees of non-interference in the internal affairs of Afghanistan are given and implemented by the concerned authorities including Pakistan. Public declarations to this effect have been made by President Brezhnev and Foreign Minister Gromyko and reiterated emphatically to me twice by the Soviet Foreign Minister in my talks with him in New York.

- It is an established fact that resistance to the Karmal regime and the Soviet military presence in Afghanistan is entirely indigenous in character and that Pakistan is the victim and not the instigator of the tragic events in Afghanistan in the wake of the Soviet military intervention in that country. Nevertheless, Pakistan has expressed its readiness to participate in discussion on guarantees of non-interference to satisfy the Soviet condition for a negotiated political settlement leading to the withdrawal of the Soviet forces.

- We have informed the UN Secretary General accordingly and made it clear to him that we would be ready to discuss guarantees provided
these are taken up in conjunction with the withdrawal of Soviet forces from Afghanistan under an agreed timetable.

- It is obvious in the final analysis that the crisis created by the Soviet military intervention in Afghanistan can be resolved only by the withdrawal of Soviet forces.

**On Proposed US-Soviet Summit**

- We realize that a political solution of the Afghanistan problem can come about only when the international climate is propitious. We, therefore, favour moves for a reevaluation of tension in the relations between the Soviet Union and the United States and welcome the projected summit meeting between President Reagan and President Brezhnev sometime this year.

- We hope their talks will lead to an agreement on how to deal with major international issues including the revival of détente and progress towards nuclear disarmament. At the same time, we trust that any mutual accommodation they may eventually be reached by the two super powers would be based on the principles of respect for the independence, sovereignty and territorial integrity of States and not on a division of the world into new spheres of influence.

- The world today is not what is was when the Yalta Accord was reached in the closing days of the Second World War and imperialistic deals today are repugnant to the spirit of our times and intolerable to the Third World.

**On ties with Soviet Union**

- As a result of the situation in Afghanistan, Pakistan’s relations with the Soviet Union have been subjected to serves strains. Pakistan opposition to the Soviet occupation of Afghanistan, an opposition based on the rules of international law and behaviour set forth in the United Nations Charter, the principle of the Non-Aligned Movement and the Charter of the Islamic Conference, is resented by the Soviet Union which has contravened a basic principle common to all of them namely the duty to refrain from military intervention in other countries.

- The decision to uphold this duty of States under international law was taken by Pakistan in full consciousness of the risk of incurring thereby the displeasure of a Super Power. We considered it imperative to adopt this course because it is only through an acceptance of and adherence to the binding rules of international law and justice that the nations can preserve their independence and sovereignty.
In spite of the strains that have developed in Pakistan–Soviet relations as a result of the Soviet military intervention in Afghanistan, Pakistan is maintaining a constant dialogue with the Soviet Union.

We have taken into account the statements of the Soviet authorities setting forth the reasons for their military intervention in Afghanistan as well as their demand for guarantees of non-interference before they agree to withdraw their forces from that country.

It is obvious, however, that it is beyond Pakistan’s capability to seal a 1400 miles long border with Afghanistan which runs through some of the most rugged and inaccessible terrain in the world to guarantee against trans-border movement.

The President of Pakistan has discussed this matter in September 1979 at Havana with the late Nur Mohammad Taraki who had conceded that the border could not be sealed from either side.

Notwithstanding the situation in Afghanistan, I am happy to inform the Federal Council that economic cooperation between the Soviet Union and Pakistan is being maintained and further expanded. The Soviet Union has extended valuable assistance to a number of large projects including the Karachi Steel Mills and the Guddu Thermal Project, and has agreed to assist in the implementation of new large-scale development schemes.

The President has stated on a number of occasions that Pakistan and the Soviet are neighbours and we must continue to seek good relations with this super-Power.

Now that we are a Non-Aligned nation, the complications in our relations with the Soviet Union arise primarily from the situation in Afghanistan. However, it is our conviction that the interests and aspirations of the countries and the people concerned with the Afghanistan problem are not irreconcilable.

It will be our continuing endeavour, with the support of the international community, to find a peaceful and equitable solution of this grave and tragic situation, through the good offices of the Secretary General of the United Nations.

* * *

Relation with India

I now turn to our relations with India which have acquired an added
importance in the context of recent regional and global developments. The situation around us has undergone drastic and fundamental changes.

- It is the foremost duty of the leadership in both the countries to address themselves to the new situation before it is too late. The obsolete and rigid moulds of thinking must be discarded. The times demand new and bold solutions for the old problems.

- We in Pakistan are deeply conscious of the need to respond to the imperatives of the grave new situation which is constantly unfolding around South Asia. And we hope that India, as the largest country in our region, is also engaged in a similar exercise.

- Consistent with its policy of good-neighbourliness towards all countries in the region, President Zia-ul-Haq's Government has endeavoured to establish and promote friendly and tension-free relation with India. In the Simla Agreement of 2nd July 1972, Indian and Pakistan agreed to turn their backs on the conflict and confrontation of the past.

- Only a lasting peace between them will enable the two countries to devote their precious resources to the eradication of poverty, ignorance and disease and to the building of secure foundations for a new and better life for their peoples.

- The edifice of permanent peace between the two countries can be raised only on the basis of sovereign equality, justice and respect for the principle of non-interference in each other's internal affairs.

- A beginning has already been made in the opening up of new prospects for mutual understanding and co-operation by the peoples of the two countries.

- Travel and communication facilities have been enlarged and exchanges in the field of sports and culture have been greatly increased.

- Large numbers of Indian citizens thronged to the Pakistan pavilion at the Delhi Trade Fair last month to acquaint themselves with the capabilities and achievements of our young nation. There they had a glimpse of a new Pakistan and were deeply impressed.

- We are prepared to proceed further in all fields where progress is possible. We would welcome expansion of bilateral trade on the basis of equality and mutual benefit. We are equally ready to further improve facilities for travel and communications. During 1981, over 110,000 Indian citizens visited Pakistan.
We are opening a Consulate General in Bombay in the near future which would *inter alia* provide greater facilities for the travel of India’s citizens to our country. These measures and others to follow would, we hope, improve the prospects of better relations in the political field.

**On India Reaction to U.S. Arms for Pakistan**

- Unfortunately, the course of good relations between the two countries on the political plane continues to be obstructed by the bitter legacy of the past which creates fears of traps and deceptions.
- There is certainly no justification for such apprehensions and suspicions on the part of India which is by far the largest country in our region and need not fear a threat to its security from Pakistan.
- Last year when Pakistan, faced with a deteriorating security situation in the region, entered into an agreement with the United States which would enable it to acquire a modest quantity of military equipment to replace some of its obsolete weapons and that too by means of cash purchases or credits at high rate of interest over a period of five years, India’s reaction was inexplicably hostile.
- There was talk of war in India loud enough to reach our ears. The suggestion that Pakistan could ever acquire the capability to commit aggression against India was totally unfounded and failed to carry any credibility.
- The whole world was aware as were the people of India that Pakistan faced a difficult situation and, far from harbouring any aggressive designs against any of its neighbours, was desperately trying to strengthen its defences in the face of accumulating dangers.
- The world also knew that India’s armed forces were several times larger than Pakistan’s. That India’s indigenous arms industry produced an impressive array of modern armaments and that it had been embarked for years upon the acquisition of large quantities of the most sophisticated weapons system from the Soviet Union, at highly concessional prices and credit terms, as well as from Western countries.
- A substantial part of the supplies from abroad include Jagur deep penetration and strike aircraft, MIG-23s and MIG-25s. T-72 tanks and missiles, etc., have already reached India. Additional military equipment, including it is believed MIG-27s, will be delivered over the next few years. Furthermore, India is negotiating a $3 billion deal for the purchase of 150 Mirage-2000 aircraft from France. All these acquisition will ensure India’s continued military preponderance in the region.
On Kashmir & Simla Accord

- Coming to the question of Jammu and Kashmir, our position of principle and our commitment to its peaceful settlement have been misconstrued and misrepresented in India. If only this basic problem could be resolved the situation in the region would be entirely transformed. We have consistently maintained that the Jammu and Kashmir dispute must be resolved through peaceful means in the spirit of the Simla Agreement and in the light of the relevant UN Resolutions on the subject. The relevant provisions of the Simla Agreement commit the two sides equally to seek a solution of the dispute through bilateral negotiations without prejudice to their recognized positions on this issue.

- Since the conclusion of the Simla Agreement no initiative has been undertaken for settlement of the Jammu and Kashmir question. Negotiations on this problem can best take place in a climate of friendly relations between the two countries. Various factors including global developments leading to different geo-political perceptions and policies on the part of the two countries, primarily in regard to the foreign military intervention in Afghanistan have exerted a negative influence on the climate of bilateral relations.

- Pakistan remains firmly committed to the Simla Agreement and believes there is nothing in that agreement to derogate from the rights and privileges of either of the two parties, under the United Nations Charter. When we refer to Kashmir in international forums, while the dispute has not been addressed in accordance with the procedure laid down in the Simla Agreements, it should not be misinterpreted or misconstrued in India as a bid to deviate from that accord.

On No-War Pact Offer & Other Moves

- Apart from the other steps to improve relations with India mentioned earlier, we have, in view of the Indian suspicions and talk of war, taken a number of steps in the hope of reducing tension and preparing a congenial atmosphere for promoting peace and good neighbours.

- Sometime back, we had made an offer to India to discuss the ratio of military forces to be maintained by the two countries to prevent an arms race. More recently, in September last to be precise, we proposed immediate negotiations on the exchange of mutual guarantees of non aggression and non use of force in the spirit of the Simla Agreement.

- This proposal was well received all over the words. Having initially reacted with skepticism, the Government of India has now responded
with a proposal containing some positive features. At the invitation of India’s Minister of External Affairs His Excellency Mr. Narasimha Rao, I will be visiting New Delhi towards the end of this month for initial discussions on a non-aggression pact.

- In the meantime, both sides are engaged in seeking clarifications through diplomatic exchange. We shall approach these negotiations in a spirit of sincerity and good faith, aware of the fact that their successful conclusion could constitute an historic achievement.

- We shall make every effort to overcome differences so as to conclude a non-aggression pact which would not derogate from the independence and sovereignty of Pakistan and would serve to reinforce the provisions of the Simla Agreement on the non-use of force and peaceful settlement of disputes between our two countries.

- The non-aggression pact would neither add to nor subtract from the provisions of the Simla Agreement in respect of the Jammu and Kashmir dispute.

- The central objectives of the agreement we have proposed to India are two-fold. Firstly, the two countries should exchange mutual guarantees of non-aggression and non-use of force, and secondly, they should reaffirm their solemn commitment to resolve disputes and differences, present or future, exclusively by peaceful means.

- Pakistan would be prepared to exchange views on these as well as any other related elements deriving from the principles accepted by the world community of States as the basis of international relations, such as the five principles of peaceful co-existence.

- The Majlis will no doubt appreciate that the conclusion of a non-aggression agreement will be a farsighted decision on the part of both Pakistan and India. It could help banish fear and suspicion, provide opportunity for the promotion of goodwill and co-operation without any derogation whatsoever from the principle of sovereign equality, and one may hope, usher in an era of genuine friendship between the two counties.

- The positive impact of such a transformation in the political climate of South Asia would not be confined to this region alone. It would extend its stabilizing influence not only to the adjacent areas but also contribute to the abatement of super-power tension and confrontation. It is, therefore, to be fervently hoped that all the great powers will make a positive evaluation of our efforts and will view the conclusion of a non-aggression pact in no way contrary to their interests but as a significant
contribution to the strengthening of regional security and to peace and détente.

- Besides India and Pakistan, the South Asian region includes Bangladesh, Bhutan, Nepal, Sri Lanka and the Maldives Islands. A proposal for regional cooperation among all these South Asian counties was put forward by the late President Ziaur Rehman of Bangladesh in May 1980.

- The Foreign Secretaries of these counties have so far held two meetings and have identified areas for possible regional co-operation in the fields of tele-communications, meteorology, agriculture, rural development, health, population, scientific and technical co-operation, transport and postal services.

- Pakistan has participated actively in both meetings. A third meeting will be held at the same level in Pakistan this year which is likely to be followed by a conference at the Foreign Ministers’ level.

- There is little likelihood of political co-operation on a regional basis in view of the differing perceptions of geo-political developments in adjacent regions and the existence of certain disputes and differences. Nevertheless, it is our hope that co-operation in the economic and technical fields mentioned above would promote greater harmony among the countries of South Asia and also provide a forum for the consolidation of relations on the basis of sovereign equality by dispelling notions of primacy or supremacy voiced from within the region or injected from without.

**On Relations with USA**

- It is not by coincidence that I turn to our new relationship with the United States which has been forged in the aftermath of the developments which have taken place in South West Asia.

- The United States has now more fully perceived that Pakistan has had the courage and far-sightedness to take a position in principle on the Afghanistan crisis, the resolution of which, in accordance with the Principles of the United Nations, the Islamic Conference and the Non-Aligned Movement, is vital to the security and stability of the Gulf region.

- The vital economic and strategic interests of a great many countries of the world in the uninterrupted and secure flow of the oil from the Gulf countries are self-evident.

- Pakistan has thus acquired a new strategic importance in relations to the security of the Golf. Consequently, its independence, territorial
integrity and genuine non-alignment have gained an added dimension in the world’s perception.

- It is for this reason that the Reagan Administration came forward with a more realistic offer on an economic aid and military sales package to Pakistan to help strengthen its security and economic viability.

- I do not have to go into the details of the $3.2 billion assistance agreement concluded with the United States. The nature and composition of this package, equally divided between economic aid and military sales, extending over a 5-year period, and the terms for the repayment of the 14 percent interest loans to cover the military sales component was fully explained by me in the public seminars held at Lahore and Karachi last year.

- The question raised at those meetings, namely what is the quid pro quo for this United States economic aid and military sales package, whether Pakistan would not be expected to grant bases to the United States, or provide similar facilities to the Rapid Deployment Force, or be expected to align itself with the United States in a regional strategic consensus directed against the Soviet Union or act as a conduit for supply of arms to the Afghan Mujahideen or soften its support to the just Arab cause and the Palestinian self-determination and so on and so forth, were addressed in a frank and forth-right manner in those seminars. Also questions about the dependability and durability of the US connection were raised and debated on those occasions.

- In respect of one issue, however, namely Pakistan’s modest and peaceful nuclear programme of research and development, I frankly told the nation that the United States was likely to stop the flow of economic assistance and military sales if Pakistan were to carry out a peaceful nuclear explosion. Last month US Congress enacted a law to this affect.

- I need only emphasize that the prolonged negotiations preceding the conclusion of the agreement were undertaken with the sole objective of ensuring that the terms of the final agreement were fully consistent with our status as a member of the Islamic Conference and the Non-aligned Movement. The agreement was signed only after we were satisfied that these essential conditions of ours were met. You would recall that earlier in February 1980 when an offer of $400 million assistance over a two year period was brought by Dr. Brzezinski, President Carter’s National Security Adviser, we rejected it because we had little time to examine the offer and ensure that it contained no features repugnant to our non-aligned status.
No Pak Bases Offered to USA

- Members of the Federal Council can reject, with confidence, any suggestions or insinuations from interested quarters to the contrary. We are fully aware of the unwarranted campaign, which allege that in return for the US aid package the United States demanded concessions such as bases on Pakistan’s soil and that the demand was met. Such suggestions are totally baseless. The President set the record straight in his address to the nation on December 24 and categorically rejected such insinuations.

- Pakistan remains first and foremost a Muslim and non-aligned country and the recent military sales and economic assistance agreement signed with the United States will, in no way, affect its policies. Pakistan’s commitment to the Islamic cause, whether in Iran, the Middle East or anywhere else, which is the sacred legacy of the Quaid-e-Azam and which is embedded in the profoundest depths of our national consciousness is, and shall always remain the inspirations and the cornerstone of our foreign policy.

On Indian Ocean & Gulf as Zone of Peace

- Pakistan is equally committed to do all that lies in its power to reinforce the structure of peace and tranquility in our region. We want to see the Indian Ocean and the Gulf region transformed into a Zone of Peace, free from the tensions of Superpower rivalry and confrontation. We are also opposed to the creation of spheres of influence and hegemony in the region.

On ties with China

- In the pursuance of these objectives as well as in the immediate context of Pakistan’s national security, Pakistan has a reliable friend and partner in the great People’s Republic of China. Friendship with China, as the President has often said, is an abiding feature of our foreign policy. This is so because of a shared commitment to principles and a continuing convergence of interests.

- Our relationship with China has proven its strength and durability. It has remained above change while changes have occurred in the internal and external environment of the two countries. Whether it has been in the field of defence or that of economic development, China has stood by Pakistan as a dependable and generous friend. In concrete terms, China’s commitment to Pakistan’s security and welfare is exemplified in the establishment of the Heavy Mechanical Complex, the Heavy Forge
and Foundry, the Tank and Aircraft Rebuild Factories and, last but not least, the great Karakoram Highway which links the two countries in everlasting friendship.

On Nuclear Non-Proliferation & N-Deal with France

- Pakistan has also made constructive proposals in the international discussions for a genuine reduction of both nuclear and conventional weapons on a world-wide as well as regional basis.

- Pakistan’s record in the field of non-proliferation of nuclear weapons is second to none. However, despite the various initiatives that we have taken at the United Nations to halt the spread of nuclear weapons, an unprecedented campaign has been launched against our peaceful nuclear programme and tremendous pressures have been brought to bear on Pakistan to give up its right to obtain nuclear technology for peaceful uses. This august house will recall that Pakistan had contracted with France for the supply of a reprocessing plant which would make Pakistan independent in nuclear fuel. However, under pressure from the United States, the then President of France Mr. Giscard d’Estaing broke a solemn agreement and refused to honour the French commitment to sell reprocessing plant to Pakistan. The United States also imposed economic sanctions against Pakistan. Our modest research and development programme in the nuclear field has been subjected to criticism abroad despite the fact that there is ample economic justification for this programme and although we have reiterated at the highest level on a number of occasions that Pakistan does not intend to acquire or manufacture nuclear weapons.

- The pressures being brought to bear on Pakistan have been discriminatory since many other counties which are placed in similar circumstances are not being subjected to such pressures. The cynicism of the former United States Administration was evident from the fact that one of their spokesmen openly stated that they would apply different standards to different countries.

Pak N-Plan De-linked From US Package

- During our recent negotiations for the arms sale and economic aid package with the US, we had been assured that Pakistan’s nuclear programme would be de-linked from the package. However, the law as finally enacted by the United States Congress provides for the termination of economic assistance and military sales to Pakistan in the event of
Pakistan conducting a peaceful nuclear explosion. Pakistan has repeatedly affirmed that while it is not prepared to compromise on its sovereign right to acquire nuclear technology for peaceful purposes, it has no intention of developing nuclear weapons.

Mr. Chairman, Members of the Federal Council, I have taxed your patience in an efforts to give you as full and frank a picture of the state of Pakistan’s external relations to the distinguished members of the Federal Council as I could in an open public debate. As you know, the people of Pakistan, well informed through the foreign policy speeches and Press conferences of the President, official statement as well as impromptu seminars such as addressed by me in Lahore and Karachi last year, have given proof of their maturity by the understanding they have shown of the policies that are being followed. We are now entering a new phase of the consultative process with the inauguration of the Majlise Shoor which I have the honour of addressing today.

The desires, the sentiments, the thoughts, the views and the preferences of the people of Pakistan can now be articulated in the Federal Council. The Honourable Members thus have a great opportunity to act as a channel of communication between the Government and the people not only in purely domestic matters but also in the field of foreign policy. The advice and views that you may choose to put forward in the future would fill an existing void. However, the opportunity goes hand in hand with an onerous responsibility. That responsibility demands that matters of foreign policy which have a direct and immediate bearing on our relations with foreign countries and our national security are handled with due care and circumspection.

The conduct of our foreign policy and the pattern and strategy of our diplomatic activities have achieved a character and quality of their own. Both in the pursuit of the national objectives of safeguarding the political independence, state sovereignty and territorial integrity of Pakistan and the espousal of principles having a general application to situations affecting peace and security, our efforts have received wide recognition. In an extremely difficult situation such as that we continue to face, the policies and the approach by the periodic Conferences of our Envoys have served to ensures our security and enabled us to navigate through the swirling storms that have engulfed our region.

Wala Tahinoo Wala Tahzanoo Wa Antumul Alouna In Kuntum Momineen
(So lose not heart nor fall into despair, for ye must prevail if ye are true in faith).
0983. **Report of Official Level Talks between the delegations of India and Pakistan on January 30.**

**New Delhi, January 30, 1982.**

The officials of the Indian and Pakistani delegations met nearly for two hours on 30th January, 1982 and considered bilateral issues.

The Pakistani delegation expressed itself in favour of increased contacts between the two countries at various levels. The Indian side agreed and emphasized the importance of people to people contacts. It was agreed that there was an imperative need to take such action and conclude such agreements as would facilitate this common objective of the two Governments.

The Pakistani side announced that they have obtained approval for regular visits to Katas Raj and Hayat Pithafi out of a list of eighteen additional shrines suggested by India. The Pakistan side agreed to review the possibilities of opening up the remaining shrines. The Indian side welcomed this decision of the Pakistan Government.

The Indian side enquired about the various proposals which they have made to Pakistan in the fields of communications, postal rates, tourism, border ground rules, demarcation of the maritime boundary, etc. The Pakistani side state that the proposals were still under examination by their authorities. It was agreed that, keeping in view the common objectives of both Governments, urgent action be taken to complete the examination and implement appropriate measures.

In the context of liberalization of visa policy, the Indian side pointed out that they had already started issuing visas for four places instead of three and requested implementation of the decision by the Pakistani side. The Pakistani side agreed to check the position in this regard.

The Indian side renewed their proposal for an agreement for free exchange of books, newspapers and periodicals and an annual cultural exchange plan to step up cultural contacts. The Pakistani side stated that it would examine these proposals.

In respect of missing Indian defence services personnel, the Pakistani delegation reiterated its proposal for inspection in both countries by the International Committee of the Red Cross. The Indian side suggested that the two Governments offer facilities on a reciprocal basis to relatives of missing persons to carry out on the spot investigations. It was agreed that the matter will continue to be kept under consideration.

As regards the problems of the dues owed by the Airlines of the two countries, the Indian side proposed the conclusion of a double taxation avoidance
agreement which would be applicable to the two airlines with retrospective effect. The Pakistani side promised to have the proposal considered.

In regard to trade, it was recalled that there had been no official negotiations on the new trade agreement since the technical talks in Islamabad in November, 1980. However, Pakistan’s major participation in the Indian International Trade Fair, 1981 had projected Pakistan’s export capacities to India. The visit of the Federation of Pakistan Chambers of Commerce & Industry Delegation to New Delhi in November 1981 had also contributed to a greater understanding of Pakistan’s export capacities and import requirements.

Informal discussions have taken place during the visit to India of the Secretary to the Government of Pakistan in the Ministry of Commerce as well as with Pakistan’s Minister for Export Promotion. Both sides reiterated their well known positions. The Indian side offered to negotiate appropriate safeguards for Pakistan’s industry and its trade balance with India provided Pakistan agreed to resume trade on a non-discriminatory basis. The Indian side suggested that trade talks could be resumed on this basis.

Both sides discussed that need to prevent hostile propaganda against each other. In this connection, the Pakistani side reiterated its invitation to the Indian Minister and Secretary of Information and Broadcasting to visit Pakistan, specially with a view to discussing possibilities of coordination between newspaper organizations of the two countries. The Indian side agreed that such visits may take place at mutually convenient times. It also reminded the Pakistani side that Pakistani text books contained certain anti-Indian passages which have a highly undesirable effect on impressionable students. The Pakistani side agreed to have the matter examined.

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0984.  

SECRET

Record of the Meeting between External Affairs Minister P. V. Narasimha Rao and Agha Shahi, Foreign Minister of Pakistan.

New Delhi, January 31, 1982.

[Mr. Agha Shahi and I met in my room for about 70 minutes this morning. No aides were present.]  (The note is recorded by Mr. Rao himself)

2. Mr. Agha Shahi started the conversation by referring to his meeting with Shri G. Parthasarathy this morning and how he explained to the latter, Pakistan’s point of view on the U.S. Congressional legislation regarding arms assistance to Pakistan. According to the U.S. law, they have to invoke the provisions of the Foreign Assistance Act and make amendments there in order to authorize any such sales. However, whatever the legislation might say, one has to judge the transaction by the joint statement issued by him and the U.S. Secretary of State after their talks at the political level. In this statement, Mr. Agha Shai said, it was clearly stated that there was no question of Pakistan becoming part of any U.S. consensus nor did U.S. expect any bases etc. from Pakistan. Mr. Agha Shahi went on to say that he was engaged in consolidating Pakistan’s non-aligned position which he though was understood and appreciated in Western Europe and also to some extent in the Soviet Union. So far as the U.S. is concerned, he said that some sections of the U.S. Administration understood it while in some others, particularly in the Pentagon, there were reservations. In any case, he had himself told the American Administration that it would be good for both sides that Pakistan maintains friendly relations with the U.S. but is not too close to it since such closeness would inevitably lead to complications.

3. Responding to this expose, I told Mr. Shahi that I had no reasons to disbelieve him. Yet the task of convincing all sections of people and Parliament in India on this score would not be easy. The importance of U.S. legislation cannot be minimized because, in the first place, it is that legislation which regulates the assistance to Pakistan and, further, there is an inexorable logic of that legislation which cannot be ignored. This being the position, unless a sustained effort is made in earnest on both sides, Pakistan’s position will continue to be difficult to sell to the people in India.

4. Thereafter I asked him. In passing, the significance of General Arif and Shabzada Yaqub being included in this delegation. He explained at length that he had himself asked for the inclusion of General Arif because he thought that the point of view of the Foreign Office could be better appreciated in the military
circles if General Arif is exposed to the discussions and is able to report to the
President and the Military Generals personally. As far as Shabzada Yaqub is
concerned, he said he was a senior General and a diplomat and he, i.e. Agha
Shahi, had taken his assistance on previous occasions also. He also said that
he had kept General Arif with him on several earlier occasions.

5. Mr. Agha Shahi said that while he was trying to strengthen the position
of Pakistan as a non-aligned country, it would be difficult for him to sell anything
in his country which would look like a formulation derogatory to the question of
bases and facilities. He said that while there was no question of giving any of
these to the U.S., it would not be proper to spell out these things in so many
words in the agreement. Instead, he would prefer a more general formulation
accepting the principles of non-alignment.

6. I responded by saying that while I agree that we should not include
phraseology which cannot be acceptable to Pakistan, at the same time, we
should make the formulations in such a way that they are not seen in India as
lack of progress and as the Indian Government having been caught on the
wrong foot. He agreed with this view.

7. In regard to a draft agreement, he said that he had a draft ready although
he had given the press a different version. I immediately told him that we also
had a draft ready but in case we exchange the drafts, both would willy nilly be
committed to the phraseology and content of the respective drafts and when
these become public, it would be very difficult to make any headway in the
formulation of an acceptable draft. He agreed with this view and said that we
may instead discuss the Aide Memories already exchanged and, in view of the
trend of discussions, if we felt that a draft could be attempted, we could do so
at the end of the discussions.

8. It was decided that the discussions should take place in a framework of
more restricted delegations consisting of three on each side, besides the Foreign
Ministers. It was decided to have these discussions from 3.00 PM to 4.15 PM
this afternoon and, if necessary, to have another sitting tomorrow before Mr.
Agha Shahi leaves New Delhi. It was also decided to have an agreed version
issued to the press at the end of these discussions.

Sd/-
(P.V. Narasimha Rao)
31-01-1982
0985. **Joint Statement issued at the end of the visit of Pakistani Foreign Minister Agha Shahi.**

New Delhi, February 1, 1982.

The Foreign Minister of Pakistan, Mr. Agha Shahi, visited New Delhi from 29 January to 1 February, 1982 in response to the invitation extended by the Minister of External Affairs of India, Shri P.V. Narasimha Rao, to continue the dialogue between them on matters of mutual interest to the two countries.

Mr. Agha Shahi was accompanied by Ambassador Sahabzada Yaqub Khan and Lt. Gen. K.M. Arif, Chief of Staff to the President of Pakistan, as well as officials of the Pakistan Ministry of Foreign Affairs.

Mr. Agha Shahi, accompanied by the members of his delegation, witnessed the ceremony of the Beating of the Retreat marking the culmination of the Republic Day celebrations. Mr. Agha Shahi also attended the ceremony organized at the Gandhi Samadhi at Rajghat on 30 January. He called on the President of India, Shri N. Sanjiva Reddy and the Vice-President of India, Shri M. Hidayatullah. He was received by the Prime Minister, Shrimati Indira Gandhi on 31 January.

The Foreign Ministers had several rounds of formal talks and informal discussions in an atmosphere of frankness, warmth and cordiality.

Reviewing the situation in the region and important international developments since their last meeting, they shared a similarity of views on many issues, including Israel’s policy of brazen expansionism, the extension of Israel’s laws to the captured Syrian territory in the Golan Heights, the attacks on Palestinian refugee camps and the attack on the Iraqi reactor at Baghdad.

With regard to the situation in Afghanistan, the Foreign Ministers noted the recent moves to initiate a dialogue for a political solution of the problem and expressed their hope for early progress in the matter. In this context, they reaffirmed their adherence to the Declaration of the Non-aligned Foreign Ministers’ meeting in New Delhi in February 1981.

The proposal for the conclusion of an agreement on nonaggression and non-use of force between India and Pakistan was discussed in detail by the two Foreign Ministers. The Foreign Ministers noted with satisfaction that the air had been sufficiently cleared to facilitate specific consideration of the elements which could constitute the substance of such an agreement. A measure of mutual understanding was reached on a number of these elements. The Foreign Ministers agreed that officials of the two countries will meet in Islamabad before the end of February 1982 in order to continue their exchange of views on the
contents of the proposed agreement. The two Foreign Ministers agreed that the conclusion of such an agreement would make a positive contribution to peace and stability in the region.

Both sides recognized the need to maintain bilateral contact on a frequent and regular basis at various levels. The Pakistan side welcomed the proposal made by the Prime Minister of India to establish a Joint Commission to review and promote Indo-Pakistan relations.

The Indian side welcomed the announcement by the Foreign Minister of Pakistan that, in addition to the shrines covered by the 1974 Indo-Pakistan Protocol, the Government of Pakistan would open two more shrines namely Katas Raj in the Punjab and Hayat Pitafi in Sind to pilgrims from India.

The two Foreign Ministers recognized the desirability of further action to pursue their common objective of promoting contacts between the peoples of the two countries. In this spirit, they discussed several bilateral matters.

As regards the missing defence personnel of the two countries, Both sides recalled that searches of jails made in the past had failed to locate such persons. Expressing sympathy for the distress of the affected families, they agreed to make fresh efforts to locate the missing personnel.

The Foreign Minister of Pakistan thanked the Indian Minister of External Affairs and the Government of India for the generous hospitality extended to him and to members of his delegation. The Pakistan Foreign Minister extended an invitation to the Minister of External Affairs of India Shri P.V. Narasimha Rao, to pay a visit to Pakistan at his convenience. The invitation was accepted with pleasure.

New Delhi, February 1, 1982

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Joint Press Conference addressed by the Indian and Pakistan Foreign Ministers.

New Delhi, February 1, 1982.

Addressing a joint Press conference with Indian Foreign Minister Narasimha Rao at New Delhi, Mr. Shahi summed up his talks with Indian leaders by remarking that Pakistan and India had reached an area of commonality and would now try to achieve satisfactory mutuality.

Replying to a question, Mr. Shahi said their talks were in no way discouraging in relation to Pakistan’s proposal for non-aggression pact. Of course, there were difficulties but “we shall spare no efforts to achieve the objective.”

Answering another question, Mr. Shahi said the time needed for concluding the non-aggression pact would depend upon the progress in the next round of talks to be hopefully held in the middle of the current month.

He told a questioner that regardless of their political opinion, the people of Pakistan were in favour of peace and no-war pact with India and recalled that the Federal Council of Pakistan recently extended its support to the non-aggression pact proposal.

Replying to another question Mr. Shahi said in discussion of specifics of the elements of non-aggression pact, they reaffirmed the Simla Agreement and the purposes and principles of the United Nations Charter and obligations thereunder.

Indian Assured of Pak Sincerity

When a questioner pointed out that at one stage the Indian side considered Pakistan’s offer as a trap, Mr. Narasimha Rao said during the last three days, they had had discussion on all the points. He, however, denied that he had ever described the Pakistan offer as a trap, although the statement had been attributed to him. Anyway, he said, they had already reached the stage of discussion of the specifics. Continuing of these discussions would lead the two countries to a point where the object of Mr. Shahi’s current visit might be achieved.

Mr. Shahi added that he had assured the Indian side that Pakistan’s offer had been made in all sincerity and good faith and he hoped India was convinced that the proposal was genuine and bona fide.

Answering another question, Mr. Shahi said while coming to India he had stated that he was coming for initial talks. Obviously, the matter of such a fundamental importance would require extended dialogue to bring about meeting of minds.

Asked whether India and Pakistan shared common perceptions of the situation in the region, Mr. Shahi said: “We have discussed the question of bilateralism
as dealt with in the Simla Agreement will be faithfully respected." Both Pakistan and India subscribed to the Non-Aligned Havana summit declaration and the Delhi declaration of Non-Aligned Foreign Ministers conference held in February last. The question was finding an appropriate formulation.

Asked to comment on the reported offer of Mrs. Indira Gandhi to sign a treaty of friendship with Pakistan, Mr. Shahi said Pakistan regarded this statement as expression of goodwill on the part of Mrs. Gandhi and shared her desire to live in peace. Pakistan also welcomed Mrs. Gandhi’s statement that India would never attack Pakistan. The substance and central provision of a non-aggression pact, by whatever name it might be called, was renunciation of force and peaceful settlement of the disputes.

Answering a question on the Kashmir dispute, Mr. Shahi recalled his statement issued on the eve of his departure for Delhi and reiterated that such a pact would neither add to nor subtract from the provisions of the Simla Agreement.

The Simla Agreement contained comprehensive guidance for regulating relationships between the two countries. In the course of time, it was discovered that these provisions and imperatives need to be reaffirmed and re-verified, “We believe that the non-aggression pact will strengthen the Simla Agreement", he added.

**On other bilateral issues**

Replying to a question about the promotion of better relations between the two countries, Mr. Shahi said the first step was the consolidation of peace and to establish tension-free relations and other matter would be taken up subsequently.

An Indian trade team would, however, be visiting Pakistan shortly to step up volume and value of trade between the two countries.

Asked as to what effect the acquisition of arms by Pakistan would have on the conclusion of the non-aggression pact, Mr. Shahi said they had no bearing on such a situation.

Pakistan and India had had considerable exchange of views on the matter. It was not accepted by anyone in the world that such a treaty or arrangement deprived any country of its sovereign rights to provide for self-defence.

Asked if any discussion was held on the withdrawal of troops from the borders in view of the non-aggression pact proposal, he said they had not yet come to discuss this matter.

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0987. Press Conference of Pakistani Foreign Minister Agha Shahi on return from New Delhi.

Lahore, February 1, 1982.

The Foreign Minister of Pakistan and India have reached a measure of mutual understanding on a number of elements which could constitute the substance of the proposed non-aggression agreement between the two countries, said Agha Shahi quoting the Joint Press statement issued at Delhi and Lahore after the conclusion of talks between the two countries.

The two Foreign Ministers noted with satisfaction that the “air had been sufficiently cleared to facilitate specific consideration of the elements which could constitute the substance of such an agreement.” It was stated that the proposal for the conclusion of an agreement on non-aggression and non-use of force was discussed in detail by the two Foreign Ministers.

The result of the first round of talks with Indian leaders were “more or less in accordance with expectations”, Mr. Shahi said, but also struck a note of caution by saying that he would not like to raise hopes as in such negotiations, there were always slips between the cup and the lips.

He had asked the Indian leaders not to suspect the bona fides of Pakistan out of sheer distrust and place before him any evidence of facts to show their fears.

Indian Approach Serious

Observing that “he cannot say what there had been in their hearts”, Mr. Shahi said the Indian leaders had seriousness of approach and had committed to a second round of talks from the point the both sides left their discussions at New Delhi on February 1.

By the middle of this month, a high–level official team of India would visit Islamabad to continue discussions.

On Mrs. Gandhi’s Move for Friendship Treaty

Replying to a question about the Indian Prime Minister’s proposal for a treaty of friendship with Pakistan, Mr. Shahi said Mrs. Indira Gandhi had told him when he called on her that she had made the remark to the Pakistani newsmen because the Indo-Soviet Treaty of Friendship was always flung on her face. She had said that she was also ready to have a treaty of friendship with Pakistan. The Indian side seemed to have taken up the idea.

But “whether you call it non-aggression pact or no-war pact, a peace treaty or
friendship treaty, central to any of these treaties or agreements will be
proposition that the two sides renounce war to settle their disputes and adhered
themselves to non-aggression and to exclusively peaceful settlement of
disputes.” Mr. Shahi added.

The heart of the matter proposed by Pakistan, he said, was the consolidation
of peace to stabilize the relations between the two countries and the situation
in the region.

On Kashmir

Referring to the Kashmir dispute, Mr. Shahi said he had made it clear before
leaving for India that nothing would be added to or substracted from the
provisions of the Simla Agreement in regard to Jammu and Kashmir. It was a
disputed territory and the dispute was yet to be settled. He did not think there
was any disposition on the part of India to challenge the proposition that the
dispute remained to be settled and this was stated in the Simla Agreement.
India’s claim that the state had acceded to it was an old position and "you know
Pakistan’s position which has been reiterated several times and it was at
variance with the Indian claim."

On move for Indo-Pak Joint Commission

RePLYING to a question about the Joint Commission Mr Agha Shahi said Pakistan
was already thinking of setting up an institutional machinery to bridge the
communication gap between the two countries. One of such gaps was in respect
of arms supply to both the countries. The Indian thought that Pakistan was
going to get massive armaments whereas Pakistan knew that India was
obtaining military supplies manifold of Pakistan’s arms purchases.

Pakistan thought that face-to-face talks were always useful to bring down tension
and to minimize misunderstanding if it was not possible to prevent them from
arising. "We were already prepared for the idea of proposing an institutional
machinery and in our conversations with India, we raised this question."

When he called on the Indian Prime Minister, she asked him how the talks
were going and observed that it would be a pity if nothing came out of the talks.
She then suggested the establishment of a joint commission. "Here was situation
in which both sides were thinking of the need of establishing an institutional
machinery to bridge the communication gap whenever it may arise."

To a question about the possibility of a summit meeting of the two countries,
he said such a conference needed good preparations because such
conferences must produce positive results. Mere holding of meetings could be
counters productive.
A summit meeting between Pakistan and India could take place whenever the ground was considered to have been sufficiently prepared for the meeting, he added.

“Possibly, I cannot predict,” was his reply to a question whether it would be a long road for signing an agreement.

On Indian Attitude to Afghanistan Issue

As a correspondent asked about the Indian attitude towards the Afghanistan issue, Mr. Agha Shahi said he hoped the Indian attitude would be positive in the light of the joint statement because India had reiterated the position adopted by the Non-Aligned Foreign Ministers’ conference held in February last in New Delhi.

On Trade Relations

Replying to another questions, he said the trade relations between the two countries were also discussed and Pakistan had pointed out that now the ball was in the Indian court and they could send a delegation to further pursue the matter.

The issue between the countries was whether trade with India should be thrown open to the private sector in Pakistan. It was a matter for experts’ consideration. He hoped India would send a commercial delegation to pursue the question further.

SECRET

0988.

Record of the briefing given by Foreign Secretary R. D. Sathe to the Soviet Ambassador Y. M. Vorontsov on the visit of Pakistani Foreign Minister Agha Shahi.

New Delhi, February 10, 1982

Foreign Secretary’ Office

Mr. Yuli M. Vorontsov, the Soviet Ambassador, was called to the Ministry by Foreign Secretary to be briefed on the visit to India of the Pakistan Foreign Minister, Mr. Agha Shahi.

2. F.S. Began by mentioning Agha Shahi’s press conference at Lahore, in which the latter had stressed that the so-called no-war pact proposal of Pakistan
was made in all sincerity. He had stated that Pakistan would abide by all the provisions of the Simla Agreement, and that in offering the pact, it had no intention of abridging or expanding the Simla Agreement as far as the Kashmir issue was concerned. He clarified that the pact was not intended to halt progress in, or change the spirit of, the Simla Agreement. In Pakistan’s assessment, the time was now appropriate for the proposal that they had made. Agha Shahi had remarked at one stage that it was ironic that a small country like Pakistan had to make such an offer to a much bigger country like India. This, however, was not a credible argument, FS pointed out adding that we had told Pakistan in no uncertain terms that India had taken the initiative in the matter on several occasions ever since 1949 and that it was Pakistan that had turned down our proposal every time. Of late, moreover, Pakistan was arming itself with sophisticated weaponry that gave it a distinct offensive edge vis-à-vis India. Agha Shahi had noted the misgivings expressed in the Indian Press on the Pakistan offer but reiterated that the offer was not a “trap”. Ambassador Vorontsov remarked that the Indian Press seemed satisfied at the outcome of the discussions.

3. On the question of American arms to Pakistan FS went on to say, Agha Shahi clarified that Pakistan would not provide military bases or other military facilities to the U.S. in return for the arms, nor would they be involved in America’s “strategic consensus” in West Asia. It was unthinkable, Agha Shahi averred, that Pakistan could join the United States in an active partnership that included Israel. Pakistan attached great importance to non-alignment.

4. As far as India was concerned, FS said, our stand on both the no-war proposal and US arms to Pakistan has always been clear. While we were surprised that the Pakistanis had originally chosen to make their no-war pact offer at the fag end of a public statement on the acceptance of US arms, almost as an after thought, we were nevertheless willing to look at it seriously. We were sincere in wanting friendship and cooperation with Pakistan and did not wish to engage in scoring propaganda points. Our Prime Minister had in fact told Pakistani journalists that India would never attack Pakistan, no-war pact or no pact. The Pakistani side, according to Agha Shahi, appreciated this assurance from our Prime Minister.

5. During the visit, India proposed a Joint Commission to promote bilateral relations in various economic, commercial and other fields on the basis of mutual understanding. The two sides will meet again perhaps towards the end of February to hold further discussions.

6. The Ambassador asked whose initiative it was to draft a no-war pact. F.S. explained that India had produced several drafts in the past and that, on this occasion, the Pakistanis had brought a draft with them. Our reaction was
that, at the appropriate time, a joint exercise in drafting could be undertaken. During Agha Shahi’s visit, there was, in fact, a stage when an attempt was made to do some drafting, but since this required more time, it is expected that it will be taken up at subsequent meetings. The Ambassador would recall, said FS, that the joint press statement issued at the end of the visit had stated that the air had been cleared sufficiently to enable further discussions on the proposal.

7. Ambassador Vorontsov revealed that the British High Commissioner had been emphatic in claiming that there were no drafts. F.S. said that had Pakistan produced a draft, we also would have had our own draft to put forward. This, however, had not become necessary. There were, on the other hand, discussion on the point that each side had put forward as basis for negotiations on the proposal. There was similarity of views in most cases except on the following three points:-

i) the primacy of the Simla Agreement and the reference to be made to the UN Charter. Pakistan’s stand did not appear consistent with its obligations under the Simla Agreement;

ii) India was keen to reaffirm the concept of bilateral negotiations to resolve disputes whereas Pakistan seemed chary of accepting this and insisted on the right of referral outside the bilateral context; and

iii) Pakistan’s definition of non-alignment was, in our view, unsatisfactory and did not subscribe to one of the cardinal principles of non-alignment, namely, prohibition from granting military bases/facilities to foreign powers.

8. Agha Shahi’s programme in India had included calls on the President, Vice President and Prime Minister. He also visited Raj Ghat. These were gestures meant to create an impact in public. Agha Shahi seemed to have enjoyed his stay and appeared satisfied with the frank nature in which the talks were held. The plenary sessions were short, and informal negotiations were preferred. A lot of ground was covered but a great deal more remains to be tackled.

9. F.S. asked the Ambassador whether he had any further information about what Agha Shahi had mentioned regarding the possibility that Iran would agree to participate in the tripartite talks on Afghanistan as well as Iran’s willingness to have the UN Secretary General also participate in these talks. The Ambassador sounded doubtful about Iran’s readiness in this regard, his feeling being that Iran would tend to stick to the Islamic Conference formula notwithstanding the involvement of the UN Secretary General. He promised, however, that he would try and get further details from Moscow. On F.S.
remarking that Agha Shahi seemed hopeful about the tripartite talks, the Ambassador felt that the picture was still uncertain. F.S. also asked about the USSR Pakistan dialogue on the subject; the Ambassador promised to obtain the Information from his Government.

10. F.S. went on to refer to Agha Shahi’s claim that it was at Pakistan’s insistence that the Islamic Conference at Taif had asserted that the security and stability in the Gulf was for the Gulf countries, and not for others, to ensure. If this was correct, F.S. said, it might tend to counter allegations that Pakistan was involved in an American strategic scheme in the area.

11. Reverting to Afghanistan, F.S informed the Ambassador of Agha Shahi’s stand that the Babrak Karmal regime in Kabul must take appropriate measures to ensure the return of the Afghan refugees in Pakistan. Pakistan itself did not want to approach the refugees with any Afghan proposal on the subject because they might be misunderstood. They would, therefore, prefer that some other agency talks to the refugees in this regard.

12. Ambassador Vorontsov enquired whether PM’s offer of a friendship treaty with Pakistan signified a broader approach on India’s part. Our thinking, FS said in responses, was that the two countries should involve themselves, in due course, not merely in a negative exercise such as a pact on the avoidance of war, but also in a more positive endeavour to bring themselves closer to each other. As far as PM’s offer was concerned, she was responding to a query on India’s Friendship Treaty with the Soviet Union: in the course of her reply, she had pointed out that if Pakistan insisted on referring in oblique terms to the Indo-Soviet Treaty, She was willing to have a treaty of friendship and cooperation with Pakistan as well. Such a treaty would not impair the independent character of our foreign policy and our adherence to the principles of non-alignment. Pakistan still seemed hesitant at the idea of such a treaty, particularly in the light of the atmosphere inside Pakistan. Agha Shahi confessed that the connotations of such a treaty in the minds of the people of Pakistan would be politically different from a no-war pact. Ambassador Vorontsov observed jokingly that if Pakistan feared a bilateral friendship treaty, perhaps it could think in terms of trilateral one. Pakistan continues to have certain apprehensions with regard to India’s capability, he added, particularly in the field of trade. F.S. agreed with this, and referred to the surprised manner in which Pakistan had accepted the Indian proposal for a Joint Commission – they had not expected such a proposal from us. Pakistan sometimes laboured under the massive misapprehension that whatever India did was detrimental to Pakistan. They felt that trading freely with us might destroy their industry. We had pointed out to them that if they trade with India as a part of Pakistan’s trade with the rest of the world, the basis for such misgivings would disappear. For example Pakistan
does not have a scooter industry and can quite profitably import scooters from India. In such cases, there would be no question of destroying any Pakistan Industry. At the moment, Pakistan imports scooters from Italy without any adverse effects; why not save on freight and time by getting them from India? The Pakistani attitude in these matters was unfortunately negative. It therefore, becomes necessary for the two countries to work towards creating an atmosphere of confidence. Giving a simile, F.S. said that without the foundation being laid, one could not talk of putting the roof over a building.

13. F.S. referred at this juncture again to the possibility of talks on the Afghan question. Iran appeared to be willing to receive the UN Secretary General’s representative, FS said, and if Iran does participate in the tripartite talks, the prognosis might be somewhat encouraging. Ambassador Vorontsov felt that even if the Soviet Union were prepared to go ahead with negotiations, Pakistan and Iran would in all likelihood stick to their original unacceptable ideas. There was a brief reference here to the recent Gromyko - Haig talks; Ambassador Voronstov said that the Americans were more interested in talking of Poland rather than Afghanistan.

14. In conclusion, F.S. mentioned to the Ambassador that he was the first envoy to be briefed on the Agha Shahi visit. Ambassador Vorontsov expressed his gratitude at this and commented that India’s stand during the visit had been very imaginative and that India had in fact scored points vis-a-vis Pakistan.

(Prabhakar Menon)
Director (FSO)
Letter from Joint Secretary Ministry of External Affairs C. R. Gharekhan to Heads of Indian Mission abroad informing them the details of the talks with the Pakistan Foreign Minister Agha Shahi.

New Delhi, February 10, 1982.

Ministry of External Affairs
New Delhi

Dear Head of Mission,

This is further to Foreign Secretary’s circular telegram No.36707 of February 2 on Agha Shahi’s visit. I thought I should give you some more information about the talks for your personal information.

2. Agha Shahi was accompanied by two Generals, Yakub Khan and Arif. The former, a retired General, is Ambassador in Paris and is tipped to succeed Agha Shahi in a few months time. The latter is Chief of Staff to Zia and is regarded as the second most powerful person in Pakistan. Both these gentlemen have assisted Agha Shahi during his negotiations with the Americans. The presence of these two acted as somewhat of a damper on Agha Shahi’s otherwise flamboyant and over-confident style. The tone that Agha Shahi adopted during the meetings was soft and almost ingratiating.

3. The Pakistani team had brought with them the draft of an agreement on non-aggression and non-use of force. We also had prepared a draft treaty on peace, friendship and cooperation. We thought and still think that as far as the non-aggression aspect is concerned, it is adequately taken care of in the Simla Agreement. Therefore, if a new agreement is to be signed, we should go beyond the Simla Agreement, taking care to safeguard the integrity and continued applicability of that agreement. We felt a no-war pact should be accompanied or immediately followed by other confidence building measures particularly in the field of trade, tourism etc. so that the people of the two countries develop a vested interest in peace.

4. We also had to keep the propaganda or the public relations aspect in mind. From this point of view also it was better for us to offer a comprehensive friendship treaty rather than just a non-aggression agreement which is essentially negative in character.

5. At her meeting on the 30th January with the Pakistan journalists accompanying Agha Shahi, PM was asked about our friendship treaty with the
Soviet Union. PM immediately responded and offered to sign a similar treaty with Pakistan if they wished. This was a spontaneous reaction to a question by Pakistani journalists and was not designed to disrupt the negotiations on the no-war pact. PM further declared that pact or no pact, India would never attack Pakistan.

6. During the course of our preparations, we had come to the conclusion that we should propose the establishment of a Joint Commission. PM had approved of the idea and herself put forward the proposal to Agha Shahi on the 31st January. Agha Shahi was somewhat taken unprepared for this but immediately conveyed his acceptance, after an almost imperceptible affirmative nod from General Arif.

7. The general feeling in India as well as in the Pak and international media is that India has more than neutralized whatever propaganda advantage Pakistan had derived from her move last year. All the members of the Parliamentary Consultative Committee, at its meeting on the 4th February, applauded the Foreign Minister on his handling of the Agha Shahi talks.

8. As far as the substance of the proposal is concerned, there are still wide differences between the two sides. It is not difficult to agree on most of the concepts such as, adherence to non-alignments, peaceful and bilateral settlement of disputes, the continued validity of the Simla Agreement etc. However, when it comes to putting these concepts into treaty language, sharp differences arise. There was no serious attempt at drafting anything during the visit. However, we had a 90 minute meeting at official level to find out whether we could agree on the formulations of any of the concepts. We are insisting on including a paragraph whereby both countries would be prevented from granting bases or base facilities of any kind to an outside power. The Pakistani team simply would not agree to such a paragraph, though they are willing to have a general worded article on non-alignment. Similar, Pakistan regards the UN Charter as the basis for Indo-Pak relations whereas we would like to accord this role to the Simla Agreement. We did not even touch on the provisions relating to bilateral settlement of disputes. It is our intention to insist that all our differences should be settled exclusively through bilateral negotiations. Pakistan is not likely to agree.

9. The Kashmir issue was not discussed as such. Agha Shahi reiterated what he said in public, viz., they would not like to add anything to or subtract from the provisions of the Simla Agreement on J&K.

10. The official level team led by the Foreign Secretary will go to Islamabad later this month or early in March to start the negotiating process for the draft treaty. We expect that the negotiations will not be easy. We intend to insist on
our point of view on all issues which are of vital interest and concern to us, such as, bilateral settlement of disputes, denial of bases or base facilities to outside powers, non-involvement in confrontation of big powers, etc. The progress in the talks, consequently, will depend on the willingness of the Pakistani side to accommodate our concerns. We cannot afford to agree to anything which will go against our interests.

11. I should repeat that the contents of this latter are only for your personal information.

Yours sincerely

(C. R. Gharekhan)

To All Heads of Mission Abroad

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0990. Statement of External Affairs Minister P.V. Narasimha Rao in Lok Sabhs on Pakistan Foreign Minister’s Visit to India.

New Delhi, February 19, 1982.

Mr. Agha Shahi, the then Foreign Minister of Pakistan (He had in the meantime been replaced by Shaibzada Yaqub Khan) paid a visit to New Delhi from January 29 to February 1, 1982 in response to the invitation extended by me during my visit to Pakistan in June last year. He was received by the President, Vice-President and Prime Minister and had several rounds of formal talks and informal discussions with me.

During Mr. Agha Shahi’s visit, we reviewed important international developments, since our last meeting and had detailed discussions on areas of bilateral cooperation. It was recognized that bilateral contact at various levels need to be maintained on a frequent and regular basis. In this context the Prime Minister proposed the setting up of a Joint Commission to review and promote Indo-Pakistan cooperation. This suggestion was welcomed by the Pakistani side. I am sure the House will agree that this is a positive development in Indo-Pakistan relations. The Prime Minister also underlined India’s peaceful intentions towards Pakistan by saying at the special press interview given to Pakistani journalists, that pact or no pact, India will never attack Pakistan.

Opening of Shrines

The Government of India has expressed its appreciation for the decision of the Pakistan Government to open two additional shrines, viz. Katas Raj in the
Punjab and Hayat Pita in Sind to pilgrims from India. On its part, the Government of India has initiated several proposals aimed at facilitating travel between the two countries and increasing contact in the cultural economics, scientific, technical and communications fields. We hope that the Pakistan authorities would examine these proposals and that forward movement in these areas will be possible in the near future. I also raised the question of the missing Indian defence personnel who are reported to be in Pakistani jails for more than a decade. The Prime Minister herself mentioned this subject to Mr. Agha Shahi. We were told that there are no Indian defence personnel in Pakistani jails. However, the Pakistani side agreed to make renewed attempts to search for such personnel.

In depth Discussions

Mr. Shahi’s visit afforded the first opportunity to hold direct and in-depth discussions on the proposal for the conclusion of an agreement on non-aggression and non-use of force between India and Pakistan. The House will recall that I had made a statement on this subject on November 25, 1981, in which I had explained at length the history of the proposal and Government of India’s approach to it.

In order to promote a dialogue on this subject, the Government of India took the initiative of presenting an aide memoire to the Government of Pakistan on December 24, 1981 outlining some of the elements which could be incorporated in the substance of such an agreement. This was followed by an aide-memoire which the Ambassador of Pakistan handed over to me on January 12, 1982, containing Pakistan’s ideas on the subject.

Mr. Speaker, Sir, I wish to inform the House that after the discussion between the two sides, we are now in a position to undertake specific consideration of the elements which would constitute the substance of a no-war pact or an agreement on non-aggression and non use of force. It has been agreed that the officials of the two governments should hold further discussions at an early date. A delegation led by the Foreign Secretary is expected to go to Pakistan in the first week to March for this purpose.
Letter from Pakistan President General Zia-ul-Haq to Prime Minister Mrs. Indira Gandhi.

Islamabad, February 21, 1982
The Islamic Republic of Pakistan
Islamabad

26 Rab-us-Sani 1402 AH 21 February 1982

Her Excellency
Madam Indira Gandhi,
Prime Minister of the Republic of India,
New Delhi.

Dear Madam Prime Minister,

After his return from New Delhi, Foreign Minister Agha Shahi has briefed me fully about his cordial meeting with you on January 31. He also conveyed to me your personal good wishes for which I am most grateful and which I heartily reciprocate. I was happy to learn that you had decided to lend the weight of your personal prestige and authority to ensure the success of the negotiations for the conclusion of an agreement on non-aggression and non-use of force between Pakistan and India.

Not only did you convey to Mr. Agha Shahi your sense of goodwill towards Pakistan and dedication to the objective of lasting peace and friendship between our two countries, but made a positive suggestion for the establishment of a Joint Commission to review and promote bilateral relations. Happily, the same spirit of mutual understanding and accommodation imbued the talks which were held between Mr. Shahi and Mr. Rao and at other official levels. It is my hope that a process which has begun so positively would gain further momentum during the forthcoming talks with foreign Secretary Sathe in Islamabad.

The goals towards which these talks are directed is a noble one and could if achieved produce an unprecedented transformation in the quality of our bilateral relations and consequently a profound impact on the entire regional situation.

It is my conviction that the fulfillment of these aspirations, is well within our reach if we grasp the opportunity which has presented itself to us and, in laying the foundations for lasting peace and good neighbourly relations, avoid the pitfalls we would undoubtedly encounter. It is necessary, in my view, therefore, that during the forthcoming negotiations, our teams remain on the straight path leading to our common goal and while settling the details, would not, as it is said, miss the wood for the trees.
Our immediate objective is to make a sound beginning with a mutual commitment to quintessential principles which would govern the conduct of our relations in the future. The principles of non-use of force and peaceful settlement of disputes are by no means startlingly new. However, our mutual reaffirmation of these principles in a basic document would in itself be a historic achievement in the context of the conflicts and tensions which have conditioned our reflexes and at a moment when the regional situation demands harmonious responses from us.

While I am aware of the opportunity which has presented itself to us, I am equally aware of the circumstances, internal as well as external, which could make us lose it. To demand too much of a situation which is circumscribed in scope by circumstances beyond our control, at present, is to wreck our prospects in advance. It is my fervent hope, therefore, that our teams would be specifically instructed to achieve what is possible and not to kill the opportunity before us by striving for the maximum. I assure you that the approach reflected in our proposed draft is guided solely by this consideration.

I have done what I could in a situation which is full of difficulties and complexities, and leave the final success of the negotiation ahead of us in your safe hands.

It might please you to know that, in the meanwhile, I have already issued instructions for the opening of two additional shrines, namely, Katas Raj in the Punjab and Hayat Pitafi in Sind to Yatrees from India, and for a reduction of the existing postal rates between Pakistan and India by 15 per cent. It is my hope that in the field of bilateral trade also, we might be able to make progress on the basis of mutual benefit. This matter will receive further attention after your Government's formal reaction to the proposals already conveyed by our side has been received.

With Profound regards,

Yours sincerely

(General M. Zia-ul-Haq)
Statement by External Affairs Minister P.V. Narasimha Rao in Lok Sabha in response to Calling Attention Motion on Kashmir issue raised by Pakistan at Human Rights Commission.

New Delhi, February 25, 1982.

[Following is text of the statement made by the Minister of External Affairs, Shri P.V. Narashima Rao, in the Lok Sabha on February 25, 1982 in response to Calling Attention motion regarding the reported statement of the Head of Pakistan delegation raising the issue of Kashmir at the meeting of the U.N. Human Rights Commission at Geneva recently and the reaction of the Government of India there to.]

At the 38th session of the U.N. Commission on Human Rights now in progress in Geneva, the Pakistan delegate, Mr. Agha Hilaly, spoke about Jammu and Kashmir while intervening on an item relating to the right of self-determination. He also made a reference to UN resolution in this context. Mr. Hilarly then went to the extent of equating Kashmir with the Palestinian and Namibian issues. In an obvious reference to the successive general elections held in Jammu and Kashmir, Mr. Hilarly said and I quote, “No elections held under foreign military occupation or alien domination can be considered as a genuine exercise of the right of self-determination”.

Atmosphere Vitiated

As I had informed the House on February 19, our discussions with the Foreign Minister of Pakistan during his recent visit to India had created an atmosphere conducive for further talks on the specifics of a no war pact and a treaty of peace and friendship. I have to admit however, that, the atmosphere has been vitiated by the subsequent objectionable statement in the Human Rights Commission made by Mr. Hilaly.

Mr. Hilaly raised the Kashmir question during the consideration of an item dealing with the application of the right of self-determination to peoples under colonial or alien domination or foreign occupation. It is preposterous to suggest that such a situation obtains in Jammu and Kashmir, which is an integral part of India.

In fact, the section of the people of Jammu and Kashmir who have the misfortune of continuing to live under Pakistan’s illegal and forcible occupation are denied their legitimate right to unite with their brothers living in freedom and dignity in India, and to enjoy their right to franchise. It is Pakistan and not India, which defied UN resolutions and did not fulfill its obligations.
Simla Agreement

Under the Simla Agreement, India and Pakistan have undertaken to settle their differences bilaterally and through peaceful means. This commitment is equally applicable to Jammu and Kashmir. Therefore, whenever Pakistan raised the so-called Kashmir question in international forums since the conclusion of the Simla Agreement, we have objected to and protested against such references as violations of the Simla Agreement. The authorities in Pakistan, therefore, have been fully aware of the strong feelings among the Indian people on this matter. It is in this context and in the context of the declared intentions of the governments of the two countries to improve their relations that by his reference to Jammu and Kashmir in a contentious manner in the Human Rights Commission the Pakistani delegate has done a disservice to the proposed Foreign Secretary level talks.

Visit Postponed

We have carefully studied Mr. Agha Hillaly’s statement. It is inconceivable that so senior and experienced a diplomat, who has served as his country’s High Commissioner to India, could have made such a statement without the prior approval of the Government of Pakistan who could not have failed to anticipate the strong reaction in India. Therefore, we feel that the visit of our Foreign Secretary to Pakistan should be postponed for the time being. We shall await Pakistan’s reply. We have conveyed this to the Pakistani Ambassador in Delhi.

The Government of India have, all along, demonstrated their desire for genuine friendship to the Government and people of Pakistan. India’s peaceful intentions have been expressed in unequivocal terms time and again, the most recent instance being the Prime Minister’s statement that Pact or no Pact, India will not attack Pakistan. This continues to be our policy.

[A day earlier, on February 24, Mr. Rao making this statement in the Rajya Sabha had an additional sentence at the end which read: “As stated earlier, the Secretary level talks have been postponed for the time being. Government hope that the atmosphere will improve so as to enable talks to be resumed.”]
Statement issued by the Pakistan Ministry of Foreign Affairs on India’s decision of defer the visit of Indian Foreign Secretary to Pakistan.


The Governments of Pakistan announces with regret that the Government of India has deferred the visit of India’s Foreign Secretary Mr. Sathe to Islamabad which was to have taken place from March 1-4. The reason given for the postponement of the visit is that at the recent meeting of the Human Rights Commission in Geneva, the delegate from Pakistan had mentioned Jammu and Kashmir in his statement on the item regarding self-determination.

The Pakistan delegate indeed made a reference to Jammu and Kashmir in his statement on the item regarding self-determination. While referring to the recognition and progressive exercise of the right of self-determination during the past three decades, he expressed the hope that the dispute regarding Jammu and Kashmir could be similarly resolved. This statement by the delegate of Pakistan occasioned an immoderate response from the delegate from India who put forward the unacceptable view that the Simla Agreement provides for the resolution of all disputes between Pakistan and India within a bilateral framework.

In his statement the delegate from India also said that the Pakistan delegate’s reference to Jammu and Kashmir would violate the atmosphere at this sensitive stage of Indo-Pakistan bilateral discussions. Soon after his statement, the Pakistan Ambassador in Delhi was called to the Foreign Office and a protest was conveyed to him by India’s Foreign Secretary. That protest has now been followed by the announcement of the postponement of Foreign Secretary Sathe’s visit to Islamabad.

A striking feature of this development is that the factual position warrants neither the acrimonious statement by the delegate from India at the Human Rights Commission, nor the protest lodged by New Delhi, nor of course the postponement of the Indian Foreign Secretary’s visit on his account.

The Statement by the delegate from Pakistan had no new features and was moderate reiteration of Pakistan’s position on Jammu and Kashmir as recognized by both India and Pakistan under the Simla Agreement and as reaffirmed from time to time by Pakistan’s delegates in international forums. Even in the exercise of his right of reply the delegate of Pakistan refrained from competing with the delegate from India in the use of abrasive language. Thus neither the protest lodged by India nor the deferment of the Indian Foreign Secretary’s visit to Islamabad can be attributed to the exchanges in the Human Rights Commission.
The Government of Pakistan is committed to the objective of establishment of lasting peace and good–neighbourly relations with India. It believes that no other consideration should be permitted to impede the continuation of the Indo-Pakistan dialogue which began with so much hope and which holds so much promise for the future relationship between the two countries. It hopes that the unexpected postponement of Mr. Sathe’s visit does not constitute a set back to the process of dialogue and that it would be possible for his visit to take place before long.”

Meanwhile President Mohammad Zia-ul-Haq said at Lahore on February 27 that it would be premature to comment on the cancellation of the Indian Foreign Secretary’s visit to Pakistan since nothing had so far been officially conveyed to Pakistan by the Indian Government. Talking to newsmen at the Lahore airport he said one should be very careful in making comments or saying anything which could harm the relation between the countries concerned. “Let us hope for a positive response from across the borders.”

Pakistan was making concerted efforts to establish honourable relations with its neighbours, including India, he said and added that it was in favour of establishing such relations with its neighbours as were free of tension and based on principles of non-interference in each other’s internal affairs.

He, however, made it clear that the stand of the present Government on the issue of Kashmir was the same as before, and its reiteration on some forum was nothing new. He did not see any reason for the cancellation of the visit. “Let us wait for the official version”, he said.

In reply to another question, he said there was no truth in the propaganda that India had laid certain conditions for entering into a no-war pact with Pakistan. Foreign Minister Agha Shahi and his Indian counterpart had held very smooth and normal negotiations and he was hopeful that something positives would come out of it, he said.
Interview of the Official Spokesperson of the Indian Ministry of External Affairs to the Pakistani Urdu daily Jung on the question of postponement of the Indian Foreign Secretary’s visit to Islamabad.

New Delhi, March 6, 1982.

Q: Is it not true that your Government was looking for an excuse to postpone the talks with a view to arresting their progress?

A: No, that is not true. It is misleading and mischievous to doubt the sincerity with which we were participating in talks with Pakistan on an agreement on non-aggression and non-use of force or a friendship treaty. The talks were postponed because Mr. Agha Hilaly gave a statement at Geneva which has vitiated the atmosphere for talks. The responsibility for the postponement, therefore, lies only with Pakistan.

Q: Are you not astonished at your Government’s decision?

A: We expected that the Pakistan Government would cooperate with us in keeping the atmosphere conducive to continuing the delicate and sensitive talks, but the way the Pakistani delegate raised the Kashmir issue at the Human Rights Commission and the manner in which he did that was wholly unexpected and very unfortunate.

Q: The Kashmir issue has all along been in the news. What was it then that made you blow up Mr. Hilaly’s reference to it at Geneva into such proportion as to make it a justification for postponing the talks?

A: An able and experienced diplomat like Mr. Hilaly could not have failed to realize what effect his raising of the Kashmir issue at the Human Rights Commission in Geneva would have on Indian public opinion at a time when the Indian Foreign Secretary was about to visit Pakistan. The manner of his speaking was also unnecessary, untimely and painful. We are constrained to come to the conclusion that he was making the statement under instructions from his Government. That is the reason why we were forced to postpone Mr. R.D. Sathe’s visit to Islamabad.

Q: Was it decided at the Delhi talks that the Kashmir issue would not be raised in any forum under any circumstances?

A: It was the leader of the Pakistan delegation, Mr. Agha Shahi, who said before, during and after his Delhi visit that the proposed non-aggression talks would not affect the position of Kashmir as contained in the Simla Agreement and that there would be no addition to or substraction from it.
Q: Do you think that the postponement is for an indefinite period?
A: As our Foreign Minister has told Parliament, the doors have not been closed on further talks. But he also explained in the Parliament when and how the talks would be resumed. It all depends on the Pakistan Government's reply.

Q: Have you talked to the Pakistani Ambassador, Mr. Abdul Sattar, about it? What is his opinion? What assurances has he given?
A: Mr. Abdul Sattar was called to the Foreign Office on February 24. We hope he will soon inform us of his Government's reply. It is not common practice to have any diplomatic conversation published in the Press.

Q: Do you think that the relations between India and Pakistan have deteriorated? Our Ambassador was called to the Foreign Office and a strong protest lodged with him against the raising of the Kashmir issue at Geneva. He was also told that Pakistan was occupying Indian territory in Kashmir and that India was awaiting its return by Pakistan. In our opinion, this strong protest was unnecessary and indicates the designs of your Government. Your Comment?
A: Pakistan has, indeed, spoilt the relations with India on basic issues. We hope it would reconsider them and decide what steps it would take and what kind of statements it would issue in future. Mr Hilaly did not, unfortunately, take into consideration the effect his statement would have on Indo-Pakistan relations, particularly at such a delicate stage when talks for a non-aggression pact were in progress between them. Prime Minister Indira Gandhi has repeatedly emphasized that India would never attack Pakistan, pact or no pact. This statement reflects India's policy on almost all Indo-Pak relations.

Q: You have said that the postponement would have far-reaching benefits. What do you mean by that?
A: If the present postponement helps clarify the issues, restore the atmosphere prevailing during the Foreign Ministers’ meeting at Delhi, and helps us understand each other’s sentiments, it will create confidence among both of us, which will be a concrete basis for future talks.

Q: Would you make some concrete suggestion as to what should Pakistan do for a resumption of the talks?
A: We have told Pakistan of our disappointment cause by Mr Hilaly’s statement. We are now awaiting Pakistan’s reply. The decision about the new date for the Indian delegation’s visit to Pakistan would depend on Pakistan's reply, its contents and tone.

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Foreign Minister Sahabzada Yaqub Khan has said that that Pakistan is always ready for talks with India on the question of non-aggression pact.

Mr. Yaqub Khan, however, added that Pakistan could not accept the condition that it should not raise the Kashmir issue at any international forum.

Commenting on Indo-Pak relations he said it was not Pakistan that had put an end to the talks on the non-aggression pact. It was on the other hand, India which had postponed that talks (on the ground that) a Pakistani representative, Mr. Agha Hilaly, had mentioned the Kashmir issue at the UN Human Rights Commission. Pakistan could not, however, accept India’s argument that it could not even raise the Kashmir issue at any international forum under the Simla Agreement. Pakistan had been raising the question all along. As far as the talks on the question of non-aggression were concerned, India would always find Pakistan ready and willing for the resumption of talks whenever India felt that the time was suitable for these because “we want to have good relations with India”.

India’s Prime Minister, Mrs. Indira Gandhi, could play a very decisive role in improving Indo-Pak relations for she would not be challenged by any body in India, he said.

Immediate success of talks Ruled out

Asked about the chances of the success of non-aggression talks, he candidly said there was no hope of any immediate result… as it was an intricate matter and the path led through a craggy and rugged high land since Indo-Pak ties had been marked by extreme bitterness in the past. “As we go on removing doubts and misunderstandings, the psychological climate will go on improving and we shall reach our goal step by step,” he added.

Discussing the situation around Pakistan, Mr. Yaqub said the entire region, including the Middle East, Central Africa and South Asia, was full of tension and they were sitting at its mouth. That was why Pakistan was trying not to make any provocative move which might further increase the tension. Patience demanded that at least India and Pakistan should create a climate of mutual trust so that the shadow of tension did not fall on the new generation. Even while holding on to their principles, he said, they could increase the cooperation with India in various spheres. Asked if these aims were not contradictory, the Sahabazada said it was just possible that they could improve their friendship even while sticking to their principles. Any friendship that was not based on
trust and mutual respect could not be lasting or prove beneficial. Nor could relations be improved by giving up principles.

**On steps to improve climate for Indo-Pak ties**

Asked about the steps that were necessary to improve the climate for mutual trust, he said there should be mutually beneficial trade between the two countries, which should not put either of them to a loss. There should also be exchange of cultural delegations; but Pakistan could not allow music and dance troupes which were against the spirit of its society and environment. “We have no objection to exchange of newspaper representatives and as far as the issuing of visas is concerned Pakistan is already providing all the facilities to India, he said.

**On ties with USA**

Asked about the relations with the USA, he said the USA had not imposed any preconditions. (to its aid)... It valued Pakistan’s Islamic and non-aligned identity and believed that Pakistan’s polices were in the interest of the region’s security.

 Asked if the USA was not possibly using Pakistan for bargaining with the Soviet Union on the Afghanistan issue, he said the possibility of a fresh Yalta could not be rejected straight away.

It was futile to expect that the things would remain static. The present state of Pak - US ties might continue so long as the USA had its interests in the region, “but if in the future, a Yalta type situation develops, we cannot sacrifice our principles today for the sake of future possibilities.”

**No Military Bases for USA**

Asked if the USA would pressurize Pakistan to have its conditions accepted, Mr. Yaqub Khan said the USA had neither asked for military bases nor was Pakistan willing to provide these.

**On Soviet Cooperation**

Commenting on Pak-Soviet relations, Mr. Yaqub Khan referred to the Karachi Steel Mill, Guddu thermal power station and a Soviet–aided tractor plant and said: “We should not forget that we have the best bilateral economic relations with Russia.” It was important for Pakistan to improve its relations with the Soviet Union for it was a neighbour Pakistan valued...

**On Mrs. Gandhi’s Visit to Saudi Arabia**

Replying to a question on Mrs. Indira Gandhi’s visit to Saudi Arabia, he said the Pak-Saudi relations were strong and he had no apprehension that her visit would have any adverse effect on these.
0996. Statement by External Affairs Minister P. V. Narasimha Rao in the Lok Sabha regarding reported announcement by Pakistani President appointing Observers from “Northern Areas” to the Federal Council.

New Delhi, April 15, 1982.

On April 4, 1982 the Pakistan President Gen. Zia-ul-Haq is reported to have made an announcement appointing three observers from “Northern Areas” on the Federal Council.

This is the first time that the Pakistan Government have given such a “representation” to the areas which are juridically and constitutionally part of the Indian State of Jammu and Kashmir. Our CDA in Islamabad has already lodged a protest over the matter with the Pakistan Foreign Office.

President Zia-ul-Haq is also reported to have made a statement on April 12, 1982 in which he declared Gilgit, Hunza and Skardu in Pakistan-Occupied northern Kashmir as parts of Pakistan. He is also reported to have stated that the three territories are part of Pakistan and not “disputed areas” – a description which the Pakistan Government has, without any justification, been giving to Kashmir.

The Pakistan CDA in Delhi was summoned to South Block on 13-4-1982 and was asked to give us an authentic version of President Zia’s statement on the subject. He was told that Government take serious objection to Gen. Zia’s reported statement. Our well known position, viz., that juridically areas mentioned above are part of the Indian State of Jammu and Kashmir, was reiterated to the CDA.

We shall await the authentic version of the position of Pakistan on this question.
0997. **Message from Pakistani Foreign Minister Sahabzada Yaqub Khan to the External Affairs Minister P. V. Narasimha Rao and handed over to him on April 26, 1982 by the Pakistani Ambassador Abdul Sattar.**

I greatly appreciate your message of felicitation on my appointment as Foreign Minister and consider your personal cordiality and goodwill a valuable asset for the continued development of Pakistan – India relations which are fundamental to peace and progress in our region.

I recall with pleasure the meeting we had last January in New Delhi which confirmed my esteem for your positive contribution to a constructive dialogue between our two countries. Your visit here in June 1981 left a deep imprint on every one you met.

Global developments and especially the strained security environment in our region make it imperative for Pakistan and India to strive constantly for better understanding. To that end maintenance, indeed intensification, of the bilateral discussions between our two countries is indispensable.

Your statements in regard to the future of the agreed talks on the substance of the non-aggression pact proposal have helped towards the creation of an atmosphere conducive to the resumption of postponed talks on the substance of the proposal. On our part, we too have worked towards the same objective.

I would like to assure you once again that the non-aggression pact proposal was conceived by the Government of Pakistan as a means of fostering mutual confidence which is a pre-requisite for the acceleration of the process of normalization and improvement of relations between our two countries.

To that end every contribution I can make will not only serve the aim of my Government but would also be a source of personal satisfaction to me*.

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*While handing over the message, the Pakistani Ambassador told Mr. Rao that as far as Pakistan was concerned there was no question of one proposal (on non-aggression pact) but contingent on the other and reiterated that Pakistan was committed to what had been agreed to in the joint press statement of February 1982 and that there was no rethinking on their part.
Record of a meeting between Secretary (Pak-Iraf) K. Natwar Singh and Pakistan Ambassador Abdul Sattar.

New Delhi, May 22, 1982.

Ministry of External Affairs (Pak–Iraf Division)

Secretary (Pak-Iraf) said that Ambassador Sattar would be pleased to know that lease documents of Jinnah House are nearing completion and that he will have the answer in a day or two. He said that the lease will be hopefully to Pakistan Ambassador’s satisfaction and would be on the lines that he would be pleased to see. At any hand he said after the Ministry (ies) of Law, (and) Works and Housing and our L&T (Legal and Treaties) Division have examined it we would give it to Pakistan Embassy to have a look at it.

Regarding his recent visit to Kabul, Secretary (Pak–Iraf) said that this visit was purely for economic and technical reasons but inevitably there was some political attention also. He said that we were not looking at it like that but there is always unavoidable publicity to this aspect of the visit. After giving a brief resume of our economic and technical assistance to Afghanistan, Secretary (Pak – Iraf) said that his general impression about the internal political situation in Afghanistan was that Babrak Karmal’s position is better than it was six months and much better than what it was a year ago. Babrak Karmal seems to have consolidated his position. However, this he said does not mean that his dependence on outside help has diminished altogether. On relations with India he said he found tremendous goodwill in Kabul for India.

Ambassador Sattar said that he wondered what was our trade balance like with Afghanistan. Secretary (Pak-Iraf) said that the balance is in Afghanistan’s favour. They export dry fruit through Pakistan and our things go to Afghanistan through Karachi. He said there were many delays in transit in Karachi.

Ambassador Sattar said that a year ago visit to Kabul showed a pre-occupation with internal political situation. He asked Secretary (Pak-Iraf) whether he felt that the situation now was perceptibly better. Secretary (Pak-Iraf) said that all the people he had met in Kabul sounded reasonably confident and that naturally before his visit all this was taken into consideration. He said our Ambassador recommended that our help in areas like ICH etc. will benefit Afghan people and it is important to note that the present regime seemed confident of absorbing more aid and economic help, Secretary (Pak-Iraf) said no doubt the opposition to the regime is continuing but it is more of sporadic actions rather than a sustained and organized resistance. He pointed out that even in terms of
frequency of incidents they are not as many as they were a year ago. This is what he was told. He did not go out of Kabul.

Ambassador Sattar said that some circles in Afghanistan people opposed to the present regime felt that there should have been greater support from India to their cause. In view of this he said he wondered what was Secretary (Pak-Iraf)’s assessment of the effect of Indian policies on Afghanistan. Secretary (Pak-Iraf) said that in his assessment right from Foreign Office to the President he had found appreciation of India’s stand and its policy of non-alignment. They had pointed out that interference from Pakistan continued but that it was less so from Iran. Secretary (Pak-Iraf) said that his own feeling was that Soviet Union is keen that Geneva talks take place because this establishes a certain scenario and that they would like the talks to take place.

Secretary (Pak-Iran) then asked Ambassador Sattar what were his expectations with regard to the Geneva talks. Ambassador Sattar said that it was a beginning which Pakistan wanted to make much earlier. In December 1980 Agha Shahi thought that we had reached a certain understanding with the Soviets through our discussions in New York with Soviet Foreign Minister Gromyko and also through talks in Islamabad. He said at that time they had thought that indirect negotiations would be possible. However, the basis of that agreement, he said, seemed to collapse in face of contradictory interpretations from both sides. Pakistan felt that they were getting out of step with Iran. In their view they felt they had no arguments against Iran’s stand that a political solution of the Afghanistan problems is essentially an internal one. Therefore, the presence of resistance leaders was vital to the realization of a genuine effort towards settlement of this question.

He said that Iran had all along felt that both Pakistan and Iran had a marginal role to play but now things have progressed, Pakistan and Iran can play a role to the extent that Afghans would want them to do. At the same time, he said, they also knew that the Afghans would want guarantees of non-interference. On this he said Pakistan would like some resolution of this contradictory talk by Afghanistan, whereby on the one hand they talk of interference from Pakistan side and on the other hand Pakistan Government denies that it is not interfering in Afghanistan. Ambassador Sattar said that they are keen for this clarification in order to deny Afghanistan this propaganda advantage. On their side, he said, they would like to ask the Afghan as to how do they expect to assure Afghan refugees so as to ensure the return of 2.7 million Afghan refugees. Secretary (Pak-Iraf) pointed out that this figure was disputed and that the figure was 1 ½ million last year. Ambassador Sattar tried to explain that the present figure was based on the findings of UNHCR who have an elaborate system of working out this calculation.
Ambassador Sattar said that Pakistan is anxious that conditions in Afghanistan should be conducive to the return of the Afghan refugees if that happens then Pakistan has nothing to object. Even now, he said, they don’t object to the internal situation obtaining in Afghanistan but what they are insisting on is the withdrawal of foreign forces which he said must be a material fact at Geneva because it is materially linked with the return of refugees to Afghanistan and so long as foreign forces are there, they will be disinclined to return. Ambassador Sattar said that when they discuss this question they would be anxious to known the Afghan view on this and they would also like to know from them as to what guarantees would they want from Pakistan. On this naturally, he said, there will be a discussion and a debate on priorities. However, he said he would like to assure us that Islamabad is not interested in a debate and that they are aware that they must move simultaneously on all points and that at some point there must be some dialogue between the regime and the refugees and the resistance groups and that all this will have to be linked up together. He said that Pakistan had counselled Iran to try and begin the process as they cannot hope to solve problem without talking to adversaries.

Ambassador Sattar said that first meeting at Geneva would be a preliminary meeting. Mr. Diego Cordovez will have to determine the situation and then propose a continuation of the talks either in Geneva or New York. Iran has suggested that after the preliminary round Mr. Cordovez should visit the three capitals. Ambassador Sattar said that this is a hopeful scenario because if progress is achieved then there might be direct talks in New York. He said they have not ruled anything out and that they have been promoting the idea with a serious purpose in mind. He said Pakistan would like Russians to know that they genuinely want a political settlement in Afghanistan but for that withdrawal of foreign forces must also be discussed. He said Pakistan also wants to tell them that they are not aligned in any grouping in the context of a great power conflict. He said they were not interested in discussing the nature of Afghan regime internally. They know that Afghanistan had all along been friendly with the Soviet Union. He said they have pitched the expectations at a reasonable level and they want to assure Moscow that they are in no way supplanting Soviet influence in Kabul with Pakistan influence. Pakistan is not interested in any particular ideological complexions for the regime nor are they interested in a fundamentalist regime in Kabul. What Pakistan is interested in is to help to restore a common situation, vital to achieving this is the withdrawal of the Soviet troops he said.

Secretary (Pak-Iraf) thanked Ambassador Sattar for his views on the forthcoming Geneva talks and then turned to the questions of piracy of books in Pakistan. He said that it was now time that we reached some agreement on piracy of books. Ambassador Sattar said that the National Foundation in
Pakistan is their agent for import of books from India but unfortunately administration in various organizations is not so efficient. He said that President himself has asked why these books from India do not come as he is personally inclined to encourage import of books for Pakistani students on international affairs, technical matters, medical and engineering subjects. Ambassador Sattar said that there is goodwill for the idea to encourage trade in books but that the necessary channels do not exist. Secretary (Pak-Iraf) said that we too have a National Book Trust which is riddled with the same problem. The best way in this situation would be, he suggested that have a meeting of our publishers along with some representatives from academic establishments. Ambassador Sattar said that this was a very good idea and he will take it up with Islamabad. He said that it has been his recommendation also that books must be included in the list of items to be imported from India.

Secretary (Pak-Iraf) concluded by saying that a meeting of publishers, representatives from respective Education Ministries and universities should be convened at an early date. Ambassador Sattar expressed his full support for this suggestion and promised to take it up with the concerned Pak authorities.

0999. Letter from Prime Minister Mrs. Indira Gandhi to Pakistan President General Zia-ul-Haq.

New Delhi May 25, 1982

Excellency,

I could not reply to your letter of February 21 earlier as we have been fully preoccupied with the Budget Session of Parliament and Assembly elections in different parts of our country.

My message of goodwill to Pakistan and faith in the objectives of lasting peace and friendship between our two countries was not a passing phase but is rooted in our well-considered policy. I have emphasized time and again that we want a sovereign, independent and stable Pakistan. We believe that peace between India and Pakistan is not a distant ideal to talk about, but a practical necessity. It was in this spirit that I indicated to Mr. Aga Shahi and his colleagues that India and Pakistan should consider signing a Treaty of Peace, Friendship and Cooperation. I did so because we wish to strengthen the concept of a 'No War Pact' by other confidence building measures which would provide the necessary
underpinning for a secure foundation for friendship between our two countries. As a first step I proposed the setting up of the Joint Commission.

Mr. Aga Shahi's prompt acceptance of my suggestion encouraged us to hope for a new beginning in our relations. Unfortunately, within days of the conclusion of his talks in India we found certain disturbing trends in Pakistan indicating a reversion to past attitudes and prejudices. The statements of your representative at the Human Rights Commission in Geneva came as a shock to us and it was, therefore, with great regret that we had to postpone the Foreign Secretary's visit to Islamabad. The recurring refrain in the statements by prominent persons in Pakistan about India's alleged hostile intentions and the misrepresentations in your Press even about the objectives of my recent visit to Saudi Arabia have cast a shadow on the prospects of the normalization of relations.

Certain statements which you are reported to have made to Indian Journalists also caused us concern. You have been quoted as saying that while you are prepared to discuss all differences with India bilaterally, you would not discuss Kashmir because you consider it an international issue. We consider any such stand as contrary to the letter and spirit of the Simla Agreement which is the bedrock of our bilateral relations. I am sure, you will agree that nothing should be said or done by either side to dilute this Agreement, the tenth anniversary of which falls on the 2nd July.

We may have serious differences in perception and approach. Nevertheless, we should persevere in our efforts to restart the process of negotiations and as a first step I propose that the Joint Commission should meet soon. I believe that a meeting of the Joint Commission will be fruitful and could pave the way for resuming discussions on the Treaty of Peace, Friendship and Cooperation and on a 'No War Pact'.

With warm regards

Yours sincerely,

(Mrs.) Indira Gandhi

His Excellency General M. Zia-ul-Haq
President of the Islamic Republic of Pakistan
Islamabad

(words in italics are hand written)
1000.  

SECRET

Record of the meeting between External Affairs Minister P.V. Narsimha Rao and Pakistan Foreign Minister Sahabzada Yaqub Khan on the sidelines of the Non-Aligned Foreign Ministers Conference.


Embassy of India
Havana

Pakistan Foreign Ministers’s Call on FM

Sahabzada Yaqub Khan called on FM at his villa on 31.5.82. He was accompanied by Niaz Naik and the Pakistani Ambassador in Mexico, who is also accredited to Cuba. Secretary (ER) and AS (UN) were also present from the Indian side.

2. Yaqub greeted FM very warmly. He expressed happiness at seeing FM again and expressed the hope that the personal friendship between the two would grow apace with the improvement of bilateral relations.

3. Talking of the Iran-Iraq war, Yaqub said that Pakistan’s endeavours were to persuade Iran to limit the war to her own frontiers; this was in everybody’s interest. He had put this across to Velayati (Iranian Foreign Minister) earlier in the day. The latter had declined to either confirm or deny statements made in Tehran to the effect that the war would not be carried into Iraq. Velayati had given Yaqub an account of the damage inflicted by Iraq in terms of men, materials and infrastructure. Reparations therefore constituted an essential element in their position. They also wanted the aggressor punished and were determined to see Saddam out. A section of illiterate people seemed to be agitated that, in spite of reverses, Saddam had still not been dislodged.

4. FM observed that an alternative leader would have to emerge first. No country would willingly throw itself into anarchy. If Saddam’s ouster became an issue in itself, things were not going to be easy.

5. Yaqub said he had told Velayati that nothing should be done to provoke intervention from outside. Velayati, in his customary cool and unruffled manner, had been non-committal. It was difficult to say how events would evolve, in view of the internecine pulls and pressures within the Iranian leadership.

6. FM said that, ultimately, Khomeini’s word would prevail. It was necessary to maintain some friendly pressure on both sides, now more than ever before, with a view to finding a solution.
7. Turning to the bilateral aspects, Yaqub said that there were so many fields in which India and Pakistan could work together. There was similarity of views on so many issues including regional issues. He said he looked forward to the day when this similarity of approach could be concerted into action, “to become a very positive influence.”

8. FM said that the next meeting of Foreign Secretaries was scheduled to be held in Islamabad in August. This would be a significant meeting, wherein the progress already made in that forum could be carried further. Yaqub agreed that this was a good forum.

9. The meeting ended with usual pleasantries. The two ministers decided to remain in touch.

(A. Banerji)
APS to FM
3-5-82

1001. SECRET
Record of discussion between Secretary (Pak-Iraf) K. Natwar Singh and Secretary General of the Pakistan Foreign Ministry Shah Nawaz.
Islamabad, June 1, 1982.
Embassy of India
Islamabad

Secretary K. Natwar Singh met Secretary General Shah Nawaz today at 10.30 A.M. the following were present:

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<th>Indian Side</th>
<th>Pakistan side</th>
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<tr>
<td>K. Natwar Singh</td>
<td>S. Shah Nawaz</td>
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<tr>
<td>Secretary (Pak-Iraf)</td>
<td>Secretary General</td>
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<tr>
<td>Shri S.K. Lambah</td>
<td>Mr. Riaz Piracha</td>
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<td>Charge d’Affaires</td>
<td>Foreign Secretary</td>
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<td>Shri G. Parthasarathy</td>
<td>Mr. Zafer-ul-Islam</td>
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<td>Consul General of India</td>
<td>Additional Secretary, Karachi</td>
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2. Secretary General Shah Nawaz began by extending a warm welcome to Secretary Natwar Singh as also Consul General G. Parthasarathy whom he had met in New York. The Secretary General expressed his happiness over the appointment of Shri Natwar Singh as Secretary incharge of Pakistan affairs at the Indian Foreign Office. He said Secretary Natwar Singh knew the situation in the sub-continent very well. It was a source of satisfaction to Pakistan that Secretary Natwar Singh had been specially chosen by the Prime Minister as Ambassador of Pakistan two years ago as he enjoyed her complete confidence. As a result, he added, he was sure that there will be no break or hiatus in Indo-Pak relations.

3. He recalled the fact that the President had received Secretary Natwar Singh immediately on arrival. The conversations with the President were detailed and covered a lot of ground. En passant he remarked that Secretary Natwar Singh talks with the President had been so wide ranging and detailed that the Foreign Office was in a sense "pre-empted" as the pace and direction had been already decided upon.

4. Secretary General Shah Nawaz then gave a brief resume of the Indo-Pakistan talks of Pakistan's offer of a non-aggression pact. He said after an interval which was characterized by a lack of progress, he was hopeful that these discussions would move forward after the arrival of Secretary Natwar Singh. The talks could be now resumed and expanded. A serious effort had to be made by both countries to do whatever is possible so that close and cooperative relationship can be built up.

5. He recalled the continuing dialogue with breaks now and then, between the two governments on bilateral relations. He referred to his meeting in February 1980 with the then Foreign Secretary Shri Sathe. The talks which subsequently blossomed into one between Foreign Ministers of the two countries covered not only bilateral matters but also regional concerns that both countries shared. There was then a useful exchange of views on Afghanistan. These talks indicated that both countries have large preoccupations and indivisible interests. These meetings also succeeded in establishing a machinery for consultations on regular basis between the two Foreign Secretaries on bi-annual basis. There were also subsequent discussions at the level of Foreign Ministers. Pakistan has reiterated its faith in the Simla Agreement. These deliberations were the first important steps taken
by the two governments after the Simla Agreement. The Simla Agreement had to be further fortified and strengthened. Secretary General Shah Nawaz then referred to the various meetings held for South Asian regional cooperation. Pakistan had supported the holding of these meetings. The next meeting he said, would be held in Islamabad in August this year.

6. He then referred to Pakistan’s offer of a non-aggression pact with India. In this context he recapitulated its history. Shah Nawaz said that the proposal for a non-aggression pact had been put forward by Pakistan in September last year. When India had suggested a formal note be given in November, this had been immediately done. Foreign Minister Agha Shahi was invited to visit New Delhi. His visit in January February, yielded good deal of optimism and a lot of ground work was prepared. Some new ideas were brought up at Foreign Minister Agha Shahi’s meeting with the Prime Minister. When the P.M. proposed the establishment of a joint commission to oversee bilateral matters, as a token of goodwill Pakistan had responded positively on the spot. All this indicated Pakistan’s confidence and respect for P.M. and its own sincere desire to have positive relations with India.

7. Secretary General Shah Nawaz then said that he would like to do some plain talking. There was need for it. This was, by itself not unusual in view of special relationship that India and Pakistan had. In fact both sides were quite used to such conversations. He then referred to the letter from the P.M. He added that as regards the contents of the letter, Pakistan will not be found wanting in a positive response to it. He then traced the chronology of the Pakistan’s no – war pact offer. He said that when the Pakistan delegation went to India in January – February this year, they had carried with them a draft agreement on the conclusion of non-war pact. The Indian side felt that an exchange of drafts could take place at a latter stage. It was his view that it would have been better if the drafts had been exchanged at that time. The draft proposals from the two sides already contained elements which India had in mind – joint commission, friendship treaty, etc. Shah Nawaz added that the Indian side would have seen the embryonic ideas in what could be referred to in a Joint Commission or treaty of friendship in the formulation proposed in the Pakistani draft. In fact he would now like to hand over the Pakistani draft which incorporates what both India and Pakistan have given consideration to. Secretary General Shah Nawaz then handed over to Secretary Natwar Singh a draft. While handing it over, the Secretary General said that the Pakistan approach has been to place Indo – Pak relationship on a firm foundation which can sustain all detailed proposals. Conceptually he envisioned a pyramid like approach built on a firm foundation and flowing from the following (i) Simla agreement (ii) meeting of Foreign Secretaries for regional cooperation (iii) Non-aggression pact. As opposed to this India had “venture concept”. Amplifying
he said India’s conception seemed to be that of a pyramid upside down; quoting India’s interest in a Joint Commission “as an example of such an approach”. He then appealed to the Indian side that it should consider the Pakistani proposal carefully and in its entirety, which he thought could transform the whole atmosphere of relations.

As regards India’s proposal for a joint commission the Secretary General did not envision any great problem. In fact it could be taken up simultaneously with the no war pact offer. However, Pakistan would like to have a framework for the joint commission like the composition level at which meetings would be held etc. He added that as for the dates of meetings these by themselves should not pose any problems. There was no objection to the idea of a friendship treaty. The question to be answered was when and how to reach at it. He then requested Secretary Natwar Singh to scrutinize Article iv of the Pakistan draft which “contained all these ideas.”

Secretary Natwar Singh in his reply said he was honoured to have received such a reception. The special gesture of being received by the President and Foreign Ministry officials and the Secretary General and Foreign Secretary so soon after his arrival had deeply touched him personally and he was conscious that it was a manifestation of regard for his Government. He reciprocated the sentiments expressed by Secretary General Shah Nawaz in his introductory remarks and assured the Pakistan side that India was committed to building good relations, given the special links between the two countries in the light of past history. He added that while one could regretfully live without friends one could not live without neighbours and Pakistan is our most important neighbour. P.M. herself was committed to improvement of Indio-Pak relations particularly since 1972. The rationale for it was a simple one, namely to enable both countries to work for the progress and welfare of their people. Indo – Pak relations had regional and also global ramifications. Good relations and peace between the two countries was imperative. While there were some common problems and regional problems, one had to attach the utmost importance to bilateral relations. The friendship treaty was offered was not to score a point, nor was it an exercise in one upmanship. It was the genuine expression of India’s desire for friendship with Pakistan and meant to eliminate all elements that cause hostility, doubt and friction.

It was agreed by both sides that the ideas (Joint Commission and Friendship Treaty) are not mutually exclusive but complementary. The level of the Joint Commission could either be official or Ministerial. Sessions could be alternatively at Delhi and Islamabad. As regards dates, India was open to suggestions and would go along with what Pakistan had in mind.
Coming to the Pakistan draft which was handed over to him, Secretary Natwar Singh said that the Government of India will give its considered views on the draft. It would need serious consideration at the highest level, which would be given to it.

Spelling out his views on the Joint Commission in greater detail Secretary Natwar Singh said that it would be useful to have meetings at official and Ministerial levels alternatively in Islamabad and Delhi. He added that the fields which the Joint Commission would cover should be spelt out. It was important that meetings of the Joint Commission should not be regarded as just routine but it should be an effective instrument to deal with Indo-Pak matters.

Secretary Natwar Singh concluded by saying that we would also like to have Pak views on the Joint Commission and we could have a meeting in July or in September after this Regional meeting of Foreign Secretaries.

Secretary–General intervened to say that if the atmosphere was not conducive then India and Pakistan got (get) into trouble. Secretary Natwar Singh then drew the attention of the Secretary General to the decrease by 15% by Pakistan in postal rates after India had unilaterally taken such a decision adding that such an important decision which affected so many peoples was unfortunately not given enough prominence in the Pakistan press.

10. Secretary–General then sought India’s support for Pakistan candidature to the Security Council. Pakistan had expressed its interest in putting forward its candidature in 1979. He said there was no other contestant for the seat till Sri Lanka entered the field recently. Discussions were going on between the Pakistan Government and the Sri Lankan Government to try to withdraw in favour of Pakistan. He said that when India puts forward its candidature, India will be supported by Pakistan. He hoped India would support Pakistan’s candidature and also appealed to India to use its good offices to ensure that the seat is not contested by Sri Lanka.

Secretary Natwar Singh then referred to P.M. visit to Saudi Arabia. He said that he had earlier briefed Ambassador Sattar about the visit. Shah Nawaz, however, expressed his interest on hearing Secretary’s assessment of the visit. Secretary said that for the first time a visit of this importance had taken place since 1956 when Prime Minister Nehru visited Saudi Arabia. King Saud had returned the visit in 1957. A large delegation accompanied the P.M. Prime Minister had been received well by the Saudis and we were quite satisfied with the results. Secretary Natwar Singh added that P.M. did not go to Saudi Arabia to destroy any existing friendship but to build new ones. The discussions were not only on bilateral relations but on regional developments also. Economic ties with Saudi Arabia had expanded and both countries were keen to strengthen.
these ties to their mutual benefit. P.M. had expressed to Saudi Arabia India's desire for good relations with Pakistan. Afghanistan and Iran – Iraq war were also discussed. The Indian side viewed the Iran – Iraq war in the wider context of developments in the region, namely activities of super powers. P.M. had also emphasized that while we did not approve of what had happened in Afghanistan, Soviet action had to be seen in the light of overall developments in the region and the American military build – up in Diego Garcia and elsewhere. Secretary Natwar Singh then referred briefly to the visits of Chairman Arafat of the PLO and Foreign Minister Velayati of Iran.

As regards his visit to Afghanistan, Secretary Natwar Singh said that even before embarking on the trip he knew the Afghan Government would attach much more political importance to his arrival than we did. His instinct that he should go was, however, proved right after 3 days of stay in Kabul. The discussions were purely economic in nature. Before December 1979, there were 150 Indian experts working in various fields. Only 29 of them remained because of disturbances in the countryside. Increased economic cooperation as also revival of the joint commission were discussed with the Afghan side. He had carried a letter from P.M. to President Karmal. This was in response to a letter that Mr. Karmal had sent to P.M. through Foreign Minister Dost seeking a revival in economic cooperation. In responding we had carefully considered the implications on the feelings of the people of Afghanistan. It was our view that economic cooperation in areas like health and education would be welcomed.

Replying to a question, he said life during the day was quite normal, with bazaars and shops open. The Soviet presence was noticeably absent during days though streets were lined with Afghan soldiers. However, at night there was a visible Soviet presence. Again replying to a question, he said that President Karmal had been in Office for the last 2 ½ years. With this asset he was able to ensure a measure of continuity as, at least superficially, he had patched up differences between the Panchamites and the Khalqs. There was a certain element of stability which was not there 2 ½ years ago. But Mr. Karmal was still dependant on the Soviets and did not head a popular government. President Karmal in his talk with Secretary Natwar Singh had viewed the Geneva talks as a step forward. He appeared to be keen on political solution, which point was also emphasized by Secretary Natwar Singh. However, Karmal was keeping his fingers crossed on the Geneva meeting to which Secretary General Shah Nawaz replied that as far as Pakistan was concerned the meeting was on.

Secretary Natwar Singh said that he had asked President Karmal about the extent of Mujahideen operations in Afghanistan. He was told that their operations were sporadic. Secretary said that he had reliably learnt that Soviet troops in
Afghanistan had not behaved badly in conducting themselves in Afghanistan. There were for example, no reports of molestation etc. They also did not pose a burden to the Afghan people as their entire supplies came from the Soviet Union.

Giving his point of view, Secretary General Shah Nawaz said that the facts on the ground do not give the impression that Afghanistan is settling down. With the advent of spring, the Soviets intensify their offensives against the Mujahideens. However, with the approach of summer, the Mujahideens regroup and attack the Soviets. Pakistan also had played a very delicate role with regard to captured Soviet soldiers. The Mujahideens had been complaining that if Pakistan released them to the Soviets, they would come back to fight against them. A via media had been found and Pakistan had now begun handing over the Soviet soldiers to the international Red Cross. These soldiers would have to stay in Switzerland for about two years before they are released. Recently, these soldiers were handed over to the International Red Cross.

Secretary Natwar Singh commented that one could not possibly wish the Russians away. What was really needed was a political solution. It would be a mistake to underestimate Soviet determination to stay a long time to achieve their objectives in such situation.

(G. Jagananthan)
Second Secretary (POL)
1-6-1982

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Proposed Text for an Agreement between Pakistan and India on Non-Aggression, Renunciation of Force and Promotion of good Neighbourly Relations handed over to Secretary Natwar Singh by the Secretary General of the Pakistan Ministry of Foreign Affairs during the course of the above meeting.

The Government of Pakistan And The Government of India

Reaffirming their obligations under the Charter of the United Nations, including those requiring all state members to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations and to settle their international disputes by peaceful means;
Reiterating their solemn commitment to the Simla Agreement which provides for the establishment of durable peace and friendly and harmonious bilateral relations;

Mindful of their obligations as Members of the Non-Aligned Movement which asserts independence from the Great Powers and their military alliances or blocs, so as to maintain freedom of judgment and action;

Convinced that the development of harmonious bilateral relations between the two countries will serve their best interests and will be neither at the expense of their relationship with nor directed against any third country;

Believing that the creation of a tension free atmosphere would enable the two countries to devote their valuable resources more effectively to productive nation-building activities so as to ensure a better and fuller life for their peoples;

Have Agreed as Follows:

**Article 1**

The contracting parties agree that the pre-requisite for good neighbourly relations and durable peace between the two countries is a commitment by both of them to the universally accepted five principle of peaceful co-existence, viz:

(i) respect for each other’s territorial integrity and sovereignty,

(ii) non-aggression,

(iii) non-interference in each other’s internal affairs

(iv) equality and mutual benefit, and

(v) peaceful co-existence.

**Article 2**

The contracting parties shall not in any circumstances resort to war or use force, or threaten to use force in any form whatsoever, against each other.

**Article 3**

The contracting parties shall settle all disputes or differences between them exclusively by peaceful means.

**Article 4**

The contracting parties undertake to strengthen the existing machinery for bilateral consultations with a view to promoting mutual understanding, friendship and cooperation in the spirit of this Agreement.
Article 5
This Agreement will come into force with immediate effect (on the exchange of instruments of ratification).

1002. SECRET
Record of the farewell call made by the Pakistan Ambassador Abdul Sattar on Prime Minister Mrs. Indira Gandhi.
New Delhi, June 9, 1982.
Prime Minister’s Office
Record of Discussions
The Pakistan Ambassador, Mr. Abdul Sattar, was accompanied by his wife.

2. The Pakistan Ambassador said that it was not only an honour and privilege to have served in India, but was also the fulfillment of his career. President Zia had told him that his future work would involve continuing association with relations with India. He would continue his efforts to ensure that the future of India-Pakistan relations was better than the past. PM remarked that she was with the Ambassador on that.

3. Mr. Sattar said that he had spent 4 years in India and had been treated with great affection, goodwill and friendship. He also deeply appreciated the cooperation and assistance received from the Government of India. In the past 2½ years there had been ups and downs, but the direction of relations had been set out at Simla. Shri Natwar Singh had visited Pakistan recently carrying PM’s letter; this opened the way for the resumption of the dialogue. They were carrying out many changes in the Foreign Office and President Zia was in Saudi Arabia with the Islamic Conference mission, and would thereafter go to New York for the Special Session of Disarmament. Next month would also see the talks in Geneva on the Afghan situation. Therefore, discussion on dates could take place shortly after that.

4. PM said that the Ambassador was aware of her views on relations with Pakistan. It was high time that we put an end to confrontation. She was always a little sad to hear comments in Pakistan that she had not reconciled herself to the creation of Pakistan. Here in India she was often blamed for the opposite.
The situation of the two countries was so similar that cooperation should be established, not only between us but in the entire subcontinent.

5. The Pakistan Ambassador said that there was a new situation in our region which compelled Pakistan, and he hoped India also, to re-appraise attitude. There were forces at work in the world which were extremely dangerous for our aspirations for a better life. He had always felt that the sea change in the attitude of Pakistan, its people and the Government, was not fully appreciated by people in India, except by those who took the trouble of going around in Pakistan to see the situation. He had tried his best to encourage distinguished Indian journalists to go to Pakistan. Mr. Rajendra Sarin had recently spent 4 weeks in Pakistan meeting about 150 people, taping interviews, with personalities covering the Government, the media, politics, etc. He had met people entirely on his own. There were also others who had made some visits, meeting people without prior notice or appointment. They had also talked to those opposed to the Government. They confirmed his own assessment that the people of Pakistan wanted a change in the tone of relations. The second point not fully appreciated was Pakistan’s grave concern over the events in Afghanistan. For them the presence of Soviet forces in Afghanistan was a vital change in their security environment. One could speculate how long the Soviet Union would stay, but the fact of their presence was new, and this was reflected in a shift in Pakistan’s perceptions and thinking. This had also given an impetus which was beneficial to Pakistan - India relations. The task was how to channelise this. The leaders had a most important role. There was no significant opinion in Pakistan that PM was not reconciled to the existence of Pakistan. PM remarked that despite this there were frequent press statements, and also statements by leaders.

6. The Pakistan Ambassador said that they had censorship, but their press was not the hand-maiden of the Government. About 6 weeks back Jung had written an article in the Lahore edition which had greatly upset him. It had compared Hindus to cockroaches. On his own, he had written to the Chief Editor of the Newspaper, because this paper had the highest circulation in Pakistan, about 400,000. The Chief Editor had sent him a reply that he had felt outraged when he had seen the article, but there was young editor in fact his son, who, out of ignorance, had accepted an article written by some unknown person. On his own the Chief Editor had taken action to ensure that the article was not carried in the editions in other cities such as Karachi or Islamabad. Neither in the publication of the article nor in his decision not to carry it in other editions, was their Government direction. There were individuals who had not updated themselves but there was substantial change. He himself had visited India before his posting to New Delhi, but he too had noted a similar change in India. In the past when Pakistanis came to India people talked to them and looked to the past. PM said that the Ambassador was right. The Ambassador
went on to say that when he visited India he had no past experience or knowledge to talk about. The affection which he had received in India was prospective in direction in the sense that it looked to the future. It was an asset for the leaders of the two countries and people wanted better relations. PM remarked that Ambassador would have seen for himself that he had many friends in India. Begum Sattar said that they had encountered much love and affection.

7. The Pakistan Ambassador said that the Disarmament Session at the UN was likely to be overshadowed by other events. PM said that the situation was being aggravated elsewhere. The ambassador said that the US was unwilling to exercise restraint on Israel and this had been evident over the last 30 or 40 years.

8. PM remarked that the present regime in Israel had gone beyond all limits. And yet there were people in the US who wrote to her how she could shake hands with Arafat; The Pakistani Ambassador said that Israel lobby in the US was so well organized that they would not let anything pass. He referred to his own experience of the US when someone had spoken to him about the Arabs and he had asked whether that person was speaking as a US citizen or as a Jew, because then he would also reply as a Muslim. PM said that if Israel did not have full support they would not have been so reckless throughout.

9. Ambassador Sattar took leave of PM reiterating again his deep thanks for the privilege that he had been given to work in India and the cooperation extended to him. PM asked him to convey her good wishes to President Zia.

(K. K. S. Rana)
Joint Secretary
9-6-82
Statement of the Official Spokesperson of the Indian Ministry of External Affairs on the leakage of Prime Minister Mrs. Indira Gandhi’s letter to Pakistan President.

New Delhi, June 9, 1982.

The spokesman regretted that the contents of Mrs. Indira Gandhi’s letter* to President Zia-ul-Haq had been reported in an Indian newspaper from Chandigarh, but asserted that the leakage “had not taken place from our side”. Expressing surprise and distress at the publication of the letter, he said “we wish to embark on serious discussions with our neighbor” on improving relations and it has not been “our intention to indulge in a propaganda exercise.”

The spokesman said such discussion could not be seriously carried on through the press whether in India or in Pakistan. He said the correspondence between the heads of government was of a confidential nature and matters touched upon in Mrs. Gandhi’s letter were of great importance to the relations between India and Pakistan.

The spokesman said India will communicate its detailed comments on the draft in due course and at an appropriate stage.

* According to media reports Prime Minister, Mrs. Indira Gandhi, in her letter to President Zia-ul-Haq had said India believed in friendship, peace and cooperation with Pakistan, not only as a matter of policy but also as a necessity. Gen Zia has not sent any reply to Mrs. Gandhi’s letter but he has reportedly made it clear to Mr. Natwar Singh that Pakistan was keen to pick up the thread from were it was left in February as soon as possible. In the two-and-a-half page letter, Mrs. Gandhi has also lamented Pakistan’s practice of diluting the Simla Agreement and cited two examples of Pakistan not respecting bilateralism as enunciated in the Simla Agreement.

One example given is that of Mr. Agha Hilaly’s comparison of Kashmir with Palestine and Namibia at the Human Rights conference in Geneva and the other in Gen. Zia’s Press interview with Kuldip Nayar in which he had said: “On Kashmir, this ‘bilateralism’ (that is, confining the matter between India and Pakistan) is not the understanding: on other things this is an understanding”. Mrs. Gandhi said that these things do not conform to the Simla Agreement provisions. They should be avoided. She had particularly dwelt on Mr Hilaly’s observations to point out that these vitiated the atmosphere which the talks on the non-aggression pact between the two countries had created. Mrs. Gandhi however, emphasized in her letter that until a non-aggression pact is reached, steps should be taken to build up confidence. She mentioned the setting up of joint commissions between the two countries.

It may be recalled that Gen Zia had some time ago said that the constitution of joint commissions should follow a no-war pact. Mrs. Gandhi also complained in the letter that the Press in Pakistan has tried to run down her visit to Saudi Arabia and attributed motives. Meanwhile President Zia-ul-Haq stated that Indian Prime Minister, Mrs. Gandhi’s letter in response to Pakistan offer for non-aggression pact was a source of great
encouragement. Addressing a Press conference on his arrival at the Islamabad airport on June 9, on the conclusion of his six-day visit to Saudi Arabia, Gen Zia said it was a step in the right direction for normalization and expansion of bilateral relations. Replying to a question that the comments in the Indian Press about Pakistan’s draft on non-war pact verged on rejecting it, the President observed that the negotiations have been conducted through diplomatic channels. It would be difficult to say whether the press comments are in consonance with the spirit of the negotiations. He added that the letter did not make any mention of Afghanistan. Mrs. Indira Gandhi’s letter was an expression of good wishes and for expansion of bilateral ties. There were some suggestions for progress in this direction, he added. Commenting on the recent statement of Indian spokesman on the need for changes in Pakistan’s non-aggression pact draft, Gen Zia said that Pakistan did not send any such draft officially to India but the Government would consider his statement.

1004. Statement by Official Spokesperson of the Pakistan Ministry of Foreign Affairs on the proposed Agreement.

Islamabad, June 28, 1982.

The Foreign Secretaries of Pakistan and India are expected to meet in Islamabad next August for bilateral discussions, a Foreign Office spokesman stated at Islamabad on June 28, 1982.

Dates for the meeting were, however being worked out, he added.

Disclosing that Pakistan’s Charge d’Affaires in New Delhi has been given on June 26 a draft agreement on a Joint Commission for Economic, Trade Scientific, Technical and Cultural Co-operation, the spokesman said the text was expected to reach Islamabad shortly.

“It will receive the earnest consideration of the government”, he added.

The spokesman also said that a draft of the proposed non-aggression and non-use of force agreement had been handed over to Mr. K. Natwar Singh, Secretary in the Ministry of External Affairs of India, when he visited Pakistan on June 1 and the Pakistan Government had been informed that the draft was receiving careful and serious consideration of the Indian Government.

Recalling that the agreement on the meeting of Indo-Pak officials to continue the exchange of views of the proposed agreement had been reached at the meeting of Foreign Ministers on February 1 last, he said that some of the elements of the proposed agreement were also discussed during the former Foreign Minister, Mr. Agha Shahi’s visit to New Delhi last January.

Pakistan looked forward to the visit of Mr. M.K. Resgotra Indian Foreign Secretary, he added.
He also recalled that during Mr. Agha Shahi’s visit to India, Prime Minister Indira Gandhi had proposed the establishment of a joint commission to review and promote bilateral relations. Pakistan had welcomed the proposal, but no discussion had so far taken place on the substantive aspects of this matter.

1005. Statement to the Press by Pakistan Foreign Secretary Niaz A. Naik at the end of two-day talks with the Indian Foreign Secretary.

Islamabad, August 8, 1982.

The Indian Foreign Secretary, H.E. Mr. M. Rasgotra, and I had most useful talks during the last two days in an atmosphere marked by mutual goodwill and cordiality. We have exchanged views on a number of international issues of common interest to both. As was expected, much of our time was devoted to bilateral matters. We greatly value the spirit of such discussions which facilitate better understanding of each other’s perceptions. On many international issues our views are same. We have been profoundly impressed by Mr. Rasgotra’s deep understanding and by his lucid exposition of views of his Government. We took the opportunity to review recent developments in regard to the situation in Afghanistan and especially against the backdrop of recent Geneva indirect discussions aimed at political settlement in Afghanistan. As you are aware, both Pakistan and India adhere to the declaration of the Non-Aligned Foreign Ministers meeting of February 81 and the Havana Declaration of June 82 which discussed the tragic situation in Lebanon resulting from the Israeli aggression, un-ending agony of the people of West Beirut and the travail of the Palestinians pitted against the overwhelming Israeli armed might and brutality has evoked profound feelings of outrage. More effective restrictions need to be imposed on the Israeli policy of aggression and expansionism.

In regard to the Iran-Iraq war we shared the wish that this protracted conflict between the two neighbouring Non-aligned countries would end and thus spare the people of the two developing countries further loss of life and property.

We expressed our disappointment over the lack of progress in the North-South dialogue and shared the imperative need to launch urgently the Global Negotiations on International Co-operation.

In regard to the bilateral matters, an exchange of views took place against the background of the discussions between the Foreign Secretaries of the two
countries last January. We gave our draft of the Non-aggression Pact to India on 1st June. Towards the end of the same month, India sent us a draft agreement on the establishment of a Joint Commission. Now Mr. Rasgotra has given us the draft of a proposed Treaty of Peace, Friendship and Cooperation between India and Pakistan — an elaborate and multifaceted proposal which will require study.

We look forward to further exchanges of views. The Foreign Secretary of India has extended an invitation to me to visit India which I have accepted with pleasure. The Government of Pakistan desires good-neighbourly relations with India and we believe that its objective can be achieved on a step-by-step basis.

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1006.  
SECRET  
Letter from the Indian Ambassador K. D. Sharma to Secretary (Pak-iraf) in the Ministry of External Affairs Natwar Singh regarding the visit of Foreign Secretary to Pakistan.  
Islamabad, August 15, 1982.  
Ambassador of India  
Islamabad  
No. ISI/162/5/82, 15 August 1982.  
Dear Natwar Singh,  
Foreign Secretary’s recent 6-day visit to Pakistan ended on a reasonably happy and satisfactory note. A clear desire that there should be no breakdown in the dialogue was discernible on the Pakistani side. No doubt on a cue from the Government, the press was also pre-disposed to presenting the ongoing talks in a positive light. The clearest and most notable reflection of their basic thinking came out when FS asked President Zia during his call on the latter on the evening of 12 August whether he should go back and report to the Government that the Indian draft of the Friendship Treaty was off the table as far as Pakistan was concerned. Zia was at great pains to reassure FS that he would not wish that things be seen in that light.

2. FS would be giving his final assessment of the talks and the road further
from here. But I thought I should give a brief factual account of the main
details of the talks held during his visit. In addition to his meetings with Zia,
Yaqub Khan, Commerce Minister Ghulam Ishaq and others, FS had three
formal sessions with Pak Foreign Secretary Naiz Naik in cordial atmosphere.

3. The first session on 11 August morning was devoted to discussing
regional and international issues. FS briefed Naik on PM’s visit to USA,
specifically mentioning that her remarks on Pakistan were only made when
specific questions were put to her and at no stage was any campaign carried
on against Pakistan. Naik appreciated the briefing. In addition the Iran-Iraq
conflict, the Middle East situation, Kampuchea and Afghanistan were
discussed. Niaz Naik briefed FS about the discussions held with Iranian
Deputy Foreign Minister Shaikhul Islam who arrived in Islamabad on August
12, 1982. According to Naik, the Iranian leader appeared to be out of date
in respect of latest developments and did not, for instance, know that Iraq
had already opted out as far as the VII Nonaligned Summit was concerned.

4. In response to Naik’s queries, FS clarified to him that we were not
acquiring any arms from the USA as had been suggested is some American
Press reports which had been prominently covered in the Pak Press. FS
apprised him of the background to the visit of French Foreign Minister
Cheysson in the context of the uranium deal.

5. The other two sessions were dominated by bilateral issues. Before
discussions on Joint Commission, Friendship Treaty and No-war Pact, FS
raised several pending bilateral issues including missing Defence personnel,
return of hijackers, our proposal for a draft on consular access, cultural
exchanges, tourism protocol, anti-India references in Pakistan text books,
surveillance of the Mission in Islamabad and various pending agreements
on which Pakistan has been dragging its feet.

6. Pakistanis raised three additional points, all of which had been
anticipated: (i) Hostile propaganda by respective radios and TVS. We told
them that more important than radio broadcasts, which were heard by a
few, was coverage in the domestic press which was read by many; (ii) Ground
Rules: Their insistence was that till the new rules could be negotiated, the
old rules should remain in force. They were told clearly and firmly that the
1960-61 Ground Rules were invalid and ceased to exist since 1971; (iii)
Jinnah House: It was mentioned to FS that President Zia had personally
asked Niaz Naik to raise this subject. FS told him that details were being
worked out.

7. There were separate discussions at Joint Secretary level on details.
8. Naik spoke about their No-war pact offer, referring to the high degree of expectation after the joint statement issued at the end of Agha Shahi’s visit to Delhi and reiterated that Pakistan did not wish to erode the Simla Agreement. FS began by saying that he would be less than honest if he did not refer to the doubts in India about the timing of their proposal after their agreement on acquisition of F-16 planes and their package deal with the Americans. Notwithstanding this, the Pak proposal had been examined carefully and FS drew Naik’s attention to the Progress since Simla Agreement, particularly after Pakistan’s joining the Non-aligned Movement which should reinforce their belief in bilateral settlement of disputes. FS referred to the need for confidence building measures. Commenting specifically on the Pakistani draft, FS said: (i) There were doubts among some people in India whether Pakistan was trying to blur the issue in relation to the ‘line of control’ and if the intention was to apply the No-war Pact to ‘line of control’ also or only to the international border. Interestingly, Naik in his reply did not comment on this point. (ii) There was excessive emphasis in the Pak draft on UN Charter and FS reminded the Paks that despite both India and Pakistan being signatories to the UN Charter, there had been three wars since our signing it and hence the need to resort to bilateral settlement of disputes; (iii) The Pak draft downgraded the Simla Agreement, particularly the concept of bilateralism enshrined in it.

9. Niaz Naik and Sattar expressed their known views on UN Charter and bilateralism. Pakistan’s concept of bilateralism, as elucidated by Satter, was that improvement of relations between India and Pakistan should not effect relations with third countries and repeatedly drew our attention to the fact that the first draft of the Simla agreement had referred to the exclusive settlement of disputes by peaceful means but as this had not been acceptable to Pakistan, in the final agreement the word “exclusive” was deleted. It was explained to them that their interpretation was not acceptable to us and indeed the results of pursuing bilateralism since Simla had been more fruitful than non-recourse to this principle earlier.

10. FS explained to the Pak side that a fruitful approach out of the present situation, when a number of ideas which all had their intrinsic merits had been put forward, would, as PM had put it in her letter of 25 May 1982 to Zia, be that “as a first step (I propose that) a Joint Commission should meet soon” which could pave the way for embarking on discussions on a Treaty of Peace, Friendship and Cooperation and on a No-War Pact. FS suggested that this approach would also conform to the “step by step” pattern that Pakistan had in mind and would be a concrete beginning in giving a mutually beneficial, constructive turn to Indo-Pak relations and inducing an ambient climate in which further progress would be facilitated.
11. Niaz Naik referred to the need for enlarging our draft on Joint Commission and spoke of consultative machinery so that not only the Foreign Offices but officials from other departments, including Defence, could also meet periodically. He felt the mandate of the Joint Commission as proposed by us was restrictive and said they would be submitting soon some changes. FS told him that enlarging the concept of the Joint Commission was not being excluded and we would be willing to examine any changes they suggested.

12. **Friendship Treaty:** At the afternoon session on 11 August FS handed over our draft on Friendship Treaty. In the final session Niaz Naik quoted from President Zia’s letter that we should not strive for the maximum but try and achieve what was attainable. While mentioning that they had not examined our draft in detail, he described it as a multi-faceted document which sought to attain the maximum. He insisted that we should give priority to discussing the No-War Pact and the Joint Commission. Naik quoted his Foreign Minister Yaqub as telling him that the No-war Pact and the Joint Commission proposals were like Ganga and Yamuna, which would meet at some point in the natural order of things. Later, when relations further improved, the Friendship Treaty could be examined. FS told Naik that while a beginning could be made by agreeing to the Joint Commission, we should give equal attention to all drafts before us. Both Niaz Naik and Sattar referred to some aspects of our Treaty draft and commented on the aspect of bilateralism and commitment to Non-alignment. They felt that the focus of discussion should remain on earlier drafts and multiplicity of drafts could lead to confusion. Towards the end, FS again emphasized the need for early conclusion of the Joint Commission and examination of both drafts simultaneously. He referred to the reasoning behind the Prime Minister’s proposal for a Friendship Treaty and how it could contribute to improving the relationship.

13. The Pakistanis appeared to be taken by surprise by our putting on the table a well considered draft of a Friendship Treaty. It would now be difficult for them to get propaganda mileage on their No-War Pact offer. As regards the Joint Commission though earlier they had described our draft as “unexceptionable and a fine draft”, they have now referred to a consultative machinery. They also did not give their detailed comments which they have reserved for the future. It could be that they are not keen on an institutionalized arrangement which could discuss improvement in bilateral relations in different fields like trade, commerce, culture, tourism etc.
14. Both sides seemed quite happy to agree to the next meeting of Foreign Secretaries taking up all matters on the table, at the next round of talks. Naik accepted with pleasure FS’s invitation to visit Delhi at a mutually convenient time.

Yours Sincerely  
(K.D. Sharma)

K. Natwar Singh  
Secretary (Pak-Iraf)  
Ministry of External Affairs  
New Delhi

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1007.  
SECRET  
Letter from Ambassador of India in Pakistan K. D. Sharma to Secretary in the Ministry of External Affairs.  
Islamabad, August 26, 1982.

No. ISL/AMB/206/82 26 August, 1982

Dear Natwar Sahib

Abdul Sattar handed over to me this morning an aide-memoire regarding certain aspects of the recent hijacking attempts on an Indian Airlines aircraft. The ‘gripes’ listed out in the aide-memoire are already known to us and it does appear that as Sattar knew I was going to hand over a protest Note to him he wanted to make the score one-all.

2. I enclose a copy of the aide-memoire given by Sattar. The point made by Sattar about “Alpha Control” Amritsar giving suggestive guidance to the pilot of the hijacked aircraft has some validity and I was going to write about it to you any way. In an emergency like the one that developed, one would wish a clear and sane line of thinking and action to obtain and the impulse for “all concerned” to come up with half-baked and distracting suggestions, however well-meant, needs to be curbed. This matter needs to be looked into and after it has been duly considered by the Government if there is anything to be conveyed to the Pak authorities, this could be done,

3. Regarding the statement made in the penultimate paragraph, “…at no point did the concerned authorities accord landing permission to the Plane”,
the fact of the matter is that at 1407 hours Sattar told me on the phone that the control tower at Lahore had been instructed that in an absolutely desperate situation the plane should be permitted to land. The Pak authorities however, are keen that this word does not get out as it would encourage possible future hijacking attempts. We should perhaps have no quarrel with this view.

4. The real problem on the Pak side, however, does seem to be that in the first hijacking attempt in September last year and in the third one last week, the Government of India, in their view, has not sufficiently thanked them for what they consider as sincere, all-out cooperation. Sattar told me that he had been sent for by Foreign Secretary immediately following the termination of the hijacking attempt in last September and told that a formal note conveying Government of India’s thanks to the Government of Pakistan would be sent and possibly PM would telephone president Zia to convey her personal appreciation. Sattar said that neither of these things happened. In this context I would submit that a suitable message from PM’s Office or form FM would be useful and the small gesture would yield rich goodwill harvest.

Yours sincerely

(K.D.Sharma)

K. Natwar Singh
Secretary (Pakiraf)
Ministry of External Affairs
New Delhi

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Aide Memoire

Three incidents in less than a year of forced entry by Indian Airlines planes into Pakistan have caused mounting concern to the Government of Pakistan. The dangers inherent in such and their potential for creating misunderstanding between the two countries not to mention the losses inflicted on civil aviation in Pakistan make it necessary for the Government of Pakistan to request that the Government of India take effective measures in order to prevent recurrence of such incidents.

In September 1981, when a hijacked Indian Airlines plane landed at Lahore, a resourceful operation by a special task force succeeded in freeing the plane without any damage to the aircraft or injury to any Passenger or crew.

Twice since then planes of the Indian Airlines have similarly entered Pakistan airspace and sought permission to land at Lahore. According to the information radioed by the captains of the planes they were under dire threat from hijackers
aboard the aircraft. By the grace of Allah, the action taken by the concerned Pakistan authorities succeeded on both occasions to frustrate landing by these aircraft at Lahore airport.

The actions of the Government of Pakistan have been guided throughout by a desire to discourage and deter the crime of hijacking. At the same time, the Government of Pakistan has been mindful of the safety of the planes and their passengers and crew. It is, however, concerned at the lack of full cooperation by authorities on the Indian side, particularly in the incident on 20 August 1982.

While the Indian Airlines plane was hovering over the Lahore airport, at 1340 hours PST, a transmitter in India identifying itself as Alpha Control Amritsar, radioed a message to the Captain of the plane instructing him to land at Kacha surface along the runway and ignore the consequences of defying the Pakistan authorities. This action of the Indian authorities was improper and constituted an inadmissible interference in the efforts of the Pakistan authorities to frustrate the design of the hijacker.

The Government of Pakistan also noted that at about the same time All India Radio broadcast a false news item alleging that the Government of Pakistan had granted permission for the hijacked Indian Airlines Plane to land at Lahore. The Government of India is aware that it conveyed to the Government of Pakistan, through Mr. K. Natwar Singh in New Delhi, and H.E. Mr. K.D. Sharma, the Ambassador of India in Pakistan first a request for refusal of landing permission by the Pakistan authorities and then another request that the Plane might be allowed to land because it was running out of fuel. The Government of Pakistan was mindful of these requests but at no point did the concerned authorities accord landing permission to the plane.

It may be recalled that on September 29, 1981, an IAC flight with 111 passengers on board and crew of six was hijacked to Lahore while flying from New Delhi to Srinagar. The hijackers belonged to Khalistani movement demanding acceptance of their demand which included establishment of Khalistan as an autonomous Sikh State. However, the Pakistani authorities succeeded in securing the release of the aircraft and the passengers, who were returned to India safely. But the Pakistan Government did not accept the Indian request for the return of the hijackers to India saying that the Tokyo Convention of 1963 which was in force at that time between the two countries did not provide for the extradition of the hijackers. In the present case which occurred on August 4, 1982, an IAC flight with 126 passengers on board and a crew of five, also from New Delhi to Srinagar was hijacked to Lahore, where it was refused landing permission and thus the attempted hijacking was foiled. India thanked the Pakistan Government for its timely action in foiling the hijacking. The External Affairs Minister P.V. Narasimha Rao in a letter addressed to Pakistan Foreign Minister Sahabzada Yaqub Khan expressed his Government’s sincere appreciation for the willing cooperation extended by the Government of Pakistan in helping to foil the attempt at hijacking. Mr. Rao also conveyed his thanks to the Lahore Airport authorities, security personnel and others concerned who acted promptly and efficiently in assisting officials of the Indian Embassy to avert what might have become an extremely critical situation.
The Government of Pakistan takes a serious view of the improper and inadmissible instructions given by the Indian authorities to the captain of the plane while it was in Pakistan airspace, to defy the orders of the Government of Pakistan. Similarly it takes exception to the false news broadcast by All India Radio. The Government of Pakistan expects that the Government of India will take immediate corrective action against responsible for these highly objectionable action.

Islamabad
The 26 August, 1982

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1008. SECRET

TELEGRAM

From : Indembassy Beijing
To : Foreign New Delhi
Reptd : Indembassy Islamabad (for Ambassador K.D. Sharma)
        (Foreign New Delhi please pass)

MOST IMMEDIATE

No. 47 September 8, 1982.

Secretary (East) from Patwardhan.

I understand from a extremely reliable source that YAQUB KHAN the Pakistan Foreign Minister arrived at Beijing on 2nd September accompanied by an official, probably from the Pakistan Foreign Ministry.

YAQUB KHAN’S visit has been arranged very hastily and probably reflects a shared Sino-Pak desire for consultations following our protests against the 22nd August Protocol on the opening of the Khunjerab Pass. It may also be related to preparations for President ZIA’s visit to China in October.

YAQUB KHAN’S presence here has so far not been disclosed.

Separately we have learnt reliably that Dr. QURESHE described as Head of the Pak Atomic Energy Establishment has extended his visit to China and is still around. He arrived here about three weeks ago on an unpublicized trip.

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1009.  

SECRET

TELEGRAM

From: Indemassy Islamabad  
To: Foreign New Delhi  
Reptd: Indemassy Moscow (for Ambassador)  
Indemassy Peking (for Cda, Foreign New Delhi please pass to Peking)

No. 138 September 11, 1982.

IMMEDIATE

Secretary (Pak Iraf and Chogm)* from Ambassador.

Reference Indemassy Paking telegram 47 dated 8th September about secret visit of Foreign Minister YAQUB KHAN to Peking.

2. Discreet enquiries have been made here. SATI LAMBAH probed Defence Minister TALPUR and Acting Foreign Secretary ZAFARUL ISLAM at a dinner. They both ponderously denied that such a visit had taken place. SATI has, however, been able to obtain confirmation from the Chinese Counsellor TIEN TING that YAQUB had visited Peking for a day early this month. The Chinese diplomat avoided giving further details and only mentioned THAT THE VISIT HAD BEEN ARRANGED THROUGH THE Pakistan Embassy in Peking and the main subject discussed was Afghanistan in the context of Foreign Secretary NAIK’s visit to Moscow. According to TIEN TING, YAQUB KHAN met only Chinese Foreign Minister as the other leaders, including DENG had been busy with the Party Congress.

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* Secretary Natwar Singh was holding the additional Charge Commonwealth Heads of Government Summit.
1010. **SECRET**

**TELEGRAM**

From: Indembassy Islamabad
To: Indembassy Moscow
Reptd: Foreign New Delhi
Indembassy Peking (for Cda, Foreign New Delhi please pass to Peking)

No.142 September 15, 1982.

MOST IMMEDIATE

Foreign Secretary from Ambassador

Foreign Secretary NIAZ NAIK told me in strict confidence this morning that Foreign Minister SAHABZADA YAQUB KHAN had visited Peking for a day early this month. He said that Pakistan was thinking of putting its diplomatic relationship with North and South Korea on an equal footing at an appropriate moment in the near future and since the Chinese had some sensitivity on this question, the intention was to take them into confidence. Also YAQUB wanted to make an on the spot assessment of developments at the 12th Party Congress as with President ZIA’s visit to China only a month away, it was considered useful to make an on the spot assessment of the changes in leadership ranks.

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1011. **SECRET**

Record of the meeting between External Affairs Minister P. V. Narasimha Rao and Pakistan Foreign Minister Sahabzada Yaqub Khan.


Permanent Mission of India
New York

The Foreign Minister of Pakistan, Sahabzada Yaqub Khan called on F. M. at his suite at UN Plaza Hotel on September 30, 1982. the meeting had been requested by the Pakistanis. It lasted only 20 minuets and could best be described as a courtesy call.
Yaqub Khan expressed satisfaction that the VII Summit would be taking place in a neighbouring country. The fact that Delhi was to be the venue would give impetus to strengthening of amity and cooperation among the South Asian countries. Pakistan had supported the proposal to have the Summit in India. FM thanked Yaqub Khan and said that we could not have expected the Pakistanis to do otherwise. He informed him that the Summit was likely to be held from March 7 – 11 and that the meeting of senior officials would begin on 1st March. We would only get about two to three months to prepare for the Summit, after the completion of ASIAD. (Asian Games)

There was a brief discussion on the situation in the Middle East. Yaqub Khan characterized the Fez Declaration as a great achievement, particularly after the apprehensions expressed that the Lebanese crisis would lead to further rigidity in the Arab Stand. Public opinion in the US had also been outraged by the Beirut massacres. If the US Govt. could somehow appear to be distancing itself from Israel, chances of a settlement would improve. However, no body could expect the US attitude to be transformed overnight. There were some reassuring elements in the Reagan Plan. An attempt should now be made to ‘pull’ the Reagan Plan in the direction of the consensus achieved at Fez. The continuance in office of Begin and Sharon was an obvious obstacle. However it would be interesting to watch internal developments in Israel particularly in the light of the building opposition to the Begin regime.

Yaqub Khan briefly referred to Afghanistan. He said that he was due to meet Gromyko the following day and Afghanistan was likely to be discussed. FM asked whether there had been any forward movement in Geneva. The Pakistani FM characterized the Geneva talks as useful, adding that he was hopeful of further progress. Under Secretary General Cordovez was expected to visit the areas again in November. FM expressed satisfaction that Geneva had been a move in the right direction. He underscored the need for an early settlement.

Yaqub Khan also mentioned that he would be going to Washington from New York.

The rest of the time was spent in casual conversation about food grain production in Pakistan, floods in India etc. The meeting concluded with usual pleasantries.

A. Banerji
First Secretary (P)
5-10-82

* Non-aligned Conference
1012. **Joint Press Statement issued on the visit of Pakistan President General Zia-ul-Haq.**

**New Delhi, November 1, 1982.**

His Excellency the President of Pakistan and the Prime Minister of India, assisted by their respective Foreign Ministers met at Rashtrapati Bhavan this morning. The talks were held in an atmosphere of cordiality*. Bilateral matters were discussed. Regional and global issues were also reviewed.

The two leaders agreed to the establishment of an India-Pakistan Joint Commission. Accordingly, they issued instructions for the rapid conclusion of modalities and formalities in this regard. In pursuance of this decision, officials of the two countries will meet in New Delhi in December 1982. They will also consider the Pakistan draft of a Non-Aggression Pact and the Indian draft of a Treaty of Peace, Friendship and Cooperation.

The two leaders looked forward to continuing their discussions at the time of the Non-Aligned Summit meeting in New Delhi in March 1983.

* Gen Zia-ul-Haq later told Pakistani newsman accompanying him on the tour of ASEAN countries aboard his plane on way to Bangkok that he had found Mrs. Gandhi warm and cordial in attitude and that the atmosphere of the talks was excellent. He had told Mrs. Gandhi that a study of the Pakistan draft on non-aggression pact and the Indian proposal of a treaty of friendship showed that they were almost identical, except for a few clauses in the Indian text on the question of economic ties. He said he had informed Mrs. Gandhi that if India was not too happy with the expression of no-war pact, they could call it by any other name. However, the idea was to remove such hurdles as had been responsible for wars and bitterness between the two countries. He had also extended an invitation to the President of India and Mrs. Gandhi to come over to Pakistan. He had also invited Mrs. Gandhi’s son, Mr. Rajiv, to visit Pakistan. They had also discussed the problems of South-East Asia and regional cooperation and reviewed international issues, including Afghanistan.

He had also told the Indian Press after the talks that it was a great pleasure to have held a meeting with Mrs. Gandhi and that, he hoped the next round of talks would be better. The meeting would pave the way for a better understanding between the two countries. Pointing out that this was his second meeting with Mrs. Gandhi the first being at Salisbury, he said “I have found her open-hearted and cordial... It was a pleasure to have such a cordial meeting with her today”. Gen Zia also said that he had met people of different classes after his meetings with President Zail Singh and Mrs. Gandhi and noted that he had found a desire for friendship between India and Pakistan on their faces. Replying to questions Gen. Zia said he had briefed Mrs. Gandhi on regional co-operation and also informed her about his visit to China. He had not, however raised the Kashmir issue because “we chose to talk on better prospects first”. Mrs. Gandhi had also said that on certain issues, the position of the

New Delhi, November 2, 1982.

The Government of India and the Government of Pakistan, desirous of furthering the objective of humane treatment to nationals of either country arrested, detained or imprisoned in the other, have agreed to reciprocal consular facilities as follows:

1. Each Government will make a determined effort to draw up a comprehensive list of the nationals of the other country under its arrest, detention or imprisonment until the date of this protocol. The lists shall be exchanged as soon as possible.

2. Lists of persons arrested, detained or imprisoned after the date of this protocol shall be exchanged at regular intervals.

3. Each Government shall give consular access on a reciprocal basis to nationals of one country under arrest, detention or imprisonment in the other country provided they are not apprehended for political or security reasons/offences. Requests for such access and the terms thereof shall be considered on the merits of each case by the Government arresting the persons or holding the detenus/prisoners and the decision on such requests shall be conveyed to the other Government within four weeks from the date of receipt of the request.

4. Both Governments agree to discuss modalities of release and repatriation.
of persons who are under their arrest detention or imprisonment and who have not been convicted on trial or have completed their sentences.

Sd/-
(K. Natwar Singh)
Secretary
Ministry of External Affairs
For the Government of the
Republic of India
New Delhi,
2nd November 1982.

Sd/-
(Riaz Piracha)
Ambassador Extraordinary
Plenipotentiary
For the Government of the
Islamic Republic of Pakistan
New Delhi,
2nd November, 1982.

1014. Statement by the Minister of External Affairs P.V. Narasimha Rao in the Rajya Sabha regarding the visit of General Zia-ul-Haq, President of Pakistan.

New Delhi, November 4, 1982.

His Excellency General Mohammad Zia-ul-Haq, President of the Islamic Republic of Pakistan, spent nearly four hours in Delhi on November 1, 1982 en route to Indonesia. He was accompanied by four Ministers – Sahabzada Yaqub Khan, Minister of Foreign Affairs; Mr. Ghulam Ishaq Khan, Minister of Finance and Commerce; Mr. Mohyuddin Baluch, Minister of Communications; Lt. General Saeed Qadir, Minister for Production, Railways and National Logistic Board; Lt. General K.M. Arif, Chief of Staff to the President; Mr. Niaz Naik, Foreign Secretary and other officials.

2. During his brief halt in Delhi, President Zia-ul-Haq called on our President. He had an hour’s meetings with the Prime Minister Shrimati Indira Gandhi at which the Foreign Ministers of the two countries were also present. Simultaneously, my colleague the Minister of State, Shri A.A. Rahim, led a team of officials for talks with Mr. Ghulam Ishaq Khan, his ministerial and official colleagues.

3. I am placing on the table of the House the joint press statement issued on the conclusion of the visit. It mentions that both the counties agreed to the establishment of an India-Pakistan Joint Commission. Accordingly the President of Pakistan and the Prime Minister have issued instructions for the early conclusion of modalities and formalities in this regard. In pursuance of this
decision, officials of the two countries will meet in New Delhi from December 22 to 24. They will also consider our draft of a Treaty of Peace, Friendship and Cooperation and Pakistan’s draft of a Non-aggression Pact.

The establishment of Joint Commission would give an impetus and content to the bilateral relations between the two countries. As the House is aware, Prime Minister had made this suggestion when the former Pakistan Foreign Minister called on her on January 31 this year.

4. In spite of the informal nature and short duration of the visit, it was natural that such a visit should have evoked interest in both countries. Discussions between the Prime Minister and General Zia were held in a cordial atmosphere. In addition to bilateral matters, regional and global matters were also briefly reviewed. As the House is aware, General Zia will again be coming here in March 1983 for the Non-aligned Summit, when these discussions will be continued. On November 2, a Protocol on Consular Access was signed in New Delhi between the two governments. A copy of the Protocol is placed on the Table of the House.

5. The brief transit visit of the President of Pakistan was characterized by warmth and cordiality. It is our sincere desire, which Parliament and the people of India share, to strengthen good neighbourly relations with Pakistan in the interest of both countries.

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1015.

**SECRET**

**Minutes of the meeting of Secretary (PC) Ministry of External Affairs Natwar Singh with Pakistan Foreign Minister Sahabzada Yaqub Khan.**

**Islamabad, January 18, 1983.**

Embassy of India

Islamabad

Following were present:

**INDIAN SIDE**

K. Natwar Singh, Secretary (PC)
Shri K.D. Sharma, Ambassador of India
Shri S.K. Lambah, Joint Secretary (Pak-Iraf)
Shri S Dubey, Joint Secretary (AD)

**PAKISTANI SIDE**

Sahabzada Yaqub Khan, Foreign Minister
Mr Niaz Naik, Foreign Secretary
Mr Shahriyar Khan, Additional Secretary (UN)
Mr Qazi Humayun, Director (India)

Following were the main point mentioned during the discussions:

**Sahabzada Yaqub Khan** considered the agreement reached at the last meeting of the Foreign Secretaries in December and the conclusion of a Joint Commission as a historical event and a fresh chapter.

**Secretary (PC)** expressed his gratitude for the warm welcome. He said that good neighbourly relations were a two way exercise and indeed the temperature of Indo-Pak relations was good. He conveyed the regards of the Prime Minister and discussed the future of Indo-Pak relations as no longer lying in the past.

He said the discussion could possibly focus on the Non-aligned Summit, agenda items on its agenda, logistics and bilateral matters. In addition, the composition of the proposed sub-commissions could be decided upon and list of prisoners exchanged. Replying **Sahabzada Yaqub Khan** said, ”As regards the sub-commission, we accept your proposal and you may take it as agreed from our side.”

**Secretary (PC)** described this as a very good and a positive decision. He said that both sides could also discuss Pakistan’s No War Pact offer and the Friendship Treaty offered by India.
Sahabzada Yaqub Khan conveyed Pak support for efforts to make the Summit a success. He said that at the time the venue was shifted to Delhi, he had told the Iraqi Foreign Minister Hammadi that New Delhi was a suitable venue.

He referred to Nehru, Tito and Nasser as the leading lights of the Non-aligned Movement and said that there was no doubt that the spirit of the Non-aligned Movement would prevail.

He said that there were issues on which the views of India and Pakistan—national or Non-aligned—were identical. There are some others on which there could be differences of nuances.

He noted that India will not mix up its national position with that as the Chairman of the NAM Summit.

He then mentioned briefly:

**Kampuchea:** Although there may be differences in perceptions a formula should be found which is satisfactory and he said that the Pakistan Delegation during the discussions will act positively.

**Afghanistan:** One should stick as closely as possible to the formula which was agreed upon at the Non-aligned Foreign Ministers Conference in Delhi in February 1981 and which was later accepted in Havana in June 1982. There need not be any anxiety on this account.

**Middle East:** Views were identical

**Iran-Iraq:** Pakistan was deeply interested because General Zia in his individual capacity and Pakistan as member of the OIC Contact Group on Iran-Iraq had been playing an active role.

**Latin America:** Western Sahara, Namibia and Chad: He foresaw no difficulties.

**Bilateral relations** were improving gradually and steadily. Exchange of views good. Secretary (PC) at this stage referred to the surveillance on the Indian Mission in Islamabad.

Sahabzada Yaqub Khan said that this could be discussed in greater detail at General Arif’s dinner later in the evening. He would like to offer helpful hand. He then said that hostility and mistrust of the last 36 years cannot be changed overnight. He referred to the need for restraint on both sides and hoped that the different agencies of the Governments would modify their positions.

Bureaucracies were conservative and hence it took time to sort out matters. In a way this was good because revolutionary bureaucracies create problems.
He said that the results will not be immediate or spectacular but knowing the views of ‘our principals’ the President of Pakistan and the Prime Minister of India he hoped that all problems would be solved.

He said that military and authoritarian regimes are at time more receptive to the views of the people. They keep their antennas open and he was gratified that the people of India and Pakistan desired peace. Ambassador K.D. Sharma remarked that US-USSR relations in spite of confrontations have not had these kind of problems.

Sahabzada Yaqub Khan replied that they behave in a more mature manner. Yaqub Khan then referred to the exchange of list of prisoners which would be taking place during the forthcoming talks.

Pak-US Relations: Yaqub Khan then dwelt on Pak-USA relations. He said that the connections between USA and Pakistan in the Dulles, Cento era had produced an impact on Pakistan, India, US and world affairs. This relationship later became virtually non-existent. The relationship is now being revived. But this relationship is qualitatively different from that of 1953. It required an initial effort. The revival of this relationship had created certain feelings even in Pakistan and USA. Hence, it was understandable that there should be suspicion about it in India. He described the new Pak-US discussions as a modest relationship. In the new set of circumstances the two images coincide and even cause anxiety.

Sahabzaa Yaqub Khan then told Secretary (PC) that Pakistan should be judged by what they do and not necessarily by what they say. Pakistan had purchased F-16 planes with 14% interest as she would not like to be dragged into any alliance. There were some hostile minds which even referred to India as being a satellite of USSR, a surrogate. These are misconceptions with which he does not agree but certain sections did unnecessarily refer to them.

Secretary (PC) thanked Shabzada Yaqub Khan, the distinguished soldier and distinguished diplomat for his philosophical, clear and precise expression of views. He said there were refreshingly new and heart warming and he was glad to hear this from a person in such a high position not in his capacity as the Foreign Minister of Pakistan but also from the point of view of intellect.

Sahabzada Yaqub Khan repeated that Pakistan should be judged by its actions recently in international forums. He said he would not specify the period but referred to recent months (reference obviously being to the period since he has been Foreign Minister of Pakistan).

(S.K. Lambah)

January 18, 1983

Joint Secretary (Pak-Iraf)
1016. Statement issued by the Pakistan Ministry of Foreign Affairs at the end of two day Visit of Secretary Ministry of External Affairs to Islamabad.

Islamabad, January 19, 1983.

H.E. K Natwar Singh, Secretary, Ministry of External Affairs, Government of India and Secretary-General designate of the seventh non-aligned summit being held in New Delhi in March 1983 completed two days of talks in Islamabad today. Yesterday, he was received by the President. Earlier in the morning he had called on the Foreign Minister Sahibzada Yaqub Khan. Foreign Secretary Niza A. Naik gave a lunch in his honour on 18 January in the Foreign Office which was attended, among others, by Secretary Interior and Secretary Culture and Tourism. COS to the President hosted a dinner for Mr. Natwar Singh the same evening. Mr. Natwar Singh would be visiting Karachi for one day before returning to New Delhi on 20 January, 1983.

Mr. Natwar Singh held three rounds of the talks with the Foreign Secretary during the course of which matters relating to the forthcoming non-aligned summit, bilateral issues and other subjects of mutual interest were discussed. During his call on the President Mr. Natwar Singh conveyed a message of good wishes from Prime Minister, Mrs. Indira Gandhi. The President heartily reciprocated these sentiments and reiterated his Government’s determination to persevere in its efforts to strengthen friendly relations between the two neighbourly countries. The President assured Mr. Natwar Singh the Government of Pakistan’s full co-operation in ensuring the success of the non-aligned summit. The Non-aligned Movement would be further strengthened so as to play its rightful role in promoting peace and security in the world and making a much-needed contribution of a new international economic order based on justice for all.

The discussions were held in a cordial and friendly atmosphere and it was agreed that the two countries would work together to ensure the success of the summit. It was agreed that the political and economic problems being faced by non-aligned world need to be considered in depth.

In reviewing bilateral matters, the two side exchanged further lists of prisoners and discussed modalities and procedures to ensure their expeditious identification, determination of their national status and their timely release on completion of their terms of imprisonment. The exchange of information in this respect is to be completed by 1 March 1993.

The Pakistan side has offered to permit Indian pilgrims to visit Katas Raj Shrine in district Jhelum on an annual basis.
In their meeting in New Delhi in December 1982 the two Foreign Secretaries had initialed an agreement for the establishment of a Joint Commission to promote co-operation in agreed areas during Mr. Naik's Visit to India last month. During the current visit, it was agreed in principle to establish three sub-commissions each covering a basket of subjects. The first meeting of the joint Commission will follow the signing of the Joint Commission agreement which is scheduled to take place in early March at the time of the non-aligned summit.

The First meeting of the Joint Commission would take place in Islamabad. The Foreign Minister of Pakistan has extended a cordial invitation to the Minister of External Affairs of India, Mr. Narasimha Rao. The dates of the visit would be fixed through diplomatic channels.

There was a further general exchange of views on the Pakistan draft of a non-aggression pact and the Indian draft of a treaty of peace, friendship and co-operation. It was recognized that the two proposals contained a number of common elements. It was further agreed to continue these discussions with a view to narrowing down differences so as to facilitate work for the drafting of a mutually acceptable text.

1017. Press Briefing by Secretary Ministry of External Affairs K. Natwar Singh.

Islamabad, January 19, 1983.

The Indian External Affairs Secretary, Mr. Natwar Singh, said at Islamabad that there were two major areas of differences in the respect of Pakistan's proposals for non aggression pact and India's offer of a treaty of peace, friendship and co-operation, which had not yet been overcome.

These related to the question of foreign military bases and interpretation of bilateralism as a means of settling disputes, he told a Press conference at the Islamabad Airport before his departure for Karachi on way back home.

He was asked to identify differences which stood in the way of the conclusion of the two proposed treaties separately or the fusion of the two into one by incorporating common points.

He said India and Pakistan would continue discussions on the two proposals, but these discussions would have to wait the conclusion of the seventh NAM summit.
Conceding that settling differences over the two proposals was a long drawn process, he said: “But we don’t want it to drag on endlessly.”

**Common Approach on Issue**

Mr. Natwar Singh said besides discussing the two proposals in his talks in Islamabad, he was also briefed by the Pakistan side on President Zia-ul-Haq’s recent visits abroad.

Mr. Natwar Singh said his country and Pakistan held similar views on most subjects expected to form the agenda of the seventh non-aligned summit to be held in New Delhi in March.

Asked to identify the subjects on which the two sides had similar views, Mr. Natwar Singh mentioned among others, Namibia, the Middle East, Lebanon, Israel, South Africa, disarmament and the new international economic order.

If the delegations of India and Pakistan co-operated and worked together, which he hoped they would, their joint contribution would have a good influence on the outcome of the summit.

He said he was greatly encouraged by what the President, the Foreign Minister and the Foreign Secretary of Pakistan told him about the summit. They assured him that Pakistan would work to ensure the success of the summit.

Mr. Natwar Singh said though India and Pakistan had different approaches on the substantive aspect of the Kampuchean question, they agreed to keep the Kampuchean seat vacant under the formula adopted at the Havana Summit. Only the summit could alter this formula.

On Afghanistan, he said he had extensive and useful discussions with the Pakistan Foreign Secretary who explained to him the Pakistani stand on the question. The Pakistani side told him that Pakistan would keep India informed about the discussions, the United Nations Secretary-General’s representative on Afghanistan, Mr. Diego Cordeovez, would have in Islamabad later this month.

Mr. Natwar Singh said it was, however, India’s expectation and hope that the scenario of United Nations General Assembly was not repeated in the summit (an obvious reference to the debate on Afghanistan in the world body in November last). “If we reproduce what happened in UNGA then we can’t go forward (on the Afghanistan question)”.

It would be wise (for the summit) to stick to the formulations (declaration) agreed upon on Afghanistan in the conference of Non-aligned Foreign Ministers held in New Delhi in 1981.
India, Mr. Natwar Singh said, wanted that the hands of United Nations Secretary-General should be strengthened in his effort to find a political solution. India stood for broadest possible consensus on Afghanistan which, among other things, should result in restoration of the non-aligned status of that country and took care of the best interests of the people of Afghanistan. Mere condemnation of countries would not help in finding a political solution.

Mr. Natwar Singh said it was very clear that the Non-Aligned movement was interested in helping a process through which a political solution was achieved in the best interests of the people of Afghanistan.

1018. Letter from Pakistan President Zia-ul-Haq to Prime Minister Mrs. Indira Gandhi.
Islamabad, January 29, 1983.

The Islamic Republic of Pakistan
Islamabad

14Rabi-us-Sani 1403 AH
29 January, 1983

Her Excellency
Mrs. Indira Gandhi,
Prime Minister of India,
New Delhi,

Madam Prime Minister,

I thank your Excellency for your kind letter of November 17. It gives me great pleasure to accept the invitation extended to me to attend the forthcoming Non-aligned Summit which is scheduled to be held in New Delhi from March 7 to 11, 1983.

We are most appreciative of the offer made by the Government of India to host the VII Non-aligned Summit Conference at such short notice and may I assure you of Pakistan's full cooperation in making the Summit a success in the interest of the Non-aligned Movement and all its member States.

In view of the difficult international situation faced by the Non-aligned countries, as evidenced by the all too frequent violation of the fundamentals of inter-state conduct, it is essential for the Non-aligned Movement to renew its resolve to
uphold the principles of peaceful co-existence, non-aggression, non-intervention and the non-use of force in international relations. Pakistan remains fully committed to the principles and purposes of the Non-aligned Movement and will continue to act with resolve towards the attainment of its aims and objectives.

Secretary Natwar Singh must by now have informed you of the useful talks that took place during his recent visit to Pakistan. In light of these discussions, I am confident that our two delegations would be able to work closely with each other on a number of important issues of mutual concern during the forthcoming Summit in furthering the cause of the Non-aligned world.

I keenly look forward to meeting you at the Summit and continuing our exchange of views on matters of common interest which we had initiated on so positive a note during my brief stopover in New Delhi on November 1 last year.

With profound regards,

Yours sincerely,

General M. Zia-ul-Haq

(words in italics are hand written)

1019. Extract from the Speech of President Zia-ul-Haq at the Non-aligned Summit.

New Delhi, March 9, 1983.

* * * * *

On Indo-Pak Ties & Kashmir

Mr. Chairman, since the cooperation of the non-aligned members is a movement and movement takes impetus from its members and members individually and collectively have an obligation, I feel it necessary that I should lay down Pakistan’s obligation and it is for this reason before this distinguished gathering I would also like to refer to the improvement in the climate of relations between Pakistan and India. We, in Pakistan are profoundly gratified that the development of our bilateral ties, which is vital to the stability of our region, has got off to an auspicious start following my meeting with Madam Gandhi last November. I
Reacting to Pakistan President Mohammad Zia-ul-Haq’s reference to Jammu and Kashmir at the non-aligned summit, an Indian delegation spokesman said at New Delhi on March 9 that as far as India was concerned, the question was one of the “return of Kashmir territory under Pakistan’s occupation”. The spokesman told newsman that Gen Zia had every right to state his point of view. India was committed to discuss the matter within the framework of the Simla Agreement which “precludes raising of bilateral matters in international forums,” he added.

On the other hand Pakistan’s Foreign Minister Sahabzada Yaqub Khan, however rebutted India’s taking exception to the mention of the problem of Jammu and Kashmir by Gen Zia. When his attention was drawn to the Indian reaction by newsmen, Mr. Yaqub Khan said what Gen Zia had said was a fact. No one should take exception to the mentioning of a fact. While mentioning the Kashmir issue, Pakistan had not made any departure from its known stand. The mentioning of the problem should be read in the context in which it was stated, he said. It was “our cardinal desire to promote relations with India on good-neighbourly and solid basis,” he added. There was nothing wrong in mentioning a thing which “we believe is a fact.” Mr. Yaqub said there could be no cause of either surprise or concern for India because the mentioning of the Kashmir problem by Gen Zia was accompanied by a sincere gesture of friendship and goodwill. To take any other view of this mentioning of the Kashmir problem would be rather unwarranted, he said.

On Nuclear Threat

The most serious and all pervasive threat to the security of the world stems from the awesome nuclear arsenals held by some States. The immediate task before the international community, as also the Non-Aligned Movement, is to initiate measures to contain, and ultimately eliminate, the threat of nuclear annihilation. We must seek to persuade the nuclear powers to divert the vast and invaluable resources, presently being squandered in the acquisition of yet more sophisticated and destructive weapon systems, towards the economic development and prosperity of their own peoples and, indeed, of the rest of mankind. The choices are stark and it must be our endeavour to ensure that the world chooses peace over war, development over destruction, and accommodation over confrontation.
We believe that the message of this summit to the rest of the world must be that non aligned countries will strive for cooperation rather than conflict that we expect our partners in the industrialised world to share in equal measure the responsibility for ensuring a dignified life, free from want, deprivation and exploitation for the whole of mankind. 

My country pledges itself to the fundamental principles of non-alignment and reaffirms its determination to the members of this conference and to the rest of the international community, to promote the objectives of peace, amity and goodwill which alone can provide the environment conducive to the orderly development of all nations of the world.

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1020. Record of the Call by Pakistan President Zia-ul-Haq on Prime Minister Mrs. Gandhi.

New Delhi, March 10, 1983.

Prime Minister's Office

Call on PM by President Zia-ul-Haq of Pakistan. (9 a.m. on 10th March at Vigyan Bhavan)

RECORD OF DISCUSSIONS

President Zia complimented PM on the very successful conduct of the Conference and paid a rich tribute to Indian role both at the Conference and in the Non-aligned Movement. PM thanked the President for his kind sentiments and said that the real success of the Conference will have to be judged by its results. She hoped that something positive will come out of the conference. President Zia thanked PM for arranging a trip to Agra for his family.

2. President Zia expressed his hope that, with the signing of the Joint Commission as desired by PM, we will now move on to the next stage in Indo-Pak relations. PM said that the doors (of bilateral relations) have to be opened one-by-one. President Zia said that the he wished to raise two minor points which he might as well raise with PM, even though they could be taken care of in the Joint Commission. These points relate to the improvement in telecommunications between the two countries and the reduction in postal rates. The postal rates were reduced by 15% last year,
but they are still high. Pakistan is prepared to reduce them further but Secy (PC) pointed out that we ourselves had proposed this reduction earlier.

3. The two leaders then proceeded to Committee Room ‘B’ to witness the signing of the Joint Commission Agreement by the two Foreign Ministers.

sd/-
(C.R. Gharekhan)
Joint Secretary
15.3.1983.

1021. Extract from speech of External Affairs Minister P. V. Narasimha Rao in the Lok Sabha while discussing the Demand for Grants of the Ministry of External Affairs.

New Delhi, March 24, 1983.

Then sir, the question of neighbours. Questions have been asked about our relations with Pakistan. I would like to submit to the House that the friendship treaty which we have proposed and the no-war pact which they have proposed are both under consideration.

Dr. Subramaniam Swamy: For how long?

Shri P.V. Narasimha Rao: As long as they are not sorted out.

The Joint Commission has been agreed to and in spite of the fact that all the Heads including our Prime Minister were breathlessly busy during the Summit... (Interruption).

Mr. Speaker: You would not mind that he is impetuous because he is still young.

Shri P.V. Narasimha Rao: I do not mind.

Shri Satyasadhan Chakraborty: What was the reaction of Pakistan to our suggestion that Pakistan should not offer any of its occupied territory for military basis to foreign powers? What was the reaction of Pakistan?

Dr. Subramaniam Swamy: Under negotiations?
Shri P.V. Narasimha Rao: I would like to inform Prof. Chakraborty that when we have given them a draft for a friendship treaty, naturally that would contain elements which he is referring to and when I say that it is still on the table under discussion.

Dr. Subramanian Swamy: Under negotiations.

Shri P.V. Narasimha Rao: Therefore it is still under discussion. If we had not had these differences in perception there would not have been any need to continue the discussion still. It so happens that both, in their no-war pact and in our friendship treaty, there are certain common elements but there are certain elements on which agreement could not be arrived at so far. Therefore, they are under discussion. The Joint Commission has been established. We are going to have the first meeting of the Joint Commission by mutual convenience at the earliest possible time.

Then, a question was raised about cultural and trade relations. I would like to inform the hon. Member who raised this question that we on our part are prepared for an enlargement of trade relations, are prepared for an enlargement of cultural relations but it so happens that from the Pakistan side there has been reluctance for what they may consider good reasons, we will not go into that since they are a sovereign country but they have so far not shown the readiness to expand trade relations except on a government-to-government basis. Recently they have exempted a few items but even on those items no trade has really been expanded or enlarged. So, that seems to be the position but I hope that with the Joint Commission having taken off it should be possible, it would be possible, to go afresh into these questions. Wherever there is a hitch, we could look into that and see what can be done. The idea of having a Joint Commission was that wherever progress is not up to the mark, not satisfactory, we should at once pay some special attentions to those areas and see that relations between the two countries are developed as both the countries want to develop them. Of course, the question of induction of arms is there. That is coming in the way of rapid normalisation, improvement of relations; that creates tension; that creates suspicion. A mini-arms race has started in the sub-continent. All these fall-outs are there. We cannot wish them away. We take note of them. We tell them again and again that this is unnecessary, they need not embark on this, but they seem to have ideas evidently and therefore, we will have to live with this dialogue with them and we also have to take into account that in our neighbourhood all this escalations of tension as a result of sophisticated arms is taking place and we have to ask ourselves as to what we should do to meet the situations This position will continue.

Dr. Subramainam Swamy: Much more reasonable, this time.

* * * * * * *
Letter from Pakistan President Zia-ul-Haq to Prime Minister Mrs. Indira Gandhi.

Islamabad, April 14, 1983.

Islamic Republic of Pakistan
Islamabad

29 Jamadi-us Sani 1403 AH 14 April 1983

Her Excellency
Madam Indira Gandhi,
Prime Minister of India
New Delhi

Dear Madam Prime Minister,

I should like to convey to Your Excellency my profound gratitude and appreciation for the cordial welcome and generous hospitality extended by you and the people of India to myself and the members of my delegation during our memorable stay in the beautiful city of New Delhi.

I should also like to offer to Your Excellency my personal congratulations for the great success of the largest ever summit Conference of the Non aligned Movement which it was India's privilege to host, a fact which was all the more remarkable considering the limited time available for completing the mammoth physical arrangements that it entailed. May I acknowledge that the momentous impact of the Summit was as much a result of the meticulous preparations undertaken by the Government of India as it was a tribute to yours personal qualities of leadership which played such a pivotal part in the triumph of our collective endeavours.

Since its inception over two decades ago, the Non aligned Movement has made remarkable progress in the realization of its objectives and now constitutes one of the most influential forums in the world. Following the New Delhi Conference, the Non-aligned countries can take due pride in the fact that the Movement has been strengthened and now constitutes a more potent force for peace than ever before. Doubts and fears regarding the fundamental unity of the Movement have been set at rest. The credit for successfully steering the course of the Conference away from sterile debate and into constructive channels, which hold greater promise for the future, is due in large measure to Your Excellency's personal efforts.

It was a particular pleasure to meet Your Excellency again and to witness the signing of the agreement to establish the Pakistan - India Joint Ministerial
Commission, which in my view, is an event of historic import and far-reaching significance. I am confident that the formation of the Commission, headed by our respective Foreign Ministers, will provide the impetus for strengthening our bilateral relations and exploring the potential for enhancing our cooperative ties in a number of spheres. It will also foster greater confidence and trust between our two countries and, in the process, promote the peace and stability of our region to the mutual benefit of our two peoples.

I have no doubt that as Chairman of the Non-aligned Movement, Your Excellency's wise and dynamic direction would create yet greater cohesion and unity in the Movement enlarge cooperation amongst its member states and enhance their capability to rise to the challenges faced by them and the Non-aligned Movement itself.

May I assure, Your Excellency of Pakistan's unstinted support and cooperation in furthering the cause of our Movement and freeing our people from economic and political dominance, leading to a new world order which would fulfill the fundamental needs and, indeed, reflect the highest ideals of the human race.

With profound regards,

Yours sincerely

(General M. Zia-ul-Haq)

(words in italics were hand written)
1023. Media briefing by Official Spokesman of the Pakistan Foreign Office on the Indian allegation of Pakistan interfering in the internal affairs of India.

Islamabad, May 26, 1983.

Strongly reacting to attempts being made in India to falsely implicate Pakistan in India’s internal problems, Pakistan scrupulously adhered to the principle of non-interference in internal affairs in its relations with India and also with all other States.

The spokesman said in a statement that “not only are the allegations being made against Pakistan absolutely baseless, they are also regrettable” as they tended to vitiate the atmosphere of Pakistan-India relations on the eve of first meeting of the Joint Commission, beginning in Islamabad on June-1.

The spokesman noted that apart from “irresponsible accusations” in some Indian newspapers, a member of Indian Parliament was also reported to have said that Pakistani officials and leaders of a ‘Jatha’ of Sikh pilgrims had recently held “closed door” meetings. The delegation of Sikh pilgrims who visited Pakistan in April last were accompanied, as usual, by Indian officials and sought meetings with Pakistani leaders to express thanks for facilities extended to them and to discuss matters relating to the maintenance of their shrines, he said.

“The Indian Ambassador or another official is invariably present during these meetings”, he added.
Record of the talks between External Affairs Minister P. V. Narasimha Rao and Pakistani Foreign Minister Sahabzada Yaqub Khan.

Islamabad, June 1, 1983.

Embassy of India
Islamabad

[Talks at Pakistan Foreign Office between F.M. and Foreign Minister of Pakistan Sahabzada Yaqub Khan on June 1, 1983]

F.M. met the Pakistan Foreign Minister, Sahabzada Yaqub Khan on June 1, 1983, at Pakistan Foreign Office. The following officers were present:

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<th>Indian Side</th>
<th>Pakistan Side</th>
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<tr>
<td>K. Natwar Singh,</td>
<td>Mr. Niaz A. Naik</td>
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<td>Secretary (PC).</td>
<td>Foreign Secretary</td>
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<td>Ambassador K.D. Sharma</td>
<td>Ambassador Riaz Piracha</td>
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<td>Shri. S.K. Lambah</td>
<td>Mr. Abdul Sattar</td>
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<td>Joint Secretary (PC).</td>
<td>Additional Secretary, Foreign Office.</td>
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<td>Shri Shashank</td>
<td>Mr. Said Dehalvi</td>
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<tr>
<td>Minister, Indian Embassy</td>
<td>Minister, Pakistan Emb. in Delhi</td>
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2. There was no fixed agenda for the meeting. The Foreign Ministers took up bilateral, multilateral and regional matters.

A: Bilateral

(1) No War Pact.

3. Pakistan Foreign Minister reiterated the Pak offer of the No War Pact. He said that this was made in all sincerity to create a better mutual understanding between the two countries. There were some differences of interpretation of the Simla Agreement. But these matters could be resolved by merging together the mutually acceptable elements of the Pak offer of No War Pact and the Indian offer of the Treaty of Peace, Friendship and Cooperation. He said that the Joint Commission, which was an element of the Treaty, had already begun its operation. But its progress would pick up with a climate of better mutual understanding and trust. Pak Foreign Minister wanted guidelines to be given to the senior officials so that they could
expedite their work. He suggested the third week of August 1983 as the possible period for these talk on the two drafts.

4. F.M. clarified that the Joint Commission was not conceived in isolation but was a part of an overall political process. The two countries were involved in the multi-faceted dialogue and the progress of the discussions depended not on the lack of the intent but on various factors. F.M. said that what was important was that the process was continuing. A mutually convenient date for the meeting on the two drafts could be decided later. Secretary (PC) suggested that dates could be determined during the SARC meeting of the Foreign Secretaries of seven South Asian countries or before if possible.

(2) Visits of Senior Officials

5. Pak Foreign Minister wanted the asymmetry in the exchange of senior official to be rectified. He said that there were many outstanding invitations to Indian Officials. Secretary (PC) stated that the Indian Minister of Information & Broadcasting and Secretary (I&B) would be visiting Pakistan.

(3) Missing Defence Personnel

6. F.M. told the Pak Foreign Minister that despite repeated promises, the Pakistan had not been able to trace any of the missing Indian Defence personnel. He said that the Indian parents were very keen to follow up on the various bits of information which they possessed. They had, therefore, requested to be allowed to go and identify their sons who might have remained under mistaken identities so far. F.M. wanted this proposition to be considered on its merits since it would at least settle the matter definitively for the parents.

7. Mr. Abdul Sattar, Additional Secretary, suggested that perhaps the parents could visit Pakistani jails with a representative of the Indian Embassy, as visits by the Embassy representatives were already envisaged for civilian prisoners under the Consular Protocol. The Pak Foreign Minister conveyed his understanding of the anxiety expressed by F.M. He suggested that this matter could be discussed further with Gen. Arif and that Mr. Sattar could take it up with the Interior Secretary as well.

(4) Hijackers of IAC Plane

8. F.M. pointed out that promises made by Pakistan for the return and later for their speedy trial had remained unfulfilled. The Pak Foreign Minister said that the trial was all set to commence. It was delayed so as not to vitiate the atmosphere at the time of the Joint Commission meeting. F.M. rebutted this by saying that it could really have been started earlier for atmospherics. Mr. Abdul Sattar mentioned the likely inflammatory effect of the possible statements by
the hijackers during the trial on the current situation in the Indian Punjab. F.M. told him that this could not be avoided and he reminded the Pakistan side that in fact India had originally proposed the return of the hijackers to India.

(5) Impact of Media Coverage

9. The Pak Foreign Minister pointed out that in recent days the atmosphere had become less than conducive. Pakistan press had written about several of these matters and the Indian Ambassador had protested against some of the press coverage. He said that the Pakistan Government had tried, in a spirit of understanding, to exercise restraint on the Pak Press, but it did not always succeed. He assured F.M. that the Pakistan Government would continue its efforts.

(6) Jinnah House

10. The Pak Foreign Minister said that Pakistan has repeatedly mooted this point and President Zia had also taken it up with P.M. He said that Pakistan has appointed a Consul General in Mumbai and thereafter wanted an early understanding from the Government of India on the lease of the Jinnah House. He assured F.M. of the Pak intention not to use the Jinnah House as a centre of any undesirable activities.

11. F.M. replied that we would revert to this question later.

(7) Communications between India and Pakistan

12. F.M. referred to the difficulties in getting connections through between Islamabad and New Delhi. The Pak Foreign Minister agreed with him completely and said that President Zia had also talked about it. Ambassador Piracha suggested that out of the existing 12 open channels, five were still unutilised and, therefore, two of these channels could be easily utilised for 24 hour telephone links between the two Foreign Offices and their respective Embassies without any additional cost to either Government.

B. Multilateral

(1) Afghanistan

13. The Pak Foreign Minister briefed F.M. on the present stage of the Geneva Talks and on his recent visits to various capitals.

14. As regards the indirect Geneva talks, the Pak Foreign Minister said that while there has been substantial progress towards achieving a comprehensive settlement, there were still several points on which detailed discussions had not yet taken place. Some of these points related to the termination date for the withdrawal process of the Soviet troops, consultations
for the return of the refugees and the nature and scope of the international guarantees. He said that there was simultaneity in the commencement of the withdrawal of Soviet troops and the provision of guarantees by Pakistan of non-interference and non-intervention in its future conduct. He clarified that these guarantees did not mean a Pakistani admission in interference in the past in Afghanistan and did not envisage that Pakistan would somehow manipulate or stifle the internal resistance of the Afghans against an unpopular Government. Another aspect of the Geneva Talks was that some countries felt that whatever agreements might be arrived at in Geneva might still leave room for their non-implementation in actual practice.

15. As regards the consultations in various countries, the Pak Foreign Minister said that the international guarantors had not yet been specified, though Afghanistan and the Soviet Union had spoken of the United States as a possible guarantor. In Beijing, he found support for the Pakistan approach at the negotiations. He said that China has also expressed itself publicly on this question at the U.N. General Assembly session. In London, he removed doubts and misgivings that arose from the briefing given by Diego Cordovez. He put the record straight on the Pak position. He explained to the British that meaningful progress was made in the negotiations. He also told them that a political settlement was necessary since the Soviets could not be pushed out of Afghanistan by Pakistan or by anyone else, and therefore one had to take them at their word and try for a comprehensive settlement. In Paris, he talked to Cheyson. He did not elaborate, except saying that both U.K. and France had taken active interest in the question of Afghan refugees. In the U.S.A., he had full-scale discussions with Schultz and Bush. The United States also supported the process of negotiations. He said that it was wrong to consider that the U.S. did not want the Soviets to get off the hook. In fact, the U.S. Administration wanted to reduce tensions in the region and work for peace and stability.

16. Pak Foreign Minister told F.M. that he had given virtually the same kind of briefing in all places as given to us. More details were given in China and the United States as they were potential guarantors. On a question from Secretary (PC), Pak Foreign Minister replied that a written document did exist and many of its parts had been filled up and perhaps Diego Cordovez was thinking about this document when he talked of 95 percent progress. The Pak Foreign Minister also agreed with Secretary (PC) that the Iran factor remained another problem.

(2) Implementation of NAM Summit decisions

17. F.M. explained the various initiatives taken by India to implement the decisions of the NAM Summit. In this context, he explained in details the progress made on the following three points:
(a) Transmission of the New Delhi Message and other documents to all countries outside the NAM.

(b) Transmission of the concerns of the NAM countries on economic issues to the developed countries' leaders. He mentioned in this context the positive statements made by Mitterand, Trudeau and Nakasone at the Williamsburg Summit.

(c) Transmission of the NAM economic decisions to G-77 meeting in Buenos Aires, and their utilisation for the preparations for the forthcoming UNCTAD meeting at Belgrade.

(d) The progress made so far in the NAM decisions to call for the 37th session of the U.N. General Assembly to meet at the level of Heads of State in order to give a meaningful push to important issues like disarmament, peace and economic co-operation. In this context, F.M. also requested the Pak Foreign Minister to take up this issue during his visits to various countries because of the importance of disarmament and economic co-operation. He also suggested full co-operation and co-ordination between India and Pakistan on these issues of common concern.

C. Regional

F.M. stated that India looked forward to the August meeting of the Foreign Ministers of the seven South Asian countries. He expressed his hope to see the Pak Foreign Minister in New Delhi. He was happy that the Foreign Ministers' meeting was being preceded by full preparations. To a question form Mr. Abdul Sattar, F.M. stated that the objective of the SARC F.Ms' meeting would be not only to launch the integrated programmes in different fields but also to take up programmes of truly regional interest, which were not really bilateral or trilateral. He said that some such areas had already been identified and others could be identified at the forthcoming Foreign Secretaries' meeting of the SARC countries at the end of July 1983. F.M. informed the Pakistan side that we had earmarked Rs. 5 million exclusively for the SARC efforts.
1025. Record of the discussion between Foreign Secretary and the Ambassador of Netherlands.

New Delhi, June 22, 1983.

Ministry of External Affairs
(Europe West Division)

Call on the Foreign Secretary by the Ambassador of Netherlands on 22 June, 1983.

The Ambassador of Netherlands called on the FS on 22.6.1983. He told FS that he has been asked by his Government to convey their apology for not being able to receive the FM at the Hague. This was due to the short notice and unavailability of their Minister on the days proposed for the FM's visit. He suggested that new dates for the visit could be finalised soon. FS said that we would look into it.

FS mentioned that PM had met the Netherlands’ Prime Minister Mr. Lubbers at Belgrade. FS also mentioned his acquaintance with Mr. Lubbers from the time he was in The Hague.

Ambassador said that six months ago when he had come and met Secretary (PC) he had been told that relations between India and Pakistan are uneasy at the best of times. He said that after the meeting of the Joint Commission this should have changed.

FS said that given the past history there is a degree of unease between the two countries at all times. Bilateral issues are magnified and this upsets people and muddies the relationship. Even simple statements get unduly magnified. He mentioned that PM’s statements during J&K elections should be seen in the context of Pakistan repeatedly raising the Kashmir issue internationally even after the Simla Agreement. However there is a positive trend in our relationship in the last two years and the Joint Commission is a major positive step.

FS said that the atmosphere at the Joint Commission meeting was good and there was a progress in many fields. However, in the area of trade there was no progress. This is possibly due to political prejudice on their side. However, we shall not make this an issue and shall be patient. We will offer economic cooperation where they desire it. In other fields such as consular, cultural, scientific etc. there was progress. What is more important is that the Joint Commission provides a forum for regular and automatic meetings for resolution of bilateral problems.

FS said that he would be meeting the Pakistani Foreign Secretary at the end July during the South Asian Regional meeting in New Delhi. This shall be
followed by a meeting at FM's level in August. The exact time-table is still to be decided.

Ambassador then raised the question of larger issues connected with the two proposals made by either side. FS in reply said that progress on this will necessarily be slow. He said that we have information that they are assisting the protagonists of the so called Khalistan Movement. Possibly there are some factions in Pakistan who always wish to create trouble for India. Since there is a lack of democratic process in Pakistan the contradictions between positive and negative elements do not get ironed out and there is no consistent policy vis-à-vis India. We hope the positive elements like those encouraging the Joint Commission will come out on top. It is in this context that we have spoken of foreign interference in our internal matters. FS pointed out that Khalistanis are also getting material and monetary help in countries where they have parked themselves. However, FS mentioned that there is an improvement and in the framework of the SARC we are cooperating.

The Ambassador once again came to the two proposals and said that they have to be moulded into one. He said that he understands there are differences on the question of foreign bases in the context of non-alignment and Pakistan does not want to discuss this issue. FS in reply said that what was a confidential discussion has been commented on by Pakistani officials including President Zia in press conferences. This he thought was not correct. FS said that if Pakistan has philosophical problems on the question on bases we are ready to discuss it. But if it does not wish to discuss it for other reasons then it is serious. FS said that the Simla Pact was in fact a no war pact and a pact for bilateralism. This could have been build upon. FS agreed with the Ambassador saying that the relations are going in the right direction but slowly.

FS said PM's visit to Europe was good. We have no bilateral problems with the countries that she visited. It was a good-will visit and there was happily a lot of sympathy and understanding of India in those capitals. FS also mentioned that PM had met the Swedish Prime Minister Mr. Palme for two hours and that they are good old friends.

(Sanjay Singh)  
Under Secretary EW-I  
29/6/1983
Record of Indian Ambassador in Pakistan’s call on the Foreign Minister of Pakistan Sahabzada Yaqub Khan.

Islamabad, August 23, 1983.

Embassy of India
Islamabad

Ambassador called on Sahabzada Yaqub Khan on 23 August at 3 P.M. Ambassador presented to the Foreign Minister a copy of the Atlas on Mogul India, which has been published in India. The Foreign Minister called it a remarkable historical document and thanked the Ambassador for this gift of a treasure house.

2. The Foreign Minister thanked the Ambassador for the arrangements made during his visit to Delhi for the SARC Meeting, for meeting various leaders. He found the SARC Meeting satisfactory because everyone showed interest in this mechanism which took some of the shocks very well. This showed the potentialities for future cooperation, especially in view of their common purposes, ancient history and heritage. He said it was strange that while there were various groupings in the world, our region of about 1 billion people had complete darkness. The regional cooperation, he felt, would give a force to all our countries to make our voices heard on international issues. Talking of Pakistan’s position, the Foreign Minister said that Pakistan was conscious of its Western orientation (i.e. towards Middle East and the Persian Gulf) but it also had an Asiatic personality which had begun to assert itself. He said that Pakistan was at the cross-roads of two regions and the recent visits of President Zia had taken account of this factor. The Foreign Minister concluded his statement by saying “I am a soldier and Mr. Ambassador you are a diplomat. You will, therefore, understand these ideas much better”.

3. Ambassador took this opportunity of the briefing on SARC to inform Sahabzada Yaqub Khan on India’s dialogue with Sri Lanka regarding the ethnic trouble there. Among other subjects which were discussed at the meeting, included the following:

UN Summit: Sahabzada said that President Zia had not yet decided whether he would attend the UN General Assembly session. He said that they would like to know how things stood about the attendance of other leaders before they took a final decision. Ambassador said that he would send to the Foreign Minister the response which had been received so far. (Immediately after return from the meeting, we received a telex on the subject from Delhi and forwarded it to the Foreign Minister’s Office).
While on the subject, Shabzada went on to state that during his visit to New York for the UN GA session, he would take part in the dialogue on Afghanistan. He said that the postponement of Cordovez visit to the region in September was not at the Pakistani initiative. Pakistan, according to him, had suggested 7 to 17 September as dates for the visit but, perhaps, there were some difficulties regarding the availability of the Afghan Foreign Minister and some other things also came in the way.

**Visit of relatives of missing Defence Personnel:** Ambassador reminded the Foreign Minister about his recent discussions in Delhi where a figure of about 5 relatives had been mentioned. Ambassador said that we were waiting for a final reply to our suggestion to send 6 relatives on 12 September. Sahabzada said that there should be no problem in making the number six.

**International Centre for Genetic Engineering and Bio-technology:** Ambassador gave a brief idea to the Foreign Minister about India’s candidature for the venue of this Centre. As Pakistan is also a candidate, Sahabzada did not see any difficulty in Pakistan delegation to the Madrid Meeting taking the line that the Centre should be located in a developing country.

**Visit of delegation from the Lahore Chamber of Commerce:** Ambassador reminded the Foreign Minister about their earlier discussions on the likely postponement of the visit of the delegation from the Lahore Chamber of Commerce. The Foreign Minister said that one should not read any other meanings in the decision of the Pakistan Government. He said that it was a bureaucratic problem and had nothing to do with the policy angle. He noted that ultimately the visit would take place.

**Follow-up on the discussions at the last Indo-Pak Joint Commission Meeting:** Ambassador said that at the first Joint Commission Meeting the work of the Second Sub-Commission on Trade stood out particularly because it achieved no results at all. Perhaps Foreign Secretary Niaz Naik wanted to take a meeting of the concerned Secretaries in the Pakistan Government. Ambassador reminded the Foreign Minister that perhaps such a meeting could now be organised and this could be followed up by a visit of the Pakistani Commerce Secretary to Delhi or that of the Indian Commerce Secretary to Islamabad. However, such a visit should be kept out of the direct purview of the Sub Commission. Sahabzada agreed with this approach and said that we should examine ways and means to overcome the problems while showing full understanding for each other’s view points.

With a view to ensure regular coordination in monitoring of the implementation of agreed conclusions of the Joint Commission, Ambassador suggested that we might reenergize the periodic consultations between the Director General
(South Asia) assisted by officials from the various Ministries of the Pakistan Government on one side and officials of this Embassy on the other. Sahabzada said that he would certainly look into this useful suggestion.

Pakistan’s protest on the screening of Film ‘Akraman’ by Pakistan? (Amritsar)T.V. on 14 August 1983: Sahabzada enquired if Foreign Secretary Naik had already spoken to the Ambassador about the movie shown on Amritsar TV on 14 August which presented Pakistan as an aggressor country. Director (India) Abbas Zaidi added that a Note had just been sent out to the Indian Embassy. Ambassador said that he had not heard about it and he assured the Foreign Minister that he would personally refer the case immediately to Delhi on receipt of the Note giving the details of the film.

With reference to information of media, Ambassador briefed the Foreign Minister about one of the decisions of the recent meeting of the Indian envoys in South Asia under which it was suggested that the respective Ambassadors should speak to the concerned News Agencies not to give a negative coverage about developments in the other country but to also try to cover some positive aspects. Ambassador said that he had already spoken to the PTI correspondent in Islamabad and he requested Sahabzada Yaqub Khan to see whether Ambassador Piracha could also speak to APP correspondent in Delhi on these lines.

At the end of the meeting, Sahabzada requested Ambassador to convey his greetings to our Foreign Minister.

(Shashank)
Minister
24-8-1983

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1027. Statement issued by the Pakistan Foreign Ministry regretting the statements of Indian leaders expressing concern on developments in Pakistan.

Islamabad, August 27, 1983.

Statements* of the Indian Prime Minister and Foreign Minister regarding matters that are the internal affairs of Pakistan are as regrettable as they are hostile. By making utterances that obviously constitute interference and in the same breath professing a desire not to say anything that might be so regarded, the Government of India has adopted an inconsistent and contradictory attitude that is bound to damage mutual understanding and confidence.

Non-interference in the internal affairs of other states is an obligation under International Law and the United Nations Charter. In the Simla Agreement Pakistan and India specifically recognised that principles of respect for each other’s sovereignty and non-interference in internal affairs were pre-requisites for good-neighbourliness. Only this month in a declaration issued in New Delhi the Foreign Ministers of the South Asian countries reiterated commitment to these fundamental principles.

* The statement was referring to the observations made by the Indian leaders about the agitation in Pakistan particularly in Sind for the restoration of democracy and arrest of political leader particularly Khan Abdul Ghaffar Khan. The Indian Ambassador in Pakistan K.D. Sharma reacting to the Pakistani statement said that there was a need to understand the statements of Prime Minister and Foreign Minister in a proper perspective. These statements were out of concern about tension in a neighbouring country. He said India was interested in having cordial relations in every sphere of life with Pakistan. That was why India had presented the draft of proposed cultural agreement but because of Pakistan’s non cooperation no final decision in this connection had been taken so far. He told the daily Jung that if “people’s rights are usurped in any country around India, we will not keep quiet nor will we close our eyes to face the realities.” The Ambassador said his country respected democratic instutions and “we propose that all neighbouring countries should take effective steps for the restoration of democracy.” In the statements of Prime Minister and External Affairs Minister concern had been expressed not only about events in Sind but also about conditions prevailing in other areas. The reaction of the Indian leaders was according to the principles of general philosophy,” he said.

On 27 August the Indian Ambassador KD Sharma was called to the Pakistan Foreign Office and thereafter in a statement issued by the Indian Embassy said that he explained to the the Pakistan Foreign Secretary that expression of Indian concern should be seen in the totality of circumstance that have given rise to it. A large number of people in India, both inside and outside the Parliament, have been watching with concern the developments in this neighbouring country. The statement of the Indian Prime Minister and the Foreign Minister only gave expression to the ‘popular sentiment’. Ambassador Sharma further said that another equally important aspect in such matters was that there was a political and humanitarian dimension. Both the Prime Minister and the Foreign Minister had clearly stated that there was no desire to interfere in the internal affairs of Pakistan. But that we in India could not shut our eyes to the human dimension of the problem on which there was widespread concern in India and elsewhere. It was not, therefore, justified to construe this expression of concern as an interference in the internal affairs of Pakistan.
Obviously mere lip-service to these principles is not enough. Observance of these principles in practice is indispensable to the realisation of the objectives of normalisation and establishment of good-neighbourly relations. Violations of the principle can only undermine mutual confidence and trust and damage and vitiate the trends towards better understanding and cooperation between neighbourly states.

On its part the Government of Pakistan has scrupulously observed the principle of non-interference and exercised utmost restraint even when public opinion was exercised about events in various parts of India. This policy cannot succeed if it is one-sided. Only when restraint is reciprocated can we hope to evolve a future of harmony and cooperation in place of the conflict and confrontation that marred bilateral relations in the past.

1028. **Statement issued by the Ministry of External Affairs on the reports alleging that Indian Prime Minister was proclaiming a new doctrine.**

**New Delhi, August 30, 1983.**

Government have seen press reports alleging that the Prime Minister, Shrimati Gandhi is proclaiming a new doctrine justifying interference in the affairs of neighbours. There is no question of any such doctrine. Government are scrupulously following India’s traditional policy of non-interference in the internal affairs of other countries. This is particularly so in relation of her neighbours.

As recently as the 1st of August, while inaugurating the meeting of Foreign Ministers’ on South-Asian Regional Co-operation, the Prime Minister re-affirmed this policy in the following words.

“Subscribing to non-alignment, we respect the right of every country to choose and follow its own form of government without interference from others.”

India is a democracy. Our solicitude for democratic values and form flows from our own commitment to these values and our political and social system.

Prime Minister’s remarks on the developments in Pakistan were made in a strictly domestic context of explaining or assessing events which might have repercussions for us. This was a response to our own political processes and a statement of our values. It is not interference. Criticism of Prime
Minister’s remarks to a Party meeting on these developments is therefore ill founded and misplaced.

Government have taken several initiatives to promote dialogue and discussion with India’s neighbours on a basis of independence, sovereign equality and non-interference.

Such a dialogue was initiated by the Prime Minister with Pakistan also. What was said by the Foreign Minister in parliament and the Prime Minister at a party meeting is in no sense an attempt to influence internal developments in Pakistan or their future course. The Foreign Minister’s statement was made in response to expressions of concern in our Parliament over the fate of Khan Abdul Gaffar Khan. He is the sole surviving leader of our Independence movement, a close associate of Mahatma Gandhi, Pandit Nehru and the Present Prime Minister. He remains a revered figure for our people.

1029. Statement by the Pakistan Foreign Office on the Indian explanation of Prime Minister’s Statement on the question of Indian interference in Pakistan’s internal affairs.

Islamabad, September 1, 1983.

The Indian Foreign Office spokesman’s illogical explanation that last week’s statements of the Indian Prime Minister and the Foreign Minister about the situation in Pakistan did not amount to interference in Pakistan’s internal affairs, is unconvincing and unacceptable to Pakistan.

Inconsistent with the internationally-accepted meaning of interference, the novel Indian explanation is at variance with India’s own past position.

New Delhi has in the past objected to expressions even of humanitarian sympathy by foreign governments with victims of violence in India. On her own part now, the Indian Prime Minister has gone so far as to comment at her own level on the situation in Pakistan in a manner that is tantamount to support for agitation against the Government of Pakistan. She even referred to a number of individuals who are citizens of Pakistan. Obviously, the Government of India has no locus standi or legal basis to speak in respect of persons who are not its nationals. New Delhi has advanced fallacious argument that India’s ‘solicitude for democratic values’ flowed from its political and social system. Pakistan itself is committed to Islamic values
and norms. But obviously it is inadmissible for any country to try to export its own ideology or system.

"Pakistan reaffirms its commitment to the principles of inter-State relations, principles which derive not only from international law and treaties but also from bilateral agreement. In the interest of strengthening mutual understanding and cooperation, it is indispensable that restraint should be exercised, this would also enable both countries to continue their efforts towards evolving a tension-free and durable relationship.

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1030. Statement issued by the Pakistan Ministry of Foreign Affairs on set back to India - Pakistan relations.

Islamabad, September 10, 1983.

The Ministry of Foreign Affairs, Government of Pakistan, is amazed at the attempt by the Indian Ministry of External Affairs to transfer responsibility for the recent setback to the process of normalisation of relations between the two countries. Any fair-minded and impartial observer can see that this unfortunate development was sparked by the statements of the Indian Prime Minister and Foreign Minister on the situation in Pakistan. These statements were in clear violation of the principle of non-interference in the internal affairs of other countries.

Convinced that good-neighbourly relations between Pakistan and India serve the best interests of the two countries and their peoples, the Government of Pakistan has exercised utmost restraint. It cannot fail to point out however, that leaders and spokesmen of the Government of India and of the ruling party continue to issue hostile and provocative statements.

For instance, on September 3, the Indian Minister for Industry, N.D. Tiwari made unwarranted and propagandistic comments in a message to a meeting held in New Delhi to discuss the situation in Pakistan. Besides violating the principle of non-interference, this message by a Minister of the Government of India constituted official encouragement to a hostile campaign against Pakistan. Also, a General Secretary of the ruling Congress-I, C.M. Stephen issued a statement on August 31 which was tantamount to support for anti-Government agitation in Pakistan.

Taking exception to the statements of the leaders and spokesmen of the Government of India, the Government of Pakistan has expressed the hope
that India will refrain from pronouncements that violate sacrosanct principles of relations between independent and sovereign States.

The Government of Pakistan has also expressed the hope that the Government of India will direct its official media to cease hostile propaganda against Pakistan as required under the Simla Agreement.

On its part, the Government of Pakistan remains committed to the development of good-neighbourly relations with India on the basis of the United Nations Charter, the principles of peaceful co-existence and bilateral agreement*.

* This statement was issued by Pakistan’s diplomatic missions in other countries to the diplomatic missions of various other countries to give it the widest publicity abroad.

Later President Zia-ul-Haq asked Foreign Minister Sahabzada Yaqub Khan to try to meet Indian Prime Minister Mrs. Indira Gandhi at the UN General Assembly in New York during his stay there and make it clear to her that the hostile attitude which India has of late adopted vis-à-vis Pakistan may affect the relation between India and Pakistan, a Foreign Office spokesman said at Rawalpindi. India Foreign Minister Narasimha Rao would also be informed of Pakistan’s reaction during his expected meeting with Sahabzada Yaqub Khan, the spokesman said. Referring to the statements and comments by certain Indian leaders and newspapers, he said the Indian public opinion wanted to normalise relations with Pakistan. While Pakistan had been doing efforts to normalise ties with India, the latter’s reaction was not encouraging, he added.
1031. Letters exchanged between Indian Prime Minister Mrs. Indira Gandhi and President Zia-ul-haq on the detention of Khan Abdul Ghaffar Khan.

New Delhi, August 26, 1983 and Islamabad, September 14, 1983

TEXT OF MRS GANDHI’S LETTER

Prime Minister of India.
New Delhi

August 26, 1983

Dear Mr. President,

I am sure you know that Khan Abdul Ghaffar Khan occupies a special place in the hearts of the Indian people. He is regarded as a true Gandhian and in fact was known as the Frontier Gandhi.

Our Parliament is greatly agitated at his detention. Our people and Parliament are deeply concerned because of his advanced age and poor state of health. We certainly do not wish to interfere in the internal affairs of Pakistan, but I have been asked by all sections in our Parliament to convey their concern to which I add my own, to you in the hope that Khan Abdul Ghaffar Khan will be released.

With regards,

Yours sincerely,

Indira Gandhi

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TEXT OF ZIA’S REPLY

President of Pakistan.
Islamabad.

06 Zil Hij 1403 A.H./14 September, 1983

Dear Madam Prime Minister,

The text of your Excellency’s letter of August 26 was received in Islamabad on August 29, after I had left for a visit to Turkey. Prior to my departure, I had also seen reports of your statement in which mention was made of the internal situation in Pakistan as well the steps taken by the Government of Pakistan in respect of some of its own nationals.
In keeping with the spirit of sincerity and cordiality which should characterize relations between our two countries and Governments, I must point to the inconsistency between the reaffirmations of the principle of non-interference in the internal affairs of Pakistan and a distinct lack of regard for that very principle implicit in the statement to which I have referred. I might add that some of the statements of leaders of the Government of India also tend encouragement to anti-Government elements in Pakistan. The principle of non-interference, indispensable for the promotion of good-neighbourly relations, has been scrupulously observed by Pakistan both in letter and in spirit in this context. My Government has consistently been at pains to explain the obligations that devolve upon it to those elements of public opinion in Pakistan that are exercised by events in India.

We sincerely hope that your Government will join us in strengthening mutual confidence in the interest of promoting greater understanding and enhancing co-operation between our two countries.

I wish to assure Your Excellency that on our part we remain committed to the development of friendly relations with India based on the universally recognised principles of sovereign equality and mutual benefit.

With profound regards,

Your sincerely,

General M Zia-ul-Haq
1032. Statement on the meeting between the Leader of the Indian delegation to the United Nations General Assembly session G. Parathasarthy and Pakistan Foreign Minister Sahabzada Yaqub Khan.


The heads of delegations of Pakistan and India to the UN General Assembly discussed for 90 minutes on September 28 the present state of relations between their two countries.

Officials said Pakistan’s Foreign Minister Sahabzada Yaqub Khan and Mr. G. Parthasarathy*, Foreign Affairs Adviser to the Indian Prime Minister, conferred without their aides.

A statement issued after the meeting, held in Mr. Parthasarathy’s UN Plaza Hotel suite, said they had had a “free and frank” discussion. The statement did not, however, mention specific subjects.

It said the two chief delegates expressed “their respective points of view on bilateral issues.”

“They also exchanged views on the regional situation and the issues before the General Assembly”, the statement added.

This was the first high-level contact between India and Pakistan since their relations turned sour in the wake of some recent developments. Mr. Yaqub Khan declined to answer questions from waiting reporters as he left the hotel.

“I have nothing to add to the statement that has been made” he said.

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* G. Parthasarthy, leader of the Indian delegation to the UN needs to be distinguished from his name sake who at that time was India’s Consul General at Karachi.
Note Verbale of the Pakistan Ministry of Foreign Affairs to the Embassy of India in Pakistan regarding some demonstrations in front of the Pakistan Mission in New Delhi.

Islamabad, October 3, 1983.

The Ministry of Foreign Affairs presents its compliments to the Embassy of India and has the honour to state that on September 30, 1983, a demonstration was organised in front of the Pakistan Embassy in New Delhi by a group of women under the leadership of the Deputy Chairman of the Delhi Metropolitan Council, Mrs. Tajdar Babar who is a prominent member of the Congress(I) Party. About 300 demonstrators erected a tent in front of the main gate of the chancery and shouted slogans against the Government of Pakistan. The demonstration lasted 7 hours during which water and refreshment were provided from a vehicle belonging to New Delhi Municipal Corporation parked outside the Embassy.

The Government of Pakistan wishes to express to the Government of India its serious concern over the demonstrations sponsored by the ruling political party in India or persons connected with organs of government. The Government's concern was earlier conveyed to His Excellency the Ambassador of India on September 26 after the Delhi Congress (I) Party staged a demonstration outside the Pakistan Embassy in New Delhi. In the present case the Delhi Administration also provided physical assistance and support for the demonstration.

The Ministry of Foreign Affairs must point out that under the Vienna Diplomatic Convention the receiving state is under a special duty to take all appropriate steps to protect the premises of a diplomatic mission against any disturbance of the peace of the mission and impairment of its dignity. In the instances cited, the ruling party and the local administration have in fact sponsored and organised activities in violation of the provisions of the Vienna Convention.

The Government of Pakistan expresses the hope that the Government of India will take steps to prevent the recurrence of such demonstrations against the Embassy of Pakistan.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of India the assurances of its highest consideration.

The Embassy of India,
Islamabad

On October 5 the Pakistan Ministry of Foreign Affairs issued the contents of this note in the form of a statement for general information.

New Delhi, October 13, 1983.

An Indian Foreign Ministry spokesman denied at New Delhi on October 13, 1983 that India was planning to attack Pakistan.

The spokesman also denied that the Indian Prime Minister, Mrs. Indira Gandhi, had met some exiled Pakistani leaders in London during her stopover there en route to New Delhi from New York and had told them that India was ready to attack Pakistan.

1035. TELEGRAM

From: Indembassy Islamabad
To: Foreign New Delhi

MOST IMMEDIATE

No. 185. October 25, 1983

Secretary (PC) from K.D. SHARMA

Additional Secretary ABDUL SATTAR called me to the Foreign Office to-day and protested against anti-Pakistan references made during the Vishwa Sindhi Sammelan in New Delhi. SATTAR showed me a special supplement on the Sammelan brought out by the organisers containing an article by Acharya BHAGWANDEV Congress (I) M.P. He read out portions derogatory to ZIA (who is called a Rakshaa (devil) and exhorting Sind to become a part of India). SATTAR said that it was particularly regrettable that the President and Prime Minister of India were associated with the inauguration of such a conference.

2. SATTAR said that two years ago when Government of India were apprehensive about an anti-India Conference of Sikhs during a visit to Pakistan of a Sikh Jatha (group), Government of Pakistan had assured India that such a meeting would not be allowed. SATTAR added that both India and Pakistan
were party to a 1981 U.N. Declaration on the inadmissibility of intervention and interference in the affairs of other states.

3. According to SATTAR this process of daily objectionable statements or articles against Pakistan by various Indians was encouraged by the initial statements of the Indian Foreign Minister on 2nd August and Prime Minister on 26th August. He said that Prime Minister was a respected leader of the non-aligned community and one could expect it of her to restrain her own party MPs.

4. After the verbal protest, SATTAR handed over an Aide Memoirs and its main points are given below:

The Government of Pakistan protests to the Government of India against continuing violations by India of the universally recognized principle of non-interference in the internal affairs of States......

............. Mr. BHAGWANDEV, a member of Indian Parliament belonging to the ruling Congress (I) Party, made highly offensive and objectionable remarks at a Sindhi conference held in New Delhi on October 18-19, 1983 which was inaugurated by the Prime Minister of India and addressed else by the President of India. He used disrespectful indecent and scurrilous language about the President of Pakistan advocated support for the overthrow of its Government and, referring to Sind, declared that the “time was ripe for this part of Pakistan to become a part of India....

.............such activities by a member of Parliament belonging to the Party in power and the official encouragement to these activities implicit in the presence of the President and Prime Minister of India at the conference clearly violate the universally recognised norms and principles of international law......

.............The Government of Pakistan reminds the Government of India of its duty to ensure that its territory is not used in any manner that violates the sovereignty, national independence, territorial integrity and national unity or disrupts the stability of another state......

.............The Government of Pakistan expresses the hope that the Government of India will ensure observance of these established principles which is indispensable to the realisation of the objectives of good-neighbourly relations, strengthening of mutual confidence and promotion of cooperation between the two States. The Government of Pakistan reiterates its commitment to these objectives.

5. In reply to SATTAR's charge I gave him the background of the conference as one of the various international cultural conferences held periodically to
highlight and consolidate the rich heritage of different Indian languages. I also protested to SATTAR against the string of symposia being organised in various cities of Pakistan such as Sukkur, Hyderabad, Lahore and Karachi on the subject of the alleged Indian interference.

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1036. SECRET

TELEGRAM

From: Foreign New Delhi
To: Indemnassy Islamabad
Repted: Congendia Karachi


K.D. SHARM from NATWAR SINGH

Your telegram No.185 October 25.

2. When you see SATTAR next, please tell him that we reject every single point made in the aide memoire he gave you. We are astonished at ill-tempered tone of that document.

3. Shri BHAGWAN DEV is a Member of Indian Parliament and what he says in no way reflects views of Government. Our official spokesman said so to press the other day. The assumptions made in aide memoire do little credit to its authors. They have no basis in fact.

4. The policies of Government are made by Government and not by individuals or private organisations. You might remind SATTAR that having spent four and a half years in India he ought to know how we function.

5. Today JS (Pak-Iraf) told RIAZ KHOKHAR that; (i) Even before SATTAR had spoken to you, our official spokesman had mentioned that these statements reflected the view of an individual and not of the Government of India. (ii) The Indian Press has not taken any note of this statement, and it has appeared nowhere except paid advertisement supplement of the newspapers. (iii) It is, therefore, difficult to understand why the Pakistan Government and media are playing it up. KHOKHAR said he was aware of these facts and would be conveying them to his Government.
6. We have been noting unbridled language being used about India in Pakistani Press and Government inspired stories that are being put out. While noting contents we have, by and large, ignored them because we do not think that Martial Law regime has any serious intention of curbing these elements. Mere verbalising about intention to have good relations with India is not sufficient. On all substantive bilateral matters Pakistan has come in way of progress.

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1037. **Press Release of the Indian Embassy in Pakistan rejecting Pakistani protest on Sindhi Sammelan in New Delhi.**

**Islamabad, November 1, 1983.**

The Indian Government has rejected the recent Pakistan protest in regard to the World Sindhi Sammelan held at New Delhi on October 18 and 19 last.

According to the release, the World Sindhi Sammelan was purely a cultural event, which had been mooted long before the present political disturbances started in Pakistan.

“It was organised by group of Sindhi scholars in India in their private capacity. The remarks made by the various participants including Acharya Bhagwan Dev, Member of Parliament, as has been reiterated by the official spokesman of India in New Delhi, represent the personal views of the participants and not the official policy of the Government of India. The policies of the Government of India are made by Government and not by individuals or private organisations”, the release said.

“The presence of the President and the Prime Minister of India at the World Sindhi Sammelan must be understood in the proper context. India is a secular country and the Government leaders quite often inaugurate or briefly attend the cultural functions of all religious and linguistic communities. Numerous similar functions have been held in past years and a Hindi Sammelan, an international Urdu conference and the 3rd World Punjabi writers conference are scheduled to be held in India in the near future”.

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SECRET

Letter from the Ministry of External Affairs to the Heads of Mission abroad regarding political situation in Pakistan.

New Delhi, November 2, 1983.

Ministry of External Affairs
New Delhi

No. J/102/11/83 November 2, 1983

My Dear Heads of Mission/Post,

We have kept you informed about the developments in Pakistan. Foreign Secretary had in his telegram No. 34487 dated August 27, explained to you the background in which PM and FM made their statements and Secretary (PC) vide his telegrams No. 34994 dated September 5 and 34949 dated October 4 had briefed you on the situation in Pakistan.

2. Zia continues to be in control. The army is still supporting him and Punjab is not opposing him though there have of late been some indications of the movement gaining ground in this crucial province. Zia’s capacity to withstand the pressure of the MRD (Movement for the Restoration of Democracy) movement remains intact. At the same time the MRD by continuing the agitation for long have demonstrated their capacity to sustain and even escalate it. Zia has also started exploring the possibility of political dialogues to gain breathing time but has met with no success. Even if he succeeds in defusing the present situation, his position is likely to be vulnerable. The information given below in respect of the current situation in Pakistan might be of help to you in your discussions on this issue. In an evolving situation you would naturally supplement them with additional facts/assessments as and when necessary.

(i) The MRD agitation, launched on 14th August, 1983, has now been sustained for over 10 weeks. Though confined mostly in Sind, it represents a popular upsurge for the restoration of democracy in Pakistan. Demonstrations and strikes have been taking place all over the country, particularly in the interior of Sind. The Wadheras (landlords) of Sind have been in the forefront of the agitation. Movement is attracting sectional groups like students, lawyers and labour. There have been clashes between demonstrators and the authorities, bomb explosions and sabotage of transport links.

(ii) Violence reached a pitch during the local body elections in Sind and Punjab (28th September to 2nd October) in which about 50 people were reportedly killed.
(iii) The agitations have also begun taking their economic toll. The disruption in transport links has led to price increases and scarcity of food items and other products.

(iv) A number of police deaths appear to have had an adverse impact on the political loyalty and morale of officials in Sind. A sizeable number of policemen and other officials are reported to have resigned and some have even joined demonstrations. Many are being transferred. The army is, however, still presenting a united front.

(v) Curbs have been placed on public assembly, carrying of arms and the press. Military courts have been handing out severe punishment to the agitators including rigorous imprisonment, lashes and fine. The regime, to begin with proceeded very cautiously and use of force had been in a controlled fashion but of late there are reports of more force being used by the army. Harsh methods being employed by the army include cutting off particular areas for search-and-destroy operations.

(vi) Almost all major political parties have joined the movement. Exception are pro-Zia Jamaat-i-Islami, Pagaro faction of Muslim League and the ambivalent Jamaitul-Ulemai-Pakistan. Even these parties, within themselves are divided and some of their factions, particularly Sind based, are sympathetic to MRD. Other parties like the Jiye Sind Movement and Sind Awami Tehrik, while participating in agitations, have held themselves apart from MRD since they do not believe in the possibility or desirability of a solution within the Pakistan framework. They are hoping, with some justification, that the sullen discontent produced by the crack down against the populace will strengthen Sindhi nationalist forces.

(vii) There have been large-scale arrests in Pakistan. All top political leaders of MRD are under detention. In addition to Benazir Bhutto and Air Marshall Asgar Khan, who had been under arrest for a few years, other leaders including Jatoi, Mazari, Wali Khan and even Khan Abdul Ghaffar Khan have been under detention. Opposition claimed that the total number of persons arrested is well over 10,000. In fact, the Pakistan Government admitted in an official statement on October 23, that in Sind alone 4070 persons had been arrested out of whom 1783 are still in jail. The spokesman further admitted that 52 persons had been killed out of whom 8 policemen and 1 army man. If this is the figure given by Pakistan Government for Sind alone, the total number is naturally much higher.

(viii) Pakistan Government was taken by surprise by Movement’s intensity but recovered quickly to move army units into position. At least 11 districts in Sind were handed over to direct army control. The role of the army in trying to crush the movement has made it even more unpopular.
(ix) Pakistan authorities have floated the idea of a dialogue with political parties. However, on substantive issues Zia seems to be in no mood to seek an accommodation with political opponents apart from offering a few cosmetic changes to his 12th August proposal. Even the politicians belonging to right-wing parties supporting him or who are not constituents of MRD like Prof. Ghafoor of JI and Maulana Noorani of JUI have express disappointment at the results of their dialogue with Zia.

(x) The crucial test is the impact of the movement in Punjab which has so far been relatively quiet. The reasons for this (a) attitude of JI (b) 80% of Pak army is composed of Punjabis (c) economic advantages of the remittances have been felt most in Punjab and (d) big presence of army; 4 of the 7 Corps of Pak army are in this Province (Lahore, Rawalpindi, Multan and Mangla). In spite of these elements there have of late been indications of the movement gaining some ground in this crucial province. There was a big demonstration in Lahore on October 26. Recently, Zia held local body elections in Pakistan. According to A.T. Chaudhury, a leading Pakistani columnist, who was known to be pro-Zia, polling has been low against tall official claims. In 1979, polling in similar elections was 76%. In the elections held last month, Polling in Sind, according to A.T. Chaudhury, was between 10 to 15% or even 5%. In Baluchistan 20%, in NWFP 30% and in Punjab over 35%. It will thus be seen that even in the Punjab the number of persons who took part in polling was half of the figure of 1979. The people of Punjab are thus not in any way with Zia. There have been reports of anti-Punjab sentiments beginning to surface in Sind in a big way.

(xi) Pak Government is attempting to divert attention by giving the impression that the movement is really for Sindhesh and has foreign backing. Pakistan press has been carrying inspired articles alleging that terrorist are crossing border from India and that training camps existed in India. Labour Minister, Ghulam Dastagir Khan stated on 23rd August that the agitation in Sind is aimed at creating a “Sindhesh” and was “at the instance of their Foreign Masters”. Zia declined to contradict Dastagir and reiterated that foreign influences could be at work. He repeated this in Ankara. Pak. Defence Minister charged expatriates sitting in a neighbouring country trying to worsen the situation. These allegations were made prior to PM’s and FM’s statements. It is interesting to note that no criticism of these statements has been made by the political parties forming part of the MRD. Subsequently, the Pakistan Government started an orchestrated press campaign against alleged Indian interference and several official comments including statements by different minister were made.
Recently, in his interview to the Canadian Broadcasting Corporation’s programme ‘Journal’ on October 10, which was repeated in an American TV Programme of October 20, ‘On Democracy in Pakistan’, Zia has repeated his baseless charge of Indian interference in that in the same interview, he conceded that they have no proof of it but did not leave the possibility of India not being involved. Any allegation of Indian involvement can best be met by quoting Zia himself that they had no proof.

(xii) Pakistani leaders and controlled media have been trying to project the statements made by PM and FM as interference in Pakistan’s internal affairs. These attempts did not have any desired effect since the Pakistani elements both within the country and abroad welcomed our concern. As you have already been informed: (a) these statements cannot, in any way, be considered as constituting any kind of interference in Pakistan’s internal affairs; (b) these statements reflected genuine concern among Indian people, Parliament and Press at the situation in Pakistan (c) PM’s statement was at the meeting of the Congress (I) Parliamentary Party; (d) they were made in a strictly domestic context of explaining or assessing events which have repercussions for us; (e) India has always been following her traditional policy of non-interference in the internal affairs of other countries particularly its neighbours; (f) FM’s statement in Parliament and PM’s letter to Zia were in response to expression of concern in Parliament and outside over the fate of the veteran freedom fighter Khan Abdul Ghaffar Khan; (g) PM has previously also interceded with Zia on humanitarian ground in connection with Bhutto’s hanging, Mrs. Bhutto’s incarceration and earlier detention of Ghaffar Khan; (h) Government have taken several initiatives to promote dialogues and discussions with Pakistan.

(xiii) On the other hand, Pakistan has been actively assisting and encouraging extremist elements of the Khalistan movement in Punjab.

(xiv) The US attitude towards the Zia regime continues to be one of full support, as symbolized by Defence Secretary Weinberger’s recent visit to Pakistan and the fresh announcements of military supplies. However, many Pakistan observers feel that the US is making the same mistake as in Iran. Demonstrations have exhibited anti-US overtones.

Yours Sincerely
(S.K. Lambah)

All Heads of Mission/Post

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1039. Note from Pakistan Ministry of Foreign Affairs to Embassy of India in Islamabad.

Islamabad, November 19, 1983.

The Ministry of Foreign Affairs presents its compliments to the Embassy of India in Islamabad and with reference to letter no. ISL/AMB/580/83 dated 27 October 1983 addressed by His Excellency the Ambassador of India to the Chief of Staff to the President regarding the hijackers of the Indian Airlines plane, has the honour to state that The Hague Convention of 1970 against unlawful seizure of Aircraft and the Montréal Convention of 1971 for safety of Civil Aviation ratified by the Government of India in December 1982 were not in force between Pakistan and India when the plane was hijacked to Lahore on 29 September, 1981.

The Government of India’s request for return of the hijackers was considered in the context of the Tokyo Convention of 1963 which was in force between Pakistan and India on the relevant date. This Convention does not provide for extradition of hijackers.

The Ministry avails itself of this opportunity to renew to the Embassy the assurances of its highest consideration.

The Embassy of India
Islamabad

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1040. Press Release of the Pakistan Ministry of Foreign Affairs denying that Foreign Minister Yaqub Khan made any remarks about a possible attack by Pakistan on India and Foreign Minister’s press conference.

Islamabad, December 28, 1983.

The Pakistan Foreign Office said in a Press release on December 28 that some of the remarks attributed to Foreign Minister Yaqub Khan in a NAWAI WAQT of (28/12) report by Kuldip Nayar had been quoted either wrongly or out of context. The earlier report in the daily had quoted Mr. Yaqub Khan as having said that Pakistan apprehended an attack from India “because we feel that the Indian rulers may opt for such an adventure in an election year.”
Clarifying the factual position, the Foreign Office Press release said that in response to a question about the possibility of an Indo-Pak war, Mr Yaqub had told the correspondent that there was no question of a Pakistani attack on India because such a clash would destroy both the countries. As for as the Indian intentions were concerned, it was not for him to express any opinion on these, Mr Yaqub had said.

On being referred to the large-scale Pakistani military exercises recently, Sahabzada Yaqub Khan had explained that the holding of such exercises by both the countries was a normal practice and there was no justification for getting an impression of war preparations from these, the Press release said.

According to the **NAWAI WAQT** (28/12) report from its special correspondent Kuldip Nayyar, Sahabzada Yaqub Khan had expressed the apprehension of an Indian attack on Pakistan and told the correspondent in an interview that the recent military exercises in Pakistan had been held to keep the country prepared for meeting such an eventuality “because we feel the Indian rulers may opt for such an adventure during their election year.”

Pakistan could never commit the folly of attacking India “because we know that a war between the two countries would destroy both of them. On the contrary, we fear an attack from India anytime,” he added.

Sahabzada Yaqub also clarified that Pakistan’s non-aggression pact applied to Kashmir too. “We want to rule out war and wish this (the Kashmir) issue to be resolved peacefully”, he said.

Asked about the recent Gilgit banquet* in honour of foreign diplomats, Sahabzada Yaqub Khan said it was not aimed at hurting anybody’s sentiments. Pakistan had no option but to have friendship with India, he said and added that the two countries should bilaterally settle their issues because history would never forgive them if they did not resolve their disputes.

Replying to a question about the trial of the hijackers of Indian plane, Sahabzada Yaqub Khan said they had told India that if they tried the Sikh hijackers in Pakistan, that might be viewed as intended to disturb the conditions in (Indian) Punjab. Although the Indian Government said it would not mind that Pakistan decided against trying the hijackers at the moment because it thought it might be blamed for interfering in Punjab affairs, since its involvement was already suspected.

Replying to another question, Sahabzada Yaqub Khan said there was no truth in the reports that Pakistan was imparting training to Sikh extremists at Sialkot, Faisalabad and Multan. “We cannot take any step that harms Pakistan’s interests,” he added.
Asked about the allegation that India had helped the Sindhis during the MRD agitation, he said Pakistan had no concrete evidence of Indian interference in Sind, but Mrs. Gandhi’s sympathetic remarks and the statements of her Foreign and Home Ministers gave the impression that India was providing some help to them.

About the recent military exercises, he said these were of a routine nature. Although they had been held this year on a larger scale than in the past, these had been held at places far from the Indian border.

He also insisted that in view of the present Middle East situation, it was necessary for India and Pakistan to get closer to each other.

Emphasising that Pak-Indian relations were important for the stability of the region, Sahabzada Yaqub Khan said the question of removing the restrictions on passenger traffic and visits between the two countries would be settled at the meetings of the joint commission set up in June last. The Indian Trade Secretary had been invited for a meeting of the concerned sub-commission, but there had been no response to it in spite of several reminders. The Foreign Secretaries of the two countries were to meet informally first at New York and then in Islamabad, but there had been no progress “and we are still awaiting these negotiations.”

Replying to a question about granting permission to Indian journalists to visit Pakistan like their Western counterparts, the Sahabzada admitted that a different policy had so far been adopted vis-à-vis Indian journalists, but he hoped the joint commissions would agree on some procedure about this matter. The question of the exchange of newspapers was also before the commissions, he said.

On being told that the people in both the countries wished for some concrete steps for easy travel, trade and communications between them, Sahabzada Yaqub Khan appreciated the sentiments and said “We should bury mutual hatred or else history will never forgive us.”
1041. **Media Briefing by Official Spokesman of the Pakistan Foreign Office regarding Pakistan’s involvement in Sikh agitation.**

**Islamabad, April 19, 1984.**

A spokesman of the Ministry of Foreign Affairs has contradicted the allegations made by the Indian Home Minister April, 18, that Pakistan was implicated in the Sikh agitation.

In a statement issued in Islamabad on April 19, the spokesman described the allegations as totally untrue and baseless.

The statement said: “Pakistan desires tension-free and good-neighbourly relations with India and continue to scrupulously follow the principle of non-interference in the internal affairs of States.

“The Indian Home Minister reportedly stated on April 18 that arms were reaching Sikh extremists from Pakistan and that the extremists had contacts with Pakistan. The government of Pakistan rejects these unfounded allegations.

“The Government of Pakistan express the hope that statements adversely affecting the atmosphere of mutual trust and confidence between the two countries will be avoided”.

President Zia-ul-Haq said in Lahore on April 18 that Pakistan was not in any way involved in the internal affairs of India. He described such reports as mere propaganda.

When a correspondent invited the President’s attention to reports quoting Indian Government leaders in Parliament, including the Home Minister, that Pakistan was involved in escalating the Sikh movement in Punjab, Gen Zia said Pakistan did not believe in Machiavellian policies or interfering in the internal affairs of any country.

He pointed out that they had always stood by principles and would continue to respect the norms of international politics.
1042. **SECRET**

Record of official talks between Foreign Secretary M. K. Rasgotra and Pakistan Foreign Secretary Niaz A. Naik.


Embassy of India
Islamabad

The first round of official talks between the Foreign Secretaries of India and Pakistan was held on May 20, 1984 at 11.40 A.M. in the Pak Foreign Office. The Foreign Secretary, Shri M. Rasgotra, was assisted by Shri K.D. Sharma, Ambassador of India to Pakistan, Dr. J.S. Teja, Additional Secretary (Pol) and other senior officials. The full composition of the Indian delegation can be seen at Annexure ‘A’. The Pakistan Foreign Secretary, Mr. Niaz Naik was assisted by Additional Secretary, Mr. Abdul Sattar, Pakistan Ambassador to India, Dr. Humayun Khan and other senior officials. The full composition of the Pak delegation can be seen at Annexure ‘B’.

2. The Pakistan Foreign Secretary in his opening statement stated that the government and people of Pakistan and the President of Pakistan personally were animated by the desire to promote friendly and tension free relations with India. They were gratified by India’s reciprocal response to this desire. Pakistan believed that relations between the two countries should be based on the principle of peaceful coexistence and the spirit of the Simla Agreement which envisaged a step by step approach to improving bilateral relations. He noted that substantial progress had taken place in the recent months in the improvement of relations between the two countries which was a tribute to the sagacity and vision of our leaders. The establishment of the Joint Commission symbolized the hope and aspirations of our peoples. Niaz Naik stated that exchange of views held in the spirit of mutual respect, in a frank and sincere manner would be useful for improving relations between the two countries. The two countries should avoid any act that may impede that process and emphasize positive elements. The chequered history of relations between the two countries made it necessary for them to identify areas of mutual cooperation. While on some issues the two countries had “ostensibly dissimilar approaches”, efforts should be made to narrow down such differences. Niaz Naik then referred to the Indo-Pak Joint Commission and said that President Zia had readily agreed to the proposal for its establishment. It was a matter of gratification that its first meeting was held in Islamabad within three months of its being set up and then the Sub-Commissions met again within a short time. He added that Pakistan was making preparation for the next session of the Joint Commission to be held at New Delhi.
3. He spoke of the need for codifying the principle of non-use of force in a pact or a treaty. Niaz Naik said that was important to grapple with weightier issues of peace and friendship. He stated that they had pondered for a long time on how to reconcile the ostensible differences of approach and strike a balance between bilateral engagements and international commitments. He added that Pakistan would discuss these issues in a friendly and cordial manner.

4. Pakistan Foreign Secretary then referred to the appointment of Dr. Humayun Khan, Pakistan’s Ambassador to India and said that they appreciated that he could meet the Foreign Secretary even though he had not presented his credentials. Dr. Humayun Khan, Niaz Naik stated was personally selected by President Zia and he enjoyed his confidence. They hoped that he would be helpful in building bridges of understanding between the two countries.

5. Foreign Secretary in his presentation said that he owed a word of apology to Mr. Naik as he could not visit Pakistan last year. 1983 was an extraordinary year and India was pre-occupied with several Conferences and other diplomatic activities such as NAM, SARC, CHOGM, consultations at New York among the Heads of State and several other international and domestic issues. He expressed profound gratitude at the fact that Foreign Secretary Niaz Naik volunteered to visit India in February 1984. The Udaipur visit, Foreign Secretary pointed out, had become a landmark—something like Camp David without the negative aspects and controversies attached to it. There were warm hearted and open talks. Foreign Secretary reiterated the commitment of the people and Government of India and the deep personal commitment of the Prime Minister, Smt. Indira Gandhi for the joint search in seeking a peaceful, stable, good neighbourly, creative, friendly and cooperative relationship with Pakistan. The establishment of the Joint Commission, he added, was a creative step and it had made a good beginning. There is great appreciation in India at what has been achieved following the meetings of the Joint Commission. While these achievements were not massive, a good beginning had been made. Foreign Secretary stated that we had prepared an agenda for the next session of the Joint Commission. The dates for the Joint Commission meeting could be finalized through consultations. He reiterated that we had a profound sense of respect and deep affection for Pakistan and were looking to a relationship free from tensions and mistrust.

6. Foreign Secretary said that there were differences of perceptions on some matters but then no two countries in the world, in a similar context, had complete identity of views. Referring to Niaz Naik’s observation about the “ostensibly dissimilar approaches” Foreign Secretary said that there were a few matters, indeed vital matters on which the two countries had different approaches. We recognized that India and Pakistan were two separate and
different countries though they shared certain common objectives and ideals. FS stated that he would like to assure that India’s effort was to seek to understand Pakistan’s approach. He had come with a directive that nothing need be excluded from discussion. The two sides could discuss the two drafts for the Non-aggression Pact and the Treaty of Peace, Friendship and Cooperation and also various aspects of bilateral relations, including confidence building measures so that a relationship of amity, goodwill and good neighbourliness could be developed. FS suggested that one or two officers on each side could be earmarked to discuss these measures in detail.

7. Niaz Naik said he was glad that there was convergence in the approach of the two sides. He suggested that the “spirit of Udaipur” could be carried forward. He also stated that when Foreign Secretary would meet President Zia the next day, the latter would assure him of Pakistan’s sincere desire for friendly relations and cooperation with India. He informed FS that his Foreign Minister, Yaqub Khan had wished that the meeting between the two Foreign Secretaries to be successful. Niaz Naik then made a few general observations on confidence building measures. He said that while some of these were earlier discussed at Udaipur and had also been put into effect, others needed reiteration. He made the following points:

a) Leadership on both sides should make statements highlighting positive aspects of Indo-Pak relations.

b) The information media on the two sides could play a more positive role. A beginning could be made if the official organs eschewed acrimonious and hostile projections of each other’s viewpoints which put spanners into the normalization process. He also said that the Pakistan Government was happy that the Indian Minister for Information and Broadcasting would be visiting Pakistan soon. The Ministers of India and Pakistan could address themselves to this vital issue.

c) More visits should take place at all levels, including at the highest level and at political, official and working levels. He pointed out that the recently held visit of the Indian Agriculture Minister had created a positive impact and had produced an atmosphere of amity. His visit indicated that the two countries were determined and committed to improve their relations. Naik stated that during the Agriculture Minister’s visit, it was decided that the protocol for cooperation in agricultural research would be signed between the two Agriculture Ministers. He said that President Zia had agreed to send Agriculture Minister, Vice-Admiral Janjua to India for this purpose. Niaz Naik then mentioned about the outstanding invitations to the President, Prime Minister and Shri Rajiv Gandhi.
d) Niaz Naik also suggested meetings between the representatives of the defence establishments. He pointed out that while flag meetings/local commander level meetings were taking place, visits between the heads of defence institutions such as Staff College, Quetta could also take place. Niaz Naik then informed Foreign Secretary that they had reserved the first ten days of August for the visit of their Foreign Minister to attend the next session of the Joint Commission.

8. Foreign Secretary said that in his Judgment, the most effective confidence building measure was the establishment of the Joint Commission. Foreign Secretary stated that we had kept whole of August free for the next session of the Joint Commission. He handed over the draft agenda for the Joint Commission meeting and said after consultations with the concerned authorities, the Pakistani side could give its response. Foreign Secretary also said that if the Pakistan side could indicate the exact dates in the first ten days of August, then perhaps the dates for the Joint Commission meeting could be finalized and announced during this visit. Referring to the role of the media, Foreign Secretary said that during the first six months of the current year, Pakistan side would have no complaint against the Indian official media. Explaining the recent statements given by the Defence Minister, Foreign Secretary said that it was necessary to keep in mind the context in which these statements were made. There was a Parliament in India which had three sessions annually. In our Parliament, the MPs put questions on a number of occasions on the same subject and the Ministers were obliged to give a response. Giving an example, Foreign Secretary said that in the Parliament a MP stated that Pakistan was acquiring the latest arms and asked whether India was ready to meet the threat posed by these arms. The Defence Minister could not but say that Indian forces were ready to counter any threat from Pakistan. Elaborating further the Foreign said these statements were carefully drafted and the intention was not to cause any harm or suspicion. No ill-will or malice was intended and Pakistani side must appreciate the underlying spirit behind these statements. Giving another instance of a question put to Shri Rajiv Gandhi in the Lok Sabha by a Member of Parliament purporting to be sympathetic to Pakistan; Foreign Secretary said that the MP told Shri Rajiv Gandhi that he (Shri Rajiv Gandhi)had stated earlier that Pakistan was going to attack India by the end of the year, Foreign Secretary said that Shri Rajiv Gandhi denied having ever made the statement which was attributed to him and said that he could not be held answerable for unfounded press reports on such matters. Foreign Secretary added that the press in India was totally unfettered and quite often reflected the viewpoints of the opposition. Not that this had affected the Party in power which was strong and was confident about the support of the people in the forthcoming elections. Foreign Secretary suggested that it would be useful if the Pakistan Ambassador in Delhi went through the transcripts of Parliamentary proceedings. If the Ambassador had
any misgivings about any statements, he was free to meet him and discuss matters.

9. Talking about the increase in tempo of visits, FS said that visits which had taken place had gone off very well. Information Minister, Shri Bhagat was ready to visit Pakistan. If it was convenient to the Pakistan side, he could visit Pakistan between July 7 and 11. The first half on July was convenient to him. FS told Niaz Naik that we were awaiting a visit by the Pakistan Planning Minister Dr. Mahbubul Haq. Regarding the other political visits, Foreign Secretary said that our leaders were pre-occupied with a number of important issues including the election processes. Shri G. Parthasarathi looked forward to visiting Pakistan during this year, sometime between October and December. FS stated that we were keeping under review the possibility of a visit by Shri Rajiv Gandhi. He assured Niaz Naik that political leaders in India would be interested in visiting Pakistan as they felt that the relationship with Pakistan was very important.

10. Turning to the role of media, FS said that if Pakistan side coolly examined the matter, it would find that they had few complaints. Our official media, to the extent that it was official, was under advice. It was, however, not possible to expect the media agencies to conform to any rigid control. Narrating an incident of the recent kidnapping of an American couple in Sri Lanka, Foreign Secretary said that we could not force our radio to broadcast a certain appeal to diffuse that crisis as it was not totally under government control.

11. FS told Niaz Naik that we would like to have more books from Pakistan. We were not interested in books indulging in propaganda against the Pakistani political system or the Pakistan President but in creative literature. Such books generated a lot of understanding and whatever Pakistan Government could do in this regard would be greatly appreciated in India. Referring to an earlier incident in which the Pakistan Government had raised objections to distribution of newspapers by the Indian Consulate in Karachi to the Karachi Press Club, Foreign Secretary said that there was no intention on our part to violate any Pakistani regulations. Our newspapers published all kinds of news critical of our Government. Given the stated desire of the Pakistan Government for increased exchanges of books, periodicals and newspapers, there was really no reason why Pakistani Journalists should not read Indian newspapers. He was indeed surprised that Pakistan Foreign Office had raised objection on this matter. FS also stated that we had made proposals about the removal of travel restrictions and exemption from police reporting and the ball was in Pakistan’s court. FS then referred to the statement by the Pakistan Labour Minister in the newspaper, “Dawn” of 27 April in which he had commented on the “plight” of Indian Muslims. Explaining the situation, Foreign Secretary said that Indian Muslims had the same opportunities and problems as people of other
communities. India was a secular state and the state was the protector of all religions. Adding further, FS said that he had no grouse about such statements but he thought he would mention it because these statements did not make positive impact.

12. Thereafter, FS said that certain steps by Pakistan Government had caused suspicions in our minds. He mentioned about the different measures taken by Government of Pakistan for absorption of Northern Areas. In this context, he referred to the advance notification by Pakistan Government to the IFRB about coverage of Pakistan’s broadcasting and tele-communication satellite. The notification contains a reference to the Northern Areas as among the coverage areas. FS described this as a provocation and referred to our note of December 23, 1983 conveying our objection. He said it would be appropriate if the words “including the N.A. of Kashmir” could be deleted from Pakistan’s notification to IFRB.

13. Referring to Niaz Naik’s observation regarding visit by defence representatives, FS said that he had noted the Pakistani suggestion. FS expressed satisfaction at the fact that the Establishment Secretary of Pakistan was visiting India and hoped that he would have a good visit. FS informally suggested that there could be contacts between the “Agencies” of the two countries. He asked Niaz Naik to give some thought to this idea.

14. Niaz Naik said that Dr. Mahbubul Haq was keen to visit India after Ramzan. His visit could be useful in exchange of views between the two countries on international economic situation and the measures that they can take in regard to the North-South dialogue. Niaz Naik also underlined the need for frequent contacts between media representatives of the two countries. In this context, he referred to the seminar organized by The Muslim in February last and described it as a welcome development. About the proposed dates for Information Minister Shri Bhagat’s visit, he said that he would check the convenience of their Information Minister and confirm the dates. (subsequently, Pakistan side confirmed that July 7-11, 1984 would be convenient for the visit of the Indian Information Minister). Regarding FS’s suggestion for freer exchange of books and newspapers, Niaz Naik said that they were under instructions from President Zia to examine this matter on the basis of priority and to deep it on the agenda for the next Joint Commission meeting.

15. Talking about the visit of Establishment Secretary, Niaz Naik explained to FS that Pakistan was trying to revise the training procedures for important administrative services and in this regard a Committee of Five Federal Secretaries had been set up. Niaz Naik further stated that FS’s idea of contacts between the “other Agencies” was a good one and jokingly said that let James Bond on the two sides also visit each other. In this connection, Niaz Naik referred
to the visit of their Interior Secretary and the DIB to India after NAM for discussions on a particular subject. Coming back to statements by leaders, Niaz Naik said that if there was a negative content in the statements of Indian leaders the newspapers in Pakistan start responding to them. Positive statements from the official sources on one side and negative statements by the press created doubts in the minds of the people. He said that as far as Pakistan Government was concerned, it mostly tried not to respond to such statements. He hoped that now that the Lok Sabha session was over, the frequency of such statements would go down. Referring to statements by Indian leaders about the acquisition of arms by Pakistan, Niaz Naik referred to the understanding reached between the two FMs in 1981 about the sovereign right of the two nations to determine their defence requirements. Responding to our proposal for exception from police reporting for visitors staying for less than 14 days, Niaz Naik said that they were examining the matter and to start with certain categories of people like businessmen, media representatives could be accepted from police reporting. He suggested that this matter could be discussed further in the Sub-Commission meeting.

16. Rounding up the first session, FS said that Foreign Minister was greatly looking forward to his meeting with Sahabzada Yaqub Khan. Foreign Secretary also conveyed appreciation of the Government for Pakistan Government’s decision to send Dr. Humayun Khan as their Ambassador.

17. Khaled Ali, Director General, External Publicity on the Pakistan side stated that Pakistan was bending over backwards to implement the Simla Agreement in regard to the role of media. Pakistani newspapers were regularly publishing dispatches carried by Indian newspapers and that to some extent informed the Pakistani readers about developments in India. He added that negative statements by the Indian leaders get lot of publicity in the Pakistani newspapers as they try to project their own point of view on such matters. Khaled Ali further stated that he had a record of the objectionable statements made by AIR on Pakistan’s nuclear programme, exercises conducted by the Pakistan Armed Forces etc. FS suggested that this could be discussed between JS (XP) and Khaled Ali and the latter could also give copy of statements considered objectionable to JS (XP).

(Yogesh Gupta)
First Secretary (Pol)
20.5.1984.
Record of the meeting of Foreign Secretary M. K. Rasgotra with General K. M. Arif, Vice Chief of Army Staff of Pakistan.


Embassy of India
Islamabad

Foreign Secretary called on Vice Chief of Army Staff General K.M. Arif at his residence at 6.45 PM on 21 May 1984. The meeting lasted 35 minutes and would no doubt had gone on for longer if FS did not have to leave for his meeting with President Zia scheduled for 7.30 PM.

2. FS gave a resume of the talks that he had been having with Foreign Secretary Niaz Naik. He emphasized that Government of India at the highest level was fully committed to exploring every possible avenue of establishing friendly and mutually beneficial relations with Pakistan. He said that unfortunately there were some people in both countries who for a variety of reasons chose to project events in negative fashion. As an illustration, FS referred to an incorrect and misleading report that had been published in some of the Indian newspapers some time ago about certain views attributed to Shri Rajiv Gandhi on Indo-Pak relations. FS remarked that this matter came up in the Indian Parliament also on 9 May and Shri Rajiv Gandhi intervening in the debate clarified that the newspaper reports about certain remarks allegedly made by him were incorrect. FS in conclusion stated that India desired good and friendly relations with Pakistan and had no other interest in its internal developments except a “positive” interest.

3. General Arif thanked FS for briefing him about Government of India’s latest thinking and policies. He said that Pakistan also had no interest in exacerbating or escalating tension between the two countries. In fact with this end in view he had conveyed two specific suggestions through the Indian Defence Attaché in Islamabad Brigadier Khanna to the Indian Chief of Army Staff. These suggestions were that both sides should make all possible efforts to (a) keep the borders tension-free and (b) keep each other informed well in advance of troop movements near the border. General Arif said that he was keenly awaiting the response from the Indian side to these suggestions.

4. FS remarked that he was sure that General Arif’s suggestions would be carefully considered in positive light. He said that in this connection he wanted to mention that the Indian defence authorities had proposed a ‘flag meeting’ with the Pakistani counterparts in relation to some incidents that had recently occurred in the Siachen Glacier area in Jammu and Kashmir.
5. General Arif in response said that he did not know of any such suggestion from the Indian side but he would have the matter immediately looked into. His own view was that in all such cases of tensions or incidents on the border, meetings between the local Commanders must be immediately arranged so that the level of tension does not escalate, as indeed he had remarked earlier.

6. The meeting ended with the usual courtesies. General Arif warmly thanked FS for the gift that he had given him.

(K.D. SHARMA)
Ambassador
29 May 1984.

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1044. SECRET

Minutes of the meeting between Foreign Secretary M. Rasgotra and Dr. Mahbabul Haq, Pakistan Minister of Planning and Development.


Foreign Secretary called on Dr. Mahbubul Haq in the latter’s office at 3.15 PM on 21 May and was with him for little over an hour.

2. Dr. Haq welcoming Foreign Secretary and thanking him for his visit remarked that while the talks between the two Foreign Secretaries could continue to tackle and decide upon the issues affecting the “larger destiny of the two nations”, resolute effort should be made by both sides to bolster bilateral economic cooperation. He remarked that he saw a bright future for SARC. His own assessment was that SARC had ahead of it even a brighter future than EEC. He pointed out that whereas the OECD countries were currently able to achieve a growth rates in most of only 2 to 3 per cent, the growth rates in most of the countries of South Asia and South-East Asia were above 6 per cent. Also a point not to be forgotten was that the South Asian countries between them comprised a market of 1 billion people.

3. Commenting on the point quite often made that there were no basic complementarities between the economies of the South Asian countries, Dr. Haq remarked that this was a totally erroneous view. He said that before the division of Pakistan into two countries 14 years ago, the economics of the two
wings of Pakistan were heavily inter-dependent. If that was the basic situation
then, how could it now be said that as between these Asian countries there
were no complementarities or possibilities of mutually beneficial and fruitful
economic cooperation. The same, Dr. Haq said, applied to other South Asian
countries also. The Minister remarked that the trouble was that there were too
many complexes and imaginary fears that opening out the national economies
to the other countries of the region would lead to their domestic economies
being overrun. Dr. Haq said that this was an absurd, view.

4. Foreign Secretary said that he completely agreed with Dr. Haq’s analysis.
He said that we should remove these old cob-webs. He said that economic
cooperation between the South Asian countries was vitally important. FS said
that he fully agreed with Dr. Haq that while discussions between the two
Governments on political matters were proceeding, spade-work to identify areas
of economic cooperation and establish institutional arrangements through which
the countries of the region could benefit from each other’s experience, should
be taken in hand and pushed through with vigour and a sense of dispatch. FS
said that we were looking forward with interest and eagerness to Dr. Haq’s
visit to our country.

5. Dr. Haq responding said that he would be delighted to visit India and sit
down not only with the Government leaders but also with economic planners
and thinkers for a comprehensive exchange of views and ideas. He said that
the second half of August would suit him best for a visit to India. FS remarked
that soon after his return to Delhi he would check with, our Minister for Planning
whether it would be convenient for him to receive Dr. Haq in late August. Dr.
Haq and FS agreed that it would be a welcome day when visits by Indian and
Pakistani Government leaders and other important personalities to each other’s
country become “no special news”!

6. Dr. Haq gave a fascinating analysis of the way the banks and other
financial institutions of developed countries exploit the weak bargaining position
and staying power of the developing countries and keep them tied hand and
foot and perpetually at their mercy. He cited the example of Brazil who despite
having a perfectly sound economy found itself under such international financial
pressure.

7. The meeting ended with usual courtesies and with FS remarking that we
in India would be looking forward to Dr. Haq’s visit in a couple months’ time.

(K.D. SHARMA)
Ambassador
29 May 1984.
1045. **Record of discussions between the Foreign Secretaries of India and Pakistan.**

**Murree, May 22, 1984.**

The following were present

**Pakistan side:**

Mr. Niaz Naik, Foreign Secretary.

Mr. Abdul Sattar, Additional Secretary, Ministry of Foreign Affairs.

Dr. Humayun Khan, Ambassador of Pakistan in India.

Mr. Syed Dehlavi, Director General, Ministry of Foreign Affairs.

Mr. Qazi Humayun, Director, Ministry of Foreign Affairs.

Mr. Abbas Zaidi, Director, Ministry of Foreign Affairs.

**Indian Side**

Shri M. Rasgotra, Foreign Affairs.

Dr. J.S. Teja, Additional Secretary, Ministry of External Affairs.

Shri K.D. Sharma, Ambassador of India in Pakistan.

Shri Salman Haider, Joint Secretary XP, Ministry of External Affairs.

Shri S.K. Lambah, Joint Secretary AP, Ministry of External Affairs.

Shri G. Parthasarathy, Consul General of India, Karachi.

Shri M.L. Tripathi, Director, Ministry of External Affairs.

**SARC:**

Opening the discussions Foreign Secretary Shri Rasgotra said that he had already had some brief discussions with Mr. Naik on matters pertaining to SARC. The SARC was now entering an active phase of implementation. However he had noted that instead of seeing concrete results emerge, there seemed to be a series of meetings after meetings. While he was not impatient, he was keen on seeing concrete and visible results emerge from these meetings. Foreign Secretary said that the meeting of the Steering Committee had gone off successfully. We particularly note that an interest is now being taken on North-South issues as the issues pertain to common problems faced by all the SARC members. Foreign Secretary added that the Technical Committees are
doing the best they can, but it is important that concerted efforts are made to see that positive results emerge.

Foreign Secretary said that we are not clear whether the Maldives Government would be preparing any background papers for the forthcoming Foreign Ministers meeting. It would not be appropriate for us to prepare these papers for meetings in Maldives because we would be handing over our present responsibilities. One of the most important items on the agenda at the meeting of the Foreign Ministers in Maldives will be the possibility, timing and venue of a summit level meeting of the South Asian Countries.

Foreign Secretary told Mr. Naik that he would appreciate if Mr. Naik would let him know his view on this question in strict confidence. He would like to know whether the Pakistan side felt that time is ripe for a summit meeting. Bangladesh is keen on holding a summit meeting. They are also keen on putting together an organization and a secretariat. Foreign Secretary added that our Foreign Minister has told the Foreign Secretaries of South Asian countries in Delhi that we would be prepared to have a summit as soon as we are ready with something, which we could put up at the summit. The prime mover of the summit idea is Bangladesh. Foreign Secretary told Mr. Naik that he would be grateful if he could give us his perceptions on the future development of SARC, especially on the question of an organization and secretariat.

Foreign Secretary said that there have been talks about additional areas of cooperation. Largely out of regard for the views which had been expressed by Mr. Naik, we had gone along with his suggestion that it is important to strengthen existing areas of co-operation. Foreign Secretary added that we are happy at the creation of a South Asian Council for Co-operation in Trade and Industry. There is interest in trade and commercial circles about developing co-operation on a regional basis in trade and industry. While we have encouraged these initiatives by industrial and trade circles, we have been careful not to give them undue hope. Mr. Naik said that from the beginning the Pakistani approach had been one of not being over-ambitious. The SARC countries should learn from the experience of others. Pakistan had some experience of regional co-operation because of its association with the RCD. Regional co-operation should start on a realistic and pragmatic basis. Initially only those proposals which are capable of implementation with existing resources should be taken up. Initially the measures for regional co-operation should have a visible impact on the lives of the peoples of the seven countries. This would create a general climate of confidence. It was for this reason that the initial areas identified for co-operation included communications, telegraphs, etc. SARC had so far developed on a sound and realistic basis. None of the member countries had been over-ambitious. There was an awareness of resource constraint and other problems.
Naik said that at Male the seven Foreign Secretaries should have a close look at the implementation of the short-term recommendations made by them. The countries which are the focal points of various areas of co-operation should submit reports on their implementation. The Technical Committee should be given clear directions on matters like symposia, seminars, deputation of experts, etc.

Naik said that the Foreign Secretaries are preoccupied with so many other things that they cannot keep track personally of the various stages of implementation of proposals for co-operation. He added that there is a Directorate in the Pakistan Foreign Office dealing with SARC. He was of the view that the departments in the Foreign Ministries dealing with matters pertaining to SARC in the seven member states should keep in close touch. All the countries had set aside substantial budgetary allocations for implementing programmes of co-operation, particularly India, Pakistan, Bangladesh, Nepal and Sri Lanka. If it is found at the meeting of Foreign Secretaries that high level discussions are required, then proposals could be submitted to the Foreign Ministers.

Naik said that it was his view that at Maldives the first item on the agenda would be a review of the implementation of proposals for co-operation. If SARC had a Secretariat, the Secretariat could review the progress of implementation of the proposals for co-operation and put up recommendations to the Foreign Secretaries. Since there is no Secretariat at present, he would suggest that India as host for the last meeting could prepare a paper on review of the implementation of proposals for co-operation and submit it at the Foreign Secretaries meeting. Naik paid particular tribute to a report prepared earlier by Additional Secretary Shri I.S. Chadha.

He added that it is beyond the resources of Maldives to prepare such a paper. When he had met the Maldives Foreign Secretary Zaki recently, Zaki had informed him that he was looking forward to assistance from India or Pakistan in this matter. Naik suggested that some of the officers from India or Pakistan could go to Male in advance to advise the Government of Maldives on this and other matters. He suggested that it would be useful if Additional Secretary I.S. Chadha could be deputed for this purpose.

Regarding Foreign Secretary's comments about additional areas of co-operation, Naik said that the common consensus is that we should first consolidate and implement existing areas of co-operation. We could later consider expanding these areas of co-operation. We had recently included "Information" which was a "vital" issue. More substantial areas like trade and industry could be taken up later - step by step.

Naik said that it was decided at New Delhi that the Foreign Ministers were to
determine the possibility, timing and venue of the South Asian summit. The Pakistani position was that the summit must be carefully prepared. It would be counter-productive if there was not careful and adequate preparation. We would have to first determine what we are going to present to our leaders for discussion in the summit. The Foreign Ministers have launched a programme of action and it is important that this should be implemented.

Referring to the question of a summit meeting of South Asian countries, Naik said that a number of factors would have to be taken into account. It would in any case not be practicable till the end of 1985 as leaders of some countries would be preoccupied with the election process. The Pakistani view was that if, everything goes well in implementation of existing programmes, the earliest a summit could be held was between September and December 1985 or early in 1986. A summit meeting cannot be held earlier. Except for Bangladesh, who was keen on an earlier summit, the other countries appear to be agreeable to this suggestion.

Naik said that before the summit, Ministerial level meeting would have to be held at least once or twice and the Foreign Secretaries would have to meet perhaps more often. Bangladesh is keen that the summit should be held in Dacca. It would be necessary to ascertain which other countries are interested in hosting the summit when the Foreign Ministers meet in Male. It was evident that given their limited resources Bhutan and Maldives would not be able to host this summit. Naik added that Bangladesh could be asked as to why they feel the summit should be held in Dhaka. Bangladesh Government could also be asked what they expect the summit to achieve. He added that though Pakistan had an open mind on the venue, the views of all countries should be ascertained. The discussions on this subject should be a “friendly” exercise. Naik said that they had not yet considered what the summits should do. The summit could perhaps consider the launching of an organization and the issue of Declaration by the seven as mentioned by Bangladesh. These matters would, however, have to be given a little more thought.

Naik said that the South Asian countries were gradually moving towards establishing some kind of a Secretariat. India was presently having the responsibility of coordinating the activities of the group. The Secretary General of the Secretariat could perhaps prod the member countries into implementing the decisions taken. The South Asian countries could also build up their own archives and the member Governments could send ideas to the Secretariat for circulation. Naik added that a number of foreign Governments and multilateral organizations have shown growing interest in the SARC because of its size and potential. A Secretariat could become the focal point for dealing with SARC. Foreign Secretary said that it is not surprising that foreign Governments have
shown interest in the development of SARC because of the great potential for economic co-operation in the region. He recalled that Dr. Mahbubul Haq had earlier stated that the GNP of the seven SARC states is over $200 billion. Naik commented that this GNP was more than the GNP of all the African countries (excluding the OPEC countries). The external agencies would naturally like to deal with the Secretariat.

Foreign Secretary enquired where the Secretariat should be located. Mr. Naik said that the Secretariat would demonstrate the extent of our co-operative effort to the outside world. ASEAN has a Secretariat and the EEC has annual consultations with ASEAN. Organizations like ITU, UPU could be encouraged to give funds for programmes for co-operation in consultation with the Secretariat. He added that to begin with, the Secretariat should be very very small one with a maximum of seven officials, one from each country. The senior most could be Secretary General. Perhaps instead of having a permanent Secretary General, the post could be rotated every two or three years alphabetically. In response to Foreign Secretary’s question about where the Secretariat could be located, Naik said that the Secretariat could be initially shifted amongst the countries, depending on the country from which the Secretary General comes. This, however, would become a cumbersome process as the work of the Secretariat grows. At that stage it could be located in one of the countries. It was, however, important that it should be centrally located, which ruled out Bhutan and Maldives. The other countries could be considered for locating the Secretariat. The Secretariat should be small and efficient and the Secretary General should be in touch with the Foreign Secretaries.

Naik reiterated that Pakistan is committed to SARC. Both Prime Minister Nakasone and Vice President Bush had enquired about SARC. It was evident that people are beginning to take note of its development. The development of SARC presents marketing opportunities to countries like Japan. More importantly, they feel that SARC reinforces good neighbourly bilateral relations. There is thus both political and economic interest in its growth. Therefore the Pakistani view that SARC should grow in a gradual but effective manner. Naik said that Shri Chadha had presented an excellent paper in New Delhi and it would be useful if he could prepare a similar paper for the meeting in Male. This issue could be discussed further. Foreign Secretary said that he shared Mr. Naik’s perceptions. Naik said that in the capitals of the seven SARC countries the Foreign Secretary or Additional Secretary in charge of SARC should keep in touch with the SARC Ambassadors. Ambassador mentioned that he was keeping in close touch with SARC. Ambassadors in Islamabad looked forward to encouragement and support from Mr. Naik and Mr. Sattar. Mr. Naik assured him that such support would be certainly forthcoming.
Foreign Secretary said that we were keeping in close touch with SARC Ambassadors in Delhi. Sattar said that Pakistani Ambassador in Tokyo had reported that Ambassadors of seven SARC countries had jointly called on the Japanese Foreign Minister to discuss issues of common concern like aid and trade. Likewise, PRs in New York have also held at least one meeting. It would be useful if the Foreign Secretaries could encourage their Ambassadors to do this. Foreign Secretary said that some of the Indian Ambassadors had addressed him on this issue and he had told them to go ahead. F. S. said that he would write to our ambassadors on this. He said that he had started in New Delhi meeting SARC Ambassadors and senior officials over lunch at least once a month.

**Joint Commission**

Referring to the meeting of the Joint Commission, Naik said that August 6 to August 9 would suit the Pakistan side. These dates had been fixed after taking into consideration the flight schedules to and from Delhi. Foreign Secretary said that if the work was done well, then three days should be enough. It was decided that the spokesman would announce that evening that the Joint Commission would meet during the first ten days of August.

Sattar said that he and his colleagues had studied the agenda presented earlier by the Indian side. Their scrutiny revealed that there are some new items on which they would have to consult other Ministries. The agenda was, therefore, generally acceptable though the wording of some of the items could perhaps be changed. He referred to item one in the agenda on Sub Commission II regarding the provision of “negative list” by the Pakistan side for private sector imports. Sattar said he would have to consult Commerce Ministry about this. Ambassador said that he had spoken to the Pakistan Commerce Secretary earlier who suggested that the “negative list” approach would be considered by them.

Foreign Secretary said that Indian Commerce Secretary had told him that he would welcome “negative list” from Pakistan side. India was keen that its experts should not hurt Pakistan’s domestic industry.

Naik then went on to the procedure adopted with regard to meetings of various Joint Commissions in Pakistan. He said that in the case of Joint Commissions with important countries like India, the coordinating Ministry is the Ministry of Foreign Affairs.

The Foreign Minister presided over co-ordination meetings in which other Ministries were represented at Secretary level. Based on the recommendations of these meetings, a summary is submitted to the President and his general
acceptance is sought. Likewise, the summary of the decisions arrived at was submitted to the President at the conclusion of the Joint Commission meeting. The Finance Ministry was naturally kept closely associated. F. S. said that India also more or less followed the same procedure. Important Joint Commissions in India are under Chairmanship of Foreign Minister. Most of the meetings are taken by him and Foreign Secretary at which Secretaries from other Ministries are present. Foreign Minister and he then meet the Prime Minister and brief her about the issues involved. MEA keeps track of implementation of its various decisions.

Naik said that the Pakistan Ambassador is always actively involved in the work of the Joint Commissions. He added that at the technical level it is good to maintain continuity and representation so that personal rapport develops between officials dealing with specific subjects. Foreign Secretary said that we had an open mind to all such suggestions.

**Missing Defecne Personnel**

Foreign Secretary then referred to the question of missing Defence personnel. He said that a large number of relatives of these people had met Foreign Minister. We had earlier received an encouraging response from Pakistan Government. The relatives had asked for visits to some jails where prisoners are kept. Naik recalled that Foreign Minister told him just before the Udaipur talks that Major Suri’s father wants to visit all jails in Pakistan. Joint Secretary AP said that the request was for visits to only those jails where Indians are kept. There was, however, now some apprehension that Major Suri may have been detained as a Pakistani prisoner. Sattar said that the Pakistan side had examined the request of Major Suri’s father. They could state that no one arrested in 1970-71 except those under life imprisonment, is now in jail. If the prisoner is a security prisoner he is identified. In this case the Pakistan side knows that he is not a Pakistani. There are no Indian prisoners arrested in 1970-71 presently in Pak jails. All of them including security prisoners were released in 1973-74.

Sattar said that three names were given to the Indian side by Indian prisoners who had been recently released as being Indian defence personnel in custody in Pakistan. Pakistan side had, however, not been able to identify these three individuals. There are, however, some persons with similar names. They are security prisoners.

Sattar added that the two sides should agree on a reciprocal basis to facilitate access to security prisoners. It would be very difficult to meet the request of Major Suri’s father to visit all the jails unless it is on the basis of reciprocity. Sattar said that when he was Ambassador in India he had received a number
of requests from Pakistanis for access to jails in India where they felt their relatives were under detention. He had however not taken up this matter with the Government of India. (Sattar had earlier implied that the Indian side was taking up issue, of missing defence personnel without proper examination whenever such a request was received from the relatives of the defence personnel.)

Joint Secretary AP said that the request of Major Suri’s father should be seen in the context of the agreement between the two Foreign Ministers that he should be granted all facilities to try and locate his son on humanitarian considerations. We had pointed out the difficulties to Major Suri’s father but he had asked that the photograph of Major Suri may be compared with those of security prisoners held by Pakistan side. Joint Secretary AP later reiterated to Director General Dehlavi that as the request of Major Suri’s father was because of special humanitarian considerations and had been agreed by the two Foreign Ministers, the case should be considered in that context. If Pakistan side had similar problem of access on humanitarian grounds we could consider. In any case if Mr. Suri was allowed to see only those prisoners who had completed their prison term and were about to be repatriated, JS (AP) pointed out. Joint Secretary AP also mentioned that the lists provided by us included names of security prisoners. This list be kept in mind while list of Indian prisoners is compiled by the Pak side. It emerged that the list being prepared by Pakistan authorities did not contain list of security prisoners.

Mr. Sattar raised the question of the 119 Pak prisoners whose whereabouts after completion of sentences were not known. JS (AP) said that this point had been discussed at length at Mr. Delhavi’s office and mentioned that in 1981 there had been a similar instance involving over sixty Indian prisoners who were in Multan jail. JS (AP) said we wanted to devise procedures that prisoners are repatriated on completion of their sentences and we were waiting for suggestions from Pak side.

In response to a query by Ambassador Humayun Khan, Mr. Sattar said that circular letters had been sent out in 1974 to all provincial governments and it had been confirmed that no prisoner called Major Suri was held in any of the jails. JS (AP) said that Major Suri had written a letter in 1977 and that his handwriting had been checked and confirmed. Mr. Sattar said that the army does not maintain jails and all other jails had given in writing that Maj. Suri was not held in custody.

Foreign Secretary said that we had given all information and suggested that the matter be kept under review.

Foreign Secretary said that the question of surveillance of Indian Embassy
personnel was considered at some length at Udaipur. He asked Naik whether it would be possible to make life easier for Indian officials in Pakistan. Naik said that surveillance could not be discontinued altogether. It should however, not hamper the movements of the Ambassador or any of his officials. He had taken up this issue with the concerned agencies in Pakistan after the Udaipur talks and it was his impression that things have been eased.

Ambassador contradicted what Naik said. He alluded to a recent visit of his to Lahore where he met three people - Mumtaz Daulatana, Arif Nizami and Mian Muenddin. As soon as he got into his flag car he was followed by five people in a Jonga jeep and a Motorcycle. The motorcyclists even entered Daulatana’s residence and had to be asked by the servants there to leave. Ambassador also alluded to recent instances of intimidating surveillance of First Secretary Ravi Nair.

Foreign Secretary said that both Foreign Offices should ask the concerned agencies to take care to avoid any intimidation to Ambassador or other officials. He had been emphasizing this in his discussions with the concerned authorities in India. Foreign Secretary asked Consul General about surveillance in Karachi. Consul General remarked that in general the surveillance in Karachi was not as intense as in Islamabad. He would however like to mention that one of his officials, Consul J. P. Mukherjee had been subjected to intense surveillance and even invasion of his privacy in his residence. This had naturally made the official feel intimidated. Sattar said the matter would be looked into.

Referring to his own experience in Delhi Sattar said that over the years there were persons outside the gate of the Embassy. They had interrogated some Pakistanis to which he had taken objection. Sattar also alluded to the presence of a “tea shop” just outside the Chancery premises of the Pakistan Embassy and adjacent to the wall of the Pakistan Embassy. He said that it was well known that this “tea shop” was run by Indian agencies. He expressed the hope that its location would be shifted some distance away. Foreign Secretary said that he had not asked for complete removal of surveillance but it should be in a more civilized way. He asked the Pak Ambassador if he had any problem.

**Pak Involvement in Punjab**

Foreign Secretary said that he had spoken to Naik about Pakistani propaganda on the “Khalistan” issue. Foreign Secretary then handed over to Naik a book printed in Lahore with the cover and the contents in Urdu and Gurmukhi “Khalistan”. Foreign Secretary said he was shocked by the contents of this book which were both insulting and offensive. The book was then handed over to Naik. Foreign Secretary also asked Naik to tell him the present position about the hijackers and the activists of the JKLF. He said that we had received
some threats from JKLF activists from some capitals. He asked Naik if he could let him know how JKLF activists operate. He would particularly welcome any information that Naik may have on whether the JKLF are hatching any conspiracy against Indian Missions and personnel.

Replying to Foreign Secretary, Naik said that Foreign Secretary had also spoken about the objectionable contents of the book “Khalistan” to President Zia. President Zia had assured Foreign Secretary that there was no involvement of Pakistan in developments in Punjab or with Sikh extremists.

Foreign Secretary requested Naik to bring the contents of the book he has handed over to him to the notice of President Zia. He said that people in India are generally getting tired of terrorist activities in Punjab. There are no supporters of “Khalistan” in India. It is acknowledged that Sant Bhindranwale had some supporters. But the Government of India was quite confident of handling this issue. The Government had shown considerable restraint in use of force not out of weakness but out of a desire to find a political solution. It could deal with the issue more firmly quite easily. However, when there is propaganda from Pakistan on developments in Punjab it is only natural that we get concerned.

Training Camps in India for Pak terrorists

Foreign Secretary told Naik that he had looked through the map he had given to by Naik in Udaipur giving the location of alleged terrorist training camps in India. Foreign Secretary said that he had spoken to the highest authorities in the country and he could categorically inform him that there was no such camp anywhere in India. He added that when Naik came to India he would be quite happy to take him to these locations so that he could satisfy himself that there was no truth in what was being said about the existence of the camps in India.

Foreign Secretary also said the Sri Lankans had on the basis of some press report alleged there was some camp for training of Tamil extremists near Kumbakonam. We had told them that there was no such camp in India. There were, however, 30,000 Tamils in India.

Cooperation between Intelligence Agencies

Naik said that he had referred Foreign Secretary’s suggestion about cooperation between the agencies of the two countries to President Zia. President Zia had welcomed the suggestion. He said that we should now recommend to our Governments how we could proceed further in this matter.

Links of Pak Embassy in London with Sikh Extremists

Referring to allegations of involvement of Pakistan Embassy officials in London with Sikh extremists, Naik said that he had asked Additional Secretary Sattar
to look into the matter and it had been ascertained that Embassy officials in London had no contacts whatsoever with Sikh extremists. The Embassy in London does however have to deal with Sikhs holding Indian passports who want to visit Pakistan for pilgrimage. Naik also denied Sikh leaders from abroad (he was evidently referring Dhillon and Parmar) had met President Zia. He said that President Zia had clarified to him that he only receives Sikh pilgrims in the presence of Indian Ambassadors or Charge d'Affaires.

**Trial of Hijackers**

Referring to the question of hijackers Naik said that the question of putting them on trial was only one of timing. Pakistan side felt that if the trials were started today, people in India and Pakistan and abroad would feel that they were exacerbating matters. Foreign Secretary said “Please return them to us and we will take care of them”. Naik reiterated that the trial of hijackers at present may strain the atmosphere. we are to hold the trial”, he said.

**Naik’s Visit:**

Foreign Secretary then asked Naik when he would be able to visit India for continuing the dialogue. Naik said that he could visit India in the third week of July for 18 to 21 July. Foreign Secretary confirmed that these dates were acceptable.
1046. Statement issued at the end of talks between the Foreign Secretaries of India and Pakistan.


The Foreign Secretary of India M. K. Rasgotra paid a visit to Pakistan from 19 to 23 May at the invitation of the Pakistan Foreign Secretary Mr. Niaz A. Naik. The two Foreign Secretaries resumed their discussion that took place in Delhi and Udaipur last March on various aspects of Indo-Pakistan relations.

During his visit, Mr. Rasgotra was received by the President of Pakistan Gen. M. Zia-ul-Haq. He handed over to the President a letter from the Prime Minister of India, Mrs. Indira Gandhi.

The two Foreign Secretaries held several rounds of talks in Islamabad and Murree. During the talks, which were held in a cordial and constructive atmosphere, they reaffirmed the importance both governments attached to developing and maintaining friendly and good-neighbourly relations.

In the course of the visit, a Protocol on group tourism was signed by the two Foreign Secretaries. Letters were also exchanged amending the Visa Agreement of 1974, to ease procedures relating to travel between the two countries.

The visit to Pakistan of the Indian Minister for Information and Broadcasting Mr. H.K.L. Bhagat is scheduled to take place from July 7-11, 1984. During his visit Mr. Bhagat is expected to discuss matters relating to media cooperation between the two countries with the Pakistan Information Minister Raja Zafarul Haq.

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On May 24 the Pakistani daily *Muslim* quoting London *Times* reported that President Zia-ul-Haq had in an interview expressed Pakistan’s deep concern over the concentration of Indian troops along the Indo-Pakistan border and said that the steps taken by India during the last five or ten years had intensified Pakistan’s apprehensions regarding its security *vis-à-vis* India. He said India had concentrated three-fourth of its troops in areas adjoining Pakistan. Similarly, Pakistan had also spread its forces along its borders as a precautionary measure. Pakistan had not, however, established bases on the borders, while India had a concentration of a number of military posts, cantonments and new airports in recent years. “This”, he said, “has created a situation we consider alarming to our security”. He had sent a message to the Indian Prime Minister more than a year ago to reduce the number of Indian forces deployed on the border with a view to creating confidence in Pakistan, Gen. Zia said. In response to such a gesture from India, Pakistan would also have removed its forces. However, he regretted that Mrs. Indira Gandhi had never responded to that suggestion. Refuting the allegation that Pakistan was sending commandos to the northern areas, he said the area was unpopulated and hilly and there was no logic for India or Pakistan to send their commandos there. Briefing on the developments regarding no-war pact, Gen. Zia said Indian were demanding written assurances from Pakistan that it would resolve bilateral problems through mutual forums only. He opined that such demands were unnecessary and a curb on the independence and sovereignty of Pakistan. “Are my words not sufficient?” he asked.
It was agreed that the second meeting of the India–Pakistan Joint Commission will take place in New Delhi in the first part of August 1984. The delegations will be led by the two foreign ministers.

Detailed consideration of the two drafts of the non-aggression pact and friendship treaty took place, as a result of which a considerable measure of convergence of the viewpoints of the two sides had been achieved.

Mr. Rasgotra extended an invitation to Mr. Naik to visit New Delhi. Mr. Naik accepted the invitation with pleasure. The visit will take place from July 18-21, 1984 when discussions will be resumed.

1047. Press Note issued by the Embassy of India in Islamabad regarding declaring Punjab as ‘Restricted Area’.

Islamabad, June 4, 1984.

The whole of the state of Punjab in India has been declared as a ‘restricted area’. As such, no foreign national can enter the state of Punjab without a special permit, even for transit.

In order to facilitate the transit of Pakistani nationals through Punjab after they enter India through the Wagah – Attari check-post, a special endorsement is being made on their visas. Pakistani nationals are, however, required to travel through Punjab by the shortest route within the minimum necessary time. Foreign nationals, (including citizens of Commonwealth countries) other than citizens of Pakistani are advised that entry into India will not be permitted to them by the land route through the Wagah – Attari check-post. Such foreign nationals desirous of visiting India are requested to arrange for their travel from Pakistan to India by air for landing at Bombay or Delhi airports.

The entry of all Pakistanis into the Indian state of Punjab from Pakistani soil has been prohibited with immediate effect,
1048. **Statement issued by the Government of Pakistan denying that it interfered in the internal affairs of any State.**

**Islamabad, June 10, 1984.**

“The Government of Pakistan, strictly adhering to the principle of non-interference in the internal affairs of other States, has scrupulously refrained from any action or words which might violate that principle. It is, therefore, particularly surprised and concerned over the allegations made by the commander of the Indian military operation at the Golden Temple, which appear designed to externalize and divert attention from an internal crisis.

The Government of Pakistan has not been provided any information by the Government of India about the two *Nahangs* killed by the Indian Army who are said to have been identified as Pakistanis. Nor has it been told of the passports reportedly bearing Pakistani stamps said to have been found at the Temple and their connection if any with the fighting. Similarly, for the arms found at the Temple, which are said to have been smuggled through Pakistan, that allegation is totally speculative and irresponsible.

Considering the positive and constructive nature of the ongoing dialogue between the Government of Pakistan and the Government of India with a view to establishing normal good-neighbourly and co-operative relations between the two countries, the Government of Pakistan hopes that such attempts to vitiate the atmosphere for narrow and monetary propaganda gain will be eschewed.”

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1049. **Media Briefing by the Indian and Pakistan official spokespersons after talks between the Information Ministers of the two countries.**

**Islamabad, July 8, 1984.**

Officials spokespersons of Pakistan and India told journalists at a news briefing that the two ministers agreed that cooperation between media of the two countries should be enhanced to create conducive atmosphere to promote friendship and peace in the area.

Raja Zafarul Haq and Mr. Bhagat agreed that media of the two countries should eschew hostile propaganda against each other.
“Media has played a positive role in promoting the relations between the two countries, but they need to do much more,” the Pakistani spokesman said.

The spokesman said the ministers had agreed that media of the two countries should strive to establish friendly relations between the two countries “on the basis of sovereign equality and peaceful coexistence.”

To enhance cooperation between media of Pakistan and India, they agreed that additional correspondents should be posted in each other’s country within a very short period. In fact, they agreed that within a month, correspondents of RADIO PAKISTAN and ALL INDIA RADIO should be posted at New Delhi and Islamabad to represent their respective organizations, the spokesman said.

It was also decided that another correspondent, either from a new agency or a newspaper, would be posted in each other’s country.

The ministers also agreed that Indian and Pakistani journalists should pay frequent visits to each other’s country.

The Pakistani spokesman noted that a large number of Indian journalists had visited Pakistan recently. He said the Indian Information Minister had informed his Pakistani counterpart that a group of 12 Pakistani journalists would be invited to visit India on behalf of the Press Club of India.

Radio and TV organizations of the two countries will exchange programmes and decide within two months that programmes they needed from each other.

It was felt that officials of the two countries should pay frequent visits to each other’s country, and personalities in the field of journalism, radio and television should have close contacts.

The ministers also agreed that officials of the two countries would meet after every three months to review media cooperation and relations between them. They would discuss how to promote cooperation and reduce hostilities, he said.

The Indian spokesman said his country also desired to promote media cooperation between India and Pakistan to establish peace and friendship in the area.

“We want to go a very long way, the longest way possible in media cooperation,” he quoted from Mr. Bhagat’s speech at the lunch Raja Zafarul Haq hosted in honors of the visiting Indian Minister.

The Indian Minister was on an official visit to Pakistan from July 7 to 13, 1984. Addressing a press conference the Indian minister HKL Bhagat said that the Indian draft of a Cultural Agreement was already with Pakistan. The areas of understanding arrived at during his visit will be incorporated in the draft before it was finalized.
ON TIES WITH INDIA

Now, I will talk about India. It is our firm belief that in an atmosphere of confrontation, mistrust and suspicions, neither regional stability could be attained nor progress could be made in any direction in its true sense. A lot of efforts have been made by us in the past few years to improve relations with India, and these efforts have not gone waste. There has been an exchange of many delegations on official and non-official basis. A Joint Commission has been established. The draft of our No-war pact and the Indian Peace and Friendship Treaty are under consideration by the two governments and I hope that after further negotiations, an agreed document would be finalised. It is our earnest desire that the two countries should forget the past bitterns and usher in an era of confidence, cooperation and mutually beneficial relations so that the people of both countries utilize their resources and energies for their welfare and amelioration.

INTERFERENCE IN INDIA’S INTERNAL AFFAIRS DENIED

It shatters our good wishes and sincere efforts when some responsible elements of the Indian leadership accuse Pakistan of interfering in their internal affairs. If we view the past and present history of both the countries, we find contrary evidence. However, this is not the occasion for reviving the old bitterness nor countering the allegation. Therefore, I would barely say that interference in other’s affairs is totally against our policies. To act like this is against our nature. Our attitude of non-interference towards the present state of affairs in Indian Punjab and Kashmir presents a fresh vindication of our stand. Three/four day ago when the Indian Airlines plane along with 255 passengers was hijacked to Lahore, our reaction was extremely positive. At this critical juncture, we utilise our best abilities and it is blessing of Almighty Allah which enabled Pakistan to successfully and honourably carry out this difficult task.

As you know, in the last seven years we have never taken advantage of the difficulties of anyone and we have no such intention in future. May god bless us to solve our problems and to keep our house in order. We do not interfere in other’s affairs nor shall we allow other to interfere in our affairs. The Indian Secretary, Foreign Affairs, Mr. Rasgotra recently paid a visit to Pakistan which was quite successful. During the visit, further progress was made toward the finalization of the agreements and the overall impact of his visit was very good.
However, sometime later, the situation in East Punjab caused some differences but I would like to reiterate that it always has been and, Insha Allah, will be the policy of Pakistan not to take advantage of other’s difficulties. Pakistan is an Islamic country and Islam teaches not to take advantage of others’ difficulties. On the other hand, Islam stresses that as peace-loving country, we should live in love and amity, It is, therefore, impossible and inconceivable that Pakistan would interfere in India’s internal affairs. Do you think Pakistan has such effective resources to exploit the Sikhs in East Punjab that Sir, India should construe them as an interference in its internal affairs. It is impossible.

**ON RECOVERY OF WEAPONS WITH PAK & CHINESE MARKINGS IN GOLD TEMPLE**

I was saying to a gentleman some days ago that from your side and from the Indian side allegations were being mad against us. They may have some reason for all this, but we are unaware of their compulsion. All that has been said up till now and what has been published in newspapers and the statement issued by Indian leadership show that the allegations, about the weapons of Chinese make and ammunition bearing Pakistan Ordnance Factories stamps were found from Darbar Sahib. In addition, an examination of the dead bodies of two Nihangs revealed that they were Pakistanis. I will ignore the latter part of their statement but I would like to say something about the first two things. Thirteen years ago, when India committed a naked aggression against East Pakistan, the state of affairs in Pakistan was such that our own misdeeds had recoiled on us. East Pakistan was separated and it became Bangladesh. Whenever I have talked about Bangladesh, I have always said that we have no grudge against them and we always pray that may almighty Allah shower His blessings upon Bangladesh, bless the country with progress and enable them to stand on their own feet. But you should know that certain facts cannot be erased from the memory just because 13 years have passed. The people who trained the mukti-Bahini at that time have now joined the Sikhs in their agitation.

One of them is Brig (Retd) Shah Baig Singh. He is one of those who instigated the people in East Pakistan against the Government of Pakistan, trained them attacked Pakistani territory in collaboration with them and when the Indian forces entered into East Pakistan, guided them towards their targets. Now, the same people were assisting Sant Jarnail Singh in Darbar Sahib. At that time, about 60,000 Pakistani troops surrendered. They were equipped with Chinese weapons. Besides, an Ordnance Factory was installed in East Pakistan with the collaboration of China. I asked some friends who came from India whether those weapons which the Indian forces took away from the Pakistani forces were returned to Bangladesh. All those weapons were taken away by the Indian forces. And Bangladesh also alleged that the Indian experts took away much
of the Ordnance machinery with them after dismantling it. So 60,000 Chinese weapons were taken away by them (Indians).

After 14 years, when Shah Baig Singh is found dead along with Sant Jarnail Singh in Darbar Sahib, it could be assumed that some of Sikhs in Bangladesh were brought to Darbar Sahib (sic). All the allegations against Pakistan are totally baseless. It is unfair to Pakistan. It is wrong to shift responsibility of one’s internal difficulties to another country. I hope the Indian leadership will take note of the statement made from Pakistan at all levels, from my level to the diplomatic level, emphatically denying the Indian accusations. Our relations with Indian are of a special nature. I have told my Indian friends time and again that we are engaged in this exercise for the last 37 years. However, history has recorded faithfully and we also witnessed the impression the Indian leadership had about Pakistan before its establishment. We know that the Indian leaders were doubtful about the creation of Pakistan. However, Pakistan came into being with the blessings of Almighty Allah.

CALL TO FORGET PAST & IMPROVE TIES.

It exists and will continue of exist, Insha Allah. I also told my Indian friends that it is part of our history that some of you were not ready to concede to the existence of Pakistan, but by the Grace of Allah, Pakistan came into being and fought three wars. However, that has become a matter of the past. Let us now live like good neighbours because if we continue to repeat the past there can be no friendship between Pakistan and India. I have pleaded that such history be put aside, though we can learn a lesson from it. So let us cultivate good relations. If we continue leveling allegations against each other, then progress in this direction will be difficult. We hope that the Indian leadership will appreciate the desire of Pakistan and will honour it and will respond to it in a positive manner. So, we expect that relations between Indian and Pakistan will improve. We are pursuing efforts for improving relations for the last seven years and quite often the Indian response to it has been positive and we hope this process will not be damaged due to the recent allegations. I do expect that Pakistan and India will continue to try to cultivate better relations as good-neighbours.

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ON PAK NUCLEAR PLAN POLICY

We have repeatedly given assurance of our peaceful use of atomic energy, but some of our friends still think that Pakistan is interested in making an atomic bomb and that Pakistan’s nuclear programme is against peace, and therefore no opportunities should be provided to her to promote this programme. Recently again, Senator Cranston of the United States said that Pakistan is getting
Plutonium from the Karachi Nuclear Power Plant and has set up a plant at Kahuta where uranium is being enriched and that Pakistan has the capability and the Pakistani engineers possess the competence to produce the atomic bomb. The Government of Pakistan on several occasion, has categorically rebutted these allegations. It must, however, be clarified that we need atomic energy for peaceful purposes and to have it is our right. Almighty Allah has no doubt blessed us with capable scientists and innovative brains and we also have the capability, but we are against stockpiling of atomic weapons, which may lead to nuclear war.

We are against proliferation of nuclear weapons and in this regards we have made many proposals which show that Pakistan is for peace and disarmament. We are ready to accept measures which are necessary to contain nuclear

A couple of months later when reports form the U. S. sources said that India was considering pre-emptive strikes of Pakistani nuclear installations, President Zia, while addressing a press conference on September 17 in Islamabad, said that he hoped India would do nothing that would hurt bilateral relation and become a “prelude of war”. He also said that Pakistan had sought clarification about the reports which had emanated from U. S. sources. Gen. Zia however, firmly rejected the presumption that the reports were being deliberately circulated by U. S. intelligence agencies to pressurize Pakistan to lease military bases to U. S. “We have neither been approached by the US nor are we willing to give such bases to any foreign power”, he added.

Gen. Zia, however parried a question about shifting the date of his promised elections because of the current supposedly unsatisfactory situation on the borders with a counter-question: “How do you presume I consider the border situation unsatisfactory?” There was no cause for any serious concern so far as the eastern border with India were concerned. He, however, conceded that on the western border, there had been “aggressive actions” by Afghanistan.

Replying to a question about Indo-Pak confrontation in the northern Siachin Glacier region, Gen Zia referred to “occasional exchanges of fire” between the two sides facing each other there, but said there had been “plenty of moves on both sides at diplomatic and other levels to defuse the situation”. It was an un-demarcated area and in Pakistan’s view, the line of control lay much beyond the Siachin Glacier. India, however, had a different point of view. Local commanders had met once to settle things by negotiations and another such meeting at that level would again be held soon. Pakistan continued to emphasise on India that the situation could deteriorate and, therefore, it was important to settle matters by mutual negotiations.

On the whole, Gen Zia maintained, Pakistan’s “peace offensive” for good-neighbourly relations with India continued, though in such matters results were not sometimes achievable promptly.

Questioned about possible Israeli-Indian collusion to destroy Pakistan’s nuclear installations and the precautions taken by Islamabad against such an eventuality, Gen Zia said Pakistan had taken all necessary measures of protection but in such matters, it was not possible to ensure 100 per cent security.

He, however, hoped India would not take any action which could hurt India-Pakistan relations. Such actions could be a prelude to war, he added. So far as Israel was concerned, he said, he would not comment on its grouse against Pakistan as Pakistan had taken a consistent and principled stand on the Palestine issue for the last 37 years.

In reply to another question, Gen Zia said no fresh date had been fixed for the resumption of the India-Pakistan dialogue on a non-war pact. The July round was put off on Indian initiative and it was then indicated that a fresh date would be settled in September.
proliferation. But it is strange that only Pakistan is asked to sign the Non-Proliferation Treaty, while other countries like South Africa, Israel, India and many others who have attained nuclear capability are never asked to do so. Why this discrimination? This is clearly a travesty of justice and fair-play. The argument boils down to this: Since these countries possess it, so we cannot say anything to them. But since you do not possess the atomic weapon therefore we will use pressure against you.

We have conveyed it to them if they can make India, which has a number of nuclear power plants and has already exploded a nuclear device, sign the Non-Proliferation Treaty, Pakistan will also sign it. To this, we did not receive any reply.

We have told India that if she has doubts about our nuclear programme, we may enter into an agreement to sign the Nuclear Non-Proliferation Treaty. We even offered India mutual inspection of atomic installations in the two countries but we never received a reply. As far as Senator Cranston’s allegations are concerned, we have told our friends to judge us from our past conduct and statements. Look into the explanation which we have given. We have always maintained that Pakistan’s programme is totally peaceful. As you know I have said it many times that Pakistan has succeeded in enrichment of uranium and with the blessings of Allah there are only a few countries in the world who possess this capability. But it is like a sword which is a weapon but can also cut your throat. There is no such thing as a peaceful nuclear device or non-peaceful nuclear device as claimed by the Indian side with reference to nuclear energy. We say that Pakistan has not any programme of military nature, nor intends to have one in future. Our programme is only for peaceful purposes and no one can stop us from that. With the blessings of Allah, Pakistan will be able to meet its energy deficiencies through nuclear energy. I hope that after my today’s statement such allegations will stop coming up. I want my friends to know that relations among countries are very important and very delicate.

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Excerpts relevant to ‘India – Pakistan Relations’ from the Speech of Pakistan Foreign Minister Sahabzada Yaqub Khan on Pakistan’s Foreign Policy in the Majlis-e-Shoora (Federal Council).


No subject has had a more vital bearing on Pakistan’s foreign policy than our relation with India. The state of relations between Pakistan and India directly affects not only the peace and stability of the region but, more importantly, it is an essential factor in the realization of the hopes and aspirations of the peoples of both countries for a better life.

Guided by these considerations the Government of Pakistan has constantly sought the establishment of tension free and good neighborly relations with India in spite of unfortunate history. We believe that this objective should be pursued on the basis of the principles of peaceful co-existence. To that end the Government of Pakistan has taken major and substantive initiatives.

In recent years exchanges with India in diverse fields have greatly increased. Discussions and dialogues have been intensified in order to bridge gaps in communications, remove mistrust and foster understanding. In September 1981, Pakistan put forward the proposal for an agreement on non-aggression and non-use of force. Our President visited New Delhi in November 1982 and decided with the Indian Prime Minister to establish a Joint Commission with the twin purposes of strengthening mutual confidence and promoting cooperation.

No objective observer can deny that significant progress had been achieved in reversing the trends of the past and setting in motion a process which is positive and beneficial not only for the peoples of the two countries but also for the peace and stability of the region. Yet, we cannot afford to be complacent. The foundations that have been laid are not yet strong enough to withstand excessive stresses and strains. Given the history of mistrust and suspicion, it is unfortunately too easy for the normalization process to falter and stumble.

The last few months have witnessed both positive and negative developments in our relations with India. In the month of May some encouraging progress was made in developments in our negotiations aimed at the integration of our draft of the non-aggressions pact with the Indian draft of a friendship treaty. Assurances were conveyed to us that the Government of India was not only committed to the process of normalization but was keen to promote good
neighborly relations and establish a cooperative and constructive relationship with Pakistan. In June this year however some unfortunate statements were made in India which sought to implicate Pakistan in the crisis in Indian Punjab. There was not a shred of concrete evidence to warrant the charges. Indian leaders wrongly took umbrage at the coverage of the Amritsar crisis by our Television and Radio. Our media reports were based on factual news provided by reputable international news agencies. As you are aware, both countries are committed to the prevention of hostile propaganda and during the Indian Information Minister’s recent visit it was suggested that the two Governments should evolve a code of conduct for the official media of both countries.

Some members have expressed concern about recent clashes in the Siachen Glacier Valley in the Northern Areas. The Government of Pakistan shares their concern. I want to inform the Majlis that the Government has evoked established procedures for a negotiated settlement of the problem. A flag meeting between the local commanders of the Pakistan and Indian forces was held last week. Efforts are continuing to prevent further incidents and to find a mutually satisfactory solution of the problem. At this point let me make it clear that while Pakistan scrupulously observes the established norms and recognized principles of good-neighbourly relations among sovereign states, it expects India to do the same. We have emphasized this point in discussions with India as without reciprocity we cannot hope to achieve the results which both sides desire. We respect India’s independence and integrity, we expect India to respect ours. We do not interfere in India’s internal affairs, we expect India equally to refrain from interfering in ours. We do not object to India’s acquisition of military equipment for self-defense, we have no intention to resort to the threat or use of force for settlement of outstanding differences, we expect India to adhere to this obligation in accordance with the UN Charter and the Simla Agreement.

The Government of Pakistan is faithful in the implementation of its international obligations, as was demonstrated again in its handling of the hijacking incident involving an Indian airliner on July 5. As a party to the anti-hijacking treaties, Pakistan made assiduous efforts and, by the Grace of Allah, its authorities succeeded in securing the unconditional release of the passengers, the crew and the plane.

Hijacking of plane is condemned by the world community as a crime and Pakistan is bound by international law to prosecute the hijackers. Thus, the Government of Pakistan will do so in accordance with our laws as the President has already announced. The members of Majlis-e-Shoora share, I am sure, the Government’s gratification about the satisfactory outcome of what could have been a tragic incident. I hope further that they will take pride in the noble and humanitarian gesture of the Government in sending the innocent passengers back to India.
The members of the Majlis are no doubt aware that, at the request of the Indian Government, the meetings of the Foreign Secretaries and the Joint Commission have been postponed. It is our hope that these visits will be rescheduled at early and mutually convenient dates so that the dialogue on the non-aggression pact and friendship treaty proposals can be resumed and progress can be made in the various fields under the Joint Commission.

The Government of Pakistan remains firm in its determination to develop normal good neighborly relation with India. We do not allow difficulties to deter us of obstacles to deflect us from the course of our policy. The ebb and flow of events cannot dislodge a policy that is firmly anchored in principle and designed with due deliberation to serve the supreme interests of the Nation.

National interest requires careful calculations of consequences and implications. Policy cannot be allowed to become hostage to slogans. There is no question of the Government being apologetic or submissive. It will never allow any compromise of the Nation's dignity and honour. But we must not take a sentimental or superficial view. We must be cognizant of our vital and long-term interest. We must be constant in policy and consistent in action. Finally we must always remain on our guard. I want to assure the honorable members, that Insha Allah, Pakistan will never permit any harm to its dignity, independence and integrity.

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Letter from Ministry of External Affairs to Heads of Mission regarding Pakistan’s encouragement to terrorism in India.

New Delhi, September 18, 1984.

Ministry of External Affairs
New Delhi

S. K. Lambah
Joint Secretary (AP)

My dear Head of Mission/Post

President Zia has been claiming that Pakistan is on a “peace offensive” in its relations with India. In fact, Pakistan has been encouraging terrorism, extremism, and hijacking in India. Their on-the-record actions have been totally inconsistent with their professed desire for friendly relations.

2. In the present context of Indo-Pak relations, three tests could be applied to verify the sincerity of Pakistan’s claim that it seeks peaceful and friendly relations with India. These are Pakistan’s reaction to (i) Punjab developments/hijacking (ii) Communal disturbances in India and (iii) improvement of bilateral relations. On the basis of their performance in the recent past, Pakistan has failed in each of these three tests.

3. The projection of recent developments in Punjab, by the Pakistan official media including Pakistan television was distorted, mischievous and malevolent. As for the print media, which is not allowed to report political developments even in their own country, leading newspapers were allowed to go to town. President Zia and some of his senior ministers made gratuitous, highly objectionable and provocative statements. The unmistakable image that emerged was of a deliberate attempt to exploit the Punjab situation and inflame the emotions of our Sikh community with a view to inciting separatism, communal disharmony and disaffection. Pakistan’s behavior in this regard was clearly inconsistent with their claim of following a policy of non-interference in regard to the activities of the extremists in Punjab. It is now becoming more and more clear that Pakistan is training terrorists, supplying them arms and facilitating their crossing the border.

4. Pakistan’s record in dealing with incidents of hijacking* of Indian planes has been dismal. India has eight neighbours but the hijackers of half a dozen hijackings in the last 14 years chose Pakistan as their destination obviously

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* In 1984 there were two hijacking incidents—one in July and another in August.
because they have felt assured of assistance. An attempt was made to exploit the hijacking of the Indian Airlines Airbus in early July to propagate separatist sentiments among the Sikhs. Extensive use was made by the Official media to lionize the hijackers. Their attitude in regard to the hijacking of the Indian Airlines Boeing 737 on 24th August was totally unhelpful. They have so far neither returned to India nor put on trial the hijackers involved in September 1981 and July 1984 hijacking incidents. A comparison of the manner in which the latest hijacking of an IAC aircraft was handled by UAE authorities on the one hand and Pakistan on the other gives evidence of unprecedented help to hijackers by Pakistan.

5. The Pakistan media had shown some initial restraint when communal disturbances broke out in Maharashtra in mid May. Soon thereafter, however, the reporting of communal incidents in the Pakistan media, as in the past, was mischievous and slanted. Communal incidents, for which anti-social elements from different sections of Indian society are responsible and which take place for varied reasons, are invariably characterized as “anti-Muslim” or “Muslim-killing” riots. For the first time ever and almost three weeks after the communal incidents occurred in Maharashtra and at the height of army action in Amritsar, President Zia chose to address a letter on the subject dated June 9, 1984 to the Prime Minister. While the Prime Minister sent a suitable reply, one could not fail to note the timing and content of Zia’s letter.

6. Zia’s record of performance in regard to the process of normalization started by the Simla Agreement of 1972 has been far from satisfactory. The following developments during Zia’s tenure are illustrative of this; (i) trade in the private sector which had been resumed in 1976, was stopped by Zia in July 1978 in his first import policy statement; Zia has not been able to advance even a single economic rationale for the restrictions imposed on imports from India. (ii) provocative comparison of Kashmir with Palestine and Namibia started in international fora; (iii) Pakistan’s response to our proposal for cultural agreement has been negative; (iv) Pakistan has not agreed to our various proposals for liberalizing travel between the two countries; (v) they have not agreed even to the reopening of Khokraper - Munabao check-post which is provided for in the 1974 Visa Agreement; (vi) consistent with their policy of discouraging people-to-people contact, they are not permitting newspapers and periodicals of each country to be read in the other; we have repeatedly made proposals for exchange of books/newspapers/periodicals; (vii) no progress has been made about improving economic relations because of Pakistan’s negative attitude. A visit of a delegation of industrialists and officials to explore prospects of industrial cooperation, even though it has been agreed to in the meeting of the Joint Commission, has not so far taken place; and (viii) they have not responded to our proposals of expansion of lists of religious shrines for visit by pilgrims.

7. I have given these specific instances so that whenever necessary in
your discussions you can expose the so-called ‘peace offensive’ which Zia claims to have launched vis-à-vis India.

8. Even if we take their much-trumpeted no-war pact offer, which was made in the context of an agreement for the supply of sophisticated weapons by the United States, you will observe that, after proposing the no-war-pact, Pakistan has taken several steps in respect of Kashmir which were provocative and avoidable. We would have hoped that after proposing the no-war pact at least status quo would have been maintained in respect of Kashmir which I would like to mention for your background information: i) making references to Kashmir in various international fora; ii) nomination for the first time of members from Northern Areas of Pakistan Occupied Kashmir in the Majlis-e-Shoora (the nominated legislature); iii) opening the Karakoram Highway to foreign tourists (26.1.1982); iv) signing of various agreements with China involving POK; (v) holding of a dinner by President Zia in Gilgit in Pak Occupied Kashmir for the Islamabad-based Heads of Diplomatic Mission (November 1983); vi) glorifying Maqbool Butt, a man condemned for criminal activities, as a “martyr in the cause of liberation of Kashmir”.

9. Pakistan has been following a ‘go-slow’ policy on various matters pertaining to our bilateral relations. Pakistan’s response has been lukewarm to proposals made by us to give content of our relations and to facilitate growing contact and cooperation. Even in regard to the implementation of agreed decisions, they have been dragging their feet. Lip-service paid by Pakistan to terms like “peace-offensive” carries little evidence of its sincerity by its actions. Foreign Secretaries level talks and meeting of the Joint Commission have been postponed at our instance as we felt that Pakistan should have some time for cool reflection on their objectives. Foreign secretary’s telegram No.34467 dated July 19, 1984 refers in this connection.

10. We, however, remain committed to the search for cordial and cooperative relations in the spirit of the Simla Agreement. As you know following are among the initiatives taken by India to improve Indo-Pak relations: i) establishment of Indo-Pak Joint Commission, ii) conclusion of a Protocol on group tourism; iii) offer of a Treaty of Peace, Friendship and Cooperation; iv) proposal for cultural agreement v) proposal for nondiscriminatory trade relations. We have even indicated our readiness to place voluntary restrictions on exports which could cause damage to Pakistan’s own domestic industries and vi) various proposals to ease travel between the two countries.

Your Sincerely
S. K. Lambah

To
All Heads of mission/Post.
1053. Note from Intelligence Bureau on hijacking of IAC flight 421 from Lahore to Karachi and Dubai.

New Delhi, October 11, 1984.

Intelligence Bureau
(Ministry of Home Affairs)

Subject: Hijacking of Indian Airlines flight IC-421 (Boeing 737) to Lahore-Karachi-Dubai on August 24/25, 1984, by Sikh extremists.

This is in continuation of our U.O. of oven number, dated August 27, 1984 regarding hijacking of Indian Airlines flight 421 from Chandigarh to Lahore-Karachi-Dubai on August 24, 1984.

2. The seven hijackers of the Indian Airlines flight who were brought back to Delhi from Dubai on September 3, 1984, were interrogated in Delhi. A report on various details of the conspiracy is enclosed herewith (Not available). Salient points which emerged during interrogation are as follows:

(1) The hijacking was a pre-meditated and pre-planned operation of determined and dedicated Sikh youth. The motivation for the hijacking as disclosed by them was to seek revenge against the Army action in the Golden Temple and other “atrocities” against the Sikhs.

(2) Apart from the seven hijackers as many as seven other persons including Harjinder Singh, an AISSF activist, Harmohinder Singh Dhillon, a contractor of Chandigarh, Surinder Singh Rana @ Kuldip Singh since identified as Rajinder Singh Rana, Inderjit Singh, an ASI of Police (presently posted at Police Lines, Ropar), Daljit Singh, r/o Boor Majra, Swaran Singh (lame Sikh), an employee of Education Department of Punjab Government and Barn Singh actively associated in “talent spotting” of volunteers for the conspiracy. However, Harmohinder Singh Dhillon, Rajinder Singh Rana, Inderjit Singh, ASI and Daljit Singh, r/o Boor Majra were the key figures who pro-vided the back-up, financial and other support and played an active role in galvanizing the seven Sikh youth, all in the age group of 19 -- 20 years in the conspiracy to hijack an Indian Airlines Aircraft to Lahore. Following the return of the hijackers from Dubai, except for Rajinder Singh Rana, Harmohinder Singh Dhillon and Harjinder Singh (who have since gone underground), all others have been arrested. Another Akali activist, namely, Hardeep Singh, a detenu in Burail Jail, Chandigarh, was responsible for introducing Kamaljit Singh Sandhu, the leader of the hijackers, Devinder Singh and Amrinder Singh to Harmohinder Singh Dhillon, contractor of
Mohali for rendering the required assistance and support in the hijacking plan and other anti-national activities. Ram Singh was arrested by the CBI on September 21, 1984. He disclosed that one Daljit Singh, s/o Gurdev Singh of Boor Majra had introduced him to Rajinder Singh Rana. Daljit Singh left for Abu Dhabi on September 13, 1984 in connection with his employment in some private firm.

(3) Disclosures made by Kamaljit Singh Sandhu, Davinder Singh @ Shanty and Amrinder Singh @ Montu (all hijackers) revealed that the hijacking independently contemplated on the one hand by Kamaljit Singh Sandhu and on the other hand by Davinder Singh @ Shanty and Amrinder Singh @ Montu towards the end of July, 1984, primarily to seek revenge against the Army action in the Golden Temple and also on account of personal frustration of Sandhu from alleged police harassment in a murder case. Sandhu initially discussed his hijacking plan which was to facilitate his escape to Pakistan with Harjinder Singh, an AISSF activist who approved the idea and promised to introduce Sandhu to another person harbouring similar plans. Sandhu and Davinder Singh @ Shanty first met at the Gurdwara in Sector - 19, Chandigarh on June 2, 1984 and continued to maintain contact since then through a common friend Kuldip Singh, who too had become privy to the conspiracy at that time. On August 12, Sandhu, Davinder Singh @ Shanty and Amrinder Singh @ Montu met at the residence of H.S. Dhillon and discussed their preliminary plans for the retaliatory action including hijacking of an aircraft. Earlier, with the two revolvers and ammunition provided by H.S. Dhillon, Davinder Singh @ Shanty, Amrinder Singh @ Montu, Avtar Singh and Tajinder Singh (all hijackers) looted a local Hindu of Rs.700 -- 800/- which was handed over to Dhillon. Thereafter, Surinder Singh @ Rana whose identity has since been established as Rajinder Singh Rana along with Sandhu emerged as the principal organiser in the unfolding conspiracy. It was he who along with Sandhu mooted the plan to hijack the Chandigarh-Delhi flight on August 15 but this could not materialise as air tickets were not available on that day. Rajinder Singh is also understood to have received Rs.2,700/- from Inderjit Singh, ASI (since arrested on September 25, 1984) and handed over the amount to Sandhu on August 13 at a pre-arranged R.V. near the Thermal Plant at Ropar. During this meeting, Rajinder Singh also introduced Surinder Singh (hijacker), Gurmukh Singh, Avtar Singh and Ram Singh, all residents of village Sohana, to Sandhu and Davinder Singh @ Shanty. Amongst this selected lot, Gurraukh Singh and Avtar Singh of Sohana dissociated themselves subsequently. Thereafter, Surinder Singh (hijacker) induced Man Singh Bagga (hijacker) a person from his own village to join the group. Tajinder Singh, an associate of Davinder Singh @ Shanty joined the lot as the 7th hijacker on August 23.
On August 22, Sandhu, Davinder Singh @ Shanty, Amrinder Singh @ Montu visited the IAC office at Chandigarh separately and purchased seven tickets of which five were in assumed names for the flight from Chandigarh to Jammu on August 24.

(4) Pakistan’s complicity in the handing over of the pistol to the hijackers at Lahore has been established beyond doubt in the interrogation of the hijackers. Sandhu consistently maintained during his interrogation that he had briefed his accomplices on August 23 prior to the hi-jacking of the aircraft that they would not carry any fire arm with them from Chandigarh but attempt the hijacking of the aircraft by innocuous articles like a camera, syrup bottle etc. and improvise these as “weapons” and “explosives during the flight. This significant disclosure stands fully corroborated by the observations earlier made by the passen-gers and crew of the hijacked aircraft regarding the subse-quent ‘arming’ of the hijackers at Lahore. Sandhu’s admi-ssion in this regard is explicit and unequivocal. Accord-ing to him, a Pakistani official clad in Salwar Kameez had handed over to him a pistol with a magazine containing nine bullets, a separate pack containing 25 bullets and. 8 cartridges of .38 calibre. Sandhu further pointed out that the Pak official had even briefed him to explain if required that the pistol was smuggled to the aircraft by bribing an offi-cial at the Chandigarh airport. Besides this active and open connivance in prolonging the hijacking emergency by Pakistan, further details of Pakistan’s involvement in its planning and execution could be known only after the appre-hension of Rajinder Singh and H.S. Dhillon, who had master-minded the entire conspiracy.

(5) Interrogation of the hijackers has not revealed any failure of security arrangements at Chandigarh airport.

(6) During the interrogation, the main hijackers, namely, Sandhu, Davinder Singh @ Shanty and Amrinder Singh @ Montu remained resolute and firm in their dedication to the cause of the Sikh Panth. They showed no compunction or guilt for the serious criminal act committed by them and expressed their readiness to face the extreme penalty for the same.

(7) The attraction of Sikh youth in their early twenties who were motivated and fed on communal and reli-gious diatribe of hard-core Sikh extremists for seeking revenge against the alleged atrocities against Sikhs, por-tends possibilities of similar terrorist attacks on our civil aviation, necessitating utmost vigilance and caution in the implementation of all anti-hijacking and counter- sabotage measures at all airports in the country.

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1054. Statement issued by Pakistan Ministry of Foreign Affairs denying Pakistan’s hand in the Punjab terrorism.

Islamabad, October 27, 1984.

“The allegation, reportedly made by a district police chief in East Punjab that two Sikh terrorists had ‘confessed’ they had been ‘trained in Pakistan and provided arms to assassinate some Indian leaders is a complete fabrication’. Pakistan has adhered to the principle of non-interference in the affairs of other States and rejects these absurd allegations which are also reprehensible because they vitiate the atmosphere of Pakistan-India relations.

In the interest of tension-free and good-neighbourly relations the Government of Pakistan hopes that Indian officials will desist from concocting such stories as attempt to involve Pakistan and which have no truth in them whatsoever.”

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1055. Message of President Zia-ul-Haq to President Giani Zail Singh on the assassination of Prime Minister Indira Gandhi.

Islamabad, November 1, 1984.

Excellency,

The Government and people of Pakistan and I personally are deeply shocked and grieved by the assassination of Prime Minister Indira Ghandhi and condemn this dreadful act of violence.

Illustrious leader of the people of India, throughout her life Mrs. Gahdni served her country with great devotion and distinction. She was an eminent statesman of world stature. Under her leadership India was in the vanguard of nations committed to the establishment of a new international order. As Chairperson of the Nonaligned Movement she toiled hard to promote the noble objectives of the movement.

Mrs. Indira Gandhi played a crucial role in the evolution of Pakistan - India relations. Her valuable and decisive contribution to the process of normalization and establishment of good neighbourly relations will be long remembered by the peoples of our two countries, who continue to carry high hopes and expectations for peace and stability in the region.
On behalf of the Government and people of Pakistan and on my own behalf I wish to convey to Your Excellency and to the Government and people of India and to Mr. Rajiv Gandhi and other members of her bereaved family our sincere and profound condolences and expressions of sympathy.

General M. Zia-ul-Haq

1056. Message of Condolence from President Zia-ul-Haq to Shri Rajiv Gandhi.

Islamabad, November 1, 1984.

Excellency, you have been called upon to assume the high office of Prime Minister of India under tragic circumstances. To your personal grief have been added the heavy responsibilities of State and the challenge of leading the people of India on the road to progress and prosperity.

For the task ahead of you, I wish to extend on behalf of the Government and the people of Pakistan, and on my own behalf, our sincere good wishes for your success.

I would also like to assure you of the full support of the Government of Pakistan in efforts to build relationship of trust and confidence between our two countries and create a secure and tranquil environment in our region.

Please accept, Excellency, the assurances of my highest consideration.

President Zia also visited the Indian Embassy and offered his condolences to Ambassador K.D. Sharma. The Federal cabinet also met to condole the death of Mrs. Gandhi and decided to observe a three – day mourning.

Sahabzada Yaqub Khan briefing newsmen after the meeting said the assassination of Mrs. Gandhi was a tragic and grievous event and a dreadful act which must be roundly condemned.

“In her death our neighbours, the people of India, have lost a leader of international stature who served her country with distinction and devotion”, Sahabzada remarked.

He said the Government and people of Pakistan joined the Government and people of India in mourning with them on their irreparable loss.

The Cabinet extended heartfelt sympathy with the bereaved family in their hour of sorrow.
1057. President Zia-ul-Haq’s visit to Delhi to Attend Mrs. Gandhi’s Funeral:

President Mohammad Zia-ul-Haq said at New Delhi on November 3 that he and the new Prime Minister, Mr. Rajiv Gandhi, had assured each other of “our commitment” to the normalization of relations and achieving a good neighbourly status between Pakistan and India.

Talking to newsmen on his arrival to take part in the last rites of Mrs. Indira Gandhi, he said he had spoken on telephone to Mr. Rajiv Gandhi and although it was not an occasion when he could expect a response from him in the political sense, yet he had been positive and friendly in his attitude.

This was for the first time that a Pakistan President had personally come to attend the funeral of an Indian Prime Minister. On both of the last two occasions—in case of the death of Jawaharlal Nehru and Lal Bahadur Shastri—Pakistan was represented by its Foreign Ministers.

Sympathy & Support for India Reaffirmed

Gen Zia expressed the hope that the process started by Mrs. Gandhi would not only continue but also be expedited.

On his previous visit to this great country, he said, he had had the honour to meet Mrs. Gandhi. She was no more but today, “We have come to pay our tributes to the departed soul of the great leader of India and also to re-affirm our sympathy and support to the Government and people of India in this hour of their grief.”

Accompanying Gen Zia were Foreign Minister Sahabzada Yaqub Khan, Finance Minister Ghulam Ishaq Khan, Foreign Secretary Niaz A. Naik and Additional Foreign Secretary Abdul Sattar.

Gen Zia-ul-Haq described Mrs. Gandhi as a leader of great stature who had served her country with great distinction and said: “Our hearts go out to Mr. Rajiv Gandhi and we pray for strength to him to guide the destiny of this nation with greater distinction”.

He said he had come to attend the last rites of Mrs. Gandhi and share sympathy and re-affirm that Pakistan would continue to extend cooperation and friendship and offer unstinted support in the process of normalization of relations and acquisition of good-neighbourly relations between Pakistan and India.

The Pakistan delegation was received at the airport by the Secretary in the Ministry of External Affairs.
Rajiv’s Initial Response Loving & Encouraging

Taking to newsmen at the Islamabad airport before his departure for New Delhi by a special plane, Gen Zia said “I wish I had gone in better circumstances.” He said he was going to attend the last rites of Mrs. Gandhi to show to India that the people of Pakistan shared their grief.

Replying to a question he said the response of the new Indian Premier in his telephonic conversation with him on October 31 night was quite loving and encouraging. He had rung him up to offer condolences.

Gen Zia-ul-Haq met Mr Rajiv Gandhi and President Zail Singh on November 4. Gen Zia and Mr. Gandhi discussed matters of “mutual interest” for some time.

Zia’s Call for Better Relations

Gen Zia-ul-Haq later told the Press that his country looked for a fresh, dynamic approach to relations with neighbouring India under its young Prime Minister Rajiv Gandhi.

Mr. Gandhi, born only three years before the bloody 1947 partition of the British ruled sub-continent, was not part of the prejudices of that time, he said and added: “It is natural to expect a fresh, young, dynamic approach to a chronic problems.”

Pakistan was anxious that a recent nosedive in relations between India and Pakistan should halt, he said.

“We want peace…” I have come here “to re-affirm not only desire to normalize relations but to further improve them. It is in the interest of both our nations to be as good friends as possible,” Gen Zia added.

He, however, pointed out that relations could not be improved by a dramatic gesture by either side, but only through talking out problems.

He rejected Indian suggestions that Pakistan had played a part in the unrest caused by Sikh extremists.

Describing his contacts with Mrs. Gandhi as interesting and encouraging, he said he had great respect and regard for her. “Mrs. Gandhi is gone, She has gone into history,” Gen Zia added.
1058. **Assassination of Prime Minister Mrs. Indira Gandhi and reaction in Pakistan.**

Foreign Minister Sahabzada Yaqub Khan visited the Indian Ambassador’s residence and signed the condolence book on the death of Mrs. Gandhi. He also expressed his condolences to Ambassador Sharma.

He was accompanied by Mr. Niaz Naik, Mr. Abdul Sattar and Chief of Protocol, Zamir Ahmed.

Mr. Ghulan Ishaq Khan, Dr. Mahbubul Haq, Minister for Planning and Development; Lt. Gen Saeed Qadir, Minister for Production; Vice Admiral Mohammad Fazil Janjua, Minister for Food and Agriculture and Dr Mohammad Asad, Minister for State for Petroleum and Natural Resources also visited the residence of Mr. Sharma, and signed the condolence book separately.

They expressed their deep sense of shock and grief over the tragic assassination of Mrs. Gandhi.

Federal Minister for Information and Religions Affairs, Raja Mohammad Zafarul Haq, also visited the residence of the Indian Ambassador and signed the condolence book. He remained there for some time and offered condolences to Mr. Sharma.

Khawaja Khairuddin - (MRD) leader described Mrs. Gandhi’s assassination as “a great tragedy” and said that her absence from the world political scene would undoubtedly have a deep impact on Third World politics. Khawaja Khairuddin, who along with three others had been externed from Peshwar, was talking to newsmen at Mr. Ghulam Mustafa Jatoi’s Islamabad residence. Malik Qasim has also expressed his sense of sorrow and grief over Mrs. Gandhi’s assassination, saying that her death had deprived India as well as the Third World of a luminous political figure.

**PNP, Socialist Leaders Condole Death**

At Lahore Syed Qaswar Gafdezi, Secretary – General of the defunct Pakistan National Party (PNP) and Mr. C.R. Aslam, President of the defunct Socialist Party (PSP) have expressed grief and sorrow over the assassination of Mrs. Gandhi.

In a condolence message sent to Mr. Rajiv Gandhi, Mr. Qaswar Gardezi said Mrs. Gandhi’s death had deprived India and the Third World of a great leader and stateswoman. He strongly condemned her assassination as a heinous act.

Mr. C. R. Aslam said Mrs. Gandhi had played an important role in establishment of peace in Africa and Asian countries, especially in this region. She had fought
sectarianism, terrorism and imperialist forces and the same forces were responsible for her assassination. He hoped her successor would follow the footprint of Ms Gandhi to achieve the objective of Non-aligned Movement, restore global peace, and promote democracy and secularism.

**Benazir Bhutto’s Tribute to Mrs. Gandhi**

*Muslim* (2/11) in a report from London said: Mrs. Benazir Bhutto, acting chairperson of the PPP, issued a statement which said that the “tragic assassination of Mrs. Gandhi is a loss not only for India but for all those who believe in democratic and constitutional rule.”

“For decades Mrs. Gandhi dominated the politics of her country, first as a freedom fighter against colonialism and then as a thrice – elected Prime Minister of the largest democracy in the world. Mrs. Gandhi kept heterogeneous India united and gave it a sense of self-respect and pride. She moved against poverty and encouraged technology”, the statement said.

Miss Bhutto’s statement recalled that in 1972, Mrs. Gandhi had joined the Prime Minister of Pakistan to build peace and put an end to the conflict that had marred relations between the two countries. It continued: “Begum Bhutto and I offer condolences to Rajiv Gandhi and members of the family, to the Congress and people of India”.

The statement ended with the words: “In this hour of darkness and despair, I’m sure the Indian people will rise to defend democratic rule in their country and by so doing pay the greatest tribute of their assassinated leader”.

**Karachi Shocked, Assassination condemned**

A *Dawn* (1/11) report from Karachi said: The news of Mrs. Gandhi’s assassination was received with a sense of shock.

Reactions gathered from politicians, public and social welfare leaders were unanimous in condemning the dastardly attack and in sharing grief with the Indian neighbours.

**Mazari, Ghafoor Decry Terrorism**

Sardar Sherbaz Mazari (NDP leader) said the tragedy was too poignant for words; it must be condemned by every sane and right minded person to whichever country he or she might belong. What made it all the more tragic was that a head of an elected government had been murdered? Problems were not solved in this cowardly way, he said. “We condemn the dastardly assassination of Mrs. Gandhi in strongest possible terms and share grief and sorrow with the Indian people”, Mr. Mazari observed.
Prof Ghafoor Ahmad (Jamaat Islami leader) said the trend towards terrorism was most reprehensible. “We are with our neighbour in their hour of unspeakable grief.”

Mr Mahmum Azam Farouqi said killing of adversaries on political or other considerations would not help matters, more so in a democratic set up.,

Rana Zafarullah Khan also said that the assassination should be condemned by everyone. For India it was a great tragedy; for the rest, including Pakistan, it was a loss of a leader who had served her country and people with a single-minded purpose.

Mr. Mushtaq Mirza said the Indian tragedy would have worldwide repercussions.

Mrs. Mumtaz Noorani, President of the Democratic Women’s Association said Mrs. Gandhi had a unique personality. “She inspired women with confidence in themselves and was respected despite political differences.”

Prof Shah Faridul Haq said the assassination of an elected Prime Minister was a matter of sorrow for all democracy–loving people.

Ghaffar Khan extremely Upset

At Peshawar, meanwhile, the aged Khudai Khidmatgar leader, Khan Abdul Ghaffar Khan, now confined to bed at his Walibagh residence, 20 miles from Peshawar, was extremely upset when the news of Mrs. Gandhi’s assassination was broken to him. The veteran leader, who had been a close associate of the late Mr. Jawaharlal Nehru, father of Mrs. Gandhi, in the pre-Independence period, expressed great shock over the assassination. He called the assassination “murder of democracy” and second great tragedy in this part of the world after the assassination of Mahatma Gandhi, to whom Badshah Khan remained very close throughout the struggle for independence from British rule in the sub-continent.

Badshah Khan said he had no words to condemn the dastardly assassination and added, “members of the Nehru family were the shining stars in the sky of democracy in the world.” With Indira, for whom he had a very soft corner in his heart, perhaps the last of the stars had disappeared, he added with a choked voice, grief written large on his face.

He said he would have very much liked to attend the funeral of Mrs. Gandhi but for his physical invalidity and continued illness.
1059. Statement issued by Pakistan Ministry of Foreign Affairs denying the Indian charge that Pakistan encouraged the pilgrims to indulge in anti-Indian activities.

Islamabad, November 18, 1984.

About 2,500 Sikh pilgrims came to Pakistan earlier this month on the occasion of the birth anniversary of Guru Nanak. The main function was held on November 8, at the sacred shrine in Nankana Saheb, the birth place of the founder of Sikh religion.

More than two-thirds of the pilgrims came from India. All of them sponsored by the Government of India, they were accompanied by 30 officials of the Indian Government. In addition a number of officials of the Indian Embassy joined the escorts.

As in the past, Sikh pilgrims included nationals of Afghanistan, Canada, United Kingdom, United States, etc. Their number was, however, smaller this year than in the past.

In view of the tension in the Sikh community, the Government of Pakistan took special precautions. We asked the Government of India to reduce the number of pilgrims and to thoroughly brief them. Nationals of other countries who contacted our embassies were advised to consider postponing pilgrimage till next year. The President of Pakistan himself made a publicised appeal to all pilgrims to bear in mind the sanctity of the occasion.

Considering the background, the pilgrimage went off smoothly. There were no serious incidents. We were gratified.

All the precautionary measures taken by the Government of Pakistan were in fulfillment of its obligation as a responsible state. We did not anticipate any expressions of gratitude by the Government of India.

We are, however, surprised and dismayed that official spokes-man and media, of the Government of India have leveled a number of baseless allegations against the Government of Pakistan. For instance, The Indian spokesman accused Pakistan of “bring-ing together” supporters of the Khalistan movement at Nankana Saheb. The allegation was manifestly false: Pakistan did not bring or invite any pilgrim.

Equally false was the charge that pilgrims were encouraged by Pakistan to indulge in an anti-India tirade. On the contrary, the Government of Pakistan had counselled the pilgrims to refrain from political activities.
The scuffle between O.P. Tandon, a minor Indian official who escorted the pilgrims from India, and three Canadian pilgrims, has been exaggerated and distorted by Indian spokesman. The incident which took place inside a shrine on November 10 at 9.30 p.m. was promptly investigated by a magistrate. It did not involve any injury or hurt. Nevertheless, Tandon was informed he could stay back for a court hearing if he wanted to pursue the matter. He decided to go back with the pilgrims on November 11. Incidentally Tandon did not hold any diplomatic status. He had a pilgrim’s visa.

Consistently with its long-established policy of promoting normal, good-neighborly and cooperative relations with India, the Government of Pakistan has continued to demonstrate its goodwill in words and action. The meeting between our President and Prime Minister Rajiv Gandhi on November 4, encouraged hopes of a constructive and positive evolution in bilateral relations.

In the circumstances we can only regret that some circles in India indulge in attempts to spread misunderstanding and vitiate the atmosphere. We are dismayed, at their emphasis on minor and isolated incidents which betray their negative attitude. We hope the Government of India will see the matter in perspective and recognise that the Government of Pakistan has acted in proper and scrupulous manner.

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* On November 17, the Pakistan Foreign Secretary Niaz A. Naik in a letter to his Indian counterpart M.K. Rasgotra expressed Pakistan’s disappointment over the accusations made by the Official Spokesman of the Ministry of External Affairs on this issue. Pakistan Spokesman informed the media that Naik had told Rasgotra that “not only that this charge is false but that is viewed by us as an outrageous attempt to besmirch Pakistan’s name…It is unfortunate that New Delhi seizes on minor incidents to indulge in distortions and false propaganda which can only vitiate the atmosphere of bilateral relations.”
1060. **Note from Pakistan Embassy in India to Ministry of External Affairs.**

**New Delhi, November 26, 1984.**

Embassy of Pakistan

New Delhi

No. Pol. IV/3/84 November 26, 1984

The Embassy of Pakistan presents its compliments to the Ministry of External Affairs, and has the honour to recall that Mr Riaz H. Khokhar, Minister of this Embassy, in his meeting (on November 23, 1984) with Mr. S.K. Lambah, Joint Secretary, Ministry of External Affairs, had drawn the latter’s attention to the press reports alleging that a pistol was handed over to the hijackers of an Indian Airlines plane during its stop-over in Lahore in August 1984. These reports had also alleged that the pistol had been despatched to the Government of Pakistan by a West German supplier in September 1975. Mr Khokhar had requested Mr. Lambah to provide precise particulars of the weapon, name of the supplier, the date of the consignment and the name of the consignee.

The Government of Pakistan has taken a serious view of the allegations mentioned above which have appeared in the Indian press, reportedly, based on “reliable sources”. The Embassy shall, therefore, be grateful if the requisite information could be provided to it urgently to enable the Government of Pakistan to conduct an investigation into the allegation.

The Embassy of Pakistan avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

Ministry of External Affairs

(Mr S.K. Lambah)

Joint Secretary (AP),

Government of India,

New Delhi
1061. Note of Pakistan Ministry of Foreign Affairs to Embassy of India in Pakistan.

Islamabad, December 12, 1984.

Ministry of Foreign Affairs
Government of Pakistan
Islamabad


The Ministry of Foreign Affairs presents its compliments to the Embassy of India and with reference to its Note No.ISL/FSP/48/84 dated 12 November 1984, has the honour to state that a case under section 364, 364-A/506/342 PPC, 14 Foreigners Act 1946 and ¾ Control of Entry into Pakistan Act, 1952 were registered against the hijackers of Indian aircraft hijacked to Lahore on 29 September 1981, at police Station South Cant., Lahore on the basis of a statement of the Airport Manager and Regional Director, Civil Aviation, Lahore.

Following investigations, the Police prepared three separate Challans against all the five hijackers. The main challan was under section 402-B, PPC, while the others were under sections 364, 364-A/506/342 PPC and under section 14 of the Foreigners Act, 1946 read with section 3/4 of control of Entry into Pakistan Act, 1952 for entry into Pakistan without valid travel documents. Copies of various section under which the hijackers have been challaned are enclosed.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of India the assurances of its highest consideration.

The Embassy of India,
Islamabad.
1062. **Note from Pakistan Embassy in India to Ministry of External Affairs.**

New Delhi, December 17, 1984.

MOST IMMEDIATE

Embassy of Pakistan
New Delhi

No, POL/IV-3/84 December 17, 1984

The Embassy of Pakistan presents its compliments to the Ministry of External Affairs and draws attention to its Note No. Pol/IV-3/84 of November 26, 1984, requesting for precise particulars regarding the pistol alleged to have been given to the hijackers at Lahore in August, 1984. In a letter addressed to the Foreign Secretary of Pakistan on December 1, 1984, the Indian Foreign Secretary, His Excellency Mr. M.K. Rasgotra has officially made the allegation that Pakistan had actually armed the hijackers with a pistol and several rounds of ammunition at Lahore. The Embassy reiterates that the Government of Pakistan takes a very serious view of this accusation which it has repeatedly denied. It is imperative, therefore, that the esteemed Ministry provide full details, including the particulars of the weapon, name of the supplier, date of the consignment and the name of the consignee, to enable the Government of Pakistan to conduct an investigation into the allegation. It will be recalled that the Foreign Secretary, His Excellency Mr. M.K. Rasgotra had in his meeting with Ambassador Humayun Khan, himself expressed the hope that the Government of Pakistan would investigate the matter. This can only be done if full information is provided by those who claim to have it.

The Embassy of Pakistan avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India,
(Attention: Mr. S. K. Lambah)
New Delhi.

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1063. Note from Ministry of External Affairs to Pakistan Embassy in India.

New Delhi, December 17, 1984.

Ministry of External Affairs
New Delhi

No. J/103/26/84 17 December 1984

The Ministry of External Affairs presents its compliments to the Embassy of the Islamic Republic of Pakistan and, with reference to their Notes No. POL/IV/3/84 dated November 26, 1984 & December 17, 1984 has the honour to state that the pistol make Walther p.p Calibre 7.65 No. 445 901 was produced by the firm Walther GHBH, P.O. Box 4325 Karlstrasse 33, D-7900 ULM and delivered to the consignee in Pakistan on 22.9.1975.

The Ministry of External Affairs avails itself of the opportunity to renew to the Embassy of the Islamic Republic of Pakistan the assurances of its highest consideration.

The Embassy of the Islamic Republic of Pakistan,
New Delhi

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1064. Letter from Representative of India on the Council of Indian Civil Aviation Organization to President of the Council of the ICAO.

Montreal, December 17, 1984.

December 17, 1984

Excellency,

I have the honour to state that a Boeing 737 aircraft VT-EFK belonging to the Indian Airlines Corporation was hijacked during a scheduled flight from Chandigarh to Jammu (flight No. IC – 421) on August 24. 1984. The hijackers forced the Commander of the aircraft to take it to Lahore, Pakistan, where it landed at about 0945 hours (IST) on the same day. The plane was refueled at Lahore and allowed to take off from there at 1915 hours (IST) and, after being
refueled again by the Pakistan authorities at Karachi, Pakistan, finally landed at Dubai, UAE. The hijacking was terminated at Dubai with the active help and assistance of the UAE authorities and the cooperation of the Government of USA.

2. The Pakistan authorities handed-over a pistol and some ammunition to the hijackers at Lahore airport on August 24, 1984. This fact was initially reported by some of the passengers of the aircraft, including foreign nationals and these reports were also carried by the international media. This was confirmed by the subsequent debriefing of the crew of the aircraft and passengers as well as investigations conducted by Indian authorities on the return of the hijackers who were repatriated by the UAE authorities to India.

3. The UAE authorities later handed-over to the Government of India the pistol recovered from the hijackers. Since it was found to have been manufactured in F.R.G., its particulars were communicated by the Central Bureau of Investigation of the Government of India to Interpol Wiesbaden, FRG, who were requested to make the necessary enquiries. The following reply has been received from Interpol FRG:

Begins:

“Reference your telegram No. 681 of 18.10.1984 concerning hijacking of an aircraft committed on 24.8.1984 by Kamaljit Singh Sandhu and other persons. Please be informed that pistol make Walther P. P. Calibre 7.65 No 445 901 was produced by the firm ‘Walther GMBH’ P.O. Box 4325 Karlstrasse 33, D-7900 ULM and delivered on 22.9.1975 together with 74 other pistols Consignee C.A.O., P.O. Box 1040, Islamabad, Pakistan. Interpol Wiesbaden. Ends.

4. Pakistan has shown scant respect for the various conventions which relate to the orderly conduct of international civil aviation. It may be noted that in respect of the earlier hijackings of September 1981 and July 1984, Pakistan has so far unfortunately neither sent back to India nor put on trial the fourteen hijackers involved.

5. Regarding the hijacking incident of August 24, 1984, direct and circumstantial evidence conclusively establishes that instead of terminating the offence at Lahore, Pakistan authorities deliberately contributed towards escalating the offence. They went to the extent of aiding and abetting the hijackers by providing them with a pistol and ammunition which act seriously jeopardized the lives of the passengers and the safety of the aircraft. The arming of hijackers with an offensive weapon is an unlawful act unprecedented on the part a contracting state of ICAO in the history of civil aviation.

6. Pakistan is a contracting party to the Chicago, The Hague and the Montreal Conventions. The basic aim and objective of the Chicago Convention
is to ensure safe and orderly growth of international civil aviation. The Hague and Montreal conventions recognize that hijacking and other unlawful acts against the safety of civil aviation jeopardize the safety of persons and property, seriously affect the operation of air services and undermine confidence of the peoples of the world in the safety of civil aviation. These conventions provide for specific obligations on the part of contracting states for the suppression of such acts. The active assistance provided by the Pakistan authorities to the hijackers and the abetment of the offence constitute flagrant violations of the basic objectives and purposes of the Chicago Convention and the fundamental aim and objective of the ICAO to insure the safe and orderly growth of international civil aviation throughout the world.

7. The Government of India wishes to bring these facts, in particular the handing over of a pistol and ammunition to the hijackers, to the attention of the Council of International Civil Aviation Organization (ICAO), with a view to ensuring that there is no recurrence of such reprehensible acts in the future. It is requested that this information is circulated to the members of the ICAO Council and to other member states of ICAO. The Council may wish to consider appropriate measures in the light of the situation caused by the action of a contracting state endangering innocent lives and jeopardizing and undermining international confidence in the safety of civil aviation.

8. Please accept, excellency, the assurances of my highest consideration.

Representative of India on the Council of ICAO

Sd/-

H.E. Dr. Assad Kotaite,
President of the Council of ICAO,
Montreal
Press Release issue by the Embassy of India in Pakistan containing the Statement of the Official Spokesman of the Ministry of External Affairs.


Press Release

No.33/84 19 December 1984

Reports have appeared in sections of the Pakistani press about a statement made by the official spokesman of the Government of India on 18 December 1984. The following is the authentic text of statement made by the official spokesman on 18 December 1984:

“In a Communication on to the President of the Council of the International Civil Aviation Organization (ICAO) in Montreal on 17 December 1984, the Government of India has provided evidence about the handing over of a pistol and ammunition by Pakistan authorities to the hijackers of the Indian Airlines Boeing 737 aircraft on 24 August 1984 at Lahore airport. The communication complains of Pakistan’s encouragement to and cooperation with hijackers.

The letter from the Representative of India to ICAO quotes a report received from INTERPOL, Federal Republic of Germany, confirming that this pistol along with 74 others was supplied to Pakistan authorities by the manufacturers “Walther GMBH” on 22 September 1975. As soon as the pistol recovered from the hijackers was given to the Government of India by the Government of the United Arab Emirates, a reference was made to INTERPOL as the pistol was found to be manufactured in the Federal Republic of Germany. The fact of the pistol having been given to the hijackers by Pakistan had been immediately reported by passengers including foreigners. This was later confirmed by debriefing of the crew of the aircraft as well as the investigations conducted on the return of the hijackers who were repatriated by the United Arab Emirates authorities. This was the only fire arm the hijackers had with them. The dangers posed to the lives of innocent passengers by this irresponsible and reprehensible action of Pakistan are obvious.

The communication to ICAO points out that the arming of the hijackers with an offensive weapon is an unlawful act unprecedented on the part of any Contracting State of the International Civil Aviation Organization, in the history of civil aviation, and is a grave violation of the Montreal, The Hague and Chicago Conventions as well as the objectives of the ICAO.

The ICAO Council has been requested to take appropriate measures so that there is no recurrence of such reprehensible acts.”
1066. Correspondence between the British High Commissioner in India and former Foreign Secretary T. N. Kaul.

New Delhi, January 4, 1985.

A. Letter from British High Commissioner:

From: The High Commissioner
      Sir Robert Wade-Gery

4 January 1985

Mr. T. N. Kaul
Ambassador Hotel
Sujan Singh Park
New Delhi

Dear Tikki

When we met on 24 December we talked about the residential status in the UK of Dr. J. S. Chauhan and his immunity from deportation, and you asked if I could let you see the relevant provisions of our law.

The British Government's powers to deport persons who are not British citizens are set out in Section 3(5) and 3(6) of the Immigration Act, 1971. This Act came into effect on 1 January 1973. Section 3(5) (a) provides for deportation of persons who have been in breach of the conditions attached to their stay in the United Kingdom. Section 3 (5) (b) provides for deportation, at the discretion of the Home Secretary, of persons whose presence in the United Kingdom is deemed not conducive to the public good. Section 3 (5) (c) provides for the deportation of the relatives of a deported person. Section 3 (6) provides for the deportation of an adult who is convicted of an offence punishable by imprisonment and whose deportation is recommended by the Court.

However Section 7 of the same Act exempts from all these powers of deportation anyone who was a Commonwealth citizen "ordinarily resident" in the United Kingdom on 1 January 1973 and who has, at the time the powers might otherwise be used, been "ordinarily resident" in the United Kingdom for the previous five years.

Dr. Chauhan was a Commonwealth citizen and "ordinarily resident" in the United Kingdom on 1 January 1973. Despite absences from time to time he has in law
remained “ordinarily resident” there ever since; this is because he has never left the country for as much as two years at a stretch. He is therefore by law exempt from deportation from the UK on any grounds.

I enclose copies of the Sections to which I have referred. Do please let me know if there are further details you would like. I should be most interested to hear if you have any comments.

With best New Year wishes

Yours ever

Robert

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B. Letter from T. N. Kaul to the British High Commissioner.

T. N. Kaul

Hotel Ambassador
Sujan Singh Park
New Delhi 3
January 8, 1985

Dear Robert,

Thank you for your kind letter of January 4 regarding the residential status of Dr. J.S. Chauhan and the Photostat of the clauses of Immigration Act. 1971 which define the scope of deportation powers of the Government under it. I shall have them examined by somebody qualified in legal matters of this kind and write to you again, if necessary. But I must confess my immediate reaction is rather like that to Mr. Bumble when he remarked that “if the law says this, then the law is an ass.”

To be serious, many of us are deeply disquieted by the bizarre state of affairs where a democratic Government – and one, moreover, armed with the Prevention of Terrorism Act – finds itself unable to take any action whatsoever against open incitement to violence against a friendly Government and its leaders. I am sure that in the hypothetical event of the situation being reversed, the British Government and British people would have a just cause for grief and concern if anybody whatever his or her residential status, were allowed with impunity to incite to violence people of British origin in India against the British Government and its democratically
elected leaders. At least I find it difficult to believe that it is beyond the resources of the British Government to deal effectively with a mischief which cannot but adversely affect relations between our two countries and people which are otherwise prospering and developing so well.

With kind regards,

Yours sincerely

(T. N. Kaul)

Sir Robert Wads- Gery
High Commissioner,
British High Commission,
New Delhi 21.

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C. Letter from British High Commissioner:

British High Commission
New Delhi 110021

From: The High Commissioner
       Sir Robert Wade - Gery

His Excellency
Mr. T. N. Kaul
Ambassador Hotel
Sujan Singh park
New Delhi 3

25 January 1985

Dear Tikki:

I promised you a proper reply to your letter of 8 January concerning Chauhan.

There are perhaps two points of importance: the Immigration/ residence status of someone who like Chauhan has lived in the UK for many years; and the question of prosecution for criminal actions. They are of course separate.

The 1971 Immigration Act imposed restrictions on new immigration to the UK, and at the same time deliberately set out to reinforce the existing
safeguards for those immigrants already in the UK. It was seen as essential, both for community relations and for the sake of natural justice towards those who had had entered the United Kingdom during the period before the restrictions were imposed, that anyone who had been legally admitted to the UK and lived there for a suitable period (generally five years) should not be subject to harassment or deportation, and should have an absolute legal right to live in the UK on the same basis as an indigenous UK citizen. The Act in which these safeguards are enshrined benefits hundreds of thousands of immigrants to the UK. I doubt whether Mr. Bumble would have thought it an asinine one. I have no doubt that any attempt by Her Majesty's Government to amend it in order to weaken these safeguards would be rejected by parliament, though it would of course be enthusiastically supported by Enoch Powell. This would be even more true in the case of measures intended to have retroactive effect.

The other question is that of criminal prosecution. The necessary condition for initiating a prosecution is that \textit{prima facie} evidence exists which would be likely to result in a conviction. In the view of the prosecuting authorities this is not at present the case. Transcripts of Chauhan's public utterances do not contain words which our prosecuting authorities consider would be likely to result in a conviction for incitement to violence, or indeed any other offence against UK law. Espousal of a separate Sikh state – which Chauhan has always been careful to say should be achieved by peaceful means – is not in itself an offence. In Britain you can by the same token peacefully advocate a separate Brittany or Corsica; in America you can advocate a separate Northern Ireland; and in India (I assume) a separate Tamil Eelam.

You say that the British Government should be able to deal effectively with this mischief. But we can only act where the law is likely to uphold us (as it did in the Jasbir Singh case). The prevention of Terrorism Act which you mention is a case in point: the powers it confers (exclusively limited to the Northern Ireland context) are highly restrictive, and do not, for example, enable the British Government to prevent IRA spokesmen from making broadcasts over the BBC which are highly offensive to many British people. The British Government are well aware of the deep concern on this issue in India. There is no intention on our part to encourage Sikh extremists in the UK, indeed very much the contrary: even apart from their external implications, they are doing great damage to the fabric of our society. Mrs. Thatcher's own position has been unambiguously stated, and her support for the unity of India is hardly in question. If evidence comes to light which seems likely to secure a conviction, the offenders will certainly be prosecuted. But the actions of the Government are constrained, as in any democratic society, by the legislative framework. Any attempt by the
authorities to cheat on that would be rapidly detected and defeated: and it would of course enlist for the Sikh extremists, who are now a tiny and unpopular minority in Britain, the automatic support of all the many defenders of individual liberty against the State. Even after 350 years John Hampden remains a powerful rallying cry.

With warm regards

Yours ever

Robert

D. Letter from T. N. Kaul:

February 12, 1985

Dear Robert,

Thank you for your letter of 25 January, I appreciate the British legal point of view though, I am given to understand that even eminent British jurists are of the opinion that a very strong case can be made out legally against Chauhan and others. Speaking for myself, I would much rather recommend prosecution of Chauhan, etc, even at the risk of the British Courts discharging or acquitting them. It would at least show the bona fides and anxiety of the British authorities to bring such people to book. Of course, the prosecution will have to be launched properly and a strong case made out.

I do not share the view that if the Court discharges the accused or acquits them or gives them the benefit of doubt, it would weaken India’s case or further encourage the extremist. I do not think prosecutions are always launched only if they are likely to secure a conviction. Surely, there is nothing illegal in a Government launching a prosecution against those of its residents or nationals who indulge in acts hostile to a friendly government and preach violence. Prosecution by British authorities would have, at least, a deterrent effect both on Chauhan and his associates and those who may sympathise with them, John Hampden notwithstanding.

The above are my personal views and I have not consulted my Government in this regard. I am writing to you as an Indian citizen and a friend of your country in the interests of further strengthening friendship and understanding between our two nations.
With kind regards

Yours sincerely

(T. N. Kaul)

H.E. Sir Robert Wade-Gery,
High Commissioner,
British High Commission,
New Delhi -21.

Editor's Note: T. N. Kaul had on February 2 sent the High Commissioner’s letter of 25th January with a draft reply to Foreign Secretary Romesh Bhandari and asked: “Please let me know whether you would like me to make any amendment in the draft reply”. Mr. Bhandari only made some editorial changes and left the substance intact.

1067. Experts from the Interview of Prime Minister Rajiv Gandhi with Nisar Osmani of the Pakistani daily Dawn as carried by the paper in its issue of 12th January 1985.

(The Interview was in two parts-oral and written)

Oral:

Question: You belong to the post-partition generation, if I may say so, and are said to have a fresh outlook. Do you propose to take some initiative for the resumption of talks between India and Pakistan at secretariat and ministerial levels?

Answer: We would like the talks to resume. But we sometimes get the feeling that Pakistan is not very serious about the whole thing, because although you talk very much, your actions do not match your words. So that sort of thing puts us in a bit of an awkward position. If your actions could match President Zia’s statements, we would have no difficulty in resuming negotiations at all. In fact, there would be no problem at all.

Q: If I remember correctly, that bilateral talk went very well both at Jaipur and Islamabad, and they were to be resumed some time in July last but were abruptly suspended. I believe....

A: As you know, we have not been too happy about two particular incidents and a lot of minor things. One was the hijacking. We believe we have positive
proof that a weapon was given by the Pakistan security forces, or somebody else, to the hijackers while they were on your territory. The second relates to various incidents which we believe took place at Nankana Sahib and which we believe were wholly avoidable. And, lastly, you have tried the hijackers of your own aircraft, but not those who hijacked our aircraft.

Q: I think that this should not pose any problem, because you as Prime Minister have shown keen interest in normalization of relations and Gen Zia also sounds genuine when he talks of friendship between the two countries.

A: But he must make that percolate all the way down.

Q: Just to create a congenial atmosphere for high level talks and perhaps at the summit level later, don’t you think that the dialogue could begin at the Secretaries level?

POSITIVE INDICATOR FROM PAKISTAN CALLED FOR

A: Yes, but after these sort of negative actions, we would like a little bit of a positive indicator from Pakistan. I have made it very clear in many speeches that now that I am very committed to the SARC objectives and greater regional cooperation within the sub-continent in every aspect – cultural, commercial and economic – we will do whatever needs to be done. We have so many development problems in India, which you have in Pakistan also. Really, none of us has had the time and the money to waste on confronting each other.

Q: Are you hopeful and optimistic about the prospects of normalization of relations between the two countries?

A: I am hopeful, yes.

ON AFGHANISTAN

Q: Afghanistan is an issue of vital importance for the maintenance of peace in the region. Do you think that in your capacity as the Chairman of the NAM, you can play a role in the settlement of the issue?

A: We could play a role, but the position is very complicated... so unless we can satisfy both (sides) it will be very difficult to try and get action from anyone independently.

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TEXT OF WRITTEN INTERVIEW

(The following is the text of the written question answer interview)

Question: As the major power in the region and the Chairman of the Non-
Aligned Movement, India has a vital role to play to promote peace in the region. Do you visualize better relations with neighbours, particularly with Pakistan, and what steps do you propose to take to improve ties with Pakistan?

**Answer:** As a founder-members and current Chairman of the Non-Aligned Movement, it is our constant endeavor to do everything possible to strengthen the movement and its role in support of peace, independence, disarmament and development.

We view ourselves as an equal member in the comity of nations. This perception applies to our neighbours. I believe that the strict observance of the principle of complete non-interference in one another’s internal affairs and cooperative co-existence alone can ensure peace, security and prosperity in our region as well as in the whole world.

India has always believed in, and worked for, cordial, cooperative and mutually beneficial relations with all its neighbours. While it is natural that sovereign nations should have occasional differences of view, our relations with neighbours are by and large good. My government will work for strengthening them further.

We appreciated President Zia-ul-Haq’s coming to Delhi last November to share our grief and sorrow. I had a long meeting with him and we discussed bilateral relations.

However, I will not hide my concern at the induction of arms in Pakistan and in the region. The people of India are also worried at moral and even material help which the Sikh extremists seem to be getting from Pakistan. There is also a general heightening of tensions in our part of the world. All this compels us to spend more on arms, where’s we would prefer to devote our scarce resources for development. We are also concerned about reports of Pakistan’s preparations for making a nuclear bomb. Although India has the capacity, we are using nuclear energy only for peaceful purposes. We have nothing but goodwill for the people of Pakistan. Throughout her lifetime Prime Minister Indira Gandhi had steadfastly worked for friendly and harmonious relations with Pakistan. It was at her initiative that the Simla Agreement was signed, which resolved some of the outstanding problems between our countries. Later, she offered a treaty of peace and friendship and proposed the setting up of a joint commission which, happily, has already come into existence.

**Q:** Sir, in which field do you visualize better understanding between the two countries?

**A:** I would like to see a beginning in cultural exchanges, fruitful cooperation in the fields of information, exchange of books and newspapers, mutually beneficial trade and economic relations, improved transport and communication
facilities and greater exchange within the SARC framework. Of course, as I said earlier, non-interference in internal affairs is the very foundation of good neighbourly and cooperative relations.

Q: Does your government propose to take some initiative to resume negotiations between India and Pakistan to discuss bilateral issues?

A: We are desirous of the best possible relations with all our neighbours, and this applies to Pakistan also. We shall continue taking initiatives to promote understanding and good relations between our two countries. I would like to see a new atmosphere in our relations on the basis of complete non-interference and mutual trust. Affirmations of friendship are welcome, but they must be matched by actions.

ON INDIAN POLL RESULTS & PUNJAB SITUATION

Q: Do you think election results have given a new strength and vigour to the cause of secularism?

A: Yes, certainly. The voters have overwhelmingly reaffirmed their commitment to secularism by voting for Congress programmes and policies rather than on other narrow considerations. Obviously, the Congress could not have received such an overwhelming mandate without support from all communities.

Q: Soon after the election results, you indicated that you would be giving priority to problem in the Punjab. Are you confident that a mutually acceptable solution will be found?

A: Yes. Matters pertaining to the Punjab are already receiving attention. I have set up a high-level panel to look into the problem. I am confident that we shall be able to find satisfactory solutions to all legitimate issues and grievances of all sections of our people. We have a democratic system, as you know. The recent verdict of the people clearly indicates that they will not accept any impairment of our country’s unity and integrity. The people of India are for an effective functioning of a secular and democratic polity in which people of all faiths and political persuasions enjoy equal rights as citizens of India. In our system, all issues and differences must be resolved only through the established democratic and constitutional processes.

Q: The opposition has been literally routed in the election. Don’t you think that is a bad omen for the future democracy in India?

A: The people of India have adopted the democratic way of life in the complete sense, and have demonstrated more than once their ability to effectively and decisively use the ballot to assert their supremacy. The
commitment to freedom and democracy here is very strong, it is irrevocable. In the past, our electors twice voted governments out of power at the centre and on numerous occasions in the states. The recent elections have once again proved the strength and vibrance of our democratic institutions. The opposition has lost many seats. In a democracy, you cannot treat the verdict of the people in a free and fair elections as an ill omen. My party and my government are totally committed to democracy and the democratic process. Naturally, it is for the opposition to go to the people with their programmes and policies. However, in a democracy once a verdict is given the opposition is expected to extend constructive cooperation to the government in tackling national issues.

1068. Aide Memoire handed over by Ambassador S. K. Singh to Pakistan Foreign Secretary Niaz A. Naik.
Islamabad, February 19, 1986.

Aide Memoire

Activities of Sikh terrorists abroad especially those who are no longer Indian nationals have been causing concern to the people and Government of India. The matter was mentioned by Prime Minister Rajiv Gandhi personally to H.E. the President of Pakistan in New Delhi, on 17 December, 1985.

2. The President had kindly assured Prime Minister of Pakistan’s full cooperation in the efforts to countering the illegal activities of these misguided elements.

3. This matter was discussed between the Foreign Secretaries of Pakistan and India when Shri Romesh Bhandari visited Pakistan from 17 - 22 January, 1986. Shri Bhandari had handed over two lists to H.E. Mr. Niaz A. Naik, one of 7 extremists presently in Pakistan who may be returned to India; and two, of 66 extremists settled abroad whose entry into Pakistan could be banned, if deemed appropriate by the Government of Pakistan.

4. The Government of India would be grateful if the Government of Pakistan could kindly indicate their thinking and response in respect of these two lists.

5. It may be recalled that from time to time the Government of India have been providing to H.E. the Pakistan Ambassador in New Delhi certain
lists and data in the context of the illegal activities in Pakistan of some extremist Sikhs. It may be helpful to get some indication of the thinking of the Pakistan Government in that context too.

6.  The Sikh extremists abroad have provided the impression that they are receiving support and assistance from the Government of Pakistan. Pardesi – Panjab; a Gurmukhi weekly being published from Toronto reported (November 22-29. 1985) that any Sikh who crossed over to Pakistan from India was immediately given a subsidy of Rs.1000/ per month by Pakistan Government. Adding that such immigrants are looked after well, the news-item claimed that a large Sikh army was being trained in Pakistan. This army, the report said, was meant for confronting India. Again in its January 3, 1986 issue the Pardesi - Panjab reported that Pakistan army officials had started accelerating the process of training Sikh terrorists. The report added that Pakistan had established two military training camps, one at Renkira near Haji Pir pass and the other at Chirat. The report said that field intelligence unit of Pakistan army were training 200 terrorists in each camp. The Sikh youths were being trained in sabotage, subversion and assassination tactics. This news story, as far as is known, has not been refuted by either the Pakistan Consulate General in Toronto or the Embassy in Ottawa, or indeed the Government of Pakistan.

7. In a similar manner, Lakhbir Singh, Coordinator, International Sikh Youth Federation (ISYF) stated publicly to a congregation at Hamilton Gurdwara in Ontario in Canada on 19 January that the President of ISYF, Mr. Satinder Pal Singh Gill was in Pakistan to coordinate the defence of the hijackers, and support the activities of Panthik warriors in Punjab. Satinder Pal Singh Gill, he said, meets and guides the youths who come to Pakistan for training. It may be mentioned that Satinder Pal Singh Gill is one of those Canadian Sikhs who had assaulted two senior diplomats of the Indian Embassy, Islamabad, on November 25, 1985 at Dera Sahib, Lahore. He also stated that Babbar Ajaib singh Bagri was to visit Pakistan very soon for helping Satinder Pal Singh Gill.

8. Information has also been received indicating that Gajinder Singh Gandham, Gurjit Singh Chahal and Pavitra Singh Mann are amongst the Sikh youths who had undergone training in Eagle Combat and Bodyguard Training School in Vancouver last year. They too have reportedly left for Pakistan, with the intention of sneaking into Indian Punjab and Delhi through Pakistan. These persons have got a background in gun running, and other terrorist activities.

9. The Government of India have information that certain other extremists from Canada are trying to slip into India through Pakistan, in view of their
inability of securing Visas for India. We would like to bring this information to the attention of the Government of Pakistan so that they could request their concerned authorities to be alert and so that these plans of the extremists are frustrated.

Islamabad
February 19, 1986.

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1069. SECRET

Record of the talks between Prime Minister Rajiv Gandhi and President Zia-ul-Haq.


PRIME MINISTER’S OFFICE
(Record of Discussion)

PM called on President Zia on the 13th March 1985 at the Pakistan Embassy in Moscow.

Zia conveyed “heartiest congratulations” on PM’s victory in the Assembly elections. He said that Pakistan also has had elections which, through the grace of God, passed off successfully.

PM said that we appreciated that the trials of the hijackers had started. Zia said that the law will take its own course. Under Pakistan’s laws, the only two alternatives are life or death, once the accused are convicted. The senior most Sessions judge of Lahore is in charge of the trial. He is a very competent person. The trial is going on smoothly. It is an open trial.

President Zia said that the Indian Embassy in Islamabad has given a long list of 8-10 people whom India would not like to be permitted to come to Pakistan. He assured that one or two will never be allowed to come, but about others it may be difficult to ensure. Ganga Singh Dhillon had come but had remained in Karachi.

PM said that we are thinking of sending Foreign Secretary to Pakistan. Zia said that he would be most welcome at any time. To use army terminology, we have to remove road blocks in the way of our relations. On his side, Zia said that he has started with the trial of the hijackers. India, for its part, could start
with sending the Foreign Secretary. Thereafter, there will be NAM Bureau meeting in Delhi which Foreign Minister Yaqub will attend.

Zia conveyed his sympathy at the Bhopal tragedy. Foreign Minister Yaqub referred to the pending proposal made by Pakistan for exchange of visits of senior army officers. President Zia said that while we cannot have completely friction-free relationship, we certainly can have more understanding between the two countries. PM commented that the atmosphere among the peoples of the two countries is certainly much more relaxed.

Zia said that there already is a framework of regulations to deal with incidents on the border. Flag meetings take place and the two army chiefs have direct hot line connection. What is required is a little more openness.

Raksha Mantri (Defence Minister) said that the intensity of border firing has increased recently. Zia asked whether R. M is referring to Azad Kashmir. The latter answered in the affirmative. Zia said that the principal cause for the incidents is the straying of cattle.

PM asked President Zia about the new leadership in the Soviet Union. Zia replied that in the last days of the Brezhnev era collective leadership “had evolved. Gorbachev may want to concentrate authority in his hands. He is a well educated person with degrees in agriculture and law. Pakistan delegation has been specifically analyzing the change from the Afghan situation point of view and has come to the conclusion that there will be no change.” Zia added that Pakistan believes that India can play a much more positive role in the Afghan problem.

Continuing, Zia said that he has talked to the Soviet Ambassador in Islamabad. He also talked to Andropov about the Afghan problem. Pakistan has told the Soviet leaders to come and see for themselves the situation in Afghanistan and in the bordering regions of Pakistan. The insurgency is really inside Afghanistan. There are 3 million refugees in Pakistan. India can take a position not to annoy the Soviet Union or to spoil its relations with the Soviet Union but to help in finding a face-saving formula. If the Soviet Union is willing, talks in Geneva can be very productive.

Foreign Minister Yaqub Khan said that the Afghans want direct talks with Pakistan as a means to expedite progress. At Geneva III the Afghans suggested a bilateral draft agreement on non-interference. The Afghans obviously want to sign a bilateral agreement with Pakistan because that would amount to recognition. Pakistan has told the Afghan authorities that Pakistan is willing to sign a bilateral treaty but only after the comprehensive agreement dealing with all aspects of the Afghan problem is concluded. Pakistan is not by itself but is a part of OIC which has taken a strong position at Pakistan’s behest. Pakistan
cannot resile from that position. What the Afghans are asking for is recognition without withdrawal. They are trying to weaken Pakistan. An agreement without the total package will be fragile. Pakistan has made a big concession by agreeing to sign a bilateral agreement which would imply recognition, after a comprehensive agreement is signed.

Raksha Mantri agreed that this is a new development. Shri Natwar Singh commented that the recognition question was laboured too much by Pakistan; in fact Pakistan has de facto recognized Afghan regime because there is an Afghan Embassy in Islamabad and a Pak Embassy in Kabul.

President Zia said that it is the Afghans who are fighting the Soviet troops inside Afghanistan. Pakistan accepts that the Soviet Union cannot afford to have a hostile Afghanistan. But Afghanistan is a nonaligned country. There are 150,000 Soviet troops on Afghan territory, which is not a comfortable position for Pakistan. The Soviets tried to seal-off the border for two months. There are a number of air and ground violations, border villages and refugee camps in Pakistan have been bombed. The Soviet Union thinks that the refugee camps are training camps, but this is not true.

President Zia profusely thanked PM for his kindness in coming to the Pakistan Embassy to call on him. PM was accompanied by Raksha Mantri P.V. Narasimha Rao, Chairman Policy Planning G. Parthasarathi, Minister for Steel K. Natwar Singh, Ambassador Nurul Hasan, Foreign Secretary Romesh Bhandari and the undersigned. Foreign Minister Yaqub Khan and the Pakistan Ambassador in Moscow were present on Pakistan side.

(C.R. Gharekhan)
Addl. Secretary

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Joint Statement issued at the end of the visit of Indian Foreign Secretary Romesh Bhandari to Islamabad.

Islamabad, April 6, 1985.

Pursuant to the decision taken in the meeting between the President of the Islamic Republic of Pakistan, General Mohammad Zia-ul-Haq and the Prime Minister of India, Mr. Rajiv Gandhi on March 14, 1985, the Foreign Secretary, Mr. Romesh Bhandari, visited Islamabad for official discussion from April 4 to 6, 1985.

During the course of his stay in Pakistan, Mr. Bhandari was received by the President of Pakistan, General Mohmmad Khan Junejo. Mr. Bhandari also called on the Chairman of the Senate, Mr. Ghulam Ishaq Khan, Minister for Foreign Affairs, Shabzada Yaqub Khan and Minister of Finance, Planning and Economic Coordination, Dr. Mahbubul Haq and had wide ranging discussions on a number of bilateral, regional and international issues with the Foreign Secretary of Pakistan, Mr. Niaz A. Naik.

Mr. Bhandari conveyed message of good wishes from the Prime Minister of India, Mr. Rajiv Gandhi, to the President of Pakistan, General Mohammad Zia-ul-Haq and the Prime Minister, Mr. Mohmmad Khan Junejo. The President and the Prime Minister reciprocated the sentiments expressed by the Prime Minister of India. The President reaffirmed the abiding commitment of the Government of Pakistan to the development of tension-free and good neighbourly relations between the two countries.

In his discussion, Mr. Bhandari referred to the commitment of the Prime Minister of India, Mr. Rajiv Gandhi, to the strengthening and further improvement of relations with Pakistan as with other neighbourig countries. It was the conviction of the Prime Minister and Government of India that India and Pakistan should endeavour to forge a peaceful, cordial, cooperative and harmonious relationship on the basis of sovereign equality, non-interference and mutual benefit, free of mutual suspicions and mistrust, in keeping with the letter and spirit of the Simla Agreement.

The Foreign Secretary of Pakistan, Mr. Niaz A. Naik, reiterated the resolve of the Government of Pakistan to develop friendly, cooperative and good neighbourly relations with India on the basis of the universally recognized principles of peaceful coexistence and the Simla Agreement. He expressed the readiness of the Government of Pakistan to widen and strengthen the areas of cooperation between the two countries.
The Foreign Secretaries agreed that various measures will be taken to diversify and strengthen cooperation in a number of fields and to create an atmosphere of mutual confidence, harmony and trust. They reaffirmed the priority both the governments attached to the common objective of development and maintaining friendly ties between the two countries.

The Foreign Minister of Pakistan, Sahabzada Yaqub Khan, informed Mr. Romesh Bhandari that in response to the invitation of the Government of India, he would be visiting New Delhi later this month in connection with the ministerial meeting of the non-Aligned Coordination Bureau on Namibia. During his visit to New Delhi, the Foreign Minister of Pakistan will hold discussions with the Indian leaders on measures to enhance bilateral cooperation in various fields and on regional and international issues of mutual interest.

During his call on the Minister for Finance, Planning and Economic Coordination, Dr. Mahbubul Haq, the Foreign Secretary of India conveyed an invitation from the Deputy Chairman of Planning Commission of India, Dr. Manmohan Singh to Dr Mahbubul Haq to visit India. The Minister accepted the invitation with pleasure. The dates of the visit would be finalized at an early and mutually convenient time.

Mr. Romesh Bhandari extended an invitation to the Foreign Secretary of Pakistan, Mr. Naik, to visit India to continue their discussions. Mr. Naik accepted the invitation with thanks. It was agreed that the dates of the visit of Mr. Naik to India would be finalized during the forthcoming meeting of the Foreign Secretaries of the SARC countries at Thimpu in May, 1985.

The Foreign Secretary of India thanked Mr. Naik and the Government of Pakistan for the gracious hospitality extended to him during his stay in Pakistan.
We have been taking certain initiatives in our region. We feel that it is important that we develop the best possible relations with all the countries in our region keeping our own basic ideologies, our basic policies intact and not deviating from them. We are following this course. We have taken certain initiatives, with our Foreign Secretary going to these countries. And we hope these visits will help to develop better social and cultural relations between these countries and us. We have to see that the relations in our region grow deeper and that real cordiality is established in the region. It is not enough – just Government getting together and signing agreements or pacts. We need something much more long-lasting and deeper in the interests of all of us.

Our Foreign Secretary has recently returned from Pakistan. There has been some comment about his visit and what was spoken there and what was done. I think, a few things need to be clarified.

Discussions have been started. But I should like to make it very clear that the talks that we are referring today are not talks on the ‘no-war pact’ or on a peace agreement or at that level. We are talking of improving relationships, improving exchanges between our two peoples, improving the cordiality between the two countries, because that is what will improve the atmosphere which can lead to a basis for a proper understanding between our two countries.

I have met President Zia on two occasions – once in Delhi in November and once in Moscow. On both occasions we had very cordial talks. President Zia was very forthright in what he wanted to do to improve relations between our countries. Unfortunately, after the first occasion we had the incident with the jathas visiting Nankana Saheb in Pakistan. After the second talk, we read an interview that he had given to a journal, which again was totally contrary to what he had spoken about. This is just to bring these facts to your notice. We are worried about their feverish purchase of arms and weapons which we feel are well beyond their just requirements. Today we believe that the USA is spending the maximum amount it has ever spent since the Vietnam War drew to an end on armaments: and, as you know, these go through Pakistan. We cannot be fully sure of how much goes where. The sums involved are very large.
We do not like what we see about their nuclear programme. We have still no indication that they are not making a bomb. We know that they are getting aircraft, they have got aircraft, which have the capability of carrying nuclear weapons. Just a few days ago, the President of Sri Lanka visited Pakistan. And we were disturbed that he should have brought up the Jammu and Kashmir issue while he was in Pakistan. Simultaneously there is a forum being set up in the United Kingdom which is also opening this issue. I wonder if these are a coincidence.

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1072. Statement by Pakistan Foreign Minister Sahabzada Yaqub Khan on return from New Delhi.

Islamabad, April 22, 1985.

Foreign Minister of Pakistan Sahabzada Yaqub Khan said that he is hopeful about positive trends in bilateral relations between India and Pakistan. He made this statement while talking to newsmen at Islamabad on return from New Delhi on April 22 after holding bilateral talks with the Indian leaders during his stay there in connection with the Ministerial meeting of the Non-aligned Movement on Namibia.

Shahabzada Yaqub said that he held meetings in an extremely cordial and friendly atmosphere with Prime Minister Rajiv Gandhi, Minister of State for External Affairs Khurshid Alam Khan, Education Minister K.C. Pant and Prime Minister’s Foreign Policy Advisor G. Parthasarathy.

He said he had conveyed messages of good wishes from the President and Prime Minister of Pakistan to Mr. Rajiv Gandhi. He had also conveyed to him that both the Pakistani leaders viewed with satisfaction the positive developments that had recently taken place in Indo-Pak relations. “I reaffirmed our desire to develop tension-free, good-neighbourly and cooperative relations between the two countries”, he said.

JOINT COMMISSION MEETING FIXED

During their discussion, the two sides had agreed that the next meeting of the Pakistan-India Joint Ministerial Commission be held on June 27-29. This, in his view, was a positive and concrete step forward.
The four sub-commissions, he said, would meet simultaneously to consider way and means to expand contacts and to review prospects of strengthening relations in a number of fields including trade, culture, travel, tourism, and information. Other exchanges, including Finance Minister Mahbubul Haq’s visit to India and Foreign Secretary Niaz Naik’s return visit would take place as soon as mutually convenient dates were finalized, he added.

**DESIRE FOR BETTER TIES SHARED BY BOTH**

He had also taken the opportunity of paying a courtesy call on Defence Minister P. V. Narasimha Rao and of holding informal meetings with a cross-section of leading journalists and intellectuals. “These meetings strengthened the view that in spite of differences of perception on several issues, the desire for good-neighbourly relations between the two countries was shared by both sides”, Mr. Yaqub said.

**ON NAM MEETING**

Talking about the NAM meeting on Namibia, he said it had also considered the Non-aligned plan of action on the critical economic situation in Africa and adopted unanimous declaration on both these issues.

He said he was sure the just cause of the people of Namibia would be enhanced by the meeting in New Delhi. He was equally hopeful that the action plan would help Africa, both in the short and long term to overcome grave crisis that it faced today. The New Delhi meeting was held in a most cordial atmosphere and Pakistan had had the privilege of being elected its Vice-Chairman.

He had taken the opportunity of having discussions with the Secretary General of the Organisation of Islamic Countries Syed Sharifuddin Pirzada and Foreign Ministers of other non-aligned countries who were present in New Delhi.

**RAJIV WANTS STEADY PROGRESS IN TIES**

Asked if he had brought any message from the Indian Prime Minister, Shahabzada Yaqub said that Mr. Gandhi had reciprocated the good wishes of President Zia and Prime Minister Junejo. Mr. Rajiv Gandhi had also expressed his desire to see a steady progress in the relations between the two countries.

**NO FRESH PROPOSAL ON AFGHANISTAN**

Asked if Indian External Affairs Secretary Romesh Bhandari who recently visited Afghanistan had brought any proposal to solve the Afghanistan problem, Sahabzada Yqqub said he had not brought any formal proposal for the solution of the problem, but he had conveyed his impressions to Pakistan about his discussions with Karmal regime on the Afghanistan question.

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Excerpts from the speech of Prime Minister Rajiv Gandhi in the Rajya Sabha.


The utmost importance in any foreign policy must be given to our neighbours. And we have been paying a lot of attention to how we can improve our relations with our neighbours. But no matter what some Members might feel, the thing of prime importance is India’s integrity, unity, the ideology and the principles we stand for. These cannot be compromised. Our relations with many of our neighbours are good. Unfortunately with certain countries they are a little strained. We are keen that we build up SARC and make it a useful forum for discussions at technical levels among experts of the seven countries. Later this year we will be having a summit conference of the SARC countries in Dhaka and I hope to be able to attend that conference.

Pakistan is a country that we have been historically having problems with. I just heard a Member say that we should take many actions unilaterally, open up various areas, give concessions. We have offered all this to the Pakistan Government. Unfortunately, they have not been able to reciprocate. We have offered to open up trade, to open up visits by visitors and tourists, but it must be on a reciprocal basis. We are all aware of what is going on that border – the activities that are taking place – and I find it sad that a particular Member has to refer to this sensitive area in that manner. Pakistan is holding the trial of our hijackers. We are hopeful that the trials will be just and the guilty will get the correct punishments. We have seen in an earlier trial in Pakistan, what sort of punishments they give for hijacking. We hope that they will not change the rules of the game just because the hijackers come from another country. We are watching this and the trial is proceeding at a good speed.

At the end of June we will have a Joint Commission meeting with Pakistan and we hope this will help to improve our relations. But there are two factors which affect our relations with Pakistan. One is their feverish accumulation of weapons. It was pointed out in this House that our armed forces may be – I do not know whether the figure is absolutely correct – three times the size of Pakistani armed forces. But I would like to point out to you, Sir, that our border is much more than three times the size of Pakistan’s border. What we have to consider is the number of armed forces that we can put on that particular border, what our commitments on all the other borders. When we look at that, the number is not very different. We are equally matched. What we object to is the sudden influx of very sophisticated weaponry, a generation of technology much ahead of what both the countries had when they started acquiring this weaponry. We have had to match that and we have matched that. There will be no compromise on India’s security; we will see to that. But our objection is not on the increase
of tension. Our objection is on the increase of expenditure which we would much prefer to divert towards our poor people for uplifting them and for anti-poverty programmes. Unfortunately, because of the threat, we are not able to do this. We have to divert it for weapons and non-productive expenditure.

The other very crucial factor is their nuclear programmes. We are very unhappy that certain major powers have made an exception in removing Pakistan from the list of countries of which Symington Amendment applies and we take this as a direct help in their nuclear programme. We have no indication at present on how advanced their programme is? We have also no indication that they are not proceeding towards making a nuclear weapon.

I have met President Zia once in Delhi then again in Moscow and we had, Sir, cordial meetings. We discussed various aspects, bilateral issues, other world issues, and I found him very forthcoming and positive. Unfortunately, this positiveness has not seeped down to the lower levels of his bureaucracy. When our delegation went last November to a gurdwara in Pakistan, the way the Pakistan Government handled that was extremely disturbing to us, and we had brought it to their notice. Then, again, after my second discussion with him, I found that he had given an interview to a Canadian newspaper, which was totally contrary to what he had told me. So, these are factors which we must take into account. It is easy for Members to say, without having to carry the responsibility of the security and integrity of the country, take unilateral stands and do this and do that. But we must remember that India comes first. We will not compromise on that.
1074. **Press Release issued by the Embassy of Pakistan in India.**

**New Delhi, June 30, 1986.**

**PRESS RELEASE**

No. 18/86. June 30, 1986

**Alleged Report of Training Camps**

**Report Denied**

A report in a local daily on June 14, had said that Pakistan Rangers were training Punjab terrorists in Government Guest Houses in some of the major cities of Pakistan.

This is an entirely baseless, totally false and malicious concoction. To allege "covert" use of Government Guest Houses as terrorist training camps is, to say the least, utterly ludicrous.

In consonance with her desire to develop good neighbourly relations with India and in conformity with its practice of strict observance of the principle of non-interference in other countries’ affairs, Pakistan is in no way involved in India’s internal problems.

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1075. **Joint Press Statement issued at the end of the visit of Pakistani Foreign Secretary Niaz Naik to New Delhi.**

**New Delhi, August 1, 1985.**

The Foreign Secretary of Pakistan, Mr. Niaz A. Naik, paid a visit to India from July 29 to August 1, 1985 at the invitation of the Foreign Secretary of India, Shri Romesh Bhandari.

Mr. Naik was received by the Prime Minister of India, Shri Rajiv Gandhi, the Chairman, Policy Planning Committee, Shri G. Parthasarthy and the Minister of State of External Affairs, Shri Khurshed Alam Khan. He had wide ranging discussions on a number of bilateral, regional and international issues with Shri Bhandari.

Mr. Naik conveyed cordial greetings and good wishes from the President and the Prime Minister of Pakistan to the Prime Minister of India who reciprocated the sentiments.
The Foreign Secretaries noted with satisfaction that meetings at different levels between the two countries were becoming regular and frequent. The President of Pakistan and the Indian Prime Minister had met in Moscow last March and would have opportunities for further meetings during the 40th anniversary session of the United Nations next October and at the South Asian Summit in December. The Foreign Minister of Pakistan had visited Delhi twice and held talks with the Indian leaders in April and July 1985 and the Foreign Secretaries of the two countries had met four times this year. These meetings contributed positively to the promotion of better understanding and confidence.

There was a candid review of various aspects of India-Pakistan relations in a cordial and constructive atmosphere. They reaffirmed the importance both Governments attach to the common objective of developing and maintaining friendly ties between the two countries on the basis of sovereign equality, non-interference and the mutual benefit. They also discussed the implementation of the decisions taken at the second meeting of the India-Pakistan Joint Commission.

The two Foreign Secretaries availed of the opportunity to further exchange views on the Indian proposal for a Treaty of Peace, Friendship and Cooperation and the Pakistan’s proposal for a non-aggression pact. Both sides sought further clarifications and agreed to continue efforts aimed at the conclusion of a comprehensive treaty between the two countries.

It has been agreed that exchange of Ministerial level visits would further contribute to promotion of mutually beneficial cooperation in areas of common interest. Mr. Niaz Naik renewed the invitation of his Government to Shri Khurshed Alam Khan, Minister of State for External Affairs, to visit Pakistan. The invitation was accepted with thanks. Mutually convenient dates for the visit will be finalized through diplomatic channels.

Mr. Naik extended an invitation to Shri Romesh Bhandari to visit Islamabad. He accepted the invitation with pleasure. The visit will take place at a mutually convenient date.

The Foreign Secretary of Pakistan thanked for the hospitality extended to him and members of his delegation during their stay in India.

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1076. **Aide Memoire handed over by Foreign Secretary to Pakistan Ambassador in India.**

**New Delhi, August 18, 1986.**

The Government of India have noticed that Sikh extremists are able to use the Pakistan media with impunity. Recently, on 13th August 1986 the *Jang* newspaper had carried an interview given by Satinder Pal Singh of the International Sikh Youth Federation (ISYF). The Canadian Sikhs awaiting trial in Lahore for the assault on the officials of the Indian Embassy in Islamabad were also present when the interview was given. In this interview Satinder Pal Singh threatened Indian leaders including President Giani Zail Singh and Prime Minister Shri Rajiv Gandhi. Similarly, the *Nawa-i-Waqt* newspaper of August 12, 1986 had publicized a provocative statement by Dr. Jagjit Singh Chauhan, a London-based Sikh extremist. Dr. Chouhan was quoted as holding out threats to the lives of President of India and other Indian leaders.

The Government of India is deeply dismayed at the fact that the Government of Pakistan is allowing the use of its soil and media to those extremists who are openly preaching assassination of India’s Head of State and Head of Government. The Government of India hopes the Government of Pakistan will not permit such acts in future.

**August 18, 1986**

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1077. **Media briefing by Official Spokesman of Pakistan Ministry of Foreign Affairs.**

**Islamabad, August 26, 1986.**

A Foreign Office Spokesman told newsmen in Islamabad on August 26 that Pakistan had no objection to India’s sealing off its border with Pakistan “unless it impinges on Pakistan’s security”. He said India had a right to take appropriate steps to prevent illegal border crossing. Answering a question about infiltration into Sind from across the border during the recent past, the Spokesman said Pakistan had not lodged any protest with India in this regard. When asked to confirm reports of illegal infiltration from India, the Spokesman said he would neither confirm nor deny these reports. In fact, he pointed out, Pakistan had proposed taking joint measures with India in this regard.
He said Pakistan strictly believed that there should be no interference in the internal affairs of any country, particularly in South Asia, in the interest of peace and stability in the region. This principle should be scrupulously adhered to by each country so that the trends set in motion for developing and building regional cooperation in South Asia are not obstructed. Pakistan, for its part, wanted to pursue this policy to maintain friendly relations with all countries, he said.

The Spokesman did not agree with a questioner that the process of normalisation of relations between Pakistan and India had been deadlocked. It had been decelerated a little but dialogue between the two sides was continuing. Meetings had taken place between the officials of the two countries and there had been a forward movement in this respect on Pakistan's initiative. Pakistan had expressed the desire to import certain goods from India in the private sector, whose list was being enlarged. Another important development, he said, had recently taken place towards opening of a second rail route between the two countries through Khokhrapar to facilitate movement of people between the two countries.

Foreign Secretaries of the two countries had recently met at Dhaka. Pakistan wanted to speed up this process, he said.

Asked if there was a possibility of Prime Minister Junejo meeting Mr. Rajiv Gandhi at the NAM conference at Harare, the Spokesman said there was a desire for such a meeting on both sides but no scheduled meeting was expected to take place. He said Mr. Junejo and Mr. Gandhi had briefly met in Stockholm early this year. He added that there was no fixed agenda for meeting between Heads of Government in a third country. Naturally, he said, if such a meeting took place, normalisation of relations between the two countries would form the basis of talks. There was a desire on both sides for taking measures for improving their relations, the Spokesman added.

Mr. Junejo, the Spokesman said, would avail himself of the opportunity of meeting as many world leaders as possible. For this, he said, indications were that some of the leaders personally would contact the Prime Minister for a meeting between them at which matters of common interest would come up for discussion. "However, no specific meeting with any foreign leader as yet been firmed up", the Spokesman said.
Dear Mr. President,

I have received your letter of the 12th August.

Your Foreign Secretary Mr. Niaz Naik conveyed to me your greeting and good wishes which I sincerely reciprocate. I believe he had very useful discussions with Shri Bhandari and other officials.

It has always been the endeavour of the Government of India to build a relationship of trust and confidence with all our neighbours. This is particularly true of Pakistan since, unfortunately, the history of relationship between our two countries is marked by several armed conflicts and other periods of tension. This atmosphere of distrust can be eliminated if there is genuine desire to do so on both sides.

Over the years there has been a growing feeling of uneasiness in India about Pakistan's nuclear programme. Declarations of peaceful intentions on the one hand and persistent reports and news of a contrary nature on the other have not, on the whole, helped in clearing the air.

Consistent with our respective positions on the issue, expressed from time to time, I think both our Governments should devise confidence building measures so that bolder initiatives such as contacts at the technical level, etc., could be considered in due course.

I too look forward to our meeting in New York and, later in the year, in Dhaka.

With warm regards,

Yours sincerely,

Sd/- Rajiv Gandhi

His Excellency
General Mohammad Zia-ul-Haq,
President of the Islamic Republic of Pakistan,
Islamabad.
Pakistan is a country with which we would like to be much more friendly. It is not just a question of détente; we want to go much further, to entente. Fundamentally, our regional security lies in all the countries in the region building together, not confronting each other. Our security lies in building affection between our people, which is naturally there, building goodwill, warm friendly neighbourliness between our people.

Although we would like things to go in such a direction, we do live in a very real world where hostilities have taken place. We have to defend ourselves, guard our borders, we must be awake and ready for any such eventuality, to guard against surprise attacks, to be ready for unwarranted instusions, and our forces must be fully prepared. But true security will only come in dialogue, in interaction -- and it is not necessarily related to the strength of the armed forces. Hence, our non enthusiasm for a limited arms control, the No-War Pact, talks on deployment and various suggestions of inspecting facilities. We feel they are not adequate to defuse tension; much more and much more deep action is required for people to people contact, for the friendliest inter-governmental relations, and truly cordial and friendly relations in our daily interaction. During the last Joint Commission with Pakistan we were willing to go to very great lengths to normalize the state of relations between our countries. We were only limited by what Pakistan wanted to do and how far they wanted to go. That door is still open. We are willing to go very much further.

The problem that is vexing us today is the development of a Pakistani nuclear weapon. We have ourselves had the capacity of developing nuclear weapons for 11 years, but we have not used this option. We have demonstrated that even if we have the capacity we have the will for not proliferating the nuclear arms race. It is possible. We have done it. Unfortunately, Pakistan seems to be developing a nuclear weapon. We can debate on how advanced they are on this development, whether they already have one, whether they are on the verge of having one, or whether they will have one in the coming months. We can also debate on whether technology, which we believe is mostly taken from other technologies, needs to be tested, and whether they will actually test a weapon or whether they will opt for it not to be tested. We can debate whether they have got a particular technology which had certain defective components and they are now only rectifying those shortcomings by trying to smuggle in various components from some other countries, which means they will not, of
course, be testing the whole weapon as a weapon to see that each component is functioning properly.

The real question, apart from these, is what will it do to our region? And, perhaps of a much more serious nature, what will it do to the balance of power in the world? We know and are fairly sure that the programme has been financed not solely by Pakistan but also by other countries. Will this mean that the weapon will be available to these countries? How will these countries use the weapon? And it is again not just a question of having a nuclear weapon. A nuclear weapon is a very dangerous tool in the hands of an unstable country. If governments change, if a system of command and control cannot be established that is totally foolproof, the danger of inadvertent use of the weapons increases. If such a weapon came into the possession of countries whose history shows us that they do not have the technical capacity for command and control of such weapons, countries whose history shows us that they are not in a development phase which has given their political system adequate stability, again it increase tremendously the dangers of inadvertent use of weapons. If a nuclear weapon comes in our region, it will make it very difficult for us to build a détente or go further with it on the road of friendship. Pakistan must desist from developing such weapons.

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1080. Media Briefing by Official Spokesman of the Pakistan Ministry of Foreign Affairs.

Islamabad, October 15, 1986.

A Foreign office spokesman expressed on October 15 deep sense of disappointment at the baseless charges and propaganda campaign by New Delhi to implicate Pakistan in the situation in Punjab.

In a Press briefing at the Foreign office on October 15 the spokesmen said that the so-called evidence collected by the Indian Government was nothing more than flimsy, hypothetical, and fanciful tales collected by the Indian police authorities “from persons of highly dubious credibility,” he added.

He maintained that Indian information relied on alleged statements by Sikh detenues in prison. The information given by these Sikhs, particularly the names of alleged Pakistani involved, is not recognized by the authorities in Pakistan, except the names of a couple, who are established smugglers and traffickers, the spokesman said.
Giving some more examples, the spokesman asserted that the credibility of such allegations could be checked by anyone.

To a query he retorted that Pakistan did not have a single Sikh prisoner in its jails except a few who were behind bars on charges of smuggling. He also categorically denied that any Sikh had been given asylum on Pakistani territory.

The spokesman was also critical of the fact that India which had entered into many arms deals during the last six years with the Soviet Union, Britain, France and Germany had been attacking Pakistan for its modest purchases of equipment to replace the outmoded ones.

He pointed out that whereas Pakistan had scrupulously avoided creating a furor on this issue on the basis that every country had the sovereign right to purchase armaments, India had spared no opportunity to condemn Pakistan.

He observed that if there is an arms race in South Asia, it is confined to one country alone. Pakistan he reminded did not have the resources to indulge in an arms race of this order. Explaining his point he said that during the last six years Pakistan had only purchased 40 aircraft whereas India had bought air force planes in hundreds during the same period.

When asked if Pakistani authorities had arrested 26 Indian nationals from Sind allegedly involved in the recent wave of unrest in that province, he said he did not even know the source of this news item.

However, he pointed out that Pakistan had proposed to India the holding of a meeting of representatives on their issues of illegal border crossing from both the sides. “But they did not respond”, he accused.

He, at the same time asserted that Pakistan sincerely wished to restore conducive atmosphere between the two counties and said that Pakistan believed that the young Prime Minister of India would improve relations. When asked about any progress made on the issue of the barrage being built by India on the Jhelum, he said it was understood by Pakistan that its commissioner is in active contact with his Indian counterpart on the Indus Basin Treaty.
1081.  SECRET

Record of the meeting between Prime Minister Rajiv Gandhi and President Zia-ul-Haq. New York, October 23, 1985.

PRIME MINISTER’S OFFICE

Record of PM’s meeting with President Zia in the latter’s suite at the Waldorf Towers New York on the 23rd October 1985.

President Zia was accompanied by his Foreign Minister Sahebzada Yakub Khan and Foreign Secretary Niaz Naik. PM was accompanied by External Affairs Minister Shri Bali Ram Bhagat and AS (PMO) Shri C.R. Gharekhan.

President Zia received PM with a two-handed handshake at the door of his suite and conferred similar honours on Foreign Minister and the undersigned. During the photo opportunity, he spotted a photographer clad in a saree and said that he had never before seen a photographer in a saree. The lady turned out to be a US based journalist working for “India Today”.

Zia: Press is always asking me whether I am going to meet Rajiv Gandhi. I replied: Yes, yes. Let me first compliment you on the successful elections in Punjab.

PM: Thank you. I understand your constitutional amendment was also through last night.

Zia: Yes. We don’t have a party system in Pakistan. In fact each member is a party unto himself! I told the National Assembly: “Just decide by yourself and let me know”. It all ended up very positively. We have taken a lot from your constitution.

The election in your Punjab was a very bold step. We were praying very hard for its success. We hope that from now on you will not blame us for anything.

PM: Some people are continuing to come from across the border. They have even given interviews to magazines.

Zia: Honestly speaking, I do not believe in these things. I asked your Ambassador S.K. Singh, please tell us who these persons are. I assure you that Pakistan has no interest at all in interfering in the Punjab. Why should we have any such interest? More so, since we want to develop good relations with India. I assure you that Pakistan will not interfere in Punjab even in its wildest imagination. We do not want to indulge in allegations and counter-allegations.
At one time you spoke about some incidents in November last year when Sikhs from India had come for pilgrimage to Pakistan. It was the first time that India had sent non-Sikh officials in its delegation. The non-Sikh official started searching the baggage of a Sikh from Canada which led to some trouble. For the last 7 years I have made a habit of receiving a delegation of the Sikh pilgrims, always in the presence of your Ambassador. On one occasion, Mr. Sharma did not come. We did not make a formal demarche about it, but we told Mr. Sharma that it was not fair. If he had told us, we would rather have cancelled the meeting.

PM: What is the position about the hijackers?

Zia: The proceedings against one batch of hijackers have concluded. Another batch will start shortly. I shall inform you personally as soon as the case is concluded. The trial has been held in camera and in low key. We have prevented persons from UK, Canada, etc. from coming and testifying. I hope that in the next two-three weeks, we shall have a final judgment. We intend to carry it out as you would wish us to.

PM: I wish to talk to you very frankly. There is another issue. I am not convinced that you are not making the (nuclear) bomb. You have made a lot of suggestions. Our people feel that you have already got the material and that you can take it out and hide it.

Zia: It applies to both countries.

PM: But we know that we are not doing it.

Zia: We are not indulging in any military purpose activity in the nuclear field. We should together find a regional solution. We are ready to do anything you might suggest. You tell us. We leave the solution to you. That is how we can show our sincerity. We have only one small Kahuta Plant. We are prepared to agree to the safeguards, but on a reciprocal basis. Both you and we have said that NPT is discriminatory. But we are prepared to sign it together. We have an NPT, a bilateral NPT of our own. We are prepared for mutual inspection. We are ready for a joint renunciation of nuclear weapons or for South Asia as a nuclear-free-zone. Anything that you are ready to consider. You suggested technical level contacts.

PM: Let us first -start building up confidence.

Zia: Pakistan is ready to go to any length for it.

PM: We have absolutely no interest for going in for nuclear weapons. Every argument is against it - cost, complications of COI, etc. Our whole foreign policy will be affected. We don’t want it at all.
Zia: Through you, we want to derive confidence. Pakistan is ready to go to any lengths to cooperate with India under your able leadership.

PM: Let us work it out. We should open up people to people contacts — trade, culture, tourism, etc.

Zia: As far as trade is concerned, the ball is in India’s court. As you know, we have state control, unlike in India. We sent you a list of 40 items. But you have not reacted.

At PM’s instance, the undersigned stated that the position was not quite as President Zia had indicated. A list of 40 items given by Pakistan does not contain much promise of trade. I explained that Pakistan was asking India for a special import policy in respect of Pakistan. We cannot do so because of GATT regulations. We already have one regime for developing countries as a whole and cannot have special regime for Pakistan.

Zia: India can add items to Pakistan’s list.

Both PM and Zia suggested that perhaps this could be taken up within the framework of SARC. The undersigned pointed out that India had always been willing to bring trade under SARC, but it was Pakistan which was objecting to it. At this stage Yakub Khan looked enquiringly at his Foreign Secretary who confirmed what I had said by saying that Pakistan wanted to move cautiously in the matter.

Yakub Khan: Talking quite frankly, it seems that there is some objection at the technical level in Pakistan. Commerce and trade should really be instruments of political policy.

PM: We have to take a political decision.

Zia: We have to. We are very sincere.

PM: I wanted to talk to you about one other point.

A lot of People from Bangladesh cross over to Pakistan from India. The number runs into thousands. Would you like us to stop this?

Zia: We have requested the Indian authorities to stop it. It is not only the Biharis but there are also Burmese.

PM: Can we cooperate on it? They are transiting through India and creating problems for us also.

Zia: For the most part, they are women. They indulge in all kinds of practices.
It was agreed that the two Foreign Secretaries, will meet in New York and discuss this matter.

Zia: We have had 3 wars. We must try to build confidence between the armed forces of the two countries. We have made a number of suggestions for contacts at institutional level, for example, between the military academies of the two countries. We should start exchanges at any level.

PM: I have no information about this. We shall look into it. I like the idea.

Zia: There is also the situation in the Siachin Glacier where our troops are eyeball to eyeball. You will find that Pakistan is willing to go to any length for friendship.

The meeting ended with the usual exchange of pleasantries.

(C.R. Gharekhan)
Additional Secretary
1.11.1985
Zia: It would be a great pleasure indeed. We are working out the details.

Foreign Secretary: Shall we then take it that you will come to Madras and Kalapakkam?

Zia: It depends on when I am able to leave Male. We shall check our programme in the Maldives and come back to you.

It was agreed that an announcement be made that Zia would visit India, without specifying Madras or Delhi, on December 16 and he will spend a night in Delhi.

PM: There is one small problem which I wanted to mention to you. We have been having small incidents in the North. I don’t believe that they have been deliberate. One aircraft has been flying very regularly. Our people want to shoot it down, but I told them: “For Heaven’s sake, don’t.” Can you find out about it?

Zia: Mr. Bhandari spoke to Niaz Naik about it. I have been told that the aircraft is supposed to be flying over Siachin. I presume India’s complaint is that it is over-flying Indian air space. Of course, we consider it our own air space. I do not want to go into allegations and counter allegations. But there have been 7 air violations from the Indian side. We did not complain about them because the future of the area has not yet been decided.

PM: I am telling you about this because our Parliament is starting from today and we will have lots of questions.

Zia: You can tell them that you have taken it up with Pakistan. We also have questions raised in our National Assembly.

I feel that we are having unnecessary tension over Siachin. The line has been demarcated everywhere except in this area. If we can undertake demarcation in this area also, it would be a great help. We have agreed to start talks on the maritime boundary. There is also a small portion on the border in the Rann of Kutch which remains to be demarcated. All these can be defused without much problem. In Azad Jammu & Kashmir, our contention is that the boundary runs in one particular direction whereas your people say that it goes the other way. Can we not sit down together and talk it over? Our aim should be to defuse and deescalate as much as possible. I am grateful for your personal response. I believe that political will is there in both sides.

PM: Yes, the political will exist. We should just pick up the phone and talk to each other whenever there is a problem.

Zia: Some of the press emphasizes the negative points. I saw M.J. Akbar’s article in the ‘Sunday’ in which he spoke about clouds of war. I asked him “Why don’t you see clouds of peace”. I was very glad at your statement in Bombay.
that you are prepared to discuss everything and anything with Pakistan. It has had a very good effect in Pakistan.

(At this stage Mr. Noorani, MOS for Foreign Affairs, joined the meeting. Introducing him, Zia said that Mr. Noorani is a thoroughbred politician and that he (the President) is very grateful to have had Mr. Noorani’s cooperation for over seven years.)

Zia: I am looking forward to my visit. We are also greatly looking forward to your own visit to Pakistan whenever you wish – January, February or any other time.

PM: We will try to work out something when you come to India.

Zia: Mr. Bhandari’s suggestion is very good. The two Foreign Secretaries are going to meet in January. They should workout something and resolve many issues. Your visit should be the climax and should pave the way for good relations. You can come even for a short time.

Noorani: You will see, Sir, that there is a tremendous fund of goodwill for you among the people of Pakistan. You are very popular among the young people.

PM: Sometimes there is tremendous curiosity among the people because of lack of familiarity. This is why I am very keen on increasing contacts among the peoples of our countries.

Zia: I am also looking forward to the SARC Summit. Some pressman asked me “Will you take up Kashmir in SARC”? I told “No”. He asked “Have you given up your position on Kashmir”? I told him: “No, I have not given up my position, but in SARC we have agreed that only regional issues of common interest will be raised, not bilateral differences.”

PM: This is a good thing.

At this stage, one of Zia’s aides brought what Zia called a transparency but it looked like a sketch map of Siachin area. Zia explained to PM the lines claimed respectively by India and Pakistan. He then suggested that the two sides can sit down to decide which side the boundary runs. He added that there have been at least 106 expeditions by Pakistan in this area. The two sides may decide on status quo ante or anything else. There is only snow in that area and is certainly not worth fighting for.

Zia: expressed his sympathy at the floods in Tamil Nadu.

(C.R. Gharekhan)
Addle, Secretary
1083. Letter from United States President Ronald Reagan to Prime Minister Rajiv Gandhi.


Dear Mr. Prime Minister,

When you visited Washington in June 1985, our discussions marked a new step forward in relations between the U.S. and India. We both resolved to make the most of the opportunity to seek further progress. There are many ways to do so, and our governmental agencies have been hard at work toward this goal. Yet, I also think that regular correspondence on important issues between the two of us is essential. It is with this thought in mind that I am writing to you now on two subjects: Afghanistan and U.S. security assistance to Pakistan.

Your contacts with the Soviets on the Afghan problem after your visit to Washington last year were most welcome. Your remarks in Harare that you wished an end to intervention and interference in Afghanistan by all parties indicates your continuing concern with this important problem. I believe your upcoming discussions with the General Secretary could help to advance the process toward a settlement and hope you find occasion to raise the issue.

In repeated conversations with the Soviets this year, we have made clear to them our interest in a comprehensive settlement of the Afghanistan crisis. A military solution is simply not possible. We do not seek "to bleed" the Soviets in Afghanistan by prolonging the war. We have no designs on Afghan territory and recognize Soviet interests in a secure southern border just as we recognize Afghan desires for self-determination. We have indicated our willingness to serve as a guarantor of a comprehensive settlement. Our objective is clear, namely to restore Afghanistan's non-alignment, independence and territorial integrity through the prompt and complete withdrawal of Soviet forces.

Our resumed arms sales relationship with Pakistan, as you know, is directly affected by escalating Soviet military action in Afghanistan and a corresponding increase in military pressure on Pakistan. Soviet and regime cross-border violations of Pakistani airspace and territory have increased by 150 percent over last year, with a total of 650 incursions already this year. This provocative action has in turn stimulated Pakistani interest in an enhanced early warning capability on its western border. No decisions have been made as to what mix of systems would best suit Pakistan's needs. But let me assure you we will keep in mind your government's concerns as we move to a decision on this.

Quite obviously, the prompt and complete withdrawal of Soviet troops from Afghanistan is in the interest of the entire region, including India -- an interest strongly shared by the United States. I believe that a political settlement is
within reach, if only Moscow will agree to a realistic timetable for withdrawal. The current Soviet proposal of a three to four year timeframe is untenable and appears designed to legitimize a prolonged occupation and to achieve a thinly-cloaked military solution. That the Soviets have not yet put aside hopes for a military solution is suggested by their phony "withdrawal" of last month. As you know, Soviet units were introduced for the sole purpose of withdrawing them in front of the cameras.

Currently, the UN-sponsored negotiations are stalemated over the length of the Soviet withdrawal timetable. The last round of talks in August produced no forward movement on this key issue and no subsequent round has been scheduled. I urge you to use your talks with the General Secretary to discuss the need to hasten resolution of this issue which is of such great concern to people everywhere.

Warm regards,

Ronald Reagan

His Excellency
Rajiv Gandhi
Prime Minister of India,
New Delhi.

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1084.  
SECRET

Record of the meeting between Prime Minister Rajiv Gandhi and President Zia-ul-Haq.


Record of discussion between PM and President Zia at Karatoa Guest House on December 7, 1985. at 5.45 p.m.

General Mohammad Zia-ul-Haq of Pakistan called on the PM on December 7, 1985.

Following were present:
PM: General Zia
EAM: Sahabzadah Yaqub-Khan Foreign Minister.
M. Dubey, Addl. Secretary (SA)
Dr. Mahbubul Haq, Finance Minister.
2. Following is a brief record of discussion after exchange of courtesies.

**PM:** We have seen reports that an amount of Rs.20 lakhs has been set aside in a special fund for the liberation of Kashmir. (General Zia repeated this to Finance Minister Mahbubul Haq).

**Dr. Mahbubul Haq:** They cannot do it without my permission. There are other ways of utilizing funds. I would like to see them for better purposes like trade promotion.

**General Zia:** We should be able to tie-up some arrangements for cooperation in different sectors before your visit to Pakistan which can take place at your convenience.

Initially I had suggested 16th December as the date of my visit to India. While doing so I did not realise the significance of the date.

**PM:** It was not our suggestion.

**General Zia:** Unofficially I can tell you that it does not matter at all for me on which date I visit India. It is only some people who mentioned to me about it. It perhaps speaks of the psyche of the two nations that when you were being questioned about the visit you explained it......To tell you frankly it did not affect me but now the Governments of Sri Lanka and Maldives have finalized my programme. I will be reaching Delhi on the 17th around noon and propose to leave for Islamabad in the evening.

**PM:** You could stay in Delhi for the night.

**Gen. Zia:** I don’t mind if you say so. However, my daughter is getting married on the 18th. (Pointing towards his Ministers) I have not yet told my colleagues about it,

**PM:** (laughingly): In that case I withdraw my invitation.
Gen. Zia: My wife will be returning from Sri Lanka on the 10th to make arrangements and I will be reaching just before the wedding.

PM: The other areas which you mentioned this morning (in the SARC context) about cooperation amongst women in the region is interesting it will be a pity if not fulfilled.

Gen. Zia: We should give guidelines to the Foreign Ministers. Tomorrow we will give a one page note on this subject specifying the areas of interest. The women component of each country must be encouraged. I discussed this with Begum Inayatullah who is our Minister for Population Control. She was very enthusiastic about this idea and told me that it was even being discussed in the context of the Islamic organization. Recently a delegation of women entrepreneurs from India visited Pakistan. When they met me they asked if I have anything in mind about women in SARC. I told them that when they return, they should seek an audience with Prime Minister Rajiv Gandhi and ask him to support my suggestion.

Dr. Mahbubul Haq: We were impressed by the progress made in training of women in India for different sectors.

Gen. Zia: When this delegation met me I had carefully gone through the names of the members and their interests. I found that one of them was dealing with administrative training. When I asked her about her work, she gave me a detailed account of her activities.

(EAM handed over a note to PM).

PM: As you know we have invited Khan Abdul Gaffar Khan for the Congress Centenary Celebrations. We want to send a small plane to bring him to India.

Gen. Zia: We will send him; you return him. We gave him permission immediately when he asked before I left. I met him two years ago. He is very old now.

(It was agreed that the Pakistan Government will give a plane to send Khan Abdul Gaffar Khan to India for the Congress centenary celebrations and he will return in an Indian plane).

(S.K. Lambah)
Joint Secretary (AP)
(Camp: Dhaka)

7.12.1985
The Government of India have repeatedly been raising with Pakistan, both in writing and orally, the question of the latter’s involvement with Sikh extremists. In this context, specific reference may be made to the Note handed over in New Delhi to His Excellency Mr. Sahabzada Yaqub Khan the Pakistan Foreign Minister in July 1985, the Notes handed over by the then Foreign Secretary to the Pakistan Ambassador in New Delhi in November 1985 and to his counterpart in Islamabad in January 1986, the Aide Memoire handed over by the Indian Ambassador to the Pakistan Foreign Secretary in Islamabad in February 1986 and the Aide Memoire handed over by the Foreign Secretary to the Pakistan Ambassador in New Delhi in June 1986. Our serious concerns in the matter have also been conveyed to Pakistan at the highest level by Prime Minister Rajiv Gandhi in his various meeting with President Zia as well as most recently in his discussions with Prime Minister Junejo at Bangalore.

It is unfortunate that despite the fact that Pakistan’s involvement with Sikh terrorists has placed in jeopardy the normalisation of Indo-Pak relations, the Pakistan Government continues to aid and abet their activities whilst at the same denying any involvement. Pakistan’s denials about its assistance to Sikh extremists are unacceptable in the face of the abundant evidence furnished to it, pointing to the contrary. Similarly, Pakistan’s contention rejecting the evidence furnished to it as untenable on the grounds that it has been obtained through interrogation does not carry conviction as such evidence has not just been derived by interrogation of a few persons but by interrogation of scores of individuals.

As elaborated in the communications under reference, India has definitive evidence that Pakistan has been providing sanctuary to hard-core Sikh terrorists whose names are appended at Annexure I, and has been assisting them in motivating and in giving arms training to Sikh youth for terrorist activities in India. These terrorist leaders are located in safe houses under tight security where hundreds of Sikh youth from India have been taken in small batches for indoctrination and training. Pakistan has not only been bearing the cost of maintaining these safe houses but has also been providing financial and other assistance to these terrorists.

Pakistan’s support to the cause of ‘Khalistan’ is well established. In this context, it may be mentioned that Manvir Singh, a self-Styled General of the so-called ‘Khalistan Commando Force’ has revealed that before the announcement of ‘Khalistan’ was made by the 5-member Panthic Committee on April 29, 1986,
the issue was thoroughly discussed. According to Manvir Singh, while he and some other had objected to the immediate announcement of 'Khalistan' and had favored its announcement on the occasion of Diwali, 1986, late Balbir Singh and Gurjit Singh – husband of a niece of late Bhindranwale – who had recently returned from Pakistan, threatened that in case such an announcement was delayed, Pakistan would stop giving them any aid including arms. Manvir Singh also disclosed that the Pakistan authorities had sent a message to Gurjit Singh asking the extremist leaders to send a responsible leader, preferably the Chief of Damdami Taksal to Pakistan to unite various groups and group leaders of Sikh youth in Pakistan under one leadership. Disclosures made by other noted terrorist leaders also corroborate not only Pakistan's inspirational but also their operational support to Sikh extremists. Appended at Annexure II are hand-written statements along with English translations of noted terrorist leaders, namely, Sarabjit Singh, Mohkam Singh and Charanjit Singh, which bear out the foregoing.

There is incontrovertible evidence that Pakistan has been regularly supplying weapons to Sikh extremists and instigating them to indulge in terrorist activities in India. A large number of these weapons have been recovered from the Sikh extremists who have confirmed that these were supplied to them by the Pakistan authorities. An illustrative list of specific instances of arms supplied by Pakistan is enclosed at Annexure III.

Pakistan's involvement with Sikh terrorists is further corroborated by the following which it may be pointed out has been obtained on the basis of evidence other than that Secured from interrogation:

a) Hijacking Since the incidence of extremist activities in Indian Punjab, as many as four IAC aircraft have been hijacked by Sikh extremists and all of them were diverted to Pakistan. While one was denied permission to land and returned to Amritsar, three actually landed in Pakistan. Out of these three aircraft, one in August 1984, with the connivance of the Pakistan authorities, was allowed to leave for Dubai after being refueled in Pakistan. It was clearly established that the Pakistan authorities had handed over a pistol and ammunition to the Sikh hijackers of the aircraft. The Transfer was witnessed by some passengers including foreign nationals. Moreover, it was confirmed by Interpol (FRG) that the pistol (Walther PP 7.65 MM Sl. No.445901) recovered from one of the hijackers was part of a consignment supplied by the FRG firm Walther GMBH to the Chief Administrative Officer, Government of Pakistan, P.O. Box 1040, Islamabad (Pakistan) on 22nd September, 1975.

Hijackers of the IAC aircraft hijacked to Pakistan in September, 1981 and July, 1984 were tried in a Special Court at Lahore. While the Special
Court has passed sentences on the hijackers, the judgements were suspended by the Lahore High Court in February 1986. The Government of India hopes that judicial action in this matter would be completed at a very early date as promised by Prime Minister Junejo to the Prime Minister of India during their discussions in Bangalore.

b) Visit of Sikh extremists to Pakistan The Government of India have from time to time been requesting the Government of Pakistan that they should prevent entry of Sikh extremists to Pakistan. Despite these requests it has come to note that the following Sikh extremists were allowed entry into Pakistan recently even though their names figured amongst the list of 66 Sikh extremists which the Government of India had forwarded vide its Note of January 1986 for exclusion from Pakistan:

i) Dr. Harjinder Singh Dilgir – April 1986
ii) Jagdev Singh Nijjar – April –May 1986
iii) Ganga Singh Dhillon – June 1986
iv) Tarsem Singh Purewal – June 1986
v) Joginder Singh Malhi – November 1986

This clearly demonstrates Pakistan’s links with Sikh extremists abroad and its steady interaction with them.

c) Treatment of Canadian Sikhs who attacked diplomats On 26th November, 1985, six to eight Canadian Sikhs assaulted Indian diplomats on liaison duty with a jatha of Indian pilgrims at Lahore. Though the assailants were arrested on November 28, they were released the same day and once again assaulted Indian diplomats on liaison duty with another Sikh jatha on 12th June, 1986 at Lahore. This attack took place in the presence of the Pakistani police and civil personnel who refused to intervene. Pakistan’s involvement in the incident is quite clear since the assailants were the same as those in the November 1985 incident and since well in advance of the jatha’s visit, the Indian Embassy had specifically requested the Pakistan authorities to ensure the security of the officers on liaison duty. Following the June incident, the assailants were arrested on 15th June, 1986. The leisurely pace of proceedings against the assailants and the leniency with which they are being treated corroborates the view that the attacks the Indian diplomats were under taken with Pakistani connivance and encouragement.

d) Anti-Indian demonstrations during visit of jathas Pakistan regularly utilizes the visits of Sikh jathas from India in connivance with foreign
militant to subvert Sikhs for attempting/ loyalists and propagating communal hatred. Despite requests to the contrary by the Government of India, Pakistan permits Sikh extremist elements from third countries to visit Gurudwaras during visits of such jathas. Even during the visit of the last Sikh jatha to Pakistan in November, 1986, there were about a hundred Sikhs from other countries including about 60 from UK. As many as 15 to 20 of the foreign Sikhs belonged to the ISYF. Amongst these were Joginder Singh Malhi, President, ISYF, FRG, Joginder Singh from Canada and Sumand Singh from UK. These extremists elements together with local Pakistan Sikhs like Shyam Singh from Sind raised pro-'Khalistan' and pro-Bhindranwale slogans and succeeded in aborting the proceedings on 16th November at Nankana Saheb. With Pakistani connivance these elements sought not only to prevent the presentation of saropas to Indian Embassy officials but also to subvert Indian pilgrims.

e) Pakistan media role The Pakistan media has been extremely supportive of the emergence of so-called ‘Khalistan’. Pakistan T.V. has in the past indulged in distorted and mischievous projection of developments in India with the obvious intention of inciting communal disharmony amongst Sikhs and Hindus and inflaming emotions of Sikhs particularly after operation ‘Blue Star’. The Pakistan Press has similarly given extensive coverage to inflammatory statements by Sikh extremists. A Compilation of these press reports is appended at Annexure IV.

f) Pakistani links with Sikh extremists abroad There is much to suggest deep-rooted and continuous Pakistani collusion with Sikh extremists abroad, particularly in U.K., Canada and USA. The Pakistani ethnic media in these countries, taking the cue from Pakistan, has frequently been carrying interviews of Sikh extremist leaders, Pakistani newspapers like JANG and WATAN, which are also published from London, maintain close contacts with extremists like Jagjit Singh Chauhan and give wide publicity to their statements. The Pakistan Embassy in U.K. has also been very active in supporting Sikh extremist newspapers The enclosed letter at Annexure V addressed to Mr. T. Purewal, the Editor of extremist newspaper DES PARDES is illustrative of the financial support provided by Pakistan to such organisations and of Pakistan’s long standing links with them which in this case go back at least to 1981. It would by apparent from the foregoing that both on the basis of evidence derived from interrogation reports and that available from other sources it is clear that Pakistan has been continuously aiding and abetting Sikh terrorist activity directed against India. The Government of India cannot but view these actions on the part of Pakistan with grave concern and reiterate that they constitute a major stumbling block in the normalisation process
between the two countries. Mere denials of non-involvement with such activity cannot be accepted at face value in the context of the overwhelming evidence to the contrary and must be matched by deeds. Accordingly, it is hoped that Pakistan would at least take the following initial steps in this matter as a concrete manifestation of its seriousness to resume the normalisation process:

i) The Pakistan Government should make a public announcement at the highest level denouncing the concept of “Khalistan” and deploring all terrorist activities and in particular those directed against India,

ii) Desist from maintaining safe houses and running training camps for Sikh terrorists, as also from providing them with financial and other assistance, including weapons;

iii) Repatriate to India all Sikh youth receiving training in Pakistan and particularly those extremist leaders who are identified at Annexure I;

iv) Prevent entry of all Sikh extremists to Pakistan particularly those identified in the Government of India’s Note of January 1986;

v) Ensure Speedy implementation of the sentences already awarded by the Pakistani Special Court to the hijackers of the two IAC Aircraft;

vi) Ensure that visits of Indian pilgrims to Pakistan are not used for subverting them and for inculcating Pro-‘Khalistan’ sentiments. Particular care should be taken that no extremist elements are allowed to enter the Gurudwaras; and

vii) Ensure that the Pakistani media is not used for propagation of Pro-‘Khalistan’ sentiments and hatred against India.

(Note: The annexures mentioned in the text above are not included)
Aide Memoire presented by the Ministry of External Affairs to the Pakistan Ministry of Foreign Affairs.

New Delhi, December 12, 1985.

Aide Memoire

Subject: Illegal border crossings from Pakistan into India

The size and nature of illegal border crossings in recent times from Pakistan into India is causing concern. Elements detected in such illegal crossings include terrorists motivated and trained in Pakistan, espionage agents, drug traffickers, criminals, smugglers and carriers of fire-arms. In addition, persons who have completed their prison term in Pakistan and Bangladeshi nationals are also being pushed into India. Many instances have also come to notice where terrorist elements after committing heinous crimes in Punjab are being granted safe passage and shelter in Pakistan. These illegal crossings have been creating strains and disrupting law and order in some border States adjoining Pakistan.

2. Such illegal crossings though noticed along the entire Indian border with Pakistan, have assumed disturbing dimensions in the States of Punjab and Rajasthan. During 1985-86, over 5800 such infiltrations were detected in Punjab and over 2700 in Rajasthan.

3. The following areas are being used by Pak posts to cause infiltrations into India:

**Punjab Sector**

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<th>Area of Infiltration to India</th>
<th>PAK Post concerned</th>
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<tr>
<td>Khemkaran sector</td>
<td>BP 50 BOP Kotlihi</td>
</tr>
<tr>
<td>Mian wali Uttar</td>
<td>BP 157 – Patto Khuhn</td>
</tr>
<tr>
<td>Amritsar</td>
<td>BP 103/25 – Wagha</td>
</tr>
<tr>
<td>Gurdaspur Dist. (Dera Baba Nanak)</td>
<td>BP Mardana and Sandhu</td>
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**Rajasthan**

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<th>Area of Infiltration to India</th>
<th>PAK Post concerned</th>
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<td>196 HB</td>
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<td></td>
<td>Bakrana</td>
</tr>
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4. Hundreds of Sikh youth have been identified who after having been motivated and imparted training in Pakistan were infiltrated by Pakistani authorities into India. Most of these elements were escorted up to the border by the Pak Rangers in their vehicles. The others were sent escorted by couriers.

5. Some Sikh youth who went to Pakistan were accorded a warm reception on arrival and provided safe passage. An announcement was made by the then DC Sialkot in the bordering villages in May 1984 that Sikh crossing into Pakistan should by cordially received. In 1984, Some Pakistani newspapers had also reported that some Sikhs had come to Pakistan. This was not contradicted by Pakistan authorities. However, till now no list of Indians who crossed into Pakistan has been furnished to the Government of India which should normally have been done.

6. During the meeting of Foreign Secretaries held in January 1986 at Islamabad, it was agreed that civilian detainees who completed their sentences would be repatriated on a reciprocal basis by 31st March, 1986. It was further decided in the meeting of Sub-Commission IV of the Indo-Pak Joint Commission held in Islamabad from 3 -- 6 February, 1986 that the lists of such prisoners would be exchanged between the countries by 24.2.86. In pursuance of this decision, though Government of India handed over a list of Pakistani Prisoners in its custody, a list of Indian prisoners in Pakistan is yet to be received. Pakistan have also not provided Consular Access as per the schedule and the Consular Access due on 20.8.’86 has not been provided so far. Meanwhile, a large number of Indian national along with some foreigners were illegally pushed back into India recently. The detected cases of such push back in July 1986 stood at 220 while between October and November, 1986 over 300 persons were made to illegally cross the border. This includes many Indian prisoners who were provided Consular Access and in respect of whom repatriation proceedings were pending.

7. Bangladeshi nationals in large numbers are being pushed into India from Pakistan though on the Indian side vigorous action is being taken to hold back Bangladeshi nationals who are determined to sneak into Pakistan. The genesis of such crossings relates to the problem of Bihari Muslims stranded in Bangladesh and once the Government of Pakistan and Bangladesh settle it, the situation relating to the illicit traffic of Bangladeshi nationals is likely to improve.

8. With a view to effectively controlling illegal trans-border movement along the Indo-Pak border, it is suggested that
(a) the practice by Pakistan authorities of pushing back into India, through various points on the border, of Indian nationals including convicts who have completed their jail sentences should be stopped. Such persons should be handed over to the Government of India either through the Embassy of India at Islamabad or to the Indian Border Security Force at some designated posts.

(b) the two sides should work out a system of regularly exchanging information regarding terrorists, smugglers, criminals, drug traffickers and other elements indulging in illegal border crossings as also infiltration routes most commonly used by them.

(c) the two sides should identify the border criminals and exchange all available background information about them like descriptive rolls, photograph, hide- outs, contact men, routes taken etc. and make concerted efforts to check their illegal activities.

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1087. SECRE

Record of the meeting between Prime Minister Rajiv Gandhi and President Zia-ul-Haq.

New Delhi, December 17, 1985.

Ministry of External Affairs
(A. P. Division)

RECORD OF DISCUSSION BETWEEN PM & GENL. ZIA – UL-HAQ IN RASHTRAPATI BHAVAN ON DECEMBER 17, 1985 FROM 1600-1730 HOURS.

The following were present:-

INDIAN SIDE:
1. Prime Minister.
2. Shri V.P. Singh, Finance Minister.
4. Shri G. Parthasarathi, Chairman, Policy Planning Committee. MEA.
5. Shri Romesh Bhandari, Foreign Secretary.
7. Shri M. Dubey Additional Secretary (SA), MEA.
8. Shri C.R. Gharekhan, Additional Secretary (G), PMO.
9. Shri S.K. Lambah, Joint Secretary (AP), MEA.

PAKISTAN SIDE:
2. Dr. Mahbubul Haq, Minister of Finance.
3. Mr. Zain Noorani  Minister of State for Foreign Affairs.
5. Mr. Niaz A. Naik, Foreign Secretary.
6. Dr. M. Humayun Khan, Ambassador of Pakistan in India.
7. Mr. Abdus Sattar, Additional Secretary.
8. Mr. Riaz H. Khokhar, Director General.

After a brief discussion with all members of the delegation, the two delegations, withdrew to the panel room. PM and Gen. Zia stayed on with one aide each (Shri C. R. Gharekhan, AS (PMO), and, Mr. Abdus Sattar, Additional secretary. PM and Gen. Zia joined in the talks later towards the end. Following is the brief record of discussion in the panel room:

DR. MAHBUBUL HAQ:
Prime Minister has given us a six-point progamme. Where do we start from?

FINANCE MINISTER:
The menu is with you. Choice is yours.

DR. MAHBUBUL HAQ:
Let us start with the areas of cooperation. We would like to make progress step by step in such a way that we take care of each other’s sensitivities. There are five areas in which cooperation is possible in the economic sector. These are: (I) doubling or trebling trade through public sector. At present the combine trade in the public sector between the two countries is around $ 50 million. We could increase it to two to three times in the next year or so. (II). Resumption of trade in the private sector. Here, to begin with, we could start this trade in selected items to avoid adverse effect on both countries’ economies. The list could be worked out by the officials. It can be expanded over a period of time. We should also have a time-table for expansion. (III). Possibility of establishing
at least one joint venture on both sides. It should be symbol of cooperation. We will have to involve the private sector as it is they who will have to undertake these ventures. This is the minimum. We can have more joint ventures if possible. (IV). Extension of links through tele-communication is vital. For instance, we should have direct dialing connecting our large and important commercial centers. (V). Frequent exchange of delegations of businessmen, industrialists and youth.

These are five broad areas. We can add or subtract. There are no limitations. From our side, besides the Finance Minister there will be Secretary General (Economic Affairs), Secretary Commerce, Secretary Finance and officials of the Foreign Office. This is our mafia for such discussions. You can nominate your team. We could agree on some tentative dates. Early January will be suitable. We can adjust. (Pointing to Finance Minister) we look forward to seeing you in Islamabad. We are open to suggestions in this economic package/mechanism which has been suggested.

FINANCE MINISTER:

Your last visit enthused us. We would like to increase economic cooperation. We can hardly disagree with the points you have mentioned. We would like to reinforce them. As regards the quantitative increase of two or three times that you have suggested, we feel it is modest. We could increase still more. There is no debate on quantity. It must grow. We endorse all these suggestions you have made. It will be good to have joint ventures in 1986 which should not merely be tokens but must contribute to the development of our economies. Communications are equally important. If trade has to grow, so should such links. No trade can grow without communications. Delegations are equally important. We would like trade to start in the private sector on a non-discriminatory basis. We must work out areas of cooperation. This will be the test of our sincerity.

Dr. MAHBUBUL HAQ:

We can discuss private trade further during our discussions in January. I agree that ultimately we have to move towards a negative list. As more confidence grows and people are not worried about competition, we could; but we should make a start. There are, what I call, exaggerated fears in this respect but I hope sagacity and goodwill will prevail.

FINANCE MINISTER:

Every country has to take care of its interests. We agree with that. There should be no fears; we should take concrete decisions.
DR. MAHUBUL HAQ:

Thank you. Shall we now move to other areas?

EXTERNAL AFFAIRS MINISTER:

Having established a lead in economic and trade matter, we now move into other areas. I would like to mention to you frankly some inhibiting factors and irritant in our relations. Speaking realistically, they come in the way of improved relations. Briefly they are: (I). Pakistan’s stand on extremists has been worrying us and it comes up regularly both in Parliament and Press. It is a negative factor. We have given lists to you. There is a widely held belief here and we have hard evidence about your support to extremists. We do not wish, at this stage, to talk about allegations, denials and counter allegations. These are not helpful. It is important to build confidence in both countries. We want it to be a thing of the past. (II). J & K is another sector which I want to refer to. Under the Simla Agreement, we have agreed to settle our disputes bilaterally. We, however, find that Pakistan has been trying to internationalize the issue. There have been reports of an international conference on J & K. Statements made by your leaders and the allocation of Rs. 20 lakhs in the budget of POK for the so-called liberation of Kashmir. This has been mentioned by PM to Gen. Zia in Dhaka.

Dr. MAHBUBUL HAQ:

If anyone can liberate J & K with 20 lakhs, good luck to him.

EXTERNAL AFFAIRS MINISTER:

I wanted to mention this to you because it is a matter of concern. (III). Another area of worry to us is the excessive surveillance of our Missions in Pakistan. The reports I heard about it are very unpleasant. Our Ambassador in Islamabad has also given to me a first-hand report on the subject. Apart from the incident of the beating up of our officials about which I had to speak in our Parliament, there are also other problems. As regards this matter, I told Parliament that leaders at the top could not like such things to happen but somehow this has not percolated to the middle level. Do damage.

Then we go to the positive side. Trade has already been dealt with. As regards Culture, we should have a Cultural Agreement. It would be good to sign one at the earliest so that there can be a composite programme of contacts. From this should follow flow of newspapers, periodicals, journalists. We would like people-to-people contacts. In fact the President himself had mentioned people-to-people contacts. We would also like measures to be taken to facilitate travel which could include opening of check posts. Here I have in mind the
Khokharapar-Monabo check posts which have been provided in the 1974 Visa Agreement. And, removal of other cumbersome procedures. We would like to see the elimination of police reporting for visitors who come for less than fourteen days. One important point which I wish to mention to you is the question of missing Defence Personal. I would like you to consider it because any action in this respect will create a good climate. It will have more than required impact. I raise it to you purely as a humanitarian issue and kindly treat it as such. There is also the question of repatriation of civilian detainees who have completed their sentences. We would also like to define more precisely the obligations on both sides in respect of pilgrims visiting each others’ country.

ZAIN NOORANI:

I would like to begin by expressing regret at the unfortunate incident involving beating of two officials of the Indian Embassy in Nankana Sahib. You were good enough to say that you had informed even Parliament that the leaders were not involved in such an incident. It happened spontaneously and Pakistan had no control. True, they were released on bail and this caused irritation to our Indian friends but they were rearrested. There should be no cause for concern.

There was a reference to surveillance. This was brought informally to my notice by your Ambassador but he told me that he was not doing it formally and that this would be settled between him and Additional Secretary, Sattar. These are irritants and kindly consider that there may be some irritations to our Ambassador. Both Foreign Secretaries could discuss this whenever they meet. We need not create a bubble in the air.

Again and again there is a reference to Pakistan’s assistance to extremists. Pakistan has not been helping extremists. We are against it. Yes, you have provided us a list which gives evidence obtained by you from people who have been arrested. I will not go into details. I will refer to the Samba trial in your own country and leave it to you to judge. Confessions after arrest have their own connotations. You may see what your own Indian newspaper like ‘Indian Express’ has written on this subject. Your own public takes this with a pinch of salt. It is difficult to always believe any such evidence.

We are in favour of freer travel. We would like complications to be removed. Here, while talking of freer travel, I would like to refer to the Jinnah House. You had at one time agreed to give it to us for the residence of our Consulate General. The British Deputy High Commissioner in Bombay who was staying there was also persuaded by us to vacate which he did. Later on we were told that this could not be given to us. We were then asked to select a place. We did select one and agreed to the terms and conditions but when we sought
permission, we were told that the Provincial Government is not in favour as it is in a crowded locality. We were told to open our office in a building on the 18th floor near Nariman Point. Firstly, the cost was exorbitant and secondly it is difficult to function a Visa Office from the 18th floor. I have spoken about this to your Ambassador in Islamabad. He told me that he will be going to Bombay and try to sort it out. Since we were talking of facilitating travel, I thought I should mention this to you because a Consulate is very important for us to enable us to issue visas to people from that part of India who has now to come all the way to Delhi. We need a building; not on the 18th floor of Nariman Point; but in a central place, say near Crawford Market. This I think is another area which could be discussed when the two Foreign Secretaries meet.

There has been a reference to pilgrims. We have noted it. We should consider measures for improvement. But, tell me how it can be done. Pakistan Police does not enter the Gurudwaras; even Hindu temples our local police would not enter. They do not go to the Mosques also. They avoid entering such sacred places.

About allocation of funds for liberation of J & K, there is no truth. The Finance Minister has already denied it. There is no truth that we are organizing an international conference on J & K.

We have several times checked the details of the missing Defence personal since 1971. The Chief of Staff to the President will have something to say on it. But we have not been able to locate anyone of them. About civilian detainees, you owe 35 prisoners to us. We released a batch of 35 and you have not sent any. (It was explained that under Indian rules all our prisoners are released immediately and are not detained in jails even a day longer. In Pakistan, however, Indian prisoners continue to languish long after completion of their sentences.)

DR. MAHBUBUL HAQ:

I think the overall effort is to improve the atmosphere. There are irritants. We should get them under control and not dramatize them. Wherever there are problems, we should try to sort them out. May I suggest that we think of some measures to overcome these problems. For instance, you have mentioned extremists. We have denied. Can we think of some measures like, for instance, (a) an Extradition Treaty. This can help. You have mentioned about our giving assistance to extremist we think there are Al-Zulfikar hardliners who have been trained in camps here. (b) A Treaty on Hijacking and anti-terrorism could be thought of. This is a matter which has been taken up in the context of SAARC. Maybe we could pursue it bilaterally. (c) Civil Detainees who have completed their sentences should be repatriated. (d) We could even consider new Travel
routes. As our Minister for State for Foreign Affairs has said, we can consider opening of Khokhrapar-Monabo check post. We could also think of eliminating police reporting for visitors who come for 14 days and less.

President himself had mentioned surveillance as a constraint. We should try to do something. Overall, we should be able to look at the picture in a positive way rather than as a negative. We could consider a series of such instruments.

ZAIN NOORANI:
The Foreign Secretaries could also consider this.

EXTERNAL AFFAIRS MINISTER:
We should think of a calendar of activities. The Foreign Secretaries could take further action. This could also be considered at the meetings of the sub-Commissions.

NIAZ NAIK:
I would like to make two points. As regards the Cultural Agreement, a draft had been finalized during the meeting of the Joint Commission held in Delhi on July 2-4. Both countries would require Cabinet approval. We are trying to complete the necessary formalities and these can be signed at subsequent meetings of the sub-Commissions. As regards the amount of Rs.20 lakhs in the budget of 'Azad Kashmir', we have examined this. There is an allocation of this amount in the 'Azad Kashmir' budget but it is for internal tourism, publicity and investment. I thought I should explain this so that there is no misapprehension.

DR. MAHBUBUL HAQ:
You are safe if someone is trying to liberate J&K with such a small amount.

FOREIGN SECRETARY:
It clears the air.

NIAZ NAIK:
The sub-Commissions can consider other matters including civilian detainees. We can agree.

FOREIGN SECRETARY:
This is a goodwill measure. No useful purpose is served in their languishing in Pakistani jails.
NIAZ NAJ:
As regards missing Defence personal, the matter has been raised on different occasions. It had also been mentioned to Genl. Arif. We have looked into it and do not find anyone of them here.

DR. MAHBUBUL HAQ:
We can understand the plight of the relatives. They never give up hope. They think these missing Defences personal are still there.

JOINT SECRETARY (AP):
The relatives feel that they are not held as missing Defence personal but could be in Pakistani jails as Indian security prisoners held on some other charges.

NIAZ NAJ:
As regards the list of extremists, you had at one time given us a list of ten people. We banned their entry into Pakistan. There was another list of five given to us. We have warned some other personalities that if they come to Pakistan, they will be denied entry. In Dhaka PM gave another name. We asked Islamabad for a report. So far I have only got an interim report and we will try to give you details soon Mr. Gharekhan had given us the particulars.

I find there is too much for the Foreign Secretaries. We will try to sort these things out. There is one other factor which I want to mention, i.e. merging of the two drafts. When Mr. Rasgotra came to Pakistan in May 1984, we made remarkable progress and worked out the operative part of an agreement. There were only two aspects of the Indian draft which remained to be resolved e.g. bilateralism and bases.

[AT THIS TIME PM AND GEN. ZIA ENTERED THE ROOM AND JOINED THE DISCUSSIONS.]

PRIME MINISTER:
We have talked about a lot of things. There is no real problem. We have worked out a time-table. Gharekhan and Sattar are working out as to what should be told to the Press whom we will be facing in a short while. We talked about extremism, Kashmir, the nuclear issue. President Zia gave me a list of 139 people, who, he said, have been trained in India. I do not think we are doing any such thing but we will check.

GENERAL ZIA:
We should work out the modalities.
PRIME MINISTER:
There is concern about the missing Defence personal. We should do something and try to close the issue; as far as possible, try to satisfy the people. President Zia also raised the question of trawlers.

FOREIGN SECRETARY:
There were two trawlers which we have returned to Pakistan about six weeks ago because immediately when they were caught, we found that they had come into our territorial waters by mistake.

PRIME MINISTER:
I also mentioned to President Zia about two Sikhs being shot. He told me that there was also a reference in the Pakistani newspapers which did not mention them as Sikhs but said that these were persons with ‘kirpans’.

GENERAL ZIA:
Mr. S.K. Singh must have also seen the report.

AMBASSADOR S. K. SINGH:
Yes, Sir.

PRIME MINISTER:
President Zia said that there were about fourteen Sikhs in Pakistani Jails.

GENERAL ZIA: This is correct. They are being tried for illegal entry into Pakistan.

PRIME MINISTER:
We also talked about the problems of the Embassy staff. We should sort them out.

FOREIGN SECRETARY:
We should satisfy each other. The harassment of one of the wives....... 

AMBASSADOR S. K. SINGH:
I did not raise it officially with the Pakistan Government.

PRIME MINISTER:
This could be an isolated case but we must ensure that these things do not happen.
About Siachen Glacier, President Zia showed me a map.

GENERAL ZIA:
The Ceasefire line which is now called the Line of Control was demarcated up to point 9842. And, it was mentioned that it will go North to the Glacier.

PRIME MINISTER:
We have agreed that the Defence Secretaries can have talks on this.

GENERAL ZIA:
About temples in Pakistan, PM raised it. We try to maintain them as far as possible.

PRIME MINSITER:
Let us maintain that these confidence measures percolate downwards.

GENERAL ZIA:
As PM has said, it is very important to take measures to create confidence. These should go down and percolate to the individuals in the bureaucracy.

(Laughter)

FOREIGN SECRETARY:
We are also bureaucrats.

PRIME MINISTER:
You are at the top of bureaucracy.

FOREIGN SECRETARY:
We could finalize the various schedules.

DR. MAHBUBUL HAQ:
The high-level meeting under the Finance Ministers could take place from January 5-7. There was discussion about other schedules and it was decided that the Foreign Secretaries could meet in the third week of January.

PRIME MINISTER: We do not have to worry about the dates on which there are commercial flights. We will put a plane at the disposal of the Finance Minister. In any case he has to pay for it.

(AT THIS STAGE GENERAL ZIA LEFT FOR SAYING HIS ‘NAMAZ’)

FOREIGN SECRETARY:
The Sub-Commissions can meet by end of January or beginning of February. The Joint Commission at Ministerial level can meet at the end of February or early March.
EXTERNAL AFFAIRS MINISTER:
First week of March will be better as we will be having the Budget Session.....

PRIME MINISTER:
You do not worry about the budget. We will make sure that External Affairs demands are kept in mind by the Finance Minister. You can go to Islamabad.

DR. MAHBUBUL HAQ:
What about your own visit Sir?

PRIME MINISTER:
We must see how it all goes on and watch the results of the meetings of the Finance Ministers, Foreign Secretaries, the sub-and-Joint Commissions.

AMBASSADOR HUMAYUN KHAN:
The Press will be looking for some indications. All this will be diluted if there is no reference to your visit.

DR. MAHBUBUL HAQ:
We could say that all this would culminate in your visit.

PRIME MINISTER:
Yes, we could do that. We can move forward on different subjects in the economic field, including trade in the public sector, private sector and remove all obstacles.

FINANCE MINISTER:
There are no obstacles in respect of private trade with Pakistan as far as we are concerned. There are no bolts on our doors.

DR. MAHBUBUL HAQ:
On the economic front, we would like to take steps forward and consolidate and then build on them. What will the foreign secretaries discuss?

FOREIGN SECRETARY:
We will discuss travel, surveillance of Missions, extremism, border, detainees......

[GENERAL ZIA RETURNS]
(The schedule of different meetings was mentioned:-

I. Finance Ministers to meet in Islamabad from Jan. 5-7.
II. Foreign Secretaries to meet in the third week of January.

III. Sub-commissions to meet in Delhi & Islamabad in the last week of January and first week of February.

IV. Joint Commission at Foreign Ministers’ level to meet in Islamabad in the last week of February.

GENERAL ZIA:
Thank you very much and we also look forward to seeing you.

PRIME MINISTER:
We will not take this visit as a full visit.

[At this stage, as both Lok Sabha and Rajya Sabha were in session, PM asked EAM to go to Parliament and make a short statement on the visit in both Houses before any announcement was made at the Press Conference.]

(S. K. LAMBAH)
Joint Secretary (AP)
December 18, 1985.

SECRET
Record of the discussions between Prime Minister Rajiv Gandhi and President Zia-ul-Haq after the rest of the two delegations withdrew for separate discussions.

New Delhi, December 17, 1985.

PRIME MINISTER’S OFFICE
The following is the record of PM's talks with President Zia after the rest of the delegations on the two sides withdrew to the Panel Room for concurrent discussions.

Abdus Sattar, Additional Secretary in Pak Foreign Office and the undersigned were present during the talks between the two leaders.

PM raised the question of the missing defence personnel

Zia: I have gone into this question three times. When Natwar Singh was
Ambassador, he had raised it with me. We created the necessary facilities for your Embassy to go to any jail and identify the people concerned. We asked for photographs and particulars. We got these in respect of some. We formed a team. Natwar Singh and others went from jail to jail and found nothing.

**Sattar:** All the Indian prisoners were assembled in the Multan Central Jail and it was there that the relatives of the missing persons were taken.

**Zia:** We have no prisoner of war. We had 35 POWs but I released them in 1978 as a gesture of goodwill. We had no response from India to that gesture.

There are three categories of prisoners in Pakistan. One consists of ordinary criminals. They are tried according to Pakistan Penal Code and released when their terms are over. The other category is of security persons, agents of each other. The third category is of people arrested for border violations, of whom there are 18 with us. We have no other prisoners. We are prepared to go to any extent to satisfy you that we do not have missing defence personnel in Pakistan.

**PM:** According to us you have 43 of them. Can we set up a small group to go into it?

**Zia:** Yes, certainly, anything you say.

**PM:** Do you also have a similar list?

President Zia’s first reply was that there were no Pakistani POWs in India. He then corrected himself and said yes we have a small number.

**Sattar:** Under the 1973 Agreement, all POWs were released on both sides. Therefore, there are no POWs on record.

**PM:** We should devise some method whereby we can settle this matter conclusively. We get lot of questions in the Parliament and we have to satisfy the parents and relatives.

The undersigned mentioned the specific case of Major Suri.

**Sattar:** I have myself been dealing with the question of missing defence personnel since 1972. We asked all the jails in Pakistan and have got certificates from them that there is not a single Indian defence personnel.

**PM:** We should try and close the issue once and for all. There should be finality about it. I am sure that we can work something out.

**Zia:** Anything you say.

**PM:** It could be something like the case of two ships which disappeared off the
Sri Lankan coast sometime ago. There is absolutely no trace of them. Naturally the wives and other relations of the people who were on the two ships have been badgering MPs and others. They say that the ships were hijacked to Sri Lanka. We asked the Sri Lankan Govt. and they told us that the ships were not with them. Later we realized that some astrologer had told the relatives that the ships were in Sri Lanka.

Zia: This is a humanitarian question, Sir, and we are prepared to do anything to satisfy the relatives.

Sattar: On the same level of humanitarianism, some of our fishermen were caught about a month ago allegedly fishing in Indian waters. We had also caught a few Indian fishermen but repatriated them through the Indian Consulate General in Karachi.

PM asked the undersigned to make enquiries about this matter. I checked with JS (AP) and reported back to PM and President Zia. PM said that there would be no problem in this matter.

While I was away, PM had raised the question of J&K.

Zia: We will not do anything on J&K to pollute the atmosphere. We want goodwill. We will abide by the Simla Agreement as far as J&K is concerned. We have checked. No money has been provided in Azad Kashmir’s budget for the liberation of J&K.

PM: Our source was your newspapers.

There is one other problem. We are still not satisfied about the Sikh militants. We are sure that the training is going on, perhaps not in the specific camps but in some other manner. Our people say that they can show you exactly where the training is going on if it could be arranged without notice.

Zia: Anything you say. We are ready for anything, with notice, without notice.

Regarding the pilgrims, I should like to explain to you. This problem has arisen before also. I have said that Pakistan will not close its doors to the yatris. We have even opened half a dozen Hindu shrines.

PM: It was raised in our Parliament though I don’t know anything you can do about it. It is said that the Muslim shrines in India are in good shape. This is obviously so because they are being frequented all the time. But the Hindu shrines in Pakistan are reported to be in bad shape. I am not blaming anyone because obviously if the temples are not in use, not alive, they will not be in good shape. So this is not an accusation. May be we can help in maintaining the temples.
Zia: If they tell us which temples are not in good shape, we will have them repaired. I have myself visited a few temples. We have enough money. But we will have no objection if the Hindus want to repair the temples themselves. We will do it without anything.

On Sikh yatris, this was the second incident. It is difficult for us to say no to the yatris. We won’t stop them. The lists the yatris are supplied to us by Govt. of India and we give visa to those recommended by Govt. of India. Therefore, if some militant chaps come over from India, you please stop them. As for foreign Sikhs, we have no hold on them if they come from UK, Canada or USA because there are no visa restrictions in respect of them. This time two Sikhs militants were coming from Canada. Your Embassy had informed us about them in advance. So we stopped them and sent them back on the same plane. I told S.K. Singh that this is not your job or the Embassy’s job. (Zia was talking about liaison officers.) Why not the GOI put 20 or 50 Sikhs as liaison officers. S.K. Singh sent non-Sikhs as liaison officers and they got beaten up. Any Sikh who does not behave, we will deal with him. We confiscated cassettes though some might have slipped through our hands. You can put Sikhs for surveillance. But non-Sikhs will be like red herrings. Law and Order is Pakistan’s responsibility. Leave it to us and I assure you that there will be no political activity and no political speeches. I strongly recommend that in the next Jatha you put your own people. You can have one or two Sikhs in the Embassy. It will be much better. I assure you that it will be my responsibility if anything objectionable takes place you can blame me.

Regarding training, I am prepared to accept any challenge in whichever way you suggest. Quite sincerely, we are not doing anything. Even if we train 200-300 people how does it matter? I cannot be doing such things when I am anxious to have good relations with India.

PM: Can we have joint exercises?

Zia: Anything you suggest.

PM: We shall think of something.

Zia: I used to see Sikh Jathas four times a year. The Indian Ambassador was always present. I would have tea with them. This time S.K. Singh came and said: Please do not see them. So I said OK. I was in Islamabad but I cancelled the meeting. We will also think of what can be done. But we are prepared to accept anything that you might suggest.

The undersigned left the room for about 5 minutes to make a telephone call to RRM (Minister of State for Defence) Shri Arun Singh as directed by PM.
When I returned, PM told me that they were talking about how the positive attitude from the top level could filter down to lower levels.

_Zia:_ Message will go down from my side to our agencies. There will be no unnecessary harassment of your staff. Usually this starts from low levels. (Pointing to Sattar) He himself has been a victim of that.

_Sattar:_ I always told my Indian friends that they should really compare the Pakistan Embassy in Delhi to the Indian Consulate General in Karachi. I had people posted at my residence in tents for two years but I never complained about it. There have been one or two incidents in Islamabad and we were shocked. The wife of one of your officials reported obscene gestures by an intelligence agency official.

_Zia:_ I told SK that this is simply not possible. I personally summoned the Chiefs of the two intelligence agencies and asked them to investigate the matter. They told me that no one from the intelligence agencies had done any such thing.

At this stage I got a note from DS (MS) reporting that Sultan Mehmood from POK was intending to raise the Kashmir issue at the International Court of Justice at The Hague and he himself was planning a visit to 12 European capitals to mobilise public opinion in favour of Pak stand on Kashmir.

**PM read out the relevant extracts to President Zia.**

_Sattar:_ It is not possible for private individuals to raise any matter at the International Court. The undersigned pointed out that Sultan Mehmood was also planning to visit various European capitals in this matter.

_Zia:_ I should like to explain to you about the Sikh incident on the 26th November in the Lahore Gurdwara. Zia then read out verbatim from a note and continued: SK was advised not to go to Lahore because we apprehended some trouble. But he decided to go. It is the non-Sikhs who are the red rag. This can easily be eliminated.

_Sattar:_ I should like to mention that the Pakistan Govt. issued an official statement deploring violence against the Indian diplomats.

_Zia:_ We also have a list of people whom my people say your people are training. One of them is Al Zulfikar, which is a terrorist organization. It was formed in India in June 1980. Khar has been visiting India. Shahnawaz Bhutto has also been visiting India. On occasions, they have even been treated as guests of the Govt. of India.

_PM:_ I do not know anything about this. I am sure this is not true. In any case, this could not have happened during the last one year.
Zia: Shahnawaz Bhutto's last visit to India was in early February 1985, when he passed through and stayed for two days in India. Khar came to India in March-April this year and had a meeting with your R&AW people.

PM: Even if we wanted to do something what is the need for these people to come here. In any case, if this is true, we will put an end to it.

Zia: I have a list of 60 persons who have received training in India. We can pass on the list though we have not given it to your people so far. There is another list of 139 people. I hope that in the spirit of goodwill, India will reciprocate Pakistan's gestures.

PM: Certainly. I did not know about it before, but now that you have mentioned it, I will look into it.

Zia: Regarding the Siachin Glacier, we have already agreed that the Defence Secretaries should get together. Both sides should withdraw and sit down and see where the line should be. I looked into the 1972 Agreement. The records show that when the two sides reached NJ 9842, they thought that there was only snow beyond and there was no need to demarcate the line on the ground. I summoned the two officials who were concerned with those negotiations and this is what they told me.

PM: According to us, the line from NJ 9842 moves northwards.

Zia: OK; whatever it is, let them sit down.

Zia: Regarding the Foreign Secretaries' meeting. We should pass down instructions to them to try and merge the two drafts. Two clauses in your draft are objectionable. We are both nonaligned countries. Why should we include a clause which says that neither country will give bases to third countries? We are nonaligned and it is assumed that we do not give bases.

PM: We don't mind stating that we will not give bases.

Zia: But it undermines the sovereignty. There is also the question of bilateralism. The Simla Agreement refers to UN Charter. What you have now proposed is not in the spirit of Simla Agreement.

PM: The bases question is important. We have no hesitation at all in signing an agreement committing ourselves not to give bases, any type of bases, air, naval, etc. There is also one good reason for this clause. The agreement must reflect the security of the region. Any foreign bases will disturb the security.

Zia: Why should Pakistan allow bases? It undermines our sovereignty. This is a purely psychological point.
PM: Let the two Foreign Secretaries talk about this.

At this stage the leaders decided to join the rest of the delegations. They asked Mr. Sattar and the undersigned to draft few points which could be given to the Press.

(C.R.Gharekhan)
Addl. Secretary

1089. Statement by External Affairs Minister B.R. BHAGAT in Lok Sabha/Rajya Sabha on the visit of Pakistani President General Zia-ul-Haq to New Delhi.

New Delhi, December 17, 1985.

The President of Pakistan, His Excellency General Mohammad Zia-ul-Haq, paid a brief visit to New Delhi today, the 17th December on his way home from an official visit to several countries in the region.

The President of Pakistan and our Prime Minister held talks on various matters of mutual interest. The talks were held in an extremely cordial atmosphere.

The two leaders reaffirmed their determination to move rapidly towards complete normalization of relations between the two countries and, to take positive and constructive action in coming weeks.

The following decisions were taken:

(i) Finance Ministers of the two countries will meet in Islamabad from the 5th to 7th January, 1986 to consider agreements on expansion of trade and economic relations.

(ii) The Foreign Secretaries of the two countries will meet in Islamabad in the third week of January, 1986 to continue discussions on a comprehensive Treaty and to discuss other confidence building measures.

(iii) The four Sub-Commissions set up under the Indo-Pakistan Joint Commission will meet towards the end of January early February 1986 to finalise their work. The full Joint Commission led by their respective Foreign Ministers will meet towards the end of February, 1986.
The two sides have agreed to work out an agreement where by each will undertake not to attack the nuclear installation of the other.

A cultural agreement will be signed between the two countries.

All the above measure will culminate in our Prime Minister’s visit to Pakistan during the first half of 1986.

Excerpts from the speech of Pakistani Foreign Minister Sahabzada Yaqub Khan initiating the debate in Parliament on Foreign Policy.


Initiating the long-awaited foreign policy debate in the Parliament on December 24, Foreign Minister Sahabzada Yaqub Khan said that Pakistan's intent was not to suggest the nature of government in Kabul because it recognized that the Soviet Union "has a legitimate interest in expecting that any government in Kabul should be friendly towards it and should be mindful of its security interests as well as those of other neighbours".

"Pakistan has no easy options", Sahabzada Yaqub Khan somberly warned, saying "I do not wish to minimize the risks or costs attached to the pursuit of our present policy, but let me assure you that it is the only policy which offers a reasonable prospect for finding a settlement that safeguard Pakistan's interests."

"In the situation in which we find ourselves, there are no risk-free courses, there are courses that are less or more hazardous….. In the options that face us there are no right answers, there are answers that are better or worse".

AFGHANISTAN POLICY NOT UNDER U. S. PRESSURE

Mr. Yaqub Khan strongly repudiated suggestions in some quarters that Pakistan was under United States pressure to pursue its present policy on Afghanistan, describing the allegation as "shameful and groundless", and said Pakistan continued to remain non-aligned and had offered no bases to the USA or any one as quid pro quo.

He defended Pakistan's consistent policy of withholding recognition of the Karmal regime in Kabul by refusing to hold direct talks with its representatives and said a resort to direct talks with Mr. Babrak Karmal at the present time
would not change the objective situation in Afghanistan nor lead to the withdrawal of Soviet troops and return of the refugees.

On the other hand, a deviation in the policy would legitimize the present situation in Afghanistan, including the presence of Soviet forces as a *fait accompli*.

He, however, pleaded for continuing the UN-sponsored talks with a certain amount of flexibility and said he was certain that the House extended full support to the objective of reaching “a just, honourable and implementable political settlement of the Afghanistan problem”.

**ON TIES WITH INDIA**

While dealing with India, Mr. Yaqub Khan’s prepared statement struck a more sanguine note when he said that “during the last eight years our efforts at normalizing relations with India have made significant and encouraging progress”. He expressed the hope that speedily the two countries would be able to conclude a bilateral treaty to reinforce their solemn commitment to the principle of non-aggression and non-use of force.

He recalled that President Zia-ul-Haq’s stopover in New Delhi on December 17 last, “opened up window of opportunities” and had vindicated the Pakistan Government’s policy towards India. As a first significant step in that direction, the two countries had decided to sign an agreement not to attack “each other’s nuclear installations.”

He also enumerated the series of meetings planned in the coming months between the officials of the Pakistan and Indian Governments to follow up attempts to expand trade and economic ties, carry forward dialogue on a comprehensive agreement based on Islamabad’s non-aggression pact offer and India’s proposed treaty of peace, friendship and cooperation and hold discussion on Siachen glacier issue and to discuss land and maritime boundaries, finally leading up to a visit to Pakistan by the Indian Prime Minister, Mr. Rajiv Gandhi, in the first half of the next year.

“All those who aim to serve the interests of the people should, therefore, be happy at the unfolding prospects of better relations between Pakistan and India”.

**SUBSTANTIAL PROGRESS MADE**

Reviewing Indo-Pak relations, Sahabzada Yaqub said Pakistan sought peace with honour, entailing mutual respect, sovereign equality, justice, strict adherence to principles of non-interference in each other’s internal affairs, renunciation of use or threat of use of force and settlement of disputes through peaceful means, as reflected in the Simla Agreement.
He noted that “substantial progress” had been made in advancing the cause of normalization at the Joint Ministerial Commission meeting held in July last. “Our President’s peace offensive is recognized as an eloquent symbol of Pakistan’s perseverance in pursuit of a laudable objective”, he said.

PAK N-PLAN ONLY FOR PEACE
Describing the allegations about the nature of Pakistan’s nuclear programme as “baseless”, Mr. Yaqub Khan said the programme was strictly peaceful.; That was why Pakistan had proposed a series of equitable and non-discriminatory measure at bilateral, regional and global level, by which Pakistan and India could assure each other and the world that they would not acquire or develop nuclear weapons.

The principle of sovereign equality and equal rights of all free and independent states had guided its approach to the question of limitation and reduction of military weapons.

INVOlVEMENT IN INDIAN PUNJAB TROUBLES DENIED
Pakistan was unswervingly wedded to the principle of non-interference in the internal affairs of any country, including India. Allegations emanating from New Delhi about its involvement in the disturbances in East Punjab were completely unfounded and baseless.

ON SIACHEN GLACIER
About the Siachen Glacier, he said that although this region had always formed part of the northern areas of Pakistan, Indian troops had infiltrated into the region in 1982 and 1983, as a result of which some minor firing incidents had taken place.

ON PAK-SOVIET RELATIONS
Referring to the Pak-Soviet relations, Shabzada Yaqub Khan regretfully noted that “our sincere efforts” at developing ties with the Soviet Union had not progressed as much as Pakistan would have wished.

Being aware of the central importance of cordial and friendly ties with a neighbouring Super Power we will never permit ourselves to be drawn into confrontation with the Soviet Union.

Pakistan greatly appreciated and valued Soviet cooperation in the economic field and “we have sought to isolate our differences over Afghanistan from the course of our bilateral relations but this unfortunately had not proved possible”, he said.
NO ABANDONMENT OF NON-ALIGNMENT

Pakistan, he said, had neither abandoned nor intended to do so its firm adherence to the principles of non-alignment. “Pakistan had granted no bases to any foreign powers on its soil, nor will it do so. Pakistan belongs to no security bloc or security consensus”. It had scrupulously eschewed involvement in East-West rivalry and wished to continue this policy.

Pakistan’s security and progress were also largely dependent on the maintenance of a climate of peace and tranquility in the South Asian region. The requirements of regional peace and stability made it imperative for Pakistan and India to establish tension free, good neighbourly and cooperative relations. This had assumed even greater urgency, with foreign military intervention in Afghanistan, he said.

ON SINO-PAK TIES

Discussing the Sino-Pak relations, Mr. Yaqub Khan said Prime Minister Mohmmad Khan Junejo’s selection of China for his first official visit abroad illustrated once again that friendly relations with China constituted one of the pillars of Pakistan’s foreign policy.

“China has been a steadfast friend, constant in support and a modal neighbour”, he said adding that China upholds the principles of respect for the political independence and territorial integrity of States.

“China is a pillar for peace and justice in the world and Sino-Pak friendship had been a major positive factor in our endeavour to maintain territorial integrity and safeguard independence”, he added.
Agreed Minutes of the meeting between the Finance Minister of India V. P. Singh and Finance Minister of Pakistan Dr. Mahbub-ul-Haq.

Islamabad, January 10, 1986.

In pursuance of the decisions taken at the meetings between the Prime Minister of India and the President of Pakistan at New Delhi on the 17th of December, 1985. His Excellency Mr. V.P. Singh, Finance Minister of India visited Pakistan from 8-10 January 1986. He was accompanied by Mr. S. Venkitaramanan, Secretary Finance, Mr. Prem Kumar, Secretary Commerce, Mr. Muchkund Dubey, Additional Secretary, Ministry of External Affairs and other senior officials of the Indian Government. Mr. S.K. Singh, Indian Ambassador in Pakistan also joined the delegation.

2. The Pakistan Delegation was led by Dr. Mahbub-ul-Haq Minister for Finance, Planning and Economic Affairs and included Mr. Ejaz Ahmed Naik, Secretary General, Economic Affairs Division, Mr. H.U. Beg, Secretary Finance, Mr. Mukhtar Masud, Secretary Commerce, Mr. Masud Zaman, Secretary Industries, Dr. Moin Baqai, Secretary Planning, Mr. Hasan Zaheer, Secretary Production, Mr. F.K. Bandial, Secretary Communications, Mr. Abdul Sattar, Additional Secretary, Ministry of Foreign Affairs and other senior officials of the Pakistan Government. Dr. Humayun Khan, Pakistan Ambassador to India also joined the delegation.

3. During his stay in Islamabad, the Indian Finance Minister called on the President and the Prime Minister of Pakistan.

4. The two Finance Ministers held wide ranging discussions on matters relating to economic cooperation between the two countries and the means by which this cooperation could be further strengthened. These discussions were intended to contribute to the process of normalizing relations and promoting understanding and cooperation between the two countries, set in motion by Prime Minister Shri Rajiv Gandhi and President Zia-ul-Haq. These discussions related to the fields of telecommunications, shipping, air links, industrial joint venture and trade.

5. The discussions were held in a friendly and cordial atmosphere. The two sides reaffirmed their commitment to take appropriate step to further expand and strengthen economic co-operation between the two countries.

6. The following decisions and understandings were reached during the meetings of the two Finance Ministers. An attempt will be made to implement decisions/understandings in all these areas and to finalize, wherever
appropriate, texts of agreements, before the forthcoming visit of the Prime
Minister of India to Pakistan:

(i) **Telecommunications**

(a) **Direct dialing**

Direct dialing services between the two countries should be started
before the end of 1986.

(b) **Telex facilities**

The present telex facilities linking the two countries should be further
expanded on the Lahore-Amritsar route.

(ii) **Shipping**

The amendments to the Shipping Agreement and agreed upon in the
last meeting of the Joint Commission should be finalized as soon as
possible.

(iii) **Air links**

Representatives of the two national airlines should meet at an early
date to explore the possibilities of increasing the frequency of services
on exiting and introducing more wide-bodied aircraft to cope with the
growth in traffic.

(iv) **Trade**

7. The two sides agreed that there was considerable scope for the expansion
of trade between India and Pakistan in the mutual interest of both the countries.
They also reaffirmed that their objective is to conduct this trade in conformity
with the commitments, obligations and safeguards under the GATT.

8. It was agreed that efforts should be made to at least double the trade in
commodities being traded by the public sector agencies of the two countries,
during the current year.

9. In private trade, Pakistan agreed to make an immediate beginning by
opening its private sector trade in 42 commodities given in the list. It will also
set up a special committee to consider additional items for inclusion in private
trade and to finalize these items within a month.

10. Pakistan proposed that as a pragmatic approach the expansion of private
trade should be taken up in phases, building up a momentum towards a pattern
of two-way trade which would be in conformity with the principles of the GATT
while fully safeguarding local industries. Both sides agreed to continue further
dialogue on the matter.
(v) **Industrial Joint Ventures**

11. Both sides agreed that setting up of joint ventures in the two countries would be an important means of promoting industrial collaboration and trade between the two countries. This process will be facilitated by setting up a joint business committee of the Federations of Chambers of Commerce and Industry of India and Pakistan. Such a Committee would also help in promotion of trade flows.

12. Representatives of the governments should meet as early as possible to formulate specific guidelines that would govern such Joint ventures arrangements. The two countries should also encourage investments by each other’s entrepreneurs in their export processing zones within the framework of the rules and procedures that apply to these zones.

(vi) **Exchange of delegations**

13. Both sides agreed on the need to encourage greater contact through exchange of delegations of trade, businessmen and industrialists, scholars and students, and professional groups with a view to promoting greater understanding and cooperation, especially in the economic field.

(vii) **Follow-up action**

14. It was decided to set up a special committee of senior officers to be nominated by the two Governments to take follow up action on all the matters mentioned above. The committee would meet in February 1986.

(VISHWANATH PRATAP SINGH) (MAHBUB-UL-HAQ)
Minister of Finance               Minister of Finance, Planning
Government of India              and Economic Affairs
Republic of Pakistan.

Dated the 10th January, 1986.

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Joint Statement issued at the end of the visit of Foreign Secretary Romesh Bhandari to Islamabad.

Islamabad, January 21, 1986.

Pursuant to the decision taken in the meeting between the President of the Islamic Republic of Pakistan, General Mohmmad Zia-ul-Haq, and the Prime Minister of India, Mr. Rajiv Gandhi on December 17, 985, the Foreign Secretary of India, Mr. Romesh Bhandari, visited Pakistan at the invitation of the Foreign Secretary, Mr. Niaz A. Naik, for official discussions from January 16 to 21.

During the course of his stay in Pakistan, Mr. Bhandari was received by the President of Pakistan, General Mohmmad Zia-ul-Haq, and the Prime Minister of Pakistan, Mr. Mohmmad Khan Junejo. Mr. Bhandari also called on the Minister for Foreign Affairs, Sahabzada Yaqub Khan, Minister for Finance, Planning and Economic Co-ordination, Mr. Mahbubul Haq, and the Minister of State for Foreign Affairs, Mr. Zain Noorani, and had wide ranging discussions on a number of key bilateral issues with the Foreign Secretary of Pakistan, Mr. Niaz A. Naik. The two Foreign Secretaries also exchanged views on international matters of mutual interest.

FRIENDLY SENTIMENTS RECIPROCATED

Mr. Bhandari conveyed message of greetings and good wishes from the President of India, Giani Zail Singh, and the Prime Minister, Mr. Rajiv Gandhi, to the President of Pakistan, General Mohmmad Zia-ul-Haq, and the Prime Minister, Mr. Mohmmad Khan Junejo. These sentiments were warmly reciprocated by the President and the Prime Minister of Pakistan. The President recalled the recent meeting he had with the Prime Minister of India in New Delhi which was held in a very relaxed and cordial atmosphere and had yielded substantial and positive results. While stressing the necessity of implementing these decisions in letter and spirit, the President reaffirmed the abiding commitment of the neighbourly relations between the two countries.

The Foreign Secretaries reiterated the resolve of their respective Governments to establish harmonious and cooperative ties on the basis of the time-tested and universally recognized principles of peaceful co-existence namely, sovereign equality, independence, non-interference in internal affairs, territorial integrity, justice and mutual benefit. They also reaffirmed the commitment of their Governments to the Simla Agreement.

ACCORD ON DESIRABILITY OF WIDE-RANGING TREATY

The Foreign Secretaries agreed on the desirability of concluding a comprehensive treaty based on Pakistan’s proposal of a non-aggression pact
and India's offer of a treaty of peace, friendship and cooperation expeditiously. While observing that agreement on a number of provisions of the two drafts had already been reached in May 1984, they had a detailed discussion on certain important issues. The two sides explained their respective points of view on those issues and made proposals for achieving a merged comprehensive treaty. These proposals will be examined by the two Governments.

VERBAL ACCORD TO BE PUT IN WRITING

Recalling the understanding reached between the President of Pakistan and the Prime Minister of India during their discussion in New Delhi, on December 17, 1985, prohibiting attack on each other's nuclear installations and facilities, the Foreign Secretaries agreed to solemnize this verbal accord through a written, legally binding agreement. The two sides exchanged drafts for the proposed agreement which have been merged. They agreed on the substantive elements of a unified text. There will, however, be further discussion on certain technical details.

The Foreign Secretaries noted with satisfaction the progress that had been made in implementing the decision that had been taken at the second session of the Pakistan-India Joint Commission in July 1985. They decided that the four sub-commissions would meet in the first half of February 1986. The third meeting of the Joint commission is scheduled to be held in Islamabad in March/April, 1986.

FURTHER CONFIDENCE-BUILDING MEASURES

Stressing the need of taking confidence building measures and of further promoting goodwill and amity, the Foreign Secretaries agreed as under:

— A concerted attempt would be made out of humanitarian considerations to locate the Indian defence personnel missing since 1971. The modalities would be finalized during the meeting of the concerned sub-commission.

— Civilian detainees who have completed their sentences would be repatriated on reciprocal basis by their countries by March 31, 1986. The modalities would be finalized during the meeting of sub-commission IV and the exchange of civilian detainees would take place at the Wagah-Atari check post.

— The cultural agreement, which had already been initialed, would be signed during the next meeting of the Joint Commission.
— Exchange of books, periodicals and newspapers would be discussed during the next meeting of sub-commission III.

**SATISFACTION AT PEOPLE-TO-PEOPLE CONTACTS**

The two Foreign Secretaries expressed satisfaction at the increase in people to people contacts between Pakistan and India. They also decided that specific proposals for easing travel would be considered during the meeting of the joint commission. In this context, the Foreign Secretary of Pakistan indicated that the Government of Pakistan is actively examining the possibility of opening the Khokhrapar route.

The Foreign Secretaries also exchanged views on the ministerial level meeting of SAARC countries to be held in Pakistan March/April regarding multilateral trade negotiations and international economic issue.

The discussions between the Foreign Secretaries was held in a cordial and relaxed atmosphere. They had a candid and constructive exchange of views which was conducive to a better understanding of each other’s perceptions.

Mr. Bhandari extended an invitation to Mr. Naik to visit New Delhi. This was accepted with pleasure. Mutually acceptable dates for the visit will be finalized through diplomatic channels.

The Foreign Secretary of India thanked the Government of Pakistan for the gracious hospitality extended to him and members of his delegation during their stay in Pakistan.

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1093.  

SECRET

TELEGRAM

From: Indembassy, Islamabad
To: Foreign New Delhi

MOST IMMEDIATE

No.11  January 19, 1986

EAM from Foreign Secretary

I had very extensive talks yesterday with my counterpart along lines of directions given by C.C.P.A (Cabinet Committee on Political Affairs) I shall report personally on all issues involved.

2. Last night Pakistan Muslim League adopted resolution on Indo-Pakistan relations under chairmanship of Prime Minister JUNEJO. This stated that -

(i) The Kashmir issue should be tackled only on basis of UN resolutions.

(ii) Pak Government should conduct negotiations with utmost care keeping in mind historical factors.

(iii) Pakistan should not be converted into a captive market for Indian products.

3. This morning when I called on JUNEJO, I began by telling him that the three facets of their Muslim League resolution had caused us serious disquiet particularly as our two countries were already engaged in a process of normalization which gathering momentum. This process was the common desire and objective of leaders of both countries. JUNEJO himself had been a supporter of this. I, therefore, sought clarifications from him as this resolution, particularly the reference to Kashmir, was bound to be viewed adversely in India.

4. I recalled that President ZIA had stated in New Delhi on 17 December that J and K question would be dealt with in accordance with Simla Agreement. Subsequently, however, there had been a reference by YAQUB KHAN both to the Simla Agreement and UN resolutions. Now Muslim League resolution referred only to UN resolutions, as if Simla Agreement was no longer valid and recent past was somehow erased.

5. Regarding past history I said that this was a factor we too bore in mind. It was precisely this factor that had led us to follow a cautious path and a step by step approach, but we wished to learn from the past and move forward from confrontation to cooperation. This was something that the peoples of both countries seemed to want. My meetings with Pakistanis from all walks of life in Lahore, Islamabad and Peshawar had reinforced this impression.
6. In response, Junejo said that in the nine months he had been in power, he had personally been supportive of normalization process. Pakistan was not hiding anything and had placed everything on record. The past should not be forgotten, nor should we ignore other resolutions apart from Simla Agreement. If reference was made only to the Simla Agreement, the people Pakistan would ask what had happened to the other agreements.

7. In my meeting with YAQUB KHAN I was given a lengthy explanation, the gist of which was that this resolution should not be seen in isolation. Government’s policy was as reflected in JUNEJO’s statement in the National Assembly on 28 December, in which he had referred to both the Simla Agreement and the UN resolutions.

8. Finance Minister MAHBUBUL HAQ started by saying that he was as disturbed as I was by the resolution. He reiterated his firm belief that there was a genuine desire for normalization and agreements reached between him and our Finance Minister must be pursued. Adverse reactions in Pakistan were from those circles that either had vested interests or were ill-informed.

9. During my meeting with President ZIA, and that exclusive lunch that followed, he himself raised this subject. He said that we should not take PML resolutions seriously. Democracy in Pakistan was in its infancy and the exuberance was perhaps uncontrolled. He wished to assure Prime Minister of his continuing commitment to normalization. He was very satisfied with the visits that had taken place between the two Finance Ministers and the two Defence Secretaries. He was looking forward to PM’s visit.

10. I spoke to ZIA frankly, even bluntly. I told him that Pak Muslim League resolution would be viewed with disquiet and concern in India. It was bound to attack all those who are opposed to government policy towards Pakistan. As such, I insisted that Pakistani Government itself at highest political level should clarify PML resolution. He took note of this.

11. I also discussed other issues including Pakistan’s assistance to extremists, about which I shall report personally. Zia informed me in confidence that hijacking case judgement hopefully will be announced tomorrow.

12. This evening, NIAZ NAIK told me that ZIA and JUNEJO had discussed our reactions to PML resolution. They appreciate adverse implications and had agreed that JUNJO should make a statement in National Assembly within next few days in which record should be set straight. It was good that I was here when this resolution was passed and published. I was able to react sharply and immediately and at highest levels. This has had impact.
Statement by the External Affairs Minister Bali Ram Bhagat in the Lok Sabha in response to a Call Attention Notice regarding “Reported Statement by Official Spokesman of Neighbouring Country on Recent Disturbances”.

New Delhi, February 25, 1986.

In a statement made in its Senate on February 20, 1986 regarding some recent disturbances in India the Pakistan Minister of State in the Ministry of Foreign Affairs stated that the people of Pakistan cannot remain indifferent to the plight of human beings, particularly those with whom they share bonds of religion, culture and family ties. Similar statements were made by the Government of Pakistan in its National Assembly on June 12, 1985 and in their Senate on July 9, 1985. In addition there have also been other objectionable statements.

We have noted with concern the above tendency of the Government of Pakistan in recent years to make unwarranted references to and take an unhealthy interest in the minority communities in India. While professing adherence to the principle of non-interference, these references cannot but be regarded as a blatant interference in our internal affairs.

Honourable Members would also recall that in the historic Simla agreement, India and Pakistan mutually agreed that adherence to the principle of non-interference in internal affairs is a prerequisite for reconciliation, good neighbourliness and durable peace between them. While making a statement in their National Assembly of Pakistan in July 1974 when the Sadar Bazar riots took place in Delhi, the then Government of Pakistan stated that under the Simla agreement it would be treated as an internal matter. The attitude of the Government of Pakistan is now at variance with the earlier stand.

The Government of India have on several occasions made it clear to the Government of Pakistan that such statements are contrary to the Simla Agreement and not conducive to the promotion of harmonious and good neighbourly relations. On our part, we have refrained from commenting on reports of sectarian riots, denial of democratic rights and restriction on freedom of religious worship to minority communities including the Ahmeidas in Pakistan even though there has been public concern voiced on these developments in India and elsewhere. It is our hope that the Government of Pakistan will take due note of these facts and desist from such actions which cannot but adversely affect our efforts to develop friendly and cooperative relations with Pakistan.

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1095. Statement by the Pakistan Minister of State in the Ministry of Foreign Affairs that it was the responsibility of India to look after its citizens.

Islamabad, February 27, 1986.

The Minister of State for Foreign Affairs Mr. Zain Noorani said that it was the responsibility of the Government of India to take appropriate measures to ensure the safety and security of its citizens and punish those guilty of crimes of violence resulting from communal riots in the recent past.

He was speaking on identical adjournment motions moved by five members expressing their concern over the frequent anti-Muslim riots in India and forcible taking over the mosques by the majority community.

Mr. Zain Noorani opposing the admissibility of motions on the plea that these related to a matter over which Pakistan had no control, referred to his statement he had made in the Senate some time back and to which the Indian Minister of External Affairs had objected.

The Minister of State recalling the broad facts of his earlier statement said a district court in Uttar Pradesh in a judgment on February 1 legalized conversion of a mosque into a temple. The mosque had been built 450 years ago during the reign of Emperor Babar.

This judgment he said pained and outraged the Indian Muslim community and a procession was taking out in New Delhi on February 14 which was subjected to lathi (baton) charge and firing. Incident of violence against Muslims were reported from other places including Srinagar and Sehore near Bhopal, he said.

Mr. Noorani said the Muslim Majlis-e-Mushawarat a representative body of Indian Muslims belonging to different political parties submitted a public memorandum to the Prime Minister of India. It pointed to the injustice of the judgment which had been celebrated as victory by Hindu communities in some places and it appealed for judicial probe into anti-Muslim violence.

The Minister of State said in the statement in the Senate he also reiterated the position of the Government of Pakistan on communal violence in India. The Government adheres to the principle of non-interference in the internal affairs of other states. We recognize that it is the responsibility of the Government of India to take appropriate measures to ensure the safety and security of its citizens and punish those guilty of crimes of violence. That our people cannot remain indifferent to the plight of human beings, particularly those with whom they share bonds of religion, culture and family ties is a statement of fact and cannot be considered to constitute an act of interfere in the internal affairs of any country."
Mr. Noorani said while it was not necessary to say anything more on the reports from India the commitment of the Government of Pakistan to good neighbourly relations with India impelled me to correct the misperceptions manifested in the statement given by the Minister of External Affairs of the Government India in the Lok Sabha on February 25.

While objecting to the statement and terming it as contrary to the Simla Agreement the Foreign Minister of India took credit for refraining —and I quote him— from commenting on reports of sectarian riot, denial of democratic rights and restrictions on freedom of religious worship by minority communities including Ahmadis in Pakistan.

Now this statement, he said were a classic example of making a comment and disavowing it at the same time. It not only makes false allegations but also expresses subjective view and opinion. For instance the allegations of restriction on freedom of worship for minorities in Pakistan is entirely baseless.

As for the Simla Agreement Mr. Noorani said the Government of Pakistan was committed to it in letter and in spirit. We are aware that the Simla Agreement reaffirms the principle and we scrupulously eschew any act of interference in the internal affairs of India, he said.

He said mutual goodwill and friendship demanded understanding and tolerance. The interest of the people of Pakistan in reports about the conversion of a mosque into a temple and about violence against Muslims was natural. An affirmation of this interest cannot reasonably be categorized as an act of interference. This interest was natural and mutual goodwill and friendship between Pakistan and India demanded that it should be so accepted, he said.

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SECRET

Record of the meeting between Indian Ambassador in Pakistan S. K. Singh with Pakistan Foreign Minister Sahabzada Yaqub Khan.

Islamabad, February 28, 1986

MEETING WITH FOREIGN MINISTER SAHABZADA YAQUB KHAN, ASSISTED BY FOREIGN SECRETARY NIAZ NAIK AND ADDITIONAL SECRETARY ABDUL SATTAR - 1230 to 1350 HRS - 28 FEB., 1986

The Foreign Minister summoned me to the Foreign Office for this discussion on the eve of my departure for Lahore en route New Delhi. He began by saying that he had called me after a detailed discussion with his Prime Minister, Mr. Junejo, and under his instructions. The Prime Minister had first felt that he should talk to me but as I was leaving this evening and P.M. is busy, he felt that he should communicate, in detail, through the Foreign Minister. However, he would be meeting me at the Hockey match and may mention something.

2. Sahabzada Yaqub Khan said that it was wrong to draw any conclusion that Prime Minister Junejo did not hold the same views as President Zia on the subject of Indo-Pakistan relations. The President’s views reflected the total commitment of the Pakistan Government to improve relations with India. The Prime Minister is fully behind this.

3. President, Prime Minister and Foreign Minister Yaqub Khan, the latter said, are all upset at the rough passage our relations are having just now. Mainly due to Foreign Minister Bhagat’s statements. Of course, Sahabzada appreciates our Foreign Minister’s letter indicating that he would be free for the Joint Commission meeting after May 7. He recognizes also that Sub-Commissions I & II meetings must be completed. This cannot be done until their Committee of Secretaries, under the terms of the Agreed Minutes between our two Finance Ministers (dated 10 January 1986) has been to India for a meeting with their counterparts. The process of the meeting between the two Defence Secretaries has not come to an end. Mentioning Siachin in the middle of it has caused them concern, also saddened them. Question in Sahabzada’s mind is: are we to draw the conclusion that India is moving away from the process of normalization commenced after the December 17 Zia-Gandhi meeting?

4. This raises the question of confidence. We have built up these consultations, discussions, negotiations so painstakingly and now suddenly the process thus built up seems to be collapsing or at least tapering off.

5. We are so concerned and anxious that within the last 24 hours, it has been decided that the Foreign Minister and the President — each one of them
should speak to the Indian Ambassador separately so that he could communicate faithfully, during his consultations in Delhi, to the Indian leadership the feelings, the anxieties, the hopes, and the expectations of the Pakistani leadership, Government and indeed the people.

6. He said that they devoutly hope that this conclusion will be proved false when I return from Delhi.

7. We are anxious to know what we can do to dissipate the clouds that seem to have come so suddenly over our relations. Perhaps a free and frank dialogue is required immediately.

8. Certain anxieties and perceptions seem to exist and persist, in Delhi. In this context, two issues come to one’s mind: One, the Sikh problem and two, the statements of Minister of State Zain Noorani on the communal troubles in India.

9. Taking up the second problem first, he said that in political functioning of a Legislature, interaction of Opposition members with a Government Minister was inevitable. Such Ministerial statements should be seen as part of a debating process rather than an indication that established policies were being changed. Indeed, both of us know that there are good and patriotic Indians and good and patriotic Pakistanis who do not agree with what our two leaderships are currently engaged in; i.e. a deliberate movement towards easier and more normal relations in every field. He recalled in this context his own statement, made in the Senate while Indo-Pakistan trade was being discussed when he had said that overall Indo-Pak relations cannot be normalized unless there is normal trade; and that Pakistani media or Legislators or business must not shy away from purposeful, meaningful contact with India and Indians. That way would lie problems and continuing hostility. Greater contact, more collaboration, healthy competitions are all required.

10. He said that when he as Foreign Minister, and as a friend of India, and as a patriotic Pakistani states something, he wishes to be taken seriously and considered truthfull; not hypocritical, not false. “Mine is not a charade,” he said with considerable passion. He added that he considers it important that he should have the feeling that whatever he says to his Indian colleagues is taken seriously.

11. Discussing Pakistan Muslim League resolution (which he sometimes kept calling manifesto and sometimes resolution) he appealed that India should go by what Government leaders say through Diplomatic channels or in public, not by these resolutions and manifestoes. He asked me to reassure Foreign Minister Bhagat that there was no reversal of Pakistani policy.
12. Discussing the Sikh issue, which he called the most important factor between us, we must not leave any stone unturned to assure you that we are not involved. He kept asking what is the help Pakistan can give to the Sikhs. What is Pakistan's capability? What can be the ramifications of this problem? Then he mentioned the Pakistan court verdict against the hijackers and called it draconian and a measure of Pakistan's fairness. I pricked the balloon by reminding him of the handing over of the pistol to the hijackers by a senior Pakistani official. He did not contradict me. He merely said that that problem is behind us. He then said that he has noticed that whenever the Sikh problem is close to solution, Indo-Pak relations improve; whenever the Sikh problem deteriorates, so do the Indo-Pakistan relations.

13. He then said that he was authorized to make the proposal to me formally that our two Intelligence Chiefs should meet away from the glare of publicity, quietly, and come up with some suggestion. He then went on to tell me a long story of how both the DIB (Director of the Intelligence Bureau) and the Chief of the Inter Services Intelligence are senior Army officers who have earlier served under Sahabzada Yaqub Khan. They have given their personal and solemn assurances to Sahabzada “on the basis of a life time honour that they are making no intelligence efforts in the direction of Indian Sikhs.” I asked him promptly whether it meant that they were making some such efforts in respect of American, Canadian or British Sikhs. He laughed and said this is not so. I have cross-examined them myself.

14. Fundamentally he said please ask my friend Mr. Bhagat to ask himself the question: Is Pakistan Government playing tricks with India? Does Pakistan wish to have tension-free relations with India? What is the motivation of Pakistan in seeking good relations with India? Is it only that as the difficulties of their situation vis-a-vis Afghanistan have become worse, they have sought good relations with India? Is it only a device? Is it only temporary, good or fair relations Pakistan is seeking with India? Thus, are the Pakistanis perpetrating a big hoax on us? Have they built up a beautiful plan of deception and are working it out meticulously? Are they likely to, or capable of attacking India cunningly as soon as India’s guard is lowered?

15. He said Pakistan Government would like India to examine the hypothesis on which such doubts can be based or should be based.

16. In the end he requested me to submit to PM and EAM his respects and the suggestion that the leaderships of the two countries must be capable of absorbing shocks for unless the two Governments prove themselves capable of absorbing shocks, such is the history and background of our relation-ship, that we are bound to be deflected from our course. Let that not happen for future generations in both the countries shall not pardon us if we fail once again this time.
17. My discussion with Sahabzada Yaqub Khan, Foreign Secretary Niaz Naik and Additional Secretary Sattar was a long rambling one of almost 80 minutes. I tried not to be argumentative, but I made my own points. Both Niaz Naik and Sattar also interjected from time to time. The atmosphere was somewhat impassioned. I made following basic points:

(i) So far we have received only general disclaimers from Pakistan about any assistance to Sikh extremists. No concrete answers to the data and fact-based evidence given by us. Pakistan has never agreed to say or do anything which would show to the extremist Sikhs in Canada, USA, UK and India and elsewhere that they can no longer expect any help from Pakistan. The connection between JKLF & the Sikh extremists was a potent one.

(ii) On the question of Pakistan’s effort to move towards nuclear weapons capability, we keep receiving disturbing and disconcerting hints from some of Pakistan’s better friends. We are not quite satisfied that Pakistan has any explicable use, in foreseeable future, for its enriched uranium which is being-stockpiled, except in a weapons programme.

(iii) In the matter of communal tensions and trouble in India, and rights and position of our largest minority, we don’t like Pakistan’s interference. We do not need their advice or pontification. Most of all, our Muslim minority is upset with them and we oppose their meddling on this account.

(iv) In every democracy the ruling Party’s resolutions and manifestoes are the basis for formulation of policy. Here we are being told that policy on the question of relations with India had been framed prior to the Muslim League resolution. Therefore, India should understand that that policy continues and the Muslim League is not a material factor. We would like to believe this.

(v) The statements of the POK leaders are continuing as virulently as ever. Nothing has been done to bring them in line with the over all atmosphere of amity.

(vi) Introduction of next generation of arms, ammunition and defence equipment by Pakistan continues. This causes us anxiety.

(vii) In such minor and petty contexts as the recent effort of Pakistan to screen Indian diplomatic bags, little prejudices come to the fore, e.g. the argument that India is somehow involved with Al-Zulfiqar and, therefore, while other foreign Missions in Islamabad can be let off from the requirement of screening, the Indian Mission cannot be. (He
immediately proceeded to say that he had already got this sorted out. Niaz Naik also confirmed this.)

(viii) Making empty allegations like India assisting Afghanistan militarily was, if they would ponder over it, as unfair for them to do as it was unwise.

(S.K. Singh)  
Ambassador  
28.2.1986.

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1097. Message from Pakistan President Zia-ul-Haq to Prime Minister Rajiv Gandhi given orally at slow speed to Ambassador S. K. Singh at 3.45P.M. at Lahore.

Lahore, March 1, 1986.

Conveys his warm personal regards and best wishes to P.M.

2. It has taken our two countries a long time to break the ice. I feel that what your Prime Minister and I did on 17 December, 1985, did not merely break the ice, but also started melting it.

3. As you know, in several recent public statements I have said that the credit for this goes to statesman-like vision of Prime Minister Rajiv Gandhi.

4. Our understanding of December 17 was not a small or ordinary one. Our meeting was not a protocol requirement or social chit-chat. It was a deliberate effort made by us to chalk out a schedule for improving our relations. We did this as we were convinced that this was in our mutual interest.

5. It is difficult to improve our relations; much easier to spoil the atmosphere or to throw a spanner in the works to cause damage.

6. I convey to your Prime Minister my assurance that there has been no change of policy in Pakistan, due to transfer of power from military to civilian hands. I continue to be the Head of State. Of course, this recent transfer of power has meant more political activity and some decision-making by the Prime Minister. However, policies cannot change unless I too agree. In respect of our relations with India, I assure you the policy remains what it was on the day I met the P.M.
7. In India you have had greater experience of political functioning. And surely you know that manifestoes and resolutions do not run or ever make policies. [Here I interrupted him and said that no leader of a political party, in a democratic country would subscribe to this theory].

He went on; In my personal view, through manifestoes and party resolutions, politicians give certain indications to their people. Some political people even fool their own people. I do not ask you to forget the recent Pakistan Muslim League resolution on Kashmir, but I request you to ignore it, in today’s overall context. The overall context is my statement of 17th December 1985 on the relevance and importance of Simla Agreement so far as the Kashmir issue is concerned; statements of our Mr. Junejo and Sahabzada Yaqub Khan in the National Assembly in December when both of them mentioned U.N. resolutions but laid emphasis on Simla Agreement. Please consider all our actions so far, after my meeting with your P.M.

8. I would like your P.M. to identify any concrete problems. Not the statements of politicians, not the articles in newspapers, but any concrete matters and tell me which things he feels are going wrong between us. I assure your Prime Minister with the fullest authority as Head of this State that we have not changed our views; we have not changed our policies. Our perceptions are not changed. Political regimes keep saying, various things which, in terms of policy, need to be ignored and disregarded.

9. Both of us must be far more careful. We must not hurt the process we ourselves started. If this process is hurt or stopped, the consequences may be such that I shudder to think of them. We must move purposefully towards peace and normalization.

10. I know you have doubts because of the Pakistan Muslim League resolutions. I realise that Prime Minister Junejo is the President of Pakistan Muslim League. But please do not think that he is opposed to the policies which Prime Minister Gandhi and I initiated on 17th December. If he was opposed to these how would he, at the same time, go ahead and make a public announcement of the opening of the Khokharapar-Munabao route. It is not in our mutual interest to misunderstand each other or to perceive each other’s motivations hastily and wrongly.

11. Now this is the overall background. I have my own convictions. And, therefore, I ask you to request your Prime Minister to give this entire matter his personal attention. Careful attention. Statements like the one made by Foreign Minister Bhagat on Siachin are not conducive to good neighbourliness. Yes, if the continuing dialogue between us on Siachin had broken down, God forbid then may be a statement like this could be made. But just after the first meeting
between the two Defence Secretaries, and even before the second meeting takes place, this kind of statement causes doubts and suspicions.

12. Both of us know, many aspects of these political questions are based on psychological perceptions. I do recognize, at the same time, that neither Pakistan nor India should be sensitive of certain type of statements, certain type of publicity you have mentioned and criticized Pakistan statements on communal riots in India and on Indian assistance to Afghanistan. Let us not misperceive each other. We must respect your sensitivity but there are problems of our National Assembly raising these matters.

13. I know also that a lot of people in India think, and also say so, that Pakistan is aiding and helping the Sikhs, and by doing so Pakistan has already gone away from the letter and spirit of Simla Agreement. But please believe me we are not helping the Sikhs. In fact, we are doing many things to ensure realization of our policy of supporting the unity and integrity of India. The Sikh problem is an internal problem of India. Only India can solve it. We wish to have nothing to do with it.

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GIST-OF DISCUSSION IMMEDIATELY AFTER MESSAGE WAS DICTATED:

Here the dictated message meant for P.M. ended and he said that he was thinking of ringing up P.M. on his return to Islamabad, and if he does, he would inform P.M. that of this message given to the Ambassador.

2. In the ensuing discussion, I took up his remarks about assistance to “Sikhs”. I said that we had given them a lot of data and details many names and concrete evidence. Pakistan has just continued to make general disclaimers and disavowals. No concrete response on the concrete details and points has been made. He said that the proposal made yesterday by Foreign Minister Sahabzada Yaqub Khan to me, had been made with his approval. “We make the proposal,” he said, that “the two Interior Secretaries should meet early and quietly or secretly. Or may be the two Directors of Intelligence Bureaus should meet; or perhaps both Interior Secretaries as also DIBs should meet and satisfy each other.” His own preference, he said, was for the two DIBs meeting. Additional Secretary Abdul Sattar joined in and said that at this point in time it would be best if the two DIBs meet. If necessary the two Interior Secretaries could come in later. No publicity is necessary. The meetings could take place in Vienna or Geneva or Singapore, Hong Kong or Tokyo, or anywhere else, without publicity or fanfare. President Zia said that I should discuss this with P.M. and he himself would accept whatever is the P.M’s preference.
3. I said all this was all right but there is need for Pakistan to make a public statement or gesture, and ensure that it gets global publicity. This public statement must indicate the whole wide world that whatever may have been their earlier policy or practice, they shall not help Sikh extremists and that they are pledged to take harsh action against Sikhs who try to use Pakistani soil to hurt India's sovereignty, unity and integrity. A long discussion followed. President Zia talked about the Sekhon case and the case of Bhindranwala's nephew who had not been permitted to enter Pakistan. I then asked him why those opportunities were not used for publicizing this healthy Pakistani policy. A lot of people feel that Pakistan does not wish to appear anything but a power looking benevolently at extremist Sikhs. This must be changed. He said this matter of publicity deserves their detailed attention. After my return from India, if I do bring any specific ideas from P.M., he would look at these with open mind and sympathy.

4. In this context, he enquired whether it would be useful for their ambassador in Delhi, Dr. Humayun Khan, to go and see Chief Minister Barnala and reassure him of Pakistan's policy in this matter. Additional Secretary Sattar gently opposed this. He said that yesterday Foreign Minister Sahabzada Yaqub Khan had told Ambassador S.K. Singh that they had given strict instructions to all their Embassies and Ambassadors, especially in the West, not to have any dealings with Sikh dissidents, extremists etc. Indeed, not to receive any Sikhs at all, or to be seen with them. The same instructions have gone to Dr. Humayun Khan. President Zia asked me to give this matter further thought because he felt that may be somebody should explain the attitude of Pakistan Government to Chief Minister Barnala, who has been giving statements critical of Pakistan Government's attitude on this matter.

Camp: Lahore, March 1, 1986.  

sd/-

(S.K. Singh)

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Points made by President Zia before Dictating his Message for Prime Minister

1. He said that he has been concerned and worried about the deterioration in the atmosphere between our two countries and Governments. He feels that Foreign Minister Bhagat's recent statements have caused anxiety in Pakistan. He knows that India's belief or assumption that Pakistan has been and is helping the Sikh extremists is at the root of these misunderstandings currently
developing between our two countries. He recalled that when P.M. mentioned this matter to him, in Delhi, in December 1985, he (Zia) had indicated that there was a perception in Pakistan that India had been assisting Al-Zulfiqar. He said he had also told P.M. that these misunderstandings or misperceptions were bound to dissolve once a climate of faith and trust had been built up. I responded by mentioning the statements of Mr. Noorani about India assisting Afghanistan militarily; communal riots in India; threats from POK leaders of what could be done by them in the Indian State of J&K, etc. I said all this is part of a chain or a circuit. It depends on him how we should break this circuit. It would be necessary for Pakistan to make some statement, some gesture to re-assure us, and to indicate that they were friends of India and not prepared to get mixed up with groups and countries involved in creating disturbances. The attempt to insist, as Mr. Noorani has done, in his second statement, that somehow it is the right, as also the duty of Pakistan to pronounce upon the communal situation in India, is totally unacceptable to all Indians, more particularly to all Indian Muslims.

2. President Zia then said, “I tell you that the Sikh problem is internal to India. It is your problem. As President and Head of State of this country, I must tell you also that we have never wished to fish in troubled waters or to seek benefit out of the Sikh problem. We have nothing to do with it. We have never helped the Sikhs. I do realize how certain Agencies in all our countries, make long-term plans take long-term measures, and in doing such things, they wish to be able either to turn the tap off, or re-open it. So, I would not be surprised if you had that impression. But I tell you this is false; this is wrong. Unlike in many other societies, we in Pakistan keep a close control over these things. Of course, after the transfer of power, these people report to the Prime Minister. But even so, they “also report to me. I have had long-term control over these people and I tell you that I shall not permit certain things in the matter of Sikhs. I shall not permit them to hurt the long-term interests of India. Even if relations between India and Pakistan were to deteriorate, I give you my solemn word that we shall never do this. Now what else do you want me to say.”

3. So I reminded him that in an earlier discussion in Rawalpindi, he had once asked me whether I would favour his ordering his Armed Forces guarding the border, to shoot down smugglers and other miscreants. I had said then that miscreants do not like to be killed; but if this were to happen, it would serve notice to the whole world that Pakistan meant it when it said that it was against Sikh extremists creating problems in India.

4. He then started a long explanation about how difficult, almost impossible it is to close this border and how many villages on either side of the border are running a kind of unofficial economy of their own. Against this background, he
cannot guarantee if some Sikhs from time to time, enter Pakistan. But he would like to assure India that Pakistan Government or any of their Agencies are not involved in any mischief or misdeeds. -He recalled how in one or two recent instances, our P.M. had informed them that he was ordering the closure of the border. Pakistan had cooperated and agreed with the action taken by India.

5. He then said he has been upset and worried. He wanted to explain orally the various aspects of this and he would give this message at slow speed so that I could take notes & pass it on to P.M. from him.

Camp: Lahore, March 1, 1986

(S. K. Singh)

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Oral Message from Prime Minister Rajiv Gandhi to President Zia-ul-Haq.

Our Ambassador in Pakistan has delivered your message to me.

As I have told you on earlier occasions, it is India’s earnest desire to build cooperative and cordial relations with Pakistan on the basis of sovereign equality, non-interference and mutual trust. It is our policy as also our firm resolve to take forward the process of achieving durable peace between Pakistan and India. It is in line with this consistent policy that we worked out with you on December 17, 1985 a series of steps to move towards normalization between our two countries. It has been our expectation that Pakistan would be animated by the same spirit.

It was with this objective that we cooperated with you and took the initial steps of sending several high level delegations for discussions on a number of issues. However, two out of four sub-Commissions of the Joint Commission are yet to meet. The Committee of senior officials, as agreed during the visit of our Finance Minister to Pakistan, also has not met so far. We are waiting for an indication from your side as to when they should meet. All this has delayed the meeting of the Joint Commission to be held at Foreign Ministers level.

We are preparing to send you our suggestions for finalizing the draft regarding non-attack on each other’s nuclear installations and facilities.

I share your feeling about the need to move forward in the normalization process. However, developments have taken place in Pakistan which have vitiated the atmosphere and have come in the way of process.
We are deeply concerned by some of the statements and resolutions relating to Kashmir and minorities in India. We cannot disregard them as you have suggested, as these have been made by responsible Government leaders and others. Regrettably your own speech of March 5, in Islamabad is at variance to what you had stated in New Delhi on December 17, 1985. Its tone and contents have agitated our public opinion.

I had raised with you the question of allocation of funds in the POK budget for liberation of Kashmir. We were subsequently told on December 17, 1985 by your senior advisers that this amount was for publicity, investment and internal tourism. We remain unconvinced because Mr. Sikander Hayat had again mentioned on January 12, 1986 that Rs.20 lakhs were earmarked as token money for "liberation" of Kashmir which could be enhanced according to requirements and he also referred to streamlining the "liberation" movement.

You had given me an assurance that you will take all measure to stop assistance of any kind to the Sikh extremists. From the information we have, this assurance has not been implemented. This is a vital matter for our security and at this moment it is of basic importance for improving our relations.

In your message you have mentioned that you shudder to think of the consequences if the process of normalization is hurt or stopped. I am intrigued by this and wonder if it is meant as a threat. This is a serious matter and I hope you will tell our Ambassador what you meant.

We on our part will persevere in efforts to bring about normalization but this can only succeed with your active and sincere cooperation.

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Briefing Note for the Government of India by the Indian Ambassador in Pakistan S. K. Singh.


We have again arrived at a point where it is necessary to take stock of the pluses and minuses of the line followed during the last four months or so and decide both our direction and the pace to be maintained.

2. This is a period of flux in the domestic politics of Pakistan. We should determine whether in this situation we may expect greater flexibility or greater rigidity from Pakistan. One thing is clear. If the negotiations process has to be meaningful we should be prepared for give and take ourselves and not expect that we shall lay down our terms and, after some talk Pakistan will accept these. We must also be clear as to whether we should go about these negotiations in a leisurely, easy-going manner or try to telescope it all between now and whenever PM decides to make a state visit to Pakistan. We also must be clear whether a firm and tough stance will gain us our objectives, or a visibly friendly, flexible style. Our present style will not do. It is one quarter friendly, one quarter tough and one half uncertain, even mysterious.

PAKISTAN—INTERNAL

3. Pakistan politics is in a flux. Zia-Junejo equation is still evolving. The survival of either is tied up with the other and yet there are differences of opinion and style, as also tensions between their two personal offices. Zia is the stronger power center of the two; but Junejo has greater possibility of starting to break the crockery and glassware. Until now it has been clearly understood, between them, that Defence and Foreign Affairs will continue to be handled directly by Zia. It is well-known that Zia did not agree to Junejo’s idea of functioning on the basis of party (Muslim League). Zia has felt free to criticise the party system as also parliamentary system of Government. Junejo recognizes that on the one hand Zia is the President and therefore, his boss; but on the other hand Zia as Chief of Staff is responsible to Junejo, the Defence Minister. The Society as a whole is brittle. Their claim that democracy has been restored is erroneous. What they have resumed is political functioning. The real power continues to reside in the military. Luckily for both the military and the politicians, the Opposition Parties (PPP and others members of MRD etc.) are still outside the new power structure are themselves divided, disorganized and fractured.

4. Zia has the confidence and backing of the USA. Junejo and they do not fully understand, nor do they admire him. They have a large lobby in the present Cabinet but they disapprove of Speaker Fakhr Imam and his wife Abida, and they are bound to try and hurt them politically.
5. The Soviets have made some headway in building up a small but vocal lobby, demanding a change in the Government's Afghanistan policy. They are, once again, busy building up support for themselves amongst the students and in the tribal belt.

6. The pro-India lobby has grown and become a little vocal, a little less frightened. The current process of normalization has helped this lobby, which has real grass roots support. A return to confrontationism between Pakistan and India would drive this lobby back into its frightened and sullen silence.

**INDO - PAKISTAN**

7. A very large majority of Pakistanis would like normal relations with India. There are certain influential segments of the educated middle class which have doubts about their ability to forge normal relations based on equality with India. Many do not understand that what they have been motivated by the Anglo-Saxons to purse is parity with India, not equality. I have gradually come to the conclusion that Zia does not wish to push himself, or our leadership, into a corner where war or hostilities become inevitable. The top echelons of the military also do not want any trouble with India. However, both amongst the middle level officers in the Army, and in the bureaucracy there are many who feel that any normalcy with India is bound to become subservience to India. The old Muslim Leaguers joining Junejo's official party are also afraid of a subservient relationship with India. But the younger, new entrant into Junejo's Muslim League tend to support a rational and balanced approach towards India.

8. Examined below are some of the specific issues, under discussion/negotiations between the two countries.

**NUCLEAR:**

9. After the 17 December 1985 meeting between our PM and President Zia this issue has been hardly mentioned in the Pakistan media, or Parliament. They do not realise that India is miles ahead of them in this field. I am convinced that Pakistan's clandestine quest for a weapons capability continues, with some surreptitious support from both China, and certain source in the West. They do have considerable sympathy and respect for this programme in many Islamic countries. Even others in the Non-aligned group tend to look upon them, in this context, as the little David standing up to the Indian Goliath. We have to determine whether we gain more by making public criticism, or by lobbying, persuasion and negotiation. We must not allow the nuclear question to become in the popular Pakistani view a symbol of their masculinity. Instead, if we were to formulate something on India and Pakistan cooperating in the quest of more sophisticated technologies and pursuit of excellence we could deal with a more rational Pakistani public opinion. The greater the self doubts within Pakistani society we
create in this context, the longer we can delay Pakistan moving aggressively towards an open weapons programme. The Soviet Ambassador informed me that his American counterpart spoke to him on the Pakistan nuclear programme last week, in great confidence. He said that this is one area in which Pakistanis have tended to follow their own line despite the strongest American pressure. The Soviet Ambassador added that in this context the two of them did not discuss the assistance China has traditionally provided to Pakistan.

10. Open and public pursuit of general normalization of relations with Pakistan would also help make them in the nuclear context act with greater rationally.

PAKISTAN ASSISTANCE TO SIKH EXTREMISTS:

11. We should have no doubts about Pakistan’s serious involvement in this matter. Their efforts and plans have, for long, in this matter, been orchestrated with those of various departments of dirty tricks run by Western agencies (UK, USA, Canada, FRG etc.). The concept of Khalistan, with a view to destabilizing a strategic border region of India, has been an important element in keeping India on the defensive. For the dissidents, militants, radicals and extremists amongst our Sikhs, Pakistan has been over the years a conduit of Western assistance as also an original source of support, back up and training. Pakistan has certain advantages in this context: contiguity on borders; Punjabi language; old family ties and associations; Sikh shrines located in Pakistan which are regularly visited by Sikhs every year. The security agencies of Pakistan are not likely to throw away advantages gained by them over the years, or surrender the leverage they have built up.

12. In case this thesis is accepted, the options before us are: diplomatic persuasion and political pressure; outright threat of grave consequence; or making our friendship attractive for them. Somehow we have to ensure that their involvement is forced to be kept at a low level. Simultaneously we must whittle away their credibility amongst both foreign and Indian Sikhs. We must gain time to set our own house in order. A continuing, broad spectrum dialogue with Pakistan; from time to time forcing them to take certain overt actions against Sikhs, is to my mind a good policy for us. However, we should ponder what their psychological response will be if we build up a situation of confrontation with Pakistan, in this context. They would then feel free to assist the Sikhs even more blatantly than they have done, I suspect since the late sixties. We must be clear, if we wish to take a tough line with them. We should be prepared for the ultimate in toughness, i.e. open hostilities with them. Pakistan had built up a certain credibility within several groups of Sikh extremists. This, to my mind had dwindled somewhat between 17 December and now. We must not allow this to go up again. Our Prime Minister level pressure on Zia must be maintained. We must keep asking him to provide evidence of his sincerity. It is
my perception that Pakistani assistance to Sikh extremists has become more discreet and cautious.

13. Our own security agencies should be requested to evolve deterrent tactics, to enable us to ensure that Pakistanis stick to whatever political commitments they make to us in these matters. Perhaps our security agencies can also work out some *quid pro quo* arrangements to be presented to Pakistan. High level political pressure at PM and EAM levels, must accompany a process of overall normalization. It should be remembered that Pakistanis too suspect our involvement with certain Al Zulfiquar elements. There was some talk of examining whether an extradition treaty between India and Pakistan would be useful in this context. Has this been examined or followed up?

JAMMU AND KASHMIR:

14. Whenever internally our state of Jammu and Kashmir had been quiet and peaceful and working towards prosperity, Pakistanis have felt discouraged. Whenever there have been internal problems in that State Pakistanis have tended to make both propaganda and mischief.

15. One cannot but wonder how much more serious the situation of propaganda-cum-mischief by Pakistan would be today if we were not involved in a process of normalization. Certainly the Pakistanis would have been more raucous and difficult than they today are. I understand that the Pak occupied Kashmir leaders had a meeting with Prime Minister Junejo on 26 February for discussing certain steps they should take inside the Valley. As far as I have learnt the decision, for the present, is not to do anything adventurous. We should inform Pakistan that if the Simla spirit of bilateralism is flouted by Pakistan, the results could be grave.

INDUCTION OF MORE NEXT GENERATION WEAPONS FROM THE USA:

16. Pak Finance Minister Wattoo is in Washington negotiating the next phase of US defence and economic aid to Pakistan. The likelihood is, I believe, a marginally increased assistance. They are likely to get forty to sixty additional F-16, AWACS or a feebler substitute. It may be recalled that on the last similar occasion India had criticized USA and Pakistan sharply and publicly. It did not help. This situation will perhaps change only after the end of the Reagan era. The pro-India lobby in this country also provides the core group for the anti-US lobby. We must strengthen that core group. This can be organized against the background of this process of normalization; and not in case we move towards a phase of tough and confrontationist policies.

TRADE:

17. A subterranean debate has been going on both within the Government here and the Pakistan society at large as to how broad minded they can afford
to be in opening private sector trade with us. The lobby hostile to trade with India is tenacious but a lot of the people involved feel that Pakistan cannot afford to go back upon its pledged word. We need to remain patient, and in the unlikely event of Pakistan trying to wriggle out of the terms of the agreed Minutes on Trade matters, dated January 10, 1986, we should remind them as also the wide world that they are just not trustworthy.

SIACHIN:

18. During the next round of talks between the two Defence Secretaries (scheduled for March/April 1986 in Delhi) we must move on to bargaining and negotiating of the type we failed to do last time when we were content to listen to their case and state ours. In his Karachi speech to the Pakistan Institute of International Affairs, President Zia made certain significant points on this issue:

(i) Siachin area is barren. Nothing grows there. Our respective claims were never defined properly. Pakistan assumed that since all of Baltistan belonged to it, and, this too is a part of Baltistan, it was their real-estate.

(ii) The one question requiring an answer is what direction the line going North from point NJ 9482B, should take.

(iii) Both Pakistan and India have claimed that over the years they were both able to send expeditions into this area.

19. We did not, last time, move towards bargaining. This time we must. During the January 1986 talks between the Defence Secretaries Pakistan kept talking of justice and equity.

20. We need to see how we can, without compromising our security, arrive at a \textit{modus Vivendi} which will not make Pakistan look like a total loser.

COMPREHENSIVE TREATY OF PEACE, FRIENDSHIP & COOPERATION:

21. Before June, July or August whenever PM finally decides to visit Pakistan we must have another round of talks on the comprehensive Treaty. During these talks we should ensure that Pakistan move towards new formulations on Bases and Bilateralism, instead of sticking to our original one, and present it as something of a take-it-or-leave-it.

KHOKHARPAR OPENING AND EASING OF TRAVEL FACILITIES BETWEEN THE TWO COUNTRIES:

22. On both points, over the last two years or more India has been far more forthcoming than Pakistan. Indeed Pakistan has been difficult. Just as Pakistan showed some signs of flexibility, our people, under instruction from Delhi, became shy, even a little rigid. Pakistan has promptly become a little more
forthcoming. India is too major a power, and too large a country, to go back on its words and policies in such contexts. More normal relations and greater movement between our two countries, I am persuaded, will be more beneficial to India than to Pakistan. Once bilateral trade opens, easier travel will help the expansion of our exports.

(S.K. Singh)
Ambassador
Islamabad

1099. Statement by Pakistan Foreign Minister Sahabzada Yaqub Khan in the National Assembly on proposed Indo-Pakistan Accord against raids on Nuclear Installations.
Islamabad, March 6, 1986.

Foreign Minister Sahabzada Yaqub Khan told the National Assembly on March 6 that even without a written agreement, an understanding between Pakistan and India, prohibiting attack on each other’s nuclear installations, was on record and contained in a declaration jointly made by the Pakistan President and the Indian Prime Minister in Delhi on December 17, 1985.

Speaking on a privilege motion he said: “As for the proposed agreement between the two countries on the subject, the members must be aware that the Foreign Secretaries of the two countries met in January, 1986, in Islamabad and arrived at a common draft. In this draft, there was no difference between the two sides in regard to the substance of the proposed agreement. Only a couple of sub-paragraphs in the preamble remained to be finalized.

Sheikh Rashid in his motion had referred to the statement made by Mr. Yaqub Khan while speaking during the debate on foreign policy in the House and said the Minister had given a wrong impression that India would not attack Pakistan’s nuclear installation under an agreement between the two countries.

Mr. Yaqub had also given an incorrect impression about the agreements between the two countries on the question of the Siachen Glacier and the Indian Prime Minister’s visit to Pakistan.

YAQUB’S STATEMENT

Sahabzada Yaqub contradicted the contents of the motion and said the allegation made by the member in his motion was incorrect, unwarranted and unjust.
He said, “What I actually said can be easily verified with reference to the statement I had the honour to make on December 24, 1985, at the commencement of the debate on foreign policy, in the Parliament. I shall quote here from my statement:

“The two countries have decided to sign an agreement not to attack each other’s nuclear installations.

“The Defence Secretaries of the two countries will be meeting shortly in order to discuss the Siachen Glacier.

“These significant developments are to culminate in the visit to Pakistan by the Indian Prime Minister, Mr. Rajiv Gandhi, in the first half of 1986.”

All the above statements were made in the context of the meeting between the President of Pakistan and the Prime Minister of India held in Delhi on 17 December, 1985, and these statement were based on the declaration made by the two leaders at their joint Press conference held at the conclusion of their meeting.

In alleging that I sought to mislead this august House, the honourable member has relied on a newspaper report of the statement said to have been given by the Foreign Minister of India in the Lok Sabha on the Siachen Glacier. Had the honourable member taken the trouble to verify the report or even waited for a few days, he would have discovered that the Press report on the basis which he decided to impugn my veracity was denied by the Indian Ministry of External Affairs. Actually, what I stated on 24 December, 1985, has already taken place, namely, that the Defence Secretaries of the two countries had a meeting in January 1986 in Islamabad to discuss this issue. They agreed to meet again and the next meeting is expected to be held in a month or so, although the specific dates have not yet been decided.

As for the proposed agreement between Pakistan and India prohibiting attack on each other’s nuclear installations, the honourable member must be aware that the Foreign Secretaries of the two countries met in January 1986, in Islamabad and arrived at a common draft. In this draft, there is no difference between the two sides in regard to the substance of the proposed agreement. Only a couple of sub-paragraphs in the preamble remained to be finalized. These, however, do not relate to the substance.

Even without a written agreement, the understanding between Pakistan and India on this subject is on the record and is contained in the declaration jointly made by the President of Pakistan and the Prime Minister of India in Delhi on 17 December 1985.
As regards the visit of the Prime Minister of India in the first half of 1986, this, too, was announced at the joint Press conference of the President of Pakistan and the Prime Minister of India on 17 December, 1986. The question of dates for this visit has not yet been taken up between the two governments. This will be done at the appropriate time subject to the mutual convenience of the two sides, as is normal for such high level visits.

I am fully conscious of the dignity of our august Parliament and the privileges of its honourable members. It has been my constant endeavour to keep my colleagues in the Parliament fully informed of the various aspects of our foreign policy and I would be more than happy to welcome appropriate opportunities for a discussion of all matters of substance, whenever these are raised, according to the rules of procedure”.

Speaking on two adjournment motions, tabled by Maulana Kausar Niazi and Mr. Tariq Chaudhry with regard to the Indian Foreign Minister’s statements of February 25 and 26 in the Lok Sabha, Mr. Yaqub Khan said the Government too had felt concerned at the reported statements in question and the Ministry of Foreign Affairs had carefully examined the texts of these. The Government had, however, taken appropriate steps to convey its views to the Indian Government in clear terms.

According to the text received from New Delhi, he said, the Indian Foreign Minister had referred to Pakistan’s Parliament as “a semi-elected Assembly”. He deplored the aspersion and believed that on mature and cool reflection, the Indian Foreign Minister would regret having used such language.

The accusation of interference in India’s internal affairs repeated by the Indian Foreign Minister were as false and baseless now as they were when first made by the Indian Government in 1984, Mr. Yaqub Khan said and added that unfortunately, whenever the situation within India received some setback, there was a tendency in New Delhi to externalize the problem and find scapegoats.

The Pakistan Government continued to adhere scrupulously to the principle of non-interference in the internal affairs of other States; he said and rejected the Indian Foreign Minister’s allegations outright.

Mr. Yaqub Khan differed with Senator Maulana Kausar Niazi’s view that the statement of the Indian Foreign Minister virtually put an end to the expectations in regard to the agreement between Pakistan and India prohibiting attack on each other’s nuclear installations and said that in fact, an understanding on this subject had been reached at the initiative of India, during the meeting between the Pakistan President and the Indian Prime Minister on December 17 last. The two leaders had announced this understanding at their joint Press conference after the meeting.
Even without a written agreement the understanding was on record. Furthermore, the draft of the substance, at the meeting between the Foreign Secretaries of the two countries in January 1986, only a couple of sub-paragraphs in the preamble remained to be finalized. These, however, did not relate to the substance. The Indian Foreign Minister was not, therefore, correct in stating that there are “difference of perceptions” between the two countries on this subject.

In regard to the Siachen Glacier area, Mr. Yaqub said Pakistan rejected the Indian claim that this area was a part of Jammu and Kashmir. The Pakistan position had been and was that this area had historically been under Pakistan’s control. Therefore, the Indian decision to send forces into the Siachen area was inadmissible. In any case, the two Governments had agreed to hold negotiations on this despite. The Defence Secretaries had already met in January and another meeting was due to be held in April.

“It is our view that neither side should prejudice the outcome of these talks by issuing provocative statements,” he added.

In conclusion, he said, he would like to reiterate the commitment of the Pakistan Government to “the policy of establishing good neighbourly, tension-free and cooperative relations with India commensurate with our sovereignty and dignity. In our opinion such relations would serve the best interest of the nation and would also contribute to peace and stability in our region. The realization of this objective requires, however, reciprocity and scrupulous adherence to the universally accepted principles of inter-state relations.”

Mr. Yaqub Khan said he did not agree that the statements of the Indian Foreign Minister could question the validity of the policy of Pakistan. Pakistan shall persevere in its policy because this policy was right and because it served the best interest of Pakistan. Of course, Pakistan shall take every possible step and observe every precaution to protect its national interests.

The Pakistan Government was in touch with the Indian Government to convey its views and seek clarifications. Therefore, at this stage, he did not think that public interests would be served by the adjournment of the House to discuss the statement of the Indian Foreign Minister. “I hope, therefore, that the distinguished Senators will not press their motions.”

(The motion was not pressed after Mr. Yaqub’s statement.)

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Record of the discussions when the Pakistan Prime Minister Junejo called on Prime Minister Rajiv Gandhi in Stockholm on March 15, 1986.

Prime Minister's Office

Prime Minister Junejo called on PM in Stockholm at the City Hall where PM and a very few other leaders had been given office rooms. The meeting was not arranged before PM's departure for Stockholm but was fixed after PM arrived in Stockholm. It lasted between 10 to 15 minutes. Almost the entire conversation was in Hindustani.

Junejo was accompanied by Sahebzada Yakub Khan and Foreign Secretary Niaz Naik. Our Ambassador in Stockholm Shri Oza and the undersigned were present.

Junejo told PM that he was most grateful that PM could find time to receive him.

PM told him that what he and President Zia had started in December last year should not slacken. Two - three things are of concern to us. We had decided President Zia and I - that we should put the Kashmir question more or less on the back burner and that neither side would raise it except in terms of the agreed formulations (implying Simla Agreement). But the way Pakistan has been raising the Kashmir question so frequently disturbs our people.

Junejo: Our National Assembly has been talking about the Kashmir question. When members raise it we have to say something. There is no change in the stated position of the Pak Government.

PM: It would not matter if some odd member of the Assembly spoke about it. But your own ruling party keeps bringing it up.

Junejo: As you can appreciate, our difficulties are that we get faced with adjourned motions, etc. Therefore, we have to say something. Government strictly sticks to its known position. The elections that we had were not on party basis. Now; we are trying to form a party and to enforce party discipline. Once we can do that, it would be in order to expect them to behave coherently and with discipline. This is our practical difficulty. You have an established party and your members carry out your directives. I hope that in near future we too shall have a disciplined party. This is the main difficulty and you as politician will be able to appreciate it.

PM: The other problem is about the allocation of a sum of Rs.20 lakhs in POK's budget for the liberation of J&K.
Junejo: I never heard of it. (Yakub Khan explained to him briefly what it was about.) This is utterly ridiculous. Please disregard it completely.

When PM told him that Sikander Hayat had talked about it and the reports had appeared in Pakistan press,

Junejo said: Sikander Hayat might have said it. But at our level, there is absolutely nothing and I never even heard about it. What can be done with 20 lakhs?

PM: I agree that not much can be done with 20 lakhs. But the amount is not important. It is the fact that there is a specific provision in your budget which is of significance.

Talking about trade, PM said that two of the sub-commissions have yet to meet.

Junejo: I am keen that things should move between our two countries. I made the announcement about Khokhrapar. Even on trade, your Finance Minister had come to Islamabad.

PM: But things have not moved since!

Junejo: This may take some time. But we are on the right lines.

Junejo: Newspapers keep raking things up. They say that you are now not intending to come to Pakistan.

PM: Even in December I had said that something concrete must come out of my visit to Pakistan; otherwise there would be big disappointment. It has to be a big step forward. So the timing of the visit can be decided only when things are ripe.

Junejo: It is true that your visit should result in substantial progress. We shall work for that whenever you agree to come.

PM: I can come even without any notice. But the important thing is that something must come out of it. We should cool-off irritational points.

Yakub Khan: There has been a delay on our side about trade. We shall take the matter to the Cabinet.

PM: You can ask your Ambassador to coordinate with Gharekhan.

(C.R. Gharekhan)
Addl. Secretary
17.3.1986.

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SECRET

Record of the discussions of the meeting when Pakistan Foreign Minister Sahabzada Yaqub Khan called on the External Affairs Minister on the sidelines of the meeting of the Foreign Ministers of the Non-aligned countries.

New Delhi, April 15, 1986.

Following were, present:

INDIAN SIDE. PAKISTAN SIDE.
1. EAM 1. Sahabzada Yaqub Khan
2. JS (AP) 2. Mr. Niaz A. Niak, Pak. Foreign Secretary.
3. JS (XP) 3. Mr. Humayun Khan, Ambassador of Pakistan.
4. Mr. Tariq-Altaf, Counselor, Pakistan Embassy.

At the outset, Sahabzada Yaqub Khan pledged the cooperation of his delegation for the success of the current NAM conference and praised India’s role and leadership of the movement. A brief discussion followed on the Iran-Iraq conflict which it was felt could be a major problem facing the current meeting of Foreign Ministers and nonaligned countries.

BILATERAL MATTERS:

Yaqub Khan stated that:

1. Their policy has not changed though there have been some deceleration in the pace. But he said Pakistan was keen to maintain the rhythm of forward movement. There have been some problems which should be overcome.
2. He referred to changes in the Pakistan Cabinet. Both the Finance Minister and the Commerce Minister had changed. Inter-departmental consultations were progressing and their commitment to the enlargement of the list in respect of items to be traded with India remains. They hoped to get Cabinet approval soon.
3. As regards enlargement of lists, he said, they remained committed to the concept although the list may not be “as satisfactory as both of us wish it to be.”
4. They would be suggesting dates for meeting of Sub-commissions I & II very soon. He did not wish to suggest exact dates at this stage but was hopeful that these meetings could be held soon so that the Joint Commission can meet sometime in June.
5. He indicated that Pakistan Government would suggest meeting of Defence Secretaries to be held in May. He said it was not possible to do it earlier as their Defence Secretary had been busy.
6. On Khokhrapar-Munabao, he said, that Pakistan had already suggested a meeting to discuss details between Railway officials of both countries. After mentioning the above points, Yaqub Khan said, that he wished to make a reference to some other matters of bilateral interest. He referred to the following:

(a) There had been reference to amounts having been earmarked in the so-called Azad Kashmir budget for the liberation of Kashmir. Although, he explained, that Azad Kashmir was not a part of Pakistan, they had made enquiries and were told that Rs. 1.88 million had been earmarked in the budget (POK) for such purposes as preparation of biographies of prominent Kashmiri leaders, history books and for research grants.

(b) He referred to our statements that we had evidence about Pakistan’s involvement with extremists. He wished to clarify that he had personally spoken to their intelligence agencies and was convinced that there was no Pakistani involvement. He described the situation as a conflict of perceptions. He referred to the Pakistani proposal for a meeting of Directors of Intelligence Bureaus and/or Home Secretaries to discuss the matter. He said Pakistan was open to suggestions from India on this aspect. He made a reference to the trial of Sikh hijackers and said that their petitions were at present before the court. Pakistan had taken several precautions and had in some cases not allowed Sikhs from other countries to enter Pakistan or to visit their shrines. He was glad that the pilgrimage of the present jatha was proceeding satisfactorily.

Yaqub Khan mentioned that there are people in both countries who had different perceptions. For instance, he said, that both in respect of Afghanistan and the developments which took place in Sind in Pakistan, there are some in India whose sympathies are not with the Pakistan Government, but with the dissidents. He stated that Government of Pakistan was against terrorism and was not helping any Sikh terrorists.

(c) On Kashmir, he reiterated that he their commitment to the letter and spirit of the Simla Agreement. He referred to the PM Junejo’s statement of December 28 and said Pakistan’s position has not changed. Referring to the PML party resolution, he said, that political-parties including the Congress Party at times pass resolutions which may be different from Government policy. What is important is how it is translated by Government into action. He requested EAM not to give too much importance to the party resolution instead emphasis should be on the Government stand. He repeatedly said that Simla Agreement was not being set aside and if there was any delay it was purely due to procedural problems.
AFGHANISTAN

1. Yaqub Khan referred to the earlier discussions with us and he said that they had kept India informed of the progress of their dialogue with Afghanistan through the UN Secretary General’s personal envoy.

2. They were in touch with the Soviet Government.

3. In response to a question he confirmed that during the last shuttle of Cordovez the Afghan side had given their draft of the 4th instrument. Pakistan had rejected the draft.

4. He hinted that this was because the timetable for withdrawal of Soviet troops in the Afghan draft was not specific.

5. He confirmed that Cordovez will be coming to Delhi in the next two days and will give his draft of the 4th instrument to both Pakistan and Afghan Foreign Ministers so that they can examine it before meeting in Geneva on May 5. He explained that ground rule for the Geneva Conference was that no country would give its draft. Hence the Afghan draft is being redrafted by Cordovez to be given to both countries as his draft.

6. He saw some positive signs at this stage.

7. He would be having detailed discussions on Afghanistan when he meets Chairman (PPC) on 17th. He added that if necessary Foreign Secretary, Niaz Niak, would have a special meeting with Foreign Secretary on Afghanistan.

During the discussions, Yaqub Khan mentioned that Pakistan did not wish to increase friction with India and had decided not to comment on charges regarding nexus between Pakistan and Sri Lanka or issue a rejoinder on statements regarding Pakistan’s nuclear programme as they felt this would further vitiate the relations between the two countries.

EAM, in response, made the following points:

1. Reaffirmed desire for friendly and cooperative relations with Pakistan on the basis of sovereign equality, non-interference and mutual trust.

2. It was the Prime Minister’s policy to improve relations with all neighbours particularly Pakistan.

3. We have always considered a stable Pakistan in our interest. It is our hope that Pakistan would also consider a stable and united India to be in their interest.
4. As regards Pakistan’s assistance to terrorists several concrete instances/evidence/lists had been provided to Pakistan from time to time. He drew his attention to recent statements made by the Chief Minister of Punjab, Sardar Surjit Singh Barnala, in which he mentioned that much of the trouble was being created by terrorists being sent from Pakistan rather than those who had been released from jails. Similarly, reference was made to the statement in Parliament by the Minister of State for Internal Security regarding training camps and other assistance being given by Pakistan to extremists.

5. The Punjab issue is being settled in India in accordance with democratic norms and by a government elected by the people of Punjab. It will be desirable if no assistance is given to extremists by Pakistan.

6. The same point was made to the British Foreign Secretary, Sir Geoffrey Howe, during his recent visit to India.

7. There is no objection in principle to the meeting of the Joint Commission but dates for this can only be considered after the two sub-Commissions and the meeting of senior officials on trade has taken place. Pakistan has to suggest dates.

(S.K. LAMBAH)
Joint Secretary (AP)
Call on Prime Minister Rajiv Gandhi by Sahebzada Yakub Khan Foreign Minister of Pakistan.

New Delhi, April 17, 1986. (1645 hrs.)

PRIME MINISTER’S OFFICE

Pakistan’s Foreign Minister called on PM on the 17th April. He conveyed warm greetings from President Zia and Prime Minister Junejo which PM reciprocated.

Mr. Yakub Khan said that the press in both countries distorts the reality of the relations between India and Pakistan. It is true that there is a certain amount of deceleration, but he was not too pessimistic. There has been a delay on Pakistan side on some matters.

PM said that we should have a frank and informal talk and evaluate from where we started and where we stand now and how to proceed further. This should be done in a constructive spirit and not in the spirit of recrimination.

Yakub Khan said he fully agreed with PM. There should be sincere sensitivity for each other’s point of view. PM said that we prefer to have a strong Govt. in Pakistan. It is in the long term interest of India. Yakub Khan said that PM has shown great courage of leadership. He referred to the conditions in Pakistan in 1971 and said that at that time the public opinion in West Pakistan was strongly in favour of military action against East Pakistan. He himself was one of the very few who held a different view. General Yahya Khan acted on the strength of that public opinion, but the same public opinion later on condemned Yahya Khan. True leadership demands that the leaders sometimes have to lead and direct the public opinion instead of being always led by it. He added that he admired PM in this respect.

Yakub Khan said that there have been some procedural difficulties in fixing the dates for meetings of sub-Commissions I & II. There have been personnel changes in Pakistan. All these problems will be smoothened out and dates fixed in the near future. Thereafter the Joint Commission can meet.

Yakub Khan said that they in Pakistan are sincerely concerned over PM’s concerns about Pakistan. Yakub Khan said that he knows that PM believes in what he says. What is important is PM’s perception rather than reality. He had spoken to both the intelligence agencies. He told them that “even if we have to lie, we must know the truth first”. Both the agencies had confirmed to him that they (are) not doing anything. The question is how to bridge this gap of misperception. He is open to any suggestion. India could interrogate Pak agencies concerned.
As a Govt. there is no strategic decision in Pakistan, there cannot be any, to fish in East Punjab it would be a folly of the highest order.

On Kashmir also, the Minister said, India need have no anxieties. The item on funds for liberation of Kashmir was ridiculous. If the Pakistan Govt. really wanted to liberate Kashmir, it was hardly likely to give any publicity to it.

The Minister assured PM that Pakistan remains fully committed to the spirit of the Simla Agreement.

On Afghanistan, the Minister said that he had briefed Shri Parthasarathi about the latest situation in complete confidence. There are signs to feel a little more positive or optimistic. Cordovez would be coming to Delhi on the 18th.

PM suggested that the Minister may have another round of talks with EAM. (This took place today.)

(C.R. Gharekhan)
Addl. Secretary
18.4.1986.

Summary Record of the discussions between Chairman of the Policy Planning Committee of the Ministry of External Affairs G. Parthasarathy and Pakistan Foreign Minister Sahabzada Yaqub Khan.

New Delhi, April 17, 1986.

The Foreign Minister of Pakistan Sahabzada Yaqub Khan, accompanied by Pak FS Niaz Naik and Ambassador Humayun Khan, called on Chairman (PPC) at 1600 hours on 17th April. FS and JS (AP) were also present during the meeting. The discussions mainly revolved around Afghanistan.

Sahabzada Yaqub Khan informed Chairman (PPC) that the UN Secretary General’s Special Envoy Cordovez would be coming to New Delhi on 18th April with a draft for the 4th Instrument (dealing with relationships) which would be
shown to Foreign Ministers of Pakistan and Afghanistan. During Cordovez’s recent visits to Kabul and Islamabad the Afghanistan side had given a draft for the 4th Instrument, which was rather surprising because generally Afghanistan and Pakistan refrained from giving draft of any document to Cordovez who prepared draft documents himself on the basis of inputs received from the two sides. Cordovez had shown to Pakistan the draft document given by the Afghan side but it had been rejected by Pakistan because Afghanistan had given this draft document to Cordovez against the ground rules of these talks and also because the contents of the Afghan draft were unacceptable.

When Chairman enquired about the contents of the draft document given by Afghanistan to Cordovez, Yaqub Khan said that these talks were confidential but, nevertheless, Pakistan wanted to keep India informed about the progress of the negotiations. He informed Chairman (PPC) that the Afghan draft envisaged an absurdly long time-frame of 4 years for the withdrawal of Soviet troops from Afghanistan. This time-frame was unrealistic and unreasonable, and, therefore, unacceptable to Pakistan. Cordovez’s shuttle diplomacy, however, managed to overcome the impasse that had developed over the format of the Geneva talks. This impasse had developed because of the insistence of the Afghan side that the 4th document could be finalized only through direct talks between Pakistan and Afghanistan. This was not acceptable to Pakistan which took the position that if the other three documents could be more or less settled through proximity talks, there was no reason why the 4th document should also not be settled through similar talks. Yaqub Khan went on to say that if Pakistan entered into direct talks with Afghanistan even before Geneva talks had reached a successful conclusion it would involve Pakistan conferring legitimacy upon the Karmal regime without gaining anything in return. He said that after a settlement had been worked out through the Geneva talks, Pakistan was ready not only to engage in direct talks with Afghanistan but was also ready to sign a bilateral agreement with whichever Government was in power in Kabul at that time. Yaqub Khan added that as a result of Cordovez’s shuttle diplomacy it was agreed that Geneva-VII would commence on 5th May as proximity talks. However, once the documents were ready Pakistan was ready to enter into direct talks with Afghanistan. He also said that it was Pakistan’s understanding that there would not be an 8th round of Geneva talks; the seventh round would be the last round. If Geneva-VII was interrupted, it would be resumed at a later date.

When Chairman (PPC) enquired whether the Afghan draft envisaged phased withdrawal of Soviet troops, Yaqub Khan first said that he was not sure because he “had not studied the Afghan draft very carefully”. However, after consulting Niazi Naik, he confirmed that the Afghan draft involved withdrawal in phases: about 1/3rd or so of the troops were to be withdrawn in the first year and this process was to be completed in 4 years. He also added that Gorbachev had also talked of phased withdrawal of Soviet troops.
Yaqub Khan went on to say that Pakistan was going to the next round of Geneva talks with optimism and a constructive attitude. However, since it was dealing with a super power it had to exercise some caution. He asserted that Pakistan did not want to become an instrument of either super power. He said that it was at times argued that the USA was putting pressure on Pakistan to slow down the Geneva talks, but if USA wanted to sabotage these talks, instead of bullying Pakistan, it could have easily obstructed the finalisation of draft document relating to international guarantees. The draft document regarding international guarantees had already been approved by both the USA and the USSR and the document was also acceptable to Pakistan. This document could, therefore, be regarded as more or less settled, Yaqub Khan said. He added that while Pakistan was keeping in close touch with the USA regarding Geneva talks, it had also kept its diplomatic channels open with the Soviet Union.

Remarking that India was very keen that these talks should succeed, Chairman (PPC) asked whether Cordovez would be bringing a fresh draft to New Delhi. The Pak FM said that Cordovez would have prepared his draft on the basis of the Afghan draft and Pakistan’s response to that draft. He acknowledged that the views of Pakistan and Afghanistan on the time-frame were still widely apart; while the Afghan side had proposed withdrawal of Soviet troops in 4 years, Pakistan had in mind a time-frame of 4-6 months.

In response to a query from Chairman (PPC), Yaqub Khan confirmed that Pakistan envisaged the return of Afghan refugees to Afghanistan during this time-frame of 4-6 months. Chairman (PPC) remarked that these refugees would be going back with their antagonism towards the Afghan Government and the situation at that time would be rather tricky. Yaqub Khan admitted that this would be a major problem. He also said that Pakistan had to consult the refugees. He felt that it would not be possible for the present Government to survive. However, Pakistan had informed the Soviet Union that it recognized that whatever Government came to power in Kabul should be friendly to the Soviet Union. At the same time, the USA also wanted neutralization of Afghanistan. There was need for setting up some kind of re-conciliation Government in Kabul which was acceptable both to the Afghans and the Soviet Union.

When enquired about the modalities for the return of refugees to Afghanistan, the Pak PM said that he recognized that it would be a messy affair unlike the withdrawal of Soviet troops which could be a neat surgical operation. He added that the 3rd instrument worked out through proximity talks provided some role to the UN HCR for the return of refugees. It provided for agreements between Pakistan and the Red Cross as also between Afghanistan and the Red Cross. There was also provision for setting up of a mixed commission to supervise the return of refugees. Chairman (PPC) referred to his experience as the Chairman of the International Control Commission for Indo-China and remarked
that it was a very complex operation. Yaqub Khan said that the experience of the International Control Commission for Indo-China would be rather useful in the context of the return of Afghan refugees and asked whether the papers relating to that conference were unclassified. Chairman (PPC) told him that those papers had already been published.

There was a brief exchange of views on the bilateral relations. Yaqub Khan told Chairman (PPC) that the dates of the sub commissions would be finalized soon. He also said that information regarding the inclusion of additional commodities in the list of commodities which could be traded through the private sector would be given to us shortly.

(Ashok K. Kantha)
Under Secretary (PPC)
21st April, 1986

1104. 

Record of discussion between Foreign Secretary A. P. Venkateswaran and Pakistan Foreign Secretary Niaz A. Naik.

New Delhi, April 18, 1986. (11.45 AM)

The following were present:

1. Foreign Secretary 1. Mr. Niaz A. Naik, Pakistan Foreign Secretary.

Niaz Naik offered his felicitations to the Foreign Secretary on his new appointment and emphasized the vital role which Foreign Secretaries play in bilateral relations between the two countries. He referred to the meeting his Foreign Minister had had with PM the previous day and with EAM and Chairman (PPC). He described the “temporary setback” in relations due to administrative and procedural problems. He hoped that the sub-commissions and meeting of Senior Officials would meet soon as they had expected that the
recommendations from their various Ministries would go up to the Pak. Cabinet for approval soon.

He made the following other points:

i) **Cultural Agreement**: Pakistan Cabinet has approved the Cultural Agreement. It was their feeling that this should be initialled at Foreign Minister's level during the forthcoming Joint Commission meeting and signed during the Prime Minister's meeting by which time a cluster of agreements would be organized.

ii) **Agreement on non-attack of nuclear facilities**: He mentioned that we could either delete or retain the paragraphs in square brackets.

iii) **Friendship Treaty and non-Aggression Pact**: He referred to substantial progress made in this respect in the earlier meetings in 1984 and the revised Pakistani formulations on bilateralism and bases given in January, 1986.

iv) **Meeting of Defence Secretaries**: He regretted that the dates April 15-18 were not convenient to them, but were now suggesting a meeting between May 20-22.

v) **Sikh extremists**: Pakistan was aware, Niaz Niak said, of India's concerns and perceptions, There was a need to "bridge the gap" between differing perceptions by sitting across the table at any level. He reiterated the proposal for a meeting between Home Secretaries and/or DIB's. (Directors of the Intelligence Bureau of the two countries) The overall supervision could be of the two Ministries of Foreign Affairs. Foreign Secretary mentioned that Pakistan's assistance to extremists was a major hurdle in our efforts to build mutual trust.

**Pakistan's Nuclear Programme**: Foreign Secretary said that another matter which he wished to discuss with him was the Pakistan's nuclear programme. FS mentioned the following:

i) Reports about the non-peaceful nature of Pakistan's Nuclear Programme have come from their closest friend and ally the USA.

ii) Pakistan is the only country to have received a waiver from the Symington amendment.

iii) A recent report in the London Confidential Economist mentioned that Pakistan is now enriching Uranium beyond 30%.

It was natural for India in view of this, FS added, to feel concerned.
Niaz Niak described Pakistan’s Nuclear Programme as modest and said that they themselves had been surprised at the reports emanating from USA which he attributed to amongst other things, the Jewish lobby. At one stage when he referred to Dr. Kissinger, FS added that Dr. Kissinger would not do anything to hurt Pakistan. Niaz Niak further mentioned that the US media had given undue publicity to the hesitations on nuclear power reactors, safeguards for the Chashma project, clandestine purchases alleged to be made by Pak businessmen some of whom had been acquitted in American and Canadian courts. There was also, he said a fear amongst the Jewish lobby that the R & D in respect of Pakistan’s nuclear programme could be shared with the Arabs. Niaz Niak said that it was a surprising thing that USA should make such allegations despite sophisticated satellites at its disposal. And if Pakistan can continue with its non-peaceful nuclear programme despite those satellites, he said, Pakistan deserves to be given credit. He again mentioned that Pakistan’s programme was peaceful and enrichment of Uranium did not exceed even 5%. He made a reference to the visit of the Pakistan Atomic Energy Chairman Munnir Ahmed Khan to Kalpakkam and hoped that such contacts would continue.

**Pakistan – Sri Lanka nexus:** Foreign Secretary referred to reports during President Zia’s visit to Sri Lanka of 15,000 Sri Lankan soldiers being trained in Pakistan. Niaz Niak said that the figure did not exceed 300/250 and they were being trained in open institutions, Ambassador Humayun Khan intervened to say that India should not expect Pakistan to have the same viewpoint on the Sri Lanka situation as India. Foreign Secretary said that he had raised the matter because reports about Pakistan’s training Sri Lankan soldiers in large numbers had not been contradicted. In this connection he also referred to the Sri Lanka-Israel connection.

**Afghanistan:** On Afghanistan F.S. referred to reports about the US decision to give stinger missiles to the Afghan rebels. He said that these can be given only with Pakistan’s assistance or at least if Pakistan was to turn a blind eye. Niaz Niak referred to discussions on Afghanistan with Chairman (PPC) and said that there were different shades of opinion in the US Congress and some of them were responsible for such news publicity. He added that Pakistan had shown “maximum restraint on such inflow. If we did not, things would have been difficult”.

Niaz Niak mentioned that Pakistan had been in touch with the Soviet Union on the Afghan issue both through the Soviet Ambassador in Islamabad and more particularly through Pakistan’s Ambassador Shahid Amin in Moscow. He repeated what Sahabzada Yaqub Khan told Chairman (PPC) that their Ambassador in Moscow Shahid Amin had been kept fully informed as a result
of which it was possible for him to be effective in discussing this issue with the Soviets.

**China:** F.S. requested for a briefing on China and referred to the substantial cooperation between the two countries in various fields. He also referred to reports about 150 Chinese made F-6 aircraft being used in the Pakistan Air Force.

Niaz Niak responded that China had been closely watching Indo-Pak relations and described Chinese policy as one of peace and not one of confrontation.

On Karakoram highway he said that from 1st May it will be open to tourists of third countries at China’s request. The Chinese, he said, have realized the potential of tourists and necessary economic infrastructure (which he described as roads, restaurants etc.) had been built. He described this as a part of China’s strategy of opening up to the outside world.

**Hot line:** F.S. said that the Hotline established between the foreign secretary’s office and between the Indian Ambassador in Pakistan and between the Foreign Secretaries of India and Pakistan were not working due to some procedural problems on the Pakistan side. Niaz Niak agreed to look into it.

*(S.K. LAMBAH)*

Joint Secretary (AP)

POLITICAL RELATIONS:1975-1989

1105.

SECRET

Record of discussions between External Affairs Minister and Pakistan Foreign Minister Shabzada Yaqub Khan.

New Delhi, April 18, 1986.

Following were present:

1. EAM
   1. Sahabzada Yaqub Khan,
      Foreign Minister.

2. Mos (EA)
   2. Mr. Niaz Niak, Foreign Secretary.

3. JS (AP), MEA

4. Mr. Tariq Alataf, Counselor.

EAM said that he had requested the Pakistan Foreign Minister to come and see him once again so that they could discuss some aspects of our relations. The discussions however began with the Iran-Iraq dispute. It was agreed that complete consensus was not possible on this aspect. As regards the Libyan crisis EAM mentioned that there was a move afoot to send five or seven Foreign Ministers to Tripoli and New York. He asked Sahabzada Yaqub Khan if he would also like to visit. Yaqub Khan mentioned that as EAM will be going, another representative from the same area may not be necessary.

Bilateral Relations:

EAM said that it was not as a complaint but more in sorrow that he was mentioning some aspects of our relations which had not been moving satisfactorily. (At this stage EAM handed over to the Pakistan Foreign Minister the attached note. (not included here))

Pakistan Foreign Minister’s comments on the note given to him

Sahabzada Yaqub Khan made the following comments:

1. He enquired from Pak Foreign Secretary Niaz Niak about 7 Sikhs alleged to be in Pakistan whose return we had sought. Niaz Niak said that their enquiries had revealed that they were not in Pakistan. When Yaqub Khan said that we again check, it was pointed out to him that it had again been done and our information revealed that these seven extremists were still in Pakistan. Yaqub Khan at this stage said that he well make another check.

2. With regard to meeting of Sub-Commissions 1 & 2 he said these should meet in a matter of weeks. He appeared to be a little confused about the meeting of senior officials.
When Niaz Niak gave him the details, he said that this would also meet soon.

3. Kashmir: Yaqub Khan said that the PML Resolution had been superseded by the statement of the Chief Executive (Prime Minister Junejo) of December 28.

4. On minorities he said that Pakistan had some problems because of its concern for Muslims all over. His attention was drawn to the strident statement of Minister of State Murwat. At this stage EAM mentioned that in spite of the systematic destruction of temples in Sind India had restrained from making any statement. Yaqub Khan said that they had taken note of it.

Meeting of Home Secretaries/ DIB’s

EAM mentioned that the President of Pakistan had suggested to the Indian Ambassador that there should be a secret meeting between Home Secretaries and/or DIB’s of the two countries in a third capital to discuss the issues regarding Pakistan’s assistance to terrorist. We were considering the proposal but now, unfortunately the BBC has quoted the Pakistan Foreign Minister referring to this proposal. Earlier the Ambassador of Pakistan had in as early as mid-March mentioned this to Shri Subramaniam Swamy and it had appeared in Indian papers. Our doubts, therefore, have been confirmed in respect of this suggestion. Yaqub Khan was apologetic and said that he was not aware that this proposal was to be treated as a secret one. Ambassador Humayun Khan added that Pakistan had gone public on this long ago. Yaqub Khan said that in view of this, this proposal can be considered later.

Extremist Sikhs appeared on Pakistan sponsored TV programme:

EAM mentioned that on Saturday, March 29, 1986, the Pakistan ethnic television programme on Channel 47 in USA interrupted its normal news programme at 12.30 PM and showed Mr. Baldev Singh, Secretary, Sikh Cultural Centre, New York giving his version of the situation in Punjab. Since the Pakistani programme is wholly financed by the Government of Pakistan it is unfortunately to be presumed that they would have given their approval to Mr. Baldev Singh’s espousing the cause of so-called ‘Khalistan’. Yaqub Khan said that he was not aware of it, will look into it but if it had happened it was due to “local enthusiasm”.

(S.K. LAMBAH)
JOINT SECRETARY (AP)
18.4.1986.
Solarz asked PM for his perspective about Pakistan, in particular after Benazir’s return and the response that she had received from the people. He asked whether return to genuine democracy in Pakistan would be in India’s interests.

PM said that we would very much prefer return of genuine democracy in Pakistan because the people of Pakistan are very positive towards India just as our own people are positive towards people of Pakistan. Democracy will help ease problems. Naturally, there would be the usual allegations, accusations, etc., but less than under military dictatorship.

PM said that he had talked to Zia six times during last year. At the December meeting in New Delhi, a 2-1/2 to 3 months time frame had been drawn up to normalize relations. But Pakistan had suddenly frozen. Junejo had agreed with PM in .Stockholm that Pakistan had slowed down. PM told Junejo that India would be ready whenever Pakistan was ready to resume normal pace. So far there has been no response. Perhaps this was natural since Pakistan was going through a turbulent period. President Zia must be under all kinds of pressures. Benazir is definitely one of the problems for Zia. Some of the noises that he had been making, for example on Kashmir, could and should have been avoided since they make things difficult for us. For example, Pakistan’s budget officially contains a provision of Rs.20 lakhs for the liberation of Jammu Kashmir. President Zia had denied this all along until the December meeting when he admitted it. The amount in itself is not big but the significant thing is that it is openly included in the budget. This kind of thing creates tremendous problems for India in Parliament and in public opinion.

Solarz said that he had just come from Pakistan where President Zia had reaffirmed his interest in normalizing relations with India. Foreign Minister Yakub Khan had told him that improvement of relations with India was a strategic decision for Pakistan. Solarz had dinner with Benazir two nights ago. He had also met her in Washington. She was also equally determined to improve relations with India. She told Solarz that the generational affinity between her and Prime Minister Rajiv Gandhi might make things easier. Solarz told PM whether prospects would be better with Benazir.
PM said that he did not know Junejo well. Junejo was still new and was not allowed to operate freely. PM said that we could equally deal with either of them. But Zia would not allow Benazir to come to power. Benazir was still not good enough to throw Zia. She was not pulling all the groups with her so far. Perhaps she might succeed in doing so in future. She may have 30-40 million people with her, but the other side can also mobilize 30-40 million people. She might have to change her methods basically. If she could do that she would be a very good leader. PM repeated that we could equally deal with Zia.

Solarz said that the US has three alternatives in dealing with Pakistan.

1. Benign neglect
2. Encourage the Govt. there to avoid a major confrontation and chaos and re-imposition of martial law
3. Encourage Benazir to slow down and wait till 1990.

Pakistan’s was a fledging democracy; the martial law had been lifted and elections had taken place.

PM pointed out that Pakistan’s elections were not proper elections like in the US or in India.

Solarz agreed that the elections were not held on party basis, but still they were fair. Zia and Junejo had said that even PPP would be permitted to contest elections if it was properly registered and even to assume power if it won.

PM said that elections in Pakistan could happen like the Bangladesh elections. What was Zia’s perspective if Benazir came to power? She was sworn to revenge.

Solarz said that Benazir had told him in very categorical terms and in the presence of other people that she would not seek revenge for her father’s execution. She would not even insist that Zia should leave before the elections.

PM repeated his view that he did not think that Zia would allow Benazir to come to power.

PM said that the other negative aspect is that Zia and the army always has this feeling that India defeated Pakistan in the Bangladesh war.

Solarz asked PM whether he would like the US to encourage early elections in Pakistan.

PM replied that would help.

Regarding US arms sale to Pakistan, Solarz said that a new six year package
has been proposed by the Administration, starting in 1987. The US Congress will have decisive say. So long as the Soviet troops remain in Pakistan (Afghanistan), it would be unrealistic to expect the Congress to reject it. But the Congress could make it clear that the arms were meant only to deal with the threat from the west and must be deployed only on the Afghan border. He asked PM whether such a stipulation would help India.

PM said that it would not make much difference. The fact was that the arms and troops were deployed along borders facing India. But it would help if the type of arms supplied to Pak could be restricted to only those that could be used against the Afghan soldiers. (PM said that A 10 would have been better for use against Afghanistan border.) The stinger missiles appear even on our borders.

The US Ambassador said that Pakistan had denied the report about stingers. Solarz suggested that perhaps there would be some advantage for India if it is clearly laid down in the legislation that the arms were for use only against threat from Afghanistan. PM wondered whether it would not be much better if the Soviets were made to pull out their troops faster from Afghanistan.

Solarz said that at the last round of proximity talks in Geneva, the Soviets had proposed a four-year period for withdrawal. They were prepared to reduce the period to 3-1/2 years. Yaqub Khan had felt incensed and had threatened to walk out. The Afghan people would never accept a 3 or 4 year time limit. Except the question of time frame and who will verify the various agreements; all other issued had been settled. The agreement had been reached on the instruments on mutual respect and non-interference, on US and Soviet guarantees regarding non-interference and non-assistance to the Mujahideen in the context of an overall settlement and on return of refugees. But the key instrument is the one on withdrawals. Pakistan had proposed a 3-6 month time frame which it was prepared to extend to 9 months and conceivably to one year, but no more. Afghanistan had proposed joint verification by Afghanistan and Pakistan, but Pakistan wanted UN supervision. Coming back to the US arms supplies to Pakistan, Solarz repeated that so long as the Soviet troops were in Afghanistan, the Congress could not turn down the arms request. But the Congress could make it clear in the legislation that the arms were to be used only on Afghan border.

PM said that that would not make a material difference. But if the Congress could limit the types of arms to be supplied, that would be of help. For example, the legislation could specify that only those arms which could be used in that particular terrain should be supplied. Solarz said that he would strongly try for that.
Turning to the nuclear issue, Solarz said he understood reasons why India would not sign the NPT or accept Pakistan's proposals on nuclear weapon free zone or on bilateral inspections. He asked whether PM could consider bilateral agreement with Pakistan undertaking not to explode nuclear devices and not to develop nuclear weapons. PM said we could think about it. PM added that we have known from a very high source in the US Administration that the US is convinced that Pakistan is developing the weapon capability and that the US could not prevent it.

Solarz said that his own impression, following high level briefing in Washington, was that Pakistan is proceeding fast towards the capability to produce fissile material, but Pakistan has not built a weapon yet. Pakistan does not have any present intention to make weapons, but has either already crossed Rubicon or will do so fairly soon as far as fissile material production is concerned, Pakistan has sufficient capacity at Kahuta. Pakistan would then be in a position to make several “bombs. This would surely be a matter of major concern to India. Under the US laws, all aid would be stopped if Pakistan either exploded or possessed a nuclear device.

PM asked him as to why could the Congress not withdraw the waiver of Symington Amendment.

Solarz said that they might do that, but there would be a major controversy around it. If the Congress does not withdraw the waiver, it would be because it would complicate the US Afghan policy. The US has managed to induce Pak not to explode a device so far, but the US cannot stop them from collecting fissile material.

PM said that India do not want to get into this race. It would be much too expensive not only in terms of money but also in terms of our entire foreign policy, etc. As far as our own fissile material is concerned, we have used it up in our reactors.

Solarz said that India has un-safeguarded fissile material sufficient to make weapons if it chose to do so. PM had said that India has used up the material. Was not there some way to establish confidence in each other so that Pakistan could be sure that India has no stockpile and India could be sure that Pakistan does not produce fissile material? Neither side would accept the others statement at face value. He asked whether India could prove that it had used up the fissile material. The records could always be doctored.

PM said that it should be possible to establish this point. After all, the scientists would know how much material has been produced and how much used up.

Solarz referred to threat to India from China and said that any arrangement with Pakistan about not stockpiling fissile material could be terminated in case
a threat from China develops. India could always invoke state security reasons and inform Pakistan about it. Thus, India would not be permanently closing its option. Solarz added that an offer of this kind by India would generate great pressure on the super powers to conclude a comprehensive test ban treaty.

**PM** suggested that it may be worthwhile for USA to make a counter offer to the Soviet Union in response to Mr. Gorbachev’s various proposals for disarmament. This way the onus could be shifted on to the Soviet Union. It would also give the Six Nations something to shout about. India did not want to embarrass the US. But Gorbachev readily agrees with whatever the Six Nations propose and even more than that. **Solarz** said that it was a very constructive suggestion and he would take it back with him to Washington.

**Solarz** asked **PM** whether there was any major problem in Indo-US relations. **PM** said that on the whole the relations are quite good. There had been good progress on several fronts and there was political will on both sides. We were somewhat upset on the Libyan affair. We have no love lost for Col. Gaddafi. He had given money for Pakistan’s nuclear bomb. But what worried India was the fact that the US was getting pushed into taking independent action on its own. The US seems to feel that the whole world is against it. The Americans feel isolated. This was very dangerous not only for the US but for the whole world.

**Solarz** said that he shared **PM**’s concerns and asked what should be done if there was compelling evidence.

**PM** said it was very difficult question to answer. Terrorism had to be tackled politically as well as through tough law and order measures.

**Solarz** asked whether it made any sense if economic and diplomatic sanctions, and civil aviation boycott were to be imposed. **PM** answered in the affirmative, but pointed out that the sanctions must apply to everyone and there should be no double standards. For example no less an organization than BBC had been used to announce an award of £50,000 for the assassination of the late Prime Minister. What sanctions would be imposed against the BBC?

**Solarz** informed **PM** that the US Congress would be adopting tough measures sometime in June imposing sanctions against South Africa. **PM** welcomed this development.

(C. R. Gharekhan)
Addl. Secretary
2.6.1986

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1107. **Aide Memoire handed over to the Pakistan Ambassador in India by the Indian Foreign Secretary regarding exchange of security prisoners.**

*New Delhi, May 28, 1986.*

The Protocol of Consular Access signed between India and Pakistan on 2nd November, 1982, covers the question of exchange of civilian prisoners between the two governments; the Protocol, however, does not cover the security prisoners detained in both the countries. In the past, the question of the exchange of security prisoners has also been separately taken up and a few notes also exchanged.

2. Attention of the Government of Pakistan is invited to their note No. Ind/4-1-35/82-85 dated 10th April, 1986 regarding exchange of the three Pakistani prisoners, Syed Zulfikar Ali, Syed Tariq Masood and Mohammad Siddiqui, against three Indian prisoners, Roshan Lal Jalla, Mangat Ram and Lachman Singh, son of Rur Singh. As a meaningful move in this direction, to bring about an exchange of security prisoners, the Government of Pakistan is requested to convey its approval for the exchange of prisoners mentioned above. The stand taken by the Government of Pakistan that Lachman Singh is a condemned prisoner and hence not available for repatriation, is not sustainable in view of the fact that Lachman Singh was offered for exchange by the Government of Pakistan itself in 1980.

3. It may be pertinent to mention that in contrast to the practice followed by Pakistan of condemning security prisoners, as against the Indian practice where there is no such punishment meted out to security prisoners, condemned prisoners should also be considered for exchange against these prisoners in India who have been sentenced to long-term imprisonments, since charges framed against them would be on similar lines for similar offences.

4. Further, many of the Pakistani long-term prisoners in India are likely to be detained for a longer period since there are other cases/charges also pending against them. In view of this, long-term Pakistani prisoners in India have to be treated on par with condemned Indian prisoners in Pakistan.

5. The question of the release and repatriation of Mr. Ravindra Kaushik is now pending with the Government of Pakistan. As conveyed earlier, it is requested that Mr. Kaushik may be repatriated on humanitarian grounds. The Government of Pakistan may on its part like to suggest a suitable Pakistani prisoners whom they desire to have in exchange of Mr. Ravindra Kaushik

*New Delhi*

*May 28, 1986*
Letter from the Embassy of India to the Ministry of External Affairs regarding Ambassador's meeting with Agha Hilaly, former Foreign Secretary of Pakistan.

Islamabad, October 13, 1986.

Ambassador of India
Islamabad

No. ISL/AMB/287/86 13 October, 1986

My Dear F.S.

Agha Hilali’s name is not new to you. He is the elder brother of former Foreign Minister Agha Shahi. He was Pakistan’s High Commissioner in Delhi; Foreign Secretary of Pakistan; has been used by President Zia, off and on, as his Special Envoy. You may recall his rumpus in Geneva in the UN Human Rights Commission, with Shri Bali Ram Bhagat.

2. He lives in Karachi; and visits Islamabad from time to time for attending meetings of the various quasi-official originations where he is a member of the Boards of Governors or Directors. He insisted on seeing me today, just before returning to Karachi.

3. He began by protesting a little too much, and a little too shrilly, that he was talking to me on his own and not on behalf of Zia or the Foreign Minister. However, as the conversation went on, one was able to recognize bits and pieces of one’s own remarks in recent talks with Foreign Secretary Abdul Sattar, and/or President Zia. Indeed towards the end of our discussion he pretty nearly confessed that during the last three days he had met all the major policy makers in the area of Indo-Pak relations.

4. He was with me for almost two hours. He covered almost all major facets of Indo-Pak relations, including the internal situation in Pakistan which should not be ignored. The principal aspects covered were: the nose-dive that Indo-Pak bilateral relations have taken recently; P.M’s Harare statement; various allegations and innuendos suggesting Pakistan’s complicity in the assassination attempt against our leaders made at Rajghat on October 2; the role of our Consulate General in Karachi in the deterioration of our relations; prospects of the re-opening of Indo-Pak trade; recent Pakistani pronouncements on the Kashmir issue; internal situation in Pakistan, and the role of the Pakistani bureaucracy and military hierarchy in this; Zia-Junejo relations.

5. I must not inflict upon you the tiresome details of this discussion; what he said and what I said. Suffice it to say that the discussion was brisk, animated
and frank. No conclusions were arrived at. Towards the end when he found that he had not been able to persuade me to accept his thesis he suggested that both sides must stop making mutually damaging, critical and accusatory statements. Then we can patiently wait for the internal situations in the two countries improving.

6. I must catalogue certain important points which were made:

(i) Zia had felt personally hurt by PM’s Harare statement. During the hijacking drama, while both PM and Zia were in Harare, Zia made a conscious effort to show his sincerity, and deference to PM, by keeping him fully informed and briefed as frequently as possible. Several of his advisers there, and his critics at home, then, and later, have tended to blame him for having behaved with PM as a ‘vassal’ and not as a self-respecting Head of State. After PM’s Harare statement, Zia felt that perhaps his attitude of sincerity had been mistaken by India as a sign of weakness.

(ii) As Indo-Pak relations have deteriorated the political lobby in Pakistan which favours revival of the Kashmir issue as an ‘active dispute’, has gathered strength and momentum. (I told him that his statement was factually wrong; and that even a casual check would demonstrate that all this was deliberately started by Resolution of 16 January 1986 on Kashmir. That this was passed under the Chairmanship of Prime Minister Junejo, and the day before Foreign Secretary R. Bhandari’s arrival in Islamabad should make everything clear to everybody). He said that while our relations remain as poor as they are today the lobby of Pakistani diehards for the liberation of Kashmir will get stronger. Much against my wishes, I told him that in that case we will have the patience to wait for a couple of centuries for their impatience to settle down.

(iii) They count Chairman, Policy Advisory Committee, Shri G. Parthasarthy; Minister of State Shri K. Natwar Singh; and yourself as amongst those who feel that friendship with Pakistan is neither necessary nor a desirable policy. I tried to persuade him that this assessment is wrong, and that the facts on which they base it even wronger. I reminded him of all that Shri Parthasarthy and Shri K. Natwar Singh had tried to do as Envoys to Pakistan, of his own friendship with them etc. and as regards you, I said that you were objective and brought to this issue an unprejudiced objectivity and freshness of views. He replied that President Zia felt that in the earlier period of his administration, our present Prime Minister had been following his own instincts but now certain strongly anti-Pakistani advisers had surrounded him.
(iv) The Zia-Junejo tensions were relieved somewhat in April and May’86 by the return to Pakistan of Benazir. This had brought Zia and Junejo back together. But it has always been a curious co-existence. Each one knows that he may not survive without the goodwill of the other. Pir of Pagaro’s influence on Junejo is anti-Zia. Their two personalities and their wave-lengths are very different one from the other. Junejo is fiercely hostile to civil servants who, he feels have ignored or defied him; or shown greater deference to Zia than to himself. Niaz Naik was a victim of this. But for assiduous pleading by Zia, on his behalf, he would not even have got Paris. Sattar apparently maintains equi-distance, or a show of equal loyalty and equal deference to both these two principals.

(v) On the Sikh issue, several of Zia’s advisers feel that India expects too much from them, and demands too much. As an example he mentioned our having sought, at PM’s level, the return of Dr Arjinder Pal Singh Sekhon. Zia’s initial response had been sympathetic and positive. But then he found all this would lead to complications and he wriggled out of it. Pakistan, said Hilaly, must never be made to feel that India treats her “as a Provincial Government within the sub-continental system”. New Delhi should never appear to order Pakistan around. Some Pakistan policy makers feel that India treats them with scant respect; and their gestures of friendliness are given no credit. India makes demands and when these are not met India gets peevish, irritable, often angry. I told him that occasionally we find it difficult to make Pakistanis take Pakistan seriously; so full of psychological complexes they appear to be.

(vi) He ended by saying; “Please help us by persuading your leaders and your Government to stop involving us in all your troubles – Khalistani extremists in Punjab; assassination attempts against your leaders; by your home grown terrorists; a tragedy like the PAN AM hijack attempt etc.” Let us wait for greater political clarity on both sides; and in the meanwhile cease fire in respect of anti-each-other public statements and propaganda.

7. I have been getting similar impressions from other important sources. I think time may be coming for us to sit down with them, on an authoritative level, to settle a few ground-rules. I should be grateful for your comments and instructions.

Yours sincerely

(S.K. Singh)

Shri A.P. Venkteswaran,
Foreign Secretary,
Ministry of External Affairs,
New Delhi
Pakistan has deplored the logic of the rationale given by India for the construction of the naval base on its Arabian Sea coast, a Foreign Office spokesman said at Islamabad on October 29, 1986.

Briefing newsmen at the weekly Press briefing, the Spokesman said that as one of the neighbours, Pakistan could not be fooled by India's self-serving logic which could not conceal the design formulated by Indian strategists to control the ocean from Aden to the Straits by constructing such a huge base, the third such towards south of Pakistan.

Answering questions on the possible implications for Pakistan the spokesman said the Pakistan government had lodged no protest and raised no hue or cry over this because every country has the sovereign right to build such base on its territory.

The spokesman said the naval base, which would be third, the two others being at Bombay and Cochin, would be the most sophisticated and would cost India about Rs.17 billion.

Favourite Indian Bogey

He recalled that while speaking at the ground breaking ceremony, Indian Prime Minister Rajiv Gandhi had sought to justify the Indian naval build up by resorting to the favourite Indian bogey. “He would like the people of India and the world to believe that India has to build the third base, south of Pakistan, because Pakistan is to acquire some ships,” the spokesman said, adding, “what we may acquire is yet to be decided.”

But, he said, India had already obtained another carrier and several frigates and submarines, professing all the time its commitment to making the Indian Ocean a zone of peace.

Asked a comment on India’s denial about grant of permanent facilities to Soviet Navy Ships at an Indian port, the spokesman said there was certain mystery about this between India and the Soviet Union. “Our statement was based on the information that we had received,” he said.

Sikh Agitation

Replying to another question, the spokesman said that in spite of Islamabad’s
requests, India never supplied list of names of those persons whom New Delhi
either detained or allegedly killed, for illegal border crossing, alleging that they
were Pakistanis involved in the Sikh agitation in Indian Punjab.

The spokesman reiterated that Pakistan did not provide refuge or assistance
to any Indian Sikh who might be involved in the agitation in India. Not even a
single Pakistani had been identified by the Indian government in response to
the Pakistan government’s query, the spokesman said.

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1110.  Press Conference of Pakistan Prime Minister Mohammad Khan Junejo on his return to Islamabad after his meeting with the Indian Prime Minister Rajiv Gandhi on the sidelines of the SAARC Summit.

Islamabad, November 17, 1986.

Prime Minister Mohammad Khan Junejo on November 17 expressed his
satisfaction over his talks with Indian Prime Minister Rajiv Gandhi in Bangalore
on the occasion of the second SAARC summit.

Addressing a Press conference on his return from Bangalore after leading Pakistanis delegation to the summit, he described his discussions with Mr. Gandhi as purposeful and said these would no doubt serve to clear the air between the two countries.

Talking in the context of slowing down of process of normalization of ties
between the two countries, he said in recent months the relations between the
two had suffered a setback on account of certain ill-founded misgivings.
However, he said Pakistan attached great importance to its relations with India
and wanted to improve them further.

On Good-Neighbourly Relations

He said that Pakistan remained committed to seeking good neighbourly relations
and cooperative bonds between the two countries. “I am confident that given
political will and sincerity of commitment we can achieve this objective,” he said.

He said that Pakistan earnestly hoped that the Indian leadership would respond
to Pakistan’s various initiatives. “Together in peace and harmony we should
be able to defuse tension and create suitable climate for accelerating the process
of normalization between India and Pakistan to the mutual benefit of their peoples,” he added.

About his meeting with Mr. Gandhi, he said they had met a second time after his first contact with him in Stockholm in March last. During their over an hour’s meeting in Bangalore they discussed almost all matters of bilateral interest in a frank and cordial atmosphere. He found him friendly, affable and responsive, Mr. Junejo remarked.

**Resumption of Indo-Pak Dialogue**

He said that at his meeting with Mr. Gandhi, he emphasized the importance of resumption of the suspended Indo-Pak dialogue and recalled the proposals Pakistan had already made in that direction.

Both the sides, according to him, agreed that there were a number of difficult and delicate issues but both had to persevere in efforts for better understanding.

Besides, they also recognized the need for cooperation in measure to be taken by both sides to seal the border against smugglers, drug traffickers, terrorists, criminals and illegal immigrants.

Mr. Junejo said Foreign Minister of the two countries also held two rounds of talks. The Foreign Secretaries of Pakistan and India also met separately. This gave him and the Foreign Minister and the Foreign Secretary an opportunity to have extensive and in-depth discussions on bilateral issues with India.

**On Indian Troop Deployment**

Answering a volley of questions about recent large-scale Indian troop deployment on Pakistan’s border, he said Mr. Gandhi categorically denied such a large-scale movement of Indian troops.

He told newsmen that he had also taken notice of such a movement which was played up by foreign media. This naturally caused concern to the government, as well as the people of Pakistan.

He said during his meeting with Mr. Gandhi this issue also came up for discussion, besides other matters. Mr. Gandhi had told him that there was no substance in such reports. There was no unusual movement of Indian troops, he told him and added that normally Indian army went for winter exercises during this time of the year but troop movement even for this purpose were yet to take place. He had to accept this assurance of Mr. Gandhi, Mr. Junejo said.

**Adherence to Existing Understanding**

He said the Indian Prime Minister had also assured him that for an unusual troop
movement existing understanding of prior notification by either side would be adhered to at local commanders’ level.

Mr. Junejo said in his address to the SAARC summit he had made a suggestion for prior notification of troop movement of significant nature by member countries to one another.

He replied in the affirmative when asked if Mr. Gandhi also raised the question of acquisition of Airborne Warning and Control System (AWACS) by Pakistan from the USA.

He said he told Mr. Gandhi that Pakistan needed such a surveillance system in view of situation on its western borders. Talks were still continuing with the USA for the acquisition of such a system, about which a decision had yet to be taken.

**On Drug Trafficking**

He told a questioner that the issue of drug trafficking also had come up for discussion in his meeting with Mr. Gandhi. Pakistan, he had told him was seriously tackling this problem and had curtailed poppy-growing to a great extent.

He told another questioner that the matter regarding posting of observers to watch troop movements on the common border between India and Pakistan was not broached by any side.

Questioned if the Kashmir issue was also touched at his meeting with Mr. Gandhi the Prime Minister replied, “Yes”.

He said he had told him in very clear-cut terms that this question had to be resolved in accordance with the Simla Agreement.

Mr. Junejo agreed with a questioner that during the recent past in skirmishes on the cease-fire line, there had been civilian causalities on the Pakistan side. Pakistan would not tolerate such a happening, he said.

**On Training of Sikh Terrorists**

In replying to another question he said Mr. Gandhi had also brought to his notice the issue of training of Sikh terrorists by Pakistan. He denied this and told him that Pakistan had a similar grouse against India of sending subversive elements to Sind.

They agreed that both the countries should discuss this matter at experts’ level to find the truth behind such allegations and counter allegations.

The Prime Minister was flanked by Foreign Minister Sahabzada Yaqub Khan and Information and Broadcasting Minister, Ch. Shujaat Hussain at his Press conference.
Saarc Summit an Outstanding Success

He also said that the second summit was an outstanding success. He said the declaration of the summit reflected the determination of the members to collectively seek a better future for the people of South Asia.

The two-day summit which concluded earlier on November 17 reaffirmed a commitment to regional cooperation, he added.

The summit declaration bears eloquent testimony to our determination to effectively carry forward the process of regional cooperation, he said.

Expressing his satisfaction with the summit, he said he was sure it would help create better understanding among the members. Solid steps had been suggested to strengthen cooperation which would augur well for the people of South Asia.

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1111. \textit{SECRET}

Note by Ambassador S. K. Singh summarising the discussions he had with External Affairs Minister.

New Delhi, November 22, 1986.

Ministry of External Affairs

As desired by EAM, I summarise below, the points I mentioned to him on November 22, 1986.

(i) The Secretary level meeting in Lahore in early December 1986 will require somewhat detailed preparation. We will need to think out our strategy on all these complex issues: controlling illicit crossings; drug trafficking; smuggling; and terrorism along the border. We also need to determine before the meetings with Pakistan, what precise objective we seek to achieve;

(ii) The Foreign Secretary level meeting, before the end of December 1986, will deal with the normalization process between the two countries. Before getting into this we should recognize that the current internal political situation in Pakistan is such as not to permit that country to take any hard or firm decision;
Our negotiations need to receive political level guidance about the use of the Pakistan factor during the forthcoming State Assembly Elections; more specially in the state of Jammu & Kashmir, Haryana, Himachal Pradesh and Kerala;

Between December 17, 1985 (when P.M. had received President Zia in Delhi), and now the internal political situation in Pakistan has become blurred, as the country is passing through a period of internal political flux. Junejo’s party, the Pakistan Muslim League is cohesive neither in the Centre nor in the four Provincial State Assemblies. Punjab (accounting for 58% of the population and 60% of the resources of the entire country) is going through a period of political uncertainty. In both Sind and NWPF, the law and order situation has deteriorated. Zia–Junejo personal equation has several question marks around it. The two mass-based parties Banezir Bhutto’s PPP and Khan Abdul Wali Khan’s ANP out side the Government, show signs of fraying at the edges. For the present, however, Zia’s hold over the armed forces is firm and unchallenged. Once this changes, the situation will deteriorate visibly;

The dilemma of the Pakistan – U.S. relations is that while Pakistan Government elite and bureaucratic – military establishment are delighted to be dependant upon the USA, Pakistani masses are suspicious of and hostile to the USA;

Americans in Pakistan confess that they need Pakistan more than Pakistan needs the USA. The principal reasons for this are: (a) USA must have Pakistan’s total support and commitment for their Afghanistan policy. This includes also the U.S. policy vis-à-vis Soviet Central Asia; (b) the Gulf and West Asia policies of the USA, are dependant, to an extent, upon Pakistani armed, personnel (or mercenaries) serving in that region; 27,000 Pakistani soldiers are stationed in Saudi Arabia alone, and another 10 to 12 thousand scattered all over the rest of that region; (c) Indian Ocean Policy of the USA also insists on the availability of the Karachi Port and Qassim and Gwadur Ports; (d) storage facilities in Pakistan are essential for the heavy equipment, arms and ammunition for the use of US Central Command personnel.

Pakistan has gone back on its word to India, between December 1985 and now, on two issues. President Zia had said in his Press Conference, at Palam Airport on December 17, 1985 that issues that divide India and Pakistan should be set aside, and cooperation built up on issues that can bring us together. Further that Kashmir problem should be settled in due course, and on the basis of Simla Agreement. Even before a full month had passed, Prime Minister Junejo had erased this statement through passing a Muslim League
Resolution stating that the Kashmir problem demands an early solution on the basis of the U.N. Resolutions. Similarly, the Agreed Minutes signed by the two Finance Ministers (Shri Vishwanath Pratap Singh and Dr. Mububual Haq) on 10th January 1986 laid down specifically that a delegation of senior Secretaries from Pakistan would visit India within a month i.e. before February 10. This has not happened until now. This delegation was to have expanded the list of items for trading between the private sectors of the two countries; discuss and settle infrastructure for trade (payment arrangements; clearance arrangements; banking; transportation, including civil aviation, shipping etc; communications including telex, direct telephone dialing etc.) and establish one joint venture on either side within 12 months. Pakistan has avoided doing anything on all these aspects. They have been asking us to negotiation and settle the trading list in the sub-commission on Trade and Economic Cooperation. The obvious question that arises in our mind is, How serious is Pakistan in making commitments to us? What we need to pursue is not an expanded list of trading items from Pakistan but mutual faith and trust with them. And this needs to be reiterated to them in each of our meeting with them.

3. Perhaps we need to be patient with Pakistan on broader issues. My assessment is that Pakistan does not wish to give up its irredentist posture about Kashmir. The Shariah Concept of a tooth for a tooth and an eye for an eye, makes them yearn for some sort of revenge for 1971. They are not prepared to forget 1971. They insist on parity with India on as many aspects as possible. Their constant thirst for sophisticated American arms and equipment, latest generation lethal weapons, and nuclear weapons capability all stem from this quest for parity. We will, therefore, need to be patient, perhaps even for some more decades.

4. In the meanwhile, however, India must continue to try to be both generous and understanding on aspects of every day co-existence with them as neighbours. People to people contacts; easier visa policies; closer and expanding cultural exchanges; expanded transport and communication links, all these must be encouraged. It is along this line of thinking that we should insist on building up a genuine and continuing, ever expanding relationship of economic cooperation with them.

(S.K. Singh)
Ambassador of India To Pakistan
Camp: New Delhi
24.11.1986

Foreign Secretary
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Summary record of the meeting convened by the External Affairs Minister on Home Secretary’s visit to Pakistan for discussing Indo – Pakistan cooperation in controlling illicit crossing, drug trafficking and terrorism along the border.

New Delhi, December 9, 1986.

EAM convened a meeting in his Office at 7.00 P.M. on 9.12.86 regarding the Home Secretary’s visit to Pakistan in order to discuss Indo-Pak Co-operation for controlling illicit crossing, drug trafficking, smuggling and terrorism along the border.

2. A list of those present is appended. (not included here)

3. Home Secretary explained that on each of the issues to be discussed namely, drug trafficking, smuggling, terrorism and illicit crossing, he proposed to present to the Pakistan side an AIDE MEMOIRE detailing our misgivings and making concrete suggestions for action to ameliorate the situation. Draft copies of each Aide Memoire were distributed for perusal during the meeting. In regard to the Aide Memoire on terrorism a view was expressed that on account of the paucity of concrete evidence, it may perhaps be better to confine oneself to an oral discussion of the issue rather than to present an Aide Memoire. It was, however, felt that on balance, it would be more appropriate to present the Aide Memoire on terrorism as failure to do so could be exploited by Pakistan. Suggestions were made for improvement of each Aide Memoire and particularly that in respect of terrorism. It was decided that redrafted versions of all the Aide Memoire would be put for approval to P.M. prior to the Home Secretary’s departure for Pakistan.

4. Reference was made to the telegram sent by our Ambassador in Islamabad alerting us to the possibility of the Pakistani side suggestions during the visit that Indo-Pak Border Ground Rules should be reformulated. It was noted that while Pakistan had merely wanted to update the 1960-61 Ground Rules and to retain the military provisions of these rules, we had consistently maintained that the Ground Rules of 1960-61 were no longer valid following the 1971 conflict. We were not in favour of retaining the military provisions of these Ground Rules as these went against us. We had, however, formally proposed to Pakistan that we were ready to cooperate in drawing up a framework for dealing with border problems like straying of cattle, smuggling, unauthorized movement of nationals of either country across the border, border crimes etc. It was felt that in case this issue was raised, we may reiterate our position on these lines and should not in any case agree to the Ground Rules of 1960-61.
5. On the suggestions of Director General (Revenue Intelligence), it was decided that we should ask our Ambassador in Pakistan to request the Pakistan side to include his counterpart in the delegation.

6. It was decided that Home Secretary and Foreign Secretary should see the video film which had been prepared on terrorism with a view to decide whether the same should be shown to the Pakistani side.

7. There was a detailed discussion on the Pakistani proposal of joint patrolling. It was felt that in case the Pakistanis made this proposal we should elicit fuller details of the same in the first instance and in any case propose intensified patrolling by them. There was also a detailed discussion on whether or not we should offer to the Pakistanis the possibility of their examining terrorists who had been interrogated by us. It was decided that this offer should not be made but in case the Pakistanis made such a request we could indicate that this would be considered by us.

8. The meeting terminated at 8.45 p.m.

(Satish Chandra)
Joint Secretary (AP)
11.12.1986

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1113. Letter from Pakistan Prime Minister Mohammad Khan Junejo to Prime Minister Rajiv Gandhi.
Islamabad, December 19, 1986.

PRIME MINISTER

16 Rabi-us-Sani 1407 AH
19 December 1986

His Excellency,
Mr. Rajiv Gandhi,
Prime Minister of Republic of India,
New Delhi

Dear Prime Minister,

I would like to thank you for the welcome and the hospitality so consistently extended to me and to the members of my delegation during our visit to Bangalore to attend the Second SAARC Summit.
The painstaking arrangements made by the Government of India for the SAARC Conference contributed in no small measure to its success. We have come away impressed by the quiet efficiency at all the functions and the zeal and dedication of all those associated with the organization of the conference.

The Second SAARC Summit was indeed momentous and an important milestone in our common endeavours for expanding regional cooperation. Your Excellency’s contribution to our deliberations and the efficient way in which you presided over the Summit is a tribute to your capability. The retreat to Nandi Hill was as pleasant as it was enjoyable. It provided us almost useful opportunity of an informal exchange of views on matters of common interest.

May I also once again extend my warmest felicitations to your Excellency on your assumption of the Chairmanship of SAARC for the next year. We look forward to working in close conjunction with you in furthering the noble objective of regional cooperation. I take this opportunity to assure Your Excellency that Pakistan will contribute to the fullest extent in the implementation of SAARC programmes.

It is with great pleasure that I recall our most useful meeting on November 16 which enabled us to discuss in a constructive and candid manner, important bilateral issues. I am confident that, given goodwill and mutual understanding, our two countries will generate mutual trust and confidence and pave the way for accelerating the process of normalization. I would also like to reiterate my Government’s commitment to the establishment of good-neighbourly and tension-free relations with India. This would not only serve the best interests of our peoples but would also contribute to regional peace and stability.

We look forward to Your Excellency’s visit to Pakistan both as the Chairman of SAARC and as the Leader of a great neighbouring country with whom we are determined to build bridges of understanding and mutual trust.

Please accept, Excellency, my best wishes for your personal well-being and for the ever growing progress and prosperity of the people of India.

Yours sincerely,

(Sd/-)

(Mohammad Khan Junejo)

(words in italics are hand written)
Joint Press Release issued on the Visit of Home Secretary C. G. Somiah to Pakistan.

Lahore, December 21, 1986.

In pursuance of the decision reached by the Prime Ministers of Pakistan and India at their meeting in Bangalore in November, 1986, the representatives of the Governments of Pakistan and India met in Lahore on 20th and 21st December, 1986 at Secretary’s level to discuss and work out detailed measures to cooperate in controlling illicit crossing, drug trafficking, smuggling and terrorism along the border of the two countries.

2. The Indian delegation was headed by Mr. C.G. Somiah, Home Secretary and comprised the following:

(i) H.E. Mr. S.K. Singh, Ambassador of India; (ii) Mr. M.C. Mishra, Director General, Border Security Force; (iii) Mr. M.L. Wadhawan, Director General, Economic Intelligence Bureau; (iv) Mr. B.V. Kumar, Director General, Revenue Intelligence and Narcotics Control Bureau; (v) Mr. M.C. Trikha, Joint Secretary, Ministry of Home Affairs; (vi) Mr. Arun B. Patwardhan, Minister, Embassy of India, Islamabad; (vii) Mr. Satish Chandra, Joint Secretary (AP) Ministry of External Affairs.

3. The Pakistan delegation was headed by Mr. S.K. Mahmud, Secretary Interior, and comprised the following:

(i) Maj. Gen. Hakeem Arshad Qureshi, Director General, Pakistan Rangers, (ii) Mr. Obaid-ur Rahman Khan Director General, PIA, (iii) Mr. Dilshad Najmuddin, Chairman, PNCB; (iv) Syed Aqeel Rizvi Member (Customs), CBR; (v) Mr. A.R. Siddiqui, Joint Secretary, Ministry of Interior; (vi) Mr. Shamshad Ahmad, Director General, Ministry of Foreign Affairs; (vii) Mr. Aziz Ahmed Khan, Minister, Embassy of Pakistan New Delhi.

4. The talks were held in a cordial and frank atmosphere with both sides reiterating the resolve of their respective Governments to establish good neighbourly and cooperative relations between the two countries on the basis of the principles of peaceful co-existence, namely, sovereign equality, independence, non-interference in each other’s internal affairs, territorial integrity, justice and mutual benefit. They also re-affirmed the commitment of their Governments of the Simla Agreement. They agreed that the problems discussed could find resolution on the basis of good faith and mutual trust.

5. On an issue raised by the Home Secretary of India; the Interior Secretary, Government of Pakistan affirmed that his Government is opposed to all forms of terrorism in Punjab and elsewhere. In this context the Government of Pakistan
reiterated that it does not and will not provide any support to terrorist activities directed against India. The Home Secretary, Government of India gave similar assurance in this context.

6. The two sides discussed the entire range of illegal cross-border movements and specific remedial measures such as joint surveillance of the border and a joint mechanism with solemn and binding obligations, on a reciprocal basis, against allowing the use of their respective territories for any acts or activities directed against internal peace, stability and territorial integrity of the other state. They recognized the need for evolving a common approach to resolve this problem.

7. It was further recognized that illegal crossings and terrorism have become closely inter-linked with each other. While agreeing to hold further discussion on these issues, both sides decided, as an immediate step towards controlling illegal border crossings, to strengthen cooperation between their Border Security Forces.

8. The two Secretaries reviewed the situation on the ground as it exists along the border, and agreed that the Ground Rules evolved in 1960-61 need to be reformulated. They agreed to constitute a Committee consisting of representatives of the two Ministries of External/Foreign Affairs, two ministries of Home Affairs/Interior, the Director General, Border Security Force (India) and the Director General, Pakistan Rangers. This Committee will study the two draft proposals in this behalf which had been exchanged in 1981-82 by the two sides, take into account the developments and evolution between then and now and expeditiously draft new ground rules for the consideration of the two Governments.

9. Both sides welcomed the decision taken at the Second SAARC Summit for the establishment of a Technical Committee on Prevention of Drug Abuse and Drug Trafficking in the region. They also reaffirmed their determination to combat this evil on a bilateral level, within the framework of the Joint Ministerial Commission. Both Sides agreed to implement the decision taken at the last meeting of Sub-Commission IV in this regard.

10. It was decided to constitute a Committee to combat narcotic trafficking and smuggling with the following membership:

INDIA: (1) D.G. Narcotics Control Bureau; (2) D.G. Revenue Intelligence; (3) Representative of Border Security Force; (4) Representative of Finance Ministry; (5) Representative from Ministry of Foreign Affairs.

Both sides agreed that the Committee will meet periodically in order to evolve a common strategy to undertake concerted action to counter and eliminate
these activities and to exchange information relating to drug traffickers and smugglers operating from either side of the land border. The two sides agreed, in this context, to exchange operational information and intelligence. They agreed that information would be supplied which may require follow-up action in either country on a basis of urgency.

11. It was agreed that the two Secretaries shall continue to remain in touch.

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1115. [SECRET]

Record of discussions of the meeting between Foreign Secretary A. P. Venkateswaran and Pakistan Minister of State, Zain Noorani.

Islamabad, December 27, 1986.

Foreign Secretary called on Pakistan's Minister of State for Foreign Affairs, Mr. Zain Noorani, in the latter's office in Islamabad on 27.12.1986. After the usual round of pleasantries, the discussions proceeded on the following lines (A list of these present is appended):

F.S. 2. I would like to convey to you at the outset that we want not just a working relationship with you, but also a friendly relationship. We want to do everything at all levels to build such a relationship and remove the clouds which appear from time to time. For this, I have come here with the blessings of our Prime Minister, Foreign Minister and the entire leadership of the Government of India. Just before this meeting, I had one and a half hours meaningful discussions with my friend Mr. Abdul Sattar, the Foreign Secretary of Pakistan. We had useful discussions on several areas and we will continue these in the afternoon.

Pak MOS. 3. The thing which I would like to ask is that in our bilateral relations, why do we make a little progress and then take some steps backwards? I am sure you must have come with the offer of several Pacts, but my suggestion is that all these Pacts should be shelved. The leaderships of our two countries should not make any statement for one year and this by itself would help to improve the relations.

F.S. 4. I welcome the statement from you, especially since as far as our bilateral relations are concerned, we have always found you to be hitting a lot of sixers.
POLITICAL RELATIONS: 1975-1989

5. Yes, you must also realize that I have to face a lot of googlies.

6. I would like to point out that whenever our Minister of State, Mr. Zain Noorani, has been in charge of this Ministry; none of the adjournment motions which have been tabled have been admitted.

7. Yes, none of these have been admitted when I was handling them. Of course, a lot of subjects came up in debates about which there is a lot of concern in our National Assembly and they are always with some basis. (F.S. pointed out that they were rarely with adequate basis).

8. Coming to another subject, I still maintain that your Prime Minister should visit Pakistan. If he can visit so many other countries, then why not Pakistan? If he comes here, he will see how much love and affection people have for him. He could come preferably to sign the Agreement, but even otherwise he could visit us. Don’t you visit your friends?

9. I will certainly convey this to our Prime Minister. Not that he does not want to come but I will convey it to him.

10. Turning to SAARC, I would like to compliment you on the success of the recent SAARC Summit. Please be assured that we will cooperate fully with you in SAARC.

11. Would you be coming for the Kathmandu Conference?

12. Our Foreign Minister will come.

13. I think you will agree with me that the SAARC spirit is there to stay. It has become an enduring feature of this region.

14. Now coming to another matter, I would like you to do something about the frequent allegations about Pakistan which we find your leaders and your press make from time to time. They have said that they would take action for smashing the training camps on our territory. You would never have to worry if there are no training camps on your territory. The recently concluded meetings of Home Secretaries have had a very positive outcome. The release that was issued, said that Pakistan is against all kind of terrorism in Punjab and also elsewhere. This is most important factor in our perceptions of you. As you recall, our former Prime, Minister was assassinated by Sikh terrorists. Our present Prime Minister has also received many threats from terrorists and on 2nd October, an attempt was made on his life. This is a vital matter. I suggested to Mr. Sattar and I again suggest to you - would it be possible for the Government of Pakistan to issue a statement that it is against the concept of Khalistan which is directed against the integrity and
sovereignty of a friendly neighbouring country like India. Such a statement from you would be received well in India and it would open up many avenues for you not just as regards bilateral cooperation, but also multilateral cooperation. It would generate an enormous fund of goodwill for Pakistan.

Pak MOS. 16. (Avoiding any direct answer to the question) - How does it help us to assist the Sikhs? Why do you think that it is in our interest to help them in this manner? As regards the assassination attempt on your Prime Minister, we found that the blame was again being put on Pakistan. But think for yourself, if we had really been involved, would we have done it in this way - with a country-made pistol. I will be very frank with you and say that the common man in Pakistan believes that there was no real attempt on your Prime Minister's life and that it was just a stage-managed business to serve as an excuse to make allegations against Pakistan.

17. Again you have been asking us to return some terrorists who you think are in Pakistan. You gave us some lists of Sikhs to be returned to you. These people are not with us. The lists were also most unconvincing and contain just a few common Sikh names without any details or descriptions. Even if these people were in Pakistan, how could we find them without the details being provided? Again you gave us some names of foreign Sikhs from USA, Canada etc. whom you wanted us to prevent from entering Pakistan. We have stopped them and your Embassy knows about the action taken by us in this regard.

18. I am glad that the Home Secretaries' meeting went off well. But look at what all has been written in the Indian press about it. Journalists wrote that you people have shown us videos of the training camps in Pakistan for Sikh terrorists. Did you really show us such videos? All that the videos showed were couple of Sikhs talking during interrogation. You know what we think about such interrogations. But I wonder why such items were put out in your press.

F.S. 19. You should not think that we had officially put out such items. The press does such things on its own.

Pak MOS. 20. It is in the interest of neither India nor Pakistan to have suspicions about one another. Your government talks about normalizing cultural relations, trade etc. All these will not normalize relations if there is a suspicion and bitterness in the political relationship. We are prepared to put aside some major disputes like Kashmir for the time being. Our President has said that such major issues would be taken up later. But other steps like Sub-Commission-meetings, Joint-Commission-meetings etc. should be held and there should not be gaps in this process. Whenever there are gaps, the common man feels despondent.
F.S. 21. The despondency arises on our side also because we find that Pakistan is not abiding by its commitments. Let us look at the decisions of the meeting between the Finance Ministers. You had agreed to give us a list of additional items for inclusion in private trade. You also agreed to the decision that a Committee of senior officials would meet in February for reviewing the progress of the decisions taken by the two Finance Ministers. Later, you started saying that you would not be able to participate in the meeting of the senior officials; so we said that at least you should give us a list. This also your government was not prepared to do. Your Ambassador in Delhi said that we could glance at the list, but he could not give it to us. The Joint Commission and Sub-Commissions should have their meetings, but these meetings should produce results. The initial steps which have to be taken to make these meetings result-oriented, such as the list of additional items should be acted upon. Otherwise, there is despondency in India. I have told my friend Mr. Sattar that Pakistan is importing a large number of items we can supply many of these of the same quality at cheaper prices. Why can't our suggestion be acceptable to Pakistan?

Pak MOS. 22. We could try to persuade our Commerce Ministry, but side by side you and Mr. Sattar must also sit down and move forward on other matters. You must let us know what the items you want to be imported are. For food grains, there must be a separate list. Food grains can move only against foodgrains, such as, rice against wheat. Anyway, practical efforts have to be made in the right direction and we must all take such steps. Let us wish you and Mr. Sattar success in your talks here.

(The meeting, which had lasted about 35 minutes, then came to an end).

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List of those present at the meeting between the Indian Foreign Secretary and Pakistan's Minister of State for Foreign Affairs, Mr. Zain Noorani.

I. Pakistan side
1. Mr. Zain Noorani, Minister of State for Foreign Affairs.
2. Mr. Abdul Sattar, Foreign Secretary.
3. Dr. Humayun Khan, Ambassador of Pakistan in India.
4. Mr. Tariq Altaf, Director (India), Ministry of Foreign Affairs.

II. Indian side
1. Shri A.P. Venkateswaran, Foreign Secretary.
3. Shri Prabhu Dayal, Deputy Secretary (AP).

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SECRET

Record of the meeting between Foreign Secretary A. P. Venkateswaran and Pakistan Foreign Secretary Abdul Sattar.

Islamabad, December 27, 1986.

The two Ambassadors (Pakistani Ambassador in Delhi and the Indian Ambassador in Islamabad) were present.

2. The two Foreign Secretaries agreed to take up purely bilateral issues during this meeting; deciding to take up international and regional issues in the full delegation meeting.

3. Mr. Sattar said that he would like Additional Secretary Najmuddin Shaikh to brief Shri Venkateswaran about the Afghanistan negotiations, during the working lunch.

4. On bilateral issues, he said that at least on one issue, any one issue selected by our F.S., they should endeavour to make significant progress so that this meeting can be advertised as a successful one. He suggested that concrete progress could be recorded on any of the following:

   i) Draft Treaty of Peace, Friendship and Cooperation;

   ii) Draft of the Agreement on non-attack on each other’s nuclear installations;

   iii) Scheduling of the Joint Commission;

   iv) Setting the dates etc. for the meeting of the two Surveyors General, preparatory to the Sir Creek delimitation;

   v) Tulbul project on the Wullar Lake;

   vi) Political aspects of Siachin specially emphasizing preventive diplomacy for preventing untoward future developments.

5. Mr. Sattar said that the problem in Siachin had arisen due to the absence of the Line of Actual control. For 30 years neither side had stationed any troops in the area, and then suddenly it erupted into a major problem and something of a dispute.

6. Our FS emphasized that sometimes a gap in understanding aggravates old problems and creates new ones. He, therefore, wished to devote this meeting to ensuring that each one of them understood fully the other’s positions. He
emphasized that speed in settling problems is not as important as ensuring that solutions were durable.

7. Mr. Sattar stated that the understandings arrived at between the two Interior Secretaries should now be implemented fully and speedily.

8. Mr. Sattar went on to confess that perhaps India feels let down in the matter of trade. Also India feels that Pakistan has been interfering in her internal affairs, especially in respect of the development in the Indian Punjab. On the latter issue a dialogue had commenced between the two Prime Ministers; and has been followed up by the meeting between the two Interior Secretaries.

9. Analyzing the two Clauses of the draft Treaty on Peace, Friendship and Cooperation (on Bilateralism, and on Bases), he suggested that on Bilateralism the formulation already used by the two sides in the Simla Agreement may be used once again. As regards the bases or Non-alignment Clause, he said that their formulation had been provided to Foreign Secretary Bhandari in January 1986. The latter had promised to have it examined. Therefore, the Pakistani side continues to await hearing India’s views.

10. As regards the Agreement on Non-Attack on Nuclear Installations, the leaders of the two sides have already announced that the agreement exists, and that it needs now only to be formalized through formulating the text of the Agreement. In other words, an understanding is there that we have agreed, and now we should conclude a formal agreement. He said that the only disagreement, in this, is on the two preambular sub-paragraphs. Even if these two paragraphs were to be removed or reformulated, one could live with the rest of the text.

11. He flagged the point of Prime Minister Rajiv Gandhi’s commitment made, in Bangalore to Prime Minister Junejo to visit Pakistan during 1987 as Chairman of SAARC. Whatever the framework of the visit, it will inevitably also become a major bilateral occasion. After all, an Indian Prime Minister will be visiting Pakistan after a gap of 27 years. Both sides must utilize it for good purpose. Some agreements must be kept ready for that purpose i.e. that visit.

12. On trade, he reiterated what he had said to Foreign Secretary Venkateswaran in their talks in Nandi Hills, i.e. that some progress must now be made. Perhaps, it could be done through Pakistan making an unilateral announcement. He recognizes that there will not be a quantum jump resulting from such a step. He suggested that in the public sector trade between the two countries, there is considerable scope for augmentation.

13. He then insisted that there should be no further delay in convening the sub-Commission meetings, so that the way to the holding of the Joint
Commission meeting is open. He also said that in respect of joint ventures being established in the export zones of both sides, every encouragement should be given by the two Governments to the private entrepreneurs of the two sides.

14. On Tulbul he said that the Pakistan Cabinet was exercised about this, even though basically it is a technical matter. The two Indus Commissioners should continue discussing this in accordance with the Indus Basin Treaty. They have already met earlier in December and will meet again in January 1987. He underlined the concern of the Pakistan Government, and appealed that India should not present them with a fait accompli on Tulbul.

15. Reverting to Siachin he asked for some concrete suggestions from the Indian side so that the problem could be solved.

16. Responding to Mr. Sattar's comments, our Foreign Secretary pointed out that the Simla phraseology has already existed for almost a decade and a half. We should be moving forward on the question of bases and of bilaterism. Therefore, some fresh thinking needs to be done. On the question of bases especially while Pakistan is prepared to refer to the principles of non-alignment in a general sense, we feel, we should work towards a clearer focus, a sharper and more definitive purpose. This is our bilateral agreement and here in the matter of bases we must be clear where we are going. In every agreement between any two sovereign States, clearly some little modicum of sovereignty has to be voluntarily surrendered. This is done always for value received. If we are prepared to fore-swear for the future or forever certain involvements then we must both be prepared to make a common commitment against having foreign bases on our soil. Similarly in respect of bilaterism both our countries need to be a little more specific. Every effort should be made to have the minimum of ambiguity.

17. As regards non-attack on nuclear installations both sides have wholeheartedly subscribed to this. Pakistan, we feel, is moving towards a nuclear weapons option. We feel that we can arrive at a mutually acceptable bilateral agreement; however, Pakistan must understand that India has refused to sign the NPT not because of any considerations involving Pakistan but rather for basic and fundamental reasons. The agreement regarding non-attack on nuclear facilities is a first step. We should discuss this entire matter in greater depth and with great candour.

18. In the matter of trade and economic cooperation, F.S. said Pakistan imports various items from diverse sources. These imports have been going on for a long time and have shown no deleterious effect on Pakistan’s economy. In case the idea is to resume trade with India, and build up significant economic
co-operation with India, Indian exports should be permitted to enter Pakistani market in exactly the same way as from other countries. If we can compete with other countries on quality and price, we will survive in the market otherwise not. Resuming trade with us would be a gain for the people of Pakistan. Discussing the list of additional items which had been shown by Ambassador Humayun Khan to Foreign Secretary in Delhi he called the list “most unappetizing”. He added that our business Sector has much clout in our society and specifically in our Parliament. He said that dates for the meetings of the Sub-commissions can certainly be settled and also for the Joint-commission but there should be some discussion about what one wish to achieve through the Sub-commissions and Joint-commissions. In this context he welcomed Foreign Secretary Sattar’s proposal to make a unilateral announcement of the list of items. He said that joint ventures could be of the type that both countries would be enthusiastic about buy-back arrangements.

19. On Tulbul F.S. said, there is need for year-round navigational continuity. There is no desire to deprive Pakistan of full flow of water and the full quantum. The two Commissioners should be instructed accordingly. There is nothing very complicated or difficult in this context. We are committed to not permitting any loss of water to Pakistan.

20. On Siachen he said that it is unwise to be in the situation we are. It is silly to look at each other eye-ball to eye-ball in that area. We can agree to give each other no provocation and should move towards immediate cease-fire. The situation must not be permitted to aggravate any further. We certainly do not want any confrontation.

21. On the meeting of the two Surveyors General, in the context of Sir Greek there should be no difficulty on moving concretely and quickly on this point.

22. He said that instructions from our Prime Minister were to move ahead positively in as many areas as possible.

23. Mr Sattar promised to brief our Foreign Secretary in detail on the rationale of their attitude on bilaterism and bases; also on Pakistan’s nuclear policy.

24. Our Foreign Secretary said flatly that Pakistan must first of all do something on the terrorist’s front. He also advised Pakistan to distance itself from Khalistan or Sikh issue.

(S.K. Singh)
Ambassador
30/12/1986.
Record of discussions at the First Session of the India-Pakistan Foreign Secretary level talks.
Islamabad, December 27, 1986.

Foreign Secretary Sattar

We welcome you and the members of your delegation. The visit is somewhat belated but we are happy you have found time to come. Your visit would contribute to the evolution of Indo-Pak relations. I share desire of the peoples of two countries for friendly, good neighbourly and cooperative relations. We have made great progress in bilateral relations since the Simla Agreement was signed. There have been no great leaps but the progress has not been disappointing. We can take satisfaction that the last 14 years have been productive. But the achievements have not been consonant with expectations. Your visit gives us the opportunity to discuss issues in our bilateral relations not only in terms of atmospherics but also concrete steps that can be taken.

Foreign Secretary Venkateswaran

This is my first visit to Pakistan. I reciprocate your warm sentiments. You are held in great regard in India and remembered fondly in Delhi.

I have come with instructions from my Government to move forward as much as we can. The situation between us is not that difficult. Even more than being friends we should seek to be brothers. We have discussed a number of bilateral questions this morning. Your perceptions have been valuable. I found Minister of State Zain Noorani most charming and enjoyed the meeting with him this morning.

It is essential that our two peoples get to know each other better and dispel images built for them. In order to facilitate movements of people - there are so many divided families as also friends and pilgrims who wish to visit each other. We are willing to send our railway delegation to come to Pakistan at any time convenient to you. We are willing to sign the Agreement to reopen the Khokhrapar-Munnabao rail-route as early as possible. I have been asked by PM to convey this. I shall be mentioning this to H.E. Prime Minister Junejo when I call on him tomorrow. I thought I would inform you now so that you could mention it to him. Perhaps he would have a response that I can convey to my Prime Minister.

I have generally outlined our position this morning regarding the two Drafts on the Friendship Treaty and the Non-attack on Nuclear Installations Agreement. Further discussions can take place between our colleagues.
Foreign Secretary Sattar

I agree that further discussions can take place between our colleagues but I would like to explain to you the rationale of some of the positions taken by Pakistan on the two agreements.

First, in regard to the non attack of nuclear facilities, I believe that the two sides have more or less reached an understanding on the substantive part; there are one or two points to be taken care of in the Preamble. I am sure my colleagues can take care of this quickly.

Second, in regard to the No War Pact/Friendship Treaty. There are two outstanding points. One on resolution of disputes bilaterally and the other relating to bases.

In regard to the first, we have suggested lifting bodily two sub-paragraphs of the Simla Agreement relating to resolution of bilateral disputes. In 1980-81, when The No War Pact was offered, there was an impression that Pakistan was resiling from the Simla Agreement. Hence we agreed to the Preamble carrying a reference to the Simla Agreement. In the main body, we can reiterate our commitment to the Simla Agreement and peaceful resolution of bilateral disputes. If there is any other way to remove the perception that Pakistan is resiling from Simla Agreement we could consider it. But it is not desirable to use this Treaty to incorporate interpretation of one or the other side in regard to provisions of the Simla Agreement. The concept of bilateralism put forward by India evokes images which are avoidable. In fact the word is not used in the Simla Agreement. We should not sidetrack issues. The formulation used should not compromise the position of either side.

In regard to the clause relating to bases there can be a legitimate question regarding why Pakistan refuses to agree to this clause when it says it has no intention to give bases. Let me explain, it is the legitimate object of any country to safeguard its territorial integrity and sovereignty. Positions can change. Periodic reappraisals have to be made. But security perceptions govern policies. In the 70s there was no prediction of Soviet intervention in Afghanistan. Similarly there can be other reasons for change in environment. It is not desirable that the Treaty should preclude reappraisal of policy by Pakistan. Alignment cannot be seen in black and white terms. In some cases alignment has worked. For example USSR and Eastern Europe are aligned; West European countries and the United States are members of NATO. Alliances are not immoral or unethical. Alliances have safeguarded peace and security in Europe.

At this point we do not believe that alliances would safeguard Pakistan’s security. We got out of CENTO and SEATO because we concluded that they were not serving the purpose of safeguarding our security. We have served non-
alignment and we will contribute to strengthen it. But one does not know what would happen in future.

We have had recent exchanges with USSR. These have been good. We hope they would contribute to solving the Afghan problem and strengthening bilateral relations. But reappraisals are continuously taking place. What kind of signal would we be sending to USSR we were to give up this right of reappraisal. It is our view that retaining this option restrains USSR. For practical as well as policy reasons it is not in Pakistan’s interest to give up the option of reappraisal. Doubts do arise but the events of recent past show that Pakistan should not give up this option. We would like to assure you that we have no intentions of giving bases to any country. In fact, Article 51 of the UN Charter gives each country the individual and collective right of self-defence. The clause relating to the bases is a violation of this right conferred under the Charter.

Ambassador Humayun Khan

If I may - The drafting exercise began in 1984. In regard to the bases, we are proposing bilateral obligations to be undertaken by the two sides. The proposed formulation of Pakistan i.e. non-use of one’s territory for activities directed against the other country should take care of India’s concerns.

Foreign Secretary Venkateswarn

It is 14 years after Simla. We would like to focus clearly on the basis of our new Treaty. If any conflict arises between us, the Treaty falls. The entire context is our relationship. The dynamism you have referred to therefore would not be upset. There is a little surrender of sovereignty on both sides, but the argument in regard to giving up options is perhaps a little over stated. Both India and Pakistan are non-aligned. We need not be too hung up on Simla. This is a new document. Both sides have to defend it to the public and the Parliaments.

I would like to refer here to a recent report relating to the P-3 Orion flights from Pakistani bases. There is an apprehension in India on this matter. The Treaty is intended to achieve greater sense of security, trust and confidence.

Abdul Sattar

Revised paragraphs were submitted in January, 1986. It was our impression that these formulations represent progress over the previous text. We hope that a response would be forthcoming.

In regard to P-3 flights, let me say that there are no bases on Pak territory. The bases are available elsewhere. These aircraft cover Arabian Sea. On occasions, twice or thrice in 1985 (I do not know the 86 figure) there were requests for landing and refueling. It is wrong to describe them as “spy”
planes as has been done by some journalists like Lifschultz. There are no bases, no facilities in Pakistan. The concept of “spy” planes is wrong. The Oceans are international waters. No International Law is violated by aircraft flying over them and taking photographs. It is not as if Pakistan has provided bases or facilities for illegal activities. There is no espionage in one’s territory. Facilities have been accorded to naval ships also which visit Pakistan’s ports. No military facilities have been provided; US and UK ships are provided same facilities as ships from say Indonesia.

To get back to the bases clause a bilateral treaty cannot be used for circumscribing actions against a third country. Pakistan’s security concerns relate not only to India. We are faced with real threat now. It is not legitimate that a policy reappraisal should be precluded. We have no intention of giving bases or facilities. Should the security environment change and circumstances change, however, we should have the option of deciding what to do. Belonging to an alliance is not a crime nor illegal. We would like to continue to follow the policy of non-alignment. But misconceptions persist. Our revised formulation should take care of India’s apprehensions.

**Humayun Khan**

We are looking for peace and cooperation. The agreement should improve the prospects of durable peace. Our perceptions and policies are the same at the moment and the principles of non-alignment would take care of them. But why bound us down *vis-a-vis* a third country? What advantage is there in tying down Pakistan’s freedom of action *vis-a-vis* third countries in a bilateral document?

**FS Venkateswaran**

There is a mutuality of interest. This is not a unilateral demand; we also accept the reciprocal implications for us. We must discuss further to find mutually acceptable formulations. In the context of past happenings we are particularly interested on this clause. A closer debate needs to be done.

**JS (XP)**

If I may add, Sir, to what you have said. We have our bilateral problems. They get exacerbated by the involvement of Great Powers in our neighbourhood. There are concerns in our Parliament about the military presence of Great Powers in the neighbourhood. The provision we have made in the Treaty about bases is because of these concerns. It is our view that by making it clear that we will not provide bases, we will send suitable signals to the Great Powers. These Great Powers will realize that we do not wish to get involved in their rivalries.
Abdul Sattar

Given its size and power India can be non-aligned. Others have to safeguard their security through whatever legitimate means are available. There is no advantage for India to bind Pakistan down permanently to non-alignment. If you were to visit Lahore and Karachi you would find the view that India wants to impose its policy and perceptions on its neighbours. Why should we bind ourselves down to Indian perceptions? Whether or not Pakistan is non-aligned depends upon circumstances. For example, there is an opinion in Pakistan that the Indo-Soviet Treaty is detrimental to Pakistan. We need to examine the security environment and come to legitimate answers.

The cross border attacks from Afghanistan have doubled; air violations have trebled. We are seeking a political and diplomatic solution to the Afghan problem. But who knows what will happen. It is not possible for Pakistan in view of present circumstances to abandon the path of reappraisal. As regards abandoning a Treaty, this can be done if one has the power. Can Afghanistan abandon its Treaty with the Soviet Union of 1921? (FS interjected to say that Iran had abrogated its Treaty with Soviet Union). The Treaty should be related to our bilateral relations. It should not be in regard to policies towards third countries.

In regard to the nuclear issue. Our leaders have publicly proclaimed the understanding reached on 17 December, 1985 in regard to non-attack on nuclear facilities and installations. We must see if the Preamble can be agreed upon.

In regard to our nuclear programme, what can be done to clear misapprehension in India? Recently Congressman Solarz was here. He said he had discussed two commitments in Delhi. One was that neither India nor Pakistan would conduct tests and second both could pledge in first use of nuclear weapons. He felt he had got some positive response in New Delhi.

FS Venkateswaran

Solarz mentioned these ideas as his concepts. As neither side has nuclear weapons, pledging non first use would be a travesty. In regard to not conducting any tests we listened to Congressman Solarz. What did you say about his first idea?

Abdul Sattar

We said that probably his perception of the thinking in New Delhi was wrong.

FS Venkateswaran

Probably?
Abdul Sattar

In 1978 the then Prime Minister Morarji Desai had made a statement in the UNGA. Subsequently he made another statement in the parliament refuting his position. In 1980-81, the then prime Minister of India had also made certain statements. I told Solarz that India’s perceptions were different from the ones he had claimed them to be. But we are prepared to be on record that the two sides would not conduct tests. (Earlier, Sattar had said that Pakistan side had only listened to Solarz’s proposals; FS, therefore, interjected to say that Pakistan had indeed made a response also).

Abdul Sattar

Is it possible to evolve a way? Can we consider some such formulation: “Pakistan and India do not have nuclear weapons. Nor do we have the intention of producing nuclear weapons. In any case we will not use nuclear weapons against each other”.

(Ambassador Humayun Khan, interjected to say that even if we do not have nuclear weapons, we might buy them though)

I believe that the two sides should have more information. Let people of India and Pakistan get together and talk. Even your Defence people can come; this is an area where we have many misconceptions.

Foreign Secretary Venkateswaran

I agree that, there should be more such interaction. Why has Pakistan not subscribed to the Partial Test Ban Treaty?

Abdul Sattar

We have signed the Treaty but not ratified it. We have done some research in the Foreign Office on the reasons. Our researches are not very complete. The only explanation that emerges is that we have not ratified it because we are in favour of complete test ban. But we are contemplating ratification. I may tell you that everyone in the Government who has been consulted is in favour of ratification.

Foreign Secretary Venkateswaran

Your proposal in regard to non-use of nuclear weapons is interesting. We will carry this back for further consultations. In regard to AWACS what is your position?

Abdul Sattar

Let me say that we must think of some forum for discussing acquisition of military equipment. Our acquisitions have a fall out for you and vice versa. We
must discuss these. For example why is Pakistan interested in AWACS; also why India purchased half a dozen different kinds of planes.

We feel necessary to acquire some kind of capability to deal with the average of two air violations a day we are unable to cope with them. The violations are up to 20 miles. We are only able to detect the violation post facto. The notice is inadequate for scramble time has. In just one case has Pakistan been able to shoot down an Afghan airplane inside our territory. We have a strict policy of no-retaliation.

We have considered various alternatives:

(a) Ground-based radar-these are ineffective in the mountainous terrain.

(b) Hawkeye-these were tried but found ineffective due to the nature of the terrain.

(c) Aerostats - these have been tried and are still under consideration. If they work these would be a cheap solution. Some further tests are planned. But they are rather vulnerable.

(d) AWACS-there are different kinds of capabilities: (i) surveillance; (ii) command and control. It is our understanding that the multipurpose AWACS are extremely expensive. Saudi Arabia has paid US $ 1.25 billion per plane. Our total package is US $ 1.7 billion spread over 6 years. It is about US $ 290 million per year. The average rate of interest for the 81-87 package is 10% depending on when we sign the Agreement.

The current package would support about 250 tanks at US $ 4 million per piece. The AWACS with just surveillance capability would cost US $ 850 million. We have not yet decided what to buy. Congressman Solarz heads the Asia Pacific Sub Committee. He is going to be investigating our needs for this. He will be asking questions. Perhaps the Government of India should understand US military legislation better.

Foreign Secretary Venkateswaran

Well you are right; we have not found the need because we do not purchase any military equipment from the US. But pending your purchases of AWACS, we have seen reports saying that US will supply facilities operated by the US. Are these correct?

Abdul Sattar

The Pak answer is no. The E2C were tested by Pak pilots. We decided; “Our own people would operate the aircraft when they got them”. You have raised
the questions of apprehensions in India. If India was the objective of our purchase, E2C would serve the purpose of monitoring the facilities across the Pak-India border. But not for the terrain for which we need them.

**Foreign Secretary Venkateswaran**

What about AWACS?

**Abdul Sattar**

We have to test them. We don’t need them against India.

**Humayun Khan**

Has the IAF thought of buying such a system?

**FS Venkateswaran**

No. But if you proceed on these lines you will compel us to go in that direction. Hence we would like to avoid escalation.

**Abdul Sattar**

Yes. This is also our desire. But how can we implement it? Our impression is that Pakistan has not triggered off any arms race in the sub-continent. We did purchase 40 F-16s. But GOI decision to purchase Mirage, Jaguar, Mig 25, 27, 29 were based on many different reasons of modernizing the air force. India has other concerns, we acknowledge, Pakistan also has other concerns.

**FS Venkateswaran**

We can chronologically establish that many of our purchases were triggered off by your purchase of F-16. Only, the delivery time of these planes was quicker than in the case of Pakistan. I may tell you that we have many concerns. In our North East we have a neighbour who, you may recall, in 1979 crossed an established demarcated, delimited border with Vietnam to “teach a lesson” to the latter. As it happens no one knows who taught whom a lesson. But it is known that Deng Xio Peng had to make a self-criticism for his part in this act. That act sent vibrations in India. We too have a border problem with China. But even if we came to an agreement would China respect that.

Investing in Defence means diversion of resources. We cannot afford that. We want to invest every available rupee in development. But if our neighbours introduce new levels of weaponries and new technologies, it is difficult for us to avoid investing in defence. Such heavy investments are difficult for us and we would wish to avoid them. There a need for greater understanding on this subject.
Abdul Sattar

Is there a possibility of professional level exchanges on these subjects? I agree that acquisition of capabilities does (create) apprehensions. If there is a professional-level forum information and perceptions can be exchanged.

FS, Venkateswaran

This only indicates the need for a Friendship Treaty. This would remove apprehensions and provide greater sense of security. In regard to the suggestion for a forum which would be confidential and informal we would carry this back for further consideration.

After the discussions were concluded for the day, Ambassador S.K. Singh briefly referred to the statements which have appeared in the Press attributed to NWFP Governor Fida Mohammad Khan (The Muslim of 17 December and 27 December, 1986). The Governor spoke of the 40 crore Muslims of the Sub-continent, and that a time would come when they would demand an Akhand Bharat. He exhorted the younger generation to avenge Mrs. Gandhi’s boast allegedly made in 1971 that after the fall of Dacca the Hindus had avenged 1100 years of excesses at the hands of Muslims. The text of the Muslim item was read out by Foreign Secretary. Ambassador said that these were not helpful. Foreign Secretary Sattar made a lengthy explanation. He said that the Foreign Ministry has very little control over such statements. But the Indian side should realize that many things were said by leaders on both sides. They said these in the local context. Perhaps Ambassador should visit Peshawar and talk to the Governor.

JS (XP)

There is one more matter, I want to bring up. This is about the TV coverage for the World Cup in cricket which India and Pakistan are jointly hosting next year. Some foreign TV networks have said that they doubt whether we can coordinate efforts to put out a good TV coverage.

Pak FS

We must cooperate for this. We will tell our TV people.

Amb. Singh

Yes, Gen. Safdar Butt and Mr. Salve can also coordinate this

(The meeting ended at 17.40 hours)
1118. **Press Conference of Indian Foreign Secretary A. P. Venkateswaran.**

**Islamabad, December 28, 1986.**

Substantial progress was made at the talks between India Foreign Secretary, Mr. A.P. Venkateswaran, and the Pakistan Foreign Secretary, Mr. Abdul Sattar, on the issue of protection of atomic installations. Both sides agreed to refrain from attacking each other’s nuclear installations and only few technical problems were to be solved.

This was stated by the Indian Foreign Secretary at a news conference in Islamabad on December 28. Mr. Abdul Sattar, who was also present at the conference, said that he was satisfied with the talks and the progress made during the negotiations was up to expectations.

The Indian Foreign Secretary said that detailed talks were held on bilateral relations as well as regional and international situation.

He said that the two sides reiterated their intentions to speed up the progress of normalization in accordance with the Simla Agreement and with the understanding reached during the talks between the Prime Ministers of the two countries recently.

He disclosed that the next round of talks between the two Foreign Secretaries would be held early next year in New Delhi. He said that meetings of the Joint Commission and the two sub commissions would be convened as soon as agreed during the current talks.

He also disclosed that the Indian Prime Minister, Mr. Rajiv Gandhi, would visit Pakistan by the end of next year.

He said that the Kashmir issue would be discussed after certain irritants were removed. He hoped that the move to create a proper atmosphere for the removal of ‘irritants’ between the two countries was made at the negotiations.

Conceding that the pace of normalization was very slow he, how ever, said that “certain hitches take more time for removal,”

Referring to the draft proposals on non-attack on each other’s nuclear installations, he said the issue was discussed in detail though certain technical aspects were still to be decided upon.

When asked about those technical details, he said in view of the on-going negotiations, it was better not to bring them up in the Press conference.

Intervening, Mr. Abdul Sattar said that an “agreement in principle” was already reached between the two Heads of State on December 17, 1985.
When asked about the Indian troop movements near Pakistan’s border, he said there was a misperception on the issue. He clarified that Indian forces were not taking part in exercises near the Pakistan border as commonly stated. On the contrary, he maintained, India firmly adhered to the agreement reached between the two countries regarding informing each other of the troop movements close to the border.

Similarly, he also explained in answer to a question that India had never held itself as a dominant regional power. These terms, he maintained were used by others and not by the Indians themselves.

Referring to the reopening of the Khokhropar rail link, he said a delegation from India was to come to Pakistan two months ago but unfortunately it could not do so because of certain reasons. “Subsequently, we decided to approach the Pakistan government regarding the time suitable to it for the signing of the Agreement,” he said.

When he asked about the construction of a barrage by India on the Jhelum river, he said that no violations of the Indus Water Treaty had been made by his country.

Mr. Abdus Sattar, who is to visit India early next year, according to the time decided between the two Secretaries, stated at the end of the press conference that intensification of dialogue between the two countries had taken place in an attempt to emerge out of the unfortunate past. He said the Pakistan government did not expect miracles to take place but rather wanted that progress should be made, which he claimed was achieved at the meeting.

Referring to his meeting with Prime Minister Junejo, Mr. Venkateswaran said Mr. Junejo made a comment humorously that “it looks to him that when politicians meet, they reach agreement immediately and when bureaucrats start handling it they run into difficulties.” Replying to a question whether India would abide by the agreement after signing it, even if it continued to doubt Pakistan’s peaceful nuclear programme, Mr. Venkateswaran said; “obviously”.

Asked if they discussed the supply of modern arms to Pakistan, Mr. Venkateswaran said: “We have much better understanding of each other on this issue.” He said they had discussed the matter because the acquisition of sophisticated weapons by one side had led the other also to buy modern equipment. This had encouraged an arms race in the region. He said his country did not favour this and wanted to minimize such possibility.

[The Indian Foreign Secretary met the Minister of State for Foreign Affairs, Mr. Zain Noorani, on December 28. According to a Pakistan Foreign Office spokesman, the present talks between the Foreign Secretaries followed the]
understanding reached in Bangalore in November between Prime Minister Junejo and Prime Minister Rajiv Gandhi to resume periodic Secretaries-level consultations which provided sharing of perceptions on current issues of common interest as well as exchanging view on specific bilateral questions.]

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1119.  

SECRET  

Record note of meeting between Foreign Secretary A. P. Venkateswaran and President Zia-ul-Haq on Sunday, 28th December, 1986 at the President’s Residence in Rawalpindi.

Foreign Secretary called on President Zia-ul-Haq at the latter’s residence in Rawalpindi on Sunday, 28th December, 1986 at 6.40 PM.

President Zia: Yours is an extremely short visit. I wish you could have stayed longer.

F.S: My visit is indeed too short. It was originally planned to have been for 5 days, of which 2 days would have been spent in Islamabad, one in Lahore and two in Karachi. I had, however, to cut short my visit as I was required to be back in New Delhi on Monday.

President Zia: Next time you must stay longer and spend at least a couple of days more in order to visit other places.

F.S: After having enjoyed the warm and lavish hospitality of Foreign Secretary Sattar and through him of the Government of Pakistan, I look forward to visiting your country again.

President Zia: It has been our pleasure to have had you in Pakistan.

F.S: The highlight of my visit to Pakistan has been my call on you. Just before leaving for Pakistan on Friday, our Prime Minister expressly asked me to convey his warm personal regards to Your Excellency.

President Zia: I would, in return request you to convey my regards to Prime Minister Gandhi.

F.S.: I warmly remember my meeting Your Excellency at Harare. Though these meetings were clouded by the Pan-Am hijacking, we do greatly appreciate your having taken the trouble of briefing us about the unfolding events.
President Zia: It is indeed a fact that I personally briefed Prime Minister Rajiv Gandhi about the hijacking.

(Pause ........)

I am told that your discussions with Foreign Secretary Sattar have gone off well. It is important that such exchanges should take place from time to time.

F.S.: I thank you. If we work so hard without results, both of us deserve to be sacked.

President Zia: There are two or three areas of definite progress in our relations. When I met Mrs. Gandhi in 1982 and proposed to her the No-war Pact/Declaration, I recall the discussions we had. From our side, besides myself, there was Sahebzada Yaqub Khan and from your side, there were Mrs. Gandhi and Mr. Narasimha Rao. There were others present in the next room like Mr. Natwar Singh and Mr. Parthasarathi. We were told that either the Indian proposals be accepted or there would be nothing else. There was heated argument. Madame Gandhi suddenly proposed that we accept the setting up of a Joint Commission. I immediately, on the spot, accepted the idea and then urged acceptance of the No-war Pact. Madame Gandhi indicated that progress on the No-war Pact could be made after the Joint Commission. I see no reason why good ideas like this should not be implemented and why we should stop talking to each other when there are differences. The Joint Commission should be activated and we should not stop talking.

F.S.: If the understandings that Foreign Secretary Sattar and I have arrived at are implemented, then it should be possible to set the Sub-commission meetings and the Joint Commission meeting underway fairly quickly.

President Zia: I hope you will not mind my saying so, but Mr. Rajiv Gandhi seems to have been in a hurry in criticizing us on the Pan-Am hijacking incident. You are convinced that we are assisting Sikh terrorists and we feel that you may be involved in the Pakhtoonistan and Sind movements. In this context, it is a very good idea that the two Prime Ministers make a statement denouncing secessionism. This would be an important confidence-building measure. I am sure, therefore, that you would recommend it to your Prime Minister.

F.S.: I certainly shall convey your feelings in this matter to the Prime Minister. Prime Minister Junejo had suggested that Foreign Secretary Sattar and I should work out a statement before my departure, in this regard, but since you feel that a statement of this nature should be at a higher level, I will convey the same to our Prime Minister.

President Zia: Please do convey my regards to Prime Minister Rajiv Gandhi and President Zail Singh. The President is indeed a most lovable person.
We in Pakistan want normal and good relations with India. Prime Minister Rajiv Gandhi, came to office not by choice - it so happened. For us, he is a symbol of peace. There is no reason, therefore, for us to create difficulties for him. It is unthinkable that an Islamic country like Pakistan could even consider an attack on his person. We wish him a long life in the interest of Indo-Pak relations.

We sincerely hope that he will visit Pakistan at least in his capacity as Chairman of SAARC.

F.S.: The Prime Minister will visit all SAARC countries.

Accordingly, he would come to Pakistan before the end of 1987, thus setting at rest a matter of unnecessary controversy. I will certainly convey your warm sentiments to him.

President Zia: I had thought during my visit to New Delhi on 17th December, 1985 that we had solved all problems between our two countries. Ambassador S.K. Singh was there and is aware of the then prevailing atmosphere.

(Some jocular conversation followed with President Zia suggesting to the Ambassador that he should take up golf and the utility of the game in judging character).

F.S.: I realize, Your Excellency, how valuable your time is, but I would be grateful if you could let us know how you see things evolving, particularly as an elder statesman.

President Zia: I am not qualified to speak as an elder statesman. I am, however, an optimist. The worst problem from Pakistan's point of view is the situation in Afghanistan. In our region, however, SAARC, which is only two years old, is a positive development. We hope it will make us forget our differences.

In Afghanistan, the only ray of hope is the overtures made by the Soviet Union. There are indicators that the Soviet leadership is totally different from that in the past. Gorbachev is emerging as a different personality from the one I had met in my first meeting. At that time, he was very tense. He does not appear to be the same person. Either he has reformed himself or has learnt the techniques of international diplomacy. We appreciate India's role. India did not openly denounce the Soviet involvement in Afghanistan as we did, but played a positive role from behind the scenes. If Gorbachev is right and the Soviets withdraw, leaving Afghanistan an independent and neutral state, it would be a wonderful development - a miracle of the 20th century.

While a solution is possible in Afghanistan, I see no end to the Iran-Iraq conflict.

F.S.: I had met President Assad just before Harare. The Syrians being close to Iran and being Arabs are well-placed to assess the possibilities of a settlement.
in this conflict. He, however, indicated that there was no possibility for mediation and that one would just have to allow the conflict to continue.

**President Zia:** Though Iran is much more under President Khameini, the Iranians are not ready to sit down for discussions with Iraq.

**F.S.:** The new exposures on Irangate have, in our view, strengthened the less compromising groups in Iran.

During his visit to India, Gorbachev had stated that the Soviet Union would like to withdraw from Afghanistan as early as possible subject to the following two conditions:

1. It should not lead to the emergence of an unfriendly regime in Afghanistan; and
2. A reasonable timeframe should be agreed, and not a 3-4 month timeframe which was unrealistic.

It is clear that the Soviet Union now has a very different image. Their presence in Afghanistan affects this image adversely and they want to rectify the situation. They will not insist on the existence of a Marxist regime in Afghanistan. They would be satisfied with a government which is not hostile to the Soviet Union. It is also our impression that while they feel that a 3-4 month timeframe for Soviet troop withdrawals is not realistic, a 3-4 year timeframe is also not their ultimate demand. They would be willing to settle for a substantially shorter timeframe. I feel that a one to one and a half year timeframe would be reasonable and practical. Having peace in this area is essential. Nobody wants a continued Russian presence in Afghanistan - certainly not India.

During their visit to India, the Soviets also floated the Asian-Pacific security concept, which stems from the ideas propounded by them in the seventies. At that time, they had not fleshed out their ideas, but now they have done so and their thinking in this regard rests on the pattern of the European Conference on Security and Cooperation, evolved over the years. In our view, the situation in the Asian-Pacific region is not the same. While Europe was able to agree to these ideas over a considerable period of time and with the advantage of greater homogeneity and stability, in the Asian-Pacific region, which consists of three different civilizations, is plagued by three wars and innumerable border problems. Therefore, this is just not possible at this stage. Prior to Gorbachev’s visit, I had spoken to Mr. Vorontsov, Soviet Deputy Foreign Minister, and explained this to him. I had further indicated that the South East Asian countries will not go along with these proposals at this point of time. In these circumstances, the Soviets did not make heavy weather of this issue during Gorbachev’s visit as Brezhnev had done in 1973. The Asian Pacific Security concept differs from the earlier Soviet proposals in the sense that while the
latter had no framework and excluded both China and the USA, the present proposal rested upon a recognizable framework and included both these countries. As a result of China’s inclusion, the Chinese have maintained a neutral posture, and said that they were studying the proposal.

President Zia: I feel that the SAARC concept should be expanded to south-west Asia and its scope should be extended.

F.S.: Two ASEAN members - Thailand and Indonesia - have expressed a desire to cooperate with SAARC. However, since SAARC is in its infancy, it would perhaps be inappropriate for it to extend itself at this stage. We could of course welcome cooperation from others where there is a mutuality of interests.

President Zia: Once the Soviets definitively decide to withdraw their troops from Afghanistan, there should be no difficulty in drawing up a mutually acceptable timeframe for the same. The timeframe indicated by us represent only our initial position, as is also the case with the timeframes indicated by the Soviets.

Pakistan realizes that the Soviet Union cannot accept a regime in Afghanistan which is hostile to it. At the same time, there are as many as 3 million refugees from Afghanistan in our country. The Soviet Union has to take the initiative and generate confidence in order to resolve the situation.

F.S. Sattar: The crux of the issue is how a government of national unity can emerge in Afghanistan and how accommodation could be reached between the Afghan government and the opposition. At present, there are 3 million Afghan refugees in Pakistan, 2 million refugees in Iran and half a million elsewhere. 30% of Afghanistan's population is out of the country.

F.S.: All indications appear to suggest that the Afghan Government is genuinely trying to promote national reconciliation.

It has been most gracious of Your Excellency to have received me. In conclusion, I would just like to mention that I have conveyed our interest in the re-opening of the Khokhrapar-Munabao rail link to both Prime Minister Junejo and Foreign Secretary Sattar. There was some delay in this matter on our part, but now we are ready to re-open this link. I understand that due to the recent developments in Sind, there may now be some delay on this matter from your side. We would, however, like you to examine this issue speedily and sympathetically since it would help in promoting people-to-people contacts.

President Zia: We will certainly look into this and you may rest assured that the Government of Pakistan will take a political decision.

The meeting terminated at 7.30 P.M.
Record of Foreign Secretary A. P. Venkateswaran’s meeting with Pakistan Prime Minister Mohammad Khan Junejo at the latter’s residence on Sunday, 28th December, 1986.


(Foreign Secretary called on Prime Minister Mohd. Khan Junejo at his residence in Rawalpindi on Sunday, 28th December, at 5.40 p.m. A list of those present is attached.)

F.S.: I have been in Islamabad for two days. It has been a very pleasant experience and the discussions have been most useful. I would like to convey to you the warm greetings of Prime Minister Rajiv Gandhi.

P.M.: How is the Prime Minister?

F.S.: He is very fit and very active.

P.M.: I recall asking your Prime Minister as to how he kept so very busy and active. He indicated that it had become routine and one just had to do it.

F.S.: It is important though that there should also be time for leisure. The speed and intensity with which our Prime Minister works keeps all of us very active and on our toes.

P.M.: It all depends on how you make yourself available. In India, over the years, division of work has been well evolved between the Prime Minister, Ministers and the Secretaries. This is not the case in Pakistan and the Prime Minister had just to make himself available for too many engagements.

F.S.: It is most gracious, Your Excellency, to have found time to receive me.

P.M.: When I heard that you are coming, I made it clear that I must meet you. During my visit to Bangalore, I felt that it was important that the Foreign Secretaries should meet, that they should look into the problems and find solutions. Similarly, we are happy to have received your Home Secretary.

F.S.: We appreciate the outcome of the meeting of the Home Secretaries not only because the result of that meeting was good and it promoted better understanding, but also since it appears to have led to the establishment of a personal rapport between our Home Secretary and your Interior Secretary. Our Home Secretary mentioned to me that not only was his counterpart a most competent official, but also a fine man.
(Exchange between Prime Minister and Ambassador S.K. Singh about latter's health took place at this point).

F.S.: You are aware, Your Excellency, of the results of the meeting of the Home Secretaries and, in particular, about the joint press release. The latter has helped a great deal, in particular, the reference therein to Pakistan being opposed to terrorism in Punjab and elsewhere. In this context, I had suggested to Foreign Secretary Sattar that perhaps a similar statement could be made at a higher level to the effect that Pakistan does not accept the concept of Khalistan. A statement of this kind would do much to dispel charges of Pakistan's involvement with Sikh terrorism and, at the same time, strike a blow against terrorism. The entire issue arouses strong emotions in India. Particularly so since our leader had lost his mother through a terrorist attack and he himself is a target and under constant threat.

P. M.: This issue was raised with me by Prime Minister Rajiv Gandhi. I told him that we were not involved with Sikh terrorists, but that India had camps for training terrorists for activities in Sind. In the context of these allegations, it was decided that the two Interior Secretaries meet at the first available opportunity. I appreciate your proposal about a high-level statement against terrorism. We don't mind. In Pakistan also, we have terrorist related problems in the Frontier and in Sind. Both you and Foreign Secretary Sattar should apply your minds to this matter and devise a suitable statement.

F.S.: In view of your agreement in principle to this idea, Foreign Secretary Sattar and myself will do something about it.

We greatly appreciate; the personal interest you took on the question of the re-opening of the Khokhrapar - Munabao rail link. Foreign Secretary Sattar has stated that this may now take a little longer in view of developments in Sind. It is unfortunate that we could not earlier conclude discussions on this issue and signature of the Agreement as the Leader of our delegation was suddenly indisposed. We are however, now ready to resume discussions on this issue whenever you feel that it is possible to do so, sooner rather than later.

P.M.: I am the person who announced our readiness for opening of this rail link. People from Sind have now to go to the North to cross over to India. We had proceeded with this issue at a good speed. At the last minute, your delegation could not come. We will now re-assess the situation and revert.

F.S.: Our Prime Minister had specifically asked me to raise this issue with you.

P.M.: The idea of re-opening the rail link was entirely my initiative. My people pressed me to do so and I argued in favour of the scheme on the grounds that
there was no danger in opening up the rail link and that nothing adverse would happen thereby.

F.S.: I thank you for your support.

During our discussions, Foreign Secretary Sattar and I have covered a lot of ground. On economic and commercial matters, we have worked out a certain methodology which, if implemented, would facilitate progress.

F.S.: I would greatly value your suggestions on our bilateral relationship.

P.M.: Frankly, I had very useful discussions in Bangalore with Prime Minister Rajiv Gandhi. I felt that he was a leader who wanted to resolve problems and not create them. We have no involvement with Sikh terrorism. As far as Pakistan is concerned, incidents like those of 1984 should be resolved by India in its own way. India has all the support from Pakistan.

During my talks with Prime Minister Rajiv Gandhi, I asked him when he would visit Pakistan and he responded that let something substantial first emerge. But then, he indicated that since he was Chairman of SAARC, he would visit Pakistan in any case within a year. Both President Zia and myself have extended an invitation to Prime Minister Rajiv Gandhi. We would be very happy to receive him in Pakistan, even if the visit is only in his capacity as Chairman of SAARC.

F.S.: Following the SAARC summit, Prime Minister Rajiv Gandhi had sent me a note indicating that during 1987, he would visit all the SAARC countries. As such, he would certainly be coming to Pakistan.

P.M.: SAARC has been very good for the region. My meeting with Prime Minister Rajiv Gandhi, which otherwise may not have been possible, developed because of SAARC. It thereby helped sort out many bilateral issues.

F.S.: I fully agree with you. Very often the real benefits of multilateral conferences are in the bilateral context.

P.M.: President Jayewardene expressed the same sentiment to me.

F.S.: I have invited Foreign Secretary Sattar to visit India by end March along with his wife. When he comes, we will continue our dialogue.

P.M.: He should certainly go along with his wife. He will be very busy in April, but could go either in March or May.

F.S.: March would be better climatically.

P.M.: Please, convey my regards to Prime Minister Rajiv Gandhi and inform him that Pakistan sincerely wishes to resolve all problems with India. Frequent
meetings between the Foreign Office officials would help settle all issues in a peaceful way.

(The meeting terminated at 6.10 p.m)

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List of those present at the meeting between Foreign Secretary and Prime Minister Mohd. Khan Junejo.

I. **Pakistan side**
   1. Prime Minister Mohd. Khan Junejo
   2. Mr. Abdul Sattar, Foreign Secretary
   3. Dr. M. Humayun Khan, Ambassador of Pakistan in India
   4. Mr. Tariq Altaf, Director (India), Ministry of Foreign Affairs.

II. **Indian side**
   1. Shri A.P. Venkateswaran, Foreign Secretary.
   2. Shri S.K. Singh, Ambassador of India
   3. Shri Satish Chandra, Joint Secretary (AP)

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Pak FS: Let us begin our discussion on the major issues today with the Joint Commission. The Joint Commission was established to strengthen cooperation in a variety of fields; various subjects were farmed out into four sub-Commissions. Over the years it has made valuable contribution. It is possible to have the view that progress has not been commensurate with expectation in one or the other area, but this should not be used to hold back progress on other areas. The Joint Commission should not be utilized as a pressure-lever to force progress in one or the other area; it is our perception that the people of India, want to use the Joint-Commission as a lever for increasing private sector trade. The Government of Pakistan favours the expansion of trade in such a way as to prevent the disruption of trade patterns as they have evolved in the last 30 years. Since at least two decades, India and Pakistan have not had normal trade relations. This has been so far for a variety of reasons. Pakistan is committed to a policy of step by step expansion of private and public sector trade. As agreed in the minutes of the Finance Ministers of the two countries in 1986, we have introduced private trade in 42 items; we also set-up a Committee for examining what additional items can be included in the private sector trade; it was supposed to do this work within a month. We took longer, but we have given a list of 150-160 items. You mentioned yesterday to our M.O.S. that you have given us a list of Items you intend to export. We will examine your list and see if it is possible to accommodate some of the wishes of Government of India. However, it is important to keep the process moving; there is a likelihood of the further expansion of trade as the experts of the two sides meet and talk over this with each other; it is important to keep the doors open. My authoritative information from our experts is that there is considerable scope for expansion of trade in public sector; we suggest that both sides should conduct an exercise to identify items of import or export interest by Public Sector Organization. Pakistan is prepared to send a delegation to India armed with lists of export and import interest. You could also ask your Public Sector Organizations to prepare corresponding lists; the two sides could sit down and match the lists. It was stated in the minutes of the two Finance Ministers meeting that the trade in Public Sector would be doubled. We are prepared to do this and are, therefore, proposing the meeting of Public Sector officials. It is up to you to decide whether it should be held before or after the sub-Commission meeting or the Joint Commission Meeting. We have no strong views in the matter. We only want
the process to continue. The Joint Commission was set up at the initiative of
the Indian Prime Minister in January 1982; we should make an effort for the
continuation of that process.

F.S.: We already explained our views yesterday in the meeting with your Minister
of State. We have no intention to upset your industry. We understand your
concerns and we are prepared to accommodate them. As regards the
modalities, a certain time-table was agreed upon during the Finance Ministers’
meeting. It stated that Pakistan would finalize additional items for inclusion in
private trade within a month. The time table also said that a Committee of
senior officials would meet within a month for reviewing the progress on various
decisions taken. We can skip the meeting of the Committee of senior officials,
but we can’t skip the process altogether. We have given to Pakistan our list of
items of export interest, and, as I indicated yesterday, would be happy if you
could consider this list.

Ambassador S.K. Singh: Pakistan’s global trade portfolio is of the order of 7
billion dollars; ours is 20 billion dollars. We have lived without trading with
each other for a long time. We are not after your dollars. Over the next five
years, even with assiduous effort, the trade between the two countries is not
going to exceed 500-700 million dollars. In our contacts beginning with the
visit of former Commerce Secretaries Krishnaswamy Rao Saheb and Abid
Hussain, the focus was on economic cooperation and not only on trade. It was
important to have faith and trust in each other’s intentions and to use this to
build better people-to-people relations. We made a good start in the meeting of
the two Finance Ministers on 10 January 1986. We agreed for a delegation of
Secretaries from Pakistan to visit India; to set up a joint Business Council and
double Public Sector trade. Our Finance Minister gave an assurance that we
would make every effort not to hurt Pakistan’s industry. The idea was not to go
for profits but economic cooperation. The question is why the 42 items were
introduced by you? Some of our people including Members of Parliament
had pointed out that while we were treating Pakistani on MFN basis, on
the other hand Pakistan had put us in the category of Israel and South Africa.
The concession you made us in the meeting of Finance Ministers was to allow
the import of 42 items by your Private Sector.

JS (XP): Earlier, these items were being imported by your traders through the
TCP. The only concession you made at the Finance Ministers’ meeting was
that you allowed these items to be imported directly by the private traders
thereafter.

Ambassador S.K. Singh: Exactly, you allowed the import of these 42
items as a fig-leaf for us to show to our people that you have not put us in
the category of South Africa and Israel. Our Public Sector can have any number
of exchanges. But we must also ensure movement on private trade. Let us do things which will increase our faith and trust in each other's pledged words. The idea is not just trade, but the widening of people to people contacts.

**Pak FS:** My effort is to find the scope of movement forward. It is a fact that private trade was halted in 1978; we must avoid unnecessary emotionalisation of issues; we have not put India in the category of South Africa and Israel; we have not conducted any trade with these two countries while with India we have continued trade in public sector. In 1977-78 when private trade was open the turnover was under 50 million dollars, thereafter, when the private trade was closed, the turnover increased. I have not said that public sector trade is a substitute for private trade; public sector trade should continue to expand while avenues relating to expansion of private trade are explored. At the meeting of the Finance Ministers' we only decided that a Committee of officials would meet after a month to consider further expansion of private trade; we did set up a Committee though it took a little longer. We did not agree at the Finance Ministers meeting that the new list of items for trade in private sector would be according to India's preference; this was nowhere written. Our view is that if the dialogue continues, the list of items for private trade could be expanded after 6 months. As we gain confidence, we could explain to our industrialists that their apprehensions about trade with India were wrong. Let the officials of the two sides meet. The result we both desire can be achieved through a continuation of the exercise.

**F.S.:** You can identify those items which you are importing; perhaps we own export these if our quality and prices are found better by Pakistani importers. What would the gesture mean? It would indicate that you agree with us that trust and understanding should be strengthened.

**Pak F.S.:** If economic factor alone was the criterion for trade, then it would not have been halted in 1978. Why Pakistan could not continue the MFN treatment to India was, because there was a feeling here that we would be able to protect the interests of our industrialists through the public sector trade. Sooner or later, we would move to MFN. Lack of progress on one point should not preclude an advance in other areas of Joint Commission. Let us continue to achieve progress in trade as well in other areas.

**F.S.:** We agree that we should not hold-back progress in different areas but we should also avoid making the Joint Commission into a body of which some limbs work and some don't. If you wish, you could relax restrictions for a limited time and watch results. I am telling you in confidence that I have attended meetings in which officials from our Commerce and Finance Ministries have mentioned our big trade deficit year after year; they could
point to us as to why we were importing more from Pakistan than we were exporting when we have such a large trade deficit. I would therefore suggest that sympathetic consideration be given to the items of export interest to India with a view to enlarging your list of items to be imported from India. We could forward a more detailed list and depending upon your response the Sub-Commissions could meet.

**Pak FS:** Regarding Wullar lake and Tulbul Project we should expedite the process of consultations and recommendations of the Indus-Waters Commissioners.

**F.S.:** I would request you to suggest to your authorities that they should look positively at this problem. We are not using Jhelum waters in consumptive fashion. The waters are not being held-up; as long as this is so, why should you have any objection.

**Pak FS:** In the case of Salal a compromise had been worked out at Governmental level; in the case of Tulbul such a compromise could also be worked out. We have reservations about the reservoir. It could result in diminution in the supply of water. Our fear is that you would present us a *fait accompli*; our Commissioner feels this project constitutes an infringement the Indus-Water Treaty.

**FS:** Since our Commissioners’ are already seized of this issue they may be directed to re-examine it and in case they are unable to come to an agreement, it could be resolved at Governmental level.

**Pak FS:** Regarding fishermen, we have examined your complaint we have none of them.

**FS:** Because you have pushed them across the border. This pushing is not a good thing; there is an established mode for returning them which ought to be followed.

**Pak FS:** This pushing is a terribly inhuman and improper practice.

**FS:** So let us agree that neither side will do this.

**JS (AP):** Consular access should also be provided as per agreement.

**FS:** There are some parties, especially, there is one Mr. Suri, who requires a visa to visit prisons in Pakistan to locate his son (one of our missing defence personnel.) We have received appeals from these persons. There are two representatives who want to visit Pakistan.

**Pak FS:** We would like to be given some notice for making arrangements; say about a week.
JS (AP): There are in fact four or five persons also relatives of missing defence personnel who want to come with Major Suri’s father.

Pak FS: We would do our best to satisfy them. Maybe we can organize surprise visits to different jails; otherwise they would be back with misgivings.

DG (SA): There is also one lady in a similar situation from our side; we hope we will get reciprocal facility.

FS: There are some additional points I want to mention. We want to undertake survey in Sir Creek Area in mid January/February with a ship probably Sandhyak; we just want to mention so that it does not cause any apprehension or alarm on your side (JS-AP explained the area in which the survey ship will operate).

Pak FS: This could create complications as the land boundary itself is not delimited and there are differences on this question; whether the Sir Creek Boundary lies on mid channel or entirely on one side of the Creek.

FS: There could be an early meeting of the Surveyors-General, or their representatives to sort out this issue. This could be held in February when the weather is more appropriate. (Both sides agreed to this).

In our discussions at Nandi Hills I had mentioned our readiness to reopen Khokharpur-Munabao rail route; you had mentioned that there could be some delay. As it is an important route for the people coming from or bound for southern areas in India or Pakistan it would be to our mutual benefit if we can finalize the date for signing the agreement.

Pak FS: We will ask our authorities. But there have been unfortunate developments in Karachi in the recent past; the authorities are agreed in restoring peace and calm in the area and this may take some more time. For reasons of our domestic political situation we will need authorization from a higher level; I will be grateful if you don’t press it.

FS: No, I will (not) press hard. You could consult your authorities and apprise us of your position.

I would like to discuss another matter - the circulation of objectionable material specially containing maps by the Pakistan Embassy in New Delhi. I have checked with Ambassador S.K. Singh. They are not doing any such thing, here.

Pak Amb.: Turning to JS (AP). Kindly, double check your source. I have made investigation in my Embassy and I find there is no distribution of objectionable material by us

FS: Some objectionable material including maps were distributed from the Pakistan pavilion at the Trade Fair. The issue figured in our Parliament. Our
attention has also been drawn to the distribution of some objectionable material by the Embassy. Let us agree that our diplomatic missions shall avoid doing this in future.

Pak FS: We agree. We should avoid this and also avoid scoring points.

FS: We have discussed in the past that visitors having short term visas may be exempted from police reporting.

DG-(SA): We will try to resolve it at the next meeting of the Joint Commission.

JS (AP): All the decks are cleared from our side; we are prepared to proceed with this matter whenever you agree to do so.

FS: I should also mention that there have been considerable delays in clearing visas for the officials of our Missions and their domestic help; we would request that such cases may be cleared within a fortnight.

Pak FS: Many of these minor issues can be sorted out early if the atmosphere is good; there is a feeling among certain people in Pakistan, that promises made in the past such as on the establishment of a Pakistani Consulate have not been fulfilled. On the other hand you have a Consulate functioning in Karachi, whose activities go beyond permissible limits. Perhaps the Consulate could be advised to be more cautious especially during sensitive periods. I hope you will be mindful of the fact that many people here think that India has a unilateral advantage in having its Consulate in Karachi. We have requested for your assistance in opening a Consulate in Bombay; there is also a deep feeling that Jinnah House should be maintained properly; it had been promised to us but later we were told that we could not get it. It is up to you to decide what you want to do with it since it is your property. But there are deep feelings on this in Pakistan. We only want that it should be properly maintained since it is the only house that Quaid-e-Azam Jinnah had built with his own architectural design.

[SOME MATERIAL IS MISSING]

F.S.: I too would like you to invite you to Delhi for carrying forward this dialogue, but you should come before the summer sets in and while the weather is good. We would be looking forward to your visit in the near future.

(The meeting concluded with the usual round of pleasantries.

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Dear Mr. President,

I sincerely appreciated the spirit in which you shared your thoughts with me on developments in Afghanistan and US security assistance to Pakistan in your letter of 21st November. I have benefited greatly from our correspondence and look forward to continued interaction on issues of mutual concern.

Our position in Afghanistan is, as you know, that the country should be allowed to chart an independent, nonaligned course, free from intervention and interference. I reiterated this to General Secretary Gorbachev. I also conveyed to him the gist of what you had written to me. The General Secretary left me with the impression that the Soviet Union would like to withdraw its forces in a realistic time-frame from an Afghanistan which would be nonaligned and not unfriendly to the Soviet Union. I hope that a peaceful resolution will not elude us for long. Quite apart from other factors, an early settlement would be in India's interest.

Pakistan has been exploiting the situation in Afghanistan to acquire higher levels and types of arms. Most of these have little or no bearing on any possible conflict on the Afghan border. I am glad that you have agreed to keep our concerns in mind on Pakistan's perceived requirement of enhanced early warning capability on its mountainous western border. There were disconcerting reports on the possible supply of AWACS aircraft to Pakistan. This would trigger a qualitative new phase in the arms race in our area and enhance tensions to dangerous levels.

In your letter which Secretary Weinberger carried during his visit to India, you had rightly pointed out that peace requires true nuclear restraints. We remain very seriously concerned at Pakistan's nuclear weapon programme. Pakistan's military controlled and clandestinely acquired nuclear weapons capability cannot be seen in a bilateral context with India. The risk of nuclear weapons proliferation in our region is posed by Pakistan and that is where it must be addressed.

I shared these and other concerns frankly with Prime Minister Junejo when we met in Bangalore last month. Notwithstanding provocations, we have decided to continue our dialogue for normalization of relations. We hope that as a result
of recent talks Pakistan will cease its assistance to terrorists in India and start cooperating with us in curbing drug trafficking. These twin evils are often interlinked. Pakistan has accepted our suggestion that American Drug Liaison Officers could be associated in our bilateral consultations. This is an encouraging development. I hope that in the coming months we will see concrete manifestations of Pakistan's proclaimed intentions of building the trouble-free and cooperative relationship that we desire.

Your are aware of my views on nuclear disarmament. This naturally figured in my talks with General Secretary Gorbachev. I expressed our serious concern at the breakdown of the Reykjavik talks, which could have been a historic turning point in the post-war period. I also signed a joint declaration with General Secretary Gorbachev on a non-violent and nuclear-free world. This document embodies the principles we have been advocating over the years, even before our independence. I sincerely hope that these values will be accepted by all countries.

We attach great importance to our relations with the United States. We would like to strengthen our ties by expanding our existing cooperation and moving into new areas of cooperation in high technology and also in defence. After discussions which Secretary Weinberger had in India it may be possible for us to move further and establish greater linkages in the areas of defence cooperation and technology transfers. I understand that both sides have agreed on the need to have institutionalized focal points for clearance of defence technology transfers but the methodology has yet to be worked out.

Sonia joins me in sending Mrs. Reagan and you our warmest regards and best wishes for the New Year.

Yours sincerely,

Sd/- Rajiv Gandhi

The Hon'ble Ronald Reagan
President of the United States of America
Washington D.C.
Letter from Embassy of India in Pakistan to the Ministry of External Affairs.


Embassy of India
482-F, Sector G-6/4,
Islamabad

No. ISC/311/1/87 January 12, 1987

My dear Satish,

Yesterday when I met Shamshad Ahmed in the Pak Foreign Ministry in some other connection, at one point during our free-wheeling discussion of bilateral relations he raised with me the issue of what he alleged was a continued propaganda campaign by AIR, DOORDARSHAN and the press in India.

2. After mentioning the Sindhi language broadcasts on AIR and in particular several letters from readers which he maintained appeared to be spurious, he also said that Pak Government had gone out on a limb including a specific reference to Punjab in the joint press Statement at the end of the Home Secretary’s visit in December 1986. He claimed, therefore, that continued abatement to secession in Sind and propaganda inciting anti-Government protests and violence at this stage struck a jarring note. I told Shamshad that in fact JS (XP) had come during Foreign Secretary’s visit equipped with a sheaf of extracts from Radio Pakistan and PTV propaganda which were tendentious and often provocative. As an example, I draw his attention to the last 2 or 3 days during which Pakistan Times appears to have relapsed into its old ways of India-baiting.

3. Shamshad also told me that the Lahore Press statement jointly issued by both Governments had aroused criticism and many had questioned in Pakistan why the Government had accepted Indian allegations and our evidence charging Pakistan’s complicity in terrorist violence in Punjab. Describing the video tape we showed in Lahore during Home Secretary’s visit as a clumsy studio production, he said that the “evidence” had impressed no one in the Pak delegation or the rest of the Government.

4. After hearing him out, I felt constrained to speak to Shamshad in somewhat plain terms. I told him that the video film was not intended by us to pass muster with the jury in Cannes, and that the talks in Lahore were not a film festival. The message which we wanted to convey, I said, in case
representatives of the Interior Ministry and intelligence agencies in the conference hall in Lahore had not already got it, was simply, we could cite specific details in the course of the testimony by captured Sikh extremists which would go some way in persuading Pak intelligence agencies, errant as they had been in the past according to the Pak Interior Secretary, that we were well informed on their complicity. It was incumbent, I said, upon the Pak Foreign Ministry and the rest of the Government to draw fair inferences from our presentation and reassess for themselves whether the Government of Pakistan wants to give up its policy of inciting violence in Punjab and aiding abetting extremist there, condemning bilateral relations to further deteriorate, or make a genuine and comprehensive effort to desist from past policy. As for evidence, I drew Shamshad's attention to Home Secretary's remarks, posing the question whether Pakistan expects our security forces to go into Pakistani territory in order to produce the evidence which they appear to be thirsting for.

5. Finally I told Shamshad that I was surprised and pained to see the ambiguity in his remarks -- which he promptly disowned -- and emphasized Home Secretary's statements to the media on his return to India, as well as Foreign Secretary's explicit observations in his talks here, that we would judge the Government of Pakistan not only by the assurances it had given, but by substantive actions it takes to prove its good intent.

6. You might like to bring this suitably to the attention of the Foreign Secretary and Home Secretary.

Yours sincerely

(A.B. Patwardhan)

Shri Satish Chandra,
Joint Secretary (AP),
Ministry of External Affairs,
New Delhi.

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My dear Kiran,

Please refer to your letter No. TRIP/P/103/4/85 dated 3rd January, 1987 regarding Pakistan’s involvement with Sikh extremists.

2. During Home Secretary’s visit to Pakistan, there was an in-depth discussion on Pakistan’s involvement with Sikh extremists. The Pakistanis, for the first time in formal disessions, admitted their involvement with the Sikh extremists, but indicated that these were things of the past and that they wanted to turn a new leaf. They also undertook, as would be evident from para 5 of the press release issued following Home Secretary’s visit, that they would not henceforth provide any support to terrorist activities directed against India. Thus, there was clear admission of guilt on the part of Pakistan in this matter during the extremely free and frank discussions between our Home Secretary and Pakistan’s Interior secretary. It may be noted that this admission was in discussions headed by the Home Secretaries (Pakistan foreign office officials were somewhat unhappy). The Pakistani denial of any involvement to the Foreign Secretary subsequently was in the nature of a proforma denial which Pakistan has constantly been making in this matter at the foreign office level. You may therefore, continue to make the point that the Pakistani side admitted some “wrong doing”. Naturally this point should be made only in discreet briefings as this admission was made in privileged bilateral exchanges.

With kind regards,

Yours sincerely,

(Satish Chandra)

Shri K. Doshi,
Ambassador of India, Tripoli.

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Summary Record Note of the meeting between Pakistan Ambassador and Foreign Secretary.


The Pakistan Ambassador accompanied by Counselor Kamran Niaz called on Foreign Secretary at 5.00 p.m. on Friday, the 16th January, 1987.

2. Ambassador S.K. Singh and Joint Secretary (AP) were also present.

3. After an exchange of pleasantries, the Pakistan Ambassador stated that it was important to keep the normalization process between India and Pakistan moving. It was in this context that he had come and had been authorized to hand over the list which in September he had only been permitted to read out. He hoped that this list would be kept confidential and particulars about it not leaked to the press as had been done on the previous occasion.

4. F.S. pointed out that it has been a great pleasure for him to have visited Pakistan. He was fully in agreement with the view that the normalization process which had been brought back on rails should be continued. He assured the Ambassador that there had not been any leak whatsoever about the list from the Ministry of External Affairs.

5. In response to a query the Pakistan Ambassador confirmed that the list handed over by him (copy enclosed not available here)) was identical to the list which had earlier been read out by him to the Foreign Secretary in September. This list contained only 15 to 20 items from the list of 233 items of export interest to India which had been conveyed to Pakistan in January 1986. India could certainly enlarge this list so that Pakistan could respond with a more meaningful list of items which it could import from India.

6. Foreign Secretary drew attention to the list of 233 item earlier conveyed by us and handed over another copy of the same (copy enclosed not available here)). He suggested that this may be re-examined and more items selected for import to Pakistan. Ambassador S.K. Singh pointed out that our handing over of such a list went against the principles of GATT as we were looking for unfettered trade with Pakistan. Our Commerce Ministry, therefore, was reluctant to hand over any further lists.

7. The Pakistan Ambassador stated that Pakistan was committed to work for MFN relations between the two countries. There were however, political and economic constraints. This had been clearly spelt out before Finance Minister V.P. Singh during his visit to Pakistan in January 1986. It was in this
context that Pakistan wanted to adopt a step by step approach. 42 items were already imported in the private sector and this list would be steadily expanded. Indeed, with the list furnished by Pakistan as many as 300 items were being cleared for trade in the private sector. Even though list was not appetizing, it represented a forward step and further items could be added thereto. In this context the Ambassador indicated that he would recommend to his Government the furnishing of an additional list of items which Pakistan could import from India in the private sector.

8. The Foreign Secretary stated that if such a meaningful list could be furnished then it certainly would facilitate the convening of an early meeting of the Sub-Commissions.

9. The Pakistan Ambassador mentioned that it was extremely important to have the Sub-Commissions’ meetings before Foreign Secretary Sattar’s visit to India so that the Joint Commission could take place before the onset of summer.

10. In response to the Pakistan Ambassador’s observation that it was unfortunate that the press continue to make out that Pakistani intruders were infiltrating into India, Foreign Secretary spoke to the Home Secretary and the latter agreed that such publicity was not called for and he would ask the concerned Police authorities to exercise restraint. The Pakistan Ambassador also expressed unhappiness about statements made by General Wadhera on Kashmir. Foreign Secretary indicated that the Army had already been asked to exercise restraint in such matters.

The meeting terminated at 5.45 p.m.

(Satish Chandra)
Joint Secretary (AP)
19.1.1987

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Press briefing by the Official Spokespersons of the Indian External Affairs Ministry and the Pakistan Foreign Ministry on the question of deployment of troops along the India-Pakistan border.


India sealed its Punjab border with Pakistan in response to, what the Indian Defence Ministry said, “continued mobilization of Pakistan troops all along the western border”. The Spokesman of the Indian External Affairs Ministry said that a ‘Red Alert’ had been issued to army and air force, and simultaneously high level diplomatic moves were initiated by India on January 23 to secure “speedy de-escalation of the tense situation”. The Indian Minister of State for External Affairs Natwar Singh summoned the Pakistani Ambassador Humayun Khan to the Ministry to convey Indian concerns. The External Affairs Minsiter N. D. Tiwari talked to the Soviet Ambassador V. N. Rykov and the Minister of State for Defence Arun Singh met the American Ambassador John Gunther Dean to convey India’s concerns over the Pakistani moves. The Spokesman said while ‘Ted Alert’ had been ordered for the army and the air force, the Navy had been told to “keep its eyes open”.

Making a heavy weather of what was described by Pakistan as unprecedented concentration of Indian troops on its borders, Pakistan moved to undertake “minimum precautionary and defensive measures” but simultaneously expressed its readiness for “reciprocal step” to de-escalate the “artificial and unnecessary tension” “between the two countries”.

Pakistan Foreign Office spokesman told newsman that Pakistan’s defensive measures posed no threat to India while the latter’s concentration of estimated 200,000 troops along Pakistan’s border gave it a capability for aggression and that could not be ignored.

Rejecting the Indian demand for the removal of Pakistani troops near the border as “unilateral, unfair, inadmissible and unacceptable”, the spokesman, however, reiterated that “Pakistan was ready to enter into consultations immediately at any level with a view to reversing the spiral of escalation started by India’s decision to conduct military exercises of an unprecedented nature and size near Pakistan’s borders at a cost of nearly $ 250 million.

Pakistan had already briefed the envoys of some countries about the latest developments on the India-Pakistan border situation and instructions had been cabled to its UN Ambassador to brief others there, the spokesman said.

He said the suggested talks of de-escalation could be held at any level – Foreign Office, Defence Ministry or Director Generals of Military Operations.
"We are ready to give assurances that we have no desire to escalate tension. We hope India is ready to give a similar response and we are waiting for such a gesture", he added.

He said in fact the offer of such an assurance was communicated to the Indian side by the Director General, Military Operations, in a telephonic contact.

Replying to a question about the possible Indian motivation for the latest concentration of its troops, the Pakistani spokesman said: "It is difficult to know what is in the mind of the other side" but emphasized that the matter needed "careful examination".

He recalled Prime Minister Junejo’s statement at Bangalore some months ago that the two countries should enter into an agreement for prior notification of troops movements as we done by several European countries.

The Pakistani spokesman said that Pakistan was led to believe at Bangalore last November that the size of the exercises to be conducted by India would be curtailed but regretted that no such action was subsequently taken.

According to the spokesman’s estimate, it appeared more than half of the Indian forces have been concentrated either on or close to Pakistan’s borders if one were to take into account five brigades and other armored formation in addition to 200,000 troops already mentioned.

He noted that during exercise, the Indian forces normally remained headquartered in southern and eastern areas but this was not the case in the current situation.

Replying to another question the spokesman described the Indian assertion incorrect that Pakistani troops had moved opposite the Fazilka-Abohar sector. Pakistan did not yet know the size of the troops India was moving into Punjab. The Pakistan Ambassador was called by the Indian Foreign Office on January 23 and sought assurances from Pakistan. But, he said the Indian government ordered for the movement of troops into Punjab without waiting for Pakistan’s response to the message.

The spokesman categorically said, in reply to a question, that there was no "corresponding concentration of Pakistani troops" anywhere on the Indo-Pak border. The Pakistani Armed Forces, he said, were carrying out their exercises in their usual exercise areas and did not congregate into concentration anywhere on the border.

Some of the formations had completed their exercises and already returned to their usual positions, and others would do so on completion of their exercises. He also contradicted that the Pakistani troops normally completed their exercise in November.
He noted that according to indications, the Brass Tack exercises of Indian Armed Forces would continue up to March and thus, the concentration of Indian troops would also continue till that time. It was, therefore, inevitable that Pakistan took minimum possible defensive measures. He, however, denied that the Pakistan Armed Forces were on ‘red alert’, but, there was ‘greater vigilance’, he said.

He said that Pakistan was giving sincere assurance to India that it wanted peace and tension free relations with that country.

Questioned about Pakistan’s over optimistic posture towards India, the spokesman observed that this optimism was borne because of its desire to have good neighbourly relations with India. This, he said, was the intention of the Pakistan government and expressed the hope that India would also respond positively for the improvement of the situation. He said that over a period of time, there was a peace offensive on the part of Pakistan. Earlier on January 22 the Pakistan Spokesman dismissed Indian concern at the Pakistani exercises as “unwarranted” and said India, perhaps wished to divert attention from the “unprecedented multi-corps concentration of Indian troops in Rajasthan.”

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1127. Statement by Pakistan Prime Minister on the developing situation on the India – Pakistan border.


Pakistan Prime Minister Mohmmad Khan Junejo, speaking on the deployment of Indian forces close to Pakistan’s border and resultant tension told a joint sitting of the two Houses of Parliament on January 25 that without raising any alarm, he would like it to be known that “an unusual situation has been built up on our borders.”

During the course of his 35 minutes prepared statement, the Prime Minister expressed the hope that the Indian government would quickly respond positively to Pakistan’s offer of immediate consultations to defuse the tension. It was reported that the Indian government had responded positively, he said, but added “we are waiting for its formal reply.”

He said that he could not as yet (January 25 noon) say that the situation was entirely normal. He stressed the need for being vigilant without doing anything
to exacerbate tensions. “We do need to take precautions,” he further said and warned, “The situation does not permit complacency.”

Mr. Junejo, at some length, recalled the genesis of the present tension and pointed out that apprehending an undue rise in tension between the two countries as a result of unprecedented Indian military exercises close to Pakistan's borders even without a prior notification to Islamabad, he had proposed to Prime Minister Rajiv Gandhi in November in Bangalore the need to reduce the size and time of the exercises in the interest of continuing efforts of promoting good neighbourly relations.

He said that Mr. Rajiv Gandhi had indicated his intention to scale down the exercises. However, he further said, that did not happen and Pakistan had no option but to maintain full vigilance because legitimate apprehension and danger existed that such a large movement of Indian troops gave them a capability that could be diverted from the purpose of an exercise.

Strongly defending Pakistan's defensive military steps, the Prime Minister said India should not expect that in the face of heavy concentration of Indian military might close to its borders, scrupulous care was taken to avoid steps which might heighten tension between the two countries, he added.

He asked the members to make a dispassionate and objective assessment of the situation in the light of his statement while continuing a discussion on the issue at separate meetings of the Senate and the National Assembly in order to bring about a consensus on the subject as was implied in democracy.

He reiterated Pakistan's policy of striving to work for normalization of relations and developing good neighbourly relations with India on the basis of sovereign equality and mutuality of benefits. He said: “We believe that objective conditions exist for Pakistan and India to open a new chapter in their relations” in spite of the past vicissitudes.

He said that Pakistan had no desire to take advantage of internal problems of its neighbour, in an oblivious reference to Indian charge of Pakistan's assistance to the Indian Sikh extremists.

The Prime Minister assured Parliament that defence of liberty and integrity remained supreme with the government and said: “We have to remember that there is no greater guarantee of a nation’s security and the inviolability its of frontiers than its own unity and solidarity. ‘It is our covenant with Almighty Allah that we shall never be found wanting in the defence of our motherland,” he declared.

Meanwhile an announcement in New Delhi on January 25 said that it was proposed to hold talks with Pakistan to lessen the tension on the India-Pakistan
border. The talks were proposed to be held in New Delhi and the Indian delegation would be led by Secretary in the Ministry of External Affairs Alfred Gonsalves. Initially when the Pakistan Ambassador met the Indian Minister Natwar Singh the latter invited the Pakistani delegation for talks to defuse the tension. In a parallel move the Indian Prime Minister in order to help reduce the tension invited the Pakistani President Zia to visit India in March to witness the one-day cricket match in Pune. The invitation was sent through NKP Salve President of the Indian Cricket Control Board who was visiting Karachi on January 27 to attend the meetings of the India-Pakistan Joint Management Committee and the International Cricket Conference Management Committee. Mr. Salve had called on Prime Minister Rajiv Gandhi before leaving for Karachi. It may be recalled that President Zia had asked Rajiv Gandhi to allow him to witness the match. Mr. Gandhi also conveyed to Pakistan that India did not want any tension on the border and did not want any escalation of tension by the deployment of the forces of the two countries. According to media reports Mr. Gandhi conveyed this message to President Zia through Egyptian President Hosni Mubarak who was in Kuwait where he and Zia were attending the Islamic Summit. Mr. Gandhi had also telephoned Prime Minister Junejo as part of his peace initiative. Regarding the proposed meeting of the Secretaries of the two countries to defuse the tension Junejo confirmed to the media on January 25 that it was the telephone of Mr. Gandhi on January 24 which facilitated a meeting of the Secretaries of the two countries on the border question.

1128. Summary Record Note of the meeting between Minister of State K. Natwar Singh and Pakistan Ambassador Dr. Humayun Khan.


Shri K. Natwar Singh, MOS (N) received the Pakistan Ambassador at 1.15 p.m. on Friday, 30th January, 1987. This was in continuation of PM’s and MOS’s talk with the Pak Ambassador on 23.1.87.

2. Ambassador Humayun Khan indicated that during his recent discussions with PM, the latter had suggestion that all channels of communications should be kept open between the two countries and there should be “a continuous feed into the system”.

SECRET
It was in this context that the Ambassador had suggested that the current operative channel notably the DMO’s hotline should be kept active. In this context the Ambassador also felt that both sides should exercise great restraint on the line of control in J & K where there were firing incidents every day. This would be a wise precaution. He had moreover already suggested this to his own Government.

3. Referring to Mr. Sattar’s visit, MOS (N) pointed out that we would like to confine this visit to sorting out the present tension on the border. No other matters would be discussed.

4. The Pakistan Ambassador requested for calls for Mr. Sattar on PM, EAM and MOS (n).

5. MOS (N) indicated that he would be happy to receive Mr. Sattar at 10.15 a.m tomorrow morning and thereafter he would be going to his constituency. EAM and PM were also likely to be away tomorrow.

6. Ambassador Humayun Khan stated that perhaps the calls could be arranged on Monday, 2nd February, 1987, prior to Mr. Sattar’s departure on that day.

7. In conclusion in response to MOS (N)’s inquiry the Ambassador indicated that the formal move for Mr. Sahabzada Yaqub Khan’s nomination as D.G. UNESCO would, probably be made in March. He indicated that Sahabzada Yaqub Khan was most appreciative of PM’s kind remarks about him in Bangalore.

8. The meeting terminated at 1.25 p.m.

(Satish Chandra)
Joint Secretary (AP)
30.1.87

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Summary Record of the discussions between Pakistan’s Foreign Secretary Abdul Sattar and Minister of State K. Natwar Singh.


Pakistan’s Foreign Secretary Mr. Abdul Sattar called on our Minister of State for External Affairs Shri K. Natwar Singh at 10.15 A.M. on 31.1. 87 in the latter’s office. A list of those present is attached, the following is the summary record of discussion which took place:

**MOS:** I welcome you here this morning. We are happy that you have come to start the talk on the question of defusing tension at the borders, and I sincerely hope that you will be able to achieve progress in your task.

**Pak FS:** I would like to first of all to deliver a message from our Foreign Minister. This message is to the effect that we are keenly desirous for de-escalation. Let me state that we in the Foreign Office are not very knowledgeable about military affairs. However, we do have a mandate from our leadership to de-escalate the present situation. In this context we appreciate your own efforts, especially the meetings you had with our Ambassador: We greatly value your interest in Indo-Pak relations. Few people are more knowledgeable than you about the complex relationship between India and Pakistan, and we hope that the normalization process, the seed of which has been to a great extent planted under your care would be nurtured and allowed to grow under your able guidance. Our Foreign Minister wants me to convey that we will make all efforts to ease the situation at the borders and restore normalcy.

**MOS:** I would also like you to convey my respects to Sahabzada saheb. We are equally desirous of defusing the tension, I am happy that you and our Secretary had brief consultations last night, and I sincerely hope that any possibility of friction which exists can be removed. As regards the question of being knowledgeable about Indo-Pak relations, we ourselves hold you in your high esteem and it’s a damned shame that you are on the other side.

(Pak Foreign Secretary and Pak Ambassador laughed in appreciation) Good neighbourliness is a sentiment that we also cherish. As regards the situation at the borders you must go in to the details and the dimensions of the problem so that such escalation can be avoided in future. Your discussions will necessarily be very comprehensive and it is possible that the exercise which you start may not be over in this present round.

**Pak FS:** We are prepared to join you in de-escalating the situation.
MOS: What is the composition of your delegation? Whom have you brought along with you?

Pak FS: Let me confess that (we) were not very clear as to what the composition of our delegation should be. The impression we had and which was based on the conversation between our two Prime Ministers on 26th January was that Prime Minister Shri Rajiv Gandhi wanted the talks to be at the Foreign Office level. We checked through your Ambassador Mr. S.K. Singh in Islamabad and we were told that representatives from the Ministry of Defence should also be O.K. Therefore we have brought along with us Major General Raja Mohammad Iqbal who has been for some years the Additional Secretary in the Ministry of Defence. We have also brought Brigadier Riaz Ahmad, Director of Military Operations and Group Captain Syed Shahid Zulfikar Ali, Director of Air Force Operations. In addition, we have two representatives from the Ministry of Foreign Affairs, Tariq Altaf who is the Director on the India Desk and myself.

We would like you to instruct us about how we should conduct the meeting. We would also like you to let us know whether it should continue at the level of Foreign Secretary, or whether the level should be upgraded.

MOS: Our new Foreign Secretary would be taking over in the middle of February.

Pak FS: What about raising the talks to the Foreign Minister level?

MOS: We will see how these talks go and then decide whether there is any need to raise the level.

Pak FS: I must say that the process of lowering the tension has already started. In fact it started with the recent statement of your Prime Minister.

MOS: Also Prime Minister Junejo’s statement contributed in this direction.

Pak FS: Many of us in Pakistan are now feeling that if we had waited for another day, then may be the Joint Session of our Parliament which Prime Minister Junejo addressed may not have been necessary.

As I see the task before us involves a simple and straightforward exercise, though I may not be understanding the complexities involved. We have climbed up the ladder, and we should now climb down in a manner that is considered acceptable by both sides. We should not expect either side to incur risks that it would not be prepared to expect. It should be possible to prevent the past from pre-empting the future. We would depend on our professional colleagues from the Ministry of Defence, but so long as our own Governments are determined-as they are-we should not have difficulties in de-escalating the situation.

MOS: Do you also want to look beyond the immediate requirement and see how such escalations of tension can be avoided in future?
Pak FS: I have been reading suggestions in our own press in this context. However, we should first think of the immediate tasks we have before us and then take up the long-term tasks for it may adversely affect our efforts to tackle the task for the present. The Government of Pakistan has given me a task based upon the conversation between the two Prime Ministers on 26th January to de-escalate the tension. Therefore I would think of my task in immediate terms and may be the task relating to the future can be taken up at later-perhaps at Minister level.

MOS: In any case I wish you the very best during your stay here. I hope that you and our Secretary will have purposeful talks.

(The meeting terminated at 10.40 A.M.)

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1130. Summary Record Note of restricted meeting between Pakistan Delegation led by Pakistan Foreign Secretary Abdul Sattar and Secretary Ministry of External Affairs A.S. Gonsalves.


Shri A.S.Gonsalves: As per the discussions held yesterday we are now prepared for talks at the military level.

Foreign Secy.Sattar: It is for decision whether the discussions by the military experts should be in respect of the whole border or should be on a sector by sector basis.

Shri Gonsalves: I think a sector by sector discussion would appear to be most appropriate approach.

Mr. N.N.Vohra: We may commence the talks from the Northern area. Once an agreement is reached in one sector, discussions could move on to the next sector. The first point in the discussions could be the Shakargarh bulge in which the forces of both sides are present. In regard to the remarks made by General Iqbal yesterday about a class 50 bridge in this area, I may point out that it is no more than causeway connecting Lassian Enclave to our territory. This causeway has been under construction for over two years and there is no bridge as such in this region.
**Gen. K.S. Gill:** It would be more practical to go for a sector by sector discussion. I may assure you that India would be ready to abide by any time-frame which satisfies Pakistan for de-escalation.

**Mr. Vohra:** I would specifically like to know what Pakistan would be prepared to do for redeployment of Army Reserve North.

**Gen. Iqbal:** The current tense situation has basically arisen because of exercise Brass Tacks which led to the relocation of Army Reserve North. The impression seems to have been created in India that precautions taken by Pakistan were more than were necessary. I may assure you that the movement of Army Reserve North was essentially defensive, in response to this state India had moved additional formations into the North by way of two Armoured divisions. De-escalation can be considered sector wise, While the Shakargarh area is sometimes viewed as one entity, it really comprised two areas-one abutting on Jammu and Kashmir and the other on Punjab. I feel that no additional forces should be inducted in these areas, no new developments like bridges should be allowed to take place, and additional formations should be removed.

**Gen. Gill:** In respect of Ravi-Chenab corridor forces on both sides should disengage and the forces of the sector should return to their peace time locations. We do not attach any military significance to the bridge referred to earlier. Additional forces which had moved into this area should be moved out of the sector. Army Reserve North would come within the scope of this withdrawal.

**Mr. Vohra:** I may mention that the bridge is in a state of disrepair and is not really meant for armoured movement.

**General Iqbal:** In the Shakargarh bulge, two commands are involved, namely India’s Northern Command and India’s Western Command. If India did not move its forces back East of the Ravi, it would be difficult for him to convince his authorities to re-locate Army Reserve North.

Break in note taking at 12.35 p.m.

*Note taking resumed at 12.50 p.m.*

**Shri Vohra:** For three days we have been talking in terms of the threat perception created by exercise Brass Tacks. We have clarified that there is no intention on our part to pose a threat. In practical terms the only way we can go about our task of de-escalation is on a sector by sector basis. We have to trust each other. If Brass Tacks is going to be the basis of all these discussions then it would be difficult to proceed further. It is in this context that we are proposing initiating discussions on the Chenab-Ravi sector.
Shri Gonsalves: We may, I feel proceed on a sector by sector basis and reach final agreement only when the whole totality is seen.

Gen Iqbal: The point made by the Pakistan side is not intended to stall the sector by sector approach. What is being stated is the relationship of reserves/ formations/state of alertness of various forces vis-a-vis others. When one side’s armoured units are out in the field it is difficult to keep the other’s in peace time locations.

Brig Riaz Ahmed: It is as a result of Brass Tacks that Pakistani armoured formations have been deployed. This is by way of a reaction. Of course, these deployments are not directly related to the area of the Indian exercises.

Shri Vohra: If Brass Tacks is worrying Pakistan, you should come out with your best suggestion about where you can deploy your Army Reserve North.

Gen Iqbal: suggests the meeting should break up in order to enable us to consider the matter further.

The meeting terminated at 1.15 p.m.

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1131. SECRET

Summary Record of discussion during the call by Pakistan Foreign Secretary Abdul Sattar on Prime Minister Rajiv Gandhi.


PRIME MINISTER’S OFFICE

Mr. Sattar thanked PM for finding the time to receive him.

2. PM said that he was glad that the talks on de-escalation had gone on well and resulted in a positive outcome. It should lead to further arrangements in other sectors for diffusing tensions.

3. Mr. Sattar said that the situation had been effectively diffused from the time PM spoke to Prime Minister Junejo. He requested PM to keep such a channel of communications open.

4. PM asked Mr. Sattar to convey his greetings to President Zia and also his thanks for the kinos which he has sent.
5. **Mr. Sattar** said that he had been asked by Prime Minister Junejo to convey his warm greetings to PM. He said that, thanks to PM's guidance, the present tension had been diffused. He recalled PM's remark on one occasion if India and Pakistan kept on getting at each other neither country will be able to make appreciable progress. He hoped that with PM's guidance and that of the Government of Pakistan, constructive measures would be able to prevent the recurrence of such tensions and also to build an edifice of cooperation based on trust and goodwill. It was difficult to construct such a structure on shifting sands.

6. **PM** said that some cement could be put into the sand. He added that we welcomed President Zia's visit. But the first day of a cricket match was not very interesting.

7. **Mr. Sattar** said that one-day matches were much more interesting. The recent tensions should not obscure the fact that much had happened in Indo-Pak relations since the Simla Agreement. There had been difficulties but India and Pakistan had come a long way in strengthening contacts and interaction at different levels. This is thanks to the leadership of the two countries. The Pakistan Government had to face problems now in keeping the critics in their Parliament at bay. Much of this criticism was not only unnecessary but ill-informed.

8. **PM** remarked that we could transfer some of our technology in this area to Pakistan.

9. **Mr. Sattar** said that immediately after his telephone conversation with PM, PM Junejo had called a meeting at which more than 200 Pakistani Members of Parliament were present. The effort was to immediately pass the word around so as to allay public apprehensions. Mr. Sattar was also asked to talk to a number of people in the border areas. He had also been asked by Foreign Minister Yakub Khan to present his compliments to PM.

10. **PM** enquired how Foreign Minister Yakub Khan's campaign for the UNESCO post was going along. He wondered why Mr. Yakub Khan wanted to leave Pakistan at this critical stage when he could contribute so much.

11. **Mr. Sattar** said that the most difficult adjustment which Foreign Minister Yakub Khan had to make was in dealing with the provocative and unfounded criticism in their Parliament. He had had a long innings in Government, this being his fifth year as the Foreign Minister. He would now like to have a break. He is very familiar with Paris not only having served there as Ambassador but having done a staff course in France.

12. In response to a query by **PM**, **Mr. Sattar** said that there had been some positive movement in the Pak-Soviet dialogue on Afghanistan. Now both
Pakistan and Soviet Union were telling each other they recognized that the other side genuinely wanted a political settlement and that such a statement was in the interest of the two countries. They were both clear that the time-frame of troop withdrawals would have to be negotiated and that the Soviet withdrawal should not lead to large-scale bloodshed. One of the major issues which were not clear was how a government of national reconciliation should be set up. Moscow thought that Najib could provide the answer. Pakistan was not in the same league as Soviet Union in trying to influence a Government in Afghanistan. This issue would have to be tackled. Pakistan hoped that the proximity talks scheduled in Geneva from 25th February would make significant progress. But they recognized that this may not be the last round of talks since the fundamental question to which he had referred to had not been answered.

13. Reverting to Indo-Pak relations, PM said ways should be found on slowing down the arms race in the subcontinent. The acquisition of large quantities of sophisticated arms by Pakistan obliged us to make similar acquisitions. This affected the economic development of both countries.

14. Mr. Sattar said that he did not know how this could be done. But one could draw genuine lesson from the negotiations that had just been held. In spite of up gradation of arms every soldier hoped that these arms would never be utilized.

15. PM said that armed forces in India are under civilian control. This was much less so in Pakistan.

16. Mr. Sattar then talked of the changing value systems and the problems posed by the steady decline in the living standards of bureaucrats. He hoped that the major generational change in both countries by 1990 would have a positive impact on Indo-Pak relations. By that year all those who had graduated from school in 1947 and had memories of the portion trauma would have retired.

17. In response to a query from Mr. Sattar, PM said that dates should be fixed and the composition of the delegation finalized within a fortnight for the next round of talks in Islamabad.

18. The meeting lasted for 40 minutes. Those present at the meeting included Secretary Gonsalves, Ambassador S.K. Singh and the Pakistan Ambassador.

(R. Sen)
Joint Secretary
13.2. 87
1132. Minutes of Consultations between Pakistan Foreign Secretary Abdul Sattar and Secretary in the Ministry of External Affairs Alfred Gonsalves.


Document 1

Minutes of Consultations between Mr. Abdul Sattar, Foreign Secretary of Pakistan and Mr. A.S. Gonsalves, Secretary in the Indian Ministry of External Affairs, held from January 31 to February 4, 1987.

Immediate measure to defuse present tension, to prevent escalation, and to deescalate the situation along the Indian Pakistan border

i) Both sides agree not to attack each other.

ii) Both sides agree to exercise the maximum restraint and to avoid all provocative actions along the border.

iii) In regard to concrete de-escalation measures, both sides agree to adopt a sector by sector approach for the pullout of troops deployed on the border by both sides. In pursuance of these parameters, both sides agree, as a first step, to the pullout of troops in the Ravi and Chenab corridor, in this corridor:

a) All offensive and defensive forces of both sides will pullout to peacetime locations within fifteen days of the date of initialing these minutes. Additional formations inducted in the Ravi-Chenab corridor by both sides, i.e., Army Reserve North comprising the 6th Armored Division and the 17th infantry Division on the Pakistan side and the 6th Mountain Division on the Indian side will also return to peacetime locations within fifteen days of the date of initialing these minutes. Pakistan would retain one independent armored brigade and an independent infantry brigade of the holding corps reserve.

b) The pullout of troops will be undertaken in a graduated manner and will be monitored through regular contact to be maintained by the DGMOs of both sides.

c) The modalities for the sectorwise pullout in other sectors would be discussed subsequently; in the intervening period both sides agree not to make any offensive movements to the international border in these sectors.
iv) All mines already laid will be lifted; no mines will be laid.

v) DGMOs of both countries shall maintain regular contact.

vi) The ACAS (Ops.) [assistant chief of the army staff (operations)] of both countries shall maintain contact to clear apprehensions about aircraft movements.

vii) Regular contacts shall be maintained through diplomatic channels.

viii) All satellite airfields shall be deactivated immediately.

ix) Navies of both sides will be brought to a lower state of operational readiness.

x) For a discussion of further concrete measures for de-escalation along the border, an Indian delegation has been invited to visit Islamabad during February 1987. Mutually convenient dates for the visit will be settled through diplomatic channels.

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Document 2:

Minutes of Consultations between Mr. Abdul Sattar, Foreign Secretary of Pakistan, and Mr. A.S. Gonsalves, Secretary in the Ministry of External Affairs of India at Islamabad, from February 27 to March 2, 1987.

01. The consultations were held in pursuance of paragraph (x) of the minutes of consultations initialed in New Delhi on February 4, 1987, for discussion of further concrete measure for de-escalation along the border. It was agreed that:

AAA. All defensive and offensive formations in the sector south of Barmer-Chhor will commence return to their peacetime locations, which shall be completed within fifteen days of the date of initialing of these minutes.

 BBB. In the sector comprising Barmer-Chhor in the south and up to Hindumalkot-Mandi Sadiqganj in the north, all defensive and offensive formations will commence return to their peacetime locations from March 16, 1987.

CCC. The pullout of troops will be undertaken in a graduated manner and will be monitored through regular contact to be maintained by the DGMOs of both sides.
For discussion of further de-escalation measure along the international border, a Pakistan delegation has been invited to visit New Delhi at an early, mutually convenient date to be settled through diplomatic channels.

Appendix Four Maps

Note: We have seen various maps purporting to represent Indian and Pakistani deployments and plans. However, those maps were unavailable for reproduction at this time. The following map representations provide a general idea of the location of Brass-tacks (in Indian and Pakistani versions) and of the movement of Army Reserves South and North.
1133. Briefing by the Official Spokesperson of the Pakistan Foreign Ministry on the pullout of troops along the border.


Pakistan and India started on February 11 the withdrawal of their troops from the Ravi-Chenab corridor to peace time locations in pursuance of February 4 accord to de-escalate tension on their borders. The process is to be completed in this sector by February 19*, said the Spokesman of the Pakistani Foreign Office.

He told newsmen in Islamabad that over 75,000 troops on both sides would "pull-out" of the corridor, while a still larger number were to "pull back" to their peace-time locations within the sector from the forward positions, where they were concentrated because of recent developments.

To carry forward the process of pull-out to other sectors all along the border, the officials of the two countries will meet in Islamabad before the end of the current month. The spokesman said Pakistan was now awaiting Indian response to its proposal for an early meeting on the subject within this month.

Rejecting the view that the pull out from the Ravi-Chenab sector was more advantageous to India, the spokesman emphasized that the February 4 agreement in principle related to the entire border and Indian withdrawal from the Rajasthan area would be effected as soon as the Indian triennial exercise were completed by the first week of March.

The spokesman, however, recognized the concern about Indian concentration in the Rajasthan area and pointed out that Pakistan had also taken precautionary measures there which were in the knowledge of India. But, he repeated, both sides had derived satisfaction from the fact that it had been agreed that neither side would attack the other.

* A press note issued by the Indian Ministry of Defence on February 19, 1987 said: "The pull out of troops from the Ravi-Chenab corridor, as set out in the accord arrived at on February 4, 1987 after the first round of talks between Pakistan and India to de-escalate the situation on the border, has been successfully completed.

"Pakistan has confirmed the pull out of its Army Reserve North consisting of 6 Armoured Division and 17 Infantry Division to their peace time locations and has also disengaged its troops form the forward positions in the Shakargah Bulge.

"On India’s part, 6th Mountain Division has returned to its peace time location and the troops deployed on the border in the corridor have returned to their cantonments. The pull out of troops by either side was accomplished in a phased manner and was monitored by the Director General of Military Operations of both Armies who remained in frequent contact with each other since February 7, 1987 through the hot line."
There is apparently no significance attached to the fact that the pull-out started six days after the February 4 agreement as the original time-table to complete it within 15 days, i.e. by February 19, is to be adhered to. The programme of withdrawals had been worked out through constant contacts between the Director General of Military Operations of the two sides during the past week. Meanwhile, the Chiefs of the two countries’ Air Forces were also reported to be in touch with each other on de-activating satellite air-fields, and necessary action was being taken to that effect.

The spokesman explained that the pull-out was of the kinds one relating to forces which had been inducted in the Ravi-Chenab sector from outside recently and the other of those which had moved to forward positions from the cantonments within the area. For the first category the term “pull-out” was being used while for the latter type the word used was “pull-back”.

The spokesman said the only reason for Pakistan to move forward its troops was one of caution and at no point did it intend either to launch an attack or instigate any segment of the Indian population - a reference to the Indian allegation that Pakistan was supporting the Sikh secessionist movement.

* * * * *

1034. **Note of Pakistan Embassy in New Delhi forwarding a message from Pakistan Prime Minister Mohammad Khan Junejo to Prime Minister Rajiv Gandhi.**

*New Delhi, February 19, 1987.*

**Embassy of Pakistan**

**New Delhi**

February 19, 1987

Excellency,

I have the honour to forward the following message from the Prime Minister of Pakistan, His Excellency Mr. Mohammad Khan Junejo to Your Excellency:

**Begins:**

*Excellency,*

The Pakistan forces are today completing their pull-out in the Ravi Chenab sector as, I understand, are the Indian forces, in implementation of the
Agreement of 4 February 1987. This, I believe, is an auspicious beginning for the realization of our common aim of defusing tensions.

On this occasion, I would like to convey greetings to Your Excellency and also to reaffirm my Government's determination to extend all cooperation in reaching agreement on further measures on pull-out of troops in other sectors. Their return to peacetime locations will surely contribute to the restoration of normalcy.

I entirely agree with Your Excellency's views, expressed to our Foreign Secretary that our two countries should also move forward, with the implementation of the decisions we took during our meeting at Bangalore.

With cordial best wishes,

Mohammad Khan Junejo
Prime Minister of the Islamic Republic of Pakistan*

Ends

Please accept, Excellency, the assurances of my highest consideration.

Sd/-
(Humayun Khan)

His Excellency
Shri Rajiv Gandhi,
Prime Minister of India, New Delhi.

1135. Letter from Prime Minister Rajiv Gandhi to Pakistan Prime Minister Mohammad Khan Junejo.


PRIME MINISTER

New Delhi
February 21, 1987

Dear Prime Minister,

Thank you for your message of the 19th February.

I am glad that both our Commands have been able to complete the withdrawal of troops according to schedule. This is a good augury for the future.
I hope that the next round of talks will achieve a substantial measure of success. This will prepare the ground for further progress in our endeavour to create an atmosphere free of tension and conducive to the normalization of relations. We shall work towards that objective.

With my best wishes,

Yours sincerely

Sd/-

Rajiv Gandhi

His Excellency,
Mr. Mohammad Khan Junejo,
Prime Minister of the
Islamic Republic of Pakistan,
Islamabad.

1136. SECRET

Record of discussions between Pakistan President Zia-ul-Haq and Prime Minister Rajiv Gandhi.


PRIME MINISTER’S OFFICE

After an exchange of pleasantries, President Zia said that whenever PM and he had talked there had been good understanding. But he did not know what happened after that. Things seemed to slide back.

2. PM said that a dialogue had been started at various levels and these should be continued. In December 1985 a good package had been worked out. The progress was not good due to various reasons. But there was no point in a post-mortem. Threads should be picked up from where they were left and the normalization process should be continued. One of the major problems was continuing suspicion and lack of trust which contributed to tensions. Greater exchanges and promotion of people to people contacts by easing travel restrictions, flow of information and publications etc. could reduce tensions. There was also the problem of Sikh terrorists in the Punjab.
3. President Zia said that he knew what it meant to have such a problem. He agreed that the process of implementing the December 1985 package should be expedited. This should lead to the meeting of the Joint Commission. The standing committees which were set up after the meeting of the Interior Secretaries in Pakistan should also get to work. There should be liberal travel and greater exchange of visits. He had brought with him his Minister for the Interior, Mr. M.A.H.Khattak. He was himself surprised to learn that Mr. Khattak was visiting India now after a gap of over 40 years. Similarly Deputy Speaker Jogezi, who was around 45 years old, was visiting India for the first time in his life.

4. PM said that this was an important aspect. There must be interaction among people in influential positions. Such exchanges would help in removing suspicions.

5. President Zia said that two sub-commissions, one on “information and culture” and the other on “trade”, are due to meet. Whenever the Indian side was ready, he would dispatch the Pak teams to Delhi.

6. PM said that we were ready to meetings of both sub-commissions.

7. President Zia said he had brought Dr. Mehboob-ul-Haq with him. He will be made a Minister and will have both the Commerce and Planning portfolios. He realized that trade was one of the areas where India was not satisfied with Pakistan.

8. PM said that we were always prepared to have a safeguard to take care of what, from the Pak point of view, was regarded with apprehension. Our reading was that trade would have nothing to do with the feared disadvantage of the Pak industry vis-a-vis Indian industry. At the initial stage, Pakistan could allow Indian firms fair international competition on items which in any case are being imported to Pakistan under normal import licences.

9. President Zia agreed to this. He pointed out that even without any agreement and all the restrictions in force Indo-Pak trade in the private sector totaled around $ 42 million last year. Surprisingly the balance was in Pakistan’s favour.

10. President Zia said that the meetings of the Sub-Commissions in India would pave the way for the meeting of the Joint Commission in Pakistan at the level of Finance Ministers.

11. PM pointed out that he was now Finance Minister.

12. President Zia said that he would be overwhelmed to receive PM in Pakistan at any time and sincerely hoped that he would make a visit soon. But
the meeting could be at the MOS level. When it was pointed out that the Joint Commission meeting was the Foreign Ministerial level, President Zia hoped that EAM would visit Pakistan.

13. **PM** said that EAM would visit Pakistan after the Sub-Commissions had met in India and cleared the way for the Joint Commission meeting.

14. **At this point Additional Secretary Tanvir Ahmed and JS(R), PMO, left and there was a one-to-one meeting between PM, and President Zia.**

15. **President Zia** referred to talks on Afghanistan with the Soviet Union and said that these had covered (i) Soviet withdrawal, (ii) status of Afghanistan as a “neutral” country, (iii) a “nationalistic” government in Afghanistan and (v) return of refugees. He referred to an Indian role in expediting a solution.

16. **PM** referred to the problems caused by **Pak acquisition of sophisticated arms from the US**, which compelled us to also raise the level of technology of our arms. **President Zia** said that out of the total US aid package of a little over $ 4 billion only around $ 1.5 billion were for arms, mostly tanks, ammunition and for airborne “surveillance”.

17. The total meeting was for around 35 minutes.

18. **On the way to the airport on 22 February, President Zia** assured **PM** that he would do all that is possible to ensure Pak cooperation in the areas of curbing terrorism, border ground rules, drugs trafficking and smuggling. [This would have to be followed up immediately with the Pak Ambassador for further actions that would put the terrorists in the defensive].

(R.Sen)

Joint Secretary
22.2.1987.
Press Conference of Pakistan President Zia-ul-Haq on return from Jaipur (India).


President Zia-ul-Haq on February 23, 1987 proposed some kind of joint India-Pakistan 'package declaration', binding the two countries to the renunciation of any support for separatist movements in either country.

Addressing a news conference at Islamabad Airport after his return from Jaipur, (where he had gone to witness the India-Pakistan cricket match) Gen Zia said the proposed declaration could embody Pakistan's non-interference in Punjab while India should likewise declare its non-involvement with issue like Pakhtunistan or Sindu Desh.

He said he made this offer during his talks with the Indian leaders in New Delhi on February 21 while assuring them that Pakistan would never interfere in developments in Punjab. He said the assurance was given by him on his own initiative as the issue was not raised by the Indian side. He added that he told them that if India desired, some kind of 'package declaration' could be jointly issued by the two sides, hoping that his proposal would yield good results.

While conceding that in view of the brief and informal nature of his visit to India all the issue could not be solved, Gen Zia felt that it had been quite a success in further defusing tension between the two countries. In fact, he added, recent political contacts plus the February 4 accord on troops pull-out in one sector had gone a long way in minimizing the chances of any conflict between the two countries. He said all those who accompanied him had been particularly moved by the warm reception accorded to them both in New Delhi and Jaipur.

He said the Indian Prime Minister had noted that large scale Indian military exercises had aroused some misgivings in Pakistan. In order to dispel any apprehensions, he added, Mr. Rajiv Gandhi had now decided to invite all military attaches based in the Indian capital, including from Pakistan, to witness the last phase of those exercises.

Replying to a question, he said Pakistan was prepared to cooperate with India in curbing smuggling, narcotics and the movement of terrorists across the border.

Urging newsmen to take a balanced view of his visit, Gen Zia said that though it should not be blown up to conclude that all problems had been settled in a brief exchange of views, yet it would not be an exaggeration to say that considerable headway had been made in improving relations. There was a strong desire and a felt need on both sides to expand mutual co-operation in various fields so that their resources could be diverted to the welfare of their
peoples. He hoped, the forthcoming visit of an Indian delegation on February 26 to discuss the pull-out of troops in other sectors would also succeed in the same manner as the earlier Gonslaves-Sattar talks in New Delhi.

When a newsmen pointed out that in his cricket diplomacy he had been engaged in defensive batting while the other side had hurled only bouncers, Gen Zia quipped amidst laughter: “But you have completely ignored Zia-ul-Haq’s sixer.”

Gen Zia said that it was his impression, following his visit to India, that both countries did not want war and wished to utilize their resources and energies for the welfare of their people.

He noted that the recent developments, resulting from the statesmanship of Prime Minister Junejo and Mr. Rajiv Gandhi and the Foreign Secretaries’ accord amply demonstrated that the tense phase of Indo-Pak relations had been resolved amicably.

“It will be, therefore, correct to conclude that the chances of war between the two countries have diminished,” he said.

He said he had been told during his visit to India, that the impression in Pakistan that India had not reconciled to the establishment of Pakistan was not correct. On the contrary, it was insisted that India wished Pakistan well, he said.

He, however, stressed that Pakistan stood for ties with India on the basis of sovereign equality.

On a question, about the reports regarding sealing of the Indo-Pak border, he remarked that the border was in fact practically sealed at present.

He told another questioner that the Indian Prime Minister did not make any reference to the alleged sabotage from Pakistan. But, he said, he took the initiative to assure him that Pakistan did not wish to interfere in the internal affairs of India. If India desired a declaration from Pakistan, he proposed to Rajiv Gandhi that it could come through a package, under which India should also declare that it had no link with the so-called Sindhu Desh and Pakhtunistan. Pakistan had no hesitation to say that the problem of Sikhs was an internal matter of India. He expressed confidence that such a package would help promote a better atmosphere between the two countries.

Gen Zia declared that Pakistan would never compromise on principles. It was the policy of the elected government not to interfere in the internal affairs of the other countries, nor would it allow any one to do so in its internal affairs.
He, therefore, questioned the logic of the allegations of Pakistan's involvements in any disruption in India.

Talking about the outcome of his two-day visit which was undertaken at the invitation of the President of the Board of Control for Cricket in India and which had been termed as "cricket diplomacy," he said the invitations had come at a time when relations between the two countries were marked by tension on the border and which later had been defused due to sagacity and statesmanship of Mr. Junejo and Mr. Rajiv Gandhi.

He said that important matters had come under discussion during his talks with the Indian leaders, which, he was confident, would have a positive bearing on the Indo-Pak ties.

He told another questioner that the Indian government had on February 22 announced constitution of the sub-commissions, on trade, culture and information as part of the Joint Ministerial Commission. He noted that these Commissions which had not met for the last one year would do so soon. This, he said, was also a positive move.

He said, in reply to another question, that Pakistan had a principled stand on Kashmir and wished the resolution of this dispute at the level which was agreed upon between the two countries.

Similarly, Pakistan looked towards a peaceful settlement of the dispute in keeping with the spirit of the Simla Agreement.

He told another questioner that his overall impression, and that of the members of his entourage, during the two days of visit to India, was that both countries wanted pleasant ties on the basis of sovereign equality.

Relying to another question, he referred to Soviet leader Gorbachev's statements during his recent visit to Delhi, and said that it was his impression that the Soviet Union not only wished to have good relations with Pakistan, but also desired good ties between Pakistan and India.

He expressed Pakistan government's determinations to promote good neighbourly relations with India on the basis of equality and mutual trust so that both the countries could divert their resources for the welfare of the people. "We are pursuing such a policy and shall continue to do so in future," he said.

Talking to newsmen in Jaipur before his departure for Islamabad, Gen Zia expressed the hope that the Soviet Union would back up Pakistan's initiative
for a political solution of the Afghanistan issue boldly and added the recent initiative taken by Soviet leader Gorbachev was encouraging and had some basic ingredients of a good solution and Pakistan supports them fully. These proposals had the seeds of an early solution and required bold action on the part of the Soviet Union to implement them in the spirit in which these proposals had been made. He said Pakistan was very grateful to India for its support for a political solution of the problem.

Replying to a question about nuclear Non-Proliferation Treaty, Gen Zia emphasized that Pakistan was against nuclear proliferation but its approach to this question was based on principles.

In reply to a question about the understanding between Pakistan and India not to attack each others nuclear installations, he said the agreement was valid in every manner and even though it had not been formally reduced into writing.

He said Indian President Giani Zail Singh and Prime Minister Rajiv Gandhi would be most welcome to visit Pakistan at a date convenient to them. He hoped the visit would help promote political and other aspects of Indo-Pak relations.

Meanwhile the Indian Ambassador, Mr. S.K. Singh, said that Gen Zia’s visit to India had lessened tension and helped bring the situation to normal. He added that he completely agreed with Gen Zia that the visit had ended the misunderstanding between the two countries and the situation would improve with further contacts.

He said the people of both countries wanted to live in peace and were opposed to war. He also expressed his happiness over the warm welcome given to Gen Zia in India.

Giving a resume of the visit of Gen. Zia, the media reported that the talks between him and the Indian Prime Minister focused on bilateral relations and matters of mutual interest, took place at a dinner hosted in President Zia’s honour by Mr. Gandhi. Senior members of Gen Zia’s entourage, including Punjab Governor Makhdoom Sajjad Hussain Qureshi, Interior Minister Mohammad Aslam Khattak, Punjab Chief Minister Nawaz Sharif, Deputy Speaker of the National Assembly Sardar Wazir Ahmed Jogeza, Dr. Mahbubul Haq and Senator Farudullah Khan also attended the dinner.

Gen Zia and Mr. Rajiv Gandhi expressed the hope that relations between the two countries would develop further in the spirit of the February 4 agreement signed between the Foreign Secretaries of the two governments.

Talking to Pakistani newsman informally after his meeting with Mr. Rajiv Gandhi President Zia described his meeting with the Indian leaders as extremely useful.
He said the Indian Prime Minister expressed similar desire for the promotion of friendly relations with Pakistan as were held by the latter. President Zia said that the Indian Prime Minister told him that Brass Tack exercises which had given rise to certain misgivings would be unfolded to foreign observers, heads of missions, and relevant attaches shortly after they were concluded to enable them to know about their correct nature.

Reporting on the arrival of President Zia-ul-Haq the media reports said that he received a cordial welcome from Prime Minister Rajiv Gandhi. As soon as Gen. Zia got off the ramp, he and Mr. Gandhi hugged each other and Mr. Gandhi presented Foreign Minister Narain Dutt Tiwari, Minister of State for External Affairs Natwar Singh, Minister-in-Waiting Ram Niwas Mirdha and Foreign Secretary K.P.S. Menon, to Gen Zia. Mrs. Sonia Gandhi received Begum Zia and members of the family accompanying Gen Zia. Speaking to newsman, Foreign Secretary KPS Menon described Gen Zia’s visit as being “unofficial, private and a cricketing one”.}

1138.  
SECRET  

Summary of record note of meeting between Pakistan Minister of State for Foreign Affairs Zain Noorani, and Secretary, Ministry of External Affairs A.S. Gonsalves, Islamabad, February 27, 1987.

Shri A.S. Gonsalves, Secretary, Ministry of External Affairs, called on Mr. Zain Noorani; Pakistan’s Minister of State for Foreign Affairs, in the latter’s office in Islamabad at 10-30 a.m. on Friday, 27 February, 1987.

After an exchange of courtesies, Mr. Noorani expressed happiness at the fact that Shri Gonsalves had been able to come to Islamabad before the end of the month as agreed to at Delhi. Shri Gonsalves responded that it had been felt that this visit would be most appropriate a few days after the pull-out in the Ravi-Chenab corridor as this would give both sides time to evaluate the completion of the de-induction. Moreover, an earlier visit had not been possible as there had been only one Secretary in the External affairs Ministry for much of this period.

Mr. Zain Noorani expressed some surprise at the appointment of Shri K.P.S. Menon as Foreign Secretary in view of the fact that he had, at the time of his
appointment, only a few months to go for retirement. **Shri Gonsalves** pointed out that in India extensions had been given to officials on a number of occasions. Indeed in the Foreign Ministry itself as many as four Foreign Secretaries had received extensions.

**Mr. Noorani** complimented Shri Gonsalves on the role played by him in achieving the February 4 agreement. This agreement had been welcomed everywhere and was a credit to both the Secretaries, their delegations and above all, to the two Prime Ministers. He hoped that the ensuing talks would achieve meaningful progress as this is what the expectation of the peoples in both countries was. As far as Pakistan was concerned, he was confident that it had been recognized in India that it had no desire or interest in enmity with India. It wanted to have more than friendly relations with India and was, in fact, looking for fraternal ties.

**Shri Gonsalves** stated that there was no alternative for the two countries other than to have friendly relations in the context of the economic costs of an inimical relationship.

In a light-hearted vein, **Mr. Noorani** stated that in looking for improved relationships, both countries would do well to keep their respective ambassadors in the other country as well as Consul-General Aftab Seth well supplied with books so that they could keep themselves occupied in reading. Sometimes these representatives sent alarmist telegrams. Perhaps, if they were busy reading, they would not get so flustered.

*(There was some banter at this point as to how the representatives of the two countries could be kept busy in various types of sporting activities)*

**Mr. Noorani** stated that there were great hopes that the Sattar - Gonsalves team would pull off a further understanding during the upcoming second phase of discussions. It was hoped that these discussions would bring about a total withdrawal of troops. If there was any problem which required referral on the Pakistan side, he was sure that the Prime Minister would be available for advice and consultation. The Indian team must also have made similar arrangements.

**Mr. Sattar** stated that the Pakistan side had a greater advantage on this occasion as compared for the Indian side in terms of getting guidance since it was on home ground. It had been decided that discussions between the two sides would continue till results were achieved.

*(At this point there was a brief discussion about the state of the communications system between India and Pakistan with Mr. Sattar making the point that Hot Lines were not really as useful as an overall improvement of the commercial communications network).*
Shri Gonsalves made the point that both governments were fully committed to the de-escalation process. The Delhi agreement had given both sides equal satisfaction and it was his hope that further progress would be made. He pointed out that he had been most impressed with the manner in which the Pakistani delegation had been able to secure its instructions whilst in India. Indeed on many occasions it had been found that they could get their instructions quicker and more effectively in Delhi than was even possible, for the Indian delegation.

Mr. Noorani indicated that though Shri Gonsalves had come to Pakistan in another context, there were a couple of other issues which he would like to refer to. He wanted Shri Gonsalves to convey to the authorities in India that they must convince themselves that Pakistan was not involved in the troubles in Punjab or elsewhere in India and that it had no interest in these matters. When India was convinced of this, half the tension between the two countries would all be over.

Referring to the P.M.-Zia decision for the reactivation of the Joint Commission, Mr. Noorani stated that India should not make trade a question of prestige. In this context, he pointed out that he had suggested to Mr. Venkateswaran during the latter’s visit to Pakistan that if India did not find the list of 300-400 items furnished by Pakistan as adequate, it should give Pakistan the list of items which it felt should be imported by Pakistan. The same would be given favourable consideration in Pakistan. It was important to make a beginning in this matter and to build up an atmosphere of mutual trust.

Ambassador S.K. Singh, referring to the question of Pakistan’s involvement with Sikh terrorists, stated that it would be useful if the prosecution cases against the Canadian Sikhs could be withdrawn with a view to undertaking their expulsion from Pakistan. There was some discussion on this matter with Mr. Noorani stating that it was not enough that the Indian government agree to this idea as there was a possibility that the Indian press could be critical of such action. It was, however, felt that if an understanding could be arrived at between the two Ministries of External Affairs whereby their spokesmen could state that the decision for withdrawal of the cases against Canadian Sikhs and their expulsion had been taken in consultation, then the likelihood of criticism would be much diminished.

Mr. Noorani, in conclusion, indicated that the Sikhs in question to be debarred from entry to Pakistan were not sufficiently well identified and there was scope for misunderstanding. Ambassador S.K. Singh stated that most of the names communicated in this regard by the Government of India to the Government of Pakistan were all prominent Sikh extremists and there was little likelihood of any misunderstanding on this point.

The meeting terminated at 11.15 A.M.
1139. Summary record note of meeting between General Zia-ul-Haq and A. S. Gonsalves, Secretary, Ministry of External Affairs.


Shri A.S. Gonsalves, Secretary, Ministry of External Affairs, Government of India, called on President General Zia-ul Haq at the latter's residence in Rawalpindi at 7.00 P.M. on 28 February, 1987.

2. A list of others present at the meeting is appended. (not included)

3. After an exchange of courtesies Mr. Gonsalves mentioned that the first round of de-escalation talks had given satisfactions to all concerned. President Zia expressed the hope that the second round of negotiations in this matter would proceed even more smoothly than the first round. It was unfortunate that misapprehensions and misunderstandings had given birth to the tensions between the two countries. Mr. Gonsalves indicated that at the first round of discussions both sides had agreed quite rightly to initiate the de-escalation process along the border sector by sector. President Zia stated that he believed that while during the first round the de-escalation process had been started from the North during the second round it had been started from the South. He expressed the hope that Mr. Gonsalves would be able to visit Pakistan again. Mr. Gonsalves concluded by stating that the second phase of discussions would achieve the results expected from it.

4. Most of the meeting was made up of queries by the President about the antecedents of General Gill and Shri Vohra and of Jokes.

5. The meeting terminated at 7.30 P.M.

❖ ❖ ❖ ❖ ❖
Summary record of meeting between Pakistan Prime Minister Mohammad Khan Junejo and A. S. Gonsalves, Secretary, Ministry of External Affairs.


Shri A. S. Gonsalves, Secretary, Ministry of External Affairs, Government of India, called on Prime Minister Mohammad Khan Junejo at the latter's residence in Rawalpindi, at 8.30 p.m. on 1 March 1987.

2. A list of others present during the meeting is appended. (not included here)

3. Shri A.S. Gonsalves at the outset handed over a letter to Prime Minister Junejo from Prime Minister Rajiv Gandhi indicating that this was a reply to Prime Minister Junejo's letter of 19 February, 1987. Shri Gonsalves mentioned that in his reply Prime Minister Gandhi had reciprocated the sentiments expressed by Mr. Junejo.

4. Prime Minister Junejo indicated that he was very happy that the first round of Sattar - Gonsalves talks had succeeded in defusing tension. He stated that consequent upon the escalation of tension, it was clear to him that talks between two sides were necessary to ascertain its causes and to defuse the situation. It was in this context that he had telephoned Mr. Rajiv Gandhi so as to facilitate a meeting between the two sides. He was glad that such a meeting had been arranged expeditiously and that it had cleared the situation. Subsequently when the pull out in the Shakargarh sector had been completed successfully as scheduled on 19th February he had thought it fit to send a message to Prime Minister Rajiv Gandhi. The talks between the two sides resulting in the February 4 understanding was a major exercise and the present phase of discussions was merely a secondary step.

5. Foreign Secretary Sattar stated that this was why the press was not paying much attention to the present talks. Mr. Gonsalves interjected that this was all to the good and it revealed that real progress had been achieved.

6. In response to a query from the Prime Minister as to why he was not staying longer in Islamabad, Mr. Gonsalves stated that he was proceeding tomorrow to Lahore at the request of Foreign Secretary Sattar particularly as there were many people in the delegation who wished to go there.

7. At this point there was an exchange pertaining to Gen. Gill's association with Lahore. This was followed by an exchange about Prime Minister Junejo's imminent move to Islamabad from his present residence at Rawalpindi.
8. Prime Minister Junejo expressed deep appreciation for the sweets sent to him by Prime Minister Rajiv Gandhi. He requested Mr. Gonsalves to convey his greetings to the Prime Minister.

9. Mr. Gonsalves stated that the sweets were a small token of the Prime Ministers regard for Prime Minister Junejo and that he too wished to convey the Prime Ministers greetings to Prime Minister Junejo.

10. Thereafter, there was an exchange of views about the Horse and Cattle show in Lahore.

11. Ambassador S.K. Singh mentioned that while there was little interaction between India and Pakistan in the field of horses in the previous years, there was an export of Pakistani horses to India in the current year. Prime Minister Junejo in turn indicated that while Pakistan may be exporting horses to India, the latter was exporting cattle to Pakistan. All this trade seems to be in the private sector with little governmental involvement.

12. Foreign Secretary Satter suggested that India should take greater care to control drug trafficking. While in 1986 Pakistan's share of heroin export to the UK was of the order of 10%, Indians share had risen to 29%. Mr. Gonsalves pointed out that while assessing India's share, it was important to note that India was only a transiting country and the heroin export originated in a country other than India. Mr. Sattar and Prime Minister Junejo referred to the numerous measures taken by the Pakistan Government to curb drug trafficking including the award of cash incentives and provision, of alternative employment opportunities to poppy cultivators. Mr. Gonsalves, however, mentioned that the incentives and alternative opportunities provided could not match the income from poppy cultivation. Accordingly, this was a difficult problem.

13. In response to queries, Ambassador S.K. Singh mentioned that hitherto poppy cultivation in India was highly controlled and was mainly for medicinal purposes. Most of the poppy production was disposed off under long term contracts. Poppy cultivation in India had however been adversely affected both due to the growth of synthetics and to the cancellation of many long term contracts. In these circumstances, poppy cultivation in India was going through a period of flux.

14. Mr. Junejo pointed out that many of the problems faced by Pakistan in regard to drug trafficking arose from Afghanistan's emergence as a point of entry. He made out that Afghanistan was not bothered in the least about controlling drug trafficking and, indeed, it was from that country that drugs were entering Pakistan. Notwithstanding all Pakistan's efforts to control drug
trafficking entry from Afghanistan was proving to be a major problem. Drugs were a menace to society and even prominent citizens were falling prey to the temptation of getting involved in the drug trade.

15. In conclusion Mr. Junejo stated that while Mr. Gonsalves’s stay in Pakistan had been short but it had been extremely useful. The Foreign Office had been very happy with the outcome of the discussions. Mr. Gonsalves interjected that it was not only the Foreign Office that was happy, but other departments as well.

16. Foreign Secretary Sattar stated that the chief credit for the successful outcome of the talks went to General Iqbal and Mr. Vohra. Mr. Gonsalves stated that while they had undoubtedly contributed much to the successful outcome of the talks, it must not be forgotten that the credit went to the original directions received in the matter from the two Prime Ministers. Prime Minister Junejo proceeded, to make a number of references to the pressure for a peaceful settlement form the people on the borders, which had been evacuated in large numbers.

17. Thereafter, there was a brief discussion on fraud following Ambassador S.K. Singh’s remarks about his having been invited to Lahore earlier in the day for a function for presentation of an award to Sumita Patel by the Shaheer foundation, which had turned out to be a hoax. He mentioned that many prominent people had gone to the function including the Railway Minister only to find that none of the organizers where present. The P.M. offered to take action but the Ambassador suggested that the P.M. need not trouble himself with this issue particularly as the Railway Minister would be doing the needful.

18. The meeting terminated at 9.15 p.m.

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1141. Letter from Pakistan Prime Minister Mohammad Khan Junejo to Prime Minister Rajiv Gandhi.


PRIME MINISTER
15 Rajab 1407 AH

16 March, 1987

His Excellency
Mr. Rajiv Gandhi,
Prime Minister of India,
New Delhi

My dear Prime Minister,

In various international organizations, non-aligned and developing countries are seeking to reform the present unequal framework of international relations inherited from the era of colonial domination. The United Nations Educational, Scientific and Cultural Organization is an important forum where the norms of a new and equitable world order are being evolved. The developing countries have a vital stake in influencing the outcome of this historic process within UNESCO.

Pakistan, therefore, attaches special importance to UNESCO's activities and programmes, particularly those of direct relevance to the developing countries. In recent years, we have closely followed the controversy created by certain quarters regarding UNESCO and endeavoured through conciliation and compromise to preserve and augment the role of this important multilateral institution.

As Director-General of UNESCO for nearly 12 years, Mr. Amadou Mahtar M'Bow, an eminent son of Senegal, has ably projected the aspirations of the developing countries. He has recently announced that he will not seek re-election to his office when his current term expires later this year.

Pakistan is convinced that the developing countries must maintain their stewardship of UNESCO. Desirous of serving their objectives and aspirations, the Government of Pakistan has decided to offer the candidature of the Foreign Minister of Pakistan, Sahabzada Yaqub Khan, for the post of UNESCO's Director-General. I have, therefore, conveyed his nomination to the Chairman of the UNESCO Executive Board.

Foreign Minister Yaqub Khan has served his country with brilliance and unique
distinction, as a soldier, a scholar and a diplomat. He is an accomplished man. He possesses vast knowledge in many diverse fields and is a linguist, proficient in several languages including English, French, Russian, German and Italian besides our national language, Urdu.

Sahabzada Yaqub Khan is familiar with the activities and problems of UNESCO, having served on two occasions as Pakistan's Permanent Representative to the Organization. With his proven administrative abilities, he is eminently qualified to head this Organization. I am confident that, as Director-General he will, by sincere endeavour and rational dialogue, succeed in enhancing UNESCO's capacity to serve the interests and aspirations of the developing countries.

I earnestly hope that the candidature of Sahabzada Yaqub Khan will receive Your Excellency's whole hearted endorsement. I look forward to your country's full support and assistance in the relevant bodies for his candidature as Director-General of UNESCO.

Please accept, Excellency, my best wishes for your health, happiness and long life and for the ever increasing progress and prosperity of the friendly people of India.

Yours Sincerely,
Sd/-
(Mohammad Khan Junejo)
Summary record of meeting between Pakistan Ambassador and Foreign Secretary.

New Delhi, March 18, 1987.

The Pakistan Ambassador accompanied by his Political Counselor called on Foreign Secretary at his office at noon on 18th March, 1987.

After an exchange of courtesies the Pakistan Ambassador gave a brief expose on Indo-Pak relations and its future prospects. He indicated that notwithstanding the many crises during his tenure of nearly three years in India, he was hopeful and optimistic about the future of Indo – Pakistan relations. This optimism sprang from the ability of the two countries to contain these crises. This was illustrated most spectacularly during the recent crisis between the two countries. While there was a school of thought which regarded this development as a setback to the relationship between the two countries, he drew encouragement from the fact that the two sides had been able to overcome this crisis.

The Pakistan Ambassador proceeded to underline Pakistan’s desire to cultivate good neighbourly relations with India, pointing out that in order to achieve it both sides would have to divest themselves of much of the “psychological baggage” which they had been carrying for the last 40 years. In this context he expressed the hope that with the arrival of the Foreign Secretary, a new beginning could perhaps be made in the relationship between the two countries. Specifically he urged the early convening of the two Sub-commissions on Trade and Economic matters set up under the framework of the Indo-Pak Joint Commission, which had so far been held up. The meeting of these two Sub-commissions had been agreed to during the Zia-PM meeting in Delhi. He had met the Commerce Secretary in this matter and he now sought the Foreign Secretary’s views in this regard. Once agreement for the meetings of the Sub-commissions was arrived at, the agenda could be discussed. He also urged the convening of a Foreign Secretary level meeting. He referred in this context to the understanding reached during the former Foreign Secretary’s meeting with Foreign Secretary Sattar in Islamabad in December 1986 for the holding of such a meeting in Delhi in March or May 1987. In view of F.S’s recent arrival, May 1987 would appear to be the most appropriate time for this meeting.

Finally, the Pakistan Ambassador stressed the importance of the agreement reached during the Home Secretary’s visit to Pakistan in December 1986 for the setting up and the convening of early meetings of the Committee for Combating Drug Trafficking and Smuggling and the Committee on Border Ground Rules. While dates for the former had been agreed to (viz. 26th and
27th March, 1987 in New Delhi), dates for the latter were still awaited. Pakistan attached great importance to the Committee on Border Ground Rules as this was also related to the question of terrorism.

Responding to the points made by the Pakistan Ambassador, Foreign Secretary stated that he was particularly concerned about the suddenness with which developments could get out of hand. This was vividly demonstrated during the recent round of border tension. While it was of course encouraging that the two sides had been able to control the situation, it was important that developments in the relationship were given the closest attention to avoid the repetition of such a situation. FS assured the Pakistan Ambassador that India too was desirous of a lasting the positive relationship with Pakistan and not just a no-war no-peace relationship. While the past had certainly come in the way of evolving good neighbourly relations between the two countries, he was disappointed that even with the new generation past suspicions and attitude persisted. Both sides had to develop new attitudes. While he could engage in a long discussion on this issue and one in which both sides may not agree entirely, he felt that distrust in both countries was working on and feeding on distrust. India felt that Pakistan was arming itself to the teeth and this was motivated not by purely defensive intensions. Pakistan on its part perhaps felt that this was necessary in the context of what India might do. Suspicions about India amongst its neighbours were partially due to its size. India had the feeling that its smaller neighbours were taking advantage of her and were not helping the situation by not accepting its sincere professions. As long as Pakistan gave the impression of being a frontline ally of a Super-Power suspicions between the two countries would persist. On Pakistan’s part, it, no doubt, felt that US support was necessary in the context of its having to face a much a larger neighbour and in the context of India’s special relationship with the Soviet Union. It was important to build up trust and confidence between the two countries. Evolution of confidence building measures would take time and one should not expect any immediate breakthrough.

The Foreign Secretary pointed out that the meetings of the Sub-commissions must precede the Joint Commission meeting. From his conversation with Secretary (Commerce), he had got the impression that the Commerce Secretary felt that the list of items provided by Pakistan for import from India was not wide enough. It was also his impression that the Pakistan side would now be furnishing a broader list of items.

The Pakistan Ambassador gave a brief outline of his discussion with Commerce Secretary, as well as a background of the problem relating to the convening of the Sub-commissions meeting. He admitted that Pakistan had failed to live up to the convening of the Secretary-level meeting to go into this issue and had
also been unable to furnish an acceptable list of import items on schedule. He mentioned, however, that during Mr. Vankateswaran’s visit to Pakistan, the Pakistan Minister of State for Foreign Affairs had stated that if the Indian side indicated some additional items of export interest to it, Pakistan would be able to widen its list. In subsequent discussions with Mr. Venkateswaran in New Delhi, the later had mentioned that there was no need for India indicating additional items as in an earlier list informally handed over by it to Pakistan there were as many as 233 items and Pakistan could select any of these for import from India. The Pakistan Ambassador submitted that he had pointed out to the Commerce Secretary that if Pakistan sought to widen the list, this might delay matters. Accordingly, he had suggested to the Commerce Secretary that the Sub-commissions may be convened on the basis of the existing list and during the meeting an undertaking could be given that a wider list would be furnished subsequently. The Commerce Secretary had not agreed to this idea and accordingly he had informed his Government of the position taken by the Commerce Secretary requesting for a modified list. He had, however, also indicated that he would pursue this matter further with the Ministry of External Affairs and revert subsequently. Foreign Secretary pointed out that in the context of the discussions held during the PM-Zia meeting it would be desirable if the Ambassador could obtain a revised and broader list of items which Pakistan would be prepared to import from India in the private sector.

While agreeing to take up this matter with the concerned authorities in Pakistan, the Ambassador expressed some doubts as to whether even with a revised list, Commerce Ministry would agree to sign formal documents on this issue in the Sub-commission meeting. It was pointed out to the Ambassador that while formal signatures may not be possible, this move on Pakistan’s part would certainly serve to improve the atmosphere.

The Pakistan Ambassador briefed the Foreign Secretary on suggestions made by him to the Commerce Secretary for conclusion of a target oriented trade protocol, exchange of visits between the Chambers of Commerce and of trade delegations. Foreign Secretary stated that one should make haste slowly. While the idea of a Trade Protocol was per se a good one, he wondered whether the setting up of targets was such a good idea as in case these targets were not achieved, there would be a feeling of set-back.

There was a brief exchange on the question of trawlers captured by both sides. The Foreign Secretary indicated that while he had no objection per se to the convening of talks on this issue, it was not yet quite clear as to whether we would circumvent the legal process under way in this matter for effectuating exchange of the vessels. We were in the process of finding out all these details and would revert in the matter thereafter.
The Pakistan Ambassador expressed his unhappiness at allegations in the press about entry of Pak intruders into India. He pointed out that these reports were not founded on facts as the border on the Indian side had been sealed. It was explained to him that the Home Ministry’s attention had been drawn to the Pakistan side’s concern over reportage on this issue and they were looking into the matter sympathetically.

The Pakistan Ambassador referred to the request made by his Government for support to the candidature of Sahabzada Yaqub Khan for the post of Secretary-General of UNESCO and in this context urged that an early meeting be arranged for him with Mr. Narasimha Rao. He also requested for a meeting with the Speaker and Defence Minister. It was explained to him that the requests for meetings with Mr. Narasimha Rao and the Speaker had been obtained and cleared. No request had so far been received for a meeting with Defence Minister.

The meeting terminated at 12.50 p.m.

1143. Press Note issue by the Director General, Revenue Intelligence, Ministry of Finance, Government of India.

New Delhi, March 27, 1987.

The first meeting of the Indo-Pakistan Committee to combat drug trafficking and smuggling was held in New Delhi on March 26th and 27th 1987. The Committee had been set up in pursuance of a decision taken during the discussions between the Home Secretary of India and the Interior Secretary of Pakistan at Lahore in December, 1986.

The Pakistan delegation was led by Mr. Dilshad Najmuddin, Chairman of the Pakistan Narcotics Control Board and included Mr. Mian Nazir Azhar, Director, Intelligence and Investigation (Customs & Excise), Mr. Mohammad Sulaiman, Chief (Customs), C.B.R., Mr. Liaquat Mahmood, Director, Ministry of Foreign Affairs, Mr Fazal Karim Khan, D.S., Ministry of Interior Mr. Mohammad Zaman, Pakistan Rangers and Mr. Mohammad Saeed, Third Secretary, Embassy of Pakistan, New Delhi. The India delegation was led by Mr. B.V. Kumar, Director General, Narcotics Control Bureau and comprised of Shri S.K. Choudhury, Joint Director, D.R.I., Shri Dalbir Singh, Deputy Director General, Narcotics Control Bureau, Shri M.G. Venugopalan, Deputy Secretary, Ministry of Finance,
Shri Prabhu Dayal, Deputy Secretary, Ministry of External Affairs and Shri A.K. Patel, D.D. (G), B.S.F.

The discussions which were held in a very cordial and frank atmosphere, covered a wide range of subjects including identification of nodal agencies through whom information will be exchanged, steps to be taken by either side to neutralize the activities of drug traffickers and smugglers, new means or methods used for smuggling and drug trafficking and exchange of information in a wide variety of areas related to such activities.

The situation on Indo-Pakistan border with regard to smuggling of narcotic drugs and psychotropic substances was discussed in detail. Both sides agreed to intensify their efforts to check the menace.

Director General
Revenue Intelligence
New Delhi

1144. **Agreed Minutes of the First Meeting of the Indo - Pakistan Committee to Combat Drug trafficking and smuggling.**

**New Delhi, March 27, 1987.**

In pursuance of the decision taken by the representatives of the Governments of India and Pakistan who met at Lahore on 20th and 21st December, 1986, at Secretary level a committee was constituted to combat drug trafficking and smuggling with the following membership:

**INDIA:**

i) Director General, Narcotics Control Bureau
ii) Director General, Revenue Intelligence.
iii) Representative of Border Security Force
iv) Representative of Finance Ministry
v) Representative of Ministry of External Affairs

**PAKISTAN:**

i) Chairman, Pakistan Narcotics Control Board
ii) Director General, Intelligence & Investigation (Customs & Central Excise)
iii) Representative from Pakistan Rangers
iv) Representative from Central Board of Revenue (Member Customs)
v) Representative from Ministry of Foreign Affairs

It was also decided in that meeting that this committee will meet periodically in order to evolve a common strategy to undertake concerted action to counter and eliminate these activities and to exchange information relating to drug traffickers and smugglers operating from either side of the land border. In that meeting the two sides agreed, to exchange operational information and intelligence. They agreed that the information would be supplied which may require follow up action in either country on the basis of urgency.

The committee so constituted met at New Delhi on 26th and 27th March, 1987. (Annexure - I)

The talks were held in a cordial and frank atmosphere with both sides reiterating the resolve and commitment of their respective Government in combating drug trafficking and smuggling in the region.

The situation on Indo-Pakistan border with regard to smuggling of narcotic drugs and psychotropic substances was discussed in detail. Both sides agreed to intensify their efforts to check the menace. The Committee took up for consideration the agreed agenda. (Annexure-II).

The two sides took up for consideration at the outset designation of agencies and officers through whom regular exchange of information may be effected. Modalities of such communication between the designated agencies and officers were also discussed. It was agreed that while on matters relating to drugs the nodal agency would be the Narcotics Control Bureau in respect of India and the Pakistan Narcotics Control Board in respect of Pakistan, on issues relating to smuggling of contraband and other customs frauds, the nodal agency would by the Directorate of Revenue Intelligence in respect of India and the Directorate General of Intelligence and Investigation (Customs and Excise) in respect of Pakistan. The list of postal addresses, telephone and telex numbers of the nodal agencies and the concerned officers are at Annexure-III. To begin with, the two sides agreed that the exchange of information will be channelized through the nodal agencies officers specified above and after gaining some experience this may be extended at the regional and field levels, if considered necessary.

The nature of intelligence/information which may be exchanged between the two countries would be of two types: (1) Operational intelligence which may be communicated and followed up immediately through the fastest means of
communication i.e. telephone/telex, and (2) Information of a detailed nature which would be communicated through correspondence in order to build up dossiers/index in respect of smugglers, suspects, etc.

In regard to exchange of information relating to smuggling of an emergent nature between the Indian Border Security Force and the Pakistan Rangers it was agreed that the matter may be considered by the ground rules committee constituted for the purpose.

On the question of exchange of information on smugglers/drug traffickers operating on either side of the border, it was agreed that the normal exchange would take place in a prescribed format as adopted by the committee (Annexure-IV).

While the normal mode of exchange of information and operational intelligence in respect of matters relating to drug trafficking and smuggling would be in the prescribed format, other information of significance may be exchanged even outside the format on "as and when necessary" basis. With regard to the steps to be taken by either side was agreed that both countries would endeavor to take firm steps in this regard.

On the question of identification of suspect vehicles, vessels and aircraft, the routes used for smuggling/drug trafficking, it was agreed that regular information would be exchanged between the nodal agencies, of either country. To the extent practicable this information would be integrated in the agreed format.

The two delegations agreed to exchange information on routes, new methods and means used for smuggling/drug trafficking and the emerging trends in the field.

On the subject of exchange of general information relating to new and recurring trends of smuggling/drug trafficking, it was agreed that the area of co-operation would be widened to cover smuggling by land, sea and air, and the frequency may be increased. Such exchange of information could cover customs frauds in addition to smuggling and drug trafficking. In regard to exchange of information in specific cases with trans-border ramifications it was felt that maximum co-operation should be shown by both the sides. It was also agreed that in respect of specific cases of importance, priority should be clearly indicated in the communication so that such cases are pursued with the urgency they deserve.

Considering the extreme importance and usefulness of such inter-governmental committee meetings it was suggested by the Pakistan delegation that the committee may meet once in six months alternately in India and Pakistan. This suggestion was agreed to by the India side subject to government approval.

Note: The Annexures referred to above are not included.
In response to Foreign Secretary’s request the Pakistan Ambassador called on him at his office on Tuesday, 14th April, at 5.00 p.m. The undersigned and Mr. Kamran Niaz, Counselor in the Pakistan Embassy were also present.

2. At the outset, Foreign Secretary expressed his unhappiness at the reported statement of President Zia on Kashmir as carried by the Muslim of 9th April and the recent comments of the Minister of State for Foreign Affairs, and the NWFP Governor on the condition of Muslims in India as carried in the Pakistan press. Foreign Secretary handed over the texts of the these statements and comments. He made the point that Zia’s statement on Kashmir went against the Simla Agreement and the comments by Pakistani leaders on the conditions of Muslims in India were most uncalled for.

3. The Pakistan Ambassador indicated that he had not seen the full texts of these statements and he would certainly convey our concern in the matter to the authorities in Pakistan. He, however, gave a categorical assurance that Pakistan continued to abide by the Simla Agreement and had no intention of either reneging from it or from the PM - Zia understanding of 1985 on Kashmir. He, however, pointed out that there were differences of interpretation between the two countries on the Simla Agreement as applicable to Kashmir. India, too, had from time to time made statements that Pakistan was in illegal occupation of a part of Kashmir. Pakistan on its part regarded the entire territory of Jammu and Kashmir as disputed. Statements of this type were often made by leaders of both countries.

4. Foreign Secretary countered that the raising of the Kashmir issue at the OIC or in any other forum went against the spirit of the Simla Agreement. The repeated highlighting of this issue in such a manner gave one the impression that Pakistan was merely paying lip service to the Simla Agreement without really respecting it. There was no need to constantly raise this issue and allude to it in such provocative terms as had been done by President Zia.

5. The Pakistan Ambassador admitted that domestic compulsions sometimes necessitated statements of this type. He, however, re-assured the Foreign Secretary that such statements did not involve any dilution of Pakistan’s commitment to the Simla Agreement. As regards comments about the condition of the Muslim community in India there were no intention on the part of Pakistan to interfere in the internal affairs of India. These comments were actuated by a sense of sympathy for the Muslim community in India and there was no intention to muddy the atmosphere of Indo-Pak relations.
6. Foreign Secretary reiterated that statements about the Muslim community in India made by the Pakistani leaders were totally uncalled for and there was no reason whatsoever to have made them.

7. Foreign Secretary also drew the Pakistan Ambassador’s attention to the incident which had occurred at Panja Sahib (Gurudwara) that morning. He mentioned that while our Cd’A was being presented a Saropa (robe of honour) by our Jatha an effort was made by a Canadian Sikh, Daljit Singh, S/O Gurdip Singh to assault him and pull off the Saropa. He and some other Sikhs also raised pro-Khalistan and anti Indian slogans. The Police authorities took no action and the Canadian Sikh was only prevented from actually assaulting our Cd’A by our own security personnel and other Sikh elements. The Foreign Secretary drew the Ambassador’s attention to the following points:

   i) Visits of our Sikh Jathas should not be made the occasion for anti-Indian propaganda;

   ii) Due protection should be accorded to our officials and our Sikh pilgrims against such anti Indian Sikh elements from abroad;

   iii) The incident was particularly regrettable as on the previous evening itself our Embassy had requested the Pakistan authorities that Daljit Singh was likely to create trouble and that he should be restrained. However, not only was no action taken against him but while he was attempting to disrupt the proceedings, the local Police officials did nothing. In addition, one of the 7 Canadian Sikhs who had earlier assaulted our diplomats, notably Balbir Singh, S/O Gurnam Singh, had apparently also been allowed to come to Panja Sahib from Lahore.

   iv) It was regrettable that the Pakistan authorities have permitted a very large number of Sikh pilgrims to visit the Panja Sahib shrine simultaneously with our Jatha. It was estimated that there were as many as 7,000 Sikh pilgrims at Panja Sahib, whilst our own pilgrim’s party numbered only 3,000 persons. Moreover, in addition to the officially approved pilgrim party from India, several other Sikhs from India seemed to have been granted visas by the Pakistan Embassy in New Delhi for going to Panja Sahib. This was against the Indo-Pak Protocol on pilgrimages.

   v) We would expect Pakistan to ensure that no other untoward incidents occur during the visit of our pilgrim party to Pakistan.

8. The Pakistan Ambassador categorically ruled out the possibility of his Embassy having granted visas to pilgrims other than those cleared by Ministry of External Affairs and was skeptical about the contention that there were as many as 7000 Sikh pilgrims as Panja Sahib. He indicated that he would first like to verify the facts in the matter. Furthermore, he felt that this was a relatively minor incident and should not be blown out of proportion. He had, however,
requested his Government over a week ago to ensure that no untoward incident occurred during the pilgrimage. He gave an assurance that he would once again reiterate to his Government the importance of providing protection to our officials during the visit of the Jatha to Pakistan. He however, requested that the incident should not be allowed to colour relations between the two countries which were on the mend.

9. The Foreign Secretary interjected that he certainly did not have the impression that the relations between the two countries were on the mend. Indeed, the general tenor of the relationship left much to be desired. There almost appeared to be new directives on the Pakistan side on this matter as the statements on India were now much worse than a few months ago.

10. The Pakistan Ambassador assured the Foreign Secretary that there was no new directive whatsoever in Pakistan on the relationship between the two countries. If things were not moving properly, the trend must be corrected. There was no doubt some disappointment in Pakistan at the non-convening of Sub-commissions which had been decided upon during the PM-Zia meeting and at the insistence on lists. However, the overall trend was quite favourable particularly as a result of Home Secretary’s meeting in December and as a consequence of the manner in which India and Pakistan had been able to surmount the crisis of January 1987. The Pakistan Ambassador went on to make a pitch for the convening of the Sub-commissions without our insisting on Pakistan providing new lists for import of commodities from India. The Foreign Secretary stated that this may not be a good idea as there was no point in the Sub-commissions meeting if there could be no progress.

12. The meeting terminated at 6.00 p.m.

(Satish Chandra)
Joint Secretary (AP)
14-4-1987

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Now let us take Pakistan, about which many distinguished Members had made mention about our relationship with Pakistan. As you know, India is committed to developing cordial, cooperative and good neighbourly relations with Pakistan in accordance with the letter and spirit of the Simla Agreement. In this context, Hon. Members will remember that India has taken a number of initiatives in recent times for normalization of relations with Pakistan, such as the establishment of the Indo-Pakistan Joint Commission. Recently, we have had other steps taken also, like the offer of a Treaty of Peace, Friendship and Cooperation, various proposals to ease travel between the two countries including the proposal to reopen the Khokrapar - Manubao rail route, proposal for non-discriminatory trade relations, proposals for the exchange of newspapers and periodicals, proposals for non-attack on each other’s nuclear installations, and the proposals for the recent Secretary level meeting for defusing the tension on the border. All these proposals are on the table. Even when President Zia-ul-Haq was recently here to witness the cricket match in Jaipur our Prime Minister discussed with him, and gave him a suggestion that the Joint Commission should meet early, and the two Sub-Commissions of that Commission should meet earlier, so that we can also improve our economic relations. (Interruptions) Let us see what happens. We are prepared to have these Sub-Commissions meet early. We are prepared to do our bit.

I find that only on April 20 the Foreign Minister of Pakistan, Sahabzada Yakub Khan had made a statement in Pakistan’s parliament that Pakistan wants to build tension-free good neighbourly relations with India on the basis of equality, justice, sovereignty and mutual respect. Of course, such statements made by Pakistan are there. We welcome these statements. But let us join to implement these statements. What has been lacking is the fullest adherence to the principles of the Simla Agreement. Therefore, instead of trying to get more armaments, instead of trying to get sophisticated weapons, armaments and the latest aircrafts, AWACS or AEWS from United States and other countries, let Pakistan come to the negotiating table and discuss all those proposals which are already on the table. Recently, when a tense situation developed on the borders of Punjab and Jammu & Kashmir and we had two attacking formations of Pakistan on the border, we
tried our level best to defuse the situation. We had two rounds of talks: our Secretary Shri. Gonsalves had two rounds of talks for defusing the crisis. But Pakistan has to move forward, and instead of taking a contradictory position, it has to reconcile with its preferred objectives. What ever it can do, it should do in the practical sense of the term. We also find that our efforts have not met with success because of Pakistan’s weapons-oriented nuclear policy and unwillingness to have non-discriminatory trade relations with India. Therefore, in this context I must say that Pakistan’s nuclear weapons programme is of paramount concern to us since it affects our security environment. We have repeatedly made it clear that Pakistan’s acquisition of nuclear weapons is a development which we cannot afford to ignore. Our objective is a durable structure of peace in the sub-continent and our endavour has been and will continue to be the promotion of greater and closer understanding between India and Pakistan. I would again like to exhort Pakistan to cooperate with us in our sincere effort to build such a relationship as had been enshrined in the Simla Agreement. We feel that the fear and mistrust between our two countries must be removed and the scarce resources that we have in both the countries should be used for development rather than for the acquisition of arms.

Three or four distinguished members had yesterday mentioned this particular fact and I fully support those arguments. We consider this as a major plank of our foreign policy.

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SECRET

Letter from the Indian Ambassador in Pakistan S. K. Singh to Foreign Secretary K. P. S. Menon on political situation in Pakistan.


Ambassador of India
Islamabad

No. ISL/AMB/161/87 25 May, 1987

My dear F.S,

For Pakistan this is a year of political ferment and considerable flux. The armed forces of Pakistan continue to have the substance of political power. Simultaneously a sort of National Assembly is functioning and the political parties are making every effort to get greater control over the polity. There are serious anxieties generated by the Afghanistan situation. Pakistan leadership is anxious to maintain and foster their close relationship with USA. They need US protection and military and economic aid. At the same time most political parties and personalities outside the Government hanker and clamour for greater flexibility of response in the context of Afghanistan. They are apprehensive that their present closeness to, and identification with, the USA, may not leave them enough room for manoeuvre; and that they may attract retribution from USSR, India, Iran and even some progressive Arabs.

2. Western media, (BBC, Reuter, VOA, AP, AFP, DPA, et al) are maintaining a studied silence about the problems of ferment in Pakistan. This contrasts with the raucous and shrill publicity given to developments in and about India. The idea is to blame the Indian leadership for incompetence and subject the Indian nation to a kind of psy-war, persuading them to forget their own strength and capacity to cope. At the same time to give the rest of the world the picture of India a tried, fumbling giant about to collapse.

3. We need to take note of certain focused efforts that the USA and her friends are making, which are primarily aimed at India:-

(i) Western experts and strategic writers like Capt. John Moore, Editor of “Janes Naval Review”, have started asserting that India’s naval power is already overwhelming; that India is seeking a position of naval superiority not only in and around the sub – continent but also in the surrounding Ocean and land area; that so a situation is bound to arise in which the major powers with global maritime interests, (not defined which) will be forced to respond. It is being suggested that the American,
Soviet and Chinese interests are bound to be threatened by India's actions in this context. These scholars also assert that any further arming of Indian forces, especially the Indian Navy, will have negative impact on world peace, and could even provoke hostilities in the future. The Pakistani media, during the last several months, has replayed a number of items and analyses echoing these points! The targets of this publicity are two; one, the public opinion of the super powers and major powers; and two, the public opinion of the smaller countries of Asia and Africa. The effort is to condemn the Indian Navy as a factor of de-stabilization in the Indian Ocean region, even before it has geared itself up as a proper Blue Water Navy.

(ii) The Blame for Pakistan acquiring or even seeking nuclear weapon status is entirely India’s. It is being projected as a self-evident truth, part of accepted Western nuclear theology, that the only way to stop Pakistan from moving any further in the nuclear field is by forcing India to halt its nuclear programme. Their basic and simplistic, propaganda line is that already India has the fuel and capacity to manufacture up to 60 nuclear bombs a year. In the process they are also asserting that India's nuclear programme is far more broadly based than China's.

(iii) India’s space programme is being deliberately projected as part of our missile programme. It is being asserted that India’s express purpose in all this is quietly and unobtrusively to acquire the capacity to deliver nuclear weapons through, our own effort. Reports have been mushrooming that the USA and other Western powers are trying to persuade Soviet Union to join them in preventing non-nuclear countries of the Third World, more specially India, from moving any further towards acquiring IRBM and ICBM capability. The Western press asserts that this matter was recently discussed between Shultz and Shevardnadze*, and that the latter’s reaction was positive and constructive. The Western media is actively publicizing efforts of the seven industrialized nations, involved in space work, (U.S., FRG, Japan, France, Italy, UK and Canada) to ban export of missile related technology to non-nuclear countries. The principal target of all these efforts is quite obviously India. The West quite unabashedly indicates, in all this, its anxiety to prevent India from attaining strategic parity with China. The effort seems to be to establish some sort of conceptual inter-relationship between the science and technology of missiles and rockets, and that of the atom; and then proceed to prohibit all developing countries moving in either of these areas. Again the target is India. There are some already beginning to talk of building up a Safeguards System connected for solid and liquid fuels used in space and missile programmes.
4. I am sure the Government of India are aware of these trends. I thought I should share with you the picture as we can see it from Pakistan. In a growing manner I am becoming conscious of issues in which several aspects get merged and fused together. Often there are considerations of strategic and military aspects of science and technology; of publicity and propaganda; and indeed of internal and external political developments in and around our country, which are not always easy to unscramble.

               Your sincerely,
               (S.K. Singh)

               Shri. K.P.S. Menon,
               Foreign Secretary,
               Ministry of External Affairs,
               New Delhi:

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1148. Letter from Pakistan Prime Minister Mohammad Khan Junejo to Prime Minister Rajiv Gandhi.


               PRIME MINISTER


               His Excellency
               Mr. Rajiv Gandhi,
               Prime Minister of India,
               New Delhi.

               Dear Mr. Prime Minister,

               During recent months, concern has been expressed in Pakistan and India regarding each other’s nuclear capabilities and intentions. Doubts and misgivings on this issue can affect the prospects of normalization between Pakistan and India and can prejudice efforts to promote regional as well as global peace and security.

               I had sought to assure Your Excellency in Bangalore last November that Pakistan is committed to the peaceful use of nuclear technology. You have extended similar assurances on behalf of India. We have advanced several
proposals for jointly giving formal and irrevocable expression to unilateral declarations eschewing nuclear weapons.

Our proposals reflect a presumption that, despite a demonstrated capability to develop nuclear weapons, India's nuclear programme is designed for professed peaceful purposes. The acceptance of any of Pakistan's proposals would serve to confirm such presumptions of peaceful intent. My government would also respond positively to any other initiative or idea, designed to prevent the emergence of nuclear weapons in South Asia.

Past discussions between Pakistan and India have not been entirely unproductive. The accord reached in December 1985 not to attack each other's nuclear facilities was a welcome development. We look forward to early approval of the text of this agreement.

Earlier, in 1980, the Foreign Ministers of Pakistan and India issued a joint statement declaring that both countries intended to use nuclear energy exclusively for peaceful purposes. It may be useful if, at an early opportunity, the Governments of Pakistan and India could issue an authoritative joint declaration reaffirming our policy of using nuclear energy only for peaceful purposes. We would wish to go further and commit our countries not to produce or acquire nuclear weapons.

Both Pakistan and India have supported the conclusion of a comprehensive nuclear test ban treaty. An undertaking on the part of Pakistan and India not to conduct any nuclear explosion would be significant testimony that neither country wishes to pursue a nuclear weapons programme. Pakistan would be prepared to join India in a bilateral or regional accord completely renouncing the testing of all nuclear explosive devices.

Responsibility to our future generations demand that the leadership of both countries transcend populism or transient political advantage. It is within the power of Your Excellency's Government and mine to avert the danger of nuclear weapons proliferation in South Asia. I am confident that the proposal for a bilateral or regional comprehensive test ban would serve the purpose. Let us through dialogue and discussions evolve some equitable means to assure each other, and the world, that neither Pakistan nor India is pursuing, or will ever pursue, programmes for the manufacture or acquisition of nuclear weapons.

Please accept, Mr. Prime Minister, the assurances of my highs consideration and personal regards.

Yours Sincerely,

Sd/-

(Mohammad Khan Junejo)
1149. Note from Pakistan Embassy in New Delhi transmitting a message from Pakistan Prime Minister Mohammad Khan Junejo to Prime Minister Rajiv Gandhi.


Embassy of Pakistan
New Delhi

June 13, 1987

Excellency,

I have the honour to transmit to Your Excellency the following message from Prime Minister Mohammad Khan Junejo:

Begins:

“Excellency

We asked your Ambassador in Islamabad on 31 May to convey a message from me to Your Excellency about the strain that had recently developed in Sri Lanka’s relations with India. We were apprehensive that the difficulties which had arisen might cast a dark shadow on SAARC. I would like to inform you that we have now addressed a message to the Government of Sri Lanka urging them to participate fully in the forthcoming SAARC meetings in New Delhi.

In my message to you on 31 May, I had particularly expressed the hope that Your Excellency would continue efforts for the promotion of internal reconciliation in Sri Lanka within the framework of the unity of Sri Lanka. It seems to me that the prospects for the resumption of processes leading to the resolution of present difficulties, as well as the dialogue for reconciliation, would greatly improve if Your Excellency and President Jayewardene could meet at the earliest possible date. We are confident that Sri Lanka would respond positively to such an initiative. On our part, we remain ready to assist in any way that Your Excellency deems appropriate to bring about such a meeting.

Please accept, Excellency, the assurances of my highest consideration.

Mohammad Khan Junejo,
Prime Minister of the Islamic Republic of Pakistan.”
Ends

Please accept, Excellency, the assurances of my highest consideration.

(Humayun Khan)

His Excellency,
Shri Rajiv Gandhi,
Prime Minister of India,
New Delhi.

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1150. Letter from the Pakistan Ambassador in India to Prime Minister Rajiv Gandhi Conveying the message of Pakistan President.


Embassy of Pakistan
New Delhi

June 13, 1987

Excellency,

I have the honour to transmit to Your Excellency the following message from President M. Zia-ul-Haq.

Begins:

"Excellency,

As Your Excellency would know from the message sent by Prime Minister Mohammad Khan Junejo to you on 31 May 1987, the recent tension between India and Sri Lanka has been a matter of grave concern to us, mindful as we have been of its deleterious effects both in the bilateral context and in regard to the prospects of SAARC, it has been our desire to render such assistance as we can to defuse tension and create an environment conducive to the resumption of purposeful negotiations,

It is in this spirit that our Foreign Minister has sent a message to the Foreign Minister of Sri Lanka urging that the Government of Sri Lanka participates fully in the forthcoming SAARC meetings in New Delhi.

Prime Minister Mohammad Khan Junejo has now sent messages to Your
Excellency as well as President Jayewardene suggesting that an early meeting between you and the President of Sri Lanka would be the most effective way of resolving the present situation. I wish to express the hope that Your Excellency would give the most serious consideration to this suggestion. I have no doubt that such a meeting would create fresh opportunities for a peaceful solution of the problem, an objective for which Your Excellency has steadfastly worked for quite some time.

I would, Mr. Prime Minister, remain available to you for any assistance that you may consider appropriate in bringing about an early meeting with President of Sri Lanka.

Please accept, Excellency, the assurance of my highest consideration.

M. Zia-ul-Haq
President of the Islamic Republic of Pakistan

Please accept, Excellency, the assurances of my highest consideration

(Humayun Khan)

Excellency, Shri Rajiv Gandhi
Prime Minister of India
New Delhi.

Summary Record of discussions at the meeting between Pakistan Foreign Minister Yaqub Khan and the Minister for Human Resource Development P. V. Narasimha Rao.


The PaK. FM called on Shri P.V. Narasimha Rao, Minister for Human Resource Development, at 1330 hours on the 18th June, 1987. The Pak Ambassador to India, Humayun Khan, was also present. Discussions during the meeting focused on progress in the current SAARC Ministerial Meeting, Yaqub Khan’s candidature for the Director Generalship of the UNESCO, Pakistan’s defence cooperation with Sri Lanka, its arms build-up and the Afghan Question.

SAARC Ministerial Meeting- Sri Lanka: In response to a question from HRDM, the Pak FM said that the meeting of the SAARC Council of Ministers was progressing smoothly. He expressed his satisfaction about the progress achieved in two areas in particular, namely, definition of terrorism and joint action to combat drug trafficking.
UNESCO: Yaqub Khan, who is a candidate for the post of Director General of the UNESCO, raised this issue and said that so far there were 7 candidates formally in the fray. Of these, 4 were from Asia. He added that it was Asia’s turn this time for the post of DG, UNESCO. Asian Countries, however, had not been able to agree upon a common candidate. The ASEAN countries were currently discussing this question but they were unlikely to reach any consensus because there were as many as 3 candidates from that region. Underlining the importance that he attached to India’s support to his candidature, Yaqub Khan remarked that if he received India’s support and eventually lost the election, he would not really mind it. However, if he won the election without India’s support, his joy would be reduced by half!

In his response, HRDM avoided giving any commitment regarding extending support to Yaqub Khan’s candidature.

Pak Defence Cooperation with Sri Lanka: The Pak FM briefed HRDM at length about his discussions with EAM earlier in the day. He said that EAM had expressed his concern about Pakistani military cooperation with Sri Lanka. Yaqub Khan admitted that the Sri Lankan defence personnel were getting training in Pakistan. However, he disclaimed the presence of any Pak defence instructors in Sri Lanka. Regarding supply of arms he said that if Sri Lanka approached Pakistan for small arms, the latter was likely to provide such arms to Sri Lanka because of commercial considerations. However, there was no question of Pakistan providing sophisticated arms to Sri Lanka because it did not manufacture such arms. In any case, Pakistan was in favour of peaceful solution to the ethnic problem in Sri Lanka.

Pak Defence Build-up-AEW: The Pak FM went on to say that EAM had raised with him the question of Pakistan trying to acquire an Airborne Early Warning system (AEW) from the US. He claimed that though Pakistan was definitely interested in acquiring such a system because of repeated Afghan air raids, no decision had so far been taken. Pakistan had to think carefully over a number of complex questions, including the enormous cost of such a system. He added that defensive measures taken by Pakistan in response to Operation Brass Tacks had exposed certain deficiencies in the Pak Defence, which in turn had intensified demand of the Armed Forces for more arms. Remarking that the degree of insecurity in both India and Pakistan remained undiminished despite their acquiring more and more arms, he suggested that the two countries should work towards reaching some kind of limitation on their arms as well as their troop levels. HRDM said that Yaqub Khan could continue his dialogue with EAM on this subject.

Afghanistan: Yaqub Khan also briefed HRDM regarding the Afghanistan question. He said that he was of the view that the Soviet Union wanted to
withdraw from Afghanistan but it could do so only with its dignity intact. There had been some talk about the return of Zahir Shah to Afghanistan but it was not clear whether he was acceptable to all Mujahideen groups. Nor was it certain that he would be acceptable to the Soviets. Najibullah’s umbrella for reconciliation was, in any case, not acceptable to the Mujahideens and Afghan refugees. There was, therefore, need to find a more acceptable leader, he added. He went on to say that though Pakistan had some differences with the USA regarding Afghanistan, there had so far not been any split between the two countries on this question, because the Soviet Union had not offered anything which was acceptable to Pakistan but not to the USA.

The meeting lasted about 30 minutes.

1152. Summary Record Note of Meeting between External Affairs Minister and Pakistan Foreign Minister Sahabzada Yaqub Khan.

New Delhi, June 18, 1987.

Sahabzada Yaqub Khan, the Pakistan Foreign Minister, called on EAM at Vigyan Bhavan at 5.35 p.m. on Thursday, 18th June, 1987.

2. A list of these present is appended. (not reproduced here)

3. After an exchange of courtesies, the Pakistan Foreign Minister indicated that it was Pakistan’s desire to ensure that India’s Chairmanship of SAARC proved to be a success. It was a tribute to Indian statesmanship and leadership that notwithstanding current tensions with Sri Lanka, the SAARC Ministerial meeting has been convened in such a friendly and constructive atmosphere. In the context of Indo-Pak relations it was indeed fortunate that the two countries had been able to dispel border tensions which had clouded the atmosphere earlier in the year. This was due to the sagacity and wise leadership of the Indian Prime Minister and the President and, Prime Minister of Pakistan. It was yet another proof of the fundamental desire in both countries to arrive at a resolution of problems through dialogue.

4. Pakistan Foreign Minister stated that the decision by India to hold the meeting of the Sub-Commission on Trade and Economic matters was very
good. Pakistan appreciated the political will behind this decision. Pakistan would approach the meeting in an open and constructive manner. Both sides were aware of each other’s concerns, and India would see the positive approach adopted by Pakistan. Ambassador S.K. Singh suggested that it may be desirable that the Sub-Commission meetings are preceded by informal consultations either in Delhi or in Islamabad so that the two sides would go into the Sub-Commission meetings with a meaningful framework. The Pakistan Foreign Minister indicated that this approach may be helpful and he had no objection to it in principle. The Sub-Commission meetings in turn could set the stage for the Joint Commission meeting. In response to queries from EAM, he indicated that Pakistan’s approach to the widening of the list of items for import into Pakistan would be positive. Ambassador Humayun Khan added that their Commerce Ministry were looking into this matter.

5. The Pakistan Foreign Minister stated that he had earlier in the day informed the Prime Minister about the possibility of Pakistan’s re-entry into the Commonwealth. While desirous of entering the Commonwealth, Pakistan was not desperate. It did not want a re-entry on its knees. He had made known Pakistan’s approach on this issue to Secretary-General Ramphal making it quite clear that it wished to avoid any rebuff and that it was desirous of a dignified entry.

6. The desire to enter the Commonwealth was on the grounds that it would open up another forum for promoting cooperation. There was, however, no transcendental requirement for Pakistan to join the Commonwealth. While he did not expect any answer at this stage in this matter from India, Pakistan Foreign Minister suggested that India might wish to keep this matter under their consideration.

7. The Pakistan Foreign Minister made a brief reference to the Tulbul project and indicated that Pakistan was awaiting a response from India on certain clarifications which had been sought. [JS (AP) indicated that all the required clarifications had been communicated. India had in deference to Pakistan’s request indicated that it would not be undertaking any work on the main channel for the next three months and hoped that Pakistan would now agree to discussions on a Government-to-Government basis to resolve the differences on this issue between the two countries.]

8. Referring to terrorism, the Pakistan Foreign Minister stated that Pakistan wanted to finally put at rest any anxieties that India may have of this issue. It was open to any proposal and was ready for any agreement or suggestion. He added that in regard to the discussion on Border Guidelines, Pakistan would welcome dates for these talks. JS (AP) pointed out that dates had already been furnished - first week of September - and we were awaiting their response.
9. **The Pakistan Foreign Minister** stated that hostile propaganda continued on both sides. This was not one-sided. Pakistan would, however, do whatever was possible to curb it. The Pakistan government and he personally had come under criticism as they had chosen to take a moderate view of the disturbances in India. They had faced adjournment motions on this issue in Parliament. The Pakistan government had taken the approach that though these disturbances naturally caused concern and anxiety in Pakistan, it was not right for them to take up this issue as it was an internal matter for India. It was Pakistan's hope that the Govt. of India would succeed in dealing effectively with these disturbances. There had also regrettably been similar disturbances in Pakistan. He and the Pakistan government had sought to quell emotions on this issue by urging that inflammatory statements would not provide a more secure environment for the minority community in India.

10. **Ambassador S.K. Singh** elaborated at some length on the virulent attacks made in the Pakistan Press not only on India but on the Indian leadership in regard to the disturbances in India and pointed out that these were most unfortunate and uncalled for. The Pakistan Foreign Minister agreed that these attacks were to be deprecated. It was most reprehensible for any Head of Government to be attacked in this manner, particularly a Head of Government from a neighbouring country.

11. **EAM** thanked the Pakistan Foreign Minister for his expose. In respect of terrorism, he pointed out that the implementation mechanism set up following the Home Secretaries' meeting did not appear to have been activated. This should be done. Extremists lodged in Gurdwaras should be removed and entry of extremists from abroad to Pakistan should be discouraged. It had been agreed earlier that Pakistan Missions abroad should be instructed to carefully screen entry of Sikhs into Pakistan with a view to keeping out extremist elements. The Pakistan Ambassador stated that this had already been done.

12. **Ambassador S.K. Singh** raised the possibility of deporting the 7-8 Canadian Sikhs who were in Pakistan and who were virtually controlling the Lahore Gurdawars. F.S. added that the mischief potential of these 7-8 Canadian Sikhs could be further limited by ensuring that they were not present at the Gurdwaras during the visit of our Jathas. **Ambassador S. K. Singh** agreed but added they were all over the place. **Ambassador Humayun Khan** responded that the legal problems pertaining to the deportation of the Canadian Sikhs could be examined.

13. **EAM** pointed out that it had been agreed to by both the Foreign Ministers that hostile propaganda should be minimized. The Meerut disturbances were India's internal affair and we were doing the needful for a normalization of the situation. The personal attacks on Prime Minister in the Pakistani Press were
couched in the most offensive manner and something should be done to prevent a recurrence. Apart from such propaganda, the major cause of Indo-Pak tensions was the acquisition of sophisticated weapons like AWACS by Pakistan. This issue was repeatedly raised in Parliament and the Indian government was under pressure to respond. Such acquisitions moreover were inexplicable in the context of the fact that the Afghan problem seemed to be nearing a solution. Inevitably Pakistan’s arms acquisitions were leading to an arms race in the sub-continent.

14. The Pakistan Foreign Minister indicated that he too felt that there was movement on the Afghan issue. He pointed out that Cordovoz was expected on a shuttle visit in Islamabad/ Kabul on 19th June. The main subject of discussion would be an interim government. The Soviets wanted sufficient assurances that consequent upon their withdrawal, their friends in Afghanistan would not be liquidated. This was acceptable to all parties. An interim government could not, however, be created under Najib as he was not acceptable to all sides. Pakistan had no animus against him. It was prepared to sign a settlement with Najib for an interim government. However he was not acceptable to the Resistance movement. As regard the possibility of an interim government under Zahir Shah, Pakistan has no objection to this. He enjoyed some support among Resistance elements. If he was acceptable to the majority, Pakistan would have no objection to him, but they did not wish to impose him upon Afghanistan. The Soviets had not given any definitive signal about their being ready to accept him as the Head of an interim government. If they received such a signal Pakistan could promote his candidature as the Head of an interim government. To do so without an explicit Soviet signal would not be worthwhile. Pakistan was in touch with the Soviets. There was likely to be a resumption of the dialogue in this matter between the two sides in July. Pakistan felt that the Soviets were keen to withdraw from Afghanistan. Pakistan wanted to facilitate this task and to provide a face-saving device to the Soviet Union.

15. The Pakistan Foreign Minister went on to explain that Afghan raids into Pakistan had increased. Such sneak raids necessitated that Pakistan acquire an air surveillance Radar. The type of system to be obtained by Pakistan was under discussion. The Hawkeyes were suitable for maritime surveillance and cheaper and easier to obtain than the AWACS. In fact the Hawkeyes were quite suitable for use against India but Pakistan was looking at the AWACS as these were more suitable against Afghanistan. No final decision, however, had been made in this matter. All the implications of the various surveillance systems available including Hawkeye and AWACS were under study.

16. As regards the question of an arms race in the sub-continent, Pakistan Foreign Minister suggested that India and Pakistan should discuss the possibility
of arms limitation with each other. Pakistan had earlier made some proposals for force reduction. In this context he also pointed out that our exercise ‘Brass Tacks’ had caused much concern in Pakistan and their Defence Forces had built up a forceful argument, for an enhanced shopping list. Pakistan’s purchase of more weapons would naturally lead to another cycle of arms acquisition by India and Pakistan. EAM expressed surprise at the alarm caused in Pakistan by ‘Brass Tacks’. This had been discussed during the Bangalore summit and indeed India had cancelled a part of ‘Brass Tacks’. The Pakistan Foreign Minister stated that while this may very well have happened, the Foreign Office was being asked to give a guarantee that India would not attack Pakistan. This they very well could not do, and hence the arms acquisition. The Pakistan Foreign Minister added that it was not armaments that caused the animosity but vice-a-versa. He was, however, confident that the step-by-step approach involving Sub-Commissions and Joint Commission meetings would ultimately lead to an improvement in the relationship between the two countries.

17. In response to the concern voiced by EAM regarding Pakistan’s nuclear weapons programme the Pakistan Foreign Minister called for further discussions and dialogue between the two sides. Pakistan had made some suggestions in this matter and only recently Prime Minister Junejo had written in this regard to Prime Minister Rajiv Gandhi. Pakistan was prepared for any suggestions from the Indian side. It was necessary to find a solution perhaps on the bilateral plane. The Pakistan Foreign Minister went on to state that he had in fact been encouraged by the trend in Indo-Pak relations over the last 5 - 6 years. During this period the relationship between the two countries had seriously deteriorated on at least three occasions but on all these three occasions it had been brought back on the rails. The climate of opinion in the two countries had repaired the relationship.

18. The Pakistan Foreign Minister reiterated that Pakistan would like to ensure that India’s Chairmanship of SAARC was a success. Pakistan would be prepared to use its marginal influence in this regard with Sri Lanka. Pakistan realized that its room for manoeuvre was small but it would continue to play a helpful rule. EAM explained to the Pakistan Foreign Minister the background of Indo-Sri Lankan relations emphasizing that India had no desire or intention to interfere in that country. Indeed it had been offering its good offices vis-a-vis Tamils only at Sri Lanka’s request. Similarly EAM referred to his recent visit to Beijing and pointed out that India wanted to resolve its problems with China peacefully through dialogue. He mentioned that the Pak Foreign Minister should make it quite clear to the Chinese that India had no hostile intention vis-a-vis that country. The Pak Foreign Minister assured EAM that he would faithfully communicate this to the Chinese Prime Minister during the latter’s upcoming visit to Pakistan.
19. In response to queries by F.S. regarding Pak-Sri Lanka military links, the Pak Foreign Minister stated that Pakistan was training a number of Sri Lankan officers and NCOs as was the case in respect of a number of other friendly countries. There were, however, no Pakistanis in Sri Lanka on training missions. In regard to weapon supplies, the Pak Foreign Minister pointed out that Pakistan was supplying small arms in small numbers on commercial terms to a number of friendly countries. Pakistan could not refuse to do likewise vis-à-vis Sri Lanka. He himself had not seen Sri Lanka’s request in this regard, but this would only comprise of small arms in small numbers.

20. There was a brief discussion on the question of fishermen in each other’s custody. It was felt that it was desirable to have another round of talks on this issue. It was also felt that discussions should be held as soon as possible to work towards the settlement of the maritime boundary between India and Pakistan. Once the maritime boundary was determined, the capture of fishermen by either side would automatically diminish.

The meeting terminated at 6.40 p.m.

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1153. SECRET

Summary Record of the meeting between Pakistan Foreign Minister Sahabzada Yaqub Khan and Defence Minister K. C. Pant.


Ministry of External Affairs
(AP Division)

The Pak FM called on the Raksha Mantri (Defence Minister) at 1015 hours on the 19th June 1987. Mr. Humanuyn Khan, the Pakistani Ambassador in India, was also present. Discussions during the meeting covered SAARC, the Sri Lankan question and issues in bilateral relationship between India and Pakistan.

SAARC-Sri Lanka: The Pak Foreign Minister said that notwithstanding that newspaper had to say this morning, discussions in the SAARC Ministerial Council was progressing smoothly. Referring to the ethnic question in Sri Lanka, he said that he had a long meeting with the Sri Lankan Foreign Minister last, night and the latter had told him about the political pressures under which the
Sri Lankan Government had to function. There were similar pressures on the Government of India as well, and, therefore, both India and Sri Lanka were working “within very narrow margins”. He added that it was gratifying that both PM Gandhi and President Jayawardane wanted to continue the dialogue.

**Indo-Pak Relations:** Mr. Yaqub Khan remarked that the bilateral relationship between India and Pakistan was progressing steadily. He recalled that during the last 5 years or so Indo-Pak relations had been derailed thrice but as there was necessary political will in both countries, it had been possible to put the relationship back on the track every time. He expressed his satisfaction over the Indian suggestion for the convening of meetings of Sub-Commissions on trade and economic matters in July/August this year.

**Trade:** When RM pointed out that there had been little progress in the area of trade, the Pak FM said that the decision regarding expanding the list of commodities for trade in the private sector could not be taken last year because there were new incumbents in the portfolios of Commerce and Finance in Pakistan. However, an enlarged list of commodities had since been shown informally to Indian officials. He added that suggestions given by the Indian side would be taken into account while finalizing the enlarged list of commodities.

**Joint Commission - Peace and Friendship Treaty - Rail link:** The Pak FM expressed the hope that after the meeting of the two Sub-Commissions it should be possible to convene the Joint Commission at an early date. He added that it should also be possible to resume negotiations on the Treaty of Peace, Friendship and Cooperation/Non-aggression Pact. He was of the view that it should not be difficult to work out a satisfactory formulation regarding the question of bases. He went on to say that the Munabao-Khokharpara rail-link could possibly be opened at an early date. The Pakistani Ambassador interjected to say that last year the Pakistani side was ready to open this rail link but the India delegation could not go to Pakistan because of the sickness of its leader. However, there were some problems now on the Pakistani side.

**Defence build-up of Pakistan:** Referring to the concern expressed in India about defence build-up in Pakistan, Mr. Yaqub Khan said that Pakistan could hardly afford to spend 40% of its budget on defence. However, several deficiencies in the Pak Defence had been exposed during the tension on Indo-Pak border earlier this year and the Pak Armed Forces were clamouring for more arms. He expressed the hope that it might be possible for India and Pakistan to work out some kind of ratio between their respective troop levels and thereby reduce their defence spending.

**Airborne Early Warning (AEW):** Mr. Yaqub Khan went on to say that though Pakistan had indicated its desire to acquire an Airborne Early Warning (AEW)
system, no final decision had so far been taken. RM pointed out that the acquisition of an AEW system would not in any way help Pakistan against Afghanistan. Since air intrusions from Afghanistan were very brief in duration it would not be possible for the Pak Air Force to intercept intruding Afghan aircraft even with the help of an AEW system unless they were already air borne at the time of intrusion. RM added that it was surprising that at a time when reports from Pakistan and elsewhere indicated the possibility of an early settlement of the Afghan problem, Pakistan should go in for acquisition of an AEW system (allegedly to counter a threat from Afghanistan). He also told the Pak FM that the acquisition of an AEW system and other sophisticated armament by Pakistan was bound to create apprehensions in India because everyone knew that such armament would be used only against India. He pointed out that even Pakistani leaders themselves discounted the possibility of a clash with the Soviet Union or Afghanistan, backed by the Soviet Union.

Tension on Indo-Pak Border in January 1987: Recalling the tension on the Indo Pak border in January this year, the Pak FM said that India’s Operation Brass Tacks had led to considerable misgivings in Pakistan. It was, however, fortunate that tensions were later defused. (In this context, he mentioned that in 1965 also India did not want a war with Pakistan nor did Pakistan want an all-out war with India. However, those who intruded into Kashmir were naïve enough to believe that that such intrusion could be confined to Kashmir only).

The Pak FM went on to say that there were direct channels of communication between defence establishments of the two countries and they should keep in close touch. Ambassador Humayun Khan suggested that it would not be a bad idea for Defence officials of the two sides to enter into a dialogue with each other which would promote rapport between them.

In his response, RM agreed that communication channels be kept open. He did not, however, comment on Ambassador Khan’s suggestion regarding contacts between the defence forces of the two countries.

Pak-US Relations: Mr. Yaqub Khan pleaded that India should not put Pakistan in a position from where it would be driven deeper into its relations with the USA.

He recalled that in 1979 the Pak-US relations were in a trough; Pakistan was not receiving any aid from the USA and there were strong anti-US feelings in Pakistan as evidenced by the burning of the US Embassy. The picture, however, changed with the Soviet invasion of Afghanistan and the intensification of the rivalry between the super powers in the Gulf. The Pak FM added that though there were manifold pressures on Pakistan it had nevertheless preserved its sovereignty.

The meeting, which lasted about 45 minutes, concluded with an exchange of pleasantries.

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1154. Letter from Pakistan Prime Minister Mohammad Khan Junejo to Prime Minister Rajiv Gandhi.


His Excellency
Mr. Rajiv Gandhi,
Prime Minister of India
New Delhi.

Dear Mr. Prime Minister,

I would like to congratulate you on the successful launching of the Africa Fund at the Summit hosted by India last January.

Pakistan has actively and consistently supported the cause of liberation and self-determination in Southern Africa. We are fully committed to the decisions of the Harare Summit to eliminate apartheid and to liberate Namibia. Therefore, Pakistan welcomes the adoption of the Plan of Action at the meeting in New Delhi. This offers a practical and a realistic framework to strengthen the capacity of the frontline African states and the liberation movements at this crucial stage in their struggle against South African racism and colonialism.

The Government of Pakistan pledges an amount of Rupees 50 million over the next three years as our contribution to the Africa Fund. Under this allocation, Pakistan will provide technical and other assistance to the frontline states and the African liberation movements. A substantial part of our Special Five-Year Technical Assistance Programme, which is to become operational next month, will be devoted to the provision of such assistance in the fields of agriculture, administration, railways, banking, civil aviation and human resources development.

Although our resources are limited, Pakistan has provided technical and other assistance to African countries bilaterally and through various international organizations. During the past three years such assistance to Africa has amounted to Rs.105 million. We shall maintain and hopefully enlarge such assistance in future.

I wish to convey to you, Mr. Prime Minister, the assurances of our wholehearted cooperation in this noble endeavour which you have pioneered.
to advance the just cause of the valiant people of Southern Africa for self-
determination, freedom and equality.

Yours sincerely,
Sd/-
(Mohammad Khan Junejo)

1155. Note from the Embassy of Pakistan in India to Ministry of 
External Affairs.

New Delhi, July 9, 1987.

Embassy of Pakistan

New Delhi

No. POL.I/76/87 9th July, 1987

The Embassy of Pakistan presents its compliments to the Ministry of External 
Affairs and has the honour to draw the esteemed Ministry's attention to a 
statement by Mr Jag Parvesh Chandra, Chief Executive Councilor of Delhi that 
the brutal killings in Punjab and Haryana are "the handiwork of Pakistani agents" 
reported in the Hindustan Times of 9 July. The Embassy strongly protests 
against this vicious, slanderous and utterly false statement by a leading member 
of the ruling party in India, who occupies high office.

The Embassy also takes this opportunity of reiterating that the Pakistan Government 
condemns terrorism in all its forms. It hopes that countries of South Asia will cooperate 
with each other, bilaterally and regionally, to wipe out this menace.

It is a matter to be deeply deplored that leading figured should be making such 
irresponsible and inflammatory statements on events which have already caused 
such a strong reaction in India. The Embassy hopes that the esteemed Ministry 
will take appropriate steps to ensure that such statements are not made.

The Embassy of Pakistan avails itself of this opportunity to renew to the Ministry 
of External Affairs the assurances of its highest consideration.

Ministry of External Affairs, 
Government of India, 
New Delhi
1156. Statement by the Official Spokesperson of the Indian Ministry of External Affair on the reported statement of President Zia-ul-Haq on Kashmir during his visit to Pakistan-Occupied Kashmir.


[In response to queries from the press on President Zia's reported statement on Kashmir during his current visit to Pakistan Occupied Kashmir the Official Spokesman stated as follows on July 21, 1987 in New Delhi:]

*President Zia had on July 20 in a speech said that Pakistan would not allow Kashmir issue to be consigned to the cold storage nor would it adopt apologetic attitude on this. He declared that Pakistan would apply all political and peaceful means for securing a peaceful solution of the Kashmir issue in the spirit of the UN resolutions. The meeting was also addressed by 'Azad Kashmir' President Sardar Mohammad Abdul Qaiyum Khan, 'Azad Kashmir' Prime Minister Sardar Sikander Hayat Khan, Federal Minister for Kashmir Affairs Syed Qasim Shah and Speaker of the 'Azad Kashmir' Assembly Sardar Mohammad Ayub Khan. Gen Zia said that Pakistan would continue to raise the issue at all international forums till a peaceful solution was achieved and the whole of Kashmir became a part of Pakistan which both the people of Pakistan and 'Azad Kashmir' had been resolutely demanding for the last 40 years.

Stressing Kashmir's importance for Pakistan, he said that the Quaide Azam had declared more than once that Kashmir was the jugular vein of Pakistan. The people of Pakistan could not remain oblivious of this fact, he said. Both Pakistan and 'Azad Kashmir', he said, were like the heart and soul of the body. Their independence and freedom was interdependent on each other which made it all the more imperative that Kashmir should join Pakistan, he said.

He said that the echo of the voices of the people of Pakistan and 'Azad Kashmir' would not only be heard on both sides of the line of actual control but also throughout the Islamic world. No force or any conspiracy could ever succeed in suppressing the burring passion and sense of sacrifice of the people of Kashmir for their freedom, he said. He said the hearts of the people of Kashmir and Pakistan beat in unison. All the rivers flow from Kashmir into Pakistan. Their economy was interdependent. Both were bound by internal bonds of religion, culture and Islamic brotherhood. The people of Pakistan and Kashmir had liberated area was witness to this, he said. Gen Zia said he could say with confidence that the sacrifices of Mujahideen and their blood would not go in vain and the people of Pakistan and Kashmir would succeed. Gen Zia said in his opinion the world had yet to understand and realize the importance of the stand and point of view of the people of Pakistan and 'Azad Kashmir'. Its importance had neither been fully brought home to the people within Pakistan and 'Azad Kashmir' nor ‘have we succeeded in winning world support’.

He said Kashmir was as important for Pakistan as any other part of the country; defence of both was interlinked. ‘Azad Kashmir' stood like an outer wall of the citadel for the defence of Pakistan. The Quaide Azam had also stressed on many occasions that Kashmir was the life vein of Pakistan without no human body could survive. Both were like heart and soul for each other. The people of Kashmir had already expressed their will in the 'Ithq-e-Pakistan' Resolution passed in 1947 by which they made it clear that they wanted to join Pakistan. He said this matter had been persisting for 40 years. It would take some time more, “maybe, months or years when it would be solved and this could be in our own life-time”, he added.
We have seen reports of President Zia's speech wherein he described Kashmir as "an integral of Pakistan" and spoke in a manner calculated to arouse passions on this issue. It is possible that domestic compulsions may have inspired President in making such a statement. He cannot, however, be unmindful of India's well known and legally irrefutable position that the whole of Jammu and Kashmir is an integral part of India and that the only issue which remains to be resolved is that of vacation by Pakistan of its illegal occupation of POK. President Zia cannot also wish away the fact that both countries are committed to resolve this issue in accordance with the letter and spirit of the Simla Agreement. President Zia has himself renewed Pakistan's commitment in this regard during his visit to New Delhi on December 17, 1985 when he had stated that this question would be resolved in accordance with the Simla Agreement and at an appropriate time.

1157. Note from Pakistan Embassy in New Delhi transmitting a message from Pakistan Prime Minister Mohammad Khan Junejo to Prime Minister Rajiv Gandhi.

New Delhi, August 12, 1987
Embassy of Pakistan
New Delhi

2 August, 1987

The Embassy of the Islamic Republic of Pakistan presents its compliments to the Ministry of External Affairs and has the honour to convey the following message from His Excellency the Prime Minister of Pakistan to His Excellency the Prime Minister of India:

BEGIN:
I WAS DISTRESSED TO LEARN OF THE INCIDENT* AT COLOMBO. SUCH REPREHENSIBLE ACTS OF VIOLENCE MUST BE CONDEMNED. ON BEHALF OF THE GOVERNMENT AND PEOPLE OF PAKISTAN AND ON MY OWN BEHALF I CONVEY TO YOUR EXCELLENCY OUR SYMPATHY. WE REJOICE AT THE FACT THAT THE INCIDENT DID NOT ENTAIL ANY INJURY TO YOUR SELF.

* It was a reference to the incident at the Colombo airport where one of the Sri Lankan naval ratings, who was part of the Guard of Honour mounted at the time of departure of Prime Minister Gandhi, tried to assault him.
The Embassy shall be grateful if the esteemed Ministry could kindly transmit the above message to its high destination.

The Embassy avails itself of this opportunity to renew to the esteemed Ministry the assurances of its highest consideration.

The Ministry of External Affairs
(Mr. Satish Chandra, Joint Secretary (AP), Government of India, New Delhi.

1158. SECRET

Letter from Consulate General of India in Karachi to the Ministry of External Affairs regarding Pakistan’s reaction to the India-Sri Lanka Agreement.

Consulate General of India
India House, 3 Fatima Jinnah Road
Karachi

No. KAR/DCG/103/2/87 August 13, 1987

Dear Shri Parthasarathy,

We have been covering in our press telexes media reactions to the Indo-Sri Lanka Agreement. As you would have noted, the Agreement and its aftermath have received extensive and prominent coverage in the Pakistani press.

2. Enclosed here with is a sample cross-section of editorials and articles, as well as political cartoons, drawn from the Pakistani print media, both English and Urdu. (not reproduced here) The first clipping, depicting a cartoon which appeared in THE NATION of 10-8-87, seems to sum up the
general assessment here, namely that India has, to all intents and purposes, gobbled up Sri Lanka, with President Jawawardene offering the prey on the proverbial platter!

3. Pakistanis have received the Agreement with a sense of distaste, foreboding and fear. Clearly, they do not like the direction in which events have evolved. Perhaps this is an indication of chafing at the fact that India has scored a major political and diplomatic success. However, most observers sincerely feel that Sri Lanka’s sovereignty has been brazenly trampled upon. They see India’s action to be evidence of its hegemonistic designs in the region; of its determination even to intervene directly, if necessary in the internal affairs of neighbouring states when it perceives its own interests to be at stake. Sri Lanka has reminded Pakistanis about Hyderabad, Junagadh, Goa and Sikkim.

4. The Pakistani psyche appears to have been particularly rattled by the induction of Indian troops into Sri Lanka; this it perceives to be an ominous precedent for the region as a whole. Press reports here have given widely varying figure of the number of Indian troops in Sri Lanka; some have put this as high as 30,000!

5. It is worth pointing out that, in the immediate wake of the singing of the Agreement, the Pakistani press rather gleefully projected the strong adverse reaction among right wing Sinhala quarters, using this development as well as the delay in the surrender of arms by LTTE as indications of the Agreement going off the rails even before the ink was dry on it. Peculiarly though, the PAKISTAN TIMES (which, as you know, is an official mouthpiece), in its editorial of 31-7-87, made an unusually positive projection of the Accord. Since then, however, there has been grudging acceptance of the fact that the Accord constitutes the only way out of the impasse and that both countries may well display the necessary political resolve to make it stick. The editorial which appeared in DAWN of 9-8-1987, is clearly more objective, although the newspaper’s sister eveninger, STAR, had brought out a far more vituperative piece only five days earlier. M.H. Askari’s piece in DAWN of 11-8-1987 is also a reasonably well argued one. Hamid Kizilbash’s article in THE MUSLIM of 10-8-1987, however, while acknowledging the significance of the Accord, takes the line that the Agreement is all very well, expect for the fact that Indian forces are now in Sri Lanka; a SAARC role in the whole affairs, including a SAARC military contingent, would have been far more preferable!
6. Clippings are enclosed. CG is separately sending a related dispatch on his conversations on the subject with some prominent Pakistanis.

Your sincerely,

(Amitav Banerji)

Shri G. Parthasarthy,
Joint Secretary (XP),
Ministry of External Affairs,
New Delhi.

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1159. Response of Indian Prime Minister Rajiv Gandhi to questions relating to Pakistan interference in Punjab by training and arming Extremists: BBC Phone in interview.

New Delhi, August, 16, 1987.

Prime Minister, Mr. Rajiv Gandhi, accused Pakistan of direct interference in Punjab by training and arming extremists. Answering questions on the British Broadcasting Corporation’s worldwide 45-minute phone-in interview, Mr. Gandhi said he would not say whether the Pakistan Government was solely responsible for certain individuals there for encouraging the extremists.

Replying to a questioner from Medina in Saudi Arabia Mr. Gandhi said: "It is very difficult to say if the Pakistan Government is directly involved, but we have seized a weapon from a terrorist bearing Pakistani marking."

When the BBC’s New Delhi correspondent, Mark Tully, who was coordinating the interview in London, intervened to ask if Mr. Gandhi had only one instance of Pakistani involvement, the Prime Minister replied; "I am just citing an example." Mr. Gandhi said there were fresh instances of the extremists crossing the border from Pakistan into India. He said India was facing some other problems, like smuggling of drugs from across the border. India, he said, had taken up this question with the Pakistan government, but "we have not really made much headway".

❖ ❖ ❖ ❖ ❖
Dear Prime Minister,

Thank you for your warm message of sympathy after the Colombo airport incident.

I hope that the Agreement concluded between Sri Lanka and India will restore peace and harmony after the years of ethnic strife which have plagued Sri Lanka. It meets the legitimate aspirations of the Tamils while strengthening the unity and integrity of Sri Lanka. It also strengthens the Non-aligned Movement. The attempt to harm me and the subsequent terrorist attack on President Jayewardene and his colleagues have only strengthened our mutual resolve to continue on the path chosen by us.

Yours sincerely,

sd/- Rajiv Gandhi

His Excellency
Mr. Mohammad Khan Junejo
Prime Minister of the Islamic Republic of Pakistan
Islamabad.

◆◆◆◆◆
Dear Mr. President,

I was deeply touched by your warm message immediately after the Colombo incident. I am grateful for your concern and value your good wishes.

The agreement between India and Sri Lanka provides a unique framework for ending the ethnic strife in Sri Lanka while strengthening the unity and integrity of that beautiful country. We were gratified by the spontaneous endorsement of this agreement by the vast majority of countries.

The attempt to harm me and the dastardly terrorist attack on President Jayewardene and his colleagues have strengthened our mutual conviction that we are on the right path.

My wife joins me in sending greetings and good wishes to you and Begum Zia.

Yours sincerely,

Sd/-

Rajiv Gandhi

His Excellency Mohammad Zia-ul-Haq
President of the Islamic Republic of Pakistan
Islamabad
Meeting between Pakistan Prime Minister Mohammad Khan Junejo and Indian Prime Minister Rajiv Gandhi on the sidelines of the SAARC Summit.


Prime Minister Mohammad Khan Junejo and Indian Prime Minister Rajiv Gandhi discussed on November 4 a wide range of bilateral matters and agreed to accelerate the dialogue on the outstanding issues.

[During their half-hour meeting, the two Prime Ministers were assisted by their Ministers of State for Foreign Affairs.]

A spokesman of the Pakistani delegation described the meeting as “substantive and useful”.

The two Prime Ministers decided to hold an early meeting of the Secretaries for Economic Affairs of the two countries to discuss promotion of economic cooperation and increasing trade. This meeting was originally scheduled for August last.

The Prime Ministers also agreed to hold an early meeting of the Secretaries for Interior and Home Affairs for taking suitable measures to prevent the illegal crossing of borders by unauthorized persons.

The Defence Secretaries of the two countries were also asked to hold their third meeting to discuss the Siachen Glacier issue. The Defence Secretaries had earlier discussed the same issue. Their first meeting took place after the SAARC summit at Dhaka in 1985.

Similarly, the Surveyors General of the two countries would also meet to demarcate the international boundaries at the Sir Creek close to the Rann of Kutch, the spokesman said.

The settlement of boundaries at Sir Creek will enable both the countries, to help demarcate the maritime boundaries between them. It would also help demarcate Pakistan’s 200-mile exclusive economic zone, he added.

As a result of the dispute over maritime boundaries, several fishing vessels were seized by the law-enforcing agencies of the two countries in recent months. The spokesman said that the maritime boundaries would be settled in accordance with the international laws covering the sea lanes.

The Prime Ministers also agreed to hold the meeting of the joint commission sometime in the first quarter of the next year in Islamabad. It would be the third meeting of the joint commission, he added.

The Prime Ministers decided that the Foreign Secretaries of the two countries meet to discuss the issue of “common concern.”

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Prime Minister Mohammad Khan Junejo said that he had positive and meaningful talks with the Indian Prime Minister, Mr. Rajiv Gandhi, and the leaders had agreed to accelerate the pace for finding peaceful solution to the outstanding problems between the two countries, including the Siachen issue.

He said this at a press conference on November 7 on his return to the capital after attending the SAARC summit at Kathmandu.

He said that during his meeting with the Indian Prime Minister he had identified the problems confronting the two countries.

Mr. Junejo said Pakistan’s stand on the issues was based on principles and he tried to impress upon Mr. Gandhi the need to sort out the issues at the government level through discussions.

**Pakistan’s Non-Aggression Pact Offer**

While replying to a question, he said that he had detailed discussions with Mr. Gandhi and he drew his attention to the pending non-aggression agreement. Mr. Rajiv promised to examine Pakistan’s draft and to finalize it.

Mr. Junejo was asked that whenever he met Mr. Gandhi he gave the impression that he was satisfied and convinced, but unfortunately soon afterwards the situation became otherwise, and there was a state of confrontation.

He was also asked that after last year’s “Brass tacks” exercise on Pakistan’s border, the Indians were carrying out another exercise known as “Fly-bird”. India had also attacked in Siachen. As such, how long would this situation continue? Mr. Junejo replied that as far as Siachen was concerned, during his talks with Mr. Gandhi he informed him that India had taken unilateral action and had used its army in the area. As a result, Pakistan had to take remedial measure to meet the situation. He said the two Defence Secretaries will meet in the near future to decide the issue.

**Pakistan Nuclear Policy Peaceful**

Mr. Junejo further said that during his talks he apprised his Indian counterpart that Pakistan was pursuing a peaceful nuclear policy and had no intentions to make nuclear weapons. He said that time and again he had reiterated Pakistan’s nuclear policy. On many occasions, he had impressed upon the Indian leaders
the need to sign a non-proliferation treaty at the bilateral level or at the regional basis or at the level of regional countries.

Mr. Junejo said that during his address at the United Nations he put forward similar proposals and was duly convinced that there should be a collective agreement on this issue, which should be followed and respected by all the countries.

On Reported Challenge by Rajiv Gandhi

When reminded that while he had said in Kuala Lumpur that he had cordial talks with Mr. Gandhi, there were reports quoting the Indian Prime Minister as saying, “You will be taught a lesson if you indulge in military action again in Siachen, Mr. Junejo refuted this report.

Mr. Junejo also said, that while Siachen was generally discussed, the Kashmir dispute did not come up.

Mr. Junejo said during his talks with Mr. Gandhi, both the leaders agreed that firm solutions must be found of the Siachen and border area problem. He said that the two leaders also agreed that besides the meeting at the Defence Secretaries and Foreign Secretaries level, a joint commission meeting will also be held in the first quarter of the next year.
Note from Pakistan Embassy in New Delhi transmitting a message from Pakistan President Zia-ul-Haq.

New Delhi, February 27, 1988.

Embassy of Pakistan
New Delhi

27 February 1988

Excellency,

I am directed to convey the following message to Your Excellency from the President of Pakistan, General Mohammad Zia-ul-Haq:

Begins:

Dear Mr. Prime Minister,

I am sincerely grateful for your telephone call on 25 February and the invitation you kindly extended to me to visit New Delhi.

As Your Excellency is aware, I have always attached great importance to discussions and dialogue with your country. As on previous occasions, I would have welcomed the opportunity to avail of your invitation. But, at present, we are in the midst of a great political activity inside Pakistan. The Afghanistan issue has taken an important turn attracting the attention of our people who are engaged in an intense national discourse such as has never been experienced in the past. Under these circumstances, Your Excellency will appreciate that it will be extremely difficult for me to leave the country.

However, in view of the importance of the Afghanistan situation for our region, the Prime Minister and myself would be very happy to have the opportunity to exchange views with Your Excellency and to benefit from your assessment of the fast developing situation. I, therefore, renew our long standing invitation to you for a visit to Pakistan.

In case Your Excellency is unable to come to Islamabad, we shall be glad to receive your Emissary at any level you may consider appropriate. I have already consulted the Government of Pakistan who will cordially welcome and extend every cooperation to the Emissary designated by you. A mutually convenient time for the visit can be finalized through our Ambassador. He will also inform your Foreign Office about some details in this regard which I have not included in this message. I look forward to hearing from you soon.
With profound regards,

Yours sincerely,

General Mohamad Zia-Ul-Haq
President of the Islamic Republic of Pakistan

Ends:

Please accept, Excellency, the assurances of my highest consideration.

(Humayun Khan)

His Excellency
Mr. Rajiv Gandhi,
Prime Minister of India, New Delhi.

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1165. CONFIDENTIAL

Letter from the Embassy of India in Pakistan to the Ministry of External Affairs regarding Pakistan’s attitude to peace efforts in Afghanistan.

Islamabad, March 6, 1988.

Embassy of India
482-F Sector G-6/4
Islamabad

No. ISL/103/2/88 March 6, 1988.

My dear Satish,

By the last bag, I have written sketching the context in which we need to evaluate the Pakistani acerbic and somewhat incomprehensible reaction to our proposal to send a Special Envoy for discussions on Afghanistan. It is now clear that part of the reason for the Government of Pakistan’s pique at our announcement came from the perceived slight, especially within the PML, but by no means confined to it, that our PM had chosen to speak to President Zia. Prime Minister Junejo’s reaction, as well as the ruling party’s was therefore swift and in unison. Even more surprising was the widespread harmony of views between the Opposition outside the Parliament and Mr. Junejo’s party that our Special Envoy should not be entertained at any cost at this stage.
2. There is a continuity in the Pak hostility to India’s engagement in seeking the solution of the Afghan problem. It is slowly being acknowledged that our decision to arrange for the Minister of State for External Affairs, Shri K. Natwar Singh and ex-King Zahir Shah in Rome, and dispatching Shri G.P. Arora, Secretary (Information), to Kabul, could not have been isolated actions. The Foreign Office here has all along been aware of our acting as an honest broker between Washington and Moscow on the Afghan question. However, Pakistani journalist and observers are just beginning to realize the nature and extent of our limited but important role.

3. This recognition of quiet Indian diplomacy had served to inflame Pakistani complexes. There is an inescapable feeling that just as the Soviet and Americans were quietly reaching accommodation on early and rapid Soviet troop withdrawals, while ignoring the question of an interim Government before the agreement come into effect, we seems to be closer to these high level discussions than even Pakistani diplomats were allowed to be.

4. In several ways, the present Pakistani predicament is the result of serious communications and policy failures.

5. First, it is now evident that Gen. Zia’s personalized management style of the Afghanistan questions led to an increasing divergence between his perception of self interest and national interests and that of the civilian arm of the present regime. This latter, namely PML under Prime Minister Junejo, has found common cause with other political parties within the Pakistani Parliament and outside. A situation has been reached where Gen. Zia’s time tested backers such as the Americans, Saudis and the Chinese, have plumped for early withdrawals without bothering about the demands of the Peshawar based Mujahideen groups, nor Gen Zia’s rationale for the interim government. Viewed in the systemic context, there is thus a clear communications and control failure between Gen. Zia and his small coterie on the one hand, and the rest of the political leadership in Pakistan.

6. Secondly, it seems reasonable to surmise that after the Gorbachev-Reagan Summit in Washington last November, the US Administration defined American self-interest in terms which were no more identical with Pakistan’s. Somewhere between the US State Department and the Pak Foreign Office, and almost certainly also between the latter and Junejo’s civilian government and the opposition, communications appear to have failed. Thus we have different interested parties and vested interest groups arguing at cross purposes today about the priorities that the Geneva agreements must address.

7. Thirdly, in spite of Foreign Secretary Sattar’s many voyages, as well as the journeys by the Pak President, Prime Minister, MOS Zain Noorani and assorted Special Envoys from time to time, in the past few months Pakistan
either failed to define its stand on the need for an interim government before
the withdrawals, or to win wide-based international support that it assumed
exist because of the pattern of the UN vote on Afghanistan.

8. Finally, there is the serious management failure in defining the mutual
interests and objectives to the Peshawar based Mujahidden groups and other
expatriate Afghan parties or notable such as the group in Iran, and former ex-
King Zahir Shah.

9. it is perhaps possible to argue that the diplomatic onslaught in the post-
November period overwhelmed Pakistan’s diplomatic resources, and found its
decision making capabilities wanting. One upshot of this failure was inevitably
a certain realignment in the terms of the Zia-Junejo partnership and a re-
definition by Junejo and his men of their political self-interests in the post Afghan
phase of Pak politics. Several other players in the game must make the political
equations in Pakistan more complex in the days ahead to the 1990 elections.
Some of these factors worth watching are:-

i) Gen. Zia’s prosonall authority is almost certain to suffer in the post
Geneva phase. Once Pakistan ceases to be the Frontline State, the
rationale for the army’s dominant position in Pak politics, the recent
allocations in the Pak national budget on account of defence to the
neglect of development and capital formation, and the international
support, will be in all probability attenuated significantly. This cannot
but seriously erode Gen. Zia’s power base, and call into question the
future constitutional propriety of his present status as the President and
propriety of his present status as the President and Chief of Army Staff.

ii) The greening of Prime Minister Junejo might now be considered to be
over. Coming out of the woods, Junejo must now make some stark
choices. To establish his credibility before the elections scheduled in
1990, he must appear to be a distinct political power with party,
constituency and programme. No more can he hope to survive as the
court favourite.

iii) The Zia-Junejo equation had already shown signs of a new dynamic,
 witness Zia’s attempts to control PML and above all political organizations
in Punjab through Chief Minister Nawaz Sharif, and Junejo’s demands
for greater control of the decision making spheres. Crude as the manoeuvre
is, the present All Parties meet in Rawalpindi for consultations on the
Afghan question, called by Junejo, cannot but re-design the relationship
between Zia and the army on the one hand, and the political parties on
the other. The latter are bound to perceive common interest in combating
the vestiges of the Martial Law and its more crude manifestations such as
the Eighth Amendment, political prisoners and the Press and Publications Ordinance. It cannot be a co-incidence that these three themes found repeated emphasis in the remarks made by the Opposition leaders in the Rawalpindi moot. Apart from the initiative to convene the meeting, which was clearly his own, Junejo also successfully insisted on excluding both the President and other Generals from GHQ – something he could not earlier achieve when he convened a joint session of the Parliament to discuss Afghanistan on February 28.

iv) A shift in the Western perspective on Pakistan-Afghanistan will follow the Afghan settlement. Apart from reducing Pakistan’s relevance – though Pakistan will still retain its significance for other strategic considerations such as the Gulf War – the Western effort will now probably focus on re-construction in Afghanistan. Conditional as this is on the containment of conflict among the Mujahideen and PDPA, it is unlikely that the Western countries including the United States will abstain from a major re-construction effort in Afghanistan. While it has been tempting to compare the Afghan conflict with the Indo-China war in the pre-1973 period, there are several obvious reasons which argue for a Western involvement, and not abstention, which we have witnessed thus far on the part of the United States in Vietnam.

v) This has important implications for our policy:

a) In anticipating altered perspectives and policy goals of the United States and the West, the Arab countries, Iran and the Soviet Union, we shall undoubtedly reassess our future role in Afghanistan. It is time to take out from shelf the development projects which we were considering in the pre-1979 era under ITEC, while keeping in view the changed priorities after the civil war.

b) In India-Pakistan relations, we ought to review the prospects for political change in Pakistan and their impact on our policy and assessments. We shall in effect be preparing for a post-Zia phase, and must visualize a set of possible scenarios. Specifically we cannot any more afford to evade the question of how we must manage our relations, and shape negotiating strategies, with a PML government allowed more free reign under a Prime Minister moving out from under the shadow of a father figure President. Unfortunately, in retrospect we appear not to have paid sufficient attention to both Junejo and his ruling Muslim League, predating our policy
approach on the Zia vs. Benazir options alone. (I hope to elaborate this in a separate letter.)

vi) In regard to the situation in Pakistan, a fresh look must be had at the political, economic and ethnic consequence which will follow the return of the Afghan refugees. Motives of Governments, whether as aggregates of persons in power or the people organized in interest groups in power are rarely divorced from self-interest. Just as philanthropy under the Islamic injunctions was the façade for Zia’s aid oriented policies, both the leadership and the people of Pakistan are likely to be swayed by other sets of self-interests when the refugees start migrating back to Afghanistan. We, with our memories still fresh of the Partition cannot forget the greed and personal gain which influenced otherwise good neighbours once the process of Hindu-Muslim migration began. The same phenomenon is likely to occur in NWFP and Baluchistan. Will this spawn ethnic tensions and lead to a collapse of law and order? Whether the Durand Line is recognized as the Pak-Afghan boundary in Geneva agreements, the ethnic aspect so peculiar to the Pashtoon tribes on both sides will play a major role in future years.

I have digressed somewhat in the hope of provoking a debate.

Your sincerely

(A.B. Patwardhan)

Shri Satish Chandra,
Joint Secretary (AP),
Ministry of External Affairs,
New Delhi.

✦✦✦✦✦
Sir, coming to South Asia, we have, on a number of occasions, reiterated our commitment to friendship with cordial and cooperative relations with Pakistan. We entertain the warmest sentiments for the people of Pakistan with whom we share much in common, a language, music and literature. We have a common history. There is no ill-will towards the people of Pakistan. We wish them well. And therefore we greatly welcome any exchange at the people’s level—visitors, tourists, students, journalists, trade unionists, women’s groups—at every level. We would like to see much more exchange. We seek interchange with the new generation who has been born and who has grown up as Pakistanis but whom Pakistan policies have kept distanced from the personal knowledge of India. Peace between Pakistan and India is peace between the peoples. To promote such contacts and build cordiality in spirit, in the Simla spirit, we have proposed a number of steps. I do not want to give an exhaustive list but I would like to read out some. We proposed a treaty of peace and friendship. We proposed an agreement for non-attack on nuclear facilities. We have proposed discussions on new ground rules on the border. We proposed an MOU on hijacking. We proposed an MOU on air space violations by military aircraft. We proposed expansion of private trade. We have proposed a move to non-discriminatory regime and the MNF treatment. Indo-Pakistan joint ventures have been proposed—exchanges of writers, of intellectuals, troupes, films, drama, music, dances. We have proposed the exchange of books, periodicals and newspapers. We have proposed many other confidence building and risk reduction measures as mutually agreed. We have proposed the easing of travel restrictions. We have proposed cooperation on drug trafficking and terrorism. Unfortunately, we are stuck with very unsatisfactory response from the Pakistan side. On the other hand, Pakistan forestalls people to people programmes. They pursue what is very obviously a nuclear weapons programme. They assume hostile postures in areas such as Siachen and they allow their territory to be used for the support, sustenance and sanctuary of terrorist and separatists. We have informed the Pakistan Government that our Home Secretaries – the Home Secretary of Pakistan and the Home Secretary of India must meet to discuss the sudden increase of terrorism on our borders. We must have good communications between our two countries at various levels. On the military side, we already have a hotline. Perhaps a hotline is needed between the
Home Secretaries also to see that any tensions that build up can be dissipated and reduced as soon as possible or immediately.

We had one such hotline between the Foreign Secretary of Pakistan and Foreign Secretary of India. But at their request it has been dismantled. We would like to have it restored and put back so that tensions, if they build up, can be reduced quickly. I hope that we can get on to quickly genuine and sincere normalization of our relations. A prosperous, stable Pakistan with its independence, sovereignty and integrity fully assured, is in India's national interest and we would like to see a Pakistan like that.

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1167. Note from Pakistan Embassy in New Delhi to Ministry of External Affairs.


Embassy of Pakistan
New Delhi

No. POL. I/76/88 21 March, 1988

The Embassy of the Islamic Republic of Pakistan presents its compliments to the Ministry of External Affairs and has the honour to state that in a news-item, carried by The Hindu of 21 March, 1988, a remark about Pakistan's alleged involvement in Punjab extremism in attributed to the Honourable Mr. Balram Jakhar Speaker of the Lok Sabha. The items states that the hon'ble Speaker in his address to a gathering in Roop Nagar, on 19 March, 1988 criticised Punjab extremists for killing innocent people at the "instigation of Pakistan". The news-item is enclosed for information.

The Embassy finds it appropriate to reiterate here that the Government of Pakistan strictly adheres to the principle of non-interference in the internal affairs of other countries and would like to refute any allegation to the contrary. As the above-mentioned remark remains unconfirmed the Embassy would be grateful if the esteemed Ministry could kindly let it know as to what the hon'ble actually said in his speech at Roop Nagar.

There were similar statements from other ministers and leaders of India on Pakistan's instigation to the Punjab terrorists/extremists and the Pakistan Embassy continued to make similar demarches to the Ministry of External Affairs.
The Embassy avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs
(Mr. Ashok Kantha, Deputy Secretary-AP)
Government of India
New Delhi

CONFIDENTIAL

1168.
Letter from former External Affairs Minister Inder Kumar Gujral to Prime Minister Rajiv Gandhi and the latter's reply.

New Delhi, April 4, 1988.

I.K. Gujral
G-13 Maharani Bagh
New Delhi - 110065
4th April, 1988

My dear Rajeev jee,

As an unexpected fall out of your breakfast meeting regarding the Punjab, Ambassador Hamyun Khan came to meet me on the 31st of March.

The official spokesman's press briefing had caused him "deep anxiety" particularly because of the reported "consensus" in the meeting re: the Pakistan role in the Punjab imbroglio.

Obviously he was assessing the prospects of any new dimension in Indo-Pak relationship that may strain the existing low voltage cordiality between the two governments.

I told him that no discussion regarding the Punjab problem could overlook the increased flow of arms from across the border. Naturally we all felt concerned and upset by enhanced lethality of the terrorists' weapons. I plainly told him that mere assurances and soft words carried little credibility and it was high time the Pakistani administration took effective steps to stem the flow.

He delved at length how free availability of arms was upsetting even his own country's stability. The Mujahadeen-smuggler nexus was playing havoc with
the internal and external policies of Pakistan. All the same he was keen to convey his government's intention to contain the mischief though its effective stoppage required a coordinated action plan on both sides of the border. He cited the instance when a timely signal from Indian side had helped in frustrating Jasbir Singh Rode's effort to deplane at Karachi.

According to him he had been trying to arrange a meeting between the two Home Secretaries but every time he was given a cold douche by the Indian side. He still felt that such a meeting could serve a useful purpose.

Shri Girilal Jain's article of the 30th March had added to his anxiety and he had perceived its linkage with the meeting. He apprehended that such bellicose writings might revive the era of polemics on both sides straining the friendly relationships even on the popular levels.

For a while we talked about the Afghan situation as well. Apart from its other aspects he drew my attention to a recent statement by the Afghan Foreign Minister saying that India had asked them to refrain from finalization of any boundary dispute with Pakistan since it involved India's interests too. This, he felt had caused misgivings regarding the role India seeks to play in this complex tangle.

With personal regards,

Yours sincerely,

(I.K.Gujral)

Shri Rajiv Gandhi
Prime Minister of India
New Delhi.

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Reply from Prime Minister Rajiv Gandhi.

PRIME MINISTER

New Delhi
May 1, 1988

Dear Shri Gujral,

Thank you for your letter of 4th April regarding your meeting with Ambassador Hamayun Khan on 31st March.

We would like to improve our relations with Pakistan and have taken various initiatives towards this end. Unfortunately, the Government of Pakistan has
not responded to many of these initiatives. You have rightly stressed the concern shared by all Indian at Pakistan’s role in aiding and abetting terrorism in the Punjab. We have suggested an early meeting between the Home Secretaries of the two countries. But verbal assurances by Pakistan would need to be matched by concrete actions.

Our efforts to facilitate a solution on Afghanistan have been appreciated by the Soviet Union, the United States and the Afghan Government. It is primarily Pakistan which has shown inexplicable hesitation in seeing how we can cooperate to bring peace and stability to our region prior to and after the signing of the Geneva agreements.

Yours sincerely,

R. Gandhi

Shri I. K. Gujral
G-13 Maharani Bagh,
New Delhi - 110065

1169. Note from Ministry of External Affairs to Pakistan Embassy in India.

New Delhi, April 13, 1988.

Ministry of External Affairs
New Delhi


The Ministry of External Affairs presents its compliments to the Embassy of the Islamic Republic of Pakistan and has the honour to refer to their Notes Verbal No. POL/I/76/88 Dated 21 March, 1988 and 24 March, 1988.

The Ministry has noted the assertions made by the esteemed Embassy that there is “no Justifiable reason to believe that the Government of Pakistan would wish to encourage extremism in Punjab”, that “Pakistan does not wish to see the unity of India threatened from any quarter and that “Pakistan strictly adheres to the principle of non-interference in the internal affairs of other countries”. It is unfortunate that, notwithstanding such assurances and denials made by the Government of Pakistan from time to time, Pakistan has continued to provide
encouragement and assistance to extremist activities directed against India. Such assistance has taken a variety of forms, including the continued supply of arms, the setting up to training camps, providing a safe refuge for Sikh extremist, hostile propaganda designed to incite anti-Indian secessionist feelings etc. There is incontrovertible evidence about Pakistan’s continued complicity in subversive anti-Indian activities which belies its protestations of wanting to improve relations with this country. Pakistan’s assistance to terrorist and secessionist elements in India is in clear violation of its commitments under the Simla Agreement and is inevitably a stumbling block in the process of normalisation of relations between the two countries. It is hoped that Pakistan will fulfill its assurances given on this issue, including at the highest level, and desist from aiding and abetting terrorist activities directed against India.

The Ministry of External Affairs avails itself of this opportunity to renew to the Embassy of the Islamic Republic of Pakistan the assurances of its highest consideration.

Embassy of the Islamic Republic of Pakistan
New Delhi

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1170. Aide Memoire from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs.

New Delhi, April 15, 1988.

AIDE MEMOIRE

1. Pakistan's involvement with extremist activities directed against India continues to be a major irritant in Indo-Pak relations. India's serious concern in this matter has been conveyed to Pakistan on several occasions. After the meeting between the Indian Home Secretary and the Interior Secretary of Pakistan in December 1986, there was much hope that such Pakistani activities would cease. Unfortunately, these expectations have been belied. Despite assurances and denials to the contrary, there is incontrovertible evidence that Pakistan continues to aid and abet extremist activities directed against India.

2. As indicated on several earlier occasions, Pakistan's involvement with anti-Indian secessionist activities broadly extends to:

   — Permitting its territory as sanctuary for extremist Sikh elements and a base for training and indoctrination;
— Supply of arms and ammunition to Sikh secessionists;
— Facilitating visits of extremists from abroad;
— Hostile propaganda designed to inflame anti-Indian secessionist sentiments;
— Use of Indian Jathas for instigating secessionist sentiments.

3. Such activities continue unabated even after the meeting of the Home Secretaries held in December 1986.

4. Pakistan has for long given sanctuary to hard core terrorists like Bhai Kanwar Singh and Bhai Amrik Singh of the Akal Federation, Gurjit Singh of the All-India Sikh Students Federation (AISSF), Sukhdev Singh Babbar and Wadhwa Singh of Babbar Khalsa and provided them with every opportunity to address, motivate and participate in the training of Sikh youths.

5. Pakistan's attention was invited to the activities of these extremists and others such as Atinder Pal Singh (AISSF) Sukhvinder Singh and Dhana Singh during the Home Secretary's visit to Pakistan in December 1986 with the request that they be returned to India. Unfortunately, to date no action has been taken on this request and these extremists continue to enjoy the hospitality and support of the Government of Pakistan.

6. Government of Pakistan's sympathy for secessionist activities directed against India has encouraged secessionist elements from India including Labh Singh, self-styled 'General' of the 'Khalistan Commando Force; Gurbachan Singh Manochhal, Wassan Singh Jaffarwal and Avtar Singh Brahma to cross the Indo-Pak border frequently. It is known that Gurbachan Singh Manochhal and Wassan Singh, who are members of the Panthic Committee, visited Pakistan in November and June 1987 and again in January 1988 to establish contacts with extremists from abroad and plan strategy for future action.

7. Under the aegis of Pakistan intelligence authorities, in February 1988, Gurjit Singh (AISSF-G), Wassan Singh, Gurbachan Singh Manochhal (Members, Panthic Committee), Wadhwa Singh (Babbar Khalsa), Avtar Singh Brahma('Khalistan Liberation Force) Gurnam Singh ('Khalistan Commando Force) congregated in Pakistan for discussions about formation of a joint command of different militant organisations to bring about effective liaison and coordination. Wassan Singh was appointed Chief of this joint command. Along with Wadhaw Singh, he was assigned the task of procuring weapons and Gurnam singh was to arrange smuggling of these weapons to India. Gurjit Singh was required to consult other activists and identify 'anti-Panthic targets' whereas Manochhal and Brahma were to implement the Plans of violence.
Training of Extremists

8. There is ample evidence regarding the existence of training and indoctrination centres for Sikh extremists which have been established by the Government of Pakistan. These are usually set up on short duration basis to avoid detection. The training imparted included sabotage techniques, subversive operations, practice in handling weapons etc. Apart from such training, Pakistan Intelligence also indoctrinates Sikh youth to kill Hindus, police officers, Congress leaders and prominent personalities opposed to secessionists. It is well known that the 300 or 400 Sikh youth who had crossed over into Pakistan in 1984-1985 were kept subsequently at Faislabad jail where they received training. They were infiltrated back into India by the Pakistan Rangers by the end of 1987 in small batches, The Punjab Roadways conductor Sarabjit Singh who connived with terrorists in the barbaric killing of bus passengers in Punjab in August 1987 was amongst the misguided youth at Faislabad Jail and the evidence provided by him corroborates the foregoing.

9. As indicated earlier, there is definitive evidence of Pakistan’s involvement in providing arms and ammunition to Sikh extremists, both directly and by facilitating the functioning of smuggling conduits serviced by pro-Khalistanis’ based abroad, Pakistani middlemen and extremists in Punjab.

10. Series of incidents have come to notice where Pakistan Rangers have actively connived in sending Pakistan nationals as couriers with weapons to Indian side for being handed over to the Sikh extremists. To quote a recent instance, on March 18, three Pakistan nationals sneaked into India near BOP Lakha Singhwala (Ferozepur). When challenged by the Indian Border Security Forces, they retreated to the Rangers Post after exchanging fire leaving behind 10 AK-47 rifles.

11. Pakistan has been providing a steady supply of weapons to the various terrorist outfits in Punjab and has been doing it in a manner that they are equipped to deal effectively with the counter terrorist operations of the security forces. For this purpose, there has been a progressive up-gradation in the weapon holdings of the main terrorist groups in Punjab, namely, the ‘Khalistan Commando Force’, the ‘Khalistan Liberation Force’ ‘Bhindranwale Tiger Force of Khalistan’ and ‘Babbar Khalsa’, with the acquisition of sophisticated weapons like the AK-47 Chinese assault rifles, American Armalite rifles and Rocket Launchers, through the active assistance of Pakistan.

12. Militant Sikh organisations are known to shop for arms in the arms bazar of the NWFP. The London Observer in a despatch from Miran Shah, datelined November 1987, corroborated that shopkeepers in NWFP have supplied Sikh militants with arms including Kalashnikovs rocket launchers, mines and grenades.
13. Canadian militants apprehended in India, such as Pushpinder Singh Sachdeva, Kulwinder Singh Malhi and Daljit Singh Sekhon revealed details of purchase and collection of arms in Pakistan by Sikh activists and how they are smuggled across the border. Balbir Singh Brar of the ISYF, based in Canada, is known to make frequent trips to Pakistan as a courier for ISYF leaders. We have evidence of two trips having been made in January and May 1987. Wassan Singh of the Panthic Committee is known to have returned from Pakistan in 1987 with purchase of weapons worth Rs.2 crores. Gurjit Singh, Convener AISSF, is known to have procured from Pakistan sophisticated weapons worth Rs. 2 crores. Gurjit Singh, Convener AISSF, is known to have procured from Pakistan sophisticated weapons including sub machine guns. The deal was financed out of Rs. 5.7 crores looted by the 'Khalistan Commoando Force' from a Bank in Ludhiana on February 12, 1987.

14. That money looted in Indian banks often surfaces in Pakistan was established by the arrest of a Pakistani student, Kashif Mahmood, in March 1987 in the US, for attempting to cash stolen Bank of India Visa travellers cheques. He revealed that the travellers cheques were sold to him by advocate Khwaja Ahmed Tariq Rahim who represents the group of Sikhs accused in the assault of Indian diplomats and who in turn received them as fee from Balbir Singh Brar.

Visits of Extremists from Abroad

15. It is regrettable in spite of handing over lists of Sikh extremists who should be denied entry, they continue to be welcomed in Pakistan. Our concerns on this issue have been pointed out on a number of occasions. We would cite our Aides Memoire of 13 November, 1987, 17 February 1988 and 21 March, 1988, which were personally handed over by our Ambassador to the Pakistan Foreign office. Some recent instances of such visits and the dates of the visits of which we have definite information are:

1. Ajaib Singh Basri -November 1987
2. Sewa Singh Lalli -March 1988
5. Lal Singh -January 1988

16. The Globe and Mail of Toronto in an article datelined December 26, 1987 reported the visit of Tajinder Singh Kahloe to Lahore for a "strategy
meeting". A Canadian Gurmukhi weekly Ithihas reported the presence in Pakistan on November 26, 1987 of a number of leading Sikh extremist leaders including Darshan Singh Saini and Kahloe whose names figure in the list which was handed over to the Pakistan Government for exclusion from entry into Pakistan. Ganga Singh Dhillon and Joginder Singh Atwal are known to have been in Pakistan in November/December 1987. Ganga Singh Dhillon visited Pakistan again in March 1988.

17. 5 of the 7 Canadian Sikhs who were detained for assaults on Indian diplomats, and who had been staying in the Dera Sahib Gurudwara since November 1985, have been allowed to escape. Of those remaining Satinder Pal Singh, President ISYF, under the ruse of being technically detained in the Gurudwara, is in reality running a 'forward post' of Canadian Sikh extremists in Pakistan, liaising with Sikhs crossing over from India and has emerged as an important link in the smuggling of arms into India.

Hostile Propaganda

18. The Pakistan media gives wide coverage to inflammatory statements by Sikh extremist leaders and sensationalizes with mischievous intent, alleged atrocities on the minority communities in India.

19. The Nawai Waqt and Jang of April 20, 1987 carried statements by Sardar Gurmej Singh, the so-called 'Prime Minister in exile of 'Khalistan' and Jagjit Singh Chauhan during which allegations were made of Indian atrocities on the Sikh community and a fervent appeal was made for the establishment of 'Khalistan'.

20. Chanan Singh Chan, self-proclaimed 'foreign minister' of 'Khalistan' was reported in the Pakistani press in August 1987 as having addressed a public meeting in Kasur during which he made several provocative statements against India and said that the Pakistan Government had promised to give him Pakistani citizenship.

21. More recently the Nation on February 10, 1988, carried an interview with G.S.Grewal, member, Governing Committee of the World Sikh Organization, during which he spoke of the inevitability of 'Khalistan'. Pakistani diplomats in the UK, Canada and the USA are known to maintain close links with pro-'Khalistan' leaders and editors of publications which propound the cause of the Sikh secessionist movement.

Cases of Jathas fanning Secessionist Sentiments

22. India's concern regarding the visits by Sikh jathas being used for propagandist and anti-Indian activities by foreign based pro-'Khalistan' Sikhs, has been voiced time and again to Pakistan.
23. During the Home Secretary’s visit, India had requested the Government of Pakistan to ensure that the visits of Indian pilgrims were not used for encouraging secessionist sentiments. Requests had also been made that no extremist elements be allowed to enter Gurudwaras. Such pleas have fallen on deaf ears.

24. It has been our experience that foreign-based extremist Sikhs are given a free hand during the visits by Indian jathas to indulge in subversive activities and instigate members of Indian jathas to raise demands for ‘Khalistan’, kill Indian leaders, including the Prime Minister, and indulge in provocative and vituperative propaganda against the Government and people of India. In April 1987, the India CDA was assaulted by Canadian Sikhs while Pakistani officials looked on. Again, during Guruparab in November 1987, when a large number of Sikhs had congregated at Nankana Sahib, militants took over the public address system for 3-4 hours during which they threatened and abused Indian leaders and the Indian people in the most vicious manner. Pakistan intelligence and Auqaf officials were seen actively mingling with the Sikh militants. The occasion was also used to arrange meetings between members of the Panthic Committee and extremist leaders from USA, Canada and the UK.

25. During the Home Secretaries’ meeting, the Indian side had suggested several measures which could be undertaken as a concrete manifestation of Pakistan’s resolve to distance itself from extremist activities directed against India. It is regrettable that not a single one of these steps has so far been taken by Pakistan. Indeed, on the contrary, there is mounting evidence of the active support of Pakistani authorities to extremist elements. As an example, it may be mentioned that when on the night of 5/6 July 1987, the BSF engaged 5 intruders from Pakistan in the area of Border Post(BOP) Udhar Dhariwal opposite Border pillar (BP) No. 97, the Pakistan Rangers fired upon the BSF. Similarly, on 5 different occasions between 7 -- 12 April 1988, BSF ambush parties engaged in encounters with armed extremists trying to enter India from Pakistan. These incidents took place in the vicinity of Indian BOP Ratoke opposite Pakistan BOP Shjra, Indian BOP DS Pura opposite Pakistan BOP Gill, Indian BOP Harbhajan opposite Pakistan BOP Balanwala, Indian BOP Shahpur opposite Pakistan Kot Doeba and Indian BOP Gajjal opposite Pakistan BOP Babboke. The Pakistan BOPs are located quite close to where these incidents occurred and these could not, therefore, have gone unnoticed by the Pakistan Rangers. In all these incidents, the extremists retreated back to Pakistan. Had there been no collusion between the extremists and the Pakistan Rangers, the latter would have definitely enquired about the incidents as normally happens in such cases.

26. Pakistan’s complicity in subversive anti-Indian acts continues and belies
all its protestations of wanting to improve relations with India. Pakistan's complicity is in violation of its commitments under the Simla Agreement and is in contravention of accepted norms of international relations. It is all the more regrettable as it runs counter to repeated assurances given to us at the Home Secretaries' meeting and indeed at the highest level that Pakistan would not involve itself in such deliberately unfriendly activities. Such actions on Pakistan's part cannot but place in jeopardy the process of normalisation between the two countries.

15.4.1988

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1171. Agreed Minutes of the Second meeting of India - Pakistan Committee to Combat Drug Trafficking and Smuggling.


SECOND MEETING OF INDO-PAKISTAN COMMITTEE TO COMBAT DRUG TRAFFICKING AND SMUGGLING

AGREED MINUTES

The second meeting of the Indo-Pakistan Committee to combat drug trafficking and smuggling, constituted in pursuance to the decision taken by the representatives of the Governments of India and Pakistan at secretary level, was held in Islamabad on April 24-25, 1988. The Pakistan side was led by Mr. Dilshad Najmuddin, Chairman, Pakistan Narcotics Control Board. The Indian side was led by Mr. B.V. Kumar, Member Central Board of Excise and Customs and Director General Narcotics Control Bureau.

2. The talks were held in a cordial and frank atmosphere with both sides reiterating the resolve and commitment of their respective Governments in combating drug trafficking and smuggling in the region.

3. The bilateral arrangement agreed to and implemented by both Governments since the last meeting held in New Delhi on 26-27 March 1987, were reviewed and both sides expressed their satisfaction with the exchange of information between the nodal agencies during the last one year, regarding drug trafficking. It was noted that in all cases referred to by the respective nodal agencies, the response was prompt and adequate. It was also noted with satisfaction that information of operational nature in respect of drug
trafficking exchanged in a few cases between the two countries had produced significant results. It was agreed that both sides shall endeavor to further reduce the response time and continue to take prompt action to exchange operational intelligence of interest to either side. Both sides also agreed that information of a more detailed nature would be exchanged shortly in order to build up dossiers/index in respect of drug traffickers/suspects operating in the region.

4. Both sides reviewed the magnitude of the problem of illicit drug trafficking and smuggling in their respective countries and expressed concern at the serious proportion which the problem had assumed. The steps taken by the two countries to meet the situation were also reviewed.

5. It was noted that the decision to exchange information of operational nature in respect of drug trafficking had been implemented adequately. Having regard to the spirit and objective with which the committee was constituted both sides agreed to take measures to extend greater cooperation to each other in combating smuggling of contraband goods. For this purpose it was noted that the formats which were laid down during the first meeting of the committee were adequate and could be used for exchange of information.

6. The two sides exchanged information in regard to new trends, modus operandi and the routes being used by drug traffickers and smugglers in the region. Particular reference was made by the Pakistan side of the smuggling of Methaqualone and alcoholic liquors from India. The Indian side explained the various countermeasures taken to neutralize the illicit manufacture of methaqualone in India. A few cases indicating smuggling of arms along with other contraband goods were mentioned by the Indian side. The Pakistan side stated that when these cases are formally taken up necessary inquiries would be made.

7. In order to further strengthen bilateral cooperation in combating drug trafficking and smuggling both sides agreed to exchange:

a) List of important smugglers/drug traffickers and their counterparts operating across the border, within a fortnight.

b) Information in regard to new modes operandi adopted to smuggle goods and drugs.

c) Information in the agreed formats in respect of all cases in which contraband goods (excluding drugs) of a value exceeding Rs. 40 lakhs are seized.

d) Non-classified material and publications relating to training in all aspects of anti-smuggling and combating drug-trafficking.
e) Information relating to new equipment used for combating smuggling and drug trafficking.

f) Information relating to legislative, economic and administrative steps taken for combating drug trafficking and smuggling.

8. In regard to exchange of information relating to smuggling of an emergent nature between the Indian Border Security Force and the Pakistan Rangers, it was agreed that matter may be considered by the Ground Rules Committee constituted for the purpose.

9. It was agreed that the next meeting should be held in New Delhi during the last quarter of 1988, subject to approval by the respective Governments.

(B.V. Kumar) (Dilshad Najmuddin)
Director General Chairman
Narcotics Control bureau Pakistan Narcotics Control Board
Government of India Government of Pakistan

1172. Letter from Pakistan Additional Foreign Secretary Khalid Mohmood to Ambassador S. K. Singh.


Excellency,

This Ministry has received, through our Embassy in New Delhi, the Indian Ministry of External Affairs’ Note Verbale of 13 April, 1988 and an Aide Memoire dated 15 April 1988 both containing allegations of Pakistan’s “involvement with anti-Indian secessionist activities”. Although such allegations have been made also in the past and each time, after due investigation by the concerned agencies of Government of Pakistan, found to be baseless the contents of the above communications are being investigated. We shall be able to provide our response shortly.

2. The Government of Pakistan once again affirms its strict adherence to the policy of non-interference in the internal affairs of other States including India.
3. Please accept, Excellency, the assurances of my highest consideration.

(Khalid Mahmood)

His Excellency
Mr. S.K. Singh,
Ambassador of India,
Islamabad.

1173.

SECRET

Record of the discussions between Indian Foreign Secretary K. P. S. Menon and Pakistan Foreign Secretary Mr. Abdus Sattar.


The delegations of India and Pakistan held two sessions of talks in Islamabad on 3rd May. The talks were led by Foreign Secretary from the Indian side and Mr. Abdus Sattar, Foreign Secretary, from the Pakistani side.

2. Foreign Secretary was assisted by Ambassador S.K. Singh and the undersigned. From the Pakistani side, Ambassador Humayun Khan, Mr. Tariq Altaf, Director India Desk and another officer from the Foreign Office were present.

3. Mr. Abdus Sattar welcomed FS to Pakistan. He recalled that his suggestion to invite F.S to Pakistan, made in late February, had been approved by PM Junejo at that stage itself. However, subsequently, he got tied down with the Geneva negotiations.

4. FS thanked Mr. Sattar for receiving him in Pakistan at very short notice and that too during the month of Ramzan. India was also looking forward to the visit of Mr. Sattar. F S hoped that Mrs. Sattar would also be able to accompany him to New Delhi. FS said that the main reason for his visit to Islamabad was to seek Pakistan's perceptions of the Afghanistan situation in the context of India's invitation to President Najib. Prime Minister was keen that India should consult Pakistan on how it saw things in the aftermath of the Geneva Accords. FS added that, with Mr. Sattar's permission, we would like to convey to President Najibullah the Pakistani assessment on Afghanistan. We would also be prepared
to broach any specific proposals that Pakistan may wish us to take up with President Najibullah.

5. Mr. Sattar then gave a detailed briefing on Pakistan’s perceptions of Afghanistan. The main points in Mr. Sattar’s presentation are summarized below:

(i) The Geneva Accords were conceived “in a very limited context” because the Afghan resistance was not a party to it. Pakistan’s central objective in the Geneva negotiations was to seek Soviet troop withdrawal while the Soviets wanted reciprocal agreement on what they termed as interference and intervention by Pakistan and USA. The Geneva Accords had only achieved a settlement of the “external aspects” of the Afghanistan situation. They had not addressed the question of peace inside Afghanistan. In fact, this aspect had never even been discussed in the Geneva framework.

(ii) Diego Cordovez had circulated a paper on Intra-Afghan dialogue in September 1987 which envisaged Cordovez’s contacts with the Mujahideen, the PDPA (and not the Kabul regime, Mr. Sattar stressed) and the Afghan émigrés. Cordovez had felt that this could lead to a national assembly in Afghanistan. Pakistan had accepted this outline and would have liked this paper to be taken up in parallel with Geneva talks. However, the Mujahideen were not very forthcoming and so the idea did not make much headway. The Soviet view was that it should not be linked up with the Geneva talks since the processes outlined in the paper could not be expected to be completed within the timeframe they had in mind for Soviet troop withdrawal.

(iii) The Soviet-US understanding on symmetry was the most important of the “extra Geneva understandings”. Essentially, it involved equality and reciprocity in the relations of the US and the USSR with the respective Afghan parties.

(iv) With prior clearance of the four parties in the Geneva negotiations, namely, Pakistan, Afghanistan, US and the Soviet Union, it was announced on the 8th April in Geneva that Mr. Cordovez would undertake contacts with the Afghan factions to promote an acceptable Government in Afghanistan. This would be done by Mr. Cordovez in his private capacity. However, at the personal request of Mr. Cordovez, who apparently did not wish to be seen to be sidestepping the Secretary General, Mr. Cordovez was not identified by name.

(v) In accordance with this, Pakistan expects Mr. Cordovez to initiate contacts with the parties that he had identified in his paper of September 1987. It was Pakistan’s expectation that this should happen over the
coming weeks. After Geneva, Pakistan has been in touch with Mr. Cordvez. Mr. Cordvez himself feels that he should wait for a few weeks. In Cordovez’s view, once the Afghan saw the Soviet troops leaving, they would be more amenable to cooperating with him in his approaches.

(vi) There was some debate in the UN secretariat on whether it was correct for the UN to get into the exercise of forming a government in an independent and sovereign Country. Mr. Sattar said that such doubts had no basis. The UN was not being asked to undertake the establishment of a government. What was being asked of Mr. Cordovez and this was in his private capacity was to lend his good offices because he alone was capable of talking to all concerned in Afghanistan. Mr. Sattar mentioned that though the Mujahideen had in the past entertained reservations on Cordovez, they were somewhat less reluctant to deal with him now than they were earlier. Mr. Sattar explained that the reluctance of the Mujahideen in dealing with Cordovez stemmed from their desire not to have anything to do with a UN which recognised the Kabul Government.

(vii) Pakistan was aware that promoting the establishment of a broad based government in Afghanistan was an uphill task since the gap between the rival positions remained very wide. But then Cordovez had brought about the “miracle” of the Geneva Accords and may yet again pull something off.

(viii) The Afghan with whom Pakistan had been in touch were extremely bitter. They held the PDPA responsible for the events of last decade which have devastated the country. According to Pakistan’s information, between one and a quarter and to one and a half million Afghan lives had been lost. It was asking too much of the Afghan people to accept the puppet regime in Kabul.

(ix) Setting up a government in Afghanistan was not a task which Pakistan assigned to itself. The “limit of Pakistan’s interest” was that all efforts should be made to encourage the Afghans themselves to sort this out. It was impossible for Pakistan to talk of the future government in Kabul. The Alliance had not given any such mandate to Pakistan and Pakistan respected their views.

(x) The Geneva Accords do not affect in any way whatsoever the rights of the Afghan people with regard to the internal situation in Afghanistan.

(xi) Ambassador S.K. Singh asked Mr. Sattar whether the understandings between the super powers were committed to writing and whether
the question of Cordvez’s contacts was to come up before the Security Council. Mr. Sattar said the following in response to this query:

(a) As the Geneva Accords began to look plausible, all concerned parties went into their implications more closely. The Soviet Union would have tried to put an asymmetrical interpretation on the obligations devolving from the Geneva Accords which was unacceptable to the US. When Gorbachev went to the US, in December 1987, he refused to give President Reagan any assurances that the Soviet Union would stop the supply of arms to the Najib Government for some time. The US proposal for a moratorium on supply of arms during the period of Soviet troop withdrawal was made during the Shultz - Sheverndadze talks in March. With Pakistan’s support, the US made symmetry the central condition of the Geneva Accords. The suggestion that the understanding between the super powers on these matters should be kept outside the Geneva Accords came from Cordovez. As regards the Exchange of Letters between the US and the Soviet Union, while the Letters themselves remained confidential, the fact of their exchange was well-known. The letter containing this understanding had been sent by the US to the Soviet Union on 31st March. The US interpretation was also confirmed in Shultz’s statement in Geneva on 14th April. The Soviet Union had also known in advance that Pakistan will be a part of the understanding to be arrived at between the US and the Soviet Union on the summitry issue.

(b) The earlier idea UNIMAG (UN Implementation Mechanism Assistance Group) had now been transformed into a UNGOMAP which stood for UN Good Offices Mission in Afghanistan and Pakistan. Cordovez had now to draft a mandate for this exercise. The essential problem before him was how to reconcile the positive symmetry understanding with the other obligations undertaken by the concerned parties in the Geneva Agreements. Pakistan had requested the US and the Soviet Union to help Cordovez in this exercise. Pakistan was aware that there were reservations in the minds of some of the members of the Security Council regarding whether Cordovez had the necessary authorization. Their doubts stemmed from their extreme sensitivity with regard to “peace keeping operations” of the UN and anything that could be linked with it. However, as Pakistan saw it, it was not to be a peace keeping operation but a mission of good offices. It was not to be seen in the
context of any particular instrument of the Geneva Agreement, but in the framework of the entire settlement.

(c) Ambassador S.K. Singh referred to a view in New York that the four concerned parties should be asked to pay up the expense in this exercise. Sattar said that this amounted to penny pinching. In any case, there would be a lot of money. Japan, Holland, Germany etc. were all willing to pay up and there would be no cost to the UN at all. Regarding the SG’s reported view that it was up to him to nominate whomsoever he considered suitable for the job, Sattar said that this was unacceptable to Pakistan. Cordvez had been agreed upon by the four concerned parties in the Geneva announcement of 8th April. As far as Pakistan was concerned, it will be Cordvez or nobody else.

6. There was also a brief second session later in the afternoon after FS’s call on Minister of State for External Affairs, Mr. Noorani.

7. FS asked Mr. Sattar for his assessment of the position of the local commanders inside Afghanistan and whether they would cooperate.

8. Mr. Sattar said that the situation inside Afghanistan was very complex. There were commanders who had links with the Peshawar Alliance and there were those with links with Iran. There was yet another category which included those “Who lived off the fact of the land”. He did not elaborate further.

9. There was a brief exchange on the issue of return of refugees and reconstruction of the war-ravaged Afghan countryside. Mr. Sattar said that Pakistan expected some refugees to begin to return after the Soviet troops started returning. However, a great majority of refugees had nothing to return to because of the devastation of the last year. A major UNHCR programme inside Afghanistan was to be launched by the UN. At present, the UNHCR was concentrating on programme for Afghan refugees within Pakistan. However, in due course, Pakistan would expect the UN effort to shift its focus to reconstruction work inside Afghanistan. It was likely that the Secretary General would appoint a coordinator for this purpose. Mr. Sattar said that he understood informally that the UN was thinking in terms of a total expenditure of the one billion US dollars. Among other things, one had to see that if 5 million refugees were to return to Afghanistan, extra food grains to the extent of one million tonnes per annum would need to be made available.

10. Mr. Sattar added that there was no question of relief and aid from UN or the major donor countries being channelised through the Kabul regime because that would be tainted in the eyes of the Afghan people. Apart from the Soviet
Union and possibly India, he did not see any other major country routing its assistance through the Kabul Government. He had heard that the UNHCR had already concluded an agreement with the Kabul Government which allowed the UNHCR a lot of flexibility in dealing with the refugees.

11. The meeting ended with usual pleasantries.
12. F S has approved the above summary record.

(Rajiv Misra)
Under Secretary (FSO)
4.5.1988

1174.
SECRET

Record of the meeting between Foreign Secretary K.P.S. Menon and President Zia-ul-Haq.


President Zia received FS at his residence. Ambassador S.K. Singh and the undersigned accompanied Foreign Secretary. On the Pakistani side, Mr. Abdus Sattar, the Foreign Secretary, Ambassador Humayun Khan and other senior officials of the Foreign Office were present. The meeting lasted 75 minutes.

2. Welcoming FS to Pakistan, President Zia said that the visit was very short. He wished that FS could have spent more time in Islamabad.

3. FS thanked President Zia for receiving him at very short notice and apologized for having to call on the President during the month of Ramzan.

4. FS recalled India’s continuing interest and involvement in the Afghan situation from the very beginning. His present visit to Islamabad was in the context of President Najib’s visit to India. PM was keen that we should share Pakistan’s perceptions before the Najib visit took place.

5. President Zia agreed that India had a vital interest in Afghanistan. He had discussed the issue with Mrs. Gandhi immediately after the Russian entry into Afghanistan during their meeting at London when they were attending the Lancaster House consultations on Zimbabwe. Mrs. Gandhi had then said to him that she did not approve of what the Russians had done. He had suggested
to her that India should help Pakistan. When Mrs. Gandhi asked him what specific action Pakistan expected from India, he had said that India should shout. Mrs. Gandhi, of course, did not agree.

6. President Zia added that he understood India’s predicament. Every country had its national interest to take into account and Pakistan did not expect it of India that it would jeopardize the close and long standing relationship with the Soviet Union on account of the Soviet action in Afghanistan. Besides, he was aware that it was during India’s Chairmanship of NAM that the Movement had adopted the strongest formulations on Afghanistan. India’s interests in Afghanistan were vital and pre-dated even the birth of Pakistan.

7. President Zia then recalled Pakistan’s contacts with the Soviets at different stages of the Afghanistan situation. When the Soviet Deputy Foreign Minister visited Pakistan in 1980, he was told categorically that Pakistan could not be expected to talk to Kabul. Pakistan told the Soviets to “dump Karmal”. When Najib came to power, Pakistan said the same thing to the Soviets since all these individuals had been thrown up by the same process which remained unacceptable to Pakistan as well as to the 5 million Afghan refugees.

8. The Islamic countries had considered this question as early as February and May 1980. A resolution was adopted unanimously, though there was initially hesitation on the part of Libya and Algeria that the Islamic countries would not recognize the regime in Kabul. Pakistan had remained consistent on this account. It did not recognize the Kabul government then and it did not do so now even though it had just signed the Geneva Accords with it. Pakistan regarded the new Accord as an important Agreement. President Zia added that Pakistan was also willing to grant India some credit for helping Pakistan.

9. It was in this context, he said, that the invitation of India to Najib had struck Pakistan as “strange”. “We did not like it”, he said. While it could not be disputed that India had an important role to play or that it was her prerogative to invite whomsoever she chose to, the world expected India to adopt a principled position. In the past India had done so in the UN and NAM even if this position may have been different from that of Pakistan. If India’s invitation to Najib could lead to return of peace in Afghanistan, this would surely be a contribution. However, this was not likely to happen. A minority Government, representing one faction of the PDPA, was in power in Kabul; it could not be expected to enjoy the confidence of the Afghan people. Peace would come about only if the present Kabul regime was removed.

10. President Zia suggested that if India wanted to contribute to the resolution of the Afghanistan situation, it should impress upon Najib that any attempt he might make to make his Government broad-based will not work. The Afghan
people will not accept a Communist Government. Najib's contribution to his country would be to get out and this is where India could make a contribution. India should persuade Najib to step aside in the larger interest of his country. This would be in line with the bold action taken by General Secretary Gorbachev in clearing the way for resolution of the Afghanistan problem through withdrawal of Russian troops. A similar bold and unselfish step was now called for on the part of Najib.

11. President Zia also recalled his conversation with the Soviet Deputy Foreign Minister Vorontsov in February. In reply to President Zia's questions, Vorontsov had conceded that Afghanistan was worse off now than when the Russians had come in. Vorontsov had also said that if, after the withdrawal of Soviet troops, the Najib Government fell, he "could not care less". When President Zia mentioned to him the need for the Soviets to do something to avoid the bloodshed that would inevitably follow an abrupt Russian withdrawal, Vorontsov said "Mr. President, we know we should do something but I do not know if we can". President Zia then told him that the Soviets should take Najib with them. To the Pakistani suggestion that a process should be set in motion to bring about a Government of the Afghan peoples choosing in Kabul, Vorontsov said that Pakistan should first sign the Geneva Accords and then the Soviet Union would cooperate in this process. When President Zia asked him why the Soviets were insistent on prior signing of the Geneva Agreement, Vorontsov said that the Soviet Union felt that Pakistan was using this issue as a pretext for delaying the Geneva Accords. President Zia had told Vorontsov that he would give it in writing that Pakistan would sign the Geneva Accords, but a popular government should be formed first. However; Vorontsov said categorically that the Soviet Union would cooperate but "outside Geneva Accords and after Pakistan had signed it."

12. President Zia concluded his piece on Afghanistan by reiterating once again that India could contribute to the Afghanistan situation by persuading Najib to quit at this stage and to institute a process to bring about a Government acceptable to the Afghan people. He added that he had no doubt that whatever anybody else may or may not do, in due course the Afghan people would themselves settle this problem and bring peace about. However, unless everybody acted this would not be without tremendous bloodshed.

13. Responding to President Zia's remarks on Afghanistan, Foreign Secretary requested him to see India's involvement in the Afghanistan situation in the same spirit as that of Pakistan. Like Pakistan, our objective was to help in whatever way we could to bring peace and stability in Afghanistan. That India could play a useful role had been suggested to us both by the Soviets as well as the Americans. During P.M's visit to Washington last year the US had
in fact asked us to pressurize the Soviets for a solution in Afghanistan. When we asked the Americans what precise role they wanted India to play, they said that India should begin contacting various factions in Afghanistan. This is why we were surprised when the US was reported to have expressed some unease over what the US had itself asked us to do. However, this was later sorted out.

14. FS recalled the briefing given to him by Mr. Sattar on Pakistan perceptions on Afghanistan earlier in the day. He stressed that India had no intention of doing anything contrary to what Pakistan was doing. Our involvement was motivated by the desire to be useful in seeking the return of peace and stability in Afghanistan. That was the background of India’s invitation to President Najib. Prime Minister Gandhi was anxious that our action should not be misconstrued by Pakistan and that is why he had been asked to undertake this mission to Islamabad. There was no question of India seeking to prop up any particular faction in Afghanistan. In our view India and Pakistan should work together so as to minimize the possibility of any outside meddling in our region.

15. President Zia then turned to bilateral relations. He praised Prime Minister Gandhi lavishly and said that if ever India and Pakistan stood a chance to improve their relations it was now because we had in Prime Minister Rajiv Gandhi a leader of requisite stature. However, the initiative for a qualitative change in the bilateral relationship had to come from India. He suggested that Prime Minister Gandhi should take bold personal initiatives in this regard much as General Secretary Gorbachev had done with regard to Afghanistan.

16. President Zia then referred to the recent letter from Prime Minister Gandhi where PM had expressed concern at the reported Pakistani build-up in Siachen. President Zia said that his own defence people had made similar reports to him with regard to the Indian build-up in Siachen. Pakistan had no intention of aggravating the situation in Siachen. While the Siachen territory was as dear to Pakistan as it was to India, the President continued, “my very strong recommendation is that we should try to solve this and take sound, genuine measures”. President Zia then mentioned India’s action in sending its troops to occupy the Siachen region as a major violation of the Simla Agreement. He quoted the relevant excerpts from the Agreement regarding non-use of force. He added however that he was grateful to PM Gandhi for accepting his suggestion in February 1987 to institute the Defence Secretaries talks. It was good that the Defence Secretaries were meeting again.

17. Foreign Secretary said that our own information was that Pakistan was building up in Siachen at a very fast pace. Our defence people felt that it would be obvious to any military observer that any actions taken by the Indian side were purely defensive in character.
18. President Zia then asked F.S to convey to PM that “Pakistan had not taken an iota of action in Siachen. What we are doing was to institute purely defensive measures”

19. FS said that he had suggested to our defence authorities that the DMOs on the two sides could get in touch on the hot line. But he was told that when the hot line was activated by us in July last year, all that happened was that there was a lull for about three weeks or so and then Pakistan had gone ahead with a major assault in the Siachen region in September.

20. President Zia did not comment directly on this but added that the two DMOs should make greater use of the hot line.

21. FS added that a further factor which had caused us concern with regard to Siachen was a series of strident statements by Pakistani leaders on Siachen recently.

22. President said that neither he nor the Prime Minister had made any recent statements on Siachen. Ambassador Humayun Khan intervened to say that the reference of Foreign Secretary was to the recent debates in the National Assembly where Minister of State for Defence had made some references to Siachen.

23. At this point, President Zia turned to the Punjab question. He pointedly asked FS to convey his regards to the Home Minister Shri Buta Singh. He added that he understood our Minister’s parliamentary compulsions. However, he did not directly mention the Minister’s reported statement calling President Zia “a liar”. He affirmed Pakistan’s readiness to do whatever it could to satisfy India on the Punjab question. While he could not rule out that some incidents could be occurring at lower levels or that some exchanges were taking place between the smugglers from the two sides, there was no question of any governmental involvement on the part of Pakistan in the Punjab situation.

24. He then referred to the view in Pakistan that India was involved “in a lot of things that were going on in Sindh”. A way out of these allegations and counter-allegations, he suggested, lay in India and Pakistan making joint statements “on some hot subjects”, possibly at the level of the two PMs, such as Punjab, Sindh and the whole question of cross-border smuggling, narcotics traffic etc. He proposed that India and Pakistan should undertake joint patrolling of the border, in some if not all areas. President Zia added that whatever sectors India suggested would be acceptable to Pakistan. Similarly, Pakistan would also leave it to India whether such joint patrolling should be done by the border forces of the two sides or by regular troops.
25. President Zia also acknowledged the receipt by the Pakistani side of the recent Aide Memoire handed over to the Pakistani Embassy in New Delhi detailing Pakistani involvement in Punjab. He said that he had been told that certain names had been supplied in the Aide Memore. “It was now up to our chaps to investigate how this has happened,” he said.

26. Foreign Secretary reiterated that Delhi was convinced of Pakistan’s involvement in terrorist activities in Punjab and that our agencies claim to have specific information in this regard. Foreign Secretary wondered whether it was possible that the Pakistani secret services were up to something without the knowledge of the Government.

27. President Zia said that the two secret agencies of Pakistan dealing with external intelligence had been under his direct charge till 1985 and that he had been broadly in the picture since then. These agencies reported directly to the Prime Minister and there was absolutely no question of their doing anything without the Prime Minister’s knowledge. However, he could not rule out the possibility for Pakistani smugglers being involved in some activities in Punjab. In any case there was a nexus between the smuggling cartels on the two sides which was difficult to break. President Zia also mentioned that all kinds of weapons were floating inside Pakistan because of the Afghanistan situation and Klasnikovs could easily be bought in “Mohall’s” in Rawalpindi. Expressing satisfaction at recent successes in joint action by the two countries in controlling narcotics traffic, he said that Pakistan had tightened the controls on its side. He would like to see further confidence building measures of this kind between India and Pakistan.

28. Ambassador Humayun Khan made a brief reference to media reports and Parliament questions in India, arising from the Dhiren Bhagat story about the alleged import of weapons from Kabul into India by R&AW. However, there was no further exchange on this.

29. In conclusion President Zia indicated that he would soon send a reply to the letter of Prime Minister. He also informed FS that he was scheduled to visit China from 30th May to 7th of June and to New York for SSOD thereafter. He would be in New York on the 12th and would deliver a speech on the 13th. He said that if it so happened that PM Gandhi was also in New York during these days, he would of course be honoured to have a meeting with him.

30. FS explained that as per PM’s present programme he was scheduled to speak in New York on the 9th of June and was unlikely to stay on for much longer.

31. Foreign Secretary also expressed India’s sympathy with the victims of the Ozheri tragedy and referred to P.M’s recent message in this regard.
32. President Zia presented Foreign Secretary with a book on Pakistan. He also saw Foreign Secretary off to the lift, a goodish walk from his office.

33. FS has seen and approved the above summary record.

(Rajiv Misra)
Under Secretary (FSO)
4.5.1988

1175. SECRET

Record of Foreign Secretary K. P.S. Menon’s meeting with Mr. Zain Noorani, Pakistan’s Minister of State for Foreign Affairs.


Foreign Secretary’s meeting with Mr. Zain Noorani lasted about 45 minutes. FS was accompanied by Ambassador S.K. Singh and the undersigned. On the Pakistani side, Foreign Secretary Mr. Abdus Sattar, Ambassador Humayun Khan and Director India Desk Tariq Altaf were present.

2. Mr. Noorani welcomed FS to Pakistan. He remarked that visitors from India were always welcome since the more we talk to each other the less are the chances for mistrust and suspicion.

3. FS thanked Mr. Noorani for receiving him at very short notice and apologized for having to bother the Pakistani host during the holy month of Ramzan.

4. Mr. Noorani said that Indo-Pakistan relations have been subject to frequent fluctuations. Sometimes things erupted in the Parliaments of the two countries which generated their own pressures. But as long as India and Pakistan have confidence in each other’s desire for friendliness, these problems could be overcome. He remarked that this would probably happen sooner than many people realized today. India was the largest country in South Asia and had a major role to play. Pakistan, or any other country of South Asia, could hardly deny that. Yet, it was expected of India that she too would respect the pride and integrity of its smaller neighbours.
5. Foreign Secretary assured Mr. Noorani that there would never be any attempt on the part of India to infringe upon the sovereignty, integrity or dignity of Pakistan or indeed any of its smaller neighbours. If ever there was a problem, India was always prepared to talk about it.

6. Mr. Noorani remarked that if some day India came to be accepted as a third super power, Pakistan would be delighted since India was a country from the same region. He added that curiously he enjoyed the reputation of being a hawk on Indo-Pakistan relations. His statements were always played up in the Indian press so much so that he had often wondered whether he was the Foreign Minister of Pakistan or India! At any rate, he had kept quiet for the past one month.

7. Foreign Secretary thanked Mr. Noorani for the regular briefing given to our PR in Geneva by Mr. Sattar on the Geneva negotiations on Afghanistan. Mr. Sattar had also briefed Ambassador S.K. Singh upon his return from Geneva. FS himself had had the benefit of a most exhaustive briefing on Pakistan’s perceptions of the present situation in Afghanistan earlier in the morning.

8. Mr. Noorani then referred to the recent statement of Home Minister Buta Singh where he had been reported as having called President Zia “a liar”. Mr. Noorani said that these things never helped. It was not right of Mr. Buta Singh to have used this expression in relation to the Head of State of a neighbouring country. Pakistan could have responded in similar terms but had deliberately refrained from doing so. Mr. Buta Singh had also said that at the last meeting between the Home Secretaries of the two countries, India had furnished concrete proof regarding Pakistani involvement in extremist activities in the Punjab and that the Pak Home Secretary had accepted the charge. This was not true.

9. Foreign Secretary said that there was no question of any tirade against Pakistan by the Indian leaders. Things had perhaps been said on both sides. Mr. Rana Mahmud, Pak Minister of State for Defence had recently made a combative statement on Siachen in the National Assembly. With regard to the reported statement of Home Minister Buta Singh on the last meeting of Home Secretaries, we had brought it to the notice of our authorities in the Ministry of Home Affairs. In any case, we were now looking forward to the forthcoming meeting of the two Home Secretaries in New Delhi.

10. Mr. Noorani said that it anguished him to see that a man like President Zia, who had personally contributed more than anybody else in recent years to improving relations between India and Pakistan, should have been the target of Mr. Buta Singh’s wrath. Pakistan would have expected that Prime
Minister Rajiv Gandhi, who recently had the occasion to speak to President Zia on telephone, would have expressed a word of regret about it. Since this had not happened, it could justifiably be inferred that the Home Minister's remarks had the approval of Prime Minister.

11. Foreign Secretary remarked that the Government was under very severe pressure both from the public as well as in Parliament on the situation in Punjab. In recent months there had been a qualitative change in the equipment captured from the terrorists in the Punjab. As for Prime Minister's telephonic conversation with President Zia, he possibly had other things in mind and it may not have occurred to him to refer to the statement of Mr. Buta Singh. At any rate, it would be unfair to conclude from the fact that Prime Minister had not spoken to President Zia on the telephone about the Home Minister's remarks that they had Prime Minister's endorsement.

12. Mr. Noorani remarked that these things had to be seen in perspective over a period of time. Pakistan's track record spoke for itself. It never leaked confidential exchanges between the leaders of the two countries to the press.

13. Foreign Secretary said that India was a different society with a free press and certain things went with it. F.S. then asked Mr. Noorani about his impressions of the likely scenario in Afghanistan in the ensuing months.

14. Mr. Noorani said that Pakistan saw the Geneva Accords as only a partial solution to the Afghanistan situation. Pakistan wanted a comprehensive solution which could come about only if a government acceptable to all factions in Afghanistan came into being. It had been agreed at Geneva among the four signatories that Cordovez should make further efforts in this direction.

15. Foreign Secretary recalled the oft repeated claims of Pakistan and Mujahideen that the latter were in control of 80% of the territory of Afghanistan. If that was so, what prevented the refugees from going back to the Mujahideen held areas in Afghanistan?

16. Mr. Sattar said that the Soviet and Afghan forces had systematically destroyed the economic infra-structure and irrigation systems in the Afghanistan countryside. The land had been subjected to unprecedented devastation. While the Mujahideen were in physical control of 80% of the territory, it did not mean that the areas under Mujahideen control had been economically rehabilitated. While a few refugees may return, the majority could not go back until such time as major reconstruction had been carried out within Afghanistan.

17. Mr. Noorani remarked that no Afghan was ever going to accept Najib. "If India was counting on Najib, you are backing the wrong horse".
18. FS asked Mr. Noorani if his observation was confined to President Najib personally or held true for the PDPA or the entire system of Government in Afghanistan.

19. Mr. Sattar drew attention to the stand of the Mujahideen who had been extremely careful in answering this question. All that they had said so far was that they will be talking to “good Muslims”.

20. Foreign Secretary said that it was not correct to say that India was banking on or seeking to prop up President Najib. What we were trying to do was to see what might be the way out of instability and bloodshed in Afghanistan. India was entirely with Pakistan in believing that peace and stability should return to Afghanistan.

Mr. Noorani remarked that India was losing the goodwill of the people of Afghanistan who were bitter about India’s association with the Najib regime. “To speak candidly, every Afghan hates you”, he added.

21. Ambassador S.K. Singh drew the Minister’s attention to some traditional features of Afghan society. It had been a system which had always functioned with minimal government. A sort of consensus existed which enabled tax collection and policing function to be performed, though; in an ad hoc fashion. Ambassador S.K. Singh further referred to the strong nexus of tribal chiefs with the local commanders within Afghanistan as a balancing factor to the influence of the Peshawar Alliance. Besides, several leaders of the Peshawar Alliance many of whom had come to Pakistan in the days of Dawood, were personally tainted. The PDPA also was not without roots - though the individuals may have changed frequently, the groups remained by and large constant.

22. In this situation, Ambassador continued, India had tried to maintain contacts with all the major groups in Afghanistan namely, the Government of the PDPA, Afghan émigrés and the rebels. We had never identified ourselves with any particular faction. Mrs. Gandhi had spoken strongly to Mr. Brezhnev in 1980 regarding the entry of Soviet troops. Subsequently we had taken a forthright and principled position in NAM and other forums. Prime Minister Gandhi had started exploring the possibility of pressurizing the Soviets since 1986. There was, therefore, adequate ground for India and Pakistan to seek to work together on Afghanistan.

23. Mr. Noorani said that while Ambassador S.K. Singh’s assessment of the structure of Afghan society may have been true at one time, a lot had changed over the last decade. The traditional tribal system of authority had crumbled under the Soviet onslaught. Mr. Khatak whom Ambassador S.K. Singh undoubtedly knew during his days in Kabul (he is a very well - known
Afghan personality), had given him a long talk on Afghanistan the other day. But he (Mr. Noorani) found that Mr. Khatak was altogether out of date and was speaking of an Afghanistan which no longer existed. If India thought that its role was acceptable to all factions, Pakistan did not grudge it this acceptability. However, Pakistan will never accept Najib.

24. Foreign Secretary thanked Mr. Noorani for the meeting and said that he would convey Mr. Noorani’s views to New Delhi. Since the objectives of India and Pakistan were seek to work together.

25. As FS was taking leave of Mr. Noorani, the latter remarked that foreign policy could not be conducted through newspapers and referred to the immediate disclosure in the press of PM Gandhi’s invitation to President in February. FS explained that the invitation was made immediately after the Armacost visit to Delhi and was deliberately made public in order to avoid any inference being drawn that we were acting under US pressure.

26. Foreign Secretary has seen and approved the above summary record.

(Rajiv Misra)
Under Secretary (FSO)

1176. Aide Memoire from the Government of Pakistan to Ministry of External Affairs.


AIDE MEMOIRE

It is a matter of disappointment and dismay that once again the Government of India has leveled false and baseless charges against the Government of Pakistan. Many of the allegations contained in the Ministry of External Affairs Note No. J/103/3/88/(III) dated April 13, 1988, and Aide Memoire dated April 15, 1988, hand over to the Pakistan Embassy in New Delhi, are old and discredited, replies to which have been provided in the past. The others too, were obviously of the same ilk.

2. Propagandist repetition cannot, of course, convert falsehood into truth. Each time India has come up with such allegations, the Government of Pakistan
ordered a thorough investigation by the competent authorities, and after full ascertainment of the facts, categorically stated that no department, agency or official of the Government of Pakistan had provided encouragement, shelter or assistance to any Indian or foreign citizens for any interference in the internal affairs of India. A similar thorough and exacting investigation was again undertaken. The Government of Pakistan is fully satisfied that the Indian charges are groundless and motivated and that no aid or abetment has been provided by this country to any terrorist or secessionist activities directed against India.

3. The Government of Pakistan adheres scrupulously to the UN Charter and the principles of peaceful coexistence. No objective observer of the South Asian scene can deny that Pakistan has maintained an exemplary record in its relations with India and, indeed, the Government of Pakistan wishes that the Government of India should appreciate and reciprocate its impeccable observance of recognized principles of good-neighbourly relations including in particular the principle of non-interference and non-intervention in internal affairs.

4. The allegation that Pakistan has for long given sanctuary to Sikh terrorists and provided them opportunity to train Sikh youth is no more than a concocted figment of imagination. None of the persons named in paragraphs 4 and 5 of the Aide Memoire, and indeed no other person has been provided sanctuary in Pakistan. Indian authorities have repeatedly alleged that Attinder Pal Singh, Sukhvinder Singh and Dhanna Singh had been allegedly provided sanctuary in Pakistan and should be returned to India. The Government of Pakistan has already informed the Government of Indian through its Ambassador in New Delhi that these people have never been given sanctuary in Pakistan, nor are they present on its territory. In fact, according to Indian Press itself, one Attender Pal Singh was seen at Gurdawara Kesgarh Sahib (in Anandpur Sahib) on 18th February 88, when he addressed journalists after a 2 day convention. His presence in India is an open secret. This is being lamented even by pro-Government newspaper of India (Annexes A&B). Similarly, Sukhdev Singh alias Sukha, was reported to be in Jullunder on 22 January 1988. The police reportedly conducted several raids to apprehend him. In the third week of February 88, the same Sukhdev Singh has issued a signed Press Note about "complaints of Sikh victims and proposals for their redressal." The attached clippings from Indian newspapers, including TRIBUNE of 19 February 1988 belie the Indian Government's allegations. (Annexures C & D).

5. The allegation that members of the Panthic Committee visited Pakistan in June and November 1987 or on any other occasion to consult with extremists from abroad is equally fictitious. Obviously, the Government of Pakistan cannot be held accountable for the false and self serving utterances of some individuals as reported in sections of the press, e.g. the article in the Globe and Mail of
Canada published on December 26, 1987 as mentioned in MEA’s Aide Memoire of February 17, 1988. The factual position is that, contrary to the assertion in the article, Tejinder Singh Kaloe is not known even to have visited Pakistan.

6. The Government of Pakistan could cite a number of press reports and articles to the effect that India has the capability to produce 50 atomic bombs. Would India consider such articles as proof falsifying its assertions to the contrary?

7. The Ministry of External Affairs has alleged that there “is ample evidence regarding the existence of training and indoctrination centres for the Sikh extremists” in Pakistan. The only place identified in this regard is Faisalabad Jail and the sole evidence cited in the Aide Memoire is the confession of a bus conductor which was obtained in detention. Such confessions notoriously lack credibility. The Government of India should not have been so na"ive as to cite confessions taken in police custody as evidence.

8. Wild allegations of a "steady supply of weapons" from Pakistan has been made without regard to the absence of any hard and the objective conditions obtaining on the border. The Government of Pakistan categorically rejects the allegation in the Aide Memoire that the Pakistan Rangers connived in sending Pakistani nationals as couriers with weapons. As for the allegation that three Pakistan nationals sneaked into India on March 18, it would be worthwhile to recall that innumerable such allegations of intrusions and infiltration by Pakistan nationals have been made by the Indian Agencies and the Indian press in the past two years. Hundreds of such cases are on record where Indian Agencies have reported shooting and killing of intruders from Pakistan. On each occasion, communications were addressed by the Embassy of Pakistan in New Delhi to the Ministry of External Affairs asking for details of such instances and particulars of the so-called intruders. The fact that not a single reply has ever been received is eloquent proof that agencies of the Government of India indulge in totally false and concocted charges.

9. In this context attention is draw to a recent incident reported by Press Trust of India that two border guards were killed in cross-fire between the Indian border guards and Sikh militants on Amritsar border on 14 April, 1988. Concerned authorities of the Government of Pakistan have carried out enquiries and found that there was no such incident involving Pakistan Rangers or any other Pakistani border guards.

10. A sweeping statement has been made in the Aide Memoire regarding the use of stolen money from banks to buy arms in Pakistan. The Government of Pakistan has no information about one Kashif Mehmood in USA. Nor can any Government be held responsible if it were established that a crime of smuggling
was committed across its borders. Otherwise, the Government of India should be accountable for smuggling activities from the Indian side.

11. Regrettably, weapons have proliferated in the region over the years. This is a phenomenon which has assumed serious proportion. The Government of Pakistan is deeply concerned as crimes of violence have greatly increased. Such arms trafficking operations are run not only by well-entrenched international gangs, including some Indians but apparently also by the Indian RAW. According to wide published press reports, 23 crates of arms were received from Kabul in Delhi in November 1987 by Indian Airlines, and were later released to RAW, reportedly for clandestine use in Punjab, either as "evidence" to implicate Pakistan or for cross-border smuggling to saboteurs in Pakistan. The Government of Pakistan invites the Government of India to cooperate in eradicating arms smuggling and trafficking.

12. The concern expressed by the Ministry of External Affairs over the alleged visit to Pakistan by certain non-Indian Sikhs is wholly misconceived. For, India is aware that some of the holiest of Sikh shrines are located in Pakistan. These shrines are open for pilgrims irrespective of their nationality or domicile. Followers of the Sikh faith as also those of Islam and other religions are entitled to free access to their places of worship, in peace and dignity. The Government of Pakistan cannot in good conscience deny entry to foreign pilgrims who are deemed fit by the Governments of their countries to hold passports, unless of course the Government of Pakistan has good reason to believe that the purpose of their visit is different from that stated in their visa applications.

13. In a spirit of cooperation, the Government of Pakistan has been willing to receive names and particulars of foreign citizens suspected by the Government of India to have criminal intent. The authorities of the Government of Pakistan have taken appropriate action. In view of the allegations made in several Indian communications recently, the concerned authorities in Pakistan have thoroughly rechecked their records and found that none of the persons mentioned in these communications, including Mr. Jagjit Singh Chohan have visited Pakistan in recent years. Two of them had once arrived at a port of disembarkation, but were refused permission to enter Pakistan. In contrast, the Government of India is known to have given permission to Pakistan nationals with anti-Pakistan and criminal credentials not only to visit India but to stay there for long periods.

14. The complaint about the coverage given by the Pakistani press to the trouble in Punjab is unfounded. An objective survey would show that the media in Pakistan has scrupulously avoided sensationalism and that it has projected only factual information and that too very sparingly. On the contrary, the Indian media have been indulging in far more hostile propaganda against Pakistan prejudicial to the country's integrity.
15. The allegation of Pakistan using Sikh Jethas for fanning secessionist sentiments has no basis. In fact the Government of Pakistan takes all precautions not to allow occasion of the visit of Sikh Jethas to Pakistan to be used except strictly for religious activities. Its officials in Embassies, at ports of disembarkation in Pakistan as well as in religious places make it a point to actively discourage them from indulging in controversies or political squabbles. Nevertheless, as India's own experience would show, despite the best of intentions, it is not always possible to completely control the conduct of religious ceremonies inside the Gurdawars. In fact, as reported in the Indian press, instances of inflammatory speeches by Sikh extremists are far higher inside the Sikh Gurdawars in India which the Government of India finds unable to curb than the relatively negligible occasions in Pakistan, which may have given cause for complaint to the Indian authorities.

16. Nothing could be more regrettable than the allegation that the Government of Pakistan has not undertaken to implement measures suggested by the Indian side during the Home Secretaries' meeting in December 1986. At that meeting Pakistan had gone out of its way in offering assurances to the Government of India. The Government of India at various levels had appreciated Pakistan's cooperative attitude. Later, to the Indian Foreign Secretary's suggestion that Pakistan leaders make a statement specifically denouncing Khalistan, Pakistan had indicated its willingness to undertake reciprocal obligations with India against interference in each other's country. India has since then balked at accepting such mutual obligations. What is even more regrettable, indeed deplorable, is that the Indian leaders e.g. Home Minister Buta Singh should irresponsibly misrepresent cooperative Pakistani attitude during the Interior Secretaries' meeting as a proof of Pakistan's admission of guilt. The record of the Interior Secretaries' meeting speaks for itself. The Joint press Release issued on the occasion states that "the Government of Pakistan reiterated that it does not and will not provide any support to terrorist activities directed against India. The Home Secretary, Government of India, gave similar assurances in this context."

17. As an earnest of its desire to promote mutual trust and cooperation, the Government of Pakistan has earnestly tried to implement the measures agreed to during the Interior Secretaries' meeting. The Committee to combat narcotic trafficking and smuggling has held two meetings and put on record mutual satisfaction at the progress achieved. The Border Ground Rules Committee has also held a meeting where substantial progress was achieved in drafting new Border Ground Rules. Pakistan Rangers have been extending their fullest cooperation to the Border Security Forces to curb and control cross-border crimes.
18. The Government of Pakistan takes this opportunity to once again reiterate to the Government of India its strong commitment to the establishment of good-neighbourly and cooperative relations between the two countries. It firmly believes that instability on its border is undesirable and does not contribute to Pakistan's security. Pakistan is keen to promote its ties with India on the basis of sovereign equality and non-interference in internal affairs. It remains ready to join India in undertaking solemn reciprocal obligations against allowing the use of respective territories for any acts directed against the internal peace, stability or territorial integrity of the other state. Working together on the basis of mutual benefits, Pakistan and India can contribute positively and actively to the process of normalization of relations and to the furtherance of efforts for peace and development in the region.

14 May, 1988
Islamabad

Note: The annexures referred to above are not included.

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1177. Joint statement issued at the end of Second India-Pakistan Home Secretary Level talks.


*Following their meeting in Lahore on the 20th and 21st of December, 1986, the Home Secretary of India and the Interior Secretary of Pakistan held a second meeting in New Delhi from the 14th to 16th of May, 1988.

*The talks were held in a frank and constructive atmosphere with both sides reiterating the resolve of their respective Governments to establish good neighbourly and cooperative relations between the two countries in accordance with the Simla Agreement. They agreed that the problems discussed could find resolution on the basis of good faith and mutual trust.

*Both sides agreed that it was essential to take immediate concrete measures to contain terrorism, drug trafficking, smuggling, illegal border crossings, etc. along the India-Pakistan border. Accordingly it was decided that the India-Pakistan Committee on Border Ground Rules should meet within the next three months in order to finalise the India-Pakistan Border Ground Rules taking into account new realities. In the meanwhile, the following interim measures were agreed to:
1. Regular meeting should be held once a month or more frequently as required between the two border security forces at Wing Commander Battalion Commander-level in order to effectively deal with all illegal trans-border movements.

2. Flag meetings may be held between the two border security forces at Post Company Commander level to pass on any information of immediate importance. Whenever a contact is requested the other side will respond immediately.

3. The border security forces of the two countries should arrest not only trans-border criminals, drug traffickers and smugglers of any nationality but also infiltrators who deliberately cross the border, whether armed or unarmed and deal with them under the law of the land.

4. The two border security forces shall work in close cooperation in order to ensure the eradication of trans-border crimes such as drug trafficking, smuggling of arms and ammunitions as well as other commodities, illegal border crossings etc. For this purpose there shall be mutual and timely exchange of information, intelligence and coordination between the two border security forces at Battalion Commander level.

5. Should instance of smuggling of arms and ammunition and also other contraband including currency, drugs, etc., from one country to the other come to notice, a flag meeting at the Company Commander's level shall be called for facilitating deterrent action against the concerned persons.

6. The border security forces shall send names with other personal particulars of all persons crossing the border illegally to either side along with the dates and places of crossing. The information would thereafter, be expeditiously processed to ascertain if these persons are wanted in any criminal cases or associated with terrorism or smuggling. In cases where such linkages are established, the concerned persons would be handed over to the border security force of the other country, after due process of law.

7. The concerned authorities on each side should ensure that the illegal possession of arms and ammunition and their trans-border sale and movement is strictly and effectively prevented in the border villages. They should also prevent carrying of arms by civilians other than public servants within 150 yards on either side of the boundary.

*As an additional interim institutional arrangement to strengthen cooperation between the border security forces to check the movement of terrorists and arms and ammunition across the border, it was agreed to organize joint border
patrolling in selected sensitive areas of Punjab Sector of India-Pakistan border. Joint patrolling would include sending out patrols during day and night and laying of ambushes. While the joint patrolling may be normally organized along the zero-line, the ambushes may be laid in depth by the respective agencies as per their ground requirements.

"To optimize the effectiveness of joint patrolling the broad guidelines agreed to were as follows:

(a) While the overall coordination of the arrangement will be at DIG, BSF/DDG, Pakistan Rangers level, the detailed Planning of the programme, the composition and the conduct of the patrol parties, etc would be planned jointly at Battalion Commander/Wing Commander level. To maintain a certain element of surprise the timing and execution of the programme for joint patrolling will be organized and coordinated at the Company Commander's level.

(b) The joint patrol will be headed by officers of equal rank from both sides.

(c) Proper procedure for briefing of the parties jointly by senior officers and providing of proper communication link at the various levels where coordination is required shall be established.

"The special arrangements for joint patrolling will be tried initially for a period of three months form its introduction and the procedure will be reviewed thereafter.

"Both sides agreed to extend mutual assistance in criminal investigation in matters relating to drug trafficking and smuggling having due regard to their respective administrative and legal systems in the following areas:

(a) Locating suspects or other connected persons;

(b) executing requests for searches and seizures;

(c) examining objects and sites; and

(d) making persons, including persons in custody, available to give evidence or assistance in investigation.

"It was agreed that the Home Secretary of India and the Interior Secretary of Pakistan shall remain in touch with each other and they agreed to meet again within six months in Islamabad."
Note from Ministry of External Affairs to Pakistan Embassy in India.

New Delhi, May 24, 1988.

Ministry of External Affairs
New Delhi

No. 2786/JS (AP)88 24 May 1988

The Ministry of External Affairs presents its compliments to the Embassy of the Islamic Republic of Pakistan and has the honour to invite their attention to the suggestion made by the Home Secretary of India during the recently held India -- Pakistan Home Secretaries’ meeting that, as a token of their good intentions, Pakistan should try and help apprehend some of the top terrorists of Punjab who cross over to Pakistan and expedite the cases pending in the Lahore High Court for over two years against the hijackers of IAC aircraft taken to Pakistan. In this context, it may be recalled that Interior Secretary of Pakistan had agreed to extend his cooperation on both these matters, and suggested that full particulars of the terrorists be transmitted to him. Accordingly enclosed herewith is a set of full particulars and photographs of the following Sikh extremists which the Government of Pakistan may kindly apprehend:

1. Wassan Signgh Zaffarwal
2. Grubachan Singh Manochahal
3. Sukhdev Singh Babbar
4. Wadhawa Singh
5. Bhai Gurjit Singh
6. Atinder Pal Singh
7. Avter Singh Brahma
8. Bhai Kanwar Singh Dhami,
9. Balbir Singh Sandhu

In addition, it would also be appreciated if the Government of Pakistan could kindly expedite the cases pending against the hijackers of the IAC aircraft taken to Pakistan.

The Ministry of External Affairs avails itself of this opportunity to renew to the Embassy of the Islamic Republic of Pakistan the assurances of its highest considerations.
Record of Discussion during the Opening Session of the
India-Pakistan Foreign SECRETARY-LEVEL Talks, held
in New Delhi from June 1-2, 1988.

New Delhi, June 1, 1988.

1. The opening session of the Foreign Secretary level talks between India and Pakistan was held on June 1, 1988 from 10.30 hrs to 1350 hrs (The lists of the delegation members is annexed (not reproduced here). The Indian side was led by Foreign Secretary Shri K.P.S. Menon and the Pakistan side by Foreign Secretary Mr. Abdul Sattar.

2. Foreign Secretary extended a warm welcome to the Pakistan delegation and expressed the wish that they could have stayed longer in Delhi.

3. He said that as his mind went back over the years to other rounds of India-Pakistan talks, there was a feeling of regret, frustration - almost a kind of anger at one's impotence to make substantial progress. He said that this was an extra-ordinary situation when two countries knew each other so well. It was this feeling that makes one irritated at our inability to resolve our problems.

4. He said that in a sense, the month of May had been a better month. Two sets of bilateral talks had been held and a third was commencing. He expressed the hope that those two sets of talks would lead to an improvement of relations between the two countries and a better understanding of each other. But, he said, that he was not as optimistic as he would like to be,
because judging by the temper of the country, progress would be evaluated on the basis of progress made on some specific issues.

5. FS suggested that the meeting start with a discussion on bilateral issues and the time left over be used for other regional and international issues. FS requested for any suggestions from the Pakistan side. He took the opportunity to express his appreciation of the reception accorded to him during his recent visit to Pakistan.

6. (FS then introduced members of the delegation)

7. In response to FS's opening statement, the Pakistan Foreign Secretary, Mr. Sattar, expressed his gratitude for the warm welcome extended to him. He recalled FS's brief visit to Islamabad during which, in spite of constraint of time, and the subject of discussions being somewhat limited, he was able to get a glimpse of the desire of the Government of Pakistan to dialogue with India. He said that it was after considerable lapse of time that the Foreign Secretaries were meeting. This would enable both sides to discuss in depth all issue bilateral issues. (He then introduced members of his delegation.)

8. Mr. Sattar said that as he listened to FS opening remarks he could not but empathize in the context of opportunities lost and disappointment at the lack of achievements commensurate with the efforts which had been put in over the years in the development of bilateral relations. He said that the achievements were not proportional to either efforts or aspirations. He had found that in terms of one's personal career equal amount of time, spent with other countries had resulted in far more positive gains.

9. However, he said that one had to bear in mind the high stakes in our bilateral relations and the potential for harm if we allow disappointments and frustrations to overtake us. He said that while examining the relations in the perspective of the last 16 year since Simla Agreement, and cataloguing the achievements made since, there was some sense of satisfaction at the steady progress in the normalization of the relations between the two countries. He said that he could recall a time when people of the two countries could not post a letter to each other or visit each other. There was now a far greater degree of normalization. However, this was far short of the aspirations of the Governments, not to speak of the people of the two countries. But he said that one should not lose heart. And it was with this perspective that he looked upon the present meeting.

10. He recalled that only a few days back while in Europe, he had been very impressed by their sense of achievement at the gains made in relations between the countries. He said that there was a great feeling of hope; tensions had relaxed; there was greater confidence; words such as enthusiastic and
magnificent have been used to describe relation between the East and West Europe. There was also great prosperity. Similarly, he said, that in the South East Asian region, which was close to us, there was a great sense of achievement. He asked whether India and Pakistan should also not turn their attention to accelerating the progress of normalization and building of relations, given the aspirations and the will of the people to do so. He wondered, whether the two countries could not think of some confidence building measures. He said that perhaps an infrastructure of agreements like those in Europe could be developed. We could and try to examine the role of Helsinki in enabling Europe to overcome the existing cleavages, which were much sharper than are present in the Indian Sub-Continent. He said that we could start with the number of agreements which have been tabled over the years—the proposal for the Friendship Treaty was now over six years old; the Agreement on non-attack of nuclear installations, 2 1/2 years old. More recent proposals had also been made.

11. Mr. Sattar said that there should be a meeting of minds as to whether these agreements are really desirable. The technical work could be done at the level of officials and then the matter could be left to the Governments to decide at a political level as to when to conclude the agreements. He said he would be grateful for assistance to work out, at a technical level, the texts of these agreements without needing to announce that they have been formalized.

12. He asked whether there were any other moves that could be made. The Joint Commission had not met for three years. He said that there were agreements which could be signed at that meeting. He asked whether the political environment was conducive to the holding of such a meeting. He said that the Pakistan side was ready.

13. He agreed with the agenda proposed by FS that as much time as possible should be spent on bilateral issues.

14. FS said that the issue raised by the Pakistan Foreign Secretary about progress in other parts of the world was of relevance to us. This heightened, he said, the question in his mind as to why our part of the world should be left behind. He said there were certain items on which perhaps there could be forward movement. The Joint Commission could meet some time this year in September or thereafter. He said on important agreements such as the Treaty of Friendship and Non-Attack on Nuclear Installations, the two officials could sit together and see what kind of understanding could be reached.

15. FS, however, stressed that progress on these issues could not be divorced from the perception of Pakistan's present policies towards India. He said that after the Home Secretaries' meeting there had been some further developments in Punjab such as the flushing out of the Golden Temple and
additional information had since been received regarding Pakistan’s complicity in the Punjab problem. He said that the feeling in India was very intense about Pakistan’s aid to terrorist activities. As long as this continued there was no question of India looking forward to progress in the areas mentioned. This would amount to the right hand not knowing what the left hand was doing. He said that it was absolutely essential for India to be assured that Pakistan was desisting from aiding extremist activities in Punjab. There were items which could be discussed such as trade, people-to-people contacts, but on bigger items we could not move given the present conditions.

16. This did not mean we did not want to work for peace. FS recalled PM’s statement in Parliament on 20th April 1988:-

“we entertain the warmest sentiments for the people of Pakistan with whom we share much in common, a language, music and literature. We have a common history. There is no ill-will towards the people of Pakistan. We wish them well. And therefore, we greatly welcome any exchanges at the peoples’ level - visitors, tourists, students, journalists, trade unionists, women’s groups - at every level we would like to see much more exchange…. Peace between Pakistan and India is peace between the peoples.”

17. FS said that India had been shocked by evidence of further complicity in the events in Punjab. He said that Pakistan was supplying extremists with guns of the latest type which were being used to carry out assassinations of our leaders. As long as this continued it was impossible to make progress on bigger issues.

18. Mr. Sattar expressed his gratitude to FS for expressing his views in such a lucid manner. He said that he could not but be impressed by the perceptions which existed in the Government of India with regard to Pakistani role in Punjab. He said, regrettably, Pakistan had been aware that a perception existed that they were giving support and assistance to elements of India’s population with whom there were some problems. He said that he could state in all sincerity that these perceptions were misplaced. He was personally aware of a high-level policy decision in the Government of Pakistan that in the interest of developing good neighbourly relations with India, everything possible must be done to ensure that Pakistan territory was not being used to threaten the territorial integrity and unity of India. He said that Pakistan had not allowed such elements to establish as refugees on Pakistani soil and seek help from international refugee agencies and neither had they permitted sanctuaries to dissidents and militants. He said that allegations were made from time to time. However, he would like to respectfully submit that the Government of India examines the credibility of its sources of information. He said that in disturbed
conditions it was well-known that agencies were capable of manufacturing evidence. He said every one knew how the courts of the two countries treated evidence from the police.

19. He said that some weeks ago they had received a very long paper from the Government of India. A very thorough investigation was undertaken by the competent authorities in the Interior Ministry and the Border States of Punjab and Sind, into the allegations made in the paper. He said they came to the unavoidable conclusion that the charges were not based on fact. He said that names had been given in the Aide Memoire of people who have never touched Pakistani soil. Similarly, names had been given of those allegedly being provided sanctuary. This was also untrue. He asked how could one deal with evidence which had no basis in fact. He said that he knew the perception of the Government of India and also the policy of the Government of Pakistan. There had to be some means of bridging the yawning gap in the perceptions of the two countries. He reiterated that, in all sincerity, he felt that the Government of India’s perception of Government of Pakistan’s policy was incorrect.

20. He said that there were problems in his own country; problems of national integration. Such problems existed in other countries too and the resolution of these problems depended on the objective conditions and policies of the country concerned. He said that in Pakistan there were individuals who were against the national integrity of the State. There were also some personalities from prepartition days who were opposed to the movement which led to the formation of Pakistan. He said that the Government of India and its representatives in Pakistan kept in constant touch with these elements who were known to be against the national integration of Pakistan. He said that what could be done is that both sides scrupulously avoid contacts with anti-nationalist elements, in each other’s country. He said that the Pakistani Embassy in Delhi would refrain from contacting those people who were opposed to the integrity of India and asked the Ministry of External Affairs to issue instructions to its Missions in Pakistan to refrain from cultivating people who were opposed to the integrity of Pakistan.

21. He asked whether it was possible for the two Governments to issue a joint statement endorsing the territorial integrity and independence of each other and saying that both would refrain from giving encouragement whatsoever to secessionist movements in both the countries. He said that if needed these movements could be mentioned by name. He said that such a statement could be made by leaders of the two countries at a later date.

22. He asked as to what the other objective means of setting to rest India’s suspicions of Pakistan’s intentions in Punjab could be. He said that there was talk of sealing the border. Pakistan would be very happy if the Government of
India built a fence on their side of the border. Pakistan faced a problem of illegal immigrants from Bangladesh who came across India. He suggested that in future there could be a joint effort - the cost of fencing could be shared by the two countries. He said that he did not have a brief on the subject however, he was sure that the Government of Pakistan would be happy to assist in the sealing of the Indo-Pak border. He said that the Government of India was facing problems in constructing fencing on the India-Bangladesh Border. That money could be invested on the Indo-Pak Border. Pakistan also did not want a border frequented by criminals and saboteurs.

23. He said that the exchange of perceptions through Aides Memoire had been very helpful. Pakistan had investigated each and every charge made. If there were any more charges to be raised they would respond after careful examination. He thanked FS for referring to the Prime Minister’s statement saying that all such statements were followed very closely in Pakistan. He said that just the day before yesterday when the President addressed the Pakistani Press largely in the internal context, he took the trouble to also stress the desire for improvement of relations with India. He said that he had dwelt at length on this matter since it was vital to rectify the misperceptions in India otherwise the environment would not be conducive to the development of relations between the two countries.

24. He said that he would be grateful if officials meet to discuss at the technical level, the text of the agreements on Non-Attack of Nuclear Installations and the Treaty of Friendship. Mr. Sattar said that he understood that India would not like to project trends in contradiction to perceptions at the national level. He suggested, however, that the two delegations try to develop the text of the two agreements to a point of maturity so that they could be submitted to the respective Governments. He said that the understanding to conclude an agreement on the Non-Attack of Nuclear Installations was publicly announced on December 17, 1985 at a press conference by President Zia and Prime Minister Rajiv Gandhi. He said that the words of leaders were more sacrosanct than agreements.

25. He said that the text of the Friendship Treaty was now unfortunately getting quite old. He said that he would like to know, now or later, whether the Government of India would like to finalize the text. He said that the security context of South Asia was bound to change after the Geneva Accord. Accordingly, perceptions in New Delhi regarding foreign bases in Pakistan should also change in the face of factual developments. The belief that Pakistan was about to sign an agreement with the USA on bases, regarding which even high level officers were convinced had been misplaced. There was a lesson in this not to assume the worst regarding the other side. He asked whether the
article relating to bases was of relevance still.

26. Mr. Sattar said that agreements helped to build confidence. The Simla Agreement and agreements signed later in accordance with the Simla Agreement had great value in times of stress. He, therefore, placed on the table the desirability of proceeding with negotiations on the agreements.

27. The Pakistan Foreign Secretary said that he was glad to know that India favoured the meeting of the joint Commission later in the year in September. He said that the Ministers would get busy after September with the UNGA. It was necessary that before the next SAARC summit this item on the agenda be got over with.

28. He said that there were other drafts such as the Avoidance of Double Taxation and the Cultural Agreements which could be signed at the meeting of the Joint Commission.

29. He then raised two other points. He spoke of the totally unnecessary situation arising in January-February 1987 from the misreading of intentions by both sides which resulted in a certain amount of tension along the border. Since India had a large military exercise due in 1989, he asked if it was possible to have - as in the Stockholm Agreement - an understanding to notify each other of large troop movements. In the Stockholm understanding, the threshold was of a 13,000 troops. He said that the two sides would decide on the quantum of troops deployed and distances to be maintained from the border during these exercises. There was a general agreement between the army headquarters of both the countries, but this lacked precision. The second idea related to nuclear proliferation. He said that it was desirable that the two countries extend their commitment to the partial test ban treaty to a comprehensive test ban treaty. He said that Pakistan had signed and ratified the partial test ban treaty which, however, did not deal with underground tests. While neither India nor Pakistan had the intention and - Pakistan certainly did not have the capability – to conduct underground tests, was it possible for this treaty to also extend to underground tests. He sincerely hoped that the time would come when both countries would be ready to do this.

30. FS thanked Mr. Sattar for his very constructive attitude. He said that it would certainly be irresponsible of both countries to make accusations without evidence. He said India had information that the Sikh hijackers of IAC aircraft were kept in jails with a certain amount of comfort. Regarding the question of joint patrolling discussed during the Home Secretaries’ level talks, FS said, that it had been a suggestion made by President Zia-ul-Haq during his visit to Islamabad. However, the elements of surprise ambushes and hot pursuit without which joint patrolling would not be effective, was not agreed to by the Pakistan
side. The Indian Government had got a lambasting in the press for agreeing to just joint patrolling.

31. Mr. Sattar then asked what surprise ambushes and hot pursuit would mean on the ground. Would it mean that the Pakistan Rangers involved in the joint patrol could shoot on the Indian side of the border and vice versa?

32. At this Ambassador Humayun Khan, interjected to say that Pakistan had no objections to hot pursuit or ambushes, but that they should be in their respective countries. He said that while on the Indian side, the Indian Border Security Forces could state with pride, the number of people shot dead in encounters, such a thing was not possible without due legal procedures of law in Pakistan. He said that in India the forces could shoot at sight but in Pakistan the instructions were to capture alive those crossing the border illegally.

33. The Pakistan Foreign Secretary said 1700 Bangladeshis had been captured in the recent weeks and they had all crossed over through India. He said it was necessary to make border patrolling more effective. Joint patrols should not be mere spectators of illegalities. He said that there were reports in the Indian Press from time to time saying that infiltrators from Pakistan had been captured or killed. He said that their names and particulars were never provided to the Pakistan side. Neither were their bodies returned. This was necessary so that their families could be informed and also that these incidents would deter others from illegally crossing the border. He said that shooting in each other's country would create extremely complicated problems. He said that he had spoken to the Interior Secretary who had told him that the BSF and the Pakistan Rangers had a meeting on the 24th of April, 1988 to work out the modalities of joint patrolling. However, the feeling was that India had already decided, even before the joint patrolling commenced, that it would be a useless exercise.

34. FS said that this was because the teeth had been taken out of joint patrolling. We did, at present, have ambushes within our own territory. However, if people were to come to know of ambushes through an exchange of information, what would be the point of joint patrols. Therefore, the suggestion of surprise ambushes by the joint patrol had been made.

35. The Pakistan Foreign Secretary enquired whether there were such agreements including hot pursuit, and ambushes between other countries.

36. Ambassador Singh said that such agreements did exist between Mexico and USA and some countries in Europe.

37. JS (AP) interjected to say that during the technical meeting between the Pakistan Rangers and Border Security Force, the Pakistani side had even
opposed the concept of joint patrolling as agreed during the Home Secretaries level meeting and had instead wanted only coordinated patrolling with each side keeping 20 yards from the zero line.

38. Ambassador Humayun Khan said that this problem had been resolved.

39. Mr. Sattar said that what was desired was to implement the decision taken between the two Prime Ministers to take effective measures to tackle the problem of illegal movements across the borders. JS (AP) said that during hot pursuit it was possible to agree that security personnel from one side not open fire in the other country.

40. Mr. Sattar said that it was a good idea. He said that if there were legal obstacles, it should be seen how these could be removed. There was always room for improvement in the measures already taken. However, it was not right to reject outright the steps taken. This also should not result in the killing of each other’s personnel, he said, in a humorous vein.

41. He reiterated that in the Punjab context, it was necessary to take active measures to set at rest perceptions on both sides. Besides sincerely believing that the Government of Pakistan followed a policy of non-intervention, Mr. Sattar said it was also his personal perception. He said that, however, the Governments should not be responsible for criminals.

42. FS said that there were also certain perceptions which had come up during the meeting between the two Home Secretaries regarding the misuse of the visits of Indian jathas to shrines in Pakistan. The Home Ministry had also produced some objectionable posters which were found in Gurudawaras in Pakistan.

43. The Pakistan Ambassador Humayun Khan said that apart from the preamble in the posters which thanked Gen. Zia for his support, the rest consisted of demands made on Pakistan. He said that this was rather an amateurish way of proving connivance.

44. Mr. Sattar said that there were some limitations faced by the State which could be recognized. He spoke of the convention in mosques, even in Mecca, which gave freedom to a person to stand up and espouse his views, however, vehement they be. He gave instances of such incidents in Pakistan as well as the Jama Masjid in India. He said that the Government of Pakistan had issued instructions saying that no political activity be allowed during jathas. However, it was difficult to stop those pilgrims who came from Canada and the U.K. He said that the Indian Embassy themselves
would be able to vouch for the fact that the arrangements during \textit{jathas} had improved greatly after 1984. In the past, there had been some violent incidents. However, there had been none in the last three years. The Pakistan side gave visas only to those cleared by MEA.

45. FS said that the problem was not so much of pilgrims from India rather than those coming from outside. Mr. Sattar said that based on the lists given by the Indian side, the Pakistan Government had issued instructions in many cases, regarding refusal of visas. He said that Pakistan was prepared to go as far as exchanging lists of foreigners who should not be allowed entry in each country. He said that in future Pakistan could not accept unilateral lists from India. There were some Pakistanis who came into India with foreign passports - Libyan, Cypriot whom Pakistan had brought to the notice of the Indian Government.

46. Ambassador S.K. Singh said that he had been dealing with the issue of \textit{jathas} since 1959. There were three categories - Muslims, Hindu and Sikh pilgrims. The size of the Hindu pilgrims has remained the same over the years however beginning 1979-80 there was a greater interflow of Sikhs from abroad when Indian \textit{jathas} visited Pakistan. He said that as far as the interaction between the Sikhs was concerned, they were of a public and non-public type. He said that on the advice of Pakistan, the presence of the Embassy staff had been scaled down to a minimum. However, it was the experience of the Indian side that microphones and stages maintained by the Aukaf (Wakuf) authorities had been handed over to the most militant Sikhs. This fact had been shrugged off by the Pakistan authorities. He said that he did not think that anything could be done till there was political will in the higher echelons of the Government to deal with these elements. He suggested that the dates for the visits by Indian Sikhs and foreign Sikhs could be separated. However, President Zia had said that this could not be done. Huge quantities of books, videos and literature, espousing the cause of \textit{Khalistan} were available freely during the visits by Indian \textit{jathas}. During a meeting alone with President Zia, the President had admitted that Ganga Singh Dhillon had visited Pakistan.

47. He said that it was time that Pakistan told third country Sikhs that the picnic in Pakistan was over. He asked why there were differences in the treatment of the Sikhs in the 1980s. He said that India was not merely being tiresome but our perceptions were beginning to come in the way of our relations with Pakistan.

48. Mr. Sattar said that Pakistan had as a policy not raised with the Government of India problems relating to its own territory. India had provided instigation and support to certain groups who were against the national integrity.
of Pakistan. He said that he was confronted by his authorities with evidence of such statements and incidents. He had not gone into this before because he did not want a perception of tit-for-tat. Prime Minister Junejo has briefly mentioned it to the Indian Prime Minister in 1986. He said both sides required to exercise abundant caution and should be seen to be taking reciprocal steps to set at rest perceptions of interference in the internal affairs of the other’s country.

49. Mr. Sattar said that there was a lacuna in the Agreement of pilgrimages. There were no programmes for Indian Muslim pilgrims to go to Pakistan. He said that until 1982 he had not perceived the emerging situation in Punjab.

50. At the end of the meeting, it was decided that a technical level meeting would be held in the afternoon to discuss the text of the agreement on Non-Attack on Nuclear Installations and the two Foreign Secretaries would meet separately along with their Ambassadors. It was also decided to discuss guidelines on what should be told to the press at the end of the meeting.

1180. SECRET

Record of the discussions of the Officials meeting separately as mandated by the Foreign Secretaries of India and Pakistan.

New Delhi, June 1, 1988. (Afternoon)

Ministry of External Affairs
(AP Division)

As agreed during the plenary session in the forenoon, officials of the two sides had a separate meeting in the afternoon of June 1, 1988, to discuss some bilateral issues. During these discussions the Pakistan side was represented by Khalid Mahmood, Additional Secretary, Ministry of Foreign Affairs, Tariq Altaf, Director-General, Ministry of Foreign Affairs and Kamran Niaz, Counsellor, Embassy of Pakistan, New Delhi, while the Indian side comprised of Joint Secretary(AP) and Deputy Secretary(AP). The main points raised during the meeting are summarized below, issue-wise:-

I. Agreement on Non-Attack on Nuclear Installations:

2. At the outset, JS (AP) pointed out that the main sticking point was Pakistan’s insistence on the inclusion of Article II (2), which called upon the two sides to maintain contacts for effective implementation of the Agreement. He added that this paragraph was rather redundant and that Foreign Secretary Sattar had also told Ambassador S.K. Singh that Pakistan would not be dogmatic
if India insisted upon its deletion. He explained that in our perception the proposed Agreement should have only 3 ingredients, namely, (i) a declaration on non-attack on nuclear installations/facilities; (ii) definition of nuclear installations/facilities; and (iii) list of installations/facilities to be exchanged by the two sides. Article II already provided for each party informing the other on 1st January of each calendar year of the latitude and longitude of its nuclear installations and facilities and whenever there was any change.

3. When the Pakistan side pressed further, JS (AP) explained that we also had apprehensions regarding this paragraph being misused at a later stage to bring in the concept of mutual inspection which Pakistan had been proposing. The Pakistan side, however, disclaimed any such intention and stated that the contacts referred to in this paragraph were limited only to this particular Agreement and could not be stretched to include other issues. They felt that it would be useful to retain this paragraph in order to ensure smooth implementation of the Agreement.

4. The position which emerged as to the Preamble and other Articles of the Agreement during the discussions is as follows:-

(a) Preamble: No difference. (Two sides have agreed to delete references to both the Simla Agreement and the U.N. Charter).

(b) Article I (1): The phrase ‘any overt or covert action from its territory or outside’ is an additionality in Pakistani formulation as compared to our revised draft. JS (AP) explained that though the phrase ‘overt and covert’ was included in the ad referendum, draft of January 1986, our experts later felt that any covert action by definition would not be admitted by any government. Moreover, inclusion of ‘directly or indirectly’ in this Article already covered all possible action and, therefore, there was no need to include ‘overt or covert’. The Pakistan side, however, insisted that these words should be retained as they made the formulation more precise.

Similarly, while we took the position that the phrase ‘from its territory or outside’ was redundant and should be omitted, the Pakistan side insisted on its inclusion. They maintained that it was useful to retain these words as they covered attacks launched from outside the territory or from the space. We explained that we were rather uncomfortable about this phrase because it was not only redundant but also because its inclusion in the text might give some respectability to the allegations in the Pakistan media about Indian designs to attack nuclear installations in Pakistan with Israeli collusion.

(c) Article 1(2): In the revised draft given to us on March 8, 1988, Pakistan had suggested the insertion of the words ‘uranium enrichment’ and ‘and materials in any form and establishments storing significant quantities
of radio-active material’. We informed the Pakistani side that we had no objection to the addition of the words ‘uranium enrichment’ in Article 1(2). However, we were not sure if there was any need to insert a reference to establishments storing significant quantities of radio-active materials. We pointed out that the word ‘significant’ had not been defined and it might lead to a situation where even hospitals storing radio-active material, could be brought under the purview of this Agreement. We indicated that a via media could be the insertion of the words ‘and storages’ after ‘...any other installations’ in our formulation. We agreed to consult the Department of Atomic Energy on this paragraph and revert to the Pakistan side later.

(d) Article II (1): In the revised draft given to us on March 8, 1988, Pakistan had accepted our formulation that the two sides will inform each other about the ‘latitude and longitude’ of nuclear installations on 1st January of each calendar year and whenever there was any change. During the discussions, however, they changed their position and argued that there was no need to specifically refer to ‘latitude and longitude’ and that it would suffice if this paragraph merely required that the two sides would share information regarding the location of nuclear installations. It was explained that we had suggested the addition of the words ‘latitude/longitude’ so that information exchanged was precise in nature. While the Pakistan side did not appear to have any serious reservation on this point, they did not accept our formulation either.

(e) Article III: This Article, *inter alia*, says that the Agreement will be done in 3 copies in English, Hindi and Urdu, the English text being authentic. The two sides agreed that the present formulation gave the impression that the Hindi and Urdu texts were not authentic and, therefore, we should work out some other formulation which would make it clear that while all texts were authentic the English text would prevail in case of any dispute.

II. Non-Aggression Pact/Treaty of Peace, Friendship and Cooperation:

5. There was a very brief discussion on this subject. Tariq Altaf said that we had not so far given our reaction to the formulations on ‘bases’ and ‘bilateralism’ given by them in January 1986. We pointed out that Foreign Secretary Bhandari had given his response at that time itself. Later, in December 1986, Foreign Secretary Venkateswaran had further elaborated on the difficulties we had in accepting Pakistani formulations. We were still of the view that our formulations on ‘bases’ and ‘bilateralism’ were more comprehensive and should be included in the proposed Treaty.

III. Border Ground Rules:
6. Tariq Altaf raised this subject and said that there were three sticking points in the draft agreed on an *ad referendum* basis in September last year. They related to the nomenclature of the proposed agreement, references to terrorism, and defence-related clauses. As far as the first point was concerned, it was a relatively minor one and could easily be sorted out. During the talks between the Home Secretary of India and the Interior Secretary of Pakistan, the Pakistan side had agreed to include paragraphs with references to terrorism etc. which approximated to the paragraphs which we wanted to include in the border ground rules. The main problem was now of defence-related clauses.

7. JS (AP) explained that these border ground rules provided a framework for cooperation between the border security forces of India and Pakistan. Defence-related provisions which Pakistan wanted to include in the border ground rules were, in fact, within the jurisdiction of Army and not the BSF. Moreover, our Ministry of Defence was not ready to accept these provisions. Tariq Altaf said that it should be possible to resolve this problem at the next meeting of the committee set-up to formulate border ground rules.

IV. Prior Notification of Troop Movements:

8. Tariq Altaf recalled that during the plenary session Foreign Secretary Sattar had raised this subject. JS (AP) pointed out that there was a broad understanding between the Army authorities of the two countries about keeping each other informed about military exercises. He enquired whether Pakistan had worked out a draft agreement, Tariq Altaf replied in the negative but added that they had some tentative ideas in mind. They were of the view that the proposed agreement could be along the line of the Stockholm Accord. It would contain, *inter alia*, understanding on the number of troops whose movements from their bases would require advance information, period of advance information, information regarding the calendar of planned military exercises, designation of military and other channels of communications and so on. He wondered if two sides could start working on this agreement.

9. JS (AP) said that while we could consider such an agreement at a future date, at present we would first like to have some movement on our major concern (viz. Pakistan's involvement in Punjab). Once the climate of India-Pakistan relations had improved, we could move ahead in several areas.

10. Tariq Altaf again suggested that the two sides could exchange drafts without any publicity JS (AP) gave a non-committal reply.

VI. Agreement on Prevention of Airspace Violation by Military Aircraft:

11. Tariq Altaf said that they were examining the draft given by us recently and would revert in the matter.
VII. Agreement on Hijacking:
12. It was agreed that this could be discussed during the visit of our civil aviation delegation to Pakistan.

VIII. Land and Maritime Boundary:
13. Tariq Altaf again asked if we were ready to hold talks on this subject, JS (AP) explained that there had been some delay on our part because of the surveys we had to carry out and because the Surveyor General had retired and successor was yet to be appointed. He expressed the hope that it would be possible to set dates for these talks by September this year.

IX. Capture of Fishing Trawlers/Fishermen:
14. Tariq Altaf mentioned that according to their figures there were as many as 35 Pakistani vessels along with 58 crewmen, still in Indian custody, while there were only 13 Indian vessels along with 11 crewmen in Pakistani custody. He expressed the hope that the recent agreement on exchange of captured fishing trawlers and fishermen would be expeditiously implemented.

15. JS (AP) pointed out that the figures given by Tariq Altaf did not appear to be entirely accurate because a much larger number of Indian vessels and fishermen were still in Pakistani custody. In fact, 3 sailing vessels alone, which were still in Pakistani custody, had a crew of 43. JS (AP) also mentioned that we had issued instructions to the concerned authorities for the release of Pakistani fishing boats and trawlers and there were no Pakistani fishermen in our custody apart from those captured after the agreement.

16. Both sides agreed that the exchange should be carried out smoothly.

✦✦✦✦✦
As decided at the opening session of the India-Pakistan Foreign Secretary-level talks, FS held talks with the Pakistan Foreign Secretary Mr. Abdul Sattar in his room at 1530 hours on June 1, 1988. Also present were Pakistan Ambassador Dr. Humayun Khan, Mr. Shafqat Kakakhel, Minister in the Pakistan Embassy, Indian Ambassador in Islamabad Shri S.K. Singh and Smt. Deepa Wadhwa, Under Secretary (Pak).

2. The first session lasted for about 75 minutes after which the Pakistan Foreign Secretary left for a courtesy call on Raksha Mantri Shri K.C. Pant. The meeting resumed at 1750 hours.

3. After an exchange of pleasantries, Ambassador S.K. Singh informed Mr. Abdul Sattar of the draft Press Release which had been prepared. Mr. Abdul Sattar suggested that the word ‘useful’ be also used to describe the nature of the talks.

4. Ambassador Humayun Khan asked what the response of the Spokesman of the Indian side would be if he were asked about the contents of the meeting. Mr. Sattar said that the Spokesman should be allowed to identify the subjects discussed. He said that he would be happy if it were left to the Foreign Secretaries to answer questions raised by the Press.

5. FS said that there were so many agencies involved that he hoped there would be no distortions.

6. Ambassador Humayun Khan said that after the meeting of the Home Secretaries, it was made out as if the visitor had been put on the mat.

7. FS said that he had spoken to the Home Secretary and clarified certain matters raised during the preliminary session. The Home Secretary had confirmed that he had been in favour of hot pursuit and joint ambushes to make joint patrolling more effective. However, the ideas were dropped at the insistence of the Pakistan side. He further said that in the matter of briefing the Press, there had been no breach of faith.
8. Dr. Humayun Khan said that perhaps he had understood incorrectly that the Indian side was also in favour of ambushes and hot pursuit in the respective territories of the two countries.

9. FS said that he was willing to consider the Pakistani proposal to just identify the subjects raised in the course of the talks. However, since the contents of the discussion were bound to come out anyway, he felt that he would express India’s overriding concern regarding Pakistan’s involvement in Punjab and that this was going to affect all aspects of India-Pakistan relations. Because of this perception, the two sides were unable to make progress in other fields.

10. There was then a discussion on Ambassador S.K. Singh’s suggestion for meeting the Press at the airport.

11. Mr. Abdul Sattar said that it was better to answer some questions at the airport. He would like to say there that these talks were a continuation of the process of normalization of relations between the two countries. He said what he wanted to avoid was “orchestrated leaks”.

12. FS said that should the Pakistan Foreign Secretary make a statement, then the Press would naturally follow up with him and the differences would come out in the open.

13. Mr. Sattar said that then there should be more substance in the release. He said that there were people in Pakistan closely following the talks. The two sides should not try to score at each other’s expense. He said that he did not want a regular press conference but would like some pressmen at the airport to whom he could give the press release and express gratitude for the hospitality extended by the Indian side and satisfaction at the talks.

14. FS then broached the subject of the impasse over the Tulbul Project. He gave a detailed background of the various rounds of talks which had been held to sort out this issue.

15. Mr. Sattar said that this matter had been highly politicized in Pakistan. The entire Cabinet had heard a detailed presentation by the Indus Water Commissioner. He said that his recollection of the matter was contrary to the point raised by FS that these works were not in contravention of the Indus Waters Treaty. He said that the Treaty had provisions for work on the tributaries and channels, but there was a limit on the storage permissible on the main channel. The main point of Pakistan’s case was that the work done on the main channel was in contravention of the Treaty. He said that the Foreign Office had kept out of the entire negotiations. Though the matter was of internal political significance, it was not Pakistan’s intention to undermine the rights
and obligations of the two parties concerned through political means. Mr. Sattar
said that the presentation to the Cabinet had been made by those who had
taken both legal and technical advice.

16. He agreed that there should be time bound limits for the negotiations. He
asked whether the matter could be raised at a higher level. He also wanted to
know whether the Salal Dam project was a precedent.

17. FS replied in the affirmative.

18. Ambassador S.K. Singh gave a factual background of the meetings which
had taken place at the technical level and then at the governmental level. He
said that two sides could appoint a consultant and as a last resort go in for an
international arbitration. He said that the Pakistani side had asked for a lot of
data which had been provided by India. India had tried to prove that Pakistan
would not suffer any disability due to the project. The net average water on the
Pakistan side would not be reduced. In fact, they would be benefited to the
tune of an additional 75 megawatts of power per month. He said that the
Pakistani side had not controverted these facts. They had, on the other hand,
not given data asked for by India. He said that India had agreed to stop the
work on the project as a result of which some Rs.5-8 crores spent on the works
on the side channels could be washed away. He said the point to be considered
was whether work on the side channels should go on, and a schedule be given
for resumption of talks on work on the main channel.

19. Mr. Sattar said that an important consideration was whether the effects
of this project in Pakistan were good or bad. He also questioned the
interpretation of the Treaty itself. He said that Indus Basin Commissioner in
Pakistan had been taken to task for waking up late since work on this project
had started a long time back. He said that the Pakistan Government would be
under pressure if the work was to be resumed. He said that if experts from
India and Pakistan fail to reach a settlement, then they could seek the opinion
of a mutual expert. He suggested that the meeting could be elevated to the
Ministerial level.

20. FS said that he was given to believe by Secretary (Water Resources)
that the matter was much simpler. He would now have to revert to him.

21. The next issue raised by FS was that of Pakistan’s installation of a
powerful transmitter across Poonch which interfered in TV transmissions from
the Indian side. He said that discussions had taken place at the technical level
between technical level officials and the officials of Doordarshan and PTV.
Pakistan's contention was that they had not violated international law. However, our transmissions were being affected in our own town and the transmission to Islamabad was also being affected. Mr. Sattar said that he had not heard of this problem before. He said that he did not think that it was a deliberate policy and would report back and find a solution.

22. Ambassador Humayun Khan said that he had seen, as recently as 16/17 May 1988, Doordarshan programmes while in Rawalpindi. Ambassador S.K. Singh said that this was not correct.

23. The Pakistan Foreign Secretary said that if it was a problem of frequencies, then the frequency would have to be changed.

24. FS then spoke about the draft agreement on anti-hijacking measures which were proposed to be given to the Pakistan side during the forthcoming talks between the Civil Aviation Secretaries of both countries.

25. Mr. Sattar said that this draft be given before the meeting so that the Pakistan side could come ready with their suggestions at the meeting.

26. FS said that India was still awaiting confirmation from the Pakistan side regarding the opening of the ‘Khokhrapar-Munabao rail link.

27. Mr. Sattar said that within the first year of taking charge, the former Prime Minister Mr. Junejo had said that the Khokhrapar-Munabao Border Post should be opened, since a large number of visitors to India originate from the southern part of Pakistan. However, in the context of the advice given by other agencies saying that there was no need to make the border more vulnerable there had been some re-thinking on the proposal. He said though there was political desire, because of domestic and bilateral considerations, to open this border route, in view of the evidence produced by the agencies to the Executive, other considerations had come in the way.

28. Ambassador Humayun Khan said that this had become a victim of the suspicions which dominate relations between India and Pakistan. He said a date had been fixed for the visit by an Indian delegation in September 1986 to finalize the opening of the route. However, the leader of the delegation had reported sick. He insinuated that this was a diplomatic illness.

29. Ambassador S.K. Singh said that PM Junejo had told him in 1987 that this route would not be opened now.

30. FS then told the Pakistan side that because of India’s perception of Pakistan’s involvement in Punjab, it would not be possible to go ahead and finalize a number of pending agreements, such as the MOU on air violations,
discussions on threat perceptions, agreement on non-attack on each other’s nuclear installations, the setting up of joint ventures and the Treaty of Friendship.

31. Mr. Sattar then mentioned the pending problem of the boundary in Sir Creek. He said that since the territorial waters had not been demarcated in this area, off the Gujarat/Sind coast, fishermen of both sides were put to hardship.

32. FS said that he agreed that the talks on this subject should be held within a couple of months.

33. The meeting resumed after the call by the Pakistan Foreign Secretary on the Raksha Mantri.

34. Briefing the FS on his talks with Raksha Mantri, Mr. Sattar said that he had spoken to him regarding the advance notification of routine military exercises due to be held in 1989. (This matter had also been raised by the Pakistan Foreign Secretary during the preliminary session in the morning). The discussion then went on to the subject of Afghanistan.

35. FS asked whether arms supply to the Mujahideen was continuing.

36. Mr. Sattar referred to the statement by Armacost wherein he had said that the PDPA Government in Kabul was to receive arms worth US $ 1 billion from the Soviets.

37. FS said that these arms were being left behind by the Soviet troops.

38. Mr. Sattar said that it would mean a net transfer of arms. He said that Vorontsov had given him a schedule of the withdrawal of Soviet troops and it was apparent that there would be a net accretion of weapons which would affect the understanding reached in Geneva on symmetry.

39. FS enquired whether leaving behind weapons was also covered in the Geneva accords,

40. Mr. Sattar said that the Geneva Accords made it clear that the US would exercise its right to supply weapons should USSR give military assistance to the Kabul Government. He said that discussions had been held with Diego Cordovez who was fully aware of the letters exchanged at the time of the Geneva Accords. He said that Cordovez had taken a sagacious decision that political actions be taken at the political level and legal actions at the legal level. He said he hoped that the two guarantors of the Accords would stand by their political commitments.

41. He said that Cordovez would remain as a representative of the Secretary-General of the UN on the implementation of the Geneva Accords even after he became Foreign Minister of Ecuador. He said there had been some problems
regarding his role as representative of the Secretary General. However, those objections had been sorted out. There were also some doubts on the role given to him for his good offices for the formation of a broad-based government in Kabul. There were those who thought that the formation of a new government in a country was not within the ambit of the UN. He said these arguments were not valid. The government was not to be formed by Cordovez but by the Afghans. He said that the issue had since been sorted out and that Cordovez had the approval of the Secretary General to continue his good offices.

42. He said that India would be happy to know that one of the mandates given to Cordovez by the Ecuador President was to improve relations with India. He said Pakistan proposed to accredit a non-resident representative to Ecuador.

43. FS asked about Mr. Sattar’s recent visit to Geneva. He said that he had gone there to clarify the understanding on the mandate of the good offices mission and to discuss the extension of appropriate facilities to UN organizations in Pakistan involved with the rehabilitation of the refugees in Afghanistan. The third issue was the role of Cordovez himself. He said that Cordovez was in touch with some eminent Afghans and would be visiting Kabul by the end of June. He said that he would be meeting Dr. Najibullah in New York before that.

44. He said that in the context of refugee movement, the task had been given over to the new UN Coordinator, Prince Sadruddin Aga Khan. He said that the relationship between the Coordinator and the representative of the UNHCR was still the subject of some contradictions. Aga Khan had on his visit to Pakistan contacted UN agencies and brought with him members of the UNDP, the Red Cross, WHO, WFP, UNICEF, etc. This team had touched down in all the three capitals, Islamabad, Kabul and Tehran. They had visited refugee camps in Peshawar and held discussions with the representatives of the refugees regarding their return. He hoped that these efforts would bear fruit.

45. FS enquired whether the thinning out of refugee camps has started.

46. Ambassador S.K. Singh said that he had heard this process would start only in August.

47. Foreign Secretary Sattar said that August is being mentioned because by that time Soviets would have withdrawn from the Afghan county side. He said that survey showed that 60% of houses left behind by refugees were in a state of disrepair.

48. He said that refugees would be unwilling to return till they knew there was a basic infrastructure available. There was also the problem of oncoming winter. He said that he wanted the refugees to start moving immediately. There
was a fear in Pakistan that because of continuing fighting, more refugees would probably be coming. He said that the UN had felt that it would be difficult to carry out rehabilitation work through Kabul since most of the refugees had come from within 100 kms of the Pak border. Kabul had no control in this area and therefore supplies could not be made through Kabul.

49. Ambassador S.K. Singh said that Kabul had no objection on this score.

50. Mr. Sattar said that the UNHCR had closely studied the origins of the refugees and once a situation was conducive for their return, they would start their journey back to their villages.

51. Ambassador Singh asked whether UNCHCR would travel with the refugees to their villages.

52. Mr. Sattar confirmed this. He said that the UN was very confident of funds. The Secretary General was to issue an appeal for contribution to the funds for rehabilitation of the refugees. He said that there was lot of sympathy in the West. What was required was not a refugee relief programme but a refugee resettlement programme.

53. Mr. Sattar said that if a compromise was possible then a central authority would evolve. Such a compromise was not possible because Mujahideen leaders said they would have nothing to do with PDPA. He said that the Mujahideen hope to extend the territory under their control and the Kabul Government hopes to contain them. So the prospect for Jalalabad/Kandahar was not good. Fighting would probably continue resulting in a further influx of refugees into Pakistan.

54. JS (AP) said that within the range of 50-60 kms. from the Pakistan border, the refugees should not have any trouble in returning since the Kabul Government did not have any control in this area.

55. Mr. Sattar said that the conditions were not suitable. However, the first priority now was the return of the refugees and he hoped that by the summer of 1989; 80-90% of the refugees would have returned. Mr. Sattar then said that during the visit by Dr. Najib to New Delhi, there had been some talk of assistance by India. He asked whether the nature of this assistance had been decided upon.

56. FS said that there had been no further development on this issue.

57. JS (AP) asked how the UNHCR proposed to proceed with the rehabilitation of refugees.

58. Mr. Sattar said there would be extensive use of international voluntary organizations and non-governmental organizations. He said they would try to
identify local authorities, establish contacts/agreements with them and set up local offices. Mr. Sattar said there was an impression abroad that Pakistan was able to get things done. He said that this was a gross exaggeration. Pakistan had been unable to persuade the leadership of the *Mujahideen* alliance to meet Cordovez and it was after much persuasion that one of the leaders (*Khais*) had attended the meeting. He said that these *Mujahideen* leaders were extremely independent.

59. FS asked about their relationship with local commanders. Mr. Sattar said that in 13 out of the 27 provinces tribal chieftains had kept both sides out of their areas. Other commanders had varying degrees of independence. He said that no one could foresee with clarity, how the situation in Afghanistan would evolve.

60. The meeting ended at 1845 hours.

SECRET

Summary Record of discussions of the meeting between the Foreign Secretaries of India and Pakistan.

New Delhi, June 2, 1988. (Forenoon)

Ministry of External Affairs
(AP Division)

The Pakistani and the Indian delegations met on 2nd June at 10.30 A.M. to continue the exchange of views. The Pakistan Foreign Secretary, at the outset, apologized for the delay in his arrival as the previous meeting with Raja Dinesh Singh had been delayed. He then proceeded to give a brief account of his meeting with Dinesh Singh. Mr. Sattar explained that in the context of Indo-Pak relations, Raja Saheb mentioned the same point as FS had raised earlier about alleged Pak interference in Punjab. In addition, he also referred to the perceptions in India of threat from Pakistan and also the Hindu revivalism in response to the rise of Muslim fundamentalism. In this connection, Raja saheb emphasized that the developments in Pakistan have great influence on Indian Muslims. Raja saheb also emphasized the necessity of confidence-building measures between the two countries. In this connection, Raja saheb felt that relaxed meetings between the leaders of the two countries, joint ventures
between the businessmen and a solution of Tulbul problem could make important contribution. Mr. Sattar added that he thought it fit to brief the FS about his meeting with Raja saheb as the lady officer accompanying him had chosen to opt out of this meeting which, added Mr. Sattar, humorously, was between ‘men’.

Mr. Sattar then suggested that in this meeting some time could be devoted to evolve a joint briefing to be given to the press. He also wanted to know about how the meeting in Havana had been going. In this connection, he referred to a report that in Havana, the Indian delegation had stated that they would not like to comment on Pak delegate’s statement. Mr. Sattar felt that multilateral diplomacy, despite its limitations should not be allowed to cramp bilateral relations.

FS informed Mr. Sattar that so far we had not had any reports on the Havana meeting.

FS then requested Mr. Sattar for Pakistan’s assessment of Iran-Iraq situation.

**Iran-Iraq Situation:** Mr. Sattar said that it was Pakistan’s efforts to shield its bilateral relations with Iran or Iraq from the Iran-Iraq conflict. He said that, initially, there were perceptions in Iraq that Pakistan tilted toward Iran. The fact, however, is that Pakistan very strictly avoids any breach of neutrality in Iran-Iraq war. Earlier, perhaps, Pakistan tilted towards Iran, but no longer so. There is no Pak assistance to Iran. Pakistan has not publicly called upon Iran to implement the UNSG Resolution 598. All his previous visits to Iran in the recent past have been devoted entirely to bilateral matters. Mr. Sattar recalled that Iran was strongly opposed to Pakistan’s participation in the Proximity Talks in Geneva.

Mr. Sattar clarified that his knowledge is based on the situation as it prevailed 1 ½ months ago. Iranians do not reject 598 and are, in fact, prepared to proceed on the basis of this resolution, but they attach different priorities to the implementation points mentioned in 598. They are adamant that the aggressor should be first identified and a process for this identification should be initiated.

Pakistan, at the highest level, has suggested to Iran that 598 and the efforts of the Security Council offer the best way out of the stalemate. It is Pakistan’s hope that Iran would consider initiating the UN Secretary General to work out a position which would incorporate Iranian sensibilities also. Iranians do not contest the usefulness of 598.
Mr. Sattar said that Iranian Deputy Foreign Minister, Larijani has been given exclusive charge to work with the UN. He is one of the most outstanding members of the Iranian Foreign Office. He has good contacts in Italy, FRG, etc. He is a good spokesman. This assignment indicates that Iran is looking for support in the West and collaboration with UN Secretary General. Restoration of diplomatic relations between Iran and France is in sight now.

On the internal situation in Iran, Mr. Sattar confessed that he knew very little about it. However, in his view, the Imam is the unquestioned leader. There are some dissidents in Iran who are supported from outside. They are weak and discredited. They have no support in Iran.

Mr. Sattar said that US is following a cautious and calculated policy in respect of Iran.

It has kept all its options open. No doubt, US is using force but the quantum of the force is carefully calculated. Iranians, of course, feel US policy to be inimical but they also avoid getting into a confrontation with US. There are also talks about re-establishment of contacts with USA and Iran. If Iranian isolation is reduced, said Mr. Sattar, it would be better for them.

Mr. Khaled Mahmood gave Pak assessment of the Iraqi position. He has said that from the Iraqi point of view, neutrality of a particular country in Iran-Iraq war was not acceptable to Iraq. They feel that countries should adopt positive neutrality. By this, the Iraqis mean that whenever Iran rejects international calls for peace, it should be condemned.

Secretary (East) then proceeded to give his assessment of Iran-Iraq war and internal situation in Iran. He said that he generally agreed with the Pakistani perceptions of Iran-Iraq war but he had a few points to make. Secretary (East) said that in the recent offensive in the east of Basra in the Suleiman area, the non-regular components of the Iranian army are reported to have given up the struggle. This was most unusual. Secretary (East) agreed with Mr. Sattar’s observations, that Iranians wanted to avoid confrontation with US as is indicated by the fact that Iranian actions in Gulf were restrained and cautious.

Regarding the internal situation, Secretary (East) agreed with the observations that there was inherent basic stability in the political system of Iran. In the recent elections for the Majlis in April/May, the radical clergy had won at the expense of the conservative sections. In the Majlis, one notable conservative clergy, Ayotullah Azeri did not run for elections, while the others who ran were defeated. This clergy association (TMAC) was also split.
Secretary (East) said that UN Secretary General’s efforts and the implementation of the UNSG resolution 598 were the best way out of the stalemate. The UNSG has now in mind some kind of proximity talks at technical level. He has also submitted an outline plan which has not been accepted by Iraq though Iran is willing to go along with it. Iranians have shown greater flexibility on this. Secretary (East) agreed about Mr. Sattar’s observation about Deputy Foreign Minister of Iran, Mr. Larijani. Larijani was certainly able and flexible. His freedom of action, however, was circumscribed by the Imam’s latest directives which clearly spelt out Iranian position. The identification of the aggressor and the consequent action continues to remain the position of Iran.

The result of the elections and strengthening of the radicals would lead one to the conclusion that the regime’s determination to carry on with the war has become even stronger. However, there has been some affect on the morale in Iran on account of the war of the cities. The economic situation has also deteriorated in recent months. Whether there is any connection between this lowering of morale and the dismal performance of non-regulars of Iranian army is not clear.

India supports UN Secretary General’s efforts and welcomes Resolution 598. However, UN Secretary General’s efforts did not carry one too far. Therefore, India supports UN Secretary General’s supplementary efforts including his outline plan and the idea of proximity talks. However, India is not terribly optimistic about the outcome of these efforts.

Mr. Sattar thanked Secretary (East) for his very lucid presentation. He said that it is yet to be seen whether Government in Iran would be able to assimilate the results of what happened in the battle field. The determination of the regime to continue with the present policies cannot remain un-affected by its capability to actually engage in war on the battle field. A large section of the population of Tehran is reported to be leaving the city on account of the frequent and repeated unexpected missile attacks on the city. On the other hand, Iraq’s capacity to carry on with the war has been considerably enhanced. They now have the capability to refuel their war planes in mid-air. Their planes can now go 1100 miles from bases in Iran. The weapons available with Iraq are also technologically superior. Moreover, US have systematically traced Iran’s arms sources and taken some effective steps to squeeze them. For instance, USA has interposed with Scandinavian firms in Iran and intervened with China in this regard. Pressures on Iran to limit its capability for war are building up.

Mr. Sattar said that many initiatives like the ones taken by OIC, NAM have not succeeded. In the OIC, there is no great desire to reactivate its failed initiatives.
Pakistan fully supported UN Secretary General’s initiatives. President himself has spoken to UN Secretary General over phone to give him encouragement and support in his current efforts.

Mr. Sattar concluded by saying that the positions of India and Pakistan on Iran-Iraq were quite similar.

The discussion then turned to voluntary offer by Iranian women to fight at the front. Ambassador S.K. Singh pointed out that it was his information that Iranians have taken a decision to mobilise girls but this has not been made public as it is likely to have an adverse effect on the morale. Secretary (East) said that women have for long been volunteering to join the army. In any case, boys as old as 12 or 13 years were going to the front. Mr. Sattar said that he had himself seen on the Tehran TV girls participating in the military parade, thereby indicating that girls are joining active military efforts.

Secretary (East), referring to Mr. Sattar’s observations about technological inferiorities of Iranian arms, said that Iran has pressed into service a large number of F-14 planes left by the Americans. Secretary (East) felt that despite the recent reverses, Imam’s decision to go on with the war is not likely to be revised. True, the morale of the upper and middle classes is beginning to go down. The other factor contributing to Iranian de-moralization is the extensive use of chemical weapons by Iraq. Mr. Sattar added that this is indeed an important factor. There are apprehensions in Iran that Iraq might drop chemical bombs on Tehran and other Iranian cities. Mr. Sattar felt that while Iraq had not used chemical weapons in the Iranian territory, the fact that the weapons have been used is quite depressing.

Secretary (East) said that Iraq justified the use of chemical weapons saying that Iraq has every right to use all possible means to dislodge the enemy from the Iraqi territory. He did not feel that Iraq would resort to bombing of Tehran and other cities in Iran with chemical bombs. Mr. Sattar said that Dr. Velayti, the Foreign Minister of Iran has distributed photographs of victims of the chemical weapons used by Iraq. The photographs were utterly shocking; He felt that the scale of the use of chemical weapons was unprecedented. The death toll itself was in excess of 5000.

FS felt that Iran possibly wanted some non-aligned initiative. Secretary (East) said that Iran was upset that NAM had not spoken clearly on chemical weapons issue. Mr. Sattar said that OIC has already compromised its capability to influence Iran-Iraq war as in the last session in Amman it adopted a resolution which was entirely to the satisfaction of Iraq. Mr. Sattar said that Iraqi diplomacy
is outstanding. Iraqi diplomats were extremely well informed. They had been able to turn the international public opinion in their favour.

Mr. Sattar then touched upon some of the recent conferences organized by Muslim bodies. He said that in one such conference, which was held recently in Pakistan, a resolution was adopted which upset both Iran and Iraq. The Pakistan Government had no say in the adoption of this resolution and yet the resolution precipitated a major crisis in Pakistani bilateral relations with Iraq.

**Joint Commission:** Mr. Sattar suggested that the India-Pakistan Joint Commission should be convened at an early date preferably in the first half of September, *i.e.*, before the UNGA session. He said that if that period was not convenient for the Indian side, we could consider holding this meeting sometime in October before the next SAARC summit. He mentioned that some agreements which had already been finalized, such as the Cultural Cooperation Agreement, Agreement on Avoidance of Double Taxation of Airlines Profit, etc. could be signed at the next session of Joint Commission. The two countries could also discuss the question of setting up joint ventures.

FS responded by recalling that earlier during the plenary session he had mentioned that Joint Commission meeting would be convened some time later this year. He wondered whether it would be possible to hold this meeting in September which might be too close to the review of the interim arrangements agreed to at Home Secretaries meeting. Mr. Sattar said that he realized that the governing consideration in New Delhi would be whether the political climate of Indo-Pakistan relations would permit the convening of the Joint Commission in September. He, however, reiterated that we should aim at holding this meeting in early September or October this year. FS stated that this would depend upon the outcome of the review.

**Agreement on Non-attack on Nuclear Installations:** There was a brief discussion thereafter on the proposed Agreement on Non-Attack on each other’s Nuclear Installation, which has been under negotiations. JS (AP) explained that the main sticking point was Pakistan's insistence on the inclusion of Article II (2), which called for contacts between the two sides for effective implementation of the Agreement. He added that this paragraph was redundant because Article II already provided for exchange of information between the two countries regarding their respective nuclear facilities/installations. When Mr. Sattar pressed further, JS (AP) explained that our reservations regarding Article II (2) were also related to our apprehensions that this paragraph might be misused to bring in the concept of mutual inspection of nuclear installations.
which had been proposed by the Pakistan side. He added that this Agreement was being worked out to formalize the announcement made by Prime Minister Gandhi and President Zia on December 17, 1985. In our view, this Agreement should have only three ingredients, namely, a declaration on non-attack on nuclear installations, definition of nuclear installations and exchange of lists of respective nuclear installations of the two countries. If we tried to widen the scope of the Agreement, we would be going beyond the mandate given by the two leaders.

Mr. Sattar said that he fully agreed that we should not seek to expand the scope of the Agreement. He, however, added that Article II (2) called for contacts, if necessary, and necessity would naturally be decided by mutual consent.

**Joint Press Release:** Discussions then turned towards the question of joint press release to be issue after the Foreign Secretary-level talks. FS handed over to Mr. Sattar a draft joint press release (enclosed) (not included here). After going through the draft press release, Mr. Sattar requested that the Para 5 dealing with Pakistan’s abetment of terrorism in Punjab should be deleted. He remarked that though it was possible to work out another formulation which might be acceptable to Pakistan, there was no time to do so. FS agreed to delete Para 5 and suggested the deletion of Para 6 as well, as it was linked to the earlier paragraph. Mr. Sattar also suggested some reference in the press release to his calls on the Prime Minister, the Minister of Human Resource Development, the Defence Minister and the Minister for Water Resources. FS agreed.
Joint Press Release issued at the end of the visit of the Pakistan Foreign Secretary Abdul Sattar to New Delhi.

New Delhi, June 2, 1988.

Foreign Secretary-level talks between India and Pakistan were held in New Delhi on June 1-2, 1988.

The Pakistan delegation, led by Mr. Abdul Sattar, Foreign Secretary, comprised the following officials:

i) Dr. Humayun Khan, Ambassador of Pakistan
ii) Mr. Khalid Mahmood, Additional Secretary, Ministry of External Affairs
iii) Mr. Shafqat Kakakhel, Minister, Embassy of Pakistan
iv) Mr. Tariq Altaf, Director General, Ministry of Foreign Affairs
v) Mr. Kamran Niaz, Counsellor, Embassy of Pakistan
vi) Mr. Haroon Rana, Second Secretary, Embassy of Pakistan

The Indian delegation, led by Shri K.P.S. Menon, Foreign Secretary, comprised the following officials:

i) Shri S.K. Singh, Ambassador of India in Pakistan
ii) Shri Satish Chandra, Joint Secretary(AP), Ministry of External Affairs
iii) Shri Aftab Seth, Consul General of India, CGI, Karachi
iv) Shri Arvind Gupta, Under Secretary (Afg), Ministry of External Affairs
v) Smt. Deepa Wadhwa, Under Secretary (Pak), Ministry of External Affairs

The Pakistan Foreign Secretary called on the Prime Minister and conveyed to him the good wishes and greetings of the President of Pakistan.

Pakistan Foreign Secretary Abdus Sattar talking to newsmen at the airport before his departure on June 2 said that his talks with Indian Foreign Secretary K.P.S. Menon spread over 10 hours, covered the whole gamut of relations between the two countries and expressed the hope that over a period of time the positive aspects of Indo-Pak relations would out-balance the matters which obstructed the development of confidence and goodwill between the two countries. While he agreed with a questioner that the process of normalization of relations between the two neighbouring countries was slow but the process was a matter of considerable solace and satisfaction judging from the pattern of development of their relations since 1972. Stressing on the importance of dialogue he said “We should make it deeper and more extensive and include new and position items.”
He also called on Shri P.V. Narasimha Rao, Minister for Human Resource Development, Shri K.C. Pant, Minister for Defence, and Shri Dinesh Singh, Minister for Water Resources.

The two delegations had useful talks in a free, frank and cordial atmosphere. The discussions covered a wide range of bilateral issues. In addition, views were also exchanged on regional matters, including Afghanistan, and the current international situation.

It was agreed to continue these talks at a mutually convenient date.

1184. Extract from the Press Conference of Prime Minister Rajiv Gandhi at Bonn.

Bonn, June 8, 1988.

QUESTION: Mr. Prime Minister, you have on frequent occasions referred to the nuclear ambitions of the Pakistanis and on former occasions you have said that India would have to keep her options open. Do you now feel under any constraint also to construct the bomb?

PRIME MINISTER: No.

QUESTION: Why not? When Pakistan is making a bomb is it not in India’s interest to build a bomb too?

PRIME MINISTER: We have no doubt about our security and as long as we are secure we do not build the weapon. If Pakistan does have a weapon and if we feel it threatens us we will have to review our options like I said on earlier occasions.

QUESTION: Pakistan has proposed on many occasions to sign the NPT in order to keep the region free from nuclear weapons. India and you did not react on such proposals. What can you say about this?

PRIME MINISTER: We do not believe that nuclear disarmament or nuclear weapons can be viewed as a regional or bilateral matter because the reach and damage that they do goes well beyond any country’s boundaries. If there is a nuclear war we are not going to be secure if our region does not have nuclear weapons. And what is our region? China is in our region, the Indian Ocean is in our region. There are nuclear weapons in China, there are nuclear
weapons in the Indian Ocean. We have demonstrated our will not to make nuclear weapons. We have the capability for sometime now, but we are very clear that we do not want to go down that road and we will do everything that is possible not to go down that road. We feel that the NPT is a discriminatory treaty. It discriminates between nuclear weapon countries and non-nuclear weapon countries and in principle we do not sign any treaty which is discriminatory in that manner. And we will not sign the NPT. At the same time we have demonstrated that we do not need to sign the NPT because we have not made the bomb. The NPT also has not been adhered to by the nuclear weapon powers that have signed the NPT. There is a very clear clause in the NPT to prevent vertical proliferation and that clause had not been adhered to by the weapon countries that have signed the NPT.

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**Question:** May I again refer to the relations with Pakistan? Since the time when you became head of Government one has not been able to talk about normal or even friendly relations with Pakistan. Tensions were continuing which burden the whole situation in this region. Pakistan has proposed to conclude a 'not to attack' agreement with you and you have not reacted on this proposal. Can you make some concrete proposals which could lead to the normalization of the situation in this part of the world?

**Prime Minister:** I don’t think that there is enough time left to cover all the issues about the proposals that we have made to Pakistan. Let me just say that we have made about 22 proposals to Pakistan ranging from treaties of peace and friendship, non-attack on nuclear facilities, MOUs on air-space violation by military aircraft, direct contacts between military units so that escalation do not take place. On the economic side, a slow opening to both countries on the cultural side – exchange of media, singers, dancers, troupes – a very wide range of things has been suggested.

But one must remember that it is not suggestions and words that count. Today Pakistan is demonstrating two things very clearly: its intention with the nuclear weapon programme and its support to terrorists. Pakistan today is perhaps the largest supporter of terrorism on the globe and it is this that makes the difference.

**Question:** Everything you said about Pakistan can also be blamed upon you. Among other things there were reports in the Western media that heavy water was smuggled to India and that you too support the terrorists in Pakistan.

**Prime Minister:** Let me say very clearly that we don’t need to smuggle heavy water and let me also make it very clearly that heavy water does not make bombs, I think that this should be understood very clearly, when I talked with the Prime Minister of Democratic Pakistan last time in Kathmandu, I pointed
out to Mr. Junejo that Pakistan has an enriched uranium programme far in excess of its capacity to use enriched uranium. I pointed out to him that they had in Pakistan only one small test-reactor which uses enriched uranium. There is no other reactor, at least officially, which uses enriched uranium.

Where is this enriched uranium going? He could not give me any answer.

On terrorism I don’t think we need to set our case. It started a long time ago. If you remember, a hijacker hijacked an Indian aircraft to Pakistan. That hijacker is still alive. The case against him is being dragged on and is going on – I don’t know – for about 12 years or 13 years now. Just some time ago another man hijacked a Pakistan aircraft to Syria. That man had a death sentence and has died. We asked why equal treatment to two hijackers was not given.

We have given a detailed list of training camps, about the people who are carrying out training, the type of training that has been carried out in the camps. We have given maps of where the camps are, we have given a list of incidents on our border and a majority of incidents take place within 200 meters to 1,200 meters of the Pakistani border. I can go on to give you a very long list. Nobody has accused us of interfering in the Sind. If we wanted to interfere in the Sind, we could easily. But we are not interfering in the Sind.

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1185. Minutes of the meeting held on 09 July 1988 at the Joint Check Post Wagha (Indian Side) between Border Security Force and Pak Rangers Officers.


BSF OFFICERS
1. Shri YS Jafa, DIG BSF
2. Shri VR Rajagopalan, DIG BSF
3. Shri AK Sarabadhikari, DIG BSF
4. Shri VS Sirohi, DIG BSF
5. Shri Ashok Kumar, Staff Officer

PAK RANGERS OFFICERS
1. Col Muhammad Akbar, DDG
During discussions DISG BSF drew attention of the Pak Rangers Officers to the fact that the Joint Press Release issued on May 16, 1988, stipulated that the joint patrolling signified that the BSF and Pak Rangers Patrol Parties will be moving as a body together as close to the Zero-line as possible. DDG Pak Rangers Col Mohd Akber did not accept this and stated that the terms of the agreement meant that the Pak Rangers Patrol will move on their side of the border, and the BSF on the Indian side of the border though they could move as close to each other as possible.

DISG BSF raised the point that the Joint Agreement also visualized briefing jointly by the patrol commanders of the composite patrol consisting of BSF and Pak Rangers. However, DDG Pak Rangers Col Mohd Akber stated that as the issue of composite patrol of Pak Rangers and BSF together in a body had not been resolved, the question of joint briefing at this stage did not arise.

Next meeting is proposed to be held on July 18, 1988.

Press Release issued by Embassy of Pakistan in India suggesting that the Indian allegations of Pakistan's involvement in Punjab's problem were unfounded.


No. 25/88 New Delhi, July 15, 1988

A section of the Press has recently published reports claiming that Pakistan is harbouring certain Sikh terrorists, "strengthening certain militant groups, training some fresh ones, and equipping them with arms and explosives to create troubles in Punjab.

As Pakistan has repeatedly stated, all these allegations are totally incorrect and have been fabricated by certain quarters with a view to externalizing what is essentially a domestic problem totally unconnected with Pakistan. Pakistan
harbours no terrorist on its territory. It is not providing training to any individuals or groups. Nor is it providing arms or explosives to anyone to create problems in Punjab.

Pakistan has nothing to gain from turmoil in its neighbourhood. Pakistan indeed desires to forge the best of relations with India and would not do anything that would obstruct the achievement of that goal.

The need of the hour is to strengthen the bonds of goodwill and understanding between our two peoples, and not to spread suspicions and doubts among them through unfounded and tendentious reports. This Embassy hopes that the media in this country would play its vital role in this regard by objective reports and constructive views.

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1187. Pakistan denial in the reported Pakistan involvement in an attempt to assassinate Prime Minister Rajiv Gandhi.

Islamabad, August 9, 1988.

Pakistan Interior Minister Malik Nasim Ahmed Aheer described on August 9 as ‘irresponsible, malicious and reprehensible’ a statement by Indian Home Minister accusing Pakistan of involvement in the conspiracy to assassinate Indian Prime Minister Rajiv Gandhi. Pakistan had never supported terrorist activities in any country nor would Pakistan ever do so in future, he declared while winding up a two-hour debate on the reported statement by India’s Home Minister in the two Houses of Indian Parliament. Mr. Nasim Aheer reiterated that Pakistan believed firmly in the principle of non-interference in the internal affairs of other countries.

He said: “We do this not only because it is enjoined upon us a member of the world community, but also because we know it is in our national interest. We do not want anybody to interfere in our internal affairs. We know what this can lead to. Since we expect others to refrain, we fully realize that it is our obligation also to refrain.”

He added: “In this context we find it most reprehensible that India should have stepped up its interference in the internal affairs of Pakistan. I do not wish to emulate the Indian spokesman and go into hysterics about the growing Indian involvement in fanning secessionist sentiments in Sind and other parts of
Pakistan. I only want to say that we want to live as good neighbours and expect an equal measure of reciprocity from India.”

The minister made this statement on identical adjournment motions moved by a number of Senators on allegations leveled against Pakistan for a conspiracy to assassinate the Indian Prime Minister and Indian Interior Minister.

He said: “I take this opportunity to renew Pakistan’s offer to join India in understanding solemn obligations in a binding treaty, against allowing the use of their respective territories for any activities directed against the internal peace and stability or territorial integrity of other countries. Pakistan is ready to join India in a declaration on a reciprocal basis to affirm respect for each other’s unity and territorial integrity and even to go beyond this by denouncing separatist and secessionist movements, generally or specifically. India is reluctant to pick up this very reasonable proposal. Why?” he remarked.

He said: “It is in the interest of good-neighbourly and cooperative relations that irresponsible rhetoric should be avoided. When this emanates from high government circles, it only serves to undermine the goodwill and the desire for peace which the people of both countries have.”

“We have always stressed the need for practical measures of cooperation on the ground. We have welcomed the reaction by India of barbed-wire fence and control towers on its side of the border,” he added.

According to him the most deplorable part of the statement made in Indian Parliament relates to the so-called Pakistani complicity in a plot to assassinate Prime Minister Rajiv Gandhi and Home Minister Buta Singh.

This, he pointed out, was an absurd and preposterous charge. “Pakistan, as a responsible member of the international community, fully respects the norms of civilized inter-state relations. It holds leaders of all countries in high esteem. It is inconceivable that we could ever think of anything which might cause harm to an Indian leader,” he maintained.

“The Government of Pakistan, therefore, contumuously rejects the allegation in the Indian Home Minister’s statements and hopes that responsible circles in India will desist from making such malicious and unfounded charges”, he added.

Mr. Nasim Aheer, at the very outset said the Pakistan Government had noted with great dismay the statement made by the Indian Minister in both Houses of Parliament on August 2.

He said these statements falsely accused Pakistan of complicity in an alleged plot by Indian nationals, hatched on Indian soil, to assassinate their Prime
Minister and Home Minister. Some documents claimed to have been recovered from the Golden Temple during the recent ‘Operation Black Thunder’ had been taken as conclusive evidence of Pakistan’s involvement.

He said documents had surfaced nearly three months after their alleged recovery. The occasion had now been used for making totally unwarranted and highly intemperate statements.

According to him, the Indian leaders have resorted to this propaganda regardless of diplomatic norms.

“As a dignified, responsible nation we have refused to be provoked. We have not thought it either proper or necessary to resort to the same tactics. We hope the Indian leaders will take note of this and desist from continuing this unsavoury practice,” he maintained.

“The hollowness of the charges made in Indian Parliament,” he said, “becomes evident from the fact that the persons mentioned as the most important link i.e. Wassan Singh Zaffarwal and Gurbachan Singh Manochachal, have been blacklisted from entering Pakistan.” This, he pointed out, was done by Pakistan at the specific request of the Indian government and it knew it. “Rather than appreciate our gesture, the Indian leaders have chosen to repeat old allegations about these persons being in Pakistan when we had assured them to the contrary during the Interior Secretaries meeting in May 1988.”

He said in a spirit of cooperation the Pakistan government had at India’s request also blacklisted some other Sikhs residing abroad who were suspected by the Indian government of having criminal intent.

He added: “Our authorities have taken appropriate action to deny all of them entry into Pakistan. None of the persons mentioned in the Indian statements has entered Pakistan. A recent case in point is Talwinder Singh Parmar and his son, Narinder Singh. It is an act of sheer ungratefulness that instead of appreciating the cooperation extended by us the Indian government should continue vilifying Pakistan on this score”, the minister added.

He said the Indian side had not been able to substantiate the allegations about Pakistan’s aid to the Sikh militants, supply of arms to them or their training. The assertions were based on a unilateral interpretation of dubious evidence. The charges that Sikh extremists held meetings in Pakistan turned out to be false, he added.

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1188. Minutes of the Meeting between BSF Officers and Pak Officers at Joint Check Post Wagha (Pak Side) on 10 August 1988 at 1030 Hrs (IST) and 1000 Hrs (PST)

The following attended:-

PAKISTAN SIDE
1. Col Muhammad Arshad DDG Pakistan Rangers.
2. Lt Col Munir Akhtar Commandant Chenab Rangers
3. Lt Col Arshad Mehmud Ali Commandant Sutlej Rangers
4. Lt Col Shuja Ullah Tarar Staff Officer
5. Lt Col Muhammad Afzal Staff Officer

INDIAN SIDE
1. Shri YS Jafa DIG BSF
2. Shri VK Rajagopalan DIG BSF
3. Shri AK Subhadhikari DIG BSF
4. Shri VS Sirohi DIG BSF

Col Arshad DDG Pak Rangers stated that their interpretation on joint patrolling was the same as stated earlier i.e. that the patrols of the BSF and Pak Rangers can move as close as possible to the zero line but each will remain on their side of the border and not as a body together. The BSF officers stated that the meaning of the joint press release was that the joint patrol consisting of BSF and Pak personal will move as a body together. However, the Pak officers stated that they did not accept this interpretation.

The BSF officers also stated that joint patrolling as mentioned in the joint Press Release would mean joint action on the border which was not acceptable to the Pak side. The Pak side stated that the joint patrolling visualized action by each side on its side of the border only.

The Pak officers further stated that this meeting should lay down the areas of agreement and spell out the areas of differences, so that further discussion can be confined to the areas of differences. They view of the BSF officers was that as the basic issue i.e. the meaning of the joint patrolling had not been resolved, discussion regarding further details of the joint patrolling would be infructuous.
The Pak side stated that joint patrolling should commence in the manner proposed by the Pakistan side earlier, namely each side moving on its side of the border, and the arrangement and modalities of the joint patrolling can be reviewed after a period of one month. The view of the Indian side was that as there was no agreement on the very meaning of joint patrolling, there was no question of starting patrolling in the manner as suggested by Pak side. BSF officers stated that if each side was to conduct the patrolling on its side of the border, which in any case was being done even before this agreement was made, there would have been no need to make the agreement regarding joint patrolling at the level of the Home Secretary of India and Interior Secretary of Pakistan.

Each side agreed to refer the matter to their respective headquarters.

The Prime Minister, Shri Rajiv Gandhi signed the condolence book in Pakistan Embassy in New Delhi on August 18, 1988. The Prime Minister wrote the following:

In this hour of sorrow my heart goes out to Begum Zia and the other members of the family. May God give her the strength to bear this tragic loss with fortitude. My deepest sympathies are with the people of Pakistan. I wish them well.

India and Pakistan are bound by innumerable ties of history and culture. India looks forward to building healthy and friendly relationship with Pakistan. We will strive for it.

Union Cabinet Adopts Condolence Resolution on Demise of President Zia
The Union Cabinet met in New Delhi on August 18, 1988 and passed a condolence resolution on the demise of President M. Zia-ul-Haq of Pakistan in a tragic air crash on August 17, 1988. The following is the text of the condolence resolution:

The Government and people of India are shocked and grieved by the sudden and untimely demise of President M. Zia-ul-Haq. They share in the deep sorrow of the Government and people of Pakistan. In this hour of tragedy, India’s profound sympathy goes out to the Government and people of Pakistan and, particularly, to Begum Zia and other members of the bereaved family.
Press Release issued by the Embassy of India in Pakistan refuting allegation of celebrations in the Embassy on the demise of President Zia-ul-Haq.

September 6, 1988.

Our attention has been drawn to a story in the Urdu weekly HURMAT (1-7 September) published from Islamabad. The title of the story is “Celebrations in the Indian Embassy”. This story alleges that on 17 August, the day on which His Excellency Gen. Ziaul Haq was killed in an air crash near Bahawalpur, there was celebration and general merriment in the Indian Embassy.

The editors of the weekly HURMAT must recognize that this story is a vicious, virulent, and contemptible lie.

It is well-known and was appreciated at the highest level in Pakistan that the Government of India immediately on learning of the death of the President of Pakistan declared 3-day official mourning. The President of India Shri R. Venkataraman, the Foreign Minister of India, other Ministers, high officials and dignitaries as also a large All-party delegation of members of Parliament, totaling about forty persons came to Islamabad for attending the funeral of the late President General Mohammad Zia-ul-Haq. Prime Minister Rajiv Gandhi cancelled his birthday celebrations. These facts were all recalled by His Excellency Mr. Ghulam Ishaq Khan, President of Pakistan, at a press conference, in Islamabad, on 20 August 1988.

Baseless and malicious allegations of the sort made by ‘HURMAT’ are one more example of the systematic and continuous process of disinformation and propaganda against India. It would be recalled that we had documented a number of other such instances from the Pakistan press in our Press Release NO. 24/88. dated June 27, 1988.

We believe that newspapers have an important role to play in a democratic society. We also believe that the Pakistan press has an important role to play in promoting good neighbourly and friendly relations between India and Pakistan. We are, therefore, constrained to point out that lies of this sort printed in this instance by HURMAT are a dis-service to the people of Pakistan and to the cause of friendship between India and Pakistan.
Press Release issued by Pakistan Embassy in New Delhi clarifying Pakistan's ban on the entry of "Sikh Extremists" to enter Pakistan.

New Delhi, September 16, 1988.

PRESS RELEASE

No. 32/88 New Delhi, September 16, 1988

Reports and comments have recently appeared in a section of the Indian Press, containing differing interpretations of the measures adopted by the Pakistan Government to ban the entry of certain persons into Pakistan. An impression has sought to be created as if this action was taken after the sad demise of the late president General Mohammad Zia-ul-Haq, and amounts to an implicit admission by Pakistan that it has been harbouring "Sikh terrorists".

The factual position is that the action has been taken at the specific request of the Government of India that certain India nationals should not be permitted to visit Pakistan. In deference to their wishes all Pakistan Missions abroad were instructed not to give visas to those persons. All concerned agencies within Pakistan were asked to prevent their entry into the country. The first list of these individuals was communicated to these agencies in June and the Second list in July. The action, as such, was completed several weeks before the death of President Zia-ul-Haq.

The Government of Pakistan's positive response to the Indian Government's request cannot be construed as proof of the visits of these persons to Pakistan or as an admission, implicit or otherwise, by Pakistan of harbouring the "Sikh terrorists" on its soil. It has been the consistent policy of the Government of Pakistan not to interfere in the internal affairs of other countries including India. Pakistan is willing to adopt all necessary measures in cooperation with the Indian Government to prevent all sorts of illegal trans-border crossings.

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Aide Memoire from Embassy of India in Pakistan to Government of Pakistan.

New Delhi, November 15, 1988.

AIDE MEMOIRE

There have been reports, from time to time, about the convening of an international conference on Punjab by an organization called the Research Committee on Punjab which is based in U.S.A. An announcement was made in the academic circles in the U.S. in April 1988, suggesting that the Research Committee on the Punjab plans to hold this Conference in Lahore from January 7 - 9, 1989. It is to be coordinated by Prof. Craig Baxter, Department of Political Science, Juniata College, Huntington. Pennsylvania 16652, U.S.A.

It would be recalled that on December 2, 1987, Ambassador S.K. Singh had discussed this matter with the late President General Mohammad Zia-ul Haq. The late President had then assured Ambassador S.K. Singh that permission would not be granted for the holding of such a conference in Pakistan.

The convening of this Conference in Pakistan, in our view, would not be advisable. It could have repercussions on India-Pakistan bilateral relations.

Embassy of India would appreciate receiving from the Government of Pakistan an early confirmation in this regard.

Islamabad,
15 November, 1988
Prime Minister Rajiv Gandhi greets Ms. Benazir on her assumption of office of Prime Minister of Pakistan.

New Delhi, December 2, 1988.

India’s Prime Minister Rajiv Gandhi congratulated Prime Minister Benazir Bhutto on December 2 and called on her to join him in trying to create lasting peace between their countries.

“You and I are both children of the same era... I would wish to work closely with you for removing the irritants which have needlessly strained relations between our countries in the past,” Mr. Gandhi said in a lengthy personal letter telexed to Ms. Bhutto.

“The Simla Agreement, signed by your father and my mother, provides the basis for our building together a relationship of mutual trust and friendship, which promotes peace and cooperation between our countries in our time and in generations to come,” Mr. Gandhi said, referring to the peace accord signed after the 1971 war.

“I look forward to working with you in every possible way to ensure that the people of India and Pakistan live together, strive together, build together to ensure peace,” Mr. Gandhi said.

He added that he looked forward to meet Ms. Bhutto at the South Asian Association for Regional Cooperation meeting in Islamabad on December 29. “The news of your assumption of office as Prime Minister of Pakistan has been warmly greeted and widely welcomed throughout India,” Mr. Gandhi said.

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1194. Press Conference of Pakistan Prime Minister Benazir Bhutto on relations with India.


Out rightly rejecting the idea of no-war pact, proposed by the Zia regime to India, Prime Minister Benazir Bhutto said on December 3 that relations with India would be maintained on equal basis. “I don’t believe in such things as a no-war pact”, she said and added: “My father, the late Prime Minister Zulfiquar Ali Bhutto, opposed this idea in 1960.”

Addressing her first Press conference in Islamabad after assuming the office of Prime Minister and also her first Press conference at the Prime Minister’s House, she ridiculed the theory of treating India as an elder brother as was done by the previous regime. She said the Simla Agreement provided an excellent framework for solving problems between the two countries and her government would like its spirit to be adhered to by the two parties. “A step-by-step” approach had been provided in this accord and that is best suited to the parties to solve the difficult and complex problems that have marred relations of the two countries,” she added.

Ms. Bhutto said since the signing of the Simla Agreement in 1972, the two countries have fought no more wars. “It has been a longest spell of peace and harmony between the two countries.”

The Simla Agreement also provided a base for the solution of the Kashmir issue and the positions of the two sides on the issue were fully recognized in the accord, she added.

Ms. Bhutto said she was confident that her forthcoming meeting with Indian Prime Minister Rajiv Gandhi, who will be visiting Pakistan towards the end of the month to participate in he SAARC summit, would provide positive results. She thanked him for sending a message of greetings on her assumption of office. She also thanked that Indian Parliament for passing a resolution in this regard.

Regretting the recent incident in which India expelled two Pakistan diplomats, and a similar action taken by the Pakistan government, she hoped irritants would not take place again. “Let this be an event of the past and let it not influence future relations between the two sides.”

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1195. Aide Memoire from Embassy of India in Pakistan to Pakistan Ministry of Foreign Affairs.

AIDE MEMOIRE

We have from time to time drawn the attention of the Government of Pakistan to our concern about Sikh extremist elements constituting a threat to Indian VVIPs who come to Islamabad to attend the SAARC Summit.

Annexed is list of Sikh extremists, who according to recent information continue to be in Pakistan. 20 of these are Indian nationals, including 14 hijackers of IAC aircraft; 4 are Canadian nationals; and one is a British national. We would appreciate receiving information about the action proposed to be taken by the Government of Pakistan to neutralize any prospect of a security threat to Indian VVIPs from any of these persons.

We have reason to believe that 4 Sikh soldiers -- Nk. BILKHAR SINGH SANDHU, Nk. JASWANT SINGH, Nk. BALWINDER SINGH and Sepoy BALWINDER SINGH, belonging to the Indian Army have deserted and crossed over into Pakistan through the LAC in Kashmir Sector on October 31, 1988. Efforts may be made to trace them and hand them over to Indian authorities.

We are given to understand that some pro Khalistani elements including SHYAM SINGH SINDHI, KULBIR SINGH, SATNAM, all from Sind, and Bhai LAKHBIR SINGH (ISYF) Canada, are contemplating staging black flag demonstrations during the SAARC Summit. Appropriate action would no doubt, be taken to ensure that such activities which would inevitably mar the Summit, do not take place.

We would appreciate a feedback on the action taken by the Government of Pakistan in respect of information given above.

Islamabad

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<tr>
<th>Name</th>
<th>Organization to which he belongs</th>
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<td>JHAMKE</td>
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<td>BALBIR SINGH SANDHU</td>
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SECRET

Record of the plenary meeting between Indian Delegation led by Prime Minister Rajiv Gandhi and Pakistani Delegation led by Prime Minister Benazir Bhutto.


After the signing of the three Agreements (on Prohibition of Attack Against Nuclear Installations and Facilities, Avoidance of Double Taxation on Income from International Air Transport and on Cultural Cooperation) in the presence of the 2 Prime Ministers, a plenary meeting was held between the Indian delegation led by Prime Minister Rajiv Gandhi and the Pakistani delegation led by Prime Minister Benazir Bhutto.

2. The meeting commenced at 3.55 p.m*. The list of participants is given at -Appendix I.

3. Prime Minister Rajiv Gandhi, at the outset, thanked Prime Minister Benazir Bhutto for the gracious hospitality extended by her and the Pakistan Government. He congratulated her for the manner in which she had handled the SAARC Summit. He added that this SAARC Summit marked a shift from the earlier summits as, for the first time the leaders had dealt with concrete issues which were relatively difficult to tackle. He also congratulated Ms Benazir Bhutto for her election victory which was a testimony to her popularity. It was also a vindication of her long struggle for the establishment of democracy in Pakistan and for the values she stood for. The emergence of a democratic Pakistan had been seen very positively in India. There was now a groundswell of goodwill and unprecedented hope in both countries for an improvement in the relationship.

4. PM mentioned that both sides had just signed three agreements. It was after many years that such major agreements had been concluded between the two countries; the last such occasion being at Simla in 1972. It was indeed propitious that these agreements were being concluded in a democratic Pakistan under Ms Bhutto as the last occasion when such agreements were concluded was also under a democratic Pakistan led by her late father.

5. PM stated that this meeting between the two sides afforded an opportunity to try to resolve the problems and mutual suspicions between the two countries which had built up over the years. It was important to break the old mindset and the time was now ripe for a new beginning and a look to the future. India

* Before the commencement of the meeting and signing of the Agreements the two Prime Ministers spent about 15 minutes together without any aides.
would like to build a relationship of equality and mutual respect and for mutual benefit. As far as India was concerned, it was in its own interest to have a strong, stable, self-reliant and confident Pakistan. India was firmly committed to Pakistan's territorial integrity and sovereignty. India was in favour of non-interference in each other's internal affairs. Peace was an abiding parameter for progress and development and, therefore, the two sides must work for peace and goodwill and the welfare of their peoples.

6. PM extended an invitation to Ms Benazir Bhutto to visit India, assuring her that both the people and the Government of India would give her a very warm welcome. He added that 1988 was ending on a happy note and there was hope for a new dawn in 1989.

7. Prime Minister Benazir Bhutto stated that it was indeed a great pleasure to welcome Prime Minister Rajiv Gandhi and his delegation to Pakistan. The visit of an Indian Prime Minister to Pakistan was taking place after some 30 to 36 years. This is, strictly speaking, inaccurate as the last occasion on which an Indian Prime Minister visited Pakistan, even if one were to discount PM's visit to Pakistan on 20th January 1988, for Badshah Khan's funeral, was on October 12, 1964, when Prime Minister Shastri made a stopover visit for a few hours in Karachi. This visit was, therefore, of great significance and held out the possibility of building better relations. The SAARC Summit provided the forum for this visit and she welcomed this opportunity for bilateral discussions. The visit was particularly well timed, even though it was not consciously planned in this manner, since it coincided with the induction of a new democratic government in Pakistan. Her government was committed to democracy, freedom and ending of exploitation as also to peace, progress and prosperity. She hoped that with Prime Minister Rajiv Gandhi's Govt. in India and a democratically elected Govt. in Pakistan a new beginning could be made.

8. There were many challenges in the past. One of the greatest challenges faced was in 1971-72 when Prime Minister Indira Gandhi and President Bhutto had met at Simla. A breakthrough had been achieved when the Simla Agreement was signed at the very last minute. This agreement formed the basis of the longest lasting peace between the two countries. India and Pakistan were not just neighbours but they had the responsibility to work for better relations not only between the two countries but also in the region as a whole.

9. Prime Minister Benazir Bhutto also commented upon the fact that the last time when a major agreement had been signed was in June 1972 and that it was significant that the three agreements just signed were being concluded by a democratic government in Pakistan; She lamented the fact that too many years had passed by without any further break through. She added that more than any other leaders, Prime Minister Rajiv Gandhi as the son of Indira Gandhi, and she herself, as the daughter of Shaheed Bhutto, had a commitment to
carry forward the process initiated at Simla. She was confident that both she and Prime Minister Rajiv Gandhi would give of their best and historians when writing of their period would note that it heralded the dawn of a new era. (At this stage the TV cameras and press left the room.)

10. Thereafter, PM introduced the Indian delegation and Prime Minister Benazir Bhutto introduced the Pakistani delegation. While introducing her delegation she expressed the hope that Ambassador Niaz Naik would be more accurate in projecting developments in India than he had been in forecasting the outcome of the elections in Pakistan when he had discounted a PPP victory! She also remarked that she did not know what she would do without the advice of Mr. V.A. Jaffrey, the Adviser on Finance, Planning and Economic Affairs (inducted in lieu of Mahbubal Haq on American advice).

11. Prime Minister mentioned that he had had three sessions of intensive one-to-one talks with Prime Minister Benazir Bhutto which had been held in a warm, cordial and positive atmosphere. Prime Minister Benazir Bhutto's attitude had been very constructive. The talks had been wide ranging extending to bilateral, regional and other issues, including disarmament. This visit was a good opportunity to start a new relationship. Above all, it signaled to the people and more so, to the bureaucrats of the two sides that they needed to react in a more positive manner. PM mentioned that there were issues which were relatively easy to resolve and others which were more complex. He suggested that both sides should seek to settle the former immediately while working simultaneously towards resolution of the latter.

12. In SAARC a first tentative step had been taken for promoting easier travel by allowing Parliamentarians and Supreme Court Judges to visit the SAARC countries without visas. If both sides could similarly open out to each other in other areas, it would prove to be most helpful. PM underlined the importance of easing travel restrictions particularly in respect of relatives on both sides of the border. The walls that had been built up both for grant of visas and over the procedural requirements in both countries after the grant of visas, should be relaxed. This relaxation should be extended to other categories of persons with a view to encouraging travel.

13. PM also advocated an easing up in the field of media. Both countries had very "tough" regimes in this respect. In India the print media was entirely private and the governments could create an atmosphere conducive to the free exchange of newspapers, magazines and periodicals. The electronic media was government owned and the two sides should see how to make it easier to watch each other's programmes. Perhaps programmes could be exchanged. There should also be broader coverage about the other country. Again, on the cultural side, nothing much was happening. Something should be done to
promote cultural tourism. Partition did not really divide our cultural heritage. Cultural exchanges would help ease tensions. There could be exchanges of classical dance and music groups, qawals and gazals, mushairas, films, plays, workshops and seminars. There could also be very useful cooperation on preserving the cultural heritage of both countries.

14. **Prime Minister Benazir Bhutto** indicated that the extensive bilateral exchanges she had had with Prime Minister Rajiv Gandhi had been extremely useful and cordial. Both leaders were imbued with the common purpose of lifting relations out of the mire of stagnation. The People in both countries wanted peace. There were high expectations not only in India and Pakistan but throughout the world about her meetings with the Indian Prime Minister. The PPP Government attached the highest importance to relations between the two countries. Pakistan believed that Prime Minister Rajiv Gandhi’s visit had made it possible to make a fresh beginning in the relationship and enabled the two sides to pick up the threads after Simla. She was confident that the momentum would be maintained and that the understandings reached would be followed up with concrete steps. She fully endorsed Prime Minister Rajiv Gandhi’s view that the peoples of the two countries should get to know each other through increased exchanges. Popular participation helped in making decisions durable. She also agreed that a step by step approach was appropriate with movement first in areas which were relatively easier to resolve.

15. She remarked that the SAARC Summit had taken a small but significant step in allowing Parliamentarians and Supreme Court Judges to travel through the region without visas. She expressed the hope that in the bilateral context, as well, the two sides would facilitate travel and complement interaction through the easing of restrictions in the media. She said that the political will was there in Pakistan to improve the relationship. The compelling logic of reason dictated that the two countries should dispel the dark clouds of mistrust and suspicion and live together as good neighbours.

16. **PM** indicated that the three major problem areas were Pakistan’s weapons-oriented nuclear policy, terrorism and Siachen. As regards the nuclear issue, he had already had detailed discussions with Prime Minister Benazir Bhutto and she had reiterated Pakistan’s position. The Agreement on Prohibition of Attack on each other’s Nuclear Installations and Facilities was an important confidence building measure. However, the basic difference of approach between the two countries was that while India saw nuclear disarmament as a global process which could not be dealt with at a regional level, Pakistan wanted to resolve it on a bilateral or regional basis. In our view this could not be done; Chernobyl was a classic example. He suggested that both sides should remain in touch and see how they could make progress. PM drew attention to India’s
proposals at the recent UN Special Session on Disarmament on an Action Plan for nuclear disarmament and reduction in conventional forces to the minimum levels required for defence. The question of reducing conventional forces had also been discussed with Prime Minister Benazir Bhutto. It was important to reduce conventional forces as both sides were spending huge amounts on defence. This could be achieved by a lowering of tensions.

17. PM expressed appreciation for Prime Minister Benazir Bhutto’s stand on terrorism and suggested that the Home Secretaries could remain in touch. On Siachen the Defence Secretaries had had talks and some ground had been covered. This could be followed up by talks in the first half of 1989. The Foreign Secretaries could also meet to discuss various bilateral issues. Similarly, the Joint Commission could meet coterminously with its sub-commissions in this time frame.

18. **Foreign Minister Yaqub Khan** replied to PM remarking that the nuclear issue, which was a matter of concern for India was, for the same reason of concern to Pakistan. While Pakistan could not meet all of India’s apprehensions it could at least meet some of them. Pakistan’s stance was well known. Pakistan did not intend to manufacture nuclear weapons - it did not make sense in military terms. He was aware that these protestations had been regarded in India with scepticism. Pakistan was prepared to take six or seven steps on the basis of reciprocity and equity to help alleviate India’s fears. These steps were well known to India and one of these was, for instance, the simultaneous signing of the NPT. He expressed the hope that these ideas would engage India’s attention. Pakistan, on its part, would closely study the Plan of Action presented by India at the UN. He expressed the hope that there would be a continued dialogue between the two countries on this issue as this would help defuse tensions. He agreed that the recently concluded Agreement on Prohibition of Attack against Nuclear Installations and Facilities would go a long way in easing fears and apprehensions.

19. The Pakistan Foreign Minister also referring to Jammu & Kashmir, stating that Pakistan took the position that the issue remained unresolved and this had been stated in the Simla Agreement. When Pakistan said that this was an outstanding issue it was only reiterating what was contained in the Simla Agreement.

20. He also referred to the question of Jinnah House and made the point that this issue had great emotional significance for Pakistan. **Prime Minister Benazir Bhutto** interjected to say that she had already taken up this matter with Prime Minister Rajiv Gandhi and it was receiving his attention.

21. **Prime Minister Benazir Bhutto** referring to terrorism stated that it was
a global concern and not just the concern of any individual country. She was fully aware of India’s apprehensions in this regard and felt that relations between the two countries could best be served by strictly adhering to the principle of non-interference. There were two possible approaches in this matter. One was to cooperate fully with each other in a spirit of friendship and the other was to take advantage of each other’s momentary weaknesses. Pakistan would adhere to the first approach and it was her hope that there would be no cause for any apprehensions in future.

22. On Siachen, she expressed the hope that the Defence Secretaries would be able to resolve this issue at their forthcoming meeting. As regards reduction in conventional forces she would like to discuss this matter in greater detail. She agreed that scarce resources should be used for development rather than for defence. In this context, she remarked that just as Partition had not divided the cultural heritage it did not divide the heritage of poverty either.

23. Prime Minister Benazir Bhutto added that the two countries should resolve all their differences. In this context, she mentioned that for Pakistan, Kashmir was the oldest and the most difficult bilateral problem. However, the two countries could indeed learn to live in peace and cooperate with each other.

24. While briefing Prime Minister Benazir Bhutto on regional and international issues, PM indicated that India had considerably improved its relationship with the United States. The latter was India’s largest trading partner and science and technology transfers from the USA to India had reached a significantly higher level. Similarly, with the USSR, there had also been a qualitative upgradation of India’s relations. In their recent exchanges, both countries not only reviewed the existing relationship but looked beyond to issues in the future. President Gorbachev had visited India twice. On the first occasion, the Delhi Declaration was signed and on the second occasion, he had been presented with the Indira Gandhi Peace Prize. Referring to his recent visit to China PM stated that it was in response to a very long standing invitation. The two sides exchanged their respective views and visions of Asia and the world both in the twentieth and twenty-first centuries. There was a remarkable similarity of views. On the border issue, a Joint Working Group had been established to recommend measures for a fair and reasonable settlement of the boundary question and for maintenance of peace and tranquility in the border areas. A Joint Ministerial Group had also been set up for promoting exchanges in the fields of Economic Cooperation and Science and Technology. It was further decided that regular consultations would be held between the two sides at the Foreign Secretary-level. Three agreements had been concluded between the two countries on Cooperation in the fields of Science and Technology, Commencement of Air Services and a Cultural Exchange Protocol. The Chinese leadership had greatly
welcomed Prime Minister Benazir Bhutto’s election victory, particularly as they had been slightly uncomfortable with the previous government on issues like Afghanistan. PM requested that when Prime Minister Benazir Bhutto visited China she might convey his greetings and regard to the Chinese leaders.

25. Prime Minister Benazir Bhutto noted the improvement in relations between the Superpowers and added that Pakistan had welcomed the INF Treaty and the Geneva Agreement. There was a general trend towards peace and relaxation of tensions. In the 1960s, there had been a move towards urban unrest which had manifested itself in many countries. Currently, there was a trend towards peace which was similarly manifesting itself in Iran/Iraq, Afghanistan, Kampuchea, Namibia and West Asia. Pakistan welcomed the improvement in Sino-Soviet and Sino-Indian relations. This would facilitate an improvement in relations between India and Pakistan. She would certainly convey Prime Ministers greetings to the Chinese leaders.

26. Prime Minister Benazir Bhutto then requested Foreign Minister Yaqub Khan to make a presentation on Afghanistan. The Pakistan Foreign Minister, while referring to Afghanistan, indicated that India being a country in the region had a right to take a close interest in Afghanistan. The Geneva Accords envisaged a comprehensive settlement of the Afghan problem involving withdrawal of Soviet troops, return of refugees and the establishment of a broad based government. Pakistan felt that the Afghans had a right to determine their own destiny. Pakistan was, however, at the same time interested that the Mujahideen cause should not fail and a vacuum should not prevail following the Soviet troop withdrawal. If this happened Afghanistan would bleed in its hour of triumph. The IUAM leadership wanted a broad-based government for transfer of power rather than for sharing power with the PDPA regime. Pakistan shared their view. The IUAM leadership had rejected a power sharing arrangement, and rightly so. The IUAM were, however, prepared to consider accommodating in their individual capacity “good Muslims” from within the existing PDPA government. The IUAM favoured the emergence of a broad based government in Afghanistan. They were making efforts to get 50 to 100 representatives from Afghanistan to form a Consultative Group. This Group, representing a wide spectrum of opinion, would be able to give a mandate for an interim regime in Afghanistan. However, this process had not gone as smoothly as expected initially. If this Consultative Group could be formed and it could give its mandate to an interim government which could be accepted by the USSR among others, an important step would have been taken towards restoration of peace in Afghanistan. Mr. Vorontsov would come to Pakistan on 4th and 5th January, 1989 and would have discussions both with the IUAM and the Pakistan Government. The idea had been mooted in some quarters that Pakistan was interested in a “fundamentalist regime”. Pakistan had no such
predilections and, apart from everything else, such a regime would be divisive for the Afghans. It would amount to imposing an unpopular regime on Afghanistan. Pakistan wanted a peaceful solution to the Afghan problem so that the refugees could return to their homes.

27. Prime Minister Benazir Bhutto said that she looked forward to returning to India. She had very warm memories of her visit to Simla as a teenager. She had also extended an invitation to Prime that he would come to Pakistan.

28. The Prime Minister accepted her invitation and stated that the two Foreign Offices could work out dates.

29. The meeting terminated at 4.40 p.m.

(Meera Shankar)
Director

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LIST OF INDIAN AND PAKISTANI DELEGATIONS

INDIAN DELEGATION

1. Shri Rajiv Gandhi, Prime Minister
2. Shri P.V. Narasimha Rao, Minister of External Affairs
3. Smt. Mohsina Kidwai, Minister for Urban Development
4. Shri H.K.L. Bhagat, Minister for Information and Broadcasting
5. Shri K. Natwar Singh, Minister of State for External Affairs
6. Shri K.P.S. Menon, Foreign Secretary
7. Smt. Serla Grewal, Secretary to PM
8. Shri S.K. Singh, Ambassador of India to Pakistan
9. Shri G.K. Arora, Secretary, Information and Broadcasting
10. Shri Muchkund Dubey, Secretary, International Organizations, MEA
11. Shri Suman Dubey, Adviser, Ministry of Information and Broadcasting
12. Shri Mani Shankar Aiyar, Joint Secretary, PMO
13. Shri G. Parthasarthy, Joint Secretary PMO
14. Shri Satish Chandra, Joint Secretary (AP), MEA
15. Shri R. Sen, Joint Secretary, PMO
16. Shri T.C.A. Rangachari, Deputy Chief of Mission, EI, Islamabad
17. Smt. Meera Shankar, Director, PMO
18. Shri A.K. Kantha, Deputy Secretary (AP), MEA

PAKISTAN DELEGATION

1. Ms. Benazir Bhutto, Prime Minister
2. Sahibzada Yaqub Khan, Minister for Foreign Affairs
3. Mr. Iqbal Akhund, Adviser on Foreign Affairs, National Coordination and Security.
4. Sardar Farooq Ahmed Khan Leghari, Minister for Water Resources & Power
5. Syed Iftikhar Hussain Gilani, Minister for Law & Justice
6. Mr. V.A. Jaffrey, Adviser on Finance, Planning & Economic Affairs
7. Mr. Makhdoom Amin Fahim, Minister for Communications
8. Mr. Javed Jabbar, Minister of State for Information & Broadcasting
9. Dr. Humayun Khan, Foreign Secretary
10. Mr. Saeed Quereshi, Finance Secretary
11. Mr. Ashif Rahim, Secretary (Culture)
12. Chairman, Revenue Board
13. Khwaja Shahid Hussain, Adviser (Culture)
14. Mr. Niaz Naik, Ambassador to India
15. Mr. Khalid Mehmud, Additional Foreign Secretary
16. Mr. Aziz Ahmed Khan, Director-General, MFA
17. Mr. Rifaat Mehdi, Director-General, MFA
18. Mr. Shahid Kamal, Director (India-P) MEA

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3182 INDIA-PAKISTAN RELATIONS

1197. Press Conference of Prime Minister Rajiv Gandhi on return from Pakistan after attending the SAARC Summit.


QUESTION: Sir, you have had three encounters – more than three encounters—with Prime Minister Benazir Bhutto. I hope they were not encounters of the third kind. We are also happy that three Agreements were signed. But, Sir, were you able to convince the Prime Minister of Pakistan that her policies of “military-nuclear” programme and support to terrorists are to be given up?

PRIME MINISTER: I had very useful talks with Prime Minister Benazir Bhutto. We had quite a long talk; we talked about a number of subjects. We highlighted the major problems, the difficult areas and about less difficult areas where it could be easier to work. I felt that there is definitely a mood on both sides to try and get things back on the track and normalize the situation between our two countries. I can also say with confidence that we believe that the PPP policies will be much better than the earlier policies, essentially on the more difficult areas.

QUESTION: Sir, what was India’s response to Mrs. Benazir’s proposal of a cut in military expenditure, particularly by India and Pakistan?

PRIME MINISTER: Well, we are willing to cut our expenditure provided other tensions come down. We spoke about this.

QUESTION: Sir, what was the outcome of your talks?

PRIME MINISTER: Like I said, there are some area which are harder to tackle, some areas which are easier. There is a process which is already looking at the more difficult areas and we are letting that process continue, but with a more positive indication from the higher levels, I think it will move better.

QUESTION: Would you like to deal with two specific questions namely, the support from Pakistan, so far, to the terrorism in Punjab, and secondly, Kashmir, in the sense that under Simla Agreement the issue is to be settled bilaterally or by a procedure settled bilaterally, but they (Pakistan) have been raising it at the United Nations and other forums and insisting on the right to do so.?

PRIME MINISTER: Prime Minister Benazir Bhutto said very clearly that she would like the Kashmir issue to be settled on the basis of the Simla Agreement.

QUESTION: But, Prime Minister, their Foreign Minister has been raising it recently and talking differently?

PRIME MINISTER: I talked with the Prime Minister on that.
QUESTION: Mr. Prime Minister, you have achieved spectacular progress in improving relations between China and India, and India and Pakistan. It must have caused a lot of strain on you physically and mentally also. Would you propose to go on a holiday, immediately?

PRIME MINISTER: You want me to go on a holiday now, before the next question, or after the next question?

QUESTION: In view of the changed circumstances, do you think there is going to be a change in India’s stand on issue like Afghanistan and Kashmir, Sir?

PRIME MINISTER: On Afghanistan, we have a very clear stand. We want the Geneva Agreements to be honoured.

QUESTION (in Hindi): Mr. Prime Minister, in the light of your talks with Benazir Bhutto you have said that you are confident that the policy of PPP in future will not be as it had been before. However, you are already aware of PPP’s and her father’s policies. What new change have you now found in her that you have the confidence that her future policy will considerably improve relations between India and Pakistan?

PRIME MINISTER: (in Hindi): These are words, not mine.

QUESTION: Sir, what was the specific assurance she gave over training the terrorist in Pakistan?

PRIME MINISTER: She said very clearly that they (Pakistan) are not for interfering in our internal affairs, and I believe she means it.

QUESTION: Sir, what is the reaction of the SAARC countries to your three-point charter for South Asia?

PRIME MINISTER: General agreement; worried in certain areas because of our size and our economic strength, but I reassured them that we don’t want to be overbearing. Much of it has been included in our declaration and the press release.

QUESTION: Mr. Prime Minister, it has been suggested by the Opposition parties that while you were in China you entered into a secret agreement about Siachen and other things. Would you like to clarify?

PRIME MINISTER: Well, let me say very clearly that we entered into nothing of that sort at all. There is no secret agreement. I think the particular party that you are talking of neither knows anything about foreign policy nor has a foreign policy.

QUESTION: Sir, have you set up any agreement for follow-up action in regard to your dialogue with Prime Minister Benazir Bhutto?
PRIME MINISTER: Yes.

QUESTION: Can you elaborate, Sir, a little bit?

PRIME MINISTER: No. when I want to set up an arrangement with you, I will elaborate to you.

QUESTION: Did the question of release of 43 POWs of the 1971 war figure in your talks with Prime Minister Bhutto?

PRIME MINISTER: Yes, except that the number they gave me was, I think 41. She is going to look into it seriously, yes.

QUESTION: Sir, are you going to hand over Jinnah House in Bombay to Pakistan?

PRIME MINISTER: I don’t know what is the situation with it at the moment. Prime Minister Bhutto did raise the point and I told her that I would find out what the exact position is.

1198. Letter from Prime Minister Rajiv Gandhi to the United States President Ronald Reagan.

New Delhi, January 8, 1989.

Prime Minister
New Delhi

January 8, 1989

Dear Ron,

Thank you for your letter of January 2, on my recent visit to Pakistan.

My talks with Prime Minister Benazir Bhutto were most timely and constructive. Our consultations and the agreements that were signed during my visit have given a positive thrust towards the normalization of our relations with Pakistan.

The restoration of democracy in Pakistan has created the right climate in both countries for the improvement of our relationship. We decided to build on the good beginning made during my visit and maintain the momentum towards normalization, through a series of official level talks, culminating in a meeting of the Joint Commission at the Foreign Ministerial level. We hope to consolidate
advances and move forward in a manner which would ensure that the process is an irreversible one.

Prime Minister Bhutto strongly reaffirmed her Government’s commitment to resolve all issues bilaterally in accordance with the Shimla Agreement. I was particularly heartened by her positive response to my suggestion that we need to break governmental barriers which hamper people to people interaction at all levels, including information, cultural, commercial and economic. I am convinced that this alone, in the longer run, will wipe out the recent legacy of lack of confidence and mistrust that has unfortunately characterized our relations.

A small beginning on promoting freer people to people access was made, in the SAARC context, with the decision on visa free travel in our region of legislators and Supreme Court Judges. We hope to extend this to other categories like journalists and businessmen. Among other steps that we took, was the decision to designate 1989 as the SAARC Year for combating drug abuse and drug trafficking and to examine the possibility of a Regional Convention on Drugs Control.

I found Prime Minister Benazir Bhutto receptive to our concerns on Pakistani aid to terrorism in India. We will have to wait and see how far this is translated into practice. On the nuclear issue, the basic differences in our approach remain. However, the Agreement on Prohibition of Attack on Nuclear Installations and Facilities is a useful confidence building measure. We have agreed to keep in touch. I hope that your efforts to persuade Pakistan to reverse its nuclear weapons programme will be successful, now that they are fully reassured that there never was and never will be any coercive intentions on our part.

I greatly value your good wishes and your wholehearted support to our endeavours to normalize our relations with Pakistan. I believe that, with some more time and patient effort, we should be able to convince Pakistan that it is very much in our interest to have a Pakistan that is stable and strong and confident enough to have friendly cooperation with India.

Sonia joins me in sending Nancy and you our warmest regards and best wishes for 1989.

Sincerely

R.

The Honourable Ronald Reagan,
President of the United States of America,
Washington D.C.

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Pakistan would never resile from its stand that Kashmir dispute remained unsettled and unresolved, Foreign Minister Sahabzada Yaqub Khan said on January 19, 1989.

“We have always maintained this and would never retract from this position,” he told the Senate while making a statement on recent developments in the field of foreign affairs.

He said Prime Minister Benazir Bhutto during her exchange of views with Indian Prime Minister Rajiv Gandhi on the occasion of the SAARC summit, clearly set forth Pakistan’s principled position on Jammu & Kashmir and emphasized that the Simla Agreement recognized this as an outstanding dispute which remained to be settled.

The Foreign Minister said Mr. Gandhi’s visit – the first official visit by an Indian Prime Minister to Pakistan since 1960 – provided a valuable opportunity to hold discussions between the two leaders about the state of their bilateral relations. The talks were held in an atmosphere of expectancy on both sides that the summit level meeting should yield some concrete results, contributing towards reducing tensions and promoting good neighbourly and cooperative relations. “The advent of our popularly elected government and parallel democratic system in the two countries provided a propitious opportunity to reinvigorate the process of normalization of relations and to create a climate of greater mutual trust and confidence,” he added.

He described the talks as most cordial and said that both sides candidly stated their respective positions on various issues with the common purpose of trying to lift bilateral relations out of the morass of mistrust and suspicion.

“Our well-known position on the peaceful nature of Pakistan’s nuclear programme was restated. We also reiterated the various proposals to India for a regional solution, which we had put forward publicly on several occasions to keep South Asia free of nuclear weapons,” he said and added: “We reaffirmed our non-involvement in India’s internal affairs. Pakistan’s opposition to all forms of interference in the internal affairs of other countries was stressed, as was our expectation that this principle would be adhered to by all states. It was agreed that another meeting of Interior Secretaries would be convened to
continue efforts to adopt measures to control illegal trans-border activities from either side,”

The Foreign Minister said: “We expressed our willingness for a meaningful expansion in people-to-people contacts as a part of the process of normalization of our bilateral relations. Both sides also agreed to consider confidence building measures to generate a climate of greater trust between the two countries. These ideas will be further explored at the meeting of Foreign Secretaries, to be followed by the meeting of the Pakistan-India Joint Commission at the Foreign Minister level which is expected to be held by the middle of 1989.

He said: “As honourable members are aware, the concrete outcome of the discussions was the conclusion of three agreements signed in the presence of the two Prime Ministers: (a) Agreement on the prohibition of attack against nuclear installations and facilities; (b) agreement on cultural cooperation; and (c) agreement for the avoidance of double taxation on income derived from international air transport.

**On Siachen Glacier Dispute**

On the Siachen Glacier, he said Pakistan pointed out that the dispute had resulted from India’s violation of the Simla Agreement which had otherwise worked well in maintaining peace over the past 16 years. Both sides felt that the last round of Defence Secretaries talks held in September last had been useful and agreed to convene the next meeting of the same level at an early date to explore ways and means of reaching a just settlement.

Sahabzada Yaqub said by hosting the SAARC summit and by successfully chairing its proceedings, Pakistan was able to demonstrate its commitment to cooperate purposefully and constructively with the countries of the region. Each member state stood to benefit from an organization that had begun to mature and assume importance. It had gained recognition and approbation regionally and internationally the sovereign equality of all members-state-big or small – was assured by the rule that all decisions would be based on unanimity, he added.

He said the bilateral dialogue with India at the highest level, seeking tension-free and good neighbourly relations consistent with Pakistan’s traditional stand and compatible with internationally recognized principles, served the country’s national interests and the cause of peace in the region.

**On Afghanistan Issue**

On the question of Afghanistan, the Foreign Minister said Pakistan had never wavered from the aim it had set for itself in seeking a principled negotiated
settlement. “We were successful in securing overwhelming international support in the OIC, the NAM and the UN,” he said.

He said the support of Parliament on the issue would always be an invaluable source of strength for the conduct of country’s policy on Afghanistan. We have maintained with tenacity and determination our support for the titanic struggle of the Afghan people. “We have insisted on the withdrawal of foreign troops in conformity with the provisions of Geneva Accord. We have rejected the claims of legitimacy of the puppet regime of Kabul and we have encouraged the formation of a broad-based government to replace the Kabul regime so that peace could return and the Afghan refugees could go back safety to their homes,” he added.

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New Delhi, January 25, 1989.

In reply to a question about news item in today’s newspapers about Pakistan’s re-entry* into the Commonwealth, the Official Spokesman said that after the restoration of democracy in Pakistan as a result of the November 1988 elections, the question of India objecting to Pakistan’s re-entry into the Commonwealth does not arise. In fact, India would gladly take the lead in sponsoring the re-entry of Pakistan led by the democratic government.

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* The Spokesman of the Pakistan Foreign Office said in Islamabad on January 26 that Pakistan was considering its re-entry into the Commonwealth fold and a decision to this affect would be taken in due course.

Briefing media-men, he said the concerned quarters were finalizing the modalities for Pakistan’s re-entry into the Commonwealth community.

Replying to a question, Pakistani Spokesman said a final decision in this connection would be taken before the Commonwealth Summit in Malaysia towards the end of the current year.
Letter from Pakistan Embassy in New Delhi to the Chief of Bureau United News of India forwarding a written interview of Pakistan Prime Minister, Benazir Bhutto.

New Delhi, February 6, 1989.

Information Section
Embassy of Pakistan
New Delhi

From : Mubarik Shah,
Minister (Press)
No. 6(1)/89-INF February 6, 1989

Dear Virender,

Reference our telephonic conversation this morning regarding your special correspondent Samual Baid's written questions for an interview with Pakistan Prime Minister Mohtarma Benazir Bhutto.

2. We have received the written replies to those questions from Islamabad and we have been asked to pass those on to you for publication in the form of a written interview.

With best regards,

Your sincerely
(Mubarik Shah)

Mr. Virender Mohan,
Chief of Bureau,
U.N.I.,
New Delhi.

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Interview of the Indian News agency United News of India (UNI) with Pakistan Prime Minister Benazir Bhutto.

Islamabad, February 6, 1989.

Question: The people of India and Pakistan continue to have a feeling of kinship because of historical ties, particularly after the induction of a democratic and representative Government in Pakistan. They are keen to have greater exchange of visits. Do you agree with these views? If so, do you favour visa liberalization to help such visits?
**Answer:** We have never hesitated to expand people-people contacts. We would welcome further expansion of such contacts. These create a fund of goodwill which is essential for the promotion of closer and friendly relations between the two countries.

The Cultural Cooperation Agreement, we have signed with India will enable the two countries to increase exchange in the fields of art, culture, education, mass media and sports and contribute towards a better mutual understanding.

The number of *Zaireens* (pilgrims) visiting religious shrines in each other's country has also been on the increase. Further visa liberation could be considered in the meeting of the Indo-Pak Joint Commission expected in a few months time.

In the context of SAARC we have also agreed to withdraw visa restrictions to enable our parliamentarians and judges to visit each other’s countries. This is a significant first step and we hope it would lead to further expansion of such contacts between the peoples of the SAARC member countries including Pakistan and India.

**Question:** Do you favour a Summit meeting with Indian Prime Minister Rajiv Gandhi apart from your meeting him during the SAARC Summit?

**Answer:** Yes, I do favour meetings with the Indian Prime Minister. As neighbours we should have frequent meetings of mutual consultations. This would help remove misperceptions and speed up the process of normalization. We had an opportunity to discuss this subject during Mr. Rajiv Gandhi’s visit to Islamabad for the SAARC Summit. We agreed to hold Summit level meetings on a regular basis. He kindly invited me to pay a visit to India. I also reiterated the standing invitation to him to visit Pakistan. I look forward to continuing our discussions to improve bilateral relations.

**Question:** There has been an international controversy whether or not Pakistan has a nuclear weapon-oriented programme. What is Pakistan’s position?

**Answer:** We have given repeated assurances about the peaceful nature of our nuclear programme. We have clearly stated that Pakistan does not intend to manufacture or acquire weapons. To allay apprehensions and suspicions we have proposed a series of equitable and non-discriminatory measure at the bilateral, regional and global level by which both Pakistan and India can assure each other and the world that they will not acquire or develop nuclear weapons. The singing of the Agreement against attack on each other’s nuclear installations and facilities is a good step in that direction. If our other confidence building measures do not commend themselves to India, we are prepared to consider positively any proposals that India may wish to propose.
Question: India has accused Pakistan of its involvement in the Punjab problem in India. Pakistan has denied the charge. Do you have any comments on it?

Answer: We have repeatedly and at all levels given assurances of our non-involvement in East Punjab. It is not in our interest to have instability across our borders. Such allegations are baseless and unfounded. To involve ourselves in any way in the problem across border would be against the spirit of our desire to establish good-neighbourly relations with India. We have extended maximum cooperation to India to curb various forms of illegal activities that take place across the border.

The Interior Secretaries of the two countries have been holding discussions to devise appropriate measures to check all illegal trans-border activities. We have agreed to schedule another meeting of the Interior Secretaries to continue their dialogue.

Question: Siachen has become a major irritant between the two countries. How do you think this problem can be settled?

Answer: The Siachen Glacier issue has become an un-necessary irritant in our bilateral relations. For peace in the region and establishment of good-neighbourly relations it is essential to settle this issue soon.

We seek a peaceful and negotiated settlement of the Siachen Glacier dispute in accordance with the Simla Agreement in which both sides are committed (not) to alter the situation unilaterally. This was the first and only instance of violation of the Simla Agreement. We therefore expect India to withdraw its forces to pre-Simla positions.

The Defence Secretaries of the two countries who have already held four rounds of talks shall be meeting again to find a solution compatible with the Simla Agreement.

Question: In your first Press Conference as Prime Minister, you affirmed Pakistan’s adherence to the Simla Agreement envisaging settlement of all bilateral problems through discussions. But your Foreign Minister Sahabzada Yaqub Khan recently said that Pakistan would continue to raise the Kashmir issue in international forums. How do you reconcile this with the Simla Accord?

Answer: The Simla Agreement provides an excellent framework for solving problems between the two countries. We would like the spirit of the Simla Agreement to be adhered to by the two governments. The Simla Agreement provides for a “step by step” approach that is best suited to solve the problems that have marred the relations between the two countries.

The Simla Agreement also provides a basis for the solution of the Kashmir
issue. The positions of the two sides have been fully recognized in the accord which provides for “a final settlement of Jammu and Kashmir” in the context of the establishment of durable peace between the two countries. Both sides agreed to respect the Line of Control “without prejudice to the recognized position on either side”. On the Kashmir issue our position is based on the resolution of the United Nations according to which the question of the accession of the State of Jammu & Kashmir to Pakistan or India is to be decided through the democratic method of a free and impartial plebiscite.

In the Simla Agreement when we say that we have agreed to have bilateral negotiations with India, it is on the basis of United Nations resolutions. This does not in any way compromise our position. Also there is nothing in the Simla Agreement which completely rules out the role of the United Nations or other international forums. It is true the emphasis is on bilateral efforts but it does not mean that we cannot resort to any other forum. Thus the statement made by our Foreign Minister does not in anyway contradict the Simla Agreement.

**Question:** During General Zia’s rule, this accord suffered as many of its provisions were not allowed to be implemented. They related to trade and cultural exchanges. Is your Government willing to pick up the thread from 1977 and implement these provisions?

**Answer:** The Simla Agreement provides a firm basis to increase confidence and trust between the two countries. We favour expansion in trade with India on a step-by-step basis as provided in the Simla Agreement. Similarly we are prepared for meaningful expansion in non-official contacts as part of comprehensive normalization of our bilateral relations with India. We have signed the Cultural Cooperation Agreement which will be a useful framework to gradually promote people-to-people contacts in various spheres of activities.

**Question:** Indian and Pakistani films enjoy great patronage in each other’s country. Do you suggest lifting of restrictions on film import and export between the two countries? Do you also favour free exchange of books, journals, newspapers and scholars so as to remove the communication gap between the two countries?

**Answer:** Pakistan welcome further increase in people-to-people contacts. The Cultural Cooperation Agreement signed with India on December 31, 1988 provides for exchanges in the fields of arts, culture, media, music, films, periodicals, newspapers as well as exchange of scholars and writers. We hope these exchanges would lead to a meaningful expansion in cooperation as part of comprehensive normalization of our bilateral relations with India.
1202. **Pakistan Rejects proposal for joint border patrol between India and Pakistan.**

**Lahore, February 7, 1989.**

Pakistan has rejected an Indian proposal that joint border patrols be led by a commander who could alternately be from either country, operate on both sides of the border and take action on either side.

A spokesman for the Pakistan Rangers told a Press conference in Lahore that the proposal was rejected because it went against agreement made at the New Delhi meeting in May 1988 between the Home Secretaries of the two countries.

Officials of the Border Security Force and the Pakistan Rangers met at the Wegha border check point on February 6.

The spokesman said Pakistan had proposed the joint patrols at the New Delhi meeting in response to Indian allegations that Pakistan was helping Sikh terrorists.

The spokesman said: “Indian allegations had proved unfounded, baseless and mere propaganda as India changed its stand on the previously agreed points after dragging the issue”.

He said at the first meeting between officials of the two security agencies, modalities on joint patrolling, as visualized in the Home Secretaries’ meeting, were finalized, but no agreement was signed because both Governments had to approve the pact.

The spokesman alleged that the “Indians were never sincere in undertaking joint patrolling of the border since this would have proved their allegations baseless and unfounded and vindicated Pakistan’s position regarding her non-involvement in Indian Punjab”.

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Assessment by Embassy of India in Beijing on the visit of Pakistan Prime Minister Benazir Bhutto to China.

Beijing, February 16, 1989.

Note by Counsellor (Political)

Pakistan Prime Minister Benazir Bhutto visited China from February 11 to 13, 1989. The visit received very high protocol and publicity treatment from the Chinese. Prime Minister Bhutto met with Chairman Deng, President Yang Shangkun, CPPCC Chairman (and ex-President) Li Xiannian, Party General Secretary Zhao Ziyang and with Zhou Enlai’s widow Madame Deng Yingchao. In addition, she held 3½ - hour of talks with Premier Li Peng in Beijing. It is, however, difficult to be certain that this intense schedule of meetings in the space of two days and two cities, and the high level of protocol treatment, was matched by the substantive outcome of the visit. We have been promised briefings by the Chinese Foreign Office and Pak diplomats here. Pending that, a summary of the public record and what we have gathered so far might be of interest, to catch that bag leaving tomorrow.

2. The backdrop to the visit was set by a profile of Benazir Bhutto in “Outlook weekly” of 6th February which said that “most observers say that Pakistan is presently at a turning point. The road ahead is far from even and she could meet several dangers and obstacles”. This kind of frankness is rare on the Chinese part, particularly on the eve of a high level visit from what has been China’s closet ally. At the same time, her domestic preoccupations presumably explain Prime Minister Bhutto’s desire to undertake the visit to China, seeking to utilize public expressions of Chinese support to consolidate her domestic position. She also revealed another concern in a pre-visit interview published on February 10th in the major Chinese newspapers, when she said that “the Soviet withdrawal from Afghanistan will not change the fundamental regional geo-strategic situation”.

3. The third, and from our point of view the most significant area of interest, was the reflection of India-China and India-Pakistan relations during the visit. Here again, it could be argued that (Indian) PM’s visit to China last year and the December developments in India-Pakistan relations had resulted in a lessening of the relative prominence of these issues. In both her banquet speech and at her press conference, Prime Minister Bhutto welcomed the thaw or improvement in India-China relations. At the same time, she spoke of the impetus given by her meetings with PM to the process of India-Pakistan normalization. We are told by Pakistani diplomats that in return, both President
Yang Shangkun and Premier Li Peng mentioned PM’s visit to China. President Yang Shangkun reportedly said that as a result of PM’s visit there had been some improvement in the climate of Sino-Indian relations but no substantive progress on the boundary dispute. While this may have been the private briefing, the public Chinese presentation was to say that “China wishes to expand good neighbourly and friendly cooperation with all the countries in the region.....”

4. Developments in India-Pak relations, however, did not prevent Bhutto from mentioning the Kashmir issue and from claiming Chinese support when she said in her banquet speech:

“Our talks with the Indian Prime Minister helped to remove some of the mistrust that had bedeviled Pak-India relationship. We assured the Indian Prime Minister of Pakistan’s earnest desire to establish friendly and equitable relations with India on the basis of the Simla Agreement which, among other things, envisages the settlement of the Kashmir dispute on which we have always received your support”.

Interestingly, the reference to Kashmir provoked no public Chinese response or echo, and the English language Chinese media, while noting that Bhutto had mentioned Kashmir, omitted the mention of Chinese support to Pakistan. The Chinese language media omitted all mention of a reference to Kashmir. Subsequently, after her return to Pakistan Prime Minister Bhutto has claimed Chinese support on the Siachen issue as well. This again was not reflected in any public way during the visit.

5. The other expression of Pakistani concern about India was in Prime Minister Bhutto’s banquet speech reference to “unchecked militarization” of the Indian Ocean, when she called for “great powers and the littoral and hinterland states” to workout “a regime to limit the scope of militarization”. Subsequently, in her press conference, Sahabzada Yaqub Khan was even clearer in his explicit references to India having introduced a nuclear submarine. Yaqub Khan said that these concerns had been conveyed to the Chinese, and that the Chinese were deeply interested in Pakistan’s security etc. He, however, stopped short of saying that Pakistan had secured any Chinese assurances of joint action or countervailing military supplies.

6. There is natural speculation in Beijing as to whether any such private commitments were made by the Chinese to Pakistan. One possibility would be a Chinese commitment to lease a nuclear powered submarine to Pakistan. This, however, would be physically difficult for China at a time when she herself had only three such units, not always fully operational, and when the credibility of her own deterrent depends largely upon the uncertainty created by her nuclear submarines.
7. If anything, public treatment of the visit by the Chinese would suggest a marked Chinese reluctance to become involved in contentious India-Pak issues such as Kashmir or the Indian naval presence in the Indian Ocean. In one of her last meetings in Beijing, Prime Minister Bhutto was told by General Secretary Zhao Ziyang, in remarks quoted in the Chinese press, that “China hope the South Asian countries will seek common ground while reserving differences and strengthen cooperation between themselves”. This explicit statement coming on top of the evident Chinese unwillingness to be seen publicly choosing sides on issues such as Kashmir, no matter what their private sympathies might be, suggests that Pakistani hard-liners such as Yaqub Khan were not able to achieve very much in India related aspects of the visit. This is not to suggest that China is either changing or even adjusting her stand on divisive issues in South Asia, but only that the Chinese find it tactically useful at present to moderate their public posture. That there is no lessening of the Chinese interest in South Asia, or of Chinese intent to play a role in South Asia was made very clear in Li Peng’s speech where immediately after speaking of China’s desire for good relations with all South Asian countries, he said that “China wishes ……… to do its part in guarding peace and stability in this (South Asian) region and the whole of Asia”.

8. The other Pakistani concern was no doubt the evolving regional situation, the impact of Sino-Soviet normalization on Chinese support to Pakistan on the Afghanistan issue, and the post-Soviet withdrawal situation in Afghanistan. In her pre-visit interview, Prime Minister Bhutto had attempted to hold the line saying that “the Soviet withdrawal from Afghanistan would not change the fundamental regional geo-strategic situation”. While this might be the Pakistani preference, it is a rather sweeping and categoric statement which seems to fly in the face of facts. Clearly there is a strong Pakistani interest in preventing any attenuation of Sino-Pakistan coordination on the Afghan issue. Hence the statement. The Chinese were careful not to give any public indication during the visit of any China-Pakistan differences on the Afghanistan issue. There was, however, possibly a difference in nuance. Li Peng in the talks stressed the Chinese concern about the “current trend of an internal war in Afghanistan” and said that China does not want to see any deterioration in that situation. Pakistani statements instead focused upon the right of Afghans to make their own choices. Both the Chinese and the Pakistanis spoke in public of the need for a broad-based coalition government to be set up in Afghanistan. The Chinese added, in what could be seen as a reference to PDPA participation, that it should be acceptable to all parties. It is difficult for us here to comment on the precise implications of these positions taken by the Chinese and the Pakistanis on the future regime in Afghanistan. For example, while the Pakistanis spoke of an interim government in Afghanistan, the Chinese didn’t. In any case, it would seem that events in Afghanistan have acquired a momentum of their
own regardless of formal statements of position by outside governments. Perhaps, one can only conclude that the Chinese did not show any willingness to introduce a discordant note in the build up to the May Deng-Gorbachev summit and therefore avoided any specific position on the Afghanistan issue.

9. On China-Pakistan relations, the visit saw a reaffirmation of China's support to Pakistan's efforts to safeguard national independence and sovereignty. Li Peng reaffirmed that the “Chinese government and people will forever stay trustworthily friends of the Pakistani people in their just cause of safeguarding state independence and sovereignty............". These are not, however the full-throated commitments of support that we have heard during past such visits. When Zhao Ziyang made a similar statement of support, it was immediately followed by advice that South Asian countries should seek common ground and reserve differences and cooperation. Zhao thus seemed to be saying that China did not want to be publicly seen as involved in intra-South Asian disputes. Similarly, Li Peng’s commitment is to the Pakistani people and not to the Pakistani government. This is significant when seen along with the unprecedented public advice by Deng to Bhutto. Deng said that “the various political parties of Pakistan and the Pakistani people are all our friends. I hope they get united to develop Pakistan instead of haggling over past resentments”. Deng also said that “we understand each other even if any difference of views arises”. These are not the words that China normally addresses to an ally as close and as mindful of Chinese sensitivities as Pakistan has been. It is therefore difficult to avoid the impression that China is today more important to Pakistan than vice versa.

10. There has naturally been considerable speculation about whether the visit resulted in any further steps on China-Pak nuclear cooperation. We have no information yet to suggest this. Pakistani diplomats speak of future Sino-Pak cooperation as being in the areas of power development, energy and mineral development. These could theoretically, include cooperation in nuclear power. We would have to look out for information on this. China’s capabilities here must however be suspect since she is about to import nuclear power stations from the Soviet Union and over 85% of her only “indigenous” nuclear power situation under construction is imported. Form what we were told Chinese commitments to Prime Minister Bhutto are to assist in the construction of coal fired thermal power plants.

11. The other area where cooperation appears likely is in space technology. The Pakistanis have been discussing the use of Chinese launch facilities and even the possible purchase of a Chinese satellite by Pakistan. The Chinese Minister of Aeronautics and Astronautics was among those present at the welcome banquet, and the Pakistan Ambassador was at the Xichang launch site with a Pak delegation on December 24, 1988 to witness a launch.
12. On arms sales, Prime Minister Bhutto was careful to deny reports that she had purchased 75 fighter planes from China during the visit. We are, however, told by other diplomats that the delegation included several members of the Pakistani armed forces and it is difficult to believe that this subject was not discussed at all at such an opportunity.

13. The more general questions of civilian trade are to be discussed again at the Joint Ministerial Commission, which will hold its 5th session in late February. The Pakistani worry continues about the trade imbalances which have existed now for several years. Roughly 84% of total two way trade is accounted for by Chinese exports. According to Pakistani figures (but not according to the Chinese), trade in 1988 was in fact less than trade in 1987 when it amounted to approximately US$360 million. The visit saw the singing of an agreement on reciprocal encouragement and protection of investments and a trade MOU.

14. Interestingly, during her meeting with General Secretary Zhao Ziyang, both sides also stressed their intent to establish party relations between the PPP and the CPC. The precise modalities of this are yet to be worked out.

Conclusion

15. All in all, the visit seems to have provided a suitable and useful vehicle for Prime Minister Bhutto to stress her family’s special links with China (including a one month stay in China, as Premier Zhou Enlai’s guest when she was only 19 years old in 1972), and to use this for her domestic political purposes. Despite considerable rhetoric, however, the visit did show that China’s need for Pakistan today is not such as to necessitate her publicly choosing sides with her on every sensitive issue. All the indications are that the Pakistan side raised their concerns about Siachen, Kashmir, the Indian navy, Afghanistan etc. On none of these, was there any strong public Chinese echo or support, this will be contradicted by China. One major reason for this Chinese reticence is presumably their uncertainly about the future course of domestic politics in Pakistan evident both in Deng’s public remarks and in printed assessments in Chinese journals.

16. What does this mean for the future of Sino-Pak relations? It would seem that while continuing to make her considerable investment in Pakistan and while seeking to create long-term dependencies in sectors such as energy, the armed forces, etc., China is still unwilling to make an outright commitment to the PPP alone. In other words, one can expect a continuation of previous Chinese policies which have so far successfully insulated Sino-Pak relations from the storms of Pakistani domestic policies. Li Peng has accepted an invitation to visit Pakistan during the second half of this year and that will no
doubt provide another opportunity to measure the evolution of the relationship.

(Shivshanker Manon)
Counsellor

Ambassador

Note by the Ambassador

Discussed with C (P).

2. While protocol reception at airport was as per the norms standardized by the Chinese on occasions of VVIP visits, the “special” nature of Sino-Pakistan relations which was mentioned by Deng Xiaoping, found expression at the unusually high level of attendance at the official Banquet by Premier Li Peng for Prime Minister Benazir.

3. In an era where the Chinese stress their independent foreign policy of peace, it is unusual to talk of “special” relationship. We should observe if this phrase is used in the case of other good friends of China such as Yugoslavia etc. Its use, however, does underline Chinese sensitivity to Pakistani feelings at a time when prospects for India-China relations show promise of substantive improvements.

4. Deng’s lecture to Bhutto on need to follow consensus politics with a view of uniting different factions, eschewing revenge, consolidating stability within Pakistan etc. is to say the least strange, (and) stranger still, is the wide publicity given to these remarks. Read together with what appears to be a difference of nuance over a future set up in Afghanistan, one wonders whether there is a moral for Pakistan’s Afghanistan policy in all that Deng said.

5. Hitherto all our analyses are based on public record, pending our own direct talks with the Chinese Foreign Office and with local Pakistani and other Diplomats. The lines of further enquiry by us suggest themselves. They have been referred to in the first CCB telegrams on this subject as well as in C (P)’s note. Indian navel situation, Afghanistan, how Pakistanis view Deng’s statement, Kashmir, how India-China relations as well as India-Pakistan relations figured in the private talks particularly with Li Peng, which lasted for such a long time need to be the subjects of further intensive discussions and future reports over the next few weeks.

Copies of this may be sent to the following addressees: Cd’A, Embassy of India, Islamabad. JS(EA), JS(AP) and Chairman, JIC.

(C.V. Ranganathan)
Ambassador

SECRET

Record of the Call on Foreign Secretary S. K. Singh by Pakistani Secretary of Water Resources Abdul Rahim Mahsud.

New Delhi, March 30, 1989.

Ministry of External Affairs
(AP Division)

Secretary, Water and Power of the Pakistan called on FS at 1230 hrs on March 30, 1989. He was accompanied by Aziz Khan, DG (SA) in the Pakistan Foreign Office our side, Shri T.C.A. Rangachari, CDA in Islamabad and the undersigned were also present.

2. A summary of main points discussed at the meeting are as follows:

i) There was a discussion on the recent Cabinet reshuffle in Pakistan. Mr. Mahsud said that this was the largest Cabinet ever in Pakistan. Aziz Khan said humourously that half of the PPP were in the Cabinet either as Ministers or Advisers. He said that there was a lot of comment in the Pakistani press on this. Mr. Mahsud said that there was a fresh breeze of freedom in Pakistan which was reflected in the press.

ii) FS then steered the discussion towards Afghanistan. He said that civil war in Afghanistan was causing untold destruction. As one closely associated for 6½ years with Afghanistan and Pakistan, he could not but feel deeply on this issue. FS said it was important for Pakistan to speak to all the parties concerned and to tell the US to let things be. Mr. Mahsud asked how this could be done since USSR would continue to arm the Najib Government. FS said that as is evident from the Soviet press, the USSR had learnt a bitter lesson in Afghanistan. He said it was necessary for Afghans on both sides to talk to each other. For this the good offices of someone like Wali Khan could be used. Mr. Mahsud said that Wali Khan would not be acceptable to the IUML. He asked whether the Soviet Union could prevail upon Najib to step down. He felt that two sides may come down to an understanding after Mujahadeen realised that they were suffering heavy reverses in their efforts at pitched warfare. He further said that massacre of 86 Afghan soldiers who had surrendered to the Mujahideen, was a mistake which pre-empted large scale defections which was expected from the Afghan army. He said that the leaders of each of the seven factions have their own point of view and it was not sure that even after achieving victory they would be able to forge a Government. He said that he was not hopeful of the fall
of Jalalabad since the Mujahideen were used to guerrilla warfare could not confront aerial bombardment. Even if the cities fell, the problem would be how to maintain and consolidate their hold.

iii) FS then enquired about the ongoing talks between the Secretaries of Water Resources of India and Pakistan. Mr. Mahsud said that there had been no progress on the talks in the past since the Pakistani side was handicapped by the attitude of the previous Government. The present Government was committed to resolve the issues and maintain a good atmosphere. He said he was hopeful of results.

iv) FS then spoke to Aziz Khan on the schedule of the forthcoming bilateral talks between India and Pakistan. He suggested that one or two of the proposed meetings could be held during the month of Ramzan. Aziz Khan said that Foreign Secretary level talks could be postponed till after the Joint Commission or be held at the same time. Shri Rangachari said that JS(AP) had suggested that the Home Secretary level talks could be held in India rather than in Pakistan though it was the turn of the Pakistan side to host the talks. FS said that the problem was that the Home Secretary, Defence Secretary, and Foreign Secretary would be free only after the Demands for Grants was over in Parliament. Aziz Khan agreed that Pakistan Interior Secretary Mr. S.K. Mehmood could come to India for the Home Secretary level talks. He said that Defence Secretary level talks could then be held in the later half of May; the Foreign Secretary level talks be on May 30-31, 1989 to be followed by the Joint Commission meeting on June 1-2, 1989. FS said that the schedule for the Joint Commission may not suit EAM. Shri Rangachari said that the Pakistan Foreign Minister and the Prime Minister would be busy during the month of June since there were many foreign visits in the pipeline.

v) FS then queried Aziz Khan on the reports regarding Benazir Bhutto’s pregnancy. Aziz Khan said that these rumours have not been confirmed.

vi) There was then discussion on the North West Frontier Province and recent moves to appoint a new Governor there. Mr. Mahsud said that name of Khaliq Khan had been proposed by the ANP. The choice of Governor was of great importance in the Frontier since he had direct control over the tribal belt. Aziz Khan said that there were moves afoot to amend the Constitution to take away these powers from the Governor and give it to the Chief Minister. FS asked why it was not possible to amalgamate the Frontier Province with FATA. Mr. Mahsud said that this status had prevailed from the British times. On getting Independence, Pakistan had accepted all treaties entered into by the British with the
tribal chiefs. Once they were amalgamated with the Provinces and granted adult franchise, the Maliks “would stand to lose their authority in the area”.

vii) The meeting ended with usual exchange of pleasantries.

(Deepa G. Wadhwa)
Deputy Secretary (PAK)

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1205. SECRET

Record of the meeting between former External Affairs Minister Swaran Singh and Foreign Secretary S. K. Singh on the former’s visit to Pakistan from March 31 to April 4, 1989.

New Delhi, April 6, 1989.

Ministry of External Affairs
(AP Division)

Sardar Swaran Singh called on FS at 4-00 p.m. on Thursday, 6th April and made the following points regarding his visit to Pakistan for the Seminar on Bhutto.

(I) Meeting with Ms. Benazir Bhutto

(a) The Pakistanis themselves arranged the meeting. There was no request from Sardar Swaran Singh. He had earlier indicated his inability to go to Larkana for the meeting and had subsequently refused to accept a sudden pre-ponement proposed by the Pakistanis. Nevertheless, the meeting was held.

(b) The only person present during the meeting was Akhund. (Advisor on Foreign Affairs, National Coordination and Security)

(c) During the meeting Sardar Swaran Singh mentioned that the India-Pakistan summit had created a good impression in both the countries. On our part there was certainly a genuine desire to resolve differences. Ms. Benazir Bhutto agreed.

Ms. Benazir Bhutto indicated that she was facing problems in the working of democracy in Pakistan on account of a non-PPP Government in Punjab. In the past, the governments in the provinces had been the same as at the Centre
and hence the problems being faced by her were a new experience. Sardar Swaran Singh indicated that we had been grappling with such problems for the last 30 years and had worked out appropriate arrangements for differing party governments to co-exist with each other. To this Ms. Benazir Bhutto responded that “but he (Nawaz Shariff) thinks he can replace me”. To this Sardar Swaran Singh stated that any Pakistani could aspire to this office.

Ms. Benazir Bhutto then sought Sardar Swaran Singh’s advice on how to manage the new democratic system in Pakistan. Sardar Swaran Singh indicated that there is no other option but to learn on the job and one must sink or swim.

In regard to India-Pakistan relations Sardar Swaran Singh indicated that there were any number of problems and the proper approach was to try resolving the easier issues first. He told her that being a non-official he could advise both the Prime Ministers. He felt that there was no need for any great hurry on the two sides to tackle the major problems but neither country should alter the status quo.

Ms. Benazir Bhutto expressed the hope that PM would visit Pakistan to which Sardar Swaran Singh responded that we were looking forward to her visit. At this point Akhund explained that the climate of opinion in Pakistan was such that they would want our PM to visit Pakistan before Ms. Benazir Bhutto’s visit to India. He wanted Sardar Swaran Singh to convey this to PM.

Ms. Benazir Bhutto had indicated that the Defence Secretaries’ talks were expected to have been held in February but were now being scheduled for May 1989. Sardar Swaran Singh indicated that this was perhaps due to change of personnel.

Ms. Benazir Bhutto stated that their Naval Chief was worried about India’s increased naval strength. Sardar Swaran Singh indicated that he told her that he had been Defence Minister twice and it was his view that no one could ever satisfy the Army, Air Force or Naval Chief with the money allocated to them for defence purposes.

(d) His impression was that Ms. Benazir Bhutto was running a very disorganized office and she did not have good professional help. All sorts of people were simply lounging around in her office premises.

II. Seminar on Bhutto

The Seminar on Bhutto did not involve any exchanges between the speakers and the audience. The Pakistanis had deliberately arranged it in this manner as in organizing this function they were under great strain and wished to avoid any attacks by the representatives of ‘Mullahdom’. They were genuinely worried
that someone would disrupt the Seminar. While there was no security for him as such, otherwise the security build-up was considerable.

The Seminar was inaugurated by Nusrat Bhutto and was also attended by Ms. Benazir Bhutto for an hour and a half on the second day. At the inaugural session, messages were read out from the President of France, Yasser Arafat and the Syrian President. At the first session there were three speakers, David Owen of UK, Sardar Swaran Singh, and Air Vice Marshal Zulfiqar Ali Khan, in that order. David Owen made two mischievous remarks which Sardar Swaran Singh indicated that he had to refute. One of the remarks was that India had decided as early as June 1971 to settle scores with Pakistan and the other remark was that there was no doubt that India was a big military power. The latter remark was made with a sinister motive. In refuting the above remarks, Sardar Swaran Singh indicated that he made the following points:-

(i) There was no question of any intention on our part to settle scores with Pakistan. India had a serious problem on its hands because of the refugee influx of over 10 million from East Pakistan. Mrs. Gandhi herself had gone all over the world including the USA to persuade these countries to take measures to rectify the situation. This was not done and moreover it was Pakistan which started the conflict on our Western front. We had ourselves no intention of continuing the fight unnecessarily. India unilaterally declared a cease fire and this was not due to the entry of US warships in the Bay of Bengal.

(ii) As regards the nuclear issue, he was in government at the time of our peaceful nuclear explosion in 1974. If we had any desire, we could in the last 15 years have made nuclear weapons. However, we had not secured the same and it was his advice to both the countries to desist from a weapons oriented nuclear policy.

Apart from these two clarifications, Sardar Swaran Singh indicated that he more or less stuck in his presentation to the text which had been prepared earlier in the Ministry.

Sardar Swaran Singh further indicated that throughout his stay in Pakistan he was showered with considerable affection and the audience was extremely appreciative of the points made by him. Whenever he entered the hall at the Seminar there was always applause. It was his clear impression that Pakistanis no longer were eager for war, hostilities, trouble or tension with India. In this context he described the attention, respect and applause he received all the time in Pakistan and especially in the Seminar.

Sardar Swaran Singh indicated that he was interviewed by Pak. TV as well as by Jung. In regard to the TV interview, he was asked as to how he assessed
Mr. Bhutto who had always been his adversary. Sardar Swaran Singh in response stated that he had never regarded Mr. Bhutto as his adversary. Both were spokesmen of their respective countries at a time when their perceptions were not coinciding. As regards Mr. Bhutto's stature, this was something best left for historians to decide.

(Satish Chandra)
Joint Secretary: (AP)
19-4-1989

1206.  
SECRET

Summary record of the meeting between External Affairs Minister and Pakistan Interior Minister Aitzaz Ahsan.

New Delhi, April 10, 1989.

Ministry of External Affairs
(AP Division)

Mr. Aitzaz Ahsan, Pakistan Minister for Interior called on EAM at 11 a.m. on Monday the 10th April 1989 in his capacity as the Special Envoy of Prime Minister Ms. Benazir Bhutto.

2. A list of the officials present is appended (not included here).

3. After an exchange of courtesies, EAM stated that he knew Pakistan's case on the question of Mr. Dorab Patel's candidature for the ICJ. The present situation when both India and Pakistan had a candidate for the ICJ was reflective of the communication gap between the two countries. The international community was only too happy to see these differences between the two countries and indeed often provoked them. India had, in the past tried to avoid such a situation by voluntarily not standing for elections. Yet another example was the gesture made by India on the question of Pakistan's entry to the Commonwealth. It was necessary for India and Pakistan to in future ensure that such a situation did not arise and to have prior consultations purely in the India-Pakistan context rather than in the SAARC context while putting up candidates. The two countries must work together in this area in the future. As regards Justice Pathak's candidature, the day on which we determined to field him, there was another candidate in the field. In these circumstances he was in no
position to go to Justice Pathak to request him to step down particularly as justice Pathak had made it known that he would not feel embarrassed if he was not elected. Moreover, the nature of the ICJ election was such that the Indian candidate was not really a government candidate. It was, of course, desirable that a solution be found out of the impasse in the present case but he could not ask Justice Pathak to step down. Similarly, in all fairness, he could not ask Mr. Ahsan to ask his Prime Minister that the Pakistani candidate should step down. However, if Pakistan could do something it would be very useful.

4. Mr. Aitzaz Ahsan strongly commended the suggestion made by EAM for consultations between India and Pakistan on future candidatures in international fora. He, however, felt that it would be eminently desirable for India to reconsider the matter for the following reasons:

(a) Justice Dorab Patel was popularly admired in Pakistan in the context of his refusal to take the oath of office in 1981 to the Martial Law Regime. Moreover, Ms. Benazir Bhutto had a great personal admiration for him in view of the fact that he was one of the dissenting judges in the Bhutto murder case.

(b) The question of consultations between India and Pakistan on candidates in international fora had to be started at some point in time. It would be appropriate to do so now and would go down as a very gracious gesture by India.

(c) ‘The PPP regime was being whipped domestically for being pro-India. It did not for a moment regret the positive steps taken by it in this context which were in any case by and large popular amongst the people of Pakistan. However, there were lobbies which were putting pressure on PPP against India and it was important that the PPP should be adequately equipped to face this pressure and take forward the idea of India-Pakistan cooperation. If India continued with its candidature, lobbies opposed to India-Pakistan good relations would get the whip hand. They would argue that although the Pakistani candidature was impeccable, India was a ‘spoiler’. India-Pak relations could, therefore, get a setback though it would not be a personal embarrassment for him.

(d) If there were two candidates, it was conceivable that both could lose. This would be embarrassing for both India and Pakistan.

(e) A gesture from India on this issue would be extremely useful as Pakistan was desperate to show a victory in this matter for its own future in Pakistan.

(f) Justice Dorab Patel, being a Parsi was a secular candidate who had
many admirers even in modern India. He was noted for his fairness and
even on India-Pakistan disputes, if any went to the ICJ, he could be relied
upon to deal with equity. His personal mind-set was anti-military and in
the event of the emergence of a military regime in Pakistan he should
certainly be counted on to rule against them.

5. E.AM indicated that the Pakistani case was well known to him. However,
it was just not possible for him to go back in the matter to Justice Pathak who
was not at all tense about the elections. We also did not feel that there would
be any cause for embarrassment to us in the event Justice Pathak was not
elected. In the present situation it appeared that neither side could back down.
However, the Special Envoy would be meeting the Prime Minister. Whatever
was decided by the Prime Minister would be implemented effectively. He took
the point made by the Special Envoy that we should try and build upon India-
Pakistan cooperation by finding a solution to the present impasse and making
a gesture. However India had taken an initiative on the Commonwealth issue
and we had to see how this should be best built upon. He indicated that he was
not saying “No” to the Pakistani proposal. If the matter could be resolved, well
and good, and, if not, it should not be allowed to become a hurdle.

6. After a further, exchange of courtesies, the meeting terminated at 12.30
P.M.
countries. It was now possible for India and Pakistan, both of which enjoyed democratic systems, to make progress together.

The Pakistan Interior Minister agreed with the sentiments expressed by the Home Minister. He mentioned that both the countries shared similar problems and could learn from each other in solving them. He pointed out that there was a great commitment by leaders of both the countries for friendship with each other. Pakistan looked to other democratic systems particularly that in India for support and sustenance for their own democracy.

The Home Minister went on to point out the problems faced by Congress (I) following the 1977 elections. He mentioned that few thought that Congress (I) would return to office, but the faith of the people in Congress (I) was unshakable and as a result of it the Congress came back to office.

In this context, the Home Minister pointed out that some of the responsibility for the loss of Congress (I) in the elections must be placed on Western agencies which had spread false propaganda about policies followed by Congress (I), like the family planning.

The Home Minister went on to add that the suffering of Congress (I) and the humanitarian values to which it had adhered to finally triumphed.

The Pakistan Interior Minister indicated that the PPP had also similarly suffered under the Military regime in the late 70s and 80s, but finally the people's faith in democracy was responsible for the PPP's return to power. The value of truth and democracy triumphed. He pointed out that not only he but his wife and grandmother also had to go to jail. This was an occupational hazard. India was, however, fortunate in having firm democratic foundations and great internal strength.

The Home Minister responded that it was indeed a fact that India had decided earlier on that it must resolve its internal problems itself and must preserve humanitarian values. It was fortunate that the leadership in both the countries had gone to a new generation which was forward looking and not based on suspicions which the older generation may have harboured. The two young leaders of India and Pakistan who had so much in common would work to develop cooperation between the two countries. The common enemy of the two countries was poverty. There was much that could be shared between the two countries in the area of economic development. The Home Minister went on to give an expose of India's march towards self-sufficiency in science and technology and particularly in agriculture.

The Pakistan Interior Minister echoed complete agreement with the views expressed by the Home Minister in regard to the need and the potential for cooperation between the two countries.
In response to the Pakistan Interior Minister’s complaint about Indian allegations of Pakistan’s involvement with terrorist activities directed against us, particularly in the Punjab, the Home Minister stated that while we were heartened by the assurances given by Ms. Benazir Bhutto on this issue to the Prime Minister, weapons from Pakistan continued to flow into Punjab at the same rate as in the past. This was causing serious problems for us.

The Pakistan Interior Minister in response indicated that such allegations from India on this issue caused problems for them. On the weapons issue Pakistan was overflowing with them not just in the frontier but even in the east in Lahore. There was indeed not only a heroin, but also a Kalashnikov culture in Pakistan. In the frontier such weapons were even now being manufactured as it was a part of the tradition of that area. If the Americans could not stop the influx of heroin, into that country it was understandable that India would not be able to stop the influx of arms. Arms flowed like water in the reverse direction to whichever place where the price commanded by them was the highest. Pakistan was sincerely sorry about the situation in Punjab. It was most desirable for the two countries to decrease allegations and counter allegations against each other and move towards cooperation. Pakistan took no pleasure in the difficulties of a neighbour. Pakistan, for instance, was not interfering in Afghanistan as was being made out by others. It made sense for a civilian government which wanted to have civilian restructuring of its administrative system to have good relations with its neighbours so that the process of restructuring could be facilitated. Indeed the intensive talks which PM Ms. Benazir Bhutto had with Prime Minister Rajiv Gandhi in Pakistan in its quest for good relations had opened the PPP to become a whipping boy in Pakistan.

Home Minister indicated that from the person of a terrorists who had been killed recently some letters had fallen into our hands which indicated that these terrorists regarded both Rajiv Gandhi and Ms. Benazir Bhutto as their enemies.

The Pakistan Interior Minister stated that this was precisely the point he was trying to make. If Pakistan’s words did not reach out to its neighbour sometimes, its actions spoke even louder.

The Interior Minister went on to plead for India’s support to their candidate Justice Dorab Patel for the ICJ. In this context, he made the following points:-

1) Justice Dorab Patel was a Parsee and thus a secular candidate.

2) He commanded wide respect not only in Pakistan but also in India for his judicial eminence.

3) He was immensely popular in Pakistan for his dissenting vote in the Bhutto murder case and for his refusal to take his oath of office under
the Martial Law regime. Because of these decisions Ms. Benazir Bhutto was emotionally committed to him.

(4) India’s announcement of their candidate followed the Pakistani announcement.

(5) Indian support for Justice Dorab Patel would open up for India a tremendous goodwill in Pakistan and would increase the scope for widening goodwill and cooperation in the two countries.

The Home Minister responded that this was an issue which he would be raising with the Prime Minister who would no doubt give him an appropriate response.

The Pakistan Interior Minister sought Home Secretary’s confirmation as to whether he would be visiting Pakistan in May. Home Secretary responded in the affirmative. The Interior Minister indicated that he hoped that the environment would be even better at that time. The Interior Minister went on to add that there was a great deal of admiration in Pakistan for Prime Minister Rajiv Gandhi and it was inevitable that he stole the limelight during the SAARC meeting. He would have done so wherever such a meeting was held. His press conference in Pakistan was lively and his one-liners had gone down extremely well.

The meeting concluded with Mr. Aitzaz Ahsan’s reminiscences of his earlier visit to India when he had really enjoyed himself. The Meeting terminated at 7.10 p.m.

Joint Secretary (AP)
10-4-1989

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Summary Record of the discussions during the Call by the Chairman of the Water and Power Development Authority (WAPDA) of Pakistan on Foreign Secretary S. K. Singh.

New Delhi, April 13, 1989.

Lt. Gen. (Retd) Zahid All Akbar Khan, Chairman of the Water & Power Development Authority (WAPDA) of Pakistan who is visiting India at the invitation of the Ministry of Water Resources called on F. S. on April 13, 1989 at 5.00 pm. Shri K.S. Sharma, Joint Commissioner(I), Ministry of Water Resources was also present.

2. After the initial exchange of greetings, FS enquired about the programme of Lt. Gen Khan.

3. Shri Sharma said that Lt. Gen. Khan had been to Aurangabad, Hyderabad and Bombay. In Hyderabad he attended the inaugural ceremony of the Ramganga Project. In response to a query by F.S. Lt. Gen. Khan said that he could not visit the atomic power station during his stay in Bombay due to time constraints.

4. Lt. Gen. Khan thanked FS as he believed that his visit must have been at the Initiative of FS.

5. FS said that he was advised by our Cd’A in Islamabad that the WAPDA Chairman should be invited to India so that he could acquaint himself with water resources and electricity generation projects in India. FS then proceeded to describe the major complexities in India. He emphasized that our democratic functioning has sustained us, despite the complexities, by providing a safety valve through a network of democratic institutions at various levels.

6. FS said that our policies to control the population growth have not been successful, but on the positive side education has caught on and literacy rates have increased with certain areas doing particularly well. The scientific and technological educational levels have gone up. The impact of the rise of middle class and increase in the number of scientific and technological personnel has been to build up a productive group of people who are innovative. This innovativeness needs to be encouraged.

7. FS said that our mistakes in the power sector should also be shown to the WAPDA Chairman.

8. Lt. Gen. Khan responded by saying that he is being shown everything despite the time constraints. He said that he was impressed by the warmth of the people and by the level of our self-sufficiency.
9. FS then steered the conversation towards the possibility of Indian participation in Pakistani projects. Referring to the dealings of the World Bank with Pakistan, he felt that the World Bank was making excessive demands from Pakistan. He then said that as Ambassador in Pakistan he faced difficulty in even obtaining tender documents.

10. Lt. Gen. Khan said that Indian firm such as BHEL could compete for jobs in Pakistan for which tenders are floated. He felt that Indian firms could do well in the areas of Water & Power.

11. FS said that the WAPDA Chairman should encourage this. FS felt that the barrier in dealings with India has been perhaps at lower bureaucratic levels in Pakistan and not as much at the top levels. He said these inhibitions should be removed.

12. Shri Sharma pointed out that Pakistani students have not been coming to India under the exchange of Scholars scheme. Lt. Gen. Khan said that he would send his people from the next year. FS said that 6-8 people could come from his organization.

13. FS said that Suzuki had given Pakistan a far worse deal as compared to India. Lt Gen. Khan said that Pakistan is only assembling the car.

14. Turning to politics in Pakistan, FS enquired whether there was any agreement now between PM Ms. Bhutto and Nawaz Sharif.

15. Lt. Gen. Khan said that there was some sort of an agreement but it was not enough. This was harming Punjab. The new government perhaps needs time to settle down. He felt that if army comes again the country would be finished.


17. Lt. Gen. Khan said that even now the members of National Assembly etc. want maximum returns in shortest possible time. They came to him for relatively small things — placing people in jobs or getting things done out of turn.

18. The meeting ended with the usual exchange of pleasantries.

(VINOD KUMAR)
Under Secretary (Pak-P)
Extract from the Record of discussions between Ambassador T. N. Kaul and Soviet Chief of the International Department, Central Committtee V. M. Falin.

Moscow, May 6, 1989.

Embassy of India

After exchange of pleasantries Ambassador mentioned that he would be leaving for Armenia to hand over a cheque for Rs.47 million collected by the Prime Minister’s Armenia Earthquake Relief Fund. Ambassador mentioned that this reflected the sympathy of Indians, thousands, of whom had contributed to their maximum ability for the victims of the earthquake.

Ambassador then requested Mr. Falin for his assessment of the situation in Pakistan. We had welcomed the advent of democracy in Pakistan and the two Prime Ministers had had a fruitful meeting in Islamabad at the end of last year during the SAARC summit. We would like to see Ms. Bhutto in a stronger position but this does not seem to be happening so far.

Mr. Falin replied that Ms. Bhutto must in a fairly short period of time assert herself and find the means to reduce sharply the influence of the military and the intelligence services. Otherwise her future in Pakistan is bleak. In the final analysis she will be removed from power, either de facto or de jure - it does not matter much - and may even be forced to leave Pakistan and settle abroad. The present situation is also unnatural because a political opponent of Zia, Ms. Bhutto, is continuing his foreign policy in full. There are three sources of power in Pakistan today: Ms. Bhutto is only a symbol; real power is with the military, particularly with ISI and the third factor is the USA with its system of military, political and financial connections. This last should not be under-estimated and it would be extremely difficult to break it. The USA is supplying $ 700 million as official assistance and $ 400 million through CIA and other covert sources. The Arab countries, first of all Saudi Arabia, have also provided generous financial assistance adding up to over $ 1 billion in direct assistance. All this is militarizing Pakistani politics to such an extent that it is becoming “a centre of regional instability” in the region. India has first hand experience of this, so does Afghanistan, and the Americans are also using it to project their power in the Persian Gulf and elsewhere. It is important therefore to force the Pakistani leadership to ponder the consequences of its policies. In particular thousands of Pakistanis, dressed up as volunteers, are participating in fighting
around Jalalabad. The Soviet Ambassador in Islamabad had confronted Pakistani Foreign Minister Yakub Khan with evidence of this and the latter had been forced to acknowledge that he could not refute the evidence. The Eleventh and Seventeenth Pakistani Artillery Divisions are also involved in shelling Jalalabad. They are planning to launch a night attack on Jalalabad in order to capture it and hand it over to the so-called interim-government. Mr. Falin vehemently stated that there has to be a limit to everything and calling them volunteers does not change the nature of Pakistani involvement. Afghanistan has every right to raise the question of hot pursuit in case such interference continues. Missiles are another response available to the Afghans. These could completely destroy Pakistani towns in case they are used.

Mr. Falin said that the Pakistanis had put out a declaration denying the charges made in the Soviet statement. However, even for Prime Minister Bhutto it was no secret that the charges were true and that Soviet-Pakistani relations were at their worst entirely because of Pakistani policies.

Ambassador agreed with Mr. Falin and said that we have our own experience of similar Pakistani activity in 1947 when they sent so-called volunteers into Kashmir. This however had ended up in complete failure as had subsequent Pakistani aggressive plans in 1965 and 1971. Their build up in Siachen continues as does their help to terrorists in Punjab in spite of Ms. Bhutto’s assurances to our Prime Minister. Their nuclear weapons programme is also a serious threat. In addition, there is a growing threat of Islamic fundamentalism which can destabilize not only our own region but large parts of China and Soviet Central Asia. There was also a danger of the fighting in Afghanistan spilling over into the Pakistani tribal zones. All this should be discussed at the forthcoming summit.

Mr. Falin then turned to Afghanistan. He said that attacks in various parts of Afghanistan have been stepped up in recent days with the aim of diverting resources from the defence of Jalalabad to other places, such as Khost, Herat and Khandhar. However Jalalabad remains the primary target. The Mujahideen were also trying to subvert, and bribe members of the armed forces and the PDPA in Kabul and elsewhere. However, this had not succeeded. The Field Commanders were ignoring the orders being issued from Peshawar and were not taking part in the fighting. The second half of May will be a critical time. The Americans are insisting that the rebels capture some important town regardless of the bloodshed involved and are threatening to re-examine their commitment to the present Mujahideen leadership if it fails. Arms supplies to the rebels are increasing rapidly and all forecasts are unreliable as to the final outcome. The garrison in Jalalabad is tired and has not received fresh forces since the fighting began. The rebels have been replaced 4 or 5 times over the same period.
Although occasional supplies do get through to the defenders of Jalalabad, they are unable to get any rest, even at night, because of the night shelling. The situation is therefore complicated and attempts at establishing a political dialogue have not succeeded because the Mujahideen are refusing to give up military means to settle the issue.

Ambassador thanked Mr. Falin and said that we were equally concerned about the situation in Afghanistan. Efforts must continue to find a reasonable solution to the problem.

The meeting ended with usual courtesies. This issue with Ambassador’s approval.

(P.P. Shukla)
Counsellor (Political)
18.5.1989

1210. Agreed Minutes of the Third meeting of the India - Pakistan Committee to Combat Drug Trafficking and Smuggling.


AGREED MINUTES

The third meeting of the India-Pakistan Committee to combat drug trafficking and smuggling was held at New Delhi on May 10 -- 11, 1989. The India delegation was led by Shri M.M. Bhatnagar, Director General, Narcotics Control Bureau and the delegation from Pakistan was led by Mr. Kalim Dil Khan, Officer on Special Duty (Narcotics), Prime Minister’s Secretariat……

2. The talks were held in a cordial and frank atmosphere with both sides reiterating the resolve of their respective Government to combat drug trafficking and smuggling between the two countries. The Pakistan delegation stated that a Narcotics Control Division has been set up under a Minister of State by the Federal Government. The Division will be responsible for the formulation and implementation of Government policies on all narcotics matters. The Indian delegation explained that the problems of illicit traffic and drug abuse work were receiving attention at the highest level of Government and various
countermeasures were taken to effectively combat the same. In this connection mention was also made by the Indian side regarding the enactment of Prevention of Illicit Traffic in Narcotics Drugs and Psychotropic Substances Act, 1988 which provides for preventive detention of drug traffickers. The Indian side also informed regarding the recent enactment of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1989 which, inter-alia, provides for death punishment for trafficking offences in certain cases and also for tracing, freezing and forfeiture of the assets of traffickers and their associates etc.

3. The two sides expressed satisfaction on the progress made so far in the exchange of information between the two nodal agencies. The Indian side, however, felt that considering the smuggling of arms from across the India--Pakistan border, it would be beneficial if a separate nodal agency was created to enable exchange of information regarding the smuggling of arms between the Director General, Border Security Force in India and the Director General, Pakistan Rangers. The Pakistan delegation stated that this matter fell within the purview of the Border Ground Rules Committee already in existence. It was, therefore, felt that this subject could be left to be considered by the Home and Interior Secretaries of India and Pakistan, if they so desire.

4. The drug trafficking and smuggling situation in both the countries was reviewed. The Indian delegation informed the Committee that India was a transit country in respect of heroin and hashish coming mainly from across India--Pakistan border and destined to western countries and expressed concern over the escalation of such traffic as indicated by the increasing seizures made by the India enforcement agencies close to the India--Pakistan border areas. Mention was also made of spurt in gold smuggling from across India--Pakistan border. The Pakistan delegation stated that Pakistan was also a transit country both in respect of smuggling of narcotics and gold from third countries. Particular mention was also made by Pakistan delegation of smuggling of methaqualone and alcoholic liquors from across Pakistan--India border. The two sides agreed that information on these aspects of drug trafficking and smuggling which was of crucial importance should be exchanged through the existing nodal agencies as quickly as possible and preferably through modern communication systems like telephone, telex, and fax wherever available. Such information should not be merely of a general nature but should also give specific details about the modus operandi, identification of smugglers/traffickers and their associate operators in the other country preferably with Photographs, markings on seized packages, etc. to enable quick follow-up action being taken. It was also agreed that lists that have already been exchanged indicating important smugglers/drug traffickers and their counterparts operating across the border be updated and exchanged as early as possible. Simultaneously, in accordance with the decision taken in the last meeting, information in agreed formats in respect of
all cases in which contraband goods (excluding drugs) of a value exceeding Rs. 40 lakhs are seized should also be exchanged expeditiously after a seizure is effected. It was decided to exchange information about new equipments being used or proposed to be used as door frame metal detectors for detection of gold and other gadgets in use and also about the use of dogs for detection of narcotic drugs. The two sides also agreed that training materials and legislations enacted in the two countries be exchanged through the nodal agencies.

5. The two sides agreed that the quality and content of information being exchanged needs improvement. Both sides agreed to take effective steps to reduce the response time in exchange of information by further activating the two nodal agencies. It was felt that the need to have periodical meetings at other operational levels should also be examined.

6. It was noted by the Committee that the nationals of certain third countries outside the region were found to be involved in the trafficking of drugs in the region. The need to keep a special watch on the movement of such persons between India and Pakistan was emphasized and it was agreed that relevant information regarding such persons should be exchanged between the nodal agencies of the two countries.

7. It was agreed to hold the next meeting of the Committee in Pakistan in December, 1989. The exact dates and venue for the meeting will be intimated by the Pakistan authorities.

(KALIM DIL KHAN) (M.M. BHATNAGAR)
Officer on Special Duty Director General
(Narcotics) Narcotics Control Bureau
Prime Minister’s Secretariat Government of India
Government of Pakistan

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Summary Record of discussions between Home Secretary J.A. Kalyanakrishnan and Pakistan Interior Minister Aitzaz Ahsan.

Islamabad, May 21, 1989

The meeting took place at 12.35 PM on 21.5.1989 at the office of the Minister of Interior of Pakistan. The following were present:

**Pakistani side:**

i) Mr. Aitzaz Ahsan, Minister of Interior.

ii) Mr. S.K. Mahmud, Secretary, Interior

iii) Mr. Diljan Khan, Additional Secretary, Ministry of Interior.

**Indian side:**

i) Mr. J.A. Kalyanakrishnan, Home Secretary

ii) Mr. J.N. Dixit, Ambassador of India.

2. Our Home Secretary conveyed greetings from the Home Minister, Shri Bhuta Singh. Mr. Aitzaz Ahsan recalled that he had very useful discussions in Delhi during his visit in April, 89.

3. Home Secretary briefly summarized the trend of discussions held in the full session of the Indian and Pakistani delegations earlier in the morning. He expressed the view that tangible results are on the cards as far as subjects like narcotics, trans-border smuggling etc. are concerned. Touching upon the issue of finalizing “border ground rules”, Home Secretary explained in detail the differences of approach between Indian and Pakistani delegations on the subject as a result of which these rules could not be finalized in the previous rounds. Home Secretary said that it would be more practicable if the military and defence elements of border ground rules are left to the Defence and Foreign Secretaries of the two countries to finalize, while the Home Secretaries finalize arrangements for mutual cooperation in the civil and policing aspects; aspects which fall within their jurisdiction. He said that the delegations should not be tied down to dates or nomenclatures (of 1961) the arrangements being called Border Ground Rules etc., the arrangements can be called “arrangements” or “Procedures for cooperation” between the Border Security Forces of the two countries.

2. Home Secretary said that he has come with a brief to give positive content to Indo-Pak relations and that he will endeavour to the best of his abilities to
fulfill this brief. He added that he had perceived a cooperative approach on the part of the Pakistani delegation. He also recalled Prime Minister Ms. Benazir Bhutto’s overall approach that difficult problems have to be resolved step by step instead of the effort being given up because of difficulties; nor should one rush into ill prepared solutions which may not be implementable.

3. Minister for Interior Mr. Aitzalz Ahsan made the following points:

i) There is a quantitative and qualitative change in attitudes in Pakistan about Indo-Pak relations with the advent of PMBB to power.

ii) The meeting between Prime Minister Rajiv Gandhi and Prime Minister Ms. Bhutto in December 1988 has laid the foundation for developing “positive relations.” These relations should now be developed at all levels through meetings of the officials which are taking place.

iii) The revival of democracy in Pakistan is not only good for Pakistan, but should be welcomed by India as it is good for Indo-Pak relations.

iv) He said that he would be supportive of the approach outlined by our Home Secretary subject to the consideration that all arrangements arrived at should be based on sincerity, mutual trust and they should respect mutual concerns.

v) He said that the arrangements arrived at should also ensure that they do not impinge on the sovereignty and national interests of either India or Pakistan. He said that as far as finalization of the border ground rules are concerned, if the Interior Secretary of Pakistan can find a via media by remitting the defence aspects of the rules to be dealt with by the Defence authorities or the Foreign Secretaries, he would have no objection. But the arrangements should be carefully worked out so that there are no problems or contradictions later.

4. Home Secretary spent another 15 minutes alone with the Minister of Interior at the end of the meeting during which he requested the Minister of Interior to ensure that highest political direction is available to the Pakistani delegation to ensure tangible results at the current round of talks.

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Summary Record of the call made by Home Secretary J. A. Kalyanakrishnan on Pakistan President Ghulam Ishaq Khan.


The meeting took place at Aiwan-e-Sadr (President’s official residence) at 3.45 P.M. The following were present:

Pakistani side:

i) President Ghulam Ishaq Khan.

ii) Secretary to the President, Mr. Fazlur Rahman.

iii) Secretary of Interior, Mr. S.K. Mahmud.

iv) Ambassador Niaz Naik.

v) Director General (SA), Ministry of Foreign Affairs Mr. Aziz Ahmad Khan.

Indian side:

i) Home Secretary, Mr. J.A. Kalyanakrishnan.

ii) Ambassador J.N. Dixit.

2. After the exchange of initial courtesies, President Ghulam Ishaq Khan made the following points:

(i) He welcomed the Home Secretary and expressed satisfaction about the tenor of talks between the Home Secretary and the Pakistani Secretary for Interior. He hoped that despite some issues being difficult to resolve the spirit of cooperation and a step by step approach will resolve pending issues being dealt with by the two delegations. He asserted that the revival of democracy in Pakistan provides India and Pakistan with a new opportunity to restructure their relations on positive lines restoring normalcy and friendship. He stated that in his opinion the meeting between Prime Ministers Rajiv Gandhi and Bhutto in December 1988 and the resulting agreements had made a good beginning regarding the reorientation of Indo-Pak relations on the right lines.

(ii) He said that Indo-Pak relations can be developed on positive and friendly lines if both sides adhere to the principles of respect for each other’s sovereignty, treating each other with equality and work for mutual benefit, respecting the sensitivities and concerns of each other. He said that if
these principles are adhered to there is no reason why India and Pakistan cannot live as good neighbours.

(iii) President G(hulam) I (Ishaq) K(han) felt that both countries should give up their traditional inclination of blaming each other for any problem or difficulty which they respectively face. The leaders of both countries should undertake some serious introspection to remove suspicion and build up mutual trust. Both countries should give up their habit of externalizing their internal problems.

3. In his opinion Indo-Pak relations are now showing good prospects for improvement.

4. Talking about the role of permanent civil service in societies, the President said that though bureaucracy is a much maligned phenomena by laymen, it is a patriotic, impartial and efficient bureaucracy which ensures the unity and strength of any country apart from ensuring the stability and economic progress of countries. Countries which do not have a permanent and independent bureaucracy have tended to disintegrate.

5. He wished the Home Secretaries’ talks every success.

6. Home Secretary, Shri Kalyanakrishnan, made the following points in response:

(i) He conveyed greetings from the President and the Prime Minister of India to G (hulam) I(shaq) K(han).

(ii) He gave a detailed briefing to the President on the progress made in the discussions in the current round of talks between Home Secretaries of the two countries.

(iii) He said that the talks being held with Interior Secretary are part of the mission stipulated by the Prime Ministers of India and Pakistan to build bridges between the two countries and forge arrangements which will ensure stability, peace and increasing contacts between the peoples of India and Pakistan. Mr. Kalyanakrishnan said that though this is his first visit to Islamabad, he has been told about the tremendous transformation that the city of Islamabad has undergone in terms of environmental preservation afforestation and beautification under the guidance of the Pakistani leadership. He said that if in 10 years the physical landscape of Islamabad could be made so beautiful and harmonious, if the same will could animate the government and people of Pakistan such positive changes can also be brought about in Indo-Pak relations.

7. Mr. Kalyanakrishnan presented GIK with a 3-volume set of Pandit Jawaharlal Nehru’s books. The meeting lasted for 20 minutes.

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1213. **SECRET**

Report of the Working Group on “Fugitives from Law” appointed by the India-Pakistan Home/Interior Secretary-level Talks.


**Subject:** India-Pakistan Home/Interior Secretary Level Meeting at Islamabad (21-23 May, 1989)-Report of the Working Group on “Fugitives From Law” etc.

The Director General, FIA (Pakistan) and the Additional Director, CBI (India) met and discussed areas of mutual and co-operation in the light of the plenary Session of 21st May, 1989.

2. The FIA and the CBI representatives recommend the following measures for the consideration of the Interior/Home Secretaries of Pakistan and India:

i) Responses from both countries through Interpol channels, represented by these two organizations in their respective countries, were reviewed and found to have been generally satisfactory. But there are areas in which more expeditious actions would be desirable. To ensure this, the Interpol chiefs and their representative in both countries may have greater interaction at personal level by periodically writing to one another semi-officially, drawing attention to specific INTERPOL references requiring urgent response. In addition, it would be desirable if the INTERPOL Chiefs and their representatives of these two countries meet twice a year or as may be needed to sort out mutual problems.

ii) FIA in Pakistan and CBI in India may act as the nodal agency in their respective countries in locating and tracing out fugitives from the law (i.e. persons wanted in specific criminal case/cases) and arranging to hand over such wanted and absconding criminals to its counterpart in the other country without going through cumbersome and time-consuming procedures. In regard the Pakistan Rangers and the Border Security Force will render necessary support and assistance in the matter of handing over of fugitives from the law. The modalities of actions would be worked out by the FIA and CBI representatives through joint discussion within the next three months.

iii) The FIA and the CBI will act in close cooperation with the Pakistan Rangers, the Border Security Force and State Police agencies in neutralization organized gangs and touts indulging in infiltration of large groups of people in pursuit of employment etc in each other’s country.
POLITICAL RELATIONS: 1975-1989

They feel that the success of such efforts will also depend on the co-operative assistance of the appropriate authority of other country/countries of origin of these persons. For ensuring this, they suggest that the Interior Secretary of Pakistan and the Home Secretary of India may consider appropriate measures for enlisting the active assistance and participation of the authorities of such other country/countries in this co-operative effort. Additionally it is recommended that greater vigilance and alertness at Railway stations and Bus stands suspected to be the transit point of illegal infiltrants should be ensured as a preventive measure.

(Mr Salman Khaliq) (Dr Arun Mukherjee)
Director General          Additional Director
Federal Investigation Agency  Central Bureau of
Pakistan\Islamabad          Investigation
Govt of India/New Delhi.

1214.  SECRET

Summary Record of decisions taken at the third round of India-Pakistan Home Secretary Level Talks (20-24 MAY 1989).


The third round of India-Pakistan Home Secretary level talks was held in Islamabad from 20-24 May, 1989. The Indian delegation was led by Mr. J. A. Kalyanakrishnan, Home Secretary and the Pakistan Delegation was led by Interior Secretary Mr. S. K. Mahmud.

During the course of his visit to Islamabad, the leader of the Indian delegation called on His Excellency Mr. Ghulam Ishaq Khan, President of the Islamic Republic of Pakistan, Her Excellency Mohtarma Benazir Bhutto, Prime Minister of the Islamic Republic of Pakistan and His Excellency Mr. Aitzaz Ahsan, Minister of Interior and Narcotics Control.

The talks were held in a friendly and constructive atmosphere. Both sides recalled the resolve of their respective governments to establish good neighbourly and cooperative relations between the two countries in accordance
with the letter and spirit of the Simla Agreement. They agreed that, the problems discussed could find a solution on the basis of good faith and mutual trust.

Both sides expressed their serious concern at the continuing problem of terrorism, illicit border crossing, drug trafficking and smuggling. While generally expressing satisfaction at the evolving cooperative relationship between the two countries in their efforts to jointly tackle these problems, they recognized the importance of further intensifying and tightening up the working arrangements between the various agencies of the two countries in these areas. In this context, they undertook a review of the implementation of the decisions taken at the last Home Secretary level talks in May 1988 as well as the outcome of the subsequent meeting of the Committee on Combat Drug Trafficking and Smuggling and the meetings between the border security forces of the two countries.

(a) Cooperative Arrangements between the two Border Security Forces:

i) The Director General, Pakistan Rangers, and the Inspectors’ General, BSF, Punjab and Rajasthan, shall biannually review the implementation of the agreed measures of cooperation with special focus on their efficacy in regard to combating trans-border crimes, in addition to the work relating to the maintenance of boundary pillars. During their meetings they may also agree on such measures including meetings at intermediary level, as may be conducive to improve cooperation between the two Border Security Forces.

ii) The Border Security Forces shall undertake simultaneous coordinated patrolling along the India-Pakistan Border and the patrols shall be briefed and debriefed jointly. The concerned officials from the two Border Security Forces will meet in June 1989 to finalize the modalities and implementation of this Arrangement.

iii) Early finalization of Border Guidelines/Border Ground Rules for a comprehensive cooperative arrangement between the two Security Forces.

(b) Cooperative Arrangements for Combating Trafficking in Narcotic Drugs.

The two Secretaries reviewed the escalating drug trafficking situation with particular reference to trans-border movement of drugs between the two countries and emphasized the irresolute commitment of the two governments to wage a total war on drug trafficking and smuggling. They noted with satisfaction the work being done in this area by the Indo-Pak Committee to
combat Drug Trafficking and Smuggling, which was constituted in pursuance of the decision taken by the Home Secretary level meeting in 1986. This Indo-Pak Committee has so far held three meetings, the last one was held in New Delhi on 10/11.5.1989.

The two Secretaries endorsed the recommendations/decisions of the third meeting of the Indo-Pak Committee in regard to the measures to be taken on both sides as reflected in their agreed minutes. They felt that, since the goals and objectives in this field are common and the governments of the two countries are determined to eliminate the scourge of drug trafficking and abuse, there was need for further enhancing and intensifying cooperation between the two countries in this area.

It was noted that although the present arrangements laid down by the Indo-Pak Committee to combat Drug Trafficking and Smuggling envisage exchange of information between the nodal agencies of the two countries in an agreed format in respect of seizure cases and traffickers, the information actually exchanged very often did not contain all the required details. They directed the concerned agencies to ensure that the information exchanged was comprehensive and such information should be exchanged in respect of all cases of trans-border movement of drugs and contraband and where the drugs/contraband are believed to have come from the other country—whether by land, sea or air. The time lag in responding to such communications should be reduced to the minimum.

They directed also that coverage of information to be exchanged between the two countries should be widened to include organization, powers, functions and addresses of different enforcement agencies, training material, equipments, legislation, data regarding seizures and other related matters, including modus operandi, routes followed etc.

Having regard to the escalating drug trafficking scenario in the region, the two Secretaries saw merit in the need for harmonization of laws against drug trafficking so that drug traffickers, in order to avoid harsher punishment in one country, do not flee to or operate from the other country.

The two Secretaries further emphasized the need for intensifying the enforcement of drug laws for interception/interdiction of the drug traffic on both sides and for mounting a special vigil against their trans-border movement.

(c) Cooperative Arrangements between FIA and CBI

i) Both sides recognized the importance of apprehending fugitives from law of either country expeditiously. Responses from both countries through INTERPOL channels, represented by these two organizations
in their respective countries were reviewed and found to have been generally satisfactory. But there are areas in which more expeditious actions would be desirable. To ensure this, the CBI and the FIA representing the INTERPOL in their respective countries may have greater interaction at personal level by periodically writing to one another demi-officially drawing attention to specific INTERPOL references requiring urgent response. In addition, it would be desirable if the INTERPOL Chiefs and their representatives of these two countries meet twice a year or as may be needed to sort out mutual problems.

ii) FIA in Pakistan and CBI in India may act as the nodal agency in their respective countries in locating and tracing out fugitives from the law (i.e. persons wanted in specific criminal case/cases) and arranging to hand over such wanted and absconding criminals to its counterpart in the other country without going through cumbersome and time-consuming procedure. In this regard the Pakistan Rangers and the Border Security Force will render necessary support and assistance in the matter of handing over of fugitives from the law. The modalities of actions would be worked out by the FIA and CBI representatives through joint discussion within the next three months.

iii) The FIA and the CBI will act in close cooperation with the Pakistan Rangers, the Border Security Force and State Police agencies in neutralizing organized gangs and touts indulging in infiltration of large groups of people in pursuit of employment etc. in each other’s country. They feel that the success of such efforts will also depend on the cooperative assistance of the appropriate authority of other country/countries of origin of these persons. For providing this cooperative effort appropriate measures will be taken for enlisting the active assistance and participation of the authorities of such other country/countries.

It was agreed that the Home Secretary of India and the Interior Secretary of Pakistan shall remain in touch with each other and meet again before the end of 1989 in New Delhi.

J. A. Kalyanakrishnan  
Secretary, Ministry of Home Affairs, Government of India

S. K. Mahmud  
Secretary, Ministry of Interior & Narcotics Control (Interior Division)  
Government of Pakistan

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1215. Joint Press Release issued on Indo-Pak Talks held between the Indian Home Secretary and the Pakistani Interior Secretary.


Following their meetings in Lahore (20-21 December, 1986) and in New Delhi (14-16 May, 1989), the Home Secretary of India and the Interior Secretary of Pakistan held a third meeting in Islamabad from 20-24 May, 1989.

The Indian delegation was headed by Mr. J.A. Kalyanakrishnan, Home Secretary and comprised the following officials:

1) H.E. Mr. J.N. Dixit, Ambassador of India.
2) Mr. H.P. Bhatnager, Director General, Border Security Force.
3) Dr. A.P. Mukherjee, Additional Secretary, Ministry of Home Affairs.
4) Mr. M.M. Bhatnagar, Director-General, Narcotics.
5) Mr. V.K. Jain, Additional Secretary, Ministry of Home Affairs.
6) Mr. Sauresh Chandra, Additional Secretary, Ministry of Home Affairs.
7) Mr. Satish Chandra, Joint Secretary, Ministry of External Affairs.
8) Mr. C.T. Benjamin, Joint Secretary, Ministry of Home Affairs.
10) Mr. T.C.A. Rangachari, Deputy Chief of Mission, Embassy of India.

The Pakistan delegation was headed by Mr. S.K. Mahmud, Interior Secretary and comprised the following officials:

1) H.E. Mr. Niaz A Naik, Pakistan Ambassador to New Delhi.
3) Mr. Dilshad Najamuddin, Chairman, Pakistan Narcotics Control Board.
4) Mr. Salman Khaliq, Director General, Federal Investigation Agency.
5) Mr. Aziz Ahmed Khan, Director General (SA), Ministry of Foreign Affairs.
6) Mr. Hasan Raza Pasha, Joint Secretary, Ministry of Interior & Narcotics Control, (Interior Division).
The leader of the Indian delegation called on H.E. Mr. Ghulam Ishaq Khan, President of the Islamic Republic of Pakistan, H.E. Mohtarma Benazir Bhutto, Prime Minister of the Islamic Republic of Pakistan and H.E. Mr. Aitzaz Ahsan, Minister for Interior and Narcotics Control.

The talks were held in a friendly and constructive atmosphere. Both sides recalled the resolve of their respective Governments to establish good neighbourly and cooperative relations between the two countries in accordance with the letter and spirit of the Simla Agreement. They agreed that the problems discussed could find a resolution on the basis of good faith and mutual trust.

Both sides agreed to take the following concrete measures to contain terrorism, drug trafficking and smuggling, and illicit border crossing along the India-Pakistan border.

(i) **Cooperative arrangements between the two Border Security Forces:**

Both sides reviewed the interim measure agreed upon during the last round of Home Secretary level talks. While the working arrangements already agreed upon represented a step forward, it was felt that more could be done and the following additional measures were decided upon:

(a) The Director General Pakistan Rangers and the Inspectors General, BSF, Punjab and Rajasthan shall biannually review the implementation of the agreed measures of cooperation with special focus on their efficacy in regard to combating trans-border crimes, in addition to the work relating to the maintenance of boundary pillars. During their meetings, they may also agree on such measures including meetings at intermediary level, as may be conducive to improve cooperation between the two Border Security Forces.

(b) The Border Security Forces shall undertake simultaneous coordinated patrolling along the India-Pakistan border and the patrols shall be briefed and de-briefed jointly. The concerned officials from the two Border Security Forces will meet in June 1989 to finalize the modalities and implementation of this arrangement.

(ii) **Cooperative Arrangement to combat Drug trafficking and Smuggling:**

The two sides reviewed the escalating drug trafficking situation with particular reference to trans-border movement of drugs between the two countries and emphasized the resolute commitment of the two governments to wage a total war on drug trafficking and smuggling. They noted with satisfaction the work
being done in this area by the Indo-Pak Committee to combat drug trafficking
and smuggling, which was constituted in pursuance of the decision taken by
the Home Secretary level meeting in 1986. The Indo-Pak Committee has already
held three meetings so far, the last one was held in New Delhi on 10/11.5.1989.
The two sides fully endorsed the decisions taken at the third meeting of the
Indo-Pak Committee. With a view to further enhancing and intensifying
cooperation between the two countries, it was agreed that:

(a) Coverage of information to be exchanged between the two countries
should be widened to include organization, powers, functions and
addresses of different enforcement agencies, training material,
equipment, legislation, data regarding seizures and other related matters,
including *modus operandi*, routes followed etc.

(b) There was merit in taking steps for harmonization of laws against drug
traffickers, so that drug traffickers, in order to avoid harsher punishment
in one country, do not flee to or operate from the other country.

(c) There was need for intensifying enforcement of drug laws for interception/
interdiction of the drug traffic on both sides and for mounting a special
vigil against their trans-border movement.

The above arrangement were designed to give a clear message to drug
traffickers that the two Governments are determined to take all measures to
effectively eliminate drug trafficking. To this end the drug law enforcement
agencies in the two countries should gear themselves for taking effective action
for accomplishing this task in a spirit of total cooperation.

(iii) **Cooperative arrangements to deal with fugitives from law etc:** Both
sides recognizing the importance of speedy apprehension of fugitives from
law of either country in the other, reviewed the response received from the
concerned agencies of the two countries through Interpol channels with a view
to ensuring more expeditious action in this area. They agreed that:

(a) The Interpol Chiefs and their representatives in both countries should have
greater interaction at personal level including fresh periodic meetings.

(b) The FIA in Pakistan and CBI in India, acting as the nodal agencies and
in concert with other appropriate agencies in their respective countries,
should take appropriate action in tracing out and arranging to hand over
to the other countries wanted and absconding criminals. The modalities
of actions in this regard is to be worked out by the FIA and the CBI
representatives through discussion within the next three months.
India – Pakistan agree to the proposal for joint patrolling along the India – Pakistan border.

Lahore, June 7, 1989.

Pakistan and India have decided to patrol the India-Pakistan border jointly by their security forces from July 1.

The decisions was taken at a biannual meeting between the Director-General, Pakistan Rangers, and Inspectors-General, Border Security Force (BSF), of Punjab, Rajasthan and Gujarat, held at Wagha on the Pakistan side.

The joint patrolling by the troops of the security forces of the two countries will also include the border areas of Sindh. The meeting decided that joint patrol would remain confined to their respective territories and under no circumstances, will violate territorial integrity of the other country. The respective patrols will also restrict their fire to their respective areas and apprehended persons will be dealt under the law of the respective countries.

Both sides generally expressed satisfaction over the cooperative arrangements between the two security forces.
1217. 

SECRET

Summary record note of meeting between Foreign Secretary S. K. Singh and Pakistan Foreign Minister Sahibzada Yaqub Khan.

Islamabad, June 17, 1989.

Foreign Secretary called on Sahibzada Yaqub Khan on Saturday, 17th June 1989, at the former’s (latter) office in Islamabad at 3.00 p.m.

2. A list of those present is appended. (not included here)

3. Sahibzada Yaqub Khan, after warmly welcoming the Foreign Secretary, stated that he regarded his mission as extremely important. The visit was taking place at a very propitious moment. A good understanding had developed between the two Prime Ministers who had displayed the breadth of vision to improve ties between the two countries. Both sides should now move to expand linkages and build up confidence with each other.

4. Sahibzada Yaqub Khan indicated that he regarded the outcome of the recently concluded Defence Secretary level talks on Siachen with optimism. Both sides were on the threshold of an understanding. It was in the mutual interest to lessen the burden of military conflict and to work for a resolution of the issue. The chances of success were good. The leaders of the two countries must be congratulated on their boldness to grapple with and resolve this issue. They had taken the first step in unscrambling the situation in Siachen, which did not benefit either side. While the elements of a settlement of the Siachen issue should be agreed upon now, they could be further refined in generalities when he meets with the Indian External Affairs Minister in the next few weeks.

5. Foreign Secretary indicated that the outcome of the talks on Siachen had become uncertain the previous evening and that he was grateful to the Pakistan Foreign Secretary for having interceded with the Pakistan Prime Minister in the matter. He had played a minor role in the happy outcome of these talks by encouraging the Pakistan Foreign Secretary to work for a more positive approach in the matter. Sahibzada Yaqub khan indicated that he had played a major role in this regard. The Pakistan Foreign Secretary indicated that the Foreign Minister had, in fact, telephoned him at midnight in this matter and instructed him to ensure that a more positive press release was produced.

6. Foreign Secretary indicated that for him personally, his three and a half years stay in Pakistan had been an education in diplomacy – both from the masses and from the leaders. He had been accosted with the utmost love and affection all over Pakistan in places like Karachi, Multan, Lahore etc. He had
learnt a great deal from President Zia and Prime Minister Bhutto. His personal gift to India was a smooth and painless transition in Pakistan.

7. Foreign Secretary went out to state that it would be a good thing if leaders of the two countries kept meeting each other on several occasions as a matter of routine – either in Islamabad or in New Delhi, even for a few hours, whenever they happen to be going elsewhere.

8. Foreign Secretary conveyed to Sahibzada Yaqub Khan External Affairs Minister’s greetings and personal regards. He referred to External Affairs Minister’s particular interest that the cultural exchange programme, which was being worked out, should contain forward-looking ideas in the realm of exchange of scholars and books as also in the fields of archaeology, education etc. We, on our part, were prepared to go as far as possible in these areas as well as in those relating to people-to-people exchanges. Similarly, we should consider possibilities of greater cooperation in the economic and commercial fields.

9. Foreign Secretary went on to highlight the importance about the common dangers being faced by the two countries in the emerging international economic scene. India, along with Brazil and Japan, was facing the threat of U.S. sanctions under Super and Special–301. It was some times argued that Brazil and India were being faced with US sanctions in order to save Japan from the loneliness of isolation. In this context, Foreign Secretary indicated that unless the developing countries stand together, they would find themselves in a strait jacket. Apart from the areas of trade-related investment measures and trade related actions pertaining to intellectual property rights, India was also being threatened because of positions it was taking in the field of environment. Specifically, India was resisting the efforts by developed countries to perpetuate the gap between them and developing countries under the garb of protecting the environment. All this along with the missile technology control legume were legs of the same table designed by the developed countries to maintain their dominance over the developing world. It was, therefore, imperative that India and Pakistan should do some joint thinking on this issue. Sahibzada Yaqub Khan fully agreed with this sentiment and indicated that the two countries should work together in this area. They had so far done nothing in this area.

10. In response to Foreign Secretary’s query regarding Pakistan’s assessment of China, Sahibzada Yaqub stated the China was going through a period of uncertainty. It was not so much a question of whether the Chinese government could establish control, but how they could bring order back to China in the areas of philosophy and thought without a revolution. Pakistan hoped that stability would return to China. However, Chinese energies would be occupied with the internal situation and, therefore, in the global equation, there could be certain changes. Pakistan had always held the view that no
matter what governments were there in the two countries, the relationship between them would be retained. The effects of the internal turmoil in China needed to be measured in terms of the global events and one need to watch as to how the various initiatives relating to China would be affected.

11. It was important to note as to what lessons the Soviets would draw from the developments in China. It remained to be seen whether the Marxist system interpreted in the most liberal way could stand elasticity or was so rigid that faced with the present challenges, it would like metal fatigue collapse. Gorbachev felt that he would be able to meet these challenges, but he was brought up in the system and believed in it. One could, however, entertain serious doubts about this approach.

12. Sahibzada Yaqub Khan, in response to a further query on Sino-U.S. relations, stated that U.S. policy was traditionally dominated by ideological and strategic considerations. These were frequently contradictory. By and large, the former coloured the views of the people and the later those of the State Department. In this particular case, ideological considerations had forced USA to put a stop on all transfers of technology to China as well as all economic and military assistance. USA, no doubt, realized China’s importance. However, the coordinates of equilibrium had changed with improvement in US-Soviet ties. If the West continued to deny China assistance, Japan might fill the gap.

13. Foreign Secretary indicated that disturbances similar to the recent one had taken place in the past in China, notably in 1976, 1979 and 1984, involving efforts at restructuring the distribution of power. This was the second time that Deng’s heir-apparent was set aside by him, The Soviet thrust was on polity, while that of China was on the economy. Whichever faction came up in China, would plead for a relaxation and the demands being voiced by the people would be taken over by the party. Meanwhile, there was a question mark about the next ruling group in China. Foreign Secretary further indicated that he had been scheduled to leave for Beijing on 30th June. He had received a warm personal message recently that the Chinese expected him to come. This was a good sign.

14. Sahibzada Yaqub Khan, in response to queries, stated that there were the following two sets of questions about Iran:

(a) Succession.
(b) Internal contradictions in the Revolution.

15. As regards succession, it had gone off much better and smoother than may have been expected. However, as regards the internal contradictions in the Revolution, they still remained to be reconciled. Sahibzada Yaqub Khan
went on to state that Iran was indeed turning somewhat to USSR because of the Rushdie affair and hope for arms from the Soviets. Moreover, the Imam had instructions for better relations with the Soviets. He, however, felt that in the new scenario, Iran's isolation from the West would decline and they would want certain equilibrium.

16. Sahibzada Yaqub Khan went on to state that while on Afghanistan the Soviets might have expected a deal, the Iranians had not resiled from the strong anti-Najib position. Though the two alliances had not been able to get together, Pakistan’s attempt would be to get the Afghan interim government to expand its base, particularly through inclusion of the 8-Party alliance and Shia groups as well as local commanders. It would be fair to say that while Soviet aims had not been totally realized on this issue, there was, no doubt, some change in the Iranian position.

17. In the new dispensation in Iran, there would be some improvement in Soviet relations, but an effort could be made to maintain some equilibrium. Improvement of relations with Saudi Arabia, Egypt and Jordan would be more difficult than with countries like Kuwait. Both China and Japan were passing through a period of flux and with both these countries, Pakistan had close relations.

18. In response to queries regarding Afghanistan, Sahibzada Yaqub Khan recognized that India had a right to know Pakistan's views. This subject merited a separate session. He was hopeful of some kind of settlement. While a military solution may not be possible, a solution on the basis of the Afghan interim government could be evolved. The latter wanted no truck with Najib and Pakistan supported this view and would have discussions on this with the Soviets.

19. Foreign Secretary recalled that he had stated during the former Foreign Secretary’s visit to Pakistan in May, 1988 to the then President that the Mujahideen had neither the training nor the grit and capability to either oust the PDPA militarily or to insinuate themselves in Afghanistan. India could, however, help Pakistan in trying to achieve a peacefully negotiated settlement in Afghanistan. Sahibzada Yaqub Khan, while recalling this suggestion, jocularly remarked that Indian help always caused problems.

20. The meeting terminated at 3.50 P.M.

21. It may be mentioned that at 3.30 p.m., Ambassador J.N. Dixit and Ambassador Niaz Naik joined the meeting, indicating that the Indian and Pakistani defence delegations had reached agreement with the intervention of the Pakistani Prime Minister on a positively worded joint press release. Sahibzada Yaqub Khan expressed satisfaction and happiness at this development, which he had forecast earlier.
Summary Record Note of First session of India-Pakistan Foreign Secretary level talks.

Islamabad, June 17, 1989.

Ministry of External Affairs
(AP Division)

The first session of the India-Pakistan Foreign Secretary level talks commenced at 10.30 AM on 17th June, 1989.

After welcoming the Foreign Secretary, the Pakistan Foreign Secretary Dr. Humayun Khan stated that he (the Indian Foreign Secretary) was returning to familiar surroundings. He was glad that most of the meetings had taken place within the time frame set in December by the two Prime Ministers. The momentum generated at that time, had been maintained. Of course, this had resulted in some meetings being cramped together, but that did not really matter since the spirit in which the two Prime Ministers had held their talks had pervaded the subsequent meetings. Our approach, at the present time, was entirely positive. Pakistan would like to move ahead in a broad spectrum of areas.

The Indian Foreign Secretary’s meeting with Prime Minister Benazir Bhutto had been fixed for 12.00 PM today. Since there was very little time before one left for that meeting, he felt that the two should have a one-to-one discussion for the next half an hour or so accompanied by the two Ambassadors. The plenary meeting could take place in the afternoon when bilateral issues could be discussed. International and regional issues could be discussed the following day. While the one-to-one meeting was taking place the other members of the delegation could carry on with their structured dialogue.

Foreign Secretary responded that it was a moment of emotion for him. It had been 122 days since he left Islamabad and he would be back within a week for the SAARC Standing Committee meeting. In more ways than one, it was a home coming to him both to Islamabad and to the Foreign Office. He had received considerable warmth, assistance and friendship during his stay in Pakistan. A number of meetings had taken place, including that of Home Secretaries, Secretary Water Resources, Surveyors General and Defence Secretaries. This had done a world of good. People in the two countries had been able to see that somehow the spirit now was different. We owed this to our leaders who had set a new framework for us. They were likely to meet several times in the course of the next few months. Our Foreign Minister was
also thinking of dropping in. If the leaders build up this habit of exchanging visits and carrying on a dialogue and briefing each other regularly, it would establish a psychology of cooperation and collaboration rather than competition.

At this stage (10.45 AM), the plenary session broke up with the two Foreign Secretaries along with the two Ambassadors carrying on their exchanges and the two Division Heads along with Mr. Khalid Mahmood, the Pak Additional Foreign Secretary and desk officers leaving the room for separate talks.

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1219. Summary Record Note of Foreign Secretary-level Talks.
Islamabad, June 17, 1989.
Ministry of External Affairs
(AP Division)

The second plenary session commenced at 1600 hrs. It lasted till 1815 hrs.

2. Pak FS, at the outset, referred to the meeting with PM BB (Prime Minister Benazir Bhutto) in the morning on Siachen, at which Defence Secretary and Foreign Secretary had both been present. He stated that he was glad that the two Foreign Offices were able to make an input. The Pakistan Prime Minister reciprocated the Indian Prime Minister's desire to move forward on Siachen. There had been a distinct change in the environment of Indo-Pak relations since the meeting between the two leaders in December 1988. The traditional lurking sense of suspicion had abated. This was the contribution of our two leaders. Siachen was one of the very few pending substantive disputes between the two countries. It entailed unnecessary costs for both sides. Situation was also fraught with risks, and although there was no immediate threat, it always held the possibility of a larger fall-out. Then there was the humanitarian aspect. Efforts should, therefore, be made to work out a solution acceptable to both sides. One could not, however, afford to be sanguine. There were so many intricacies involved. The agreement that had been reached this morning, therefore, was very useful. It is a declaration of intent. There was hope as long as there was a commonality of desire to accommodate each other. FS interjected at this point to say that the contribution of COAS Aslam Beg had been extremely positive, who was present during the meeting with PM BB. Pak FS agreed. He
added he was sure that the Indian COAS would also not like to see his soldiers continuing to suffer hardships and danger in that inhospitable terrain.

3. FS said that we should consider media aspects and press coverage. We should, if possible, discourage great deal of learned analysis taking place in the media at this stage.

4. Thereafter, there was a brief discussion on the issue of whether a joint statement following Foreign Secretaries’ statement was necessary. It was agreed, going by past practice, that there would be no joint statement, but the two Foreign Secretaries would meet the press.

5. Pak FS then invited Additional Foreign Secretary Khalid Mehmood to brief the plenary about the discussions that had taken place between the two delegations in the morning when the two Foreign Secretaries were away. The record of that discussion is appended (Annexure II—not available here). During the course of going through this record, comments and discussion on individual points were made;- 

(i) Capture of fishermen and fishing vessels: No further discussion.

(ii) Civilian prisoners: After the presentation by Additional Foreign Secretary, Pak FS referred to humanitarian problems which had been raised in some sections of Pakistani press regarding Pakistani children being detained in jails in India. In this context, he also referred to the advocacy by Ansar Burney, Karachi Advocate, and his suggestion that he be permitted to visit Indian jails for this purpose. He felt that it would be a good idea for the Indian side to consider this. FS recalled that he himself had met Ansar Burney. It seemed that he was more interested in publicity and publicizing himself. Also, sources of his information were somewhat suspect and, on his own admission, he did not have even a single Indian source for his information. JS (AP) added that the two specific cases of children that had been referred to by him had been resolved. One of the children was an Indian national. The other one had been repatriated to Pakistan.

Pak FS also stated that so far consular access was given only to those who had completed their sentences. Perhaps one could work towards doing this at an earlier stage along with providing early information on holding civilian prisoners. They had no particularly strong feelings against this. JS (AP) indicated that this is exactly what we had in mind. It was agreed as proposed by FS that in Sub-Commission IV we should consider tightening up our Protocol on Consular Access.

(iii) Missing defence personnel: On missing Indian defence personnel,
Pak FS said that there was no reason or desire on the part of Pakistan to detain such persons. They are supposed to have been captured in 1971. Eighteen years have already passed. None have been traced. Perhaps there was an element of poor record-keeping on their part. Pak side was aware of the sensitivities of their families and the repeated demarches at various levels in GOI, including to EAM and PM. Pak side would be willing to help reassure relatives that none of these persons were in detention in Pakistan. They had done a complete examination based on data provided earlier by India. Now, there was a concrete reference to the Kot Lakhpat Jail.

One more search could be done starting with records of this jail of the 1978-79 periods.

(iv) MOU on Airspace Violations: No further discussion.

(v) Opening of Khokrapar - Munabao Route: No further discussion.

(vi) Hyderabad Funds: Pak FS said that India and Pakistan had both been cheated by the Bank. There was considerable loss of interest earnings also. Their Embassy in London and India High Commission had been in touch with each other. Meetings had taken place between High Commissioner/DHC with Pak Ambassador. It had now been suggested to the Pak Embassy by their solicitors that it may be desirable to reach an out-of-court settlement. This would avoid lengthy litigation. It was also felt by them that a payment offer of Pound 750,000 and pound 1.5 million may persuade the trustees to settle the case quickly. FS recalled that there was a statute of limitations. Under that, our claims might become time-barred after November 1989. It was thus necessary to act speedily. He agreed that out-of-court settlement may be preferable. It was decided that the two Missions in London should keep in touch with each other. He asked JS (AP) to obtain due orders to go in for an out-of-court settlement.

(vii) Border Ground Rules: There was a brief discussion in regard to the agreement during the morning session to try and convene the next meeting of the Border Ground Rules Committee in September this Year. JS (AP) provided some clarifications and mentioned that there were some issues on which further negotiations would be required. The new ground rules would relate only to the border security forces of the two countries. It would not have a bearing on the defence services that would be free to do what they liked. We should also not reduce the capabilities of the two border security agencies. They needed some structures to help deal with the problems under their mandate. As to the type of
structures which were required by them this could be discussed. Negotiations were therefore necessary on the proposals made by Pakistan.

(viii) Meeting of the Railway and Civil Aviation Authorities: No further discussion.

(ix) Joint Commission: No further discussion.

6. Pak FS stated that they derived considerable satisfaction from the last meeting of Interior Secretaries. There was agreement on simultaneous and coordinated patrolling. The one single issue that had plagued us earlier seemed to be abating. Pak side hoped that there was no doubt in India’s mind that as a matter of government policy, Pakistan had no intention and no interest in getting involved in the Punjab. Indian side would have statistics to confirm this. It was, regrettably, a habit with the media to also play up stories on alleged Pak intruders. Whenever Pak Embassy had checked with these media sources, they were told that this was provided by security agencies. He himself had raised this issue with former Foreign Secretary Menon, who had, in turn, spoken to former Home Secretary Somiah in his presence. Mr. Somiah had assured that necessary instructions would be issued. Pak side would like to use good offices of Indian Foreign Secretary to see that in the Indian media also, such reports go down. Could Pakistan take it that GOI is finally convinced of the sincerity of GOP in that it does not want to get involved in the Punjab? Pakistan too would like confirmation that India does not want to get involved in the internal affairs of Pakistan.

7. FS said that at the very first meeting of the Home Secretaries, Mr. Somiah had pointed out that policy or intention was not enough, but the functioning of agencies on the ground in a suitable way had to be ensured. He had been asked how India could be reassured on this score and had stated that the day these activities stopped, within a week we will know. After the new government took over, indeed there had been some decline, but it has again picked up. Details had been given during last Home Secretaries’ meeting. It does seem that there is some sort of dichotomy between GOP wishes/ intentions and functioning of agencies. He had not intended to raise this issue but since this has been raised he wanted to point out that we are still getting reports that known terrorist and extremists are being given sanctuaries in Pakistan and are operating from Pakistani soil. Second, there has been no meaningful progress in the trial of hijackers. There was also perhaps a nexus of smugglers, narcotics dealers, peddlers of arms, etc. We take assurances given by Pak leaders seriously but there has to be some movement on the ground. Ambassador Dixit added that in the folder presented during the Home Secretary’s visit, apart from the factual information regarding Sikh extremists, there were details about
infiltration and terrorist activity in Jammu & Kashmir. Pak side had agreed to study the evidence provided. Perhaps, the concerned agencies could be persuaded to hasten the process.

8. Pak FS said that there was certain collusion between smugglers, etc. on both sides. This needs to be looked into. On their part, they had sent their Interior Secretary to Washington, Ottawa and London to discuss with the respective governments the steps that they had taken to satisfy GOI so that GOP could, similarly, take some appropriate steps. He had himself visited London where he had been told by Pak Ambassador that PM BB faced threats from Sikh extremists. In regard to other steps, he referred to deportation from Pakistan of the two Canadian Sikhs. As regards trial of the hijackers, efforts were being made to expedite the trial but, as in India the courts were blocked and there were delays. FS requested Pak FS to agree to periodically provide an update to the Indian Embassy regarding the trial and other related issues.

**Visa and Travel Facilities**

9. Pak FS stated that one should go at a pace which would reduce possibility of reversal. JS (AP) stated that we were willing to go at the pace acceptable to Pakistan. Reference was made by Pak FS to the need to increase visa fees. JS (AP) said that psychologically the impact of raising of visa fee would not be good. Pak FS pointed out that the present visa fee of Rs.15/- was very low; it had been fixed in 1974 and people could afford to pay more. Rs.50/- as visa fee was not much. FS enquired from CG (Council General) what the reaction from applicants in Karachi would be. CG Karachi mentioned that a very large majority would feel the pinch since they were poor. However, since Pak side persisted it was agreed that the matter would be examined in Sub-Commission IV since there was already agreement in the earlier meeting of that forum to raise it to Rs.25/-.

**Tulbal Project**

10. Pak FS said that despite great pressure to go in for arbitration they had preferred bilateral negotiations. They had left a proposal with GOI during the last Secretary-level talks. Pakistan felt that negotiated settlement would strengthen the treaty rather than going in for arbitration. Pakistan was awaiting the Indian response. FS said that we appreciated the gesture and hoped that the same spirit would permeate the discussions when they take place.

**Sir Creek / Maritime Boundary**

11. Pak FS stated that he would like to feel that the two positions were not irreconcilable. The Pakistan stand was based on the Kutch Tribunal Award and some maps revalidated by them. Another meeting should be held soon.
Ambassador Dixit pointed out that agreements had been reached on a number of points; there were some differences on the boundary in the Sir Creek and on the drawing of the Maritime Boundary. There was agreement to do a strip survey but the Pakistan side insisted that it should be done only with reference to the Resolution Map. FS mentioned that the Pak side had appeared rigid, unreasonable and not well prepared. JS (AP) pointed out that Pakistan in referring to the Resolution Map ignored totally the descriptive text. This was unusual. Accordingly the strip survey should be undertaken without pre-conditions. He further mentioned that he had requested DG (SA) Aziz Khan to indicate the Pak claim line on the maritime boundary so that this could be an input in our own preparations. There was a brief discussion between JS (AP) and DG (SA) on principles of equal distance and equitability. DG (SA) pointed out that more than 90 per cent of the maritime point as envisaged by the Pak side would be on the basis of equal distance. But there were areas where the EEZ of Iran, Oman and India and Pakistan met and Pakistan got shelf locked. There the equitable principle would have to be considered. FS said that he would write to Surveyor General on his return and enquire the earliest convenience when the next meeting could take place. JS (AP) stated that we could write to our Surveyor General after getting a presentation from Pakistan side regarding their perception on the maritime boundary.

**Jinnah House**

12. Pak FS said that this had been raised by PM BB with Indian PM who had very kindly promised to consider the matter. Pak side had heard reports about high rise apartments being constructed or a cultural centre being set up by ICCR in the premises of Jinnah House. They hoped that India would pay heed to Pak sensitivity in regard to Jinnah House. It would be a good gesture if the State Government could be requested to lease the building to Pakistan to accommodate the Consul General. Otherwise, it was virtually impossible for Pakistan to obtain property in Bombay on commercial terms. FS pointed out that he had personally been making efforts with the State Government. While he could not hold out any assurance, he would continue to make efforts.

**Confidence Building Measures**

13. Pak FS referred to experience of 1987 and said that while the DGMOs had developed good cooperation, it should be our effort to develop some measures so that past mistakes could be avoided. FS said that we were in agreement on gradually evolving and later restructuring CBMs. We hoped we could begin this year. It had been reported that Pakistan is planning the largest ever exercise this winter. It could be useful to commence with this event. In regard to defence budget, FS mentioned that as compared to the 13,200 crore allocated for defence in 1988-89, the allocation in 1989-90 was Rs.13,000
crore. Taking into account double digit inflation, this amounted to reduction of 16-18 per cent in our defence budget. This we had done keeping in view our own developmental requirements. Pak FS responded that they had indeed noted this freeze in defence expenditure. There is defence allocation increase of only 1.3 per cent in Pak defence budget. If we took into account the Dollar-Rupee rate, items like increase in pensions, etc. then there would be reduction. The Prime Minister was herself keen to do this even though the defence services were not pleased.

**Pak Re-Entry into Commonwealth**

14. Pak FS said that Pakistan appreciated GOI’s gesture in supporting our entry into Commonwealth. They had entered into consultations with Secretary General on the modalities. Their case was *sui generis*. They had been advised that they should not seek sponsorship from countries, instead the Secretary General and Malaysia, as the next host of CHOGM, should be given a role. They had discussed procedure in London with the SG and Ambassador had written to the SG. SG would send out letters to member countries. He did not intend to wait for a response, he would make an announcement. This would be in advance of CHOGM. PM BB would then announce Pakistan’s acceptance. They would be required to pay some contribution which they would do. They intended to keep in touch with India. They would like India to know that the gesture of Indian Prime Minister had a psychological impact; it was effective manifestation of the new spirit in Indo-Pak relations. FS enquired about the NA resolution which had been passed when Pakistan walked out of the Commonwealth. Pak FS responded that they proposed to get a Cabinet decision and it was their impression that this would be enough. FS referred also to the problem posed by Fiji and South Africa in this regard. He referred also to concerns of Cyprus. Pak FS was thankful that these concerns had been brought to their notice. He said they intended to invite the FM of Cyprus to visit Pakistan well before CHCGM. FS also pointed out concurrent accreditation of a Pakistani Mission to Cyprus might be considered. Pak FS stated that this too was under consideration.

**Surveillance**

15. Pak FS raised the problem of surveillance on diplomats in Islamabad and New Delhi. He referred to the informal understanding that the Ambassadors of the two countries would not be kept under surveillance. He suggested that we should reach some basic understanding which would make life easier for our diplomats. He said that both sides should take up the matter with the concerned agencies.
Anti-India Propaganda

16. FS stated that time was ripe to ensure better, friendlier press guidance regarding India-Pakistan relations. He had already started doing it on an informal basis in India. Perhaps the Pak FS could meet some editors regularly to provide suitable briefings. Pak FS welcomed the suggestion.

Nuclear

17. FS raised the issue of discussion on Pakistan’s nuclear programme during PM BB’s US visit with Webster and Bush. Pak FS said that annual certification in October under the Pressler amendment was required. Ms. Bhutto had stated in January that it was her hope that US would be able to provide required certification based on their own information. It was in this context that there was a dialogue on this issue with Webster and Bush. Pak FS was not present and there was no record available with him on the briefing.

18. He suggested that there should be some kind of a dialogue in whatever form India considered appropriate, confidentially or otherwise, at a technical or political level, on the nuclear issue between India and Pakistan. This would be without prejudice to India’s global positions. FS recalled how PAEC Chairman Munir Ahmed Khan had been invited to visit Kalpakkam. That gesture should have been reciprocated. FS mentioned that he was making this suggestion totally informally. Confidence building in this area would have to be a process.

Cultural

19. Pak FS referred to the meeting next week prior to Joint Commission meeting on cultural exchanges, etc. The Pak delegation had been given the mandate to work out a protocol and India would find them forthcoming. FS mentioned that EAM was personally interested that there should be an exchange of publications, books, etc. and had asked him to convey this to Pak FM. Pak FS mentioned that they would be responsive.

Consultations on Election to UN Bodies

20. The Pakistan Foreign Secretary indicated that Pakistan greatly appreciated PM’s reply to Ms. Benazir Bhutto and the suggestion made therein that India and Pakistan ought to have prior consultations on elections to various international bodies. There were already consultations at the Asian Group in New York for certain UN technical bodies. In addition, it was desirable that in the case of elections to major UN bodies the two PRs (permanent representatives at UN) should be instructed to keep in touch in New York and consult well in advance. In case of some very important candidatures this consultation could take place at FS-level. While agreeing to this idea, FS
suggested that the PRs should consult rather than merely inform each other. In addition, our UN Divisions should be in frequent telephonic contact in this matter. It would also help if annual calendar of elections and candidatures of interest could be exchanged regularly.

Visit of Prime Minister

21. Pak FS mentioned that they were looking forward to visit of PM Rajiv Gandhi to Pakistan. PM B8 was planning to visit Delhi in end August. 30 - 31 August were being considered as possible dates. FS said that he would convey this to PM.

SUMMARY

The third plenary session commenced at 1015 hours on 18.6.1989. It lasted till 1.30 PM with a break between 11.55 and 12.40 when FS called on the President of Pakistan. For this session, the following were also present on the Pakistan side:

i) H.E. Tanvir Ahmad Khan, Pakistan Ambassador to Iran;
ii) Ashraf Jehangir Qazi, Additional Secretary (Afghanistan), Ministry of Foreign Affairs;
iii) Mr. Inamul Haque, Additional Secretary (UN), Ministry of Foreign Affairs.

The session was focused on a review of the international situation.

FS stated that today we were witness to the beginnings of a new detente, the coverage of which was wider than in the Brezhnev era. It now encompassed elements like reduction in defence expenditure, slowing the pace of nuclear arms production, an opening up as laid down in Gorbachev's Vladivostok speech, going slow in Cuba, Nicaragua etc. This was taking place in an
environment characterized by a change in attitude towards developing countries, heightened economic and social tensions within and among developed countries. While difference in other ideologies are getting blurred, the ideology of sheer power is gaining ground as the determinant of solution to issues. There is now talk of compulsory recourse to the International Court, a standing peacekeeping force, surveillance mechanism but issues like Apartheid, Middle East etc. are not being addressed. There is now talk of weighted voting, compulsory arbitration, access to technology to be governed by free market forces (thus negating the work done so far on the Code of Conduct for TNCs), while in the guise of trying to preserve environment an attempt is being made to freeze the development of the developing countries.

There is need for greater coordination among like-minded developing countries. We would also seed to develop our bargaining position by expanding markets among ourselves, attain higher rates of growth, generate technology.

Pak FS referred to the Hague declaration, and stated that despite the French PM Rocard’s telephonic request PM BB had not been able to go but had sent a message highlighting the exclusive relevance of the references to environment to the developed countries. She had now been approached to sign the declaration adopted at the meeting and had agreed to do so. The Indian EAM was present at the meeting and he presumed that the declaration was a consensus position, so that India and Pakistan would not be at odds on this issue. FS stated that the resolution was not to our liking but it was a good deal better than what had been earlier proposed. The Pakistan Foreign Secretary expressed the hope that their signing the Hague Declaration would not be at cross purposes with the Indian actions. It was agreed that we would revert on this point.

Pak FS suggested that we could consider exchanging views before the Paris North-South meeting. FS invited him to send some people to New Delhi for consultations for 4-5 days before the meeting.

Ambassador Niaz Naik stated that there was a mandate within SAARC on such consultations. Pak FS suggested that perhaps the Foreign Ministers could have a discussion on this in the forthcoming July meeting. The Indian PM had issued a letter to some world leaders on similar issues after the Bangalore summit. FS suggested that perhaps PM BB could consider some such step, after her visit to the various SAARC capitals.

Pak FS stated that there were very few international economic issues on which our attitudes differed. So he welcomed the idea of cooperation/consultations. SAARC could also be a promising avenue in this regard. It was important that India and Pakistan coordinated their positions. The agreed principles of GATT
should be adhered to and the effort to substitute these through bilateral approaches was not appropriate. Similarly, he agreed that the move to place a ceiling on developing countries in respect of technologies acquired by them was unjust. Of course, it was also important that developing countries should get their priorities right and not go in for importing technologies which were harmful.

FS suggested that there could be an exchange of views between the UN division officials of our two countries before the next General Assembly session on issues, agenda etc. Mr. Inamul Haq, the Pakistan Additional Foreign Secretary (UN) highlighted the importance of taking along all developing countries in the common approaches being developed by the select group of developing countries like India and Pakistan.

Pak FS then requested for a briefing on Nepal and Sri Lanka.

FS stated that India-Nepal relations were governed by the 1950 Treaty, the Trade and Transit Treaties. Subsumed, in these were agreements on quota items (steel, coal, POL, aluminum, pharmaceuticals, medicines, sugar, salt, milk and milk products: to be allowed in quantities indicated as requirement by Nepalese government and at the subsidized prices prevalent in India), restrictions and restraint on smuggling, freedom of citizens of either country to work, travel, acquire property in the other country. There are at present 4.3 to 4.7 million Nepalese citizens living and working in India. Except for the higher civil services, all other avenues of employment including the army are open to them. In UP and Bihar there are some 8,000 Nepalese doctors and engineers working for the State governments. The Nepalese government on the other hand has been attempting to introduce work permits for Indians (there are at present 150,000 workers and a few thousand teachers). There is no effort to control smuggling of third country production into India, arms were imported from third countries without prior consultations as mandated in an earlier agreement, tariff concessions for Indian products were removed.

We were now getting some signals, especially after the internal problems in China, that they now may be interested in a discussion across the board - on all points of mutual complaints.

Pak FS stated that there was some pressure on them to issue a statement as Chairman SAARC. But they were aware of the limitations of the SAARC mandate. Their Foreign Minister was going to Nepal for one day — on 23rd June. It was their hope that the issue would be settled amicably. In other bilateral consultations also, they found most countries of the view that India as the stronger, bigger neighbour should have shown magnanimity. Pakistan was ready to assist Nepal should there be any request for any commodity in which
they had a surplus. But more than anything else they would like to see an amicable solution.

To Ambassador Dixit’s query he replied that they had not received any Nepalese request to open a route through the Karakoram highway.

FS then referred to the Indo-Sri Lanka accord which was predicated on devolution to the North East Council. On account of IPKF’s presence, 3 sets of elections had been possible. Violence had been controlled - which would have destabilized Sri Lanka. The new President had posited the slogan of “tolerance, compromise, consensus”, and indicated a willingness to talk to anyone on this basis. JVP did not respond. The LTTE did. Possibly because under IPKF pressure they were holed up in the VAVONIA forests, from which they did make forays but could, not reach Jaffna or Trincomalee.

We are committed to the unity and integrity of Sri Lanka. We suggested to the Government that they could talk to LTTE if they avowed a commitment to the unity of the country and did not start an internecine warfare. We have to also take into account the interests of other groups like TELO, EROS, EPRLF who fared better in the elections than the LTTE.

Ambassador Dixit stated that the Sri Lanka government hopes to neutralize/co-opt the JVP by the return of IPKF. Many politicians, even including Dissanaike and Athulathmudali, feel it to be an unreal dream. The Government calculates that subsequent to co-opting of JVP they would be able to present a united Sinhala front and contain/wipe out LTTE. The latter calculates that after the removal of IPKF they would be able to take on the Sinhalas and other Tamil groups.

FS stated that delicate and complicated manoeuvrings are going on; there is a dichotomy between public pronouncements and private messages. We hope matters would not be precipitated.

Pak FS stated as far as the perceptions of the smaller countries of South Asia were concerned, there was criticism when the IPKF had an invited presence, and there would certainly be more so if it were to be a dis-invited presence.

Ambassador Tanvir Ahmad was then requested to give a briefing on the present situation in Iran. He stated that in the last few months of his life Imam Khomeini had unleashed another one of his “revolutions within the revolution”. This was directed against liberals, moderates. There was a tremendous outpouring of grief on his death: in a manner that perhaps only an Islamic Shia society was capable of. There was a resort to virtually 7th century practices in selecting his successor. The issue of single leader or collegiate leadership was settled by Ayatollah Michkini reading out a letter he claimed to have received from Khomeini a few
months ago which called for a Supreme Guardian. In subsequent voting 44/74 voted accordingly. Similarly, 60/74 votes went to Khamanei as the Guardian only after Rafsanjani and Ardebeli claimed that before his death Imam had indicated this preference. Khamanei, however, had been fairly low in the clerical order, though he has obtained some experience in matters of State. His lack of spiritual authority led the leaders to select a very old (100 years) Ayatollah as the “model for imitation”. This could be a temporary feature: till Khamanei’s stature grows. Or it could be the first stirrings of some separation between “Church and State”. Khamanei and Rafsanjani are unlikely to go in for purges, so Musavi would be accommodated: either as PM, and if the new Constitution abolishes this post, then as Vice President or Speaker. Khomeini’s son, too, would be relevant as the “most authentic interpreter” of Imam’s Will which was written in February 1983, and a 2 page addendum was attached in 1987.

The Iranian habit of mind was to look westwards. Or to the Socialist bloc. Asian countries like India and Pakistan did not figure prominently. May be we could try and harmonise our thinking/perceptions about Iran.

Regarding Afghanistan, Pak FS stated that the situation was complex. PM BB had stated that we would opt for a political solution. The exact internal dispensation is to be left to the Afghans themselves. She would like to distance herself from any effort to install any particular kind of regime. She would also prefer a moderate regime: as against the earlier fears of India, USSR and even the West that Pakistan would work towards installing a fundamentalist regime. However, in the process of the Afghan struggle, many fundamentalists had come in the forefront and they could not be sidelined. The Shoura held in Pakistan had been representative of a large section of Afghan thought—though they would have liked to see better representation from the Iran based Mujaheedin, and the émigrés including the Zahir Shah faction. Based on their soundings from all shades of Afghan opinion, they had come to the conclusion that the present Afghan regime was unacceptable. They had supported the interim government, including their seating in OIC, but had impressed upon them that the following would be necessary for earning recognition - (a) broadening of base (b) obtaining expressions of support from within Afghanistan and (c) functioning more like a government, by operating within Afghanistan and showing a capability to administer.

Given the rigidity of all shades of opinion in not accepting Najibullah, Pakistan felt that he was an obstacle to a political settlement and could not be a part of it. At one stage they got the impression that USSR was also willing to keep him out of a settlement. However, since February 15, events had belied this and Soviet support had grown. This was also encouraged by the showing put up by the Najibullah regime in the military sense in Jalalabad.
The *Mujaheedin* would continue with military pressure to the extent that it acted as a catalyst to a political solution. The elements of a political solution could have the following possible forms: (i) an assessment to be made by UN Secretary General (who had a role in the terms of the Geneva Agreement) of a possible acceptable solution, and his conveying to USSR the unacceptability of the Najibullah regime; and their agreeing on a different interlocutor from Kabul (ii) expansion of support base by *Mujaheedin*, holding of Jirgas pledging allegiance to them, pledge of support from field commanders.

Pakistan’s earlier perception of a weak and crumbling regime in Kabul had been belied by subsequent events. However, they still believed that the Kabul regime was surviving on external rather than internal support.

FS enquired if PM BB and Pakistan were willing to accept PDPA, though not Najib. And what was the factual position on the return of refugees?

Pak FS stated that PM BB’s statements do not reflect Pak position as such, but the *Mujaheedin* position. The *Mujaheedin* do not want the PDPA, but there must be some interlocutors from the Kabul side. So they may be willing to talk to people associated with the present government but who were not a part of the core.

Pakistan’s primary concern was the return of refugees. So, any talk of their preventing the return of refugees was wrong. There had been some return recently. But this was reflective more of divisions within the *Mujaheedin* groups. The pro Zahir Shah elements in the Baluchistan area had been encouraging refugees to return. But there was still no substantial trend. However, if it is reflective of divisions within interim government, and would tend to weaken it, then it had some implications which had to be kept in mind.

FS stated that those who had acquired leadership roles among the *Mujaheedin* had not come out as a result of the Saur revolution, but at an earlier period and for mercenary reasons. The influx of refugees had resulted in narcotics and gun running becoming a major problem for Pak society. In case Pakistan wanted to use India, for back channels of communication to help evolve a political solution, we would be willing. This had also been mentioned by the former FS Mr. Menon to President Zia. We were now planning to expand our economic and technical cooperation to Afghanistan. It had been reduced somewhat, though never eliminated altogether. We were now thinking of reviving it. It would be good to keep in mind that out of 30 provinces, war had touched intensely only 9 and less intensely 7. The other 14 were untouched.

Pak FS stated that regardless of the origins of the resistance leaders, over the past 9 years of the Afghan struggle these people had become a factor in the
Afghan power equation. They also had the allegiance of many field commanders. Pakistan would like to see contributions from all sources to the reconstruction of Afghanistan after the attainment of a political solution. Assistance to the present regime would be counterproductive to a political solution. So, India should bear in mind and examine whether the timing of the assistance would contribute to the emergence of a non-aligned and independent Afghanistan.

JS (AP) stated that our assistance was directed towards meeting basic requirements of the people like health care etc. He also enquired about PM BB’s references after her meeting with UNSG, to UN zones for refugees and supplies to them being set up within Afghanistan.

Pak FS stated that nobody was quite clear about what was meant by these special zones. The Coordinator for relief supplies has been somewhat impatient with the present position. Perhaps the idea was floated by him.

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1221. Summary Record of the call by Foreign Secretary S. K. Singh on Pakistan President Ghulam Ishaq Khan.
Islamabad, June 18, 1989.

Foreign Secretary called on President Ghulam Ishaq Khan at noon on Sunday 18th June at Aiwan-1- Sadr in Islamabad.

2. A list of those present is appended. (not included here)

3. The President warmly greeted the Foreign Secretary on his return back to Islamabad which was his second home. He enquired as to whether the Foreign Secretary had found a house in New Delhi. The Foreign Secretary responded that we had a system of designated houses for the Foreign Secretary and accordingly he had had no problems in settling down.

4. The President indicated that Pakistan too had been thinking of having some designated houses for ministers but shortage of funds had prevented this. He, of course, admitted that one could argue that expenses on such constructions were in the nature of internal transfers and hence had no budgetary impact. Nevertheless, they did represent much expense and one could not find the amount of Rs.10 to 12 crores required for this in one go.
5. Foreign Secretary indicated that during his days as Additional Secretary (Administration), he had been able to persuade the then Finance Minister, who was now the President, to give to the Ministry of External Affairs a revolving fund of Rs. 10 crores for purchase and construction of properties abroad. As a result of this, we owned nearly 60% of the properties occupied by us abroad for our missions.

6. In response to the President's queries regarding the progress of the talks, the Ambassador stated that these had been very productive. In conceptual terms, the Foreign Secretaries' meetings could lay foundations of major and across the board cooperation both in the bilateral and international spheres. The President expressed his happiness at this and stated that the result of the Siachen talks was most encouraging. Indeed, all problems could be resolved if we went into their genesis. We should now look for a final solution and for durable peace. The momentum must be maintained through a continued dialogue.

7. The Pakistan Foreign Secretary indicated that there would be a further India-Pakistan dialogue during the upcoming SAARC Ministerial meeting. Ambassador Dixit added that the SAARC Ministerial meeting would be followed by a Ministerial India-Pakistan Joint Commission in the third week of July.

8. The President recalled that the Joint Commission had not met for quite some time though it had been set up a very long time ago. The Pakistan Foreign Secretary stated that if it had met as scheduled it would have had at least 5 or 6 meetings by now. The Foreign Secretary pointed out that after the next meeting we may consider holding the Joint Commission meetings every two years instead of annually and stipulate that the respective sub commissions should meet on an annual basis. The President agreed with this suggestion pointing out that at times Joint Commissions had hardly any business to transact.

9. The Foreign Secretary stated that while this was true in many cases it was not so in the case of our major economic partners. In this context, the Foreign Secretary mentioned that our joint commissions were very active in the case of countries like Mauritius, Fiji, Uganda and those in East Europe. There were also enormous possibilities with countries like Iran and Iraq. The President wondered whether one could have much to do in matters of trade with East Europe. The problem arose because one had to pay much higher for imports from East Europe than in the international market. The Foreign Secretary pointed out that our experience had been much happier because of the rupee payment arrangements. We were importing sufficient items from these countries and also exporting to them many goods in various
fields including manufactured products like the Suzuki. The President lauded the idea of India being able to export manufactured goods. In Pakistan regrettably they had not been able to do so except perhaps in the area of tractor exports.

10. Foreign Secretary stated that Pakistan had a great future because of the enormous talent and hard working nature of the people of the country. The President responded that what was needed for countries like Pakistan was internal and external peace and stability. The Foreign Secretary agreed with this sentiment and stated that he had seen the full impact of war and civil strife in Lebanon and Afghanistan. He for one was totally devoted to the cause of peace and stability.

11. The President stated that the same spirit pervaded the Pakistan Government and their approach particularly in regard to India-Pakistan relations would be forthcoming and positive even if there were intractable problems, these could be put aside and progress could be made on a step by step basis.

12. The Foreign Secretary stated that in the last 6 months under the President’s guidance and that of the Prime Ministers of India and Pakistan, much more had been achieved in the normalisation process than in the preceding 7 to 8 years. We were working for an improvement in India-Pakistan ties in a steady, quiet and non-fussy manner.

13. The Foreign Secretary apprised the President of Mr. Md. Yunus’s nomination to the Rajya Sabha. The president was happy to learn of this and enquired about Mr. Md. Yunus’ son Adil Sharia who had visited Pakistan last year and had wanted to develop a Urdu computer.

The meeting terminated at 12.30 P.M.

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There was a lapse of over ten thousands days between the last visit of a Prime Minister of India to Pakistan and my visit here last December. Within two hundred days, I have come back to Islamabad. This is a measure of the promise of enduring friendship that has been heralded by the democratic decision of the people of Pakistan to place you, Madam Prime Minister, at the helm of affairs.

The restoration of democracy in Pakistan has been greatly welcomed by the people of India. There is deep admiration, Madam Prime Minister, for the courage with which you have overcome your travails. By the same token, there is deep sincerity in our congratulation on your accession to the leadership of your country.

It is given to all of us to be the creature of history. Let us, for our part, try to create history.

We hear around us voices that counsel caution. Accepting the status quo is always easier then changes. Change means uncertainty. It frightens all but those with a vision for the future and the courage to shape the future. You, Madam Prime Minister, are endowed with both, vision and courage. Let us have the vision and courage not to be too constrained by counsels of caution.

When our two countries attained independence, I was a child, almost an infant, and you, Madam Prime Minister, were yet to be born. You and I have grown, as the majority of our peoples have grown, in a world in which India, as she is now and Pakistan, as a sovereign, independent entity, are established realities.

It falls upon our generation to safeguard our sovereignties not through the illusory pursuit of military strength but through the conscious pursuit of friendship between ourselves. It falls upon us to silence the guns that have given no peace and to seek the enduring solutions that only peaceful co-existence can ensure. It falls upon us to work together in the great struggle that lies ahead. Ours is a shared mission to end the injustice and oppression inflicted upon our countries and other developing countries by the inequities and irrationalities, the exploration, the cruelty and the violence of the present international order. We are summoned to greater tasks than assiduously aggravating the scars of history. In the larger global context, we must rise above the stoking of petty problems, unworthy of our larger destiny. There is a great destiny that lies before India and Pakistan. It is a destiny we can achieve together, as friends and good neighbours.
India and Pakistan are heirs to a great civilization that transcends the borders which now separate us. Mehrgarh and Mohenjodaro, Kolidihawa and Kalibangan, take us back to the very beginning of organized human settlements, villages whose antiquity matches Jericho and Jarmo. We are the proud inheritors of the most ancient and most unbroken civilization known to human history. Our shared heritage is woven into the warp and woof of our being. Ajmer Sharif and the Taj Mahal are part of what you are, even as Taxila and Nankana Sahib are inseparable from what we are. We are united by the cultural history of the last five thousand years or, indeed, the last eight thousand years, as Mehrgarh indicates.

That said, we are realists. We recognize that, notwithstanding all the goodwill in the world, there are between us real problems on the ground and real differences in perception. These have to be resolved before we can definitely move together forward.

Your father and my mother showed at Simla seventeen years ago this month how this might be done. We started down the path. It was possible because the will of the people of Pakistan determined the will of the Government of Pakistan. Then, the movement forward stalled. Now that the will of your people is once again sovereign, the processes of progress have been resumed.

We seek an end to actions aimed at infringing our integrity. We believe you have the will and the strength to stop it.

We seek end to the clashes and conflicts that have led to the loss of so many precious lives in the forbidding, icebound terrain of the north. The constructive discussions held on the subject contain encouraging pointers to a possible settlement.

We seek an end to disputation between our representatives on problems which are ours alone, in forums where other interests prevail. Our two countries are wise enough and mature enough as find solutions to bilateral issues strictly within the framework of mutual respect for our independence, sovereignty and integrity. We do not need the intervention of others. The Simla Agreement lights our path.

Friendship between neighbours such as ourselves cannot be built by governments alone or even primarily by governments. Our friendship had to be built, most of all, by our peoples, among themselves. Nothing is more important than removing the road blocks that have been placed in the way of peoples getting to know each other. Travel is almost entirely confined to relatives on either side of the border and hampered by needless harassment. Trade between our countries is derisory, economic co-operation non-existent.
Newspapers and magazines are stopped at the frontier. The flow of thought and information is staunched or filtered. Films are seen clandestinely or through mounting taller and taller antennae! Cultural exchanges are highly treasured but have been rendered a rarity.

We cannot build trust between our countries unless we trust our peoples. There was a time when many of the men and women of India and Pakistan shared common memories that ante-dated the political divide. The present generation had grown up looking not to each other but elsewhere. Yet, as anyone who has been to the Gulf or West Asia, Europe or North America will testify, when an Indian and a Pakistani meet, as human beings in a human encounter there is an instant mutual recognition, an affection that swells from some inner core of our existence, as human beings embrace that transcends the passing passions of politics. Why must we go abroad to meet each other? Why can we not meet in each other’s hearths and homes? It is incumbent on us to give joyful expression to the natural affinities that bind our peoples.

The greatest Indian of our century taught us to rise above the two greatest weaknesses that beset humankind – fear and hatred. Let us remove the fear that had permeated our relationship. Let us remove all hatred. Let us work together in peace and friendship.

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1223. Speech of Pakistan Prime Minister Benazir Bhutto at the Banquet in honour of visiting Indian Prime Minister Rajiv Gandhi.

Islamabad July 16, 1989.

At the banquet, Ms. Bhutto expressed the hope that Pakistan and India would move towards a more meaningful relationship based one equality and mutual benefit.

“At a time like this when nations with traditional hostilities are moving towards peace and friendship, we must ensure that in our region peace and amity do not become hostage to narrow national considerations”. She said.

Ms. Bhutto said: “We owe it to our masses to safeguard peace and security so that they can devote their energies and resources towards development. We should ensure that South Asia remains free of nuclear weapons.”
Pakistan, she said, was ready to join any arrangement which could guarantee non-proliferation of nuclear weapons in South Asia. “We would also like to prevent arms race in our region and would like to see arms control talks take place”, she added.

Ms. Bhutto said Pakistan and India have a shared history and the people of both the countries face similar problems and have same aspirations. “They want friendship and not hostility”, she added.

“We in Pakistan have waged a long struggle against the dark night of dictatorship to restore our democratic rights. We, therefore, have a deep commitment to freedom, to democracy and to peace. We are committed to abide by the Simla Agreement and we wish to conduct our bilateral relations in accordance with the letter and spirit of the Simla Agreement”, she asserted.

The two countries, initiated in December last, a new phase in relations to get out of the mire of mutual suspicion and mistrust, a phase in which to build relations based on the principles of equality and respect for each other’s internal affairs. “We should like to renew our commitment to these principles”, she said.

Ms. Bhutto referred to the several exchanges at official level since last December, at which she said, good progress has been made. She said the Pakistan-India Joint Commission was to meet on July 18 and finalize proposals which would go a long way to increase people-to-people contacts and cooperation in the cultural, commercial and other fields. She hopes these efforts will contribute to a more meaningful relationship between the two countries based on equality and mutual benefit.

“We can proudly claim that in our own region we have taken some significant steps for the establishment of peace and the promotion of cooperation”. She said. The SAARC was one such step. In the last four years, SAARC had made more progress than any other comparable regional organization, she observed and urged: “We have to conserve and consolidate our gains.”

One-fifth of humanity, which was amongst the poorest in the world, lived in the South Asian subcontinent, she pointed out. “Our people want progress, development and a better quality of life and through SAARC we can provide it to them”, she added.

She said: “Individual and joint efforts should be made to avoid any harm coming to SAARC in view of the crisis it is faced with today.”

Ms. Bhutto observed that cooperation was replacing confrontation in the wake of the ‘winds of change’ blowing across the globe. The superpowers have agreed
to cut down their nuclear arsenals. The establishment of a broad-based government acceptable to the Afghan people was hoped, while China and the Soviet Union had taken significant steps towards improvement of relations.

Referring to the visit of Mr. Jawaharlal Nehru in 1960, she said the complex and volatile issue of the sharing of river waters of the Indus Basin was equitably settled with the signing of the Indus Waters Treaty. “That treaty has stood us in good stead over the past 29 years and we should preserve its sanctity and validity at all costs”. She added.

She mentioned the last bilateral visit to India by Pakistani Prime Minister Shaheed (martyr) Zulfiakar Ali Bhutto in 1972 to sign the Simla Agreement, when she accompanied him. The Signing of the Simla Agreement, she said, had been made possible because both Pakistan and India had resolved to put an end to conflict and confrontation, to promote friendly and harmonious relations and to work for the establishment of a durable peace in the sub-continent. The agreement, she said, ensured peace between the two nations over the last 17 years. “We should ensure that the Simla Agreement is implemented, in letter and spirit”, she said.

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SECRET

Record Note of discussions between the Indian delegation led by Prime Minister Rajiv Gandhi and Pakistani delegation led by Ms. Benazir Bhutto.

Islamabad, July 16, 1989.

After about 100 minutes of one-to-one talks between Prime Minister Rajiv Gandhi and Prime Minister Ms. BB at Sind House, Islamabad, India-Pakistan delegation level talks were held on 16 July 1989. The delegation level talks commenced at 1935 hours and concluded at 2030 hours.

2. The list of the two delegations is appended. (not included here)

3. After introducing the respective delegations Prime Minister Rajiv Gandhi thanked PM BB for agreeing to receive him and for the hospitality extended. He said that the visit was short but more time was just not available. He could not resist the opportunity of stopping over in Islamabad. He said that most of the bilateral items have been covered in one-to-one talks. He enquired if the
two delegations had anything to report about their discussions while the two Prime Ministers were having their discussions.

4. PM R (ajiv) G(andhi) then referred to the concern expressed by PM BB in regard to the future of SAARC and the course of action open to us.

5. PM BB responded by saying that Pakistan’s reasons for worrying about the future of SAARC was that it was one forum which was created on a basis other than bilateral. It provided a forum and an opportunity of high level discussions. During the Foreign Secretary level meeting in Islamabad in June, Sri Lanka had conveyed to Pakistan President that they were thinking of leaving SAARC. During her recent visit to France, Bangladesh, had informed Pakistan that they too had received a similar communication from Sri Lanka. This would mean the collapse of SAARC. It was not Pakistan’s wish that India-Sri Lanka bilateral issues should get enmeshed into the SAARC perspective. Therefore, it was necessary to make efforts to save the organization. Sahabzada Yaqub Khan added that Pakistan was expecting a Sri Lankan Special Envoy on 20 or 21 July. Also, Secretary General of SAARC would be visiting Sri Lanka. It was their hope that they would not be bringing messages of despondency. Principal Secretary to Prime Minister Mr. Deshmukh had visited Sri Lanka. He himself, as Chairman of the SAARC Council of Ministers would be willing to pay a visit to Sri Lanka. It was in our interest to persuade Sri Lanka to stay in SAARC framework which had made much progress. It would be thousand pities if SAARC comes to grief in unfortunate circumstances. Pakistan would seek the counsel and guidance of the Indian side.

6. EAM said that Bangladesh Foreign Minister had come to India after visiting Sri Lanka. He had expressed similar worries. He gave us to understand that the Sri Lankan President was still adamant. He did not bring a message of hope. But it was our duty to continue our efforts. Pak FM confirmed that Bangladesh FM had said much the same thing to him. EAM mentioned that SAARC functioned on the basis of some guidelines. These guidelines had been laid down with great foresight. Even at the inception of SAARC bilateral issues were there. But they cannot be allowed to come into SAARC. We have prepared the ground rules meticulously. We cannot allow one side to negate all this. We have agreed that bilateral issues are not to be taken in SAARC. We have made every effort to persuade Sri Lanka. Most recently Principal Secretary to PM, Mr. Deshmukh visited Sri Lanka. We will continue to make efforts.

7. PM RG referred to problems in earlier meetings. But we had succeeded in keeping them separate from SAARC.

8. PM BB said that if there is a possibility to save SAARC, we must do
whatever is necessary. Pakistan appreciates that there are ground rules. But as Chairman of SAARC, currently, it had become an embarrassment. She said that we should continue to exchange views on this issue and that she would leave this thought with Indian PM. EAM then said that we will try.

9. PM BB stated that she was very happy that PM RG could make this visit. This was his second visit to Pakistan and indicated that he attached importance to improving bilateral relations. During PM RG’s last visit in December 1988 three agreements had been signed. Decisions had also been taken to hold several high level meetings and to activate the Joint Commission. The recent series of official level meetings held in pursuance of that decision particularly the meeting of Secretaries of Interior, Water and Power, Defence and Foreign Secretaries had shown good results. The Joint Commission would be meeting from 18 July. It would give further impetus to cooperation in areas like trade, culture, travel, tourism and in various sectors of people-to-people contacts. Pakistan attached the highest importance to the improvement of relations with India on the basis of sovereign equality and mutual benefit. Pakistan believes that Simla provides the basis for progressive development of relations and for resolutions of outstanding issues, including Kashmir, on a step by step basis. We must remove the irritants, mistrust and suspicion. People on both sides want peace. We can make a significant contribution to instill stability and progress in the region by improving our relations. It is the common commitment of the leadership in both countries to improve the living standards of their peoples. It is the expectation of the people of both countries that their leaders would do so. We cannot fail them. The recent developments in international environment have been positive. Detente should embrace the whole region. Confrontation is giving way to cooperation. The world is making fresh and promising beginning. We must maintain the momentum by measured steps. The Soviet Union and China are improving relations. Improvement in the situation in Afghanistan has taken place. India and Pakistan should also work together and build better relations.

10. PM RG thanked by PM BB. He said we do believe that problems in our relations have been going on far too long. The international environment is favourable. It would be to our mutual benefit to go to the roots of our problems and sort them out. We can draw satisfaction from the progress achieved during the recent meetings in this direction. India is serious about improving relations with Pakistan. The next step would be the convening of the Joint Commission. We can perhaps make some progress on sectors like trade, tourism culture, people-to-people contact, etc. It is imperative to sort out our differences. New global relationships are developing. The more powerful and the rich have their own groupings. If countries like India and Pakistan cannot make arrangements to cope with the evolving situation, we could lose out. We cannot even pretend
to be economically strong if we are tied down in knots to our local problems. In
the international arena, we should work together. A new picture of relations is
emerging. We talked about it in Paris amongst the developing countries and
with the G-7. For the first time; we get the feeling that even countries which
were usually recalcitrant were now sympathetic. They have, of course, their
own problems. But if they are willing to move and we are not ready, it would be
unfortunate. India and Pakistan must cooperate with each other. Our
development is roughly similar as are our capabilities. Our global approach
has to be similar. There are issues in GATT. We must establish some sort of
linkages. The two Foreign Ministers could talk about this. They could discuss
how such linkages could be developed. EAM said this could be discussed in a
general way. PM RG agreed that the intention was not to come to decisions
but to explore possibilities and exchange ideas. Adviser Iqbal Akhund intervened
to say a common strategy in international forums could be evolved. PM RG
agreed and said that different countries had different problems. Latin Americans,
for example, had the debt problem and wished to talk about nothing else.

11. Foreign Secretary Shri S.K. Singh referred to the Foreign Secretary level
talks last month and mentioned that as directed by PM, he had suggested to
Pakistan side that we would send our Secretary in charge of Economic Relations
to Pakistan or would be willing to receive a delegation from Pakistan, as soon
as possible, to discuss the issues and the modalities of cooperation between
India and Pakistan in international forums. He said also that EAM too, had
mentioned this to the Pakistan Foreign Minister. EAM added that we could
have general discussions and follow it up with substantive discussions at
technical levels. PM RG added that there were different aspects on the
substantive side. There were, for example, issues relating to banking, trade,
G-77 etc. we must think these issues through at the political level and give
directions to the technical level.

12. PM BB said that India, Pakistan and Bangladesh constituted a large
market if they were to come together. We would be sought out by foreign
companies. This would strengthen our bargaining position. PM RG agreed. He
referred to his own discussions with the President of Brazil in Paris, He had
asked the Brazilian President what it was that Brazil had to offer in return for
the western help in resolving the issue of debt. The Brazilian President had
replied that Brazil would protect its environment. He said that the western nations
were keen on the environmental issue and this is all that Brazil had to offer.
Similarly, on other issues, there can be pay-off of one kind or another. Nothing
comes free. But then, one need also not get cheated.

13. PM RG then congratulated PM BB on Pakistan’s re-entry into
Commonwealth. PM BB thanked PM RG for India’s support and help in facilitating Pakistan’s entry. It was their expectation that all necessary formalities would be completed by mid-September. There were many meetings before that. PM RG enquired if there was anything that India could do. He added that the Commonwealth was well organized and remarked, in a lighter vein that all of us were on one side and Mrs. Thatcher was on the other. General Naseerullah Babr interjected to say that perhaps at the next meeting, the two ladies would be on the same side. PM BB disagreed and said that the differences in the Commonwealth were mostly on the issue of South Africa and Pakistan would side with the rest of the Commonwealth.

14. PM RG then referred to Afghanistan. He referred to his own meetings with U.N.S.G. and President Gorbachev. Their responses to ideas that PM BB had mentioned were roughly in line with our anticipation. President Gorbachev had said that the ideas were much too raw and needed to be cooked up. These would have to be firmed up in terms of specific before the Soviet Union could react. We could follow it up. If Pakistan wished they could send a message to Gorbachev through us or through the UN SG. Foreign Minister Yaqub Khan intervened to say that it would be a mistake to think that Pakistan was seeking a military solution. Equally, it would be a mistake to think that there would be no military action against Najibullah by the Mujahideen in Afghanistan. If the aim of the Mujahideen was to be defined, it was to gain power through military means. Hence, it was necessary to work for a political solution. Afghan problem had two aspects. One was that Najib had been rejected by most sections of Afghanistan, including the Mujahideen based in Pakistan and Iran, émigrés, local commanders, Zahir Shah, divines etc. PM BB added that everyone has agreed that Najib and PDPA must go. They were a symbol of the atrocities that had been committed on the Afghan people. Then the way would have been paved for a political solution. We assume that Gorbachev must also know this. PM RG enquired as to what would come once Najib and PDPA were no longer on the scene. FM Yaqub Khan said that elections could be held. PM BB responded that the Soviets felt confident about Najib and they believed that nothing could dislodge him. FM Yaqub Khan said that that was perhaps because of the vast quantities of arms available to Najib. PM RG said that Soviets also felt that politically too, Najib was stable. A large number of field commanders were joining him. He was not isolated. PM BB said that this would be paving the way for continuing military pressure on the Najib government to seek a political solution. PM RG disagreed and said that it was not that. There was a feeling that the Mujahideen themselves were not cohesive. They have not displayed any military strength. FM Yaqub Khan agreed and said that it was true that there were differences within the Mujahideen groups. But, in the Afghan set-up, it was inconceivable that these differences would not be there. The
impression that the Mujahideen were not militarily strong had developed after Jalalabad. But since then, the resistance was picking up. The disparity in the arms available to the Najib Government and the Mujahideen had been overcome. Earlier, there was the common opposition to the Mujahideen government. It is Pakistan’s view that the opposition is very wide and pervades all sections. Najib has played an astute game. He has been driving wedges between Shiias and Sunnis, Pushtoons and non-Pushtoons etc. But the total picture is that he has a very narrow base. PM RG enquired as to how one moves forward. Najib could not be expected to pack his bags and leave. General Naseerullah Babar responded that the Soviets could play a role. PM RG enquired if that would not be asking too much of the Soviets. FM Yaqub Khan said that one possibility could, be to have elections as sought by the Mujahideen. These elections would be under Najib. It is true that the situation for elections was not yet ripe. There was the question of what dispensation there should be for an election. It could not be under Najib; it had to be under someone else. It could perhaps be under UN auspices. Adviser Iqbal Akhund added that Najib was being maintained by the Soviets. But there could be no permanent solution built around Najib. If he could be persuaded to go, it may be possible to whip together a broad-based Government.

15. PM RG then referred to the situation as it evolved in Namibia, where elections were supposed to be held under UN auspices, but things had gone askew. Adviser Iqbal Akhund responded that perhaps UN SG could come in. He or his representative could talk to people. That perhaps may be more widely acceptable now. PM RG enquired if there was any reference point or previous such incidents. FM Yaqub Khan responded that the Najib government was a legacy of an occupying power. It was an instrument of that power. The Afghan Qribal structure was unique. It was difficult to find parallels. Foreign Secretary S. K. Singh added that never had elections been held in Afghanistan in the manner in which elections were held in India and Pakistan. There was no voter list. It was not easy to organize an election. He narrated his own experience of election campaigning and processes which he had observed during his stay in Afghanistan as Ambassador. General Babar disagreed and said that Afghans were much better organized now and things were much different. PM BB added that Pakistan sincerely wanted a resolution. This would remove a sore point in relations with Soviet Union and also an internal problem. It was difficult to see a political solution which would mean recognising the Najib government. His base was narrow. He had, indeed united the ‘khalq’ and ‘parcham’. But the émigrés, Zahir Shah and others were all opposed to him. Iran’s assessment was similar to Pakistan. They too were opposed to Najib. One should not think in terms of personalities but in terms of scoring some gains. The Soviets had withdrawn. The Najib government had the task not merely of governing but of re-conquering the people. There will be continuing violence and siege. If the
Afghans themselves were not prepared to join, how could a resolution be brought about? During the Soviet withdrawal, Pakistan had held the Mujahideen back. It was to ensure that a face-saving device existed for the Soviets. But, it was equally necessary for a face-saving device for others. How would Soviet Union, India, Pakistan, Iran and others benefit from continuing bloodshed? Najib could perhaps continue to hold Kabul, but that would not resolve the problem. Ambassador J.N. Dixit enquired if Pakistan drew a distinction between the PDPA and Najib. He added that the PDPA had a following within Afghanistan and their policies had an impact. PM BB indicated that Pakistan did draw a distinction between PDPA and those visibly identified with the atrocities in Afghanistan. A process of transformation was underway. PDPA had changed its name (sic). PM RG enquired how one should proceed further. FM Yakub Khan said that they would think about it. PM RG said that we must think of practical steps. Najib is in Kabul. PM BB responded that Najib, having been the Intelligence Chief, had succeeded in dividing people, but could not be always successful. May be the Soviets want to give him some more time. They are hopeful of swinging a deal and then move on to a resolution. It was not Pakistan's intention to foist any government which was neither hostile to it nor to Soviets. Pakistan could not understand why Soviets were so strong on Najib and supporting him. He was not even professing communism. To illustrate Soviet support to Najib, she said that from 15th February to June, Afghans had received 400 Scud missiles, each of which was worth one million Dollars, i.e. 400 million Dollars worth of missiles. PM RG stated that there was real danger of escalation and of conflict getting out of hand. There could be an unleashing of a fresh cycle of escalation. Both sides had very sophisticated weaponry. PM BB agreed and said that hence, a resolution was necessary. The potential for violence was there irrespective of restraint. It was necessary to find a way out. Recognition of Najib was impossible. Before Jalalabad, we received clear signals that the Soviets considered Najib to be dispensable. Pakistan had received similar signals over the last fortnight that they were not as firm. Perhaps the Soviets feel that Karmal went and, nothing happened. Similarly, Najib would go and nothing would happen. They were, thus wanting the fleshing out of ideas. General Naseerullah Babar asked what would happen if Najib went by other means. He recalled that Najib had come in 1980 and sought assistance. He had been educated in Peshawar. PM RG enquired as to what the strength of the Mujahideen was. PM BB responded that the seven groups in Peshawar were together and had formed the IUAM. The Iran-based 8-Party Alliance, had agreed to the seating of the IUAM in the OIC. Zahir Shah had also welcomed the IUAM, but had not extended recognition. IUAM was a grand (grand ?) coalition. Iran was waiting and watching. Despite its recent talks with the Soviet Union, there had been no movement and Iran had told the Soviets that it would...
not deal with Najib. FM Yakub Khan confirmed that Iran was quite firm on that.

16. PM RG then referred to China. Since December much had happened. His own visit had been good. On the border issue, we had found a way of moving forward. The formation of JWG indicated progress. Both sides had committed themselves to maintaining peace and tranquility. China had moved forward with a new formulation. The earlier formulation of MUMA had been changed to “fair and mutually acceptable” solution. The JWG had met last week or 10 days ago. We had sent our delegation and not wavered. JWG had drawn up a tentative schedule. We were fairly optimistic. Recently, Congress (I) leader Ghulam Nabi Azad had gone to DPRK. He returned via Peking. He met the new General Secretary. He was very happy with the meeting. He praised the new General Secretary and said that he seemed confident that he could cope with the difficult situation in China. He was confident that a solution would be found. PM BB expressed happiness and said that this would contribute to reducing tensions in the region. PM RG added that China’s internal problems were their own and India had no intentions of fishing in difficult waters. FS added that there was a symbolism in the reception accorded to Ghulam Nabi Azad. He was the first foreign political leader received by the new General Secretary.

17. PM RG mentioned Shri Lanka and Nepal and said that the two Foreign Ministers could discuss this.

18. PM RG then said that he wished to extend an invitation to PM BB to visit India. PM BB said that she looked forward to visiting India. The dates could be worked out.

19. The meeting ended, thereafter, after exchange of pleasantries.
Joint Press Release issued at the end of the visit of Prime Minister Rajiv Gandhi to Islamabad.

Islamabad, July 17, 1989.

His Excellency Mr. Rajiv Gandhi, Prime Minister of the Republic of India paid an official visit to Pakistan from the 16th to 17th July, 1989, at the invitation of Her Excellency Mumtaz Benazir Bhutto, Prime Minister of the Islamic Republic of Pakistan.

2. Accompanying His Excellency Prime Minister Rajiv Gandhi on this visit to Islamabad were Mrs. Sonia Gandhi, Mr. P.V. Narasimha Rao, Minister of External Affairs, and senior officials of the Government of India.

3. Prime Minister Rajiv Gandhi, Mrs. Sonia Gandhi and the Minister of External Affairs, Mr. P.V. Narasimha Rao, called on His Excellency the President of Islamic Republic of Pakistan, Mr. Ghulam Ishaq Khan and Begum Ghulam Ishaq Khan and exchanged views with him on matters of mutual interest.

4. Prime Minister Mumtaz Benazir and Prime Minister Rajiv Gandhi had detailed and cordial discussions in an atmosphere of mutual trust.

5. The two Prime Ministers had an extensive exchange of views on the developing international situation and on the manner in which further progress could be ensured in the normalization of India-Pakistan relations and strengthening co-operations between Pakistan and India.

6. The two leaders took note of recent positive developments on the international situation aimed at defusing tensions and confrontation and furthering the cause of international stability, disarmament and equitable economic development. They agreed to encourage and support these processes through mutual cooperation bilaterally as well as in multilateral fora. They discussed the situation relating to SAARC and expressed the hope that SAARC activities will be resumed at the earliest.

7. Both sides reviewed developments in bilateral relations since the last meeting of the two Prime Ministers in Islamabad in December 1988. The Prime Ministers expressed satisfaction about agreements reached between the two sides on cooperation in the fields of railway communications, civil aviation, border security arrangements and controlling illegal trans-border activities. They agreed that Indo-Pakistan consultations at appropriate levels should continue on a regular basis for devising further measures to improve cooperation in all these spheres. In this context, the Prime Ministers agreed that the Surveyors General of India and Pakistan will reconvene their discussions on the Sir Creek and maritime boundary between Pakistan and India.
8. The two leaders expressed satisfaction at all procedural measure having been completed on the agreements signed between the Government Pakistan and the Government of India on the avoidance of double taxation on air transport income and bilateral cultural relations. It was also agreed that remaining procedural requirements for implementing the agreement on non-attack on nuclear installations in each other’s countries should be completed in the near future. The Prime Minister of India informed the Prime Minister of Pakistan that India has finalized arrangements in this regard and was willing to ratify the agreement as early as feasible.

9. The two Prime Ministers reviewed the discussions held on the Siachen issue at the levels of Defence Secretaries and the army authorities of Pakistan and India in June and July 1989 respectively. In this context, they approved the joint statement issued at the end of the Defence Secretaries talks on the 17th of June, 1989.

10. Taking note of these discussions, the two Prime Ministers directed that the Defence Secretaries of India and Pakistan, should in their future meetings work towards a comprehensive settlement in accordance with the Simla Agreement and that this settlement should be based on the re-deployment of forces to reduce the chances of conflict and avoidance of the use of force, and further directed that the army authorities should continue discussions to determine future positions on the ground to which re-deployment would take place so as to conform to the Simla Agreement and ensure durable peace in the area. The next meeting of the Army authorities is being scheduled during August, 1989.

11. The two Prime Ministers emphasized that India-Pakistan relations, in all respects, will be structured and strengthened on the basis of the principles of mutual respect for the sovereignty territorial integrity, non-aggression, non-interference in internal affairs, equality and mutual benefit, within the framework, content and spirit of the Simla Agreement. The Simla Agreement provided a firm basis for the progressive development of bilateral relations between Pakistan and India and for the resolution of all outstanding differences including the Jammu and Kashmir dispute.

12. The in depth discussions between the two Prime Ministers were animated by their earnest desire to chart out a new and meaningful path of friendship and mutual cooperation transcending historical inhibitions and doubts which have affected relations between India and Pakistan.

13. His Excellency Mr. Rajiv Gandhi and Mrs. Sonia Gandhi expressed deep appreciation and thanks to the Prime Minister, the Government and the people
of the Islamic Republic of Pakistan for the warm and friendly hospitality accorded to them during the visit.

14. Prime Minister Rajiv Gandhi extended an invitation of Her Excellency Mohtarma Benazir Bhutto, the Prime Minister of the Islamic Republic of Pakistan and to Mr. Asif Zardari to visit the Republic of India at their earliest convenience. The invitation was accepted with pleasure. The dates for the visit will be decided through diplomatic channels.

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1226. **Press Conference taken by Prime Minister Rajiv Gandhi and Prime Minister Benazir Bhutto.**

**Islamabad, July 17, 1989.**

**Dalip Padgaonkar**, *Times of India*’s first question was on whether Prime Minister Bhutto had seen President Gulam Isaq Khan’ reported remarks to Prime Minister when he called on him on the 16th, that India should eschew a policy of hegemony.

**Benazir Bhutto** answered that she had not seen the newspaper story and that, therefore, she could not comment.

**Saleh Zaafar** of *Nawa-e-Waqt*’s second question concerned PM’s banquet speech in which he had said that small disputes should not come in the way of friendship. Zaafar enquired whether Siachen and Kashmir were included in PM’s list of small disputes.

**PM’s reply** was in the negative. He said these were “serious disputes”.

**Q. by Ashwini Kumar** of *Punjab Kesari*. He said that AK 475 and other weaponry had been found in Punjab and Kashmir and that these were allegedly being supplied by Pakistan. Now that India and Pakistan were heading towards friendship what did the Pakistan PM propose to do?

**Benazir Bhutto**: It is not our principle to interfere in internal affairs of other countries. We have assured the Government of India that we are not concerned with weapons. The matter was discussed at the Home Secretary level and ground rules have been laid down. We hope that in view of the new atmosphere such things will not happen.
Q. *Voice of America*: What was the nature of your talks with Gorbachev in Moscow on the Afghan issue?

**PM**: While we did talk about this issue, I did not bring any proposals; that was not my intention. The Geneva Accords provide the only way out. All parties should adhere to them.

Q. *by Swaroop PTI.* A section of people in Pakistan is opposed to normalization of ties with India. They are the same people who opposed your Prime Ministership. How will you counter them?

**Benazir Bhutto**: Every government will acknowledge that they have an opposition. This is part of political life. Each government will be judged not on what the opposition says, but by the people on the basis of its performance.

Q. *by a British journalist*: Now that democracy has returned in Pakistan, what prevents you from holding a plebiscite in Kashmir?

**PM**: There is no question of plebiscite from our point of view. The Simla Agreement replaces all other earlier agreements. In any case, we have had several general elections and local elections in Jammu and Kashmir over the last 40 years.

**Benazir Bhutto**: We have differing positions on Kashmir. The Simla agreement spells this out. We will work it out together.

Q. *by Inderjit of INFA*: Your accession to power and your rapport with Rajiv Gandhi raised hopes. What will you do about mutual arms limitations?

**Benazir Bhutto**: Both countries face tremendous problems with slums, poverty, etc. we would like to improve the security environment. We feel that if the super powers can talk about arms reduction and control, we should be able to do the same.

**DAWN**: What is the hitch in arriving at a solution in Siachen?

**PM**: Newspapers tend to believe that there are simple solutions available to such issues. There are no simple solutions as this is a complex problem. There are a number of steps which have to be taken regarding military disengagements and other measures. The progress had been good so far. We will speed it up.

Q. *by Ashif In Dino*: What are the prospects for further improvement of relations with India?

**Benazir Bhutto**: Since December when we signed three agreements, several Secretary level talks have taken place and there has been progress on travel,
etc. more can be done and the Joint Commission should examine these aspects.

**Q. by M J Akbar of Telegraph:** The unusual delay in commencing the press conference has led to speculation that your last minute talks were indicative of agreement of disagreement. Have you both agreed on India’s Sri Lanka policy?

**Benazir Bhutto:** We revived the talks of our aides last night. It was a productive meeting. We discussed Sri Lanka with the Indian Prime Minister. India has its own position. We have expressed our concern.

**Q. by a Pakistani journalist:** In the *Le Point* interview you have stated that the nuclear problem is the biggest one for India.

**PM:** I feel it is one of the biggest problems because the Pakistani nuclear establishment is not open like ours. It is entirely under military control. Our nuclear institutions are open. Our whole policy is discussed in Parliament. We have, nevertheless, started talks on nuclear non-attack. We are waiting for the ratification of the agreement which we signed in December. We should take further steps in this direction to reduce tension.

**Benazir Bhutto:** I would take this opportunity to assure India’s Prime Minister that our nuclear establishment is not under military control. We do not believe in nuclear proliferation. I have discussed ways and means with him to resolve this issue. There are different pressures on each country. We must ensure that there is no arms race especially a nuclear one, as nuclear weapons are a threat to mankind.

**PM:** We believe that nuclear issues cannot be seen in isolated regional perspectives. We have presented a comprehensive action plan on nuclear disarmament in June’88. This is the only way.

**Venkatnarayan from India:** Are you worried about the future of SAARC because of Sri Lanka? How are you going to put it back on the rails? They have refused to hold the Summit. What will you do?

**Benazir Bhutto:** We discussed the Sri Lanka situation and its bearing on SAARC. Our Foreign Ministers have talked about the issue. I am sending my Foreign Minister to Sri Lanka. We hope that there will be mutual consultations.

**Q. by Mushadid Hussain:** Despite India’s massive military build-up why do you perceive Pakistan as a military threat? Why do you ask United States to apply pressure on Pakistan? Is not this inviting super power interference in our region and is it not a violation of non-alignment principles?

**PM:** As far as our defence is concerned, I would like to bring to your notice some important facts. Pakistan spends 8 per cent of GNP on defence, while
we spend only 4 per cent. If you take into account the length of our border and the size of our exclusive economic zone and certain other details, which I would not want to go into, you will see that our military spending and our military establishment is proportionately much less than Pakistan’s. On the nuclear issue, we have talked to the United States. We have made known our fears.

Navjyoti Ajmer: Why don’t we spend more on development projects instead of on the military ones?

Benazir Bhutto: We hope to be able to do this.

PM: I share that hope.

Pakistan Times: We want peace with India. However, we find that in its relations with Nepal, Sri Lanka and Bangladesh, India had adopted a policy of confrontation. You have the image of a regional bully. How do you react to that?

PM: There is no question of our being a regional or any other kind of bully. As far as Nepal is concerned, they did not want to renew the trade treaty. We had been giving them far better facilities than they are able to get now the most favoured nation arrangements. We are not sure what they want. If they want most favoured nation treatment, we are willing to give it to them.

As far as Sri Lanka is concerned, it is only Indian troops which had ensured the unity and integrity of Sri Lanka. Had they not been there, Sri Lanka would have disintegrated. The only peaceful place in the whole country is the north, where our army is present. They have been responsible for the conduct of three elections, Presidential, parliamentary and provincial. We do not believe in hegemony. We do not believe in bullying. We have acted to stabilize the region and to bring under control disintegrating forces.

Sanjoy Hazarika, New York Times: Do you feel that your talks have given a momentum to the Siachen discussion?

PM: I feel that they have.

Benazir Bhutto: Our discussions have helped to clarify different issues.

K.K. Katyal, Hindu: What have you achieved in concrete terms and do you have your domestic compulsions?

Benazir Bhutto: There is a backlog of problems. Both of us need to chip away at this backlog. It is not fair to expect all problems to be solved overnight. There is no quick fix answer. The progress made by us since December has been laudable. We are both determined to search for peace, to lower tensions
and solve problems. I believe high-level contacts are necessary to review the progress of subordinates. While welcoming Rajiv Gandhi and his delegation, I would also like to add that I look forward to accepting his kind invitation to visit India. I would like to emphasize that each country has an opposition. No country can be a hostage to partisan considerations. If we were to do so, we would become hostage to history and the judgment of history.

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SECRET

Summary Record of discussions held during External Affairs Minister’s call on President Ghulam Ishaq Khan on the 18th of July, 1989.

The meeting took place at the Presidential Palace at 1500 Hrs. The following were present:

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<tr>
<th>Pakistani side</th>
<th>Indian side</th>
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<tr>
<td>1. President Ghulam Ishaq Khan</td>
<td>1. Shri P.V. Narasimha Rao— EAM</td>
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<tr>
<td>2. Sahabzada Yaqub Khan</td>
<td>2. Shri S.K. Singh</td>
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<tr>
<td>Foreign Minister</td>
<td>Foreign Secretary</td>
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<tr>
<td>3. Mr. Iqbal Akhund</td>
<td>3. J. N. Dixit</td>
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<tr>
<td>Adviser on Foreign &amp; National Security Affairs</td>
<td>Ambassador of India</td>
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<td>4. Mr. Fazlur Rehman Khan</td>
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<tr>
<td>Secretary to the President</td>
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<td>5. Mr. M. Bashir Khan Babar</td>
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<td>Acting Foreign Secretary</td>
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<td>6. Mr. Naiz A. Naik</td>
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<td>Ambassador of Pakistan in India</td>
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<td>7. Mr. Khalid Mahmood</td>
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<td>Additional Secretary</td>
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<td>Ministry of Foreign Affairs</td>
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2. After the exchange of pleasantries, President GIK enquired about the
progress made in discussions at the Indo-Pak Joint Commission. EAM and Sahabzada Yaqub Khan informed President GIK of the details of discussions held by the four Sub Commissions on the 17th of July and of the morning discussions held at the full Joint Commission.

3. Both the Foreign Ministers conveyed that the proceedings were smooth and concrete results are expected to be achieved. President GIK referred to our PM’s visit to Islamabad and said that such high level interactions are useful. Encouraging people to people contact would be even more useful.

President GIK added that while there are problems between the two countries, the best way to solve them is first to go to the genesis and the original causes of the problem and then to devise measures to resolve these problems in a manner which will remove mutual suspicions and apprehensions. Creating mutual trust and confidence is most important.

6. EAM said that on India’s part, the approach has always been for normalisation and the removal of misunderstandings. EAM recalled his association and interaction with President GIK over the last nine years and pointed out that in objective terms, the suspicions and apprehensions which President GIK mentions are more a historical legacy than based on any rational understanding of India’s policies and attitudes. The political leaders and decision making elite in Pakistan has an important role to play in educating public opinion in Pakistan to overcome doubts and apprehensions which are based on old attitudes rather than facts and existing attitudes in India.

7. There was a general exchange of views between President GIK, EAM and Sahabzada Yaqub Khan on the regional situation, on bilateral issues like cultural exchanges, trade, travel facilities, economic cooperation etc. President GIK said that the present atmosphere in Pakistan and India is most conducive to structure Indo-Pak relations on positive lines and expressed the hope that India would be responsive. EAM pointed out that there is ample evidence in the interaction between India and Pakistan at the governmental and political level to prove that India’s attitude has been positive and responsive. President GIK expressed the hope that the more difficult issues like Siachen would be resolved amicably in a practical manner. EAM said that India shares this hope and what is necessary is to show the necessary political will despite domestic political pressures in both countries to take bold decisions. EAM pointed out that this was the approach defined and articulated by our PM during his discussions on the 16th and 17th July.

8. The meeting lasted for approximately 35 minutes.
Summary Record of discussions held during External Affairs Minister’s call on Prime Minister Benazir Bhutto.


The meeting took place at 10.05 hours at the Prime Minister’s Secretariat in the State Bank building in Islamabad. The following were present:

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<th>PAKISTANI SIDE</th>
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<tr>
<td>Prime Minister Benazir Bhutto</td>
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2. After the exchange of pleasantries, PMBB enquired how the Joint Commission meetings had progressed. EAM expressed satisfaction at progress made in discussions in all the four Sub-Commissions. Pak FM conveyed the details of decisions taken and informed PMBB that apart from the signing of the Cultural Protocol, Minutes would be signed on important subjects like liberalization of the visa regime, increasing the number of religious places which can be visited, expansion of trade etc.

3. PMBB mentioned to EAM that she had hoped very much that during our PM’s visit to Islamabad, some concrete steps would be announced to resolve the Siachen issue. She then enquired how EAM visualizes prospects regarding the resolution of the Siachen problem.

4. EAM said that he was not kept informed of the latest details, specially the exchanges between Mr. Iqbal Akhund and Mr. Ronen Sen, based on Prime Ministerial instructions from both sides which were held on the night of the
16th of July. EAM then asked Ambassador Dixit to summarize latest developments.

5. Ambassador Dixit made the following points in response:

(a) Army authorities on both sides have worked out concrete alternative options about positions to which re-deployment can take place.

(b) There was unwillingness on the part of Pak army authorities to formally confirm positions from which re-deployment would take place.

(c) The drawing of the notional line of control or ceasefire line north of NJ9482 is a matter still to be resolved at the higher political level.

(d) The manner in which the areas vacated by both the armies would be managed has also to be worked out.

(e) Re-deployment and withdrawal cannot take place in a vacuum. It is subject to agreement on these important pending issues.

6. EAM said that India has a practical, constructive and flexible approach, but it should be conducive to durable peace. PMBB and Iqbal Akhund said that whatever solution is devised should also take care of Pakistan's concerns and political criticism which can be leveled by opposition groups against any compromise. PMBB enquired what mechanisms could be devised to determine the future line of control north of NJ 9482 redeployments are successfully achieved. Ambassador Dixit and Mr. Iqbal Akhund clarified that several ideas are floating around about creating a joint monitoring group and also a joint survey group to deal with the problem mentioned by PMBB.

7. Foreign Secretary Shri S.K. Singh suggested to PMBB that during the next round of talks between the army authorities scheduled for August, 1989, the Pak army authorities should be given more flexible briefing so that discussions do not bog down in purely technical details. PMBB and EAM agreed that in any case the next immediate operational step to move forward to solve the Siachen issue has already been decided upon, namely, holding the meeting of the army authorities in August in Islamabad. EAM said that this could be followed up.

8. PMBB recalled her discussions about difficulties being faced by the SAARC with our PM, Shri Rajiv Gandhi and enquired from EAM as to how the crisis of the SAARC could be resolved.

9. PMBB stated that Sri Lanka's refusal to come to the SAARC Foreign Ministers Conference was a serious embarrassment to Pakistan. It is a matter
of concern to Pakistan. However Pakistan does not wish to interfere in bilateral matters between India and Pakistan (Sri Lanka?).

10. Foreign Minister Yaqub Khan said that though it is a bilateral matter with Sri Lanka which is being discussed, it would be inaccurate to say that Pakistan is not concerned. Pakistan would like an amicable solution to the present impasse between India and Sri Lanka on the issue of the withdrawal of the IPKF. His understanding was that there were two issues to be resolved. First a point of time or time frame within which IPKF should withdraw. Secondly, whether this withdrawal should be linked to fulfillment of certain conditions or whether the conditions could be met separately without linkage.

11. A fairly long discussion of about twenty minutes followed in which EAM, Foreign Secretary, Shri S.K. Singh, Ambassador J.N. Dixit, explained in detail the background of the present difficulties with Sri Lanka and the repeated efforts made by India over the last three month to persuade Premdasa to more reasonable ways. EAM informed PMBB that it was precisely to give a face saving opportunity to Premdasa that our PM had sent his Principal Secretary, Shri Deshmuk as a Special Emissary with a letter suggesting that India and Sri Lanka should again resume bilateral discussions to work out the modalities for the withdrawal of the IPKF and the measures by which power can be devolved to Tamils giving them a sense of security. EAM and Foreign Secretary, Shri Singh underlined that the withdrawal of the IPKF cannot take place in isolation. It is linked with the fulfillment of certain specific conditions and obligations which Sri Lanka had agreed to under the Indo-Sri Lanka Agreement and in discussions following the signing, of the Agreement. EAM added that India is clear about IPKF’s withdrawal and that there is no desire on the part of India to keep its troops abroad in any foreign country indefinitely or permanently. India is willing to provide face saving devices and willing to have discussions with Sri Lankan authorities about the withdrawal of the IPKF and all related matters, but Premdasa’s approach has been consistently obstinate and obstructive. EAM said that he would encourage Yaqub Khan to persuade Sri Lanka to be reasonable as far as Pakistan keeps the Indian position explained as above in mind.

12. Yaqub Khan informed EAM that he was proceeding to Colombo on the 21st of July for discussions. He (Yaqub Khan) enquired whether he could convey to Premdasa and the Sri Lankan authorities that India is willing to have discussions about the withdrawal of the IPKF and related issues.

13. EAM and FS again emphasized that while Yaqub Khan should persuade Sri Lanka to be reasonable and while he can convey that India is willing to have bilateral discussions, he should make it clear that the discussions would have to be within the framework of the Indo-Sri Lanka Agreement. India is not
in a position to accept any unilateral demands and deadlines. Foreign Secretary Shri S.K. Singh informed PMBB that during the informal SAARC meeting held in Islamabad last month (June), he had indicated that though the principle of unanimity should be retained for SAARC deliberations, some thought should be given to evolve procedures by which no single country can sabotage the very existence of the Organization.

14. PMBB said that it would be a very difficult and tragic development for Pakistan if SAARC disintegrates when Pakistan is the Chairman of the Organization. She urged that India should do everything possible to come to a reasonable settlement with Sri Lanka on the SAARC issue so that the activities of the SAARC could be resumed.

15. The meeting lasted for about an hour.

1229.

SECRET

Summary Record of discussions at the meeting between External Affairs Minister P. V. Narasimha Rao and Pakistan Foreign Minister Sahebzada Yaqub Khan.

New Delhi, July 24, 1989.

Ministry of External Affairs
(AP Division)

Following in the summary record of discussions between EAM and Pakistan FM on 24 July 1989. The lasted for about one hour.

After exchange of pleasantries, EAM recalled that Pakistan’s Prime Minister had informed our Prime Minister in Islamabad, during his visit, that she would be sending Foreign Minister Yaqub Khan as her Special Envoy to Sri Lanka. She had also said that he would discuss Sri Lankan participation and the future of SAARC. We were looking forward to hearing the results of his visit.

It was our view that on no account should SAARC activities be held up. SAARC should not be affected by bilateral or, for that matter, trilateral issues. SAARC had developed certain very fool proof guidelines. Even if all members of SAARC agreed on any particular issue, it could only be taken up if it was part of the agreed SAARC agenda. EAM then recalled that Sahebzada Yaqub Khan had
promised to brief EAM at the earliest opportunity and welcomed Sehezbada Yakub Khan’s visit for this purpose to New Delhi.

Pakistan FM thanked EAM for receiving him at short notice. He then stated that the object of his visit to Sri Lanka was to put SAARC back on the rails. His effort was to secure Sri Lanka’s agreement to join the Ministerial meeting which had been aborted last month. He met Sri Lankan President and FM. He conveyed to them the disappointment and regret of Pakistan that the Ministerial Meeting could not take place as scheduled in Islamabad last month due to Sri Lankan inability join the meeting. He had carried a letter from PM BB conveying similar sentiments. The Sri Lankan President expressed his regrets that this should have happened particularly so when Pakistan with whom Sri Lanka had good relations was the Chairman of the SAARC. He then explained, at great length, the reasons for Sri Lankan action. Pakistan FM stated that he had tried to impress upon Sri Lanka the need to take certain policy and practical decisions in the immediate future. One such decision, the extension of the tenure of the Secretary General, had been taken by correspondence. There were other pressing issues e.g. calendar of activities, budget, venue and date of the Summit; and appointment of new Secretary General. Therefore, it was essential to keep SAARC going. Pakistan FM expressed the hope to his Sri Lankan counterpart that political situation would evolve in a manner which would permit the early convening of the Ministerial Meeting. In the meantime, it was his strong hope that the issues mentioned by him, would be settled through correspondence. Pakistan FM indicated that Sri Lanka was agreeable to this course of action and to deal with these issues by correspondence provided other SAARC members agreed. In regard to the meeting of the Council of Minister, no agreement could be reached in regard to dates. But, Pakistan FM had come away with the impression that dates in August could very possibly be acceptable to Sri Lanka. He had suggested August since thereafter everyone would get busy with NAM Summit, UNGA, CHOGM, etc. He proposed to ask the Secretary General to ascertain by correspondence, Sri Lanka’s view formally. He added that Sri Lanka had reiterated its commitment to SAARC and had stated that there was no loss of interest in the organization.

EAM stated that Sri Lanka could not be expected to say anything else in public. MOS (EA) enquired if Sri Lanka’s commitment to SAARC had been expressed by the President or FM of Sri Lanka. Pakistan FM responded that the President of Sri Lanka had expressed these sentiments and that too, repeatedly.

EAM then enquired whether Pakistan intended to send out invitations to SAARC countries for the Ministerial Meeting. He enquired also whether it was the impression of Pakistan FM that the Ministerial meeting could not take place without the settlement of the bilateral issue. Pakistan FM responded that he
had not put this issue as sharply or in that manner to Sri Lanka. But he hoped to be able to revert in the matter. EAM said that having gone to Sri Lanka and convinced them the question should be finally resolved. The great importance of visit of Pakistan FM lay in that it should put an end to the need for any similar visit in the future. This sort of thing should not happen ever again in SAARC. It was the first time that such a thing had happened. It was the mission of Pakistan FM to save SAARC that had taken him to Sri Lanka. Were SAARC to collapse, it would be a great embarrassment to Pakistan as Chairman as also to the SAARC as an organization. We should not be put in the position of having to review SAARC at every stage.

Pakistan FM expressed his agreement. He said that Sri Lanka had expressed regrets and had stated their own reasons and pleaded the compulsions of circumstances for their inability to attend the Council of Ministers Meeting last month. They had said that, given the circumstances, it would have been incongruous for them to have attended the meeting.

EAM said that, as a next step after the Pakistan FM's visit to Sri Lanka, on behalf of the SAARC Chairman, we would like to clinch the issue. We would like to know precisely where we stand in regard to future meetings. Secretary (ER) enquired if technical meetings could go on. Pakistan FM confirmed that there could be no objection to the normal convening of the SAARC Technical Committees. Secretary (ER) mentioned the meeting of the Technical Committee on Education which had been set up at the Islamabad Summit. Bangladesh was to convene this Technical Committee. Pakistan FM responded that even in the ordinary course, the meeting could be held in the absence of one or two members and, therefore, he did not feel that there should be any objection to going ahead with the meeting of this Technical Committee also. Secretary (ER) then mentioned that it was the understanding within SAARC that despite the absence of one or two countries, the decisions taken at the Technical Committee meeting would be endorsed by everyone. But at the Council of Ministers meeting at Islamabad, Sri Lanka had said that they would not be willing to do so. EAM then said that we should proceed on the basis that if they had conveyed their no objection then they were willing to abide by the understanding evolved till now.

Additional Foreign Secretary Khalid Mehmood stated that Sri Lanka had told Pakistan that they (Sri Lanka) had been informed by India that the Summit Meeting was not convenient for India till March 1990 and that India proposed to inform Pakistan of its views in the matter. Pakistan FM enquired whether, indeed, it was India's preference to have the Summit in March. He said Pakistan had not heard this so far. EAM responded that Summit meeting was part of the process which had got disrupted. There were certain internal scheduling
provisions. He recalled that even last year it was with some difficulty that necessary adjustments could be made for the Summit to be held when it was. In any case, India would communicate its views at an appropriate time to Pakistan, as necessary. Pakistan FM stated that in case the Summit was not held in this calendar year, SAARC charter may have to be amended. Khalid Mehmood added that if Summit was to be put off till March, pressures for the convening of the Council of Ministers Meeting in the near future would not be there. EAM stated that it was not our intention to allow any easing of pressure for the early convening of the meeting of Council of Ministers.

The discussions then turned to bilateral issues. Pakistan FM expressed his happiness at the progress made at the Joint Commission. He mentioned, specifically, various steps to promote people-to-people exchanges. The liberalization of visa procedures would be very helpful. It was his understanding that the facility for grant of visa with exemption from police reporting would be of great help. He enquired about dates from which these decisions could be implemented. Ambassador Niaz Naik mentioned that he had consulted the Interior Minister of Pakistan who had agreed that the decisions could be implemented with immediate effect. However, there were certain practical measures that had to be taken e.g. informing border check posts of the revised procedures etc. He intended to consult FS and the Pak Division so that we could simultaneously implement these decisions. EAM stated that implementation must be quick. We should not permit any delay. He intended to make a statement in Parliament and table the report of the Joint Commission. The decisions taken at the Joint Commission would be of real benefit to people on both sides.

EAM then enquired about the reopening of the Khokrapar-Munabao rail route. He recalled that this subject had been under discussion for a fairly long time. On each occasion we were told that the matter was under examination. We hope that time in not far off when Pakistan would see its way to going beyond repeating that the matter was under examination. We received a lot of complaints from people who are forced to travel all the way through Punjab in order to get to various parts of Pakistan. Pakistan FM mentioned that there had been many ups and downs on this issue. As of now, no decision had been reached on the reopening of the Khokrapar-Munabao route.

Pakistan FM enquired about the Jinnah House. He also mentioned that the next meeting of the military authorities on Siachen issue would be held on 10-11 August, 1989. Ambassador Niaz Naik said that he would be conveying dates to the Indian side. Pakistan side felt that meeting could be held in the first half of August. They were able to suggest 9-10-11 August as possible dates. Pakistan FM expressed the hope that some movement would take place
during this meeting. They were briefing their military people on that basis. They intended to give them a wider brief. He then jokingly remarked that they would, however, not like to give too much latitude to the military people. He said that he was hopeful that an arrangement on the Siachen issue would be arrived at. It would have a positive impact on the totality of our bilateral relations.

EAM enquired about CHOGM. MOS (EA) stated that the procedures had been explained to the Pakistan side. Pakistan FM said that the understanding was that they would joint as member prior to the Kuala Lumpur Summit. It would be yet another forum in which India and Pakistan could meet.

Pakistan FM referred to the economic issues which had been raised by Foreign Secretary during his visit to Pakistan in June. Pakistan intending to pursue these. They would like to benefit from the seminal work done in Delhi. They agreed that if countries like India and Pakistan did not get together, they would be left behind.

EAM enquired about the progress on grant of SAARC visas. Additional Foreign Secretary Khalid Mehmood mentioned that they had received responses from Bangladesh, Bhutan and Nepal. They had not received replies form other countries. EAM enquired about our own response and JS (SAARC) clarified that some internal consultations were still going on and the process had not been completed. EAM mentioned that the issue could be settled through circulation among member countries. We should also make efforts to extend the categories for which such visas could be granted. For example, Vice-Chancellor of Universities could be granted visas on this basis. EAM also suggested that pending the SAARC decision, India and Pakistan could even consider granting visas on this basis, bilaterally.

Referring back to the SAARC meeting, EAM said that the information and impressions that Pakistan’s Foreign Minister had brought with him following his visit to Sri Lanka were good but not complete. It should be our effort to detach the two issues, i.e. participation in SAARC meetings and bilateral issues. This should be done once and for all. This is what we expect of the Chairman of the SAARC. Pakistan FM said that they would do their best in the matter. He hoped that a solution would be found before long.

The meeting concluded of the exchange of Pleasantries.

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Statement by the Pakistani Minister of State for Information and Broadcasting Javed Jabbar on behalf of the Government of Pakistan initiating the debate in the Senate on the visit of Indian Prime Minister Rajiv Gandhi to Pakistan.


The Prime Minister of India Mr. Rajiv Gandhi paid an official visit to Pakistan on 16-17 July, 1989. This was the first official bilateral visit by an Indian Prime Minister to Pakistan since 1960 when Prime Minister Jawaharlal Nehru visited us to sign the Indus Water Treaty. The discussion between our Prime Minister and the Indian Prime Minister in Islamabad laid the ground work for a fresh beginning in improving our relations with India. Both leaders stressed the need to revitalise the process of normalization of relations. Three agreements were signed and both sides agreed to resume various high level bilateral meetings including convening the Joint Commission which had not met since 1985.

2. The recent series of high levels official meetings between the Water and Power, Interior, Defence and Foreign Secretaries of the two countries on various aspects of bilateral relations have yielded hopeful possibilities.

3. The just concluded visit of the Indian Prime Minister to Pakistan demonstrates the desire of both sides to improve bilateral relations on the basis of equality and mutual benefit.

4. The Government attaches importance to the establishment of good neighbouring, co-operative and tension free relations with India. We seek to resolve our outstanding differences with India including Kashmir disputes on a step-by-step basis in order to build a constructive and durable relationship. We believe that the irritants which continue to vitiate the relations between the two countries can be removed through developing better understanding and greater mutual trust.

5. The progress and security of both countries is linked to the maintenance of a climate of peace and stability in the South Asian region. The requirement of regional peace and stability make it imperative for Pakistan and India to work towards gradually reducing tensions and striving for peace and cooperation.

6. Let me assure the House that improvement in the climate of relations with India shall never take place at the cost of our national interest, national dignity and honour. Nor will our well known and principled position on Jammu and Kashmir dispute be compromised. We remain steadfastly wedded to the position that the solution of the Kashmir problem lies in the exercise by the
people of Jammu and Kashmir of their right of self-determination through a free and impartial plebiscite. This is what was affirmed by the UN resolution which is binding on both Pakistan and India and is the recognized position embodied in the Simla Agreement. We have not stopped pursuing the solution of the Kashmir dispute. As a matter of fact Kashmir dispute has been reactivated since the installation of the democratically elected Government in Pakistan. Our Prime Minister raised the Kashmir issue during the meeting with the Indian Prime Minister in Islamabad last December during the 4th SAARC Summit. The Kashmir dispute was again taken up with the Indian Prime Minister during his visit to Islamabad three days back. Every year in the United Nations, at the meeting of the Non-Aligned Conference we have reiterated our principled position that the problem of Jammu and Kashmir should be solved in accordance with the UN resolutions and the spirit of the Simla Agreement.

7. The establishment of good-neighbouring relations with India based on the principle of mutual equality and benefit would only be possible if differences between the two courtiers are resolved by peaceful means. This includes the Kashmir dispute also. We have to resolve the dispute so that our two neighbouring countries can live in peace with each other. We must resolve this dispute so that the people of Kashmir can also live in peace and tranquility and we have to settle this dispute to eliminate the threat to regional and international peace and stability.

8. On the Siachen Glacier dispute the honourable members are already aware that the last meeting of the Defence Secretaries of Pakistan and India which was held on 15-17 June 1989 in Rawalpindi, both sides discussed proposals for an early settlement of the Siachen issue in accordance with the Simla Agreement. For the first time both countries were able to agree on a formula for a comprehensive settlement of the Siachen dispute based on the redeployment of forces to reduce the chances of conflict, avoidance of use of force and determination of future positions of the ground so as to conform with the Simla agreement. The Army authorities of both countries are to determine these positions. The Pakistan military delegation visited India from 11-13 July 1989 and had preliminary exchange of views with the Indian military authorities. As a follow up of the military level talks an Indian military delegation is expected to visit Pakistan next month to resume the discussion on the determination of positions on the ground. Pakistan has always maintained that the Siachen dispute should be resolved peacefully in accordance with the Simla Agreement. The honourable members will recall that the Simla Agreement clearly stipulates that “pending the final settlement of any of the problems between the two countries neither side shall unilaterally alter the situation.” We have already stated that Siachen dispute is a continuing irritant in our bilateral relations with India. Furthermore the conflict on the Siachen glacier is causing unnecessary
and heavy human and material losses to both sides. We therefore, believe that for peace in the region and improvement of bilateral relations it is essential to settle this issue soon. Let me affirm once again that in seeking the negotiated settlement of the Siachen dispute we will safeguard our national dignity and honour. We shall protect our national interests and principles.

9. In conducting our relations with India which have traditionally been a complex and difficult relationship and which have also seen with many upheavals we shall be governed by conviction that the foundation of durable peace and co-operation can only be established on the accepted principles of inter-state relations which call for mutual respect, sovereign equality, territorial integrity and mutual benefit.

10. We hope that with the constructive approach that the two countries have adopted in resolving this issue, we will be able to continue negotiations in a spirit of mutual understanding and trust and on the basis of accepted norms and principles.

11. Let me know try to explain the thrust of the Simla Agreement in the context of our relations with India. Despite the difficult circumstances under which the Simla Agreement was signed, we negotiated with India as an equal. We did not compromise our position on any of our bilateral issues. Simla Agreement was an honourable settlement of our problems with India based on the principles of the Charter of the United Nations. Both countries agreed that their relations be governed by the principles and purposes of the Charter of the United Nations and that their difference will be settled by peaceful means. Both sides also declared the commitment to peaceful co-existence, respect for each other territorial integrity, sovereignty and non interference in each others internal affairs as a pre-requisite for durable peace. Furthermore the two countries agreed that they shall always respect each others national unity, territorial integrity, political independence and sovereign equality in accordance with the Charter of the United Nations. In so far as the Kashmir dispute is concerned we believe that in the Simla Agreement the two countries recognized that in the context of durable peace and complete normalization of relations and final settlement of the Jammu and Kashmir dispute was an essential pre-requisite. The Simla Agreement clearly protects the recognized position of the either side.

12. What is the recognized position? The recognized position means the position which is internationally accepted. The recognized position on Jammu and Kashmir dispute lies in UN resolutions. Whether they have been implemented or not. These resolutions have been endorsed by the world community. Recognized position lies in the principles of self determination and in the holding of a free and impartial plebiscite under the auspices of the

13. What kind of future do we want for our region? Today conflicts and confrontations are being substituted by peace and cooperation in many parts of the world. A wave of peace is moving across the globe. A decade marked by strife and turmoil is ending. It is equally important that we strive for peace in our region. We must make a constructive contribution to the realization of economic and social aspirations of our people. Pakistan and India belong to a common region. We have an opportunity to advance prospects of détente in our region. We believe that it is in the common interest of both countries to improve the living conditions of our people who have high expectations from their leaders for a better and more promising future. During the talks with the Indian Prime Minister the situation prevailing in our region was also discussed. We emphasized the need to defuse current tensions and to promote amicable relations among the nations of the region on the basis of universally recognized principles of inter-state relations as enshrined in the UN Charter. We believe that such an approach will ensure regional peace and security.

14. In conclusion let me reassure the honourable members that in seeking better relations with India, we are conscious of the difficulties which are likely to emerge. We do not entertain false expectations. Our policy which has won the support and endorsement at home and abroad of seeking good neighbourly and tension free relations does not and will not imply a false sense of complacency on our part, or a lessening of vigilance or a lowering of our guard.
POLITICAL RELATIONS: 1975-1989

1231. SECRET

Verbatim record of call on Prime Minister Rajiv Gandhi by Begum Nusrat Bhutto in Belgrade on September 4, 1989 at 5.30 PM.

Prime Minister I apologize for being late. My discussions with Prime Minister Markovich were carried on longer than scheduled.

Nusrat Bhutto: (graciously) I understand. I know how difficult it is to keep the schedule in these conferences. How are your elections coming along? I wish you all the best.

PM: The situation is fine. There is, of course, the usual pre-elections haranguing. How are things with you?

NB: We are having a lot of problems, particularly, in Sind. But now the situation is improving and coming under control. Action is being taken against the Drug Mafia. Severe action has been taken against Drug dealers. Old officials who have developed vested interests and links with Drug syndicates have been changed and this is beginning to have an effect.

PM: Once you get on a tiger, there is no jumping off. There cannot be any softening. Are you getting international support for your crack down on drug trafficking?

NB: We have been getting support. The trouble is that the drug mafia has virtually been running a parallel government. Another area in which we have been able to make a dent is inflation which is now down to 8%.

PM: I was worried about our inflation till I came here.

NB: I am glad to have this opportunity to meet you once more. It is also good that you and Prime Minister Benazir Bhutto will be meeting again in Kuala Lumpur.

PM: We are in touch on some bilateral issues, (turning to Iqbal Akhund) Has there been any progress in your talks with Ronen? (joint secretary in PM’s office)

Iqbal Akhund: At our level we always make good progress but thereafter there are problems!

NB: Are you going to the UN Session this year?

PM No I do not normally go for the UN Session. The Foreign Minister represents us. I only go if there is a Special Session.
NB: We will be going to the UNGA this year.

PM: It is important for you. This would be the first UNGA Session after the elections.

Yakub Khan: Things are going well on the Commonwealth front. The Secretary General of the Commonwealth has informed us about Pakistan's admission. Is there any positive development with regard to the next Secretary General of the Commonwealth?

PM: I get the feeling that a clearer picture is emerging. But there are still contending claims of support from both candidates. We have no preference and would be prepared to go along with either. We are keen, however, to avoid a divisive battle on this issue and feel that the matter should be sorted out by consensus preferably before the Summit.

YK: We also feel the same way. We are looking at dates for our Prime Minister's visit. One possibility is that this could take place after the Commonwealth Summit.

PM: We are looking forward to the visit. We have heard that there is good news on the SAARC front and the Foreign Ministers meeting is now back on the rails.

YK: The Sri Lankans have agreed that the Foreign Ministers meeting could now take place in November.

PM: Congratulations at having brought Sri Lanka around. However, the internal situation in Sri Lanka is not good and we hope that it will be possible to hold a Summit in Sri Lanka. Maldives, in particular, is very worried about going to Sri Lanka and they have spoken to us about this. They apprehend retaliatory action by PLOTE cadres in the wake of the sentences recently passed in Maldives on members of PLOTE who had participated in the coup attempt.

YK: We may have to go beyond this year for the Summit and create new rules to enable us to do so. When are your elections?

PM: Technically the last date for holding the elections is February but going by precedent we should have a new Parliament in place by the second week of January at the latest. So the Summit may not be convenient before February. We will be having a small Parliament session of 3 to 4 days to pass the Nagar Palika and Panchayati Raj (town councils and village councils) Bills. Unfortunately, we don't have the requisite majority in the Rajya Sabha to do so. Our situation is a bit like that in Pakistan! We would have a clearer idea of the likely timing of the election after this Parliament session.
Iqbal Akhund: We can also adjust the dates of our military maneuvers to ensure that they do not coincide with your elections and avoid unintended tension.

YK: (Interjecting) I must thank you for your prompt action for our missing aircraft.

PM: Has the aircraft been traced?

NB: Nothing has been found. A bang was heard by a British mountaineer on the other side of Nanga Parbat. The Pilot was experienced but the Co-Pilot was new. He must have lost his way and probably crashed suddenly into the mountain wall because there was no SOS.

PM: This happens. The Air India plane which had crashed in the Swiss mountains in the sixties has just been discovered. It probably got buried in a glacier and the remains have become visible now after the glacier moved.

YK: The lesson is not to use Fokker aircraft in difficult terrain.

PM: We have found 737s very good for the mountains.

NB: Yes. But they need a longer and harder runway and then there is the problem of money.

PM: How are things on Afghanistan? Has the situation improved or are we heading for a hot winter?

NB: Gesturing dismissively towards Yakub Khan to reply.

YK: The situation is critical. There are differences within the interim government. What is required is a political solution. But this must be one which satisfies the Afghans otherwise nothing will be achieved. The main problem is to persuade the Interim Govt. of the need to broaden their base in order to step up political pressure on Najib. Najib has got full Soviet support. The Soviets have given him massive arms and ammunition as can be seen by the fact that they have in recent months fired 750 Scud missiles.

PM: That is a large number. Where were they used?

YK: The Scud missiles have not been used against specific targets but as weapons of terror. Soviet aircraft have carried out 2700 sorties since the Soviets left. If we agree to negative symmetry in arms supplies now it would mean that the Kabul regime would have much more weapons. We had suggested this to the Soviets earlier but they had turned it down. We are hoping to arrive at a consensus with the Soviet Union in the UN on a resolution on Afghanistan. We are also trying to get the interim government to bring in the Iran-based Mujahideen.
PM: Would this be easier now under Rafsanjani?

YK: Yes. Rafsanjani is a pragmatist. It should now be possible to arrive at a compromise and draw the Iran based Mujahideen in. Rafsanjani’s internal position is quite strong and he has managed to get a Cabinet of his choosing. I wish I could give you something more definite than this but the whole situation is nebulous and it is difficult to say how it will evolve.

NB: We are very keen that the Afghan refugees go back but we want them to go back with honour.

PM: It may be difficult to get them to go back now that many of them have got used to a certain level of affluence in Pakistan.

NB: We know it that is why we are worried.

That you so much for the meeting. I will excuse myself since I have to make my statement.

(Meera Shankar)
Director

1232. Resolution adopted by the Pakistani Senate on India – Pakistan Relations.

Islamabad, September 18, 1989.

The resolution said it affirm that peace and tranquility in the region depend on sincere and scrupulous adherence to and observance of the principles and values enshrined in the Charter of the United Nations.

Further affirms that the people of Pakistan want to live in peace and friendship with honour with all the countries of the world in general and with their neighbours .... Including India in particular.

Declares that friendship, cooperation and good neighbourly relations with India can be strengthened and consolidated by preserving Pakistan’s ideological and cultural values, safeguarding economic interests in view of differing levels of development and by resolving those disputes and problems which have plagued Pak-India relations for the last four decades and have aggravated over the years primarily because of the absence of a positive attitude from India:
Resolves that lasting peace and sustainable friendship with India can be built only on the following principles:

(a) **Acceptance** of all countries of the region, irrespective of their size or military strength, as equal participants in the region, shunning all signs of hegemonistic attitude and behaviour;

(b) **Immediate** withdrawal of Indian troops from the Siachen Glacier, occupied by India in violation of all norms of international law, including the Simla Agreement in which India committed itself to the control Line as at 1972;

(c) **Resolution** of the problem of Kashmir, through a plebiscite held under UN auspices in accordance with the resolutions of the Security Council and demand of people of the State of Jammu and Kashmir for their right to self-determination;

(d) **Respect** for the sovereignty, integrity, independence and ideologies of the countries of the region and their right to decide for themselves what type of security arrangements they require for their defence;

(e) **Affirmation** of the right of these countries to develop all forms of technology to meet their economic, energy and other needs;

(f) **Respect** for the right of minorities, as Muslim Ummah cannot be insensitive to what happens to the Muslims in India and elsewhere;

(g) **Non-interference** in the domestic affairs of other countries and stopping all overt and covert activities.

Further resolves that

(I) **the complex** problem of Pak-Indian relations needs to be handled with vision, realism and caution;

(II) **while** pursuing contact and dialogue with India, the government should seek an early solution of fundamental problems;

(III) **the government** should pursue with even greater vigour a policy, along with negotiations, to mobilize support for the objective and the principled position of Pakistan from the countries of the region and the world by imaginative policies at national and international levels;

(IV) **Pakistan** should continue to express solidarity with the Muslims of Jammu and Kashmir in their struggle for self-determination, and

(V) **the government** should inform and discuss in the two Houses in Parliament important developments in relation to foreign policy.
Assures the government of all possible cooperation in maintaining a foreign policy, in keeping with Islamic ideals and aspirations of the people of the Islamic Republic of Pakistan, safeguarding the sovereignty, integrity and unity of the country and in keeping with its role in world affairs.

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1233. CONFIDENTIAL

Letter from the Ambassador of India in Pakistan to the Ministry of External Affairs Commenting on the Resolution passed by the Pakistani Senate on September 18, 1989.


Ambassador of India
Islamabad.

No. ISL/AMB/397/89 30 September 1989

My dear Naresh,

The mission had faxed to you the text of the resolution passed by the Pakistani Senate on Indo-Pak relations on the 18th of September 1989, on September 21.

2. The resolution was moved by Prof. Khurshid Ahmed of the IJI.

3. Our spokesman has already reacted to this resolution. The points of interest in that resolution which we should keep at the back of our mind in terms of IJI’s thinking on relations with India are the following. I quote extracts from the resolution which are relevant:

(i) The resolution affirms that Pakistani people wish to live in peace and friendship, but with honour, with all their neighbours but with India in particular.

(ii) Friendship and cooperation with India is only possible if Pakistan preserves its ideology, cultural values and safeguards its economic interests in the light of the differing stages of development between India and Pakistan.

(iii) Indo-Pak relations have been primarily aggravated because of the absence of a more positive attitude from India.
POLITICAL RELATIONS:1975-1989

(iv) India should shun all signs of hegemonistic attitude and behaviour. India should immediately withdraw its troops from the Siachen Glacier. India’s presence in the Siachen Glacier is violation of international law and the Simla Agreement and in particular Indian presence in Siachen violates the Line of Control determined in 1972.

(Prof. Khurshid Ahmed has obviously not read the Simla Agreement or studied the point up to which the line of control was determined).

(v) The Kashmir problem can be solved only through a plebiscite under the UN auspices in accordance with the resolutions of the Security Council.

(vi) India should not object to any country in the region deciding for itself the type of security arrangements which they would require for their defence.

(vii) Countries in this region should be allowed to develop all forms of technology to meet their economic, energy and other needs. Pakistan cannot be indifferent to or incentive to what happens to Muslims in India or elsewhere.

(viii) Good relations with India can only be achieved through early solution of fundamental problems mentioned earlier in this resolution in the manner in which they have been mentioned.

4. The resolution also calls on the Government of Pakistan to seek support from other countries of the region to fulfill its interests as outlined in the resolution.

5. I thought this brief analysis when read with the text of the resolution available with you would be useful reference material in case the matter comes up in the media or in the Parliament in future.

With warm regards,

Yours sincerely,

( J.N. Dixit )

Shri Nareshwar Dayal,
Joint Secretary (AP),
Ministry of External Affairs, New Delhi.
1234.  

SECRET

Record of discussion between the Foreign Secretaries of India and Pakistan.

Islamabad, November 6, 1989.

After an exchange of pleasantries discussion on the following issues took place:

I. SAARC Summit:

Pak FS: Sri Lanka is very keen to host the Summit, but they cannot host it before March 1990. Sri Lankan Foreign Minister is expected to give a specific date. We should go along with the Sri Lanka.

FS: India is prepared to participate in a brief summit in this Calendar Year. There is no guarantee that the security situation in Sri Lanka will permit the holding of the Summit. At least two countries were willing to substitute for Sri Lanka as host. Sri Lanka could host a summit in 1990. High Commissioner added that at least two heads of Government would have difficulties in participating in a summit in Sri Lanka, i.e. Prime Minister Rajiv Gandhi and President Gayoom.

Pak FS: Maldives was keen to host the summit in 1990 since it was the 25th anniversary of their independence. Furthermore, Maldives had not conveyed any difficulty to Pakistan about President Gayoom attending the summit in Sri Lanka. He also felt that the host country should be given the right to judge its capability in regards to holding the summit and that others should be flexible.

FS: Mr. Humayun Khan could meet with and sound out other delegations. Thereafter this matter could once again be reviewed.

II. Bilateral issues.

Zarb -e-Momin:

FS: As the date for the exercises drew nearer it was important to increase the frequency of contacts between the military authorities on the two sides.

Pak FS: The exercise was being conducted on the North-South axis and 200 kms away from the border. This was done specifically in order to avoid repetition of the 1987 situation. Now the exercise was not clashing with Indian elections.

Both Foreign Secretaries agreed that though there was presently a lull in formal bilateral contacts, there had been a discernible decline in tensions.

FS then raised a number of issues with his counterpart:
1) **Sir Creek**: India was awaiting a reply from Pakistan. Shri Aziz Khan, DG said that Pakistan was waiting for fresh dates from India for the next Surveyors General meeting.

2) **VISA/Consular Decisions**: Mr. Humayun Khan said that decisions were being implemented. The delay on the part of Pakistan was due to some misunderstanding between the Pakistan Foreign Office and Pakistan Ministry of Internal Affairs.

3) **VISAS For Indian Journalists**: Mr. Humayun Khan said that the question of grant of visas to the *Times of India* journalist and those to journalists of *Hindustan Times* and the *Hindu* would be looked into.

4) **Purchase of Property**: High Commissioner requested for an expeditious decision on this matter.

5) **Security Prisoners**: The case of Shri Ravinder Kaushik was again taken up. Foreign Secretary suggested that we should perhaps start once again with a clean slate.

III. **Multilateral Issues**

1) **Cooperation in international forums:**

   FS indicated that there was good cooperation between our two delegations at the Belgrade and Kuala Lumpur Summits.

2) **Fiji**: FS briefly referred to President Ganilau's visit to Pakistan. FS informed his counterpart about the high-level attendance expected at Bavadra's funeral, from Australia and New Zealand. India had sent the Deputy Chairman Rajya Sabha Dr. Najma Heptullah.

3) **Evolving international economic situation:**

   FS: made a presentation on evolving world economic scenario. He referred to the Asia Pacific Rim cooperation; the moves towards Europe-1992; the remarkable developments in East Europe and the strong possibilities of this region emerging as our competitor for Western foreign investment and capital. He felt that the sub-continent, particularly India and Pakistan, should not lose out or suffer as a result of these developments. He called for a visionary, forward looking approach on global economic issues. He emphasized the significance of the growing middle class in India which today was 150 million strong. He urged that bilateral political issues between our two countries be set aside and economic cooperation started in right earnest. “We should come together and think aggressively” on these issues.
Pak FS: Interpreted this presentation to imply a call for greater bilateral trade on which he felt there had been progress. He, however, said that they would think about and cogitate upon FS’s presentation.

IV. High Commissioner requested for a clarification on the alleged remarks of Pakistani Foreign Minister to the effect that India should not construct Wullar Barrage at all. Pakistan Foreign Secretary said that this had become an internal political issue in Pakistan; that Pakistan’s position on this remained unchanged; that they would seek a negotiated settlement of this issue; that they were finalizing their response to our draft. He hoped that this would not become a domestic political issue in India.

High Commissioner indicated that beyond a time limit, pressure in India to resume construction would build.

V. Pak FS at the prodding of his aides took up the question of the candidature of Mr. Justice Dorab Patel for the I.C.J, following the completion of tenure of Mr. Justice Pathak. He pointedly referred to our position at the time of election of Mr. Justice Pathak, that we were merely seeking to fill the vacancy caused by Justice Nagendra Singh’s demise and only for the remainder of his term and that we would not seek re-election. FS indicated that this matter would be looked into.

The meeting lasted for one hour. It was attended by FS, H.C., JS (IPA) and the undersigned on our side. On the Pakistan side, their FS, DG Mr. Aziz Ahmad Khan, Director Foreign Secretary’s Office and Director (Asia) were present.

(Ranjit Rae)
Under Secretary (FSO)
7.11.1989
1235. Statement of Pakistan Prime Minister Ms. Benazir Bhutto on the demolition of Babri Mosque in India,


The Pakistan Prime Minister Benazir Bhutto in a statement expressed deep concern of the government and the people of Pakistan at “the reprehensible plan of extremist Hindu elements in India to construct a mandir on the site of the Babri Mosque in Ayodhya”.

“This step is willful desecration of an Islamic holy place and arouses the deepest resentment among Muslims all over the world,” she said and added:

That the Government of Pakistan had repeatedly expressed its deep concern at the spurt in the killing of innocent Muslims in various parts of India as the people of Pakistan share kinship, culture and history with the Muslim community of India.

She claimed it had been the consistent policy of Pakistan not to interfere in the internal affairs of other states. However, the development in the Babri Masjid issue was a matter of the deepest concern for Muslims both inside and outside India, she added.

She said the people of Pakistan shared the anguish which these developments had caused to their brethren worldwide.

The government of Pakistan, she said, reiterates that it is the responsibility of the Government of India to take effective steps to put an end to communal killings and to ensure that the Muslims in India are provided full security of life.”

The Indian High Commissioner was called to the Foreign Office on November 13 and conveyed ‘deep concern’ of the Prime Minister, the government and the people of Pakistan over the Babri mosque issue. Pakistani media reports said that the Indian High Commissioner gave the assurance that the Government of India had taken steps to ensure that the sanctity of the mosque is not violated. However, a Press release issued by the High Commission for India said that Mr. J. N. Dixit had sought an appointment with Foreign Minister Sahabzada Yaqub Khan with the objective of conveying to Pakistan India’s reactions to the November 10 statement of Prime Minister Benazir Bhutto on developments relating to the Babri Masjid.

The release said that Mr. Dixit could not be received by Sahabzada Yaqub Khan owing to important preoccupation and was given an appointment with Dr. Humayun Khan on November 13. Mr. Dixit formally handed the statement of the official spokesman of the Indian Ministry of External Affairs.
The Punjab Assembly on November 11 condemned the demolition of the mosque and called upon the Federal Government to organize a meeting of the Muslim countries on this issue. It also passed a resolution. In Rawalpindi also protest processions were taken out. Former Punjab Chief Minister Hanif Ramay accused as a vote catching device, as Rajiv Gandhi had done by organizing the massacre of Sikhs in 1984. He added that as long as “Pakistan is not strong and does not make atom bomb, the Indian Muslims would remain unsafe”. The Jamaat Islami organized a three-day conference in Lahore, claimed to have been attended by one lakh people, which adopted a 20-point declaration stressing the need for making concerted efforts for the establishment of a commonwealth of Muslim countries. It denounced the Pakistan Government’s submissive attitude towards India and inter alia denounced the genocide of Muslims in India and Kashmir.

Meanwhile it was reported in the Pakistani media that a number of temples in Sind were damaged by the demonstrators protesting the demolition of the Babri Mosque. The District Magistrate Sukkur in Sind in a press release admitted that some temples and some shops of the Hindus were damaged but he said that the Police had set up pickets and the police is patrolling the area to maintain law and order.
Response of the Spokesperson of the Indian Ministry of External Affairs to the reaction of Pakistan on Babri Mosque.

New Delhi, November 11, 1989.

We have seen, with regret, the Pakistan Government's statement about Ayodhya.

We reject unwarranted interference in our internal affairs by outsiders. Those who have "solved" their own "minority problem" by virtually eliminating the minorities in their own country would be well advised not to indulge in hypocritical platitudes about the treatment of minorities who enjoy full religious and other freedoms as proud citizens of India. Rather than misleading their own people with false propaganda, the Pakistani establishment should concentrate violence and killing of Muslims in their own country.*

Their statement is a biased distortion of facts and betrays a total ignorance of the complexities of this issue.

The Government and people of India are fully of handling their own internal affairs without motivated and malicious meddling from outside.

* Talking specifically about the reaction of Prime Minister Bhutto herself the Indian Spokesperson said her statement was a "biased distortion of facts and betrayed total ignorance of the complexities of the issue."
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TO

My Late Wife
Mandip Kaur

Mother of
Puneet and Mantosh

Mother-in-Law of
Gurpreet & Kamaljeet

Grandmother of
Arjan,
Geetika
Amitoj
Zorawar
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New Delhi, January 25, 1986.

1726. Views of Pakistan Prime Minister Benazir Bhutto on the 'No-War Pact' with India.

Peshawar, August 9, 1996.

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INDIA – PAKISTAN RELATIONS

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POLITICAL......CONTINUED
1990-2007

SECTION-II
NO WAR DECLARATION
1237. Press Release issued by the Ministry of External Affairs on Call by Special Envoy of Pakistan Prime Minister on Prime Minister Vishwanath Pratap Singh.

New Delhi, January 10, 1990.

The Pakistan Prime Minister's Special Envoy, Mr. Abdul Sattar paid a courtesy call on the Prime Minister, Shri Vishwanath Pratap Singh this morning, which lasted for about half-an-hour. He was accompanied by Mr. Bashir Babbar, the Pakistan High Commissioner in India, and Mr. Aziz Khan, Director General in the Pakistan Foreign Office. Prime Minister was assisted by the Foreign Secretary Shri S. K. Singh; Shri Naresh Dayal, Joint Secretary (IPA) in the Ministry of External Affairs, and Shri Ronen Sen, Joint Secretary in the Prime Minister's Office.

The Special Envoy handed over a letter from Prime Minister Benazir Bhutto which expressed a desire to normalize relations between the two countries. The Pakistan Prime Minister's Special Envoy while underlining this desire explained the political and other constraints in Pakistan adding that greater interaction is desirable. He specially emphasized the need to enhance economic cooperation.

The Indian Prime Minister responded favourably and positively and asked that his best wishes be conveyed to Prime Minister Benazir Bhutto for her personal health and well-being. The Prime Minister also emphasized the need for joint effort to build-up an atmosphere of mutual trust and greater contacts so as to generate a better appreciation of each other's perceptions. The Prime Minister also indicated our concerns at certain developments that have come to our knowledge regarding Jammu and Kashmir. The Prime Minister indicated that India would appreciate if these concerns are addressed as such things can become difficult to manage if allowed to grow*

Question: What was the Special Envoy's reply to these concerns?

Spokesman: I have no further information on that.

* On January 11 Pakistani paper The Nation quoting All India Radio said that Prime Minister Singh while expressing deep concern over the worsening situation in Kashmir warned Pakistan of serious consequences if things do not improve. He further added that “if Pakistan wants to improve ties with the neighbours, it should join hands in the efforts to keep peace and refrain from violence” and therefore desired that some active response should come from Pakistan if it wanted to improve ties. Mr. Sattar however, after his meeting said that his mission had been successful and described his meeting as “inspiring”. Mr. Sattar also clarified that the situation in Kashmir and Punjab figured in his talks with the Indian Foreign Minister Inder Kumar Gujral. Giving an indication of Ms. Bhutto’s message delivered to the Indian Prime Minister Mr. Sattar said “it was one of
Question: Was the situation in Punjab discussed?

Spokesman: Punjab did not come up during discussions.

Question: Prime Minister Bhutto was to come here last year in her capacity as Chairperson of SAARC. Was there any discussion about her visit?

Spokesman: Both sides agreed that a greater contacts and a high-level dialogue between the two countries should be maintained.

goodwill, expressing a very sincere desire for development of better and good neighbourly relations”. Earlier on arrival in New Delhi, Mr. Sattar had in a statement said that “the government and the people of Pakistan respect Raja Sahib (V.P. Singh) for his inspiring leadership,” and added “we sincerely believe that his approach of friendship … not arm-twisting or bullying towards neighbours will provide a sound basis for a qualitative new atmosphere in South Asia conducive to the strengthening of mutual trust and confidence and genuine good-neighbourly relations.” The spokesman of the Ministry of External Affairs said on January 11 after Sattar’s talks with External Affairs Minister that agreement had been reached during the talks that the two countries should start series of confidence-building dialogues between senior officials to remove bilateral tensions. Such meetings would pave the way for a full meeting of the India-Pakistan Joint Ministerial Commission to accelerate the process of normalization. On return from New Delhi Mr Sattar told the media in Karachi that contrary to press reports Mr. Singh had not issued any threat on the situation in Kashmir. Praising VP Singh as an enlightened and seasoned leader, he said he told him that his approach was based on friendship and not on conflict and there was no question of any conflict. A Spokesman of the Pakistan High Commission in New Delhi said that Kashmir where ‘Muslim militants are campaigning violently for a plebiscite, was an important topic at the talks’. He added that while India expressed concern at the escalating violence and was told that Islamabad saw the problem as essentially rooted in the situation on the Indian side of the frontier, he added “we feel that India’s concern on Kashmir does not dilute the message that our desire for good neighbourly relations was reciprocated in full measure”. The Pakistan High Commission spokesman added Mr. Sattar’s discussions with Prime Minister Vishwanath Pratap Singh, Foreign Minister Inder K. Gujral and Foreign Secretary S. K. Singh were “extremely useful, positive and constructive. We could not have hoped for anything better”. But he added he had one gripe—Indian newspapers had projected a negative picture of the talks by laying emphasis on New Delhi’s concern over Kashmir, causing tremendous dichotomy between fact and fiction.
1238. Media briefing by the Official Spokesman of the Pakistan Foreign Office on the situation in Kashmir.

Islamabad, January 14, 1990.

The foreign office spokesman said in Islamabad on January 14 that Pakistan was deeply concerned over the fast deteriorating situation in Kashmir and increasing use of force against the people who were agitating against the denial of their basic rights, including the right of self-determination.

Briefing newsmen on the results of the just concluded visit to India by Mr. Abdul Sattar, Prime Minister Bhutto's special envoy to India, the spokesman described the visit as highly successful which he hoped would lead to a meeting between the Prime Ministers of Pakistan and India.

The spokesman said being a party to the Kashmir dispute, Pakistan was deeply concerned over the situation in Kashmir which, he said, was fraught with danger. Denying any Pakistani hand in the prevailing situation in the state, he said it was an indigenous protest and was not being instigated from the Pakistani soil.

The Line of Actual Control in Kashmir, he said, was a heavily guarded border, as such there was no question of any infiltration from across the border. But even if in the presence of a number of Indian army divisions on the border some individuals were able to cross the border, Pakistan could not be held responsible for that.

Asked if the situation further aggravates in Kashmir and leads to a massive exodus of people like from Afghanistan what would be the reaction of the Pakistan government, the spokesman said Pakistan was very much a party to the dispute and as such all aspects of the situation were under review.

In his statement, the spokesman expressed the hope that the Prime Ministers of Pakistan and India would meet to establish personal contacts leading to further improvement in bilateral relations. He, however, said such a meeting was still at a conceptual stage and proper modalities for it have to be worked out. He said though both the Prime Ministers were looking forward to establish personal contacts, no specific timeframe has been worked out so far.

Mr. Sattar, he said, met Mr. V.P. Singh and Foreign Minister I.K. Gujral in Delhi and delivered a personal message of Ms Bhutto to Mr. Singh. The spokesman conceded that the situation in Kashmir was also focused in Mr. Sattar's meeting in Delhi but regretted that the issue was blown out of proportion by Indian newspapers.
Mr. Sattar, he said had presented a written report of his visit to Ms Bhutto on January 13 before he left for Moscow. Asked about the contents of Ms Bhutto’s message to Mr. Singh, the spokesman said it was a message of goodwill.

Mr. Sattar’s mission, he said, was limited. Mr. V.P. Singh, he said, warmly reciprocated the message and expressed his desire to build an atmosphere of trust between the two countries. Mr. Singh shared the desire of Ms Bhutto for the promotion of good-neighbourly relations between the two nations.

Mr. Singh also made it clear that his government did not believe in bullying its neighbours. It was only through friendly cooperation that the two countries could win over each other’s respect.

Mr. Singh, the spokesman said, also indicated that he was looking forward to personal contact with Ms Bhutto.

“We have no intention of pumping arms into Kashmir,” the spokesman told a correspondent. He said: “such a line of thinking is tendentious.”

He said Pakistan is “absolutely certain that no hostile activities have taken place on the Line of Actual Control.” “Whatever is happening in Kashmir is internally based and indigenous,” he added.

He said the governing document on Jammu and Kashmir ‘is the Simla Agreement which lays down that neither side will try to change the situation in the territory, except through peaceful means’.

Asked whether the two countries will like to send more troops to the Line of Actual Control to make it “less porous,” the spokesman said: “We are prepared to discuss any issue under the sky, but such a situation does not exist in Kashmir.”

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New Delhi, January 15, 1990.

It was with regret that we saw the Pakistan official Spokesman’s statement on Jammu and Kashmir, made on 14th January. We view this statement as wanton, unwarranted and unacceptable interference in our internal affairs. Jammu and Kashmir is an integral part of India and the only issue that remains to be resolved is vacation of those areas of the State which are illegally occupied by Pakistan.

2. Pakistan’s claim of concern about the situation in J&K is gratuitous and hollow. Their Official Spokesman’s remarks regarding self-determination are a travesty of facts. The people of Jammu and Kashmir as indeed the people of the rest of India have, on several occasions, exercised their political rights through free and fair elections. The Pakistan Spokesman’s claim that there is no hostile activity across the line of control does not stand scrutiny. There is overwhelming evidence of terrorists receiving support from Pakistan. Leaders of the so-called JKLF are routinely being allowed to make statements, even direct threats, against India from Pakistani soil. Vicious propaganda is being disseminated by Pakistan’s official, electronic media.

3. Despite repeated provocations, India has refrained from commenting on the law and order problems in various parts of Pakistan.

4. It is our hope that Pakistan will exercise similar restraint* and desist from giving encouragement to terrorism directed against India. Such action violates bilateral, regional and international obligations, including the terms of the Simla Agreement, and it is not conducive to peace and stability in the region.

* The Pakistan Foreign Office spokesman commenting on the above statement of India said on January 16 that it was ‘unfortunate the Indian Foreign Office, while commenting on the Pakistan Foreign Office statement of January 14 had completely ignored the positive framework in which reference to India-Pakistan relations was made, particularly the unambiguous emphasis on the provisions of the Simla Agreement’. He reiterated that J & K was a disputed territory whose final settlement was outstanding. He reaffirmed that pending the settlement of the Kashmir dispute Pakistan fully respected the Line of Actual Control. He expressed the hope that India will not try to shift the blame to Pakistan for its problems in Kashmir which are completely indigenous and have resulted from the denial of the right of self-determination to the people of Kashmir.
1240. Interview of the Indian External Affairs Minister Inder Kumar Gujral with the Pakistan daily *Dawn*.

[The Interview took place in Male where Mr. Gujral was on official tour and was published in the *Dawn* on January 18, 1990]

**Question:** Minister, you were born in Jhelum, studied in Lahore and lived and worked in Karachi. In fact, your father was a member of the first Pakistan Constituent Assembly in 1947-48. How important a factor is your personal association with this region in your policy initiatives regarding Pakistan?

**Answer:** A very rewarding experience was when my wife and I visited Pakistan in 1982. We travelled for three months from Karachi to Peshawar, and everywhere we were received with warmth and friendliness. Some incidents have left an indelible impression on my memory. When we went to Jhelum, the whole town came out to receive us. It was a very touching experience. And throughout our travels we had similar heart-warming experiences. So, therefore, when you ask me what I feel toward Pakistan, my policy is basically that the division of India is a political reality. India’s basic national interest is that Pakistan’s integrity and sovereignty must be sustained. And believe me, this subcontinent must live in harmony and friendship.

I particularly want to emphasize the fact that the world situation has undergone a sea change. If all the adversaries of yesterday (if they) can forgive and forget the past, there is no reason why we cannot do it. In that lies the interest of us all.

My main objective, you could say my mission in life, is to help in creating cooperation and friendship between the two countries. And in our government the political will is there too. In our party manifesto in the foreign policy sector, we have spelt out very clearly that the highest priority would be assigned to the creation of friendly, cooperative relations with all our neighbouring countries. And the people have voted for it.

**Q:** In what ways will your government’s position differ from that of the previous administration with respect to the current bones of contention between the countries, *e.g.*, Kashmir, Siachen, Wullar Barrage?

**A:** I’m not commenting on the past that leads to nothing; I look to the future. I think you will see the difference in terms of the style, the commitment, the wish and the desire for friendship which represents the will of the people of India. There is no problem which cannot be sorted out by talks and negotiations and discussions based on the presumption that there should be peace and understanding between the two countries.
Q: In both countries there is a tendency to blame a foreign hand in domestic disturbances. Do you believe that Pakistan is involved in the Punjab and Kashmiri troubles?

A: I say this with great sadness—yes. Some hawkish groups think the pinpricks can solve problems. You yourself mentioned. Kashmir and Punjab, Indian unity, Indian statehood, Indian strength cannot be disturbed by pinpricks—it only harms our relations. There are no other barriers to our friendship. The barriers are created by those who want to sometimes externalize the internal crises by embarrassing the people and the powers in Pakistan who want to create an area of friendship.

But everything is possible given an era of friendship and cooperation. There is nothing that cannot be done. Travel can be made freer. Newspapers and books can be exchanged. Visas should be abolished. I’m prepared to take every unilateral decision in this regard provided the pinpricks—and here I’m referring to encouraging terrorism—stop.

Q: What is your government’s position on nuclear proliferation in the subcontinent?

A: Nuclear arms are outmoded things. Those who had it are now giving it up, and it is foolishness on the part of any policy maker in any country today to think that we should go on making it when others are giving it up. Neither of the economies of India or Pakistan has the capacity or the inbuilt structure to bear such massive expenditures. India is committed, and I’m equally committed, more firmly than ever before, that we shall never make a bomb unless we have no option—I mean that we will not be the first.

Q: The Rajiv administration had succeeded in establishing quite a rapport with the Benazir government so that the prospects for closer friendship between the two nations had looked brighter than ever before. Do you believe your administration can achieve a similar degree of understanding?

A: In India, Benazir is a highly respected personality. I’m glad she didn’t contest the elections from Delhi because she would have won. We all feel reverence and respect for what she symbolizes: the democratic urge of the Pakistani people. Therefore, I’m certain with her being in power there are better prospects for Indo-Pak relations. I think our government’s rapport with her will be far better because of our commitment to friendship. Secondly, relations between countries are never static; they either move backward or forward. I’m committed to taking them forward.

Q: What about the hawks in India?
A: In democracy, the test is in the election. What have the people voted for? The people have overwhelmingly voted for friendship, not for reactionary forces and narrow minds. All the parties that are supporting us are of the same view. We know tensions are expensive. We know tensions take us nowhere.

I’m reminded of when Mr. Yaqub Khan and I were colleagues in Moscow when I was Ambassador there (1976-1980). He made a very remarkable observation. He said: “when I go back I’m going to tell my people: We have quarreled for 40 years, let us try peace for 40 years”… What have we earned in 40 years? How has it helped Pakistan? How has it helped India? What have we done for our people? Therefore, I say, let us give peace a chance. And I’m sure both the peoples want it. That was my observation during my travels in Pakistan. And I’m sure all the Pakistani friends who’ve travelled in India have made a similar observation. People in India and Pakistan are overwhelmingly in favour of peaceful relations.

Let us remove the barriers of travel, of the media, of intellectual interaction. Let us meet each other. Let us realize how much we have in common and I think commonality can help us become very strong. Therefore, let us shake hands with confidence and faith.

1241. Press release issued by the Official Spokesperson in the Ministry of External Affairs on the Pakistan Foreign Minister’s discussions in India.

New Delhi, January 22, 1990.

The Pakistan Foreign Minister Sahabzada Yakub Khan had discussions this morning starting from 10 a.m. to 1 p.m. He first met the External Affairs Minister, Shri I.K. Gujral. He then led rest of his delegation in discussions with the External Affairs Minister and his delegation. Accompanying the Pakistan Foreign Minister were Mr. Bashir Babbar, Pakistan High Commissioner in India; Mr. Khalid Mahmood, Additional Secretary; Haji Raza Ali, Director General, Foreign Minister’s Office; Mr. Shafaqat Kakakhel, Pakistan Deputy High Commissioner in India and Mr. Zamir Akram from Pakistan High Commission. On the Indian side, were Shri S. K. Singh, Foreign Secretary; Shri J. N. Dixit, Indian High Commissioner in Pakistan; Shri Naresh Dayal, Joint Secretary (IPA); Smt. Lila Ponappa, Joint Secretary (SAARC); and Shri Arun Singh, Deputy Secretary (Pak).
The delegation-level meeting was followed by a meeting with the Prime Minister. Those who assisted from the Indian side were the Foreign Secretary, Indian High Commissioner in Islamabad, Joint Secretary (IPA), and Shri Ronen Sen, Joint Secretary (PMO). On the Pakistan side those assisting the Pakistan Foreign Minister were Mr. Khalid Mahmood, Additional Secretary and Mr. Bashir Babbar, High Commissioner.

One-to-one meeting with External Affairs Minister lasted for a little over one-and-half hours and the delegation-level talks lasted just under an hour. The call on the Prime Minister was for half an hour.

During these various meetings, the entire gamut of Indo-Pakistan relations came up for discussions. The Pakistan Foreign Minister also briefed the Indian side about the consultations he has been having with other SAARC countries on the question of the next summit meeting. The discussions will continue tomorrow.

**Question:** Were the talks friendly?

**Spokesman:** The talks were friendly and cordial.

**Question:** What are your comments on press reports on Benazir Bhutto’s statement on J&K?

**Spokesman:** When their Foreign Minister is in town and the whole range of Indo Pakistan issues in under discussion, it will not be proper for me to comment on such reports while discussions are under way.

**Question:** In which capacity has Yakub Khan come?

**Spokesman:** He has come here in two capacities—Foreign Minister of Pakistan and representatives of the Chairperson of SAARC.
1242. Press release issued by the Official Spokesperson in the Ministry of External Affairs on the Pakistan Foreign Minister’s visit to India.

New Delhi, January 23, 1990.

Sahabzada Yakub Khan, the Foreign Minister of Pakistan, visited India from the 21st to 23rd January, as the Special Envoy of Prime Minister of Pakistan, in her capacity as Chairperson of SAARC. He had two rounds of discussions with Shri Inder Kumar Gujral, External Affairs Minister, on January 22nd. The Pakistan Foreign Minister called on the Indian Prime Minister, Shri V.P. Singh, on January 22nd. There were also brief discussions with External Affairs Minister and the Indian delegation today, 23.1.1990. Mr. Yakub Khan, informed the External Affairs Minister about his discussions in the Maldives and Sri Lanka, about the dates and the venue of the 5th SAARC Summit. It was agreed that the two governments would remain in touch with each other following further consultations, which Pakistan would be holding with the other SAARC member countries on the subject of the Summit and related meetings.

The opportunity of the visit was also utilized to have comprehensive review of bilateral relations. Our concern at the evidence of Pakistan’s involvement in terrorist activities directed against India, in Jammu and Kashmir was suitably conveyed. It was reiterated that Jammu & Kashmir is an integral part of India, and any interference in our internal affairs would be unacceptable. The Simla Agreement, which is the bedrock of relations between the two countries expressly forbids the organization, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations.

It was agreed that discussions would continue at all levels including the Defence, Home and Water Resources Secretaries to tackle pending problems. An early meeting of the Secretaries of Water Resources would be convened. The India-Pakistan Joint Commission would also meet in the first half of this year after the four constituent special commissions have met to review progress since the last meeting in July 1989. Bilateral talks would also take place at the end of this month regarding the issue of captured fishermen and fishing vessels.

Pakistan was requested to intensify its search for missing Indian Defence personnel believed to be in its custody.

The Surveyors General of the two countries would also meet to resume discussions regarding the boundary in the Sir Creek area and maritime boundary.
Statement of Pakistan Foreign Minister Sahibzada Yakub Khan delivered on TV/Radio on the situation in Kashmir.


Foreign Minister Sahabzada Yaqub Khan has declared that Pakistan “cannot forsake its principled stand on Kashmir” and would never compromise on the basic rights of Kashmiris, particularly their right to self-determination.

Giving a policy statement on the uprising in Jammu and Kashmir over radio and TV on the night of January 30, he said Pakistan would never accept pressure or threats coming from any quarter in this context. He hoped that the Kashmir issue would be amicably resolved through negotiations and that Pakistan would concentrate on this direction in the best interest of peace in the region.

It was imperative for all the neighbouring countries to maintain peace and tranquility so that “our respective nations could continue marching towards socio-economic uplift and all round development”, he added.

Sahabzada Yaqub Khan reiterated that Jammu and Kashmir is disputed. It is an outstanding issue which is to be resolved through plebiscite under UN supervision and in accordance with Security Council resolutions.

He refuted the allegations leveled by the Indian government and its media about involvement of Pakistan in the internal affairs of India by helping the Kashmiris.

The Foreign Minister said the Cabinet meeting held on January 30 considered the Kashmir situation and Parliament would soon deliberate on the issue, while on diplomatic levels Pakistan has informed its embassies about the deteriorating situation in Kashmir. They have been directed to apprise the respective host countries of the correct perspective and facts of the issue, and to categorically refute the baseless allegation being leveled by India. Meanwhile, the ambassadors, stationed at Islamabad, had been informed of the latest situation in the state, he added.

Sahabzada Yaqub said that the recent developments in Kashmir have aroused a wave of deep resentment and anguish all over Pakistan and the struggle of the Kashmiri people has assumed a new direction with a fundamental change. Freedom fighters there have offered sacrifices of their lives by staging civil disobedience and strikes to prove to India and the rest of the world that “Kashmiri people could not be deprived of their basic right of self-determination by resorting to subjugation and perpetration of repressive policies”.

The Foreign Minister said that the Indian government has tried to suppress the movement through atrocities which resulted in death of hundreds of Kashmiris and injuries to many more. Besides, thousands are being put behind bars.
However, resort to these repressive measures has resulted in an increase in the intensity and spirit of the Kashmiris to continue their struggle for plebiscite. The situation reached such a stage that Dr. Farooq Abdullah was forced to resign as Chief Minister and Governor’s rule was imposed in the state. To quell the popular freedom movement, the Indian armed forces were called in and curfew remains imposed in many areas, he added.

He said the Indian government, in a bid to hide the actual reasons for the freedom movement, was leveling baseless allegations of Pakistani involvement in the matter. And in a bid to distract the world’s attention from its armed action in Kashmir, it had started a campaign of baseless allegations against Pakistan through its diplomatic channels. In the same context, the world is being given the impression that Jammu and Kashmir is an integral part of India and that Pakistan is interfering in its internal affairs. Indian newspapers, radio and television have unleashed the same propaganda, he added.

He said that the Indian attitude in this behalf and accusations against Pakistan, are in conflict with the realities. This peculiar situation warranted that Pakistan once again elaborate its clear cut policy on the issue.

The Foreign Minister said that during his recent visit to India and at meetings with the Indian leaders he had made it clear that Jammu and Kashmir was a disputed area and a resolution of the problem was possible only through holding of a plebiscite under UN supervision in the light of the resolutions adopted by the Security Council. He had very clearly stated that the freedom movement in Kashmir portrayed the natural urge of the people there and it had erupted of the domestic circumstances, he added.

He said by leveling wild accusations against Pakistan, the facts could neither be changed nor a befitting solution could be found to the Kashmir problem. He said the only solution of the issue was to accept the Kashmiris basic right of self-determination and grant them the opportunity to determine their own fate.

Sahabzada Ya'qub said while in Delhi, he had stressed the point that Pakistan was a party to the Kashmir dispute and this was also supported by the UN resolutions on the record at the world body as well as the Simla Agreement arrived at during the government of late Zulfikar Ali Bhutto.

"It is universally known that the Pakistanis and the Kashmiri people have deep spiritual and cultural affinities and relationship with Pakistan. For these reasons, it is impossible for us not to raise our voice against the repression being repeated against the Kashmiris," he added.

He said he had assured the Indian Prime Minister and the Foreign Minister that Pakistan was committed to the Simla Agreement and had reaffirmed
Pakistan's Stand for resolution of the Kashmir dispute through peaceful means. It was the need of the hour that the course of bilateral negotiations should continue so that no wrong decisions were taken merely on the basis of any misconception or apprehensions.

Sahabzada Yaqub said that Pakistan was a peace-loving country. It did not want confrontation with any country. Pakistan's foreign policy had always been based on principles. Pakistan could not forgo its principles and would never bargain over the basic rights of the Kashmiri people, including their right to self-determination. Pakistan would pursue its principled stand and could not be deterred by any pressure tactics or threats, and would continue to support the Kashmiri people on the demand for a plebiscite.

He said the Pakistan government was fully aware of the sensitivity of the situation. "The problems confronting us were very complicated and we have to take decisions very carefully and after a lot of thinking. We would not take any step which could endanger peace in the region. However, it is not only our right but duty to befittingly rebut the baseless accusations and incorrect stand of the Indian government," he added.

Sahabzada Yaqub said during his meetings recently with President Ghulam Ishaq Khan and Prime Minister Benazir Bhutto, they had reviewed the latest situation in Kashmir. The Federal cabinet had considered the matter at its meeting on January 29 and very soon Parliament is expected to deliberate on the issue.

He said the people of Pakistan had one stand in respect of the Kashmir issue. They unitedly supported the rights of the people of Jammu and Kashmir. It was a matter of principle transcending political considerations. It was necessary not only to maintain but also consolidate this unity, he added.

The Foreign Minister expressed confidence that the Pakistan government would continue to get the fullest support from all quarters in the country in the matter, so that it could continue its endeavour to find a befitting solution through commitment and confidence. He hoped that, God willing, "our efforts would not go waste."

Pakistan, he said, was passing through a critical juncture of its history which had put a heavy responsibility on its shoulders. "We would, Inshallah, accomplish our responsibilities in accordance with the aspirations of the people and with their fullest cooperation. We will have to exercise restraint, sobriety, farsightedness and dignity in our conduct while performing our duty. The present difficulties are short-lived and the nation will come out successful because our stand is based on principles and we are following a sagacious policy," he added.
1244. Remarks by Pakistan Prime Minister Benazir Bhutto on Kashmir.


Prime Minister Benazir Bhutto reiterated on February 10 Pakistan's principled position on the Jammu and Kashmir dispute and said that the present upheaval in Kashmir was the natural consequence of the persistent Indian repression over the last 42 years.

Initiating the debate on the evolving situation in Kashmir, in the joint sitting of Parliament, she regretted Indian attempts to externalize the Kashmiris struggle for independence, and repudiated Indian charges of Pakistan's involvement in the developments in Kashmir. She said it was the Kashmiris’ will for independence. It was the fire smouldering for the last 42 years inside Kashmir. It was a revolution which had been passed on from one generation to the other.

1245. Statement by the Official Spokesperson of the Ministry of External Affairs at the summoning of the Pakistan High Commissioner to the Ministry of External Affairs.

New Delhi, February 12, 1990.

The Foreign Secretary summoned the Pakistan High Commissioner just before midnight on the 11th of February, to convey Government of India’s concern about the attempted border crossing which had taken place in Uri earlier in the evening. The Foreign Secretary told the High Commissioner that ever since the Pakistan Foreign Minister Sahabzada Yakub Khan’s visit in January, we have been cautioning Pakistan about the dangers inherent in inciting people and in inflaming passions. The Foreign Secretary drew the High Commissioner’s attention to the seriousness with which we viewed this emerging pattern of incitement followed by rash and dangerous action on the border. The High Commissioner was told that this can serve no useful purpose. The provocative action which took place in the Uri sector yesterday was yet another example of the ease with which passions could be inflamed and the difficulty that is faced in quenching such passions. The Foreign Secretary also drew the attention of the High Commissioner to the regrettable proclivity to exaggerate, which we have observed in the reports emanating from Pakistan, and also the strong element of inaccuracy in such reports.
The High Commissioner was asked by the Foreign Secretary to convey to the Government of Pakistan our deep concern at the continuing attempts to cross our borders and to remind them of India's oft-repeated urging to adhere to the path of peace as enshrined in the Simla Agreement.

The High Commissioner of Pakistan was summoned again by the Foreign Secretary to his office this morning to convey that while very credible evidence of Pakistan's intervention had been given to the Pakistan authorities, we observed that even at the highest level there was insistence that no such evidence had been made available to them. In view of the fact that the same baseless allegations of absence of proof are being made, we have decided to give updated detailed documentary evidence of Pakistani interference in both Jammu and Kashmir and Punjab.

The following are the details of weapons of Pakistani origin, recovered in Punjab in 1989:

- Rocket Launchers : 28
- Rockets and missiles : 229
- AK-47 rifles : 276
- Rifles : 83
- Guns, double-barrelled (SBBL) : 184
- Pistols : 469
- Revolvers : 160
- Hand-grenades : 300
- Bombs : 103
- Detonators : 55
- Explosive Materials : 100Kgs
- Cartridges : 67331

**Question:** Has this information been made available to Pakistan?

**Spokesman:** Yes

**Question:** On what basis can it be presumed that these weapons have come from Pakistan?

**Spokesman:** We have sufficient evidence to say that they have come from
Pakistan. If you read the documentary evidence that I have given out, you will see that it is quite clear where these weapons have come from.

New Delhi
February 12, 1990

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1246. Media briefing by Pakistani Foreign Secretary Tanvir Ahmad Khan on Kashmir.

Pakistan is keeping all options open to settle the Jammu and Kashmir dispute through negotiations, but it also hopes that the situation will not unnecessarily heat up, observed the Pakistani Foreign Secretary. Addressing newsmen in Islamabad on February 15, Foreign Secretary Dr. Tanvir Ahmad Khan said the government had to decide through deliberation whether to take up the issue under the United Nations resolutions or the Simla Agreement.

“We are keeping all options open. We are daily reviewing the Kashmir situation. We hope the situation will not unnecessarily heat up because it will be incongruous to start fighting over the dispute. At a time when a number of countries are settling their age-old disputes through negotiations, it will be incongruous for India and Pakistan to start fighting over Kashmir,” he added.

Asked whether the Indian army was on a high alert, the Foreign Secretary said given the situation created by the freedom fighters in Jammu and Kashmir, “it must be”.

Asked how far away India and Pakistan are from a war, he said: “Frankly, I don’t see a war scenario at all. But the Indian threat is being continuously examined. We don’t want to escalate the situation by adopting the same language as India is using. But we keep our eyes and ears open. We know how to defend ourselves.

Dr. Khan, who devoted a considerable part of the news conference reading from a 26-page ‘dossier’ alleging Pakistan’s involvement in aiding the Kashmiri freedom-fighters, said the dossier was handed over to Mr. Bashir Khan Babar, Pakistan’s High Commissioner at New Delhi, on February 13 and violating all diplomatic norms, India immediately released its major parts to the Indian press. He would seek the permission of the Government of Pakistan to release to the
press the entire dossier. Its reading would itself contradict all Indian allegations. “Its contents are preposterous, ridiculous and groundless”, he added.

Dr. Khan said: We reject these groundless allegations completely, entirely and thoroughly. It is a tissue of lies and its reading will amuse its readers.”

Asked whether there was anything in the dossier embarrassing for Pakistan: “Not a word”, he said.

Asked whether India and Pakistan have evolved an early warning system to prevent incidents like those which occurred at Suchetagarh, near Sialkot, and at Chikothi, in Azad Kashmir, leading to death and injuries of innocent civilians, the Foreign Secretary said: “Our policy certainly is not to encourage crossing of the Line of Actual Control in Kashmir.”

He said the people on both sides of Jammu and Kashmir felt greatly tormented because “a large-scale and unceasing repression of the Muslims is going on in Kashmir. “We will continue to prevent people from crossing the control line but no one wants to go into the jaws of death, except when one’s kith and kin are being killed on the other side”, he said and added that there were fairly detailed rules to maintain peace over the control line.

Dr. Khan said Pakistan had also sent to New Delhi numerous proposals to promote peace and avoid misunderstanding. In this connection, he also referred to Islamabad’s proposals sent to New Delhi during the winter of 1986-87 when India was planning to stage ‘Operation Brass tacks’. The key proposal was that both countries send information in advance to each other at the time of troop movements in any significant number. India had not responded to it, he added.

He said the civil and army authorities tried their utmost to prevent protestors from crossing the control line near Chikothi on February 10 but about 30 to 50 young men did do it. He said Indian Foreign Secretary S. K. Singh confirmed to him that the Indian troops fired two sten-gun bursts at the protestors, which led to the death and the injuries.

“Someone on the Indian side panicked; otherwise the incident could have ended peacefully. The protestors were not carrying weapons. Holding placards, they had their hands up in the air. The Indians could have arrested them and the matter would have ended peacefully," he added.

The Foreign Secretary confirmed the original spirit of the UN resolutions was to permit movement of the people of Jammu and Kashmir on both sides of the control line because families were divided across the line. “We are doing our best to keep emotions in check but when repression and terrors is being perpetrated on kith and kin in Kashmir, the people naturally do get emotional.
They do get carried away”, he said.

He said the government of Azad Kashmir and the troops would persuade people in future not to cross the control lines in order to prevent violence as it happened recently.

He said Mr. Singh had confirmed that India had no bodies of the people killed in the Chikothi incident nor it had anyone under detention. The Indian High Commission in Islamabad had also issued a Press statement on February 14 to this effect. The statement was conveyed to the Foreign Office before it was released to the Press.

He said India was controlling Kashmir with the help of army, border security forces, special police reserves and the regular police. At least 24 cities and towns were under curfew on February 11 and the house-to-house searches were being held. People were being arrested. Many of them were being tortured in torture cells. A number of them were dying of this torture. The number of deaths in Kashmir in recent weeks ranged from 289 to 1,500, he added.

Dr. Khan said shooting of people fleeing East Germany had stopped and the Berlin Wall had fallen apart. But shooting was continuing at the control line in Jammu and Kashmir.

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New Delhi, February 23, 1990.

India has told Pakistan that a purposeful and helpful dialogue on the Kashmir issue was possible only if it desisted from blatant interference and refrained from vitiating the atmosphere.

In a statement in response to Pakistan Prime Minister Benazir Bhutto’s remarks at a Press conference at Islamabad earlier in the week, the official spokesman said: “It is imperative that a proper climate be created in which meaningful discussions can be held.”

The spokesman said India remained committed to resorting dialogue with Pakistan “so that we can build a friendly and co-operative relationship with this important neighbor.”
[Ms. Bhutto had indicated that Pakistan was prepared for a dialogue to resolve the question of Jammu and Kashmir on the basis of the Simla Agreement.]

The spokesman said that “New Delhi had always believed that all differences between India and Pakistan can and should be settled peacefully through bilateral discussion in accordance with the letter and spirit of the Simla Agreement.”

He said Pakistan had “unfortunately been showing diminishing commitment to this while stepping up support to terrorism and intervention in our internal affairs.” “Regrettably we continue to hear different voices from Pakistan”, he added.

He said India had noticed Pakistan Foreign Minister Sahabzada Yaqub Khan’s statement in which he had said Islamabad was keeping “all options open.”

1248. Media Briefing by Official Spokesman of the Pakistan Foreign Office.

Islamabad, April 11, 1990.

Pakistan deeply regretted on April 11 another threat of war by India at a time when Pakistan is seeking a peaceful settlement of the Kashmir problem.

The Foreign Office spokesman expressed “deep regret and disappointment” over “yet another threat of war by the top leadership of India. He said this when asked to comment on a statement* by Indian Prime Minister V.P. Singh, who threatened Pakistan with war while speaking in the Lok Sabha on April 10.

* The Indian Prime Minister VP Singh had warned Pakistan on April 10 that if it forced a conflict on India “we are not going to stop till we have achieved our objectives” and that “we have the capability to inflict a very heavy cost on Pakistan for its territorial goals against India”. He said this while intervening in the debate on Defence Ministry’s budget in the Lok Sabha. Criticizing Ms. Bhutto talk of a thousand-year war for Kashmir he said Pakistan had to see whether it could fight for even 1000 hours. Regarding Pakistan’s nuclear programme, Prime Minister Singh said Pakistan possessed a near-nuclear capability and in case it went nuclear, “we will have to take a second look at our policy. I think we will have no option but to match it. Our scientists have the capability to match it”. He said his perception was that Pakistan’s strategy was to avoid an armed conflict with India, yet to continue to foment insurgency inside the country and if that worked out then that was the best option. He unequivocally told Pakistan “you cannot get away with that. You will have to pay a heavy cost. We have the capability to inflict that cost.”
The spokesman said: “It is unfortunate that Pakistani statements urging a peaceful solution of the Kashmir problem have brought such bellicose responses from the Indian government as can only add to tension between the two countries and thus cause deep apprehensions in a region of the world where one-fifth of mankind lives.”

“After maintaining for years that the Simla Agreement provides the framework of Indo-Pak relations and that this agreement is virtually tantamount to a no-war pact between the two countries, the Indian leaders now repeatedly hold out threats of imposing a destructive war on Pakistan,” he added.

The spokesman said the Indian statements, including the one delivered by Mr. Singh on April 10, are “an index of the mounting desperation of the Indian government in dealing with the situation in Kashmir.” A major source of this desperation is India’s manifest failure to convince the world that the struggle of the people of Kashmir was in any way related to external factors. They have proved through massive demonstrations that the uprising is entirely indigenous and is a total rejection of India, which has denied their right to self-determination for over four decades.

The Indian government has been further unnerved by disclosures by Indian journalists and other men of conscience in India, such as the members of the Committee for Initiative on Kashmir, of terrible atrocities committed by the Indian security forces on Kashmiris. The Indian government knows that it has lost all moral claim to the loyalty of the people of Kashmir, he added.

The spokesman categorically rejected the allegation that Pakistan was in any way fomenting insurgency in any part of India or in the disputed territory of Kashmir, the future of which has to be decided according to the UN resolutions and the Simla Agreement as pledged to the people of that territory by both India and Pakistan. The need of the hour was for the government of India to come forward and honour this pledge.

He also reaffirmed Pakistan’s adherence to its policy to work for a durable and honourable peace with India. This policy included the search for a peaceful solution of the Kashmir dispute. It was nothing short of a tragedy that at a time when the entire world was moving towards a new era of peace and prosperity, India was still threatening to plunge South Asia into a conflict which can only bring untold sufferings to the peoples of this region, he added.
1249. Statement issued at the end of the meeting between the Foreign Ministers of India and Pakistan.


The Foreign Ministers of Pakistan and India agreed on April 25 to reduce tension and avoid confrontation between the two countries at a two-hour meeting that centered on the deteriorating situation in Kashmir.

A statement, issued after “frank, business like and useful” talks at New York said that for this purpose senior military officials of the two countries should remain in touch with each other. “Both sides should exercise restraint and channels of communications should be widened,” said the statement read out to a battery of reporters and televisions crews.

Elaborating, Foreign Minister Sahabazada Yaqub Khan said the main objective was to seek a peaceful settlement of the Kashmir dispute and avoid confrontation and “this thought pervaded our meeting.”

He said each side stated its well-known position. But he made it clear that Pakistan does not regard Kashmir as an integral part of India. “We feel that the people of Kashmir have to exercise their right of self-determination, which is rooted in the UN Security Council resolutions and that the repression in Kashmir should be stopped,” he added.

Mr. Yaqub Khan said that Indian Foreign Minister Gujral repeated the allegations and accusations of interference and intervention which he totally rejected. But the main point that emerged was that despite these two different positions, it was nevertheless important to avoid escalation that might lead to a conflict or confrontation which obviously was not desirable, he said.

Asked when they were likely to meet again, he said that channels of communications would be left open at all levels. No time and date for a fresh meeting has been fixed, which would be worked out through diplomatic channels.

Asked whether the possibility of a conflict between India and Pakistan had been reduced as a result of the meeting, he said: “We hope that tensions would be diminished as a result of the meeting.”

Mr. Yaqub Khan referred to the agreement at the meeting that the Directors-General of Military Operations of India and Pakistan should remain in touch and said the channels of communications be left open.

Mr. Gujral however maintained that Pakistan supported terrorism in Kashmir. “They (the Pakistanis) must do something and be seen as withdrawing their support to terrorism,” he added.
Asked whether the possibility of a conflict between India and Pakistan had been reduced as a result of meeting, he said: “so far as India is concerned, we are ready for peace and we want to avoid a war.”

About UN resolutions for a plebiscite in Kashmir, the Indian Foreign Minister said that those resolutions “died after the Simla Agreement was signed.”

Asked whether the meeting was successful, Mr. Gujral said the talks were useful because he was able to put forward to his Pakistani counterpart “our point of view in details.”

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A day earlier on April 24 Indian and Pakistani representatives at the Special Ministerial meeting of the Non-aligned countries in New York had stuck to their different perceptions of the problem of Kashmir. While the Indian representative maintained that Kashmir was an integral part of Indian Union and Pakistani demand a dangerous and Pakistan’s attempt to compare the Kashmir issue to that of the struggle of the Palestinian for a homeland and that of the South African majority’s against apartheid as “outrageous”. He charged Pakistan with encouraging, sustaining and training terrorists for Indian Punjab and J & K.
Note from High Commission of India in Pakistan to the
Pakistan Ministry of Foreign Affairs.

Islamabad, May 2, 1990.

High Commission of India
G-5 Diplomatic Enclave
Islamabad

No.ISL/162/12/87, 2 May 1990

The High Commission of India presents its compliments to the Ministry of Foreign Affairs of the Islamic Republic of Pakistan and with reference to its Note No. Ind /Pl)/190, dated 8.2.1990, the honour to draw attention to the Aide Memoire handed over by the Government of India on 4th June, 1978, as well as the reply through Note verbale No.ISL/108/4/78, dated 15 July 1982, on a similar representation by the Government of Pakistan. It has been stated time and again by the Government of India, including in the communications referred to above, that the Ground Rules of 1960-61 are invalid and inoperative after the events in 1971.

2. The Government of India, however, remains ready to cooperate with the Government of Pakistan in drawing up a framework for dealing with cross-border crimes and trafficking, the smuggling of weapons and the movement of terrorists.

The High Commission of India avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its high consideration.

Ministry of Foreign Affairs,
(Kind Attention: Mr. Shahid Kamal,
Director (India-P)
Government of the Islamic Republic of Pakistan,
Islamabad.)
Pakistan Prime Minister Ms. Benazir Bhutto’s offer of talks on Kashmir.

Islamabad, May 2, 1990.

Addressing a joint Press conference with the visiting Japanese Prime Minister, Mr. Toshiki Kaifu, Ms. Benazir Bhutto said Pakistan had always been willing to discuss the Kashmir issue in accordance with the Simla Agreement and in the spirit of the UN resolutions, so that the Kashmir issue could be solved with the wishes of the people of Kashmir and on the basis of the UN resolutions. The process of normalization of relations with India was shadowed by the Kashmir dispute and, therefore, it had to be resolved, she added.

She insisted that the ‘uprising in Kashmir was totally indigenous, popular and without any assistance from Pakistan’. The Kashmir problem was rooted in history and went back to the division of India and the UN resolutions, recognizing the right to self-determination for the people of Kashmir. ‘The current uprising had come up because the people of Kashmir were denied the right to self-determination through an impartial plebiscite’, she added.

Ms. Bhutto said this denial of the right to self-determination had not come from Pakistan; it had come from the Indian side. This had led to the uprising and the consequent tension in relations between India and Pakistan. The winds of freedom were blowing in the world and this had to influence the Kashmiris too, she added.

She drew the attention of the world to reign of terror unleashed in Kashmir against the innocent people, including women and children, and asked India to allow foreigners to visit Kashmir so that they could themselves see what was happening there. Although Lithuania had declared independence, Moscow had not resorted to repression, she added.

* Given the conditional offer of talks New Delhi turned down on May 3 Pakistan’s latest offer of talks over Kashmir, where tension has raised fears of a war, saying Islamabad had imposed conditions already rejected. India’s Foreign Minister I.K. Gujral told Parliament that India was ready for unconditional talks, but not the sort offered by Prime Minister Benazir Bhutto on May 2.

“The difficulty arises due to the conditions which the Pakistani Prime Minister has once again applied to such a dialogue and to Pakistan’s continued support for subversion and terrorism in Punjab and Jammu and Kashmir,” he said and added: “We always welcome bilateral discussions at all levels to sort outstanding issues between our two countries.” But on Kashmir such talks “must be without any condition,” he added. The Indian Prime Minister VP Singh had told the Japanese Prime Minister Mr. Kaifu during his New Delhi visit that India would respond to any “sincere” Pakistani step to resolve the row by taking to steps of its own.

Mr. Gujral said Ms Bhutto wanted talks about UN resolutions which more than 40 years ago supported a plebiscite to allow Kashmiris to determine their own future and spoke of a “neutral mechanism” to investigate the Indian charges. “Those were the same proposals I had turned down in talks last week with Pakistani Foreign Minister Sahabzada
Commenting on Mr. Singh’s remarks that if Pakistan took one step, India would take two steps for the normalization of relations, she said: “I appreciate this statement and reciprocate it,” and added: “We have put forward some positive proposals, including redeployment of the troops to the peace time locations, evolving a mechanism for verifying allegations and entering into a dialogue in accordance with the Simla Agreement and UN resolutions.”

Yaqub Khan in New York,” he added. He argued that the Simla Agreement of 1972, in which the two countries agreed to settle the Kashmir dispute through negotiation, superseded the UN plebiscite resolutions. Ms. Bhutto again said in Islamabad on May 3 that she is prepared to meet Mr. Singh at any time to enter into a dialogue on the Kashmir dispute.

Meanwhile, Pakistan Foreign Minister Sahabzada Yaqub Khan said that the spate of terrorism in Kashmir was attracting increased attention and concern of the comity of nations, and the principled stand of Pakistan vis-à-vis the Kashmiris’, right of self-determination was being rightly appreciated and supported the world over. Referring to his meeting with his Indian counterpart in New York, he said: “I had a comprehensive meeting with Mr. Gujral, with whom I discussed the situation in Kashmir and Indo-Pak relations. We discussed ways and means to defuse tensions that have regrettably marred the relations between the two countries in recent weeks”. He said an agreed statement was issued after his meeting with Mr. Gujral, underlying the need for defusing tensions and outlining steps to be taken in that direction. In his post-meeting Press conference, Mr. Gujral, however, repeated the false accusations against Pakistan, he added. Mr. Yaqub Khan said that during his stay in New York, he availed the opportunity of the presence of a large numbers of foreign ministers from Islamic and other countries and the UN Secretary-General and briefed them comprehensively on the situation in the region, particularly the indigenous uprising of the people of Jammu and Kashmir to demand their right to self-determination, the Indian repression in the valley and the resultant tensions in Pakistan-India relations. Following the meetings, he addressed a Press conference which provided an opportunity for an in depth question-and-answer session on Kashmir and the regional situation with journalists. He said during his visit to Washington, he met Vice-President Dan Quayle, Secretary of State Baker and National Security Adviser-Gen. Snowcraft, and held detailed exchange of views with them on the present strains in Pakistan’s relations with India, with special focus on the situation in Kashmir. About his address to the non-aligned ministerial meeting, he said he highlighted the fact that the recent developments in the world constituted a reaffirmation of the role, relevance and validity of the Non-Aligned Movement. “I laid particular emphasis on the fundamental right of people to self-determination and called for the need to redress the situation in Kashmir, South Africa, Palestine, Afghanistan and Kampuchea,” he said. He told a questioner that the specific Security Council resolutions on Kashmir were intact and valid and non-implementation of them did not invalidate them in any manner whatsoever.
1252. Proposal for talks between India and Pakistan at Foreign Secretary level.

Islamabad, June 28, 1990.

Pakistan Prime Minister Benazir Bhutto said in Islamabad that the forthcoming meeting between the Foreign Secretaries of India and Pakistan was a positive development in efforts to reduce tension though one should not expect miracles in the first exchanges. Talking to newsmen at Ormara on June 28 after inaugurating the airport there, she said differences existed between the two countries on various issues but it was important that these be resolved through a dialogue*. The fact that India had accepted Pakistan’s invitation for talks at the foreign secretaries level showed that the two sides were positive in their approach, and that the answer to problems and differences is that there should be a dialogue over them.

* New Delhi, meanwhile announced on June 28 that the two-day talks in Islamabad would begin on July 18, 1990. Mr. Muchkund Dubey the Indian Foreign Secretary was nominated to lead the Indian delegation. Earlier on June 5 Indian External Affairs Ministry Spokesperson had said: “The Government of India in view of its willingness to carry on a purposeful dialogue agreed to a meeting between the two Foreign Secretaries at the earliest mutually convenient date in the first half of July”. Islamabad had suggested end of June as the possible date for talks. On June 24 the Pakistan Foreign Secretary Tanveer Ahmad Khan had said while date and venue for the talks had not yet been finalized and India had left it to Pakistan to suggest the same. After talking to the Indian Foreign Secretary Mr. Khan said the talks were likely to be in New Delhi during the second week of July. He said while there was no agenda for the talks, the two sides would discuss the present state of India-Pakistan relations. Speaking to the newspaper Nation, Mr. Khan said after the Yaqub – Gujral talks in New York during the extraordinary session of the UN General Assembly, India came out with a package proposal in the last week of May for normalization of relations. But Pakistan told India that its package did not mention central issues of Kashmir and withdrawal of Indian troops from the border. Instead Pakistan sent its own proposals to New Delhi on June 5 which included the suggestion that the Foreign Secretaries meet at an early date to set the process of normalization in motion. A few days back India expressed its willingness to hold talks with Pakistan. Like Pakistan, India has reportedly pointed out that the Pakistani proposals were not comprehensive as according to them the main cause of their concern i. e. Pakistan’s help to Kashmiris had not been mentioned. The talks would perhaps take place on an open agenda.
The Foreign Office spokesman said in Islamabad on July 19, 1990 the two-day talks were “very comprehensive and very candid”.

He said the “greatest progress” was that “we sat together and were able to understand each others position in detail, brushing aside cobwebs”.

The spokesman said Pakistan had made it clear that while it was ready for and had already proposed installation of neutral mechanism to verify Indian allegations, in no case would Pakistan abandon its moral and political support to the right of self-determination of Kashmiris. Pakistan had renewed its proposal for verification arrangement but the Indian side had again responded negatively.

Reiterating denial of the Indian charges, he said Pakistan would welcome any evidence that the Indians might have about the alleged involvement in the indigenous Kashmiri uprising.

Replying to a question, the spokesman said the Indian side did not appear ready as yet to address the substance of the Kashmir problem. “We cannot say they are ready to come to grips with the political factors involved in the Kashmir situation and the heart of the problem which is the aspirations of the Kashmiris.”

He underscored the fact that withdrawal of troops to peacetime locations was the foremost requirement for confidence building. The exercise could be meaningful only if the two countries took steps to prevent eyeball-to-eyeball military confrontation.

“In all sincerity we do not feel that this exercise of confidence-building can go far if the situation on the border is not substantially altered and eased. We regret to say that at least so far at the end of the first round, we have not been able to reach any firm conclusions on redeployment of forces,” he added.

Confirming a substantial withdrawal of Indian troops and armour in the southern sector along the Sindh border, the spokesman said, “we would have been happier” if this process was extended to Kashmir and northern Punjab. It was essential that the confidence building should begin with the withdrawal or at least a substantial draw-down on concentration of forces as was suggested by Washington also. It was agreed to continue discussion on this matter, he added.

He said in addition to essential concerns, the delegations had discussed the seven Indian proposals for promotions of mutual trust and confidence. In the
case of some, agreement has been reached paving the way for drawing up texts. The two sides agreed on the need of prior notification of military exercises or troop movements, particularly along the international borders.

The spokesman said it was Pakistan’s assessment that the discussions had reached a point from where they could be taken to the conclusion of a formal agreement. Similarly, there was convergence of views on the proposals regarding air violations and an agreement could now be signed.

Referring to existing procedure of consultations between military commanders, he said “its efficiency should be increased and we should further discuss and adopt measures to make this channel work better.”

About the Indian proposal of joint patrolling on the borders, the spokesman said no conclusions could be reached in this regard, as the idea needed further elaboration, particularly on the scope of patrolling.

* Indian Foreign Secretary Muchkund Dubey while still in Islamabad said on July 19 that he was satisfied with the Indo-Pak talks which concluded in Islamabad earlier in the day. Talking to APP in Islamabad he said: “We mainly discussed. Confidence-building measures”. Describing the talks as ‘useful’ he said there was good beginning towards the improvement of the bilateral relations. Asked if there was any possibility of war between the two countries over Kashmir, Mr. Dubey said, “not at all”, adding war would be the last thing India could think about.

Asked, if the Kashmir issue was discussed, Mr. Dubey said: “Matters of bilateral relations figured at the talks. No particular issue could be singled out in this connection. There was no fixed agenda and both sides discussed all issues of bilateral relations”.

The Indian Foreign Secretary said that he considered the talks as a good beginning towards confidence building. “We have contact for the last six months,” he added. Mr. Dubey described his meeting with President Ghulam Ishaq Khan and Prime Minister Benazir Bhutto as ‘good’. Both the leaders explained their views on issues concerning Indo-Pak relations.

On the same day Prime Minister Benazir Bhutto speaking in Lahore said that Pakistan did not want war with India. Instead, it wanted to resolve the outstanding Kashmir issue through negotiations and in accordance with the international law. But at the same time, she made it clear that if Pakistan was subjected to aggression, the armed forces would repel it with full force. She said both India and Pakistan were equipped with sophisticated weapons, and going to war would not be advisable. Wars were always horrible and solved no problems. Kashmir was the basic cause of tension between Pakistan and India, and Islamabad wanted to resolve this question through peaceful means, and not through military confrontation, she added. Ms. Bhutto told a questioner that Pakistan fully knew the military capability of India and the weapons it could get from the Soviet Union and others sources. Commenting on the proposed visit of the Indian Prime Minister to the Soviet Union, Ms Bhutto said it was good that Mr. Singh was undertaking the visit at a time when changes were taking place there and its (Soviet) republics were declaring independence. The Soviet Union, she pointed out, was not using force against these republics and this way the Indian Premier’s visit would help him see the whole issue in the historical perspective.
The spokesman said Pakistan had also called for implementation of a bilateral or regional nuclear non-proliferation to safeguard the region and South Asia against production and use of nuclear weapons. Such an agreement, he emphasized, would go a long way towards securing the Indian objective in tabling confidence-building measures, he added.

About New Delhi’s proposal for reaffirmation of 1972 Simla Agreement, the spokesman said Pakistan stood for reaffirmation of the agreement in its totality.

Replying to a question about the possibility of upgrading the level of bilateral talks, the spokesman said he had been hopeful before the Islamabad session that the two sides would be able to recommend raising of level to Foreign Ministers. However, he hoped that the two sides would be able to do so at New Delhi.

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Cairo, August 4, 1990.

The 19th Islamic Conference of Foreign Ministers held in Cairo, Egypt, from 9 – 13 Moharram 1411 (31 July – 4 August, 1990)

Reaffirming the principles and objectives of the Organisation of Islamic Conference which emphasise the common goals and destiny of the peoples of the Islamic Ummah;

Emphasising the purposes and principles of the UN Charter and recalling the UN resolutions relevant to the Jammu and Kashmir issue;

Recalling also that the Simla Agreement signed between the Governments of India and Pakistan calls for a final settlement of Jammu and Kashmir;

* The Spokesman of the Pakistan Foreign Office while welcoming the adoption of the resolution regretted that “one country known to be Iraq opposed inclusion of the Kashmir question in the agenda. This, however invoked aggressive retaliation from Muslim countries representing various shades of opinion.” He said the Saudi delegation delivered a “trend setting” speech for which Pakistan had conveyed special thanks. He believed the adoption of the resolution vindicated the Pakistani position on the issue and proved that the disinformation campaign launched by India portraying dismal chance of OIC support to Kashmiris after being dubbed as “fanatics, terrorists, and fundamentalists” by New Delhi fell on deaf ears.
Calls for a peaceful settlement of the Jammu and Kashmir issue in accordance with the relevant UN resolutions and as agreed upon in the Simla Agreement;

Welcomes the commencement of dialogue between India and Pakistan, encourages further negotiations with a view to resolving their outstanding differences through peaceful means and affirms that a sustained dialogue is essential to address the core of the problems and to remove the basic causes of tension between India and Pakistan;

Calls upon India and Pakistan to redeploy their forces to peace time locations;

Expresses its deep concern at the prevailing tension which threatens peace and security in the region;

Expresses its deep concern at the violation of human rights and violence against the people of Jammu and Kashmir and calls for the respect of their human rights;

Expresses its willingness to send a good offices mission under the Chairman of the Islamic Conference of Foreign Ministers with a view to easing the tension between the two countries and to promote a peaceful settlement.

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1255. Statement made by Official Spokesperson of the Ministry of External Affairs regarding Indo – Pak relations.

New Delhi, November 28, 1990.

“The Indian High Commissioner in Islamabad Shri J. N. Dixit, who is currently in Delhi on consultations, had a meeting with Prime Minister Chandra Shekhar today. He reported to the Prime Minister on various issues concerning Indo-Pak relations in the context of the recent meeting between the Indian and Pakistani Prime Ministers at Male during the SAARC Summit and with regard to the forthcoming bilateral meetings which had been decided upon. The Foreign Secretaries will fix the timing for the Joint Commission.”

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When questioned about the veracity of reports in today’s papers that some family members of the staff in Indian Missions in Pakistan have been harassed, Spokesperson said, that the report is correct. The matter has been taken up strongly with the Government of Pakistan. The Acting High Commissioner of
India in Islamabad Mr. T.C.A. Rangachari met the Pakistan Foreign Secretary Mr. Shahryar Khan on 25th November, when the incident took place and the Pakistan High Commissioner in India was summoned to the Foreign Office on 26th November by Secretary (East), Shri L. L. Mehrotra, since the Foreign Secretary was unwell. Protests have been lodged both at Islamabad and New Delhi.

The Government of Pakistan has been told that the Government of India view such incidents with great seriousness. We also draw attention to the fact that under the Vienna Convention, the host government is obliged to ensure the security and safety of the personnel of diplomatic missions. Such blatant violations of universally accepted norms of behavior towards diplomatic personnel are not conducive to the building or the maintenance of friendly and cooperative relations. These incidents are particularly regrettable, as they have come so soon after the constructive exchange of views between the leaders of the two countries at the SAARC Summit at the Maldives.

The Government of Pakistan has promised to have the matter fully investigated. The Government of India expects that necessary action will be taken to identify the culprits concerned and to punish them and also that due steps will be taken to prevent the recurrence of such incidents in the future*.

* As a cover up to the happenings in Islamabad involving the Indian diplomats, the Pakistan High Commission in New Delhi lodged a strong protest with the Indian External Affairs Ministry on December, 1 against what it described “continued harassment, intimidation and provocation of senior officers of the mission”.

In a protest note to the Indian Ministry of External Affairs, the second in 48 hours, the Pakistan High Commission said: “Such deliberate intimidation has not only obstructed these officers from performing their duties and functions but also threatened them and their families with physical harm”.

In a language reminiscent of the one used by the Indian Spokesperson on November 28, the Pakistan High Commission reminded New Delhi of the requirements of the Vienna Convention on the treatment of diplomatic personnel and their families.

Pakistan alleged that five diplomatic officers of the Pakistan High Commission in New Delhi were subjected to dangerously close car chase, obstruction and indecent and vulgar treatment on November 29 and again on November 30 by Indian plain clothes police in an obviously concerted move to harass, provoke and intimidate them and to disrupt the normal functioning of the High Commission.

A Pakistan High Commission’s Press release said “As, Pakistani diplomats left the office on November 29, their cars were preceded and followed closely by Indian cars with up to eight persons, obstructing their movement and exposing them to danger. The Indian personnel stopped and abused them on the way. After the Pakistani diplomats reached their residences, their Indian pursuers hurled threats, insults and foul abuses at Pakistanis
POLITICAL RELATIONS: 1990-2007

Pakistan and India have agreed to formally exchange the agreements, already signed and ratified regarding not attacking each other’s nuclear installations, in January. The place for the exchange of agreements will, however, be finalized later. This was stated by the Foreign Secretaries of Pakistan and India, Mr. Shaharyar Khan and Mr. Muchkund Dubey, while talking to newsmen at Islamabad International Airport on December 20 before the departure of the Indian Foreign Secretary for New Delhi at the conclusion of the four-day visit.

Citing the specific issues on which India and Pakistan have reached an agreement, Mr. Shaharyar Khan said Pakistan and India have also agreed to ask their respective Surveyors-General to meet in early February to discuss the Sir Creek issue (Territorial waters). It is important that Indo-Pak borders should be absolutely clear and well-defined to avoid any kind of misunderstanding, he added.

“We have also agreed to meet towards the end of February next year for the fourth round of talks in New Delhi. A meeting of experts will be held a week before to finalise two agreements regarding advance notice of military exercises by the two sides and the question of the violation of airspace.

Mr. Shaharyar said it has been agreed by the two countries that the army officials of India and Pakistan dealing with operations will contact each other...
every week alternately. This agreement is aimed at reducing tension between the two countries.

He said: “We have also agreed during the talks to take up the Wullar Barrage issue soon after the dates are fixed in the context of the Indus Water Treaty which has been a success in resolving differences in the past.”

Responding to a question, he said the talks were held in a frank and friendly atmosphere and “we took our cue from the excellent start made in this regard by the Prime Ministers of India and Pakistan at the time of SAARC summit at Male (Maldives). The two sides discussed all the differences on various issues frankly.” He added.

The Pak Foreign Secretary said Pakistan wants to reduce the tension. Nothing can be achieved by the two countries from a “near conflict situation” and sooner it is realized better it would be. He expressed the hope that his visit to New Delhi in February next year for the fourth round of talks will greatly help reduce tension through further fruitful discussion.

The Indian Foreign Secretary Mr. Dubey described the talks “very cordial” and endorsed the viewpoint of Mr. Shaharyar that as they were helped in reaching understanding by the guidelines given to them by the Prime Ministers of India and Pakistan from their meeting held at Male.

“We have managed this time to agree on a number of specific agreements which will have many positive implications in the realization of our objectives to reduce tension between the two countries and in normalization of relations.” He added.

Mr. Shaharyar said that Pakistan reiterated its principled commitment for the Kashmir cause and its continued moral and political support to the indigenous Kashmiri uprising for the just cause of right of self-determination. He said Pakistan made it clear that Kashmir was the key issue which needed to be resolved under the UN resolutions. This will usher in a new era of peaceful relations between India and Pakistan, he added.

He said the struggle for the right of self-determination by the Kashmiris was strictly their indigenous matter and Pakistan was not giving any military and material support, whatsoever.

Mr. Shaharyar termed his talks “frank and friendly”. There were some disagreements as well, but “we were also a step forward and a step away from the hostilities”. “The area of disagreement was Kashmir. However, it is a positive progress that we discussed the issue in the spirit of the environment created after the two prime ministers met at Male”, he said.
He said Pakistan asked for reversing forces to their peacetime locations. However, the Indian point of view on the issue was that it has kept these forces to help their police and other law-enforcing agencies in Kashmir and Punjab. But Pakistan believed that the number of troops was excessive as these were equipped with the capability required to cross rivers, etc.

Tension on the borders was due to presence of troops, reversal of which could defuse the situation, he added.

About Siachin, he said the issue would be taken up in the next round of talks in February and hoped it would lead to some progress on easing of tension.

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Islamabad, December 20, 1990.

The Third round of talks between the Foreign Secretaries of Pakistan and India took place in Islamabad from 18 to 20 December 1990.

During his stay in Islamabad, the Indian Foreign Secretary was received by the President and the Prime Minister of Pakistan. He also called on the Foreign Minister.

The talks were guided by the directives of the Prime Ministers of India and Pakistan, following their meeting in Male on 22 November 1990. The discussions covered the whole range of bilateral issues and were held in a frank and friendly atmosphere. It was decided to pursue all these issues further.

It was decided to exchange, in January 1991, the Instruments of Ratification of the Agreement on Prohibition of Attack against Nuclear Installations and Facilities which was signed on 31st December 1988 and subsequently ratified by both governments.

The next meeting between the Surveyors general on the demarcation of the land boundary in Sir Creek would be held in New Delhi by early February 1991. It was agreed that discussions on the Wullar Barrage/ Tulbul Navigation Project would be resumed thereafter.

As a means of reducing tension between the two countries, it was agreed that the Directors General Military Operations of Pakistan and India will keep in telephonic touch with each other on a weekly basis.
It was agreed that the meetings of the sub-Commissions would be resumed at an appropriate time.

The next meeting of the Foreign Secretaries would be held in New Delhi towards the end of February 1991. This would be preceded by a meeting of the experts to finalise the pending drafts of (i) the Agreement on Advance Notice of Military Exercises and Manoeuvres and (ii) the Agreement on Prevention of Air Space Violation by Military Aircraft.

1258. Agreement between Pakistan and India on Prevention of Air Space Violations and for Permitting Over Flights and Landings by Military Aircraft.

New Delhi, April 6, 1991.

Preamble

States parties to the present Air Agreement, Recognizing the fact that both the Pakistan Air Force (PAF) and the Indian Air Force (IAF) aircraft operate near each other’s air space.

Aware that despite best efforts by both sides, violations of each other’s airspace have occurred from time to time.

Desirous of promoting good neighbourly relations between the two countries.

Conscious of the fact that renewed efforts should be made to avoid unnecessary alarm.

Have agreed to enter into the following Air Agreement:

Air Violations

Article 1

Henceforth, both sides will take adequate measures to ensure, that air violations of each other’s airspace do not take place. However, if any inadvertent violation does take place, the incident will be promptly investigated and the Headquarters (HQ) of other Air Force informed of the results without delay, through diplomatic channels.

Article 2

Subject to Articles, 3, 4 and 6, the following restrictions are to be observed by military aircraft of both the forces.
(a) Combat aircraft (to include fighter, bomber, reconnaissance, jet military trainer and armed helicopter aircraft) will not fly within 10 kms of each other’s airspace including ADIZ. No aircraft of any side will enter the airspace over the territorial waters of the other country, except by prior permission.

(b) Unarmed transport and logistics aircraft including unarmed helicopters, and Air Observation Post (AOP) aircraft, will be permitted up to 1000 meters from each other’s airspace including ADIZ.

**Aerial Survey, Supply Dropping, Mercy and Rescue Missions**

**Article 3**

In the event of a country having to undertake flights less than 1000 meters from the other’s airspace including ADIZ, for purposes such as aerial survey, supply dropping for mercy missions and aerial rescue Missions, the country concerned will give the following information in advance to their own Air Advisors for notification to the Air HQ of the other country:

(a) Type of aircraft/helicopter.
(b) Height of flight within Plus/Minus 1000 ft.
(c) Block number of days (normally not to exceed seven days) when flights are proposed to be undertaken.
(d) Proposed timing of flight, where possible.
(e) Area involved (in latitude and longitude).

No formal clearance would be required as the flights are being undertaken within own territory.

**Air Exercises Near Border**

**Article 4**

In order to avoid any tension being created, prior notice be given with regard to air exercises, or any special air activity proposed to be undertaken close the each other’s airspace including ADIZ, even through the limits as laid down in Article 2 are not likely to be infringed.

**Communication Between PAF and IAF**

**Article 5**

In matters of safety and any air operations in emergency situations, the authorities designated by the respective governments should contact each other
by the quickest means of communications available. The Air Advisor shall be kept informed of such contacts. Matters of flight safety and urgent air operations should promptly be brought to the notice of the other side through the authorities designated by using the telephone line established between the Army Headquarters of the two countries.

**Operations from Air Fields Close to the Borders**

**Article 6**

Combat aircraft (as defined in Article 2A above) operating from the air bases specified below will maintain a distance of 5 kms from each other’s airspace:

1. Indian Side
   1. Jammu
2. Pathankot
3. Amritsar
4. Suratgarh

(b) Pakistan side
1. Pasrur
2. Lahore
3. Vehari
4. Rahim Yar Khan

**Flights of Military Aircraft through each other’s Air Space**

**Article 7**

Military aircraft may fly through each other’s airspace with the prior permission of the other country and subject to conditions specified in Appendix A to this Agreement.

Notwithstanding paragraph 1 of this Article, each country has the sovereign right to specify further conditions, at short notice, for flights of military aircraft through its airspace.

**Validity of Agreement**

**Article 8**

This Agreement supersedes all previous understandings in so far as air space violations and over flights and landings by military aircraft are concerned.

**Article 9**

This Agreement is subject to ratification. It shall come into force with effect from the date on which the Instruments of Ratification are exchanged.
Article 10

Done at New Delhi on this sixth day of April, 1991.

Shaharyar M. Khan
Foreign Secretary
For the Government of the
Islamic Republic of Pakistan

Muchkund Dubey
Foreign Secretary
For the Government of the
Republic of India

1259. Agreement between Pakistan and India on Advance Notice on Military Exercises, Manoeuvres and Troop Movements.

New Delhi, April 6, 1991.

Whereas Pakistan and India recognize the need to jointly formulate an agreement at the Government level on giving advance notice on exercises, manoeuvres and troop movements in order to prevent any crisis situation arising due to misreading of the other side’s intentions.

Therefore, the Governments of Pakistan and India jointly decide that:

1. Their Land, Naval and Air Forces will avoid holding major military manoeuvres and exercises in close proximity to each other. However, if such exercises are held within distances as prescribed in this Agreement, the strategic direction of the main force being exercised will not be towards the other side, nor will any logistics build up be carried out close to it. The following will constitute a major military manoeuvre/exercise for the purposes of this Agreement:

(a) Land Forces:

1. India-Pakistan International Border
   Concentrations of Corps level (comprising two or more divisions) and above.

2. Line of Control and the area between the Manawar Tawi and Ravi Rivers.
   Division level and above.

(b) Naval Forces:

Any exercise involving six or more ships of destroyer/frigate size and above, exercising in company and crossing into the other’s Exclusive Economic Zone (EEZ).
(c) **Air Force:**

**Regional Command level and above.**

2. Both sides may not conduct exercises of Land Forces at Divisional level and above within five kilometers (kms) of the areas specified at Paragraph (1).a, (1) and (2).

3. Both sides will provide notice regarding exercises of Land Forces as follows:

   (a) All exercises/concentrations at Divisional level in areas specified at Paragraph (1).a, (1) and (2).

   (b) All exercises/concentrations at Corps level within a distance of seventy-five kms in areas specified at Paragraph (1).a (1) and (2).

   (c) All exercises above Corps level irrespective of the distance.

4. Both sides will give fifteen days prior notice when formations with defensive roles are moved to their operational locations for periodic maintenance of defences.

5. The schedule of major exercises with troops will be transmitted in writing to the other side through diplomatic channels in advance as follows:

   (a) Air exercises at Regional Command level and above.—Fifteen days.

   (b) Divisional level exercise, and major Naval exercises involving six or more ships of destroyer/frigate size and above, exercising in company and crossing into the other’s EEZ.

   (c) Corps level exercises—Sixty Days.

   (d) Army level exercises—Ninety days.

Provided that the above provision relate to the commencement of moves of formations and units from their permanent locations for the proposed exercise.

6. Information on the following aspects of major exercises will be intimated

   (a) Type and level of exercises.

   (b) General area of the exercise on land, air and sea. In respect of air and sea exercises, these will be defined in latitude and longitude.

   (c) Planned duration of the activity.

   (d) Number and type of formations participating.
(e) Any shifting of forces from other Commands/ Corps/Strategic Formations envisaged.

(f) The move of strategic formations, particularly armored division, mechanized divisions, air assault divisions/reserve infantry formations and artillery divisions/air defence artillery divisions.

Provided that in respect of major Air and Naval exercises, only the information at Paragraphs (a) to (c) need to be intimated.

7. In case some change in exercise area/grouping of participating formations from the previously notified composition is necessitated, the country carrying out the exercise will intimate the details of changes so as to reach the other country at least thirty days in advance in respect of Corps level exercises and above, and fifteen days in advance in respect of divisional level exercises and Naval exercises. In respect of Air exercises, if minor changes to the previously notified details are necessitated, an advance notice of seven days will be provided.

8. Any induction/concentration of additional troops of a division size force and above, within one hundred and fifty kms of areas specified at Paragraph 1.a.(1) and (2), for internal security duties and/or in aid of civil power will be notified to the other side at least two days before the start of their movements, whenever possible. In case of immediate movements, information may be passed on Hot Line to the Army Headquarters of the other country. The force so employed will not move forward their logistic bases/installations and armor/artillery.

9. Each country will be entitled to obtain timely clarification from the country undertaking military manoeuvres/ exercises concerning the assembly of formations, the extent, direction of the exercise and the duration.

10. The Naval ships and submarines belonging to the other country are not to close less than three Nautical Miles (NMs) from each other so as to avoid any accident while operating in international waters.

11. Combat aircraft including fighter bomber reconnaissance, jet military trainer and armed helicopter aircraft will not fly within ten kms of each other’s airspace, including the Air Defence Identification Zones (ADIZ), except when such aircraft are operating from Jammu, Pathankot, Amritsar and Suratgarh air bases on the Indian side, as well as Pasrur, Lahore, Vehari and Rahimyar Khan air bases on the Pakistan side, in which case they will maintain a distance of five kms from each other’s airspace including the ADIZ.

12. Aircraft of either country will refrain from buzzing surface units and platforms of the other country in international waters.
13. This Agreement supersedes all previous understandings in so far as the above points are concerned.

14. This Agreement is subject to ratification. It shall come into force with effect from the date on which the Instruments of Ratification are exchanged.

15. Done at New Delhi on this sixth day of April, 1991.

Shaharyar M. Khan  Muchkund Dubey
Foreign Secretary  Foreign Secretary
For the Government of the  For the Government of
Islamic Republic of Pakistan  Republic of India


New Delhi, April 7, 1991.

The fourth round of talks between the Foreign Secretary of Pakistan, Mr. Shaharyar Khan, and Foreign Secretary of India, Mr. Muchkund Dubey took place in New Delhi from the 4 to 6 April 1991.

During his stay in Delhi the Foreign Secretary of Pakistan called on Prime Minister Shri Chandra Shekhar.

The talks were held in a cordial and frank atmosphere. The two sides covered the entire range of bilateral issues. They also exchanged views on international issues of mutual interest.

At the end of the talks, the two Foreign Secretaries signed Agreements on:

(i) Advance Notice on Military Exercises, Manoeuvres and Troop Movements and

(ii) Prevention of Air Space Violation and for Permitting Over-flight and Landings of Military Aircraft.

In this connection, the two sides expressed satisfaction at the outcome of the meeting of military experts held in New Delhi from 1 to 4 April 1991.

During the talks, the Foreign Secretaries reached agreement on the following schedule of meetings:

(ii) India-Pakistan Committee to Combat Drug Trafficking and Smuggling—July 1991.

(iii) Delimitation of the Boundary in Sir Creek area at the Secretaries level—early August 1991.

The two Foreign Secretaries also agreed in principle on the resumption of the dialogue on Siachen at the appropriate time.

There is already an agreement in principle to convene the Sub-Commissions of the Joint Commission. These will meet on mutually convenient dates.

The Foreign Secretaries agreed to hold their next round of discussions at Islamabad towards the end of August-early September 1991.

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1261. Press Briefing by Pakistan Foreign Secretary Shaharyar Khan on the India Pakistan Foreign Secretary level talks.

Islamabad, April 8, 1991.

During the fourth round of Foreign Secretaries-level talks held in New Delhi on April 5 and 6 Pakistan continued to insist that relations between the two countries would never be normalized till the Kashmir issue was finally resolved in accordance with the UN resolutions. Pakistani Foreign Secretary Shaharyar Khan told newsmen in Islamabad on April 8 on his return from New Delhi that he had told his Indian counterpart Muchkund Dubey that Kashmir remained the fundamental obstacle in normalization of relations between the two countries. Both India and Pakistan were committed to hold a free, fair and impartial plebiscite in Kashmir under the UN supervision and the people of Kashmir had now risen to achieve their rights, he added.

“We did not accept the Indian contention that Kashmir was its integral part and the issue since has been resolved”, he said, and added that he told the Indians that the issue continued to be on the UN agenda and both the countries had agreed to resolve the issue through bilateral negotiations under the Simla Agreement. The mere fact that both India and Pakistan had agreed under the Simla Agreement to enter into meaningful negotiations to resolve the issue was sufficient to dispel the Indian claims that Kashmir was a settled question, he added.

During the talks, he said, he expressed Pakistan’s deep concern over the
violation of human rights in Kashmir and ruthless repression being committed by the Indian forces to crush the freedom movement in the area.

The Pak Foreign Secretary said the two sides also discussed troop deployment. Pakistan, he said, pointed out the heavy concentration of Indian troops on the Punjab borders and along the line of control in Kashmir. This concentration has been stepped up since the last secretaries-level talks in December 1990. The number of Indian troops on these borders has increased to 600,000 which was far more than what the Indians claim they required for internal security.

He said the third issue which was discussed at the talks related to the Siachen Glacier. Siachen figured on the agenda for the first time and it was emphasized that the two countries should take firm steps to implement the agreement which they had reached in principle in 1989 at the Defence Secretaries-level talks that forces from this area should go back to their pre-Simla Agreement locations. The two sides have agreed to discuss the issue at the next meeting, he added.

On Siachen and Kashmir, Pakistan is on the path of justice, equity and fair play and so it was ready to take these issues to any court, any third party or to the UN. Pakistan’s principled stand on these issues, he said, was being appreciated in India itself.

The Pak Foreign Secretary also referred to the signing of two agreements by the two Foreign Secretaries on non-violation of each other’s airspace and advance information regarding movement of troops and military exercises near the borders. He said the two sides had also agreed to hold talks on Wullar Barrage and delimitation of boundary in Sir Creek. They also agreed to hold the next round of talks in July and August after the general elections in India.

Mr. Shaharyar Khan said that Indian authorities have informed him that the Indian troops on Punjab and Kashmir borders were not “outward looking” and were there for internal security as was evident from arms and equipment provided to them. In other areas bordering Pakistan, they said, the Indian forces have “thinned out” though not actually withdrawn to peacetime positions, he added.

Asked whether there was a danger of armed conflict because of the increasing number of Indian troops on Pakistan borders, he asserted: “The specter of war has receded because of the current talks”.

Replying to a question, he said the Indian government was of the view that Pakistan was interfering in Kashmir and sponsoring the uprising. “We have denied our involvement in the current Kashmir uprising,” he said. However, he pointed out that he has told the Indian leaders that Pakistan was not responsible for any independent camp which might be working for freedom fighters.
He said he made clear to India that without free and fair plebiscite in Kashmir under UN auspices, there could not be any hope for the settlement of the problem. “I have also conveyed my profound concern on censorship, human rights violations and ban on journalists visiting occupied territories,” he added.

 Asked about the outcome of his talks with the Indian leaders, he conceded that nothing substantial could be achieved, and that until the new government was installed in India after general elections, it would be difficult to have any breakthrough for normalizing relations between the two countries.

 Asked how did he take the threat given by Prime Minister Chandra Shekhar on April 7, he said, “When I met the Indian Prime Minister, he had not given me any such impression”.

 Mr. Chandra Shekhar believed that Pakistan and India had a number of pressing problems, and, therefore, they should sit and sort out their differences so that their people could live in peace, he added.

 The Foreign Secretary said that Pakistan also accused India of government-sponsored interference in Sindh, of which, he said, “we have very clear, open evidence”. This accusation came when the Indian Foreign Secretary charged Pakistan of “gross interference” in Kashmir.

 “I told them, emphatically, that as far as Pakistan is concerned, the Kashmiri uprising is entirely indigenous. Indians should differentiate between government-sponsored and other interferences, as in a situation of tension-like in Peru and Bolivia—there could be cases of ‘money for guns’”, he added.

 In fact, Pakistan is trying to block some interference that is there, for instance from the people who have come over from Kashmir to escape Indian atrocities and are extremely restless, he explained.
Death of Rajiv Gandhi and Pakistan’s reaction thereto.

May 1991.

The following is the text of Pakistan President Ghulam Ishaq Khan’s message on the death of Rajiv Gandhi 22.5.1991.

“It is with a profound sense of shock and grief that I learnt of the tragic death of Rajiv Gandhi in a bomb blast. With his untimely demise, India has lost an illustrious son and a distinguished leader. The people and the Government of Pakistan share the sorrow of the people of India at this tragic loss. We also condemn the cowardly act of terrorism that led to Mr. Gandhi’s death.

This tragedy places an enormous responsibility on the shoulders of the government and the people of India. I am confident that under your wise leadership, India would be able to successfully surmount this crisis. Our deepest sympathies go to the family of the departed leader. No words can mitigate their pain and suffering. We pray that they will be able to face this bereavement with courage and fortitude. Please accept, Excellency, my sincere condolences as well as those of the people and the Government of Pakistan.”

Text of Pakistan Prime Minister Nawaz Sharif’s message:

“I was deeply shocked and grieved to learn of the tragic death of Rajiv Gandhi in a bomb attack. On behalf of the Government and the people of Pakistan, as well as on my own behalf, I wish to convey to you and to the family of the deceased leader our profound condolences.

We in Pakistan deeply mourn the untimely passing away, in such tragic circumstances, of an important and distinguished leader of the South Asian region. We condemn in the strongest terms the perpetrators of this dastardly act of terrorism.

The tragedy has placed a great responsibility on you at a very difficult time. As you set about to deal with the aftermath of this tragic event, you have the best wishes of the people and the Government of Pakistan with you.

Please accept, Excellency, the assurance of my highest consideration.”

Senate Condoles Rajiv’s Death.

At the outset of its proceedings on May 22, the Senate chaired by Mr. Washim Sajjad expressed profound shock and deep grief over the tragic death of Rajiv Gandhi.

A resolution moved by Leader of the House Mohammad Ali and endorsed by the entire House was adopted by the Senate.
The resolution said Rajiv Gandhi was a distinguished politician who belonged to an eminent political family of India, Rajiv Gandhi's death, it said, would create a void in the political life of India. The resolution expressed sympathies with the bereaved family and the people and the Government of India.

**Benazir Bhutto Grieved**

Expressing grief on the assassination of Rajiv Gandhi, MS. Benazir Bhutto, leader of the Opposition in the national Assembly, has termed it as "a very serious incident that could become a factor of instability for India as well as for the sub-continent".

Talking to newsmen on May 22, she said she was shocked to learn about the assassination of Rajiv Gandhi and condemned the incident strongly on behalf of the PPP.

She expressed heart-felt condolences to Sonia, widow of Rajiv Gandhi, and his children and prayed to God to grant to the bereaved family courage to bear the loss.

**Political Leaders Express Grief Over Rajiv’s Death**

Reactions on the assassination of Rajiv Gandhi from various political leaders continue to pour in, expressing deep shock and grief over Mr. Rajiv's tragic death and condemning the acts of terrorism which deprived the region of a distinguished political leader.

Former Prime Minister and President of the National People’s Party Ghulam Mustafa Jatoi, while expressing his shock over the death of Mr. Gandhi in the bomb explosion, termed the act of terrorism as cowardly. It should be condemned by the world.

Chief of the Jiye Sindh Tehrik G.M. Syed while expressing his sense of deep shock over the tragic death of Mr. Gandhi, said that in fact the people of the region are thankless people and in this regard, he recalled the assassination of Mahatma Gandhi, Indira Gandhi, Mujibur Rehman and Rajiv Gandhi.

Secretary-General Islami Jamhoori Ittehad and Naib Amir of Jamaat Islami Prof Ghafoor Ahmed expressed his grief over the death of Mr. Rajiv and added that the rising trend of violence in politics is a great threat and danger for solidarity and independence.

Veteran politician and PDP Chief Nawabzada Nasrullah Khan has expressed deep sorrow over the assassination of Rajiv Gandhi and termed this incident a bad omen for Pakistan.

He said in Lahore on May 22 that Rajiv Gandhi believed in secular politics like
his late mother and grandfather and thus was a source of comfort for the Indian Muslims facing religious violence time and again at the hands of fundamentalist Hindus. He regretted that at this critical juncture, some government circles were managing the publication of articles in a section of the Press suggesting one-fifth reduction in Pakistan army and bringing down the expenditure of defence to a large extent.

The Federal Cabinet gave on May 23 its approval for the visit of Prime Minister Nawaz Sharif to India and for condemning terrorism in the region, defusing tension and bringing the people of two neighbouring countries closer.

Briefing newsman about the cabinet meeting held at the Governor’s House with Prime Minister Nawaz Sharif in the Chair, Information Adviser to the Prime Minister Rashid Ahmad said the cabinet had given approval for the proposed visit of Mr. Nawaz Sharif to India for participation in the final rituals of Rajiv Gandhi after a three-hour discussion on the situation prevailing in India and the region and within the country.

He said the cabinet had expressed grief over the tragic death of Rajiv Gandhi in a bomb blast and condemned the growing terrorism in the region. The cabinet had adopted a condolence resolution expressing sorrow over the death of the young Indian leader and expressed good wishes about the future of India and its democratic system.

Sheikh Rashid Ahmad said the cabinet had made it clear that it wanted a peaceful settlement of the Kashmir issue and to develop friendly relations with India by defusing tension and settlement of disputes between the two neighbouring countries without compromising on principles.

He said the cabinet had given approval for the visit of Mr. Nawaz Sharif to India as it could provide him a chance to talk to the Indian leaders and leaders of other countries attending the last rituals of Mr. Rajiv Gandhi. The cabinet declared the death of Rajiv Gandhi as the death of a democratic personality.

He said the cabinet was of the view that the Prime Minister could also meet the American Vice-President during his visit to India and talk about resumption of aid to Pakistan.

President Ghulam Ishaq Khan visited on May 23 the Indian High Commission to express his condolences over the assassination of Rajiv Gandhi.

He recorded his sentiments in the visitors’ book and also remained with the Indian High Commissioner for some time to mourn Rajiv Gandhi’s demise. He asked Mr. Dixit to convey his condolences to Indian President Venkatraman, Mrs. Sonia Gandhi and other members of the bereaved family.
The President in his remarks wrote: “It is with deep sense of anguish and sorrow that I came to offer on behalf of the people and government of Pakistan and on my own behalf our heart-felt sympathies and sincere condolences on the tragic death of Rajiv Gandhi.

“In his sad demise, in the prime of his life, India has lost an illustrious son and a leader of great potential and vision. We in Pakistan share the grief and sorrow of the people of India.

“The dastardly act in which he lost his life at a time when a new political chapter was about to open in India, must be universally condemned. My heart goes out in particular to the family of the departed leader. No words of sympathy and solace can mitigate their suffering but I wish and pray that they are able to face the tragedy that has befallen on them with courage and fortitude.”

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1263. Extracts from the speech of Pakistan Prime Minister Nawaz Sharif delivered at the National Defence College.


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On Indian Military Threat

India’s military build-up, development of medium-range missiles and the military potential of its unsafeguarded nuclear programme pose a serious threat to Pakistan’s security. The threat is accentuated by India’s refusal to resolve the Kashmir dispute peacefully and its attempt to suppress the indigenous uprising in Kashmir through massive and brutal use of force. India has concentrated over 400,000 military and para-military forces in Kashmir for this purpose. The heavy deployment of its forces along Pakistan-India border also serves to heighten tension. This cannot, however, prevent us from offering moral and political support to the struggle of the Kashmiri people for the exercise of their right to self-determination, as recognized by the relevant UN Security Council resolutions.

In the face of this serious situation, Pakistan cannot be oblivious of the requirements of its security. Nevertheless, we will continue our efforts for establishing good neighbourly relations with India. A beginning was made at Male during the SAARC Summit last November. My recent visit to New Delhi
to attend the funeral of Mr. Rajiv Gandhi enabled me to establish personal contacts with leaders of India’s main political parties. I was encouraged by the positive response to our desire to improve bilateral relations. We hope that once the new government has assumed power in New Delhi after the elections, it will be possible for us to move forward towards the establishment of tension-free relations and the settlement of the Kashmir dispute in accordance with the relevant UN resolutions. That would be in the spirit of Male and that of the Simla Agreement, and would enable the two countries to devote their scarce resources to the improvement of the quality of life of their peoples.

Nuclear Non-Proliferation Issue

The issue of nuclear non-proliferation in South Asia is another complicating factor in Pakistan-India relations. It is, therefore, necessary to place the issue in its proper perspective.

We suffer from a serious energy shortage which not only hampers economic and industrial growth, but causes hardship to our people. In view of our ever-growing energy requirements, we have no option but to rely on the generation of nuclear power for meeting the needs of our expanding economy.

Unfortunately, our efforts to develop nuclear energy and technology for peaceful purposes have been subjected to unfair criticism and discriminatory pressures. We have repeatedly asserted that our nuclear programme is devoted to peaceful purposes. In pursuance of our regional approach to nuclear non-proliferation, we have expressed our willingness to accept any equitable and non-discriminatory regime for keeping South Asia free of nuclear weapons.

Seven-Point Proposal

We have made the following seven-point proposal to prevent nuclear proliferation in South Asia.

(a) Establishment of a nuclear weapon-free zone in South Asia, a proposal which has been endorsed repeatedly by the UN General Assembly since 1974.

(b) In view of India’s opposition to the establishment of a nuclear weapon-free zone in South Asia, We proposed in 1978 that, as a first step, Pakistan and India should issue a joint declaration renouncing the acquisition or manufacture of nuclear weapons.

(c) In 1979, Pakistan proposed an agreement with India on a system of bilateral inspection of all nuclear facilities on reciprocal basis.
(d) We also proposed in 1979 simultaneous acceptance of IAEA safeguards by Pakistan and India on all nuclear facilities.

(e) Pakistan expressed its readiness in 1979 to accede to Nuclear Non-proliferation Treaty (NPT) simultaneously with India.

(f) Later in 1987, Pakistan proposed the conclusion of a bilateral or regional nuclear test ban treaty.

(g) In 1987, Pakistan also proposed convening of a conference on nuclear non-proliferation in South Asia under the auspices of the United Nations with the participation of regional and other interested states.

The above proposals have been reiterated by us from time to time. Pakistan’s commitment to nuclear non-proliferation, both at global and regional levels, is, thus, clear and unwavering. It is not fair, therefore, to caste doubts on Pakistan’s intentions and to subject Pakistan to discriminatory treatment. No self-respecting nation can accept that.

On Regional Approach to Disarmament

We are gratified to note that the regional approach to disarmament is steadily gaining ground in international circles. Our resolution calling for initiatives for confidence building measures, nuclear non-proliferation and conventional disarmament at regional and sub-regional levels was adopted by the UN General Assembly in 1990 by an overwhelming majority of 142 votes in favour, none against and 10 abstentions.

Nuclear weapon-free zones have already been established in Latin America and the South Pacific region with the endorsement of the five nuclear-weapon states. Similar proposals have been advanced concerning other regions. Last year, Argentina and Brazil signed an agreement to use nuclear energy exclusively for peaceful purposes. They also agreed to submit their nuclear programmes to bilateral inspection and, later, to IAEA safeguards to ensure the peaceful character of their nuclear programmes.

More recently, President Bush has announced a major initiative for arms control on a regional basis in the Middle East. Among other things, the initiative calls for steps by all the regional states to prevent nuclear proliferation in the Middle East. France has also in its recently announced disarmament proposals, called for regional regimes for the prohibition of weapons of mass destruction.

We firmly believe that nuclear non-proliferation in South Asia is a sine qua non for regional peace and progress. We are willing to enter into a bilateral arrangement with India for a regional regime for ensuring that South Asia remains free of All Weapons of Mass Destruction. We are prepared to adopt
measures aimed at mutual and balanced reduction of forces consistent with
the principle of equal and undiminished security at the lowest level of
armaments. However, we cannot and will not take unilateral steps which
endanger our national security.

Common Commitments of USA, Pakistan

Pakistan and the United States have a History of friendship going back to the
50s. The friendship is solidly based on our shared beliefs in principles and
human values, our common commitment to democratic institutions, the respect
we attach to individual liberty and sustained cooperation stretching over several
decades. There is a close convergence of views on such issues as Afghanistan
and regional peace and stability. Therefore, despite the occasional ups and
downs, the friendship between Pakistan and USA had continued with the
passage of time and manifested itself in the expansion of mutual cooperation
in diverse fields.

Current Difficulties Regrettable

Against this background, the current difficulties in Pakistan-US relations are
particularly regrettable. This relationship, which has served the interests of the
two countries so well in the past and has so much potential for the future,
should not be allowed to be impaired.

Difference Only As Regards Approach To NPT

It is an irony that the current difficulties in Pakistan—US relations stem from
differences of approach to the objective of nuclear non-proliferation, to which
both are deeply committed. The United States has focused almost exclusively
on Pakistan's nuclear programme.

Threat to National Security Cannot be Ignored

The fact is that India exploded a nuclear device in 1974. It has a number of
nuclear enrichment and re-processing facilities outside the framework of IAEA
safeguards. It is also reported to have unsafeguarded plutonium sufficient for
producing over 100 Hiroshima-size nuclear bombs. We cannot, therefore, ignore
India's fast-growing nuclear programme and jeopardize our national security.

Pakistan is ready to enter into multilateral consultations for promoting the cause
of nuclear non-proliferation in South Asia. There are indications that the United
States, the Soviet Union and China might be inclined to support a regional
approach. I hope that they would be willing to move together with Pakistan and
India to achieve the objective of keeping our region free of nuclear weapons.
5-Nation Moot On NPT Proposed

I would like to propose specifically that the United States, the Soviet Union and China consult and meet with India and Pakistan to discuss and resolve the issue of nuclear proliferation in South Asia. The aim of the meeting should be to arrive at an agreement for keeping this region free of nuclear weapons on the basis of proposals already made or of new ideas that may emerge. The nuclear non-proliferation regime to be negotiated during the proposed multilateral consultations should be equitable and non-discriminatory. We hope that the proposal would receive an early response from the countries concerned so that arrangements can be finalized and the conference held as quickly as possible. A regional non-proliferation regime, containing guarantees for non-nuclear-weapon states and agreed to by all the regional countries is a practical method of resolving the problem in all its dimensions. Such a regime would help usher in a climate of mutual trust, peace and security in South Asia, enabling the states of the region to concentrate their energies and efforts on accelerating economic development and promoting the well-being of their peoples.

I have decided to send to the United States a high-level delegation led by Mr. Wasim Sajjad, Senate Chairman and including Mr. Akram Zaki, Secretary-General, Foreign Affairs and other senior officials to exchange views on the whole of Pakistan-US relations. We must acquire a better understanding of each other’s point of view on various issues such as Afghanistan, regional peace and security, human rights, narcotics control, armaments, nuclear non-proliferation and cooperation in various fields.

Given sincerity of purpose and goodwill, I am confident that we will, ultimately succeed in resolving our current difficulties on the basis of mutual understanding and accommodation. Our search for a way out of the current impasse will be facilitated if each side tries to understand the compulsions of each other and focuses on ultimate objectives rather than the means for serving them.

Let me conclude by reiterating the desire to develop friendly relations and mutually beneficial action on the basis of equality with all countries, big and small, and serve the interest of international peace and development. We particularly strive to create a tension-free and peaceful environment in South Asia to usher in an era of progress and prosperity in the region.
Responding to questions on reports of External Affairs Minister’s statement on upgrading the level Indo-Pak talks, the official Spokesman stated.

India’s Foreign Secretary met the Pak Foreign Secretary Mr. Shehryar Khan for about an hour. One of the things discussed was the schedule of bilateral meetings between now and the beginning of September because they expect the fifth round of Foreign Secretary level talks in July/August. They also agreed to hold meetings on the land boundary which is the terminal point on the sea and thereafter on the maritime boundary. Pakistan has also agreed to discuss the Tulbal Navigation Project (which Pakistan calls the Wullar barrage).

They also discussed the prevention of drug trafficking and briefly the question of non-attack on nuclear facilities. Discussions on the latter subject could not be meaningful as Pakistan has still to give a list of nuclear facilities, without which the agreement could not come into full force.

India’s Foreign Secretary also took up Pakistan’s propaganda on the Kashmir issue and its efforts to internationalise it and the fact that at every possible forum Kashmir issue is being brought up. Foreign Secretary expressed concern that even though discussions about normalisation of relations are taking place, Pakistan’s assistance to terrorism continues unabated. This assistance and abetment of terrorism and the large scale propaganda offensive on Kashmir cannot be reconciled with Pakistan’s publicly declared objective of normalization of relations.

*On July 8 the Pakistan Foreign Office spokesman rejected the Indian claim that Jammu and Kashmir was an integral part of India and said the Indian assertion “lacks any legal, political or moral justification.” India, he said, had occupied Kashmir by force against the wishes of the Kashmiri people and added that to deny the people of Kashmir their just right to self-determination, the Indian forces had been suppressing the freedom movement “by brutal means”.

He accused the Indian forces of having unleashed a wave of atrocities on Kashmiris, marked by indiscriminate murders, torture, arson and rape. Only a free, fair and impartial plebiscite under UN auspices, he said, could solve the Kashmir issue. He reminded that the issue still figured on the UNSC agenda.

In this context on the same day the Indian Spokesperson referred to the U. K. leader George Kaufmann’s statement on the Commonwealth bringing about
talks between India and Pakistan on Kashmir, he ruled out any such effort saying:“There have been other efforts by organizations such as OIC to try and promote the use of their good offices to deal with the situation in Jammu and Kashmir. Government of India’s position is consistent and quite clear. The J & K problem is outside the purview of mediators and international organizations. The question is to be settled only through bilateral discussions.”

1265. Extract from the speech of Prime Minister P. V. Narashimha Rao in Lok Sabha replying to the Debate on the International Situation.

New Delhi, September 18, 1991.

About neighbours, I am sure, the details will be given by my colleague, Shri Eduardo Faleiro (Minister of State). But what I would like to say is that we have not been quite successful in persuading Pakistan to improve relations with India. Every time there is a change either in Pakistan or in India, there is a sense of euphoria created, some new hopes are aroused. But subsequently these hopes are dashed to the ground. My own experience during the last three months has been more or less the same. I was told by the Prime Minister of Pakistan that the would like to send a special envoy here. In fact, he was so insistent that I thought that something new was going to happen, something very hopeful was going to emerge. I agreed. The special envoy came. After talking to him, again he tried to create an impression that this is a new situation and a new leaf is being turned between the two countries. Since I was only at the listening end, I was not in a position to respond one way or the other. He told me in so many words, when I raised the question of their helping, training and assisting the terrorists. He told me in so many words that “You will see a definite improvement on the ground.” These were his words. So, I told him, “I will wait for the improvement.” We have been waiting. I am told that “improvement” has been on the reverse. So, where do we stand? What do we do? We stand exactly where we stood always. We have to be ready for any eventuality but at the same time, we have to persist in our efforts to improve relations to the extent we can. They are raising Kashmir in more forums today than they ever did before. That seems to be the “improvement”. So what do we do? I really do not understand, except to come to the conclusion that we have to live with this. I do not have any other conclusion to arrive at. Still let us hope that in the big changes that are coming all over the world where the volition of
one country or the motivation of one country does not really mean anything, where all countries are being forced into certain position by circumstances, if this would bring Pakistan to a position more friendly to India, more neighbourly relations, desiring better neighbourly relations with India, then we would be happy. So far as we are concerned, we are very clear in our mind. Our intention is to have the best of relations with Pakistan and this intention will continue and will have to live with whatever uncertainties we have with Pakistan, still hoping that at some point of time, relations will really improve.

1266. Statement issued by the Official Spokesperson of the Ministry of External Affairs regarding the visit of a Defence Delegation to Pakistan.

New Delhi, September 27, 1991.


2. During its stay in Pakistan, the delegation called on Chairman of the Joints Chiefs of Staff Committee, Chairman-designate JCSC, Chief of Army Staff, Chief of Air Staff, Vice Chief of Naval Staff, Foreign Secretary of the Government of Pakistan.

3. The delegation level talks between the two sides were held on 26 September, 1991. The Pakistan delegation was led by LT. Gen. Pir Dad Khan, Director General, Staff Headquarters while the Indian delegation was led by Lt. Gen. Satish Nambiar, Director General Military Operations.

4. Both the sides discussed matters of mutual concern and interest to them. The incidents of firing along the Line of Control were also taken up and measures to prevent their recurrence and to improve the situation in a meaningful manner was discussed. Both sides also agreed to establish further arrangements for contacts between specified sector commanders of the armed forces of the two countries. Agreement was reached in principle on some other confidence building measures. These are expected to be discussed further and finalized during the forthcoming meeting of the Foreign Secretaries.

5. The talks were held in an atmosphere of cordiality and frankness.

6. It was agreed that exchange of military delegations between the two
countries was in itself a useful confidence building measure. It was also felt that such exchanges should continue as they constituted an important contributive factor to the overall efforts being undertaken by Governments of Pakistan and India, to defuse tension and to establish good neighbourly relations between the two countries.

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1267. Meeting between Prime Ministers of India and Pakistan at Harare on the sidelines of the Commonwealth Summit.

October 17, 1991.

Pakistan and India have decided to redouble their efforts to resolve all outstanding issues by peaceful negotiations. This was stated by Prime Minister Nawaz Sharif and his Indian counterpart Mr. Narasimha Rao while talking to newsmen after their formal talks in Harare on October 17.

The meeting, which took place at breakfast at the Indian Prime Minister’s suite at Hotel Sheraton, lasted about 50 minutes. It was a one-to-one meeting between them.

Answering a question as to the issues discussed, the Pakistan Prime Minister said “we discussed all the issues which have been there and are still there”. He said as the Prime Minister of India had said, at least a beginning had been made and “We would be able to resolve the issues through bilateral negotiations” in due course of time.

Asked if the question of Kashmir was also discussed, Mr. Nawaz Sharif said all the matters had been discussed. He said “Our understanding is that we would continue our efforts; rather we shall redouble our efforts to find a solution to all outstanding disputes.”

Asked if tension between the two countries had been reduced, the Indian Prime Minister said tension had to be eased. “Both of us recognize that there should be less tension between the two countries,” he said and added that removal of tension would pave the way for the meaningful effort to resolve the outstanding issues.

Mr. Nawaz Sharif said both sides had agreed to continue dialogue. He said the meeting was held in a very good atmosphere. It was a successful meeting and “we would continue the spirit of dialogue that started today.”
Mr. Rao, while replying to a question, said: “we had very friendly discussions on all bilateral issues. This was a get-acquainted meeting. It was very successful. We have developed much better understanding than we had before. From now onwards, it will be easier for us to continue our discussions. We have renewed our intensions to resolve the outstanding issues.”

Mr. Rao, on a question, said that “when the talks are to be resumed, both of us believe that there should be less tension. It will help to resolve the outstanding issues. How can we proceed towards a settlement if tension is prevalent.

The atmosphere in the Indo-Pak summit was extremely cordial and pleasant, according to an insider who also attended the meeting in the first round of talks.

After return to New Delhi, Indian Prime Minister Mr. Rao said that India and Pakistan had rejected mediation efforts by “friendly countries” to help them resolve their differences. He told a news conference that the two South Asian nations would like to overcome their differences bilaterally. “Some friendly countries had offered to mediate but we politely told them we do not need mediation and we will sit together to sort out differences.”

He did not disclose the names of the countries which had offered mediation and on what issue. He also did not clarify if the offer was made at Harare or earlier. “We decided to remain in touch and continue the dialogue. I found there was a determination on both sides to resolve the outstanding problems,” Mr. Rao added.

On October 19 Pakistan’s Minister of State for Foreign Affairs Siddique Kanju said also in Harare that Pakistan wishes to resolve Kashmir issue through peaceful means for which “we are making dauntless efforts”. He said the Prime Minister discussed the issue at Harare at length with Commonwealth leaders and the Indian Prime Minister. Pakistan wants to resolve the issue in accordance with the UN Resolutions and in the light of the Simla Agreement. “We will seek help of our friends as well to resolve the issue peacefully,” Mr. Siddique said. Clarifying on the subjects discussed between the two prime minister Siddique said they talked about particularly Kashmir. Other issues discussed were Siachen, Wullar barrage and Sir Creek. Nawaz Sharif in an Interview with the Pakistan TV in Harare said that normalization of relations with India could not be achieved unless the Kashmir issue was resolved peacefully. He termed the Kashmir issue as one of the major irritants in the close Indo-Pak relations.

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1268. **Record of discussions of the fifth round of FS level talks**

*(first plenary session: Islamabad 1000 hours, 30 October 1991)*

**Ministry of External Affairs**

*(IPA Division)*

**Pak Foreign Secretary:** I would like to extend a warm welcome to you. Through your personal example, and the relationship that you have established, it was made easier for me and my delegation over the past several rounds of discussions to handle difficulties that arose from time to time. I hope your stay in Islamabad will not only be comfortable but also productive as a result of our talks.

**Foreign Secretary:** As a result of the dialogue that has been initiated between the Foreign Secretaries and several rounds of which have already taken place, the climate of relations between our two countries has remained on an even keel despite the difficult environment. In fact we have even made some progress. We approach the current talks with the same spirit.

Before I begin discussions on specific issues, perhaps we should take stock of the current situation and the developments in our relationship in the recent past. I would like to go back to December 1988, when I had also visited Islamabad, along with the Indian Prime Minister on the occasion of the SAARC Summit. Before that, our relations have gone through a difficult period, mainly on account of the Punjab situation. The Kashmir issue had not taken on its present dimensions. Even at that time there has been statements by Pakistani leaders stating that the two countries should tackle the easier and more urgent issues first. It was felt by both sides that Kashmir had to be kept on the back burner. In December 1988, a new effort was made to normalize relations, certain understandings were reached between the two Prime Ministers including on the Punjab situation. This process continued till the middle of 1989 and then there was a sharp decline. If we go into the reasons for this, perhaps we would be repeating what we have been saying time and again. We must still mention the assistance provided by Pakistan to terrorists, the virulent statements made by Pakistani leaders, revival of the talk of a 1000 years’ war, organizing of rallies, etc. Then the series of FS level talks was started in July 1990. You also visited India as the Special Envoy of the Pakistan PM. The Foreign Secretary-level dialogue has several achievements to its credit. The temperature of the relationship has been kept even. The outside world was also able to realize that we were talking, working out agreements, making efforts to contain tension. The talks also led to the resumption of dialogue on various bilateral issues, such as the Tulbul Navigation Project, boundary in the Sir Creek area, trafficking in drugs, etc.
However not much progress has been achieved on the essential basis for establishing confidence, which is also really a pre-requisite for full normalization. I had also pointed out to the former Pakistan Prime Minister Benazir Bhutto, when I met her in July 1996 that the fundamental bases and principle for conduct of bilateral relations must be observed. Pakistan was violating these principles by inciting violence, terrorism and secessionism and trying to tarnish India’s image in international fora. The principles to be observed were already enshrined in the Simla Agreement and in various other agreements. All that was needed was an assurance that Pakistan intended to observe these norms. We have now reached the stage where this point must be addressed fully and squarely on the political level. This would be the sine-qua non of normalization of our relations. Through our talks, we are trying to create a climate in which such steps can be possible. The Foreign Secretary level talks perhaps provide the opportunity or framework for such steps to be taken. But the issue must be faced squarely.

Our Prime Ministers also met recently. The meeting went off well. We must capitalize on this and see where and how we can go further.

**Pak Foreign Secretary:** Our talks have indeed helped to reduce tensions and did indicate to the world that we are addressing the issues in a peaceful manner. They were also aimed at preventing confrontationist rhetoric from taking over. A measure of progress has indeed been achieved. I have now been mandated by our PM to refer to the spirit of Harare. Earlier we used to talk about Male spirit. We may claim that the winds from Harare and Male appear to be blowing in the same direction. Our task now is to move forward and to provide a platform for the Colombo meeting.

As our Minister of State just stated in his meeting with you, we are engaged very deliberately as a government in the task of changing the course of our relations away from the past tit for tat attitude.

Earlier statements from either side were always responded to. An attempt was inevitably made to ‘set the record straight’ as it were. We are now trying to move away from this. For example, your PM recently made a statement suggesting that Pakistan had ruled out any form of mediation. In response we gave a measured statement. Our basic approach is to move forward all substantive issues and not allow rhetoric to take over. To enable this process to continue, we must also understand the compulsions on both sides. You have your elections coming up. We have our compulsions to raise the issue in international fora.

There are also some differences in perception. In your view, unless the question of terrorism is tackled, relations cannot improve.
In our view unless the core issue is addressed, normalization would be difficult. We must, therefore, address Kashmir issue. It has been like a cancer affecting our relations. It must be resolved on the basis of the commitments made to the people of Kashmir, and the UN resolutions. The Simla Agreement also requires us to engage in a bilateral dialogue to resolve the issue. No final peace is possible without resolving this issue.

The decline in our relations since 1988 was due to the wide-spread indigenous uprising in the Indian part of Kashmir. This has now gone on for more than two years. The alienation of the people is reflected in the fact that there has been very little participation in elections that have been held there. The Government of India has also not been able to find any interlocutors. We regard Kashmir as an international issue or at least as a bilateral issue. It is qualitatively different from Punjab, Assam or any other part of India. We need to address the various aspects of this issue, including the concern on the human rights question. Pakistan regards this as the core issue, the fundamental issue.

Another matter which is a source of deep concern to us is the nuclear issue. You are aware of our PM’s proposal made on 6 June. The proposal was made in complete sincerity and not for international posturing or to place India in a difficult situation. We would like you to reconsider your stand on this issue. We believe that regional efforts strengthen and not hinder global approach to find a solution to the non-proliferation question. The examples we find in the Pacific or in Latin America further support this view.

We would like to take up the question of all items of mass-destruction; including chemical, biological, conventional, missiles. We could take them up as a package, if we can. If that is not acceptable to India, then Pakistan is prepared to discuss the question of prevention of proliferation of chemical weapons as a prelude to discussion on the other issues.

Our government is ready to engage in a dialogue immediately with your government on this issue. Civil and military experts from both countries could meet to begin discussions on a possible bilateral agreement. Prior to that, the two of us could issue a declaration, pending finalization of the international convention. This would convey to the world and to our people that we mean business.

We would also be glad to engage in discussions to jointly update the biological weapons convention. These discussions need not be at the expert level but could be carried out at the diplomatic level. If there are any specific suggestions that you have in this regard, we could even try to respond before you leave for Delhi.

I would now ask the Additional Secretary Inamul Haq to give you a broader idea of the principles we can incorporate in the Declaration.
Inamul Haq, Addl.Secy. the Declaration of intent could refer to

(a) our decision to ban chemical weapons development, production, deployment or use.

(b) Our commitment to a comprehensive chemical weapons convention.

(c) Willingness to work to ensure that chemical weapons do not spread to other regions and that our own region is free of them.

The Declaration of intent could be issued before experts meet to finalize a detailed agreement.

Pak Foreign Secretary: The Instruments of Ratification of the Agreement on prohibition of attack against nuclear installations and facilities were exchanged on 27 Jan 1991. There was a strictly legal view that the lists of installations and facilities to be protected under the agreement needed be exchanged only on January 1, 1992. However, in some quarters, this raised doubt about the applicability of the Agreement signed between us in the interim period.

We are now prepared to exchange these lists with you before June 1992. We are ready to do this both to make a point and to establish that we are prepared to move forward. We should fix a date and then exchange the lists.

You had earlier spoken about what you saw as major reason for deterioration in our relations. When I came as a Special Envoy of my PM in August 1991, I brought a message of goodwill, seeking to convey our willingness to open a new chapter in our relations and asserted that our commitments in this regard will be fulfilled on the ground. The purport of the message I carried was that this new attitude would be reflected on all fronts. It was a little disappointing that the Indian press interpreted this to mean that progress first be shown on the question of terrorism.

While I agree that interference is an issue that needs to be addressed, this cannot be made a pre-condition for progress in other areas. We also have a similar litany of reports of Indian involvement in our Punjab and Sindh.

When I had called on the Indian Defence Minister during my August visit, he had told me that these issues could only be addressed meaningfully at the political level. Intelligence agencies of both the countries are operating. Interference is taking place. My government is prepared to sit with you at the political level to address this issue.

It is not the policy of the Government of Pakistan to provide support to terrorism. But given the nature of our borders, disaffected people can move across these
virtually open borders, get access to the arms bazars and to opposition politicians. If we are able to jointly tackle the question of terrorism, much can be addressed in confidence-building.

Siachen reflects both the high profile and a futile exercise in confrontation. If it could be resolved at low cost and with prestige to both sides, it would really have high returns. Progress would be facilitated in other areas. Pakistan would like to revive the June 1989 Agreement reached on this issue. We could perhaps begin with an expert level meeting to see how that agreement could be implemented.

The visit of your military delegation last month went off well, even though there had been a few hiccups before the visit began. The military level exchanges have helped to build confidence. The interaction and meeting at that level and the personal relationship that was established are useful and we feel that such visits should be repeated.

In my presentation, this time I am not referring to the building up of Indian troops on the border. This has resulted in a military level interaction. The number of Indian troops deployed on the borders remains the same. Since the visit of the military delegation we have taken stock of the situation, and believe that the confrontation is not for purpose of offence.

On the Wullar issue, positive progress was made particularly with regard to provision of data, which was necessary for confidence building in this regard. I am convinced that if we continue on this path, then before long an accord would be reached to mutual advantage. We must schedule another meeting in New Delhi.

On the boundary in the Sir Creek area, the just concluded Secretary level talks showed a strong movement towards a resolution of this issue. This again is a low cost high return issue. I look forward towards a solution.

On the question of missing Defence personnel, you could consider sending a delegation comprising representatives of such personnel as a one-time exercise. It would not be possible to give them records of all Pakistani jails for the last 20 years as they have demanded. It is virtually impossible to tabulate such records. However they could visit any prisons they like at short notice. We have absolutely no interest in keeping defence prisoners here endlessly.

**Foreign Secretary:** I would now like to refer to some serious incidents that took place on the border, in the Keran and Kirni sectors. These clearly demonstrated that armed militants were getting support to infiltrate. Pakistani troops and the militants were found together.

In one of the incidents, there was an actual infiltration of persons in uniform
along with some in civilian dress who attacked one of our posts from the flank.

In fact, one could call it a semi-war like situation on the border. Some call it a proxy war, though I do not share this view, or a low intensity conflict.

Even in respect of Punjab we have reports of strategy meetings being held in Pakistan. Terrorists roam around in this country. It is not really easy to differentiate between what Pakistan is doing in Punjab and Kashmir.

Pakistan’s efforts at internationalization do not really end up in projecting a favourable image of either country. It also has the effect of sapping mutual confidence.

On the question of defence related confidence building measures, I was glad to have your response. On the question of exchange of lists of nuclear installations and facilities, we will finalize dates after going back and the lists could be exchanged.

On chemical weapons the idea of a declaration deserves attention. My initial reaction is positive. I will, however, have to get the final clearance of my Government. My own idea was that we could work out a bilateral agreement, even while the International Chemical Weapons Agreement was being finalized. In Delhi 5-6 months ago I had an exercise completed in this regard. In case we decide to go in for a declaration, the following should also be added:

(1) A statement that we could be among the first to sign a Convention once it is adopted, and

(2) Resolve of the two countries to act in cooperation to see that the deadline set for finalizing various steps of the Chemical Weapons Convention are adhered to.

In the field of conventional armaments, there is a need for discussion on relevant concepts of reduction of expenditure, deployments so as to make them non-provocative. This could lead on to discussions on military strategy, non-provocative defence. This could provide the basis for further discussion.

On the nuclear non-proliferation issue we are prepared to discuss the subject in the bilateral and regional context.

We are also aware of the changes that are taking place in the world. But, at the same time, we will have to take into account some of the general principles of our nuclear policy. We cannot accept the NPT, or the concept of nuclear-free zones. In fact, we have been able to contribute tremendously to the international disarmament debate by sticking to these principles. The issue that may need to be addressed in such a dialogue could for example, be as to how Pakistan,
which is virtually a nuclear weapon power, will join the NPT. The IAEA has, for example, had long secret negotiations with South Africa. It is possible that there would be a secret understanding between the IAEA and South Africa regarding certain capabilities, and after that it can join the NPT. Will Pakistan make such agreement? We would like to know so that we could even structure our response accordingly.

On the question of biological weapons, we could make a declaration giving the objectives that we regard as relevant in this area. Most of the major powers do not wish to revise the existing Convention, so we may not be able to proceed successfully along this route.

Additional Secretary (Mr. Inamul Haq): We could ask our delegations in Geneva to cooperate whenever the subject comes up.

Foreign Secretary: We also felt that the visit of the military delegation had a positive impact. Some agreements were reached in principle on exchanges and establishing communications between specified sector commanders. We should try and formalize them at an early date.

On Tulbal, we had a very good meeting. A draft agreement was worked out. I understand this now needs to be approved at the political level in Pakistan. I hope this can be done soon and the agreement finally signed.

On sir Creek, there was a movement forward. Discussions should be continued further.

On the question of missing defence personnel, the relatives were somewhat frustrated with the experience of their first visit. Before another visit takes place, it may be necessary to agree on the parameters in advance. I would reiterate once again the importance of convening the next meeting of the Joint Commission. It is virtually a litmus test of any genuine desire to move forward in bilateral relations.

There is also a need to think of trade meaningfully within the ambit of discussions in SAARC. Progress has not been possible mainly because of Pakistan’s stand. I would urge you to review your position. In our own country we had opposition from the Ministries of Commerce and Finance in freeing of trade in the region. But, public opinion, and large sections of the political leadership has responded positively to this idea. One of the main goals for the next SAARC Summit should be to set a specific time-frame 5, 7 or 10 years, for free trade to be established in the region. Instructions should be issued for the parties to negotiate an Accord in this regard.

Pak FS: I would like to once again raise the question of giving us Jinnah House
for the Pakistani Consul General to function in Bombay.

On the question of Hyderabad funds, the latest information that we have received from our honorary Consul in Perth, who is in touch with the Nizam's grandson living there, is that the latter wants the entire money.

There is, therefore, nothing left except for India and Pakistan to join together, go to court jointly and say that the case of Nizam's grandson is spurious and the money should be handed over to us. Their case is actually on legally very weak grounds. On Siachen in order to enable movement forward perhaps the following could be considered:

(a) We should avoid defining where the line should go from NJ 9842;
(b) Pakistan should avoid insisting on India going back to a pre-Simla line;
(c) The question of civilian posts could be examined;
(d) In your maps you could put down the positions from which you would withdraw, but Pakistan should not be asked to sign these maps.

The emphasis should really be on disengagement. Once there is agreement on these points, we could tell our military experts to meet and finalize points to which deployment will take place.

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1269. **Record of discussions of the Fifth Round of Foreign Secretary level talks between India and Pakistan (second plenary session, 2.45 p.m. Islamabad, 30 October 1991)**

*Ministry of External Affairs (IPA Division)*

**Pakistan Foreign Secretary:** We have also agreed in principle on the need to convene the next meeting of the Joint Commission. The difference is only regarding the timing. We feel that it is still a bit early to hold this meeting. There is a need to show some more progress on other issues before this can be taken up. However, if on any substantive issues, meetings are considered necessary between concerned Ministries/Departments of our Governments, these could be organised.

2. On the question of trade in the SAARC region, we will be making a carefully formulated statement at Colombo. Our statement would be in keeping with the spirit of the process of liberalisation that is being introduced in the Pakistan economy. Even while restrictions are being removed, certain checks and balances are necessary. Overall trade balance, the need to protect nascent industry, etc. are important.

3. On chemical weapons, draft declarations could be exchanged at the diplomatic level and experts could then meet to pursue discussions on a bilateral agreement.

4. We were glad to hear that India would look at the nuclear issue somewhat differently from the past. We will now need to examine as to how we could carry the dialogue further, and if further discussions need to be pursued at the Foreign Office level or at some other level. We will also need to coordinate the public projection. We are bound to be asked if the question was raised and what India’s response was, and if it was the same as before.

5. We should also initiate discussions on conventional arms and missiles.

6. On the question of armed infiltration I would like to reiterate Pakistan’s suggestion regarding the need to have a neutral surveillance mechanism.

7. The Government of Pakistan does not support sabotage or terrorism. In fact, we have welcomed the fencing that you are doing in Punjab. If we could afford it we may even have considered something similar. There is also an illegal immigration taking place into Pakistan from Bangladesh via India. This issue needs to be looked at in a more detailed manner. When these people are
caught and turned back, then in India they are often considered as terrorists and killed in the process of crossing the border.

8. The Babri Masjid issue is an internal matter for India. But it does tend to have an emotional fall out here. I hope, therefore, that your Government will be able to maintain restraint on this issue.

9. The dialogue at the Foreign Secretary level must be continued. The sixth round could be projected for early next year.

**Foreign Secretary:**

10. I welcome your statement that in the forthcoming SAARC meeting, your stand would be in the spirit of the process of liberalisation set in motion here. In any free trade arrangements, safeguards are always provided.

11. On chemical weapons we will formulate our response and get back to you very soon.

12. We do not agree that fencing is a good thing. It is a sad reflection on the state of affairs between the two countries. On the question of neutral surveillance mechanism, I need not repeat our position. There is no doubt in any body’s mind about what is going on.

13. We accept your suggestion regarding the sixth round. Despite oft-repeated scepticism the utility of these talks is well demonstrated.

14. I would like to draw your attention to the proposal made by us in October 1989 for a clean slate exchange of security prisoners. This issue had also been raised with PM NS when our then Prime Minister had met him in Male. He had stated that he would have the matter expedited. Pending a clean slate exchange certain individual exchanges could be worked out. The relatives of Ravinder Kaushik and Roop Lal Saharia have been pressing their cases. Apparently, the families are in dire state.

15. The harassment of our diplomats in Islamabad and Karachi continues. During our last round of talks you had indicated that Pakistan might give us a Non-Paper on the subject. This should be worked out at an early date. Otherwise they tend to take a wrong turn and there is pressure for us to retaliate. One can understand the purpose for surveillance. But the method adopted should not leave any trace of bitterness.

16. We also understand that the Government of Pakistan has become very restrictive on the grant of EPR visas even to those visiting for less than 14 days. This is a retrogressive step, not in keeping with the decision taken at the 1989 meeting of the Joint Commission.
17. Pakistan has also imposed the requirement that passports of Indian nationals should be valid for one year, before they can be considered for grant of visa. We have not imposed any such requirement. In fact, we have even removed the earlier requirement of six months validity.

18. Over the past two years, we have had recurrent problems with the visit of Hindu pilgrims. On three occasions these visits have been postponed very often permission is granted at the last moment inconveniencing the pilgrims. In the recent visit to Shadani Darbar, the number of pilgrims allowed was arbitrarily reduced from 400 to 200. The leader, Sant Govind Ram, was also denied visa.

19. On controlling drug trafficking and smuggling we find that the information coming in from Pakistan is inadequate and delayed. This mechanism for exchange of information should be made more effective.

High Commissioner Dixit:

20. In a situation where Sikh pilgrims face no problems, but the Hindu pilgrims run into difficulties, the situation tends to take on a serious political colour. This aspect should be kept in mind.

J.S (IPA):

21. There is also a feeling that several of the missing defence personnel could have been listed as prisoners.

Pak Foreign Secretary:

22. We will have the question of exchange of security prisoners examined.

23. I will work on the Non-Paper, on the question of harassment. In fact, it is not only your diplomats, but visa seekers at the High Commission, and visitors to your houses who are also getting harassed.

24. On the question of restrictive grant of visas by Pakistan, we feel it may be useful for our Interior Secretary to have discussions in India. We consider the bilateral agreement to be sacrosanct. If there is a need to change some of the provisions, and I believe there is, then we should sit down and work them out together. In case there are any difficulties for you to have formal talks with the Interior Secretary, he could even go to India, for instance, to inspect our consular facilities. The subject could then be discussed with him by (y)our officials at an informal level.

25. We had to postpone the visit of the Cricket Team because we did not want to risk derailing the process in which we are engaged. This could get complicated if any incident took place.
26. We should exchange the Instruments of Ratification of the Agreements on Advance Notification of Military Exercises and Prevention of Air Space Violations at an early date. We are ready with our Instruments.

27. The Pakistan Cabinet has approved the agreement. It is awaiting President's signature. With one of the agreements there is some difficulty here regarding the manner in which the border has been described.

1270. Record of Foreign Secretary’s Call on the Prime Minister of Pakistan Nawaz Sharif.


FOREIGN SECRETARY: Sir, the two delegations have held a whole day of discussions. Out of the five rounds of Foreign Secretary level talks held so far, this has been the round which covered the maximum number of subjects. This shows that the level of the bilateral dialogue has enhanced. The scope of the talks has also widened. Issues which were previously considered to be taboo have been discussed. Certain other issues which may appear to be routine but which can make a perceptible impact on the climate of relations have also figured in the discussions. The discussions so far have been particularly successful since an agreement is now available on Wullur. What remains is a political decision to conclude a formal agreement. On the issue of Sir Creek also, the two sides have had a detailed exchange of views on the principles which are to govern the delimitation of the maritime boundary. The Indian position has shifted away towards the Pakistani position. This reflects the mood that the two Prime Ministers have created. The Indian Cabinet has approved a brief for this shift in our position. No agreement has been reached so far but significant progress has been made towards solving the issue.

2. We have also discussed in quite some detail various issues of disarmament. Some tentative understanding has been reached on some of these issues, especially on chemical weapons. We have discussed the possibility of concluding a bilateral declaration on the manufacture, deployment and use of chemical weapons by the two countries which would perhaps also include a declaration committing the two countries to sign the International Convention on chemical weapons. Similarly, on biological weapons also, the
two sides have discussed the possibility of a declaration on common perceptions in this area in respect of development and use of biological weapons. We have also made some proposals on conventional weapons. Our proposal is basically as to how to define non-provocative defence posture, and how such a doctrine is to be mutually perceived. The response from the Pakistani side is awaited. We have also discussed the disarmament issues with regard to nuclear weapons. We hope we would very soon respond to the Pak proposals.

3. The discussions have been imbued with the ‘Harare Spirit’ generated by the meeting between the two Prime Ministers. The ‘Harare Spirit’ has guided the talks and will continue to do so.

4. We have also discussed Siachen. We have informally exchanged views on this subject and have come to some understanding which can provide a very good basis to move forward. Obstacles are there and continued political signals will be useful and necessary.

5. **Prime Minister Nawaz Sharif:** I deeply appreciate the fact that the discussions have proceeded satisfactorily.

6. In Harare, I was deeply impressed by Prime Minister Rao’s sincerity to resolve all outstanding issues through bilateral discussions. I wish this process between our two countries had begun earlier. But it is never too late to begin. We also decided at Harare to resolve all outstanding issues as quickly as possible.

7. I have just discussed with Foreign Secretary Shaharyar Khan and High Commissioner Sattar the prospects of the bilateral talks. Now is the time to take up seriously and resolve once and for all these outstanding issues. Since partition our two countries have made efforts now and then to resolve the issues. They have gone to war and they have tried to resolve at the same time some of the issues. Now we realise how important and serious the quick resolution of these issues has become. Prime Minister Rao is seriously interested in resolving these issues.

8. I am happy that progress has been made on Wullur, Sir Creek, Siachen and chemical and biological weapons. Similar progress should also be made on Kashmir and nuclear weapons. We should pursue the effort and see if we can have some understanding. This can lead to a cut in the defence budget and a diversion of much-needed resources for the social sectors. It is senseless to keep on increasing the military budget. We can put an end to this cycle provided we have bilateral agreement and we are mutually confident of each other.

9. The ‘Harare Spirit’ must be kept up and maintained. I have had good
discussions with Prime Minister Rao in Harare. I look forward to meeting him in Colombo. Between these two meetings efforts should continue to pave the way for finally solving these outstanding problems. I am aware that some of issues are complicated and may take time to solve. But the effort should be to pave the way for a meaningful meeting in Colombo.

10. Each time we meet we should not repeat the same things. We should concentrate on solving problems and moving forward.

11. When I came back from Harare, people asked me what was discussed. Our papers have recently reported Prime Minister Rao as saying that no discussion on Kashmir had taken place at all. I am facing criticism that I am selling out on Kashmir. Some days ago, Benazir Bhutto also attacked me in this regard. It is surprising that even leaders of that stature are not being politically responsible. I can understand if ignorant people say such things. My reply to our press reports has been that Prime Minister Rao could not have said this (on Kashmir not figuring at the Harare meet).

12. If the Americans and the Soviets can improve their relations, if China and Soviet Union can normalise their relations, if Israel and the Arab countries can sit together, why not India and Pakistan? Both our countries will be losers unless they sit together and resolve the outstanding issues between them.

13. **FS:** The compulsions facing our two countries are even greater in this respect.

14. **PM NS:** I agree. If these countries could do it, we could also make serious efforts to resolve our problems once and for all. I am particularly glad about what you have said on the nuclear issue. If the understanding of our two countries is to talk to each other, this is excellent, honourable and dignified rather than going to another country. Once we resolve this issue, we can consider a No-War-Pact between two countries. We can move forward on many of these issues which will enable our two countries to reduce our military expenditure and to productively use scarce resources. The present day climate in the international scene is for peaceful resolution of issues and to concentrate on the priority tasks of economic development and progress.

15. [The meeting lasted for 20 minutes. From the Indian side, High Commissioner Dixit and JS(IPA) were present. On the Pakistan side, Foreign Secretary, Mr. Shaharyar Khan, Additional Secretaries, Mr. Inamul Haq and Mr. Tayyab Siddiqui and High Commissioner Mr. Abdul Sattar were present.]
16. [Prime Minister Nawaz Sharif and Foreign Secretary held a one-to-one meeting which lasted for 35 minutes.]

Sd/-
30.10.1991

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1271. Call by the Indian Foreign Secretary on Mohammed Siddique Khan Kanju, Minister of State, Pakistan Ministry of Foreign Affairs.


Kanju: It is our earnest desire to live in peace and to settle all differences with you. In earlier years, we have headed towards confrontation. Fortunately, the trend is now changing. Winds of change have affected countries all around us. Some of them have progressed faster than us, even though their developmental processes began later than ours.

I have been following very closely your dialogue with Shaharyar Khan. I am glad to note that some progress has been achieved. My Prime Minister is very keen to move forward. I can assure you he is very sincere. He does not say too much, but he means what he says. I am personally very encouraged and satisfied with the meeting he had with your Prime Minister at Harare. There were differences in perception but there was a clear realization that we have to live together.

Foreign Secretary: We have been engaging in this dialogue in the midst of great controversies. Political statements and positions have made our task difficult. We have not really been able to achieve a major breakthrough. But we feel satisfied that we have been able to maintain a climate of restraint in our relationship.

We have also unfrozen the dialogue on some issues. Of course, bigger issues can be resolved only at the political level. Our perceptions on some of the major issues have been different, but I would like to mention one thing which our public opinion feels very strongly: there is a widespread feeling that there is no point in our carrying on these bilateral discussions unless the basic, minimum norms of conducting bilateral relations are maintained. There
is strong national sentiment against Pakistan’s active involvement in supporting terrorism and subversion in India. Very recently, our EAM met a group of five or six leftists. The latter came up with the extraordinary suggestion that given this support to terrorism, a bilateral dialogue would only encourage communalism in the country. We have not accepted this suggestion. I am an incorrigible optimist and am firmly convinced that we need to keep the dialogue going.

Kanju: You talk about our interference in India’s affairs. But you must realize that there is a very considerable and lengthy background. Our relations have not been what they ought to have been. But whatever the historical antecedents, we must try to work for overcoming the more than four decades of hostility. I am especially keen that we should prepare the ground for the forthcoming meeting between our two Prime Ministers.

You have mentioned some grievances India had with our policy. On our side also we have a very long list of complaints. We have to overcome these problems and leave them behind. We must sit together and resolve all issues - on the basis of principles which we can project to the public in both our countries. I realize that this will not be an easy task. But big and difficult issues have been resolved in the past and by men such as you.

Sattar: I have a thought. If we calculate the costs incurred by India and Pakistan over all the years of confrontation, I am sure that they would be more than the combined total of our external debt. This needs to be researched.

High Commissioner—Shri Dixit: Everyone realize that confrontation has involved wasteful expenditure and so also our need to utilize our scarce resources for more productive purposes. But this realization is at the normative level and our task is to translate it into action. For this, Sir, we need political will and direction. We should also try and get small irritants out of the way.

Kanju: I agree.

FS: The loss of economic opportunity as a result of confrontation policies can be calculated at three levels:

(a) the effect of being in a state of actual conflict;
(b) incurring of the high military expenditures and, most important,
(c) lost economic opportunities. I refer specifically to the creation of economic structures in the adversary that would have resulted in complementary, not competitive economic interaction.
Kanju: We have defined the task before us. You gentlemen have to find the way.

FS was accompanied to the meeting by the High Commissioner and JS (IPA). Pakistan MOS was assisted by Foreign Secretary Shaharyar Khan, High Commissioner Sattar and Additional Secretary Inam-ul-Haq.

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1272. Record of the Foreign Secretary’s Call on Pakistan Secretary General of Foreign Affairs Akram Zaki.


FOREIGN SECRETARY: We are meeting in the fifth round of talks. The talks so far have gone off very well. An interesting feature of the talks this time is that the two sides are talking on a whole series of bilateral issues which have either been deadlocked or been frozen for a long time. The talks have made distinct progress. Even on complicated issues such as Tulbal, Sir Creek, etc. some guarded optimism can be expressed about the prospects of resolving them.

2. We discussed the issue of Siachen thoroughly. This is an issue where several levels of Government are involved - civilian as well as military. In the talks, we have come to a conclusion that if what I may call the philosophical and the political and juridical aspects could be kept out, and if the two sides could concentrate on the disengagement of forces without either side taking advantages, we are probably not too far apart. It is important to put behind sticking points such as whether there should be a record in respect of the points from where we are to withdraw or as to whether we are indeed withdrawing to the 1972 point, etc. If the political leadership could be convinced about the need for a pragmatic approach, experts of the two sides could meet for a final look at the issue. There is no doubt that Siachen is a tragic issue involving heavy loss of life and crores and crores of rupees of infructuous expenditure.

3. As regards the crux of the issues (as far as normalisation of relations is concerned) we have reiterated our respective positions. But the main thing is that this has to be tackled at a political level. The officials of the two sides can at best clarify points and remove the emotional overtones but the tackling of the issue substantially has to be at the political level.
4. **AKRAM ZAKI:** You have given a hopeful scenario for the future. I agree that what is needed at the political level is that the old thinking is no longer valid. Fresh thinking is the order of the day everywhere in the world, as manifest in the dramatic changes in Soviet-American relations, the Sino-Soviet disengagement and the new beginning in their relations as well as in the process of the Middle East Conference.

5. In both our countries a new leadership has emerged. They have several advantages which can help the future of relations. Firstly, in Pakistan a leadership has emerged after a long time from Punjab, the central part of Pakistan. Punjab is the bastion of a certain attitude of inflexibility. Secondly, the present leadership has a substantial mandate and this mandate is not restricted to Punjab alone but is derived on the basis of a broad national consensus. Thirdly, this is a Government that has taken political risks and has not marked time. The agreement on the sharing of Indus waters and the division of resources between Centre and provinces are examples of this. If Nixon could visit China and normalise relations, the Punjab leadership can also negotiate improvement of relations with India and convince the people of Pakistan.

6. I should not perhaps say it but in India also, there has been a shift in the regional aspect of the leadership and this has diminished the personal aspects of the leadership as regards relations with Pakistan.

7. Thus, a favourable climate is today obtaining for the improvement of Indo-Pak relations. The leadership of both the countries is now seriously committed to social and economic advancement of the people. Our Prime Minister is committed to a relaxation of tensions with India as well as to proceed with cooperation within the framework of SAARC so that the tackling of the priority task of achieving economic progress becomes possible.

8. The core issue in the relations is Kashmir. If a dialogue commences on this issue, something can emerge. The dialogue must commence and should be with a sense of realism and understanding. There is a permanent need for peace and security in the region. Kashmir is an important issue to be tackled at the political level but the officials between the two countries should recommend this to the political leadership.

9. **FOREIGN SECRETARY:** The process has already started in Harare. We look forward to Colombo. We are vehicle to convey the message. And we will certainly do that.

10. **AKRAM ZAKI:** If the legacy of tension can be put behind and if freer relations will be available for our countries to move into the 21st Century, that will be achievement enough.
11. The meeting lasted for 25 minutes. From the Indian side High Commissioner and JS(IPA) were present. From the Pakistan side Foreign Secretary, Mr. Shaharyar Khan, Additional Secretary, Mr. Inamul Haq, and Director (India-P), Mr. M.S. Bhatti, were present.

(M.K. Bhadra Kumar)
Deputy High Commissioner
30.10.91

1273. Record of Foreign Secretary’s Call on Pakistan President Ghulam Ishaq Khan.


FOREIGN SECRETARY: I am grateful, Sir, for finding time to receive me amidst your preoccupations with the visit of the Chinese President. I understand that till late last night you were away in Lahore.

2. I convey the greetings of our President and Prime Minister.

3. Our two delegations are now meeting for the fifth time. Looking back, one does derive some sense of satisfaction, however limited, at the progress that has been made in these rounds. We have been able to put in place a framework for the military of the two countries to consult each other and to defuse tensions on the border. At the current round, we have also begun to unfreeze some bilateral issues that have not been discussed for a long time. In this round, we have also been able to discuss various disarmament issues.

4. India’s stand on the disarmament issues is influenced by global considerations. On moral grounds and in terms of the realities of nuclear weapons, India’s stand rests on strong principles. But we realise that there are regional impulses in the context of the recent international changes.

5. Some understanding has been possible on Wullur after years of negotiations. The discussions in the current round have been in-depth and substantial. Our side has clarified several technical details for the benefit of the Pakistani side. And we have reached an understanding on the subject. We hope that in the next six months to one year, if these discussions are sustained and political guidance is available, there is no reason why we cannot reach an agreement. We look forward to your guidance, blessings and political signals.
6. **GHULAM ISHAQ KHAN:** We desire not only to mend fences with India but also to extend cooperation with India. We must realise that we have many points of common interest. We look at the meetings as something positive. They bring our two countries closer and enable the two sides to understand each others’ positions and to join a dialogue. If Shaharyar Khan says that these talks are an excuse to meet, that is also good enough. But there must be some progress, however small such progress may be. Our people should also feel so.

7. On the nuclear issue, we know India’s position. NPT is discriminatory. However, there are growing global concerns on this issue. I personally consider that instead of major powers pressurizing us in this regard, they should make access to technology for peaceful purposes easier for third world countries whether it is for nuclear technology or for technology to protect the ozone layer. We must realise that the global problem differs from the regional problem as far as disarmament is concerned. Big changes are also taking place in the world, which were not previously imaginable. The changes in the Soviet Union, Soviet-American relations, etc. are examples. Bilaterally, the problem is much less serious. The major powers cannot impose a solution unless the two of us agree. But as well wishers they can guide us and thereby satisfy global concerns. With this in view we have made our proposal for the five countries (USA, USSR, China, Pakistan and India) to discuss this matter regionally. It is good that you have agreed to starting a dialogue on this subject.

8. When Ambassador Robert Oakley returned to Islamabad after his holiday in Kathmandu in the middle of this year, he said that he had met you and you had expressed a desire for some sort of India-Pakistan agreement on chemical weapons. I asked Oakley why this should only be for chemical weapons. Our concern should be in respect of all weapons which generically can be described as weapons of mass destruction, including biological and nuclear weapons. Later when Shaharyar Khan visited Delhi as the Special Envoy he received a similar signal from you. My own personal reaction continues to be that we should address this issue generically. If there are difficulties in proceeding like this, if all the issues cannot be taken up together, we should discuss them one by one. This is a practical aspect. The important thing is that we should cover all weapons. Any progress in this area will be of great help.

9. As for other outstanding problems, there are difficult problems and less difficult problems. As for Wuller barrage, there are technical difficulties which could be solved. I have been associated with this issue for quite some time. I recently read that the ‘Hindu’ of Madras had reported that there has been some positive agreement on Wuller. This is good. But does the fundamental issue been resolved? The point is that irrespective of Wuller being a barrage or a navigation project, Pakistan should have been informed about India’s intention to undertake the project. We knew about it 18 months after India had begun
the project and after India had spent Rs. 18 crores on the project. On Siachen also instead of your troops moving into positions, we should have been informed that the troops have reached a particular point. Your actions created difficulties. On Wuller, the Indus Water Treaty provides for storage of a certain quantity of water but the barrage under construction involves larger quantities of water. Therefore, it is not a navigational channel. India should have consulted us. Through discussions, the design of the project could have been changed to allay our fears. We have the example of Salal Project.

10. **FS:** Sir, you are very much knowledgeable about these subjects. Our own memory is only of a year or so.

11. We have amended the data on Wuller project. We have also given clarifications on all technical issues to the Pakistani side.

12. Sir, on the issue of Sir Creek, for the first time, we have indicated a movement from our stand. The Pakistani response is awaited. There has been progress on this issue also.

13. As for Siachen, we have had very detailed discussions. We have some level of understanding of the elements that can go into a package of agreement regarding keeping men at such a high altitude. If we set aside the philosophical and what I may call the juridical aspects, and if the two sides can concentrate instead on the disengagement of forces without either side taking advantages, we can resolve the issue.

14. I may clarify that our proposal on chemical weapons is not intended as a substitute for general disarmament but because publicly both India and Pakistan have been proceeding on the basis that we do not have and we do not intend to have chemical weapon programmes. We have been putting pressure on our armed forces to abide by our position not to develop chemical weapons. But recently the US Naval Intelligence reported that Pakistan is developing capability in chemical weapons. We are again facing pressure from our armed forces. Therefore we have said that incorporating the elements of the International Convention we should arrive at a bilateral agreement which ensures that neither side slides into a chemical weapon programme in the interim prior to the conclusion of the International Convention.

15. **GIK:** I agree that is a good thing. But we should also include nuclear weapons which are much more dangerous. At any rate it is a good thing that we are discussing these issues. But I must mention that with all the paraphernalia that the US has, its Intelligence had propagated about Iraq’s nuclear weapon programme. In the end, the actual situation has shown to be that Saddam has been having some experiments. The rest has been US propaganda. The point is that chemical weapons are not new to modern warfare. I was a student of Chemistry. In World War I chemical weapons were used mustard gas etc.
Laboratory experiments are one thing but it is extremely expensive to develop a delivery system. India may be richer (to develop such delivery systems etc.). Pakistan is not. The US Intelligence had mentioned so much about Iraq’s chemical weapon programme to the extent of maligning it. It is not that I have much love for Saddam but all that is proven is that Iraq has some projects to manufacture chlorine. Therefore, we should not regard US Intelligence pronouncements to be unduly important. If the two of us can agree on the disarmament issues, that is enough.

16. FS: We have also come to an understanding on the exchange of lists relating to the agreement on non-attack on the nuclear installations of the two countries. Sir, we are prepared to discuss with the five countries the issue of nuclear weapons in the region. But we are not aware as to what to discuss. If it is NPT that is to be discussed, we cannot do so.

If through bilateral discussions we can get to know what is to be discussed it will help us to prepare for the future.

17. GIK: I agree. Your position is understandable. It is perfectly justifiable if you need more time. Recently Argentina and Brazil renounced the use of nuclear weapons. We should also have a similar agreement. God forbid if either India or Pakistan is forced to use nuclear weapons against a third country that is another thing, but bilaterally we should renounce the use of nuclear weapons.

18. Prime Minister Nawaz Sharif said that he had a very good meeting at Harare with your Prime Minister. I am glad about the steps that have been taken.

19. FS: The spirit generated in Harare has indeed guided us in our current discussions.

20. [The meeting lasted for 25 minutes. From the Indian side, High Commissioner Dixit and JS(IPA) were present. From the Pakistan side, Foreign Secretary Mr. Shaharyar Khan, High Commissioner Mr. Abdul Sattar/ Additional Secretaries in the Foreign Ministry, Mr. Inamul Haq and Mr. Tayyab Siddiqui were present.]

Sd/-
31.10.91

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Press Statement issued on the 5th Round of Foreign Secretary level talks.


The fifth round of talks between the Foreign Secretary of India, Mr. Muchkund Dubey, and the Foreign Secretary of Pakistan, Mr. Shaharyar Khan, took place in Islamabad on 30-31 October, 1991.

During his stay in Islamabad, the Foreign Secretary of India was received by the President and the Prime Minister of Pakistan. He also called on the Minister of State for Foreign Affairs and the Foreign Affairs Secretary-General.

The talks were held in a cordial and frank atmosphere. The two sides covered the entire range of bilateral issues and also exchanged view on international issues of mutual interest.

The two sides expressed satisfaction at the outcome of the meetings on Wullar barrage and on the Sir Creek.

They discussed issues relating to disarmament and the banning of weapons of mass destruction. They agreed to consider issuing a joint declaration on chemical weapons. They also agreed to convene a meeting of experts of the two sides at mutually convenient dates to exchange views on a bilateral agreement to ban the development, production, deployment and use of chemical weapons.

The two sides agreed to exchange the coordinates of their nuclear installations and facilities in pursuance of the agreement on the prohibition of attack against nuclear installations and facilities between Pakistan and India on a date to be mutually agreed upon before the 1st of January, 1992.

The two sides discussed the Siachen issue and agreed that the dialogue on Siachen should be resumed at an early date.

The two sides recalled their agreement in principle, arrived at the fourth round of talks, regarding the convening of the sub-commissions of the Joint Commission and agreed that the sub-commissions would meet at an appropriate time on mutually convenient dates.

They agreed that the following meetings may be held prior to the next round of the meeting of Foreign Secretaries:

The Wullar project; the Sir Creek; and Chemical weapons.

The two Foreign Secretaries agreed to hold the sixth round of talks in New Delhi in early 1992.
Media Briefing by the Pakistan Foreign Office Official Spokesman on the 5th Round of Foreign Secretary level talks.

Islamabad, November 1, 1991.

"Some unfreezing of the situation has taken place on the issues of Wullar Barrage and Sir Creek during the recent contacts at the official levels," said the foreign office spokesman, briefing newsmen in Islamabad on November 1. The spokesman said that in view of this unfreezing and "some progress made, it was expected that advance could be made towards the settlement of these two outstanding issues in future meetings."

"I think at this stage, perhaps it may not be appropriate to go into details of the discussion," he added.

To a question if he was aware of a summary put up to the Cabinet by the Ministry of Water and Power which reportedly tended to accept the Indian position, the spokesman said: "Your information seems to be more up-to-date than mine."

He also referred to the discussion on Siachen conflict during the meeting of the Foreign Secretaries of India and Pakistan and said the two sides had agreed that the dialogue on this issue needed to be resumed. They agreed that the dialogue would be resumed at an early date with the view to implementing the June 1989 agreement.

According to the spokesman, Pakistan Foreign Secretary Sharyar Khan recalled during the meeting with his Indian counterpart that in June 1989 meeting of the Defence Secretaries, an agreement had been reached which remained to be implemented and that two meetings at the military-level had taken place without any forward movement.

The spokesman clarified that some differences had cropped up during the two military-level meetings which were resolved at the Foreign Secretary-level meeting and now the dialogue on Siachen would be resumed.

Answering a question, he said while there had not been a major thinning out from the previous position of Indian troops deployment "they are no more in an 'offensive position' on the borders."
On the Kashmir issue, he said the Foreign Secretary pointed out to his Indian counterpart that the right to self-determination promised to the people of Jammu and Kashmir by the UN and by both India and Pakistan had not been exercised by them.

1276. **Text of Resolution on Kashmir Issue adopted by the Organisation of Islamic Conference.**

*Dakar (Senegal) 9-12 December, 1991.*

The sixth Islamic Summit Conference held in Dakar, Republic of Senegal, from December 9 to December 12

*Reaffirming* the principles and objectives of the Organisation of Islamic Conference which emphasizes the common goals and destiny of the peoples of the Islamic ‘Ummah’:

*Emphasising* the purposes and principles of the UN Charter and recalling the UN resolutions relevant to Jammu and Kashmir

*Recalling* that the Simla agreement signed between the Governments of India and Pakistan calls for a final settlement of the Jammu and Kashmir issue:

*Reaffirming* also the importance of the universal realization of the right of peoples to self-determination enshrined in the Charters of the organization of the Islamic Conference and the UN:

*Expressing* concern at the alarming increase in the indiscriminate use of force and gross violations of human rights committed against innocent Kashmiris:

1. **Calls** for a peaceful settlement of the Jammu and Kashmir issue in accordance with the relevant UN resolutions and as agreed upon in the Simla agreement.

**Violation of Human Rights Condemned**

2. **Condemns** the massive violation of human rights of the Kashmiri people and calls for the respect of human rights, including the right to self-determination.

3. **Calls** upon India to allow international human rights groups and humanitarian organizations to visit Jammu and Kashmir.
4. **Notes** the continuation of dialogue between India and Pakistan and encourages further negotiations with a view to resolving their outstanding differences through peaceful means and affirms that a sustained dialogue is essential to address the core of the problems and to remove the basic causes of tension between India and Pakistan.

5. **Expresses** its deep concern at the prevailing tension that threatens security and peace in the region.

6. **Calls** upon India and Pakistan to redeploy their forces to peace-time locations.

**Good Offices Mission**

7. **Endorses** the decision of the twentieth Islamic Conference of Foreign Ministers to send a good offices mission under the chairman of the Islamic Conference of Foreign Ministers with a view to easing the tension between the two countries and to promoting a peaceful settlement.

8. **Requests** the Secretary-General to send a three-member fact-finding mission to visit Jammu and Kashmir as decided by the 20th Islamic Conference of Foreign Ministers, and submit a report to the Secretary-General.

9. **Also** requests the Secretary-General to present his report on the implementation of the provisions of this resolution at the 21st Islamic Conference of Foreign Ministers and at the 7th Islamic Summit.

10. **Decides** to consider the Jammu and Kashmir dispute at the 21st Islamic Conference of Foreign Ministers and at the 7th Islamic Summit.

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1277. India’s asked to accept Pakistan’s demand to reduce the staff strength of Indian Consulate General in Karachi from 64 to 20.


India rejected on December 31 1991 as ‘unacceptable’ the Pakistan demand to drastically slash the staff at the Indian Consulate-General in Karachi, an Indian government spokesman said in Delhi.

Foreign Secretary J. N. Dixit told Pakistan High Commissioner Riaz Khokar that because of the heavy consular work load in Karachi, it would be “illogical” to reduce the staff strength from 64 to 20.

“Mr. Dixit and I just discussed the issue and I was asked to convey certain decisions of the Indian government to mine,” the Pakistani High Commissioner said.

The Spokesperson of the Indian Ministry of External Affairs said “We have conveyed that the Pakistani decision is not acceptable, as it is not in consonance with the spirit of the code of conduct regarding the functioning of the diplomatic establishments of the two countries,” and added that “now the ball is in their court”.

He said the Indian rejection of the Pakistani demand also stemmed from the fact that it was “unilateral”. “We issue 700 visas daily from Karachi, and despite the recent Pakistani advisory to its people (to avoid travel to India), we have given out 8,000(sic) visas,” the spokesman said.

[The Pakistani warning came in the wake of the razing of Babri Masjid in Ayodhya.]

Mr. Dixit told Mr. Khokar that statements by Pakistani officials about the mosque’s destruction “only served to heighten tensions and generate extremist communal sentiments both in India and Pakistan.”

In Islamabad Pakistan Foreign Secretary Shaharyar Khan said also on December 31 that it had the right to ask India to slash its consular staff in Karachi.

“A receiving state can decide how many diplomats and staff members a guest country should have. The right is given under the Geneva Convention for diplomatic relations,” he said, and added that in a recent bilateral agreement signed in October 1992 it was agreed that there should be a balance in diplomatic staff between the two countries.
“The number in Karachi is too many. They have 64 and we have only two diplomats and one official in Bombay,” he said.

“We have received the text of the Indian refusal from our ambassador and we are studying it,” he added while declining to make any more comment.

[Meanwhile, diplomatic sources in Islamabad said that India has hinted to Pakistan that if it insists on India reducing its staff in Karachi, India may ask Islamabad to reduce its staff at the embassy in New Delhi. The refusal and Pakistan’s insistence has worsened tension in the already strained diplomatic relations.]

Foreign Secretary Shaharyar Khan called the Indian High Commissioner, Mr. S. K. Lambah, to his office and reaffirmed the government’s decision to scale down the Indian Consulate-General office staff from 62 to 20, according to a statement issued on January 4 by the Foreign Office. The statement said Mr. Shaharyar conveyed to Mr. Lambah that the government’s decision was based on the need to maintain a balanced representation in accordance with the code of conduct signed between the two governments

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Meeting between Prime Minister P.V. Narasimha Rao and Pakistan Prime Minister Nawaz Sharif on February 2, 1992 on the sidelines of the meeting of the World Economic Forum.

Prime Minister Nawaz Sharif and Prime Minister, Mr. P.V. Narasimha Rao, reaffirmed their determination on February 2 that they will strive to bring peace, stability and progress to their two countries.

The two Prime Ministers expressed these views after 55 minutes of one-to-one talks at the World Economic Forum meeting in Switzerland.

Mr. Nawaz Sharif said: "We had very good talks. Mr. Rao is a good man; that's why our talks were also very good."

"We had talks in Zimbabwe in October last and had decided to solve all our issues peacefully and through negotiations. The talks at Sri Lanka, last year, also were imbued with the same spirit. I am sure that this series of talks will have positive results. We will meet again at Rio de Janerio in June this year during an international conference," he added.

He said the Foreign Secretaries of India and Pakistan will continue their meetings to discuss the details of all issues and the mechanism of solving them, "I am sure that the two Foreign Secretaries will make further progress in a positive manner," he added.

Asked whether the two leaders discussed improvement and expansion of economic relations, Mr. Sharif said: "I suggested to Mr. Rao that while we are busy in political negotiations, we also should discuss economic question. Both the countries are introducing economic reforms but these reforms will be rendered useless if the political relations between the two countries go on deteriorating." “Because of this, it is all the more essential that we improve our relations quickly”, he added.

He said: “Let 1992 be the year of reconciliation between Pakistan and India. Mr. Rao also expects that relations will improve. We will keep talking to each other as this is the way to solve all issues and problems”.

Asked whether they have moved from generalities to specifics of the issues involved, he said the issues stand identified. “We now hope to make progress for their settlement”, he added.

The Indian Prime Minister was asked what specific progress has been made in the talks since the two Prime Ministers met in Harare in October last. He replied “Our talks are not in the nature that we should be regularly reporting progress
in the discussions. When talks are held at our level, then the effort is to understand and know each other. We also are trying to understand each other’s apprehensions, problems and constraints so that steps to promote friendship and good relations can be undertaken. We cannot report each time we meet that we have moved so many steps forward. We take an overall view of all the issues while the Foreign Secretaries handle the nitty gritty part of the issues”. He said the two Foreign Secretaries meet in March and “they will examine as to how far we have moved ahead in solving the specific problems”.

Asked whether the Kashmir dispute came up during talks, Mr. Rao said Kashmir is always covered in the talks. Kashmir is part of the problem of issues between the two countries. “We discuss the entire gamut of issues. It (Kashmir) is a part of the issues,” he added.

He said “It is good to talk but there is no secrecy about our talks. We have nothing to hide from our Foreign Secretaries. We have created a good atmosphere. We should take advantage of this situation. We have been meeting each other at international conferences but the Foreign Secretaries meet more often. We wish that we could meet more often.”

Asked what is the difficulty in holding more one-to-one meetings between the two Prime Ministers, he said: “Wish you know how a Prime Minister functions and how busy he remains always.”

Asked whether the two Prime Minister discussed the nuclear issue, he said: “We discussed all issues that are outstanding.”

Asked whether he will visit Pakistan, Mr. Rao said: “I will like it very much but no date has been set. Similarly, Mr. Nawaz Sharif wishes to visit India.” he added. Mr. Nawaz Sharif interjected: “I have invited Mr. Rao to visit Pakistan but when.. he will make the visit only Mr. Rao will tell you.”
1279. Briefing by the Official Spokesman of the Pakistan Ministry of Foreign Affairs declining to clarify Prime Minister Nawaz Sharif’s remarks that Kashmir could choose to be independent.


The foreign Office declined on February 19 to comment on the reported remarks of Prime Minister Nawaz Sharif made in Tehran that the Kashmiris in their right for self-determination could choose to become an independent nation. Mr. Sharif had said in a BBC interview that if the right to self-determination was exercised by the Kashmiris, of course, they would have a right to decide whether they wanted to be independent*.

The spokesman of the Foreign Office told the media at the weekly news briefing that he himself had read these reports but if there were any comments to be offered, then the Prime Minister himself would speak. He reiterated that Pakistan always maintained that the Kashmir dispute ought to be resolved peacefully according to the wishes of the Kashmiris in accordance with the UN resolution in the spirit of the Simla Agreement.

Asked to give a categorical reply whether this third option of an independent Kashmir had ever been considered in the Foreign Office, he did not contradict this assumption but added that the Foreign Office deliberates continuously on Kashmir with a view to expediting a political and peaceful settlement of the Kashmir issue under UN resolutions. Pakistan had raised the issue at several international forums and would continue to do so, he added.

Asked if the march to the LOC by the JKLF had changed the views of the government, the spokesman said that the march had brought the issue to the notice of the international community as also the desperation of the people of Kashmir on both sides because of their denial of self-determination by the Indians.

He said, Minister of State for Foreign Affairs Siddique Kunju wrote to the UN Secretary-General on February 13 and drew his attention to the grave situation

* The Pakistan Minister of State for Foreign Affairs Siddique Kanju while addressing a press conference in Islamabad on February 20 clarified that "Pakistan is not pursuing any option for independent Kashmir and is committed to the right of self-determination for the people of Kashmir in accordance with the UN Security Council resolutions. He said that the remarks of the Prime Minister in Tehran to the BBC were misinterpreted. Nawaz Sharif in his remarks to the daily NEWS on February 21 said ‘the proposition of an independent Kashmir is being put forward by the enemies of Pakistan.’ He said the people of Kashmir always sided with Pakistan and wanted to become part of the country. He said there was a conspiracy in attributing the concept of independent Kashmir to him."
in Kashmir. The brutalities of the Indian forces perpetrated on the Kashmiris were also highlighted. The letter, the spokesman said, gave details of massive violation of human rights inside Kashmir and called upon the UN Secretary-General to investigate the gravity of the situation in Kashmir through the dispatch of a fact-finding mission or some other mission.

1280. Statement issued by the Official Spokesperson of the Ministry of External Affairs on the Abduction of Indian Diplomat in Pakistan.

New Delhi, May 26, 1992.

The Spokesman, while briefing newsmen, stated that the incident of forcible abduction of a senior diplomat in Islamabad outside his residence, is viewed by the Government of India with the utmost seriousness and concern. We find it extraordinary that such crude attempts have indulged in, by way of what may be a response to the Indian authorities, having apprehended about eight weeks ago, several Pakistani Intelligence operatives in Delhi and Punjab. These operatives were caught red-handed. We find it a curious coincidence that such patently unacceptable behavior which seeks to create an incident, takes place

On May 24 Pakistan had declared Mr. Rajesh Mittal an official of the Indian High Commission persona non grata and ordered him to leave the country within 24 hours. He was a Political Counsellor in the High Commission looking after SAARC affairs. Pakistan Foreign Office claimed that he was indulging in undesirable activities and that a FIR No 158 had been registered against him and a case under Section 12-5 of Official Secrets Act No 1923 had been filed. It may be recalled that a Pakistani diplomat Arshad Ali was last month was declared persona non grata and expelled from India. Talking to the BBC after his release he said he was severely beaten and tortured by the security personnel. He showed his swollen face with scares on his body to the journalists to leave no body in doubt about the manner in which he was manhandled by the Pakistan police. In Islamabad on May 25 Pakistani Foreign Secretary expressed the confidence that the scheduled Foreign Secretary level talks would not be affected by this incident. He denied the expulsion of Mr. Mittal was in retaliation to the expulsion of Pakistani diplomat by New Delhi last month. Meanwhile Pakistan announced that Mohammad Khan, Mr. Mittal’s Pakistani contact now under arrest had made significant revelations and had confessed to his relations with the Indian diplomat "in no uncertain terms". Pakistan on May 27 rejected Indian request to land a special military aircraft to pickup Mr. Mittal who had been badly beaten by the Pakistan security authorities. A Pakistani Foreign Office Spokesman said that there would be no objection if a civilian aircraft was sent for the same purpose.
with uncanny regularity, just before meaningful dialogues are scheduled to be held, on matters of bilateral interest and concern.

In the face of the unthinkably violent, inhuman and brutal treatment meted out to a senior Indian diplomat, we have, this afternoon, summoned the Pakistani Acting High Commissioner, Mr. Shahid Malik, and have told him that we have identified two Pakistani Counsellors, who have been acting in violation of the accepted norms of diplomatic functioning, and who have been indulging in activities which are clearly prejudicial to the security of India.

While lodging a strong protest about these two individuals, we have asked that they be withdrawn from India within 48 hours as they have been declared persona non grata. These two Pakistani Counsellors are Syed Fayaz Mahmud Endrabi and Zafr-ul-Hassan.

In response to a question as to whether India had also “interrogated” the Pakistani diplomat in a manner similar to the handling of Mr. Rajesh Mittal, the Spokesman replied that India believed in abiding by the stipulations of the Vienna Convention and did not believe in stooping to the levels of others.

Replying to a question as to whether the Foreign Secretary level talks would be held as scheduled even after this incident or if there is any change in the schedule, the Spokesman stated that as far as the schedule of the Foreign Secretary level talks is concerned, we have no information about any change in the programme. The Spokesman added that we have conveyed to the Pakistanis that such incidents are not conducive to building an atmosphere where constructive dialogue can take place, and that they do not help towards building a friendly environment.

Responding to another question as to whether India had not indulged in the behaviour similar to the Pakistanis, in the past, contrary to the Vienna Convention, the Spokesman stated that we have invariably abided by the Vienna Convention, and we have never stooped to the levels of others.

Replying to another query as to whether the question of treatment of diplomats is not discussed during the Foreign Secretary level talks, the Spokesman stated that the question of treatment to each other’s diplomats is discussed. But, there is a basic asymmetry. In India, the Pakistani diplomats are treated like diplomats of any other country; while in Pakistan, Indian diplomats are treated differently from other diplomats. There is a total asymmetry in the way the diplomats are treated between the two countries.

Responding to another question as to whether Mr. Mittal was a member of the Indian Intelligence Service, the Spokesman stated that all members of Indian Mission are a part of the Ministry of External Affairs establishment. We do not
differentiate between members of the IFS or of any other service; military or civilian; they are all members of the Ministry of External Affairs establishment.

In response to another question as to whether India has sought that punishment of the persons responsible for torturing Mr. Mittal, the Spokesman stated that we have demanded yesterday, in our demarche to the Pakistanis, and we have told the Pakistani CDA yesterday, that we would expect that the criminals who conducted this operation would be punished in order to deter their peers from repeating such violent and inhuman behavior.

In response to a question as to why the two Pakistani diplomats who indulged in these activities were not expelled earlier, the Spokesman stated that these decisions are taken by the Government and we have no comments on this matter.

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New Delhi, May 26, 1992.

While briefing newsmen, the Spokesman stated that the Government of India have decided to call for a postponement of the Foreign Secretary level talks with Pakistan, which were scheduled from 1-3 of June, 1992. He said that we had waited for over 36-hours to see if there was any rational reaction to the blatant violation of international law and diplomatic conduct that has taken place in Islamabad. Regrettably, the statements emanating from various sources in the Pakistan Government show no sense of regret nor any remorse for the brutal treatment meted out to a senior Indian diplomat; on the contrary, the Pakistan Government have continued to indulge in the making of wild and unfounded allegations about the conduct of a senior member of the Indian High Commission in Islamabad. In these circumstances, the Government of India could not but take into account the unreasonable attitude of the Pakistan Government which betrayed no desire to move forward, in building our bilateral relationship in a meaningful manner. We also had to respect outraged public sentiment in India. This unfortunate incident has vitiated the atmosphere. We hope to be able to reschedule the talks when the climate improves and some semblance of normalcy is restored.
We have been monitoring the medical reports coming in from Islamabad about the condition of our senior Indian diplomat who was tortured and brutally treated by the authorities in Islamabad, ever since he returned home from the police station. We are concerned that Mr. Mittal’s condition remains serious. Government of India have, therefore, decided to make special arrangements to evacuate our official from Islamabad. The special arrangements included a special aircraft with a full medical team on board including a Cardiologist and a Physiotherapist. As a step towards finalizing these arrangements, we have asked, through our Mission in Islamabad, for special flight clearance for this aircraft.

* Reacting to the Indian statement the Official Spokesman of the Pakistan Foreign Office expressed surprise in Islamabad on May 26. He regretted that India had not taken the opportunity to discuss substantive issues at talks which were to precede the meeting between Prime Minister Nawaz Sharif and Indian Prime Minister Narasimha Rao at Rio de Janeiro (Brazil) on June 13. Referring to the Indian government’s decision to expel two senior Pakistani diplomats from India, the spokesman stated that the decision was “an obvious case of retaliation which was unjustified, excessive and highly regrettable,” Mr. Rajesh Mittal, senior diplomat in Indian High Commission, Islamabad, who had been expelled from Pakistan recently, had been involved in objectionable activities in violation of accepted norms of diplomatic conduct “for which irrefutable evidence is available”. The spokesman said that the Foreign Secretary-level talks would have helped to mitigate the adverse impact of the recent incident involving the diplomats of the two countries. He expressed the hope that the talks would be rescheduled at the earliest opportunity. The spokesman told newsmen he hoped that the forthcoming meeting between the two Prime Ministers in Rio de Janeiro (Brazil) by the middle of the next month on the occasion of the global environment conference will help iron out various differences and disputes, particularly the Kashmir issue— the most crucial dispute— between the two countries.
Pakistan Prime Minister has offered the Indian Prime Minister a summit meeting on Kashmir. A proposal to this effect was made in a letter delivered to Mr. Rao on Mr. Sharif’s behalf by Pak Foreign Secretary Shaharyar Khan on August 17 in New Delhi.

Mr. Shaharyar Khan who had a 30-minute meeting with Mr. Rao described it as “very cordial.” He said the Indian Prime Minister was courteous and expressed willingness to consider Mr. Nawaz Sharif’s offer to discuss the Kashmir issue under Article 6 of the Simla Agreement.

Mr. Rao told Mr. Khan that India would convey an appropriate response to the proposal. However, in the sixth round of Foreign Secretary-level talks, Indian Foreign Secretary J.N. Dixit in his interaction with the Pakistani counterpart emphasized that the Simla Agreement had to be taken in its totality. “It is not possible to isolate individual articles of the agreement,” said Mr. Dixit.

The Article 6 invoked by Pakistan relates to a meeting of Heads of State at a convenient date and meetings of representatives to find, among other things, a “final settlement of Jammu and Kashmir.” Mr. Nawaz Sharif’s proposal came within three days of his invitation to Mr. Rao to visit Islamabad for a summit meeting.

Briefing newsmen, Mr. Shaharyar Khan said confusion had been created by a Press Trust of India report which said that Pakistan had agreed to give up its emphasis on the UN resolution and instead wants to solve the Kashmir issue under the purview of the Simla Agreement. In a statement, he said: “It is Pakistan’s considered view that the UN Security Council resolutions calling for a plebiscite in Kashmir remain valid. While in our view the Simla Agreement provides the means to negotiate and resolve the dispute, the UN Security Council resolutions provide the framework for a settlement.”

Clarifying his statement which was misinterpreted by this Indian Press on August 16, he said in fact Article 1 of the Simla Agreement recognized the overriding importance of the UN Charter as means towards a peaceful settlement of disputes. “It is, therefore, erroneous to interpret our desire for a dialogue on the Kashmir issue within the framework of the Simla Agreement as a renunciation of the relevant UN resolutions in this regards” he said.
He added that Pakistan had proposed bilateral discussions under the Simla Agreement as it was Pakistan’s considered view that the UN Security Council resolutions calling for a plebiscite remained valid. Pakistan, he said, proposed the holding of bilateral discussions with India on the Kashmir issue under Article 5 of the Simla Agreement which stated that a final settlement of the Jammu and Kashmir issue needed to be discussed between the two sides. “We hope that India will respond positively to our proposal,” he said.

Mr. Shaharyar Khan said that Pakistan believed that Kashmir was the core issue which had bedeviled relations between the two countries for the past four decades and that its settlement would lead to the early resolution of all other issues between the two countries. There was no deviation in Pakistan’s known stance on the Kashmir issue and it was “erroneous” to interpret Pakistan’s desire to initiate a dialogue on the Kashmir issue as a renunciation of its earlier adherence to the UN resolution. However, he said that the process of normalization of relations would be carried out as envisaged in the agreement. But, he pointed out, it appeared that while Pakistan wanted the question of Kashmir—the core issue—to be resolved before progressing to other matters, India wished other problems to be attended to before approaching the Kashmir dispute.

Mr. Shaharyar Khan and Mr. J.N. Dixit had a significantly long talk prior to the official round of discussions. While they were scheduled to hold talks without aides for 10 minutes, the two Foreign Secretaries were closeted together for almost 45 minutes. An Indian External Affairs Ministry spokesman later said that the talks were progressing. He, however, added: “We will take up the entire gamut of Indo-Pak relations without isolating the Kashmir issue. Since the signing of the Simla Agreement in 1972, India and Pakistan have not had formal talks on the Kashmir issue though it had figured in discussions as part of the entire gamut of bilateral relations,” he added.

The spokesman said all other bilateral matters came up for discussion in the first round of the present talks, which lasted for two hours. Subjects discussed included Sir Creek, the Tulbul navigation project, and confidence building measures.

An agreement on banning the use of chemical weapons and on a code of conduct for diplomats will be signed on August 19, he said.

Mr. Shaharyar Khan was in New Delhi to participate in the Foreign Secretary level talks with his Indian counterpart J.N. Dixit.

New Delhi, August 19, 1992.

The Government of the Republic of India and the Government of the Islamic Republic of Pakistan are sincerely desirous of facilitating, on a reciprocal basis, the smooth and unhindered functioning of their diplomatic and consular officials in conformity with recognized norms of international law and practice. Both Government are of the view that there should be no violation of the privileges and immunities of their diplomatic and consular officials. There should be no interference in the conduct of their legitimate activities and no offence against their dignity and person.

Motivated by their commitment to the recognized norms of international law and particularly keeping in view the facilities, privileges and immunities ensured to the diplomatic and consular agents of the state in the Vienna Convention on Diplomatic Relations of 1961, the Vienna Convention on Consular Relations of 1963 and the UN convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973, the Governments of the Republic of India and the Islamic Republic of Pakistan have agreed to take additional appropriate measures to ensure compliance with the Laws and Conventions. The two Governments agree to strictly observe the principles and provisions of the Vienna Convention.

Without detracting from their rights and obligations as Sending/Receiving states and from the privileges, immunities of Diplomatic/consular personnel admissible under international law and their obligations to respect the laws of the Receiving State, the two Governments have agreed to the following code in respect of the conduct of their diplomatic missions:

(i) The dignity and personal inviolability of diplomatic/consular personnel of the Sending State and their families shall be guaranteed and fully respected by the Receiving State. In particular, threat or recourse to physical violence against an official of the mission and his family shall not be resorted to under any pretext or circumstances. The Receiving State would on an urgent basis, provide police protection for both official premises and residences of diplomatic and consular officials when a request is made.

(ii) Intrusive and aggressive surveillance and actions such as verbal and physical harassment, disconnecting of telephone lines threatening telephone calls, pursuit in cars and unauthorized entry into residences shall not be resorted to. There shall be no surveillance of members of
families of diplomatic/consular personnel to the Sending State. Strict reciprocity shall be maintained in this respect.

(iii) The safety and security of the premises of diplomatic/consular personnel and inviolability of their person and of their families and official/residential premises shall be respected and protected. Families and house guests must not be subjected to aggressive or intrusive behaviour. Locally recruited domestic staff would be allowed to work freely at the residence.

(iv) The authorities of the Receiving State shall avoid harassment and questioning of visitors to the High Commissions/Consulates and to the residences of their officials.

(v) The inviolability of the official/private vehicles, duly registered in the name of the mission and diplomatic/consular personnel shall be respected. Diplomatic officials should register their cars promptly. Use of public/hired transport when necessary will not be interfered with.

(vi) In the event of a breach of the diplomatic code of conduct, the complaining party may bring the matter to the attention of the Foreign Office/High Commission. The Foreign Office/Head of the Diplomatic Mission would in the first instance, look into the circumstances of the complaint before lodging a formal protest. Once a protest is lodged, the Receiving State/High Commission shall take prompt measures to investigate and take steps to rectify the situation. Both sides shall exercise restraint to avoid unnecessary escalation.

(vii) If the breach requires a diplomatic official to be declared *Persona non grata* (PNG), the official should be given at least a week’s notice before leaving the country.

(viii) The diplomatic/consular officials shall strictly respect the laws and norms of the Receiving State. In particular, they shall, as applicable to diplomats of other countries:

(a) abide by regulations regarding prohibited and restricted areas and obtain formal permission where necessary; and

(b) respect the religious, social and cultural sensitivities of the Receiving State.

(ix) Strength of the missions in either country should be maintained at a balance level between the High Commissions of the two countries in respect of capitals and between their Deputy High Commissions/Consulates in other cities. Replacement visas would be given to officials posted to diplomatic missions in each other’s country within 30 days of
application. Replies to all other visa requests would be furnished within 45 days.

(x) Media representatives and employees of airlines posted in both countries will be extended all facilities available to them under the law and bilateral understandings.

(xi) Both countries shall ensure that information provided to the media pertaining to treatment of diplomatic/consular officials is factual and unbiased and does not exacerbate tension.

(xii) The implementation of the Code of Conduct shall be reviewed from time to time through diplomatic channels.

The present Code of Conduct shall enter force on the date of its signing and remain valid for indefinite period unless either party gives to the other the written notice three months in advance of its intention to terminate the Code of Conduct.

IN WITNESS WHEREOF, the duly authorized representatives of the two Governments have hereto signed this Code of Conduct and affix thereto their seals.

Done at New Delhi on this Nineteenth day of August, of the year one thousand nine hundred and ninety two.

Sd/-
J.N. DIXIT (SHAHRYAR M. KHAN)
Foreign Secretary
For the Government of the Republic of India
For the Government of the Islamic Republic of Pakistan

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1284. Press Statement issued at the end of Foreign Secretary level talks.

New Delhi, August 19, 1992.

The sixth round of talks between the Foreign Secretary of Pakistan, Mr. Shaharyar M. Khan and Foreign Secretary of India, Mr. J.N. Dixit, took place in New Delhi from 16 to 19 August 1992.

During his stay in Delhi, the Foreign Secretary of Pakistan called on President Dr. Shankar Dayal Sharma, Prime Minister Shri Narasimha Rao and Minister of State for External Affairs, Shri R. L. Bhatia.

The Foreign Secretary of Pakistan handed over a letter from Prime Minister Nawaz Sharif addressed to Prime Minister Narasimha Rao. The letter related to a solution of the Jammu and Kashmir problem. The Prime Minister of India indicated that after considering the proposal in Prime Minister Nawaz Sharif’s letter a reply will be sent*.

The talks were held in a cordial and friendly atmosphere. The discussion covered the whole range of bilateral issues. The two sides also exchanged views on regional and international issues of mutual interest. The two Foreign Secretaries exchanged the Instruments of Ratification of the Agreement on Prevention of Air Space Violations by Military Aircraft and the Agreement on Advance Notice of Military Exercises. Manoeuvres and Troop Movements which were signed in New Delhi in April 1991 and subsequently ratified by both Governments.

* At the end of his visit to New Delhi Pakistan’s Foreign Secretary told the media that “I derive satisfaction from the fact that we agreed that the issue of Jammu and Kashmir has to be addressed. Though our perceptions differ widely, the fact that we have agreed on the need to address this issue is in itself a step forward. We shall carry forward our discussions in the next round.” He indicated that the two prime ministers would carry forward the process when they meet on September 3 at Jakarta during the summit meeting of the non-aligned nations. A Pakistan foreign office spokesman said in Islamabad also on August 19 that the two foreign secretaries have discussed the whole spectrum of relations between the two countries including Kashmir, nuclear non-proliferation, Siachen and prohibition of all weapons of mass destruction. The Spokesman confirmed that the Pakistani Consulate General in Bombay had started working as from August 14, 1992. Also on the same day Prime Minister Nawaz Sharif said in Islamabad that the settlement of Kashmir issue was vital for restoration of normal relations with India. Kashmir was at the top of “our agenda” as special relations between India and Pakistan depended on it.

Meanwhile Pakistan again raked up the question of protection of the Babri Mosque when the Minister of State Siddique Kanju speaking on an adjournment motion in the National Assembly urged India as well the Indian leadership on August 18 to take appropriate precautionary measures for the protection and restitution of the Babri Masjid. He said dangers facing the mosque were a matter of deep concern for the Muslims not only in Pakistan but through out the world. Assaults of Hindu extremists organizations on the sacred monument had offended the sentiments of the Muslims all over the world.
The two sides also signed a Joint Declaration on the Complete Prohibition of Chemical Weapons and the Code of Conduct for Treatment of Diplomatic/Consular Personnel in India and Pakistan.

During the talks, the Foreign Secretaries reached agreement on the following schedule of meetings:

(i) Siachen—October/November 1992.
(iii) Technical discussions on the issue of missing defence personnel and civilian prisoners—September/October 1992.
(iv) India-Pakistan Committee to Combat Drug Trafficking and Smuggling..

The two sides agreed to discuss additional confidence-Building Measures.

The Indian side formally handed over a letter of invitation to the Chief of Army Staff of Pakistan to visit India.

Both sides reviewed the on-going Secretary-level discussions on Tulbal/Wullar Project.

The Foreign Secretaries discussed issues relating to disarmament and the banning of weapons of mass destruction. They agreed to consider issuing a Joint Declaration on Biological Weapons.

The two sides reaffirmed their agreement, in principle, to convene the Sub-Commissions of the Joint Commission at an appropriate time on mutually convenient dates. Both sides agreed that, in the meanwhile, senior officials of the concerned Ministries would meet.

The Foreign Secretaries agreed to hold their next round of discussions at Islamabad.
1285. **Text of Pakistan National Assembly Resolution on Babri Mosque.**

**Islamabad, August 27, 1992.**

This House.

— **Noting** that the Babari Masjid is an historic Islamic monument revered by the masses throughout the Muslim world.

— **Recognising** that neither the historical documents nor archeological evidence support the contention regarding the presence of Ram Mandir at the sight of Babri Masjid,

— **Distressed** that this historic Babri Msjid which is part of the Muslim heritage in the subcontinent is in imminent danger of desecration and demolition,

— **Cognizant** of the fact that the desecration of the historic Masjid offends the religious sensibility of all Muslims,

— **Realising** that the respect and sanctity of the places of worship is a recognized international norm,

— **Concerned** over the plans to construct a Ram Mandir at the sight of the Babri Masjid,

— **Taking** note of the efforts of the Indian Government to persuade the Hindu extremist leaders to temporarily suspend the construction work on the controversial temple,

(i) **Expresses** deep distress and anguish to desecrate and demolish the historic Babari Masjid,

(ii) **Urges** the Government of India to take appropriate remedial measures to ensure protection and preservation of the Sanctity of Babri Masjid,

(iii) **Trusts** that the Government of India would fulfill its moral and constitutional responsibility to ensure full protection of this historic and revered place of worship.

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Statement by the Government of India in response to a resolution passed by Pakistan National Assembly on Ramjanam Bhoomi - Babri Masjid issue.

New Delhi, August 28, 1992.

We have seen the resolution adopted by Pakistan National Assembly on August 27 about Ramjanam Bhoomi-Babri Masjid issue. The resolution constitutes a blatant interference in our internal affairs and is totally unacceptable. Pakistan has no locus standi on the Ramjanam Bhoomi - Babri Masjid issue and, consequently, the nature and contents of the resolution by its National Assembly is rejected by us in its entirety.

We are not surprised that Pakistan which is a theocratic State is unable to even comprehend the secular and democratic principles of our constitution and polity.

This resolution which was sponsored by the Government of Pakistan belies the expectations raised by recent meeting of Foreign Secretaries of India and Pakistan that there would be a greater degree of understanding, non-interference and cooperation shown by Pakistan in the conduct of its relations with India.

So enraged was the Government of India at the national Assembly resolution that next day on August 29 it issued another statement which said: “The Pakistan National Assembly has passed a consensus resolution, moved by Minister of State for Foreign Affairs, Mr. Siddique Khan Kanju, urging India to take appropriate measures to ensure protection and preservation of the sanctity of the Babri Masjid in Ayodhya. India totally rejected this blatant and unwarranted interference in its internal affairs. Pakistan has no locus standi whatsoever on the Ram Janam Bhoomi-Babri Masjid Issue. With a view to conveying India’s strong sentiments and deep concern over Pakistan’s latest act of hostility and undue interference, at the highest level, PM has directed our High Commissioner in Islamabad to meet Prime Minister Nawaz Sharif. The meeting is scheduled to take place at 11.00hrs today.”
1287. Crash message from Indian High Commissioner in Pakistan S. K. Lambah to Foreign Secretary J.N. Dixit on the National Assembly Resolution on Babri Mosque.


TELEGRAM

From: Hicomind Islamabad
To: Foreign New Delhi

CRASH

No. 192 August 29, 1992

Foreign Secretary from Lambah.

As directed by the Prime Minister, I met PM NS (Prime Minister Nawaz Sharif) at 11 A.M. today and conveyed to him our grave concern at the resolution adopted by the National Assembly of Pakistan on Babri Mosque. I told PM NS:

(i) I have been personally instructed by PM to meet PM NS and convey the strong feelings of the Government and the people of India on this issue.

(ii) I told him that timing was unfortunate and the wording of the resolution unacceptable as it was a blatant interference in India’s internal affairs.

(iii) As regards timing, I mentioned:

(a) That it should have happened after the successful round of Foreign Secretary-level meeting perplexed us.

(b) There was no imaginable reason for a resolution to be moved or passed. In this connection I mentioned to him that even Western newspapers have been praising the Government the way it has handled the issue and referred to the cover story on PM in the current issue of Time magazine which referred to the fact that the efforts of PM had resulted to “defuse the crisis”.

(iv) To our mind the resolution passed by the National Assembly at the instigation of the Government certainly appears to be an attempt to hinder the efforts of the Government of India instead of helping it.

2. I told PM NS that we were surprised that this should have happened when Pakistan had proposed talks with India under Simla Agreement in terms of the
letter which PM NS had sent to PM. The passage of resolution was completely contrary to the spirit and wording of the Simla Agreement. I drew a comparison of what had happened in the National Assembly of Pakistan on July 25, 1974 when the then Pak Minister for Foreign Affairs, the late Mr. Aziz Ahmad refused to comment on the Sadar Bazar riots in Delhi saying that under the Shimla Agreement it was an internal matter of India. I also reminded PM NS that when the Jamaat leader Gafoor Ahmed insisted, GOP through Swiss Embassy sent an apologetic note on August 8, 1974 conveying the feelings of the House. We had sent a reply on August 16, 1974 rejecting the note. This time, I told PM NS, we have the reverse situation The MOS for Foreign Affairs Kanju himself moves resolution. I said I had drawn this comparison to bring to his notice the completely contrary fashion in which situations had been handled in the National Assembly of Pakistan in July 1974 and August 1992.

3. PM NS has been away to Karachi and Lahore for the last few days and returned only last night. He asked Foreign Secretary Shaharyar Khan as to who had moved the resolution. He gave the impression that he was not aware of the fact that MOS for Foreign Affairs Kanju had moved the resolution. Shaharyar Khan tried to explain that the resolution had been moved by his Minister to defuse the situation and to prevent any further build up in the National Assembly. PM NS told him that he took note of what I have said.

4. I might mention that Pakistan has been raising the Babri Mosque issue on different occasions since October 1990. On October 26, 1990 Pak Foreign Office even while acknowledging issue was an internal matter of India issued statement “expressing concern and anxiety over communal tension in India created over Babri Mosque issue.” On November 1, 1990, Pakistan’s caretaker Prime Minister JATOI condemned desecration of the Babri Mosque and said it was the moral duty of the Indian Government to protect the places of worship of Muslims. On November 14, 1990, Standing Committee of Pakistan Senate on Religious and Minorities Affairs said it has “taken serious note of desecration of Babri Mosque and firm stand on the issue”. On July 15, 1992, Pak Foreign Office spokesman again said that “GOP expressed the hope that GOI will fulfill its constitutional obligation to protect the Babri Mosque as well as rights of the Muslim minority of India.” And now, on August 27, 1992 the National Assembly passed the above resolution.

5. Press coverage here on National Assembly resolution has been on a low key.

6. I also handed over PM’s letter dated August 24 to PM NS.
1288. Telegram from the Indian High Commissioner S K Lambah to Ministry of External Affairs on his meeting with the Pakistan Prime Minister on the question of National Assembly resolution.


TELEGRAM

From : Hicomind Islamabad
To : Foreign, New Delhi

CRASH

No.194 August 29, 1992

JS (IPA) from LAMBAH

As a follow up of my meeting with PM NS at 11.A.M. today, I met Pak Foreign Secretary Shaharyar Khan at 3.15 p.m. today and emphasized upon him again the Public Feelings in India against the resolution passed in the Pak National Assembly on Babri Mosque which was an interference in our internal affairs.

2. Shaharyar Khan tried to explain the circumstances in which the resolution was passed. He said that over a period of time emotions have been built up on this issue and when he was in Delhi Liaqat Baluch of Jammat-i-Islami had moved an adjournment motion in Pak National Assembly which he was persuaded at that time not to press. (I understand Press report on this aspect had been faxed to the Ministry). He said that under the circumstances the motive of the resolution was to kill the discussion.

3. Shaharyar Khan said that he wanted us to know that at the Foreign Secretary-level talks, references to Babri Mosque have been on the decline. He said that former Foreign Secretary Tanvir Ahmad Khan had raised it in the earlier rounds and he himself had been mentioning it on a sliding scale in the subsequent two rounds. In the just concluded FS-level talks, this issue was not at all raised by Pak side. He said the manner in which our PM handled the issue was perceived by both official and non-official circles in Pakistan as "very moderate, wise and cooling the temperature" which would hopefully result in the resolution of the problem. He added that subsequent to my discussions this morning, MP NS would be conveying these sentiments personally to PM.

4. I also drew the attention of Shaharyar Khan to the discussions which have been taking place in the senate and the useful statements made by Health
Minister Gardezi who was replying on behalf of MOS for Foreign Affairs. I told him that GOP must take all measures to ensure that a resolution of this kind is not passed in the senate. He took note of what I said.

1289. Statement made by the Indian Delegation to the NAM Summit on the reference made by Pakistan to Kashmir at the Non-aligned Summit.

Jakarta, September 1, 1992.

[The following is the text of the statement made by Shri Prabhakar Menon, Joint Secretary, on behalf of the Indian Delegation at the Summit, exercising right of reply at the plenary today in Jakarta]

"It is with very considerable regret that the Indian Delegation is constrained to take the floor at this stage of the proceedings. We are obliged to set the record straight, following the unfortunate references by the distinguished Prime Minister of Pakistan to an (purely) internal matter of India or, what is at most, a bilateral issue between India and Pakistan.

His references to the Indian State of Jammu and Kashmir are unwarranted interference in the internal affairs of India. There should not be any doubt in any body’s mind that the State of Jammu and Kashmir is, and shall forever remain an integral and inseparable part of the Republic of India.

If there are any issues related to this matter which Pakistan wishes to discuss with India, the framework for it is provided in the Simla Agreement—an agreement based on thoughtful and thorough deliberations between the Prime Ministers of the two countries, an agreement to which the Government of Pakistan has given commitments in solemn obligation.

Pakistan delegation’s attempt to raise this extraneous issue in our forum was all the more regrettable in view of the pressing appeal from the Chairman of the Movement and host country of this summit meeting, at the Ministerial Meeting on 29th August, that all members should adhere to the original terms of reference and traditions of NAM Meetings and that they should refrain from referring to bilateral issues so that the Summit could concentrate on the more relevant and more important issues of common concern to all members of the Movement.
It is our abiding perception and conviction that issues related to Kashmir can never be resolved by raising them in international forums”.

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1290. Meeting between Prime Minister P. V. Narasimha Rao and Pakistan Prime Minister Nawaz Sharif on the sidelines of the NAM Summit.


Prime Ministers of India and Pakistan met in Jakarta for a 75-minute meeting for the fifth time since they assumed power. Describing the meeting as ‘meaningful and constructive”Nawaz Sharif later told the journalists “I told the Indian Prime Minister clearly that calling Kashmir an integral part of India would not serve the cause of Indian people. Both the countries should adopt a logical way to overcome the problem”. He said that he told Mr. Rao that “all bilateral problems could be solved and the setback in Indo-Pak relations could be overcome only with the resolution of the Kashmir dispute”.

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* On September 9 Pakistan Foreign office spokesman said that both Pakistan and India “have a desire to continue mutual dialogue to find out a peaceful settlement of the Kashmir dispute”. Briefing newsmen he said the importance of the meeting between the two Prime Ministers should not be under-estimated as every meeting which takes place on such levels always contributes-positively to achieve desired results for solution of various issues. He reiterated that the Kashmir issue had figured prominently during the meeting. He did not agree with a questioner that the window for making further progress for securing peaceful solution of the issue had been closed. Asked if Indian Prime Minister Rao had boycotted Prime Minister Nawaz Sharif’s speech or if it was a walkout, he recalled that Nawaz Sharif’s speech had a number of paragraphs and some of them had clearly spelt out Pakistan’s position on the Kashmir issue. Besides emphasizing the need for a peaceful settlement of the dispute, he had also appealed to his Indian counterpart to enter into substantive dialogue on the issue. Clarifying, the spokesman said that when Mr. Nawaz Sharif delivered his address at the summit, Mr. Rao was not in his seat. However, the Indian Minister of State for Foreign Affairs remained present during Mr. Sharif’s speech, he added. Asked as to what precisely were the contents of Mr. Rao’s letter which he has sent to Mr. Nawaz Sharif’s latter, he refused to disclose the contents of the letter, but said that it was being studied carefully. Replying to another question about the invitation extended to COAS Gen Asif Nawaz by the Indian government to visit India, he said he is not aware of any decision of the Government of Pakistan in this regard. The invitation had, however, been received and is presently under consideration of the government, he added.
The Indian delegation boycotted the speech of Nawaz Sharif at the plenary session. India had in advance conveyed to Pakistan that if the speech of Pak Prime Minister contained any reference to Kashmir it would be boycotted. Mr. Rao had left the conference hall before the start of Nawaz Speech and returned only when it was over. Indonesian Secretary General of the Conference Nana Sustresna said “we appeal to India and Pakistan to restrain themselves in their statements because this is not meant as a bilateral forum; and if they keep exchanging their statements, it could only aggravate the problems”. New Delhi rejected the charge at the conference that it was denying the Kashmiris the right of self-determination. In response to Mr. Nawaz Sharif’s address Indian Official Prabhakar Menon said bilateral issues should be kept out of the summit. “Issues related to Kashmir can never be resolved by raising them in international forums.” In a tough reply to Prime Minister Nawaz Shairf’s letter, Indian Prime Minister Narasimha Rao ruled out the possibility of holding talks on Kashmir issue under a specified provision— Article 6 of the Simla Agreement. Mr. Rao, in his reply to Nawaz’s letter referred to above, said: “I see a contradiction between Pakistan’s commitment to the Simla Agreement on the one hand, and the oft-repeated statements reserving the right to raise the Kashmir issue at international fora, on the other.” According to Mr. Rao, Pakistan’s continuing and active support to secessionism in Kashmir is a crucial issue for India and the prospects for improved relations can brighten only when it stops. Mr. Rao also rejected Pakistan’s claim that it made consistent efforts to resolve the Kashmir issue through negotiations. Mr. Rao maintained that it was because of Pakistan’s conduct in consistently distancing itself from the Simla Agreement that it had not been possible to find a solution to the Kashmir issue.

Fax Message from Indian Delegation at the United Nations to Ministry of External Affairs.


From: Indiadel New York
To: Foreign New Delhi.

CRASH
December 8, 1992.

Joint Secretary (UN) from Deputy Permanent Representative
Repeated to: Foreign Secretary, Secretary (WEST), Secretary (EAST), JS (IPA), JS (G), JS(XP)

Faxed herewith is the text of a statement issued by the Chairman of the OIC at 6 p.m. today in New York.

2. The text is being faxed in this form to indicate the original draft proposed by Pakistan (typed) and corrections (in hand) (which are italicized here) incorporated following a discussion which lasted for about three hours. It may be noted that the changes have toned down the text to a certain extent. We had spoken at different levels to friendly delegations and this had some effect.
3. OIC Chairman Turkish PR and Pakistani PR released the text of the statement at a press conference at the UN soon after the meeting. Asked as to what would satisfy the OIC, Pakistan PR said that the rebuilding of the Mosque would be necessary.

4. Turkish and Pakistan PRs, who happened to meet me in the lounge soon after the press conference, said that their effort was not to inflame passions or to exacerbate communal tensions. They said that OIC wanted to strengthen the hands of the Government of India in dealing with the situation rather than create complications.

5. It may be noted that the Islamic Ambassadors will be meeting the Secretary-General to convey their feelings and to request to ensure the safety of Muslims in India and the protection of their holy sites.

(T. P. Sreenivasan)
Ambassador & Deputy Permanent Representatie

Statement by the Chairman of the OIC Group in New York on the destruction of the Babri Mosque in Ayodhy, India, on December 6, 1992

1. A special meeting of the member states of the Organization of Islamic conference was convened in New York on December 8, 1992, to discuss the destruction and demolition of the Babri Mosque by Hindu Militants on Sunday, December 6, 1992, in the town of Ayodhya, India.

2. The Meeting expressed its outrage and profound anguish at the destruction of a centuries old mosque by a frenzied crowed of Hindu militants and expressed regret over the failure of the Indian Authorities (Government) to take appropriate measures to protect this important Muslim holy site.

3. The meeting condemned the killing of hundreds of innocent and defenseless people, mostly Muslims in other parts of India in the rampage following the incident. It also expressed deep concern over the safety and security of the Muslim minority in India.

4. The meeting called upon the Indian government to ensure the safety and protection of Muslims and also of all Islamic holy sites throughout India in accordance with its responsibilities and obligations under the Universal Declaration of Human Rights as well other relevant international instruments. Bearing in mind that tolerance and respect for all religious beliefs is the salient
feature of Islam, the meeting urged all concerned to exercise restraint to avoid further deterioration of the situation.

5. The meeting took note of the decision of the Indian Government to reconstruct the Mosque and to punish those guilty of this dishonourable act and called upon the Indian Government to take immediate steps to implement these decisions in order to ensure the safety and security of all irrespective of their religious beliefs.

6. The meeting also decided that the Chairman of the Islamic Group at the United Nations accompanied by a representative group of Islamic Ambassador would call on the Secretary General of the United Nations to convey to him the profound feeling of indignation over the destruction of the Babri mosque and to request him to use his moral and political authority to ensure the safety of the Muslims in India and the protection of their holy sites.

( The text in italics was added and the words in bold letters were deleted from the basic draft prepared by Pakistan)

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1292. Statement by Leader of the Pakistan Delegation Syed Sharifuddin Pirzada at the Meeting of the OIC Group.


Mr. Chairman,

My delegation is extremely grateful to you for having convened the OIC Group today. Indeed, we are meeting at a time of immense grief and anguish for the entire Muslim Ummah.

Mr. Chairman,

On Saturday 6th December, 1992, a frenzied crowd of Hindu extremists desecrated and destroyed the Babri Mosque in Ayodhya, India. As the state security forces stood by, a revered place of worship for the Muslims was razed to the ground. The forces of bigotry and intolerance, with the tacit support of state power, were allowed to eliminate a cherished symbol of Islamic culture and religion.

The Ayodhya Mosque was built in the early 16th Century by the Mughal Emperor Babar and had ever since acquired a special place in the Islamic heritage of India.
In the 19th Century, some Hindu extremists laid claim to the site of the mosque on the pretext that it had been built at the site of the birth place of the mythical Hindu God ‘Ram’ and that originally a Hindu temple was situated there.

The Muslims of India had challenged these baseless militant Hindu assertions and had demanded evidence from the proponents of this claim. It is instructive that, so far, not even a shred of evidence has been put forward in its defence. In fact, in their report submitted to the Government of India on 13 May 1991, eminent historians, among others Prof. R. S. Sharma and Prof. D.N. Jha, after consideration of available material concluded that no evidence exists in the texts that before the 16th century any veneration was attached to any spot in Ayodhya for being the birth-site of Rama.

In December 1949, the Hindus surreptitiously placed, inside the mosque, idols of Ram and his consort Sita and asserted that these had miraculously appeared, proving thereby that Ram was born there. As a result, the local authorities took legal control of the premises and barred both Muslims and Hindus from entering it. However, the Hindu priests were allowed to enter the mosque in order to feed the deities placed inside and to pray to them. In November, 1986, the Hindu extremists laid the foundation stone of the Ram temple. It was then quite obvious that the mosque was under imminent threat:

As the final tragedy of 6th December, 1992, proves the Order of Injunction of the Supreme Court of India prohibiting any action to change the status of the mosque, appeals by the Muslims of India and the Secretary General of the OIC were disregarded and a historic symbol of Islamic culture in India brought down in a senseless orgy of blind hatred.

According to press reports, tens of thousands of Hindus had recently been streaming into Ayodhya from all over India with the intent to start work on the construction of the Hindu temple. The whole endeavor was being organized by Bharatia Janata Party a fundamentalist Hindu political party, the world Hindu Council, and other extremist Hindu outfits. The Hindu priests had announced quite sometimes ago that 12.26. p.m. on 6th December, 1992 was the target time for launching the final assault on the Mosque.

Despite adequate warning time, no pre-emptive action was taken by the Indian authorities to restrain the rising crescendo of Hindu Militancy. According to the New York Times of December 7, 1992, “Roughly 15,000 Government paramilitary troops had been sent to the area during the week, but none were evidenced today. About 200 police officers who had been carrying rifles and stenguns behind sandbags and fences melted away, leaving the mosque undefended. When it became clear that the police would not resist the assault, the trickle of Hindu militants over the fences became a flood.
While Muslim holy places have often been subjected to desecration by Hindu militants, the destruction of the Babri Mosque is believed to be the first incident involving the complete demolition of a holy site. This incident, Mr. Chairman, is not only a matter of great grief but has also raised the specter of renewed Hindu-Muslim clashes in India and perhaps elsewhere in the world. The incident also presents before the world the true and ugly face of Indian secularism. The Hindu chauvinists cannot be expected to rest with this odious act. Indeed they have at least another three thousand mosque on their hit list which they claim had been built over sites of Hindu temples.

Though the Indian Prime Minister has apparently described the destruction of the mosque as horrendous it has whetted the deep seated Hindu antagonism against the Muslims. To celebrate the triumph of bigotry and encouraged by their success Hindu mobs attacked Muslim households in many Indian cities killing about 300 and causing injury to many more within a matter of hours.

Mr. Chairman

The desecration and destruction of the Babri Mosque has shocked and infuriated Muslims all over the world. The OIC has been closely following the events in Ayodhya in recent years. On several occasions, the Secretary General of the OIC had expressed the Organization’s concern over the threat to the mosque from Hindu fundamentalists and had called upon the Indian Government to ensure its protection. Unfortunately the mosque was left unguarded to become an easy prey to the forces of bigotry and hate.

The Organization of the Islamic Conference should take a firm and forthright position on this issue. The destruction of the mosque is not an isolated event but part of a dark and sinister design to eliminate Muslim culture in India. If the rising tide of Hindu chauvinism is not checked now it would cause incalculable damage to the status of Muslims in India. It is therefore imperative that this meeting should take credible steps to ensure the preservation of Islamic traditions and culture and the rights of the Muslim minority in India and the Muslim holy sites. In this connection I would like to present the following proposals for consideration:

(a) The Chairman of the OIC, in New York, should issue a strong statement, condemning the destruction of the Babri Mosque. In the statement the Chairman should express the shock of the Muslim Ummah, call upon the Indian Government to offer full protection to the Muslim minority and take immediate action to rebuild the Babri Mosque. It should also call upon the Indian Government to institute an independent, impartial judicial inquiry into the incident and to take exemplary punitive action against those responsible for this heinous act.
(b) A Group of Islamic Ambassadors led by the Chairman may immediately call on the UN Secretary-General, to apprise him of the details of the tragic incident and to request him to intervene in the matter with the Government of India.

(c) OIC member states may make suitable statements on this subject when the reports of the Third Committee are considered in the plenary of the General Assembly on December 14, 1992.

(d) The OIC countries should raise this issue at the forthcoming session of the Commission on Human Rights in Geneva.

(e) Any proposals for summoning an extraordinary session of the Islamic Conference of Foreign Ministers should be fully supported by all Islamic countries.

(f) OIC member states may summon the Indian representatives accredited to them and lodge a strong protest with them.

(g) The OIC Group in New York should explore the possibility of tabling a joint resolution in the General Assembly at its current session.

Mr. Chairman

The forces of evil, bigotry and suppression have to be confronted boldly. This is not an occasion to mince words. If a strong and clear message is not conveyed to the Government of India, the Muslims in that country, their houses, their businesses and their mosques and shrines would be placed under ever greater danger. It is, therefore, essential that the Islamic world should take a principled and clear position against this premeditated act of bigotry and spare no effort to ensure that such crimes are never repeated.

Thank you, Mr. Chairman.

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1293. Demolition of Babri Mosque and reaction in Pakistan.
Islamabad, December 6, 1992.

The Foreign Office Spokesman of the Pakistan Ministry of Foreign Affairs has expressed extreme indignation and sorrow at the demolition and desecration of the Babri Mosque in Ayodhya in India. He said that on the evening of December 6 “this despicable act of the extremists must be severely condemned by all civilized nations, particularly those which stand for human rights and oppose religious narrow-mindedness and extremism. We demand proper protection of all sacred places of the Muslims and all possible measures should be taken to protect the life and property of the Muslims minority in India”.

Pakistan Prime Minister Nawaz Sharif expressed a deep sense of shock and horror at the desecration and destruction of Babri Masjid in India and said “This abhorrent act of extreme fanaticism deserves to be strongly condemned by all civilized countries and especially those which oppose religious intolerance and extremism and uphold human rights.”

Mr. Nawaz said Pakistan believes that the international community should call upon India to extend full and adequate protection to Muslim holy places and the lives and property of the Muslim minority in India against resurgent Hindu fanaticism.

He said that it will be recalled that India had pledged to Pakistan, under the Liaquat-Nehru Pact, the protection of the holy places of the minorities and Pakistan intends to take up this matter directly with India.

Pakistan People’s Party’s Co-Chairperson Benazir Bhutto condemned the demolition of the mosque and said no religion allows its followers to cause harm to places of worship of believers of a different faith.

She said both the national and international Press have been carrying news about the plan of the demolition of the mosque but the Nawaz government maintained a criminal silence and remained indifferent. The government, which is wholly occupied with saving its own rule, did nothing to avert the tragic incident, she added. Had there been a strong government which cared for Islamic traditions and heritage, the fundamentalist Hindus would never have dared to destroy the historic mosque. The present government is following in the footsteps Gen Zia who too displayed cowardice by keeping quiet when India annexed Siachen, she said.

Registering her strong protest with the Indian government, she said it should have stopped the extremist Hindus from carrying out their plan and shown
respect for the religious feelings of Indian Muslims as it is the duty of the
government to protect the rights and places of worship of minorities.

The Pakistan Democratic Alliance (PDA) Secretary General Khurshid Mehmood
Kasuri condemned the insensitivity displayed by the government over the issue.
He said by not sending timely warning to India, Pakistan has once again proved
its inefficiency at all fronts. He deplored the Indian government’s lenient attitude
for the *kar sewaks* (volunteers).

Pakistan Muslim League Secretary General Iqbal Ahmad said that this act of
the Hindus has sent the entire Pakistani nation in a state of shock and said that
strongest protest should be lodged with the Indian Government on this tragic
incident and sacrilegious act. Mohammad Khan Junejo former Prime Minister
and President of Muslim League terms the incident as a violation of the Nehru–
Liaquat Pact, Indian Constitution and orders of the Supreme Court while
Mian Mumtaz Daultana a former Chief Minister of Punjab said this act of the
Hindu revivalists should be condemned in the strongest words by the world
community and organizations and particularly the Muslim Ummah.

Chaudhry Mohammad Aslam Saleemi, Secretary General of the Jamaat Islami
Pakistan said the prejudiced Hindus have badly hurt the religious sentiments
of the Muslims by demolishing Babri Mosque. He asked Pakistan to mobilize
world opinion against what India had been doing with its biggest minority and
its places of worship.

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1294. Statement issued by the Official Spokesperson of the Ministry of External Affairs on the Espionage Activities of an official of Pakistan High Commission in India.

New Delhi, December 8, 1992.

While briefing newsmen, the Spokesman stated that on December 5, 1992 at approximately 1540 hrs. an official of the Pakistan High Commission in New Delhi, Mr. Mohd. Ashfaq was apprehended at Brig. Hoshiyar Singh Road, New Delhi. Mr. Ashfaq was procuring certain highly sensitive documents from an Indian contact, Mr. Mustaq Ahmed. On being asked about the Indian-contact Mr. Mustaq Ahmed, the Spokesman gave brief details about Mr. Mustaq Ahmed.

Ashfaq had collected these documents and was in the process of making a cash payment of Rs.2000/- to the Indian-contact for providing the documents. ON queries about the documents, the Spokesman added that one of the documents was handwritten while the other was typed-written photocopy containing details about the Army locations and movements in Northern and Western sectors.

The Delhi police took Ashfaq and his Indian contact into custody. After duly checking the identity of Mr. Ashfaq from his Identity Card and Driving Licence, the Indian authorities contacted the High Commission of Pakistan in New Delhi at 1845 hours to take possession of Ashfaq. Subsequently, Mr. Ashfaq was handed over to the Head of Chancery of the Pakistani High Commission. The handing over was done in the presence of the officials of the Ministry of External Affairs.

Spokesman was further queried about the Indian contact. The Spokesman stated that Havildar Mustaq Ahmed belonged to 7 J&K Rifles and joined the Army in 1979. He first came in contact with Pak officials in 1981 but, preliminary interrogations revealed, he was being exploited by Pak Embassy officials from January 1989 onwards. The first handling official of Pak-Embassy was Munsif Khan. After the transfer of Munsif Khan, he was handed over to Arshad Ali. Mustaq had 11 meetings with Munsif Khan and 10 meetings with Arshad Ali. On each meeting he passed on written and verbal intelligence about the Indian Army deployment for monetary consideration of Rs.3000/-. Total number of meetings with Mohd. Ashfaq were about 6, including the one on December 5.

The newsmen raised a number of queries on the issue throughout the briefing session. The newsmen were also shown a film on confessions of Mustaq Ahmed.

Government of India views this incident with profound regret. Mohd. Ashfaq has violated the accepted norms of functioning of the personnel of Diplomatic
1295. Statement issued by the Official Spokesperson of the Ministry of External Affairs on India’s concern over communal incidents affecting Indians in Pakistan and Bangladesh:


The Spokesman said that, as they were already aware, the Government of India has taken firm and immediate steps in the wake of the developments in Ayodhya. These include assurance on restoration of the Masjid structure, reiteration of determination to maintain the secular and democratic polity, banning of communal organisations in respect of which legal action is already underway and arresting the leaders of the Parties which violated the law. Further, a white paper has been promised to provide full and objective information. The government has also taken steps to restore peace, law and order. Normalcy has been restored. Other political parties believing in secularism and democracy have been called to join hands in resisting communalism and extremism.

There have been attempts in certain countries especially Pakistan and, to some extent, Bangladesh to portray the demolition of the mosque as affecting the safety of minorities in India. This is wrong and motivated. The minorities enjoy Constitutional guarantees in India and the Government is committed to meet in full and effectively its constitutional obligations which include providing full protection to all minorities. The recent steps have been taken by the Government in the same spirit. The nation at large, including political parties and opinions of people as reflected in the press, has highlighted India’s secular and democratic reality.

In contrast, in Pakistan inflammatory statements have been made by some of its leaders. In Pakistan, according to reports received by our missions there as well as their own media reports, upto December 12, 1992, 124 temples, 2 Gurdwaras and 1 church were destroyed. Similarly, in Bangladesh, 97 temples were destroyed and the Indian High Commission and the Indian Airlines offices
came under attack. 340 houses and 100 shops belonging to Indians were burnt. In previous briefings, details have already been provided of Governmental encouragement and participation by some of the Government leaders in the mob attacks. These events and actions can only result in a backlash from the extremist forces here instead of cooling the temperature down.

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Press release issued by the Ministry of External Affairs on a statement issued by Shri R.L. Bhatia, Minister of State for External Affairs regarding acts of terrorism and arson being inflicted on the minority communities in Pakistan.


It is with the greatest concern that we continue to hear about the acts of terrorism and arson being inflicted on the minority communities in Pakistan. In the course of the last week, reports, supported by accounts in the Press in Pakistan indicate that 124 Temples, 2 Gurdwara and 5 churches were destroyed in Pakistan.

I have already expressed our deep concern on this matter on December 7, where I also referred to the cowardly attack by a mob on our Consul General’s residence in Karachi and acts of intimidation and violence against our diplomatic officials. I had hoped this would have some impact. But this hope has been belied.

The moral posturing by political and other leaders in Pakistan stands exposed through the acts of vandalism and sacrilege, recorded by their own media. While we on our part have moved swiftly to ban communal organisations, restore law and order, assuage the feelings of our people, arrested those who are inflaming communal passions and gone to the extent of dismissing all BJP-led governments in the States, the Government of Pakistan has not only taken no effective steps to protect the minority communities but continues to fan the flames of extremism by their words and actions.

This is a time for healing and not for re-opening of wounds, a time to act responsibly as we are doing and not for injecting more poison in people’s minds, as Pakistan continues to do.

We condemn these acts of violence in Pakistan which are nothing but state terrorism unleashed on the minority communities. We expect the Government
Statement issued by the Official Spokesperson of the Ministry of External Affairs on reports of Pakistani National Assembly discussing the Ayodhya issue:


While briefing newsmen, the spokesman stated that the Government's attention has been drawn to reports that the Pakistani National Assembly convening today is going to spend two days discussing the Ayodhya incidents and related matters. The Government of India strongly objects to the Legislature of a foreign country discussing a matter lying entirely within domestic jurisdiction of India. The National Assembly of Pakistan or any other country has no locus standi to discuss or sit in judgement on Ayodhya or any other internal matter of India. This is a gross interference in India's internal affairs. That the Government of Pakistan is participating in this process confirms the impression that they are not interested in reducing tension or in normalizing relations with India, despite India's commitment to promote good neighbourly relations with Pakistan regardless of the ups and downs that may occur occasionally.

On December 22 a Spokesman of the Pakistan Foreign Office expressed deep regrets on the remarks of Mr RL Bhatia. He described Mr. Bhatia's remarks as totally uncalled for, adding that instead of taking practical steps to reconstruct the masjid as committed by the Indian Prime Minister himself and providing effective safeguards for the life, property and religious places of the Muslim community, the Indian government had chosen to direct its energies to maligning Pakistan.

It may be recalled immediately after the Babri Mosque incident the Indian Consulate General in Karachi was ransacked and burnt by an unruly mob, the High Commissioner of Pakistan in India Riaz Hussain Khokhar was summoned by the Foreign Secretary and a strong protest was lodged against this vandalism. The High Commissioner had expressed his regrets at the incident and promised that the case for compensation for the loss would be examined by his government.
1298. Briefing by Minister of State in the Ministry of External Affairs R. L. Bhatia to Ambassadors of Countries belonging to the Organisation of Islamic Conference on the Ayodhya incident.

New Delhi, December 24, 1992.

While briefing newsmen, the spokesman stated that Minister of State for External Affairs Shri Bhatia met Ambassadors of countries belonging to the Organisation of Islamic Conference, except for the Ambassadors of the Gulf countries (whom he had met earlier). The meeting was at 2 PM today. Minister of State Bhatia informed the Ambassadors about the background to the Ayodhya incident and also the action taken by the government to tackle the situation. He underlined the fact that the Central Government’s actions made it very clear that government was committed to meeting the challenge of communal elements, which were threatening secularism and even our judiciary and parliamentary system. He said that government was ready to meet this challenge.

Shri Bhatia mentioned that the law and order situation had been brought under control everywhere. However, for the peaceful situation to prevail, it was necessary to have a similarly peaceful situation in our neighbouring countries also. He noted that the outbreak of violence in Pakistan and Bangladesh resulting in the damaging and destruction of a large number of temples, gurudwaras and churches would not help the process of return to normalcy and, instead, would fuel communal feelings.

Shri Bhatia noted that while it was an internal problem of India, he looked to the international community to create a conducive atmosphere to enable the government to address its task of preserving and even strengthening India’s secular and democratic polity. Where there were sweeping generalizations, abrasively critical formulations in resolutions passed in a forum such as the OIC, this would not only impinge on India’s sovereignty but encourage reverse communalism.

Those of the Ambassadors who spoke at the meeting in response to Shri Bhatia’s briefing, in general stated that while the incident itself had been condemned worldwide and throughout India itself, they appreciated the quick and strong action of the Indian government in remedying the situation.

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1299. Statement issued by the Official Spokesperson of the Ministry of External Affairs on the Government of India’s reaction to the references to the Babri Mosque in the Joint Communiqué of the Gulf Cooperation Council Summit.

New Delhi, December 24, 1992.

While briefing newsmen, the Spokesman stated that Government has seen the paragraph in the Joint Communiqué of the Gulf Cooperation Council Summit in Abu Dhabi on December 23 pertaining to the Babri Masjid. The Government of India is fully conscious of its responsibilities in the protection of holy places of all faiths as also the rights of all peoples in India irrespective of their ethnic, linguistic and religious backgrounds and convictions. It needs no re-emphasizing and no appeals in this respect as is evidenced by the action already taken by the Government of India to remedy the situation. These matters pertain to internal affairs of India and the concerns expressed from abroad in this context, however well meaning they may be, are not helpful in meeting the challenge posed by extremists communal elements.

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Statement issued by the Official Spokesperson of the Ministry of External Affairs on a speech in the Pakistan National Assembly by the President of Pakistan.

New Delhi, December 25, 1992.

We note with serious objection and concern that the President of Pakistan has, in the Pakistan National Assembly on December 22, 1992 made completely unacceptable and negatively motivated remarks on India.

It has, indeed, been habitual for this President* of Pakistan to indulge in vituperative rhetoric over India with total disregard of the norms and conventions of good-neighbourly relations. But in the speech in the National Assembly, he has crossed all previous limits.

We have stated, on numerous occasions in the past, that Kashmir is an integral part of India. The only unresolved issue remains to be the vacation by Pakistan of territories occupied by it through aggression.

The question of taking any note of President Ghulam Ishaq Khan’s remarks over Babri Masjid, which are highly provocative, malicious and intended to inflame public opinion, does not arise. We can certainly do without hectoring by President Ishaq Khan on the tenets of Hinduism, the essence of India’s secularism and the working of its democratic system. He would do well to concentrate on the amelioration of the human rights situation in his own country, which has a lamentable record of treatment of its minorities, including coreligionists, rather than proffering unsolicited words of personal opinion on India’s internal affairs.

On December 30, Pakistan protested to India over what it described “the highly objectionable” remarks by an official spokesman of the Indian government on December 25 about the references to Babri Masjid in the address of President Ghulam Ishaq Khan to the joint session of Parliament on December 22, 1992. Acting Foreign Secretary Khalid Saleem called Indian High Commissioner in Pakistan S.K. Lambah to the Foreign Office on December 28 and conveyed to him the shock and disappointment of the Government of Pakistan over the “intermate language” employed by the Indian Foreign Ministry official in referring to the President’s speech. The Indian High Commissioner was reminded that the Government of Pakistan had all along scrupulously avoided derogatory remarks about the Indian President and the Prime Minister in its official pronouncements. Pakistan hoped the Indian side would show a similar regard for the Pakistan head of state/government.
1301. **Statement issued by the Official Spokesperson of the Ministry of External Affairs on Pakistan’s request to reduce the strength of the Consulate General of India in Karachi.**

*New Delhi, December 29, 1992.*

While briefing the newsmen the Spokesman stated that the Government of Pakistan has today conveyed request to the Government of India which expresses its unilateral decision to reduce the strength of the Consulate General of India in Karachi from the present strength of 64 (which includes 8 diplomats) to 20 (including 4 diplomats).

The Government of India has noted this request and is examining the implications. This move will primarily affect people to people contacts especially between the families of the Mohajir Community in Pakistan and their Muslim relatives in India. It is a measure that is really aimed against the Community. This is the culmination of a process of harassment aimed at the functioning of our Consul General office over the past few years, reaching recently its most violent heights with the ransacking and destruction carried out at the residence of our Consul General in Karachi Mr. Rajiv Dogra. It is now open to us to consider whatever response we feel is indicated in this situation.

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1302. **Media Briefing by the Official Spokesman of the Pakistan Ministry of Foreign Affairs on recent developments on Babri Mosque.**

*Islamabad, December 30, 1992.*

The Foreign Office spokesman has said that Pakistan has expressed its deep concern over reports that local authorities in India had allowed Hindus to undertake the *darshan* (viewing) at the makeshift temple erected by Hindu fundamentalist elements on the site of Babri Masjid after it was demolished. Any such activity was tantamount to legitimizing the demolition of the mosque and was thus unacceptable.

He told newsmen in Islamabad on December 30 that Pakistan was constantly monitoring developments pertaining to the destruction of Babri Masjid and had noted that the Government of India intended to launch a so-called ‘Ayodhya package’. The package had been rejected by all major Indian parties, but for
varying reasons, leaders of the Muslim community saw the package as being in contravention of the government’s assurance that the demolished mosque would be rebuilt.

“The position of Pakistan, and, indeed, that of the entire Islamic Ummah is that the martyred Babri Masjid must be reconstructed exactly on the site on which it had stood for over 400 years. Any other solution would not be acceptable,” he added.

The Package included acquisition of land, including the site on which the mosque stood until December 6. It proposed that a reference be made to the Supreme Court seeking verdict on whether Babari Masjid had been constructed after the demolition of a Hindu temple. It also envisaged the creation of two non-government trusts for the construction of a mosque and a temple.

He said Pakistan was firmly resolved to exert “relentless efforts” in coordination with other Islamic countries and with the support of the international community to ensure that the colossal injustice represented by the demolition of the mosque was rectified by the rebuilding of it exactly and precisely on its original site.

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1303. Statement issued by the Official Spokesman of the Ministry of External Affairs on the meeting between India’s Foreign Secretary and Pakistan’s High Commissioner in New Delhi.

New Delhi, December 31, 1992.

Briefing the newsmen, the Official spokesman stated that the Foreign Secretary Shri J. N. Dixit met Pakistan’s High Commissioner Mr. Riyaz Khokhar today.

Foreign Secretary conveyed to the High Commissioner our reaction to Pakistan’s decision to scale down the staff strength of the Indian Consulate in Karachi.

Foreign Secretary said that the Pakistani decision was not acceptable being unilateral and not in consonance with the spirit of the code of conduct regarding the functioning of the diplomatic establishments of the two countries, apart from being illogical given the heavy work-load handled by the Indian Consulate in Karachi, included the issue of around 700 visas per day. The spokesman added that 8000 visas had been issued by our Consulate in Karachi since the Government of Pakistan issued travel advisory advising its citizens not to travel to India.
Foreign Secretary also referred to the recent statements emanating from Pakistan regarding the Babri Masjid issue. He emphasized that such statements only serve to heighten tensions and generate extremist communal sentiments in both Pakistan and in India.

Press release issued by Ministry of External Affairs on the meeting between M. K. Bhadrakumar, Joint Secretary, Ministry of External Affairs and Acting High Commissioner of Pakistan, Mr. Shahid Malik regarding the Office of the Pakistan Consulate General in Bombay.

New Delhi, January 10, 1993.

The Acting High Commissioner was informed about the decision of the Government of India not to accede to Pakistan’s request for making available the property at Mount Pleasant Road, Malabar Hill, Bombay (which Pakistan refers to as Jinnah House) for use of their Consulate General in Bombay or as the official residence of their Consul General.

It was further intimated to the Acting High Commissioner that the Government of India will not allow henceforth any Temporary Visa Offices by Pakistan in places outside of Delhi and Bombay. The Acting High Commissioner was told that they should handle their visa work through their High Commission in Delhi and their Consulate General in Bombay.

Government of India have decided that the total strength of the home-based personnel of the Pakistan High Commission* in Delhi should (not), at any time, exceed a maximum of 110 personnel. The Acting High Commissioner was informed that Pakistan should take immediate steps to bring down the

* The next day the Spokesman of the Pakistan Ministry of Foreign Affairs while describing the Indian demand for reduction of the staff of the High Commission as retaliatory said it had decided to comply with it. He said: “We do not question the Indian government’s legal competence as receiving state to prescribe the number of our personnel for the High Commission.”

Regarding visa facilities he said: “We are disappointed that the Indian government had also not allowed Pakistan to set up visa camps in Bombay and Hyderabad” which, he added, would “cause difficulties for Indian citizens, especially, members of divided families who are unable to travel all the way to New Delhi for visas.”
strength of its High Commission in New Delhi from the present level of around 150 personnel. It was conveyed that the excess personnel should be withdrawn from India not later than 10th February 1993.

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1305. Indian Statements on the Meeting of the Organization of Islamic Conference being held in Dakar.

New Delhi, January 11, 1993.

Government has noted that the OIC Bureau Meeting is beginning today in Dakar. We have been in touch with the Governments represented in the Bureau and other governments who are members of the OIC to caution them against falling in with any move by Pakistan to issue a provocative resolution as it only creates more tension. Most governments agreed on the need for moderation in dealing with this issue.

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India’s Reaction to OIC’s Announcement

New Delhi, January 13, 1993.

While briefing the newsmen the Official Spokesman stated that: We have seen with regret the pronouncement by the OIC Bureau in Dakar (Senegal) on January 11 on the Ayodhya events. These events, unfortunate and regrettable as they were are exclusively in the internal jurisdiction of India and the Government of India needs neither advice nor exhortations in regard to the protection of the human and religious rights of its Muslim minority numbering over hundred million.

By way of background, the Official Spokesman added that the Bureau Meeting was attended by Senegal, Indonesia, Kuwait, Morocco, Pakistan, Palestine, Saudi Arabia, Syria and Turkey.

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1306. Media Briefing by Official Spokesman of the Pakistan Ministry of Foreign Affairs.


In his weekly Press briefing in Islamabad, the Foreign Office spokesman said that Pakistan hoped India would respond positively to British Prime Minister John Major’s proposal for resolving the Kashmir issue and initiate negotiations with it under the Simla Agreement. He said on January 27 that a similar call by Prime Minister Nawaz Sharif was already on record in which he had stated that Pakistan was ready for a sincere and serious bilateral dialogue with India on this issue under Article 6 of the agreement.

He said at the same time India should stop its baseless propaganda against Pakistan of interfering in its internal affairs. Such allegations were contrary to normal protocol and proved deeply embarrassing for India’s distinguished guest from Britain. “Pakistan rejects these false and mischievous allegations with complete contempt which these deserve,” he added.

The spokesman said that Pakistan had no role whatsoever in the insurgency in Indian Punjab or in any other part of India. Pakistan supported the heroic struggle of the people of Jammu and Kashmir for self-determination and liberation from India’s brutal occupation.

He said Pakistan extended diplomatic, political and moral support to the just and legitimate struggle of the Kashmiri people. “We do not provide them with military assistance,” he added.

He said no one could fail to note that on January 26, which was India’s Republic Day, a total strike was observed by the people throughout the state. Indian authorities imposed a curfew on a large number of towns, while celebrating its Republic Day, he added.

The Spokesman recalled that on India’s Republic Day on January 26, India’s highest gallantry award was given to one army officer. According to the citation for the award, “the officer was killed in an encounter with so-called Kashmiri militants who were allegedly trained by Pakistan and worked on an assignment given to them by ISI”. This followed Press reports that four Sikhs were allegedly trained by Pakistani agencies had confessed to be seeking to disrupt national day celebrations.

He said it is not accident that these false assertions have been made to denigrate Pakistan during the visit of the British Prime Minister to India.
The spokesman said Pakistan has expressed the hope that with the appointment of a veteran politician like Mr. Dinesh Singh as Minister for External Affairs India would adopt a more positive approach towards relations with Pakistan and other neighbouring countries.

1307. Statement issued by the Official Spokesman of the Ministry of External Affairs on the statement by Pakistan Minister of State for Foreign Affairs Mohammad Siddique Khan Kanju, in their National Assembly on February 17, 1993, making references to India.

New Delhi, February 18, 1993.

While briefing the newsmen, the Official Spokesman stated that we have taken note of the Statement by Pakistan Minister of State for Foreign Affairs H.H. Mohammad Siddique Khan Kanju, in their National Assembly on February 17, 1993. We deeply regret that Mr. Kanju, in his statement while articulating his world view, has chosen to make references to India and India’s internal affairs in a manner which is violative of all recognised norms of inter-state conduct and good-neighbourly relations. Both in language and in content, Mr. Kanju’s references are gratuitous, totally unwarranted and unacceptable. Pakistan, which for all its troubled history, has been ruled by successive military dictatorships, is hardly a shining example of democracy for the people of the region. Though, we sincerely hope that nascent process of democratization in Pakistan might some day strike roots in that country, Pakistan, which has adopted the state ideology of a single religion naturally cannot comprehend our tenets of secularism. Rather than, concentrate on exorcising its own bigotry and religious apartheid, it is regretted that Pakistan is consistently indulging in inflammatory rhetoric and provocative actions intended to raise public passions.

We have, time and again, emphasized that we are ready to resolve all outstanding issues including intractable issues with Pakistan, within the framework of the Simla Agreement. But for a conducive atmosphere, in which any meaningful discussions are to take place, Pakistan must cease its active and sustained support to terrorism and subversion directed against India. We would once again urge Pakistan to give up its State-supported terrorism. Pakistan should eschew its path of confrontation and the adversarial frames of
its mind-set which is hardly conducive to peace and harmony in the region. There should be no illusions in any quarter about India’s firm resolve to counter Pakistan’s challenges to its territorial integrity and sovereignty.

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New Delhi, March 2, 1993.

We have received reports that Pakistan is trying to interfere in Jammu and Kashmir by raking up alleged human rights issues in the Commission for Human Rights, which is currently in session in Geneva. They are attempting to introduce a resolution which, apart from recalling previous resolutions of the UN Security Council, recommends a fact-finding Mission to visit Jammu & Kashmir to investigate and report on the human rights situation there. It also attempts to place the situation in Jammu and Kashmir on the agenda of the Commission at its next session.

India has taken a firm stand and informed all member countries of the Commission that this is totally unacceptable to us and we are opposing introduction of the resolution. We are also pointing out Pakistan’s own track record in aiding and abetting violence and terrorism in Jammu and Kashmir and Punjab. In the event of the remote possibility that such a resolution is tabled and voted in favour, India would not accept it. Pakistan’s action in trying to introduce such a resolution will now serve to distance the prospects of a fruitful bilateral dialogue between our countries.

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Interview of External Affairs Minister Dinesh Singh with the Pakistani daily Muslim on relations with Pakistan.

New Delhi, February 26, 1993 and carried by the paper on March 4, 1993.

**Question:** The five summit meetings Mr. Rao had with Prime Minister Nawaz Sharif so far have not yielded much and tension persists between the two countries. Would you consider breaking the ice by going to Pakistan?

**Answer:** I have no objection in going to Pakistan any time if it could lead to a better understanding. Regarding a possible visit by Mr. Rao to Islamabad in deference to Mr. Nawaz Sharif’s desire that the two leaders should meet in each other’s capitals instead of third country capitals, unless such a visit is preceded by adequate preparations you get into a position where everybody will say that nothing has come out of it, that India is unreasonable, or that Pakistan is unreasonable. This does not lead to our coming any closer.

The last time a prominent Indian leader visited Pakistan was nearly four years ago. It was in July 1989 that the then Prime Minister Rajiv Gandhi and External Affairs Minister P.V. Narasimha Rao paid a formal visit to Islamabad.

Mr. Nawaz Sharif did come to India in May 1991 to condole Mr. Gandhi’s death. Thereafter, Mr. Nawaz and Mr. Rao held summit meetings at international gatherings in Harare, Colombo, Davos, Rio de Janeiro and Jakarta to discuss bilateral relations but not on Indian or Pakistani soil. They will now meet during the seventh SAAC summit at Dhaka in Bangladesh next month.

Much depends on what Mr. Nawaz also has in mind, whether he would like to have a dialogue. If there is an indication that he wants a dialogue, and if there is a climate for such a dialogue, I am sure our Prime Minister will respond to it.

**Q:** Pakistan insists that Kashmir is the root cause of all Indo-Pak troubles. What are India’s minimum pre conditions for starting a dialogue on Kashmir with Pakistan?

**A:** India and Pakistan have committed themselves to resolving all differences bilaterally and peacefully under the Simla Agreement. However, it should be appreciated that the more complex and intractable issues can only be resolved once there exists an assured atmosphere of mutual trust and confidence. We have an on-going dialogue on confidence-building measures between the two countries, and we urge Pakistan to join us in carrying this process forward on a step-by-step basis. Pakistan must stop its support to terrorism directed against India and thereby create a climate conducive to meaningful negotiations.

Regarding Mr. Nawaz Sharif’s view that Kashmiris too should be involved along with India and Pakistan in discussions on Kashmir, I say that Kashmir is our internal matter. The present situation in that state would be resolved...
by India through restoration of the democratic process once the problem of terrorism has been tackled. Pakistan has no locus standi. We only hope and have urged Pakistan that it should stop its involvement with terrorism and not seek to exacerbate the situation.

Kashmir is the main problem because Pakistan does not want to look at the reality. By keeping up this question on Kashmir, they do not permit the people of the two countries to get together.

They never talk about the portion of Kashmir that they occupy. They talk of UN resolutions. The first condition in the UN resolutions was that they would withdraw from that part of Kashmir which they have occupied and that it will come under our control and then the plebiscite. The first condition they never fulfilled, and they still talk of that resolution.

Pakistan keeps talking about Kashmir because it wants to keep alive the two-nation theory, which is based on the premise that Hindus and Muslims cannot live together and, therefore, they must separate.

Despite being a Hindu-majority state, India gives equal rights to all its citizens and does not differentiate between them on the basis of religion. We talk of secularism. They do not talk of any of these. Their own record of handling their own minorities is appalling. And yet they talk about the minorities in India. They want to keep the conflict alive. They want a dialogue with India, on the one hand, and support terrorism in India, on the other. You see, this is the whole problem.

Q: What do you think should be done to improve relations between the two countries? What is India prepared to do and what do you want Pakistan to do so that the two can live like ideal neighbours?

A: My feeling is that, as more and more Indians and Pakistanis get to meet one another, confidence will grow. Once confidence grows, dialogue becomes easier. It is fear and suspicion that create disputes and confrontations. This is why I have been saying that economic cooperation should increase between India and Pakistan. If our people go to Pakistan, they will see what is Pakistan. Maybe, they will go into joint collaborations both in India and Pakistan.

If Indians go to Pakistan, live there and work there, and if Pakistanis come to India, live and work here, then there will be an interest in each other’s welfare. Then the differences become very much easier to resolve. If we make differences, put pre-conditions, then there is no meeting point.

India and Pakistan have been living with problems for over 40 years, and at this rate, they could live the same way for another 40 years. But this is not what we want. What we want is to have rapid development in this area so
that we are able to overcome poverty and are able to give our people a better life. There is much that we can do in cooperation. Why Pakistan does not realize this I do not understand. They have never given us a cogent reason for not working together.

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1310. Suo Moto Statement by External Affairs Minister Dinesh Singh in the Lok Sabha on the dismissal of the Nawaz Sharif Government

New Delhi, April 19, 1993.

Honourable members are no doubt, aware of the political events evolving in Pakistan in recent weeks. On 18 April 1993, the President of Pakistan Mr. Ghulam Ishaq Khan, dismissed the Government of Prime Minister Nawaz Sharif, dissolved the National Assembly and inducted a caretaker Government with Mr. Balakh Sher Mazari as the caretaker Prime Minister. The other two Ministers sworn in are Mr. Farooq Leghari of the Pakistan Peoples Party and Mr. Hamid Nasir Chatta of the Pakistan Muslim League. There have been general indications from the office of the President of Pakistan that elections will be held around the middle of July, after a gap of nearly two and a half months. From the remarks made by the Chief of Army Staff, the view of the armed forces is that the processes generated by the decisions of the President of Pakistan on the 18th of April should be finally resolved either by the courts or by the people of Pakistan.

2. Developments in Pakistan are basically that country’s internal affair. But there is no gainsaying the fact that events in this important neighbouring country always have implications for us both in general and in terms of our security. We cannot thus remain indifferent towards the situation in Pakistan. Being a democracy ourselves, we would wish to see democracy flourish in Pakistan. In the prevailing situation where elected Governments have been repeatedly impeded from striking roots and gaining continuity in their policies, a phase of uncertainty in our relations with Pakistan cannot be ruled out. Government will be closely following further developments.

3. It is, however, our hope that whichever Government is in power in Pakistan, the attitude of reason and moderation will animate their Policies towards us, as having a good neighbourly, working relationship with Pakistan remains a continuing objective in our policies towards that country.

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1311. Statement of the Official Spokesman of the Ministry of External Affairs, on the OIC Resolutions on Kashmir — at the conclusion of the 21st meeting of the OIC Foreign Ministers.

New Delhi, April 30, 1993.

Government has seen press reports of the Communiqué and Resolutions adopted by the 21st Meeting of the OIC Foreign Ministers at Karachi on April 29, 1993. The Communiqué and Resolutions adopted at Karachi make it obvious that the OIC Foreign Ministers Meeting has been misled by certain elements within the OIC Secretariat and the host county. In the circumstances, the views expressed in the Communiqué and the Resolutions do not come as a surprise to Government of India. At the same time, the Government of India categorically questions the assessments and recommendations endorsed by the OIC Foreign Ministers Meeting at Karachi. We consider them totally unacceptable.

Kashmir is an integral part of India, and the enduring issue is for Pakistan to come to terms with realities and to cooperate with India to serve the larger objectives of peace and stability in the sub-continent. The OIC Resolution will serve no purpose other than encouraging Pakistan to persist with its support and sponsorship of terrorism and subversion directed against India.

The OIC has presumed further to take on a role in safeguarding the interests of over 100 million Indian citizens who happen to be Muslims. It is ironic that an organization which refuses India participation in its activities despite India being endowed with one of the largest Muslim populations in the world, now pretends to arrogate to itself a role to protect their interests. The political gimmicking inherent in this futile gesture is obvious. The interests of stability and protection of minorities in the Indian sub-continent are not served by such tendentious statements by the Organisation of Islamic Conference*

* Minister of State for External Affairs Salman Khurshid on April 29 in a statement had said that it was surprising that Prime Minister Mr. Mazar of Pakistan should be using the OIC forum to seek so called “Safeguards for rights and welfare” of Muslims in India. India is perfectly capable of looking after all its citizens without exception. Muslims, Sikhs, Buddhists, Parsis, Christians and all other minorities have both a say and a stake in our collective national future and aspirations. Kashmir’s welfare is intrinsically linked with the welfare of the rest of India. We are confident that we are secure in our future without the false tears, indeed despite the false tears, of Mr. Mazar and his colleagues. If he is concerned he should exert himself to apprehend the culprits of the Bombay carnage. Instead of casting his eyes across the border he should heed good advice—“Physician heal thyself”.
The situation in Kashmir has not improved as yet. There is only a marginal improvement but we still have to do a lot. In Kashmir, the incitement, money and weapons and trained people come from Pakistan. The trouble is not from within Kashmir but it comes from across the border. People of Kashmir are against terrorism. This, I can state with full confidence. But when they face bullets, they are naturally scared. Though people do not say it, but if terrorism comes to an end, they will be very happy and heave a sigh of relief. There is no doubt about it. While Pakistan is carrying out false propaganda about human rights violation in J&K. only two days ago the terrorists from that country stopped a bus midway and pulled out 16 or 17 people and shot them dead. Do they mean that those who have been the victims of their bullets have no human rights? Have they no right to live? Only when the terrorist get killed in encounters, why do these people get perturbed, why do they campaign for upholding the human rights? Do only the terrorists have human rights? They have a right to kill others and they also have human rights to the effect that nobody should Kill them. This is a warped logic beyond comprehension and we are not prepared to accept it. I would like to congratulate those who fought against terrorism and caught many terrorists and have tried to bring the situation somewhat under control. This process will continue. Pakistan may do whatever it wants, but Kashmir is an inalienable part of India. Nobody can separate it from India, whatever means they may use. Recently Pakistan had reached where it would have been declared a terrorist state. Now when they provide weapons and other material for promoting terrorism, whom they are harming? I would like to appeal to them and also warn them that this plan will benefit no one of them. In any case, India will remain unmoved from its position that Kashmir will remain an integral part of India and we will always serve the people of Kashmir in every possible manner and solve their problems. Nothing can be achieved from this bloodshed.

Our relations with the neighbouring countries, except Pakistan, are good. We can have good relations with Pakistan too. I have met the Pakistan Prime Minister about half a dozen times. Our personal relations are very cordial but when it comes to matters of policy, it is difficult to say anything. Elections are going to be held shortly in Pakistan and a new leadership will take over. I hope the new leadership will come with greater sense of realism and will have the courage to accept the reality and then alone could there be further and meaningful dialogue between us.
There need be no doubt on this. We are ready for talks, but one thing is clear, Kashmir is an indivisible part of India. It has been and will remain so. If this reality is accepted, there will be friendship and cooperation. I want to give this assurance. I want to give the same assurance to Pakistan, our neighbour and that it should forget about making efforts to separate Kashmir from India. That efforts have been made time and again and campaigning and spending have been going on. But now Pakistan must forget this. We can remain good friends for ever on this basis and our friendship will serve as a model to the world.


Islamabad, August 15, 1993.

Pakistan reacted strongly on August 15 to the remarks by the India Prime Minister that Pakistan was “fuelling Muslim militancy and a guerilla campaign in an integral and inalienable part of India (Kashmir)’”.

The Pakistan Foreign Office spokesman in response to the Indian Prime Minister’s speech said: “All these accusations are baseless and there is certainly no question of Pakistan being on the terrorist list. We have absolutely no interest in fuelling the so-called Muslim militancy. On the contrary we are worried about the treatment meted out to the Muslims there.”

Taking note of Mr. Rao’s remarks the Spokesman termed them uncalled for accusations; and said “Maybe the Indian Prime Minister views Kashmir as an integral part of India, but these are certainly not the views of the rest of the world. Even the United Nations has called it a disputed area.” He further said that the “Indian government knows very well that the uprising in Kashmir is indigenous and spontaneous and has nothing to do with cross-border activities. In fact, Mr. Rao should read the editorial of London Times on May 12.”

Pakistan Prime Minister Moeen Qureshi had in his Independence Day speech reiterated Pakistan’s resolve to continue concerted efforts at the international level to stop ‘atrocities in Jammu and Kashmir’. He said that the importance being attached to Kashmir by his government could be well gauged from the fact that he visited Azad Jammu and Kashmir on a priority basis after assuming office.
The government and the people of Pakistan will not allow India to forget its obligations (of holding plebiscite in Kashmir)." Foreign Minister Abdus Sattar told the Senate on August 26. Responding to an adjournment motion sought to be moved by Prof Khursheed Ahmad to discuss the recent statement of Indian Prime Minister Narasimha Rao in which he had told Pakistan to forget about Kashmir, he said: “India should know that the people of Kashmir will not forget their rights and they will not let India forget its pledges. As in the past, Pakistan would continue to give full support to the inalienable right of the Kashmiri people. We will oppose the perverse Indian attempt to impose its will on the Kashmiri people.”

Referring to Mr. Rao’s references to Pakistan and Kashmir in his August 15 speech, Mr. Sattar said the references were extraordinary “for their lack of logic and exceptionable for the false allegations he made. While we are used to India’s hostility, the stridency of Mr. Rao’s remarks was uncharacteristic of a leader of his experience and reputation for restraint.”

He said the Indian Prime Minister’s claim that Kashmir was part and parcel of India was comparable to some claiming ownership of robbed goods. “No civilized society can accept such a blatant assertion,” he said and added: “India cannot claim a legal title because it has occupied a part of Jammu and Kashmir through aggression. International law rejected the acquisition of a territory by use of force. The Kashmir issue was not a question of territory but an issue of the right of the people. The territory itself belongs to the people of the state.”

Mr. Sattar said that even the slogan of “Kashmir is our” was a “stolen slogan”, which the Indian Prime Minister had stolen from the Kashmiris and this slogan had been reverberating in the valley for years. “It is the Kashmiri people who had been telling India that Kashmir belongs to Kashmiris.” He pointed out and recalled that Kashmiri people had been demanding the withdrawal of Indian forces so that they could exercise their right of self-determination in a free and unfettered plebiscite.

He said the right of self-determination was recognized by the UJN and re-affirmed time and again in international covenants on civil, political, economic social and cultural rights. Particularly in the case of Kashmir, he said, this right was guaranteed to the Kashmiri people by the UN Security Council through a number of resolutions.
The Foreign Minister said Pakistan would oppose the perverse Indian attempt to impose its will on the people of Kashmir and continue to condemn the barbarous repression India was carrying out in Kashmir.

Accusing India of indulging in “state terrorism” he said that over half a million Indian military and paramilitary forces had been let loose in Kashmir who were resorting to large-scale human rights violations in a desperate hope of bludgeoning Kashmiris into submission. He said the crimes being committed by the Indian forces against Kashmiri Muslims were “unspeakable and reprehensible.”

Mr. Sattar said tens of thousands of Kashmiris had been killed by Indian forces. But, he said, all such atrocities had failed to break the morale of the people. He said the crimes being committed by Indian forces in Kashmir were being depicted in despatches of objective correspondents, eyewitness accounts and reports of impartial human rights organizations. “Not only decent opinion in the world at large but even a civilized Indian who reads the accounts of the atrocities should surely feel outraged by the conduct of the Indian forces and raise his voice in protest and condemnation against the policy of the Indian government.” He added.

He said Pakistan was fully in agreement with Mr. Rao that relations between the two countries could improve and peaceful and cooperative relations between the two countries would benefit the people. However, he observed that this vista could be achieved only on a basis of law and justice and on a basis of respect for the pledged word. “If India does not implement solemn agreements, what is the value of its rhetorical statements?” he asked.

He called upon India to abandon violence and the use of brute force and to return to the path of peace to adopt reason, to respect norms of law and civilization and to resolve the Kashmir question in accordance with the accepted principles.
Statement of the Official Spokesperson of the Ministry of External Affairs reacting to the statement of Pakistan’s Acting Foreign Minister Mr. Abdus Sattar in the Pakistan Senate on August 26, 1993.

New Delhi, August 27, 1993.

We have taken note of the statement made by the Acting Foreign Minister of Pakistan, Mr. Abdul Sattar, in the Pakistan Senate on August 26, 1993. Whatever might have been the compulsions of Mr. Abdul Sattar to indulge in such strident rhetoric on Indo-Pak relations, we would have hoped that these were issues best left to the elected representatives of people of Pakistan to reflect on. We find it both ridiculous and unacceptable that Mr. Abdul Sattar, who is recognized for his incorrigibly negative stance towards India has misused the high office that he is holding ad interim to make such personal attack on our Prime Minister. It is ironic, to say the least, that Mr. Abdul Sattar who was the Pakistan Foreign Office’s instrumentality in carrying out horrendous brutalities on the people of the former East Pakistan, is waxing so eloquently about human rights.

The only remaining issue pertaining to Kashmir is the vacation of the territory illegally occupied by Pakistan through force and aggression. The present situation in J&K is none other than the direct consequence of Pakistan’s sustained and extensive support to terrorism and subversion. Pakistan has become a sanctuary and springboard for terrorists, subversives and armed mercenaries.

If Mr. Abdul Sattar’s statement is an example of the public statements through which Pakistan wishes to convey its professed desire for normalization of relations with India, it will be pointless to expect Pakistan to abandon its habitually negative approach and to cooperate in working towards tension-free and good neighbourly relations between the two countries.
1316. Message of felicitation from Prime Minister P. V. Narasimha Rao to the newly elected Prime Minister of Pakistan Ms. Benazir Bhutto and the latter’s reply.

New Delhi, October 19, 1993 and Islamabad October 20, 1993.

Greeting the new Pakistan Prime Minister, Prime Minister P. V. Narasimha Rao said: “I would like to convey on behalf of my government, and on my own behalf, our felicitations to you on your assumption of office as Prime Minister and wish you success in your important responsibility.”

In his message of felicitation Mr. Rao, suggested to her that bilateral discussions should be started in the light of the Simla Agreement for normalising relations between the two countries. “Taking into account the mutual commitment of our two governments to the Simla Agreement, I would like to suggest that wide-ranging and sustained bilateral discussions commence between India and Pakistan as early as possible, the objective being to progressively normalize relations between our two countries,” he said.

He said: “We look forward to such a comprehensive dialogue with Pakistan to discuss all matters of mutual concern, including issues related to Jammu and Kashmir.” He added: “At this juncture, when Your Excellency assumes office in Pakistan, we look forward to working with Pakistan to promote peace and stability in South Asia and in building up harmonious relations among the nations of the region.”

In her reply Pakistani Prime Minister Bhutto said:

* Within a few days of the exchange of messages, the Indian and Pakistani Foreign Secretaries met in Limasol (Cyprus) on the sidelines of the CHOGM Summit. After their meeting the Indian Foreign Secretary J. N. Dixit said the meeting discussed *inter alia* the Kashmir issue and “I reiterated my offer for bilateral talks as soon as possible” in the context of the exchange of messages between the two prime ministers. “We will work out the details. We are working on the modalities but we have not discussed the dates. There are preoccupations in Pakistan. It will take some time”. Though the Pakistan delegation did not comment on this statement on that day, the Pakistani Foreign Secretary Shaharyar Khan on November 10 clarified that his Indian counterpart, Mr. J. N. Dixit had indeed suggested to him in Cyprus that the two countries should re-engage in talks on Kashmir and he had responded saying: “We are in favour of holding talks but the present circumstances are not conducive to hold such talks unless the Kashmir issue is also discussed in its entirety as a separate agenda.” He said: “we have conveyed (to New Delhi) very clearly that unless there is a serious and meaningful discussion on Kashmir in its entirety as a separate agenda item and unless we see an improvement of the climate in Kashmir, it would be futile to schedule the talks”, he added. He also added the Kashmir and Siachen disputes were linked and cannot be discussed and negotiated separately, he added.

Briefing newsmen at the Foreign Office on November 10, he clarified that no accord had been reached between Pakistan and India on the Siachen dispute though both had
“Excellency, thank you for your message of felicitations on my assumption of the office of Prime Minister of Pakistan. I would like to assure you that my democratic government attaches the highest priority to the establishment of normal, tension-free relations with India. I am sure that progress towards this objective would contribute to strengthening peace and stability in South Asia.

“I believe that the Jammu and Kashmir issue is the main obstacle in the way of better relations between our two countries and that its solution must be based on the aspirations and legitimate rights of the Kashmiri people. My government is prepared to engage in serious and purposeful discussions in order to resolve this issue as well as other problems between our two countries through peaceful negotiations. Please accept, Excellency, the assurance of my highest consideration.”

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come very close to an agreement after the two meetings held on the issue. However, India had backed out of signing. There was practically nothing left that was contentious except the signing of the agreement, he added.

About the resolution against Indian human rights violations in Kashmir being lobbied for by Pakistan at the UN he said the resolution was gaining ground and so far Pakistan had found nine co-sponsors. “We are being kept informed about development,” he said. On November 24 Pakistan Foreign Minister Assef Ahmad Ali told journalists in Islamabad that Pakistan had decided to withdraw the proposed resolution from the UNGA. While he claimed that a large number of friendly and Islamic countries had given a positive response, he did not give any reasons for the withdrawal of the resolution. He however added that he expected friendly countries “to closely monitor the human rights situation in Kashmir and to persuade India to allow international human rights organizations and the international media to have free access to the state.”
1317. Speech of Pakistani Foreign Minister Farooq Leghari in Parliament setting out pre-conditions for talks with India.


Foreign Minister Farooq Leghari said on October, 28 that lifting of the siege of Hazaratbal shrine, reduction of Indian forces in Kashmir and an end to repression against Kashmiri Muslims were the prequisites* for holding talks with India on the Kashmir issue. “We have conveyed to India that it is imperative that atrocities against Kashmiris be stopped, siege of Hazaratbal shrine be lifted and troops in Kashmir be reduced, otherwise talks will not be meaningful.”

The Foreign Minister told the special meeting of the two Houses of Parliament currently in session to discuss the situation in Kashmir with particular reference to the siege of Hazratbal shrine.

Mr. Leghari referred to the congratulatory letter written by Indian Prime Minister Narashimha Rao to Ms Benazir Bhutto on her assumption of office. In that he had offered talks on the Kashmir issue. He said Pakistan has responded to that letter “positively”, “Our objective remains the same—the settlement of the Kashmir issue according to UN resolutions and in the spirit of the Simla Agreement,” he said. “Under the Simla Agreement, Kashmir is a disputed territory and the issue has to be resolved bilaterally.”

He said Pakistan had consistently maintained that the Kashmir issue should be resolved by implementing the UN resolutions but regretted that India had continuously been refusing to pay heed to it.

“The way the freedom struggle is going on in Kashmir, it is imperative that a political solution is sought,” he said. “We feel the struggle has reached a stage when India will be obliged to hold talks.”

The resolution seeking a debate on the situation arising out of massive human rights violations in Kashmir and the siege of Hazratbal shrine was moved by Mr. Leghari and was not opposed by the Opposition. Initiating the debate, he regretted that India was treating the Kashmir issue as a law and order problem.

“It’s not a law and order problem. It’s a struggle for independence and against

* On the same day the Spokesman of the Pakistan Foreign Office besides repeating the pre-conditions articulated by Leghari also spoke of continued and intensified firing by the Indian forces at the Line of Control. Referring to reports of skirmishes along the Line of Control between Pakistani and Indian troops, he said the Indian troops movement on the borders and the LoC has always been a cause of concern. But for the last few months, India has been firing from across the border at the civilian population. The Pakistan government said it is willing to talk to India on the Kashmir issue on the condition that India lifts siege of the holy shrine of Hazratbal, reduces significantly its forces in Kashmir and agrees to discuss the issue in its entirety.
repression which cannot be curbed by force. The more force you will apply....
the more strong the struggle would become.” He said.

He said India even tried to mislead the world opinion by first accusing Pakistan
of abetting fundamentalism in Kashmir but failed in its designs because the
world came to know very soon that it was an independence movement launched
by the Kashmiri people against India.

He said Pakistan had nothing to do with what was happening in Kashmir as it
was an indigenous movement. He said Pakistan had been offering moral,
political and diplomatic support to Kashmiris, which was in accordance with
the UN resolutions. “We will continue to provide moral, political and diplomatic
support to them”, he added.

Referring to the repression being perpetuated against the Muslims in Kashmir,
he said: “We are witnessing a catastrophe never witnessed before in Kashmir.”

He said the claims of the Indian government that it was making political moves
to tackle the situation have been belied by the recent crackdown. The people
of Kashmir, he said, had come out for their right to self-determination.

He said Pakistan was committed to a negotiated settlement of the Kashmir
issue. “A peaceful way must be found to resolve the issue.” He said, asserting
that it was a longstanding issue which has to be resolved for permanent peace
in the region.

He told the members about the efforts made by Pakistan during the recently
concluded Commonwealth Conference held in Cyprus to highlight the Kashmir
issue.

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1318. **Briefing by the Official Spokesman of the Pakistan Foreign Office denying the existence of any secret deal at Simla in 1972 on Kashmir.**

**Islamabad, November 24, 1993.**

The Foreign Office spokesman contradicted reports of the existence of any secret agreement between the Prime Ministers of India and Pakistan during the Simla Conference in July 1972 and termed them as “baseless and malicious allegations.” Briefing newsmen in Islamabad on November 24, he referred to reports recently published in some Indian newspapers, alleging that during the Simla Conference in July 1972, the two Prime Ministers had reached a secret agreement on “converting the Line of Control in Jammu and Kashmir into an international boundary” and said no secret pact or understanding existed as was being claimed by the Indian media.

Recalling a protracted controversy on this issue in India in April 1978 during the tenure of the Janata Party, the spokesman said that at that time the then Foreign Minister of India, Mr. Atal Behari Vajpayee, had been quoted as saying that some sort of a secret understanding was reached by Mrs. Indira Gandhi in her confidential conversation with Mr. Z.A. Bhutto. Mr. Vajpayee had, however, clarified that he was not quoting from any official Indian documents.

He said the late Mrs. Gandhi, who as Prime Minister had negotiated with the late Prime Minister, Mr. Bhutto, and signed the Simla Agreement, had categorically denied that any secret agreement had been reached. And in a statement on April 23, 1978, Mrs. Gandhi had described the references to the secret agreement as “absolutely ridiculous”.

“We would like to reiterate that no secret agreement or pact or an understanding exists in order to set aside any lingering doubt on the subject,” he added.

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Press Conference of Pakistan Foreign Minister Assef Ahmad Ali on return from Dhaka after attending the Ministerial Meeting of the SAARC Countries.


Foreign Minister Assef Ahmad Ali said at Karachi on December 6 that so far India had neither improved ground situation nor met other agreed conditions necessary for making talks on Kashmir meaningful and fruitful. Addressing a news conference on his return from the ministerial meeting of SAARC in Dhaka, Sardar Assef said he had very important discussions on the Kashmir issue with his Indian counterpart Mr. Dinesh Singh, and hoped that New Delhi would take necessary steps in this regard.

He emphasized that “Pakistan seeks solution to the Kashmir issue in accordance with the UN resolutions which envisage a plebiscite” and added that the “Simla Agreement is only a good instrument for furthering such negotiations.”

Giving a resume of his bilateral meeting with the Indian External Affairs Minister, Sardar Assef said he had pointed out to Mr. Dinesh Singh that “when Pakistan agreed to have talks on finding a solution to the Kashmir issue, it was also agreed by the Indian side that they will lift the siege of Hazratbal shrine, improve ground situation, release detained Kashmiri leaders, reduce repression on the Kashmiri people and allow international media and human rights NGOs to enter Kashmir.

“It was a clear understanding that India will move forward in all areas for the talks to be meaningful and fruitful,” said Mr. Assef. But he regretted that “India has not been able to fulfill these commitments”.

During the exchanges with Mr. Dinesh Singh, Sardar Assef said, he had drawn his attention towards this situation, and the latter had agreed on most of the points “raised by us and promised that the ground situation in Kashmir will improve.”

Sardar Assef pointed out that the number of deaths as a result of Indian repression in Kashmir “has gone up dramatically, especially in Sopore where a large part of the city was torched, resulting in the death of many innocent people, including women and children.”

“If this kind of repression continues, then surely India is not ready for a settlement of the Kashmir dispute and it will be very difficult to talk on Kashmir,” he said, adding that Pakistan hoped that India would release detained leaders and lift the curtain on Kashmir by allowing foreign human rights NGOs.

During the Dhaka meeting, Mr. Dinesh Singh reiterated his country’s desire to improve cross-border trade to give a boost to economic cooperation. “If it is
within the framework of SAARC, then there will be problem” but otherwise improvement of bilateral relations hinged on the resolution of the Kashmir issue.” He said.

“India has to resolve the Kashmir issue before any meaningful talks can take place in trade, commerce and other spheres,” said Sardar Assef, and hoped that before the Foreign Secretary-level talks, the Indian government will make suitable improvements in Kashmir for the talks to be successful.

He said no compromise formula was presented or discussed when the Foreign Secretaries met in Dhaka, though before the ministerial meeting the Indian Foreign Secretary had said he would discuss a compromise formula with Pakistan officials.

“We don’t know what is in their mind but any solution has to be in accordance with the UN resolutions. There is not much change in our policy on Kashmir.”

Asked whether the Foreign Secretary-level talks would be cancelled if the Indians did not fulfil the conditions agreed upon, Sardar Assef said: “It will vitiate the atmosphere and will not lead to a meaningful conclusion.”

Replying to a question, he said: “Siachen is a part of Kashmir and I see no reason why it should be discussed separately. “These issue of Jammu and Kashmir will be discussed in its entirety.”

Asked whether he considered Indian offer of talks as a ploy to defuse the situation, he said: “We have accepted the offer in good faith because we want a peaceful and negotiated settlement of the problem.” He, however, did not rule out the possibility that the offer could be a ploy.

Asked why Pakistan had decided to withhold the UN the resolution on Kashmir. Sardar Assef said: “It was dictated by diplomacy.”

Indirectly rebutting the opposition’s charge on this issue, the Foreign Minister said that the opposition had no understanding of how foreign policy is conducted. Pakistan’s decision was dictated by the wise counsel of co-sponsoring friendly countries, “which advised us to take advantage of the offer for negotiations.”

But he stressed that if and when necessary Pakistan would move such a resolution in a much vigorous manner. “We cannot compromise our stand on Kashmir”, he concluded.
1320. Press Release issued by the Ministry of External Affairs on the visit of Minister of State for External Affairs R. L. Bhatia as Special Envoy of the Prime Minister of India.

New Delhi, December 7, 1993.

Shri R. L. Bhatia, Minister of State for External Affairs, left by a special aircraft for Islamabad today, as special envoy of the Prime Minister. Later this evening, he is expected to meet the Pakistan Prime Minister, Mrs. Benazir Bhutto and deliver to her an invitation from our Prime Minister to attend the ‘Education For All’ summit, which is to be shortly held in New Delhi.

The Government of India had advance intimation that owing to certain preoccupations, the Prime Minister of Pakistan would not be able to attend this Summit but as a special gesture and to contribute to the atmosphere of normalization, the Prime Minister had decided to nevertheless send a special envoy to Islamabad to personally deliver his invitation to her.

The Prime Minister, it will be recalled, had earlier sent a special envoy to Bangladesh, although the Bangladesh Prime Minister, Begum Khaleda Zia, had stated that she could not come for the summit owning to domestic preoccupations. Kumari Selja, Deputy Minister in the Ministry of Human Resource Development, had been sent to Bangladesh to deliver Prime Minister's invitation personally. This is in accordance with Prime Minister's wishes that special courtesies should be extended to the heads of government of our neighbouring countries.

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1321. Adoption of a Resolution by the Pakistani Senate on Kashmir.

Islamabad, December 30, 1993.

The Pakistan Senate adopted on December 30 a Resolution on Kashmir affirming that a political solution to the Kashmir problem is imperative and without the involvement of the leadership of the Kashmir liberation movement India–Pakistan talks on the negotiations would be fruitless. The resolution moved by Senator Khurshid Ahmad and Senator Mohammad Ali Khan Hoti contained five conditions which needed to be fulfilled if the forthcoming negotiations between India and Pakistan are to be made fruitful.

The conditions laid down were:

2. Withdrawal of Indian forces be started in such a manner that there is a visible reduction leading to a total withdrawal of forces.
3. Political leadership of the resistance movement be released and a congenial climate created in Kashmir.
4. Negotiations should be directed towards a final solution to the Kashmir dispute in accordance with the UN resolutions and commitments of the Governments of India and Pakistan.
5. As the future of Kashmir is to be decided in accordance with the will of the people of Kashmir, leadership of the resistance movement in Kashmir must be involved in these negotiations.

The Resolution said that the instruments of negotiations had been used by India as a trap in the past particularly after 1962 and also in late 1980s. It said the main issue between India and Pakistan is the future of Jammu and Kashmir. Unless this issue is resolved, negotiations on other subjects like the so-called normalization of relations, economic cooperation, Siachen and the Wullar Barrage would be tantamount to side-tracking the real issue and an exercise in futility. The Senate also expressed its solidarity with the Kashmir freedom movement and urged the government to take immediate steps to implement effectively the resolution of the joint sitting of the parliament adopted in November 1993*.

* In view of the impending India-Pakistan talks at Foreign Secretary level starting from January 2, 1994 and in the light of the Senate Resolution the Spokesman of the Pakistan Foreign Office on the same date December 30 termed the forthcoming talks on Kashmir as “decisive” and threatened that it would not hold further negotiations if they proved unproductive. He said: “We will find it domestically extremely difficult to continue the
During the three-day meeting due to begin in Islamabad on January 2, Pakistan would ascertain whether India wanted “mere talks” or was genuinely interested in a settlement of the “core issue”, he said. If there was no progress, Pakistan would take the matter to the international community and “tell the world to resolve the explosive situation.” Pakistan would like India to make “some commitment” to improving the human rights situation in Kashmir by ending its “repression” in the disputed northern state, the Spokesman added. He also said that Pakistan would neither accept any division of the state or any Indian suggestion of recognizing “with some adjustments” the preset ceasefire line as a permanent border in the territory.

The Foreign Office spokesman said since the participation of the Kashmiri representative was essential “We are in contact with all Kashmiri representatives available to us and if the leadership in Kashmir is available to us, we will certainly also consult them.” “we had read the statement of All Parties Hurriyat Conference and we would certainly take into account their views during the talks,” he added. “Our position calls for the implementation of the Security Council resolution which requires expression of the wishes of the Kashmiri people,” he said, adding that if the procedure for the implementation of the Security Council resolution demands “consultation with the Kashmiri people, and we most certainly believe that it is essential to do so”, then Pakistan would definitely consult them. The spokesman hoped that the talks, would be “serious, constructive and meaningful but at the same time Pakistan wishes to reiterate continuing escalation of repression by Indian military and paramilitary forces in Jammu and Kashmir is a source of most serious concern and anguish for the people of and the government of Pakistan.”

The spokesman said there would be a comprehensive discussion on all aspects of the Jammu and Kashmir issue besides all other related issues. He said Pakistan would focus on the core issue of the Jammu and Kashmir dispute. He hoped the talks would lead to a just and lasting settlement of the dispute. This solution, he reiterated, should be based on the right of self-determination of the People of Kashmir, exercised in accordance with the relevant Security Council resolutions and in the framework of the Simla Agreement.


The seventh round of talks between the Foreign Secretary of India, Mr. J. N. Dixit, and the Foreign Secretary of Pakistan, Mr. Shaharyar M. Khan, took place in Islamabad on 1 to 3 January 1994.

During his stay in Islamabad, the Foreign Secretary of India was received by the President of Pakistan, Sardar Farooq Ahmed Khan Leghari, the Prime Minister, Mohtarma Benazir Bhuto, and the Foreign Minister Sardar Aseff Ahmed Ali.

Both sides reiterated the need to engage in a meaningful dialogue with a view to addressing all outstanding problems.

The talks addressed all aspects of the Jammu and Kashmir problem. Both sides recognized that there are basic divergences. It was agreed that sincere efforts would be made to resolve the problem.

The two sides will consult each other on the question of further talks on the Foreign Secretary or other level*.

* At the end of the first day of talks Pakistan Foreign Secretary said “in diplomacy things move forward in small steps but this is a fact that Kashmir has been discussed as a dispute between the two countries for the first time in decades” while Mr. Dixit quoted Plato and said “it is not a sign of wisdom to be desperate about things”. “We have discussed Kashmir this morning and are open to dialogue from the Pakistani side”, Mr. Dixit said at the reception hosted by the Indian High Commissioner. Media reports said that the two sides were poles apart in their perception of the dispute but Mr. Dixit said that he was “satisfied” with the initial round. Pakistani officials continued to maintain that nothing substantive had happened. Mr. Dixit told Indian newsmen that “we have to find areas of agreement although the gap in the perceptions is very large”.

At the end of the second round of talks and before the departure of the Indian delegation for New Delhi, both the foreign secretaries conceded that the talks had failed. Mr. Dixit when asked whether India would implement the UN resolutions on Kashmir, he said “This is irrelevant, provocative and controversial” and added “more than once, the Indian position has been articulated on the irrelevance of UN resolutions”. When Mr. Shaharyar Khan was asked whether Pakistan would now move the resolution at the UN against Indian violation of human rights, he said the option was open and might be considered. But Mr. Dixit intervened and said that India was capable of “living with resolutions whether they are moved or not”. Mr. Shaharyar after the Indian delegation had left said that Pakistan had reiterated four conditions for resumption of talks. These included withdrawal of Indian troops from Kashmir, end to human rights violations, opening up Kashmir to international organizations and release of all political prisoners in Kashmir.
1323. Briefing by the Spokesman of the Pakistan Foreign Office on the India-Pakistan talks.

Islamabad, January 5, 1994.

The Foreign Office spokesman said on January 5, 1994 that the latest statements emanating from New Delhi confirmed Islamabad’s assessment of India’s basic intransigence to resolve disputes, particularly the core issue of Kashmir. Commenting on the Indo-Pak Foreign Secretary-level talks, he quoted the Indian and international media, which said: “India may delay the transmission of its promised proposals if Islamabad links the holding of talks to a change in New Delhi’s stand on Kashmir.”

The spokesman said Indian Foreign Secretary J.N. Dixit had “promised to send specific proposals on Siachen, Wullar Barrage, Sir Creek, non-proliferation, peace and tranquility on the Line of Control in six weeks’ time for Islamabad’s consideration.”

However, he pointed out that besides reneging on his promise to send these proposals within the agreed time-frame, Mr. Dixit before his departure for New Delhi on January 3, “publicly repudiated the sanctity and validity” of the UN Security Council resolutions on Kashmir.

According to him, Mr. Dixit in blatant defiance of the wishes of the UN, had reportedly said: “India could live with UN resolutions whether adopted, tabled or not tabled.”

He said in New Delhi Mr. Dixit issued on January 4 another statement on the subject of India presenting its proposals to Pakistan. Mr. Dixit had said: “It all depends on how Islamabad responds to the Indian proposal to have the next round of foreign secretary-level talks in four months time”

Commenting on these statements, the Spokesman said that if India was to present proposals to resolve the problems which India itself has created, it can hardly be portrayed as concessions to Pakistan.

Listing the problems, the Spokesman pointed out to Siachen Glacier, Wullar Barrage, Sir Creek and nuclear proliferation, as well as Kashmir which “have all been created and perpetuated by India.”

He said: “It is India which unilaterally encroached into Siachen occupying the areas in this disputed territory of Jammu and Kashmir. It is India which began the construction of the Wullar Barage in contravention of the Indus Water Treaty of 1960. It is India which has repudiated accepted maps for the demarcation of the land boundary in Sir Creek. It is also India which carried out a nuclear
explosion in 1974 bringing the specter of proliferation to South Asia. And it is India which has embarked since then on a massive effort to manufacture short-range, medium-range and inter-continental ballistic missiles.”

The spokesman, while referring to Mr. Dixit’s public repudiation of the validity of UN Security Council resolutions, urged the world community to take note of India’s latest defiance of the wishes of the UN and the sanctity of the UN.

“It is strange that this defiance emanated from a country which aspires for a permanent membership to the UN Security Council,” said the spokesman.

Voicing his deep disappointment at the failure of the talks, he said: “The Indian side had proposed the talks. India had gone round the world expressing the fact that it was so reasonable in agreeing to discuss all aspects of the Kashmir issue. Pakistan naturally had a right to expect that India’s position would be more flexible and forthcoming for Islamabad to have a reason for the continuation of the dialogue.”

Commenting on a BBC’s report blaming China to the failure of the talks because China feared that an independent Kashmir would be harmful for its political interests, the spokesman said: “BBC must have very intelligent analysts sitting in London who can concoct the most bizarre reasons for the most obvious outcomes.”

Not wishing to comment further, he said that there were many “aspects of BBC analyses with which we disagree, and this is one of them”.

Asked about the international pressure on Pakistan and India for continuing the talks, he said: “It is the desire of the world community to avoid a conflict in order to avert the danger of war between the two countries*.”

* Media reports said In the backdrop of the Indo-Pak dialogue, the Pakistan Foreign Office took on January 4 into confidence the foreign envoys based in Islamabad and Kashmiri leaders as a part of the plan to step up Pakistan’s efforts to move the UN Human Rights Commission, which is scheduled to meet in Geneva from January 31 on the atrocities being committed on the Kashmiris. Two special briefings were held on January 4 at the Foreign Office for the foreign envoys based at Islamabad to inform them about Pakistan’s initiatives on the Kashmir issue and India’s stubborn and indifferent response to these initiatives. The first briefing was held for the envoys of Asian and African countries while the second briefing was for the envoys from European and American countries. Foreign Secretary Shaharyar Khan gave the briefing to these groups for one hour in each case. Official sources said the world community was informed that Pakistan had agreed to reopen dialogue with India with sincerity but India showed no flexibility in its attitude towards the core issue of Kashmir.

The envoys were also informed that since India showed no consideration to ease the
human rights situation in Jammu and Kashmir, therefore, it was not possible for Pakistan to schedule another round of talks with India. They were told that during the talks with India, Pakistan laid stress on the holding of plebiscite under the UN resolutions to decide the future of Kashmir. Pakistan demanded that the Kashmiri leaders be released, troop presence in the valley be reduced and impartial observers should be stationed at the Line of Control to monitor the movement in and outside the valley. According to the media reports, the envoys were told that Pakistan had also asked India to improve the human rights conditions in the valley but India rejected all these proposals. Pakistan was left with no option but to mobilize world opinion on the gross and massive human rights violations being committed in the valley.

Foreign Minister Assef Ahmad Ali briefed the Kashmiri leaders on the political aspects of the dialogue. Media quoted official sources to say that the Kashmiri leaders were informed that both Pakistan and India fully realized that for any political solution, the people of Jammu and Kashmir would be taken into confidence. The Kashmiri leaders were apprised of the entire gamut of talks and of the possible future course of action to be adopted by the Pakistan government to keep pressure on India. The Foreign Office ascertained views of the Kashmiri leaders on the current situation and also elicited proposals from them.
Measures required to create a propitious climate for peaceful resolution of the Jammu and Kashmir dispute and other Issues.

India and Pakistan have acknowledged that Jammu and Kashmir is the central issue which bedevils their relations. Both countries are committed under the UN Charter, the resolutions of the Security Council and the Simla Agreement to promote a peaceful solution of the Jammu and Kashmir dispute.

2. The Government of Pakistan believes that the repression by nearly 500,000 Indian military and para-military forces in Indian-held Kashmir militates against the stated commitments of the Indian Government to seek a peaceful solution of the Jammu and Kashmir dispute. India’s actions in Jammu and Kashmir are also violative of the UN Charter, the international human rights standards and of the humanitarian norms applicable in armed conflicts.


4. During the Seventh round of Foreign Secretaries’ level talks in Islamabad (January 1-3, 1994) Pakistan expressed its view that this continuing repression is vitiating the climate for the talks and adversely affecting the prospects of peaceful resolution of the Jammu and Kashmir dispute. Pakistan urged India to take steps to reduce the repression and to bring to an end the violations of human rights against the people of Indian-held Kashmir. Pakistan had indicated that India should take the following measures:

(a) Withdrawal of additional forces deployed in Jammu and Kashmir since January 1990;

(b) Removal of military bunkers, watch towers and other symbols of the military and para-military presence in Kashmiri towns and villages and specially the bunkers outside and around the Hazratbal Mosque;

(c) Withdrawal of Terrorist and Disruptive Activities Act (TADA) and other draconian laws;

(d) End of arbitrary arrests and detention of Kashmiris, torture, custodial murders, rape and arson by Indian security forces;

(e) Release of Kashmiri political, religious and militant leaders;
(f) Unhindered and unrestricted access to Jammu and Kashmir by representatives of international human rights bodies such as Amnesty International, Asia Watch. Physicians for Human Rights, the International Federation of Human Rights (FIDH), the International Commission of Jurists, the Congressional Human Rights Foundation, etc. as well as international humanitarian organizations such as the ICRC;

(g) Unlimited access to Indian Held Kashmir (IHK) for the media, especially the electronic media; and

(h) Removal of all restrictions on Kashmiris to travel out of India and to return to IHK.

5. To facilitate the continuation of a meaningful dialogue, Pakistan considers it essential that India should take the above mentioned measures with a view to reducing repression and bringing to an end human rights violations in Jammu and Kashmir.

6. We look forward to an early and positive response from India on this issue.


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MODALITIES FOR THE HOLDING OF A PLEBISCITE IN JAMMU AND KASHMIR

1. During the seventh round of Foreign Secretary-level talks, Pakistan reiterated its principled position that the “core” problem of Jammu and Kashmir must be resolved on the basis of the relevant resolutions of UN Security Council and in the spirit of Simla Agreement,

2. UN Security Council Resolutions No.47 (1948) of 21 April 1948, 51 (1948) of 3 June 1948 and 80 (1950) of 14 March 1950 and United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, embodied the principle that the final disposition of the State of Jammu and Kashmir to India or Pakistan will be made through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

3. The United Nations Commission for India and Pakistan (UNCIP) resolution adopted on 13 August 1948 stated that “the Governments of India and Pakistan reaffirmed their wish that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the truce agreement, both governments agree to enter
into consultations with the Commission (UNCIP) to determine the fair and equitable conditions whereby such free expression will be assured. The second UNCIP resolution, adopted on 5 January 1949, reiterated that the “question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite”.

4. Both India and Pakistan had accepted the UN Security Council resolutions and the UNCIP proposals regarding a ceasefire, troop withdrawal and a plebiscite.

5. Despite various obstacles to the holding of a free and impartial plebiscite, the UN Security Council continued its efforts to resolve the issue. Subsequent resolutions of the Security Council, the reports of the UNCIP and the proposals of various United Nations representatives including Mr. McNaughton, Mr. Dixon, Dr. Frank Graham and Mr. Jarring, envisaged various possible modalities for the holding of a UN supervised plebiscite in Jammu and Kashmir.

6. UN Security Council resolution 91 (1951) of 30 March 1951 and resolution 127 (1957) of 24 January 1957 affirmed that no unilateral action such as the so-called “Constituent Assembly” created by India, would constitute a disposition of the State of Jammu and Kashmir in accordance with the principle of a final determination by a reference to the freely expressed wishes of its people through a plebiscite held under UN supervision.

7. The above resolutions provide the basis for a peaceful resolution of Jammu and Kashmir dispute.

8. Pakistan proposes that in the next round of talks between the two countries consideration may be given to reaching agreement on the modalities for the holding of a free and impartial plebiscite in accordance with the above-mentioned resolutions of the UN Security Council.

9. These discussions could take up consideration of the various options for the conduct of a plebiscite proposed or discussed previously. New and innovative approaches to the conduct of a free and fair plebiscite could also be examined.

10. Mutual troop reductions, measures to ease tension along the Line of Control and arrangements for neutral monitoring of movements of persons and goods across the L.O.C. might also be discussed.

11. In the discussions of these modalities for the holding of a plebiscite, the two sides would greatly benefit from the good offices or mediatory participation of the UN Secretary-General or his representative or of any other third party mutually acceptable to Pakistan and India.
12. Pakistan will await India's response to the above mentioned proposals which should constitute the basis of future talks between the two countries to resolve the Jammu and Kashmir dispute.


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Suggestions and Confidence-Building Measures sent by the Government of India to the Government of Pakistan on 24 January 1994

AGREEMENT ON THE MAINTENANCE OF PEACE AND TRANQUILITY ALONG THE LINE OF CONTROL

The Government of the Republic of India and the Government of the Islamic Republic of Pakistan (hereinafter referred to as the two sides), have entered into the present Agreement in accordance with the principles of mutual respect for sovereignty and territorial integrity, non-interference in each other's internal affairs, on the basis of equality and mutual benefit and peaceful coexistence and with a view to maintaining peace and tranquility in areas along the Line of Control in the India-Pakistan border areas and promoting a friendly and harmonious relationship between the two countries.

ARTICLE I

The two sides are of the view that the issues relating to Jammu and Kashmir shall be resolved through peaceful and friendly negotiations. Neither side shall use or threaten to use force against the other by any means. Pending an ultimate solution to differences between the two countries, the two sides shall strictly respect and observe the Line of Control in Jammu and Kashmir. Neither side shall undertake, assist or encourage activities detrimental to the interests of the other side.

ARTICLE II

Each side will keep its military forces in the areas along the Line of Control to a level compatible with the friendly and good neighbourly relations between the two countries.

ARTICLE III

Both sides shall work out through consultations effective confidence building measures in the areas along the Line of Control. Neither side will undertake specified levels of military exercises in mutually identified zones. Each side
shall give the other prior notification of military exercises of specified levels near the Line of Control in terms of relevant bilateral agreements.

ARTICLE IV

In case of contingencies or other problems arising in the areas along the Line of Control, the two sides shall deal with them through meetings and friendly consultations between border personnel of the two countries. The form of such meetings and channels of communications between the border personnel shall be mutually agreed upon by the two sides.

ARTICLE V

The two sides agree to take adequate measures to ensure that air intrusions across the Line of Control do not take place and shall undertake mutual consultations should intrusions occur. Both sides shall also consult on possible restrictions on air exercises in areas to be mutually agreed near the Line of Control.

ARTICLE VI

The two sides shall desist from, and mutually co-operate in the prevention of organisation, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations.

ARTICLE VII

The two sides agreed that references to the Line of Control in this Agreement do not prejudice their respective positions on the Jammu and Kashmir issue.

ARTICLE VIII

The two sides shall agree through consultations on the form, method, scale and content of effective verification measures and supervision required for the maintenance of peace and tranquility in the area along the Line of Control under this Agreement.

ARTICLE IX

The two sides shall appoint diplomatic and military experts to formulate, through mutual consultations, implementation measures for the present Agreement. The experts shall meet at regular intervals and address issues relating to peace and tranquility along the Line of Control. The experts shall also assist in the supervision of the implementation of the Agreement, and settlement of differences that may arise in that process, based on the principle of good faith and mutual confidence.
ARTICLE X

The present Agreement shall come into effect as of the date of signature and is subject to amendment and addition by agreement of the two sides.

Signed in duplicate at........on the........in Hindi, Urdu and English languages, all three texts having equal validity. In case of doubt, the English text shall prevail.

For the Government of the Republic of India. For the Government of the Islamic Republic of Pakistan.

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SIACHEN

During the discussions between India and Pakistan at the Sixth Round of Talks held at New Delhi, 1992 on Siachen, a broad understanding had been reached on disengagement and redeployment, monitoring, maintenance of peace and implementation schedule.

2. It was agreed that immediate focus should be on restoring peace and tranquility in Siachen. Towards this end, without prejudice to the positions taken by either side in the earlier rounds of talks (India's position: Point NJ 9842 should extend to Sia Kangri; Pakistan's Position: Point NJ 9842 should Join with Karakoram Pass), both sides agreed that the delineation of the LOC beyond NJ 9842 shall be examined by a Joint Commission later.

3. Both sides agreed that to reduce tension in Siachen, the two sides shall disengage from authenticated positions they are presently occupying and shall fall back to positions as under:-

(a) India to disengage from positions held on the Saltoro Ridge running along Indira Col - Sia Kangri—Sia La—Sherpi Kangri - Saltoro Kangri - Bilafonda La— Pt 7428 -- Pt 6754 - Pt 6510 - Pt 6389 - NJ 9842 to positions east and generally north of Zingrulma.

(b) Pakistan to disengage from existing positions to a line to the west and running generally along Gasherbrum I - Baltoro Kangri - Pt 3917 – Kurma Ding - Goma - NJ 984 2.

4. This disengagement and redeployment of forces, aimed at securing peace and tranquility in the area, is without prejudice to the known position of either side. Both sides agree that the positions/areas vacated will constitute a Zone of Complete Disengagement. Both sides commit:
(a) that they shall not seek to re-occupy the positions vacated by them or to occupy the positions vacated by either side or to establish new positions across the alignment determined by the vacated positions.

(b) That they shall not undertake any military, mountaineering or any other activity whatsoever in the Zone of Disengagement.

(c) That if either side violates the commitment in (a) and (b) above, the other shall be free to respond through any means, including military.

5. Both sides agreed to evolve monitoring measures to ensure against any violation, to maintain peace and tranquility in the area.

6. Both sides agree to disengage and redeploy as per time schedules to be worked out to mutual satisfaction.

7. An Indian delegation at Defence Secretary-level is willing to visit Islamabad in February 1994 with a view to negotiate a formal agreement on Siachen on the basis of the understanding reached.

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SIR CREEK

India and Pakistan have held five rounds of discussions on the IBL in the Sir Creek area. During the last two rounds held at Islamabad on 26 October, 1991 and at New Delhi on 5-6 November, 1992, certain useful exchange of views also took place with regard to the guiding principles for the delineation of the India-Pakistan maritime boundary.

During these discussions, the Pakistani side had conveyed that the maritime boundary is directly linked to the resolution of the termination points of the land boundary in the Sir Creek area. The Indian side, in an earnest desire to move forward in the discussions with a view to conclude a mutually satisfactory agreement at an early date, is willing to enter into further discussions on the lines suggested by Pakistan.

India believes that given a realistic, practical and flexible approach by both sides, it is possible to conclude an early agreement on the issues involved which would eliminate a continuing source of friction in the Maritime Zone.

On the horizontal sector of the land boundary a consensus between the two sides is already available to the effect that the two sides could accept the boundary line defined by the existing boundary pillars along the horizontal line and fixing intermediary pillars on the same alignment if required.
In the Sir Creek itself, the Indian side is prepared to negotiate a fixed boundary around the middle of the Creek along the 1914 resolution map. At the same time, for delineation of the maritime boundary line, (a) in respect of the maritime boundary in territorial sea it is possible for the two sides to adopt the median/equidistance line method using the low water lines and low tide elevation of both countries, and (b) for maritime boundary beyond territorial sea to adopt the equidistance/equitable principles.

An Indian official/technical delegation is willing to visit Islamabad in the month of February 1994 for further discussions towards the conclusion of an agreement on the issues involved.

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TULBAL NAVIGATION PROJECT

The Governments of India and Pakistan have since 1987 held eight rounds of Secretary level talks for resolving differences in the way of a bilateral settlement of the Tulbal (Wullar) Navigation Project. These discussions, apart from providing a useful opportunity for a detailed exchange of views, resolved all technical and legal aspects concerning the project. In October, 1991 at Islamabad, the two sides finalised a draft agreement on the Tulbal (Wullar) Navigation Project, which is attached at Annexure I.

An Indian delegation is willing to visit Islamabad in the month of February, 1994 for the conclusion of an agreement.

ANNEXURE I


The Government of Islamic Republic of Pakistan and the Government of Republic of India

Desirous of promoting and strengthening friendly relations between the two countries on the basis of sovereign equality and mutual benefit;

Reaffirming their continued commitment to the Indus Waters Treaty, 1960 (hereinafter referred to as the Treaty) and their sincere desire to maintain its sanctity; and
Desirous of arriving at a negotiated settlement on the Wullar Navigation Project (hereinafter referred to as the Project) on the Jhelum Main,

Have in accordance with the provisions of the Treaty, agreed as follows-

**Article 1**

The salient features of the Project shall conform to the features as laid down in the Annexure to this Agreement.

**Article 2**

India agrees to keep 6.2 m of the structure as un-gated with a crest level at EL 1574.90 m (5167 ft).

**Article 3**

India shall not make any alteration in the salient features of the Project specified, in Article 1 and 2 above except by mutual agreement between India and Pakistan.

**Article 4**

India shall forego a General Storage Capacity of 0.30 million acre-feet out of the provision permitted to it on the Jhelum (excluding the Jhelum Main) under time (b) Paragraph 7 of Annexure E to the Treaty.

**Article 5**

In consideration of India foregoing a General Storage Capacity of 0.3 Maf in terms of Article 4 above, the Project shall be entitled to attain Full Operational Level of 5177.90 ft. each year. The annual filling of the lake up to the Full Operational Level and initial filling below the Dead Storage Level should be carried out at such times and in accordance with such rules as may be agreed upon between the Commissioners. In case the Commissioners are unable to reach agreement, India may carry out the filling during 21st June and 20th August.

**Article 6**

Except for the uses specified in Article III (2) of the Treaty and subject to the provisions of Article 5 of this Agreement, India shall be under an obligation to let flow all the waters entering Wullar Lake.

**Article 7**

Any question which arises between the Parties concerning the interpretation and application of this Agreement or the existence of any fact which, if established, might constitute a breach of this Agreement shall be dealt with under the provisions of Article IX of the Treaty.
Article 8
Matters not expressly provided for in the Agreement shall be governed by the provisions of the Treaty.

Article 9
The terms used in this Agreement shall have the same meanings as in the Treaty.

Article 10
The Agreement shall come into force upon signature.
Done in duplicate in the Hindi, Urdu and English languages at.....on this day of....All the texts will be equally authentic. However, in case of doubt, the English text shall prevail.

ANNEXURE
SALIENT FEATURES OF WULLAR PROJECT
(i) Location On the Jhelum Main near Ningli
   Longitude: 74° 29’ 40"
   Latitude: 34° 17’ 30"
(ii) Designed discharge 1415.84 m³/sec (50,000 cusecs)
(iii) Maximum conservation level 1578.22 m (5177.90 ft.)
     This level will be flush with the top of the gates. There will be no breast wall above the gates.
(iv) Dead Storage level 1574.90 m (5167.00 ft.)
(v) Gross Storage Capacity 518.06 Mm³ (0.420 MAF)
(vi) Live Storage Capacity Not more than 374.98 Mm³ (0.304 MAF)
(vii) Dead Storage Capacity 143.08 Mm³ (0.116 MAF)
(viii) Width between the abutments 133.80 m (439.30 ft.)
(ix) Navigation Lock
     (a) Size 429.15 ft x 39.36 ft wide overall (150m x 12 m)
(b) Floor level
   U/S 1572.20 m (5158.13 ft.)
   D/S 1570.50 m (5152.56 ft.)

(x) Gated bays Set No. 1
   (a) No. of bays 2
   (b) Clear span of each bay. 12 m (39.37 ft.)
   (c) Crest level/ Floor level 1572.16 m (5158.00 ft.)
   (d) Top level of gates 1578.22 m flush with full Operational level of (5177.90 ft.) 1578.22 m (5177.90 ft.)

(xi) Gated bays Set No. 2
   (a) No. of bays 6
   (b) Clear span of each bay. 5 Nos. with 12 m (39.37 ft.) each and 1 No. with span of 3.7 m (12.14 ft.)
   (c) Crest level 1574.48 m (5165.62 ft.)
   (d) Top level of gates 1578.22 m flush with Operational level of (5177.90 ft.) 1578.22 m (5177.90 ft.)

(xii) Ungated bay
   (a) No. of bays 1
   (b) Clear span 6.2 m (20.34 ft.)
   (c) Crest level 1574.90 m (5167 ft.)

(xiii) Fish Bay
   (a) No. of bays 1
   (b) Size of bay 41m x 1.5m
       (134.51 ft. x 4.92 ft.)

(xiv) Bottom Level of Roadway deck
     Conversion Factors used
     1 ft. = 0.3048 m
     1584.0 m (5196.85 ft.)
INDIA - PAKISTAN JOINT COMMISSION

Pursuant to the process of normalization initiated after the signing of the Simla Agreement in 1972, India and Pakistan signed an agreement on March 10, 1983 to establish a Joint Commission which would work towards strengthening understanding and promoting cooperation between the two countries for mutual benefit in economic, trade, industrial, education, health, cultural, consular, tourism, travel, information, scientific and technological fields. The Joint Commission which was to meet annually, last met in Islamabad on 18-19 July, 1989.

At the conclusion of sixth round of Foreign Secretary-level talks held in New Delhi in August, 1992 both sides reaffirmed their agreement, in principle, to convene the Sub Commissions of the Joint Commission at an appropriate time on mutually convenient dates and that in the meanwhile, senior officials of the concerned Ministries would meet.

India would propose that the next session of the Joint Commission could be held at New Delhi in the month of February/March, 1994 to hold serious and purposeful discussions on all issues in the areas covered under the Joint Commission.

CONFIDENCE BUILDING MEASURES

In accordance with the Simla Agreement India has expressed its resolve to work towards the establishment of durable peace in the sub-continent and settle differences by peaceful means through bilateral negotiations.

2. With a view to improving the content of the bilateral relationship and providing means to prevent escalation of tensions while, enhancing mutual confidence, India has put forward a number of proposals for CBMs during the Foreign Secretary level talks which started in July 1990, some of which have since been agreed upon.

3. In January 1991, the Agreement on Prohibition of Attack on Nuclear Installations and Facilities entered into force. A year and a half later Instruments
of Ratification relating to Agreement on Advanced Notice of Military Exercises, Manoeuvres and Troop Movements as well as an Agreement on Prevention of Airspace Violations and for Permitting Over-flights and Landings by Military Aircraft were exchanged in August 1992. A Joint Declaration on Prohibition of Chemical Weapons was also issued in August 1992.

4. As further demonstration of its commitment, the Government of India proposes additional steps for reducing mis-trust and enhancing confidence between the two countries. These CBMs relate to both the nuclear and the conventional fields.

i) India proposes that the Agreement on Prohibition of Attack on Nuclear Installations and Facilities be extended to include population centres and economic targets;

ii) India proposes its willingness to enter into an Agreement according to which both countries shall undertake not to be the first to use or threaten to use its nuclear capability against each other. India believes that such an Agreement is in keeping with its initiatives calling for the establishment of a nuclear weapon-free and non-violent world order.

iii) India proposes that the present communication link between the Director General (Military Operations) on both sides be upgraded into a permanent, secure and dedicated link. This should also be coupled with a fax link between the two officials. Such a communication link will enable both countries to put it to better use for exchanging information on existing and future Agreements.

iv) India proposes the setting up of an institutional mechanism to resolve ambiguities to enable a more effective implementation of the bilateral agreements relating to Agreement on Advanced Notice of Military Exercises, Manoeuvres and Troop Movements as well as an Agreement on Prevention of Airspace Violations and for Permitting Over-flights and Landings by Military Aircraft. Such an institutional mechanism will also enable both sides to undertake periodic reviews of these Agreements.

5. India remains ready to discuss these proposals for CBMs with a view to concluding Agreements at the next round of Foreign Secretary level talks.
of Jammu and Kashmir. The Non-papers were handed over to the Indian High Commissioner by the Pakistani Foreign Secretary Shaharyar Khan. Copies of the same papers were handed over by Pakistan High Commissioner Riaz H. Khokhar to Indian Foreign Secretary J.N. Dixit the same day in New Delhi. Meanwhile, the Foreign Office spokesman said in Islamabad on January 19 that sending informal proposals to India does not mean scheduling of the eighth round of talks but could be termed “some of the ideas on the future agenda” of negotiations between India and Pakistan.

Briefing newsmen, he said Pakistan had just sent two “non-papers” (informal) on two subjects, namely measures required for creating propitious climate for peaceful settlement of the Kashmir issue and modalities of holding plebiscite in Kashmir. “We have not made any proposals for rescheduling the talks,” he added. He clarified it had been the normal practice in diplomacy to convey ideas in an informal paper to obtain reaction from the other side. “We do not like to term these as preconditions: rather these are suggestions to create a propitious climate to carry forward our discussion on all aspects of Jammu and Kashmir. During the seventh round of talks in Islamabad from January 1 to 3 both sides had agreed to continue the negotiations without agreeing on the schedule of the next round, he said. Commenting on Mr. Lambah’s remarks describing Pakistan’s informal suggestions as “non starter”, the spokesman said the Indian High Commissioner should not have commented publicly on the proposals that had been given confidentially to his government. He made it clear that Pakistan had not released the text of the two informal papers, rather it had just given the information on their subject matter.

The Indian High Commission in a press release expressed surprise over the regret expressed by the Pakistan Foreign Office spokesman on Indian High Commissioner S.K. Lambah’s public comments on two informal papers confidentially handed over to India. The Indian High Commission, in its Press release, said: “The High Commission of India is surprised to note, in some sections of the Press, a statement attributed to the official spokesman of the Pakistan Foreign Office that it was a matter of regret that the Indian High Commissioner had commented publicly on proposals given to him confidentially.”

In the meantime Government of India noted through the media that Pakistan had rejected the Indian proposals contained in its non-papers. The Spokesperson of the Ministry of External Affairs on January 21 said that it was “the final proof if any were needed that there is no truth in Pakistan’s claim that it only provides moral, diplomatic and political support to separatists and terrorists in Kashmir. If Pakistan genuinely wanted peace and a dialogue, then there could be no objection to such a proposal which is also a proposal without prejudice to the claims of either side.” The Spokesperson adding said: “while we have not yet received any formal response from Pakistan to the six proposals sent by India, if the press reports are correct, then it is clear that Pakistan’s refusal to discuss this or other confidence building measures gives the lie to their claim that they are not supporting terrorists on Indian soil. Indeed, this is an acknowledgement by them that they would continue to try and send infiltrators and mercenaries in Kashmir and continue to support terrorist activities as they have been doing with finance, arms and training.”

On January 23 Pak Prime Minister Benazir Bhutto taking a hard line ‘categorically declared’ that Pakistan would not conduct further talks with India ‘unless it stopped repression in Kashmir and released the Kashmiri leaders’. She demanded that the Indian leadership “must give gestures for having any dialogue by releasing the Kashmiri leaders and lifting the siege of the Hazratbal shrine in a real sense, allowing free access to devotees there.”

While speaking to the members of the so-called Kashmir Committee she said “We cannot invite Indians just to know from them the weather of New Delhi or to make them roam in Islamabad. We do not want to give wrong signals to the Kashmiris by holding meaningless
Ms Bhutto said that the government would fully support the Kashmir Committee’s call for a general strike on February 5. She said she would also address the nation on January 24 to take her countrymen into confidence about many important issues, including Kashmir. She said the strike call had been given by Committee president Nawabzada Nasrullah Khan on behalf of all parties.

Asked whether Pakistan will again raise the Kashmir issue at the United Nations, she said it was being raised at the Human Rights Commission based at Geneva. She said the continued human rights violations in Kashmir could pose a potential threat to future global security. She warned that if India was not stopped from indulging in repression in the valley, it could lead to permanent tension in the region.
terrorism which contravenes the very basic norms of Inter-State conduct and
good neighbourly relations.

Government have the will and a commitment to the people of Jammu and Kashmir
to counter the violence generated by militants with external support. While the
Government’s endeavour continues to be to provide full opportunities for the
people of J&K to exercise their democratic rights and no efforts which could
lead to this process is out of consideration, we will not spare any effort to
oppose any moves directed against the country’s unity and territorial integrity.
Pakistan should not have any doubt whatsoever on this score.

The level of security forces deployed in J&K corresponds to the level of violence
created by the militants. Cross border terrorism is a major concern of the
Government and a hurdle in India-Pakistan relations.

While our reaction to the proposals contained in the Pakistani Non-Papers is
as stated above, India reiterates its readiness to discuss with Pakistan all issues
pertaining to the bilateral relations in accordance with the commitments and
mutual obligations of the two countries envisaged under the Simla Agreement.

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1326. Press Release issued by the Ministry of External Affairs
giving a Summary of the Finance Minister Dr. Manmohan
Singh’s Press Conference in Geneva after delivering his
speech at the session of the Human Rights Commission


Dr. Manmohan Singh at the outset stated that the speech he had just delivered
(3rd Feb.) at the 50th Session of the Commission on Human Rights highlighted
India’s deep and abiding commitment to the protection and promotion of human
rights. Today there was a great threat to the democratic and secular fabric of
India as a result of terrorist activities aided and abetted from abroad. The world
community should note that interference in the internal affairs of democratic
states posed a serious danger to the peaceful evolution of the world. India was
suffering from the onslaught of terrorism. In dealing with this phenomenon,
there may be aberrations. India had no desire to put them under the carpet.
However, India’s democratic traditions and institutions provided a credible
mechanism to deal with all such aberrations. India had set up a high powered
human rights commission which was being presided over by the former Chief Justice of India and other legal luminaries. Moreover, there was an independent judiciary. Special measures had to be taken to cope with terrorist activities. However, it has been ensured that credible legal remedies are available to all, including the use of habeas corpus.

2. It was most unfortunate that the distinguished Prime Minister of Pakistan for whom we have great respect and regard had misused the august forum of the Human Rights Commission to convey a wholly erroneous view of the state of affairs in the Indian state of Jammu & Kashmir*. It was his hope that this forum would not be used to politicise Human Rights issues, but in utter violation of such norms the Pakistan Prime Minister had unleashed a totally unwarranted, one sided and false tirade against India. With a view to setting the record straight, he had been constrained to issue the press statement which had just been circulated.

3. In response to a question by Thomas Abraham of the Hindu whether Pakistan Prime Minister Benazir Bhutto’s request for independent observers along the Line of Control was reasonable, Dr. Singh pointed out that terrorist activity in J&K was clearly aided and abetted from abroad. This was well documented in several reports including the one from the U.S. Congress that he quoted in his statement circulated at the Press Conference in the day. The request for independent observers did not make sense as a better course would be for both countries to enter into a bilateral dialogue to see that the Line of Control was not crossed by unauthorised persons. In fact, among the package of proposals, India had recently conveyed to Pakistan, one proposal related to maintenance of peace and tranquility along the Line of Control. Pakistan’s response to it was an indication of its lack of seriousness in the matter. The

* Pakistan Prime Minister Ms. Benazir Bhutto in her speech at the Commission on February 1 accused India of “gross human rights violations” against innocent and unarmed Kashmiris as “reminiscent of the darkest days of the Holocaust” and the situation in Bosnia as “grave and appalling”. Prime Minister Benazir Bhutto urged the community of nations to uphold the Universal Declaration of Human Rights “which is often extensively violated with impunity”. She urged the world community to act “to stop the massacre”. She pleaded for the inborn right to self-determination of the people of Kashmir and the preservation of sovereignty and territorial integrity of Bosnia. “The situation in Kashmir is intolerable as is the world’s silence,” she said and added, “We cannot celebrate the triumph of the Universal Declaration on Human Rights—these rights are being violated extensively, often with impunity, without compunction or conscience or remorse in almost every part of the world. The Prime Minister said the demand of the people of Jammu and Kashmir is simple—azadi (freedom). “People cannot be suppressed indefinitely—tyranny cannot endure long. This is the lesson of history,” she added. “Despite its repression, India has failed to impose its will on the indomitable people of Jammu and Kashmir. The intensity of the resistance has grown. The Kashmiri political leadership, representing over 30 parties and groups, has unanimously declared that it will not contemplate any solution which implies the continuation of Indian rule,” she declared.
Simla Agreement provided the ideal framework for peaceful resolution of all differences bilaterally. In violation of it, Pakistan was now using force and was also seeking to internationalise the problem. The issue can be resolved only through meaningful bilateral negotiations.

4. In response to a question relating to the further basis of negotiations in view of charges and counter-charges being traded between the two countries, Dr. Singh stated that there was already a basis in the Simla Agreement which both countries had signed, for dialogue and normalisation of relations. Pakistan in the last 45 years had thrice taken recourse to war. In last 4 years, it had used terrorism as a technique to fracture and damage India’s democratic set up. A meaningful and peaceful resolution of problems demanded the adoption of a step by step approach to build an atmosphere of mutual confidence and hope. Accordingly, India had recently conveyed six proposals relating to confidence-building measures which also included resolving the long standing Siachen Glacier dispute. Another proposal envisaged an agreement whereby both sides eschewed use of nuclear capability to attack each other’s economic and civilian centres. J&K was just a symptom. Normalisation could take place on the entire gamut of the economic, cultural and other relations between the two countries. A Joint Commission was established for this purpose for the first time in 1983 and the last time it met was in 1989. This process should be revived in order to expand people-to-people contacts. In this regard he mentioned that there was close affinity between the two peoples. India had no aggressive designs. In fact it wanted to normalise trade relations with Pakistan but it was Pakistan which in violation of GATT was placing restrictions on trade with India.

5. Chitra Subramaniam of Indian Express asked whether he agreed that the proposals, sent by India to Pakistan were a photocopy of the earlier proposals and whether the recent talks had failed. Dr. Singh replied that we recognise the domestic compulsions under which the Prime Minister of Pakistan had to operate but there was no alternative to negotiations. The problem could not be resolved by war as had been proved in 1947 and 1965. To negotiate was the only feasible option.

6. In response to a question whether India would accept a special rapporteur of the Human Rights Commission for J&K, Dr. Singh stated that we did not envisage a role for a special rapporteur in J&K. Recently there had been a visit by ICU to J & K and a visit by the ICRC was also being considered.

7. In response to a question about plebiscite in Kashmir, Dr. Singh stated that it was a well recognised fact that plebiscite could not be undertaken as the aggressor had still not withdrawn from an area of J&K which it had illegally occupied. Till today it had not done so. Moreover, a part of J&K illegally occupied
by it is ruled directly by a resident commissioner from Islamabad and no elections have ever been held there.

8. In response to a question whether a new war between India and Pakistan was likely, Dr. Singh responded that he sincerely hoped that there would not be any further war. The wars in 1948 and 1965 did not settle the Kashmir issue. The right approach would be to resolve all differences bilaterally as envisaged in the Simla Agreement.

9. In response to another question whether India would permit international mediation in J & K, Dr. Singh pointed out that there was no role for international mediation on this issue. There was an agreed mechanism under the Simla Agreement which had not been exhausted. No outside mediation was therefore needed.

10. In response to a question whether television crews could be allowed in J & K as mentioned in the Pak Prime Minister’s statement, Dr. Singh stated that we had to proceed cautiously in this matter. Relating our own experience in Punjab, he pointed out that an obscure and lay preacher had become a big menace and the larger than life image that he had come to acquire was largely a creation of the media. As a result he developed illusions of grandeur and the prosperous state of Punjab went through a gruesome period of terrorism which now fortunately, was over. It was this aspect that worried us. India was, however, an open society and was waging a grim struggle against a group of terrorists aided and abetted from abroad.

11. In a response to a question by Chitra Subramaniam on his reaction about recent statements emanating from Washington, Dr. Singh stated that these were confusing. We hoped for a mature understanding of the problem of South Asia on the part of U.S. Administration and hopefully wiser counsels would prevail.

12. In response to a question whether India would accept an expanded UN Security Council without India’s membership, Dr. Singh stated that he hoped India would be there. It was premature to comment definitively on this issue at present and the matter would be dealt with appropriately when the occasion arose.

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1327. India’s Stand on the Resolution to be tabled by Pakistan in the UN Human Rights Commission on Jammu & Kashmir.

New Delhi, February 16, 1994.

Minister of State for External Affairs Shri Salman Khurshid briefed the Ambassadors of member-countries of the UN Human Rights Commission in Geneva, who are based in Delhi, today in Vigyan Bhawan, on India’s stand on the Resolution sought to be tabled by Pakistan on the UN Human Rights Commission on Jammu & Kashmir.

The Minister stated that a country like Pakistan, with its own imperfect human rights record ably documented by the Pakistan Human Rights Commission, could have no *locus standi* on moving the Resolution.

The very fact that Jammu and Kashmir was being referred to in the Pakistani Draft Resolution as a separate entity clearly showed that Pakistan’s intention in moving the Resolution was not any genuine concern for human rights. Rather Pakistan was interested in creating the impression among the international community that Jammu and Kashmir was not an integral part of India. The Minister categorically rejected the Pakistan moves in this regard. He said that Jammu and Kashmir was an integral part of India. And also a symbol of India as a democratic, secular nation.

The Minister informed the Ambassadors that India was always ready to have a dialogue with Pakistan under the Shimla (Simla) Agreement. In this context, India had conveyed six proposals to Pakistan on outstanding issues, in the hope that agreement on these issues would create an atmosphere of confidence between the two counties. India had no intention to bypass discussing its dispute with Pakistan over Kashmir in the context of the Shimla Agreement. The Government of India was disappointed that there had been no formal response as yet from the Government of Pakistan to the Indian proposals.

The Minister informed the Ambassadors that India was committed to human rights, and that this is not a principle which the Government of India had ‘discovered’ in the, 1990s. The debates preceding the adoption of Constitution of India showed that India had a traditional commitment to human rights, which went back to the early years of its Independence and was rooted in its freedom struggle.

Referring to the situation in Jammu & Kashmir, the Minister conveyed to the Ambassadors that Government of India was committed to resolving the problems in the State through a revival of the political process. However, it was difficult for the political process to be revived unless the threat to public
figures and normal life in Jammu and Kashmir from militants, aided and abetted by Pakistan was stopped. The peaceful resolution of the Hazratbal episode, where India’s judicial system had played a unique role in safeguarding human rights, had acted as an eye-opener to the people of Jammu and Kashmir. It established the *bona fides* of the Indian system in tackling such difficult issues while upholding human rights. Government of India had constituted a core-group of Ministers, chaired by the Home Minister, and established a Special Unit in the Ministry of External Affairs, to deal with the current situation in Jammu & Kashmir, where the unemployed youth had been malignantly and ruthlessly exploited by Pakistan to create violence and terror in the state. The Minister said that the effort of the Government of India was to create greater transparency regarding the actual situation in Jammu and Kashmir. Apart from the visit of the International Commission of Jurists and the Ambassadors of the European Union Troika, visits by a delegation of the International Red Cross and of other Ambassadors were also being processed. There were no restrictions on the visits of journalists and individuals to Jammu and Kashmir. Therefore, Government of India did not see any logic behind Pakistan’s efforts to ask the UNHRC to appoint a fact finding mission in Jammu and Kashmir.

The Ambassador of Germany, who visited Jammu and Kashmir as a Member of the European Troika, stated for the benefit of his colleagues present at the meeting that his delegation had been able to meet whoever they wanted in Jammu & Kashmir without restrictions.

The Minister thanked the Ambassador of Germany for confirming the fact that there were no restrictions on *bona fides* visitors interested in visiting to Jammu and Kashmir to see the situation there.

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PAKISTAN’S COMMENTS ON INDIAN NON-PAPERS

The Government of Pakistan has carefully examined the six non-papers conveyed by the Government of India on 24 January 1994. Pakistan’s comments and counter proposals on the issues raised in the Indian non-papers are being forwarded for the consideration of the Government of India.

Pakistan believes, however, that the talks between India and Pakistan should focus on the Jammu and Kashmir dispute which is the central problem in the relations between the two countries. Pakistan is still awaiting India’s response to the two non-papers sent on the issue of Jammu and Kashmir i.e. (a) Modalities for the holding of a plebiscite in Jammu and Kashmir and (b) Measures required to create a propitious climate for talks on the Jammu and Kashmir dispute. The receipt of India’s response to those non-papers is essential to ensure that a substantive and meaningful dialogue will take place in the resumed talks on “all aspects of Jammu and Kashmir issue” as jointly announced by India and Pakistan on 24 November 1993.

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Non-Paper No.1

PEACE AND TRANQUILITY ON THE LINE OF CONTROL

The Government of Pakistan has examined the Indian non-paper entitled “Agreement on the Maintenance of Peace and Tranquility along Line of Control”. Pakistan endorses the objective of promoting peace and tranquility in its entire relationship with India, not only along the Line of Control.

2. The tensions which exist along the Line of Control in Jammu and Kashmir arise from the following causes:-

i) The complete opposition of the people of Indian-held Kashmir to continued Indian rule and the massive campaign of repression mounted by India to suppress the Kashmiri aspirations for freedom and self-determination, resulting in widespread and well documented violations of human rights;.

ii) The deployment of over half a million troops by India in the part of Jammu
and Kashmir which it controls, especially the induction of military and para-military forces for the purpose of suppressing Kashmiri aspirations for liberation and self-determination;

iii) The consistent violations of the ceasefire by Indian troops stationed along the Line of Control, including sniper and small arms fire and shelling against civilians and villages on the Pakistani side of the Line of Control, leading to heavy civilians casualties, as well as at Pakistani forces,

3. The Indian proposal does not refer to any of these fundamental reasons for tensions along the Line of Control. The Indian non-paper deals only with the symptoms of tensions while ignoring the existing “ground realities” in Jammu and Kashmir. Moreover, the proposal forwarded by India seeks to compromise Pakistan’s internationally recognised position as regards the Line of Control in Jammu and Kashmir by seeking to treat this as an international boundary.

4. Several of the proposals in the proposed “Agreement” address non-issues e.g. the proposal for prior notice of military exercises and the one regarding air intrusions. Pakistan has not conducted any “military exercises” on its side of the Line of Control. Whereas Pakistan has scrupulously adhered to the agreements and understandings concluded with India on confidence building measures, India has violated the airspace on the Pakistan side of the LOC 14 times in 1992-93.

5. The massive military force which India has deployed on the Line of Control and within Indian-held Kashmir, is engaged in a “live war” against the people of Jammu and Kashmir, not in “military exercises”. Confidence building measures will not be sufficient to address this problem. What is required is achievement of a balance of forces between Pakistan and India in Jammu and Kashmir, as envisaged in the ceasefire agreement of 1949 (also known as the Karachi Agreement), prior to the holding of a plebiscite in accordance with the UN Security Council resolutions. To this end, as a first step, India should de-induct the additional forces it has deployed in Jammu and Kashmir since January 1990.

6. Some of the proposals contained in India’s proposed “Agreement”, for example flag meetings, have already been institutionalized in the Karachi Agreement and are being implemented. Other proposals in the draft seek to secure acceptance of India’s untenable position on Kashmir and its unfounded allegations regarding Pakistan’s military assistance and encouragement to the Kashmiri freedom struggle. All such proposals are unacceptable to Pakistan.

7. Pakistan’s fundamental problem with the proposed Indian “Agreement” regarding the Line of Control in Kashmir is that it is incompatible with the UN Charter and UN Security Council resolutions on Jammu and Kashmir. Furthermore, the Indian proposals undermine both the 1949 Karachi Agreement as well as the 1972 Simla Accord.
8. Pakistan suggests that to achieve the stated objectives of the proposed Indian “Agreement” i.e. peace and tranquility, Pakistan and India should undertake the following measures:

(i) reaffirm their commitment to the UN Charter and to the United Nations Security Council Resolutions relating to Jammu and Kashmir,

(ii) open a dialogue for the implementation of the UN Security Council resolutions to enable the people of Jammu and Kashmir to exercise their right to self determination as proposed in Pakistan’s non-paper entitled “Modalities for the holding of a plebiscite in Jammu and Kashmir”;

(iii) achieve an early de-induction of Indian troops from Jammu and Kashmir so as to bring the level of forces between Pakistan and India in Jammu and Kashmir to a balanced level as envisaged in the Karachi Agreement.

(iv) strengthen the size and presence of the UNMOGIP to enable it to perform its mandate of monitoring the Line of Control, *inter alia* by (a) enabling the UN observers to patrol along the Line of Control on both sides and (b) authorising the UNMOGIP to also monitor the situation of “peace and tranquility” and the observance of human rights by military and paramilitary forces on both sides of the Line of Control. The two sides should provide full and free access to the United Nations, its agencies, humanitarian and human rights bodies to all areas of Jammu and Kashmir without any hindrance or intimidation, as a means of building confidence and achieving greater transparency and verifiability with regard to the situation in Jammu and Kashmir, specially as regards the observance of human rights.

(v) The two sides should undertake to scrupulously adhere to the Karachi Agreement in letter and spirit, including the removal of mines and other structures and emplacements disallowed by the Agreement.

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1329. **Pakistan's Comments on India's Non Paper No. 2 (Siachen), 3 (Sir Creek), 4 (Wullar Barrage), 5 (Joint Commission) and 6 (Confidence Building Measures and Arms Control and Non-Proliferation).**

**February 19, 1994.**

**SIACHEN**

Pakistan's comments on the non-paper presented by India on Siachen are as follows:

i) There was no agreement or understanding in November 1992 between Pakistan and India on this issue as asserted in the Indian non-paper;

ii) There was an agreement on the principles for a settlement of Siachen in June 1989 based on the redeployment of forces in accordance with the Simla Agreement. These principles require that both sides should withdraw from their present positions to the positions which obtained in July 1972;

iii) Pakistan did not agree to any "authentication" of the positions presently held by the two sides since India's incursion into Siachen was a violation of the Simla Agreement which should be undone without any preconditions.

**SIR CREEK**

Pakistan's technical experts have examined the Indian non-paper on this issue. The Indian non-paper merely reiterates the positions of the two sides. India has not changed its position regarding the demarcation of the land boundary between the two countries. India's position is contrary to the historical determination of this boundary which is confirmed by the records and documents produced by Pakistan in the negotiations.

Since several rounds of bilateral talks have not been able to produce a settlement of this Issue, Pakistan would be prepared to refer this issue for international arbitration. The terms and conditions for such a reference to international arbitration can be discussed by the two sides.

**WULLAR BARRAGE**

The Indian non-paper on the Wullar Barrage, dubbed by India as the "Tulbul Navigation Project", claims that at the previous round of talks all technical and legal aspects of the issue were resolved. This is contrary to the factual position at the last round of talks held in New Delhi in 1990. All aspects of this issue
need to be discussed comprehensively in accordance with the Indus Waters Treaty.

NON-PAPER NO.5

INDO-PAKISTAN JOINT COMMISSION

Pakistan is, in principle, committed to the operation of the Joint Commission established between the two countries as a mechanism to promote greater cooperation. Pakistan believes that, in addition to the programmes for cooperation agreed upon at the previous round (July 1989), the two sides should consider cooperation in several other areas, such as environmental protection, combating natural-disasters and ways and means of strengthening SAARC.

2. It is evident, however, that the meetings of the Joint Commission should be convened at a time that is propitious for the materialization of mutually beneficial cooperation. Its work should not be denigrated by allowing it to result in a stalemate or the consideration of meaningless symbolism, such as exchange of military bands.

NON - PAPER NO. 6

Confidence Building Measures, Arms control, and Non-proliferation

India's 'non-paper' on Confidence Building Measures addresses the problems of peace and security between Pakistan and India only in a partial and tenuous manner. Several CBMs have been agreed by the two sides. Additional CBMs can, no doubt, be elaborated. However, no amount of confidence building measures are likely to promote durable peace and security unless the 'core' problem of Jammu and Kashmir has been resolved in accordance with the UN Security Council Resolutions and the wishes of the people of Jammu and Kashmir. Indeed, it is widely acknowledged that the final settlement of Jammu and Kashmir and promotion of conventional arms control and non-proliferation in South Asia are inextricably linked.

2. India's proposals for additional confidence building measures have been examined carefully by Pakistan. The following comments are offered on these proposals:

(i) Pakistan is prepared to consider the elaboration of one or more agreements not to-attack population centres and economic targets in war and to protect other important cultural and religious sites against destruction and vandalism. The basic standards in this regard have already been elaborated in several existing international instruments e.g the 1975 Geneva Protocols. Pakistan would be prepared to submit proposals along these lines. If the commitments undertaken for non-
attack against population centres are to be credible, they should require certain practical manifestations of good intentions, including in particular, the removal of troop concentrations deployed opposite major cities of the other side, withdrawal of deep penetration attack aircraft, missiles, long-range, artillery etc.

(ii) The Indian proposal that the two countries "undertake not to be the first to use or threaten to use its nuclear capability against each other" is incomprehensible. It is unclear how "nuclear capability" can be used by one country against another. India has constructed and exploded at least one nuclear explosive device (nuclear weapon). The Indian proposal seems to confirm that India possesses nuclear weapons. It also seeks to gain acceptance for a situation in which both India and Pakistan would deploy nuclear weapons. This Indian position is contrary to the goal of preventing the proliferation of nuclear weapons in South Asia. Pakistan does not possess nuclear weapons, nor does it intend to produce them. It is Pakistan's hope that neither India nor Pakistan will develop or deploy nuclear weapons. Pakistan is prepared to enter into one or more equitable and non-discriminatory agreements with India to prohibit the proliferation of nuclear weapons in South Asia. To this end Pakistan reiterates the following proposals which have been made to India to promote nuclear non-proliferation in South Asia:

a) Establishment of a Nuclear Weapon Free Zone in South Asia;
b) Simultaneous ratification of the Nuclear Non-Proliferation Treaty by India and Pakistan;
c) Simultaneous acceptance of IAEA "full scope" Safeguards;
d) Mutual inspection by India and Pakistan of each other's nuclear facilities;
e) An India-Pakistan bilateral Nuclear Test Ban Treaty;
f) A conference between India and Pakistan, Russia, China and the US to evolve arrangements for nuclear non-proliferation and security in South Asia;

Pakistan would be prepared to discuss the above mentioned proposals for nuclear non-proliferation in South Asia in any forum.

iii) Peace and security between Pakistan and India can be significantly enhanced through agreements for conventional arms control. Pakistan has proposed to India an agreement on a mutually agreed ratio of forces. The two sides should also adopt "principles" for the negotiation of
conventional arms control. In this context, the following principles should be approved:

(a) The agreement should strengthen regional peace and security, preferably at a lower level of armaments;

(b) The State with a larger military capability has a special responsibility for promoting such an agreement on regional security;

(c) Neither India nor Pakistan should be capable of prevailing in a military attack launched by surprise;

(d) There should be rough parity in the defence capabilities of the two sides in qualitative and quantitative terms;

(e) There should be no significant disparity in any of the areas of conventional defence—land, air or naval forces, and

(f) If one side possesses an offensive capability, the other side should have the right to acquire an equivalent capability or a defensive capability to neutralize such offensive capability.

(iv) Although the importance of the proposal for a fax link between the two Directors-General of Military Operations is not fully appreciated, we would be prepared to discuss this at an appropriate time.

(v) Pakistan would also be prepared to discuss the Indian proposal for the establishment of an institutional mechanism for the supervision of the implementation of the bilateral CBM agreements concluded between India and Pakistan, although each of these agreements provides for a review mechanism to ensure the implementation of these agreements.

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This House notes with deep concern Pakistan’s role in imparting training to the terrorists in camps located in Pakistan and Pakistan Occupied Kashmir, the supply of weapons and funds, assistance in infiltration of trained militants, including foreign mercenaries into Jammu and Kashmir with the avowed purpose of creating disorder, disharmony and subversion;

Reiterates that the militants trained in Pakistan are indulging in murder, loot and other heinous crimes against the people, taking them hostage and creating an atmosphere of terror;

Condemns strongly the continued support and encouragement Pakistan is extending to subversive and terrorist activities in the Indian State of Jammu and Kashmir.

Calls upon Pakistan to stop forthwith its support to terrorism, which is in violation of the Simla Agreement and the internationally accepted norms of inter-State conduct and is the root cause of tension between the two countries;

reiterates that the Indian political and democratic structures and the Constitution provide for firm guarantees for the promotion and protection of human rights of all its citizens;

regards Pakistan’s anti-India campaign of calumny and falsehood as unacceptable and deplorable;

notes with deep concern the highly provocative statements emanating from Pakistan and urges Pakistan to refrain from making statements which vitiate the atmosphere and incite public opinion;

expresses regret and concern at the pitiable conditions and violations of human rights and denial of democratic freedoms of the people in those areas of the Indian State of Jammu and Kashmir, which are under the illegal occupation of Pakistan;

On behalf of the People of India,

Firmly declares that —

a) The State of Jammu and Kashmir has been, is and shall be an integral part of India and any attempts to separate it from the rest of the country will be resisted by all necessary means;
b) **India** has the will and capacity to firmly counter all designs against its unity, sovereignty and territorial integrity; And demands that-

c) **Pakistan** must vacate the areas of the Indian State of Jammu and Kashmir, which they have occupied through aggression;

And resolves that-

d) all attempts to interfere in the internal affairs of India will be met resolutely.

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1331. Excerpts from the Reply Speech of Prime Minister P.V. Narasimha Rao in Lok Sabha to the debate on President’s Address.

New Delhi, March 8, 1994.

About Kashmir there are two or three complications which need to be disentangled. The first very clear thing, we know is that from Pakistan incessantly, endlessly, without intermission, terrorism being exported into the Valley. We have been dealing with this with utmost patience and firmness combined; where firmness is needed, firmness is being shown, but where patience could be better, we have also shown patience as was evident in the Hazarabatbhal matter. This has to be tackled on many fronts. The latest which, I think, we have thought of is, apart from what all is being done, there is a need to intensify the developmental effort in the State. I shall come back to the House with more details on some other occasion, but suffice it to say at this moment that the front, the developmental front has to be concentrated upon, we are doing a lot of developmental work there, but that needs to be augmented, to be given some concentrated attention. The aspect of involving the people is being looked into. The aspect of better coordination has been looked into and I am glad to say that the coordination today is much better and much more effective than it was a few months earlier.

We have a problem with Pakistan. The problem is that they have a compulsion, an internal compulsion to harp and keep on harping on the Kashmir question and on human rights. One fails to understand how of all the countries Pakistan is the champion of human rights and India, with all our traditions, our laws, our record in the human rights sphere, is being put in the dock.

This is absolutely incomprehensible. But this is what is happening. We have to face it. We have nothing to hide. Our record is clear. Wherever there are
excesses, the President has very clearly stated that we will take action. But to say that we are only violating human rights all the time is an exaggeration which borders on untruth. We would like to refute it and we would like to say that we will deal with the Kashmir question both on the front of terrorists whose human rights are not sacrosanct if they really want to kill people right and left, it has to be firmness to put down terrorism, to preserve and protect the territorial integrity of the country and nothing is going to come in the way of the Government of India, of the people of India in achieving this. Subject to this, of course, we have nothing to hide.

Lots of people are coming into Kashmir. They are giving their recommendations; they are giving their suggestions; they are giving their opinions and we will continue to welcome people to come and see Kashmir. After all, Kashmir has been one of our best tourist areas. Today, because of what Pakistan has done, the situation has worsened to such an extent that the people of Kashmir are suffering. All the income of the people of Kashmir was mostly dependent on tourism. All that is no more now. This suffering has to be put an end to and this can happen only when, what is happening by way of export of terrorism from Pakistan, ceases. We are determined to see that it ceases.

Now something is being said about what is happening in Geneva, the Human Rights Commission is seized of the matter. I would not like to anticipate what is going to happen there. But we have convinced, we have tried to convince all our friends that Pakistan’s propaganda against India on human rights is totally uncalled for. In fact, one could ask what Pakistan’s *locus standi* is in respect of Kashmir, except that of an aggressor. That is the only *locus standi*. Beyond that, there is nothing. We have to tell the world many things that have been forgotten. The basic case on Kashmir has probably taken a back seat and all these peripheral issues, in fact, irrelevant issues like human right issues etc., are coming to the fore. It is time that we go into the basics, tell the world what exactly is the Kashmir question and how they have to look at it, if they have to do justice or if they have to take the right view.

This is what needs to be done now. Since we have passed a unanimous resolution rightly, validly as an act of patriotism in this House, I would like both the Houses of Parliament to go into this question in greater detail. Many of our Members could take part, they could study and the world should know—apart from the Resolution that we have passed—what the Parliament thinks about the Kashmir question in all its details. I think this is very necessary. I find when I go out, the real basis etc., of the Kashmir question has been totally sidelined, either forgotten or deliberately sidelined. Whichever is the case, we have to bring it back into focus. It is not in the focus, at the moment.

The determination of the nation has been fully reflected in the resolution of the
Parliament. I have no need to add anything to that except to say that this Government will carry out the mandate of Parliament in letter and spirit and this is the undertaking of the Government of India to the Parliament.

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1332. Media briefing by the Pakistan Foreign Secretary Shaharyar Khan on the question of OIC naming an envoy for Kashmir Mission.

Islamabad, March 10, 1994.

Foreign Secretary Shaharyar Khan has said that Pakistan would like OIC Secretary-General Hamid Al Gabid to nominate Muslim envoys to be sent on a fact-finding mission to Kashmir.

Briefing newsmen in Islamabad on March 10, he said “Now that India has agreed to allow Muslim ambassadors to visit Srinagar, we feel that it is very important to work out the modalities—who and which ambassadors are going to be invited. In our view they should not be from the corps of ambassadors in Delhi. They are much influenced by the environment there”.

He said these ambassadors should be allowed to move around freely. “Let them visit any place they want to go. Let them travel freely and unrestricted to see towns subjected to massacres like Kupwara, Bijbehara and Sopore,” he added.

Dilating on the Pakistan-sponsored human rights violation resolution that was deferred at the UN Human Rights Commission in Geneva on March 9, Mr. Shaharyar Khan said that Pakistan was genuinely looking towards India for improvement of the situation in Kashmir “We have no other axe to grind but to see that the repression in Kashmir is brought to an end. If that is done, we feel our position on Kashmir will be vindicated.”

Asked whether Pakistan was satisfied with the role Iran and China had played in persuading Pakistan to defer the resolution, he answered in the affirmative.

Giving details of the compromise package agreed between Pakistan and India brokered by Iran and China, he said Pakistan was told by them that by deferring the resolution and not withdrawing it, Pakistan had achieved international focus on Kashmir. Iran and China advised Pakistan not to opt for a vote on its resolution because it would see about 80 per cent of the 52-member HRC
abstaining, in which case Pakistan would be left with 10-12 votes and to have 6-6 or 7-5, it would be a technical vote, which will detract from the impact you have set out to achieve on Kashmir, he added.

BACKGROUND TO IRAN’S INITIATIVE

Providing further background to the Iranian initiative, Mr. Shaharyar Khan said that the Indian and Chinese foreign ministers met the Iranian Foreign Minister in Teheran last week, where they discussed how Pakistan could keep the resolution alive and pick it up any time of its choice. “But Pakistan is committed not to take its resolution back to the UNHRC for one full year,” he added.

Questioned why Pakistan had asked for envoys of Muslim countries only to form the fact-finding mission, he said. “This was what was agreed with the Indians by the Iranians, with the latter wanting to keep the focus on the Islamic ambassadors.”

To yet another question as to how he could explain 80 per cent of projected abstentions had Pakistan put its resolution to vote in the light of the fervour voiced in favour of human rights by the West, Mr. Shaharyar said that Pakistan had been sending envoys to all these countries.

Each one of them gave a rationalisation of its position, telling Pakistan that the resolution was not about human rights but was political in the garb of human rights. The second logical reason for their abstaining was that it was for the first time that a Third World country had tabled a resolution against a Third World country, he remarked.

FACT-FINDING MISSIONS

What normally happens is that the western countries bring such resolutions against the Third World countries and this has always been the case, whether it has been Indonesia, Cuba, Haiti, Tibet, China, Iran or Nicaragua. When the situation changes, a different atmosphere crops up. Also many of the countries affected are themselves subjected to fact-finding missions, he explained. “However, many countries assured us that while this time they were abstaining from voting, they are bound to vote against India in the next UN session if it continues with its repressive policies in Kashmir,” he added.

 Asked how Pakistan could expect to generate world support on its deferred resolution, when it had failed to mobilise votes in Geneva, the Foreign Secretary said that Pakistan focused on two separate issues—one is the human rights issue and the other is the totality of political differences which exist between India and Pakistan on Kashmir. Till now India had not come under pressure on Kashmir, both internally and internationally. But over the last few months,
especially after Pakistan tabled the human rights violation resolution, we are conscious of the fact that these pressures have not only grown, not only are they visible and upfront, but also they are now beginning to have an effect on India and its attitude towards the Kashmiris”, he remarked.

1333. Note Verbale from the Ministry of External Affairs to the High Commission of Pakistan in India regarding the need to resume a dialogue between the two countries.

New Delhi, March 21, 1994.

No. J/103/1/94 21 March, 1994

Ministry of External Affairs presents its compliments to the High Commission of the Islamic Republic of Pakistan in New Delhi and has the honour to state that the Simla Agreement enunciates wide-ranging commitments and mutual obligations on the part of India and Pakistan within which it is envisaged that all issues pertaining to the bilateral relations can be resolved peacefully through negotiations and a process of normalization of relations between the two countries could be facilitated towards this end. India affirms its commitments and obligations within the framework of the Simla Agreement and conveys once again its readiness to discuss with Pakistan all outstanding issues including differences relating to J& K. The six Indian proposals conveyed to Pakistan on January 24, 1994 can form the basis of a comprehensive and meaningful dialogue. India urges, Pakistan to consider the Indian proposals with sincerity of purpose.

India in the spirit of developing good-neighbourly relations with Pakistan, suggests that the exchange of non-papers* cannot be a substitute for inter-governmental discussions. Accordingly, India proposes that the Eighth Round of Foreign Secretary level talks may be resumed either in New Delhi or in Islamabad. The Ministry looks forward to an early positive response from the Government of Pakistan.

* Pakistan Foreign Office official in an informal interview with the daily NEWS on March 22, 1994 said that Pakistan was in no hurry to reply to the Indian non-papers. He said “We are in no hurry as there is nothing new in those papers. But we will not reject them right away either”. Regarding offer of Talks by New Delhi, he said it was more for the consumption of the Western countries. He said ever since New Delhi was “bailed” out by the West at Geneva where Pakistan decided to defer its resolution on human rights, it wants to initiate a public exercise and send a signal “that it is business as usual between the two States”. Islamabad can ill afford such a dialogue at this stage.
The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

The High Commission for the Islamic Republic of Pakistan, New Delhi

Media briefing by the Official Spokesman of the Pakistan Foreign Office announcing the closure of the Pakistani Consulate General in Bombay.


Pakistan said on March 20 that it was closing its Bombay consulate because the Indian authorities have been non-cooperative. The decision was conveyed to New Delhi through the Indian High Commissioner who was summoned to the Foreign Office earlier in the day.

The Foreign Office spokesman told newsman in Islamabad that the consulate "has been closed with immediate effect due to the negative and non-cooperative attitude of the Indian authorities". The decision was made because the consulate could not function effectively, he added.

He said Pakistan had asked India to lease Bombay’s Jinnah House, named after Quaide Azam Mohammad Ali Jinnah. The Indian authorities had taken over the house after the 1947 partition.

India first agreed to the Pakistani proposals but then had gone back on its commitment to lease the premises. Subsequently it refused to facilitate the acquisition of suitable premises for the consulate, he added.

The spokesman said that the Maharashtra government had in effect “acted in a manner that made it extremely difficult to carry out its assigned functions.”

Mr. Shaharyar Rashid, Pakistan’s Consul-General in Bombay, said that the reason to close the consulate is that “We have not received as much cooperation as was expected from the Indian government to set up this office.”

Taking to BBC, he said India had only provided the basic security but not the full security. “Under the Vienna Conventions, certain amount of assistance is
due when such an office is established. But despite 19 long months, no such cooperation had been extended from India," he added.

He said India made only promises for cooperation but did not fulfill them. Therefore, Pakistan decided to close the consulate.

To a question, Mr. Shaharyar replied: “We have decided to close the office due to threats from certain quarters. We have received threats from different small groups and the Indian government did nothing to solve our problems but encouraged them.”

“I will leave Bombay within a few days because some days are needed to wind up the office. I am the only person in the consulate. A diplomat in the consulate was expelled by India on baseless allegations during the past few days.” He added.

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1335. Media briefing by Indian Foreign Secretary on the restrictions imposed on the Indian Consulate in Karachi.

New Delhi, March 21, 1994.

Foreign Secretary Mr. K. Srinivasan took up today with the High commissioner of Pakistan the restrictions imposed on the Indian Consulate in Karachi in the nature of impeding access to the Consulate for the local public. He expressed the hope that the Pakistani authorities would allow the Indian Consulate to carry out its functions normally.

Referring to Pakistan’s decision to close down their Consulate in Bombay. Foreign Secretary expressed surprises and disappointment. He recalled that Government of India and Government of Maharashtra have consistently tried to create a congenial atmosphere for the Pakistani Consulate in Bombay to perform its official functions and drew attention to the assistance given by Maharashtra Government for the Pakistani Consulate to hold its National Day reception in Bombay on March 23. Foreign Secretary pointed out that it was always open to the Pakistani Consulate in Bombay to acquire property or rent premises as India had done in Karachi and Islamabad. In fact, Government have given necessary information to the Pakistani Consulate for renting or acquiring certain properties in Bombay but regrettably this has not been acted upon. Pakistan has no cause to blame India for the closure of their consulate in Bombay.

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1336. **Text of Resolution on Kashmir Adopted by the Pakistan National Assembly.**

*Islamabad, June 28, 1994.*

[The following is the text of the resolution passed in the joint sitting of Parliament on June 28 moved by Foreign Minister Assef Ahmad Ali]

Parliament of the Islamic Republic of Pakistan sitting in joint session, noting with admiration the courage and determination with which the valiant people of Kashmir are resisting Indian efforts to keep them under subjugation;

Deeply concerned at the recent intensification of repression in Kashmir including excessive use of force, tactics of intimidation and torture by the Indian armed forces and premeditated assassination of known Kashmiri political leaders;

Also noting with concern the unprovoked firing across the Line of Control by the Indian security forces which has resulted in the loss of a large number of innocent civilian lives as well as causing injuries to UN observers;

Recognising that tension and insecurity in the region will continue to prevail until a just and lasting settlement of the dispute;

Assures full moral, political diplomatic support to the heroic struggle of the Kashmiri people for their inalienable right to self-determination as pledged to them by the international community through the relevant resolutions of the UN Security Council;

Salutes the martyrs and the heroes of the just Kashmiri resistance against the forces of occupation;

Condemns the atrocities being committed by the Indian security forces against the Kashmiri people and the growing violations of their human rights;

Deplores India’s negative attitude towards the quest for a peaceful settlement of the dispute by its refusal to take a meaningful dialogue on the Kashmir dispute;

Calls upon the government of India to cease repression in Kashmir forthwith and to honour its solemn commitment to the UN to hold a free, fair and impartial plebiscite to decide the future of the State of Jammu and Kashmir, in accordance with the relevant resolutions of the UN Security Council; and

Urges all peace-loving states to take steps to persuade India to put an end to the horrendous violations of the human rights of Kashmiri people and to create a propitious climate for the holding of a meaningful dialogue with Pakistan,
Statement of the Official Spokesperson of the Ministry of External Affairs on Pakistani allegation regarding Indian interference in Afghanistan.

New Delhi, July 7, 1994.

In response to a query on Pakistani press reports and a statement by the Pakistani Foreign Office Spokesman that India was interfering in Afghanistan, the Official Spokesman stated that we have come across reports or statements attributed to the Pakistan Foreign Office insinuating that India is providing military support to the Jamat-i-Islami of Afghanistan. We have noted that certain elements which are known to enjoy the patronage of Pakistan have also parroted the allegations. We categorically clarify that India has not provided any military support whatsoever to any of the Afghan groups. We regret that Pakistan is spreading such calumny with deliberation with a view to creating misunderstanding in the minds of friendly people of Afghanistan towards India and to divert attention from its own record of wanton interference in Afghanistan’s internal affairs which is widely recognized as a major contributory factor for the sad situation of conflict and destruction in that country.

On June 30th the Spokesperson of the Indian Ministry of External Affairs responding to queries on Pakistan passing the resolution on Kashmir said: "we had seen reports that the Pakistan Parliament had adopted a resolution in Islamabad on the J& K issue on June 28, 1994. We regret that the Government of Pakistan has taken an initiative in this direction. Such resolutions have been adopted by the Pakistan Parliament in the past also, which do not have any relations to the situation in J& K. We regard this as totally unacceptable. The resolution call for outside interference in India’s internal affairs."
1338. **Statement issued by the Official Spokesperson of the Ministry of External Affairs on trilateral discussions on Kashmir problem said to have been proposed by the Chairman of the Iranian Foreign Relations Committee Dr. Hassan Rowhani.**

New Delhi, August 8, 1994.

In response to a queries about the visiting Iranian Chairman of the Foreign Relations Committee, Dr. Hassan Rowhani’s statement to the press that India, Pakistan and representatives of the Kashmiri people should have trilateral discussions on the Kashmir problem, the official spokesman replied that we had not gathered this impression during our discussions with the Iranian delegation. The Iranians had emphasized that the Kashmir problem should not be internationalized, which was our position also and that talks be held bilaterally with Pakistan as well as with the representatives of the Kashmir people. The Government of India was already talking to leaders of the Kashmiri people and was always ready to discuss the problem with Pakistan as envisaged under the Shimla Agreement. There was, thus, no difference between what Dr. Rowhani had stated to the press and Government of India’s discussions with the Iranian delegation.

In response to another query on Iran offering itself as a mediator for solving the Kashmir issue, the spokesman said that Kashmir was an issue that Pakistan had agreed to settle bilaterally with India. This was envisaged and agreed to under the Shimla Agreement which does not provide for any outside mediation. India would not accept any form of third party mediation. The important problem now was cross-border terrorism which continues to lead to violence in Kashmir and India has sought the support of the international community to prevail upon Pakistan to stop aiding and abetting terrorism in J&K.

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1339. Excerpts from the Independence Day Speech of Prime Minister P. V. Narasimha Rao delivered from the ramparts of the Red Fort.

Delhi, August 15, 1994.

Now, let me speak about Kashmir which, for some time has been a problem for us. Though there has been considerable improvement in the situation, it has not reached the level of normalcy as yet. The reason is not very far to seek. Everybody knows, how Pakistan has been actively encouraging terrorism in the State from across the border, how it has been training the terrorists on its land and giving them financial help, how it has been arming and then sending them across the border into the State. There is no doubt about this. For so many years, we have been collecting evidence of the misdeeds of Pakistan, bringing that to the notice of the countries friendly to us and telling them what Pakistan has been doing all these years. Now, after 14th August, 1994, I think no further proof is required when they have themselves openly declared that they would continue their help to the terrorists in Kashmir, give them arms and send reinforcements. They have said that this would continue for ever.

I would like to ask these friendly countries, “Respected friends, what do you say now? Till yesterday, you believed us only partially. Sometimes you would tell us that perhaps Pakistan had earlier been doing it but not now?” Only recently, I had had occasions to listen to this kind of talk in some of the countries I visited. Now I want to ask them if they still have any doubt about it. So it is very obvious that Pakistan does not want to stop these activities. Instead, it has openly announced before the world that it would continue with them. Our reply can only be that we are also not going to sit back until we have completely rooted out this blatant interference in our internal affairs. It is our resolve and we want to make this clear to them.

Meanwhile, we have taken several steps in Kashmir to bring peace to the State and to identify the terrorists. I say ‘terrorists’, for no other word can befit them. They have been mercilessly killing people, especially opinion leaders of the State—lawyers, doctors and religious leaders. Recently they also killed the Assembly Speaker. Their victims include staff of media installations, like All India Radio and Doordarshan. They killed the Vice-Chancellor of a university. They have been killing government servants who are simply performing their duties and who have nothing to do with politics. And there is no count of innocent civilians being killed by them. How would you describe these heinous acts? What else is it, if not terrorism? I have no other word to describe this. But you can rest assured that we will completely wipe out terrorism.
Recently, we have taken several initiatives in J & K for accelerating the pace of development and boosting the morale of the civil administration terrorised by guns. I may tell you that we are going to take up the revision of electoral rolls shortly. We are also engaged in delimiting the constituencies for conducting elections. This clearly shows the direction in which we are moving. We are moving towards holding elections in the State. I don't want to give you any specific date because that might unduly provoke the terrorists to indulge in more violence. But there is no doubt about the direction in which we are moving. Now when we have been doing all this, we would expect the international community to take note of it and to see who is the one actually trampling the human rights. They will have an opportunity to judge this.

It is very unfortunate that not only something bad is done but it is openly declared that what they are doing is good and that they will continue to do the same in future also. This type of language does not behave friends. I want to appeal to Pakistan, please accept the hand of friendship we have extended. There can be several meeting grounds between us. Sometimes differences may crop up, but they can be resolved. I would however, like to make it clear to Pakistan, you may or may not cooperate with us, but, ‘with you, without you, in spite of you’ Kashmir will remain with us. It is an integral part of India. This will not change, never, not in the least. They say they are a nation of twelve crores. If they talk of crores, you can understand what my answer would be. However, it is not a question of crores; it is a question of justice, it is a question of law and the Constitution. You cannot negate all this and reverse the course of history. The sooner we all realise this, the better it is for us. This is what I want to convey.

There is a big hue and cry about our missiles and missile programme and a lot of propaganda is going on. It is very strange that though Pakistan has with it readymade bought off the shelf missiles, nobody talks about them. We only want to experiment in our laboratories, and conduct some tests and that causes a lot of hue and cry. What kind of justice is this, we fail to understand. We have not increased our expenditure on defence. India is not a small country. Do I have no right, is it not my duty to mobilise resources for the defence requirements of a country so vast, with such vast borders and coastlines? Let anybody say anything, I shall mobilise the resources. Our first priority is the security of the country. There is no scope for any compromise, any reduction in it. That is why: I want to tell my friends that they should not compare India with other countries. They should see the case of India according to its requirements, whether we have spent the same amount as countries of our size are spending. We are spending less than that. To compare our defence expenditure with a small country and to say that we should not spend this much is not just. All that
is required to be done for our defence will be done. Let there be no doubt in
that regard.

I want to tell you that the whole world is changing but there are some places
where things do not change. Some people cannot change their mind-set. Today,
I am ready to set aside politics and prepared to go beyond mere political and
diplomatic relations. At present, we are expanding economic relations with all.
Why shouldn’t we expand these economic relations within the SAARC? Why
does Pakistan feel so bad about it? Why is it so much hesitant? Let us cooperate
in our SAARC network of seven nations. But even this is not acceptable to
them. Wherever our Pakistani friends go, they raise the Kashmir issue. I have
stopped talking about Kashmir in any forum, nor do I give any reply to any
question on the issue. It is not necessary for us to tread the same path they are
walking upon. It is not necessary for us to reply to all the questions they raise.
The world knows what they have to say and what we have to reply. People are
aware of the conditions at the field level. Nothing is hidden from anybody. Only
they go on unnecessarily repeating them. I understand Pakistan is going to
raise the Kashmir issue in a conference of the Health Ministers. Now raising
the issue in season and out of it will attract only the derision of the world. We
want to tell our friends that we share a blood relationship. For God’s sake,
please for the sake of our relationship, do not do this. We can solve these
problems across the table. They talk of an unfinished task. What is this
unfinished task? In my well-considered opinion, there is only one unfinished
task from our point of view and that is the restoration of Pak-occupied part of
Kashmir to India. This is the only unfinished task, nothing else remains.

If this is not acceptable to you, the Simla Agreement is there. Let us extend our
hands of friendship to each other and move ahead shoulder to shoulder. Please
do not spurn these possibilities and stand in the way of a bright future that
looks ahead. But it is your sweet will if you are not prepared to meet half way;
we are firm on our own position. I want to tell you that Kashmir is an integral
part of India and will ever remain so. I am not using the language of threat.
Whatever I am saying, I am doing, is with a cool head, and with a full sense of
responsibility. If language is not to change, let there be a change in intentions.
Sometimes, one is obliged to use such language. If one does not do so, people
around get angry with that person. I know this sort of compulsions exist at
times. We do not have any such constraint. It may, however exist for some
people in some countries. Still at least their intentions can be positive and
peaceful. We want peace but at the same time, we want to preserve our
sovereignty. There can be no compromise on these two issues.

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1340. Statement issued by the Official Spokesperson of the Ministry of External Affairs on Pakistan as terrorist state.

New Delhi, August 22, 1994.

In response to queries on the remarks made by Minister of State for External Affairs, Shri Salman Khurshid at a press conference in Lucknow on August 21, 1994, the Official Spokesman stated that while responding to a question on whether Pakistan would be declared a terrorist state, the Minister said that there was no international fora which could discuss such matters. However, he hoped that the US Administration would take into account details given by the Bombay blast accused Yakub Memon in the context of its earlier efforts to declare Pakistan a terrorist state.

In response to a question whether India would seek to internationalize the POK Issue, the Minister hoped that good sense would prevail among the Pakistani leadership and they would desist from raising Kashmir at international fora. The Minister reiterated that India was committed to maintaining peace in the sub-continent, would not fight a war against Pakistan unless war was forced upon India. He reiterated that Kashmir was an integral part of India and would remain so.

In response to a question on the reported seizure of Plutonium in Germany allegedly destined for Pakistan, the Minister said that he had conveyed Government of India’s apprehension to Germany during a meeting he had with the visiting Member of the German Parliament, Mr. Gerhard Baum on August 19, 1994. He hoped that Mr. Baum would convey India’s concern to the Government of Chancellor Kohl so that German authorities could keep India informed about the progress on investigations as well as steps taken to check the clandestine diversion of plutonium.
1341. Press Release issued by the Ministry of External Affairs on the statement by External Affairs Minister regarding the Extraordinary Session of the Islamic Foreign Ministers meeting.

New Delhi, September 9, 1994.

The Government of India regrets that once again the OIC has chosen to take a partisan and prejudicial view of the situation in Jammu and Kashmir and its impact on bilateral relations between India and Pakistan. Pakistan has blatantly abused its position as the host country to mislead the member states of OIC and divert attention from Pakistan’s record of supporting terrorism and subversion directed against the political unity and territorial integrity of India.

Pakistan has used the OIC forum to generate false propaganda that a state of high tension exists between India and Pakistan and that the climate is therefore not conducive for peaceful bilateral negotiations. Pakistan has indulged in war mongering, nuclear adventurism and threats to give credibility to its claims. Pakistan must not delude itself into believing that many find this convincing.

Despite these provocations, we continue our offer to address bilateral issues, including issues relating to Jammu and Kashmir in a dialogue with Pakistan under the provisions of the Simla Agreement. The Simla Agreement remains the framework to redress and resolve all differences between the two countries.

We know that among the OIC member States who are present at Islamabad, there is a vast majority who respect India’s territorial integrity, reject terrorism, extremism, and interference in other nations internal affairs, treasure their good relations with India and set high score on developing those many sided relations further. India reciprocates such sentiments and looks forward to working with those nations to enhance our mutual cooperation in the following months and years.
1342. Remarks by Pakistan Leader of the Delegation holding Talks with Indian Delegation on Drug Trafficking and Narcotics Control.

New Delhi, September 23, 1994.

Following the last week's successful dialogue between Pakistan and India in New to combat drug trafficking in the region both sides have agreed to meet again in December to further strengthen cooperation in this regard. This time the venue of the meeting will be Islamabad, said Mr. Dil Jan Khan, leader of the Pakistani delegation Terming the New Delhi meeting a success, he said the India headed by Mr. M.R. Sivaraman, India's Revenue Secretary offered every assistance in narcotics-related matters for combating drug trafficking between the two countries he said the following decisions were taken:

a) The scope of the meeting held periodically between BSF and Pak Rangers at Commandant, DIG and IG levels will be amplified. A representative of India's Narcotics Control Bureau (NCB) and Pakistan's Anti-Narcotics Force (ANF) will be included. Narcotics trafficking will be a separate agenda item for discussion.

b) Enforcement agencies on both sides of the border will designate the contact points and their lists will be exchanged between the two countries.

c) Telephone with STD facilities and fax machines will be provided to contact officers to facilitate speedy communication. Addresses of officers who will be the contact points on drug smuggling matters will be exchanged.

d) Detailed particulars of traffickers apprehended on either side will be promptly exchanged between the designated contact points and their working will be closely monitored by NCB and ANF.

e) DG, Directorate of Revenue Intelligence, on the India side and DG, Customs Intelligence, on the Pakistani side will directly share information relating to the smuggling of other contraband goods.

f) Immediate steps will be considered by both sides to undertake controlled delivery operations to identify and neutralize major operators. After mutual consultations, respective High Commissions will be requested to issue visas expeditiously.

g) Both sides will assist each other in the financial investigation of drug cases having ramifications in the other country and also exchange information relating to assets acquired by drug traffickers apprehended in either country and their money laundering activities.

Mr. Dil Jan said the drug situation in both countries was reviewed in depth and deep concern was expressed over the serious proportion which the problem has assumed.
There was no dispute on the point that different drug trafficking groups in the two countries are interlinked, which enjoins upon the law-enforcing agencies of the two sides to exchange information of seizure of drugs and other contraband goods.

The Indian side highlighted the smuggling of gold and foreign currency through certain sectors of the border and of poppy seeds, whereas the Pakistani side highlighted the trafficking of acetic anhydride from India.

1343. Press Release issued by the Ministry of External Affairs quoting Extract on India and Pakistan from Memorandum on behalf of EU Circulated by German Presidency on September 28, 1994

New Delhi, September 30, 1994.

The EU attaches great value to its friendly relations with India and Pakistan. Trade cooperation agreements have been signed with both countries and EU political dialogue has been established. It is therefore concerned about the lack of progress in the bilateral discussions to improve relations between India and Pakistan and urges both countries to settle their differences peacefully, notably with regard to Kashmir. It encourages India and Pakistan to resume bilateral dialogue as soon as possible.

2. The EU deplores the continuing violence in Kashmir and reports of the seriousness of the human rights situation there. While terrorist violence must be firmly resisted, the Indian security forces must also respect the Rule of Law.

3. In this connection, the EU has urged the Indian Government to allow humanitarian and international human rights organizations free access to the region. It urges the Indian Government to redouble its efforts to establish a political process in Kashmir.

4. It welcomes steps taken by the Government of India leading to more transparency i.e. by inviting an EU ambassadorial delegation and other international observers to visit Kashmir.

5. It calls for the cessation of external support for militant violence.

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1344. Resolution adopted unanimously by the 22nd Islamic Foreign Minister Conference as part of the Seventh Islamic Summit of the Organisation of the Islamic Conference (OIC) on Kashmir. [This draft was unanimously adopted by the 7th Summit of the OIC]


THE RESOLUTION

The 22nd Islamic Conference of Foreign Ministers held in Casablanca, from December 10 to 11, 1994 had adopted the following resolution on Jammu and Kashmir

Reaffirming the principles and objectives of the Charter of the Organisation of Islamic Conference which emphasise the common goals and destiny of the peoples of the Islamic Ummah;

Emphasising the purpose and principles of the UN Charter and recalling the UN resolutions relevant to Jammu and Kashmir dispute which remain unimplemented,

Recalling that the Simla Agreement signed between India and Pakistan calls for a final settlement of the Jammu and Kashmir issue;

Reaffirming the importance of the universal realisation of the right of the people to self-determination enshrined in the charters of the OIC and the UN;

Recalling all its previous resolutions on the Jammu and Kashmir dispute;

Expressing concern at the alarming increase in the indiscriminate use of force and gross violations of human rights committed against innocent Kashmiris;

Recalling the report of the OIC fact-finding mission on the situation in Kashmir following its visit to Azad Jammu and Kashmir in February 1993, and regretting that the human rights situation in Jammu and Kashmir remains grave;

Regretting that the Government of India has not responded favourably so far to the offer of the good offices mission made by Islamic Conference as Foreign Ministers and renewed by the Sixth Islamic Summit Conference;

Regretting also that the OIC fact-finding mission was not allowed to visit Jammu and Kashmir;

RECOMMENDATIONS ENDORSED

1. Takes note of the report of the Secretary-General on the Jammu and
Kashmir dispute and endorses the recommendations contained therein (Document No ICFM/22.94/PIL/D.3);

2. Calls for a peaceful settlement of the Jammu and Kashmir issue in accordance with the relevant UN resolutions and as agreed upon in the Simla Agreement;

3. Condemns the continuing massive violations of human rights of the Kashmiri people and calls for the respect of their human rights, including the right to self-determination;

4. Calls upon member-states to take all necessary steps to persuade India to cease forthwith the massive human rights violations of the Kashmiri people and to enable them to exercise their inalienable right to self-determination as mandated by the relevant resolutions of the Security Council;

5. Calls upon India to allow international human rights groups and humanitarian organisations to visit Jammu and Kashmir;

6. Supports the efforts of Pakistan to initiate a meaningful bilateral dialogue for resolving the Jammu and Kashmir dispute and calls upon India to respond positively to these efforts;

7. Affirms that a sustained dialogue is essential to address the core of the problems and to remove the basic causes of tension between India and Pakistan;

8. Expresses its deep concern at the prevailing tension that threatens security and peace in the region;

REDEPLOYMENT OF FORCES

9. Calls upon India and Pakistan to redeploy their forces to peace-time locations;

10. Appeals to member-states, OIC and Islamic Institutions, such as the Islamic Solidarity Fund, and philanthropists to mobilise funds and contribute generously towards providing humanitarian assistance to the Kashmiri people;

11. Requests India, in the interest of regional peace and security, to avail itself of the offer of good offices made by the 20th Islamic Conference of Foreign Ministers and the Sixth Islamic Summit Conference;

12. Requests the Secretary-General to establish contact with India and Pakistan and the true representatives of the people of Jammu and Kashmir with a view to promoting a just and peaceful settlement of the Kashmir dispute;
13. **Requests** the Secretary-General to send a three member OIC fact-finding mission to visit Jammu and Kashmir as decided by the 20th and 21st Islamic Conference of Foreign Ministers as well as the seventh extraordinary session and the Sixth Islamic Summit Conference, and that the mission submits a report to him.

14. **Requests** India to allow the OIC fact-finding mission to visit Jammu and Kashmir;

15. **Recommends** that member-states continue to coordinate their positions and to take joint action at the UN General Assembly and the Commission on Human Rights and other relevant international fora to promote respect for the fundamental human rights of the people of Jammu and Kashmir,

**CONTACT GROUP WELCOMED**

16. **Welcomes** the establishment of the OIC Contact Group on Jammu and Kashmir at the UN comprising Niger, Saudi Arabia, Turkey, Pakistan and the OIC Secretary-General in accordance with the decision of the seventh extraordinary session of the Islamic Conference of Foreign Ministers.

17. **Requests** the OIC Contact Group on Jammu and Kashmir to continue its efforts for promoting the right of self-determination of the Kashmir people in accordance with the UN resolutions and for safeguarding their fundamental human rights,

18. **Decides** to consider the Jammu and Kashmir dispute at the 23rd Islamic Conference of Foreign Ministers and recommends its consideration by the Seventh Islamic Summit Conference.

19. **Requests** the Secretary-General to follow up the implementation of this resolution and to present reports thereon to the 23rd Islamic Conference of Foreign Ministers and the Seventh Islamic Summit.

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It is a matter of the greatest regret that the Pakistan Government has decided to close down the Indian Consulate General in Karachi and asked its personnel to leave within 10 days.

The allegations made by the Pakistan Government of interference by our Consulate General in Pakistan's internal affairs are completely unfounded and are rejected in totality by India.

The Pakistan Government withdrew its consulate from Bombay earlier this year without justification, and have now decided to close the Indian Consulate General in Karachi also without justification. These unilateral decisions by Pakistan adversely impact on the lives of countless people in both countries.

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* Indian compliance with the Pakistani request was immediate as it was on that day that Pakistan had asked New Delhi for Consulate's closure. India was stung that in asking for the closure Pakistani Foreign Secretary Najmuddin A Shaikh had said the government has been “constrained to take this decision because of clear and fresh evidence of India’s involvement in the planning, instigation and execution of acts of terrorism and violence in Karachi and of the propagation of disaffection and propaganda against the unity, territorial integrity and sovereignty of Pakistan.” He said that in view of “these activities” which “are a violation of international law the government of Pakistan has been left with no other option but to exercise the right to demand the closure of the Indian Consulate-General in Karachi.” He went on to say “Obviously, we cannot allow a center for sabotage, subversion and terrorism to continue to operate within Pakistan. We expect that the Indian government will close down the Consulate forthwith and withdraw it personnel within the next 10 days.” Mr. Shaikh said that Pakistan demanded of the international community to take cognizance of the state-sponsored terrorism by India. “They should be treated as a state that is sponsoring terrorism,” he added.

In a separate statement later, the Foreign Secretary Shaikh said “The promotion of subversion and terrorism in Karachi and other parts of Pakistan by Indian agencies is completely contrary to the principles of the UN Charter and the norms of the interstate relations. We hope that the world community will take serious note of India’s sponsorship of terrorism in Pakistan and adopt the necessary steps to prevent India from carrying out such blatant and criminal acts which are designed to destabilise and intimidated Pakistan.” Earlier on December 25, to justify the charge, Pakistan had declared Mr. Deepak Thakur, Assistant Visa Attach at the Indian High Commission in Islamabad, a persona non grata for activities “incompatible with his status as a member of the diplomatic mission” and had asked India to recall him within 10 days.

In a dignified response on December 28, to the charges leveled by Pakistan's Foreign Secretary, New Delhi simply said: “The text of the Pakistan Foreign Secretary’s Statement at a Press Conference in Islamabad on 26th December 1994 at which he announced Pakistan’s decision to close the Indian Consulate General in Karachi has been seen by the Ministry. The examples given by the Pakistani spokesman of alleged Indian interference in the internal affairs of Pakistan are totally concocted, absurd and do not merit any response or rebuttal. This whole exercise is another pathetic attempt on Pakistan’s part to seek excuses for its inability to handle its own domestic problems.”
While the Indian Government will perforce comply with the request of the Pakistan Government, the Ministry points out that the withdrawal of the 18 Indian nationals manning the Consulate General will inevitably lead to increased difficulties and hardships in the matter of grant of visas to Pakistani citizens, people to people contacts and consular, commercial and cultural relations between the two countries, and is yet another manifestation of Pakistan's consistently negative approach towards bilateral ties with India.
Pakistan Prime Minister Benazir Bhutto rejected the third option of independent Kashmir and said it would mean the balkanization of both India and Pakistan, which was not in their interest.

In an interview with David Frost of Public Broadcasting Service (PBS) network telecast by PTV on January 8, she said that at the time of India's partition, there was only the question of accession to Pakistan or India and nobody was allowed to choose independence. "If we rewrite the rules of the game of partition, then many other states that were independent at the time in 1947 may turn to seek a third choice," she said.

When pointed out that the PLO and Israel were getting together as well as the people in South Africa, Northern Ireland and the Middle East, and it all happened through third party mediation, she said. "Pakistan is also asking for mediation. When India and Pakistan are unable to arrive at an agreement between themselves, what is really needed is the good offices of the third party that can help them draw closer."

She said every round of talks between the two countries has ended in a statement "because India comes with its set notions and Pakistan also comes with its set notions, and that is it."

About the threat of war on Kashmir, the Prime Minister said: "I hope that neither India nor Pakistan would be so foolish. We had three wars in the past and it didn't resolve the issue. So obviously a conflict is not going to resolve it. I believe that both countries are constrained by their own economic imperatives not to think in militaristic terms." She said about 40 to 50 people were being killed daily in Kashmir and an equal number being rounded up. Hence, it was difficult for any government of Pakistan to engage in talks. So, rather than calling them preconditions, India should describe them as measures to create a conducive atmosphere.

New Delhi, January 12, 1995.

As a consequence of the deplorable decision of the Government of Pakistan to close the Consulate General of India in Karachi this month, some delay in issuing visas has become unavoidable. The main sufferers will be the Pakistani nationals in the areas previously covered by our Consulate General in Karachi.

We are taking all possible measures to see that visas are issued by our High Commission in Islamabad as quickly as possible, especially in cases of proven emergency. In such cases, as a special measure, short term visas would be issued without pre-verification and on priority basis. It will also be our endeavour to see that members of divided families do not suffer unduly. We continue to be committed to promote people-to-people contacts despite the obvious negativism of the Pakistani authorities.

In accordance with the 1974 visa agreement, I would like to reiterate our readiness to discuss with Pakistan the reopening of the Khokharapar-Munabao check post so that people on both sides have this facility to travel more conveniently.

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1348. Reaction of the Pakistan Ministry of Foreign Affairs to an article published in the Indian daily Times of India referring to the “Secret Understanding” between Late Prime Minister Indira Gandhi and Late President Zulfiqar Ali Bhutto at the Simla Conference in 1972.

Islamabad, April 5, 1995.

There was no “secret understanding” at the Simla meeting between the late Indian Prime Minister Indira Gandhi and former President Zulfiqar Ali Bhutto on the Line of Control in Jammu and Kashmir, said the Pakistan Foreign Office on April 5, 1995.

The Foreign Office said the claim made by Mr. P. N. Dhar, a former Secretary to Mrs. Indira Gandhi in an article in Times of India regarding a “secret understanding” at the Simla meeting between both leaders was baseless and unfounded.

The Foreign Office said the claim made by Mr. P. N. Dhar a former secretary to Mrs. Indira Gandhi in an article in Times of India (4/4) regarding a “secret
understanding" at the Simla meeting between both leaders was baseless and unfounded.

The Foreign Office pointed out that Mrs. Gandhi herself, in a statement on April 23, 1978, dismissed as “absolutely ridiculous” talk of a secret understanding between her and Z.A. Bhutto at Simla. This statement was published in Indian Express (24/4/78).

The Foreign Office said: “Mr. Dhar has also made some assertions regarding sub-clause 4(ii) of the Simla Agreement. Under this clause it was agreed that the Line of Control resulting from the ceasefire of December 1971 would be respected by both sides without prejudice to the recognized position of either side."

"Pakistan’s recognized position, which is also the recognized position of UN, is that the future of Jammu and Kashmir is to be determined through democratic method of a free and impartial plebiscite. It should also be the recognized position of India because it was willing party to the relevant resolutions of the United Nations", the statement said.

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Media briefing by Pakistan Prime Minister Benazir Bhutto on return from her tour of the United States of America.

Islamabad, April 16, 1995.

Prime Minister Benazir Bhutto has said the ‘State of drift’ in the Pak-US relations had ended and the successful journey had vindicated Pakistan’s position on nuclear non-proliferation and Kashmir.

Addressing a Press conference at Islamabad airport on her arrival from the USA on April 16, 1995 she said: “This visit has proved to be a definite movement in the evolution of a new and more mature partnership in the post-cold war era. A great deal of ground needs to be covered. New areas of cooperation need to be explored. The impediments that continue to exist must be confronted and overcome. What is important is that new parameters have been defined and a new beginning made.”

To sum up, she said her visit has brought about “a significant change in the Pak-US relationship which has, since 1990, been in a state of drift.” She said: “Our commitment to global and regional security is fully appreciated. The value
and importance of trade and investment in the new relationship has been recognized and encouraged by both sides," adding that President Clinton's remarks were a vindication of Pakistan's moral position and source of pride for all Pakistanis. Trade not aid, partnership not dependency and promoting stability through peace-keeping missions' were the subjects pressed and forcefully advocated by Pakistan, Ms Bhutto said.

It was the first visit by a Pakistani chief executive in six years, she added, and the first effort since 1990 to defreeze the relations between the two countries and begin a dialogue on important issues.

The Prime Minister said: “The first goal was to start a dialogue on whether the Pressler Amendment and sanctions against Pakistan have met the desired goals or not. It is our view that the Pressler Amendment is a discriminatory law that has undermined Pak-US relations and also defeated the goal of non-proliferation in South Asia.”

Second, there was no justification for the USA to withhold both the equipment which it had contracted to supply before the Pressler sanctions were imposed, and the money that Pakistan had paid for from its resources, she said.

Third, the Kashmir dispute lay at the heart of South Asia’s security problems and Americans mediation was needed to resolve the issue in accordance with UN resolutions and the wishes of the Kashmir people, Ms. Bhutto said.

“Fourth, we were seeking to deepen commercial ties between the two countries to broaden our bilateral relationship and to base this on trade not aid, and on partnership not dependency,” she added.

“These were the themes on which I dwelt in my meetings with the administration and Congressional leaders and in the series of media interviews, and public speeches,” she said, adding: “The response to our efforts can be gauged from what Mr. Clinton said at a Press conference we jointly addressed.” Mr. Clinton pointed to the “significant investments” being committed by US firms encouraged by economic opportunities offered by Pakistan, especially in the energy sector. He said: “I am convinced that in the coming years, the economic ties between our people will grow close.”

Ms Bhutto said she also held a series of meetings in Congress, with Senate majority leader Robert Dole, and members of the US International Relations Committee, the US Appropriation Committee and the US Armed Services Committee. “From those key leaders on the Hill, I received similar assurances of understanding on all issues of concern to the USA, especially on the Pressler Amendment,” she added.

“A special Senate resolution was unanimously adopted welcoming me to the USA and calling to strengthen bilateral relations. This was a particularly warm
and considerate gesture, demonstrating bipartisan support for improvement in Pak-US relations,” Ms Bhutto said.

In another gesture of goodwill, she stated, Chairman of the Senate Foreign Relations Committee Jesse Helms took her to the floor of the Senate and asked for a short recess to mark his respect for Pakistan. “In the public fora that I addressed, at Princeton and John Hopkins universities and at World Affairs Council at Los Angeles, I found a uniformly favourable response to the message that I conveyed on both the Pressler Amendment and the Kashmir issue,” she added.

Ms Bhutto said: “What emerged from my meetings at the White House and the Hill was the clear understanding that Pakistan as an Islamic democratic and moderate country of 130 million people has a vital role to play as a bridge between these regions and in the promotion of peace and security at the global and regional levels.”

Pakistan has been praised for being the largest contributor to international peacekeeping efforts, she said, adding: “Our effort to combat the scourge of international terrorism and counter drug trafficking was appreciated.”

Also acknowledged was Pakistan’s commitment to democracy, to economic liberalisation and to full participation in the global economy. Administration officials and corporate America termed Pakistan the most attractive investment partner in the region, she added.

The Prime Minister said: “We were gratified by the fact that the USA recognises the disputed status of Jammu and Kashmir and agrees with us that a durable solution to this dispute will have to take into account the wishes of the Kashmiri people. Moreover, the USA fully appreciated that unless the core issue of Kashmir is resolved, other regional issues will remain frozen. The Clinton administration is prepared to respond positively to our proposal that the USA should mediate to find a solution of the Kashmir issue. It is now up to India to accept such mediation.”

She added: “In the economic sphere, we signed memoranda of understanding (MoUs) with several US corporations worth $6 billion. The MoUs signing ceremony held in Washington was attended by four cabinet members, Energy Secretary Hazel O’Leary, Commerce Secretary Ron Brown, US Trade Representative Mickey Kantor, Agriculture Secretary Dane Glickman, and President of Exim Bank Kenneth Brody. Their presence signified the Clinton administration’s endorsement of Pakistan’s economic policies. The MoUs signed in Washington increased US investment commitments to over $10 billion in a period of 17 months.”

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1350. **Statement issued by the Contact Group of the Organisation of Islamic Conference on the ‘desecration’ of the Charar-e-Sharif Shrine in Kashmir.**

*New York, May 16, 1995.*

At a meeting held at the UN on May 15, the Contact Group on Jammu and Kashmir of the OIC considered the serious situation that has arisen because of the desecration and destruction of the shrine of Sheikh Nooruddin Noorani, the large mosque adjacent to it and a *madrasa* (institution of learning) by a large number of armed Indian military personnel.

The Contact Group stated that the wanton act of sacrilege of the 535-year-old holy shrine and a mosque adjacent to it, on the auspicious occasion of *Eidul Azha*, has profoundly shocked the Muslims all over the World.

The Contact Group condemns the brutal Indian military operation against the peaceful residents of Charar-e-Sharif which had resulted in killing of scores of innocent civilians, the burning down of about 1,000 houses, and attacks against their religious and cultural heritage.

**Appeals Not Heeded**

It regrets that the concern and alarm at the siege of the shrine expressed earlier and the OIC Secretary General’s appeals to lift the siege were not heeded by the Indian government. It expressed its deep anxiety that some Indian leaders, after the desecration of the mosque and the shrine by the Indian armed personnel, had threatened the use of force against Azad Kashmir.

The Contact Group deplored that the desecration of the holy places of Muslims in India had become a pattern over the years. It recalled that earlier in 1992, the Babri Masjid at Ayodhya was demolished and destroyed by Hindu fanatics.

It noted that the desecration of the Charar-e-Sharif mosque and the shrine had led to massive peaceful demonstrations throughout Jammu and Kashmir and that the Indian authorities had imposed curfew in Srinagar and several other towns in an effort to prevent the expression of protest against this latest assault on the religious sentiments of the Kashmiri people.

**Withdrawal of Troops Urged**

The members of the Contact Group urged the Indian government to withdraw its forces from Charar-e-Sharif and take other immediate steps to mitigate the effects of the desecration of the mosque and the shrine. They called upon the Indian government to desist from repeating such actions and to respond to the aspirations of the people of Kashmir in the interest of peace and security in the region.
The Contact Group, reaffirming the OIC resolution on Jammu and Kashmir adopted at the seventh Islamic Summit held in Casablanca, expressed total solidarity with the Kashmiri people. It urged the UN Secretary General to take due cognisance of the threat to the regional peace and security posed by desecration and destruction of the Charar Sharif mosque and the shrine. It also appealed to the President of the Security Council to take note of the situation and to bring the matter to the attention of members of the Council for appropriate action. The Contact Group has also decided to address letters to the UN Secretary General and the President of the Security Council.

The Contact Group meeting on Kashmir was convened by OIC Secretary General Hamid Algabid.


New Delhi, May 16, 1995.

We have read with surprise and regret the statement issued on behalf of the OIC Contact Group in New York on the destruction of the shrine at Charar-e-Sharief.

2. The burning of Charar-e-Sharief has destroyed part of the religious and cultural heritage of India, and is mourned by all Indians, as reflected in the debate in Parliament, comment in the press and spontaneous reactions of the common man.

3. The burning of Charar-e-Sharief during the holy days of the Haj was designed to cause the maximum possible tension. Nevertheless, despite the gravest provocation, there is no threat to the peace, either in India or in the region. The situation in Jammu & Kashmir is calming down, and Charar-e-Sharief has been returned to civilian control.

4. Charar-e-Sharief was occupied and burnt by foreign terrorists whose objective is to undermine the territorial integrity of India. This has been accepted even by responsible foreign media. The terrorist organization Harkat-ul-Ansar based in Pakistan has claimed “credit” for burning down the shrine. Earlier, a similar attempt had been made at the Hazratbal shrine, which proved unsuccessful. This time, the terrorists ensured that their work of destruction should be completed.
5. The burning of Chrar-e-Sharief is not a communal or a religious issue. It is an act of vandalism and destruction by militants. We therefore do not understand why the OIC Contact Group considers it necessary to comment on it.

6. International reaction on this incident has recognized where the responsibility lies for the outrage. Pakistan is trying to fan religious and international sentiment through the OIC. This is opportunistic, and motivated by the desire to deflect attention from its complicity in the desecration of the shrine. By provoking such incidents, Pakistan is trying to frustrate the political process in Jammu & Kashmir.

7. Prime Minister has announced in Parliament that the political process will continue on schedule. Terrorists will not be allowed to hold the population of Jammu & Kashmir hostage.

8. We trust that members of the OIC Contact Group will realize that their statements will only give encouragement to the terrorists responsible for this outrage, and can only disappoint the population of Jammu & Kashmir, who would like to see an early return to democratic governance.

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1352. Briefing by the Spokesman of the Pakistan Foreign Office rejecting Indian Charge of Chrar-e-Sharif desecration.
Islamabad, May 18, 1995.

The Pakistan government has outrightly rejected Indian accusations of Pakistan’s involvement in the desecration of the shrine of Sheikh Nooruddin Wali and the destruction of the adjacent mosque.

At the weekly Press briefing, the Foreign Office spokesman said that the government had taken strong exception to the baseless charges made by Indian External Affairs Minister Pranab Mukherjee, who had accused Pakistan of “supplying narco-funds to the Kashmiri militants,” and holding it responsible for the Chrar Sharif calamity.

The Indian minister had made these remarks a day earlier in his speech in the Rajya Sabha. The spokesman also criticized Indian Minister of State for External Affairs Salman Khurshid who had claimed in a separate interview that “India had evidence of Pakistan’s involvement in Chrar Sharif’s destruction.”
The spokesman said if the Indians had any real evidence they would have brought it out in the open instead of withholding it under the week ruse of its disclosure affecting the Indian national security. “To begin with, their allegations are baseless. It is, therefore, only natural for their evidence to be concocted as well,” he added. He accused India of attempting to deflect the strong international condemnation of its atrocities in Chrar Sharif by trying to shift the blame on Pakistan.

Replying to a question, he said there were reports of Indian troop movement on the borders in the wake of war threats held out by certain Indian leaders. He added that the government was vigilant about the whole issue. He expressed ignorance about the Directors-General of Military Operations of the two countries having discussed these latest troop movements.

Using harsh words to denounce Indian actions in Kashmir, he said: “The Indian troops not only destroyed the shrine but also razed the whole town to the ground on the pretext of flushing out militants. The Indian government has yet to explain why it used such excessive force to flush out a handful of the so-called militants from the shrine while the leaders of the same group had given assurances to preserve the sanctity of the holy shrine.”

He went on to add that the reaction of the Kashmiri people was a vivid demonstration of their faith in Pakistan and an outright rejection of Indian claims of Pakistan’s involvement in the desecration of the holy places. Replying to a question, he said, that during the last elections in Kashmir, held before the ongoing militant insurgency, the turnout was a mere 3 per cent, observing: “Now you can imagine the turnout for yourself. It would be nothing but a farce.”

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1353. Interview of Pakistan Foreign Minister Assef Ahmad Ali to the Nation on India's threat of "hot pursuit".


Pakistan's Foreign Minister Assef Ahmad Ali told the Nation that "India will certainly have a war on its hands if it translates its threat of "hot pursuit" into action. "Officially I cannot say anything on this but we cannot take these threats lightly". The signals are not very promising, he said. He noted these threats of "hot pursuit" have not been officially aired in New Delhi but by opposition parties and retired bureaucrats like former foreign secretary J. N. Dixit.

But what exactly is "hot pursuit" and in what context these have been raving about? But the Bhartiya Janata Party and JN Dixit who after retirement had become a columnist had been saying that if Pakistan "does not mend its ways and continue interfering in Kashmir" India should chase Kashmiri freedom fighters in hot pursuit into Azad Kashmir and destroy the training camps said to be based there. They also quote some international law to argue that the concept of hot pursuit can be given a legal covering even if it means stepping into another sovereign country's territory.

Given the high-strung tension between Pakistan and India, such rhetoric is very very dangerous. Although, as the Foreign Minister pointed out, such threats did not have an official stamp on them, officials in Islamabad believe that people like JN Dixit cannot fly off on their own tangent. In other words New Delhi in all likely hood has given a silent approval to these threats.

[The Pakistan Foreign Office spokesman, meanwhile said on June 28, Pakistan did not take these threats lightly. Other officials too took similar view. What is clear, however, is that on this matter there is complete unanimity that if India were to cross over into Azad Kashmir, it would be construed as an act of war by Pakistan. The Spokesman had said that any act of hot pursuit across the border by the Indian forces would endanger the security of the entire region. He said having failed to suppress the Kashmiri people, India now again wanted to raise the bogey of across-the-border military operations. "It is clear that India's 600, 000 fully armed troops have failed to crush the Kashmiri movement and the army was looking for fresh scapegoats to justify its continued repression of the Kashmiri people," the Spokesman said.]

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1354. Press Conference of Pakistan Foreign Minister Assef Ahmad Ali accusing India of mounting tension in the India-Pakistan Relations.

Islamabad, July 12, 1995.

Foreign Minister Assef Ahmad Ali said at Islamabad on July 12 that Indian authorities through their acts have created tension in the South Asian region to an alarming level.

"The military build-up in Kashmir, deployment of 100 Prithvi missiles' along Pakistan's border, recent public statements by Indian authorities calling for hot pursuit across the Line of Control and increased violations of the Line of Control by the Indian troops have mounted the tension between India and Pakistan to an alarming level," Said the Foreign Minister while addressing a Press conference.

Refuting the Indian claim that there were only 300,000 troops in Kashmir, Mr. Assef said that Pakistan had undeniable evidence that the number of Indian troops in the valley was well beyond 600,000. He gave full details of Indian troops deployed in Kashmir along with the break-up of military, paramilitary and state police forces.

"I would not say anything about the threat of war," said the Foreign Minister when asked about it in the backdrop of the above-mentioned developments. He said that Pakistan was justified in feeling threatened over these developments. "However, Pakistan is fully prepared to meet any eventuality," said Mr. Aseef.

The fact-sheet which he product at the Press conference contains all details about the Indian forces in Kashmir. According to the details provided by him, the total number of Indian army personnel developed in Kashmir is 317,800. The number of paramilitary forces is 203,000 and the state police's strength is 40,000. India has also deployed an additional force of 42,660 security personnel in the valley in the garb of the staff on election duty. The fact-sheet also contains the exact location of the troops.

"It is apprehended that the increase in troop deployment would be utilized for thrusting the military solution on the Kashmiris rather than the negotiated settlement," he said, adding that this military build-up would logically lead to escalation of the crackdown on the Kashmiris with even less regard for human rights of the people of Kashmir.

"In view of the internal political uncertainties in India, the growing success of the Kashmiris in their political struggle, rejection of elections under the Indian Constitution, the addition to the military machine in Kashmir is expected to lead to further oppression against the people of Kashmir," he added.
In response to a query regarding the strength of Pakistani troops in Azad Kashmir, he said it was in no way comparable to the heavy deployment of Indian troops in Kashmir.

The Pakistan Foreign Minister alleged that the Indians had also deployed 100 Prithvi Missiles along Pakistan’s border. “These missiles are a threat to the peace of not only the region but also the whole world,” Mr. Assef claimed. He said that Pakistan would develop its nuclear programme within the parameters of the Missile Technology Control Regime.

He said the option of hot pursuit from across the Line of Control was being contemplated by India “Recently, public statements by both serving and retired Indian leaders had called for hot pursuit across the Line of Control and held out threats of war against Pakistan,” said the Foreign Minister.

He said that the Indians have also increased the violations of the Line of Control. “One portion of Azad Kashmir has been cut off due to continuous shelling by Indian troops.” He added.

He hoped sanity would prevail in New Delhi and the Indians would not initiate hostilities.

Asked what Pakistan would do if the Indians carried out their threat of hot pursuit, he said: “Pakistan would defend its territory by whatever means at its disposal.”

When his attention was drawn to the visit of the US Ambassador in New Delhi to Srinagar, he said that some of the statements of the ambassador were highly contradictory and, therefore, Pakistan had contacted the US State Department for a clarification. The State Department had told Pakistan that there was no change in the US policy towards Kashmir.

Asked if China and Iran stood by Pakistan on the Kashmir issue, he said: “We have best of relations with Iran and China. Iran and Pakistan have always stood by each other in the past and we believe that Iran’s just policy remains unaltered on the issue.”

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New Delhi, May 19, 1995.

The Joint Secretary in the Ministry of External Affairs, Mr. M. K. Bhadrakumar today met the Acting High Commissioner of Pakistan, Mr. Shahid Malik and conveyed the Government’s deep regret and dismay over the Pakistani statements regarding the Charar-e-Sharief incident. The Acting High Commissioner was told that the Pakistani statements are baseless and tendentious and have no relation to the true facts of the incident of May 11 when a group of mercenaries, including Pakistani and Afghan nationals and their mentors from across the border burned down* the shrine and mosque in Charar-e-Sharief. It was conveyed that the Government takes serious exception to the Pakistani statements regarding the Indian Army which are provocative and should be avoided under whatever compulsions.

* However on May 23, a senior Indian Diplomat in Islamabad was summoned to the Ministry of Foreign Affairs and told that India cannot escape the responsibility for the incident or shift the blame to others. He was told that ‘bellicose’ statements by Indian Ministers and their “threats of war and military action” were against the 1972 bilateral Simla Pact and aggravated the regional security situation. The Pakistani Foreign Office also rejected the Indian charge that Pakistan was materially aiding or abetting the so-called freedom fighters in Jammu and Kashmir. “Pakistan takes serious exception to the deliberate distortions contained in such ‘allegations’ about the facts of the assault on the holy town of Chrar Sharif by Indian forces” the Indian Diplomat was told. Pakistan alleged that the “Indian forces ransacked and torched the houses of innocent citizens of Sheikh Noor-ud-din Wali to the ground”.

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Statement issued by the Official Spokesperson of the Ministry of External Affairs regarding allegations by Pakistan Foreign Minister.

New Delhi, August 17, 1995.

We have seen reports of a press conference held by the Foreign Minister of Pakistan this morning. He has made totally unfounded charges against India and has tried to manufacture arguments for accusing India as being responsible for the hostages crisis in Kashmir. These are absurd allegations and will deceive nobody. It is widely recognized that the Al-Faran group, like other militant groups active in Jammu & Kashmir, is supported, armed and trained by Pakistan. The pro forma condemnation of hostage taking by Pakistani leaders can only be intended to obscure the abundant evidence of Pakistani complicity.

There has been an overwhelming international response against the Al-Faran group’s seizure of hostages in Kashmir. Countries from around the globe, including the OIC, have joined together in expressing their revulsion at this action. The brutal slaying of a Norwegian hostage has shocked the international community and brought out renewed denunciations of the hostage takers. The Pakistan Foreign Minister’s uncomfortable situation where Pakistan stands identified with the kidnappers.

The Pakistan Foreign Minister has produced a number of “reasons” in support of his accusations. He has also made unwarranted observations about India’s intention to violate the LOC, and has held out rash threats against India. We deeply deplore such attempts to create tension on the border, which is clearly an attempt to divert attention. We wish to make it clear that India will not be provoked by such methods. We will continue to confront the militants in Kashmir and will deal effectively with, those who engage in Kidnapping and hostage taking.

We stand ready to resume a dialogue with Pakistan, without any preconditions. Rather than trying to exacerbate the problem, Pakistan would do well to draw back from its discredited policy of support and promotion of terrorism and take up our repeated offer of dialogue.
1357. Statement by the Official Spokesperson of the Ministry of External Affairs rejecting the Statement of OIC on J & K.

New Delhi, October 11, 1995.

The Government of India regrets and rejects the false and misleading statement on Jammu & Kashmir issued by the OIC Foreign Ministers at their annual coordination meeting in New York on October 2, 1995. It is particularly inappropriate to refer to one group as true representatives of the Kashmiri people when that group is not backed by any popular mandate. We also note that the section of the Communiqué on Jammu & Kashmir does not enjoy consensus among OIC countries. The resolution is clearly at the behest of one country.

The situation in Jammu & Kashmir which is an integral part of India is a direct consequence of the unabated terrorism being sponsored by Pakistan. The OIC would do well to address Pakistan, a member state of the OIC, to abjure from the sponsorship of terrorism and to refrain from interfering in the internal affairs of other countries.

The Government of India is committed to the normalization of the situation in Jammu & Kashmir. To that end Government is committed to the resumption of the normal political process and to the holding of elections in the state.

The Government of India would emphasise that there is no threat to peace and security in South Asia from India. India has time and again reiterated its willingness to hold talks with Pakistan. Our offer for talks without pre-conditions and on all aspects of Indo-Pak bilateral relations stands reconfirmed.

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1358. Offer by a senior official of the Pakistan Foreign Office of the third option of independence for Kashmir.

Islamabad, November 8, 1995.

Mr. Shahryar Rashid, Director General on the South Asian Desk in the Ministry of Foreign Affairs said in Islamabad on November 15 that the pro-independence elements in Kashmir could also express themselves through plebiscite; Indirectly, "Well if during the plebiscite the Kashmiris do not turn up in greater number either in favour of joining India or Pakistan then it would obviously show their will to remain independent," said Mr. Shahryar Rashid.

He was replying to a question while delivering a candid talk on Indo-Pak relations at the Department of International Relations, Quaid Azam University, on November 5.

[Mr. Rashid's talk which mainly focused on the issue of Kashmir, traced back the genesis of the problem in the context of recent developments in Indo-Pak relations.]

He agreed that while the plebiscite under UN resolutions gave only two options to the people of Kashmir even then the people could speak out else. "If only 7 to 8 per cent of voters turn up during the plebiscite like they did during the rigged elections of 1987 in Kashmir, then the things are obvious, Mr. Rashid explained further.

Dwelling further on the subject, he said. "India and Pakistan have been condemned to live together as neighbours and there is nothing that two of us can do anything about it". The two sides, he said were very rigid on their respective positions on Kashmir. While India considers Kashmir as its integral part and always harps on the need to have a dialogue without Kashmir, Pakistan on the other side has made it clear that Kashmir is an international dispute which required implementation of the UN resolutions and also welcomes third party mediation. He recalled that the disputes like Indus water and the Rann of Kutch had been successfully solved through third party mediation.

He declared that India had only two options left with it about Kashmiris and these were that either India would suppress the people of Kashmir for long, which it cannot, or accept their wishes and there was no other option with India. He referred to the recent failure of the Indian government in holding elections in the territory. He said the Indian view that Pakistan fanned terrorism in Kashmir which hampered the elections was unfounded. He made it clear that the reason for India's failure to hold elections was because the Kashmiris felt alienated form Indian Society.
He also referred to the presence of about 600,000 troops in the valley due to which, he pointed out, there was no question of any free and fair elections there. “About half the Indian army was deployed there,” he claimed.

1359. Statement issued by the Official Spokesperson of the Ministry of External Affairs rejecting the motivated and biased Resolution of the OIC on J & K.


Government of India categorically rejects the motivated and biased resolution on Jammu and Kashmir by the Islamic Conference of Foreign Ministers (ICFM) that met in Conakry from 9-12th December, 1995. While we are aware that the Resolution does not reflect the views of many members of the OIC and is a creation of Pakistan through manipulation of OIC procedures, we are compelled to point out that the Resolution is inconsistent with OIC’s own professed objectives and is patently aimed at prolonging terrorism, militancy, and the killing of innocent people under external inspiration. In passing the Resolution, ICFM exposes its vulnerability for being easily misled by falsehood and suppression of truth.

Jammu and Kashmir is an integral part of India. ICFM’s reference to J&K as “under foreign occupation”, and describing the political process in J& K. “as fraudulent”, is objectionable. It is all the more reprehensible that OIC continues to refer to self-serving and marginal groups as “True Representatives” of the Kashmiri people. The ICFM’s blatantly partisan Resolution will only fuel terrorism further.

It is incredible with such a prejudiced framework, OIC still seeks to send a “Fact Finding Mission to J& K which in any case is not acceptable”.

While other inter-governmental organizations including NAM, Common-wealth, UN fora etc., have thought it fit not to pass judgement on what is purely a bilateral issue, ICFM chose to pass a tendentious Resolution. We hope that in future, in keeping with its own dignity and in accordance with international norms, OIC will refrain from such unwarranted and unacceptable references to a country which is proud of its Muslim population of over 130 million, and its rich heritage of Islamic culture, which is an integral part of India’s secular society.

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1360. Media Briefing by Official Spokesman of the Pakistan Foreign Office on India’s description of Pakistan as a “terrorist” State.

Islamabad, January 4, 1996.

The Foreign Office spokesman refuted on January 4 the assertion of Indian Minister of State for External Affairs RL Bhatia that Pakistan is a terrorist state and declared that if any state deserved to be called a terrorist State it is India.

In a statement at his weekly news briefing the Spokesman recalled the recent accusation against Pakistan and asserted “it is India which has used its military might across international frontiers repeatedly since 1947. Indian armed forces have been used against almost all small neighbours and were instrumental in the dismemberment of Pakistan.”

The spokesman said: “India has employed its intelligence agencies to destabilize Pakistan particularly the province of Sindh where a number of Indian agents have been caught red-handed.

He pointed out that Indian forces continued to be in Jammu and Kashmir, and India remained engaged in an arms buildup which includes nuclear and missile developments as well as extensive purchases from external sources of sophisticated arms and weapon systems beyond its legitimate defence needs.

Asked if Pakistan had attempted to get India declared a terrorist state by the USA, the Spokesman said Pakistan had remained in constant touch with all its friends including the USA to make it clear as to which country in the region was fomenting terrorism in South Asia. India had been campaigning for some time in vain to persuade Washington to place Pakistan on the list of "terrorist" States.
1361. Radio and TV address by Pakistan Prime Minister Benazir Bhutto marking the so-called ‘Solidarity Day with Kashmiri People’.

Islamabad, February 4, 1996.

Terming Indian war hysteria as failure of its designs in Kashmir, Prime Minister Benazir Bhutto has given a ‘stern warning’ to New Delhi that in case of any eventuality Pakistan would come up with a matching response to any threat.

[She was addressing the nation over radio and television networks in Islamabad on February 4 on the eve of Day of Solidarity with Kashmiri people being observed on February 5 to protest against Indian repression and brutalities in Kashmir.]

Referring to India’s massive arms build-up, testing of Prithvi, rocket attack on Kahuta and Prime Minister Narasimha Rao’s declaration that India cannot give up its nuclear option, Ms. Bhutto said: “Pakistan is fully aware of India’s hegemonistic designs. In an obviously vague reference to India’s nuclear and missile programmes, the Prime Minister said India full well knew that Pakistan can counter any threat in all situations and in every field.”

While making it clear that Pakistan cannot be cowed down by Indian provocations and warning the international community that Indian missiles pose a threat to areas beyond this region, she said Indian missiles are capable of hitting Baghdad, Teheran, Saudi Arabia, Kuwait and Cairo. She said India’s hegemonistic designs have no bounds. None of its neighbours, including Bangladesh, Bhutan, Sri Lanka, Maldives and Nepal, has been spared from interference and now it is interfering in a region of Pakistan. (an obvious reference to Sindh) She said for this purposes, terrorists training camps have been set up in India.

The Prime Minister however told the nation that by the Grace of Allah Almighty people of Pakistan and their armed forces are fully capable of meeting any aggression. She categorically stated that Pakistan will never accept India’s hegemony.

Expressing full solidarity of Pakistan with the liberation struggle of Kashmiri brethren, the Prime Minister observed that just solution of the Kashmir problem is a test case for the new world order and a guarantee for peace and stability in the 21st century South Asia.

She called for establishment of the new world order based on the principle of justice and equity for all and selective treatment to some problems. She said peace and stability cannot be achieved in the region as long as there is reign of terror and repression.
Ms. Bhutto vowed to continue Pakistan’s support to the struggling people of Kashmir. She said Pakistan would support Kashmiris in realization of their right to self-determination which is vital for achieving lasting peace in South Asia. She said complete strike would be observed throughout Pakistan and Azad Kashmir to express solidarity with Kashmiris and expose Indian atrocities in Kashmir.

The Prime Minister said Pakistan and India fought three wars since 1947 and directly or indirectly the root cause has been the Kashmir dispute. She said Pakistan was dismembered with a view to undermining its support for Kashmir but Indian aggression could not weaken Pakistan’s resolve to stand by a right cause. She categorically stated that come what may Pakistan would never deter from supporting its Kashmiri brethren.

Rejecting holding of any elections in Kashmir, the Prime Minister said the solution lies in plebiscite alone. Kashmiri people want their right of self-determination and not elections. She said the Kashmiris want solution of the problem in accordance with international law.

Ms Bhutto reiterated Pakistan’s desire for talks to resolve the Kashmir problem in accordance with international law but regretted that New Delhi was not ready to discuss the issue. She said President Farooq Leghari had made it clear to India that Pakistan was willing for negotiations with India on the Kashmir issue when he visited India to attend the SAARC Summit. Unfortunately India declined the offer whereas it has no solution of its own. She said solution of the Kashmir problem lies with the Kashmiris alone.

The Prime Minister recalled that the world has witnessed some significant developments with regard to the Kashmir issue during the last two years. The conference of Islamic Foreign Ministers held in September, 1994, took a historic decision to form an OIC Contact Group on Kashmir. The Kashmiri leaders addressed the Contact Group at the OIC summit at Casablanca. The Summit declared, that the Kashmir issue be resolved in accordance with UN resolutions and this was for the first time since 1947 that Islamic states unanimously adopted a resolution of this kind at the summit level. Similarly, the then PPP government succeeded in getting a resolution passed by Islamic Conference Foreign Ministers in 1988 and 1989.

Ms. Bhutto eulogized the services rendered by veteran politician Nawabzada Nasrullah Khan for the cause of Kashmir, particularly signing of a joint declaration by heads of all political parties of the country including the Prime Minister and the Leader of the Opposition. The declaration, she said, proved that the entire nation was united on the Kashmir issue.
Referring to massive Indian brutalities in Kashmir, she said Pakistan drew the attention of the world community towards the plight of Kashmiri people during the 50th anniversary of the UN. Pakistan told the world community that 48 years of brutalities on the Kashmiris have failed to break their will. Pakistan also highlighted the Kashmir issue at the NAM summit.

The Prime Minister observed that the people of Kashmir are passing through a difficult phase of their struggle. Over 40,000 people have been martyred, countless women raped and a large number of children kidnapped. She said despite this reign of terror the flame of freedom burns in the hearts of the Kashmiris and their struggle would soon be crowned with success.

She referred to the kidnapping of western tourists in Kashmir last year by the so-called Al-Faran Group. She said the incident has damaged the freedom struggle and was condemned by the All Parties Hurriyet Conference. She said Pakistan had also condemned the kidnapping but emphasized that during the holy month of Ramazan they would release the tourists who are innocent, if they have any love for Kashmir.

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1362. Reported Declaration by Pakistan Foreign Minister Assef Ahmad Ali that the Kashmiris can go ‘For Third Option of Independence’.

Huston, (USA), February 10, 1996.

Pakistan’s Foreign Minister Assef Ahmad Ali has said that he wants the Kashmiris to have three choices: accession to India, accession to Pakistan or independence.

He told a meeting in Houston, Texas, “We believe the UN Security Council should implement its policies. We want to leave Kashmir and its people free to stay free, joint India or Pakistan.”

* The Pakistan Foreign Office clarified the reported statement regarding Foreign Minister Assef Ahmad Ali’s address to Pakistanis in Houston on February 10. In a Press statement issued on February 24, the Foreign Office said the truth of the matter is that the Foreign Minister never endorsed the case for an independent Kashmir. The Federal Minister had stated that the Kashmiri people had the right to decide in accordance with UN resolutions whether they wish to join India or Pakistan. The Foreign Office termed the story as a shocking example of misleading and biased individual reporting.
Why Third Option

Mr. Assef went on to explain why he favoured the third option which finds no mention in the UNCIP resolutions. “Because of our stance on Kashmir and our moral support to the people of Kashmir, we are facing a security problem. India has spread lots of agents throughout Pakistan and I can quote dozens of examples of Indian involvement in many terrorist activities,” he said.

[It would appear that Mr. Assef is bracketing Kashmir with Karachi and implying that since Pakistan’s “moral” support for Kashmir has caused a “security problem” for the country due to the alleged infiltration of Indian agents if Pakistan scaled down or phased out its “moral” support for the Kashmiris, it would experience a lessening of Indian-based “terrorist” activity.]

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1363. Aide Memoire from the Ministry of External Affairs handed over to Pakistan High Commission in India.

New Delhi, February 26, 1996.

AIDE MEMOIRE

The Government of India takes most serious note of the growing incidents of cross-border terrorism/Narco-terrorism being promoted by Pakistan against India, In addition to the infiltration of terrorists into India, providing shelter and training to Indian terrorists in Pakistan, Pakistan has sent arms, ammunition, explosives and narcotics into India The concerned Indian authorities have discerned an increase in the tempo of these activities over the last six months. Some recent cases of the methods and personnel employed by Pakistan are given below:

(a) The Indian authorities arrested at Amritsar a Pakistani national Akbar Ali s/o Rahmet Ali r/o Hadiara, Lahore on 4 October 1995. A consignment consisting of 50 pistols, two hand grenades, 1 AK-47 rifle, 5 pencil bombs, 7 Mousers, 2 mines and 50 kgs of heroin were recovered at his instance. An accomplice and he brought the consignment from Pakistan. Akbar Ali informed the Indian authorities that his activities were being guided by Taufiq Raza and H.C. Salauddin. He also informed the Indian authorities that he had, over the period of one year smuggled 60 AK-47 rifles, 307 pistols and
ammunition into India. His smuggling activity was being controlled by Tariq who is an ISI agent. Tariq resides at 797, Ashraf Colony, Multan Road, Lahore.

(b) Four Pakistani nationals were arrested by the Indian authorities on 4 February 1996. These are: (i) Mohd. Taufique s/o Mohd. Sadique r/o H.No. 14, Gali No.82, Gala Mohalla under Police Station Muzang, Lahore; (ii) Amjad Shadid s/o Basheer Ahmad r/o H.No.1986, Gali No.14, Farukhabad, Faisalabad, (iii) Arif Butt s/o Mohd. Hussain r/o Chaman Park, Naya Pul, Fategarh, Lahore, and (iv) Rizwan @ Bokhy @ Anil Sharma s/o Munir r/o H. No.2, Gali No.31, Kucha Gulam Mohammad, Bhujang, Lahore. 39 pistols, ammunition and 6 kgs. of narcotics were apprehended from these Pakistani national. Mohd. Taufique, Amjad Shahid, Arif Butt and Rizwan informed the Indian authorities that the pistols were sent by Tariq a reference to whom has been made above.

(c) Shakar Jalil, a resident of V.P.O. Jaserwala, The. Daska, Distt. Sialkot was also apprehended by the Indian authorities on 8 February 1996. He was hiding below the floor of a goods bogie in the Samjhauta Express. Jalil revealed that he is a member of the Tanzeem "Lashkar-e-Toiba" and had been sent under the instructions of the ISI to organize terrorist activities in India.

(d) The Indian authorities arrested Christoph Martin Zellweger, a Swiss national and Sayed Majid Rafiei Pouralavi holder of an Iranian passport on 17February 1996. These persons had smuggled 361 pistols of .30 calibre, 728 magazines and 3,738 live rounds. The interrogation of these individuals revealed that the holder of Iranian passport was Mohammed Hassan Padar, an Iranian national who was residing at Flat No.703-G, Model Town Extension, Lahore. Padar has been in Pakistan since 1981 and is married to a Pakistani lady. The supply of the arms and ammunition smuggled by the Swiss and the Iranian national through the Wagah border in a luxury bus was made by the ISI agent, Tariq, details of whom have been given above. The arms were carefully wrapped in newspapers published in Lahore and concealed in a special cavity in the undercarriage of the Caravan to avoid detection. Some of the pistols are of Pakistani origin.

(e) The investigations conducted by the Indian authorities in the case of arms dropping by air at Purulia in West Bengal on 17 December 1995 have revealed that the aircraft had remained in Karachi from 13 to 17 of December, 1995. The staff of Shaheen International Airlines which has close links with the Pakistan Air Force gave active assistance to
the crew of the aircraft in preparing for parachute dropping of the consignment. Pakistan immigration authorities also colluded with the crew of the aircraft.

2. The incidents given above reveal a pattern of activity which can lead only to the inevitable conclusion that Pakistan is actively fomenting terrorism and violence in India. The Government of India takes grave note of these activities. It is the hope of the Government of India that wiser counsels will prevail in Pakistan and such activities will cease immediately. The Government of India cannot remain unconcerned at these developments.

New Delhi
26.02.1996

[On February 29, 1996 the External Publicity Division of the Ministry of External Affairs issued a Statement containing the contents of the above Aide Memoire.]

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1364. Statement by the Official Spokesperson of the Ministry of External Affairs on the ‘OIC Contact Group Declaration on Jammu & Kashmir’.

New Delhi, April 18, 1996.

A declaration by the OIC Contact Group on Jammu & Kashmir, issued in Geneva on 15th April 1996, has come to our notice. As with OIC statements on Jammu & Kashmir in the past, this declaration too bears the stamp of Pakistan’s hostile and malicious propaganda against India. It is regrettable that OIC has once again allowed itself to be used by Pakistan to promote its anti-India tirade.

Government of India is committed to the resumption of the Political process in the State Jammu & Kashmir. Elections to the Lok Sabha (Lower House of the Indian Parliament) are to be held shortly, India’s tradition of holding free and fair election in universally acknowledged. The election process in Jammu & Kashmir will naturally be in keeping with this tradition. It is a complete travesty of the truth to allege otherwise.

The version given of the recent incidents in Hazratbal is a distortion of the facts. The security forces acted to prevent a desecration of the holy shrine. It is totally false to term Jalil Andrabi’s tragic death as custodial. Investigations in the matter are in progress under the directions of the High Court of Jammu & Kashmir.
The OIC should focus its attention on the proxy war being waged by Pakistan against India by fomenting violence and terrorism in Jammu & Kashmir and elsewhere. That would be the way to usher in peace and tranquility in the State of Jammu & Kashmir. Statements criticizing India’s policy only serve to encourage the terrorists.

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1365. Statement issued by the Official Spokesperson of the Ministry of External Affairs re:summoning of the Pakistan High Commissioner by Foreign Secretary.

New Delhi, April 29, 1996.

The Pakistan High Commissioner was summoned by the Foreign Secretary today in connection with the recent press interview given by the High Commissioner.

Government of India’s indignation at the reported remarks of the High Commissioner was conveyed to him. He was informed that Indian public opinion is outraged. His observations are unacceptable, provocative and amount to an interference in India’s internal affairs. We take the strongest exception to the substance and the tone of these remarks which are not in keeping with the status of foreign representatives in India.

The problem in J&K, it was reiterated to the High Commissioner, is that of interference and armed intervention from Pakistan. Despite the constant and increasing intimidation, a large number of candidates have come forward to contest the elections, and there is total popular support for the democratic process. We are in no need of advice from outside, least of all from Pakistan, on how to conduct elections. Pakistan charges that the elections will be rigged were dismissed. International opinion will not be deceived by such propaganda. Pakistan’s own strategy of fomenting violence and strife in the Valley is fully exposed, and India’s policy of complete transparency, which is well known, needs no reiteration.

The High Commissioner was reminded that India had made repeated efforts to resume dialogue with Pakistan without any preconditions. There is no progress because Pakistan has refused to respond, despite its professed adherence to the Shimla Agreement. Pakistan’s refusal has led to lack of meaningful diplomatic exchanges in recent years.

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Reaction by the Pakistan Foreign Office to the demarche made by the Indian Foreign Secretary to the Pakistan High Commissioner in India.

Islamabad, May 1, 1996.

The Foreign Office has termed as unacceptable the assertion that the remarks of Pakistan's High Commissioner to India about the so-called elections in Kashmir were an interference in the internal affairs of India.

Its spokesman was commenting on the demarche made to the Pakistan High Commissioner by the Indian Foreign Secretary, protesting against the interview given by the High Commissioner to an expatriate Indian news agency.

The entire international community and not just Pakistan recognizes Jammu and Kashmir as a disputed territory the final disposition of which is yet to be decided through the exercise of right to self-determination by the people of the state in accordance with the relevant resolutions of the UN Security Council. There was no question, therefore, of interfering in the internal affairs of India, the spokesman asserted.

Pakistan, as a party to the dispute, had every right to recall the UN Security Council Resolution 122 (1957) which reiterates that the final disposition of the state of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the UN, he added.

The spokesman said that the bulk of the over 600,000-strong Indian armed forces was stationed in the Valley where the total electorate is less than two million. Such a heavy concentration of the instruments of repression and coercion during the so-called elections could only lead to one inescapable conclusion, particularly when, to ensure the complete absence of impartial observers, the Indian authorities have ordered even the ICRC to leave the disputed territory.

The spokesman said that there was a history of manipulated elections in Kashmir. In fact the present movement in Kashmir was triggered off by the rigged elections in 1989 in which, according to Indian observers, the turn-out was less than 3 per cent. Such elections can have no credibility.

The Spokesman recalled that Pakistan had made repeated offers of a structured and meaningful dialogue aimed at reaching a peaceful and lasting solution of the dispute. But India has shown no interest in coming to the negotiating table to address the core issue and had instead made vague public offers of unstructured and generalized talks.
We have seen a statement issued by the Pakistan Foreign Office regarding the forthcoming Lok Sabha elections in the State of Jammu and Kashmir. The statement is a part of Pakistan's crude and malicious propaganda against India.

The State of Jammu and Kashmir is an integral part of the Indian Union. The only issue concerning Pakistan, with regard to the State of Jammu & Kashmir, relates to the vacation of Pakistan from those areas of the State which are under its illegal and forcible occupation. India is committed to the resolution of this issue in accordance with the Simla Agreement.

The State of Jammu & Kashmir has been a victim of violence and terrorism perpetrated by groups which have been raised, trained, armed, guided and led by Pakistan. Pakistan's role as a promoter of international terrorism is well-recognised and well-documented. As public opinion within Kashmir is turning against the agents of Pakistan and as Pakistan’s role in international terrorism is getting more exposed, it is embarking upon a desperate attempt to prevent the return of peace and normalcy, through democratic processes, in Jammu & Kashmir. India will not be deterred from its commitment to hold elections in Jammu & Kashmir which will be free and fair. Pakistani observers themselves recognize, and are indeed envious of India’s democratic traditions of holding elections, which are in sharp contrast to the farcical electoral exercises which have only sporadically taken place in Pakistan’s history.

Pakistan’s claim that the ICRC has been asked to leave the State of J&K is false and untrue. India is strictly implementing the MOU signed with the ICRC.

India has time and again reiterated its willingness to hold unconditional discussions with Pakistan to resolve all Indo-Pak issues. It is Pakistan which must bear the responsibility of interrupting the bilateral dialogue by seeking of impose conditionalities.
1368. Statement issued by Official Spokesperson of the Ministry of External Affairs regarding Pakistan Prime Minister Benazir Bhutto’s allegations that India was responsible for the recent bomb blasts in the Punjab Province of Pakistan.

New Delhi, May 7, 1996.

We have seen reports regarding Prime Minister Benazir Bhutto’s baseless allegations that India is responsible for recent bomb blasts in the Punjab Province of Pakistan. The Pakistan Government’s blatant sponsorship of global terrorism, directed in particular against India, is well documented and widely recognized. The people of Pakistan are suffering the consequences of the culture of violence and terrorism actively developed and propagated over the years by Pakistan Government agencies. It behooves the Government of Pakistan that instead of persisting in false and absurd accusations against India it should make an honest reassessment of its own misguided policies and actions.

The Pakistan Government’s active role in sponsoring global terrorism is widely recognized and well documented. India has been major target of this unprincipled activity. Normal life and political process in the State of Jammu and Kashmir has been disrupted by the violence and terrorism perpetrated by groups which have been raised, trained, armed, guided and led by Pakistan. However, public opinion in Kashmir has seen through Pakistan’s designs and has turned against its hirelings. Pakistan’s active sponsorship of international terrorism has become increasingly well established. The Government of Pakistan is now, therefore, resorting to a desperate effort to thwart the return of peace and normalcy in Jammu and Kashmir through the democratic and electoral process. India is committed to holding free and fair elections in Jammu and Kashmir which will pave the way for restoration of normalcy in the State.

We also reiterate India’s longstanding offer to hold unconditional discussions with Pakistan to resolve all issues between our two countries.

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1369. Statement issued by the Official Spokesperson of the Ministry of External Affairs on the Resolution Adopted by the Pakistan Assembly on their Perception of the Situation in Jammu & Kashmir.

New Delhi, May 7, 1996.

We have seen a report on a resolution adopted by the Pakistan National Assembly yesterday on their perceptions of the situation in the Indian State of Jammu & Kashmir. This resolution is a complete travesty of the facts regarding Jammu & Kashmir. Its total distortions of the truth, and its immoderate and virulent language makes it clear that, this is a continuation of Pakistan’s persistent and malicious propaganda exercise against India. The Pakistan National Assembly has no locus standi to pronounce on matters within the sovereign jurisdiction of India. The Government of India categorically rejects this blatant attempt at interference in the internal affairs of India.

The State of Jammu & Kashmir is an integral part of the Indian Union. The only issue concerning Pakistan, with regard to the State of Jammu & Kashmir, relates to the vacation of Pakistan, from those areas of the State which are under the illegal and forcible occupation. India is committed to the resolution of this issue in accordance with the Simla Agreement.

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1370. Pakistan’s reaction to the formation of Bharatiya Janata Party Government in India.

Islamabad, May 9, 1996.

The Pakistan Government reiterated on May 9 its concern at any rise of Hindu fundamentalism in India, and said it hoped the next India government would address the key issue of Kashmir.

Asked about the possibility of the Hindu revivalist Bharatiya Janata party rising to power through India’s just completed elections, the Foreign Office spokesman expressed “misgivings and unhappiness” over the growth of Hindu fundamentalism.

He cited the demolition of the Babri Mosque at Ayodhya as an example.

Referring to statements of Indian leaders on exercising the nuclear option, the
spokesman said Pakistan is also “sensitive” to the fact that missiles were being tested by India.

“We are not oblivious of threats to our security,” the spokesman said, adding Pakistan hoped the new Government in India would show “a clear-cut resolve” to address what he called the “core issue” of Kashmir.

However, he said, Pakistan considered elections as India’s internal affair, adding it would be “premature” to comment on the possible actions of a government which has not yet taken over.

Nevertheless, a government produced by a “hung Parliament” could find it “difficult” to tackle important issues, he said. But the spokesman dubbed elections being organized in Kashmir as farcical. He said the 1957 UN resolution repeated an earlier Security Council position that elections are no substitute for a plebiscite in Kashmir.

1371. Reaction of Pakistan Foreign Minister Assef Ahmad Ali to the stand of new Prime Minister Atal Behari Vajpayee on Kashmir.

Islamabad, May 17, 1996.

Foreign Minister Assef Ahmed Ali rejected on May 17 the claim to Kashmir state by India’s new Prime Minister and warned that Pakistan would respond to any provocation.

“We are capable of defending every inch of Pakistan,” he said in response to a statement by Mr. Atal Behari Vajpayee that Azad Kashmir “really and rightfully belongs to India.”

Mr. Vajpayee, who leads the BJP government that assumed power on May 16, claimed that Pakistan was fomenting insurgency in Kashmir. The Indian Prime Minister said: “Pakistan is seeking to sabotage polls in Kashmir and that parliamentary elections would go ahead as scheduled on May 23 and 30.”

Sardar Assef said that it was not Pakistan but certainly India which was maintaining unlawful control over Jammu and Kashmir.

The Foreign Minister said Pakistan would approach the UN Security Council if India tried to change the disputed status of Kashmir.
About the new government in New Delhi, he said it is not our concern as to who forms a government in India. However, he said “We hope that the new government will protect Muslims and resolve the Kashmir issue peacefully.”

Pakistan accused on May 16 Indian security forces of trying to eliminate top Kashmiri leaders in the State where mujahideen have been fighting for the liberation of the valley since 1989. It said Kashmiri leaders were being targeted because they “totally rejected” India’s plan of holding “farcical elections.” Mujahideen have vowed to sabotage the voting, saying a UN-sponsored referendum was the only way of resolving the Kashmir crisis.


New Delhi, May 24, 1996.

We have seen a report of a resolution adopted by the Pakistan National Assembly against the Lok Sabha elections in our State of Jammu & Kashmir. The resolution is a familiar piece of Pakistan's hate-filled and vitriolic propaganda against India. It is reflective of Pakistan's desperation in the face of the courage and patriotism which is being displayed by the people of Jammu & Kashmir who, despite the threats of the terrorists and their Pakistani mentors, have come out in large numbers to cast their votes.

The people of Jammu & Kashmir have been the victims of terrorism promoted, sponsored and led by Pakistan over the past seven years. Pakistan has inflicted violence and tragedy in the lives of the people of Jammu & Kashmir. Their response to Pakistan's venomous designs has been shown through their positive turn out in all the four constituencies of the State which have gone to the polls so far. We have every confidence that the voters in the remaining two constituencies in Jammu & Kashmir will also come out in large numbers to cast their votes on the 30th of this month to elect their representatives.

The State of Jammu & Kashmir is an integral part of the Indian Union. Nothing can ever change this historical fact. Pakistan's endeavours through open war against India were defeated in the past and its attempts through a proxy war will meet the same fate.
1373. Message of Pakistan Prime Minister Benazir Bhutto to Prime Minister Deve Gowda.

Islamabad, June 3, 1996.

Excellency,

On behalf of my government and on my own behalf, I would like to convey our felicitations and best wishes on your assumption of the office of Prime Minister.

South Asian countries are heirs to many fine and magnificent civilizations. The cumulative wisdom of our two nations has much to offer to the world. As responsible leaders of South Asia, let us seize this opportunity by opening a new chapter in our relations, laying down the foundations of a peaceful South Asia based on equitable conflict-resolution and reconciliation: We need to engage ourselves, without further loss of time, in this process for peace. Let the world witness our two great countries putting their acrimonies behind them for the sake of their peoples. As civilized nations, let us sit across the table in a search for lasting peace.

The Government of Pakistan, therefore, looks forward to working with your government to create an environment which will be conducive to peace, security and development so that the vast potential of our two countries can be fully realized. This can only be done by reducing the disputes and tensions that have unfortunately vitiated relations between our two countries. Given mutual respect and a firm adherence to internationally established principles, there is no reason why we cannot resolve our differences justly.

We have been encouraged by the reference in the manifesto of the Janata Dal that “discussions with Pakistan will be held to resolve the (Jammu and Kashmir) dispute, keeping in view the sentiments of the people of the state”. I should like to reiterate our offer of talks aimed at the settlement of the core issue of Jammu and Kashmir and other outstanding matters between our two countries.

Please accept, Excellency, the assurances of my highest consideration.

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Pakistan rejected on June 6 an offer of greater autonomy for Kashmir made by new Indian Prime Minister Deve Gowda.

“There is really nothing new in the offer made by the Indian government,” the Foreign Office spokesman said at a weekly news briefing in Islamabad.

He said similar offer of greater autonomy were made by previous Indian governments which were “instantly rejected by the people of Jammu and Kashmir.

Mr. Gowda’s United Front government, in its policy document released in New Delhi on June 5, had said: “The problems of Jammu and Kashmir will be resolved through giving the people of that state the maximum degree of autonomy.

The spokesman said the Kashmir people had repeatedly made it clear that only a UN supervised plebiscite could offer a “viable solution to this longstanding dispute”.

The spokesman said: “Despite employing coercive methods and rigging tactics, including the herding of unwilling Kashmiris to polling stations at gunpoint, to give an impression of a good turnout, India failed to break the resolve of the Kashmiri people struggling for their right to self-determination.”

The spokesman avoided expressing any opinion on the prospects of an early reopening of the deadlocked dialogue between Islamabad and New Delhi in response to the recent invitation by Prime Minister Benazir Bhutto to Mr. Deve Gowda for talks. The spokesman said that a formal response to Ms. Bhutto’s letter from the Indian side was awaited.

Replying questions, the spokesman said the government would be able to give its views regarding Indian policies after studying the programme of the new United Front government.

He however, recalled parts of the Prime Minister’s letter to her Indian counterpart to emphasise that talks with India should include discussion on Kashmir.

The spokesman said the new Indian government had offered talks on the Kashmir issue contrary to the previous governments which brought to a halt political discussion at official level between the two countries.

The spokesman rejected as futile any Indian attempt to hold Assembly elections in Kashmir, saying it would meet the same fate as the recent Lok Sabha elections.
He said the people of Kashmir had rejected the Indian-sponsored parliamentary polls and would similarly refuse to take part in the proposed Assembly elections. The people of the disputed state had declared that only a plebiscite under the UN to determine the Kashmiris’ right to self-determination could resolve the Kashmir dispute. The elections would only further alienate the Kashmiris from India, he added.

1375. Letter from Prime Minister H. D. Deve Gowda to Pakistan Prime Minister Benazir Bhutto.

New Delhi, June 9, 1996.

Excellency,

I thank you for your message of felicitations on my assuming the office of Prime Minister of India.

I share the sentiments you have expressed about the need for peaceful and constructive relations between our two countries. As we approach a new millennium, I believe there is a historic opportunity for us who are at the helm of affairs in our respective countries to give a lead in this direction. There is a vast reserve of goodwill among our peoples, and enduring links of history and culture, on which we can draw. We need to establish a firm relationship of trust, setting aside the difficulties that have impeded amity and cooperation. We are committed to this goal and I am confident you are too.

My Government stands ready to work together with your Government, to address all issues of mutual concern. The bilateral approaches and agreements which have been devised earlier can guide us in our future exchanges on all matters, including those on which we might have differing perceptions. I believe that our efforts should be directed towards pulling down the barriers which make people to people interaction difficult. We need to encourage the promotion of trade, economic and cultural contacts. These are the sure foundations on which the relationship between our countries can flourish.

We would like to see the two countries join in a wide-ranging and comprehensive dialogue. I suggest that as a step in this direction we could revive the Foreign Secretary-level dialogue so that these thoughts and ideas could be developed further.

Please accept, Excellency, the assurance of my highest consideration.

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1376. Letter from External Affairs Minister Inder Kumar Gujral to Pakistan Foreign Minister Assef Ahmad Ali.

New Delhi, June 9, 1996.

Excellency,

I am thankful to you for your warm message of felicitations on my assuming office as Minister of External Affairs of India. I would also like to thank you for the very kind sentiments you have expressed about me. I continue to value my personal friendship with you.

It would be our constant endeavour to implement the desire of the people and Government of India to establish a relationship based on friendship and cooperation between our two countries. I believe these objectives are shared by you, and I am gratified that you are as committed as I am to transform the relationship between our countries in a positive direction.

I fully agree with your view that our two Ministries should take the lead in this endeavour. I feel that our officials should meet soon and engage themselves in the task of addressing our bilateral issues, including those in which we may not see eye to eye. The resolution of these issues will contribute substantially to improving our ties.

Please accept, Excellency, the assurances of my highest consideration.

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Islamabad, August 13, 1996.

The ministerial meeting of the OIC Contact Group on Kashmir, reaffirming all OIC summit and ministerial resolutions on the Jammu and Kashmir dispute as well as the Special Declaration adopted by the seventh Islamic Summit Conference in Casablanca;

Having reviewed the deteriorating situation in Kashmir* and its implications for regional peace and security;

Concerned over the staging of fraudulent elections for the Lok Sabha in Kashmir, an outrage that was exposed and denounced by International media and human rights organizations;

Deeply concerned over announcement by the Indian Government of its intention to hold State Assembly elections in Kashmir in September 1996 and noting that the All Parties Hurriyet Conference has, in its capacity as true representative of the Kashmiri people, rejected the holding of Sham elections and the imposition under duress of the so-called political process in Kashmir.

Deeply alarmed by the subsequent sharp intensification of Indian repression of the Kashmiri people, especially the induction of additional troops, the use of renegades and mercenaries, armed, financed and trained by India for terrorizing and intimidating the Kashmiri people and their true representatives;

Taking note of the strong condemnation by Pakistan and the true representatives of the Kashmiri people, including the leadership of the All Parties Hurriyet Conference, of the deplorable act of hostage taking by Al-Faran;

Noting the memorandum submitted by the true representatives of Jammu and Kashmir, which *inter alia*, asserts that the people of Jammu and Kashmir will not accept the imposition of a fraudulent political process in Kashmir and that the so-called political process or elections could not be a substitute for a plebiscite as is affirmed in the Security Council Resolutions No.91(1951) and 122 (1957);

* The OIC Contact Group meeting which was held in Islamabad was addressed by Prime Minister Benazir Bhutto who said: “Not far from here would you hear the thunder of Indian guns as they violate the Line of Control despite the presence of UN Military Observers, targeting innocent civilians in Azad Kashmir.” “To divert attention from the Kashmiri freedom struggle a series of terrorist attacks” Ms. Bhutto said, “were launched against Pakistan earlier this year. These took the form of a series of bomb blasts and the killing of innocent civilians particularly in the Punjab Province of Pakistan. … This august assembly of the OIC Foreign Ministers”, she said “bears testimony that the world and all peace-loving countries value human rights and fundamental freedom, reject such actions and stand steadfast in solidarity with the Kashmiris.”
Convinced that the holding of fraudulent elections would further exacerbate the sufferings of the Kashmiri people and would seriously detract from efforts to seeking a just and peaceful solution to the Jammu and Kashmir dispute;

Welcoming the offer of the Prime Minister of Pakistan to have a substantive and meaningful dialogue with India with a view to finding a peaceful solution to the Jammu and Kashmir dispute;

Regretting that the Government of India has vitiated the atmosphere for the commencement of a meaningful dialogue with Pakistan for seeking a peaceful solution to the Kashmir dispute.

Recalling the relevant UN resolutions on Jammu and Kashmir which remain unimplemented reaffirming its solidarity with the suffering people of Kashmir.

Affirmation By Kashmiris

1) Reaffirms the right of the people of Jammu and Kashmir to self-determination in accordance with the relevant UN resolutions.

2) Calls for a peaceful settlement of the Jammu and Kashmir issue in accordance with the relevant UN resolutions and as agreed upon in the Simla Agreement.

3) Rejects India’s efforts to maintain its illegal occupation of Kashmir through the holding of sham elections and by initiating a fraudulent political process.

4) Reaffirms that any political process/elections held under foreign occupation cannot be a substitute to the exercise of the right of self-determination of people of Kashmir as is provided in the relevant Security Council resolutions.

5) Condemns the continued massive violations of human rights of the Kashmiri people and calls for respect of human rights.

6) Appeals for the immediate and safe release of all the hostages by Al-Faran.

7) Calls upon the Government of India to respect the human rights of the Kashmiri people, rescind forthwith all repressive measures and endeavour to improve the situation in Kashmir.

Pakistan Efforts Endorsed

8) Endorses the ongoing efforts of the Government of Pakistan to seek a peaceful solution to the Kashmir issue through all possible means including substantive bilateral talks with India.
9) Decides that the Contact Group meet at the United Nations in September 1996 to review the developments in Kashmir and to make recommendations to the meeting of the OIC Foreign Ministers.

10) Recommends that the OIC annual coordination meeting of Foreign Ministers in New York review the situation in Jammu and Kashmir with a view to adopting further appropriate measures.

11) Requests the Chairman to transmit this Declaration to the President of the Security Council and the UN Secretary-General for circulation as an official document of the Security Council under the item “Indo-Pak Question” and affirms that this item “Indo-Pak question” and affirms that this item be retained on the agenda of the Security Council and calls for swift implementation of UN resolutions on Jammu and Kashmir.

12) Requests the Secretary-General to bring the contents of the Declaration to the attention of the government of India, all OIC member-states, and take other appropriate steps for its widest possible dissemination.

1378. Reaction of Pakistan to the deletion of Kashmir issue from the Security Council Agenda.

Islamabad, August 22, 1996.

Taking “strong cognizance” of the deletion of the Kashmir dispute from the UN Security Council agenda, Pakistan expressed on August 22 optimism that the issue would be re-inserted as the Council had agreed to review its decision.

The Kashmir dispute, listed as an India-Pakistan question,” was deleted from the UN agenda last month along with 50 other items.

“Hopefully, no damage would be done to the Kashmir cause with the recent Security Council decision,” the Foreign Office spokesman said at the weekly news briefing on August 22, “Pakistan made strong and quick demarches when it came to know about the decision.”

He said Pakistan’s understanding was that if a certain item was deleted from the Security Council agenda, it could regain its position on it for one year if the concerned country objected to the deletion in the first place.

“Pakistan has made it clear to the Council that its decision will have serious repercussions on the future role of the Security Council,” he said.
The spokesman said that after the strong reaction from Pakistan and many Arab and African countries, the issue would regain its place on the Security Council agenda for at least one year, and hoped that it would be restored permanently on it.

He said Pakistan's view was shared by a large number of countries. Islamabad's optimism, he said, had substantive basis as it was not consulted when the deletion took place. "Kashmir has been a live issue since its inception, and cannot be termed as dead wood," he said.

The spokesman said the OIC Contact Group on Kashmir would also approach the Security Council, asking it to retain the Kashmir question on its agenda. He said Prime Minister Benazir Bhutto had written letters to permanent members of the Security Council seeking their cooperation to restore the issue on the council's agenda.

The Security Council decision, he said, was flawed and procedurally wrong. It was taken at a closed-door meeting and without consulting the concerned country. "The merits and demerits of the decision were not debated. The reasons for the deletion are frivolous. Apparently it was done because of the overcrowding of the agenda."

He did not agree with a reporter that the dropping of the Kashmir issue was a debacle for Pakistan's foreign policy. "We cannot assign the blame on anyone. When we learnt about the deletion, we vigorously reacted. It is not the time to find faults with anyone. We have no complaints against anybody, and Pakistan's Permanent Mission in New York only carries out instructions of the Foreign Office," he replied to repeated questions directed at the poor performance of the mission.
Note of the Ministry of External Affairs to the Pakistan High Commission in India regarding Pakistan’s continental Shelf.

New Delhi, November 27, 1996.

Ministry of External Affairs
New Delhi


Ministry of External Affairs, Government of India presents its compliments to the High Commission for the Islamic Republic of Pakistan, New Delhi and has the honour to state that the attention of the Government of India has been drawn to press reports regarding Pakistan’s notification specifying baselines to measure Pakistan’s territorial waters, the contiguous zone, the EEZ and Continental Shelf in the Arabian Sea. While the Government of India reserves its right to seek suitable revision of the baselines as notified by Pakistan in so far as they impinge upon India’s sovereign jurisdiction, the Government of India unequivocally rejects as unacceptable the coordinate point (K) 23°33′.90 N…88°07′.80 E referred to in the notification as it encroaches upon the territorial waters of India which are within its sovereign jurisdiction.

2. The Ministry of External Affairs, Government of India avails itself of this opportunity to renew to the High Commission for the Islamic Republic of Pakistan, New Delhi the assurances of its highest consideration.

The High Commission For The Islamic Republic of Pakistan
New Delhi.
Statement by the Official Spokesperson of the Ministry of External Affairs on the visit of Pakistan Foreign Minister Sahabzada Yaqub Khan.

New Delhi, December 18, 1996.

Sahabzada Yaqub-Khan, Foreign Minister of Pakistan who is in Delhi to participate in the SAARC Ministerial Meeting paid a courtesy call today on Shri I. K. Gujral, External Affairs Minister. Both Ministers discussed the progress achieved by SAARC and expressed satisfaction in this regard. External Affairs Minister felt the SAPTA process should be expedited in the interest of the entire region. External Affairs Minister further said that it was necessary to strengthen the SAARC Secretariat, External Affairs Minister expressed appreciation at the positive role being played by the SAARC Secretary General. It was felt that the SAARC Secretariat should be strengthened by inducting experts especially in the field of economic activity.

External Affairs Minister urged that both countries should work towards the urgent repatriation of fishermen, children and civilian prisoners in each other’s custody on a humanitarian basis. Pakistan Foreign Minister agreed and mentioned that data should be exchanged by both sides. It was felt that officials concerned meet as soon as possible to address this issue, preferably within a month.

Foreign Minister Yaqub-Khan broached the possibility of working towards Indo-Pak talks. External Affairs Minister referred to the letter sent by Prime Minister H.D. Deve Gowda to the former Prime Minister of Pakistan suggesting that the Foreign Secretary level dialogue between the two countries be revived. External Affairs Minister stressed that India stood committed to the letter and awaited a response from Pakistan.

External Affairs Minister emphasized that India was keen on increasing people to people contact and had unilaterally taken a number of steps in this direction. In this context, the visa regime should be relaxed and police restrictions minimized. External Affairs Minister said that it was necessary to put an end to the barbarous conduct in the treatment of the personnel in our Mission in Islamabad. In this context, it was agreed that the Code of Conduct governing behavior towards each other’s Mission personnel should be strictly observed.

The meeting was held in a warm and cordial atmosphere.
Indian Minister for External Affairs Inder Kumar Gujral has suggested that confidence-measures between Pakistan and India should be invigorated.

Mr. Gujral was being interviewed by Mr. Imtiaz Gul for the weekly. Mr. Gul asked the Indian Minister: India has made considerable headway in its confidence-building measures (CBMs) with China. Could that be replicated in the Indo-Pak context?

Mr. Gujral replied: Certainly. There should be confidence building measures (CBMs) between India and Pakistan. I had sent a draft to Islamabad when I was a minister in 1990. That draft is still alive and we would always welcome any talks based on it.

Other questions and answers of the interview are:

Q: Was your meeting with Sahabazada Yaqoob Khan at the SAARC ministerial conference significant?
A: Yes, he discussed the issue and I told him that we were awaiting a reply to Prime Minister Deve Gowda’s letter which he wrote to the then Prime Minister Benezir Bhutto. Whether the interim Government responds to it or leaves it to the next elected government I don’t know, but whenever Islamabad deems it proper the ball can be set rolling.

Q: What happens after the reply?
A: In the letter we had suggested secretary-level talks at the next step, but of course it all depends on the response. Hope for Break Through

Q: Do you think talks will matter now that both countries remain wedded to their respective stands on Kashmir?
A: Yes, and it’s realistic to hope for a breakthrough. But we have to keep talking. After all we are neighbours and have a common future. Pre-conditions for talks never bring parties to the negotiating table. That’s why we have said in the letter that we should start talking without any pre-conditionalties.

Q: But given your position, what can you discuss on Kashmir?
A: We cannot discuss Kashmir. It is an integral part of India. But if Pakistan wants to discuss the issue, we are ready to talk about it.
Q: You say Kashmir is India’s integral part. Pakistan disputes that claim. How can the two sides hold meaningful talks on the dispute in such conditions?

A: That would only lead to a continuation of the stalemate. We want to move forward, but unconditionally. We had a similar stalemate in our talks with China, but with the talks things started moving. In fact, if Press statements are to be believed, the Chinese President, during his visit to Pakistan, told his friends there to follow the Sino-Indian model.

Q: New Delhi is cozying up to both Beijing and Tel Aviv. Don’t you think that it would justifiably cause concern in Islamabad?

A: Bilateral relations should be no one’s business. China is a neighbor with which we have had certain differences for the past 30 to 35 years. Both India and China are focusing on how to avoid unintended hostilities on the line of control. This is a mutual problem and should pose no threat to a third country. It’s the same with Israel.

Q: What led India to change its China policy?

A: There’s been no sudden change. We have been talking since 1976 and we think we have evolved a model that makes us discuss contentious issues and simultaneously move in other directions. Our trade has improved, our visits have taken a positive turn, and the result is more tranquil circumstances, which in turn make us take a more positive attitude towards the contentious issues.

Q: Did Kashmir come up during President Jiang’s visit to India?

A: No Kashmir has nothing to do with China.

Q: Given the situation in Kashmir, how long can India afford to continue its heavy military presence there?

A: The situation in Kashmir has improved and the militants have been pushed back. We have had elections there and the people have elected their representatives. The one point the Kashmir Government and New Delhi are to discuss is the issue of greater autonomy for Kashmir. For that we will shortly begin the process. We do hope that all those who are encouraging terrorism will realize their folly.

Q: You still believe terrorism is sponsored from across the border?

A: It’s not a question of belief. It is a fact.

Q: But Islamabad believes the elections in the Valley were a farce?
A: If people don’t want to see the truth, we can’t do anything. It’s a fact that the elections were fair and the people accepted them.

Bilateral Trade

Q: What do you think about bilateral trade between the two countries. Some businessmen in Pakistan think that India will swamp the Pakistani Market with its goods. What could you do to allay such fears?

A: That’s not our responsibility. That’s up to Islamabad. It is free to do what it believes suits Pakistan and the Pakistani businessmen. We cannot even ask Islamabad to trade with us. If one can buy sugar at a competitive price in India they should buy it. The reverse is equally true.

If purchasing sugar from India affects someone in Pakistan they should not purchase it. That’s the essence of trade. For example, we don’t have rock salt. If we import it from Pakistan, it will only be in our interest. We will not be doing any favour to anyone. In fact, goods worth Rs.3 billion are annually exported to Pakistan from India via Dubai and Hong Kong. Why is it so? There is no compulsion. So if the businesses in Pakistan feel that import of certain items is against their interests, they should adopt protective measures against it. After all, an economic relationship is based on mutual interest. If importers in Pakistan think that some Indian raw materials will be cheaper compared to, let’s say, Australia, they should import them. It is Pakistan’s basic right to formulate its own economic policy. We do not have any right to demand or pressurize them on this account.

Q: Islamabad apprehends that India is attempting to isolate it by promoting the idea of sub-regional cooperation?

A: If Pakistan does not want to open trade with us, it is isolating itself. On the one hand you say you can’t buy because you fear it might harm domestic production and on the other hand you are concerned about being isolated. We are discussing sub-regional cooperation because Nepal, Bhutan, Bangladesh and India consider it mutually beneficial. Pakistan has nothing to do with it as it has no common borders with these nations. India does not demand that these countries should not trade with Pakistan. That is their sovereign right.

Kashmir is not core issue

Q: Pakistan thinks Kashmir is the core issue with India.

A: I do not think so. The core issue is wisdom. When wisdom dawned on us, we may realize that we have achieved nothing in 50 years by disputing Kashmir.
Q: What initiatives have you taken to overcome existing misgivings and misunderstandings?

A: In the recent SAARC summit all the countries, except Pakistan, expressed their desire for sub-regional cooperation. That was a positive reaction to India's initiative. We are unilaterally reducing all our duties for Bangladesh by 50 per cent. We have removed all our non-tariff barriers from January 1. For Nepal and Bhutan, we have already done it and we are examining our policy for Sri Lanka. We are doing this to remove the impression that India is a big neighbour and may exploits that position.

GAS Pipeline From IRAN

Q: What has become of the gas pipeline project from Iran?

A: It's yet to be decided. But I will prefer cooperation on such projects. About 40 percent of natural gas is located in Central Asia and in Iran. We want it and so do all the SAARC countries. If the pipeline from Iran is laid through Pakistan, it will only bring more taxes to Pakistan. If we cooperate on this project both Pakistan and India will benefit from it.

Q: Do you think the project could work as a deterrent to conflicts between the two countries?

A: Economic cooperation anywhere in the world is a major deterrent against war because vested interest grows through such cooperation.

Q: What did you discuss with the Israeli President?

A: We have old contacts with Israel. Their consulate in Bombay was established soon after independence. Bilateral trade is on the rise and we feel that Israel is a good market for India. Already, they buy a lot of goods from us. Similarly, they have many technologies which can benefit India, particularly in the agricultural sector. They have good electronics technology, which we can share with them. This should be of no concern to anyone. I must underline — our objective is economic cooperation, be it Israel or Pakistan.

Track II Talks

Q: What is the significance of the Track II dialogue in the Indo-Pak context?

A: Despite having fought three wars, people on both sides have a certain emotional rapport. It is only right that the people-to-people contacts should increase. In this regard India has taken some unilateral steps. For instance, we have relaxed our visa policy for Pakistan. We would like to issue more visas, but we do not have enough staff at the High Commission in Islamabad. Still, we are issuing 300 visas per day in fact, I have asked Yaqub Khan to allow us to
reopen our consulate in Karachi so that we can at least double the number of visas. Secondly, in the last five to six months no provocative statement has been issued from our side. The aim is to establish ties and find areas of mutual interests. We must understand that we are two sovereign nations. India has a vested interest in Pakistan’s unity, integrity and durability.

No Backtracking

Q: Would you call yourself an optimist?

A: I have always lived with optimism. If you had asked me a year ago whether we would be able to settle our water dispute with Dhaka or talk out our differences with Nepal, I would have been at a loss. But, today, we have achieved that. I think that has been possible also because of my involvement with Track II. Now, being a part of Track I, I feel morally bound to implement whatever I pleaded as an intellectual during several rounds of non-official dialogue between the two countries. I can’t backtrack.

1382. Response by Pakistan Prime Minister Nawaz Sharif to the Indian Prime Minister's proposal for talks between India and Pakistan.

Islamabad, February 27, 1997.

Prime Minister Nawaz Sharif proposed on February 27 foreign secretary-level talks between India and Pakistan next month to pave the way for an early summit meeting.

Mr. Nawaz made the proposal in reply to a letter from his Indian counterpart, Mr. Deve Gowda, congratulating him on his assumption of office following the sweeping election victory of his party.

However, Mr. Nawaz underlined that the talks would have to tackle the thorny issue of Kashmir. He said he hoped Mr. Gowda would agree with him that “without some progress on the core issue of Jammu and Kashmir, it will be difficult to initiate cooperation in economic and cultural fields.”

He said that foreign secretaries of the two countries should hold talks before the end of March to “prepare ground for meaningful discussion at the prime Ministerial level as early as possible.”
“As we approach the 50th anniversary of our independence, there is a historic opportunity for the political leadership of both countries to deal with all outstanding disputes which bedevil our relations,” he said.

Pakistan’s new Foreign Minister, Mr. Gohar Ayub Khan, had said on February 26 that the two countries should work together to discourage an arms race in the subcontinent.

Mr. Nawaz said: “For too long South Asia has remained mired in hostilities and conflicts, dissipating its precious resources,” adding that he was deeply conscious of the need to free the region of tensions and conflicts “so that our people can participate on equal terms in the global march towards progress and prosperity.”

In this context, he said, he was encouraged by his Indian counterpart’s willingness for wide-ranging and comprehensive talks on all issues of mutual concern.

Mr. Nawaz said, “I am grateful for the kind of sentiments you have expressed in your message of felicitation on my assumption of office of the Prime Minister of Pakistan.”

Talking to Indian newspaper Tribune in Islamabad, Prime Minister Nawaz Sharif said that improved ties with India were only possible if a referendum was held in the disputed territory of Kashmir.

He said: “We surely want good relations with India and promotion of trade on a bilateral basis. All this is only possible, however, when the Kashmir issue is resolved as per the UN resolutions.”

Mr. Nawaz said the “resolution of the Kashmir issue….will contribute significantly to the resolution of the outstanding matters between our countries,” adding that it would remove “decades of misunderstanding and mistrust.”

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1382A. Letter from External Affairs Minister Inder Kumar Gujral to Pakistan Foreign Minister Gohar Ayub Khan.

New Delhi, March 1, 1997

Excellency,

I have great pleasure in extending warm greetings and felicitations on your appointment as Minister of Foreign Affairs of the Islamic Republic of Pakistan. I look forward to working with Your Excellency in developing a relationship of trust, friendship and cooperation between our two countries. Prime Minister Shri H. D. Deve Gowda has conveyed in his message to H.E. Prime Minister Mian Nawaz Sharif Sahib our readiness to resume dialogue at an appropriate level and on all issues of mutual concern. We were glad to receive the reply of the 27th of February in which it is suggested that the two Foreign Secretaries may meet in the month of March. We agree to this suggestion and I am asking my officials to contact their counterparts to establish dates for the meeting.

I believe that we have a real opportunity to bring a new spirit into our relations and to create an environment for cooperation. I hope to meet Your Excellency shortly in New Delhi during the NAM Foreign Ministers’ Conference when we will have occasion to consider how we can advance along this path.

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1383. **Suo Moto Statement by External Affairs Minister I. K. Gujral on Improved People-to-People contacts with Pakistan in both Houses of Parliament.**

New Delhi, March 20, 1997.

As honourable Members are aware, Indo-Pakistan official level talks at Foreign Secretary level are due to be held from March 28 to 31 in New Delhi. Talks at a higher level are also expected thereafter. We approach these talks in a positive and constructive spirit.

2. As honourable Members would have noticed, Pakistan has announced its decision to release 38 Indian children who have been under detention in Pakistan since 1994. We appreciate this gesture. These children were travelling on Indian fishing vessels which were apprehended by Pakistani authorities over two years ago. We have made many representations on their behalf and I had raised the issue with Foreign Minister Sahabzada Yakub Khan when I met him on December 18, 1996 in New Delhi. It is a matter of satisfaction that Pakistan has now responded positively, and steps have already been initiated by us to ensure that the children are brought from Pakistan to India at the earliest. May I also convey our deep gratitude to Maulana Abdul Sattar Edhi who has taken good care of them for over a year and a half while they were lodged in the Edhi Centre in Karachi?

3. As honourable Members are aware, travel by Pakistani nationals to India, under a reciprocal arrangement with Pakistan, is permitted only on the basis of visitors visa. These visas are meant essentially for visits to meet close relations. This is obviously very restrictive. In keeping with our policy to promote people-to-people relations, we have decided to permit Pakistani tourists to visit India in groups. This, as honourable Members will agree, is a major new unilateral step in the right direction. In addition, we have also decided to ease travel by Pakistani businessmen to India. They will now be eligible to one year multi-entry visa and, if travelling by air, they can exit and enter either through Mumbai or Delhi. The other measures we will implement are:

(i) Young and elderly Pakistani visitors will be exempt from police reporting. This will give them relief from what can be a troublesome requirement.

(ii) Visa fees for senior Pakistani citizens will be waived.

(iii) The number of religious shrines in India which can be visited by Pakistani pilgrims will be increased.

(iv) Expansion of cultural contacts between the two countries will be encouraged through exchanges of cultural groups, artistes, poets and writers. Visits by students and journalists will also be encouraged. All these categories will be exempt from visa fees.

(v) Free flow of books and periodicals establishes better appreciation of
each other. Therefore, India will unilaterally permit their import in keeping with our general policies.

4. The measures that I announced today are designed to add to the goodwill between the peoples of the two countries. They are an emblem of our earnest desire to establish and maintain relations of friendship and cooperation with our neighbour Pakistan*. I am confident that this gesture on our part will have the support of Hon'ble Members.

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* As a prelude to the talks Pakistan had on March 19 said that it was going for talks with India in a sincere, open frame of mind and expected New Delhi to reciprocate in the same spirit. “We have always been desirous of cooperative, tension free and good neighbourly relations with India, and feel this is an historic opportunity to make a beginning towards this end.” Foreign Office spokesman Khalid Saleem had said answering questions from reporters at a special briefing in Islamabad.

But he added a note of gruffness when he stated in categorical terms that the change of government in Pakistan had not brought any change in Islamabad’s stand on the Kashmir issue. He said the talks “would be held on all outstanding matters, including the core issue of Kashmir, and the situation in the Valley will also come up for discussion. We do not expect an agreement at this time.” “I would not say yes”, he said when asked whether Pakistan felt any substantial reduction in India atrocities in Kashmir was possible. “We hope the beginning of the discussions will lead to positive developments in this regard.”

Asked about reports from India about the forthcoming dialogue, the spokesman said Pakistan regretted that things were said and done which could not contribute to creating a propitious atmosphere for the talks. “We, on our part, are very careful about making any statement and do not want to conduct diplomacy through the Press.” He told a reporter that he was neither optimistic nor pessimistic about the outcome of the talks. He said Pakistan has agreed to hold talks to establish its good intentions. “It was an expression of good intention when Prime Minister Nawaz Sharif said the Kashmir problem will be solved during his tenure.” Mr. Saleem said there was no compulsion on Pakistan to resume talks with India. “It is the decision of the government of Pakistan.” Referring to Mr. Nawaz’s letter to Indian Prime Minister Deve Gowda, Mr. Saleem said Pakistan wanted some progress on the Kashmir issue as a prerequisite for initiating talks on other matters. “The Prime Minister’s letter is very clear in this respect.” He said Islamabad welcomed good offices of friendly countries and international organizations for the Gowda’s public statement claiming Kashmir to be the integral part of India, the spokesman said: “We do not take these on their face value. Statements of Mr Gowda and his External Affairs Minister sometimes do not correspond with each other. If you read intentions in public statements, then you can never start negotiations, which are a way for settling issues.”

*Bismillah Ar Rahman Ar Rahim*

We, the Sovereigns, Heads of the States and Governments of the Members States of the Organization of the Islamic Conference, gathered in Islamabad, Islamic Republic of Pakistan for the Extraordinary Session of the Islamic Summit Conference on 14 Dhul Q’adah 1417H (23 March, 1997),

Deeply concerned over the situation in Jammu and Kashmir, especially the suffering of the Kashmiri people and the consequent tensions in the region.

Reaffirming all OIC Summit and Ministerial resolutions on the Jammu and Kashmir dispute.

Declare:

1. Our commitment to promote a just and peaceful solution to the Jammu and Kashmir dispute in accordance with the United Nations resolutions;
2. Our support to the fundamental human rights of the Kashmiri people including their right of self-determination;
3. Our condemnation of the oppression and massive violations of the human rights of the Kashmiri people;
4. Our support for the efforts of the Government of Pakistan to resolve through a substantive and meaningful dialogue and Jammu and Kashmir dispute which is the basic cause of the tensions between India and Pakistan.

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New Delhi, March 31, 1997.

Pursuant to the exchange of messages between the Prime Ministers of India and Pakistan, the Foreign Secretaries of Pakistan and India, His Excellency Mr. Shamshad Ahmad and His Excellency Shri Salman Haidar, met in New Delhi from 28 to 31 March, 1997.

2. During his stay in New Delhi, the Pakistan Foreign Secretary was received by the Prime Minister of India His Excellency Shri H.D. Deve Gowda. The Foreign Secretary of Pakistan also called on the Minister of External Affairs Shri I.K. Gujral.

3. The two Foreign Secretaries discussed all outstanding issues of concern to both sides in a frank, cordial and constructive manner.

4. The Foreign Secretaries decided to continue their discussions in Islamabad* on dates to be mutually decided.

New Delhi
31.3.1997

* While the talks were being held there was a political crisis in New Delhi on March 30, when the Congress (I) Party supporting the Government of Deve Gowda withdrew its support and the fall of the United Front Government appeared imminent. The talks however, continued between the two delegations until the 31st March. The message from the joint communiqué was clear that while there was no agreement on basic issues the breakdown of talks was averted, with the promise to continue with the talks in the next round. The communiqué made no mention of the Kashmir issue while there was enough evidence from the Pakistan side that it was discussed during the three-day talks. The Indian Foreign Secretary Salman Haider made a guarded statement on whether the Kashmir issue was discussed when he said: “We will continue our discussions but right now we cannot anticipate what we will do in the future. We will meet again and when we do so, you can ask that question.” He told reporters that the meeting had given a better understanding of each other’s position over particular issues, including that of Kashmir. “We believe we are much better equipped to meet”, he said. “There was a good deal of common ground that was identified. We looked at modalities and structures for future talks,” he said. He maintained that the talks had not been disrupted by India’s internal turmoil. “I must say that the dynamics of our discussions continued. We had got down to looking at issues in a detailed way and that continued despite political developments of March 30,” said Mr. Haider.

Pakistan Foreign Secretary Shamshad Ahmad said: “For us, it is important that we have started talking to each other. We have discussed intensely all issues and that very fact that these talks will continue is itself a positive development.” The Pakistan Foreign Minister Gohar Ayub Khan said in Islamabad that the political crisis in New Delhi would not affect the talks between Islamabad and New Delhi. He said India’s crisis might cause some setback in the talks but the crisis had nothing to do with the Indo - Pakistan talks. On return to Lahore, Pakistan Foreign Secretary Shamshad Ahmad stressed on March 31 that without progress on the core issue of Jammu and Kashmir, meaningful cooperation in the economic and cultural fields would be difficult. He said that “we emphasized that centrality of the J & K dispute in the context of Pakistan – India relations”.

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Media Briefing by the Official Spokesman of the Pakistan Ministry of Foreign Affairs on India-Pakistan Talks.

Islamabad, April 2, 1997.

The Pakistan Foreign Office affirmed on April 2 its faith in the “positive” outcome of the recent meeting in New Delhi between the foreign secretaries of Pakistan and India and expressed the hope that their future rounds of talks will take forward the negotiation process which aims at preparing ground for talks between the Prime Minister of the two countries on all outstanding issues including Kashmir.

Briefing newsmen on the resumed talks at the secretary-level after a break of more than three years the Foreign Office spokesman denied that there was a breakdown in New Delhi talks and said that the two foreign secretaries might meet again even before the end of the month. He explained that Pakistan expected to make a move on all outstanding issues, and added, it was not disappointed in its immediate objective.

Apart from covering almost the entire gamut of the outstanding issues between the two countries, Foreign Secretary Shamshad Ahmad brought to the notice of the Indian side the need for cessation of repression against the Kashmiris.

The spokesman said that as of now Foreign Minister Gohar Ayub, who was invited by Indian External Affairs minister I. K. Gujral for a meeting after the Non-Aligned Ministerial meeting next week in New Delhi, would hold talks there which would, however, not be part of the current secretary-level meetings. Similarly, the likely meeting of Prime Minister Nawaz Sharif with his Indian counterpart in May at the sidelines of the SAARC summit in the Maldives capital would be different from the proposed meeting between the two to discuss substantive issues.

Pakistan would be willing to talk to any government which might be in office in Delhi, the spokesman said when asked whether Islamabad would continue the official-level talks even if the current political situation led to a change in the government.

Asked about the prospects to the secretaries talk, he said it was hoped that there would be forward movement enough at least to agree on an agenda and a mechanism for addressing mutual problems.

The spokesman continued: “We feel that the discussions in Delhi and the atmosphere there (during the talks) give us the hope that the negotiation can be continued in future and in the light of this the Foreign Ministers’ meeting also will be a part of that forward movement”. He refuted the suggestion that talks at the foreign secretary-level were meaningless.
The spokesman recalled the text of the joint statement and pointed out that the Delhi talks had clarified the issues, which was a positive development and gave opportunity for better understanding of each other’s point of views.

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1387. Press Conference of Pakistan Foreign Minister Gohar Ayub Khan after attending the Non-aligned Foreign Ministers Meeting in New Delhi.

Karachi, April 9, 1997.

Mr. Gohar Ayub Khan told his press conference on return from New Delhi, where he attended the NAM foreign ministers’ meeting, that the UN Secretary General Kofi Annan had invited Pakistan and Indian Foreign Ministers to New York to hold bilateral talks on Kashmir and other outstanding issues between the two countries. The talks are to be held on the occasion of the UN General Assembly session. He said it would be his endeavour to promote step by step relations without overplaying the talks in the media because this creates many misunderstandings. Sometimes things are misrepresented. He said: “We will keep the media informed about the developments taking place but our policy will be to go step by step under a quiet diplomacy.” He recalled what he said in New Delhi that if India wished to give the signal for its seriousness in resolving the issues, it should reduce its seven lakh army-men in Kashmir and stop human rights violations and extra judicial killings there. India should stop the carnage of Muslims in villages and sending them to jails. He said he also held two hours of encouraging talks with the Hurriyat Conference leaders and had a briefing from them about the situation in Kashmir. He said Hurriyat Conference wanted participation in negotiations. But he told them that the talks were still in an initial stage and the agenda had not yet been finalized. He said that his contact with them was in that very regard and would continue.

Asked whether the opening of consulates in Bombay and Karachi came up under discussion with Mr. Gujral, Mr. Gohar said that although this issue did not come up for discussion directly, a delegation of Muslims in New Delhi and Jama Masjid Imam met him and told him that the Muslims were genuinely faced with problem in obtaining visa from Pakistan High Commission, particularly when they wanted to come to Pakistan in case of death or marriages. He said he was personally examining this and would also get this examined by the interior ministry and try to see that the problems faced by Indian Muslims were overcome. He
conceded that mostly Muslims from India come to Pakistan to meet their relatives and sometimes a thousand people are seen lining up outside the Pakistan High Commission in New Delhi.

Asked about the withdrawal of forces from Siachen, Mr. Gohar said his statement was misreported. He said he had stated that Pakistan can consider the issue but any such withdrawal will be linked with the Kashmir issue. He said India had earlier agreed to withdraw troops from Siachen but when its officers went back they could not convince their government. He categorically stated: “We are taking up no issue in isolation.”

Asked whether there was any talk on trade, he said that trade did come up during discussions because India is laying more emphasis on trade. He said: “We do not have a level playing field as regards trade with India. Our import restrictions are on about 26 items whereas India has thousands of items having import restrictions and they enjoy protection.” He said if these restrictions are removed and a level field is available, then “we can have trade with India”. He said if India kept providing too much protection to its industries and products, it would go against Pakistani industries and business and this would not make for a level playing field.

Regarding trade expansion he pointed out that officially quantum of Pakistan’s trade with India was about $ 100 million but India says it is having an indirect trade of about $ one billion through Dubai and Singapore and wants regularization of the same. But for this, India will have to remove its restrictions. He said before leaving for New Delhi, he had written to the Commerce Ministry to let him know about Pakistan’s exportable surplus along with the countries to which these items are being exported and their quantity so that targets could be given to Pakistan’s High Commissions and embassies for an annual increase of 10 to 15 percent of Pakistan’s exportable items. But it is not as much as Pakistan could balance it with India. However, he said Pakistan is always in favour of trade with India.

To a question, the Foreign Minister said there is a feeling among the people in India and Pakistan that “we should have better relations and that was why there was not much reaction in India and here in Pakistan against talks between the two countries”.

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1388. Extract from the Address of Pakistan Prime Minister Nawaz Sharif to the National Defence College.

Rawalpindi, April 15, 1997.

In the rapidly transforming world of today there is increasing focus on interstate relations on promoting economic cooperation through regional efforts. Peace and stability are fundamental to our regional cooperative endeavour like ECO and SAARC and to the creation of a climate which would enable us to concentrate our energies on nation building process. Unfortunately tensions are still prevalent in South Asia, because of longstanding disputes.

One such dispute relates to the core issue of Jammu and Kashmir whose people are waging a valiant struggle to achieve their right to self-determination. Pakistan wants an end to this bitter tragedy. We want a just political settlement, which is in accordance with the commitments pledged by the international community, India and Pakistan to the Kashmiri people. An equitable and just settlement of the Kashmir dispute can guarantee peace in South Asia.

Today, Pakistani is united under a popular government. It has the ability to defend itself and to defer aggression. However, desirous of peace we have taken the initiative and proposed to the Indian Prime Minster resumption of the foreign secretary–level talks between the two countries. The first round of the resumed talks has already been held.

Given political will on both sides, there is no reason why all outstanding issues cannot be addressed meaningfully and resolved. We nurture no illusions and have no unrealistic expectations. We fully realize that there is no short cut to the process of normalization of relations with India. An integrated structured approach has to be pursued for cooperative and good neighbourly relations.

Pakistan, being an Islamic Republic attaches special significance to its ties with the Muslim states, particularly in the Middle East and the Gulf region with whom we share the objective of regional peace and security as well as reinforcement of bilateral cooperation in various domains.

Afghan Conflict

The Afghan nation is yearning for peace and is no longer interested in the senseless intra-Afghan conflict. They are keen to see an early restoration of peace and stability, to actively participate in the rehabilitation and reconstruction of their country. We have faith in the wisdom of the Afghan people.
They would not accept any solution imposed on them from outside. This has to emerge from the Afghans themselves. Pakistan has been supporting an intra-Afghan dialogue to evolve consensus on the establishment of a broad based government representing all ethnic groups in Afghanistan. Pakistan would continue to extend full support to the ongoing efforts of the UN and the OIC for peace and reconciliation in Afghanistan.

Ties With Russia

Russia remains an important world power with the traditional relationship with India and strong links as well as a military presence in the Central Asian states. Our basic objective is to work toward improving relations with Russia so that it moves to a more even-handed approach in its policy in South Asia.

With the USA we share many common objectives—elimination of the nuclear and other weapons of mass destruction, establishment of durable peace and stability in South Asia, a concerted campaign against the scourge of narcotics and a forceful defence of human rights. Our effort has been to remain engaged in a meaningful dialogue to reconcile our viewpoints, to find common ground and to place our relations on a more even keel. We attach great importance to our relations with the USA and the European Community and technological cooperation.

Relations with China

The Chinese President’s recent visit to Pakistan further cemented the bonds of time-tested friendship between Pakistan and China. Maximising meaningful political and economic relations with China will remain a cornerstone of Pakistan’s foreign policy.

The Asia Pacific Region is an area of expanding economic progress and opportunity. It is vital that we learn from Japan and the Asian Tigers and the newly industrialized countries of South East Asia and mould our economic policies to enable us to participate as an important economic force within this region.

Pakistan’s Security

I would also like to make some remarks about the security and disarmament issues. Pakistan remains committed to the goal of nuclear disarmament. Pakistan’s commitment in this regard is manifest from its efforts at regional level and its role in the multilateral arms control talks at the global level. However, the security environment is South Asia has become precarious because of series of escalatory steps taken by India.

India has consistently expanded its nuclear and ballistic missile programme while spurning all non-proliferation initiatives at the bilateral, regional and global levels.
India’s Missile Programme

Pakistan is seriously concerned at India’s nuclear and ballistic missile programme. We understand that India, besides having developed two versions of Prithvi missiles, namely SS-150 and SS-250, is developing a third long range version of the SS-350.

This is India’s arrogant response to our proposal for a zero missile regime in South Asia. This together with India’s unbridled pursuit of its nuclear ambitions poses immediate and direct threat to our security. We earnestly hope that the international community would take serious note of these developments and exert its influence for the removal of this threat from our region.

Pakistan cannot ignore the threat to its security. It must have the capability to deter aggression. It is for these reasons that Pakistan has made it clear that it will not unilaterally sign any treaty which is discriminatory. However, we are interested in participating in the Preparatory Commission of the CTBT Organisation in a constructive and meaningful way.

Pakistan is a signatory to the Chemical Weapons Convention (CWC) and is in the process of completing its national preparation to enable it to meet its obligations under the Convention. We are concerned at the possibility of the CWC coming into force without the USA and Russia — the only two declared Chemical Weapons Possessor States — ratifying it. In such a situation, the Convention’s disarmament provisions would become meaningless and it will merely become a non-proliferation initiative.

Proliferation of N-Weapons

We share the concern about the possibility of the proliferation of nuclear weapons in our region. This concern arises primarily from India’s proven capability to produce nuclear weapons and its massive nuclear programme. We believe that regional non-proliferation is the most feasible and effective way to resolve the nuclear issue in South Asia. Pakistan has made a number of proposals for non-proliferation in South Asia, which did not evoke a positive response from India.

We have not given up hope for solving the interlinked issues of peace, security and disarmament in South Asia. In June 1991, I had proposed convening of a Five Nations’ Conference.

Subsequently, the proposal was revised to involve all permanent members of the Security Council as well as Germany and Japan. This multilateral conference could cover three critical areas.

(i) The resolution of the Kashmir dispute and other bilateral problems between India and Pakistan.
(ii) The promotion of conventional arms control and confidence building measures.

(iii) Measures to promote nuclear restraint and arrest the danger of a nuclear arms race in South Asia.

I am confident and optimistic about Pakistan’s future. Given political stability and economic restructuring, which has already been set in motion, we have a fair-chance to move into the 21st century with some measure of pride and dignity.

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1389. Press Release issued by the Ministry of External Affairs on the telephonic talk between Prime Minister Inder Kumar Gujral and Pakistan Prime Minister Nawaz Sharif.

New Delhi, May 2, 1997.

Prime Minister I. K. Gujral spoke to his Pakistani counterpart Mian Nawaz Sharif on telephone late this evening. The primary purpose of Mr. Gujral’s initiative was to set up a direct line of communication with Mr. Sharif.

The conversation between the two Prime Ministers was very warm and cordial. They exchanged good wishes and recalled with pleasure their past meetings when neither of them had been in office. They said they looked forward to their forthcoming meeting in Male during the SAARC Summit. They agreed to continue to maintain direct contacts to ensure that all distance between them was removed*.

The conversation lasted for about 10 minutes.

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* Earlier on April 22 Nawaz Sharif had sent a message of felicitations to Mr. Gujral on his elevation as Prime Minister of India and suggesting that his elevation has stimulated hope for a determined effort by both the countries to carry forward the recently resumed dialogue. He said that his government was committed to a genuine search for peace and added: “The success of our efforts will naturally depend on the seriousness of purpose and political will with which the core issue of Jammu and Kashmir is addressed”. Mr. Sharif said: “we have been encouraged by your statements underlying your commitment to the improvement of relations between the two countries.” In his message of felicitations he had said: “It gives me great pleasure to congratulate you on your assumption of office of Prime Minister of India. It is a befitting tribute to your long distinguished record of public service both as a politician and a diplomat commanding great respect at home and abroad”.


1390. **Report on the meeting between Pakistan Prime Minister Nawaz Sharif and Prime Minister Inder Kumar Gujral.**

Male, May 12, 1997.

In their 90-minute functional meeting at Male on May 12 on the occasion of the SAARC Summit, Prime Minister Nawaz Sharif and his Indian counterpart Inder Kumar Gujral agreed to set up joint working groups for resolution of all issues outstanding between the two countries during the past 50 years, establish a hotline between them, release hundreds of each other’s civilian prisoners, and hold the next round of secretary-level talks by the end of the next month.

After the meeting at Kurumba island of Maldives, both the Prime Ministers told newsmen during a five-minute chat that the talks were held in a friendly atmosphere. The first-ever meeting between the two virtually overshadowed the two-day SAARC summit as far as the international media attention was concerned.

“Talks are being held to cooperate with each other and resolve outstanding issues”, Mr. Nawaz told the waiting newsmen before the meeting.

During the brief chat with the media persons, Mr. Nawaz said the talks were very constructive and meaningful. “We agreed to talk more on outstanding issues which remain unresolved during the past 50 years. We have decided to establish joint working groups. We intend to continue talks. These occasions do not come every day. I have developed a personal rapport with the Indian Prime Minister. I like the man.” Mr. Gujral confirming said: “We had a very good, warm and friendly meeting. Both of us tried to reiterate prospects and desirability of goods relations.”

He added: “We agreed to set up a hot-line (to have constant contact). A methodology will be decided to release 600/700 civilian prisoners so that we can start with a clean slate. We agreed to identify various subjects for talks”

Foreign Secretary Shamshed Ahmad told newsmen that the two Prime Ministers have given specific guidelines to their foreign secretaries for the second round of talks to be held in Islamabad which “would be devoted to the evolution of a comprehensive mechanism for resolution of all outstanding issues, and, I emphasise including the Kashmir issue.”

“The two leaders have agreed that some measures should be taken, including release of civilian prisoners on both sides. The two Foreign Ministers had already agreed to release fishermen of each other detained in the two countries,” he said fielding a volley of question from Indian journalists.

The Pakistan Foreign Secretary added that the hot-line between the two Prime Ministers had existed but was not functional “Now they will have a direct contact; it does mean a lot. They will remain in constant touch”
Asked to explain the “comprehensive mechanism”, he said, “You have to wait. We may have a separate working group on Kashmir.” He made it clear that no high expectation of a major breakthrough should be attached to the second round of foreign secretary-level talks. “There are no quick fixes,” Mr. Shamshad Ahmad said.

Asked to comment on the “step-by-step approach” for resolution of the Kashmir issues as stated by Foreign Minister Gohar, he said, “I would call it an integrated approach.”

When Mr. Shamshad’s attention was drawn to Mr. Gujral’s reported remarks that Kashmir is not an issue, he said, “Nobody can deny its existence. It is the issue of the destiny of people of Kashmir. Both sides are talking about Kashmir. The inclusion of Kashmir in the list of unresolved issues is a recognition by India that it is an issue.”

“During the meeting, Prime Minister Nawaz Sharif strongly emphasized the human rights violations, concentration of army in Kashmir, and withdrawal of cases against the Kashmiri freedom fighters,” stated Mr. Shamshad.

When an Indian journalist pointed out that the proposal of joint working groups, on the pattern of India-China, was put forward by the Indian side during the last round of foreign secretary talks, Mr. Shamshad said it was immaterial which side took credit for it. “Let us not confuse the issue. India and China have a territorial dispute, while in Pakistan and India it is the question of the destiny of people.”

The Foreign Secretary said both Prime ministers expressed satisfaction that outcome of the first round of foreign secretary-level talks in which a good beginning of each other’s position was made. He said, “There are no prisoners of war detained in the two countries. The civilians who will be released are those who crossed over to the other country. The foreign secretaries will also discuss other measures to improve the situation between the two countries.”

* The next day, May 13 Nawaz Sharif told the Reuter that while he was satisfied with the face to face talks with Mr. Gujral, he was also confident that India would agree to discuss the future of divided Kashmir in bilateral talks and urged India to withdraw troops from the Himalayan region. “I think the situation has taken a good turn. We held talks on May 12 after a deadlock of four years. The talks were constructive, very meaningful and we have agreed to talk more”, he said. When asked by Reuter if he agreed with the assessment of Foreign Minister Gohar that “Indian troops have more or less gone berserk in Jammu and Kashmir”, Mr. Sharif said that “I did mention this point to the Indian Prime Minister. I told him that the Indian Government must consider withdrawing the troops or the paramilitary troops from Kashmir, and also at the same time pave the way for a dialogue between India and Pakistan”. Asked if one of the working group would be devoted to the Kashmir issue, he said: “Certainly, because Kashmir is the core issue and we have to address this issue very seriously.”
Mr. Shamshad told an Indian journalist that easing of visa restrictions by Pakistan was not a big issue. “We have discussed it today, and more discussion on it will be held during the Foreign Secretaries’ talks”.

He said in emergencies, Pakistan has always been issuing visas to Indian journalists to visit Pakistan. He said it is premature to open the Pakistani consulate in Bombay. Asked about grant of the most favoured nation status to India by Pakistan, he said there has to be a level-playing field for Pakistan.

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1391. Press Statement issued by Pakistan Ministry of Foreign Affairs.

Islamabad, June 13, 1997

We have repeatedly drawn the attention of the international community, over the years, to the threat posed to peace and security in South Asia by India’s nuclear and ballistic missiles programmes and ambitions. At the same time, we have made unremitting efforts to avert such a threat in the region.

2. Since 1974, when Pakistan first proposed in the UN General Assembly the Establishment of a Nuclear Weapons Free Zone in South Asia, we have followed up with a number of initiatives to address, on an equitable and non-discriminatory basis, at the bilateral, regional and global level, the issue of non-proliferation in South Asia. Similarly we also proposed a zero missile regime in South Asia to avert the threat of a ballistic missile race in the region.

3. Regrettably, none of these proposals has evoked a positive response. The deployment of Prithvi missiles across our borders entails a qualitative change in the security environment of South Asia. We feel that our region can ill-afford a missile race. At the same time, we have to address our legitimate security concerns and will take all necessary measures to meet any threat.

4. The Prime Minister of Pakistan has addressed letters to the leaders of the five permanent members of the Security Council, drawing their attention to the serious degradation in the security environment of our region, resulting from the deployment of Prithvi missiles by India. He has reminded them of their special responsibility for the preservation of international peace and security and urged them to call upon India to exercise restraint. The Foreign Minister had also addressed a letter on the same subject to the US Secretary of State.
5. The deployment of the Prithvi missile is symptomatic of larger problem. The absence of pressure from the international community leads to the temptation among the countries with huge indigenous military capability to indulge in provocative actions against smaller neighbours.

6. We have pointed out to the United States that India appears to have been encouraged by the discriminatory American legislation against Pakistan that has resulted in serious military imbalance in the region. We believe that the United States should reconsider the implications of continued imposition of such laws.

7. Pakistan is committed to strive for the normalization of its relations with India. At the initiative of the Prime Minister of Pakistan, the stalemated Foreign Secretary level talks were resumed between the two countries earlier this year. We have entered into the dialogue with seriousness of purpose. We are making all efforts to sustain this process so that all outstanding issues between India and Pakistan including the core issue of Jammu and Kashmir are meaningfully addressed. Any escalatory action or provocation which vitiates the atmosphere must be avoided.

8. The next round of Foreign Secretary’s level talks scheduled to be held in Islamabad from 19 to 23 June 1997, will provide us with an opportunity to initiate a process of comprehensive and sustained dialogue with India on all outstanding issues between the two countries.


1. The Foreign Secretaries of Pakistan and India, Mr. Shamshad Ahmad and Shri Salman Haidar met in Islamabad on 19-23 June 1997.

2. During his stay in Islamabad, the Indian Foreign Secretary was received by the President of Pakistan and the Prime Minister of Pakistan. The Indian Foreign Secretary also called on the Foreign Minister Mr. Gohar Ayub Khan.

3. As decided at their meeting in New Delhi in March 1997 and as directed by their respective Prime Ministers, the Foreign Secretaries of India and Pakistan
continued their wide-ranging and comprehensive dialogue on all outstanding issues between the two countries with each side elaborating its respective position. The discussions were held in a cordial and constructive atmosphere. It was also agreed that both sides would take all possible steps to prevent hostile propaganda and provocative actions against each other.

4. With the objective of promoting a friendly and harmonious relationship between Pakistan and India, the Foreign Secretaries have agreed as follows:-

(i) to address all outstanding issues of concern to both sides including, inter alia:
   (a) Peace and security, including CBMs
   (b) Jammu and Kashmir
   (c) Siachen
   (d) Wullar Barrage Project/Tulbul Navigation Project
   (e) Sir Creek
   (f) Terrorism and drug-trafficking
   (g) Economic and Commercial Cooperation
   (h) Promotion of friendly exchanges in various fields.

(ii) to set up a mechanism, including working groups at appropriate levels, to address all these issues in an integrated manner. The issues at (a) and (b) above will be dealt with at the level of Foreign Secretaries who will also coordinate and monitor the progress of work of all the working groups.

5. The Foreign Secretaries also had a preliminary exchange of views on the composition of the working groups and their methodology. It was decided to continue the consideration of this matter through diplomatic channels.

6. The next round of Foreign Secretary level talks will take place in New Delhi in September, 1997.

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Clarification provided by Pakistan Foreign Minister Gohar Ayub that there was no Secret deal with India on Kashmir.

Islamabad, June 27, 1997.

Dispelling the impression that Pakistan has signed a secret deal with India or it is sending weak signals to New Delhi, Foreign Minister Gohar Ayub Khan told the Senate on June 27 that it is a big diplomatic achievement for Pakistan that the Jammu and Kashmir dispute has been placed on the agenda of talks between India and Pakistan for the first time.

Responding to an adjournment motion moved by the PPP on the statement of Indian Foreign Secretary Salman Haider that India had agreed to discuss Azad Kashmir not Kashmir, Mr. Gohar ruled out the possibility of signing any Camp David-style agreement with India.

He said that the foreign secretary-level talks had been resumed at the initiative of the Prime Ministers of Pakistan and India. He said the two sides are keen on making the dialogue a success.

Referring to a newspaper report, Mr. Gohar said that India’s Ministry of External Affairs has already denied the statement attributed to Mr. Haider. It averred that Mr. Haider did not make any declaration “that in the next round of talks, only ‘Pakistan occupied Kashmir’ will figure.” He said the Foreign Ministry of Pakistan had asked for an official transcript of the statement.

Mr. Gohar said the visiting Indian Foreign Secretary could have made the statement on the issue at the joint Press conference held in Islamabad on June 23 if it had been the Indian stance that only the future of “Pakistan-occupied Kashmir” would be discussed.

He said Kashmir is the core issue while other issues are peripheral. He said the Indian External Affairs Ministry’s spokesman stated that India considers Jammu and Kashmir a dispute which the two countries have to resolve in a peaceful manner. On its part, he said, Pakistan has made it known to India that the two countries cannot succeed in resolving other outstanding issues unless Kashmir is discussed in an “integrated and structured manner.”

About the deployment of Prithvi missiles by India, violations of Pakistan’s airspace and killing of a Ranger major in Indian firing, the Foreign Minister said that Pakistan could have sent 10 aircraft deep into Indian territory but it did not do so as the action could have heightened tension.

Referring to the deployment of Prithvi missiles, he said Pakistan was capable of safeguarding its sovereignty and territorial integrity

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Statement made by the Minister of External Affairs in the Rajya Sabha in reply to a question Regarding “Indo-Pak Talks”.

New Delhi, July 24, 1997.

In keeping with our commitment to establish a relationship of trust, friendship and cooperation with Pakistan and to resolve issues through bilateral dialogue, the Prime Minister, in his letter to the Prime Minister of Pakistan, had suggested the resumption of talks at an appropriate level. The resumed Foreign Secretary-level dialogue between India and Pakistan flowed from the Prime Minister’s suggestion. The first round of the resumed talks was held in Delhi from 28-31 March, 1997 and the second round was held in Islamabad from 19-23 June, 1997. A joint Statement was issued on the conclusion of this round of discussions.

The two sides decided to address, inter alia, the following subjects: (a) Peace and security, including Confidence Building Measures (b) Jammu and Kashmir; (c) Siachen; (d) Tulfal Navigation project; (e) Sir Creek; (f) Terrorism and drug trafficking; (g) Economic and Commercial Cooperation; (h) Promotion of friendly exchanges in various fields. They also agreed to set up a mechanism, including working groups at appropriate levels, to address all these issues in an integrated manner; the issues at (a) and (b) above will be dealt at the level of the Foreign Secretaries, who will also coordinate and monitor the progress of all the working groups. Both sides further agreed to take all possible steps to prevent hostile propaganda and provocative actions against each other.

While the talks focused primarily on modalities and mechanism for future discussions, our position on Jammu & Kashmir was conveyed to Pakistan.

The Joint Statement provides the basis for a comprehensive, constructive and sustained dialogue between India and Pakistan. It is the framework under which substantive discussions would take place on various issues. We look upon it as a step forward in our efforts to engage Pakistan on a broad front with the objective of building a relationship of trust friendship and cooperation.
1395. Memorandum presented by the Special Committee of the National Assembly of Pakistan on Kashmir to the Secretary-General of the United Nations.


The principles embodied in the UN Security Council resolutions 47 (1948) of 21 April 1948, 41 (1948) of 3 June 1948, 80 (1950) of 14 March 1950 and 91 (1951) of 30 March 1951, and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949 expressly state that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

The Prime Minister of India, Jawaharlal Nehru, reiterated before the Indian Parliament on 26 June 1952, “if after a proper plebiscite, the people of Kashmir said, We do not want to be with India, we are committed to accept that. We will accept it, though it might pain us. We will not send in any army against them. We will accept that, however hurt we might feel about it.”

The Special Committee of the National Assembly of Pakistan on Kashmir recall that tragically despite the passage of over four decades, the oppressed people of Indian Held Kashmir (IHK) continue to struggle for their very basic and fundamental right i.e., the right to self-determination. Instead of fulfilling its promises to the people of Kashmir and its obligations to the international community, India has reacted with violence to the legitimate demands of the Kashmiri people.

Over the past 8 years, 60,000 innocent Kashmiri men, women and children have perished at the hands of the 600,000 strong Indian security forces present in Kashmir. A reign of terror has been let loose, characterized by extra-judicial executions, indiscriminate killings, random and mass arrests for political reasons, forced relocation of population, gang rapes of women and systematic efforts to obliterate the ethnic, social and cultural identity of the Kashmiri people. Kashmir is in flames. A threat to regional and global peace looms large on the horizon.

The denial by India of the inalienable right of self-determination to the people of Kashmir cannot be permitted and the atrocities being perpetrated on them by the Indian security forces cannot be condoned. It is for all civilized and responsible member states of the international community of nations to send a loud and clear message to India condemnation of the grave human rights violations and the necessity of upholding the sanctity of UN resolutions.
To ensure peace and stability in South Asia in particular and the world in general, it is pertinent to stand by the Kashmiris in their just cause – their demand for the right of self-determination pledged to them by the international community and by India and Pakistan in the form of UN resolutions, and to support Pakistan in its moral and legal stand based on its commitment to peaceful settlement of the Kashmir dispute in accordance with UN resolutions.

Let the word go forth from the United Nations that:

(i) Injustice anywhere is a threat to justice everywhere.

(ii) Massive violations of the human rights of 'the Kashmiris including their right of self-determination in accordance with UN resolutions is flagrant transgression of Charter Principles and civilized Norms.

(iii) Indian repression of the Kashmiris must be stopped.

The Chairman and the Members of the Kashmir Committee urge the United Nations:

(a) To hold a plebiscite in Jammu and Kashmir, without further delay, in accordance with the Security Council resolutions.

(b) To demand that India withdraws its army of occupation from Jammu and Kashmir to end its repression of the Kashmiri people.

(c) To urge India to continue the dialogue with Pakistan with sincerity and seriousness and to peacefully resolve all outstanding issues between the two countries including the Jammu and Kashmir dispute.

To enhance the number and role of the United Nations Military Observer Group in India and Pakistan (UNMOGIP) for facilitating its crucial functions of guaranteeing the inviolability of the line of Control in Kashmir. Since the establishment of UNMOGIP in 1949 it has played, in your own words “a very useful role” and therefore needs the whole hearted support of the International community.

(d) To demand that international human rights organizations are given full access to Jammu and Kashmir.


We urge the Secretary General to actively encourage, facilitate and support efforts leading to a peaceful resolution of the Jammu and Kashmir issue in accordance with the relevant Security Council resolutions as well as to exercise
the mandate entrusted to him by Charter of the United Nations and under relevant international instruments to safeguard the fundamental rights and freedoms of the oppressed Kashmiri people.

Ch. Muhammad Sarwar Khan, MNA,
Chairman,
Pakistan’s National Assembly Special Committee on Kashmir.
Islamabad.
15 August 1997.

1396. Briefing by the Official Spokesman of the Pakistan Ministry of Foreign Affairs on the forthcoming India-Pakistan talks at the foreign secretary level.

Islamabad, September 12, 1997.

The Pakistan Foreign Office announced on September 12 that the third round of foreign secretary-level talks between Pakistan and India would be held in New Delhi from September 15 to 18. Foreign Secretary Shamshad Ahmed and his team of officials will leave Islamabad for the Indian capital on September 15.

The Foreign Office spokesman confirmed that Prime Minister Nawaz Sharif would be in New York for the UN General Assembly meeting at the same time as Indian Prime Minister Inder Kumar Gujral. “I strongly hope that they would be meeting each other”, he said in reply to a newsman’s question.

[The announcement about the Foreign Secretary going to Delhi next week was made by the spokesman at an unscheduled news conference, ending growing doubts as to the holding of the third round of foreign secretary-level talks, in continuation of the dialogue between the two countries, which opened in March after a deadlock of three years. At the close of the second round in Islamabad in June, it was agreed in a joint statement that the two foreign secretaries would resume discussions in September.]

Answering questions, Foreign Office spokesman Tariq Altaf confirmed that “the clarifications” sought from the Indian External Affairs Ministry, which apparently stood in the way of fixing a date for the third round had been received from New Delhi, though he admitted that it was “partially satisfactory” and would require further discussions.
He said Pakistan looked at the talks in a “very positive manner” and felt that these should continue. In the coming discussions, he emphasized, Pakistan would like both sides to “operationalise the mechanism”, a key to continuing the dialogue, as was agreed upon in the joint statement in Islamabad.

Replying to another question, the spokesman recalled that the two sides had agreed on a comprehensive agenda (listing eight specific issues) in the Islamabad joint statement, which he pointed out, included peace and security and Kashmir, which were of “primary and major importance.”

There could not be any talks and agreement without taking them into account, he observed.

Pakistan would strive to seek “operationalisation of the mechanism” to deal with the eight agreed issues in the coming talks in Delhi and emphasized that “our focus would be on the primacy of these issues (peace and security and J&K).

About the reported Indian unwillingness to set up a joint working group under an agreement already reached to deal with the Jammu and Kashmir issue, the spokesman said Pakistan had in fact raised the status of J&K issues above the other listed items since it was decided that it would be discussed at the level of foreign secretaries themselves, while other issues could be discussed by the other officials.

The spokesman said Pakistan has taken a serious exception to the omission of a substantive reference to the India-Pakistan question in Report of the UN Secretary General on the Work of the Organisation for 1997.

The spokesman said Pakistan’s Permanent Representative at the UN has already conveyed to the Secretary General of “our deep disappointment on this omission which tends to erode the credibility of the organization and its efficacy in fulfilling its primary responsibilities on a global basis.” The Jammu and Kashmir issue is on the agenda of the Security Council, he said.

“A less than explicit reference in a bureaucratic report does not detract from the significance of this issue in the UN.

Pakistan, the spokesman said, will continue to strongly espouse the Kashmir cause at the UN and spare no effort in ensuring that the UN deliver on its solemn pledge to the Kashmiri people.
Statement issued by the Official Spokesperson of the Ministry of External Affairs regarding the meeting between Prime Minister Inder Kumar Gujral and Pakistan Minister of State for Information and Media Development Mushahid Hussain Syed.

New Delhi, September 12, 1997.

Prime Minister Shri I.K. Gujral received Mr. Mushahid Hussain Syed, Minister of Information and Media Development of Pakistan this morning. The meeting was held in a warm and friendly atmosphere.

Mr. Mushahid Hussain conveyed warm greetings of Prime Minister Nawaz Shrif which were fully reciprocated by Prime Minister.

Prime Minister Gujral and Mr. Mushahid Hussain Syed expressed their desire for friendly and cooperative relations between Indian and Pakistan and for the continuation of the Foreign Secretary-level dialogue between the two countries. The two countries will adhere in letter and spirit to the Joint Statement which was issued on June 23, 1997 in Islamabad.

A meeting of Prime Minister Shri I. K. Gujral and Prime Minister Nawaz Sharif will take place in New York* when both leaders are there later this month for the UN General Assembly session.

* It may be recalled that on September 1 Mr. Gujral had told the Parliament that "if an opportunity comes (in New York) I will be happy to meet him (Mr. Sharif), adding that he had held a useful meeting with him" in Maldives. On August 30, Mr. Gujral had also said that he would meet Mr. Nawaz in New York in a bid to improve bilateral relations.
1398. **Press Release issued by the Ministry of External Affairs**
denying that the meeting between Prime Minister I. K. Gujral and Pakistan Prime Minister Nawaz Sharif in New York was arranged through the good offices of a third country.

_**New Delhi, September 15, 1997.**_

In the context of some press reports, the official spokesman denied that the forthcoming meeting between the Prime Ministers of India and Pakistan in New York was arranged through the good offices of a third country. The official spokesman said that the Prime Minister will be visiting New York for the UNGA Session and it is customary during such visits for the visiting leaders to meet each other on a bilateral basis.

Prime Minister’s meeting with the Pakistan Prime Minister is scheduled to take place on 23rd September, 1997. The Spokesman recalled that the two Prime Ministers had a useful meeting in Male in May 1997 when they were both there for the SAARC summit. The forthcoming meeting, which was arranged bilaterally, will be part of the ongoing dialogue between the two countries.

The question of any third party mediation or intervention in India’s relations with any other country simply does not arise.

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Statement by the Official Spokesperson of the Ministry of External Affairs rejecting the Pakistani allegation that India had resiled from the Joint Statement of June 23, 1997.

New Delhi, September 19, 1997.

We have seen a statement* issued in Lahore yesterday following the return of the Pakistan delegation which was in New Delhi for the resumed Foreign Secretary level talks. We categorically reject the allegation contained in that statement that India has resiled from the Joint Statement of June 23, 1997, issued after the second round of talks held in Islamabad.

The Joint Statement of 23 June, 1997 identified subjects for future discussion. It also stated that the two sides had agreed to set up a mechanism for this purpose. The two Governments have since then been in touch to work out and give concrete shape to such a mechanism. Discussions on this subject continued during the third round of talks held in New Delhi between September 15-18. At these talks, the two sides agreed that there were some issues which required further consideration, and that they would meet again at a mutually convenient date for this purpose.

India adheres to the letter and spirit of the Joint Statement issued at the end of the Islamabad talks. Our commitment to dialogue is firm and unequivocal. We seek to build relationship of trust, friendship and cooperation and in this context we look forward to a sustained comprehensive and substantive dialogue.

* Shamshad Ahmad had said in Lahore on September 18 that the third round of talks had ended “inconclusively” because “the other side had resiled from the agreement as set out in the Islamabad Joint Statement”. He however added that he would not consider it “retardation” as every meeting was not supposed to lead to an agreement. He said “on our part we could not compromise on our principled position with regard to the Jammu and Kashmir issue which, in our view lies at the heart of all problems”. He however added that it would not be correct to say that India had refused to hold talks on the Kashmir issue. “There is no cause for despondency as the dialogue is not an event nor can results be expected from a single visit. It will take the dialogue some time before yielding results, especially on the issues which are complicated in nature and have their roots in history.” Mr. Shamshad said Pakistan had gone to India “despite an air of uncertainty as a result of negative signals from New Delhi and the repeated violations across the Line of Control. This indicated Pakistan’s serious approach and commitment to the process of dialogue”. He added that “the previous clarification provided by New Delhi on various issues was not entirely to our satisfaction”. Still he said Pakistan decided not to disrupt negotiations as it believed that dialogue must continue.
1400. Joint Statement issued at the end of the Foreign Secretary level talks between India and Pakistan.

New Delhi, September 18, 1997.

The Foreign Secretaries of India and Pakistan, Shri K. Raghunath and Mr. Shamshad Ahmad, met in New Delhi from 15-18 September, 1997.

2. During his stay in New Delhi, the Pakistan Foreign Secretary was received by Prime Minister Shri I.K. Gujral and called on the Minister of State for External Affairs, Shri Saleem I. Shervani.

3. The discussions were held in a cordial atmosphere. Each side presented their views with regard to the operationalisation of the mechanism envisaged in para 4(ii) of the Joint Statement between India and Pakistan of June 23, 1997. It was felt that further consideration was required. The Foreign Secretaries, therefore, decided to adjourn now and reconvene their meeting at a mutually convenient date.

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At the end of the second session of the talks, the Pakistani Foreign Secretary Shamshad Ahmad issued a statement which said: “today, we continued our discussions. But the substantive part of our discussions was at the level of the meeting which I had with Prime Minister I. K. Gujral and Minister of State Sherwani. During these meetings, I had the opportunity to present our viewpoint on the aspect of the dialogue that we are trying to pursue and as far as our own discussions are concerned, today we did not get sufficient time to conclude, so we will continue the talks on September 18. The substantive talks on September 17 were held between the Indian Prime Minister and Foreign Secretary who briefed Mr. Gujral about the talks and the way in which these were moving. New Delhi is not ready to form a working group on Kashmir as its officials think it is tantamount to conceding that Kashmir is a disputed territory. Pakistan seems to be basically interested in some kind of structured talks on Kashmir. However, Pakistan may not insist in the talks on calling mechanism “working group”. Nomenclature hardly matters if the Kashmir issue is on the agenda of the talks and there is structured mechanism to discuss the issue in a substantial way. The two sides would certainly not like to conclude the third round of talks on a negative note as it will not augur well for the meeting of the two prime ministers in New York.”

The Prime Minister Gujral on September 17 however, reaffirmed his commitment to peace talks with Pakistan and said he was keeping his agenda open for his meeting with his Pakistani counterpart. Pakistan foreign secretary told Reuter at the end of his meeting with Prime Minister Gujral: “We have got indications from the Prime Minister that he would like the talks to move forward”. While New Delhi was willing to discuss Kashmir as part of a wide ranging dialogue, Islamabad insisted that it should be locked in a separate working group for Kashmir.
Pakistan questioned on September 25 India’s candidature for a permanent seat in the UN Security Council, saying New Delhi has failed to implement UN resolutions on Kashmir.

[Indian Prime Minister Inder Kumar Gujral had said in a speech at the UN General Assembly on September 24 that New Delhi was prepared to accept a permanent seat in the planned expansion of the Security Council.]

“India has now formally announced its candidature and has presented it in the framework of a very universalist approach that it is taking,” the Foreign Ministry spokesman told reporters at a news briefing in Islamabad.

But, he said: “We all know that India has not implemented the UN resolutions… which both India and Pakistan had accepted”. He was referring to the longstanding Security Council resolutions calling for plebiscite in Jammu and Kashmir to decide its future.

“As is very well known, their (Indians’) record of human rights in Jammu and Kashmir is not very honourable,” the spokesman said.

“In the light of these facts, for India to seek permanent membership of the UN Charter, respect for UN resolutions… should be considered fundamental for those who seek such an important position as permanent members of the Security Council with a veto power,” he asserted.

The spokesman also expressed great surprise that Mr. Gujral totally ignored Prime Minister Nawaz Sharif’s “very constructive and positive proposals”, including a possible non-aggression pact between the two nations now acknowledged to have acquired nuclear and missile technologies.

He said Mr. Nawaz had made the proposals in his speech at the UN General Assembly meeting on September 22. “We are certainly very surprised that Mr. Gujral chose to ignore a host of very positive and important proposals even during the meeting between the two Prime Ministers in New York,” the spokesman observed.
1402. **Summary Record of discussions between Foreign Secretary and Pakistan High Commissioner Ashraf Jahangir Qazi.**

**New Delhi, September 30, 1997.**

(2155 HOURS ; 3 0.9.97 AT SOUTH BLOCK)

FS said that he had called in the Pakistan High Commissioner (PHC) to convey our very serious concerns at Pakistani firing from across the LoC in Kargil. Pakistani forces started firing at 1130 hours and initially the Indian forward defences were targeted by Pakistani artillery. Later at 1300 hours, there was heavy artillery firing by Pakistan on Kargil town and the Leh road. Consequently, there were civilian casualties and a mosque and a civil hospital had also been targeted. We took very serious note of this uncalled for and unprovoked firing and lodged a strong protest which should be conveyed to the Government of Pakistan.

2. FS recalled that during the meeting between PM and PMNS (Prime Minister Nawaz Sharif) in New York, our PM had suggested that the two sides should take joint steps to stop firing at the LoC. PM's suggestion was accepted by PMNS and it was agreed that this objective would be best accomplished by the DGMOs remaining in contact and working out the right modalities. It was also agreed that communication links would be established between sectoral commanders along the LoC. Political directions were to be given to the defence forces on this issue and we have given appropriate directions. Following these directions on our part, our DGMO spoke to his Pakistani counterpart who informed that he had received no instructions. Our High Commissioner had also taken up this issue with the Pakistan Foreign Office and was informed that no instructions were received from the political leadership. He was further told that enquiries would be made after the return of PMNS and Pak Foreign Secretary. FS said that in spite of the understanding reached nothing has happened on the Pakistani side. The firing incident was unnecessary and had resulted in civilian casualties. We did not understand the purpose behind this unprovoked firing. Our forces were exercising restraint. The incident could have serious implications. FS asked PHC to convey our views to Islamabad.

3. PHC said that he had noted what F.S had to say and would convey the message to Islamabad. He himself had no information on the incident. With regard to the previous developments of a similar nature, he said that Pakistan had not been responsible for causing any upsurge. PHC said that he was rejecting our protest at this stage even though he would convey our message to Islamabad. He would also enquire on the agreement between the two Prime Ministers to stop firing along the LoC.
4. **FS** said that it was really a question of straightforward implementation of a bilateral understanding. As for the firing, the facts were as he had stated. He recalled that in April there had been a similar incident and Kargil town had been targeted. He said that the situation was particularly bad now.

5. **PHC** enquired about the meeting of the two PMs in New York. **FS** said that various issues including the firing matter were discussed at some length. The meeting again renewed the spirit and personal rapport which exist between the two Prime Ministers and once again indicated their desire that steps be taken to improve the relationship. The two leaders agreed that the dialogue should continue. With regard to the dialogue, **PHC** said that we should prepare the ground so that the next meeting of the Foreign Secretaries does not end on an inconclusive note and between now and the next meeting, we could look into this matter.

6. **FS** said that we were happy that the Pakistani delegation visited India. We were now aware of the areas of disagreement and the issues which needed to be addressed. These were not questions of a substantive quality but were procedural. We now knew what Pakistan meant by equal treatment.

7. **PHC** said that while we were now conversant with the arguments of the both sides, we would not be able to make the leap which would bridge the gap on this matter. It was important that at this preliminary stage, we go on and do not meander. Substantive issues were to come later; these would be difficult. There would be slow progress and that progress would not be very visible too. As for the modalities, Pakistani side had the impression earlier that we had clinched it.

8. **FS** said that we were ready to move on these issues.

*PHC was with FS for about 20 minutes. The undersigned was also present.*

Sd/-

1st October 1997

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Handout issued by the Pakistan Information Department on the Reaction of Pakistan Prime Minister Nawaz Sharif to his meeting with Prime Minister Inder Kumar Gujral in New York.

Islamabad, October 1, 1997.

Hopes of Pakistan-India rapprochement were belied as Prime Minister Nawaz Sharif disclosed on October 1 at a cabinet meeting that his Indian counterpart I.K. Gujral had backtracked on his country’s commitment on the Kashmir dispute during their meeting in New York.

In the light of Mr. Nawaz’s disclosure, the cabinet decided to review Pakistan’s policy towards the ongoing foreign secretary-level talks between the two countries.

The talks were resumed in March this year, a month after he returned to power in the February 3 elections.

He described his New York meeting with the Indian counterpart as “disappointing” and said Mr. Gujral backtracked on the crucial and core issue of Jammu and Kashmir. “The meeting did not help address the issue of Kashmir”, he said. He was chairing the Federal cabinet meeting, held after his return from New York, where he attended the 52nd UN General Assembly’s session.

He said: “My government will now have to review its policy on the subject (Pakistan-India talks) in the background of the latest Indian attitude.” Both prime ministers met in New York for the second time as they had availed themselves of the opportunity of meeting at Male in May during the Ninth SAARC summit.

“The Nawaz-Gujral meeting in New York was expected to have good effect on the talks process between the two countries, like their first contact in Male. But it seems as if the fate of the talks process, resumed this year, would not be different from the earlier such process ended on May 1994,” media quoted an Islamabad-based western diplomat to say.

However, Mr. Nawaz termed his meeting with US President Bill Clinton “as pleasant, constructive and fruitful”. He said that these talks had facilitated a much understanding between the two countries, adding: “Mr. Clinton appreciated Pakistan’s point of view on important bilateral and regional issues.” He especially hailed Pakistan’s initiative in resuming Pakistan-India talks.

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New York, October 2, 1997.

Recalling all OIC resolutions as well as Security Council Resolutions pertaining to Jammu and Kashmir;

 Seriously concerned over the intensification of repression and continued violations of the human rights of Kashmir people including the denial of their inalienable right to self determination;

 Noting the memorandum submitted by the True Representatives of the Kashmiri people;


 2. Calls for a peaceful settlement of the Jammu & Kashmir issue in accordance with relevant UN resolutions.

 3. Urges the international community to take effective steps for safeguarding the human rights of the Kashmiris including their right to self-determination.

 4. Supports the ongoing efforts of the Government of Pakistan to seek a peaceful solutions to the Kashmir issue through all possible means including substantive bilateral talks with India.

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Pakistan and India agreed on October 24 to resolve all procedural difficulties to resume a meaningful dialogue between the two countries. Directives have been issued to the foreign secretaries of the two countries to sort out matters during their stay in Edinburgh.

The decision was taken during a 75-minute breakfast meeting between Prime Minister Nawaz Sharif and Indian Prime Minister Inder Kumar Gujral in Edinburgh.
The two leaders also held a 20-minute one-to-one meeting.

The breakfast meeting, hosted by Mr. Nawaz, was the third between the two during the last five months. The last meeting was held in New York in September when Mr. Nawaz and Mr. Gujral were there to attend the UN General Assembly session.

“They (the two Prime Ministers) have directed the (respective) foreign secretaries to meet in Edinburgh to resolve the procedural difficulties in the resumption of a meaningful dialogue.” Pakistan Foreign Secretary Shamshad Ahmad told newsmen after the meeting.

He said that the talks were held in a “candid and cordial” atmosphere.

“The Prime Minister emphasized the need for substantive and meaningful dialogue between the two countries to resolve all the outstanding issues, including Jammu and Kashmir,” he said.

He said the discussions between the two leaders focused on the need for “operationalising of mechanism which was agreed to at the level of foreign secretary talks in Islamabad in June this year.”

Mr. Shamshad said that the two leaders also reviewed the situation on the Line of Control and the working boundary. He said both the Prime Ministers agreed to meet again at Dhaka next month during the tripartite talks being held among Bangladesh, Pakistan and India.

Asked about the response of the Indian Prime Minister, Mr. Shamshad said: “The response is evident in their decision to ask their foreign secretaries to have a meeting.”

Asked whether Pakistan considered this meeting as a step forward, he said: “Every meeting that takes place, consequently is a step forward and we hope that the next month’s meeting in Dhaka (between the two Prime Ministers) will be a one more step forward.” However, he cautioned that the people should not expect miracles. “The issues we are dealing with are complex. We will try to do everything to resolve these procedural difficulties that we face”.

Mr. Shamshad said that in the context of the Commonwealth Heads of Government Meeting, the two leaders agreed that their delegations should work closely to ensure that the interests of developing countries are reflected in these deliberations, particularly in the Edinburgh Declaration.

At the talks, the Pakistan Prime Minister was assisted by Foreign Minister Gohar Ayub, Deputy Foreign Minister Siddiq Kanju, Commerce Minister Ishaq Dar, Culture Minister Rashid Ahmad and Foreign Secretary Shamshad Ahmad.
The Indian Prime Minister was assisted by Finance Minister P. Chidambaram and Foreign Secretary K. Raghunath.

Talking to newsmen before the breakfast meeting, Mr. Nawaz said the political leadership of India and Pakistan would have to take the people with them if the issues confronting the two countries are to be resolved.

“Public opinion is a must. If we have to resolve the issues (between India and Pakistan), we have to carry the people’s opinion with us,” he added.

Asked whether he had the support of political parties on issues concerning with India, Mr. Nawaz said his government would not do anything that would alienate it from the people.

He said the problems between the two countries were grave and cannot be solved in 24 hours. “It will take time, and I think we should continue talking and remain engaged in substantive and meaningful talks,” he added. Asked about his relationship with Mr. Gujral, Mr. Nawaz said: “We are known to each other, not when he or I became the Prime Minister but much earlier than that.”

1406. Statement in the Rajya Sabha on the third round of India – Pakistan talks in reply to a Question.

New Delhi, November 20, 1997.

The third round of the resumed Foreign Secretary level talk between India and Pakistan was held in New Delhi from 15-18 September, 1997.

The round was adjourned, with the two sides deciding to reconvene at mutually convenient dates.

At their meeting in Islamabad in June 1997, the Foreign Secretaries identified eight subjects, Viz (a) Peace and security, including CBMs; (b) Jammu and Kashmir; (c) Siachen; (d) Tulbul Navigation Project; (e) Sir Creek; (f) Terrorism and drug trafficking; (g) Economic and commercial cooperation; (h) Promotion of friendly exchanges in various fields, for discussions between the two countries. They had also decided that a mechanism would be set up to address these issues in an integrated manner and that the Foreign Secretaries would directly address the issues of peace & security including CBMs and Jammu and Kashmir, and coordinate and monitor discussions on other
identified subjects. The discussions in the third round focused on these modalities of the dialogue.

During the discussions, our position on Jammu and Kashmir was reiterated in clear and categorical terms to Pakistan. Our serious concern about Pakistan’s support and promotion of cross-border terrorism in Jammu & Kashmir, and the need to put a total end to such hostile activity was also conveyed. It was also emphasized that Pakistan’s unprovoked firings in the border areas across the Line of Control and the International Boundary in Jammu and Kashmir, which have resulted in the loss of innocent civilian lives, must stop.

During the discussions, we reiterated our desire to establish a relationship of trust, friendship and cooperation; and to develop a wide ranging relationship covering economic, trade, cultural, people-to-people and other functional areas.

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1407. Extracts from the Address by Pakistan Prime Minister Nawaz Sharif at the Eighth Islamic Summit.


Mr. Chairman: We are grateful to the OIC member states for their principled position of support for the just Kashmir cause.

The Muslim people of Kashmir, who had for 50 years borne the yoke of Indian control occupation, have risen to demand the right to self-determination promised to them by the United Nations.

The valiant Kashmiri uprising throughout the length and breadth of Jammu and Kashmir for the past eight years is a testimony of their resolve not to submit to the indignities of occupation but to secure for themselves and for their succeeding generations their fundamental rights and freedoms.

Over 600,000 Indian troops, now deployed in Kashmir, have unleashed a reign of terror and repression against the Kashmiri people. Over 60,000 Kashmiris have fallen victim to the indiscriminate use of force by Indian security forces. Torture, rape, arbitrary arrests, illegal detentions, arson and loot have become the daily plight of the innocent Kashmiris.

Kashmir once regarded as a paradise on earth is today bunkered and barricaded.
India is using renegades and mercenaries to subvert and discredit the Kashmiri struggle for freedom.

The leadership of the All-parties Hurriyet Conference is being particularly targeted.

India’s attempts to foist on the Kashmiri people a puppet regime has failed miserably.

The Jammu and Kashmir dispute has also been the primary cause of conflict and tensions between Pakistan and India. It is today the hottest flashpoint threatening regional peace and security.

Pakistan seeks a peaceful solution to the Kashmir issue in accordance with the UN resolutions.

We took the initiative to resume talks earlier this year with India to resolve all outstanding issues, particularly the core issue of Jammu and Kashmir. As a result of the first two rounds of discussions held in March and June, Pakistan and India agreed to set up a mechanism for serious, substantive and structured negotiations.

Unfortunately, India has since reneged on the understandings reached and has sought to sidetrack negotiations on the core issue of Jammu and Kashmir.

The third round of foreign secretary-level talks and the meetings that I have held with the Indian Prime Minister have not yet resolved the present impasse.

We will persist in our efforts to engage India in serious and substantive discussions on all issues especially Jammu and Kashmir.

We hope that the new India government, after the forthcoming general elections there, will be able to advance these negotiations more meaningfully.

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OIC CONTACT GROUP ON KASHMIR CONDEMN HUMAN RIGHTS VIOLATIONS

The OIC Contact Group on Kashmir expressed on December 9 concern at “gross and systematic human rights violations resulting in the suffering of the Kashmiri people and the consequent tension in the region.”

A statement issued by the group said: “The heads of state and Government (who took part in the meeting) reaffirmed all OIC summits and ministerial declarations and resolutions on the Jammu and Kashmir dispute and expressed encouragement and support for a Pakistan-India dialogue to promote peace, rapprochement and economic development in south Asia.”
[The Contact Group comprises Pakistan, Saudi Arabia, Niger, Turkey and Morocco. Prime Minister Nawaz Sharif addressed the group before it issued the statement.]

The statement called for an immediate end to the violation of human rights and reiterated the determination of OIC states to continue efforts for the protection of the fundamental rights of the people of Kashmir.

It said: “The heads of State and government affirmed once again the commitment of the OIC to promote a just and peaceful solution to the Jammu and Kashmir dispute in accordance with the UN resolutions, expressed their resolve to seek the effective realization of the rights of self-determination of the Kashmiri people and conveyed their support for the efforts of the Pakistan government to resolve through a serious, substantive and meaningful dialogue the Jammu and Kashmir disputes, which is the basic cause of tension between India and Pakistan.”

* * * *

Text of Nawaz's Address To Contact Group

On behalf of the people and the Pakistan government, I would like to express our sincere appreciation for the valuable contribution made by the OIC Contact Group for promoting the just Kashmiri cause.

The Muslim people of Kashmir continue to bear the rigours of Indian hold in the valley.

The Jammu and Kashmir dispute has been on the agenda of the Security Council for almost 50 years.

The principled espousal of their cause by the OIC is an Islamic and international duty. By our principled support of their just cause, you have won the abiding gratitude of the people of Kashmir.

Kashmir is the hottest flashpoint in the world today. It is a core issue bedeviling relations between Pakistan and India and the primary source of tension and instability in our region.

In spite of a lapse of 50 years, Kashmiris have yet to realize their inalienable right to self-determination.

In the past eight years, death, destruction, and devastation have been inflicted by Indian security forces on almost every home and family in Kashmir.

The fundamental human rights of the Kashmiri people are being trampled upon with impunity by the Indians. The largest democracy in the world has given its state apparatus a licence to kill, rape, maim and torture the innocent Kashmiris.
The forcible prevention of Kashmiri leaders from coming to Tehran for the conference by India and the rejection of the appeal made by the OIC in this regard are an affront to the Islamic world.

It amply demonstrates India’s contemptuous disregard for norms of civilized conduct, human rights and international legitimacy.

The people of Pakistan, as indeed the Islamic Ummah, are incensed at the daily atrocities committed by Indian forces in Kashmir.

We should, once again, demand that India put an immediate end to its repression in Kashmir and fully respect the human rights of the Kashmiri people, including their right to self-determination.

We must express our full support for the process of peace and rapprochement in South Asia as is signified by the Pakistan-India dialogue that we have initiated.

A just solution of the Kashmir issue is an indispensable prerequisite for security and stability in South Asia.

We ask India not to resile from its solemn commitments and to engage in serious substantive and result-oriented negotiations to resolve the Kashmir issue.

I have now had three occasions to meet the Indian Prime Minister. I have conveyed to him our willingness to meaningfully address all outstanding issues between our two countries, including the core issue of Jammu and Kashmir. I have emphasized to him the centrality of Jammu and Kashmir dispute to any normalization of bilateral relationship.

From this forum I once again call on to him to reciprocate with full sincerity the constructive approach we have made for the resumption of Pakistan India dialogue.

The present stalemate in the talks cannot be allowed to continue indefinitely. To sustain this process mutual trust and confidence, based on the understanding between the two countries was necessary.

I am confident that the meeting will unanimously adopt the draft statement on Jammu and Kashmir that has been recommended by the ministers and I commend the adoption of the memorandum presented by the Kashmiri representatives. We must also condemn India’s dismissal of an appeal to let the Kashmir representatives participate in the conference.
1408. Record of discussion between the Indian Prime Minister Inder Kumar Gujral and Pakistan Prime Minister Nawaz Sharif.


Prime Minister’s Office

Record of discussion between PM and Pakistan Prime Minister Nawaz Sharif (PMNS) in Hotel Sonargaon, Dhaka at 1630 hours on 15 January 1998. Before the talks began, a CNN correspondent asked both Prime Ministers for statements. In reply, PMNS said that he was sincere about seeking understanding with India and hoped that the two sides would find a way to resolve their problems. PM added that he had complete trust in PMNS and in his intentions. The CNN correspondent asked PMNS whether relations were better now, to which PMNS said that they were much better than six months ago. After the photographers withdrew, the conversation proceeded as follows:

PMNS (to Principal Secretary): Twada ki hal hai ji? (In Punjabi—How are you?)

Principal Secretary (N. N. Vohra): Thank you Sir. I am doing all right.

PMNS (to PM): Very happy to meet you again. Through our dialogue, we have to find a solution.

PM: Congratulations on your having ended the crisis. We were holding our breaths and were happy that the crisis was over and the existing structure of Pakistan had been preserved and also happy personally for you. I hope you were not reading the newspapers during those days. There are a few things outstanding. In Edinburgh, we had thought that we could move forward and expand contacts to a large extent, this has been done. You and I have met groups of school children in our capitals. With regard to visas, we had agreed on a trebling and we are to increase the strength of the staff also.

PMNS: We have cleared that already. Our High Commission is issuing 1000 visas a day.

PM: We have agreed to increase the staff and can raise the strength if you agree.

PMNS: No objection in principle. We need to computerize and once that is done, the number of visas that we can issue will multiply.

PM: We had also agreed to expand the exempted category.

PMNS: This is very important. What are the categories?
FM Gohar Ayub: Politicians, doctors, other professionals, women...

PMNS: All women?

PM: Yes, let it be all women. We must also look into police reporting, this is a nuisance. We have humiliating procedures and we know what the police stations are like.

PMNS: Yes. In both countries, the police also take money from the people.

PM: I told you about my friend. A woman had come to India and had to face a humiliating experience at the police station. I was not the PM at that time but I did what I could. A scoundrel comes from Timbuktu and that is okay for us, but a lady or a gentleman from each other’s country must undergo humiliation.

On the economy, this is also being discussed here. Before you came, I was telling the Prime Minister of Bangladesh that we had sold you sugar last year. This year we have a shortage and would like to buy from you. We are also facing a shortage of onions and are in touch with your people, to see if we can buy any onions.

Our businessmen also keep telling us about their contacts. They tell us that if you had more handling facilities at Lahore... (to Principal Secretary) what was it?

Prl Secy: The capacity of the siding at Lahore needs to be suitably increased.

PMNS: Let us inform the rest about our talk about restarting the dialogue. Gujral sahib, there is no progress.

PM: I am asking Foreign Secretary to sit with your people and discuss. Basically, we are saying, let all the groups meet simultaneously.

PMNS: Let them meet today.

PM: Yes, today. Let the dialogue continue. Let all the working groups meet simultaneously.

PMNS: Modalities can be discussed and finalised.

FM Gohar Ayub: We are ready,

PMNS: We wish you well.

PM: Thank you, I need it.

PMNS: And good luck to the people of India. Let us do something about the issues facing us.
Present from Indian side: MOS (Commerce) Shri B.B. Ramaiah; Principal Secretary to PM, Shri N.N. Vohra; Foreign Secretary, Shri K. Raghunath; Joint Secretary (P) PMO, Shri P.P. Shukla, Joint Secretary (IPA) MEA, Shri Vivek Katju; Joint Secretary (A) PMO, Shri A.K. Pandey.

From Pakistani side: Foreign Minister Gohar Ayub Khan; Principal Secretary to Pakistan PM, AZK Sherdill; Foreign Secretary, Shamshad Ahmed; Additional Secretary, Foreign Ministry, Tariq Altaf.

Sd/-

1409. **Trilateral Declaration between India, Bangladesh and Pakistan.**

**Dhaka, January 15, 1998.**

Noting that Bangladesh, India and Pakistan together have a population of more than one billion, the heads of government recalled that the countries possessed vast human and natural resources which offered great opportunities for economic and social development for the benefit of their peoples. The pervasive poverty in these countries warranted urgent action for accelerating the growth process. It was felt that an environment of peace and security within the framework of the objectives, principles and provisions of the SAARC Charter were essential for rapid and sustained progress. The heads of government pledged their commitment for consolidating and strengthening the on-going efforts for achieving sustainable development.

The heads of government welcomed the opportunities presented by the globalisation of the world economy but expressed concern that this posed special difficulties for the developing countries. They emphasized that the continued positive participation of developing countries, particularly the LDCs in the global economy, required a fair and supportive international economic environment.

The heads of government noted that many developing countries are engaged in liberalizing their economies and have contributed significantly to the growth of world output and trade. They need greater access to markets in the developed countries and to capital and technology in this process.
Having noted that foreign direct investment has been growing rapidly over the last few years linking national economics and influencing the economic growth and welfare of developing countries, the heads of government observed that the flow of FDI has been uneven. They emphasized that the South Asian region was an attractive destination for foreign direct investment, with its abundant availability of natural resources, skilled labour at competitive rates and a combined market of over one billion people. The heads of government agreed on the need for harmonization of relevant laws, rules and regulations of the three countries for promoting foreign investment.

The heads of government noted that there was considerable scope for promoting investment through mutual cooperation. There were opportunities for setting up joint ventures for serving both domestic and export markets. They underscored the need for arrangements for investment promotion and protection, avoidance of double taxation and a mechanism for settlement of commercial disputes.

The heads of government noted that inadequate communication facilities were a major hindrance to closer economic cooperation. They stressed the importance of developing infrastructure and inadequate communication network for reinforcing and accelerating the process of economic cooperation. In this context, they emphasized the importance of strengthening of infrastructure such as transportation, communication and information for initiating expansion of trade and investment.

Recognising the importance of the private sector, the heads of government reaffirmed their determination to encourage the private sector to contribute increasingly in the areas of trade, investment and finance.

The heads of government underlined the importance of effective use of human resources and their continued upgradation and enrichment through education, skill foundation, improve health, sanitation and nutrition. There was a scope for cooperation through utilisation of institutional and training facilities.

Reiterating their commitment to liberalization of trade in the region, the heads of government reaffirmed the goal of achieving a free trade area in South Asia by 2001. They agreed on the need to progressively reduce tariffs and remove quantitative restrictions, non-tariff and para tariff barriers and other structural impediments to trade to achieve this goal.

Recognising the need to faster development of the least developed economies, they agreed to provide special trade concessions for the least Developed Countries of the region on a non-reciprocal basis for the development of equitable trade relations with these countries.

They also emphasized the need for harmonization of customs procedure,
improvement of shipping and port facilities and simplification of visa procedure for rapid growth of trade. In this context, they reiterated their commitment to accelerate regional cooperation and underscored that regional cooperation was indispensable in an inter-dependent world.

Noting that cooperation in the field of science and technology was imperative in ensuring global competitiveness and acceleration of the process of development in the region and recognizing the progress made in the field, the heads of government emphasized the need to continue cooperation in this area, specially facilitating research and exchange of information in the fields of technology, energy, engineering and low cost housing.

The heads of government were of the view that greater consultations among the delegations of these countries in international fora on issues of common concern would be in the interest of all.

Adoption of a coordinated approach on the issue of investment and on labour standards, environment and other technical barriers to trade in the WTO would be particularly important.

The heads of government felt that the summit had been very constructive and useful. They expressed their desire to continue this kind of initiative and take follow up action.

The heads of government of India and Pakistan congratulated the Prime Minister of Bangladesh for taking the initiative to host a business summit. They were of the view that this summit would greatly contribute to strengthening mutual cooperation.

They expressed their sincere appreciation for the manner in which the Prime Minister of Bangladesh had conducted the meeting and guided the proceedings.

They also expressed their deep gratitude for the warm and generous hospitality extended to them by the government and people of Bangladesh.

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Media Briefing by the Official Spokesman of the Pakistan Ministry of Foreign Affairs on the offer of mediation by USSR in the Kashmir dispute.


Pakistan welcomed on March 7 an “offer of mediation” between Pakistan and India on the Kashmir dispute, which was made by Russian Vice Foreign Minister G.B. Karasin during his visit to Islamabad this week.

Answering questions at his routine news briefing the Foreign Office spokesman said Pakistan regarded the Russian mediation offer significantly helpful as it indicated the success of Pakistan’s efforts to spotlight, at the international level, the existence of the Kashmir dispute, which needed to be resolved in the interest of regional peace and stability and prosperity of the people of South Asia.

He said that the Russian mediation offer was all the more welcome for Islamabad since it increased the number of world powers, such as the USA and the UK, which had expressed their willingness to mediate in the Kashmir dispute.

The spokesman, however, parried a question whether Mr. Karasin had made the offer on his own or in response to a request, and made no comment when asked whether there was a shift in Moscow’s stand on the Kashmir issue.

He said Mr. Karasin’s visit to Islamabad was significant and the wide-ranging discussions he had held here reflected Russia’s growing interest in developing ties with Pakistan in different fields.

Pakistan hoped that the relations between the two countries would assume greater dimensions in future, the spokesman said, and added that a high-level Russian delegation was expected in Islamabad in the middle of this year.

Replying to a question about Prime Minister Nawaz Sharif’s planned visit to Russia, he said preparations for it were under way, but denied that it would take place next month.

Mr. Karasin had also been briefed on Pakistan’s efforts for promoting a political settlement of the Afghan issue, he added.

He said that Pakistan wanted to develop “tension free and good relations” with India, and hoped New Delhi would reciprocate.

Asked if there would be any change in Pakistan’s policy after a new government is formed in India, the spokesman said: “We want to develop tension free and good relations with New Delhi and this policy continues. We look forward to reciprocity (from) whichever government comes to power in India.”
Asked whether there were differences between a section of the government in Islamabad and the defence forces in respect of the conduct of national foreign policy, he retorted with stern “No” and asserted that all divisions of the government worked with complete coordination and the authority rested completely with the Prime Minister. The question which was asked by a newsmen of a national Urdu language daily was described by the spokesman as “kite flying.”

He said that in relations with India, Pakistan hoped that “it (the new government in New Delhi) would join hands with us in seeking just and fair solutions of the problems that lie at the root of tension which is prevailing “ between the two countries.

Pakistan hoped that the government in Delhi would come and join hands with Pakistan in resolving the problems so that the ground could be prepared for an era of peace, prosperity and progress of the people of South Asia, he said.

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1411. Statement issued by Official Spokesperson of Ministry of External Affairs regarding Pakistan’s malicious and false allegations of the involvement of Indian Agencies in acts of violence in Pakistan.

New Delhi, March 17, 1998.

It is reprehensible that Pakistan’s malicious and false allegations of the involvement of Indian agencies in acts of violence in that country have continued. These allegations were dismissed by us last week with the contempt they deserved. India is a responsible country and has never stooped to the level of sponsoring terrorism and its record speaks for itself.

2. Pakistan is an acknowledged sponsor of state terrorism and its terrorist activities have been consistently undertaken against India and the region and further afield. Its official agencies undertake terrorist acts directly and through harbouring, aiding and abetting fundamentalist groups who are provided sanctuary and operate from Pakistani territory. These have lately been stepped up, following the decisive failure of terrorist groups to disrupt the successful holding of elections in India, particularly in J & K. Recently Pakistan supplied shoulder-fired missiles to the terrorists in J&K, a fact which was brought to the attention of the Pakistani leaders who were advised against escalating the undeclared war in J&K.
3. The virulent propaganda campaign against India launched recently by Pakistan is directed at covering its own involvement in these heinous acts and blur its track-record. These attempts cannot succeed for Pakistan already stands exposed as a terrorist state. We have conclusive evidence of the involvement of the ISI in bombings in various parts of India over the years. The bombings in Mumbai in 1993 have been traced to Pakistan, as have the explosions in Delhi in 1996, 1997 and this year. Terrorist attacks have also taken place recently in Tamil Nadu, J&K and the North-East.

4. The serious and endemic ethnic and sectarian violence with which Pakistan itself is beset is the consequence of the encouragement which the Pakistan State has provided to fundamentalist and terrorist groups. Pakistan's attempts to divert the attention of its people from its own policies which are now recoiling on itself are pathetic and ridiculous.

1412. Letter from Pakistan Prime Minister Muhammad Nawaz Sharif to Prime Minister Atal Behari Vajpayee.

PRIME MINISTER

Excellency,

On behalf of the Government of Pakistan, and on my own behalf, I extend to you our sincere felicitations on your election as the Prime Minister of India. Your assumption of this high office reflects the trust and confidence reposed in you by the people of your country.

Pakistan and India stand at the cross roads at a time of massive global transformations. We are the inheritors of proud civilizations but our rich potential for economic growth has remained subdued. We have a special responsibility to step out of the old mind set of confrontation and tension to a new outlook enthused by the ideals of peace and development. This is what we owe to our peoples.

I invite you to work closely with us for ushering in a new era of durable peace and stability in South Asia. The resumption of the dialogue between Pakistan
and India for redressing all the outstanding issues between our two countries, including a peaceful settlement of the Jammu and Kashmir dispute, will pave the way for such an outcome. We recall your contribution to the promotion of Pakistan-India relations during your tenure as the Minister for External Affairs of India.

We hope that the Bharatia Janata Party government under your leadership can bring forth a firm resolve to join us in building a happier, more prosperous future for our peoples. I assure you that we, in Pakistan, are ready to go the extra mile in journeying towards cooperative and good neighbourly relations with India. We earnestly hope that our sincerity will be reciprocated in removing the underlying causes of conflict and tension so that durable peace based on justice and equity can be brought to our region.

I convey my best wishes for your success in your endeavours for the progress and prosperity of the people of India.

Yours sincerely,

(Muhammad Nawaz Sharif)

His Excellency,
Mr. Atal Behari Vajpayee,
Prime Minister of India,
New Delhi.

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1413. Letter from Prime Minister Atal Behari Vajpayee to Pakistan Prime Minister Muhammad Nawaz Sharif.


PRIME MINISTER

New Delhi, March 21, 1998

Excellency,

Thank you for your kind message of felicitations on my assuming the office of Prime Minister of India.

India and Pakistan must not remain mired in the past, the prisoners of old contentions. We must respond positively and with energy to the call of the future, and the aspirations of our peoples, specially the younger generation, for a more cooperative relationship.

We welcome your willingness to make the extra effort to give new content to our relations. I assure you that we will reciprocate in full measure and hope to establish a relationship based on mutual respect and regard for each others’ concerns.

The renewal of the dialogue process and interaction at high political levels between our two countries has reflected the consensus in India. My Government is committed to the continuation of this process on a constructive and sustained basis.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

(A.B. Vajpayee)

H.E. Mr. Muhammad Nawaz Sharif
Prime Minister of the
Islamic Republic of Pakistan
Islamabad.

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1414. **Letter from Pakistan Prime Minister Muhammad Nawaz Sharif to Prime Minister Atal Behari Vajpayee.**

**Islamabad, April 30, 1998.**

**PRIME MINISTER**

Islamabad

30, April 1998

Excellency,

I have the pleasure of extending a most cordial invitation to you to participate in the Central Asia and South Asia Economic Summit which will be held in Islamabad from 13 to 15 September 1998.

Central Asia and South Asia have the undoubted potential of emerging as the major power houses of the world economy, to realize their immense potential, the two regions need to exploit their undeniable complementarities. They also need to harness the forces of globalization so as to unleash their latent productive capacities.

The Central Asia and South Asia Economic Summit will enable the regions' political and business leaders to interact with each other and with a galaxy of the world's business leaders. It will thus provide an invaluable opportunity to promote cooperation, identify investment opportunities, and apprise an international business audience of the potentials and promises of the individual economies of the Central and South Asian countries.

Your personal participation would ensure that India's vast economic potential is effectively communicated to all the eminent participants at the Economic Summit. It will also enable the political leaders of other Central and South Asian States to benefit from your views on ways to accelerate economic growth in our richly endowed, yet under-developed regions.

I greatly look forward to welcoming you in Islamabad on the occasion of the Central Asia and South Asia Economic Summit.

Please accept, Excellency, the assurances of my highest consideration.

(Muhammad Nawaz Sharif)

His Excellency, Mr. Atal Behari Vajpayee,
Prime Minister, The Republic of India,
New Delhi. India.

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1415. **Warning in a mid-night demarche by Pakistan to the Indian High Commissioner in Pakistan against any attack on Pakistan.**


In a post-midnight demarche on March 28, Pakistan warned India that any attack on Pakistan “would warrant a swift and massive retaliation with unforeseen consequences”.

The Foreign Office summoned Indian High Commissioner Satish Chandra at 1:00 am and told him that Pakistan had “received credible information” on March 27 night that “an (Indian) attack was to be mounted before dawn” on Pakistan’s nuclear installations. The Indian envoy was asked to convey to New Delhi “that we expect the Indian government to desist from any irresponsible act. Any such act would warrant a swift and massive retaliation with unforeseen consequences.”

The Foreign Office stated that “in the wake of the Indian nuclear tests earlier this month, Pakistan has been receiving information of possible attack on our nuclear installations. The purpose behind this action would be to prevent us from taking an appropriate decision in our supreme national interest.”

“We are fully prepared to meet any eventuality in our defence,” the Foreign Office stated and asserted that “any attack on Pakistan’s nuclear facilities would be in violation of our existing agreement (with New Delhi) against attack on such facilities.”

The Foreign Office further stated that Pakistan had communicated its fears of possible Indian attack to the US government and to the governments of other four members of the Security Council.

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*The warning came in the wake of several reports in the Pakistani media of alleged atrocities by Indian security forces in Kashmir. On May 25 Nawaz Sharif described the situation in Kashmir as “arousing serious concerns” saying that Pakistan would not tolerate any Indian military action in the valley. Acknowledging that there was “patriotic fervour in favour of the (nuclear) bomb” he said that he had stayed in touch with world leaders including Bill Clinton, the US President and the British Prime Minister Tony Blair, keeping them posted that he was facing increasing pressure at home to test a nuclear device. On May 22 several opposition parties met in Lahore and threatened to launch a campaign from June 1 to force the government to explode a bomb. The same day the editors of several prominent newspapers and journalists met Nawaz Sharif and urged him to conduct a nuclear test. Pakistan believed that now that India had acquired nuclear muscles, it can force Pakistan to give up its “principled stand on Kashmir”.*
Prime Minister Nawaz Sharif proposed on June 6 talks between Islamabad and New Delhi to halt the arms race in the sub-continent and urged the international community to help resolve the Kashmir issue. He said Pakistan had always wanted meaningful talks with India and was still ready for it. “Even today I say to Mr. Vajpayee to come forward to end the arms race in South Asia. Let us resolve the Kashmir dispute in accordance with the UN resolutions and redeem the pledge made to the Kashmiri people.”

Speaking at the joint session of Parliament Mr. Nawaz, pointed out that time has come when the world community should play its role to resolve the Kashmir dispute. He said Kashmir had become a flashpoint and a challenge for the international community.

He said the world was now realizing that peace in South Asia could not be achieved until a resolution of the Kashmir dispute, which has caused two of the three wars between Pakistan and India since their independence in 1947. “This is what we have been telling the world for the last 50 years and this is the message emanating from our nuclear explosions,” Mr. Nawaz said, warning that the “time is running out fast.”

Mr. Nawaz said India should forget that it would be able to keep the Kashmiris under subjugation by force and added that Pakistan would continue to raise its voice for the Kashmiris until the people living there were able to exercise their right to self-determination as promised under the UN Security Council resolutions. “The sooner India listens to us, the better it will be for the people of this region,” he said.

Mr. Nawaz said the country was faced with new challenges after it carried out the nuclear tests and urged the nation to brace for facing them. He said Pakistan was forced to conduct the nuclear tests to maintain strategic balance in the region which was disturbed by the Indian nuclear tests.

He said Indian leaders kept using provocative and threatening language after the tests which posed danger to the security of Pakistan. He said Pakistan exercised restraint and waited for the international community to play its role, but world reaction was very muted which left Pakistan with no option but to go nuclear.
Mr. Nawaz made it clear that Pakistan did not have aggressive designs against any county. He said Pakistan could not think of attacking any country. “Our message is peace and only peace.”

“The fate of Pakistan is now in the hands of its people,” he said, adding the future of every Pakistani “is now secure” and the country was now making all its decisions itself.

1417. Press Statement by Pakistan Ministry of Foreign Affairs offering resumption of Pakistan – India dialogue.


Pakistan’s desire to engage constructively in a substantive and result oriented dialogue with India has repeatedly been affirmed by the Prime Minister. Accordingly, the Foreign Secretary today, officially conveyed to the Indian High Commissioner, Pakistan’s proposal for resumption of Pakistan-India dialogue on the basis of the agreement reached on 23 June, 1997 between the two sides.

Pakistan has proposed that in view of the current situation, the two sides should address, on a priority basis, the issues of peace and security and Jammu and Kashmir in the resumed talks.

Pakistan has also proposed that under the item pertaining to ‘Peace and Security’, special and urgent attention may be given to arriving at mutually agreed measures for the avoidance of conflict as well as promotion of nuclear and conventional restraint and stabilization measures.*

* A day earlier on June 10 the Foreign Office Spokesman had said that Pakistan “is always prepared to hold serious constructive and result oriented dialogue with India”. He added: “The P-5 foreign ministers and the UN Security Council consider it a root cause of tension in South Asia which must be addressed to reduce the risk of a conflagration. We agree with this approach.” He said the Indian nuclear test had destabilized the region, posed a grave security threat to Pakistan and dealt a deadly blow to the non-proliferation regime. Justifying Pakistan’s nuclear test he said ‘Pakistan’s response in defence of its vital national security interests has reestablished the strategic balance. Diplomatic steps now must be taken to promote peace and stability in the region’. He recalled the statement of Nawaz Sharif of May 28 which, he said, underlined Pakistan’s desire to hold a dialogue with India and renewed his offer for a non-aggression pact on the basis of a just settlement of the Kashmir dispute. Spokesman adding said: “We welcome the renewed interest of the international community in developments in our region and look forward to working in partnership to address and resolve all outstanding issues for a durable peace in South Asia”.
1418. Press Release issued by the Ministry of External Affairs regarding modalities of official dialogue between India and Pakistan.

New Delhi, June 12, 1998.

We received yesterday, a response from Pakistan to our proposals, given to them in January this year*, regarding the modalities of the official dialogue between the two countries. We note that our view that the bilateral dialogue process should proceed ahead for mutual benefit is finding acceptance in Pakistan. We hope they will continue on this path.

* While Pakistan made out its offer of talks was an initiative from its side, the Indian Press Release made it clear that Pakistani offer was in response to the Indian offer of January 1998. In the weekly press briefing on January 25, 1998 the Official Spokesman of the Pakistan Foreign Office had conceded so much when he said “Pakistan will positively respond to the latest Indian offer for resumption of talks only if the new proposal can trigger operationalization of the mechanism agreed in June last.”

It is encouraging that Pakistan too has now announced a moratorium on further nuclear tests. It will be recalled, India had announced a moratorium on nuclear tests more than three weeks ago and, despite subsequent tests by Pakistan, took the responsible decision to continue its moratorium. There are also other suggestions in this context which are best discussed under the first agenda item of the Foreign Secretary talks—Peace and Security including CBMs. We have already invited the Pakistan Foreign Secretary to visit New Delhi on 22 June, 1998 to resume the adjourned dialogue, where these issues should be addressed constructively. In another press release issued on the same day (12 June) the Ministry of External Affairs welcomed Pakistan’s announcement of a moratorium on nuclear testing, while India had announced its moratorium three weeks earlier and had decided to continue it despite Pakistani nuclear test. The Indian Press release suggested that this item could be discussed at the proposed Foreign Secretary talks, for which India had invited Pakistan Foreign Secretary to New Delhi.

While proposing bilateral talks, India rejected any proposal of UN mediatory role in India’s relations with Pakistan. Pakistani media had carried reports that UN Secretary General was proposing to send a special envoy to the sub-continent to mediate between the two countries after they had exploded nuclear devices. The Spokesperson of the Indian Ministry of External Affairs K.C. Singh when questioned said on June 11: “We have not been approached in this regard”. He added for good measure “There is no place for third party involvement of any nature whatsoever in this matter……India remains committed to the path of direct bilateral dialogue with Pakistan….proposals for modalities for talks have been with Pakistan since January this year”.

Responding to the Indian statement, Pakistan said that Indian proposal for new talks were “not acceptable” and “totally unrealistic” and dubbed the offer as typical of “a traditional gimmick of Indian diplomacy”. The Spokesman of the Pakistan Ministry of Foreign Affairs said “Islamabad wanted urgently to address the issues of peace and security” but according to the agenda agreed at talks held in June 1997. He said that it implied working groups to tackle outstanding issues including on peace and security and Kashmir. He said that UN Security Council and Kofi Annan were leading international efforts to reduce tension on the sub-continent. “All these efforts are now being negated by India with its obstructionist policies in defiance of the will of the international community”. But the Indian Ministry of External Affairs Spokesperson K.C. Singh clarified “we have made an official invitation and it is for Pakistan to respond”. He pointed out that the first agenda item was “peace and security”. “We note that our view that the bilateral dialogue process should proceed ahead for mutual benefit is finding acceptance in Pakistan. We hope they will continue on this path.”
India is committed to fostering a relationship of trust and friendship with Pakistan, based on mutual respect and regard for each other’s concerns. This objective can only be achieved through a wide-ranging, comprehensive and sustained dialogue process which will build, as the Prime Minister said in Parliament, “a stable structure of cooperation”, and also resolve outstanding issues. The Joint Statement of June 23, 1997, identifies the subjects for discussions. These are (i) Peace and Security, including CBMs, (ii) Jammu & Kashmir, (iii) Siachen, (iv) Wullar Barrage Tulbul Navigation Project, (v) Sir Creek, (vi) Terrorism and Drug Trafficking, (vii) Economic and Commercial Cooperation, and (viii) Promotion of Friendly Exchanges in various fields.

We will be happy to resume, on the basis of the January, 1998 proposals, the round of Foreign Secretary talks which was adjourned in New Delhi last September. For this purpose we invite an official delegation led by the Foreign Secretary of Pakistan to visit New Delhi on June 22, 1998.

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1419. **Letter from Prime Minister Atal Behari Vajpayee to Pakistan Prime Minister Muhammad Nawaz Sharif.**

New Delhi, June 14, 1998.

**PRIME MINISTER**

New Delhi

14 June, 1998

Excellency,

I look forward to meeting you in Colombo at the forthcoming SAARC Summit. I trust we will also be able to hold bilateral discussions on all issues of mutual interest and decide on how to proceed further with the dialogue process.

We are fully committed to fostering a peaceful and friendly relationship and developing a stable structure of cooperation between our two countries. I am confident you share this vision.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

(A.B. Vajpayee)

H.E. Mian Muhammad Nawaz Sharif
Prime Minister of the Islamic Republic of Pakistan
Islamabad.

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1420. Letter from Pakistan Prime Minister Muhammad Nawaz Sharif to Prime Minister Atal Behari Vajpayee.


PRIME MINISTER

Islamabad
23 June 1998

Excellency,

I thank you for your letter of 14 June. Indeed we should hold bilateral discussions, during the SAARC Summit at Colombo, on all issues of concern particularly issues of peace and security in the nuclearized South Asia and the Jammu and Kashmir dispute which is the sole root-cause of our bilateral problems and tension in the region. In this context we had made a proposal on 11 June for the resumption of the dialogue.

I believe that it is incumbent upon both of us to launch a sincere search for an innovative and imaginative approach to overcome the obstacles in the way of genuine and secure peace in South Asia. Such a breakthrough would open a new chapter of cooperation and economic development in South Asia.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

(Muhammad Nawaz Sharif)

H.E. Mr. Atal Bihari Vajpayee,
Prime Minister of the Republic of India,
New Delhi.

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1421. Letter from Prime Minister Atal Behari Vajpayee to Secretary General of the United Nations Kofi Annan.

New Delhi, June 30, 1998.

PRIME MINISTER

New Delhi, 30 June, 1998

Excellency,

I recall our telephone conversation last month. Subsequently, my colleague, Mr. Jaswant Singh had also met you in New York during his visit to attend the Special Session of the General Assembly on the World Drug Problem. I have also received earlier you Letters of 14 and 29 May, 1998. We are also looking forward to your visit to India and to substantive talks on global issues.

We appreciate the independent role of the UN Secretary General under the Charter, and your personal contribution to the United Nations. We have taken particular note of your remarks on the need for global disarmament. Lack of meaningful progress in this field has been one of the major failings of the non-proliferation regime. Our nuclear tests were a response to proliferation of nuclear weapons and ballistic missiles in our immediate neighbourhood, which had already taken place. They were aimed at creating a deterrent to ensure our security.

Immediately after our tests, we introduced a number of proposals, including a moratorium on nuclear testing, which we are prepared to convert into a de jure, obligation. We are also willing to negotiate a Fissile Material Cut-off. You are aware of our regime of stringent export controls. We remain committed to the complete elimination of all nuclear weapons, on the lines of the Biological and Chemicals Weapon Conventions, of both of which we are a State Party. The essence of our position is that the regime must be global and non-discriminatory, and cannot arbitrarily be confined to limited geographic entities.

Recent years have witnessed significant improvement in our relations with all our neighbours, both within the framework of the South Asian Association for Regional Cooperation as well as in bilateral terms. We are committed to building on this process and are happy at the positive results that have been achieved so far. With Pakistan, too we have a structured process in place and intend to pursue our bilateral dialogue with them. Our experience demonstrates that outside involvement, no matter how well intentioned, is counter-productive. We will not be able to accept such involvement. Our position has been made clear in the recent official statements issued by us. These define the parameters within which we must operate. I know that I can count on your understanding.
We also have an ongoing dialogue with China where we are addressing questions of common concern, covering not only the boundary issue, but also matters relating to cooperation in the fields of trade and economics, science and culture. We aim to pursue these matters in the period ahead.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

(A.B. Vajpayee)

H.E. Mr. Kofi A. Annan
The Secretary General
United Nations Organization
New York.

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1422. Press Statement by Prime Minister Atal Behari Vajpayee after his meeting with the Pakistani Prime Minister Nawaz Sharif on the sidelines of the SAARC Summit in Colombo.


I was looking forward to meeting Prime Minister Nawaz Sharif and we have made good meeting. Our discussions were wide ranging and covered many issues of mutual interest. We recognized the importance of building mutual trust and confidence and of establishing stable and friendly ties. There are vast opportunities of cooperation which would benefit the peoples of both countries. We would like to concretize all these opportunities so that a comprehensive and constructive structure of cooperation can come into being.

Prime Minister Nawaz Sharif and I have agreed that the dialogue process should be resumed and we have directed our Foreign Secretaries to meet today and tomorrow to work out the modalities of the resumption of the dialogue.

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1422A. Press Statement by Foreign Secretary K. Raghunath on the rationale for bilateral, composite and broad based dialogue to solve the outstanding issues between the two countries.


A stable, prosperous and secure Pakistan is in India's interest and we have always wanted peaceful and friendly ties with Pakistan and worked to develop a relationship based on trust and confidence. There are vast opportunities for cooperation in the economic, social and other sectors which can be utilized for the betterment of the lives of the two peoples. India strongly believes that for this purpose no time should be lost to put in place a stable structure of cooperation.

It may be recalled that the India-Pakistan dialogue process has traditionally been composite and broad-based. It was unfortunately interrupted in January 1994 at Pakistan behest. In spite of all our efforts, the hiatus continued for over three years. As a result of our consistent endeavours the official dialogue was resumed in March 1997.

During their meeting in June 1997, the Foreign Secretaries issued a Joint Statement identifying an agenda of 8 subjects for discussions between the two countries as well as a set of ideas regarding the modalities of these discussions. It may be noted that while the agenda was conclusively set out in the Joint Statement, the modalities had still to be finalized.

Our approach has all along been for a broad-based and composite dialogue which will move the relationship forward across a broad front. Such a comprehensive, constructive and sustained dialogue would build mutual trust and confidence, promote cooperation in areas of mutual benefit and address bilateral issues on which the two countries do not see eye to eye. This is in keeping with the usual pattern of inter-state relations and dialogue process which addresses the totality of the relationship. The validity of such approaches is borne out by historical experience and its rationale lies in the need to generate confidence through cooperative interaction and mechanisms such as augmenting people to people contact, encouraging trade flows and thereby helping create an environment in which the difficult and complex issues can be seriously addressed. It is also obvious that hostile and inimical activities such as the promotion and abetment of terrorism practiced by Pakistan against India erodes such an approach. Hence, it is imperative that Pakistan ceases these activities immediately.

It is our conviction that a narrow segmented approach is inherently flawed and
would not sustain a dialogue process in which complex and intractable issues are to be discussed. Such an approach is therefore, counterproductive and would defeat the very purpose which a mature and balanced dialogue seeks to achieve i.e. the building of a wide-ranging and enduring relationship. An obsessive focus on a single issue or a one point agenda is as neurotic for individuals as for nation states.

During their meeting on 29-7-1998, Prime Minister of India Shri Atal Bihari Vajpayee and Prime Minister of Pakistan Mian Muhammad Nawaz Sharif agreed that the dialogue process should move ahead and directed the Foreign secretaries to finalize the modalities. In keeping with directive, extensive discussions were held between the two sides. During these discussions, we emphasized that a composite dialogue process was essential in order to achieve appropriate results and establish good neighbourly and meaningful relations. We have stressed that a specific, substantive and broad-based dialogue will provide a timely opportunity for a meaningful discussions on confidence building measures and peace and security. We also stressed that India sincerely desired that all outstanding issues, including Jammu & Kashmir should be the subject of substantive and extensive discussions as part of a composite process. We once again pointed out the thrust and underpinnings of our composite and direct approach. We drew attention to the dangers inherent in a narrow and constricted approach which will only highlight differences and, vitiate the atmosphere and is, therefore, likely to disrupt and jeopardize the entire process. For us, the dialogue is a serious matter. It cannot be designed to pursue a limited agenda or promote a propagandist exercise.

As reiterated by our leaders on several occasions, we would like to commence the dialogue process with Pakistan on the basis of the broad-based and composite approach outlined above. Accordingly, we will continue our efforts to get this dialogue process underway at the earliest. In order to achieve the same, we will be in touch with Pakistan through diplomatic channels.

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The statement was issued after the talks between the Foreign Secretaries of India and Pakistan in Colombo in an effort to resume the stalled dialogue process.
Joint Statement issued at the end of a Summit meeting between Prime Minister Atal Behari Vajpayee and Pakistan Prime Minister Nawaz Sharif on the sidelines of the UN General Assembly session.


The Prime Ministers of India and Pakistan held a bilateral meeting on the sidelines of UN General Assembly in New York on 23rd September, 1998.

Their discussions covered the whole range of bilateral relations. The two Prime Ministers also carried out a detailed review of new developments in the region during the past few months.

They reaffirmed their common belief that an environment of durable peace and security was in the supreme interest of both India and Pakistan, and of the region as a whole. They expressed their determination to renew and reinvigorate efforts to secure such an environment. They agreed that the peaceful settlement of all outstanding issues, including Jammu and Kashmir, was essential for this purpose.

The two leaders reiterated their commitment to create conditions which would enable both countries to fully devote their resources, both human and material, to improving the lives of their people, particularly the poorest among them.

The two Prime Ministers noted with satisfaction the agreement reached between the Foreign Secretaries on operationalizing the mechanism to address all items in the agreed agenda of 23rd June, 1997 in a purposeful and composite manner. They directed the Foreign Secretaries, accordingly, to resume the dialogue on the agreed dates*.

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The meeting between the two heads of government was preceded by a meeting of the Foreign Secretaries of India and Pakistan, when they agreed to resume the bilateral dialogue based on the 23rd June 1997 joint statement. Prime Minister Vajpayee told the journalists accompanying him on board the special flight carrying the Prime Minister and Party to New York from New Delhi that he had instructed the officials to open the talks with Pakistan. These talks took place in New York and agreed to resume the stalled dialogue process based on the 23 June 1997 joint statement.

After the summit talks in New York, Mr. Vajpayee said “A new chapter in Indo-Pakistan cooperation is being opened.” He said they had agreed to reopen a hotline for communication during the crisis between the two prime ministers and to establish road and rail links between the two countries. “Firing along the border will be stopped”, he said referring to the repeated shelling across the Line of Control in Kashmir. He added that both governments have agreed to check hostile propaganda particularly in their official media. Asked whether the two countries had agreed to sign the nuclear test ban


The Foreign Secretary of India, Shri K. Raghunath, and the Foreign Secretary of Pakistan, Mr. Shamshad Ahmad, met in New York on 23rd September 1998.

Pursuant to the agreement set out in the para 4 of the Joint Statement issued at Islamabad on 23 June 1997, the Foreign Secretaries agreed as follows:

(i) The mechanism to address all the outstanding issues listed in para 4 (i) of the Joint Statement would now be made operational.

(ii) As stipulated in para 4 (ii) of the Joint Statement, all the issues shall be addressed substantively and specifically through the agreed mechanism in an integrated manner.

(iii) All outstanding issues shall be dealt with at the levels indicated below:

(a) Peace and Security including CBMs at the level of Foreign Secretaries.

(b) Jammu and Kashmir — Foreign Secretaries.

(c) Siachen — Defence Secretaries.

expressing satisfaction over the summit meeting both the Pakistan Foreign Minister Sartaj Aziz and Foreign Secretary Shamshad Ahmad said in separate briefings: “We are opening a fresh page on the bitter legacy of the past but sincerity and seriousness of purpose are required for the solution of the problem. We hope India will reciprocate the much needed sincerity of purpose and let us hope this would not be a dialogue of the dumb but will lead to concrete conclusions and substantive outcome.” Foreign Secretary Ahmad in his briefing said there were many opportunities between the two countries in the field of economics and the two could build cooperation in several other areas. He said the two prime ministers had agreed to open the road link between Lahore and Amritsar through Wagah border and a bus service would start soon. He did not agree with a questioner that discussion on the six out of eight points on the agenda would become possible only if there was at least some substantive progress on the first two points—peace and security and Kashmir. He said “these (the two points) are not inter-linked”, though he conceded that peace and security in the region are linked to the solution of the Kashmir issue. Nawaz Sharif in a TV interview in New York on September 24 said that the world community particularly UN and USA should not shy away from playing an active role for the resolution of the Kashmir dispute. He said “it will be a great service to humanity if the international community plays its part”, he said and added: “History shows that Pakistan and India have failed to resolve their disputes bilaterally and have always sought international intervention to get our disputes resolved” and referred to the World Bank mediation that helped to resolve the Indus waters issue.
(d) Wullar Barrage/Tulbul Navigation—Secretaries, Water & Power Project

(e) Sir Creek—Additional Secretary (Defence)/Surveyors General.

(f) Terrorism and Drug Trafficking—Home/Interior Secretaries.

(g) Economic and Commercial Cooperation—Commerce Secretaries.

(h) Promotion of friendly exchanges—Secretaries, Culture in various fields.

(iv) The detailed composition of the official teams is left to the discretion of each side.

The above mentioned subjects of this composite dialogue process will be discussed at the indicated levels in separate meetings. The dates of these meetings will be determined by mutual consent. At each round, the Foreign Secretaries will hold separate meetings on:

(a) Peace and Security including CBMs and

(b) Jammu and Kashmir and review the progress of the dialogue process.

The Foreign Secretaries will commence the substantive dialogue with separate meetings on:

(a) Peace and Security including CBMs and


The remaining six subjects i.e.,

(c) Siachen,

(d) Wullar Barrage/Tulbul Navigation Project,

(e) Sir Creek,

(f) Terrorism and Drug Trafficking,

(g) Economic and Commercial Cooperation and

(h) Promotion of friendly exchanges in various fields, shall be taken up in substantive and separate meetings in New Delhi in the first half of November 1998.

The cycle of meetings of the Foreign Secretaries will be continued on this pattern on agreed dates.

New York
Media Briefing by Spokesman of the Pakistan Ministry of Foreign Affairs on the Indian Military Exercises.

Islamabad, October 13, 1998.

Pakistan is “extremely disturbed” at the unusually large scale Indian Military exercises planned along the Sindh border, asserting that New Delhi’s advance information about it is deceptive.

The Indian High Commissioner was called to the Foreign Office on October 13 and conveyed Pakistan’s concern, Foreign Office spokesman Tariq Altaf said at a news briefing in Islamabad.

Commenting on reports about the military exercises India has planned to conduct during October and November which is expected to include aircraft, warships and an aircraft-carrier, he said that Pakistan was given “a routine information about a routine exercise, through a routine notification.”

“We are extremely disturbed by these reports, particularly by the reported nature, size and timing of the exercise. It appears to be on a completely different scale,” he said.

The spokesman felt that the timing of the exercise was perhaps in keeping with the New Delhi’s tradition of attempting to vitiate the atmosphere before every round of talks. “We wonder what is the purpose of these exercises, what message is sought to be conveyed and whom the Indians are trying to impress,” he said.

For the exercises the atmosphere could have been better.

The spokesman said that in the wake of the nuclear tests conducted first by India and then by Pakistan an inextricable link between the stability of the region and the issue of Jammu and Kashmir has been established.

He said the whole world is now looking at these negotiations with the expectation that India will finally abandon its intransigence… and agree that the Kashmiris should exercise their right to self-determination in accordance with the UN resolutions.

In line with its traditional approach, India has once again tried to vitiate the atmosphere of the talks by raising the ridiculous demand that Pakistan should not speak on behalf of the Kashmiris. If Pakistan is not to speak for the right of self-determination of the Kashmiris then what are talks all about? The spokesman asked.

He said that the recognition of the existence of the Kashmir dispute, the necessity for its resolution and the need for the realization of the Kashmiris’ right to self determination are the demands of the international community.
“India may choose to behave like a petulant errant, but the international community’s verdict is like an unmistakable writing on the wall,” he said. The P-5, the G-8, the UN Security Council, President Mandela, President Clinton, the US State Department’s spokesman, the US Ambassador to India, the Russians and even sane opinion in India itself are all now speaking on behalf of the Kashmiris just like Foreign Secretary Shamshad Ahmad did last week. How many voices will India label as absurd? Where can India hide from international concern and censure?” asked the spokesman.

Mr. Tariq said that Pakistan believes that this post-nuclearisation phase of talks presents a historic opportunity for a positive new direction in the peaceful resolution of disputes, particularly the core issues of Kashmir, and will open unlimited possibilities for cooperation and normal good neighbourly relations.

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Handing over to the Government of India persons involved in terrorism/who have been involved in terrorism in Jammu and Kashmir and who live or are present in Pakistan or Pakistan occupied Kashmir.

Prevention by Government of Pakistan of recruitment, training, supply of arms and ammunition, fund-raising or any other activity of Pakistan/Pakistan occupied Kashmir based groups and political parties who are encouraging or supporting terrorist activities in Jammu and Kashmir.

Cessation of anti-India propaganda in general, and especially propaganda directed at the population of Jammu & Kashmir through Pakistan media and officially sponsored clandestine media operating out of Pakistan and POK or any other means. Cessation of sponsorship of groups based in third countries and supported by the Government of Pakistan who are involved in encouraging strife and violence in Jammu and Kashmir.

Refrain from seeking to sponsor in international/regional fora participation by terrorist groups or groups affiliated to known terrorist outfits.

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Joint Statement issued at the end of India-Pakistan dialogue between the Foreign Secretaries of the two countries.

Islamabad, October 18, 1998.

Mr. Shamshad Ahmad, Foreign Secretary of Pakistan and Mr. K. Raghunath, Foreign Secretary of India, met in Islamabad on 15-18 October, 1998. They held separate meetings on agenda item (a) Peace and Security, including Confidence-building Measures, and (b) Jammu and Kashmir, on the basis of the 23rd June, 1997 Agreement. The talks were held in a cordial and frank atmosphere within the framework of the composite and integrated dialogue process.

The deliberations between the Foreign Secretaries were guided by the shared belief of their Prime Ministers as expressed in their joint Statement of 23 September, 1998 that an environment of durable peace and security was in the supreme interest of both countries, and the region as a whole, and that the peaceful settlement of all outstanding issues, including Jammu and Kashmir, was essential for this purpose.

The Foreign Secretary of India called on the Prime Minister of Pakistan Mr. Nawaz Sharif, and conveyed to him a message of goodwill from Prime Minister A.B. Vajpayee. The Prime Minister of Pakistan warmly reciprocated the Indian Prime Minister’s good wishes. The Indian Foreign Secretary also called on Foreign Minister Sartaj Aziz.

The meeting on 16th October, 1998 discussed issues of peace and security, including Confidence Building Measures. Both sides underscored their commitment to reduce the risk of a conflict by building mutual confidence in the nuclear and conventional fields.

The meeting on 17th October discussed Jammu and Kashmir. The two sides reiterated their respective positions.

The two Foreign Secretaries agreed that the next round of talks on the issues of Peace and Security and Confidence Building Measures and Jammu and Kashmir, respectively, and a review of the round would be held in the first half of February, 1999 in New Delhi.

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* When the Indian Foreign Secretary arrived in Islamabad on October 15, the Pakistani Foreign Secretary while receiving him said in this drastically changed environment it is more important “we joint together for durable peace, which requires durable solutions and durable solutions require bold decisions in accordance with our international and bilateral commitments.” Indian Foreign Secretary Raghunath however ruled out the possibility of third party involvement by saying “We believe there is no room for any third party involvement.” “The only way to discuss our relations and to discuss issues and also other aspects of these relations is through direct bilateral dialogue,” he said.
Mr. Shamshad said after the nuclearisation of South Asia the situation poses new challenges both to India and Pakistan — the challenges not only to avert the risk of conflict but also to prevent an arms race in nuclear and ballistic missiles fields. He regarded it a challenge to develop a “regime of mutual restraint and stabilization in nuclear and ballistic fields”. Mr. Raghunath said: “India is committed to fostering peaceful and friendly relations with Pakistan…. We come here in a spirit of friendship. We want to work with the government and the people of Pakistan to see a stable structured cooperation. We can build trust and confidence and address all outstanding issues …. We enter into this process with a constructive and positive frame of mind and ultimate goal is to improve relations between the two countries for the benefit of the peoples of the two countries.” Indian Foreign Secretary paying tribute to Pakistan Prime Minister said that Mr. Nawaz Sharif genuinely believes that both India and Pakistan have been left behind in the field of economic development and the time has come for both countries to overcome this problem. He said: “If we are able to overcome our problems, there is immense potential for both countries to cooperate in all areas.” Concluding his remarks he assured that “we will do everything that is required to fulfil the objective of dialogue and these objectives have already been spelled out”.

At the end of the two days of talks, the Spokesman for the Pakistan Foreign Office said: “The foreign secretaries discussed agenda item Kashmir”. They reiterated their respective positions and exchanged perceptions on the subject. Shamshad Ahmad said it would be unrealistic to expect outcome in this short session with any concrete progress on an issue which is most complex one. He said “though Pakistan is pursuing all options including third party mediation and bilateral talks with India, the issue of Kashmir is a cause for serious peace and security problems in this part of the world, no body should expect we will come out of these three hours talks with something concrete as an agreement or something that constitutes progress.” Mr. Raghunath said: “The talks are being held on the subject of Kashmir as a composite dialogue process. We should address this as well as other issues in a realistic and practical manner with a view to moving towards understanding for the solutions which are mutually acceptable.” He said “this is the substance on the basis of which we are holding dialogue. This process will continue and we will meet again.” Mr. Raghunath clarified that “he wanted to let Pakistan know Indian position on all matters which has been made clear, and all my colleagues shared this view.”

On the conclusion of the current dialogue process Mr. Raghunath said in relation to Kashmir: “We believe that a basic requirement is that we proceed in a realistic and pragmatic fashion and that we do so with proper assessment of our situation and also in a friendly manner…. We look at a problem in its totality, you take those aspects that are easier to handle, you move from easy to difficult matters and it does not generally help in international relations to front load a process with problems that are unduly complicated.” He however conceded that the Kashmir question needed to be addressed “substantively” with identification of “the basic cuases” and “the methods needed to tackle the problem.” Pakistan Foreign Secretary maintained that while Islamabad showed “utmost flexibility” and realism but emphasized “realism requires an acceptance of the objective realities as they exist; not as we chose to perceive these selectively”. But he added that in the name of realism “we cannot tread over the fundamental principles as well as the underlying causes of tension and conflict in our region” and added that “pragmatism presupposed a willingness to respond in reasonable manner to the requirements of any given situation”.

On his return to Delhi on October 19, Foreign Secretary K. Raghunath offered a down beat report and warned that “fundamental” differences remained over key issues like Kashmir. While stressing the importance of the fact that both sides had agreed to keep
I welcome all the members to this meeting of the Consultative Committee of the Ministry of External Affairs. This is the first meeting of the newly constituted Consultative Committee. I am sure that the Members would give valuable suggestions on the two agenda items before us today. India Pakistan relations and India’s nuclear policy. I assure you that your suggestion will receive full attention of the Government. I propose that we begin the discussions with the first item, India-Pakistan relations.

It has been my Government’s endeavour to improve relations with Pakistan. From the time we assumed office, we conveyed by word and by writing to the leadership of Pakistan that we were sincere in our desire to develop peaceful, friendly and cooperative ties. This is fully consistent with the thinking of our people and also in keeping with our country’s previous approaches and policies towards Pakistan.

As Hon’ble members are aware, I met Prime Minister Nawaz Sharif in Colombo on the sidelines of the SAARC summit in July and in New York in September this year. At these meetings, I urged that we should work together to develop trust and confidence, avail of the many opportunities for mutually beneficial cooperation in the economic, social and other fields and also address our problems in a realistic and practical manner. I also urged that our policy has to be to move our bilateral relationship forward across a broad specification that we can fully devote our resources to improving the lives of our people. At the
same time, I also emphasized to Prime Minister Nawaz Sharif that instigation and support of terrorism was completely incompatible with our desire for friendly and peaceful relations and that these activities must cease immediately. We have made it clear to Pakistan that we will do everything necessary to defeat the proxy war in Jammu and Kashmir, and other hostile activities elsewhere in the country, and safeguard the sovereignty and territorial integrity of our nation.

Foreign Secretaries of India and Pakistan were engaged since March 1997 in working out the agenda and modalities of the official dialogue between the two countries. We wished to ensure that the agenda would be comprehensive and the modalities such that would enable a composite dialogue to proceed in a constructive and sustained fashion. After extensive discussions we were able to persuade Pakistan that this was the right approach. During my meeting in New York with Prime Minister Nawaz Sharif on 23rd September 1998, the Foreign Secretaries reported to us that they had reached an understanding on the modalities of the dialogue. We welcomed this development. This composite dialogue has now begun. The Foreign Secretaries met in Islamabad from 15th to 18th October, 1998 to discuss the subjects of peace and security, including confidence building measures and Jammu & Kashmir. Hon'ble Members, would also be aware that Pakistan delegations are currently in New Delhi for talks on six subjects, namely, Tulbul Navigation project, Siachen, Sir Creek, economic and commercial cooperation, terrorism and drug trafficking, and promotion of friendly exchange in various fields. The first four of these subjects have already been discussed and the remaining two will be discussed over the coming few days.

I am satisfied that our dialogue is continuing. We would like this process to be sustained and comprehensive, and I have mentioned this to Prime Minister Nawaz Sharif during my telephonic conversation with him following the talks in Islamabad. It is only such a process that will contribute to building trust and confidence, promote mutually beneficial cooperation and address bilateral issues. My Government is committed to this dialogue which reflects the nation’s conviction and confidence that it is only through directly bilateral discussions that we can move ahead in our bilateral relationship with Pakistan. This is also what both countries have undertaken to do in the Simla Agreement of 1972.

Regarding the discussions in Islamabad during talks on Peace and Security including CBMs, we drew attention to our thinking on security concepts and our nuclear policy. We also emphasised that the practical approach would be to work out specific CBMs which would enable feasible and step-by-step understandings to be reached. In this context, we proposed a number of specific CBMs particularly on prevention of accidental or unauthorized use of nuclear weapons, up-gradation and greater interaction in multilateral fora, etc. The
Pakistan side also put forward some proposals. We have agreed to continue discussions on this subject. There is also a possibility that experts from both sides could get together and carry forward these discussions.

Regarding discussions on J&K, we stated clearly that the entire state of J&K was an integral part of India, that a part of the state’s territory was under the illegal and forcible occupation of Pakistan, and that the legal and constitutional position in J&K did not admit of any change. In this we drew on the unanimous Resolution adopted in both House of Parliament in February 1994. We also drew Pakistan’s attentions to the fact that its sponsorship of terrorism in J&K constituted an attempt to alter the status quo established by the Simla Agreement, and that this was completely unacceptable. While emphasizing our belief in the principle that the issue needed to be resolved peacefully and through bilateral talks, we made it clear that proxy war through terrorism could never bring about a resolution of the issue, nor could it erode our resilience and resolve. We called upon Pakistan to come to terms with this reality and cease its sponsorship of terrorism.

I had mentioned earlier that discussions have also taken place during the current meetings in New Delhi on four out of six subjects. As far as the Tulbul Navigation Project is concerned, we have made it clear that the project is aimed at the welfare of the people of Jammu & Kashmir. It aims only to regulate the flow of water in the Jhelam river between the Wullar lake and Spore and is fully in keeping with the provisions of the Indus Waters Treaty. We had unilaterally suspended implementation of this in 1987 in the hope of being able to reach agreement with Pakistan. This continues to elude us. On Siachen, we have emphasized that the first requirement in any situation of confrontation is a ceasefire after which other issues can be discussed. We would like an early agreement, but are ready to remain deployed along the Saltoro Ridge as long as necessary. During discussions on the Sir Creek issue, we have underlined the fact that our claim is historically valid, and in keeping with international norms. In the field of economic and commercial cooperation we have urged Pakistan to join us in enhancing mutually beneficial cooperation in all possible areas, and to seek progress wherever possible. Pakistan can make a start by extending MFN treatment to Indian goods as they are required to do under WTO rules. In this context, I had also indicated to Prime Minister Nawaz Sharif during our meeting in New York that India was ready and willing to discuss the possibility of the purchase of power from Pakistan.

Following the discussions that took place between the Foreign Secretaries there has been agreement to hold the next round of Foreign Secretary level talks in the first half of February, 1999 in New Delhi. I would like to reiterate to the Hon'ble members that we have embarked on this process of holding a composite dialogue with Pakistan with sincerity and seriousness. However, we made it
clear to Pakistan that, apart from being sincere and serious we also need to be realistic and pragmatic. There is no scope in this process for any third party intervention. Pakistan must also give up its policies of supporting terrorism against India. Our national interests and the welfare of our people will be the touchstone of our policies and there will be no compromise on these issues.

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1429. Joint Press Statement issued at the end of composite and integrated dialogue on Terrorism and Drug Trafficking.

New Delhi, November 12, 1998.

As Part of the composite and integrated dialogue between India and Pakistan on the basis of the agreed agenda of 23 June, 1997, Terrorism and Drug Trafficking were discussed in New Delhi on 12th November, 1998.

2. The Indian delegation was led by Shri B.P. Singh Home Secretary and the Pakistan delegation was led by Mr. Hafeezullah Ishq, Secretary, Ministry of Interior.

3. The discussions were held in a frank and cordial atmosphere. The two sides stated their respective positions.

4. It was agreed to continue discussions during the next round of the dialogue process.

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1430. Joint Statement issued at the end of talks on the promotion of friendly exchanges between India and Pakistan.

New Delhi, November 13, 1998.

As part of the composite and integrated dialogue between India and Pakistan on the basis of the agreed agenda of 23rd June 1997. Promotion of Friendly Exchanges in Various Fields was discussed in New Delhi on the 13th November 1998. The Indian delegation was led by Dr. R.V. Vaidyanatha Ayyar, Secretary, Department of Culture, and the Pakistan delegation was led by Syed Roshan Zamir, Secretary of Culture, Sports and Youth Affairs of the Government of Pakistan.

Syed Roshan Zamir called on Dr. Murli Manohar Joshi, Minister for Human Resources Development.

The discussions were held in a frank, cordial and constructive atmosphere.

Both sides exchanged views on various aspects of Promotion of Friendly Exchanges between India and Pakistan and agreed to continue discussions at the next round of the dialogue process.

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The Spokesman of the Pakistan delegation Tariq Altaf said in Islamabad on November 13 that “The series of talks as a whole have not been positive. We had come with high hopes which remained unfulfilled. We did not find any flexibility,” and added a caveat that the failure of the talks strengthened the case for third party mediation. Expressing pessimism about the future he said it would be “foolhardy to expect success at the next round of talks slated for February in Islamabad.” Vivek Katju a member of the Indian delegation however said; “Some beginning has been made to stop this vicious cycle of mistrust from continuing.” “From our side every step has been taken to make the talks a success and that efforts will continue in a serious and constructive manner.” The Pakistani spokesman said that the beginning of a bus service between the two countries which was likely to start soon, was a rare point of agreement from six-day talks.

The Pakistan Foreign Office Spokesman on November 13 noted with regret in Islamabad that extremist elements in India were again out to wreck the process of peace and rapprochement in South Asia. He was replying to a question drawing attention to a statement by the Indian Home Minister L. K. Advani alleging that Pakistan is a “terrorist State”. He said that Advani’s statement was contrary to the understanding reached between the two prime ministers in New York. He said that Pakistan’s positive position in opposing terrorism is well recognized in international community. Pakistan condemns all types of terrorist activities whether perpetrated by individuals, organizations, groups or states. “Terrorism cannot be equated with rights of the peoples to self-determination and freedom movements against foreign occupation or alien domination,” the Spokesman said.
Pakistan described talks with India as a “barren round” accusing the latter of adopting an intransigence attitude and showing lack of sincerity.

“We had gone to India with an open mind and a constructive attitude. But the Indian side was not willing to reciprocate. It was a barren round,” the Foreign Office spokesman said on November 14 on his return from New Delhi.

The spokesman said the talks on six subjects, Siachen, Sir Creek, Wullar Barrage, economic and commercial cooperation, terrorism and drug trafficking and friendly exchanges concluded in New Delhi without any progress.

He said that the Pakistan delegation had gone to New Delhi to participate in these talks after the resumption of the bilateral dialogue. The Prime Ministers of Pakistan and India had in a joint statement issued in New York on September 23 last agreed that an environment of durable peace and security was in the supreme national interest of both countries. They had also agreed that resolution of all outstanding issues, including Jammu and Kashmir, was essential for this purpose.

**Siachen Issue**

He, however said that at the Delhi talks the Indian side was not prepared to make any progress towards the settlement of these disputes.

On the Siachen issue, they (Indians) resiled from the agreement reached in 1989 to redeploy troops to positions in conformity with the Simla Agreement. “On the contrary they sought to legitimize their illegal occupation of the Siachen glacier by proposing a cease-fire without an effective and central monitoring mechanism,” he said.

The spokesman said on Wullar Barage the Indians sought to justify their violations of the Indus Water Treaty of 1960 and Pakistan’s attempt to move towards settlement of the dispute through arbitration, if necessary was rejected.

**Sir Creek Issue**

On the Sir Creek issue, the spokesman said, the Indians sought to reopen the Kutch Tribunal Award of 1966, accepted by both sides regarding demarcation of the land boundary in the Sir Creek area.
Terrorism And Drug Trafficking Issues

In the Meeting on terrorism and drug trafficking, the Indians reported their “baseless and unsubstantiated allegations.” “While categorically rejecting these charges, the Pakistan side produced detailed evidence of Indian sponsored terrorist activities, including bomb blasts, and random killings all over the country,” the spokesman maintained.

He said the Pakistan side handed a list of terrorist training camps in India and incidents of bomb blasts and killings in Pakistan, which the apprehended Indian agents had confessed to have committed.

The spokesman said that the Pakistan side stated that India was engaged in State terrorism against the innocent Kashmiris who were waging an indigenous struggle for their right of self-determination.

“We also categorically rejected the Indian attempt to describe the Kashmir liberation movement as terrorism, and pointed out that this was a legitimate struggle in accordance with the UN Charter and international principles,” he said.

The Pakistan delegation to all these six meetings was of the opinion that without resolution of the issues including the core dispute of Kashmir, the environment could not be conducive for promotion of economic cooperation and people-to-people contacts. An environment of peace and security is a prerequisite for real progress towards normalization of relations.

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Note from the Ministry of External Affairs to the Pakistan High Commission in India regarding exercises to be conducted by the Indian Air Force.

New Delhi, January 13, 1999.

Ministry of External Affairs
New Delhi


The Ministry of External Affairs of the Government of India presents its compliments to the High Commission for the Islamic Republic of Pakistan in New Delhi, and has the honour to state that the Indian Air Force is planning to conduct a Command Level Exercise in March-April 1999. As required under paras 5 & 6 of the Agreement between India and Pakistan on Advance Notice on Military Exercises, Manoeuvres and Troop Movements, the following information concerning the above-mentioned air exercise is communicated for the information of the Government of Pakistan.

(a) **Type/Level of Exercise:** Command Level Air Exercise

(b) **Area of Exercise:** The exercise area is within the air space over Indian territory bounded by 3120N to 7900 E to 2830 N to 7900 E to 2730 N to 7700 E to 2730 N to 7300 E to 2800 N to 7200 E extending to the border except for Jammu, Amritsar, Pathankot and Suratgarh where they will stay 5 kms short of the border.

(c) **Period:** 21 March 1999 to 14 April, 1999

The Ministry of External Affairs of the Government of India avails itself of this opportunity to renew to the High Commission for the Islamic Republic of Pakistan the assurances of its highest consideration.

The High Commission For The
Islamic Republic of Pakistan
New Delhi.
Statement by Pakistan Foreign Office Spokesman on allegations in the Indian press about Pakistan's complicity in a plot to blow up the US Consulates in India.

Islamabad, January 21, 1999.

The Foreign Office Spokesman described the allegations in the Indian press about Pakistani complicity in a plot to blow up US Consulates in India as most sinister fabrications designed solely to malign Pakistan by exploiting the international sentiment against terrorism. The spokesman said that such planted reports by Indian official agencies in their media were carried out almost every year on the eve of the Indian National Day. This time, the tendentious reports had been particularly reprehensible as they aimed at undermining our relations with the United State.

The spokesman said that the Indian Government had never officially raised the reported allegations with Pakistan. Also, the US State Department spokesman, in a Press briefing on January 20, denied any knowledge of the alleged Pakistan complicity.

The Indian press allegations were no more than vicious propaganda and a crude attempt to damage Pakistan's image and create misunderstanding in our relations with the United States. Such blatant propaganda will not cover up the Indian State sponsored terrorism in Kashmir nor the subversive activities of the agencies to destabilize neighboring countries. This would also not help India to divert international attention from persecution of Christian and Muslim Minorities and rising fanaticism inside India.

Pakistan condemned terrorism in all its from in the strongest terms, As a victim of terrorism, Pakistan was determined to fight this menace and its cooperation with international efforts including those of the United States, were well known, the spokesman added.

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Record of discussions of Indian Foreign Secretary and Defence Secretary with Pakistani High Commissioner.

New Delhi, January 25, 1999.

The Pakistan High Commissioner had been summoned for the meeting.

The Defense Secretary stated that India was trying to maintain absolute calm and normalcy along the Line of Control. But information generated in the valley, and through POK radio indicated that an effort was being made from the Pakistan side to not only generate excitement but even incitement. Rallies were being held in POK and in some places in Pakistan. Volunteers were being called upon to congregate to march towards the Line of Control. Declarations were being made that a commando force would be raised. Once such activities begin, the Defense Ministry naturally gets concerned. If people turn up on a large scale, or even a medium scale, at the border, it puts strain on the troops along the border. The decision on the spot may have to be taken by lower level officials. This would not only lead to escalation but would also add a new dimension. If people in authority make pronouncements on radio, exhorting people to certain kinds of action, the consequences could be difficult. The discussions that the Pakistan Foreign Minister had in India do not square up with what is going on at the ground level.

The Defense Secretary wondered if everything that was happening at the ground level was not being fully reported or known in Islamabad. Or the lower level people were exceeding the brief. In any case the Government of India felt that its concerns should be shared with the authorities in Pakistan.

The Pakistan High commissioner stated that the two countries had their respective political positions. On the ground, however, Pakistan was fully committed to respecting the Line of Control. During the Pakistan Foreign Minister’s visit, his attention had been drawn by the Indian EAM to certain statements made by POK leaders. The High commissioner wondered if the Defense Secretary was referring to these very statements or some further information had come our way.

The Defense Secretary stated that repeated broadcasts and exhortations continued. Rallies were being held. Soon enough such activities could turn into an action programme. If they are repeated over and over again, people could consider them as an indication of Government policy. If feelings are aroused, they may become difficult to manage. The Indian Government wanted to be
sure that the Federal Government in Pakistan was quite confident that it could prevent an escalation at the border.

Foreign Secretary stated that if passions are aroused things could get out of hand.

The High Commissioner stated that the dangers of a conflict were obvious to Pakistan. The Pakistan armed forces should be able to check any movement towards the border. Officially the Government of Pakistan is not involved in these activities. There could be some small scale local incitement. But he did not visualise any large scale incitement.

Foreign Secretary said that low scale incitement at different levels could turn into large scale activity. With the propaganda that is presently being carried out, minds are getting destabilised. Wars are often made in the minds of men. The Simla Agreement also states that hostile propaganda directed against each other would not be carried out. The Government of India would like to know if the Federal Government in Pakistan is fully aware of all that is going on. It is hoped that the Government of Pakistan realises the incalculable danger of what appears to be not so innocent activity.

The Defense Secretary said that so far we had disregarded these. But with so much publicity being generated, a pattern is developing, where as friends we must share this concern. On that very day, some Air Force personnel had been killed near Srinagar. Anger was being sought to be directed at uniformed personnel. This generates concern in the Ministry of Defense.

The Pakistan High Commissioner stated that Pakistan did not want war or conflict with India from which it would have nothing to gain. The Pakistan Armed Forces should be able to prevent an obvious and dangerous escalation through people marching to the Line of Control. As regards publicity, both sides should make efforts to tone it down,

The Foreign Secretary requested that as soon as the High Commissioner had any feedback regarding the demarche being made, the Government of India would be happy to know of it.

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1435. Remarks of Pakistan Foreign Minister Sartaj Aziz at the luncheon hosted by him in honour of 100 Indian and Pakistani parliamentarians.

Islamabad, February 12, 1999.

Foreign Minister Sartaj Aziz said in Islamabad on February 12 that Pakistan-India relations will remain stunted unless India demonstrates willingness to work for the resolution of “fundamental differences” between the two countries.

He said India must go beyond its present emphasis on the peripheral areas of bilateral relations, adding “confidence building measures are not an end in itself”.

Mr. Sartaj was speaking at a luncheon he hosted in honour of over 100 Indian and Pakistani parliamentarians. Over 60 Indian MPs are in Islamabad to participate in an unofficial two-day Indo-Pak parliamentary conference which began on February 12.

Mr. Sartaj said sans progress on the core issue of Kashmir, Indo-Pak relations will continue to be plagued by mutual mistrust and suspicion. This will inhabit normalization and growth in their bilateral relations, he added. The complicated issue of Kashmir, if analysed dispassionately, can become a simple issue. The Kashmiris are waiting fulfillment of the unequivocal promises made to them by Indian leaders through UN resolutions to give them their right to self-determination.

Need For Peace

"Unless we can move towards a settlement of the Kashmir dispute on the basis of respect for the inherent right to self-determination of the Kashmiri people, peace will continue to elude South Asia. This is the obvious lesson of 50 years. There is no escape from this fact", he said.

He said apart from the relevant UN Security Council resolutions that provide the legal framework for a settlement of the Jammu and Kashmir dispute, the Simla Agreement also obligates both countries to a final settlement of this issue.

Mr. Sartaj said there is a national consensus on the issue of Kashmir as Pakistanis consider it a just cause hence are committed to support it. He said the Kashmir dispute is a nuclear flashpoint and it must be settled in accordance with the wishes of the Kashmiris.

He said the international community recognizes the seriousness of the Kashmir dispute. He particularly referred to the concern expressed by NAM current
Chairman and South African President Nelson Mandela on the issue. Besides Kashmir, there are other issues as well, he said.

Mr. Sartaj said India took over Siachen in April 1984 in violation of the Simla Agreement. The Simla Agreement did not allow any side to unilaterally change the ground situation either through use of force or threat of use of force. Prior to the Indian takeover these areas were administered by Pakistan. A fact that was not challenged for over 30 years.

He said after several years of negotiations, the two sides agreed in June, 1989 to troop withdrawals to positions on the ground to conform to the Simla Agreement, but since then India also reneged from that agreement as well. Referring to the Wullar Barrage, Mr. Sartaj said Pakistan discovered in April 1985 that India had started construction of the Wullar Barrage in contravention of the Indus Waters Treaty which clearly proscribes the erection by India of a man-made storage facility on the Jhelum main.

Under, the treaty, India cannot interfere with the flow of water in the Jhelum river. In negotiations with the Indian government, Pakistan had proposed alternative solutions which could just as well meet local navigational requirements. If the barrage is constructed, it will have a negative impact on the downstream uses of Jhelum waters in Pakistan, including power generation and irrigation.

Sir Creek Issue

He said the issue of boundary demarcation along Sir Creek was resurrected by India after the Rann of Kutch award. During the deliberations of the Kutch Tribunal, both sides had put forward maps to substantiate their claims. In the end, a 1914 map was accepted by the Tribunal for purposes of boundary demarcation. At the time of making the award, the tribunal noted that there was no need for delineation of the boundary along Sir Creek since that was already clearly demarcated on the map along the east bank of the Creek. India since claims that Sir Creek is a navigable water channel and, therefore, the boundary should be along the midstream, he said.

Sir Creek does not have year round or regular water flows for it to be even considered a navigable channel. He said these Indian actions and claims have given rise to serious misgivings among the Pakistan public whether India is actually willing and able to adopt an approach of good-neighbourliness. They need to be assured of Indian intentions towards Pakistan. Mr. Sartaj said to overcome 50 years of mistrust and suspicion, India would need to demonstrate a clear vision and the requisite political will to resolve outstanding issues between the two countries.
Arms Race

He said for too long the two countries have been engaged in an unproductive arms race at the cost of the economic prosperity and development of the common man in both countries. This cycle needs to be broken. He said the Prime Ministers of India and Pakistan in their joint statement of September 23, 1998 agreed that an environment of durable peace and security is in the supreme national interest of the two countries as well as the region. They further agreed that resolution of all outstanding issues, including the Jammu and Kashmir dispute, is essential for this purpose. They unequivocally committed themselves to work for the attainment of these shared objectives. These high sentiments now need to be translated into reality. “If we do not progress beyond the conceptual articulation of our desired goals, then our effort would remain hollow and without purpose. Indeed, it can become a sterile exercise in self delusion.” He said.

He said Pakistan is committed to continue dialogue with India in its desire to find just solution to all outstanding problems between the two countries, including Jammu and Kashmir and the problem related to regional peace and security.

Nuclearised Environment

“Public opinion in Pakistan will not be able to sustain indefinitely a process that becomes an exercise in futility. In the present nuclearised environment, tensions and hostilities carry even greater risks both for our two countries as well as the region and beyond.” The current situation, if allowed to drift, is fraught with many dangers. Mr. Sartaj said Pakistan would like to see a vibrant India engaged in mutually beneficial cooperation with all its neighbours. “We would like to see a South Asia that is free of poverty and economic deprivation. We would like to see all our peoples prosper and progress. South Asia can become a major new destination for foreign investment in what observers called the fourth wave of the Asian miracle. But to take full advantage of these opportunities, we have to improve the security environment of the region,” said Mr. Sartaj. He urged Indian MPs that as leaders and opinion-makers in India, they could make important contributions to ensure that the present bilateral process does not relapse into a dialogue for the sake of dialogue. “You can reinforce the process of negotiations between the two governments to make it more meaningful. You can use your influence with the Indian government to find just resolutions to all the outstanding issues between the two countries. Including Jammu and Kashmir,” he said. The nuclearisation of the region in May last has given rise to new challenges for the two counties. The qualitatively changed geo-strategic environment in South Asia also imposes onerous responsibilities on both Pakistan and India.

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POLITICAL RELATIONS: 1990-2007

1436. Media Briefing by the Official Spokesman of the Pakistan Foreign Office on the visit of Prime Minister Atal Behari Vajpayee.

Lahore, February 19, 1999.

The two-day Pakistan-India summit is “a historic opportunity” and Pakistan is looking forward to “a substantive and result-oriented dialogue” and hoped that “all issues including the central issue of Kashmir, will be discussed”

“Ours is an incremental approach and we believe that all issues facing the two countries will come up for discussion,” Mr. Tariq Altaf, Foreign Office spokesman, said in a briefing on February 19.

“All spectrums of the relations are expected to be discussed by the summit,” he added. He said that Pakistan will extend a warm welcome to Indian Prime Minister Atal Behari Vajpayee on February 20.

“It is open to the Prime Ministers to talk about everything, take initiatives if they will, decisions if they will,” he told a questioner. The newsmen wanted to know what items on the agenda will be discussed.

Indian High Commissioner G. Parthasarthy confirmed in Lahore on the same day that there was no set agenda for the talks between the two Prime Ministers.

Talking to the daily Nation at the dinner the High Commissioner hosted for the advance party of the Indian delegation and members of the Indian media, he said that the matter was first aired at a meeting between Foreign Secretaries of two countries. It has since then been carried on by officials from both sides to prepare a common ground for the expected dialogue. He said Officials have been working hard to prepare the ground to enable negotiations to move forward. The climate in both countries, he felt was ripe for improving relations and ensuring increased cooperation. If countries in Europe and elsewhere can join hands to move ahead, there is no reason for India and Pakistan to continue unnecessary hostility and confrontation.

Both are now nuclear powers and it is time for them to forge a joint policy which could improve bilateral relations and improve the lot of people of both countries. He said that it will largely depend on the two leaders to determine the agenda and the scope of dialogue at their meeting.

Mr. Brajesh Mishra, the National Security Adviser and Principal Secretary to the Prime Minister, who was among the advance arrivals, told the same daily Nation that among the various proposed engagements of Mr. Vajpayee is his visit to Minar-e-Pakistan. This, he emphasized, is a clear indication by the Indian leader of his implicit faith and belief in existence of Pakistan as an independent State. Mr. Mishra said that essentially the dialogue between the two leaders was a continuation of their previous contacts. They had been in touch telephonically and also met at various places.

The Indian official said that although both leaders had some constraints, but he could say that the Indian Prime Minister was genuinely interested in carrying forward the forthcoming dialogue to improve relations between the two countries.

Asked about “some serious constraints” which have stood in the way of progress, he said: “The art of diplomacy is to avoid mine-fields and tread carefully forward” But he added that the Indian side is keen to move as much forward as its Pakistani counterpart wishes to. His optimism in the outcome of talks between the two leaders though
"We are willing to resolve our problems on the basis of justice and equity, in a spirit of finding solution to issues. We have to take incremental approach to prove that we are there to solve the issues," Mr. Tariq said.

He said it is after a long time that on the initiative of the Indian Prime Minister formal one-to-one talks are to be held in Lahore. Pakistan expects the talks will be result-oriented and substantive.

He said the visit of the Indian Prime Minister has been welcomed by Pakistan and Prime Minister Nawaz Sharif. This historic opportunity is expected to produce results. "It must not pass without producing results." He said "Now is the time to resolve all outstanding disputes," he said.

The centrality of the Kashmir issue to the security of South Asia is well known. This is for the first time that the two heads of government will be talking after the two countries have become nuclear powers.

"Kashmir, restrained nuclear regime, end to arms race, end of war and conflicts etc. would be on the agenda."

He said it is at the initiative of Prime Minister Nawaz Sharif that the stalled talks between India and Pakistan have been resumed and Pakistan wishes that cause of peace is promoted.

He said "the core issue of Kashmir is holding progress on talks, so some forward-looking measures are required to be taken."

 guarded came out quite loud and clear...

Pakistan's foreign minister Sartaj Aziz on February 18 had expressed similar sentiments in welcoming the visit of Prime Minister Vajpayee. He said it was "imperative that the two countries evolved a strategic restraint regime in South Asia covering both the nuclear and conventional fields. Sartaj Aziz welcomed Vajpayee's desire to discuss Kashmir issue with Nawaz and hoped that the talks would lead to "a solution of this bitter dispute". "But we also realize that it is a difficult issue which has not quick solution," he said and added: "Mr. Vajpayee was the first Prime Minister in decades to agree to discuss the Kashmir dispute with Pakistan. It is a positive sign and Pakistan has exhaust the bilateral process before seeking multilateral negotiations." He reiterated that since India opposed any mediation or any outside intervention in settling the Kashmir dispute, India must "seriously commit itself to a solution of the root cause of tension and hostilities between the two countries. Saying that the meeting was taking place at a defining moment in the history of South Asia, the nuclearization of the region has given rise to new challenges as well as many opportunities to the two countries. If we are able to seize the opportunities and establish a tension-free and stable environment it will permit our peoples to channelize their energies and resources to the more pressing requirements of nation-building and socio-economic development."

Listing the unilateral steps taken by Pakistan to ease tension between the two countries, Sartaj Aziz said they were: resumption of dialogue, unilateral release of Indian fishermen, New Delhi-Lahore Bus service, sale of electricity and enhanced sporting contacts. Adding he said the parliamentarians of the two countries had also met recently in Islamabad and familiarized themselves with each other's perspective.
1437. **Statement of Prime Minister Atal Behari Vajpayee on arrival in Lahore.**

*Lahore, February 20, 1999.*

Your Excellency Prime Minister Nawaz Sharif,

Friends,

It gives me great pleasure to be here in Pakistan. Let me make no secret of the fact that I have looked forward to this day from the time I exchanged greetings and good wishes with Prime Minister Sharif following the swearing-in of my government last year. In response to his message of facilitations, I had said that India and Pakistan must not remain mired in the past, prisoners of old contentions. We must respond positively and with energy to the call of the future, and the aspirations of our peoples, specially the younger generation, for a more cooperative relationship. I wish to repeat this today, and say with great frankness, sincerity and candour that the people of India desire nothing but the friendliest of relations with the people of Pakistan. In this context, this bus on which I have arrived is not only a mode of physical transport, but also a symbol that carries on it the wishes, hopes and aspirations of the people of India for a better, shared future with the people of Pakistan. It is a symbol of what is possible between us and, if one reflects a little, also of what we have denied ourselves.

I recall once telling a friend from Pakistan that we can change history, but we cannot change geography. India and Pakistan are bound together by geography. Yet, geography is not the only thing that binds us. Our ties go beyond the physical to an emotional level, and the instances are there for all to see. Today, I come with only one message: the message of peace, brotherhood and friendship. I have had occasion to say that India is interested in a secure, stable and prosperous Pakistan. I wish to reiterate that and to say that this is the only logical course, not only for India, but also for Pakistan. One often hears from people who come back from a visit to Pakistan that there is a sense of insecurity that India has not accepted the existence of Pakistan. Let me say, with all sincerity, that this is a completely unfounded thought. There is no basis for this feeling. India wants Pakistan to prosper. We should work together to eliminate poverty, disease and illiteracy. Our security and our well-being are mutually reinforcing. How much longer will we remain prisoners of history, allowing others to divide us and use us? Again, let me say that we need to think of the future, of our children and grandchildren, coming generations that will judge us by our conduct alone, not by our compulsions or by our own sense of historical right or wrong. Let us look to those coming generations and try and make this world a better place to live in for them.
My delegation, as you can see, is drawn from all sections and all walks of life in India. We all come in a spirit of openness, of friendship and of camaraderie. There can be no greater testimonial than this to the acceptance of the idea of an abiding friendship between our peoples. I hardly need emphasize the ardent desire, indeed, the thirst, that exists on both sides for deeper cultural and sporting contact. The recent cricket and hockey series have proved that. These contacts should go on, without any hiatus.

Relations between India and Pakistan are also marked by certain outstanding issues. It is clear that these issues cannot be addressed without some sort of a mechanism designed for that purpose. The composite dialogue process, which began in October 98, was conceived for precisely such a purpose. It seeks to build trust and confidence, avail of the many opportunities for mutually beneficial cooperation, and address outstanding issues. The process may be slow, but it is sure, it is steady, and what is more, it is already producing results. There is, in fact, no other way to make progress. Let me add that, were it not for the trust generated through this process, and the momentum created by it, I would probably not be here speaking to you today. Therefore, this process needs time and patience. In the meanwhile, wherever progress is possible it should be clinched, and issues should not be tied to each other. We need to move forward, and this is an area where I am in complete agreement with Prime Minister Sharif with whom, let me add, it has been wonderful to talk these last few months and discuss various issues.

I am looking forward to meetings with Prime Minister Sharif and his colleagues. Most of all, I am looking forward to my stay in this beautiful and historic city of Lahore, one of the truly enchanting and historically rich cities of the world. It is my hope that the Delhi- Lahore - Delhi bus journey will not only be one that Indian and Pakistani passengers will make to each other’s countries, but also one that will enable both our peoples to journey into and explore each other’s hearts and minds, and discover therein the deep reservoirs of love and goodwill that, I am sure, exist on both sides.

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Speech of Pakistan Prime Minister:

Mr. Prime Minister,
Distinguished Guests from India,
Ladies and Gentlemen.

It is springtime in Lahore. The chill of winter is fading away. We are delighted, Mr. Prime Minister, that you are here with us to share the bounties of this gentle season so full of fragrance and flowers.

Through the centuries this city of majestic monuments and exotic gardens has been witness to momentous events that have shaped the course of South Asian history. Not far from here lies buried the poet philosopher of Pakistan, Allama Iqbal, whose verses extolling the dignity of human race continue to inspire us. The legendary city of Lahore represents the glory of our culture, heritage and traditions. We welcome you to this city. We are delighted to extend to you hospitality in Pakistan in keeping with the best Islamic traditions. We are confident that your goodwill visit will, Inshallah, have a positive outcome. This is essential for the good of our people and their future. May your voyage from Delhi to Lahore be the precursor of happy times ahead.

Mr. Prime Minister

More than half-a-century has passed since independence yet Pakistan and India continue to be embroiled in the bitter legacy of unresolved disputes. This has taken a tragic toll. We have been left far behind in the global race for self-sustained growth and development.

The past fifty years have seen war-devastated societies transform themselves from poverty to prosperity. No such miracle has visited our region. Others have reached the Moon. We are still lost in the abyss of poverty.

In 1947, our two countries won freedom from colonial rule. That was our finest hour. But the glory was short-lived. We may have won our freedom but we remain mired by conflicts and tensions.

Why must South Asia bleed from its self-inflicted wounds? What is it that holds us back from the healing process? Why is it that we turn a blind eye to the cause of our anguish?
I am a Muslim. Yet I believe that we are first human beings and then Muslims, Hindus, Sikhs and Christians. Mr. Prime Minister, I am sure, you will agree with me that no one from our region whether living in Calcutta or Karachi, in Islamabad or Delhi should suffer the misery of poverty and deprivation. If we believe in the human cause, then we must address human problems on priority basis. For this purpose, we need resources which we have in abundance. We only need to channel them in the right direction.

It is our responsibility, the elected representatives of the people, to step back from the brink of disaster. It is up to us to resolve our differences. We owe it to our peoples as well as to our future generations. The future belongs to the makers of peace - not to those who stoke the fires of conflict. The flames of war must be extinguished forever. This is also the true spirit of Islam - the religion of peace.

Mr. Prime Minister,

I am a man of peace. This is what I have stated on numerous occasions from every forum. Let me reiterate yet again that I am committed to the promotion of peace and security in the region. Without peace, our peoples will remain deprived of progress and prosperity. It was for this reason that I launched the initiative for the resumption of the Pakistan-India dialogue soon after assuming office. I assure you, Mr. Prime Minister, of our commitment to this process. I hope that our sincerity will be reciprocated in full measure.

The problems that stand in our way are many but they are not insurmountable. The journey ahead of us is long. We, in Pakistan, are willing to move along this road. The ideal of peace can only be nurtured on justice and equity. The prospect of peace dies if it is not founded on fair play.

We must focus on the root cause of tensions in South Asia. It is the disease and not the symptom that we have to address. Only then can the healing process begin. Otherwise we will continue to remain trapped in this situation of conflict. It is with this realization that we have to resolve the Kashmir dispute which, since our emergence as independent states, has been at the core of our differences.

With the nuclear tests by India and Pakistan last year, the tensions between our two countries have assumed dangerous proportions. South Asia has become an even more volatile region. More than a billion people now confront the danger of a nuclear holocaust.

Mr. Prime Minister

As nuclear weapons states, Pakistan and India need to put in place credible
confidence building measures for the avoidance of conflict. In this unstable environment, it is incumbent on both our countries to work towards restraint and stabilization in the spheres of nuclear and conventional armaments.

Only a few months ago in our meeting in New York, we had given expression to our shared belief that an environment of durable peace and security is in the supreme national interest of both Pakistan as well as India and that the resolution of all outstanding issues, including Jammu and Kashmir, is essential for this purpose. This solemn commitment obliges us to take concrete steps for its realization. In order to ensure progress, it is essential to engage in substantive, meaningful and result-oriented negotiations. An ancient proverb says: “Judge a tree from its fruit; not from the leaves”. May the dialogue between our two countries be fruitful.

We cannot afford to set aside any problem however complex. In particular the Jammu and Kashmir dispute, the root cause of tensions between us, cannot be wished away and has to be resolved consistent with our international obligations, justice and equity. The people of Kashmir must be allowed to exercise their right to self-determination as pledged to them by the international community.

Peace will bring its own dividends to our region. I have a vision for South Asia. I believe that countries, small and large, can live in harmony and work together for their common weal. In an environment of peace, our cooperative endeavours within SAARC will be greatly strengthened. It was in this spirit that at the last SAARC Summit in Colombo, I had proposed a Peace, Security and Development Initiative for South Asia to reinforce cooperation among our countries. I trust that in the same spirit India will join us in pursuing this initiative.

Mr. Prime Minister,

We are witnessing a new upsurge of freedom, democracy and unprecedented economic growth in many regions of the world. This is the age of free markets where nations compete not for power but for growth and development.

Our peoples share similar aspirations. We need to break out of the stranglehold of poverty, hunger and disease. Let us collectively take up the challenge to combat economic deprivation. Let us join to ensure the well-being of our peoples in an atmosphere of peace.

Mr. Prime Minister,

Let us enter a new race - not an arms race - but a race for the social and economic development of our region. We have the resources. We have the
skills. We have the manpower and we constitute a market of more than a billion people. There is no reason for us to lag behind. It is for us to harness our enormous assets. With firm determination we should devote our energies for ensuring a better life for our people.

Let this be our agenda for the twenty-first century.

Speech of Indian Prime Minister:

Mr. Prime Minister,

Friends, sisters, and brothers,

As we break bread together, a new century and a new millennium knocks at our doors. Fifty years of our independence have gone by; on one side there is pride and on the other regret.

Pride because both the countries have been successful in retaining their independence; but regret because even after 50 years we have not liberated ourselves from the curse of poverty and unemployment.

I am grateful to you, Mr. Prime Minister, for hosting this banquet in such a historic location. It was in this magnificent fort that Shahjahan was born; it is here that Akbar lived for over a decade.

My delegation and I are overwhelmed by the warmth of your welcome, and gracious hospitality extended to us. Mr. Prime Minister, you have upheld the nobility of this fora and the tradition of the historic city of Lahore. On this occasion, I am reminded of the lines of the 11th century poet Mas'ud bin S’ad bin Salman.

“Shud dar gham “Lohur rawanam Yarab! Ki dar arzu anam Yarab!”

(My soul goes out, in longing for Lahore, O God! How I long for it)

Excellency, this is the first visit by an Indian Prime Minister to Pakistan in 10 years. I am delighted to be here.

When I inspected the guard of honour and saw the beautiful panorama of the setting sun, I was overwhelmed by mixed feelings.

It gave me joy that I was returning here after 21 years with the message of friendship. My regret is that we have spent so much time in mutual bitterness. It is unworthy of two nations the size of India and Pakistan to have wasted of much time in mutual ill-will.

Earlier, when I came to Pakistan. I was alone. This time we have representatives from every section of Indian society.
The bus service between Lahore and Delhi is not a means only to ease travel from one country to another. The running of the bus between the two countries symbolizes the desire of the people of improve relations and come together. Indeed, if this was only a bus made of metal, it would not have caused such excitement and expectation, not only in our two nations but all over the world.

It is our duty, Mr. Prime Minister, to pursue the desires and wishes of our people to develop, trust, confidence, amity and to create a solid structure for cooperation.

We have been encouraged that our interaction in recent months has focused on issues which directly benefit the lives of our people. Our two countries have engaged within the composite dialogue process to work out mechanisms to ensure that humanitarian concerns are addressed quickly; that possibilities of economic and commercial cooperation such as sale of power are identified and pursued; that confidence building measures are discussed and agreed upon. But this marks only a beginning. We will, together, give directions to our officials to accelerate what we have jointly set in motion.

We have also discussed those areas of relationship on which we do not see eye to eye. This is only inevitable. As we seek to resolve issues, we have to be conscious that there is nothing which cannot be solved through goodwill and direct dialogue. That is the only path.

I am convinced that there is nothing in our bilateral relations that can ever be resolved through violence. The solution of complex, outstanding issues can only be sought in an atmosphere free from prejudice and by adopting the path of balance, moderation and realism. To those who preach, practice or foment violence, I have only one message, understand the simple truth of the path of peace and amity. That is why as part of the composite dialogue process, we welcome sustained discussions on all outstanding issues including Jammu and Kashmir. As we approach a new millennium, the future beckons us. It calls upon us, indeed demands of us, to think of the welfare of our children and their children and of the generations that are yet to come.

I have brought but one message from India. There can be no greater legacy that we can leave behind than to do away with mistrust, to abjure and eliminate conflict, to erect an edifice of durable peace, amity, harmony and cooperation. I am confident that through our combined efforts we will succeed in doing so, no matter how hard we have to work in achieving it.

Permit me to extend to you, Mr. Prime Minister, and to Begum Sahiba a most cordial invitation to visit India. Let me assure you that you will find in India a very warm welcome. We look forward to receiving both of you soon in India.

I express my best wishes for your progress and prosperity, for the establishment of durable peace and cooperation between India and Pakistan.
Excellency, I can hardly find words to thank you for the very warm reception and hospitality that has been extended to us. I have invited along a small number of prominent persons from different walks of life and they are equally overwhelmed at the affection they have received. Excellent arrangements have been made for our stay and for the other elements of the programme in a comparatively short time, for which your officials deserve our commendation and thanks.

2. Our two countries are now engaged in the composite dialogue process on the basis of an agreed agenda. The subjects identified for discussions cover the entire range of bilateral relations. It is our conviction that we have to work to carry the relationship forward in a comprehensive and sustained manner. There is much that we can accomplish through a positive and constructive engagement on the issues and the areas which have been identified for discussions in the dialogue process. It is equally my conviction, and this convictions borne out by historical experience, that a narrow segmented approach does not yield results. I wish to assure your Excellency and the Government of Pakistan that we welcome, and would ourselves like to discuss issues on which we do not see eye to eye. There is no intention on our part to brush these issues aside for there is much we want to say on these matters.

3. The first round of discussions on the composite dialogue process enabled us to understand each other’s view points and also revealed areas of convergence. This has enabled the Foreign Secretaries to work out a Memorandum of Understanding so that agreements can be reached in these significant areas. Common points had also emerged during discussions on the subjects of Commercial and Economic Cooperation & Friendly Exchanges in various fields. I suggest that we direct our concerned officials to pursue these matters so that we can move ahead. There is a special need to address humanitarian issues concerning fishermen and civilian detainees and our prisoners of war. We have to put in place mechanisms which will ensure that no one remains in custody where such custody can be avoided.

4. Excellency, we have in our dialogue, generally taken realistic, pragmatic and forward looking approaches on all issues on which we are engaged. We are convinced that it is only on the basis of such approaches that we will be able to move ahead. We must, while focusing on the major areas of our relationship, not neglect to take small incremental steps. For instance, we would ease travel restrictions and provide more entry points. In particular I would think that a decision to open the Khokhrapar-Munabao rail link would ease matters
considerably. This would enable them to avoid the trouble they have currently to take by travelling extensively in their country before being able to cross over to the other

5. There is also a need to increase personnel in our Missions, so that public dealings can be handled more efficiently on both sides.

6. We must also avoid propaganda. It serves no real purpose. On the contrary, it perpetuates the enemy image and so poisons our relations on a permanent basis.

7. Another issue which we have raised several times in the past is Indian Prisoners of War or those Missing in Action. I am familiar with your personal efforts in the past, and your correspondence with my predecessors on this subject. However, I believe that a good-faith effort to address our doubts will be a very welcome gesture on your part. Our External Affairs Ministries can look into the details, if you agree. I am open for discussion on all subjects.

Thank you, Excellency.

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1440. Record of Talks between the Indian and Pakistan delegations led by their respective Prime Ministers.

Lahore, February 21, 1999 (11.00 hours) at Governor’s House).

After the two delegation were introduced, PMNS (Nawaz Sharif) again welcomed PM and said that he was surprised at the behavior of some people in Pakistan. Science had taken humans to the Moon, but here were people only interested in apna ullo seedha karma (in self motives). He said that he would like to invite PM to say a few words. PM delivered the prepared statement, which is placed below. At the end, he added that a group of MP’s had recently visited Pakistan. During their talks with Pakistani counterparts, one of the latter had said that J&K should belong to Pakistan as it was a Muslim-majority area. This line of thinking was unacceptable to us in India. PMNS seemed incredulous and asked which MNA had said this. PM said that did not matter, but we were ready for a frank discussion.

2. PMNS thanked PM for his kind words and his sentiments for improved relations with Pakistan. He agreed that it was time for both countries to put
aside their past differences and seek a new relationship. He said that he also had a prepared statement and he would like quickly to go over it himself. The statement contained references to the ongoing dialogue and the agreements which were to be signed later in the day. There was also a clear-cut reference to J&K along standard Pakistani lines, although earlier and subsequently, PMNS was to call for moving away from stated positions on both sides.

3. EAM then said that he would like to suggest some additional areas for cooperation, including Information Technology, Y2K and WTO-related issues. PMNS agreed with this and said that, in his view, the issue of CTBT was the most important area for consultations and cooperation between the two. He said that the Americans were talking to both countries and were telling each side what they wanted to tell. Neither India nor Pakistan had any way of knowing whether they were being given the correct picture regarding the other side. For example, he said, the Americans had told them (Pakistanis) that India had agreed to sign CTBT in May this year. He wondered if this was correct.

4. EAM said that this was not correct and that all he had said was that India would not be able to consider signing CTBT while the Budget session was on and that the Budget Session itself ended in May. From this they had concluded that India would sign in May 1999. In fact, we had given them no such assurance. PMNS said that this was his own feeling as well which was why he had wanted to check directly with the Indian side. He had no doubt that the Americans were telling the Indian side similar things about Pakistani positions. In reality, Pakistan was quite clear that it would sign, but only in an atmosphere free from coercion. This had been stated several times and represented the real Pakistani position. They would like to keep in touch with India since this was an area where our interests coincided.

5. PM said that he had made our position clear during the UNGA Summit last September when we said that we would not stand in the way of the Treaty coming into force by September 1999. However, we had also stated that this would require that all those countries which were required to ratify under Article XIV of CTBT should also do so without conditions. It was not clear how American Senate would respond to the Administration’s moves on CTBT ratification. PM said that it would be useful for the two sides to keep in touch and this could be done at an appropriate level which suited the Pakistani side.

6. PMNS said that he would like to propose that the two Foreign Ministers should discuss this issue as well as meet once a year or so in order to review the overall relationship and the progress of the dialogue. PM agreed. PMNS said that we should also discuss matters related to security and defence expenditure. PM said that India’s concerns went beyond South Asia. PMNS said that our basic concerns were only with each other. PM politely disagreed.
FM Sartaj Aziz said that Chinese Defence Minister Chi Haotian (who had just completed his visit to Pakistan) had conveyed his surprise and unhappiness at India’s describing China as Enemy No.1. PM said that Raksha Mantri (Defence Minister) had clarified that he had never said so, but his clarification had not been given the same prominence as the earlier reports. In any case, we were talking directly to the Chinese also.

7. External Affairs Minster then said that there were few other issues which he wished to raise. The first concerned the Khokhrapar-Munabao crossing point, which would greatly facilitate travel between the Western parts of India and Pakistan. At present, people from this area had to travel all the way to Delhi to collect their visas and could then cross only at Attari-Wagah. PMNS asked EAM whether Sindhi was spoken in the border districts of Rajasthan. EAM said that it was a dialect akin to Sindhi but not Sindhi itself. PMNS agreed that this issue could be discussed further, adding that he had no difficulty with this proposal.

8. EAM then referred the problem of Indian Prisoners of War still held in the Pakistani custody. This was a humanitarian problem which was causing distress to the families of missing soldiers. PMNS agreed that this was a serious humanitarian problem and should be addressed immediately. All such prisoners should be released. High Commissioner Ashraf Jehangir Qazi said that this issue had been discussed on several occasions in the past, but the Pakistani side had been unable to locate any Indian POWs still in Pakistan. PM suggested that we could make one more good faith effort in order to address this issue. PMNS said that he was in complete agreement and both sides could nominate one person from each side and give them a 30-day limit in which to report back. He pointed to MOS Kanju (Pak MOS for foreign affairs) and said that he would be the nominee from the Pakistani side. PM said that MOS (EA), Smt VA sundhara Raje, would be the Indian nominee. It was generally felt that 30 days might be too short a time, but no final view was taken on this.

9. EAM then raised three requests conveyed by Shri Prakash Singh Badal regarding the SGPC’s role in the maintenance of Gurudwaras in Pakistan, the celebration of the 300th Anniversary of the Khalsa, and for groups of 10 or more persons to be allowed to visit historical Gurudwaras freely. PMNS said that CM Punjab had raised this with him the previous day and there was no difficulty on their side with this. There were some murmurs on the Pakistani side with regard to the role of SGPC in maintaining gurudwaras in Pakistan. It was agreed to examine these proposals further, although PMNS repeated that he had no difficulty with these issues. Information Minister Mushahid Hussain was instructed to examine the requests, and to send a formal reply at the earliest.

10. Principal Secretary then said that now that President Clinton was no longer
distracted by the impeachment hearings, he would move rapidly on CTBT. We were being told that signature by India would make it easier to push ratification through the Senate. He added that, on the subject of CTBT, we were willing to go along with formalizing the unilateral moratorium which we had announced, but PM had also added that this would need to be done in a positive environment. This was our way of making the same point that the Pakistani side was also making. On the other questions, such as FMCT and export controls, our positions were still quite far apart from those of the Americans.

11. Principal Secretary also said that there was a pending question relating to increasing the staff in the two Missions. This would make it easier to handle all the visa requests that were being received.

12. PMNS said that CTBT was an important and urgent issue for both of us. He smiled and said that he was grateful to PM for having made Pakistan a Nuclear Weapon State. However, Indian had chosen a time when Pakistan was at its weakest economically. He did not wish to blame his predecessor Government, but they had looted the country and left bankrupt banks and a collapsing economic system. Therefore, Pakistan needed two or three years to set the situation right. On the question of visas, PMNS said that this was an important issue and should be taken up immediately, since both sides were facing constraints in the issue of visas.

13. The following issues were also discussed:

   (a) exchange of teams for the construction of Chancery building. Both sides agreed to facilitate visits from the other side;

   (b) release of all prisoners immediately on completion of sentences. In the case of fishermen, it was also agreed that those who strayed innocently would be released immediately.

   (P.P.Shukla)
   Joint Secretary (PMO)
1441. **Joint Press Conference of Indian and Pakistani Prime Ministers.**

**Lahore, February 21, 1999.**

Addressing a joint Press conference at Governor’s House prior to his return to New Delhi at the end of two-day visit to Pakistan, Mr. Vajpayee said India will “negotiate with sincerity” with Pakistan on resolving the issue of Jammu and Kashmir as well as all outstanding problems.

He said the two countries. “must now implement in good faith our various understandings” reached during the two-day visit.

Mr. Vajpayee said the areas of understanding are reflected in the Lahore Declaration and the Memorandum on confidence building measures signed by the two countries.

“Jammu and Kashmir is one of the issues we are discussing within the framework of our composite dialogue. We will negotiate with sincerity on this and on all other issues.” He said.

He said mutual signing of the CTBT was also discussed but “no decision was taken.”

Mr. Vajpayee said he had invited Mr. Nawaz and his wife to visit India to give us a chance to repay the many courtesies and kindness received by me and my delegation in Pakistan.”

Mr. Nawaz described the summit talks as “substantive, constructive and candid,” which went beyond the symbolism attached to Mr. Vajpayee’s arrival on the inaugural run of a new Lahore-Delhi bus service.

“We were able to undertake a comprehensive review of our bilateral relations. I underscored to Prime Minister Vajpayee the immense potential of building a mutually beneficial cooperative relationship once we achieve a final settlement of the Jammu and Kashmir issue.”

Mr. Nawaz said he had underlined “our earnest desire to avoid an arms race in our region” and reiterated Pakistan’s principled position on nuclear and conventional issues.

“Pakistan is interested in promoting confidence-building measures in the nuclear and conventional fields with a view to reducing the danger of conflict and leading to nuclear restraint and stabilization. Neither Pakistan nor India has “gained anything from the conflict and tensions of the past 50 years,” he added. “The peoples of the region risk losing out in the march to development if we remain caught in a vicious cycle of mistrust and suspicion.”
“If we look around us confrontation is giving way to cooperation, complex disputes are being resolved and nations increasingly become engaged in mutually beneficial interaction. There is no reason why these positive global trends should bypass South Asia.”

Mr. Nawaz said he desired a Pakistan-India relationship “that is free of tensions and based on mutual trust and confidence.” “Should we achieve this there is no limit to cooperation between our two countries?” he said, adding: “Let us dedicate our energies” to strengthening regional cooperation under SAARC (South Asian Association for Regional Cooperation).

“We must bring prosperity to our peoples. We owe this to ourselves and to our future generations. I am happy to note that Prime Minister Vajpayee shares with me the vision of a prosperous and progressive South Asia at peace with itself and contributing to global peace and prosperity.”

Replying to a question by a foreign correspondent, Mr. Nawaz said: “The ice has been broken. I believe we will make further progress.” He was asked, “Your statements make a lot of promise for consultations. Are you disappointed that you could not deliver more?”

An Indian newsman said that Vajpayee had stated that the distance between Delhi and Lahore has shortened, but 26 Hindus* had been murdered in Kashmir on February 21 and there has been exchange of fire at Siachen glacier between Indian and Pakistani troops. Mr. Nawaz replying said: “We are discussing these events and efforts are being made. I hope good results will emerge.”

Questioned about cross-border interference by the two countries, Mr. Nawaz said it is a tradition to blame each other. “We need to get out of this and take confidence-building measures.”

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* Mr. Vajpayee on return to Delhi told the media that “I drew the attention of Pakistan Prime Minister Nawaz Sharif to the killings in the Rajouri region and said these must stop. If such killings of innocent civilians continue, it will be very difficult to normalize bilateral relations.” “The Pakistani Prime Minister promised to ascertain the facts about the incident,” said Mr. Vajpayee.
Joint Statement issued at the end of the visit of Prime Minister Atal Behari Vajpayee to Lahore.

Lahore, February 21, 1999.

In response to an invitation by the Prime Minister of Pakistan, Mr. Muhammad Nawaz Sharif, the Prime Minister of India, Shri Atal Bihari Vajpayee visited Pakistan from 20-21 February, 1999, on the inaugural run of the Delhi-Lahore bus service.

2. The Prime Minister of Pakistan received the Indian Prime Minister at the Wagah border on 20 February 1999. A banquet in honour of the Indian Prime Minister and his delegation was hosted by the Prime Minister of Pakistan at Lahore Fort. On the same evening Prime Minister Atal Bihari Vajpayee visited Minar-e-Pakistan, Mausoleum of Allama Iqbal, Gurudawara Dera Sahib and Samadhi of Maharaja Ranjeet Singh. On 21st February, a civic reception was held in honour of the visiting Prime Minister at the Governor’s House.

3. The two leaders held discussions on the entire range of bilateral relations, regional cooperation within SAARC, and issues of international concern. They decided that:

a) The two Foreign Ministers will meet periodically to discuss all issues of mutual concern, including nuclear related issues.

b) The two sides shall undertake consultations on WTO related issues with a view to coordinating their respective positions.

c) The two sides shall determine areas of cooperation in Information Technology, in particular for tackling the problems of Y2K.

d) The two sides will hold consultations with a view to further liberalizing the visa and travel regime.

e) The two sides shall appoint a 2 member committee at ministerial level to examine humanitarian issues relating to civilian detainees and missing POWs.

4. They expressed satisfaction on the commencement of a Bus Service between Lahore and New Delhi, the release of fishermen and civilian detainees and the renewal of contacts in the field of sports.

5. Pursuant to the directive given by the two Prime Ministers, the Foreign Secretaries of Pakistan and India signed a Memorandum of Understanding on 21 February 1999, identifying measures aimed at promoting an environment of peace and security between the two countries.
6. The two Prime Ministers signed the Lahore Declaration embodying their shared vision of peace and stability between their countries and of progress and prosperity for their peoples.

7. Prime Minister Atal Bihari Vajpayee extended an invitation to Prime Minister Muhammad Nawaz Sharif to visit India on mutually convenient dates.

8. Prime Minister Atal Bihari Vajpayee thanked Prime Minister Muhammad Nawaz Sharif for the warm welcome and gracious hospitality extended to him and members of his delegation and for the excellent arrangements made for his visit.

Lahore,
February 21, 1999.

1443. Lahore Declaration issued at the end of Summit level talks between the Prime Ministers of India and Pakistan.

Lahore, February 21, 1999.

The Prime Ministers of the Republic of India and the Islamic Republic of Pakistan:-

Sharing a vision of peace and stability between their countries, and of progress and prosperity for their peoples;

Convinced that durable peace and development of harmonious relations and friendly cooperation will serve the vital interests of the peoples of the two countries, enabling them to devote their energies for a better future;

Recognizing that the nuclear dimension of the security environment of the two countries adds to their responsibility for avoidance of conflict between the two countries;

Committed to the principles and purposes of the Charter of the United Nations, and the universally accepted principles of peaceful co-existence;

Reiterating the determination of both countries to implementing the Simla Agreement in letter and spirit;

Committed to the objectives of universal nuclear disarmament and non-proliferation;
Convinced of the importance of mutually agreed confidence building measures for improving the security environment;

Recalling their agreement of 23 September, 1998, that an environment of peace and security is in the supreme national interest of both sides and that the resolution of all outstanding issues, including Jammu and Kashmir, is essential for this purpose;

Have agreed that their respective Governments:-

— shall intensify their efforts to resolve all issues, including the issue of Jammu and Kashmir.

— shall refrain from intervention and interference in each other’s internal affairs.

— shall intensify their composite and integrated dialogue process for an early and positive outcome of the agreed bilateral agenda.

— shall take immediate steps for reducing the risk of accidental or unauthorized use of nuclear weapons and discuss concepts and doctrines with a view to elaborating measures for confidence building in the nuclear and conventional fields, aimed at prevention of conflict.

— reaffirm their commitment to the goals and objectives of SAARC and to concert their efforts towards the realization of the SAARC vision for the year 2000 and beyond with a view to promoting the welfare of the peoples of South Asia and to improve their quality of life through accelerated economic growth, social progress and cultural development.

— reaffirm their condemnation of terrorism in all its forms and manifestations and their determination to combat this menace.

— shall promote and protect all human rights and fundamental freedoms.

Signed at Lahore on the 21st day of February 1999.

Muhammad Nawaz Sharif
Prime Minister
Of the Islamic Republic of Pakistan

Atal Bihari Vajpayee
Prime Minister of the Republic of India
Memorandum of Understanding signed by the Foreign Secretaries of India and Pakistan at the end of the visit of Prime Minister Atal Behari Vajpayee to Lahore.

Lahore, February 21, 1999.

The Foreign Secretaries of Pakistan and India:-

Reaffirming the continued commitment of their respective governments to the principles and purposes of the UN Charter;

Reiterating the determination of both countries to implementing the Simla Agreement in letter and spirit;

Guided by the agreement between their Prime Ministers of 23 September 1998 that an environment of peace and security is in the supreme national interest of both sides and that resolution of all outstanding issues, including Jammu and Kashmir, is essential for this purpose;

Pursuant to the directive given by their respective Prime Ministers in Lahore, to adopt measures for promoting a stable environment of peace, and security between the two countries;

Have on this day, agreed to the following:-

1. The two sides shall engage in bilateral consultations on security concepts, and nuclear doctrines, with a view to developing measures for confidence building in the nuclear and conventional fields, aimed at avoidance of conflict.

2. The two sides undertake to provide each other with advance notification in respect of ballistic missile flight tests, and shall conclude a bilateral agreement in this regard.

3. The two sides are fully committed to undertaking national measures to reducing the risks of accidental or unauthorized use of nuclear weapons under their respective control. The two sides further undertake to notify each other immediately in the event of any accidental, unauthorized or unexplained incident that could create the risk of a fallout with adverse consequences for both sides, or an outbreak of a nuclear war between the two countries, as well as to adopt measures aimed at diminishing the possibility of such actions, or such incidents being misinterpreted by the other. The two sides shall identify/establish the appropriate communication mechanism for this purpose.

4. The two sides shall continue to abide by their respective unilateral
moratorium on conducting further nuclear test explosions unless either side, in exercise of its national sovereignty decides that extraordinary events have jeopardized its supreme interests.

5. The two sides shall conclude an agreement on prevention of incidents at sea in order to ensure safety of navigation by naval vessels, and aircraft belonging to the two sides.

6. The two sides shall periodically review the implementation of existing Confidence Building Measures (CBMs) and where necessary, set up appropriate consultative mechanisms to monitor and ensure effective implementation of these CBMs.

7. The two sides shall undertake a review of the existing communication links (e.g. between the respective Directors- General, Military Operations) with a view to upgrading and improving these links, and to provide for fail-safe and secure communications.

8. The two sides shall engage in bilateral consultations on security, disarmament and non-proliferation issues within the context of negotiations on these issues in multilateral fora.

Where required, the technical details of the above measures will be worked out by experts of the two sides in meetings to be held on mutually agreed dates, before mid 1999, with a view to reaching bilateral agreements.

Done at Lahore on 21 February 1999 in the presence of Prime Minister of India Mr. Atal Bihari Vajpayee and Prime Minister of Pakistan Mr. Muhammad Nawaz Sharif.

(Shamshad Ahmad) (K. Raghunath)
Foreign Secretary of the Foreign Secretary of the
Islamic Republic of Pakistan. Republic of India
Prime Minister Vajpayee’s visit to Lahore was an important milestone in the bilateral relations of Pakistan and India.

By now it is well known to you that the focus throughout the visit was on promotion of stable environment of peace and security between the two countries.

The centrality of the Kashmir issue to peace and security is well recognized. Throughout the visit of Prime Minister Vajpayee this reality was underscored time and again. On almost every occasion he referred to the Jammu and Kashmir dispute.

Three documents have emerged from the visit. The Lahore Declaration, a Memorandum of Understanding and a Joint Statement. The most important document is the Lahore Declaration which was signed by the two Prime Ministers themselves. The last time the Prime Ministers of Pakistan and India signed a document was 27 years ago in the name of Simla Agreement which provided for the final settlement of the Jammu and Kashmir dispute.

The Lahore Declaration contains the reiteration of the determination of both countries to implement the Simla Agreement in letter and spirit.

While this determination has been underscored once again by the Lahore Declaration, its most important clause contains an agreement between the two governments that they shall intensify their efforts to resolve all issues including the issue of Jammu and Kashmir.

Moreover, the Lahore Declaration also commits the two governments to intensify their composite and integrated dialogue process for an early and positive outcome of the agreed bilateral agenda. I hardly need remind you that the agreed bilateral agenda of the dialogue is topped by the issue of peace and security and Jammu and Kashmir.

We believe the Lahore Declaration is an important milestone on our path to promoting peace and security at the heart of which lies resolution of the Jammu and Kashmir issue. The Lahore Declaration bears the signatures of the Prime Minister of India testifying to the universally recognized fact that the Jammu and Kashmir is an issue between the two countries which needs to be resolved and thus it is obvious that Jammu and Kashmir is not repeat not an integral part of India as is sometimes propagated by the other side.
The Lahore Declaration also commits India to promote and protect all human rights and fundamental freedoms.

The continuation of the violations of human rights and fundamental freedoms of the Kashmiris will clearly not be in consonance with the Lahore Declaration.

Both the Lahore Declaration and the Memorandum of Understanding also contain the agreement of 23rd September, 1998 between the Prime Ministers of the two countries that an environment of peace and security is in the supreme national interest of both sides and that resolution of all outstanding issues, including Jammu and Kashmir, is essential for this purpose.

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After reading the statement, the Spokesman of the Pakistan Foreign Office while answering questions clarified that while there was satisfaction at the outcome of the Nawaz – Vajpayee Summit, “there is no hidden content to their wide-ranging discussions”. “There should be no objective to assume things and to believe that concessions have been made. No concessions have been made. There was no question of that”, the Spokesman Tariq Altaf said at the media briefing in Islamabad. Altaf said the fundamental thing is that the Indian Prime Minister himself acknowledged that “Jammu and Kashmir is a dispute which needs to be resolved.” The Spokesman reminded when a question on Kashmir was posed to the then visiting Prime Minister a decade back, his answer was “There is no dispute”. The Summit is an important milestone on Indo-Pak bilateral relations. It is for the whole world to see that “advancement has been made. You can go on making commitments and signing the documents,” he said while referring to three documents signed. The Spokesman made it clear that whatever “we have agreed to is fully in consonance with our supreme national interests. Both sides have made commitments which are clearly stated in the three documents,” namely the Lahore Declaration, the Joint Statement and the Memorandum of Understanding. “There is no other agreement, no other understanding”, he affirmed.
1446. **Statement by President Clinton on the India-Pakistan Summit.**

**Washington, February 22, 1999.**

I welcome the successful meeting over the weekend between Indian Prime Minister Vajpayee and Pakistani Prime Minister Sharif. I commend the two Prime Ministers for demonstrating courage and leadership by coming together and addressing difficult issues that have long divided their countries.

The two leaders committed to intensifying their efforts on key matters, including: containing their competition in nuclear arms; preventing nuclear or conventional conflict between them; resolving territorial disputes including Jammu and Kashmir; refraining from interference in each-others internal affairs; fighting terrorism; promoting political freedom and human rights; and working together to improve the lives of their citizens through economic growth.

South Asia—and, indeed, the entire world—will benefit if India and Pakistan promptly turn these commitments into concrete progress. We will continue our own efforts to work with India and Pakistan to promote progress in the region.

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1447. **Statement issued by the Deputy Official Spokesman of the U.S. Department of State James B. Foley on the India–Pakistan Summit.**

**Washington, February 23, 1999.**

The Department of State warmly welcomes the successful summit meeting of the Indian and Pakistani prime ministers on Saturday and Sunday in Lahore, Pakistan. Prime Ministers Vajpayee of India and Sharif of Pakistan have committed their governments to intensify efforts to resolve the issues that have divided their countries for too long, including Kashmir.

We are pleased that they have discussed steps to address nuclear concerns, including confidence building measures and methods to avoid accidental conflict. We also commend the attention paid in the Lahore declaration. issued at the end of the meeting, to improving the quality of life of the people of India and Pakistan. The two leaders clearly understand that economic growth and social progress are central to the futures of their countries, as they are to all countries around the world.
The success of the weekend’s meeting demonstrates the ability of Pakistan and India to work together to solve their differences and to look to the future, not to the past. While the United States and the international community have encouraged them to resolve their differences through face to face discussions at a senior level, the decisions to take this courageous step were made by the two prime ministers. They deserve the full credit for this successful meeting.

1448. **Suo Motu Statement of the External Affairs Minister Jaswant Singh in Parliament on the Lahore Summit.**

_**New Delhi, February 26, 1999.**_

The Hon’ble Prime Minister visited Pakistan on the inaugural run of the Delhi-Lahore-Delhi bus service on February 20-21, 1999. This historic visit was the most significant engagement between India and Pakistan in over a quarter of a century. It was also the first visit undertaken by the Prime Minister of India to Pakistan in a decade.

2. Prime Minister Shri A. B. Vajpayee, conveyed to the people of Pakistan India’s abiding desire for peace and amity with them. A group of eminent Indians from all walks of life, who accompanied the Prime Minister to Pakistan, conveyed by their very presence in Lahore that in the pursuit of its policy of promoting peace and friendship with Pakistan, the Government of India was acting in accord with the wishes of its people. This visit also provided the Prime Minister with an opportunity to emphasise that India and Pakistan must, together work to build a comprehensive structure of cooperation, resolve all outstanding issues through peaceful and direct bilateral discussions and negotiations, and, that the path of violence was futile and senseless. Let me emphasise the Government’s resolve to uphold the Constitution. The unity and territorial integrity of India will never be compromised. The perpetrators of violence must understand this simple truth.

3. The Prime Minister’s bus journey captured the imagination of the people of India, of Pakistan, indeed, of the world. I wish to state here that seldom has a leader embarked on a journey with such support from his people and such goodwill for his success. His arrival at Wagah, with the Indian delegation, to be warmly received by the Pakistan Prime Minister was a defining moment in India-Pakistan relations.
4. During his stay in Pakistan, Prime Minister held discussions with Prime Minister Nawaz Sharif; was accorded a civic reception by the people of Lahore; visited Gurudwara Dera Sahib; the Samadhi of Maharaja Ranjit Singh; the Mausoleum of Allama Iqbal and Minar-e-Pakistan. From the Minar-e-Pakistan he assured the Pakistani people that a secure, stable and prosperous Pakistan was in India’s interest.

5. Prime Minister Nawaz Sharif hosted a banquet for our Prime Minister at the historic Lahore Fort. The Prime Minister’s discussions with the Pakistan Prime Minister were wide-ranging, covering the entire range of bilateral relations, regional cooperation within SAARC and issues of international concern. Prime Minister Vajpayee emphasized that the peoples of the two countries desire lasting peace and an environment where their security, progress and prosperity can be assured. For this purpose, he conveyed that it was essential that the forces of violence and terrorism were combated, and the hands of the advocates of harmony, balance and realism strengthened for the development of good neighbourly relations between the two countries.

6. Prime Minister Vajpayee and Pakistan Prime Minister Nawaz Sharif signed the Lahore Declaration. This declaration is a landmark for the peace and security of the two nations. The two Prime Ministers have in the Lahore Declaration agreed that the two countries will intensify efforts to resolve all issues, including the issue of Jammu and Kashmir, through the composite dialogue process; refrain from intervention and interference in each other’s internal affairs; combat the menace of terrorism in all its forms and manifestations; protect human rights; take immediate steps to reduce the risk of accidental or unauthorized use of nuclear weapons and to discuss security concepts and doctrines with a view to elaborating measures for confidence building in the nuclear and conventional fields aimed at prevention of conflict. The two Prime Ministers also reaffirmed in the Lahore Declaration their commitment to the objectives of SAARC and to work towards the realization of the SAARC vision for the year 2000 and beyond with a view to promoting the welfare of the peoples of their countries.

7. Pursuant to directives issued by the two Prime Ministers to identify measures aimed at promoting an environment of peace and security between the two countries, the Foreign Secretaries of India and Pakistan signed a Memorandum of Understanding on 21 February, 1999. Under this Memorandum, the two countries have agreed to abide by their respective unilateral moratorium on conducting further nuclear test explosions unless either side, in exercise of its national sovereignty, decides that extraordinary events have jeopardized its supreme national interest. The Foreign Secretaries agreed that the two countries...
would remain firmly committed to undertaking measures to reduce the risk of accidental or unauthorized use of nuclear weapons under their respective controls; India and Pakistan will provide each other with advance notification in respect of ballistic missile flight test and conclude a bilateral agreement in this regard. Similarly the two countries will engage in discussions to conclude an agreement on the prevention of incidents at sea, in order to ensure safety of navigation by naval vessels, and by aircraft belonging to the two sides. The two countries would also periodically review the implementation of existing CBMs as well as the existing communication links at operational levels like the hotline between the Directors General of Military Operations, with a view to making these links fail-safe and secure. Further, the two countries would hold bilateral discussions on security, disarmament and non-proliferation issues, within the context of negotiations on these issues in multilateral fora. In order to reach bilateral agreements, experts of the two countries would meet on mutually agreed dates before mid-1999.

8. The Prime Ministers also explored avenues and areas for meaningful cooperation. They agreed on the need to enhance people-to-people contact, address humanitarian issues and to cooperate in technological as well as in economic matters. They agreed that the two sides should undertake consultations on WTO issues with a view to coordinating respective positions, determine areas of cooperation in information technology, particularly for tackling problems of Y2K and also to hold discussions on the liberalization of visa and travel regime. Prime Minister Vajpayee proposed the re-opening of the check post on the Rajasthan-Sindh Border.

9. Given the urgent need to address humanitarian issues, the Prime Ministers agreed to appoint a two-member committee at the ministerial level to examine matters relating to civilian detainees and missing prisoners of War. An official level delegation will hold prior consultations and will meet very soon in this regard.

10. In order to undertake an overall review of the bilateral relationship, the Prime Ministers directed me and my Pakistan counterpart of meet periodically to discuss all issues of mutual concerns, including nuclear issues. We would like this meeting to be held soon.

11. Government’s approaches to Pakistan are rooted in our national consensus. They derive their strength from our confidence as a mature nation dedicated to peace, democracy and freedom. To those that preach, practice and foment violence I would reiterate our Prime Minister’s message: “Understand the simple truth of the path of peace and amity.”
12. It is our earnest hope to build on the opportunities that are now available on account of the Prime Minister's historic initiative and his commitment to put behind past contentions and think of the welfare of our children and their children. We trust Pakistan will walk with us down this path.

1449. Letter from the Deputy High Commissioner in Pakistan Sharat Sabharwal to the Ministry of External Affairs on visit of Chinese Defence Minister to Pakistan.

Islamabad, March 1, 1999.

Sharat Sabharwal,  
Deputy High Commissioner

Hingh Commission of India  
Islamabad

No. ISL/104/04/99 March 1, 1999

My dear Vivek,

The Chinese Defence Minister, Gen. Chi Haotian (CH) came on a 5-day official visit to Pakistan on February 19 at the head of a 16-member delegation. This was the first Cabinet level visit from China to the top military brass of Pakistan, visiting various military establishments and having talks with a delegation led by the Pak Defence Secretary. CH also called on President Tarar and PMNS, with the prime minister hosting a luncheon in his honour on February 20. The same evening, Foreign Minister Sartaj Aziz hosted a banquet in his honour. During the last leg of his visit CH was in Karachi where he visited the Navy Defence Show and was the guest of honour at a banquet hosted by the Sindh Governor.

2. A day before commencement of CH’s visit, the Pak Government announced that the two sides would hold discussions on defence, political, regional and international issues. Special focus will be on security, peace and economic development in the region. The general projection by the Pak government and media was that because of its past friendly ties with Pakistan and strained relations with India because of our nuclear tests, China could be counted upon to back Pakistan at this juncture to beef up its defence. In an interview to PTV on February 19, Sartaj Aziz said that CH’s visit would
“send a very strong signal, at the moment, of China’s time tested, strong and very close relationship with Pakistan”. He added that China had been extremely positive and constructive on Pakistan’s nuclear tests in that it had always maintained that it was India which tested first and Pakistan had no option but to respond. (With reference to the media projection mentioned above, I am enclosing herewith an article entitled Growing friendship with China that appeared in *DAWN* on 25.2.1999) (not included here).

3. On his arrival in Pakistan, CH said, “My current visit is aimed at enhancing mutual understanding and trust, promoting friendship and cooperation, and strengthening the comprehensive partnership of cooperation, towards the 21st Century between our two countries and two armed forces.” In a subsequent statement, he said that the Chinese people and armed forces cherish their all weather friendship and cooperation with Pakistan and China “will always be the most trustable friend of Pakistan”.

4. In regard to Indo-Pak relations, during his banquet speech on February 20, Foreign Minister Sartaj Aziz made a long reference to Jammu & Kashmir saying that the international community, especially the major powers, had not seriously addressed this issue which is vital to peace and security in South Asia. He further stated that following nuclearisation of India and the changed regional security environment, there is an added urgency to address the “core issue of Jammu & Kashmir in the interest of peace and security in the region.”

Repeating Pakistan’s well-known rhetoric on Kashmir, Sartaj expressed the hope that the visit of the India Prime Minister would be a precursor to a substantive dialogue between India and Pakistan on all outstanding issues, in particular the “core issue of Jammu & Kashmir”. President Tarar and PMNS also made references to Kashmir during their meetings with CH. According to Pak media reports, in response to a question by a journalist at the time of his arrival in Pakistan, CH said that he was very glad to see that the leaders of Pakistan and India were to meet soon. He added, “I think that is very significant to the peace and stability of South Asia and the whole of Asia.” During his call on PMNS, CH reportedly appreciated Pakistan’s efforts to hold a substantive dialogue with India and, as per a report in *The News*, said that the resolution of disputes is essential for peace and stability in South Asia.

5. As per press reports based on Pak briefings, President Tarar assured the Chinese Minister of Pakistan’s support on Tibet and Taiwan. CH reportedly told Tarar that the Indian nuclear tests had unbalanced the power structure in the region and Pakistan was forced to go in for nuclear tests to meet its security needs.
6. PMNS told CH that Sino-Pak strategic cooperation was critical for preservation of peace and stability in South Asia. He explained the circumstances under which Pakistan was compelled to respond to India’s provocative nuclear tests and subsequent threats of nuclear blackmail. He also briefed CH the Pak-US dialogue on nuclear and security issues and the status of Pak –India talks. PMNS expressed strong support for building a multi polar world.

7. As for Sartaj Aziz, besides references to Kashmir in his banquet speech, mentioned above, he reiterated Pakistan’s unflinching support for China on all issues of interest to it, particularly the issues of Taiwan, human right and Tibet. He added that it was Pakistan’s firm belief that a strong and prosperous China would be a pillar of strength for promoting the interests of developing countries and safeguarding international peace and security.

8. A report in *The News* of 19.2.99 maintained that the two sides would discuss the projects concerning Super-7 fighter aircraft (reference Counselor –Pol’s dispatch No. ISL/ 104/4/99 dated 1.2.99) and Al-Khalid tank. The details of discussions regarding military cooperation are not known. We are trying to get some information on this aspect and shall pass it on to you as and when we are able to lay hands on it. However, in a conversation last evening, a Chinese diplomat mentioned the following to me:-

   a) A detailed agreement concerning joint development of Super-7 fighter aircraft is being negotiated and is likely to be signed during the visit to Pakistan of Li Peng, Chairman of National Peoples’ Congress, next month. The plane will have avionics of Italian or French firms. The Chinese Air Force is also likely to need some of these aircraft and would, therefore, most likely share the development costs.

   b) The Pak Chief of Army Staff would be visiting China next month. PMNS is likely to visit China later in the year to attend the celebrations connected with the 50th anniversary of the Chinese revolution.

   c) The Pak interlocutor told CH that Pakistan would adhere to CTBT before September 1999. However, they did not specify any particular point in time for such adherence.

9. While on the subject of China, I may add that the Chinese diplomat, mentioned above, also told me that they maintain regular contacts with the Taliban mission in Islamabad. They have been assured by the Taliban that the latter have no agenda outside Afghanistan and the Chinese should
consequently have no apprehensions regarding export of subversion from the Taliban territories in Afghanistan to Xinjiang. The Chinese diplomat described as false a recent Jang report that had stated that China had decided to start trade relation with the Taliban.

Sd/-
March 1, 1999

Shri Vivek Katju
Joint Secretary(IPA)
New Delhi.

1450. Statement by Foreign Secretary on the Prime Minister’s visit to Pakistan at the meeting of the Standing Committee of the Parliament attached to the Ministry of External Affairs.

New Delhi, March 5, 1999.

As Hon’ble Members are aware, Prime Minister visited Pakistan on the inaugural run of the Delhi-Lahore bus service on February 20-21 1999. The visit constituted a landmark in our relations with Pakistan. It was the most significant bilateral engagement in more than a quarter of a century. It was also for the first time in nearly a decade that the Prime Minister of India visited Pakistan. It would be appropriate to give a background of the circumstances leading to the visit. However, before doing so, let me state that all our approaches to Pakistan have been marked by consistency, clarity and realism and are rooted in a national consensus. Prime Minister’s visit to Pakistan was entirely in keeping with this national consensus.

We have always been in favour of continuing interaction between India and Pakistan at all levels including the highest political levels. Such interaction was, however, interrupted between 1994 and 1996 at the instance of Pakistan. However, in a departure from the policy of his predecessor, Pakistan Prime Minister Nawaz Sharif agreed with our view and, with his resumption of office in February 1997, exchanges at political and official levels were resumed in March/April 1997 and have continued thereafter on a sustained basis. This interaction has included meetings at the level of Prime Minister and you Mr. Chairman, Sir, will recall your four meetings with Prime Minister Nawaz Sharif. At these meetings and in meetings at official levels, we had inter alia envisaged steps which would
further people-to-people contacts and for this purpose we had taken several unilateral initiatives in easing the visa and travel regime for Pakistani nationals. A focus on these subjects continued during the meetings of Prime Minister Shri Atal Behari Vajpayee with the Pakistan Prime Minister last year in July, 1998 in Colombo and in September 1998 in New York. It was in New York that we proposed the commencement of a Delhi-Lahore-Delhi bus service to promote people-to-people contacts. Prime Minister Nawaz Sharif agreed with the idea. Both Prime Ministers instructed their respective officials to ensure that the bus service began as early as possible. Our Ministry of Surface Transport coordinated our preparations on the subject which included consultations with concerned State Governments; and led our team for expert level talks, with Pakistan in early December, 1998. Following these talks the two countries initialed an Agreement and a Protocol providing a framework and operational mechanism for the bus service. Trial runs were held by both sides during January 1999 and on our part we were working towards starting the bus service in February 1999.

A view had emerged in our government that Prime Minister should travel to Lahore on the inaugural run of the Delhi-Lahore bus. Meanwhile, in the course of a press interview, Prime Minister Nawaz Sharif mentioned that he would welcome a visit by PM to Lahore on board the bus. A positive response was conveyed to Pakistan and the dates of the visit were decided. I may also mention that the formal Agreement on the bus service was signed in Islamabad on 17 February 1999.

Prime Minister’s bus journey captured the imagination of our people, that of Pakistan and indeed of the world. It emphasized India’s continuing desire to build ties of peace, friendship and co-operation with Pakistan. In his interaction with Prime Minister Nawaz Sharif and in his public engagements, Prime Minister conveyed India’s abiding desire to build confidence and trust, put in place a stable and comprehensive structure of co-operation and resolve all outstanding issues including Jammu and Kashmir through direct bilateral discussions and negotiations. During his visit, Prime Minister held discussions with Prime Minister Nawaz Sharif, visited Gurudwara Dera Sahib, the Samadhi of Maharaja Ranjit Singh, the Mausoleum of Allama Iqbal and the Minar-e-Pakistan. He was also accorded a civic reception by the people of Lahore. Prime Minister Nawaz Sharif hosted a banquet for Prime Minister at the historic Lahore Fort. The two Prime Ministers also addressed a Joint Press Conference.

Prime Minister addressed the people of Pakistan at the civic reception and at the banquet. In both speeches, Prime Minister conveyed to the people of Pakistan India’s enduring desire for good neighbourly relations with their country. He also underlined that the path of violence was futile and senseless and that it would never weaken our resolve or solve issues. Prime Minister’s visit to Minar-e-
Pakistan was also notable. Prime Minister wrote in the visitor’s book at the Minar that a secure, stable and prosperous Pakistan was in India’s interest. I wish to bring to the attention of the Hon’ble Members that this important and significant gesture of the Prime Minister has been appreciated in Pakistan. Senior Pakistani political leaders, including the Prime Minister, have referred to and welcomed PM’s visit to the Minar.

A triad of three documents emerged from the visit (these were the Lahore Declaration signed by the Prime Ministers, the MOU signed by me and my counterpart and a Joint Statement). In their totality, these documents set out our vision of the relationship and are in accordance with our composite approach of building trust and friendship, establishing a structure of co-operation and resolving outstanding issues.

The Lahore Declaration is a significant document in itself, being the first document to be signed at the Heads of Government level since the 1972 Simla Agreement. It is a landmark for the peace and security of India and Pakistan. The two governments have agreed that they shall intensify efforts to resolve all issues, including Jammu & Kashmir, through the composite dialogue process, refrain from intervention and interference in each other’s internal affairs, combat the menace of terrorism in all its forms and manifestations, protect human rights, take immediate steps to reduce the risk of accidental or unauthorized use of nuclear weapons and discuss security concepts and doctrines with a view to elaborating measures for confidence building in the nuclear and conventional fields. The two Governments also reaffirmed their commitment to the objectives of SAARC and to work towards the realization of the SAARC vision for the year 2000 and beyond. Hon’ble Members would, in particular, note the reference in the preambular portion of the Lahore Declaration to the determination of both countries to implementing the Simla Agreement in letter and spirit. It goes without saying that the Simla Agreement remains the cornerstone for the conduct of bilateral relations between India and Pakistan.

The commitment of the two governments to take steps in confidence building is reflected in the Memorandum of Understanding. Apart from agreeing to engage in bilateral consultations on security concepts and nuclear doctrines and continue to abide by our respective unilateral moratorium on conducting further nuclear tests, the MoU also provides the basis for the conclusion of agreements on advance notification of ballistic missile flight tests and prevention of incidents at sea. There is also an agreement that the two sides would periodically review the implementation of existing CBMs and set up consultative mechanisms to monitor them and ensure their effective implementation. The two sides shall also review existing communication links with a view to upgrading and improving them. A significant aspect of the MoU is the commitment of the two sides to undertake measures to reduce the risks of accidental or unauthorized use of
nuclear weapons and to undertake to notify each other immediately in the event of any accidental, unauthorized or unexplained incidents and also to adopt measures aimed at diminishing the possibility of any action or incidents being mis-interpreted by the other side. Appropriate communication mechanism for this purpose are to be established. India and Pakistan have also agreed that they will engage in bilateral consultations on security, disarmament and non-proliferation issues within the context of the negotiations on these issues in multilateral fora.

This MoU has far reaching significance for the peace and security of India and Pakistan. The agreements and institutional arrangements that will result from this MoU will go a long way to building security and confidence. Most importantly, the MoU and the agreements that it leads to will send a strong signal to the international community about our sense of responsibility and will dispel the self-serving thought promoted by some that South Asia is a nuclear flashpoint.

The Prime Ministers decided, as specified in the Joint Statement, that the Foreign Ministers would meet periodically to discuss all issues of mutual concern. It was also decided that the two sides would undertake consultations on WTO related issues, determine areas of co-operation in information technology, hold consultations with a view to further liberalizing the visa and travel regimes and appoint a two-member committee at the Ministerial level to examine humanitarian issues relating to civilian detainees and missing PoWs.

Prime Minister’s visit to Pakistan has also been an opportunity for us to restate our concerns about Pakistan’s sponsorship of and instigation to terrorism in Jammu and Kashmir and other parts of India. We will continue to emphasise these concerns with the Pakistan side and demand that these activities must end.

This visit has provided India with the occasion to reiterate at the highest level our basic approach towards Pakistan, i.e., that we seek a relationship of peace, friendship and co-operation with Pakistan. We wish to move relations with Pakistan ahead over a broad front through the composite dialogue process. The opportunities and the possibilities that are now available on account of the Prime Minister’s historic initiative provide the basis on which to build the edifice of India-Pakistan relations. We, on our part, will seriously pursue the action points that are identified in the various documents signed in Lahore. We will also earnestly pursue the composite dialogue with Pakistan. We have already started thinking about the follow-up action that is required to operationalise the understandings reached in Lahore. We hope that Pakistan will reciprocate our desire to put mistrust behind and move the relationship forward in full measure.

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1451. Mechanism for Consular Access and Repatriation of Civilian Prisoners between Pakistan and India.

Islamabad, March 6, 1999.

Reiterating their commitment to the Protocol on Consular Access signed between the two countries in November, 1982;

Based on the experience of Pakistan and India with the existing consular access and repatriation modalities;

Taking into account the requirements of the legal and administrative systems of the two countries;

Recognising the need to streamline and improve the existing procedures related to consular access and repatriation, the following measures were agreed to:-

1. Whenever a national of either country is detained in the other and is covered under the bilateral Protocol on Consular Access, 1982, the detaining country will provide, within a period of four weeks from the date of detention, the following information through diplomatic channels to the other country in respect of the detained person:-

   (a) Name
   (b) Parentage
   (c) Address
   (d) Passport Particulars, if available, (with validity)
   (e) Four Photographs
   (f) Offence
   (g) Jail where interned

2. Consular Access, which is presently provided 3 times a year, would be increased to 4 times a year i.e. every quarter (January, April, July and October). If need be, additional consular access may also be provided at the request of either party with a minimum notice of 30 days.

3. Detaining authority would ensure that the detained person is made available for the earliest possible consular access.

4. The proforma for ascertaining personal particulars during the consular access should be comprehensive and care should be taken by the detaining authorities to provide all possible assistance during consular access for eliciting full information. Where primary details are not available, should be made to have all possible secondary/corroborative details.
5. Nationality verification would be completed by the country concerned within 75 days from the date of consular access.

6. Travel documents would be made available by the concerned country within 15 days from the confirmation of national status.

4. The competent authority of the detaining country would issue exit permit for repatriation of the detainee within 15 days of availability of travel documents and completion of sentence (whichever is later), provided no other proceedings are pending.

8. The release and repatriation of civilian prisoners would take place on an individual basis as and when their cases mature, irrespective of whether any repatriation is due from the other side.

9. In special cases involving compassionate and humanitarian considerations, either side may exercise its discretion, subject to its laws and regulations, to allow early release and repatriation of civilian prisoners in its custody.

Sd/- Gurcharan Singh  
6/3/99  
(Gurcharan Singh)  
Joint Secretary,  
Ministry of Home Affairs  
Government of India

Sd/- Ahmed Jawad  
6/3/99  
(Ahmed Jawad)  
Joint Secretary,  
Ministry of Interior  
Government of Pakistan

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In pursuance of the desire of the prime ministers of Pakistan and India that both sides release civilian prisoners and fishermen of the other side in their custody at the earliest possible, and as a follow up to the Agreement reached between the officials of the Ministry of Interior, Government of Pakistan and Ministry of Home Affairs, Government of India, in their meeting in New Delhi on 13th November, 1998, the delegations of Pakistan and India met in Islamabad on 5-6 March 1999 to discuss modalities for the early release of civilian prisoners and fishermen of the other side in their respective custody.

2. The Pakistan delegation was led by Mr. Ahmed Jawed, Joint Secretary, Ministry of Interior, Government of Pakistan and the Indian delegation by Shri Gurcharan Singh, Joint Secretary, Ministry of Home Affairs, Government of India.

3. Discussions were held in a friendly and constructive manner. Shri Gurcharan Singh and the Indian delegation also called on Mr. Hafeezullah Ishaq, Secretary, Ministry of Interior, Government of Pakistan.

4. The two sides exchanged lists of civilian prisoners and held discussions to reconcile the numbers of prisoners indicated by each side. They came to the conclusion that the exact number of civilian prisoners of each side in the custody of the other can be determined only after further investigations in the light of the fresh information exchanged during the course of discussions. They also agreed that in keeping with humanitarian considerations as well as the legal and administrative requirements of the two sides, the civilian prisoners, whose national status has been confirmed, and who have already completed their prison sentence, should be released and repatriated expeditiously. Accordingly, the Pakistan side shall release 18 Indian civilian prisoners and the Indian side shall release 43 Pakistani civilian prisoners within three weeks. It was further agreed that the process of verification in respect of the remaining civilian prisoners would be completed in a period of two months, so that at the end of this period, no civilian prisoner, who has completed his prison sentence and whose national status has been confirmed, remains in the custody of the other county.

5. Reaffirming their commitment to the protocol on Consular Access of November, 1982, the two sides agreed to submit for consideration to the Ministerial Committee, set up by the two Prime Ministers, an improved mechanism to ensure release and repatriation of civilian prisoners on an individual basis following the completion of their prison sentence and availability of travel documents. This
mechanism would involve, *inter-alia*, time bound action by both sides in completing procedures such as intimation of arrest, provision of consular access, verification of national status and provision of travel documents for repatriation on completion of prison sentence.

6. In the above context, a draft mechanism for submission to the Ministerial Committee for its consideration was finalized.

7. The two delegations also discussed the issue of fishermen of one country detained by the other. They reiterated their commitment that fishermen, who inadvertently stray into each other’s territorial waters, should be released expeditiously along with their boats after necessary investigations are completed and travel documents made available. The Indian side agreed to release 26 Pakistani fishermen/o3 boats and the Pakistani side to release 109 Indian fishermen/17 boats, on completion of procedures. It was further agreed that the procedures in this regard will be completed within a month. As regards unconfirmed claims by both sides concerning their boats and fishermen in the custody of the other, it was decided that both sides would conduct further investigations and inform the other side of the results thereof.

8. Pursuant to the discussion on the subject during the meeting of the two Prime Ministers in Lahore, the Indian side conveyed details regarding 54 Indian Prisoners of War believed to be in the custody of Pakistan. The Pakistan side responded that according to its information there were no Indian prisoners of War in its custody, but agreed to re-examine the matter afresh.

9. The two sides discussed the visa relaxation measures taken by India for reciprocal steps by Pakistan and the Pakistan side stated that several of these measures were already being implemented, while the remaining measures were under favorable consideration.

**Islamabad,**

Mr. Chairman,
Honourable Members

I welcome this opportunity to brief the Senate regarding the visit of the Prime Minister of India, Mr. Atal Bihari Vajpayee, to Pakistan on 20-21 February 1999.

This visit took place at a critical juncture in the history of Pakistan-India relations. Over the past fifty years, these relations have remained mired in wars, tensions and confrontation. The core dispute of Jammu and Kashmir has remained unresolved. Firing between our troops still continues along the LoC and on the Siachen glacier. Since May 1998, a more dangerous and volatile security environment has emerged following the nuclear tests by India and in response by Pakistan.

As the honourable members are fully aware, the Indian nuclear tests on 11 May, qualitatively changed the security environment in the region and posed a direct threat to Pakistan’s security. We were confronted by threats and intimidation, calling upon Pakistan to accept the changed strategic realities and especially to roll back its principled policy of supporting the just struggle of the Kashmiri people for self-determination.

Pakistan was therefore compelled to conduct its own nuclear tests in order to restore the strategic balance and demonstrate a credible nuclear deterrence. This historic decision marks a watershed in Pakistan-India relations. For the first time in 50 years, we have acquired an independent and indigenous defence capability which is the ultimate guarantee of our security.

The nuclearization of South Asia also underscored the urgent need for Pakistan and India to resolve all outstanding issues between them, in particular the central issue of Jammu and Kashmir. At the international level, the nuclear tests served to focus attention on the need for resolving this root cause of tensions between the two countries, since it has become a nuclear flashpoint.

Accordingly, the U.N. Security Council resolution 1172 calls for a dialogue between Pakistan and India to address the Kashmir issue. Similar views have been expressed in statements and communiqués of the Group of 8 Industrialized countries and Permanent Five members of the U.N. Security Council. Additionally, prominent world leaders such as South African President Nelson Mandela,
President of the United States, Bill Clinton, and United Nations Secretary General, Kofi Annan, have echoed similar exhortations for a solution of the Kashmir dispute.

Pakistan has consistently sought a peaceful, negotiated, durable settlement of the Kashmir issue in accordance with the relevant U.N. Security Council resolutions, enabling the Kashmiri people to exercise their inalienable right of self-determination. Their struggle for obtaining this right, has been met, ironically with massive repression which has violated over the past 10 years, several other fundamental rights of Kashmiris including freedom of speech, movement or association. Experience of the last 50 years, characterized by three wars and continuing tensions, amply demonstrates that use of force cannot provide the solution to the problems between Pakistan and India. In the prevailing nuclear environment, war is no longer an option. The only avenue available to both countries is that of dialogue and negotiations.

Guided by this conviction, Prime Minister Nawaz Sharif launched his initiative for resuming the bilateral dialogue with India soon after assuming office in 1997. The strength of his argument was and continues to be that the people of both countries confront similar problems of poverty, hunger and disease. Both countries need economic development and social progress. However, as long as their relations continue to remain entangled in confrontation and tensions, they would be compelled to divert their resources away from developmental purposes towards continuing spirals of a wasteful arms race. In order to break out of this vicious circle, the Prime Minister repeatedly emphasized to his Indian interlocutors, that it is imperative to ensure peace and security in the region by resolving all outstanding issues, particularly the Kashmir dispute.

In June 1997, the Prime Minister’s efforts achieved significant success when the Foreign Secretaries of Pakistan and India reached an understanding on an agreed agenda for bilateral talks which included the Kashmir issue for the first time in several decades. More importantly, in their New York meeting on 23 September 1998, the Prime Ministers of Pakistan and India agreed that an environment of peace and security is in the supreme national interest of both countries and that resolution of all outstanding issues, including Jammu and Kashmir, is essential for this purpose. This historic agreement has become the framework and the touchstone for the bilateral dialogue process that commenced in October last year in Islamabad.

We also emphasized that normalization of our relations with India would not be possible unless there was concrete progress on the Kashmir issue. However, in order to improve the atmosphere for serious negotiations, the Prime Minister
also took several initiatives such as starting a bus service between Lahore and New Delhi, ordering the unilateral release of Indian fishermen and civilian prisoners, offering to sell surplus electricity to India and resuming exchanges in the field of sports.

These developments set the stage for the Indian Prime Minister, Mr. Vajpayee's visit to Pakistan on the inaugural run of the bus service between Delhi and Lahore.

In keeping with our established practice, a dignified welcome befitting a head of government was accorded to Prime Minister Vajpayee. Apart from the formal session of the bilateral dialogue, the two leaders held several rounds of informal talks. At the conclusion of the visit, three documents were adopted — the Lahore Declaration, the Memorandum of Understanding and the Joint Statement. I would like to place copies of these documents on the Senate record.

The Lahore Declaration is by far the most important outcome of the Summit meeting. It records the shared vision of the two leaders, not only about the future relationship between Pakistan and India but for the security and prosperity of the entire South Asian region.

The very first operative paragraph of the Declaration establishes the commitment of both sides to intensify their efforts to resolve the outstanding issue of Kashmir. Another paragraph calls for respecting human rights and fundamental freedoms among which is the fundamental freedom of self-determination.

The Lahore Declaration also underscores the commitment of both sides to the principles and purposes of the U.N. Charter as well as reiterating their determination to implement the Simla Agreement in letter and spirit. As you well know, the U.N. Charter clearly calls for the implementation of all decisions taken by the world body, including the relevant resolutions on Jammu and Kashmir. As regards the Simla Agreement, the only outstanding issue to be addressed is the final settlement of Jammu and Kashmir.

Moreover, it should be noted that in as many as three public pronouncements, Prime Minister Vajpayee confirmed the need to resolve the Kashmir issue through the integrated bilateral dialogue process.

The Memorandum of Understanding also established a clear linkage between an environment of regional peace and security and resolution of the Kashmir dispute.

Furthermore, the Memorandum identifies 8 concrete measures that are to be taken for ensuring peace and security as well as promoting stabilization and restraint in the nuclear and conventional fields. This is to be achieved through
Confidence Building Measures, the details of which are to be worked out by the technical experts of the two sides.

Mr. Chairman,

Honourable Members,

From the floor of this august house, I want to state categorically that there is no question of the government having compromised Pakistan's principled position on the Jammu and Kashmir issue, as has been alleged by some quarters. There is no, repeat no, secret understanding or deal, nor is there any weakening of our position on the Kashmir dispute. The government remains committed as before to supporting the just cause of the Kashmiri people for self-determination, and we shall continue to provide them political, moral and diplomatic support towards this end.

Indeed, it is our conviction that the government's policy of engaging with India at the highest level has better served the Kashmir cause. Indeed, the most significant outcome of the Lahore Summit has been the agreement between the two leaders to intensify efforts for the resolution of the Kashmir issue.

In preparation for the Indian Prime Minister's visit, I briefed the Standing Committees of both the Houses. The Prime Minister also invited Kashmiris including representatives of APHC to take them into confidence.

It is also a matter of record that the Summit meeting has been welcomed and praised by virtually every country and world leader. The event has attracted widespread attention and commendation from the international media as well. Even within Pakistan many opposition leaders and newspapers comments have welcomed the initiative to raise the level of negotiations with India.

The most important aspect of the international reaction has been the unprecedented focus on the need to resolve the Kashmir issue. Our commitment of peace and security has also been lauded by the international community. We have clearly established that this can only be achieved through resolution of all outstanding issues, in particular the core dispute of Kashmir.

There is increasing appreciation in the world now that peace, progress and prosperity in South Asia are not possible without an environment of security and stability, for which purpose it is imperative to resolve the root cause of tensions - the Kashmir dispute. This fundamental reality has been repeatedly emphasized by the Prime Minister in his meetings with the Indian leader as well as to other world leaders.

He has also stressed at every opportunity that not only Pakistan and India, but the entire SAARC region would benefit tremendously from diversion of resources
towards economic development, promotion of trade and regional cooperation. At the SAARC Summit in Colombo, he had put forward a proposal on peace, security and development, aimed at creating an enabling environment for progress, prosperity and regional cooperation.

In conclusion, I would like to emphasize that the outcome of Prime Minister Vajpayee’s visit has been positive. It is now time for both sides to convert their commitments into deeds, to translate words into action. We remain ready to do our part and to fulfil our obligations. It is our hope that the Indian side will reciprocate in equal measure.

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1454. Joint Statement issued at the end of a meeting between External Affairs Minister Jaswant Singh and Foreign Minister of Pakistan Sartaj Aziz on the sidelines of 21st session of the SAARC Council of Ministers.

Nuwara Eliya (Sri Lanka), March 19, 1999.

The Foreign Minister of Pakistan Mr. Sartaj Aziz and the Minister of External Affairs of India, Shri Jaswant Singh met today on the sidelines of the 21st Session of the SAARC Council of Ministers at Nuwara Eliya, Sri Lanka.

They reiterated the historic significance of the Lahore Declaration which embodies the vision of the Prime Ministers of the two countries for ending the legacy of tensions and conflicts of the past fifty years and for ushering a new era of peace, security and prosperity. They discussed ways and means to build on the Lahore Declaration which commits the two countries to build trust and confidence, develop mutually beneficial cooperation and intensify their efforts to resolve all outstanding issues including Jammu and Kashmir.

The two Foreign Ministers agreed on the urgency of taking concrete measures for implementation of the Lahore Declaration, the Memorandum of Understanding and the Joint Statement issued during the Lahore Summit. In this context, the Ministers agreed that the composite and integrated dialogue process must be intensified.

The Ministers agreed to the following:

(i) The meetings of Experts for implementation of the Memorandum of Understanding will be held over the next two months.
(ii) The next round of the composite and integrated dialogue process in accordance with the agreed agenda will commence in May 1999 in New Delhi and Islamabad and will be held over a period of six weeks.

(iii) They will meet shortly after the conclusion of the May - June Round of the composite and integrated dialogue process.

(iv) The Committee on humanitarian issues composed of Minister of State for Foreign Affairs of Pakistan and the Minister of State of External Affairs of India set up by the Prime Ministers at the Lahore Summit will meet in April 1999 to formalize the agreement on the issue of release of civilian prisoners as well as to discuss other humanitarian issues.

(v) That both sides have agreed to relax the visa regime for several categories of visitors. The specific visa relaxation measures shall be announced by the two Governments shortly.

(vi) Delegations of experts from India shall visit Pakistan during April 1999 for identifying areas of cooperation in information technology, Y2K and WTO-related issues.

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Consistent with its policy to promote contacts between the people of India and Pakistan at all levels and in keeping with the understandings reached with Pakistan during the visit of Prime Minister, Shri Atal Bihari Vajpayee to Pakistan on February 20-21, 1999 and in the meeting of the External Affairs Minister, Shri Jaswant Singh with the Pakistan Foreign Minister, Sartaj Aziz at Nuwara Eliya on March 19, 1999. The Government of India has decided to ease visa and travel restrictions for the following categories of Pakistan Nationals.

(I) Judges of the Supreme Court of Pakistan and of the various high courts.

(II) Attorney General, Solicitor General and Chairperson of the Supreme Court Bar Association.

(III) Editors-in-Chief of national newspapers, and owners/principal functionaries of national newspapers.

(IV) Members of national cricket and hockey teams during their tours of India.

(V) Members of the national assembly and the senate, leaders and deputy leaders of provincial assemblies and leaders and deputy leaders of opposition in provincial assemblies.

(VI) Vice chancellors of recognized approved universities.

(VII) Secretaries/secretary rank officers of the federal government of Pakistan.

(VIII) Spouse, dependent children, i.e sons up to 18 years of age and unmarried daughters of persons in above mentioned categories.

3. Visasholders in the above mentioned categories would be exempt from police reporting. They will be entitled to multiple entry visas of up to one year duration. They will also be exempt from the restrictions of city-specific visas and will be entitled to travel anywhere in India except certain specified areas for which prior permission would be required.

4. The relaxations would come into effect on April 2, 1999.

5. Some relaxations have also been made in the regime governing visits of tourist groups to India. Tour operators only will have to report the arrival of a group to the police at each destination within India. Individual members of a tourist group will not be required to do so. This relaxation will come into effect shortly.
Interview of External Affairs Minister Jaswant Singh with the Pakistan daily *THE NEWS*.

March 30, 1999.

The following is the text of the interview

**Question** Are you optimistic about the future of Indo Pak ties?

**Answer** I am confident that India-Pakistan relations would move ahead in a positive direction. Prime Minister Atal Behari Vajpayee’s historic initiative to visit Lahore on the inaugural run of the Delhi - Lahore bus service represents a path breaking and significant engagement between our two countries. The Lahore Declaration, the MOU and the joint statement are all landmarks in our bilateral relations and will move bilateral relations forward for the welfare of the peoples of India and Pakistan.

Q. The history of Indo-Pak dialogue shows that the moment the two countries manage to arrive at an agreement, they then proceed to interpret that to death. Does the already conflicting interpretations by the two sides of the Lahore Declaration suggest that this too will meet the same fate?

A: During our meeting at Nuwara Eliya in Sri Lanka on March 19, Foreign Minister Sartaj Aziz and I agreed that the Lahore Declaration commits India and Pakistan to build trust and confidence, develop mutually beneficial cooperation and intensify their efforts to resolve all outstanding issues including Jammu and Kashmir. This is the common interpretation that we have of the Lahore Declaration. Hence there should be no apprehension of differing interpretations of the Lahore Declaration.

Mr. Sartaj and I also agreed on the steps which now need to be taken to implement the Lahore Declaration, the MOU and the joint Statement:

**KASHMIR ISSUE AT UN**

Q: In your view is Pakistan precluded by the Lahore Declaration from raising the Kashmir issue at the UN?

A: The Lahore Declaration is rooted in the proposition that the two countries will engage in direct bilateral dialogue to build trust and confidence, put in place a comprehensive and stable structure of cooperation and address outstanding issues. The composite dialogue process is also based on a direct bilateral engagement between the two countries. May I reiterate what I have said in the past? India and Pakistan speak the same language and do not require interpreters.

Q: India and Pakistan have agreed to open a dialogue on Kashmir. Will Delhi
be prepared to discuss ways and means of eliciting the wishes of the Kashmir people about their political destiny?

A: As part of the composite dialogue process, India and Pakistan are discussing Jammu and Kashmir. This is a direct bilateral engagement. There is no other basis on which Jammu and Kashmir can be discussed between the two sides.

PROXY WAR

Q: It is difficult for us in Pakistan to envision how India and Pakistan can normalize relations so long as India’s Army is engaged in a massive operation against the Kashmiris. Is India prepared to take concrete steps to “humanize” the situation in Kashmir together with undertaking other Kashmir-specific confidence-building measures?

A: The people of our state of Jammu and Kashmir have been the victims of the violence perpetrated by foreign mercenaries who are recruited, indoctrinated, trained, armed, financed and infiltrated into India by extremist organizations and official agencies from beyond our borders. The people of Jammu and Kashmir have shown a heroic resilience in facing this terrorism. Our security forces are in Jammu and Kashmir in response to an unabated proxy war. Our forces have a proud tradition of discipline and valour. Our democratic institutions are vigilant in ensuring that human rights and fundamental freedoms are upheld.

Q: We see the growing involvement of the international community in resolving long-standing disputes such as Northern Ireland, East Timor etc Why should the international community or the UN not get actively engaged in the South Asian peace process?

A: India and Pakistan are committed to resolving all outstanding issues bilaterally under the Simla Agreement. There is no scope for third party mediation. Both sides have reaffirmed commitment to the Simla Agreement during Prime Minister Vajpayee’s recent visit to Lahore

NUCLEAR WEAPON STATE

Q: How do you see the manifest unwillingness of the P-5, especially the USA, to accept India and Pakistan as legitimate nuclear weapons states?

A: India is a nuclear weapon state. This is not a status for others to confer.

Q: Are international fears about the fragility of India-Pakistan nuclear stability justified?

A: No India is a responsible member of the international community.
Q: According to the MOU signed last month in Lahore, the two sides shall engage in bilateral consultations on security concepts and nuclear doctrines with a view to developing measures for confidence building in the nuclear and conventional fields, aimed at avoidance of conflict. Is India prepared to talk on mutual and balanced force reductions to ensure the implementation of this undertaking?

A: Let me first of all make it clear that India security concerns are not country-specific, these concerns are not limited to any one country but go beyond the region. We have made this known to Pakistan during the first round of the composite dialogue process. We are including confidence – building measures with Pakistan.

DETERRENCE STABILITY

Q: Pakistan has clearly expressed its position that nuclear stability in South Asia is related to conventional stability. It can be assumed that Pakistan’s nuclear doctrine will therefore be premised on its perception of India’s much larger conventional capacity, most of which is deployed against Pakistan. Could there be meaningful progress on deterrence stability and confidence-building measures. If the two sides cannot reach agreements which reduce not only the risk of conventional war but address Pakistan’s concerns vis-à-vis Indian conventional capabilities?

A: It has been India’s contention that nuclear weapons are not weapons for war fighting; these are weapons for deterrence. This is why India has voluntarily announced a policy of no-first-use. Pakistan’s doctrine in this regard is different. Nevertheless, we remain ready to engage in discussions with Pakistan on both nuclear and conventional CBMs. If Pakistan’s nuclear capability has provided it with a greater sense of security, it will facilitate these negotiations.

Q: Would not in that case consultations on security concepts and nuclear doctrines simply confirm that there cannot be certainty that nuclear weapons will not come into play as a result of a possible escalation in the conventional situation?

A: As I have already said, India does not consider nuclear weapons as weapons of war fighting. And therefore the perception that the link between conventional and nuclear weapons forms a continuum is entirely misplaced with regard to India. Additionally CBMs are intended to prevent any escalation in the conventional situation so that Pakistan can ensure its own defence in terms of its own requirements and resources without getting entangled in notions of parity.
INDIA AND CTBT

Q: India has said it will not impede the entry into force of the CTBT by September this year. Will India sign the Treaty by mid-1999 as US officials have indicated?

A: I have had the occasion to clarify this in Parliament. We stand by what the Prime Minister said in the UNGA and in Parliament in December 1998.

Q: Will India make its ratification of the CTBT conditional on simultaneous ratification by the nuclear weapons states, specially the USA?

A: We are not laying down preconditions. However, you know the history of negotiations of the entry into force Article and our position on this text. Therefore, it is our expectation that all countries mentioned in Article XIV of the CTBT should ratify the treaty without conditions.

Q: India has agreed to participate in the FMCT negotiations. Does India accept the basic premise of the Treaty i.e. that only future production of fissile material should be banned?

A: Since 1993, India has remained ready to participate in FMCT negotiations that would bring about cessation of future production of fissile material for nuclear weapons or other nuclear explosive devices, backed by a non-discriminatory verification regime.

FMCT TALKS

Q: Does India support an immediate moratorium on fissile material production by the P-5 as well as India and Pakistan as has been proposed by the USA?

A: It is not possible for India to agree to such a suggestion at this stage. We will, of course, pay serious attention to any negotiated multilateral initiatives in the course of the FMCT negotiations.

Q: What in your judgment has been the impact of India’s nuclear tests on the structure of Sino-Indian ties?

A: Our nuclear tests were conducted on security considerations. They were not country-specific.

We remain committed to improving relations with all our neighbours, including China, on the basis of the five principles of peaceful co-existence. Both India and China considered the Foreign Office consultations, held recently in Beijing (February 25-26), to have been useful and agreed that dialogue, at various levels, should continue. We continue to have mutually beneficial co-
operation in diverse fields. Bilateral trade increased to $1.92 billion during 1998. India, for the fourth year in succession, was China’s largest trading partner in South Asia.

As close neighbours engaged in the task of economic development, it is important for India and China to eliminate differences through dialogue and to enhance mutually beneficial cooperation. This would contribute to peace and stability in the region as well as in the world at large.

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1457. Record of the Call by Pakistan High Commissioner Ashraf Jehangir Qazi on Prime Minister Atal Bihari Vajpayee.

New Delhi, April 12, 1999.

Prime Minister’s Office

PHC said that the bilateral dialogue was proceeding, and Foreign Secretary-level talks would take place in June. These would be followed by talks on the other six subjects at the level of Secretaries, to be followed by MOS level talks and then EAM-level talks. After that, perhaps PM Nawaz Sharif (PMNS) could visit India. The Pakistani side was happy that the dialogue had been resumed and the basis and framework were now in place. It was their hope that all items on the agenda would be implemented and none would be neglected. The talks should go on and this was the desire of the Pakistani side. He also commented on the Agni test and said that it demonstrated the technical competence of India but it would have security implications for Pakistan.

2. PM said that India’s security concerns were not limited to Pakistan and the Agni was not country-specific anyway. Principal Secretary added that they were also planning to test the naval version of Prithvi, but PM had stopped it. To the Pakistanis, we would like to convey the assurance that Agni had nothing to do with Pakistan. PHC said that nonetheless, it could also hit Pakistan. Principal Secretary said that if we chose to launch it from Chennai, then it would hit Pakistan. However, we would not risk a long flight over Indian territory itself. He added that the Agni test was scheduled originally in March but PM had postponed it since it came soon after the Lahore talks. He repeated that the short-range naval missile had not been tested because of Pakistani sensitivities. PHC said that he would convey this to Islamabad.
3. **PM** inquired whether the Pakistani business delegation had had a useful trip to India. **PHC** said that it had gone well. All of India’s neighbours wanted to expand their exports to India but the Indian market was very competitive. CII and FICCI were quite active in Pakistan also as were various other regional chambers. **PHC** said that he had recently visited Chandigarh and the local chamber had projected a target of Rs.10,000 crore turnover by 2003. Pakistan was willing for this, provided there was forward movement on all issues. There should be no issue on which there was no progress. **PM** observed that some issues were easy while others were difficult. **PHC** said that while this was true, the difficult issues could not be ignored. **PM’s** visit had raised expectations, specially his speech at Governor’s House in Lahore. People remembered **PM’s** role 20 years ago as Foreign Minister in improving Indo-Pakistan relations. They were looking to him for guidance this time too. This was the vision also of PMNS.

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17 April 1999

1458. **Press Release issued by the Ministry of External Affairs regarding developments along the Line of Control in the Kargil Sector in Jammu and Kashmir.**

New Delhi, May 21, 1999.

We have seen the statement made yesterday by an Official Spokesman of the Pakistan Ministry of Foreign Affairs on recent developments along the Line of Control in the Kargil Sector in Jammu and Kashmir. We have also seen reports of comments made by a Pakistan Military Spokesman on these developments. These constitute a brazen attempt by the Pakistan government to obfuscate the truth and camouflage their true intentions, while projecting an air of injured innocence.

The facts are that Pakistan has, since early this month, under the cover of intense artillery shelling, pushed into Indian territory across the LOC in the Kargil sector, a large number of armed intruders. Evidently, Pakistan hoped that these armed intruders would succeed in consolidating their positions, so that they could pose a continuing threat to peace and security in Jammu and Kashmir. However, the Army has through effective and timely movement surrounded most of these infiltrating groups. All necessary action will be taken by the Armed
Forces to complete their task of putting an end to this intrusion. Pakistan should be aware from its own experience that such foolhardy ventures against India can never succeed.

This is yet another instance of Pakistan’s persistent efforts to infiltrate terrorists across the LOC, in pursuit of its designs on Jammu & Kashmir. We call upon Pakistan to observe its obligations under the Simla Agreement, in particular, to desist from violating the international boundary and the Line of Control in Jammu & Kashmir. We reiterate that Pakistan must abandon its sponsorship of cross-border terrorism in Jammu & Kashmir, and elsewhere in India, its continuing firing, including artillery shelling across the international boundary and the LOC in Jammu & Kashmir, often targeting the civilian population, as well as its vicious propaganda against India. We must once again make it clear that there cannot be a resolution of complex issues or the building of a stable bilateral relationship as long as Pakistan continues to engage in these confrontational and hostile activities.

Our desire for good neighbourly relations with Pakistan was once again made amply clear in the historic initiative of Prime Minister Shri Atal Behari Vajpayee to visit Lahore in February this year. We call upon Pakistan to join us in following up on the Lahore Declaration, which commits the two countries to work purposefully in building confidence and trust, put in place a stable structure of cooperation and resolve all outstanding issues through peaceful bilateral discussions.

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1459. Media Briefing by Spokesman of the Pakistan Ministry of Foreign Affairs regarding the situation in the Kargil Sector.


Warning India against further aggravating the already-tense situation in Kashmir, the Foreign Office spokesman urged the UN Secretary-General on May 26 to immediately send an envoy to the subcontinent to take stock of the situation in the valley and on the Line of Control (LoC).

The spokesman confirmed that the Indian Prime Minister had called Prime Minister Nawaz Sharif on May 25 on the phone with regard to the Kashmir situation and said his understanding was that both Prime Ministers focused on the need for maintaining peace and security. The spokesman said the two Prime Ministers decided that the Directors-General of Military Operations (DGMO) on the two sides should speak to each other and try to settle the matters so as to help defuse the escalation.
He told reporters that the Indian air strikes against the so-called “infiltrators” with MI-17 gunship helicopters, backed by jet fighters earlier on May 26 in the Kargil sector, was “fraught with dangers”.

The spokesman stated that the use of Indian air power against Kashmiri freedom fighters was apparently done “to create conditions in which advantage may be taken on the ground (against Pakistani side) which will be a violation of the Simla Agreement”.

He categorically stated that Pakistan reserved the right to respond appropriately in such an event and asserted that the responsibility would be squarely on India.”

The spokesman called upon the UN Secretary-General to immediately send his special envoy to the subcontinent to take stock of the situation in Kashmir and along the Line of Control. Pakistan has also proposed that the UN Military Observers Group in Kashmir (UNMOGIP) be reinforced to prevent further escalation and its fallout, he said.

He further said that to counter the Indian allegation of sending trained guerillas into Kashmir by Pakistan, Kashmir would be welcomed to send a mutually-acceptable UN force.

The spokesman said that Indian air strikes in Kashmir also resulted in some bombs falling on the Pakistan side. Such escalation, he said, was unwarranted and should be avoided. He said that apparently the Indian air attack was not on targets in Pakistan. Basically, it was directed against the Kashmiri mujahideen in Kashmir, he said.
1460. Statement by Official Spokesperson of the Ministry of External Affairs rejecting Pakistan’s protest on alleged violation of LoC by Indian aircraft.

New Delhi, May 27, 1999.

Our Acting High Commissioner in Islamabad has categorically rejected the “protest” and the untenable allegations made this evening by an official of the Pakistan Foreign Ministry. It was pointed out to the Pakistan Foreign Ministry that there has been no violation whatsoever of the LoC by India. Our aircraft were flying on our side of the LoC. The spokesman of our Ministry of Defence has already provided all the facts. Pakistan’s action is hostile and provocative, and represents an escalation. In this context it is we who lodge a strong protest.

It is shameless of Pakistan to speak of violation of the Simla Agreement, considering that Pakistan has been systematically flouting the Simla Agreement all these years, through its continuous and active sponsorship of cross-border terrorism and artillery shelling and vicious propaganda. Now, this has been compounded by Pakistan’s pushing across the LoC in the Kargil Sector, of a large number of armed intruders, fully supported by the Pakistan armed forces. These intrusions are qualitatively different from the earlier ones. As made clear in our statement of May 21, and by our Prime Minister in this talk with his Pakistan counterpart, such activity is totally unacceptable. All necessary action will be taken by our armed forces to put an end to this intrusion. We are resolute in our determination to complete this task. Pakistan will be responsible for any escalation. Pakistan should realize that such foolhardy ventures against India cannot succeed. Regarding the reference to the DGMO’s conversation, we are waiting for the Pakistan DGMO to respond to suggestions made by his Indian counterpart.

The present situation has been created entirely because of Pakistan’s provocative activities. It is Pakistan which needs to exercise restraint. We remain committed to the Lahore Declaration. Pakistan must realize that there cannot be stable relations in the face of its provocations.
1461. Pakistan Foreign Office summons Indian Charge d’ Affaires to Lodge Strong protest with India on the alleged air violation.

Islamabad, May 27, 1999.

Pakistan lodged a strong protest with India against violations of Line of Control on May 27.

The Indian Charged Affaires was called to the Foreign Office and Pakistan’s grave concern at repeated violations of the LoC by Indian aircraft was conveyed to him. Indian aircraft had on May 26 crossed the Loc and hit with rockets the area close to the Loc in the Indus sector. Indian aircraft had on May 27 again intruded into Pakistani territory. Two Indian aircraft were shot down and their wreckage lies well inside Pakistan.

The Indian Charged’ Affaires was told that Pakistan, in the past few days, and particularly on May 26, had expressed the hope that India would avoid provocative military action and that Pakistan reserved the right, in any such situation, to respond appropriately.

These provocations are clear violation of the Simla Agreement and the spirit of the Lahore Declaration and have created an extremely dangerous situation in the area. Pakistan has expressed the hope that India would avoid any further military escalation which could lead incalculable consequences.

Pakistan has apprised the UN about the dangerous situation created by India’s reckless actions across the LoC in Kashmir. The Prime Minister urgently addressed a communication to the UN Secretary General in this regard on May 27 calling for reinforcement of the strength and role of UNMOGIP and immediate dispatch of a Special UN envoy to the region for preservation of peace and security.
Prime Minister Nawaz Sharif had a telephonic talk with his Indian counterpart Atal Behari Vajpayee and impressed upon him not to allow situation on LOC towards a dangerous direction.

Nawaz Sharif offered Vajpayee to send Foreign Minister Sartaj Aziz to New Delhi for talks with the Indian Foreign Minister to find ways for ending the tension, said a statement issued by the Foreign Office.

Nawaz Sharif told Vajpayee that Pakistan was not responsible for the present tension. The situation along LOC deteriorated, "on account of heavy artillery shelling in the Kargil sector across the Line of Control."

Indian Prime Minister had talked to Nawaz Sharif on telephone on Monday so the latter returned his call.

The Prime Minister told him that he could send Sartaj Aziz to have talks with his Indian counterpart "to defuse the current situation and pave the way for peaceful settlement of the Jammu and Kashmir issue".

The Prime Minister said he was disappointed over the situation because in less than three months of the Lahore Declaration, they were "facing a situation which is fraught with grave risks".

Nawaz Sharif emphasized that both, "the leaders owed it to their peoples not to allow the situation to drift towards a dangerous direction".

The Lahore Declaration, he said, had "created a positive atmosphere" and "commits both the countries to resolve their problems, particularly the Jammu and Kashmir issue".

He reiterated that Pakistan remained committed to the preservation of peace and promotion of dialogue in pursuance of the Lahore Declaration.

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Record of Prime Minister Atal Behari Vajpayee’s telephonic talk with Pakistan Prime Minister Nawaz Sharif.

New Delhi, May 29, 1999 (23:30 hrs)

PMNS began by saying that he was ready to send Foreign Minister Sartaj Aziz at any time convenient to India. He said that they were ready to discuss all issues and some way would need to be found to resolve our problems.

PM told PMNS that the latter should make up his mind what he wished to do. If the only purpose was to show to the world that they were talking, nothing would come out of it.

PMNS said that he had already made up his mind and wanted peace and friendship. PM said that we were unable to understand why the LoC had been violated with help from Pakistani Army regulars. PMNS said that there were no regulars and there was no involvement of the Army. These were freedom fighters who had been waging a campaign for freedom for the last 10-12 years. PM told PMNS that we had found the body of a regular soldier of Pak army. PM then asked why there had been no clashes in the Kargil sector for the last 20 years or more. He also said that the Pakistani side had shot at our Canberra and MIG aircraft. Where had the stinger missile come from? PM said that if he wanted to spoil relations he would not have taken the bus trip to Lahore. In fact, it was Pakistani action that was threatening to destroy everything that had been achieved in Lahore. He once again asked PMNS to think further, and make up his mind “because if we resumed talks and there was no result, that would make matters worse.” PMNS felt that there would be results and one should not be pessimistic.

PM replied that for talks to be meaningful Pakistan must call off the intruders, because we would not stop our operations as long as they were on our side of the LoC.

PMNS said that he would think further about what PM had said and speak again.

PM added that during the conversation, there was emphasis on the Lahore process and PMNS stated his desire to work in that direction.

The conversion lasted 20 minutes.

Sd/-
30 May, 1999
Foreign Minister Sartaj Aziz may visit India next week in an effort to defuse tension along the LoC in the disputed Kashmir valley, Information Minister Mushahid Hussain said.

Asked how sure he was about Sartaj Aziz’s visit to New Delhi, Mushahid Hussain said: “Insha Allah the visit will take place next week. “But he said he would not like to give more information about behind the scene efforts to defuse tensions. “We would like to believe that our peace initiative has had a sedative affect on the situation,” he said.

Describing the downing of two Indian planes by Pakistani troops on Thursday as “a turning point,” the information minister said “since then saner elements in India have been urging their government to show restraint.” “We have taken the initiative and now we are waiting for their response,” said Foreign Office’s spokesman Tariq Altaf when asked for comments on the foreign minister’s proposed visit.

The prime minister, he said, took a major diplomatic initiative by proposing that Aziz may visit New Delhi to hold talks with his counterpart for defusing tensions and for seeking a peaceful solution to the Kashmir dispute.

“This initiative by the prime minister is a concrete manifestation of his firm commitment to the peace process as he had reiterated in his letter to the UN Secretary-General on May 27,” Altaf said. “Pakistan, as I have said repeatedly, is desirous of defusing the situation which has been escalated by India with military action against the Kashmiri Mujahideen inside occupied Kashmir and incursions and heavy shelling across the Line of Control.”

“Pakistan remains committed to the Lahore Declaration and to the entire peace process. We also remain entirely prepared and we would do everything possible to defend our security, sovereignty and territorial integrity.”

“Our preference, nevertheless, is for finding solutions through peaceful negotiations. While we call upon the international community, in the words of President Nelson Mandela, to tend all their strength to the resolution of the Kashmir problem, Pakistan will not be found wanting in making efforts herself and in taking bold and constructive initiatives to preserve peace and security, and to promote negotiated solutions to all issues.”
“I would also like to reiterate our serious concern, as I had done yesterday, at the perpetration of brutalities and intensified military action by the Indian forces against the Kashmiri Mujahideen, inside the Indian held Kashmir.”

The Information minister found the telephonic conversation of the two prime ministers very important and effective as it had brought down the political and military temperatures. “The conversation seems to have a salutary effect on the situation, which started with the downing of two Indian aircraft,” he said. But Mushahid Hussain felt that the international community needed not to just express concern over the escalation along the Line of Control but go beyond that. He said Pakistan had continuously brought the entire situation to the notice of the world.

The Information Minister said that last week’s escalation had convincingly demonstrated Pakistan’s capability to defend its airspace and protect the territorial integrity of the motherland from intruders and attacks. Also, he said, these events had once again heightened the fact that the key issue of Kashmir could not be brushed aside as on it rested peace and stability in South Asia.

He said that during the past week, Pakistan had clearly demonstrated that it was a responsible and mature member of the international community. He said the events unfolding after the border escalation had shown clearly how Indian military command had reacted in panic, desperation and confusion, sparked by their own military failure inside occupied Kashmir. Mushahid Hussain also cited contradictions among the statements issued by the Indian leaders on the situation.

Reiterating Pakistan’s stance, the information minister said: “We are consistent in promoting peace in the region and having a serious and substantive dialogue with India on all issues.” Mushahid Hussain once again stressed that Pakistan was not involved in supporting the freedom fighters as the Indians alleged. However, he said, Islamabad did show political, diplomatic and moral support to them.

Mushahid Hussain also ridiculed the Indian army claim about the presence of Mujahideen and recalled that the Indians gave them different identifications at different times. But the information minister said the Indian occupation forces had resorted to worst treatment to the freedom fighters. “Rape has been used as a war weapon against them and we have such an instance in Bosnia only,” he said. Pakistan has proposed dates for the visit of Foreign Minister Sartaj Aziz to India for talks on finding way of defusing tension at the Line of Control (LoC).

“Pakistani High Commissioner in New Delhi is in touch with the Indian authorities to finalise the dates,” Foreign Minister, Sartaj Aziz told reporters. “My visit’s
intention is to defuse the situation and try to find a solution to the (Kashmir) problem through dialogue,” he said and added he would emphasise that the local problems should be resolved at local level.

To a question he agreed that interim Indian government could not take major decisions, but a lot of technical issues could be discussed. Responding to another question he said: “We are doing our best to defuse the situation, but we cannot say with surely what will happen.” Sartaj said exchange of artillery fire is a common feature every Summer, but this year India escalated it qualitatively.

“It is for the first time since 1971, India has used jet fighters and gunship helicopters along the Line of Control, which tensed the situation.” Nevertheless, he said, both India and Pakistan are committed to the Lahore Declaration. To a query on Indian allegation that non-Kashmiris were fighting in the occupied valley the foreign minister said that Indian armed forces had killed 50,000 to 60,000 Kashmiri. “How many of them could be non-Kashmiris?” he asked.

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1465. **Rejection by Prime Minister Atal Behari Vajpayee of the offer of UN Secretary General to send a Special Envoy to India to broker peace between India and Pakistan.**


Indian Prime Minister Atal Behari Vajpayee said on May 30 that he has rejected an offer by UN Secretary General Kofi Annan to send a special envoy to broker peace with Pakistan. Mr. Annan rang me up on May 29 to convey his proposal to send a special envoy to India and Pakistan to sort out the matter between the two countries Mr. Vajpayee said.

“I firmly told him that if at all an envoy has to be sent, he should go to Pakistan and not India. Mr. Vajpayee said in the context of worries in the UN that tensions between India and Pakistan over fighting in Kashmir could trigger a war.

Mr. Vajpayee said the military offensive to flush out the fighters in Kashmir’s Kargil sector would continue until the mission is accomplished. “We cannot tolerate their presence in our territory”, he said.

“It is Pakistan which has attacked us and violated our territory to capture our land,” he said and added that India will not accept a third-party mediation in resolving bilateral issues.
“India did not start the hostility In fact we have always been trying for peace between the two neighbours,” he said.

Mr. Vajpayee said “We are not shy of talks (with Pakistan) but we will not do so under fear.”

The Indian External Affairs Ministry spokesman, meanwhile, linked the proposed visit by Pakistan’s Foreign Minister to New Delhi to the occupation by Islamic fighters of pockets of Kashmir. The matter is under consideration. However our thinking has to be taken into account that the fact that an armed intrusion has taken place and it must be first reversed,” the spokesman said.

He also said British Foreign Secretary Robin Cook and US Secretary of State Madeleine Albright spoke to Indian External Affairs Minister Jaswant Singh over the week-end. “There is however, a general recognition in the world of the problem that is: the armed intrusion in Kashmir and the military action taking place.”

Mr. Cook expressed his concern but Mr. Jaswant Singh told him that India had no alternative but to evict the intruders and that “we are tackling the situation,” the spokesman said.

1465A. Note from Pakistan High Commission in India to the Ministry of External Affairs regarding the proposal from Pakistan to send its Foreign Minister to India for talks.


High Commission for Pakistan
New Delhi

The High Commission for the Islamic Republic of Pakistan presents its compliments to the Ministry of External Affairs of the Republic of India and has the honour to refer to the telephone call of May 28, 1999 from the Prime Minister of Pakistan to Prime Minister of India and his offer to send the Foreign Minister of Pakistan to India.

The esteemed Ministry may wish to suggest a convenient and early date for the proposed visit of the Foreign Minister of Pakistan.
Prime Minister Atal Behari Vajpayee decided to accept an offer by Islamabad to send Pakistan's Foreign Minister Sartaj Aziz to New Delhi for talks on the Kashmir crisis, an Indian Foreign Ministry spokesman said on May 31.

"The Prime Minister has considered and accepted the offer of Prime Minister Nawaz Sharif to send Mr. Sartaj Aziz to India" the spokesman told REUTERS. "The dates for his visit will be worked out through diplomatic channels."

But the spokesman made it clear India would not pause in its air and ground campaign, which entered its sixth day on May 31, to evict hundreds of Pakistan intruders holed up on high ground on the LoC.

"Our armed forces will continue with the operations that have been launched until their objective of putting an end to the armed intrusion in the entire Kargil sector (of Kashmir) and restoration of status quo ante is attained, the spokesman said.

In his most hard-hitting statement since Pakistan started intrusions, Mr. Vajpayee described the situation in Kashmir as dangerous and said: "This is not infiltration. But a kind of attack (by Pakistan) aimed at altering our borders."

Mr. Vajpayee described the clashes in Kashmir as a “warlike” situation. "A warlike situation has evolved", he said. “This is a kind of invasion, Aggression. An attempt to alter the frontier and to grab the land,” he said.

Mr. Vajpayee urged Pakistan to recall the mercenaries and “regular Army soldiers” from Kashmir.
“I want to make one thing clear to Pakistan: that for improving relations between the two countries it is imperative that the infiltrators, some of whom are foreign nationals, should leave our land”, he said.

He warned that otherwise India would give a “befitting reply.”

New Delhi said “a return to the status quo in Kashmir is necessary before further talks”.

Mr. Vajpayee reiterated that India alone cannot ensure peace in Kashmir. “One cannot clap by one hand alone”, he said. “India is committed to protecting the nation’s security.”

He accused Pakistan of pushing forward the ceasefire line. “We don’t want anybody’s land, but we won’t let anyone take our land,” he said. “We want peace but it cannot be one sided.”

“We are giving a befitting reply,” he said. “They are trying to push the Line of Control towards us.”

“Direct confrontation is on in some sectors,” Vajpayee said.

“We have told Pakistan clearly that to improve relations between the countries they should call back all the intruders otherwise we will force them to leave the country,” Mr. Vajpayee said.

He said that Pakistan was probably preparing to infiltrate hundreds of freedom fighters into Kashmir while discussing peace in Lahore on February 20-21 during the first India-Pakistan summit in 10 years.

“I told Pakistani leaders that probably while I was taking the bus to Lahore, preparations for infiltration were already underway,” he said, referring to the infiltration that had taken place.
1467. Resolution adopted by the Pakistan Senate on Kashmir situation.

Islamabad, June 3, 1999.

Expressing concern over the serious violations of the Line of Control by India,

Noting with alarm the heavy deployment of Indian troops, use of artillery and air power in Kargil sector,

Condemning the unprovoked shelling, rocketing and air intrusions of territory and airspace controlled by Pakistan across the Line of Control in which many civilians have been killed and property damaged,

Deploring the unprecedented brutal use of force and repression against the people of Kashmir who are engaged in a just struggle for their right of self-determination,

Reiterating Pakistan’s continued political, moral and diplomatic support to the heroic struggle of the Kashmiri people,

Emphasizing Pakistan’s commitment to promotion of peace and security in the region,

Expresses it resolve to uphold the sovereignty, security and territorial integrity of the country,

Emphasizes that the people of Pakistan are united to confront this threat to its national security,

Declares the unflinching determination of the nation to face the challenge before it,

Endorses Pakistan response to Indian violations of the LOC and incursions by its military aircraft,

Expresses full confidence in the Armed Forces to meet all challenges faced by the country,

Resolves that no effort should be spared to deal with the situation in an appropriate manner,

Supports the proposed visit of the Foreign Minister to New Delhi for defusing the situation,

Reaffirms Pakistan’s commitment to the dialogue process to resolve all outstanding disputes to promote peace and security in the region,

Underscores the need for a just and final settlement in the light of the UN Resolutions of the Jammu and Kashmir dispute which is central to durable peace and security in the Region.
1468. Statement issued by Official Spokesperson of the Ministry of External Affairs on the reported comments of Pakistan Foreign Minister Sartaz Aziz regarding the Line of Control in the state of Jammu & Kashmir.

New Delhi, June 4, 1999.

We have seen the reported comments of Pakistan Foreign Minister Sartaj Aziz regarding the Line of Control* in the State of Jammu & Kashmir. These comments confirm Pakistan’s intention to justify its armed intrusion and aggression, thereby seeking to alter the well-defined Line of Control.

Pakistan Foreign Minister’s suggestion is untenable. It represents an irresponsible and dubious doctrine which undermines established principles and can have extremely dangerous repercussions on the maintenance of peace and security. India has scrupulously respected the Line of Control despite the continued forcible and illegal occupation of a large part of the state of Jammu & Kashmir which, in its entirety, is an integral part of India.

The delineation of the Line of Control, throughout its entire length, was undertaken by the military authorities of India and Pakistan in accordance with Paragraph 4(ii) of the Simla Agreement. The Government of India and the Government of Pakistan gave their approval to the delineation of 11th December, 1972. Adjustments of ground positions to conform to the Line of Control were also completed subsequently.

Neither the disposition of ground forces nor of control of territory flowing from the delineation of the Line of Control has ever been questioned by either country and the interpretation of the line of Control has never been an issue. It is significant that such fundamental issues are being raised in the wake of Pakistan’s armed intrusion and aggression in the Kargil Sector. The comments of the Pakistan Foreign Minister are evidently a demonstration of their designs to manufacture a rationale for aggression and to gain for it an ex-post facto respectability. This is a futile effort to obfuscate and to divert attention from the central issue which is Pakistan’s armed intrusion and aggression.

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* Sartaj Aziz had said that the Line of Control in this segment was not clearly demarcated and that the militants had not transgressed into the Indian territory.

Meanwhile the Spokesperson of the Ministry of External Affairs said on June 5 that “the armed forces of India are continuing with their successful operation in pushing back the intrusion that has taken place into our side of the Line of Control in the Kargil sector. These operations will continue until the aggression committed against India is vacated. It is an objective that we will pursue unwaveringly and with the fullest determination.” India also, as intimated earlier, agreed to a proposal to schedule the visit of Pakistan Foreign Minister Sartaj Aziz to India on June 7, 1990. The Spokesperson of the Ministry of External Affairs on June 8 informed the High Commission of Pakistan in New Delhi that Pakistani Foreign Minister Sartaj Aziz “may visit India on Saturday, June 12, 1999.”
The Line of Control is well-defined and fully settled. We would like to make it clear that the comments relating to the Line of Control made by Pakistan Foreign Minister cannot be the subject for discussion. We call upon Pakistan to respect the sanctity of the Line of Control, give up its desperate and foolhardy attempts to change it, and to stop its cross-border terrorism against India. A meaningful dialogue can only take place if Pakistan begins to act accordingly.

We reiterate that we are firmly resolved to evict Pakistan’s armed intrusion and to repel the aggression launched against us.

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1469. Address to the Nation by Prime Minister Atal Behari Vajpayee during the Kargil Crisis

New Delhi, June 7, 1999.

My dear Countrymen,

You are well aware of the situation which has developed in Kargil:

It is a serious situation;

It is a situation fraught with danger;

It is a situation that has arisen from one simple fact: the decision of Pakistan to cross the Line of Control, to send its men and materials to occupy our territory.

No government can tolerate such an incursion – our Government certainly will not.

Countries the world over have recognized that we have the full right to evict these intruders from our soil. But for me and for my Government this is not just a matter of our having a right. It is our duty to rid our sacred Motherland of every single intruder.

For this reason, as you have seen, our armed forces have launched a major operation to drive them back. No one should entertain the slightest doubt: they shall not stop till they have completely attained their objective. No one shall stop them till they have done so.

You know well that our relations with Pakistan, as with all our neighbours, were improving rapidly:
The Prime Ministers and other ministers of the two countries were in regular contact;

Dialogue among officials of the two countries was proceeding constructively, and satisfactorily;

Areas of co-operation had been identified, and at various levels were afoot to work together on each of them;

Most important, people-to-people contacts and exchanges had opened up as never before in fifty years — there had been an outpouring of goodwill on both sides.

In the midst of all this, regulars of the Pakistan Army and infiltrators have been sent across. Fomenting insurgency here was heinous enough. But this time Army regulars have been sent. They have been sent to occupy our territory. And having occupied it, to choke off our links with other parts of our country — in particular with Siachin and Ladakh.

This step has been taken after a great deal of preparation. It was a preplanned operation.

It is a repudiation of the letter and spirit of the Lahore Declaration. It is violation not just of one article of the Simla Agreement, but an eightfold violation of that solemn Agreement.

The Simla Agreement binds each side to respect the territorial integrity, sovereignty, and independence of the other. The clauses repeatedly enjoin that neither side shall use the threat of force or force to affect the territorial integrity of the other.

The Agreement deals specifically with the Line of Control. It lays down that the Line of Control resulting from the cease-fire of December 17, 1971 shall be respected by both sides. Further more, that “Neither side shall seek to alter it unilaterally”. The Agreement goes a step ahead and specifies, “Both sides further undertake to refrain from the threat or the use of force in violation of this Line.”

And yet that is exactly what Pakistan has done: it has used force in an attempt to unilaterally alter the Line of Control.

This having been done it has now been said that the Line of Control is vague. This is nothing but an ex-post artifice to justify aggression. After Agreement in Simla in 1972, the military authorities of the two sides went over the Line of Control — section by microscopic section. The salient, the locations, the co-ordinates were marked out on detailed maps. The exercise was done thoroughly: five months were expended on delineating the maps so that no ambiguity may remain.
Not just that, at no time in the last 27 years has the Line of Control been called in question—not once, not on a single occasion.

The new assertion, therefore is just a contrivance to explain away the aggression. It will fool no one. And I do want to make it plain: if the stratagem now is that, the intrusion should be used to alter the Line of Control through talks, the proposed talks will end before they have begun.

India is always open to talks. But the talks must have a definite, specific purpose. In the present instance, the subject is one and one alone: the intrusion, and how Pakistan proposes to undo it. To discuss this, our doors are always open, and all dates are convenient to us. India wants peace. We are at peace with all other neighbours of ours. We were taking major steps with Pakistan also—towards undoing the fifty-year history of bitterness. Our people desire it. Our Government is committed to it. We have travelled quite some distance for it.

I remain confident that the people of Pakistan too yearn for peace and harmony. They know the possible costs of hostilities—of how these will push economic gains even further beyond the horizon. They know that in today’s world whosoever launches aggression of any kind will get isolated in the international community. Moreover, both India and Pakistan are nuclear powers. Our responsibilities in this regard are all the greater. Therefore, I once again urge the Government of Pakistan: undo the armed intrusion.

We must hope, my countrymen that even now reason will prevail, that those within Pakistan who see the folly of aggression will have their way. But till that happens, we have a job on our hands.

Our first thought, and our last thought must be for our jawans, for our airmen and our officers who are fighting back the intruders. I want each one of them to know: the entire country stands with you, every Indian is grateful to you. The whole operation has been thrust upon us. To ensure victory, you would not be wanting in your requirements.

Our Jawans and officers are laying down their lives. Should we be continuing our petty squabbles at such a time? We should stand by them and avoid unnecessary debates.

Let us use this occasion to learn from our defence forces: let us translate into our own conduct some of the discipline for which they are renowned. The whole world is watching how our brave armed forces are defending the motherland in inhospitable hilly terrain and at grave risks to their lives. In this hour of crisis, we must maintain equanimity and act with confidence.

We should not be disheartened by some momentary mishap. We must realize the gravity of the situation and emulate the fortitude with which our fighting men take such events in their stride.
Have confidence in the ability of our armed forces.
The armed forces shall accomplish this task and ensure that no one dares to indulge in this kind of misadventure in future.

Jai Hind

1470. Press release issued by the Ministry of External Affairs regarding the Joint Meeting of the National Security Council, the Strategic Policy Group and the National Security Advisory Board.

New Delhi, June 8, 1999.

The Prime Minister chaired a joint meeting of the National Security Council, the Strategic Policy Group and the National Security Advisory Board earlier today. Home Minister, Raksha Mantri, External Affairs Minister, Finance Minister and Deputy Chairman, Planning Commission were present. The three Service Chiefs were in attendance as members of the Strategic Policy Group. The main focus of the discussion was the situation in Kargil, the broader question of India-Pakistan relations.

The meeting undertook an in-depth and wide-ranging analysis of the motivations and politico-strategic objectives of the current Pakistani intrusion, in both the short term and long term perspective. A clear understanding of Pakistan’s aims emerged from the discussions. Pakistan’s recent official pronouncements reveal an inclination towards adventurism, the consequences of which shall be entirely Pakistan’s responsibility.

The discussions revealed complete unanimity that the combined Army-Air Force operations in Kargil were the right response to the Pakistani armed incursion across the LoC. All necessary means required to reverse this should be used. There was also complete agreement that Pakistani attempts to question the Line of Control, and to violate the Shimla Agreement were completely unacceptable.

It was also agreed that India should remain committed to the composite dialogue with Pakistan on issues that have been agreed between the two sides. The Lahore process should be sustained in the search for a comprehensive improvement in relations with Pakistan. At the same time, India must be prepared
for all eventualities in the fluid situation prevailing today. This requires a sustained effort based on national will and political consensus.

The meeting also noted that the international community had shown greater understanding of India’s concerns. The situation called for more intensive diplomacy so as to neutralize Pakistan’s efforts to mislead and dis-inform public opinion.

Special attention at the meeting was paid to information-related aspects. India has been the target of a ten year terrorist campaign in J&K and other parts of India. It should make more active efforts at educating public opinion both in India and abroad. It should also highlight the forbearance it has shown so far, in the face of grave provocation.

Prime Minister decided that this process of combined consultations will be continued.

New Delhi.
June 8, 1999

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1471. Media Briefing by the Official Spokesman of the Pakistan Ministry of Foreign Affairs regarding the visit of Foreign Minister Sartaj Aziz to Beijing.

Islamabad, June 9, 1999.

In a major diplomatic development, Foreign Minister Sartaj Aziz will dash to Beijing on June 10 before the June 12 Pakistan-India talks in New Delhi.

Foreign Office spokesman Tariq Altaf said that this visit, besides several other important engagements of the Foreign Minister had been rearranged.

Asked whether Mr. Sartaj’s immediate visit to China was already scheduled or finalized suddenly.

Mr. Sartaj will be back on June 11, a day before his departure for New Delhi to attend peace talks with India.

The Foreign Minister according to Foreign Office statement will hold talks with his counterpart Tang Jiaxuan and brief him on the current situation on the Line of Control in Kashmir.
The spokesman said that “Pakistan and China had always shown close coordination and cooperation* on all important issues. We have been consulting China on every important issue and will continue doing so.”

The Foreign Ministry said that both countries coordinated and consulted each other regularly and the Foreign Minister’s visit was part of this tradition.

* Sartaj Aziz before his departure for Beijing on June 10 said that China is a big regional power which has stakes in peace and stability of the region. “Any country which has stakes in peace and stability of the region should be concerned about the situation on the LoC,” he said. “The Kargil sector where all this is going on is not far away from Tibet and Sinkiang province of China,” he added. He said China has agreed with the USA to work for peace and security of the region. “So anything that threatens peace and security of the region is a cause of concern to Beijing.” He said he will hold talks with his counterpart and also with the Chairman of the Standing Committee of the People’s Congress. Asked whether China will play a mediatory role in deescalating the situation, Mr. Sartaj said Pakistan has always welcomed third party mediation but it is only India which has been consistently resisting this option. The Information Minister Mushahid Hussain said in Islamabad on June 10 that Pakistan is not using its close relationship with China as leverage in its dispute with India over Kashmir. Meanwhile the USA welcomed Sartaj’s visit to China and said “We feel it is useful for countries to consult other interested parties”.

On return from Beijing on June 11 Sartaj Aziz said that China “has assured its deep and abiding interest in and support for the sovereignty, territorial integrity, independence and security of Pakistan.” A statement issued on his behalf said that “during his brief stay in Beijing he called on Chairman of the Standing Committee of the National People’s Congress Li Peng and also held talks with his counterpart Tang Jiaxuan. These meetings were very fruitful and productive. The statement emphasized four points of his visit: (i) China as steadfast friend of Pakistan assured us of its deep and abiding interest in and support for the sovereignty, territorial integrity, independence and security of Pakistan; (ii) China indicated that the preservation of peace and security in the region is of great importance, (iii) Both China and Pakistan agreed on the need to de-escalate the dangerous situation that has developed on the LoC in Jammu and Kashmir; and (iv) China and Pakistan agreed for a peaceful negotiated and just settlement of the Kashmir dispute.” It added: “Pakistan and China enjoy bilateral relations and have a tradition of frequent high-level contacts to exchange views on matters of mutual interest. China is a time-tested and steadfast friend of Pakistan. As such it was only appropriate that I should visit China to brief the Chinese leadership regarding the situation on the LoC.”
Statement of the Pakistan Foreign Minister Sartaj Aziz on return from a day-long visit to India.

Islamabad, June 12, 1999.

I visited New Delhi* pursuance of my Prime Minister’s proposal to the Indian Prime Minister to defuse the tense situation that has recently developed along the LoC.

I met with Foreign Minister Jaswant Sigh in the morning and over lunch, and later in the afternoon, I called on the Indian Prime Minister.

During these meetings we had a frank and useful discussion and exchanged views on how best to defuse the current situation and restore the spirit of the Lahore Declaration.

In this spirit, I suggested that despite our differences over the origin and nature of the present tension, we share an interest in defusing the situation and de-escalating tensions by bringing about an appropriate atmosphere in which we can effectively address each others concerns.

For this purpose, I have made some specific suggestions. I also undertook to convey India’s point of view, as conveyed to me by the Prime Minister and the Foreign Minister, to my Prime Minister.

Similarly, I am hopeful that the Indian government will give consideration to the suggestions I have conveyed to it so that the talks which we have had today with Mr. Jaswant Singh may be carried forward.

* While in New Delhi, Sartaj addressed a press conference at the High Commission and said “We had a frank and useful discussion and exchanged views.” Asked about the suggestion he made to New Delhi, he said it would be premature to make the suggestion public before the Indian Government considered them. “Despite differences it is my belief that they can be resolved through discussions based on respect for each other’s concerns. They cannot be resolved by unilateral demands, unfounded allegations or the escalation of tension,” he said.

Reacting to Aziz’s suggestion, the Indian External Affairs Minister Jaswant Singh said Pakistan could not cast doubt on the LoC. “Questioning it now is an ingenious attempt to fix ex-post justification for the intrusions. This is unacceptable. There is no confusion on the Line of Control. It is clearly defined and delineated,” said Jaswant Singh. The purpose of the dialogue was the vacation of aggression and there was no luxury in engaging talks for the sake of talks, he added. The Indian External Affairs Minister said that only two issues were discussed during the talks. Besides the Kargil issue, he maintained that he put forth “India’s sense of outrage at the barbaric treatment meted out to captured Indian Army personnel by Pakistan in violation of international conventions and all norms of civilized behaviour.” Asked about the response of Pakistan Foreign Minister, Jaswant Singh said “he didn’t deny the episode.”
Despite our many differences, it is our belief that they can only be resolved through peaceful discussions based on mutual respect for each other's concerns. They cannot be resolved by unilateral demands, unfounded allegations or the escalation of tensions.

Both of us have a huge stake in restoring the Lahore Spirit and moving towards a new era in our relations in accordance with the wishes of our peoples. This cannot happen by whipping up war like hysteria and hatred against each other or through threats and coercion. Mutual trust must be based on mutual respect.

I had no illusions of resolving the current difficulties in a day's visit to New Delhi. But I refuse to be pessimistic. Our Prime Minister is a man of peace. I believe the suggestions I have conveyed today will be duly considered and will help to bring about an atmosphere conducive to the defusing of present tensions and the restoration of the dialogue process as envisaged by the Lahore Declaration.

We want to defuse the situation, de-escalate the crisis and pave the way towards the political solution of the larger issue which is central to peace and security of the region—the core dispute of Kashmir. In sum we want peace. But if war is imposed on us we have the capability to defend ourselves and our vital national interests.

The Foreign Minister said he also suggested to Indian side that despite differences over the origin and nature of the present tension, “We share an interest in defusing the situation and de-escalating tensions by bringing about an appropriate atmosphere in which we can effectively discuss our others concerns”.

He said he also undertook to convey India's point of view, as conveyed to him by the Prime Minister and the Foreign Minister, to Prime Minister Nawaz Sharif.

“I am hopeful that the Indian government will give consideration to the suggestions I have conveyed to it so that the talks which we have had today with Mr. Jaswant Singh may be carried forward”.

Despite many differences, he said, “it is our belief that they can only be resolved through peaceful discussions based on mutual respect for each others concerns.”

Replying to a question, the Foreign Minister expressed the hope that India would respond to Pakistan's proposals within a couple of days.

Referring to his meeting with Indian Prime Minister Atal Behari Vajpayee, he said, “I reassured him of our commitment to Lahore Process.”

Sartaj said the problem along the line of control “is nothing new. It happens every year. It has been happening for the last ten years.”
He added: “the fact that, we started Lahore Process does not mean that everything in Kashmir has become normal and the problem along the line of control was finished.”

He said the Kashmiris freedom struggle has, “its own dynamics and it has been going all the time.”

In response to question, he ruled out possibility of a full-scale war. “I don’t think escalation of a full war is possible” and added that “I should say that the minimum the visit has achieved is that there will be no immediate further escalation in other sectors.”

Replying to another question, Aziz said the situation in India was, “fairly gloomy and tense as they have suffered a lot of casualties.” However, he said, the discussions were very, “frank, cordial and there was no acrimony in the talks.”

When asked about the prospects for future talks, Aziz said, “partly it depends on ground situation.” “If they are hopeful they can achieve something decisive on the ground in (Kargil) sector then they may not come to dialogue very quickly but if they can't make any progress on the ground then they will come to negotiating table.”
1473. Press Release issued by the Ministry of External Affairs regarding the summoning of the Deputy High Commissioner of Pakistan to the Ministry and conveying to him the breach of Geneva Conventions committed by the Pakistan armed forces.

New Delhi, June 15, 1999.

The Deputy High Commissioner of Pakistan was summoned to the Ministry of External Affairs today. The following was conveyed to him:

"Members of the Pakistan armed forces and armed personnel under Pakistani control have committed grave breaches of the Geneva Conventions of August 12, 1949 in the course of the military operations currently underway on the Indian side of the Line of Control (LoC). These included the torture, inhuman treatment, and willful killing of the Indian Air Force pilot at (i) below whose plane was shot down on 27th May, 1999 and the six officials of the Indian Army at (ii) to (vii) below who were captured while patrolling on the Indian side of the LoC on 14th May, 1999 and whose bodies were handed over by the Pakistan Army authorities on 9th June, 1999.

(i) Squadron Leader Ajay Ahuja
(ii) Lieutenant S. Kalia
(iii) Sepoy Mula Ram
(iv) Sepoy Banwari Lal

Instead of any remedial action Islamabad summoned the Indian Deputy High Commissioner Sharat Sabharwal to the Foreign Office on June 16 and accused New Delhi of building up "a war psychosis by drumming up the charge that Pakistan's armed forces mutilated the bodies of Indian soldiers in violation of Geneva conventions." He was told that Pakistan rejected "the absurd allegations" conveyed to its High Commission in New Delhi. "The spurious accusations were a bogey to malign Pakistan and its armed forces as well as a crude ploy to further vitiate the prevailing tense atmosphere to whip up war psychosis within India," India's Deputy High Commissioner Sabharwal was informed.

The Indian diplomat was reminded that the bodies of the Indian pilot and the Indian soldiers, who were killed "while intruding into Pakistan-controlled territory, were returned with full military honours." "No charges of torture or mutilation were leveled by the Indian side at the time of the flag meetings," the Pakistan Foreign Office said in a statement.

The Indian Deputy High Commissioner was told that "Pakistan was under no compulsion to return the bodies and it did not stand to reason why the Pakistani side would hand over self-incriminating evidence even if there was an iota of truth in the Indian allegations. On the contrary, Pakistan returned the bodies as well as the captured Indian pilot Flight Lieutenant K. Nachiketa in good health, as verified by the ICRC (International Committee of the Red Cross), which underscores Pakistan's commitment to restraint and defusing the prevailing tension."

"The vicious campaign is aimed at justifying the dangerous military escalation by India along the Line of Control," the statement added.
The captured members of the Indian armed forces were entitled to the full protection of the Geneva Conventions. Both India and Pakistan are contracting Parties to the Geneva Conventions.

In respect of grave breaches of the Geneva Conventions, the parties to the Convention are required to take effective penal sanctions against persons committing or ordering to have them committed grave breaches include: willful killing, torture, inhuman treatment, causing great suffering or serious injury to body or health, to which the captured members of the Indian armed forces were subjected. Each Contracting Party is also under the obligation to search for persons alleged to have committed, or to have ordered to have committed such grave breaches, and to bring such persons, regardless of their nationality, before their courts for prosecution. No High Contracting Party is allowed to absolve itself of any liability in respect of such grave breaches of the Convention.

The Government of India demands that the persons responsible for grave breach of the Geneva Conventions by torture, inhuman treatment and willful killing of the captured members of the Indian armed force personnel are identified and brought to justice without delay. It is further requested that a full account of the date, place and circumstance of capture, period of detention and particulars concerning the wounds and cause of death are communicated to the Government of India immediately."
1474. Statement issued by the G-8 Counties on the Kargil Crisis.
Cologne, June 20, 1999.

Kashmir

We* are deeply concerned about the continuing military confrontation in Kashmir following the infiltration of armed intruders which violated the line of control.

We regard any military action to change the status quo as irresponsible.

We, therefore, call for the immediate end of these actions, restoration of the line of control and for the parties to work for an immediate cession of the fighting, full respect in the future for the line of control and the resumption of the dialogue between India and Pakistan in the spirit of the Lahore Declaration.

Missile and Nuclear Tests by India and Pakistan

One year after the nuclear tests by India and Pakistan, we reiterate our concerns and reaffirm our statement from the Birmingham communiqué.

Recent missile tests have further increased tension in the region. We encourage both countries to follow first positive steps already undertaken by joining international non-proliferation and taking the steps set out in U.N. Security Council Resolution 1172.

* The G-8 member countries are: Britain, Canada, France, Germany, Italy, Japan, Russia and the United States.

It may be recalled that on June 17 Prime Minister Nawaz Sharif had in a letter to the G-8 leaders meeting in the German city of Cologne urged them to play an effective role, collectively and individually, for the resolution of the Kashmir issue and for averting a conflict between Pakistan and India. Pakistan Foreign Office spokesman Tariq Altaf, had at a news briefing on June 18 confirmed this. The Foreign Office too briefed exhaustively the G-8 envoys in Islamabad on the Kargil situation and advised heads of Pakistani mission in the capitals of G-8 countries to meet Foreign Ministry officials and brief them on the crisis in South Asia. Writing to the G-8 leaders against the backdrop of the emphatic advice of major world powers to Pakistan to “withdraw from the Indian zone” in the Kargil-Drass sector and resume bilateral dialogue with India, Nawaz Sharif urged the G-8 “to adopt a constructive and solution-oriented approach” in dealing with South Asia’s most serious crisis in 28 years, recognizing in this context “the centrality” of the unresolved Kashmir dispute. According to the spokesman, the Pakistan Prime Minister stated: “Kargil cannot be viewed in isolation from the larger issue (of Kashmir) nor dissociated from the record of India’s past transgressions to alter the LoC to its advantage.” The spokesman said India had repeatedly violated the LoC, and pointed out that the occupation of about 2,500 square miles in Siachen, utterly disregarding the LoC, was “a standing example.” The Prime Minister asked the G-8 leaders to call upon both India and Pakistan “to restore respect for the sanctity of the LoC in Kashmir,” adding that “Pakistan
has always respected the LoC. The Prime Minister further stated that “while addressing the current situation, the G-8 must support resumption of talks between India and Pakistan for a final settlement of the Kashmir issue.” The spokesman contested the view that the calls by major world powers, the USA and the Russian Federation, to Pakistan to pull out its forces from the battle zone in Kargil and Drass (without a similar advice to India) demonstrated “failure” of Pakistan’s foreign policy, and argued that such a perception was based on a narrow view of the present situation in the context of the larger issue of Kashmir on the part of the world powers.

Meanwhile media reported quoting the British High Commissioner in New Delhi Rob Young said that Britain and other countries had sent ‘some tough messages’ to the Pakistan government. But the Foreign office spokesman in London said Britain was urging restraint on both sides. Britain has repeatedly urged the two sides to settle their differences but has avoided any hint of mediation—something that would be seen as siding with Pakistan’s desires to internationalize the crisis. “We have sympathy for India’s position. The U.K. and other countries have given some tough messages to the Pakistan government and we will continue to do so, while calling upon India to exercise restraint,” the High Commissioner said. “India should not risk jeopardizing the international support it has won. India’s position is good and it should not jeopardize it,” Mr. Young added. “It will be a serious matter if India crosses the Line of Control.” “Any escalation by either government would have serious consequences and spread the conflict,” Mr. Young added. “It would be worrying both for regional security and for the international community,” he said.

On June 24 State Department Spokesman James Rubin told the media “We want to see withdrawal of forces supported by Pakistan from the Indian side of the Line of Control.” Mr. Rubin’s comments marked the first time Washington had publicly and directly attributed blame for the current fighting to Pakistan, and came as General Anthony Zinni, Commander-in-Chief of the US Central Command prepared to hold talks in Islamabad with the Prime Minister. Mr. Rubin added that the USA and the G8 group of seven leading industrialized nations plus Russia also wanted to see the reestablishment of the “Line of Control” in Kashmir, an end to the ongoing fighting, restraint from both sides and resumption of bilateral dialogue between India and Pakistan. US Deputy Assistant Secretary of State Gibson Lanpher, also held talks within Pakistani Army Chief General Pervez Musharraf in this regard. Mr. Rubin did not deny that General Zinni’s absence from the Delhi leg of the trip was an indication that Washington placed most of the blame on Islamabad for the crisis. “We want to see the withdrawal of forces supported by Pakistan from the Indian side of the Line of Control,” he repeated. The State Department cautioned that things could “get bad” for Pakistan. “That’s for sure,” a senior official said without denying that Gen Zinni had extended some kind of an implied “warning” to Pakistan to withdraw from Kargil.

The official was asked pointblank by DAWN whether any such warning had been given by the US General. The official was asked: “This (visit) is being interpreted in some circles as some kind of an implied warning that if Pakistani does not withdraw it will have to face all the consequences, whatever they may be. Is this a correct perception?” The senior official said: “We are very concerned about the course Pakistan has taken here. And I think in trying to defuse the situation we are pointing out what needs to be done. The reason we are concerned is that the situation could get worse and that would make things bad for Pakistan, that’s for sure.” He did not give any details about the talks Gen Zinni had with Pakistani military leaders.

The State Department official was asked to comment on the Pakistani statement after
1475. Statement issued by the Official Spokesperson of the Ministry of External Affairs regarding exchange of messages between Prime Minister Atal Behari Vajpayee and Pakistan Prime Minister Nawaz Sharif on the Kargil situation.

New Delhi, June 28, 1999.

In response to a question, the Official Spokesman said that messages were exchanged between Prime Minister and Prime Minister Nawaz Sharif on the Kargil situation. These messages were in continuation of their telephonic discussions of the past few weeks. In this context, Mr. Niaz Naik visited India.

In these exchanges, our Prime Minister has emphasized that Pakistan must withdraw its forces and extremist elements from our side of the Line of Control and reaffirm the sanctity of the Line of Control. Prime Minister also conveyed our continuing interest in resuming the Lahore process once this happens.

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the first round of talks between Gen Zinni and Gen Mushrraf that the US general was “carrying a very narrow view of the situation.” He vehemently disagreed and said Gen Zinni’s carrying the view that the USA has been stating publicly for the last two weeks. “I talked to you yesterday about the supposed differences between the USA and the G-8 statement which are not there. We feel that the Pakistan supported forces need to be withdrawn back over the LoC. The LoC itself needs to be re-established and the fighting ended and both countries exercise restraint.”

However when Gen. Zinni called on Prime Minister Nawaz Sharif on June 25, he was told that the current crisis requires a balanced and constructive approach if durable peace is to prevail in the region. General Zinni conveyed to the Prime Minister a message from President Clinton underscoring the need for de-escalation of the current situation in Kashmir and the importance of a peaceful resolution of the Jammu and Kashmir dispute. The Pakistan Prime Minister on his part regretted that for more than 50 years, the world had evaded resolving the Kashmir dispute in accordance with the UN resolutions. The Prime Minister stated that the confrontation in Kargil was symptomatic of the problems that bedeviled Pakistan-India relations over Kashmir. He emphasized that unless a peaceful solution of the dispute was reached in the shortest possible time, situations like Kargil would continue to erupt, threatening peace and endangering the stability of the region.
1476. **Briefing by the Official Spokesman of the Pakistan Ministry of Foreign Affairs on the visit of Pakistan Prime Minister Nawaz Sharif to China.**

**Beijing, June 28, 1999.**

Chinese Prime Minister Zhu Rongji strongly supported Pakistan’s position for the initiatives Prime Minister Nawaz Sharif took to defuse the Indo-Pak crisis and to reach a just settlement of the Jammu and Kashmir issue.

Briefing newsmen on the Nawaz - Zhu meetings on June 28, Foreign Office spokesman Tariq Altaf called the consultations a great success. He said China had always supported Pakistan on the Kashmir issue and it had reiterated its previous stance that Kashmir was a disputed territory and the Kashmiris be given their right to self-determination in the light of the UN resolutions, which India had also promised.

Prime Minister Nawaz Sharif was greeted by his Chinese counterpart Zhu Rongji on June 28 in Great Hall of the People.

Asked if Pakistan had proposed withdrawal from Kargil if India promised to resolve the Kashmir problem in a specific time-frame, Mr. Altaf said: “We have proposed to India, as you know we did that when Foreign Minister Sartaj Aziz visited Delhi on June 12. We made specific proposals at that time and we stand by those proposals that there should be immediate cessation of hostilities and that we should work together for the de-escalation of the crisis and that we should hold talks to settle the entire issue, especially in the larger context of the Kashmir dispute.”

Asked if there was a proposal regarding the time-frame, he said: “It’s not a question of our withdrawal or anything. Kashmiri mujahideen are fighting in Kargil. They have been suppressed by Indians for so many years. They are actively engaged in an indigenous struggle. Our proposals related to dealing with the crisis so that loss of life could be averted.”

He denied rumours of Sino- US mediation to resolve the Kashmir issue. Asked if Mr. Nawaz had called on China to mediate in the dispute, and did Pakistan feel China had a role to play in resolving the conflict, the spokesman said Pakistan explained its point of view. He said Pakistan had pronounced earlier it would consult China on the hostility on the LoC. This was the process of consultation. Telling them how India had escalated military action and how Pakistan’s proposals for de-escalation and negotiations have been stonewalled by the Indians, who had shut their doors to dialogue on resolving the Kashmir issue.
He said Mr. Nawaz briefed his counterpart extensively in two separate sessions. The first one-to-one session was scheduled to last 30 minutes but it continued for 90 minutes. In the second session the Pakistani delegation held talks with the Chinese side.

Mr. Altaf said Pakistan had repeatedly maintained the crisis around the LoC could not be viewed in isolation. It was a manifestation of the larger issue of Kashmir and the Kashmiris were promised their right to self-determination by the Indians as well as the UN Security Council. This crisis also related to the violation of the LoC, which India began immediately after the Simla Agreement was signed.

He maintained India occupied Chorbat La along the LoC immediately after the agreement was signed.

Subsequently in 1984, he added, India militarily occupied Siachen in clear violation of the Simla Agreement, which said both the parties would refrain from using force or resort to threat of force to alter the ground situation. In 1988, India took over an area called Qamar and then from 1994-96 the Indians shelled Pakistani positions so as to block Pakistani supply lines to Northern Area, he said. Their aggression forced Pakistan to build bypasses, apart from bearing the loss of innocent civilians and property, he said.

Asked whom the Chinese held responsible for the hostility, the spokesman maintained the Chinese were supportive of Pakistan’s efforts. Asked why the Prime Minister’s visit to China had been cut short. Mr. Altaf said in fact Mr. Nawaz had decided that the visit would be of a shorter duration before leaving Islamabad. “We had informed the Chinese authorities that all official engagements would be completed, but leave out the Kunming visit in view of the present situation.”

He said Pakistani supported China on all major issues and favoured Taiwan’s accession to China.

Later, Pakistan’s Ambassador Inamul Haque said Pakistan had consistently supported China admission to World Trade Organisation (WTO). He said Pakistan also condemned allegations against China vis-à-vis human rights violations and Pakistan would continue to do that. On the Issue of Tibet, he said, Pakistan supported the Chinese standpoint.

The spokesman said the Prime Minister’s visit has strengthened Sino-Pak relationship. This was a longstanding tradition between Pakistan and China that contributed to the reaffirmation of the resolve to improve ties between the two countries and augment their cooperation in all fields.
Pakistan and China signed four agreements including co-production in development of Super-7 fighter aircraft, establishment of a Joint Business Council, the consular agreement on Macau and an agreement on media exchange.

“This is an issue left over from history concerning territory, ethnic nationalities and religion and can only be resolved through peaceful methods” Mr. Zhu told Mr. Nawaz. “We hope to see Pakistan and India quickly resolve the issue through dialogue to ease the current tense situation and return South Asia to peace and stability,” Mr. Zhu was quoted by China Central Television as saying.

On June 29 Nawaz Sharif called on Chairman of the Committee of the Chinese People’s Congress Li Peng at the Great Hall, when, according to the Pakistani Spokesman, “China called upon India and Pakistan to resolve all their disputes through dialogue.” Tariq Altaf said that the Chinese leader fully endorsed Pakistan’s proposals for de-escalation of the crisis on the Line of Control, cessation of hostilities and commencement of talks between India and Pakistan to resolve the long-standing issue of Kashmir.

There was a complete harmony in the views of both leaders on the Kargil situation. And Pakistan was fully satisfied with the current consultation process with the Chinese leaders. He said the signal has gone out to the entire world loud and clear that in “such situations” Pakistan and China consult each other and cooperate closely. Asked if the Chinese leaders accepted Pakistan’s position on the origins of the Kargil crisis and whether they also accepted that it were mujahideen and not the so-called intruders from Pakistan who were fighting the Indian troops, the spokesman said that the Chinese leaders had accepted Pakistan’s point of view in its entirety and did not do any hair-splitting. “They do not challenge our version and neither do they present any counter arguments in this matter,” he explained. Asked why China has not gone on record as to who did it think was fighting in the Kargil heights, the spokesman said that perhaps they wanted to highlight the positive aspects of the crisis. Perhaps they would give a policy statement on the whole issue at the end of the visit which is not yet over. He did not agree with the suggestion that perhaps China did not want to annoy India and that was why it was not taking a firm position on the matter.

Asked if the possibility of the LoC situation degenerating into a larger conflagration was discussed between the leaders of the two countries and, if so, what was the position taken by China, the spokesman preferred not to give a direct answer but insisted that China had given full assurance to Pakistan that it would be at its side through thick and thin.
The spokesman described the meeting between Mr. Li Peng and Mr. Nawaz Sharif as very warm and said that the Prime Minister had briefed the former on the developments taking place in the South Asian region in the recent weeks. The Chinese leader, on his part, reiterated that the relations between Pakistan and China were exemplary and described these relations as an “all-whether and time-tested friendship.” During the meeting the Chinese leader gave Pakistan “highly constructive and “good” advice the spokesman maintained. He told the Prime Minister that China would continue to support Pakistan in every possible way, the spokesman said. The Prime Minister on his part told the Chinese leader that he was a man of peace and had taken a number of initiatives to establish peace in the region.

The spokesman brushed aside the impression being created by circles hostile to Pakistan that the Chinese leadership by insisting of dialogue between India and Pakistan, had in fact, refused to endorse Islamabad’s position on the LoC crisis. “We also want a dialogue with India, that was why Foreign Minister Sartaj Aziz went to India on June 12 and we have been asking India to send their External Affairs Minister Jaswant Singh. It is India which does not want dialogue it has shut the door on any dialogue," the spokesman said.

“So when the Chinese leaders insist on establishing dialogue with Indians for resolving the bilateral issues, they are actually endorsing our proposals,” the spokesman maintained. About the visit of former Foreign Secretary Niaz A. Naik to India and his meeting with the Indian Prime Minister which the Indian media are playing up, the spokesman said that Mr. Naik had no official brief and he had undertaken the visit in his private capacity. “He keeps on visiting India and meets Indian leaders in connection with the Neemrana process.”

China Daily, reporting the meeting between Mr. Nawaz and Premier Zhu Rongji, said that China had sincerely hoped that Pakistan and India would alleviate tensions in Kashmir through talks and return stability to the region soon. “The Kashmir issue is a historical issue involving territorial, ethnic and religious elements. Mr. Zhu said it can thus be solved only through peaceful means” he was quoted as saying by the Chinese Foreign Office spokesman. “It is of special importance to further strengthen friendly and cooperative bilateral relations between China and Pakistan at a time when profound changes are taking place in the world,” Mr. Zhu was further quoted as saying.

Chinese President Jiang Zemin told Mr. Nawaz that he was “deeply concerned over tensions in Kashmir” and urged Pakistan and India to seek a peaceful resolution to the “bloody conflict.”
“As we are close neighbours to South Asia, we are deeply concerned with the conflict in Kashmir” Mr. Jiang was quoted by China Television as telling Mr. Nawaz. “Without real peace and development in South Asia there will be no real peace and prosperity in Asia.” Mr. Jiang called upon Pakistan and India to start from the fundamental interests of the people of South Asia and quickly ease tensions and seek to resolve the issue through dialogue, the report said. “China firmly maintains that the nuclear weapons and missile rivalry in South Asia and the tensions in Kashmir are not in the interest of the people of the region,” XINHUA quoted Mr. Li as telling Mr. Nawaz.

1477. Joint Statement issued at the end of the meeting between the U.S President Bill Clinton and Pakistan Prime Minister Nawaz Sharif.


President Clinton and Prime Minister Nawaz share the view that the current fighting in the Kargil region of Kashmir is dangerous and contains the seeds of a wider conflict.

They also agreed that it was vital for the peace of South Asia that the Line of Control in Kashmir be respected by both parties, in accordance with their 1972 Simla Agreement.

It was agreed between the President and the Prime Minister that concrete steps will be taken for the restoration of the Line of Control in accordance with the Simla Agreement.

The President urged immediate cessation of the hostilities once these steps are taken. The Prime Minister and the President agreed that the bilateral dialogue begun in Lahore in February provides the best forum for resolving all issues dividing India and Pakistan, including Kashmir.

The President said he would take personal interest in encouraging expeditious resumption and intensification of those bilateral efforts once the sanctity of the Line of Control has been fully restored.

The President reaffirmed his intent to pay an early visit to South Asia.
1478. **Briefing by the Spokesman of the US White House on Clinton-Nawaz Talks.**


The USA has been given a clear understanding by Pakistan that there will be a withdrawal from Kargil only by those forces that had crossed the LoC from the Pakistani side and not by the Indians, two senior US officials said on July 4. At a White House briefing shortly after the three-hour talks between Prime Minister Nawaz Sharif and President Clinton, the US side made it clear what they expected from Pakistan and what timeframe they had in mind

Asked whether the withdrawal of forces from Kargil also applied to the *mujahideen*, the US officials said “Those forces that have been involved have crossed over to the Indian side of the LoC. Those are the forces that are at issue.”

Asked whether both sides, India and Pakistan, had agreed to withdraw, he evaded with question saying “This is not between both sides. This is a US-Pakistani joint Press statement.”

Again asked whether only Pakistan will withdraw, the official repeated, “those forces that have been involved have crossed over to the Indian side of the LoC. Those are the forces that are at issue.”

“I think it is safe to say that the President and both the Prime Ministers have a great sense of urgency here. And that we expect - want to see positive steps taken in a very early time”, the official told the briefing.

**The following are the main excerpts of the White House briefing by two senior US officials:**

Spokesman P.J. Crawley “We have two senior administration officials to give you a little background on the three-hour meeting that took place at Blair House. I’ll give you a little bit, first of all, of the back-and-forth that happened at Blair House. Some of you were asking earlier, why Blair House? Well as it proved this afternoon, where you had various meetings at various times with small groups in different rooms, how valuable it was to have a resource like we have across the street.

“But in the three hours that the two delegations were together, they started off with about 40 minutes in small group delegations, three on the US side and two on the Pakistan side, plus the leaders. There was a point at which the two leaders, President Clinton and Prime Minister Nawaz Sharif, went into a one-to-one meeting with a note taker. They then took about a one-hour break, during which the two sides conferred on their discussions up to that point.
Clinton Phoned Vajpayee

“During that time, President Clinton did have a brief 10-minute conversation with Prime Minister Vajpayee of India to keep him fully apprised of the discussion. And then they finished up with, during the course of the last hour, some back-and-forth between the President, the Prime Minister and in various delegations of various sizes. Since that time of course, Sandy Berger has now telephoned his counterpart, Prime Minister Vajpayee’s National Security Adviser to bring him up to date on the results of the today’s activity. So at this point. I will introduce senior administration official No.1 who will go through some of the details of the meeting.”

Official No.1: “Let me add to what you’ve just heard by saying that the President and the Prime Minister had a positive meeting. They agreed upon the joint statement which you have. Let me just take a minute and read it to you for the record.”

Joint Statement (The Joint Statement was read)

“If I could take a minute just to give you some perspective on the President’s involvement in this. As you know, a series of military clashes began in this part of Kashmir last month. Almost from the beginning the President recognized that this was a very serious situation and one that had great danger for wider escalation. He began to have a series of contacts with both Prime Ministers.”

“Beginning in mid-June, he first called Prime Minister Vajpayee. I think on June 14 and then he called Prime Minister Nawaz Sharif on June 15. While he was in Europe on his trip with regard to Kosovo, the President also continued to have direct contacts with the two exchanging a series of messages and letters.”

“National Security Adviser Berger met his counterpart from India in Geneva on the margins of the European trip. I think we’ve briefed you in the past on the content of those message, but I think they amount to a clear call for restraint on both sides, a call for the restoration of the Line of Control, and in urging both parties to go back to the Lahore process, which we have seen as a very encouraging process that began in February, of direct dialogue between the two leaders. On July 3, Prime Minister Nawaz Sharif asked to call the President. The President took his call on July 4 morning. They spoke for a while. The Prime Minister asked the President if he could come to Washington on an urgent basis. The President proposed this afternoon I think many of you know the President is leaving on a domestic trip on July 5 so he said, come this afternoon (July 4.) The Prime Minister agreed. The President also called Prime Minister Vajpayee to brief him on these developments and to make sure he was fully informed as to what our intentions were.”
“The President, as my colleague has told you, met for almost three hours with the Prime Minister this afternoon (July 4). At one point during that process, they took a break and the President called Prime Minster Vajpayee in New Delhi and gave him an interim readout on where we were. Once we had reached agreement on the statement, National, Security Adviser Berger called his counterpart again in Delhi, just a few minutes ago, to brief him on the statement and give him a recap of what has happened today. I expect that we will have other communications with the Indians, probably through Deputy Secretary Talbott, calling the External Affairs Minster probably tomorrow morning (July 5).”

Prospective Steps

Q: What are the concrete steps that are going to be taken to restore this peace or dividing line, or whatever it is?
A: Well, as I think you know, our position has been that the forces that are across the Line of Control need to be returned to the Pakistani side.

Q: The statement says “will be taken.” What does that mean?
A: That is our understanding.

Q: You mean both sides have agreed?
A: This is a joint statement between the USA and Pakistan, and I think it speaks for itself. Our understanding is that there will be withdrawal of the forces now.

Q: So, what is the timeframe?
A: I think it is safe to say that the President and both the Prime Ministers have a great sense of urgency here, and that we expect- want to see positive steps taken in a very early time.

Q: Do you have any reactions from the Indian Prime Minister when he was told this?
A: I think I will let the Indian Prime Minister characterize his view himself.

Restoration of LoC

Q: What is the US understanding about the restoration of the Line of Control in accordance with the Simla Agreement? That means the day the Simla Agreement was signed, if there had been any alteration in the Line of Control after 1972 by use of force.
A: We have read the Simla Agreement; we have read the 43-page annex which delineates the Line of Control. But this meeting today was not about the
history of that agreement, or, indeed, the history of the Kashmir crisis. It is about this particular situation in Kargil with those posts that have been overtaken, and dealing with that.

Q: My question is, President Clinton has promised to take “personal interest.” So there is no commitment on the part of the USA to continue to take interest in the solving of the Kashmir dispute. So, he goes out and the personal interest will refer him to his golf course, and say, okay, talks to him. Is that the meaning of personal interest? Or is there a commitment on the part of the USA to continue to be involved in solving the Kashmir dispute?

A: I think you’re parsing that sentence too narrowly. The President has had an interest in this. He has had Deputy Secretary Talbott and administration officials one and two engaged in an intense process for the last year on this. No, it does not mean that when January 2001 comes around, he takes this issue with him to whatever he goes on to.

Q: The statement emphasizes the Simla Agreement and the Lahore Declaration, in other words, bilateral dialogue. What about Security Council resolutions? President Clinton and every senior US official criticizes and condemns Iraq for not abiding by the approved Security Council resolutions. No one said a single word to India. Why the double standards?

A: Well, again, we are very much aware of the history of Kashmir. In fact, if any of you wish, you can go back to the book by Secretary Albright’s father, “Danger in Kashmir,” that he wrote after being on the first UN Commission. We’re very much aware of the history and what has been said and what has been done. Our focus now is on the present, and the most important recent event dealing with this history is Lahore, where the two Prime Ministers met and issued a joint declaration, which I think the entire world was very encouraged to see and hopeful that it would be pursued. What we’ve seen recently in the Kargil sector is a step backward. We’re hoping that what can be done by the President and others can get this back on track so diplomacy can be resumed. And I think that is why we’re trying to focus on this—not going through the historical record, but I think that the Prime Ministers themselves are best able to do this. And they will have the full support in that effort of the President and the US government.
1479. Media Briefing by the Spokesperson of the Indian Ministry of External Affairs on Pakistan’s offer of talks.

New Delhi, July 4, 1999.

India rejected Pakistan’s renewed offer of talks to end the two-month conflict in Kashmir, External Affairs Ministry spokesman said on July 4. It is clear that what is required is not dialogue but complete withdrawal of Pakistan’s aggression, the spokesman told reporters at a daily briefing on the Kashmir dispute.

He also revealed that US President Bill Clinton had spoken on the telephone on July 3 night with Indian Prime Minister Atal Behari Vajpayee and invited him for talks in Washington. The Prime Minister felt the time was not convenient at this stage for such a visit, the spokesman said.

India insists that any talks with Pakistan would be conditional on a complete withdrawals of Islamic guerrillas currently holding some strategic peaks on the Indian side of the Line of Control (Loc) dividing Indian and Pakistan controlled Kashmir.

Responding to a renewed appeal on July 3 by Pakistani Foreign Minister Sartaj Aziz for both sides to talk, the External Affairs Ministry spokesman said Islamabad’s proposals were merely a smokescreen aimed at obscuring Pakistani aggression. The whole world has recognized this and has emphasized that to end the present tension and conflict, Pakistan must end its aggressive activity and withdraw its forces, the spokesman said.

Pakistan’s call for dialogue, he said, is a blatant attempt to obscure, conceal and divert attention from these facts and to buy time. He also stressed that there is not the slightest sign on the ground that Pakistan is seeking to bring an end to the fighting in Kashmir.

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Mr. Speaker

It is indeed a privilege for me to brief this august house on the current escalation along the Line of Control in Kashmir (and) Pakistan's diplomatic initiatives for defusing the situation and revival of the Lahore process to address the core issue of Jammu and Kashmir. I may mention that the Foreign Minister and myself have been giving briefing about the situation and initiatives from time to time in order to keep honourable members fully informed about the fast moving developments.

I would like to begin by giving details of developments since early May when the Indian military actions in the Kargil sector against the Kashmiri Mujahideens who are controlling the Kargil heights, led to an unprecedented escalation by India all along LoC. Frustrated in their efforts to dislodge the Kashmiri Mujahideens from their high perch in the Kargil mountains, India heated up the entire Line of Control, mobilized its troops along the international border and even violated Pakistan controlled air space. Indian Air Force bases have been activated and, according to the latest reports, the Indian Navy had been conducting high alert exercises in the Arabian Sea.

In the face of these provocative actions, Pakistan has taken appropriate measures in self-defence. Our forces are fully prepared to safeguard the sovereignty and territorial integrity of the country. We have already demonstrated our determination to defend our boundaries and air space. You would recall that two Indian aircraft which had intruded 15Km within our air space were shot down on 27th May.

At the same time the Prime Minister took diplomatic initiatives for defusing the situation. Before giving details of these initiatives, I would like to touch upon the baseless Indian allegations leveled against us to justify India's military escalation and the facts about the Line of Control.

The Indian allegations of infiltrators from across the Pakistan side of the Line of Control are totally false. This is a familiar and frequent Indian ploy to cover up India’s repression of the Kashmiri people and mislead the international community. You would recall that Pakistan had repeatedly suggested the deployment of a neutral observer force or use of UNMOGIP to monitor the LoC. The rejection of these reasonable proposals exposes the falsehood of Indian claims.
What has to be borne in mind is the heroic struggle of the Kashmiri people and the brutalization that they have undergone for the past decade. The placing of landmines, the repression of the Kashmiri people by seven hundred thousand Indian troops, custodial killings, disappearances, and gang rapes all combined to give birth to the indigenous struggle. India must not point an accusing finger at Pakistan. What is happening in occupied Kashmir is the consequence of its own repressive policies.

India has also repeatedly violated the LoC and the Simla Agreement. In 1972, soon after signing the Simla Agreement India transgressed in the Chorbatla area. In 1984, it occupied the Siachen glacier in complete violation of the Simla Agreement which forbids both sides to unilaterally alter ground realities. In 1988, the Qamar sector was seized. Since 1996, India is using artillery fire to interdict the road running through the Neelam Valley. In May this year, Indian troop made an abortive attempt to occupy the Shyock sector on the Pakistan side of the LoC.

Mr. Speaker,

Pakistan’s position on the current situation and the larger issue of Kashmir has been clearly stated by the Government. Pakistan has always respected the LoC and we shall continue to do so. Pakistan has demonstrated utmost restraint and desire to defuse the current tense and dangerous situation. Pakistan believes that the two nuclear capable neighbours must do everything to avert a conflict. Pakistan also believes that Kargil situation is symptomatic of the larger malaise which is the continuing and long standing problem of Jammu and Kashmir. Today, the world recognizes, as we have always maintained, that this issue is the source of all tensions in South Asia, These parameters are the basis of the diplomatic initiatives taken by the Prime Minister.

In his telephone conversation with India Prime Minister, Prime Minister Nawaz Sharif has urged restraint and de-escalation and the need to revive the Lahore process to meaningfully address the issue of Jammu and Kashmir.

At the Prime Minister’s initiative, the Foreign Minister visited New Delhi and reiterated the same proposals. Specifically, he suggested immediate cessation of air and ground operations, mutual respect for LoC and talks between Directors General Military Operations to be followed by resumption of the dialogue process to intensify efforts for resolving the Jammu and Kashmir issue.

The Prime Minister has sent special envoys to the Islamic countries, several of the G-8 capitals and many others friendly countries to elicit understanding for our position which is based on our desire for peace and stability in our region. We urged these Governments to use their influence to persuade India to resort
to the path of negotiations with Pakistan, instead of threats of war and escalating tension.

We have conveyed this message to India through every avenue of formal and even informal diplomacy. The former Foreign Secretary Mr. Niaz Naik who was known to be involved with the so-called track-II diplomacy conveyed the same message which had been earlier transmitted to the Indian leadership by the Foreign Minister. Mr. Naik has been visiting India, in the same way as some eminent Indian personalities have been visiting Pakistan, to supplement diplomatic efforts aimed at addressing all problems, specially Jammu and Kashmir, that have bedeviled relations between the two countries.

I am happy to report that our diplomatic efforts have elicited positive responses and an understanding of our approach. First and foremost, I would like to mention that the Islamic countries have strongly supported Pakistan’s position on the prevailing situation in Kashmir. The 26th session of OIC Foreign Ministers Conference which took place in Burkina Faso, strongly reaffirmed the right of the Kashmiri people to self-determination, condemned Indian repression and massive human right violations, called for a solution of the Kashmir dispute in accordance with the relevant UN resolutions, and recommended the appointment of OIC Secretary General’s special representative on Kashmir. In a separate resolution, the Conference expressed deep concern over the escalation along the LoC, urged India to respond to Pakistan’s diplomatic initiatives for defusing the situation and expressed complete solidarity with Pakistan’s efforts to safeguard its sovereignty, independence and territorial integrity.

During Prime Minister’s visit to China last week, our time-tested friend and great neighbour extended full support for Pakistan’s efforts to de-escalate the situation and underscored the need to resolve the Kashmir problem through negotiations. China expressed deep concern for the current situation and endorsed Pakistan’s proposals for cessation of hostilities, de-escalation and resumption of dialogue for a just settlement of Kashmir dispute.

Clearly, the international community feels deeply concerned about the escalation especially because it has the potential of involving two nuclear capable neighbours in a dangerous conflict. The international community has also appreciated Pakistan’s approach for de-escalation and negotiations which stands in sharp contrast to India’s war mongering and large-scale military operations.

Mr. Speaker,

In its frustration to counter Kashmiri Mujahideen action in the Kargil sector in the disputed territory of Kashmir, India has resorted to unprecedented deployment, hostilities along the Line of Control, mobilization of troops along the international
borders and high alert naval exercises. It has caused deep international concern.
It raises the question whether India which has itself transgressed the Line of
Control is justified in its military escalation, war hysteria and pushing the region
to the brink of war.

The situation has caused deep anxiety among the G-8 countries including the
United States. The G-8 statements have underscored the need for de-escalation,
respect for the Line of Control and resumption of the Lahore process which is
that Pakistan has been demanding. Regrettably, however, the G-8 statements
also referred to the so-called intruders which has emboldened India in its
belligerence and encouraged it to spurn our diplomatic initiatives.

In his earlier telephonic conversation with President Clinton and during his meeting
with General Zinni Commander-in-Chief of the US Central Command who visited
Pakistan on 24-25 June 1999, the Prime Minister emphasized that the US must
take a broader view of the situation, urged India to de-escalate and return to the
Lahore process to address all problems including the core issue of Jammu and
Kashmir. We emphasized that Kargil was one aspect of the larger problem of
Jammu and Kashmir where remains the root cause of tension between Pakistan
and India. Unless peaceful and durable settlement of Kashmir problem, situations
such as Kargil would continue to recur and threaten peace and stability of the
region.

On 3 July, President Clinton spoke to the Prime Minister inviting him to visit
Washington for a detailed discussion on the current situation and the broader
issue of Kashmir. Consistent with our diplomatic approach and the repeatedly
declared desire for defusing the situation, the Prime Minister welcomed the
opportunity. The US offer had clearly underscored the strong interest of President
Clinton to be helpful in resolving the present crisis and resumption of the Lahore
process.

The honourable Members must have seen the joint press statement issued at
the end of the successful and productive meeting that the Prime Minister had
with the US President. The meeting which lasted for three hours was friendly
and cordial. The outcome of the meeting has affirmed the correctness of our
position. The Washington meeting has also averted a wider conflict in a nuclear
environment.

The joint statement recognizes Kashmir’s centrality to peace and stability in South
Asia and agreed to address the current volatile situation in Kargil within the context
of the larger Kashmir situation. It recognizes and underscores the need for both
India and Pakistan to respect the LoC in accordance with 1972 Simla Agreement. It
also speaks about concrete steps to be taken for restoration of the LoC. As we
have no presence across the LoC the only concrete step on our part can be to
appeal to the Mujahideen. They have already achieved their objectives. Their valiant defiance of the massive Indian military might, their heroic sacrifices and their legendary courage have brought the Kashmir dispute to the centre of the international stage with the world attention focused on the urgency of its final settlement for establishing durable peace between India and Pakistan.

The President of the United States stands committed to his personal involvement to expedite and intensify the process for resolving the Kashmir dispute. This is the first time that United States, the leading world power, has agreed to play a direct role in the search for a final settlement of the Kashmir dispute.

As the honourable members are aware, the United States regards Kashmir as an unresolved dispute which must be settled in accordance with the wishes of the Kashmiri people. This position is in conformity with the pledge that the United Nations, India and Pakistan had made to the Kashmiris which must be redeemed.

This is a vindication of the just struggle of the Kashmiri people for their right to self-determination. Kashmir is now a moral challenge to international community which must intervene and exercise its influence for the resolution of this problem which has become a nuclear flashpoint.

The international community cannot turn its face away from the pain and suffering of the Kashmiri people. They are suffering massive repression and gross violation of their fundamental human rights only because they are fighting for their freedom and dignity. Pakistan remains committed to their just struggle. We will continue to extend all political, moral and diplomatic support to the Kashmiri people and their cause until their triumph.

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1481. **Media briefing by the Foreign Minister and Official Spokesman of the Pakistan Ministry of Foreign Affairs confirming withdrawal along the Line of Control.**

**Islamabad, July 11, 1999.**

Pakistan announced on July 11 the beginning of the “disengagement” of mujahideen and their withdrawal, from the heights of Kaksar and Mushkoh in the Kargil sector following an agreement on the modalities of de-escalation and sector wise cessation of ground and air operations between Pakistani and Indian Directors-General of Military Operations (DGMOs).

Foreign Minister Sartaj Aziz and Foreign Office spokesman Tariq Altaf told a news conference in Islamabad on July 11 that it was confirmed that the “dispersal” of the mujahideen from the Kaksar sector had begun while it would begin in the Mushkoh area from July 11 night.

ISPR DG Brigadier Rashid Qureshi, who also spoke at the news conference, said that Indian guns had stopped firing and air operations too had ceased for the last 48 hours to enable the mujahideen to withdraw from their positions on the mountains.

He, however, debunked all Indian claims of making additional military gains or capturing alleged Pakistan Army officers or personnel in the past 24 hours in Kargil.

The DMGOs had held their first contact on hotline on July 10, apparently after the Pakistan cabinet meeting, and met at Wagah on July 11 to decide the modalities for de-escalation.

**Sartaj’s Statement**

The Foreign Minister said “Following the Mujahideen’s positive response to our appeal to de-escalate in Kargil, the governments of Pakistan and India had been in contact on the issue of the Line of Control (LoC). De-escalation was taking place in the Kargil area where the latest military confrontation took place,” he pointed out.

Maintaining that there was “renewed worldwide realisation that a just and final settlement of the Kashmir dispute holds the key to durable peace and stability in South Asia,” Mr. Sartaj asserted “a consensus has emerged that immediately after the de-escalation in Kargil, the focus must shift to the expeditious solution of the Kashmir dispute so that the one billion people who inhabit South Asia can lead a life of peace and engage in endeavours for economic development and prosperity.”

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Address by Pakistan Prime Minister Nawaz Sharif to the nation on the Kargil Crisis.

Islamabad, July 12, 1999.

My dear countrymen, not everyone will know of the tensions that we have gone through and the circumstances we have braved during the last month and a half. It is a fact and no secret anyway that the deterioration in Pakistan-India relations brought our two countries to the brink of war. While there is no doubt that the Kashmiri Mujahideen through their sacrifices and battle successes wrote out a new chapter in their freedom struggle, the situation on the diplomatic front became so complicated that it was no easy task to straighten it out or control its adverse fallout.

Dear brothers and sisters, by the grace of God, Pakistan is not a wall of sand or a child’s plaything. We have the ability to deal befittingly with aggression. Had war been imposed on us, the invader would have lived to regret the day. However, we do not wish to make war, nor have we looked for it. We know that in a nuclear conflict there can be no victors.

It is my considered opinion that by going to war Pakistan and India can only multiply their problems without solving even one of them. I have repeatedly said that the Kashmir dispute should be resolved amicably. I am also aware of the record of those who vowed to fight for a thousand years. I know what their aims were. Their only gift to the nation was ignominy and lasting regret. After taking stock of past events and making an objective study of history, I have come to the conclusion that our principal national priority should be making Pakistan a great self-reliant economic power. Only then can we achieve our supreme national objectives.

After the Lahore Declaration in February this year, not only the people of Pakistan and India but the international community as well had begun to hope that after their long history of discord, our two countries had chosen the path of peace. Prime Minister Vajpayee of India visited the Minar-i-Pakistan in Lahore and what he said on the occasion was a good augury for the future since it showed that he wanted to begin a new chapter in our relations, with the bitterness of the past forgotten and old attitudes abandoned. I welcomed this. While we were preparing for negotiations in line with the Lahore Declaration, the Indian Lok Sabha was dissolved and fresh elections were announced. On the other hand, the Kashmir freedom struggle which has been underway for the last eleven years entered a new and intensified phase with the freedom fighters gaining control of the Kargil mountains.

Prime Minister Vajpayee phoned me, expressing his concern at these
developments. I suggested a meeting between local commanders while pointing out that we should resolve this matter at a local level, as in the past so that there should be no escalation. He agreed with me and the next day the two local commanders met but, simultaneously, India turned its heavy guns on us, while the Indian air force began to pound the Mujahideen-held positions. This sudden escalation was unexpected. It is true that the Mujahideen were present on several Kargil heights but it was part of their long freedom struggle and inseparable from it. For example, you all know that the Mujahideen took control of the Hazratbal shrine in Srinagar once. Now there is no way in which Pakistan could have come to their aid there. The shrine was surrounded by Indian troops and yet Mujahideen took it over and held it for several days. Once the world took notice of their action and the unresolved question of Kashmir became duly highlighted, they vacated their occupation of the shrine. It is for the same reasons that the Mujahideen must have occupied those heights in Kargil. Once the Mujahideen had succeeded in drawing world attention to Kashmir, it is understandable that they would wish to disengage.

Had we tried, this matter could have been resolved peacefully; but India set the fires of war alight instead of dealing with the situation through negotiations. It also chose to engulf the entire country in a war frenzy. However, Pakistan remained unprovoked and we saw to it that there was no war hysteria in the country. We also ensured that there would be no break in mutual contacts. Since the start of the crisis in Kargil, up to this day, I have spoken to Prime Minister Vajpayee on the phone several times. I also sent my Foreign Minister over though his visit proved fruitless. Given all this, it is unfair to allege that we stabbed anyone in the back. It has been my constant effort that our countries be spared the horror of a nuclear war. Only a desire for collective suicide can prompt us to take such a step. I have no such intention. I believe Prime Minister Vajpayee has no such intention either. However, going by the attitude of India, it did seem to us that New Delhi was rapidly moving towards war. The use of air and land power in Kargil by India was on a scale associated with a large and regular war only. Pakistani positions were shelled from across the Line of Control resulting in the death of innocent civilians and armed forces personnel who were merely defending themselves.

The number of troops deployed by India on our borders was again warlike. Its naval power was moved close to our shores and its nuclear missiles turned towards us. The Indian Air Force was put on red alert. I salute the armed forces of Pakistan which took all necessary steps to deal with the expected Indian attack with exemplary efficiency and speed. I also wish to pay tribute to all those innocent citizens who fell victim to Indian shelling. Those who suffered material loss as a result of Indian actions have my full sympathy. The government will soon take steps to give them due compensation. I also salute those martyrs
of the Pakistan army who fell while performing their duties on the Line of Control. Those who suffered injury also have my heartfelt sympathies. Their courage, valour and resoluteness will serve as an example to the world. They surprised a military power several times their size on the world’s most inhospitable and difficult front by dint of their grit and determination. They resisted the unrelenting attacks of the Indian air force and infantry in an admirable manner. They proved that they were prepared to go to any extent for the sake of their freedom. I take this occasion to pay tribute to the gallant freedom fighters of the All Parties Hurriyat Conference.

My dear Countrymen, we have decided to give diplomacy another chance. This decision is neither hasty nor has it been taken under pressure or out of nervousness. It has been said that it takes more courage to extricate oneself from war than to start one. For many years and with time it has gained in intensity and strength. Kargil has been a part of that struggle. We were constantly in consultation with our friends as the fighting continued. When the clouds of war began to draw closer, we intensified our contacts. At the same time, we did not snap contact with the Indian Government. I was busy trying to press every entity, every individual, in aid of our cause and its furtherance. I was in touch with President Clinton. When American representatives came to Pakistan, we made it clear to them that the problem would not be solved by putting out the fires in Kargil but to get to the heart of the problem. We argued that, the Kashmiri urge for freedom was like molten lava in the belly of the earth which would always find other points of eruption.

Even if we succeeded in capping the fire-spitting mountains of Kargil, unless the basic problem was addressed, there will be outbreaks elsewhere. If the Kashmiri people were not given their right of self-determination, there would be other Kargils. Neither we, nor India, would be able to stop that. The only way to stop more Kargils from happening was to do justice to the Kashmiris. The promises made to them had to be fulfilled. That was the message I carried to America and I am glad that President Clinton agreed that unless the basic issue of Kashmir was resolved, the clouds of war would continue to hover over the Subcontinent. This was the backdrop of the joint statement issued in Washington. The statement clearly stated that as soon as the situation on the line of Control returned to normal, negotiations between India and Pakistan would begin in order to resolve all outstanding issues, including Kashmir. President Clinton extended the assurance that the outstanding disputes should not only be settled through dialogue, but he would take a personal interest in these efforts in order to ensure that they were intensified.

This is assurance, coming from the head of a great power like the United States, is no ordinary matter. It is clear that after this unequivocal commitment from
President Clinton in particular and the international community in general, the world will pay serious attention to Kashmir, being now aware of its importance and sensitivity. That is why we appealed to the Mujahideen to come down from the heights they were occupying in Kargil and give diplomacy a chance so that it could carry forward and complete the mission for which they had made so many sacrifices. I am grateful to the Mujahideen for having accepted our appeal. The outcome of every war leads to negotiated decisions which is the route we have also taken and I am sure that truth and justice will prevail in the end.

My dear Countrymen, true leadership is that which is not interested in merely staying in office but in ensuring national security and public welfare. True leadership does not hesitate from sacrificing office or popularity if it is the security of the country and the people which is at stake. You will recall that in my first term as Prime Minister, the shadows of the Gulf war lay across this region. Kuwait had been occupied and the Allied forces were preparing to invade Iraq, at the that time, many of our political parties, leaders and even individuals in the service of the state tried to gain cheap popularity by inciting the people and playing with their sentiments. They kept the facts hidden front the masses in order to advance their own political careers. They led processions and felt no hesitation in jeopardizing the national interest as long as it won them popular following. You know well that had I allowed myself to be swept away by emotion and begun to raise sentimental slogans to please the masses, the consequences for my country and its people would have been grave. Those who conspire to attain power and advance their political careers are the very same people who end up pushing their country and their nation over the precipice. Whatever decision I took, I took to protect the interest of my country and my people. During the Gulf war I chose what in my view was the right course. I was not swayed by considerations of personal power.

I did not follow the popular upsurge, if you recall. The results are there for everyone to see. If you have faith, you should only take those decisions which in your judgment are correct.

Dear Countrymen, I want to declare that the Kashmiri urge for freedom cannot be stifled by force. The Kashmiri people’s struggle will continue. Freedom is their fundamental right and unless they win that right, the people of Pakistan will continue to be with them, shoulder to shoulder. We will never abandon the Kashmiris.

My dear Countrymen, it has always been my dream to take Pakistan to the highest pinnacle of glory and in the pursuit of this dream, I have not been held back by fear or self-interest. You will recall that when India was firing off its missiles and the world instead of restraining that country was putting every possible pressure on Pakistan not to join the race, I resisted and went on to test
the Ghauri and Shaheen missiles. There were many other pressures on us subsequently but I refused to buckle under them. Can anyone forget the crass Indian bid to establish its over-lordship over this region after detonating nuclear bombs on 11 and 13 May 1998! Highly provocative statements were issued and it was said that Pakistan would have to come to terms with its reduced status. While we were being subjected to intense external pressure and threats, inside the country there were some to whom the lure of dollars was more attractive than the attainment of self-sufficiency and freedom. They were terrified of sanctions but it was I who stood firm and went ahead to conduct our nuclear tests. Thereafter, sanctions were indeed imposed on us but I stood my ground. Such hard decisions can only be taken by a person who has the supreme interest of his people and the fear of God at heart. You know that whatever Nawaz Sharif does, he does in order that you and your children live in peace and security, enjoy prosperity and walk with honour. For me my country always comes first. Pakistan and Nawz Sharif are one. Pakistan is a part of my being and I am part of Pakistan. Each breath that I take is like a prayer for the security of Pakistan and the progress and well being of my people.

My dear Countrysmen, I want to thank you today because at this most delicate point in our history, you have not fallen into the emotional traps laid out for you and you have not allowed yourselves to be fooled by any political party. You have refused to hit the streets for the sake of those who have chosen the path of negativism. You have demonstrated that the Pakistani nation is not willing to act frivolously when the questions involved carry grave national consequences. You have shown that you have complete trust in your elected leadership. Let me assure you that given the help of God, I will never betray your trust.

My dear Countrysmen, during the Lahore summit, I told Indian Prime Minister Vajpayee that we had gained nothing by fighting wars. Every war had led to the next one. I say again today that in the last fifty years, Pakistan and India, despite having fought several wars, despite having put their armies in direct face-to-face confrontation with each another, despite spending billions of rupees on armaments, and despite having trained their nuclear weapons at each another, have failed to resolve any of their disputes through conflict. Is that not a pity! Because of the failure to resolve the Kashmir dispute, we have not been able to give the people of the Subcontinent a single day of peace. Can we not solve this problem and thereby guarantee a peaceful, tranquil and secure future to the one billion people who live here! How many more Kashmiris have to die at the hands of India before this reality dawns upon that country! How many more Kashmiri homes have to be laid waste! How many more Indian soldiers have to die pursuing an unjust war! How many more Kashmir youth have to perish! How
many more Kashmiri women still need to be outraged! How many more mothers in Indian cities are fated to shed tears over the dead bodies of their sons!

My dear Countrymen, world opinion will have to decide how long this drama of blood and fire is to be played in Kashmir. Why the delay in resolving the Kashmir problem! The United Nations conferred the right of self-determination on the Kashmiris over fifty years ago. India promised to implement those resolutions. It was not Pakistan which passed those resolutions: it was the United Nations. India neither implements those resolutions nor does it enter into any meaningful or result-oriented discussions with Pakistan. Is this how problems are resolved in this world? Where lies the gain in sticking to a single recalcitrant position? How can anything be resolved amicably if such diehard attitudes are allowed to prevail? Because of its intransigence, India has suffered. It has been left behind, and so have we. It is in the interest of both India and Pakistan to give up the old, obstinate, unbending attitudes of the past and make an honest attempt to settle the Kashmir dispute amicably through negotiations.

How long can we snatch food from the mouths of our people to buy guns?

How long will we go on jeopardizing the future of our children by buying the shells that go into these guns?

How long will we allow our resources to go up in gun smoke and add to the number of our unemployed?

India should learn a lesson from history. No liberation movement has ever been crushed through the use of military force. Bullets do indeed draw blood but in the process become blood drenched themselves. How long will India continue to tell the world that it is Pakistan which is interfering in Kashmir! No outside power can sustain a movement for eleven years through the use of infiltrators.

My dear Countrymen, you will remember that during my election campaign I had promised to end all disputes with India and establish good relations with that country. I want that the mandate which the people have given me should be used for their welfare. I want to settle the long-standing question of Kashmir so that I can forever secure the future of my country and its people. The people of India also need peace. India too has to move ahead. I ask Prime Minister Vajpayee to step forward and talk to us. Let’s save our people from the scourge of war and give them peace and security. Let us sit across the negotiating table and begin our search for a better future for our people. A great deal of time has passed. Let no more time pass. In the end, I pray for the solidarity, strength and well-being of Pakistan and its people. May God be our strength and our support. Long live Pakistan

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1483. Statement issued by the Official Spokesperson of the Ministry of External Affairs regarding the successful conclusion of operations along the line of Control.

New Delhi, July 12, 1999.

Operation Vijay has been a resounding success. Pakistani forces have been defeated on the ground and *status quo ante* on the Line of Control in the Kargil sector is being restored. Almost the entire sub-sector Batalik and the sub-sector Dras have been cleared of Pakistani aggression in the last 48 hours. Pakistani armed intruders comprising overwhelmingly of their regular troops and some extremist elements under their command and control have been evicted. The pressure of our decisive military action in the other two sub-sectors of Mushkoh valley and Kaksar was also proving unbearable for the Pakistani army.

Pakistan being faced with the inevitable, their DGMO called his Indian counterpart on the evening of 9th July. He sought an early meeting. Our DGMO suggested that the Meeting be held at the Border Security Force Reception Hall, on our side of the Joint Check Post, at Attari on Amritsar - Lahore Road on the 11th afternoon. Our DGMO also informed him that we expected Pakistan would begin withdrawing its troops from the Kaksar Sub-sector even before this meeting, and that this withdrawal will be completed by 12th morning.

During his meeting with the Pakistani DGMO yesterday our DGMO informed him that Pakistani forces must withdraw well north of the Line of Control by the morning of the 16th of July. The Pakistani DGMO said that Pakistan would comply with this schedule.

Our DGMO also informed the Pakistani DGMO that any Pakistani intruder, thereafter found within our side of the Line of Control, would be treated as hostile and would be dealt with.

The withdrawal of Pakistani forces from Kaksar appears to already have taken place. Our troops are proceeding to verify this withdrawal. We have information that the withdrawal of Pakistani forces in Mushkoh valley is also under way.

The withdrawal of Pakistani forces has been brought about by the skill, determination and valour of our armed forces, who rolled back Pakistan’s aggression from Kargil, even while conforming to government’s direction that the sanctity of the Line of Control be maintained.

Our forces have not de-escalated their action, nor has any disengagement taken place. The Indian army is not impeding by fire the retreat of Pakistani forces. After this withdrawal has been completed, we expect that Pakistan will reaffirm the inviolability and sanctity of the Line of Control. The continuance of cross
border terrorism in the State of Jammu and Kashmir is a clear violation of the Line of Control and must be abandoned by Pakistan.

Pakistan has persisted with its claim that those who occupied the Kargil heights were *Mujahideen*. It is abundantly clear by now that the overwhelming majority of those who crossed over from Pakistan in the Kargil sector were Pakistani troops in pursuit of a misadventure, fully planned and conducted by the Pakistani authorities. The presence of Pakistani regulars is borne out by the evidence that our forces have collected in the form of identity cards of regular troops, official army documents, personal letters and photographs and the nature of Pakistani weaponry in the posts recaptured by our troops.

It is also tragic that the Pakistan army has refused to accept the bodies of their regular troops who died in action against our forces in the Kargil sector. Our forces have buried the Pakistani dead in accordance with military custom.

New Delhi.
July 12, 1999.

1484. Statement by the Official Spokesperson of the Ministry of External Affairs regarding the involvement of the Pakistan army in the Kargil operations.

New Delhi, July 15, 1999.

The Pakistan authorities have adamantly refused to acknowledge the involvement of Pakistan Army regulars in the misadventure in Kargil. The callousness and inhumanity with which they are persisting in this fiction is demonstrated in the current matter concerning the bodies of two officers of the Pakistan Army who had died in action on the Indian side of the Line of Control in Kargil. The body of Capt. Imtiaz Malik of 165 Mortar Regiment was found at Point 4875 in the Mushkohk sub-sector. The body of Capt. Karnal Sher of 12 Northern Light Infantry was found on Tiger Hill in the Drass sub-sector. The identities of these two officers were established by correspondence found on their person. Both bodies are in possession of the Indian Army authorities.

The above information was conveyed to the Pakistan government on July 12. We informed the Pakistani authorities that we would like to hand over the bodies to them. We did not receive any response. Subsequently, the International
Committee of the Red Cross (ICRC) approached Government of India on July 13, stating that Pakistan government had requested them to contact the Government of India for handing over the bodies of the two officers about which they had heard. The Pakistani request did not specify the names and identities of the two officers, despite the information being available to them. The reason is obvious. The Pakistan authorities realized that if they conceded the identities of these two officers, it would demolish the myth that Pak army was not involved in Kargil. We provided ICRC with this information, along with the photographs of the bodies and copies of correspondence found on their person which identify them as above.

The Pakistan Government conveyed through ICRC that the material we had furnished was “insufficient” to establish the identities of the officers, and that they would like the bodies to be handed over and taken to Islamabad for verification. It is clear that this was again an attempt to obscure and evade the fact that these were bodies of officers of the Pakistan Army involved in the Kargil operation. We offered to the Pakistan authorities through the ICRC that we would be ready to receive in India persons, including their family members, deputed by the Government of Pakistan to come to India and verify the identity of the officers and take over the bodies. We had pointed out that it is unprecedented and unheard of for bodies to be sent abroad in this fashion for the purpose of identification, even before their nationality and military identity are established. If Pakistan doubts them, it is for their representatives to come and see the bodies. We have not yet received a response from Pakistan through the ICRC.

It is clear that Pakistan is fully aware of the identities of these bodies but they do not wish to acknowledge this fact as it would immediately expose their army’s involvement in Kargil. Hence, their reluctance to have the bodies identified in the usual manner. In this persistent and callous refusal to do so, they are doing great dis-service to the families of their soldiers and to the traditions of armed forces everywhere.

The Government of India had conveyed to the ICRC that because of the weather conditions, the bodies are deteriorating and the ICRC should come back with the response from Pakistan by 1100 hrs. IST on July 15. Pakistan has not conveyed their response. In view of the humanitarian nature of the problem, the Indian Army authorities will wait as long as it is possible, to get a response from Pakistan authorities through the ICRC.

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Mr. Chairman, Ladies and Gentlemen,

It is now time to look ahead; to look beyond Kargil. But even charting our course for the future we have to assess what Kargil 1999 was all about? What were the challenges – military and diplomatic? What new facets of our total national commitment and endeavour emerged? What lessons for the years that lie ahead? ‘Operation Vijay’— as the Prime Minister said some days back - has resulted in Vijay for India. As we re-examine the military and diplomatic challenges that then confronted us, and which were successfully managed, we need to have a preliminary analysis, draw some first conclusions and above all, looking beyond Kargil, draw a route chart for the tomorrows to come.

First, the military dimension. Kargil was a military aggression by Pakistan, with Pak army regulars, across a stretch of the LoC, in four pockets, from the Mushkoh Valley in the west to Tartuk in the Yaldor-Batalik sector in the East. Initially, with the aggressor - as with all aggressors lay the element of surprise. This was soon countered locally. Initially, the terrain, too, conferred some advantage to the aggressor. They had intruded along ridgelines to occupy some key heights and features that dominated a vital road link, between Dras and Kargil. The depth of the ridgeline north of the LoC and their gradients, along with nullah approaches enabled the Pakistan army to provide crucial logistical and administrative support to their troops.

The Indian army’s response to the military challenge was measured yet swift, it was focused, thus effective. The first task was to contain the intrusion. For this an accurate assessment was necessary about the degree and extent of it. This involved, amongst other activities the drawing of fire. Simultaneously, a redeployment of troops took place. Through a successful containment of the aggressor’s intrusion was ensured the inevitable defeat of this misadventure by Pakistan. The element of surprise was countered by the Indian army through the speed and lethality of its response. On 26th May, the Air Force swung into action in support of the ground operations.

Our military objective had been clearly spelt out to the intruders - retreat or the Indian army shall evict you. In any event once the intruder’s aim of interfering with the Dras-Kargil Highway had been thwarted the whole rationale of this aggression had got defeated. A mere holding of heights was military purpose. For India, occupation of territory, south of the LoC, was simply not acceptable both physically and as a violation of a principle. Tactical surprise having been
lost early by the aggressor, the military principles of superior force, concentration and firepower were bound to tell. And they did, decisively. This phase of eviction did not, indeed could not be a phase of battles of maneuver. The nature of the terrain, the adversary’s dispositions plus most importantly our self-imposed restraints about the LoC, precluded those options. The battles for the heights thus became classic infantry actions in high altitude, combining mountaineering and fighting, against fixed enemy positions at a higher elevation. They were actions that demanded grit, stamina and dauntless courage. Our troops displayed all these qualities in full measure.

Let us be clear about one other vital aspect. This aggression in Kargil sector was by the Pak regular army, it had the logistic and administrative support of not the Pakistani Army alone but of their total state machinery. Secondly, this misadventure was not aimed at infiltrating into the Srinagar Valley, it was to occupy territory in Kargil and in holding that. This purpose, too, was defeated.

The Kargil aggression is not an extension of the problem of externally aided and abetted cross border terrorism that we have combated up till now. It is an overspill of the ‘Afghanistan’ disorder syndrome’. That is also why it had to be defeated.

In parallel to the military, we also had major diplomatic challenges on our hands. A firm signal had to be conveyed to Pakistan, as also a clear and unambiguous message to the international community. Let us accept that in today’s age no conflict, least of all between two nuclear weapons possessing states can escape global media spotlight. This was an additional and a new factor. Managing all these required a qualitatively new level of coordination between the two wings of the South Block - the Ministries of Defence and External Affairs. This too was achieved to demonstrable effect.

Of course, Kargil posed a challenge both to the substance of our foreign policy as also to the conduct of our diplomacy. The Prime Minister had at the very beginning directed the MEA that the true challenge lay in turning back the aggressor, in defeating all his designs, in reversing the aggression but with the maximum of restraint. The MEA had, therefore, also placed before itself the objective of protecting the international flank of the Ministry of Defence; so that our operations on the ground and in the air could go on unhindered. This was also achieved in no insignificant measure. The first requirement, thus was establishing the fact of Pakistan’s intrusion and aggression. I would venture to claim that we succeeded in doing so. The next requirement was to spell our objectives with clarity, consistency and candour. This was done early, repeated whenever necessary and can be summed up, sequentially, as the following irreducible minimums. They were:

A) Pakistan’s armed intrusion in Kargil will be evicted and its aggression
vacated. All Pakistan regular troops and extremist elements under its command and control will have to withdraw. For this purpose, our armed forces will take all necessary action on our side of the Line of Control.

B] Once this intrusion has been cleared, Pakistan would need to reaffirm the inviolability and sanctity of the Line of Control.

C] Dialogue, as part of the Lahore process, which after all, was initiated by us could only then be resumed.

Our diplomatic machinery was geared fully to convey these objectives to the international community, as being valid and worthy of support. Continuous interaction was maintained, with all the major powers, and the rest of the international community through our diplomatic missions abroad, the diplomatic community in New Delhi and through personal interaction. It is a measure of the justness of India’s cause that what I have cited above, as the irreducible minimums, found such a large community of countries standing up in support. Principally, let me repeat, it was because India’s stand was recognized as just, thus it was acted upon. I wish to also emphasize that the importance of the inviolability and sanctity of the Line of Control, for maintaining peace and tranquillity, was totally accepted by the international community, and Pakistan was held as having violated this Line. Its efforts at terming it as imprecise also failed. Even more, the international community accepted India’s view that Pakistan was guilty also of transgressing the territory of trust. The international community also concurred with our assertion that Kargil was a manifestation of this medieval malevolence spilling over from Afghanistan, that these were no freedom fighters, thus there was a need to confront such impulses; in the interest not just of our region but of the larger global community.

It is noteworthy that under the leadership of the Prime Minister the Ministries of External Affairs and Defence worked as one, the combined synergy of which demonstrated the true power and effectiveness of the Indian State. This is, of course, how it should be. But it is a matter of satisfaction nevertheless, that this was achieved at a time of trial, a time which tests the mettle of any Government’s machinery. In this is also a lesson for the future.

There was an added dimension to our total national endeavour. It was role of our media during Kargil operations. It was marked by exuberant enthusiasm bordering, at time, on the reckless. These young men and women of the media, who were in Kargil brought the valour of our troops, in the face of great odds, directly into the homes of our citizens. They touched our hearts and eyes with the tales of the bereaved and the families of the fallen. This was our first experience of conflict in the TV/information age. We learnt as we went along. It would be no exaggeration, therefore, to say that the role of the electronic and
the print media, in fully informing and mobilizing public opinion, was an invaluable part of the total national effort to meet the challenge of Kargil.

Why did Pakistan undertake such an ill-conceived misadventure? Perhaps, they thought that they could translate the advantage of tactical surprise into a strategic gain by bringing about a de facto realignment of the LoC, in the region, thus rendering the Srinagar-Leh National Highway vulnerable. They were wrong. They miscalculated India’s resolve; they did not comprehend the sense of national outrage at this blatant breach of trust, the sheer motivation of the Indian soldiers and the leadership quality of the Indian Army officers who lead from the front.

Perhaps, Pakistan calculated on provoking India into an escalation. They were wrong again because the decision of not crossing the LoC was taken early and maintained scrupulously, in the face of high causalities and even when the decision to employ air power was taken. The area of conflict was not expanded. Pakistan having disowned its troops as “freedom fighters” could hardly thereafter have opened up a new front, to ease pressure in Kargil.

What of the future? Looking beyond Kargil provides us an opportunity to renew our faith in ourselves, our society, our polity and our nation. It compels us to look ahead in all fields of national endeavour but particularly, in the spheres of national security and foreign policy. One simple message emanating from Kargil is that adequate resources have to be made available for national defence, that the kind of relegation of defence needs that we witnessed in the late eighties and nineties is unsound policy, the technological up-gradation cannot be postponed, that the nation must always think of the welfare of those who are in the first rank of its defence.

Kargil has many pointers for our foreign policy and diplomacy too. As in the present instance, we should always be ready to engage with the world as full and responsible members of the international community, but, of course, keeping our national priorities and interests as the guiding principle; we ought to have no reluctance, leave alone fear, in engaging with the world on any issue. Indeed, we serve the national interest when we engage the world on the basis of equality and mutual respect. Such engagement is the very substance of diplomacy. That is not any internationalization of an issue. Nor does it imply mediation or any acceptance of intermediaries.

Issues have to be addressed bilaterally between concerned countries, and in the case of India and Pakistan, that is what the Lahore process is all about. We would like to renew that process and we would like Pakistan to facilitate a resumption of the process, by reaffirming the inviolability and sanctity of the Line of Control. Clearly, a sponsorship of terrorism across the Line of Control, or elsewhere is violation of the Line of Control, as indeed of Simla Agreement and Lahore Declaration. There is a need, for Pakistan, to abjure sponsoring, aiding
or abetting cross-border terrorism. These are not any pre-conditions for dialogue. We are after all, the initiators of this dialogue process and our commitment to it is firm and abiding. But it is only right for our nation, at this juncture, to expect that Pakistan will repair the damage that it has done to trust, that it demonstrates this through concrete and tangible steps. Trust is not built by engaging in dialogue in winter and committing aggression in summer. Continuous calls for jihad can also hardly be read as message for dialogue and peace. And it is in this vein that I suggest that high pitched propaganda against India also does not inspire confidence in Pakistan’s interest in dialogue.

I would venture to suggest that Pakistan, too, has to come to terms with its history, as indeed with its geography. It has to realize that there simply is no military solution to what it presumes is its locus-standi in Jammu and Kashmir. It is, of course, for Pakistan to determine its priorities but fomenting religious fundamentalism can hardly be employed as a tool against want and poverty. India recognizes the permanence of the sovereign state of Pakistan and that is final. While India remains ready for dialogue, the pace at which it can move forward will depend entirely on when and how the state of Pakistan, and what it has now become, permits it to do so.

Our foreign policy has not been fixated on Pakistan, but that has been a significant preoccupation of it. We need to re-examine this in detail. Globally, India has to move purposefully towards realizing its true dimensions - as a major civilizational state, with its own strategic autonomy and strategic space, born out of its economic and political interaction with other countries particularly in the Asia-Pacific community. The real wealth of a nation is its people. History and paucity of appropriate resources prevented us from participating in the economic transformations brought about since the Industrial Revolution. In 1820, Asia contributed 58 per cent of the World GDP; today it is at 37 per cent; by 2020, expectations are that it could regain the level of 200 years ago. India has a signal role to play in the coming decades. With our democratic institutions, a large skilled manpower base, geographic location, we must ensure that India rides the crest of this wave.

Through the travail and fire of Kargil our nation has been renewed. The mood though somber, is confident. National will stands sharpened. The sacrifice of our youth has not and will not be in vain. That is the solemn message of Kargil to the nation and to the world. I close with the poignant words of the memorial at Kohima, that stands tall and proud on a hill, commemorating those who fell in another war

“When you go home, tell them of us.”
And say For your Tomorrow We gave our Today.”

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Foreign Secretary Shamshad Ahmed urged India to avoid using dialogue as a tactical ploy and resume meaningful talks to resolve the core issue of Kashmir.

“It is time that India should avoid using name of dialogue as a tactical ploy”, he said in response to a question by newsmen.

He was commenting on India foreign minister Jaswant Singh’s statement in this behalf.

Shamshad Ahmed said, so far, it has been India’s policy to wriggle out of a serious dialogue to resolve issues.

“Kargil like situation erupts only due to non-resolution of the core issue of Kashmir,” he maintained.

He said the delay in resumption of talks haunts the world at large, as it poses a serious threat to regional peace and security.

On the matter of trust, he responded, “it (trust) does not grow in vacuum”, adding, there has been talk of trust but no environment of trust and confidence.

Even in talks, the Foreign Secretary said, India has never been serious.

Responding to another question, he disagreed with Jaswant Singh that India and Pakistan speak common language. “Yes, we do need no interpreter, as we speak different languages,”

He said, “India has been speaking the language of war, belligerence, hegemony and brutalities - while we talk with a commitment to peace, stability and resolution of disputes through peaceful means.”

“So, the difference is basic. Hence, it is all the more necessary to have an interpreter,” Shamshad said.

When asked to comment on the Indian National Security Adviser Brajesh Mishra’s assertion that India is to set priority:

“It is not for India to do so, world would force India to set priorities,” Shamshad asserted. It is because, it is the one-fifth of the world population who are at stake in a nuclear environment. The world cannot ignore the plight of Kashmiri people, he said. On Mishra’s view on military and diplomatic measures on LoC, Shamshad said, Pakistan has always respected LoC but it is India which has
violated it repeatedly and at will. “We have already been making efforts for stationing of neutral observers at LoC,” he said. “It is imperative that the world should genuinely clarify and verify facts on alleged LoC, intrusions or violations”, leveled by India. “The world can no more remain a silent spectator to the fate of Kashmir,” he said, replying to question.

“We have wasted much of our time over the past fifty years in non-serious and meaningless bilateral talks, India uses these talks as a tactical measure,” he said. “It is time, both the countries resume meaningful dialogue to take interest and see resolve issue,” the foreign secretary said. The world fraternity, he said, has accepted the responsibility to take interest and see that a serious and meaningful dialogue takes place. On the Prime Minister’s four-day official visit to Saudi Arabia, he said, “it has been immensely successful.”

Saudi Council of Ministers has reiterated unequivocal support to Pakistan’s principled stand on Kashmir and Islamabad’s efforts to have peace and stability in the region. The Saudi Crown Prince, Abdullah Bin Abdul Aziz al-Saud has referred to the deep-rooted Saudi-Pak relations and said the visit has been in this framework and it will result in further strengthening bilateral relations. Saudi Arabia appreciated the “wise and principled stand of Pakistan as well as steps Pakistan has taken to de-escalate and reduce tension on LoC.” He said Saudi Arabia lauded the “positive initiatives which have been taken by Pakistan and are still being pursued by Islamabad to end the crisis in Kashmir region.” “This will serve the interest of peace” said the statement issued at the end of Saudi Council of ministers’ meeting in Jeddah.
Pakistan has been able to effectively put across the Kashmir issue on the world forum through Kargil conflict and the pressure is on India to resolve this question according to the wishes of the people of Occupied Kashmir. This was stated at a joint briefing by Federal Information and Culture Minister Mashahid Hussain Sayed, Tariq Altaf Additional Secretary, Ministry of Foreign Affairs and Brig. Rashid Qureshi, DG, ISPR for the editors and columnists of the Lahore dailies.

Mushahid Hussain said sound and sensible policies of the Govt. have succeeded in ensuring the involvement of the United States for the solution of the Kashmir problem. “The Kargil conflict has now shifted the pressure from Pakistan to India following the Washington Agreement,” Mushahid said.

The military successes of Pak Army and the achievements of Mujahideen who occupied certain number of heights in Kargil sector greatly boosted political stance of both Pakistan and the Kashmiris, he said.

He said if today, it is Kargil then tomorrow it could be Baramula or Dodha day after and the situation will continue to simmer if the Kashmir dispute is not resolved amicably. “That is the basic message of Kargil,” said Mushahid adding that the issue had been effectively internationalized which is a great success of Pak’s foreign policy.

Information Minister said Pakistan succeeded in ensuring the involvement of USA while at the same time the Indian Army was given a severe battering. “It was a de facto, a fourth Indo-Pak war and the casualties suffered by the Indian Army were greater than those of the 1965 and 1971 wars,” he said.

India, he said created war hysteria to suit its own internal compulsions because of the upcoming national elections in that country whereas there was no such frenzy in Pakistan. Mushahid said the entire scenario has changed after July 4, meeting between President Clinton and PM Nawaz Sharif in Washington.

Before that, he said, Pakistan was being threatened from various quarters and there were suggestions and proposals to punish Pakistan for becoming a nuclear state, stoppage of monetary aid and loans. The Minister told the editors that as many as 20 US Senators have written to the US President to appoint as special envoy on Kashmir and ensure monitoring of the Line of Control by strengthening
US military observers group for Pakistan and India. A similar call, he said, has also been made by the British Foreign Secretary Robin Cook.

He declared Pakistan will continue to extend moral and diplomatic support to the *Mujahideen*. The PML Govt. firmly believes that Kashmir is the missing ‘K’ of Pakistan and the country would not be complete without it. He said a human rights organization Asia Watch has urged the five permanent members of the United Nations Security Council to stop all kinds of aid to India because of its worst human rights violations in Occupied Kashmir.

He said the US Congress has also taken initiative and one Congressman Goodlink has presented resolution in this regard calling for the stoppage of US aid. Another Congressman Owen called for UN to take up Kashmir issue while Congressman Townsend stated that India has become ‘Yugoslavia’ in reference to the human rights violations.

The Europe Union, the Information Minister stated, has also come out with the clear cut statement calling for the peaceful settlement of the issue while the British House of Common has also debated the Kashmir question “The environment has now changed. The pressure is on India and now we have to pursue that pressure through all available means particularly diplomacy,” Mushahid said.

Mushahid Hussain also referred to the PTV programme Salute to the Kargil heroes and said sacrifices rendered by the Pakistan Army in the defence of the motherland showed the deep commitment of Pakistan towards the cause of Kashmir.

Responding to a question, he said, that there was complete harmony and coordination in various ministries of Pakistan Govt. as well as between the Govt. and Pak Army.

Mushahid in an answer to another question, said that his visit to Markaz Dawatul Irshad has no connection with reference to the Kashmiri *Mujahideen*. It is purely a religious education institution, he said and added that no military training center existed on Pakistani soil. He said that Indian media had tried to dub Kashmiri freedom fighters as terrorists in order to malign their strive for the right to self-determination.

Kashmiris are not involved in terrorist activities; it is a fact of history that India has occupied the valley and denied Kashmiris their right of self-determination, Mushahid said. He clarified that *Mujahideen* were not under the control of Pak Govt. which is providing only moral, political and diplomatic support to their cause.
The foreign Office Spokesman Tariq Altaf said the Pakistan’s case on Kashmir has been boosted and highlighted by the post July 4 developments and it received further support from ASEAN Conference being held in Singapore calling for the solution of Kashmir issue through dialogue. Altaf said the realistic analysis of the Kargil conflict shows that India has lost both on the political and military fronts while it may have achieved some success on the media forum.

He said wrong impression has been created that too, in local media, that Pakistan has failed to achieve its objectives. Altaf said the scanning of the international press through different resources have shown that Pakistan had succeeded in bringing the Kashmir issue on the world platform. We have achieved a great success on the political front and have also achieved our objective vis-à-vis Kashmir struggle.

He said the Indians are continuously meeting out brutalities to the Kashmiris yet the Kashmir struggle is alive and moving towards its purpose. The Foreign Office official said a few hundred Mujahideen occupying the heights in Kargil had been able to pin down thousands of Indian soldiers and scenes of conflict were brought to thousands of homes on television screens.

Tariq Altaf said the feedback Pakistan Foreign Office received through millions of dispatches from across the globe showed that the Kashmir issue has been internationalized. Referring to June 12 visit of Sartaj Aziz to New Delhi, he said Pakistan had suggested cease fire demanding the stoppage of ground and air operations by the Indian forces followed by the cessation of hostilities, de-escalation and dialogues.

Briefing ISPR: Brig Rashid Qureshi said that Pakistan is still dominating the heights in Kargil sector along the line of Control and can effectively tackle any Indian misadventure.

“Contrary to Indian claims, we hold strategic heights on our side of LoC and remain fully prepared to meet any Indian challenge”, he stated at a briefing organized for the editors of the local newspapers and columnists. He disclosed that a two and half month conflict in the Kargil sector resulted in the martyrdom of 267 Pakistani troops, 204 sustained injuries while 24 soldiers are still on the missing list.

Brig. Qureshi said that these casualties had resulted on the Pakistani side of LoC mainly due to artillery shelling by the Indian forces. In comparison, he said, Indian suffered a severe thrashing and lost close to 2000 troops and equal number of injured. There are no bed spaces in military hospitals in the occupied
Kashmir towns of Leh, Kargil, Srinagar and Udhampur and the Indians are forced to send the injured to distant hospitals in India.

He further said that India lost five fighter aircraft including Mirage-2000 and five helicopters. ISPR Chief said, according to intelligence reports gathered from across the LoC the Indians suffered such heavy losses that they ran out of wood to make coffins. They had to make use of crates of artillery shells to send corpses, he disclosed.

Brig. Qureshi narrated in details the history of the military conflict in Kashmir in the post-Simla era which ultimately culminated in the form of Kargil fighting. He spoke of hostile weather, difficult terrain and inaccessible areas where Pakistan was forced to deploy her forces along the LoC in view of the threat from the Indian occupation forces in Kashmir.

He said despite the propaganda that Pakistani soldiers were in Kargil sector in the guise of *Mujahideen*, the Indians have not been able to produce even a single body of such person to justify their claims. ISPR Chief rebutted the Indian claims of having buried bodies of Pakistani soldiers on the hills of Kargil. He said that few of the bodies that Indian returned to Pak were of those soldiers who had fallen during an Indian ambush on the LoC.

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1488. **Response of the Official Spokesperson, Ministry of External Affairs to a question regarding resumption of dialogue between India and Pakistan.**

New Delhi, August 3, 1999.

In response to a question, the official spokesman recalled recent statements of the Prime Minister and the Minister of External Affairs about bilateral dialogue between India and Pakistan. Reiterating Governments policy, the spokesman noted that we have always desired a relationship of good neighbourliness, friendship and cooperation with Pakistan and it was at India's initiative that a composite dialogue process was put in place last year. The composite dialogue process sought to move the bilateral relationship forward in a broad based manner by building trust and confidence, promoting mutually beneficial cooperation and addressing all outstanding issues through peaceful bilateral means. The first round of the composite dialogue was held in October and November, 1998. India had looked forward to it being continued in a constructive manner.
The official spokesman recalled the Prime Minister’s historic initiative to visit Lahore and the understandings that emerged from that visit. India had wished to proceed ahead on the path of amity with Pakistan and of carrying forward the dialogue process. This was in keeping with the expectations and aspirations of the peoples of the two countries.

Pakistan’s armed intrusion and aggression in Kargil was a blatant transgression of the Line of Control. It compounded Pakistan’s aiding and abetment, over the years, of cross-border terrorism in Jammu and Kashmir. It was also a betrayal of trust which has done great damage to the Lahore process. The aggression in Kargil, as also the sponsorship of terrorism make clear the lack of sincerity of Pakistan authorities in the matter of dialogue. Pakistan has thus continued on its path of confrontation and hostility against India.

The onus is now on Pakistan to repair the damage it has done to the Lahore process. The Indian armed forces have restored the sanctity of the Line of Control in the Kargil sector by evicting the armed intrusion and vacating the aggression. It is now expected that Pakistan will move towards restoring trust and confidence by reaffirming the sanctity and the inviolability of the entire Line of Control. The sponsorship and instigation of cross-border terrorism in other sectors of Jammu & Kashmir is also a violation of the Line of Control. It is, therefore, incumbent upon Pakistan to cease this activity. This will facilitate the creation of a conducive atmosphere for the implementation of the Lahore process and a resumption of the composite dialogue. We urge Pakistan to take necessary steps for this purpose. We look forward to a resumption of the composite dialogue process.

New Delhi.
1489. Press Release issued by the Ministry of External Affairs regarding intrusion by a Pakistani Naval Anti Submarine Warfare and Maritime Reconnaissance aircraft into the Indian territory.

New Delhi, August 10, 1999.

1. At 1115 hours this morning, a Pakistani Naval Anti Submarine Warfare and maritime reconnaissance aircraft, called Atlantique intruded 10 Kms into Indian territory in the Area of KORI CREEK.

2. The intruding aircraft was detected by IAF ground radars and was intercepted 10 Kms south of the International Border. When the IAF fighters closed in to identify and signal the intruding Pakistani aircraft to force it to land at an Indian base, the Pakistani aircraft acted in a hostile manner by turning into our fighter. At that stage the Atlantique was shot down by a air-to-air missile from a MIG-21 of the IAF, which hit the aircraft on the port engine which caught fire.

3. The wreckage has been found by IAF helicopters, 2 Kms. On the Indian side of the International Border.

4. Pakistani aircraft have been intruding into Indian airspace in the same sector in the past. From May to July there have been 8 such intrusions.

1490. Press Statement issued by the Pakistan Ministry of Foreign Affairs on the shooting down of Pakistan Naval aircraft.

Islamabad, August 10, 1999.

India has shot down an aircraft of the Pakistan Navy. The aircraft, an unarmed Atlantic, which was on a training mission in the Sir Creek area thirty to forty miles north of the coastline with a crew of five officers and eleven other ranks was reported missing this morning. After a search of several hours the wreckage of the aircraft was found two miles inside Pakistan territory. All sixteen crew members are believed dead.

The Flight information Center, Karachi, as well as the Karachi airport radar picked up Indian fighter planes on their screens. It is believed that the unarmed plane was shot down possibly by air-to-air missiles.
The Indian High Commissioner was summoned to the Foreign Office this afternoon and a strong protest was lodged with him over the unprovoked shooting down of the unarmed aircraft on a routine training flight. He was told that this blatant and unprovoked act of military aggression against an unarmed aircraft is a flagrant violation of international norms relating to inviolability of international frontiers as well as the bilateral Pakistan-India agreement on the Prevention of Airspace Violations, of 6 April 1991. Article 1 of the Agreement states that “if any inadvertent violation takes place, the incident will be promptly investigated and the Headquarters of the other air force informed of the results without delay through diplomatic channels.” According to Article 1 (a): “Combat aircraft will not fly within ten kilometers of each other’s airspace including ADIZ.” It is obvious that the Indian aircraft which shot down the unarmed Pakistan plane had violated this article of the Agreement. This aggression has resulted in the cold blooded murder of sixteen innocent persons which is reprehensible and deserves strong condemnation by the international community.

The responsibility for this wanton and cowardly act, as well as its consequences, rests squarely with India. Pakistan reserves the right to make an appropriate response in self defence.

Islamabad, 10 August 1999

* On the same day the Pakistan Ministry of Foreign Affairs also lodged an Aide Memoire with the Indian High Commission in Islamabad where the contents of this press note were repeated. Similarly on the same day Pakistani Foreign Minister in a letter to the President of the UN Security Council apprised him of this incident and suggesting that “the cold blooded murder deserves strong condemnation by the international community”. The Secretary General on August 10 itself in a statement regretted the loss of life “following the downing of a Pakistani Aircraft by the Indian Air Force” and added “He is increasingly concerned at repeated incidents between India and Pakistan and urges that the differences between them be resolved by peaceful means. He calls on both countries to exercise maximum restraint. The Secretary General looks forward to an early resumption of the bilateral dialogue between the two countries in the spirit of the Lahore Declaration”. 
1491. Letter from Prime Minister Atal Behari Vajpayee to Pakistan Prime Minister Muhammad Nawaz Sharif.

New Delhi, August 12, 1999.

PRIME MINISTER
New Delhi

August 12, 1999

Excellency,

I am writing to thank you for your message of condolence on the tram accident in West Bengal. Your sympathies have provided comfort to the bereaved families in their grief.

I would also like to take this opportunity to share a few thoughts with you on the state of relations between our two countries. The process we began at Lahore represented one more opportunity for us to put aside the bitterness of the past and make a new beginning. The peoples of India and Pakistan gave it their whole-hearted endorsement. You and I also share this vision of a more cooperative future. Our three meetings convinced me that we could together make the critical difference to break from the unhappy past.

Events since Kargil have been a serious setback not only to the prospects of better relations but also to the trust and confidence which was gradually being established. I take no comfort in this conclusion - quite the contrary. Nonetheless, I believe we must face the reality without rancour or recrimination, and then work together to change it.

Please accept, Excellency, my congratulations on the Independence Day of Pakistan and my best wishes for the people of Pakistan and your personal wellbeing.

Yours sincerely,

(A.B. Vajpayee)

His Excellency
Mr. Mohammad Nawaz Sharif
Prime Minister of the Islamic Republic of Pakistan
Islamabad

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As you are all aware, yesterday at approximately 11:15 a.m. an Atlantique aircraft of the Pakistani Navy intruded into Indian airspace and was shot down by Indian MiG-21 Interceptors.

The Pakistani aircraft was first detected by our ground radars when it approached the border at approximately 10:50 a.m., after which it flew close to the border, eventually crossing the border at approximately 11:15 a.m. in this area. The Operational Readiness Platform at IAF Naliya (consisting of two MiG-21s) was scrambled well in time to intercept the intruder before he had penetrated more than 10 Kms into Indian territory. The interceptors closed in and visually identified the intruder as a PN Atlantique aircraft. In accordance with established procedures in such situations, the fighters attempted to signal the PN aircraft to follow them for a forced landing at the nearest IAF airbase. However, the PN Atlantique did not heed the instructions, and initiated evasive manoeuvring into the interceptors in an attempt to get away. The IAF fighters had no choice but to shoot down the intruder, using an air-to-air missile. The Atlantique was hit on the port engine and was seen descending while on fire turning towards the border, till it was lost to sight when it descended below cloud at an altitude of approximately 500 meters.

It was subsequently discovered that the Pakistani aircraft had crashed near the Indian side of the border.

Even though the intruder was seen to head back towards Pakistan after being shot by the missile, he apparently lost control of the aircraft as evident by the crash site. The wreckage was strewn over a wide area, as is to be expected from an aircraft breaking up in mid-air while still in flight. Some wreckage had been picked up by an IAF Mi-8 helicopter yesterday evening, but the second helicopter sent to bring some more of the wreckage was fired upon from the Pakistani side of the border, and had to return; in fact, after landing a bullet was found imbedded in the body of the helicopter! However, this morning a team of media persons escorted by BSF personnel have been taken to Naliya and further by boat up creek to the crash site. The BSF escorts have been instructed to respond appropriately to any opposition to their movements.

Since May this year, there have been 30 cases of air violations by Pakistan all along the border which were reported to the MOD, of which 26 have been taken up with the Govt. of Pakistan while four are being processed.

From beginning of the year, 52 cases have been reported to Pakistan by Government of India.
Statement by the Official Spokesperson of the Ministry of External Affairs on the shooting down of Pakistani naval aircraft.

New Delhi, August 11, 1999.

Group Capt. Ganesh has given you a detailed account of the acts and nature of the incident in which a Pakistani military combat aircraft had intruded deep into Indian airspace and had to be engaged. This provocative action by the Pakistani Military aircraft was in line with a pattern of such hostile surveillance activities in this sensitive area.

The Altantique aircraft had intruded 10 kms. into Indian airspace. As the Information Minister of Pakistan said this aircraft was on a surveillance mission. Surveillance activity by a military aircraft in another country’s airspace is a hostile activity. It is a well-known fact that apart from its primary capability of reconnaissance and surveillance, such an aircraft is capable of carrying an array of lethal weapons and stores including air to surface missiles and bombs. It clearly falls under the definition of combat aircraft in the context of the Indo-Pakistan agreement on prevention of airspace violations signed in 1991. According to the agreement such an aircraft is not to fly within 10 kms. of each other’s airspace. In a clear violation of this agreement and norms of conduct between sovereign countries, the Pakistani military aircraft had intruded deep into Indian airspace. Every opportunity was given to the intruding aircraft to correct its course and land. It disregarded all warnings and signals to land. Thereafter, the Indian Air Force, under well-known operating procedures, was constrained to engage this aircraft and shoot it down. The responsibility for what happened and any loss of life rests squarely with Pakistan. The aircraft was engaged 10 kms. inside Indian airspace and the wreckage is located in Indian territory clearly on our side of the international border.

India has been making consistent efforts to improve relations with Pakistan so that the two countries can live in amity and peace. Provocative activity of this kind is not conducive to the normalization and improvement of all-round relations between the two countries. We urge Pakistan to desist from such activities and to adhere in letter and spirit to all bilateral agreements with India and internationally-recognised norms of conduct in respect of relations between two sovereign countries.
1494. **Press Release issued by the Ministry of External Affairs regarding protest lodged with Pakistan on the firing of missiles on Indian helicopters.**

**New Delhi, August 12, 1999.**

The Government of India has lodged a strong protest with the Government of Pakistan against the totally unprovoked firing of missiles at 3 unarmed Indian Air Force (IAF) Mi-8 helicopters with civilians on board in the area west of Lakhpat in North Gujarat on 11 August, 1999. The passengers on board the helicopters were media persons being taken to visit the site of the wreckage of the Pakistan Navy combat aircraft that had been shot down the previous day. The helicopters were engaged in a legitimate activity and were flying 2 nautical miles from the international border, in Indian airspace, well within the limits defined by the India-Pakistan Agreement on Prevention of Airspace Violation (1991). It was conveyed that such an unprovoked attack was a flagrant violation of norms of international conduct and a matter of deep concern. The Government of Pakistan was urged to exercise due restraint and to take necessary measures to prevent any further incident, even as the IAF had exercised restraint in not taking action in defence against the Pakistan missile launch sites.

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1495. **Statement of Pakistan Information Minister Mushahid Hussain on the Indian ‘provocative acts’.**

**Islamabad, August 12, 1999.**

Information Minister Mushahid Hussain Sayed has urged the international community to take cognizance of a situation which could potentially become very serious if India is allowed to continue with its provocative acts. “The ball is now in the court of international community to ensure that India falls in line in a very civilized manner”, he told BBC.

Mushahid said, “We have the right to protest and to put up the current issue before the international community to at least take a notice of this real Indian attitude which has taken the mask of Indian so called restraint which it talked about in the recent past.”

The Minister said, in the recent past also over the Kargil crisis, Pakistan went the extra mile for peace. Prime Minister Nawaz Sharif went to Washington to
settle the whole issue. “But it seems that the Indian attitude is still very belligerent and provocative,” he regretted.

He said, Pakistan has written to the President of UN Security Council and has approached G-8 countries in this regard. “The European Union envoys in capital are also being briefed about the incident,” he added.

To a question the Minister said, Pakistan reserves the right to take all appropriate measures for its self-defence. “But we have also clearly stated that as we stand for peace, it is India which stands for provocation and conflict.”

When asked whether independent investigators will be allowed to go in, he said. “We can allow anyone and everyone to go there. We don’t mind anybody, let them have a look.”

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1496. Letter from Pakistan Prime Minister Muhammad Nawaz Sharif to Prime Minister Atal Behari Vajpayee.
Islamabad, August 13, 1999.

PRIME MINISTER
Islamabad

13 August, 1999

Excellency,

I thank you for your letter of August 12, and for the felicitations on our Independence Day.

Indeed, Lahore had offered us an opportunity to make a new beginning in our relations. Unfortunately, the burden of our past has not permitted us to do so. The Kargil events and the shooting down of our unmanned Navy aircraft have not helped the situation. We cannot, however, afford to turn our back on each other and remain prisoners of our unfortunate history.

Our commitment to the Lahore process remains undiminished. I am of the view that we must summon the political will to break from the bitter legacy of conflict and tensions, by resolving the Kashmir dispute on a just and fair basis. Committed as I am to peace and development, it remains my sincere desire to work with you for a harmonious and prosperous future for our peoples.

I avail myself of this opportunity to offer our congratulations on the
Independence Day of India and our best wishes for the people of India and your personal well being and that of your family.

Yours sincerely

(Muhammad Nawaz Sharif)

His Excellency
Mr. A. B. Vajpayee
Prime Minister of the Republic of India
New Delhi

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1497. Press Statement by Pakistan Foreign Secretary Shamshad Ahmad.

Islamabad, August 19, 1999.

The Indian assertion of capability for manufacturing the Neutron Bomb and “India’s Nuclear Doctrine” recommended by its National Security Board indicates that India is about to embark on a further and even more dangerous escalation in the nuclear and conventional arms build-up. The recommended “doctrine” confirms India’s craving to be recognized as a global power through nuclear and conventional militarization and aggressive actions.

This comes in the wake of India’s massive military operation against the Kashmiri freedom fighters and India’s naked military aggression in shooting down the unarmed Pakistan Navy plane and the cold blooded murder of 16 Pakistan Navy trainee personnel. Obviously we are seriously concerned at these developments, which if anything, pose an intensified threat to the peace and stability of the region. No doubt we will take into account all these factors to ensure our own defence.

India has declared that it will establish “sufficient, survivable and operationally prepared nuclear forces”. Thus, despite the best endeavours made by Pakistan for strategic restraint India is poised to go ahead with the deployment and operationalization of its nuclear weapons and delivery systems. It would frustrate the central purpose of the “Strategic Restraint Regime” proposed by Pakistan to India at the last round of talks under the items on “Peace and Security”.

The Indian Declaration of the proposed Doctrine also negates the acceptance of restraints by India indicated during the Jaswant Singh – Talbot (US Deputy Secretary of Stat) talks particularly with regard to the deployment and
operationalization of nuclear weapons and their delivery systems. Pakistan will closely follow the reactions of the major powers to this latest intended escalation.

The proposed Indian “Doctrine” also makes it clear that India’s nuclear escalation will be accompanied by the further build-up of India’s conventional warfare capabilities. This is a matter of deep concern to Pakistan because the vast majority of India’s conventional “assets” are deployed against Pakistan. The growing imbalance in conventional military capabilities will intensify Pakistan’s reliance on its nuclear capabilities to deter the use or threat of aggression by India.

Pakistan does not want a nuclear arms race in South Asia. Our diplomatic initiatives spreading over a quarter century before May last year’s tests are on record and an evidence of our policy. After the tests, we offered to India a Strategic Restraint Regime to prevent nuclear arms race and maintain nuclear deterrence at the minimum levels. However, Pakistan cannot afford to ignore the security implications of India’s new doctrine and its ambitious plan of nuclear weapons development including Thermonuclear and Neutron bombs. The development of our nuclear programme will be determined solely by the requirements of our nuclear deterrence capability which is now an indispensible part of our security doctrine.

We are convinced that, following last year’s nuclearization, the best option for Pakistan and India is to promote a Strategic Restraint Regime envisaging mutual and reciprocal moderation in the nuclear, missile and conventional fields, and a serious endeavour to resolve underlying disputes, specially Jammu and Kashmir.

India’s No First Use Policy

India has been lately trumpeting its so-called no-first use policy. Obviously nobody has been impressed by this propaganda. No first-use has never been accepted as the basis for determining the deterrent postures of any of the Nuclear Weapon States. Indeed, India itself places no credibility in ‘no-first-use’. If it did, it should have accepted China’s assurance of ‘no-first-use’ and of non-use of nuclear weapons against non-nuclear weapons States. This would have obviated the need for India’s nuclear weapons acquisition, much less the operational deployment of nuclear weapons.

India’s ‘no-first-use’ declaration is, in fact, designed to secure for itself “recognition” as a nuclear weapon State which would flow from the “acceptance” of its no-first-use and non-use “assurances”. It is for this purpose that India has offered to ratify the non-use assurance Protocol to the Treaty establishing the South-East Asia Nuclear Weapon Free Zone, although this Protocol specifically identifies and invites the US, Russia, China, UK, and France only. Secondly, India will seek to justify the acquisition of a large nuclear arsenal by arguing that its nuclear forces should be large enough to sustain and retaliate against a nuclear first-strike.
Pakistan-India Relations

The Human Rights Watch report released last month has publicized graphic evidence of massive human rights violations by the Indian forces in IHK (Indian Held Kashmir). It says that “the Indian security forces engage in brutal forms of torture which have the sanction of senior officials.” Clearly this represents a severe indictment of Indian State terrorism perpetrated against the innocent and the helpless Kashmiris suffering under the yoke of Indian military occupation.

To cover up its State terrorism publicly castigated by the Human Rights Watch report the Indians are labeling the indigenous Kashmiri struggle for their rights of self-determination as “terrorism”. Besides, to frustrate the international community's desire that dialogue between Pakistan and India should resume, India is now posing a precondition for an end to the Kashmiri liberation struggle labeled, as I have said above, as terrorism. This amply betrays India's continued intention to deny the Kashmiris their fundamental rights and her determination to bludgeon them into submission. History shows that such designs never succeed.

Pakistan believes that our region, with all its tortured history of tensions and conflicts, deserves peace with justice. For this purpose the Prime Minister took a bold and difficult decision which averted a wider conflict. We remain firmly committed to peaceful resolution of all disputes including the core dispute of Kashmir. We will not shut the path of dialogue. But for dialogue to commence we need assurance of its serious and substantive nature and its result oriented direction. To revert in a meaningless dialogue is not desirable. Instead such an exercise will be counterproductive and a betrayal of the international community’s well motivated and sincere desire for peaceful resolution of the Kashmir dispute which today poses the greatest danger to international peace. Kargil has already demonstrated this stark reality.

I must also mention to you that after playing politics with two bodies of the Kargil martyrs, India is now playing politics with 8 Pakistani detainees. Having made the offer to return them to Pakistan India is now procrastinating. On our request that they should be handed over to the ICRC India is now posing obstacles clearly with a view to taking some kind of propaganda advantage out of the issue. This is reprehensible.

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Letter from Pakistan Foreign Minister Sartaj Aziz to Secretary General of the UN Kofi Annan suggesting dispatch of a “Fact Finding Mission” to ascertain facts about the shooting down of Pakistan naval aircraft.


Excellency,

On 10 August 1999, an unarmed aircraft of the Pakistan Navy, which was on a routine training flight inside Pakistani airspace, was shot down by Indian Air Force jets, killing all 16 personnel on board. This act of military aggression was unprovoked and in contravention of existing international norms relating to inviolability of national borders and in violation of the Pakistan-India bilateral agreement of 1991 regarding Prevention of Airspace Violations.

The incident occurring shortly after the Kargil crisis, has further increased tensions in the region. It has caused concern internationally as is reflected in the statements made by you and the President of the UN Security Council.

The false and misleading claims made by the Indian side regarding the shooting down of the unarmed Naval aircraft remain continuing source of aggravation in the already tense relations between Pakistan and India. I, therefore, request Your Excellency, to send a “Fact Finding Mission” to the region to ascertain facts about the incident.

I look forward to receiving your response at your earliest convenience.

Please accept, Excellency, the assurances of my highest consideration.

(Sartaj Aziz)

H.E. Mr. Kofi Annan,
Secretary General,
United Nations,
New York.
1499. **Note from the Pakistan Ministry of Foreign Affairs to the High Commission of India in Pakistan regarding the shooting down of Pakistan naval aircraft and asking for compensation for the loss of aircraft and for the persons killed.**

*Islamabad, August 30, 1999.*

**Government of Pakistan**

**Ministry of Foreign Affairs**

**Islamabad**

No.Ind.(P-I)VIII/9/99

The Ministry of Foreign Affairs of the Islamic Republic of Pakistan presents its compliments to the High Commission for the Republic of India in Islamabad and has the honour to refer to the unprovoked act of military aggression in shooting down by the Indian Air Force jets of an unarmed Pakistan Navy Breguet Atlantic aircraft while on a routine training flight inside Pakistani airspace on 10 August 1999, killing all 16 personnel on board.

India's unprovoked and blatant use of force against an unarmed Pakistani aircraft over Pakistani territorial air space not only contravenes the basic purpose of the United Nations *i.e.* to maintain international peace and security but also constitutes the breach of the Charter of United Nations and violates its fundamental principles regarding respect for the sovereignty and territorial integrity of states and non-use of force in international relations.

India's action also constitutes serious violation of the provisions of the Agreement concluded on 6 April 1991 between Pakistan and India on Prevention of Air Space Violations. Article 1 of this Agreement enjoins both parties to ensure "that air violations of each other's air space do not take place." Moreover, the agreement clearly rules out the use of force even in case a violation is believed by either side to have taken place.

On the basis of the above facts, India has therefore, incurred legal responsibility for the breach of its fundamental obligations under the United Nations Charter, as well as those arising under bilateral treaties, apart from constituting a breach of well-established obligations under customary international law.

Accordingly, India has the obligation to make reparation to the Islamic Republic of Pakistan for the loss of the aircraft and to the heirs of those killed by the breaches of obligations committed by it under the relevant rules of customary International Law and Treaty provisions.
The Government of Pakistan demands that the Government of India pay an amount of US $60.2 millions as compensation for the loss of the Pakistani aircraft and for the loss of lives of the personnel on board.

The Ministry of Foreign Affairs of the Islamic Republic of Pakistan avails itself of the opportunity to renew to the High Commission of India in Islamabad the assurances of its highest consideration.

August 30, 1999
The High Commission for India
Islamabad

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1500. Response of Official Spokesperson of the Ministry of External Affairs to the claim made by Pakistan for the compensation for the naval aircraft and the persons killed in the incident.

New Delhi, August 31, 1999.

Pakistan's claim for compensation for the shooting down of the Pakistan Navy's Military combat-cum-surveillance aircraft on August 10, 1999 is totally untenable and absurd. The facts of this matter are clear and well known. The Pakistani military aircraft was on a hostile military mission and was involved in espionage activity. It had brazenly violated Indian air-space, as well as the 1991 agreement between India and Pakistan on prevention of air-space violations, as well as internationally accepted rules of engagement in such situations.

In keeping with these rules of engagement, intercepting Indian aircraft had conveyed clear signal to the intruding Pakistani military aircraft asking it to correct its course and land. The intruder disregarded all these signals and warnings. Subsequent actions taken by the Indian Air Force were in keeping with these internationally accepted as well as standard operating procedures. The Pakistani military aircraft was well within Indian air-space when it was shot down. Pakistan is fully responsible for the outcome and the consequence of its action in contravention of the norms of conduct of bilateral relations as well as a specific agreement and rules of engagement pertaining to air-space violations.

Pakistan's claims, which have already been rejected by the Acting High Commissioner for India in Islamabad, are meant only for propaganda purposes.
An internationally isolated Pakistan is desperately trying to divert attention from its irresponsible conduct, best illustrated by the failure of its armed intrusion and aggression in Kargil, and subsequently by its willful violation of Indian airspace.

New Delhi
August 31, 1999.

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1501. Letter from UN Secretary General Kofi Annan to Pakistan Foreign Minister Sartaj Aziz in reply to his letter regarding the shooting down of Pakistan naval aircraft.


The Secretary General

3 September, 1999

Excellency,

Thank you for your letter of 25 August which was forwarded to me by your country’s new Permanent Representative to the United Nations, Ambassador Inam ul Haque.

I share the concern expressed in your letter that the downing on 10 August of the Pakistani naval aircraft has led to a further increase of tensions in the region. As you know, immediately after this regrettable incident, I publicly expressed my concern and urged both sides to resolve their differences by peaceful means. It is my sincere hope that the bilateral dialogue between India and Pakistan, which was reinvigorated six months ago at the Lahore summit, will be resumed without preconditions. You can count on me to do whatever I can to encourage the resumption of the Lahore process.

Regarding your request for a fact-finding mission, we have consulted the Indian authorities. However, I am informed that the Indian Government does not see the need for - and thus rejects – any kind of third party investigation into this incident. I regret to inform you that I am therefore unable to send a mission to the region, since this would only be possible with the full cooperation of all parties.
I look forward to conferring with you and Prime Minister Nawaz Sharif during the first week of the 54th session of the General Assembly.

Please accept, Excellency, the assurances of my highest consideration.

Kofi A. Annan

His Excellency
Mr. Sartaj Aziz
Minister for Foreign Affairs
Of the Islamic Republic of Pakistan
Islamabad


New Delhi, September 10, 1999.

Summary of Presentation

1. Foreign Secretary today briefed the EU HOMs on India’s approach to certain important issues for the 54th Session of the UNGA on the basis of an approach paper (not included here). In particular, in the context of disarmament, Foreign Secretary emphasized that India has articulated its position in the past one and a half years including its voluntary moratorium on testing, its commitment to Non-Proliferation, export controls as well as no-first-use and non-use of nuclear weapons against non-nuclear weapon states. While India is mindful of its security interests, it remains committed to strengthening the global security environment. We have engaged in bilateral discussions with several countries on this matter. We have always regarded disarmament and non-proliferation issues as a common cause, which must be taken up in good faith. Therefore, we have extended and expanded our dialogue on these issues with several countries. For instance, we will begin our security dialogue with China shortly.

2. Our security concerns cannot be seen in an artificial and restrictive framework. Although we share a common goal of building a global disarmament and Non-Proliferation order, we will establish a credible minimum nuclear deterrent. It is important to build a Non-Proliferation order which provides for equal security to all.

3. We have studied the SCR 1172 carefully and have made our dissatisfaction clear. We have addressed all these concerns through dialogue, which has been
conducted in good faith. The prescriptive approach has been sought to be re-established by some moves such as the G-8 Task Force on South Asia. Statements have been placed in a very narrow India-Pakistan aspect and create an inter-linkage between regional security in South Asia and disarmament.

4. Our assessment of this approach has identified two elements. Firstly, the implication that the existence of nuclear weapons enhances the risk of nuclear conflict. Secondly, that Indo-Pakistani tensions enhance the risk of escalation.

5. We have taken these concerns on board. However, it is important to diagnose the reasons for the existence of these dangers. The danger of such escalation does not come from India’s policies and actions but from Pakistan. The Pakistani belief that its nuclear capacity would enable it to carry on a proxy war through terrorism in J&K has dictated its approach. It believed that its nuclear capability would constrain us and prevent us from taking strong action. This is evident in the proxy war it carried out and in the Kargil episode. It has indulged in nuclear brinkmanship and blackmail. Such irresponsible brinkmanship is behind the statement of Pakistan, in the context of Kargil, that nuclear weapons could be used by it. However, we were not provoked. Rather we achieved our objective and reaffirmed our principle of non-use of nuclear weapons. We were restrained in our approach and demonstrated that nuclear deterrence does work.

6. We sense that unlike India, which sees its nuclear capability as a deterrent and a defensive policy, Pakistan looks on it as an instrument of blackmail on India and the international community. This raises serious concerns on the structure of power and the structure of command and control in Pakistan. We feel that India deserves some credit and understanding in this context. Unthinking admonitions which do not take into account the differing approaches of India and Pakistan should be avoided.

7. The second concern often articulated by Western nations is that the tensions between India and Pakistan will escalate the danger in South Asia. It is necessary to diagnose the reason for these tensions and to find the remedy. A realistic approach must be adopted, not one based on fantasy. A dialogue in the present context of disarmament and non-proliferation should be looked at by analyzing Pakistan’s actions across the Line of Control. After Kargil, what saddens us is the renewed intensified terrorist action in J&K. We have seen, in the present process of elections, renewed sponsorship of terrorism. It must be understood that J&K is an issue of federal-state relations. The Pakistani factor is merely a distorting element.

8. We are committed to the process of dialogue. We look at Indo-Pakistani relations with a sense of vision. We must adopt the approach of moving from the
easy to the difficult, with the aim of making progress wherever we can. Pakistan should take steps to facilitate this dialogue and enable whatever progress is possible. Pakistan’s credibility has already been damaged due to its own actions. Therefore, a special effort from Pakistan is required to resume the dialogue. Pakistan must completely cease terrorist activity across the Line of Control.

9. The international community has, during the Kargil episode, upheld the principle of sanctity of the LOC. It recognized that Pakistan’s activities were a gross violation of this sanctity. We hope that all future EU statements, would be based on the above aspects and facts. On Kargil, we have noted with appreciation that in the EU statements of June 25 and earlier, there was recognition of the essential element that the party responsible for the military action was that which armed and inducted these people across the LOC. This recognition reinforced our military action and ultimately convinced Pakistan to abort its military misadventure and withdraw.

10. After numerous denials, Pakistan has now acknowledged its direct involvement in the incursions. By its actions, it has demonstrated that its regular forces were involved.

11. Even handedness and balanced formulations can sometimes do more harm than good and encourage those who want to disturb stability. Issuing of realistic and judicious statements in this regard would send the right signals. Linkages can give the wrong impression to Pakistan which has always flogged the “nuclear flashpoint” theory, not in order to find a realistic solution to the problem but in order to embarrass us. There is a constant effort to needle and embarrass India and create a sense that something is wrong. This propagandist approach does not help. We hope that the EU would recognize this factor.

12. It is important to understand that the trend within India is towards strengthening the global disarmament and Non-Proliferation order, keeping in view our own security interests. We need to sensitize public opinion in India. One should be mindful of creating an atmosphere which would lead to difficulties for any Government in this context. A considered approach from the EU would be of great help.

Questions and Answers

13. Foreign Secretary then invited questions from the assembled diplomats.

The Finnish Ambassador in his capacity as representative of the EU Presidency, inquired about Pakistan related issues in the UNGA. Pakistan has stated that it would bring up the Kashmir issue in the forthcoming UNGA Session. This would be the first time since 1965 that this would happen. What does India anticipate? Secondly, Pakistan has been talking of compensation for the
Atlantique aircraft which was shot down recently and of raising this in the UNGA. What does India expect? Thirdly, there is a crisis waiting to happen in Central Asia, in view of the rapidly deteriorating situation in Central Asia and militants moving from Kyrgyzstan to the Fargana valley. This is a very ominous development since it is linked to the Taliban phenomenon. How does India view these developments?

14. Foreign Secretary responded to the first question by saying that Pakistan has always raised this matter on every conceivable occasion in every possible fora. J&K is not formally inscribed in the agenda of the General Assembly. It was last discussed in the Security Council in November 1965. However, Pakistan regularly refers to it in every speech possible. Our position is transparent and we do not believe in a hyped up and polemical approach. The international community must take note of the distortions and intemperate language that Pakistan uses in its statements on this issue.

15. On the second question, FS said that we have given all the relevant facts and details. Pakistan has approached us bilaterally for compensation and has also addressed a letter to the UN Secretary General. We do not accept this claim, which is completely untenable and groundless, and that is the end of the matter. We urge understanding of our position. In every sector, it is important to respect the confidence building measures which are in place in order to avoid such incidents.

16. On the question relating to Central Asia, Foreign Secretary emphasised that this is a matter of great concern to us since Central Asia is our neighbourhood. Our EAM has written a letter to the Foreign Minister of Kyrgyzstan. The Uzbek Government, which is committed to secularism, is also deeply concerned.

17. These events underline the need for international consciousness of, and action to, address the root problem. There is evidence of a clear nexus with drug trafficking. It is evident that the bulk of drug production is in Afghanistan, the majority of which is under Taliban control. Pakistan’s role in this is also very clear. It has always fully backed the Taliban.

18. Additional Secretary (UN) added that there is a resolution on Afghanistan in the UNGA which refers to imposing sanctions. Germany is coordinating this resolution in the General Assembly.

19. Foreign Secretary mentioned that India had recently sent two officials to Washington to discuss Afghanistan. A US Assistant Secretary of State is coming to India shortly to discuss terrorism. We would like to discuss this with the EU as well.
20. The Finnish Ambassador asked whether the link between Pakistani actions and the developments in Central Asia is direct? FS responded that the link is direct. There are terrorist training camps in Afghanistan. Osama bin Laden has the support of the Taliban and the Taliban is linked with Pakistan. Within Pakistan itself, there is a definite concern about the Kalashkinov culture across the border. There has been the spawning and nurturing of terrorist groups which are funded by the Government. Most of this activity is directed at India but is also linked with the terrorist culture of Pakistan. Pakistan is the natural gateway for these activities. There is concern within Pakistan of the Talibanisation of Pakistan, which has implications for its own stability. We are concerned because we would be the first affected by any destabilization in Pakistan.

21. These Developments in Central Asia are not encouraged by Russia and China. At a recent five nation meeting, both countries were very emphatic about the dangers of terrorism. We are obviously concerned because Pakistan’s ultimate obsession is India. If this phenomenon is taken care of, we would be in a better position to handle the problem that we have.

22. The Finnish Ambassador thanked FS for his briefing and handed over a copy of the EU Statement on East Timor which was issued on September 8, 1999.

23. FS then conveyed India’s position and perspective on human rights. He said that we have a commitment to do our best to support the efforts to promote human rights world wide. We hope that in the EU formulations on human rights in J&K, a judicious approach would be adopted. As far as J&K is concerned, there is a situation of ruthless, well-armed and professional terrorists operating within the state. The strong nexus between human rights violations and terrorist activities is clear. Any statements about human rights violations must also give a clear call for the cessation of terrorist activity. Externally sponsored terrorism must be specifically condemned.

24. On the question of minorities, there should be an understanding of the situation. We have vibrant institutions to protect the rights of the minorities and a dynamic press. Sometimes, there is an indiscriminate linkage made with the state of minorities in Pakistan. Such comparisons are unfair. Unlike India, Pakistan does not have any real minorities. We hope that this would be taken into consideration in all future EU Statements.

25. The Finnish Ambassador again thanked FS for taking the time for this briefing and said that he had taken careful note of what had been said. These would be conveyed to the EU Governments. He asked for a clarification whether India is still a candidate for the Chairmanship of the UNHRC Executive Committee. Joint Secretary (UNE) stated that India is a candidate for the vice-
chairmanship of the Committee. The Finnish Ambassador said that since there is an unwritten understanding that the vice-chairman of the Committee would eventually aim for the chairmanship of the Committee, this would imply that India would aspire for chairmanship in the not too distant future!

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1503. Statement by Pakistan Foreign Minister Sartaj Aziz in the Senate on failure of back-channel talks on Kashmir.

Islamabad, September 16, 1999.

The Government of Pakistan disclosed that it had conducted back channel diplomacy both before the Kargil operation and after it, but it was not blaming the army for sabotaging attempts to solve Kashmir issue.

"After the Lahore diplomacy, negotiations started and continued for at least two months till the time Prime Minister Vajpayee's government fell," Foreign Minister Sartaj Aziz told the Senate.

"When the Kargil operation started, India approached us to defuse the tension and this was a time when Mishra (Principal Secretary to P.M.) came here and we told him that they should hold serious negotiations on Kashmir," he added.

He recalled that there was emphasis on abiding by the Simla Agreement as far as the LoC was concerned and this package would culminate in a joint statement by the two prime minister after Nawaz Sharif's visit to China. "But India backed out of this package," he said.

The issue was raised in the Upper House by a Senator Dr. Abdul Hayee Baloch who pointed out the press reports based on Niaz A Naik's recent statement*

* In New Delhi, Ministry of External Affairs denied categorically the next day statements emanating from Pakistan that Prime Minister Atal Behari Vajpayee and Prime Minister Nawaz Sharif had reached an agreement to resolve the Kashmir dispute within a stipulated time frame. Brajesh Mishra, principal secretary to the Prime Minister, told the Times of India that there was no "deal" whatsoever on resolving the Kashmir dispute and, consequently, there was no question of laying down a time frame to implement it. Moreover, there was no proposal from the Pakistani side that Nawaz Sharif should stop over in New Delhi during the Kargil conflict on his way home from a visit to China. All communications between India and Pakistan during the conflict, Mr. Mishra said, focused on a single issue: to get Pakistan to unconditionally withdraw its troops to its side of the Line of Control as swiftly as possible.

He said he had delivered this message in the clearest possible terms when Mr. Sharif's emissary and Pakistan's former foreign secretary, Niaz A. Naik, met him on June 26.
indicating that the army had sabotaged the peace process with India by starting the Kargil operation.

Another report in an English daily said that the army was waiting for some responsible government functionary to remove the impression created by Naik. Leader of Opposition Aitzaz Ahsan referred to this news item and accused the government of changing its stance on back channel diplomacy several times.

“The government first claimed that Nawaz Sharif did not know about the Kargil operation but later claimed that he was not told enough. How can you brush aside what army is saying? If you own the back channel diplomacy, how can you deny Naik’s statement? Are you now putting the blame on the army after having failed politically, economically and diplomatically,” he asked.

Sartaj reiterated that the Government was not blaming the army and the news report was mere speculation. “We do not know who is behind it,” he said. Maulana Fazal Mohammad reminded the government that Naik had gone to India on their instructions and now the same person was saying that the Lahore deal was nearing a solution but was sabotaged by the army.

“I strongly contradict the impressions if any, being given by anybody that army has sabotaged the Pak-India talks,” Sartaj said. Sartaj said he had deliberated in detail on the Kargil issue during the in–House discussion on it. “I have not yet seen Niaz Naik’s statement. He may have given his personal opinion,” Sartaj said. There was a timeframe of nine to 12 months to resolve the Kashmir issue, which India had agreed after Niaz Naik’s visit to India, he said.

He said there was a proposal that Prime Minister Nawaz Sharif would go to India on his return from China if India would be ready to agree to the conditionalities and a joint statement would be issued in this regard. But, he said, India backed out from the understanding on the plea that a caretaker government cannot undertake such an important commitment. The minister said, he had already

And so had Mr. Vajpayee when Mr. Naik, met him on June 26. The emissary was left in no doubt that the composite dialogue between the two countries, which would include Jammu and Kashmir, could resume only after the complete withdrawal of the intruders. “We told him that so long as Pakistan continued to perpetrate violence in Jammu and Kashmir, a discussion on any other subject was out of the question,” Mr. Mishra said. The media quoted unnamed sources to suggest that Mr. Naik no doubt thought that he would be doing Mr. Sharif a good turn by pointing that the army had sabotaged the so-called deal on Kashmir but little did he realize that the army would not allow his statement to go unchallenged. Asked to comment on Mr. Aziz’s statement that the two countries were close to four point agreement, the unnamed sources said these so-called four points had been canvassed by a private group which has been discussing ways and means to find a durable solution to the Jammu and Kashmir dispute. Funded by an American of Kashmiri origin, the group, consisting of former officials and scholars from India, Pakistan and the United States, has been meeting periodically to exchange ideas and insights.
informed the House that India was doing aggressive patrolling alongside the LoC and it was feared that India might try to occupy the vacant places on LoC. Pakistan Army also started aggressive patrolling there so that India would not be able to do any incursion there, he said.

The minister said India’s efforts to normalize relations with Pakistan without settling Kashmir issue were obstructed after the latest developments on LoC. The international pressure has also increased on India, he said. He said neither the government nor the army had compromised on national security and interest at any moment. Earlier, Dr. Hayee Baloch said that Niaz Naik’s latest interview has given the impression that the prime minister was not aware of the Kargil operation and had it not happened, Pakistan and India would have reached an agreement regarding Kashmir in light of Lahore Declaration.

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1504. Statement by the Pakistan Ministry of Foreign Affairs regarding its approach to the International Court of Justice to claim compensation for the loss of naval aircraft and persons killed.

Islamabad, September 21, 1999.

Pakistan filed a case in the International Court of Justice (ICJ) to seek compensation from India for shooting down a navy plane last month, killing 16 persons on board, officials said.

Pakistan approached the ICJ arguing that “India is under an obligation to make reparations to Pakistan for the loss of the plane and compensation to the heirs of those killed”, a foreign office statement said.

It accused India of violating the United Nations charter and provisions of international treaties by shooting down an unarmed naval surveillance plane.

“This act of blatant military aggression was unprovoked and in contravention of all universally accepted international legal norms,” the statement said.

Officials said the plane was on a routine training flight inside Pakistani airspace when it was shot down.

The statement said Pakistan decided to seek legal recourse as India refused to accept a UN inquiry and also rejected the demand for damages.
In its case filed with the Hague-based ICJ, Pakistan said India was obliged to make reparations for the loss of the French-made Atlantic plane and compensation for the heirs of the 16 persons killed.

1505. Complaint filed by Pakistan at the International Court of Justice for compensation on the loss of its naval aircraft and persons killed in the incident.


Embassy of Pakistan
The Hague

21 September 1999

The Registrar,
International Court of Justice
The Hague

I, the undersigned, being duly authorized by the Islamic Republic of Pakistan, being the Ambassador of the Islamic Republic of Pakistan accredited at the Hague:

Have the honour to refer to the declarations, made by the Islamic Republic of Pakistan and by the Republic of India respectively, accepting the jurisdiction of the Court as provided for in Article 36, paragraphs 1 and 2 of the Statute of the International Court of Justice, and by virtue of the consent to the jurisdiction based upon those instruments and in accordance with Article 40 of the Statute and Article 38 of the Rules of the Court, make this application instituting proceedings in the name of the Islamic Republic of Pakistan against the Republic of India on the following grounds:

I. Statement of Facts

On the 10th day of August 1999 an unarmed Atlantique air craft of the Pakistan navy was on a routine training mission with sixteen personnel on board. While flying over Pakistan air space it was fired upon with air to air missiles by Indian air force planes, without warning. All sixteen personnel, mostly young naval trainees, on board the aircraft were killed. This act of blatant military aggression was unprovoked and in contravention of all universally accepted existing international norms relating to sovereignty and inviolability of national borders.
The Atlantique Aircraft was conducting scheduled instrument flight training. In accordance with the standard operating procedures the Karachi Civil Airport was informed of the flight plan of the aircraft. The plane took off at 09.15 hrs. (Pakistan time). Radar contact was maintained with the aircraft until it was lost at 10.55 hours. The general area of operation was approximately 70 to 90 miles east of Karachi. All through the one hundred minutes of flying time the Pakistan Naval Aircraft was visible on the radar within Pakistan air space. Moreover, since the aircraft was flying at a height of 7000-9000 feet, it was visible on the Pakistani radar in Karachi and should have been visible on Indian radar at Nalya Air Base, in Gujrat, throughout the flight time.

From 10.30 to 10.55 hours, when it was shot down, the aircraft was in the same area carrying out various training exercises and maneuvers of instrument flying within Pakistan air space. The flight pattern during such training activities is generally circular.

Once radar contact was lost with the aircraft an intensive search was undertaken by Pakistani aircraft and helicopters at about 12.06 hours. The wreckage of the Atlantique was discovered around 14.55 hrs scattered across the area of a radius of one square kilometer. The wreckage of the plane was about 2 Km inside Pakistani territory which is a clear proof that when the aircraft was shot it was well within Pakistan’s air space.

By the time the wreckage was found by Pakistan Navy’s Sea King Helicopters there was a gap of about 2 1/2 hours. The Indian Helicopters, knowing the actual position of the shooting down of Pakistan’s aircraft, sneaked into Pakistan’s territory to pick up a few items from the debris. By this criminal act India once again violated Pakistan’s airspace and territorial sovereignty, by sending helicopter into Pakistan territory to remove parts of the wreckage, before Pakistan’s search party discovered it, in order to produce “evidence” for its initial claim that the Atlantique had been shot down over Indian air space. Subsequently, because of the overwhelming evidence which left no shadow of doubt that the plane was well within Pakistan air space the Indian officials were obliged to admit that the Atlantique had indeed been shot down over Pakistan’s air space.

II. Legal Grounds on which the claim is based

On the basis of the above facts, Pakistan claims that India has incurred legal responsibility for the breach of its fundamental obligations under the United Nations Charter, as well as those arising under bilateral treaties, apart from constituting a breach under well established obligations of customary international law.

The particular legal grounds on which Pakistan bases its claim are as follows:
1) **Breaches of the Charter of the United Nations**

The facts on which Pakistan bases its complaint disclose serious violations of the various provisions of the United Nations Charter, particularly Article 2, paragraph 4, according to which all members of the United Nations are under an obligation to refrain in their International relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations. India’s unprovoked and blatant use of force against an unarmed Pakistani aircraft over Pakistani territorial air space contravenes the basic purpose of the United Nations i.e. to maintain international peace and security and to develop friendly relations among nations.

2) **Breaches of the Bilateral Agreement**

India’s actions described above also constitute serious violations of the provisions of the Agreement concluded on 6 April 1991 between Pakistan and India on Prevention of Air Space Violations of which Article 1 enjoins both parties to ensure “that air violations of each other’s air space do not take place”. Moreover, the Agreement clearly rules out the use of force even in case a violation is believed by either side to have been taken place. Article I also stipulates that “if any inadvertent violation does take place, the incident will be promptly investigated” and the other side’s headquarters informed of the results” without delay”.

3) **Breaches of the obligations of Customary International law not to violate the Sovereignty of another State**

India committed breaches of the obligations imposed on States by customary International law not to use force against another State. By attacking and shooting down Pakistan’s unarmed aircraft inside Pakistan’s air space, without warning and without any provocation on its part, constitute serious breach of that obligation.

4) **Breaches of the obligation of customary International law not to violate the Sovereignty of another State**

The incursion into Pakistan’s air space by the Indian Air Force jet fighters and their attack on, and shooting down of, unarmed Pakistan’s Naval aircraft on routine training mission inside Pakistan air space constitutes violation of Pakistan’s sovereignty and breach by India of its obligation under customary International Law.

**The Nature of the Claim**
On the basis of the foregoing statement of facts and considerations of law, and while reserving its right to supplement and or to amend this application, and subject to the presentation to the court of the relevant evidence and legal argument, Pakistan requests the Court to judge and declare as follows:

a) that the acts of India (as stated above) constitute breaches of the various obligations under the Charter of the United Nations, Customary International Law and Treaties specified in the body of this application for which the Republic of India bears exclusive legal responsibility;

b) that India is under an obligation to make reparations to the Islamic Republic of Pakistan for the loss of the aircraft and as compensation to the heirs of those killed as a result of the breaches of the obligations committed by it under the Charter of the United Nations and relevant rules of customary International Law and Treaty provisions.

The Government of the Islamic Republic of Pakistan has designated the undersigned as its Agent for the purposes of these proceedings. All Communications relating to this case should be sent to the Embassy of the Islamic Republic of Pakistan, Amaliastraat-B, 2514 JC, the Hague.

Respectfully Submitted

Sd/-

SEAL OF THE
PAKISTAN EMBASSY

(SAEED M. KHAN)
Agent of the Islamic Republic of Pakistan
1506. Statement by the Official Spokesperson of the Ministry of External Affairs responding to reports of Pakistan’s application to the International Court of Justice.

New Delhi, September 22, 1999.

In response to a question, the official spokesman said that Government have seen press reports about Pakistan filing a case with the International Court of Justice seeking compensation for the shooting down of its military combat-cum-surveillance Atlantique aircraft which had intruded into Indian air space on August 10, 1999.

The spokesman reiterated that the Pakistani military aircraft was on a hostile military mission and was engaged in espionage activity. It had committed a brazen violation of Indian air space. It had also violated the 1991 agreement between India and Pakistan on prevention of airspace violations as well as internationally accepted rules of engagement in such situations.

The spokesman reiterated that in keeping with these internationally accepted rules of engagement, intercepting Indian aircraft had conveyed a clear signal to the intruding Pakistani military aircraft asking it to correct its course and land. The Pakistani intruding aircraft had, however, disregarded all these warnings and signals. The actions taken subsequently by the Indian Air force were in keeping with internationally accepted as well as standard operating procedures. The Pakistani military aircraft was well within Indian air space when it was shot down. Pakistan is completely responsible for the outcome and consequences of its action which was in contravention of the norms of conduct of bilateral relations as well as the 1991 Agreement on prevention of air space violations as also the rules of engagement relating to air space violations.

The spokesman said that Pakistan’s move to raise this issue at the International Court of Justice is entirely untenable and India will deal with it as appropriate. It is a desperate propaganda gimmick timed to coincide with the opening of the UN General Assembly in New York. There is no doubt that the international community will see through Pakistan’s hostile and propagandist motivations in moving the ICJ on this issue.

New Delhi
September 22, 1999

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1507. **Press Interaction of Chairman of the Chiefs of Staff Committee and Chief of Army Staff General Pervez Musharraf on the Kargil operations.**

Islamabad, September 30, 1999.

Chairman of the Joint Chiefs of Staff Committee and Chief of Army Staff General Pervaiz Musharraf refuted the impression that Kargil was a misadventure, and said: “I do not agree to it; rather in my view it was a great military success”.

The army chief was talking to newsmen at a reception at the Chinese embassy on the occasion of the 50th anniversary of the founding of People’s Republic of China. He was asked whether Kargil was a misadventure.

Gen Musharraf was asked: “Are you comfortable with the prime minister? “he replied: “yes, very comfortable.”

Asked to comment on a government’s notification regarding his confirmation as Chairman, Joint Chiefs of Staff Committee, Gen Musharraf, who was looking calm and confident, said it was the government’s decision.

To a question whether he was visiting garrisons to pacify the jawans over Kargil, the COAS said he had been visiting his troops and holding frank talks with them. “it is the moral duty of an army chief to visit troops to congratulate them on their performance and success”.

He agreed with a questioner that Kargil had helped project the Kashmir issue, and expressed the hope that “the Kashmir issue would be settled in near future”.

Asked whether the troops had been withdrawn during the Kargil crisis, “at your behest, for Pakistan troops were unable to fight”, he said: “If an army chief says like this about his troops then he should resign”.

Responding to a question, Gen Musharraf ruled out an inquiry into the Kargil issue. He said: “There is no need for any inquiry because it was not a failure, rather it was a great success and we have learnt from it.”

He hoped that the government would take a decision about signing of the Comprehensive Test Ban Treaty in the best national interest.

Asked if there was any pressure from the army on the Government not to sign the CTBT, Gen Musharraf said: “No, there is no such pressure. But the armed forces strongly believe that the government would take a decision about signing the treaty (CTBT) in the best national interest”.

When his attention was drawn to press reports the COAS had suggested to the government to withdraw Mujahideen from Kargil, he termed them incorrect.

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1508. Statement of facts provided by the Ministry of Defence on the shooting down of the Pakistani naval aircraft.

New Delhi, September 30, 1999.

1.1 Brief facts of the incident are that on 10th Aug 1999 at the 1052 hrs the IAF Air Defence Radars at Naliyain Gujarat bordering Pakistan, picked up an unidentified tract 160 kms from Naliya on a bearing of 350 degrees, 42 kms from the International Border (IB), on a South-Easterly course. The aircraft continued to fly at about 370 kms per hour towards the IB. The aircraft was at the height of 3000-3500 feet. It crossed the IB and entered Indian airspace at a point 68 degrees 48 minutes East, 24 degrees 18 minutes North, at 1054 hrs. For the next 17-18 minutes it stayed within 10 kms of the IB and repeatedly intruded into Indian territory up to as deep as 5 kms and carried out a series of maneuvers in this area.

1.2 Two Mig-21 fighter interceptors at the IAF base at Naliya, were brought to a high State of alert as the track approached the IB on the radar. The interceptors were scrambled when the track crossed the international border for the first time. The ground fighter controller vectored the fighters on a Northerly direction towards the area of intrusion as shown in the attached map. The IAF interceptors were generally kept abreast of the intruder aircraft keeping on the Indian side of the IB. At 1112 hrs the intruder aircraft proceeded South till the IB (68 degrees 32 minutes East, 23 degrees 58 minutes North), turning right on a Westerly heading and then turning South crossing the IB at 1114 hrs. penetrating 10 kms inside Indian territory. This is the fourth time the aircraft had intruded into Indian airspace. At 1115 hrs the fighter controller had manoeuvred the IAF Mig-21s to place the leader between the IB and the intruder on an Easterly heading. The leader had made radar contact with the intruder at a range of 10 - 15 kms and on closing in, had visually identified it as an Atlantique aircraft and seen the Pakistan Navy marking on the aircraft. The leader thereafter took his aircraft abreast of the Atlantique to direct the intruding aircraft by the hand signal and radio communication to the nearest IAF base for landing. While the IAF fighter was in this process, the Atlantique aircraft turned towards the interceptor. As the aircraft then headed back towards the IB without heeding the signal of the interceptor, the fighter after due clearance from the ground radar controller, fired an air to air heat seeking infra red missile at the Atlantique at 1117 hrs. At this time the intruder was 8 kms inside Indian airspace.

1.3 The Atlantique was hit on its left engine which caught fire and started smoking. The Indian interceptors were ordered back by the controller as they were within 5 kms of the IB. The intruder was last seen on fire at 1117 hrs entering into a cloud layer well inside the Indian airspace, turning South Westward.
The aircraft continued to be tracked by our radar. It maintained a northerly direction until it was 10 kms inside Pakistan territory. Thereafter it turned left and approached the IB again on a South-Westerly heading. It was seen to be on fire and descending.

2. The following significant aspects of the incident need to be noted:

2.1. The Atlantique aircraft is a military combat aircraft used by Pakistan Navy for maritime reconnaissance and anti-submarine warfare operations. The aircraft is designed to carry air to surface weapons, sophisticated electronic surveillance and reconnaissance equipment including a sophisticated radar (as per Jane’s publication). As per the Agreement between India and Pakistan ‘on prevention of airspace violations and for permitting over flights and landing by military aircrafts’ of 1991, ‘combat aircraft’ has been defined in Article 2 to include the following:

“fighters, bombers, reconnaissance, jet military trainers and armed helicopter aircraft”. The Atlantique aircraft is clearly of this category.

2.2. The above Agreement, which is part of the confidence building measures between India and Pakistan, contains provisions which are designed to prevent use of the airspace near the IB which could lead to tension between the two countries. Thus Article 2 stipulates that combat aircraft will not fly within 10 kms of each others’ airspace. Article 7 of this Agreement stipulates that military aircrafts may fly through each others’ airspace only with prior permission of the other country. Even in cases of aerial survey, supply dropping on mercy missions and rescue operations, if either country’s aircraft are required to undertake flights within 1000 mtrs of the IB the country concerned is required under Article 3 to give prior intimation to the other country. In pursuance of this important provision it has been the practice of both countries to give prior intimation of such flights. However, in the present case no such intimation was given by the Pakistani authorities to the Indian Govt. and all the above provisions of the Agreement have been willfully violated.

2.3. Since the aircraft is designed to carry weapons and has a radar on board, its crossing the IB without prior intimation was a clandestine, willfully deliberate and a hostile act. The aircraft was proceeding in a hostile manner with deliberate and clandestine intention of reconnaissance. This is buttressed by the fact that the aircraft was carrying out loop movements continuously, which is a well known manoeuvre associated with carrying out border reconnaissance.

2.4. An aircraft like the Atlantique could not have intruded inadvertently into the Indian airspace because the present day GPS on board has an accuracy better than 50 mtrs, where as violations of Indian airspace involved were between 5 to 10 Kms.
2.5 The flight profile of the intruder for nearly 18 minutes while it was in close proximity and crossing the IB several times would clearly show that it was neither lost nor strayed across the border inadvertently. The possibility of its being on a training mission should be ruled out beyond all doubts by the profile it followed and the deliberate withholding of notice mandated in the 1991 agreement and violation of its other provisions.

2.6 From the above, the only conclusion could be that the Pakistan Navy Atlantique was on an operational mission without prior notice to India as required by the Indo-Pak Agreement of 1991. It deliberately and repeatedly violated Indian air space in a mission mode prejudicial to Indian security. When challenged, it turned towards the IAF interceptors in a deliberate and hostile act constituting an imminent threat. There was no alternative thereafter but to shoot down the aircraft.

3. There have been 29 air violations from January 99 and before 10th August 1999. A total of 26 airspace violation protests have been lodged by the MEA with Pakistan in this connection. Pakistan has been indulging in elint and photo reconnaissance missions close to our IB/LOC/AGPL continuously since 18 April 1999 by its Mirage III type of fighter aircraft clandestinely in the guise of pre notified survey missions. Under Article 2 of the Agreement of 1991 both sides are bound to keep such aircrafts at least 10 kms away from the IB.

4. Indian personnel at no stage crossed over to Pakistan side of the IB to collect the wreckage of this aircraft. Since the aircraft was close to the border and was heading towards Pakistan the wreckage was spread over a wide area as it disintegrated slowly and some of the wreckage fell on the Indian side of the IB. The list of the wreckage on the Indian side is attached (Not included here). As can be seen from the list, a sizeable part of the fuselage had fallen on the Indian side. In addition one part of the wing and one portion of the cockpit had also fallen on the Indian side. Pakistan’s contention that this wreckage was picked up by Indian helicopters crossing into Pakistan’s territory is absolutely baseless.

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1509. Press release issued by the Ministry of External Affairs containing the Statement by the Prime Minister Atal Behari Vajpayee regarding concern over developments in Pakistan.

New Delhi, October 13, 1999.

We are concerned about the developments in Pakistan.* We are monitoring the situation and keeping ourselves fully informed.

India’s policy towards Pakistan is consistent and principled. We wish the people of Pakistan well. We remain committed to developing friendly and cooperative ties with Pakistan based on mutual trust and confidence, for which the Government of Pakistan needs to create the right environment

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1510. Excerpts from the speech by Chief Executive of Pakistan General Pervaz Musharraf.

Islamabad, October 17, 1999.

I wish to reassure the international community that there is no change in our foreign policy. We will continue to honour International obligations and commitments as in the past. It will remain our constant endeavour to promote peace and stability in our region. We would like to maintain our abiding policy of friendship and co-operation with all countries.

As for relations with India, let me at outset congratulate Mr. Atal Behari Vajpayee on assumption of office as Prime Minister of India. I welcome his offer for friendly relations and positively reciprocate. At the turn of the century, South Asia stands at a crucial juncture of its history. 20th century saw a transition to Independence but the region had unfortunately remained mired in conflicts and economic deprivation. Together, Pakistan and India can change the scenario. For this objective, both must sincerely work towards resolving their problems, especially the core issue of Jammu and Kashmir. The people of Kashmir have

* The reference was to a military coup in Islamabad staged by the Chief of Army Staff General Parvez Musharraf leading to the arrest of Nawaz Sharif and other political leaders and abrogation of the constitution.
made great sacrifices for the achievement of their rights promised to them by the United Nations. We shall continue our unflinching moral, political and diplomatic support to our Kashmiri brethren in their struggle to achieve their right of self-determination. India must honour the UN resolutions and its own commitment to the people of Kashmir. It must also end its repression of Kashmiri people and respect their fundamental human rights. Pakistan would welcome unconditional, equitable and result oriented dialogue with India. While our armed forces are fully equipped and ready to defend our national sovereignty and territorial integrity, it is our desire that the situation on our border with India and on the Line of Control should remain calm and peaceful. I take this opportunity to announce a unilateral military de-escalation on our international borders with India and Initiate the return all forces moved to the borders in recent past. I hope this step would serve as a meaningful confidence building measure.

1511. Statement by the Official spokesperson of the Ministry of External Affairs reacting to the Broadcast of General Musharraf.

New Delhi, October 18, 1999.

In response to a question, the Official Spokesman said that we had seen reports of General Pravez Musharraf’s televised address of 17th October 1999. The steps outlined by General Musharraf confirm that Pakistan is now effectively under what amounts to martial law, following the military coup of 12 October 1999. The administrative structure sought to be put in place will be entirely under the total direction and control of the Pakistan Armed Forces.

In his brief reaction of October 13, 1999 Prime Minister Shri Atal Bihari Vajpayee had outlined India’s consistent and principled policy towards Pakistan. India continues to wish the people of Pakistan well and desires to build with them ties of friendship and co-operation based on mutual trust and confidence, for which the Government of Pakistan needs to create a proper environment. In order to foster such an environment, it is imperative that Pakistan should cease its sponsorship of cross-border terrorism in Jammu and Kashmir and elsewhere in India. Pakistan has pursued the sponsorship of terrorism in India as a matter of state policy and as yet we see no signs that this is abating. We will judge them by their actions in stopping cross-border terrorism and abandoning hostile propaganda.
In the context of General Musharraf’s comments on the State of Jammu the Spokesperson reiterated that the entire state of Jammu and Kashmir is an integral part of the India Union. A part of the territory of the State is under the illegal and forcible occupation of Pakistan. The State is at the very core of Indian nationhood. The people of the State have shown remarkable resilience and have not been cowed down by Pakistan’s campaign of terrorism.

With regard to General Musharraf’s announcement of the return of forces moved to the international border in the recent past, the official Spokesman said that let us be clear about this withdrawal offer. The withdrawal is intended to be from the international border where Pakistani troops had massed during the Kargil operations. All that is going to happen is that Pakistani troops from these locations will now go back to their barracks. Attempts, however, at transgressing the LOC continue, of which Kargil was the extreme manifestation.

1512. Press Release issued by the Ministry of External Affairs regarding reported remarks on India-Pakistan relations by General Pervez Musharraf in his press conference:

New Delhi, November 2, 1999.

In response to a question on General Pervez Musharraf’s reported remarks on India-Pakistan relations during his press conference yesterday, the Official Spokesman remarked that without attempting to match any stridency of language there is need to draw attention to India’s abiding desire to build a relationship of peace and friendship with Pakistan based on principles. India harbours no enmity towards the people of Pakistan. India has always taken the initiative towards improving relations, as it did again last year by putting in place the composite dialogue process to build confidence and trust, establish a stable structure of cooperation and address all outstanding issues. Prime Minister had sought to reinforce this approach through his historic visit to Lahore in February 1999.

Pakistan’s armed intrusion and aggression in Kargil was, of course, a violation of the Line of Control, but more than that it was betrayal of trust. Pakistan must, therefore, facilitate a restoration of trust through actions, abandon its state-sponsored cross-border terrorism against India in Jammu & Kashmir and elsewhere, and it must also cease hostile anti-India propaganda.

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As for foreign policy, broad outlines have been sketched by the Chief Executive, characterized by continuity, the policy cannot but remain responsive to imperatives of peace and the security of our country. In pursuing our goal we shall not be oblivious to the legitimate interests of others. Principles of international Law, norms of peaceful coexistence and reciprocity will be our guide in the promotion of mutually beneficial relations with all countries.

Containing nuclear dangers in South Asia will command our top priority. To that end the Chief Executive’s pledge of restraint and responsibility will reinforce his government’s search for effective, non-discriminatory, multilateral and bilateral agreements.

Historically, Pakistan was not the first to build weapon-oriented nuclear plants in our region. Even after the Indian atomic bomb test in 1974, Pakistan observed restraint. Despite achieving explosion capability, Pakistan did not conduct a test.

In 1996 Pakistan voted in favour of the CTBT. It did not sign the treaty only because we suspected India’s intentions. The apprehension was confirmed on May 11, 1998. Worse after the multiple explosions, Indian government ministers engaged in threats and bluster leaving Pakistan no choice except demonstrate its deterrent capability and thus safeguard its peace and security.

Immediately thereafter, Pakistan declared a moratorium on further tests. As in the past so also in the future, Pakistan will not take a provocative initiative. We will remain sensitive to all world community’s concerns for non-proliferation.

Reduction of tension between Pakistan and India is obviously desirable. Overt nuclearisation in 1998 added to the necessity and urgency of eliminating flash points. Pakistan remains ready to respond to the international community’s call for a dialogue to address the root causes of tension between Pakistan and India, including specifically Kashmir.

The Kashmir question involves the life and future of the millions of Kashmiris. Self-determination is their inherent right. It was pledged to them by India as well as Pakistan. It remains sanctified in resolutions of the Security Council.

Pakistan wants to improve relations but India does not give that prospect a chance. Instead of resolving differences on basis of law and justice, it seeks to
exploit power disparity to impose unilateral preferences. Attempts at domination and dictation cannot be an acceptable basis for international relations.

India alone has shut its ears to the sigh of relief of our people at riddance from corruption and misrule. Instead it has sought to exploit our domestic affair for narrow ends. Unmindful of the injurious blow to the hopes implicit in SAARC, it has unilaterally aborted the scheduled summit.

Pakistan will not retaliate. We will not engage in brickbats. The policy of General Musharraf’s government will reflect our commitment to good-neighbourly relations. Adhering to principles of peaceful coexistence, we shall persevere in our efforts to build a future better than the past.

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1514. Press Release issued by the Ministry of External Affairs on Pakistan's Support to Cross-border Terrorism.

New Delhi, November 10, 1999.

Our strong concerns at the anti-India tirade witnessed during the annual congregation of the terrorist organisation, Lashkare-Tayyaba, held at Muridke from November 3-5, 1999, were conveyed to the Deputy High Commissioner of Pakistan, who was summoned to the Ministry of External Affairs today.

He was told that it was particularly reprehensible that open threats against India were made during the congregation by the terrorists and the Pakistani authorities had taken no action against those who had made these threats and had used provocative language. This was yet another manifestation of Pakistan's support to international terrorism. The Pakistan Deputy High Commissioner was told that the Government of India once again called upon the Pakistani authorities to abandon their irresponsible support of cross-border terrorism.

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1515. Statement of the Spokesman of the Pakistan Ministry of Foreign Affairs on General Musharraf’s policies.

Islamabad, November 19, 1999.

The Chief Executive, General Pervez Musharraf, spent the entire day, today, at the Foreign Office for a briefing on the Foreign Policy of Pakistan and organizational matters of the Ministry of Foreign Affairs.

2. Welcoming the Chief Executive, the Foreign Minister said that the Chief Executive’s visit reflected his deep interest in Foreign Policy and the role of the Ministry of Foreign Affairs. The Foreign Minister stated that the international community reacted to the Chief Executive’s sincerity of approach and the agenda set forth by him positively and with understanding. The International community now has a better appreciation of the circumstances of the change of government in Pakistan and its priorities for reform and democratization.

3. The foreign Secretary gave the detailed briefing on all aspects of Pakistan’s Foreign Policy with particular focus on its future direction. The Foreign Secretary said that our Foreign Policy was rooted in our Islamic ethos, our values, our commitment to international norms and the geo-political environment. The safeguarding of our security, promotion of our national interests and economic development constituted the pivot of our Foreign Policy. In our volatile geo-strategic environment, the Foreign Policy of Pakistan was its first line of defence. Consistent with the objectives of our Foreign Policy, the Foreign Secretary said that Pakistan wanted good relations with all countries on the basis of sovereign equality and non-interference in internal affairs.

4. The detailed policy review took into account the state of Pakistan’s relations with the major powers including the US, Russia and China, the Islamic world and Pakistan’s neighbours as well as nuclear and security issues, our trade and economic interests and the welfare of Pakistani community abroad.

5. Pakistan would continue to engage with the US on various important issues with sensitivity and in the spirit of traditional friendship which has characterized Pakistan-US relations.

6. Pakistan’s positive approach to non-proliferation issues including CTBT was reiterated. It was agreed that Pakistan would continue its policy of responsibility and restraint and maintain a minimum credible nuclear deterrence in the interest of regional peace and stability.

7. The improved relations with Russia were considered of great significance. Pakistan would continue to endeavour for enhancement of economic and commercial ties and an across-the-board expansion of relations with Russia.
8. The compulsive India hostility and her current propaganda campaign against Pakistan were noted with great regret. To deflect attention from her own state-sponsored terrorism, and repression against the Kashmiris, India has been raising the bogey of cross-border terrorism. Nevertheless, Pakistan would maintain its positive attitude towards a purposeful dialogue with India for resolution of all disputes including the core issue of Kashmir.

9. Pakistan would steadfastly continue to extend moral, political and diplomatic support to the Kashmiris until the attainment of the right of self-determination in accordance with the UN Resolutions. The Kashmiris have offered enormous sacrifices in their continued indigenous struggle against the Indian occupation. The international community, particularly the supporters of Human Rights must speak up against Indian atrocities and prevail upon India to honour its commitments to the Kashmiris.

10. Relations with the Islamic world particularly with the Gulf countries were considered as the key element in Pakistan's Foreign Policy. These relations would be further strengthened in all fields.

11. High priority was accorded to reinforcing of the traditionally friendly and close relations with Iran.

12. Relations with China are the cornerstone of the Foreign Policy of Pakistan. Over the years these ties have gained strength. The enduring nature of the Sino-Pak friendship was strongly reaffirmed. Pakistan will further consolidate its strategic relationship with China in the coming millennium.

13. Pakistan desires durable peace, stability and national reconciliation in Afghanistan. A broad-based government in Afghanistan would be in the interest of the Afghan people. Pakistan would continue to cooperate with the Six Plus Two and friendly countries for consolidation of peace in Afghanistan and encourage greater engagement between Taliban and the international community.

14. The role of Pakistan Missions abroad in advancing our economic interests was emphasized. Several proposals were discussed for enhancing the effectiveness of our Embassies abroad in this regard.

15. Concrete proposals for the promotion of the welfare of the expatriate Pakistani community were also considered. It was decided that the community should be better mobilized to promote its role in the nation building efforts.

16. The Chief Executive emphasized that Pakistan Missions abroad must vigorously, and in coordination with various Ministers and Agencies of the Government, project the correct image of Pakistan as a progressive and moderate Islamic country.

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1516. Statement by Pakistan Foreign Secretary Shamshad Ahmad offering a dialogue to India without pre-conditions.

Islamabad, November 25, 1999.

Foreign Secretary Shamshad Ahmed said Pakistan was ready for a meaningful talks with India without any pre-conditions.

Pakistan was a pro-dialogue country. It was ready for dialogue with India with dignity and “without pre-conditions,” Shamshad said. And added “We shall never run away from dialogue. But we don’t beg for it.”

He regretted India was raising, “pre-conditions that are unacceptable to us. Their pre-conditions involve the very issues that can only be addressed through dialogue.” Indians speak of “conducive environment and restoration of, “trust,” but it is only through dialogue that, “we can achieve these objectives after meaningfully addressing the core issue of Jammu and Kashmir,” he said. “If India does not want dialogue what can we do”? he asked, adding, “we cannot hold our breath to respond.”

Shamshad said neither trust nor tension free environment would return to the region as long as the core issue of Kashmir was resolved. He hoped India would adopt more positive approach towards the need of the region which is peace and stability on the basis of final settlement of Kashmir problem.

The Foreign Secretary said “sincere and purposeful approach,” was required for a meaningful dialogue between Pakistan and India.

Shamshad said unless Kashmir problem was solved there could not be peace in this region. Without peaceful solution of the core issue of Kashmir, he added, tension and instability will plague this part of the world. “There is an open offer for dialogue to India. It is up to India to reciprocate our offer with the same sincerity that we are demonstrating,” said the Foreign Secretary. He said, “peaceful settlement of disputes through dialogue is the need of the time and need of our region.”

But obviously for any dialogue, unless the two sides engage themselves in sincere talks, “that dialogue becomes meaningless”, he said.

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1517. Letter from the High Commissioner G. Parthasarathy to the
Foreign Secretary Lalit Man Singh.
Islamabad, November 29, 1999.
High Commissioner of India
Islamabad


My dear Lalit,

I had a long luncheon meeting today with the former Director General of the ISI
Lt. General (R) Hamid Gul. I felt that such a meeting would be useful because
Hamid Gul not only retains close ties with the Military establishment and the ISI
but is also regarded as the Founding Father of the Insaf Party led by Imran
Khan. As you are aware, Foreign Minister Sattar was a Member of the Insaf
Party till he took up his present assignment. Gul played a pivotal role in the rise
of the Taliban in Afghanistan. He has long been regarded to be a hard-liner on
relations with India and has been a strong critic of the United States and its
policies. The Americans, in fact, tend to view him with some trepidation.

2. The main purpose of my meeting Gul (with whom General Musharraf has
been in touch) was to get some idea of how he assessed recent developments
in Pakistan, and the growing feeling here that under Western pressure Musharraf
is all set to put pressure on the Taliban and secure the removal of Osama Bin
Laden — dead or alive. I also availed of the opportunity to apprise Hamid Gul
about our own domestic and foreign policies with particular emphasis on how we
were determined to have a sustained economic growth rate of 7% to 8% per
annum while meeting the challenges posed by globalization. I dwelt at some
length about our relations with United States, European Union and our immediate
neighbours including China. I made it a point to emphasise to Gul that despite
differences on the border issue and continuing concern about the strategic
implications of some of China’s policies, we did have a programme of wide-rang-
ing cooperation and dialogue with China, which had led to enhanced
confidence and a substantial reduction of tension along our borders.

3. Hamid Gul told me that it would be unrealistic for anyone to expect that
the Taliban would yield to external pressures and let down someone like Osama
Bin Laden whom they hold in high respect. He added given the strong pro-
Taliban sentiments in Pakistan, no Government in this country could afford to
be seen to be pressurizing or acting against the interests of the Taliban. He said
that recent UN sanctions had only served to unite Afghans in supporting the
Taliban and noted that even an ally of Masood like Prof. Abdul Sayyaf had
denounced the fatwa issued by an Uzbek ulema against the Taliban. He added that direct pressures on the Taliban by the West would only alienate Masood’s supporters. Such pressures would have very little influence on Taliban’s policies. Gul made it clear that in his view neither Musharraf nor indeed any other leader in Pakistan would be able to meet American demands for a change in Afghan policy. He added that any leader who attempted to do so would face the wrath of the people of Pakistan.

4. Responding to my queries about whether Musharraf would succeed in his efforts to revive the economy and usher in a new political era in Pakistan, Gul was surprisingly candid in saying that World Bank recipes that Musharraf was adopting were no cure for the economic ills of Pakistan. He felt that the economic policy measures being contemplated by Musharraf would not succeed and would only lead to further impoverishment of ordinary people in Pakistan. He indicated to me that he felt that Musharraf took rather simplistic approaches to complex issues. I might add that General Mirza Aslam Beg also seems to have similar views about Musharraf’s intention to stay in power for an indefinite period of time, though for different reasons. While Hamid Gul is a hard core Islamist, Beg is not.

5. Gul like other influential military personnel whom I have met in Pakistan appeared to be quite concerned about reports of a “Strategic Partnership” between India and United States. He kept repeatedly telling me that the United States and particularly Clinton could not be either trusted or relied upon, as their sole interest was to retain global hegemony at any cost. I might add that when I mentioned to Gul that there was a feeling in India that there were perhaps people in United States who favoured the establishment of an independent Kashmir, Gul responded by saying that he had no doubt that this was indeed the aim of the United States. He revealed to me that it had come to his notice that large amount of funds from the USA were being transferred to supporters of pro-independence groups in POK. I was, in fact, rather surprised when he asserted that the POK leader Sardar Abdul Qayum was amongst those who were receiving American funding and support. (Qayum was the only influential leader in POK who supported Sharif’s “Washington Accord” for withdrawal from Kargil). He also said that for strategic reasons the Americans wished to have a presence not merely in Kashmir but also in the Northern Areas.

6. While referring to our improving ties with our neighbours I told Gul that we sought similar mutually beneficial relations with Pakistan. I added that we felt that it was important to create a climate, which would facilitate resolution of differences. Gul himself brought up the subject of Kashmir and told me that he felt that there be a frank and direct dialogue between the two countries on the subject, adding that he was opposed to Third Party (American) mediation. Gul
told me that the issue of Kashmir was a highly emotive one, which had the potential to inflame religious sentiments in Pakistan and indeed in the Islamic world. *(Yeh ab Deen ka sawal ho gaya hai=this is now a religious issue).* I told him that people in Pakistan had to remember that just as there were strong sentiments about what was perceived to be the “unfinished” agenda of Partition, there were equally strong sentiments in India that Kashmir was an issue touching on our secular nationhood. We would not like to tinker with the provisions of our secular and democratic constitution in any manner. One had, therefore, to look for a framework to a solution, which would be realistic and mutually acceptable.

7. Gul mentioned to me that he felt that it would be totally unrealistic for us to expect that any Government in Pakistan would be able to rein in “freedom fighters” in their struggle in Kashmir. I responded by telling Gul that we had found that the bulk of the so-called freedom fighters (around 80 per cent) to be Pakistani nationals and not Kashmiris. He, should therefore, realize that there were strong sentiments in India about the trans-border activities of militant groups in Pakistan. Gul, however, remained adamant in his assertion that it was just not feasible for any Government in Pakistan to restrain those who believe they were participants in a just struggle for the rights of their Muslim brethren. He did not deny the large scale presence of Pakistani nationals involved in militancy in Kashmir. He merely said that while 40% of the militants were Pakistanis, 60% were Kashmiris.

8. Interestingly, Gul mentioned to me that while at the height of the Afghan *Jehad* there were Muslims from 37 countries participating in the *Jehad*; there was not yet such widespread Pan-Islamic involvement in Kashmir. He ventured to suggest to me that Islamic sentiments were so high on this issue that even some Indian Muslims had joined in militant activities in Kashmir. I found this assertion rather self-serving as nothing would suit Pakistan more than to give a communal colour to militancy in Kashmir and disrupt communal harmony in India. I am inclined to take what Gul told me about the continuing *Jehad* in Kashmir rather seriously. It is doubtful whether Musharraf would succeed in pleasing the Americans through a clampdown on Islamic militant groups even if he should endeavour to do so. I must mention that throughout the luncheon meeting Gul was friendly and courteous. He introduced me to his son and some of his grand children. I was impressed by the fact that unlike some other Pakistani Generals he leads a relatively simple lifestyle.

9. I had a brief exchange on nuclear related issues with Gul. I told him that I was personally pleased that rather than joining the self-serving chorus of people who claimed that Pakistan commenced its nuclear programme in response to PNE in 1974, Foreign Minister Sattar had acknowledged that the programme commenced in 1972 following the Bangladesh conflict primarily because Pakistan
wished to readdress the conventional disparity with India through the acquisition of a nuclear deterrent. I said that in these circumstances it would be preferable if Pakistan directly negotiated CBMs with us on nuclear related issues and also joined us in efforts for securing the dealerting (sic) of nuclear weapon systems and the removal of warheads from missiles on a global basis. Gul said that he personally found such an approach beneficial.

Sd/-
November 29, 1999

Shri Lalit Mansingh,
Foreign Secretary,
Ministry of External Affairs, New Delhi

1518. Statement of the Official Spokesperson of the Ministry of External Affairs regarding withdrawal of additional troops of Pakistan Army from Line of Control in the Kargil Sector.
New Delhi, December 16, 1999.

In response to a question, the Official Spokesman said that we had seen media reports indicating that Pakistan had completed the withdrawal of additional troops from the Line of Control, including the Kargil sector. The Spokesman recalled that General Pervez Musharraf had, on 17 October 1999, announced a withdrawal of troops only from the International border between India and Pakistan and Pakistani officials had thereafter clarified that there was to be no withdrawal of troops from the LoC. The present remarks of the spokesman of the Pakistan Army are only an exercise in obfuscation. In actual fact, we have not observed any withdrawal of any Pakistani troops deployed at the Line of Control.

In response to another question, the Official Spokesman said that we had seen reports of a proposed reduction in Pakistan's defence expenditure as part of an economic reforms package. In this context, the Spokesman emphasized that India had always desired economic stability and prosperity of our region as a whole. With regard to Pakistan's defence expenditure, the Spokesman noted that, as a proportion of its GDP, Pakistan's defence spending was amongst the highest in the world. Also, international financial institutions have, over a period of time, made insistent demands for the reduction of Pakistan's defence expenditure and have sought greater transparency in Pakistan's budget making exercise regarding defence expenditure.
Pakistan did not rule out on December 26 the possibility of a pre-conceived design by a foreign intelligence organization to manufacture the hijacking of Indian aircraft incident, malign Islamabad and isolate it internationally.

"Since October 12 New Delhi has been trying to isolate Pakistan, beginning with its moves to seek suspension of our Commonwealth membership, its unilateral postponement of SAARC summit and now perhaps, India decided to manufacture the hijacking incident," Foreign Minister Abdul Sattar told a news briefing.

Talking about the hijacking incident, Mr. Sattar recalled that it was "not unlike the operation of January 30, 1971 when India Planned and foisted a so-called hijacking of an Indian airliner named "Ganga" for manufacturing a pretext to deny Pakistan's rights and block over-night flights by PIA between East and West Pakistan." Accompanied by ISPR Director General Brig Rashid Qureshi and Additional Secretary Foreign Ministry Tariq Altaf the Foreign Minister dismissed Indian assertions the hijackers boarded the Indian aircraft at Kathmandu after disembarking from a PIA flight. He argued the there was a difference of about six hours between the departure of the two flights.

He said the PIA flight arrived at Kathmandu at 09.35 AM. None of the passengers aboard the PIA flight was booked by Indian airlines.

The PIA Plane took off for return journey an hour later at 10:35 A. M while the Indian Airline flight IC-814 took off from Kathmandu six hours later at 4:25 P.M.

Mr. Sattar regretted malicious propaganda against Pakistan by Indian media and said they were doing it through former senior government and military officials who were making adverse comments. "So this is part of a design to malign us," he said. He said that Indian Minister for External Affairs Jaswant Singh had not blamed Pakistan for the incident when he spoke to him on telephone on December 24 evening.

The Foreign Minister also raised several questions on the issue after the hijacked plane had left Pakistan and asked: "who are the hijackers? What are their names and nationalities? Why did the Indian government refuse permission for the airliner to land at Lucknow as requested by the pilot? Why did India request Pakistan to prevent the plane's take off from Lahore although they did not do this at Amritsar? And did the Indian government request authorities in Dubai to detain the plane and if not, why?"
Mr. Sattar said he had conveyed these reservations to his Indian counterpart during the telephonic conversation and specifically asked him why the Indian authorities at Amritsar had not provided food and fuel and not prevented the takeoff. He quoted Mr. Jaswant Singh as replying that before a decision could be made the airliner had taken off. But Mr. Sattar said the Plane remained at Amritsar for quite some time.

Replying to a number of question the Foreign Minister said the behavior of the Indian pilot was no less suspicious because he did not tell authorities at Lahore where he was heading for. "Nor did he make requests to the Indian authorities for interception of the plane. Also he did not ask for the same facilities from the Indian Government, which he asked from Pakistan." Again, the Foreign Minister said the Captain of the hijacked plane told the authorities in Lahore that the hijackers were Indians. "So he did not tell us correctly."

He said the Indian design against Pakistan was evident from the fact that New Delhi was continuing with allegations against Islamabad and was "withholding facts from its own people." For instance Mr. Jaswant Sindh did speak about the transfer of hijackers from the PIA flight to the hijacked plane but was silent on the time difference.

Mr. Sattar said while his Indian counterpart asked for Pakistan's assistance he did not level any allegations like the Indian media, which had begun to charge Pakistan right from the very beginning.

Asked if there was any contact between Pakistan and Afghanistan, the minister replied in the negative but said the UN team which had left for Kandahar, had returned to Islamabad.

He said New Delhi had made a request to Pakistan to allow air space to its flight with a capacity of 170 passengers to fly to Afghanistan, which Islamabad had granted. He said Pakistan would consider any further requests by India.

Replying to another question, Mr. Sattar said that Islamabad hopes that the hijacked plane does not return to Pakistan, "but if it does we will judge the situation in accordance with the international law and safety of the passengers."

Asked to comment on reports that Ibrahim was among the hijackers, the Foreign Minister said "this needed to be verified because the Indians had not disclosed full details". "We are thus in the dark but we would certainly like to make cross checks and find out whether the one for whose release the hijackers had made a demand and the one indentified as Ibrahim were really brothers?"

He said Pakistan did not have details of the contact among the UN officials, the Taliban and the hijackers. He said the Afghan nation was an innocent victim of
the hijacking crisis. "In calling for the UN cooperation in resolving the tragedy, the Afghanistan Government had demonstrated responsibility and wisdom."

Mr. Sattar reiterated that Pakistan condemned terrorism in all its forms including violence against civilians whether perpetrated by individuals or state forces. Targeting of innocent civilians was abhorrent to mankind.

He said facts and transparency alone could bring objectivity to discussion. "That will expose, discredit and falsify the perverse speculations and baseless allegations being vent by irresponsible Indian commentators. By contributing to the build-up of hysteria and tension, such individuals betray their hatred and animosity towards Pakistan." The minister said Pakistan could not object to individuals views it could only object to the Indian government's views.

Asked if the recent tirade of allegations would adversely impact Pakistan--India relations, Mr. Sattar said it be noted that the root of all troubles and tensions between the two countries was that Indian was not prepared to resolve issues under the law and sought to settle them through the display of force.

Meanwhile on December 25, Pakistan's Foreign Office had slammed India's media accusing the Press of exploiting the hijacking of the Indian Airlines aircraft as propaganda against Islamabad.

In a terse statement the Foreign Office dismissed Indian media criticisms of its neighbour as "deplorable." "Pakistan deeply regrets that the Indian media in a typical display of malevolence and compulsive hostility towards Pakistan, are engaged in a tirade and baseless and malicious allegations in regard to the hijacking of the Indian aircraft," the Foreign office statement said.

[The aircraft was hijacked as it left Kathmandu airport and Pakistan refused it permission to land at Lahore but later the aircraft landed when it came within 500 feet of the ground.]

It is deplorable that the Indian media are exploiting the fate of more than 150 of its innocent nationals in a perverse attempt at propaganda against Pakistan," it said. The Foreign office said Pakistan initially denied permission to land because of a 1971 hijacking of an Indian plane to Lahore which it said was "stage-managed" by Indian intelligence. Later on December 24, flight IC-814 was finally allowed to land in Lahore on "humanitarian considerations and in response to the appeals made by the Indian authorities at several levels," the Foreign office statement said.

PIA refuted on December 26 TV's allegation linking Pakistan with the hijacking of the Indian flight from Kathmandu to New Delhi. Managing Director Pakistan International Airline Arif Abbasi described as "ridiculous" the Indian propaganda
that the hijackers who boarded the Indian plane at Kathmandu had flown by PIA flight PK-806 from Karachi to Kathmandu. ZEE a private TV, quoting its correspondent from Kathmandu, had alleged that the hijackers arrived at Kathmandu by a PIA flight and slipped into the Indian carrier. The PIA chief categorically denied any such possibility, saying the time difference between the two flights was "five hours" and "it was impossible that the hijackers had travelled by PIA flight and boarded the India plane at Kathmandu."

To a question whether it was possible for any passenger to board the PIA plane without visa Mr. Arif said, "Immigration authorities could not have let any passenger board the plane without visa."

He said: "We are clear about our stance and will release the list of passengers who boarded the PIA aircraft. We shall make the list public ensuring that no possibility of rumours remains there," Mr. Abbasi said.

Meanwhile, ISPR Director General Brig Rashid Qureshi has also said India holds Pakistan responsible for all its ills, whether it is Kashmir or separatist movements in its eastern and southern provinces. India has a lot of problems. There are internal problems, there are people who are dissatisfied with what is happening in India, there are separatist movements and for all their ills the only country that they find to blame is Pakistan," Brig Rashid Qureshi said in a PTV programme.

"Whatever happens inside Kashmir they externalise it, whatever happens in Indian Punjab they hold Pakistan responsible for it. Whatever happens in the eastern and southern provinces of India they blame Pakistan," he pointed out.

Brig Qureshi said: "One really wonders about some statements from India which are irresponsible, ridiculous and harbouring on stupidity as the Indians this time were saying that if the aircraft took off from Lahore, it will head for Kabul."

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Pakistan was trying to ward off the charge of abetting hijacking of the Indian Airlines Kathmandu - Delhi flight IC-814 which finally landed in Kandhar.
1520. Statement issued by the Official Spokesperson of the Ministry of External Affairs on hijacking of IAC flight IC-814.

New Delhi, January 15, 2000.

In connection with the recent hijacking of Indian Airlines flight IC-814, India today drew the attention of Pakistan to the latter's legal obligations under the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 1971, the Hague Convention for the Suppression of Unlawful Seizure of Aircraft of 1970 and the SAARC Regional Convention on Suppression of Terrorism, to all of which Pakistan is a party.

The Pakistan High Commissioner, Mr. Ashraf Jehangir Qazi, was summoned to the Ministry of External Affairs today by the Foreign Secretary and informed that the Government of India had jurisdiction over the offences committed by the hijackers and their accomplices. He was reminded that Pakistan also had legal obligations, under the Simla Agreement of 1972, to prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations and also to prevent hostile propaganda. He was told that support to acts of terrorism, including the hijacking of the Indian Airlines aircraft and subsequent anti-India public statements by the released terrorist, Masood Azhar, who was in Pakistan, were in contravention of Pakistan's obligations under the Simla Agreement.

The Pakistan High Commissioner was also told that the terrorists, whose release was secured by the hijackers by threatening the lives of the hostages and killing one of them, had since made their appearance in Pakistan and Pakistan-occupied Kashmir. Given that a large number of terrorists whose release was sought by the hijackers are Pakistani nationals and that the first destination chosen by the hijackers was Lahore, there was strong ground to believe that the hijackers were currently in Pakistan. Accordingly, Pakistan, as a State party to the above Conventions, had the clear legal obligation to take them into custody and extradite them to India.

It was also made clear to the Pakistan High Commissioner that the Government of India expected Pakistan to take the necessary measures to apprehend the hijackers and their accomplices present in Pakistan, to extradite them to India for prosecution in fulfillment of its obligations under the international conventions mentioned above, to co-operate in connection with criminal proceedings against the offenders and to report to the International Civil Aviation Organisation all relevant information in its possession regarding the hijacking and the action taken against the offenders.
He was also informed that the Government of India reserved the right to take further measures as appropriate.

The UNGA has adopted by consensus the Declaration on Measures to Eliminate International Terrorism, in which it has categorically affirmed that acts of terrorism for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them. The Declaration has also asked States to refrain from organising, instigating, facilitating, financing, encouraging or tolerating terrorist activities and take appropriate practical measures to ensure that their respective territories are not used for terrorist installations or training camps or for the preparation or organisation of terrorist acts intended to be committed against other States or their citizens.

7. Growing international consensus against terrorism is also reflected in the resolution 1269 adopted by the UN Security Council on 18th October, 1999, which unequivocally condemned and called upon States to prevent and suppress terrorist acts.

1521. Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.

Islamabad, January 24, 2000.

Government of Pakistan
Ministry of Foreign Affairs
Islamabad.


The Ministry of Foreign Affairs of the Islamic Republic of Pakistan present its compliments to the High Commission of the Republic of India in Islamabad and with reference to the note verbale of the Indian Ministry of External Affairs dated 15 January, 2000 handed over to the High Commissioner of Pakistan in New Delhi along with a so-called report has the honour to once again emphatically reject the baseless and fabricated accusations of Pakistan's alleged involvement in the hijacking of Indian Airlines flight IC -- 814.

As a State Party to the relevant international conventions concerning air piracy and hijacking, the government of Pakistan is cognizant of its obligations.
Pakistan is opposed to all forms of terrorism including hijacking and has repeatedly and unreservedly condemned such acts.

The domestic laws of Pakistan stipulate the harshest penalty against the abhorrent crime of hijacking. The government of Pakistan has accordingly, undertaken to apprehend and prosecute any person or persons found on its territory or the territory of Azad Jammu and Kashmir who may be suspected of having committed such offences.

The Ministry notes with deep regret that the Government of India continues to make absurd and unfounded allegations to implicate Pakistan in the incident. Repetition of these allegations lends them no respectability.

The Government of India has alleged that the hijackers are in Pakistan without giving any evidence to substantiate this claim or information that might be of assistance in determining the identities and whereabouts of the hijackers. The so-called report has falsely quoted the Taleban Information Minister as saying that the hijackers were headed for Quetta. the Afghan Information Minister has categorically denied the statement attributed to him.

So far, India has also failed to make available as requested by Pakistan, the transcripts of its talks with the hijackers and the terms of the deal it struck with the hijackers which would be helpful in unravelling the mystery of the hijacking. India itself agreed with the hijackers, as part of the deal, that they should have a vehicle at their disposal and time to be able to get away without leaving any trail. It is not surprising that questions are being asked about motives behind this kind of a deal.

There is nothing concrete to substantiate the Indian claim about the nationality or nationalities of the hijackers. The passengers list continuously announced by India indicated 154 Indians, 12 Europeans, 2 North Americans, 8 Nepalese 1 Japanese and 1 Australian. No Pakistani was ever mentioned on the manifest of flight IC-814. India has not provided immigration record to the identity of any Pakistani on board.

The Indian Foreign Minister's allegation that the hijackers had walked off the PIA flight in Kathmandu and boarded the Indian airlines plane was refuted by the Indian Airlines' officials themselves, not forgetting that the two flights were at Kathmandu airport five hours apart. Similarly fanciful is the allegation that an official car of the Pakistan embassy in Kathmandu was involved in the hijacking. The idea of official cars plying to aid and abet a hijacking is too absurd to merit a refutation.

The allegation that the hijackers' first destination was Lahore is belied by the fact, that, according to Indian reports, the hijackers had first sought to land in Lucknow, in India itself.
The hijacked plane was allowed to land at Lahore International Airport in dire emergency in response to the requests made by the Government of India through their Foreign Secretary in New Delhi and their High Commissioner in Islamabad and the Director General of the Indian Civil Aviation. Pakistan's primary concern was the safety and security of the passengers because the Captain threatened to crash land in Lahore as the plane had practically run out of fuel, food and fuel was provided in accordance with the request of the Indian authorities for all help and assistance to the hijacked plane. The hijackers had also threatened to kill passengers if fuel was not immediately provided to the aircraft. Medical assistance was also offered to the captain of the plane, which was not accepted.

Contrary of false Indian claims, no request or suggestion for off-loading women and children and injured person/s at Lahore was by the Captain of the plane. It must be noted that only the Captain of the plane and not the hijackers were in communication with the control tower at Lahore.

Throughout the hijacking crisis, Government of Pakistan extended all possible assistance to India e.g. a helicopter was arranged to fly the Indian High Commissioner to Lahore; over-flight clearances were instantly provided to the Indian aircraft plying back and forth between New Delhi and Kandahar; the visit to Kandahar of an Indian diplomat in Islamabad was facilitated on a UN flight; a sick hostage released by the hijackers was received for medical treatment in Islamabad. Similarly instant over-flight clearances were provided for the flight to Kandahar taking the Indian Foreign Minister and the three aircraft returning from Kandahar to New Delhi.

The Indian Foreign Minister Mr. Jaswant Singh in a telephone conversation with the Foreign Minister of Pakistan, and subsequently on television acknowledged the assistance provided by Pakistan and expressed gratitude of the Government of India.

It is a matter of great regret that as soon as the hijacking was over this expression of gratitude was substituted by a series of scurrilous allegations against Pakistan with obvious mala fide intentions. Clearly the Government of India wanted to exploit the incident to intensify its continuing anti-Pakistan propaganda campaign.

The Indian accounts of the hijacking of flight IC-814 are full of contentions, and fabrications. So far India has failed to provide an explanation as to how the heavily armed hijackers boarded the aircraft; why did the Indian authorities deny permission to its own aircraft to land at Lucknow and after it had landed in Amritsar why was the plane allowed to take off? It was entirely possible for India to take control of the aircraft in Amritsar and terminate the hijacking in a
manner considered most suitable by the Government of India. The fact that Indian authorities made no effort to stop the aircraft from becoming airborne demonstrates that India had no intention of terminating the hijacking. As indicated in the "Report" on hijacking, the aircraft was allowed to take off on a nearly empty fuel tank so that it could have only gone to Lahore. This clearly demonstrates the premeditated and mala fide intention of India to implicate Pakistan in the Incident.

In the "Report", the Indian charges rest solely on the supposed confession by the alleged four accomplices in Mumbai. According to Indian media reports, the Mumbai police chief had confirmed that the so-called four accomplices were arrested for bank robbery one day before the hijacking ended. In this context, attention of the High Commission of India is drawn to a dispatch appearing in the Indian Express on 7 January 2000 entitled "Mumbai mystery: how bank robbery turned into hijacking conspiracy". It is also incredible that the hijackers who were believed to have remained masked throughout, left their passport size photographs with their so-called accomplices for turning over to the Government of India on demand.

Pakistan regards terrorism, including hijacking, a heinous crime. The gravity of this crime in the case of the Indian Airlines hijacking is compounded by the fact that it had the obvious potential of hurting the Kashmiri cause and maligning Pakistan. Accordingly, the Government of Pakistan desires to see those responsible for this crime apprehended and their designs and motivations fully exposed. In case the hijackers are apprehended in Pakistan, they will be prosecuted in accordance with the law.

In view of the foregoing, the note verbale and the attached "Report" under reference are rejected as being spurious and a tendentious attempt to malign Pakistan. These demarches are part of India's propaganda campaign against Pakistan which would only contribute to the aggravation of the already tense environment of the region.

The Ministry of Foreign Affairs urges the Government of India to desist from provocations against Pakistan in the interest of peace and stability in the region.

The Ministry of Foreign affairs avails itself of this opportunity to renew to the High Commission of the Republic of India the assurances of its highest consideration.

The High Commission of the Republic of India, Islamabad
1522.  Letter from High Commissioner for India in Pakistan to Foreign Secretary Lalit Mansingh.  
My dear Lalit  
You would have seen the telegram that I have sent about my recent four day visit to Lahore where Shanti and I were able to meet a wide cross-section of people. Both of us along with the Ghanashyams and First Secretary Mohananey were guests of the wellknown Pakistani industrialist Syed Babar Ali for a Basant luncheon at Babar Ali's Heveli in the heart of Lahore. Babar Ali is a highly influential industrialist and philanthropist in Lahore. He has been the Finance Minister earlier and was offered the assignment of Commerce Minister by Musharraf- an offer he declined. Razak Dawood, also a well known businessman from Lahore, who is a Mohajir from Gujarat and has familial and business ties in India, was appointed Commerce Minister at the behest of Babar Ali.  
2. Razak Dawood was present at the 'Basant' luncheon and he made it a point to seek me out and shed tears of woe about what he said was the peremptory manner he was dealt with by our delegation at the Seattle WTO meeting. Dawood went to great lengths to say that he had sought a call on our Commerce Minister - a request that had not been acceded to. He had thereafter tried to at least speak to our Commerce Minister but was initially rebuffed. It was only after that he was seated next to our Commerce Minister at a plenary session that he offered his hand to our Commerce Minister who, he said, rather reluctantly accepted his gesture. He, however, added that thereafter there was a measure of cooperation between the two delegations on issues of common concern in this particular plenary session.  
3. Dawood mentioned to me that he was deeply hurt by the way his gestures of friendship and cooperation had been spurned by us at Seattle. He told me that he understood that quite obviously our Commerce Minister was acting in consonance with our Government's policies, but added that he for one had refused to join those who spoke out against expansion of bilateral trade and economic cooperation with India and had, in fact, continued to advocate the need for expansion of such cooperation. Dawood told me that he was particularly disappointed that despite the fact that he had been good friends with me, I had not called on him ever since he took over. He said that he was hurt by this approach of a person whom he regarded as a good friend, though he realized that he was acting in accordance with policy instructions.
Dawood also hinted to me that we were being unnecessarily harsh on General Musharraf who, he claimed, was trying to make every effort to reach out to us. He asked me why I had personally not called on General Musharraf?

Responding to the various points that Dawood made, I told him that in the initial days after the military takeover we had indicated that we were ready to establish contacts with General Musharraf primarily in order to get an idea about how he perceived the further development of relations with India. Musharraf, however, had found that he had time for HOMs from countries as far as Turkey and Malaysia and chose not to respond to us. In the meantime it became clear to us that there was growing international opinion against according any legitimacy to the Military Rulers as it was felt that military takeovers were not good for peace and stability either in the South Asian Region or across the World.

I told Dawood that in these circumstances we had no option but to conform to the provisions of the Durban CHOGM Declaration which had urged Member Governments of the Commonwealth not to take actions which would give legitimacy to the Military Regime. I added that he would have noted that even Governments like the UK which had commercial interests in Pakistan were averse to Ministerial level exchanges or indeed any exchanges which would confer legitimacy on the Musharraf regime. It was in these circumstances, that with considerable regret, I found that it was not possible for me to call on even persons like him, National Affairs Adviser, Javed Jabbar or Food and Agriculture Minister Shafkat Ali Shah Jamot, all of whom were people I had known and regarded as personal friends for several years. I told Dawood that this did not mean that we did not wish to have any contacts whatsoever with the present regime at the diplomatic level. On the contrary we would be quite happy to be apprised from time to time at high level by the Pakistan Government about their views and perceptions, particularly on relations with India. In these circumstances I would be quite happy to meet him or any other Ministerial representative at any venue of their choice provided the proposal emanated from their side. Responding to a query whether this policy applied to my meeting the Chief Executive, I replied in the affirmative.

Dawood told me that he was scheduled to meet the Chief Executive this afternoon and promised to convey what I had said to the Chief Executive. He said that he would make efforts to see that there was a process of contacts with us. His only fear was that if the Pakistan side should undertake any initiative at the present moment, we and others may construe it as a gesture meant to please Bill Clinton. I told Dawood that we do not view our bilateral relations with Pakistan in the context of what Clinton or others like or dislike. This was the essence of our approach to bilateralism. I have no doubt that Dawood
would have spoken to Musharraf and conveyed what I have said. We will wait and see how he responds.

7. In response to assertions by Dawood about our seeking to support Nawaz Sharif even at the present moment, despite Nawaz Sharif having been involved in the Kargil adventure, I told him that we had no doubt in our mind that Nawaz Sharif had indeed approved the Kargil intrusion. It was however, a widely accepted fact that despite his unquestioned political abilities, Nawaz Sharif was not given to thinking through the implications of such actions in substantive detail. The main reason why we had serious reservations and doubts about Musharraf's intentions was that it was fairly well known that his predecessor General Karamat was not too enthusiastic about the kind of adventure in Kargil that General Musharraf had strongly and ardently advocated. Suspicions about General Musharraf's intentions are, therefore, inevitably going to continue in India till such time as we are assured on the ground that he is not escalating tensions and militancy.

8. I must say that while Dawood is a businessman entirely new to the ways Governments function, his comments did indicate that there is a deep sense of frustration and dismay within the Pakistan government at the policies we have adopted on contacts with their senior functionaries.

With warm personal regards

Sd/-
February 21, 2000

Shri Lalit Mansingh,
Foreign Secretary,
Ministry of External Affairs,
New Delhi.
Excerpts from the interview of Gen Parvez Musharraf with Washington Post.


Question: Do you think that President Clinton is endorsing your position on Kashmir?

Answer: He has said he is not going to mediate on Kashmir but (he can) facilitate a dialogue between India and Pakistan. I would like to convince him that the main cause of tension is but one and that is Kashmir.

Q. Do you have a vision of a settlement for Kashmir?

A. Let us start by accepting that Kashmir is the core of tension in this region. Once the talking starts, solution can be debated later.

Q. The US government has put the Pakistan-based group Harkatul Mujahideen on the US terrorists list,

A. It is not a terrorist organisation.

Q. They kidnapped five westerners.

A. Yes. It was a splinter group and we do not support that. It is a mystery where it has gone.

Q. Reportedly you gave sanctuary to two hijackers of the Indian Airlines jet.

A. This is absolutely wrong. This is what the Indians keep saying. They are not in Pakistan.

Q. Pakistan was helpful in turning Ramzi Yousaf [the architect of the World Trade Center bombing] over to the USA. Can you do the same with Osama?

A. We don't have control over what is happening in Afghanistan. If anyone thinks we can order the Taliban around he is wrong.

Q. There are terrorist training camps in Afghanistan, aren't there?

A. Right, this is the area I will like to negotiate with them. The Taliban activity is being branded as terrorism, which it is not. There may be other groups there which are training to carry on militancy. That is where we need to crack down.

Q. Why is [former Pakistan Prime Minister] Nawaz Sharif on trial for attempted murder, hijacking—not just for corruption?

A. But he did that He didn't allow the Plane [carrying Musharraf back to Pakistan] to land and was forcing it to go to India.
Q. Shouldn't the trial be free and fair?
A. It's a totally fair trial.

Q. How can you have an independent judiciary if you make the judges take an oath to obey you?
A. The judiciary is absolutely independent in Pakistan. About 89 out of 102 [Judges] took the oath, which shows the order was legitimate and valid.


High Commissioner for India
Islamabad


My dear Lalit,

Please refer to my telegram No. 52 regarding my meeting with Foreign Secretary Inam ul Haque on March 29 regarding the Clinton visit. There were a few points, which Haque mentioned to me which I had not, for reasons of brevity, brought to your notice in my telegram.

2. While speaking of concerns in Pakistan that we were contemplating the setting up of a "Security belt" across the Line of Control similar to what the Israelis had done in Lebanon, Haque referred to the on going visit of three of our Naval ships to Israel. He said that there had been reports that India was the largest customer for defence equipment and technology from Israel and asked me whether our defence ties with Israel were indeed so extensive. I responded by telling Haque that while there was a measure of defence cooperation between us and Israel, we had no aspirations to be Israel's largest partner on defence related issues. This was a distinction to be conferred on two countries which Pakistan regarded as its close friends - China and Turkey!

3. I am reporting this to you because the Urdu Press here and even knowledgeable people who should know better repeatedly assert that Pakistan is a victim of "Hindu-Jewish" conspiracies. Nevertheless, Benazir Bhutto had referred to a meeting that she had with Prime Minister Rabin when she was Prime Minister of Pakistan when I met her in Karachi last year. I would, therefore,
not be surprised if the Pakistanis are covertly maintaining links with Israel. Apart from the obvious bilateral benefits of such link it would, no doubt, be felt here that links in any form with Israel would help Pakistan in its efforts to woo the pro-Israeli lobby in the United States.

4. In discussions which I have held with a number of Pakistanis, I have found that they view Assistant Secretary of State Karl Inderfurth with considerable suspicion. Haque wryly remarked to me that he had seen reports in media that Inderfurth had told you and Principal Secretary to the Prime Minister that Clinton had taken an even tougher position in his private talks with Musharraf than he had in his public televised address. He sarcastically remarked that he could not understand how Inderfurth could make such an assertion given the fact that he was not present in the first 80 minutes of discussions which took place between the two delegations. (Contrary to the impression that we had earlier, it is true that Inderfurth was not present in the 80 minutes restricted delegation level meeting. Bruce Reidel acted as the note taker in this session). It thus seems that the Pakistanis view Karl Inderfurth in much the same way that we viewed his predecessor, Robin Raphel. Maleeha Lodhi had a very warm relationship with Raphel and is now finding that she cannot make the same headway with Inderfurth.

5. Inam ul Haque also mentioned to me that Musharraf had alluded to the substantial increase in our defence budget this year as a source of concern. I deliberately did not respond to this reference to our increased defence spending. Haque is well aware of the fact that in informal meetings with the Pakistanis I have made it clear that following the Pak intrusion in Kargil we are determined to restore the qualitative edge that we developed over Pakistan after the 1965 conflict and throughout the decades of the 1970s and 1980s. I have, at the same time, stressed that given the sustained rate of economic growth that we are achieving, we are quite confident that we can achieve this strategic objective even while keeping our defence expenditure within manageable and comfortable levels as a proportion of our GDP.

With warm personal regards

Sd/-

March 30, 2000

Shri Lalit Mansingh,
Foreign Secretary,
Ministry of External Affairs,
New Delhi.
1525. **Press Release** issued by the Ministry of External Affairs regarding the meeting of High Commissioner of India in Pakistan with the Pakistani Foreign Secretary.

**New Delhi, March 31, 2000.**

In response to a question, the official Spokesman confirmed that our High Commissioner to Pakistan had met the Pakistan Foreign Secretary on 29th March. The Meeting was held at the request of the Pakistan Foreign Secretary. During the meeting, the Pakistan Foreign Secretary conveyed his country’s desire to renew dialogue with India and also raised concerns about India’s so-called aggressive postures against Pakistan.

India has always sought to establish a relationship of peace, friendship and cooperation with Pakistan. The India-Pakistan Composite Dialogue Process was put in place in 1998 at India’s initiative. Prime Minister Shri Atal Bihari Vajpayee visited Lahore in February, 1999 to reinforce India's message of goodwill for Pakistan. Pakistan's Kargil misadventure constituted not only a violation of the Line of Control, but a transgression of the territory of trust. The cessation of Pakistan's Cross-border terrorism and the abandonment of its vicious propaganda are essential ingredients for any meaningful dialogue. We once again call upon Pakistan to look to the future, to the welfare of our peoples, and for this purpose, give up the path of conflict and senseless violence.

India has no aggressive designs on Pakistan. Prime Minister Shri Atal Bihari Vajpayee had made this clear when on 21st March, 2000 he said: "We do not think in terms of war, and nobody should think in those terms in this sub-continent". It is Pakistan, which has in recent months, intensified its state-sponsored cross-border terrorism in the State of Jammu & Kashmir. While we will continue to scrupulously maintain our policy of restraint, we will effectively respond, as we have demonstrated in the past, to any threat to our territorial integrity.

**New Delhi**

**31st March, 2000**

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1526. Report on the US State Department's Annual Report dubbing Pakistan along with Afghanistan as a "Major Hub of International Terrorism."


The USA for the first time singled out South Asia as a 'major hub of international terrorism', accusing Pakistan and especially Afghanistan of providing safe haven to international terrorist groups*. The New York Times which carried the State Department annual report on terrorism said the US stopped short of adding Pakistan or Afghanistan to its list of state sponsors of terrorism but qualified this observation that 'Pakistan is being watched'. "They need to do better", the paper quoted an unnamed US official. "Pakistan too" the Report asserted "is sending 'mixed messages' on terrorism by harbouring and aiding known terrorists". The Paper quoted Michael Sheehan, State Department's Coordinator for Counter-Terrorism as saying that Afghanistan was not added to the list because Washington did not recognise its Government and Pakistan was not added because, he said, it is a friendly state that is trying to tackle the problem", although its record badly needed improvement. The report severely criticising Pakistan said: "While it has arrested and extradited several terrorists, it has refused to end support to groups that train terrorists in neighbouring Afghanistan and in Pakistan itself and has declined to close 'certain religious schools' that serve as conduits for terrorism." The report further said that there were also "credible reports" that Pakistan continues to support militant groups like the Harakatul Mujahideen citing the incident related to Maulana Masood.

* Interestingly on January 3, 2000 the United States had dismissed Indian demand to declare Pakistan a Terrorist State. The Indian demand was made in the wake of the hijacking of the Indian Airlines Kathmandu - Delhi flight IC- 814. At that time, the State Department had suggested to New Delhi to involve Pakistan in a dialogue by starting the bilateral talks. "It still remains in the interest of India and Pakistan to resume their talks. We would like to see that. I don't know the impact the hijacking will have, we will have to see that," a senior State Department official was reported to have told the Karachi based Dawn. It may be recalled that on the same day, i. e. January 3 Prime Minister Vajpayee had urged the major nations of the world to declare Pakistan a terrorist state. "Our Government will work systematically towards this objective."

Pakistan Foreign Minister Abdul Sattar also on January 3 tried to down play his country's involvement in the hijacking incident. He told a Press conference in Islamabad that Indian charge against Pakistan was a "preconceived Indian objective of building a strategic relationship with the USA on trumped up charges of terrorism". He said Indian allegations were "aimed at diverting domestic denunciation for delay ,inefficiency and insensitivity shown by New Delhi to the pain and suffering of the passengers and their families of the hijacked Indian airlines." Foreign Office Spokesman Tariq Altaf said in Islamabad on the same day (January 3) that baseless allegations by India against Islamabad could only expose New Delhi's prejudice and malevolence, not to mention ingratitude for the cooperation of Pakistan extended throughout the hijacking crisis.
Azhar "who was freed from an Indian prison in exchange for hostages taken in the hijacking of an Air India plane last year."

Pakistan's Reaction

A Foreign Office Spokesman of Pakistan on May 1 dismissed the US allegation that Islamabad harbours terrorists and clarified that it has always cooperated with the international community to combat terrorism. The Spokesman Tariq Altaf in a formal statement said Pakistan has always conveyed international concern to the Taliban and stressed the need for cooperation with the international community. However the Spokesman ruled out any interference in Afghanistan's internal affairs. While dismissing reports of Pakistan support to Kashmiri militants, the Spokesman insisted that "Pakistan only supports the Kashmiri's right to self-determination-politically, morally and diplomatically". He said Pakistan is irrevocably opposed to terrorism. "A number of suspected terrorists have been handed over to the US Government and to other countries. Recently the Government had announced a de-weaponisation campaign to cleanse society of illegal arms", he said.

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Foreign Secretary from Ambassador.

The ICJ gave its judgement this afternoon on the Atlantique case. By 14 votes to 2, it found that it had no jurisdiction to entertain the Application filed by Pakistan. The two dissenting opinions were by Pakistan's ad hoc Judge Pirzada and the new Jordanian Judge on the Court A1-Khasawneh.

2. Pakistan's principal arguments were based on the applicability of the 1928 General Act on the Peaceful Settlement of Disputes; on compulsory ICJ jurisdiction according to its own Statue and the UN Charter; on jurisdiction being part of the Simla Agreement; and in rebuttal of India's reservations relating to ICJ jurisdiction where Commonwealth membership and membership of multilateral treaties were concerned. On each of these counts, the ICJ found that it did not have jurisdiction. In other words, India's position was accepted on all counts.
3. In concluding its judgement, the Court made five brief observations as follows:-

(i) “there is a fundamental distinction between the acceptance by a State of the Court’s jurisdiction and the compatibility of particular acts with international law …. whether or not States accept the jurisdiction of the Court, they remain in all cases responsible for acts attributable to them that violate the rights of other States.” (Fisheries Jurisdiction (Spain v. Canada), Jurisdiction of the Court, Judgment, I.C.J. Reports 1998, p.456, paras. 55-56)

(ii) “the judicial settlement of international disputes, with a view to which the court has been established, is simply an alternative to the direct and friendly settlement of such disputes between the Parties;….consequently it is for the Court to facilitate, so far as is compatible with its Statute, such direct and friendly settlement” (case concerning the Free Zones of Upper Savoy and the District of Gex, Order of 19 August 1929, P.C.I.J., Series A, No. 22, P. 13; see also Frontier Dispute (Burkina Faso v. Republic of Mali), I.C.J. Reports 1986, P.577, para 46, and Passage through the Great Belt (Finland v. Denmark), I.C.J. Reports, 1991, p.20.

(iii) The Court’s lack of jurisdiction does not relieve States of their obligation to settle their disputes by peaceful means. The choice of those means admittedly rests with the parties under Article 33 of the United Nations Charter. They are nonetheless under an obligation to seek such a settlement, and to do so in good faith in accordance with Article 2, paragraph 2, of the Charter.

(iv) As regards India and Pakistan, that obligation was restated more particularly in the Simla Accord of 2 July 1972, which provides that “the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them”. Moreover, the Lahore Declaration of 21 February 1999 reiterated “the determination of both countries to implementing the Simla Agreement”.

(v) Accordingly, the Court reminds the Parties of their obligation to settle their disputes by peaceful means, and in particular the dispute arising out of the aerial incident of 10 August 1999, in conformity with the obligations which they have undertaken (cf. Fisheries Jurisdiction (Spain v. Canada), Jurisdiction of the Court, Judgement, I.C.J. Reports 1998, p.456, para 56).
4. I am not detailing the various legal aspects of the case covered in the Court’s judgment, which in any case will be better communicated by Dr. P.S. Rao, JS (L&T), who is returning to New Delhi tomorrow 22nd June, 2000.

5. Copies of the full judgement, including the individual (and the two dissenting) opinion expressed by various judges, are being sent by this week’s bag.

No. HAG/POL/441/2/99
June 21, 2000

Sd/-
June 21, 2000

1528. Summary of the salient point of the decision of the International Court of Justice on the complaint filed by Pakistan on the shooting of the Pakistan naval aircraft.


From: Indembassy, The Hague

Following is the summary of the salient points of the decision rendered by the Court in the Aerial Incident Case including separate opinions and dissenting opinions.

The International Court of Justice today delivered its judgment on the preliminary objections raised by India to the jurisdiction of the Court in the Aerial Incident case of August 10th 1999 brought before the Court by an application submitted by Pakistan in September 1999 following the shooting down of the Atlantique naval aircraft. With 14 votes to 2 the Court upheld the objections raised by India to the jurisdiction of the Court.

First it dealt with the submissions made by Pakistan to establish the jurisdiction of the Court on the basis of Article 17 of the General Act for Pacific Settlement of International Disputes signed at Geneva on 26th September 1928 to which British India was a party with certain reservations. India objected to this ground on the basis that the General Act was never regarded by India as applicable to it since
its Independence and that it made its position very clear through a communication addressed to the Secretary General of the United Nations on 18th September 1974. India also contested that Pakistan could not claim succession to the General Act in terms of India Independence Order of 1947 dated 14th August 1947. In this connection, India also pointed out that under Customary Law as codified in the 1978 Vienna Convention on Succession of States in respect of treaties (Article 8), Pakistan could not claim succession to the General Act.

After dismissing several arguments presented by Pakistan, the Court held: “Even if arguendo, the General Act was binding on India, the communication of 18 September 1974 is to be considered in the circumstances of the present case as having served the same legal ends as the notification of denunciation provided for in Article 45 of the Act.” It further noted that: “It follows from the foregoing that India, in any event, would have ceased to be bound by the General Act of 1928 at the latest on 16th August 1979, the date on which a denunciation of the General Act under Article 45 thereof would have taken effect. India cannot be regarded as a party to the said act at the date when the Application in the present case was filed by Pakistan. It follows that Court has no jurisdiction to entertain the Application on the basis of the provisions of Article 17 of the General Act of 1928 and of Article 37 of the Statute.”

The Court thereafter consider India’s objection to its jurisdiction on the ground that Pakistan is or has been a Commonwealth country and as such its reservation concerning “disputes with Government of any State which is or has been a member of the Commonwealth of Nations” would be applicable. Pakistan contested this reservation of India as not valid, or unopposable to Pakistan as it was extra-statutory in nature or otherwise it was obsolete. Court rejected these contentions of Pakistan and accepted India’s submissions in this regard and held that the Commonwealth reservation was valid and applicable for the following reasons:

1) The jurisdiction of the Court exists only within the limits within which it has accepted;

2) Article 36(3), which Pakistan claimed as laying down the conditions under which reservations could validly be made, has never been regarded as laying down in an exhaustive manner the conditions under which the declarations might be made;

3) The right to attach conditions to the jurisdiction either generally or to certain aspect of any kind of dispute, or specifically to certain classes or lists of disputes or to combine different kinds of reservations is well accepted not only by a resolution of the Assembly of the League of Nations of 26th September 1928 but also by the founding fathers of the
Statute of the International Court of Justice as well as by the practice of States.

4) Since 1929 a number of Commonwealth States have formulated reservations concerning other Commonwealth members and such reservations are currently to be found in the declarations of those States.

The Court did not also accept Pakistan’s argument that India’s reservation was a discriminatory act constituting an abuse of right because the only purpose of India’s reservation was to prevent Pakistan from bringing an action against India before the Court. The Court noted that “States are in any event free to limit this scope *ratione personaee* which they wish to give to their acceptance of the compulsory jurisdiction of the Court”. In this connection the Court also rejected Pakistan’s argument that the reservation of India was obsolete and noted that any declaration must be interpreted as it stands having regard to the words actually used. Further it stated that

“While the historical reasons for the initial appearance of the Commonwealth reservation in the declarations of certain States under the optional clause may have changed or disappeared, such considerations cannot, however, prevail over the intention of a declarant State, as expressed in the actual text of its declaration. India has repeatedly made clear that it wishes to limit in this manner the scope *ratione personaee* of its acceptance of the Court’s jurisdiction. Whatever may have been the reasons for this limitation, the Court is bound to apply it.”

The Court also rejected the argument of Pakistan that Article I of the Simla Accord under which India agreed to resolve all differences with Pakistan by peaceful means created an estoppels against India to object to the jurisdiction of the Court. The Court said that it “regards this provisions as an obligation, generally, on the two States to settle their differences by peaceful means, to be mutually agreed by them”. Further, “the said provision in no way modifies the specific rules governing recourses to any such means, including judicial settlement. Thus the Court cannot interpret that obligation as precluding India from relying, in the present case, on the Commonwealth reservation contained in its declaration”.

Finally the Court also rejected Pakistan’s argument that it had jurisdiction on the basis of various provisions of the UN Charter read with Article 36 (1) of the Statute of the Court. In this connection the Court observed that “the United Nations Charter contains no specific provision of itself conferring compulsory jurisdiction on the Court. In particular, there is no such provision in Article 1,
paragraph 1, 2 paragraphs 3 and 4, 33, 36, paragraph 3, and 92 of the Charter relied on by Pakistan”.

Finally the Court observed that “the Court’s lack of jurisdiction does not relieve States of their obligation not settle their disputes by peaceful means. The choice of those means admittedly rests with the parties under Article 33 of the United Nations Charter”. It added that: “They are nonetheless under an obligation to seek such a settlement, and to do so in good faith in accordance with Article 2, paragraph 2 of the Charter”.

The Court noted further: “As regards India and Pakistan, that obligation was restated more particularly in the Simla Accord of 2 July 1972, which provides that “the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Moreover, the Lahore declaration of 21 February 1999 reiterated the determination of both countries to implementing the Simla Agreement”.

It concluded that “Accordingly, the Court reminds the Parties of their obligation to settle their disputes by peaceful means, and in particular the dispute arising out of the aerial incident of 10 August 1999, in conformity with the obligations which they have undertaken”.

Judge Oda, Koroma and Reddy appended separate opinions.

Judges Oda, believed that the General Act of 1928 could not itself be considered a document which would confer compulsory jurisdiction upon the Court independently from or in addition to the “optional clause” under Article 36, paragraph 2 of the Statue of the Permanent Court of the International Justice. This is in addition to his agreement with the Court that Pakistan cannot rely upon the General Act against India to claim jurisdiction of the Court.

Judge Koroma was happy that the Court reminded the Parties of their obligations to settle their disputes by peaceful means and felt that the legal issues raised in the present case were amenable to be resolved by applying international law which the Court, as a Court of Law, would have been entitled to do were it competent to do so.

Judge Reddy underlined the element of good faith which is required by any State which wishes to settle its dispute with another State as required by Article 33 read with paragraph 2 of Article 2 of the Charter of the United Nations. In this connection, he pointed out that the Lahore Declaration was significant in that it referred to the menace of terrorism and reaffirmed the condemnation of terrorism by both the parties in all its forms and manifestations. It is in this context the “good faith” referred to in paragraph 49 of the Judgment assumed,
in his opinion, “singular significance”. He added “the requirement of “good faith” obliges the two countries to create an atmosphere where the bilateral negotiations or any other peaceful means mutually agreed upon” can be conducted and carried on meaningfully and in good faith.”

Judge Al-Khasawneh in his dissenting opinion felt that “the jurisdiction of the Court is possible to be established. On the General Act of 1928 he disagreed with the Court’s decision stating that it based its decision on a conclusion which might be justifiable in the present context, but which falls short of certainty required to fortify the decision against recurring doubts”.

With respect to Commonwealth reservation, he took the view that the Court never had the opportunity to decide on the validity or the otherwise of a reservation excluding disputes ratione personae. He felt that the Court had a duty to do justice and examine the validity of a reservation on objectively even while it held the view that the Court’s jurisdiction operated only within the parameters of the declarations and that if jurisdiction had to be proved to the hilt. He noted further that “An assessment of the terms of the Indian Commonwealth reservation (addition of the words “or has been” a Member of the Commonwealth of Nations), the absence of a reference to alternative means of peaceful settlement agreed upon or to be agreed upon, and a consideration of the circumstances under which the reservation was made together with the actual text, reveal a clear will of arbitrary exclusion and give the reservation an exceptional nature that puts it outside the purview of permissibility. I am compelled therefore to the conclusion that the reservation is invalid and cannot bar the Court’s jurisdiction”

Having held that the Commonwealth reservation as invalid, he also believed that it was severable from the rest of the reservations and the declaration of India. In his view various reservations made by India could be classified into distinct headings and the integrity of those other reservations would not be affected by striking out the impugned reservations. For this conclusion he relied upon the case decided by Supreme Court of India which he quoted: “On the other hand, if they are so distinct and separate that after striking out what is invalid, what remains is in itself is a complete code independent of the rest, then it will be upheld notwithstanding that the rest has become unenforceable.” (RMD Chamarbaugwala v. The Union of India, 1957, Supreme Court Reports, p.951).

In his view, striking out the Commonwealth reservation is unlikely to lead to unjust results for India by a reason of the continued performance of its remaining obligations under its declaration.

Judge Al-Khasawneh also held the view that the multilateral convention
reservation presented by India would not debar the Court from exercising its jurisdiction “to the extent that the actions complained of by Pakistan would prima facie constitute breaches under customary international law.”

Judge Pirzada in his dissenting opinion first recounted the arguments submitted by Pakistan on facts and noted the denial by India and stated that these were not for comment.

He defended the Pakistani contention that Pakistan and India were both successors to British India and that the General Act of 1928 developed upon both of them and continue to apply India and Pakistan. He also observed that the conduct of India since 1947 upto 1999 amounted to an estoppels preventing India from objecting to the jurisdiction of the International Court of Justice if no other forum was available.

On the Commonwealth reservation, it is his view that it was obsolete. He also felt that reservation is invalid and severable from other reservations made by India in its declaration of 1974. He also felt that the Indian denunciation of the General Act of 1928 was not valid. He held the view that the Court is competent to exercise jurisdiction under Article 17, 39 and 41 of the General Act.

He questioned India’s arguments on the applicability and validity of the Commonwealth reservation as lacking in good faith and unreasonable. He supported Pakistan’s contention that despite multilateral convention reservation of India, the Court could exercise jurisdiction in the case of complaints on violations of obligations against non-use of force under customary international law.

In conclusion he emphasized “that the parties are under obligation to settle in good faith their disputes including the dispute regarding the State of Jammu and Kashmir and in particular the dispute arising out of the Aerial Incident of 10 August 1999. He expressed the hope that taking inspiration from Jinnah and Gandhi “let India and Pakistan keep in view the ideals of the two great leaders and take prompt and effective measures to secure peace, security and justice in South Asia”.

Sd/-
(Dr. P. S. Rao)
Joint Secretary (L & T)
Camp: Indembassy, The Hague
1529. **Press Release issued by the Ministry of External Affairs welcoming the decision of the International Court of Justice.**

**New Delhi, June 21, 2000.**

Government of India welcomes the decision of the International Court of Justice in the Aerial Incident case filed by Pakistan against India regarding the shooting down of a military combat aircraft of Pakistan (Atlantique) over Indian air space on August 10, 1999. With a decisive 14 - 2 verdict, the Court has upheld India's submission that it had no jurisdiction in this matter.

India also welcomes the Court's observations regarding the Simla Agreement and the Lahore Declaration. Through its comments, the Court has vindicated India's stand on these landmark agreements, that are the very cornerstone of India-Pakistan relations. It is noteworthy that the Simla Agreement commits both countries to building trust and confidence, putting in place a stable structure of cooperation and addressing all outstanding issues through peaceful bilateral discussions. That is what India had sought to accomplish through the composite dialogue process that was established at our initiative. That was also the high purpose, for which Prime Minister Shri Atal Bihari Vajpayee travelled to Lahore in February, 1999. India stands committed to dialogue and calls on Pakistan to create the proper environment for such a dialogue through cessation of cross-border terrorism and the abandonment of hostile propaganda.

**New Delhi,**
**June 21, 2000**

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1530. **Note of Joint Secretary (Pakistan) Vivek Katju on his lunch appointment with Pakistan High Commissioner in India.**

**New Delhi, July 13, 2000.**

**Ministry of External Affairs**

Pakistan High Commissioner (PHC) invited me to a one-on-one lunch. Given the tradition that in the India-Pakistan context, i.e., High Commissioners interact with Foreign Secretaries and Deputy High Commissioners with the respective heads of the territorial divisions, PHC's invitation was not only a departure from tradition but an indication of a desire to take soundings on our current
approaches on India-Pakistan relations and make comments on the current state of bilateral relations. With Foreign Secretary’s approval, I accepted the invitation and spent a couple of hours with him on July 11, 2000.

2. The main points which emerged during the lunch conversation are summarised below. As the discussion was not structured, these points were thrown up during ebb and flow of the conversation and not in the sequence given below:

(i) In response to my observation that I was still not fully certain in my mind about Pakistan's motivations/need to undertake Kargil, PHC remarked that Kargil should never have happened. [Comment: This was clearly his personal view. He was not conveying any "massage".]

(ii) PHC said that Musharraf was a soldier who had never expected to assume the office which he was now holding. Further, in line with his commando training he is a mission oriented persons. In response to my query if Musharraf was capable of evolving, PHC gave no definite answer though he did mention that the General's articulation was becoming a little more nuanced, e.g., whereas earlier he had said repeatedly that dialogue with India could only be on Kashmir, he was now saying that while Kashmir was the core issue and had to be discussed in a major way, other issues would also be discussed.

Drawing a comparison with Nawaz Sharif, PHC said that while Nawaz had good instincts on India-Pakistan relations, he did not have the ability or the stamina to deliver. Pointing to Nawaz Sharif's recent remark that if the coup had not occurred, Jammu & Kashmir would have been resolved by now, PHC said that this would have meant a resolution along the LOC. At this stage this was simply not acceptable to Pakistani public opinion. Nawaz Sharif himself did not have any intention of wanting to resolve Kashmir on the basis of the LOC; he had indicated as much to PHC himself. In contrast to such an approach, Musharraf was straightforward and would ensure that he delivered on all that he agreed to.

(iii) PHC said that the present lack of engagement between India and Pakistan was harmful to Pakistan but was also, perhaps, not in India's interest for it led to the development of a negative dynamic in both countries and within Pakistan it would encourage extremist forces. PHC said that he was conscious of our difficulties in engaging Pakistan. He had been told by many persons in Delhi that should the Government engage Pakistan, the Prime Minister would, no doubt, be asked, "kya ek baar dhoka khana kafi nahi tha". In fact, he had himself clearly conveyed this point to Musharraf. In this background, all that would be credible on his part to suggest was that in beginning an engagement with Pakistan, we could say that we would that we would test Pakistan's
sincerity and should we find Pakistan to be insincere, we would withdraw from the dialogue. Also an engagement need not begin immediately. There were developments in respect of the situation on the LoC and we could wait and watch for some time before engaging in dialogue. [Comment: There is no doubt that PHC anticipates that once India engages in dialogue with Pakistan, it would not be easy to withdraw; hence, this subtle argument]

(iv) PHC said that once dialogue began, great thinking and effort would have to take place on how it would be sustained. The management of public opinion on both sides would have to be constructively undertaken. [Comment: I pointed out that the composite dialogue process was designed to ensure a sustained and comprehensive dialogue; he agreed. His thought process, however, did not indicate a certainty that in wanting to engage in dialogue, Pakistan wishes to go back to the comprehensive dialogue process. I deliberately did not probe this matter, as it would have been premature to have done so.]

(v) On my part, I told PHC that trust had to be restored. It was difficult to begin this restoration with Pakistan continuing to foment violence in Jammu & Kashmir and with Musharraf questioning the sincerity of PM. I referred to Musharraf's comments on PM's visit to the Minar-e-Pakistan. [Comment: PHC agreed that the comment of Musharraf was uncalled for. He said that prior to PM's visit to Lahore, he had himself recommended to his authorities that a visit to the Minar should be included in Prime Minister's programme.]

(vi) On cross-border terrorism, PHC said that once dialogue begins, we would have every right to put it on the table. [Comment: He did not deny infiltration or cross border terrorism.] I also pointed out the connotation which the use of the word Jehad has for India.

3. As PHC has already been in India for over three years, I asked him about his future plans. He said that the present Foreign Secretary, Inam-ul-Haque, retires in October but there was a possibility that he would be given an extension. Should that not happen, he implied that there was a possibility of his becoming the Foreign Secretary.

Sd/-
13.7.2000

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1531. Crash Message from High Commission of India in Pakistan to the Ministry of External Affairs.


From: Hicomind, Islamabad,


JS (IPA) from Acting High Commissioner

It was summoned to the MFA at 5.00 p.m. this afternoon. Councilor Akbaruddin accompanied me. DG (SA) Mohd. Haroon Shaukat handed me a Note Verbale, faxed herewith, “proposing immediate steps, including the early resumption of Foreign Secretary level talks, be taken to settle by peaceful means all disputes between the two countries”. The proposal was put in the context of ICJ judgement on the Atlantique case.

I replied in standard language, pointing out that India stood committed to resolving all outstanding issues with Pakistan through dialogue on the basis of the Simla Agreement and the Lahore Declaration. I added that consequent to Kargil the onus was on Pakistan to take steps to restore the trust that had been damaged, and to create a conducive atmosphere which alone would permit a meaningful dialogue to take place. I added, quoting statements made earlier, that such a dialogue should not be a public relations exercise but a bilateral relations exercise. I further added that we made our position on the Atlantique incident clear on several occasions and facts speak for themselves. On his part, Mohd. Haroon Shaukat insisted that Pakistan made this proposal on all seriousness and sincerity, and it stands committed to all previous international obligations.

Best wishes

Sd/-
July 14, 2000

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NOTE OF THE PAKISTAN MINISTRY OF FOREIGN AFFAIRS

Government of Pakistan
Ministry of Foreign Affairs
Islamabad

No. Ind(P-I)-VIII/9/99 July 14, 2000

The Ministry of Foreign Affairs of the Islamic Republic of Pakistan presents its
compliments to the High Commission of the Republic of India in Islamabad and has the honour to state that the International Court of Justice, in Its Judgement of 21 June 2000 in the CASE Concerning The Aerial Incident of 10th August 1999 (Pakistan v. India), has declared as follows in paragraph 51 to 55:

'51. Finally, the Court would recall that

“[t]here is a fundamental distinction between the acceptance by a State of the Court’s jurisdiction and the compatibility of particular acts with International law…. Whether or not States accept the jurisdiction of the Court, they remain in all cases responsible for acts attributable to them that violate the rights of other States” (Fisheries Jurisdiction (Spain v. Canada), Jurisdiction of the Court, Judgment, I.C.J. Reports 1998, p. 456, paras. 55-56)

52. As the Permanent Court of International Justice had already observed in 1929, and as the present Court has reaffirmed, “the judicial settlement of international disputes, with a view to which the Court has been established, is simply an alternative to the direct and friendly settlement of such disputes between the Parties;… consequently it is for the Court to facilitate, so far as is compatible with its Statute, such direct and friendly settlement” (case concerning the Free Zones of Upper Savoy and the District of Gex, Order of 19 August 1929, P.C.I.J., Series A, No.22, P.13; see also Frontier Dispute (Burkina Faso v. Republic of Mali, I.C.J. Reports 1986, p.577, para. 46, and Passage through the Great Belt (Finland v. Denmark), I.C.J. Reports 1991, p.20).

53. The Court’s lack of jurisdiction does not relieve States of their obligation to settle their disputes by peaceful means. The choice of those means rests with the parties under Article 33 of the United Nations Charter. They are nonetheless under an obligation to seek such a settlement, and to do so in good faith, in accordance with Article 2, paragraph 2, of the Charter.

54. As regards India and Pakistan, that obligation was restated more particularly in the Simla Accord of 2 July 1972, which provides that “the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them.” Moreover, the Lahore Declaration of 21 February 1999 reiterated “the determination of both countries to implementing the Simla Agreement”.

55. Accordingly, the Court reminds the Parties of their obligation to settle their disputes by peaceful means, and in particular the dispute arising out of the aerial incident of 10 August 1999, in conformity with the obligations which they have undertaken (Cf. Fisheries Jurisdiction (Spain v. Canada), Jurisdiction of the Court, Judgment, ICJ, Reports 1998, p. 456, para. 56).

2. It may be noted from the contents of paragraph 53 of the judgment that the Court's lack of jurisdiction does not relieve States of their obligation to settle their disputes by peaceful means. Furthermore, by using the word "disputes" in plural in paragraph 55 of the judgment, the Court reminds Pakistan and India of their obligation to settle not only the case involving the shooting down by India of an unarmed plane of the Pakistan Navy inside Pakistan's air space on 10 August 1999 but also all other disputes pending between them.

3. The Government of the Islamic Republic of Pakistan reiterates the necessity of addressing all existing disputes between Pakistan and India for settlement by peaceful means. The Government of the Islamic Republic of Pakistan on its part also reiterates its readiness to use any and all of the means prescribed in Article 33 of the United Nations Charter for the purpose of settlement of the disputes between the two countries.

4. Accordingly, pursuant to the Judgment of the International Court of Justice, the Government of the Islamic Republic of Pakistan proposes to the Government of the Republic of India that immediate steps, including the early resumption of Foreign Secretary level talks, be taken to settle by peaceful means all disputes between the two countries.

5. The Ministry of Foreign Affairs of the Islamic Republic of Pakistan avails itself of this opportunity to renew to the High Commission of the Republic of India the assurances of its highest consideration...

14th July 2000

High Commission of the Republic of India
Islamabad.
Meeting between Joint Secretary (IPA) Vivek Katju and Pakistan Deputy High Commissioner Akbar Zeb.

New Delhi, July 18, 2000. [14.30 hrs]

Pakistan’s Deputy High Commissioner, Akbar Zeb (AZ), was called in to the Ministry by JS(IPA).

JS(IPA) said that he had received the message of sympathy from the Pakistan Foreign Minister addressed to EAM in connection with the recent Patna plane crash. JS(IPA) said that it would be conveyed to EAM. He also expressed appreciation for the message. JS(IPA) then expressed gratitude for the assistance rendered to shipwrecked Indian sailors retrieved by the Pakistan fishing vessel and for the medical attention provided to them by Pakistan medical personnel. He requested that our Mission in Islamabad be provided consular access to these sailors, some of whom were convalescing in a hospital at Pasni.

JS(IPA) said that he also wished to convey India’s response to the recent offer by the Pakistan Government for a resumption of dialogue. In this connection, he handed over a Note Verbale (attached) containing our response.

After perusal of the Note Verbale, AZ said that he wished to highlight the fact that this current offer for talks was made in all sincerity by the Pakistan Government. This was not an attempt to achieve propaganda. He said that as the Indian side would have noted the Pakistan authorities had not “gone to the press” on the issue, this itself should speak of their genuine “motives”. He said that the International Court of Justice (ICJ) had not considered the merits of the Atlantique case, and had in fact left it to the two parties concerned after invoking the principles enshrined in the Simla Agreement and the UN Charter. AZ said that it was “in this spirit” that the Pakistan side had made the offer for a resumption of dialogue. AZ also remarked that dialogue was something that could happen only if both parties agreed to it. He said that he also wished to comment briefly on the last paragraph of our Note Verbale and reiterated that while India had its position on the facts surrounding the Atlantique incident, Pakistan too maintained its position. He would, however, convey the Note Verbale to his authorities.

In his reply, JS(IPA) said that we did take notice of the fact that the Pakistan side had not gone to the press with its offer for a resumption of talks. He assured AZ that the Indian side had taken the contents of the Pakistani Note Verbale (received through our Mission in Islamabad) very seriously. He said it had been discussed “at great length within our system”. He reiterated the Indian position on resumption of dialogue by saying that to enable a meaningful
dialogue a conducive environment would have to be created, for which Pakistan has to end its support to terrorist infiltration and hostile propaganda. He said that this has been our position in the past and we continue to abide by it. JS(IPA) also said that he wishes to reaffirm India’s commitment to the Simla Agreement and the Lahore Declaration, both of which he characterized as fundamental to our bilateral relations. With regard to the facts of the Atlantique incident, JS(IPA) drew attention to the reference made to it in our Note Verbale. JS(IPA) also emphasized that on the Indian side as well, there was no interest in publicizing this current exchange (i.e. the exchange of Notes Verbale regarding resumption of dialogue).

In his reply, AZ said that he wished to refer to the two points, i.e. of terrorism and propaganda, that had been raised by JS(IPA). He wished to reiterate that there was no official involvement in the former and that there had always been a difference of “perception”. He also said that there were differences with regard to facts surrounding the Atlantique case. It was these differences in perception that needed to be discussed. JS(IPA) replied that he would convey the Pakistani position to the Indian authorities.

At the end of the meeting AZ said that he also wished to remind Indian Government about certain other outstanding issues. He listed these as follows:

- The issue of airport passes.
- The release of three Tablighi members, including a Pak Airforce Sergeant who apparently “strayed” into Indian territories and were picked up from the border in Ganganagar.
- The Exchange of mentally retarded prisoners.
- The request by Pakistani Sikhs to visit India
- The Issue regarding the post of an external auditor under the Chemical Weapons Convention.

J.S. (IPA) ended the meeting by assuring AZ that he would pursue these matters.

Sd/-
July 18, 200

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Note handed over by J.S (IPA) to the Pakistan Deputy High Commissioner as referred to in the Note above:

Ministry of External Affairs
New Delhi


The Ministry of External Affairs presents its compliments to the High Commission of the Islamic Republic of Pakistan and has the honour to refer to Note Verbale No. Ind (P-I)-VIII/9/99 of July 14, 2000 of the Ministry of Foreign Affairs to the High Commission of India in Islamabad.

India has carefully studied the entire judgement of the International Court of Justice in the case concerning the Aerial Incident of 10th August, 1999 (Pakistan Vs. India). As a responsible and mature State that is committed to international peace and order, India has always adhered to and conducted its international relations on the basis of the principles set out in the judgement of the Court in this case. In its relations with Pakistan, India has desired to establish trust and confidence, build a stable structure of cooperation and address outstanding issues.

India believes that the Simla Agreement of 1972 is the cornerstone of India-Pakistan relations. It is significant that India and Pakistan reiterated their commitment to the Simla Agreement in the Lahore Declaration of 1999. India reaffirms its faith and its full commitment to the Simla Agreement and the Lahore Declaration which inter alia emphasize the peaceful resolution of outstanding issues through direct bilateral dialogue. India regrets that Pakistani leaders have expressed reservations on these documents which are fundamental to the establishment of good neighbourly relations between the two countries.

The International Court of Justice has clarified in its decision that under Article 33 of the UN Charter, the choice of the means of settling outstanding issues rests with the concerned countries. Further, the Court has emphasised that any settlement must be sought in good faith and in accordance with Article 2, Paragraph 2 of the Charter. The thrust of this paragraph is clear. It demands of Pakistan to ensure that dialogue is held in good faith. The sponsorship of cross-border terrorism, the call for Jehad and continuing vicious propaganda against India cannot create an environment in which meaningful dialogue can be undertaken. India once again calls upon Pakistan to stop cross-border terrorism and abandon hostile propaganda so that an environment appropriate for dialogue is created.

The facts regarding the shooting down of Pakistan's military combat Atlantique aircraft on August 10, 1999 have already been made clear by India. The aircraft
had intruded deep into Indian airspace. On being intercepted by Indian aircraft it engaged in aggressive manoeuvres. The actions taken by the Indian aircraft in response to the action of the Atlantique were in accordance with well known operating procedures.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of the Islamic Republic of Pakistan the assurances of its highest consideration.

High Commission for the
Islamic Republic of Pakistan,
New Delhi.

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1533. Record of Discussions during High Commissioner Shri V.K. Nambiar’s initial call on Foreign Minister Abdul Sattar.


FM Abdul Sattar was accompanied by S.O(India) in the Pakistan Foreign Office as note taker; HC was accompanied by the undersigned.

Sattar: After welcoming HC and wishing him a personally pleasant and professionally rewarding stay in Islamabad, said that he had a certain, sympathy with former HC Shri G. Parthasarathy. He had known him from long. Unfortunately, his last 8-9 months were not productive, and were the victim of a given situation. He hoped that with HC’s help, some amelioration in the situation can be brought about.

Several friendly countries had suggested to Pakistan to use back-channels of communication with India. He had told them -- including US Assistant Secretary of State Pickering-- that both countries had professionals in each other’s capitals. He had no reservation on back-channel contacts, but those with assigned responsibilities can do the job better. He hoped that he could use High Commissioner and the Pak HC in Delhi for this purpose, when India was ready. Till then, he would wait.

HC: Noted that this was his first official meeting after presentation of Credentials. He recalled having met Sattar in the mid 70s, when he (HC) was on deputation to Ministry of Commerce in Delhi and Sattar was member of a delegation led by then Pak Commerce Secretary Ijaz Naik; he had also met
Sattar in Kuala Lumpur, when he had come for an NGO Seminar. He had also served with Ambassador Ashraf Jehangir Qazi in Beijing.

HC said that he was conscious that the last few months of his predecessor’s stay were tight in terms of professional requirements. He was coming to Islamabad from Delhi. He was carrying no special message, but he was optimistic - at present there were certain exigencies that we feel in respect of the Pakistani position, which he hoped shall be overcome. It would be HC’s endeavour to see that matters between the two countries do not get worse, that normal courtesies and functions were preserved. He agreed that the direct track was the most efficacious way for contact, and on our side we have no difficulties of interaction through our respective missions.

Sattar: said that we do not need to re-visit the background. We need to take a fresh look, for the tragedy was that for much time since independence, we are going around in circles - sometimes normalization first, sometimes Kashmir first - he did not think either course was more productive than the other. But the priority was to keep the situation stable. Stabilisation of the LOC, resulting from the ceasefire of December 17, 1971 - should be a mutual priority.

There have been openings, such as the Hizb ceasefire of July 24. Pakistan did not criticize Hizb’s decision. It was a surprise announcement, not done after coordination with the other freedom fighting groups. The UJC had expressed reservations at first. This seemed to be an opportunity for some forward movement. That had passed, but it need not be the last one. The perception in Pakistan, which India may not agree with, was that the opportunity was wasted largely because of technical reasons. India used it for dividing the Kashmiri freedom movement. A sensible approach would be to utilize such opportunities in a meaningful way.

Pakistan was committed to the February ‘99 Declaration, which represents a base from which to start. Why it did not fructify is now a matter of history. But we should try to bind the ideas contained in the Simla Agreement, the Declaration, the Joint Statement and the MOU for a new beginning. Pakistan tends to emphasise the sentence “the two sides will intensify efforts for a resolution......”, while New Delhi may put a finger on something else. But, as and when the two sides feel, we can revert to these documents, we can consider various steps.
In the context of stabilization, one aspect is preventing police organizations from taking over bilateral relations. When he was in Delhi (as High Commissioner), within a few weeks of his arrival, there (was) a serious incident involving one of (PHC’s) staffers. He had spoken to (then) Foreign Secretary Jagat Mehta and mentioned to PM Morarji Desai that we should not use violence to settle minor scores. Things happen which should not be acceptable to either side. It is not easy to do anything about it. But he has seen this going on for 25 years. During his second time in Delhi, there was an incident in Islamabad, and the Foreign Secretary had read out the riot act to him. We should do what we can, but unfortunately things are not totally in control of the Foreign Offices. Agencies play their role. He believed that (the Indian) Foreign Office, and knew that the Pakistani Foreign Office, does not authorize such activities. Agencies play this game, from vengeance or whatever. Beyond that, he did not know what can be done at this time. He sought ideas from HC.

Sattar continued, the present (Pak) Government is engaged basically in the domestic agenda. Pakistan has had democratic governments, whose agendas were personal rather than national. This had brought them to a difficult pass. Pakistan had a mountain of debt, and it would take a generation to get out of that. Because too much of state revenues are pre-empted by debt servicing, other development tasks get neglected. Committed as the present Government is to more functional democracy, it has taken on very difficult tasks, but he was personally glad that the Government has persevered and withstood pressures. Finally, the business community has understood the Government's seriousness on taxes and documentation. Improving governance cannot be done in two years and one month (the time remaining for Gen. Musharraf to restore democracy, according to Supreme Court verdict) but the task has to be attempted. It would cause hardship to some people, but they were proceeding on the presumption that 90% will benefit.

The process of accountability was becoming difficult because of a global environment that permits people to secret funds abroad, off-shore and on-shore. He had told (Commonwealth SG) McKinnon that apart from chastising countries about democracy, the Commonwealth should help countries overcome corruption. Public chastising was not the answer - confidential counseling, technical assistance is of greater use. The Pakistan Government was committed to its programme of rectification and reforms. Pakistan has taken into account the world environment, that military (accountability) courts are not acceptable. But civil courts have their own problems. In the last 10 months, NAB has persuaded defaulters to return Rs. 24 billion, with an equal amount rescheduled for future return. He felt that there is general agreement, both internally and
abroad, that things are moving forward. But it needed to be understood that there can be no instant results. Pakistan is not alone in lamenting the situation; the UN, last year, and the G-77 Havana Summit last April had also called for tracing of illegal funds stashed abroad. The Warsaw Meeting of the Community of Democracies had similarly noted that corruption corrodes democracies. But international responses were very slow. Pakistan had not asked McKinnon for exemption from Commonwealth procedures, including suspension from its Councils. But in spite of its own statements denouncing corruption, the Commonwealth does not seem inclined to do anything.

These then were the items on Pakistan's agenda. The Musharraf Government had 14 Ministers of which 12 were civilian technocrats and 2 military technocrats. It was amazing how much time has been spent on domestic policy issues, especially devolution, in Cabinet meetings, which has been thoroughly discussed. Some tend to conclude that devolution plan is akin to Ayub Khan's Basic Democracy. This is not the case. The Provincial elections will be direct and party based. At the local level, the most important element is that the DC will cease to be the Head of Administration in the Districts. The British administrative legacy has not worked in Pakistan's case. There would be transfer of resources from the Centre to the Provinces and from the Provinces to the Districts, which would then be put to the best use. This will require a certain amount of self-education for the Nazim (administrator) to function effectively, as also for the DC to change his role to that of a coordinator. Pakistan will be spending $ 135 million on new electoral roles and ID cards to eliminate bogus voting. The voting age is to be reduced to 18 years.

HC: said that in India too, we are concerned with similar social introspection. In a sense, we are working through the traditional framework, by strengthening certain institutions, through a process of decentralization of power to the States, and empowerment of the lower levels of society. The focus of our politics is thus also changing. In this process, foreign policy plays an important but concomitant role.

Sattar: India is fortunate to have a Prime Minister who is an icon of personal integrity. The BJP in general, not having been in power, brings with it clean credentials. India has also the advantage that its electorate has become quite sophisticated in course of time. Power is a terrible thing in a way - if used to promote personal agendas, the country is very badly served. He had often told people in Pakistan that it was remarkable how many Indian Prime Ministers had no property of their own. He hoped that the Musharraf Government would be able to get across the impression that crime, at any level, carries the danger of punishment.
HC: said he had taken note of Sattar’s statements regarding the Lahore Declaration. India remains committed to the composite dialogue process, but the territory of trust transgressed by events subsequent to Lahore had to be regained before meaningful dialogue can be resumed.

Sattar: said that we need to do some introspection. Why is it that Pakistan and India have never succeeded in resolving issues bilaterally? In contrast to getting a settlement of the Kutch boundary through mediation in two years (with Pakistan getting only 10% of the area in dispute, yet accepting the accord) there is Sir Creek on which 31 years have passed in bilateral discussions without resolution.

HC: wondered aloud whether this represents an inability to agree upon something that has already been agreed earlier.

Sattar: Sir Creek had been acknowledged as a problem on both sides. This is where frustration sets in among professionals at a certain stage. So the interests of both countries would be better served if they can reach understandings. He had often thought about the contrast in the approaches of India and Pakistan. Powerful countries think that they know what is right; while countries not so powerful seek solutions through international law and justice. How do countries graduate from (one) level to the other? Gradually the world is moving in that direction, at the UN etc. Then there is the endeavour to induct other criteria, and norms, rules, regulations are often weighted in favour of the developed world. The WTO is an example. But the struggle for the developing world is relentless, in seeking an equitable order.

HC: raised the matter of the 11 seamen of the sunken ship "Jal Kalyan", who had been rescued after an ordeal at sea by Pakistani fishermen and brought to Pasni. While expressing our gratitude to the Pakistani fishermen and the District authorities for rescuing the seamen and treating them, noted that we have not yet been granted consular access even after two months. [Sattar: questioned the note taker, SO (India) in MFA, about background, which he said was being dealt with by another officer. Promised to look into it and expedite.]

Sattar: referred to SAARC and said that all South Asian countries had worked very hard, with Bangladesh in the lead to make a success of this organization. However, in the present situation there was a danger that the Association will wither away. The visiting BDFS Shafi Sami was very concerned. He had suggested that Sami could speak to two other equally concerned SAARC countries, Nepal and Sri Lanka, to discuss amongst themselves what should be done. He hoped that India could help these three countries in rescuing SAARC from going defunct. He had met their Ministers at Cartagena, and they were very disturbed.
At Cartagena, he and EAM had come face to face. He knew EAM and respected him, but had deliberately limited his conversation to pleasantries. He did not want to put him in an embarrassing situation by requesting a meeting. In New York too (at forthcoming Millennium Summit) he will do the same in case they run into each other. He had heard stories and comments later about the non-interaction at Cartagena, but that did not diminish Sattar's respect for EAM.

Sd/-
30 August, 2000

1534. Extract From the Letter of British Prime Minister Tony Blair to Prime Minister Atal Bihari Vajpayee


10 DOWNING STREET
LONDON SW 1A 2AA

THE PRIME MINISTER

29 September 2000

Dear Prime Minister

I was very sorry that we were not able to meet at the Millennium Summit in New York. There were several issues I had hoped we could discuss.

I am delighted at the way in which relations between Britain and India have flourished over the past year. The pace of Ministerial visits in both directions has increased. Stephen Byers, John Prescott, Robin Cook and Jack Straw have all returned from their visits to India with strong impression of a dynamic and forward looking economy and society. Our bilateral cooperation has also developed well with the launch of the Indo - UK Round Table and the establishment of a Joint Working Group on Terrorism. I welcome this type of close, practical cooperation. I hope we can combine it with more joint action in international forums. One possible area might be to work together on implementation of the Brahimi Report on UN peace-keeping.

I am interested to hear how you see the situation in Kashmir. Your recent efforts to engage in dialogue with Kashmiris offered real hope. I know from my
own experience that such peace initiatives entail political risk, and I can well understand the difficulties and pressures that you face, especially after the terroristic massacres at the beginning of August. I am sure you are right to continue your efforts to open dialogue with all concerned, including the Pakistanis, to bring peace to Kashmir.

We will continue to spell out to the Pakistani authorities that violence and terrorism do not solve problems anywhere and that their support for terrorists active in Kashmir is unacceptable. Each step that you can take to address the concerns of the Kashmiris will help to undermine the terrorists' support base and contribute to long-term peace in Kashmir.

I have your invitation to me to visit India very much in mind. As I mentioned to Jaswant Singh when I saw him in New York on 7 September, I hope to be able to take it up sooner rather than later.

Yours sincerely

Tony

His Excellency Atal Bihari Vajpayee

1535. Excerpts from the Address by the Chief Executive (Pakistan) to the OIC Contact Group on Jammu and Kashmir at the Ninth Islamic Summit.


Mr. Chairman,
Excellencies,
Honourable Secretary General,
Distinguished delegates,

I wish to pay the highest tribute to the Kashmiri leadership and to the courage and fortitude of the freedom struggle, especially the All Parties Hurriyet Conference. In the face of relentless repression, they have remained steadfast in demanding their inalienable fundamental right to self-determination, which
is sanctified by the United Nations. I welcome Mir Waiz Umer Farooq and Maulana Abbas Ansari who have been able to represent the Hurriyet, while their other APHC colleagues who were invited could not do so because of denial of permission to travel.

The right of the Kashmiri people to self-determination is derived from international law, which the international community expressly guaranteed to them through the UN Security Council. India itself made a solemn commitment for holding a plebiscite under United Nations auspices. It refused to honour that promise when it realized that it would not be able to manipulate such a plebiscite in its favour.

Since then, India has used both force and manipulation to maintain its hold on Kashmir. Its response to the Kashmiri freedom struggle has been an exponential escalation of violence and repression against innocent and unarmed Kashmiri people. Today more than 700,000 Indian military and paramilitary forces in Kashmir are engaged in an effort to subjugate ten million Kashmiris. There is no parallel in recent history for such a concentration of forces to quell a freedom movement.

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In its frustration at its inability to suppress the freedom struggle, India now seeks to malign the noble and heroic struggle of Kashmiris by telling the world that those who resist Indian illegal occupation of the State are "terrorists" or "Islamic fundamentalists." This argument will have a familiar ring. The Palestinians who fight against the occupation of their land have also been given the same appellation. This is no coincidence. Not long ago, a Minister of the Indian Government visiting Israel also spoke of the common threat of "Islamic terrorism" faced by the two countries. Not surprisingly, too, India has sought the help of the same country in suppressing the Kashmir freedom movement.

The real terrorists, of course, are not those who struggle against injustice and oppression but those who perpetrate atrocities against a civilian population which does not submit to the illegal occupation of its land. It is the Indian occupation forces who are engaged in state sponsored terrorism against the people of Kashmir.

India has misread international trends, if it feels encouraged in seeking a military solution of Kashmir or rejecting dialogue with Pakistan. Kashmiri aspirations for freedom will not be extinguished, nor can the international legality established by the UN resolutions lapse.

The Kashmir question, which involves the life and future of the millions of people of the State, has also been the root cause of tensions in South Asia as
recognize by the world community. Its settlement is an indispensable pre-
requisite for peace and stability in the region. Pakistan is firmly committed to
seeking a solution of the Kashmir dispute in accordance with the wishes of the
Kashmiri people and international norms of justice.

1536. Sou moto statement by the External Affairs Minister
Jaswant Singh in the Lok Sabha.

New Delhi, December 4, 2000.

Hon'ble Members would recall that on November 19, 2000, Prime Minister Atal
Bihari Vajpayee had announced that the Indian security forces would not initiate
operations against militants in Jammu and Kashmir during the holy month of
Ramazan. He had also said that India would continue with its efforts to normalise
the situation and had urged a return to the path of peace. He had then also
expressed a hope that, along the LOC, infiltration would cease.

On December 2, 2000, the Government of Pakistan responded, through its
Foreign Secretary, Mr. Inamul Haq, who in a press conference issued a
statement conveying that their armed forces "deployed along the Line of Control
in Jammu and Kashmir will observe maximum restraint". The High
Commissioner of India in Islamabad was subsequently invited to the Pakistan
Foreign Office and handed over a copy of the statement.

I would like to underline here, for the benefit of the Hon'ble Members that the
Government of Pakistan has clarified to its media that "there is nothing new
but there are new ways of saying things", and that there was not any "basic
shift in the policies of Pakistan". We, too, do not find anything substantially
different in Pakistan's announcement from what they have earlier been saying.
As the Hon'ble Members are aware, our security forces have always exercised
utmost restraint in the face of persistent provocation and violations of the LOC.
They will continue to do so. Attempts, however, to misuse this phase and push
terrorists will be robustly met. The government wishes to reiterate that there is
no role here of any kind of any third party.

The Government hopes that this statement of Pakistan would be a precursor
to a meaningful change in its attitude. We expect Pakistan to address our
concerns and also of the international community about cross-border terrorism,
infiltration into India, and aiding and abetting of violence. We note that Pakistan in reaffirming its commitment to "earlier agreements". That is why a clear reaffirmation of and adherence to the Simla Agreement, and the Lahore Declaration would only be logical.

A dialogue, too, has been proposed. Hon'ble Members are, no doubt aware, India has always been the initiator of a dialogue and remains committed to the earliest resumption of the composite dialogue process between the two countries.

It is our hope that with all the initiatives for restoration of peace and normalcy taken by Prime Minister A.B. Vajpayee, Pakistan would now be persuaded to creating an environment suitable for resuming our composite dialogue.

Hon'ble Members are also aware of the government's readiness to have talks with all parties and groups in Jammu & Kashmir, including also the militants. I take this opportunity to reiterate the government's resolve in this regard. The modalities of these talks, the how, when and in what form, is for the government to determine. Let me make it absolutely clear that there is, in this, no room for what are being termed as "tripartite talks".

In conclusion I wish to reiterate the government's approach in regard to the initiative taken by the PM on November 19. We are committed to the peace and will remain steadfast in our approach. Upon conclusion of the month Ramzan the government will review the situation and plan its further course of action.

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Pakistan wants to defuse tension and resolve all issues with India through talks, the Foreign Office Spokesman Aziz Ahmad Khan told BBC in an interview on December 29, 2000. He said Pakistan want to “cool down the situation and resolve all issues with India through talks.” Pakistan is capable of throwing every kind of aggression, he insisted and added “unfortunately, India has been escalating the situation from the very beginning.” Mr. Khan said India had reduced the level of diplomatic relations by recalling its High Commissioner. It also brought about 50 per cent reduction in the strength of the High Commission. Moreover India had stopped the bus and train services and flights. It also deployed its forces on the forward positions, escalating the tensions further, he said.

Mr. Aziz said: “We want that all the troops and aircraft that are now at the forward positions be withdrawn to the peacetime positions. We want the atmosphere to be made conducive so that the issues could be resolved through dialogue.” To a question whether possibilities exist to avert the war, he said: “We, on our part, are trying our best to avert the war and resolve all the issues peacefully.” Mr. Aziz said: “We have made defensive movements, but we say that war is not the proper way.” “We, on our part, are trying our level best and have held talks with the UN, the OIC and different countries to use their influence and try to improve the environment. We can defend ourselves if war is imposed on us,” he added.

Editor’s Note: Separately, the spokesman for the President of Pakistan Maj. Gen. Rashid Qureshi told the BBC on December 31 that any Indian military strike against Pakistan “will be regarded as an act of war”. If India makes the mistake of launching an attack, air or ground, or anything on the land frontier, or violates the air frontier with Pakistan, Pakistan will respond in a reciprocal fashion, Qureshi said. “Pakistan will consider that an act of war,” was his response to the Indian threat to launch military action in retaliation for the attack on Indian parliament. He insisted that the groups in Pakistan calling for the freedom of Kashmir were not involved in the parliament attack in New Delhi. There were no terrorist camps in Pakistan, he said adding that Islamabad had offered to cooperate with a probe into who was behind the attack on the Indian parliament.
Dear Vivek,

I am enclosing a record of the conversation I had with Foreign Secretary Inam ul-Haq on Saturday 30.12.2000. I had called FS the same day on sampark to report major points of this conversation.

2. While Inam seemed to be fairly open and forthcoming in his conversation with me, I am not sure how au fait he is with latest developments in respect of the contacts between Ambassador Qazi and Indian leaders. There has recently been some diplomatic cross talk about the extent to which Inam is involved in the nitty gritty of the military regime's Kashmir policy. The diplomatic corps here have also displayed a prurient interest in the relations between Foreign Minister Abdul Sattar and Inam. My own assessment is that both are being utilised optimally by the military regime in the management of Kashmir and India policy but in different ways. Sattar is perhaps less involved in the day-to-day management of affairs at the Foreign Office as in the marketing of the Kashmir policy with political groups within the country. We find Sattar making a detailed expose of the proceedings of the National Security Council in the local media as well as in some of the consultations with political grouping including the POK leadership. As Foreign Secretary, Inam would appear to be concerned with detailed fine-tuning of background and option papers from the Foreign Office angle. There are, however, indications that the Foreign Office is getting more space to deal with the policy issues on relations with India as well as on the Kashmir question.

3. On the key question of tackling the rightwing parties, however, I cannot see Sattar becoming involved in any substantive way. The reason for this would appear to be the extent to which the Army has now become enmeshed with the right-wing religious groups. But the question is whether at all there is any intention to take on these elements. We have been receiving information to suggest that that though there is division among the top leadership, the Chief Executive himself is inclined to take them on. It also appears that while he has the sympathy of close colleagues like DG ISI General Mahmud Ahmed, institutional constraints prevent the latter from taking any frontal position for
the moment. Of the rest the configurations within the top uniformed leadership is unclear and at best split equally. In this connection I am enclosing an article in the latest issue of The Friday Times which carries interesting information about the connections within the "other ranks" of the Pakistani Army of Ikhwan leader Maulana Akram Awan. What is highly striking is the suggestion that these and other religious and militant groups are getting their "signals" from within the army. Other facts corroborate this suggestion including the report that the Lashkar-e-Tayyaba was allowed to lead the Id ul Fitr prayers at the Qaddhafi Stadium in Lahore at which not only were they present with their armed bandest but that they were, with the acquiescence of the local police, actually subjecting the local population to body searches etc to fulfil their own security requirements. All this could hardly have been possible without clearance at the highest level in Lahore, possibly of General Aziz himself. Added to this is the report of Aziz's meeting with Qazi Husain Ahmad almost at the same time as the meeting between Major General Akram of the ISI. We are not sure which meeting came first and whether these meetings carried the same or opposing agendas. The fact is the Qazi remains unchecked though somewhat muted in his statements. These and other reports add grist to the strong rumours of major differences within the top levels of the Pakistani army. The impending reshuffle at the top level of the army hierarchy - due to take place by the middle of the month - should give us an idea of which way the dice has fallen.

Warm regards,

Sd/-

January 5, 2001

Shri Vivek Katju,
Joint Secretary (IPA),
Ministry of External Affairs,
South Block,
New Delhi-110011

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Record of the Meeting with Inam ul Haq,  
Foreign Secretary of Pakistan  
Foreign Office  
30.12.2000

The conversation with Pakistan Foreign Secretary was informal and without any set agenda. At the outset, after conveying Id-ul-Fitr good wishes, I mentioned that this was the first time I was meeting him after my recent visit to New Delhi. I was sure he would have had briefings from his own Mission in New Delhi about the contents of the meetings and discussions Ambassador Ashraf Qazi was having with Indian leaders and officials. I referred to a Jang report put out some days earlier wherein the Foreign Secretary had been quoted as saying the Indian High Commissioner had not briefed him on his consultations in New Delhi. Inam commented on the character of the Jang journalist Saleh Zafar and explained how difficult it was to keep him out of the way.

2. I said I carried no special message from New Delhi but I certainly had the opportunity to brief the leaders at all levels of the current situation in relations from the point of view of the High Commission. There were many questions asked of me and I had also taken time to be briefed on latest developments as viewed from the Indian side. I gave Inam an idea of the persons I had met during my stay in Delhi. He said that seemed to me more than they managed to do when their HOMs were here. I said it was clear High Commissioner Ashraf J Qazi was not inactive. He had been meeting quite a few Indian leaders and though there was little in the media about these meetings he was getting access and insight into a lot of views both officially and non-officially. I said that while I did have a set of talking points as a result of my latest consultations and while the substance of these talking points was not very mysterious, however I would like to point out that these responses were given prior to Red Fort attack (by Lashkar-e-Tayyaba.). I personally felt that the Lashkar attack on the Red Fort had created an altogether changed situation. I expected that this event would affect our assessment of Pakistan's overall intentions regarding pursuing a dialogue with India. Here, Inam replied by first expressing consternation at the statements made by "these organisations" (Who are these organisations? he also asked rhetorically) to launch attacks on the Prime Minister's office in India. He said they were extremely stupid statements. The government would like to distance itself from these statements and ruled out any suggestion that there might have been any official complicity at any level in the actions of these bodies. I explained to him that it was the firm belief and clear assessment of concerned agencies and officials in India that the Lashkar-e-Tayyaba could not have even contemplated undertaking an action such as the one it took in the Red Fort without a go-ahead from official agencies in
Pakistan, at the very least of the ISI. If what the Foreign Secretary said was to be considered correct and to be believed, then it was only worse in that it could mean they have no control over these organisations. How is it then that there had not been any clear denunciation of these organisations or of their actions and no expression of any determination to put them down? It should be clear that only such action would carry credibility. Inam said he understood that this was necessary and they would be looking into what action would have to be taken in this regard.

3. I said that I did not carry any message from India for the Chief Executive but I did have a set of talking points. Of these the short point was the need for a clear reaffirmation at the highest level by the Chief Executive himself of the Lahore process. Now that we have this new development, there will also have to be a clear stand on it. On the question of affirmation of the Lahore process Inam said this had been done at the official level many times. He agreed that there had been no public statement by the Chief Executive of Lahore. He said it should be possible to think in terms of such a reaffirmation on a joint basis. We could work out a document. I said the question was not of a document but of whether or not an existing commitment was accepted by the Chief Executive.

4. Inam then spoke of the possibility of the APHC visiting Pakistan. I said there were press reports to the effect that they might be making a visit but I had no official confirmation about this so far. I asked how he saw the development. He said they were not clear what the APHC was planning to do or even of the direction in which the APHC was thinking. He said he was not sure if the APHC itself had any clear ideas on what they would be pressing for in the discussions here. As far as he could see the Kashmir question was not going to be resolved at any early date or in any quick manner. This was going to take a long time and would required arduous discussions. The main point was the need to talk.

5. Inam mentioned that he would like to suggest that the Indian Foreign Secretary should agree to a courtesy call by High Commissioner Ashraf Qazi. There had been no formal meeting for a long time between the two and he was at pains to understand why there should be a problem over a meeting of this kind. I said I did not see any meeting. In fact the impression seemed to be the other way around. It was the High Commissioner who seemed to be bypassing the MEA. In any case, I said I would take this matter up with the Foreign Secretary. (There was a brief conversation about the appointment of the new Indian Foreign Secretary and whether she had done Pakistan before. Inam expressed the confidence that institutional structure in India being what it was, there would be little difficulty for the
new FS to get into right form soon enough. He asked me when FS would be taking up his new assignment. I said it was not clear but it could take a few months.)

6. Bringing back the conversation to the militant bodies in Pakistan and their activities, I said I had been asked when in India if it was my assessment that these groups were getting out of control. I had given my assessment that I did not think so. Also I had been asked about the nature of the thinking within the army. I mentioned to him my own assessment given to persons in India that it was my view that the army remained highly disciplined and united at the top. Inam said that while there were differences of viewpoints within the army these were not any different from those in any other organisation. These differences also did not affect its ability to function in an efficient and disciplined manner. About the various militant organisations and their influence, he continued to stress that the more militant and extreme organisations operated on the fringe of society and their influence had been exaggerated. He then spoke of the Ikhwan, which had announced a march on Islamabad by Id ul Fitr day, a programme which has since been defused at the personal intervention of the Minister for Religious Affairs. When I expressed my impression that this body seemed to have much following in the army, he said it was not so much the serving officers who were influenced by the Ikhwan as the retired officers and their men. He said a large portion of enlisted men came from the Chakwal area. This accounted for the influence of the organisation. I made reference to some of the critical comments made by Qazi Husain Ahmad. He said that was a different matter and that the Qazi was an adept operator. He asked whether I had met him and said I would find him interesting even though his views would predictably be a little unpalatable for me. About the Chief Executive himself, Inam's view was that he was a straightforward and "simple" person who thought along a narrow bandwidth. He also wished to give a clear impression to his interlocutors that he was firmly in charge. Of course Inam admitted he had the usual susceptibilities deriving from the armed forces as an institution. Interestingly, here Inam, rather suddenly, mentioned as a parallel the Reaganite idea of "evil empire" and said that Musharraf felt that the "enemy" had to be clearly identified and firmly engaged. I referred to the comment made by the Chief Executive that India was not sincere and asked whether this was a realistic basis for engaging in a dialogue. In case however, he is a person who expresses his views clearly and forthrightly, it should also be possible for him to modify his views swiftly in the light of circumstances. To this comment, Inam was quick to respond by saying, the CE found it difficult to retract once he adopted a particular line. I asked (indirectly) whether there was any sense that there had been outside influences affecting his judgment. Inam replied saying there is no real sense of the regime being under outside pressure.
7. I returned to bilateral issues and informed him that the recently announced withdrawals by Pakistani forces along the LoC were not finding complete acceptance in India as genuine. To this he responded by saying that a brigade had been withdrawn from Muzaffarabad and relocated at Mangla. This brigade had earlier in the year been inducted during the talk from the Indian side of “hot pursuit.” I said there was no real likelihood of any withdrawals by India as long as it was our assessment that infiltrations from across the LoC remained unchecked.

8. Inam informed me that he hoped to be able to fix a meeting with the Chief Executive prior to his expected foreign tour on January 7. He said there was a need for such a meeting even from the “optical” angle. In some other rambling comments he spoke of Indian TV programme like “Face to Face” and “The Big Fight” where he had watched a recent interview with Ms. Uma Bharati. He expressed interest in the wide range of opinions expressed both by the interviewers as well as those from the audience. There was also some reference to recent blasts in Lahore and other cities in Pakistan. He also made some references to Indian senior leaders. During the conversation he made the curious comment that Pakistan had erred in the past in making correct evaluations off many senior Indian leaders. Some of these needed correction. He mentioned in this regard two names: Sardar Vallabhbhai Patel and Shri Lal Krishna Advani.

9. The meeting lasted an hour. There was no one else present.

Sd/-
01.01.2001

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1539. **Telephonic Talks between Prime Minister Atal Bihari Vajpayee and Pakistan Chief Executive Pervez Musharraf.**

**New Delhi, February 1, 2001.**

The Prime Minister, Mr. Atal Behari Vajpayee, and the Pakistani Chief Executive, Gen. Pervez Musharraf, established their first direct contact by speaking to each other over telephone on February 1, 2001.

The five-minute conversation, the first after the October 1999 military coup in Pakistan, took place in the context of the Pakistani humanitarian assistance to the victims of the Gujarat earthquake. The Prime Minister “assured the Chief Executive of India’s continuing desire to build a good neighbourly relationship with Pakistan”.

The initiative for the conversation was taken by Gen. Musharraf, who conveyed his sympathy at the great loss of life caused by the earthquake. “The Prime Minister thanked the Chief Executive for Pakistan’s assistance. This gesture was greatly appreciated by the people of India,” the statement said.

While the Indian Officials maintained that the initiative for the talks came from Musharraf, Pakistan media said that “Mr. Vajpayee called Gen. Musharraf to express gratitude and thanks for the relief supplies and Pakistan’s offer to send more goods if India so desired”.

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Statement of Prime Minister Atal Bihari Vajpayee in both Houses of Parliament regarding Jammu & Kashmir.


As Hon'ble Members would recollect, Rashtrapatiji during his address to the Joint Sitting of both the Houses of Parliament had given voice to the Government's approach to the whole question of Jammu & Kashmir. He had then, amongst other things, shared with the Hon'ble Members of Parliament that:

"The Government is pursuing a multi-pronged strategy to bring peace and normalcy in Jammu & Kashmir. As part of this, it launched a major peace mission on November 19, 2000, by announcing a unilateral non-initiation of combat operations in the State during the holy month of Ramzan. This bold initiative was extended twice up to February 26, 2001. As anticipated, this was warmly welcomed by the people of Jammu & Kashmir, who are longing for an end to militancy and violence in their beautiful State. The international community has also given overwhelming support, because it sees in it yet another demonstration of India's sincere commitment to a peaceful and permanent solution to the Kashmir issue."

Rashtrapatij had also then informed the Hon'ble Members that:

"Militancy in Jammu & Kashmir is now increasingly confined to foreign mercenary groups. This has widened the scope for democratic activity in the State. The people of the State participated enthusiastically in the recent Panchayat elections. I reiterate the Government's readiness to have talk with every group in the State that abjures violence."

The Govt. has decided to pursue this path by initiating talks with various groups in J&K.

The Government has seriously addressed the question of continuing with the peace process and further extending the period of non-initiation of combat operation by our security forces. In this regard, the Government has benefited by the detailed briefing of and consultations with all political parties that it had on February 21, 2001.

Having examined all aspects of the question in its totality, the Government has decided to further extend the period up till the end of May. Let this opportunity not be missed by all those that desire peace, for our patience is not infinite.

I wish to make it abundantly clear that the peace process is only for those that wish to benefit from it. We will not let this process be derailed, diluted or misused.
For such organizations or elements, as have vowed to disrupt the peace process, or intend to continue with violence and the killing of innocents in J&K, my message is unequivocal and clear. If you inflict injury on any Indian citizen in the State of Jammu & Kashmir, or elsewhere, or commit any act of violence or terrorism then the security forces have clear instructions to act decisively and to defeat such intentions. Law and order shall be maintained. Those who think that our security forces are less determined today to put an end to terrorism are only deluding themselves.

It is my hope that Pakistan will act, even now, and abjure violence, give up their continuous hostile propaganda against India, stop promoting and aiding cross-border terrorism, take the path of peace through bilateral talks as enshrined in the Simla Agreement and the Lahore Declaration, thus creating a conducive atmosphere so that the composite dialogue process can be resumed resulting in a lasting solution to the problems.

The process of peace is to enable our citizens in Jammu & Kashmir to live peacefully. It is their voice that has to be heard, not of the militants or foreign mercenaries.

Peace is our objective, to peace and dialogue we remain committed because that, above all, is what the people of Jammu & Kashmir need most.

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1541. Press Release issued by the Ministry of External Affairs announcing the decision to invite Chief Executive of Pakistan General Pervez Musharraf for a Summit meeting.


In November last, on the eve of Ramzan, Prime Minister Vajpayee had announced non-initiation of combat operations against terrorists in Jammu and Kashmir. This was subsequently extended. It has now lasted for six months. It was expected that various terrorist groups and organisations, mostly foreign, would see reason, and recognising the imperatives of peace, dialogue and cooperation shun violence. Regrettably, they have not.

This phase, therefore, is now over. These terrorist groups have hindered the restoration of peace in Jammu and Kashmir and have inflicted misery upon the people of that State. Hereafter, security forces shall take such action against
terrorists as they judge best. They will, in the process, continue to exercise maximum care that no harassment is caused to the civilian population.

A gratifying feature of these last six months has been relative peace along the LOC on account of restraint exercised by both sides. There has also been considerable lowering of cross LOC exchange of fire. In this regard, the Government has decided that it will continue to observe maximum restraint as hitherto.

The process of dialogue initiated by the Prime Minister under Shri K.C. Pant shall continue unhindered. Our invitation to all sections in J&K to join this dialogue is reiterated.

India’s commitment to peace, dialogue and cooperative co-existence with Pakistan remains unaltered. Prime Minister Vajpayee had set in motion a peace process by his historic and path breaking visit to Lahore in early 1999.

In pursuance of Lahore Declaration and the Shimla Agreement, Prime Minister Vajpayee has decided to invite General Pervez Musharraf, the Chief Executive of Pakistan to visit to India at his early convenience. A formal invitation will be delivered shortly.

India is yet again offering the hand of friendship, reconciliation, cooperation and peace to Pakistan, in the expectation that this opportunity shall be positively and purposefully utilised by them.

Excellency,

Thank you for your letter of May 24 2001. I accept your invitation to me and my wife to visit India, with great pleasure.

Pakistan has always sought to establish tension-free and cooperative relations with India so that our two peoples may be able to devote their resources and energies to the task of economic and social development. We wish to see a stable and prosperous India at peace with its neighbours.

As the beginning of the new century, our two countries must do their utmost to overcome the legacy of distrust and hostility, in order to build a brighter future for our peoples.

The root cause of tension between our two countries is the unresolved Jammu and Kashmir dispute. I, therefore, look forward to sincere and candid discussions with you to resolve the issue of Jannu and Kashmir in accordance with the wishes of the Kashmiri people. We are ready to discuss all other outstanding issues between our two countries as well.

Please, accept, Excellency, the assurances of my highest consideration.

Soon after Musharraf said in an interview that he was ready for talks for totally denuclearization of South Asia if the Indian Prime Minister is interested. But all these issues are secondary, he said, and it is the Kashmir issue which is the primary focus. He told BBC that he was willing to be flexible on the agenda of the talks. Some of the questions he answered were as under:

Q: The Indian Government had previously said that you were the main architect behind the fighting in Kargil. Do you think that the fact they have now offered you this invitation to come to Delhi, means that the low point between the two countries has now come to an end?

A: Well, I suppose so. I hope so, because as I have been saying our previous history is not very peaceful, very attractive, why talk of Kargil? If you go a few years behind we arrive at Siachen also. So that is all history and we need to move ahead, look ahead with optimism. I am looking ahead with cautious optimism; I would say.

Q: this week is the anniversary of Pakistan’s nuclear test and there have been great concerns that this area could be a nuclear flashpoint. Would your talks include discussions on reducing or eliminating these weapons altogether?

A: well, if India wants such a dialogue, we have been saying that yes, we could talk about totally denuclearization South Asia, so if the Indian Prime Minister is interested, I would certainly go ahead with him. But let us not sideline again the main issue; all these are secondary, it’s the Kashmir issue which is the primary focus.
1543. **Press Release issued by the Ministry of External Affairs announcing the visit of Pakistan Chief Executive General Pervez Musharraf.**

**New Delhi, June 19, 2001.**

At the invitation of Prime Minister, Atal Bihari Vajpayee, the Chief Executive of Pakistan, General Pervez Musharraf and Begum Musharraf will visit India from 14th to 16th July 2001. Their stay in India will include a ceremonial welcome in Delhi, a retreat in Agra, where discussions will be held between the two leaders, and a visit to Ajmer Sharif. Details of the programme are being worked out.

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1544. **Press Release issued by the Ministry of External Affairs to promote People to People contacts between India and Pakistan.**

**New Delhi, July 4, 2001.**

In order to enhance people-to-people ties, especially among the youth of India and Pakistan, Prime Minister has decided the following:

(a) 20 scholarships will be offered to students from Pakistan in Indian technical institutions;

(b) Pakistani poets, academics, writers and artistes will be invited individually, or in groups for a month long visit each, as guests of the Government of India;

(c) Groups of Pakistani students (from school to university, boys and girls) will be invited by the Government to visit and tour Indian academic establishments.

2. Desirous of a permanent resolution of the problems of Indian and Pakistani fishermen, who from time to time, are taken into custody, the Prime Minister has instructed that the Indian Coast Guard will not in future take Pakistani fishermen, who inadvertently transgress into our waters, in custody. Henceforth, they will be turned back after due warning.

3. The Prime Minister has also instructed the Ministry of Home Affairs to take expeditious action for the release of all Pakistani ‘civilian’ prisoners currently in India, after due processes of law.
4. In order to encourage Pakistani imports into India, Prime Minister has instructed the Ministry of Commerce to reduce/eliminate tariff on 50 tariff lines. These lines will be identified and instructions to this effect issued before 15 August 2001.

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1545. Press Release issued by Ministry of External Affairs easing travel restrictions on Pakistanis visiting India.

New Delhi, July 9, 2001.

It is our conviction that the foundations of peace between India and Pakistan have to be laid in the minds and hearts of men and women, and above all, the youth of both countries. Thus travel between India and Pakistan should be made as simple and easy as possible. The Prime Minister has, therefore, decided that henceforth Pakistani passport holders will be allowed to come by the road route and obtain visas at the check-post at Attari. An additional check-posts will be opened at Munabao, in Rajasthan. Similar check-posts will also be opened at designated points along the IB and the LOC in Jammu and Kashmir. Administrative arrangements, including those for transport, will be urgently put in place so as to implement the Prime Minister’s decision within three months.

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Interview of Pakistan Chief Executive Pervez Musharraf with Gulf News.


**Question:** The run-up to the summit has started off with you being quoted as saying that you were "open" about it and "flexible" about the talks. But it is now being perceived that you have taken an 180 degree turn to emphasize over and over that talks must focus now solely on Kashmir. Why has that happened?

**Answer:** I have never at all said that I will be flexible on the issue to be discussed which is Kashmir. I have said that Kashmir is the only issue. Yes, I will be flexible on Kashmir, but I would like to correct this misperception, this misunderstanding. I have never said that flexibility will be shown on the issue to be discussed.

Kashmir is the issue, it is the reality on the ground. I am not saying anything which is unrealistic. Where is the tension between India and Pakistan? Is there tension because of anything else, therefore the focus should be on the main issue. The remaining issues, certainly if Prime Minister Vajpayee is keen, certainly one would go ahead and discuss those also.

**Q:** Do you believe then that India is trying to deflect attention from what you see as the 'core' issue by raining CBMs on Islamabad?

**A:** Yes, this is certainly our perception. And this suspicion is there, not just now, I would say. It has been happening over the last 50 years, if not 40 years. In 1958, Prime Minister Jawaharlal Nehru declared that Kashmir was a part of India and rejected plebiscite, till now Kashmir has always been sidelined by India and may I also add that, now that you have asked this question, even the Simla Agreement and the Lahore Declaration didn't make any progress. Why didn't it make any progress?

That was because it avoided the main issue of Kashmir, anyone, any leadership in Pakistan that goes and has any arrangement with any Indian administration, makes any agreements, any deals where Kashmir is sidelined, I can say with full certainty, that declaration or that treaty will never go forward because the people won't let it go forward. And that is why the Simla Agreement and the Lahore Declaration did not move forward.

**Q:** So that means that in the forthcoming Agra agreement - if there is one, if the Indian government does not give you what you see as appropriate on Kashmir, you will go public with your disagreement on the issue?

**A:** Well, let's not raise issues of opposition and...
Q: Let me rephrase that, what would you like to see in the Agra agreement?
A: Again this should be left to what I am going to discuss with Prime Minister Vajpayee. But I will say quite clearly, I am meaning to correct our focus. And we need to set our focus on Kashmir. And that certainly needs to be done.

Q: General, on the other points of contention such as Sir Creek, the Wullar Barrage and Siachen, it is said that Pakistan and India were this close to an agreement, that surveyors general from both sides have demarcated the boundaries, that Indian Prime Minister Narasimha Rao and the Prime Minister of Pakistan were in agreement. Would you allow these issues to be discussed concurrently with Kashmir, or will they be held hostage to the Kashmir issue?
A: No, they could move concurrently, but what I would be against is if we start, and in the process of progress of dialogue, subsequent progress I am talking of, we sideline the Kashmir issue or drop the Kashmir issue, and we keep going forward on the Wullar Barrage and Sir Creek and all that. Now these are not the issues. The main issue is Kashmir. If the Kashmir issue is progressing well. I don't mind progressing up all issues. Certainly. I have no problem with that. But nothing can be done at the cost of Kashmir.

Well, then this is obviously going to come up against the Indian government's view which has again been reiterated, over and over, just as you have that Kashmir is the main issue, that it is just one of the many issues that bedevil relations. Only the day before Vajpayee told Indian opposition leaders that it would be discussed in the totality of relations.

Yes, let's do that. I am in agreement with Prime Minister Vajpayee on that. Fine. I am in agreement, I am not saying it should be discussed in any half-hearted way, we will discuss it totality.

Q: Would you be happy if the Indian government admits in some way or the other that Kashmir is the core issue, is that the minimum that you are looking for?
A: Well, I am just saying, it's nothing unusual that I am saying, I am not saying anything which is Utopian by any nature. I mean we are trying to improve relations between India and Pakistan, engage India. The end-game is this. I would say the end-game really is to do something, that will improve the condition of this economically deprived region of the world, the most poverty-stricken region of the world, one-fifth of humanity is living in this India-Pakistan subcontinent and may be if this is the only region to collaborate to improve its economic conditions.

Therefore I think, what India and Pakistan must realise and the leadership in both these countries must realise, is that we must improve the condition of the
people of the subcontinent. And how can we do that, we can do that if we remove the causes of tension between India and Pakistan. And how do we do that? By resolving Sir Creek? Or resolving Wullar Barrage? No, we have to do that by resolving the Kashmir dispute.

I am just trying to be realistic. And if anyone thinks that this tension can be removed, by collaborating on improving economic conditions without resolving the cause of hatred between the two countries. I think, they are not being realistic.

Q: Talking of hatred and animosity, they say that you are the first leader in Pakistan who is trying to remove the animus that has existed these last 50 years in one form or the other, within the Pakistan administration by telling them that if India walks the same road towards resolving the issue.

A: Yes. I would say that. Indeed, this is the line I am trying to take. Let's remove the root cause of the problem between the two countries. That is the only way forward between developing relations between us. In fact I would say that the time has come when the public has also started realising that we must remove this tension, why is this region in the world only in the grip of tension. Of course at some stage somebody has to come up and take decisions and free this region from this animosity.

Q: There is also the view that the Army has thrived on this very animosity. Just as there is one view that it is only a military government in Pakistan and a Bharatiya Janata Party government in India which can deliver, there is also the opposite view, that the Pakistan Army thrives on this very animosity and has every reason to keep the Kashmir pot boiling for its own ends. Will it really be feasible for the Army to deliver on Kashmir?

A: That is the view from India. That whenever there is a movement towards peace, it is the Army that blocks and creates this feeling. Nothing could be farther from the truth. It is the people of Pakistan, not the Army. It is the people of Pakistan who will not allow anything to happen between India and Pakistan unless the main conflict is resolved.

It is not the Army; I don't accept this point of view at all. The army goes along with the government always. Unfortunately, what happened after the Lahore Declaration, I don't know whether you know it was the Jamaat Islami which went all out on the streets protesting. Was the Army doing that? It was the people of Pakistan.

And nothing could happen further. The people of Pakistan will not allow it I am afraid this is the reality. All that I am saying, people call me a very blunt person and all that, yes. I am. But I am just speaking the truth and the reality. Whether
someone calls me blunt or.... I don't contribute to this theory of diplomacy where you are hiding the truth and not spelling out the facts. I don't believe in that kind of diplomacy.

I have never been a diplomat. Really, diplomacy is to put across your view in a diplomatic manner and not to hide the truth, not to speak the truth. I believe in a frank expression of views, and I try to do that as best as possible.

Q: There's 48 hours to go before the summit. Could you give us a hint on what you feel, as the summit nears of what you would like to find coming out of Agra? Apart from the Kashmir issue itself, such as a lessening of troops from the Valley, or...

A: No, I think everything, the starting point, let me put it this way; that would be going too far. I would really appreciate any withdrawal of troops, but that's expecting too much may be. If there is withdrawal, that would be excellent. But one has to first of all...

Q: Strike a rapport?

A: Yes, strike a rapport and build mutual understanding that strives for peace and the resolution of Kashmir. Everything will fall in line. Nothing fell in line in the past, because we were ignoring this basic fact. All the rest, troop reduction or tension reduction will follow through this one agreement, or acceptance or concurrence of views.

Q: Did you change your mind about the Hurriyet after Yasin Malik's comments in an interview in London that 'he did not expect this of Pakistan'.

A: I am not sure...

Q: You did say that you would leave it to India, you would defer to India's wishes on the matter. Yet, a day after Yasin Malik's interview, you issued an invitation to the Hurriyet for tea at the Pakistan High Commission in Delhi. Many believe its a 'storm in a teacup.' Nevertheless, did you change your mind?

A: I haven't changed my mind at all. Right from the beginning I have said, and I am of this view even now, that there are three parties to the Kashmir dispute, the Indians, the Pakistanis and the Kashmiris, and we believe the Kashmiris' representative is the APHC.

Now, Prime Minister Vajpayee has invited me, but I have always been saying, that although as a starter, we accept the non-presence of the Kashmiri representatives, but anytime in the future, they have to be included in the process of dialogue, if there is to be progress. Now, where the invitation for the APHC is concerned, we sent out the invitation because we feel the Kashmiris,
the APHC ought to be taken along. However it is up to the Indian government, now whatever their decision on the subject.

Q: That doesn't really answer it. Because if you say, it's up to the Indian government, they don't want the Hurriyet to come to tea.

A: I don't know whether the Indian government has allowed them to come to tea. I would certainly prefer having them there but I am certainly not going to make an issue of it. Because there's a greater issue involved.

Q: India and Pakistan are nuclear capable nations today. And Pakistan has said time and again, that differences over Kashmir could spark off a nuclear conflict, that it's a nuclear flashpoint. There is a view that if the Agra summit does not resolve the dispute, there is a growing likelihood of nuclear war, that Pakistan would not hesitate using the nuclear option.

A: Certainly, the leadership of the two countries should show responsibility and show that the nuclear path is not the way to go down. And I would not like it said that if there is a failure now in Agra, we are closing to a nuclear holocaust, nothing of the sort. I only hope there is progress, but if there is failure, it will be very sad for the people of Pakistan, the people of India, in fact it will be very sad. But not closer to a nuclear exchange, I hope not.

Q: Will there be a nuclear restraint regime?

A: Yes, there is one in place. Certainly, we have erected this regime and we would go along with a nuclear restraint regime or any steps.

Q: How would you describe your feelings as the summit approaches. Are you worried, are you confident? What is it that is going through your mind?

A: I never worry. That is out. I am at peace with myself. As they say, one doesn't clap with one hand, so on my side I am going with an extremely open mind so that progress is made and improvement of relations between India and Pakistan does take place. But similar keenness and desire has to be visible, and has to come up, and I am not worried but I am anxious.

And I am intrigued I would say, up till now whether the Indian leadership is going to accept the centrality of the Kashmir issue to be resolved. Because they have never done this before. So it is really intriguing. Because when they invited me, my stand has been very unambiguous, I think.

Always without fail, I have been saying that the Kashmir issue has to be resolved between India and Pakistan. Now that they've invited me I have never created any doubt in their mind about where I stand.

Q: The Indian government has made it clear that they have put Kargil behind
them and that they are prepared to move forward. But they do have residual doubts about the jehadi elements. The fidayeen from the Lashkar Tayyaba are more worrying than the Hizbul Mujahideen fighters. You had said that you would examine whether you would encourage the suspension of the jehad if the right atmosphere is created. Has that time come?

A: First of all, I certainly do not have total command and control over the jehad, or over the freedom struggle going on in the Valley, which has its own dynamics and it's very, very indigenous. All I can say is that, progress on the Kashmir issue between Mr. Vajpayee and myself will certainly have a sobering effect on the freedom struggle.

I would also like to say that when you say India has put Kargil behind them. Pakistan has put Siachen behind it. Because on Siachen, the Indians came in and altered the Line of Control, altered the status quo there which goes very much against and runs counter to the Simla Agreement. It is written very unambiguously, that no party will alter the LoC, and that was done in Siachen first of all.

Q: So do you accept then that the LoC should not be changed?

A: The Line of Control is the problem. What is the freedom struggle going on about. It's about the LoC. Its the problem, not the solution. How can the problem be the solution? There are a number of solutions, but before going to the solution, there are some that need to be rejected. One of them you have just said the Line of Control being made permanent

Now who in Pakistan will ever accept this? Nobody in Pakistan can accept this and expect to stay in power. No leader in Pakistan can do this and accept it. I think it will be very unrealistic for any Indian leader to expect any leader of Pakistan to go and accept the permanence of the LoC.

Q: Are you saying that Nawaz Sharif by accepting the July 4, 1999 agreement with Clinton on respecting the LoC dug his own grave?

Q: No, that didn't have any such...

Q: The agreement was that Pakistan would respect the LoC and withdraw its forces...

A: No, respecting the LoC is a different matter; accepting it as a permanent solution is another matter. That doesn't mean he accepted or we accepted that the Kashmir dispute is over and the LoC is permanent. I don't think he accepted that at all, that was not part of the agreement.

Q: LoC autonomous region, trifurcation ....
A:  Now you are coming to the final solution... it's rather premature to discuss a solution. I always say that to discuss solutions that may be in itself so contentious, we may not start talking at all. So why talk of solutions, let's go step-by-step.

Q:  That means then, that Pakistan is looking really for a step-by-step solution? Talks at regular intervals where Kashmir is discussed.

A:  Well, I am for, if at all Prime Minister Vajpayee wants to discuss Kashmir and solve it, with all boldness I can sit there and in two days let's solve it, okay, or we can go on 24 hours and solve it.

Certainly, it entirely depends on the process of the dialogue. On this issue a lot of hype has been created internationally. I only hope and pray and desire that this summit turns out to be successful and we move forward towards establishing a better relationship between Pakistan and India.

Q:  Why this utter silence then when India is raining CBMs in what they say is a bid to create a better atmosphere?

A:  Yes, again, let us not deflect from the main issue, let us not dilute it, or digress from the main issue. How can we have CBMs when there is suspicion between the two countries? Let's remove the suspicion first and then go for CBMs.

How can you have suspicion and then go for CBMs? This is absolutely ridiculous. Other than these releasing of fishermen or that cyclist - that gentleman Vikas - anytime I would like to do that, I am an extremely humane person I would say, but on issues like the Director General of Military Operations wanting to meet our DGMO, what does he want to come here and talk. I am going to tell my DGMO just keep quiet And keep listening.

Myself and Mr Vajpayee have to talk first and then let the DGMOs talk. Anyway, the DGMOs talk every Wednesday on the telephone. What is the point in talking now before myself and Mr Vajpayee have spoken. It's premature. Anyway, the biggest CBM is the resolution of the Kashmir dispute. What other CBM is better than this? Opening of entry points, opening of trade routes, all this can follow.

Q:  So there will be an Agra agreement?

A:  I have read every single agreement and treaty between India and Pakistan. I have studied it carefully and nowhere does it mention that Kashmir is the issue. Why is that You see, we must also understand each other's compulsions. I would like to work to remove, to lessen the compulsions on the Indian leadership and they should work towards understanding and removing our compulsions.
1547. **Interview of Prime Minister Atal Bihari Vajpayee with the Associated Press of Pakistan.**

New Delhi, July 12, 2001.

**Q:** Your invitation to the President, General Musharraf, for summit level talks has been widely welcomed. Can you elaborate on the factors that led you to this decision? Is your invitation not a move in response to persistent international pressure on India to begin dialogue with Pakistan?

**A:** We extended the hand of friendship because we continue to believe in the vision of peace and friendship between India and Pakistan. Despite the setbacks in the past, we never abandoned this vision. We do not need external pressures to tell us what is good for us.

**Q:** Kashmir remains the main hurdle in normalization of relations between New Delhi and Islamabad. There has been no progress on the solution for over 50 years. How do you intend to move forward now towards a resolution of this dispute? General Musharraf has stated clearly that he would not be rigid at the talks. How would you reciprocate?

**A:** We keep hearing about this “main hurdle” standing in the way of good neighbourly relations. We have never shied away from this or any other issue. But narrow and cliche-ridden approaches have not worked in the past. Nor has violence. We have to seek ways to take our entire relationship forward and address the core concerns of our peoples in their struggle against poverty. India is prepared to explore with Pakistan such constructive ways forward.

**Q:** Recently the report of the All India Fact Finding Team into human rights situation in Jammu & Kashmir pointed to the large scale violations of human rights in Indian Held Kashmir, even dating to what was called by India as the NICO. Would you think it is time India released (relieved) its massive forces in Kashmir?

**A:** India’s human rights record, and its commitment to punish human rights violations, whenever and wherever they occur, are recognized the world over. As for our troops in Jammu & Kashmir, their strength is directly related to the level of cross-border terrorism. It is this terrorism, and not the presence of troops, that is the cause of immense suffering to innocent citizens.

**Q:** When in your view can the All Parties Hurriyat Conference be involved in talks over Kashmir destiny?

**A:** We have always indicated our readiness to hold a dialogue with all groups and individuals in Jammu & Kashmir that abjure violence, and are committed to peace. The APHC is not an exception.
Q: The nuclear and missile build up by India has been a case of concern to the international community. You have recently been buying a lot of sophisticated arms from Russia. One does not see a security threat to India. What are these meant for?

A: India’s defence expenditure is based on a realistic assessment of global trends, offensive capabilities in our neighbourhood, and our technological options. Our security policy has always remained defensive in character and content. We are committed to a policy of no-first-use of nuclear weapons and their non-use against non-nuclear weapon states. However, we are sensitive to the need to maintain an appropriate defence preparedness in response to developments in our security environment.

Q: India had shown reluctance to talk to Pakistan due to the Kargil situation. Is it not a fact that situations like Kargil and Siachen arise because India has been unwilling to solve the Kashmir problem?

A: India has never avoided discussion on any issue, however intractable it may be. History has recorded the number of occasions when we have discussed Jammu & Kashmir with Pakistan.

Q: The Kashmir problem has not been resolved so far in bilateral talks, is it not, therefore, time that other means of peaceful (settlement) provided for in the UN Charter are used to resolve the Kashmir issue.

A: India and Pakistan have bilateral commitments which go well beyond the UN Charter in enjoining us to resolve differences through peaceful dialogue. What is required is not a Charter or a Resolution; it is mutual political goodwill.

Q: Why is India reluctant to go ahead with the gas pipeline project from Iran through Pakistan despite Pakistan’s guarantees for the secure supply of gas to India?

A: We have had detailed discussions with Iran on the various modalities available for possible transfer of Iranian gas to India. Both sides will eventually identify a mode of transfer which is long term, cost effective, and secure. We hope to decide on the most viable option, taking into account all technological, economic and political risks.

Q: Would you like to give a special message to the people of Pakistan?

A: I would like to reiterate the message I gave from the Minar-e-Pakistan about two and a half years ago: that my country has a deep desire for lasting peace and friendship with Pakistan and that a stable, secure and prosperous Pakistan is in India’s interest. I sincerely wish the people of Pakistan well.
1548. Interview of Prime Minister Atal Bihari Vajpayee with The Jung Group of Newspapers.

New Delhi, July 12, 2001.

Q. Why did you take so long in inviting General Musharraf?

Ans. At this stage, it would be more purposeful to look to the prospects for the future than to dissect the events of the past. President Musharraf has accepted my invitation and I look forward to his visit.

Q. While Musharraf intends to be flexible, will you be too? And what do you mean when you say "not to tread on beaten tracks"?

Ans. In our quest for a new architecture of peace and prosperity in South Asia, we will not shrink from bold and innovative measures. We would naturally be governed in this by our national interests and by our abiding commitment to peace and justice.

Q. Why is India reluctant to implement the Siachen Agreement reached between Ms. Bhutto and Mr. Rajiv Gandhi?

Ans. The premise of this question is flawed. Siachen is a mutually identified subject of bilateral dialogue, on which India has always sought an early resolution.

Q. Similarly, why is India not ready to benefit from the support Pakistan is ready to provide to the oil pipeline project from Iran to India, passing through Pakistan?

Ans. We are discussing with Iran various modalities for transfer of Iranian gas to India. The ‘benefit’ from each of the different options on the gas pipeline project will be determined by techno-economic studies. We will naturally decide on a mode of transfer, which is cost effective and secure in the long term after consideration of all political and economic factors.

Q. Do you feel a need to address the strategic imbalance and asymmetry in conventional weapons on the pattern of the Helsinki Security act in Europe?

Ans. Asia is a continent of immense diversity and its security situation is very different from that prevailing in Europe during the Cold War. We have to find our own security framework for Asia compatible with our political, military, economic and cultural realities.

Q. It is believed that you have a mission in the sub-continent. What is your dream about the future of the sub-continent?
Ans. Our subcontinent is extraordinarily rich in human and material resources. I believe that the vision of a peaceful South Asia actively pursuing equitable socioeconomic development through cooperative endeavours can and should be transformed from a dream into concrete reality.

Q. When the Kashmiri freedom fighters said that they would not talk with India within the framework of the Indian Constitution, you said that talks will be held within the framework of “Insaniyat”. What did you mean by this? Will you stick to this position during talks with Gen. Musharraf?

Ans. Insaniyat is an Urdu word which is widely understood both in Pakistan and in India. It is a quality which stands above legalistic considerations, sectarian differences and calculations of short-term gains and losses. I believe Insaniyat should be the ultimate basis for resolution of any difficult problem.

Q. Can you visualize any decrease in your defence budget if the Kashmir issue is solved?

Ans. Our defence budget is based on an assessment of the overall security environment in our region and our desire to maintain an adequate defence preparedness.

Q. Are you open to any solution even remotely changing the present confused status of Kashmir? Several options have been discussed in the media and even in Track 2. Is any of them worth consideration. In other words, is a solution in your view possible?

Ans. If India and Pakistan engage in peaceful and sincere bilateral dialogue to resolve all differences in perceptions between them, no problem should elude resolution.

Q. Would you ask General Musharraf to support India’s case for membership of Security Council, if everything else goes well and according to your expectation?

Ans. All members of the United Nations are aware of our views on the restructuring and reform of the UN to make it more representative of current realities. We naturally welcome the support of all countries for them.

Q. What role do you see for Kashmiri fighters in the near term and long term? If they do not accept a solution worked out between India and Pakistan, how will you deal with them?

Ans. You are aware that our democratic polity permits a free expression of political preferences through the ballot. At the same time, our security forces have the necessary capability, resolve and stamina to deal with terrorist groups
and foreign mercenaries that foment violence and terrorism against innocent civilians and security forces.

Q. Can India and Pakistan decide to stop hostile propaganda against each other immediately and allow free flow of ideas, tourists, journalists and trade. Can the summit actually result in more visas, more business services, more trains and more flights between India and Pakistan?

Ans. We do not believe in hostile propaganda against our neighbours. We have always believed that people to people contacts contribute to the development of good neighbourly relations by increasing understanding. We have already announced several steps to promote such contacts. This will continue to remain our endeavor.

Q. You have been advocating to acquire a permanent seat in the Security Council of the United Nations and have been struggling for quite a long time as such. Do you agree with the opinion that to initiate negotiations, on Kashmir, at this stage, is under some compulsion, as you wish to convey this impression to the world community, during the General Assembly to be held in September, that negotiation for the settlement of Kashmir dispute are already underway, therefore, objections and reservation to India’s nomination, for permanent membership of the Security Council, or you are, in fact determined to reserve the Kashmir dispute with all assurance so that an environment of durable peace and convincible security may be achieved.

Ans. Our views on the need for reform and restructuring of the UN system and our desire for peaceful good-neighbourly relations with Pakistan are both integral parts of India’s world view. There is no causal link between the two.

Q. Do you presume China to be enemy number one? Can China harm India, by extending her influence in the region?

Ans. We do not think in such terms. We have a regular and friendly dialogue with China and are increasing our bilateral cooperation in all areas.

Q. US India relations are being postured to a new kind of relationship, which is more enthusiastic than ever before? Do you favour US National Missile Programme? Pakistan and China both have opposed it. Are such cordial relationships with US in conformity with India’s conventional progressive policy? Will it not affect India’s age-long friendship with Russia?

Ans. India and the United States are in the process of forging closer ties, based on many shared values, interests and opportunities for mutually beneficial cooperation. Our relationship with the US is neither directed against anyone nor is it at the expense of our traditional friendship with other countries, including
Russia. We have welcomed some of the elements of the new strategic framework announced by President Bush, particularly the intention to reduce and de-alert nuclear weapons. We have also encouraged the United States to pursue its plans through consultation and cooperation, without unilaterally moving away from its international commitments.

Q. How do you see the scenario of South Asia in the forthcoming decade?

Ans. South Asia should aim to intensify regional cooperation to promote development in all its countries. If the countries of South Asia can establish a climate of friendship and trust within the entire region, we can harness our considerable human and material resources to the upliftment of our peoples, and to the satisfaction of their other aspirations.

1549. Speech by President K. R. Narayanan at the Banquet hosted in honour of the visiting Pakistan President Prevez Musharraf.


Excellency President Musharraf,

Begum Musharraf, Distinguished Guests from Pakistan,

Ladies and Gentlemen,

It is with the greatest pleasure that I extend to you and Begum Musharraf and the distinguished members of your delegation, a cordial welcome on behalf of the Government and the people of India. You must have, Excellency, sensed the warmth with which Delhi is welcoming one of its distinguished sons on his first visit to the city after nearly half a century. From this capital city that throbs with old and new history, the heart of a modern and resurgent India, may I give expression to the hope of our people that your visit, on any reckoning a historic one, will open a new chapter in the relations between our two countries that will enable us to walk together on the high road of peace and friendship to our common goal of progress and prosperity.

In 1945-46, when the partition of India appeared almost inevitable, Pandit Jawahararl Nehru, sitting in a cell in a British jail, wrote in his book “The Discovery of India”, and I quote, “It is obvious that whatever be the future of
India, even if there is regular partition, the different parts of India, will have to co-operate with each other, in a hundred different ways”. And after the partition took place, he declared his belief that “it is to India’s advantage that Pakistan should be a secure and prosperous State with which we can develop close and friendly relations.” Quaid-e-Azam Mohammed Ali Jinnah expressing the same sentiment to the press said that “now that the division of India has been brought about by a solemn agreement between the two Dominions, we should bury the past, and resolve that, despite all that has happened, we shall remain friends. There are many things which we need from each other as neighbours, morally, materially and politically, and thereby raise the prestige and status of both the Dominions”. It is this vision of the future articulated by the leaders of both our countries that we have to pursue as the unfinished agenda of partition for resolving all the differences between us and for ensuring peace and prosperity for our peoples.

India, Your Excellency, is home to one-sixth of humanity. It is a nation of unparalleled diversities, held together by the spirit of tolerance, by its policy and practice of secularism, and its deep attachment to democracy. The words of Emperor Ashoka still rings in our ears, “all sects deserve reverence . . . By thus acting a man exalts his own and at the same time does service to others”. It was the same message that Akbar the Great proclaimed. I recall the words of Quaid-e-Azam Mohammed Ali Jinnah in Pakistan Constituent Assembly when he referred to the tolerance and goodwill that Emperor Akbar showed to all as something that should be followed and practised. We in India hold fast to the fundamentals of tolerance and secular democratic principles and it is our conviction that on the basis of these principles India and Pakistan can regulate their relationship to one of genuine peace, friendship, and co-operation.

Excellency, history has left behind many issues and problems between our two countries. But the major and the overriding issue for the millions that inhabit the sub-continent is that of poverty, illiteracy and ill health, in short general and massive deprivation. You have, Excellency, often talked about this. In India it has been our main preoccupation since Independence to eradicate poverty and to elevate the levels of living of our people. Mahatma Gandhi had said that his mission in life was “to wipe every tear from every eye”. He had advised us whenever you have to make a decision, you recall to your mind the face of the poorest man you might have seen and ask yourself if the decision you are going to take will help him or not. Tomorrow when you and the Prime Minister of India sit together in Agra for your dialogue I hope the face of the poorest person in the sub-continent will be before you and you will ponder together how this impoverished common man will be benefited by your deliberations and decisions. If this is held before you I believe that all other issues between
us will pale into secondary importance and will become amenable to amicable and satisfactory solutions.

There are many fields in which we can work together and co-operate constructively for the benefit of our peoples. Both our countries have made significant strides in economic development and in science and technology. Let us remove all impediments in the path of interaction between our peoples. Let our scholars, artists, writers and professionals and above all our common people meet freely and sense the warmth of fraternal friendship. Let us join our forces and the talents of our gifted people to make development and the blessings of modern science and technology for the benefit of our people. It is only common sense that for this purpose we need an atmosphere of peace and mutual confidence between us. We have to rule out violence from our relationship. We seek friendly and co-operative relations with all states, particularly with those in our neighbourhood. We believe that our region has to progress together even while each state safeguards and develops its individual and distinct personality and its own chosen way of life. India continues to support and strengthen SAARC on the basis of the well-thought out charter of the organisation. I believe that if India and Pakistan can establish normal bilateral relations SAARC will be transformed into a dynamic regional organisation. Excellency, let us endeavour during this visit to build upon what we have agreed upon in the Shimla Agreement and the Lahore Declaration. At Shimla we had solemnly declared that “the two countries put an end to the conflict and confrontation that have hitherto marred their relations”. It is time to implement this eloquently stated desire of our two countries. The City of Agra where you would be parleying with our Prime Minister from tomorrow is the city of love as well as the city of reconciliation. It is near there at Sikandra where Akbar the Great lies buried. May his spirit pervade the conference chamber tomorrow. I believe that the dialogue between India and Pakistan that we have initiated will evolve into a structured dialogue at the summit as well as other levels which will lead to the removal of all obstacles and misunderstandings that stand in our way and pave the way to the solutions of problems and the creation of enduring friendship between our two nations.

Excellencies, Ladies and Gentlemen, may I invite you to raise a toast:

— to the establishment of friendship and cooperation between India and Pakistan;
— to the progress and prosperity of the people of Pakistan;
— to the good health and happiness of the President of Pakistan and Begum Musharraf.

◆◆◆◆◆
Bismillah

Your Excellencies the President and Mrs. Narayanan,
Your Excellency Prime Minister Atal Behari Vajpayee,
Distinguished Guests,
Ladies and Gentlemen,

Assalam-o-Alaikum

It is a privilege and a pleasure for my delegation, my wife and me to visit India and its historic capital.

We are also looking forward to visiting Agra and Ajmer Sharif in the next two days. To us in Pakistan, these are familiar names that evoke glorious memories of powerful empires of a flourishing culture and of saintly figures that stirred the souls of countless millions. On our return to Pakistan, we will carry with us indelible images of the richness of this historical legacy.

I thank you, Mr. President, for the warm hospitality extended to us since our arrival in Delhi, the city where I spent my early childhood. I thank you also for the opportunity, my wife and I had, earlier this evening, of meeting you and the gracious First Lady, Mrs. Narayanan. Your wisdom and warmth of personality have left a deep impression on both of us.

My meeting with Prime Minister Vajpayee, at lunch today, was extremely rewarding. I am deeply impressed by his wisdom and dignity. During the next two days, we will hold discussions on the future direction of our difficult and troubled relationship.

My presence in your great country brings to an end a hiatus of more than two years, which I believe, has not served the broader interests of either side. As neighbouring countries, we need to bridge the gulf that divides us. I come to India with this purpose.

Fifty four years ago, to the day, in this city, the Founder of Pakistan, Quaid-e-Azam Muhammad Ali Jinnah, said and I quote "I sincerely hope that relations between Pakistan and Hindustan will be friendly and cordial. We have a great deal to do, both states, and I think that we can be of use to each other, not to say to the world. Being neighbours, from our side, I do not think you will find goodwill wanting". Mahatama Gandhi, Bapu of Indian Nation, also laid down
his life in the cause of nonviolence and peaceful coexistence.

Fifty four years and two generations have passed since then. The world has entered a new century and a new millennium. Regions around the world are focusing on reducing tension for economic prosperity, social well-being and poverty alleviation. Regional associations for this purpose are gaining strength.

Where does our region stand? With 1/5th of the world’s population, and impoverished, deprived, disillusioned and tolling masses, we still are groping for co-operation, mutual trust and peace.

I believe in Quaid-e-Azam’s vision of good relations between Pakistan and India. I believe also that this vision is not beyond our grasp. I have come to India because I would like to do everything possible to realize the dream of the Quaid-e-Azam.

The legacy of the past years is not a happy one. Our two countries have been through wars. Blood has been spilt; precious lives have been lost. We have been locked in mutual suspicion and hostility. We have paid a heavy price for it. We owe it to our future generations to do our utmost to open a new chapter of goodwill and cooperation.

We must not allow the past to dictate the future. Our nuclear status imposes now responsibilities on us. We must overcome the burden of history. Other nations have done it. We must also do so.

The experience of the last decades and more is before us. The Jammu and Kashmir dispute continues to block progress towards normalization of our relations. I believe that there can be no military solution of this dispute. It can and must be resolved peacefully. We must be bold enough to face this issue squarely and resolve it once and for all. This indeed, will open a new chapter of fruitful relations between our two countries and also put an end to the sufferings of the hopelessly of Kashmir.

Our capabilities and responsibilities in the new century no longer offer us the option of continuing on the path of a sterile impasse, continued hostility and mistrust.

I am deeply committed to finding a path towards normal relations between our countries. I would like communications to open, trade to flourish, mindsets to change and stereotypes to disappear. The children of Pakistan and India must not be made to live under the constant shadow of conflict. They must also not be made to live in deprivation and crippling poverty. The energies of our peoples must be diverted to the immense and challenging task of social and economic uplift of banishing misery and ushering in an era of progress and prosperity.
I would like to conclude with another quote from Quaid-e-Azam Muhammad Ali Jinnah on the eve of his departure for Karachi from New Delhi on 7th August 1947 he said, "The past must be buried and let us start afresh as two independent sovereign states of Hindustan and Pakistan. I wish Hindustan prosperity and peace".

Today again I urge you to join me in this noble endeavour. Let us begin this effort now. Let us today embark upon this challenging and rewarding task. Let us join hands in building a better future for our succeeding generations. Let us, together, create history for the world.

With these words, I request you to join me in wishing health, happiness and well-being for his Excellency the President and Mrs. Narayanan, progress and prosperity for the people of India and peace and security for the entire region.

Thank you, Excellencies.

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1551. Prime Minister’s Opening Statement at the Plenary of the India-Pakistan Summit

15 July, 2001

I extend to you and your delegation a warm welcome to this ancient and historic city of Agra. I hope that your stay here will be comfortable, and that our deliberations will take our relations forward positively and constructively.

2. Through the past five decades, India has held firm in its abiding desire for peace and friendship with Pakistan. We remain committed to the establishment of trust and confidence, to developing mutually beneficial cooperation and to address all outstanding issues, including Jammu & Kashmir. We believe that the core concern of our peoples is their struggle against poverty, want, hunger and deprivation.

3. We have always taken a comprehensive view of India-Pakistan relations, because it is our conviction that we must progress where we can, even as we address the more complex issues. We believe that, rather than operating in segments, we should take a broad based approach across the spectrum of possibilities in our relationship.

4. It is with these perspectives that we announced a few decisions in
advance of your visit, aimed at addressing some of the mutual concerns of our peoples. They relate to peace and security, to the development of people to people ties, and to promote contacts by facilitating travel.

5. We have already had a frank discussion on important matters. We look forward to a further detailed exchange of views on all issues including that of Jammu & Kashmir. You are fully aware of our views on this subject and we have heard yours. We cannot deny that there are vast differences between us on this. We are willing to address these differences and to move forward. But for this, it is important to create a conducive atmosphere. The terrorism violence being promoted in the State from across its borders do not help to create such an atmosphere. We will counter them resolutely. Let no one think that India does not have the resolve, strength or stamina to continue resisting terrorism and violence. But, they do not promote meaningful dialogue.

6. We firmly believe that a framework to address the differences between us on Jammu & Kashmir would have to include the issue of cross-border terrorism in its ambit. We can also look at other confidence building measures to further encourage this process.

7. The subjects which we have identified for the Composite Dialogue between our two countries cover a wide range. Progress on them can meaningfully contribute to the welfare and security of our peoples. We believe that the time has come to resume our engagement on the entire range of these issues.

8. I wish to refer to certain additional specific matters.

A. We have consistently for over two decades urged Pakistan to release the 54 Indian POWs that we strongly believe remain in your custody. This is a human problem. I would urge that Pakistan takes urgent and purposeful action to end the agony of the families of these soldiers.

B. We know that some terrorists and criminals, guilty of crimes like the bomb blasts in Mumbai in 1993 and the hijacking of the Indian Airlines flight, are living in Pakistan. We have requested Pakistan that they should be arrested and handed over to us. They have to be brought to justice.

C. We have recently issued instructions to our Coast Guard not to take into custody Pakistani fishermen, who inadvertently stray into our waters, but to turn them back after due warning. A similar reciprocal gesture on Pakistan’s part would lead to a permanent resolution of this recurring problem.

D. Pilgrims to religious shrines in both countries have to be facilitated and their sentiments respected. The presence of known terrorist who have been allowed to stay in Sikh Gurudwaras in Pakistan is a matter of grave concern to our Sikhs. We have formally requested your authorities that these terrorists be handed over to us to face due process of law in
connection with crimes for which they are wanted in India. I wish to specifically reiterate this request to you. While on the subject of religious shrines, the upkeep of Hindu temples and the treatment of Hindu pilgrim is also a matter of concern to us.

E. The enhancement of trade ties would be mutually beneficial— we seek no unilateral advantage. Trade and industry circles have constantly urged both governments to respond to the desire for great interaction. We are willing to take further major steps in this direction. We have already announced a reduction or elimination of tariffs on 50 tariff lines to encourage Pakistani imports to India. I propose that a group of experts of both countries be constituted to recommend measures to increase bilateral trade, economic and technical interaction.

9. Our vision for the future of India Pakistan relations has to construct a durable road map for the future based firmly on the lessons of its often troubled history. We should respond not only to our immediate need for peace and progress for our peoples but also to an international environment that increasingly stresses inter-dependence and cooperation over conflict and discord. Let us grasp this fresh opportunity to create the lasting peace and amity which has eluded us for these past 54 years.

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1552. Statement and Verbatim Record of Press Conference of External Affairs and Defence Minister Jaswant Singh.


Statement

At the invitation of Prime Minister Shri Atal Bihari Vajpayee, the President of Pakistan H.E. General Pervez Musharraf visited India on 14-16 July, 2001.

2. In keeping with his abiding vision of good Neighbourly relations between India and Pakistan, the Prime Minister had invited President General Pervez Musharraf to walk the high road of Peace and reconciliation. Our commitment to that noble objective, upon the attainment of which, rests the welfare of many, is not transitory. It is that commitment, which was demonstrated at Simla, in Lahore and recently during President General Pervez Musharraf’s visit.

3. Significant CBMs that were announced prior to President Musharraf’s
visit would be fully implemented on our part. It is our conviction that, when put in place, they will make an important contribution to our relations.

4. During his visit, the President of Pakistan had extensive discussions with our entire leadership. These included three rounds of one-on-one meetings with the Prime Minister and an hour-long farewell call prior to his departure yesterday night. There were also detailed discussions during delegation level talks. All these meetings were marked by cordiality and candour. They provided an invaluable opportunity to both sides to understand each others' viewpoints, concerns and compulsions.

5. Our negotiations for an agreed text of a document were seriously pursued. There were long hours of discussions at official and political levels. During these negotiations India did not shy away from any issue. In keeping with the confidentiality, which is necessary for these negotiations, and the maintenance of which is essential for the future of bilateral relations themselves, it would not be proper to go into details. However, it needs asserting that during the negotiating process, India fully respected all established international norms. As a mature and responsible democracy, we negotiate to improve bilateral relations with our neighbours, not to indulge in public relations.

6. We are of course, disappointed that the two sides could not arrive at an agreed text. It will not be a breach of confidentiality to clarify that this was on an account of the difficulty in reconciling our basic approaches to bilateral relations. India is convinced that narrow, segmented or unifocal approaches, will simply not work. Our focus has to remain on the totality of relationship, our endeavour to build trust and confidence, and a mutually beneficial relationship even as we address and move forward on all outstanding issues, including Jammu & Kashmir: building upon the existing compacts of Simla and Lahore.

7. It was also made abundantly clear to the Pakistan side during the visit, that the promotion of cross-border terrorism and violence are unacceptable and must cease. Let there be no illusions on this score: India has the will and resolve to defeat all such challenges.

8. We will pick up the threads from the visit of the President of Pakistan. We will unceasingly endeavour to realise our vision of a relationship of peace, friendship and cooperation with Pakistan.

As this text, ladies and gentlemen of the press, will be shortly with all of you, I wish to simply add that on these three broad areas, which is, a unifocal approach by Pakistan, which conflicts with the concept that we abide by, that relationship has to be broad-based or spaced by an approach which was dictated by the impulse that unless the issue of Jammu and Kashmir is made central there will be no progress on any other aspect. We do not believe that bilateral relations
between India and Pakistan ought to, or can be held hostage by any single issue. We believe in the totality of approach which addresses all issues. As we move along improving bilateral relations we will continue to address the issue of Jammu and Kashmir as well.

The second aspect is relating to cross border terrorism and violence is unacceptable to India. I might refresh your memories, ladies and gentlemen of the press, that even during the Lahore visit on the eve of which we had experienced, if you would remember, the killing of 22 innocent civilians in Jammu, we had still persisted with our endeavour and Pakistan had then found it possible to announce with India, its complete opposition to terrorism and rejection of it. That was the second difficulty.

The third is that we continue to believe that every compact, or agreement, or effort that has preceded the present effort cannot be negated, rescinded, or wished away. That is why we made it clear and there is a reference here that the effort at Agra was a continuation not simply of the Lahore process but also as a building upon the foundations that were laid by Shimla. It is that central objective which again had some difficulty in being accepted by our distinguished visitors. These were the three broad areas.

I am, of course, in my colleague Joint Secretary (Publicity)'s hands and I will endeavour to answer all questions that you might have, subject of course to the confidentiality that must always mark discussions between Heads of Government and Heads of State, and subject also to the fact that I actually work in Delhi and not in Agra and I must go back and start working. I have an aeroplane to catch which is really an aeroplane that has to take back high dignitaries and I do not want to keep them waiting. So, as Nirupama has said, we have an hour and a quarter. I am in your hands Nirupama, and she is in your hands. I do not mean physically.

**Question (Ms Pamela Constable, Washington Post):** What is the likelihood that Prime Minister Vajpayee will still accept the invitation from General Musharraf to visit Pakistan, and how would you characterise the atmosphere and the tone of the talks as they ended last night, compared to the cordial atmosphere in which they began on Saturday?

**Mr. Jaswant Singh:** There is an invitation that has been extended to Prime Minister Vajpayee. He has accepted that invitation. That invitation and its acceptance remains in place. So far as the atmosphere of departure is concerned, naturally it was marked by some disappointment on both sides. But in the totality of India-Pak relations, I am not disheartened by any one single incident to take that as the defining incident and treat that as a kind of fixed mark for ever.
Question (Mr. Ramesh Bhan, UNI): Was President Musharraf stopped from addressing a press conference yesterday?

Mr. Jaswant Singh: I must correct this because it is a matter of, for me personally, very great regret that my distinguished colleague and officer of the Ministry of External Affairs received very uncivil treatment. I must put it on record, it is my responsibility that she was so subjected and I really wish I knew that. I am very sorry Nirupama, I want to publicly apologize to you because I am responsible for your welfare as a Minister. It is a matter of very great regret to me.

I must clarify abundantly that as a visiting Head of State, Head of Government, we did not stand in the way of, whenever General Musharraf or anyone else from the Pakistan delegation wished to meet the media, have a press conference in whatever fashion at whichever place. It is not we that stood in the way of General Pervez Musharraf. Even though the whole thing trod very close to negotiating through press, we did not at any stage choose to do so because that is not how discussions or negotiation between high dignitaries of State is ever conducted or can ever be conducted. So far as denying an opportunity to His Excellency General Pervez Musharraf sahab to meet the press last night, the question does simply not arise. There was an original intent that should an agreement or should an agreed text of a document be reached, then of course there will be a joint press conference. As the evening progressed it became evident that this was becoming more difficult to achieve. Thereafter I think, if I am not mistaken, around 9:30 or so at night - I might be in error on the exact time of it but roughly at that time - a request was received that General Musharraf, after the farewell call, would like to meet the press in Hotel JP Palace. The security requirements accompanying General Pervez Musharraf mandate that 90 minutes’ notice be given for any press conference or any meeting with the press to be held. We were given a departure time and it was simply not practical, as dictated by security, to have an impromptu press conference in Hotel JP Palace. It was not the Government that stood in the way, it was a security consideration and the practicality of holding a press conference at such short notice which is really the aspect of it.

Question (Mr. Narayanan, All India Radio): How close did you come to an agreement yesterday? There are reports that you almost clinched an agreement but India backed out of it later on.

Mr. Jaswant Singh: I am not going to engage in the game of who backed out from what. It is not proper for me to go into that exercise. Complex discussions and negotiations of this nature always hang by a thread as it were. We made every effort to arrive at an agreed text. I must place on record that I received all cooperation and understanding from my distinguished and able counterpart
His Excellency the Foreign Minister of Pakistan. But I do not want to say how close we were or how far we were because when it comes to issues of principle, it is not possible for India to treat principles as being close, or to compromise with them in any sense.

Question (Mr. Soumya Bandopadhyay, Pratidin): At yesterday’s breakfast meeting President Musharraf had compared Kashmir with Palentinia. At the same time he had made reference to actions of India in Bangladesh. What do you think about it?

Mr. Jaswant Singh: I do not want to comment on the views held and expressed by General Pervez Musharraf sahab at that breakfast meeting. The original request that had come to us was that he would like to meet the senior Editors, - if I understand right, I do not want to be faulted on detail because I necessarily do not go into all details – that it was off the record meeting and we facilitated such a meeting. The views the he holds are his views. Of course, we do not agree with them.

Question (Seema Guha Times Of India): I just wanted to know what happened during the farewell call. What was the mood like of President Musharraf and the Prime Minister?

Mr. Jaswant Singh: What happened during the farewell call? I regret very much that it is not up to me to disclose what was discussed between two Heads of Government. What was the mood like? As I have already explained, the mood was reflective.

Question (Mr. Vijay Naik, Sakal Papers): I just want to know that yesterday in the briefing by Pakistani side, they said that some of the Ministers objected to the points which were in the document and, therefore, the document or the declaration could not be arrive at.

Mr. Jaswant Singh: Please repeat that.

Question (Mr. Vijay Naik, Sakal Papers): The Pakistani side after the meeting briefed their own press and said that some of the Ministers did not confer with the points which were there in the document or the declaration and, therefore, the declaration could not be signed and that they were disappointed. We were also told by her that the Indian Government is also disappointed. Was it a fact that we objected to certain points which we did not agree.

Secondly, I just want to know why Indian Government actually gave these points which were raised by Shri Vajpayee in the first meeting with Mr. Musharraf after 24 hours to the press here. They could have been given immediately after he made the points. But why did we delay? When Mr. Musharraf went on
addressing the press conference, we received the speech of Mr Vajpayee after 24 hours.

Mr. Jaswant Singh: The first part of the question, for those of you that have not heard it, is 'were there any differences in the Indian delegation, particularly amongst the ministerial colleagues of mine in regard to the text of the document that was being discussed?' The second part relates to, 'why was Prime Minister Vajpayee’s statement in the plenary held back and not issued until almost 24 hours after it was made?'

To the first part about differences, let me set all your minds at rest. At a feverish pitch good friends in the media imagine all kinds of occurrences. Please do not let your fever rise to such levels. There were no differences between the ministerial colleagues that constituted the delegation. This is a canard which I refute with all emphasis. It is an absurdity. These are my distinguished colleagues in the Cabinet. To suggest that we were working at cross purposes is really to belittle the high purpose which has inspired all my ministerial colleagues in this task of finding an answer to the complex issue of India-Pak relations.

On the second aspect relating to 'why was Prime Minister Vajpayee’s opening statement in the plenary held back, it was done for the obvious reason which I have specified. India does not believe that discussions or negotiations between two Heads of Government are ever or can ever be conducted in public or through the press. We abided by that impeccably. However, when we found that there was a kind of approach from the other side of engaging with the media as an additionality to discussion, to which aspect I have referred in my opening statement, it was found necessary that for the sake of the public of India the essence of what Prime Minister Vajpayee had emphasised and said be made also known to everybody.

Question (Ms. Arusa Alam, Pakistan Observer): You have very forcefully raised the so-called cross border terrorism issue. Not long ago your own Chief of Army Staff and authorities in Jammu and Kashmir have admitted that the LOC has been very quiet. In the past Indians have been alleging that Pakistani troops fire and under the firing the infiltration takes place. When you have admitted yourself that LOC has been quiet for the last seven months, how can you blame Pakistan for cross border terrorism at this point? First of all, why did cross border terrorism became the bone of contention in this historic Agra summit?

Mr. Jaswant Singh: I must answer both these points. As it happens, I have the honour to be the Defence Minister of India as well. So, I do not have to go simply by what my gallant Chief of Army Staff says. I do know what is happening
on the Line of Control. It is not a question of timing: it is a question of clearly asserting that one of the beneficial consequences of the peace process that was launched by Prime Minister Vajpayee on the 23rd of November last has been relative quiet on the Line of Control. There is secondly an illusion, or a misapprehension which is in fact tacitly admitted in your question itself that cross border firing across the LoC was engaged in by Pakistan to facilitate infiltration. Infiltration is, of course, facilitated by that but it continues, notwithstanding the relative quiet that prevails. It is our hope that that achievement will continue.

**Question (Mr. Jayakrishnan, Sify):** You have outlined three points which you said are the difficulties between the two sides. General Musharraf had taken up a point where the Union Information and Broadcasting Minister Sushma Swaraj had made some remarks. He had objected to that. How much of that was a factor, or was that a factor at all?

**Mr. Jaswant Singh:** I must clarify this again. I have heard reports that my good friend and distinguished colleague in the Cabinet, the Minister for Information and Broadcasting, Shrimati Sushma Swaraj somehow spoke on her own as it were, and was not supposed to do so, and all kinds of other assumptions are made about her. She is the Minister of Information and Broadcasting of the Government of India. When she speaks, she speaks with the authority of the Government of India. There is no question of the Minister of Information and Broadcasting speaking out of turn, for that matter any Minister speaking out of turn, on matters of high policy. As to whether that had an affect on the discussions, negotiations, etc., - not at all because after all what Sushmaji pointed out were aspects of what is public knowledge and were aspects that were emphasised by the Prime Minister subsequently also.

**Question (Ms. Geeta Bajaj, Eye On Asia, USA):** Mr. Minister, despite several wars and decades of hostility, India and Pakistan have been successful in hammering out the Shimla Accord in 1972 and the Lahore Declaration in 1999. At both times there was a democratic leader in Pakistan. Now, many of us got a flavour of the offensive, straightforward strategy of General Pervez Musharraf on television yesterday. There was also an expectation that because he is a dictator he will be able to deliver in case he does hammer out an accord with India. To what extent do you believe, Mr. Minister, that the fact that he is a dictator and he is used to getting his way perhaps got in the way or had an influence on the result of the Summit? Could you share your views with us in terms of one-on-one kind of discussions at the delegation levels, if that aspect came through. I mean, whatever you can share with us.

**Mr. Jaswant Singh:** Thank you very much for your long thesis. It is more a thesis than a question. Please understand that it is not for me to comment on
the internal arrangements that Pakistan chooses to have for itself. I am certainly not going to engage in a theoretical exercise of who is it better to deal with or negotiate with, one or other variety of governance.

**Question (Mr. Jayant Ghoshal, Bartaman Patrika):** Do you think that yesterday's breakfast meeting was a critical point that destroyed the atmosphere of the Summit? Secondly, since you are the Defence Minister also, do you apprehend escalation of violence again on the border in Jammu and Kashmir? Yesterday also incidents took place.

**Mr. Jaswant Singh:** On this much beaten about question of breakfast press meet, press interview by His Hxcellency General Pervez Musharraf sahab, I have already replied. When we are seized in complex negotiations, the objective being the high purpose of lasting peace, amity and goodwill between India and Pakistan, then certainly we firstly do not and cannot negotiate and discuss through the media, much as you might, all ladies and gentlemen of the press, like it. Insofar as the other aspect of incidents on the Line of Control go, I did say that there is relative peace on the LoC. I did not say there is total peace. These incidents happen. It is regrettable. We deal with the incidents as they arrive.

**Question (Mr. Vinod Sharma, Hindustan Times):** Since last evening we have been hearing from Mrs. Rao's counterpart on the Pakistani delegation that the draft agreement, the so-called Agra Declaration or whatever, was discussed and agreed between the two Heads of Delegation and between the two Foreign Ministers and at the eleventh hour it was sabotaged or discarded or whatever by a hidden hand. That is the statement coming from the counterpart of the spokesman of the Ministry of External Affairs. What do you have to say about this? Rashid Qureshi speaks for the President of Pakistan and he has been making these statements. Would you agree that right from the word go, be it in sartorial terms or be it in diplomatic terms, Pervez Musharraf treated this Summit as a media event to score certain media mileage over India?

**Mr. Jaswant Singh:** In both the aspects, I do not wish to comment on His Excellency General Pervez Musharraf sahab, the President of Pakistan, at all. So far as the official spokesman of the Government of Pakistan is concerned, I am sure you will understand that it is not for me to engage in rebuttals, contradictions, clarifications or in any kind of bandying of words with the official spokesman. I refuse to engage in that kind of exercise — “The official spokesman said this, what do you have to say?” The official spokesman will deal with it.

**Question (Mr. Satish Jacob BBC):** Prime Minister Vajpayee had been invited to Pakistan and we were told that he had accepted the invitation? Will he be going to Pakistan, and how soon?
Mr. Jaswant Singh: I think that was one of the first questions asked, if I am not mistaken by Pamela Constable and I have already answered it. The invitation was extended by His Excellency, the President of Pakistan. The Prime Minister of India has accepted that invitation. That fact remains in position. The dates of the visit, the convenience of the visit, etc., is now a matter of diplomatic arrangements and that will be dealt with in due time.

**Question (Mr. Imtiaz Gul, The Friday Times, Lahore):** You are calling Pakistan’s insistence on the centrality of Kashmir as a unifocal approach. But, as we understand, India is also pursuing almost the same approach by predominantly emphasising on the issue of cross-border terrorism. With what expectation did you invite General Musharraf? Did you expect that he would be giving in on this issue as he described that the Indians are not accepting it as a dispute?

Mr. Jaswant Singh: I must clarify this. There are two aspects of the question. Just as Pakistan is fixated upon the issue of Jammu and Kashmir, the distinguished questioner has suggested that we are fixated upon cross-border terrorism as the only issue. No. Let me correct this. It is one of the issues. It is a very important issue. I had made clear in my prepared text that the two approaches differ here. Pakistan’s approach is that unless the issue of Jammu and Kashmir is addressed nothing else will happen. India believes that in the totality of relationship between the two countries, all issues should be addressed simultaneously which is what really the composite dialogue process is all about. We believe and we continue to believe that as we progress in increasing confidence and trust, and movement of people between our two countries, there can and will no doubt be movement in regard to the issue of Jammu and Kashmir as well. There was a second part of the question which was relating to the expectation. So far as expectations are concerned, yes, certainly the invitation was inspired by the expectations of not the suggestion being that anyone should abandon the fixed positions of principle. Not at all. But the expectation was that there will be accommodation, understanding and movement forward.

**Question (Mr. Chandan Mitra, Pioneer):** Jaswantji, the build up to the Summit was not exactly propitious with a series of interviews being given by President Musharraf, which were fairly belligerent in tone. From your response also when you had to clarify a number of points, it was very clear that both countries were fairly determined to stick to their respective positions on the eve of the Summit. So, looking back at this kind of build up and the fact that both countries were fairly adamant on these two approaches that you spoke about, do you think the Summit was held prematurely, and that there was inadequate preparation,
and that it would have been better if the preparations had happened at the level of officials and some of these key issues sorted out before the two leaders actually met?

Mr. Jaswant Singh: So far as the first part, Chandan, your suggestion that I was belligerent in ...

Question (Mr. Chandan Mitra, Pioneer): I did not say you were belligerent, Mr. Minister.

Mr. Jaswant Singh: But then I am glad that you do not think I was belligerent. As to the press interviews that General Pervez Musharraf sahab chose to give prior to visiting India, surely that is his choice. It is his determination and we do not at all wish to comment on that except to say what I have in my press statement that it is our belief, that we remain committed to it, that when it comes to discussions on bilateral and international issues, even if it did not involve Heads of Government and Heads of State, even if it involves officials of countries, we shall not negotiate through the media. That is our commitment.

I was very severely commented upon by a number of friends in the media that whereas in Pakistan there was almost two or three media events per day Mr. Vajpayee did not choose to give even one interview, and that I was remaining silent. I was not remaining silent because I had lost my speech! I was remaining silent because it is not proper for me to keep on engaging in answers to questions that arise, or rebuttals. That is not how diplomacy is conducted. When I chose to speak, it was only because a great many issues of importance to India were suffering through default. It was an obligation that I had to the nation and to the Government to make clear certain issues.

As to whether there should have been preparation, we did suggest to Government of Pakistan that firstly let there be an exchange of officials prior to the Summit. We volunteered that we will send the officials of the Ministry of External Affairs to Islamabad to sit with their counterparts to agree upon an agenda, and to prepare what is ordinarily done before such summits preparatory documents for the summit, so that all the preparatory work which is routine and which is normally done before such meetings is taken care of. Consistently we received a response from Pakistan that they did not want such a visit to take place, that they did not want officials to visit Islamabad, that so far as the agenda is concerned they did not wish to fix an agenda in advance, that it be left to the two Heads of Governments to determine the agenda when they meet. As hosts, we could only request our distinguished guests up to a point. We kept on uptill the last day almost, suggesting that it is better if there is preparatory work done and an agenda is determined. I cannot dictate: I can only request.

Question (Mr. Christopher Kramer, Sydney Morning Herald): Good Morning,
Mr. Singh. What are we left with in terms of India-Pakistan engagement? There have been a number of suggestions about the kinds of meetings and the levels at which they might take place. Say, over the next six months, what are the high levels at which do you expect the interaction exactly to be?

Mr. Jaswant Singh: Permit me to somewhat alter the suggestion of alarm in your question about what are we left with. It suggests that everything has collapsed in India-Pak relations. No, that is not so. This is an ancient relationship. Pakistan is our neighbour. I have made clear in the opening statement that I have given that India remains committed to working towards lasting peace, amity and co-operation with Pakistan and this high purpose which has inspired the Prime Minister’s public life will continue to be our purpose.

In practical terms, I have made clear that the invitation to the Prime Minister by His Excellency the President of Pakistan is in position. The invitation has been accepted. Through diplomatic methods a convenient date for such a visit will take place. No doubt that there will be other opportunities at other levels to continue with interaction between the two countries.

Question (Mr. Srinivasan Jain, NDTV): During the negotiations, at any stage, at any level, was there an acceptance of the centrality of Kashmir in any sort of peace process between India and Pakistan? Of course, other issues would also have been a part of that. But was there any acceptance that Kashmir would emerge as the central issue? Secondly, given the sort of serious differences that seemed to have emerged late last night when the talks eventually seemed to break down, what hopes you have? What could be the basis for any future engagement with Pakistan, at least with this regime?

Mr. Jaswant Singh: That Jammu and Kashmir is an issue which needs to be addressed has been recognised by India and so stated since, in fact, the Shimla Agreement. India remains firm on that. If some of you would go back to the text of Shimla Agreement you would find a reference to that. India’s position has, therefore, remained constant. We recognise that it is an issue. We are committed to addressing the issue. I understand you enquired about the centrality. I have answered that in my prepared text. Here we have a conceptual difference with Pakistan. We recognise it as an issue that needs to be addressed. We do not recognise it as the only issue. We do not certainly – I have answered this question and I do not wish to bore you with repeating the same reply – accept it as the core issue and such other definition. But we accept it as an issue and we are committed to addressing it.

Question (Mr. Srinivasan Jain, NDTV): I had a second part of the question which was, what was really the basis for any future talks given the very serious differences.
Mr. Jaswant Singh: Yes, and I have answered it. I have answered this to several other questioners earlier. I would not treat this as the end of the exercise. Our commitment to peace and dialogue, amity between the two countries remains. I have said this earlier. The caravan of peace will continue on its march. I have no doubt in my mind that on some auspicious day, it will reach its destination.

Question (Mr. Prem Prakash ANI): There was hardly any preparation for this Summit. Now that the invitation for Mr. Vajpayee has been accepted, can one expect that there would be preparation for that?

Mr. Jaswant Singh: I followed your question. Please let me correct this because in the question there is a misimpression as if India did not prepare for it. I do not believe that. I have now held this responsibility for several years. I have no difficulty in sharing with you that the officers of my Ministry have taken to despair as to how many demands are made on them about preparing for this visit! The Government of India or the Ministry of External Affairs or other Ministries were not lacking in preparation for this visit, were not wanting preparation. We were fully prepared. All the members of the delegation were fully briefed. The documents that we had prepared had not been prepared impromptu. They had been prepared weeks in advance, discussed at length between the ministerial colleagues and the delegation members. So, the preparation on India’s side was not lacking. All that I am pointing out is that when India suggested that let the officials of the two Governments meet, prepare some basic working documents and arrive at a possible agenda for submission to the Heads of Government, we found sadly that Pakistan did not want it in that manner.

Question (Ranjan Gupta, CBS): How will you now characterise India-Pakistan relations after the talks? Are they better than before the talks, or worse? Considering that a tremendous amount of much-displayed bilateralism did not succeed, will you go in for third party goodwill, third party mediation?

Mr. Jaswant Singh: Yes, we have a better understanding of the Government of Pakistan and I would hope that they have a better understanding of the Government of India. Third party – ‘No.’ Two parties are more than adequate. Three is a crowd.

Question (Ms. Aditi Phadnis, Business Standard): Mr. Minister, you have acknowledged that there are conceptual differences between India and Pakistan on various issues. If there are conceptual differences, what is the space left for you to take Indo-Pakistan relations forward?

Mr. Jaswant Singh: There are conceptual differences, but I believe that India and Pakistan’s relations should not be defined by differences. They must be
able to move beyond and transcend the differences for the sake of the welfare of the peoples of the two countries. So far as my responsibility as the Minister of External Affairs of India goes, I do interpret my responsibility as one of constant endeavour to attempt to bridge the gaps of understanding, to continue to endeavour to reconcile differences. That indeed is the inspired thought that persuades the Prime Minister too.

Question (Mr. Siddharth Varadarajan, *Times Of India*): Would you use the word failure to describe the Agra Summit?

Mr. Jaswant Singh: No.

Question (Mr. Siddharth Varadarajan, *Times Of India*): Once talks have broken down in terms of the text of the declaration, was there any attempt to reach an understanding on a very basic minimum text such as, ‘the President of Pakistan has come, extended his invitation, the Prime Minister has agreed’ etc., something that would just be a minimum statement which could have been given and which might perhaps have given a better ending to this meeting, if as you said, you do not want to characterise it as a failure?

Mr. Jaswant Singh: No, I do not characterise it as a failure. I do term it as yet another step in our march towards finding lasting peace, amity and co-operation between the two countries. I do not wish to speculate what would have been better and what would not have been better. That is now in the realm of past.

Question (Mr. Stephen, *London Times*): Sir, you continue to emphasise the totality of relationships and he, one central issue. You look to the precedents of Shimla Accord, and the history, and to the future, and you keep issues confidential - whereas he talks in public. Can you do business with this man?

Mr. Jaswant Singh: Well, I have just done business with him. I have to deal with the world as it is and not as it ought to be.

Question (Mr. Raja Mohan, *The Hindu*): Mr. Minister, you said, ‘three is a crowd’. One of the problems at the Summit was Pakistan’s attempt to bring a third party into the definition of the problem whether through the notion of self-determination, whether through taking into account the wishes of the people. Was that one of the problems that did not allow the final declaration to come?

Mr. Jaswant Singh: There are two aspects of your question Raja. If I went into the details of answering the second, I would teeter very close to confidentiality of discussion. Permit me not to indulge in any such fine balancing acts. So far as the first which relates to ‘three is a crowd’, and was there any attempt to bring the third, no, there was not. India and Pakistan by themselves
are enough to deal with India-Pakistan matters.

**Question (Mr. Jairam, Indo Asean News Service):** Mr. Minister, what will be the implication of this Summit on the SAARC process? Is it destined to remain in a limbo for long?

**Mr. Jaswant Singh:** I must make it clear that so far as SAARC is concerned, before the Summit the Foreign Secretary Mrs. Chokila Iyer was due to go in a special meeting of the Foreign Secretaries to initiate the SAARC process all afresh. Most regrettably, just then the sad and tragic events invaded Nepal which has insisted on postponement of that visit. I have no doubt that the Foreign Secretary has now got fresh dates for the purpose and she would be going and it is my hope that the SAARC Summit, subject of course to the convenience of the other member-countries and the host country Nepal where the meeting will take place.

**Question (Mr. Smith, Press Trust Of India):** I would like to know whether the talks achieved anything in real terms. Or, were they a futile exercise? Mr. Jaswant Singh: No, it is not a futile exercise. We remain committed. Real terms is your subjective way of putting it. Your real terms and my real terms might differ. I have an aeroplane to catch which does not wait for me. But I will answer that question.

**Question (Ms. Kathy Soko, Kyoto Journal):** It was not so long ago that M.J. Akbar had written in his book ‘Kashmir Behind the Veil’ quoting former statesman Jaiprakash Narain. He wrote in a confidential letter to Indira Gandhi many years ago – “We profess democracy but rule by force in Kashmir. We profess secularism but that Hindu nationalism stampeded us into trying to establish it by repression. Kashmir has distorted India’s image in the world as nothing has done. The problem exists not because Pakistan wants to grab Kashmir but because there is deep and widespread political discontent among the people.” Now, I would like to ask you, Sir, in the year 2001, how would you characterise Indian rule in Jammu and Kashmir?

**Mr. Jaswant Singh:** First of all, I do not agree with what late Jaiprakash had written. That is his personal viewpoint. When you call Indian rule, please correct yourself. The State of Jammu and Kashmir is an integral part of India. Whatever internal problems that India faces, we are committed to resolving both internal as also the aspect of cross-border terrorism. Ladies and Gentlemen of the press, I am really in your hands. I have endeavoured as best as I could.

**Question:** Some of your crucial allies, even elements within your ruling family, are opposed reviving talks with Pakistan. In the wake of this failure, will the Government have some rethinking on this? Will there be a chance for the Prime Minister to meet the President in New York in the General Assembly Session?

**Mr. Jaswant Singh:** Firstly, this is not a failure. Secondly, your suggestion that there is any difference of opinion within the National Democratic Alliance, No. What you described as the family, not there either. Will he meet the President on the sideline of the United Nations General Assembly? That will be determined in due time.

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1553. Press Conference of Pakistan Foreign Minister Abdul Sattar.


The Agra Summit remained inconclusive and it did not fail, said Foreign Minister Abdul Sattar while addressing a Press conference in Islamabad on July 17. He said Pakistan and India twice came close to adopting a joint declaration on the last day of the Summit but "it is unfortunate that the fruition of the exercise was aborted". He expressed the hope that the Summit can provide a basis for further dialogue between the two countries.

"Both sides are keen to use the progress that has been made for further discussion, this is our sense and we hope that this sense will be reciprocated by the other side," he said.

He said Prime Minister A.B. Vajpayee has accepted President Musharraf's invitation for a return visit. He said: "The two leaders are expected to meet in New York in September and continue efforts to promote an agreement. The goodwill between them is an asset for better relations between the two countries," he said.

The minister expressed the hope that a full agreement can be reached in the next meeting. "In fact the two leaders succeeded covering a broad area of common ground in the draft declaration. That will provide a valuable foundation for the two leaders to reach a full agreement at their next meeting," he said and added that he has also extended invitation to India's External Affairs Minister Jaswant Singh to visit Pakistan.

He said more time is needed to clarify the approaches of the two sides on different issues. He said Pakistan expects India will allow APHC leaders to travel to Pakistan for consultations. Explaining the nature of the snags in response to a question, he said: "The snags relate to relationship between settlement of the Kashmir question and progress on normalisation of relations between the two countries. We came close to arriving at the settlement".

However, Mr Sattar admitted that the Indian authorities "created hurdles in the way of President Musharraf holding a Press conference before his departure from Agra". He said that before the start of the visit Pakistan Foreign Office had asked the Indian External Affairs Ministry to make arrangements for President Musharraf's Press conference at Agra. "We renewed our request in this regard but for reasons better known to India the Press conference was not arranged," said the Foreign Minister.
He said valuable progress was made at Agra on evolving a structure for a sustained dialogue process “that would take up Jammu and Kashmir, peace and security, and terrorism and drug trafficking at the political level. Economic and commercial cooperation, Siachen, Wullar Barrage, Sir Creek and promotion of friendly exchanges at various levels would be addressed at the level of high officials”.

He said that all these issues need to be addressed purposefully, constructively and in an integrated manner, with a sense of urgency. He said, responding to Press questions, the President of Pakistan was forthcoming on discussion of any issues of concern to India. He emphasised again and again that realism requires a focus, and that progress on settlement of Jammu and Kashmir will be conducive to normalisation of bilateral relations, he said.

"President Musharraf and Mr. Vajpayee share a common vision of peace, progress and prosperity for their peoples in the 21st century," he said. He told a questioner that the draft declaration on which meeting of minds was achieved referred to subjects of cross-border terrorism and narcotics control that needed to be addressed.

He said that there is no international border between the two countries in Jammu and Kashmir and no reference has been made to cross the Line of Control in the course of drafting of declaration. Responding to a question, the minister said that a leading Kashmiri figure has said that it is Indian repression in the valley that has driven Kashmiris to launch an armed struggle against Indian troops.

He said the words of cross border terrorism are basically meant to divert the attention from the brutalities being committed by the Indian forces in Kashmir. About Gen Musharraf’s meeting with Indian media, Mr. Sattar said that the proceedings of the meeting were telecast live by the Indian electronic media.

When his attention was drawn to the fact that one of the senior Pakistani journalists, Rana Jawad, was manhandled in Agra, Mr. Sattar said that Pakistan has taken up the issue with the Indian authorities.
In response to questions, the Spokesperson said the following:

- Asked about the statement of Pakistan's Foreign Minister Mr. Abdul Sattar that considerable understanding was reached at the Agra summit, the Spokesperson said that we have seen Foreign Minister Sattar's statement and comments to the media yesterday on President General Pervez Musharraf’s visit to India. We are happy that President Musharraf has carried the impression back to Pakistan that there is a great desire within India for the establishment of good neighbourly relations between India and Pakistan. The caravan of peace will move ahead, our engagement with Pakistan will continue. The processes of peace that have been put in place at the initiative of the Prime Minister will also proceed forward. It was disappointing that no closure was reached on the text of an agreement. We will, therefore, have to begin again on the basis of the existing agreements, i.e. Simla Agreement and the Lahore Declaration, which are the cornerstones of India Pakistan bilateral relations.

- Asked to respond where the Agra summit stands if Pakistan and India have to begin on the basis of existing agreements, the Spokesperson said that the initiative taken by the Prime Minister has been carried forward by this meeting. The processes of peace will be carried forward.

- Asked to comment about the Pakistan Foreign Minister referring to cross-border terrorism as being apart from cross-LoC terrorism, the Spokesperson said that, we are astonished by the technicality that Pakistan has voiced. We know very well that Pakistan understands perfectly what is meant by cross-border terrorism which is inclusive of encouraging and abetting infiltration of terrorists across the Line of Control.

- Asked to comment about the Pakistan's Foreign Minister statement that one cannot avoid the media in parleying a simultaneous role in contemporary diplomatic negotiations, the Spokesperson said that this is a very novel interpretation on how diplomatic parleys are to be conducted. While we recognise the need for information access on the part of the media, such information cannot violate the terms of confidentiality; secondly it must not violate the terms of diplomatic propriety either. Thirdly there is a time-tested code of conduct between the host and the guest in regard to observance and to which applies to both in terms of access being provided to media. This is because if the logic of media conducting negotiations simultaneously with the principals
Pakistan has said that the July 18 statement of the spokesperson of the Indian Ministry of External Affairs appeared to disavow the understandings reached between President Pervez Musharraf and Indian Prime Minister Atal Behari Vajpayee during the Agra Summit.

"We have moved forward at Agra and the journey should continue," the Foreign Office spokesman said in a statement on July 19. He said on July 17, the Indian External Affairs Minister had told a Press conference that "we will pick up the threads from the visit of the President of Pakistan". On the same day, the spokesman said the Pakistan Foreign Minister expressed a similar resolve at a Press conference.

The two sides, he said, were unable to reach agreement at Agra on the full text of a joint declaration because of differences on one of its paragraphs. Nevertheless, the spokesman said, in the course of talks the two leaders reached several understandings which signified a substantial forward step in bilateral relations. Pakistan, he said, believed that these understandings should be preserved and expanded in the interest of peace, security and development. "We hope the government of India will join us in efforts to build on the foundation of these understandings."

The spokesman said President Musharraf's visit to India was an important milestone on the road to resolving the Jammu and Kashmir dispute and other outstanding issues and establishing good neighbourly relations between the two countries.

"Pakistan-India relations are governed by the UN Charter, international law and obligations arising from the multilateral and bilateral agreements to which the two countries are parties. Pakistan adheres to all of them," he added.

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Admitting that he returned from India empty-handed, President Pervez Musharraf announced on July 20 to carry forward the dialogue process by giving peace a big chance, as he found no wide gulf between Pakistan and India to address the core issue of Kashmir.

"I returned from India empty-handed, but not disappointed, as the Agra Summit had generated tremendous goodwill and understanding," said Gen Musharraf in his first Press conference since he returned from India. The Press conference, with live-telecast on the electronic media, was attended by a large number of Pakistani and foreign journalists, including Indians.

Gen Musharraf said: "The wide gulf between India and Pakistan has in fact narrowed as a result of the Summit, though twice we were close to signing the declaration." He hoped that the India - Pakistan dialogue process will continue as Pakistan is formally inviting both Indian Prime Minister Vajpayee and External Affairs Minister Jaswant Singh for talks.

He said: "I regret and deplore that twice a mutually-agreed draft declaration could not be issued by us." He added: "It is not time to throw blame on each other." Contrary to what the Indians are projecting in the form of misinformation, Gen Musharraf said 90 per cent time of his four one-to-one meetings with Mr. Vajpayee, which spread over six hours, remained focused on the Kashmir dispute.

CREATING HISTORY

"I asked Mr. Vajpayee to create history together, and I tried to bring down the hostility, mistrust and suspicions and worked for peace for one-fifth of the humanity." Spelling out four points for resolving the Kashmir dispute, he said he would have certainly extended his visit by one day if the Indian side had requested him. It was not a football match and there was no question of scoring goals or points. If talks had failed the losers were the people of India, Pakistan and Kashmir; and if we had reached the agreement again the people of the world would have gained." He said he saw disappointment writ large on the faces of the people, but now "I feel no body can stop the process from moving forward."

He raised three questions and said: "A truthful and honest answers will take us forward for strategic objectives of resolving the Kashmir dispute.” These are: "Do we genuinely want peace and bring a new era for the sake of our people?" He said overwhelming majority would say 'yes' to it and he personally wanted to give peace a big chance; "can we bring peace without resolution, of the
Kashmir issue? He said ‘no, never’ and “why do we shy away from acknowledging this reality. He said resolution of the Kashmir dispute is the heart of Indo-Pak relations; and “can we reach a resolution on the Kashmir dispute without involving the Kashmiris?” He said it is just not possible.

OTHER ISSUES

He, however, said one should lay the focus where it belongs and did not deny or negate the importance of other issues bedeviling Indo-Pak relations. He enlisted Siachen, peace and security, strife within Kashmir, Sir Creek, strategic and nuclear issues, Wullar or Tulbul Barrage, economic and commercial ties, Jinnah House in Bombay, POWs, fishermen, visa problems and some other issues categorised as less important than the Kashmir dispute.

He asked whether any of these issues has any comparison with the Kashmir dispute. "Our policy is not uni-focal, rigid, as we also want to address all these problems," he said: "Put the correct focus on the core issue and then go along with all other issues in tandem, and do not try to have Utopia," he said.

He said the biggest CBM is the resolution of the Kashmir dispute. "Let us make the people of India, Pakistan and Kashmir judges on this issue who are allowed to prepare a declaration for the two governments, as writing a two-page declaration is just no problem," President Musharraf said.

He said there must be progress to be made for a mutually agreed agreement among India, Pakistan and the Kashmiris; importance of all the issues be recognised in tandem; there must be a structure for discussion on these issues and finally a time-frame for the resolution of these issues.

KEENNESS FOR PEACE

When asked, he said there is a vast majority asking for peace and resolution of the dispute and this vast majority should ignore the hawkish minority. "We will be meeting on the sidelines in the United Nations this September, though we have achieved a substantive progress at Agra and it is not relevant from where we pick up the thread." he said.

The President said if India has certain compulsions not to discuss the Kashmir dispute, Pakistan has certain national compulsions ‘to take the Kashmir dispute first’. "The time for wars has gone, as both are, nuclear powers and I being a soldier I know the results of wars, though Pakistan is certainly against those trying to disturb peace."

NO CROSS-BORDER TERRORISM

In unequivocal terms, he said there is no cross border and cross LOC terrorism,
though the Kashmir freedom movement has been going on for over a decade. "We regret and deplore any kind of terrorism anywhere in the world."

To a question, he said Pakistani and Indian leadership are mature enough to sort out the issues and if they cannot then the question of third party mediation arises. "The meaning of peace is much better understood by a soldier than those who have not fought a war," he said.

He added: "The Simla Agreement was signed for 90,000 POWs and the word Kashmir was mentioned once in the Lahore Declaration, as our politicians did not dare to speak on it and they failed miserably in projecting this core issue."

President Musharraf said when Mr. Vajpayee and Mr. Jaswant Singh visit Pakistan the process will move forward, as he expressed his optimism and appealed to all to strengthen the hands of moderates in both the countries.

He told a questioner that the US administration did not pressurize for talks but it encourages both the sides for holding talks. "Justice must prevail," he emphasised, adding that there is no need for preparations.

GRATITUDE EXPRESSED

Despite provocative questions. Gen Musharraf did not speak a word about the internal affairs of the Indian administration, and expressed his gratitude for the Indian people, the government and others. He said the chairs were placed for signing the Agra Declaration on July 16 afternoon and he was scheduled to proceed to Ajmer Sharif but something went wrong and the Indians did not agree to sign the mutually-agreed declaration.

President Musharraf said he did not salute Mr. Vajpayee when he arrived on a bus at Wagah because it did not look nice to see all the Services chiefs among the political workers who would push them here and there. "So I went to the Prime Minister and told him that the Service chiefs would be present at Governor’s House when Mr. Vajpayee went there in a helicopter. There I was the first to salute him," he explained further: "What is a salute; it is just welcoming a guest."

President Musharraf said he was very much interested in addressing a Press conference at Agra but did not admit that the Indians blocked it. He expressed his complete dismay over those Pakistanis who speak against Pakistan elsewhere.
1557. **Press Release issued by the Pakistan Ministry of Foreign Affairs reacting to reports on the failure of the Agra Summit.**

**Islamabad, August 7, 2001.**

Since the Agra Summit, a number of statements have emanated from India, including at the highest level, that present a distorted picture of negotiations held at Agra and contain remarks which are in poor taste.

The Government of Pakistan believes that misrepresentations and gratuitous observations can neither alter facts nor serve to promote the cause of normalization of relations between Pakistan and India.

Pakistan, therefore, urges India not to vitiate the atmosphere for engagement between the two countries.

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1558. **Summons to Pakistan High Commissioner Ashraf Jehangir Qazi to the Ministry of External Affairs by R.S. Kalha, Secretary, MEA to convey India’s strong protest at serious incidents involving Indian High Commission officials.**

**New Delhi, November 9, 2001.**

Pakistan High Commissioner in New Delhi was summoned to the Ministry of External Affairs this morning by Shri R.S. Kalha, Secretary, MEA to convey Government of India’s strong protest about two very serious incidents of intimidation and harassment, involving officials based at the Indian High Commission at Islamabad. The incidents took place on 8th November 2001.

In the first incident, an official travelling by bus to Lahore en route to the Indian border at Wagah-Attari, with his wife and son, was accosted by an individual who introduced himself as an ISI officer. When the bus arrived at Lahore, the person demanded to see the contents of the bag being carried by the Indian official. Upon his refusal to do so, the ISI official forcibly opened the bag. He also sought to confiscate money but returned it when the Indian official threatened to report the incident to the police. Thereafter, the ISI official threatened the Indian official with dire consequences if he returned to Pakistan.
The official lodged an FIR at the Gulberg Police Station in Lahore.

The Indian High Commissioner, Shri Vijay Nambiar also personally raised this incident with the Pakistan Foreign Secretary on the evening of 8th November 2001.

The second incident involving another staff member took place at Islamabad later in the evening at around 9.00 PM (PST). The staff member accompanied by his wife was returning by taxi from a public shopping area of Islamabad when they were intercepted by at least 8 Pakistani intelligence operatives driving in a Landcruiser. The intelligence operatives dragged out both the staff member and his wife. The wife was gagged and manhandled by an operative while being dragged to one side. In the process, she sustained scratch injuries to her face. The staff member was then pulled into the Landcruiser and driven away to an unknown destination. He was released the following morning (9th November 2001), in the early hours, in a badly beaten and bruised state. An FIR has been lodged with the Kohsar Police Station in Islamabad.

Shri R.S. Kalha, Secretary in the Ministry of External Affairs, conveyed Government of India’s strong condemnation of these reprehensible incidents, involving the forcible abduction, harassment and assault of High Commission officials and their family members. He also conveyed the Government’s protest in the strongest possible terms at the crude and uncivilized behaviour of Pakistan’s intelligence operatives that included the assault of the wife of one of the staff members. The Pakistan High Commissioner was also reminded of Pakistan’s obligations under the Vienna Convention of 1960 and the 1992 Bilateral Code of Conduct for Treatment of Diplomatic/Consular Personnel in India and Pakistan. Secretary, MEA also demanded that appropriate action be taken by the authorities in Pakistan against those responsible for the above incidents.

The fact that the second incident took place soon after the Indian High Commissioner had personally brought the first incident to the attention of the Pakistan Foreign Secretary, naturally raises obvious questions. These high-handed actions are in complete violation of the Vienna Convention and the Bilateral Code of Conduct for the Treatment of Diplomatic/Consular Personnel that has been agreed to by India and Pakistan. Pakistan’s regular and repeated transgressions of its obligations in this manner form a consistent pattern and raise serious questions about its attitude and approach to its commitments under international and bilateral agreements.


"At an emergency meeting today, held under the Chairmanship of the Prime Minister, the Cabinet reviewed this morning's events in Parliament.

The Cabinet strongly condemned this dastardly assault. It has been an attack not just on a building but on what is the very heart of our system of governance, on what is the symbol and the keystone of the largest democracy in the world.

By the attack, the terrorists have yet again flung a challenge at the country.

The nation accepts this challenge. We will liquidate the terrorists and their sponsors wherever they are, whoever they are - as our valiant security forces have done in this particular instance. We join the country in paying our homage to the seven personnel who have laid down their lives so that the country prevails. The first requisite for the battle is that each of us be vigilant, and that all of us remain united. The assault is yet another reminder that each of us must measure the issue we take up against this challenge that confronts the country."

[The resolution was with reference to an unsuccessful terrorist attack on the Parliament Building in the morning when almost the entire Cabinet and members of Parliament had gathered inside the building for the Parliament session. The security forces, of course foiled the attack killing all the terrorists. Unfortunately in combating the attack five members of the security staff were killed besides 18 injured.]

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New Delhi, December 18, 2001.

The ghastly attack on Parliament House on 13th December, 2001 has shocked the entire nation. The terrorist assault on the very bastion of our democracy was clearly aimed at wiping out the country's top political leadership. It is a tribute to our security personnel that they rose to the occasion and succeeded in averting what could have been a national catastrophe. In so doing they made
the supreme sacrifice for which the country would always remain indebted to them.

It is now evident that the terrorist assault on the Parliament House was executed jointly by Pak-based and supported terrorist outfits, namely, Lashkar-e-Taiba and Jaish-e-Mohammad. These two organizations are known to derive their support and patronage from Pak ISI. The investigation so far carried out by the police shows that all the five terrorists who formed the suicide squad were Pakistani nationals. All of them were killed on the spot and their Indian associates have since been nabbed and arrested.

The investigation at this stage indicates that the five Pakistani terrorists entered the Parliament House Complex at about 11.40 A.M. in an Ambassador Car bearing registration No.DL-3CJ-1527 and moved towards Building Gate No.12 when it encountered the carcade of Vice President of India which was parked at Gate No.11. One of the members of the Parliament House Watch and Ward Staff, Shri Jagdish Prasad Yadav, became suspicious about the identity of the car and immediately ran after it. The car was forced to turn backward and in the process it hit the Vice President's car. When challenged by the security personnel present on the spot all the five terrorists jumped out of the car and started firing indiscriminately. The Delhi Police personnel attached with the Vice-President's security as also the personnel of CRPF and ITBP on duty immediately took their positions and returned the fire. It was at this point that another member of Parliament House Watch and Ward Staff, Shri Matbar Singh, sustained bullet injuries. He rushed inside Gate No.11 and closed it. An alarm was raised and all the gates in the building were immediately closed. The terrorists ran towards Gate No.12 and then to Gate No.1 of the Parliament House Building. One terrorist was shot dead by the security forces at Gate No.1 and in the process the explosives wrapped around his body exploded. The remaining four terrorists turned back and reached Gate No.9 of the Building. Three of them were gunned down there. The fifth terrorist ran towards Gate No.5 where he also was gunned down.

During the exchange of fire, four Delhi Police personnel, namely, Shri Nanak Chand, Assistant Sub-Inspector, Shri Rampal, Assistant Sub-Inspector, Shri Om Prakash, Head Constable and Shri Ghanshyam, Head Constable attached with the Vice president's security lost their lives on the spot. The other three persons who were also killed were Smt. Kamlesh Kumari, a Woman Constable of CRPF, Shri Jagdish Prasad Yadav, a Security Assistant of Watch and Ward Staff of the Parliament House, who had rushed after the terrorists' car and a civilian employee of CPWD, Shri Desh Raj, 18 other persons were injured and they were immediately rushed to Dr. Ram Manohar Lohia Hospital for medical treatment. These included Shri Matbar Singh, Security Assistant, Watch and
Ward Staff of the Parliament House who later succumbed to his injuries. The scene of the crime was cordoned off and Investigation Teams including Forensic Experts and Bomb Detection Squads were pressed into service. A number of hand grenades were recovered from the site of the incident and defused. A large quantity of arms and ammunition including explosives was also recovered.

The break-through in the investigation of the case was achieved with the arrest of Syed Abdul Rehman Gilani, a Lecturer in a local College, whose interrogation led to the identification of two other accomplices, Afzal and Shaukat Hussain Guru. The wife of the latter disclosed that her husband and Afzal had in the afternoon of 13th December, 2001 left for Srinagar. This information was immediately conveyed to the J&K Police who apprehended both of them. A laptop computer and Rs.10 lakhs in cash were recovered from them. They were later brought to Delhi by a Special Team deputed for the purpose by Delhi Police.

Interrogation of the accused persons has revealed that Afzal was the main coordinator who was assigned this task by a Pakistani national, Gazi Baba of Jaish-e-Mohmmad. Afzal had earlier been trained in a camp run by Pak ISI at Muzaffarabad in Pak Occupied Kashmir. The hideouts for the five Pak terrorists were arranged by Shaukat Hussain Guru, two in Mukherjee Nagar and one in Taimarpur area in North Delhi. During the subsequent raids, the police recovered from two of these hideouts a lot of incriminating material including a large quantity of ammonium Nitrate and other ingredients used in preparing Improvised Explosive Devices; a map of Delhi; a sheet of paper carrying a map of Chankayapuri drawn in hand; and three police uniforms. In all, four persons have so far been arrested in connection with this case.

The incident once again establishes that terrorism in India is the handiwork of Pakistan-based terrorist outfits known to derive their support and sustenance from Pak ISI. The hijacking of IC-814 Flight to Kandhar, the terrorist intrusion into the Red Fort and attack on J&K Legislative Assembly complex at Srinagar on 1st October this year were master minded and executed by militant outfits at the behest of the ISI. Lashkar-e-Taiba and Jaish-e-Mohmmad in particular have been in the forefront in organizing terrorist violence in our country. The Pakistan High Commissioner in India was summoned to the Ministry of External Affairs and issued a verbal demarche demanding that Islamabad take action against the two terrorist outfits involved in the attack on the Parliament House.

Last week's attack on Parliament is undoubtedly the most audacious, and also the most alarming, act of terrorism in the nearly two-decades-long history of Pakistan-sponsored terrorism in India. This time the terrorists and their mentors across the border had the temerity to try to wipe out the entire political leadership of India, as represented in our multi-party Parliament. Naturally, it is time for all
of us in this august House, and all of us in the country, to ponder why the terrorists and their backers tried to raise the stakes so high, particularly at a time when Pakistan is claiming to be a part of the international coalition against terrorism.

The only answer that satisfactorily addresses this query is that Pakistan - itself a product of the indefensible Two-Nation Theory, itself a theocratic State with an extremely tenuous tradition of democracy - is unable to reconcile itself with the reality of a secular, democratic, self-confident and steadily progressing India, whose standing in the international community is getting inexorably higher with the passage of time.

The Prime Minister in his address to the nation on the 13th December, 2001 has declared that the fight against terrorism had reached a decisive phase. The supreme sacrifice made by the security personnel who lost their lives in this incident will not be allowed to go in vain. Those behind the attack on Parliament House should know that the Indian people are united and determined to stamp out terrorism from the country.

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1561. Statement issued by the Pakistan Ministry of Foreign Affairs on the attack on Indian Parliament.


Before commenting on the regrettable statement issued by the Indian Home Minister, it is necessary to reiterate that Pakistan condemned the terrorist attack on the Indian Parliament building on December 13. President Pervez Musharraf sent a message of condolence and sympathy to the Prime Minister of India.

"India has neither agreed to our suggestion for an impartial inquiry into the incident nor responded to Pakistan's request for evidence. Past experience is witness that Indian authorities, motivated by prejudice and animus, resort to totally false and unsubstantiated allegations against Pakistan. Only recently on October 3 Indians accused the Jaish Mohammad and Pakistan intelligence of engineering the so-called hijacking of an Indian airliner but later discovered that the incident was due to a false alarm.

"More infamous was the 1971 hijacking incident of the Indian Airline plane ‘Ganga’ to Lahore. Actually, it was an operation planned and executed by the
Indian Intelligence with the preconceived purpose of fabricating pretence to ban Pakistani over-flights between East and West Pakistan preparatory to Indian military intervention in East Pakistan. The reprehensible episode is graphically depicted in “Inside RAW” by an India author. A Pakistan judicial inquiry reached the same conclusion. Now, as Indian authorities have once again jumped to an unwarranted conclusion, their accusations against Pakistan lack credibility.

If India really believes in its accusation, it should agree to an impartial inquiry. Its arrogation to itself of the roles of accuser as well as judge is contrary to principles of justice and inadmissible under law.

Mr. Sattar said all this when New Delhi had already rejected such sharing of evidence. But Prime Minister Atal Behari Vajpayee softened his tone on December 19, when he said that he would continue to deal diplomatically with Pakistan, but other options were also open to him.

Together with this are several telephone calls from world capitals to both Mr. Vajpayee and President Musharraf asking them to show restraint.

Earlier on December 18 Mr. Sattar, while responding to allegations of Pakistan’s involvement in attacks, had said: “If India has the courage of its convictions and if it believes that its allegations are right, it should take the matter to the UN Security Council for impartial determination, instead of making prejudiced and biased allegations to defame the freedom struggle in Kashmir as terrorism”.

Meanwhile, a senior official in the Pakistan Foreign Office pointed out that the Musharraf Government is pleased with the position taken by the Bush regime. “India should heed to the counsel of Washington and share all the evidence it has with us. We cannot be expected to act merely on the basis of allegations,” he said.


Since the December 13 attack on the Parliament, we have seen no attempts on the part of Pakistan to initiate action against the organisations involved. India’s Foreign Secretary had, in a meeting with the Pakistan High Commissioner on December 14, elaborated on some of the steps that were required and were also mandated by international law.

In view of this complete lack of concern on the part of Pakistan and its continued promotion of cross-border terrorism, the Government of India has decided to recall its High Commissioner in Islamabad.

It has been further decided that the services of the Samjhauta Express and the bus service between Delhi and Lahore would be terminated with effect from 1st January, 2002. The extended time is being given so as to enable citizens of the two countries who have travelled recently using these services to return to their homes.

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1563. Statement by External Affairs Minister Jaswant Singh on terrorist attack on Parliament.

New Delhi, December 27, 2001.

Regrettably India’s serious concerns about all the ramifications of the 13th December attack on our Parliament have not been fully grasped in Pakistan. The depth of concern in India, the totality of rejection by the entire cross-section of our country’s opinion of Pakistan’s continued sponsorship of cross-border terrorism, and its promotion of terrorism as an instrument of state policy has also not been sufficiently appreciated. That is why it is doubly regrettable that attempts to dupe the international community with cosmetic half measures, non-measures, or even fictitious incidents are still being made. This is not acceptable. Terrorism can simply not be justified on any grounds, or under the any name. It must be eradicated fully. The Government of India therefore has no option but to take the following further steps: (a) the strength of the respective High Commissions in the two countries will be reduced by 50%. This is particularly important in the context of recent events, wherein the officials of the Pakistan High Commission have been involved in espionage, as well as in
direct dealings with terrorist organizations. This would be implemented within 48 hours; (b) movement of the officials of the Pakistan High Commission and their families, who stay back, would be confined to the municipal limits of Delhi; (c) all over-flight facilities available to Pakistan or Pak Airlines to over-fly Indian airspace will cease or be suspended with effect from 1st January 2002. These are, once again, minimal measures that are being taken. We hope even now that the Government of Pakistan will understand the gravity of the situation and take urgent measures to curb the activities of terrorist groups. The Government of India remains ready to take such further measures as are considered necessary.

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1564. Statement made by the External Affairs Minister Jaswant Singh to Media.


We have received information about some actions having been taken by Pakistan authorities against the Lashkar-e-Tayyaba and Jaish-e-Mohammad including the arrest of their leaders, some other officials of these organisations, as also raids on some of the premises of these two terrorist organisations. If this information is confirmed, then it is a step forward in the correct direction. We hope that such actions against terrorist activities targeting India, including Jammu & Kashmir, would be pursued vigorously, until cross-border terrorism in our country is completely eliminated.

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1565. Media Briefing by Official Spokesperson of the Pakistan Ministry of Foreign Affairs.

Islamabad, January 1, 2002.

The Spokesman of the Pakistan Foreign Office Aziz Ahmed Khan on January 1 welcomed Indian Prime Minister's new Year newspaper article expressing his willingness to resume high-level talks with Islamabad, saying that was what Pakistan had always desired, resolution of all issues including the core issue of Jammu and Kashmir through peaceful negotiations across the table.

Pakistan hoped that the prevailing tension between the two countries would be contained through negotiations and peaceful means and such an opportunity existed at Kathmandu where the leaders of the two countries would attend the SAARC summit scheduled to open on Jan 4, he added.

The spokesman said it would be known soon whether the foreign ministers of the two countries would establish contact at Kathmandu as proposed by New Delhi. Pakistan had already welcomed the proposed move. It would be wrong to suggest that Islamabad was anti-India; otherwise President Musharraf would not have travelled to Agra for peace talks with the Indian Prime Minister, he said and hoped that through diplomacy the current situation could be contained should the Indian side come forward.

Maj-Gen Rashid Qureshi, DG ISPR (defence), who was also present at the press briefing, said that Pakistan would give priority to counter the military threat which was being reinforced, in its strategy to guard national borders.

He, however, declined to elaborate military preparedness to meet the offensive. India had announced deployment of its missiles but Pakistan would not want in its own security interest to say where and how many missiles the country had deployed.

Gen. Qureshi said that Pakistan's border with Afghanistan was completely sealed and Osama bin Laden would be arrested as soon as he was spotted. He said Islamabad did not give credence to conflicting reports about Osama being seen at different places in the country.

The Indian government has provided a list of 20 wanted persons to the Government of Pakistan, who it said were involved in terrorist activities, the Spokesman said.

He said that the Indian Ministry of External Affairs had given a list of 20 'wanted persons' to Pakistan High Commission in New Delhi with a request that they be arrested and handed over to India. He said the Indian government had not
provided any evidence which could establish that they (the wanted persons) had been involved in terrorist activities. He said if India provided concrete evidence, the Pakistan government would take action against them.

When asked whether Pakistan would hand over Lashkar-i-Taiba chief Hafiz Saeed to India, Gen Qureshi said the Lashkar leader had been arrested for creating law and order situation.

When asked whether Pakistan would also hand over a similar list of Indian persons wanted to it, the DG ISPR said investigation was being carried out into the huge quantity of arms recently seized in Quetta. He said according to preliminary investigations, the ammunition was supposed to be used for terrorist activities and some foreign hand was involved in it. However, he made it clear that we believed in evidence and if some link was established of involvement of India in that case “we will provide a list of those persons to New Delhi”.

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1566. Summary of Press Briefing by the Official Spokesperson on Pakistan.

New Delhi, January 10, 2002.

In response to questions the Spokesperson Mrs. Nirupama Rao said the following:

- Asked whether Colin Powell’s visit implied a worsening of the situation in the subcontinent and whether India felt that this visit was necessary the Spokesperson said thross border terrorism and the activities of terrorist groups operating from Pakistani soil and the territory controlled by Pakistan. She added that the Governmentat she had no official intimation about the visit. She added that the Governments which India had been touch with were well aware of the immense restraint that India had exercised in the current situation and they were also fully aware of our expectations for concrete action from Pakistan in regard to the issue of c of the United States was also aware of India’s position in this regard, and it was really Pakistan that needed to be addressed on the need for concrete meaningful action in response to - the demands made by India.

- Asked to describe the situation along the border, the Spokesperson said that she would like to use the adjective which the External Affairs Minister had used some days ago describing the situation as tense and
she said that the responsibility of reducing tensions and clearing the atmosphere of tension basically rested with Pakistan.

- Asked if the bodies of the five terrorists killed in the Parliament attack had been taken back by Pakistan, the Spokesperson replied in the negative. She mentioned that the Deputy High Commissioner of Pakistan had been summoned day before yesterday to convey that the bodies of the Pakistani nationals, the five terrorists killed in the terrorist attack on our Parliament of December 13 be taken back because they could not be preserved beyond 10th January. She added that we had not had any meaningful, satisfactory or affirmative response from Pakistan and stated this was not a novel reaction from Pakistan since similar reactions had been received from Pakistan on earlier instances on the issue of return of the bodies of their nationals killed here in terrorist action.

- Asked what India’s expectations were regarding Gen. Musharraf’s new policy to be announced in a couple of days, the Spokesperson said that she did not want to speculate on what the President of Pakistan may or may not say in his forthcoming address. She emphasized that as far as India was concerned Pakistan needed to take concrete, serious, substantive action to deal with the demands made by India of Pakistan. She added that the complete abandonment of terrorism by Pakistan was what India wanted. She added that Pakistan should state clearly that it would not promote cross border terrorism from Pakistan or any part of the territory controlled by it.

- Asked what India’s reaction would be if Pakistan abandoned terrorism and also asked to comment about Pakistan’s propaganda about the application of the UN resolutions with regard to the Kashmir issue, the Spokesperson refused to speculate. With regard to the UN resolutions, she said that we were very clear in our minds that the path for resolution of outstanding issues between India and Pakistan had to be through bilateral dialogue between our two countries - that was our position, that had been our position and that would continue to be our position. She recalled that the UN Secretary General, when he was here last year had himself talked about the non-enforceability of those resolutions. Asked about the formation of a Kashmir Committee by Pakistan, she added that she did not want to indulge in rhetorical statements but as far as such steps were concerned, our position on the wrongful occupation by Pakistan of Indian territory in Jammu and Kashmir was well known.

- Asked about reports on the Home Minister’s visit to the US, the Spokesperson said that we had fully briefed the media in Washington
on this subject. The Home Minister had expressed his satisfaction over the meetings he had held and the understanding that the United States authorities had expressed about his mission.

- Asked what the chances of the Home Minister’s meeting with President Bush were, the Spokesperson said that she had no information on that. However, she mentioned that the Home Minister would be meeting Dr. Condoleezza Rice and that he had already met Secretary of State Powell. She added that the visit had gone very well and that there was a great deal of mutual confidence in this relationship. Further substantive content had been added to our cooperation on counter terrorism, for instance, including on intelligence sharing through the discussions that had gone on between the Home Minister and the US Attorney General during this visit and this would strengthen the institutional structures that we had established to discuss these issues. She expressed the hope that the whole content of this cooperation would thus be strengthened as a result of this visit. The fact that Mr. Advani was meeting the top leadership of the US administration would impart further special meaning to this whole interaction.

- Asked to react about Home Minister having said that he was not at all hopeful about Pakistan, the Spokesperson said that our past experience with Pakistan gave us cause to be pessimistic in a sense of what was to be expected of Pakistan but having said that, she said that we would wait and see if Pakistan was prepared to go beyond what it had said so far not only in terms of words but in terms of concrete action to address the issues that were of central concern to us. Asked if the verbal denunciation of terrorism by Pakistan was significant, the Spokesperson said that if Pakistan was ready to openly denounce cross border terrorism and say that it would not promote it from now on, that would be a step in the correct direction.
Excerpts from the Address of Pakistan President Pervez Musharraf to the Nation.

Islamabad, January 12, 2002.

As you would remember, ever since I assumed office, I launched a campaign to rid society of extremism, violence and terrorism and strived to project Islam in its true perspective. In my first speech on October 17, 1999, I had said and I quote; "Islam teaches tolerance, not hatred; universal brotherhood, not enmity; peace, and not violence. I have a great respect for the ulema and expect them to come forward and present Islam in its true light. I urge them to curb elements which are exploiting religion for vested interests and bringing a bad name to our faith."

After this, I initiated a number of steps in this regard. First, in the year 2000 I started interacting with the Taliban and counselled them to inculcate tolerance and bring moderation in their ways. I also told them that those terrorists who were involved in terrorist acts in Pakistan and seeking refuge in Afghanistan should be returned to us. Unfortunately, we did not succeed.

In the year 2001, I think it was January, we sealed the Pak-Afghan borders and I gave directions that no students of any madrasa (religious seminaries) should be allowed to cross into Afghanistan without relevant documents. After this, I despatched a number of delegations to meet Mullah Omer. I continued to advise them tolerance and balance. Later, on February 15, 2001, we promulgated the Anti-Weaponisation Ordinance. Through this law we launched a de-weaponisation campaign in Pakistan. On June 5, on the occasion of the Seerat Conference, I addressed ulema belonging to all schools of thought and spoke firmly to them against religious extremism.

On August 14, 2001, we finally took a very important decision to ban the Lashkar Jhangvi and the Sipah Mohammad and placed the Sipah Sahaba and the Tehrik Jafria Pakistan under observation.

In addition, on a number of occasions, I called ulema and mashaikh and held extensive consultations with them. The objective was to take them on board in our campaign against terrorism and extremism. These measures have been continuing since our government assumed office in 1999. I am explaining all this to you in great detail only because of the fact that the campaign against extremism undertaken by us from the very beginning is in our own national interest.

We are not doing this under advice or pressure from anyone. Rather, we are conscious that it is in our national interest. We are conscious that we need to rid society of extremism and this is being done right from the beginning.
This domestic reforms process was underway when a terrorist attack took place against the USA on September 11. This terrorist act led to momentous changes all over the world. We decided to join the international coalition against terrorism and in this regard I have already spoken to you on a number of occasions. We took this decision on principle and in our national interest.

We have to promote an environment of tolerance, maturity, responsibility, patience and understanding. We have to check extremism, militancy, violence and fundamentalism. We will have to forsake the atmosphere of hatred and anger. We have to stop exploitation of simple poor people of the country and not to incite them to feuds and violence. We must concern ourselves with our own country.

Pakistan comes first. We do not need to interfere and concern ourselves with others. There is no need to interfere in other countries.

Now I turn to other important issues. In my view there are three problems causing conflict and agitation in our minds. They include first the Kashmir cause, second all political disputes at the international level concerning Muslims and thirdly internal sectarian disputes and differences.

These are the three problems which create confusion in our minds. I want to lay down rules of behaviour concerning all the three.

Let us take the Kashmir cause first. Kashmir runs in our blood. No Pakistani can afford to sever links with Kashmir. The entire Pakistan and the world knows this. We will continue to extend our moral, political and diplomatic support to Kashmiris. We will never budge an inch from our principled stand on Kashmir. The Kashmir problem needs to be resolved by dialogue and peaceful means in accordance with the wishes of the Kashmiri people and the UN resolutions. We have to find the solution of this dispute. No organisation will be allowed to indulge in terrorism in the name of Kashmir. We condemn the terrorist acts of September 11, October 1 and December 13. Anyone found involved in any terrorist act would be dealt with sternly.

Strict action will be taken against any Pakistani individual, group or organisation found involved in terrorism within or outside the country. Our behaviour must always be in accordance with international norms.

On this occasion, as President of Pakistan, I want I to convey a message to Prime Minister Vajpaee: If we want to normalise relations between Pakistan and India and bring harmony to the region, the Kashmir dispute will have to be resolved peacefully through dialogue on the basis of the aspirations of the
Kashmiri people. Solving the Kashmir issue is the joint responsibility of our two countries. Let me repeat some of the observations made by you, Mr. Vajpayee, some time back, and I quote: "Mindsets will have to be altered and historical baggage will have to be jettisoned. I take you on this offer. Let us start talking in this very spirit".

Now as commander of the armed forces of Pakistan, I wish to convey another message. The armed forces of Pakistan are fully prepared and deployed to meet any challenge. They will spill the last drop of their blood in the defence of their country. Let there be no attempt of crossing the border in any sector as it will be met with full force. Do not entertain any illusions on this count.

I would also like to address the international community, particularly the USA on this occasion. As I said before on a number of occasions, Pakistan rejects and condemns terrorism in all its forms and manifestation. Pakistan will not allow its territory to be used for any terrorist activity anywhere in the world. Now you must play an active role in solving the Kashmir dispute for the sake of lasting peace and harmony in the region. We should be under no illusion that the legitimate demand of the people of Kashmir can ever be suppressed without their just resolution. Kashmiris also expect that you ask India to bring an end to state terrorism and human rights violations. Let human rights organisations, Amnesty International, the international media and U.N. peacekeepers be allowed to monitor activities of the Indian forces.

Now we come to the second problem, which causes confusion in our minds and is of our particular concern. It relates to conflicts involving Muslims. Our religious leaders involve themselves in such conflicts without giving serious thought to them. I don't want to talk at length on this.

It is for the government to take a position on international issues. Individuals, organisations and political parties should restrict their activities to expression of their views. I request them to express their views on international issues in an intellectual spirit and in a civilised manner through force of argument.

Views expressed with maturity and moderation have greater convincing power. Expressing views in a threatening manner does not create any positive effect and anyone who indulges in hollow threats is taken as an unbalanced person by the world at large.

I would request that we should stop interfering in the affairs of others. First, we should attain the strength and the importance where our views carry weight when we, express them.
1568. Press Conference by Minister of External Affairs Jaswant Singh responding to the broadcast of President Musharraf the previous day.

New Delhi, January 13, 2002.

Shri Jaswant Singh: {My apologies. Good afternoon. And also my apologies to ruin your Sunday. I am sorry that I kept you away from lunch. I will make a statement. I will read it out and there will be sufficient copies which would be distributed subsequently. I will then endeavour to answer Questions.}

Statement of External Affairs Minister

The Government of India has noted that the major portion of the address of the President of Pakistan yesterday related to reforms to modernize Pakistan. We wish the people of Pakistan well in this endeavour. To the extent that these reforms have a direct nexus to external developments, we welcome them. We welcome the now declared commitment of the Government of Pakistan not to support or permit any more the use of its territory for terrorism anywhere in the world, including in the Indian State of Jammu and Kashmir. This commitment must extend to the use of all territories under Pakistan’s control today. We would assess the effectiveness of this commitment only by the concrete action taken. Consequently, we expect Pakistan to cooperate with India in stopping all infiltration across the International border and the Line of Control. The Government notes the decision of the Government of Pakistan to ban the Lashkar-e-Tayyaba and the Jaish-e-Mohammad, the two terrorist organisations involved in the December 13 attack on the India Parliament. We look forward to an effective and full implementation of this measure, so that its members do not continue activities under other names. There would be a similar need to address other terrorist organisations targeting India, as also the parent organisations that spawn them. Continuing lack of action against fugitives from law about whom detailed information has been provided to Pakistan on several occasions is disappointing. It remains our expectation that the Government of Pakistan will even now act on this. The Government of India rejects entirely and categorically the comments of the President of Pakistan about the situation in the Indian State of Jammu and Kashmir. The Government of India remains committed to the bilateral dialogue process with Pakistan in accordance with the letter and spirit of the Shimla Agreement and the Lahore Declaration. Should the Government of Pakistan operationalise its intention and move purposefully towards eradicating cross-border terrorism, the Government of India will respond fully, and would be prepared to resume the composite dialogue process. We reiterate our conviction that all issues between India and Pakistan can only be addressed bilaterally. There is no scope for any third party involvement.
(Ladies and Gentlemen of the press, this is what I have to say in a prepared statement. I would be happy to answer such queries and clarifications as you might have.) Question: Could you give some specific steps that you would expect as proof of their moving away ...

Shri Jaswant Singh: It is after all only yesterday that the President Gen Musharraf sahab has announced the programme of intentions that Pakistan has. We understand that it will take sometime to be operationalised on the ground. But we do expect that it shall be operationalised. When it is operationalised, you want me to illustrate how it is operationalised. I have said earlier in the statement itself, for example, by stopping all infiltration across the line of control. India is the direct victim of such cross border terrorism, which is promoted, and has been promoted all these years, from Pakistan. When you ask me, “Can you give me one example of what would India expect?; well, here is one example. Let Pakistan operationalise what the President of Pakistan has announced. Let there be no further infiltration or cross border” terrorism from across the line of control, from PoK, or any other part of Pakistan, northern areas of Pakistan; and certainly we will take full note of it. As the Prime Minister has repeatedly said, for every one step that Pakistan takes, we shall take two. Pakistan has just announced that it will take a step. We await its taking a step. Be assured, India will then not be found wanting.

Question (New York Times): I have a brief addendum to one Question and then I have another Question. One is, how long will it take to see the results, if the General is sincere? How long will you wait for him to deliver? The second is, I am curious to know as to whether you would agree with this assessment and if so, how will you react on it. It seems that there would be a terrific incentive now to the Jehadi groups to try and sabotage whatever the General is doing - if he is indeed sincere - and try and start awar and spread trouble between India and Pakistan as the best way of heading off action against them. There are tremendous fears I know amongst Americans that this could spark a war and precipitate action by India and to hit back if there is another terrorist attack against it. How do you avoid being used by the Jehadis to sabotage peace?

Shri Jaswant Singh: To the first part - “How much time?” -1 would like to give all the due time for effective implementation of the announcements made by His Excellency Gen Pervez Musharraf. The reforms that he has cited or announced, for society, polity within Pakistan will of course take a great deal of time. That is, as I have said in my statement, really Pakistan’s internal matter. We welcome those steps inasmuch as they impinge upon and have a direct nexus to external relations. On the inherent dangers of many forces within Pakistan, currently operating there, or even those that have been expelled from Afghanistan but currently present in Pakistan -I here refer to the elements of Al Qaeda and Taliban that have found place in Pakistan after being expelled
from Afghanistan - India is entirely mindful that such elements within Pakistan, who have taken shelter in Pakistan - it is not for me to say with or without the knowledge of the Government of Pakistan - will attempt to distract focus and attention from the global fight against terrorism. This too, what India is endeavouring to do, is also a part of that total global address against terrorism. We are mindful of this. We are mindful of the dangers. We are mindful of the attempts that might be made by many elements within Pakistan to destabilise the situation. We are alert also in that regard.

**Question (Hindustan Times):** There have been repeated instances over the years of Pakistan trying to kill bilateralism to promote third-party intervention in Kashmir. From yesterday’s statement of the Pakistan President it is more than obvious that while he seeks to delink that aspect which has given a bad name to the Kashmir movement, or Kashmir struggle or whatever he calls it, he has tried to restore the same old political content to which Pakistan has been committed since partition and projected it internationally while seeking third-party intervention. How does India react to this? What is your appraisal about this? Is there a possibility of a third-party intervention at all being accepted by India in the near future or in the distant future?

**Shri Jaswant Singh:** I have answered that. That Pakistan should endeavour to re-state its position is, of course, not unnatural. They will. Whether it is practical position? - No, it is not a practical position. Is it workable? - No, it is not workable. Does India accept it? - No, India does not accept it. Do we accept it in the near? - No, neither in the near, nor middle nor distant future.

**Question:** Will President Musharraf’s speech in any way lessen the military tension on the borders between India and Pakistan?

**Shri Jaswant Singh:** I have answered this Question. It was asked in Hindi a little earlier. The lessening of tensions on the borders is entirely dependent on the steps that are taken inside Pakistan to operationalise what has been stated by His Excellency Gen Pervez Musharraf. We have to go not by the stated intent, but by action on the ground.

**Question (AL-Jazeera):** Musharraf has said that he will not surrender any Pakistanis. Does India accept this?

**Shri Jaswant Singh:** I have said in my statement. When you read it again you will see. Incidentally, it is not ‘Mr.’ Musharraf. It is ‘General’ Musharraf. On Gen Musharraf’s statement that he does not wish to hand over any criminals because of their nationality, I am disappointed. A great many of that list of 20 criminals and terrorists are not Pakistanis. It is our expectation that action will follow in that regard.
Question (Star News): If both sides have such perceptibly intractable positions about Kashmir, how do you think there is going to be a window for dialogue open at all?

Shri Jaswant Singh: I think only by what Prime Minister has said and which the General so kindly cited - ‘by shedding the excess baggage of history and by breaking new ground.’

Question (Star News): How will you break new ground?

Shri Jaswant Singh: By shedding excess baggage of history.

Question (All India Radio): You have given a very cautious welcome to whatever Gen Musharraf has said yesterday. Is it because you don’t trust that he will take the steps which he has promised? Or is it that you think that the fundamentalist forces in Pakistan are so strong that he would not be allowed to take those steps?

Shri Jaswant Singh: You have described what I have just announced as the Government’s position as cautious steps. I don’t think caution is bad policy. I would much rather be as a traveller that has travelled many of these padavs, many of these halts. From Lahore to Kargil, to Kandhar, to Kashmir, to Agra, to Kathmandu, I have travelled many miles in this endeavour. Therefore, I approach this journey, which will continue, cautiously, that is not unnatural.

Question: Gen Musharraf has announced certain reforms in his own country in Masjids and Madarsas. Does the Government of India think that the same kind of reforms should also be introduced in India, as there has been a lot of reports by the Intelligence Bureau about various Madarsas indulging in the same kind of activities and working as the dens of the ISI.

Shri Jaswant Singh: I have referred to the internal reforms that Gen Pervez Musharraf sahab has announced and I have welcomed them inasmuch as they have a relation with external events. I wish the people of Pakistan well in this movement towards reform. But you would appreciate that India has to take decisions about reforms within Indian society and polity including, as you say, the reforms that are necessary in regard to functioning of Madarsas and Masjids. That is entirely a decision that India has to take not in emulation of what Pakistan does or any other country does, but really quite independently by assessing independently the requirements of India.

Question: You have mentioned that there would not be any third-party mediation as Musharraf has said. With Advani in Washington and Colin Powell coming here this week, there is some third-party involvement, some kind. When Powell arrives, he is obviously concerned with the heightening of tension globally on South Asia. What kind of assurances are you going to give him? What will you
be saying as a confidence-building measure? My follow up Question is, as Zhu Rongji is also coming, will the Chinese expect to play any informal role in this kind of rapprochement between India and Pakistan? Do you actually see that the continuation of improved relations with China and specifically about...

Shri Jaswant Singh: First about the impending visit of the Secretary of State. Yes, he does arrive here next week. I think it is mid-week next week. I greatly look forward to his visit. Does this amount to third-party intervention because he is arriving here and my Home Minister is to night sleeping in the sleep of peace in New York, does it amount to? - No, it doesn’t amount to... Nations will be interested in what is happening globally. If, for example, an emissary from India goes to visit West Asia and calls upon Yasser Araft; or if Shimon Perez comes here; does it mean that we are interfering in their affairs, or intervening? It doesn’t mean that at all. I have had, for example, not only Colin Powell coming here, Zhu Rongji is due to reach Agra later today, if he is not already there. And later again I will have the Foreign Minister of Russia too arriving here. These are the normal processes of consultation between countries that must take place and continue to take place. As to what I will discuss with the Secretary of State, is really much better left to until when he arrives and I do discuss with him. On India-China relations I can assure you there is movement forward. You will see for yourself on Zhu Rongji’s visit that there will be significant further movement - economic, political and in other regards. A number of agreements are to be signed. China has neither any intention nor shall it play any mediatory role in matters which involve India and Pakistan. We know that China has a special relationship with Pakistan and that they have military equipment supply relationship also. Notwithstanding all this, India remains committed to improve its relations with China. There is progress in that regard and I am confident that there will be further progress on Zhu Rongji’s visit which actually formally starts tomorrow morning.

Question (Middle-East Broadcasting Corporation): Actually, Gen Musharraf said yesterday that terrorism has no place in the Kashmir cause while India always stated that in the State of Jammu and Kashmir and elsewhere, terrorism is only because of the cross border terrorism. Now with the diplomatic offensive that India is going to undertake by sending missions all over the world, what is the Government’s position on a common ground? Is it terrorism? Is it freedom fighters? Could you please explain?

Shri Jaswant Singh: The teams will be starting very shortly. That is being handled elsewhere and, so, I do not know the details. On terrorism, the Government of India’s position has not changed. It is Pakistan that has now - and we welcome this aspect of it - dropped the advocacy of cross border, or state-sponsored terrorism in the Indian State of Jammu and Kashmir. We have
welcomed this step. They have also dropped this notion of freedom fight is 
equaling of terrorism and its equation with terrorism. We have welcomed that 
too. We expect that these statements shall now translate themselves into action 
on the ground. That action, as in response to a Question I said, really amounts 
to stopping any further promotion of infiltration or cross border terrorism in the 

**Question:** The same page which carried Gen Musharraf's statement today 
had a small item about shelling on the Kargil side of India. What do you read 
about that?

**Shri Jaswant Singh:** Well, I read shelling. It is. This is unfortunately, an 
extension of deliberately promoting instability through terrorism. I know that 
from the Pak-occupied part of Kashmir there has been heavier than normal 
shelling in Kargil in the last twenty-four hours, including on Kargil town. But 
that is not the norm and we hope that it will cease very shortly.

**Question:** But that was happening when President Musharraf was making that speech.

**Shri Jaswant Singh:** Yes, that is a part of the reality about Pakistan. That is 
what I mean by 'we are awaiting to reduce the gap between the statement and 
action'.

**Question:** If we conclude that India's reaction to Musharraf's speech is mixed... 
not very positive, would you contradict with us?

**Shri Jaswant Singh:** In fact, it is an extremely hazardous exercise to contradict 
journalists and what they decide to say. You are absolutely free to decide what 
you wish to decide. But as to what India has arrived at by way of reaction is 
what I have given. If you want to call it mixed, that is your choice, not mine. By 
your suggesting that I should agree with you when you call it mixed, please... I 
don't want to. I don't want to even comment upon it.

**Question:** In the last week of December, you had announced some steps 
against Pakistan which amount to, let me say, punitive steps which are hurting 
Pakistan's economy in a fundamental way.

**Shri Jaswant Singh:** Like?

**Question:** For instance, PIA's bottom-line was anyway suspect with all these 
different routes PIA flights will have to take. You must have seen reports about 
two Pakistani children who urgently need heart surgery in Bangalore. What 
kind of a message would India send out at this stage when Pakistan is at least 
making postures about reforming?

**Shri Jaswant Singh:** I have just answered that - please move from postures 
to action. You have yourself said Pakistan is making postures. That is your 
phrase. All that I am saying is, 'from postures, move to action'.
Question: Would you say that the indication that Pakistan is translating its words into action would be a lowering of violence in Jammu and Kashmir in the next few days?

Shri Jaswant Singh: There are some clear indices - I cite in response to a Question - curbing and eliminating cross border terrorism and promoting infiltration across the LoC. It is visible on a daily basis. It will have an immediate impact, whether it is international border, or line of control, or any of the sectors that we are referring to, whether it is 16 Corps, 15 Corps. There is not much of it in 14 Corps.

Question: Since Gen Pervez Musharraf has almost declined to hand over the 20 persons whose list Indian Government has submitted, what does the Government of India intend to do further on that matter? How would the Government of India want to pursue the matter?

Shri Jaswant Singh: I have for one, in my statement, when you get a copy of it you will see it, expressed hope that...

Question: Just hope?

Shri Jaswant Singh: Yes, we continue to hope - that Pakistan will readdress this Question. After all, a good 14 or 15 of them are criminals of Indian nationality. They are not Pakistani citizens. It is my expectation that Pakistan might re-examine this Question and re-address it more purposefully. We will continue to emphasise upon Pakistan the importance of this aspect.

Question (Times Of India): Mr. Singh, you have said that it is Pakistan that has dropped advocacy of state-sponsored terrorism. Pervez Musharraf has also said yesterday that he does not want Pakistanis to go fight battles in third countries. Insofar as it is a declared intent, do you see this as a major shift of Pakistan’s policy?

Shri Jaswant Singh: Yes, in the declaration of it, it is a major shift and we have welcomed it in the statement. What I have said is that between the declaration of intent and the implementation of what you have declared, let there be the least possible time and let there be the least possible gap. The earlier it is implemented, the earlier both India and Pakistan can move towards - what I have also said in the statement - engaging in purposeful dialogue on all issues including on Jammu and Kashmir. But we do wish to see the results of what is stated as action on the ground.

Question (Doordarshan): Did you, since yesterday after Gen Musharraf’s speech, have any talk with Gen Powell or; has there been any talk between USA and Government of India at any level besides Mr. Advani being there?

Shri Jaswant Singh: Yes. For example, I have spoken to Gen Colin Powell. If
I am not mistaken I spoke to him when he called me earlier this morning. I have also been in touch with my Russian counterpart. But then, there are time differences in all that. These are routine consultations between Foreign Ministers that continue... sometime more often, and sometimes less often.

**Question:** As you yourself have indicated in your statement, there are other Kashmiri militants based in Pakistan-controlled ...

**Shri Jaswant Singh:** Let me correct this please. I am sorry I interrupted you. It has been, for example, put across by some television channels that JeM and LeT are Kashmiri organisations. They are not at all Kashmiri organisations. They are in fact Pakistani organisations. They are rooted in Pakistan. Their bases are in Pakistan and they have adopted the furthering of terrorism in Jammu and Kashmir. I have not said 'Kashmiri organisations'. I have said, 'organisations in Pakistan that are committed to spreading terror in Jammu and Kashmir'. There is a very important difference here and that difference must please be noted.

**Question:** But I am referring to the organisation which Gen Musharraf did not mention by name and which are well-known and based in Pakistan-occupied Kashmir. If those organisations continue to operate, but there is no evidence that they are infiltrating across the line of control, is that acceptable?

**Shri Jaswant Singh:** It is not a Question of my acceptance. My acceptance or rejection will follow, for example, Gen Pervez Musharraf has said repeatedly and emphatically that the writ of the State of Pakistan must run, it must not be defied or violated. If these terrorist organisations continue to operate in any part of Pakistan including in Pak-occupied Kashmir despite what Gen Pervez Musharraf has said, then before I begin even to be satisfied or dissatisfied, they are directly wide of violating or defying the instructions of the President of Pakistan and defying exactly what he has said that the writ of the State of Pakistan, Government of Pakistan must run.

**Question:** I know you are not in the business of speculation. Will you please tell us whether the so-called historical speech of Gen. Musharraf was because of the steps taken by India along the border? Or do you want to give the Americans any credit for that?

**Shri Jaswant Singh:** Speculation. It is all really in the realm of speculation. No matter what has impelled Gen Pervez Musharraf, His Excellency, to make that statement and announce all the various measures that he has announced - what is welcomeable there, we have welcomed; what is actionable there, we will act upon; what is not welcomeable, we will continue to encourage our neighbour in Pakistan to move in that direction. What we do not find as acceptable, we reject. That is what I have done in my statement. India’s position.
is very clear. Let me reiterate, ladies and gentlemen, as Prime Minister has said, we are committed to dialogue; we are committed to resolving all issues bilaterally, all issues including the issue of Jammu and Kashmir. We will address it purposefully and in a time-bound manner. We are waiting for what the General, His Excellency, has stated to be translated into action. As soon as we are able to assess that the action is now warranting on further steps to be taken, be assured, for every one step that Pakistan takes, India will take two.

Thank you very much, ladies and gentlemen.

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1569. Interview of former High Commissioner of India in Islamabad Vijay Nambiar with the Delhi based daily Times of India.

New Delhi, January 31, 2002.

[In the course of a turbulent 18-month stay in Islamabad, Vijay K Nambiar, India’s high commissioner to Pakistan, saw both the high of the build-up to the Agra summit, and the low to which Indo-Pak relations plummeted after December 13, 2001. Nambiar’s recall from Islamabad by the Indian government marked a dramatic escalation in tension between the two countries. He tells Rashme Sehgal that the Pakistan government needs to prove its stated commitment to reforms.]

Q: Shouldn’t the Indian high commissioner be present in Pakistan to push our demand for the extradition of 20 terrorists?

A: Communication is needed at a time like this. But we have to wait for a certain assurance that our concerns are being addressed in an adequate manner.

Q: What kind of a signal is the Indian government hoping to send to Pakistan through the troop build-up?

A: We have sent a very clear signal that cross-border terrorism is unacceptable. In the past, it was something that was being pushed up and down like a lever. We have made it very clear that the movement against jehadi groups affects us. We have also demanded that the 20 individuals who we see as criminals be brought to book. Fourteen of these are non-Pakistani and they should be handed over to us.
Q: But the Pakistani government claims it has no idea about their whereabouts?

A: These individuals have been functioning in tandem with the enemies connected with the establishment. They have been written about in the Pakistani media. Their Pakistani linkages are evident to the public. The government’s explanation, therefore, does not carry much credibility. Islamabad has to show some kind of seriousness in seeking them out. They have properties, relatives, associates—all that can be used to track them down. The Pakistani government must take these measures to restore its credibility and show its seriousness in addressing these questions.

Q: Why are they holding on to those 14 non-Pakistanis?

A: It follows a certain logic. They believe they will continue to serve as leverage. It has to do with a mindset, an attitude which believes that you use whatever lever you can take hold of in order to aggravate the political problem for us. Look at some of the statements issued by general Javed Nasser when he was head of Pakistan’s Gurudwara Prabandhak Committee. They were openly pro-Khalistani although they have no resonance anywhere in India. Obviously, they are trying to bring back some sort of support by artificially propping them against us. Handing over these terrorists would be a first step towards showing a change of attitude.

The fact is, in 1989, an agreement was reached between our home ministry and their interior department, which clearly spells out that fugitives from the law would be handed over on both sides without following cumbersome procedural requirements.

Q: How much credibility would you attribute to president Musharraf’s January 12 speech?

A: In India, it is difficult to accept his words as guarantees. We are, therefore, naturally less ecstatic than the western world. But if they are translated into action, they could provide a basis for moving away from earlier mindsets. Pakistan must take effective action against terrorist organisations and their training camps, and halt their flow of finances. If these steps are taken effectively, cross-border terrorism will be curtailed for good. But Pakistan’s Kashmir Committee has not changed its hawkish stand on Kashmir one bit? It is true that they have not changed their position on Kashmir. But if there is no terrorism, then the essential basis for communication can be established. We hope that with this recognition, the situation on the ground will also change. Only then can complex questions which have troubled our relationship be handled.

The present situation, with Jammu & Kashmir being declared the central issue
by Pakistan, is no-go for us. Our entire relationship cannot be made hostage to one issue. There are larger bilateral issues including trade, people-to-people contact and cultural relationships. Our prime minister has clearly said that we must discuss all issues.

Q.: Why has the situation on the border escalated to such a dangerous extent?

A.: The level of cross-border terrorism has exhausted the patience of the Indian people. After December 13, it was being seen as an aar paar ki ladaai (fight to the finish).

Q.: What about the international fallout of this conflict?

A.: There is a larger international dimension to this conflict. We are aligned to the global coalition against terrorism and we need to take advantage of their stated position and use it in our favour. After all, we cannot have one standard of terrorism for Afghanistan and another for us. But at no point do we want outside, third party intervention in this dispute, because a third party will have its own axe to grind. This will only serve to further complicate the bilateral situation. We need patience and deliberation to resolve this problem. If Pakistan’s internal situation helps us, then that is to our advantage.

Q.: Is the increasing tension just a case of shadow-boxing on both sides?

A.: We will have to wait and see. It seems to be much more than shadow-boxing. We have to see how effective the fallout will be. If it results in extermination of terrorist organisations, then it will be a big help. If they show selectivity in clamping down on organisations, then we will have genuine reasons to doubt that their actions are meeting our concerns.

Q.: How do you react to president Musharraf’s statement that he is determined to modernise madrassas?

A.: He wants to prevent the use of madrassas for political purposes. The Pakistani president is talking about introducing a modern curriculum. He is also talking about long-term reforms that need to be undertaken. The majority of Pakistanis do seem to be standing on his side.

Q.: How has the Pakistani army reacted to these reforms?

A.: It is not for us to make a public assessment. One has to recognise that the military establishment has a certain discipline, a certain strength which must be taken into account.

Q.: Pakistan has also prepared a list of Indian terrorists that they want extradited?
A: We have to see what list they come up with.

Q: How long was your stay in Pakistan?

A: I stayed there a little over a year-and-a-half. My stay was conditioned by the political landscape in Pakistan. It was restricted by the fact that there was no parliament. Political parties were not functioning as the country was ruled by a military ruler. In that sense I did not get a full measure of the political rule there. The press, the NGOs are all working under a predetermined sub-text.

1570. Address of Pakistan President Pervez Musharraf to the Joint session of the Pakistan-Occupied Kashmir Assembly.

Muzaffarabad, February 5, 2002.

President Gen Pervez Musharraf on February 5 called upon the international community to play its role for a peaceful settlement of the Kashmir issue in view of “failure of bilateralism to deliver.”

Addressing a joint sitting of the AJK (Pak-Occupied) Legislative Assembly and the AJK Council, he said: “We call upon the international community, particularly the influential countries, to play an active role in resolving Kashmir dispute because this is essential for lasting peace and harmony in the region.” The session was held to mark the Kashmir Solidarity Day which was observed throughout Pakistan and Kashmir. The term of bilateralism, the president said, was brought into negotiations by India as a farce to avoid confronting the issue.

“Unless we move forward through interaction and mediation and facilitation by the international community, bilateralism will never work, it appears. Therefore, the international community should come forward in the interest of peace in the region and mediate and facilitate a solution of the longstanding dispute.”

In the same breath, the president asked Indian Prime Minister Atal Behari Vajpayee to accept his offer of dialogue for the peaceful settlement of the festering Kashmir problem as well as all other issues. “I also take the opportunity to call upon New Delhi to take steps to end repression in occupied Kashmir. They can make a beginning towards this end by withdrawing bulk of their forces from Kashmir, ending military operations against the Kashmiris and withdrawing draconian laws that give powers to occupation forces to act with impunity,” he
said. Referring to his Jan 12 speech, Gen Musharraf said the measures taken by him were not under any pressure but purely in the interest of Pakistan to convert it into a moderate and progressive Muslim welfare state in accordance with the vision of the Quaid-i-Azam. He said his decisions had not only been welcomed in Pakistan but were also equally acclaimed by the international community.

The president, however, expressed disappointment over India’s cynical reaction and regretted that instead of responding positively to the hand of reconciliation extended by him, the Indian leadership had continued with its threatening noises. “India persists with its massive deployment of troops and military assets along the borders which have brought both countries to a position of eyeball-to-eyeball confrontation. This is brinkmanship at its most dangerous. Let it be very clear to all those in India who talk of aggression against Pakistan that we shall guard our sovereignty, honour and dignity very jealously. If a war is imposed on Pakistan, we will defend every inch of our soil with all the means at our disposal and with the last drop of our blood. Let their be no underestimation of our resolve.”

Reminding the Indian leadership of its statements that if Pakistan would take one step they would take two, the president said: “We have taken the step and we are awaiting the steps to be taken by India.” He said Indian leaders must realize that the only feasible option before the two countries was to settle their differences through peaceful means. “In order to be durable, any settlement has to be based on the principles of justice and fair play.”

He said that Pakistan wanted to live in peace with all of its neighbouring countries, particularly India, but its yearning for peace must not be taken to mean that it would agree to compromise on the principles. “This will never happen.”

Going back to his Jan 12 speech, he said banning of the groups and other steps were also directed towards bringing tolerance and peace to as well as shunning militancy and extremism from society. With the establishment of the writ of the government, he said, all external issues should be left to the state and the government. “No organization or party has a right to follow its own agenda on any external affairs,” the president said, adding such affairs could be commented upon but any final action and dealing with those was the government’s job.

“Let the government deal with all issues; with India, Kashmir, Chechnya, Palestine and anything.” Gen Musharraf appealed to the people of Pakistan to have trust in his government and in him, and assured that he would not let the nation down. He paid tributes to Kashmiris for their dauntless struggle for freedom and said their sacrifices would not go in vain. He reminded the world community of the pledge made to the Kashmiris regretting that it had not been honoured despite the passage of more than half a century.
The last thirteen years, he said, had particularly seen an intense and tragic phase in Kashmir struggle as the 700,000-strong Indian army had resorted to unprecedented suppression and human rights violation. He said the objective of the Indian repression was to force the Kashmiris to abandon their demand for self-determination, but he was sure that “the 10 million people of held Kashmir cannot be denied freedom. Their right to decide their future has not lapsed with the passage of time. "The failure of the international community to ensure the implementation of the UN resolutions has not made them any less valid.” He said India was engaged in a sinister propaganda campaign that the Kashmir freedom movement was sponsored from outside by Pakistan and that Pakistan was sponsoring a proxy war in occupied Kashmir.

India had left no stone unturned to portray it as Islamic fundamentalism and cross-border terrorism, as it wanted to hoodwink the international public opinion by playing with West’s apprehensions. “If the Kashmir freedom struggle is sponsored and orchestrated from outside then who are those 80,000 martyrs buried in the graveyards of occupied Kashmir?” He pointed out that no outside act, however powerful, could sustain a movement of such a scale and intensity for so long against the wishes of people.

The president said that the failure of the Indian military machine to crush the freedom struggle testified the strength and popularity of the indigenous character of the freedom struggle. India wanted to impose a military solution on the basis of the status quo, consolidating its occupation in defiance of the UN charter and the Security Council resolutions.

“Such attempts elsewhere in the world have not succeeded. Departure from the UN principles and Security Council resolutions has prolonged conflicts and aggravated situation,” he said. He reaffirmed the commitment of the people and the government of Pakistan to Kashmiris and said they would continue to extend full moral, political and diplomatic support to their just and noble cause.

A day earlier in a message on the occasion of the Kashmir Solidarity Day President General Pervez Musharraf had said: “I take this opportunity to once again urge the Indian leadership to sit with us at the negotiating table. Let there be no doubt that Pakistan will continue to extend full diplomatic, political and moral support to the Kashmiri people in their just struggle for their right to determine their own future.” It is unfortunate that India has reneged on its promises and is trying to mislead the world community by projecting the indigenous struggle of the Kashmiri people, as terrorism. If the people of Kashmir have been forced to take up arms against Indian occupation forces during the past decade or so, it is India which is to be blamed for this. No self-respecting people can be expected to remain unmoved while their families and friends are being killed, tortured and gang raped, their houses burnt down, their business destroyed and humiliation of the worst kind heaped upon them through the instrument of state terrorism.”
1571. **Media Briefing by Official Spokesperson on relations with Pakistan.**

*New Delhi, February 5, 2002.*

**Ms. Rao: Good Afternoon**

**Question:** Any reactions on Gen. Pervez Musharraf’s speech?

**Answer:** Our reaction is that regrettably General Pervez Musharraf has in his comments today, reverted to time worn and untenable positions on terrorism. Comments about the Indian State of Jammu & Kashmir amount to interference in the internal affairs of India. We reject them outright. We had rather hoped that General Pervez Musharraf would utilize this opportunity to reaffirm his commitment to end cross border terrorism, also about not supporting terrorism in any form. His formulations, unfortunately, have reverted to yesterday’s cliches confirming the apprehensions voiced earlier by us.

**Question:** He made rather strong comments in his speech, any comments?

**Answer:** I think, our reaction said it all and I do not need to elaborate on what we think of these issues but our statement encapsulates our position.

**Question:** State Terrorism at a time like this can be called inflammatory statement, any comments?

**Answer:** Our statement expresses our position completely, we have listened to his speech, we have seen what has been said, we have heard what has been said and our position and our reaction has been given to you.

**Question:** He has also called for talks in his speech?

**Answer:** Well, our position on that is well known. Obviously a climate has to be created that is conducive for the resumption of dialogue and we have seen absolutely no indication from Pakistan so far that suggests her willingness to provide such a conducive climate.

**Question:** President Musharraf has also said that Kashmir remains to be an issue of central importance, what would you say?

**Answer:** Well, our position has been well stated in my reaction to you just now. Our position is very clear on this issue. The State of Jammu & Kashmir is an integral and inalienable part of India and will remain so and as far as dialogue with Pakistan is concerned India has been always been the initiator of such dialogue and it is Pakistan that through its policies on cross-border terrorism and its support for infiltration into Jammu & Kashmir that has caused the deterioration of the climate in relations between the two countries.
Question: Inaudible
Answer: I would not like to go into further details as our statement has been read out to you and my reaction has been given to you and as we have said he has reverted to yesterday’s cliches. I think that is all.

Question: Does the speech raise questions about Pakistan’s sincerity?
Answer: Well, obviously a question is raised on the commitment and sincerity about fighting terrorism wherever it occurs. It raises serious questions about that commitment and Pakistan’s so called sincerity. India has always stressed the need for meaningful action from Pakistan and the need for Pakistan to walk the talk on such issues and that we have not seen happening. There has been no action on stopping cross-border terrorism, we have not seen an end to infiltration and we have seen no action on the list of 20 wanted fugitives & criminals and terrorists.

Question: He said bilateralism has not been worked out till now, is that correct?
Answer: No, that is not our view. We have always stood by the well-considered position that it is only through bilateral dialogue on the basis of the understandings enshrined in the Simla agreement and the Lahore declaration that India and Pakistan should address the outstanding issues between them.

Question: Any further diplomatic steps or dialogue for future development?
Answer: I think, I have stated our position clearly; we are awaiting the needful steps from Pakistan and we have not seen that happening. Dialogue obviously cannot resume in the absence of such meaningful action being taken in response to our demands.

Question: How long will it take?
Answer: Until such action is taken and we make our assessment that such action is being taken by Pakistan.

Question: What is it that Pakistan is not taking any action?
Answer: Well, you are asking me to speculate on all sorts of possibilities, I will not speculate on that.

Question: Would you say that you are disappointed by Mr. Musharraf’s speech of today?
Answer: Yes, our statement is a reflection of that disappointment and the views expressed in that speech would indicate that Pakistan has basically reverted to well worn and untenable positions on these issues.
**Question:** Would you say that Pakistan has reverted to its earlier positions? Where do you say Indo-Pak relations are headed to?

**Answer:** Well, as I said the statement made by Gen. Musharraf today is basically a reversion to cliches and positions expressed by Pakistan in the past and until and unless we see a change in approach and meaningful action by Pakistan, the establishment of a positive climate in relations for the resumption of dialogue on outstanding issues between the two countries becomes difficult.

**Question:** Two days back BSF Commandant in Jammu admitted that there is reduction of infiltration, what would you say on that?

**Answer:** I don’t think we see any long-term trend. That is related to certain climate-induced factors. It does not indicate and it does not suggest any change in Pakistan’s position as yet.

**Question:** Ms. Rao, India had started taking an diplomatic offensive steps and after the 12th January speech they have stopped that, do you think after today’s speech...?

**Answer:** Why do you say that we have stopped our diplomatic offensive? We have had delegations of Members of Parliament visiting various countries, we have had very high level visits to India and also our Ministers and Political leaders have been visiting other countries. We have been articulating our position in various world capitals and I think a number of countries are increasingly sensitized to Indian opinion on this issue.

**Question:** What I mean was any direct action against Pakistan?

**Answer:** No, I think I have answered that very clearly. I think India’s position has been clearly and well stated as far as the rest of the world is concerned and we have reacted to the comments made, the speech made by Gen. Musharraf today and I think that should leave you in no doubt about where we stand on this issue.

**Question:** Inaudible?

**Answer:** I am not going to make that kind of assessment at this time. We have already told you that in our opinion he has reverted to certain time worn and untenable positions on terrorism and that the comments on Jammu & Kashmir amount to interference in our internal affairs.

**Question:** So, Nirupama, in one sense you think that emotional ties and in the normal course on Kashmir solidarity day one would expect such heated rhetoric of this kind?
Answer: No, Satinder, what I am saying is, what he has said today basically confirms the apprehensions that we have voiced earlier about Pakistan’s position on these issues.

Question: Do you think that Gen. Musharraf’s speech was for domestic consumption?

Answer: All that is for you to decide. As far as we are concerned, those remarks amount to interference in our internal affairs.

Question: MEA’s response has been to the comment of Gen. Musharraf. You had mentioned he had reverted to time worn position. Would you reevaluate the steps you have taken in regard to Pakistan on the basis of this speech?

Answer: I think what his speech today has done is to enable us to reaffirm or to vindicate the position that we have taken, the apprehensions that we had expressed, as far as Pakistan’s commitment to fighting terrorism were concerned. We had expressed certain apprehensions and those apprehensions I believe are borne out by what he has said today.

Question: Yesterday Mr. Advani said that one of the Pakistani High Commission staff is involved in the Parliament attack, any comments?

Answer: Mr. Advani, our Home Minister has said that, and I will not comment on what he had said. I am here today to react to the statements that Pakistan has made, on the statement made by the Hon’ble Home Minister of Government of India you cannot expect me to react to that.

Question: But the Government of India has not taken action against the person concerned?

Answer: That is not for you and I to sit here and discuss. Those steps would be taken whenever considered necessary by the Government.
Media Briefing by Official Spokesperson on the demarche made to Pakistan regarding 20 fugitives hiding in Pakistan.

New Delhi, February 11, 2002

Ms. Rao: (The Official Spokesperson):

.. .the Deputy High Commissioner of Pakistan Mr. Jaleel Abbas Jelani was called in to the Ministry of External Affairs today and his attention was drawn to the list of 20 fugitives from law that had been handed over by India to Pakistan on 31st December 2001 seeking their apprehension and handing over. Further details in this regard had been provided to Pakistan on 18th January 2002. Attention was also drawn to the action of the UAE Government, which had apprehended and deported a terrorist and fugitive from law. It was reiterated that in the framework of international law and the current international consensus no support of any kind including safe haven should be provided to terrorism and to terrorists. It was regrettable therefore that Pakistan had so far taken no action to apprehend and hand over the terrorists and fugitives against most of whom there were Interpol red corner notices. If Pakistan was sincere in its recently declared commitment to fight against international terrorism, it must apprehend and hand over these persons to India. Pakistan was reminded that India awaited a response to the demarches made on 31st December 2001 and 18th January 2002.

Question: Today’s demarche was on the entire list of 20?
Answer: Yes, the entire list of 20.

Question: Was there any response from Pakistan?
Answer: The Deputy High Commissioner said that he would convey our demarche to his Government.

Question: Was this a third demarche?
Answer: Yes.

Question: Is the UNSC resolution 1373 applicable to such demarche?
Answer: Yes, because as you know 1373 is a resolution which is enforceable under Chapter VII and is mandatory for all member governments of the United Nations to take note, to take cognizance, to take action corresponding to what is stated in that resolution.

Question: You also have drawn the attention of the UAE Government’s example. But with UAE you have an extradition treaty whereas with Pakistan you have no such treaty?
**Answer:** No, Maya you have missed the point. With the UAE they were deported which is the sovereign right of any Government to be able to deport certain persons who are known to be criminals and fugitives. In fact I would also bring out in this connection that the authorities in Dubai took action on the basis of the information that has been provided by the Government of India in this case and they deported Aftab Ansari as an undesirable alien without insisting on going through the procedures of extradition. That is what we drew Pakistan’s attention to today in the meeting with the Pakistan Deputy High Commissioner.

**Question:** There are other fugitives and criminals in UAE like Anees Ibrahim, Dawood Ibrahim and Abu Salim against whom the Government of UAE have not taken any action. But this time they have deported small fry Aftab Ansari.

**Answer:** Well that is your own definition, whatever you call it, but I would only like to say that this is an excellent example of coordination and cooperation between two sovereign governments in dealing with the scourge of terrorism, in dealing with the apprehension of fugitives from the law and our cooperation and dialogue with the Government of UAE continue in regard to other cases that we have an interest in and on which we seek cooperation is continuing.

**Question:** Pakistan’s allegation that India was involved in the Pearl -Kidnapping case. Did this come up in today’s meeting?

**Answer:** No. Not to the best of my knowledge. But as you know we have rejected those allegations in entirety.

**Question:** What step would follow after this demarche?

**Answer:** Well, action by Pakistan, we hope. We are still awaiting action from Pakistan. We expect Pakistan to take action on the basis of what information we have provided to them. I think we have provided them with enough, with the case histories of these individuals, these fugitives and in the light of our experience with the Government of the UAE it shows that there are really no obstacles that lie in the way of Pakistan to cooperate with us on this case, on the cases of these 20. Unfortunately that cooperation has not been forthcoming.

**Question:** Aftab Ansari had a valid Pakistani passport? Any protest had been lodged?

**Answer:** Well, it is absolutely clear that this is yet another instance which proves in a conclusive way what India has been saying all along about Pakistani complicity and support for individuals and organizations and groups that have made it their sole agenda to indulge in terrorist and anti-India activity.

Thank you very much.
Media Briefing by Official Spokesperson on some aspects of relations with Pakistan.

New Delhi, February 19, 2002.

Ms. Rao: Good Afternoon

There is an announcement, which I will read it out for you:

The Deputy High Commissioner of Pakistan was summoned to the Ministry of External Affairs today, in the context of recent apprehension in Pakistan of Sheikh Omar Saeed in connection with the kidnapping of Wall Street journalist Daniel Pearl. It was pointed out to the Pakistani Deputy High Commissioner that Sheikh Omar Saeed would have information relevant to the hijacking of Indian Airlines aircraft IC-814 in December 1999 as well as the terrorist attacks on the State Assembly in Srinagar in October 2001 and on the Parliament in New Delhi in December 2001. The Government of Pakistan was requested to provide relevant information in this regard to the Government of India. Current international law and widespread international consensus today mandates all states to afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to terrorist acts including assistance in obtaining evidence in their possession.

Let me also add that the mandate we are referring to in this context is the specific mandate of UN Security Council Resolution 1373 which is a Chapter VII resolution and specifically mandates that such assistance should be provided.

Question: What was the Deputy High Commissioner’s response?

Answer: He said he would convey it to his government and of course he referred to the fact that their spokesmen yesterday had refuted the claim made by Sheikh Omar, to which we have said that we have our own information about this individual’s involvement in various terrorist acts and that after his release in Kandahar we know he had moved to Pakistan. His movement in Pakistan was facilitated by Pakistani agencies. He interacted with the hijackers of IC-814 and we believe he would have information on terrorist acts in India and in addition to this of course there is information implicating him in the attacks on the Srinagar Assembly and our Parliament.

Question: Is this based on the Pakistani media reports?

Answer: I said based on our own information. Of course media reports have introduced an additional saliency in this case but we have our own information.

Question: Anything on the list of 20 criminals was mentioned today?
Answer: No. What was focused on was the apprehension of Sheikh Omar.

Question: Did we ask for his extradition?

Answer: No, we asked for information. The point of emphasis here is that international law and international consensus especially in the context of UN Security Council Resolution 1373 specifically mandates such cooperation between the states in order to deal with international terrorism and to bring to justice perpetrators of such terrorist acts.

Question: Is this, the Government of India’s position that Sheikh Omar was involved in these attacks?

Answer: There is information certainly to suggest his involvement.

Question: In the past Pakistan has not been cooperating with India in such cases. Then how do we expect that they will take action?

Answer: Well, does that mean we should give up on seeking responsive behavior from Pakistan or meaningful action from Pakistan? It certainly doesn’t mean that we have given up on that.

Question: Why wouldn’t Pakistan....

Answer: Aunohita, that’s a legal issue, I don’t want to get into that. But all I would say is that the point at issue here is cooperation between countries to deal with terrorism. There is a specific international legal context involved here and there are specific principles that have been outlined in the Security Council resolution on this matter and we believe that meaningful action to deal with such issues is expected from all countries.

Question: Any independent confirmation that US have sought Omar Sheikh extradition?

Answer: No. I don’t have any specific information on that.

Question: Any comment on the new report on the Indus river treaty and that official meeting on the issue has been delayed?

Answer: Well the treaty continues to be in operation. There has been no change in that situation and such meetings of the sort which you are referring to between India and Pakistan are always determined on the basis of mutual convenience.

Question: Has India provided any information on the involvement of Omar Sheikh’s in these attacks? (to Bangladesh during the visit of its Foreign Minister Morshed Khan)

Answer: No. We mentioned it to the Deputy High Commissioner of Pakistan.
The information about the attack on our Parliament of December 13, that information we have been providing to Pakistan. It’s not that there is any absence of information or evidence on his involvement.

**Question:** Was it specific on Omar Sheikh?

**Answer:** Not specifically on the involvement of Omar Sheikh. I don’t believe so. I believe we referred to the recent press reports that have come out saying that he has claimed knowledge of the acts and that we would like specific information on that to be shared with us by the Pakistani authorities.

**Question:** Is this specific press reports or we have our own information?

**Answer:** We have our own information.

**Question:** On Indus river treaty?

**Answer:** The treaty continues to be in operation and meetings of the nature that you have referred will to be decided on the basis of mutual convenience between the two governments. The annual meeting was held last May. They have an annual meeting and the annual meeting of this year has not taken place so far. Dates for that will be fixed only through diplomatic channels and would be based on mutual convenience.

Ms. Rao: Aunohita coming back to your question. Here is somebody who was released at the time of the hijack. He was in prison; he was implicated for certain terrorist crimes. They were certain special circumstances as you know which led to his release and the fact is he disappeared from Kandahar and later resurfaced in Pakistan and he was facilitated entry into Pakistan obviously with the knowledge of the authorities and he has lived in Pakistan since then. Further more, there is the involvement of Jaish-e-Mohammad in the terrorist attacks on the Jammu and Kashmir State Assembly on October 1 2001 and the attack on our Parliament of December 13. The involvement of this specific individual with the JeM is well known.

**Question:** At the time hijack of IC-814 he was in prison? What kind of involvement does he have?

**Answer:** No, he was released at the time of hijack. He was a close associate of Masood Azhar, the founder of JeM and he was trained in terrorist camps in Afghanistan before he came into India. He was working on behalf, he was certainly a leading light in the terrorist network that has links with Al-Qaida and was involved in terrorist activities in India.

**Question:** Does he have indirect involvement with the hijack?

**Answer:** I am not saying that. I am saying that terrorism is the issue here. Involvement in terrorism, complicity in terrorist attacks. That is the point at issue.
Question: The attack on Jammu & Kashmir Assembly took place on October and the list of 20 criminals was given to Pakistan on December 31 2001. Any particular reason why Omar Sheikh's name was avoided?

Answer: I think I have mentioned this earlier also. The cases against him were withdrawn when he was released at the time of the hijack.

Question: inaudible

Answer: Well I will have to check on the specific circumstances, which were involved in the identification of each person on that list. I will have to check on that. But that doesn’t exempt him from the distinct terrorist profile that he possesses.
Pakistan President Pervez Musharraf expressed sorrow and dismay over the large scale communal violence in Gujarat in India. Deploring the February 27 train attack leading to the loss of more than 50 lives, he said in a statement that the incident could not provide licence for the reprehensible brutalities and violence against the Muslim community that had caused hundreds of deaths, destruction of property and desecration of Muslim religious places.

He said the measures taken by the Government of India for the protection of its Muslim minority which is the target of Hindu extremism and terrorism needed to be strengthened. He said the carnage must be brought to an end and all those responsible for the violence be arrested and punished.

The President said the violence and mayhem in India had again highlighted the dangers posed by politics of communalism and the forces of extremism and terrorism. The international community cannot afford to be complacent or take a biased view in responding to and combating this evil in whichever form it manifested and wherever it existed.

The Pakistan President was referring to the rioting in the State of Gujarat following the killing of 57 persons in the Faizabad - Ahmedabad Sabramati Express at Godhra railway station. At the media briefing on March 4, the Official Spokesperson of the Ministry of External Affairs when asked for her reaction to President Musharraf’s remarks said that it was a matter of concern that much of the statements that had come out of Pakistan following the unfortunate developments in Gujarat had “tended to border on exaggeration and total fabrication”, and that there was a “complete disrespect for the facts”. This she said left New Delhi with no option “except to draw the conclusion that Pakistan is seeking to drive a propagandist advantage from these developments and that is something we do not accept. There has been a consistent and a deliberate attempt to distort, to exaggerate and as I said to utilize the situation to Pakistan’s own propagandist ends.” Answering another question the Spokesperson Mrs. Nirupama Rao said that Pakistan’s reaction amounted to interference in India’s internal affairs.
1575. Media Briefing by Official Spokesperson on relations with Pakistan.

New Delhi, May 18, 2002.

Ms. Rao: Good Afternoon ladies and gentlemen.

You have already been informed after the meeting of the Cabinet Committee on Security by our External Affairs Minister Shri Jaswant Singh, of the decision taken to ask the Government of Pakistan to recall its High Commissioner in New Delhi and that decision has been conveyed to the Pakistan High Commission here through the Deputy High Commissioner of Pakistan Mr. Jalil Abbas Jilani. This matter was conveyed to Mr. Jilani by the Joint Secretary of the Pakistan Division in the Ministry of External Affairs, Mr. Arun Singh at around 1500 hrs today.

This is a significant step and the Government of India has after detailed examination of the situation decided on this measure because we have seen no diminution whatsoever in Pakistan’s support for terrorism. The rate and the figures of infiltration continue to be high. We have received reports of training camps for terrorists that continue to flourish on Pakistani territory and also in Pakistan occupied Kashmir and the attack in Kaluchak in Jammu on the 14th of May was testimony to the fact that Pakistan continues to aid and abet the process of infiltration into India and that the terrorism, cross-border terrorism is a continuing phenomenon that affects innocent people, innocent Indians, innocent men, women and children. The tragedy of Kaluchak I believed graphically illustrates that.

Question: Was any time frame being given?

Answer: We have indicated to the Pakistani High Commission that the recall of their High Commissioner should be completed within a week.

Question: In any case Ministry of External Affairs was not dealing with the High Commissioner of Pakistan. So what is the impact of this decision?

Answer: I have just said Ajay, what this development entails, what it signifies and why we have decided to take this step. I have just now explained the rationale behind it.

Question: But in any case MEA was not dealing with Mr. Qazi?

Answer: No, that is not the issue here. The issue is our conveying to Pakistan, our disappointment and our concern about the continuing lack of action by Pakistan to address our demands and our concerns and the massacre, the terrorist attack at Kaluchak has in a sense brought us to this juncture.
Question: Under what circumstances this step was taken. Has there been any precedence of such steps being taken?

Answer: I believe there was one instance where our High Commissioner was recalled from Islamabad. But I'll check the details and get back to you.

Question: Any other step being contemplated?

Answer: We will announce that as and when any further decisions are taken. But as of now this is an important step and we expect it to be followed it through.

Question: Secretary of State Mr. Powell spoke to EAM Shri Jaswant Singh few days ago. Was he told about this decision and what was transpired between them?

Answer: This is a sovereign decision of the Government of India. I don't think you should link it to conversations that may have transpired two days ago or whether it has figured in the discussions that we may have with another country. This is the sovereign decision of the Government of India and we would like to convey that this decision that has been taken on the basis of our assessment of the situation and that it is based on our considered judgment on what needs to be done. So the responsibility for it solely rests with the Government of India.

Question: Did Mr. Colin Powell give any assurances that Washington would exert pressure Islamabad?

Answer: I think you are aware of the discussions that were held during Assistant Secretary Rocca's visit here and the concerns that we have vis-a-vis Pakistan's lack of action in delivering on our demands on cross-border terrorism are well known to the Government of the United States of America and these have been reiterated to the US Administration on every occasion possible. So we have continued to convey these concerns to our interlocutors from the American side and this has been the case for almost every interaction we have had with the Americans over the last few days.

Question: Has any specific time-table been worked out for Deputy Secretary of State Mr. Armitage's visit to India?

Answer: No, there is no time-table.

Question: Has the Pakistani High Commissioner been declared persona-non-grata?

Answer: No, his recall has been asked for.

Question: Is GOI hoping that today’s decision would improve Indo-Pak relations?
Answer: No, we have reiterated our concerns, we have articulated them in ample measure on this occasion also. There can be no shying away from the fact that these terrorists who came into Jammu, to Kaluchak the other day, had infiltrated from across the border and that terrorism and cross-border terrorism which is promoted and instigated from across our border is entirely responsible for the current situation that we face and responsible also for generation of this tension.

Question: When did we downgrade the Pakistan High Commission?

Answer: On December 27, 2001 the strength of the two High Commissions were reduced by 50 per cent.

ThankYou.

1576. Media Briefing by Official Spokesperson of Pakistan Ministry of Foreign Affairs.

Islamabad, May 18, 2002.

Pakistan has decided to recall its High Commissioner Ashraf Jehangir Qazi from New Delhi after the Indian Government asked for his withdrawal amidst growing military tension between the two countries. The Pakistan Government dubbed the Indian decision as an act that would add to the tense situation between the two countries.

Foreign Office Spokesman Aziz Ahmed Khan said the Pakistan Government had noted with disappointment the decision of the Government of India to ask for the withdrawal of the High Commissioner in New Delhi. “The Pakistan Government will continue to work for the de-escalation of the tension between Pakistan and India and for complete normalization of diplomatic relations between the two countries,” Mr. Aziz Khan said. “For the sake of parity of the relationship between the two countries, the Pakistan High Commissioner is being asked to go back to Islamabad.” (The Indian Government had withdrawn its High Commissioner from Islamabad after the attack on the Indian Parliament in December 2001.)

He said Pakistan was opposed to terrorism in all its forms and it had nothing to do with the Jammu incident and added Pakistan, as a member of the international coalition against terrorism is sincerely fulfilling its obligation under
the UN Security Council resolutions and would continue to do so. He called upon India to avoid levelling baseless allegations against Pakistan.

He said India’s move only heighten the tension between the two “nuclear-capable rivals by hampering the communication between them”. “When India decided to recall its High Commissioner in December we did not take a reciprocal action because we felt that our diplomatic representation at the highest level should be maintained so that tall issues with India should be resolved through dialogue and through peaceful means. Action like these add to tension whereas efforts should be to reduce tension,” he said.

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Meanwhile Pakistan High Commissioner Qazi warned the same day that the tension in South Asia could further rise if India follows up his expulsion with more “negative steps” against Islamabad. My expulsion will not help alleviate the situation and we hope this step will not be followed by more negative steps which will further exacerbate the situation”, Qazi told the AFP in New Delhi adding that he would soon leave New Delhi. He rejected India’s charge that the three gun men who staged the May 14 massacre were Pakistani nationals and said the only chance of reducing the soaring the military tension was through bilateral dialogue. “The accusation that Pakistan is responsible for the incident in which the civilians lost their lives and which has been condemned by Pakistan is absolutely ridiculous,” Mr. Qazi said.

On May 22 a joint meeting of the Pakistan Cabinet and National Security Council expressed deep concern at the dangers posed to the regional and international peace by the Indian deployment of troops on Pakistan’s borders and the Line of Control as well as threatening and aggressive statements by the Indian leadership. The meeting presided over by President Pervez Musharraf stressed the need for de-escalation of tension and pull back of troops on both sides to peace time locations. According to an official announcement the Ministers and Members of the NSC supported the Government’s policy to work for defusing tension with India while remaining fully prepared and vigilant to meet any contingency resolutely and with full force. The meeting called upon the international community to impress on New Delhi the dangers inherent in the explosive situation created as a result of Indian belligerence and obduracy.
1577. Media Briefing by Official Spokesperson on the farewell call by Pakistani High Commissioner Ashraf Jehangir Qazi on Foreign Secretary Mrs. Chokila Iyer.

New Delhi, May 22, 2002.

Ms. Rao: Good Afternoon ladies and gentlemen.

... the outgoing Pakistan High Commissioner Mr. Ashraf Jehangir Qazi made a courtesy call on the Foreign Secretary this afternoon, which lasted for half an hour. During the meeting the opportunity was utilized by Foreign Secretary Mrs. Iyer to convey our disappointment that this meeting was taking place under the present circumstances and that Pakistan's current approach towards India and its reliance on violence and terrorism is unacceptable. It was mentioned to High Commissioner Qazi that our leadership had taken several significant initiatives to put bilateral relations on a path that would lead to peace and friendship and cooperation between the two countries and that achieving this objective had been the common strand that underlined all our initiatives whether they were the composite dialogue initiatives or the Lahore and Agra Summit level meetings. We stated that once Pakistan's leadership is able to discern the obvious benefits of a peaceful and cooperative relationship with India and it gives up the path of violence then a climate conducive for good neighbourly ties could be established. But time and our experience have proved otherwise. Our feeling is that the problem lies in the basic attitude of compulsive hostility towards India that we see coming from Pakistan and its unwillingness to give up the path of violence as reflected in the continued sponsorship of cross border terrorism. It was conveyed to Mr. Qazi that the December 13 attack of the Parliament was a watershed in terms of the sentiment and the anger among our political leadership and the Indian people. The feeling today is that tolerance for terrorism has only encouraged more terrorist violence. Over the last number of days we have seen a number of statements emanating from the Pakistani side including from their High Commissioner here and it is our feeling that Pakistan is still trying to ignore the mood and the determination of this country to fight terrorism, and therefore it was felt necessary to reiterate our considered position on these issues to the Pakistan High Commissioner today. We also mentioned that it is quite clear from the response that is emanating from the international community that nobody is prepared to believe or to accept the Pakistan Government's denial of involvement in cross border terrorism in India. This is reflected in several comments appearing in the international media and as well as private and public comments emanating from different governments. There is a consensus today in the international community that the so called crackdown announced on terrorists following President Musharraf's January 12 speech has been rolled back and this roll
back and the cosmetic nature of the measures announced after January 12 have been extensively discussed in various sections of the media and various quarters of international public opinion. We have seen that a large number of the terrorist cadres who were arrested have been released. Terrorist leaders reportedly under “arrest” continue to function and direct their cadres and training camps have been relocated or have been reopened. Therefore the true intentions as far as the pursuit of terrorism and terrorist strategies are concerned have become apparent to all. Similarly we find Pakistan’s argument on the lack of evidence completely untenable. The Interpol red corner notices issued against most of the individuals figuring on the list provide, we believe, the Pakistan Government with adequate basis to take actions against these criminal and terrorists. It is unfortunate that Pakistan has chosen not to act on the basis of that information and we are afraid that such obfuscatory arguments as have been used by Pakistan further indicate that country’s true intentions. It was once again conveyed that Pakistan would have to end cross border terrorism. It would be incorrect to view the current situation merely in terms of an attempt by India to, and here I will use the words used by High Commissioner Qazi, “ratchet up tensions”. It is not to be viewed in that context. Our patience with terrorism has been exhausted. Since December 13 the steps that we have taken to deal with the situation that confronts us have been measured, they have been gradual No one in India takes the possibility of war lightly. Similarly Pakistan should have no illusions about the fact that the state of Jammu and Kashmir is and will be an integral part of India. We remain committed to the path of dialogue. Pakistan’s continued sponsorship of cross border terrorism is a clear indication to us that Pakistan is not yet prepared to engage in substantive and meaningful dialogue with India or to establish normal state to state relations.

**Question:** Did Pakistan High Commissioner say anything to Foreign Secretary?

**Answer:** I don’t think there was anything new in what he had to convey to us. You have seen the ventilation of Pakistan’s opinion - and as is usual one sees this through the media - and these points were basically, all that Pakistan has had to say on the subject.

**Question:** When is he leaving Delhi?

**Answer:** He is leaving on Saturday.

**Question:** There is a statement from the US that it still trusts in General Musharraf. What do you have to say about that?

**Answer:** The basic point we have sought to make as far as the world community is concerned is that Pakistan has to realize that it cannot engage in cross border terrorism while claiming to be fighting terrorism vis-a-vis Afghanistan
and we hope that in the days to come, there will be a clear enunciation of this position by the world community also.

Question: But the fact is that the US is still trusting Musharraf...

Answer: I think you will have to read the full text. There is an obvious recognition I believe and that is shared by all sections of world opinion and by a number of countries including the United States that President Musharraf of Pakistan has to do much more to tackle the issue, the scourge of cross border terrorism.

Question: State Department’s report on terrorism. Are you satisfied with the report?

Answer: As far as the tackling of the issue of terrorism is concerned the fact is that India has battled this scourge for over 2 decades now. I think the world community, every section of the world community is fully cognizant of the efforts that we have made to fight terrorism, to root out the activities of the terrorist groups, and the very legitimate struggle that we are waging against the forces of cross border terrorism. I think that is recognized whether it is in South Asia or in the region or whether it is in the world at large.

Question: You mentioned that India’s patience with terrorism has been exhausted. What will be the next step?

Answer: Well, it has been exhausted... obviously we will not be able to tell you what the next step is. But obviously the efforts that we are continuing to make, to sensitize world opinion to our case have not been exhausted. We will continue to make those efforts. But as far as the defence of our vital interests is concerned and you have heard our Prime Minister’s speech at Kupwara today, I think we have made it very clear to the world community where we stand on this issue and the fact that the whole nation is united against terrorism. Our war against terrorism is just as legitimate as any other country’s war against terrorism. There is justice, there is legitimacy in our position and I believe that the world is increasingly recognizing that. We have seen how the 12th January commitment made by the Pakistan Government has not been implemented and our assessment is that infiltration and sponsorship of terrorist acts, attempts to disrupt and sabotage the return to peace and normalcy and holding of elections in Jammu and Kashmir, these are all items on the agenda of forces arrayed against India across our border and we have to be vigilant to it and we have told the world community that we have every right to defend our interests in response to this situation. The sense of anger in this country, the unanimous resolution that was adopted by Parliament recently, they all point to this depth of opinion, to the united approach of this country to resist the forces of terrorism. As a democratic nation we cannot be expected to countenance this sort of situation indefinitely.
**Question:** Was there any high level contact with other countries since yesterday?

**Answer:** The External Affairs Minister Shri Jaswant Singh spoke to the Russian Foreign Minister Mr. Igor Ivanov last evening. The subject of the discussion as you may have guessed was the current situation along our borders, the relationship with Pakistan and we have conveyed our concerns and our perspective to the Russian side and you must have seen the press release issued by the Russian Foreign Office today which refers to that conversation. The Russian release refers to the fact that special attention was devoted to the situation in South Asia, where a sharp growth of tension has been observed lately in the wake of the actions by the terrorists based in Pakistan controlled territory.

Thank You.

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1578. **Excerpts from the speech of Prime Minister Atal Bihari Vajpayee at the CICA Summit.**

Almaty (Kazakhstan), June 4, 2002.

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We have heard President Musharraf talk about tensions in South Asia and offer a dialogue between India and Pakistan.

Distinguished Delegates, in this room we recall that on January 12 the President of Pakistan had publicly made two promises—One, that Pakistan will not allow its territory to be used to promote terrorism anywhere in the world. Two, that no organisation will be allowed to indulge in terrorism in the name of Kashmir.

We have seen in the following months that cross-border infiltration has increased, violence in Jammu and Kashmir has continued unabated and terrorist camps operate unhindered across our border. On May 27, President Musharraf has again made the commitment that cross border infiltration will stop. You would agree that the past record makes us very cautious about accepting such promises unquestioningly. If we see that action on the ground correspond to the promises made by President Musharraf we will naturally take appropriate consequent steps.
As far as India–Pakistan dialogue is concerned, it is India which has always taken the initiative for it. In the space of the last four years, I have been to Lahore and invited President Musharraf to Agra. We have repeatedly said that we are willing to discuss all issues with Pakistan including Jammu and Kashmir. But for that cross-border terrorism has to end.

On June 7 the US Deputy Secretary of State Richard Armitage said that President Musharraf had been “quite categorical” that the infiltration across the Line of Control would be stopped permanently. He said “General Musharraf made it very clear that he was going to do everything in his power to avoid war consistent with, as he said, the national honour and dignity of Pakistan”. Speaking in Estonian capital on June 8, Armitage said that the message had been conveyed to the Indian Prime Minister Atal Bihari Vajpayee and it had “found some favour in New Delhi”. “The Indian Government noted that Gen. Musharraf made his commitment to the international community, to the USA and they will be watching to see if the actions follow the words”, he said. Responding the External Affairs Minister Jaswant Singh talking to US Secretary of State Gen. Powell on the telephone described Musharraf’s pledge to end infiltration as a “step forward in the right direction”. A Statement from the External Affairs Ministry said Gen. Powell had called Mr. Singh to discuss the India–Pakistan situation. “Mr. Jaswant Singh informed Mr. Powell that India welcomes the pledge that Gen. Musharraf has given to Mr. Armitage about immediately and permanently ending the cross-border infiltration of terrorists into Jammu and Kashmir,” said the statement of MEA. “Its implementation on the ground will be carefully assessed, whereafter, as Mr. Vajpayee has already stated, India will respond appropriately and positively”, it said. “An irreversible end to infiltration requires that the infrastructure of support to cross-border terrorism within Pakistan and Pakistan-Occupied Kashmir be also dismantled. India’s commitment to lasting peace remains undiluted.”
1579. Media Briefing by Official Spokesperson on the removal of restrictions on Pakistani aircraft over-flying Indian territory.

New Delhi, June 21, 2002.

Ms. Rao: Good Afternoon, Ladies and Gentlemen.

Question: Regarding lifting of restriction on Pakistani flights over Indian airspace...and the comments of Major General Rashid Qureshi on the subject...

Answer: No we are awaiting for an official response from the Government of Pakistan to our offer, our decision to remove the restrictions on over flights of Pakistani airlines and Pakistani civil aircraft, and we are yet to receive a response from the Government of Pakistan. I would not like to comment on the sort of comments to which you just referred. We await an official communication from the Government of Pakistan on the subject.

Question: But the Pakistan’s spokesperson have said that they have not received any notification in this regard from the Government of India?

Answer: No, I think that again there seems to be some disinformation that has been spread on this subject. Our Ministry of Civil Aviation has said very clearly that there is no notice to airmen required no NOTAM required. There was no NOTEM issued when the required. There was no NOTAM issued when the restrictions were imposed on January 1st. Similarly no NOTAM is required for the removal of these restrictions. All that the Pakistani aircraft have to do is to file for clearances for flight plans as and when they decide to resume over flights. This has been very clearly stated.

Question: (inaudible)

Answer: I think all these statement that you have referred to fall into the general class, the generic hostility that you see emanating from Pakistan and the Pakistani spokesperson on the subject. The offer we have made, the proposal we have outlined, is a genuine one and we hope Pakistan will respond to it in an appropriate manner.

Question: Would you like to comment on the Defence Minister statement that there is no infiltration?

Answer: well, the infiltration has gone down and I think the Defence Minister clearly referred to that development. But is is still too early to take those steps which I assume you are referring to when you talk since he said very clearly that military de-escalation is a long way off. There is still a lot of action that we expect from Pakistan in terms of dismantlement of the infrastructure of terrorism
in terms of permanent, visible, satisfactory action on the ground in response to the pledges and assurances that the Government of Pakistan has made on the subject.

**Question:** is there any possibility that the leaders of the all Party Hurriyat Conference (APHC) would be allowed to go to Pakistan?

**Answer:** You will have to address that question to the Ministry of Home Affairs.

**Question:** Referring to a recent statement by the Pakistani Minister of Religious Affairs saying there is an indigenous struggle, and no terrorism, in Kashmir, and that until India discussed the issue of Kashmir, there would be no Pakistani response to the offer of resumption of over flights It is alleged that the Policy in India is against the Muslim community and the Kashmiri have every right to Jihad?

**Answer:** No, the other day one of our friends asked me a similar question to the effect that Pakistan had made such statement. I think there is nothing new in what you have just mentioned just now. Pakistan refuses to formulate and to articulate a serious vision for peace and reconciliation in our region What you see is the same tired, worn, rhetoric coming from various quarters of the Pakistani establishment. There is very little, genuine desire, an absence, I would say, of any genuine desire for dialogue, for reconciliation, for resolution of outstanding issue through consultation, through interaction between India and Pakistan.

Thank You.

*(Text in italics is translation from Hindi text)*
Media Briefing by Official Spokesperson on some aspects of Relations with Pakistan.

New Delhi, June 24, 2002.

Question: Do you have any response to what Musharraf has said in his latest interviews with Newsweek and BBC?

Answer: We have seen both the interview to Newsweek as also transcript of the interview given by President General Musharraf to the BBC.

Pakistan has committed itself to fighting terrorism. This is an unambiguous and clear commitment lending itself to no other interpretations. It has been conveyed to us in categorical terms that commitments about permanently ending infiltration of terrorists across the LOC have repeatedly been given by General Musharraf. Despite some occasional verbal calisthenics by Pakistan, this is the commitment that remains, undiluted.

I have nothing more to add.

Question: Do you think that India-Pakistan relations is back to square one?

Answer: No, we want Pakistan to abide, adhere and take action on the basis of these pledges and commitments, verbal calisthenics will not do. There is no point in getting tongue-tied about this. Certain commitments and pledges were made and we expect action on those commitments to end terrorism, to end infiltration and to dismantle the infrastructure of terrorism.

Question: Who has conveyed these pledges and commitments to us?

Answer: These have been conveyed to us at the highest level during the visits of Deputy Secretary Armitage and Defence Secretary Rumsfeld. Secretary of State Colin Powell has referred to it in his public statements.

Question:

Answer: We want Pakistan to abide by those commitments. My statement makes it very clear.

Question: Do you think General Musharraf is going back from his commitments?

Answer: There is no question of going back on those commitments. These are commitments on which Pakistan must deliver if we are to see lasting peace and stability in our region, if we are to see reduction of tensions, if we are see further measures to reduce tensions.
**Question:** But General is very very clear in pointing out that measures taken by India is self-serving. He mentioned the removal of overflight restriction and also the positioning of Indian Naval force in high sea doesn’t bother Pakistan but was bothering Indians themselves and so India decided to withdraw. Any comments?

**Answer:** I don’t intend to reply to displays of irrational anger and frustration. I don’t believe that these are well considered deliberate responses of the sort that we expect to the very concrete, very forward reaching measures that we have taken to reduce tensions and obviously it is Pakistan that refuses to see the writing on the wall, it refuses to recognize the need to permanently end terrorism and it is therefore necessary for all of us who are fighting terrorism, who are engaged in this struggle against forces of terror to remind Pakistan of its commitment and to seek concrete action on the basis of the pledges made by Pakistan.

**Question:** You have said earlier there was a perceptible decline in infiltration. Yet Prime Minister said that infiltration has not been reduced.

**Answer:** I think you should see the sense of what underlies that statement. I think we are yet to see any definite trends towards permanent end to infiltration and I have said that all along. There has been some decline. We are yet to see on the ground a permanent trend that suggests that infiltration is tapering off, is coming to a definite end. We have said consistently that we have to see the situation for a longer time to see whether these trends are established.

**Question:** But the Defence Minister went on record to say that the infiltration has almost stopped?

**Answer:** No, but there again, it is true that he said that. But is this the definite trend that we can see established from now on for an indefinite period of time? We are unable to say that at the moment. July has traditionally been a month of high ingress, of high infiltration. Obviously we have to monitor the situation further in terms of what Pakistan needs to do to dismantle the infrastructure of terrorism, to literally pull the plumbing out as we have said.

**Question:** Musharraf has said that he did not make any such commitments to end infiltration permanently?

**Answer:** That is what we call verbal calisthenics. Certain pledges have been made. Certain definite commitments have been made and we have seen the statements to that effect coming from the foreign interlocutors who have interacted with President General Musharraf in recent weeks and months. It has been definitely established that these statements have been made.
Question: Do you think India needs to re-look at its policy towards Pakistan?

Answer: Let us see how the situation develops and obviously if Pakistan is unable to fulfill its pledges and is reneging on its commitments, we will have to take a closer look at what needs to be done and where we go from here.

Question: The Pakistan Foreign Office Spokesperson has said that they are considering to reciprocate India’s removal of restriction of over flight facilities?

Answer: Well, I don’t believe that we have received any official communications on this. We are awaiting an official response from Pakistan. Our decision was conveyed to them exactly two weeks ago and our offer stands.

Question: General Musharraf has said that the situation along the border is explosive and dangerous. Do you agree with that?

Answer: If there is any reason to describe that situation as explosive and dangerous, it is explosive and dangerous because of the threat of infiltration and terrorism that India faces from across the line of control and along the international border.

Question: Do you think that Verbal calisthenics as you call it is for domestic consumption in Pakistan?

Answer: That is for you to interpret. I am just pointing to the fact that pledges are pledges. I don’t believe that nations can go back on their pledges.

Ms. Rao: Let me also inform you that Foreign Secretary Straw called the EAM this afternoon. They had a conversation that lasted about 10 minutes which was focused on the current situation in the region.

Thank you.

New Delhi, July 15, 2002.

In response to a question the Official Spokesperson stated that the terrorist attack in Jammu on Saturday, July 13, 2002 was most condemnable. The Deputy Prime Minister will be making a statement in Parliament tomorrow.* Meanwhile, we have seen statements and have received messages from different countries strongly condemning the incident and reiterating the imperative need for the international community to join together to eradicate terrorism wherever it exists. The UK Foreign Secretary, the French Foreign Minister and the US Secretary of State have spoken to EAM.

* In his statement in the Lok Sabha on July 16 the Deputy Prime Minister, L.K. Advani, stated that the Government would tackle the menace (of terrorism) on its own and that it also recognised that all countries acted in their own national interest. Mr. Advani stated that the world was slowly understanding that Pakistan was the epicentre of terrorism. Mr. Advani spelled out the larger Jammu and Kashmir policy. The State, he asserted, was “not a disputed territory” and that it was in fact “an integral part of India” on which “there can be no compromise”. He also assuaged the fears expressed by the Opposition of the growing interference by Western powers, saying that there would be “no mediation” on the issue. He also rejected the demand for a trifurcation or bifurcation of the State along communal lines, but said there was need for equitable development of all regions. He defended the Government’s earlier rejection of the demand for autonomy by the State as it was for a return to the pre-1953 status; the Centre was though willing to talk about additional powers for the State. The Deputy Prime Minister claimed as an achievement the “big difference” between “Agra and Almaty” in the language emanating from Pakistan and the Western countries. Today, instead of talking about terrorists as freedom fighters, Pakistan was forced to recognise that killing of innocent people was an act of terrorism. Western nations were also beginning to see Pakistan as the “epicentre of world terrorism”. However, “their assessment” was — with which India did not agree — that “Musharraf was the best bet to stop terrorism” originating in Pakistan. Mr. Advani said that his Government had traced and smashed “154 ISI modules” and that he had increased the fund for modernisation of the State police force to Rs. 60 crores in the last two years.
Question: India has asked the US to declare Pakistan as a terrorist state and they have refused to do so. In fact they have announced multi million aid to them. What do you have to say about this?

Answer: If you listened carefully to what the Deputy Prime Minister said in Parliament day before yesterday, he had said if you want to put pressure on Pakistan, this is one way of doing it. One way of doing it would be to declare Pakistan a terrorist state. He had said it in that context. As far as India is concerned, the situation, the circumstances fully warrant Pakistan being declared as state sponsor of terrorism and this is what we have been saying consistently. There has been no change, no alteration in our approach. Of course it is up to the countries concerned to take necessary steps in this regard. That is a decision that we will have to leave to those countries. But here I am outlining what our position is on the subject and as far as the assistance being extended to Pakistan we have seen a lot of assistance extended for its ostensible support in the war against terrorism. Our views on that are well known. Our approach to this issue has been that Pakistan cannot distinguish between good terrorists and bad terrorists. It cannot distinguish between terrorism in Afghanistan and terrorism in Jammu and Kashmir. It cannot have different definitions for this subject, for this issue, because the scourge of terrorism is common to us all and there cannot be any drawing of distinctions between groups of terrorists and we are yet to see satisfactory action and steps being taken by Pakistan to end cross border terrorism, to stop infiltration. Pakistan has for whatever reason refused to deliver on the commitments, on the pledges it has made on this issue.

Question: Mr. Trubnikov also said that one of reasons why Pervez Musharraf cannot control cross border terrorism is due to terrorism in Pakistan also. What do you have to say about this?

Answer: We believe that Pakistan has the ability to stop terrorism against India, directed against India. There is no doubt in our minds that the responsibility for terrorist acts and terrorist activities over the last two decades in India is attributable mainly to the sponsorship and the support of Pakistan and forces aligned to the Pakistani state for such terrorism. So as far as we are concerned what we tell all our friends in the international community is that Pakistan needs to act and act quickly on this. Our patience is not interminable.
Question: Report in UNI on the our not sending our High Commissioner to Islamabad?

Answer: Well, the question of any roll back in the steps and measures that we had announced, any further roll back on the measures that we had announced towards the end of December last year following the attack on our Parliament on December 13 can be taken up, can be considered, only if Pakistan takes action to end infiltration, stops cross border terrorism. We have made ourselves very clear on this. The External Affairs Minister has reiterated our well considered position on this matter that it is only when Pakistan ends, permanently ends, cross border terrorism directed against India that we will take appropriate reciprocal measures.

Question: Any response from Pakistan on the removal of restriction on over flights?

Answer: There has been no response.

Question: There have been 97 attempts at infiltration in June, according to the Defence Ministry?

Answer: What it indicates is that there has been no closure so far, there has been no permanent end to infiltration, that Pakistan has not given up its ways, that Pakistan continues to sponsor, to aid, to abet terrorism, that Pakistan presides over this giant holding company of terrorism, that it is the epicenter of terrorism in our region. That is what that those figures point to.

Question: What would be the agenda of talks with Jack Straw?

Answer: Obviously, I can’t give away what our position is, what our brief is for the talks. The situation in the region will be discussed and our concerns regarding terrorism, regarding the continuance of infiltration, regarding the lack of satisfactory response or action by Pakistan will be powerfully articulated.

Question: What do wee feel about today’s decision of the US to give aid to Pakistan?

Answer: Our views in this regard will be conveyed to the Americans. We are not going to discuss this through the media.

Thank you very much.
Interview of External Affairs Minister Yashwant Sinha with the BBC.

New Delhi, September 14, 2002.

Question: It has been given out by Pakistan that infiltration into the Indian administered Kashmir has stopped.

Answer: No, that is not true. The infiltration has been continuing and it still continues.

Question: President Bush says that Pakistan has intimated America that there is no infiltration from Pakistan side.

Answer: Mr. Colin Powell told me when I met him that he would put pressure on Musharraf to stop cross border terrorism. Now, if there is no infiltration then why should Colin Powell say that he would put pressure and that is what President Bush told the Prime Minister yesterday when they met. So there is no question of putting pressure for something, which is not happening. The fact remains that it is happening. It has increased and Pakistan is directly responsible for it.

Question: President Bush while summing up yesterday said that the U.N. Secretary General Kofi Annan is on a move beyond crisis management in Kashmir in order to resolve underlying problem. What is your response to that?

Answer: Very good point, I think. If we go beyond the terrorism into the root causes of terrorism, then we should go and talk to Osama Bin Laden also, to find out why he did, what he did. It is a very dangerous and slippery path to try and go into the root causes of terrorism. Terrorism is the killing of innocent people. This is bad. It is evil. There is no way in which this kind of thing can be justified in any situation. No cause in this world can justify killing of innocent people, women and children.

Question: But sooner or later you will have to enter into a political dialogue on the future of Kashmir.

Answer: Twice, we have taken the initiative. And we wanted to start a dialogue. But the dialogue could not proceed because of the obstinacy of Pakistan.

Question: General Musharraf in his speech at the General Assembly said that he had given so much but he had got nothing back from India.

Answer: He is giving so much. He is killing our people everyday. He is killing our people; only the other day a minister of Jammu and Kashmir government was killed, by the terrorists. What was his great fault? His great fault was that he was seeking re-election. His great sin was that he was addressing a political meeting, election meeting. Why was he killed? Will somebody explain? Why the minister of Jammu and Kashmir was killed.
Question: There are elections next week. What assurances can you give in view of Pakistan's contention that the elections would be rigged?

Answer: I have to give no assurance. We do not have to give any assurance to a military dictator in Pakistan about the conducting of elections in India. What kind of elections has he conducted in Pakistan? Ninety percent referendum. All rigged. He has admitted it. He has no right to speak about democracy. He has no right to speak about the conduct of elections in India. We have conducted elections over the last fifty years and the world recognizes that India is the greatest democracy. We are not going to ask for certificates about our democracy from General Musharraf.

Question: So, is there any prospect of pulling your forces back and end this stand off.

Answer: We will not. Why should we pull out forces back? And those who are advising us to pull our forces back should remember that when there was the Soviet Union, NATO had its forces eyeball to eyeball with the Soviet forces in Europe for forty long years. There is something called defensive mobilization. What we have done is defensive mobilization. That is if Pakistan were to indulge in any kind of adventure we will be there to defend our territory. And I think, that is the right that every sovereign nation enjoys in this world.

Question: So you see no prospect of the current massive mobilization.

Answer: I see a prospect. The prospect is very simple. The simplest thing that Pakistan has to do is to stop cross-border terrorism. The moment they do that, we have created a conducive atmosphere for a dialogue, for the withdrawal of forces and for moving forward. If that does not happen and Pakistan continues to indulge in violence which we have enough proof. The fact remains that Pakistan is creating violence and we cannot talk to Pakistan as long as that violence continues.
Response of Official Spokesperson to a query regarding the release of Masood Azhar in Pakistan.

New Delhi, December 14, 2002.

Shri Navtej Sarna: Good Afternoon Ladies and Gentlemen.

We have seen reports of release by an Appeals Court in Lahore of Masood Azhar, the terrorist leader of the organization Jaish-e-Mohammad which today stands banned even in Pakistan.

It is quite clear that investigation and charges against Masood Azhar have not been pursued by Pakistani authorities with any seriousness. Initially, when his detention had been claimed about a year ago, it transpired that it was not him but someone else who had been arrested. Even when he was first in prison, he was allowed contact with his cadres and to continue with his activities. Subsequently, he was conveniently placed in the comfort of detention in his own home and the Pakistani authorities even paid money to the family. This is not surprising since it is well known that it is the Pakistani State and its agencies which have been involved in the building up of the terrorist structures such as the Jaish-e-Mohammad and Lashkar-a-Toiba. As is well known, the leader of LeT Hafiz Saeed was also similarly released recently. The banned terrorist organization LeT has been allowed to continue its activities in another name, hold its annual convention and to bring out its proscribed publications.

Even while well established democratic leaders were not allowed to contest the recent manipulated elections in Pakistan, many who are linked even to banned terrorist organizations were allowed, and charges against several withdrawn at the last moment.

It is against this background that one has also seen reports of Anees Ibrahim having been spirited away to Pakistan, the well established safe haven for terrorists. Ibrahim, who had been recently detained in Dubai, had arrived there from Pakistan. He was in the list of 20 whose handing over had been sought by India, including since December last year. Pakistan had falsely claimed that none of the persons in the list were in that country. Subsequently, President Musharraf had, in his January 12 speech, disingenuously suggested that no Pakistani national would be handed over, but Indian nationals had not been given asylum. Hence the recourse to the ploy to give Pakistani nationality to such persons sought to be sheltered. The seeking and grant of such nationality also points unambiguously to the complicity of Pakistani authorities with these terrorists.

The Sikh Jatha from India that had gone to Pakistan in November also noticed
the presence of three well known terrorists, whose handing over had also been sought by India. Even in their case, Pakistan had denied their presence.

It is well known that Al Qaida and Taliban remnants are today largely based in Pakistan, which is the epicenter for terrorism in the world. Any strategy which seeks to ignore Pakistan’s own involvement with and sponsorship of terrorism and focuses, even for the short term, only on the unwilling and limited support provided in search of a few of the hard core Al Qaida, will never see long term victory against the hydra-headed monster of terrorism, which with its mutating agenda, structure and motivation is able to develop capacity to strike even at far off places.

It is quite clear that Pakistan is continuing with the policy of terrorism as an instrument of its State policy, in violation of international law, and its own publicly declared commitments. Whether Pakistan has an unvarnished military dictatorship or an electoral varnish is put on it, their mindset and policies as evidenced by the putting back in circulation of Masood Azhar remain unchanged. We will, of course, continue to take the necessary steps to safeguard our national security.

Thank you.

◆◆◆◆◆
1585. **Media Briefing by Official Spokesperson on the question of definition of “terrorism”**.

**New Delhi, December 23,2002.**

**Shri Navtej Sarna**: Good Evening Ladies and Gentlemen.

**Question**: .. .General Musharraf in an interview with Iranian Television said that Pakistan is ready to accept the definition of terrorism formulated by UN. I think there has been lot of formulations on terrorism by UN. What is your comment on that statement?-

**Answer**: Well, you are absolutely right. The UN Security Council has addressed the issue of terrorism and has condemned it in all its forms. In fact I can give you chapter and verse. The UN Security Council Resolution 1377 adopted by the Security Council at its 4413th meeting on 12th November 2001 had the following formulation:

“Reaffirms the unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, regardless of their motivation, in all their forms and manifestations, wherever and by whomever committed”.

I think that’s specific enough.

**Question**: India and the United States have been working on counter terrorism. US have told India that it will put pressure to end terrorism. Is US working sincerely to curb Pakistan’s terrorism?

**Answer**: Well, India and the United States are partners in the global war against terrorism and we have also bilateral cooperation in terrorism. There is a Joint Working Group between India and the US which has been working on terrorism and on this issue we have spoken several times at several levels. A lot needs to be done to end cross border terrorism and obviously if sufficient amount has not been done by Pakistan Government otherwise we would have had an end to cross border terrorism.

**Question**: Our Prime Minister and EAM have spoken about double standards by west in dealing with terrorism. Any comments?

**Answer**: The Joint Working Group works at a functional level between the two countries. They meet regularly, they interact with each other, and they open channels for exchange for information and various other things within their mandate. However, what the statements that you are referring to are aimed to end any artificial distinction that may be made between good terrorists and bad terrorists.
Question: Do you have any reaction to President Musharraf’s statement?
Answer: Well, I don’t want to react to his statement. He has simply said that the UN Security Council should lay a definition I have given you one of the definitions that UN Security Council has given. The essential formulation is that all acts, methods and practices of terrorism have been denounced as criminal and unjustifiable regardless of their motivation, in all their forms and manifestations.

Question: Was any other issue also discussed between Arun Singh and Jilani?
Answer: Well, I understand that other issues were more of a housekeeping nature, issue of visas, issue of fishermen, etc.

Question: Was the issue of SAARC discussed?
Answer: No.

1586. Question in the Lok Sabha: “Terrorist Country Status to Pak.”
New Delhi, March 12, 2003.

Will the Minister of External Affairs be pleased to state:

(a) whether the Government have urged the US Government to declare Pakistan a terrorist State;

(b) if so, the details thereof; and

(c) if not, whether the Government propose to mount pressure on U.S. and other countries to declare Pakistan a terrorist State

The Minister of State in the Ministry of External Affairs (Shri Vinod Khanna):

(a) and (b) Government believes that Pakistan displays all the characteristics of a state sponsor of terrorism. It has consistently conveyed this assessment to international community, including the United States. It is for the United States Government to consider whether Pakistan meets the criteria for designation as a State sponsor of terrorism under United States laws.

(c) Government uses very opportunity to apprise” the international
community of Pakistan’s continuing sponsorship of cross-border terrorism against India and Government’s firm resolve to use all appropriate means to defeat it.

........(Interruptions)

Mr. Speaker: He knows the procedure, but he wanted the House to be apprised once again.

Dr. Vijay Kumar Malhotra: Mr. Speaker, Sir, Pakistan has been waging shadow war against India for the last 15 years in which our 60 thousand civilians and 6 thousand army personnel have been killed. I want to ask the hon. Minister whether India has asked America that the definition of terrorism for Afghanistan and Iraq is different from the one for Pakistan?

America’s attitude towards terrorism shows that its opinion about Afghanistan and Iraq is different from its opinion about Pakistan. The Government of Pakistan is promoting terrorism. Have we held a dialogue with America in this regard?

The Minister of External Affairs (Shri Yashwant Sinha): Mr. Speaker, Sir, Hon. Member is right that India has been a victim of terrorism for the last 15-20 years and Pakistan is the source of this terrorism. As far as international community is concerned, we draw the attention of America and other nations towards this that we have sufficient proof against Pakistan than American has against the nations whom it has held responsible for terrorism. As per their rules if any nation deserves to be in such a category, it is Pakistan. We go on telling them.

Dr. Vijay Kumar Malhotra: Mr. Speaker, Sir, America has kept Pakistan in the most favoured category. It has extended financial assistance of 20 thousand crore rupees to Pakistan recently and Pakistan is spending the money received from America in waging shadow war against India. India expects friendship from America and it is supporting our barbaric enemy and biggest terrorist nation. Have we protested against this action of America.

Shri Yashwant Sinha: Mr. Speaker, Sir, as per the law of America, if America puts any nation, in the category of the State sponsor of terrorism then they take a follow up action. It includes various sanctions. And it is evident that America has not included Pakistan in such a list that is why it has not imposed sanctions on Pakistan. As regards the second part of the question, I have informed the House that we do not agree with America in this regard. We draw its attention towards this whenever we get opportunity.

Shri Sunder Lal Tiwari: Mr. Speaker, Sir, I want to draw the attention of the House towards the reply given by the hon. Minister. It has two things—it is said in (a) and (b) parts:
"Government believes that Pakistan displays all the I characteristics of a State sponsor of terrorism."

It is also said-

"...designation as a State sponsor of terrorism under United States laws."

"The question was-

"If not, whether the Government propose to mount pressure on the US and other countries to declare Pakistan as a terrorist State?"

Mr. Speaker, Sir, we want America to declare Pakistan a terrorist State. I want to ask the hon. Minister the criteria in our country to declare any nation a terrorist State? Whether there is any law in our country so that we can declare any nation a terrorist State. We have not yet been able to convince America to declare Pakistan a terrorist State. Whether the Government of India has been able to convince a single country in this world that Pakistan is involved in terrorist activities? If so, then we would like to know the name of the country.

Shri Yashwant Sinha: Mr. Speaker, Sir, as is asked in the question whether America is declaring Pakistan a terrorist State or State sponsor of terrorism or not and whether India is mounting pressure on America or not? America has its own two laws. Their law does not have the word terrorist State, it includes the word: ‘State sponsor of terrorism', where the State is the sponsor of terrorism State sponsor of terrorism.

There is a provision that if the Government of America concludes that any particular nation is supporting or sponsoring terrorism then it would declare that nation State sponsor of terrorism and take the follow up action defined in the American law i.e. impose various sanctions. Certain countries have been included in this list which have been categorized as State sponsor of terrorism under the American law but Pakistan has not been included in this list as America have formulated this law to protect their own interests. The law mainly covers the impact on American citizens and assets. If any country tends to be dangerous for America then it declares that nation terrorist State or State sponsor of terrorism.

Mr. Speaker, Sir, America is using this law wherever their own interests are directly involved. We all are aware and the House is also aware that America will not deal with Pakistan in the same way. In fact Pakistan is a stalwart ally for fight against terrorism. This America’s policy is apparently contradictory. This contradiction is there because America is concerned about their own interests, they are not bothered about other’s interests. As far as convincing other countries is concerned, India has raised the issue with international
community time and again. The House is aware that during the last 12-14
months terrorist activities have increased. Many countries condemned the attack
on our Parliament. It has also been accepted that Pakistan is sponsoring cross
border terrorism. Those countries are mounting pressure on Pakistan to stop
sponsoring terrorism but America has not taken the step of declaring Pakistan
.a State sponsor of terrorism.

**Shri Sunder Lal Tiwari:** Mr. Speaker, Sir, My original question was whether
there is any law in India by which we can declare any nation a terrorist nation.
Hon. Minister may stand up and reply.

**Shri Yashwant Sinha:** Mr. Speaker, Sir, replies are always given by standing
up.

**Mr. Speaker:** He knows the discipline of the House and he will stand up to
reply.

**Shri Sunder Lal Tiwari:** Mr. Speaker, Sir, he keeps sitting and merely nods
his head.

**Dr. Vijay Kumar Malhotra:** Mr. Speaker, Sir, Ministers stand up while replying
and the members keep sitting while listening to them. He is standing while he
is sitting.

**Mr. Speaker:** He is standing all the time.

**Shri Yashwant Sinha:** Mr. Speaker, Sir, hon. Member has asked whether
there is any law in our country under which we can declare any nation a terrorist
nation. There is POTA to control terrorism in our country. We can declare the
organizations a terrorist organization under this law but we cannot deal with
any country in this manner that is what I am saying... *(Interruptions)*

**Shri Sunder Lal Tiwari:** Mr. Speaker, Sir, he is urging upon other nations to
declare Pakistan a terrorist State, I want to know that why cannot we formulate
such a law in our country... *(interruptions)*

**Shri Yashwant Sinha:** Mr. Speaker, Sir, essential to clarify that we are doing
so because America has such a law... *(Interruptions)*

**Shri Sunder Lal Tiwari:** Mr. Speaker, Sir, Our Government has convinced
other nations to declare Pakistan a terrorist State but there is no such law in
our country, Mr. Speaker, Sir, please ask his opinion...*(Interruptions)*

**Shri Satyavrat Chaturvedi:** America has granted the status of most favoured
nation to Pakistan and we are asking America to declare it a terrorist State...
*(Interruptions)*
Mr. Speaker: Please sit down, questions are not asked like this.

Shri Sunder Lal Tiwari: I have asked another question also whether you have been able to convince any nation to declare Pakistan a terrorist nation. You have replied to half of the question... (Interruptions)

Mr. Speaker: Hon. Minister, there is no need to reply to this. Please ask your question. Other people have also to ask their questions.

Shri Sunder Lal Tiwari: Has the Government convinced any country in the world to declare Pakistan a terrorist state. Barring America as it does not agree but has this Government convinced any country of the world to declare a terrorist state.

Shri Yashwant Sinha: Mr. Speaker, Sir, I have repeatedly said that this question pertains to America as to whether America declared Pakistan a terrorist State or not and there exists a law of this kind in America. As far as other countries are concerned, I have stated in the House that other countries and groups of countries have agreed to this... (Interruptions)

Mr. Speaker: I am not allowing these types of questions. Please sit down.

Prof. Ummareddy Venkateswarlu: Mr. Speaker, Sir, consequent upon the attack of terrorists on the temple of our democracy, the Parliament of India, our country had sent several delegations to various other countries to apprise them of the situation and to condemn the brutal activity and the Pakistan-sponsored terrorism on this democratic institution. So, what is the response of these countries? What is the actual outcome? I would like to know whether these countries have stood by the principle of expressing solidarity with condemning such types of attacks. I also want to know whether this issue had been raised with them to express their solidarity with our country.

Shri Yashwant Sinha: As the hon. Member has pointed out, after the terrorist attack on our Parliament, a number of delegations went to various countries. The hon. Members of Parliament were either members or leaders of those delegations. These delegations went, represented the case of India, explained the enormity of the recalcitrance of Pakistan and the activities of Pakistan. It had its impact. It is in the sense that a very large number of countries, barring only a few, had openly condemned the terrorist attack on Indian Parliament.
They fully sympathised with India. As a result of the work done by those delegations, there is a far greater understanding today in the international community about India’s case vis-a-vis Pakistan. The international community has recognised that Pakistan is a sponsor of cross-border terrorism. The international community tells us that they are putting pressure; and they continue to put pressure on Pakistan to desist from it... (Interruptions)

Shri Adhir Chowdhary: Sir, Pakistan is still getting the most favoured nation status... (Interruptions)

Mr. Speaker: No, I have not permitted him. Please do not reply to him.

Shri Prakash Paranjpe: Mr. Speaker, Sir, through you, I want to know this. When Yasser Arafat is creating terrorism in Israel, Israel never waits to get a green signal from America to attack on the residence of Yasser Arafat... (Interruptions)

Shri Suresh Kurup: This is not the proper way... (Interruptions)

Mr. Speaker: The Minister is there to reply.

Shri Prakash Paranjpe: Let me put my question... (Interruptions)

Mr. Speaker: The Minister is there to reply to him. If he is making a wrong statement, the Minister will correct him.

...... (Interruptions)

Shri Prakash Paranjpe: You are not my boss.

Mr. Speaker: Shri Prakash Paranjpe, do not talk to them. You please address the Chair.

Shri Prakash Paranjpe: When Yasser Arafat is making attack on Israel, Israel never waits to get the green signal from America to attack on the residence of Yasser Arafat. Why is India waiting for getting a green signal from America to attack on Pak-occupied Kashmir where training centres are there for atankawadis (terrorists)?

They are attacking our nation and we are every now and then saying that we are waiting for a green signal from America, for America to declare Pakistan a terrorist nation. When are we going to learn something from countries like Israel to say, ‘We are proud of our country and we would not tolerate anybody coming and attacking us’? We have to learn a lesson from Israel to attack Pakistan-occupied Kashmir and finish all the training centres without waiting for any green signal from America... (Interruptions)

Mr. Speaker: Hon. Members, please sit down. Let the hon. Minster reply.

...... (Interruptions)
Shri S. Jaipal Reddy: Sir, I am on a point of procedure... (Interruptions) I am not on a point of order but on a point of procedure.

Mr. Speaker: Jaipal Reddyji, please sit down. ...(Interruptions)

Mr. Speaker: Shri Jaipal Reddy, the hon. Member has put a question. The question is a straight question. The Minister has to reply.

........(Interruptions)

Mr. Speaker: Shri Suresh Jadhav, would you please sit down?

........(Interruptions)

Mr. Speaker: The question has been put. If the hon. Minister thinks that this question really needs to be replied to, he can definitely reply to it. No other hon. Member is allowed to advise the hon. Minister in between.

........(Interruptions)

Mr. Speaker: Hon. Members, please sit down.

........(Interruptions)

Shri Yashwant Sinha: Please listen to my reply.

The Government of India does not think that this reference to Israel is relevant in this context; neither does the Government of India compare Pakistan with Palestine. They are in two different categories... (Interruptions) Therefore, as far as obtaining a green signal is concerned, the Government of India is not waiting—let me assert this with all the force at my command—for a green signal from anybody. The Government of India is competent to take all its decision by itself and will take them. We are fighting this scourge of terrorism. We will continue to fight this scourge of terrorism. We shall win this battle, we shall win this war and we shall take whatever steps are necessary to fight terrorism.

........(Interruptions)

Shri Priya Ranjan Dasmunsi: Sir, would you please allow me to ask one question?... (Interruptions)

Mr. Speaker: The last question on this would be by Shri Priya Ranjan Dasmunsi. I have already given half-an-hour for this Question because of its importance.

........(Interruptions)

Shri Basu Deb Acharia: Sir, he has referred to Yasser Arafat as a terrorist. That should be expunged... (Interruptions)

Shri Mohan Rawale: Where did he refer it”?

Shri Basu Deb Acharia: He has compared it ...(Interruptions)
Mr. Speaker: Hon. Members, please sit down. ...(Interruptions)

Shri Basu Deb Acharia: Sir, how can he compare like that? It should be expunged. He has compared Yasser Arafat with terrorists. That should be expunged... (Interruptions)

Mr. Speaker: I have announced that Shri Priya Ranjan Dasmunsi’s question would be the last supplementary on this Question.

..........(Interruptions)

Shri Prakash Paranjpe: I have referred to Israel; I have not referred to Yasser Arafat. I had said that we should learn from Israel; I did not refer to Yasser Arafat. He is misleading the House... (Interruptions)

Mr. Speaker: Shri Priya Ranjan Dasmunsi, are you putting your question or not?

..........(Interruptions)

Mr. Speaker: Shri Prakash Paranjpe, please sit down.

..........(Interruptions)

Shri Priya Ranjan Dasmunsi: Please allow me to put the question...(Interruptions)

Before I put this supplementary through you, my humble appeal to you on behalf of our Party is that Yasser Arafat is a friendly nation’s leader, who is dear to India. Normally, it is a convention of Parliament that the name of the Head of the State of any country, which is friendly to our nation, is not taken in a derogatory fashion. So, it should be expunged from the record. That is my appeal.... (Interruptions)

My supplementary to the hon. Minister is that since the hon. Minister has confessed that the United States considers the threat perception of terrorist limited to the interests of the American people and not beyond that, the global alliance, which was initiated by the Head of the State of the United States, supported by U.K., made it clear in the first declaration meeting that it will uproot the last base of the terrorists, wherever it may be in the world. In that context, I think, the Government of India’s confession today is that they have totally failed diplomatically to project the matter in the international community.

However, my straight question to the hon. Minister is that since the overwhelming people of Pakistan and India are opposed to terrorism, it is the regime of Pakistan, which is operating it. But still there are opportunities to exchange the social, intellectual and other organisations of Pakistan to isolate the terrorists in their own homeland against the regime. Why I say because I have a reason to say.
The other day, a Member of Parliament of Pakistan, Shri Imran Khan made a statement in India... (Interruptions)

**Mr. Speaker:** Shri P.R, Dasmunsi, please put your straight question.

........(Interruptions)

**Shri Priya Ranjan Dasmunsi:** He mentioned that it is a goodwill link between the two nations. I would like to know the Governments through their diplomatic efforts, shall build up a campaign within Pakistan also that the; people of Pakistan reject terrorism and restore friendship between India and Pakistan, as it was in the past, because there are such people in Pakistan also. I would like to know whether diplomatic channels have overcome that... *interruption*

**Dr. Vijay Kumar Malhotra:** Is it the Congress Party’s policy which he has stated?... *(Interruptions)*

If it is the policy of Congress, they should initiate a dialogue with Pakistan as per their Party’s policy... *(Interruptions)*

**Shri Priya Ranjan Dasmunsi:** The Congress Party believes that still there are people in Pakistan who are opposed to terrorism. They are not our enemies. Even an MP of Pakistan came to India and stated why to encourage all these things... *(Interruptions)*

**Mr. Speaker:** Shri P.R. Dasmunsi, please let him reply.

........ *(Interruptions)*

**Shri Ram Nagina Mishra:** Mr. Speaker, Sir, their party men also rejoice. When there are jubilations in Pakistan. It is their Policy... *(Interruptions)*

**Shri Priya Ranjan Dasmunsi:** Now, your Government has failed. The Minister has confessed it... *(Interruptions)*

**Mr. Speaker:** Let the Minister reply. ...*(Interruptions)*

**Mr. Speaker:** Shri P.R. Dasmunsi, you cannot go on replying to each and every Member. The Minister is replying to your question. Please sit down.

........ *(Interruptions)*

Shri Yashwant Sinha: As far as the question of confession is concerned, let me clarify that I made no confession and I only stated the facts. So, there is no question of the Government of India making a confession or the Minister making a confession.

We are talking about Pakistan declared a terrorist State only in the context of the American law on this subject and, therefore, this question has arisen. Otherwise, the question will not arise... *(Interruptions)*
Secondly, as far as the failure of the Government of India on the diplomatic front is concerned, I most humbly submit for the consideration of the hon. Member that, as we are all aware, State-sponsored terrorism from Pakistan has been going on for almost 20 years against India—first in Punjab and then in Jammu and Kashmir... *(Interruptions)*

**Mr. Speaker:** Please listen to the Minister. *(Interruptions)*

**Shri Yashwant Sinha:** Various Governments have been in power there... *(Interruptions)*

**Mr. Speaker:** You do not take disadvantage of the Chair.

......... *(Interruptions)*

**Mr. Speaker:** Shri P.R. Dasmunsi, please sit down. I have not permitted you.

......... *(Interruptions)*

**Shri Priya Ranjan Dasmunsi:** No, Sir. I would like to place it on record that Shrimati Indira Gandhi...

**Mr. Speaker:** Only the statement of Minister will go on record and nothing else will go on record.

......... *(Interruptions)*

**Shri Yashwant Sinha:** Is he condemning his own Government about diplomatic failure?.. *(Interruptions)* I would like to say that as far as diplomatic failure or success or diplomatic achievements are concerned, in the last five years, we have had more achievements on the diplomatic front to our credit than any Government in the past... *(Interruptions)* The third issue... *(Interruptions)*

**Mr. Speaker:** Shri P.R. Dasmunsi, I have not permitted you to speak. Whatever he says will not go on record.

......... *(Interruptions)*

**Shri Yashwant Sinha:** Shri P.R. Dasmunsi, you are the Chief Whip of your Party and you do not know how to... *(Interruptions)*

As far as the people of Pakistan are concerned, let me say that the people of India have no ill will towards the people of Pakistan. We want the friendliest of relationship with Pakistan, provided Pakistan learns to behave like a responsible member of the international community. That is the bottom line... *(Interruptions)*

**Shri Basu Deb Acharia:** Sir, what about expunction of remarks?

**Mr. Speaker:** Such type of remarks, which are contradictory to the policy we have adopted, will be removed from the record.

✦✦✦✦✦
Pakistan on April 21 expressed high hopes for early resumption of talks with India following statements by Prime Minister Atal Behari Vajpayee during his weekend visit to Kashmir, and said it expected to hear officially more from New Delhi in a couple of days in this regard.

Foreign Office Spokesman Aziz Ahmad Khan, answering questions at his weekly news briefing, said Pakistan believed negotiations could succeed only when they were held without preconditions.

He said Mr. Vajpayee’s statement was a positive one after a long time from New Delhi and hoped that it would be followed by some more positive steps.

Pakistan, he recalled, had already welcomed Mr. Vajpayee’s statement and said it was welcomed because Islamabad had always insisted that issues could only be resolved through negotiations and not through use of force or threat to use force.

Islamabad, he said, had not been found wanting in taking initiatives to invite the Indian prime ministers to Pakistan for negotiations. He recalled that one such initiative was demonstrated at the Kathmandu SAARC summit when President Pervez Musharraf went up to Mr. Vajpayee and shook hands with him, inviting him to resume talks.

The spokesman said the anticipated talks which could be held at any level and anywhere according to New Delhi’s suggestion, would be all “encompassing” with discussions on all subjects, including the core issue of Jammu and Kashmir.

In reply to a question, Mr. Aziz Khan said Pakistan would not shy away from adopting the SAARC route for talks on some of bilateral political issues in case it was recommended by the SAARC forum.

The spokesman re-asserted that no cross-border armed incursions were being made from Pakistan and said if there was any misperception that could be removed only if, as suggested repeatedly by Pakistan, India agreed to employment of reinforced UN or neutral observers in Kashmir. The observers, he added, could probe and verify allegations about cross-border movements.

He said Pakistan had no chemical weapons as it adhered to the United Nations Convention against manufacture and use of such weapons apart
from signing an agreement with India in 1992 to this effect. Though India,
he said, continued clandestinely its chemical weapons programme even
after that agreement but added it had abandoned it now.

The spokesman described as totally baseless and fictitious recent reports
that there had been a border clash with Afghanistan. He said some
unidentified “vested interests” apparently sought to create mischief and
misunderstanding between Kabul and Islamabad.

He recalled that Pakistan was a signatory to the Bonn agreement on
Afghanistan and remained committed to it. Islamabad, he said, employed
50,000-60,000 troops in the tribal territory adjoining Afghanistan and had
rounded up some 450 terrorists as a member of international coalition
working towards restoration to peace and reconstruction of war-ravaged
Afghanistan.

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1588. Statement by Prime Minister Atal Bihari Vajpayee in the
Lok Sabha on his two-day visit to Jammu & Kashmir.
New Delhi, April 22, 2003

I went to Jammu & Kashmir on a two-day visit on April 18-19, 2003.

I had five programmes in Srinagar. The first had to do with the Foundation
Stone laying ceremony for modernization of Srinagar Airport. This project would
double the capacity of the airport. We would like international air services to
start from Srinagar.

The second programme related to the National Highway Development Project.
Under this, work on a four-lane highway from Srinagar to Kanuyakumari was
launched. The newly elected Chief Minister of Jammu & Kashmir, Shri Mufti
Mohammed Sayeed, had been insisting that work on this project in the Kashmir
Valley should start as early as possible.

In my public rally, I congratulated the people of Kashmir on participating in the
Assembly elections in large numbers. They exercised their franchise defying
the threat of bullets. I assured them, “We have come here to share your pain
and suffering. Whatever complaints you have, try to address them collectively.
Knock on the doors of Delhi. Delhi will never close its doors for you. The doors
of our heart will also remain open for you”.

I assured the people of Jammu & Kashmir that we wish to resolve all issues –
POLITICAL RELATIONS: 1990-2007

Prime Minister during his two-day visit to Srinagar told a crowded press conference on April 19 that he was "waiting for a reply from Pakistan for his offer of friendship made at a public meeting yesterday." (He had the previous day on April 18 told a public meeting that the gun was no solution to any problem made a call for friendship with Pakistan but said "it should be extended from both sides.") Mr Vajpayee said his Government had made efforts to build a harmonious relationship with Pakistan. "As Prime Minister of the country I wanted to have friendly relations with our neighbours and I went to Lahore, but it was returned with Kargil. We still continued and invited General Pervez Musharraf to Agra but again failed," said Mr. Vajpayee. "We are again extending a hand of friendship but hands should be extended from both the sides. Both sides should resolve that we need to live together in peace.

My last programme was about the start of work on the construction of Udhampur-Srinagar- Baramulla railway line. It is our resolve to ensure that train services start in Kashmir Valley before August 15, 2007.

Unemployment is the greatest problem facing the youth of Jammu & Kashmir. We have decided to facilitate creation of one lakh opportunities for employment and self-employment over the next two years. For this, a special Task Force would be set up with representatives from the Central Government, State Government industry, commerce, banking and financial institutions. The Task Force will present its report by June 30 and implementation would commence from August 15 this year.

At a press conference before returning to Delhi, I expressed the hope that a new beginning can take place between India and Pakistan. I said that we have extended our hand of friendship. Let us see how Pakistan responds to this. Stopping cross-border infiltration and destruction of terrorist infrastructure can open the doors for talks. Talks can take place on all issues, including that of Jammu & Kashmir.

Thank You

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1. Prime Minister during his two-day visit to Srinagar told a crowded press conference on April 19 that he was "waiting for a reply from Pakistan for his offer of friendship made at a public meeting yesterday." (He had the previous day on April 18 told a public meeting that the gun was no solution to any problem made a call for friendship with Pakistan but said "it should be extended from both sides.") Mr Vajpayee said his Government had made efforts to build a harmonious relationship with Pakistan. "As Prime Minister of the country I wanted to have friendly relations with our neighbours and I went to Lahore, but it was returned with Kargil. We still continued and invited General Pervez Musharraf to Agra but again failed," said Mr. Vajpayee. "We are again extending a hand of friendship but hands should be extended from both the sides. Both sides should decide to live together. We have everything which makes us to have good relations," Mr. Vajpayee said. Mr. Vajpayee repeated the conditions for resuming talks with Pakistan and said that unless cross-border terrorism was stopped and training camps for militants dismantled, there could be no meaningful talks. "We want to tread the path of friendship but a lot depends on Pakistan's response. I reiterate that only talks can resolve all the issues." Repeatedly referring to his desire for friendship with Pakistan, the Prime Minister gave the impression that he did not backtrack from his offer of talks. Terrorism, he said, could not be tolerated and only when it stopped could an atmosphere for talks be created. Talks could be held on all the issues including Kashmir, he said adding "let us make an honest effort in this direction".
Media briefing by Official Spokesperson on Pakistan.

New Delhi, May 21, 2003.

**Question:** (Pakistan) Prime Minister Jamali has stated that India should tackle terrorists in its territory. Any comment on that?

**Answer:** I have not seen this particular statement. But without reacting to that India is determined to fight terrorism and we have been doing so. The problem that we have been facing is that of cross border terrorism.

**Question:** Prime Minister Jamali also said that Pakistan do not have control on all terrorists. Any comments?

**Answer:** I don’t want get into that at this stage. But our External Affairs Minister has responded to a similar question in London when he said that 500 Al-Qaeda, Taliban, etc have been handed over to US and that speaks for itself.

**Question:** Foreign Minister of Pakistan has said that if Pakistan cannot control terrorist infiltration then India can help… (inaudible)

**Answer:** I wouldn’t like to second guess what the Foreign Minister has said and what he had in his mind when he said that. But I can explain to you. This issue usually comes up when Pakistan talks about bringing in international monitors. In that situation we have told them that there is nobody better who knows this terrain than India and Pakistan. So there is a possibility of joint monitoring in case there is sufficient amount of confidence can be built.

**Question:** Anything on CMAG? Pakistan has been kept out from the Commonwealth. What happened to Zimbabwe?

**Answer:** I have here the entire statement that was issued by CMAG. I can read out the paragraph regarding Zimbabwe. CMAG received an update from the Secretary-General on recent developments in Zimbabwe. The Group noted the Commonwealth Statement on Zimbabwe of 16 March 2003, and the Secretary-General’s Report to the ‘Troika’ subsequently circulated by the Chairperson-in-Office to all Commonwealth Heads of Government. CMAG maintained the decision taken at its last meeting to keep Zimbabwe on its agenda.

**Question:** Any reaction to Pakistan being kept out of Commonwealth?

**Answer:** External Affairs Minister has said in London that he has nothing to add to the statement that CMAG has issued.

**Question:** So India agrees with the CMAG decision?
Answer: You have seen that there is the CMAG statement, which is taken out by all countries. India was one of them.

Question: Any dates for the resumption of India-Pakistan dialogue?

Answer: We had made two proposals. We had taken action on two points. We have already announced our High Commissioner and on Civil Aviation links we have asked for clarification. That’s where matters stand. I really see no use in going over this everyday asking if there are any dates. You know the steps that have been outlined, you know the possibilities of movement, you know that we would need positive responses.

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1590. Press Conference of Pakistan President Pervez Musharraf on return from his four-country 20-day tour.


The president reassured the nation that he had made no clandestine deal with any world power on the “core” issue of Kashmir or Pakistan's nuclear assets during his visits abroad. Kashmir, he said, was still the “core issue”, and no breakthrough was possible without addressing it first and there could be no compromise on the country’s nuclear programme. “Nobody has asked us to change our Kashmir policy or end our nuclear programme. There is no compromise and there will be no compromise on Kashmir and nuclear assets,” he said. He said the leaders of the four countries he visited wanted a peaceful Kashmir settlement through talks between Pakistan and India while willing to facilitate movement in that direction. “Pakistan want normalization of relations with India and would like to solve all outstanding issues through negotiations,” he said and claimed a better understanding of Pakistan’s position on Kashmir.

The world leaders he met, the general said, were worried about terrorism, spread of narcotics trade, and non-proliferation of nuclear assets. “We too want all this. Pakistanis should understand they are part of this uni-polar world and cannot live in a vacuum,” he said. The president spoke at length about his visit to the US, the UK, Germany and France, and the issues he discussed with the world leaders. He said he had not embarked on this visit with a begging bowl in his hands. The aim of the visit was to project four things: (i) Pakistan as a progressive Islamic state, (ii) the improved law and order situation in the country, (iii) removal of misconception of the secret agencies’ role in Afghanistan

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and Kashmir, and (iv) informing investors that Pakistan provided an ideal opportunity for investment.

Gen Musharraf said he achieved all the objectives of his visit, but felt “belittled” when a gory incident in Quetta took place at the fag end of his visit. He said none of the leaders he met had asked him to change in Pakistan’s stance on Kashmir. They, in fact, acknowledged that Kashmir was the main issue between Pakistan and India, and all the leaders he met wanted to facilitate the talks on Kashmir. “I am not the one who wants to hide anything and I would tell what I discussed with these leaders,” he insisted. He said every country had certain national interests which could not be compromised and Kashmir was one of them. “There is no room for compromise on such issues and no leader has the right to make any deal on them. There is the Kashmir cause, we want a peaceful resolution of this dispute but we cannot give it up and no body would ask to do so,” he added.

“But the bottom line is both Pakistan and India have to decide the matter.” He said that no roadmap was discussed for the solution of Kashmir issue.

NUCLEAR ASSETS: The president said none of the leaders had asked him to roll back Pakistan’s nuclear programme. He said he told the world why Pakistan had developed the nuclear programme. “We live in a region where we need it for our security. The world leaders only want that Pakistan should not proliferate its nuclear technology. We too are against proliferation of nuclear technology,” he said.
1591. Interaction of Pakistan President Pervez Musharraf with members of the Indian Parliament on a visit to Pakistan.

Islamabad, August 12, 2003.

While interacting with a visiting group of members of Indian Parliament and a group of senior editors and writers, President Pervez Musharraf offered to facilitate a ceasefire inside what he called “occupied” Kashmir if India reduces its troops in the territory, stops atrocities against innocent Kashmiris and allows political activities and free travel. He agreed with one of the Indian parliamentarians belonging to Kashmir that the people of Kashmir had suffered a lot over the last so many years and therefore needed a respite while India and Pakistan sorted out their problems over Kashmir.

The president called for a ceasefire on a reciprocal basis inside Kashmir during the intervening period as India and Pakistan took to its logical conclusion the ongoing peace process which, he said, was yet to start at the official level.

He said a ceasefire could be established on the LoC immediately with the two governments ordered their troops to stop firing at each other, but “what is happening inside Kashmir is not under our control, it is not possible to stop it from here because we do not have a whistle which we can blow from here and things start happening in ‘Indian-held Kashmir’.”

The President maintained that violent incidents taking place in “occupied” Kashmir could only be stopped completely if a ceasefire was established on a reciprocal basis. Answering a query, Gen Musharraf said there was no government-sponsored terrorism on the LoC or across the LoC. “Whatever is happening in Kashmir is a freedom struggle.”

He said no one should assume that since elections had been held in Kashmir and a government opposed to the last one was in the saddle there was, therefore, no Kashmir crisis. He said on its part Pakistan and he himself would like to see increased people-to-people interaction between the two countries, and would like to welcome more such delegations from India, but despite a lot of talk about the peace process, no official-level talks had so far been held between Islamabad and New Delhi.

The president said there was a suspicion in Pakistan that all this talk about peace process was nothing more than an eyewash and that India had no intention of talking to Pakistan on substantive issues.

He expressed the hope that India would soon agree to at least a foreign secretary-level meeting so that the peace process would get going in right earnest.
He said any delay in the start of official talks would strengthen the hands of extremist elements, who might not be in favour of a dialogue process.

President Musharraf said it was unrealistic to expect two countries, one bigger and more powerful and the other smaller and weaker, to sit across the table and resolve their disputes bilaterally.

In this context, he urged India to show magnanimity while dealing with Pakistan as according to him when a bigger and more powerful country concedes something to a smaller and weaker country, it is regarded as a magnanimous gesture while such gestures on the part of the latter would be considered as a show of weakness. Still, he did not appear to be ruling out completely the possibility of using bilateral negotiations for resolving the Kashmir issue.

Gen Musharraf recalled that at Agra he had stated clearly that Pakistan on its part was prepared to go beyond its historically stated position and said the offer was still open and in fact according to him the need of the hour was to look forward and not to go back into history except to learn lessons from past mistakes. He said it was India which had become a stumbling block in the way of SAARC graduating into a truly vibrant economic bloc and again it was India which had stopped over-flights. Pakistan wanted to clear these hurdles and move ahead, but without official-level talks all this, he explained, was not possible.

He reiterated his proposal for amending the SAARC Charter to include in it a mechanism for collective issue resolution.

When he was asked to lift the ban in Pakistan on Indian TV programmes, the president said the media of the two countries indulged in vicious propaganda against each other and unless that was stopped, he thought such a move would only prove to be counterproductive. He referred to a report in an Indian magazine which had alleged that the Gwadar port would serve as a Chinese naval base, and categorically refuted it. He said he was not averse to free movement of media persons between the two countries but asked: “How many of our journalists have been allowed to interview Indian leaders? I have on my part rarely refused to give interviews to Indian journalists.”

In his opening remarks, the president said India and Pakistan should address all issues with sincerity of purpose for the betterment of their people. “We want peace and I want peace. We do not want war. We have had enough of war. We are looking for peace through a process of dialogue, as civilized nations which we both are.” He assured the Indian parliamentarians that they would not find sincerity lacking in Pakistan.

“We want peace and Pakistan will not be lagging behind in initiatives for peace.”
1592. Media briefing by Official Spokesperson on observations by Pakistani President.

New Delhi, August 12, 2003.

Question: Gen. Musharraf has said that there should be cease fire along the LoC and Kashmir valley*……. Any comment?

Answer: We have seen the comments of Pakistan President Pervez Musharraf made to visiting Indian Parliamentarians, journalists and others in the context of meeting organized by SAFMA.

There is nothing new in these suggestions. They have not been found effective in the past because Pakistan has continued to sponsor terrorism directed against India and provided support to cross border infiltration. Once this is stopped and Pakistani aided terrorist stop crossing the LOC, the level of firing would naturally go down.

Similarly, there is nothing to prevent the Pakistan aided terrorists to stop their activities inside J&K. Once these activities stop, there would inevitably be a change in the necessary measures required to be taken by the security forces.

We are also disappointed by the suggestions emanating from the Pakistani leadership that they had done all that they could to stop cross border infiltration and terrorism. The facts point to continuing Pakistani support through funding, training, indoctrination, launch and guidance.

Instead of propagandist statements, Pakistan should take effective and long-term oriented measures to dismantle the infrastructure of support to terrorism.

Question: Gen. Musharraf also said that India should not continue to live in past and look forward……

Answer: We are talking of going ahead. In fact Prime Minister Vajpayee’s initiative is also all about moving ahead. But as far as the reaction is concerned I have given you a reaction to some specific suggestions that were made in his statement.

* On August 12 President Musharraf in his interaction with the Indian Members of Parliament, editors, and others of the SAFMA who called on him offered immediate ceasefire on the LOC and showed his willingness to facilitate it in the valley if India reciprocated by releasing Kashmiri prisoners allowing free movement of Kashmiri leaders, reducing forces and ending military operations. Elaborating on the offer of facilitation of a ceasefire in the valley, he said no guarantee was possible since it was not in his control. However influence of various elements could be used to persuade the “freedom fighters” to respond if India assured to reciprocate by taking appropriate measures.
On August 8, 2003 Official spokesperson had said that “a decision has been taken as a very special case and in view of Prime Minister Vajpayee's initiative to release Munir. You may have seen some reports. Efforts are on to have him sent back to Pakistan by Tuesday. He is expected to be in Delhi before that and consular access will be given to the Pakistani High Commission.” There were some other questions:

**Question:** Is this a part of humanitarian gesture on the GOI’s part?

**Answer:** People to people contact is a very important part of the process that we are following step-by-step. With the intention of keeping up the momentum generated by Prime Minister's initiative, this decision has been taken.

**Question:** In response to question in Parliament, it was said that Pakistan has proposed on July 24 for talks on resumption of railway links. Any confirmation?

**Answer:** The proposal has been received and it is being examined.

**Question:** There was a report that EAM briefed the MPs who were to visit Pakistan. What was the briefing about?

**Answer:** I am not party to that briefing. It was essentially a briefing that was given at the request of the delegation. These people are going there in their individual capacities at the invitation of an NGO. The delegation is composed of several MPs as well as people from the media. From what I understand the visit is from August 9-13 and the meetings to be held on 10 and 11.

**Question:** Was the briefing on dos and don'ts?

**Answer:** Well as I said, I was not there and some media personnel were there and so it is already in public knowledge what the briefing was about.
1593. **Response of Official Spokesperson to Pakistani allegation of terrorist camps in India.**

New Delhi, August 19, 2003.

**Question:** Any reaction to the Pakistani Spokesperson’s statement that there were 55 terrorist training camps in India?

**Answer:** This is one more figment of Pakistan’s imagination. One would have chosen not to comment on this absurd allegation, but for the mindset it reveals. It is a mindset that thinks of stopping at nothing to make a propaganda point.

The more Pakistan makes such wild allegation, the less we and the international community believe that it is serious in dealing with its responsibility to end cross-border terrorism against India. We would again wish to underline that Pakistan should think, act and speak responsibly to make full use of the opportunity offered by Prime Minister Vajpayee’s initiative to improve relations between India and Pakistan, an objective to which Pakistan’s government should show as much commitment as its people seem to have begun to show.

* * * * *

**Question:** Pakistan Government has proposed for talks on Samjhauta'. Any progress?

**Answer:** The Government of India has received the proposal. As you know we are following a calibrated, step-by-step approach in the matter and each step will be taken keeping in view the success generated by the previous step as well as the confidence that exist between the two sides and we are looking forward to the technical level talks on civil aviation next week.

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1. The suspended train service that ran between the two countries.
1594. Statement by Official Spokesperson in response to a question on India’s efforts to cooperate with Pakistan to eradicate terrorism.

New Delhi, September 18, 2003.

We are amused, disappointed but not surprised by refusal of Pakistan to cooperate with us to eradicate scourge of terrorism.

It is indeed amusing to find the representative of a military regime pretend to speak of alleged repression and so-called State terrorism elsewhere.

It is not surprising because it has been clear right from the beginning that, in dealing with international terrorism, Pakistan is a part of the problem and cannot a part of any effective solution. While providing some cooperation against some terrorists, avowedly under pressure and threats, it has attempted to be selective and piecemeal in such cooperation, and protect its “assets” to the extent it could. Terrorists, including those linked to or supportive of the Al Qaida, continue to find safe haven and support in Pakistan. Pakistan also continues to assess terrorism as an instrument of leverage in its dealing with India. Many, including analysts in the western media, has questioned Pakistan’s intentions and commitment.

It is disappointing because it is clear that Pakistan has still not fully absorbed the lessons of its own past mistakes. Its policy against India have not only completely failed to move towards its preferred objectives, but has in fact rebounded negatively on Pakistan itself. If Pakistan is to move towards moderation and a progressive society, as General Musharraf claims as his objective, it has to give up using fundamentalism, terrorism and subversion against other countries.

We remain ready to cooperate with Pakistan should it eventually choose the right course for itself.

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* The Spokesperson Navtej Sarna was referring to the briefing of Pakistan Foreign Office Spokesperson Masood Khan on September 15 in which the latter described as “ridiculous and ludicrous” the proposal of the External Affairs Minister, Yashwant Sinha, for India-Pakistan co-operation in fighting terrorism. Masood Khan, said that Islamabad could not be a party to “Indian terrorism” and asked New Delhi to “withdraw and roll back aggression” from Kashmir. The Pakistani Spokesperson was responding to the proposal of External Affairs Minister Mr. Sinha to the Pakistani newspaper the News asking Pakistan to join India in the fight against terrorism. Mr. Khan said that the Joint India-U.S. exercises in Ladakh would have no effect on the status of Kashmir as a disputed territory. He reiterated Pakistan’s position that the Kashmir issue had to be resolved in line with the wishes of the Kashmiri people. He denied remarks attributed to the Foreign Minister, Khurshid Kasuri, about a joint SAARC force to combat terrorism. 
Press conference of External Affairs Minister Yashwant Sinha on the suggestions made to Pakistan for normalization of relations.

New Delhi, October 22, 2003.

EXTERNAL AFFAIRS MINISTER: Friends, good afternoon. As you are aware, the Cabinet Committee on Security met this morning. Among other things, we discussed the progress of the Prime Minister’s peace initiative with Pakistan. After the discussion, the Cabinet Committee has approved a number of new steps, which we have already conveyed to Pakistan. The Pakistan High Commissioner was asked to meet the Foreign Secretary this afternoon. He met the Foreign Secretary at 3:15 p.m. What I am going to tell you is something that has already been conveyed to the High Commissioner to the Government of Pakistan. We have made a number of suggestions to Pakistan.

The first is, the next round of the technical level discussion for resumption of civil aviation. You are aware that we could not reach an agreement in the first round, which was held in Islamabad. That meeting ended with the promise that the two sides will meet again. We propose to hold these talks once again, and the Director-General Civil Aviation will get in touch with his Pakistani counterpart to fix the dates for this meeting.

India is keen, though it is not a sign of our weakness mind you, that civil aviation links should be restored along with overflights, overflying rights over the air space of each country. We are keen because we feel that it is in the interest of the people of India and Pakistan that this should happen. I would also like to make it absolutely clear that there is no question of India giving any guarantees to Pakistan. So, this is the first step, resumption of talks for civil aviation.

The second is, we have offered to Pakistan to hold technical level discussions for the resumption of rail link. At the same time it has also been conveyed to Pakistan that the resumption of rail link will be undertaken after the successful completion of the technical level talks with regard to civil aviation.

The third is, we have decided to resume bilateral sporting encounters. This includes cricket also.

Fourth, in order to further benefit the people in both the countries, we propose the holding of visa camps by the respective High Commission in different cities through a mutually agreed arrangement for the cities as well as the frequency of such camps. Details in this regard can be worked out through the diplomatic channels.

Five, senior citizens – which means persons of 65 years of age and above – would henceforth be permitted to cross Wagah checkpoint on foot. At the
moment our policy is restricted to crossings by groups. We are extending this facility to individuals but restricting it to senior citizens to begin with. Anyone who travels by bus is free to cross.

We have also proposed to increase the capacity of Delhi-Lahore-Delhi bus service by running more buses in convoys on the already agreed days. The Delhi Transport Corporation, which I happened to chair at one time, would follow up on this with the Pakistan Tourism Development Corporation.

We have proposed establishment of links between the Coast Guards of the two countries. Such links, we have suggested, could be on the pattern of the existing link between the DGMOs (Directors General of Military Operations), and could be established between their respective headquarters. Flag meetings could also be held at sea before and after the fishing season. Details could initially be tied up through diplomatic channels and subsequently followed up by the Indian Coast Guards and Pakistan Maritime Security Agency.

We have proposed to Pakistan the non-arrest by either side of fishermen of the other country within a certain band on the sea. Details of the band on the sea again could be worked out through diplomatic channels.

Government of India would provide free medical treatment to a second batch of 20 children from Pakistan. You are aware of the fact that after baby Noor’s case we had announced that we would make this facility available to 20 children from Pakistan which will include medical treatment in India. Sixteen children have come to India. They have undergone treatment. They have either gone back or have undertaken treatment and recuperating, or waiting for treatment. Our Mission in Islamabad informs us that they have received a very large number of applications. Therefore, we have decided that we make 20 more slots available under this category.

After all these steps are taken and the work of the Missions expands, we will be ready to look at further accretion to the strength of the two Missions - in Islamabad and Delhi. As you are aware, we have recently suggested increasing the strength by eight, which Pakistan has accepted. We are in the process of implementing it. We are prepared to increase it by another number to be mutually agreed upon once, as I said, as a result of all these steps the work increases.

We propose to go beyond the transportation links by air, road and rail. Therefore, we have proposed to Pakistan that we could consider a ferry service between Mumbai and Karachi. We will await the response of Pakistan.

1. It may be recalled that the announcement to facilitate and fund the treatment of Pakistani children in Indian hospitals, was first made on July 24, 2003 taking into account the popular response to Baby Noor’s case.
Finally, but very importantly, we have proposed to Pakistan the start of two new bus services – one between Srinagar and Muzaffarabad, and the other either a bus or rail link between Khokrapar and Munabao, in Sindh and Rajasthan.

These are the steps which have been decided upon by the Cabinet Committee on Security and conveyed to Pakistan. We will await their response².

Our war against terrorism, especially cross-border terrorism, will continue. There will be no let up in dealing with terrorists who dare to infiltrate into India.

Thank you.

**QUESTION:** What is the change in ambience that you have proposed a long list of radical suggestions? Is there something happening behind the scenes which we do not know? Secondly, you had mentioned sometime ago that there were to be talks at the SAARC level between the officials in Kathmandu. Can you tell us something about the results of those deliberations?

**EXTERNAL AFFAIRS MINISTER:** As far as the SAARC is concerned, I will ask the Foreign Secretary to tell you what happened in Kathmandu.

2. The Pakistan Government made its response to the Indian proposals on October 29 and also made some fresh proposals of its own. The main points in Pakistan’s reply to India’s 22 October proposals with regard to CBMs were:
   1. Welcomes Srinagar-Muzaffarabad bus proposal in principle. Wants check points along the way to be manned by UN officials and people should move with UN documents.
   2. Sustained and serious dialogue needed.
   3. India has proposed date on technical-level talks for resumption of air links. Pakistan agrees to talks in first week of December.
   4. Resumption of Samjhauta Express because bulk of traffic through rail, so we believe it will serve India’s purpose of people-to-people contact.
   5. No link between talks on resumption of air and rail links.
   6. Welcome resumption of sporting ties.
   7. Welcome (novel) idea of visa camps in various cities. But problem is how to implement? Pakistan wants restoration of number of staff in embassy to pre-December 2001 levels.
   8. Senior citizens welcome to cross border on foot.
   9. Instead of increase in frequency of Delhi-Lahore bus, Pakistan says it is better to resume Samjhauta Express because it will spare people a torturous 14-hour bus journey. India should have courage to restore rail links.
   10. Pakistan proposes bus service between Amritsar and Lahore.
   11. Work with India on release of fishermen arrested by both sides, on humanitarian grounds.
   12. Heart institutes in Karachi and Punjab province have offered to treat some poor Indian children.
   13. Mumbai-Karachi ship: Issue can come up when the composite dialogue is resumed.
   14. Rail between Sindh and Munabao: Issue can come up when the composite dialogue is resumed.
As far as the first part of your question is concerned, I am not aware of anything happening behind your back or my back or somebody else's back. We have been saying from day one, from 18th April to be precise, that India is very serious about its peace process with Pakistan, that the offer made by Prime Minister Vajpayee on 18th of April in Srinagar is a very serious and sincere offer of friendship with Pakistan, and that we will work overtime to make this initiative succeed. Now, the steps that we have taken so far are not inconsequential. There are a number of steps which have been taken so far and they have clearly created a groundswell of support for the Prime Minister's initiative at the level of people in both the countries. Therefore, we are interested in expanding people-to-people contacts. Many of the steps that I have listed here will facilitate people-to-people contacts. We are hoping that as a result of these steps that we have announced today and conveyed to Pakistan, Pakistan, we hope, will be persuaded to give up the path of confrontation, the path of violence, the path of cross-border terrorism and come to the negotiating table in a spirit which is necessary to sustain those negotiations and that dialogue.

QUESTION: You said in the beginning that you follow the peace process step-by-step and each step you take would be in response to the step taken on the other side. What is this in response to? What steps Pakistan has taken that enabled you to make these gestures?

EXTERNAL AFFAIRS MINISTER: We have moved step-by-step since April 18. As you are aware, and as I mentioned just now, a number of steps have been taken. We felt that a stage had been reached where we could announce a number of steps all together and wait for the response of Pakistan with respect to all of them. So, I would not say there is a radical departure from the policy that we have been following. It is only that some of these steps have been pending for sometime and we are announcing them today.

QUESTION: Did the CCS meeting discuss the issue of cross-border terrorism? What do you have to say on infiltration?

EXTERNAL AFFAIRS MINISTER: With regard to infiltration I would like to say that we have no evidence with us to enable us to come to the conclusion that

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Pakistan also made some fresh proposals:

1. It will offer 100 scholarships to Kashmiri children to take graduation and post-graduation courses in Pakistan
2. Will offer treatment to aged Kashmiris
3. Help widows and victims of rape (which, Pakistan’s Foreign Secretary Riaz Khokar alleged, occurred due to the action of security forces). Wants UN agencies to identify such people.

Khokar said if India was sincere about bridging the gap between Kashmiris separated by the Line of Control, it would allow Kashmiris to accept the offers Pakistan has made.
there has been a reduction in infiltration, or there has been any effort at curbing infiltration. That is the reason why I said right in the beginning when I spoke about the steps that our fight against cross-border terrorism would continue in the same way in which it has been going on. That means, we will continue our fight with full responsibility and strength.

QUESTION: You have listed 12 proposals that you made to Pakistan. Did you consider one more suggestion, the 13th one, that there should a mutual total clamp down on hawkish statements coming from either side? I say this because this vitiates the atmosphere on both sides.

Secondly, there is a statement that resumption of Samjhauta will be done only after successful completion of technical level talks on resumption of civil aviation links and you have also said that there will be no guarantees. Pakistan has been harping on guarantees. Do you not think that this situation has sort of got stuck here?

EXTERNAL AFFAIRS MINISTER: That is why we would need a dialogue. That is what dialogue is all about. You talk; when you feel that there is a stalemate, you talk about the stalemate.

As far as the first part of your question is concerned about the hawkish statements, this is a part of the Shimla Accord that both sides will desist from making such statements. So, all that we have to do is to go back to Shimla. This is not an issue which came up. I think I will go back to the earlier question which Amit had asked and we have not answered, that is on the SAARC. I think the Foreign Secretary would like to answer that.

FOREIGN SECRETARY: The SAARC meeting was held and it was fairly successful. There were two items on the agenda essentially – one to consider further the framework agreement for free trade arrangement within SAARC. There all the issues have not been resolved and another meeting would be necessary. But the feedback that we got from our delegation was that in terms of Pakistan’s own position, this was positive. Some issues were raised by Bangladesh and those issues have to be sorted out. Then we have also said that on the margins of this meeting of SAFTA, India and Pakistan could bilaterally complete their 4th round of SAPTA negotiations with regard to preferential tariff lines to be exchanged. There Pakistan has offered 250 tariff lines. They have assured us, and our delegation is satisfied, that the earlier problem of some of these items being on the negative list would no longer be a problem. Also, since preferential tariffs offered to one country become automatically available to the others, whatever Pakistan has offered to other countries and not yet to India would become available to India too. All in all, there was positive movement at Kathmandu.
QUESTION: ...Inaudible...

EXTERNAL AFFAIRS MINISTER: I suppose whatever the nature of Government or governance, people in authority have to respond to popular will, people's wishes. We will continue to hope that the support that we see at the level of the people of Pakistan for peace and friendship with Pakistan will ultimately get reflected in the corridors of power also.

QUESTION: On all the suggestions or proposals that India has made, the most interesting, if I may say so, is the proposed bus link between Srinagar and Muzaffarabad. Would you mind clarifying whether this service would be restricted to the people of Kashmir on either side or it shall be open to all Indians and all Pakistanis?

EXTERNAL AFFAIRS MINISTER: It depends. As I said, we will await in principle response of Pakistan.

QUESTION: How does it sit with our claim of the territory which is occupied by Pakistan?

EXTERNAL AFFAIRS MINISTER: It does not in any way affect our claim.

QUESTION: The Government had been saying that normalization of relations with Pakistan would depend on cessation of cross-border terrorism. Still you have come out with a series of offers. How do you reconcile these two positions?

EXTERNAL AFFAIRS MINISTER: I must explain what our policy is. I think we should have clarity with regard to this. One is the normalization process. That is, try and normalize as far as possible and go back to a situation where your relationship is normal. In a broad sense, go back to the position that obtained before the attack on Parliament on the 13th of December. Most of the steps that I mentioned here are part of that normalization process. Then there is the question of dialogue between India and Pakistan. That is a different issue.

When we talked about cross-border terrorism and dialogue what we were saying was that with Pakistan things are not going to be sorted out in one round of talks that would start at 3 o'clock and by 5 o'clock in the afternoon you have wrapped up everything. Considering the complexity of those issues in the composite dialogue framework, dialogue will have to be sustained over a period of time if you want the dialogue to produce results. You cannot have a sustained, meaningful and productive dialogue if cross-border terrorism is going on at the same time. Therefore, that is the position that we continue to hold. We continue to tell Pakistan about this that no meaningful, productive and sustained dialogue can take place with Pakistan if they carry on with cross-border terrorism as an instrument of state policy. So, this distinction has to be clearly understood.
QUESTION: If the steps that you have announced right now are accepted by Pakistan and implemented by both the countries, do you expect both the countries to resume bilateral talks during the SAARC Summit?

EXTERNAL AFFAIRS MINISTER: I would like to clarify the position here. SAARC is a multilateral process consisting of seven countries. We must be able to make a distinction between a multilateral process and a bilateral process. A multilateral process taking place even on Pakistani soil does not become a bilateral process only because it is taking place in Pakistan. Therefore, participation by India in SAARC should not be linked with bilateral talks at any level with Pakistan until and unless the necessary conditions are created for such a dialogue. We have also said right from the beginning that there is no question of a summit level dialogue as the starting point of the dialogue process. We will have to prepare for the summit; we will have to begin the dialogue process at some other level. This kind of a question is repeatedly asked as to whether there will be a summit meeting in Pakistan when the Prime Minister goes to Islamabad. The answer clearly is ‘no’ because it is a multilateral process for which he will go to Islamabad. Therefore, if you want to take advantage of their presence, they were both present in New York, they were both present earlier in Kuala Lumpur, and they were both present in Almaty. So, the presence is not the most important thing.

QUESTION: Another important decision that was taken in today’s CCS meeting is that the DPM will talk to the Hurriyat Conference. What is the reason behind taking that decision now? It has been a long standing demand of theirs but it was not acceded to earlier.

EXTERNAL AFFAIRS MINISTER: This decision was taken because we wish to talk to them. The DPM will talk to them but the decision also is that there is no question of changing the negotiator from our side, N.N. Vohra.

QUESTION: Pakistan has repeatedly said that unless the core issue of Kashmir is settled there is no use of talks and that nothing will come out of it. Today, the CCS took a decision that the Deputy Prime Minister will talk to the Hurriyat Conference. Is it building some kind of an atmosphere there?

EXTERNAL AFFAIRS MINISTER: Talking to the Hurriyat is our internal process. It has nothing to do with our relationship with Pakistan. Also, Pakistan has on its own decided that Jammu and Kashmir is the core issue. I have responded by saying where is the agreement between the two countries that any issue is the core issue. You cannot unilaterally decide this is the core issue. We have between us an agreement with regard to the issues in the composite dialogue process. That is the only understanding that subsists apart
from Shimla and Lahore. So, I do not think it is open to any country to say unilaterally that this is the core issue.

**QUESTION:** …Inaudible…

**EXTERNAL AFFAIRS MINISTER:** We have recently made a proposal to Pakistan that we could increase the staffers by eight. Pakistan agreed to that. That process of eight of our people going there and eight of their people coming here is on. With the arrival of those eight people there would be some relief. In the meanwhile we will see what would be the reaction of Pakistan to this. If we move forward with success and if the work of the two Missions moves forward, then we would put forward this proposal – I am making it clear now – that the number of staff in both the Missions could be increased.

**QUESTION:** Before the Agra Summit, we have made the proposal of resumption of rail link between Khokrapar and Munabao and bus link between Srinagar and Muzaffarabad. About the Srinagar-Muzaffarabad bus link, can you tell us the point at which the bus will cross the Line of Control?

**EXTERNAL AFFAIRS MINISTER:** Before the Agra Summit, these proposals were made. It is a reiteration of those two proposals. As far as the details are concerned, I am sorry I will not be able to fill you on the details because all these details have to be worked out.

**QUESTION:** The affixing of entry and exit stamps by the customs at the point on LoC where the bus would pass, would it not lead to a position …

**EXTERNAL AFFAIRS MINISTER:** These are all matters of detail which will have to be worked out but the LOC is an existing reality.

**QUESTION:** You have just said that the issues between India and Pakistan can be resolved with a sustained dialogue. India has given enough evidence from its side with regard to the presence of Dawood Ibrahim in Pakistan. Pakistan on the other hand has kept on refuting it. In these circumstances, what relevance do you see of a sustained dialogue?

**EXTERNAL AFFAIRS MINISTER:** The relevance that we see is that in the history that we have known, good has always won over the evil. We will keep on working with that hope.

**QUESTION:** As part of the normalization process, are you are also considering allowing the High Commissioner and other people in the Pakistani Mission here to go beyond Delhi city or are they still confined to Delhi?

**EXTERNAL AFFAIRS MINISTER:** If we had taken a view on that I would have announced it. There is no decision as such.
QUESTION: In what context would the talks with Hurriyat take place?

EXTERNAL AFFAIRS MINISTER: In the same context in which Shri Vohra was appointed as the representative of Government of India. Talks will take place under the terms of reference given to Shri Vohra.

QUESTION: If there is not going to be any change in the Central Government’s interlocutor in Kashmir, why is the DPM going to talk to Hurriyat? Is there a message which is sought to be conveyed?

EXTERNAL AFFAIRS MINISTER: You can come to your own conclusions. Both are the decisions of the Cabinet Committee that Mr. Vohra will not be changed and that Mr. Advani will talk to the Hurriyat.

QUESTION: You have made a number of suggestions. Some of them are quite radical like the one on ferry service. On what proposals do you think there would be a positive response from Pakistan? You said that multilateral process is different from the bilateral one. Is it possible that we might resume contacts at some level, at Joint Secretary or Foreign Secretary level, if the response is positive from Pakistan?

EXTERNAL AFFAIRS MINISTER: These are, as I mentioned to you, a part of the process of normalization of the relationship. We will expect that Pakistan will respond positively on all the dozen suggestions that we have made. Not only it will respond positively but wherever we have to hold further talks those talks will also be successful. That will be our hope. It is in this hope that we are announcing and conveying these steps. As far as the dialogue is concerned, I have already stated our position very clearly that that is not possible unless we see evidence on the ground that cross-border terrorism is being brought to an end.

(Text in italics is a translation from Hindi)
1596. Pakistan’s Response to the Indian offer of talks for normalisation of relations.

Islamabad, October 22 and 29, 2003.

Oct 22: In an immediate response to the Indian announcement, a Foreign Ministry statement said on October 22 “These (proposals) will receive serious consideration by Pakistan.” But it hastened to add that Pakistan regretted exclusion of the offer of a composite dialogue in the Indian proposals and said: “We are disappointed that while making these proposals, India has simultaneously reiterated its rejection of Pakistan’s offer to resume substantive and sustained dialogue to resolve all issues notably the Jammu and Kashmir.” The statement added: “Pakistan’s response to any proposal that is substantive and unconditional and genuinely designed to improve relations will, as always, be positive.” It added: “We hope that India will reconsider its position on the resumption of the composite talks as some of the proposals made by India today are already integral to the composite dialogue process.”

However the Pakistani spokesman added in parenthesis “these measures appear to have been prompted by pressure on India from the international community, for going too slow on the peace process”.

On October 29, Pakistan Foreign Office came out with a detailed response to the Indian proposals.

Foreign Secretary Riaz Khokhar told a press conference that Pakistan had decided to respond positively to the Indian proposals along with some of its own steps. However, he pointed out, Pakistan felt disappointed that New Delhi had rejected Islamabad’s suggestion for resuming a comprehensive, sustained dialogue. He said Pakistan still hoped that the proposed reciprocal steps would lead to the resumption of dialogue and help de-escalate the situation in occupied Kashmir.

Referring to the Indian proposal of introducing a bus service between Srinagar and Muzaffarabad, the Foreign Secretary said that could be welcome provided there were checkpoints manned by the United Nations and Kashmiri passengers carried UN travel papers.

Besides, Pakistan offered medical aid and assistance to Kashmiri victims of violence and rape, and to widows from the Valley. The secretary said international humanitarian bodies could be associated with the implementation of this proposal. Pakistan, he said, was offering scholarships for 100 Kashmiri students for studies in graduate and post-graduate courses in professional institutions.
Pakistan, the Foreign Secretary said, accepted the proposals pertaining to the resumption of the Samjhota Express between Lahore and Delhi, sports ties, visa camps with provision of necessary infrastructure and staff, land border crossing by people in the age group of 65 and above, and setting up of a hotline between Pakistan’s maritime agency and Indian coast guards to ensure humanitarian and expeditious assistance to arrested fishermen of either country.

About the Indian suggestions for Mumbai-Karachi ferry service and opening a land route between Munabao and Khokhrapar, the Foreign Secretary said these issues should better be left for consideration at negotiations whenever the two sides decided to resume dialogue.

Answering questions, he said the talks on the CBMs had a long history. He said progress and development in both countries had suffered a great deal because of confrontation for the last 55 years, mainly owing to the Kashmir dispute. Hence, he maintained, Pakistan had been insisting on negotiations on the Kashmir dispute along with other substantive issues. Mr. Khokhar said India might have floated the CBMs as a public relations activity or a “tactical move”, but Pakistan had responded to them seriously and sincerely.

He emphasized that the Kashmir issue could never be set aside because it was the heart of the problem between the two countries and the only way to resolve it was by holding negotiations. Asked for comments on statements of war by some Indian ministers, the Foreign Secretary said talking about war was most irresponsible.

Though Pakistan was ready to face any eventuality, it did not want to talk in terms of war. Rather it wanted dialogue to find a solution to the problems, he stressed.

In reply to a question about involving the United Nations in the proposed Srinagar-Muzaffarabad bus service, he said the suggestion was perfectly in order while considering travel facilities between the divided parts of a disputed territory which was on the UN agenda.

He said India was possibly amenable to a third party’s role in facilitating talks between the two countries as, he pointed out, the US had been talking to both Islamabad and New Delhi on contentious issues. He hoped that well-wishers of the two sides would continue to extend their support for a peaceful settlement of disputes.

In reply to a question about India’s stand that dialogue cannot be resumed because Pakistan had not done enough to prevent infiltration from across the Line of Control, Mr. Khokhar said Islamabad had done its utmost and now the ball was in India’s court. Let India seal its borders to prevent any unwanted incursions, he added.
We have seen the statement on India-Pakistan relations, made by the Prime Minister of Pakistan in his address yesterday. We welcome the decision of the Government of Pakistan to work for expanding the communication links proposed by us on October 22. We now propose immediate technical level talks for early implementation of these proposals.

We also welcome the announcement by the Prime Minister of Pakistan of a unilateral ceasefire with effect from the holy occasion of Eid. We will respond positively to this initiative. However, in order to establish a full ceasefire on a durable basis, there must be an end to infiltration from across the Line of Control.

1. The Pakistan Prime Minister, Zafarullah Khan Jamali, on November 23 said Pakistani troops were ready to observe a ceasefire along the Line of Control (LoC) from Id, falling on November 26. He said this in his address to the people of Pakistan on the occasion of the completion of one year of his Government. Significantly he also revived the proposals on a bus service between Srinagar and Muzaffarabad, capital of Pak-occupied Kashmir (PoK) and bus or train link between Sindh and Rajasthan and said that Pakistan was ready for discussions with India on them. The ceasefire announcement made by Mr. Jamali assumes significance, as Pakistan is to host the SAARC Summit in the first week of January and has been urging the Prime Minister, Atal Bhari Vajpayee, to utilise the occasion for revival of the stalled Indo-Pakistan dialogue. Since August Pakistan has mooted the ceasefire proposal twice but there is a difference in the manner it has been portrayed now and in the past. The proposal made by President Musharraf, was conditional and was subject to acceptance by India. New Delhi rejected it as a non-starter on the ground that it cannot let its guard on the LoC down when there is no let-up in infiltration. Mr. Jamali now seemed to suggest that Pakistan would observe a ceasefire irrespective of the Indian position. Mr. Jamali said Pakistan was ready for talks on the re-opening of the Khokhrapar-Monabao route that remained closed since the 1965 war. When India mooted the proposal in October Pakistan said that it could be discussed as part of the composite dialogue. The Pakistan Premier said his country was willing to start a bus service between Muzaffarabad and Srinagar. In response to the Indian proposal earlier Islamabad had said the service was possible only if U.N. personnel manned the check posts and people on either side were allowed to travel with U.N. documents. Mr. Jamali invited India to initiate talks on the modalities and other related matters for starting the bus service and offered to host a meeting in this regard. To facilitate issuance of visas, he proposed that both Pakistani and Indian high commissions, after mutual agreement, should look into the possibilities of opening visa camps. Jamali also conveyed his willingness to on the resumption of air links between the two countries and said negotiations between the two civil aviation authorities were extremely important. He hoped that these negotiations would lead to the revival of air links between Lahore-Delhi, Karachi-Mumbai and Karachi-Delhi. Mr. Jamali also re-floated Pakistan's proposal of reviving the Samjatha Express, saying, “we think that a decision in this regard should be reached by the end of this year”. Similarly, he said, Pakistan was also ready for talks on starting a ferry service between Karachi and Mumbai. He also proposed that the Interior Ministries of Pakistan and India should find ways to resolve the problems of prisoners jailed in each other’s countries.
To take this process further, we also propose a ceasefire along the AGPL (Actual Ground Position Line) in Siachen.

Question: The statement says we will respond positively to this initiative….

Answer: It says we will respond positively and in order to establish a full ceasefire on a durable basis there must be an end to infiltration from the across the LoC.

Question: The ceasefire is with effect from Eid. Will we also ceasefire from the same day?

Answer: I am not sure as to when what comes into effect. But we will respond positively.

Thank you.

1598. Announcement by Pakistan President Pervez Musharraf agreeing to the resumption of overflights between India and Pakistan.


President Gen Pervez Musharraf on November 30th agreed to the resumption of overflights with India, and proposed a four-stage approach for the settlement of the Kashmir issue.

Information Minister Shaikh Rashid Ahmed told newsmen that President Musharraf had taken a unilateral decision to allow the overflight facility to India as a goodwill gesture. Modalities for resuming overflights would be worked out at the experts’ meeting to be held in New Delhi.

Mr Ahmed said the announcement was made by the President at a meeting with the members of the Young Presidents Organization of both Pakistani and Indian chapters. “As a gesture of goodwill, Pakistan will agree to the resumption of overflights with India at the talks being held in Delhi next week,” the president told the Indian visitors. He said let the flight of Indian delegates be the first from here after the resumption of air links.

During his three-hour interaction with the participants of the meeting, he said the confidence building measures announced by Pakistan and India recently
should be a starting point of the peace process. The initiative must be taken to its culmination in the interest of peace and development of South Asia, he stressed.

Elaborating his approach for the resolution of the Kashmir issue, Gen Musharraf said at the first stage the two countries should start a dialogue. At the second stage, they shall accept the importance and centrality of the dispute. Then they should eliminate the solutions unacceptable to Pakistan, India and the people of Kashmir. At the final stage, they should go for a solution acceptable to all — Pakistan, India and the Kashmiris.

“This is Pakistan’s approach and it is flexible, we have to move step by step,” he said. Pakistan was sincere in its efforts for peace in the region and it wanted peace with honour, dignity and sovereign equality, as is the right of all nations.

He emphasized that both countries needed to move beyond their stated positions for the resolution of the Kashmir dispute. “Pakistan wants a composite approach for resolution of all issues, including Kashmir.

“We must go beyond stated positions, because Kashmir cannot be rolled under the carpet and India, being a bigger partner in the region, must show flexibility and magnanimity,” he said.

India, he observed, was also faced with religious extremism and had militant organizations and said that just as acts of extremism were condemnable in Pakistan so should be the killing of Muslims in Gujarat. He said there was a need to curb obscurantism and extremism as they retarded development.

In reply to a question about the alleged cross-border infiltration, the president said the uprising in the occupied Kashmir was indigenous which had started in the wake of suppression. “We must understand the realities and move forward to a dialogue.”

He asked the participants to “give confidence to leadership in New Delhi to adopt a bold stance for a win-win situation for both countries.”

He regretted that despite the intellectual quality of the peopleof the region, South Asia remained backward due to the conflict between India and Pakistan.

“Therefore, for the sake of the people of region, we have to go for socio-economic development of the region and change the environment. Forget the past and look to future.”

The president pointed out that a lot of determination was required on both sides to carry forward the recent CBMs to achieve peace, harmony and development.
Referring to his theory of ‘enlightened moderation’, the president said all should contribute their bit to execute the strategy for making the world a safer place; through rejection of extremism by the Muslim world and resolution of political disputes involving Muslims by the West, particularly the US, with justice.

In reply to a question, he said democracy in Pakistan could not become sustainable as people were not empowered at the grass roots. He informed the gathering about the introduction of the local government system and expressed the hope that it would bring about a silent revolution in the country.

He said there was no clash between Islam and democracy. Islam, he explained, stood for democracy, human rights and for dealing with issues through consensus.

He told a questioner that Islamabad favoured a pipeline project for transporting gas to India from Iran through Pakistan.

[Shaikh Rashid Ahmed and Foreign Minister Khurshid Mehmood Kasuri also attended the brunch.]

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1599. Memorandum of Understanding between India and Pakistan Civil Aviation officials to discuss matters relating to Air Links between the two countries.

New Delhi, December 1, 2003.

The Civil Aviation delegations representing the Government of India and the Government of Pakistan met in New Delhi on 1\textsuperscript{st} December, 2003 to discuss matters relating to the resumption of air links between the two countries and over flights into the air space over each other’s territory. The talks were held in a friendly and cordial atmosphere. The list of delegations is given at Appendix ‘A’.

2. After extensive discussions, the following decisions were taken:

(i) It was agreed to restore status-quo-ante obtaining prior to January, 2002. For this purpose, both countries agreed to open their respective air spaces for over flights for the airlines of both countries. The designated airlines of the Government of India and Government Pakistan shall be entitled to operate scheduled air services to/from each other’s territory
in accordance with sub-paragraph (ii) of this Memorandum of Understanding.

(ii) The Pakistan delegation requested that the restriction on the type of aircraft to be operated by the designated airlines of both sides may be removed, the frequencies may be increased to a mutually agreed number and third destination may be added in either country. The Indian delegation agreed that, with the expected improvement in the travel environment and in order to encourage the end-to-end traffic between the two countries, the designated airlines of both sides shall be entitled to operate five frequencies per week on Karachi-Mumbai-Karachi route, three frequencies per week on Karachi-Mumbai-Karachi route, three frequencies on Karachi-Delhi-Karachi route and four frequencies per week on Lahore-Delhi-Lahore route with an aircraft not exceeding the capacity of B-747.


4. Both delegations also agreed to meet periodically to review developments in the field of civil aviation.

Done at New Delhi on 1st December, 2003.

Sd/ Satendra Singh (Leader of the Indian Delegation)
Sd/ (Major Gen. Mohammed Ashraf Chaudhry)
(Sd/ Leader of the Pakistan delegation)

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1600. Joint India-Pakistan press statement issued after consultations between Prime Minister of India and President of Pakistan.


The President of Pakistan and the Prime Minister of India met during the SAARC summit in Islamabad.

The Indian Prime Minister while expressing satisfaction over the successful conclusion of the SAARC summit appreciated the excellent arrangements made by the host country.

Both leaders welcomed the recent steps towards normalisation of relations between the two countries and expressed the hope that the positive trends set by the CBMs would be consolidated.

Prime Minister Vajpayee said that in order to take forward and sustain the dialogue process, violence, hostility and terrorism must be prevented. President Musharraf reassured Prime Minister Vajpayee that he will not permit any territory under Pakistan’s control to be used to support terrorism in any manner. President Musharraf emphasised that a sustained and productive dialogue addressing all issues would lead to positive results.

To carry the process of normalisation forward, the president of Pakistan and the Prime Minister of India agreed to commence the process of the composite dialogue in February 2004. The two leaders are confident that the resumption of the composite dialogue will lead to peaceful settlement of all bilateral issues, including Jammu and Kashmir, to the satisfaction of both sides.

The two leaders agreed that constructive dialogue would promote progress towards the common objective of peace, security and economic development for our peoples and for future generations.

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Pakistan said on Monday it remained optimistic as well as confident about the peace process with India and made it clear that there would be no compromise on aspirations of the Kashmiri people.

In his weekly briefing, the Foreign Office spokesman Masood Khan described the Jan 5 Musharraf - Vajpayee meeting as a historic moment "when ice was broken and the way paved for a dialogue."

Terming it a giant step he declared: “We remain upbeat and optimistic about the process that has started.” “In 2002 and 2003 we were on the cusp of despondency and despair but now we have a glimmer of hope of resolving all issues including the issue of Jammu and Kashmir,” he maintained.

The Foreign Office spokesman said the dates, venue, agenda and level of the composite dialogue would be worked out through diplomatic channels. However, he did not specify when.

The spokesman refused to indulge in any sort of speculation about the agenda or level of the composite dialogue that the two countries had agreed to hold next month.

Responding to a question, he said Pakistan would make a specific proposal regarding the structure and the level at which the composite dialogue should proceed. While noting that the two sides were working together to arrive at certain decisions he did not give any definite timeline.

He said Pakistan was hopeful that the composite dialogue next month would ultimately lead to resolution of all outstanding issues between the two countries, including the dispute of Jammu and Kashmir.

When asked to identify the less contentious issues and if these would be addressed first, the spokesman said: “Let us not speculate how the process starts. We have to have an optimistic mindset and look towards the future with confidence.”

Mr Khan disagreed with the notion that the Jan 6 Islamabad Joint Statement was part of a secret deal or signalled a change in Pakistan’s stated position on Kashmir. The aspirations of Kashmiris remain paramount and would never be compromised, he emphasised.

The spokesman was evasive when asked why Pakistan had withdrawn from
its earlier position of allowing the Srinagar-Muzzafarabad bus service under the UN travel documents.

The spokesman was equally vehement in knocking down the insinuation that it was pressure from some foreign powers, particularly the US, that had led to the recent breakthrough in Pakistan-India relations.

“There was no pressure. It was the statesmanship and wisdom of the two leaders that led to the peace process, the spokesman said. Pointing to the direct and indirect US engagement with India and Pakistan on this matter, he said it could at best be called facilitation.

He said given that both India and Pakistan were nuclear-armed neighbours, the US and other countries had a legitimate interest in restoration of peace, security and stability in South Asia.

Asked if a formal invitation would be extended to Indian Deputy Prime Minister L.K. Advani to visit Pakistan, the spokesman said that no decision had been taken in this regard yet.

He termed reports about Mr. Advani travelling to Pakistan to discuss modalities of an extradition treaty as incorrect, saying: “Nothing of the sort is happening now.”

In reply to a question, the spokesman emphasised that the Additional Protocol to the Saarc Regional Convention on Suppression of Terrorism simply updated and supplemented the existing convention in the light of 9/11 terrorist attacks in the US. The spokesman said a decision on the ratification of the Additional Protocol and some related aspects would be taken after further consultations.

The Foreign Office spokesman said the operation last week against suspected foreign terrorists in Wana, South Waziristan tribal agency bordering Afghanistan, was not launched under the US pressure.

“It was based on our own determination and intelligence reports that some foreign terrorists were hiding there,” he insisted. “All decisions we take are driven by our national interest,” he categorically stated.

He said Pakistan was providing logistical support to the Americans as part of their continuing cooperation in the war against terrorism. This included permission to the Americans to use Pakistani airspace, he added.

In reply to a question, the spokesman said there was no information yet available on the number, nationalities and identities of the alleged foreign terrorists.

The spokesman disagreed with a view that the reform agenda for the Madressahs was US-dictated and being funded by the US government. He
said the measures being taken for integration of Madressahs were initiated by Pakistan authorities. The funding Pakistan was getting from the US government was for education and not specific to reforms in Madressahs, he said.

Responding to a question the spokesman said Pukhtoonistan was a non-issue. “It is dead and buried and it only exists in the books of history,” he said.

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1602. Joint Statement issued at the end of the meeting between the Foreign Secretaries of India and Pakistan.

The Foreign Secretaries of Pakistan and India met in Islamabad on February 18, 2004.

2. They reviewed and endorsed the agreement worked out at the Director General/Joint Secretary level meetings on February 16-17 on the modalities and timeframe for discussions on all subjects on the agenda of the Composite Dialogue.

3. Both sides agreed that they would approach the composite dialogue with the sincere desire to discuss and arrive at a peaceful settlement of all bilateral issues, including Jammu & Kashmir, to the satisfaction of both sides. They reiterated their commitment to promote progress towards the common objective of peace, security and economic development for their peoples and for future generations.

4. They agreed to the following schedule of meetings:
   i. Foreign Secretaries would meet in May/June 2004 for talks on Peace and Security including CBMs; and Jammu & Kashmir.

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* When the talks were in progress on the first day (February 16) as a gesture of friendship to the people of Pakistan it was announced in New Delhi that:

“Government of India have decided to release and repatriate 4 Pakistani civilians detained in Gujarat and 4 Pakistani boys who were detained at Faridkot Juvenile Detention Center and this will take place on the February 17, 2004. The civilians were granted consular access on May 19, 2003 and travel documents were then issued to them on 12th January. As regards the boys, there were 8 boys in all and consular access was granted on October 3, 2003. Out of these 8 boys, one boy has already been repatriated on November 14, 2003 and travel documents for 4 others have now been issued by the Pakistani High Commission and they are expected to be repatriated tomorrow. Nationality of 3 other boys including a boy aged 10 years has not yet been confirmed by the Pakistani authorities.”
ii. Talks on Siachen; Wullar Barrage/Tulbul Navigation Project; Sir Creek; Terrorism and Drug Trafficking; Economic and Commercial Cooperation; and Promotion of Friendly Exchanges in Various Fields would be held at the already agreed levels, in July 2004.

5. The following technical level meetings would be held earlier:
   a. Meeting between Director General Pakistan Rangers and Inspector General Border Security Force in March / April 2004;
   b. Expert level talks on Nuclear CBMs in the latter half of May 2004;
   c. Committee on Drug Trafficking and Smuggling in June 2004.

6. They reviewed the existing links between the Directors General Military Operations of Pakistan and India and agreed to consider further strengthening these contacts.

7. The Foreign Minister of Pakistan and the External Affairs Minister of India would meet in August 2004 to review overall progress. This would be preceded by a one day meeting of the Foreign Secretaries.

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1603. Excerpts from the Speech of Pakistan President Pervez Musharraf at the India Today Conclave-- 2004 (relayed through Satellite)


President Pervez Musharraf said on March 13 'that India and Pakistan must bury the past for a prosperous future and called for a just resolution of the core Kashmir dispute to begin a new chapter in their troubled history. "Kashmir is the central issue that awaits just and durable settlement," he said while addressing the "INDIA TODAY Conclave" via satellite from Islamabad on the theme of future of Pakistan-India Relations.

The President said: "This is a moment of hope and optimism. Let us nurture it carefully and make the process of engagement (between Pakistan and India) irreversible." "India and Pakistan must bury the past and chart a new roadmap for peace," the President said, adding peoples of the two countries desired peace and were fed up of confrontation.
Referring to the chequered history of the two countries, he said Pakistan and India had lost half a century in mutual squabbles. "Let us face it," he said and recalled the two countries had fought wars, tested nuclear weapons and had remained engaged in hot confrontation, making the region "most dangerous flashpoint in the world".

He said at the centre of this was the spiraling vortex of Pakistan-India animosity that had bedeviled "their ties for over half a century." "If Pakistan and India could settle Kashmir in accordance with aspirations of Kashmiris, a new chapter in our troubled history could begin." This, he said, was only possible if all parties were sincere in their quest for a just and durable peace through a solution acceptable to all.

President Musharraf said he would not speak about the political and legal history of Kashmir as it was well recorded and documented in the archives and resolutions of the UN. Emphasising the centrality of the Kashmir dispute, Gen Musharraf said: "Let's be pragmatic. Let us learn to accept hard facts ... and resolve it (Kashmir issue) in an equitable and honourable manner acceptable to India, Pakistan and Kashmiris.'

He alluded to his four-point process whereby talks commence; centrality of Kashmir dispute is accepted; all solutions not acceptable to either of the three parties are taken off the table and of the remaining option the one deemed most feasible and acceptable is chosen. "I believe nothing could be fairer than that." Gen. Musharraf said a solution would emerge if all sides were mindful of the problem: "If all parties, specially Kashmiris are given the opportunity to have their due say and are associated with a credible, sincere and serious quest for a final settlement between Pakistan and India." The President said that the joint statement issued in Islamabad provided a good framework for a relationship of harmony and mutual respect. He said the confidence building measures (CBMs) already initiated had generated tremendous goodwill, adding foreign secretary level talks had further inched the dialogue process forward. "The composite dialogue scheduled for May/June this year should augur well for our future relationship," he said.

However, the President cautioned: "There is a simultaneity/linkage between CBMs and the composite dialogue. CBMs cannot outstrip the dialogue process on all substantive issues including Kashmir." He reiterated that "the Kashmir dispute can never be sidelined or ignored" and "stressed the two countries "must move forward towards its resolution in tandem with CBMs."

He underlined that "sooner or later Kashmiris must join the peace process on Kashmir to make a solution practicable." The President, however, cautioned about the extremists on both sides who, he said, would try to derail the process.
"We must not be deterred from our path and be prepared to deal with them with an iron hand. In fact in our own supreme interests, we must negotiate peace boldly as if there are no detracting extremists, and we must also deal with all extremists as if there is no peace initiative."

He gave the assurance that Pakistan was determined "to take two steps forward if India takes one step and chooses to embark on a realistic quest for a just and durable peace with Pakistan on the basis of sovereign equality." He said India would find Pakistan sincere and responsive, if it desired genuine improvement in relations. "We are mindful of the difficulties posed by rigid mindsets. We must persevere." But he warned if there was no movement towards a solution, everything would slide back to square one.

President Musharraf listed a number of benefits, which the two countries would have once there is peace in the region. He said the market size would expand to $1.2 billion (equal to that of China) opening vistas of trading opportunities within the region. Foreign direct investment presently stagnating at $3 billion could increase manifold. The natural gas from Iran and Central Asia could become available to the region bringing down energy costs by at least 50 per cent. India might be the maximum gainer. He said the region had a vast treasure of tourist attractions and the two countries could benefit from combined regional tours.

President Musharraf said with the reduction in defence expenditure, funds would be made available for social sectors and poverty reduction. Through mutual sports, India and Pakistan could regain the lost glory, in hockey and cricket.

He said progress on dialogue towards serious resolution of disputes should "set us thinking on other more substantive CBMs." "Why can't our defence expenditure be cut down? It certainly can. Pakistan is not in an arms race. We maintain a quantified force level based on a perceived threat, and a strategy of minimum deterrence."

President Musharraf said: "With the enhancement of firepower of weapons we are already reducing the strength of our Army by 50,000. We had kept our defence budget frozen for the past four years. India has to review its own strategy because your defence force levels are not based on threat but on power projection."

He also pointed at the latest multi-billion dollar acquisitions by India and noted the vastly enhanced budgetary allocations to defence. The President however said: "In any case, Pakistan will remain amenable to mutual, proportional reduction of forces." He said the present time was ideal for resolution of all disputes and ushering in an era of peace, harmony and prosperity. "The peoples
of our countries want it, the influential business community is eagerly looking forward to it, the media favours it."

He said the leaders on both sides had to be sincere to develop confidence and trust in each other. "They have to be flexible enough to reach mutually acceptable solutions to previously intractable disputes and bold enough to bulldoze all opposition and risks en route to peace," Gen Musharraf said: "We have to show enough maturity to be able to resolve disputes bilaterally within a reasonable time limit." He said: "It is only our failure which then invites third party mediation, facilitation, involvement or encouragement."

The USA being the sole superpower in a uni-polar world had a responsibility for bringing a just peace for the future generations. "Their involvement in resolution of the thorny Kashmir dispute could be of value if we get stuck ourselves." The President said: "As responsible nuclear weapon- states, we must demonstrate to the world that we have the courage and conviction to settle our problems in a civilized manner. We must demonstrate the courage and wisdom to write a new chapter of peaceful co-existence and mutually beneficial cooperation." He said there was distinct warmth in sentiments in Pakistan and India to engage constructively. He said respect for basic principles of inter-state conduct, developing relations based on sovereign equality were the safe and sure foundation within which Pakistan-India relations could thrive and prosper.

President Musharraf said: "We in Pakistan look forward to sustaining the present positive momentum in our relations with India. This is a moment of hope and optimism. Let us nurture it carefully and make the process of engagement irreversible. Let us draw a balance between the vast opportunities that exist for mutual gains and the hazards of falling back to self-generated hatred and despair."

He said Pakistan and India must lead South Asia to new horizons of economic development. The roadmap delineated for the composite talks must be filled with other pointers and time lines for joint endeavours to resolve differences and disputes. It should not take long to fashion together a roadmap to progress and prosperity, reinforcing and utilising the talent and "genius of our peoples, using our resources optimally."

He also shared his global vision with reference to the war on terrorism and the need to address Muslims’ concerns with justice. The President also spoke about his vision of "enlightened moderation" to bring peace to the world. He also underlined the role Pakistan was playing in the fight against international terrorism. He said Pakistan was actively fighting against the Al-Qaeda along its western borders. "We will not allow the Al-Qaeda to maintain sanctuaries in Pakistan," he added.
At the end the President entertained questions from the audience belonging to industry, media, business and different walks of life.

Replying to a question about the stress on the centrality of the Kashmir dispute in India-Pakistan ties, Gen Musharraf said no leader in Pakistan could sideline the Kashmir dispute. This is the reality, he said, adding, the two countries could not move forward on CBMs without making progress on the Kashmir issue. "We cannot sprint on the CBMs while moving at a snail's pace on the dialogue process, there has to be simultaneity." Similarly, he said real progress in trade and economic ties was linked to the settlement of all outstanding issues.

To another question he said Pakistani businessmen were capable enough to be competitive with their Indian counterparts. The President said there was tremendous scope for enhancing two-way trade and economic ties but added, there was need to resolve political disputes. "We have to remove the environment of suspicion first and move forward to resolve disputes."

Asked about the difference in Agra and Islamabad, he replied Pakistan had now been accepted as a party concerned in the Kashmir dispute. He said there was a deep desire for peace among Pakistanis with India and they wanted a harmonious relationship. He said there were a handful of extremists in Pakistan as there were in India but added, this small minority should not be a hindrance in the way peace process.

He said Pakistan was pursuing the peace process with sincerity and would adhere to the joint statement in letter and spirit. He said Sino-Indian ties could not be compared with Pakistan-India relations as the two countries had fought more than one war and the LoC was a recognised disputed boundary by the UN. He, however, made it clear that there was an indigenous freedom struggle being waged in Kashmir. About greater interaction between the media of Pakistan and India, he said there was more openness on the part of Pakistan in allowing Indian media in Pakistan. He expressed concern that the Indian media was promoting some negative tendencies and asked them to show more maturity and encourage better understanding and closer relations.

He said: "There is democracy in Pakistan, elections have been held and the next elections will be held in 2007." The President said that human rights situation was better in Pakistan as compared to India. Similarly, he said freedom of media and speech was also better in Pakistan than the India.

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We have carefully examined the comments made by the Pakistan President General Pervez Musharraf yesterday.

The language of the January 6 Islamabad Joint Press Statement is clear and unambiguous. It delineates how the process has to be sustained and taken forward. Violence, hostility and terrorism must be prevented. The President of Pakistan had reassured the Prime Minister of India that he would not permit the territory under Pakistan’s control to be used to support terrorism in any manner. There is no reference to any so-called central or core issue, but to addressing all bilateral issues, including Jammu and Kashmir.

Any unilateral interpretation of the Joint Press Statement is not conducive to building trust, or taking the process forward; nor is public rhetoric, which is also contrary to the understandings and restraints observed since January.

Double standards in describing the violent attack on him as terrorism, but on the J&K Assembly in October 2001, and on the present Chief Minister recently, as a “freedom fight” are clearly not tenable.

The reality of the vast goodwill among the people of the two countries, clearly manifested today, and being further consolidated through the CBMs, needs to be acknowledged and built upon. Contrary efforts would not be in keeping with the sentiments of the people in both the countries.

India is determined to continue with the process initiated by the Prime Minister in April last year, and on the basis of the framework agreed upon.
1605. **Statement by Official Spokesperson regarding US proposal to designate Pakistan as a major Non-NATO ally.**


We have seen the statement made in Islamabad by the US Secretary of State on March 18 on a prospective notification to the US Congress to designate Pakistan as a major non-NATO ally for the purposes of military-to-military relations.

The Secretary of State was in India just two days before this statement was made in Islamabad. While he was in India, there was much emphasis on India-US strategic partnership. It is disappointing that he did not share with us this decision of the United States Government.

We are studying the details of this decision, which has significant implications for India-US relations. We are in touch with the US Government in this regard.

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1. On March 23 the Official Spokesperson was asked some further questions on this subject. They are:

**Question:** There are two major things. Somebody has written that Mr. Sinha has spoken to Mr. Powell who has offered an apology. The second is that Bush has said that they have offered that India can also have the same status.

**Answer:** To answer your first question. We have seen that report in one of the newspapers today. It is not an accurate characterization of the conversation that took place between the Minister and Secretary Powell. It is correct that US Secretary of State Powell telephoned EAM on March 21 and he had been trying to reach EAM since March 19 but EAM had not been able to receive his calls as he was engaged in campaigning. Secretary Powell referred to the way in which the US announcement about designating Pakistan as a major non-NATO Ally had emerged and said that their intention had not been to spring a surprise on India. As far as your second question is concerned I have seen remarks ascribed to the White House Spokesman. In response to that I can say that we have not given any consideration to that kind of relationship with the United States.

**Question:** There were speculations in the government corridors that India could consider joining NATO.

**Answer:** I am not going to comment on speculations of which I am not aware.

**Question:** There was also talk about India, US and Israel forming a strategic alliance.

**Answer:** Let us not mix issues. That issue has been explained to you on several occasions. The context in which that statement was made in the context of democracies and democracies fighting terrorism.

**Question:** But we are not averse to such a status.

**Answer:** I said we have not given any consideration to that kind of relationship with the United States.

**Question:** Have we been proposed any time frame?

**Answer:** I have no information to add to that. I have seen the remarks that you have seen.
Joint statement issued at the end of the meeting between Foreign Secretaries of India and Pakistan.


The Foreign Secretaries of India and Pakistan met in New Delhi on 27-28 June 2004 to resume the Composite Dialogue. They discussed ‘Peace and Security including CBMs’ and ‘Jammu and Kashmir’. The talks were held in a cordial and constructive atmosphere, and with the objective of taking the process forward.

1. They reiterated their commitment to the principles and purposes of the Charter of the United Nations, and their determination to implement the Simla Agreement in letter and spirit.

2. Both sides expressed satisfaction over the ongoing process of dialogue and confidence building between the two countries. They approved the measures recommended by the Expert level meeting on Nuclear CBMs in New Delhi on 19-20 June 2004. They agreed to conclude an Agreement on pre-notification of flight testing of missiles, and entrusted the Experts to work towards finalizing the draft Agreement. Both sides reaffirmed the elements in the Joint Statement of 20th June on the need to promote a stable environment of peace and security, recognizing the nuclear capabilities of each other constituting a factor for stability, working towards strategic stability, and the call for regular working level meetings to be held among all the nuclear powers to discuss issues of common concern. The two sides proposed a comprehensive framework for conventional CBMs aimed at initiating and enhancing communication, coordination and interaction. These would be discussed further.

3. Recalling the reassurance contained in the Joint Press Statement of January 6, 2004, they exchanged views on carrying the process forward in an atmosphere free from terrorism and violence.

4. The Foreign Secretaries reiterated the hope that the dialogue will lead to peaceful settlement of all bilateral issues, including Jammu and Kashmir, to the satisfaction of both sides. They held detailed exchange of views on Jammu & Kashmir and agreed to continue the sustained and serious dialogue to find a peaceful negotiated final settlement.

5. It was agreed that the strengths of the respective High Commissions would be restored immediately to the original level of 110; it was also agreed in

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1. Elaborating the term “final settlement” MEA Spokesperson Navtej Sarna said: "The idea is that both the countries are now engaged in a process, in a composite dialogue, in which there are several subjects and Jammu and Kashmir is one of them and both countries are committed to resolving all these issues bilaterally and peacefully. Taking questions after reading out the Joint Statement, Mr. Sarna said that terrorism was discussed in today’s meeting as it was part of earlier statements and discussions. “It was underscored that terrorism is not good for the region, it is not good for India, it is not good for Pakistan and we must work together to remove this scourge from our
principle to re-establish India's Consulate General in Karachi and Pakistan's Consulate General in Mumbai. Modalities would be worked out by the two Governments. All apprehended fishermen in each other's custody would be immediately released and a mechanism put in place for the return of unintentionally transgressing fishermen and their boats from the high seas without apprehending them. Steps would be initiated for early release of civilian prisoners.

7. The Foreign Secretaries also agreed that the meetings of the remaining six subjects of the Composite Dialogue on Siachen, Wullar Barrage/ Tulbul Navigation Project, Sir Creek, Terrorism and Drug Trafficking, Economic and Commercial Cooperation, and Promotion of Friendly Exchanges in Various Fields, would take place between the third week of July and the first half of August 2004.

8. The Foreign Secretary of Pakistan conveyed invitations from the President of Pakistan to the President and Prime Minister of India, and to Smt. Sonia Gandhi.

9. The Foreign Secretaries will meet again in the third week of August to review progress achieved in the Composite Dialogue and prepare for the meeting of the Foreign Ministers which will immediately follow.

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midst..."Asked if the issue of "terrorist infrastructure" in Pakistan was specifically raised, he said that it was a long discussion. "I am not going to go into the diplomatic give and take of the discussions. I have given you a broad idea of what was discussed. Let me retain the confidentiality of diplomatic exchanges." On the problem that confronted the Srinagar – Muzaffarabad bus service, Mr. Sarna clarified that the proposal was still on the table. "This was not a technical level meeting, so we did not go into the technicalities of each of the proposals. Those proposals on which there was immediate agreement, the Foreign Secretaries have agreed to, the rest of the proposals are on the table."

"We hope this process will move forward. There will be technical level meetings not only on this (the Srinagar – Muzaffarabad bus) but other subjects that may require them, and those will be correct fora for working out these details." When asked if India was concerned about Pakistan Foreign Secretary Riaz Khokhar’s meetings with the Kashmiri separatists, the Spokesman answered with the question: "Have you seen any expression of concern?" On the “plans” of some Kashmiri separatists to visit Pakistan in the near future and New Delhi’s views on the issue, Mr. Sarna said: “the Government of India is a very wide body and I am not the Spokesman for the entire Government of India.” When asked the extent of flexibility shown by each side on Kashmir, Sarna said the mood was constructive. "The exchanges have been extensive and so we have to move forward. This is the beginning of a process."

The process of sustained dialogue was carried forward when the External Affairs Minister met his Pakistani counterpart in Jakarta on the sidelines of the 11th annual meeting of the Association of South East Asian Nations Regional Forum (ARF) on July 2. In his brief remarks to journalists in Jakarta Mr. Singh said “one has to be realistic” about India – Pakistan dialogue process and that he would not look at it from the perspective of being “optimistic or pessimistic".
Media reaction and Official Statement of the Pakistan Ministry of Foreign Affairs on the meeting between President Pervez Musharraf and External Affairs Minister Natwar Singh.


President General Pervez Musharraf told Indian External Affairs Minister Natwar Singh during a meeting on July 23 that tangible engagement was essential for resolving the Kashmir dispute.

The focus of the 90-minute meeting, held in the President's camp office at Rawalpindi, was on the need for tangible engagement towards the settlement of the Kashmir issue, though other bilateral issues also came under discussion.

Gen Musharraf was said to have reiterated the pointed statement he had made the day before that without any progress towards the settlement of the core issue of Kashmir, no headway on confidence-building measures was possible.

"The president was very clear that the two sides have to go by the principle of simultaneity and that progress cannot be made in one area while in the other it is kept on hold," media quoted unnamed officials for President to tell Mr. Singh.

While the president did not push for any specific timeframe on Kashmir, he emphasized that progress on the issue could not be left open-ended. His contention was that at least some process of discussion on possible solutions ought to be initiated.

It was underlined that the aspirations of the Kashmiris had to be taken into account and any solution would have to be acceptable to them as well. The Indian minister is reported to have given no assurances on the issue. He maintained that the Indian government could not rush into things because it also had to take along its coalition partners. His message was that 'we have to be patient'.

Mr. Singh had raised the issue of cross-LoC infiltration and militant training camps. The president reminded him that major steps had already been taken to address these concerns. In fact, he said, the Pakistani government was being criticized for taking unilateral steps without India taking any reciprocal measures, the media said.

According to a statement issued by the foreign office, the President while expressing commitment to making the composite dialogue process a success, emphasized the need for simultaneous progress on all issues, and most notably on the central issue of Jammu and Kashmir.
"It was important to address this issue with sincerity with a view to reaching a final settlement that accorded fully with the legitimate aspirations of the Kashmiris within a 'reasonable' timeframe," it said, adding: "It was also important to provide 'comfort' to the Kashmiris as they had the most important stake in the success of the process."

"Mr Natwar Singh expressed his appreciation for the welcome and hospitality extended to him and his delegation, and satisfaction at the successful conclusion of the Saarc ministerial meeting," according to the statement.

Before boarding the plane for New Delhi, Mr Singh said he had found the attitude of the Pakistani leadership 'constructive and positive' and described his discussions with the president as 'warm, frank and realistic'.

Reading out from a three-page 'departure statement', he said India and Pakistan were committed to discussing and settling all bilateral issues, including that of Jammu and Kashmir, "to the satisfaction of both sides".

He made three references to Jammu and Kashmir, but none to the Kashmiris. He said he had conveyed to him (president) his government's intention to carry on a sustained and steady dialogue with Pakistan. "We reviewed significant aspects of our relations. Both sides reiterated the importance of continuing the dialogue process in an atmosphere free of violence" he elaborated.

Reacting to the above statement of Pakistan Foreign Ministry, Official Spokesperson of the Ministry of External Affairs said in New Delhi on July 24 that "we are disappointed at the tone and substance of some of the comments made in the press release" and added it did not "reflect the comprehensiveness of the discussions".
Joint press statement issued at the end of India-Pakistan talks on Terrorism and Drug Trafficking.


Within the framework of the Composite Dialogue process between Pakistan and India, resumed pursuant to the January 6 Joint Press Statement, talks on Terrorism and Drug Trafficking were held in Islamabad on August 10-11, 2004. The Pakistani delegation was led by Mr. Tariq Mahmud, Secretary, Ministry of Interior while the Indian delegation was led by Mr. Dhirendra Singh, Home Secretary.

Frank and candid discussions were held in a constructive and cordial atmosphere aimed at taking the process forward. Both sides reaffirmed their determination to combat terrorism and emphasized the need for complete elimination of this menace.

They assessed as positive the increasing cooperation and information sharing between Narcotics Control Authorities of the two countries and agreed to work towards an MOU to institutionalize cooperation in this area, and to designate nodal officials in their respective High Commissions to liaise on drug control issues.

The Indian Home Secretary called on the Minister of Interior, Makdoom Syed Faisal Saleh Hayat.

It was agreed to continue the discussions.
1609. Joint statement issued at the end of talks between the Foreign Ministers of India and Pakistan.

New Delhi, September 8, 2004.

External Affairs Minister of India, H.E. Shri. K. Natwar Singh and Foreign Minister of Pakistan, H.E. Mr. Khurshid M. Kasuri, met in New Delhi on September 5 and 6, 2004 to review status of the Composite Dialogue. Their meeting was preceded by a meeting between the Foreign Secretary of India Shri Shyam Saran and Foreign Secretary of Pakistan Mr. Riaz H. Khokhar on September 4, 2004. The talks were held in a cordial and constructive atmosphere.

2. They reiterated their commitment to the principles and purposes of the Charter of the United Nations, and their determination to implement the Simla Agreement in letter and spirit.

3. The Foreign Ministers expressed satisfaction at the progress made so far, and positively assessed the developments in bilateral relations over the past year.

4. Recalling the reassurance contained in the Joint Press Statement of January 6, 2004, they exchanged views on carrying the process forward in an atmosphere free from terrorism and violence.

5. The Ministers held detailed and substantive discussions and reiterated the confidence that the Composite Dialogue will lead to peaceful settlement of all bilateral issues, including Jammu and Kashmir, to the satisfaction of both sides. They agreed to continue with the serious and sustained dialogue to find a peaceful negotiated final settlement. They expressed their determination to take the process forward.

6. The wide ranging proposals on confidence building, promotion of friendly exchanges, and enhancing trade and economic cooperation, made by both the sides, were examined and it was agreed that these would be discussed further.

7. The Ministers agreed on the following:
   (a) Expert level meetings on Conventional and Nuclear CBMs, inter alia, to discuss the draft agreement on advance notification of missile tests;
   (b) Meeting between railway authorities on the Munnabao - Khokhrapar rail link;
   (c) Biannual meeting between Indian Border Security Force (BSF) and Pakistan Rangers in October 2004;
Meeting between Narcotics Control Authorities, including for finalisation of an MOU in October/November 2004;

Meeting between the Indian Coast Guards and the Pakistan Maritime Security Agency in November 2004 to, inter alia, discuss the Memorandum of Understanding for establishing communication link between them;

Establishment of Committee of Experts to consider issues related to trade;

On Siachen, the outcome of the August 2004 meeting of Defence Secretaries would be implemented;

Joint Survey of the boundary pillars in the horizontal segment (blue dotted line) of the international boundary in the Sir Creek area;

Meeting on all issues related to commencement of a bus service between Srinagar and Muzaffarabad;

Add a new category of Tourist Visa in the visa regime between the two countries, and to promote group tourism;

Set up a mechanism to deal with the issue of civilian prisoners and fishermen, effectively and speedily;

Further measures for facilitation of visits to religious shrines, and upkeep of historical sites;

Enhanced interaction and exchanges among the respective Foreign Offices, including study tours of young diplomats/probationers to each other’s country.

They recognized the importance of availability and access to energy resources in the region around South Asia. The Ministers of Petroleum/Gas could meet to discuss the issue in its multifarious dimensions.

1. The question of hassle-free visa for journalists had come up at another function on September 7. The Indian External Affairs Minister taking the initiative, which was reciprocated by the Pakistani Foreign Minister, announced that “free visa” would be issued to Pakistani journalists by India. He said “Mr. Dixit (National Security Advisor) and I will persuade the Home Minister to go along with us”. “There should be no problem in allowing Pakistani journalists to move freely”, said Mr. Natwar Singh.

2. Separately in an interview to the daily the Hindu on September 8 Mr.Kasuri proposed a joint working group of India, Pakistan and Iran to discuss the plans for an oil-gas pipeline running through the three countries. He said the feed-back from India on his proposal was positive. He hoped an early meeting between the Petroleum Ministers of the two countries to take the proposal further.
9. The Foreign Minister of Pakistan met the National Security Adviser, Mr. J.N. Dixit, and also called on Prime Minister Dr. Manmohan Singh, during his stay in India.

10. The two sides agreed to the continuation of high level meetings and visits, including:
   (a) a meeting between President Musharraf and Prime Minister Dr. Manmohan Singh in New York on the margins of UNGA later in September 2004;
   (b) a visit by Pakistan's Prime Minister to India as Chairperson of SAARC;
   (c) a meeting between the Prime Minister of India and Pakistan's Prime Minister in Dhaka, in January 2005, on the margins of the SAARC Summit.

11. It was also agreed that the two Foreign Secretaries would meet in December 2004 to discuss overall progress, as well as subjects of Peace and Security including CBMs, and Jammu and Kashmir, in the Composite Dialogue. They would also work out the schedule of meetings on the other six subjects, i.e. Siachen; Wullar Barrage/ Tulbul Navigation Project; Sir Creek; Terrorism and Drug Trafficking; Economic and Commercial Cooperation; and Promotion of Friendly Exchanges in Various Fields, under the Composite Dialogue.

12. The Foreign Minister of Pakistan invited the External Affairs Minister of India to visit Pakistan. The invitation was accepted and the dates would be worked out through diplomatic channels.

3. A press report quoting a source in the Prime Minister's Office said: "A lot of plain-speaking marked the meeting." The focus of the discussion was the coming meeting between Dr. Manmohan Singh and the Pakistani President Pervez Musharraf. Dr. Singh was said to have impressed upon Mr. Kasuri the need to create an environment to take the dialogue process forward, the source said. Dr. Singh said that he had many friends in Pakistan and specifically mentioned the new Premier Shaukat Aziz, in this context. When Mr. Kasuri referred to a possible oil-gas pipeline running through Pakistan into India, Dr. Singh said all these were good ideas, but said the pipeline was not a standalone project. It had to be seen in the wider context of the economic relations between the two countries.

4. The possibility of a meeting had been confirmed by Prime Minister himself at his press conference on September 4. When asked about the agenda, Dr. Manmohan Singh had said: "I will be meeting him for the first time. It will be an exercise in mutual comprehension."

5. The US Secretary of State reacting to the talks said on September 7 that Kashmir is a "very difficult issue" which will take time to resolve and that India and Pakistan know that the issue would have to be dealt with. However, he said that he was pleased that the two countries were entering into a dialogue is a "positive" way. "Both Ministers [Natwar Singh and Khurshid Mehmood Kasuri] recognize that Kashmir is an issue among many issues that have to be dealt with between the two nations. I am pleased that they are actually talking to one another at this level and many other levels and that the environment for positive discussions has improved so greatly over the last year and a half, two years," he said recalling the concern at one time of a major conflict between the two countries.
1610. Press Stakeout of Prime Minister Dr. Manmohan Singh and President Pervez Musharraf.


President Musharraf: I would like to read the agreement that we have reached.

"President Musharraf and Prime Minister Dr. Manmohan Singh had one hour meeting this morning. Their discussions were held in a constructive and frank spirit. They welcomed the opportunity of making each other’s acquaintance during the first meeting.

Both leaders reiterated their commitment to continue the bilateral dialogue to restore normalcy and cooperation between India and Pakistan.

They agreed that confidence building measures (CBMs) of all categories under

1. The media report described the atmosphere as relaxed and added that the tone was set by President Musharraf who presented Dr. Manmohan Singh a painting of the school in “Gah” village (now in Pakistan) his native place and where he had his initial schooling. On his part the Prime Minister recited two Urdu couplets which he read out to Gen. Musharraf when he had telephoned to congratulate Dr. Singh on assuming the office of the Prime Minister. The thrust of the couplets was that it was incumbent on the two leaders to seize the historic moment to bring peace to the region. At the outset, Dr. Singh assured Gen. Musharraf that he remained personally committed to the dialogue process. The mood at the press stake suggested that the interaction which included a one-on-one between them, had gone on rather well. The original idea was that they would meet for 15 minutes before the delegations joined them; however, it appears that the two leaders hit it off rather well and their interaction got extended to an hour-long “essay in mutual comprehension”. According to an Indian official the meeting can be said to “mark a significant step forward” and the Indian side entertained sufficient “confidence” that difficulties to peace would be overcome. Officials said the two leaders discussed the Jammu and Kashmir problem and it was natural to infer that the question of cross-border terrorism must have figured in the talks. On return to New Delhi on September 27 the Prime Minister said: “I met President Musharraf and I am glad to report that talks with him were very good...we agreed to carry forward the composite dialogue process. It augurs well for India – Pakistan relations.” Referring to reports regarding absence of “cross-border terrorism” in the India – Pakistan statement of September 24, the External Affairs Minister K. Natwar Singh told journalists in London on October 1 that “cross-border terrorism” must end if Pakistan wanted the peace process to continue. The Minister said that the fact that the “January 6 statement” was specifically mentioned at the meeting meant that terrorism was indeed discussed. “We told Pakistan if you really want the dialogue to go on, terrorism has to stop”, said Mr. Singh. “The fact is that in both areas we have done a great deal of work,” he said pointing out that as many as eight meetings had been held with Pakistan “in all areas and at all levels.” India had proposed a comprehensive package of confidence-building measures and efforts to carry the dialogue forward would continue. Adding that the Centre was comfortable with Musharraf’s UN speech, Mr. Singh said the Pakistani President’s statement that “he is not unifocal” was an indication how the dialogue was progressing. The Minister said that India was hopeful of having good trade ties with Pakistan. He cited China’s example and said that trade with that country was slated to touch ten billion dollars this year. In a related move in a meeting with leader of the Opposition L.K. Advani on October 1, Dr. Manmohan Singh is believed to have told the latter that he took up the issue of cross-border terrorism with Musharraf in a forceful manner. He said there was no dilution on the Centre’s part on this issue.
discussion between the two governments should be implemented keeping in mind practical possibilities. They also addressed the issue of Jammu and Kashmir and agreed that possible options for a peaceful, negotiated settlement of the issue should be explored in a sincere spirit and purposeful manner. In the spirit of the Islamabad joint press statement of January 6, 2004, they agreed that CBMs will contribute to generating an atmosphere of trust and mutual understanding so necessary for the well being of the peoples of both countries.

The possibility of a gas pipeline via Pakistan to India was also discussed. It was felt that such a project could contribute to the welfare and prosperity of the people of both countries and should be considered in the larger context of expanding trade and economic relations between India and Pakistan.

That is all as far as the statement is concerned. I would like to say that the Prime Minister gave me an honour of (by) allowing me to read this text out. I hope that this augurs well for the future of Indo-Pakistan relations. Thank you very much.

Prime Minister Dr. Manmohan Singh: Ladies and Gentlemen, before I embarked on this journey people asked me - what were your expectations of meeting with President Musharraf. I said to them before I left Delhi that this is an essay in mutual comprehension. Today I have had the privilege of meeting him. We had one-to-one, an hour-long discussion and the outcome of that meeting President has very kindly read out to you. I sincerely believe that today is a historic day. We have made a new beginning and I feel confident that despite the difficulties on the way, I and President Musharraf will together work and succeed in writing a new chapter in the history of our two countries.

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Excerpts from the remarks of Pakistan President Pervez Musharraf.


Solution to the Kashmir problem can be found by debating different options such as identifying, demilitarising and changing the status of seven regions composing both parts of the disputed territory, said President General Pervez Musharraf.

He was addressing an Iftar-dinner hosted by Information Minister Sheikh Rashid Ahmad. Prime Minister Shaukat Aziz, several federal ministers, chief ministers of Sindh and Balochistan, renowned figures of the twin cities and senior journalists of both print and electronic media were also present.

President Musharraf said: "We want plebiscite in Kashmir, while they (Indians) want the LoC to be made permanent border." He said if both sides continued to stick to their stands, the dispute would persist for 100 years without any solution in sight.

Explaining his option for progress towards the Kashmir solution, the president said two regions of the territory in dispute were the AJK and Northern Areas and five regions were under Indian occupation. One of these five regions is linked to AJK because of its Muslim population and common casts of residents. Another region inhabits Balti-speaking Shia Muslims and is closed to the Northern Areas. Jammu is the third region that has Hindu majority. The fourth region comprised Kashmir valley that is Srinagar and its surrounding areas. This region is inhabited by the Muslims. The fifth region under Indian occupation has Buddhist majority.

He said for progress towards the Kashmir solution, these regions were to be identified, demilitarised and their status was to be changed. He said he believed that the Kashmiris would support this option as they would get authority.

President Musharraf said India, because of its secular facade, was opposed to division of the territory on religious basis. But, he said, the beauty of this option for Kashmir solution was that the same regions emerge even if you consider geography or ethnicity as the basis of division.

He said he was giving food for thought to the media that the option based on seven regions should be debated. He said by reading and listening to the views of people and experts he would judge what solution the masses desired. This, he said, was a way to achieve consensus on the issue. He said he would then talk to Prime Minister Manmohan Singh keeping in view the people’s opinion.
The president said the world now believed that Pakistan was contributing to the stability of Afghanistan. The past perception of Pakistan's involvement in terrorist activities in Afghanistan has gone, he said.

He said he had also removed the world's misgiving that Pakistan was instrumental in nuclear proliferation by wisely handling the issue of Dr AQ Khan and other scientists. He said Pakistan was no more considered a rogue state, as alleged earlier by the world at large.

Musharraf said he had also successfully dispelled the impression of country's involvement in cross-border terrorism in the context of Kashmir. He said not only the world had given up levelling this charge but the Indians also did not dare to repeat it in his presence. He said the Indians know that whenever they referred to cross-border terrorism, he would retaliate by pointing out human rights violations in Kashmir by the Indian military.

Despite these achievements, the president regretted, he could not yet remove the image of Pakistanis as a militant, terrorist society. He said the media was also to share the blame for this failure. He said those who support militants or terrorists should not be given wide and favourable coverage by newspapers and TV channels.

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Next day responding to the proposals, the Spokesperson of the Ministry of External Affairs said in New Delhi: “Naturally, we have heard those comments. We do not believe the Jammu and Kashmir is a subject on which discussions can be held through media.”
Press briefing by Foreign Secretary Shyam Saran on the visit of Prime Minister of Pakistan Mr. Shaukat Aziz.

New Delhi, November 24, 2004.

(The text in italics is free translation from Hindi)

Official Spokesperson: Good afternoon ladies and gentlemen. It gives me great pleasure to welcome Foreign Secretary for this afternoon’s briefing. He is accompanied by India’s High Commissioner to Pakistan Mr. Shiv Shankar Menon and Joint Secretary (PAI) Mr. Arun Singh. Without further ado I will request FS to kindly address you.

Foreign Secretary: Thank you very much for being present here this afternoon. I would like to just give you a brief account of the meetings that were held today between Prime Minister Dr. Manmohan Singh and Prime Minister Shaukat Aziz of Pakistan. To begin with, there was a 45-minute restricted meeting with only a few aides present on each side. And thereafter we had a one-hour delegation-to-delegation level meeting. This was followed by a lunch hosted by the Prime Minister in honour of the visiting Prime Minister.

In the talks there was a very wide ranging exchange of views. This exchange took place in a very friendly and a very constructive atmosphere. As you know the Prime Minister of Pakistan is visiting India in his capacity as Chairman of SAARC. As it would be expected SAARC was an important item therefore on the agenda of the talks. Both sides agreed that SAARC had not really lived up to its potential and that there was a needed for us to work together in order to realize this potential. Prime Minister in his presentation concerning SAARC related issues mentioned several proposals that India has put forward for consideration at the forthcoming SAARC summit in Dhaka. These include the Poverty Alleviation Fund amounting to about USD 100 million which has been announced by India for use in various collaborative projects in countries other than India. We have also recommended an Infrastructure Fund, the total of which would be something like USD 10 billion. The Fund is to be utilized for several infrastructure projects involving collaborative ventures. For example, regional road network, energy network, communications network - these are the kind of things which could be taken up under the Infrastructure Fund.

Prime Minister mentioned our proposal for setting up a High Economic Council which would include Ministers of Finance, Commerce, may be representatives of Planning Commissions essentially to give shape to our vision of a South Asia Economic Union and the steps that we would need to take in order to fulfill that collective destiny that we all accepted.

Another SAARC related issues which was mentioned by us was the problem of
HIV/AIDS and the need for common efforts on the part of all countries of the region to deal with this challenge. In this connection, as you know, India has certain experience in terms of HIV/AIDS drugs and treatment. So, this is an area where we can also make a contribution. In addition, Prime Minister also mentioned certain other areas like the possibility of pooling our resources together in terms of our energy requirements, the setting up of some kind of regional energy grid which could be considered by the countries of the region. The possibility of considering a proposal for food security among all countries of the region. So, as you can see, a number of rather important initiatives were mentioned by the Prime Minister in connection with how to energize the SAARC process.

Prime Minister Shaukat Aziz welcomed these proposals. In fact he stated that Pakistan supported these proposals. He had some ideas of his own to offer. He mentioned, for example, that we need to strengthen the mechanisms of SAARC, in particular the Secretariat itself. He also mentioned that we need to be conscious of the need to make our SAARC meetings much more productive, that we have a fairly long calendar of such meetings, we move from event to event, but we need to make our meetings shorter and perhaps more productive. These were ideas which Prime Minister Manmohan Singh welcomed and said we could certainly work together in realizing these objectives.

There was discussion about SAFTA, the importance of SAFTA and how to take this process forward. Prime Minister followed this up by mentioning the vision that we have of taking South Asia towards a Customs Union and then final a South Asia Economic Union. So, as you can see, on SAARC related issues a number of very substantive ideas were discussed. As I said, there was a general agreement that the SAARC process had really not lived up to the expectations that we have had and it is time now to energize the entire process and that India and Pakistan were committed to taking this process forward.

On bilateral issues, there was an exchange of views on all the different issues which are there on the bilateral agenda. There was satisfaction that the dialogue process was moving forward. There was a commitment from both sides to take this process forward. On our side Prime Minister said that we are committed to addressing all the different items of the bilateral agenda including the issue of Jammu and Kashmir and that we were prepared to do this in a very serious, in a very purposeful manner, in a manner that is oriented towards seeking constructively solutions to the problems that we are confronting. Towards the conclusion of our meeting there was a very gracious invitation extended to Prime Minister Dr. Manmohan Singh to pay a visit to Pakistan which was very warmly accepted. The dates for this visit would be worked out through diplomatic channels.
All in all this has been a very important and significant visit, coming as it does on the eve of the Dhaka Summit where we need to take the SAARC process forward. It has also given us an opportunity to make a review of our bilateral relations even though the focus of the visit was SAARC. As you know we are embarked on the second round of the Composite Dialogue and there was a commitment on both sides to approach this second round with all seriousness. Also, a mention was made that we would be following the second round of the Composite Dialogue with a meeting between the Foreign Secretaries of the two countries which is likely to take place before the end of the year. There would be a chance for another meeting at the leadership level at Dhaka Summit and External Affairs Minister Shri Natwar Singh is also scheduled to visit Pakistan some time in February next year. So, the process is very much set for the next several months. We are convinced that this path on which we both have decided to walk together will yield results in the future.

Question: I have two questions. The first is that the first round of the Composite Dialogue Process has been completed. From all the issues that have come up till the present visit of Mr. Shaukat Aziz, what are the issues about which we can be optimistic? Secondly, Mr Aziz has said that the Oil pipeline will be constructed irrespective of whether India wants it or not. Does it indicate an impasse since India has somewhat seen it in conjunction with the MFN status or the normalization of business relations?

Answer: As far as the Composite Dialogue is concerned, it is normal that on some issues we have moved forward and on some issues more time will be needed. This is very fair. On the issues on which we have not been able to make that much progress, we will take up those issues in the present round and we will try to make progress on those issues as well. But, broadly speaking we can say that on all these CBMs and bilateral issues we have achieved progress in the last few months. This should also be recognized. This is a long haul and I would like to emphasize that both sides are keen to move forward. As far as the issue of gas pipeline is concerned Prime Minister has shared with you his views on this.

Question: Can you elaborate as to what proposals, if any, were put forward on Kashmir by Pakistan and if Prime Minister Manmohan Singh raised the issue of terrorist infrastructure that exists in Pakistan with his Pakistani counterpart?

Answer: Prime Minister very clearly recalled the assurance contained in the January 6th Joint Statement between India and Pakistan, specifically referring to the assurance given by Pakistan that no territory under the control of Pakistan would be utilized for any cross border terrorism. This was conveyed by Prime Minister to his counterpart. It was also conveyed that India is committed to resolving all outstanding issues between India and Pakistan including the issue
of Jammu and Kashmir and we are ready to move ahead in a very serious and purposeful manner.

**Question:** Did Pakistan give any specific formulation on Kashmir?

**Answer:** No, there was no specific formulation given on Kashmir. As far as the reference to President Musharraf's proposals or so called proposals – I do not know whether they are proposals – what was mentioned, I think was clarified by Prime Minister Shaukat Aziz himself saying that these were really ideas put forward essentially for debate within Pakistan.

**Question:** Anything on the bus service from Srinagar to Muzaffarabad?

**Answer:** This matter was touched upon and it was agreed that this was a proposal which should be implemented as early as possible. You may be aware that there is a technical level meeting on this issue which is probably going to take place on December 7 – 8 this year where there will be an effort made by both sides to resolve any pending issues and operationalize the bus service as early as possible.

**Question:** Did the Indian side express its concerns over repeated statements that come from Pakistan each time such type of important meetings take place?

**Answer:** No, we do not believe that we need to react to each and every statement that comes across the border.

**Question:** On the bus service the technical level talks are scheduled but the Prime Minister of Pakistan told us a short while ago that the issue of travel documents remains open. I would like to know what is India's position on the passport and visa issues? My second question is that Hurriyat leaders met the Pakistani Prime Minister yesterday. They want to visit Pakistan to meet the Pakistani leadership there, what is the Government of India's position on that?

**Answer:** As far as the bus service is concerned I think that I stated very clearly that there is going to be a technical level meeting on December 7-8 and precisely the sort of matters that you are talking about will be discussed at the meeting and hopefully we will come to a satisfactory conclusion. As far as the role of the Hurriyat is concerned, we have an elected government in Jammu and Kashmir. The Government has expressed its willingness to talk to all shades of opinion in Jammu and Kashmir including those who are not from amongst the elected representatives in the state of Jammu and Kashmir. That remains the position of the Government of India. As far as travel to Pakistan is concerned, as and when these requests are made to the Government of India these requests will be considered.

**Question:** Are there any security concerns regarding Srinagar – Muzaffarabad bus service?
Answer: There would be a number of concerns like the question of procedures, question of security, question of documents. As I said these are precisely the sort of issues which we need to clarify and to work out and which we will do when we meet on December 7-8.

Question: You had given 70 to 71 proposals to Pakistan and some progress was made on these earlier. Has there been any progress on these issues during this visit?

Answer: Let me clarify again that this is a visit by Prime Minister Shaukat Aziz in his capacity as Chairman of SAARC. But, we have taken advantage of his visit also to revisit and review bilateral relations. This is not a negotiating session between the Pakistani delegation and the Indian delegation. For negotiations on various bilateral issues there is a mechanism within the Composite Dialogue and that particular mechanism is at work. We are not discussing specific issues with a view to finding common ground at this particular meeting. This is a meeting between two Prime Ministers. They are not negotiating on the nitty-gritty issues. There was an overall review. There was satisfaction that relations had gone forward. There was a common commitment to take these relations forward on the basis that we have already agreed. What is that basis? The basis is that we move ahead with our Composite Dialogue, try and find common ground, not put aside the issue of Jammu and Kashmir - as we said we are ready to talk about this issue as well - and bring a new climate to our bilateral relations.

Question: I have two questions. On the bus service, is India open to the idea of travel on Passports without visa? Secondly, did the Prime Minister recall his statement in Srinagar on no redrawing of boundaries?

Answer: I think I have made myself very clear as far as the bus service is concerned. The kind of issues you are raising are precisely the issues that we hope to discuss and sort out in the technical level meeting that we have. So for me to say ‘is there going to be a passport without a visa or is there going to be a visa without a passport’... There are a number of ideas which are there on the table and I am sure perhaps there will be more ideas put on the table when we have the technical level meeting. So, why not wait? What is important is that this is an initiative that India has taken and we are very keen to see operationalized as early as possible. We will approach the technical level talks in a very constructive spirit, in a spirit of trying to get over whatever hurdles there may be so that something which, I think, is important to both the people of India as well as the people of Pakistan can be operationalized as early as possible.

As far as your second question is concerned, Prime Minister mentioned that what he had said in Srinagar was no different from what he had said to President
Musharraf in New York.

**Question:** Were any trade related issues discussed?

**Answer:** Yes, Prime Minister said that he was very keen that there should be greater economic and commercial linkages between the two countries. I am happy to tell you that it was agreed between the two Prime Ministers that we should have banking relations and we have agreed that we could have reciprocal setting up of banks in each others country and the Central Banks of the two countries will perhaps be taking this particular idea forward.\(^1\)

**Question:** You just mentioned that Prime Minister told Prime Minister Shaukat Aziz what he had said in Srinagar was no different from what he had told President Musharraf in New York. What did he say?

**Answer:** In discussing the issue of Jammu and Kashmir, Prime Minister mentioned that we have a very consistent and a very constructive stand on approaching the issue of Jammu and Kashmir. He recalled what he had mentioned to President Musharraf in New York.

**Question:** What exactly did he say?

**Answer:** Well, the Indian position is that we have a certain approach with regards to Jammu and Kashmir. What is that approach? That approach is that this is a complex issue. This is an issue, which has perhaps a considerable amount of emotion involved on either side. If we wish to try and seek an understanding on this question there is a need for building a degree of trust and confidence on both sides. How do we build that trust and confidence? How do we increase and expand the constituency of peace both on the Indian side and the Pakistani side? What is positive is that there is today, and this was something that was agreed by both Prime Minister Dr. Manmohan Singh and Prime Minister Shaukat Aziz, that there is a new mood amongst the people of both countries. People of both countries want peace. They want to take friendly relations between the two countries forward. So, why not try and expand that area of peace and friendship between the two countries so that it becomes easier to deal with this complex issue. In the way we look at it, the confidence building process is not a deflection from the Jammu and Kashmir issue. In fact, it is integral to seeking a solution to the complex problem of Jammu and Kashmir.

So, that is the approach that we have adopted and in terms of how this is to be brought about, Prime Minister had mentioned this publicly that we obviously

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1. On the day Prime Minister Aziz arrived in New Delhi, the Indian Commerce Minister Kamal Nath on a visit to Islamabad to attend the two-day SAARC Commerce Ministers' Conference had a meeting with Pakistani President Pervez Musharraf when it was decided
cannot look at another division of the country on the basis of religion. We are not looking at territorial solutions. Ours is a people centered approach. We are looking at how we can somehow ameliorate the negative consequences of the lines which have been put on the map, try to bring people together. After all, what is the Srinagar – Muzaffarabad bus service about? This is also to bring people together. So, the affinities that are there on either side of the LoC or either side of the international boundary, those affinities should be allowed to expand. We should be able to build upon that. That is the approach that we have.

**Question:** Prime Minister Shaukat Aziz reiterated the old Pakistani line that there should be progress in other areas in tandem with progress on Kashmir. Does that not retard the confidence in the whole Composite Dialogue process?

**Answer:** We are moving in tandem. After all, what is the Composite Dialogue all about?

**Question:** Do you think that Pakistan is committed to take forward the process of Composite Dialogue? In the New York interaction Prime Minister Manmohan Singh had talked about out of the box solution. Is that a proposition that is still considered viable?

**Answer:** Prime Minister has stated before and I think he has stated again that we are willing to look at various kinds of options there might be. But, these

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to set up a Joint Study Group on Economic Cooperation between the two countries. The Joint Study Group will examine the possibilities of further preferential trade arrangements between India and Pakistan on goods and services as well as investment. It would also have sub-groups to look at possibilities in various areas. The JSG will be headed by the Commerce Secretaries of the two countries.

Meanwhile Indian Ministry of Commerce in a press release issued on November 28 expected buoyancy in India – Pakistan trade during the financial year 2004-05. The press release said: “Bilateral trade between India and Pakistan is showing a very buoyant trend during the current financial year (2004-05), Shri Kamal Nath, Union Minister of Commerce and Industry has indicated. According to the available bilateral trade data for the first four months of this fiscal (April to July) India’s exports to Pakistan have shown a record 328 per cent increase, having gone up to US $ 167.38 million from US $ 39.10 million during the corresponding months of last year 2003-04. Imports from Pakistan are estimated at US $ 18.98 million as against US $ 25.31 million during the same period last year, but are expected to pick up during the remaining months of this fiscal year. Thus the total two-way trade between India and Pakistan during April – July of this year has trebled in four months, rising to US $ 186.36 million as against US $ 84.41 million during April-July 2003. Total trade between India and Pakistan stood at US $ 344.29 million in full year 2003-04, US $ 251.01 million in 2002-03, US $ 208.77 million in 2001-02 and US $ 250.35 million in 2000-01. If the present growth trend continues, the total trade between India and Pakistan may cross US $ 500 million during the current financial year 2004-05.”
options must be based on ground realities. So, how do we move forward? We move forward in a measured fashion as I just now spelt out for you that we regard the process of confidence building as not separate from dealing with the issue of Jammu and Kashmir. To our mind they are in fact linked together.

Question: Pakistan Prime Minister’s statements suggest that Pakistan is fully now committed to the Composite Dialogue…

Answer: I do not wish to interpret what the Pakistani position is. As long as there is a commitment to carrying this process forward – and that seems to be the case at this point of time. I mentioned to you that till February we have a number of agreed high-level meetings that we are looking at. We have no reason to believe that this process will not continue and move forward.

Official Spokesperson: I think we will have to leave it there. Thank you very much ladies and gentlemen.

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1613. Joint statement issued at the end of the talks between Foreign Secretaries of India and Pakistan.


The Foreign Secretaries of Pakistan and India met in Islamabad on 27 – 28 December 2004 to review overall progress, commence the next round of the Composite Dialogue and discuss the issues of Peace and Security including CBMs, and Jammu and Kashmir. Foreign Secretary of Pakistan Mr. Riaz H. Khokhar, led the Pakistan delegation while the Indian delegation was led by Foreign Secretary Mr. Shyam Saran. The talks were held in a frank, cordial and constructive atmosphere.

2. Recalling the solemn and categoric reassurance contained in the Joint Press Statement of 6th January, they expressed their determination to carry the process forward.

3. On the issue of Peace and Security including CBMs, the two Foreign Secretaries, inter-alia reviewed the progress made during the meetings of Experts on Nuclear and Conventional CBMs. Building upon the existing contacts between DG MOs, they agreed to promote regular contacts at local level at designated places and explore further CBMs along the international boundary and the LoC. They discussed and narrowed further their differences on the draft agreement on pre-notification of flight testing of ballistic missiles, and agreed to work towards its early finalization.

1. The EAM Natwar Singh had on December 22 told the Rajya Sabha that there was “no drift in India’s Pakistan’s policy” and that the dialogue process with Pakistan was on track. Sounding optimistic but frank he said “even modest progress is worthy of respect.” The Foreign Secretary Shyam Saran when he arrived in Islamabad on December 25 gave the focus of the talks had said: “This time the main focus during my talks with my counterpart in Islamabad would be on building mutual trust in the fields of nuclear and conventional arms and countering narcotics trafficking.” While in Peshawar on a short visit on the same day, he told the media there that both the sides were approaching the talks with an “open mind”. He was candid enough to tell the journalists that good relations between the two countries would help economic cooperation in South Asia as a whole. At the end of the first day of the meeting the Indian Foreign Secretary told the media in Islamabad that he sought to put at rest apprehensions on the Pakistani side that India was putting premium on CBMs to sideline Kashmir. He told the Pakistani side that India was ready for a “serious and sustained dialogue” on Kashmir. At the same time he reminded about the “fundamental assurance” given by Gen. Musharraf in January 2004 about not allowing Pakistani soil for anti-India activities and emphasized that implementation of the promise was critical to take forward the process. To questions Shyam Saran said that the “phenomena of cross-border terrorism” have not ceased. He added that there could be no instant solutions particularly to complex issues such as Jammu and Kashmir given the sentiments of people in both the countries. He maintained that sustained and serious engagement was the only way forward for resolution of differences.
4. Both sides discussed the issue of Jammu and Kashmir and agreed to carry forward the process in the light of the Joint Statement issued after the meeting between President of Pakistan General Pervez Musharraf and Prime Minister of India Dr. Manmohan Singh in New York on September 24, 2004.

5. The meetings on the other six subjects under the Composite Dialogue, i.e. Siachen, Wullar Barrage/Tulbul Navigation Project, Sir Creek, Terrorism & Drug Trafficking, Economic & Commercial Cooperation and Promotion of Friendly Exchanges in Various Fields would be held on mutually agreed dates between April and June 2005.

6. The two sides also agreed that technical meetings including the Joint Study Group on Trade matters headed by the Commerce Secretaries, Indian Coast Guards and Pakistan Maritime Agency, Pakistan Rangers and Border Security Force of India, Expert level dialogue on Nuclear and Conventional CBMs, technical level meeting on bus service between/through Amritsar and Lahore, meeting between the Narcotics Control Authorities would be held between January and June 2005.

7. They also discussed issues related to apprehended fishermen, civilian prisoners and missing defence personnel. It was inter-alia agreed that:
   (i) Immediate notification would be provided to the respective High Commissions through the Foreign Ministries of arrested Pakistani/Indian nationals;
   (ii) Consular access would be provided within three months of apprehension;
   (iii) Repatriation would be done immediately after completion of sentence and nationality verification;
   (iv) A mechanism would be introduced for early repatriation, without sentencing of inadvertent crossers;
   (v) A similar mechanism would be established for early release, without sentencing of those under 16 apprehended by either side.

8. The Foreign Secretaries of the two countries would meet in New Delhi to review the overall progress in the Composite Dialogue in July-August 2005.

9. The Foreign Ministers and the Prime Ministers of the two countries would meet during the SAARC Summit in Dhaka in January 2005. The External Affairs Minister of India Mr. K. Natwar Singh would visit Islamabad in February 2005 for bilateral discussions.

10. The Foreign Secretary of India called on Prime Minster Shaukat Aziz and Foreign Minister Khurshid M. Kasuri of Pakistan during the course of his visit to Islamabad.
1614.  **Suo Motu** statement in the Rajya Sabha by External Affairs Minister K. Natwar Singh on his visit to Pakistan.

New Delhi, March 4, 2005.

I visited Pakistan from February 15 to 17 2005. It was the first visit of an Indian Foreign Minister to Pakistan in almost 16 years. I met President Musharraf, Prime Minister Shaukat Aziz, and held extensive discussions with my counterpart, Foreign Minister Khurshid M. Kasuri.

During my visit, agreement was reached with Pakistan to commence a bus service between Srinagar and Muzaffarabad. Honourable members would recall that the proposal for the Srinagar - Muzaffarabad bus was first announced on October 22, 2003 by Shri Yashwant Sinha, the then External Affairs Minister.

Agreement was also reached on starting a bus service between Lahore and Amritsar, including to religious places such as Nankana Sahib. Pakistan also agreed to work towards the early restoration of the Khokrapar-Munnabao rail link. These links would significantly enhance people-to-people contacts, which have provided palpable support to the present process.

The Srinagar Muzaffarabad bus service is expected to commence on 7 April 2005. Dates for the Amritsar-Lahore bus service and the Khokrapar-Munnabao rail link will also be finalized.

On the Srinagar-Muzaffarabad bus service, let me clarify that all Indian and Pakistani nationals would be permitted to use this route across the LoC. Each side will designate its authority for receiving application forms for travel and for issue of travel permits at the checkpoint. On the Indian side, the designated authority is the Regional Passport Officer, Srinagar. The procedure adopted is without prejudice to our stated position on the issue of Jammu & Kashmir. The display of mutual flexibility has enabled the two sides to take a significant step in responding to humanitarian considerations, particularly the opportunity for divided families to meet each other with relative ease and convenience.

We have also agreed to look at a pipeline through Pakistan subject to satisfaction of our concerns related to security and assured supplies. This would also contribute to widening of our economic inter-linkages.

During my visit to Islamabad, following additional agreements were reached:

(i) Between now and July, agreements will be finalized on Pre-notification of Missile Tests, MOU between Indian Coastguards and Pakistan’s Maritime Security Agency, and MOU between Narcotics Control Authorities.
(ii) Discussion would be initiated on agreements on reducing Risk of Nuclear Accidents or Unauthorized Use of Nuclear Weapons and Preventing Incidents at Sea.

(iii) Further measures to alleviate the situation of civilian prisoners and apprehended fishermen would be taken. I impressed upon the Foreign Minister of Pakistan the need to release the apprehended fishermen along with their boats, and to expedite their return.

(iv) It was agreed to continue with efforts for early re-establishment of our respective Consulates General in Karachi and Mumbai.

The issue of Baglihar Hydroelectric Power Project in J&K was raised by Pakistani leaders. We pointed out to them that the project was fully in consonance with the Indus Waters Treaty of 1960, to which we remain committed. I also conveyed that the last round of bilateral technical discussions had registered progress in our view, and if the discussion had been continued there could have been even greater convergence of views. While expressing our willingness to return to bilateral discussions, I said that Pakistan's reference to the World Bank to seek the services of a neutral expert was premature. Members are aware that the project is of great significance for the economic development of J&K, and we intend to continue with the project.

On my way back, I visited Lahore where I addressed a group of media persons and prominent citizens at a meeting organised through SAFMA (South Asia Free Media Association). I called on the Governor of Punjab, Lt. Gen. (rtd) Khalid Maqbool, while the Chief Minister Chaudhary Pervez Elahi graciously hosted a lunch for me. At the lunch, I had a useful discussion with Chaudhary Shujaat Hussain, President of Pakistan Muslim League.

The atmosphere in all these meetings was relaxed, friendly and positive, with emphasis on commonalities, and importance of people to people contacts.

My visit took place in the overall context of improving bilateral relations with Pakistan. We intend to impart further momentum to the present process.

As Honourable Members are aware, significant developments have taken place in India-Pakistan relations since April 2003. Relations have been restored at the level of High Commissioners, transport and communication links have resumed, one round of the Composite Dialogue has been completed. A series of technical level and Composite Dialogue related meetings have been held on schedule. Another round was initiated during the Foreign Secretary level talks in December 2004 in Islamabad.

People to people exchanges are taking place across the spectrum in large numbers. There has been a resumption of visits by pilgrim groups. Our High
Commission is currently issuing close to 7,000 visas per month. This month, we expect to issue an additional 8,000 visas, over and above this number to cater to the requirements of those coming to watch the India- Pakistan cricket series in India.

The ceasefire has held for more than a year. The bilateral process has been given impetus through maintenance of high level contacts: PM met President Musharraf in New York in September 2004; Pakistan PM Shaukat Aziz visited New Delhi on November 23-24, 2004.

Some progress has also been achieved on the humanitarian issue of fishermen and civilian detainees. During the Foreign Secretary level talks in December 2004, it was inter-alia agreed that both sides would give consular access to all prisoners under their custody. Following the visit, Pakistan has provided consular access to approximately 100 civilian prisoners and 650 fishermen in January and February 2005. We are continuing to press Pakistan on the issue of 54 missing defense personnel.

On the Sir Creek issue, a Joint Survey of the boundary pillars in the horizontal segment of the International Boundary in the Sir Creek area has also been successfully concluded in January 2005.

Thus meaningful progress has been achieved and the Government intends to continue with the present process in an atmosphere free from terrorism and violence. Government have made it clear that the process is critically dependent on the fulfillment of January 6, 2004 commitment of President Musharraf not to permit any territory under Pakistan’s control to be used to support terrorism in any manner.
1615. Joint statement issued at the end of talks between Prime Minister Dr. Manmohan Singh and President of Pakistan Pervez Musharraf.

New Delhi, April 18, 2005.

1. The President of Pakistan, His Excellency General Pervez Musharraf and Begum Sehba Musharraf visited New Delhi as guests of the Prime Minister of India and Shrimati Gursharan Kaur on 16 to 18 April 2005.

2. While in New Delhi, the President of Pakistan called on the President of India. He also had a meeting with the Prime Minister of India, who hosted a dinner in his honour. The President also watched the last one-day international cricket match between India and Pakistan.

3. The President of Pakistan and the Prime Minister of India used the opportunity provided by the visit to review progress in Pakistan-India relations. They assessed positively the progress that had been made so far through confidence building, people-to-people contacts and enhancing areas of interactions and determined to build on the momentum already achieved.

4. They reaffirmed the commitments made in the Joint Press Statement of January 6, 2004 and the Joint Statement issued after their meeting in New York on September 24, 2004 and expressed satisfaction on the progress in the peace process and the improvement of relations between the two countries that has since been realized.

5. Conscious of the historic opportunity created by the improved environment in relations and the overwhelming desire of the peoples of the two countries for durable peace and recognizing their responsibility to continue to move forward towards that objective, the two leaders had substantive talks on all issues. They determined that the peace process was now irreversible.

6. In this spirit the two leaders addressed the issue of Jammu and Kashmir and agreed to continue these discussions in a sincere and purposeful and forward-looking manner for a final settlement. They were satisfied with the discussions and expressed their determination to work together to carry forward the process and to bring the benefit of peace to their people.

7. They also agreed to pursue further measures to enhance interaction and cooperation across the LoC including agreed meeting points for divided families, trade, pilgrimages and cultural interaction.

8. They condemned attempts to disrupt the Srinagar - Muzaffarabad bus service and welcomed its successful operationalisation. The two leaders pledged that they would not allow terrorism to impede the peace process.
9. They decided to increase the frequency of the bus service and also decided that trucks would be allowed to use this route to promote trade. They also agreed to operationalise additional routes including that between Poonch and Rawalakot. They also look forward to early start of the bus service between Amritsar and Lahore and to religious places such as Nankana Sahib.

10. They agreed to re-establish the Khokhrapar - Munnabao route by 1st January 2006.

11. They agreed that the Consulates General of the two countries in Mumbai and Karachi respectively would be opened before the end of the current year.

12. They endorsed the decisions taken in the meeting of Foreign Secretaries of the two countries on 27-28 December 2004, and the Foreign Minister on 15-17 February 2005, on the schedule of meetings later in the year, the agreements to be worked upon through these meetings and the measures to be taken to alleviate the situation of prisoners.

13. On the issues of Sir Creek and Siachen, they instructed that the existing institutional mechanisms should convene discussions immediately with a view to finding mutually acceptable solutions to both issues expeditiously.

14. It was agreed that the Ministers of Petroleum and Natural Gas would meet in May to explore cooperation in the sector including on the issue of pipelines.

15. Both leaders agreed that enhanced economic and commercial cooperation would contribute to the well-being of the peoples of the two countries and bring a higher level of prosperity for the region. The two leading economies of South Asia should work together for the greater prosperity of the region.

16. The leaders decided to reactivate the Joint Economic Commission as early as possible. They also agreed that the Joint Business Council should meet soon.

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1. It may be mentioned that on the sidelines of the summit between the two leaders, the Commerce Ministers of India and Pakistan also met on April 17 and decided to set up a Joint Business Council to facilitate interaction amongst business and to strengthen economic ties and promote trade. The Indian Commerce Minister told the media that it was agreed between Prime Minister Manmohan Singh and President Musharraf that all hindrances must be removed and non-tariff barriers dismantled as soon as possible to have a meaningful “open door” policy on trade between the two countries.
17. The President of Pakistan conveyed his gratitude for the hospitality provided during the visit and invited the Prime Minister to visit Pakistan. The invitation was accepted in principle. Mutually agreed dates would be worked out through diplomatic channels.

2. The Joint Statement evoked all-round welcome from across the political spectrum with the Congress Party lauding the Government for having the confidence to “push through the confidence building measures and bring about a paradigm shift in relations between the two countries”. The Congress Spokesperson Anand Sharma said that the Congress Party had consistently maintained that dialogue should continue irrespective of any situation that might prevail in either country. “We said so at a time when bilateral relations had hit a low and there was a snapping of people-to-people contact,” said Anand Sharma. The Joint Statement, he said was unequivocal in stating that the peace process was irreversible and shall not be held hostage to any act of terrorism or weakened by it. The Bharatiya Janata Party (BJP) felt happy that a process initiated by its government had borne fruits. The Left parties said the meeting reflected the strong desire by both countries to move forward in their efforts to normalize relations. The Communist Party of India (Marxist) general secretary Prakash Karat said his party welcomed the outcome of the talks and wanted the India – Pakistan dialogue process to be carried forward. Describing the talks as “positive development”, the Communist Party of India Secretary D. Raja said it was good that the leaders of both the countries realized that the peace process was irreversible and the only way to solve problems was through strengthening the CBMs, diversified people-to-people contacts and economic cooperation. “The CPI hopes both countries will carry forward the peace process through dialogue as no military conflict will be able to resolve the problematic issues,” said D. Raja cautioning India and Pakistan of U.S maneuvers to drag the two nations into an arms race with each other.
New Delhi, April 20, 2005.

The President of Pakistan, General Pervez Musharraf visited India from April 16-18, 2005. I had invited him to the cricket match in New Delhi and we used the opportunity of his presence here to hold substantive discussions on a wide range of bilateral issues. We also issued a Joint Statement, which takes stock of our relations and outlines the ideas and activities agreed upon between us to move our bilateral relationship forward. A copy of the Joint Statement is placed on the Table of the House.

During our talks, President Musharraf and I reviewed the progress made in our bilateral relations. We assessed positively the progress that had been made through confidence building measures, people-to-people contacts and enhancing areas of interactions and expressed our determination to build on the momentum already achieved. I also conveyed to President Musharraf the great importance we attach to enhanced bilateral economic and commercial cooperation. I underlined the need to multiply beneficial linkages of trade and transit, including the gas pipeline. We agreed that greater cooperation between the two largest economies of South Asia would not only contribute to the well being of the peoples of the two countries but also bring a higher level of prosperity for the entire region.

We agreed on several forward looking measures to increase interaction between the countries, among them being the restoration of the rail link between Khokhrapar and Munnabao. Each of these are reflected in the Joint Statement.

Earlier this month, we started the Srinagar - Muzaffarabad bus service despite terrorist threats and a dastardly suicide attack on the Srinagar Tourist Reception Centre. The courage and determination of our peoples and the condemnation by our Governments as contained in the Joint Statement, of attempts to disrupt this important initiative, give us confidence for its continued and successful operation with even greater frequency in the future. I am convinced the bus service has tapped a latent reservoir of public support for greater people to people contact, especially among people living on either side of the Line of Control.

The issue of Jammu and Kashmir was also discussed in a positive atmosphere. I emphasized that while the redrawing of boundaries was not possible, all measures that could bring the peoples on both sides together, including increased transportation linkages to facilitate greater traffic of people and trade
across the border and the Line of Control, would help the process and create an atmosphere of mutual trust and confidence. President Musharraf and I agreed to continue our discussions in a sincere, purposeful and forward-looking manner. We have agreed to work together to carry forward the process and to bring the benefit of peace to people of our two countries, and in particular, the people of Jammu and Kashmir.

President Musharraf stressed the importance of addressing the Jammu and Kashmir issue. However, he also agreed that the confidence building process between the two countries had made significant progress. We both felt that this process would contribute to promoting a general sense of trust and understanding in our two countries, which in turn, would be conducive to creating the environment for a just, fair and mutually acceptable solution to all outstanding issues. Consequently, we agreed to pursue further measures to enhance interaction and cooperation across the LoC including agreed meeting points for divided families, trade, pilgrimages and cultural interaction.

The Joint Statement specifically re-affirmed the commitments made in the Joint Press Statement of January 6, 2004, and the Joint Statement issued after the meeting of the Indian Prime Minister and the Pakistani President in New York on September 24, 2004. This re-affirmation addressed our concerns relating to terrorism from across the border. The Joint Statement also contained a pledge that terrorism would not be allowed to impede the peace process. It also underlines the importance of the peace process and the degree of improvement in relations between the two countries.

While I am satisfied with the progress achieved in our talks during the visit, we should remain conscious of the difficulties ahead. The difficult issues that divide us have bedeviled relations between India and Pakistan for far too long to hope for an immediate resolution. The threat to the peace process from extremist forces and terrorist organizations has not been eliminated. Therefore, I mentioned to President Musharraf that the whole process of serious and sustained dialogue hinges on building atmosphere of trust and confidence, free from violence and terror. We look forward to Pakistan implementing their assurances in letter and spirit.

As Hon’ble Members are aware, the past year has been quite a remarkable one for our relations with Pakistan. The two countries successfully concluded one round of the Composite Dialogue and have already commenced the next round. Diplomatic and other links have been normalized and restored to the pre-December 13, 2001 level. People-to-people exchanges are taking place across the spectrum in overwhelming numbers. The ceasefire being observed along the international border, the Line of Control and the Actual Ground Position Line in Siachen has, with the exception of a few stray incidents, held since November 2003.
India is committed to peace and friendship with Pakistan. We sincerely seek a cooperative and constructive relationship with Pakistan. I was heartened to see that this desire is reciprocated by the Pakistan side, and that there is considerable popular support for an improved relationship in both countries. To create such a durable cooperative and constructive relationship, we need to invest in the ongoing process of engagement and confidence building and ensure that recent positive trends are sustained. We have chalked out a detailed schedule and agenda for the round of the composite dialogue that has commenced. We believe that persistent and purposeful engagement will show us the way to peace and enable us to fulfill the promise of friendship and cooperation that we have made to our people."

1. On way to Jakarta to participate in the Bandung Golden Jubilee conference, Prime Minister told the journalists (April 22) accompanying him on board the special aircraft that if the process of allowing increased interaction between the people of Jammu and Kashmir was to continue, it would "create a climate conducive to the final settlement" of the "territorial dispute" in the divided state. He said the visit of President Musharraf and also of the Chinese Premier Wen Jiabao had yielded “solid results”. Asked for his opinion on Gen. Musharraf’s call for soft borders in J & K, Dr. Singh said he himself had been saying that India and Pakistan have to look at the Kashmir problem in a “different perspective”. He said: “Territorial disputes are never easy to resolve overnight. They take time. But there is a lot we can do together, focusing on the interests of the people, creating an environment where the people of Jammu and Kashmir on both sides of the line of Control can lead a life of dignity and self-respect. And we can create an environment of freer trade, freer movement.” He said “I really believe that if this process is allowed to go forward, it will create a climate conducive to the final settlement. But I really do not know today, it is a process, I cannot lay down a timetable – where will it lead us, when will it – but I am convinced that this is a way of looking at the problem which creates a situation where there are no losers or winners. The only gainers are the people of J & K and the prospects of reconciliation between the people of India and the people of Pakistan.” He added for good measure that “improvement in Pakistan – India relations is uppermost in my mind, and I am glad that this desire has been reciprocated by President Musharraf.” He added that it was his “sincere desire to work with the President of Pakistan to carry forward this process in the months that lie ahead.”
Joint press statement issued at the end of Home Secretary level talks between India and Pakistan.

New Delhi, August 30, 2005.

The second round of Home Secretary level talks between India and Pakistan on Terrorism and Drug Trafficking, as a part of the ongoing Composite Dialogue process, were held in New Delhi on August 29-30, 2005. The Indian delegation was led by Shri V.K. Duggal, Union Home Secretary while the Pakistani delegation was led by Syed Kamal Shah, Secretary, Ministry of Interior.

The talks were held in a friendly and cordial atmosphere and the deliberations were frank and forthright. Both sides reiterated their commitment to combat terrorism and re-emphasised the need for effective steps for the complete elimination of this menace.

Both sides underlined the need for cooperation between the Central Bureau of Investigation and the Federal Investigation Agency and agreed that experts from both sides would meet at mutually convenient dates in the near future, to work out modalities for the implementation of the arrangement for cooperation between the two agencies agreed earlier.

Both sides agreed to implement the decisions arrived at by the Foreign Secretaries in December 2004 on prisoners and reiterated their commitment to provide immediate notification of arrests made by either side, provide consular access to all persons within three months of arrest and release prisoners immediately after completion of sentence and nationality verification. They also

1. Explaining the context of this formulation, it was pointed out that the CBI and the FAI could now seek each other’s help in criminal cases on the basis of a prior arrangement. Such arrangements it was pointed out were internationally accepted. The CBI and FAI would now assist each other in case of a request made by each side. The Home Secretary V.K Duggal told reporters that the “utmost understanding” had been shown by the two sides of each other’s concerns. The agreement was a “fairly substantive move forward” an achievement in itself. “All other related issues pertaining to terrorism were also discussed”, he said and added Mr. Shah had promised to look into India’s concerns once he returned to Islamabad.

However, before the visit, the Home Secretary Duggal told journalists in New Delhi that India would seek the deportation of underworld don Dawood Ibrahim from Pakistan during the talks. “We will seek the deportation of all those who are involved in terrorists activities against India and are wanted in this country for serious crimes and terrorism-related activities and are based in Pakistan,” Home Secretary said. Asked specifically if Dawood decaired a global terrorist by the United States figures on the list of those whose deportation is being sought by India, he said “we will ask for all those who are wanted in India so that they can face the due process of law in this country”. On whether new names of terrorists and criminals have been added to the list of 20 wanted men given to Pakistan by India during the NDA rule, Mr. Duggal said the list to be given during the Home Secretaries talks comprises of nearly 30 names. (He did not spell out the names on the list.)
agreed to release on 12 September, 2005 all fishermen and civilian prisoners who have completed their sentence and whose national status has been confirmed.

Both sides noted with satisfaction the continuing cooperation and exchange of information between narcotics control agencies of both countries and agreed that the Memorandum of Understanding between them will be finalised and signed shortly.

The MOU aims at having a regular institutional mechanism in place to intensify mutual cooperation and liaison on drug control matters.

The Pakistan Interior Secretary and members of his delegation called on the Home Minister, Government of India, Shri Shivraj V. Patil. The two sides agreed to continue the discussions within the framework of the Composite Dialogue Process.
The Foreign Secretary of Pakistan Mr. Riaz Mohammad Khan and the Foreign Secretary of India Mr. Shyam Saran met in Islamabad on September 1, 2005 to review the progress of the second round of the composite dialogue comprising Peace and Security including CBMs; Jammu and Kashmir; Siachen; Wullar Barrage/Tulbul Navigation Project; Sir Creek; Terrorism and Drug Trafficking; Economic and Commercial Cooperation and Promotion of Friendly Exchanges in Various Fields. The talks were held in a cordial, constructive and friendly atmosphere.

2. The Foreign Secretaries reviewed the progress made so far and assessed the developments in bilateral relations since the last review meeting of the Composite Dialogue held in September 2004. The Foreign Secretaries expressed satisfaction over the positive developments during the current round of the composite dialogue. They also reaffirmed the important outcomes of the discussions between President Pervez Musharraf and Prime Minister Manmohan Singh reflected in the 18th April, 2005 Joint Statement.

3. The Foreign Secretaries reviewed the work of their experts who discussed Nuclear and Conventional CBMs and have contributed to a better understanding of each other’s concerns. They welcomed the continuation of the ceasefire and commended the finalization of the Agreement on Pre-Notification of Ballistic Missile Tests. They recommended that the Agreement on Pre-Notification of Flight Testing of Ballistic Missiles and the MOU on establishing communication links between the Pakistan Maritime Security Agency and the Indian Coast Guard be signed during the forthcoming Ministerial Level Review Meeting on 3-5 October, 2005 at Islamabad.

4. The Foreign Secretaries welcomed the commencement of the Srinagar-

1. Asked at a news conference about Prime Minister Manmohan Singh's recent remarks that attempts by Pakistan to combat violence and cross border terrorism were “half-hearted” the Foreign Secretary said India welcomed the assurances by Gen. Musharraf that various measures were being taken to fight terrorism. It was conveyed that terrorism and extremism posed a danger to Pakistan too. Saran said India had hoped that “these commitments are, in fact, implemented. I, of course, drew attention to the fact that on the ground infiltration and violence still continue, and it is our hope that this would subside.” He recalled that both Gen. Musharraf and Dr. Singh agreed that terrorism must be confronted and not allowed to impede the peace process. “I return confident that the composite dialogue is proceeding in a satisfactory manner and has proved to be a very useful instrument in bridging differences between the two countries,” Shyam Saran said.
Muzaffarabad Bus Service and agreed to hold a technical level meeting as soon as possible on the early operationalization of Poonch-Rawalakot Bus Service and a truck service for trade on the Srinagar-Muzaffarabad route. They agreed on further discussions on meeting points across LoC for divided families to ensure early implementation.

5. The Foreign Secretaries reiterated the importance of enhancing mutually beneficial economic cooperation and friendly exchanges. They noted that technical meetings would be held in September 2005 to review the bilateral Air Services Agreement and the Shipping Protocol. Technical experts will finalize the modalities for operationlisation of the Lahore-Amritsar and Nankana Sahib – Amritsar bus services during September 2005. They agreed that the 1988 Cultural Exchange Programme Agreement should be revised. The Foreign Secretaries noted the decision to expand the 1974 Bilateral Protocol on Visits to Religious Shrines to increase the number of pilgrims and add new sites in both countries. In addition, it was agreed to undertake an updating of the 1974 Visa Agreement.

6. The two Foreign Secretaries agreed on the need to improve, on humanitarian grounds, the existing mechanism for expeditious disposal of consular issues related to prisoners, fishermen and inadvertent line crossers of either side. They also agreed to implement the understanding reached in this regard during the Foreign Secretaries level talks in December 2004 and Home/Interior Secretaries talks in August 2005. In this regard, the need for revision of the 1982 Protocol on Consular access was agreed upon. The Foreign Secretaries welcomed the decision to release all prisoners on 12th September 2005 whose nationality was confirmed and who have completed their sentences.

7. The Foreign Secretaries recalled the decision taken in April 2005 by President General Pervez Musharraf and Prime Minister Dr. Manmohan Singh to revive the India-Pakistan Joint Commission. They recommended that a meeting of the Joint Commission be held during the visit of External Affairs Minister, Mr. K. Natwar Singh to Pakistan on October 3-5, 2005.

8. The Foreign Secretaries agreed on the following schedule for third round of Composite Dialogue:

— The Foreign Secretaries would meet in January 2006 in New Delhi to launch the next round of the Composite Dialogue.
— The next round of the Composite Dialogue meetings on the other six subjects will be held between January and July 2006.
— All technical level meetings would be concluded by April 2006.

9. The Indian Foreign Secretary Mr. Shyam Saran paid a courtesy call on President Pervez Musharraf and Prime Minister Shaukat Aziz.

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Prime Minister Dr. Manmohan Singh and President Pervez Musharraf met in New York on September 14, 2005 and reviewed progress in their relations since they last met in New Delhi on April 18, 2005. The two leaders referred to the earlier statements of January 6, 2004 and April 18, 2005 and reiterated their pledge that they would not allow terrorism to impede the peace process.

They reaffirmed their commitment to the decisions taken at their meeting in New Delhi and agreed to expedite their implementation. They also welcomed the progress made within the framework of the composite dialogue, including promotion of trade and economic relations, people to people contacts and confidence building measures. They also welcomed the recent release of prisoners on both sides and agreed to continue this process on a humanitarian basis.

They expressed their commitment to ensure a peaceful settlement of all pending issues including Jammu and Kashmir to the satisfaction of both sides. They agreed that possible options for a peaceful, negotiated settlement in this regard should continue to be pursued in a sincere spirit and purposeful manner.

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1. Three days before the above meeting in New York, Prime Minister told journalists accompanying him on board the special flight from New Delhi that he continued to “trust” the Pakistani leader and he believed that he could do “business” with the General. “I have not changed my views”, he said. Asked about his Independence Day observations that Pakistan’s efforts to curb terrorism in Jammu and Kashmir were “half hearted,” the Prime Minister noted that Pakistan had taken “some steps” and it was “too early for me to say” (whether promises made have been kept). He repeated his earlier formulations that “we cannot change border but we can work to make borders irrelevant.”

2. Foreign Secretary later told the journalists that the joint statement should not be seen as a setback to the peace process. “We are not in the business of event making,” he cautioned. He said it was unrealistic to arouse “expectations of spectacular outcomes” every time the President of Pakistan and Prime Minister met. There cannot be breakthrough every two months. “It is a process that must be deepened and this process had to contend with legacies and complications” accumulated over the decades. The talks according to Foreign
Secretary were marked by “frankness and candour” but were conducted in “a spirit of taking the relationship forward.” While underscoring that it was a “pleasant encounter” between President Musharraf and Prime Minister Manmohan Singh, he suggested that the Indian leader had done some plain-talking on the question of continued violence and terror in Jammu and Kashmir. Dr. Singh told Gen. Musharraf that he would need to “answer credibly to the people of India” whether or not the peace process was yielding results on the ground (in terms of terrorist activities). Dr. Singh suggested to the General that according to the Indian assessment there had been a “spurt” in the violence in June and July and that beyond these “ebbs and flows” a “trend” was yet to emerge that would enable India to reach a “conclusion” (that Pakistan had done enough to control terror). However, Saran pointed out that New Delhi’s view was that though the two countries still had many differences, it would take a positive view of the latest round of Manmohan – Musharraf interaction as a contributory development that would deepen the composite dialogue process. “We look forward to the third round of the composite dialogue in January 2006” he said. The Prime Minister had told President Bush a day earlier that “our belief is that Pakistan still controls the flow of terror and they must stop it for any realistic progress.”
Although unlike previous years, he did not directly ask other nations to separate terrorism from legitimate national struggles, the President did urge them to “understand and address the motives behind terrorist acts.” “These may not justify terrorism; but they explain it,” he said, adding, “to eliminate terrorist violence, we will need to eliminate it in the minds of potential terrorists.”

He said that no religion sanctioned terrorism and the motives of terrorists were always political. Explaining his strategy of countering terrorism with enlightened moderation, he said: “We need to redress political and economic injustices” to defeat terrorism. The president said his strategy could help eliminate terrorism and hoped that a commission formed by the UN Secretary-General to suggest means for avoiding a conflict of civilizations would consider his theory.

Addressing the issue of nuclear proliferation, he said Islamabad believed that weapons of mass destruction must not fall in the hands of terrorists. “To prevent this, we must aim to eliminate both the terrorists as well as the weapons of mass destruction.” Ruling out the use of nuclear weapons for settling disputes, Gen Musharraf said: “The catastrophic consequences of a nuclear war make it imperative to prevent one from ever taking place.”

He said both the proliferation and the perpetual possession of nuclear weapons posed an unacceptable global danger and the international community must evolve a new consensus to achieve disarmament and non-proliferation.

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Joint statement issued at the end of the visit of External Affairs Minister K. Natwar Singh to Pakistan.

Islamabad, October 4, 2005.

The Foreign Minister of Pakistan, Mr. Khurshid M. Kasuri and the Indian External Affairs Minister, Shri K. Natwar Singh met in Islamabad on 3 October 2005 for a review meeting on the progress of the second round of the Composite Dialogue comprising Peace & Security including CBMs; Jammu & Kashmir; Siachen; Wullar Barrage/Tulbal Navigation Project; Sir Creek; Terrorism & Drug Trafficking; Economic & Commercial Cooperation and Promotion of Friendly Exchanges in various fields. The plenary meeting of the revived Pakistan-India Joint Commission was also held in Islamabad on 04 October 2005. The meeting was convened pursuant to the decision taken by President General Pervez Musharraf and Prime Minister Dr. Manmohan Singh in their Joint Statement issued on 18 April 2005. The talks were held in a cordial and constructive atmosphere.

2. The Ministers held detailed and substantive discussions on the whole range of issues within the framework of the Composite Dialogue process and expressed satisfaction over the progress in the Composite Dialogue since their last review meeting in September 2004. They recalled the outcome of the discussions between the President of Pakistan and Prime Minister of India reflected in the Joint Statements of 6 January 2004, 24 September 2004, 18 April 2005 and 14 September 2005. The Ministers reiterated that possible options for a peaceful, negotiated settlement of the issue of Jammu and Kashmir should be explored in a sincere, purposeful and forward-looking manner. The Ministers reaffirmed their determination not to allow terrorism to impede the peace process. They resolved to carry forward the peace process and to maintain its momentum.

3. The Ministers expressed satisfaction over developments that have taken place over the last one year, including the smooth operation of the Muzaffarabad-Srinagar bus service.

4. The two Ministers endorsed the recommendations made by the Foreign Secretaries as reflected in the Joint Statement of the 02 September 2005. It was agreed that Expert level meetings will be held by the end of this year to finalize modalities for the meeting points of the divided families across the LoC and to initiate a truck service on Muzaffarabad-Srinagar route.

5. The two Ministers:
   a. welcomed the agreement to operationalize the Lahore-Amritsar bus service in November, 2005;
b. agreed that a meeting of experts would be held in Islamabad on 25-26 October, 2005 to start the Nankana Sahib-Amritsar bus service at an early date;

c. agreed that a meeting at the technical level would take place before the end of the year to discuss arrangements for operationalizing the Rawalakot-Poonch bus service as early as possible;

d. agreed that a technical level meeting would take place before December 2005 to discuss modalities for starting truck service on Muzaffarabad-Srinagar route for trade in permitted goods; and

e. welcomed the release of prisoners and fishermen by Pakistan and India. They agreed that the understanding reached between the Interior Secretaries on exchange of prisoners and fishermen would be implemented in letter and spirit including immediate notification of arrests by either side, consular access to all persons within three months of arrest, release of prisoners on completion of sentence and verification of national status, and early release of inadvertent crossers across the LoC. The Indian side handed over a draft of an agreement on consular access.

6. The two sides exchanged ideas on the Siachen issue and agreed to continue their discussions so as to arrive at a common understanding before commencement of the next round of the Composite Dialogue in January next year¹.

7. The two sides also exchanged ideas on the Sir Creek issue, taking into account the joint survey of the horizontal section of the boundary in the area. Without prejudice to each other’s position, they agreed to undertake a similar joint survey of the Sir Creek itself, and to consider options for the delimitation of their maritime boundary. They agreed that the joint survey should commence

¹ Speaking to journalists in Karachi the next day Minister Natwar Singh said “there is no deadline for Siachen, but we hope the talks will move forward.” He said “on some issues there can be no hurry. On some others, there is speedy movement.” On October 3 Foreign Secretary Shyam Saran briefing journalists in Islamabad after the talks had said that while so far there was no agreement between the two sides on the modalities for demilitarization of Siachen Glacier, efforts were on to find ways and means to promote progress on the subject. Saran recalled that during the April visit of President Musharraf to India both sides had agreed that Siachen and Sir Creek should be addressed on a “priority basis” and the quest by the two Foreign Secretaries towards resolution of the two was in line with the understanding. There is an agreement in principle by the two sides to move troops from the Siachen Glacier in accordance with the 1989 understanding. But there was no forward movement on this understanding due to difference on its interpretation. While insisted that withdrawal of troops would have to be preceded by certification of existing positions under the control of both sides, Pakistan argued that
before the end of the year and its report will be considered in the next round of the Composite Dialogue. Ideas relating to the delimitation of the maritime boundary would also be addressed in the Composite Dialogue with a view to its early resolution.

8. The two Ministers reiterated their commitment to the Iran-Pakistan-India gas pipeline project and agreed that this would contribute significantly to the prosperity and development of their countries.

9. The two Ministers also welcomed the signing of the following:
   a) Agreement on Pre-Notification of Flight Testing of Ballistic Missiles.
   b) Memorandum of Understanding (MoU) on Establishment of a Communication Link between the Pakistan Maritime Security Agency and the Indian Coast Guards.

10. The Indian side presented drafts for consideration proposing amendments to the existing agreements on visa, visits to religious shrines and new proposals for a Cultural Exchange Programme. The two sides agreed to pursue these matters under the Composite Dialogue framework.

11. The two sides reaffirmed their commitment to maintain the integrity of the Composite Dialogue.

12. The two Ministers expressed satisfaction at the revival of the Joint Commission and hoped that the Joint Commission would contribute significantly in strengthening the mutually beneficial relations and cooperation between the two countries. The two sides decided to restructure and streamline the work of the Joint Commission in the light of developments that have taken place since its last meeting in 1989.

13. In this context, the two sides had a meaningful and constructive exchange of ideas on restructuring the Joint Commission and subjects to be considered the demilitarization had to be unconditional. Meanwhile Chief of the Army Staff General J.J. Singh on October 21 told journalists that some sort of acceptance of present (troop) position was essential for the next step (of creating a demilitarized zone). “There should be some sort of documented acceptance of present position in whatever form. If there is an understanding of this requirement by the other side, progress can be made.”

1. According to media reports the project also figured in the bilateral discussions between EAM and Pakistani Foreign Minister Khurshid Mahmud Kasuri as well as at Singh’s meeting with Pakistani Prime Minister. In the course of the discussions India pointed to the Pakistani leadership that it had recently appointed an expert to look into the ‘economic viability’ of the pipeline. It may be recalled that Foreign Secretary Shyam Saran in his press conference on October 3 had said that the Indian vote on the Iran resolution in Vienna had nothing to do with the pipeline project and the economic viability of the project would be the sole criterion for New Delhi in deciding on it.
under its purview. The understandings reached would form the guidelines for the future work plan for the Joint Commission. The next meeting of the Joint Commission will be preceded by technical level working groups on Agriculture, Health, Science & Technology, Information, Education, I.T. & Telecommunication, Environment and Tourism.

14. The External Affairs Minister of India invited the Foreign Minister of Pakistan to visit India. The invitation was accepted and dates would be finalized through diplomatic channels.

15. The External Affairs Minister of India also paid courtesy calls on President General Pervez Musharraf and Prime Minister Shaukat Aziz.

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New Delhi, October 25, 2005.

Question: There is a curfew in Gilgit and there are reports that Pakistani forces are acting against the local population. Any comment on that?

Answer: Yes, we have noted with concern reports in the Pakistan media about a curfew being imposed in Gilgit and action taken by Pakistani forces against the people in that region. There is a history of sectarian conflict in Gilgit and Baltistan regions of Jammu and Kashmir and of severe repressive measures being taken against legitimate protests and demonstrations. We hope that Pakistani forces will act with utmost restraint and observe international human rights standards. We will keep the situation under close watch.

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1. This was one of the few occasions when India had spoken out on what it believed was an issue of human rights on the Pakistani side of the LoC. In the “clashes” between the Pakistani forces and Shia students at least 10 persons including two security personnel were killed. According to media reports as people of Pakistan occupied Kashmir grappled with the tragedy caused by the earthquake, Gilgit was reeling under sectarian trouble. The area, which was under curfew was given relaxation for eight hours on October 24 following some improvement in the situation. The curfew was eased 11 days after tension gripped the town in the wake of the clashes between the security forces and students on October 13. The media reports said that the security forces had set up pickets to monitor the situation. There was a cautious movement in traffic as people came out to buy daily necessities. Gilgit had witnessed several incidents of sectarian violence since the beginning of 2005. In June three persons were killed in the town as security forces opened fire on a vehicle violating curfew.
1623. **Response of Official Spokesperson to questions on Pakistan Foreign Ministry spokesperson’s remarks about self governance on both sides of the Line of Control.**

**New Delhi, November 21, 2005.**

During the meeting between PM Dr. Manmohan Singh and PM of Pak Shaukat Aziz in Dhaka the latter had conveyed that in seeking a resolution on the Jammu and Kashmir issue the two countries could inter alia explore ideas such as self governance and demilitarisation. No proposal regarding so-called “self governance” was provided to which a response was expected.

Our PM had conveyed that J&K already enjoyed autonomy under the Indian constitution and had in place a popular government elected through free and fair elections. However, there was clearly a lack of autonomy in POK and there had been no popular elections in Gilgit and Baltistan to determine the wishes and aspirations of the people.

PM had also reiterated that there would be no question of redeployment of security forces by India while cross border terrorism and infiltration continued and there was no cessation of acts of terrorist violence.

1. MOS was responding to President Musharraf’s remarks at the inauguration of the conference that India’s donation could be the resolution of Kashmir issue in the context of the earthquake.

2. The Spokesperson was referring to his Pakistani counterpart’s remarks to journalists in Islamabad that the Pakistani Prime Minister had during the course of his meeting with Prime Minister Manmohan Singh in Dhaka mooted the idea of “self-governance and demilitarization” on both sides of the LOC. However, despite repeated queries of journalists, Pakistani Spokesperson did not and could not give any details of the said proposal. According to media reports when the Minister of State E. Ahamed called on Pakistani Prime Minister during his visit to Islamabad in connection with the donors’ conference for quake relief, Aziz again referred to his undefined proposal, which left India wondering how to react in vacuum.
The seventh round of Director General Level Talks between the Counter Narcotics Agencies of Pakistan and India was held at Rawalpindi on 1-2 December 2005. The Pakistan Delegation was led by Major General Syed Khalid Amir Jaffrey, Director General, Anti Narcotics Force, Government of Pakistan and the Indian delegation was led by Mr. K.C. Verma, Director General, Narcotics Control Bureau, Government of India.

The talks were held in a cordial atmosphere. The two sides recognized the efforts of both the countries in fighting drug trafficking and appreciated the need for furthering their efforts through enhanced mutual co-operation. Detailed discussions took place on drug supply and demand reduction. There was convergence of views on issues of mutual concern and the two sides reaffirmed their resolve for regular exchange of information on drug related issues. Realizing the region’s sensitivity to transit-trafficking of drugs, both sides emphasized their deep commitment for forging closer co-operation between their Drug Law Enforcement Agencies.

To enhance co-operation between the two countries and to give proper direction and substance to this co-operation, a draft Memorandum of Understanding was discussed and agreed upon, in principle, for signature on a mutually convenient date shortly.

The leader of the Indian delegation paid a courtesy call on the Hon’ble Minister for Narcotics Control Mr. Ghous Bux Khan Maher. Mr. K.C. Verma thanked the Government of Pakistan for extending a warm welcome to him and his delegation.

The two sides agreed to continue these talks in future as well.
1625. Reaction of Official Spokesperson to a question on unrest in Balochistan (Pakistan).

New Delhi, December 27, 2005.

In response to a question on Balochistan the Official Spokesperson said:

The Government of India has been watching with concern the spiralling violence in Balochistan and the heavy military action, including the use of helicopter gunships and jet fighters by the Government of Pakistan to quell it. We hope that the Government of Pakistan will exercise restraint and take recourse to peaceful discussions to address the grievances of the people of Balochistan.¹

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¹ The Spokesman was reacting to Pakistan’s own media reports of large scale Baluch protests in Pakistan and disproportionate use of violence by the Pakistani army which killed according to reports “dozens of people”. According to reports more than 50 people had been killed and more than 100 injured in Balochistan violence. When the journalists asked Navtej Sarna to react to Pakistani charge of describing Indian reaction as “interference” in Pakistan’s internal affairs, he refused to be drawn into any controversy on this issue and said, “I think I have made the point I had to.” However on December 30 an unnamed official source briefing the media denied there was anything untoward or provocative in the External Affairs Ministry’s recent statement on the situation in Balochistan. “There is a certain serious situation that has been developing in Balochistan and when (the Government was) asked for its views, (it) gave a restrained answer.”

Once again on January 1, 2006 official sources were at pains to clarify that notwithstanding Pakistan President Pervez Musharraf terming as “intriguing” India’s comments on Balochistan, there was nothing wrong in reacting to the “serious situation” in the neighbouring country, particularly when it waves “red rags” at India virtually on daily basis. India insisted that the statement by the MEA spokesperson was “nothing unusual or extraordinary”. “Why there should be inhibition on our side to say something on what is happening in our neighbourhood? A serious situation has been developing in Balochistan and when a reaction was sought, MEA spokesperson gave it,” a senior government official said responding to Pakistan’s objection. New Delhi insisted that the reaction it gave was “quite restrained and reasonable” and did not mark any departure from its policy on Pakistan. Officials in New Delhi said India’s comment on happenings in Balochistan was not unjustified since Pakistan also keeps on talking about the situation in Jammu and Kashmir although “no human rights violations” are taking place there from the government side unlike in Balochistan.

Islamabad, December 27, 2005.

When attention was drawn to a statement by the spokesman of the Indian Ministry of External Affairs commenting on law and order situation in Baluchistan alleging violence and military action in the province, the spokesperson rejected the Indian statement as unwarranted and baseless. Suggesting that the statement was tantamount to meddling in internal affairs, the spokesperson stated that India often shows an unacceptable proclivity to interfere in internal affairs of its neighbours. Such tendency is contrary to efforts aimed at building an environment of trust, peace and stability in South Asia. The statement is all the more surprising from the spokesman of India, a country that has long tried to suppress the freedom struggle of the Kashmiri people and has a record of systematic and serious human rights violation in the Indian occupied Jammu and Kashmir. The heavy handed methods and use of force by India to quell the ongoing unrest especially in the North East of the country and the widespread violence afflicting many of its parts are well known and need no comment. We are also intrigued by this provocative statement at this time when the two countries are engaged in the peace process to address all issues including the Jammu and Kashmir dispute. The statement tends to vitiate the current atmosphere of improved relations that accords with the wishes of the peoples of the two countries.

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1627. Initial reaction of Official Spokesperson to remarks made by President Musharraf.

New Delhi, January 7, 2006.

Question: Do you have a reaction to President Musharraf’s interview in which he has said that if India withdraws troops from Kupwara, Srinagar it will help fight insurgency?

Official Spokesperson: Have you seen the interview.

Question: Part of it...

Official Spokesperson: That is the whole point. We have not yet seen the entire interview and I think a full assessment and a full reaction can only come after we have seen the entire interview. Nevertheless, there have been some agency reports as well as excerpts which we have seen on the TV channels and on the basis of what one has seen so far I think it is possible to give some initial reaction on some of the elements which seem to be contained in the interview. But I must say that a full assessment can only be done once the full interview has been played.

On the basis of what one has seen so far I think I am in a position to make some comments.

Firstly, we have heard remarks made by President on demilitarization, and this time, about three specific cities in Jammu and Kashmir. I would like to say here first of all, that any demilitarization or redeployment of security forces within the territory of India is a sovereign decision of the Government of India and cannot be dictated by any foreign government. Such decisions are based on our assessment of the security situation prevailing in any particular part of the country. As long as the security situation in Jammu and Kashmir and indeed in other parts of the country is adversely affected by the phenomenon of cross-border terrorism and violence perpetrated by Pakistan-based terrorist groups, the Government of India will fulfill its responsibility to safeguard the lives and security of its citizens.

1. President Musharraf said in his interview to an Indian news channel actually telecast on January 8 that if India agreed to withdraw troops from Srinagar, Kupwara and Baramulla to the “outskirts”, there would be no militancy in the Kashmir valley. He complained of a non-response attitude from India towards Pakistan’s idea for resolving the Kashmir issue. He reiterated his “formula” of dividing J & K into seven regions. The formulation envisaged the identification of regions in Jammu and Kashmir and Pakistan-Occupied Kashmir and their administration with joint control by India and Pakistan. This formulation already articulated by him in 2004, at the time of Ramadan, was not only criticized in India but in Pakistan too.
On the issue of the three specific towns or cities I think there seems to be some hint or a statement within the interview that there is a quid pro quo here that if the towns of Srinagar, Kupwara and Baramullah are demilitarized, then President Musharraf would ensure that there is no “militancy” there. What we are talking about here is “terrorism” and not mere militancy. Pakistan President has repeatedly given solemn assurances that no part of the territory under Pakistan’s control would be used for any cross-border terrorism against India. The implementation of this commitment is unconditional. Pakistan should implement forthwith its solemn commitments in this regard so that the peace process between the two countries can make progress and the two countries can live in peace and friendship as good neighbors.

Our aim should be to establish peace and tranquility all along the India-Pakistan border and all along the LOC so that there is no need for the two countries to deploy troops in proximity to one another. A complete cessation of cross-border terrorism as well as the permanent dismantling of the infrastructure of terrorism would contribute to an early realization of this aim.

The other issue that we have seen in the excerpts being talked about is references to self-governance. On this, India had already conveyed its response in the meeting between Prime Minister Dr. Manmohan Singh and Prime Minister Shaukat Aziz in Dhaka on the sidelines of the SAARC ‘Summit. Our Prime Minister had conveyed that Jammu and Kashmir already enjoyed autonomy under the Indian Constitution and had in place a popular government elected through free and fair elections. However, there was clearly a lack of autonomy in POK and there had been no popular elections in Gilgit and Baltistan to determine the wishes and aspirations of the people. Against this background, I think it ought to be clear that concepts such as joint control or joint management over Jammu and Kashmir, which is an integral part of India, cannot be the basis of a settlement of the issue of Jammu and Kashmir.

So, I think these are some initial reactions which we thought we would share with you tonight on the basis of what we have heard so far, while we wait to see the full interview.

**Question:** There is some comment by interior Minister on Balochistan that India is funding...

**Official Spokesperson:** As far as any allegations about India’s interference in Balochistan are concerned I would like to categorically reject these allegations as being utterly baseless and false.

**Question:** In the same interview President Musharraf has said that he would invite Prime Minister to attend a Cricket match?
Official Spokesperson: We have seen that excerpt but I do not have any response to share with you tonight.

Question: Do you think such grand statements on TV complicates sensitive peace process which is ongoing and there is a plan?

Official Spokesperson: Let me not characterize this interview in any such terms. Let us, as I said, wait to see the entire interview. I have tried to share with you our positions on some of the issues which have come out in the excerpts so far. Thank you.

1628. Joint Statement issued at the end of India-Pakistan Foreign Secretary level talks.

New Delhi, January 18, 2006.

1. The Foreign Secretaries of India and Pakistan met in New Delhi on 17-18 January 2006 to commence the third round of talks under the India-Pakistan Composite Dialogue framework. Foreign Secretary of India Shri Shyam Saran led the Indian delegation while the Pakistan delegation was led by Foreign Secretary Mr. Riaz Mohammad Khan. They discussed issues related to ‘Peace and Security including CBMs’ and ‘Jammu and Kashmir’. The talks were held in a cordial atmosphere and were constructive.

2. The two Foreign Secretaries assessed the developments in bilateral relations and expressed satisfaction at the progress made during the Composite Dialogue process. The two sides reaffirmed their commitment to move forward the peace process in a meaningful way during the third round. They recalled the outcome of the discussions between the President of Pakistan and Prime Minister of India reflected in the Joint Statements of 6 January 2004, 24 September 2004, 18 April 2005 and 14 September 2005. Recalling the Joint Statement of 4 October 2005 issued at the conclusion of meeting of the Foreign Minister of Pakistan and the Minister for External Affairs of India, the two sides reiterated their resolve to carry forward the peace process and maintain its momentum.

3. On the issue of Peace and Security including CBMs, the two Foreign Secretaries reviewed and assessed positively the progress made during the meetings of experts on Nuclear and Conventional CBMs. The two Foreign
Secretaries, with the objective of promoting a stable environment of peace and security, agreed to mandate the two experts groups to continue consultations on security concepts and nuclear doctrines to develop measures for confidence building in the nuclear and conventional fields aimed at avoidance of conflict, including, inter alia, consideration of the following:

(i) Continue discussions with a view to finalising an agreement on “Reducing Risk of Nuclear Accidents or Unauthorised Use of Nuclear Weapons”, on which a draft has been presented by India;

(ii) Conclusion of an agreement on prevention of incidents at sea in order to ensure safety of navigation by naval vessels, and aircraft belonging to the two sides. The Pakistani side indicated that they will present a draft of such an agreement;

(iii) Elaborating, consistent with its intent, the agreement reached on no development of new posts and defence works along the LoC. The Indian side handed over proposed elements;

(iv) Modalities for the conduct of already agreed monthly flag meetings between local commanders at the selected sectors. Both sides handed over suggested modalities.

4. The two Foreign Secretaries had a detailed exchange of views on Jammu & Kashmir and agreed to continue the sustained dialogue in a purposeful and forward looking manner to find a peaceful and negotiated final settlement.

5. The Foreign Secretaries noted with satisfaction the opening of the five crossing points across the Line of Control, and hoped that the process of promoting greater interaction between the divided families would get further impetus. They reiterated their commitment to start a bus service between Poonch and Rawalakot and a truck service on Muzaffarabad-Srinagar route for trade in permitted goods as soon as the infrastructure damaged during the October 2005 earthquake is restored.

6. The two Foreign Secretaries recalled their decision of 2004 regarding provision of consular access to all civilian prisoners and fishermen and their early repatriation on humanitarian grounds.

7. Both sides reiterated their resolve to simultaneously reopen their respective Consulates General in Mumbai and Karachi and to facilitate the process.

8. Both sides discussed the schedule of meetings, including technical level meetings, under the Composite Dialogue framework. The Foreign Secretaries and Foreign Ministers will meet thereafter to review the third round of the Composite Dialogue.

9. Both sides also agreed to hold early meetings of the technical level working groups of the Joint Commission on Agriculture, Health, Science &
Technology, Information, Education, I.T. & Telecommunication, Environment and Tourism so that they can report their progress to the Joint Commission.

10. The Foreign Secretary of Pakistan called on Prime Minister Dr. Manmohan Singh and Minister of State for External Affairs, Shri E. Ahmed during the course of his visit to New Delhi.

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1629. Joint Statement issued on the conclusion of the 2nd Round of Technical Level Talks between Central Bureau of Investigation (India)-Federal Investigation Agency (Pakistan).

New Delhi, March 22, 2006.

1. The second round of Central Bureau of Investigation (India) - Federal Investigation Agency (Pakistan) Technical Level Talks was held on March 21 and 22, 2006 at CBI Head quarters, New Delhi. The CBI (India) delegation was led by Mr. Vijay Shanker, Director, CBI, while the FIA (Pakistan) delegation was led by Mr. Tariq Parvez, Director General, FIA.

2. The talks were held after a gap of almost 17 years following a decision during the Home Secretary Level talks in New Delhi in August, 2005. The deliberations were constructive and were held in a cordial atmosphere. Both sides identified areas of mutual interest and agreed to work out the modalities of cooperation.

3. A Joint Study Group will be set up to decide upon the modalities of future cooperation in the areas of human trafficking, counterfeit currency and illegal immigration. It was also agreed by both sides to designate an officer each as the nodal point to pursue cooperation between CBI and FIA in these areas.

4. A decision was also taken to have periodical meetings at short intervals between the Interpol nodal points. All efforts will be made by both sides for expeditious disposal of pending Interpol references.

5. It was agreed that the two agencies will explore possible avenues of professional training and share experience in various fields of criminal investigation.

6. Director, CBI accepted an invitation from DG, FIA to visit Pakistan with his team of senior officers by the end of this year.

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1630. Joint Statement on the Third Round of the Pakistan-India Interior/ Home Secretary talks on Terrorism and Drugs Trafficking.


1. The Third Round of the Pakistan-India Interior/ Home Secretary talks on Terrorism and Drugs Trafficking under the Composite Dialogue was held in Islamabad on 30-31 May 2006. The Pakistan delegation was led by Syed Kamal Shah, Secretary Ministry of Interior, Government of Pakistan, and the Indian delegation was headed by Mr. V. K. Duggal, Home Secretary, Government of India.

2. The talks were held in a frank, candid and cordial atmosphere.

3. Both sides reiterated their commitment to fight terrorism in all its forms and manifestations, and re-emphasized the need for effective steps for the complete elimination of this menace. They also underlined the need to pursue effective and sustained action against the terrorists.

4. Both sides welcomed the release of fishermen by each other on the eve of these talks. They also agreed to release the remaining fishermen by 30 June 2006.

5. Both sides agreed that fishermen and civilian prisoners, who have completed their prison sentences and have been granted consular access and whose national status has been verified, would be released by 30 June 2006.

1. After the meeting the Indian Home Secretary V. K. Duggal told the journalists that the two sides were making “step-by-step” progress. “If one is looking at step-by-step progress, it is a yes. The issues are fairly complicated. But if you are looking at whether the talks were successful, yes, we have moved a few steps forward. We spent three hours on all the issues and there is a movement forward,” he said. Commenting on the talks, Duggal said: “the friendship and understanding” between the two countries and the efforts towards peace represented a “sincere commitment” on the part of the leadership on both sides to resolve all issues through “the path of dialogue and discussion.” Informally officials who were in the meeting told the media that “Pakistan has agreed to go through the list with all its seriousness”. In turn the Pakistan delegation handed over a list of 58 of its fugitives whom it wants traced by India. As far as the Indian list is concerned, it was handed over to Pakistan almost two years ago. As early as January 7, the Home Secretary Duggal had said in Amritsar that “India will reiterate its demand for the extradition of 20 persons named in a list of ‘fugitives’ submitted to the Government of Pakistan more than two years ago,” and this demand would be raised “at the Home Secretary level talks scheduled this March and April at Islamabad.”

2. At the beginning of the month, after the dastardly terrorist attacks in Doda and Udhampur districts in J & K on the night of April 30 in which 35 people were killed, the High Commissioner Shivshankar Menon had cautioned Pakistan about India’s concern at the
In addition, they also agreed to exchange lists of civilian prisoners by 15 June 2006 to facilitate consular access by 31 July 2006 and subsequent release. They also agreed to the early release of inadvertent crossers, minors, senior citizens and disabled persons, who are not involved in any specific cases.

6. It was also decided to ensure implementation of an earlier decision arrived at the second round of talks in August 2005 for immediate notification of prisoners, grant of consular access within three months, and immediate repatriation on confirmation of national status/completion of sentence. Both also agreed on the need to ensure humane treatment of prisoners.

7. Both sides noted with satisfaction the exchange of information between the Anti Narcotics Force of Pakistan and Narcotics Control Bureau of India. In this regard, they agreed to the early finalization and signing of the MoU between the narcotics control agencies of the two countries.

8. Both sides appreciated the progress made at the meeting between the Federal Investigation Agency of Pakistan and the Central Bureau of Investigation of India in March, 2006. They agreed on the need to take measures to check human trafficking, illegal immigration and counterfeit currency.

9. The two sides agreed to continue discussions within the framework of the Composite Dialogue.

10. The Home Secretary of India and members of his delegation paid a courtesy call on H.E. Mr. Aftab Ahmad Khan Sherpao, Minister for Interior, Government of Pakistan.

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menace of terrorism. Speaking to the Supreme Court Bar Association in Lahore on 2nd May Menon said: “Despite some variations in infiltration patterns, terrorist training, communications and support continue, waxing waning with the seasons and the political climate.” Though the Pakistan Foreign Office had described the terrorist attack as “unfortunate act of terrorism”, the Spokesperson Ms. Tasneem Aslam declined to answer questions on whether Pakistani based terror outfits were involved. In his address Menon said borders between India and Pakistan cannot be redrawn but “the two sides could work towards making them just lines on a map” so that the people on both sides should be able to move more freely and trade with one and another. “Naturally this assumes that firm control is kept on terrorism, as had been agreed upon between President Musharraf and Prime Minister Dr. Manmohan Singh. Terrorism is an enemy of civilized societies everywhere and this is increasingly recognized in both our societies,” Mr. Menon said. He regretted that the earthquake relief had resulted in the rehabilitation of the terrorist organizations in Pakistan. High Commissioner said Pakistan’s view that the resolution of the Kashmir issue was essential for any other peace measures to have any meaning was an extreme and partial view.

Islamabad, June 28, 2006.

Pakistan Ministry of Foreign Affairs

P.R. No.230/2006 Date: 28/06/2006

In response to a question about the approval of a draft bill on the US-India civilian nuclear cooperation agreement by the US House of Representatives’ International Relations Committee, the Spokesperson said that Pakistan’s position, especially our concerns on the agreement are well-known. We have cautioned the international community about the consequences of this agreement for the shared objectives of stability in South Asia and a strong global non-proliferation regime. We have already stated that the objective of strategic stability in South Asia and the global non-proliferation regime would have been better served if the United States had considered a package approach for Pakistan and India, the two non-NPT Nuclear Weapons States, with a view to preventing a nuclear arms race in the region and promoting restraints while ensuring that the legitimate needs of both countries for civilian nuclear power generation are met. Pakistan does not accept any discriminatory treatment. While we will continue to act with responsibility in maintaining minimum credible deterrence and to avoid an arms race, we will remain fully committed to our security requirements and the needs of our economic development which demand growth in the energy sector including civilian nuclear power generation.


New Delhi, July 11, 2006.

The Government of India (GOI) has decided to extend US$ 25 million as earthquake relief assistance to the Government of Islamic Republic of Pakistan (GOP). The two Governments have agreed to utilize this assistance in the
following manner:

(i) GOP will source materials from India, as may be required for relief operations, subject to their availability in India and the rules and regulations pertaining to their export at the time of procurement. However, the total cost of construction materials, including their freight charges, will not exceed US$ 25 million. GOP may utilize the sum before 31 March 2007. GOP would provide a breakup of the materials they require to GOI.

(ii) While sourcing these materials from India, GOP will follow its own procurement procedures and will select the supplier(s), in consultation with GOI.

(iii) GOI will pay to the Indian supplier(s) the CIF value of the materials procured by GOP under this MOU. In this regard, the Government of India will specify the payment procedure as early as possible, in consultation with the GOP.

(iv) GOP will either pay or exempt payment of duties and taxes relating to import of any commodity under this MOU.

(v) The export of goods from India and their import into Pakistan shall take place through normal channels subject to the laws and regulations in force in both countries. The terms and conditions including price and quality shall be settled between the exporters in India and the importers in Pakistan through GOP.

(vi) Any dispute or difference arising out of or in connection with this MOU shall be settled amicably through diplomatic channels.

(vii) This MOU will come into force on the date of its signing and will expire on 31 March 2007.

Signed on July 11, 2006 at New Delhi

Authorized Representative
of the Government of India

(Shyam Saran)
Foreign Secretary
Government of India

Authorized Representative
of the Government of the Islamic Republic of Pakistan

(Aziz Ahmad Khan)
High Commissioner
Government of the Islamic Republic of Pakistan

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1633. Reaction of Official Spokesperson to remarks attributed to the Foreign Minister of Pakistan concerning the terrorist bomb blasts which took place in Mumbai.

New Delhi, July 12, 2006.

Official Spokesperson: Good Evening. We have seen press reports of remarks attributed to Mr. Khursheed Mahmood Kasuri, Foreign Minister of Pakistan, concerning the terrorist bomb blasts which took place in Mumbai on July 11. We find it appalling that Foreign Minister Kasuri should seek to link this blatant and inhuman act of terror against innocent men, women and children to the so called lack of resolution of disputes between India and Pakistan. His remarks appear to suggest that Pakistan will cooperate with India against the scourge of cross-border terrorism and terrorist violence only if such so called disputes are resolved. Terrorism cannot be tolerated on any grounds whatsoever, and no cause justifies the murder of innocent people. We would hope that the Government of Pakistan rejects any such linkage and joins hands together with India to defeat the forces of terrorism, based on an ideology of extremism and violence. We would urge Pakistan to take urgent steps to dismantle the infrastructure of terrorism on the territory under its control, act resolutely against groups and individuals, who are responsible for terrorist violence and fulfill its solemn commitments enshrined in the India-Pakistan Joint Press Statement of January 6, 2004.

Question: Are the Foreign Secretary Level talks still on track?
Official Spokesperson: I do not have any announcement on the dates as yet.

Question: Will this have an impact on the CBMs?
Official Spokesperson: I think I have given you a detailed enough briefing. Any interpretation is yours.

Question: Are these talks scheduled for July 21?
Official Spokesperson: As I said, I don’t have any announcement regarding the dates.

Question: As far as the statement is concerned, on the Mumbai blasts, you have spoken again of the need for the dismantling of the infrastructure of terrorism. Does India believe that the infrastructure of terrorism in Pakistan is related to the carnage in Mumbai?
Official Spokesperson: On the specific operations regarding yesterday, the relevant agencies are doing their work and no doubt the results will be made available.
1634. Statement by Official Spokesman of the Pakistan Ministry of Foreign Affairs on Mumbai Bomb blasts.


Pakistan rejects the rehash of baseless allegations made by the Indian Ministry of External Affairs’ Spokesman while commenting on the President’s offer to help in the Mumbai blasts investigations on the basis of concrete evidence. The fact that after ten days of the Mumbai blasts, the Indian Spokesman has little to say other than to mention Daud Ibrahim or Hizbul Mujahideen Chief demonstrates that there was nothing to warrant the irresponsible act of finger-pointing at Pakistan immediately after the Mumbai attack. This has become a routine with India. On earlier occasions, similar Indian accusations were belied by independent enquiries such as in the case of Chittisinghpura incident of March 2000 and the December 2001 attack on the Indian Parliament which exposed involvement of elements internal to India.

Since the resumption of Composite Dialogue in 2004, at the Interior/Home Secretaries talks, both sides have handed over to each other lists of wanted persons. We have further given evidence of terrorist infrastructure on the Indian soil that operates against Pakistan. While we have yet to get any response from the Indian side, we have pointed out that the Indian list included persons who are either not in Pakistan or some of those who had been associated with the Kashmiri freedom struggle including the chief of a well-known Kashmiri political party that has representation and offices in Jammu and Kashmir as well as in Europe and the United States. To link these lists, which have been exchanged every year, to our serious offer to help with investigations of Mumbai terrorist attack establishes the paucity of substance in Indian allegations.

Similarly repetition of familiar conjectures and allegations about training camps and infrastructure does not lend them any credence. The fact that there is no terrorist infrastructure in Azad Kashmir became fully known to the international community with the opening of the entire area along the LoC to international NGOs and relief teams as well as NATO and other foreign contingents after the October earthquake.

Pakistan’s actions in the fight against international terrorism are well-known to and appreciated by the international community.
1635. Reaction of Official Spokesperson to the remarks of Pakistani President Prevez Musharraf for proof of Pakistani involvement in the Mumbai bomb blasts.

New Delhi, July 21, 2006.

Question: Can I ask you for a response on the statement made by President Musharraf last night? He had asked India for proof....

Official Spokesperson: We have seen the remarks made by President Musharraf in his address on television yesterday. We are disappointed at Pakistan's continuing denial of the presence of and failure to take action against jihadi groups threatening to operate against India from Pakistan and Pakistan occupied Kashmir. President Musharraf's offer to help in investigations in the Mumbai blasts if evidence is provided to him gives us no cause for satisfaction in view of Pakistan's refusal to cooperate in the past, most recently at the Home Secretary level talks in May this year, when substantial evidence was provided to Pakistan of the presence of terrorist groups and fugitives. Nevertheless, in view of President Musharraf's assurance, we will continue to provide to Pakistani authorities all available evidence and await practical action on their part.

Let me add that India remains committed to the dialogue process with Pakistan but this can be sustained and can yield results only if Pakistan acts against terrorist groups operating from territory under its control, in accordance with its solemn commitments enshrined given in the Joint Press Statement of January 6, 2004.

Question: Has there been any formal contact with Pakistan after the blasts?

Official Spokesperson: I do not know what you mean by formal contact. You know that there were talks that were scheduled to be held and they did not take place.

Question: I want to ask if the peace process with Pakistan will go on or it has been rescheduled?

Official Spokesperson: As I have told you we remain committed to the peace process which can take place and yield results only if Pakistan acts against the terrorist groups operating from territories under its control.

Question: You are not convinced by President's Musharraf's

Official Spokesperson: If Pakistan really wants to convince the people of India that we are working together with India against terrorism then it can take some action immediately and they can. For example, the self-styled chief of Hezbul
Mujahideen, Syed Salahuddin, who is freely roaming about in Pakistan and PoK and has appeared on the same stage as many Ministers of the Federal Government, should be arrested and handed over to India. Instead of their saying that Jamaat-Ul-Dawa is being kept under close watch, the organization should be banned and its leader should be arrested. Besides that of course, Dawood Ibrahim, who has been listed in the UN Security Council’s 1267 Committee as an individual associated with the Al Qaeda, should be apprehended and deported to India. If Pakistan takes action to implement the directives of the UN Security Council, then it will give credibility to its assertion that it is willing to fight terror.

**Question:** Are these not preconditions?

**Official Spokesperson:** I did not say that. I was asked a question what it would take to convince us. I have listed here some examples of practical actions which will add credibility to Pakistan’s claim that they are willing to fight terror together with India.

**Question:** In the context of Mumbai blasts, Pakistan has asked us to provide evidence. Have we provided any fresh evidence?

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1. It may be recalled that Prime Minister Dr. Manmohan Singh concerned about the source of terrorism had said on July 15 when traveling on board the Air India flight taking him to St. Petersburg for the G-8 summit, that “There has to be firm commitment that Pakistan’s territory will not be used to promote acts of terrorism against India, and that commitment has to be backed by action on the ground.” While stating that he has not spoken to President Pervez Musharraf since Tuesday’s blasts in Mumbai, but links have been established at every level. “India and Pakistan have to establish new pathways to establish friendly relations,” Dr Singh said. “Both countries need peace, stability and need to be free of terror to realise their potential.” All this could not move forward, the prime minister declared, if terror, aided and abetted by outside, continued to take the lives of innocent citizens as it did in Mumbai and Jammu and Kashmir the previous week. “Both India and Pakistan have an obligation to work together, but in a democracy, there is a limitation on what a leadership can do if the terrorists are having a free time,” he said. “President Musharraf is the president of Pakistan and we have to deal with people in government. In all these matters, it is a learning process and I would not like to use harsh words,” Dr Singh added. “Therefore, it is the solemn obligation of Pakistan to honour the commitment it made in January 2004 that Pakistani territory would not be used for aiding and abetting terrorism in India,” he said. “The terror acts in Mumbai were on a massive scale, and could not have been accomplished without external involvement,” Dr Singh pointed out. In the meantime the serial blasts in Mumbai and Srinagar figured in the Union Cabinet meeting which passed a resolution condemning the outrageous terror attacks and asserted that nothing would deter the government from its firm policy to fight the menace till it is wiped out. The meeting, chaired by Prime Minister Manmohan Singh, was briefed on the incidents and the investigations underway to unravel the conspiracy. Security agencies are suspecting Pakistan-based Lashker-e-Toiba and Students Islamic Movement of India (SIMI) to be behind the terror attacks in Mumbai. Meeting for the first time after deadly attacks, the Cabinet observed a two-minute silence and passed a resolution, affirming that terrorists and their acts “will never be allowed” to
Official Spokesperson: This claim that provide us evidence and we will cooperate gives us no cause for satisfaction because in the past when we have provided evidence, there has been no practical action on Pakistan’s part.

Question: After the blasts why does not India take stronger action? Why the dialogue process? You know they are backed by Pakistan

Official Spokesperson: Yes, we have had the Mumbai blasts. The Government of India is fully looking into the entire situation. We are also looking at all the implications in political and security terms and we are taking considered action step-by-step.

Question: As far as India is concerned, we do not have an extradition treaty with Kenya. How do we

Official Spokesperson: I don’t even have a confirmation of the arrest that you check the country’s march to economic growth and prosperity. The meeting lauded the spirit of the people of Mumbai and Jammu and Kashmir which “demonstrated very emphatically that terrorism cannot succeed.” The Cabinet expressed “profound sense of shock and outrage at the series of blasts in Mumbai and Srinagar” which resulted in “heavy loss of life and suffering,” said the resolution passed at the meeting. “It (Cabinet) condemns in the strongest terms the senseless, inhuman and dastardly attack by terrorists on tourists and the innocent people of this country,” it said. The resolution emphasised the government’s “strong commitment to combat terrorism in all its forms” and said “nothing will deter us from our firm policy to fight this menace till it is wiped out. “Despite these provocations from Pakistan and lack of sufficient trust in the Pakistani credentials, Prime Minister continued to look at the situation with optimism and hoped that Pakistan would cooperate in controlling terrorist attacks from its territory. Therefore when he spoke to journalists in Bhubaneswar on August 28 he said he was not averse to meeting Gen. Musharraf at the NAM Summit in Havana in September. But he added for good measure that peace process could not move forward until Pakistan took firm measures to tackle terrorism. “It all depends on what Pakistan is willing to do to check terrorism in the region.” Observing that terrorism was a big problem for Pakistan too, he said India would not hold talks with Pakistan till it took concrete steps to deal with the menace.

Meanwhile on August 3, Indian High Commissioner in Islamabad Shivshankar Menon said in Islamabad that while New Delhi wanted Pakistan to take action against “elements” that Indian investigators have linked to several terrorist attacks prior to the Mumbai blasts, it did not mean the two countries must “stop doing business” with each other. “Frankly, they are as much a threat to you as they are to us. We have common interest in dealing with this. We are not saying because of this we must stop doing business, No, not at all. What we should do is to make it harder and harder for these groups to work and to shrink the space within which they can operate and this primarily is the responsibility of the Government of Pakistan. Between the two governments, we hope we work our way through this”, he said. Mr. Menon was responding to questions from business community after he addressed them on “Indian Economy and Pakistan” at the Islamabad Chambers of Commerce and Industry.
are mentioning. I have checked with our High Commission there and they have said that they will come back to us. If we have confirmation, then we will get into the process of how to get a certain person back. I would not like to jump steps. Thank you.

1636. Response of Official Spokesperson to questions on the killing of Nawab Akbar Khan Bugti, the Baloch leader.
New Delhi, August 28, 2006.

The unfortunate killing of the veteran Baloch leader, Nawab Akbar Khan Bugti, is a tragic loss to the people of Balochistan and Pakistan. This and the heavy casualties in the continuing military operations in Balochistan underline the need for peaceful dialogue to address the grievances and aspirations of people of Balochistan. Military force can never solve political problems.

Nawab Akbar Khan Bugti played a prominent role in Pakistani politics for over four decades. His death leaves a vacuum that will be difficult to fill.

1. The Spokesperson was referring to the violence which had gripped Balochistan in which Pakistan military was heavily involved. The Baloch leader was killed in the military operations in the Bhambore Hills of Kohlu in Balochistan where he had been hiding with several other Bugti tribesmen. According to reports at least forty other died with him.
1637. Reaction of the Official Spokesperson of the Pakistan Ministry of Foreign Affairs to the comments of the Official Spokesman of the Ministry of External Affairs on the situation in Baluchistan.

Islamabad, August 28, 2006.

Strongly rejecting the statement of the Indian Ministry of External Affairs Spokesman on the situation in Balochistan, the spokesperson said that the statement is not only against the well-established norms of interstate relations but also a blatant interference in the internal affairs of a neighbouring country. India’s purported concern for the peoples of other countries is ill-advised especially when India remains afflicted with several insurgencies including in Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura, Bundel Khand, Gorkhaland, Bodoland and Khaplang, which are being suppressed by force. Instead of oppression and use of force, India should politically address grievances and aspirations of the peoples of these areas. India should focus on putting its own house in order rather than commenting on the internal affairs of other countries.

1638. Extracts relevant to Pakistan from Prime Minister’s interaction with media on board the Special Air India flight to Brazil.

September 11, 2006.

Q1. On the impact of terrorism on Indo-Pak relations
PM. Our position is quite clear. Terrorism today constitutes a threat for both countries. And therefore I believe consistent with the January 2004 statement, consistent with the September 2004 joint statement, consistent with the April 2005 statement that I and President Musharraf signed, it is incumbent on us to work together in a manner that inspires confidence that both of us are very serious about tackling the menace of terrorism. That’s the minimum I feel our two governments, our two systems should commit to achieve.

Q2. Structure or agenda for meeting with President Musharraf
PM. We will be discussing all aspects of the relationship between our two countries. India is not afraid of any discussion.
Q3. Trust Pakistan

PM. There is a problem of trust deficit between our two countries. And we have to take that on board. We have to take adequate precautions and General Musharraf, he is the President of Pakistan and we have to deal with whoever is in power in Pakistan. And I have always said that the destinies of the two countries are very strongly inter-linked and full development of the sub-continent cannot be realized unless there is reconciliation between India and Pakistan.

—On meeting Musharraf in Havana

PM. I will share with General Musharraf our perceptions of what’s the role of external elements in promoting terrorism in our country. We will have an exchange of views on all issues particularly the commitment of Pakistan to not allow Pakistan territory and that includes parts of Jammu & Kashmir which is in their occupation to mount terrorist attacks against India.

Q19. On Indo-Pak talks no progress has been made.

PM. I don’t see from recent meetings that’s correct. I think we have moved very considerably over the last two years. Transportation routes have been opened up not only between the two parts of Jammu & Kashmir but also between our Punjab and their Punjab. Amritsar and Nankana Sahib, Munnabao and Kokrapar. Also two years ago, you could not say we would allow Hurriyat people travel freely wherever they wanted to go. They have been going on all directions. It’s an unprecedented development. People of both countries including the two-parts of Jammu & Kashmir are meeting frequently to discuss possibilities of cooperation. So I don’t know if it’s correct to say that no progress has been made. We have been discussing various issues at part of the composite dialogue. We can and we should move forward. But this terrorism will surely act as a damper. I have said more than once that I can’t carry the Indian public opinion with me if terrorist acts continue to plague our polity. Whatever, be the cause of that puts a damper on Indo-Pak relations. Whether in Mumbai or elsewhere if these events take place that certainly vitiates the climate.

Q20. Terrorism and peace moves, how do you reconcile both?

PM. As far as India’s concerned, I think, we’ve given them substantial amount of evidence. But as far as the past is concerned, Pakistan sponsored terrorism has certainly been a fact of life. And the fact that Prime Minister Vajpayee and President Musharraf signed the joint statement in 2004 was in a way a tacit recognition of the ground realities and their solemn agreement to move forward
in the reverse direction. But it is also true that incidents take place in Pakistan also. That Pakistan is also a victim of terrorism. These groups, whether it's Lakhsar-e-Toiba or Jaish-e-Mohammad, they can -act autonomously also. But our experience has always been in the past there has been, I would not use strong words, but our worry has been that Pakistan government has not done enough to control these elements.

Q23. Democracy in Pakistan

PM. The general belief is democracy is good for Indian people and is good for the people of the world. But what system prevails in Pakistan is for the people of the Pakistan to decide.

1639. Joint Statement on talks between Prime Minister Dr. Manmohan Singh and Pakistani President Gen. Pervez Musharraf in Havana (Cuba).

Havana, September 16, 2006.

1. President General Pervez Musharraf and Prime Minister Manmohan Singh had a cordial, frank and detailed exchange of views on all aspects of India-Pakistan relations. Desirous of carrying forward the dialogue process, the leaders reiterated their commitments and determination to implement the Joint Statements of January 6, 2004, September 24, 2004, April 18, 2005 and September 14, 2005.

2. The leaders agreed that the peace process must be maintained and its success was important for both countries and the future of the entire region. In this context, they directed their Foreign Secretaries to resume the composite dialogue at the earliest possible.

3. The two leaders met in the aftermath of the Mumbai blasts. They strongly condemned all acts of terrorism and agreed that terrorism is a scourge that needs to be effectively dealt with. They decided to put in place an India-Pakistan anti-terrorism institutional mechanism to identify and implement counter-terrorism initiatives and investigations.

4. The leaders decided to continue the joint search for mutually acceptable
options for a peaceful negotiated settlement of all issues between India and Pakistan, including the issue of Jammu and Kashmir, in a sincere and purposeful manner. On the Jammu and Kashmir issue, there have been useful discussions. There is a need to build on convergences and narrow down divergences.

5. The two leaders also directed the Foreign Secretaries on the following:
   - The Foreign Secretaries should meet shortly in New Delhi to continue the composite dialogue.
   - To arrange consultations for early solution of the Siachen issue.
   - Experts should meet immediately to agree on coordinates for joint survey of Sir Creek and adjoining area, without prejudice to each other’s position on the issue. The Survey should commence in November 2006. The experts should start discussions on the maritime boundary.
   - The two sides will facilitate implementation of agreements and understandings already reached on LOC-related CBMs, including bus services, crossing points and truck service.

6. The President of Pakistan renewed his invitation to the Prime Minister of India to visit Pakistan. Thanking the President, the Prime Minister indicated that he looked forward to a purposeful visit at a time to be determined through diplomatic channels.

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1640. **Media Briefing by Foreign Secretary-Designate**

Shivshankar Menon after Prime Minister’s Meeting with Pakistani President.

Havana, September, 18, 2006.

**QUESTION**: ...(Inaudible)... as with any discussion between the Prime Minister and President Musharraf on the fact that Pakistan has reached ...(inaudible)...

**FOREIGN SECRETARY DESIGNATE**: I think the difficulty here is when you talk of terrorism, it is not just that there is one kind of terrorism and it is not that all terrorism is organized or run by one or two organizations. After all Pakistan Government has suffered from terrorism. You have seen attacks on Pakistan

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1. He formally took over as Foreign Secretary on October 1, 2006.
civilians, on Pakistani leaders by terrorists. You have seen the same thing in India. Now depending on the nature of the problem that we are dealing with, we have different ways of dealing with. Some of them within India we deal with ourselves. Somebody mentioned Malegaon. That is our own. First we will check, we will do our own investigation and we will decide. If there is something with cross border links that we think the Government of Pakistan can help us with, we will take it up in the mechanism. Other problems we will deal with through other ways. I think you are trying to say that all terrorism has to be dealt with in the same way because all terrorism has one source or one root. That would be the implication of what you are saying. I am saying all this is possible at the same time, that it is a multi-faceted problem and we will use different means to deal with it depending on where it comes from. So, these are not mutually exclusive, as I said to Manoj. To your second question, no, not that I know of.

QUESTION: Sorry to take the topic away from Pakistan. In the discussions with Venezuelan President, did the issue of Venezuelan bid for the membership of Security Council come up because India is still noncommittal, I believe, about supporting Venezuela.

FOREIGN SECRETARY DESIGNATE: No, it did not come up. Not that I know of.

QUESTION: Mr. Menon, you were involved last time when threads were to be picked up in ties with Pakistan with the bus service and the situation that led to the January 2004 statement. Again you are also watching this. What was the toughest bit of trying to pick up things once again with Pakistan this time?

FOREIGN SECRETARY DESIGNATE: Actually I think we are learning to work with each other. It is much easier. When we did 2004, we had almost no experience of really doing a hard negotiation together, I think, both to them and for us. It is much harder when you are not quite sure what to expect. I think as we have gone through the process one of the big gains of the process from my point of view is that we have learned to live and work with each other. In that sense it is much quicker, just the physical fact of the production of the joint statement was much easier. I think that is when we say that the atmosphere of the relationship has changed and is very different from what it was in 2003 say, I think that is one of the advantages. What we would like to see is that happening across a range of sectors. The more contacts we can develop the more we can learn about each other, the more comfortable we can be with each other as societies, as economies. That is something we would like the whole process to result in. But which is the hard part? Actually it is getting easier. I hope the Pakistanis can say the same.

QUESTION: Going back to the anti-terrorism mechanism, even if you cannot
specify the mechanism with Pakistan, can you give us an idea as to what kind of mechanism we have with other countries?

FOREIGN SECRETARY DESIGNATE: KC is the expert. Let him tell you.

ADDITIONAL SECRETARY: (International Organizations), SHRI K.C. SINGH: We have got 23 Joint Working Groups on counter terrorism with 23 countries and two regional organizations - one is with EU and the other one is with BIMSTEC. BIMSTEC is the Bay of Bengal group of countries which has Bangladesh, India, Myanmar, Sri Lanka and Thailand. We try holding meetings at least once a year. With some of them even there is a need being felt to hold it more often.

Generally the format that we follow is we exchange views on our assessment of the region in which we are and the country gives us their assessment, and see how we can do some capacity-building and how we can do institutional link ups between agencies which can exchange information and set up contacts. So, the Ministry of Foreign Affairs creates the getting together of the different institutions and they put them in touch with each other because we do not want to be the nodal point for everything. Once you create the links, then it becomes easier because they talk to each other.

QUESTION: So, the model is more or less the same with the Joint Working Groups that you have with other countries. Then, would you be following the same model with Pakistan?

Does that include the intelligence sharing?

SHRI K.C. SINGH: We do that with various countries, yes. But the levels will vary, of course, based on the level of comfort with each country.

I am only describing what we have. What we have in mind for Pakistan, FS Designate will tell.

QUESTION: After a lot of painstaking effort we do come up with some joint statement and then the result is dialogue. But some major incident or something like that derails the process. What guarantee can there be that this process can itself be insulated?

FOREIGN SECRETARY DESIGNATE: We are trying through this to prevent major incidents. As you know, terrorism makes it very difficult for us, especially events like Mumbai and so on would make it very difficult for us, because public opinion in India finds it very hard to understand how we can carry on with the dialogue process if terrorist incidents in India have links into Pakistan. So, what we are trying by doing all this, by setting up this institutional mechanism, by talking to Pakistan, by working together, by our own national
measures, is to prevent such incidents. And our goal remains to eliminate terrorism. How much success we will have, we have to see. But there cannot be any guarantees in this. I do not think anybody can guarantee the future in these things. But what we can do is we will make our best effort to try and ensure that the hypothetical eventuality that you have mentioned does not happen.

**QUESTION:** I have two questions please - the first about Pakistan and the next about Cuba. ... (Inaudible)...the idea of trust deficit. Has that been surmounted? Is there a feeling that there is sincere and earnest interest on behalf of the Pakistani President?

**FOREIGN SECRETARY DESIGNATE:** I think we are working at eliminating the trust deficit. That would be the best way to put it. But we have been working at it for sometime and we intend to keep working at it.

**QUESTION:** The Indian Prime Minister would be meeting Fidel Castro and conveying Indian Government's position on what is happening in Cuba in terms of the transition, ... (Inaudible)...  

**FOREIGN SECRETARY DESIGNATE:** I think right now he is meeting with the acting President. I really have nothing for you on that yet. I think what we do is, we will probably brief you on Cuba, on all the questions that you have mentioned altogether, after that.

**QUESTION:** The Joint Press Statement talks about a peaceful negotiated settlement on all issues between India and Pakistan. The statement could have stopped there, but it goes on to say, 'including the issue of Jammu and Kashmir'. Was it necessary, diplomatically speaking?

**FOREIGN SECRETARY DESIGNATE:** I think it is something we have said since July 1972. It is one of those India-Pakistan mantras. But we also mean it. Ultimately, if you want to have good neighbourly relations, you have to address all the issues between you, and that includes Jammu and Kashmir. It is nothing new. It is something we have accepted and we have been trying to do for many years.

**QUESTION:** You can see that this agreement about terror mechanism is very difficult to digest. Do you think it would be difficult to sell in India? Do you foresee any resistance, any opposition, and any allegation of a sell out?

**FOREIGN SECRETARY DESIGNATE:** I did not hear anybody saying it is difficult to digest. I heard people asking what it is, what does it mean, is it new, etc. These are legitimate questions. I think naturally everybody in India would be interested to know for the simple reason that, as I said, terrorist incidents
make it very difficult to continue business as usual especially if they are linked into Pakistan. I think that is a legitimate interest. But I do not think it is difficult to digest. In fact we are offering here, we think we have found out, one more way of trying to deal with this problem.

QUESTION: Do you see ISI and RAW working together as a result of this?

FOREIGN SECRETARY DESIGNATE: I keep saying I do not want to prejudge the future. Here, it has not even met. We have just set it a job. I am not going to say what it will result in. I cannot say it today. I know what we wanted to do and that we have spelt out quite clearly.

QUESTION: At least tell us whose idea it was.

FOREIGN SECRETARY DESIGNATE: It is now both our ideas. But now it belongs to both of us. It is in a Joint Press Statement. Do not forget that it is ‘joint’.

QUESTION: Could you tell us whether the question of nuclear security between the two countries came up during the talks?

FOREIGN SECRETARY DESIGNATE: It did not.

QUESTION: It is our old experience that every time in Washington or in the General Assembly in New York, General Musharraf makes promises on Terrorism; the same thing is repeated as you said. By token of the same experience can one not say that later they get free or buy more weapons from them. Are we not learning from the old experience? We give him a chance and clear him saying that he is also against terrorism, and he is in the same boat as we are.

FOREIGN SECRETARY DESIGNATE: As I said, we are trying to see whether certain forms of terrorism can be dealt with through this mechanism. That is what we are trying to do. We are not here in this, trying to allocate blame, responsibility, prejudge. Not at all! What we are seeing is, ‘Can we do something about it or not?’ And I think that is our responsibility.

I do not think any responsible Government of India can say, ‘Nahinjee. Nothing we can do here. Forget it.’ We have to try our best and find every possible way of dealing with terrorism. It is a terrible thing the way it affects our people. And that is what we are trying. I am not saying, ‘Oh! This is going to do this. It is going to achieve that. It is going change the world’. No. But if we can cut down terrorism in India in any small way, it is worth it. It is an achievement. And I think every Indian will say so.

QUESTION: Will it help him?
FOREIGN SECRETARY DESIGNATE: I am an Indian, I am interested in cutting down on terrorism in India. That is the goal. If we can do that, it is worth it. I do not see how anybody can quarrel with that. That is the goal of this. That is why we have tried something new here.

QUESTION: How often this interaction meeting will be there?

FOREIGN SECRETARY DESIGNATE: We have not done all that kind of modalities. We have not done that yet.

We have not done schedule of meetings, when they will be meeting, all that we have not done.

QUESTION: Can Siachen and Sir Creek be resolved this year? The language seems very kind of forward-looking in the sense that it seems you have set the specific date November for Sir Creek...

FOREIGN SECRETARY DESIGNATE: I think we have said for some time that we think it is doable. I think you would remember last year a/so Prime Minister said that these are ‘doable’. We will certainly try our best to see whether we can do it. But I do not want to set a date. I do not want to say by this year, by November, by December, by January, because that I think actually complicates the process of finding a settlement and finding a solution.

(Text in italics is translated from Hindi)

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1641. Response of Official Spokesperson to questions regarding press reports and statements on the scope of the proposed India-Pakistan anti-terrorism institutional mechanism.

New Delhi, September 27, 2006.

The anti-terrorism institutional mechanism\textsuperscript{1} agreed to between India and Pakistan in Havana is clearly mandated by the September 16 Joint Statement to identify and implement counter-terrorism initiatives and investigations. There is no doubt in our minds as to what constitutes terrorism and it is clear that the group is mandated to address all forms of terrorism.

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\textsuperscript{1} On July 24 speaking in Nanital the Prime Minister defending the proposed anti-terrorism mechanism with Pakistan said its objective was to "test" how Islamabad would fulfil its responsibility towards fighting terrorism. He maintained there was no change in government's policy in regard to terrorism. New Delhi had maintained that for the dialogue to move forward, Pakistan must ensure that its soil was not being used to spread terrorism in India. Responding to questions over the charge by former Prime Minister on the joint mechanism Dr. Singh said: "Nukta Chini (criticism) was not right and our approach against terrorism has not changed." He said "misapprehensions" being spread in various quarters over the proposal were "baseless". He admitted to a "trust deficit" in relations with Pakistan but said things cannot stand still. The Foreign Secretary Shivshankar Menon after taking over as Foreign Secretary on October 1 said that India would use the anti-terrorism mechanism about which there was an agreement to seek Pakistani action on the evidence unearthed by the Police that the ISI Directorate was allegedly responsible for the July 11 serial train blasts in Mumbai. "We will take the issue up with Pakistan in view of the new evidence", Menon said. "We will judge them not by their immediate reaction of verbal statements but by what they actually do about terrorism," he maintained. "It seems to me logical that the mechanism has to deal with this kind of evidence", the new Foreign Secretary asserted.
Joint Press Statement issued at the end of India-Pakistan Foreign Secretary Level Talks.

New Delhi, November 15, 2006.

1. The Foreign Secretaries of India and Pakistan met in New Delhi on November 14-15, 2006. Shri Shivshankar Menon, Foreign Secretary of India led the Indian delegation while the Pakistan delegation was led by Foreign Secretary Mr. Riaz Mohammad Khan. They reviewed the progress in the third round of the Composite Dialogue encompassing talks on Peace and Security including CBMs; Jammu and Kashmir; Siachen; Wullar Barrage/Tulbal Navigation Project; Sir Creek; Terrorism and Drug Trafficking; Economic and Commercial Cooperation and Promotion of Friendly Exchanges in Various Fields. The talks were held in a friendly and positive atmosphere.

2. They exchanged views on the issue of Jammu and Kashmir in the spirit of the Havana Joint Press Statement to hold purposeful discussions and to build on convergences and narrow down divergences. They agreed to fully implement measures to enhance interaction and cooperation across the LoC including the early operationalisation of truck service for trade on agreed items.

3. In pursuance of the Havana Joint Press Statement, they discussed terrorism and the need to effectively deal with it. They agreed to set up a 3-member anti-terror mechanism to be headed by Additional Secretary (International Organizations) from the Ministry of External Affairs of India and the Additional Secretary (UN&EC) from Pakistan’s Ministry of Foreign Affairs. Its mandate would be to consider counter terrorism measures, including through the regular and timely sharing of information.

4. The two Foreign Secretaries exchanged views on Siachen.

5. Both sides also agreed to hold a meeting of experts on 22-23 December 2006 to decide on the coordinates for joint survey of Sir Creek and adjoining areas, without prejudice to each other’s position, as well as to simultaneously conduct discussions on the Maritime Boundary. The joint survey shall be completed by February 2007.

6. The agreement on “Reducing the Risk from Accidents relating to Nuclear Weapons” was initialed by the two sides. They agreed on its early signing. They expressed satisfaction over the implementation of the “Agreement on Pre-Notification of the Flight Testing of Ballistic Missiles”.

7. They welcomed the inauguration on November 14 of the hotline between the Pakistan Maritime Agency and the Indian Coast Guard.
8. On humanitarian grounds, all fishermen and prisoners of the other country, whose national status stands confirmed and who have completed their sentences, would be released by 25th December, 2006.

9. They reviewed the progress made towards the revision of the 1982 Protocol on Consular Access and expressed the hope that the Protocol will result in expeditious disposal of consular issues related to prisoners and fishermen of both sides. They also agreed to examine the release of prisoners of the other country who are detained on minor charges.

10. They also agreed to promote friendly exchanges between the two countries. They agreed on the need for an early finalization of an updated visa agreement between the two countries. In addition, it was agreed to expand the list of shrines under the 1974 Bilateral Protocol on Visits to Religious Shrines.

11. The Foreign Secretaries reiterated the importance of enhancing mutually beneficial economic cooperation.

12. Both sides reiterated their keenness to see their respective Consulates General in Mumbai and Karachi reopened quickly.


14. The Foreign Secretaries agreed to meet in February 2007 in Islamabad to launch the next round of the Composite Dialogue.

15. The Foreign Secretary of Pakistan called on the External Affairs Minister, Shri Pranab Mukherjee during the course of his visit.

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Pakistan President Pervez Musharraf has for the first time said that Pakistan is prepared to give up its claim on Kashmir, if India accepts a four-point proposal for resolving the dispute. This is being seen as a possible major breakthrough on the Kashmir problem. Speaking to NDTV's Prannoy Roy, General Musharraf said Pakistan is also ready to give up its old demand for a plebiscite in Kashmir and will also forget all the UN resolutions under the four-point solution.

Dr Prannoy Roy: This is not your solution. It’s just an interim position and then from there the direct solution will come. Is this the final solution or is this the interim negotiating position?

General Musharraf: My view is that it is easier said than done. I mean it’s not as simple as put in across four stages or four aspects of it. This could be left for trial for five years, 10 years, 15 years and then we can get together again to see its efficacy, if it is functional, well. If there are some modifications required again.

Dr Prannoy Roy: Finally in this solution, Pakistan is giving up its claim to Kashmir? You are letting them self govern and you have no claim on Kashmir in this picture.

General Musharraf: We are at the moment, both India and Pakistan, on the same position as we were since 1948.

But we both, I am saying, we both ought to be prepared to give up all that we have been saying. And this includes all this. If we reach an agreement where we are giving self-governance, yes indeed, that is it.

Dr Prannoy Roy: So you are prepared to give up your claim to Kashmir?

General Musharraf: We will have to, yes, if this solution comes up.

Demand for Plebiscite

President Musharraf also makes it clear that if the four-point solution is agreed upon, Pakistan will give up on the UN resolutions and its long-standing demand for a plebiscite.

Pakistan giving up its claim on Kashmir would be a historic turnaround and is based on the four-point solution for Kashmir.

India has refused to re-draw the boundaries of Kashmir or give away any
territory, while Pakistan refused to accept the Line of Control as the international border.

Under the four point solution, these two basic conditions are not changed.

The solution says:

- Kashmir will have the same borders but people will be allowed to move freely back and forth in the region
- The region will have self-governance or autonomy, but not independence
- Troops will be withdrawn from the region in a staggered manner
- A joint supervision mechanism will be set up, with India, Pakistan and Kashmir represented

Dr Prannoy Roy: One thing in your solution. I will just be very clear so that the people of India can know this clearly. You are being, in a way, extremely bold, because it means that you are giving up plebiscite and giving up the UN resolution?

General Musharraf: Again there is little bit of, one is giving up that clearly and I say, yes I am giving up. There is a provision in that, I am not giving up at all. But one is prepared to give up, in case India leaves its stated position also.

Dr Prannoy Roy: Right. If this formula is agreed to you, you will give that up, basically.

General Musharraf: Both sides, listen, I believe when you are negotiating and you go for peace, it means what? It means compromise. Otherwise you can’t have and you can’t go for a solution of a problem.

What do you mean by compromise? Compromise can never take place if you don’t step back. Compromise inherently means stepping back by both sides. So inherently, both sides have to give up their positions and step back. If one of us is not prepared to step back, we will not reach a solution.

Dr Prannoy Roy: If India does accepts this, you will step back and give up those demands.

General Musharraf: Yes, we will have to.

Independence for Kashmir

The Pakistani President also made it clear that once Pakistan gives up its claim to Kashmir, the four-point solution is not a negotiating step towards getting independence for Kashmir.
He added categorically that self-governance or autonomy is not the first step to Kashmir’s independence.

**Dr Prannoy Roy:** When you talk about self governance of Kashmir, we won’t go into the details that we will leave the bureaucrats and...

**General Musharraf:** Yes, legal side legal...

**Dr Prannoy Roy:** Are you then saying, no independence for Kashmir?

**General Musharraf:** Yes, we are against independence.

**Dr Prannoy Roy:** You are against independence?

**General Musharraf:** Absolutely, and so is India.

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1644. **Joint Press Interaction of External Affairs Minister Pranab Mukherjee with Foreign Minister of Pakistan Khurshid Mahmood Kasuri during his visit to Islamabad.**

**Islamabad, January 14, 2007.**

**Mr. Khurshid Mahmood Kasuri:** It gives me great pleasure to welcome the Indian Foreign Minister Pranab Mukherjee and giving me an opportunity to reciprocate the hospitality that he showed to me and my wife during my private visit to Delhi. Today, we had a long and productive session; first we had a one to one; then we had informal delegation level discussion and a short formal session in which the Excellency handed over to me an invitation.

It is great pleasure to receive Mr. Pranab Mukherjee in Pakistan. We had useful exchange of views in cordial and constructive atmosphere. H.E Mr. Pranab Mukherjee’s visit has provided a good opportunity to review the status of our bilateral relations. It is matter of satisfaction to note the overall improvement in relations between the two countries. Mr. Pranab Mukherjee called on the President and the Prime Minister of Pakistan. He also delivered letters to the Prime Minister and myself to attended the 14th SAARC Summit to be held in New Delhi. We reviewed the progress on all issues on the agenda of composite dialogue framework. We also took certain decisions. I would request H.E Mr. Pranab Mukherjee to read out these decisions for you.

**Mr. Pranab Mukherjee:** I would like to express my gratitude for extending very warm hospitality to me and to the members of my delegation. I would also
like to apologize to all of you ladies and gentlemen for keeping you waiting for quite some time but this speaks that we had engaged in discussions. I had the privilege of calling on the President and the Prime Minister. I handed over the letter of our Prime Minister Dr Manmohan Singh to Prime Minister Shaukat Aziz, inviting him to attend the 14th SAARC Summit scheduled to be held in Delhi on 3rd and 4th April. I also had the opportunity of handing over invitation to H.E Foreign Minister Kasuri to attend the SAARC Council of Ministers meeting as it will be 14th SAARC Summit meeting and it would be 28th SAARC Council of Ministers meeting scheduled to be held one day before the Summit begins. We had a very fruitful and useful discussion. It was held in the most cordial atmosphere. We exchanged our views freely and frankly. As I have told you of having the privilege of calling on the President and the Prime Minister. Both of them received me very warmly. Since my arrival in Islamabad, though it is my first visit, I never had the feeling that I was outside of my atmosphere or place, the hospitality is such. As he mentioned that we had the privilege of reviewing the Composite Dialogue. The review took place in Delhi last year when the two Foreign Secretaries met in last November. We also had detailed review and after detailed discussion on certain issues, we have come to certain decisions which I am reading for you:

• I have invited the Foreign Minister to come to Delhi in connection with the meeting of Joint Commission which will be held in New Delhi in February 2007. Foreign Minister has kindly accepted my invitation. This is not related to SAARC.

• We agreed to establish a committee on prisoners comprising retired judges of the superior judiciary to visit jails in the two countries and propose steps to ensure humane treatment and expedite release of prisoners who have complete their prison terms.

• We have agreed to expedite the Liberalization of the Visa Regime and agreed to complete the work in February 2007.

• Several agreements which are near or close to finalization will be concluded during the February visit of Foreign Minister Kasuri. These will include:a) The Agreement on Reducing the Risk from Accidents relating to Nuclear Weapons etc., b) Speedy return of inadvertent Line Crossers, c) Prevention of incidents at Sea.

• On Siachen, we discussed the issue and decided that the officials will meet at an early date to address the issue.

• We agreed to facilitate movement of diplomats to Noida and Gurgaun in India and Taxila and Hasan Abdal in Pakistan. Procedures for this will be worked out.
• We agreed that the first meeting of the Joint Anti-terrorism Mechanism takes place before end of March 2007.

• Regarding Sir Creek, the officials concerned will be directed to expedite their work. The joint survey of Sir Creek will begin on 15th January 2007.

• We have decided to launch the Fourth Round of Composite Dialogue (and that) would be held on 13-14 March, 2007.

Once again, I take this opportunity for thanking Kasuri for extending hospitality to me and the members of delegation.

**Question:** Will India fulfill its commitment in handing over Jinnah House to Pakistan? How close you are after today’s discussion on an agreement on Siachen?

**Mr. Pranab Mukherjee:** I am fully aware of the sentiments of the people of Pakistan in regard to Jinnah House. I respect the sentiments. We are fully aware of the issue and we will resolve the issue as expeditiously as possible.

In response to your second question, we have discussed this issue several times, discussions have taken place. It would be difficult for me to give you the exact time frame but we have decided to instruct the official concerned to expedite the process.

**Question:** There is a general perception that if there is forward movement on Joint Mechanism on Terror, this will facilitate Premier Manmohan Singh to visit your country? How optimist are you? If there is no support of the people, it becomes difficult to take it forward.

**Mr. Khurshid Kasuri:** I disagree with you. If the people did not support the peace process, it would have finished long ago. If there have been bomb blasts in India and Pakistan, accusing fingers have been pointed at each other. My own impression is that there is a strong support for the peace process notwithstanding the reservation the people in both countries have regarding each other. And that is the reason why we are going to launch the Fourth round of Pak-India composite dialogue. Regarding the anti-terror mechanism, this is in the interest of both the countries; Pakistan and India have suffered at the hands of terrorists. India has been voicing its concerns regarding certain people. We have also been voicing our concerns regarding certain regions and the people. We do not wish to queer the pitch or the atmosphere by going into the details. It is to say, we recognize India’s sensitivities and hopefully India recognizes our sensitivities. If we are not serious, the President of Pakistan and the Prime Minister of India would not have agreed to the creation of Joint
anti-terror mechanism in Havana. And if we were not serious, we would not have fixed the date for first meeting of anti-terror mechanism meeting.

**Mr. Pranab Mukherjee:** I will start from what my friend H.E. Foreign Minister has said that the very establishment of anti-terror mechanism is the outcome of the joint statement issued by Prime Minister Dr Manmohan Singh and the President Musharraf at Havana. Thereafter at the Foreign Secretary level meeting in Delhi in November, the actual composition and the institution was worked out. Now we have decided and giving them a date by which they have to meet. Surely, when they will meet, they will work out the mechanism and we have decided to make this experiment fruitful so that this become an effective instrument to combat terrorism. Terrorism is friend of nobody and it is the biggest menace in the post-Cold War era and most of the countries recognize that it requires strong determination to combat terrorism and concerted efforts of the international community as a whole. Prime Minister has accepted the invitation and a suitable date will be fixed mutually through the diplomatic channels.

**Question:** Prime Minister desired friendship with Pakistan. Do you think without solution of Kashmir, there can be lasting friendship between the two countries?

**Mr. Pranab Mukherjee:** To have enduring peace and friendship between Pakistan and India is absolutely necessary. Of course, there are issues which ought to be resolved. And serious efforts are to be made to resolve these issues. The composite dialogue is leading towards resolving the issues. I do not think these two ideas are contradictory to each other rather they are complementary to each other. Problem resolution and institutional arrangements of ensuring peace are the two sides of the same coin and we are trying to attempt that.

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1. On January 14 External Affairs Minister met some leaders of Pakistan for an informal breakfast meeting where he told them that the borders were not up for negotiations. But India was prepared to discuss all ideas towards the resolution of the Kashmir issue. He said India and Pakistan must learn from Europe that had set aside differences to forge a successful economic union. The Pakistani leaders expressed support for the peace process but wanted speedier progress on the resolution of the Kashmir dispute.

Mr. Mukherjee’s response was that if Europe could have put the bitterness of war behind for economic and trade cooperation in the European Union, he was hopeful that India and Pakistan would also resolve their differences for an enduring peace. He emphasized that India was in favour of a step-by-step approach to the resolution of the longstanding issues including Kashmir. EAM also gave the example of cooperation between the two countries in the aftermath of the 2005 earthquake and said that such cooperation should become routine. Responding to the question on the Musharraf proposals on Kashmir Mr. Mukherjee reiterated Prime Minister Mannmohan Singh’s statement that India was ready to consider all ideas but there would be no change in the borders. Those present at the meeting were: President of the ruling Muslim League (Qua) Chaudhary Shujaat Hussain, Leader of the Opposition and head of the Jamaat-e-Ulema Islami Maulana Fazur Rehman, Parliamentary leader of the Pakistan People’s Party Makhudum Amin Fahim, President of the Awani National Party Asfandyar Wali Khan, and deputy convener of the Muttahida Qaumi Movement Farooq Sattar.
Question: Time frame for Kashmir problem…. Musharraf proposals….?

Mr. Pranab Mukherjee: You have answered your own questions when you referred that problem is existing for the last 60 years. In these 60 years, several attempts have been made starting from Simla agreement in 1972 to latest Havana declaration by the statesmen of the two countries. Unfortunately, we have not been able to resolve this issue. It is difficult to give a time frame because talks are going on. In respect of the proposals of President Musharraf, you have read the response given by the Prime Minister Dr Manmohan Singh that all these issues should be discussed and we are ready to consider each and every idea to find a solution.

Mr. Khurshid Kasuri: In addition to what H.E. has said, we have never in the past 60 years, have such a sustained discussion on Jammu and Kashmir as we have this time. And it is no secret that it is being discussed at various levels. The very fact that the Prime Minister of India made those positive statements should be a reflection the way this matter is progressing.

Question: Musharraf said there should be joint control. What is India’s reaction?

Mr Kasuri, can you give us more details about your discussion on Siachen?

Mr. Pranab Mukherjee: So far my response to first question is concerned; I have already mentioned that the Prime Minister has given his views in Amritsar. Any idea of resolving the issues could be considered, examined and an attempt to be made to find a solution.

Mr. Khurshid Kasuri: On Siachen, let me say here although I was accused by media both in India and Pakistan of being overly enthusiastic, I will repeat what I have said there. Given the political will, it can be resolved in days. Lot of work has been done. H.E. Mukherjee and I are aware what work has been done. Today, we had a discussion and we agreed that the officials meet early. Some things are there I cannot go into details publicly. I told him that if the intention was to find where the troops were, we could find means and ways to meet India’s concerns. But we have to go and let the officials meet. Their meeting is necessary for a comprehensive plan (that) Foreign Secretary of Pakistan handed over to India during his last visit. That is a package. It does meet the concerns of the two sides. Package in our opinion takes into consideration the concerns of the two sides. Today, we reviewed that. If India’s concerns are where the troops are, means and ways can be found.

Question: ISI sponsoring the insurgency…?

Mr. Pranab Mukherjee: It is the responsibility of any government to take appropriate steps to prevent insurgency and the government of India is doing the same. So far the involvement of certain agencies are concerned, we are aware of it and we have brought it to the notice of appropriate authorities.
**Briefing by Official Spokesperson on the blasts in Delhi-Attari Express train.**

New Delhi, February 19, 2007.

**Official Spokesperson:** Good afternoon everybody. We have a statement, some of which has already been conveyed to you earlier on during the day, but to put it all together...

“Government of India strongly condemns the blasts in Train No. 4001 Delhi-Attari Express (link train of Samjhauta Express) at around midnight of 18-19 February 2007. Two of the 16 coaches caught fire. At least 64 people were killed in the fire and several others injured. The cause of the fire is being investigated. Our immediate priority is to deal with the humanitarian consequences of the tragedy. The injured have been taken to hospitals in Panipat and in Delhi. The dead include a number of Pakistanis, many of them burnt beyond recognition. They are being identified with the help of the Pakistani authorities. A team of officials from Pakistan High Commission in New Delhi is on its way, and possibly already there now in Panipat.

The passport numbers of the passengers in the unreserved coaches affected by the explosions have been sent to Pakistani authorities for assistance in identification of the dead. Visas will be issued to relatives of the dead and injured by the High Commission of India in Islamabad, which will set up a visa camp in Lahore for this purpose. We will also arrange for their travel from Attari/Wagah to Panipat and to Delhi. Two officials from Pakistan Railways are also expected to come to Attari to assist the passengers who have by now reached Attari.

We convey our heartfelt condolences to the victims of this gruesome tragedy. Government will make every effort to bring to justice the perpetrators of this heinous act.”

As you can see this is a developing situation and we may have updates later, which we will keep giving you. I am not really in a position to take too many questions after what I have said.

**Question:** Are you seeing it as a terrorist attack? Are you calling it a terrorist attack?

**Official Spokesperson:** Well there has been an explosion and it has resulted in a gruesome tragedy. I think you do not need any more classifications.

**Question:** How many of them are Pakistani nationals?
Official Spokesperson: Unfortunately, we do not have that break up. It is very difficult to ascertain, the entire process is being carried out in cooperation with Pakistani authorities. We have supplied the passport numbers of the passengers who were in the affected bogies. There are attempts to try and identify the bodies.

Question: Were both bogies unreserved?

Official Spokesperson: So I understand, but I am subject to correction. You might like to also check with Railway authorities.

Question: Has there been any change in schedule as far as Mr. Kasuri’s visit is concerned?

Official Spokesperson: Well for that we are putting up a separate press release. I can tell you that the visit takes place from 20 to 23 February 2007 for the fifth meeting of the India-Pakistan Joint Commission which will be held on the 21st February 2007. As far as the Joint Commission is concerned, six of the eight technical-level Joint Working Groups have already met on 2006. The remaining two, Education and Information, will meet on 20 February 2007. An Agreement on “Reducing the Risk from Accidents relating to Nuclear Weapons” will also be signed between the two countries on 21 February 2007.

Question: Have there been any contacts with the Pakistani authorities? Has Mr. Menon spoken to his counterpart?

Official Spokesperson: I am not aware of any such contact. I do know that at the operational level, Pakistani High Commission officials were facilitated in travelling to Panipat.

Question: How many of them travelled?

Official Spokesperson: Four, I understand, from your own channels.

Question: Mr. Sarna, the Pakistani Foreign Office spokesperson Tasnim Aslam has said that it was up to Indian authorities to provide security on this train to their passengers. Any response to that?

Official Spokesperson: I do not think this is the time for searching for headlines and I am not even sure as to whether your quotation is quite correct. It is a tremendous humanitarian tragedy. Let us keep our eye on that, let us try and bring succour to those who are injured and to the kin of those who are dead.

Thank you.
Press Release of the Ministry of External Affairs on the phone call received by Prime Minister Dr. Manmohan Singh from Pakistani Prime Minister Shaukat Aziz on the bomb blast on the Samjhauta Express train.

New Delhi, February 19, 2007.

The Prime Minister received a phone call from Prime Minister Shaukat Aziz of Pakistan this evening in connection with the bomb blast on the Samjhauta Express late last night soon after it left Delhi. The Prime Minister declared India’s abhorrence for this heinous terrorist act and reaffirmed our commitment to doing everything possible to ensure that its perpetrators are punished. The focus at this time is on the humanitarian aspect; the Prime Minister conveyed his condolences for the Pakistani victims of this tragedy, and indicated the steps taken to provide all possible assistance for the injured and bereaved.

1. While India promised Pakistan full investigations into the incident and even offered to share the findings with Pakistan, the Pakistan National Assembly passed a resolution asking for a joint investigation. External Affairs Minister Pranab Mukherjee on February 21 ruled out a joint investigation. Addressing a joint press conference with Pakistan Foreign Minister Khursheed Mehmood Kasuri, he said, “as per the law of the land, the probe will be conducted by India and the results shared with Pakistan.” Reiterating India’s promise that the Sunday carnage perpetrators would be brought to book, he said the “basic objective” of the anti-terror mechanism, scheduled to meet in Islamabad on March 6, was to both share and act on the information passed on between the two nations. He hoped that meeting would be “meaningful.” Describing the blasts as a “horrendous tragedy,” Mr. Kasuri said the incident underlined the need for cooperation between Islamabad and New Delhi. He confirmed that the results of the Indian probe into the Samjhauta Express attack would be shared with Pakistan on March 6.
Joint Press Interaction by External Affairs Minister Pranab Mukherjee and Minister of Foreign Affairs of Pakistan Khurshid Mehmood Kasuri.

New Delhi, February 21, 2007.

External Affairs Minister (Shri Pranab Mukherjee) : Good afternoon. I would like to once again welcome His Excellency the Minister of Foreign Affairs of Pakistan and his distinguished delegation who are visiting India for the 5th meeting of the India-Pakistan Joint Commission, which concluded a little while ago. As you know, this meeting took place two days after a gruesome tragedy that struck the Delhi-Attari express that links up with the Samjhauta Express. We strongly condemn the blasts in which at least 68 innocent lives were lost and several other persons were injured. We convey our heartfelt condolences to the victims. All efforts are being made to identify the dead bodies and to give succour to the bereaved families. Government of India will make every effort to bring to justice the perpetrators of this heinous act.

The holding of the Joint Commission meeting as scheduled is a reaffirmation of the commitment of both India and Pakistan to the dialogue process. At its 4th meeting in October 2005, the Joint Commission had constituted 8 technical level Joint Working Groups on Agriculture, Health, Science & Technology, Information, Environment, Tourism, Education, and I.T. & Telecommunications. Six of these Working Groups had met in 2006 and the remaining two, on Education and Information, met yesterday. We complimented the leaders of the Working Groups from both sides for their commendable effort in identifying areas of cooperation. Their reports were presented at the Joint Commission and discussed. A summary of the deliberations of the Working Groups is being circulated separately. I am confident that the Joint Commission’s deliberations will lead to greater bilateral cooperation and provide a structural basis for improving the relations between our two countries.

In addition to discussions under the Joint Commission, you have also witnessed the signing this morning of the Agreement between India and Pakistan on “Reducing the Risk from Accidents Relating to Nuclear Weapons”.

In my meeting with the Foreign Minister of Pakistan, we also reviewed the progress in our bilateral relations since we last met in Islamabad on 13 January 2007. We are happy to note that the joint survey of Sir Creek is progressing smoothly and that the Thar Express resumed service on 17 February. We hope that the meeting of the Joint Anti-Terror Mechanism in Islamabad on 6 March will be meaningful and the fourth round of the Composite Dialogue to be launched by the Foreign Secretaries in Islamabad on 13-14 March will promote bilateral relations further.
Today, I have also handed over to my distinguished guest, the Pakistan Foreign Minister, a list of the relatives of Indian Prisoners of War who would like to visit Pakistan in April 2007. You would recall that Pakistan had agreed to receive them during my visit to Islamabad last month.

May I now invite my distinguished guest, Foreign Minister Kasuri, to make a brief statement after which we can take a few questions. Thank you, ladies and gentlemen.

Minister of Foreign Affairs of Pakistan (Shri Khurshid Mehmood Kausri):

Thank you, Excellency.

First of all, I would like to thank my colleague His Excellency the External Affairs Minister and also the Government of India for the hospitality that my delegation and I have received since our arrival here. Unfortunately, our arrival and the meeting of the Joint Commission were preceded by that horrendous tragedy that struck passengers who were traveling from Delhi to Attari on their way to Lahore. There are no words strong enough to condemn this act of heinous crime. Of course, it has underlined the need for cooperation further more. I have no doubt that the meeting of the antiterror mechanism which is supposed to meet in Islamabad will take cognizance of this. The Prime Minister of India in a telephone call to the Prime Minister of Pakistan had said that he would share the results of the investigations and I am sure that when the anti-terror mechanism meets in Islamabad, this will be a very high item on their agenda. Our hearts go out to those who suffered and the relatives of those who died.

I would like to take this opportunity to place on record our appreciation for the services of the doctors. I personally visited the hospital yesterday and the doctors were really taking very good care of the patients. Unfortunately, one of those people died yesterday and another one is in a very critical condition. I would simply say that the Government of Pakistan has made all the arrangements for the relatives to travel here and the Government of India has promised and is extending support to those who would like to come here to either identify the dead bodies or to meet with those who are injured. The Government of Pakistan has also arranged for those people who have been grievously injured – actually some people have 40 per cent burns on their bodies – and we made arrangements for those who can travel to be taken to Pakistan.

As you know, the purpose of this meeting was to attend this Joint Commission – this is the fifth one. This is another sign of increasing cooperation between Pakistan and India. We examined the possibilities of cooperation in the areas of Education, Information, IT and Telecom, Health, Agriculture, Tourism, Science and Technology, and Environment. I am happy to say that the co-chairs of
these various groups were able to identify areas of cooperation. I suggested that for the next meeting of the Commission, these meetings should have taken place much earlier so that when my colleague and I meet we can witness greater progress. Considering the devotion of the co-chairs and other members, I feel that that will be the case.

I did utilize this opportunity to discuss other matters with my distinguished colleague. You remember that when we were in Islamabad we had agreed to various measures. One of those was regarding the conditions of prisoners. We tried to rise above our partisan considerations today purely from the point of view of human right because it really is very important that we address the issue of human rights. Last time, when His Excellency Mr. Pranab Mukherjee was in Islamabad I had suggested, in fact he had agreed, that we would nominate retired judges of supreme judiciary so that they have the capacity and the training to rise above all considerations and only think in humanitarian terms. I have handed over the names of four judges from Pakistan to my distinguished colleague today, who also has some names in his mind. In fact he was telling me that it is only a matter of a few days, he has been working on it the way I was working on this.

Once this is done by both the sides, I think, that will be one major step by Pakistan and India to think at a higher level. Regardless of whether the prisoner is a Pakistani or an Indian, in the first instance he is a human being. There are certain norms to which all human beings are entitled and I think the bringing in of the judges of the higher judiciary in both Pakistan and India will definitely provide relief to prisoners, whether they are undertrials, because the judges will be allowed to visit prisons in each other's country or to help facilitate the early release of those who have completed their sentences.

We discussed many other matters when we were alone. The purpose is to further the peace process. Thank you very much for providing me with this opportunity. I look forward to the interaction with you.

Indian Media (Ms. Nidhi Razdan, NDTV): Mr. Kasuri, yesterday the Pakistan National Assembly passed a resolution asking for a joint investigation into this blast on the train. Did you formally request India for a joint investigation today? Mr. Mukherjee, did India share whatever leads our investigators already have with the Pakistani delegation today?

Minister of Foreign Affairs of Pakistan: As I have already said in my opening remarks, the Prime Minister of India spoke to the Prime Minister of Pakistan and assured him that the results of the investigation will be shared. The Joint Mechanism is meeting in Islamabad on 6th March and I have no doubt that they will take cognizance of this. I think I would rest my case and let my colleague answer the rest of the question.
External Affairs Minister: In fact, as per the law of the land the investigation is to be carried on by India. We will carry on the investigations and, as I have mentioned in my introductory remarks, the perpetrators of this heinous crime will be brought to book. But we have established the Joint Mechanism to deal with terrorism, which is meeting on 6th of March. One of the basic objectives of establishing this institutional mechanism is to share information and to act on that information. Therefore, it is appropriate that by that time whatever information will be available in respect of this case will be shared with the Pakistani authorities as we have shared with them in respect of certain other cases too.

Pakistani Media (Mr. Liaquat Ali, APP): My question is addressed to the Indian Foreign Minister. As Indian Prime Minister has on many occasions expressed a desire to make Siachen region as a mountain of peace, Pakistan

1. The Pakistan Foreign Office issued the following press release on the statement of Mr. Kasuri:

"The Foreign Minister thanked the Minister for External Affairs for the warm hospitality given to his delegation during their visit to India. He also reciprocated the External Affairs Minister’s comments on the Samjhauta Express blast calling it a heinous crime in which both Pakistanis and Indians were victims. The Foreign Minister stated that the Samjhauta Express terrorist attack would be on the agenda of the Joint Anti-Terror Meeting scheduled to be held in Islamabad on 6 March. The Foreign Minister appreciated the assistance provided by the Indian Government in facilitating the relatives of the victims of the terrorist attacks to visit India in order to identify the bodies as well as to be with the injured. He also placed on record the appreciation of the Government of Pakistan for the services provided by the doctors in the Indian hospitals where Pakistani victims were being treated for extensive burns and injuries. Referring to the Fifth Joint Commission meeting, the Foreign Minister stated that it was evident of the increasing cooperation between Pakistan and India. He said the co-chairs of the eight sub-Groups of the Joint Commission were able to identify areas of cooperation in the fields of agriculture, environment, education, health, information technology, information, science and technology, and tourism. The Foreign Minister pointed out that the subsequent meetings of the sub-Groups should take place well before the next Joint Commission meeting as back-to-back meetings did not achieve the desired objectives. Referring to the one-to-one meeting that the two Foreign Ministers had, the Foreign Minister said that among other issues, he also discussed the release of prisoners who have completed their sentences. The Foreign Minister pointed out that this was a humanitarian issue and as had been agreed during the visit of External Affairs Minister Pranab Mukherjee to Islamabad, a committee of retired Judges would be set up. The Foreign Minister said that he had handed over names of four Judges to the External Affairs Minister and hoped that India would also reciprocate soon."

The Spokesperson of the Pakistani Foreign Office in her briefing in Islamabad on February 26 when asked whether India was willing to share with Pakistan any information on the Samjhota train tragedy, the Spokesperson said: "We assume that India is conducting investigations. We have been assured by the Indian Prime Minister first in his telephone call to our Prime Minister and subsequently when our Foreign Minister met him in New Delhi that he was determined to go to the bottom of this terrorist attack and that India would share the results of the investigations with Pakistan.

Addressing presspersons on February 21 Mr. Mukherjee confirmed that “various proposals” on resolving the Siachen dispute were received from Pakistan and these were being considered by New Delhi. "We are ready to discuss each and every proposal."
has given so many proposals to Indian Government, the response from Indian Government is still awaited. What are your comments on this?

**External Affairs Minister:** Various proposals have been received and as Prime Minister Dr. Manmohan Singh responded, all these proposals are being considered and we are ready to discuss each and every proposal. The resumption of dialogue under the Composite Dialogue format is going to start the fourth round of discussion. The process has begun with the Foreign Secretaries level talks last November. Therefore, the various suggestions which are coming will be considered.

**Minister of Foreign Affairs of Pakistan:** Excuse me, there is one decision we had taken last time. I would just like to say that on this issue we have both agreed that DGMOs would meet. This decision was announced in Islamabad. We have suggested certain dates and I spoke to His Excellency about that. As soon as the dates are agreed, we will be very happy for that meeting to take place.

**India Media (Mr. Amit Baruah, The Hindu):** My question is to both the Ministers.

One of the issues that is being discussed is to have a tourism visa. But given the scale of what has happened on Sunday, what are the steps that are going
to be taken by both Governments to protect the lives of innocent passengers who are using cross-border means of transport?

My question to Mr. Kasuri is what is the occasion for the DGMOs to meet on Siachen given that the Composite Dialogue process is on? What will the DGMOs be discussing when they talk on Siachen?

External Affairs Minister: So far as the question of liberalization of visa including the tourist visa is concerned, we had some discussions during my visit to Islamabad and discussions with the Minister. We have received the draft from Pakistan and we are examining it. We want to liberalize the visa and encourage tourism. The Joint Working Group also made certain recommendations.

In respect of discussions between the DGMOs, as you are aware, we had several rounds of discussions – if I remember correctly, nine rounds of discussions - on Siachen. The discussions have taken place both at the civil and military levels. One round of discussion took place at the military level. It was suggested that our officials will be meeting, and officials include both civil and military, and it was suggested that a meeting will take place between the DGMO of India and at the appropriate level of Pakistan Armed Forces. Dates will be sorted out later.

Minister of Foreign Affairs of Pakistan: Let me take the second part first and then I will come to the one on tourists and what we need to do about protecting tourists from each other’s countries.

I did, as I said, utilize the opportunity of discussing all aspects of the Composite Dialogue because it would be a pity if we wasted an opportunity. So, we discussed Kashmir, Siachen, and Sir Creek. I do not think I have to add to what His Excellency has said about DGMOs. I think the question is answered. We had agreed to a date. I spoke to His Excellency and we are waiting for India to respond.

You asked me about steps being taken to protect tourists. I agree with you entirely - the spirit of the question is very positive – that if we wish to promote tourism, we will have to take steps to protect tourists from each other’s countries. I did suggest to my worthy colleague today that since the Railways is being used as a mass means of communication and it is by far the largest means of communication, maybe we need the railway authorities also to interact with each other - Pakistani Railways and Indian Railways - to learn from this experience and prevent a tragedy of this nature occurring in either country. So, I think a meeting of the Railway officials would be useful. But I am sure that when the anti-terror mechanism meets they will also have an opportunity to look at that. In order to sustain this process, we must ensure that the safety of
visitors from each other’s countries is to be maximum possible safeguarded.

**Pakistani Media (Mr. Shamim Farooq, PTV):** My question is to Mr. Pranab Mukherjee. Haryana Police Chief says that Lashkar-e-Tayyiba is involved in the Samjhauta Express blast. Similar accusation was made when Bombay blasts occurred but nothing came out later on. Your comments.

**External Affairs Minister:** You know that the investigation is in process and it would not be possible to conjecture anything unless the process is complete. That is why I said that when the anti-terror mechanism meets whatever information will be available till then will be shared with Pakistani authorities.

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1648. **Media Briefing by Official Spokesperson on the first meeting of the India-Pakistan Anti-Terrorism Mechanism.**

**Islamabad, March 7, 2007.**

**Official Spokesperson:** Good afternoon everyone. You may have seen the Joint Statement that has been issued in Islamabad. I will read it out to you.

“In pursuance of the decision taken during meeting between the President of Pakistan and the Prime Minister of India in Havana, Cuba on 16 September, 2006, the first meeting of the Anti-Terrorism Mechanism was held in Islamabad on 6th March, 2007. The Pakistan delegation was led by Mr. Tariq Osman Hyder, Additional Secretary (UN&EC), Ministry of Foreign Affairs. The Indian delegation was headed by Mr. K.C. Singh, Additional Secretary (IO), Ministry of External Affairs of India.

The two sides discussed the parameters of the Anti-Terrorism Mechanism and agreed that specific information will be exchanged through the Mechanism for (i) Helping investigations on either side related to terrorist acts and (ii) Prevention of violence and terrorist acts in the two countries.

It was also agreed that while the Anti-Terrorism Mechanism would meet on a quarterly basis, any information which is required to be conveyed on priority basis would be immediately conveyed through the respective Heads of the Mechanism.”

So this is essentially it. The meeting spilled over from the sixth (of March) and carried on for part of the seventh. This is the result.
Question: How do you plan to prevent violence?

Official Spokesperson: The essential idea behind is to exchange information which leads to a mechanism which can jointly end terrorism. So that is the purpose of talking of prevention of violence and terrorist acts in the two countries by tightening the net.

Question: There have been a lot of reports in Pakistani papers that Pakistan has presented evidence on the alleged Indian role in Balochistan and also the operation of Indian Consulates in Afghanistan. Would you like to comment?

Official Spokesperson: Well, I would not like to comment on what has been presented because that we have not seen. We will certainly see what they have presented. I am glad you used the word ‘alleged’ because India has nothing to do with the developments in Balochistan. As far as the Indian Consulates in Afghanistan are concerned, they have nothing to do with the developments in Balochistan. They are working in very close cooperation with the government and people of Afghanistan to help in the reconstruction of Afghanistan and complete the other bilateral work which is wholly and completely supported and appreciated by the people of Afghanistan.

Question: I understand that five or six names of people who have red corner notices against them were handed over to the Pakistani side. Could you elaborate?

Official Spokesperson: I cannot go into details of what has been exchanged. Yes, information has been shared before these talks, evidence has been shared, for instance, during the last Foreign Secretaries meeting, evidence has been shared yesterday on some issues. I cannot go into details. That would not be in keeping with the purpose of this exercise. Ultimately, we will see what happens.

Question: Are you at liberty to talk of any of the evidence that has been presented?

Official Spokesperson: I am not at liberty to talk and I do not think it helps much to talk. Ultimately, this is really about doing. So we will see what is done.

Question: There are PTI reports that the Indian side presented some photographs of the Pakistani suspects involved in some of the blasts. Would you like to comment?

Official Spokesperson: As I said I am not going to get into details based on media reports. I am telling you that evidence was shared.

Question: How cooperative has the Pakistani side been?
Official Spokesperson: This is not a question of characterizing anybody's cooperation or lack of cooperation on the basis of one meeting. This is a meeting between delegations of two countries, both the delegations have done what they had to do, there is an agreed joint statement, now let us see where it goes. As far as we are concerned we will naturally judge the cooperation and efficacy by the results we achieve.

Question: In the recent Attari Express blasts, they (Pakistan) wanted a joint investigation. Any comments?

Official Spokesperson: Well, that question was sufficiently answered by the External Affairs Minister during the joint press interaction with Mr. Kasuri.

Question: Is there any terrorist outfit which is not within the mandate of the joint anti-terrorism mechanism?

Official Spokesperson: I do not see any such exceptions. I think the mandate of the group is very clear as laid out in the joint press statement in Havana.

Question: Is there any territory in India or Pakistan which is outside the mandate…?

Official Spokesperson: You know the mandate is in plain English. It has no exceptions.

Thank you.
Media Briefing by Foreign Secretary Shivshankar Menon at the conclusion of the Foreign Secretary level talks.


Foreign Secretary Mr. Menon: Thank you very much. Foreign Secretary Riaz Mohammad Khan has narrated points of agreement. I will confine myself to a few general points. Yesterday, I had the privilege of calling on H.E. Shaukat Aziz, the Prime Minister of Pakistan and Foreign Minister Kasuri. In those meeting, I found that there was clear political will on both sides to make all round progress in the composite dialogue and to the process forward towards establishing normal, friendly and good neighbourly relations between our two countries. Both leaders emphasized their commitment to this process. With Foreign Secretary Riaz Mohammad Khan as he mentioned, we had two good rounds of talks; one yesterday and one today. When we reviewed the third round of talks and where it has brought us, we noted the significant improvement brought in our relations by the dialogue process especially in promoting people to people relations qualitatively better than they have been for a very very long time and that the composite dialogue has proven record of success. The dialogue process has seen implementation of a number of confidence building measures, narrowing of the divergences and the improvements in the understanding of each other positions on the issues which divide us.

We regard CBMs as an integral part of the process of resolving issues and differences and this is our intent to try and resolve all issues that divide us including the issue of Jammu and Kashmir. When we reviewed the third round of talks and we also decided to launch the fourth round, we discussed also the two subjects on the Foreign Secretary level that we cover; peace and security including CBMs and the issue of Jammu and Kashmir. We agreed that in the fourth round, we anticipate that considerable progress can be made in all these aspects. During the discussion, I reiterated the emphasis for maintaining an atmosphere free from violence and terror to sustain popular support in India for the dialogue process. We both noted the importance of joint anti-terror mechanism which met last week in Islamabad and reiterated the importance of implementation of the commitments in this regard. On J & K, India and Pakistan are engaged in the most sustained and intensive dialogue that they have ever had. We seek the settlement of all outstanding issues including J & K. With Foreign Secretary Riaz Mohammad Khan, I also discussed the implementation of the existing CBMs and new cross LoC CBMs. We raised the Kargil Skardu route for a bus service and Pakistan side agreed to consider it. We now start looking at the logistics and modalities of operationaling this. We also discussed trade across the Loc.
As the Foreign Secretary mentioned, we have proposed dates for different meetings for the fourth round of composite dialogue between April and July 2007 and this include early meetings on Siachen and Sir Creek. There is one point I would like mention on the Samjhauta Express tragedy which many of our Pakistani friends have mentioned to me in the last two days. Today, we shared with the Pakistani side a list of passport numbers of which the holders remain unidentified. As you know, even today 19 of those who perished remain unidentified and we will be working jointly with the Pakistan side to look through the list of passports numbers and identify who are the holders of the passport numbers. We also would like to make it clear that we have kept the DNA sample of the 19 persons victims of the tragedy who remain unidentified and if there are any relatives or any body who is interested in Pakistan who feels he has information and likes to check, we would like them to contact our High Commission in Islamabad. We have already issued visas to the relatives who wish to visit India. That would help us. We have had fruitful and positive discussion over the last two days which I think has set a stage for a successful fourth round of the composite dialogue. I am grateful to Foreign Secretary for his hospitality and kindness as a host. Pakistan’s high reputation of treating guests has been maintained.

Question: Secretary Menon, you have said that Pakistan and India discussed J & K. India has already discarded one of the four points suggested i.e. the joint management. Would you take us into confidence on counter proposal if at all India has suggested to Pakistan on this question. Secondly, any modus operandi were discussed about the anti-terror mechanism?

Foreign Secretary Mr. Menon: I am surprised. I think the mandate of the mechanism which was laid down clearly by the leaders of both our countries in Havana was very clear. It said they decided to put in place India – Pakistan institutional mechanism to identify and implement counter terrorism initiatives and investigations. The meeting of the joint anti-terror mechanism last week also issued a joint statement which also said that they agreed that specific information will be exchanged through the mechanism for helping investigation on either side relating to terrorist acts and prevention of violence and terrorist acts in the two countries. So I am not quite sure why there is any doubt. This is joint mechanism and terrorism is an enemy for both us all. I hope that we can make this mechanism productive and enable to implement its mandate. There can be nothing more authoritative than our leaders have said. On the larger question that you have raised about discussion on J & K, I do not think this is a place to reiterate all the ideas that are on the table, I think the important things is that we are engaged in intensive dialogue and this is our intention to bring this dialogue to successful
conclusion. To get into detail of this proposal of that or this idea or that, I do not think that contribute to that end.

Question: Question to both of you. Could you confirm if India has given any material on violence in Kashmir in the talks last week here in the antiterror meeting? There are reports that both sides are close to some agreement on Kashmir?

Foreign Secretary Mr. Menon: I think discussion should remain confidential by the nature of what we are trying to do. What we are dealing in here is not which is some thing done in the public. Its mandate is quite clear (antiterror mechanism).

Question: What solution is there on the issue of Siachen. Secondly, when your Minister was here in January, he promised that the issue of Jinnah House will be decided very soon. Has there been any decision on that issue?

1. Before the start off the talks, the Pakistan Foreign Ministry had expected the fourth round of the composite dialogue to make progress on the resolution of the Jammu and Kashmir issue. The Spokesperson of the Pakistan Foreign Ministry had said on 12th March that it was waiting for India’s response to President Pervez Musharraf’s “ideas” on the resolution of the Kashmir issue. “On Jammu and Kashmir, it is important that we now move from confidence-building measures to dispute resolution,” Pakistani spokesperson Tasnim Aslam said. She recalled the statement by Prime Minister Manmohan Singh welcoming Gen. Musharraf’s proposals and saying that they should be discussed with an “open mind.” The spokesperson too expected discussions on Pakistan’s earlier proposal of a “strategic restraint regime” - this included mutual force reduction and freezing of missile programmes by both. Media reports quoted Pakistan Foreign Secretary Riaz Mohammed as describing the year 2007 as a “watershed” year for bilateral relations, and suggesting that there was “a need to seize the opportunity” arising from the quality and scope of talks and the international environment, to move from conflict management to resolution. Media said that Pakistan made several proposals for building confidence. These are Kashmir-specific measures, and include a helicopter service between Srinagar and Muzaffarabad, holding of sports events and a postal service across the Line of Control. Pakistan appears to have shed its earlier reluctance on starting a bus service between Kargil in Kashmir and Skardu. The two sides discussed the possibility of cross-LoC trade. They agreed to implement the Kashmir-related CBMs already decided upon. A truck service across the LoC has been hanging in the balance since April 2006, and the Foreign Secretaries agreed that this should be operationalised soon. It was also decided that the five agreed-upon crossing points on the LoC be opened. Mr. Khan said demilitarization was important for “raising the comfort level of Kashmiris” and that it was Pakistan’s expectation that “this, or something related to it” should be part of any “final shape” whenever that point was reached. Both Foreign Secretaries said there had never been such “focused” and “sustained” discussions on the issue of Kashmir, and that discussions on the issue were taking place at various levels. An issue over which the two sides appeared somewhat at odds was on questions relating to the mandate of the joint antiterror mechanism. Asked about reports that Pakistan did not want acts of violence in Kashmir included in the work of mechanism, Mr. Khan said the mandate of the mechanism, as finalised at its first meeting last week, was “clear.” According to him, the “emphasis” of the mandate was on preventing future acts of terrorism, while including exchange of specific information to help investigations in both countries. “As regards Kashmir, the Kashmir issue is a dispute between the two countries. That’s a separate issue,” he said. Mr. Menon felt the mechanism’s mandate had been “laid down quite clearly by both our leaders” and it was to identify and implement
Foreign Secretary Mr. Menon: We are looking at a set of ideas for some time - set of ideas some of which we brought to the table, some of the ideas Pakistan brought to the table. And what we would like to do is, to hold a meeting of the defence secretaries and the DGMOs together as early as possible to try and clarify and to see whether we can come to an agreement on Siachen. I think this is an issue which has eluded solution for a very long time. But we are now talking about common set of ideas which we have both brought to the table. But as I said I do not want to say we have accepted they have accepted because ultimately both of us have to agree to a solution. It has to be a our common solution to the problem. We would hold meeting and we have proposed dates and Pakistan side is also keen to hold meeting so let us see. We are hopeful.

We are in the process of locating suitable premises for Pakistan Consulate General in Mumbai. We have located some land on which we think that the Consulate General can be built and which would meet the requirements. Separately, we are looking for housing for them while they build. We have shown some properties but they have not met the needs of the Consulate General. We hope to find the solution to the problem. Jinnah House itself, I think as if now there are other issues related to it. We would like to make use of the House which takes into account the sentiments of all the people of the sub-continent because he was the citizen of sub-continent too. So I think we will find a solution which works for all of us and that is what the Minister meant.

Question: The question for both the Secretaries. There are reports that India has rejected demilitarization. What is your count on that?

Foreign Secretary Mr. Menon: Demilitarization in generic sense is an idea counter-terrorism initiatives, including the sharing of specific information for investigation and prevention of terrorist acts in both countries. On the Samjhauta incident, India gave Pakistan a list of passport numbers against which tickets were issued for travelling in the two compartments that were bombed, to identify 19 victims of the attack. The practice then, since changed, was to issue tickets for the unreserved compartment against passport numbers but without taking down the names. Mr. Menon put to rest speculation that India was considering handing over the Jinnah House in Mumbai to Pakistan, by saying that its future had to be decided keeping in mind “the sentiments of the people of the entire sub-continent.” “Jinnah was a citizen of the sub-continent, and I think we would like to find a solution that works for all of us,” said Mr. Menon. Before the start of the talks in Islamabad on March 13, at the Pakistan Foreign Ministry, Foreign Secretary Shiv Shankar Menon expressed the hope that the talks would be “constructive,” while his Pakistani counterpart Riaz Muhammed Khan said he was looking forward to “fruitful” talks. He said he perceived a “clear expression of political will, on both sides” to take the process forward and to “move our relationship into a phase where we will truly be able to say that we enjoy good neighbourly relations.” Mr. Menon, later called on Prime Minister Shaukat Aziz and Foreign Minister Khurshid Mahmud Kasuri. Mr. Aziz told Mr. Menon that his Government was “firmly committed” to the process of the composite dialogue, emphasising the need to make it “more meaningful and result-oriented.” Pakistan was keen to settle all disputes with India, including the issue of Kashmir, he said. Mr. Aziz also acknowledged the role of confidence-building measures as “instrumental in improving the ambience and relationship between the two countries.”
which many people feel is a good idea. But from the Government of India point of view, it is the function of the situation on the ground, on the level of threats and violence that exist there. And that is where we as a Government with the responsibility to protect the lives and property of the people, that is angle through which we would approach it.

**Question:** We keep on receiving complaints of being too slow. Yesterday the meeting was only for three hours and today only for about one hour?

**Foreign Secretary Mr. Menon:** (to Foreign Secretary Mr. Riaz Mohammad Khan…would you defend the bureaucracy…) I would only say judge us by the results. Three years ago, nobody would have said that we would stand up and speak about our relationship that has come so far. So I think that rather to defend ourselves against this charge, you should congratulate the bureaucracy for having done this. If the bureaucracy have managed this, this is because we have been given clear leadership. And there is clear political will in the leadership on both sides to break out of the pattern of the past. That is not an easy thing. As we have been locked into a relationship for sixty years with issues we are dealing with here. So for me, it is not question of are you too slow to travel. There will be people no matter what you do, will say (that) you are too slow.

**Question:** There is a disappointment that the committee of jurists on prisoners have not been operationalized today. Secondly, both of you claim of having sustained dialogue in the history on Kashmir. When you are coming up with a solution.

**Foreign Secretary Mr. Menon:** On the prisoners, we have exchanged the...
names of the jurists. Pakistan has given us the names of the retired judges and we have done the same. Within next few months, the committee can meet and start doing its work. Because we are determined to solve this problem because it is a humanitarian problem. And we do not think this is a problem we should be carrying on. This is in our interest to solve this problem as quickly as possible. This determination came in our talks. You have noticed that this is the problem we have addressed every time we have met. We have made some progress in terms of releases, improvement of conditions. There is more to be done and thats why we are very keen that the committee should meet quickly. You mentioned the visit to Prime Minister Manmohan Singh visit to Pakistan. He is looking forward to the visit. He has accepted the invitation. We still have to set dates for the visit. From our point of view, we would like very much that it be a productive visit. That have meaningful outcome and move relationship forward. When will we solve the issues that divide us, as soon as possible. That we want and that is what we are trying to do. But I cannot give you the dates. When we have a solution, we will certainly come and tell you.

**Question:** When are you implementing the verdict of World Bank neutral expert on Baglihar dam?

**Foreign Secretary Mr. Menon:** We are going ahead with the implementation of the project on the basis of verdict. That is continuing now.

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Pakistan Foreign Secretary’s remarks at the joint press conference with Indian Foreign Secretary and the decisions taken by the two Foreign Secretaries.


It has been a privilege and pleasure for me to welcome H.E. Shivshanker Menon and his delegation to Islamabad for the start of fourth round of Composite Dialogue between Pakistan and India.

The fourth round of Composite Dialogue is coinciding with the 60th year of the Independence of Pakistan and India. The fact that in the 60th year of independence we are having dialogue to promote peace between each other underscores the need for turning a new page in our relations. 2007 is a critical year and can prove to be a watershed. In the past few years we have taken steps and engaged each other in serious discussion of issues that have divided us that alongwith the change of international environment make it possible that we move from problem and dispute management to resolution of issues. The quality and scope of discussions that we are now having on these problems have strengthened the prospects of success.

It would be a pity if for whatever reason, lack of focus or lack of political will, we are prevented from crossing the hurdle. There is a need to seize the opportunity.

H.E. Shankar Menon and I have two sessions of talks. H.E. Shankar Menon has also met the Prime Minister and the Foreign Minister yesterday. The first session was devoted to a review of the third round and peace and security. The second session today focused on Jammu and Kashmir.

On Jammu and Kashmir, as you are aware, discussions are taking place at various levels. At the leadership level, at the Foreign Ministers level, within the composite dialogue and in addition to other channels and interaction among civil society of the two countries. There have been many ideas which have shaped the broad parameters of these discussions.

During this round of composite dialogue while recognising the need to make progress towards a solution to sustain the peace process, the focus has been on the Kashmir related confidence measures. We review in some details the steps that had been taken for interaction across the LoC and how we can facilitate implementation. We have suggested new measures for consideration.

On peace and security we acknowledged the agreements that have been concluded and reviewed progress on suggestions that are under
consideration. It is agreed that there should be regular expert level discussions on doctrines for ensuring security in an environment of strategic deterrence that is maintained by the two countries and is a fact of life in South Asia.

We also noted that the first meeting of the anti terrorism mechanism was held in Islamabad and that the mechanism has agreed on the modus operandi and objectives. I had the opportunity to reiterate our request for sharing of findings with us on the Samjhuta Express terrorist incident. Today we have received a list of additional passports numbers that should help us identify victims.

The Indian side has provided us a schedule of the meetings to be held under the fourth round. This includes dates for meetings of Defence Secretaries and DG MOs on Siachen and meeting of hydrographes to complete their survey of Sir Creek and adjoining areas.

We will give confirmation about these dates shortly.

Some of the steps that have been agreed by the two sides include:

**Peace and Security**
- Expedite negotiations to conclude an Agreement on Prevention of Incidents at Sea.
- To fully observe the ceasefire.
- Conclude and sign an Agreement on Modalities for the Conduct of Quarterly Flag meetings at the Sectors to be agreed upon.
- Conclude and sign a Framework Agreement on Speedy Return of Inadvertent Line Crossers.
- Conclude an agreement on No Development of New Posts and Defence Works along the LOC.
- Proposed draft for new border control guidelines along the International Border.

**Nuclear CBMs:**
- Hold discussions on security doctrines.

**Jammu and Kashmir**
- Ensure implementation of the already agreed Jammu and Kashmir related CBMs.
— Ensure operationalization of Truck service.
— Ensure operationalization/rationalization of the five crossing points.

Siachen
— Defence Secretaries of the two countries assisted by respective Directors General (Military Operations) to meet to hold talks.

People to People Contacts
— Conclude during the Fourth round bilateral Visa Agreement, Agreement on Consular Access, and revise the Protocol on Visits to Religious Places.
— The Committee on Prisoners composed of four judges from each side to ensure humane treatment and expeditious release of prisoners on both sides.

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1651. Press Release of the Prime Minister’s Office on the meeting between Prime Minister Dr. Manmohan Singh and Pakistan Prime Minister Shaukat Aziz.

New Delhi, April 4, 2007.

Pakistan Prime Minister, Mr. Shaukat Aziz called on the Prime Minister, Dr. Manmohan Singh, here today. The two leaders discussed a wide range of bilateral issues including trade, energy, banking, air connectivity and other issues.1

1. At the press conference held by EAM on April 4 at the end of the SAARC Summit the journalists asked Mr. Mukerjee about the meeting between PM and Shaukat Aziz:

QUESTION: I want to ask you about the meeting between the Prime Minister and Shaukat Aziz, Prime Minister of Pakistan. Did Mr. Shaukat Aziz say anything about the Kashmir issue? And also, was there any discussion on Siachen issue and what is India’s response to both?

EXTERNAL AFFAIRS MINISTER: In fact, when the two leaders discussed among themselves, they covered a large number of their bilateral relations. Not merely bilateral relations, they shared their perceptions about the regional and international issues also. So far as Kashmir is concerned, as I mentioned to you, we are having regular dialogue within the framework of the Composite Dialogue. This is the institutional arrangement continuing for quite some time. In respect of Siachen, Defence Secretary level talks are going to take place in a couple of days, I think on 6th or 7th of April it will take place and that will be the 11th round of the talks. So, talks are going on.

A Pakistani press release on the meeting said that “India and Pakistan will press ahead with a proposed gas pipeline from Iran”. “They (India and Pakistan) expressed satisfaction
Prime Minister Aziz assured Dr. Singh that Pakistan would take early action to return fishing boats seized from Indian fishermen to their owners. The two leaders also agreed to review the status of each other's citizens held prisoners in the two countries. They agreed to increase air connectivity between India and Pakistan. They also agreed to continue the ongoing discussions on the Iran-Pakistan-India gas pipeline. Mr. Aziz said Pakistan is ready to export cement to India taking advantage of the duty reduction announced by the Government. Mr. Aziz also informed the Prime Minister that Pakistan was issuing more visas to Sikh Yatris coming from across the world to visit Sikh shrines in Pakistan.

Prime Minister Aziz thanked Dr. Singh for the financial support given to the families of the victims of the Samjhauta train incident. He complimented Prime Minister Singh for the successful and efficient conduct of the SAARC summit. He also expressed satisfaction at the content of the discussions at the summit.

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over the progress made so far in the technical-level talks among the three sides,” said the press release. The two leaders “agreed on granting permission to their respective banks to open branches and increasing air links between the countries,” the Pakistani release said. They are said to have reviewed the status of the composite dialogue and discussed the issues of Jammu and Kashmir, Siachin, and Sir Creek. The Pakistan Prime Minister underscored the importance of resolving Kashmir for durable peace…”
Press Release issued by Pakistan Ministry of Foreign Affairs on the meeting between the Prime Ministers of India and Pakistan

Islamabad, April 4, 2007.

Prime Minister Shaukat Aziz had a 50-minute bilateral meeting with Indian Prime Minister Manmohan Singh including a 20-minute one on one meeting this morning. The meeting focused on bilateral and regional issues. Prime Minister Shaukat Aziz congratulated the Indian Prime Minister for hosting the SAARC Summit which marks an important milestone in SAARC process for regional cooperation.

The two Prime Ministers discussed the Iran-Pakistan-India Gas pipeline project and reaffirmed their commitment to sincerely and seriously pursue the project for its successful completion. They expressed satisfaction over the progress so far made in the technical level talks between the three sides.

The Prime Minister reviewed with his Indian counterpart the status of the composite dialogue and discussed bilateral issues including Jammu and Kashmir dispute, Siachen and Sir Creek. The forthcoming Defence Secretary level talks are expected to address the Siachen and Sir Creek issues to discuss ways and means to make substantive progress on the two issues. The Pakistan Prime Minister underscored the importance of resolving Kashmir for durable peace and brighter future of South Asia.

The two leaders also discussed trade issues and people to people contacts. They agreed on granting permission to their respective Banks to open branches and increasing air links between the two countries. Prime Minister Shaukat Aziz noted that direct bilateral trade between the two countries had increased. The two Prime Minister also agreed that the issue of prisoners should be addressed with a humanitarian approach. As gesture of good will, Prime Minister Shaukat Aziz agreed to the release of boats of Indian fishermen captured in Pakistani waters.

Prime Minister Shaukat Aziz also raised the Samjhota terrorist incident with his Indian counterpart underscoring Pakistan’s interest in the findings by Indian investigators. Prime Minister Manmohan Singh expressed deep sorrow over the incident and loss of life. He agreed that the Pakistan side would be kept informed and will be provided periodic status report as most of the victims were Pakistani nationals. The Indian Prime Minister reiterated the Government of India’s intention to pay compensation to the victims of the terrorist incident.
The fourth round of Home/Interior Secretary Level Talks between India and Pakistan on Terrorism and Drugs Trafficking, as a part of the continuing Composite Dialogue process between the two countries, was held in New Delhi on July 3, 2007. The Indian delegation was led by Shri Madhukar Gupta, Union Home Secretary while the Pakistan delegation was headed by Syed Kamal Shah, Secretary, Ministry of Interior.

2. Frank and candid discussions were held in a constructive and friendly atmosphere.

3. Both sides strongly condemned all acts of terrorism and underlined the imperative need for effective and sustained measures against terrorist activities.

4. The two sides recognized that terrorists and criminals in either country need to be given swift and effective punishment.

5. Both sides welcomed the release of prisoners and fishermen by each other on the eve of these Talks as a gesture of goodwill and on humane considerations.

6. They also agreed to release by August 14-15, 2007, those prisoners who have been granted consular access, whose national status has been verified and who have completed their prison sentences. To this end, they agreed that immediate steps will be taken by either side to reconcile their numbers to facilitate their early release on completion of necessary formalities.

7. The two sides also agreed to release by August 14-15, 2007 the remaining fishermen in each other’s custody on completion of due process. They further decided to take immediate steps to release the fishing boats, excluding trawlers, in each other’s custody.

8. Both sides agreed that the recently formed Committee on Prisoners, comprising eminent retired judges from the two countries, is a useful instrument to facilitate release and repatriation of prisoners who have served their prison sentences. It was agreed that action would be initiated to hold two meetings, one in India and the other in Pakistan, within a period of 3 months by which time the necessary reconciliation of numbers of prisoners on both sides would have been completed.

9. Separate working groups discussed in detail the drafts of the revised Visa and Consular Access Agreements aimed at liberalizing and making existing provisions more effective. The text of the Agreement on Consular Access has
been finalised. Also, they made considerable progress towards early finalisation and signing of the Visa Agreement.

10. Both sides assessed as positive the existing cooperation and information sharing between the Narcotics Control Bureau of India and the Anti Narcotics Force of Pakistan and agreed that both Agencies would enhance mutual cooperation in terms of effective and sustained steps to control drugs trafficking. They also agreed that a Memorandum of Understanding (MoU) between the two drug control agencies will be signed at the earliest possible.

11. Both sides appreciated the continuing interaction between the Central Bureau of Investigation of India and the Federal Investigation Agency of Pakistan in the areas of human trafficking, illegal immigration and counterfeit currency, and underlined the need to further intensify it. The nodal points in both Agencies will meet periodically to facilitate early disposal of Interpol related cases.

12. It was agreed to continue the discussions within the framework of the Composite Dialogue.

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1654. Press Release issued by the Ministry of Home Affairs on the India - Pakistan talks to combat terrorism.

New Delhi, July 4, 2007

In the Home Secretary Level talks between India and Pakistan on Terrorism and Drug Trafficking, held yesterday, the following main points emerged and the decisions taken :-

(i) India raised its concerns relating to terrorism and fugitives. It was agreed that effective and sustained measures would be taken to combat the menace of terrorism.

(ii) It was agreed that terrorists and criminals in either country would be effectively dealt with.

(iii) It was agreed to enhance the cooperation between CBI and FIA in the areas of human trafficking, illegal immigration and counterfeit currency. The nodal points in both the agencies will meet periodically to facilitate early action on Interpol related cases.

(iv) It was agreed that all fishermen will be released by August 14-15, 2007. It was also agreed that fishing boats in each other’s custody will also be released.
(v) Efforts will be made by both sides to reconcile the number and identities of prisoners in each other’s jails.

(vi) All those prisoners who have completed their sentences will also be released by both sides by August 14-15, 2007.

(vii) A protocol on Consular Access was discussed in detail and was finalized.

(viii) Detailed discussions took place on the draft Visa Agreement. Considerable progress was made in finalizing some of the provisions.

(ix) After detailed discussions, it was agreed that an MoU on Narcotics Control between the two agencies could be signed in the near future.

2. The discussions were held in a candid and cordial atmosphere.

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1655. Reaction of the External Affairs Minister Pranab Mukherjee

to the bomb blasts in Rawalpindi.

New Delhi, September 4, 2007.

External Affairs Minister Pranab Mukherjee said on September 4: “It is very unfortunate. We have sympathy for the victims,” He was speaking on the sidelines of a conference of Editors from India, Brazil and South Africa in New Delhi.

“During the Home Secretary-level meeting, we suggested to them and we have given some particulars as we normally give to them about those who are indulging in all sorts of activities like insurgency and other terrorist activity,” said the Minister.

“We seek their cooperation.”

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1. The External Affairs Minister was referring to the two suicide bomb attacks on two localities in the high-security zone in the garrison city of Rawalpindi on September 4, killing 27 people and injuring more than 80 others. Most of the people killed or injured in the blasts belonged to defence services, four of them officers, though several civilian passers-by and schoolchildren were among the victims. Authorities described the two blasts as a coordinated move to hit high-profile targets in the military garrison. Military spokesman and Director-General of Inter-Services Public Relations Maj-Gen Waheed Arshad said the attacks were suicide bombings aimed at hitting personnel of the security forces and other people. Later, briefing journalists in Islamabad, interior ministry spokesman Brig (retd) Javed Iqbal Cheema said the authorities had reasons to believe that the latest attacks were the work of the same group that had earlier carried out the attacks in Islamabad and some other parts of the country.
1656. Joint Statement issued on the Second Meeting of India Pakistan Joint Anti Terrorism Mechanism.

New Delhi, October 22, 2007.

In pursuance of the decision of the President of Pakistan and the Prime Minister of India in Havana, Cuba on 16th September 2006, the second meeting of the Anti-Terrorism Mechanism was held in New Delhi on 22nd October 2007. The Indian delegation was headed by Mr. K.C. Singh, Additional Secretary (IO), Ministry of External Affairs of India. The Pakistan delegation was led by Mr. Khalid Aziz Babar, Additional Secretary (UN&EC), Ministry of Foreign Affairs of Pakistan.

2. The two sides reviewed the follow up steps taken on the information shared during the first meeting of the Joint Anti Terrorism Mechanism held in Islamabad on 6th March 2007 and in the intervening period.

3. Both sides shared new information on terrorist incidents including those which have occurred since the last meeting. They agreed to continue to work to identify measures, exchange specific information and assist in investigations.

4. The next meeting of the Mechanism will be held in Islamabad according to the schedule already agreed upon.

1. The Indian Express story on the meeting of the Joint Anti Terrorism Mechanism makes an interesting reading: "The Pakistani link to the recent terror strikes in Hyderabad, Ajmer and Ludhiana came to the fore on Monday as India sought Pakistan’s help in tracking down suspects who are believed to have cross-border links. India is learnt to have referred to Harkat-ul-Jihadi-Islami (HuJI) and its commander Shahid Bilal, who is alleged to have masterminded nearly all the recent terror strikes in the country. The recent terror strikes figured in the second meeting of the Joint Anti-Terrorism Mechanism between India and Pakistan held here on Monday," a senior official said. The meeting also came days after the Ludhiana blast and amid Indian concern over attempts in Pakistan to build up a radical Sikh environment. Investigators feel the Mecca Masjid attack and the Ajmer blast were carried out by the same group - HuJI Bangladesh - due to similarities in the modus operandi. Both used a mobile phone trigger and unexploded devices were found after both strikes. According to security agencies, Bilal fled India after the attack on the STF headquarters in Hyderabad in 2005 and took refuge in Karachi. Bilal, who was drafted into militancy by Rasool Khan Party, developed a terror network in and around Hyderabad, initially using modules of Lashkar-e-Toiba and subsequently drawing in HuJI cadre who came in from Bangladesh. India also asked Pakistan about action taken on information it had shared on the Samjhauta Express attack, the Malegaon strike and the Mumbai blasts at the first meeting of the mechanism in Islamabad in March. No arrests have been made yet in the Hyderabad blasts (Mecca Masjid and the twin blasts), the Ajmer strike or the Ludhiana blast. On its part, Pakistan is learnt to have raised terror attacks in the country and sought India’s assistance in working out some recent cases. The two sides reviewed follow-up action on information shared at the first meeting of the mechanism in Islamabad in March this year. At the first meeting, the two sides discussed the framework that needed to be put in place to share information related to terrorism. The second meeting was delayed after Pakistan sought time since its pointsman for the talks had retired. The feeling here, however, was that the delay had to do with the volatile internal situation in Pakistan." (The mechanism was set up following an agreement between Prime Minister Manmohan Singh and President Pervez Musharraf in Havana in September 2006.)
1657. **Response of Official Spokesperson to a question on the mandate of the Anti-Terrorism Mechanism.**

New Delhi, October 30, 2007.

Information relating to all terrorist attacks was discussed and exchanged in the context of Pakistan’s assurance of 6 January 2004 of not permitting territory in its control to be used to support terrorism in any form. The mandate of the Mechanism is helping investigations on either side related to terrorist acts and prevention of violence and terrorist acts in the two countries.  

1. The Spokesperson was responding to the Pakistan Foreign Office Spokesman’s denial of October 29 to the New Delhi daily *Indian Express* story of the same day on the meeting of India-Pakistan Anti-Terrorism Mechanism (held in New Delhi on October 22), which said that “for first time Pak accepts Indian dossier on terror in J&K”. The Pakistani Spokesman described the Indian Express story as baseless and said: “The purview of talks under the Joint Anti-Terrorism Mechanism does not cover Jammu and Kashmir, which is a disputed territory, and is being discussed under the Composite Dialogue process. The scope of discussions under the Mechanism relates to the terrorist incidents in India and Pakistan.”

New Delhi, November 3, 2007.

We regret the difficult times that Pakistan is passing through. We trust that conditions of normalcy will soon return permitting Pakistan's transition to stability and democracy to continue*.

* The Spokesman's statement came after the Prime Minister Manmohan Singh held an unscheduled meeting with External Affairs Minister Pranab Mukherjee in the evening of November 3 to take stock of the developments in Pakistan. It may be recalled that that day President Musharraf had declared a State of Emergency in Pakistan, suspended the Constitution and issued a Provisional Constitution Order. The Chief Justice of the Supreme Court was removed from his post and all other judges were asked to take a fresh oath of office. The emergency was justified on account of threat to the State from Islamic militancy. Talking to The Hindu after the meeting at the Prime Minister’s residence, National Security Adviser M.K. Narayanan said: “We are treating it as an internal problem of Pakistan, but we are watchful and on the alert.” The Congress party’s media in charge Veerappa Molly said: “We have been anxious for democracy to emerge in Pakistan.” BJP leader Yashwant Sinha said the situation was a much stronger case for international concern than Myanmar. On November 6 with developments in Pakistan unfolding at a fast pace, External Affairs Minister Pranab Mukherjee expressed the hope that the democratic process would soon begin in the neighbouring country, where Emergency was imposed last weekend. He said New Delhi wanted peace, prosperity and stability to prevail in Pakistan. “We are watching the situation closely,” the External Minister told newsmen after inaugurating the first India-Africa Hydrocarbon Conference. “We do hope the process of democratisation in Pakistan to begin soon and the people of Pakistan will get an opportunity to have their government as per their Constitution.”

On November 12 the Defence Minister A. K. Antony said in Kozhikode (Kerala) that “India is closely monitoring the situation in Pakistan and taking adequate security measures along the borders with that country.” He told presspersons that the developments in Pakistan warranted taking several precautionary measures. “All steps have been taken to protect our borders as well as the Line of Control. As of now the situation is peaceful,” he maintained. Barring occasional attempts of infiltration by Pakistan extremist forces, the border had not witnessed any exchange of fire in the last three years. India hoped that the peaceful atmosphere would continue, Mr. Antony said. The Union Minister termed the recent incidents in Pakistan as unfortunate. “We wish that normality would return and democracy restored in that country soon,” he said. He said that India did not want to do anything that would disturb the existing bilateral relationship with Pakistan. The recent developments in that country were its internal matter, the Defence Minister said.
1659. Condolences from the Indian leaders on the assassination of Pakistani leader Benazir Bhutto.

December 27, 2007.

Message of President Mrs. Pratibha Devisingh Patil:

The President of India, Smt. Pratibha Devisingh Patil, has expressed her deep shock and grief on hearing the tragic news of assassination of Mrs. Benazir Bhutto. The President has further said, “it is a tragedy for the people of Pakistan to lose a leader of her stature in her prime. This tragedy underscores the menace that terrorism poses to us and to the stability of our societies. The assassination of Mrs. Benazir Bhutto is a tragedy not just for Pakistan but for our entire region. We stand with the people of Pakistan in this hour of grief and tragedy”.

Message of Prime Minister Dr. Manmohan Singh issued from Goa.

I was deeply shocked and horrified to hear of the heinous assassination of Mrs. Benazir Bhutto. Mrs. Bhutto was no ordinary political leader, but one who left a deep imprint on her time and age. Her contributions to a previous moment of hope in India Pakistan relations, and her intent to break India Pakistan relations out of the sterile patterns of the past, were exemplary. In her death, the sub continent has lost an outstanding leader who worked for democracy and reconciliation in her country. The manner of her going is a reminder of the common dangers that our region faces from cowardly acts of terrorism and of the need to eradicate this dangerous threat. My heartfelt condolences go to her family and the people of Pakistan who have suffered a grievous blow.

Sentiments expressed by Prime Minister in the Condolence Book of the Pakistan High Commission.

“It was with the deepest sense of horror and sorrow that I have learnt of the tragic demise of Madam Benazir Bhutto. In her sad and untimely demise, Pakistan and South Asia have lost an outstanding political leader, who was passionately committed to the cause of moderation, democracy and peace and friendship between our two countries”.

“I convey my heartfelt condolences to the members of the bereaved family and the people of Pakistan”.

Dr. Manmohan Singh Prime Minister of India
28.12.2007
Message of External Affairs Minister Pranab Mukherjee.

I heard with shock and horror of the death of Mrs. Benazir Bhutto. Mrs. Bhutto was a brave and outstanding woman leader of the sub-continent. That she should fall to a barbarous terrorist attack is particularly tragic, and should strengthen our resolve to fight this scourge. Mrs. Bhutto’s contributions to democracy, to the improvement of India-Pakistan relations, and to the restoration of normalcy within Pakistan will be an inspiration.

My heart-felt condolences go to her immediate family, members of her party and the people of Pakistan. Our hopes and prayers are with them in this hour of loss.

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All Party meeting condoled the death of Ms. Benazir Bhutto:

A resolution passed at an all-party meeting, convened to discuss the situation in the region in the wake of Ms. Benazir’s killing, conveyed its heartfelt sympathies to the members of her family and the people of Pakistan. The leaders, who were briefed by National Security Adviser M.K. Narayanan, described Benazir as an outstanding leader of South Asia and the voice of moderation and democracy in Pakistan.

The all-party meet was attended by External Affairs Minister Pranab Mukherjee, Defence Minister A.K. Antony, Home Minister Shivraj Patil and Mr. Narayanan. The Bharatiya Janata Party was represented by the Leader of the Opposition in the Lok Sabha, L.K. Advani, and the former External Affairs Minister, Jaswant Singh, Sitaram Yechury (Communist Party of India - Marxist), A.B. Bardhan (Communist Party of India), Raghuvansh Prasad Singh (Rashtriya Janata Dal), Shahid Siddiqui (Samajwadi Party), Satish Mishra (Bahujan Samaj Party), Sharad Yadav (Janata Dal- United) and T.R. Baalu (DMK). [Just before the all-party meeting, Prime Minister Manmohan Singh chaired a meeting of the Cabinet Committee on Security that reviewed the situation in the region and domestically, and discussed the steps by India to deal with the situation.]

The Prime Minister who was in Goa when the ghastly act took place speaking in that city to the media reiterated his deep shock and horror at the assassination of the former Pakistan Prime Minister, Benazir Bhutto and described her as “one of the outstanding leaders of our sub-continent, who always looked for reconciliation between India and Pakistan.” He said: “Ms. Bhutto always expressed her feelings that relations between the two countries should be warm.”
Lamenting that “in her loss we have lost an outstanding personality and an outstanding champion of democracy,” Dr. Singh said she left a “deep impression on our time and the age she lived through. She always wanted South Asia to become a prosperous region in the world.” Dr. Singh underlined the need for a joint fight against terror, which lurked as a threat to the prosperity of the region. Extending his condolences to her family and to Pakistan, he said: “We all have to pledge to work together to deal with this menace which threatens the people of the civilised world.”

The Congress Working Committee (CWC) on December 28 said the assassination of the former Pakistan Prime Minister, Benazir Bhutto, was “yet another reminder of the grave challenge posed by the forces of terror and violence.”

Congress president Sonia Gandhi, who chaired the specially convened CWC, expressed the party’s shock and grief at the assassination. “Her death is equally a loss for the entire region of South Asia,” she said. She later visited the Pakistan High Commission and signed the book of condolence.

“Knowing fully well the risk involved in the task of restoring the democratic process in Pakistan, she did not hesitate to risk her life in pursuing this objective with courage, commitment and dedication. Her supreme sacrifice to the cause of democracy in Pakistan will continue to be a source of inspiration to those who have firm faith in the spirit of democracy,” Ms. Gandhi said the loss of such a popular and charismatic leader, especially at this critical juncture, was a colossal tragedy for the people of Pakistan. “The reprehensible and cowardly act, which has brutally cut short a life full of promise and potential, deserves to be strongly condemned by civilised society.”

“The CWC deeply mourns her untimely death and conveys its heartfelt condolences to the members of her bereaved family, the Pakistan People’s Party and the People of Pakistan in their moment of grief.” Other Political parties across the spectrum too reacted almost in one voice of shock and dismay and concern about the political process in Pakistan as news about the assassination of former Pakistan Prime Minister and Pakistan People’s Party leader Benazir Bhutto reached New Delhi on December 27.

The Polit Bureau of the Communist Party of India (Marxist) said there were “forces [in Pakistan] which are seeking to destabilise Pakistan and not allowing the transition to democracy to succeed … These forces must be thwarted.”

The Bharatiya Janata Party condemned the assassination and expressed concern not only about how the incident would affect Pakistan but also India in its immediate neighbourhood.
Former Prime Minister Atal Bihari Vajpayee described the killing as “big challenge for democracy and peace” and added that the challenge was not only for Pakistan: “We have to fight it out together.”

Leader of Opposition L. K. Advani said “the Talibanisation of Pakistan” was a threat to India. “Indian democracy abhors the cult of violence. This is negation of democracy itself. She was a charismatic leader whose unrealized potential has been cruelly cut short,” said All India Congress Committee spokesperson Abhishek Singhvi.

He said instability and violence could not be good for Pakistan, as indeed for the subcontinent.

“We hope and trust that the appropriate agencies of Pakistan will get to the root of this most unfortunate incident,” he said.

Conveying its heartfelt condolences to Ms. Bhutto’s family and to the people of Pakistan, the CPI (M) expressed its “shock and outrage” at the “dastardly assassination” while CPI national secretary D. Raja feared that the assassination would complicate matters in Pakistan where elections were due to be held. He said there were clearly forces which did not want any form of democracy in Pakistan.

BJP president Rajnath Singh expressed his sympathy and offered condolences to Ms. Bhutto’s family, especially mentioning her children, while former External Affairs Minister Jaswant Singh spoke admiringly of Ms. Bhutto’s courage and determination to participate in the democratic process although she was aware of grave threat to her life. “She had come back to participate in the democratic process in Pakistan despite resistance from the establishment,” he noted. Mr. Rajnath Singh was worried about the impact of instability in Pakistan on India.

In a statement, Lok Sabha Speaker Somnath Chatterjee expressed “profound” shock over the assassination. He hoped that the sub-continent would be rid off such attacks on democratic processes, and the people of Pakistan would reject such methods of terror and strengthen democracy.

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INDIA-PAKISTAN RELATIONS

SECTION - II

NO WAR DECLARATION
1660. Extract from Prime Minister Jawaharlal Nehru's speech pledging friendship with Pakistan.

Ludhiana, September 18, 1949.

At Ferozepur I referred to the Kashmir problem. Today I saw a press report attributing to me the statement that India needed Kashmir for India's security and, therefore, India could not compromise on the position she had taken up in this regard. I never said so, nor am I prepared to say so. We went to Kashmir not for our security but we went there because Kashmir was being attacked and Kashmiri's wanted us to save their land. We went to Kashmir with the consent of the people of Kashmir and with their consent we remained there. It is wrong to say that we went to Kashmir for our protection. If Kashmiri's want to have relations with us, it is for them to say so. If they do not want us there, we will not be there.

India is prepared to make a declaration that all the differences between India and Pakistan must be settled by negotiation and not by resort to arms.

Sometimes I hear rumours that there will be war with Pakistan. I read of such rumours in Pakistan newspapers. I cannot understand how the suspicion can be removed from the minds of the people of Pakistan but you should not get panicky.

You should continue your daily work peacefully. I think there will be no war with Pakistan. We will not fight unless we are forced to do so. We will fight only if Pakistan attacks us. Our policy is that we will try with determination not to bring about another big war in the world because we think that if there is a big war then the world will be destroyed.

India will not be a member of any bloc. We want to remain on friendly terms with everybody. That being so how can we have a different policy in relation to Pakistan? We fought with Pakistan only when we were asked by Kashmir to come to their help. You can rest assured that there will be no attack from our side, but if Pakistan attacks us then we will meet the attack with determination.

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1661. Aide Memoire of the Government of Pakistan reacting to the proposal for a No War Declaration.


The Pakistan Government welcomes the proposal that all outstanding disputes between India and Pakistan should be settled by peaceful means and not by war. This has been their stand all along. They are convinced that just and peaceful settlement of outstanding questions would remove both the causes and the fear of war between the two countries.

2. The main disputes between India and Pakistan relate to:

(i) Jammu and Kashmir,
(ii) Junagadh and neighbouring States that have acceded to Pakistan,
(iii) Canal waters,
(iv) Evacuee property, and
(v) Assets of Pakistan withheld by India.

(i) Jammu and Kashmir

The points at issue relate to the implementation of the U.N. Commission's Resolutions of 13th August, 1948, and the 5th January, 1949. These Resolutions have been accepted by both Governments and have the character of an International Agreement. Negotiations between the two Governments and mediation by the U.N. Commission have failed to resolve the differences between the two Governments in the implementation of Part II of the Commission's Resolution of 13th August, 1948. The only course left is to refer the points of difference to arbitration. In short, both Governments should reaffirm their desire to implement at the earliest possible date the Commission's Resolutions of 13th August, 1948, and 5th January, 1949, by having a free and impartial plebiscite in the spring 1950 and should agree in advance to refer to arbitration any points of difference that have arisen or may arise in the implementation of these Resolutions.

In the view of the Pakistan Government, the Kashmir dispute has an absolute priority over other disputes. Without a just and peaceful solution of the Kashmir question it is impossible to create that atmosphere of good-will which is essential to the solution of disputes.

(ii) Junagadh

The dispute relates to the occupation by India's armed forces of Junagadh and
neighbouring States which had acceded to Pakistan. The U.N. Commission has been entrusted with the task of mediation in this case also and if its efforts at mediation do not succeed, both Governments should agree to abide by arbitration.

(iii) Canal Waters

The issue is a juridical one and if negotiations between the two Governments do not succeed, both Governments should agree in advance to refer the matter to decision by the International Court of Justice.

(iv) Evacuee Property

The evacuee property dispute can only be settled after the canal waters dispute has been settled since a decision on the canal waters dispute has a vital bearing on the question of evacuee property. A settlement of the canal waters dispute is, therefore, an essential preliminary to a settlement of the evacuee property. After the canal waters dispute has been settled, the evacuee property disputes should be settled by negotiation aided, if necessary, by mediation and if that does not prove successful by a resort to arbitration.

(v) Assets of Pakistan withheld by India

For example, the assets of the State Bank withheld by the Reserve Bank, the sterling due to Pakistan under the Payments Agreement. In this case too if negotiations do not succeed, both Governments should agree in advance to refer the matter to arbitration.

3. In all cases where a matter is to be referred to arbitration it should be agreed that all points of difference including those relating to procedure should, if necessary, be referred to arbitration so that it should not be possible for either party to hold up or obstruct a settlement. And both Governments should agree to abide by the award of the arbitrator.

4. If the Government of India is prepared to accept a solution on the above lines, further negotiations can be undertaken to settle the details and the procedure of mediation and arbitration. As soon as agreement has been reached a joint declaration will be made that the two Governments will in no case go to war.
Note by Prime Minister Jawaharlal Nehru to the Secretary General of the Ministry of External Affairs on the points raised by Pakistan in its Aide Memoire of 3rd December, 1949.

New Delhi, December 4, 1949.

The first thing is for both Governments to decide and declare that we rule out the resort to war in settling any differences, whatever they might be, and that we propose to settle them by peaceful methods. This statement is certainly rather vague. But in another sense it is definite enough and should go some way in reducing the tension, which unfortunately exists at present. In fact it will be easier to deal with the various problems when it is realized by all parties concerned that the only way of settlement is a peaceful one.

The Kashmir question*, as you have said, is in the hands of the United Nations and we can say nothing about it separately.

So far as we are concerned, there is no Junagadh case or any case in regard to other States. Not only can it not be reopened, but there is nothing to reopen.

As regards the dispute over canal waters** and evacuee property@, both of these should first be considered on the expert level by representatives of both parties. Where there is no agreement in the end, we are certainly prepared for a reference to a tribunal or to arbitration.

As regards the claim that Pakistan assets are being held back by India, so far as I know, there are many claims on our side that Pakistan is not paying what is our due. These matters should also be considered on the expert level first and then, if necessary, by reference to some impartial authority.

All these questions should not come in the way of the declaration. If the questions

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* The U.N.C.I.P., had on 28 August 1949, proposed that all points of difference between India and Pakistan with regard to the implementation of its Resolution should be submitted to arbitration. India rejected the proposal of arbitration because it amounted to placing the aggressor and the aggressed on an equal footing.

** By the Inter - Dominion Agreement of 4 May 1948, India agreed to resume the supply of Indus waters to Pakistan and Pakistan agreed to develop in due course alternative resources for water supply.

@ The Hindus and Sikhs who migrated from West Pakistan left behind 4,800,000 acres of agricultural land and housing property worth Rs. 5,000 crores. The Muslims who migrated from India left only 3,139,000 acres of land and houses worth Rs. 1000 crores. Negotiations with Pakistan on the repatriation of property and other assets left behind by refugees were deadlocked.
can be decided without the declaration, no need for the declaration arises. It is in order to ease the situation between the two countries and help in creating an atmosphere favourable to the settlement of disputes, that we have made our proposal. As soon as the declaration is made, we can discuss ways and means of settling outstanding disputes, as you have suggested.

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1663. **Extract from the Proceedings of the meeting of the Standing Committee of the Central Legislative Assembly for the Ministry of External Affairs.**

New Delhi, December 17, 1949.

Present: - Shri Jawaharlal Nehru, Prime Minister (Chairman).

Members: Shri S. V. Krishnamurthy Rao
Begum Aizaz Rasul.
Shri Thirumala Rao.
Shri Girija Sankar Guha.
Shrimati Renuka Ray.
Prof. N.G. Ranga.
Shri U. Srinivasa Mallayya.

Officials: Shri K.P.S. Menon.
Shri H.S. Malik.
Shri A.V. Pai.
Shri S. Dutt.
Shri Y.D. Gundevia.
Shri Prem Krishen.

16. The Prime Minister explained that sometime ago, he had suggested a declaration by India and Pakistan that all disputes between them will be settled
peaceably and there will be no resort to armed conflict on any question. The Prime Minister of Pakistan, when questioned on the subject, is reported to have said that he had received no communication from the Government of India. On seeing this, the Prime Minister had decided to make a reference and an informal approach had been made through the Pakistan High Commissioner in India. As a further development, it is now proposed to send a draft agreement to the Government of Pakistan with a view to signature by both countries. This is expected to improve relations between the two countries by ruling out all questions of decision of disputes by armed conflict.

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1664. Draft of a joint declaration, suggested by the Government of India, which was handed over to the Pakistan High Commissioner.

New Delhi, December 22, 1949.

The Government of India and the Government of Pakistan, being desirous of promoting friendship and goodwill between their peoples who have many common ties hereby declare that they condemn resort to war for the settlement of any existing or future disputes between them. They further agree that the settlement of such disputes between them shall always be sought through recognized peaceful methods such as negotiation, or by resort to mediation or arbitration by special agency set up by mutual agreement for the purpose, or by agreed reference to some appropriate international body recognized by both of them. It is their earnest hope as well as their firm conviction that the implementation of this declaration in the spirit which lies behind it will serve to maintain good relations between the two countries and advance the cause of world peace.

❖ ❖ ❖ ❖ ❖
Statement* by Pakistan Prime Minister Liaquat Ali Khan in the Pakistan Constituent Assembly regarding No War Declaration.

Karachi, January 17, 1950.

The Government of Pakistan are grateful to the Government of India for the draft of the proposed declaration forwarded by them and greatly regret that through an unfortunate confusion over transmission it only reached them on January 10th.

2. While they share the sentiments in the Government of India’s draft the Government of Pakistan feel that its terms are too vague. In their view, the only way to promote peace is to resolve major disputes; and a joint declaration will carry conviction to no one unless it is supported by evidence of some concrete action. Even if these disputes cannot themselves be settled before the declaration is made, at least the procedure for settling them can be laid down by agreement in precise terms in the declaration, so that both parties enter into firm commitments which would in course of time definitely lead to the resolution of disputes.

3. For this reason they would strongly press the Government of India to agree to the concrete and precise suggestions of the Government of Pakistan already made regarding the procedure to be followed in the settlement of disputes or to suggest modifications in them which the Government of Pakistan would be ready to examine.

* The statement was made in reply to a question asked in the Pakistan Assembly on the Indian proposal for a No War Declaration.
My dear Prime Minister,

I am writing to you about the proposed joint declaration by the Governments of India and Pakistan for the avoidance of war.

2. On the 16th January we received a copy of a statement, which you were to make in the Pakistan Constituent Assembly in reply to a question regarding this proposed joint declaration by the Governments of India and Pakistan for the avoidance of war in the settlement of disputes. In this statement it is said that, in the view of the Government of Pakistan, the only way to promote peace is to resolve major disputes. Even if these disputes cannot themselves be settled before the declaration is made, at least the procedure for settling them can be laid down by agreement in precise terms in the declaration. Further, that your Government urge the Government of India to agree to the concrete and precise suggestions of the Government of Pakistan already made regarding the procedure to be followed in the settlement of disputes.

3. I was not aware of any concrete and precise suggestions of the Government of Pakistan or its High Commissioner in Delhi in this respect. All that had happened previously was that your High Commissioner had mentioned various matters in dispute and referred to possible methods of settling them. No concrete or precise procedure had been suggested. We had dealt with the points raised by your High Commissioner, whereupon it was agreed that a tentative draft of a declaration might be prepared. This draft was handed to your High Commissioner on the 22nd December, 1949. The first reply to it that we received is the copy of your statement which reached us on the 16th January. We were surprised to find in this a reference to certain concrete and precise suggestions, which we had not thus far received.

4. I have now seen newspaper reports of the full statement made by you before the Pakistan Constituent Assembly on January 17th. You refer in this to the various matters which are, according to you, in dispute. As you know, the Kashmir issue is before the United Nations and has therefore to be considered separately. As regards Junagadh, I am surprised at your reference to it, as this is not a live issue.
5. The canal water issue has been the subject of correspondence between the two Governments and both are practically agreed that a joint technical commission should be set up for making a factual investigation. On the basis of the report of the commission, the two Governments will confer with a view to arriving at a settlement. If it is not found possible to reach a settlement, we are quite prepared to refer the matter to arbitration or some tribunal approved of by both Governments. You will appreciate that the manner of subsequent procedure as well as the form can hardly be decided satisfactorily before we know what the results of the technical commission are and what the remaining points for decision are.

6. We are prepared that the evacuee property dispute should be settled by arbitration, if negotiations and mediation fail.

7. So far as the division of the Reserve Bank's assets is concerned, the major portion of the assets claimed by Pakistan has already been transferred to the State Bank, and in regard to the remaining claims, disagreement has arisen on the question of the mode of payment. The question thus is one of the manner in which the claims have to be settled. This matter has already been discussed informally between the two Governments, and Pakistan themselves have suggested a conference to discuss it further. There are a number of other issues connected with this matter, all of which would have to be considered in arriving at a settlement.

8. The question of payment of sterling depends upon the amount that is due and of which type it is, that is, whether current or blocked. Both these matters are eminently fit for settlement by negotiation and indeed, as I have mentioned above, a conference is envisaged.

9. As you know, the Government of India have large claims of financial nature on the Pakistan Government. These have been pending for a long time without any satisfactory settlement. This again should be dealt with by negotiation and in the absence of any settlement, by other peaceful methods.

10. The whole object of the proposed joint declaration was to remove or lessen the unfortunate tension that exists between our two Governments and to produce an atmosphere which is more favourable to the consideration and settlement of particular disputes. If these disputes are satisfactorily settled separately, we would welcome it. But obviously there has been difficulty and delay in doing this. A joint declaration would, no doubt, be helpful in bringing us nearer to a settlement of all outstanding disputes between the two Governments, which the Government of India earnestly desire.

11. The procedure for settling disputes cannot be uniform in all cases. It is possible that one method may be appropriate for one dispute and another method
for another dispute. Apart from negotiation and mediation, the only remaining peaceful methods are arbitration and reference to some international authority or tribunal. That is precise enough.

12. The proposal to make a joint declaration was made by the Government of India in all earnestness, so that we might take one effective step forward towards the resolution of existing disputes between the two Governments. Not to take this first step, because the other steps are not simultaneously taken, is to avoid taking any step at all for the present at least. That is not a very helpful way of proceeding in this matter. For us to say that in no event are we going to war for a settlement of disputes is an important and significant contribution to peace between the two countries. The Government of India are prepared to say that, if the Government of Pakistan is also agreeable. Owing to geography and for many other reasons, it is inevitable that many issues arise between the two countries which require settlement. A firm declaration that we will in any event settle them by peaceful methods will itself be a great service to our two countries and the world, because it will remove fear of war from the minds of our peoples.

13. Any joint declaration that we might make must necessarily be in general terms to cover all cases that may arise now or hereafter. Apart from this joint declaration, and in pursuance of it, we can at once begin to consider specific matters separately. I shall be glad to have an early reply from you.

Yours sincerely

Jawaharlal Nehru

The Honourable Mr. Liaquat Ali Khan
Prime Minister of Pakistan,
Karachi.
Letter from Prime Minister Jawaharlal Nehru to Pakistan Finance Minister Ghulam Mohammad.

New Delhi, January 18, 1950.

Prime Minister India
New Delhi, January 18, 1950.

My dear Ghulam Mohammed,

During our brief talks in Colombo you expressed your eagerness to help in every way in resolving the disputes between Pakistan and India. You invited me to go to Karachi and also offered to come to Delhi at short notice if this was necessary. Referring to the proposed joint declaration to be made by the Governments of India and Pakistan, you said that this could go through if some slight mention was made about the method of settlement. Regarding Kashmir, you appreciated that the matter was with the United Nations. The two major questions that remained were: canal waters and evacuee property. We have made it repeatedly clear that we are prepared for a peaceful settlement of these through arbitration or some tribunal, and it would be easy to say so in the event of our technical commissions and negotiations failing to arrive at an agreement.

I have now seen a report of what you said at a press conference in Colombo on January 16th. I must say that this does not support the attitude that you took up with me. I have also seen your Prime Minister’s statement in the Pakistan Constituent Assembly. This again is not very helpful.

I must confess to having a feeling that what you said personally to me does not fit in with your public statements which are in an entirely different key.

Regarding the proposed joint declaration, I do not understand how we can tie up that declaration with any specific issue. Of course, we can deal with the specific issues separately in a separate statement or in exchange of correspondence. So far as the two main issues are concerned, that is canal waters and evacuee property, I see no difficulty whatever in our finding a method of solution agreeable to both Governments, should negotiations fail. But it is obvious that even a reference to arbitration or a tribunal can only be made when the facts are precisely known and the extent of difference. One cannot specify a tribunal before knowing what is going to be referred. It seems to me quite enough to say that in the

* Ghulam Mohammed had said in Colombo that India was delaying a settlement on Kashmir. When Attlee and Truman suggested arbitration, India had rejected that proposal. When asked about Indian proposal for a no-war pact Ghulam Mohammed said that what was needed was not statements and speeches but machinery to settle disputes mediation or arbitration.
event of lack of agreement the matter should be decided by arbitration or reference
to a tribunal chosen by the parties concerned. This largely meets your viewpoint
and would be in keeping with our declaration.

Yours sincerely,

Jawaharlal Nehru

Mr. Ghulam Mohammad,
Finance Minister of Pakistan, Karachi

1668. Letter from Pakistan Prime Minister Liaquat Ali Khan to
Prime Minister Jawaharlal Nehru.

Karachi, February 14, 1950.

Prime Minister Pakistan
Karachi

My dear Prime Minister,

As promised in my letter of January 25, I write in reply to your letter of January
18, to give you the views of the Government of Pakistan.

2. At the outset, I should like to emphasise the principles which guide Pakistan's
approach to this question. As a Member of the United Nations, Pakistan has firm
faith in the principles of the Charter and is prepared always to abide by them. This
membership in itself constitutes a declaration of Pakistan's renunciation of warlike
means of settling disputes. With her neighbour, India, in particular, Pakistan desires
most sincerely to remove all causes of friction, and to promote friendly relations
without which it is impossible for either country to achieve the full measure of its
potential development. As I have repeatedly reaffirmed, Pakistan is convinced that
war between India and Pakistan would bring utter ruin on both. The common good of
both countries lies in the peaceful settlement of all disputes between them.

3. Pakistan therefore welcomes the proposal to issue a joint declaration, the
primary object of which must be to carry conviction to the people of India and
Pakistan and of the whole world as to the sincerity of both Governments in
renouncing war as a method of settling their disputes. To attain this object, it is
essential that there should be tangible action to match the spirit of the declaration,
since peoples and Governments are judged by their actions rather than by their
words. This action should, in the view of my Government, be the laying down of
a clear cut procedure with an agreed timetable, which would make it binding on both Governments to carry through the settlement of their disputes to its final peaceful conclusion. For example, we could lay down that, from the date of the declaration, two months would be allowed for negotiations. The next two months would then be allowed for settlement by mediation of those matters which negotiation had failed to resolve. If, at the end of this second period of two months, any matters remained over they should all stand automatically referred to arbitration by a method agreed upon in advance. A last period of two months should suffice for this process, though its duration would of course depend on the arbitrator or arbitrators.

4. I am sorry, if, as paragraph 3 of your letter suggests, there has been any misunderstanding regarding the view which we have consistently held that a concrete and precise procedure should be followed. When, towards the end of November 1949, your Secretary General orally suggested to our High Commissioner that a joint "no - war declaration" should be made and that, if no agreement were reached the dispute should be referred to a third party for settlement, we directed our High Commissioner to reply as in the annexure* to this letter. Our High Commissioner reported that he read out his reply word by word to your Secretary General on December 3*. You will, I think, agree that the reply makes concrete and precise suggestions; and the statement which I made in the Assembly on January 17 did no more than reiterate the suggestions made to your Government on December 3. However, it seems that there was some misunderstanding and that our precise proposals were not placed before you when you prepared the draft of the joint declaration which reached us on January 9. I would most earnestly request you to reconsider your view that an agreement in general terms is alone required, and to consider further the advantages of the more precise course suggested by me.

5. The procedure for settling disputes which we suggest is fundamentally a very simple one, and is flexible enough to cover all cases which may arise now (or) in future. As you observe, "apart from negotiation and mediation, the only remaining peaceful methods are arbitration and reference to some international authority or tribunal." If, therefore, a dispute cannot be settled by negotiation and mediation, it must be referred to arbitration. Whether arbitration is by a special agency set up by mutual agreement for the purpose, or by an international authority, it's essential feature is that an independent authority gives an award which is binding on both parties. Resort to arbitration would, of course be had only when negotiation and mediation had failed to bring agreement and would in each case cover differences over procedure as well. In all disputes, there is a danger that the party which is in possession of and wishes to withhold the

* Please see Document No.1661.
rightful dues of the other may so conduct itself as either to prevent a fair settlement or to cause such delay in settlement as to give the same result. Either course produces a sense of injustice, frustration and despair of securing a remedy by peaceful means which is one of the most frequent causes of conflict. The procedure which my Government propose is designed to obviate any such contingency.

6. In no spirit of controversy, but as an illustration of the considerations set out above, the Kashmir dispute which holds the key to Indo - Pakistan relations may be cited. This dispute was referred to the Security Council, and after a year's effort the settlement embodied in the U.N.C.I.P.'s Resolutions of 13th August, 1948 and 5th January, 1949, was reached, with the agreement of both India and Pakistan and the approval of the Security Council. This settlement provided for cease-fire and demilitarization leading to a free and impartial plebiscite. Differences having arisen over the programme of demilitarization and the Commission's mediation having failed to resolve them, the Commission suggested arbitration of the points of difference. Pakistan accepted, but India refused, with the result that the matter was referred back to the Security Council after the lapse of another year. The Security Council then asked its President, General McNaughton, to mediate. The proposals which General McNaughton put forward have again been accepted by Pakistan but not by India. In a situation of this kind, when reference to an international body like the Security Council and negotiations and mediation carried out under its authority have failed, no negotiation other than arbitration of points of difference in implementation of the settlement already reached can lead to a resolution of the dispute.

7. Again, the canal water dispute is a justifiable issue which should be referred to the International Court of Justice if no agreement by negotiations can be reached, and yet India has so far refused, to agree to this course. It is true that both Governments have practically agreed that a joint commission should be set up, although Pakistan believes that the common objective will be better served if the Commission consists of non-technical statesmen who will enlist services of technical experts, than by appointing a technical Commission. On the basis of the Commission's report, the two Governments will confer with a view to arriving at a settlement; but if an agreement is not reached, the proper way of resolving differences in a matter of this kind would be a reference to the International Court of Justice. What is most urgently needed is to set at rest the fear operating on the mind of the people likely to be affected that the dispute may drag on indefinitely while their welfare and prosperity are progressively put in jeopardy. They must be assured that, in the event of the dispute not being resolved by the method now being pursued, it will be settled by adjudication of the Tribunal best fitted to resolve it. Since you are prepared to accept arbitration,
there should be no objection to designating the International Court of justice as the arbitral authority.

8. It will thus be seen that the considerations which have impelled the Government of Pakistan to their proposal for a precise procedure are derived from their past experience of these disputes. Other issues need not be dwelt upon in detail, but it is necessary to state that Junagadh is on the agenda of the Security Council to be dealt with after the Kashmir dispute has been settled, and cannot be regarded as a dead issue.

9. I feel that you will agree that if the principle of arbitration and a timetable leading up to it is accepted, the exact disputes to be handled under this procedure should be a matter for settlement in advance.

10. As regards the exact forum, mediation or arbitration could be undertaken by a special agency set up by mutual agreement for the purpose, or by agreed reference to some appropriate international body recognized by you to this end, but I suggest that it is desirable that the name of the arbitrator or arbitral agency be decided before the issue of the declaration and included in it; I have accordingly left a blank in the draft below for inclusion of names or description of the arbitrators. If the Government of India agree the Government of Pakistan would be prepared to accept the majority decisions of an Arbitral Tribunal of three persons; and I suggest for your consideration that the Governments of three friendly countries, whom we should now select, should be asked to nominate one member each.

11. In the light of these considerations, my Government suggest that the following should be the terms of the joint declaration:

"The Government of India and the Government of Pakistan, they being desirous of promoting friendship and goodwill between peoples, hereby declare that they will not resort to war for settlement of any existing or future disputes between them. They further agree that settlement of such disputes shall always be sought through peaceful methods of negotiation and mediation and, if these should fail to bring settlement, by resort to arbitration of all points of difference including those relating to the procedure for arbitration. They undertake that they will abide by the award of an arbitral Tribunal, which shall consist of..............for the settlement of all existing disputes. In the event of their not being unanimous, the decision of the majority shall be binding. Negotiations for the settlement of all such disputes shall begin as early as practicable, and such of them as are not settled by negotiation within two months from the date of this declaration shall be referred to mediation, for which a further period of two months shall be allowed. Any matters remaining unsettled at the expiry of this period shall be referred to arbitration."
"In pursuance of this declaration, both Governments hereby agree to refer to this arbitral Tribunal differences which have arisen or may arise in implementation of U.N.C.I.P.'s Resolution of 13th August, 1948 and 5th January, 1949, which both Governments have accepted for settlement of the Kashmir dispute. Both Governments also agree that the canal water dispute shall, if no agreement is reached by negotiation or mediation, be referred to the International Court of Justice for decision. In other disputes outstanding between them such as Junagadh and neighbouring States, evacuee property, boundary disputes and claims relating to assets, both Governments agree that if no settlement is reached by negotiation or mediation, the matter shall be referred to the arbitral Tribunal. It is their earnest hope as well as their firm conviction that implementation of this declaration and the spirit which lies behind it will serve to promote friendly relations between the two countries and advance the cause of International peace."

Yours sincerely

Liaquat Ali Khan

The Honourable Mr. Jawaharlal Nehru,
Prime Minister of India,
New Delhi.

◆◆◆◆◆
My dear Nawabzada,

In continuation of my letter dated 17th February*, I am now writing to you to convey our considered reply to your letter of 14 February. I regret the slight delay in sending this fuller reply. Apart from the important engagements to which I referred in my letter of 17 February, we have had to deal with the events which have occurred recently in East and West Bengal. These events, as you know, have dominated the situation and intimately govern future relations between India and Pakistan. I am communicating with you separately in regard to the Bengal situation**.

I am glad to note that Pakistan desires most sincerely to remove all causes of friction with her neighbor, India, and to promote friendly relations, without which it is impossible for either country to achieve the full measure of its potential development. May I say that we fully reciprocate these sentiments? I am also happy that Pakistan welcomes the proposal to issue a joint declaration, the primary object of which must be to carry conviction to the people of India and Pakistan and of the whole world as to the sincerity of both Governments in renouncing war as a method of settling their disputes. "To attain this object," you say, "it is essential that there should be tangible action to match the spirit of the declaration since peoples and Governments are judged by their actions rather than by their words." I may assure you that in suggesting that we should make the declaration first and, immediately afterwards, consider ways and means of settling outstanding disputes between our two countries, it was not my intention that action should not be prompt and in conformity with the spirit of the declaration. Our view was, and is, that, considering the acuteness of the tension that now unfortunately exists, the psychological effect of the declaration itself would be to reassure our respective peoples that, whatever the differences between the two Governments, they would be settled peacefully and that both countries would be spared the horrors of a fratricidal war. However, I realize that a matter

* In his letter of 17th February Prime Minister acknowledged his letter of 14th February and promised a "considered reply" as soon as possible since "Parliament is at present in session in addition to this we are having a meeting of the All India Congress Committee during the next two days" apart from the fact that the visit of the Prime Minister of Nepal was engaging his attention.

** Matters relating to minorities in Bengal (please see section on ‘Minorities’).
of this high importance would not and ought not be considered exclusively from
the standpoint of either India or Pakistan. With the full consciousness of the
importance to both our countries of an agreed declaration and in a spirit of
sincere friendship we have considered again our original proposal and I shall
now indicate what we regard as an arrangement that should be acceptable to
both of us.

I do not in the least minimize either the significance or the gravity of the dispute
regarding the future of the State of Jammu and Kashmir. This issue, however,
is already before the Security Council, and has only recently been fully debated.
We feel that the Security Council, which is one of the principal organs of the
United Nations, and has adequate authority under the Charter to deal with it,
should continue to handle it. Our stand with regard to Junagadh is well known to
you; I regret that we are unable to modify it.

As regards the other disputes enumerated in the aide memoire, namely, canal
waters, evacuee property and Pakistan assets claimed by your Government
from India, we agree that a settlement of these disputes shall be sought through
negotiation and mediation and, if these should fail to bring a settlement, by
resort to arbitration. Of course when arbitration is resorted to we shall abide by
the award of any arbitral tribunal that may be set up in agreement between the
two Governments.

According to my understanding, you propose that there should be one arbitral
tribunal to deal with all disputes, presumably with the exception of the dispute
over canal waters which you think should be referred to the International Court
of Justice. We anticipate practical difficulty in one tribunal dealing with all
disputes, especially when one considers the importance that you and we both
attach to an early settlement of some of them. Apart from the question of time,
that of the competence of the personnel has also to be taken into account. For
example, the qualifications required of members of the tribunal that may be
appointed to deal with the dispute over canal waters may not be the same as
those required for one of the other disputes, e.g., the one relating to evacuee
property. Indeed, your view that, as regards the dispute over canal waters, the
International Court of Justice should be the arbitral authority itself supports the
point of view that I have just expressed. I am also not in favour of inviting the
Governments of three friendly countries to nominate one member each to these
tribunals. In my opinion, it would be very much better to adhere to the practice
adopted by both our Governments so far, namely, that each should select one
arbitrator and the third should be chosen by the two Governments in agreement.
Of course, when a dispute is referred to arbitration, each party must agree in
advance to abide by the award to the arbitrators; or if they are not unanimous,
by the decision of the majority.
I shall now deal with the suggestion for a time table. I readily agree that, ordinarily, from the date of the declaration, two months should be allowed for negotiations. But circumstances beyond the control of one or both Governments may make completion of negotiations within this period impossible. I, therefore, suggest that the two Governments may by agreement extend this period provided that the maximum period does not exceed six months. As regards the subsequent processes, namely, mediation and arbitration, I am doubtful whether it would be prudent to fix time limits in advance. About arbitration, you yourself have said that its duration would depend on the arbitrator or arbitrators. The same holds true of mediation. While speed is important, flexibility is not less so, and neither should be sacrificed to the other. Some general provision on the lines that, in the event of the mediator or mediators - in the latter case, by a majority - coming to the conclusion that the possibilities of mediation, arbitration have been exhausted, the matter must be referred to arbitration, should be sufficient.

On the basis of what I have said in the preceding parts of this letter, I suggest the following redraft of the declaration as proposed by you in paragraph 11 of your letter:

"The Government of India and the Government of Pakistan being desirous of promoting friendship and goodwill between their peoples, hereby declare that they will not resort to war for the settlement of any existing or future disputes between them. They further agree that the settlement of such disputes shall always be sought through the peaceful methods of negotiation and mediation, and, if these should fail to bring settlement, by resort to arbitration. Differences relating to the procedure for arbitration, if not settled by agreement, shall also be referred to arbitration. They undertake that, for the settlement of all existing disputes, other than those, e.g., Kashmir, which are now before the Security Council of the United Nations, they abide by the award of an arbitral tribunal, or a recognized international agency such as the International Court of Justice. An arbitral tribunal for the settlement of a dispute shall consist of one nominee of each Government and a third chosen by the two nominees in agreement, or, failing such agreement, by the two Governments. In the event of the members of a tribunal not being unanimous, the decision of the majority shall be binding. Negotiations for the settlement of all such disputes shall begin as early as practicable. Normally the negotiations shall be completed within two months. But circumstances beyond the control of one or both Governments may make completion of negotiations within this period impossible. In such a contingency the maximum period for negotiations shall be six months. Such disputes as are not settled by negotiations shall be referred to mediation. If the mediator or mediators
come to the conclusion - in the latter case by a majority - that the possibilities of mediation have been exhausted, the dispute or the unsettled points therein shall be referred to arbitration.

"In pursuance of this declaration, both Governments agree that the canal waters dispute shall, if no agreement is reached by negotiation or mediation, be referred for decision to the International Court of Justice or to any other tribunal that may be agreed upon. In other disputes outstanding between them such as evacuee property, boundary disputes and claims relating to assets, both Governments agree that if no settlement is reached by negotiation or mediation the matter shall be referred to an arbitral tribunal. It is their earnest hope as well as their firm conviction that implementation of this declaration and the spirit which lies behind it will serve to promote friendly relations between the two countries and advance the causes of international peace."

This matter has been under discussion between us for over two months now and I sincerely hope that we shall be able to reach an agreed conclusion without further delay.

Yours sincerely,
Jawaharlal Nehru

The Hon'ble
Mr. Liaquat Ali Khan,
Prime Minister of Pakistan, Karachi.

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1670. Letter from Deputy Prime Minister Sardar Vallabhbhai Patel to Prime Minister Jawaharlal Nehru on No-War Declaration etc.

New Delhi, February 25, 1950.

Deputy Prime Minister of India
New Delhi

D.O.NO.140-DPM/50.  the 25th February 1950,

My dear Jawaharlal,

I have carefully read the draft letter which you propose to send to Liaquat Ali Khan in reply to his regarding the 'No war' declaration. My own reading of Liaquat's letter is that he is cleverly trying to commit us to a line of procedure both in regard to outstanding and future disputes which would give Pakistan, in view of its complete disregard of scruples, principles or moral behaviour, a perpetual advantage over us. While everything binds us, nothing seems to bind them. A perpetual war of nerves, a series of accomplished facts, continuous pressure backed by persistent vilifying campaign and absolute denial of even the most glaring facts which take place in its territory are all quite familiar to us. We have had sufficient experience of the implementation of agreements with Pakistan. We have also had bitter taste of the protection which it affords to minorities. If any body had any little faith in the good intentions of Pakistan, East Bengal should shatter it completely. To me, the whole matter seems to be so unrealistic in the present circumstances that I wonder if we cannot put an end to this talk, at least for the time being. We seem to be offering a counsel of peace where the spirit and mentality of war exist, and where, to the best of our information, all preparations for war are being made.

2. Your own proposal to Pakistan was a fairly simple one. It was to the effect that, whatever happens, whatever differences may exist between us, we would never resolve them by resort to war. Pakistan's stand completely negatives this approach. There is a clear implication (which, in my judgment, we should fully exploit) that, so far as Pakistan is concerned, it is prepared to go war in the event of differences not being resolved to its satisfaction. In short, while you wish absolutely to outlaw war between India and Pakistan, Liaquat's attitude is fundamentally different. He says, "First you provide a machinery for settling disputes and then I shall see, in the light of that machinery, whether I can agree to outlaw war". I feel that the fundamental difference in the approach to this problem between you two can be fully exploited to the disadvantage of Pakistan, should Pakistan ever try to accuse us of not meaning business.
3. My feeling is that, if we cannot get an agreement on the simple proposition of outlawry of war, we should not get ourselves involved in the discussion of details. Otherwise our position would become untenable and we would be accused of having mental reservations. We shall thus be providing Pakistan with targets of attack and, in the present prejudiced atmosphere of the world outside, I am afraid we shall again be put internationally in the wrong.

4. As regards specific issues raised by Pakistan, as you have pointed out, the question of Kashmir is before the Security Council. Having invoked a forum of settlement of disputes open to both India and Pakistan, as Members of the United Nations Organization, nothing further need be done in the way of settlement of disputes than to leave matters to be adjusted through that forum. The same applies to Junagadh on which, as you have rightly said, our position is well-known to Pakistan and we cannot modify it. Then come the questions of Canal waters, Evacuee Property and Pakistan Assets. Here, the position is fundamentally different from other international disputes. These questions do not arise between two nations or countries. They arise as a result of the partition of an undivided India. There are agreements attaching to these matters. The question is of implementing those agreements, and what action should be taken to secure the implementation of the agreements must be decided by both the Governments on the merits and progress of negotiations of each case. There can be no question of linking these matters with the fundamental question of outlawing war between the two countries. As illustrations of my point of view, I shall deal with the first two questions with which I am more familiar.

5. As regards Canal waters, the question really is one of Sovereignty rights. I wonder if there is any known case of questions relating to sovereignty rights apart from territorial disputes being referred to arbitration. We have here specific agreements, expressly or impliedly accepting our sovereignty rights over the Canal Waters. The Pakistan Government is not only going back on those agreements, but is also giving the whole dispute a wider significance and making the whole controversy more comprehensive. The only result of going to arbitration in such circumstances would be that we would lose what we have got under the agreements, and the whole question which was settled as a result of a joint agreement of partition will be opened afresh with results which are unpredictable. Any weakness in this matter is likely to have very wide repercussions on our whole irrigation system. The Bhakra scheme will be in jeopardy. Pakistan will try to have a finger in the distribution of the waters of the Jumna, Ganges and Brahmaputra, which vis-à-vis Pakistan acquire the character of international rivers. If at all a choice...
has to be made, I would rather have arbitration than the International Court of Justice. In regard to the former, at least we shall have our own man on the Bench who might be able to influence the arbitrator by his learning and grasp of matters, as was the case recently in regard to the Bagge Tribunal; once we submit the case to the International Court of Justice, we just become helpless.

6. As regards Evacuee Property, the main dispute is whether it should be on a Government- to-Government basis or only on the basis of a private exchange. Here I feel that our position is fundamentally strong, because, even if we allow private exchange, there is no doubt that the gap which will be left in the field is so wide that we must have some means of settling accounts with Pakistan. There is no question of sovereignty rights involved, and I would personally not object to the matter being put to arbitration.

7. As regards Pakistan Assets, here again the question is one of implementation of partition agreements. We had an Arbitral Tribunal to settle some of the disputes arising out of partition. If negotiations on mediation fails, we could have an arbitral tribunal again.

8. To sum up, therefore, my view strongly is that we should not get involved into a discussion of individual items of dispute or of the machinery to be provided for settling those disputes. We should confine ourselves to the simple proposition which we have put forward, but over which there is a fundamental difference of approach between ourselves and Pakistan. If you feel that it is not possible to confine ourselves to this simple issue, then the best course would be to get out of the whole business by pointing out this fundamental difference in approach and indicating to Pakistan that this approach is suggestive of their having mental reservations on this simple issue. That being the case and with East Bengal situation facing us and the attendant campaign of vilification (of which their radio news of 10,000 persons killed in Calcutta is a glaring example), it is not an opportune time to pursue this matter at least for the time being, until relations between the two countries assume a character in which it would be possible for Pakistan to subscribe to the simple issue of outlawry of war without any mental reservations and it would be possible for us to put faith in such intentions. Any other approach at this time would not only land us in entanglements from which we would find it difficult to extricate ourselves, except by prejudicing whatever advantages we have gained, but is also likely to be misunderstood and severely criticized by public opinion in India. I sometimes wonder, having regard to the present situation, whether we could really talk of peace with Pakistan when it is quite clear that it is thinking and preparing in terms of war and is
doing everything possible to cast on us a burden which would break our back.

I am returning herewith the copy of the draft letter sent by you.

Yours

sd/-

Vallabhbhai Patel

The Hon’ble Pandit Jawaharlal Nehru,
Prime Minister,
New Delhi.

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1671. Letter from Pakistan Prime Minister Liaquat Ali Khan to Prime Minister Jawaharlal Nehru.

Karachi, July 14, 1950.

Prime Minister Pakistan
Karachi

July 14th 1950

Dear Pandit Nehru,

Will you kindly refer to your letter of 17th February, 1950*, acknowledging my letter of 14th February regarding the issue of a joint declaration to settle all disputes between India and Pakistan through peaceful methods? You stated that you attached the greatest importance to this matter and would endeavour to send your considered reply as soon as possible. Recent events in the international sphere have lent added urgency and importance to this question and I hope you will be able to send your views at an early date.

Yours sincerely,

Sd. Liaquat Ali Khan

* In his letter of 17th February Prime Minister acknowledged his letter of 14th February and promised a "considered reply" as soon as possible since "parliament is at present in session in addition to this we are having a meeting of the all India Congress Committee during the next two days" apart from the fact that the visit of the Prime Minister of Nepal was engaging his attention.
The Hon'ble
Pandit Jawaharlal Nehru,
Prime Minister of India.
New Delhi.

NOTE: The letter was replied by Nehru on February 24 (See Document No.1669) but the letter was never delivered to Liaquat Ali Khan due to some mix up in the Indian High Commission in Karachi. Nehru on August 29 wrote a fresh letter without referring to his earlier reply of 24 February.

1672. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.
New Delhi, August 29, 1950.
Prime Minister
India
New Delhi August 29, 1950

My dear Nawabzada,

I must apologise for the delay in answering your letter of the 14th July regarding the issue of a joint declaration by the Governments of India and Pakistan that they will settle all outstanding disputes between the two countries by peaceful methods. After our talks on Kashmir last month, I had to cope with an important session of Parliament and, since the session concluded, I have had a number of most pressing matters to attend to.

I have, in consultation with my colleagues, given the most careful consideration to our correspondence on the subject, in particular to the views expressed in your letter of the 14th February. We are glad to note that Pakistan desires most sincerely to remove all causes of friction with her neighbour, India, and to promote friendly relations, without which it is impossible for either country to achieve the full measure of its potential development. May I say that we fully reciprocate these sentiments? I am also happy to note that Pakistan welcomes the proposal to issue a joint declaration, the primary object of which must be to carry conviction to the peoples of India and Pakistan and the whole world, as to the sincerity of both Governments in renouncing war as a method of settling their disputes.

"To attain this object", you say, "it is essential that there should be
tangible action to match the spirit of the declaration, since peoples and Governments are judged by their actions rather than by their words." I may assure you that, in suggesting that we should make the declaration first, and immediately afterwards, consider ways and means of settling outstanding disputes between our two countries, it was not my intention that action should not be prompt and in conformity with the spirit of the declaration. To mention the three more important disputes:

(i) We have had personal discussions about Jammu and Kashmir and the matter should soon come up before the Security Council;

(ii) As regards evacuee property also, there have been discussions, since the conclusion of the Delhi Pact, between our two Governments, and my colleague, Shri Gopalaswami Ayyangar, hopes to renew these in Karachi in the near future with a view to an early settlement;

(iii) The letter that you have sent me recently regarding the dispute over canal waters is receiving attention now and I hope to be able to address you shortly on the subject.

These instances support my contention that individual disputes have to be and can be dealt with most satisfactorily by separate consideration. What is, in our view, psychologically important is that this separate consideration of individual disputes should take place in an atmosphere of friendly understanding. For this purpose, a short but comprehensive declaration to the effect that, whatever the differences between our two Governments, they will be settled peacefully and that both countries would be spared the horrors of a fratricidal war is desirable and should be adequate. I would, therefore, in all earnestness, again commend to you, for favourable consideration, the draft declaration that we sent you through our High Commissioner last December.

For convenient reference, I am enclosing a copy of the draft declaration proposed by us.

Yours sincerely,
Jawaharlal Nehru
Letter from Pakistan Prime Minister Liaquat Ali Khan to Prime Minister Jawaharlal Nehru.

Karachi, September 26, 1950.

Prime Minister
Pakistan
Karachi

the 26th, September, 1950

My dear Pandit Nehru,

It would not be fair to you if I were to conceal from you the sense of disappointment I had on reading your letter of the 29th August, 1950, regarding the issue of a joint declaration by the Governments of India and Pakistan to settle all disputes between the two countries by peaceful methods. My first impulse was to write to you immediately on receiving your letter, but I decided to give myself more time to ponder over the matter: maybe I had failed to make my meaning clear.

2. The issue is very simple. We both agree that it is in the highest degree desirable that our two Governments should settle all disputes between the two countries by peaceful methods. We also agree that those peaceful methods are negotiation, mediation and arbitration. The only question outstanding is whether both of us also agree that if negotiation and mediation fail to produce agreement within a specified time, we shall proceed to arbitration. I had believed that since there was no other way open to us there could be no difference of opinion over resort to arbitration. I have read and reread your letter to see if you have really rejected the suggestion but although you have not given positive assent to it, I do not find anything in the letter which should make me conclude that you dissent from it.

3. Disputes between countries arise from a clash of real or fancied interests; and if they are not settled peacefully and promptly, international peace and security may be endangered. It is, therefore, necessary to make certain of settling disputes peacefully and promptly. Such settlement can come about either by mutual agreement secured through negotiation and mediation or, if these should fail, through arbitration by an independent and impartial body. There is no other method of settling disputes peacefully. If we have no provision for proceeding to arbitration after negotiation and mediation have failed in the judgment of one or both parties, we may continue in a futile and endless round of negotiations and mediation which would put an intolerable strain upon goodwill and friendliness between the two countries. Frankly, this is what is happening at
present. All this is so obvious that I feel considerably embarrassed in having to put it to you at such length.

4. You have enclosed with your letter the original draft declaration with which we started the consideration of this matter nearly ten months ago. I had pointed out then how this draft by failing to lay down the procedure for settling disputes would not achieve the object we both so ardently desire. To my mind, the whole essence of the proposed declaration that all disputes will be settled by peaceful methods lies in devising a procedure by which disputes will in actual fact be resolved peacefully. Without this, the declaration will lose in value and significance and might appear to be a rather unnecessary repetition of certain portions of the United Nations Charter to which both our countries are already pledged. I had hoped that the many months' thought which you have given to this question would have convinced you of the soundness of the arguments, in favour of a precise, prompt and effective procedure such as that proposed in the draft declaration given at the end of my letter of 14th February, 1950 (copy enclosed for facility of reference). If there is anything in this declaration which you consider open to objection or against the spirit of the Charter of the United Nations, I would be glad to consider it.

I should perhaps make it clear that the declaration proposed by me will be issued as soon as you give your assent to it: it was never my intention to hold it up until outstanding disputes had actually been settled. All that I have throughout been concerned with is that a firm procedure for settling disputes should be agreed upon.

5. I would again request you to give further thought to the consideration I have set out above. I have turned over this question in my mind for months and I am convinced that a clear-cut procedure which operates equally to the advantage or disadvantage of both sides and which would demonstrate to the peoples of India and Pakistan and to the whole world the sincerity and firm resolve of both Governments to settle all disputes peacefully will serve the best interest of our two countries.

6. My colleagues and I attach the greatest importance to this declaration. We regard it not merely as a proclamation of intentions, but as a solemn agreement which no matter what strains and stresses we undergo, should irrevocably bind our two countries in a concord of peace and friendship.

Yours sincerely

Sd. Liaquat Ali Khan

The Hon. Pandit Jawaharlal Nehru,
Prime Minister of India,
New Delhi.

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ANNEXURE

“The Government of India and the Government of Pakistan, being desirous of promoting friendship and goodwill between their peoples, hereby declare that they will not resort to war for settlement of any existing or future disputes between them. They further agree that settlement of such disputes shall always be sought through peaceful methods of negotiation and mediation and, if these should fail to bring settlement, by resort to arbitration of all points of difference including those relating to the procedure for arbitration. They undertake that they will abide by the award of an arbitral Tribunal, which shall consist of for the settlement of all existing disputes: In the event of their not being unanimous, the decision of the majority shall be binding. Negotiations for the settlement of all such disputes shall begin as early as practicable, and such of them as are not settled by negotiation within two months from the date of this declaration shall be referred to mediation, for which a further period of two months shall be allowed. Any matters remaining unsettled at the expiry of this period shall be referred to arbitration.

In pursuance of this declaration, both Governments hereby agree to refer to this arbitral Tribunal differences which have arisen or may arise in implementation of the UNCP’s Resolutions of August 13th, 1948, and January 5th, 1949, which both Governments have accepted for settlement of the Kashmir dispute. Both Governments also agree that the canal water dispute shall, if no agreement is reached by negotiation or mediation, be referred to the International Court of Justice for decision. In other disputes outstanding between them such as Junagadh and its neighbouring States, evacuee property, boundary disputes and claims relating to assets, both Governments agree that if no settlement is reached by negotiation or mediation the matter shall be referred to the arbitral Tribunal. It is their earnest hope as well as their firm conviction that implementation of this Declaration and the spirit which lies behind it will serve to promote friendly relations between the two countries and advance the cause of International peace*

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1674. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, October 8, 1950.

Prime Minister
India
New Delhi

October 8, 1950

My dear Nawabzada,

I thank you for your letter of the 27th September 1950. I received it only on the 4th October; this was due to a mistake in our High Commissioner's office in Karachi and explains the delay in my answering it.

I have read the letter with care, and I am as disappointed as you are that what appeared a simple proposition should lead to so much argument and difference in approach.

It is obvious that the difficulty arises not so much in the proposition itself, but rather in the complicated background of Indo-Pakistan relations. Only two or three days ago I read the speech on the Kashmir issue that you delivered before your Parliament. If you believe that our actions are based on fraud or an attempt to deceive, then anything that I may write, or any declaration that we might make, cannot have much value for you.

How then are we to proceed? We cannot get rid of this evil background suddenly or by a wave of some magical wand. Nor can we devise any procedure which will remove all difficulties which are inherent in the situation. Yet, we can act sometimes during a crisis in a way to break the vicious circle.

We live in changing and dynamic times. The world hangs on the edge of a precipice. Our own peoples look with suspicion at each other. There are many problems which come in the way of good relations. I should like to find some panacea for all the problems and diseases from which we suffer, but life is not made that way. Even so I do not despair of finding a solution because, in the nature of things, India and Pakistan will have to find one for their problems. But it would be vain to imagine that we can solve these problems by mere formulae or some form of words. A solution will come, sooner or later, but it will have to spring from other sources.

What was the proposal I put to you last year regarding a no-war declaration? It was a simple declaration to be made by the Governments of India and Pakistan to the effect that they will not resort to war for settlement of any existing or future disputes between them. Further, that a settlement of such disputes shall always
be sought through peaceful methods of negotiation and mediation and, if these should fail to bring a settlement, by resort to arbitration or reference to a tribunal. You say this was too simple because it did not lay down a strict timetable and the exact procedure to be followed in each case. I confess I do not see how, in the complicated world that we live in, we can lay down a rigid timetable or lay down an identical procedure for all manner of disputes that may arise. These disputes may be political, economic or financial; they may be justiciable or not. The difference of opinion between us has been as to whether a uniform procedure, including a timetable, should be set out in the proposed declaration as being applicable to all disputes, present or future, or the declaration should be in general terms as proposed by us and the procedure for each dispute should be agreed upon with specific regard to its nature and relevant circumstances.

I am sorry that you should think that the declaration will lose in value and significance unless it describes the procedure by which disputes will in actual fact be resolved peacefully. I still fail to see how one uniform procedure could be assumed to or would in fact cover all disputes, be they existing or future ones. What may be called justiciable disputes, for example, those relating to canal waters and evacuee property, could and should be referred to arbitration, if other methods of settlement, namely, negotiation and mediation, fail. Disputes that are predominantly political, for example, the one relating to Kashmir, can, in our view, be settled in the last resort only by agreement between Governments. We also feel that a uniform time limit of two months for negotiation and two months for mediation is likely to break down in practice in many cases. The issues involved may be so complex that, with the best will in the world, negotiators and mediators may be unable to finish their work within two months. It would hardly be fair to suggest that, even when negotiation or mediation holds out reasonable hope of success, the process should automatically be abandoned in favour of arbitration at the end of two months**.

I am not aware of any instance where two independent nations have bound themselves down to refer every dispute, whatever its nature, to a particular authority, much less to an external authority. There is the well known case of Canada and the United States of America. They created an International Commission, consisting of representatives of the two countries, for settlement of certain disputes. But that Commission had no outside member in it, and it dealt only with certain specified types of disputes between the two countries. I would gladly agree to any similar procedure for India and Pakistan. But, inevitably, it will have to deal with certain specified types of disputes and a commission appointed for the purpose will consist only of an equal number of judges chosen

** On 5 October, Liaquat Ali alleged that India had evaded her commitments on Kashmir by "quibbling, evasion and obstruction under the smoke - screen of moral platitudes." He urged the Security Council either to compel India to honour the agreement on a plebiscite, or to give its own decision, or to provide for arbitration.
by India and Pakistan respectively. It is true that there is always a possibility of a lack of agreement between the members of the commission, but if they are judges of the highest standing, they will consider the issues before them in a judicial spirit and are highly likely to come to a unanimous or majority decision. Even if they fail to agree, the area of difference will have been narrowed down by the measure of agreement reached and only the outstanding point or points of difference will remain to be dealt with. The two Governments could then consider the matter afresh, including the question of reference to a third party. To think *ab initio* of a third party will lessen the sense of responsibility of the judges and will also be a confession of our continued dependence on others. That would hardly be becoming of proud and self-respecting independent nations.

Coming to specific disputes, I think that it will serve little purpose for me, at this stage and in this letter, to discuss the Kashmir issue. It is a non-justiciable and political issue and cannot be disposed off by reference to a judicial tribunal.

Then there is the question of the exchange ratio* (of Pakistani rupee to the Indian). This is in the hands of one of the specialised agencies of the United Nations, namely, the International Monetary Fund. We had hoped that the Fund would make recommendations on the subject in the course of its last meeting at Paris. Unfortunately this subject was postponed and we have to wait for their decision.

This leaves us with the questions of evacuee property and canal waters. We wrote to you about both of these sometime ago and suggested a precise method for their final settlement. We have had no answer from you to that proposal; but you have referred to it in the course of your speech on Kashmir before the Pakistan Parliament, and I regret to find from that brief reference that you do not view our proposal with favour. Your main objection appears to be that the judges from India and Pakistan may not agree with each other and there is no provision for meeting that contingency. You seem to think that such disagreement is almost certain to occur and that only outsiders can decide for us. I confess that I am unable to appreciate the force of this argument, which, as I have indicated above, reduces us to a dependent status relying upon the pleasure of others; this is something wholly repugnant to me and, in my view, incompatible with the dignity of both India and Pakistan.

If you read the two last letters that I have written to you, namely, the one dealing with the no-war declaration and the other with canal waters and evacuee property, you will find that, in effect, we have suggested not only a general and rather vague declaration, but also a precise method of dealing with what might be

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*Pakistan had decided, in June 1948, to treat the Pakistan rupee at par with the Indian rupee until 30 September 1949, but it declined to devalue her currency when India devalued the rupee on 18 September 1949, consequent upon devaluation of the pound sterling the same day. On 22 September 1949, Pakistan decided not to transact any business in Indian currency pending new arrangements.*
called justiciable issues. I have suggested a judicial tribunal of high standing to consider and decide the questions of canal waters and evacuee property. I am perfectly prepared to extend this principle to any other justiciable issue. Thus we provide not only for present disputes but for future disputes except those which cannot be considered by a judicial tribunal. I think we have gone farther in making this proposal than any two nations have ever gone. If we agree on this basis, it will not only be a great thing for India and Pakistan but also something that will powerfully impress the world at a time when despair is seizing it.

I cannot myself see how we can go into greater detail either in regard to timing or procedure. I regret, therefore, that I am unable to accept the draft declaration proposed by you. I would beg of you to give thought to the considerations I have urged in this letter. I would gladly add to my draft a reference to our constituting a joint tribunal, as I have suggested, for the final decision of the evacuee property and canal waters problems, and to say that the decision of the majority shall be binding. Further I shall be willing to say that this tribunal may also consider any other matters in dispute which are justiciable.

A joint declaration of this kind will be complete in itself. I have not the least doubt that it would go a very long way in removing the tensions that unfortunately exist between India and Pakistan, and would produce an atmosphere of friendliness which would help us to solve every problem or dispute, present or future, which might arise between India and Pakistan. It would affect, of course, our two countries but it would also affect Asia and the world. For the scope of the proposal could, in time, be extended to other neighbouring countries. This would create a wide area where there would be some assurance of peace, even though the rest of this world were foolish enough to jump into the abyss of war. Last year, when I made my proposal, the world situation was none too good but there was no immediate danger of a world war. As I write this letter, that danger is far greater; so is the necessity for dispassionate judgment and for a refusal to be swept by others into a bottomless gulf.

I am as anxious as you are that a decision in this matter, which has long been the subject of correspondence between us, should be reached without further delay, and shall be grateful for an early answer.

Yours sincerely,
Jawaharlal Nehru

Hon’ble Liaquat Ali Khan,
Prime Minister of Pakistan
Karachi.
1675. Letter from Prime Minister Jawharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, October 19, 1950.

Prime Minister India
New Delhi
No. 1640 - P.M. October 19, 1950

My dear Nawabzada,

I have received your acknowledgement to my last letter to you about the proposed "NO WAR" declaration between India and Pakistan. I well realise how fully occupied you must be and yet I venture to suggest that it is in the highest interest of both our countries to expedite a decision. Apart from the joint declaration which we have suggested, we have also suggested a judicial tribunal of the highest standing to decide two of our major issues, namely, evacuee property and canal waters. I would, be grateful if some steps could be taken in this direction as soon as possible.

2. I am constrained to write to you, more specially, because of the continuous propaganda in the Pakistan Press in regard to Kashmir. Interviews and statements are published frequently demanding war with India, over this issue and "a resort to the sword". Whether these statements are irresponsible or not, I cannot say, but I have seen no authoritative contradiction of them, and they are bound to affect public opinion greatly, in Pakistan.

3. I have stated on several occasions, and I repeated this at my press conference a few days ago, that so far as India is concerned, we would not resort to war in Kashmir unless we were attacked afresh. That is an unequivocal statement by which we stand. If you could also make a similar statement on behalf of Pakistan this would go far to remove the fears and tension that our countries suffer from at present.

Yours sincerely,

Sd. Jawaharlal Nehru

The Hon'ble Nawabzada Liaquat Ali Khan, Prime Minister of Pakistan, Karachi.

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Prime Minister Pakistan
Karachi, the 21st October 1950

My dear Pandit Nehru,

Your letter of 8th October, 1950, has given me a somewhat clearer idea of how your mind is working on the question of pacific settlement of disputes, but I am still puzzled by your hesitation to refer disputes to arbitration where negotiation and mediation fail to find a solution.

2. You have criticised the procedure suggested by me on the ground that it lays down a rigid timetable and an identical procedure for all manner of disputes. I suggested two months for negotiation and two months for mediation to prevent indefinite prolongation of disputes or stalling by the party that may be in a position of undue advantage. If you think this is too rigid, we need not lay down a timetable, but provide that if either party comes to the conclusion that no further progress can be made by negotiation or mediation, it may refer the matter to arbitration. The essential point is to make a firm provision for resort to arbitration when negotiation and mediation fail to produce results. There is no danger of the matter being taken to arbitration prematurely for if a party can obtain a fair deal by negotiation or mediation, it would not go to arbitration where it would have no hand in shaping the decision.

Your second objection relates to uniformity of procedure, and this, if I understand you right, is really an objection against having to refer a matter to arbitration if negotiation and mediation fail. You apparently feel that arbitration by an independent Tribunal is incompatible with the dignity of a sovereign State. Undoubtedly, all references of disputes to International bodies are to some extent a surrender of national sovereignty. But this is a concept which has now been accepted by all nations and is the foundation of the U.N. Charter. That disputes should arise at all, or having arisen should not be resolved quickly is a part of the imperfections of human nature. One cannot rise above those imperfections by ignoring the fact that conflicts of interest do arise and that an impartial person with no direct interest in the matter is in a better position to take a fair and just view than the parties concerned in the dispute. I am convinced that pacific settlement of all disputes is unattainable unless in a conflict of interest between two or more States, they are prepared to abide by the decision of an independent body. This is no more than a continuation of the process for
extending the rule of law over larger and larger areas of human relations on which ultimately the hopes of mankind must rest. A sovereign State has within its own sphere of action complete liberty to pursue its interest as it thinks best. But where those interests come into clash with the interests of another State and a dispute arises, I maintain that it is not derogatory to their dignity or sovereignty if neither of them insists on being the judge in the matter. Sentiments of national prestige should not, in my view, be allowed to stand in the way of a just and speedy settlement of disputes with one's neighbours. Such sentiments have inflicted enormous misery and suffering on mankind. For us in Asia, it is particularly important to learn a lesson from the havoc wrought by the unbridled nationalism of the last century.

You have referred to the arrangement between Canada and the United States, whereby they refer certain disputes to a Commission of representatives from the two countries. I believe this arrangement was made at a time when the International Court of Justice was not in existence. I am inclined to the view that the creation of the International Court of Justice and the voluntary acceptance of its jurisdiction by various countries marks a much bigger step forward towards peace and progress. In addition, ad hoc tribunals are set up for settling disputes between independent countries. Only recently Afghanistan and Iran agreed to refer the dispute over the apportionment of the waters of the Helmond river to an independent tribunal of three nations. For the matter of that both of us appointed Justice Bagge of Sweden as the Chairman of the Tribunal in our boundary dispute and agreed to abide by his award. I do not, therefore, think that the appointment of an independent tribunal for arbitration is in any way inconsistent with national honour, prestige or independence.

There is, however, one aspect in which the proposal that I have made marks an important advance over anything that has happened before in human history and that advance consists in the obligation voluntarily accepted of referring to arbitration every dispute that our two countries fail to resolve by negotiation and mediation. Such a provision would, to my mind, provide the greatest incentive towards the success of our efforts to settle disputes by direct negotiation. It would encourage moderation and reasonableness on both sides. It would be the first example in history of two independent nations agreeing to settle all their disputes by peaceful methods. It would put India and Pakistan in the vanguard of human progress.

I do not propose in this letter to deal with the question of which disputes are justiciable and which are not or to the kind of tribunal to which particular disputes should be referred. I am here merely on the point of principle. In the letter I wrote a few days ago regarding the canal waters dispute, I have requested you to
elaborate your proposals for an ad hoc Court, but what I have stated above is relevant in that context also.

Yours sincerely,
Sd. Liaquat Ali Khan

The Hon'ble Pandit Jawaharlal Nehru,
Prime Minister of India, New Delhi.

1677. Letter from Pakistan Prime Minister Liaquat Ali Khan to Prime Minister Jawaharlal Nehru.

Karachi, October 23, 1950.

Prime Minister
Pakistan
Karachi

the 23rd October 1950

My dear Pandit Nehru,

I was on the point of sending my reply to your letter of 8th October regarding the 'No - war declaration' when I received your letter of 19th October. I let my reply issue as it stood and am now dealing with the points in your letter of the 19th. In my letter of 21st October I did not go into the treatment of particular disputes for the reason that if we can agree on a general line of action, we should be able to deal with each 4 individual dispute more successfully.

You have referred to the statement made by you a few days ago that you would not resort to war in Kashmir unless you were attacked. I also want to settle all our disputes peacefully. As I pointed out in my letter of 14th February, 1950, the fact that we are both members of the United Nations and signatories to its Charter means that we are committed to peaceful methods for the settlement of our disputes; and this applies to Kashmir as much as to any other dispute. I made this quite clear in my speech on Kashmir on the 5th October. But the real obstacle in the way of a settlement of the Kashmir question is your refusal to carry out demilitarization so that an impartial plebiscite can be held. Kashmir is the key to relations between India and Pakistan. To us in Pakistan, the occupation of Kashmir by India is an attempt to dominate Pakistan and to place Pakistan at India's mercy economically and strategically. Perhaps you would appreciate my point of view better if I were to recall to your mind what you said on an issue
which you now regard as dead, but which in fact is alive, namely, Junagadh. You said then that Junagadh's accession to Pakistan "cannot but be regarded by the Government of India as an encroachment on India's sovereignty and territory and inconsistent with friendly relations that should exist between the two Dominions". This applies many-fold to Kashmir vis-a-vis Pakistan and India.

All attempts to solve the Kashmir problem have failed because of your insistence to keep Indian armed forces in effective control of Kashmir. The dispute has been before the United Nations for nearly three years, but every suggestion for demilitarization made by any agency of the United Nations has been unacceptable to you. Our personal discussions have also led to no results. How is then a solution to be reached, if no peaceful method of settlement, neither direct negotiation nor mediation nor arbitration by organs of the United Nations, are acceptable to you?

It is only effective demilitarization as required by the Resolutions of the Security Council as well as of the UNCIP which both the countries have accepted that can bring about a real sense of peace. If you are prepared to do this, it would be a far more powerful contribution to peace and friendship between India and Pakistan than any 'No - war' declaration.

Of one thing I can assure you: I am determined to endeavour to the utmost to have a peaceful settlement of all disputes including Kashmir.

Yours sincerely

Sd. Liaquat Ali Khan

The Hon'ble Pandit Jawaharlal Nehru,
Prime Minister of India, New Delhi.
Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, October 27, 1950.

My dear Nawabzada,

I have received your three letters dated respectively the 18th, the 21st and 23rd October. The first deals with the disputes relating to canal waters and evacuee property, the other two with the proposals for a no-war declaration and the connected problem of the settlement of all disputes between our two Governments, present as well as future. I have also seen an official note dated the 18th October addressed to the Government of India by your Ministry of Foreign Affairs and Commonwealth Relations through our High Commission in Pakistan.

2. I have read all these communications with great care. Since the disputes relating to canal waters and evacuee property are part of the issues now outstanding between India and Pakistan, and the specific method of solving them that I have suggested is susceptible, in our view, of extension to the settlement of other disputes of a like nature, it seems reasonable to treat them as part of the general problem. I have, therefore, decided to deal with your three letters together.

3. To take up, first, the question of a no-war declaration and the general problem of settling present and future disputes between our two countries. You will forgive me if I say that I have been disappointed by what you have written on the subject. If I may ask: Is it not our aim to avoid war between our two countries in any circumstances, and to resolve all our disputes by peaceful methods alone? I do not wish to repeat the arguments that I have put forward in my previous letters. You will remember that the no-war declaration suggested by me specifically mentions arbitration by special agency set up by mutual agreement or by agreed reference to some international body recognized by both of us. There is no question, therefore, of our ruling out arbitration, as you seem to suggest. What we pointed out was that disputes between nations are of many different kinds and it is not possible to devise a uniform method of dealing with all kinds of disputes, whatever their nature. In some cases and at some stage arbitration may be desirable, whether by a mutually agreed special agency or by an international body that both India and Pakistan recognize. Disputes may or may not be justiciable. Some kinds of political disputes are obviously not justiciable, nor can all be referred to arbitration.
4. To the foregoing, I added a corollary in my letter to you of the 19th October. I said that I had stated on previous occasions, and repeated at a recent press conference, that India would not resort to war in Kashmir unless we were attacked. This is an unequivocal statement by which we stand regardless of what Pakistan may say. I had asked you to make a similar statement on behalf of Pakistan as this would go far to remove the fears and tension from which our countries suffer. I had brought this matter to your notice more especially because the Pakistan press and the statements of many prominent persons in Pakistan have been full of appeals for war against India for many months past. I had hoped that you would condemn this kind of talk in emphatic terms and make a declaration similar to mine. That you have not done so is likely to encourage the inference that there is a possibility of Pakistan attacking India, even though there might be no attack by India on Pakistan. I can only regard this as unfortunate.

5. In regard to two of the major disputes between our two countries, viz., canal waters and evacuee property, negotiations over a protracted period failed to produce any result. We, therefore, suggested immediate reference to a tribunal of the highest standing, consisting of two judges from India and two judges from Pakistan. There was no question of delay in this.

6. You ask me to send a draft of the convention governing the composition, the authority, the rules of decision and procedure, etc., of this tribunal which we have suggested. I am afraid I have not quite followed what you mean by a convention. Clearly there must be agreement between us regarding the composition of the tribunal, its terms of reference and powers. The composition has already been dealt with. As regards the tribunal’s powers, I think we should lay it down that it should have final authority to deal with the matters referred to it. The judges can decide unanimously or by majority. They will have all the powers of superior courts in regard to summoning of witnesses, etc. They will settle their procedure and method of working, as such tribunals do. We must invest the tribunal with the highest authority and not make it feel that it is just a stepping stone to something else. We must agree to abide by its decision in all matters referred to it.

7. As to what should happen if, unfortunately, there is an equal division of opinion among the judges, our view is that the two Governments must first consider those parts of the disputes which have not been finally decided and try to settle them themselves or, failing that, resort to arbitration or adjudication either by a mutually agreed special agency or an international organisation recognised by both Governments. Once this principle is accepted, the terms of reference can be settled between the two Governments acting in consultation. The procedure, to my mind, is quite simple and straightforward.
8. We have suggested that this tribunal might also deal with other justiciable matters that might be referred to it, now or later. When the moment so to enlarge its functions comes, we can draw up an appropriate convention or agreement.

9. I pointed out in my previous letters how such a tribunal was preferable to any foreign court or tribunal. That did not mean that we should not refer any particular matter or any remaining points of dispute to the International Court of Justice or any other authority that we select, if the necessity for this arises.

10. Before concluding, I should like to refer to certain points relating to the canal waters dispute which you have mentioned in your letter of the 18th instant. I am surprised at your statement that supplies of water to Pakistan were not restored until after Pakistan’s signatures were affixed to the Agreement of May 4, 1948. This is a simple question of fact, which can easily be verified. We sent you a telegram on the 29th April 1948, in which it was stated that orders were being issued immediately for resumption of water supply from the Upper Bari Doab and Dimalpur canals. On the 1st of May you were good enough to acknowledge this telegram. Orders to renew the supply of water were issued immediately and renewal of supply actually took place on the 3rd May; the slight delay between the order to renew supplies and the actual renewal was unavoidable as the authorities concerned required a little time to carry out the orders. The agreement was signed on the 4th May evening. Perhaps I may claim to speak with some authority on this subject, because I was present at that Conference. Paragraph 2 of the Agreement itself shows that the East Punjab Government had revived the flow of water into these canals before the Agreement on 4th May was signed. Moreover, Pakistan’s representatives, who included Mr. Ghulam Mohammad and the High Commissioner for Pakistan in India as well as a Minister of the West Punjab Government, can testify to the fact. There was no question of coercion about this Agreement. Indeed, it was one of the happiest agreements arrived at in a friendly, cooperative atmosphere and no one then, or for long afterwards, ever raised the complaint which has recently been made on behalf of Pakistan.

11. The second paragraph in your letter of the 18th October is not quite correct and raises certain controversial issues about which we have had a lengthy correspondence in the past. Our position is that we shall continue the supply of water to the two canals, until the dispute is settled, in accordance with the Agreement of the 4th May 1948. I sincerely hope that this dispute will be expeditiously settled; indeed, I am confident that if we set up quickly the tribunal that we have proposed, a satisfactory settlement will soon be reached. I regret, however, that I cannot undertake to stop the new irrigation projects that we now have in hand.

12. You refer to a commission of engineers. It has been and is our view that no proper consideration of the canal waters question can take place without a
technical survey carried out by engineers. For this reason, we have been pressing for such a technical survey. This was not meant to delay matters but to expedite them. In view, however, of your Government's attitude in regard to this matter, we have expressed our willingness to refer the canal waters issue at once to the ad hoc tribunal we have suggested. If your Government agrees, we can appoint the tribunal as well as the commission of engineers. Alternatively, we can go ahead with the tribunal, and leave it to that body to appoint the commission of engineers.

13. As I have written to you previously, we cannot consider the Kashmir issue in this connection. I shall always be glad to discuss that with you separately.

14. To conclude, the position seems to be this. If you agree to the no-war declaration that we have suggested, we can go ahead with it. If you do not agree, then the matter will have to be dropped for the present, much though I should regret this. In any event, there appears to be no reason whatever why we should not immediately agree to the constitution of a tribunal, on the lines indicated, for the final settlement of the evacuee property and canal waters disputes. Both are urgent and the procedure suggested by us for getting them out of the way is relatively simple. I would, therefore, beg of you to consider them independently and reach a decision.

Yours sincerely,

Jawaharlal Nehru

Hon'ble Liaquat Ali Khan,
Prime Minister,
Government of Pakistan
Karachi.
My dear Pandit Nehru,

Thank you for your letter of the 24th November, 1950. It reached me last evening after 3.00 P.M. I am afraid in this letter you have raised so many issues that I feel constrained to send an immediate reply despite my numerous preoccupations.

2. I shall begin with the "No War Declaration". I am sincerely sorry that I have failed to convince you that a mere "declaration" of good intentions on our part unsubstantiated by concrete acts would carry conviction to nobody. May I, therefore, seek once again to convince you by drawing your attention to the logical end of an argument you have yourself advanced? In your letter you point out that in spite of the Charter of the United Nations, fierce disputes and impassioned arguments are in progress between nations. May I request you to pause and think why? I am myself convinced that if the leaders of the great powers agreed to issue a simple 'no war declaration' of the type you suggest it would not make the least difference. That is why I suggested and suggest once again that we should put substance and body in our declaration by devising a concrete procedure to solve some pending and all future disputes between India and Pakistan.

4. My statement that the crux of the difficulty is the reluctance of your Government to substitute on any issue impartial arbitration for threatened and actual use of force seems to have surprised you. I must confess, however, that your categorical assertion that you have never resorted to or threatened to resort to force to settle disputes with Pakistan has surprised me even more. I sincerely hope and trust that you have not forgotten that your military forces have occupied Junagadh and its neighbouring States which lawfully acceded to Pakistan and form part of its territories. I shall not refer to another sorry episode elsewhere which is still pending before the Security Council but I may remind you that not so long ago there was a large scale movement of the military forces of India and a considerable building up of warlike stores in forward areas very close to the borders of Pakistan. This was just before I came to Delhi for the conversations which resulted in the Delhi Agreement. You may recall that on that occasion you made a statement in your Parliament that you were on the brink of a precipice. It is with this background of uneasy Indo-Pakistan relations...
that I have been trying to persuade you that in the disputes that exist between India and Pakistan both you and I should take a more realistic view of the situation and not delude ourselves and our peoples into seeking solace in empty platitudes. You have referred to the failure of Sir Owen Dixon’s mission and have drawn my attention to the fact that you have made a statement in one of your press conferences that India would not resort to war in Kashmir unless she is attacked. This is reassuring since Pakistan has no intention of attacking India. I have also declared over and over again that Pakistan wants peaceful settlement of the Kashmir question. Only Pakistan is irrevocably opposed to India gaining control of Kashmir by force against the will of the people and since India is in the military occupation of large areas in Jammu and Kashmir including the Valley it is obviously to India’s advantage to prevent any plebiscite being held. Pakistan could not possibly acquiesce in this position.

13. When you have had an opportunity to consider fully the views I have put forward, I believe it will serve the interests of our countries if we meet personally. I would very much welcome a visit by you to Karachi as soon as your duties permit.

Yours sincerely,

(Sd.) Liaquat Ali Khan

The Hon’ble Pandit Jawaharlal Nehru
Prime Minister of India,
New Delhi.

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Letter from Pakistan Prime Minister to Prime Minister Jawaharlal Nehru.

Karachi, November 21, 1950.

Prime Minister Pakistan
Karachi

the 21st November, 1950

My dear Pandit Nehru,

If I have taken longer than usual in replying to your letter of October 27th, it is because I thought that time would be saved in the long run if I reviewed carefully our correspondence and analysed our respective points of view with the single purpose of finding a, constructive course of action.

2. For almost a year we have discussed ways of resolving our disputes by peaceful means. You have proposed that our Governments declare jointly that they will not resort to war. I have endeavoured to persuade you that such a Declaration by itself is not enough and that the way to resolve our disputes without resort to force is to adopt procedures for resolving them peacefully. I have proposed specific, concrete procedures that provide for automatic arbitration on all issues where negotiation fails. I suggested a substantive "No War Declaration" to this effect. This you have not accepted.

3. It seems to me that if we are to move forward we must face squarely what it is that has prevented India from accepting my "No War Declaration". Reviewing our correspondence, it becomes quite clear that the crux of the difficulty is the reluctance of your Government to substitute on any issue impartial arbitration for threatened and actual use of force. India has been unwilling to accept the decision of an impartial arbiter on any issue now outstanding. Pakistan is and has been willing to accept the decision of an impartial arbiter on every issue outstanding between us.

4. By joining the United Nations our countries have already renounced the use or threatened use of non-pacific means of every kind. We have subscribed to the statute of the International Court of Justice. We have agreed in the Charter of the United Nations that our legal disputes as a rule should be referred by us to that Court. A bare announcement that we will not declare war unless attacked add nothing to these commitments. If anything, it detracts from them. Against the background of the past two and a half years, an announcement that fails to substitute arbitration for compulsion, whether war is declared or not, will fail to carry conviction that there will be no resort to force.

5. During the past years our joint undertaking to accept the decision of a free and impartial PLEBISCITE of the inhabitants of Kashmir has remained a
hollow declaration owing to the refusal of your Government to implement this Agreement and the Resolutions of the United Nations Commission and the Security Council. Your Government has rejected every recommendation that their armed forces be withdrawn while Pakistan has, agreed that its armed forces be withdrawn, in order to certify that the PLEBISCITE may take place without undue influence or compulsion by either side. When it was proposed to each of our Governments that we accept an impartial arbiter to settle the differences over the interpretation of the Agreement brought about by the United Nations, Pakistan agreed. India did not. You say that the matter is not justiciable. Certainly we do not think as well that the interpretation of an International Agreement is eminently justiciable but even if the matter were not justiciable, this would be only that impartial arbitration should be other than a Court of Law. The fact that a dispute is not justiciable is not a valid reason for refusing to accept the impartial decision of experienced and understanding statesmen. Your willingness to accept arbitration of the interpretation of our Kashmir Agreement will demonstrate more than a mere declaration of the determination of your Government to resolve this issue by peaceful means.

6. At the time of Partition the Indian representatives joined in declaring that there was no question of varying the shares of the two new countries in our Common Waters required for irrigation. Since then India has sought to compel acceptance of greatly increased supplies for India at the expense of irrigation vital to Pakistan. Taking advantage of its position as the upstream RIPARIAN, India arbitrarily cut off during the critical sowing season in spring of 1948 the supplies of water of every Pakistan canal that crossed the boundary. Contrary to information you have received - and no doubt contrary to your personal wishes and orders—the flows were not resumed until after your Government sought to exact certain conditions inimical to Pakistan. Not until certain of these conditions were met was the flow restored in the Central Bari Doab Canal, and it has not yet been restored in the Bahawalpur State distributary. Even your recent assurance that Partition supplies will not again be cut off has since been qualified by conditions which your Government know that Pakistan cannot accept. Our repeated requests to submit the canal waters dispute to the International Court of Justice have not been accepted.

7. Only after two and a half years have your Government accepted even the principle that the Water Dispute should be adjudicated. Instead however of accepting the jurisdiction of the International Court of Justice you have proposed the creation of a new Tribunal consisting of two Indian and two Pakistan Judges. If, as may be expected, a Tribunal so composed will be deadlocked, you suggest that the parties might negotiate a new Agreement to submit the stalemate to another Tribunal which this time presumably would consist of an odd number of Judges some of whom would be nationals neither of India nor of Pakistan. This
counter-proposal contains a double veto and permits of endless delay. Meanwhile you intimate that your Government had decided to continue the construction of new irrigation projects designed to appropriate more water at the expense of Pakistan. Yet the right to do this is the very issue to be adjudicated.

8. Notwithstanding our apprehensions over this alternative to the International Court and the prejudice to Pakistan threatened in expansion of your irrigation projects during the delay involved, we will, as I indicated in my letter of October 18th, keep an open mind and study sympathetically the draft of governing convention of agreement which has been requested. If this draft provides for a Court that will assure effective adjudication Pakistan will accept. I do hope that we may have that draft in the near future.

9. Without qualifying in any way what I have just said, I must frankly confess to you that the more we have studied your counter-proposal the more clearly does it appear to us that the International Court would best serve your suggested purpose is well, as ours. It has the great advantage of independence, impartiality and unquestioned competence without being in any sense a foreign Court. It is our Court. India and Pakistan by accepting the statute of the Court and agreeing to its jurisdiction, far from impairing their sovereignty, exercised it in aligning themselves with those nations that have freely, chosen to live under the rule of law. By submitting our water dispute to that Court and abiding by its decision we again demonstrate that the highest act of sovereignty is to act in conformity with International Law. The International Court stands for the very same high principles of international conduct with which you have always identified yourself.

10. There are also many practical considerations weighing in favour of international conformity. The court is already functioning successfully. No detailed Agreement need be worked out to fix its composition, its jurisdiction, its rules of procedure or of decision. As you and your advisers consider the actual terms of the Draft Agreement governing the Tribunal you propose, I believe you will come to appreciate the full merit of the International Court. I therefore again request that rather than postpone settlement while seeking to create a new Tribunal as good as the International Court, we accept now the jurisdiction of that court to examine the Canal Waters dispute.

11. We have failed by negotiation to reach agreement as to the fair division of our common waters owing to widely divergent views as to our legal rights. The International Court would probably not have to go beyond definition of principles involved. Once this is done we should have little difficulty in applying the legal principles that are laid down.

12. Turning to the matter of Evacuee Property I have had difficulty in finding what questions of a legal nature are involved. To be sure the value of property in
a region that requires irrigation depends upon an authoritative definition of that region's rights to a continuation of its water supplies. Apart from that the question seems to be factual and economic. Furthermore, if India will accept our repeated offers that there be freedom of sales and exchanges of urban Evacuee Property in both countries the problem will be reduced to manageable proportions. You have, moreover, our offer to establish concrete procedures to which we would be bound without any right of veto for reserving any matter, justiciable or not, that in the Evacuee Property question and in the other disputes cannot be resolved by mutual accommodation.

13. I will not lengthen this letter by reference to others of our disputes on which negotiations have failed. These include the question of Junagadh and neighbouring States that have acceded to Pakistan and the release of the assets of Pakistan now withheld by India.

14. My Government are prepared to reaffirm with yours the solemn engagements undertaken when we became members of the United Nations. We are willing to do more, but we are not willing to do less. The path of constructive statesmanship is, forms to eschew declarations without deeds and to avoid assuming to decide, by unilateral act or by vote, the merits of our own contentions. The solution to our problems will come, I am earnestly convinced, when each side, accepts adjudication of all issues that are justiciable and arbitration of all other issues. My Government are prepared to do this on every issue. I most earnestly hope that your Government will see fit to do the same.

Yours sincerely,

Sd. Liaquat Ali Khan

The Hon’ble Pandit Jawaharlal Nehru,
Prime Minister of India, New Delhi.
Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, November 24, 1950.

Prime Minister India
New Delhi November 24, 1950

My dear Nawabzada,

Thank you for your letter of the 21st November 1950. I can well appreciate, from my own experience, how busy you must have been. The subject matter of our correspondence is of sufficient importance to justify the fullest consideration. We have indeed given a great deal of consideration to this matter and have corresponded about it for a long time now. Unfortunately all this consideration has not, thus far, yielded any substantial result. Whether further correspondence on this subject will lead to a happier conclusion, I do not know. But I feel that I should reply to your letter fully so as to clear up any possible misunderstanding.

I am taking the earliest opportunity to do so, in spite of heavy work and many pre-occupations. Tomorrow morning I am leaving Delhi for two or three days.

2. Before dealing with other points, I should like to discuss the raison d’etre of our suggestion for a “no - war” Declaration. We thought, and subsequent events have proved it, that any complicated declaration would lead to interminable correspondence. We were anxious for an immediate step forward even though it might only be a first step. We were convinced that this would have given Indo-Pakistan problem a new orientation. Hence we suggested the simplest possible “no - war” Declaration. It is easy to criticise that, but can anyone doubt that such a declaration coming from our respective Governments would have made a tremendous difference in the relations between India and Pakistan and would have lightened the dark and heavy atmosphere that surrounds us?

3. We are fully aware of the obligations that our two countries, in common with many others, have accepted by becoming Members of the United Nations. But you know as well as I do that in spite of the brave and eloquent words of the Charter of the United Nations, fierce disputes and impassioned arguments are in progress at Lake Success, even as I write. Member nations look at each other with fear and suspicion and the world stands on the verge of catastrophe. It is even possible that the U.N. may change its original shape and character. All this is not the fault of the Charter but of fear which envelopes the nations of the world and drives them continuously in a wrong direction. Suppose that the leaders of the great powers met, or otherwise agreed, to issue a simple “no -
war" declaration, such as I have suggested to you, would not that make a
startling difference? There would be a great sigh of relief from hundreds of
millions of people and imminent threat of war would, for the moment at least,ade away. A chance would be given to the nations to think calmly and
dispasionately of their problems and possibly find a way out. And yet that
simple declaration would contain nothing new. It would only be a reiteration of a
part of the Charter.

4. We have had to contend also, in India and Pakistan, with this pervasive
sense of fear and apprehension and the possibility of war between our two
countries. This has been created by a variety of circumstances and by the
persistence of certain disputes between Pakistan and India which remain
unsolved. I have drawn your attention to the type of propaganda that has been
going on in Pakistan and the belligerent character of certain speeches and
writings in the Pakistan press about India. The Charter of the United Nations
has not helped in stopping these speeches and writings or even in improving our
relations. Nearly eight months ago, you and I met, under a happy inspiration, at
a moment of deep crisis for our countries. After some discussion, we arrived at
certain simple conclusions. There was nothing novel about them. But they were
the result of an earnest approach by both sides, and, immediately, there was a
remarkable change in the atmosphere of both countries. There was a cooling of
temper and understanding replaced passion and prejudice. This psychological
change did not solve any problem, but it went a long way to produce conditions
favourable for a solution. After eight months, I think both of us can say with
confidence that we did well and the results have justified our action.

5. This encouraged me to think that another move by us such as the one
that I had suggested in the shape of a simple no - war declaration, would transform
the minds of Indians and Pakistanis alike. To encumber that declaration with
details of procedure and programme would be to weaken the effect, which was
the main purpose of the declaration proposed by us. This does not mean, of
course, that practical steps, including agreement on procedure and timing, would
not be necessary for resolving specific disputes. In my previous letters to yon,
I have attempted to deal as fully as I could with the mode of settling individual
issues outstanding between our two countries.

6. You say that the crux of the difficulty in our reaching an agreement has
been our reluctance to substitute, on any issue, impartial arbitration for threatened
or actual use of force. I am greatly surprised at your reference to force and must
deny categorically any suggestion that at any time, we have threatened resort
to force to settle a dispute with Pakistan. Force has been used by Pakistan and
by India against each other in Kashmir. I do not wish to repeat the sad story of
Kashmir here. But you know well that we sent our troops to Kashmir under
stress of grave emergency and when an invasion of Kashmir had already begun. I am convinced that we would have failed in our duty if we had not met this aggression and rescued Kashmir from it. After long denial that Pakistan forces had gone to Kashmir, this fact had to be admitted, and there they are still, with what justification, I have completely failed to understand. Even so, after the failure of Sir Owen Dixon's mission, I stated unequivocally that India would not attack Pakistan unless she was attacked first. I asked you to make a similar declaration on behalf of Pakistan, but to this you did not respond. I do not wish to enter into a controversy over this, but you will permit me to claim that my declaration should convince all reasonable persons of the genuineness of our pacific intentions. As regards impartial arbitration, I have never stated that we would not resort to it on any issue. But there are some issues, e.g., the future of Kashmir, which cannot be settled by arbitration. If I am not mistaken, your Minister for Kashmir Affairs, Mr. Gurmani, has expressed the same view publicly. In international affairs all kinds of issues arise. Some lend themselves to adjudication, some to arbitration and some to settlement only by agreement among the parties. To recognise this is not to refuse arbitration on matters which lend themselves to a settlement by this method.

7. Coming to the issues mentioned specifically in your letter, I shall take up Kashmir first. As I have said before, this matter is now before the United Nations. At no time have we resiled from any statement made or assurance given by us. The reasons for our inability to accept arbitration on certain points of dispute regarding the timing of the withdrawal of Pakistan forces, the disbandment and disarming of "Azad Kashmir" forces, and finally the withdrawal of Indian forces from Jammu and Kashmir territory, have been fully explained from time to time. Our contention has all along been that the phasing of the withdrawal of our forces must depend upon conditions that would enable us to discharge effectively our obligation to ensure the security of the State. We have certain obligations which we had solemnly undertaken. The maintenance of the security of the territory of Kashmir State is the paramount obligation of any Government which undertakes it. To fail in that duty is to betray the people of Kashmir and our own people. What forces are necessary for the purpose may be a matter for agreement by negotiation. It can hardly be a matter for arbitration.

8. In the course of the long discussions that have taken place in regard to Kashmir, we have always pointed out that it was essential for the origin of this trouble to be considered and decided upon; that unless this was done, any conclusion arrived at would lack reality. Unfortunately these discussions have concerned themselves with details and have ignored the aggression that has led to this conflict.
9. The question of canal waters has been the subject of many conferences and long correspondence. I do not wish to burden this letter with a repetition of what I have said previously on so many occasions. But I must point out that the statement in your letter that, "at the time of partition, Indian representatives joined in declaring that there was no question of varying the shares of the two new countries in our common waters required for irrigation" is not correct. When the matter came up before the Punjab Partition Committee, this was not agreed to. The correct position is set out briefly in subsequent paragraphs. Nor, as I have repeatedly pointed out, is it correct that India has, since partition, sought to compel acceptance of greatly increased supplies for India at the expense of irrigation vital to Pakistan. I am deeply distressed that the agreement reached between the two countries in May 1948, in a friendly spirit, and our honourable fulfillment of it, should be so distorted and denounced.

10. Since we disagree even about facts apart from interpretation, there is little use in my recapitulating at length what I have said before on the subject of this agreement. But I cannot let pass, without challenge, the charge now made that only after 2½ years, India has accepted the principle that the canal water dispute should be "adjudicated". As far back as May 1948, the Governments of India and Pakistan agreed "to approach the problem in a practical spirit on the basis of the East Punjab, (now Punjab, India) Government diminishing its supply to the Pakistan canals, in order to enable the West Punjab (now Punjab, Pakistan) Government to tap alternative sources." In the same practical spirit, the Government of India suggested, in August 1949, the appointment of a Joint Technical Commission to make an investigation for this purpose. If I may say so, it is Pakistan's intransigence which has held up this essential preliminary technical investigation. Our objection to reference of this canal waters issue to the International Court of Justice has been due not to any desire to shirk settlement of differences by an impartial body but to the honest belief that a matter of this kind can best be settled by a small group of persons of the highest judicial standing, from India and Pakistan, who can appraise all the vital practical factors on the spot.

11. I do not see why you should say that, as may be expected, a tribunal of the kind that we have suggested will be deadlocked. That seems to me to be an unjustified reflection upon the impartiality of your judges and ours. In any case, we have not suggested that, if the members of this tribunal should be divided, the point or points on which there is a deadlock should be referred to another tribunal which would consist of an odd number of judges, some of whom would be nationals neither of India nor of Pakistan. All that we have suggested is that the two Governments should agree in advance to abide by the decisions of the tribunal in all matters referred to it, and that, if unfortunately there is an equal division of opinion among the judges on any points, the two Governments should
try to settle these points by negotiation among themselves and, failing that, resort to arbitration or adjudication by a mutually agreed special agency or an International Organisation recognised by both Governments. Since our proposal provides that the agreed or majority decision of the tribunal should be accepted by both parties, our hope is that the points of difference will be so few as to make their settlement easier and more expeditious than the reference of the whole dispute to a tribunal sitting thousands of miles away.

12. You refer to a governing convention for the creation of this tribunal. I cannot do better than quote what I have said on this subject in my letter of the 27th October:

"Clearly there must be agreement between us regarding the composition of the tribunal, its terms of reference and powers. The composition has already been dealt with. As regards the tribunal's powers, I think we should lay it down that it should have final authority to deal with the matters referred to it. The judges can decide unanimously or by majority. They will have all the powers of superior courts in regard to summoning of witnesses etc. They will settle their procedure and method of working, as such tribunals do. We must invest the tribunal with the highest authority and not make it feel that it is just a stepping stone to something else. We must agree to abide by its decision in all matters referred to it."

Once these broad principles are accepted by you, details can be worked out by discussion between your representatives and ours. This is all that seems necessary.

13. You refer to the construction of new irrigation projects by India. To describe as new a project like Bhakra which has been under consideration or preparation for the last thirty years is hardly accurate. Such new proposals as we have considered since Partition are essential for the development of Punjab, India and adjoining areas in India. As we have pointed out to your representatives repeatedly in our view there is a sufficiency of water in the Indus Basin for all your purposes as well as ours provided that we approach the problem in a spirit of mutual accommodation. We have persistently urged a joint enquiry to confirm this but Pakistan has avoided such an investigation. That, I venture to say, is no reason why the development of the East Punjab should be held up.

14. I did not suggest reference of the evacuee property dispute to the same tribunal as the one proposed for the canal water issue because the problem is legal; I did so primarily to expedite an equitable settlement with the help of an agency whose impartiality would command confidence. This dispute has formed the subject of prolonged discussions between our two Governments and we attach even greater importance to its early settlement because of the mass of
human suffering involved by delay and its consequent repercussion on relations between the two countries. We both know how intense the feeling on this subject is. The value of agricultural property in certain areas would, of course, depend on irrigation facilities that might be available from existing or alternative sources, and the proposed Tribunal would no doubt take this factor into consideration in suggesting how best the dispute should be adjusted between the two parties. Sale and exchange of urban evacuee property were tried on an earlier occasion but without any substantial result for reason which I need not go into here. After all that has happened, it would not be practicable to revert to an agreement which would leave out large areas of agricultural land affecting the majority of evacuees in each country. Frankly, I fail to see why there should be any objection to settling this matter in the manner proposed by us.

As for the release of assets of Pakistan, you are well aware that there are counter claims.

15. I must express my extreme regret that after all the efforts we have made and the lengthy correspondence which we have had, we should arrive at this dead end. This is our common misfortune. I hope that we may find some way out of this unhappy deadlock in the future.

Yours sincerely,

Sd. Jawaharlal Nehru.

The Hon’ble
Mr. Liaquat Ali Khan,
Prime Minister of Pakistan, Karachi.

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1682. Letter from Prime Minister Jawaharlal Nehru to High Commissioner in Pakistan Mohan Sinha Mehta regarding Common Defence Policy between India and Pakistan as proposed by the Pakistan Commander-in-Chief General Ayub Khan.

New Delhi, September 20, 1952.

My dear Mohan Sinhaji,

I am sorry for the delay in answering your letter of the 6th September which reached me just before I went to Indore. In this letter you refer to your meeting General Ayub Khan, the Commander-in-Chief of the Pakistan Land Forces.

The question of having a common defence policy between India and Pakistan has often been vaguely referred to. There is, therefore, nothing surprising in the talk you had with the General. Generally speaking, it is an obvious and natural thing for Pakistan and India to have a common defence policy and, if an approach is made to us, our answer can only be that we shall gladly consider this.

But the matter is not quite so simple as that. Defence policy depends very largely on foreign policy and involves, therefore, a common foreign policy. Pakistan's approach to foreign affairs is not very clear, and is very limited in outlook. In essence, Pakistan depends upon help from the UK and USA and occasionally threatens them with flirting with the Soviet. They cannot go very far publicly in their defence associations with the UK and USA because public feeling in Pakistan does not like it, neither does the Army or rather the junior officer element.

Pakistan's policy has largely revolved round Kashmir. For us Kashmir is an issue and nothing more, although it is an important issue. Our foreign policy does not depend upon Kashmir. It is obvious that there can hardly be any effective talk about common defence so long as the Kashmir issue remains unsolved, and in fact so long as there is Indo-Pakistan tension. The Kashmir issue itself is part of that tension and is not sole cause of it.

Thus there are many difficulties in the way. Nevertheless, even an approach of this kind is a hopeful sign and should not be repulsed.

There is another aspect of defence. In effect India is not really threatened by any country, except Pakistan. I am not at all nervous about what Russia or China can do to India. Indeed, Russia cannot act directly and China is hardly in a position to act across Tibet, and Himalayas, apart from our general friendly relations with her. The case of Pakistan is somewhat different. They might legitimately fear trouble on their North West frontier. A common defence policy
would, therefore, involve us into underwriting Pakistan.

Then there is the question of Afghanistan. We are very friendly with Afghanistan and have a good deal of sympathy with the Pakhtoons. Pakistan is on very bad terms with both. We would not like to line up against Afghanistan or the Pakhtoons.

I have pointed out to you all these difficulties which, for the moment, appear to me superable. I can quite understand the desire of senior Generals in Pakistan for a common defence policy. I would welcome that chiefly because it mean an ending of our various tensions and thus releasing energy in both countries for constructive work. It is not the common defence policy that is so important in my eyes as a real friendly settlement with Pakistan which removes the great burden from both of us and thus strengthens us separately as well as jointly, but the way to that does not appear to be easy at present. Some time or other it will have to come.

If you have a chance, you can certainly talk about matters informally and without the least commitment. But please remember that if you raise this question, Pakistan is likely to think that we are awakening and are afraid of them and the result might well be a more aggressive attitude than now on the part of Pakistan. You have yourself said that the present Pakistan leaders are not strong enough to show courage. But nothing can be lost in our dealing with this question in a friendly way and showing our interest in it, provided we do not go too far and do not give an impression of over-eagerness.

Yours sincerely,
Jawaharlal Nehru

Shri Mohan Sinha Mehta,
High Commissioner in Pakistan
Karachi.

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1683. Extract from a letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Khwaja Nazimuddin.

New Delhi, November 19, 1952.

15. I recognize that the relations of India and Pakistan are not good. It is because of this that those who are in charge of the destinies of either of these countries have a very special responsibility to discharge. I claim that my Government have endeavored to discharge that responsibility and have not been afraid of saying and doing things which might make them unpopular. But I deeply regret to find a lack of that responsibility in the leaders of Pakistan. Fate and circumstance have placed us in these high positions of responsibility and what we say or do might have far-reaching effect on millions of people. It is a heavy burden we carry.

16. It has seemed to me tragic that anyone should ever talk of war between India and Pakistan. I ventured to suggest to your predecessor, Mr. Liaquat Ali Khan that both countries should declare unequivocally that on no account and for no reason will they go to war with each other for the solution of any problem or any matter in dispute between them. War solves no problems. It is a confession of defeat and surrender to disaster. Unfortunately Mr. Liaquat Ali khan was not prepared to give that undertaking on behalf of his Government. Even so we have solemnly stated that India will not go to war with Pakistan whatever happens, unless she is attacked. We shall abide by that declaration. I invite you, as I invited your predecessor, to make a similar declaration. If both our countries make it clear that our problems would be solved by peaceful methods alone and that on no account would we go to war with each other, a great burden would be lifted from the minds of millions of people in Pakistan and India. A situation would be created when it would be far easier to solve those problems and to develop the normal friendly cooperative relations between India and Pakistan, which, I am sure, the vast majority of people in both these countries desire. History, geography and many a common heritage dictate this. We should be wise enough to understand this lesson of the past and the present and thus build a future for India and Pakistan which is free from fear and hatred and conflict and in which we cooperate to our mutual advantage.

17. If you share with me the sentiments and objective referred to above, as I very much hope that you do, then it should not be difficult for us to find some way of approach which would lead to a solution of our problems. So far as we are concerned we shall gladly welcome this.
Extract relevant to the issue of "Joint Defence" from the Press Conference of Prime Minister Jawaharlal Nehru.

London, June 10, 1953.

Question: Can you tell us how the talks are going on with the Ceylon and Pakistan Prime Ministers?

Jawaharlal Nehru: I cannot say very much. We have had some talks. So far as the Pakistan talks are concerned, they can only be in the nature of preliminary talks here, and even before we came here it was decided that we should have a preliminary survey and then have more detailed talks after our return. I met the Prime Minister once or twice, that is, apart from meeting in conferences, and I am likely to meet him again. So far as the Ceylon talks are concerned, they are also, well, in the initial stages yet.

Q: With regard to Pakistan, the Pakistan Prime Minister told us that you had put cold water on the suggestion of common defence.

JN: I ? No, that is not quite correct. What I have said was that it is obviously natural for countries like India and Pakistan to develop common policies. Defence was completely dependent on foreign policy. It is the foreign policy that governs defence, it cannot stand by itself. We are interested in Pakistan's defence, of course, as Pakistan would be interested in India's defence. Secondly, I have said that I am not interested in any defence pacts which are in the nature of military alliances. Policy is one thing, because I do not like to have military alliances, which can normally only be thought of as against somebody else. If you leave out the factor that it is not against anybody, I am prepared to have everything in common. It is not a question with Pakistan but within any country, we are not having any military alliance. We have, if you like, pacts of peace, pacts of what is it, no-war, non-aggression, that type of thing, but a military pact involves us in commitments which we are not prepared to undertake, not that we are afraid of a commitment, but because it goes somewhat against our basic policies of developing friendly relations with other countries. We think the best defence, and the best pact is friendly relations with other countries.

Of course, every country has to provide for contingencies. If you carry my argument to the extreme, you might say, why not abolish the army and the defence services in India. Well, we cannot do that. We want to keep them up to the mark, as efficient and confident as possible, but we look upon them completely, first of all, as defence. We do not think of them as going out of the country - leave out the Korea business, which is separate. We have no expeditionary forces as we used to have in the old days; and secondly, we do not wish to tie ourselves up with any other country. Now take another country
like Burma with which our relations are extremely friendly and cordial and with which, say, in the realm of foreign policy, we are also having a great deal in common, but we do not talk about defence pacts*.

Q: I understand that you have made a suggestion to Pakistan for the abolition of the visa system.

JN: You mean in India. These matters are being considered. The position in West Pakistan and India is different from East Pakistan and India. Until recently, before the passport system was introduced, there was no difficulty in travelling between East and West Bengal. Now there is a passport system. Well, I suppose that some kind of easy passport or permit system inevitably has to come in between two independent countries as things are but the next step to an easy travel would be to do away with visas....

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* At an interview with the PTI correspondent at Karachi on 27 April 1953, Prime Minister Mohammad Ali had said that he looked upon Nehru as "an elder brother" and that after creating a "favourable atmosphere" they could very well sit down and discuss the possibilities of "joint defence of India and Pakistan."
SECRET

TELEGRAM

From: Hicomind, Karachi.
To: Foreign, New Delhi.

IMMEDIATE

No. 268. March 20, 1955

Personal

For M.J. (Commonwealth Secretary) from C.C. (High Commissioner)

Last night there was banquet by CHAUDKURI MOHD ALI to Turkish Prime Minister at the end of which MOHD ALI took me aside for half hour and said that he was most anxious and earnest about maintaining friendly relations with India that these border incidents were senseless and causing insecurity on both sides, that special responsibilities had devolved on them because of peculiar geographical situation for meeting aggression on this sub continent, that it would be sheer lunacy on the part of anyone in Pakistan to think of fighting with India, that any such war even if started could not possibly be sustained for any length of time either by them or by us without selling ourselves outright to foreign supporters, that military aid received by them did not make any substantial difference in the proportion of armed strength of the two countries and that India was wrong in accusing Pakistan of aggressive intentions now or in future. He also said that if there was anyone in India who thought of aggression against Pakistan he would be equally mad as the misery that would follow in the wake of any such fight would be inconceivably disastrous. He said that he had just made a statement in their Constituent Assembly to the effect that they would defend their sovereignty and integrity but he was most earnestly desirous of having friendly relations between the two countries.

2. SYMON British High Commissioner in Karachi sitting next to me at dinner also ridiculed any idea in India that Pakistan could possibly think of war against India and said that he was in possession of full facts about military aid given to Pakistan and that he could affirm that India had no reason for apprehending any disproportionate increase in Pakistan's armed strength. He said that he would probably go to India next month to put the correct point of view before his many friends in India.
Extract from the speech of Pakistan Prime Minister Ch. Mohammad Ali in the Pakistan Constituent Assembly.


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"But, I go further and I say, let both countries sign an agreement that they will not go to war against each other and will settle all their disputes by negotiation and mediation and failing these by arbitration. These are well known international methods of settling disputes and all our disputes can be resolved in that manner. The whole atmosphere can be changed.

"I make this offer in all sincerity and in all earnestness so that the people of India and of Pakistan might live as friendly neighbours and each is free to pursue the policy it thinks best. It is only in that spirit of amity and good neighbourly relations that countries that have a long border with each other can and should live.

"I trust that the House will endorse the stand that I have taken and the proposals that I have made, they are intended in the best interests of peace and security in this whole region.

"But if these proposals are not accepted and if aggression is aimed and committed against our country, we shall defend ourselves and we shall defend our freedom with the utmost force and to the last drop of our blood".

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Letter from Pakistan Prime Minister Mohammad Ali to Prime Minister Jawaharlal Nehru.  

Karachi, June 12, 1956.

Prime Minister,  
Pakistan  
Karachi  
the 12th June, 1956

My dear Prime Minister,  
I regret that I could not write to you earlier on my proposal for a "NO WAR DECLARATION", as promised in my message conveyed to you on the 7th April, 1956.
2. When I made my proposal to you I was fully aware of the correspondence that had passed on this subject between you and my predecessor, the late Mr. Liaquat Ali Khan. I have since gone through that correspondence again but must confess that I have not been able to understand the reasons which explain your hesitation in accepting my proposal for the avoidance of war, although we both seem agreed throughout that all our disputes must be settled by peaceful means and not by war.

3. In para 6 of your letter dated the 13th January, 1950, to my late predecessor, you observed "We are prepared that the evacuee property dispute should be settled by arbitration, if negotiations and mediation fail." Further on in para 11 you stated that "the procedure for settling disputes could not be uniform in all cases" and that "it is possible that one method may be appropriate for one dispute and another method for another dispute." I am unable to conceive of any dispute to which either or all of these remedies could not be appropriately applied. Indeed, in para 6 of your letter dated the 8th October, 1950, suggesting that India and Pakistan declare that they will not go to war for settlement of any existing or future disputes between them you added:

"Further, that a settlement of such disputes shall always be sought through peaceful methods of negotiation and mediation and, if these should fail to bring settlement, by resort to arbitration or reference to a tribunal".

My own proposal runs:

"Let both countries sign an agreement that they will not go to war against each other and will settle all their disputes by negotiation and mediation and failing these by arbitration."

4. There is a close parallel perceptible between our two statements but, if I understand you rightly, the main difference still is that according to your view, negotiation, mediation and arbitration can be alternative methods only in certain cases but not in all. I, on the other hand, am firmly of the view that unless we agree that in respect of all disputes arbitration should be resorted to if other alternatives fail (as they well might, because either of the parties can indefinitely block a settlement by the simple device of refusing to settle a dispute except on its own terms), there will be no assurance that a particular dispute will in fact be ever resolved and the danger of war must inevitably remain. Negotiations or mediation may go on interminably, embittering our relations instead of improving them and thereby enhancing and not reducing chances of a recourse to use of force. After all, if negotiation and mediation fail and the alternative of arbitration (or judicial determination by an International tribunal) is ruled out, what other peaceful method is left to the parties to try and solve the dispute? When we are both agreed that, disputes? must be solved by peaceful means and when you concede that arbitration may be resorted to in certain cases when negotiation
and mediation prove fruitless. I must say I find it difficult to understand your reluctance to accept the principle of arbitration in all cases.

5. This principle is, as you know, embodied in the United Nations Charter to which both our Governments subscribe. I should like, further, to invite your attention to the Bandung Communiqué in which all of us, participants, committed ourselves to the principle of settling all international disputes by peaceful means, such as negotiation, conciliation, arbitration etc. I need hardly add that your own Constitution enjoins that your country "shall encourage, settlement of all international disputes by arbitration." My formula seeks only to reinforce this internationally recognised principle.

6. I am reluctant to read outright rejection of my proposal in paragraph 7 of your message dated the 4th April, 1956, communicated to me through your High Commissioner's letter No. F. 26 (55) - Gen. of the same date and commend to you most earnestly my formula again. The acceptance of this formula and the signing of a No - War declaration by India and Pakistan would completely transform Indo - Pakistan relations, enormously strengthen the cause of world peace and might well have a profound influence on the welfare of and relationships between the countries of the great Continents of Asia and Africa. I would beg of you, in view of the immensity of the stake, to give this matter your most careful thought.

Yours sincerely,

Sd/- Mohammad Ali

Pandit Jawaharlal Nehru,
Prime Minister of India, New Delhi.
My dear Prime Minister,

Thank you for your letter of 12th June which reached me on the 15th June. This is on the subject of a "No War" declaration.

I have been, as indeed you must be, very heavily engaged because of my approaching departure for London for the Commonwealth Prime Ministers' Conference. During the last few days I have also been out of Delhi. I shall be leaving Delhi within a few hours for London, but I do not wish to go away without sending you an answer to your letter.

You will forgive me if I write somewhat briefly on this subject of our correspondence. Indeed, there is little now that I could add to the previous letters that I have written in regard to a "No War" declaration.

A "No War" declaration by itself need not necessarily solve a problem, but it creates the necessary atmosphere which helps in its solution. The mere fact of a declaration of faith abandoning war for any purpose must go a long way to create this atmosphere.

You are right in saying that it is necessary to devise means for a settlement of international disputes. The United Nations Charter itself mentions various methods for this purpose. So does the Bandung Declaration. Indeed, in my previous letters on this subject, I have myself suggested a number of methods. Arbitration is not ruled out and may well be applied in a number of cases, but the methods of peaceful settlement must necessarily vary according to the nature of the dispute, the stage of settlement reached in negotiations and the known points of difference. It is neither feasible nor desirable to lay down some rigid code to settle every dispute in a particular way. Perhaps, when the world has developed much more than it is at present, better methods of settling disputes would be found. At present, we have quite a number of grave international disputes between different countries and, in spite of the United Nations Charter, they
have not been settled. In the nature of things, so long as we have absolutely independent and sovereign States, it will not be possible to make them submit to a rigid procedure which might infringe their sovereignty. Thus the process of arbitration is not suitable in certain types of cases at present. It may be suitable in others. You and I know well that in a number of world disputes today, the parties concerned would never agree to arbitration. Much less would they agree to any rigid procedure for every dispute in the future.

It seems to me that the right way to approach this problem is to have a "No War" declaration by India and Pakistan, more or less on the lines suggested by me in my letter dated 29th August, 1950. I have no doubt that if we made such a declaration, it would not only remove the tensions that exist today between our two countries, but would also create a new climate of peace and co-operation between India and Pakistan. It is this climate that I earnestly hope for.

Yours sincerely,

Sd/ - Jawaharlal Nehru.

The Hon'ble Chaudhri Mohamad Ali,
Prime Minister of Pakistan,
Karachi.

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Statement by Prime Minister Jawaharlal Nehru in the Lok Sabha on India’s Offer of ‘No-War Declaration’.

New Delhi, August 14, 1956.

The first proposal for a no-war declaration was made on behalf of the Government of India in 1949. Perhaps the House will be interested to know what this was. The text of the proposed joint declaration runs as follows:

"The Government of India and the Government of Pakistan, being desirous of promoting friendship and goodwill between their peoples who have many common ties, hereby declare that they condemn resort to war for the settlement of any existing or future disputes between them. They further agree that the settlement of such disputes between them shall always be sought through recognised peaceful methods such as negotiation or by agreed reference to some appropriate international body recognised by both of them. It is their earnest hope, as well as their firm conviction, that the implementation of this declaration in the spirit which lies behind it will serve to maintain good relations between the two countries and advance the cause of world peace."

This was in 1949 and in answer the Pakistan Government stated—that is much too vague—that there must be automatic procedure so that matters may be referred to a tribunal for arbitration and decision in case mediation fails. In fact, it was suggested that a tribunal might be set up and among the subjects to be referred forthwith were the Kashmir dispute, the disputes outstanding between them such as Junagadh and the neighbouring States and the other matters. We pointed out that, so far as we know, no State bound themselves down to arbitration on every kind of dispute that might arise. Of course, there might be arbitration, there might be references to the International World Court or to a tribunal; but we cannot possibly bind ourselves down to these courses. This correspondence has been going on. It was first started in 1949 - 50; then there was a gap. It was resumed in 1953 - 54. Again there was a gap. Then, in 1956 it has started once again.
1691. Extract from the speech of Prime Minister Jawaharlal Nehru on No-War Declaration in the Rajya Sabha.

New Delhi, December 4, 1956.

PAKISTAN

Then, much has been said about Pakistan. There is just one thing that I should like to remind the House about. Mr. Suhrawardy talks about an invasion from India or India wanting to do this or that to Pakistan. The House will remember that four years ago, or maybe five years ago, I offered a no-war declaration to guarantee that neither country would go to war and each country would settle these problems peacefully, and even if there is no settlement, they would never go to war with each other. But they never accepted that offer. That offer still holds good. And I went a step further and I said that even though Pakistan did not accept that declaration, I, on behalf of India, made that declaration that I would not go to war with Pakistan unless we were attacked because after all we have to defend ourselves. So, I cannot imagine really what this type of propaganda that is being carried on by Mr. Suhrawardy actually means. I fear that it is a prelude possibly to some little trouble. The House may remember, or perhaps may have forgotten, that Goa is a special protégé of Mr. Suhrawardy. He visited Goa and he visited Lisbon etc. in this connection.

I have no right to object. He is a lawyer, a practising lawyer, and he had every right, as a lawyer, to be briefed by anybody. Now, he is Prime Minister. The whole attitude of Pakistan, apart from Mr. Suhrawardy, in regard to Goa - well it is difficult to explain except to say that they dislike India so much that they want to injure India wherever and however they can. Then, some hon. Member read out his speech or statement in regard to Egypt. Now, all the Bandung Conference, the Colombo Powers' declaration - all of that goes by the board if Mr. Suhrawardy's policy is the policy to be pursued by Pakistan.

Mr. Bimal Ghose said something about the United States' military help to Pakistan. It is certainly true that the U.S.A. declared very firmly that any help they would give must be on condition that it was not used against India and that presumably Pakistan gave that assurance, but the fact is that from the statement of Mr. Suhrawardy he seems to think that those arms can be used against India if he so chooses.
Extract from the speech of Prime Minister Jawaharlal Nehru in the Lok Sabha while presenting the Demands for Grants of the Ministry of External Affairs.

New Delhi, April 9, 1958.

When you consider this unfortunate fact of the strained relations between India and Pakistan, curious strained relations - because, when you and I meet or anybody meets, a group of people from India meets a group of people from Pakistan, we are friendly, we hardly meet as strangers, as people of two countries; we speak the same language; we have common friends, common memories and a hundred and one things, and yet there is this tremendous strain which does harm to both of us - when you think of this, people tell you - some people say - 'Oh, you go and settle this Kashmir issue, and all would be well'. - this is the normal criticism or advice offered to us in foreign countries - or 'Settle this canal waters issue'. Well, obviously, if we settled any issue which is in conflict, it creates a good atmosphere naturally. But I do submit to this House that all this, that the strain and the feeling of conflict between India and Pakistan is not due to the Kashmir issue, is not due to the canal waters or any other issue, but that all these issues are due to another essential conflict, something else. These are the outcome of that, not the origin of the conflict; of course, they overlap, and it is rather difficult to draw a line between the two. But it does mean this, that if this type of approach, this type of anti-India approach, hatred of India, bitter dislike of India which is propagated in the press, in the statements of leading people in Pakistan, continues, and if that is the basis of their foreign and internal policy, then it just does not matter what you settle and what you do not settle, because that is the basis of policy. If by any chance the Kashmir issue was out of the picture as a matter of conflict, it will have, no doubt, a very good effect; I have no doubt. But unless that basic approach is changed, the thing will continue in other forms. That is our difficulty, so that I feel very unhappy about this matter, and it is no pleasure for me, no desire of mine, to say words, any words which might accentuate our difficulties. I do not like much that is happening in Pakistan. I do not want to criticise it. It is none of my business unless it affects me.
1693. Statement by Pakistan Prime Minister Malik Firoz Khan Noon on No-War Declaration.

Karachi, April 15, 1958.

I have been distressed to read Pandit Nehru's statement in the Indian parliament to the effect that what stood in the way of friendly co-operation between Bharat and Pakistan was not Kashmir or the Canal Waters problem but the anti-Bharati approach of the Pakistani Government and its leadership based on hatred of Bharat. My predecessors and I have been declaring from time to time that we seek nothing but goodwill, amity and friendship with India and want to live with her in peace like good neighbours. It is, however, well known that the cross-currents of hatred between India and Pakistan are primarily due to the repudiation by India of all her international obligations and commitments in respect of the Kashmir dispute and the manner in which the Canal Waters dispute has been allowed to develop. I am sure that the two countries could settle down to a state of perpetual friendship if only India would agree to the settlement of the Kashmir and water disputes in accordance with the accepted universal standards of justice. Pakistan desires nothing but everlasting friendship with India. This, however, can be achieved only by the two countries cooperating with instead of recriminating against each other.

I repeat my offer once again to agree to sign a declaration that we will not go to war with each other and settle all our disputes by negotiations and mediation and failing these by arbitration.

I hope sincerely that Pandit Nehru will realise that it is the existence of these disputes and these disputes alone which is forcing the two countries to waste their wealth in an armament race - wealth which belongs to the poor and which should be spent for the improvement of their standard of living. Our hand of friendship will always be extended and it is for India to reciprocate the gesture. Let us live in peace and not make ourselves a laughing stock of the world.

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Letter from President Ayub Khan to General (Retd.) K.M. Cariappa.


President's Camp (Pakistan)
Nathiagali

From: General Mohammad Ayub Khan, HP, HJ

My dear General*,

Many thanks for your kind letter of 22nd May. I am glad to know you and the rest of your family members are well.

It is good that the Canal Waters dispute between India and Pakistan looks like resolving itself. Although this solution is going to cost us lot of hardship, we are accepting it in the interest of peace between the two countries. You talk about “No - War Declaration” as a solution of the Kashmir problem. If you view it carefully, it amounts to nothing more than shelving the problem. This we just cannot afford to do; for us it is a matter of life and death. The correct answer is contained in our repeated offers to the Indian leadership to let us have a joint defence of this sub-continent. But the pre-requisite to that is a just and honourable solution of our outstanding problems like that of Kashmir. The response so far from India has been negative, but I have no doubt in my mind that one day this line of thought will be appreciated.

You mention about the new order that we have issued about succession to the office of the President. It is not based on any immediate requirement of my or anybody else’s health; it is just a procedure to be followed in case a necessity arises.

I am here with my family for a short time. Thank you for your kind wishes. Please pass on my kind regards to your sister.

With best wishes.

Yours sincerely,

Sd/- Mohammad Ayub Khan

General K.M. Cariappa, OBE,
"The Roshanara". Mercara, Coorg, India.

* General Cariappa was the first Indian C-in-C of the Independent India’s defence forces.
My dear General,

Thank you very much for your letter of 17th July 1959. I agree with you that after the expected settlement of the Canal Waters Dispute the Kashmir dispute will continue to be a fruitful source of hatred and bitterness between the two countries.

I have given a very serious second thought to the "No War Declaration". As you know there was correspondence on this subject between the two past Prime Ministers of Pakistan, Mr. Liaquat Ali Khan and Chaudhry Mohammad Ali on one side and Mr. Nehru on the other.

Mr. Nehru's formula ran as follows:

"The Government of India and the Government of Pakistan condemn resort to war for the settlement of any existing or future disputes between them. They further agree that the settlement of such disputes between them shall always be sought through recognised peaceful methods such as negotiation, or by resort to mediation or arbitration by a special agency set up by mutual agreement for the purpose, or by agreed reference to some appropriate international body recognised by both of them."

The formula put forward by the then Prime Minister of Pakistan Chaudhry Mohammad Ali reads:

"Let both countries sign an agreement that they will not go to war against each other and will settle all their disputes by negotiation, mediation, and failing these by arbitration."

The main difference between the two, as you will see, is that according to Mr. Nehru's view negotiation, mediation and arbitration can be alternative methods in only certain cases but not in all. To quote his own words "In the nature of things, so long as we have absolutely independent and sovereign States, it will not be possible to make them submit to a rigid procedure which might infringe their sovereignty. Thus the process of arbitration is not suitable in certain types
of cases at present. It may be suitable in others." He maintains that the declaration proposed by him will not only remove the tension that existed between our two countries but will also create a new climate of peaceful co-operation between India and Pakistan.

We in Pakistan on the other hand are firmly of the view that unless we agree that in respect of all disputes arbitration should be resorted to if other alternatives fail (as they well might, because either of the parties can indefinitely block a settlement by the simple device of refusing to settle a dispute, except on its own terms), there will be no assurance that a particular dispute will in fact be ever resolved and the specter of a conflict would remain. Negotiations or mediation may go on interminably, embittering our relations.

In substance, the declaration proposed by Mr. Nehru goes no further than what is stated in the United Nations Charter or in the Bandung Declaration, to both of which India and Pakistan are already parties. And yet neither the fact that India and Pakistan profess allegiance to the principles of the United Nations Charter nor the fact that they are signatories of the Bandung Declaration has helped them to remove tensions or create a climate of peace and cooperation. The reason is obvious. So long as even one dispute which embitters relations between our countries remains unresolved, a mere declaration of faith abandoning war as an instrument of settling disputes without ensuring that that dispute will in fact be peacefully eliminated can carry no conviction.

Mr. Nehru says that arbitration may be resorted to, for settling some disputes but not others. He does not say what is to happen to those other disputes when negotiations and mediation have failed and resort cannot be had to arbitration. How are they to be peacefully resolved? And if they are not resolved, how can a friendly and co-operative atmosphere be maintained between India and Pakistan? In my opinion, there is no other method of ensuring a peaceful settlement of disputes than the one we have proposed. We consider it of utmost importance to settle our existing disputes peacefully and quickly. Should this happy state of affairs were to come about a "No War Declaration" would have some meaning and carry conviction.

I would like to emphasize that it should not be inferred that simply because we have not agreed to sign the "No War Declaration" we are planning conquests or military adventures against India. Nothing is further from our thoughts. I have on several occasions made public statements to that effect. We are determined to settle all our disputes peacefully and are going to persist in our peaceful efforts. Take the Kashmir dispute itself. We are after twelve years, still waiting for a peaceful solution. If we had been thinking in terms of settlement through war surely, during this long period, there would have been many an opportunity to resort to it. How can we, therefore, convince Mr. Nehru that while we do not wish
to fight but we are determined to have a settlement of the Kashmir dispute.
Hope you and the rest of your family members are well.
With kindest regards,

Yours sincerely

Sd/- Mohammad Ayub Khan

General K.M. Cariappa, OBE,
The Roshanara, Mercara, Coorg,
India.

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1696. SECRET
Letter from Commonwealth Secretary to High Commissioner Rajeshwar Dayal.

Ministry of External Affairs,
New Delhi

D.O. No. 371 - CS/60 June 21, 1960
Jyaistha 31, 1882 (Saka)

My dear Dayal,
Thank you for your letters Nos. 6/HC/60, 7/HC/60 and 19/HC/60 dated 13th, 14th and 16th June, 1960. I have shown these letters to P.M.

2. It is evident that owing to the changing world situation and recent occurrences - the U-2 incident, 'Summit' failure, developments in South Korea, Turkey and Japan - there is fresh thinking going on both in Pakistan about their relations with India and in the United States as regards their global policies. Pakistan, which is largely conditioned by its dependence on the United States, is bound to be affected by the advice that the United States give as a result of their reappraisal of the global situation.

3. We can very well appreciate that, because of various factors, it would be advantageous to both India and Pakistan to reduce our tensions on the border and, if possible, to lesson some of our border forces. This, however, is a political question as well as a defence question and can only be dealt with by the two Governments. It is obvious that this question cannot be considered separately
for each area. It is also impossible for local Commanders to consider this matter as it is not their business but the business of the two Governments.

4. We are naturally willing to consider this question at Government level in its various aspects. The easiest course would have been to have a 'no war' declaration as we have repeatedly stated in the past. If Pakistan has any serious difficulties in the way of agreeing to this or to a non-aggression pact in a formal manner, we can consider the question somewhat indirectly and from the point of view, as you have stated, of non-user of force. This is very much the same thing: only it is a round-about and somewhat weaker way of saying the same thing. Whatever way we may put it, the point to be made is that there should be a clear understanding between the two Governments that force will not be used. Only then can the other question of possible withdrawals from the border regions arise. As stated earlier, there can be no question of local Commanders coming to any agreement in such matters.

5. You should, as you have mentioned in the past, tell the Pakistan authorities that the continuation and recent increase of incidents involving sabotage by Pakistani elements in Jammu & Kashmir State create grave suspicions in the minds of our people about the real policy of the Government of Pakistan. Pakistan Government may deny any connection with these incidents but it is difficult for us to accept this denial. We have no doubt that the Pakistan Government can stop these incidents if they choose to do so. We have, in fact, enough evidence that at least Pakistani officials organize and encourage these sabotage incidents.

6. As you know, P.M. has agreed to go to Pakistan to sign the Canal Waters Agreement when this has been finalised. When he goes there for this purpose, he will be prepared to talk with President Ayub Khan about our mutual problems including consideration of the question of non-aggression and the non-use of force approach. The Canal Waters Agreement has, however, been delayed. P.M. would have liked to sign the Agreement sometime between the 20th and 30th of July before the Parliament session commences but it is uncertain now when the Agreement will be finalised. As regards Kashmir, it is beyond any possibility for Government of India to hand over any part of our territory to the Government of Pakistan or to agree to any process which might lead to this. One does not shout about this but this is a basic fact which the leaders of Pakistan must remember. We can appreciate their difficulties with the public opinion or whatever else they have to contend with. The only course therefore, open to those who deal with this question, is not to try to reopen it in a basic way but to help to create conditions which will gradually lead to its settlement. This may take time but there is no other way.

7. P.M. has already expressed his views on the question of Joint Defence in the past. There can be no Joint Defence between India and Pakistan unless we
give up completely our foreign policy and our general outlook on world affairs. We have absolutely no intention of doing so. In fact, recent events have shown the wisdom of our policy and we are firmly determined to adhere to it. So far as India and Pakistan are concerned, it is, however, possible to come to formal or informal agreements about our own affairs and our own defences which may lead to some relief to each country.

8. I have summarised P.M’s views in the above paragraphs for your background information but you should make it absolutely clear that these matters are for consideration between the two Governments and at the appropriate level and there can be no question of local Commanders arriving at any understandings or agreements in this regard.

With kind regards,

Yours sincerely,

Sd/- M.J. Desai.

Shri R. Dayal,
High Commissioner for India in Pakistan,
Camp: Murree.
Proposal of Pakistan President General Ayub Khan for Joint Defence.

Note by Prime Minister Lal Bahadur Shastri

Commonwealth Secretary may have seen the enclosed clipping from The Statesman. It would be worthwhile considering the pros and cons of the problem of Joint Defence. What are its implications and has its feasibility been properly studied? If not, I would very much like that it should be done now.

Sd/- Lal Bahadur Shastri
17-8-1964

No. 953-PMO/64

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The following note was prepared by the Ministry of External Affairs as a result of the above desire of the Prime Minister.

Ministry of External Affairs
(Kashmir Unit)

President Ayub was the first Head of the Pakistan Government to suggest joint defence with India. This was done in the early part of 1959 in the context of the Tibetan revolt. The proposal attracted immediate attention in the U.S.A. One reason for this was the growing awareness in that country, particularly in the Congress, that American aid to India and Pakistan, economic or military, instead of strengthening their defences against Communist countries in the north was being dissipated because of their incompatible policies. Criticism had begun that this aid was being used by India and Pakistan for purposes other than those envisaged by U.S.A. and, therefore, did little to further U.S. global strategy.

2. The genesis of the proposal lay in President Ayub's conception of the sub-continent having been repeatedly invaded in the past owing to its internal dissentions, leading its Governments to be defeated in detail. In his various statements, he said that there was no earthly reason for war between India and Pakistan and that once "our basic differences with India are justly and honourably settled, Pakistan would not hesitate to enter into any form of mutual cooperation with the neighbouring country". This, he said on March 27, 1959. He also referred to the wastefulness of military expenditure, considering that militarily neither side could attack the other and get away with it.

3. Since then, he has presented this proposal in many forms. He has been
arguing that Indian and Pakistan troops, instead of facing each other, should be looking outward. During the Joint talks, he referred to this subject during his talk with Sardar Swaran Singh, leader of the Indian delegation, on December 26, 1962. The summary record states:

"After a preliminary exchange of courtesies, the President promptly swung the conversation round to what he termed the threat to the subcontinent, of which he had always been conscious. The President said that throughout history "our sub-continent" had got into difficulties with the foreign invader because of our own disunity. This was true of Moghul conquest as well as the British conquest. When the battle of Plessey was being fought, very few people elsewhere in India were seriously concerned, etc. etc. The President then pointedly referred to the waste of our resources by Indian and Pakistani armies confronting one another on our borders. This, he said, was a colossal waste of money and energy and had led to nothing but suffering for the common man for whose economic uplift all this money could have been used. The President somewhat vaguely said that once a settlement and understanding was reached between India and Pakistan, there would be disengagement of troops and the burden on the peoples of the two countries would be reduced immediately. He emphasised that it was quite meaningless to suggest that Pakistan was a threat to India or that Pakistan would launch a surprise attack and seize Indian territory and launch attacks on Indian towns. All this made no sense in the twentieth century. The President went on to say that others may not agree with him but, although Russia and China were seemingly opposed to each other today, he was convinced that a day would come when they would move into this part of Asia, the Russians coming south into the Persian Gulf and the Chinese through Burma into the Bay of Bengal".

4. The proposal also received notice in India and questions were put in Parliament. So long as it was unqualified and offered without conditions, it appeared to have some advantages. The difficulty, however, arose when President Ayub and other spokesmen of the Pakistan Government began to emphasise - this also in the early part of 1959 - that no such proposal could be considered unless and until the Kashmir issue was settled first. As President Ayub said in Quetta on May 10, 1959, "a pre-requisite to such a pact is the solution of big problems like Kashmir and Canal Waters. Once these are resolved, we will look forward to this proposal". Even more serious difficulties were pointed out by the late Prime Minister. On May 2, 1959, the late Prime Minister stated:

"The moment we talk about joint defence, the question arises as to who is the party that might attack us and against whom we are preparing our
defence. We do not think that the Soviet Union will attack us. We are not
going to take an anti-communist attitude. It is true that we are having
some trouble with China at the present moment, but that will be of no
interest to Pakistan. In any event, to talk of joint defence indirectly puts
us in some kind of military camp”.

The Prime Minister also referred to this matter in a statement in the Rajya
Sabha on May 4:

"It is said often in Pakistan; let us have a common defence policy. Now
I am all for settling our troubles with Pakistan and living a normal, friendly
neighbourly life. We try for that. But I do not understand when people say
that we have a common defence policy. Against whom? Immediately the
question comes up "against whom is this common defence policy?" Are
we going to become members of the Baghdad Pact or the SEATO....?
We do not want to have a common defence policy which is almost another
meaning of some kind of a military alliance. The whole policy that we
have pursued is opposed to this conception. We want friendly relations
with Pakistan. We hope we shall get them. But we are not going to tie
ourselves up, our conceptions, our policies, with other countries involving
military defence and attacking and all that”.

Since Chinese invasion, the picture has changed. But the basic issues raised
by the late Prime Minister, as explained later in this note, remain.

5. When critics in India brought up our old offer of no-war declaration as being
as good as joint defence, and perhaps even better, President Ayub said on
November 3, 1959, "Why talk of war? Why not settle our differences and talk of
peace?” At the same time on November 10, he stated in Tehran that Pakistan
considered war as irrelevant and believed that it was not the medium to solve
disputes. This was a paraphrase of our no-war declaration which he nevertheless
continued to reject. "When I talk of mutual defence, I mean the solution of
problems between us”, he said to "Reynold News” on December 20, 1959. On
December 27, 1959, in an exclusive interview published in AL AHRAM, he struck
a new note:

"In fact India aims at isolating Pakistan and weakening her economy.
Nevertheless I believe that failure to solve Kashmir problem will lead
both India and Pakistan to destruction. It may even result in the loss of
the independence of both of them”.

In other words, he seriously suggested that the solution of the Kashmir problem
was of greater importance to Pakistan than its own independence or even survival!
This tended to show that Pakistan did not believe either in the reality of any
threat to the sub-continent from the north or in any urgent need for joint defence.
Attempting to answer the late Prime Minister’s arguments, President Ayub said at the time:

“I just mean some agreement or understanding between our two countries, that there shall be peace between us, that the problem of Kashmir shall be solved; that our armies need not worry any more about our common frontier and look after the other borders. This would be enough for the moment. As soon as we reach such an understanding which allows our two armies fully to face any danger from outside the subcontinent, the substance of joint defence would be reached. Later, when the relations improved, we may talk about other things”.

In Chittagong on 24 January 1960, he referred to three kinds of joint defence arrangements with India - (i) a Pact between the two countries, (ii) an understanding, and (iii) mutual peace between the two countries to let them look after their outer borders. “I am prepared to have any of these arrangements”. However, these arrangements were subject to the settlement of the Kashmir problem.

6. Apart from the conditions laid down by President Ayub, the basic issues involved in the case must be faced. To begin with, joint defence against whom? It cannot be against neighbours like Ceylon, Burma, Malaysia, Nepal, Afghanistan or Iran with whom we have friendly relations. For similar reasons it cannot be against the Soviet Union. As for China, Foreign Minister Bhutto declared in the Pakistan National Assembly last year that in the event of war with India, Pakistan would be helped by the most powerful nation in Asia, whose territorial integrity and security would be involved. “This is a new and vital factor that has been brought into the situation”, he added. On another occasion he declared that even if the Kashmir issue was settled amicably, Pakistan would not join India against China. The Chinese Vice Minister of Foreign Trade, Mr. Nan Han Chen, said in December 1963 during a visit to Pakistan that if there was a war between India and Pakistan, “China will surely support Pakistan and not India”. Marshal Chen-Yi, Chinese Foreign Minister, told a Pakistani correspondent at Lahore last February: “Pakistan and China will continue to be friends even after you get Kashmir and we take Taiwan”.

7. Thus, joint defence cannot be directed even against China. The picture might change if we could settle our border problem with that country. In such a case joint defence might appear to be aimed at the Soviet Union which would immediately affect our relations with the Russians. If China is to pursue its policy of expansionism and domination of South and South East Asia, it stands to gain more by its present tactics of keeping Pakistan divided from India and from the Soviet Union. It is also worth mentioning that joint defence might seriously affect our relations with Afghanistan which has a dispute with Pakistan over the
Pakhtoonistan issue, and which has been very friendly towards us. This is turn might strain our relations with the Soviet Union on which we are dependent for support on the Kashmir issue in the Security Council.

8. Another basic issue is that joint defence involves joint foreign policy and joint communications, all of which tend to blur the partition, if not annulling it, apart from the difficulty that we are not prepared to join military blocs and Pakistan is not prepared to leave them. Such a development would hardly be palatable to Pakistan which has already rejected Sheikh Abdullah's proposal for confederation. President Ayub's reasons against confederation apply with equal force to his proposal of joint defence. We suspect that there is already a non-aggression or defensive pact or understanding between China and Pakistan. It is difficult to imagine, therefore, how any joint defence can exist between a non-aligned country like India and a country which is aligned on the one hand with Western military blocs and on the other with China. President Ayub could not be unaware of these facts.

9. Apart from these considerations, the real difficulty is that no joint defence is possible until the Kashmir issue is settled, and presumably settled to Pakistan's satisfaction. This explains the proposal for what it really is, namely, a tactical and propaganda device by which the Kashmir issue is kept in the forefront of world attention and presented in a light favourable to Pakistan without committing Pakistan in any manner.

10. Nevertheless the proposal has certain constructive elements which we have tried to advocate in promoting Indo-Pakistan understanding, without compromising our non-aligned position, only to run up against Pakistan opposition. Non-aggression and disengagement of troops along the Indo-Pakistan border, including the cease fire line, embodied in a treaty of friendship, would be an essential part of joint defence. All our efforts to persuade Pakistan to agree to such a proposal have met with failure. There was a protracted correspondence between the late Prime Minister and Nawabzada Liaquat Ali Khan, over our proposal of no-war declaration, the essence of which was that while we recommended that neither party should resort to force to resolve Indo-Pakistan disputes, Pakistan insisted on suggesting ways and means of resolving them, including arbitration which, in our opinion, was not necessarily applicable to every dispute, least of all to the Kashmir dispute. During the joint talks when we proposed the disengagement of troops along the cease fire line, we were told by Foreign Minister Bhutto that in any disengagement of troops India would immediately gain by diverting its troops to the India-China border, without giving Pakistan any corresponding benefit since Pakistan's defence had been guaranteed by U.S.A. and CENTO and SEATO powers. Only last June Mr. Bhutto declared that Pakistan could never have a no-war pact with India, "an
aggressor country" in Kashmir. Recently he described any suggestion for such a pact as "a most sinister move" since it would mean accepting the cease fire line in Kashmir and "ultimately we would forget the Kashmir issue".

11. Such an attitude strikes at the root of President Ayub's proposal. Restoration of boundary pillars along the Jammu - Sialkot border, observance of the Cease Fire Agreement and the cease fire line which would immediately reduce the number of incidents and tension in the area, clearance of Pakistan encroachments on our side of the cease fire line, termination of Pakistan subversion and sabotage in Kashmir, freer movement of people from one side of the cease fire line to the other, economic cooperation, rational use of natural resources, like water, to mutual advantage, and other similar measures would pave the way for the real objective of President Ayub's proposal, namely, disengagement of troops and the avoidance of needless expenditure on stationing troops along the Indo - Pakistan border and the cease fire line. Every one of these suggestions has been rejected by Pakistan.

12. A fact which cannot be ignored is that Pakistan has been waging a war against secularism and pursuing a sectarian policy with far reaching implications. Thus it is not a mere accident that while opposed the confederation with India, President Ayub advocated recently a confederation of Pakistan, Afghanistan, Iran, and Turkey. It is not accidental that Pakistan, Iran and Turkey recently met in Istanbul as "non - Arab States" to devise ways and means of developing a Common Market. The Arab States are secular.

13. It is also noteworthy that while President Ayub objects to any military aid being given to India by U.S.A. on the false ground that such aid would be used by India against Pakistan and not against China with which she has only a "minor border problem," President Ayub does not advocate any reduction in U.S. military aid to Pakistan. If anything Pakistan tries to extract a larger quantum of military aid from U.S.A. This shows quite clearly that the Pakistan objective is to keep India militarily weak and Pakistan strong, obviously with the object of dictating terms to India on the Kashmir issue from a position of strength.

14. President Ayub is thus not prepared to face the implications of his own proposal. If he rules out war for the settlement of Indo - Pakistan disputes; if money spent on keeping troops on the opposite sides of the Indo - Pakistan border and the cease fire line, is a needless waste of resources, preventing economic development for raising living standards in the two countries; if he is really conscious of the danger to the sub-continent from the north; and if he sincerely believes in closer and friendly relations between India and Pakistan, he should jump at our offer of no war declaration which would meet all these requirements, without committing either party to a military alliance. The growing intimacy between Pakistan and China, Pakistan's attempt to isolate India from
her neighbours by presenting India's military strength as a threat to their own security and by even suggesting that they might, as a result, have to seek Chinese help, and at the same time to continue to receive all support from her military allies while opposing provision of any military assistance by them to India, exposes the proposal as a super-pressure to force India to surrender Kashmir. This is clear from the statement he made in London on July 13 when he said that even if India genuinely believed that she was threatened by China, New Delhi's first aim should be to come to terms with Pakistan on Kashmir and other issues to provide for joint defence of the sub-continent.

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1698. Joint Statement issued after the meeting between Prime Minister Lal Bahadur Shastri and Pakistan President General Ayub Khan.

Karachi, October 12, 1964.

The President of Pakistan and the Prime Minister of India met informally today during the latter's stop-over at Karachi en-route to New Delhi from Cairo.

The two leaders had a general discussion on relations between the two countries. They were both firmly of the view that these relations needed to be improved and conducted to their mutual benefit as good neighbours. They agreed that to that end it was necessary to promote better understanding between the two countries and to settle outstanding problems and disputes on an honourable and equitable basis. They further agreed that discussions between the two Governments at appropriate levels should be held at the earliest possible moment so as to give effect to their common desire to develop friendly and cooperative relations between the two countries.

The opportunity to have this personal exchange of views was welcomed by the President and the Prime Minister, who will remain in touch to determine how these objectives can be best realised.

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1699. **Media Report on the visit of US Senate delegation headed by Senator Sayne Morse to India.**

New Delhi, December 12, 1965.

The U.S.A. Senate delegation headed by Senator Wayne Morse, which came to India at the invitation of the Government of India, is to study various problems facing India's economic growth and other issues, including the recent Indo-Pakistan conflict and the Chinese threat on the northern border.

Mr. Wayne Morse thanked the Prime Minister for the "frank" discussions on India's problems and assured him that these talks would be "most helpful" in enabling the delegation to return with a "clear idea on great many issues".

"We are looking forward to reporting our observations to the President and to the Senate," he added.

Mr. Morse said that President Johnson had asked him personally to express to Mr. Shastri and through him to the Indian people his feelings, regard and friendship for India.

"May I add that members of his delegation are delighted to know that your meeting with President Johnson will take place soon. Mr. Prime Minister, I would like to conclude by saying that the U.S.A. yields to no one in its friendship for free democratic India."

He also thanked the Prime Minister for the invitation extended to the delegation to visit "your great country".

Mr. Morse said that the U.S. Vice-President, Mr. Humbert Humphrey to whom the invitation was addressed, had discussed the delegation's trip with President Johnson. President Johnson was "deeply grateful for this opportunity we have been offered to hear your views".

The Prime Minister told the delegation that India was willing to enter into a no-war pact with Pakistan even now. He said that it was essential that Pakistan should abjure war as a method of settling differences. It was also essential that Pakistan should stop the hate campaign against India. The Prime Minister said that he could not understand why the friends of Pakistan never gave this advice to that country. India had offered a no-war pact to Pakistan many years ago. This offer had been repeated by him and was still open. There were many problems pending in the world but nations had not gone to war to settle them.

In the course of the last 18 years. Mr. Shastri said Pakistan had indulged in aggression against India thrice. This was something most painful.
"I do not know if the people outside India have taken into considera-
tion the feelings of the people of India who have been subjected to aggression
thrice. India had no alternative but to resist the aggressor. We had to
make it clear that our desire for peace was not to be mistaken for
weakness. What has happened in the recent Indo - Pakistan conflict is
not a matter of satisfaction for me or the country. We have also suffered
during this conflict. But there is no doubt that our Armed Forces have
dealt a heavy blow to the Pakistan Army and their armour." he added.

Mr. Shastri said the continuous cease-fire violations by Pakistan and the Chinese
intrusion into Indian territory were causing anxiety. China had some time ago
served an ultimatum on India but it did nothing then. Now the Chinese were
active on both the eastern and western borders. There could be many reasons
for it but he could not say definitely what it meant. It was possible, he added,
that Pakistan and China were preparing to do something. They were hand in
glove with each other. There was absolutely no doubt that Pakistan and China
had been in constant consultations with each other. Not only when Pakistan
launched the attack in Kashmir but even when Pakistan launched an attack in
the Rann of Kutch.

Mr. Shastri said that ideologically, the two countries had nothing in common.
What was common between them was their antipathy against India. The situation
was complicated. India would have to wait and see how things developed, he
added.

The Prime Minister said that aggression by her two neighbours had come in the
way of India's economic development. China, of course, would be very happy if
India's economic progress slowed down.

China he added, was a powerful country and had built up a mighty war machine.
It was not easy for India to fight China but if attacked India would have to resist
that country with all her strength.

Although India was primarily interested in economic development, she had no
choice but to strengthen her defences to meet this twin threat to her territorial
integrity, said the Prime Minister.
1700. Extract from the speech of Prime Minister Mrs. Indira Gandhi delivered on the Independence Day from the ramparts of the Red Fort renewing the no-war pact offer to Pakistan.

Delhi, August 15, 1968.

Prime Minister Mrs. Indira Gandhi appealed to Pakistan to reconsider India's offer of a "no war" pact with her. That was the only way which was good to both the countries, for then alone both would be able to tackle their internal problems with undivided attention.

Mrs. Gandhi was addressing the nation on August 15, from the ramparts of the historic Red Fort on the 21st Independence anniversary.

Mrs. Gandhi said that though Soviet Union's decision to sell arms to Pakistan should cause concern to every Indian, there was no cause to get panicky or feel disgruntled. There was also no question of India getting pressurized by anybody. India, she said, was a big country with a firm determination to follow the path of peace and progress. Such countries were never pressurized. "Unfortunately, our relations with Pakistan have not been friendly. Pakistan has always kept up tension with India. Both Mr. Nehru and Mr. Lal Bahadur Shastri offered to sign a "no war" pact with Pakistan. I again appeal to Pakistan today to reconsider this proposal as it is the only way in which lies the good of both India and Pakistan*....."

* Pakistan's response to Mrs. Gandhi's offer was contained in "observers' remarks made on August 16 and carried by the Dawn on August 17, who described the offer as a "mere stunt to hoodwink the world to camouflage her expansionist designs". The observers said the tremendous war machine being built up by India, her intransigence on basic disputes like Jammu and Kashmir and Farraka and past record of backing out of international agreements exposed the hollowness of the Indian proposal. How could there be a lasting peace if the causes of conflict between the two countries were not removed, they asked. The Indian offer in itself was an admission of the existence of disputes which could have led to an armed conflict between the two countries. This danger, they said, could not be removed by a no-war pact without first re-solving the fundamental disputes. The observers said Pakistan had to take into account the massive arms buildup by India and the intentions underlying this. The Indian contention that the war potential was directed against China was meaningless because the type of war machine she was evolving could operate essentially in plains. They said if India had any intention of living in peace with Pakistan she would not have spurned the offers of peaceful settlement of disputes made by President Ayub Khan time and again. The Indians, they said, actually wanted Pakistan to forget disputes like the Jammu and Kashmir which concerned the life and death struggle of the Kashmiri people to secure their right of self-determination.
Extract from the speech of Pakistan President Ayub Khan giving response to the offer of Prime Minister Indira Gandhi for a no-war declaration.

Islamabad, September 1, 1968.

"Prime Minister Mrs. Indira Gandhi has recently again put forward the proposal that Pakistan and India should sign a no war pact. Pakistan has always stood for peace. We want to settle all our disputes with India in a peaceful manner. This has also been our policy in regard to the dispute about Jammu and Kashmir. But on the one hand Indian leaders avoid any purposeful negotiations on this basic dispute and, on the other, keep on talking about unrealistic no war pacts. There could not be a better no war pact than a just settlement of this basic dispute. To talk of no war pacts without settling the Kashmir dispute is only an attempt to mislead and hoodwink the world*.

"The question of Farakka Barrage should also be settled in a friendly and realistic manner. This issue affects the well-being of the people and I appeal to the Indian Government to settle this question in a humanitarian spirit. To turn every issue in to a permanent dispute is indicative of narrow-mindedness. It is easy to create disputes but very difficult to resolve them."

* On October 26 to mark the completion of his ten years after his military coup, Ayub Khan made a televised broadcast and repeating his offer of no-war pact said that Pakistan was willing to sign a no - war pact with India provided it was laid down how the two countries could resolve the existing problems or those that might arise in the future. He said: "If India was to come to an agreement with us on the substance of such a pact, we should be very happy indeed. But there has been no settlement with India so far and it is continuing to build up its armed forces at an alarming rate." In face of this situation, he said: “We have perforce to build a deterrent force to deal effectively with any aggression against us.” India’s attitude was crucial to Pakistan’s security as “it has been hostile to us”, he said. Significantly, Radio Pakistan was broadcasting commentaries on India’s offer of no - war declaration in the last few days, preparing the ground for the speech President Ayub Khan made.

These commentaries made a reference to a counter suggestion, made by Pakistan’s first Prime Minister Liaquat Ali Khan, that a machinery should be created for resolving Indo - Pakistan disputes simultaneously with the signing of a no - war declaration.
1702. Statement by the External Affairs Minister in Rajya Sabha recapitulating the history of the "No-War Declaration".

New Delhi, November 21, 1968.

On December 22, 1949, the Government of India handed over to the Pakistan High Commissioner in India a draft of a joint declaration denouncing the use of force for the settlement of disputes between the two countries. The draft, which came to be known as the "No War Declaration" is reproduced below:

"The Government of India and the Government of Pakistan, being desirous of promoting friendship and goodwill between their peoples who have many common ties, hereby declare that they condemn resort to war for the settlement of any existing or future disputes between them. They further agree that the settlement of such disputes between them shall always be sought through recognised peaceful methods such as negotiation, or by resort to mediation or arbitration by special agency set up by mutual agreement for the purpose, or by agreed reference to some appropriate international body recognised by both of them. It is their earnest hope as well as their firm conviction that the implementation of this declaration in the spirit which lies behind it will serve to maintain good relations between the two countries and advance the cause of world peace."

2. On January 16, 1950, Prime Minister Nehru wrote to Mr. Liaquat Ali Khan commending the above proposal. On 14th February, 1950, Mr. Liaquat Ali Khan replied to Mr. Nehru forwarding an alternative draft of a joint declaration which read as follows:

"The Government of India and the Government of Pakistan, being desirous of promoting friendship and goodwill between their peoples, hereby declare that they will not resort to war for settlement of any existing or future disputes between them. They further agree that settlement of such disputes shall always be sought through peaceful methods of negotiation & mediation and, if these should fail to bring settlement, by resort to arbitration of all points of difference including those relating to the procedure for arbitration. They undertake that they will abide by the award of an arbitral Tribunal, which shall consist of ........................................for the settlement of all existing disputes. In the event of their not being unanimous, the decision of the majority shall be binding. Negotiations for the settlement of all such disputes shall begin as early as practicable, and such of them as are not settled by negotiations within two months from the date of this declaration shall be referred to mediation, for which a further period of two months shall be allowed. Any matters remaining unsettled at the expiry of this period shall be referred to arbitration."
In pursuance of this declaration, both Governments hereby agree to refer to this Arbitral Tribunal differences which have arisen or may arise in implementation of the UNCIP's Resolution of August 13th 1948, and January 5th, 1949, which both Governments have accepted for settlement of the Kashmir dispute. Both Governments also agree that the canal water dispute shall, if no agreement is reached by negotiation or mediation, be referred to the International Court of Justice for decision. In other disputes outstanding between them such as Junagadh and its neighbouring States, evacuee property, boundary disputes and claims relating to assets, both Governments agree that if no settlement is reached by negotiation or mediation the matter shall be referred to the Arbitral Tribunal. It is their earnest hope as well as their firm conviction that implementation of this Declaration and the spirit which lies behind it will serve to promote friendly relations between the two countries and advance the cause of International peace.

3. All through 1950 letters were exchanged between the prime ministers of India and Pakistan in which each reiterated his own view on the subject. The Government of India maintained that neither a time table nor a uniform procedure for all types of disputes was practicable (and) dispute should be settled on the basis of the procedure most appropriate to it; and that certain issues - such as political issues - were non-justiciable and could not be disposed off by reference to a Judicial Tribunal.

4. On 17th March 1950, Prime Minister Nehru, speaking in Parliament, summarised the position as follows:

"Before I go back to the new situation that has arisen in Bengal, may I remind the House that some time ago I made an offer to the Pakistan Government that we should both subscribe to a "No - War" declaration on behalf of our Governments? The draft that we proposed was published in the Press. It was a very simple draft. The answer of the Pakistan Governments was rather complicated; they said that before we did this, we must devise means for settling every other problem that we had, whether it was Kashmir or devaluation. I pointed out to them that it would be very good thing if we could solve all our problems and that, if we were to solve them, the first step should be taken. What I wanted was to create an atmosphere which would help in the solution of those problems. So we went on arguing and the latest thing is a reply from the Prime Minister of Pakistan making various proposals about how the other problems should be tackled and what procedure should be laid down."

5. During the lengthy Correspondence between Prime Minister Mohammad Ali Bogra and Mr. Nehru on Kashmir during the period July 1953 to October 1954, the No - War declaration proposal was once again raised. Mr. Nehru
reiterated the Indian viewpoint; the Pakistan Prime Minister did not resile from the Pakistani stand.

6. In March 1956, following a series of clashes on the western border, the Pakistan Prime Minister Chaudhuri Mohammad Ali in the Pakistan Constituent Assembly revived the idea of issuing a "No War Declaration" in the interest of friendly and neighbourly relations between the two countries. Our Prime Minister in a letter dated March 29th, 1956, to the Pakistan Prime Minister welcomed this proposal and drew his attention to the similar proposal first made by India. In reply, Chaudhuri Mohammad Ali furnished the full text of the relevant portion of his speech of March 19, 1956. This made it clear that his idea was substantially the same as Mr. Liaquat Ali Khan's proposal of 1950. The extract from the speech of March 19, 1956 reads: "Let both countries sign an agreement that they will not go to war against each other and will settle all their disputes by negotiations and mediation and failing these by arbitration." Our Prime Minister in his reply dated June 20, 1956, stated that it was "neither feasible nor desirable to lay down some rigid code to settle every dispute in a particular way".

7. On December 4, 1956, in a statement made by the Prime Minister in the Rajya Sabha, he said as follows:

"The House will remember that 4 years ago or may be 5 years ago, I offered a No War declaration to guarantee that neither country would go to war and each country would settle these problems peacefully, and even if there is no settlement, they would never go to war with each other. But they never accepted that offer. That offer still holds good. And I went a step further and I said that even though Pakistan did not accept that declaration, I, on behalf of India, made the declaration that I would not go to war with Pakistan unless we were attacked because after all we have to defend ourselves."

8. On July 7, 1965, Prime Minister Shastri repeated India's offer of 'no war pact' with Pakistan, at Nagpur. Prime Minister added that the offer which had been made years ago by late Jawaharlal Nehru was still open and Pakistan was welcome to accept it.

9. On July 12, 1965, the Foreign Minister of Pakistan "ridiculed" Mr. Shastri's offer in the National Assembly of Pakistan. The Pakistan Foreign Minister described the offer as "fraudulent" and "deceptive". In his monthly broadcast on August 1, 1965, President Ayub Khan questioned how the Indian rulers could expect Pakistan to agree to a no war pact without their taking any concrete or positive step for the settlement of outstanding disputes.

10. Article I of the Tashkent Declaration reads as follows:

"The Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good neighbourly relations between
India and Pakistan in accordance with the United Nations Charter. They reaffirm their obligation under the Charter not to have recourse to force and to settle their disputes through peaceful means. They considered that the interests of peace in their region and particularly in the Indo-Pakistan Sub-continent and, indeed, the interests of the peoples of India and Pakistan were not served by the continuance of tension between the two countries. It was against this background that Jammu and Kashmir was discussed, and each of the sides set forth its respective position."

11. The Prime Minister spoke as follows on August 15, this year (1968):

"Both late Mr. Nehru and Mr. Lal Bahadur Shastri, offered to sign a "No-War Pact" with Pakistan. I again appeal to Pakistan today to reconsider this proposal as it is the only way in which lies the good of both India and Pakistan...........

12. On September 1, 1968, President Ayub rejected the Prime Minister's offer in the following words:

"Prime Minister Mrs. Indira Gandhi has recently again put forward the proposal that Pakistan and India should sign a no war pact. Pakistan has always stood for peace. We want to settle all disputes with India in a peaceful manner. This has also been our policy in regard to the dispute about Jammu & Kashmir. But on the one hand Indian leaders avoid any purposeful negotiations on this basic dispute and, on the other, keep on talking about unrealistic no war pacts. There could not be a better 'no war pact' than a just settlement of this basic dispute. To talk of no war pacts without settling the Kashmir dispute is only an attempt to mislead and hoodwink the world."

13. On October 26, 1968, President Ayub in a television broadcast on the tenth anniversary of his assumption of power, while attacking India for its hostility and intransigence towards Pakistan and justifying Pakistan's military preparations stated:

"We are most willing have a No War Pact but with that we must have another pact and that pact should define how India and Pakistan can resolve the problems that exist at present or may arise in the future. If India was to come to an agreement with us on the substance of such a pace we shall be very happy indeed. But there has been no settlement with India so far and she is continuing to build up her armed forces at an alarming rate at the cost of her people who are undergoing starvation, privation and suffering. We have therefore to build a deterrent force to deal effectively with any aggression against us."
Note recorded by Secretary Ministry of External Affairs
Kewal Singh on the call made by the Pakistan High Commissioner.

New Delhi, January 4, 1969.

Ministry of External Affairs

The Pakistan High Commissioner saw me and requested for a transcript of the Prime Minister's answer at the press conference of January 1, 1969, in which she mentioned the possibility of setting up a bilateral machinery to settle Indo-Pak problems and wished to discuss the matter further with me at a subsequent meeting.

2. The transcript of the relevant question and answer released by the Press Information Bureau is reproduced below. I shall hand over this to the Pakistan High Commissioner.

"Question: Are you in a position to comment on President Ayub Khan's recent proposal of no-war pact?"

"Prime Minister: In a way I did comment on it in Parliament. We ourselves have been anxious for a no-war pact for a very long time, since my father's time. Obviously the no-war pact can have no meaning if you say that other things must be solved first. But what could take place is that you evolve some kind of machinery - bilateral machinery - that is at whatever level it is decided upon to go into these matters simultaneously."

3. Regarding the High Commissioner's request to discuss the matter further, subject to Prime Minister's approval, I intend to tell the following in reply to possible queries about the matter.

(i) The Prime Minister's suggestion for a No-War Pact which was made on 15th August, 1968, was animated by the desire to break the present impasse in Indo-Pak relations. She has put no conditions to the offer. A commitment to peace on both sides was a necessary step towards the creation of a proper climate for the solution of mutual problems. For either country to keep open the option to use force bred tension and suspicion.

(ii) Speaking on October 26, President Ayub had said that Pakistan would be willing to have No-War Pact but with that Pact there should be another Pact to define how India and Pakistan can resolve their mutual problems. By offering a No-War Pact we did not mean that it was not
necessary to take any further steps to solve mutual problems. It is to assure Pakistan that we wished to solve all our problems with Pakistan that Prime Minister had referred to the creation of a bilateral joint machinery which could immediately start discussions for the normalization of relations and the resolution of all differences between the two countries.

(iii) It should be the objective of the Joint Body, through a step by step approach, to bring about normalcy and to settle all differences between the two countries. The setting up of such a Joint Body or Commission would be in consonance with the provisions of the Tashkent Declaration.

4. If the High Commissioner asks a specific question whether this Joint Body would go into the Kashmir question and also asks for details about the Joint machinery that we have in view, I would answer that if the ideas of a No-War Pact and the setting up of an Indo-Pakistan joint body are acceptable in principle, details can be discussed and gone into. Naturally the Joint Body will look into every problem or issue raised by the parties. I would refuse to be drawn out further at this stage.

Sd/- (Kewal Singh)
Secretary E.A. - I
4/1/1969

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Letter from Ministry of External Affairs to the High Commission of India in Pakistan regarding proposal for a 'No-war Declaration'.

New Delhi, January 10, 1969.

Ministry of External Affairs
New Delhi

Narendra Singh
Joint Secretary (Pak)

No. PL/103/1/68

January 10, 1969

My dear Chib,

Please refer to your telegram No. 4 of January 4, 1969, asking whether the Pakistani press reports are true that the Prime Minister at her press conference on January 1, 1969 said that the bilateral machinery for settlement of outstanding problems will include a discussion on Kashmir.

2. You must now have seen the answer given by Prime Minister at the press conference which referred to the joint bilateral machinery. It is reproduced below:

"Question: Are you in a position to comment on President Ayub Khan’s recent proposal on No - War Pact?"

"Prime Minister: In a way I did comment on it in Parliament. We ourselves have been anxious for a No - War Pact for a very long time, since my father’s time. Obviously the No - War Pact can have no meaning if you say that other things must be solved first. But what could take place is that you evolve some kind of machinery - bilateral machinery - that is at whatever level it is decided upon to go into these matters simultaneously."

No mention was thus made by her about Kashmir in the context of the joint machinery.

3. To the Pakistan High Commissioner who has asked for a clarification as to what exactly was said and meant we intend to, today, the third anniversary of the Tashkent Declaration, give a copy of the above question and answer and speak as follows:

"The Prime Minister’s suggestion for a No - War Pact which was made on August 15, 1968, was animated by the desire to break the present impasse in Indo - Pak relations. She put no conditions to the offer. For either country to keep open the option to use force bred tension and suspicion. President Ayub speaking on October 26, had said that Pakistan would be willing to have a No - War Pact with India but that with that Pact there should be another Pact to define how India and Pakistan can resolve their mutual problems. By offering a No - War Pact, Prime Minister did not mean
that it was not necessary to take steps to solve mutual problems. Indeed we are anxious to solve our all problems with Pakistan peacefully through bilateral discussions. The Prime Minister had, therefore, referred to the creation of a bilateral Joint Machinery which could after the signing of the No - War Pact immediately start discussions for the normalization of Indo - Pak relations and the solution to all difficulties between the two Countries. It should be the objective of the Joint Body, to bring about normalcy and to settle all differences between the two countries step by step. Setting up of a Joint Body would be in consonance with the provisions of the Tashkent Declaration. Further details about the Joint machinery can be discussed after we have received a definite indication from Pakistan that in principle they agree to a No - War Pact and the creating of such a negotiating body. This is all what we have to say for the time being."

4. Our substantive position on a discussion on Kashmir in the Joint Body - or anywhere else - is as follows, for your information and to enable you to brief your colleagues if necessary:

"We should try to make a start by normalizing relations and solving the easier questions. The signing of a No-War Pact and normalization of relations would open avenues for a discussion of other Indo - Pak problems including that of the situation created by Pakistan's occupation of a part of Kashmir, in a realistic manner. We have already made clear that we are prepared to discuss and settle all our differences with Pakistan in a spirit of good-neighbourliness. As the Prime Minister has stated at the Press Conference-in answer to Kashmir was part of the bigger problem of Indo-Pak relations. That is, we should look for ways and means to improve Indo-Pak relations so that some solution could also be found in Kashmir. (While giving the above explanation we should be careful not to encourage the impression that we would ever be willing in the joint body or elsewhere to discuss the Kashmir question on Pakistan's present terms i.e. discuss the future status of affiliation of the State, since this would mean annulment of the accession and putting the status of the area which is outside the control of the invaders in jeopardy. This discussion will be about the situation created by Pakistan occupation of Kashmir, which, of course, does not rule out some compromise solution"

Yours sincerely,
Sd/-
(Narendra Singh)

Shri A.S. Chib,
Counselor,
High Commission of India, Islamabad.
1705. Briefing by Spokesman of the Pakistan Ministry of Foreign Affairs on India's offer of a 'No War Declaration'.

Rawalpindi, January 30, 1969.

The Pakistan Foreign Office spokesman said in Rawalpindi that the Indian Prime Minister's statement of Jan 1 on President Ayub Khan's proposal for evolving a joint machinery for the settlement of all outstanding Indo-Pakistan disputes simultaneously with a no-war pact was "merely a propaganda policy to mislead the world opinion".

Replying to newsmen's questions, he said there was "no justification at all for attaching any significance" to the Indian Prime Minister's statement given at a Press Conference at New Delhi on Jan 1 and her subsequent clarification at Teheran Airport on Jan 11 as they do not indicate any willingness on the part of India to settle the Kashmir dispute.

The proposal was made by President Ayub Khan in a statement on Oct 24 last year. It raised considerable interest in India and other countries. But the first official word from India came on Dec 12 when Mrs. Indira Gandhi told the Rajya Sabha that the proposal was not acceptable to India.

Later on Jan 1 at a Press conference, asked to comment on President Ayub's proposal, she said: "In a way I have commented on it in the Parliament. We ourselves have been anxious for a no-war pact for a very long time - since my father's time. Obviously no-war pact can have no meaning if you say that other things must be solved first. But what can take place is that you evolve some kind of machinery - bilateral machinery - that is at whatever level is decided upon to go into these matters simultaneously."

Firstly, she had prefaced her statement by referring to her Dec 12 statement in which she had rejected the President's proposal: and secondly, as she explained on Jan 11 while replying to newsmen's questions at Teheran Airport, what she had meant was that a bilateral machinery should be evolved to go into matter such as those concerning "seized cargo, restoration of air communications, and liberalization of travel and trade." She further said: "We do not feel that Kashmir is a problem"

The main purpose of her statement was obviously not to offer anything to Pakistan but to offer an olive branch to China and in this context it was found expedient to make some gestures, to Pakistan also that Moscow and Washington may not get suspicious of India's intentions.

What Pakistan had meant by the proposal was that simultaneously with a no-war pact, a machinery should be evolved for settlement of all the outstanding
Indo-Pakistan disputes including Kashmir and Farakka, through bilateral talks if possible or other internationally recognised methods such as arbitration and mediation if necessary. These methods had been adopted by the two countries for the settlement of the Rann of Kutch dispute.

The spokesman said that Pakistan stand for self-executing machinery, arbitration or mediation for settlement of disputes was neither "strange" nor fantastic. President Ayub Khan's proposal raised considerable interest in India and the elder statesman, Mr. Jaya Parkash Narayan had even regarded it as some kind of opening to break the deadlock in the Indo-Pakistan relations.

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1706. **Letter of Prime Minister Indira Gandhi to Pakistan President Zia-ul-Haq while acknowledging his greetings on her birthday.**

New Delhi January 1981 (exact date not available).

I have received your letter of November 12. Thank you for your thoughtful greetings on my birthday.

Friendly relations between our two countries are important for the well-being of our two peoples. They are also a major factor in establishing peace and stability in the region. Therefore, guiding these relations on constructive lines is not only a vital responsibility of our two governments but also an imperative necessity for the progress and prosperity of our two peoples.

It is unfortunate that the state of these relations is not what it ought to be. But this is not due to any lack of effort on our part.

We had sincerely hoped that the Simla Agreement would usher in an era of cooperation and friendship. Eight years after its signing, we find that out of context interpretations are being used to thwart its purport and essence.

In Simla, the basic question to which we addressed ourselves was whether the interests of our two peoples must be contradictory or whether they could be complementary. We agreed that confrontation was not in the interests of either country and that our interests are indeed complementary. Because of the history of suspicion and mistrust, we took some fundamental decisions to guide our conduct in the coming years.
In order to create an atmosphere for the promotion of friendly and harmonious relationship, we agreed that controversial and emotional issues which had defied solutions would not be used for propaganda. We would not ignore or down-grade these issues, but would work step by step to create an atmosphere in which these issues could be discussed rationally, logically and positively. This required a conscious decision not to interfere in each other's internal affairs, to prevent hostile propaganda directed against each other and to encourage the dissemination of such information as would promote the development of friendly relations.

Events which are exclusively our internal affair have been commented upon by official spokesmen and Government-controlled media in an effort to interfere in and exploit temporary and local situations. Public references have been made in a propagandistic manner at all sorts of forums to matters which are essentially of a bilateral nature. The Kashmir question has been projected as of concern to the Islamic countries by linking it with the just struggle of the people of Palestine, which has been consistently supported by India. Can this be to the advantage of the people of Palestine or for the solidarity of the developing world? Are these actions conducive to friendship and trust between our two countries or in accordance with the basic understanding reached at Simla?

Some initial steps were taken to enlarge areas of positive cooperation. Since then, nothing substantial seems to have happened. We have taken initiatives in trade, economic cooperation, scientific and cultural exchanges and increased contacts between the two peoples for greater understanding. The response has not been positive. On the contrary it has been met with cynicism and even suspicion.

As always, the people and Government of India, and I personally stand committed to the promotion of friendship, understanding and cooperation between our two peoples. We are equally committed to respect Pakistan's national unity, territorial integrity, political independence and sovereign equality. But progress towards friendship and cooperation is not dependent upon us alone. It is in our common interest to eschew opportunism and to work for meaningful cooperation for the larger good of both peoples. We remain more than willing to respond to any positive measures to improve the content of our relations.

A new year has begun; please accept my best wishes for your personal health and for progress and prosperity of the friendly people of Pakistan.

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1707. Telegram from Foreign Secretary to Indian Missions abroad.

New Delhi, January 9, 1981.

TELEGRAM

From: Foreign, New Delhi
To: Indembassy, Washington
     Indembassy, Ankara
     Indembassy, Doha
     Indembassy, Bahrain
     Indembassy, Jeddah
     Indembassy, Kuwait

MOST IMMEDIATE

No. 34104-Circular January 9, 1981.

Head of Mission From Foreign Secretary

As you are aware, the Pakistani media has in the recent past been creating something of a war scare in that country by talking about an impending conflict with India because of our aggressive intentions, the military build-up on our side and Indo-Soviet collusion. While the media campaign has now been moderated, the Pakistan Government has continued to stress to Western countries and members of the Islamic Conference, the so called threat to Pakistan from India. This may be as much to justify Pakistan's recent efforts to acquire military hardware as to provide the cover up for future purchases with assistance from Saudi Arabia and possibly the United States. President Zia is leaving shortly for Turkey, Bahrain and Qatar before going to Saudi Arabia for Islamic Conference and will doubtless dwell on the threats to Pakistan's security from the Soviet presence in Afghanistan and from India as well.

Prime Minister has recently written a letter to ZIA-UL-HAQ in reply to his communication which was sent in November. You should take immediate steps to brief the Government(s) of your accreditation at an appropriately high level on the lines of PM's letter stressing the desire for friendly relations with Pakistan. This would counter the efforts of the Pakistanis to give distorted picture of Indo-Pak relations. The Text of PM's letter is reproduced below: (as per Document No.1706)
Excerpts from the press conference of Prime Minister Mrs. Indira Gandhi at Palam Airport on return from the Cancun Conference.

New Delhi, October 27, 1981.

**Question:** Madam Prime Minister, during your absence, there has been a very interesting development in our region. Our immediate neighbour, President Zia-ul-Haq has repeatedly been saying that he wants a No-War Pact with India. And in your absence, according to news, reports, he said that he would like to send it in writing to you. Would you comment on that?

**Prime Minister:** It make no difference whether it is in writing or in words. We are the ones who proposed a No-War Pact in 1949. We did not let the matter rest there. It has been repeated time and again by every succeeding Prime Minister. We have made it clear in every possible way that India wants to live at peace with Pakistan. I think those specific words “No-War Pact” were used in my father’s time and Pakistan rejected them outright. Afterwards, when I was talking with Mr. Bhutto and when we came to an agreement that there should be better relations, they said: “Please do not mention these words”. I don’t think he said that they are allergic but he said something to the effect that it is better to avoid them now. We said we were not wedded to words, and this was what we wanted and at that time we came to the decision that we should create an atmosphere of goodwill which would lead up to this. And, since it was our offer and we have never changed it since then, we are committed to that.

But what we are intrigued about is why these words should be used by President Zia at this particular time when they are going all out with anti India propaganda and raising bilateral issues. They speak of the Simla spirit, but the main thing agreed on in Simla was that bilateral issues would not be raised internationally; we could discuss them among ourselves, and if a general goodwill was established, we felt that there would be no difficulty in solving the bilateral problems. You can’t have two parallel things; you prepare for war and you say you would like to have a No-War Pact.

**Question:** Would you kindly ask for a further elucidation of this point?

**Prime Minister:** I asked for it the very first time I heard it. I said I don’t know what exactly it meant. But elucidation can’t come through words but through action and attitude.

**Question:** You said earlier that Pakistan can’t have two parallel things — make preparations for war and talk of No-war Pact. Are you saying that they are arming themselves for that purpose for a war....?
Prime Minister: Obviously, I am not saying anything new. What I have said before is that they are acquiring weaponry in quantity and in quality, in sophistication, which is far above the needs of the size of the country and any danger that can be posed. Who are they going to fight? Are they going to fight Afghanistan? Are they going to fight the Soviet Union? So, from whom is the danger? In all these years since independence, it is we who have been attacked by Pakistan. India has never, not once, either before or after independence, waged a war against another country.

1709. Letter from High Commissioner Natwar Singh to External Affairs Minister P.V. Narasimha Rao.

Islamabad, November 3, 1981.

Ambassador of India
Islamabad


Dear Shri Narasimha Rao,

During the last 3 days I have had two elderly and very distinguished Pakistani gentlemen to see me. First came Mr. Ghulam Farooq, who is now nearing 80. He had been a Minister in President Ayub's Cabinet and is on good terms with the present regime. He asked to see me on Friday, the 30th October, 1981 at my residence. This was my second meeting with him. Earlier in the year he came to lunch and nothing specific was discussed. This time, however, Mr. Farooq opened his innings by referring to the Non Aggression offer that Pakistan had made to us. He also said that somebody on the Indian side should do a little arithmetic to find out what precisely Pakistan was getting from the Americans. According to him such an exercise would have a salutary effect and correct the misapprehensions about the quantum and quality of the aid package offered to Pakistan. He concluded by expressing the hope that relations between the two countries would improve and that the Non Aggression Pact was a genuine offer and should be seen as such.

2. It is obvious that he had come on the behest of the Pakistani Government. I told him that a No War Pact had been offered by Indian many years ago and had been subsequently repeated on a number of occasions and each time it
was brushed aside by Pakistan. I then drew his attention to the circumstances in which the Simla Agreement had been signed and the difficulties PM faced in seeing that Agreement through. There could be no greater evidence of the Prime Minister's desire to have harmonious and good neighbourly relations with Pakistan. Again as soon as she returned to power in January 1980 she sent Sardar Swaran Singh and Foreign Secretary Sathe to have talks with the Pakistani leaders. Then this year she took the initiative to send her Foreign Minister to Pakistan. The talks that he had with Pakistani leadership appeared to us to have gone well but within 3 or 4 days of Shri Narasimha Rao's return to India, the Buckley package was announced and this caused consternation and surprise in India. At no stage during the Foreign Minister's stay in Pakistan was any indication given of the type of military hardware Pakistan would be buying. When we raised the question of F. 16s a forthright (or so later a) clear answer was evaded.

3. We naturally protested against the F. 16s and I personally saw the President in this connection. Then nothing happened for a number of weeks till the 15th of September. On that day I was handed a statement that the Pakistani Government was issuing accepting the American offer on military and economic aid. In the last paragraph Pakistan mentioned a Non Aggression Pact with India. Since then we had not been given any details although references to it are made regularly in public by the President and other spokesmen of the Pakistan Government. It should not surprise people if India viewed this offer with some disquiet. We were also struck by the timing of the offer. It was made when Congressional hearings were going on in Washington, the Commonwealth Prime Ministers' Conference was shortly to meet in Australia and the UN General Assembly was being convened.

4. We also did not understand why Pakistan needed such sophisticated military hardware especially when they had said in public that they did not expect any attack from the Soviet Union. We too on our part, had, at the highest level assured Pakistan that we were not unaware of their security requirements and wished Pakistan all good luck and earnestly desired good relations with our north-western neighbour.

5. Mr. Farooq heard me patiently and said that we must forget the past and look to the future. President Zia was genuine in his offer and he hoped that the misunderstandings that have appeared will be smoothened out. It then referred to some statements that President Zia had made with total disregard for any objectivity. We found it difficult to reconcile Pakistan's desire to have good relations with us and at the same time go in for heavy import of military hardware. We on our part certainly desire good relations with Pakistan as mutual antagonism could not be to the benefit of either country.
6. Yesterday, Mr. Agha Hilaly came to see me. He has been in Islamabad for two or three days and has seen the President. He asked me why the relations between India and Pakistan had soured. I told him that we could hardly be blamed for souring Indo - Pak relations. Right from the days of the Simla Agreement to the visit of Shri Narasimha Rao we had made every attempt to have good relations with Pakistan and we really found it difficult to reconcile Pakistan's desire for good relations with India and her decision to accept massive military aid. We had as he knew, offered a No War pact a number of times and had received no encouragement from Pakistan. I then asked him why during your visit to Pakistan in June no one on the Pakistani side had even mentioned a Non Aggression Pact. What had happened between 12th of June and 15th of September which made Pakistan take a 180º turn and make the Non Aggression Pact offer? Surely the proper time for taking soundings would have been the Foreign Minister's visit.

7. Agha Hilaly then came out with something very interesting. He said that he had been to India last December and had met a number of distinguished people who were his friends and colleagues. He had broached the subject with Shri G. Parthasarathy, whose response about the No War Pact had not been encouraging. He had also seen Shri L.K. Jha and Shri Rajeshwar Dayal. On his return to Pakistan he had reported to the concerned people about the lukewarm response he got to his soundings about the signing of the No War Pact. Bearing this in mind the Pakistani authorities did not think it desirable to discuss this matter with you since the views of the Indian side had been given to Hilaly.

8. I again asked him what precisely had happened between June and September. Agha Hilaly said that till 15th September the ball had been in the Pakistani court but after 15th September it was in the Indian court. I also told him that we had really not been given this offer directly. The offer was made in a statement on American arms aid to Pakistan. We did not precisely know what Pakistan had in mind. I assured him that we wish friendly relations with Pakistan and that both you and P.M. worked overtime to try and achieve their objective of having good neighbourly relations with Pakistan. But we found that statements of president Zia somewhat provocative and I then referred to what Zia had said to Far Eastern Economic Review and New York Times.

9. India had no intention "to walk over the bones of the 84 million Pakistanis". On the contrary we want the best of relations. Agha Hilaly then referred to one or two statements made by P.M. I told him that doctored versions of PM's statement were published in the Pakistani media and we had no means by which to even correct wrong facts. I said that Ambassador Sattar in New Delhi had access to everyone. He makes full use of India's democratic ethos. I had no such advantage in Pakistan and in the absence of a free press and a freely elected parliament
we could not get across our point of view to the people of Pakistan. I said that in each statement P.M. had deliberately mentioned our desire for good relations with Pakistan. In view of past history we were fully entitled to ask why Pakistan was going in for such heavy armament. Agha Hilaly said that the Indian military people knew that Pakistan was no match for India and India should not fear Pakistan militarily.

10. Before leaving Agha Hilaly asked me whether it would be a good idea for him to visit India in the near future and talk to you. I said he would be welcome in India and was free to meet anyone he liked. He gave me the impression that he might come to Delhi sometime in January.

11. He also told me that his brother was in America and would return after the Aid Package to Pakistan had been approved by the American Congress. He also said that Pakistan was backing Salim for the post of Secretary General but it seemed unlikely that he would get the necessary majority. According to Hilaly, Sadruddin Agha Khan had the best chance.

Shri P.V. Narasimha Rao,
Minister of External Affairs,
New Delhi.

Sd/-
November 3, 1981
1710. Media Briefing by Official Spokesman of the Pakistan Ministry of Foreign Affairs on Pakistan's offer of a 'no-war pact' to India.

Islamabad, November 5, 1981.

The Pakistan Government said at Islamabad on November 5 that it had formally conveyed the proposal for a non-aggression pact with India to the Indian Government on September 14, 1981*.

A Foreign Office spokesman said the Pakistan Secretary-General, Foreign Affairs, had conveyed the proposal to enter into immediate consultations with India for the purpose of exchanging mutual guarantees of non-aggression and non-use of force in the spirit of the Simla Agreement to the Indian Ambassador in Pakistan, Mr. Natwar Singh, on September 14.

According to the spokesman, Pakistan's Ambassador in India, Mr. Abdul Sattar, subsequently had also called at the Indian External Affairs Ministry in New Delhi and conveyed the same proposal there also.

The spokesman made the clarifying statement when his attention was drawn to an ALL INDIA RADIO report that the Consultative Committee of the Parliamentarians attached to the Indian External Affairs Ministry had been officially told that India had not received any formal offer of no-war pact from Pakistan.

The spokesman pointed out that India since 1949 had continually expressed interest in signing a non-aggression pact with Pakistan.

He recalled that as recently as May 11 last, Prime Minister Indira Gandhi had reiterated her country's interest when she told correspondents at the Lucknow airport that "we stick to our policy of no-war. It is for Pakistan to act upon any agreement".

* Earlier on October 31, Pakistani Foreign Secretary Riaz Piracha while passing through New Delhi on way to Kathmandu had also conveyed this information to the media and had said that Pakistan was awaiting New Delhi's response. He said this offer had been made in "good faith and particularly at this time and precisely because of the existing circumstances." When asked how Pakistan was proposing a no-war pact when it had rejected several such offers from India in the past, he said: "Does it negate it?"
1711. **Press Release issued by the Embassy of Pakistan in India on the Non-Aggression Pact proposal.**

**New Delhi, November 11, 1981.**

**Non-aggression Pact Proposal**

On 15 September 1981* the Government of Pakistan put forward an important and serious proposal for "immediate consultations with India for the purpose of exchanging mutual guarantees of non-aggression and non-use of force in the spirit of the Simla Agreement". Unfortunately, this constructive idea has not been appreciated so far in a proper context.

Contrary to reports in the press, the proposal for consultations was in fact made formally. As for the draft of the guarantees of non-aggression to be exchanged between the two countries, that could be produced, perhaps more usefully, after the proposed consultations between the two sides.

It may be recalled that the Simla Agreement was drafted following an extensive exchange of views between the Government of Pakistan and the Government of India. The special Emissaries of the two sides met at end-April 1972 at Murree. The exchange of views was continued at Simla when the conference opened on 28 June 1972. The first draft was put forward after, not before, the consultations between the two sides.

The prospects of a successful outcome of serious negotiations are not necessarily promoted by a one-sided draft.

As for the proposal for bilateral consultations, that was communicated by Mr. S. Shah Nawaz, Secretary General of the Pakistan Ministry of Foreign Affairs to the Ambassador of India in Islamabad on 15 September. Later, the Ambassador of Pakistan in New Delhi also conveyed the proposal to the Indian Ministry of External Affairs.

In diplomatic practice, communications made verbally are not only as formal but frequently more so than written communications.

Consultations between the two sides could help clarify the points that should be incorporated in the proposed exchange of mutual guarantees of non-aggression.

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* An Official Spokesman of the Ministry of External Affairs said in New Delhi on November 12 that India had not received any formal offer of a no-war pact from Pakistan so far. Replying to a question by newsmen on the above press release, the Spokesman maintained that the Embassy's release did not depict the factual position correctly either in terms of conscience or intentions of the Pakistan Government. Not a single formal approach had been made to the Indian Government either through its Embassy in Islamabad or the MEA in New Delhi, he insisted.
It should be recalled that already the Simla Agreement contains multiple provisions regarding non-use of force. Thus paragraph 1 (i) affirms that "the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries". One of the cardinal obligations of the members of the United Nations is that they "shall settle their international disputes by peaceful means" and "shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State".

Paragraph I (iii) of the Simla Agreement enjoins peaceful coexistence upon both countries and sub-para (iv) specifically requires that the basic issues between the two countries "shall be resolved by peaceful means". Again, sub-para (vi) requires the two countries to "refrain from the threat or use of force against the territorial integrity or political independence of each other". Finally, by paragraph 4 (ii) about the line of control in Jammu & Kashmir, the two sides "further undertake to refrain from the threat or use of force in violation of this Line".

The Prime Minister of India was reported to have said on 11 June 1981 at Lucknow that India had made an offer of no-war agreement to Pakistan and it was now for Pakistan to respond.

The statement issued by the Government of Pakistan on 15 September 1981 referred also to discussions held with the United States on the programme of economic assistance and military sales. As is well-known, Pakistan expects to obtain credits from the United States to the extent of about 1.7 billion dollars for purchase of arms over a 5-year period.

The Government of Pakistan's statement dwelt at length on other important issues of policy particularly its relations with India. Following are the relevant extracts:

"We wish to reiterate that our acceptance of the US package does not affect in any way our commitments as a member of Islamic Conference and the Non-Aligned Movement or our well-known position on major international issues in regard to which our foreign policy has consistently maintained principled stand.

"Similarly, the development of bilateral relations with the United States will not affect our relationship with any third country. We would like to reaffirm, particularly in regard to our relations with India, that there would be no weakening of our efforts to develop a relationship of mutual trust and confidence with this important neighbouring country. We are not in competition with India in an arms race and the modest quantity of arms that we may acquire during the next five years is solely meant to achieve partial replacement of our obsolete defence equipment. All we propose
to do is to acquire a minimum defence capability to ensure the security of Pakistan in the context of the regional situation which is far from reassuring.

"Although, it is Pakistan as a small country which needs assurances from its larger neighbours in regard to its security, particularly from India, which, despite its overwhelming military superiority, has embarked on a programme of acquiring the most modern offensive weapons, including Jaguars, Mig-23s and Mig-25s and Mirage-2000 aircraft, in large number from the western sources, and on concessional terms from Soviet Union, we are prepared on our part to do whatever we can to promote mutual confidence. We would like to convey the assurance that in expressing our desire for a friendly and tension-free relationship, we are not indulging in a propaganda exercise. If India is inclined to banish its unfounded fears and is ready to grasp the hand of friendship which we extend, it shall not find us wanting in fully reciprocating any gesture on its part for establishing good-neighbourly relations. On our part, we are prepared to enter into immediate consultations with India for the purpose of exchanging mutual guarantees of non-aggression and non-use of force in the spirit of the Simla Agreement."

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1712. Extract from the record of the discussions between Secretary (East) in the Ministry of External Affairs Eric Gonsalves and US Assistant Secretary of State Nicholas Veliotes.

Washington (D. C), November 13, 1981.

Secretary (East) met Assistant Secretary of State Nicholas Veliotes at 1000 hours on November 13. Deputy Assistant Secretary, David Schneider and Director Howard Schaeffer were present on the American side. Ambassador and Counsellor (Political) accompanied Secretary (East).

Veliotes enquired as to why India had not reacted favourably to Pakistan's proposal for a "no-war pact". Secretary (East) said that in our view the Pakistani effort was a mere propaganda exercise. It was India which had first proposed a "no-war pact" in 1949 and even given Pakistan the draft for such a pact. This
offer had been repeated on a number of occasions. Pakistan, however, had continuously refused to consider our offer and instead insisted on the settlement of Kashmir issue and the setting up of self-executing machinery as pre-requisite to such a "no - war pact".

18. Secretary (East) said that it was our view that the "no - war pact" would be a useful arrangement, but we had strong misgivings about Pakistani motivations which we felt were essentially for propaganda purposes. It had to be borne in mind that the suggestion for a "no - war pact" was in the last two lines of a long statement made by Pakistan which justified its acceptance of U.S. arms aid. This statement had been made on September 14. On September 21, Agha Shahi had said that the Kashmir issue had to be settled before a no - war pact could be concluded. In these circumstances, we naturally had our misgivings about Pakistani intentions. Further, the Pakistanis had not given any details either in Islamabad or in New Delhi about what exactly they envisaged. We had asked for clarifications from Pakistan and had not got any. Prime Minister had said that it had to be borne in mind that Pakistan had not responded to our specific proposals on a "no - war pact".

19. Referring to the proposed visit of the Secretary of State, Schneider said that Afghanistan would naturally be discussed. Secretary (East) said that we had discussed Afghanistan for the last two years. U.S. and India had no differences in acknowledging that the final objective is to preserve the sovereignty, territorial integrity and non - aligned status of Afghanistan and to seek a political settlement which could lead to the withdrawal of Soviet troops. However, while we dealt with this problem in a regional context by trying to build an environment which would facilitate a dialogue between Afghanistan and Pakistan, and Afghanistan and Iran, there was a tendency on the part of Pakistan to widen this framework by raising the issue in the Islamic Conference and in the U.N. General Assembly.

20. Secretary (East) said that with the U.S. now having decided to supply arms to Pakistan, there seemed to be a move towards a confrontational posture with Pakistan and Afghanistan acting as proxies which would only be to the detriment of both countries. This was why we had stated that we are opposed to steps which increased tension in the region.

21. Secretary (East) said that we are also concerned by U.S. efforts to link Pakistan with South West Asia, without recognizing its sub-continental location. The net result of this effort was that there was an increase in tensions. Last year, we had tried to get Pakistan to move towards accepting a sub-continental approach to regional issues. Pakistan had instead decided to go to the Islamic Conference and to the U.S. for support. While we had tried to persuade the Soviet Union and Afghanistan to moderate and make their positions flexible in
order to commence a dialogue, Pakistan pulled back just when it seemed that such a dialogue was possible. Secretary (East) alluded to the efforts made by us when the Secretary General, his Special Representative and Foreign Minister Agha Shahi were in Delhi during the Non-Aligned Conference. It could thus not be claimed that we had not made efforts in order to seek a reduction of tension in our region.

22. Veliotes said that he could see that we had a desire to give a sub-continental dimension to developments in Afghanistan. It had, however, to be borne in mind that the Soviet move into Afghanistan had a strategic impact on South West Asia. Further, there was an inevitable link between the Soviet move into Afghanistan and events in Poland. The U.S. could just not allow a perception to develop that it had acquiesced in the Soviet move into Afghanistan. If its opposition to the Soviet move was not highly visible, there would undoubtedly be a fall out in perceptions about their position on Poland. Veliotes said that frankly the U.S. would like to get the Soviets out of Afghanistan. But it had to be borne in mind that West European countries like the FRG are concerned with what they see as a direct link between U.S. attitudes towards the Soviet move into Afghanistan and the situation in Poland. Veliotes reiterated that the U.S. aim is to solve the Afghanistan issue. It was not the U.S. policy to derive satisfaction from merely making things difficult for the Soviets in Afghanistan.

23. Schneider said that Pakistan's relevance to South West Asia had become important essentially because of the Soviet move into Afghanistan. The U.S. did not see Pakistan as anything other than a South Asian country. The U.S., therefore, sincerely wanted good relations between India and Pakistan. Similarly, the U.S. wanted China's relations with India to improve. The subcontinent was viewed as a definite geographical entity by the U.S. which was interested in seeing better relations develop between countries in the region.

24. Secretary (East) said that he was not taking issue with U.S. objectives. He was taking issue with how the U.S. policies were helping those in Pakistan who wanted to link themselves with the U.S. in order to promote confrontation with us. The U.S. had stated that there was no *quid pro quo* for their assistance to Pakistan. President Zia, however, had said something which was somewhat different from this U.S. assertion.

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Sd/-
13-11-1981

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Statement by the External Affairs Minister P. V. Narasimha Rao in both Houses of Parliament on the reported offer of a 'no-war pact' by Pakistan.

New Delhi, November 25, 1981.

The House will recall that the late Prime Minister Nehru had proposed to Prime Minister Liaquat Ali Khan of Pakistan on December 22, 1949, that the two governments sign a joint no-war declaration. The basis of this was to have been: "The Government of India and the Government of Pakistan, being desirous of promoting friendship and goodwill between their peoples who have many common ties, hereby declare that they condemn resort to war for the settlement of any existing or future disputes between them."

This offer was thereafter repeated on numerous occasions by Prime Minister Nehru, Lal Bahadur Shastri (in 1965), Smt. Indira Gandhi (in 1968), and Shri Morarji Desai (in 1977). When the Foreign Secretary visited Pakistan in February, 1980, he had renewed the offer to sign a no-war pact with Pakistan so that no apprehensions remain in Pakistan about any threat from India.

Our repeated offers in this behalf have invariably and all along drawn a negative response from Pakistan.

Over the years, Pakistan's basic position in this matter remained unchanged. In June 1963, Mr. Bhutto declared "Let India arrive at an equitable and honourable settlement with Pakistan over Kashmir, we can then have not one but a thousand no-war pacts....While the Kashmir dispute exist, it is inconceivable that we should accept India's offer of a no-war pact." President Ayub rejecting Prime Minister Indira Gandhi's offer of a no-war pact called first for a settlement of the Kashmir issue.

Replying to Prime Minister Indira Gandhi's suggestion to sign a no-war pact, President Yahya Khan stated: "It is our sincere conviction that amity and friendship will continue to elude India and Pakistan if our two Governments run after the shadow that the peripheral issues and evade the reality that our two outstanding disputes regarding Jammu & Kashmir and the Ganges waters represent......" President Zia-ul-Haq, in an interview to an Indian journalist stated quite clearly: "No war pacts, non-aggression pacts were not worth the paper on which they were written. History tells us that a number of no-war pacts, non-aggression pacts and the peace treaties have proved good for nothing."

Ever since the Simla Agreement of 1972 Pakistan has stated on a number of occasions that the Simla Agreement itself is a kind of no-war pact and, therefore,
there is no further need for thinking of any such pact. Foreign Minister Agha Shahi informed our Foreign Secretary in February 1980 that it was not possible for them, due to political reasons, to consider a no-war pact, as in their opinion, the Simla Agreement itself was virtually a no-war pact.

The Official Spokesman of the Pakistan Government issued, on September 15, 1981 a long statement announcing the formal acceptance by Pakistan of the package proposal for supply and sale of U.S. arms to Pakistan. The concluding portion of this statement was a paragraph suggesting Pakistan's readiness “to enter into immediate consultations with India for the purpose of exchanging mutual guarantees of non-aggression and non-use of force in the spirit of the Simla agreement.” The Pakistan newspapers of September 16 reported the principal thrust of this statement by using headlines like “Positive Turn in Dialogue with USA.” This was the context in which Pakistan then made this suggestion. The timing too was significant, namely the U.S. Congressional hearings on the U.S. - Pak arms deal.

Copies of the Pakistan Official Spokesman's statement, referred to above, were given to our Ambassador in Islamabad and by the Pakistan Ambassador in New Delhi to our Foreign Secretary. More than two months later on 22nd November 1981 to be exact, the Pakistan Government have confirmed their “offer” in official notes communicated to us in Delhi and Islamabad.

Thus it would be seen that the mention of this subject was contained cryptically in a public statement released to the media on an entirely different subject, ironically enough, justifying the acquisition of arms which are more likely to regenerate confrontations and to promote arms race in the sub-continent. The propaganda offensive which followed contained baseless false and absurd charges against India on a very wide variety of subjects. It was obviously difficult to take this as a basis for a proper response from the Government of India. We did not, however, say anything which could be construed as negative. Meanwhile, the Foreign Minister of Pakistan, Mr. Agha Shahi, speaking to pressmen in New York on September 21, as reported by the Associated Press of Pakistan from the UN Headquarters, is said to have “Categorically denied that Pakistan's offer was in contradiction of its 1951 position that a no-war pact should follow the resolution of the Kashmir dispute”.

While the substance of Pakistan's "offer" in all communications, to date, remains exactly the same, Government of India considers it necessary to share its views with Parliament. Hence, Mr. Speaker, this statement.

In this connection, I could do no better than to restate our well known position. As I said during my visit to Pakistan in June, it is in India's interest to see a stable and prosperous Pakistan. I believe that this sentiment is reciprocated by
the People off Pakistan. We are committed to the normalization of relations with Pakistan as laid down in Simla Agreement.

That means that we settle all our problems by direct bilateral discussions without involving third parties. It was on the same basis that we originally offered the no-war pact. We stand by it, as such, with no exceptions, on conditions, and no variations. Our attitude will thus be positive on the basis that Pakistan's "offer" constitutes an acceptance for the first time, of India's offer of a no-war pact which has stood intact since 1949, and as further amplification of the Simla Agreement.

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1714. Briefing by Pakistan Foreign Minister Agha Shahi on the offer of 'no-war pact'.

Islamabad, December 3, 1981.

Foreign Minister Agha Shahi reaffirmed on December 3 Pakistan's readiness to enter into immediate consultations with India with a view to exchanging mutual guarantees of non-aggression and non-use of force. Recalling that Pakistan had made this offer on September 15 and that it was formally confirmed in a diplomatic note handed over to the Indian Ambassador at Islamabad on November 22, Mr. Shahi said in a statement at a Press briefing at the Foreign Office that the official Indian reply to the proposal was still awaited.

When his attention was drawn to the recent statement of Indian Prime Minister Indira Gandhi that India was willing to discuss a no-war agreement with Pakistan, Shahi welcomed this statement and said that Pakistan's offer was not a diplomatic tactic but a serious proposal, which had been made in all sincerity. Discussions on it could begin as soon as the Indian side indicated its readiness to enter into them, he added.

Mr. Shahi reiterated that Pakistan was ready to begin immediately, through diplomatic channels, discussions with India to work out a mutually acceptable agreement binding the two countries not to resort to the threat or use of force in any manner whatsoever against each other and to settle their existing or future disputes exclusively through peaceful means. Such an accord would serve to reinforce the provisions of the Simla Agreement and Pakistan was looking forward to a positive reply from India to its formal proposal.

Referring to the statement of the Indian Minister of State for Defence, Mr. Shivraj Patil, that India was increasing its military preparedness because of the sale of
F-16 aircraft and other sophisticated weapons to Pakistan, Mr. Shahi pointed out that these steps were unwarranted as India enjoyed overwhelming numerical superiority in sophisticated armaments of every type.

Furthermore, no military equipment had yet reached Pakistan, and its induction into the Pakistan Armed Forces would take several years. Characterizing as inconceivable the Indian Minister of State's statement that the arms acquired from the USA were "more likely to be used in the eastern direction", he said the fact was that these arms were meant exclusively for self-defence. Such statements were not conducive to the promotion of mutual trust and amity between the two countries, he added.

Asked to comment on the Indian Minister's assertion that the modest quantity of arms being acquired by Pakistan appeared far in excess of "Pakistan's legitimated defence requirements", Mr. Agha Shahi said it was precisely to avoid such erroneous and arbitrary conclusions that Pakistan had proposed over two years ago that the military officials of India and Pakistan should hold discussions to determine the ratio of forces and the level of armaments that the two sides should maintain by mutual agreement while holding out the assurance that Pakistan would not claim military parity.

Pakistan continued to stand by this proposal. Pending such an agreement, each side was free to acquire what it considered necessary for its defence, he said.

Pakistan, Mr. Shahi added, also stood by its proposal for the mutual renunciation of nuclear weapons or reciprocal inspection of nuclear facilities in any form acceptable to India. He recalled that a first step had been taken in this direction in the joint statement of Foreign Ministers of June 10 that the two countries would use nuclear energy only for peaceful purposes.
1715. **AIDE MEMOIRE of the Government of India on the question of 'no-war pact' handed over to the Pakistan Minister of Foreign Affairs by the Indian High Commissioner Natwar Singh in Islamabad.**

**Islamabad, December 24, 1981.**

The Foreign Secretary of Pakistan had given note No. IND (P - I)/1/2/81 on November 22, 1981 to the Ambassador of India in Islamabad about discussion for a Non-aggression Pact.

2. The Government of India is always in favour of any discussion aimed at promoting peace and friendship between the two countries. The initial discussions could be held during the visit of Foreign Minister of Pakistan to India. The Minister for External Affairs, Government of India, has separately written to His Excellency Mr. Agha Shahi about the visit*.

3. The elements of an agreement on Non-aggression and Non-use of Force between India and Pakistan which have been reiterated by the Government of India on different occasions, are:

   (i) The Simla Agreement of July 2, 1972 shall be the basis for friendly and harmonious relations between the two countries.

   (ii) The primary objective of the two countries is to provide a better and fuller life for their peoples.

   (iii) To achieve the above, a tension free atmosphere has to be created so that the valuable resources of the two countries can be husbanded for productive nation-building activities.

   (iv) The pre-requisite for good-neighbourliness and durable peace between them is a commitment by both countries to the well-known five principles of peaceful co-existence which include respect for each other's territorial integrity and sovereignty and non-interference in each other's internal affairs.

   (v) The relations between the two countries have to be based on the principle of equality, mutual benefit and bilateralism.

   (vi) They will not, in any circumstances, resort to war or use or threaten to use force for the settlement of any disputes between them and all such disputes shall be settled on a bilateral basis and by peaceful means.

*While handing over the Aide Memoire to the Pakistan Foreign Minister Agha Shahi, the Indian Ambassador Natwar Singh also renewed External Affairs Minister Narasimha Rao's invitation to Agha Shahi to visit New Delhi for further talks.*
(vii) Both countries reiterate their firm commitment to the policy of non-alignment, the essence of which is non-involvement in great power confrontation.

Islamabad
December 24, 1981

1716. Response of the Pakistan Government to the Indian Aide Memoire on the 'no-war pact' presented to the External Affairs Minister P. V. Narasimha Rao.

New Delhi, January 12, 1982.

The Aide Memoire presented to the Foreign Minister of Pakistan on 24 December 1981 by the Ambassador of India in Islamabad has received due consideration. The Government of Pakistan welcomes the Government of India's readiness to enter into discussions on the subject of an agreement on non-aggression and non-use of force between Pakistan and India. The Foreign Minister of Pakistan would be visiting New Delhi in response to the invitation extended to him by His Excellency Mr. Narasimha Rao, Minister of External Affairs of India, for initial discussions.

The Government of Pakistan has noted the various elements suggested by the Government of India for inclusion in the proposed agreement and recognises that several of these contain positive features.

The Government of Pakistan is of the view that the central objectives of the proposed agreement are two-fold: firstly, mutual guarantees of non-aggression and non-use of force, and secondly, a solemn commitment to the resolution of disputes and differences, present or future, exclusively by peaceful means. It would therefore be necessary to exclude from the agreement elements which could cause difficulties in the path of its conclusion.

Accordingly, the Government of Pakistan suggests the following elements for inclusion in the proposed agreement:

(1) The Charter of the United Nations which establishes the norms and rules of law governing the international rights and obligations of States, constitutes the basis for relations between the two countries.
The Simla Agreement provides for the establishment of durable peace and friendly and harmonious bilateral relations.

The two countries shall not, in any circumstances, resort to war or use force or threaten to use force in any form whatsoever against each other.

The two countries shall settle all disputes or differences between them exclusively by peaceful means.

The pre-requisite for good neighbourly relations and durable peace between the two countries is a commitment by both of them to the universally accepted five principles of peaceful coexistence, namely:

(i) Respect for each other's territorial integrity and sovereignty,
(ii) Non-aggression,
(iii) Non-interference in each other's internal affairs,
(iv) Equality and mutual benefit, and
(v) Peaceful co-existence.

The primary objective of the two countries is to provide a better and fuller life for their peoples.

To achieve the above, a tension free atmosphere has to be created so that the valuable resources of the two countries can be husbanded for productive nation-building activities.

Both countries reiterate their firm commitment to the policy of non-alignment which asserts independence from the Great Powers and their military alliances or blocs so as to maintain freedom of judgment and action.

New Delhi
Ambassador Abdul Sattar called on FM at 11 AM on 12th January, 1982.

At the outset, the Ambassador conveyed greetings from President Zia and Agha Shahi to FM. He said that he hoped to get a chance to call on PM to convey their greetings to her as well.

The Ambassador said that the Pakistani leadership fondly recalled FM's visit to Pakistan, which was the “high watermark” of Indo-Pakistan relations in recent times. 1982 had begun on a hopeful note and he hoped that it would be an auspicious year for bilateral relations.

The Ambassador said that Agha Shahi was grateful for FM's invitation. He had wanted to avail himself of it at an early date. However, because of a Conference of Pakistani Heads of Mission and the session of the Federal Council which began on 11th January, the visit could not take place before the end of the month.

The Ambassador digressed for a moment to talk about the Federal Council. He said that this was a nominated body, the strength of which was presently 287, but was to be raised to 300. More than half of the members were affiliated to the PPP. Apart from representatives of other parties, members were drawn from the professions, the academic and business world. These were intelligent and respectable people whose counsel would be salutary. The Federal Council was part of President Zia’s effort to find a smooth and orderly transition from military to civilian rule.

Regarding the Indian Aide Memoire, Satter said that this had been studied closely. The idea of a non-aggression pact was not a novel one; it had been in existence for decades. The Pakistan Government believed that the time was more propitious now than ever before to translate the idea into reality. There was not a single dissenting voice in Pakistan on the advisability of entering into such an agreement, perceiving as the people of Pakistan did the recent deterioration in the security environment. The Ambassador added that the Government of Pakistan remained fully committed to the Simla Agreement and would not countenance anything which detracted from the rights and obligations spelt out for each country in that document. The Pakistanis had been puzzled to see press reports which quoted Indian leaders as talking of a Pakistani “trap”. The last thing Pakistan wanted to do was to score debating points.
FM quickly interjected to categorically deny that he had made any such reference either at the CWC meeting or on any other occasion. He had in fact been very perturbed to read about the reports that had appeared, misquoting him. Enquiries had revealed that these reports stemmed from the imagination of a UNI correspondent and not from any responsible source. Sattar said that this was not the first occasion on which such references had appeared. However, he was happy at FM’s clarification and would report to Islamabad.

The Ambassador went on to say that the kind of agreement envisioned had one basic component, viz., a solemn commitment to renounce recourse to war, with the corollary that both sides shall resolve whatever disputes exist or arise in the future exclusively by peaceful means. The Government of Pakistan had no preconceived notions about the other elements mentioned in the Indian Aide Memoire. Pakistan found the reference to the five principles of peaceful co-existence to be perfectly acceptable. However, only three of these were mentioned in the Indian draft. The exclusion of the other two could convey the impression that one side has certain reservations. Pakistan would therefore be happy if all the five elements were incorporated.

Turning to another element, Satter said that Pakistan had no problem in going along with a reiteration of the commitment to non-alignment. But he said that it would be better if the formulation is extracted from approved documents of the Non-aligned Movement, which incorporated phraseology which was generally acceptable. He said that the Pakistani Aide Memoire, which he had come to hand over, had borrowed from the New Delhi Declaration of Foreign Minister’s of Non-aligned countries in this regard.

Sattar went on to say that nothing should be incorporated in the Agreement which could be seen to detract from the sovereignty of either party. The word “bilateralism” needed to be properly understood on both sides. Pakistan understood bilateralism to mean that the two countries should try to improve relations without detriment to the relations of either with any third country. Whatever definition was finally adopted should connote respect for each other’s sovereignty and Pakistan felt that the best way of doing so would perhaps be to reiterate a commitment to the Charter of the United Nations.

Sattar clarified that the Aide Memoire that he was handing over was not a formal draft. Some of the elements contained therein could constitute principles for a Preambular portion while others could be incorporated in the substantive part.

Concluding his presentation, the Ambassador observed that India and Pakistan could well be on the threshold of a new era in their relations. President Zia was deeply committed to friendship with India. While Pakistan fully subscribed to the Simla Agreement, a Non-Aggression Pact at this juncture would have a
much greater impact since it could not be seen as having been signed under any kind of duress. Such a pact would, therefore, without doubt, be well received by the people of Pakistan, and hopefully also by the Indian people.

Turning to Agha Shahi's programme, Sattar mentioned that Shahi was contemplating arriving in Delhi on 29th January so that he could watch the beating of the Retreat. FM said that, while he would be delighted to receive Agha Shahi on that day, he had certain commitments in Bangalore which may prevent him from being back in Delhi in time to receive him. However, he said he would try to reschedule his programme and promised to let the Ambassador know in a day or two. FM turned down a suggestion made by Sattar that Agha Shahi be received by someone else on his behalf in case FM could not return by the 29th. It was also agreed, on the basis of a suggestion made by Sattar, that there would be no substantive speeches during Agha Shahi's visit. In the event of a Press Conference being desirable, it would be a joint one, with both Ministers present. Agha Shahi would be giving a return dinner in honour of FM.

FM thanked the Ambassador for the communication* that he had brought back. He said that we would study it carefully. He ventured the comment that the exercise was not one of merely cataloguing principles. There may be many principles over which we have no quarrel. What was important was to pick out, from the catalogue of principles, those which were most relevant in the context of Indo-Pak relations. He shared the Ambassador's hope that the present exercise would open a new chapter in our relations and said that he was greatly looking forward to Agha Shahi's visit.

The meeting ended with usual pleasantries.

(A. Banerji)
PS to FM
12-1-1982

* Please see Document No.1716.
Statement by Pakistan Foreign Minister Agha Shahi on the offer of No-War Pact to India.


Text of Statement

I am proceeding tomorrow (January 29) on a visit to New Delhi which is likely to last for four days. My visit is taking place on an invitation from His Excellency Mr. P.V. Narasimha Rao, the Minister of External Affairs of India who, you would recall, had paid a four-day visit to Pakistan in June last year. While I welcome this opportunity which enables me to return His Excellency Mr. Narasimha Rao's visit, I am looking forward to the initial discussions on the subject of an agreement on non-aggression and renunciation of force between Pakistan and India which I have been invited to hold with him on this occasion. The delegation which is accompanying me to New Delhi includes, apart from officials of the Foreign Office, our Ambassador in France, Shahibzada Yaqub Khan, and Lt. Gen. K.M. Arif, Chief of Staff to the President.

We are attaching great importance to the beginning of discussions at Foreign Ministers' level on our proposal to conclude an agreement between Pakistan and India which we hope would lay the foundation of lasting peace and open a new chapter of good neighbourly relations between the two countries.

We proceed to New Delhi in full awareness of the nature of the problems and difficulties which have bedeviled our bilateral relationship ever since the two countries emerged on the map of the world as independent States, 35 years ago. The major portion of this period has been spent in conflict and confrontation. The peoples of the countries have experienced the ravages of three wars only to find that these have resolved no problems but have merely aggravated their burdens and added to their difficulties.

The Antecedents of No-War Pact Move

The idea of a no-war pact first originated in the circumstances of 1949-50 when the two Governments exchanged drafts of a proposed declaration renouncing war or the use of force or the threat of use of force as a means to settle disputes. Subsequently, the idea was revived on several occasions by one side or the other but the circumstances on each occasion were no propitious to allow the idea to take a practical shape.

It was in the Simla Agreement of 1972 that this idea first found a mutually agreed expression committing the two sides to turn their back on a chapter of conflict and confrontation and to renounce the use of threat or use of force for settlement of their disputes or differences.
Simla and After

Recent experience has shown that even the Simla Agreement has not engendered the required fundamental change of sentiments and attitudes which alone could impart substance to this formal Agreement to which we continue to subscribe in good faith on the basis of sovereign equality. Our original situation has undergone qualitative changes which unfortunately have produced friction and an increase of tension between Pakistan and India rather than proximity and mutual understanding which might have been expected. Believing that a serious effort was called for to rectify this situation and to utilize an opportune moment in history to further develop and complete the process begun at Simla, we invited India on September 15 last year to enter into immediate consultations with us for an exchange of mutual guarantees of non-aggression and non-use of force.

During the four months that have elapsed some progress has been achieved and the two sides have exchanged diplomatic notes identifying the elements considered appropriate for inclusion in the proposed agreement. Some of the elements spelt out by each side are mutually agreeable while there are others in regard to which clarifications are needed or differences would have to be overcome. It is my earnest hope that the forthcoming talks in New Delhi would help in reconciling the view put forward by the two sides and pave the way towards the conclusion of a mutually acceptable agreement.

Difficulties in the Way

No one should underestimate the difficulties that lie in the way of reaching an agreement of such a fundamental character given the controversy that has surrounded the idea in the past and the doubts and suspicions that continue to be harboured and given expression to in India. It is most unfortunate that despite our unequivocal assertions that there is no trap or deception in the offer that we have made in utter good faith, there is continuing skepticism in some circles in India about our motives and intentions. Surprisingly enough, it has even been suggested that in taking an initiative of this kind, we are perhaps trying to erode the Simla Agreement when the contrary is true. In a similar vein, allegations have been made that our only purpose in proposing such an agreement is to facilitate an increased supply of arms from the United States. These and other baseless comments and observations must be deplored as irresponsible expressions of deep-seated prejudice and misunderstanding.

As I said in my address to the Federal Council on January 12, 1982, we shall make every effort to overcome differences so as to conclude a non-aggression pact which would not derogate from the independence and sovereignty of Pakistan. As regards the Jammu and Kashmir dispute, I reiterate that such a
Mr. Shahi answered some questions from journalists:

Asked what he hoped to achieve from these talks, Mr. Shahi replied: "We Muslims believe that beginning lies with you (the person who takes the initiative) and the end lies in the hands of Allah."

Answering a question about the significance of the proposed pact, he said it could bring about transformation in the political, security and strategic situation in the region. "If there is no agreement, the situation could be to the contrary," he said.

Asked if his talks with Mr. Rao would be followed by more talks later on, Mr. Shahi said India wanted to hold initial discussions on the subject of the no-war pact from which it transpired that the talks would continue later on. "That's what the Indians appear to want," he added.

"We proceed to New Delhi in full awareness of the nature of problems and difficulties which have bedeviled our bilateral relations ever - since the two countries emerged on the map of the world as independent State 35 years ago," he said.

Mr. Shahi, however, made it clear that Pakistan would make every effort to overcome the differences so as to conclude a non-aggression pact, "which would not derogate from the independence and sovereignty of Pakistan".

Mr. Shahi did not agree that his New Delhi visit would pave the way for an India-Pakistan summit.

Explaining the difficulties in the way of reaching a non-aggression agreement, Mr. Shahi referred we what he called skeptical reports from India about Pakistan's motives and intentions and said there was no trap or deception in the offer that Pakistan had made in utter good faith.

He mentioned a report that Pakistan wanted to erode the Simla Agreement through a no-war pact and said the contrary was true. Similarly the allegation that in proposing such an agreement Pakistan wanted to facilitate an increased supply of arms from the United States was baseless and irresponsible.

About the Kashmir dispute, Mr. Shahi said: "I reiterate that such a pact would neither add to nor subtract from the provisions of the Simla Agreement."

Neither India nor Pakistan had expressed any desire to discuss the possibility of transforming the actual Line of Control in Jammu and Kashmir as a "soft line" for the purposes of travel, he added.
His visit beginning January 29 would not solve all the problems, but it could possibly be a beginning to "other understandings", he said and added that he was not unmindful of the difficulties that lay ahead in his task.

Replying to question whether other subjects like Pakistan's nuclear programme and increase in trade and travel would also come under discussion, Mr. Shahi said the agenda of his talks in New Delhi related only to the proposal for a non-aggression pact, but nothing prevented the two sides from taking up other subjects.

Similarly, subjects like mutual reduction of forces and declaration of South Asia as a nuclear weapons-free zone were not on the agenda.

The reduction of forces and increase in trade were questions which should be taken up separately, he said and made it clear that the proposed pact was not in any way linked with other questions like increase in trade and travel between the two countries.

The fundamental strategic and security transformation in the region, he said, called for reappraisal of the existing doctrines and dogmas, for new thought patterns, for statesmanship to develop appropriate responses to new challenges.

"Our two countries … often in the past failed to bridge the communications gap between us, resulting in the most unfortunate and destructive conflicts. Never before was the need to bridge this gap so urgent and acute as it is now," he said.

Whatever might be the two sides' "interpretations of the extraordinary events in Afghanistan, and whatever the objectives and policies of the super-Powers, surely our own interest requires that we make all possible efforts to strengthen the framework for the maintenance of peace between our two countries", he added.

About the Simla Agreement, he said undoubtedly the accord constituted a good foundation for normal and peaceful relations. It continued to be so, but surely that did not mean that it is unnecessary to strengthen the foundation of cooperation between the two countries.

Provisions of the Simla Agreement must be interpreted in their proper context. The agreement was a judiciously balanced document. Quoting its provisions out of context could damage the spirit to the disadvantage of both parties. Nothing contained in the Simla Agreement derogated from the sovereignty of either party. It was specifically reaffirmed in the agreement that relations between the two countries shall be governed by the principles and purposes of the UN Charter.
The object of the Simla Agreement was to put an end to past conflict and confrontation and to provide for the initiation of the process for the establishment of durable peace and step-by-step normalisation. It committed the two sides to hold discussions for the settlement of outstanding questions.

Pakistan's initiative to defuse tension and promote confidence between Pakistan and India should be rightly understood as a complement to its simultaneous efforts towards a general improvement in the environment in the region. Specifically, the crisis in Afghanistan needed to be urgently resolved. Pakistan's opposition to foreign intervention in Afghanistan was rooted in the principles of international law and norms of UN Charter.

"Pakistan and India are blessed with vast resources. God has bestowed our peoples with great qualities of intelligence and industry. In peace both of us can accelerate progress and development. Let us give ourselves a chance", he added.

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1719. Statement of Pakistan Foreign Minister Sahabzada Yaqub Khan on proposed treaty of non-aggression and non-use of force with India.


"Pakistan and India have already discussed some of the elements of the proposed pact of non-aggression and non-use of force. The discussion of this proposal is, therefore, an on-going process and as agreed by the Foreign Ministers in the joint Press Statement issued on February 1, 1982, the officials of the two countries are to meet in Islamabad to continue exchanges on the substance of the proposal. There is no controversy or confusion on this point. We feel convinced that the interests of both countries will be best served by the early conclusion of the proposed non-aggression pact, operation can be effectively prepared through this approach…

"The idea of a treaty of peace and friendship between Pakistan and India was mentioned by the Indian Prime Minister to Pakistan journalist in the course of a discussion on the nature and scope of the Indo-Soviet treaty of 1971. However, the matter was not pursued as it was realised that such a treaty was premature. The principal objective of the non-aggression pact was to create the necessary atmosphere of mutual trust and confidence in the context of which alone could such a treaty acquire relevance."
"The statement by the Indian side in the joint communique issued after Mrs. Gandhi’s visit to Saudi Arabia recently that India had proposed a treaty of peace, friendship and cooperation with Pakistan does not alter the above fact*…

"There is also no element of doubt or ambiguity about the proposal regarding the establishment of a joint commission. Pakistan has welcomed the proposal in principle and is prepared to discuss the terms of reference, composition and other aspects of the commission at a mutually convenient time."

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*On the same day on May 15, Prime Minister Mrs. Gandhi said in New Delhi that Pakistan was not adhering to the Simla Accord after its present Government had come to power. India sincerely wanted friendship with Pakistan but it had to be forged with dignity and honour, Mrs. Gandhi said and added that Pakistan was, on the one hand, talking of a no-war pact, but had on the other, been acquiring sophisticated offensive weapons.

1720. PAKISTAN DRAFT

Proposed text for an agreement between Pakistan and India on non-Aggression, renunciation of force and promotion of Good Neighbourly relations.

[Shah Nawaz, Secretary General Pakistan Ministry of Foreign Affairs handed over this draft to the Secretary (Pak-IRAF) Natwar Singh in the Ministry of External Affairs in Islamabad on June 1, 1982.]

The Government of Pakistan

AND: The Government of India

REAFFIRMING: their obligations under the Charter of the United Nations, including those requiring all states members to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations and to settle their international disputes by peaceful means;

REITERATING: their solemn commitment to the Simla Agreement which provides for the establishment of durable peace and friendly and harmonious bilateral relations;

MINDFUL: of their obligations as Members of the Non-Aligned Movement
which asserts independence from the Great Powers and their military alliances or blocs, so as to maintain freedom of judgment and action;

**CONVINCED:** that the development of harmonious bilateral relations between the two countries will serve their best interests and will be neither at the expense of their relationships with nor directed against any third country;

**BELIEVING:** that the creation of a tension-free atmosphere would enable the two countries to devote their valuable resources more effectively to productive nation building activities so as to ensure a better and fuller life for their peoples;

**HAVE AGREED AS FOLLOWS:**

**ARTICLE - 1**

The contracting parties agree that the pre-requisite for good neighbourly relations and durable peace between the two countries is a commitment by both of them to the universally accepted five principles of peaceful co-existence, *viz*:

(i) Respect for each other's territorial integrity and sovereignty,

(ii) Non-aggression,

(iii) Non-interference in each other's internal affairs,

(iv) Equality and mutual benefit, and

(v) Peaceful co-existence.

**ARTICLE - 2**

The contracting parties shall not in any circumstances resort to war or use force, or threaten to use force in any form whatsoever, against each other.

**ARTICLE - 3**

The Contracting parties shall settle all disputes or differences between them exclusively by peaceful means.

**ARTICLE - 4**

The contracting parties undertake to strengthen the existing machinery for bilateral consultations with a view to promoting mutual understanding, friendship and cooperation in the spirit of this Agreement.

**ARTICLE - 5**

This Agreement will come into force with immediate effect (on the exchange of Instruments of Ratification).
1721. Media Briefing by the Official Spokesperson of the Ministry of External Affairs on the ‘non-aggression pact’ between India and Pakistan.

New Delhi, June 4, 1982.

The Official Spokesperson of the Ministry of External Affairs said in New Delhi that the forthcoming Indo-Pak dialogue would cover all matters of bilateral interest and not the non-aggression pact alone. He, however, indicated that no decision had yet been taken about the timing, place and level at which the resumed talks would be held. The spokesman said that no-war pact was only a part of the overall relationship that "we are working for. The relationship would have to be nurtured by confidence-building and measures such as the setting up of a Joint Commission to promote the positive aspects of relationship between our peoples".

He quoted Mr. Natwar Singh as having said that further discussions would be held between the two sides on all aspects of bilateral matters which were discussed at Delhi in February and in the light of Prime Minister Indira Gandhi’s letter to President Zia-ul-Haq.

Asked whether the atmosphere for a dialogue had been cleared now, the spokesman said: "It would be as unrealistic to say that the atmosphere has ceased to be vitiated as to say it has remained as vitiated as it was".

"There were differences between the two countries which we wish to compose with harmonious and friendly relations in a spirit of good neighbourliness", he added and said Mr. Natwar Singh's talks in Islamabad would be an effort towards achieving these objectives.

The spokesman said, "We have an abiding faith in the possibility of an enduring peace and friendship between the two countries. We are steadfast in this faith and we have an interest in Pakistan's stability, sovereignty and independence and, therefore, we regard it as imperative that there be peace, friendship and co-operation between us".

He stressed that it was significant that Premier Mrs. Gandhi had sent her letter to President Zia-ul-Haq through a special envoy*."

* In another briefing on June 7 the Spokesperson further said that the proposed draft of Non-Aggression Pact, prepared by Pakistan, required considerable amendments, modifications and additions. He said that New Delhi was examining the draft, adding: "It
1722. **Draft of a Treaty of Peace, Friendship and Cooperation Between India and Pakistan as Proposed by India and Handed over to Pakistan Foreign Secretary by Indian Foreign Secretary M.K. Rasgotra in Islamabad on August 11, 1982.**

The Government of the Republic of India

AND:

The Government of the Islamic Republic of Pakistan,

**RECOGNISING:** the significant contribution made by the Simla Agreement of July 2, 1972, to the maintenance of peace and to the process of normalisation of relations between them;

**REITERATING:** their resolve to establish durable peace in the subcontinent;

**AFFIRMING:** their determination to settle their differences by peaceful means and through bilateral negotiations;

**REAFFIRMING:** their steadfast adherence to the policy of non alignment which has significantly contributed to the maintenance of peace and the lessening of tensions in the world;

**CONVINCED:** that enduring peace, friendship and mutual cooperation between them corresponds to the vital interests of the peoples of the two countries;

**EMPHASISING:** the importance of mutually agreed confidence - building measures in promoting goodwill between the two countries;

have agreed as follows:

**ARTICLE - I**

(1) The two Governments shall develop and consolidate relations of peace, friendship, good-neighbourliness and cooperation in all spheres.

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*does seem to us at first glance that the draft requires considerable amendments, modifications and additions.* He however declined to give details of the draft saying India would convey its comments to Islamabad.

[India and Pakistan held a first round of talks on the proposed pact last February. No dates have so far been set for a second round of talks but the draft is expected to form the basis for discussions between the two sides. The Pakistan Government had handed the draft to Natwar Singh, a special envoy of Prime Minister Indira Gandhi, who visited Islamabad from May 31 to June 2 to personally deliver a letter from her to President Zia - ul - Haq.]

He further said India wanted to make the draft "comprehensive" and hoped that both countries would be able to arrive at mutually agreed formulations. Media had quoted informed sources to say that Mrs. Gandhi, in her letter to President Zia, had suggested greater bilateral co - operation in various fields including setting up of a joint commission and signing of a friendship treaty, before going on to sign a no - war pact.
(2) Both countries affirm their adherence to the Simla Agreement of July 2, 1972, which shall continue to be the basis of relations between them.

ARTICLE - II

Both Governments reaffirm their common commitment to the universally accepted five principles of peaceful co-existence which are:

(i) Mutual respect for each other's territorial integrity and sovereignty;
(ii) Mutual non-aggression;
(iii) Mutual non-interference in each other's internal affairs;
(iv) Equality and mutual benefit; and
(v) Peaceful co-existence.

ARTICLE - III

The two countries shall not resort to war or an armed conflict between them, and shall refrain from the threat or use of force for the settlement of any disputes or differences between them or for any other purpose.

ARTICLE - IV

(1) The two Governments reaffirm their determination, to settle any disputes or differences between them by peaceful means and exclusively through bilateral negotiations.

(2) Pending the settlement of any of the disputes or differences between the two countries, neither side shall unilaterally seek to alter the situation, directly or indirectly, nor shall it engage in the threat of use of force or other means in relation thereto, as stipulated in Article I (ii) and Article IV (ii) of the Simla Agreement of July 2, 1972.

ARTICLE - V

(1) The two Governments reiterate their firm commitment to the policy of non-alignment and of their obligations as members of the non-aligned movement which asserts non-involvement in Great Power confrontation and their military alliances or blocs in any form.

(2) The two governments mutually undertake not to give to any Great Power or to another State, whether or not in military alliance with them, any use of their territory or area within their jurisdiction as a military base or for any other facilities of a similar character in whatever form, and particularly those which adversely affect the security interests of the other party.
ARTICLE - VI
The two Governments emphasise the importance of measures to strengthen mutual trust and confidence which are essential for reinforcing their resolve to have good neighbourly and cooperative relationship. They shall establish appropriate machinery for this purpose.

ARTICLE - VII
(1) The two Governments shall develop mutual cooperation in trade, cultural, economic, scientific, technical and other fields, such as, education, art, literature, press, radio, cinema, sports, public health, tourism, etc. on the principles of equality and mutual benefit.

(2) A Joint Commission shall be established to implement the provisions of this Article, and to bring bilateral cooperation in the areas specified therein to the maximum level, consonant with mutual benefit.

ARTICLE - VIII
Both Governments shall take all steps within their power to prevent hostile propaganda directed against each other. They will encourage the dissemination of such information as would promote the development of friendly relations between the two countries and their people.

ARTICLE - IX
The two Governments agree that the primary objective of both the countries is to provide a better and fuller life for their people. With a view to achieve that end, they shall strive to create a tension-free atmosphere and avoid the pursuit of an arms race which will only divert resources from nation-building activities.

ARTICLE - X
The two countries shall cooperate with each other as well as with other countries in South Asia to promote concrete cooperation among the countries of the region in such specific fields as may be agreed upon from time to time.

ARTICLE - XI
The two countries reaffirm their commitment to the principles and purposes of the Charter of the United Nations.

ARTICLE - XII
The two Governments shall maintain regular contacts in order to exchange information, where necessary, to ensure the smooth implementation of this Agreement.
ARTICLE - XIII
Any difference of interpretation of any Article or Articles of this Agreement which may arise between the parties will be settled bilaterally by peaceful means in a spirit of mutual respect and understanding.

ARTICLE - XIV
This Agreement will be subject to ratification and will come into force with effect from the date on which the Instruments of Ratification are exchanged.

SIGNED .................................................on the......................................
(INDIA) (PAKISTAN)

1723. Joint Press Conference of the Foreign Secretaries of India and Pakistan at the end of their talks.
Islamabad, August 13, 1982.

India has formally proposed to Pakistan a treaty of peace, friendship and co-operation, Foreign Secretary Niaz Ahmed Naik announced at Islamabad on August 13, 1982.

He told a Press Conference held at the VIP lounge of the Islamabad airport that a draft of the proposed treaty had been given to him by Indian Foreign Secretary Maharaj Krishan Rasgotra during their two day talks held at the Foreign Office on August 11 and 12.

Being elaborate and multi-faceted, the draft treaty would require time to study, he added. (Mr. Naik made the announcement with Mr. Rasgotra sitting on his side at the Press conference.)

His talks with Mr. Rasgotra, he said, were held in the background of the talks held between the Foreign Ministers of the two countries in New Delhi in January last. Most of the negotiations were of bilateral nature, including Pakistan's proposal for a non-aggression agreement and the Indian proposal for a joint commission. Held in an atmosphere marked with mutual goodwill and cordially, the negotiations were the "most useful", he added.

They had also exchanged views on a number of international issues of common interest. The two sides greatly valued such discussions because these created better understanding.
During these talks, Mr. Naik said, they found that on many international issues they had similar views. The Pakistani delegation, he added, had been profoundly impressed by the deep understanding displayed by Mr. Rasgotra on international issues and also by the lucid manner in which he explained the views of the Indian Government.

The recent developments in Afghanistan as also the indirect talks held under the UN auspices at Geneva on the Afghanistan problem were also considered by the two sides. Both the sides reiterated their adherence to the two declarations adopted on Afghanistan by the two recent conferences of the Foreign Ministers of non-aligned countries, one at New Delhi and the other at Havana, Mr. Naik said.

They also discussed Lebanon where Israel was committing grave aggression against the Palestinians and the Lebanese people and expressed the view that most effective restraints should be put to Israeli aggression and expansionism.

The Iran-Iraq war, also came under discussion and the two sides wished that the protracted conflict should come to an early end so that further loss of life and property did not take place.

The two Foreign Secretaries, he said, were disappointed over the lack of progress in the North-South dialogue and stressed the imperative need for launching global negotiations for a just international economic order.

Mr. Naik said he had accepted with pleasure Mr. Rasgotra's invitation to visit New Delhi for the next round, the dates for which would be decided later.

He concluded his statement by expressing the Pakistan Government's desire to have good-neighbourly relations with India.

Rasgotra's Remarks.

Speaking next, Mr. Rasgotra told newsmen that he fully shared the remarks of Mr. Naik and that the only thing he would like to add was his own appreciation and that of the members of his delegation for the excellent arrangements and the warm hospitality extended by Pakistan to make their visit fruitful, successful and productive.

Asked how much ground had been covered on the proposal of non-aggression agreement, Mr. Rasgotra said he hoped there would be something to be told about that after the next round of talks, expected to take place shortly.

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President Mohammad Zia-ul-Haq has said that Pakistan has only two objections to an Indian draft for a proposed treaty of friendship and cooperation between the two countries.

In a recent interview to VOICE OF AMERICA, Gen Zia said that India had imposed two preconditions suggesting that Pakistan should not give military bases to foreign powers and that all outstanding issues between the two countries be resolved through bilateral negotiations.

That would be tantamount to Pakistan's demand that India should not buy anything from the Soviet Union or that it should not give any military bases to that country, he said.

Indian preconditions were unacceptable to Pakistan as they undermined the latter's sovereignty as an independent State, Gen Zia said.

He, however, categorically stated that Pakistan's commitment to peace and security and improvement in bilateral relations with India should have been accepted and Delhi should not insist on having a few words written in an agreement.

Apart from the two clauses of the Indian and Pakistani draft proposals on a non-aggression pact and a treaty of friendship and cooperation, the wording of the drafts was identical, he added.

Gen Zia said he had gone out of the way in improving Pakistan's relations with India, almost unilaterally, and relations between the two countries were improving steadily.

The Indo-Pak relations had, however, received a setback during the MRD (Movement for Restoration of Democracy) movement, particularly in Sind, as the Indian Prime Minister, Mrs. Indira Gandhi, and the Indian External Affairs Minister, Mr. Narasimha Rao, had given statements on the internal situation in Sind.

He had told the Indian leaders that such statements would hamper the process of normalisation of relations between the two countries, and that proved to be correct.

Regarding the mission of the Indian Foreign Secretary, Mr. Rasgotra, and the meeting of the Joint Commission, Gen Zia said that it would further improve the
relations between the two countries. The Indian delegation was holding talks and he hoped that positive results would emerge from these talks.

In reply to a question, he said India had amassed two-thirds of its military forces on the borders with Pakistan and consequently Pakistan had also deployed its forces all along the borders.

He was, however, surprised at the Indian stand that the deployment of troops by Pakistan threatened India's security.

India had built a number of garrisons, air bases and new bunkers on the borders with Pakistan during the past 10 years, he said and added that Pakistan was concerned at such Indian steps.

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1725. Letter from former Indian Foreign Secretary C. S. Jha to Prime Minister Rajiv Gandhi on relations with Pakistan.

New Delhi, January 25, 1986.

51, Golf Links, New Delhi - 110003.
Tel: 617645.

Dated 25.1.1986

Dear Pradhan Mantri,

I take the liberty of writing on a matter which has been troubling many people including myself. I hope you will forgive me for this infliction for which my only excuse is my having been intimately involved in the past in the conduct of our relations with Pakistan.

May I say how much I have admired your courage and wisdom in tackling and finding solutions to our problems, both internal and external. You have, if I may say so, unerringly given high priority to our relations with Pakistan. Your efforts to find a *modus vivendi* with Pakistan in peace and good neighbourliness and mutual cooperation is most timely and commendable, and is one devoutly hoping for friendly relations between India and Pakistan. I wish you Godspeed in these efforts.

News reports indicate the possibility, even the imminence, of an agreed draft of a treaty or no war pact as a result of recent discussions between the Foreign Secretaries of the two governments in Islamabad. Our insistence on a
comprehensive treaty of peace and friendship seems to have succeeded in
securing Pakistan's agreement to marrying the Pakistan draft and our draft
treaty of peace and friendship. Pakistan is also reported to have agreed to
bilateralism i.e. peaceful solution of all problems between the two countries
without third party interference. All this is satisfactory from our point of view.
But are they enough? Past experience shows that military conflicts between
India and Pakistan have always taken place because of Pakistan's aggression
in Kashmir, overt as in 1947 and in September 1965 or covert as in August
1965. The question that comes to mind is, will the conclusion of a no war pact
and comprehensive treaty of friendship succeed in precluding similar action by
Pakistan in future?

There is no doubt that the treaty of peace and friendship between India and
Pakistan will help in solving many of our foreign policy problems and will be to
the lasting benefit to both countries. Any such treaty, however, must be
meaningful and effective as otherwise it will tend to be forgotten like the Tashkent
Declaration in 1966 and the Simla Agreement in 1972 which were also in a
sense no war pact. A treaty is a formal document binding not only present but
also future governments. It is not unusual for treaties after they are entered into
to be interpreted or misinterpreted by one of the parties for justifying actions
contrary to the treaty's intensions or its spirit.

The proposed treaty therefore should not have any loopholes.

Pakistan has from time to time trotted out its claims and policies often mutually
contradictory in relation to J&K. These are:

(a) The Kashmir question should be settled on the basis of U.N. resolution.
i.e. a plebiscite in Kashmir which we have rejected. The ruling Pakistan
Muslim League has just repeated the same.

(b) J&K is disputed territory and, therefore, the entry of Pakistan troops into
J&K can not constitute aggression against India. This plea was specifically
put forward by the Pakistan delegate in the Security Council on 6th
September 1965 (at which I had the honour to represent India) and has
since been repeated on more than one occasion in the past. We countered
this plea by pointing out that if this thesis were accepted, aggression
would be made easy; any State could raise a spurious dispute concerning
a part of the territory of a neighbouring State and on that basis seek to
justify marching troops into the latter's territory. Pakistan's argument did
not receive support in the Council except from the representative of Jordan
at that meeting.
Pakistan has been showing in its maps the whole of J&K as a part of Pakistan; and very recently President Zia-ul-Haq, as reported in the press, has claimed J&K to be a part of Pakistan. This statement has not been contradicted or retracted by Pakistan.

Such claims and pleas by Pakistan on the eve of a no war pact with India cast doubt on its *bona fides*, it might again try to justify a future attack on J&K as the induction of Pakistan troops into another part of the territory of Pakistan or into a disputed territory, not amounting, according to them, to aggression against India while characterising a counter attack in Punjab (Pakistan), as in 1965 a violation of the treaty. Considering the past behaviour of Pakistan the danger is a real one.

When it comes to a precise treaty the acceptance of bilateralism by Pakistan by itself may not remove the danger. I do not know if the text that is being hammered out would take care of our apprehensions but in a treaty of this kind nothing can be taken for granted and private assurances by Zia-ul- Haq have little value unless they are incorporated in the treaty.

On our part we should have no difficulty in agreeing that we shall not take recourse to military action to recover that part of J&K which is in the illegal occupation of Pakistan. Prime Minister Nehru on 22 August, 1961 told Parliament "We are not going to take any summary measures to push out the Pakistani army or controlling apparatus from that area (so-called Azad Kashmir). It is our right and we are prepared to consider that when the time comes, in a peaceful way. That is going pretty far as the House would appreciate when we say that we are not going to take any military step in that area which is occupied by Pakistan". And this has been the policy of our government all these years. There has been no comparable statement by Pakistan in so far as they are concerned.

It is not practicable at present to expect Pakistan to recognise in the treaty that J&K is an integral part of India. Nor is time ripe yet for India or Pakistan to renounce their positions and to agree to the ceasefire line as international frontier, though that is the only possible solution. I wonder, however, if we should not at least insist on the inclusion of some clause to the effect that neither party would resort to military or other action, overt or covert, against the other in or in relations to J&K and both sides will treat the cease fire line in J&K as inviolable, pending a peaceful resolution of their disputes and differences in accordance the Simla Agreement 1972. Pakistan, if it is as keen on a no war agreement with India as declared by President Zia, should not find it difficult to agree to this. The fact that the conclusion of a no war pact or treaty with India will make it much easier for Pakistan to obtain more than $6 billion U.S. Military aid package in the next few years, should spur them to agree to some such provision and we should use this
contingency as a leverage. A no war treaty no more specific than the Tashkent Declaration or the Simla Agreement will merely silence the few critics of U.S. military aid to Pak in U.S.

With my respects

Yours Sincerely

(C. S. Jha)

Shri Rajiv Gandhi,
Prime Minister of India,
New Delhi.

❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖
1726. Views of Pakistan Prime Minister Benazir Bhutto on the 'No-War Pact" with India. 
Peshawar, August 9, 1996.
Pakistan Prime Minister Benazir Bhutto ruled out a no-war pact with India, saying it is "irrelevant" unless bilateral relations are normalised and the Kashmir issue is resolved.

"I do not understand and have never understood the relevance of a no-war pact" with India, Ms. Bhutto told newsmen in reply to a question in Peshawar. "I think feelings for a no-war pact exist neither here nor there," she said, adding "even if there was a no-war pact and somebody wanted a war, they go for it."

She said, "I feel the signing of a no-war pact gives the impression that things are normalised. However, things cannot be normalised until the root cause of the conflict between the two countries, which is Kashmir, is settled," she said. [She was responding to a question of Opposition leader Nawaz Sharif's statement earlier this week that he favoured a no-war pact with India and that both countries should resume bilateral talks to settle their outstanding disputes.]

In reply to a question on the comprehensive test-ban treaty, (CTBT), Ms. Bhutto said Pakistan would never sign any treaty on the issue unless it was signed by India.

She asserted that Pakistan would continue helping militants in Jammu and Kashmir, saying "we have supported the Kashmiri people and we will go on supporting them in future also."

On the resumption of the stalled Indo-Pak talks, Bhutto referred to the exchange of letters with her Indian counterpart H.D. Deve Gowda, and said, "We have made it clear that the relations between the two countries cannot be normalised until the Kashmir issue is settled."
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Mandip Kaur

Mother of
Puneet and Mantosh

Mother-in-Law of
Gurpreet & Kamaljeet

Grandmother of
Arjan,
Geetika
Amitoj
Zorawar
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2054. Extract from a letter from Prime Minister Jawaharlal Nehru to the Indian High Commissioner in London V.K. Krishna Menon. New Delhi, July 22, 1951.
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2158. Letter from Commonwealth Secretary Y. D. Gundevia to Ambassador B. K. Nehru on his talks with Galbraith.
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2159. The following statement was issued on August 2, 1963 by American Ambassador in Pakistan Walter P. McNaughton:


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2178. Unofficial translation of a letter from Soviet Prime Minister Alex Kosygin to Prime Minister Lal Bahadur Shastri.

2179. Letter from Prime Minister Lal Bahadur Shastri to the Soviet Premier A. Kosygin.
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2180. Reply from Pakistan President Ayub Khan to Secretary General of the United Nations in reply to his message of September 1, 1965.

2181. Message of the Soviet Premier Alex Kosygin to Prime Minister Lal Bahadur Shastri and Pakistan President Ayub Khan.
Moscow, September 4, 1965.

2182. Telegram dated 6 September 1965 from the Minister for Foreign Affairs of Pakistan to the President of the Security Council.
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2198. Telegram from the British High Commissioner in Rawalpindi to the Commonwealth Relations Office.
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2199. Telegram from British High Commissioner in Rawalpindi to Commonwealth Relations Office.

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2201. Telegram from British High Commissioner in Rawalpindi to Commonwealth Relations Office.
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2202. Brief prepared by the British Commonwealth Relations Office for the Secretary of State for the Cabinet meeting on Kashmir.

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2208. Telegram from British High Commissioner in New Delhi to the British Commonwealth Relations Office pleading that the accession of Kashmir to Pakistan would be against UK interests.
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2232. Letter from Permanent Representative of Pakistan to the UN addressed to the UN Secretary General.

2233. Note from the High Commission for India in Pakistan to the Pakistan Ministry of Foreign Affairs.

2234. Letter from Permanent Representative of India at the UN to the UN Secretary General.


2240. Speech by A.N. Kosygin, Chairman of the Council of Ministers of the USSR at the opening Session of the Tashkent Conference. Tashkent, January 4, 1966.

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2254. Debate in the Pakistan National Assembly on the Tashkent Declaration.

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2256. Record of discussions held between the Indian Chief of the Army Staff and Commander in Chief of Pakistan Army amplifying decisions contained in paras 2 and 3 of the Record of the meeting held at New Delhi on September 13-14, 1966.
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2257. Note Recorded by T.N. Kaul on his“ Private” meeting with Sheikh Abdullah and submitted to Prime Minister Mrs. Indira Gandhi.
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2258. Note Recorded by T.N.Kaul after his dinner appointment with Sheikh Abdullah and Submitted to Prime Minister Mrs. Indira Gandhi.
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2259. Note Recorded by T.N. Kaul on his “private” meeting with Sheikh Abdullah and Submitted to Prime Minister Mrs Indira Gandhi.
   New Delhi October 30, 1967.
2260. Note recorded by T.N. Kaul of his Meetings with Sheikh Abadullah and submitted to Prime Minister Mrs. Indira Gandhi.

New Delhi, January 1, 1968.

2261. Statement of Pakistan Prime Minister Zulfikar Ali Bhutto on the Agreement between the Prime Minister Mrs. Indira Gandhi and Sheikh Mohammad Abdullah.

Rawalpindi, February 24, 1975.

2262. Statement by Pakistan Foreign Minister Sahabzada Yaqub Khan in the Pakistan National Assembly on Siachen.

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2263. Joint Statement issued at the end of Second Round of India-Pakistan Talks on Siachen.

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2264. Questions replied to in the Pakistan National Assembly on Siachen.


2265. Letter from Deputy Chief of Mission of India in Pakistan A. B. Patwardhan to Joint Secretary (Pakistan) Ministry of External Affairs.


2266. Letter from High Commissioner in Pakistan S.K. Singh to Defence Secretary S.K. Bhatangar.


2267. Joint Press Release issued at the end of Third Round of India – Pakistan talks on Siachen.


2268. Joint Statement issued at the end of fourth round of talks between the Defence Secretaries of India and Pakistan on Siachen.

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2282. Note circulated to the press by the Government of India after the Seventh Round of India – Pakistan talks on Siachen. New Delhi, November 6, 1998.


2286. Joint Press Statement issued at the end of India-Pakistan Defence Secretary level talks on Siachen. Islamabad, April 7, 2007.
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SECTION - III

DEFENCE ISSUES
Telegram from Prime Minister Jawaharlal Nehru to the Leader of the Indian Delegation to the United Nations Vijayalakshmi Pandit.

New Delhi, November 15, 1952.

New York Times statement that United States Government is directly interested in increasing strength of Pakistan Army and having air bases in Pakistan is of great importance. Zafarullah Khan’s denial does not convince anyone. It is significant that Dawn has published long account on lines of New York Times statement from its Washington correspondent.

We have asked our Ambassador in Washington to try to find out what the position is. I should like you also to try to ascertain the facts about this matter*.

* The report dated 10 November stated that it was learnt that concerned American officials were “considering plans to building up Pakistan Army. The eventual plan is to build American air-fields in Pakistan, 90 minutes flying time from major Soviet industrial area”. On 10 November Mohammad Zafrullah Khan, the Foreign Minister, said, “no Pakistan plan exist for the development of the Pakistan Army by Americans, or for granting American air-fields in Pakistan”. Separately Mrs. Pandit had in her telegram to Prime Minister reporting her conversation at a lunch with the US Secretary of State John Foster Dulles said the latter had hinted at the possibility of a meeting between her and President Eisenhower and she sought instruction on the line she should take in her talks if the proposed meeting materialized. Prime Minister inter alia wrote to her: “you might also mention that we have been greatly disturbed by news that US Government is going to help Pakistan to build up its army and to have air bases in Pakistan. We do not know the truth of this, but even this report had created apprehension. We think that even in Pakistan this will have a bad effect on the people and probably weaken the present Government there. It will give handle to extremist elements in Pakistan. It was chiefly on some such reports two years ago that there was a military conspiracy in Pakistan which led to arrest of high-ranking officers”.

In the meantime reports started circulating that an attempt was being made to get Pakistan join the Middle East Defence Organisation (MEDO). Prime Minister in his minute dated December 24, 1952, directed the Ministry of External Affairs to supply some information to the press about the MEDO so that they could write about it. He however cautioned that the journalists should be told to write on their own behalf without involving the government in any manner. He also desired that the Ambassador in Washington (G. L. Mehta) be advised to discuss this matter with the Secretary of State Acheson so that they get the message that “we were interested in this and that any such arrangement with Pakistan would have repercussions in India. It is as well they should know this.”
It is not for me to say much about the reported move to include Pakistan in the Middle East Defence Organization at this stage except this, that it is a matter of grave concern to us what takes place in regard to the Middle East Defence Pact and Pakistan, because that may very well affect all kinds of balances and equilibrium in this country and Pakistan and in South Asia. Therefore, it is not a matter of little concern to us. We have been following this with close attention and we shall naturally have to adapt ourselves to changing conditions and developments.

Obviously as a responsible organization, we do not pass resolutions making it clear to this country and that country that India would consider the inclusion of Pakistan in the defence pact as an unfriendly act, or issue warnings, etc. These academic exercises can hardly be indulged in by a responsible organization like the Congress. Therefore, I could not allow that amendment. Nevertheless, the subject matter of amendment is, of course, of high importance*

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* The Prime Minister’s intervention was directed at the proposed amendment in the Foreign Policy resolution “to make it clear” to the-Anglo-US powers that India would consider “the inclusion of Pakistan in the West Asia defence pact as an unfriendly act.” Though the amendment was disallowed, nevertheless it reflected the concerns of India at the developing security situation in the region.

On January 18 again speaking at the plenary session of the AICC Nehru clarified his position and said “Apparently my words were interpreted by some people as interfering in somebody else’s business. Well, I have no desire whatever to interfere in anybody else’s business just as I do not want anyone else to interfere in my business. It is not for me to come in the way of Pakistan or the USA or the UK who are free to take any steps they like in this matter. So I do not complain or interfere. What I said was that this matter is of grave concern to us naturally, and that we have to consider carefully what we have to do in our country and how to adapt ourselves to it. Obviously, if such a thing occurs, the region of cold war comes right up to our borders. That is to say, if Pakistan joins such a thing it can certainly do so; we do not come in the way – but it does make a difference to us either in cold war or if something worse, some other type of war happens. It affects us when something happens on our borders in any matter. It is not the possibility of war between India and Pakistan but it is the possibility of world war coming right up to our doors and it is a matter of concern to us.”

The need for the Prime Minister to clarify the position arose because the London Times, for example, in an editorial on 15 January criticized Indian comments on possible association of Pakistan with the proposed MEDO and stated: “The Government of India is rightly proud of its independence. It will not brook admonition, let alone pressure from other countries on the management of its affairs. Yet it does not seem to recognize that other countries feel and are entitled to feel the same.” The Dawn of Karachi on January 28, in an editorial said: “…if an opportunity comes to us to participate in such an organisation (MEDO)...it would be an act of folly on our part to miss it.”
10. You know that I have met Mohammad Ali, the Prime Minister of Pakistan, twice in recent months, once in Karachi and then in Delhi. I found him much easier to get on with than his predecessors. I believe he is anxious for a settlement with India as we are. He is a frank and amiable person. But he has been living in foreign countries ever since independence came and has thus been rather out of touch with his own country. In particular, he knows little about western Pakistan, being himself a Bengali. He became Prime Minister chiefly because of the rivalries of others. It was a good thing that he became Prime Minister, but his position in that post is rather a negative one. That is to say, that he has no particular following of his own and he remains there because others quarrel. He has a certain popularity with people. His position is, therefore, a difficult position, and continuous intrigues and struggles for power are going on behind the scenes in Pakistan. The political situation in Pakistan is completely fluid and nobody quite knows what might happen.

11. Mohammad Ali has spent the last few years in the USA and in Canada. He has been much influenced by the USA and, it is said, that the USA had some part in helping to make him Prime Minister. There is little doubt that the influence of the USA has increased greatly in Pakistan, at the cost of British influence. A large gift of wheat by the US to Pakistan was much publicised.

12. A new and rather alarming development is now taking place. There is no doubt that a military alliance between Pakistan and the US is being discussed and, I think, it is highly likely that this will take place in some form or other. The US Government is so obsessed with anti-communism that it forgets all other issues. Prominent Americans openly talk of raising, with their money, a well-equipped army of a million men in Pakistan. Pakistan, with its political and economic difficulties, is falling into this trap. There is considerable opposition to it among the people of Pakistan, but this opposition is not organized enough to make much difference.

13. You will appreciate that this formal lining up of Pakistan with the US as well as the building up of Pakistan as a great military centre, has far-reaching consequences for all of us. For India, it has a special significance and we are naturally much concerned. Pakistan practically becomes a satellite of America with bases and crowds of Americans all over the place. More and more it will pass under the influence of the US. The cold war will come right up to India’s frontiers and, if a shooting war starts, that will also come right up to our frontier.
14. Also, as its army develops, the military mentality will spread. As it is, the Pakistan army is a dominating influence there. The army officers have considerable contempt for the civil government and it is a possibility for military coups to take place. Whether it is Kashmir, or any other problem, this will make a big difference. I do not mean to suggest that we are frightened of all this. But, it is clear that this represents a basic change in southern and western Asia which will affect all countries and, more especially, India.

15. Yet another unfortunate development is the decision by the Pakistan Constituent Assembly to name the country “the Islamic Republic of Pakistan” and to lay down that only a Muslim can be Governor-General. Further that all laws will have to conform to the Islamic laws of the Shariat. It is possible, and indeed probable, that this proposal about the laws will not be fully implemented, because it is impossible to have medieval system of civil and criminal law in a modern State. Nevertheless, all this represents a certain medieval and reactionary outlook and it divides its citizens into two major classes: Muslims who are the dominant and governing group and non-Muslims who are tolerated and who may be protected, but nevertheless belong to an inferior species. In East Bengal there are still over ten million non-Muslims. To make all these people feel that they have no future and no opportunities even in the present hardly seems a

Nehru’s mind was greatly occupied by this development and the very next day (November 12) in a letter to K.M. Panikkar Ambassador in Peking he wrote: “The second and even more important development, is the military alliance between Pakistan and the USA. Whether this has been actually signed or not (some reports say that the agreement has been signed), the fact remains that we are on the verge of it. The American press is full of it, and there is guarded mention of it even in the Pakistan press. Indeed, the New York Times had an extraordinary leader about it, looking forward to a million stout Pakistani soldiers armed and equipped by the US, standing up to communism. As I write to you, I have before me an article in the US News and World Report, which is an important weekly, more especially having influence with the defence forces in the US. In this, it says, ‘Pakistan is an answer to a prayer and is challenging India’s neutral leadership... Pakistanis are a warrior people who once conquered and ruled India’ and so on. In effect Pakistan becomes practically a colony of the US. There is practically no organized opposition there. I understand that the Nawab of Bhopal has also organized his trip abroad to fit in with Ghulam Mohammad’s and jointly they are going to stand up as champions who will fight communism. That of course is the mantra to win American love and money. It is said that both of them are dabbling in Anglo-Egyptian controversies. No doubt they will try to bring pressure on the Egyptian Government to fall in with British wishes. The US imagines that by this policy they have completely outflanked India’s so-called neutralism and will thus bring India to her knees. Whatever the future may hold, this is not going to happen. The first result of all this will be an extreme dislike of the US in India. As it is, our relations are cool.”

In another letter of 16th November to Lord Mountbatten he wrote, “I am much concerned at the reported military pact between Pakistan and the US. The New York Times talks calmly of the US not only having a number of bases in Pakistan, but building up an army of a million well-equipped men there.”
wise way of dealing with vast numbers of people. Apparently, the Americans and the Britishers rather encourage this medieval tendency, probably because they think that this will keep away Pakistan from communism. They are of course wrong.

16. Pakistan thus is going along a path which is not only bad for it but which draws it away from the circle of independent Asian countries, and makes it a backward and reactionary country dependent on the US. This cannot lead to stability.

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1730. Extract from the Note of Prime Minister Jawaharlal Nehru to the Foreign Secretary and Commonwealth Secretary Ministry of External Affairs.

New Delhi, November 27, 1953.

6. One interesting fact has to be kept in mind. This is the inner conflict that goes on between the US and the UK, in spite of their general alliance. In the Middle East, there is a continuous attempt by the US to displace the influence of the UK. This is visible in Egypt, as well as in some countries of western Asia. The UK resents this, but apparently is powerless to do much about it. Indeed, the US, in spite of fine phrases, treat the UK as a country which is in the downgrade and cannot play a world role which it has thus far played, and the US wants to take its place even in countries where the UK had continued to be dominant.

7. It is in this context that we should view the various attempts made to build up some kind of a Middle East Defence system. This did not come off chiefly because Egypt did not fall in line on account of her differences with the UK. An attempt was then made for Turkey, Iran and Pakistan to form some kind of a military alliance sponsored by the USA. That too has not thus far succeeded. The latest effort in this direction is the proposal to have a Pakistan- US military pact with US bases in Pakistan. A number of contradictory statements in regard to this have been made by prominent persons in America and Pakistan. There can be little doubt, however, that talks about such an alliance and bases have been held and that Pakistan is completely agreeable to fall in line. For the US this was part of its grand
strategy of bases all over the globe and more especially encircling the Communist world. The UK might have no particular objection to the military aspect of such a pact, as it had probably no objection to MEDO, but it does not favour the US taking its place in the sun everywhere. There is little doubt that US influence has grown in Pakistan greatly, and at the cost of UK influence. I doubt if the UK at all likes the idea of a military pact between the US and Pakistan.

8. What the position is now in regard to this pact is not clear. It appears, however, that things had gone pretty far when a strong protest from India pulled them up, or rather pulled the US up and made it hesitate. Pakistan appears to be willing all along the line.

9. It need not be pointed out that a military pact between Pakistan and the US and US bases in Pakistan are matters of the gravest concern to India. Indeed, the whole of south East and South West Asia are concerned, India cannot possibly remain a passive spectator to these developments. If they come off they are bound to create bitterness and fear as between India and Pakistan. They will come in the way of the settlement of all our problems. They will, in fact, bring the cold war right up to our borders as well as the prospect of world war. Pakistan would then complete her progress towards the status of some kind of a satellite of the US.

10. There is general realization, I think, in South East Asia, as well as in some of the Western Asian countries, about the dangers of such an alliance. The US of course, thinks of it as another chain in her line of encirclement of the Soviet Union and in her fight against communism. Pakistan's foreign and military policies revolve round India. She is anxious to build up her military strength so as to use it first as a bargaining favor in dealing with India and secondly, if necessary, by a regular war on India.

11. It is clear to me that Pakistan-US pact will make a great change in the whole situation in Asia, and we in India will have to consider what we should do about it. There will be no question of our changing our foreign policy or our basic approach to international problems. We shall certainly continue our policy of non-alignment and yet we shall have to do something.

12. In any event, we must exert ourselves to the utmost now to prevent such a military pact between the US and Pakistan. I think this can be done because India still counts and a deliberately hostile approach to India will bring reactions which the US will not like at all. India, in her own way, is playing a vital role though she does not shout about it.

13. I think that our Ambassadors and Ministers in our Missions abroad should bring these facts in regard to the proposed pact between US and Pakistan to the notice of the Governments concerned and at the highest
level. They may do so orally but they should be firm and clear about it. We should, therefore, instruct them to do this in a friendly way pointing out all the dangers. It is possible to create, if not a world opinion on this subject, at any rate an Asian opinion. This is bound to help, and it may even succeed finally in preventing that military alliance. Such an approach should be made to almost all countries though the emphasis and the method of approach will necessarily vary. It should be made also to the Soviet Union and China. They are, of course, opposed to this US and Pakistan alliance. Nevertheless, it is as well to put our case to them. There might be a polite hint to the countries that an expression of their opinion to the US and to Pakistan will help. This has to be done tactfully and not in any sense by way of pressure or threat. It should only be a recital of facts, and understanding of their inter-relation. Our Heads of Mission abroad must realize the importance of this question to Asia, and, I think, to world peace. Therefore, they should deal with it themselves and help in every way in making it clear to the countries concerned that India is not going to submit quietly to any such development.

1731. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Mohammad Ali.

New Delhi, December 9, 1953.

New Delhi, December 9, 1953

My dear Prime Minister,

Thank you for your letter of the 1st December 1953. I have been distressed to learn of your ill-health. I hope you have wholly recovered now.

2. On the 10th November, I wrote two letters to you, one of which was a personal letter. In that letter I referred to various matters including the evacuee property problem. In particular, I referred to the news of a military pact between Pakistan and the United States. I made it clear that it was not our wish to interfere in any way with Pakistan's internal or external policy. But when something is done in Pakistan which is likely to create powerful repercussions in India, then it is only right that I should draw your attention to it, just as if anything happened in India, which would produce that result in Pakistan, you would be perfectly entitled to draw my attention to it.

3. You have not referred to this matter in your letter to me, but in a public statement you have denied any such pact between Pakistan and the USA. The
Governor-General of Pakistan has also said that all such rumours were without foundation and were baseless.

4. You are no doubt aware that the press of the United States has been writing about this proposed military pact or agreement repeatedly and in great detail. There was no denial of this or even correction. I had to conclude, therefore, that there was some basis for what was being written about so frequently in America.

5. As a matter of fact, there has been no uniformity in the various denials issued. Indeed, some statements made by responsible statesmen in the United States practically confirm these rumours, except, perhaps in regard to military bases. Even during the last three or four days, newspapers all over the world have been full of the military assistance that is likely to be given to Pakistan by the USA. If this is so, then you will permit me to say that my statement was not far from the truth and that the denials were hardly correct.

6. In my personal letter of the 10th November, I pointed out that any such pact between Pakistan and the USA meant the alignment of Pakistan, both in regard to its foreign and defence policy, with a particular bloc of nations. So far as India is concerned, it has been our consistent policy to avoid any such alignment; because we believe that this would be undesirable from the point of view of peace in Asia as well as world peace. We hoped that the countries of Asia would keep free from these entanglements and preserve an area of peace, whatever happened elsewhere. Some other important countries in South Asia have independently followed the same policy. Apart from the danger of extending the sphere of war, such alignments were highly likely to lead to progressive limitations in the independence of the country so entangled. The countries of Asia have only recently recovered their freedom and, in our opinion, it would be most unfortunate that any policy should be pursued which would inevitably bring in powerful outside influences, limiting that freedom. Past history is a warning to us in this respect.

7. I mention this because, in view of the developments that appear to be taking place, Pakistan’s foreign and defence policy will become diametrically opposed to the policies we have so consistently and earnestly pursued. I can only express my regret that the area of disagreement between India and Pakistan should be extended over a wider field now. So far as we are concerned, we shall continue to pursue our own policy of peace and non-alignment.

8. You and I are concerned with our respective countries, and we bear a heavy responsibility for their well-being. We have to think also and shoulder some responsibility for world affairs, and chiefly the vital issues of peace and war. In any event, we cannot forget that those issues affect our respective
countries. We have thus to fashion our policies, keeping all this, and more especially peace, in view. War today is likely to be an irretrievable disaster and all our hard-won freedom will be endangered by it. Progress and reconstruction will, of course, stop completely. In fact, the movement will be in an opposite direction.

9. I do not know what the present position is in regard to the military pact or assistance between Pakistan and the USA. But responsible newspapers state that large-scale military assistance and equipment, arms and training will be given to Pakistan by the US. It is even stated (the New York Times has said so) that an army of a million men may be so trained in Pakistan. No doubt, the United States thinks that these forces may be utilized for a possible war against the Communist countries. Some of us differ from them in considering this as a method of ensuring peace. It seems to us rather an encouragement to war. Whatever the motive may be, the mere fact that large scale rearmament and military expansion takes place in Pakistan must necessarily have repercussions in India. The whole psychological atmosphere between the two countries will change for the worse and every question that is pending between us will be affected by it. We do not propose to enter into an armament race with Pakistan or any other country. Our ways of approach to these international problems are different from those of the nations of Europe and America. But it is obvious that such an expansion of Pakistan’s war resources, with the help of the United States of America, can only be looked upon as an unfriendly act in India and one that is fraught with danger. It is not the people of India who think so but people of other countries also and this has little to do with the motives behind the act, because the result in any event will be the same.

10. This matter is of such great importance and far-reaching consequences that I am writing to you once more about it, in addition to the more formal approach that we have asked our High commissioner at Karachi to make to you. Inevitably, it will affect the major questions that we are considering and, more especially, the Kashmir issue. We have been discussing for a long time past, the question of demilitarization in the Kashmir State. Indeed, it is proposed to discuss this particular question again at the Official Conference that has been suggested. The whole issue will change its face completely if heavy and rapid militarization of Pakistan itself is to take place. It is a relatively small matter what forces Pakistan maintains within the State of Kashmir, as it is doing at present. They can withdraw them 30 or 40 or 50 miles into Pakistan territory. These forces can come back at a few hours’ notice. If, however, they are backed by an increasing armed power in Pakistan itself, that is of far greater moment than the so-called demilitarization of Kashmir State. In fact, it becomes rather absurd to talk of demilitarization, if Pakistan proceeds in the reverse direction with the help of the United States.
11. I have been, and am, anxious that we should proceed towards a settlement of the Kashmir dispute. It was with this firm resolve that we had talks with each other in Karachi and Delhi and issued our joint statements. These joint statements become further and further removed from reality and tend to fade away before the cruel logic of facts as they are developing, in the shape especially, of the proposals to increase largely the armed forces of Pakistan. In fact, the question before us becomes one of militarization and not of demilitarization. It is in this context that we have to consider this issue of Kashmir.

12. In your letter you have referred to the manner of taking the plebiscite and have not agreed with what I had written in paragraphs 6, 7 and 8 of my letter of November 10. I can only say that your arguments failed to convince me and that I can only repeat what I said in my previous letter on this subject. So also in regard to the displaced persons. We have to consider this matter in not an argumentative and legalistic way, but from the broader point of view of bringing about a fair decision in Kashmir and avoiding upsets and large-scale dislocation. This was our approach in our talks and in the joint statements we issued. That approach is nullified if we are to adopt the procedure that you have suggested in your last letter. I cannot conceive of how we can have that procedure of temporary camps etc. without creating enormous difficulties.

In a broadcast on 1 December 1953, Mohammad Ali had denied the report that his country was negotiating with the US for military aid in return for US bases in Pakistan. He asserted that Pakistan would "tolerate no interference in her domestic or foreign policy from any quarter." The Governor-General of Pakistan, Ghulam Mohammed, said on 19 November 1953: "I was extremely surprised to see that Mr. Nehru has commented on these reports without verifying their veracity. I wish to make it absolutely clear that Pakistan will never be a camp follower of anyone". He described as "absolutely baseless and unfounded" the reports of military alliance between the US and Pakistan. But in another letter written to Nehru on December 17, 1953 he was ambivalent in completely denying it and said "he was surprised that Nehru should consider any attempt to strengthen Pakistan as an unfriendly act." He pointed out that the Indian Defence budget was three times as much as that of Pakistan's. "I am not sure that it is not established only on the basis that the present great disparity in the military potential of India and Pakistan shall never be altered to India's disadvantage", wrote Mohammad Ali and described Indian observations and press criticism as "unfortunate" and it was a "sad commentary on Indian professions of friendship". He, of course confirmed that "informal talks" had taken place with the US on American military equipment for Pakistan but no detailed discussions had taken place as yet and that Pakistan had its own ideology and "had not cast in her lot with the western powers as reported."

On 17 November 1953, Dulles, the US Secretary of State, declared that no negotiations had been underway with Pakistan for establishing American bases in that country, but he added that one could not rule out the possibility of such a pact with Pakistan in future. However, on 18 November, President Eisenhower stated at a press conference in Washington, that the question of military aid and bases had not been discussed in detail when he had met the Pakistani Governor-General on 13 November 1953. He also said that Indian reactions would be watched in any arrangements which might emerge.

Reuter reported from Washington that Pakistan sources in New York had informed UN delegates and others that Pakistan had indicated her willingness to grant America bases, if the US armed her. The report said: "According to Pakistan and US estimates, it would
13. Regarding the Official Committee, I am agreeable to a meeting taking place at a fairly early date. I would suggest that the meeting be held in Delhi. We are so overwhelmed at present with our work here and with Parliament that it is difficult to send persons to Karachi. As for the date, I should like it to be as soon as possible. But the date you suggest, namely the 15th December, is too near for proper arrangements to be made. I would therefore suggest that the conference be held in Delhi on Monday, the 21st December 1953. Our representative at that conference will be:

(1) Shri M.J. Desai,
(2) Shri Vishnu Sahay,
(3) Shri V. Shankar, and
(4) Brigadier Manekshaw.

There may be two or three civil or military representatives.

14. As for the agenda you have suggested, I have nothing special to say. We need not adopt the methods of Panmunjom and argue about rigid agendas indefinitely.

15. Please let me know if the date I have suggested suits you.

Yours sincerely
Jawaharlal Nehru

Asian opinion echoed Nehru’s reaction to the proposal of US military aid to Pakistan. Several newspapers such as the New Times of Myanmar, the Tribune of Sri Lanka, the Al-Akbar of Iraq shared the Indian reactions. Some of the Asian Governments also felt as strongly against the American move as India.

The India High Commissioner in Karachi delivered a note from the Government of India to Mohammad Ali on 19 December 1953 linking the question of Admiral Nimitz’s appointment as Plebiscite Administrator for Kashmir with that of US military aid to Pakistan. As the national of a great power and as he represented the country giving military aid to Pakistan, Admiral Nimitz was not considered suitable.

Mohammad Ali, in his letter of 1 December 1953, refused to accept Nehru’s ideas on regional arrangement for a plebiscite in Kashmir. Once the plebiscite had been held and people’s verdict as to the accession of the State of Jammu and Kashmir as a whole was known, both India and Pakistan would be bound to abide by that verdict; “it would not be open thereafter to either of us to proceed to dispose of the State in accordance, not with the verdict, but with some different criteria to be then defined.” Mohammed Ali named the Pakistani representatives for the joint committee of India and Pakistan: Aziz Ahmed, M. Ayub, and Aftab Ahmed Khan with two advisers, Maj-Gen. K. M. Sheikh and Lieut-Col. Mohammed Iqbal, and also proposed an agenda: (i) (a) demilitarization of the State, (b) other preliminary issues; and (ii) action necessary to implement the joint decision.
My dear Prime Minister,

Thank you for your letter of December 17, which was delivered to me by your High Commissioner.

I have written to you fully on a previous occasion about the proposal for the USA to give military aid to Pakistan. I do not wish to repeat what I had already written, but I must express my regret at your not realizing the far-reaching consequences of any such military aid being given by a great power to Pakistan or, for the matter of that, to India. Both past history and recent events have shown us what the inevitable consequence of such aid is. I have no doubt that Pakistan cherishes her independence and would not like any limitation of it. Every free country cherishes its independence. We have seen, however, that this independence becomes progressively restricted when certain steps are taken.

I have also no doubt that the people of Pakistan desire peace. So do the people of every country in the world. Yet in the name of peace, policies have been pursued by some countries which have created a dangerous situation which is continually leading away from any firm peace and which might well lead to the most terrible of wars. We, in India, have endeavoured to follow a foreign policy which we feel is not only in the interests of world peace but is particularly indicated for the countries of Asia. That policy is an independent one and of non-alignment with any power bloc. It is clear that the policy which Pakistan intends to pursue is different. It is one of alignment with one group of nations and, in particular, of close military association with one great nation. We are convinced that this is not the way to peace and that this will endanger the future of Asia, as well as that of the country which adopts it. You will thus observe a great difference between India’s approach to these problems and that of Pakistan. If our approaches are so different, the ends we strive for, or that are likely to take shape, are bound to be different. It is not enough to talk of peace; one has to shape one’s policy to that end. Otherwise, we go straight to the atomic bomb and all its progeny.

You accuse me of giving credence to highly coloured and speculative press reports. Most of these reports have emanated from America and often from the highest quarters there. The press of almost every country in the world has discussed this matter and drawn certain inevitable conclusion. If I am to blame,
then a very large part of the world is also to blame. In any event, I have not seen any serious criticism from you or from Pakistan of what the press of other countries and notably that of the United States has said in regard to this matter.

I must, of course, accept your statement that there is no truth in the reports that Pakistan was entering into a military alliance with the USA or that America was establishing bases in Pakistan. But, it is clearly stated in America, and you have yourself confirmed it, that it is proposed that the USA should give military aid to Pakistan. That in itself is a significant fact.

You refer to India spending larger sums on strengthening her armed forces. I have no figures with me about the Defence budget of Pakistan. But I should like to inform you that you are not correct in what you say about India’s Defence expenditure. We have in fact, ever since the ceasefire in Kashmir reduced our army by over 60,000 men. This process is continuing. It is gradual because we do not wish to create more unemployment. In our desire to build up industry, we are spending considerable sums in erecting large plants, which have both civil and military uses.

The fact that some talks relating to military aid to Pakistan have been taking place has drawn worldwide attention. I should like you to consider why this is so. There must be something unusual about it to produce this result. Any such military aid necessarily changes the situations in South Asia vary greatly. It means that Pakistan is tied up in a military sense with the USA and is aligned to that particular group of powers. It affects the situation in the Middle East, and you will have noticed the adverse reactions to this in the countries of the Middle East. India is, of course, even more interested in this as it is likely to produce an entirely new situation. That new situation does not depend so much on the quantity of military aid received, but more so on the fact of such free aid coming to Pakistan. This produces a qualitative change in the existing situation and, therefore, it affects Indo-Pakistan relations, and, more especially, the Kashmir problem.

During the last two years or more, we have discussed the Kashmir problem with Dr Graham. One of the subjects which was the question of demilitarization. Naturally, this was considered in the context of the then existing situation in India and Pakistan. If that situation changes basically, as it will no doubt change if military aid is obtained by Pakistan from the USA, then the premises along which we proceeded have changed. The new situation has to be considered afresh and from different premises.

I have already informed you of another grave difficulty which confronts us now. That is the question of the Plebiscite Administrator. It is totally inconceivable to us to accept any representative of a great power as Plebiscite Administrator. It
is only after this point has been clearly settled that we can consider any other matter. It is not enough to say that a decision on this can be deferred and, meanwhile, other matters can be considered.

You have referred to the references in our press to the proposals for military aid to Pakistan. As I have said above, the press of the world has dealt with this matter and drawn its own conclusions, which are usually not different from those of the Indian press. It is quite natural for the Indian press to deal fully with a matter of the greatest moment which has attracted public attention so much.

Your High Commissioner has presented us with a memorandum protesting against certain meeting and demonstrations which are being held in India to express concern at these new developments. Public organizations have to deal with public opinion and to give a lead to it where necessary. Because of the importance of this matter, it became desirable for our national organization to deal with it and to direct people’s minds in right channels. Otherwise, they would have followed a wrong track. So far as I know, there has been no untoward event. We have in fact tried to avoid these demonstrations having any anti-Pakistan character and have stressed the friendship of our respective peoples.....

I agree with you that we are in danger of losing all the ground we have so far gained. But I would like you to consider who is to blame for this. This unfortunate development is the direct result of the proposal for the United States to give military aid to Pakistan. Instead of ensuring peace, it has made people think much more in terms of conflict and war. So far as the countries of Asia are concerned, this is a danger signal of foreign powers attaining great influence which is not compatible with true independence. This is evident enough in Asia today and requires little proof.

Yours sincerely
Jawaharlal Nehru

Hon’ble Mr. Mohammad Ali,
Prime Minister of Pakistan
Karachi, Pakistan

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New Delhi, January 18, 1954

My dear Prime Minister,

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5. I have already written to you fully about the talks, which have apparently been taking place in regard to military aid from the United States of America to Pakistan. I do not propose to repeat what I have said before. But I might point out that what you are reported to have said in an interview*, which has appeared in the US News and World Report, takes the matter very much further than any previous statement. I am sorry that you do not appreciate the vital difference that this has made to our approach to many problems. I do not and cannot challenge your Government’s right to take any step it chooses. But, when that step is, according to our thinking, of vital significance to the peace and security of Asia and affects India directly, we cannot ignore it, and we have to think of other problems in relation to this new and, what we consider, dangerous development. The total difference in our outlook is exemplified when you say that such aid given to Pakistan will add to the security of India. We think that we have nothing to fear from the attack of any country, but lining up with one of the power blocs brings insecurity and danger, apart from this being a step away from peace.

6. The position therefore, is that we should like to know exactly how matters are likely to stand in regard to this military aid before we can decide about other policies.

7. You will no doubt have observed that this proposal that the US should give military aid to Pakistan has been considered by almost every country in Europe or Asia as a vital development in the world situation. This is not so much because of Pakistan or India, but because a great world power, namely, the USA, is spreading out in Asia. This has very far-reaching consequences and we are compelled, therefore, to think of the new situation that has arisen.

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* In an interview to the US News and World Report on January 15, 1954 Mohammad Ali asserted that Nehru was not afraid of aggression from Pakistan, but was protesting against US aid for fear of losing his bargaining power between the two power blocs and “is trying to pursue a course of neutrality and gather around him a bloc of smaller nations. By holding the balance of power, he wants to dominate the two power blocs. If there is another power strong enough to give the lead to other smaller nations, then Nehru’s bargaining position is weakened.”
This situation is in direct conflict with what we have been striving for in Asia and in the largest context of the world.

8. Because of this vital change, there has been strong reaction to it all over India, which may well be considered as unanimous. As head of a great democratic organization in India, I have to give a lead to that organization as to how to deal with this new situation. I have done so, and propose to continue to do so, stressing always our desire for friendly relations with Pakistan. In fact, the lead we gave has had a sobering effect all over the country.

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Yours sincerely
Jawaharlal Nehru

1734. **Letter from the US President Eisenhower delivered by the US Ambassador to Prime Minister Jawaharlal Nehru.**


I send you this personal message because I want you to know about my decision to extend military aid to Pakistan before it is public knowledge and also because I want you to know directly from me that this step does not in any way affect the friendship we feel for India. Quite the contrary. We will continually strive to strengthen the warm and enduring friendship between our two countries.

Our two governments have agreed that our desires for peace are in accord. It has also been understood that if our interpretation of existing circumstances and our belief in how to achieve our goals differ, it is the right and duty of sovereign nations to make their own decision. Having studied long and carefully the problem of opposing possible aggression in the Middle East, I believe that consultation between Pakistan and Turkey about security problems will serve the interests not only of Pakistan and Turkey, but also of the whole free world. Improvement in Pakistan’s defensive capabilities will also serve these interests and it is for this reason that our aid will be given. The Government’s views on this subject are elaborated in a public statement I will release, a copy of which the Ambassador will give you.

What we are proposing to do, and what Pakistan is agreeing to, is not directed in any way against India. And I am confirming publicly that if our aid to any
country, including Pakistan, is misused and directed against another in aggression, I will undertake immediately, in accordance with my constitutional authority, appropriate action, both within and without the United Nations to thwart such aggression. I believe the Pakistan-Turkey collaboration agreement which is being discussed is sound evidence of the defensive purposes which both countries have in mind.

I know that you and your Government are keenly aware of the need for economic progresses a prime requisite for stability and strength. This Government has extended assistance to India in recognition of this fact, and I am recommending to Congress a continuation of substantial economic and technical aid for this reason. We also believe it in the interest of the free world that India have strong military defense capability and have admired the effective way your Government has administered your military establishment. If your Government should conclude that circumstances require military aid of a type contemplated by our mutual security legislation, please be assured that your request would receive my most sympathetic consideration.

I regret that there has been such widespread and unfounded speculation on this subject. Now that the facts are known, I hope that the real import of our decision will be understood.

I am, my dear Mr. Prime Minister,

Sincerely

Dwight D. Eisenhower

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1735. Statement by US President Eisenhower on military assistance to Pakistan.


On February 19, Turkey and Pakistan announced their intention to study methods of achieving closer collaboration on various matters including means designed towards strengthening peace and security. This Government welcomed this move and called it a constructive step towards better ensuring the security of the whole area of the Middle East. The Government of Pakistan has now asked the United States for grant of military assistance.

I have said repeatedly that regional groupings to ensure security against aggression constitute the most effective means to assure survival and progress. No nation can stand alone today. My report to the Congress on June 30, 1953 stated that we should strengthen efforts towards regional political, military and economic integration. I, therefore, under the authority granted by the Congress, am glad to comply with Pakistan's request, subject to the negotiation of the required Mutual Defense Assistance Program Agreement. This Government has been gravely concerned over the weakness of the defensive capabilities in the Middle East. It was with the purpose of helping to increase the defense potential in this area that Congress in its last session appropriated funds to be used to assist those nations in the area which desired such assistance, which would pledge their willingness to promote international peace and security within the framework of the United Nations, and which would take effective collective measures to prevent and remove threats to peace.

Let me make it clear that we shall be guided by the stated purposes and requirements of the mutual security legislation. These include specifically the provision that equipment, materials or services provided will be used solely to maintain the recipient country's internal security and for its legitimate self-defense, or to permit it to participate in the defense of the area of which it is a part. Any recipient country also must undertake that it will not engage in any act of aggression against any other nation. These undertakings afford adequate assurance to all nations, regardless of their political orientation and whatever their international policies may be, that the arms the United States provides for the defense of the free world will in no way threaten their own security. I can say that if our aid to any country, including Pakistan, is misused and directed against another in aggression, I will undertake immediately, in accordance with my constitutional authority, appropriate action both within and without the United Nations to thwart such aggression. I would also consult with the Congress on further steps.

The United States earnestly desires that there be increased stability and strength
in the Middle East, as it has desired this same thing in other parts of the free world. It believes that the aspirations of the peoples in this area for maintaining and developing their way of life and for realizing the social advances close to their hearts will be best served by strength to deter aggression and to reduce the fear of aggression. The United States is prepared to help in this endeavour, if its help is wanted.

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1736. Letter of Prime Minister Jawaharlal Nehru to President of the United States Dwight D. Eisenhower in reply to the latter’s letter of February 24, 1954.

New Delhi, February 28, 1954.

I thank you for your personal message which your Ambassador in Delhi handed to me on February 24th. With this message was a copy of your statement in regard to the military aid being given by the United States to Pakistan. I appreciate the assurance you have given. You are, however, aware of the views of my Government and our people in regard to this matter. Those views and the policy which we have pursued, after the most careful thought are based on our desire to help in the furtherance of peace and freedom. We shall continue to pursue that policy.

Yours sincerely
Jawaharlal Nehru

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New Delhi, March 4, 1954.

...I should like to add a few more words in regard to this matter. In his letter, President Eisenhower, as the House knows, gave certain assurances and stated what his objectives or motives were. I have at no time in this House challenged any individual’s or any country’s motives. I cannot go behind their motives. We have to consider facts as they are. So far as President Eisenhower is concerned, on my part I am convinced that certainly, he bears no ill-will to India; he wishes well of India, and that he would not take any step to injure India. It is not a question of motives, but rather of certain results which inevitably follow certain actions, and it has seemed to us in regard to this matter of military aid to Pakistan, that the results were bound to be unfortunate. It is stated that the aid is merely meant to strengthen Pakistan so that it can defend itself against aggression, and also to ensure security and peace. It is not clear to me what kind of aggression and from what quarter it is feared. I am unable to see any danger of aggression on Pakistan from any quarter; but perhaps to throw light on this question, the Pakistan delegate to the United Nations, Mr. Ahmed Bokhari, only a day or two ago spoke in New York, and made it clear as to what his fears were. He said: “we want the guarantee that the two biggest countries in Asia will leave us alone.” He referred to China and India. Now, it is not again clear to me how China is going to invade Pakistan — whether it is going to come over the Karakoram Pass into Pakistan, or how it is going to get there. As for India, it is not necessary for me to remind the House as to what our attitude has been. I may say a little about it later.

So far as ensuring security and peace are concerned, one need not go into any argument about it. It is a fact that since this aid has been announced there has been greater insecurity and greater tension. Whatever, as I said, the motives may be, the result, the fact, is there — that there has been in India, in Pakistan, an upsetting of things as they were and a sense of insecurity. In other countries in Asia, West and others, there has also been a sense of the situation becoming, if I may say so, “fluid”, and a certain apprehension as to what the consequences might be.

Now, so far as India is concerned, the House will remember that for the last three years we have repeatedly offered a No-War Declaration to Pakistan. A No-War Declaration is what is called in perhaps more precise language a Non-Aggression Pact. Now we have offered that repeatedly and Pakistan has been repeatedly rejecting that for whatever reason it may be. If there had been such a No-War Declaration or Non-Aggression Pact, obviously that would have eased
tension between the two countries and in surrounding areas and produced a greater felling of security in both countries. It would have helped us to solve the problems that face us. Now it is in the context of this rejection of our proposal for a No-War Declaration that we have to view this military aid from the United States to Pakistan. I venture to say that it is not easy to even imagine any aggression on Pakistan as things are, either from that great country China, or from India, regardless, I say, of motives about it. I am looking at the barest physical possibilities of the matter.

How then does this question of aggression arise and is made a pretext for this kind of military aid being given, from Pakistan’s side? I am wholly unaware of any possible reason which I can understand. For my part, I would welcome the strengthening of Pakistan, economically, even militarily, in the normal sense – if they build themselves up I have no complaint. But this is not a normal procedure. This is a very abnormal procedure, upsetting normality, and in so far as it upsets normality it is a step away from peace.

Now, the President of the United States has stated that if the aid given to Pakistan is misused and directed against another country in aggression he will undertake to thwart such aggression. I have no doubt that the President is opposed to aggression. But we know from past experience that aggression takes place and nothing done to thwart it. Aggression took place in Kashmir six and a half years ago with dire consequences. Nevertheless, the United States have not thus far condemned it and we are asked not to press this point in the interests of peace! Aggression may take place again and be denied; as the previous aggression was denied till it could not be hidden. If conditions are created for such an aggression to take place it may well follow, in spite of the desire of the United States to prevent it. Later, long arguments will be carried on as to whether it was aggression or not. The military aid given by the United States to Pakistan is likely to create the conditions which facilitate and encourage aggression.

The President of the United States has been good enough to suggest that he would consider sympathetically any request from us for military aid. In making this suggestion the President has done less than justice to us or to himself. If we object to military aid being given to Pakistan, we would be hypocrites and unprincipled opportunists to accept such aid ourselves.

As I have said repeatedly, this grant of military aid by the United States to Pakistan creates a grave situation for us in India and for Asia. It adds to our tensions. It makes it much more difficult to solve the problems which have confronted India and Pakistan. It is vitally necessary for India and Pakistan to solve these problems and to develop friendly and co-operative relations which
their geographical position as neighbours as well as their long common history demand. These problems can only be solved by the two countries themselves and not by the intervention of others. It is, indeed, this intervention of other countries in the past that has come in the way of their solution. Recently a new and more friendly atmosphere had been created between India and Pakistan, and by direct consultations between the two Prime Ministers progress was being made towards the solution of these problems. That progress has now been checked and fresh difficulties have arisen.

The military aid being given by the United States to Pakistan is a form of intervention in these problems which is likely to have more far-reaching results than the previous types of intervention.

At the present moment there is a considerable number of American Observers attached to the United Nations team on either side of the “cease-fire” line in the Jammu and Kashmir State. These American Observers can no longer be treated by us as neutrals in this dispute, and hence their presence there appears to us to be improper.

I have referred previously to the wider aspects of this aid, aspects which may affect the whole of Asia. Many countries in Asia have recovered their freedom after long years of colonial subjection. They prize their freedom, and any intervention which lessens their freedom is considered by us to be harmful and a step away from both freedom and peace.

Recently, on the 26th of January the Assistant Secretary of State in the United States, Mr. Walter S. Robertson, made a statement to the House Appropriations Sub-Committee of the Congress of the United States of America. Now, I have no official record of the statement. The statement was made on January 26th. It was released, I believe, on February 23rd or 24th. I have to rely on Press reports on which I have two, which are not identical though the meaning perhaps is much the same. One Press report states that he told the House Appropriations Sub-Committee of the Congress that the U.S.A. must dominate Asia for an indefinite period and pose a military threat against Communist China until it breaks up internally. Another report says that the U.S. must hold a posture of strength in Asia for an indefinite period till those results follow. Whether it is a posture of strength or clear domination- I do not know what the exact words were – the idea behind it appears to be much the same. This testimony, as I said, was made public about five days ago. It is known that India’s policy in regard to the people’s Government of China differs from that of the U.S.A. We have recognised this Government in China and have friendly relations with it. Our two policies, therefore, in this respect are wholly opposed to each other. What is more important is that a responsible official of the U.S. should say that it is their policy that the U.S.A. must dominate Asia for an indefinite period.
Whatever the objective may be, the countries of Asia, and certainly India, do not accept this policy and do not propose to be dominated by any country for whatever purpose. It is in this wider context that we must view these recent developments and more especially the military aid to Pakistan.

The Prime Minister of Pakistan has stated that by the receipt of this military aid, a momentous step forward has been taken towards the strengthening of the Muslim world and that Pakistan has now entered a glorious chapter in its history and is now cast for a significant role in world affairs. It is not for me to criticize what the Pakistan Prime Minster says, but I have endeavoured to understand how the Muslim world is going to be strengthened through arms supplied by a Foreign Power, and how any country is going to play a significant role in world affairs relying on military aid from another country.

The Prime Minister of Pakistan has also stated that this military aid will help to solve the Kashmir problem. That is an indication of the way his mind works and how he thinks this military aid might be utilized. Military aid is only utilized in war or in a threat of war.

There is another aspect which I should like to mention. These separate pacts between countries take place, some of them in the nature of military alliances. It is for us and others to consider how far they are in consonance with the spirit of the U.N. Charter, even with the letter, I might say. But, I am not for the moment speaking in legal or juristic terms. The United Nations was formed for a particular purpose and the Charter lays down that purpose. I would like the House to consider – this is not the time to discuss this matter how far those purposes are being furthered by all these developments that we see in regard to countries linking up militarily against other countries, both sides often being represented in the United Nations.

Also it is becoming rather significant how discussions on particular vital matters affecting world peace are avoided in the United Nations General Assembly, and when something is discussed, previous decisions have been taken which almost appear to be imposed upon the United Nations in the General Assembly. That I submit is not the way either to work the United Nations to fulfill the purposes of the Charter or to remove the tensions of the world, instead of bringing about by feeling of security?

There is another small matter - not a small but relevant matter – relating to Kashmir. The House will remember its long history and how for the last two years among the questions being discussed has been the quantum of forces to be left in Kashmir with a view to having afterwards a plebiscite; that is, a reduction of forces- sometimes it is called demilitarization. There has thus far been no agreement on that issue. Now the whole issue has to be considered from an
entirely different point of view when across the border, across the “cease-fire” line on the other side, large additional forces are being thrust from outside in Pakistan and put at the disposal of Pakistan. It does make a difference. I said some time back, that this military aid was changing the balance of things in India and Asia. I was not thinking so much of the relative military strength of Pakistan or India, although that of course is a relevant matter, but I was rather thinking of all these other aspects, to some of which I have drawn the attention of the House.

India has no intention of surrendering or bartering her freedom for any purpose or under any compulsion whatever.

In this grave situation that has arisen this House and the country will, I have no doubt stand united. This is no Party matter, but a national issue, on which there can be no two opinions.

1738. Note by Prime Minister Jawaharlal Nehru for the Commonwealth Secretary in the Ministry of External Affairs.

New Delhi, March 19, 1954.

In my letters to the Pakistan Prime Minister, I stated that there was no point in officials meeting to consider the preliminaries to the appointment of a Plebiscite Administrator. If the officials could not agree on the last occasion, when the US military aid was not so much a live issue, much less were they likely to agree now. I made it clear that those preliminaries, more especially, the question of the quantum of forces on our side in Kashmir had to be viewed on a new standpoint and we were not prepared to lessen our forces in view of this development. In other words, we want perfect freedom to make such dispositions of forces in the Jammu and Kashmir State as we consider necessary in view of the addition of strength to Pakistan by the military aid. This is now the approach to one of these important preliminary issues. If that issue could be settled on the lines we have suggested, that is, leaving us free to keep any number of forces there that we consider proper (and the number would depend on the situation as it develops on the other side), then the next step can be taken and other preliminaries can be settled.

We have not basically changed our position in regard to Kashmir. It remains what it was, concluding the question of a Plebiscite Administrator. But a
Plebiscite Administrator will have to be clearly a neutral and impartial person. We cannot consider any American even a neutral now, apart from our previous objection to a representative of the great powers. The Plebiscite Administrator can only be appointed after the preliminaries are settled. We are, therefore, stuck on the preliminaries which have taken a new aspect because of this military aid.

That is more or less the position at present.

Of course all these new developments, including the elections in East Pakistan and their consequences, have to be watched. The present moment is one of complete flux in Pakistan and till we see what emerges out of this, it is difficult to take any steps forward.

So far as a ‘No-War declaration’ is concerned, I have repeatedly put it forward and there is nothing more to be said on my part. If Pakistan agrees to that on the lines suggested by us, we would certainly consider the question. Our High Commissioner can, when opportunity arises, repeat this position of ours. He need not ask the Pakistan PM to write to me especially and put forward his proposals. My letters have already been sent and it is up to the Pakistan PM to send a reply when he chooses.

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1739. Extract from the speech of Prime Minister Jawaharlal Nehru in the Lok Sabha.

New Delhi, March 29, 1956.

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It is clear that the approach of military pacts, like the Baghdad Pact and SEATO is a wrong approach, a dangerous approach and a harmful approach. It sets in motion all the wrong tendencies and prevents the right tendencies from developing ....

As the House knows, the Baghdad Pact has in fact created in Western Asia far greater tension and conflict than ever before. It has certainly put one country against another among countries that were friendly to one another. I do not know how anyone can say that this has brought security and stability to Western Asia.

Hon, Members know that the Baghdad Pact is said to be the northern or middle
tier of defence, and presumably it is meant for defence against aggression if it
takes place from the Soviet Union... But, surely, nobody here imagines that the
Pakistan Government entered into this Pact because it expected some imminent
or distant invasion or aggression from the Soviet Union. The Pakistan make it
perfectly clear that they have joined this Pact because of India. Either they are
apprehensive of India, or they want to develop strength and, as the phrase now
goes, speak from strength. Whatever it is, they have joined the Baghdad Pact
and SEATO essentially because of their hostility to India. I am sorry, because
I do not feel hostility towards them and I cannot conceive of a war with Pakistan
without the utmost dismay. My point is that people enter into these pacts with
different motives. I am quite sure that the other members of the Baghdad Pact
have no hostility to India, even as I am equally sure that India was the motive of
Pakistan when it entered into this Pact...

ificado your text.
anxiously telegraphed for them) were unhappy and full of foreboding. On the question of the possible purchase of Soviet bombers, I had been relieved to learn that we had, not long ago, decided not to go in for these aircraft. The High Commissioner was in India when I learnt this. But the reports of the discussions in Delhi made it apparent that we were being drawn to it again--we were being pushed into this arms race, completely, against our will. Now, Mountbatten, seems to have reassured us in some ways again. I do hope we will get from you some notes on these, once again, crucial discussions.

4. You will recollect that, in some recent letters, I had reported my discussions with Oilbert Laithwaite and Lord Home, in which I had, rather forcefully, complained to them that, despite ourselves, were being pushed into speeding up our arms purchases--e.g., the Centurion tanks--because the accepted Military ratio was being deliberately upset against us by the American arms deliveries to Pakistan. This has led to a very salutary suggestion that we might be openly kept informed of the actual arms deliveries to Pakistan from American sources. The whole idea was, of course, rather vague and quite amateurish. In your reply of 21st February, you have agreed that if such a suggestion were made, it was hardly likely to find favour with the USA and there would be hardly any guarantee that it would be faithfully carried out.

5. I was myself of this view when I wrote to you on the 15th February. But, to tell you the truth, all the recent happenings and the high level talks in Delhi, as also the near decision that we should buy Soviet bombers--to say nothing of our recent serious border troubles--all this has recently made me fall back, and again, on the possibility of having the idea really seriously examined; that Pakistan should not obtain secret deliveries of arms from the USA; may be persuaded to openly keep us informed of these deliveries; and UK & USA should ensure that in any arms deliveries to Pakistan, the accepted ratio of military strength between our two countries should not substantially be altered. It also fits in with what is really behind the Western objection to the Czech arms deliveries to Egypt.

6. Is America seriously likely to resist the suggestion, if this is put to her? After all, it is not something very different from what is contemplated by Eisenhower himself on a world-wide scale, when he talks about armament disclosures and "open skies". I think the Prime Minister has somewhere welcomed the "open skies" idea, as a possible step in disarmament and the reduction of world tension. Why can we not seriously work out the idea, practically, on a limited, geographical plane, and try and apply it to India and Pakistan?

7. If Pakistan can be persuaded to accept the idea, in principle, I see no insuperable obstacle to working out the practical details. It may not be easy. It may be difficult. But the difficulties are only there to be overcome, after all.
8. I am confident that the UK would be prepared to back the proposition that the 1/2 : 2/3 ratio of military strength should be maintained between our two countries. By population and geographical area, the world would accept the view that some such ratio would be more than fair to Pakistan.

9. Our threat of being compelled to go to the Soviet Union for arms, if the balance is going to be upset – and they should, by now, know that it is a very practical threat – should itself lead to USA being pressured into accepting some such proposition. I do not see how USA could refuse to give the matter serious consideration if it is pointed out that the genesis of this is Eisenhower's own open skies proposition.

10. In short, the idea is not impractical, in my opinion. One could enlarge on this a great deal. A number of corollaries come to my mind. But I will not fog the central issue by dilating on it. If we fail to persuade Pakistan – as we have failed in other matters – we have the satisfaction of having made one more major effort of reducing the tension between our two countries. I would earnestly urge that the matter be considered on practical plane.

Yours sincerely

(Y.D. Gundevia)

Shri M.J. Desai, I.C.S.,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi

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Statement issued by the U.S. State Department “Warning Against Attacks on Baghdad Pact Members”.


“The President of Pakistan, the Prime Ministers of Iraq, Turkey and Pakistan, and the Foreign Minister of Iran in their recent meeting at Baghdad have reaffirmed their determination to further a peaceful and lasting settlement of current Middle Eastern problems.

“In recent days we have indeed seen grave threats to the peace and security of the world. The action of the United Nations has brought the fighting in the Near East to an end and the world community has a new opportunity to work in accordance with the United Nations Charter.

“In their dedicated efforts to maintain peace, representatives of Iran, Iraq, Pakistan and Turkey have within past weeks, met, first in Teheran and then in Baghdad, in order to bring to bear both their influence and wisdom in the interest of the nations of the free world. Throughout the period of the crisis, these countries clearly revealed their faith in the Charter and their determination that the peace, not only of the area in which they find themselves, but of the whole world, must be preserved.

“The United States, from the inception of the Baghdad Pact, supported the pact and the principles of collective security on which it is based. Through its own bilateral arrangements with Pact members in the Middle East area and its active membership in certain of the pact's committees, the United States has revealed its readiness to assist in measures to strengthen the security of those nations.

“The United States reaffirms its support for the collective efforts of these nations to maintain their independence. A threat to the territorial integrity or political independence of the members would be viewed by the United States with the utmost gravity.”

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1742. United States Congress Joint Resolution to Promote Peace and Stability in the Middle East signed by the US President Dwight Eisenhower on March 9, 1957.

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled.

That the President be and hereby is authorized to cooperate with and assist any nation or group of nations in the general area of the Middle East desiring such assistance in the development of economic strength dedicated to the maintenance of national independence.

SEC.2. The President is authorized to undertake, in the general area of the Middle East, military assistance programmes with any nation or group of nations of that area desiring such assistance. Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any such nation or group of such nations requesting assistance against armed aggression from any country controlled by International Communism;

Provided, that such employment shall be consonant with the treaty obligations of the United States and with the Constitution of the United States.

SEC.3. The President is hereby authorized to use during the balance of fiscal year 1957 for economic and military assistance under this joint resolution not to exceed $200,000,000 from any appropriation now available for carrying out the provisions of the Mutual Security Act of 1954, as amended, in accord with the provisions of such Act:

Provided, that whenever the President determines it to be important to the security of the United States, such use may be under the authority of Section 401 (a) of the Mutual Security Act of 1954, as amended (except that the provisions of section 105(a) thereof shall not be waived), and without regard to the provisions of Section 105 of the Mutual Security Appropriation Act, 1957:

Provided further, that obligations incurred in carrying out the purposes of the first sentence of Section 2 of this joint resolution shall be paid only out of appropriations for military assistance, and obligations incurred in carrying out the purposes of the first section of this joint resolution shall be paid only out of appropriations other than those for military assistance.

This authorization is in addition to other existing authorizations with respect to the use of such appropriations. None of the additional authorization contained in
this section shall be used until fifteen days after the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives and, when military assistance is involved, the Committees on Armed Services of the Senate and the House of Representatives have been furnished a report showing the object of the proposed use, the country for the benefit of which such use is intended, and the particular appropriation or appropriations for carrying out the provisions of the Mutual Security Act of 1954, as amended from which the funds are proposed to be derived:

Provided, that funds available under this section during the balance of fiscal year 1957 shall, in the case of any such report submitted during the last fifteen days of the fiscal year, remain available for use under this section for the purposes stated in such report for a period of twenty days, following the date of submission of such report.

Nothing contained in this joint resolution shall be construed as itself authorizing the appropriation of additional funds for the purpose of carrying out the provisions of the first section or of the first sentence of section 2 of this joint resolution.

SEC. 4. The President should continue to furnish facilities and military assistance, within the provisions of applicable law and established policies, to the United Nations Emergency Force in the Middle East, with a view to maintaining the truce in that region.

SEC. 5. The President shall within the months of January and July of each year report to the Congress his actions hereunder.

SEC. 6. This joint resolution shall expire when the President shall determine that the peace and security of the nation in the general area of the Middle East are reasonably assured by international conditions created by action of the United Nation or otherwise except that it may be terminated earlier by a concurrent resolution of the two House of Congress.
1743. **Note by Prime Minister Jawaharlal Nehru to Commonwealth Secretary in the Ministry of External Affairs.**

New Delhi, April 8, 1957.

I agree with Shri Krishna Menon that the extract from the Bengali paper* issued by the USIS is not something which should be casually dealt with or ignored. The last sentence in that extract is an assurance to Pakistan that the US will come to her aid. It is true this is said in the context of India attacking Pakistan. Even so, it is highly undesirable. But, apart from this, the effect of such a sentence can only be to encourage Pakistan in her aggressive attitude and threats to India.

2. We are entitled to know formally from the US Government whether this represents the US policy.

3. In this connection, Mr. Richard’s recent statements in Pakistan** and Pakistan being brought under the Eisenhower Middle East Doctrine, are also evidence of some definite policy against India. This taken together with the various statements made by Mr. Hildreth, who was lately US Ambassador in Pakistan, indicates a certain policy, and we should request the US Government to clarify this matter. I think, it would probably be desirable for a brief aide-memoire to be prepared, which can be handed to the US Ambassador here.

4. Then, there is the question of Mr. Dulles’s reported answer to a question about Kashmir. We have already asked for a correct report of this. If the report we receive, is on the lines of what appeared in the press, we shall have to take this up also, though I think, this should be taken up separately.

5. We have already drawn the attention of the US Ambassador to the very considerable military aid from the US to Pakistan. He goes on repeating that this is not much and that India is far stronger and need not have any

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* In a USIS weekly in Bengali issued from Dhaka on 16 March, 1957 it was suggested that India might attack Pakistan and that the Kashmir issue was to be settled by the UN. Krishna Menon’s view was that the Indian Government should take the US - Pakistan issue more seriously and take it up with the US Government.

** Richards, Special Assistant to President Eisenhower, had said in Karachi on 30 March that he made tentative allocations for Pakistan from the funds approved for putting into operation the Eisenhower Doctrine. US Ambassador Hildreth said in Peshawar on 8 March, that “America has helped Pakistan in her demand for a fair plebiscite in Kashmir and supported her in all her legitimate demands.” The Times of India (Bombay) reported Hildreth’s view, expressed on the same occasion, that Pakistan had the “unqualified support” of the US and UK for her demand for a plebiscite in Kashmir. On 18 February in Dhaka, Hildreth expressed his appreciation of Pakistan’s growing military strength.
apprehensions. I think that we should now give him a concise statement, based on the information we have received, of the military aid to Pakistan in the course of the last year or so. FS has got a note on this, which he received from Intelligence. A summary should be prepared of this, giving the important factors in regard to armour, aircraft, airfields, etc., and this should be handed to the American Ambassador.

6. Minister Without Portfolio should see this note.

1744. Note of the Soviet Union to the Government of Pakistan expressing concern on Pakistan’s membership of the military alliances.

Moscow, April 15, 1958.

The Soviet Union, as is known, entertains deep sympathy towards all peoples of the East and welcomes any step of Afro-Asian countries aimed at consolidating their independence and sovereignty, uplifting their economy and national couture.

Righteous aspirations of these countries have always met and will meet with complete understanding on the part of the Soviet Government.

Friendly relations of the Soviet Union with many countries of the East develop and strengthen on the basis of the five well-known principles; mutual respect for territorial integrity and sovereignty, non-aggression, non-interference with each other’s internal affairs, equality and mutual benefit, and peaceful co-existence. It is a firm belief of the Soviet Government that the relations between the USSR and Pakistan could have developed on the solid ground of the above mentioned principles to a great benefit for both States.

However the Soviet Government is forced to admit with regret that, due to the reasons which are beyond its control, the relations between the USSR and Pakistan leave much to be desired.

Pakistan, as is known is a member of military-political alliances which are hostile to the USSR, such as the Baghdad Pact and SEATO, dominant role in which is played by Western powers – inspirers of NATO, the main aggressive bloc. Aggressive and colonialist nature of the said military bloc has most clearly revealed itself lately, when certain members of these blocs
At the last Baghdad Pact Council Session in Ankara Pakistan demanded the rearmament of the Pact countries with the most modern weapons. Judging from numerous comments in the press of various countries, it meant the atomic and rocket weapons.

In this connection, war preparations extensively carried out in Pakistan arouse attention.

According to the information available to the Soviet Government, intensive work on the construction of launching grounds for guided missiles was started in 1957 in a number of areas on the territory of West Pakistan, i.e. in the immediate neighbourhood of the borders of the Soviet Union. Such launching grounds are built in the areas of Quetta, Gilgit and Peshawar. Besides, the construction of launching grounds for guided missiles is planned in a number of other regions of West Pakistan. Thus, in West Pakistan the construction of military installations is going on, which are intended for launching rocket missiles, brought to Pakistan from outside, which, undoubtedly, creates danger first of all for Pakistan’s neighbours.

Apart from the construction of launching grounds, the reconstruction and building of military air bases and aerodromes is underway in West Pakistan. So, for example, in the region of Karachi, Kohat, Peshawar, Quetta, Gilgit, Risalpur and Sargodha military airfields are built with runways of about 4km. long, intended for landing modern bombers of strategic aviation. All the construction work mentioned above is carried out under the direct supervision of the U.S. Army Engineering Corps with the participation of the American firm “Oman, Farnsworth & Wright”.

The Pakistan governmental circles explain the intensive military preparations, carried out under the direct assistance of the USA, referring to the alleged necessity of strengthening the “defence” of Pakistan. It is well-known however, that no one is going to attack Pakistan. It is quite evident that the launching grounds for guided missiles and aerodromes for strategic aviation bombers, which, as one knows, the Pakistan Government does not possess, are being erected in Pakistan to be used by the armed forces of the USA, and other partners of Pakistan in military-political bloc, for aggressive purposes.

Taking into account the geographical proximity of Pakistan to the Soviet borders and considering the interests of its own security, as well as the interests of
preserving peace in the region of Asia, the Soviet Union, naturally, cannot pass
by the above mentioned facts.

In this connection the Soviet Government approaches the Government of
Pakistan with a friendly appeal to give the present international situation a more
sober consideration and to think of what grave consequences will inevitably
await Pakistan if its territory will be allowed for the establishment of military
bases with the purposes of using them against the Soviet Union and other
peace-loving countries. The Soviet Government has repeatedly stated that in
case of aggressive actions against the USSR, the latter will be forced to use all
the means at its disposal to launch a counter-bow upon the aggressor as well
as upon the aggressor’s bases on foreign territories. Any state being attacked
would act likewise. This is its natural right and duty.

Approaching the Government of Pakistan with this statement the Soviet
Government is guided only by the interests of strengthening friendship between
the Soviet Union and Pakistan, the interests of their peoples.

The Government of the Union of Soviet Socialist Republics hopes that the
Government of the Islamic Republic of Pakistan will give this statement due
consideration.

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1745. Reply Note of the Pakistan Government to the Soviet Note expressing concern on Pakistan’s Membership of Military Alliances.


The Government of Pakistan is gratified at the expression of deep sympathy by the Soviet Union for the peoples of Asia in their efforts to consolidate national independence and sovereignty, and to achieve progress in the economic and cultural spheres. It is also heartening to be informed that their righteous aspirations will continue to receive the support of the Government of the U.S.S.R.

2. Pakistan has always been desirous of establishing friendly and cordial relations with all her neighbours, among whom the greatest and the most important is the Union of the Soviet Socialist Republics. It will be recalled that in the past people inhabiting the territory which now constitutes Pakistan have had close cultural and economic relations with the inhabitants of what are now some of the Constituent Republics of the Soviet Union, and in spite of the differences of ideology and economic systems, Pakistan would have liked to re-establish similar relations of amity with the U.S.S.R. on a basis of mutual understanding and peaceful co-existence. Pakistan is, however, constrained to say that the Soviet Union has continuously misunderstood the policy adopted by Pakistan.

3. The policy of Pakistan is based on the ten principles enunciated at Bandung in 1955 by the twenty four nations of Asia and Africa, which included the Peoples Republic of China as well as India. This Conference declared its conviction that friendly co-operation in accordance with their principles would effectively contribute to the maintenance of international peace and security. These principles enjoin mutual respect for: fundamental human rights and purposes and principles of the United Nations Charter, sovereignty and territorial integrity, justice and international obligations, the right of each nation to defend itself singly or collectively, in conformity with the United Nations Charter, the equality of all races and nations; and recommend: non-intervention with each other’s internal affairs, non-aggression, settlement of all disputes by peaceful means, abstention from the use of arrangements of collective defense for the interests of any of the big powers, and promotion of mutual interests and co-operation. All of these admirable principles are included in the United Nations Charter. When they were affirmed in Bandung, it was expected that the powers concerned would apply them in international relations. How far practice has deviated from precept is open for all to see.

4. In the interests of her own security and to strengthen economic and cultural co-operation with likeminded nations, who have interests in the region and have historic ties and cultural affinities with one another. Pakistan has entered into
collective security arrangements, known as the Baghdad Pact and SEATO. These Pacts are purely defensive in intent and character and as such they are permissible both under Article 51 of the United Nations Charter and the Bandung principles. They are not directed against any country. This has been re-iterated several times in the most explicit terms. On 3rd June, 1957, addressing the Council of Ministers of the Baghdad Pact in Karachi, the Prime Minister of Pakistan said, “I declare categorically once again that we shall never be a party to any act of aggression against any country. Our participation in the Baghdad Pact is based on our vital interest in the maintenance of peace and security in the area in which we are located”. This remains the policy of Pakistan. The Soviet Union is herself associated in a politico-military alliance viz. the Warsaw Pact, her objections to other nations doing likewise are, therefore, not comprehensible.

5. The fact that the Baghdad Pact and SEATO alliances are instruments designed to maintain peace was forcefully illustrated when in 1956 peaceful conditions were disturbed in the Middle East. The area members of the Baghdad Pact, after their meeting at Tehran, made notable and successful efforts, both individually and in concert, to obtain a cessation of fighting and thus showed the peaceful and constructive nature of their association. It is undoubtedly true that these defensive alliances have increased the defence capacity of the nations concerned. This should be regarded as a contribution to world peace rather than otherwise, because the area of tensions has been reduced and people have been given a greater sense of security. If, unfortunately, threats to the peace of the area still exist, the fault lies with those countries who base their policies on direct or indirect aggressive designs.

6. In the interests of its defence every country wishes to equip its armed forces with the most modern weapons and Pakistan is no exception to this rule. The U.S.S.R. is herself busily engaged in the improvement of war weapons and the re-equipment of her forces. It is the right of a soldier, who is called upon to defend his country, to be supplied with the best available appliances consistent with the law of nations and international practice. For accuracy’s sake however, it is necessary to state that Prime Minister of Pakistan’s speech at Ankara, to which reference has been made, contained no mention of atomic weapons.

7. Pakistan is not making any war preparations against any country. She is trying to make aggression against her unprofitable. This is her natural right and national duty.

8. The Soviet Government’s information regarding the existence and construction of launching sites for guided missiles or rocket missiles is completely without foundation. There exists not a single launching site in the whole of
Pakistan, leave alone areas in the proximity of the U.S.S.R. On the other hand, the U.S.S.R. has all type of military bases and weapons on her territory, several of them in close proximity to Pakistan and the Soviet Union’s note indicates clearly the danger which this can give rise to. Pakistan, of course, reserves the right to take all steps on her territory necessary for her own safety.

9. It is correct that some of the airfields in Pakistan are being equipped with proper runways. The equipment is of a defensive nature and does not disclose any offensive intentions. As is well-known, the Pakistan Air Force is now equipped with jet aircraft which require longer runways. These runways, however, are not suitable for taking aircraft of the strategic types.

10. It is also correct that in the work of improving military airfields, assistance is being obtained from foreign experts. This is because skills necessary for the purpose are not available in Pakistan. This position should be clear to the Soviet Union because she herself is giving similar assistance in the building of military airfields to countries in the neighbourhood of Pakistan.

11. Pakistan would feel very much easier in the mind if she could be as certain as the Soviet Union seems to be that nobody intends to attack Pakistan or commit aggression against her. Disputes, which threaten the vital interests of Pakistan, even her very existence have been deliberately allowed to drag on and all solutions proposed, whether bilaterally or through the United Nations, to resolve them have been spurned. It needs to be mentioned that the exercise of the right of veto in the Security Council to frustrate the solution of certain disputes has prevented the improvement of the relations between nations in the region and has contributed to the maintenance of tension and lack of security.

12. It has been most authoritatively stated in the past that there are no foreign military bases in Pakistan and that the Government of Pakistan would in no case allow its territory to be used for purposes of aggression. In spite of this the Soviet Union persists in repeating these baseless allegations. Pakistan, as a peace loving country, regrets this attitude of the Soviet Union, which is contrary to the professed desire for friendly relations between the two countries, and of which Pakistan cannot but takes serious note.

13. The Government of Pakistan as well as the People of Pakistan desire to live in peace. Pakistan is a new state, with resources as yet undeveloped, and can only hope to work for the progress of her people if peaceful conditions prevail in the world. She is, therefore, in favour of all steps calculated to reduce international tension. For these reasons Pakistan welcome the move to hold a conference of the great powers at the Summit. If the Soviet Union approaches the problems which confront the world with a genuine desire to reach agreement, success is certain. Pakistan believes that in order to achieve lasting peace, it is
necessary first of all to remove suspicions and secondly to ensure complete non-interference.

14. Finally, Pakistan wishes to draw the attention of the Soviet Union to a problem, which is of vital importance to Pakistan and involves the future of four million inhabitants of the State of Jammu and Kashmir. Pakistan asks for no more than an opportunity for these people to exercise their right of self-determination. This is also their own repeatedly expressed and internationally recognized demand and has been re-iterated by their leaders, including Sheikh Mohammad Abdullah himself, who has been for this reason put into prison once again after a brief period of liberty. For over ten years this problem has remained unresolved. The partisan attitude shown by the Soviet Union in recent years is so patently divorced from the merits of the case and from all principles of justice and equity that it has created great bitterness and disappointment in Pakistan, in Kashmir and indeed throughout the Muslim world. Is it too much to expect that the righteous aspirations of the people of Jammu and Kashmir meet with understanding on the part of the great Soviet Union?


1. The members of the Baghdad Pact attending the Ministerial meeting in London have re-examined their position in the light of recent events and conclude that the need which called the pact into being is greater than ever. These members declare their determination to maintain their collective security and to resist aggression, direct or indirect.

2. Under the Pact collective security arrangements have been instituted. Joint military planning has been advanced and area economic projects have been promoted. Relationships are being established with other free world nations associated for collective security.

3. The question of whether substantive alternations should be made in the Pact and its organization or whether the Pact will be continued in its present form is under consideration by the Governments concerned. However, the nations represented at the meeting in London reaffirmed their determination to strengthen further their united defense posture in the area.
4. Article I of the Pact of Mutual Co-operation signed at Baghdad on February 24, 1955 provides that the parties will co-operate for their security and defense and that such measures as they agree to take to give effect to this co-operation may form the subject of special agreements. Similarly, the United States in the interest of world peace, and pursuant to existing Congressional authorization, agrees to co-operate with the nations making this Declaration for their security and defense, and will promptly enter into agreements designed to give effect to this co-operation.

Manouchehr Egbal               Malik Firoz Khan Noon
Prime Minister of Iran          Prime Minister of Pakistan

Adnan Menderes                   Harold Macmillan
Prime Minister of Turkey        Prime Minister of the
                                  United Kingdom

John Foster Dulles
Secretary of State
United States of America

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Letter from Ambassador in Iran T. N. Kaul to Foreign Secretary S. Dutt.

Tehran, November 21, 1958.

Embassy of India
Tehran

No: AF. 297/3/58

Will you please refer to my Top Secret d.o. No. AF 297/2/58 dated 13th November 1958? The Soviet Ambassador left Tehran for Moscow on 9th November, apparently to attend a meeting of the Party Congress which is to be held in January 1959, but obviously to report on the developments regarding the US-Iran military agreement. The Soviet Embassy have been telling various representatives, particularly the UAR, the Iraqi, ourselves and others, that the proposed US-Iran military agreement will be in two parts—(1) guaranteeing the integrity and sovereignty of Iran against any outside aggression or internal subversion and (2) a secret agreement granting a chain of bases to the American fleet in the Persian Gulf linking them with American bases in Karachi and Gwadur.

I attach a copy of a note recorded by the Third Secretary, Shilendra Singh, with whom the Soviet Counsellor had a talk on the subject on 13-11-1958. The Soviet Counsellor came to see me yesterday morning and repeated the same arguments. I understand that he has been trying the same approach on the Iraqi and UAR Charges and asking them to make representations to their Governments.

2. When I saw the Foreign Minister, Dr. Hekmat, on 15th November, at his request, regarding Fadhil al-Jamali, I asked him whether there was any truth in the Soviet allegations and the various rumours that Iran was going to grant military bases to US Forces on its territory, with particular reference to the Persian Gulf. On that day he casually denied the allegation and evaded the subject. I met him again on the 19th and asked him categorically whether I could inform my Government officially on behalf of the Iranian Government that there was no truth in these rumours. He was more communicative on this occasion and said “You can certainly assure your Government that Iran is not going to give any military bases either in the Persian Gulf or elsewhere to any Foreign Power. You can yourself pay a visit to the Persian Gulf area and see for yourself. We shall give you all the necessary facilities to go wherever you like.”

3. The American Ambassador, who came to return my call today, himself referred to this subject and said that America neither demanded nor was going to have any military bases in Iran. When I asked him what was the reason for the delay in signing the Agreement he replied that he was trying best to expedite
it, but the Agreement had to be brought within the framework of the Congress Resolution (called the Eisenhower doctrine) and had to be related to certain proposals which had been made by Pakistan and Turkey. The Agreements with Pakistan, Iran and Turkey would be bilateral in form but would be inter-related.

4. The Soviet Counsellor informed me yesterday morning that his Government took a serious view of these developments which were intended to strengthen the Baghdad Pact. When the Baghdad Pact was formed, it did not possess any teeth but with the conclusion of the proposed military agreements between America on one side and Iran, Turkey and Pakistan on the other, the Baghdad Pact would really become an aggressive alliance and a threat to the security of all the neighbouring countries, particularly the USSR, Afghanistan, India, Iraq and the UAR. I told him about the categorical assurance that Foreign Minister Hekmat had given me, but he said that Dr. Kekmat had given such assurances before to his Ambassador which had been proved to be incorrect. He obviously wanted that these neighbouring countries should communicate their views to the Governments of Iran and the United States either publicly or confidentially. I told him I hoped that the apprehensions of the Soviet Union were not correct and that, in any case, so far as India was concerned it was not our policy to protest publicly or take any steps which might increase tension; if and when the agreement was published we might consider giving expression to our views, if necessary, in a suitable form.

5. Judging from my informal talks with various Iranian officials, including Dr. Hekmat, I am of the opinion that while there is no doubt that America is keen to strengthen the Baghdad pact, it is unlikely that she will insist on getting military bases in Iran. There is, however, no doubt that America is increasing the number of her military instructors and advisers in Iran who are found practically in every unit and formation in small numbers. It is also true that Iran is keen to build up her Army, Navy and Air Force and, as she apprehends a threat from Iraq, she is particularly anxious to build up her naval strength in the Persian Gulf. The Iranians feel very sore about the renaming of the Persian Gulf as the Arabian Gulf by Iraq and the UAR. They may, therefore, try to get American naval craft with American Naval experts and trainers to build up their naval strength in the Gulf area. Also it is possible that America will increase her aid to the Iranian Army and Air Force and add to the present number of American instructors and advisers. What is, however, even more sinister is the possibility of some kind of a grouping together of the military forces of Pakistan, Iran and Turkey under overall American control and advice.

6. It is, however, unlikely that Iran will allow herself to be embroiled in any conflict between India and Pakistan. The Iranian authorities have been at pains to explain to me that they have exercised a sobering rather than an inciting influence on other members of the Baghdad pact. In any case, Iran is faced with
both internal and external threats to her own security and could neither afford nor wish to get involved in the quarrels of Pakistan with India. Whether Iran will gain anything in the long run by entering into a military alliance with the USA or not is the concern and affair of Iran herself. I feel that any advice or expression of views to the Iranian Government on this subject by us or by Afghanistan, Iraq or the UAR would only offend them and not produce any favourable reaction or change in their attitude — if anything, it might, in the present state of their temper, only stiffen it. If any approach is to be made, it should, in my opinion, be made to the American Government. This approach should only be by way of eliciting information at the present stage before we know what exact shape the proposed Agreement is going to take. If, however, it is deemed necessary to make any approach to the Iranian Government, I would request definite instructions on the subject.

Yours sincerely

(T. N. KAUL)

Shri S. Dutt,
Foreign Secretary,
Ministry of External Affairs.

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SECRET

Note of Third Secretary Shilendra K. Singh on his meeting with the Soviet Counsellor.

Embassy of India
Tehran

I met Mr. Volkov, Counsellor of the USSR Embassy here this morning. Mr. Volkov appeared uneasy about the Irano-Soviet relations in the context of the agreement which is expected to be signed between Iran and the United States of America. He gave me the details of this as known to them and said it will be signed in Washington within a month. Iran, under this agreement, is to have a guarantee of aid, military and otherwise, from the USA in case of direct or indirect aggression against her by any power. Mr. Volkov suggested that in view of the attitude of Americans and their allies, as shown during the recent Lebanese and Jordanian crises, any internal disorders or even discontent can be attributed to foreign influence and propaganda and called ‘Indirect aggression’ by the ruling group in a country. It is this, Volkov continued, that made the whole thing look so sinister. There were some other clauses in this agreement, he said, concerning the establishment of a joint Iran-Pak-American fleet in the Persian Gulf. Explaining the genesis of this, he said that the idea had first been mooted last.
year by Iranians, at the instigation of Americans. However, at that time Britain also was to have been a party to the establishment of this fleet. Britain did not think it necessary then to allow others step in what has been until now her sole preserve. She firmly but politely declined to allow others to use her fairly large naval base in Bahrain and the smaller bases in Sharja and Muscat by others. The idea now, as it appears to the Russians, seems to be that Iran, Pakistan and America will have a joint training establishment off Kharak island and that Iran was for this purpose to lease off to Americans some islands off Bandar Chahbahar, Jasq and Langeh and to undertake to supply them with oil and water and other necessities from the mainland; in return she was to receive free training facilities for her naval personnel and also get help for the extension of her naval forces. It remains to be seen, Mr. Volkov said, what the precise terms of the agreement between America and Pakistan in this connection are.

He said that India should consider it as an unfriendly act just as the Soviet Union does because this agreement was the commencement of the building up of an American fleet in the Indian ocean. He said that it is not impossible to visualize an American fleet in the Indian ocean interfering at some future date in the internal affairs of countries like Ceylon, Indonesia and Burma, if not in those of India herself, in the same manner as they have done in Jordan, Lebanon and China.

He developed this theme by saying that India was not merely a great Asian power in this area but also in the present set up Iran was beginning to treat our Embassy in Tehran with special respect. He said that we might, therefore, like to consider taking some action in order to warn the Iranians that in the name of their security and defence they are being made to play with fire and that in the present context things were not half as simple as their American friends would like them to believe. The results also may be "somewhat unexpected" even for Iran herself. He said that he did not want us to consider anything except our own interests in Iran and Middle East in making these representations. He said that the Soviet Union has not taken any cut-and-dried attitude on this matter as has been shown by Mr. Khrushchev's speech on this subject on the 10th November in Moscow.

Sd. Shilendra K. Singh
13-11-58
SECRET

Letter from Ambassador of India in the United States M. C. Chagla to Prime Minister Jawaharlal Nehru.

Washington (D.C), November 25, 1958.

No. 184 – A/58

November 25, 1958

I saw Mr. Dulles today. He was extremely pleasant and cordial. He told me that the Indo-American friendship was based on solid foundations; although we have had differences in the past and we often voted in different lobbies in the United Nations, our friendship was sincere and genuine. I told him that I had found the atmosphere in the United States very friendly and the world Bank conference in India had excellent results and had convinced the Americans who were there that India was seriously engaged in rapid economic development.

2. I then pointed out to him that the only factor which seriously interfered with our good relations was attitude of the United States to Pakistan. I told him that so far the United States could at least say that they were supporting a democratic Government. Now it was a case of supporting a military dictatorship. It did not even make any pretension to govern by democratic principles. I reminded him that General Ayub had openly talked of a war with India and it seemed to us strange that the United States should go on militarily strengthening such a government. It also seemed to us strange that the United States should pursue a line of conduct which compelled us to divert our resources to strengthen our defence when we could use these very resources for the betterment of our people. We felt that the continuance of military aid by the United States to Pakistan at this juncture must inevitably result in Pakistan adopting more and more a bellicose attitude towards India. Dulles said that the United States had written into the SEATO Treaty, much to Pakistan’s chagrin that American arms to Pakistan would be used only against a Communist attack and he had also made it clear that if Pakistan attacked India, the United States would go to the rescue of India. I told him that it was impossible to expect India to take any risk with regard to an attack from Pakistan. If Pakistan was getting militarily strong and was indulging in war cries against India, we had to take every possible precaution against a sudden attack from Pakistan. Dulles said that we had just bought a fleet of bombers although the United States had not supplied a single bomber to Pakistan. I told him we were too poor to buy a fleet to bombers and whatever we might have bought was solely for the purpose of defence. Further, Pakistan did not tell us what she was being supplied by the United States. Dulles wanted me to assure you that the United States had not supplied any weapons to Pakistan other than those which would be required for her defence. She had not supplied any offensive weapons. He further said that today our
military position was that we were three times as strong as Pakistan and this was entirely unnecessary. I told him that, on the contrary, our feeling in India was that with American military aid, Pakistan was very strong and we had to keep up with her military preparations. I told him that just as the United States was not prepared to take any risk with regard to Russian military preparations, so also it would be extremely foolish on our part to ignore or minimise either the military strength of Pakistan or her attitude towards us. Dulles wanted particularly to emphasize that the United States would not permit Pakistan to attack India and if Pakistan did attack India, the United States would come to our rescue. I told him that more than anyone else he should realize that no independent country could rely solely on the help of others for her defence and the only way to ease the Indo-Pakistan situation was to remove the threat of war which was being constantly given by Pakistan to India and that could only be done if the United States stopped military aid to Pakistan.

3. I told Dulles that I had spoken very frankly and he told me that he appreciated the frankness and he hoped that I would always continue to be frank with him so that it would be easier for us to understand each other’s point of view.

Yours sincerely

(M. C. Chagla)

Shri Jawaharlal Nehru,
Prime Minister
New Delhi
1749. Agreement between the United States and Pakistan.

Rawalpindi, March 5, 1959.

The Government of the United States of America and the Government of Pakistan;

Desiring to implement the Declaration in which they associated themselves at London on July 28, 1958;

Considering that under Article I of the Pact of Mutual Co-operation signed at Baghdad on February 24, 1955, the parties signatory thereto agree to cooperate for their security and defence, and that, similarly, as stated in the above-mentioned Declaration, the Government of the United States of America, in the interest of world peace, agreed to cooperate with the Governments making that Declaration for their security and defense;

Recalling that, in the above-mentioned Declaration, the members of the Pact of Mutual Cooperation making that Declaration affirmed their determination to maintain their collective security and to resist aggression, direct or indirect;

Considering further that the Government of the United States of America is associated with the work of the major committees of the Pact of Mutual Cooperation signed at Baghdad on February 24, 1955;

Desiring to strengthen peace in accordance with the principles of the Charter of the United Nations;

Affirming their right to cooperate for their security and defense in accordance with Article 51 of the Charter of the United Nations;

Considering that the Government of the United States of America regards as vital to its national interest and to world peace the preservation of the independence and integrity of Pakistan;

Recognizing the authorization to furnish appropriate assistance granted to the President of the United States of America by the Congress of the United States of America in the Mutual Security Act of 1954, as amended, and in the Joint Resolution to Promote Peace and Stability in the Middle East; and

Considering that similar agreements are being entered into by the Government of the United States of America and the Governments of Iran and Turkey respectively,

Have agreed as follows:
ARTICLE - I
The Government of Pakistan is determined to resist aggression. In case of aggression against Pakistan, the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the Joint Resolution to promote Peace and Stability in the Middle East, in order to assist the Government of Pakistan at its request.

ARTICLE - II
The Government of the United States of America, in accordance with the Mutual Security Act of 1954, as amended, and related laws of the United States of America, and with applicable agreements heretofore or hereafter entered into between the Government of the United States of America and the Government of Pakistan, reaffirms that it will continue to furnish the Government of Pakistan such military and economic assistance as may be mutually agreed upon between the Government of Pakistan, in order to assist the Government of Pakistan in the preservation of its national independence and integrity and in the effective promotion of its economic development.

ARTICLE-III
The Government of Pakistan undertakes to utilize such military and economic assistance as may be provided by the Government of the United States of America in a manner consonant with the aims and purposes set forth by the Government associated in the Declaration signed at London on July 28, 1958, and for the purpose of effectively promoting the economic development of Pakistan and of preserving its national independence and integrity.

ARTICLE-IV
The Government of the United States of America and the Government of Pakistan will cooperate with the other Governments associated in the Declaration signed at London on July 28, 1958, in order to prepare and participate in such defensive arrangements as may be mutually agreed to be desirable, subject to the other applicable provisions of this Agreement.

ARTICLE-V
The provisions of the present Agreement do not affect the cooperation between the two Governments as envisaged in other international agreements or arrangements.
ARTICLE-VI

This Agreement shall enter into force upon the date of its signature and shall continue in force until one year after the receipt by either Government of written notice of the intention of the other Government to terminate the Agreement.

Done in duplicate at Rawalpindi, this fifth day of March, 1959.

For the Government of the United States of America
Fletcher Warren.

For the Government of Pakistan
Syid M. Hassan.

1750. Statement by Prime Minister Jawaharlal Nehru in the Lok Sabha on US – Pakistan Military Pact.

New Delhi, March 6, 1959.

I can well understand the concern of Members about this news about the culmination of these long series of talks in the signing of a new military pact between the United States of America and the Pakistan Governments (on March 5). This matter has been before us in various forms in the last few weeks or more. In fact, it was as a result of the revolution in Iraq in July last that this question arose before the countries of the Baghdad Pact. They saw that the Baghdad Pact had been dealt a mortal blow by Baghdad going out of it and hence they had meetings, I believe, in London. Then, soon after, certain provisional or other decisions were taken to have bilateral pacts to replace in effect the Baghdad Pact which though continuing in form, had lost substance. We were concerned naturally and we followed these proceedings in so far as we could. We were not in, of course. On many occasions we have expressed our concern about it to the United States Government because new accounts were appearing in the world’s Press about this and on many occasions we were assured that this was merely some past commitment being carried on and there was no question of any special or additional military aid and certainly it was not aimed against India and it was confined to the previous purpose of the Baghdad Pact. So far as we were concerned, we were not enamored by Baghdad Pact at any time. In fact we did not like any military pact; more especially such as concerned us or concerned our safety. We did not like it. But anyhow, we were given this assurance that this was a repetition of some old commitment and nothing new and the nature of it would not change even in the bilateral pact.
That has been the position. I have stated that — as the Hon. Lady Member stated just now — about these assurances.

Now, a reference has been made to this pact in this morning’s papers. We have not seen the full text of it. It is possible that the text may be made public because I think – it is said – that it would be registered at the United Nations; if it is so, then it would be made public and if it is made public, we shall examine it and if the House so desires, I can place a copy on the Table of the House.

But I should like to add that last evening the Ambassador of the United States visited our Foreign Office — not me but the Foreign Secretary – presumably after the signature of this bilateral treaty at Ankara and he told the Foreign Secretary, he repeated in fact, what he had said previously that this was not anything special or additional, this was an old commitment about military aid, etc. and he specially repeated that this was governed by the Congressional resolution which is often called the Eisenhower Doctrine. That is to say, that it only applied to communist aggression and to none other.

Now, I am, as I said, repeating what they have said. I do not personally think that any kind of aggression is likely to be prevented or any security to be added to by such pacts. That is my personal view. But anyhow, this is the assurance he gave last evening.

This morning’s newspapers stated that the Foreign Secretary of the Pakistan Government has put a different interpretation to it. There is apparently a conflict between the interpretation put by the United States Government and the Pakistan Government. We propose to point this out to the United States Government or their representatives and to enquire which is the correct interpretation; in fact, find out what the facts are as far as we can. That is all we can do, Sir, at this stage. But I thought it would be desirable for me to place these facts before the House.

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Statement by Prime Minister Jawaharlal Nehru in parliament on military aid to Pakistan.

New Delhi, March 13, 1959.

[This statement relates to the three agreements for military aid signed recently between the U.S.A. and Turkey, Iran and Pakistan.]

A meeting of the Baghdad Pact Council was held in London on July 29, 1958. This meeting was held soon after the revolution in Iraq. At this meeting, a declaration was issued on behalf of the Prime Ministers of Iran, Pakistan, Turkey and the United Kingdom and Mr. John Foster Dulles, Secretary of State, U.S.A. A copy of this declaration is attached to this statement. The concluding paragraph of the declaration contains an undertaking, given on behalf of the U. S. A. This paragraph runs as follows:

“Article I of the Pact of Mutual Co-operation signed at Baghdad on February 24, 1955 provides that the parties will co-operate for their security and defense and that such measures as they agree to take to give effect to this co-operation may form the subject of special agreements. Similarly, the United States, in the interest of world peace, and pursuant to existing Congressional authorization, agrees to co-operate with the nations making this declaration for their security and defence, and will promptly enter into agreements designed to give effect to this co-operation.”

In pursuance of this undertaking given on behalf of the U.S.A., consultations took place at Ankara early in March 1959, and three agreements were signed on March 5, 1959, between the U.S.A. on the one hand and Turkey, Iran and Pakistan on the other. These three agreements signed on March 5, 1959 are identical. A copy of the Agreement between the U.S.A. and Pakistan is attached to this statement.

Article I of this Agreement of March 5, 1959 runs as follows:

“The Government of Pakistan is determined to resist aggression. In case of aggression against Pakistan, the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and is envisaged in the Joint Resolution to promote peace and stability in the Middle East, in order to assist the Government of Pakistan at its request.”

It will be seen from this Article I that the United States of America agreed to assist the Government of Pakistan, at their request, in case of aggression against Pakistan by such appropriate action, including the use of armed forces,
as would be:

(i) in accordance with the Constitution of the United States of America; and
(ii) as envisaged in the Joint Resolution to promote peace and stability in the Middle East. (This is commonly known as the Eisenhower Doctrine for the Middle East.)

Under the Constitution of the United States of America, U.S. armed forces cannot be used to assist any other country without the specific authority of the United States Congress. The Mutual Security Act authorizes the U.S. Government to give military and economic aid to foreign countries but does not authorize the use of United States forces in support of any other country. The use of the U.S. armed forces in support of any other country without specific sanction of the United States Congress is, however, possible under the authority given by the Joint Resolution of the Congress of March 9, 1957. Section 2 of this Joint Resolution reads as follows:

“The President is authorized to undertake, in the general area of the Middle East, military assistance programmes with any nations of that area desiring such assistance. Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any such nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism: provided that such employment shall be consonant with treaty obligations of the United States and with the Constitution of the United States.”

A study of the documents attached to the statement and, particularly, the portions to which attention has been drawn above, shows that under the latest Agreement signed between the United States of America and Pakistan, the Government of the United States have undertaken that they will not only continue to give economic and military assistance to Pakistan but will also, on request, use the armed forces of the United States in order to assist the Government of Pakistan, in case of armed aggression against Pakistan from any country controlled by international communism.

The spokesmen of the Government of Pakistan have, however, given a wider interpretation to the latest Agreement.

In view of this interpretation on the part of Pakistan and the doubts that had arisen because of this Agreement, a request was made to the United States authorities for clarification. We have been assured by the U.S. authorities that
their latest bilateral agreement with Pakistan has no effect other than the extension of the Eisenhower Doctrine to cover Pakistan and that the Eisenhower Doctrine restricts the use of United States armed forces to cases of armed aggression from any country controlled by international communism. We have been specifically assured that this Agreement cannot be used against India. We have also been assured by the United States authorities that there are no secret clauses of this Agreement nor is there any separate secret supplementary agreement, Spokesmen of the Pakistan Government have on various occasions stated that their objective in entering into a defence aid agreement with the U.S.A. and in joining military pacts and alliances is to strengthen Pakistan against India. We have repeatedly pointed this out and emphasized that the United States defence aid to Pakistan encourages the Pakistan authorities in their aggressiveness and increases tension and conflict between India and Pakistan. We have known for some time that in cases of attempted sabotage in Jammu and Kashmir, Pakistan have used some military equipment of United States origin. It is not possible to say whether this equipment is part of the United States defence aid equipment to Pakistan or whether it has been purchased through normal commercial channels. The wider interpretation given by the Pakistan authorities to the latest Agreement is, therefore, a matter of grave concern to us, particularly in the context of our past experience of repeated and increasing aggressive action on the part of Pakistan.

We welcome the assurance given to us by the United States authorities, but aggression is difficult to define, and Pakistan authorities, have in the past committed aggression and denied it. In the context of this past experience, the continuing threats held out by Pakistan, and Pakistan’s interpretation of the latest Agreement with the U.S.A., it is difficult for us to ignore the possibility of Pakistan utilizing the aid received by it from other countries against India even though those other countries have given us clear assurance to the contrary. We have, therefore, requested the United States authorities to clarify this position still further.

We have repeatedly stated and it is our firm policy that we will not take any military action against Pakistan or any other country except in self-defence. We are sure that the Government and the people of the United States have nothing but goodwill for us and that they will not be parties to any agreements, formal or informal, open or secret, which may threaten the security of India.
1752. Statement by Pakistan President Mohammad Ayub Khan justifying Pakistan’s military build up.

Murree, June 22, 1959.

From the Press reports on Congressional Committee meetings, one gets the impression that there is a feeling in the minds of some influential people in the United States of America that Pakistan is keeping forces in excess of its requirements for external defences in the event of a general war. It is stated that five and a half divisions in Pakistan is all that is necessary to meet such a contingency. Such an impression is totally erroneous and based on an incorrect appreciation of the military requirements of Pakistan. No great imagination is required to come to the conclusion that 1,400 miles of our very sensitive frontier on the north-west and the security of East Pakistan cannot be achieved by five and a half divisions alone. And even if it were possible to do so how could we guarantee that whilst we are engaged elsewhere, India with three times our military strength would not march into our country.

"Whilst on this point, may I point out that 1,400 miles of the frontier referred to above is the one that until about 12 years ago was considered so sensitive as to require the major resources of the British Empire to defend. This is not only the frontier of Pakistan but it is also the frontier of India. In fact Pakistan by defending this frontier is also defending India, and as such, it would not be wrong to state that India owes us a great obligation and that in reality we are entitled to claim a share of this enormous expense.

I would beg our friends that when commenting on our problems they should at least understand our position clearly. Because of India’s aggressive intentions and massive military build-up, we are forced to maintain forces that whilst catering for external defence can at least act as a deterrent. True, it is causing us a lot of expense, but what else can we do? We are victims of circumstances. We have repeatedly offered to settle our differences with India on honourable terms and have extended our hand of friendship but we regret that there has not been any appropriate response. Is it realized that 80 per cent of Indian forces are sitting almost on our border and could move to forward concentration areas which are fully stocked and launch a major offensive against us at 10 days notice?

Our people on the border at least know this, and if we did not have some visible deterrent to this, they would just shift in millions inwards, causing a large scale refugee problem within the country. This would happen whilst we are still engaged in settling ten million refugees who have been driven out of India.

I would like our friends to understand very clearly that they shall find us
dependable and trustworthy but at the same time if they think that they can lead us to confused thinking against the hard facts of life, then we just cannot oblige.

I appreciate the noble sentiments of such people for wishing India and us well and wanting peace between us two. I assure them all that the greatest desire Pakistan has is to come to peace with India if she was prepared to settle our differences justly and amicably. We have gone further than that and offered common defence of this subcontinent as it is the only way in which it can be defended. But unfortunately India is not so far prepared to appreciate the wisdom of such a gesture. So such friends as sometime take delight in criticism of Pakistan and misunderstanding of our intentions would do far more good if they could exert their pressure to make India see reason, in which case they shall not find us wanting in playing our part. I would also invite them wholeheartedly to come out and study the situation for themselves.”

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1753. Exchange of Notes constituting an Agreement between the United States of America and Pakistan relating to the establishment of a Communication Unit in Pakistan.

Karachi, July 18, 1959.

Letter from the Pakistani Minister of Foreign Affairs and Commonwealth Relations to the American Ambassador

Minister of Foreign Affairs and Commonwealth Relations

No. 40-SSP/59. Karachi, the 18th July, 1959

Your Excellency:

I refer to our recent discussions regarding the desire of the United States to station a Communications Unit in Pakistan. I have the hour to inform you that the Government of Pakistan agrees to the stationing of such a Unit on the following basis:

1. The Government of Pakistan will make available to the United States the land areas and rights-of-way required for the establishment and operation of the Communications Unit and will provide protection for such Unit. The agreed areas and rights-of-way are set forth in Annex A².

2. The Communications Unit and personnel assigned to it may install and use communication equipment, including antennas; use continuously agreed radio frequencies and agreed wire communications facilities; purchase locally goods and services including construction materials, electrical power and transportation services; make arrangements for the internal security of those small areas, within the agreed areas, designated for the exclusive use of the Communications Unit (only authorized personnel may enter these latter areas); carry arms in connection with official duties within the areas designated for the exclusive use of the Communications Unit and in connection with the courier duties outside the agreed areas; move freely within, into and out of and between the agreed areas; and may engage in such other activities as may be necessary for the effective operation of the Unit and the health and welfare of its personnel.

3. The Communications Unit and personnel assigned to it shall respect the laws of Pakistan and shall abstain from any activity which would adversely affect the interests of the people or the Government of Pakistan. The Government of the United States will take necessary measures to prevent abuse of the privileges granted by the Government of Pakistan under the present Agreement.
4. The Government of Pakistan will, upon request, assist the Communication Unit in the local procurement of goods, materials, supplies and services required for the establishment, operation and support of the Unit. The Unit shall enjoy any preferential rates, charges, or priorities which are available to the Armed Forces of Pakistan for goods or services purchased locally in connection with the operation of the Unit.

5. (a) The personnel of the Communications Unit shall receive exemption from payment of all duties and taxes, including export duties, on their personal and household goods brought into the country for their own use within six months of their arrival.

Goods imported under this section will not ordinarily be sold or disposed of in Pakistan by the owner, except to other persons enjoying comparable privileges. In the event of their sale or disposal to a person who does not enjoy comparable privileges, the duty and taxes thereon will be paid.

The Pakistan Customs Department will issue appropriate regulations regarding the provisions of this section.

(b) The temporary presence in Pakistan of a member of the Unit shall constitute neither residence nor domicile therein and shall not of itself subject him to taxation in Pakistan, either on his income or on his property, the presence of which in Pakistan is due to his temporary presence there, nor, in the event of his death, shall it subject his estate to a levy of death duties.

6. No tax, duty or other charge will be levied or assessed on activities of the Unit or on material, equipment, supplies or goods brought into or procured in Pakistan by the United States authorities for the use of the Unit, its agencies or personnel assigned to the Unit.

7. The United States Government may construct within the agreed areas the facilities required for support of the Communications Unit under the terms and conditions set forth in Articles II through VII of the Military Defense Construction Agreement signed at Karachi on May 28, 1956.¹

8. Title to removable materials, equipment or property brought into or acquired in Pakistan by or on behalf of the Communications Unit will remain in the United States Government. Such material, equipment or property may be brought into or removed tax and duty free at any time from Pakistan by the United States Government.
The materials, equipment and property of the Unit and its official papers will be exempt from inspection, search and seizure and may be removed freely by the United States Government at any time.

9. Jurisdiction over personnel of the Unit shall be exercised in accordance with the provisions of Annex B², an integral part hereof.

10. Arrangements required to give effect to this Agreement will be the subject of agreement between the commanding Officer of the communications Unit and Senior Military Officer of the Pakistan Forces in the area.

11. In this Agreement the expressions “personnel assigned to the Unit”, “personnel of the Unit”, and “member of the Unit include persons who are in Pakistan in connection with the Agreement and who are (a) members of the United States armed forces; (b) civilian personnel employed by, serving with, or accompanying the United States armed forces (except persons who are nationals of Pakistan or ordinarily resident therein); or (c) dependents of the persons defined (a) and (b) above.

12. This Agreement shall remain in force for a period of ten years and for a second period of ten years thereafter unless either party gives written notice to the other at least twelve months before the end of the first ten year period of its desire to terminate this Agreement.

If the foregoing arrangements are acceptable to Your Excellency’s Government, I have the honour to propose that this note and Your Excellency’s note in reply to that effect shall constitute an Agreement between our two Governments on this matter which shall enter into force on the date of your note in reply.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Manzur QADIR
Minister of Foreign Affairs
and Commonwealth Relations

His Excellency Mr. Jemes M. Langley
The Ambassador of the United States
of America in Pakistan Karachi.

ANNEX-A
AGREED AREAS AND RIGHTS OF WAY

The United States may use the land areas and rights-of-way described herein in accordance with the provisions of this Annex and the Agreement on the United States Communications unit of July 18, 1959, of which this Annex is part.
SITE-I

Site I is located on the Chumkani Road which runs eastward from the Peshawar-Kohat Road approximately three miles south of Peshawar.

1. **Parcel Number 1.** A parcel of land enclosed by boundaries established as follows: Base Point – a point 50.5 feet northward from the one-mile marker on the Chumkani Road on a line running perpendicular to the road. From this base point a line running in a westerly direction and parallel to the road with bearing South 89 degrees 30 minutes 00 seconds West, a distance of 2,500.00 feet to the southwest corner; thence North 0 degrees 30 minutes 00 seconds West, a distance of 5,000.00 feet to the northwest corner; thence North 89 degrees 30 minutes 00 seconds East, a distance of 5,000.00 feet to the northeast corner; thence South 0 degrees 30 minutes 00 seconds East, a distance of 5,086.69 feet to the southeast corner; thence a line running parallel to the road bearing North 83 degrees 07 minutes 40 seconds West, a distance of 675.58 feet to a point on the southern boundary line; thence South 89 degrees 30 minutes 00 seconds West, a distance of 1,830.00 feet to the point of beginning. All bearings magnetic.

2. **Parcel Number 2.** A parcel of land that lies within the boundaries of Parcel Number 1 described in paragraph 1 with boundaries established as follows: Base Point - the base point for Parcel Number 2 is the same as the base point for Parcel Number 1, described in paragraph 1. The southern boundary runs for 425.00 feet to the east of the base point. The southwest corner is 200.00 feet to the west of the base point. The western boundary is a line running from the southwest corner on a bearing of North 0 degrees 30 minutes 00 seconds West, a distance of 600.00 feet to the northwest corner. The northern boundary is a line running from the northwest corner on a bearing North 89 degrees 30 minutes 00 seconds East, a distance of 425.00 feet to the northeast corner. The eastern boundary is a line running from the northeast corner on a bearing South 0 degrees 30 minutes 00 seconds East, a distance of 600.00 feet to the southeast corner. All bearings magnetic.

3. **Parcel Number 3.** A parcel of land enclosed by boundaries established as follows: Base Point – a point 14.2 feet southward on a line starting at the one-mile marker on the Chumkani road and running perpendicular to the road. From this base point minutes 00 seconds East, a distance of 1,070.00 feet to the northeast corner; thence South 51 degrees 30 minutes 00 seconds West, a distance of 200.00 feet to the southwest corner; thence South 51 degrees 12 minutes 35 seconds West, a distance of 2,420.74 feet to the southeast corner; thence South 89 degrees 30 minutes 00 seconds West, a distance of 200.00 feet to the southwest corner; thence North 0 degrees 30 minutes 00 seconds
West, a distance of 1,500.00 feet to the northwest corner; thence North 89 degrees 30 minutes 00 seconds East, a distance of 1,030.00 feet to the point of beginning. All bearings magnetic.

4. **Parcel Number 4.** A parcel of land located west of and adjacent to Parcel Number 3 above, enclosed by boundaries established as follows: Base Point- a point on the northwest corner of Parcel Number 3 of Site I, said point being 14.5 feet south and 1,030.00 feet west of the one mile marker on the Chumkani Road; thence in a westerly direction with the bearing South 89 degrees 30 minutes 00 seconds West, and along the south line of said Chumkani Road, a distance of 1,500.00 feet; thence in a southerly direction with bearing South 0 degrees 30 minutes 00 seconds East, and parallel to the west boundary line of said Parcel No. 3, a distance of 1,500.00 feet; thence in an easterly direction with bearing North 89 degrees 30 minutes 00 seconds East, a distance of 1,742.4 feet to a point on the southwest corner of said Parcel Number 3; thence in a northerly direction with bearing North 0 degrees 30 minutes 00 seconds West, and along the west boundary line of Parcel Number 3, a distance of 1,500.00 feet to the point of beginning: said tract containing 60 acres, more or less. All bearings magnetic.

Parcels Number 2, Number 3 and Number 4 are for the exclusive use of the Communications Unit.

In order to provide utility services in Parcels Number 2, Number 3 and Number 4 the Communications Unit may install, use, operate and maintain utility systems, to include water, power, communications, and sewage, over, across and under the Chumakani Road adjoining these parcels.

In that part of Parcel Number I which is outside Parcel Number 2, the Communications Unit may lay cables and erect antennas, poles, connecting lines, power lines, and support wires; and personnel assigned to the Unit may enter and move within the area freely at any time for purposes related to the operation of the Communications Unit.

It is understood that the land in Parcel Number I which is outside Parcel Number 2 may be used by the land owners for agricultural purposes under conditions which will not interfere with the operations of the Communications Unit. Authorities of the Government of Pakistan will, upon request, make arrangements necessary to insure that the landowners are informed of such conditions and comply with them.
SITE II

Site II is located south of Peshawar approximately seven miles and east of the Peshawar-Kohat road approximately 4.3 miles.

1. **Parcel Number 5.** A parcel of land enclosed by boundaries established as follows: Base Point- a point on the south edge of the road running eastward from the seven-mile marker on the Peshawar-Kohat road, at a distance approximately 4 miles east of the Peshawar-Kohat road, and approximately 2,200.00 feet west of the intersection at which the east-west road intersects a rod that loops to the south around a high earth mound and also branches to the north. The base point is 20.00 feet south of the center line of the east-west road and is marked by concrete monument with a nail embedded on the top. From this base point a line running parallel to the road in an easterly direction, bearing South 72 degrees 50 minutes 00 seconds East, a distance of 1,200.00 feet to the northeast corner; thence South 17 degrees 10 minutes 00 seconds West, a distance of 2,400.00 feet to the southeast corner; thence North 72 degrees 50 minutes 00 seconds West, a distance of 2,400.00 feet to the southwest corner; thence North 17 degrees 10 minutes 00 seconds East, a distance of 2,400.00 feet to the northwest corner; thence South 72 degrees 50 minutes 00 seconds East, a distance of 1,200.00 feet to the point of beginning. All bearings magnetic.

2. **Parcel Number 6.** A square parcel of land each side of which is 660.00 feet long, located approximately at the center of Parcel Number 5.

3. **Access Road.** A strip of thirty feet wide connecting the northern boundary of parcel Number 6 with the east-west road for use by the Communications Unit as an access road.

Parcel Number 6 is for the exclusive use of the Communications Unit.

In that part of Parcel Number 5 which is outside Parcel Number 6, the Communications Unit may lay cables and erect antennas, poles, connecting lines, power lines, and support wires: and personnel assigned to the Unit may enter and move within the area freely at any time for purposes related to the operation of the Communication Unit.

It is understood that the land in Parcel Number 7 which is outside Parcel Number 8 and the road may be used by the landowners for agricultural purposes under conditions which will not interfere with the operations of the Communications Unit. Authorities of the Government of Pakistan will, upon request, make arrangements necessary to insure that the landowners are informed of such conditions and comply with them.
ANNEX B

JURISDICTION

Recognizing the responsibility of the courts of Pakistan for the administration of justice in Pakistan, and also the responsibility of the United States military authorities for maintaining good order and discipline among personnel of the Unit, it is agreed that jurisdiction over such personnel shall be exercised in accordance with the provisions of this Annex.

1. Subject to the provisions of this Annex,
   (a) the civil authorities of Pakistan shall have jurisdiction over the personnel of the Unit with respect to offences committed within the territory of Pakistan and punishable by the law of Pakistan;
   (b) the military authorities of the United States shall have the right to exercise within Pakistan all criminal and disciplinary jurisdiction conferred on them by the laws of the United States over the personnel of the Unit.

2. (a) The authorities of the United States shall have the right to exercise within Pakistan all criminal and disciplinary jurisdiction conferred on them by the laws of the United States over the personnel of the Unit.
   (b) The military authorities of the United States shall have the right to exercise exclusive jurisdiction over the personnel of the Unit with respect to offences, including offences relating to the security of the United States, punishable by the law of the United States but not by the law of Pakistan.
   (c) For the purposes of this paragraph and the paragraph next following, a security offence against the State shall include:
      (i) treason against the State;
      (ii) sabotage, espionage or violation of any law relating to the official secrets of that State, or secrets relating to the national defence of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:
   (a) The military authorities of the United States shall have the primary right to exercise jurisdiction over the personnel of the Unit in relation to
      (i) The military authorities of the United States, or offences solely against the person or property of another member of the Unit;
(ii) offences arising out of any act or omission done in the
performance of official duty; and

(iii) subject to the provision of paragraph 1 (b), offences
committed solely within those parts of the agreed areas
which are designated for the exclusive use of the
Communications Unit

(b) In the case of any other offence the authorities of Pakistan shall have
the primary right to exercise jurisdiction.

(c) If the State having the primary right decides not to exercise jurisdiction,
it shall notify the authorities of the other State as soon as practicable.
The authorities of Pakistan, recognizing that it is the primary
responsibility of the United States authorities to maintain good order
and discipline where persons subject to United States military law are
concerned, will, upon the request of United States authorities, waive
their primary right to exercise jurisdiction pursuant to this Annex, except
where the Government of Pakistan determines that it is of particular
importance that jurisdiction be exercised by the Pakistan authorities.

4. The foregoing provisions of this Annex shall not imply any right for the
military authorities of the United States of exercise jurisdiction over who are
nationals of or ordinarily resident in Pakistan, unless they are members of
the Unit.

5. (a) The authorities of Pakistan and the United States shall assist each
other in the arrest of members of the Unit and in handing them over to
the authority which is to exercise jurisdiction in accordance with the
above provisions.

(b) The authorities of Pakistan shall notify promptly the military authorities
of the United States of the arrest of any member of the Unit.

(c) The custody of an accused member of the Unit, over whom Pakistan
is to exercise jurisdiction, shall remain with the United States. The
United States assumes the responsibility for custody pending
conclusion of judicial proceedings. The United States authorities will
make any member of the Unit immediately available to Pakistan
authorities upon their request for purposes of investigation and trial.

6.(a) The authorities of Pakistan and the United States shall assist each
other in the carrying out of all necessary investigations into offences
and in the collection and production of evidence, including the seizure
and in proper cases, the handing over of objects connected with the
offence. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The authorities of Pakistan and the United States shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7. The authorities of Pakistan shall give sympathetic consideration to a request by the United States for assistance in carrying out a sentence of imprisonment pronounced by the authorities of the United States the provisions of Annex within the territory of Pakistan.

8. If a case against a member of the Unit has been tried or disposed of in accordance with the provisions of this Annex by the authorities of one State, he shall not be prosecuted in Pakistan for the same offence by the authorities of the other State.

9. Whenever a member of the Unit is prosecuted in Pakistan Courts, he shall be entitled.

(a) to a prompt and speedy trial;
(b) to be informed in advance of trial of the specific charge or charges made against him;
(c) to be confronted with the witnesses against him;
(d) to have compulsory process for obtaining witnesses in his favor, if they are within the jurisdiction of Pakistan;
(e) to have legal representation of his own choice for his defence at all stages of the proceedings.
(f) if he considers necessary, to have the services of an interpreter; and
(g) to communicate with a representative of the United States and to have such a representative present at all stages of the proceedings.

10. If a member of the Unit is acquitted after trial by a court in Pakistan, no appeal against his acquittal shall be presented by the prosecution. In cases other than acquittal, no appeal shall be taken by the prosecution except on grounds of legal error.

11. The authorities of Pakistan will have jurisdiction with respect to civil suits or claims involving injury or death or loss or damage to property arising out of
acts or omissions of members of the Unit provided that if the act or omission is in the performance of official duty, the authorities in Pakistan shall not exercise their jurisdiction.

12. The determination whether an act or omission is or is not in the performance of official duty for the purpose of paragraph (a)(ii) or paragraph 11 shall, in the first instance, be made by the United States military authorities after appropriate consultation with the Pakistan authorities. If the authorities of Pakistan and the United States hold divergent views on this point, the matter shall be decided between the diplomatic authorities of the United States and the appropriate authorities of the Government of Pakistan.

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II

Letter from the American Ambassador to the Pakistani Minister of Foreign Affairs and Commonwealth Relations
Embassy of the United States of America
Karachi, July 18, 1959

Excellency:

I have the honor to acknowledge the receipt of your note of today’s date, together with Annex A and Annex B attached thereto, the texts of which read as follows:

[See note I]

I have the honor to inform Your Excellency that the Government of the United States of America accepts the arrangements contained in your note, together with Annex A and Annex B attached thereto, and regards your note, the Agreement to enter into force on this day.

Accept, Excellency, the renewed assurances of my highest consideration.

James M. Langley

His Excellency Manzur Qadir
Minister of Foreign Affairs
and Commonwealth Relations
Karachi
MINUTE OF UNDERSTANDING

It is agreed that the following conditions shall apply to the privileges extended to personnel of the Communications Unit in paragraph 5(a) of the Agreement on the United States Communications Unit of July 18, 1959;

1. The exemption applies to direct imports only and not to local purchase or clearances from bond.
2. No Pakistan foreign exchange is involved in such imports.
3. The number of motor cars imported under this section by each person assigned to the Unit shall not exceed one.

James M. Langey
United States Ambassador

Manzur Qadir
Minister of Foreign Affairs
and Commonwealth Relations
Karachi, July 18, 1959 In Duplicate Originals

III

Letter from the American Ambassador to the Pakistani Minister of Foreign Affairs and Commonwealth Relations

Embassy of the United States of America

Karachi, July 18, 1959

Dear Mr. Minister:

Today the Government of the United States of America and Pakistan exchanged notes formalizing our Agreement on the United States Communications Unit and the status of the members of the Unit who enter Pakistan in connection therewith.

Annex B2 of that Agreement provides for the exercise of jurisdiction over such members. In this regard, I would be grateful for your confirmation of the following understandings:

1. That no cruel or unusual punishment would be inflicted upon any person over whom the Pakistan authorities might exercise jurisdiction pursuant to Annex B;
2. That should any person over whom the Pakistani authorities exercise such jurisdiction subsequently be confined by those authorities, the United States military authorities would be permitted to visit such person periodically at the place of confinement:

3. That in implementation of the provisions of paragraph 3(c) of Annex B, it shall not be necessary for the United States to make a request for waiver in each particular case, and it shall be taken for granted that Pakistan has waived its primary right to exercise jurisdiction there under except where the Government of Pakistan determines in a specific case that it is of particular importance that jurisdiction be exercised therein by the authorities of Pakistan:

4. That with reference to paragraph 5(c) of Annex B, concerning custody of an accused member of the Unit shall be carried into effect:

5. That with respect to paragraph 11 of Annex B, concerning civil suits or claims arising out of any act or omission done in the performance of official duty over which the authorities of Pakistan shall not exercise their jurisdiction, meritorious in accordance with procedures which enable them to make expeditious settlement of such claims.

Sincerely yours,

James M. Langley
Ambassador

Mr. Manzur Qadir
Minister of Foreign Affairs
and Commonwealth Relations
Karachi

Letter from the Pakistani Minister of Foreign Affairs and Commonwealth Relations to the American Ambassador

Minister for Foreign Affairs
And Commonwealth Relations
Karachi

July 18th, 1959

Dear Mr. Ambassador:
As requested in your letter of July 18th, 1959, I am pleased to confirm our understandings:

[See note III]

Sincerely yours,

Manzur Qadir

Minister of Foreign Affairs and Commonwealth Relations

His Excellency Mr. James M. Langley

The Ambassador of the United States of America in Pakistan Karachi.

1754.

SECRET

Note recorded by Foreign Secretary M. J. Desai on his talks with the Yugoslav Ambassador.

New Delhi, June 18, 1963.

Ministry of External Affairs

Yugoslav Ambassador also saw me last evening. He made the same enquiries about the result of the Minister’s Mission to Canada, U.S.A and UK. I gave him general replies.

2. The Ambassador then mentioned the high level meeting between U.S.S.R., U.S.A. and UK on the Test Ban Agreement which has been fixed for the middle of July at Moscow. He said that this, coupled with President Kennedy’s statement, seem to indicate that the Russians and Americans are coming nearer to each other. The Ambassador had also heard about Russia’s willingness to supply us defence equipment. He asked what these development meant. I told him that it looked as if the Sino-Soviet differences will continue and Russia seems to have given notice to the Chinese that they will go ahead, in accordance with their own views, to seek possibilities of agreement with the western countries and to assist India both in defence and development according to their own assessment of the requirements of the situation.

3. The Ambassador then talked about Sino-Pakistan relations and Kashmir. I explained to him briefly the essentials of the Kashmir problem and told him
that so far as Pakistan is concerned, its policies have always been thoroughly opportunistic. Till 1953 it tried to exploit United Nations and the Security Council to put a squeeze on India. From 1953 onwards, by joining defence pacts SEATO and CENTO, it tried to get diplomatic and military support to squeeze India and when by 1960, it found that this policy did not work, it began flirting with China and now is becoming openly pro-Chinese and anti-American with the sole aim of pressuring India on Kashmir and other matters. The only consistent line running through all these changes of policy is hatred of India and nothing else.

4. The Ambassador said that he hoped the Sino-Soviet differences will continue and all the major powers will appreciate the danger from China in the next decade and do what they can to contain China.

   Sd/-M.J.Desai
   18th June, 1963.

1755. Letter from U.S. Ambassador John Kenneth Galbraith to Prime Minister Jawaharlal Nehru.

   New Delhi, July 9, 1963.

   Excellency:

   I have the honour to refer to the agreement between our two Governments effected by an exchange of notes signed at Washington on November 14, 1962, regarding assistance to the Government of India for the purpose of defense against the outright Chinese aggression directed from Peiping against India and to the request by the Government of India for assistance under that agreements to strengthen India’s defences against possible air attack on the Delhi and Calcutta areas. I further have the honour to propose the following understandings with respect to this request:

1. The United States Government will send to India two mobile radar installations, with related communication equipment. Title to these installations will be retained by the United States and they would be subject to possible removal in the event of urgent need elsewhere. These installations will be located in the Delhi and Calcutta areas and will be manned by United States military personnel. Properly trained Indian technicians would, as mutually agreed, progressively undertake responsibilities in the operation and maintenance of these installations.
2. The United States Government is prepared, subject to the availability of funds, to initiate at an early time the training of Indian technicians in the operation and maintenance of mobile and fixed radar installations and related communications equipment. The Government of India will undertake to make available Indian personnel for this training. Such training, if funds are available, could be continued until the end of the United States Fiscal Year 1964 at which time the United States Government would give sympathetic consideration to a request by the Government of India for additional training assistance.

3. The United States Government is prepared, subject to the availability of funds, to deliver to the Government of India within a period of 12 to 18 month from the entry into force of the present agreement equipment for six permanent radar installations, again with related communications equipment, for air defence in the western and eastern sectors of India centered on Delhi and Calcutta. These installations will be designed to replace the mobile installations described in paragraph 1bove.

4. The United States Government will join the Indian Air Force in such intermittent peacetime training exercises as may be mutually agreed. Such exercises shall be designed to improve the effectiveness of India’s air defences against bombing attacks on the Delhi and Calcutta areas. In connection with such mutually agreed exercises, the United States would be prepared to send fighter aircraft manned by United States military personnel to India on a temporary basis. It is understood that during periods of joint training exercises, over-all responsibility for the air defense of India will continue to remain vested in the appropriate Indian Commander. It is the understanding of the Government of the United States that the United Kingdom has indicated its willingness to participate in such joint training exercises.

5. The United States Government will consult with the Government of India in the event of a Chinese Communist attack on India, regarding possible United States assistance in strengthening India’s air defences.

6. Any assistance furnished by the United States Government under the present agreement shall be subject to the agreement effected by an exchange of notes signed at Washington on November 14, 1962. The financial terms agreed or to be agreed between the United States Government and the Government of India for military assistance furnished pursuant to the above mentioned agreement of November 14, 1962 shall apply to assistance furnished under paragraphs 2 and 3 of the present agreement. The Government of India will accord personnel sent by the Government of the United States to India pursuant to the terms of this
understanding the same treatment accorded (to) members of the United States Military Supply Mission in India. The Government of India will provide the necessary local construction, including accommodations for United States military personnel for these projects.

If the foregoing understandings are acceptable to your Government this Note and Your Excellency’s reply concurring therein shall constitute an agreement between our two Governments which shall enter into force on the date of your reply.

Sd/- John Kenneth Galbraith

His Excellency
Jawaharlal Nehru
Prime Minister of India

❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖
Dear Mr. Prime Minister:

As you know, my Government and that of the United States have been considering ways in which we could respond to the request of the Government of India for assistance in strengthening India's defences against possible Chinese Communist air attacks.

We discussed these matters recently with Mr. Krishnamachari and we understand that occasional visits by fighter squadrons of the Royal Air Force and the United States Air Force in order to join with the Indian Air Force in such training exercised as may be mutually agreed, would be welcome to the Indian Government.

I write to inform you that we are now ready to arrange such visits, and I am to suggest that detailed arrangements might be pursued as soon as possible on a service-to-service basis.

Yours faithfully

Sd/- (P. H. Gore – Booth)

His Excellency
Jawaharlal Nehru
Prime Minister of India
1757. Letter from the United States Ambassador in India John Kenneth Galbraith to Prime Minister Jawaharlal Nehru.

New Delhi, July 9, 1963.

Dear Mr. Prime Minister,

As you know, my Government and that of the United Kingdom have been considering ways in which we could respond to the request of the Government of India for assistance in strengthening India's defences against possible Chinese Communist air attacks.

We discussed these matters recently with Mr. Krishnamachari and we understand that occasional visits by fighter squadrons of the United States Air Force and the Royal Air Force, in order to join with the Indian Air Force in such training exercises as may be mutually agreed, would be welcome to the Indian Government.

I write to inform you that we are now ready to arrange such visits, and I am to suggest that detailed arrangements might be pursued as soon as possible on a service-to-service basis.

Yours faithfully,

Sd/- John Kenneth Galbraith

His Excellency
Jawaharlal Nehru
Prime Minister of India
Rawalpindi, August 2, 1963

The press of Pakistan has given undue attention to a recent press conference statement by American Ambassador to India Chester Bowles, given in New Delhi. A transcript of his comments includes the following:

“Certainly we don't think that Pakistan is going to attack India or India is going to attack Pakistan. If either one was attacked by the other, we will certainly move through the United Nations in order to do everything we could to see it stopped. If it is not very clear, we have said it over and over again.”

Though not incorrect so far as it goes, Ambassador Bowles’ statement does not cover, nor was it intended to cover, the full extent of the United States Commitments to Pakistan in case of external aggression.

I recall to your attention the clear record in this matter. On November 19, 1962, I declared to a press conference in Karachi:

‘The United States in turn has assured the Pakistan Government officially that if this assistance to India should be misused and misdirected against another country in aggression, the United States would undertake immediately in accordance with constitutional authority appropriate action both within and without the United Nations to thwart such aggression by India’.

My statement was in full accord with a public statement by the Department of State the previous day which said:

‘The United States Government has similarly assured the Government of Pakistan that if our assistance to India should be misused and directed against another in aggression, the US would undertake immediately in accordance with constitutional authority appropriate action both within and without the United Nations to thwart such aggression. Needless to say, in giving these assurances that United States is confident that neither of these countries which it is aiding harbors aggressive designs.’

The joint communique issued by president John F. Kennedy and President Ayub Khan in Washington July 13, 1961, said in part:

‘The two Presidents reaffirmed the solemn purpose of the bilateral agreements signed by the two governments on March 5, 1959, which
declared among other things that “the government of the United States of America regards as vital to its national interest and to world peace the preservation of the independence and integrity of Pakistan.”

In addition to these public statements of American policy, direct assurances of a similar nature have been given to the Government of Pakistan. The record is clear. The policy of the United States in regard to the independence and defense of Pakistan remains unchanged.

President John F. Kennedy, in his press conference of November 20, 1962, declared:

‘In providing military assistance to India, we are mindful of our alliance with Pakistan. All of our aid to India is for the purpose of defeating Chinese Communists subversion. Chinese incursions into the subcontinent are a threat to Pakistan as well as India, and both have a common interest in opposing it. We have urged this point on both governments. Our help to India in no way diminished or qualifies our commitment to Pakistan and we have made this clear to both Governments as well.’

The joint communiqué issued by President John F. Kennedy and President Ayub Khan in Washington on July 13, 1961 said in part:

‘The two Presidents reaffirmed the solemn purpose of the bilateral agreements signed by the two governments on March 5, 1959, which declared among other things that “the Government of the United States of America regard as vital to its national interest and to world peace the preservation of the independence and integrity of Pakistan.”

In addition to these public statements of American policy, direct assurance of a similar nature have been given to the Government of Pakistan. The record is clear. The policy of the United States in regard to the independence and defense of Pakistan remained unchanged.

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Mr. Talbot summarized American thinking towards Pakistan as follows:

Pakistan’s current resentment against the U.S. was partly for understandable reasons and partly to divert attention from domestic problems; but it was causing her to adopt some ill-considered policies. Feeling that President Ayub was more flexible than his officials, President Kennedy had dispatched Mr. Ball with a view to clearing the air and presenting an opening for the ventilation of grievances. Although Ayub had adamantly maintained that the price of better relations was the discontinuance of military aid to India, Mr. Ball had successfully achieved this limited objective.

2. Mr. Bhutto’s talks in Washington were the second round of this process. Although he had seen both President Kennedy and Mr. Rusk, the most penetrating talks had again been with Mr. Ball. The Administration had now to take account of:

(a) strong criticism in Congress directed against both Pakistan and India;
(b) Congress moved in favour of cutting aid programmes, and a threat of a 25% cut in the programmes for both India and Pakistan unless progress was made over Kashmir. The programme in Pakistan might therefore run into serious trouble next Spring;
(c) the dissipation of whatever leverage in Delhi the U.S. had possessed in May.

3. The talks had threatened to lead nowhere, with Mr. Bhutto contending that the U.S. were obsessed with China and that Pakistan had no intention of going too far with her. Accordingly Mr. Ball had tried to probe Pakistan’s future intentions under two hypotheses:

(i) a continuation of limited U.S. military aid to India;
(ii) persistence of Pakistan’s fears of India’s intentions against her.
This line of approach, however, had been similarly unproductive. Mr. Bhutto kept reverting to problem of military aid and seemed unable to indicate what the next steps might be to improve U.S.-Pakistan relations. In view of Pakistan's obsessions about India's intentions, it had, therefore, been agreed to treat the problem as a military one and that General Maxwell Taylor should visit Pakistan after the next CENTO Military meeting on November 5th and 6th. The State Department felt Mr. Bhutto had come away in a grumpy frame of mind. They felt too that it might be necessary to correct a possible misapprehension (arising from (ii) above) that the U.S. was now ready to allow contingency planning against India to be undertaken in the military committees of SEATO and CENTO.

4. The State Department felt the future outlook was “foggy”. No solution on Kashmir could be imposed. The U.S. were ready to help promote any settlement but they now had less influence with India and were in no position to press her to make a forward move. As against this, the Soviet Union was more active in providing aid to India and had the double advantage presentationally of being able to supply aid without a Kashmir string and as a counter-balance to Western aid. Serious problems would shortly arise:

(a) “Comingling” in India (receipt of both U.S. and communist aid);
(b) India’s requests for sophisticated equipment including second generation aircraft.
(c) would also arise in Pakistan. Meanwhile limited aid to India would continue and there would be no increase of aid to Pakistan.

5. In discussion it was agreed that the U.K. Ministers could usefully deploy the following broad arguments.

(a) Justification of Western Military Aid to India.

The continuing potential threat from China should be demonstrated in terms of military capabilities rather than by argument about Chinese intentions. On the latter, we could go a long way towards accepting the Pakistan thesis, but nobody could see more than a few months ahead. Chinese victory would be against Pakistan’s interests and require a major corrective by the West with all the dangers of escalation. This danger would remain so long as India did not have the capability to contain the threat. Such an Indian capability would take time to build up;

(b) Western military aid to India had not dramatically revived her military potential against Pakistan, but it had helped India to build up quicker her military capability of countering Chinese attacks. A corresponding increase of military aid to Pakistan from the West was no solution. Mr. Bhutto himself admitted that an arms race was not the answer.
(c) **India’s Intentions**

It was unthinkable for Commonwealth countries to attack each other; we are simply not prepared to discuss the possibility.

(d) **Dangers of the present situation.**

We regret the state of Indo-Pakistan relations. Both sides are to blame. It is suicidal for them to continue their present courses. It is in Pakistan’s interest for the West to be in a position of influence in India; this influence would be destroyed if our military aid were suddenly terminated.

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The Commonwealth Relations Office in forwarding the record of conversation with Talbot said:

I enclose a record of a conversation between C.R.O. officials and Mr. Talbot of the State Department on 10th October, in which the latter gave us an account of how the talks in Washington with Mr. Bhutto had gone. Talbot was on his way to a meeting of U.S. Heads of Mission in the Middle East. His visit was most timely and helpful in providing us with an opportunity to exchange ideas about the line which we should recommend to Ministers here to take with Bhutto. We have sent you separately copies of the briefs and will of course be letting you know shortly what transpires.

I am copying this letter and enclosure to Banks in Delhi, Forster in Washington and Scott in New York.

(J.A. Molyneux)

South Asia Department

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1760. Note of a Meeting between Pakistan Minister for Foreign Affairs Zulfikar Ali Bhutto and British Defence authorities.


On 17th October, 1963, Mr. Bhutto, Pakistan Minister for External Affairs, accompanied by the Pakistan High Commissioner in London, called on the Minister of Defence. Mr. Pickard (Commonwealth Relations Office) and Mr. Hockaday were also present.

2. MR. BHUTTO said that Pakistan’s main problem in the defence field was the military assistance which the Western powers were giving to India and the consequent imbalance in the Indian sub-continent. He had been disturbed by recent information that the Indians were showing considerable activity on their side of the cease-fire line in Kashmir and were trying to exercise military control over a number of villages. Pakistan was bound to be fearful of possible attack from India.

3. When MR. THORNEYCROFT suggested that the effective defence of the Indian sub-continent could be secured only by the formation of a common front between India and Pakistan Mr. Bhutto said that this had been offered by Pakistan in 1959 but was out of the question now. The Indians had ridiculed the proposal at the time and subsequently (as Martial Law in Pakistan had been relaxed) the offer had been subject to severe criticism in Pakistan. However, the Indian Government had now recognised that there was a danger from Communism, and he thought that disengagement between India and Pakistan might be a possibility if the Kashmir problem could be settled.

4. MR. THORNEYCROFT wondered whether a limited degree of disengagement might be possible even if the Kashmir problem was not settled. Better progress could often be made by tackling the lesser problems first than by attempting to solve major problems immediately. Militarily, he had no doubt that the United Kingdom and the United States had been right to give India some assistance in the face of Chinese attack, but he stressed that it had been on a limited scale and of a character particularly suited to mountain warfare. MR. BHUTTO said that the Indians have provoked the Chinese into attacking them and that in his opinion the Indians had exaggerated the gravity of the crisis in 1962. While Pakistan would naturally welcome a settlement between India and China, she would be in a difficult position if India took advantage of the aid which she had received to turn her guns upon Pakistan when the Chinese danger receded. The argument that if the West did not help India, she would turn to Russia, did not seem to him to hold water if the Indians had really appreciated the menace of Communism. While it was true that progress could often be made (e.g. between the West and Russia) by tackling the smaller issues first,
this could only be done on a basis of military and political equality. Pakistan, however, was only one-third the size of India and the longer a settlement of the Kashmir problem was delayed, the better would India be able to absorb those parts of Kashmir which she had occupied. Meanwhile, Pakistan had no choice but to devote 70% of her budget to defence. Pakistan had incurred odium from other Moslem powers by her stand during the Suez crisis, and it was now painful to her to see the West helping India to Pakistan’s disadvantage.

5. MR. THORNEYCROFT said that he did not think that the modest aid which the United Kingdom was affording to India would unduly upset the military balance in the sub-continent, and assured Mr. Bhutto that the United Kingdom Government continued to regard Pakistan as an ally and a friend.

Ministry of Defence, S.W.1.

18th October, 1963

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1761. SECRET

Telegram from Ambassador of India in the United States
B. K. Nehru to Foreign Secretary Y.D. Gundevia.


I saw the Secretary of State this evening. There were present Ambassador BOWLES and Assistant Secretary TALBOT.

2. As soon as I mentioned the F-104s. BOWLES interrupted to say that it was very strange that the Indian Government did not trust the word of the American Ambassador and wanted their Ambassador to verify it from the Secretary of State. He said that before his departure he had given quite categorical assurances separately to you, to M. J. DESAI and to the Prime Minister that the Americans had no present intention of giving any F-104s to the Pakistanis. I had to confess that I have not been informed of this and I had come because my last information was that he would check from Washington and then let us know. I am afraid that by this failure of communication we have (a) given the impression to the American Ambassador that his word is inadequate and (b) shown up the lack of competence of our own administration.

3. Any way the assurance was repeated to me. There is no present intention of giving any 104s to Pakistan, but the problem of replacement of F-86s remains and will have to be considered.

4. RUSK said that we wished to take the opportunity of asking me what my Government’s views or, in the absence of Government instructions, my views were in regard to the military balance between India and Pakistan. I said I had no specific Government instructions, but I did not understand how it was any function of the United Stated to maintain such a balance. The magic formula at the time of Partition was 17 ½ to 82 ½ (TALBOT interrupted to say that the division of militarily assets was in the ratio of 3 of 1), this reflected the relative areas, populations, etc. of the two countries, we were more industrialized than Pakistan and we had more competent men. Consequently it was obvious that whatever the ratio of armaments, it would be abundantly in India’s favour. The Pakistanis would have to learn to live with the facts of geography and it would not be in the interests of either India or Pakistan or the United States for the least to try and work on the theory of balances. As far as we were concerned, we wanted to re-equip ourselves only to meet the Chinese thereat. If the United States really thought that Pakistan was under the threat of attack from China or the Soviet Union, they could similarly strengthen the Pakistani armed forces to meet that threat. The strength of the Indian forces was irrelevant for this purpose. But did the United States really think that Pakistan was under threat of attack?
5. RUSK said that his concern was not with maintaining any balance. But it was obvious that the strengthening of the armed forces of one side had effects on the other. Here we were concerned with the possibility of the Pakistanis getting F-104s; similarly they were concerned every time we got any military aid.

6. I said as far as their fears were concerned, we would be most happy to do anything that the Americans could suggest to allay them. I had asked AVERELL HARRIMAN quite seriously to tell us what the Americans thought we could do and I made the same offer to the Secretary of State. Furthermore, we would have no objection whatever to the Americans making a public statement that they would defend the Pakistanis in case we attacked them. This should take away all their fears and stop this waste of resources on armaments.

7. RUSK said statements like this would not take away all their fears. The Americans had told us many times they would not permit American arms in Pakistan to be used against us, but had not believed them. As far as the fear of an attack on Pakistan by Soviet Union or China was concerned, he agreed with me that today, in November 1963, there was none. But international situations went on changing, the global strategy of the United States could not be altered from day to day nor could arms aid be turned off or on like a tap. What they did with Pakistan was and would be related to their view of global strategy from time to time. It had nothing to do with keeping a balance between India and Pakistan.

8. For the rest of the time, we discussed internal American politics and sartorial history.
I lunched with GRANT yesterday and the following emerged:

(a) The U.S has had many indications that Pakistan is looking for trouble with India.

(b) Pakistan had delivered another aide-memoire to the United States complaining about us; but the US had refused to take any action.

(c) It would be helpful in these circumstances if we would exercise the maximum possible restraint so that if trouble started we could be able clearly to prove that we did not start it. In particular we might:
   (i) not alter status-quo of CHAKNOT and
   (ii) renew our offer to talk on the Assam influx troubles.

(d) TAYLOR’s visit had been cancelled not because of any protest by Pakistan, but because he was genuinely occupied. He would not go even to the Cento meeting at Ankara as:
   (i) CABOT LODGE was coming back from Viet Nam to report and
   (ii) the military budget for the Fiscal 65 had to be prepared.

(e) He would, however, come to India about 10th December via the Pacific and then go on to Pakistan. He would thus be able to speak more convincingly to the Pakistanis about the minimal nature of the American arms aid to India and it falling short of our requirements to meet the Chinese threat.

(f) General ADAMS, Commander-in-chief Strike Command, Florida (who accompanied AVERELL HARRIMAN) in whose command we now lay would visit India at the time of the Air Exercises. Presumably this has been cleared with you.

(g) The US consider that we needed no more than 12 divisions to face the Chinese and no more than 4 divisions to face the Pakistanis and for other duties. They would be loathe so to strengthen us that we could
have a 21 division army even if technically the rest of the army equipment was financed by us. They did not consider that the Chinese were in any position to attack us in strength specially as the Soviets had cut off supply of spare parts to China and the Chinese Air Force was obsolescent.

(h) We would not at least now get the supersonic aircraft we wanted even though American military experts thought we needed them because-
(i) with the finance available other higher priority equipment had to be supplied and
(ii) of Pakistani objections.

(i) Pakistani F-86 aircraft was getting obsolescent. Spare parts were no longer available and could only be supplied through a world-wide cannibalization programme. These would have to be replaced by more modern aircraft. There was no intention, however, of giving Pakistani additional arms simply because India got arms aid.

(j) BALL had told AYUB and BHUTTO had been told here quite clearly that it was the unalterable policy of the United States to give India arms aid to the extent that they judged we needed it to meet the Chinese threat.

(k) That the Paks had also been told the Americans did not consider that there was any danger of any attack from India. They did however recognise that the Paks had such a fear.

2. The lunch lasted two and a half hours and the above was the essence of what GRANT said in my and not in his language. It does not also contain the arguments and counter arguments that went on. The general effect left on me was that the American were getting slowly more fed up than before at Pakistani antics. There was throughout the conversation no mention of Kashmir.

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1763.  

SECRET  

Telegram from Foreign Secretary Y.D. Gundevia to  
Ambassador in U.S., B.K. Nehru.  

New Delhi, December 17, 1963.  

TELEGRAM  

From: Foreign New Delhi  
To: Indembassy, Washington  

IMMEDIATE  

No.24305 17 December 1963  

First of Two Parts  

B.K. Nehru from Gundevia  

Following is summary of General Taylor’s discussion with Defence Minister  
on December 16 afternoon. Bowles. Goodpaster, Kelly were present  
as also Secretary, Additional Secretary and Joint Secretary Defence Ministry.  

2. Taylor said that he was hoping to get a clear picture of our assessment  
of the Chinese threat and the short term and long term plans we might have to  
meet the Chinese threat. He referred to forward programme based on five years  
Defence plan introduced by Secretary McNamara for planning and controlling  
major programmes of Defence services in USA.  

3. Defence Minister stated that in our short term plan army was being  
expanded. The modernization of its equipment and development of defence  
potential to sustain the forces were the long term objectives. He referred to first  
phase of expansion of defence production base comprising the setting up of six  
new factories. Defence Secretary stated that in addition to the small arms  
ammunitions factory where 7.62 MM ammunition and 80 mm aircraft ammunition  
will be made. The three other major units would be (a) Engineering factory for  
producing mortar and artillery shells, (b) propellants factory and (c) explosives  
factory.  

4. In regard to aircraft production, Defence Minister stated that HF-24 and  
Avro were under production and plans for establishing the production of MIG -  
21 were under way. General Taylor enquired whether we would be only  
assembling the MIG-21 or we intend to produce various components and sub-  
assemblies. Defence Minister stated that the plan was produce the components  
and..........................
Second and Last Part

Reference was made to production of tanks in the Avadi factory. TAYLOR enquired about our policy on tank. Defence Secretary stated that air-portable light tanks were required for operating against China. The AMX light was found effective in Ladakh near Chushul. It can also be used in NEFA near foothills. General TAYLOR stated that in Korea the armoured tanks were not found effective.

There was some discussion regarding the capacity of China to sustain in Tibet troops in continuous combat. Defence Secretary mentioned that according to certain estimates prepared by U.S. and U.K. authorities, the Chinese can support 175,000 troops in battle continuously. The Chinese were also improving road communications in Tibet and building expensive military roads.

TAYLOR stressed the importance of reinforcing and improving the intelligence set up as timely intelligence could facilitate quicker response.

There was some discussion about the objective China sought to achieve when she launched the attack in October 1962. Defence Minister stated that apparently it was a show of strength to impress the countries in South East Asia. Building up defence potential in India which would enable us to throw back any aggression would counteract the damage done in 1962.
SECRET

Telegram from Indian Embassy in Washington to Ministry of External Affairs.


TELEGRAM

From : Indembassy Washington
To : Foreign New Delhi

IMMEDIATE

N.1229 December 19, 1963

Gundevia from B.K.Nehru

General TAYLOR’s visit.

2. Many thanks for your Telegram 4596, 24304 and 24305.

3. I saw Acting Secretary GEORGE BALL last evening, the appointment having been arranged earlier on. He began by asking whether I had had reports about TAYLOR’s conversations in Delhi and I was pleased for once to be able to give an affirmative answer. He said he was sorry that this leak had taken place on the naval issue and thereby had unnecessarily complicated affairs. Anyway, everything had turned out all right and Prime Minister’s statement had been most helpful. It was desirable to keep this matter on a technical plane.

4. I asked him what the thinking behind this move was. He said that they desired to maintain an American presence in the waters of the Indian Ocean in order to demonstrate that the United States was interested in the defence of the area and American armed might would be available if aggression took place. There was no question of stationing any part of the fleet in the Indian Ocean or of having a base there. Ships would come and go at intervals. I asked whether this move was purely psychological or whether it had any great military value. He said it was only psychological for although the ships would not always be there, they would be available on call.

5. We than talked of many other affairs and then back to TAYLOR’s visit. He said that TAYLOR had been asked to discuss our long term military plan and what part the United States could play in it. Thinking here was that there should be arms aid for India on a regular, well worked out continuous basis in the light of her defence needs. However, the plan would have to be agreed upon as if India went round buying equipment from her own funds, this would diminish her
capacity for economic development and would mean that the United States was financing armaments in excess of what she considered necessary. Also it would not be possible to agree to India purchasing Soviet arms and equipment in pursuance of this plan.

6. I said I could understand the importance of a plan being agreed upon. I should have thought that the same method should be followed in financing an arms plan as was followed in the plan for economic development viz., that we agreed upon the plan and then bought equipment from wherever aid was available. What was his objection to our taking Soviet aid. Surely he realised that a condition like this would mean the alteration of a major policy. He said that a plan for economic development was different from a military plan. His objection to Soviet equipment was one of security. Further the Soviets had not really given us any arms aid, The Soviet arms deals were really out of our own resources. Moreover use of Soviet equipment meant dependence on the Soviets and this was undesirable.

7. I said that as far as security was concerned I understood the objection. As for whether the Soviet purchases were on a commercial basis or not, this depended very much on what definition of aid one employed. As for wanting us to be exclusively dependent on the West for our arms, this he must well know was going to be a difficult proposition to sell. He said he had been very blunt about it: this is what they wanted, but obviously everything was open to negotiation. I said I was glad that he had been blunt; it was always better to know what the other fellow really wanted instead of having to waste one’s time on conjectures as to what he had in mind. He said the United States would also look for some reduction in the tensions with Pakistan for reasons well known. At this I laughed and said was that all? He said, yes. I said, no, he had forgotten a third condition which was that we should be prepared to use our Armed Forces to help the United States in South East Asia. He said, no, no, that was not a condition at all. I said it had often been talked about and perhaps would be put forward at the next round. He said he was aware that there was some thinking on these lines in the Department, but it certainly was not his. He realised that India had problems enough of its own and would not for a long time be able to take care of anybody else. As far as the United States was concerned its great interest was to enable India to defend herself militarily and become economically independent.

8. I then said that the United States view being that there was no danger of an attack from China, what was the necessity of our having any armaments at all. He said it was true that at this moment the American assessment was that there were no preparations in China to attack India. But if anybody said that China would never attack India again, he would be claiming a degree of prophetic
power which he (BALL) certainly did not have. India should be in a position where they did not live in continuous fear of Chinese attack, but Indian armament should not be in excess of a realistic assessment of that danger. All these things, he repeated, were subject to negotiation and discussion. He was only alerting me to American thinking on this point.

* * * * *

(Para 9 and 10 dealt with Cambodia and Vietnam.)

11. I mentioned to him the recent provocation of Pakistan towards India, asked him whether he had any explanation for them and also what they had said to BHUTTO while he was here. He said he had no explanation for these provocations and could not decide how much of Pakistan's actions and behavior was due to internal political compulsions. The only effective conversation that BHUTTO had here was for ten minutes with the President in which the president had told him that Pakistan's flirtation with China was destroying the immense fund of goodwill which that country had in the United States. At the moment however, Pakistan was preparing to welcome their good friend CHOU-EN-LAI.

12. I am seeing RUSK and ALEXIS JOHNSON tomorrow. Please send me immediately information on any further TARYOR talks that might have taken place.

◆ ◆ ◆ ◆ ◆
2. I spoke to the American Ambassador about this today. I told him that there had been references in Parliament about the Pakistani planes crossing the cease fire line and there was some criticism in the country that American equipment was being used by Pakistan against us in Kashmir. Mr. Chester Bowles obviously resented my speaking to him about this and immediately said that he was surprised that I was raising this question with him. I told him that there was no suggestion in what I had said that America had a hand in this in this incident on the cease fire line; but since the intrusion of these planes across the border had been referred to in Parliament, I had to draw his attention to this.

3. Mr. Bowles then said, “Are you asking me this question officially?” I told the Ambassador that I was asking him no question at all, because I knew the answer. I could myself write out the answer in advance, which was that the planes were Pakistan’s property and were piloted by Pakistan pilots and not by Americans, and America was, therefore, not responsible for the intrusion. I was asking him no question, I repeated; I was only telling him, factually, that this issue had been raised and discussed in Parliament and agitated public opinion in the country.

4. Mr. Bowles, on this, turned to me and said that if I was asking him this question officially, he wanted to ask me a question, and that was that he wanted to know whether all the criticism of the USA that was being voiced by Mr. Chagla, of late, represented the official views of the Government of India. I was extremely surprised at the manner in which Mr. Bowles spoke about the Education Minister and I told him that I did not quite understand him. The Ambassador went on to say that there was far too much “needling” of the United States going on, today, and he felt it his business to tell me that it was “about time this needling was stopped”. He repeated the question whether everything that Mr. Chagla had said, recently, about the United States represented the view of the Government of India. I had to tell Mr. Bowles that since he persisted in the question, Mr. Chagla, as he knew, was not quite a private individual; he was a Cabinet Minister in the Government. But I added that the Ambassador seemed to be out to misunderstand the Minster, because, as far as I could see, he had not said anything, today, beyond what he had already said in the Security
5. I, naturally, did not want this discussion to go on any further and I tried to stop the conversation by changing the subject. Mr. Bowles, however, did not call off the discussion without telling me that he intended speaking to the Defence Minister about all this. “This needling has gone a little too far, I want to tell him”, said the Ambassador; and this was not going to be of much help, according to him, just when the Defence Minister was about to go to the States for important discussions.

6. I am sending a copy of this note to the Defence Secretary.

Sd/Y.D. Gundevia
14.4.64

* There was a Calling Attention Notice in the Lok Sabha on 13-4-64 on the reported intrusion by Pakistan Air Force plane across the Cease Fire Line in J & K and the members had demanded that since the aircraft involved had been supplied by the United States to Pakistan and it was being for Indian air violations, the fact of the use of US aided aircraft intruding into Indian air space be brought to the notice of the United States. Mr. Gundevia was speaking to the American Ambassador in fulfillment of the demand of the members of the parliament.
Note of the Call by the US Ambassador in India on the Secretary to Prime Minister.

New Delhi, April 29, 1965.

The U.S. Ambassador, Mr. Chester Bowles, called on me this afternoon. In a somewhat discursive conversation in which he referred to the visit of Ambassador Lodge and the Vietnam situation, he made a number of references to the Kutch border situation. The salient points are the following:

(a) The U.S. Ambassador in Pakistan had got scent of Pakistan using American tanks against India last Saturday itself and had spoken strongly to the Pakistan Government pointing out that while it was permissible to use such equipment in the event of an attack on Pakistan territory from any source, their use in what even Pakistan described as disputed area was contrary to the agreement and might lead to a cutting of Defence aid and supplies to Pakistan.

(b) The material and photographs supplied by the Indian Army left no doubt in the minds of U.S. Military experts in Delhi that the photographs were of American tanks and that the terrain was that of the Rann of Kutch. He stated that knowing the angle at which and height from which the photographs had been taken, experts in the U.S.A. would be able to locate the exact spot where these tanks were and the photographs were taken. It was only after this verification that the U.S Government could take any effective action. It was important that Pakistan should not be allowed to justify its action by the plea which it has just made, namely, that Indians were using American ammunition in this fighting. He urged that foreign press correspondents should be allowed to go and see things for themselves. The very fact that Pakistan was allowing foreign correspondents to go to the border, and India was not, could well be exploited to India’s disadvantage.

(c) India’s case was so strong that the verdict on the question of where the boundary between Sind and Kutch was, would undoubtedly be in her favour even if the matter was taken to The Hague or placed before any arbitrators. Having regard to this, India had an excellent opportunity of inflicting a crushing diplomatic defeat on Pakistan and getting international acceptance of her stand.

(d) On the other hand, if India had recourse to Military action at some other point which was not under dispute, the position could become confused and Pakistan would again be able to get some international sympathy and support.
(e) His own judgment was that Pakistan did not embark upon this adventure without some understanding with China and if India attacked Pakistan on any other point, China would take the plea of helping Pakistan against aggression and start another attack on India in which third countries would find it difficult to intervene.

(f) He had been in close touch with the U.K. High Commissioner regarding the ceasefire proposals. He was amazed that Pakistan had not yet accepted it. He was aware of our criticism and concern about the British proposal which might have the effect of freezing a ceasefire line with the Armies of the two countries on either side. The British, he said, had, however, agreed to sort this out.

2. These points were not made one by one, but emerged in a general talk about the border situation which, he said, had compelled him to cancel his holiday in the Kulu valley. I told him that the Prime Minister had, in his speech, spelt out our position in very clear terms. The United States could, it seemed to me, exercise a good deal of pressure on Pakistan to follow the path of peaceful negotiations. In any event, the United States could take prompt and firm action regarding the abuse of U.S. arms aid by Pakistan. This could greatly improve the U.S. image in India.

Sd/-
(L.K.Jha)
29-4-1965

Prime Minister
SECRET

Telegram from Indian Ambassador in Washington to Foreign Secretary.


TELEGRAM

From: Indembassy, Washington
To: Foreign, New Delhi

IMMEDIATE

No. 550. May 7, 1965

Foreign Secretary From Ambassador

KUTCH

I called on the Secretary of State yesterday.

2. I said I had come to discuss not the fighting in Kutch but the use of American arms against India. I gave him a large scale (American) map showing how the border was marked and where the fighting took place establishing thereby a clear case of aggression.

3. I then gave him the photographs of tanks etc, sent by you pointing out that this was evidence additional to what had already been given to their people in Delhi and by us to the State Department here. I pointed out that according to our information Pakistan had at first denied the use of American arms and refused to permit American observers to go to the area. Later it had agreed to American observers going but President AYUB had at the same time said publicly (according to press reports) that the arms were his and he intended to use them as he pleased.

4. This I submitted was in complete breach of the assurances which had been given to us by President EISENHOWER, Mr. DULLES and Ambassador BUNKER to whose exact words I drew his attention. This matter was of extreme importance to us because militarily one of the inarticulate major premises of our defence policy had been that the Americans would never permit the invasion of Pakistan by India. Politically it was important because of credibility of American assurances was in question. I drew his attention to the reaction of Mr. ATAL BEHARI VAJPAAEE whose party was completely pro-American in foreign policy and of Mr. FRANK MORAES (Editor of Indian Express) another pro-American.

5. He said that the Pakistanis had agreed to American observers now being sent. He was not aware of any statement by President AYUB that he was free
to use these arms as he pleased that the Americans had taken up the question with “both sides” and that the important thing now was to see that the fighting stopped. I said I did not understand the reference to “both sides.” We had been scrupulous in our observance of the conditions on which we had got American military aid we had immediately permitted American observers in Kutch and they had reported that no American equipment had been used. Why this eternal equation of both sides when one was clearly in breach of the law and the other had clearly observed it? He said that there had been Pakistani complaints that we had used American equipment and therefore it was incumbent on the Americans to investigate. I said that I agreed that an investigation had to be made but that having been done and one side having been found innocent how did “both sides” arise any further? American action with Pakistan had so far obviously been inadequate for though they had taken up this question with Pakistan some time ago the tanks had been used even after American representations.

6. He said if we thought American action was inadequate what would we want the Americans to do? I said it was not for me to advise the Government of the United States on how to fulfill their assurances. He said that answer was not enough. If we thought certain action was inadequate what was our concept of adequacy? I said I did not know what my Government thought for I had no instructions on that but if he wanted my personal opinion I would say that thing to do would be to stop further military aid to Pakistan. As I had said to him before I did not for the life of me see why military aid went on being given to Pakistan and why in particular tanks were supplied to them? Where exactly were the tanks to be used against the Russians and the Chinese? He said if I wanted the Americans to break with Pakistan “this was not on”. I said I know fully that “this was not on;” — he had asked me for my opinion and I had given it and I hoped that at some time I would be able to change American policy.

7. He said that American action had not been inadequate because it had resulted in the fighting being stopped as a result of America reminding both sides that their arms were not to be used in this conflict. I said there were a variety of reasons for the lull in the fighting and though I would not presume to deny that American representations against the use of their arms might have had some effect on the Pakistani there was no question about their having any effect on us because we had neither used them nor intended to use them. To my mind the real deterrent had been the pressure on our Government to invade Pakistan at point of our own choosing. He said “with American arms?” I said “with our own”. He said there had been Indian troop movements of units equipped with American arms. I said I knew nothing about this. However the extent to which we went in honouring our commitments was shown by the fact that we went on being shot at in Dahagram without retaliating because the armies on
that frontier had been American equipped we had to transport troop from elsewhere
to return the fire.

8. The conversation was somewhat repetitive. He must have used the term
"both sides" at least half a dozen times and every time he did so I picked on the
phrase. I told him that it was high time the State Department stopped behaving
like a statue of justice blindfolded and holding the scales even that there was no
reason at all to equate India with Pakistan that the difference between citizens
who obey the law and those who break the law had to be recognized that it was
not sufficient for a judge to limit himself to propounding the law to both the
complainant and the accused particularly when the evidence was overwhelming
etc. etc. etc.

9. He also went on saying that the important thing was to arrange for a
cessation of hostilities. I insisted that this was not what I had come to talk
about. The present hostilities might or might not be stopped. The important
point was whether America was going to be able to stop the use of her arms in
the future.

10. At one stage Deputy Assistant Secretary Ambassador HANDLEY who
was present asked whether it would not be possible for the Government to
quieten the press and Parliament in regard to their criticism of the United States
for the use of American tanks. I said this would be difficult because Government
itself was not convinced that the Americans had lived up to their assurances
and if one were not convinced oneself it was very difficult to convince other
people.

11. RUSK said in conclusion that he did not want to do anything which would
interfere with the negotiations going on for a cease fire. He would wait for the
report of the American observers from Pakistan and then see what further action
might be required. I said I agreed that nothing should be done which would come
in the way of the cessation of hostilities but I hoped adequate action would be
taken and publicized in order to satisfy public opinion in India.

12. In the course of the discussion the point was made that we had used the
50th Para brigade which had been equipped with MAP equipment in Kutch..
Could you enlighten me on this please? Also give me some information on
these alleged troops movements.

13. I have just received your 4445 dated May 6th. As I have already taken up
the matter I am not doing anything further.

◆◆◆◆◆
1768.  

SECRET

Telegram from Indian Ambassador in Washington to Ministry of External Affairs.


TELEGRAM

From :  Indembassy, Washington.
To :  Foreign, New Delhi.

IMMEDIATE

No. 562.  May 11, 1965

Foreign Secretary from Ambassador.

Rann of Kutch.

Over the week-end another officer of this Embassy and I had occasion to meet officers of the State Department. We made clear in these informal conversations that the position taken by RUSK with me was not satisfactory to us. We also learnt that RUSK was perturbed at the anti-America atmosphere building up in Delhi.

2. I was accordingly sent for by TALBOT this morning. He said he wished to give an oral reply to the note presented by the Ministry to the American Embassy in Delhi on the subject of the use of American arms. He assured me that the Americans had taken up this question with the Pakistanis with considerable vigor and they had reason to believe that these representations were a major factor in bringing about the cessation of hostilities in Kutch. This judgment was based on the reactions that the Americans have had from high quarters in Pakistan “including the highest”.

3. The American position was a difficult one. What Delhi apparently wanted was a public condemnation of the use of these arms by Pakistan. The Americans had considered this question but their judgment was that the situation required quiet diplomacy and not public condemnation. Critical statements made in public and sometimes even those made in private which leaked had a tendency in sovereign States to cause a hardening of the position rather than a relaxation. (As an example he cited the Prime Minister’s statement in Parliament on May 7th about American interference in our desire to retaliate). The Americans were more concerned with helping hostilities to cease than with making a public show of what they had been doing which, he again assured me, had been both vigorous and effective. When the dust settled on this conflict “we would all have to sit down again” and consider what should be done.
4. From my questioning it appears that the first time effective representation was made to Pakistan was on the 27th April (a few hours before I had seen him) by TALBOT to the Pakistan Ambassador. This message did not get to the highest quarters till the 30th April and at that time AYUB was still in East Bengal and his orders took some time to issue.

5. I pointed out to him that the points of view from which India and America seemed to be approaching this problem were different. America was concerned with stopping hostilities; we were concerned with the future. The Americans had given us assurance that their arms given to Pakistan would not be allowed to be used aggressively against us. Many people in India had doubted all the time and they still doubted that there were no means of enforcing these assurances. If now that a flagrant case had arisen, we did not see any action being taken, we would have to conclude that these assurances were not capable of being implemented. This would mean a major reexamination of our defence policy and the possibility of the creation of another army for the sole purposes of defending ourselves against American-aided Pakistan.

6. He said that if we ever did this, this would mean an addition to Pakistan Defence forces which they were now financially well in a position to undertake. An arms race of this kind would be disastrous. Though they could not tell us in exact terms what they had done it was obvious that the use of American arms had been stopped in Kutch. We should not therefore feel that America assurances would not be fulfilled. He hoped that the Government of India would understand the situation and try to calm down the press and the Public instead of going along with the present passions as they seemed to be.

7. I said I would faithfully pass on what he said. We might differ from their judgment in not making a public condemnation. However the assurance that whatever had been done was not the end and that the matter would be taken up as soon as the peace machinery started working in Kutch was valuable.

8. TALBOT went on to say that occasions of conflict should be avoided. Kashmir was perennial; the Kutch dispute had not gone beyond the 1960 stage and the Berubari affair was still pending after so many years. Would it not be possible to expedite hearing before the Supreme Court so that at least one cause of conflict would disappear? (This point has been held against us quite often. Could you kindly enlighten me on the position?)

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Dear Mr. President,

On April 16, 1965 Ambassador Chester Bowles conveyed to me your message informing me that for various reasons it would not be convenient for you to receive me in Washington on the 2nd June as previously arranged. In deference to your wishes, I had naturally and I must confess with some sense of disappointment, to cancel the visit to the United States which was scheduled for early June. You have suggested that I should visit the USA in autumn. I am, however, not able to say at present whether my parliamentary and other commitments will permit me to do so.

You have referred to our close association in many common endeavours. We greatly value this in a spirit of mutual understanding.

I was happy to meet Ambassador Henry Cabot Lodge who also handed me your letter of April 15. I was interested to learn from him about the Vietnam situation. The situation is really depressing and dangerous. I hope that it might be possible for circumstances to arise which will permit of a dialogue and a peaceful solution of the Vietnam problem. I know the same thought must be uppermost in your mind also. In today's situation when China is pursuing an aggressive policy, it is difficult to anticipate with any degree of certainty, the likely course of events. But believe me, Mr. President, I do feel sincerely that the more rational elements might possibly respond well if it were possible for you to consider a cessation of the air strikes. In any case it would greatly strengthen the chances of a peaceful solution. Such a decision on your part would be a significant contribution towards the promotion of world peace and would be in keeping with the high statesmanship which the United States has displayed in moments of crisis.

We ourselves have been passing through a difficult situation. You are no doubt informed of the recent attack on us by Pakistan in the Kutch - Sind border area. This has roused a great deal of feeling. We are a peaceful nation wedded to the pursuit of peace and economic development but it seems our neighbours China and Pakistan are determined to provoke us. We are exercising a great deal of patience and we have responded positively to Prime Minister Harold Wilson's initiative to bring about a ceasefire and restoration of status quo ante. I am afraid Pakistan has been raising all kinds of difficulties regarding ceasefire and restoration of status quo as on 1st January, 1965 which have prevented an agreement being reached. The fact that Pakistan has been using United States armour and equipment against us has naturally caused much concern in our
country. I know, however, that your Government has already taken up this matter with the Government of Pakistan.

With warmest personal regards,

Yours sincerely,

Sd/- Lal Bahadur

H.E. Lyndon B. Johnson,
President of the United States of America,
The white House,
Washington D.C.

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1770.

SECRET

Letter from Indian Ambassador in Turkey Sadath Ali Khan to Foreign Secretary C. S. Jha.


Embassy of India
Ankara

No. ANK- 101(2)/66-PS April 29, 1966

My dear Foreign Secretary:

This is in continuation of my telegram No. 50 of today’s date regarding CENTO Conference.

2. Perhaps the most interesting feature of the CENTO Foreign Ministers meeting at Ankara from 20th to 22nd April, 1966, is that it brought into sharp focus the divergent views of participants over essential policy matters and the growing disenchantment of the Asian partners with the architects of the alliance – Britain and America. In fact, it would not be wrong to say that Iran, Pakistan and Turkey, each played or tried to play its own game regardless of the presence of the referees. The Anglo-American Foreign Ministers believe that CENTO is essentially a Military Alliance, designed to serve as a shield against communist “subversion and aggression”. The Americans who are keen on keeping up appearances at all cost and as long as possible, did not even receive the moral support they desired so fervently for their policies in Vietnam. Similarly, the
British were isolated concerning Rhodesia. The Asian members, no longer docile and pliable, were self-assertive, disgruntled and dissatisfied. Their interest in a crusade against communism has declined considerably since the halcyon days of Dulles, but they would like to take advantage of the alliance to promote their own separate national interests and use CENTO’s military resources to combat their “enemies”. Thus, Pakistan’s main preoccupation was with the Kashmir problem; Turkey’s chief interest was Cyprus and Iran’s the Persian Gulf.

3. Bhutto, who arrived like a bird of ill omen on April 20, was discourteous and disdainful. According to reliable sources, he did not even care to give advance notice of his arrival either to the Turkish Foreign Office or to the CENTO Secretariat. In any case, he arrived late for the Conference which annoyed the senior and the junior members of Club alike. His performance as usual was fatuous and childish and the references in his opening speech (read out by the Pakistani Ambassador) to “treacherous attack” etc were deplored by practically all the delegations. While he succeed in browbeating his colleagues into making a reference to the Kashmir problem, for the first time, in the final communiqué, I understand that this led to a good deal of argument at the conference before Bhutto was allowed to have his way. Both the British Ambassador and the Iranian Foreign Minister, Abbas Aram, whom I saw on Friday, April 22, told me that Bhutto was far from satisfied. We understand from reliable Conference sources that other members while agreeing to the inclusion of the Kashmir item as a “regional” problem in the communiqué rejected Bhutto’s draft which would have had the effect of outright condemnation of India.

4. Bhutto is reported to have demanded increased American economic aid and resumption of military aid to Pakistan within the framework of CENTO and SEATO. He also strongly criticized the economic aid and reported resumption of military aid to India by USA. He stated the Treaties such as Cento and Seato are of not much use to Pakistan in safeguarding her sovereignty. Bhutto hinted that Pakistan may walk out of CENTO if USA continued military and economic aid to India, while the Kashmir dispute remained unsolved.

5. I believe that Pakistan’s relations with People’s Republic of China came up for discussion at the Conference. Bhutto reiterated usual Pakistani plea that his country’s relations with the People’s Republic of China do not come in the way of peaceful relations with the Western allies, specially USA and UK. Bhutto claimed that Pakistan had done nothing to lose the confidence and understanding of the West. On the contrary, he stressed that Pakistan’s friendly relations with China will ultimately be beneficial to the West because Pakistan could serve as a bridge between the West and Communist China.

6. Outside the Conference. Bhutto is reported to have told the other regional members, namely, Iran and Turkey, that he has brought a message from President
Ayub Khan suggesting that a special meeting should be held among the Regional Cooperation Development countries on the question of “full cooperation in military and defence activities among the three countries outside the control and jurisdiction of USA and UK.

7. Bhutto is reported to have tried to persuade the Turkish Government to consider establishing, at an appropriate level, diplomatic relations with the People’s Republic of China. This however, was denied by Bhutto at a press conference in Istanbul.

8. The overall reaction is that the regional countries were unhappy with the outcome of the conference as they were not promised any military aid which is their main concern by either the UK or the USA. Their only reason for satisfaction is that in the final communiqué each country was able to include its dispute with its neighbouring country. For their part the Western Powers are satisfied that CENTO has survived a crisis.

9. I enclose herewith a copy of the communiqué together with a copy each of the inaugural statements made by the Foreign Ministers of the participating countries (not included here).

With kind regards.

Yours Sincerely

Sd/- Sadath Ali Khan

Shri C.S. Jha,
Foreign Secretary,
Ministry of External Affairs,
New Delhi.
Statement by Defence Minister Y. B. Chavan in Parliament on Pakistan’s military build-up.

New Delhi, August 1, 1966.

Since a large number of questions have been asked by Hon’ble Members about the military build-up in Pakistan, I have considered it appropriate to make a brief general statement on this subject. As members will no doubt realize, I can only give broad indications. It will not be in public interest for me to discuss details.

Government are aware that ever since the period of Indo-Pakistan conflict in September 1965, Pakistan has been making all-out efforts to increase its armed strength. Very sizable new raisings of armed personnel have been taken up and equipment for the Pakistan Army, Air Force and Navy obtained. New fixed defences are being constructed and others improved. Ordnance factories are being set up and expanded.

In the Pakistan-occupied area of Jammu and Kashmir there has been an increase in the strength of Armed Forces. Communications improvement, from the military point of view, has also been going on apace. The training of irregulars has been continuing. Pakistan has also increased its troops and air force in East Pakistan.

In these large-scale preparations Pakistan has been receiving a large measure of help from China, by way of supply of equipment, including tanks and aeroplanes, and foreign exchange for purchase of arms elsewhere. Chinese assistance for training of armed personnel has also come to notice. Pakistan has also obtained assistance of one or two other countries for the supply of arms and equipment and, as intermediaries, for purchase of equipment in countries which would not directly sell to Pakistan.

We hope that Pakistan will honour its obligations under the Tashkent Agreement not to have recourse to force. As a step necessary towards this, Pakistan should normalise its relations with India. Be that as it may, the House may rest assured that Government are alive to their primary duty of maintaining the security and territorial integrity of the country and will deal with any development according to the needs of the situation.
Hon. Members have referred to certain Press reports that have appeared, both in India and the United States, regarding the resumption of arms aid by the United States to Pakistan.

We have been in touch with the U.S. authorities through our Mission at Washington and have conveyed our views to them. My colleague, the Minister of defence, informed this House yesterday about the nature of military equipment and sources from which Pakistan has been augmenting its arms arsenal and the grave consequences that follow from this. We have informed the U.S. authorities that the reported resumption of military supplies, such as spare parts for tanks and jet aircraft to Pakistan at a time when the U.S. Government cannot be unaware of Pakistan’s continuing belligerent postures against India, its massing of forces along the Cease-fire Line and acquisition of large quantities of Mig aircraft, bombers, tanks and ordnance factories etc. from China, will only encourage Pakistan in its aggressive and hostile designs against India. A second round of hostilities against India is being freely talked about in Pakistan and it has been proved beyond doubt that the aim of Pakistan in acquiring arms from the USA, is to use them against India and not against China or the Soviet Union or any other state. We have informed the US Government that the Indian Government and public opinion would, therefore, with good reasons regard the supply of arms to Pakistan, as a very serious threat to the security of India.

So far, we have been assured by the United States Government that they have not agreed to give any armaments or military supplies to Pakistan.
In pursuit of the recent conversation between the Indian Government and the Government of the Federal Republic of Germany with regard to a number of F-86 Sabre Jet planes, delivered from Germany to Iran and at present temporarily in Pakistan for overhauling and maintenance, the German Government took up the matter with the Iranian Government. Stressing the full confidence of the German Government, according to which the transfer of these planes to third countries is not permitted without German approval, the Secretary of the Foreign Office in Bonn, Mr. Rolf Lahr, recently informed the Iranian Ambassador in Bonn of the anxieties of the Indian Government in this respect. He stressed the German Government’s strong interest to avoid anything which might disturb Indo-German relations and consequently asked for the Iranian Government’s assistance to clarify the matter in the light of the questions posed by the Indian Government. At the same time Secretary Lahr mentioned a number of practical ways how this clarification could be brought about and how in future India’s anxieties could best be met.

The Iranian Ambassador responded immediately in the most cooperative manner. After informing and consulting his Government the Iranian Ambassador only a few days later formally reiterated his country’s willingness to honour the obligations agreed upon when the F-86 planes were sold to the Iranian Government. He appreciated the German Government’s position and was aware of the interest of all parties concerned to avoid any disturbance of the existing friendly relations between India and Germany. He thus approved the following points:

1. The number of F-86 planes at present in Pakistan for overhauling and maintenance shall be reduced.

2. In future planes sent to Pakistan for overhauling and maintenance should not exceed a number of 12 planes which each time should be flown in one group to Pakistan.

3. The German Military Attaché in Tehran will be continuously informed about the number of planes serviced in Pakistan and the duration of their stay.

The Iranian Government having agreed to the above mentioned points, the German Government feels to have done everything possible and compatible with normal diplomatic practice to meet the anxieties expressed by the Indian
Government. It hopes that the steps so far undertaken by the German Government will be duly appreciated by the Indian Government.

According to instructions received from the German Government a further formal reply to the Indian Memorandum of August 12, 1966, will follow in due course.

New Delhi.

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1774. Letter from External Affairs Minister M. C. Chagla to Pakistan Foreign Minister Sharifuddin Pirzada.
New Delhi, February 25, 1967.

Excellency,

We have seen the text of His Excellency President Ayub Khan’s speech at the Pakistan Institute for International Affairs on January 28, in which the President, if I may respectfully say so, spoke eloquently on the need for diverting to the task of increasing the production of food and the necessities of life, the resources that are at present being used by both India and Pakistan on arms and armament. Agreeing with the sentiments of His Excellency the President, the Government of India consider that an earnest effort should be made by the two countries to reach agreement aimed at bringing about reduction in the expenditure on arms in both countries. They suggest a meeting at the level of officials to discuss this important question.

Accept Excellency the assurances of my highest consideration.

(M.C. Chagla)

His Excellency
Mr. Sharifuddin; Pirzada,
Sitara-e-Pakistan,
Foreign Minister of Pakistan,
Islamabad.

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Letter from Pakistan Foreign Minister Sharifuddin Pirzada to External Affairs Minister M. C. Chagla.
Rawalpindi, April 7, 1967.

Foreign Minister
Pakistan

Rawalpindi, April 7, 1967

Excellency,

I thank you for your letter dated 25th February, 1967, which was handed to me by your High Commissioner in Pakistan, His Excellency Mr. Samarendra Sen.

We have given careful thought to your proposal for a meeting of officials to discuss, the subject of reciprocal arms limitation. We have also had occasion to discuss with your High Commissioner the general question of relations between our two countries. He has, no doubt, conveyed to you our thinking on these subjects.

You are aware of our views that the question of arms limitation can be realistically tackled if an effort is made simultaneously to negotiate a settlement of the Jammu and Kashmir dispute, which has been and remains the cause of continuing ill-will and tension between Pakistan and India. It continues to be our view that any approach which ignores the necessity of reaching a lasting settlement of this basic dispute between our two countries would be unrealistic.

The Government of Pakistan have regretted the fact the cautious optimism expressed on this question in the communiqué we jointly issued at the conclusion of the Rawalpindi Conference last year was belied by subsequent developments. I must also express my disappointment at the fact that discussions held in the last year between our two governments at various levels have not led to a break in the deadlock. I can assure you that we remain ready nevertheless to enter into negotiations with your Government for the settlement of the Jammu and Kashmir dispute and on other matters including the question of bringing down the strength of forces on both sides to reasonable levels. I have asked our High Commissioner at Delhi to take up the thread where it was left. If you consider that more detailed discussions now be held on these matters, we shall be willing to depute other officials to assist him in these talks.

Yours sincerely

Sd/-

(Syed Sharifuddin Pirzada)

M.C. Chagla,
Foreign Minister
Government of India, New Delhi.
1776. Aide Memoire from the Embassy of the United States of America handed over by the US Ambassador in India to the Minister of External Affairs.

New Delhi, April 10, 1967.

AIDE MEMOIRE

The United States has concluded an extensive review of its military supply policy toward South Asia.

United States policies toward India and Pakistan are designed among other things to encourage the highest priority allocation of resources to agricultural and economic development, to assist in each nation’s effort to become economically self-reliant and to foster the reduction of tensions between the two countries by restraining military expenditures and arms acquisitions.

The record of American development loans, food, and technical assistance speaks for itself as to what the United States has done and is ready to do for India, a nation with which the United States shares a deep commitment to democratic values and aspirations. The United States Government believes that a viable and increasingly prosperous India is essential to a stable and peaceful Asia.

United States military supply policy is only one relatively small element of this larger United States Government policy, which is designed to contribute to the security, integrity and economic well-being of the Subcontinent and Asia as a whole.

With respect to India and Pakistan, the United States Government is guided by the conviction that the basic security and economic well-being of both countries depend on the two nations finding a way to lessen tensions between them and thus to reduce the share of their resources now going to military expenditures.

The United States Government wishes to reiterate in this connection its strong satisfaction over the recent letter from Foreign Minister Chagla to Foreign Minister Pirzada regarding arms limitation talks. The United States trusts that, as the larger power, India will continue to accept a special responsibility in an effort to assure progress in such talks.

In this general context the United States Government has established the following policy in regard to defense assistance.

1. The United States will not, under present circumstances, return to the military supply relationships it had with either India or Pakistan prior to September 1965.
2. The most important consequence of this decision is that grant military assistance, which has been suspended since September 1965, has been terminated.

3. The United States Government will continue to consider on a case-by-case basis requests for the purchase of non-lethal end items. New credit terms for such purchases call for 5½ per cent interest on a seven-year repayment basis which reflect the general increase in interest rates.

4. The United States will consider on a case-by-case basis requests for the approval of commercial purchases in the United States of spare parts for previously supplied lethal equipment. This brings United States policy on spare parts sales more closely into line with those of the United Kingdom, Germany, France, Canada and other nations.

5. The case-by-case determination will be based on three broad considerations: (a) the prevailing level of, and the effect of the proposed purchase upon, that nation’s military expenditures; (b) that nation’s continuing commitment to achieve and maintain a reasonable military balance on the Subcontinent and (c) the impact of the proposed purchase on such a balance.

6. The United States Government will extend to India a special 17 million credit at 3 per cent interest on a ten-year repayment basis for the completion of the Star Sapphire project. This concessional rate is available only for this project and is provided in recognition of the special importance of its completion.

7. The United States will reinstate a grant training program to cover training in the United States for a number of key Indian and Pakistani military personnel as each Government desires.

8. The United States will take steps to prevent the sale by third countries to Pakistan and India of military equipment which (a) includes United States technology and components; (b) is produced in the United States.; or (c) is co-produced with the United States, except when the United States has determined that such sales meet the three criteria which will govern the case-by-case review of its own purchase requests.

9. The United States will withdraw its presently constituted military missions in Pakistan and India during the next few months. Under the new military supply policy outlined above, a formal United States military mission such as the United States Military Supply Mission to India or the United States Military Assistance and Advisory Group in Pakistan will not be required. We are in the process of reviewing alternative arrangements for
providing in India such military representation, inspection of previously supplied grant aid equipment, and consultation regarding future sales and training as may be appropriate. We will consult with the Government of India regarding these alternative arrangements in due course.

Ambassador Locke has told President Ayub in presenting this policy that the United States is prepared to help meet Pakistan's legitimate security requirements, but that the manner in which the Government of Pakistan deals in the coming weeks and months with the recent offer of the Government of India to begin talks on arms limitation could have a decisive impact on the way the United States will be able to respond to Pakistan's requests.

The United States intends to handle publicity relating to its new military supply policy in as low a key as possible, and hopes that both Pakistan and India will do likewise.

Embassy of the United States of America
New Delhi, April 10, 1967.

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1777. Aide Memoire from the Government of India to the United States Embassy in India.
New Delhi, April 12, 1967.

AIDE MEMOIRE

The Government of India have studied the aide memoire handed to the Minister of External Affairs, India, by the US Ambassador in New Delhi. They note the sentiments expressed in the aide memoire regarding the US policy towards India and Pakistan and the expression given to the United States interest in the agricultural and economic development of both the countries. They further note that the United States Government are interested in the reduction of tension between India and Pakistan to be brought about by a restraint on military expenditure and arms.

2. They wish that the decision conveyed in the aide memoire accorded with these sentiments. The Government of India are constrained to observe that these objectives of the United States are likely to be placed in serious jeopardy by the US intention to resume military supplies in the shape of spare parts for previously supplied lethal equipment. The Government of India have brought repeatedly to the attention of the United States Government, and believe that this is also realised
by the United States authorities themselves, that the military supplies given to Pakistan from 1954 to 1965 were subjected to flagrant misuse by Pakistan, who had no compunction in using these weapons against India, contrary to the undertakings given by Pakistan to the United States and negating the assurances given by President Eisenhower and the late Mr. John Foster Dulles to India that these weapons were not to be used against India and that in the event of their use the United States would take appropriate measures to prevent such misuse. The supply of spare parts for previously supplied lethal equipment by the United States to Pakistan will mean reactivation of the entire military machine of Pakistan, particularly aircraft and tanks, the sole purpose of which is, as so often declared by Pakistan, to be used against India. The Government of India are deeply disappointed that the United States Government, ignoring all the tragic lessons of recent history and the feelings and sentiments of the people of India, have decided to rebuild the military strength of Pakistan.

3. It is said that even in the absence of the supplies from the United States, Pakistan would be able to buy spare parts for its American weapons from elsewhere. This may or may not be so, but for the United States to agree to make supplies of such equipment in the face of the proven misuse of US weapons as late as 1965 against India, which is a friendly country to USA, will have a patent significance and will make the United States appear in a light in which, the Government of India feel sure the US Government does not wish to appear. There is no indication of any kind that the United States have demanded and obtained satisfactory and credible guarantees from Pakistan against misuse of US weapons supplied to Pakistan earlier and reactivated by the supplies contemplated now, against India.

4. The US Government have reiterated their strong satisfaction over the recent letter from Foreign Minister Chagla to Foreign Minister Pirzada regarding the arms limitation talks. The reply of Foreign Minister Pirzada to Foreign Minister Chagla has now been received. It shows no departure from Pakistan’s stand. Pakistan is not willing to talk on the question of arms reduction by both countries separately from what it calls the settlement of the Jammu & Kashmir dispute. The Pakistan Government have virtually maintained that they must continue to build up their armed forces to vindicate their point of view in regard to Kashmir. This is further confirmed by the statement by President Ayub in Lahore on April 3 that there can be no talks between India and Pakistan on reduction of armed forces till Kashmir is settled. President Ayub is further reported to have said that the “armed forces were created to support a certain policy”. Since the Government and people of India know from bitter experience what the Pakistan policy towards them is, they cannot but deplore this dangerous accession of strength to Pakistan armed forces which must inevitably result from the new US arms supply policy.

New Delhi, April 12, 1967.

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1778. Letter from External Affairs Minister M.C. Chagla to Pakistan Foreign Minister Sharifuddin Pirzada.

New Delhi, May 6, 1967.

Excellency,

I thank you for your letter of April 7, 1967, which was brought by our High Commissioner in Islamabad, Shri S. Sen, a few days before my departure for a visit abroad.

2. On my return, we have given consideration to your Excellency’s communication. I was also expecting to know from your High Commissioner in Delhi the details of your idea in terms of the last paragraph of your letter. We have, however, not heard from H.E. Mr. ARSHAD HUSSEIN, and meanwhile we find that the texts of my letter of 25th February, 1967 addressed to you and your letter of April 7, have appeared in the Pakistan press. I, therefore, hasten to reply to your Excellency’s communication of April 7.

3. Our proposal for a meeting of officials to discuss the question of arms reduction by both countries was made in the sincere belief arising from H.E. President AYUB’s speech of the 28th January 1967 at the Pakistan Institute of International Affairs, that the Government of Pakistan were as anxious as the Government of India to see a reduction of the mounting burden of armaments in both countries and the diversion of the resources available as a result of such reduction to the promotion of increasing food production and the welfare of the people of the two countries.

4. I have read your Excellency’s letter carefully and have come to the conclusion that our simple and straightforward proposal is not acceptable to your Government. The question of arms reduction is relegated to a subsidiary position and is inseparably linked up with what you describe a settlement of Jammu and Kashmir dispute.

5. I must confess to your Excellency our disappointment at the response of your Government to our proposal. The question of arms reduction by both countries patently stands on its own merits. Any such reduction is good in itself and is bound to have a wholesome effect on the economy of both countries and to create a better atmosphere all round between the two countries. We are unable to accept the contention that a reduction in arms expenditure can only come about with or after the settlement of the Jammu and Kashmir question. Such a view does not seem to us to be helpful. It has the inevitable connection that Pakistan is interested in escalating its expenditure on arms for the purpose of achieving its aim in Kashmir. Any such implication is unacceptable to us; it negates the Tashkent Declaration in which both Pakistan and India have pledged to settle all their disputes and differences by peaceful means.
6. The Government of India have stated previously many times both in Parliament and outside that we are, without any pre-conditions or pre-commitments on either side, ready to discuss all questions between India and Pakistan including the Kashmir question, at any time and at any place mutually convenient to the Governments of India and Pakistan. We firmly adhere to that position and wish to reiterate that we are ready to enter into discussions with your representatives on all matters.

7. I was hopefully interested to learn that it is your desire that the threads should be taken up where they were left last year. We are most anxious that our Governments should start a dialogue and discussion through which alone a peaceful solution of our disputes, and differences can ever be reached. Your Excellency will agree that this is the meaning and spirit of the Tashkent Declaration. I am asking our High Commissioner to meet you and to discuss how and where the threads can be picked up again. We are ready to receive a team of your officials in Delhi to discuss questions that either side may wish to bring up. It is also our intention that the meeting between our officials should be on a quiet, continuing and confidential basis and we sincerely wish that both sides should try to reach agreement on various matters.

Accept Excellency the assurances of my highest consideration.

(M.C. Chagla)

His Excellency
Mr. Sharifuddin Pirzada,
Sitare-e-Pakistan,
Foreign Minister of Pakistan, Islamabad.

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Reply Speech of External Affairs Minister M.C. Chagla to the Half-An-Hour Discussion in the Lok Sabha on “US - Arms to Pakistan”.

New Delhi, May 29, 1967.

The Minister of External Affairs (Shri M.C. Chagla): …………………

“Having been unfortunately the victims of Pakistani military aggression, we have been consistently pointing out to the U.S. Government the dangers to our security which would result from any accretion to Pakistan’s military strength which will inevitably result from the reactivisation of Pakistan’s military machine built up of arms and armaments received as aid from the U.S.A. We have pointed out to them that Pakistan is the only beneficiary of the latest U.S. decision since we had not acquired any appreciable quantity of U.S. arms, while Pakistan would be able to restore and increase her offensive strength against us.”

Then comes their case that is the U.S. case.

“The U.S. authorities have informed us that the supply of spare parts is subject to a case-by-case examination of all requests and that each case will be decided bearing in mind various considerations. They have also assured us that this policy is directed solely to serve the interests of peace and to reduce tension, and that they do not intend to act to the detriment of our security interests.”

We have entirely disagreed with this and we have point out the implications. We strongly protested both here and in Washington that the new policy which the United States had initiated will be most prejudicial to India and far from working for peace will increase tension between Pakistan and India. Unfortunately the USA always equates India with Pakistan; that has always been the trouble. They say: we will give you the same as we give to Pakistan. We will study your requests case by case and we will give you spares as we give to Pakistan. The US forgets that the whole military establishment in Pakistan was built by American arms, we have hardly any American arms so that by giving spares to Pakistan, they are reactivising the whole military machine of Pakistan. What spares can we ask from the United States? We have hardly bought any arms; we have either bought them from the United Kingdom or from the USSR. Therefore, the whole fallacy lies in this. While saying, “Oh, we are impartial, we are objective, we are treating both the countries alike,” we have pointed out to them that in saying this, “you are in fact acting in a manner prejudicial to India”. I quite agree with Shri Banerjee that the result of the premise has been to increase the tension. Pakistan is in this favourable position. She has got arms from China who is the
enemy of the United States; she has got arms on a large scale from there. She will now get spare parts from the United States which will make it possible to restore the military machine as it was before the Indo-Pakistan conflict. We have also pointed out as to Pakistan’s behaviour in the Kutch conflict and the Indo-Pakistan conflict. As the House will remember we had given us a solemn assurance that the arms supplied to Pakistan will not be used against India; they were intended to be used against communists and the communist threat. What happened? We know it to our cost. It was the American tanks, the American aircraft, which took part in the conflict in Kutch and more so in the conflict of September, 1965. It was with American arms that Pakistan fought us; it was due to the bravery of our jawans, it was due to the machines which we had, which were perhaps not as good as the American machines, and because of the will and determination of our people that we won that war. We pointed this out to them. We said, how can we trust a country which has violated an assurance given by it to you; and we have told them, “What is the guarantee that any assurance that you might get from Pakistan now will be kept”? Therefore, it is wrong to believe...

Shri Indrajit Gupta: So you still believe in the innocence of the Americans.

Shri M.C. Chagla: We have protested. We have said this is wrong. Again, it is very illogical.

Shri Kanwar Lal Gupta: Are you quite convinced about the US intentions?

Shri M. C. Chagla: The United States tells us that “We are very much interested in the reduction of arms in India and Pakistan. We are very much interested in seeing that this arms race does not go on. Cut down your arms and we will try to persuade Pakistan to do so”. While they say this on the one hand, they give spare-parts to Pakistan, which compels us in our defence for our own security to take measures for our security.

Shri S.S. Kothari: What about the arms promised to you at the time when the Chinese invaded us?

Shri M.C. Chagla: We did get.

Shri S. S. Kothari: Have you got them?

Shri M. C. Chagla: At that time, we did get. There is no doubt.

Shri S.S. Kothari: Only a part.

Shri M.C. Chagla: We got them. But that was intended for the specific purpose of mountain warfare against China. It was not intended for any fight which we may unfortunately have in future with Pakistan. These arms were specifically intended for any aggression by China.
Shri Ranga: Now, What is it you, are going to do?

Shri M. C. Chagla: My hon, friend asks, “What is it you are going to do”? There is one thing that this country can do, and that is what was suggested by the hon. Member there. We must learn to stand on our own feet and take every measure possible to see that our defence is strong, that we are vigilant, and we are not caught napping by the strength that Pakistan is building up. It was said, “Have we made diplomatic representations to countries which are supplying arms to Pakistan”? Let me make this clear. Pakistan is shopping all over Europe for arms. When we come to know of some country supplying arms, we take up this question, as we did in the case of Germany. Shri Banerjee referred to this. Germany sold aircraft to Iran which we found had gone to Pakistan; we took up that question.

Shri Piloo Mody: The hon. Member is surprised that you did not know about it before.

Shri M.C. Chagla: West Germany gave us an assurance that the craft were with Pakistan only for servicing and they will go back to Iran. We are told both by West Germany and Iran that barring 10 or 12 of the Sabre jets, the rest have gone back to Iran.

Shri P. Venkatasubbaiah: So, Iran is the villain of the Piece.

Shri M.C. Chagla: Let me make one thing clear. Very often arms are purchased from private commercial firms dealing in arms, over which we have no control. In many countries, there is no control over sale of arms. I think it is a shameful thing, the fact that a private concern should make money out of endangering peace is a disgraceful thing, but there it is. In many European countries there are private manufacturers manufacturing arms and they are entitled to sell it to any country. Therefore, if Pakistan goes shopping around Europe buying arms there is nothing we can do, except to take the necessary steps to safeguard our interests.

Shrimati Sushila Rohatgi: In spite of the various assurances given by the US Government and in spite of the various protests lodged by our Government, if Pakistan still takes action against India, is the US Government prepared to give a commitment that it will come to our assistance in that case?

Shri M.C. Chagla: As I said, the assurance was given to us last time by President Eisenhower. But I do not believe in any assurance. I believe in our own strength. If we are strong, we can defend ourselves. Assurances depend upon political considerations.
Note on the meeting between Foreign Secretary Rajeshwar Dayal and the United States Ambassador Chester Bowles.

New Delhi, April 1, 1968.

Ministry of External Affairs

Foreign Secretary raised with the American Ambassador, Mr. Chester Bowles, this afternoon, the question of supply of US Patton tanks through Italy to Pakistan. F.S. said that the U.S. Aide Memoire delivered to the Government of India in April last year gave us to believe that only lethal spares would be sold to Pakistan, either directly or through third countries. The sale of tanks appeared to go beyond this understanding. Mr. Bowles interjected to say that he felt the Aide Memoire covered such end items but he would check. The Pattons were being supplied to replace Sherman and Chaffe tanks which would be destroyed. When F.S. said that the new tanks were more powerful and were being fitted with 105 mm guns, Bowles did not contradict but said that there were built-in guarantees to assure that the old tanks were destroyed.

F.S. then said that the justification given by the Americans for selling US arms to Pakistan was to wean away Pakistan from China. But it was to be wondered whether submitting to Pakistani black-mail was the best way of doing so. Indeed judging from the continuation in the growth of Sino-Pakistan relations during the past year, in spite of many American efforts to wean away Pakistan, this American policy did not appear to be working. F.S. quoted Chen Yi’s recent statement on Pakistan, the care China had taken to maintain relations with Pakistan during the Cultural Revolution and the many Sino-Pak agreements reached last year to illustrate his point. Mr. Chester Bowles said that the argument in Washington was that Pakistan was on the verge of joining China and something had to be done to prevent this happening. He, however, agreed that the Chinese argument did not really hold and had indeed pressed this view on Washington. He suggested we should take advantage of the visit of Messrs Heck and Hamilton of the State Department, who were to be in Delhi in a day or two, to impress upon them our point of view.

F.S. said that Mr. Handley of the State Department in a conversation with our Ambassador in Washington had referred to a recent Indian decision to purchase Mig-21. The fact of the matter was that there had been no such decision and no deal had been concluded. Mr. Bowles said that the Americans had received this information from Pakistani sources.

F.S. then referred to Pakistan’s intransigence in discussing the normalization of
relations or even arms control with us. F.S. referred pointedly to the Pirzada - Chagla correspondence in which Pakistan refused to discuss arms control.

Mr. Bowles said than the trouble was that there were constant irritants from our side which clouded Washington's judgment about these things. The Security Council debates on West Asia were widely televised and the impression created was that India was working hand in glove with the Soviet Union against American interests. Then misunderstanding had recently been created by the Telco oil deal, the American Foundation affair and the rejection of a scheme to irrigate Bihar etc. He said that issues such as Vietnam, where American emotions are involved, did not help matters either. The Administration fully realizes that India was the one country which could stand up to China; but it was somehow difficult to establish greater parallelism between India and America.

The American Ambassador then said that Rusk had spoken to Ambassador Ali Yavar Jung (Indian Ambassador) recently on the possibility of an early ministerial level talk. He said such talks might help to clear some of the misunderstandings. Mr. Bowles mentioned June as a possible time and suggested Washington for the first round. He said that China, South-East Asia and economic problems could, among other topics, be taken up. Bowles said that Pakistan and the arms question could be added to the list. F.S. said that he would consult with the Government and let Mr. Bowles know. F.S. then said that we had wished to avoid, as far as possible, a strong public reaction on the American arms sales to Pakistan. But it would not be possible to do so for long, especially with the foreign affairs budget debate coming up in Parliament. He, however, hoped that it would be possible for the Americans to hold up the sales at least pending further talks. This would certainly help to enable the two sides to examine the questions involved thoroughly. The American Ambassador replied that he would try to get a decision from Washington on FS’s suggestion.

During the conversation Mr. Chester Bowles said that there was now no pressure from America on India regarding Kashmir. This should be seen as a positive development. He said that another positive development was the considerable appreciation of the progress made in Indian agriculture and the impression that this year’s good crop would help India.

Sd/-
1-4-1968
Pakistan

Coming to our two neighbors, Pakistan and China, even with Pakistan, our relations to-day are better than they have been during the last few years. We have been able to solve some of the peripheral problems like telecommunications. We are willing to talk with them in the letter and spirit of the Tashkent Declaration on any subject of mutual interest. Unfortunately, Pakistan's response has not been as forthright as we would have wished, but we are confident that sooner or later Pakistan will also realize, as we do, that it is in our common interest to improve our relations and develop cooperation in various fields to our mutual benefit. In this respect, I very much regret to notice some new trends which will not help friendly relations between India and Pakistan. I am referring to the arms aid which Pakistan is receiving, which the Defense Minister declared the other day while replying to the Grants of the Defense Ministry. In this matter we have tried to convince the United States Government that they have been changing their policy. They first said that they will give only non-lethal weapons which had no relation to military hardware. Then they started giving lethal weapons.

Now, the recent report about 100 Patton tanks being given to Pakistan or the reported decision of supply of another variety, B-47 tanks, that is definitely going to damage or upset the military balance between India and Pakistan. This is a very serious situation that has developed and it neutralizes all that we are trying to build up and it affects our close relations with Pakistan. It will be our effort to bring it home to the Government of the United States that this particular factor is going against the spirit of Tashkent and is coming in the way of having friendly and good-neighbourly relations with Pakistan.
SECRET

Telegram from High Commissioner in Pakistan to Foreign Secretary.

Islamabad, June 27, 1968.

TELEGRAM

From: Hicomind Islamabad.
To: Foreign New Delhi.

IMMEDIATE

No. 235. June 27, 1968

Foreign Secretary From High Commissioner.

Personal

Rumour reported in my telegram No. 197 of 3rd June regarding supply of Soviet military equipment to Pakistan seems to be confirmed. Please see in this context London Times report of 24 June 1968. I am not aware that KOSYGIN durante his last visit agreed in principle to arms supply to Pakistan. Did he mention anything like this in Delhi? General YAHYA has not only been invited to visit Russia but obviously expecting great change in Soviet policy. Some say that he would pitch in for Soviet supplies equal to what that country gives to India. And others think that U.S.S.R. will supply significant quantity of purely "defensive" equipment and material e.g. surface to air missiles. ARSHAD HUSSAIN's statement in National Assembly on 22 June suggesting greater appreciation by Soviet Union of Pakistan's defence needs is also significant. Grateful for Ministry's appreciation of likely Soviet reaction.

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1783.

SECRET

Telegram from Foreign Secretary to High Commissioner in Pakistan.

New Delhi, June 29, 1968.

TELEGRAM

From: Foreign New Delhi.

To: Hicomind, Karachi.

29 June 1968

High Commissioner From Foreign Secretary.

Personal.

Your 235 of June 26. Possibility of supply of Soviet military equipment to Pakistan.

KOSYGIN did not tell us on his last visit that Russia had agreed to supply arms to Pakistan in principle. As a matter of fact, our assessment has been that no commitments were made by KOSYGIN in his talks with AYUB in April. General SIDOROVICH told SARIN (Defence Secretary): "We have not promised anything to Pakistan that would endanger the interests of India". Although one cannot rule out the possibility of Russia beginning a modest programme of arms supplies to Pakistan, it is by no means certain that General YAHYA's visit will result in such an arrangement. Certainly we do not think that Russia has the intention to equate India and Pakistan on the question of supply of arms. Unlike the Americans, the Russians do not accept the thesis of balance between the two countries. KOSYGIN told us quite clearly that Indian defence preparedness was justified in view of the Chinese menace and that Pakistan cannot pose a threat to us. We are, of course, keeping a careful watch.

So far as the ballon d’essaï launched by Arshad Hussain and others we might remember the following. First, Pakistan probably hopes that once expectancy on Soviet arms is raised within Pakistan, Russia, which is keen to win over public opinion in Pakistan, may feel obliged to do something to satisfy it. Secondly such speculation might help Pakistan to improve its bargaining position with the Americans and also perhaps the Chinese. And thirdly if it all creates an anti-Russian reaction in India, so much the better.

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Statement by Prime Minister Mrs. Indira Gandhi in the Lok Sabha on the supply of Soviet Arms to Pakistan.

New Delhi, July 22, 1968.

I have already publicly expressed my own and the Government’s concern at the Soviet intention to supply arms to Pakistan. This concern has been voiced throughout the country. We have also conveyed our feelings and reaction to the Soviet Government.

Before I refer to the exchanges which have taken place between the Soviet Union and ourselves on this subject, I should like the House to bear in mind that international relations, as a whole, are in a particularly fluid state at the present time. The old landmarks, the rigid divisions between rival blocs, appear to be in the process of disintegration, although they have by no means disappeared. Every nation, whether member of a bloc or not, is trying to assert its own individuality in the conduct of its policies. The U.S.A. and the Soviet Union, conscious of the need to reduce the danger of a direct clash between them, are evidently reshaping their policies in accordance with the changing conditions. In these circumstances, our policy of peace and friendship with all, and of freedom to assess every issue on its merits while firmly upholding our own national independence and dignity, which is the essence of non-alignment, has been fully vindicated.

About three weeks ago, we received an indication from the Soviet Government of their intention to supply some military equipment to Pakistan. I wrote to Chairman Kosygin expressing our concern and pointing out the possible consequences and dangers of such a move.

We had explained to the Soviet Union that Pakistan had no reasonable justification to seek the augmentation of its armed strength. We also pointed out that Pakistan had received, by way of gift, vast quantities of arms and equipment between the years 1954 and 1965 as a member of military alliances. And, as we had apprehended, Pakistan did eventually use these against us.

The attention of the Soviet Government was also drawn to the fact that Pakistan was getting arms not only from her allies, but also from China, in large quantities. Inevitably, this accretion of strength had the effect of encouraging Pakistan in its intransient and aggressive attitude towards India.

We further pointed out to the Soviet Union that Pakistan does not, in fact, face external threat. During the last twenty years Pakistan had committed aggression against us on three occasions. Pakistan is accumulating arms only for use against India. We also pointed to our successive offers of a no-war pact which Pakistan had repeatedly rejected. As for Pakistan’s protestations of peaceful
intentions, we have pointed out to the Soviet Union that in spite of the assurances
given to us by the U.S.A., Pakistan was not inhibited in using American arms
against India in the Kutch conflict, and subsequently in August 1965. The U.S.A.
could not prevent it from so doing.

In these circumstances, we cannot but view with concern this further accretion
of armed strength to Pakistan. The unavoidable consequence would be to
accentuate tension in the sub-continent and to add to our responsibilities in
regard to the defence and security of our country. It will make Pakistan even
more intransigent than she has been. Indeed, some recent pronouncements
made by leaders of the Pakistan Government confirm this.

The Soviet Union, like any other country, is entitled to form her own judgment
as to where her interests lie and how to promote them. But we are bound to
express our misgivings and apprehensions to the Soviet leaders in all frankness.
We do not question either the motives or the good faith of the Soviet Union, but
we are convinced that this development cannot promote the cause of peace
and stability in the sub-continent.

The Soviet Union have reassured us regarding the firm foundations on which
their friendship for our country is based. They have further assured us that they
would not do anything to weaken friendship with our country or to injure our
interests. They have also informed us that they have told the authorities in
Pakistan that they will stand by their agreements with India and fulfill all their
commitments to us.

The relations between India and the Soviet Union are many-sided.

They embrace many fields of our national endeavour. The new development
should therefore be seen in the context of the totality of these relations.

We have to face this development as it presents itself. We do not know whether
the Soviet Union has yet formalized an agreement with Pakistan for the supply
of arms, nor do we have indications of the quantum or character of these arms
or the terms and conditions of their delivery.

As I have earlier said, we view this development with concern. I have no doubt
that Parliament and the nation will react to the situation with composure and
dignity. As always, the defence and security of the country will remain our
paramount concern. We are confident that we can ensure this with the full support
of a united people.
This Motion was to consider the decision of the Soviet Union to supply arms to Pakistan and the Government of India’s stand on this matter. As you know, and the House knows, Government always welcomes an opportunity to state its point of view and to listen to the views of the hon. Members. This discussion has ranged over a very wide field, not only the whole question of Indo-Soviet relationship, the entire field of foreign policy, the running of the various Ministries of the Government of India, even domestic policy and even the use of diplomacy in the toppling of various State Governments. It is indeed a very wide field and I do not think the House will expect me to wander so far myself.

There is the usual quota of amendments, some obviously written in haste. I am sure the hon. Member, Mr. Mandal, will excuse me for drawing attention to his amendment. He says that the Government misinterpreted the Tashkent Agreement. Actually it was a “Declaration” during the Indo-Pak conflict. What can I say in reply to this because for my hon. friend history evidently moves backward?

I need hardly refer to the hon. Member, Shri Yadav’s amendment. It is entirely wrong to suggest that the Government has withheld any information from this House or from the country. Both he and the hon. Member opposite, Shri Bhandari, have really sought through their amendments to bring into this House the much debated proposition about a Resolution by the other House. I think there has been a misleading impression, perhaps deliberately created, that there was some dispute about the word “regret”. I have tried to clarify this on another occasion but I should like to say so again. There was no dispute about the wording of any Resolution. The dispute was about the desirability of Parliament passing such a Resolution. I gave my reasons for it which were, firstly, that we have never done it before. This does not, obviously, mean that the House can never do something new but that in the present context it would certainly create misunderstanding if we were to pass a Resolution on the Soviet selling of arms when we did not do so even on the occasion of the getting of a vast amount of arms and when Pakistan has been buying arms from many other countries.

The hon. Member, Shri Dahyabhai Patel, has his own sources of information. I would really be interested to know what they are. He made one comment; hon. Members will remember the number of times that I have visited the Soviet Union. Perhaps the House knows that now in America there is something called
new mathematics in which two and two do not always make four. Perhaps that is the kind of reasoning which guided the hon. Member. But anyway I thought that since he had taken a special interest in this matter, I should also do a little research, and I tried to look back to count how many times I had been to which country. And I was interested, this was not deliberate — I can assure the House, to find that by a strange coincidence the number of visits to the U.S.S.R and the United States of America are exactly equal.

He also alleged that Chairman Kosygin had whispered about his intention to supply arms to Pakistan when I had gone to Moscow. I am not quite sure of the exact date of that particular visit but it was very soon after Mr. Kosygin took over as Prime Minister. I can assure the hon. Member that he was then far too preoccupied with domestic affairs and the new situation in the Soviet Union to discuss the supply of arms to Pakistan, or any other such matter with somebody whom he did not know at all.

Some hon. Members have alleged that either the Government was unaware of what was happening or wanted to keep the country in the dark. This, as I have said earlier, is quite incorrect and I shall deal with the matter later on.

* * *

Farakka Barrage

Another matter which is connected both with the communique and with the letter which I have received from Chairman Kosygin was the question of the mention of Farakka Barrage. Now there was no specific suggestion that this matter should be settled in the same way as the Indus waters dispute. The suggestion in the letter was that we should find some mutually acceptable solution of this matter. The letter referred to many other questions, not only between India and Pakistan but to many other areas and problems and other matters of interest to us throughout the world. There was this mention of Indo-Pakistan relationship and it was stated that the Soviet Government wished that our relations should be normalised and should improve. This is what we also say. But I should like to make our position quite clear that there can be no question of any mediation or arbitration or third party intervention. Neither do we think that there is any comparison between the question of the Ganga waters and the question of the Indus waters. The Ganga is almost entirely an Indian river.

The Farakka project is vital to our needs and especially to the very survival of the Calcutta Port. But we have always been willing to talk to Pakistan about their legitimate interests. Therefore we had agreed to an exchange of technical data and information but there should be no delay in carrying on the work or completion of the barrage.
The hon. Member just now asked about pressures. Now if by pressure he means that they have said that we must do this, that or else something will happen, there has been no such pressure. It is true that some people have been talking about these matters, and not only the Russians. But, as I said, it is a question for us to see how far we are prepared to listen and we have made our attitude very clear. My hon. friend from this side just now said something about telling them our views gently; I want to assure him that we have told this not only gently but very firmly and in the strongest of terms.

The natural questions asked in this debate have been, why have the Russians entered into this deal, when did we know about it, could we have prevented it, why did we not prevent it and so on. Such an occasion is always used for blaming the Government for the failure of its policy. I do not think it would be proper for me to enter into any speculative analysis about the reasons why the Soviet Union decided to take this step. Many viewpoints have been put forward and there may be truth in some of them.

Hon. Member Shri Jairamdasji rightly said that each country must look to its own interest and act in what it considers to be its interest. It is our misfortune that hon. Members sometimes take it for granted that we are the one country where we are not at all concerned with our self-interest. Well, I must emphatically say that there is no truth whatever in this. We may not agree with the Soviet assessment of the situation or their assessment of their interests in this matter. Perhaps they will find out that they were wrong. But I do not think it is right to question their motives. The possibility of this arms deal was in the air for some considerable time; Hon. Members know that there were speculations in the Press and that is why we had taken the matter up with them on several occasions previously even though there was no indication from them or other definite information....

And here I would like to say one more thing. One or more Members have asked: did we have the Intelligence; did we know anything about this matter apart from what was in public knowledge? Hon. Members will surely understand that it is not possible always to give such information; even if we hear of something we would certainly not like other people to give out such information about us and therefore it is not proper that we should do so ourselves. But as soon as we had some definite indication, we took the matter up with the Soviet Government and I was the first person to give Government’s reaction when I was asked about it by the Press.

The Soviet Government have assured us that this would not in any way affect their relations with us, their friendship with us, nor would it injure our interests. Now obviously we have our own views about this and that is what I have expressed to them. We have our misgivings, we have our apprehensions, and as I have
said, I have given public expression to them in the House and also to the Soviet Government. The whole nation is naturally most concerned.

With all our understanding of Soviet policy we cannot but view this decision with concern and some disturbance. We are apprehensive because of the past record of our neighbour. The Soviet Union has assured us that it will not allow these arms to be used against us but as Hon. Members have pointed out we have received such assurances before from other quarters.

**Bellicose Attitude of Pakistan**

We did not believe it then and it is we who have proved to be right and not the others. So we find it difficult to believe that this new acquisition of arms will not strengthen the bellicose attitude of Pakistan. Already there are some signs. First there were the bellicose speeches, but immediately afterwards there was also a declaration that there would be no trouble whatsoever between the two countries. If there is sincerity in this change of attitude that there will be no trouble, well, we would certainly welcome it.

As I think it was the Honourable Shri Jairamdas Daulatram who has mentioned that many countries have been changing. I myself have been speaking about this change for sometime. Naturally I could not put it in more specific terms. But I think that if people had read between the lines they could have got some indication of my thinking. Why should we look either at friendship or enmity in such total and absolute terms? I think that, as Jairamdasji has said, this is a rather unrealistic way of facing the world. It does not mean that we do not believe in friendship and I don't know whether changing the word from friendship to cooperation would make any difference because that would also be interpreted in many different ways.

We accept friendship and we do not wish to do anything against friendship but this should not mean that we are complacent or that we closed our eyes to what is happening. I am afraid, this is what always seems to happen here. If we think a country is against us then we are not willing to give even a little leeway nor are we allowed to make bridges with that country. If we think that a country is friendly then we expect that country to give up everything even its own interest for the sake of our friendship.

As I said just now, I think this is not a realistic attitude. We must accept friendship as it is; it may be more; it may be less. I for one cannot understand the argument that trusting a country or believing in its friendship has done us harm. Had we declared previously that the Soviet Union is giving arms or selling arms to Pakistan, would that have helped situation? Would they have been friendly towards us? How would it have changed the situation?

* * *
Kashmir

One question which is very important and which I seem to have left out is with regard to Kashmir. The Soviets have not mentioned Kashmir at all to us. Somebody just now said that we have been told to come to a settlement about Kashmir and so on. This is far from the truth. But here again we are firm and we must remain firm in our stand. Previously we were anxious and we were seeking assurances. I think that we must give up this attitude. We know what we want and we should stand firm by it and I do not think that anybody can push us around.

I have also previously said that defence and security will remain our paramount concern and that we can ensure this with the full backing of a strong and united people.

Now, Madam Deputy Chairman, I should like once more, before I end, to go back to the question of non-alignment. As I said, the essence of non-alignment is independent judgment, judging each issue on its merit, and nothing could be less rigid than that. It is a flexible approach, one which cuts across the rigidities of alignments. The price of independent thinking is that we annoy somebody or other, but the price of alignment is the curtailing of true independence. Madam, with your permission and the indulgence of the House I should like to read what I have said in the other House about how we implement this non-alignment or what is our approach to international affairs. I quote;

“I believe that where there is friendship we must enlarge it; where there is indifference we must remove it; and where there is hostility we should try to blunt it,

What are permanent and set are certain values and above all our national interests about which there can be no compromise.”

Let me in the end pick up the common thread which ran through all the speeches and which I think made this debate very much worthwhile, which was the idea of national solidarity, the idea of self-reliance and internal strength. If we can catch this and work towards it and if we have a united view on this, then I think that the Soviet Government may well have done us a favour in forging this kind of determination amongst us to stand united, to stand on our own feet, and to be firm in our resolve about our national interests.

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SECRET

Letter from Ambassador of India in the Soviet Union Kewal Singh to Foreign Secretary Rajeshwar Dayal.

Moscow, July 28, 1968.

Kewal Singh
Ambassador

Embassy of India
Moscow

No. MOS/SEC/109(2)/68 July 28, 1968

My dear Foreign Secretary,

When I called on Fomin on July 23rd for the purpose of discussing the Farakka Barrage issue, he gave me with obvious relief the information (that they had just heard) that the motion in the Lok Sabha to discuss the Soviet Arms Aid to Pakistan had been defeated by a large majority. He and his colleagues had been evidently worried because of the press and public reaction in India and expected a crisis in the Parliament on this subject. I told Fomin that the Prime Minister and the Government had been placed in a most difficult situation as a result of the Soviet decision to supply arms to Pakistan. It was not merely the press, the Parliament and leaders of all political parties who are deeply agitated at what is regarded to be a totally unexpected and inexplicable development. In fact the Soviet action has come as a blow to the confidence which every man and woman in India had in India’s special friendship with the Soviet Union. The Prime Minister had indeed made a very firm statement and had risen to the occasion to handle the situation in a statesmanlike manner; the fact, however, remained that a very serious complication had been created in India’s friendly relation with USSR with its inevitable repercussions on the internal political scene. Even four months ago, I said no leader in India could have imagined that the Soviet Union would so drastically change its policy and decide to supply arms to Pakistan in the face of the latter’s past record. It has, therefore, been not at all easy for the Government to give a rational explanation of this to the Indian public. I added that although the Parliament discussion was over, the public was still to be convinced and their confidence restored.

2. Fomin was at great pains to assure me about the reasons for the Soviet decision. He said the arms supply was only “symbolic”; moreover, there were strong guarantees about the non-use of these weapons against India. I cautioned Fomin that it would be useful for them to recall our past experience in similar circumstances, which was within their knowledge. In 1954, Mr. Dulles gave
military aid to Pakistan and persuaded them to become a member of the regional military blocs in that area. Pakistan readily joined. And she still is a formal member of these military blocs. When we protested against American military aid, we were offered by the Americans three times the quantum of aid given to Pakistan provided we too joined these military alliances. Prime Minister Nehru refused to do so. On the other hand, he warned the United States that their weapons would never be used by Pakistanis against the supposed enemy north of Pakistan but only against India. Americans too gave us the unconvincing explanation that there were guarantees that these weapons would never be used against India. Everyone knows what happened in 1965. I told Fomin that the Indian nation had every reason to feel concerned and indignant.

3. Fomin argued that the intentions of the Soviet Government were only positive to both countries in the sub-continent. This had been proved during the Tashkent negotiations, and after. The present Soviet move was mainly inspired by the desire to wean away Pakistan from the influence of the United States and China. For this purpose, some sort of Soviet presence was essential in that country. I expressed my total scepticism about the success of this rather dubious strategy. I pointed out that nothing which has happened during recent months lends credence to the view that Pakistan is drifting away from China. Arshad Hussain has already declared his intention to make a pilgrimage to Peking. There has been nothing at all in the statements of Hussain or President Ayub to indicate a willingness to adopt a less bellicose attitude towards India. All their public statements continue to be belligerent. I also reminded Fomin that we made a standing offer to Pakistan of a ‘No War’ declaration; and there had been no response to this.

4. I added that in the difficult situation created by the Soviet decision they should use all their influence to persuade Pakistan to normalize relations with India. It is only if Pakistan adopts a more conciliatory attitude and agrees to normalize and improve relations with India that the Indian anxiety over the Soviet decision may be allayed to some extent. Fomin’s reply was that they would certainly do their best. He added that during Chairman Kosygin’s recent visit to Pakistan, President Ayub told them in unequivocal terms that Pakistan had no intention to commit any aggression on India. Ayub frankly told Kosygin that he would be mad to think of such a thing. He also said that he was willing to try the step by step approach for the solution of Indo-Pakistani differences. He had in effect committed himself to refrain from insisting on the prior discussion of the Kashmir dispute before minor matters could be settled. It was against this background that the Soviet Union felt that by giving this token assistance they would be able to have sufficient influence in Rawalpindi to encourage such positive tendencies and to neutralize China’s hostile schemes.

5. Fomin was obviously eager to utilize this opportunity to give us every
possible reassurance on the subject and to allay our apprehensions about possible misuse of the arms aid. It was noticeable that he carefully refrained from making any reference to the demonstrations in India. I made it clear in the end that, while the Soviet side seemed to have embarked on this risky course with perhaps the best possible motives, all our experience of Pakistan during the last 20 years led us to think that Soviet optimism was unfounded and would instead of lessening tension in the sub-continent, lead to new complications which would defeat the noble purposes of promoting peace and understanding for which they had been working so far.

With kind regards,

Yours sincerely

(Kewal Singh)

Shri Rajeshwar Dayal,
Foreign Secretary,
Ministry of External Affairs,
New Delhi.

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1787. Aide Memoire from Indian Embassy in the United States to the US State Department.

Aide Memoire

The ties between the United States and India date back to the days of India’s fight for political freedom. These ties have been strengthened and their scope enlarged since India’s independence in 1947. As the most advanced democracy in the world, the United States has occupied a special place in the hearts of the freedom minded people of India. Moreover, the United States has contributed substantially to India’s economic development. The United States has proclaimed its interest in the rapid normalisation of relations between India and Pakistan and has recognised India’s efforts to deal peacefully with the problems that exist between the two countries.

2. Unfortunately, Indo-US relations have often been affected by actions that involve third countries. A major irritant during the 1950’s, which caused great bitterness in India, was the massive military assistance given by the United
States to Pakistan in pursuance of the 1954- Military Assistance Pact and as a military ally in CENTO and SEATO. This massive military assistance, which was objected to all along by India as a threat to peace in the sub-continent, was ultimately used by Pakistan for aggression against India twice in 1965. The subsequent embargo on U.S. military aid to the sub-continent was welcomed by India as a step in the direction of establishing peace in the sub-continent. This relief has, however, remained short lived and U.S. policy has been progressively modified to provide Pakistan with military hardware through third countries.

3. Supply of U.S. arms to Pakistan was one of the subjects discussed at the recent Indo-U.S. talks in New Delhi which made a contribution to Indo-U.S. understanding. India’s position regarding further accretion to Pakistan’s armed strength and the implications of such a development were fully explained. It was explained that to support Pakistan to maintain a balance of strength with India, a far larger country, was tantamount to supporting Pakistan against India. As it is, the present ratio between India and Pakistan is roughly 2:1 even though India is 4 to 5 times Pakistan’s size and population. Further, while India faces a hostile China, Pakistan by its own admission faces no military threat from outside the sub-continent. Further, accretion to Pakistan’s armed strength will strain India’s defence capabilities to such an extent that India’s strength vis-a-vis China will be reduced.

4. The supply of U.S. weapons to Pakistan is likely to encourage it in its policy of confrontation with India and increase its demands. The cause of peace in the sub-continent, as well as in Asia, which is dear both to India and the United States, will not be served by it.

5. It was the impression of the Government of India that the views expressed by them at the Indo-U.S. talks on this question were well understood and appreciated. It was, therefore, with surprise and regret that the Government of India recently learnt of the U.S. decision to agree in principle to the supply of undisclosed number of M-47 tanks, located in Turkey but belonging to the United States, to Pakistan.

6. Pakistan not only continues its refusal to normalise relations with India but is interfering daily in India’s internal affairs by training and arming Naga and Mizo hostiles, by inflaming communal passions and pressing its claims on Indian territory. It loses no opportunity to increase tension in the sub-continent and adheres to its hostility towards India. Any further supply of arms to Pakistan will only encourage those elements in Pakistan who are resolute in their hostility towards India.

7. It is often said that the supply of U.S. arms to Pakistan will help to wean that country away from China but experience has shown that this is not so.
Pakistan’s relations with China remain unimpaired and Pakistan continues to get military assistance from China as evidenced from the results of the recent visit of a Pakistani military delegation led by General Yahya Khan to China. Any further supply of lethal equipment by the United States at this stage would seem to suggest that the two powers are entering into a race for arms supplies to Pakistan which is also receiving military assistance from China. The net result of this, in view of the known hostile attitude of Pakistan, would be to further aggravate the military threat to India. This, it is presumed, would not be the end result which the Government of U.S.A would desire.

8. The U.S. Government’s earlier authorisation to permit the sale of U.S. arms through certain NATO countries without Pakistan having fulfilled the criteria laid down in the U.S. policy declaration of 1967, and against the understanding regarding this given to the Government of India, had come as a surprise and was objected to by the Government of India. It appeared to us that what was ostensibly a preventive clause in the 1967 U.S. memorandum was being turned into an enabling one and at the same time a beginning was being made to reestablish the old military relationship between U.S. and Pakistan. The implications of the present deal are even more serious. It is understood that Pakistan will not have to make any payment towards acquiring the U.S. tanks located in Turkey. This will amount to a resumption of free U.S. military aid to Pakistan however; indirect it is made to appear. India cannot obviously view the resumption of arms aid to Pakistan without deep concern since it is bound to have serious implications for India and for Indo-U.S. relationship.

9. The Government of India hopes that the United States Government will reconsider its decision to sell to Pakistan M-47 tanks from Turkey.

Embassy of India
Washington D.C.
December 16, 1968.
Aide Memoire from the US State Department to Embassy of India in the United States.


AIDE-MEMOIRE

On December 16, 1968, the Embassy of India left with the Department of State an aide-memoire which discussed United States relations with India and Pakistan and, more specifically, the United States role in a proposed arrangement involving the transfer of military equipment from Turkey to Pakistan.

As the Embassy is aware, it is the policy of the Government of the United States not to discuss the details of our military supply arrangements with representatives of countries not parties to them. For example, officials of this Government have never mentioned to representatives of Pakistan the decision made in June 1967 to approve the transfer from Britain to India of Hawker-Hunter fighter bomber aircraft. This Position has been reiterated on several occasions to Embassy officers. The Department believes that the Embassy has come to understand that it is the best approach to what are obviously matters of some sensitivity.

In light of this position, the Department is unwilling to become involved now or in the future in a detailed discussion of military supply arrangements. It does believe, however, that it is important to correct a number of misunderstandings which appear in the Embassy's December 16 aide-memoire about the role of the United States.

The most serious of these is the misapprehension that Pakistan will receive tanks gratis and that the transfer of the Turkish equipment will thereby amount to a resumption of United States grant aid to the Government of Pakistan. This is not correct. Present United States policy, which dates from April 1967, rules out grant military assistance to both India and Pakistan. It remains in effect. Should the proposed arrangement be finalized, the tanks which Pakistan would acquire from Turkey would represent neither direct nor indirect grant aid from the United States.

The Embassy has also seriously misjudged the implications of the proposed arrangement when it speaks, in its aide-memoire, of “a beginning... being made to re-establish the old military relationship between US and Pakistan.” There are no such implications.

The Embassy’s attention is also called to the fact that the tanks now being considered for transfer are not “US tanks”, as stated in the aide-memoire, but
Turkish tanks. The tanks were manufactured in the United States and their transfer to any third country must be approved by the Government of the United States, but they are not US tanks any more than the 105 mm howitzers used by Indian Army mountain divisions are US guns. It is the Government of Turkey and not the Government of the United States which is considering selling them to Pakistan.

Finally, the Department is surprised by the suggestion that the United States is entering a race with the Chinese Communists to supply weapons to Pakistan. Since September 1965, the United States has sold no lethal end-items to Pakistan nor has the Government of the United States approved in final form any third party transfers. The few agreements to third party transfers made “in principle” have been duplicative. The Government of the United States continues to be guided in its approach to the Subcontinent by a desire to do what it can do to discourage an arms race and the diversion of resources from development to military expenditures that such a race implies.

Department of State,
Washington
December 20, 1968.

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1789. Statement made by the External Affairs Minister Dinesh Singh in the Lok Sabha on US military aid to Pakistan.
New Delhi, July 23, 1969.

Government have been informed that the Government of United States have not yet taken any decision to supply arms to Pakistan. U.S. Secretary of State has in-formed the Minister of External Affair’s that there is no proposal under their consideration to supply 100 tanks to Pakistan through Turkey.

Government have made it clear that arms assistance to Pakistan will increase the threat to the security of India, encourage Pakistan in its ambitions and demands on Indian territory and consequently retard the chances of normalization of relations between the two countries. It will also go against the idea of economic cooperation in Asia and will add to tension in this part of the world.

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1790. Statement by External Affairs Minister Swaran Singh in the Lok Sabha on Arms supply to Pakistan by the USA and the USSR and Pakistan’s Declaration to use the arms against India.

New Delhi, November 9, 1970.

Government appreciate and share the concern of all parties in Parliament about the latest announcement by the U.S. Government regarding American supply of arms to Pakistan. The result of this decision may well be that Pakistan, which is already over-armed, will use this accretion of armed strength to threaten India instead of trying to settle differences peacefully through bilateral discussions.

The House will recall that in 1965 the U.S. Government had imposed a ban on the supply of lethal weapons to Pakistan and India. On September 30, 1970, we were officially informed that the United States Government had decided to make an exception to this ban and to supply to Pakistan some aircraft and armoured vehicles in replacement of losses and natural attrition. We lodged protests with the U.S. Government through their Ambassador here as well as through our Ambassador in the United States. The U.S. Government had given us an assurance, and later made a public statement, that this sale would be a one-time exception to the ban.

The American Government has told us that they have offered to sell to Pakistan six F-104 type star fighter-interceptors, 300 armoured personnel carriers, seven B-57 bombers and four maritime patrol aircraft. These are sophisticated offensive military hardware.

In reply to our protest, the American Government has tried to justify its decision by saying that no great significance should be attached to this replacement of items of equipment and that this sale was to meet Pakistan’s defence requirements. We have pointed out that we are unable to accept these arguments. Pakistan has repeatedly asserted that India is her only enemy. As the House is aware, India has, apart from signing the Tashkent Declaration, made repeated offers of a No-War Pact to Pakistan and has taken several initiatives for normalising relations with her. Pakistan has therefore, no ground to apprehend any threat from India; on the other hand, it is Pakistan that has committed aggression against India thrice since independence. Certain Pakistani leaders who held high office in 1965 have been proudly asserting during their recent election campaign that it was under their leadership that Pakistan had started these conflicts with India.

According to reliable estimates, American military aid to Pakistan from 1954 to 1965 was of the order of 1.5 to 2 billion dollars. What is particularly disquieting
for us in this deal is that the United States tries to justify it on the ground that they are replacing the equipment supplied by them which has become unserviceable with use and time. The mere acceptance, in principle, of any responsibility for replacement becomes a cause for grave concern. But for American arms aid to Pakistan, the sub-continent might have been spared more than one destructive war.

Past assurances that U.S. arms to Pakistan would not be used against India proved worthless, and this time even such an assurance has been omitted. This shows that U.S. Government itself believes that these arms will be used against us. Such a step will not only increase tension on the sub-continent and lead to an arms race, but will also make Pakistan more intransigent towards India and render normalisation of our relations with Pakistan more difficult. The U.S. decision therefore, is all the more regrettable particularly at this juncture when we were beginning to see some hope of normalising relations with Pakistan in some fields.

When the U.S.S.R. supplied arms to Pakistan in 1968-69, we protested to them. We pointed out to them that their military equipment, in addition to what Pakistan had already received from America and China, was obviously for use against India. At that time the U.S.S.R. Government assured us that their arms supply to Pakistan was not intended to hurt India but might help in persuading Pakistan to normalise relations with India. We did not agree with this assessment. We, therefore, continued our objections with the Soviet Government. We are glad that the Soviet Government have given consideration to our representations and informed us that they have not supplied — and do not intend to supply — any military hardware to Pakistan in addition to that already supplied in the past.
1791.       SECRET
Note recorded by Defence Secretary and Foreign Secretary on their Meeting with US. Deputy Assistant Secretary of State.

New Delhi, November 20, 1970.

Ministry of Defence

I give below relevant extract from the Defence Minister’s morning meeting held on 17th inst. at which I reported the talk which I had with Mr. Hollen the night before:

‘Def. Secy stated that he had met Mr. Hollen, Deputy Assistant Secretary, US State Department at a dinner on 16.11.70. He had mentioned to him that he was surprised that the US Govt. could not visualise that the reaction in India to the US arms supply to Pakistan would be strong. He also explained that the Indian authorities cannot understand any policy which makes good losses sustained by Pakistan during the war with India. This was tantamount to approving the aggression of Pakistan against India. Mr. Hollen referred to the supply of Hunters and Canberras from UK and stated that the aircraft supplies from USA were not larger in number. He had mentioned that the APCs were also not very sophisticated equipment. Mr. Hollen gave the following aims as the main reasons for USA to supply arms to Pakistan:

(1) U.S had supplied only what they had considered as the genuine requirements of Pakistan.
(2) To improve relations with Pakistan.
(3) To restrict supplies of equipment from USSR and China.
(4) To improve Pakistan’s relations with India.

To an enquiry, Mr. Hollen admitted that only the second aim may be said to have been achieved as a result of their decision. Mr. Hollen could not say, to an enquiry, whether the MR aircraft proposed to be supplied are the same type as the aircraft supplied earlier, or a more modern one. Mr. Hollen, however, stated that on the type of MR aircraft to be supplied to Pakistan a decision had not yet been taken. He also evaded answering the question what the value of the equipment supplied to Pakistan would be – 15 m or 40 m dollars.

2. I was under the impression that Pakistan had been supplied Maritime Reconnaissance Aircraft earlier. I now understand that this is not the case. MR aircraft (Maritime Patrol Aircraft as the US call them) are a new item of supply. To this extent, therefore, the understanding given by Mr. Keating has not been observed.
3. I repeatedly told Mr. Hollen that it would be a serious matter if MR aircraft to be supplied have an offensive capability against submarines or surface ships.

Sd/-
H.C. Sarin
20.11.1970

Foreign Secretary

Note by Foreign Secretary

I was present at the dinner where this conversation took place. Mr. Van Hollen was on the defensive all the time. However, on one point he expressed his “disappointment” i.e., while he could understand the reaction of the Indian press and Parliament, his Government had hoped that the Government of India at least would have shown some appreciation of the restraint and limitation on supply of arms shown by U.S. Government to Pakistan’s requests. I told Mr. Van Hollen that this was not the first time U.S. Has supplied arms to Pakistan. Looked at in the context of the over $2 billion worth of military supplies, which USA had given to Pakistan since 1954, and particularly of the ban after the 1965 conflict, the resumption of such supplies could not but be considered as a threat to India and, therefore, cause grave concern and resentment both in the Government and among the people of India. He replied that the present Administration was not responsible for the acts of previous Administrations. I said that this did not make any difference to the threat to India. I said that if someone had supplied only one gun, instead of two, to my enemy, I could not but look upon such an act with concern and displeasure.

2. When I asked him whether Senator Saxby’s estimate of $150 million was nearer to the mark than $15 or $40 million, he replied that Senator Saxby’s estimate was highly exaggerated. However, he would not quote any particular figure. Nor would he give any direct reply to my query whether the arms were being supplied as surplus arms at concessional rates or at their market value. He could not also give any assurance on how long the so-called “one-time exception” would be valid for. It is thus obvious that we cannot take the United States government’s assurances at their face value and will have to further watch developments.

Sd/-
(T.N. Kaul)
24.11.1970
1792. Statement by External Affairs Minister in the Lok Sabha on the Reported Supply of Arms to Pakistan by the U.S.S.R. and France.

New Delhi, July 6, 1971.

Government have seen Press reports to this effect. Government have been in touch with the Governments of the USSR and France both in New Delhi and their respective capitals.

The Soviet Ambassador has told us that the press reports about USSR Government having supplied arms to Pakistan after the military action in Bangladesh are incorrect.

The French Government had informed us that they have not entered into any new contracts for the supply of arms to Pakistan after the military action in Bangladesh. They had also informed us towards the end of June that they would not make any deliveries of arms even on old contracts. We have, however, expressed our grave concern to the French Ambassador about the reported supply of arms to Pakistan. We have asked our Ambassador in Paris and the French Ambassador in New Delhi to take this matter up with the French Government.

In view of the prevailing practice of clandestine sale of arms through private parties in Western Europe, the possibility of Pakistan acquiring arms through such sources cannot be ruled out.
1793. Statement by External Affairs Minister Swaran Singh in the Lok Sabha on arms supply by the United States to Pakistan in reply to a Calling Attention Motion.


It was officially announced in Washington yesterday by the State Department that with immediate effect the United States is lifting the embargo on the supply of arms to Pakistan. As a result, Pakistan will immediately receive 300 armoured personnel carriers reportedly valued at 13 million, and Aircraft engines, military spare parts and parachutes valued at 1.1 million according to U.S. statement. It is clear from the announcement that the United States Government will permit Pakistan to acquire non-lethal military equipment as well as spare parts for lethal weapons given to Pakistan earlier by the United States.

I had reiterated our grave concern yesterday over the American supply of arms to Pakistan and had expressed the hope that the United States Government would carefully consider the implications of such arms supplies and refrain from this action. The Foreign Secretary also conveyed our strong feelings on the subject to the American Ambassador in New Delhi yesterday, as this would have a negative effect on Indo-American relations and on the process of normalisation on the sub-continent. Our Ambassador in Washington is also taking up the matter immediately with the United States Government to convey our grave concern on their decision.
On March 12, Assistant Secretary of State for Near East and South Asian Affairs, Mr. Joseph Sisco, told the House Foreign Affairs Sub-Committee that the United States would like to find a way to fulfill what he called ‘long standing arms commitment’ to Pakistan which had been suspended since the outbreak of the hostilities in 1971. The Government of India views this development with the utmost concern and is taking up the matter with the United States Government.

It has been our policy to promote peace and good neighbourly relations among the countries of the sub-continent. Despite the 1971 conflict imposed on us, we are making earnest endeavours to normalise relations with Pakistan and to establish durable peace. The Simla Agreement embodies the aspirations of the two nations to live in peace and friendship. The withdrawal of troops, under the Simla Agreement, has already been completed and this has resulted in the lowering of tensions.

The United States intention to resume arms supplies to Pakistan will jeopardize the process of normalization and adversely affect the chances of establishment of durable peace on the sub-continent. In the light of past record of Pakistan’s aggression against India, arms shipments to that country will once again pose a grave threat to India’s security.

We have in recent months, expressed our desire to have friendly and normal relations with the United States of America which has been reciprocated by the United States Government. In my statement in the Rajya Sabha on November 30, 1972, I referred to this desire. However, as I said on that occasion, in the past, the U.S. military assistance to Pakistan had been a principal cause of strained relations between India and the United States of America as it encouraged the anti-Indian and militaristic policy of Pakistan. We hope that the United States would carefully consider the implications of such an action and refrain from supplying arms to Pakistan.

◆ ◆ ◆ ◆ ◆
New Delhi, January 28, 1975.

AMBASSADOR OF INDIA
WASHINGTON, D.C.

January 29, 1975

Dear Mr. Secretary,

I have the honour to convey the following message from my Foreign Minister, Mr. Y.B. Chavan, addressed to you:

"New Delhi
January 28, 1975

Dear Mr. Secretary,

During your visit to New Delhi last October, we had occasion to discuss our common purposes of strengthening peace and stability in this region and to end two decades of tension between India and Pakistan which in turn had cast a shadow on the relations with USA. From our side we conveyed to you India’s desire to promote reconciliation with Pakistan on the basis of the Simla Agreement. We were gratified at your renewed support to the Simla Agreement and welcomed your public assurances that the United States would not participate in an arms race on the sub-continent.

2. The United States Government is aware that as a result of painstaking negotiations over the last two years, India and Pakistan have concluded Agreements on some of the specific subjects envisaged in the Simla Agreement to normalise relations between the two countries. It is on the implementation of these Agreements that confidence can be created to establish good neighbourly and friendly relations on a firm foundation. We look forward to the continuation of this process resulting in the early restoration of diplomatic relations and strengthening of all round cooperation thus securing a structure of peace on long term basis so essential for this region. These objectives are certainly in the vital interests of the peoples of the two countries and, indeed, are in line with the declared policy of the United States Government. Any change of U.S. arms policy at this stage would be exploited by belligerent elements in Pakistan and is bound to encourage all those who are opposed to Indo-Pakistan detente and amity. It would certainly revive tensions on the sub-continent and be a serious set-back to the slow but hopeful process of normalisation.
3. We were deeply distressed to read the interview given by the Prime Minister of Pakistan to the *New York Times* in which he made a totally unfounded allegation that India was contemplating an attack on Pakistan. We could only interpret these imaginary charges as an endeavour to justify demands for the resumption of military supplies by the USA.

4. Mr. Secretary, on the basis of facts and background, the United States Government will agree that Pakistan’s fears about military threat from India are wholly fanciful and unwarranted. We have given a solemn pledge in the Simla Agreement to work for durable peace in the Sub-continent and to settle all our differences peacefully and through bilateral negotiation. Besides, we have publicly declared that as a neighbour, we are deeply interested in Pakistan’s integrity, stability and progress. You may be aware that a hot line between Army Headquarters at Islamabad and Delhi has been functioning since the signing of the Simla Agreement. There exists also an understanding along the Line of Control in Jammu and Kashmir for bilateral Flag meetings to sort out allegations on the incidents of violations. May I add that we are even willing to take further steps to assuage such irrational sense of insecurity, if genuinely harboured, on the part of Pakistan. We are prepared to agree to direct talks between Indian and Pakistani officials in order to evolve some mutually acceptable form of disengagement along the western border. The prospect of such concrete steps is bound to be jeopardized with a revival of militarism or the induction of fresh (lethal) weapons.

5. Mr. Secretary, you are aware that in recognition of the importance of Indo-US relations not only on the bilateral plane but in order to promote better understanding on wider international issues, we have been engaged in sincere efforts to place our relations on a mature and constructive basis. Your recent visit to Delhi created a better atmosphere and held the promise of greater understanding between our countries in the future. It would be most unfortunate if prospect of improved relationship should now be arrested or receives a setback. In the background of the past, our parliament and public opinion are bound to react strongly against the United States Government’s decision to supply of arms to Pakistan which would be considered as the revival of old discredited policies. Mr. Secretary, the long term interest of peace and stability on the Sub-continent has such an overriding importance to our region that these objectives should (will) not be sacrificed for any narrow short term considerations advanced by the Prime Minister of Pakistan.

6. Since the United States Government’s decision on the supply of arms to the Sub-continent can have serious repercussion, I thought I should in all frankness share my concern with you.
With kind regard,

Sincerely
sd/- Y.B. Chavan

Please accept, Mr. Secretary, the assurances of my highest esteem.

(T.N. Kaul)
Ambassador of India

Hon’ble Dr. Henry A. Kissinger,
Secretary of State,
Washington D.C.

The Ambassador before transmitting the letter to Mr. Kissinger made two slight changes in paragraphs 4 and 5 as per the telegram of 29th January 1975 which is reproduced below:

“Kewal Singh from T.N. Kaul

Personal

Received your telegram 0919 and telex message last night. Shall deliver today or tomorrow. I am taking liberty of omitting the word “lethal” from last sentence in para 4. This would not change the general sense and would prevent U.S. an excuse for supplying offensive weapons which may not be termed as “lethal”. Also in the last sentence in para 5 the word “will” after the word “objectives” may be changed to “should”. Presume no objection.

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SECRET

Telegram from Ambassador in the United States T.N. Kaul to Foreign Secretary Kewal Singh.


You may have seen our telex message about various toasts proposed and speeches made last night at my dinner for SAXBES at which KISSINGER was also present. I deliberately made a reference to the serious repercussions that any change in US present policy on avoiding arms race in sub-continent would have on efforts of two governments for improving relationship and on Simla process in sub-continent. KISSINGER reaffirmed in his toast that “America did not wish to encourage arms race or rivalries in sub-continent and supported Simla process. India was a major power and America’s friendship with other countries in sub-continent would not be allowed to obstruct progress of Simla process’.

2. During and after dinner, KISSINGER told me that he agreed entirely with what I had said. He added “Many of my colleagues want to get on your back but they know you have direct access to me and I am discouraging their efforts”. I told him I had a letter for him from my Foreign Minister which I would like to deliver to him personally. I was to have seen him this evening but got a message from him in the afternoon that owing to unexpectedly prolonged conversation with HAROLD WILSON he could not see me today but would see me tomorrow or the day after. He also sent me following message “No decisions are to be taken or recommendations made until I have seen you”.

3. I saw new Chairman of Senate Foreign Relations Committee SPARKMAN and Chairman of Sub Committee on South Asia, Senator McGovern, this morning. Former was sympathetic and said that if Administration had given us assurance that there would be no change in policy, he did not see any reason why there should be any now. McGovern was more forthcoming and told me in confidence that BHUTTO and US Ambassador to Pakistan BYRODE had been contacting various members of Administration and Congress for lifting of embargo and supply of arms to Pakistan, on the ground that present embargo was “discriminatory against Pakistan”. I told McGovern that the embargo applied equally to both India and Pakistan. If there had been any discrimination like the one-time exception it was in favour of Pakistan and against India. Pakistan had also received about 2 billion dollars worth of US military assistance grants from 1954 to 1965. McGovern said this was a good point to make which was unfortunately not known to many Senators and Congressmen. I also left with them an unofficial note.
4. I am seeing other leading Members of Foreign Relations Committee and Foreign Affairs Committee tomorrow and on next Monday and Tuesday. I am also seeing a few Diplomatic Correspondents of US Press. Shall telegraph to you after seeing KISSINGER.

1797.

SECRET

Telegram from Ambassador in the United State T.N. Kaul to External Affairs Minister Y. B. Chavan.


Foreign Minister from Ambassador - Personal

I had sent a copy of your letter of 28th January to Dr. KISSINGER on 1st February in order to prepare him for my meeting with him today. Saw him for 35 minutes this morning and emphasised in particular the positive elements in your letter regarding “steps to assuage irrational sense of insecurity in Pakistan and possibility of mutually acceptable from of disengagement along the western border and early restoration of diplomatic relations and all round cooperation.” I also gave him a brief note on progress achieved under Simla Agreements so far - vide CHIB’s telegram 27201 of 17th January. I referred to KISSINGER’S remarks at yesterday’s meeting at National Press Club where he had said “The question of arms to Pakistan, an ally, which is in the curious position of being subject to American embargo, is always before us”. I said that KHRUSHCHEV had also told me once in late 1962 that China was their ally and brother while we were their friends and yet Soviet Union had given us arms during and after the Sino-Indian conflict and refused them to China although the two were ideologically in the same camp. I asked KISSINGER what was the difference between ally and friend, and whom did they consider more important.

2. KISSINGER replied “We would not want India to be a militarily ally of USA. India is the predominant power in the sub-continent and I have recognised this publicly. We do not wish to do anything that would encourage an arms race in the sub continent. However BHUTTOis bound to raise this question of embargo. I assured you that no final decision has been taken about it so far and I am going to see the President when he returns from Miami this afternoon. No announcement will be made during BHUTTO’s visit and nothing will be done that would upset the military and political balance in the Sub-continent”.

3. I told KISSINGER that it was not the question of upsetting the so-called
military and political balance in the sub-continent which had already been upset by large scale military grants to Pakistan from 1954-1965—arms which in spite of President EISENHOWER’s assurances to our prime Minister had been used against us by Pakistan in three conflicts. Even a symbolic change in the embargo policy would have serious repercussions in our Parliament, press, public opinion and government. It could be the thin end of the wedge, Apart from the arms that Pakistan had received and may receive in the future through third countries such as the Gulf and the Middle East, where she had presence, any change in US embargo policy towards Pakistan would strengthen militaristic trends in Pakistan, weaken the civilian and democratic trends there which wanted normalisation of relations with India, give a set-back to the Simla process and what was more important seriously jeopardize the improving relations between India and USA. If USA attached importance to India’s friendship she should in her own interest and in the interests of stability and progress in the region desist from such action. I reminded him of what he had told me here and you in India that America did not wish to see any expansion of Soviet, or American or Chinese influence on the sub-continent. Any symbolic change in the US embargo policy was likely to lead to this very result which America did not desire to have.

4. KISSINGER replied “You are getting arms from Soviet Union and Pakistan is getting arms from China. France is also selling arms to Pakistan and yet that has not adversely affected your relations with France.” I replied that France had always followed a policy of selling arms on a commercial basis. US policy from 1954 to 1965 had done great damage to stability on the sub-continent and to Indo-US relations. Besides, US possessed most sophisticated armaments and stood in a different position. I added “it is my duty to tell you very frankly, as a friend, that should you make even a symbolic change in your embargo policy it will jeopardize all the results produced by your visit to India and wash out the possibility of any improvement of relations through the Joint Commission.” I further said that I was not sure whether in the light of repercussions in India you would even be able to attend the meeting of the Joint Commission. I expressed this as my personal misgiving.

5. KISSINGER was rather taken aback and said “you have done excellent work here and I am grateful to you. That is why I have attached so much importance to meeting you so frequently. I would sincerely hope that at our relations will further improve. We have no desire or intention to upset the Simla process on the sub-continent or the improvement of our relations. I shall see you soon after BHUTTO departs and discuss the matter further with you”.

6. I told him that I had heard from reliable Senators and Congressmen that
US Ambassador to Pakistan BYRODE had been lobbying support for lifting the embargo at the Hill and even some members of the State Department had been trying to sabotage KISSINGER’s Policy towards the sub-continent. The Defence Secretary had also told me that the question of arms supply to the sub-continent was a policy matter for the State Department to determine and the Pentagon only implemented that policy. I wanted to strengthen KISSINGER’S new policy towards the sub-continent and therefore would like to meet the President and make him personally aware of the implementation of any change in the US arms embargo policy. KISSINGER replied “I also heard of BYRODE’s lobbying. He had only been told to meet some Senators and Congressmen to brief them about Pakistan but not to canvass support for any change in the embargo policy. I have, however, ordered him last Friday to stop going to the Hill.” He added “I shall convey all that you have told me to the President today and arrange for you to see him soon”.

7. I then gave KISSINGER a brief unofficial note comparing the military strength of Pakistan and India and pointing out the proportionately larger scale of military expenditure in Pakistan than in India. He read it carefully and said “In any case you should have no fear of Pakistan attacking you. They are incapable of doing so”. I replied that while I had every confidence that we would be able to defeat Pakistan in any future conflict, should one unfortunately arise, we were trying to remove the possibility of any such eventuality. A further conflict would damage both countries, Pakistan much more than India. We wanted to encourage the Simla process and achieve positive concrete results and expected America to help in this process and not to hinder it in any way.

8. KISSINGER said that he could assure me that America would not do anything to hinder this process.

9. I then asked KISSINGER not to link the Gulf situation with the sub-continent and in particular with Pakistan. Pakistan already had its military presence in some of the Gulf States which was looked with suspicion by Iran. KISSINGER raised his eye-brow and asked “Is that so?” I told him in any case we would like to be assured that there will be no third country transfer of arms from the Gulf or the Middle East or other countries to Pakistan as it had happened in the past. He replied “I am not aware of any such transfers at present. Jordan had sent some planes to Pakistan during the last conflict but they have come back to Jordan.” I told him that Pakistan was trying under the cover of setting up a repair facility base in Pakistan to get planes etc. from the Gulf and Middle East countries and we could not ignore this possibility in the future. I hoped that he would impress on the countries concerned and Pakistan not to do this as it would be a violation of US policy. He seemed to rule out any such possibility in the future.

10. I then asked KISSINGER whether it would not be better to work for detente
and normalisation of relations in the Gulf area – a sort of an international agreement between the countries concerned guaranteed, if necessary, by USA and USSR. A similar agreement could be discussed between India, Pakistan, Iran, Afghanistan and Bangladesh. This was an idea I had mentioned to him last year and he said he remembered it and had spoken to the Shah of Iran about it.

11. My general impression was that your letter has had an impact on KISSINGER’S thinking and he is in two minds whether to give some symbolic arms to Pakistan or not. I mentioned in this connection that USA had made a one-time exception in the case of 300 armed personnel carriers and I had heard rumours that they might give unarmed personnel carriers to Pakistan. This was self-deception as Pakistan could easily mount arms on such carriers. Without replying to my specific reference to this matter, KISSINGER said “I can assure you that nothing will be done to encourage an arms race”.

12. My information is that the armaments lobby, some members of the Pentagon, some members of the State Department are pressing for a change in the US embargo policy towards Pakistan. KISSINGER is in a difficult position. That is why I am anxious to see the President. If there is no objection I would suggest that Prime Minister may consider sending a message for President FORD through me which I can deliver verbally when I see him after BHUTTO’s visit. The message, I would suggest, could emphasise the positive aspects of Indo-American relations and the Simla process and be couched in general terms suggesting the desirability of strengthening these trends and not doing anything to negative them.

13. Have already seen a dozen leading members of Senate and Congress and am seeing some more this week. General impression I gathered from my talks with Congress leaders is that the Congress is not going to take any initiative in this matter. It is purely for the executive. While the Congress could veto such a change in US policy, it is unlikely to happen at this time when they are concerned with more important problems both internal and external. However, it is not unlikely that some members both in the House and the Senate will express their views against such a change.

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Media briefing by the Official Spokesman of the Pakistan Ministry of Foreign Affairs on supply of arms by US to Pakistan.

Islamabad, February 5, 1975.

A Foreign Office spokesman said that the “orchestrated Indian campaign against any sale of arms to Pakistan could only serve to emphasize apprehensions about India’s expansionist aims”.

Commenting on the statements given by the Indian Defence Minister in Calcutta on February 4 and the Indian Ambassador to the United States in New York a day earlier, the spokesman said that constant Indian interference in Pakistan’s efforts to purchase arms, essential for its defence, contradicted New Delhi’s professions of respect for the independence and integrity of Pakistan.

The spokesman added that “the hostile Indian propaganda campaign on the eve of the Pakistan Prime Minister’s visit to the United States was a blow to the prospects for normal, good neighbourly relations between India and Pakistan.” He regretted that India constantly “interfered in Pakistan’s efforts to maintain its defence capability.”

The spokesman pointed out that, “India had greatly expanded its domestic production of arms, including tanks and aircraft, imported massive supplies of sophisticated weapons and, despite the economic hardships facing its people, even developed a nuclear device.”

“Yet it raised a howl as a matter of habit whenever Pakistan needed arms for self-defence and not for any position of military dominance or even parity”, he observed.

“Since Pakistan posed no threat to India,” the spokesman said, “the obvious conclusion was that India did not want Pakistan to have a credible defence capability.”
Remarks of Pakistan Advisor on Foreign Affairs Agha Shahi on Indian response to Pakistani proposal for a “Mutual and Balanced Reduction of Force”.


The Chief Martial Law Administrator’s Adviser on Foreign Affairs, Mr. Agha Shah, said at Karachi on August 29, 1978 that Pakistan had not received “a concrete response” from Indian to her proposal “for a mutual and balanced reduction of forces” by the two countries. Speaking at the silver jubilee celebrations of the Pakistan Association of World Federatists, Mr. Shahi said that Pakistan had made the proposal originally in 1974 and reiterated it on several occasions after that, but “we have not as yet obtained a concrete response”.

Another important proposal advanced by Pakistan in the wake of the nuclear explosion conducted by India in 1974 was aimed at establishing a nuclear weapon-free zone in South Asia. Since all the States in South Asia had unilaterally renounced nuclear weapons, it should not be difficult to commit themselves to this policy in binding regional agreement. The concept had been repeatedly endorsed by the UN General Assembly, but it had encountered objections from India. “It is our hope that these objections will be overcome through mutual consultations”, he said.

On the broader context of the Indian Ocean, he said Pakistan had proposed a balanced approach to the objectives of creating a zone of peace, an approach which aimed both at eliminating the military presence and rivalry of the great powers as well as establishing conditions of peace and security among the littoral states of the Indian Ocean. Integral to the concept of this zone of peace was the proposal that the entire area of the Indian Ocean including, the territories of hinterland states, be free of nuclear weapons.

Criticizing the policies of nuclear supplier states, he said that these were “discriminatory and less than even handed” to prevent the transfer of nuclear technology for peaceful purposes to the Third World even under strict international safeguards.

Reaffirming that Pakistan was committed to the goal of non-proliferation and had accepted international safeguards over her peaceful nuclear facilities, he said that the major powers should themselves first set an example by reducing their nuclear weapons to achieve this goal. “Secondly, it is necessary to apply uniform and non-discriminatory safeguards over the nuclear facilities of all non-nuclear states, especially South Africa and Israel, which have both the ambition and the capability to develop nuclear weapons”.

“Instead of countering this immediate danger, the nuclear supplier States have imposed unilateral policies to prevent the transfer of nuclear technology for peaceful purposes to the Third World countries even under strict international safeguards”. It was difficult to accept such policies which meant a concept of lesser sovereignty for the developing countries, he pointed out.

Stressing the need for adequate and credible guarantees to non-nuclear states against the nuclear threat as an issue of special importance to Pakistan, he said unless such assurances were extended to non-nuclear states, the danger of proliferation of nuclear weapons was not likely to be forestalled.

“We believe that the nuclear powers should undertake to act jointly or individually to come to the assistance of a non-nuclear weapon state which is likely to be victim of nuclear threat or attack. The nuclear powers have so far refused to consider such guarantees. Even on the more limited demand pressed by Pakistan that the nuclear powers should undertake at least not to use or threaten the use of nuclear weapons against non-nuclear weapon states, their response has been hesitant...”

“The global race in armaments continues to gather momentum. It consumes nearly 400 billion - five to six per cent of the world’s total output of goods and services. The major proportion of these expenditures - about 60 per cent — is incurred by the two super powers.”

“But the arms race is increasingly becoming, a worldwide phenomenon, including the regions of the Third World. Even more disturbing than the growing nuclear arsenals is the continuing process of qualitative improvements in the range and destructive power of their weapons, both nuclear and conventional.”

He reaffirmed that Pakistan did not wish to become embroiled in the global arms race. “We wish to divert our limited resources to more constructive uses. At the same time and to the extent that Pakistan cannot insulate itself from world developments, it is also essential that we contribute to the international endeavors for arms control and general and comprehensive disarmament.”

He said the economic and social cost of the diversion of more than a billion dollars a day to the arms race was incalculable. It distorted the economic development of all states - large - and small, advanced and underdeveloped - and contributed to the current problems of inflation, balance of payments deficits and energy shortages.

“The distortion in priorities it entails can be illustrated by a few examples. The unit price of a fighter aircraft is $ 10 million today. The cost of a squadron of fighter aircraft is more than $85 million: spent by the World Health Organization for its en-tire smallpox eradication programme in 10 years. And this will not suffice to buy a single strategic bomber.”
Mr. Shahi said the world arms race today was absorbing a volume of resources equal to two-thirds of the ‘Gross National Product (GNP) of the countries with the poorest half of the world of four billion human beings.’

He said the conception of a world federated for achieving permanent peace was in full consonance with the Islamic world view and vision that animated Pakistan’s’ internal and external policies. “As Muslims it is our duty to promote peace and harmony among nations and peoples and contribute to the resolution of the differences which divide the world.”

1800. Expression of Concern by Pakistan on Indian decision to purchase Jaguar Aircraft.


Pakistan’s Foreign Affairs Adviser Agha Shahi conveyed to Indian Foreign Minister Atal Behari Vajpayee at the United Nations on October 10 the “deep concern”, of the Pakistan Government over New Delhi’s decision to purchase 200 deep-strike Jaguar aircraft.

Mr. Shahi met the Indian Foreign Minister soon after Mr. Vajpayee addressed the U.N. General Assembly. This was their second meeting in two weeks. Ambassador Niaz A. Naik was also present.

Mr. Shahi rejected India’s contention that Pakistan had already acquired F-5E aircraft from the United States, a reason India is advancing to justify the purchase of the Anglo-French war planes worth $ 2 billion.

During the 40-minute meeting, Mr. Shahi is reported to have told Mr. Vajpayee that the acquisition of 200 sophisticated aircraft was bound to start an arms race in the sub-continent, and the responsibility for this would rest entirely with India.

Mr. Vajpayee however defended his Government’s decision to this effect on the ground that the aging fleet of the Indian Air Force had to be replaced with aircraft that could match Pakistan Air Force’s Mirages.

Mr. Shahi persisted with his stand that there was no justification for India to purchase the Jaguar aircraft. He said the bulk of Pakistan Air Force comprised F-86 aircraft belonging to the Korean war period and that the aircraft like Hunter and Canberra in service of the Indian Air Force were superior to them. Besides, the Indian Air Force was far bigger than that of Pakistan.
Meanwhile the President's Adviser on Foreign Affairs, Mr. Agha Shahi said at Karachi on October 16 that during his stay in New York he had had a brief meeting with the US Secretary of State Cyrus Vance on October 2, at which he had also discussed the purchase of Jaguar jets by India. “Our concern on the situation arising out of the purchase of Jaguar aircraft by India has been fully expressed to the US Government,” he added. Asked what the reaction of the US Government was, Mr. Shahi said it would be known in due course. He, however, added that high-level talks were essential to discuss such a matter. Such talks could not take place at short notice. “We are keeping the subject under constant review”.


New Delhi, December 3, 1978.

A Foreign Office spokesman was asked to comment on Indian External Affairs Minister, Mr. A.B. Vajpayee’s statement in the Rajya Sabha on November 24 that Pakistan was keen on buying aircraft more sophisticated than the F-5E and the expression of hope by Mr. Vajpayee that the U.S. Government would ensure that sophisticated planes did not reach Pakistan through third countries.

The Spokesman recalled that in order to cover India’s decision to acquire Jaguars, the Indian leaders had stated last October that the U.S. had started supplying F-5E aircraft to Pakistan. In partial modification of those statements, Mr. Vajpayee now spoke of the U.S. Government’s willingness to sell F-5E aircraft to Pakistan.

The spokesman referred to the continuous acquisition by India of all kinds of sophisticated armaments, including the Jaguars, for which it had no use except against smaller neighbors. He expressed astonishment that the Indian Government should not only wish to dissuade America from selling military aircraft to Pakistan but also seek U.S. interference in Pakistan’s relations with third countries.


Whereas the Government of the Islamic Republic of Pakistan has decided to withdraw from the Central Treaty Organization (CENTO) as announced by the Ministry of Foreign Affairs on March 12, 1979.

NOW, THEREFORE, I Agha Shahi, Adviser to the President for Foreign Affairs with the rank of Minister of States, do by this instrument formally notify Your Excellency’s Government of the above-said decision.

IN WITNESS WHEREOF I have signed and sealed this instrument.

DONE AT ISLAMABAD, this twenty third day of March, one thousands nine hundred and seventy nine.

(AGHA SHAHI)

Adviser to the President and Secretary-General to the Government of Pakistan for Foreign Affairs.
1803. **Reaction of the Government of Pakistan, Ministry of Foreign Affairs on the statement of Prime Minister Charan Singh.**

*New Delhi, January 1, 1980.*

Pakistan has deeply regretted the statement by Indian Prime Minister, Mr. Charan Singh, in which he expressed concern over the reported U.S. decision to lift the arms embargo against Pakistan, saying that the arms will be used against India.

Foreign Office spokesman said that the Indian Ambassador was called to the Foreign Office and his attention was drawn to Prime Minister Charan Singh's statement of 31st December reported by All India Radio, expressing concern over the reported U.S. decision to lift the arms embargo against Pakistan and his apprehension that the arms will be used against India.

It was pointed out to the Ambassador that far from desiring conflict or confrontation, Pakistan had been consistently seeking improved relations with India and other neighbouring countries and remained firmly committed to this policy. It was, therefore, a matter of deep regret that the Government of India continued to cast doubts on Pakistan's peaceful intentions and to oppose Pakistan's efforts to acquire even a minimum defensive capability. On the other hand, India itself was embarked upon a major programme of modernization of its armed forces and was engaged in acquiring the most sophisticated weapon systems from various sources. In his latest statement, Prime Minister Charan Singh himself had favoured strengthening of India's defence forces in a "big way" and said that the prosperity of a developing country was linked with a secure border. It was pointed out to the Ambassador that this consideration was equally valid in Pakistan's case.

The Ambassador was reminded of Pakistan's long-standing offer to enter into negotiations with India for a mutual balanced reduction of forces.

The Ambassador was reassured that Pakistan would continue its efforts to build better relations with India and other neighbouring countries on the basis of the principles of sovereign equality, non-interference in each other's internal affairs and peaceful settlement of differences.

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Statement made by the External Affairs Minister P.V. Narasimha Rao in the Rajya Sabha on the serious development arising out of the decision of the United States of America and China to extend massive arms aid to Pakistan in the wake of Russian intervention in Afghanistan.

New Delhi, January 24, 1980.

Mr. Chairman, Sir, according to reports that have come to the attention of Government, the US Government has decided to expedite military supplies to Pakistan worth $150 million as part of cash sales already in the pipeline. The US Government has further announced a package aid of $400 million for the next 20 months — $200 million in economic aid and the other $200 million in military aid. Further, following the recent visit to Peking by the American Defence Secretary, Mr. Harold Brown, and the just concluded visit to Pakistan of the Chinese Foreign Minister, Government have seen press reports that China also may be considering increasing the supply of military equipment to Pakistan.

INDUCTION OF ARMS

Government fully shares the serious concern of this House over the moves to augment Pakistan’s military capability. It is our apprehension that induction of arms into Pakistan could convert the South-Asian region into a theatre of Great Power confrontation and conflict and threaten the security of India. Government has also expressed their concern that the induction of arms has a potential of decelerating the process of normalization which the Governments of India and Pakistan have fostered in the spirit of the Simla Agreement. These views have been impressed upon the Governments of USA, China, Pakistan and other concerned countries.

Sir, the developments in the region around us in the last few months have rightly given rise to much concern in this country, which is shared by the Government. The underlying causes are not far to seek. Tensions and problems have existed between neighbours, and even inside nations. A dangerous dimension is added when the great powers start using these nations in their quest to gain advantage in their global strategy or to seek to secure their perceived interests or against when governments in the region render themselves amendable to this strategy for some short term gains an in the process defeat the very objectives they are seeking to achieve. The need of the hour is to defeat this ominous process and return to the tried and tested path of settling problems in an environment free of great power influence or confrontation.
AFGHANISTAN

In this context, Sir, recent developments in Afghanistan have naturally been engaging the serious attention of the Governments. India has close and friendly relations with the Government and people of Afghanistan and we are deeply concerned and vitally interested in the security, independence, sovereignty and territorial integrity of this traditionally friendly neighbour of ours; and we believe that they have every right to safeguard them.

It is our hope that the people of Afghanistan will be able to resolve their internal problems without any outside interference. As the Prime Minister has clearly indicated, we are against the presence of foreign troops and bases in any county. We have expressed our hope that Soviet forces will withdraw from Afghanistan.

Our entire stand is consistent with our commitment to peace and non-alignment. All the countries in the South Asian region are members of the Non-aligned Movement and consistent with the principles of non-alignment, it is our hope that the entire area will be free of tensions.

THREAT TO PEACE

The induction of arms into the region and the introduction of great power confrontation would further threaten the peace and stability of the region including the security of India. In this evolving situation our effort has been to take steps to defuse it rather than permit its further escalation. The Government of India has been in touch with the countries of the sub-continent, the Soviet Union, USA, China and other countries to stress that no action should be taken that could lead to an enhancement of the dangers and heightening of confrontation as we feel no worthwhile solution is otherwise possible. In this context the Foreign Minister of the USSR and the representative of the President of the United States are expected to visit India in the near future. The Foreign Secretary of India will also visit Islamabad shortly at the invitation of the Government of Pakistan.

We deem it important to have a continuing dialogue with Pakistan as indeed with the other countries of the region, to ensure that this region does not become the theatre of great power confrontation. It is vitally important that the Governments of India and Pakistan have a clear understanding of each other’s perception and that nothing is done in the meantime that could damage the interests of our region or cause a set back to the process of normalization between India and Pakistan.

PEACEFUL CO-EXISTANCE

We welcome President Zia-ul-Haq’s reference to the Simla Agreement in his message to the Prime Minister (of felicitation on her assuming the office of the
Prime Minister of India). This Agreement in our view is the basis of the efforts to normalize relation between India and Pakistan. The Agreement States that relation between the two countries shall be governed by the principles and purposes of the Charter of the United Nations. Both counties have further committed themselves to peaceful co-existence and respect for each other’s territorial integrity and sovereignty. There are, in our opinion, positive and obvious advantages in cooperation between our two countries though the process of normalization. It must be our hope that we will jointly be able to travel further along this path of reason.

Mr. Chairman, Sir, our region and our neighbourhood have been in turmoil over a long period. Working together in harmony and cooperation, we can do much to establish a climate of peace and stability in order to promote development for our collective benefit. It be clearly understood that in pursuit of this vision, we will steadfastly oppose all attempts by and poser to turn the clock back and revert to an era of confrontation and cold war. Government is confident that the House and the people of India stand united behind it in supporting their efforts to gain these objectives.

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1805. Press Release issued by the Pakistan High Commission in New Delhi denying that Pakistan was trying to acquire fresh arms.

New Delhi, May, 31, 1980.

The Moscow-dateline UNI report about Rs. 20,000 million arms shopping by Pakistan is certainly false and possibly fictitious. Its timing suggests it may be dishonestly concocted and diversionary in motivation.

Pakistan has no desire and obviously not the resources to embark on an arms race. Constraints on its foreign exchange resources and other needs of the economy have not permitted Pakistan to spare funds even for the import of essential defence requirements. Pakistan’s industrial capacity for indigenous manufacture of arms is in its infancy.

A few months ago Pakistan was offered a credit of $200 million for purchase of arms from USA. Pakistan did not accept that offer. It has strictly maintained its non-aligned status by not entering into an aid relationship with any super Powers for the acquisition of weapons.
1806. Extract from the Speech of Prime Minister Mrs. Indira Gandhi while speaking on the Demands for Grants of the Ministry of Defence.

New Delhi, July 19, 1980.

I would be failing in frankness if I did not give expression to our uneasiness at the reported plans of various countries to arm Pakistan. Even as it is, Pakistan's per capita expenditure on defence is well over double of ours. Reports of Pakistan's nuclear programme have caused widespread disquiet throughout our country. I hope that the absence of mechanisms of public opinion and public accountability in Pakistan will not serve as an encouragement to confrontation. The possibility of Pakistan developing nuclear weapon capability in the near future has come up for discussion in various forums recently. Government is aware of the serious implications of Pakistan acquiring this capability. We hope that the Government of Pakistan will live up to its pledge to gear its nuclear programme only to peaceful purposes.

1807. Interview of Pakistan Foreign Affairs Advisor Agha Shahi on Pakistan’s Defence Needs to an Indian news magazine as published by Pakistan Times.

Lahore, March 2, 1981.

Pakistan’s Foreign Affairs Advisor Agha Shahi has said that India’s realisation of Pakistan’s needs as a nation to arm itself and to modernise its forces could go a long-way in convincing Pakistan of its sincerity in building friendship between the two countries.

[In an interview with the magazine during his recent visit to India in connection with Non-Aligned Ministerial Conference, Mr. Shahi was asked to spell out four things he would most like India to do to convince Pakistan and its sincerity.]

Mr Agha Shahi said the four things India could do would be:

Most important, to reiterate that the Indian Government is not unmindful
of Pakistan's concerns over the situation in Afghanistan, that Pakistan need have no security apprehensions regarding its eastern border at this time; that India realise Pakistan's needs as a nation to arm itself; and to modernise its forces in view of India's own programme of modernisation and her greater resources.

The feeling of the people of Pakistan at this time because of the continuing revolution in Iran, the occupation of Afghanistan, the attitude of the Soviet Union towards Pakistan and the close relationship between India and the Soviet Union was sought to be intimidated, he said. "Pakistan has refused to be intimidated", he emphatically declared, adding that at the same time it had not taken up a rigid position of refusing negotiations. "We believe that the basis outlined by us for a dialogue on Afghanistan is reasonable."

Replying to a question, Mr. Shahi said Pakistan had repeatedly stated that it did not seek arms parity with India, nor was it going to enter into an arms race with India. Pakistan was not manufacturing nuclear weapons either. "We would be ready to sit down with India to exchange mutual reassurances on the question of nuclear programme in the two countries. In the light of all this I think India could in its stand make a profound impact on the situation in Pakistan," he said.

Questioned as to what the peaceful purposes were for which Pakistan needed enriched uranium, Mr. Shahi said it was for use as a reactor fuel in a light water reactor. Pakistan had been trying to negotiate for this 600-megawatt reactor. "All the enriched uranium that we could produce would be barely sufficient for this reactor." Now there had been some resource constraints because of the continuing rise in oil prices. "Besides we feel that if we can enrich uranium we have done something which is creditable from the point of view of a developing country. If we are able to enrich uranium before we get a reactor, why cannot we sell it to countries which have light water reactor? There are very few countries which sell enriched uranium, America being one of them and the Soviet Union the other. So, there is this feeling that a Third World country is developing this capability. This is causing some tribulations. You can enrich uranium by one method or another. I think other countries are engaged in similar processes and Pakistan is not the only country. We think this in sense that concentration on Pakistan to the exclusion of almost all countries is not accidental. It is because of the propaganda of Zionist elements in the United States that Pakistan will make the bomb and give it to Col Gaddafi or this country or that country.

Answering, a question about possible cooperation between Pakistan and India in nuclear field, Mr. Shah said, "As we have said, in principle, we are ready for a dialogue with India in nuclear matters."
Mr. Venal Aryan observed you are making enriched uranium at Kahuta, but you don’t have a reactor. We have a reactor at Tarapur and we need enriched uranium so very badly. We are making heavy water and I am sure it will be useful for your nuclear power projects at Karachi and Chashma.

Mr. Shahi replied in regard to nuclear cooperation. “I think what you have said is very interesting. You have proposed very right coopera-tion and this is something that has to be deeply studied.”

Replying to a question on the possibility of summit meeting between President Zia-ul-Haq and Prime Minister Mrs. Indira Gandhi, Mr Shahi said: “Let us have discussion and good preparations. We should identify the issues and then draw position papers for our leaders so they can have a fruitful summit. We can certainly try.”

When the interviewer asked if he could assume, in the course of this year, a meeting between President Zia and Mrs. Gandhi, Mr. Shahi again said, “Well, we have to work for it. It depends on the wishes of the two leaders. It is not for us to say, but we will certainly try.”

Replying to another question, Mr. Shahi said Pakistan’s refe-rence to the Jammu and Kashmir dispute in international forums should not be construed in India to mean that Pakistan does not desire India’s friendship or that Pakistan is embarked on raising international discussions on the Jammu and Kashmir dispute. “What we do concerns the interpretation of the Simla Agreement. I have explained more than once that until we reach a settlement of the dispute it could be permissible for both parties to refer to what has been the historical or traditional position.”

Answering another question, Mr. Shahi said the Simla Agreement provided for progressive normalisation of relations between two countries and several steps have been taken under this agreement, some of them of major significance, in India there had been a feeling for the last two years that Simla process has come to stand still. “We do not think so. I think Indian feeling, is due to the fact that private trade does not come up to the level that seems to have been expected by the private sector. But there are fears in Pakistan on the part of those who are developing basic industries about the unbalanced results of more private trade.”
1808. Media Briefing by Official Spokesman of the Pakistan Ministry of Foreign Affairs.

Islamabad, March 27, 1981.

Pointing out that tendentious and misleading reports had been put out during the past few days about a United States military aid offer to Pakistan, a Foreign Office spokesman said at Islamabad on March 27 that it was, therefore, necessary to clarify the situation.

Pakistan and the United States had been engaged over a period of time in an exchange of views at various levels in order to arrive at a mutually acceptable basis for a durable bilateral relationship consistent with Pakistan’s status as member of the Islamic Conference and the Non-Aligned Movement, the spokesman said.

The spokesman said that Pakistan greatly valued its friendship with the United States and the current talks were part of a continuing process as was normal practice among friendly countries. He confirmed that discussions were taking place over certain proposals put forward by the United States including military sales, but denied that any agreement on an aid package had been reached. He characterized as totally baseless suggestions emanating from certain quarters that a secret agreement had been concluded in this connection.

He reiterated the underlying principles of Pakistan’s foreign policy on the basis of which relationships of friendly co-operation were maintained with all countries, and specially those in its neighbourhood.

He also reaffirmed Pakistan’s commitment to the objectives, policies and principles of the Islamic Conference and the Non-Aligned Movement.

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Ambassador called on Secretary of State Mr. Alexander Haig on March 31, 1981. Shri G. Parthasarathi and Shri A.N.D, Haksar, Deputy Chief of Mission, were present on the occasion. Shri Parthasarathi was visiting the United States in his capacity as co-Chairman of the Indo-U.S. Sub Commission on Education and Culture and he was asked by Prime Minister to avail of this opportunity to convey at the highest level in the U.S. Administration her concern about the reported U.S. plans to resume arms supplies to Pakistan. He had asked for a separate meeting for Shri Parthasarathi but in view of the busy schedule of the Secretary of State it was suggested by them that if he so desired Shri Parthasarathi could meet the Secretary together with the Ambassador. From the U.S. side Assistant Secretary Veliotes and Deputy Assistant Secretary Mrs. Jane Coon were present.

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The Secretary said that since this was a first meeting it might be helpful for him to say something about the U.S. policies. He said that there had been an important change of national mood in America which had resulted in the election of President Reagan. There were four or five aspects which he would like to mention:

(a) The United States was greatly concerned with increasing risk-taking by the Soviet Union and violations of international law. If the world continued to overlook violations of international law and violent changes, we would risk the possibility of becoming victims of it ourselves. Haig referred to Soviets thrusts in Africa and Asia, especially mentioning Afghanistan and the Gulf and even into neighbourhood of the United States in Latin America. He painted a rather over-drawn picture of Soviet expansionism.

(b) While the United States would work more closely with their allies, they are also keen to do so with countries like India which are friends and with whom the USA had relations of historical friendship. He thought that there should be more consultations between our two countries.
(c) USA believed that before policy abroad can be reinvigorated, it was necessary for America to solve its internal economic problems, particularly checking inflation. The Administration was now pre-occupied with this essential task. It was their conviction that American diplomacy would be credible and arms control efforts successful only if there was internal strength in the United States.

(d) They had differences with the preceding Administration on the application of the principle of human rights in international relations. However, the new Administration attached no less importance to the principle of human rights.

Commenting on the Secretary’s remarks the Ambassador said that risk-taking by USSR was a matter of concern. He added that India has been always opposed to transgressions of international law. Ambassador then explained that in our own region India has tried to create an area of peace and stability. He was happy that the Secretary of State considered India as one of the historical friends of the United States. He explained that India has succeeded in establishing a reasonable degree of stability in the vast area of its territory that it has a functioning democratic system and besides India is not an area of great power contention. This, the Ambassador said, is an important strategic factor in favour of peace as well as in the interest of the United States. As a matter of fact by virtue of its internal and external policies, a situation has been created in India which does not give strategic headaches to the United States or pose any threats to U.S. security and interests. With Pakistan, he admitted India has certain historical differences, but even here cooperation has been gradually growing between India and Pakistan since the Simla Agreement. At present we were concerned about the future of Indo-Pakistan relations. Recent developments indicate the possibility of retardation of the progress towards normalization. We were now hearing of large-scale induction of arms into Pakistan from the United States. India was greatly interested in the stability and security of Pakistan. That is why we are concerned about the consequences of large-scale induction of arms into Pakistan, which would come in the way of normalization with India and also create internal problems for Pakistan. At this stage Ambassador requested Shri Parthasarathi to speak further on the subject.

Shri Parthasarathi said that he had come to USA for the meeting of the Indo-US Joint sub-Commission on Education and Culture. A useful programme of cultural exchange was being put into effect. The Prime Minister had instructed him to take the opportunity of his visit for speaking at the highest level possible about our grave concern about arms supplies to Pakistan. We were encouraged to know that the Secretary would like to have consultation among historical friends. Our relations with Pakistan had been progressing. We would like to have a
stable Pakistan. But any large scale induction of arms could make the region a cockpit of great power rivalry. We would like to avoid having, an arms race with Pakistan; we did not have the resources for it. But if sophisticated arms were given to Pakistan, we would be obliged to make efforts to match them. In the 70s, Pakistan had obtained about $2 billion worth of arms from abroad, from China and through funds supplied by the oil rich countries. We had not protested at the time. At present, there was some kind of a natural balance in South Asia. If it was upset it would divert resources, increase tensions and retard growth of relations. He hoped that the Secretary would take into account our concerns and we were glad that he had talked about consultations.

The Secretary said there had been a material change in the situation, viz., the Soviet invasion of Afghanistan and the creation of a puppet regime there. This had placed unusual pressures on Pakistan. He knew that India had made efforts to get the Soviets out of Afghanistan. The U.S. impression was that the Soviets had got into a quicksand situation there, more than what they had expected. But this had also resulted in pressures on Pakistan. The Soviets had already disturbed the balance to which Shri Parthasarathi had referred. The insecurity of Pakistan had increased. One option for it was the path of nuclear weaponry. The U.S. would regret it as it had regretted what India had done. The problem was that of a fundamentally threatened Pakistan, threatened by USSR with its sense of isolation, its varying relations with USA and dependence on China. It was US’ feeling that they had to create a sense of concern about Soviet activity. Ambassador and Shri Parthasarathi would have seen the press reports about proposed assistance to Pakistan. The US would be happy to render assistance but this would depend on the decision of Pakistan. He noted that Pakistan was also having a dialogue with Saudi Arabia.

The Secretary continued that these instabilities went beyond the bilateral balance to which reference had been made by us. US help to Pakistan or other moderate Arabs was not intended to be deleterious to U.S. friendship with others. He added that the US would like to promote equilibrium. They had never questioned India’s non-alignment, which they consider healthy, and India’s constructive role. But he would be less than frank if he did not say that they were concerned about Pakistan’s nuclear activities. Hectoring and cajoling it had not worked as it had not with India. The only way was to alleviate its sense of insecurity.

Ambassador said that with regard to nuclear development, in India and Pakistan there was one difference. India’s nuclear policies were peaceful but the Pakistan programme is a weapon-programme. Bhutto had once said that they would manufacture the bomb even if Pakistan had to eat grass. Pakistan’s nuclear programme had been started in 1972, before India’s peaceful explosion and was not the consequence of the Indian programme.
The Secretary said that the basic problem was that Pakistan felt insecure. It felt that, its neighbour is a “have” nation. A country whose sense of security can be enhanced would be more amenable to counsel and guidance. He referred again to the US concern about USSR. He then expatiated on the problems faced by the Soviet Union — its grave economic problems, demographic problems, and the centrifugal dangers it has been facing. He particularly drew attention to the problem of Poland.

Shri Parthasarathi enquired if the Secretary felt that the international situation was deteriorating. The Secretary answered that he would not say that the situation had deteriorated, but it was rather experiencing the consequence of various forces. The USSR despite great accumulation of military power was suffering from internal contradictions which he had already mentioned. It was the convergence of these factors with Soviet military interventions which created a dangerous situation. The US had to make clear to the Soviets that they could not make up for internal failures by successes abroad. The Soviets had in the past suggested carving out of areas as spheres of influence by the two powers but it was not possible to have a situation of condominium in the world. The Ambassador at this stage said that India did not believe that it is an area to be carved out by other countries as their sphere of influence—that was the essence of our policy of non-alignment and independence. Shri Parthasarathi enquired if the Secretary did not find that the cost of confrontation at various levels, be it USA-USSR, China-Vietnam, India-Pakistan, was becoming increasingly unbearable for the international community and if the world could afford this confrontation.

The Secretary said that the worst situation would be to get immobilized by a sense of inevitability. Unless the Soviets recognize that the US had the ability to punish them -- and the US had this ability now -- with their internal problems and the problems in Afghanistan and Poland, they may take dangerous action. The US had to act responsibly. It had to police its global responsibility. He felt that if the US had exercised its responsibility in Angola it could have avoided the subsequent situation in Ethiopia, the changes in Afghanistan, Cambodia, etc.

Referring to Poland, Ambassador enquired if it was not remarkable that people there had been able to assert themselves and put a great power like the Soviet Union on the defensive. He recalled that at the time of Hungarian crisis, Nehru had said that the mystique of communism had been broken; but the best way to let liberal forces grow within Communist camp was to abstain from outside intervention. He added that the growth of people’s forces in Poland was due mainly to an evolutionary internal growth.
Ambassador observed that the problem in our own region was whether a predominantly military method would secure the best result. The Secretary replied that he did not think so. Ambassador then said that our assessment was that provision of large scale arms to Pakistan would only enfeeble the Pakistan regime instead of strengthening it.

Secretary said that he wished to assure that their assistance to Pakistan also included economic aid and aid for refugees. They were very conscious of this aspect. Only to provide arms was the approach of the Soviet Union. It was an inorganic approach which would fall by its own weight. But not to provide arms, which he described is the Andrew Young approach, also overlooked these realities. It overlooked the impact on non-aligned nations. It overlooked the Soviet strategic grand design for securing control of international communication lines. Most important, if one wished ones values of peaceful change to be accepted, how could one ignore blatant violation of those values.

Ambassador said no one wanted to ignore violations of international law; the question was how to deal with such developments. Our view was that a military approach was not the effective method. Ambassador then pointed out that from the middle fifties Pakistan was an aligned country, but now she is non-aligned. Today there is a dichotomy in Pakistan’s attitude towards military ties with USA. They want the arm, but they want to maintain their non-aligned image for the world and also for their own people.

Massive induction of US arms will not be seen as in accord with Pakistan’s non-alignment. The feeling in the Gulf States was also the same. Ambassador referred to the meeting of the Council of Gulf States which declared that the security of the Gulf and of the sea-lanes was the sole responsibility of the Gulf countries and foreign military presence was not constructive. The Islamic Conference also took the same stand. Ambassador then said that soon after India achieved independence it had been suggested that India inherit the British responsibilities of providing security in the Gulf region. But Nehru had said that if we had a military presence there it would only boomerang against us in the long run. The factor of nationalism had to be taken into account. These are developing countries with a feudal set-up but with a growing sense of nationalism among the people. This nationalism must be taken into account in fashioning policies. We have grave apprehensions regarding the consequences of a high military profile of the United States in the region.

The Secretary said that they could not impose their presence on nations that did not seek it. But they had already experienced destabilising developments like the fall of the Shah and the Soviet activity in the Horn of Africa and the two Yemens with regimes established with no organic viability. This made other governments in the area feel more insecure. The US was not seeking a huge
presence in the area, more so as it would have to pick up the bill for it. But it would like to help the moderate Arab States, Pakistan and even Iran where its long term objectives would not be displaced by short term developments. USA had to react to Soviet activities.

Ambassador observed that there was once Soviet presence in countries like Egypt and Somalia, but these had been easily removed. The Secretary said that Somalia was not a good example. It had been easy for the USSR to itself decide that it would support strategically more important Ethiopia instead of Somalia. (He was implying the removal of Soviet presence from Somalia was at Soviet volition and not due to the efforts of the Somalis themselves. He forgot that in Egypt Sadat took the initiative in breaking with USSR.)

Shri Parathasarathi enquired about the present state of US talks with Pakistan on arms assistance. The Secretary described them as "very undeveloped" but said that the talks would continue. Shri Parthasarathi said that once there was an arms race, one could not say where it would end. Also, the Pakistan regime had serious internal difficulties.

Secretary Haig said that they were and would continue to remain sensitive to Indians concerns. On the other hand the present situation had to be corrected. He added that the Soviet Union was taking advantage of Pakistan’s difficulties. It had, for instance, provided automatic weapons to the hijackers of the Pakistani plane.

Ambassador said that the Secretary should know that Pakistan has also been dealing with the USSR as the USSR had been dealing with Pakistan without of course telling us. In fifties when Pakistan received western arms, ostensibly in the background of the Chinese communist threat, Pakistan Prime Minister had told Zhou En-lai at the Bandung Conference that the arms were not directed against China but India. Ambassador observed that he would not be surprised if Pakistan were not telling the Soviets the same thing now that the arms now being got from the United States are not intended against the Soviet Union but for India. We know that the type of sophisticated equipment mentioned are not relevant for fighting on the Afghan border, but can be used effectively against India.

The Secretary said "Let me assure you that as we go on with our discussions we will do so in a way that we are sensitive to your concerns. I welcome the opportunity to know them at first hand. It is my conviction that India’s objectives for international peace and stability are very close to ours. Though we may have differences of approach, we do not wish to disturb our traditional friendship which we cherish."
In taking leave at the end of the meeting, Shri Parthasarathi said that US and India should have more consultations before US decides its policy. As General Haig was escorting the Indian party out of his room he recalled how when he was young his father had wanted him to join the Church; instead he joined the army which greatly upset his father. Ambassador remarked jocularly that now as Secretary of State he is working for peace which would have pleased his father.

1810. Statement of Pakistan Foreign Minister Agha Shahi.

Islamabad, April 17, 1981.

The Prime Minister, as well as, the; External Affairs Minister, of India have issued several statements over the past-three weeks, raising the spectre of a Pakistan armed to the teeth, posing a danger to India. The Foreign Minister also said in Parliament that Pakistan was being sucked into something. These charges, are as unwarranted as they are gra-tuitous; nor is there any valid reason for the declaration of the Foreign Minister of India that the process of normalisation is in “jeopardy”. These statements have created an atmosphere of artificial crisis in bilateral relations.

We regret that India has launched a campaign at home and abroad directed at the possible acquisition by Pakistan of some defence equipment, in the recent past, India itself has entered into agreements with the Soviet Union and with countries of Western Europe for the acquisition of the most modern weapon systems, including deep penetration strike aircraft, the latest MIGs, tanks, missiles and other weapons with offensive capability. The value of these
armaments, taking into account the concessional terms extended by the Soviet Union, is estimated at around $10 billion.

We did not question India's right to acquire these weapons even though we were deeply perturbed over such massive inductions of armaments into an already vast military establishment, far in excess of legitimate defence requirements. The furor in Indian official circles over a possible small-scale purchase by Pakistan of arms, to replace to some extent its obsolete military equipment, is devoid of any justification.

It is regretted that India's obsession of a non-existent military threat from Pakistan verges on the surreal and is the main source of complications in developing, a rational bilateral relationship. It is inconceivable that Pakistan which is a small State compared with India, should constitute a threat to India which has such an overwhelming advantage in size, population, resources, industrial strength and military might.

The Government of India has ascribed imaginary motives and purposes to the discussions between Pakistan and the United States. The talks which I shall be

support the littoral States on whatever measures they took for Gulf security. The integrity and security of Pakistan was, however, of vital importance, both to the Gulf States and to the Islamic world and, in fact, the entire world. If in this light, the US made any pronouncement that would be welcome. Whosoever, extended support and help to Pakistan for its security, would contribute to world peace. Pakistan would like to see such a support from other States also. He, however, did not mention any particular country. He, however, made it very clear that Pakistan did not contemplate any military relationship with the US for Gulf security. Asked if he was taking a shopping list of arms to Washington, Mr. Shahi said 'such a situation would arise only when there is an agreement'. Pakistan he added in reply to another question would not become a conduit for passage of foreign arms to Afghan Mujahideen. "This has been our policy all along," he said.

Mr Shahi said the US leaders had made statements showing interest in Pakistan's security and describing Pakistan as the "cornerstone" of US foreign policy. He said he welcomed them and would like other countries too, to feel the same way.

Meanwhile Pakistan Foreign Office Spokesman said Pakistan had lodged a protest with the Indian Embassy in Islamabad on April 17, over Indian External Affairs Secretary Eric Gonsalves' accusation that Pakistan was sending mercenaries in the service of what he called "America's gunboat diplomacy" in the Indian Ocean-Persian Gulf region. The spokesman stated that India's military preponderance was well known as its naval forces was 11 times than of Pakistan, air force five times and land forces three times bigger than Pakistan's.

While criticising the sale of American arms to Saudi Arabia and the United Arab Emirates, Mr. Gonsalves also spoke against the proposed "heavy American arms deliveries to Pakistan". The Spokesman Said: "Following the example of certain chauvinistic circles in India which feign alarm at any prospect of arms sales to Pakistan, Mr Gonsalves had tried to make out that the India-Pakistan military balance of power was basically in Pakistan's favour, both in manpower and deployment." The Spokesman accused New Delhi of trying to explain away India's own purchase of sophisticated aircraft as a step taken "only after India found itself weaker than Pakistan" and described these statements as patently false.
holding shortly in Washington with Secretary of State Alexander Haig will relate entirely to bilateral relations and will provide an opportunity for exploring the possibility of making good a part of our most urgent defence needs. A military procurement relationship would in no way affect the course of Pakistan’s foreign policy as it has evolved during the last few years. India, which has itself acquired a vast arsenal on concessional terms from a super-Power, should not adopt double standards.

In the interest of preventing misunderstanding and of ensuring the continuation of the process of improvement of bilateral relations, Pakistan and India have maintained a constant dialogue. I am glad that there will be an opportunity to continue this dialogue when India’s Foreign Minister Mr. Narasimha Rao visits us next month.

I would like to reaffirm that on its part, the Government of Pakistan will persevere in its efforts to develop and strengthen normal, good-neighbourly relations with India. The Simla Agreement remains a cornerstone of our policy.

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Extract from the note of the Embassy of India of the call by Ambassador K. R. Narayanan on US Deputy Secretary of State William Clark.

Washington, D.C., May 9, 1981.

Ambassador called on Deputy Secretary of State William Clark on Tuesday, May 19, 1981. He was accompanied by Counsellor (Political), Deputy Assistant Secretary of State Jane Coon and Deputy Director, Bureau of Near East & South Asian Affairs, Harold Lucius were also present.

2. Welcoming Ambassador, Mr. Clark said that successive Indian Ambassadors seemed to have a tradition of good relations with the person holding the number 2 spot in the State Department. He hoped this would be continued and that Ambassador was free to call on him whenever he so desired. Mr. Clark added that he had heard that Ambassador was returning to India for consultations. Ambassador said that he was planning to leave for India for consultations in a week’s time. He expected to be in India for about 10 days. The main reason for his return was to explain to decision makers in India the
thrust of the new Administration’s policies and also to get a first-hand idea of our own thinking.

3. Ambassador said that he had, just prior to his meeting with the Deputy Secretary, met with the Assistant Secretary Veliotes. He had taken this opportunity of conveying to Mr. Veliotes some of our aspirations and apprehensions. Ambassador said that we have some apprehensions not so much about the objectives of U.S. foreign policy, but about the consequences, perhaps unintended, of U.S. policies and actions in our region.

4. Mr. Clark said that the U.S. did have a concern for regional security in South Asia and the Gulf. He was not aware of the details of the thrust of U.S. policy in South Asia, but was of the view that a weak Pakistan would only invite more Soviet aggression. In his view, a strong Pakistan, which was not too strong to threaten India, would deter the Soviets. Ambassador said that contrary to the belief in some circles in the U.S., that India would somehow desire to see a weak Pakistan, he would like to stress that we believed that a strong and stable Pakistan was in India’s interest. We were not insensitive to Pakistan’s requirements for legitimate modernisation of its armed forces. However, we did have our apprehensions about a militarization of Pakistan which could lead that country to be adventurist actions. Our differences with the U.S. arose out of differing perceptions on how Pakistan can be strengthened and what effect large-scale military aid will have. Our view was that Pakistan’s problems arose because successive military governments had really not taken the trouble to build up a viable economic infrastructure. They had instead tried to perpetuate themselves by diverting attention from real economic problems to issues pertaining to relations with India.

5. Ambassador said that during the Presidential election campaign, President Reagan had in a speech stated that India was hostile to Pakistan. It is true that this statement had been made before the new Administration assumed office, but it nevertheless was reflective of a general misconception in the U.S. about our attitude towards Pakistan. The very fact that (our political leaders agreed peacefully to the partition of India in 1947, was a manifestation of our desire to live in peace with Pakistan. If we had then decided to fight a civil war to maintain unity, we could have easily succeeded in that period of time. It should thus be evident that India does not intend to take advantage of Pakistan’s difficulties and indeed believes that a strong and stable Pakistan is an asset to our own security. The U.S. would have to understand that if Pakistan’s stability is in the interests of India’s security, the best guarantee for Pakistan’s security was India, and that Pakistan can be defended ultimately with India’s cooperation and support. The best signal which could be given to the Soviet Union would be for India and Pakistan to come closer together not under the auspices of great
power arrangements, but merely as two neighbouring and two non-aligned countries. Large scale and unbalanced military aid to Pakistan, especially of the weapons which could only be used against India, would come in the way of Indo-Pakistan cooperation. Ambassador expressed the hope that a situation would not be created where there would be a setback to the improvement in relations which had taken place between India and Pakistan over the last several years. He added that in spite of the difficulties and complications posed by the military aid programme which the US was envisaging for Pakistan, India was committed to improving relations with that country.

6. Clark said that he agreed with Ambassador that it was important to promote better relations between India and Pakistan and suggested that Ambassador should discuss the question of supply of sophisticated weapons to Pakistan with Under Secretary Buckley. He said that he would himself speak to the Under Secretary on the subject. Ambassador said that he hoped to see Under Secretary Buckley soon.
1812. Statement issued by the Official Spokesman of the Pakistan Ministry of Foreign Affairs.

Islamabad, September 15, 1981.

Our dialogue with the United States has taken a positive turn with the recent visit to Pakistan of Mr. Peter McPherson, Administrator of the U.S. Agency for International Development, and Mr. James Buckley, U.S. Under Secretary of State who brought with him a personal letter addressed to President Zia-ul-Haq by President Reagan.

The programme of U.S. economic assistance to Pakistan over the next five years, was discussed in detail with Mr. McPherson and his delegation and mutually satisfactory agreement subject to congressional approval, was reached.

Similarly, talks with Mr. James Buckley were also concluded on a positive note. As is known, an agreement in principle had been reached during Mr. Buckley’s earlier visit in June in regard to the acceptability of the US economic and military sales package which was offered at the time.

Soon after Mr. Buckley’s visit, a Pakistan military delegation visited Washington to discuss details of the military sales programme to Pakistan.

During these talks, certain issues relating to the delivery schedule, of some essential defence items, had remained unresolved. During his recent visit, Mr. Buckley clarified these issues to our satisfaction. As a result of our detailed exchange of views with him on this occasion, we were able to convey our formal acceptance of the US package as modified and revised in the consultative process which has now been completed.

Accordingly, these proposals will be put before the Congress as required by the US legal procedure. We have been greatly reassured by the fact that the US Administration fully understands our essential concerns and that there is a genuine desire to build a new relationship between our two countries on the basis of trust, mutual respect and sovereign equality.

We wish to reiterate that our acceptance of the US package does not affect in any way our commitments as a member of Islamic Conference and the Non-Aligned Movement. Our well-known position on major international issues in regard to which our foreign policy has consistently maintained a principled stand.

Similarly, the development of bilateral relations with the United States will not affect our relationship with any third country.

We would like to reaffirm, particularly in regard to our relations with India, that there would be no weakening of our efforts to develop a relationship of mutual
trust and confidence with this important neighbouring country. We are not in
competition with India in an arms race and the modest quantity of arms that we
may acquire during the next five years is solely meant to achieve partial
replacement of our obsolete defence equipment. All we propose to do is to
acquire a minimum defence capability to ensure the security of Pakistan in the
context of the regional situation which is far from reassuring.

Although, it is Pakistan as a small country which needs assurances from its
larger neighbours in regard to its security, particularly from India, which, despite
its over-whelming military superiority, has embarked on a programme of acquiring
the most modern offensive weapons including Jaguars, MIG-23’s and MIG 25’s
and Mirage-2000 aircraft, in large numbers from Western sources, and on
concessional terms from Soviet Union, we are prepared on our part to do whatever
we can to promote mutual confidence. We would like to convey the assurance
that in expressing our desire for a friendly and tension-free relationship, we are
not indulging in a propaganda exercise.

If India is inclined to banish its unfounded fears and is ready to grasp the hand
of friendship which we extend, it shall not find us wanting in fully reciprocating
any gesture on its part for establishing good-neighbourly relations.

On our part we are prepared to enter into immediate consultations with India for
the purpose of exchanging mutual guarantees of non-aggression and non-use of
force in the spirit of the Simla Agreement.

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Record of Discussions between Secretary (East) Ministry of External Affairs Eric Gonsalves and US State Department Politico-Military Affairs Director Richard Burt.


Embassy of India
Washington

Record of discussions between Secretary (East) and Richard Burt, Director, Politico-Military Affairs, Deptt. of State held on 13.11.1981.

Ambassador and Counsellor (Political) were also present. Howard Schaeffer, Director, NEA was present from the U.S. side, along with Burt’s Executive Assistant.

2. Welcoming Secretary (East), Burt said that he hoped that the Tarapur issue could be resolved and got out of the way as it would remove an irritant in bi-lateral relations.

3. Secretary (East) said that he had wanted to meet Burt and to quite frankly voice our unhappiness at the wording of some of the testimony on Capitol Hill given by Administration officials on the question of arms aid to Pakistan. Secretary (East) said that he had read Buckley’s statement on November 12 in which he had said that Pakistan was being strengthened in order to build up its capabilities against an attack by the Soviet Union or a “well-armed Soviet proxy”. Secretary (East) also drew Burt’s attention to the objectionable references to India in the Pentagon booklet on Soviet military power.

4. Secretary (East) said that all the above references were not only unfortunate, but also had their impact on bilateral relations. Such references gave us the impression that U.S. was perhaps putting us in its “enemy camp”, which was just not warranted.

5. BURT said that while there were certainly differences in perception between India and the U.S., there were also shared interests. Both countries shared an interest in stability in the Persian Gulf. He added that he had taken note of what Secretary (East) had said about Buckley’s testimony, but it had to be borne in mind that nobody referred to India in these terms. Buckley’s reference was obviously to Afghan troops. Secretary (East) said that he found it difficult to accept this explanation that the Afghan army constituted “a well-armed Soviet proxy” when the U.S. itself was claiming that the Afghan army was in shambles with growing dissatisfaction and desertions. Burt said that India and the U.S.
are both democratic countries. Both governments have to respond to public opinion. It was important that both sides avoid public recriminations. He added that Indo-U.S. relationship was a “love-hate” relationship. This was because, while there were similarities in their democratic systems, there were differences of perceptions on international issues.

6. Secretary (East) said that, while we obviously could not control what appeared in our press, we had bent over backwards in order to avoid saying things which could cause offence to the United States. Referring to Pakistan, Secretary (East) said that we do not object to that country obtaining its legitimate defence requirements. However, we do have some reservations about the U.S. decision to supply F-16s to Pakistan.

7. Secretary (East) told Burt that he wanted to give him an idea of our overall threat perception which did not seem to correspond with U.S. thinking. Pakistan had only two neighbours. We have six or seven. While in our defence preparedness, Pakistan naturally had a high priority; it was not the exclusive factor. Secretary (East) referred to our long borders with Bangladesh, Burma and China and the deployment of troops on our border with China. He said that while we are trying to improve relations with China, we had to maintain a certain level of troops on that border. This resulted in a situation that while there was a rough parity on either side of the Indo-Pakistan border, the Pakistanis had 8 corps deployed on this border. We also had an equivalent amount. Both countries had two armoured divisions presently. It had to be seen how the tanks now being supplied by the U.S. would affect this balance. It had also to be borne in mind that our troops were deployed at a greater distance from the border than in the case of Pakistan.

8. Referring to relative air force strengths, Secretary (East) said that while much was made of the so-called current war vintage of the Pakistani air force, it had to be borne in mind that Pakistan had five squadron of Mirages. We had purchased some Migs and Jaguars to bring back a measure of parity. When we were looking into the question of acquiring Jaguars, we had also considered the possibility of acquiring aircraft like Tornado, Mirages, etc. We had even then come to the conclusion that around the end of this decade, we would have to replace the Jaguar. We now feel that in view of developments in the region, it would be preferable not to acquire the entire quantity of Jaguar aircraft that we had envisaged earlier. We feel that it would perhaps be better to obtain some Mirage 2000 aircraft instead. Secretary (East) made it clear that reports that we were envisaging the acquisition of 150 Mirage aircraft were grossly exaggerated. He added that the Mirages we were possibly acquiring would make up for the Jaguars we would not now be acquiring as envisaged earlier.

9. Burt said that it was his personal view that India would be making a
terrible mistake if it went in for Mirage 2000 aircraft to replace Jaguars that it was planning to acquire. It just did not seem to make military sense to him to acquire Mirages. He felt that the Jaguar is a very good aircraft.

10. Referring to Secretary (East)'s statement about concern in India over the acquisition of F-16s by Pakistan, Burt said that the F-16 is primarily an interceptor aircraft. It was true that there could be a perception that it could be used against Indian nuclear establishments, but it had to be borne in mind that its primary role was not that of an attack aircraft. Burt said that it would have been understandable if there had been far greater concern in India if Pakistan had been supplied A-7 aircraft as former Secretary of State Kissinger was contemplating earlier while in office. Burt said that the main purpose to supply the F-16s to Pakistan was to give Pakistan the capability to maintain its air superiority over its own territory.

11. Secretary (East) said that it had to be borne in mind that after the use made by the Israelis of F-16s during their attack on the Iraqi nuclear reactor, there were inevitable apprehensions about its capabilities in India. We also had to bear in mind our past history when U.S. supplied arms had been used against us. We were just being compelled to go into the arms deals which we really did not want to undertake.

12. Burt said that it had to be borne in mind that the strategic environment had now changed. The Soviets who were now positioned in Afghanistan, were applying military and political pressure on Pakistan. It would be dangerous for India itself to ignore the consequences of such pressure by the Soviet Union on Pakistan. Burt said that the U.S. was keen on having some form of military supply relationship with India. They had tried their best to be as accommodating as possible in meeting Indian requests for the supply of TOW missiles and Howitzers. He was interested in seeing that provisions were made in the IMET (military training) programme in spite of an acute shortage of funds to keep open such links with India. He hoped that symbols like this would help to defuse some of the political concerns in India about U.S. policies.

13. Secretary (East) said that he felt that it is important that there should be a dialogue between the two countries. It was our feeling that we had contributed to building an environment of stability and cooperation in our region. The emphasis of the United States on a military response to developments in the region had, however, caused a setback to hopes for an improvement in the political environment in the region.

14. Burt said that he felt that there was considerable common ground in the perceptions of India and the United States, especially in regard to developments in the Gulf. It had to be borne in mind that the U.S. was responding to a changed strategic situation. He alluded to the fall of the Shah of Iran, the increase in
Soviet military capabilities, and the actions of countries like Libya and Cuba with Soviet support to which the U.S. had to respond. He said that it would be seen as a wrong signal if the U.S. had not responded expeditiously. If there was not an opportunity to consult in the past, then the time had perhaps come to initiate closer consultations between India and the United States.

(G. Parthasarathy)
Counsellor (Political)
13.11.1981

1814. Letter from External Affairs Minister Narayan Datt Tiwari to Member of Parliament Kapil Verma.

External Affairs Minister
India

March 25, 1987

Dear

I am writing to you in connection with your Special Mention in the Rajya Sabha on 25th February, 1987 regarding the threat posed to India’s security by joint US-Pakistan naval exercises.

We have noted that during recent testimony to Congress in February/March 1987 by US officials, US Ambassador-designate to Pakistan Arnold Raphel said, in reply to a question from Senator Humphrey, “there have been joint exercises” between USA and Pakistan. Raphel retracted this statement in his subsequent testimony before a closed session of the Senate Foreign Relations Committee on 26th February 1987, but we have also noted the Sub-section of Secretary Weinberger’s annual report to the Congress, on “exercises and training” which states, “We have established several bilateral consultation groups to improve defence cooperation between the United States and friendly States in South-West Asia, the Middle East, South Asia and North Africa. These groups met periodically to consider issues ranging from combined planning for joint exercises to pre-positioning of US military equipment”.

On other issues like joint military contingency planning and intelligence sharing with Pakistan, Raphel had reportedly refused to answer in the open session of the State Foreign Relations Committee on grounds that these were classified issues. The US Embassy in Delhi, when asked by us to clarify officially reports
regarding joint exercises and intelligence gathering, made the following statement after prior clearance of the State Department:-

— “USA does not share intelligence about friendly countries with other countries;
— USA does not conduct regular exercises with other countries”.

The USA’s Security Assistance Programme to Pakistan is a matter of serious concern to us since it envisages the introduction into the sub-continent of highly sophisticated state-of-the-art defence technology particularly exemplified by the proposed sale of AWACS. The capability of AWACS to monitor aircraft movement deep into Indian territory will provide Pakistan with a significant edge in both defensive and offensive capability. India will have no option but to acquire matching facilities. Given the serious military implications and the financial burden resulting from the introduction of AWACS into the sub-continent, Government intends to explore all options in trying to dissuade the US Government and Congress from supplying AWACS and other sophisticated military armaments to Pakistan.

Government has seen a number of other reports which indicate that there is a growing military linkage between USA and Pakistan. Recent media reports indicated that the USA and Pakistan have signed a secret agreement providing for the deployment of US Rapid Deployment Force on Pakistani territory. These reports said that the agreement, signed during the visit of the US Defence Secretary Mr. Casper Weinberger to Pakistan last October, is to be implemented in the first few days of March 1987. Both the USA and Pakistan have denied that there has been any such secret agreement. However, Government is concerned about developments in this regard, because it wants to prevent super-power rivalry on India’s door-step. It is for this reason that it has proposed to Pakistan that the comprehensive Treaty of Peace, Friendship should include a clause relating to the non-grant of bases.

As regards taking up the matter in the Non-Aligned Movement, it is doubtful if this would be particularly useful since the Pakistan Government will declare from the platform of that Movement that it has not granted bases to the USA. However, I would like to assure you that Government is keeping all the developments mentioned under review and is taking appropriate measures to ensure full defence preparedness.

Yours sincerely,

(Narayan Datt Tiwari)

Shri Kapil Verma,
Member of Parliament,
Rajya Sabha, New Delhi.
1815. Extract from the interview of Mr. Rajiv Gandhi with Pranoy Gupte of News Week regarding US Arms Aid to Pakistan.

New Delhi, March 31, 1987.

Mr. Gupte: What are your concerns about the possible sale by the United States of sophisticated early warning radar planes to Pakistan, and how do you view recent reports that Pakistan now has the capability to go nuclear?

Prime Minister: I am convinced that sophisticated early warning systems will be used by Pakistan against us. Their military deployments have always been focused on our borders. Afghanistan has not changed and I do not see them taking on the Soviets in Afghanistan. What really bothers me is that the introduction of these systems will escalate the arms race to a qualitatively new level. It will add to tensions and mean a serious set-back to our efforts at normalizing relations with Pakistan. And it will divert more of our scarce resources from development. There is clear evidence that Pakistan is going ahead full steam with its nuclear weapons programme. Statements have been made by their nuclear scientists and the statements of their leaders have done nothing to dispel fears. Instead of wavering with waivers, the United States has the power to restrain Pakistan. Perceptions of Pakistan’s strategic usefulness which are in themselves questionable seem to prevail over a larger concern for non-proliferation. We are baffled at the attempt to treat this as a bilateral issue between India and Pakistan. After our peaceful experiment in 1974, we have done no further work in that direction. Our nuclear programme is wholly confined to energy and medicine.
My dear Joint Secretary,

Through my telegram No. 82 of today’s date, I have reported to you a part of my conversation with the Deputy Assistant Secretary in the Department of Defence Mr. E. W. Gnehm, regarding US military assistance to Pakistan.

2. I took the opportunity of my meeting with Gnehm to probe him on possible changes in US-Pakistan military relationship in the Post-Afghanistan situation. I pointed out that a justification for the massive military aid being given by the US to Pakistan mentioned to us repeatedly in the past was Pakistan’s role in Afghanistan. There is expectation, I said, that following a political settlement in Afghanistan, US will review its military relationship with Pakistan, also taking into account its own relations with India in the context of recent positive developments. While India cannot have any objection to normal relations between the US and Pakistan, we expect that US will show sensitivity to India’s concerns in its future military and arms supply relationship with Pakistan. Gnehm, for most part, evaded a direct response apart from saying that US-Pak military relationship pre-dated Afghanistan and that US would like to have good relations with both India and Pakistan. He seemed to suggest that unless there is a reappraisal of its threat perception on the part of Pakistan, US will not be in a position to either qualitatively or quantitatively seek a change in its military relationship with Pakistan. When I pointed out that at least some equipment being supplied to Pakistan has been justified uniquely in the context of Afghanistan, Gnehm responded by saying that most equipment was defence oriented and India should not have any concerns given her own military strength.

3. Perhaps this could be a recurring theme in our dialogue with the Americans at all levels both in New Delhi and in Washington. We must continue to put pressure on the Americans so that they are forced to reevaluate their military relationship with Pakistan even as the process of political settlement in Afghanistan is under way. I have already mentioned in my letter No. WAS/
DCM/246/88 dated March 4, 1988 that I personally do not expect now any major shift in US military relationship with Pakistan except perhaps in small and symbolic measure. However, persistent pressure on the US will at least have the advantage of keeping the question in discussion and constant evaluation. What is needed is to engage the Americans in a dialogue with us on this subject and to ensure that our concerns and sensitivity are constantly brought to their attention.

With best wishes,

Yours sincerely

(A.N.Ram)

Shri P.K. Singh,
Joint Secretary (AMS),
Ministry of External Affairs,
New Delhi.

1817. Monograph issued by the Inter Services, Public Relations Directorate of the Pakistan Army on a briefing given by the Chief of Army Staff of Pakistan, General Aslam Beg to the Pakistani press on September 13, 1989 and subsequently handed over to the Service Attaches of the Foreign Missions while brief them on the exercises code named “Zarb-e-Momon” on November 16, 1989 in Rawalpindi.

**COAS TALK WITH JOURNALISTS**

13 September, 1989

**(SYNOPSIS)**

The COAS, initiating his talk with the recitation of the Quranic dua attributed to Musa ‘Alaih Assalam’, appropriately chosen for the occasion, set the emotional tone for the message he wanted to convey.

In his preliminary remarks the COAS said that the Army had initiated a process of interaction with the media. In that connection a Seminar was held earlier in the morning had apprised them of the scope and objectives of the Exercise Zarb-e-Monim to be held in the coming winter. The process, he asserted, was solely meant to bridge the communication gap between the Armed Forces and
the Media, which unfortunately had contributed to various crises in the past. A frank exchange of views with the media representatives would help create a climate of openness—glasnost—and promote better understanding and harmony between the nation and their armed forces. As the hearts of the people of the country and of the armed forces beat in unison, there would always be a prompt response on the call of the nation.

Before inviting questions from the media representatives, he urged that such questions as might have a political bearing be avoided, for it would not be appropriate for him to indulge in politics. His objective was not to hold a Press Conference but only the furtherance of the objective which he had spelt out earlier. He made it unequivocally clear that the armed forces were subordinate to the Government in power, and would carry out the orders given to them. Their mission was clear. It was to provide security to the country from internal threats and external aggression and, he asserted, they were quite competent to meet the challenge under all conditions and circumstances. The decision that was taken on 17 August last year, in the wake of the tragedy which resulted in the killing of the President and the Chief of the Army Staff, as well as many other friends, had widely been appreciated both at home and abroad and the image of the Army had considerably improved since them. It was but natural that the Army would continue to live up to that “image” and ensure that, in the overall climate of security provided to the nation, the process of democracy set in motion would thrive and strengthen. He made it explicit that his allegiance was not to any individual or political party, but to the system or the political process, which, he said, has its own inherent dynamics to correct itself, should the situation so warrant.

The question-answer session covered a fairly large array of issues and subjects which were forthrightly and cogently answered by the COAS. These are covered in subsequent pars.

**ZARB-E-MOMIN**

**Scope and Objective**

The queries regarding the scope and objectives of the scheduled winter manoeuvres were answered comprehensively and the COAS said that the exercise would be held on an unprecedented scale because, due to the withdrawal of Soviet forces from Afghanistan, a reserve of troops had become available enabling the Army to go in for strategic gains. Moreover, the Army, he said, had also brought in many organizational changes, sophisticated weaponry had been inducted and the quality of the officer cadre at every level of command had considerably enhanced due to total commitment to professional tasks and obligations and the process of continual training and education imparted through
esteemed institutions like National Defence College and Staff College. He took special pride in the fact that by the grace of Allah he now had a group of officers capable of higher direction of war, effective planning, coordination and competently handling large formations. Unlike the Iraq-Iran war, which entailed mainly tactical operations without achieving any strategic goal, the forthcoming exercise, he said, was aimed at testing new strategic concepts and doctrines – which aimed at shedding our out-rightly defensive orientation of the past and adopting an offensive-defensive posture to carry the war into the enemy territory in any future encounter.

**Timing and Location of the Exercise**

About the timing of the Exercise, the COAS dispelled any apprehensions and said he was quite willing to adjust it, should it coincide with the election period in India. Indian Government, however, had not responded to the offer made to them and he was still awaiting their response. The DGMOs of the two countries were in touch with each other and our DGMO had apprised them of the objectives of our exercise. If required, the exercise could be postponed for a month or so, or held prior to the election in India. There was no element of ‘secrecy’ in the exercise. It was ‘above-board’, and open to inspection. Even an Indian team, if deemed expedient, could be allowed to witness the exercise. He said that his approach was quite opposite to what Indian military commanders had exhibited on the occasion of “Brasstacks” exercise. They conducted their maneuvers without informing us about its dimensions and location, nor did we know its objectives. He said that the minimum distance at which exercise Zarb-e-Momin would be conducted would be 200 to 250 kilometers away from the borders and hence there was no reason for any apprehension whatsoever.

**Comparison with ‘Tezgam’ Exercise**

As to comparison with Exercise Tezgam, conducted 35 years ago, the COAS said that the quantum of troops involved this time would be massive as compared to Tezgam, when only a division plus had taken part, whereas the present one would involve 7 infantry divisions, an armoured division, a couple of armoured brigades, artillery brigades, engineer brigade, Ack Ack brigades – totaling around 200,000 people participating in the exercise.

**Comparison with “Brass Tacks” of the Indians**

The COAS commented that Zarb-e-Momin was different from the Indian “Brass Tacks”. The outgoing Indian Chief of Amy Staff was eager to achieve something before his tenure ended and therefore he had rushed into the exercise, which proved counter-productive. The present Indian Chief, he said, had already discarded many of the ideas and thoughts propounded by his predecessor. On
the contrary, our exercise, he said, was being planned for the last two years. Specially during the past one year every aspect of the exercise was receiving careful attention and there was total involvement of the Army in that endeavour. The first phase of the exercise was completed in the War Game already held, he said, and the winter exercise would be testing these innovative concepts and ideas on ground. Holding troops would not be moved from their positions and vulnerable areas and only reserve troops would be involved in the exercise.

Cost of the Exercise

India is believed to have spent 300 crores of rupees on exercise “Brass Tacks”, he said, but we would be spending not even one-tenth of it. The Government had provided the Army only rupees 16 crores, out of which rupees 10 crores had been set aside for maintenance and up-keep of the equipment and transport. We were thus left with only 6 crores of rupees, he said, and out of it nearly rupees 70 lacs would be paid as compensation to the farmers whose crops would be affected.

Army’s Major Role in the Exercise

It was a fact of life, he said that in any future war with the enemy, Army would have to play the most crucial role. India had superiority of 5 to 1 in the Navy, 3 to 1 in the Air Force and 2 to 1 in the Army. So far as Navy was concerned they could only fight a battle of survival; the Air Force could survive and also support the land forces. It was only Army which, he said, was capable of not only thwarting the enemy’s aggression, but also launching sizeable offensives. To enable the Navy to safeguard our maritime interests the Government was investing correctly and “Insha Allah” in the months and years to come, our Navy, he said, would be strong enough to maintain the correct balance of forces. The Army, therefore was to take the major brunt and therefore we had selected the area of exercise which was sandy and desert-like in the south. As nearly sixty percent of the area was cultivated, that was similar to the plains of Punjab. The future battles, he said, would be fought in the plains of Punjab and south of it, therefore, we had not selected the marshy areas –the peripheral land, he said.

The Strategic Scarlet-thread in the Scheme of War Dispassionate appraisal of our failures both in 1965 and 1971 wars, he said, had given us ample insight into how not to fight a war. The plans for the coming exercise, he said, were thoroughly coordinated from the lowest level up to the GHQ. We had also worked out the linkage between the defensive and offensive operations and it was that vital strategic idea which must run like a “Scarlet Thread” through the entire scheme of war. Through that well-integrated and singular Army plan we were quite capable of providing strategic gains to the nation, he asserted. When we had such large forces employed, quite naturally it entailed a lot of logistical
problems, which we had meticulously and ingeniously resolved. We had even changed the total concept of employment of guns. New headquarters with new echelons of command had been created, all with the purpose of swift mobilization of resources at the required time and place. We had, by the Grace of Allah, one of the best air defence systems in which we could take pride. We were fielding five air defence brigades, he said, which would provide the umbrella of protection, besides the PAF, with whom we had fully coordinated our plans.

**Electronic Warfare**

The most crucial unseen threat was the threat of electronic warfare. Control of the electro-magnetic spectrum was the major element of future wars, and we had made significant strides in that domain as well. We were quite capable of countering enemy’s efforts as well as developing our own offensive capability. In other words, every conceivable area having any bearing on our operation gains had been fully taken into account.

**Jihad-e-Afghanistan**

On the subject of Jihad-e-Afghanistan, many pertinent and sensitive questions were raised which the COAS quite candidly and lucidly answered. His major contentions are contained in the succeeding paras.

**Intimate Understanding and Appraisal of Afghanistan Situation**

The COAS said that as Chief of General Staff in 1980 and subsequently as a Corps Commander in Peshawar he had been very intimately involved with the war in Afghanistan. It was ironic, he said, that the Army assessment of war had been at variance with that of the official assessment and their contention had mostly proved to be correct. Unfortunately, there was no orchestrated viewpoint, as the Government looked in a different direction, the Foreign Office had its own perspective, whereas the Army had a different approach to the problem. From 17th of August till November-December 1988 when the new elected Government came into power, the responsibility to conduct the affairs of Afghanistan had fallen on his shoulders, and it was during that period that certain marked trends occurred which indicated that the Soviets were prepared to drop Najibullah, and that was the precise condition on which the Mujahideen had agreed to talk to them. The Soviet position subsequently changed, but it the trend had been effectively exploited at the opportune moment the story might have been different.

**Wrong Decision by the Soviet Union**

Like the initial mistake of 1979, when the Soviets hoped that through naked aggression they would annex Afghanistan, which they subsequently repented,
they had made another grave error in deciding to back the Najibullah Government. No matter what the world might say about dissension among the Mujahideen, the COAS was of the firm view that they would ultimately triumph. He said they had demonstrated to the world that they were quite capable of defying a super power no matter what price they might have to pay. Despite the loss of lives of nearly twelve lacs of people and many more wounded their spirit and zeal was still supreme, and this was precisely what was important. They belonged to a tribal society and their concept of time and space, he said, was quite different.

The Option for the People of Afghanistan

The COAS said the solution lay in going back to the process which was initiated during the months of August and November 1988, and we must make endeavours to bring the Russians and the Mujahideen back to the negotiating table. The pre-condition should be that the Soviet agree to take Najibullah out along with some more people, who were the bone of contention. Only then could the remaining PDPA element and Mujahideen sit down and resolve their differences among themselves. Any talk of using the Zahir Shah option, was irrelevant. The Mujahideen must be allowed to exercise the option that they select for themselves. Their Jihad should, Insha Allah, bear fruit, because Allah never disappoints those who stand up and fight for His cause.

Wrong Decision to go for Jalalabad

The COAS stated that the decision to go for Jalalabad was a faulty one. The strategy that Mujahideen had worked out for themselves was the strategy of ‘strangulation’ based on the very basic concept of fighting a war of liberation through a series of small action reaching strategic depth and ultimately leading to strategic results. To take a well fortified garrison like Jalalabad was a difficult task even for a very trained army. That was beyond the capability of the Mujahideen, and now, the COAS said, there was a change of thought and the Mujahideen had reverted to their original strategy, which would undoubtedly pay dividends. He hoped the Russians would ultimately give up Najibullah’s support and there were indications to that effect.

US Support to Mujahideen

The COAS said the Americans had no option but to support the Mujahideen, in view of their own intrinsic interest and not for the love of Afghanistan, or for that matter for the sake of Pakistan. But it must be remembered, the COAS said, that the Mujahideen fought for the initial two-and-half to three years without assistance from anybody. It was only in 1983, that the Americans came in From January this year till April, there was no support from USA and it was only from May and June onwards that Mujahideen started getting military hardware.
DEFENCE ISSUES

Siachen
When the issue pertaining to Siachen was raised, and the futility of this war was mentioned, the COAS provided a very comprehensive back-ground alongwith the current situation.

Background to Siachen Issue
It was said that we came to know of Indian’s coming into Siachen. It was in January 1982 that we asked the 10 Corps Commander to send troops in that area and ascertain the situation. Because of bad weather, and because of being poorly equipped, the troops could not cross over the Saltoro Range. The following year the GHQ decided to send a company (Special Service Group) not the Siachen glacier. The company was moved in August 83, and crossed over the Siala Pass (which the Prime Minister lately visited). This group spotted some troops camped, and under our directions, they went for eliminating them. But the Indian elements-the Laddakh Scouts deserted the place. Our troops remained there till 10th of September and when the weather started worsening we directed them to fall back, which they did via Bela Fond La approach route. The Indians, on the other hand, had better experience of fighting on high mountains, as they faced China, which required developing of troops at great heights. They had also gained some experience through their expeditions, trials and experiments n Antarctica. India had another advantage, which we did not have India had the Lamas which they were making themselves and which enabled them to lift troops and position them wherever they liked. It was around the middle of April 1984, that both India and Pakistan started moving to occupy the vantage positions. They were only a few days ahead of us the marching distance from Densom upward.

Pakistan in a Favourable Situation
The situation that existed today was very much in our favour. It was a question of just staying there-it was mainly a logistical battle, battle against bad weather. In the past five years, we had been able to develop truckable and jeepable roads to the west of our forward positions, and by the mid of next year, Insha Allah, we would have jeepable roads to allour gun positions, and all the four passes we were holding. That meant that we would not be using our helicopters and only porters would be used for supply of logistics and the helicopters would be used only for casualty evacuation or for an emergency. India was suing a fleet of helicopters. On the average, they were spending about a coroer of rupees a day to maintain their troops in the area. We were spending about 25 to 35 crores annually. From our viewpoint it was an ideal fixation of large troops in that area as compared to ours, which was very small in number. The Chief said he wished the Indian remained stuck in Siachen. The Indian had lost nearly twelve hundred soldiers, as against ninety-seven of our own. Two hundred of our men had died because of bad weather. But the spirit of our soldiers was very
high and no matter the price, every soldier was prepared to defend Siachen.

**Nuclear Issue**

As India had exploded a nuclear device in 1974, COAS was asked if that aspect had been taken into account in planning Zarb-e-Momin. He remarked that the Prime Minister and previous heads of Government and State had expressed their views quite explicitly on this issue and there was no need to dilate any further. But, he said, as long as others believed that we had nuclear capability that was a great deterrence.

**Pakistan’s Response to India’s Missile Producing Capability**

It was in February last year that the Indians fired Prithvi of 250 kilometers range. But we had nothing in hand as answer to that. Luckily, we had been pursuing a programme of our own, totally indigenous and we succeeded in our efforts. He said he had planned to fire the missile on the day Mr. Rajiv Gandhi was first here in Pakistan, but we could not do so because of some technical problems, COAS said we had acquired two types of missiles, one that could reach 80 kilometers and the other that had a range of 3000 kilometers. The third one, he said, was in the process of development and could reach up to 600 kilometers, but that was not as sophisticated at present as it lacked proper “guidance system”. But we would be very soon acquiring the technology form brother countries. India’s Agni missile, with its range of 2000 to 2500 kilometers, did not really mater, as with the 600 kilometers range we could reach all the sensitive targets of India.

**Strategic Consensus**

The concept of strategic consensus between Pakistan, Iran and Afghanistan, which he propounded nearly a year ago, was becoming a reality whether one liked that or not. The one common feature binding all those countries was the commonality of the objective, which was the supremacy of ‘Deen’ over all issues. There might be difference in approach and method, but there was a distinct common perspective among those countries which might include Turkey, Iraq and Saudi Arabia. This unity, in his view might bring greater stability and balance in the region. Soviet Union should welcome that as that would ensure tension-free Afghanistan on her borders. There super powers would find it convenient to deal with a regional power block rather than dealing with them individually. USA had already lost its option in Iran, and if they were not carefully, they might as well lose their option even in Afghanistan. Moreover, that regional group would also be able to effectively counter Indian hegemonic ambitions.

**Martial Law Impact on Professionalism in the Army**

Dealing with the sensitive question of impact of long Martial Laws in the country on professional competence of the Army, the COAS commented that the impact had only been marginal in the sense that the COAS and some others did not
have the requisite time to concentrate on professional work. But down below, he said, that did not have much effect. The grip of discipline was very strong, as that had always been. It was on that account, he said, that any talk of coup was out of question. But we must ponder as to why the Army was dragged into running the affairs of the state from time to time? Why did the Army become so impatient and did not let democratic process settle down? In this own assessment, he said, it was due to the fact there existed a big information gap between the nation and the Armed Forces. A similar thing could have happened in 1988, which, he said, we fully resisted. That was our collective decision not to intervene, as we strongly felt that that produced more negative results than positive ones. It was the nation which had to learn to correct itself, and it was not in the realm of the Army to do so. He emphatically asserted he knew his constitutional roe and he would never transgress it. He said if occasionally he offered advice or made statements that were primarily to seek harmony and understanding in the nation so that we did not reach a “point of no return”. It was that frightening situation that he wished to avoid. He had no intention other than that: “If our intentions were maladies, we would let the situation deteriorate”. Therefore, during abnormal conditions, when the situation was not fully stabilized, he was constrained to intervene occasionally and meet people with a positive motive to let democratic order prevail and political institutions strengthen in the country, so that our decision of 17 August reached its logical culmination.

Pre-emptive Capability of the Army
The COAS, in answering how much time Army would take to be mobilized for action, said that the Indians would take 14 days despite the fact that they had brought cantonments close to the borders. Out timing initially, he said, was twelve days and now that had been reduced to 8 days. That advantage, he said, provided us an opportunity for pre-emption.

Junior Leaders Academy
The system of junior commissioned ranks in the Army was the legacy of the British. Unfortunately the performance of JCOs, as compared to men and officers, had not been of the required standard, had not been of the required standard. By the time they rose to JCO ranks they were fairly old- and as such they could not keep up with the people they had to command. We had corrected that system and since last year we had established a Junior Leaders Academy for the first time in Pakistan Army. The prospective junior commissioned offers were jingo that institution as Lance Corporals and Corporals to undergo rigorous training to become future leaders at the junior level. He was confident that the weaknesses would be corrected in a matter of a few years.

Education and Religious Training in the Army
The COAS said education in the Army had two dimensions. One was professional
education and the other higher education which was linked up with professional education. We had given special attention to that aspect, he said, and it was a matter of great pride and satisfaction that whereas only a few years back there was only one officer having a Ph.D degree (who was Chairman WAPDA and now retired), now we had ten such officers and there were fifteen others who were studying abroad for their Ph.D degrees. It was hoped that by the end of next year we would have twenty-five officers with Ph.D qualifications. We had trained around one hundred and fifty M.Sc's, and nearly seventy-five were in the process of completing their education. That, undoubtedly, was going to affect the quality of our officer cadre. In reply to a question on religious education COAS said we had not made any special arrangement. Whatever we did we did with a spirit of sincerity and honesty and whatever our 'deen' demanded of us was being emphasized at every level, be that our academy, or a unit or a formation. The basic driving idea was that we became true Muslims and remained faithful to our cause.

Induction of Sindhis in the Army

It was a sad reality that people from Sindh did not come forward to join the Army in large numbers despite our consistent efforts in that regard. Sindh Centre had been established for that specific purpose. People did come, but they mainly came as officers, whereas we also required men as they constituted the bulk of the Army. Several recruiting centers had been established, but despite that the response was relatively poor. Similar was the situation in Baluchistan. In view of that problem, the COAS said, he had recommended to the Government to raise local forces, on the same pattern as we had in Azad Kashmir. Those units after having served in Kashmir for fifteen to seventeen years and afar having acquired the requisite discipline and training had now been integrated into the regular battalions of the Army. Similarly, the local forces might be raised in Sindh and Baluchistan. That recommendation, he said, had been made to the Government, and if he was allowed to implement that, he would do so. That way, he hoped, in the next five to seven years the imbalance would largely be corrected.

Concluding Remarks

After patiently listening and replying to a volley of questions with great frankness and sincerity the COAS thanked the participants and hoped that the process of dialogue and face-to-face communication with the media men that he had initiated would continue in future in the interest of promoting greater understanding and confidence between the armed forces and the nation.

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Joint Declaration by the Republic of India and the Islamic Republic of Pakistan on Complete Prohibition of Chemical Weapons.

New Delhi, August 19, 1992.

The Government of the Republic of India and the Government of the Islamic Republic of Pakistan;

Reaffirming their commitment to durable peace and the development of friendly and harmonious relations;

Conscious of the role of confidence building measures in promoting such bilateral relations based on mutual trust and goodwill;

Reaffirming their respective unilateral declarations on non-possession of chemical weapons;

Convinced that a complete and effective prohibition of chemical weapons will contribute to the security of all States;

Reaffirming their respective commitments to the Protocol for Prohibition of the Use in War of Asphyxiating, poisonous or other gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17th June, 1925 and recalling the relevant Resolutions of the General Assembly upholding the validity of the 1925 Geneva Protocol;

Reiterating the need for the early conclusion within the framework of the Conference on Disarmament of a global convention for the complete and effective prohibition of the development, production, stockpiling and use of chemical weapons and their destruction;

Hereby declare that:

1. They undertake never under any circumstances: -
   a) To develop, produce or otherwise acquire chemical weapons;
   b) To use chemical weapons;
   c) To assist, encourage or induce, in any way, anyone to engage in development, production, stockpiling or use of chemical weapons.

2. They would cooperate with each other, in finalization and adoption of a comprehensive Chemical Weapons Convention which ensures the security of all States and encourages the full utilization of achievements in the
3. They reiterate their resolve to become original states party to the proposed Convention currently being drafted in the Conference on Disarmament.

4. They would exercise their right to develop their chemical industry and related applications and products only for peaceful purposes and for the welfare of their people.

IN WITNESS WHEREOF, the duly authorized representatives of the two governments have hereeto signed this Declaration and affix thereto their seals.

Done at New Delhi on this nineteenth day of August, of the year one thousand nine hundred and ninety two.

Sd/-
(J.N. Dixit) (Shaharyar M. Khan)
FOREIGN SECRETARY FOREIGN SECRETARY
For the Government of the For the Government of the
Republic of India Islamic Republic of Pakistan

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Statement by the Official Spokesperson of Ministry of External Affairs on the Amendment passed by the US Senate permitting transfer of substantial quantities of military equipment to Pakistan by waiving Pressler Amendment.

New Delhi, September 22, 1995.

The Government of India has noted with regret and grave concern the amendment passed in the US Senate on September 21, 1995, permitting the transfer of substantial quantities of advanced military equipment to Pakistan by waiving the provisions of the Pressler Amendment.

2. The US Government and Congress have all along been made fully aware of the views of the Government of India on this matter. We firmly believe the proposed US action would not be conducive to promoting peace, security and stability in South Asia, was likely to trigger an arms race, and would be seen as legitimising Pakistan’s clandestine acquisition of nuclear weapons even while receiving massive US military and economic aid.

The proposed transfer of US military equipment will also be viewed in the light of Pakistan’s widely acknowledged acquisition of ballistic missiles from third countries and its major and direct involvement in International terrorism.

3. The Government of India is committed to taking all necessary measures to counter the adverse effect on our security caused by the proposed transfers. We hope the US authorities will reconsider the issue and reflect on the consequences before taking any further steps. They should also take note of the very strong public reaction in India against this measure.

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1820. Statement by External Affairs Minister Pranab Mukherjee on Proposed US Supply of Arms to Pakistan.

New Delhi, October 25, 1995.

We are disappointed that our serious concerns and the strong reaction of Indian political and public opinion have not been taken into account during the endorsement by the House-Senate Conference of the US Congress on October 24, 1995 of the proposal to transfer a package of sophisticated military equipment to Pakistan through the waiver of provisions of the Pressler Amendment. The Government's position was clearly stated in the official statement of September 22, 1995 and the US Government and Congress have all along been made fully aware of our views on this matter.

We would like to reiterate that the proposed transfer of advanced military equipment to a country which has always used such weaponry against India in the past, and which is in the forefront in training and directing international

Reacting to the Indian statement Pakistan on October 26 rejected Indian contention that the US decision, to ease sanctions on military equipment to Islamabad would spark a regional arms race. "There is no rationale in the Indian criticism," Foreign Secretary Najmuddin Shaikh told a news conference in Islamabad. He said Pakistan had stated repeatedly that the supply of a limited quantity of military equipment to Pakistan could not in any way affect the military balance in the region. Pakistan Prime Minister Benazir Bhutto had laid "the basis for considerable efforts made by the Clinton administration, the Foreign Ministry and the embassy in Washington, said the Pakistan Foreign Secretary. "The result was achieved in the teeth of an intense Indian campaign to block the amendment," he said and added "The Prime Minister's 10-day visit was highly successful as she was able to muster support for Pakistan's vital interests."

Speaking about Ms. Bhutto's Paris visit, the Pakistan Foreign Secretary said Ms Bhutto had meetings with President Chirac and Prime Minister Alain Juppe in France. Besides discussions on economic cooperation, Pakistan and France have both indicated granting of political clearance for the sale of Mirage 2000-5 aircraft to Pakistan "and it was agreed that technical discussions on specifications, price and other details could now be carried out in detail by the Dassault Corporation", he added.

Another report said "With Paris politically nodding in positive to sell 40 high-tech Mirage 2000-5 to Islamabad, wide-ranging talks between Pakistan and France on defence cooperation will be held in Islamabad on October 31."

Without mentioning the date for the talks, Mr Najmuddin also confirmed that the French-Pak teams would meet shortly to work out various aspects of the sale of Mirage 2000-5. He said the French President and the Prime Minister indicated to Ms Bhutto during their meetings with her that they had granted political clearance to the sale of Mirage fighter aircraft to Pakistan.

The government-to-government level talks, according to officials would be held at the forum of Pakistani-French Joint Committee on Armament Collaboration (PFJ-CAC) — the third meeting of this defence cooperation mechanism which the two countries established in 1993.
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terrorism and financing such activities through narco trafficking, will not promote peace, security and stability in South Asia. Pakistan’s clandestine acquisition of nuclear weapons technology and materials as well as ballistic missiles from third countries, while receiving massive US military and economic aid, should also be noted in the context of the proposed transfer.

3. The Government of India will have to take all necessary measures to counter the adverse effect on our security of the proposed transfer of arms to Pakistan. The diversion of additional resources for defence, which may now become inevitable, is an unfortunate consequence which could and should have been avoided.

4. We continue to attach importance to improving Indo-US bilateral relations. The approach of both Governments has been to strengthen cooperation to the fullest extent possible, and not to permit differences where they exist to prevent cooperation in areas of mutual benefit. These are elements that we feel both sides would wish to preserve and build upon in the future.

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1821. Statement issued by the Official Spokesman of the Ministry of External Affairs regarding transfer of US Arms to Pakistan.

New Delhi, March 21, 1996.

Responding to queries regarding articles in the Washington Post and the Washington Times of 20th March, 1996, according to which the US had decided to transfer the Brown Amendment package of sophisticated military equipment to Pakistan, the Spokesman said that he could only reiterate that infusion of such large quantities of sophisticated arms into the region notionally valued at $368 million but worth, in terms of current acquisition cost, considerably more, will seriously impact on the security of countries of South Asia, which could instigate the first arms race since the end of the Cold War forcing US to divert scarce resources from much needed developmental activities. The assertion that supply of the arms package would enable greater influence over Pakistan, including over the latter’s nuclear weapons programme, and thus enhance stability in the region, is clearly belied. Nor have such supplies in any way helped to contain Pakistan’s nuclear weapons programme.

2. We expect that the full facts and consequences of the nuclear weapons
related acquisitions by Pakistan will be determined, including of the recently acquired ring magnets, and the implications taken into account before transfer of the arms package is considered.

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1822. Statement issued by the External Affairs Minister Pranab Mukerjee on the US decision to transfer US $ 368 million package of sophisticated arms to Pakistan.

New Delhi, April 16, 1996.

The U.S. decision to transfer the US $ 368 million package of sophisticated arms to Pakistan under the Brown Amend-ment has not come as a surprise to the Government of India. It had been evident from recent statements by high US officials that the US was bent on pursuing this unfortunate and unwise course of action, despite being fully aware of Pakistan’s long record of clandestine acquisition of nuclear weapons technology, ballistic missiles and related materials from third countries for uranium enrichment at Pakistan’s nuclear facility at Kahuta. The requests of numerous well-known and influential US Congressmen to the Administration to withhold the shipment in the light of the above reports were ignored.

The expectation expressed by the spokesmen of the US State Department that the supply of the arms package would provide the US greater influence over Pakistan’s policies, including its nuclear weapons and missile programmes, and thus enhance stability in the region, is quite baseless. It is contrary to Pakistan’s past record of repeatedly using US-supplied weapons against India, and proceed-ing uninterruptedly with its nuclear weapons and ballistic missile acquisition programmes while continuing to receive massive US economic and military aid conditioned on halting such programmes. The inevitable and unfortunate effect of the proposed US action will, therefore, be to instigate the first arms race since the end of the Cold War, and thus seriously and adversely affect not only peace and stability, but also divert scarce resources for developmental programmes which should take priority.

Earlier on March 21 the Official Spokesman of the Ministry of External Affairs had also issued a statement on these lines seeking to convey the concern of the Government of India on this move of the United States.

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1823. Media Briefing by Official Spokesman of the Pakistan Ministry of Foreign Affairs expressing “alarm” at what it called “India’s relentless purchase of military equipment”.

Islamabad, February 18, 2002.

Pakistan has expressed its alarm at what it calls relentless purchases of military equipment by India saying that not only does it create tension but also damages the cause of peace in the region. On February 18, Foreign Office spokesman Aziz Khan said: “The Indian build-up is well known and we have drawn the attention of the world community towards this. This does not augur well for peace in the region but Pakistan can defend its territory”.

Mr. Aziz was responding to reports which quoted head of the US armed forces General Richard Myers as saying that strong Indo-US military ties were also central to maintaining long-term stability in Asia.

He said it was too early to assess what kind of military equipment India would receive from Washington as the visit of Gen Myers had just started. “Let us see what happens at the conclusion of the visit”, he said.

Referring to President Pervez Musharraf’s visit to the USA, Mr. Aziz alluded to the joint Press conference by Gen Musharraf and Mr. George Bush, and said that Pakistan would see to it that what had been agreed upon would be advanced.

To a query as to what kind of military agreement the Pentagon had signaled for Pakistan, Mr. Aziz replied: “The Defence Consultative Group will discuss this issue as it has now been reconstituted. We will know then (about any future agreements)”.

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INDIA-PAKISTAN RELATIONS

SECTION - IV

NUCLEAR
MR. MOORE – My question is directed to the Minister for Foreign Affairs. I refer to reports that Pakistan is developing a nuclear arms potential. Are these reports correct? If so, what does the Government intend to do to check the growth of nuclear arms on the Indian sub-continent.

MINISTER FOR FOREIGN AFFAIRS - There is considerable concern internationally that Pakistan is constructing a centrifuge uranium enrichment facility, outside of international safeguards, which would provide it with nuclear explosive capability. Australia shares that international concern. There can be no doubt that achievement of a nuclear explosive capability by any additional state would endanger not merely the security of the region concerned but also international stability generally. It would continue to increase the risk of further proliferation, while obviously international cooperation and trade in the peaceful uses of nuclear energy would be seriously jeopardized. Australian concern has been made known to Pakistan. Pakistan has stated that its nuclear program is for peaceful purposes only. The Government considers that if there is evidence to indicated that a country is planning to develop a nuclear explosive capability, broadly based international pressure should be brought to bear to dissuade it from proceeding with those plans. Consequently, Australia has been in close and continuing contact with a number of concerned governments on the matter. We have also informed a wide cross section of states of our very deep interest and have sought their views. Adherence by all states to a treaty prohibiting nuclear weapons testing would obviously greatly assist international efforts to prevent the spread of nuclear weapons to additional countries. As a country with impeccable non proliferation credentials, Australia will continue to urge that such a treaty be concluded as quickly as possible.
India has been at loggerheads, in one way or another, with practically all its neighbours. Most serious differences have been with Pakistan and China. As far as we are concerned, we set in train the process of normalizing relations with India at Simla two years ago and there has been a step by step progress in that direction. As far as China is concerned, it has officially declared that with the implementation of the Security Council resolution 307 (1971), it is looking forward to the establishment of normal relations with all States of the sub continent. Unless India seeks to reverse this evolution we cannot see relevance of this nuclear exercise to the immediate political setting of the sub continent.

Moreover, we must realize that the exercise of nuclear threat by a nuclear weapon Power against a non nuclear weapon country is something which affects not only the victim but also the entire international community, particularly the Great Powers. Let us not, therefore, feel that we cannot secure political counter measures against a potential nuclear threat from India. We shall not let ourselves be alone in facing this challenge. India has dynamited and shattered to pieces the Non-Proliferation Treaty. This is bound to embolden Israel and South Africa to further work of demolition. It is not only we, therefore, but the Asian African community that has been exposed to a new menace.

There is, therefore, no reason why Pakistan should abandon its efforts to explore the possibility of a political action against nuclear threat. Inasmuch as proliferation of nuclear weapons is a danger to the whole world, the United Nations has a clear and pressing duty to address itself more vigorously to the question of credible security assurances against nuclear threat or blackmail to all non nuclear weapons States. The existing assurances extended by the Security Council lack credibility. Nor can be the United States - Soviet statement to act jointly to prevent nuclear weapons inspire sufficient confidence among victims of would be nuclear aggressors. What is needed is a joint undertaking in the nature of an obligation by all the permanent members of the Security Council to act collectively or individually on behalf of the threatened state. In other words, a nuclear umbrella of all five great Powers, or, failing that, of at least one of them is the irreducible minimum of protection that is required to give State like Pakistan a real assurance of security against nuclear threat or blackmail.

It has to be understood by all concerned Powers that Pakistan’s anxiety in this respect cannot but be unparalleled. No two among the five great nuclear weapon powers -- United States, Soviet Union, China, France and Britain -- have had a history of confrontation and wars between them in contemporary times or in the
past remotely comparable to the relations between India and Pakistan. In barely a quarter century between 1947 and 1971, India has gone to war three times against Pakistan. Throughout this period India has spurned all possible methods of peaceful settlement of its disputes with Pakistan. The last war was the result of India’s armed intervention in order to bring about disintegration of Pakistan. Against this background which is unique in the present age, we repeatedly warned the great Powers and also Canada that India would betray its assurances and its bilateral agreement with Canada and explode a nuclear device in order to claim status of a nuclear weapon Power. These warning went unheeded. Meanwhile over two decades India steadily acquired nuclear know how, built Plutonium device of the type it exploded in Rajasthan on Saturday, 18 May 1974. This production took place in Canada - India reactor which was supplied on the express understanding that it would be used for constructive purposes only. I am not surprised and hardly relieved that the Canadian Government has expressed itself as very disturbed by the announcement of the Indian explosion and has termed it as a severe setback to international efforts to prevent nuclear testing and proliferation of nuclear weapons.

Such statement, while welcome in intent, cannot assuage our fears. Given the brutal fact of 18 May explosion, Pakistan cannot be expected to rest on technicalities and protocol. It would be unfair, indeed immoral, that India’s flagrant violation of non-proliferation assurances should make nuclear weapon Powers resort to the double perversity of not only condoning it but also giving it a blessing by putting a stop or imposing restrictions on normal nuclear programmes of other States.

Indeed at this stage we are taking steps to secure a political insurance against India’s use of nuclear threat and I can announce some of these steps; we are formally approaching the Secretary General of the United Nations and I am also sending the Foreign Secretary to China, France and Britain to explain our position to their Governments. I am visiting the Soviet Union myself and will take up this question with the Soviet leaders. I have asked the Minister of State for Foreign Affairs and Defence to raise this issue at the CENTO meeting, Washington D.C., and to hold urgent discussions with officials of the United States Government. He will thereafter go to Canada, which has made singular contribution to India’s nuclear capability. I am also addressing letters to Head of States and Governments of all nuclear weapons States.

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1826. Official Announcement made by Brajesh Chandra Mishra in the Conference of the Committee on Disarmament regarding the underground Peaceful Nuclear Explosion conducted by India.


The Atomic Energy Commission, Government of India, announced today that it carried out a peaceful nuclear explosion experiment using an implosion device. The explosion was carried out at a depth of more than 100 meters.

As part of the programme of study of peaceful uses of nuclear explosion the Government of India had undertaken a programme to keep itself abreast of developments in this technology particularly with reference to its use in the field of mining and earth moving operations.

The Atomic Energy Commission, Government of India also stated that India had no intention of producing nuclear weapons and reiterated its strong opposition to military uses of nuclear explosions.

India has consistently affirmed its inherent right to use nuclear explosion technology for peaceful purposes and declared its intention to pursue experiments in that direction. The Government of India has repeatedly made its position clear in policy statements in Parliament and in various international forums that India planned to utilize all applications of nuclear energy for peaceful purposes, including peaceful nuclear explosions.

The Government of India has been and remains firmly committed to a policy of using nuclear energy for peaceful purposes, and in that context, of studying and working on all meaningful applications of economic significance. The development of peaceful nuclear explosion technology is an integral part of that policy.

Some press reports have mentioned that India has become the sixth nuclear Power. I should like to take this opportunity to clarify the position. All countries developing uses of nuclear energy are nuclear Powers; those which develop or possess nuclear weapons are nuclear weapon Powers. India has no intention of becoming a nuclear weapon Power. At the same time, India maintains its right to promote the fullest development of all peaceful uses of nuclear energy.

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1827. Statement issued on behalf of External Affairs Minister Swaran Singh on India’s Peaceful Nuclear Experiment.

New Delhi, May 21, 1974.

We are happy to note that the peaceful nuclear experiment which took place on May 18, 1974, represents a step forward on the road to peaceful uses of nuclear energy for the welfare of our people. I would like to congratulate our scientists and others who have made it possible for this achievement by our country. This experiment is an important landmark in the development of nuclear technology for peaceful and economic uses. We have no intention of developing nuclear weapons.

Indian scientists and technologists have been active in this field for two decades; and it is well known that already two atomic power plants are supplying nuclear energy into our national power grid, for the use of our people. The present experiment is important, because it represents our resolve to develop our indigenous resources of energy for the benefit of our people through our own efforts. In performing this scientific test India has not violated any of her international obligations. We are heartened by the enthusiastic support which we have received in this endeavour from the countries of developing world.

It is singularly unfortunate that the peaceful nature of this nuclear experiment of ours should be misconstrued and misread in Pakistan. The apprehensions aroused in Pakistan are unfounded. We value our commitment under the Simla Agreement to settle all our differences with Pakistan by peaceful and bilateral means. Moreover, both countries have resolved that the past policies of confrontation and conflict are banished forever.

We hope, therefore, that whatever mis-conception has arisen in Pakistan about this experiment will be replaced, after cool reflection, by a more objective and realistic assessment. India has always supported the development of cooperation amongst countries of this region on the basis of sovereign equality. Pakistan’s allegations of hegemonistic designs have no basis at all, and are, to say the least, uncharitable.
1828. Letter from Prime Minister Indira Gandhi to Pakistan Prime Minister Z. A. Bhutto.

New Delhi, May 22, 1974.

I was planning to write to you when reports of your recent statement in Lahore regarding India’s peaceful nuclear explosion test were brought to my notice. I am sorry that you should have assumed, in spite of our categorical declarations that the nuclear test which our scientists have conducted entirely for developing nuclear technology for peaceful and economic uses, somehow poses a threat to Pakistan’s security.

Our Foreign Minister, Sardar Swaran Singh has already made a statement but I also should like to assure you that we remain fully committed to our traditional policy of developing nuclear energy resources entirely for peaceful purposes. The recent underground nuclear experiment conducted by our scientists in no way alters this policy. The underground test was conducted in carefully controlled conditions and is designed to develop technology for various economic uses of nuclear energy. Every country has the right to develop its natural resources and this is especially so at a time when the world crisis in raw materials and energy resources has demonstrated that the tapping of all forms of energy resources is essential to our survival. India has advanced sufficiently in nuclear research to develop its nuclear technology for the utilization of its indigenous resources for peaceful and economic purposes. We have entered into collaboration with several developing countries for the peaceful uses of atomic energy.

I am aware that in popular parlance a nuclear explosion evokes an awesome and horrifying picture. However, this is because our minds have been conditioned by the misuse of nuclear energy for the development of weapons and by the use of these weapons in Hiroshima and Nagasaki. We in India have condemned and will continue to condemn military uses of nuclear energy as a threat to humanity. However, the development of the peaceful uses of nuclear energy, rather than posing a threat, provides a ray of hope for mankind, faced as it is by the specter of dwindling energy resources.

It is strictly in this context that our scientists have launched on this experiment. Every care and precaution was taken to conduct the test underground in such a way as to preclude any risk of pollution or radiation hazards either to our own people or to those in neighbouring countries.

There are no political or foreign policy implications of this test. We remain committed to settle all our differences with Pakistan peacefully through bilateral negotiations in accordance with the Simla Agreement. Moreover, both countries have resolved to break away from the past history of confrontation and conflict.
and to work to develop normal relations and establish durable peace. I am sure you will acknowledge that the agreements which have been worked out between our two countries in the last two years, have been reached on the basis of absolute equality. There is no reason, whatsoever, to give up this healthy trend or for a change of policy on the part of either country merely because we have conducted a test for the peaceful uses of nuclear energy.

You have shown statesmanship in dealing with the problems of the sub continent. We welcome the announcement of the forthcoming meeting of the officials of our two countries to discuss matters of common interest.

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1829. Reply Letter from Pakistan Prime Minister Z. A. Bhutto to Prime Minister Mrs. Indira Gandhi.
Islamabad, June 6, 1974.

We have taken note of your assurance that you remain fully committed to the development of nuclear energy resources for peaceful purposes only and that you will continue to condemn the military use of nuclear energy as a threat to humanity.

You will, however, appreciate that it is a question not only of intentions but of capabilities. As you know, in the past we received many assurances from India which regrettably remained un-honoured. India’s categorical assurance regarding a plebiscite in Jammu and Kashmir in order to enable its people to freely decide their future is the most outstanding example.

It is well established that the testing of a nuclear device is no different from the detonation of a nuclear weapon. Given this indisputable fact, how is it possible for our fears to be assuaged by mere assurances, assurances which may in any case be ignored in subsequent years? Governments change, as do national attitudes. But the acquisition of a capability, which has direct and immediate military consequences, becomes a permanent factor to be reckoned with. I need hardly recall that no non nuclear-weapon State, including India, considered mere declarations of intent as sufficient to assure their security in the nuclear age.

Furthermore, the Indian nuclear explosion is an event which cannot be viewed in isolation from its surrounding circumstances. Your rapidly developing programme for acquiring medium range missiles and, with external assistance, placing a
satellite in orbit, thus obtaining a delivery system for nuclear weapons, and your projected building of nuclear Navy are most pertinent in this context. These are matters of concern not only to Pakistan but to all countries which border on the Indian Ocean.

Pakistan's reaction to India's nuclear explosion is therefore, in no way abnormal shared by practically all impartial opinion. Indeed our reaction is throughout the world. Pakistan has additional reasons for a unique anxiety because no two among the five nuclear weapons States, have been involved in the kind of confrontation and unresolved disputes which have bedeviled relations between India and Pakistan. You have mentioned, rightly too, that agreements between India and Pakistan worked out during the last two years were reached on the basis of absolute equality. However, the fact cannot be dismissed that these agreements were but a sequel to the act of armed intervention by India which brought about the dismemberment of Pakistan.

You have referred to the economic compulsions behind your nuclear test. Since Pakistan faces economic problems broadly of the same kind as India, we cannot be unsympathetic to attempts at achieving a breakthrough in their solution. No one can disagree with the proposition that nuclear energy can be an immense boon. But one can have access to nuclear technology and nuclear power without having to conduct nuclear explosions. In fact it has been made entirely possible for the non nuclear weapon States to use nuclear explosives for peaceful application under procedures of international control. I am, therefore, at a loss to understand why a developing country like India should choose to divert immense resources to the acquisition of a nuclear weapon capability when these could be utilized for the alleviation of poverty and disease.

Our policy for the last two years has been to make every effort to establish relations between India and Pakistan on a rational neighbourly basis. We do not wish to be deflected from that policy, as said in my statement in Lahore on the 19th of last month. Your nuclear explosion, however, introduced an unbalancing factor at a time when progress was being made step by step towards normalization of relations between our two countries and we had reason to look forward to equilibrium and tranquility in the sub continent. When Pakistan's attempts to obtain even spare parts under treaty commitments cause an outcry in India not only unjustified but totally disproportionate, it would be unnatural to expect public opinion in Pakistan not to react to the chauvinistic jubilation widely expressed in India at the acquisition of a nuclear status.

We find it difficult to believe that the deleterious effects of this new phenomenon can really be removed unless the nuclear weapon powers undertake the obligation jointly or individually to defend a non-nuclear-weapon State against the nuclear threat and unless also a nuclear State, which wishes to forsake the development
of nuclear weapons, does so through one or more concrete and binding international instruments. Since you have declared that India does not want to develop nuclear weapons or to exercise a nuclear threat against any state, neither of these two components of a solution of the problem should be disagreeable to you.

The question of a binding agreement between a nuclear State and one or more non nuclear weapon States which would preclude the use or threat of nuclear weapons is something that can be taken up between the States concerned. The question of credible assurances to non nuclear weapon States is, however, one of global implications and, therefore, of direct concern to the United Nations. In the sixties, India was among the first to put forward the idea of a joint nuclear umbrella for the non-nuclear weapons states. I have, therefore, addressed the Secretary General of the United Nations, who has the over riding responsibility in this field, and the five permanent members of the Security Council asking them to give this question their urgent attention.

You will agree that this matter is of tremendous importance to both your people and ours. In view of its extraordinary nature, I propose to release to the press your letter and my answer after it will have reached you in Delhi. This has become all the more necessary since the press has already reported the substance of your letter.
1830. **Statement issued by External Affairs Minister Swaran Singh following the exchange of correspondence between the Prime Ministers of India and Pakistan on the question of India’s peaceful nuclear explosion.**

New Delhi, June 7, 1974.

The Prime Minister of Pakistan has today responded to the message of our Prime Minister, sent to him on May 22, regarding India’s peaceful nuclear explosion.

In view of Prime Minister Bhutto’s decision to release the text of both messages, we are taking similar action. Our Prime Minister’s message of May 22 was in the nature of a constructive and friendly effort to reassure Pakistan and to convey India’s firm resolve to use nuclear technology for peaceful and economic uses. It is, therefore, unfortunate that Mr. Bhutto, in his reply, has reverted to his style of making baseless allegations of a propagandistic nature.

In July 1972, India and Pakistan signed the Simla Agreement which provides for the settlement of all differences peacefully and through bilateral discussions. This included the question of Kashmir which was to be settled in the context of normalization of relation and the establishment of durable peace. Regrettably, instead of implementing the Simla Agreement, Prime Minister Bhutto has now started making accusations of broken assurances. It is well known that in 1947 Pakistan armed forces had invaded Kashmir after the State’s Accession to the Indian Union. In this context, the question of continued illegal occupation by Pakistan of a part of Jammu and Kashmir is a matter to be settled in accordance with the Simla Agreement.

It is strange that so soon after recognizing Bangladesh and after concluding the Tripartite Agreement with Bangladesh and India, the Pakistan Prime Minister should deem it fit to make the unwarranted allegations that India was responsible for bringing about Pakistan’s dismemberment. The entire world remembers and Prime Minister Bhutto has himself acknowledged that the brutal and inhuman repression of the people of Bangladesh, by the Pakistan military junta headed by General Yahya Khan started the chain of events, that resulted in the resurgence of the people of Bangladesh, leading the country to freedom. As to who commenced the war in 1971, this is no longer a matter of doubt or dispute. Even a senior Pakistani General, General Fazal Muqeem Khan, now their Defence Secretary, has acknowledged in his book that on December 3, 1971, Pakistani troops crossed the western border into India according to a pre-conceived plan. Simultaneously, Pakistan Air Force had subjected Indian airfields to an unprovoked and concerted attack.
In a vain attempt to build up the bogey of India developing a nuclear weapons capability, Prime Minister Bhutto has even gone to the extent of distorting the nature and purpose of our scientific experiments in space research. India’s programme of space research is open and well known to the scientists of the world. Its basic objective is to explore new avenues and methods of disseminating scientific and educational knowledge. Pakistan in deliberately trying to distort and mis-represent India’s programme of peaceful uses of nuclear and space technology by imputing military motives.

It is difficult to understand how a peaceful nuclear experiment could be considered a factor leading to the upsetting of the equilibrium and tranquility in the sub continent as alleged by Prime Minister Bhutto. India continues to believe firmly in the principle of sovereign equality of all her neighbours. The success of the nuclear experiment does not in any way alter this position.

1831.

Record of discussions between External Affairs Minister Atal Behari Vajpayee and Secretary General of Pakistan Ministry of Foreign Affairs Agha Shahi.

New York, October 6, 1977.

Mr. Agha Shahi began by referring to Foreign Minister’s speech in the general debate. He said Pakistan had noted the underlying good spirit of FM’s statement. They had noted FM’s reference to the Prime Minister’s pledge that India would not produce nuclear weapons. Pakistan welcomed this development. In fact, Pakistan wanted to discuss a few issues relating to disarmament with India, including this issue earlier. However, due to internal developments in Pakistan as also the process of elections in India, they had not been (able) to hold any consultations on this subject. Mr. Shahi recalled Pakistan’s proposal for a nuclear weapon free zone in South Asia. While continuing to believe in the desirability of that proposal, Pakistan felt that perhaps a gradual approach may be more productive. Mr. Shahi then spoke about the idea of a joint declaration by countries in South Asia stating that they would not acquire nuclear weapons. Shortly after the Indian nuclear explosion, Mrs. Gandhi had written to Mr. Bhutto, conveying that India did not wish to acquire nuclear weapons. The same pledge could be spelt out by all countries of South Asia viz. India, Pakistan, Bangladesh, Sri
Lanka, Nepal and Bhutan in a joint declaration. Mr. Shahi felt that such a joint declaration would be in the spirit of India’s declared policy on the subject.

2. Mr. Shahi then raised the question of security assurances for non-nuclear weapon states. He recalled that in the early sixties following the first Chinese nuclear weapon test, it was India which had put forward this idea. Even during the discussions preceding the NPT India had emphasized, on one hand its demands that the Treaty should not be unequal but on the other the question of joint security guarantees for non nuclear weapon States. India had put forward these ideas in 1968 when the Security Council was discussing a resolution on this subject. Mr. Shahi added that Pakistan was now trying to carry that idea forward. So far some of the nuclear weapon states had only given declarations of intent not to use nuclear weapons against non nuclear weapon States. However, such declarations of intent were conditional. Last year Pakistan had tabled a resolution on this subject after preliminary exchange of views with countries like India and Yugoslavia. Both India and Yugoslavia had abstained on the voting on that resolution. Mr. Shahi felt that the Indian and Pakistani position on the question of guarantees to non nuclear weapon States was similar. He, therefore, requested that the resolution that Pakistan proposed to table this year should receive India’s support. Such Indian support would be a positive development and extend the already existing cooperation in the economic field to the field of disarmament also.

3. Mr. Shahi said that Pakistan was considering drafting some principles on transfer of technology. It hoped to draft these principles in the context of IAEA. They had already discussed this idea with the Yugoslavs and would be happy to do so with India. Mr. Shahi said that on all these issues, India and Pakistan could get together and take coordinated steps. He repeated that the cooperation between the two delegations in the economic fields should be extended to other fields such as disarmament.

4. Foreign Minister enquired about the letter from Mrs. Gandhi to Mr. Bhutto referred to by Mr. Shahi. He said that he had not seen it so far. Mr. Shahi clarified that in substance the letter gave a pledge that India would not produce nuclear weapons. He recalled that he had inconclusive discussions on this subject with both Mr. Kewal Singh and the present Foreign Secretary. Foreign Secretary, who was present, stated that a joint declaration on the lines suggested by Mr. Shahi would prove problematic for India. India’s intention not to produce nuclear weapons was clear and was explicitly stated. Also, India’s position on any international treaty being non discriminatory was also well known. The principle of non discrimination was a universal one. However, either the joint declaration envisaged by Pakistan or its concept of a nuclear weapon free zone in South
Asia referred only to a particular region. We were, therefore, not in favour of mixing the two together. The Foreign Minister added that China was not covered by any initiative envisaged for South Asia. He wondered why India and Pakistan should limit themselves to thinking about only nuclear weapons. They could look beyond this. In this connection, he recalled the old offer of a no war pact with Pakistan which he himself had repeated in the Rajya Sabha sometime ago. The reaction in Pakistan press to this offer was, strangely enough, not favourable. Mr. Shahi said that the Pakistani press reaction to this offer was governed by the past history of this proposal. In fact, the Simla Agreement was really a no war pact in a sense. However, the proposal in the form of no war pact always evoked memories of the past and hence unfavourable reaction in the Pakistan press. FS then referred to the improving bilateral relations between Pakistan and India. We looked forward to cooperation with Pakistan. However, the joint declaration idea posed a problem because it restricted itself only to South Asia. Mr. Shahi said that he was aware of India’s problems in this regard. However, he requested that the matter should be given another thought. It was a matter of satisfaction that the present Government of India had stuck to the previous Government’s stated policy on the production of nuclear weapons. However, a joint declaration would give a greater feeling of assurance of security to India’s neighbours including Pakistan. The trouble with unilateral declaration was that they could change with changes in Government. He was happy about the present Indian Government’s stated policy and hoped that the Government would stay in power indefinitely. But since these things could not be taken for granted, Pakistan preferred a joint declaration. It would be a modest but good step in the right direction. Mr. Akhund, Permanent Representative of Pakistan to the UN who was present, said that perhaps the following modus operandi could be considered; All countries in South Asia could make unilateral declarations denouncing the production and use of nuclear weapons. Thereafter a meeting could be called of these countries, perhaps in Delhi, where they could issue a joint declaration based on their unilateral declarations. F.M. said that India’s assurances about non acquisition of nuclear weapons were totally sincere. The Government definitely meant what it said on this subject. When he was in the Opposition, his party was for acquisition of nuclear weapons. However, this position had now changed. It was a moral commitment of the Prime Minister that India should not possess nuclear weapons. Mr. Shahi stated that Pakistan would like to see moral commitments become a tenet of India’s policy. Foreign Secretary said that both India and Pakistan were against discriminatory treatment regarding transfer of technology. They could cooperate in this field to their mutual benefits. Mr. Shahi stated that if the countries in South Asia made a joint declaration as suggested by him, “it would not be difficult to get China to respect
such a declaration and a nuclear weapon free zone in South Asia”. Foreign Minister enquired whether this matter was discussed by Pakistan with China. Mr. Shahi hastened to say that Pakistan had not done so as yet because before there was agreement in the region, it would be premature to do so. Mr. Akhund said that if such a declaration was issued by all countries in South Asia not only China but all the five nuclear weapon states could be asked to consider to respect South Asia as a nuclear weapon free zone.

5. Mr. Shahi then turned to Indian press reports regarding the differences between Pakistan and the United States on Pakistan’s acquiring a reprocessing plant from France. He wanted to make it clear that Pakistan’s contract with France was not motivated by any ambition for producing nuclear weapons. Apart from Pakistan’s motives, the safeguards agreed to were such that even if Pakistan want to, it could not use the facilities provided by the contract for production of nuclear weapons. Although these safeguards were stringent Pakistan decided to go ahead with the contract because it considered that it would probably be its last chance to acquire a reprocessing plant. In about 20 years time, Pakistan hoped to produce its own breeder reactor but even these would be subject to the same safeguards as was envisaged under the contract with France. Mr. Shahi said that at the time when the contract was being finalized, an inter-ministerial team in Pakistan had gone through its details very carefully. They had come to the conclusion that “it would be a pipe dream” to think of utilizing this contract in terms of weapons capability. Whatever fuel was saved from the reactor installed in Pakistan with Canadian help was also subject to strict safeguards. It could, therefore, not be diverted to any weapons production programme. Pakistan could have got a reprocessing plant quite cheaply in the 60s. However, its priorities then were different. The Indian press had made much about Mr. Bhutto’s ambitions to produce a nuclear bomb. Pakistan did not have the technology necessary to produce a nuclear bomb. Also, as explained, the safeguards were extremely strict and therefore it was “impossible for Pakistan to produce nuclear weapons.” Mr. Shahi said that the question should legitimately be asked why then Pakistan was going ahead with the purchase of this reprocessing plant, particularly when the US seemed dead against it. He clarified that when Pakistan was negotiating the purchase with France, US had taken no position. It had not indicated its views, if any, to Pakistan at that stage. However, after the contract between Pakistan and France was signed, this issue had come up in the context of the Presidential election campaign there. Knowing Candidate Carter’s well known position President Ford had then decided to come out against it. Kissinger had then begun to apply pressure on Pakistan to abandon the contract. However, the issue had assumed importance in the context of internal situation in Pakistan also. Mr. Bhutto was then expecting to go to polls
shortly. It was considered that his independent foreign policy was one of his strongest assets in the election campaign. Had he backed down in the face of the American pressure, it was thought, it would not rebound to his credit, and consequently his election prospects would suffer. The fact that Kissinger had spoken publicly about this issue turned it into an explosive political issue involving prestige and sovereignty of Pakistan. When the interim Government came to power, America renewed its pressure for cancellation of the contract. The interim Government had then explained that it simply could not cancel this contract because it had publicly stated that it stood by all the international commitments made by its predecessor. It should also be remembered that despite the fate of Mr. Bhutto, his party was an important political force to reckon with and any change of policy on the Government’s part would convert this issue into a major electoral issue. Even the parties constituting PNA had said that they stood by the contract. Therefore, neither the interim Government nor any future Government either belonging to the PPP or the PNA had any maneuverability left in the matter and the contract would have to be gone through. USA had hinted that if Pakistan decided to stick to its position, the question of US assistance to it would have to be reviewed. If the US wanted to take this attitude, Pakistan had no alternative but to do without US assistance in order to stick to a position which simply could not be reversed at this stage. Mr. Shahi said that he had given this lengthy explanation to make the point that Pakistan had neither the intention nor the possibilities of misusing the provisions of the contract to produce nuclear weapons. Pakistan’s future energy requirements and also its national pride demanded that it should go through with its decision. Foreign Minister enquired what the precise position regarding the contract was. Mr. Shahi said that both France and Pakistan were keen to implement the provisions of the contract. There was American pressure on France too. However, if France went back on its word it would have to face loss of credibility which would affect its dealings with other countries also. Mr. Shahi felt that the reason why the US was against Pakistan acquiring this plant was the existence of pro Israeli lobby in this country which feared, wrongly, that Pakistan would acquire nuclear weapons and pass them on to Arab countries.

Foreign Secretary said that India faced another variation of the same problem. President Carter’s policy appeared to be discriminatory in this regard. Prestige and national sentiments were also involved in our dealings with the USA. We had made the unilateral declaration of our intention not to produce nuclear weapons. But we could not understand attempts at repudiation of existing contracts. India wished to develop nuclear energy for peaceful purposes. However, there appear attempts to control its efforts. Both India and Pakistan therefore face this problem of restrictions. Mr. Shahi enquired whether the existing
stocks of heavy water for the Tarapur plant would last for one or two years. Foreign Secretary said that they would last up to December. We were not yet certain that we would get further supplies at that time. Mr. Akhund enquired what precisely the American conditions were. FS replied that the American side wanted to change the terms of the contract. They wished to place under safeguards all our capabilities FM said that it was strange that while the American did not allow inspection of their own facilities, they should seek to impose such conditions on others. Mr. Shahi agreed. He referred to the loss of several tons of plutonium from the US as reported in the press. The matter had not been heard about further. This episode showed that the lack of responsibility was on the part of those countries which had nuclear weapons. Mr. Akhund said that against this background when unilateral declarations of intent were doubted, a joint declaration might prove useful. FS said that both India and Pakistan resented that while restraints were sought to be placed on them, nuclear weapon powers were free from them. National sensitivity in both countries therefore hurt. If we did not focus on this aspect, we would be weakening our arguments.

6. The meeting ended with Mr. Shahi requesting the Foreign Minister to consider carefully the proposals he had outlined. FM agreed to consider them.
1832. Letter from General Zia-ul-Haq to Prime Minister Morarji Desai.


The Islamic Republic of Pakistan
Islamabad

3 March, 1979

His Excellency
Mr. Morarji Desai,
Prime Minister of India
New Delhi.

My dear Prime Minister Desai,

I thank you for your letter of February 8, and wish to assure you that I fully share your concerns over the dangers of nuclear proliferation in general and the threat it poses to the peace of our region in particular. You have also expressed concern over the possibility of Pakistan's developing nuclear technology "to the point of acquiring explosion capability" which could upset the balance for peace in this region and lead to a nuclear arms race between our two countries. Forgive me if I am not able to go along all the way with this view which appears to be based on misleading reports about our nuclear programme.

I would like to begin by assuring you that our entire nuclear programme is geared to the peaceful uses of nuclear energy and that Pakistan has no intention whatsoever of acquiring or developing nuclear weaponry. Pakistan's decision to acquire the plutonium reprocessing plant, under safeguards far more stringent than those prescribed by International Atomic Energy Agency, is part of our programme of nuclear power generation. This programme has been designed to meet the country's growing energy requirements and to ensure the availability of the necessary technology which will enable us to meet the inevitable short-fall in conventional fuel supplies in the future.

We believe in the right of all states to develop their programmes for the peaceful uses of nuclear energy in conformity with their own interests and needs. We are convinced that developing countries must be free to acquire nuclear technology, equipment, and material for peaceful purposes, subject to an agreed and non-discriminatory international safeguards system. I may add that this view is supported by almost all developing countries.

Our commitment to the peaceful uses of nuclear energy is amply borne out by our unqualified acceptance of international safeguards for the reprocessing plant as well as for the Karachi nuclear power reactor. Pakistan's acceptance of international
safeguards effectively guarantees that these facilities will not be misused for the manufacture of nuclear weapons. India, on the other hand, has an entirely un-safeguarded nuclear fuel cycle, which includes three reprocessing plants, a plutonium production reactor, several heavy water plants and other related facilities. This gives future Indian Governments a ready option to use India's nuclear capability for military purposes at any time of their choosing. India has already demonstrated its capability, by conducting an underground test of a nuclear device, close to our borders.

The Government of India is well aware that Pakistan has actively supported moves in the United Nations and other international forums aimed at curbing nuclear proliferation. Over the years, we have taken several initiatives in that direction. The most important of these relates to the question of security assurances to non-nuclear-weapons states and the establishment of nuclear-weapons free zones. Regrettably, it is India's opposition which has impeded progress in this field.

I welcome your assurance that India's policy is uncompromising in favour of using atomic energy for peaceful purposes and that you have unilaterally eschewed any resort to explosion even for peaceful purposes. I am genuinely impressed by the sincerity of your personal assurances. At the same time, however, we are disturbed by your Foreign Minister's observations to the BLITZ weekly, in a recent interview. He spoke of India's readiness to resume nuclear "blasts or explosions", for peaceful purposes, adding that India "cannot for all time to come foreclose its nuclear option." He further said, "so far as the benefits of atomic weapons are concerned, Mr. Karanjia, you know I belong to the party which was for the Bomb."

You will agree with me that a country's policies are liable to change with the changes in government. Unilateral declarations and assurances must, therefore, be embodied in binding multilateral agreements in the interest of lasting peace and stability. I would, therefore, wish to urge you to reconsider your views in this regard and lend your government's support to the establishment of nuclear-weapon-free zone in South Asia. Any doubts and reservations can be dispelled through mutual consultations. For our part, we would be prepared to accept international inspection of all nuclear facilities in South Asian region, or if your government prefers, a system of bilateral inspection on a reciprocal basis. India is also in a unique position to make a lasting contribution towards curbing nuclear proliferation by accepting full-scope safeguards covering all its nuclear facilities or acceding to the Non-Proliferation Treaty. Let me assure you that we shall promptly follow your lead in this matter.

In the meantime, Pakistan is prepared, as a first step, to make a joint declaration with India and other states in South Asia, to renounce the manufacture or acquisition of nuclear weapons. Such a joint declaration, which will have
With profound regards,

Yours sincerely,

Sd/-

General (M. Zia-ul-Haq)

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1833. Press Release issued by the Pakistan Embassy in New Delhi quoting the Statement issued by Official Spokesman of the Pakistan Ministry of Foreign Affairs declaring “Pakistan’s Nuclear programme for peaceful purposes”.

Islamabad, March 6, 1979.

Replying to a question about Mr. Atal Bihari Vajpayee statement* in the Rajya Sabha on March 2, that reports had reached India about Pakistan’s nuclear programme not being entirely for peaceful purposes, a Foreign Office spokesman expressed surprise that Pakistan’s modest nuclear programme which was being carried out under strict safeguards, should be debated in the Indian Parliament and its peaceful purpose questioned by India which has an entire fuel cycle outside all safeguards and has already staged a nuclear explosion close to Pakistan’s borders.

The spokesman also drew attention to the Indian Foreign Minister’s statement in the Blitz Weekly of February 3, in which Mr. Vajpayee denied that India had given up its nuclear option and reminded the Editor that he belonged to a party which was for the Bomb.

The spokesman stated emphatically that Pakistan’s nuclear energy programme was not oriented towards non peaceful purposes and cited as evidence Pakistan’s initiative in the United Nations to establish a nuclear weapon free zone in South Asia which would involve renunciation of acquisition of nuclear weapons as well as international inspection of all nuclear weapons as well as international
inspection of all nuclear facilities existing in all the countries of this region. He
regretted that India was adamantly opposed to this proposal as well as to the
proposal for acceptance of full scope safeguards on a reciprocal basis. In these
circumstances, the spokesman said, it is incomprehensible that India should
feel uneasy about Pakistan’s peaceful and safeguarded nuclear programme.
Rather it was Pakistan and other countries in South Asia which had every reason
to feel concerned over India’s intentions in the nuclear field. The spokesman
added that India could make a lasting contribution to the peace and stability of
the region by agreeing to the establishment of a nuclear weapons free zone in
South Asia or acceding to the nuclear non proliferation treaty. Pakistan, he
said, will be only too happy to follow India’s lead in this matter.

Referring to Prime Minister Desai’s statement in the Rajya Sabha that he had
written a letter to President Zia ul Haq about Pakistan’s nuclear programme, the
spokesman confirmed its receipt and said that a reply from the President was
on its way to Prime Minister, Mr. Desai.

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1834. Statement by Minister of External Affairs Atal Bihari
Vajpayee in Lok Sabha while responding to the ‘Calling
Attention Notice’ on the ‘Reported Situation Arising out
of Pakistan Going Nuclear’.

New Delhi, March 30, 1979.

[The Minister of External Affairs, Shri Atal Bihari Vajpaye, made the following
statement in the Lok Sabha on March 30, 1979, regarding the reported situation
arising out of Pakistan going nuclear with the help of China and other foreign
countries. He was replying to a Calling Attention by Shri Yadendra Dutt and
four others:]

A number of reports have come to the attention of the Government regarding
the efforts of the Government of Pakistan to purchase equipment which could
be used for a programme to develop Nuclear explosive capability.

* Replying to a question in the Rajya Sabha External Affairs Minister Atal Behari Vajpayee
had said: “Government of India has consistently stood for the use of nuclear energy for
peaceful purposes and it is opposed to its use by any country for making nuclear
weapons.” Answering a supplementary question he had said: “We have received
reports that Pakistan has embarked upon a nuclear programme which may not be
totally for peaceful purposes.”
As the House is aware, Pakistan concluded an agreement with France in January, 1976 to secure a nuclear reprocessing plant. It was reported that US Government had urged that the Pakistan - French programme for reprocessing should be suspended. Some months ago reports appeared that the French Government had decided to suspend further supplies under the agreement. It is not known what equipment and design had already been supplied. In addition, it was reported that the Government of Pakistan also imported from United Kingdom “Variable Frequency Inverters”, an equipment which is used both in synthetic fibre manufacture as well as in gas centrifuges for uranium enrichment. This matter was brought up in the House of Commons in July 1978. We understand that the UK Government have taken steps under the Export Control regulations to stop further supplies to Pakistan. We have however, no information of China giving assistance for Pakistan’s nuclear programme.

In any case, in the light of these reports, it was felt that the matter was grave enough to be brought to the attention of the Government of Pakistan. The Prime Minister accordingly took the initiative to write to President Zia on February 8, 1979 expressing India’s concern over Pakistan’s efforts for acquiring nuclear technology to the point of explosion capability. A reply to this letter has since been received from the President of Pakistan. In his reply dated 3rd March, President Zia has stated that Pakistan’s entire nuclear programme is geared to peaceful uses of atomic energy and that Pakistan has no intention of acquiring or developing nuclear weaponry.

The Pakistan media quoting official sources in Islamabad said that President Zia’s reply to the Indian Prime Minister’s letter expressing concern at Pakistan’s efforts to acquire nuclear explosion capability said that the President had suggested a joint declaration renouncing the manufacture and acquisition of nuclear weapons. Gen. Zia asked Mr. Desai to lend his support to the establishment of the nuclear weapon free zone in South Asia and accept international or bilateral inspection on reciprocal basis of all nuclear facilities in India and Pakistan. The media reports said that ‘in the views of Gen. Zia, India could make a lasting contribution towards the curbing of nuclear proliferation by accepting full scale safeguards for nuclear facilities or by acceding to the non proliferation treaty. He has assured Mr. Desai that Pakistan would promptly follow India’s lead in this matter. Pointing out that Mr. Desai’s apprehensions about the implications of Pakistan’s peaceful nuclear programme were based on misleading reports, Gen. Zia is stated to have reiterated that it is entirely geared to peaceful uses of nuclear energy and his country has no intention to acquire or develop nuclear weapons. Pakistan has also accepted cast iron international safeguards to dispel any doubt about its nuclear programme’. The reports said that on the other hand, ‘India has an entire fuel cycle outside any safeguard and which means that future Indian Governments have the option to use nuclear capability for military purposes at any time of their choosing. In reiterating Pakistan’s commitment to the peaceful uses of nuclear energy, Gen. Zia’s letter said to ‘recounts various initiatives taken by Pakistan to curb nuclear proliferation. These include the security assurances to non nuclear States and the establishment of nuclear weapon free zone. Regrettably, the progress in this field has been impeded by India’s opposition.’
The policy of the Government of India on the nuclear question is well known and has been reiterated on several occasions in this House as well as outside. We have unilaterally announced our intention to gear our nuclear programme only for peaceful purposes. The possibility of Pakistan developing explosion capability is of understandably grave concern to India. We earnestly hope that the assurance given by President Zia in his letter to the Prime Minister would be adhered in the acquisition of nuclear technology.

1835
SECRET

Letter from the British Prime Minister James Callaghan to Prime Minister Morarji Desai regarding Pakistan’s nuclear programme.


10, DOWNING STREET

THE PRIME MINISTER

My dear Prime Minister,

Thank you for your recent letter about Pakistan’s nuclear weapons programme. The issue is one which has been causing me increasing concern and I agree that evidence of Arab involvement would make the matter even more serious.

We became aware last year of Pakistani efforts to acquire equipment for her centrifuge programme in Britain and have taken a series of steps to deny her key items. The information which you provided (and that passed to us earlier) has both confirmed and supplemented the information on which we were working.

We have made three separate amendments to our Export Control Order to cover inverters and their components and specially designed tools essential for the manufacture of centrifuge parts and components. One of these amendments was a direct result of the information provided by your officials; the firm concerned is now under investigation. We are also keeping a close eye on a number of front organizations in this country being used by the Pakistanis.

In parallel with this we have detained a consignment of another sensitive component which was in transit through London Airport from a foreign supplier and subject to licensing under regulations. We have also been in touch with a
number of other supplier governments to whom we believed Pakistan could turn. Both in Europe and elsewhere we have found wide support for our concern at the situation and the need to take steps to withhold key components.

In all this we have concentrated what we estimate are the critical items. Many of these which you list are equipment with a wide range of industrial uses. It is not possible to impose effective controls on all of them. Neither would it add materially to the effect we can have on the Pakistani programme.

I believe that in the light of the supply problem which we and others have created for Pakistan she will not be in a position to explode a nuclear device for at least three to five years. But the best that we can achieve in this way is not by itself enough. A country really determined upon a nuclear weapons programme will manage in the end to secure or manufacture the essential equipment. There is no complete technical solution to this problem; there must be political solution. What we and others have done should have gained time to pursue one. I am considering whether there is anything we can do to help on the political level as well.

With warm good wishes

Yours sincerely

James Callaghan

Honourable Mr. Morarji Desai
Briefing by the American Embassy in Islamabad to American Journalists on Pakistan’s Nuclear programme.

Islamabad, April 8, 1979.

Embassy of India
Islamabad

[On 8th April there was a briefing of journalists by the Foreign Office on US Government’s decision to cut off Pakistan's development aid for the current year and next fiscal years because Pakistan's nuclear research programme was directed towards non-peaceful purposes.

Just before this briefing, the US journalists (who were in a large number in Islamabad in connection with Bhutto’s execution) were asked to come to the US Embassy for a briefing. Some of the American journalists who attended this briefing as well as that by the Foreign Office gave the following account.]

AMERICAN BRIEFING

1. The briefing was given by Mr. Herbert Haggerty, Counsellor (Political)
2. The briefing was very “precise, incisive and clear”.
3. It was made clear that the US Government was “absolutely certain” that Pakistan was going with a project to develop a nuclear device or a bomb. There was no doubt about this.
4. The method being used was the gas centrifuge process of making enriched uranium.
5. This plant was in addition to the three already existing nuclear facilities — Karachi Nuclear Power Station, Chashma Reprocessing Plant and Pinstech Nuclear Reactor. The fourth, i.e., the gas centrifuge process plant was either attached to one of the above plants or was a separate unit. In all probability, the journalists felt that it was a separate plant, as the Americans stated that this plant unlike the others had been kept a complete secret from the Americans. However, the American Embassy was fully aware of it through intelligence sources and knew where it was. But this they could not reveal.
6. The centrifuge plant had been obtained from Holland.
7. The financing of the plant has been almost entirely with Libyan help. Saudi’s know about the plant and are willing to assist.
8. The Pakistanis are well advanced in their project. They have the resources, the facilities and the capability.
9. The rate at which they are advancing they will have the bomb by 5 years at the latest, though in all probability they will be able to do it between two to three years.

10. The parts required for the plant were bought from commercial companies in Europe. Purchases were made “very cleverly” through Pakistani front companies and through some foreign agents.

11. By themselves each of these parts can have dual purposes – *i.e.*, for peaceful and non-peaceful purposes. However, when put together there is no doubt, whatsoever that these purposes can be only for one objective – *i.e.*, the bomb.

12. Pakistan can easily have the delivery system. They can do so by making fairly easy modifications of their Mirages.

13. Americans acknowledge that the aid cut off is symbolic. It really does not create any practical problem for the Pakistanis to make the bomb. They hope that this will not affect any other part of Pak-American relationship including bilateral security arrangements.

14. If, however, Pakistan goes ahead and there is every indication that they will – all aspects of Pak-American relationship including the bilateral security arrangements will be affected. There was a hint that this would mean (stopping?) the supply of arms to Pakistan.

15. The American spokesman repeatedly stressed the seriousness of American intentions.

16. Other nuclear aid giving donors had been consulted. They had privately expressed their concern while the American have not put any pressure at this stage on cutting off aid, when their respective aid programmes come up for renewal, possibilities of these countries reconsidering and reviewing does definitely exist. This may affect particularly Pakistan’s request for debt rescheduling.

17. Americans are not going to have any new aid programme in Pakistan. A few of the on going projects like one for Eradication of Malaria would continue. Others which have begun and are not advanced will be wound up.

18. The subject was “attempted to be discussed” by Christopher during his visit to Islamabad. In spite of best American efforts, there could be no discussion as Zia would simply say that they have no such project and that their nuclear development is totally oriented towards peaceful purposes.
19. Christopher had pointed out that if it was matter of equilibrium with India, this just could not happen. India was far advanced and by the time Pakistan had one bomb, Indians would have fifty.

20. In fact Christopher had stated that it would be far better not to have one or two bombs. If Pakistan had no bombs, USA would guarantee her nuclear security. However, if she went ahead, USA could give her no guarantee.

21. The Americans had explained to Pakistan that there was no double standard vis-à-vis India. The Indian contractual agreement was long before the symington Amendment. It will not be renewed once it expires unless India abides by the conditions. Moreover, India was a nuclear power before the efforts of USA on this issue were seriously directed. Finally, there was tremendous pressure on India from the USA to accept safeguards.

22. The decision to cut off aid had nothing to do with Bhutto’s execution.

1837. Statement by the Pakistan Ministry of Foreign Affairs on Pakistan’s nuclear programme.

Islamabad, April 8, 1979.

[The briefing was done by the Advisor on Foreign Affairs Agha Shahi who was assisted by Foreign Secretary Shah Niwaz.]

A spokesman of the Pakistan Ministry of Foreign Affairs categorically denied that Pakistan’s Peaceful Nuclear Programme had behind it the intent or purpose of developing a nuclear weapon: its aim and orientation were directed solely towards peaceful ends, he said.

The spokesman made this statement in reply to the allegations made by a US State Department spokesman in Washington on 6 April and published in newspapers that the Carter Administration had decided to cut off developmental aid because the US suspected that Pakistan’s activities in the field of peaceful uses of nuclear energy were directed towards non peaceful purposes. The Foreign Office spokesman regretted the decision to cut off US aid which he said was an act of discrimination against Pakistan. He said other countries which had either exploded a nuclear device or had clearly acquired the capability to manufacture
nuclear weapons and had rejected the application of international safeguards to their nuclear fuel cycle facilities including plutonium reprocessing and uranium enrichment plants were being aided or armed by the United States. On the other hand, Pakistan which had subjected its nuclear facilities to international inspection was being deprived of economic assistance. Such a policy could not be termed even handed, he said.

The spokesman of the Ministry of Foreign Affairs insisted that Pakistan’s concern over the danger of spread of nuclear weapons was second to that of no other country. This was a matter of international record from 1966 to date. He recalled Pakistan’s initiatives in the United Nations, the Conference of the Committee on Disarmament, the United Nations Security Council, the Conference of Non Nuclear Weapons States and the Conference of the Organization of Islamic States, and also in other forums, to alert and activate the international community to address itself effectively to the prevention of proliferation of nuclear weapons states against nuclear threat or blackmail.

In this context, the spokesman referred to Pakistan’s proposals in the General Assembly of the United Nations, which were adopted by overwhelming majorities on a nuclear weapons free zone for South Asia and nuclear guarantees for non nuclear weapons states. If accepted and acted upon by all the nuclear weapons powers and the countries of this region, this recommendation would ensure against the danger of a spread of nuclear weapons. The Foreign Office spokesman reiterated the readiness of Pakistan to accept full scope safeguards to cover its peaceful programme of nuclear research if such safeguards were applied on a non discriminatory basis in other words, if the United States was willing to ensure its application without preferences and exclusions to the nuclear programmes of other countries which are known to have acquired or are on the threshold of acquiring nuclear weapons capability. The spokesman noted the US spokesman’s statement that the US policy was a global one and not confined to Pakistan. If so, he said, the threat of nuclear proliferation called for a global response which could best be mounted in the United Nations forum on a basis of universality, non discrimination and sovereign equality of states, whether large or small. To approach the problem on an individual or selective basis and apply different standards to different states would imperil regional security and strengthen the forces of hegemonism in various parts of the world.

The Pakistani Spokesman summarily rejected as false the charge that Pakistan was developing its nuclear programme with assistance from or in partnership with Libya or any other country.

In reply to question from a British journalist that as to what the Pakistan would
put the enrichment uranium, the Spokesman asked the questionnaire if he was aware of all the nuclear programmes of his country, including the programme for manufacturing chemical weapons and bacteriological weapons programme? The spokesman added that the nuclear research programme of Pakistan was for peaceful uses of the atomic energy and it must be approached in this connection on the basis of sovereign equality. He said Pakistan was alive to nuclear threat. Asked if Pakistan was importing some equipment for nuclear research programme, he said he was not informed about it, but many countries were importing.

The Spokesman emphasized that Pakistan was ready to allow inspection of nuclear facilities on the basis of equality and non-discrimination. Asked why the USA had taken this decision, he replied, he did not know but it had something to do with the fact that Pakistan is an Islamic country. The Spokesman said Pakistan had not imported enrichment uranium. Replying to another question he referred to the State Department that US decision had nothing to do with Mr. Bhutto’s case. Asked the effect of the US decision on Pak-US relations, he said, “it seems an impediment in the area of primary concern to us.”

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Savingram from Ministry of External Affairs to its Missions' abroad.

New Delhi, May 7, 1979.

SAVINGRAM

From : Foreign, New Delhi
To : All Heads of Mission

MOST IMMEDIATE

No. 25624 – Sav. May 7, 1979

Heads of Mission from Foreign Secretary

Pakistan has launched a propaganda campaign in many countries particularly Muslim ones, to defend its stand regarding the recent disclosures of its clandestine efforts to acquire nuclear weapons capability through the enriched uranium method. While denying that its own nuclear programme has any non peaceful dimension, Pakistan is also apparently seeking to focus on India’s nuclear explosion and capability and our refusal to subject our nuclear facilities to international safeguards. They are also stressing their oft-repeated proposal for declaring South Asia as a nuclear weapon free zone and/or a joint Indo-Pakistan declaration along with other regional states to this effect. ZIA had again mooted this in his reply of March 3 to our Prime Minister’s letter of February 8 expressing concern at reports of Pakistan’s efforts to acquire nuclear weapons capability.

Pakistan’s claim to accept safeguards against presence and acquisitions of nuclear capability in contrast to our “unreasonableness” is devious and should be exposed and counter attacked.

Following points may be stressed in your conversations:

1. India has unilaterally made a firm and public commitment not to manufacture nuclear weapons even though China has a well known nuclear weapons capability. If Pakistan is serious about her protestations she should make a similar public declaration unilaterally without trying to obfuscate the issue.

2. It is well recognized by all interested powers that our nuclear programmes are geared entirely for peaceful purposes and unlike Pakistan all our nuclear projects have economic utility. Pakistan’s Kahuta uranium enrichment plant had no immediate economic utility. It is geared to produce weapon grade uranium (Pakistan’s only operational nuclear plant uses natural uranium).
3. Our commitment to the objective of non proliferation is not new and should be stressed. We have sought to emphasise that in our view all efforts should be non discriminatory and apply to both horizontal and vertical proliferation.

4. As far as the idea of nuclear free zone in South Asia is concerned, South Asia is already an area free from nuclear weapons. PM has repeatedly urged that the aim should be to turn the whole world into a nuclear free zone. UNGA at its special session in 1978 had declared that all nuclear free zones in parts of the world should be on the basis of arrangements freely arrived at amongst the states of the region concerned. This does not apply in South Asia.

5. Despite China’s nuclear weapon capability India has not deflected from its peaceful commitment. If South Asia is an artificially restricted area for any agreed restraint, nuclear free Asia or Pacific Area – as was once proposed by China – would be more appropriate area if such a proposal is to be realistically pressed.

6. BHUTTO in his testament had mentioned that he had started and intensified the Pak nuclear programme. He referred to an Islamic bomb like the Hindu, Christian and Zionist bomb. It looks to be Pakistan national effort whatever indirect financial support may have been received. ZIA has clearly continued this policy. Recent disclosures about attempts of Pakistan to acquire uranium enriching capability by clandestine imports of equipment from several West European countries belie their protestations about their nuclear programme being for peaceful purposes only. That this kind of purchases could go on, also speaks of how similar equipment and in the past even fissionable material has been acquired and diverted despite NPT and London Club controls.

7. Pakistan’s efforts to acquire nuclear weapons capability are totally out of proportion to its resources and requirements and irrelevant to its problems. This has been clearly accepted by the Americans as well as evidenced by their recent decision on 6 April to cut off economic aid to Pakistan.

8. Pakistan’s apprehensions about threat from India are not justified. The thrust of our policy has been to create climate of mutual confidence and trust and to convince Pakistan that we want their stability and strength. Pakistan’s problem is politico-economic and internal and not any imagined threat from India.

Please keep us informed of your efforts in this regard and the attitude of the country of your accreditation on this matter.
The US Ambassador, Mr. Goheen, called on FM yesterday. He said he had been instructed to take up two pints with the Foreign Minister.

2. The first point was related to the US anxiety with regard to Pakistan’s nuclear development. Both the Secretary of State and the President of the United States were extremely worried about this subject which had been discussed during Foreign Minister’s visit to Washington recently. He had come to enquire whether we had given any thought as to how Pakistan’s efforts towards building up a capacity for nuclear explosions and nuclear weaponry subsequently could be contained. He had no programme to offer and wished to know what our thinking was.

3. FM said in reply that a joint declaration with Pakistan was not possible as this would lead to a demand for inspection of India’s nuclear facilities and Indian public opinion would never accept this. Unfortunately, Pakistan’s general attitude towards India had not changed. Not merely was this true of their position on the nuclear question, but their general approach to India was not encouraging. He felt that despite India’s good neighbourly policy and efforts to normalize relations, Pakistan did not seem to have finally decided to live in peace with India. Nor do they seem to have accepted that India has no expansionist designs. Against whom does Pakistan want nuclear bomb? Did they require it for prestige purposes? If this were so, they could not be prevented. Indian public opinion felt very strongly that Pakistan’s nuclear programme must not be used to pressurize India.

4. Mr. Goheen said that he agreed with FM that there had not been any radical change in Pakistan’s attitude towards India. Neither the President nor the US Administration had any desire to pressurize India and had made this point very clear in Washington. They were, however, very concerned as to what would happen if Pakistan was able to go ahead. This would open up the door for Israel and South Africa on whom the US Government had exercised considerable pressure against going the nuclear-weapons way. Was it not possible for India and Pakistan to put together their unilateral declaration against building nuclear weapons?

5. The Foreign Minister said that he wished the situation in Pakistan would
settle down. The invitation to the Pakistan President to visit India to discuss various problems still stood, but even without this, Pakistan could show some signs. India had made various offers with regard to increasing trade on terms advantageous to Pakistan, but the latter continued to be reluctant. (The US Ambassador commented that the Indian economy was so strong that the Pakistanis feared that it could overwhelm them). FM said that Pakistan could decide what they would want to purchase from India. They maintain that trade could take place only with the public sector in Pakistan and the private sector would be debarred. It was understandable for a socialist's country to take such a stand. The real reason for the Pakistanis to come together. (Sic) This was their great fear. This attitude of hostility made it extremely difficult to deal with them and to do anything about the nuclear question.

6. The US Ambassador said that according to their Ambassador in Islamabad, there was a great demand for Indian goods at competitive prices and Pakistanis were afraid that too much would be imported from India and consequently pose a danger to Pakistan's manufacturers. He agreed that Pakistan's attitude made matters difficult.

7. In reply to Foreign Minister's question regarding Agha Shahi's visit to Washington recently, the American Ambassador said that Secretary of State Vance had tried to discuss the nuclear question with Shahi who maintained that Pakistan was carrying out only (non) military research and had no intention of making a bomb. Vance had pointed out that evidence available to the United States did not support such a thesis and he made it clear that while he sympathized with Pakistan's fears regarding the situation on its borders and would like to support Pakistan, the extent of such support would be limited. The discussions ended in a statement. It was partly because of this reason that he had been asked to come and talk to us to see if any Indian initiative was possible. Was there any chance if China could be brought in, to curb Pakistan's nuclear activities and persuade it to be more friendly towards India? He added that FM must have talked about Pakistan during his visit to Peking.

8. FM replied that Pakistan's nuclear programme was not discussed during his visit to Peking, but it was his impression that China was not encouraging Pakistan. Shah Nawaz from Pakistan might be visiting India fairly soon, possibly after PM's European tour since the Foreign Secretary would be accompanying PM. The US Ambassador said that we could try and bind Pakistan not to have any kind of explosion if India signed an agreement against development of nuclear explosives. That would be going in the direction that Pakistan has been seeking. India and the US have means of surveillance to check whether Pakistan would be living up to its pledges. He recognized India's difficulties in this regard, but they were getting desperate about the situation. He said that India had
opposed the idea of a nuclear free zone for South Asia partly because China would not be included in it. Would it help if China were brought in and agreed that they would not introduce nuclear weapons into the South Asia nuclear free zone?

9. The Foreign Minister replied that this would be a two tier arrangement where China was a nuclear-weapons power. While China had said that they would not be the first to use nuclear weapons, they were free to go ahead with the development of such weapons. There would have to be an international agreement against the use of nuclear weapons anywhere. Such proposals had been made, but it was doubtful if nuclear weapon countries would be prepared to agree to this. The US, for example, had rejected such proposals.

10. The US Ambassador said that they could not accept such a proposal because of their interest in Western Europe which was under the Soviet threat. They would be prepared to accept such a proposal for any area outside of Europe. In reply to FM, he said that they felt that the Pakistanis were still two to three years from having nuclear explosion. He would like to keep in touch with us on this subject. The Foreign Minister concluded by saying that something had to be done to stop a nuclear arms race. India had, however, to contend with its public opinion which felt that India would be discriminated against. If any tightening had to be done, it should not be at Tarapur, but in other areas from which Pakistan had clandestinely obtained nuclear equipment and expertise. The US Ambassador said that the United States had done everything that it possibly could to close holes in other countries as well as in the United States.

11. The second point which the US Ambassador raised was with regard to MONEX. He said that there had been long and detailed negotiations which had now been concluded and a draft agreement had been settled. The Experiment had already been delayed and the first plane should have started work a few days ago. Every day that went past meant less of valuable data and they were eager to start as soon as possible. Allegations that US planes were based in Diego Garcia were totally incorrect. They were greatly troubled at the possibility of further delays. He understood that this matter was to be considered by the Cabinet that evening. FM replied that they were equally anxious to get the Experiment started and hoped that the Cabinet would approve the proposal.

Sd/- U.S. Bajpai,
Secretary (West)
16.5.79
1840.  Letter from the Ambassador of the Netherlands to Secretary (West) in the Ministry of External Affairs on Pakistan’s nuclear programme.

New Delhi, May 17, 1979.

No. 4406 New Delhi, May 17th, 1979

Dear Mr. Bajpai,

With reference to the interesting conversation we had on 26th April last or i.e. nuclear energy matters, I have the honour to send you herewith an unofficial translation of parliamentary questions, submitted to the Ministers concerned and the answers of the Netherlands Government, dated May 3rd, 1979, on Pakistan and the ultracentrifuge project.

I hope that the answers will clarify the position of my Government in this matter.

With kind regards,

Yours sincerely

Leopold
Ambassador of the Netherlands

Mr. U.S. Bajpai
Secretary (West)
Ministry of External Affairs
New Delhi

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PAKISTAN AND THE ULTRA-CENTRIFUGEPROCEDE, PARLIAMENTARY QUESTIONS AND ANSWERS

Hereunder are following the questions put forward by the Second Chamber members Jansen and Waltmans about the above mentioned subject together with the answers of the Minister of Economic Affairs, also in the name of the Minister of Foreign Affairs given on May 3rd 1979.

1. When did the West European intelligence services discover that the Government of Pakistan is secretly engaged in building a factory for the enrichment of uranium in order to be capable of producing atomic weapons? When were you informed about this? Which steps have you taken since then?

2. Can reasonably be assumed that, in view of the close ties between Pakistan and Libya, atomic weapons can in this way come within reach of Libya?
3. Are there indications that also other countries, which did not sign the non-proliferation treaty, are developing similar activities?

4. Is it known to you that it is presumed that Pakistan obtained the knowledge of the uranium enrichment technology directly from URENCO Nederland?

5. Is it true that Pakistan is obtaining materials and equipment needed to build an uranium enrichment plant from different private firms in the United Kingdom and the Federal Republic of Germany?

6. Is it known to you that so called invertors are included in this equipment, which are ordered in the United Kingdom under the pretext that these are meant for a textile factory whereas the invertors of the type ordered are completely unusual to that end?

7. How do you supervise the contacts between URENCO NEDERLAND and third countries concerning exchange of know how? How do you explain that the indicated exchange of know how with Pakistan could occur?

8. Will you investigate whether at URANIT (FRG) and URENCO LTD (UK) sufficient procedures are ascertained to prevent exchange of know how, unwanted from a proliferation point of view?

9. Are you willing to approach your colleagues in the United Kingdom and the Federal Republic to prevent as yet as far as possible the export of sensitive material to Pakistan?

EXPLANATION

See “ZDF MAGAZINE” of March 28th and “DE VOLSKRANT” of April 9th 1979.

ANSWERS:

1, 5, 6, and 9

At the end of the month of October 1978 the Government’s attention was drawn to the attempts from the side of Pakistan to acquire materials and equipment abroad, probably meant for a Pakistani project for uranium enrichment. This relates particularly to the invertors mentioned in question 6. The British Government has now made the obtainment of a license a condition for the export of such invertors. Also in the Federal Republic of Germany a license is required to export invertors which can be used for uranium enrichment. The Dutch firms which could supply such invertors or frequency transformers are for safety’s sake sent a written warning that for the possible export of those a license is needed under the ministerial order on the export of strategic goods. Also the attention was drawn to the nuclear energy act and the ministerial order on secrecy nuclear energy act based there upon.
2. Indications confirming these speculations are not at our disposal.

3. According to information obtained from different sources among the non N.P.T. countries – not taking into account France and the People’s Republic of China – only South-Africa has at its disposal an uranium enrichment capacity, which is not subject to the IAEA safeguards.

4. It is not true that Pakistan got information about uranium enrichment technology directly from URENCO NEDERLAND. It is possible that rumours in this connection started because in the years 1972 – 1975 a Pakistani was engaged as metallurgist at one of the Dutch companies supplying UCN (Ultra Centrifuge Nederland). By further investigation it became known that the know how which could have been obtained thereby covers only a trivial part of the ultracentrifuge technology.

7&8.

URENCO (NL) is not entitled to maintain contacts with third countries with regard to exchange of know how. The same applies to URENCO (UK) and of course to UCN, BNFL and URANIT, while it will also apply to URENCO LTD which therefore needs approval in advance from the Joint Committee. Up till now such exchange of knowledge has not taken place.

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Letter from Ambassador in Islamabad K. S. Bajpai to Foreign Secretary J.S. Mehta.

Islamabad, July 1, 1979.

Ambassador of India
Islamabad


The persistent – indeed, proliferating – rumours about Pakistan’s nuclear explosion plans have been given a fresh spurt by the coincidentally simultaneous publication of the magazine of the UAE Ambassador in London, “Eight Days” and the assaults on the French diplomats and the BBC correspondent here, who were supposed to be snooping too persistently in the area where the new Pakistani nuclear facility for enriching Uranium is supposed to be coming up. I am sending separately an account of the attack on the French and Agha Shahi’s comments on the “Eight Days” article. It is commonly supposed here that the officials responsible for the security of this new facility – i.e. one of the Intelligence Agencies – deliberately decided to administer these sharp warnings to those foreigners who were too inquisitive about the nuclear programme. It would have been simple enough to declare the area out of bounds and not resort to such extreme and crude methods, but, as Etemadi used to say, Pakistan’s five rupee Intelligence Wallahs can ruin any relations by the way they behave. The French Ambassador (whose right arm is still visibly bruised all over, which he tells me is nothing compared to the state of his own back or generally of his concussed First Secretary) has no doubt whatsoever that the Pakistani “Security” men wanted to teach a lesson, did not realize the Ambassador himself was in the car and fled when his repeated cries of me France Sefir (I am French Ambassador) penetrated their minds. He – and everyone else here – takes it as a confirmation that Kahuta is indeed the site where Pakistan is putting up its new plant, and further evidence to this effect was inadvertently provided by Finance Minister Ghulam Ishaq: at his June 29th Press Conference to explain the budget. He was asked by the BBC man whether the funds allocated for atomic development (Rs. 478 million) were for the new plant at Kahuta, and in his reply he blurted out “You should know, you have been snooping around our new site there”. He hastily covered up by saying he didn’t know where it was, but the obvious – perhaps too obvious – conclusions are universal here.

2. More important than this question of where the new installations are coming up is the growing certainty that Pakistan is going ahead regardless of the costs either in money or in relations with other countries. The senior-most Americans
here are convinced that despite their almost desperate need for a dialogue with Americans about new defence arrangements following the changes in Afghanistan (and Iran), the Pakistanis have committed themselves to defying Washington on this issue. The Americans reciprocate – perhaps one should say stimulate – Pakistan’s eagerness for a dialogue, and they expect continued strong pressure from their President on the nuclear issue as a precondition, but they do not think either this or any foreseeable successor regime here will yield, and several even thoughtful officials are beginning to think in terms of “how to live” with a Pakistan whose nuclear programme will, they feel, not only give it a weapons capability but compel us to go in for it too.

3. The main programme is still believed to be a matter of about 3 years, but of course rumours abound of some sort of device being put together in order to boost Zia’s prestige before November 17. A fairly respected Lahore leader who sees Zia regularly claims that, when he asked whether Pakistan was making the necessary “fuel”, Zia told him recently “we are not presently making it but we have got hold of it.” The decision here rests with people of such limited and selfish capabilities that any act of irresponsibility is possible.

Yours sincerely

K.S. Bajpai

Shri J.S. Mehta,
Foreign Secretary,
Ministry of External Affairs,
New Delhi.
1842. Media Briefing by Pakistan’s Foreign Affairs Advisor Agha Shahi on reports of Pakistan’s nuclear research programme.


The Foreign Affairs Adviser, Mr. Agha Shahi, has described as “false and baseless” Western Press reports that Pakistan’s nuclear research programme is tuned to the making of an atomic “Islamic bomb”.

Briefing journalists in Islamabad, Mr. Agha Shahi, specially referred to an article which appeared in the new London Weekly “Eight Day Middle East International” on the idea of an “Islamic Bomb”, and said the article was tendentious.

The article stated that Pakistan reacted to the Indian nuclear explosion of May 1974 by embarking of a crash programme to acquire nuclear weapons capability. Fact of the matter was that Pakistan reacted by undertaking a campaign to intensify in international forums its efforts to strengthen its security against threat of nuclear attack or blackmail, through nuclear guarantees to non nuclear states by nuclear weapon or would be nuclear weapon powers. To this end, the former Foreign Minister visited Washington and London and Foreign Secretary went to Peking. Later in 1974, Pakistan proposed to the United Nations General Assembly establishment of a nuclear weapon free zone in South Asia. This proposal entailed the total renunciation of nuclear weapons by countries of South Asia and international inspection of their nuclear facilities and a corresponding obligation on the part of nuclear weapon powers not to threaten countries of zone with nuclear weapons.

Allegation of Libyan or Arab money being received by Pakistan to manufacture “Islamic Bomb” was an utter falsehood. Pakistan was not in any financial collaboration with any other country and was pursuing its peaceful nuclear programme on the basis of self-reliance.

Article made the reckless charge that Pakistan was producing a hydrogen bomb. Even a few moments sober reflection should convince an informed person that this would be impossible for Pakistan. Even the super powers had to spend years on research and development to master this technology: Pakistan was only a developing country.

Allegation that hydrogen bomb was being fabricated at Nilore and implicating Arab countries was pure imagination. No work on fusion technology was being conducted at PINSTECH (Pakistan Institute of Nuclear Sciences and Technology). There was a small research reactor there which was being operated under IAEA safeguards since 1963 and under its regular inspection.
No Pakistani had ever worked at Almelo Plant, nor had access to it. This had been confirmed by URENCO itself.

No banned item of equipment had been purchased by Pakistan in foreign countries. This had been confirmed by several West European Governments after enquiries at the request of the United States.

The report that a site near Multan or, according to Tass, in Chitral had been chosen for a nuclear blast was utterly false as also the statement that explosion was scheduled to be carried out in Autumn this year. Mr. Agha Shahi stated a fear psychosis was being whipped up by those suffering from a crusades syndrome. “Islamic Bomb” was a bogey and a figment of imagination.

The Adviser said that we could not but take a very serious view of the tendentious article published in Eight Days Magazine. It has been noted that the Journal was owned by the Ambassador of the United Arab Emirates to U.K. The UAE is a country friendly to Pakistan and, therefore, it was shocking that a publication owned by the Ambassador should lend itself to a smear campaign against Pakistan to bring about its political isolation at behest of circles which were openly hostile.

Mr. Shahi reiterated Pakistan's commitment to peaceful uses of nuclear energy and unassailable right of all states for equal access to peaceful nuclear technology. Massive and malicious propaganda campaign was aimed to tarnish Pakistan's image as a peace loving country, to depict it as villain and transgressor and thereby to stop it from exercising a sovereign right. Why was it that not a word was being said or printed about other countries which were carrying out far more advanced nuclear research?

In case of Pakistan certain quarters and news media had gone to the extent of inciting aggression against Pakistan by suggesting that pre-emptive attacks could eliminate its nuclear facilities within 14 minutes. Such statements were instigatory and irresponsible and would fail to achieve their criminal purpose.

Replying to a question from the BBC correspondent regarding the supply of enriched uranium to PINSTECH, PAEC Chairman said that the small research reactor there was operating under IAEA safeguards and that its fuel supply was being maintained through the IAEA.

The correspondent then asked about the nature and purpose of the Special Works Organisation. The Adviser replied that it was unfair and misconceived to put tendentious questions of this nature. Would he put such questions in regard to nuclear research and development being carried on by any other government
or even the British Government? The correspondent replied that he had been allowed to enter the nuclear plant at Kindscale. The Adviser asked if he had been given access to the other nuclear installations in the U.K. concerned with R&D. We could no more let him inspect our nuclear facilities than our POF Ordnance factories at Wah.

The correspondent admitted that journalists had considerable freedom and access to information in Pakistan and that the purpose of this question was to “arrive at the truth” in order to dispel the confusion that had been created. The Adviser replied that we had nothing to hide and would gladly throw open our research facilities as long as this could be ensured on a non discriminatory basis. It was unfair and discriminatory to single out Pakistan and to put it under pressure to throw open its research centres: why was it that such demands were not being made on South Africa and Israel? Why was no interest being shown in the hijacking of a consignment of uranium some years ago? Why were the findings of investigation being suppressed? Why was no notice being taken of the unsafeguarded reprocessing of plutonium in Israel and the method of enrichment of uranium perfected by South Africa? On the other hand, Pakistan which had neither the technology to manufacture a nuclear weapon nor had conducted a nuclear test was suspect, not taken at its word and subjected to pressure. The BBC Correspondent evaded answers by saying that as they were in Pakistan, their interest was in finding out what exactly Pakistan was doing. The Adviser replied that there were limits to their right to gather news. It could not be extended to allowing them to create tension between Pakistan and the Soviet Union as in the case of reports filed on Afghan refugee camps, or to claiming the right of access to nuclear research and development. You may not approve of our peaceful nuclear programme but you cannot proceed from there to make wild accusations against us, the Advisor concluded.

Nothing secret

Another foreign correspondent interjected that the clandestine and devious manner in which hardware was purchased in the West and the inappropriateness of certain of these items for Pakistan’s development needs suggested ulterior motives. The Chairman of PAEC replied that all countries were obliged to make purchases abroad for their research programmes and that we had done the same in a very straightforward manner. There was nothing clandestine or ominous about our purchases. Orders had been placed with foreign firms for items on which there were no local export restrictions. The correspondent asked whether when placing the order for inverters, it was stated they were required for the textile industry? The Chairman PAEC rejoined that the inverters were accepted by everyone as multi purpose and with a wide range of application.
Replying to another question from the same correspondent the Chairman PAEC said that the supersonic wind tunnel was a basic facility required for a wide range of research. Such tunnels were commonly found in U.S. universities. They were a basic research tool, like a computer.

1843. Letter from the Committee on Foreign Affairs of the US House of Representatives to Secretary of State Cyrus Vance regarding recent nuclear developments in Pakistan.

Washington, August 1, 1979.

Dear Mr. Secretary:

We know you share with us deep concern about recent nuclear developments in Pakistan and write to express our hope that you will continue to give energetic and high level attention to the task of finding a constructive solution to this problem. Certainly all possible options need to be considered.

The acquisition of a weapons capability by Pakistan would transform regional rivals into nuclear armed adversaries creating not deterrence, but rather the very real prospect of nuclear war. The acquisition of nuclear arms by Pakistan would, moreover, profoundly destabilize not only the subcontinent, but quite possible the Persian gulf and the middle east as well. Such an event would also do grave damage to our broader non proliferation program by demoralizing those groups and nations who are at this very moment consulting on ways to restructure and improve existing mechanisms of international nuclear control.

We had hoped that the State Department’s proposal for a nuclear free zone might provide a basis for resolving this complex situation. At the moment however, the proposal’s prospects do not appear to be good, as India’s attitude remains discouragingly negative. While this approach deserves continued attention, prudence demands that we (do) not place under reliance on it.

We recognize, too, that some sanctions have been applied by the US and that still sterner measures may prove necessary in the end, if only to demonstrate to other would be proliferators that the political costs of going nuclear are high, and likely to go higher. Had rigorous collective action been taken after the Indian Explosion of 1974, we might not now be facing the situation we face today. Sanctions alone, however, are unlikely to provide a sure or immediate solution to the current problem.
There remains, of course, the possibility of trying to understand and more effectively treat Pakistan’s underlying security concerns. Pakistan, a country that has been closely allied to the US for over three decades, now faces: new threats to its territorial integrity, the possibility of externally supported secessionist activity in both Baluchistan and the northwest province frontier, the growing and armed involvement of the Soviet Union in neighbouring Afghanistan, the disappearance of security assurances once provided by the Shah, the disintegration of the CENTO and the detonation of a nuclear device by India, which also is now purchasing from Europe a highly sophisticated force of attack aircraft.

As long as the Pakistanis feel they cannot credibly defend their borders and population by conventional means, nor rely on others to provide some supplementary assurances against external aggression, their desire for nuclear arms is unlikely to abate. This suggests then the importance of trying, through an imaginative, serious, and measured combination of diplomacy and security support, to bolster Pakistan’s sense of self security in the face of new and compelling dangers.

It would be unwarranted for critics to characterize any such initiative as a stark trade of conventional arms in return for a freeze on nuclear weapons work — although as to the relative danger of the two we cannot see how there can be much room for doubt. We would hope that US assistance and acts of reassurance would instead be seen in their broadest sense as a modulated response to disturbing new regional developments and a part of an effort by the US to provide a basis for self-confidence, so that friendly and threatened states are not driven to the unwise embrace of nuclear arms out of pure desperation and fear.

In the long run, we would hope the US might give diplomatic attention to the resolution of existing border disputes between not only Pakistan and India, but India and China as well. This would remove an important source of tension and instability and would enable each of these Governments to begin to apply resources, energy and attention to more immediate and more fundamental concerns.

Yours sincerely,

Celment Zablocki
Jonathan Bingham
William S. Broomfield
Paul Findlay
Lee H. Hamilton

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Record of the discussion between Indian External Affairs Minister Shyamnandan Mishra and Foreign Affairs Advisor of the President of Pakistan.

Havana, September 1, 1979.

Agha Shahi began by saying that he would be glad to arrange for FM to call on the President of Pakistan immediately on the latter’s arrival in Havana. He said that he himself was very happy to meet the FM because this gave him an opportunity to reiterate Pakistan’s desire to continue the process of normalization of relations between the two countries. This process which had started during Mrs. Gandhi’s and Bhutto’s time, had continued in spite of changes in the two countries and he hoped that the new Government of India would carry the process forward. He said that the Foreign Secretary had personally witnessed the continuity in the policy of the two countries over these years of changes in Governments. Foreign Minister said that it was indeed his government’s intention to continue the process of improvement of relations even during the next few months it was expected to be in office. India greatly valued Pakistan’s desire to cooperate in the process.

Agha Shahi said that Pakistan was very concerned about the propaganda unleashed in the West particularly in the United States about Pakistan’s nuclear programme based on an erroneous assessment of Pakistan’s nuclear intentions. He was particularly concerned that it seemed that India was on the threshold of changing its nuclear policy because of this propaganda. While India was free as a sovereign nation to pursue any policy of her choice, he was keen that a change in India’s policy should not be based on wrong information. He said that he would deny with all the emphasis at his command that Pakistan had any intention to manufacture nuclear weapon. Pakistan had modest facilities for enrichment of uranium with the use of light water reactors. It was nowhere near explosion capability. He said that President Zia had recently written to Prime Minister Charan Singh giving his categorical assurance that Pakistan’s nuclear programme was entirely geared to peaceful purposes. Pakistan was ready to discuss its nuclear policy with India to demonstrate its peaceful intentions. He expressed the hope that India would not change its nuclear policy though it was known that India had the capability to undertake nuclear explosions.

Agha Shahi went on to say that Pakistan felt outraged by the recent statement of Senator Percy that Calcutta would soon be within the range of Pakistani
NUCLEAR

nuclear attack. No one could have made a more irresponsible statement. He had known that officials of the US Embassy in India had met Indian Members of Parliament and others to express surprise at the general apathy towards reports about Pakistan’s nuclear programme. He said that the American efforts were aimed at demonstrating to the American public that President Carter was putting pressure on potential nuclear powers to abjure acquisition of nuclear weapons. He said that India should not take US apprehensions seriously.

FM said that the Prime Minister’s independence day speech should be seen in perspective. What the Prime Minister said was that if Pakistan manufactured the Bomb there would be serious repercussions and perhaps India might have to review its policy. A review of India’s policy was clearly linked with Pakistan’s plans. India had received persistent reports for some time that Pakistan had embarked on a nuclear weapons programme. Such reports had caused public reactions in India and no government would be able to ignore these reactions. FM said that he was glad that President Zia had written to Prime Minister Charan Singh reiterating that Pakistan had no intention to manufacture nuclear weapons. This letter would be of value because of possible review of India’s nuclear policy was contingent upon Pakistan manufacturing the Bomb. If Pakistan did not go in for nuclear weapons there was no need for India to review its policy.

Agha Shahi said that he felt reassured by what FM stated. He said that at a moment’s notice Pakistan was willing to enter into consultations with India on the nuclear question. Speaking of American propaganda, Agha Shahi said that CIA had got hold of an official of the Pakistan Atomic Energy Agency who had become disgruntled because of bureaucratic intrigue. HaHa

Having obtained bits and pieces of information from this officials, US Government made a demand on Pakistan to stop its nuclear programme and threatened to cut off aid. Despite Pakistan’s assurances USA passed on their impressions to several western countries and appealed to them not to sell any nuclear equipment to Pakistan. The return of a Pakistani scientist from the Netherlands for personal reasons was misinterpreted, but an enquiry conducted by Dutch Government proved beyond doubt that the scientist had no access to any classified scientific information. None of the equipment Pakistan had bought abroad was embargoed.

Foreign Minister said that it was possible that Pakistan had become the object of false propaganda but it was a matter of satisfaction to India, and it should be so to Pakistan too, that there was no such apprehension about India’s nuclear programme being directed towards nuclear weapons. World opinion had, we believe, accepted India’s assurances about her peaceful intentions.

Agha Shahi said that the propaganda that Pakistan was making an Islamic Bomb was totally false. US should have known that Pakistan would never be able to catch
up with Israel’s nuclear technology even if it wanted to manufacture an Islamic Bomb to help Arabs fight Israel. Would United States remain idle if there was a nuclear threat to Israel? Pakistan was also being accused of receiving money from Libya. In fact Gaddafi had once said that he was willing to cooperate with Pakistan in the nuclear field but this offer was rejected because Pakistan felt that Gaddafi’s revolutionary policy was not conducive to such cooperation. At the present state Pakistan’s nuclear programme cost only around 15 to 20 million dollars a year and this expenditure could very well be afforded by Pakistan. There was no question of Pakistan embarking on a “nuclear jihad” against Christians and Jews. He said that a section of the US press had even spoken about para-military action to sabotage Pakistan’s nuclear establishments.

Foreign Minister said that at one time India had undertaken a PNE but Prime Minister Desai decided to give up even the kind of research. The present Prime Minister’s statement on a possible change in policy referred to a hypothetical situation when Pakistan embarked on a nuclear programme but if Pakistan had no such intentions India would also not have to review its policy.

Changing the subject, Agha Shahi said that about 170,000 refugees had entered Pakistan from Afghanistan. Pakistan was unable to seal the border and it would not be right to push the refugees back. In the circumstances, it was not possible for Pakistan to effectively prevent some of the refugees re-entering Afghanistan to carry out raids. Afghanistan was in a false position as Pakhtoons, whose cause Afghanistan was supposed to be championing, had turned against them. Afghanistan was now trying to implicate Pakistan for their troubles, and USSR was trying to intimidate Pakistan. Agha Shahi said that he had to postpone his visit to Afghanistan because it was clear that Afghanistan’s intention was to humiliate him by asking him to hold discussions with their Agriculture Minister. A militant Marxist Afghanistan presented its own problems in the area.

FM remarked that the refugees would have proved a heavy burden on Pakistan and asked whether any international assistance was forthcoming. Agha Shahi said that the Islamic group had given some assistance and the UN Agency for Refugees had also promised some help.

Foreign Secretary stated that India was scrupulously correct in dealing with the present situation. India treated Pak-Afghan problems as purely bilateral and would not seek to take advantage of the situation. Agha Shahi said that Pakistan was convinced of this and was appreciative of India’s stand.
1845. **Press Release issued by the Pakistan Embassy in New Delhi offering reciprocal inspection of nuclear facilities.**

**New Delhi, December 15, 1979.**

Pakistan has renewed its offer to India to enter into a bilateral, multilateral or international agreement to ensure that the nuclear facilities and installations in the two countries are used strictly and solely for peaceful purposes.

The offer was made by Mr. Munir Ahmed Khan, Chairman of the Pakistan Atomic Energy Commission, at the 23rd regular session of the General Conference of International Atomic Energy Agency which concluded in New Delhi.

Mr. Munir said Pakistan attaches the highest importance to the prevention of further spread of nuclear weapons and its concern about proliferation is no less than that of any other country. He said some of the countries which talk most loudly against imaginary threats of proliferation have been strangely silent over the real proliferation which has occurred over the last few years and is taking place even today. He said deliberate propaganda is being carried out against some to divert attention from those who may actually be making the nuclear weapons.

He said the failure of nuclear weapon states to achieve concrete progress towards reduction and eventual elimination of nuclear weapons was a very serious problem. He said Pakistan noted with increasing dismay the continuing testing and development of nuclear weapons and further vertical proliferation. Their stand about non-proliferation was further compromised by lack of action on their part to enforce nuclear discipline on these states with which they had special relationship.

Mr. Munir informed the conference that Pakistan was committed to the non-proliferation of nuclear weapons and it had repeatedly declared at the various international forums that its programme was for peaceful purposes only.

Mr. Munir said Pakistan believed that the security of developing countries large or small was not enhanced by nuclear weapons as they took away vital resources from the immediate task of development. Pakistan constantly advocated the strengthening of the non-proliferation not only on a global basis but also in Pakistan’s own area.

He said Pakistan had declared in unequivocal terms that it would not acquire or develop nuclear weapons. The same assurance had been communicated bilaterally by the President of Pakistan to the two Prime Ministers of India. However, he said since India despite its nuclear explosion had repeatedly stated at the highest Governmental level that it too did not wish to make nuclear weapons,
it would only be logical to formalize these unilateral declarations in a binding joint declaration to make South Asia a nuclear weapon free zone and bar the development, manufacture and entry of nuclear weapons in this region.

The PAEC Chairman said the denuclearization of South Asia would be a positive step towards strengthening the non proliferation in the world and it would also be welcomed by the people of Pakistan as it would give them some hope for the future and help remove the constant fear of mutual destruction.

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1846. Statement of Pakistan Ministry of Foreign Affairs denying reports that Pakistan proposed to carry out a nuclear test.

Islamabad, April 2, 1980.

The Ministry of Foreign Affairs today categorically refuted the false report by India’s Institute of Defence Studies and Analysis regarding Pakistan’s nuclear programme.

The attention of the Ministry of Foreign Affairs had been drawn to a REUTERS report datelined New Delhi March 30th which states that according to a study by India’s Institute of Defence Studies and Analysis, Pakistan may carry out its first atomic bomb test by the end of this year or early in 1991. It goes on to state that India would have to decide what her role should be in view of, what the report claims to be, the grave atomic threat emerging in South Asia.

The Ministry of Foreign Affairs, also categorically declared that Pakistan does not possess the capability of carrying out a nuclear explosion in the near future.

The publication of such a report at this time may well be an attempt to lend justification to India’s own nuclear intentions and a prelude to a second Indian nuclear explosion. In this context, it is pertinent to recall that Indian Prime Minister Mrs. Indira Gandhi, in a recent statement has stated that her Government would carry out nuclear tests if they were necessary in the national interest.

The Ministry of Foreign Affairs totally rejects the aspersions cast on Pakistan’s peaceful nuclear programme. Pakistan has time and again stated that its nuclear programme is peaceful in nature and that it does not intend to acquire or manufacture nuclear weapons. In proof of its peaceful intentions and its dedication to non proliferation, Pakistan has proposed to India a number
of possible courses of action to keep the region free from nuclear weapons. These proposals include:

1. The declaration of South Asia as a nuclear weapons free zone including the renunciation of nuclear weapons.
2. A joint declaration by South Asian countries to renounce nuclear weapons.
3. Reciprocal inspection of each other’s nuclear installations.
4. Placing of all nuclear facilities under non discriminatory safeguards.
5. Signing of NPT by both countries.

None of these concrete measures has been acceptable to India which possesses a complete nuclear fuel cycle free of international safeguards which enables it to acquire nuclear weapons.

The Government of Pakistan is prepared to enter into serious discussions with India either bilaterally or in a multilateral forum like the U.N. to ensure that this region is kept free of nuclear weapons.

These concrete proposals made by Pakistan and rejected by India are pointers to the direction from which the ‘grave atomic threat’ to this region can arise.

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1847. Comments by the Official Spokesperson of Pakistan Foreign Ministry on the statement of External Affairs Minister PV Narasimha Rao on Pakistan acquiring nuclear weapons.

Islamabad, August 1, 1980.

A Foreign Office spokesman reiterated at Islamabad on August 2 that Pakistan’s modest nuclear research programme was devoted exclusively to peaceful purposes and Pakistan had no intention of developing nuclear energy for military use.

The spokesman was commenting on a statement made by the Indian Minister for External Affairs in the Rajya Sabha on August 1 in which he was reported to have said that the acquisition of nuclear weapons capability by Pakistan would only increase the tension in the region.

Mr. Rao was quoted as having said that Pakistan had assured that its nuclear programme was directed towards peaceful purposes and he hoped that Pakistan would abide by its assurance.
The spokesman said that Pakistan’s repeated assurances regarding the peaceful nature of its nuclear research programme should not be doubted. Pakistan’s *bona fides* were established by the following proposals which it had put forward:

(a) India may agree to the establishment of a nuclear weapon free zone in South Asia.

(b) India and Pakistan should both accept international inspection of all their nuclear facilities or if this was not acceptable India and Pakistan should reciprocally inspect each other’s nuclear facilities.

(c) Pakistan and India should sign the non proliferation treaty.

(d) In the meantime, Pakistan and India should jointly, with other countries of South Asia, declare their renunciation of the manufacture or acquisition of nuclear weapons.

Voicing concern over recent official statements in the Indian Parliament that India reserved the right to carry out further nuclear tests, the spokesman expressed the hope that there would be a positive response to Pakistan’s constructive proposals so that South Asia could be kept free of the danger of nuclear weapons.

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1848. **Press Release issued by Ministry of External Affairs describing as mischievous a report that India in collusion with Israel intended to attack Pakistan’s nuclear facilities.**

New Delhi, July 29, 1981.

The attention of the Government of India has been drawn to a mischievous and false report datelined ‘London’ alleging that India has been in consultation with Israel and was planning an attack on Pakistan’s nuclear facilities. The report alleged that the Indian military establishment was in touch with their Israeli counterpart to get the details of their attack on Iraqi nuclear facilities.

The spokesman recalled his statement of June 9 wherein Government of India expressed grave concern and deep indignation about the destruction of Iraqi nuclear facilities by Israeli planes. India condemned Israeli action as ‘stark adventurism and a blatant act of intervention and aggression’.

In this context the report emanating from London is patently ridiculous. It is
even more surprising and regrettable that this type of story should have been given wide publicity in Pakistani newspapers over the last two days. There is no truth whatsoever in this dispatch from London. It is deplorable that the Pakistani press has chosen to give currency to such a fantastic and tendentious and utterly baseless report. One cannot but seriously question the motivation behind it.

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1849.  
SECRET

Record of discussions between Eugene Rostow, Director of the Arms Control & Disarmament Agency at the US State Department and Secretary (East) in the Ministry of External Affairs Eric Gonsalves on Pakistan’s nuclear programme.


Secretary (East) began by saying that the Tarapur question was now the only bilateral problem between India and the US. We had been very patient about it, and had refrained from going too fast and rocking the boat. Now we were in some ways at the end of the road. While we hoped to solve this question next month with as little fall out as possible our public opinion had also to be kept in mind, and the fact that our Parliament would insist on maintaining Indian independence and on not compromising the national honour. The extent to which we valued the bilateral relationship with the US was clear from the fact that we preferred to sort this out once and for all rather than strain our overall ties because of an annual tug of war over fuel supplies.

2. Mr. Rostow hoped that the announcement of the termination would include as strong assurances as possible from India about peaceful uses; this would help the Administration internally. They appreciated what the Indian side had told them about the test site. They hoped that there would not be any explosions for the next one or two years, which would help. Secretary (East) replied that we had no immediate plans for an explosion, but we necessarily had to reserve the right to have one if we felt it necessary for peaceful purposes. He also wished to point out that we did feel that there was a certain favouritism displayed by the US towards Pakistan on this question. We in India were amazed at the way in which India was being held up as a horrible example, and that the full rigour of the law was applied to India, while the laws were bent to help Pakistan so that they could continue with their nuclear programme that had obvious non peaceful
implications. We in India, on the contrary, had said that we did not believe in deterrence, and that even if Pakistan manufactured nuclear weapons, we would examine the issue in its own light.

3. Rostow said that the Pakistan nuclear energy programme was being watched very carefully in the US, especially by the Senate. There was no question of any favouritism. The US, while it pressed Pakistan very hard on this question, agreed with Pakistan that they needed nuclear energy. Pakistan, because of the Afghan situation, was a frontline state, and had very real security problems. Assisting them with these was in the interest of the West as a whole, not to speak of the residual US obligations under the Manila pact. If the US – Pak relationship developed well, the US would have greater chances of influencing their nuclear energy programme. While the US valued its good relations with India and would try its best to avoid giving an impression of discrimination against India, the very real issues concerning Pakistan could not be neglected. The US was, however, very concerned with limiting nuclear proliferation in general.

4. Secretary (East) replied that all the evidence we had shown, (there was) no slackening in either the enrichment or reprocessing aspects of the Pakistan nuclear programme despite US strictures against these. We were also dismayed at the Administration’s desire to go ahead with the aid programme for Pakistan even if they had a nuclear explosion, though this had been changed by Congress. Pakistan could have an explosion today if they wanted to; they did not do it only because they wished to tie up and obtain the US aid package. There was also the question of Pakistani violations of the Karachi reactor safeguards. All this weakened the credibility of Pakistani assurances to the US about their programme being peaceful; they did not carry much weight with us.

5. Rostow said that in the US assessment somewhat more time was available before a Pakistani explosion, which would give the US some time to struggle further to bring matters under control, though they could not promise success. They felt that an Indian explosion within that period would push the delicate situation in the wrong direction.

6. Secretary (East) replied that while India realized that it had to alleviate Pakistan’s insecurity to the extent possible, and had indeed tried to do so, the Pakistani response was totally inadequate. Despite difficulties at home, we had sent our Foreign Minister to Pakistan, and 48 hours after his visit, the F-16 purchase was announced, which had created problems for us at home. The difficulty was partly due to the Pakistan psyche, and we could not do much about that. But it was also due to what others did to tackle Pakistan’s insecurity; given US and Chinese backing, Pakistan tended to cock a snook at us, and adopted a very negative attitude to our proposals for sub-continental cooperation. The US too had a responsibility to get Pakistan to understand that in the long
run their security in depth could not be assured by US weapons or Chinese weapons, but lay in the sub continent.

7. Rostow referred to a recent lunch he had with the Secretary General of the Pakistan Foreign Office, Shah Nawaz, at which, he said, Shah Nawaz had mentioned three or four Pakistani proposals to India on a South Asian Nuclear Weapons Free Zone, on a non aggression agreement, etc, and had complained about their being rebuffed by India. Secretary (East) pointed out that the Pakistani Proposals on the NWFZ in South Asia were part of an attempt to establish that the only problem was an Indo Pakistan one. This was not true. India was never given any credit for refraining from exercising its nuclear option despite hostile relations with China and a Chinese nuclear weapons programme. This last made it impossible for India to be a part of a NWFZ before our relations with our neighbours were settled. Such a zone should include the whole continent and not just three countries. Any such attempt was a gimmick, and meant to take advantage of the feelings of the non proliferation lobby here and abroad. As for a non aggression agreement, we had first proposed it in draft form in 1949 and several times thereafter. As recently as this summer, General Zia had said that it would not be worth the paper it was written on. Now a casual addition of this idea to a major Pakistani statement on the US aid package was being falsely presented as a formal new proposal that we had rejected. The Simla Agreement was a comprehensive one that had worked fairly well. There was no reason why India and Pakistan could not come closer. But Pakistan would have to make a difficult transition and come to have much greater faith than they now had in India as a factor of their own security.

8. India had given no guarantees to its other neighbours either, but we lived with them on the basis that we were not likely to have problems with each other. India was now in a situation that somewhat resembled that of the US in the 1870’s. In the future, we hoped to move faster than the US has done – while we had started out after partition resembling for example, Palestine, Ireland or Cyprus, we had in 30 years made much greater progress in solving our problems than they had, and were confident of being able to continue to move forward.

Sd/- C. Cowsik
First Secretary (Pol)
19-11-1981
1850. Extract from the interview of Pakistan President Zia ul Haq with the Christian Science Monitor relating to Pakistan’s nuclear programme. (as published in Pakistan Times, on December 2, 1982)

Islamabad, December 2, 1982.

Q: On the nuclear programme, you have said, on the record, that Pakistan is enriching uranium. According to Western experts, the enrichment process is highly expensive, too expensive for a limited nuclear power programme. This - combined with your efforts to buy a reprocessing plant, your purchases of “yellow cake” (uranium) from Niger, your attempts to acquire other nuclear weapons technology in Europe – indicates, according to the some experts, that you, in fact, are making the bomb. Is that a correct assumption?

A: No. That is not a correct assumption. We are enriching uranium, yes. We are enriching uranium as a modest, humble programme in order to acquire technology, which can be used later in a nuclear power reactor. It certainly does not enable us to give us weapons grade enriched uranium.

Pakistan is facing a very critical situation with regard to its energy requirements. We have practically reached full capability, except for a little scope in the hydroelectric means of producing electricity. We have not got enough to continue to provide thermal power plants. It costs something like 300-400 million dollars.

We did not have to import ‘yellow cake’ from Niger, because Pakistan itself has uranium.

Now, if you would talk to an expert, and ask him “what are the steps required for a country to have military nuclear capability”, the description that he would give you would indicate very clearly that Pakistan, without the reprocessing plant and having a very modest enrichment plant, does not acquire the capability of making a bomb...

I don’t think Pakistan is that naïve, or that irresponsible a nation that we would have this destroyer on our hands, and would be offering it to Qaddafi or somebody else."

I categorically state to you that Pakistan is not indulging in acquiring any other capability than a capability which can be used for pure and simple peaceful purposes and for meeting our energy requirements.

Q: But I have heard that your uranium enrichment programme falls under the Ministry of Defence rather than under your Atomic Energy Commission.
A: That is wrong. That is totally wrong. The Ministry of Defence has nothing to do with this. It is part and parcel of Pakistan's Atomic Energy Commission...

Yes, like many other countries, you may have some military officers working on the construction of buildings, looking after security aspects, but that does not turn the programme into a defence programme, or a defence oriented programme.

Q: Why then has Pakistan not signed the nuclear non proliferation treaty? Why have you not permitted the International Atomic Energy to inspect the facility at Kahuta (the reported site of Pakistan’s uranium enrichment plant)? And why have you refused to accept international safeguards at the Kahuta site?

A: Purely on the matter of principle, we do not like to be discriminated against. The Kahuta facility is not covered, by international safeguards. It is a facility which has been created by us through beg, borrow and steal. And, therefore, we have no intention of bringing it under any international safeguards, unless similar facilities elsewhere in the world are also brought under control.

There are next door (in India) three reprocessing plants which are under no safeguards. So, all we say is that Pakistan will sign the nuclear non proliferation treaty tomorrow if other countries sign it. I don’t name them, but, as you know, there is more than one country – India, South Africa, and many others – I won’t name them.

Q: If India signed the treaty, would that be enough for Pakistan?

A: For Pakistan, it would be enough. Yes, I would grant you that.
Comment by Pakistan President Zia ul Haq on intelligence reports that India intended to carry out a preemptive strike on Pak nuclear facilities.

Washington (D. C), December 20, 1982.

President Mohammad Zia ul Haq has said that although Pakistan has taken adequate security precautions around its nuclear installations, he considered it unlikely that India would make a preemptive strike on them.

At the same time, Pakistan “naturally has concern” about an Indian military attack on its nuclear facilities, particularly in the light of Israel’s strike in Iraq.

“But under the present environment, I don’t think there is a necessity of India to be that hostile”, Gen Zia added.

Gen. Zia, was responding to a question about the reported contingency plan prepared by Indian military leaders to strike in case Pakistan appeared on the verge of acquiring a nuclear weapons capability.

[The four – column, front paged report in Washington Post on December 20, 1982 had quoted US intelligence sources to say that Prime Minister Indira Gandhi had decided against carrying out an attack, without foreclosing the option.]

Gen Zia said: “We are not in competition with India. We have not developed, are not capable of developing and have no intention of developing an atomic bomb.

While Gen Zia acknowledged that “there may be some concern” in India about Pakistan’s nuclear programme, he said that the subject “never came up” when he met Mrs. Gandhi at New Delhi on November 1 last.
Gen Zia further said that he told President Reagan categorically that Pakistan was not attempting to acquire a nuclear capability in military field.

“Pakistan is trying to acquire in a very humble way nuclear technology for peaceful purposes…”

“We have no reprocessing facility whatsoever. Pakistani scientists are experimenting with how to reprocess one ounce of plutonium. As scientists, you cannot deny scientists the right to experiment.”

Gen Zia said Pakistan was building an enrichment facility but described it as “a very humble, modest programme…”

“We have devoted a very meager percentage of our budget to this.”

The *Washington Post* also quoted Finance Minister Ghulam Ishaq Khan as having said that the Government’s “total expenditure on the nuclear programme” came only to “$50 million to $55 million annually” and that sum included uranium exploration activities and production of radio isotopes for medical and other purposes.

1852. **Statement by Minister of External Affairs P.V. Narasimha Rao in the Lok Sabha, on a Calling Attention Notice regarding the situation arising out of the reported nuclear collaboration between Pakistan and China and the reaction of the Government in regard thereto.**

*New Delhi, March 30, 1984.*

Mr. Speaker Sir,

The possibility of Pakistan’s nuclear programme having a non peaceful dimension has naturally been a matter of concern for India. It is in this context that Government noted reports of Sino Pak nuclear collaboration and the recent claim made by a leading nuclear scientist of Pakistan about the ability of the Pakistan nuclear establishment, if required, to produce nuclear weapons. This was denied after the interview was widely publicized.

There have been reports from time to time pointing towards possible Chinese collaboration in Pakistan’s efforts for developing nuclear weapons. In an interview
published in August, 1982 in a New York journal “Nucleonics Week”, Mr. James Malone, the then Assistant Secretary of State and Chief Nuclear Negotiator of the US Administration, had stated that China had apparently supplied to Pakistan material other than fuel related items, which he had declined to specify. Mr. Howard Shaeffer, Deputy Assistant Secretary of State in the US Government, in a testimony in early 1983 before the Sub Commission on Asian and Pacific Affairs of the House of Representatives, had confirmed that there was a nuclear relationship between China and Pakistan. Though details of this relationship were not discussed, the Sub Commission received an Intelligence briefing on the subject. Recently Mr. Paul Leventhal, President of the Nuclear Control Institute of Washington, has also testified that China has transferred sensitive nuclear weapons design information to Pakistan. These statements by senior US officials and experts speak for themselves.

Pakistan spokesmen have explained that Pakistan wanted to acquire nuclear technology only for peaceful purposes and that it had no intention of manufacturing nuclear weapons. While there has been no categorical denial by the Chinese Government of different reports about Sino Pak nuclear collaboration, the Chinese Prime Minister, during his visit to the United States in January, 1984 had stated: “we do not engage in nuclear proliferation ourselves, nor do we help other countries develop nuclear weapons”.

Keeping all aspects of the matter in view, we cannot but note with concern reports of contacts between Pakistan and China in the nuclear field. I would however like to assure the House that Government have been keeping a constant watch on all developments having a bearing on India’s security. Government would continue to do so with utmost vigil.
Statement by Pakistan’s Minister of State for Foreign Affairs Zain Noorani in the Senate regarding comments of Indian Prime Minister on Pakistan’s nuclear Programme.


The Government has received the transcript of the Indian Prime Minister’s references to Pakistan at his Press Conference on July 7, 1985.

On the nuclear issue he was asked a number of questions. The point on which the honourable member has moved this adjournment motion arose in the context of a question whether the nuclear issue was discussed between Prime Minister Rajiv Gandhi and Foreign Minister Sahabzada Yaqub Khan. Mr. Gandhi stated: “He (Yaqub Khan) has taken the stand that they are not making a weapon. We pointed out that if they do have a weapon it will change the situation in this region and we would have to react in some manner.”

The honourable member has construed the Indian Prime Minister’s statement as a “threat”, “warning” and “interference in Pakistan’s internal affairs.” Now that the text of Mr. Gandhi’s statement is available, the honourable member may wish to reconsider his interpretation.

The Government of Pakistan has noted Mr. Gandhi’s observations in their totality. It is a matter of satisfaction that Mr. Gandhi reiterated India’s desire for normalization of relations with Pakistan. His assessment of the progress made at the recent meeting of the Pakistan-India Joint Commission was “good”, although he added that India would have liked “some major advances in trade.”

As for the nuclear issue, Mr. Gandhi said that in India’s assessment Pakistan was “fairly close to manufacturing a weapon.” He had made similar statements during his foreign tours in May and June, 1985. The Government of Pakistan has often declared its policy on this subject. As our Foreign Minister reiterated the position during his visit to New Delhi, our programme is entirely peaceful in nature. It aims at meeting our growing energy requirements. We have no intention of producing nuclear weapons. What is more important and what distinguishes our declaration of intent is our willingness to join with India bilaterally or with other non nuclear weapons states on a regional or global basis in a solemn treaty to renounce nuclear weapons.

Unfortunately, in contrast the Government of India has shown no willingness to convert its unilateral declaration into a binding international commitment. The Indian stance not only lacks credibility but could generate suspicion and concern. The fact is that India maintains a large nuclear programme outside international inspection and safeguards. It has accumulated a very substantial quantity of fissile material. It even tested explosion technology in 1974. In order to reduce and remove concern about its nuclear programme, India should be prepared,
like Pakistan, to assume solemn obligations, and give fool proof assurances concerning its nuclear programme.

I join the honourable members in expressing concern over the statement made by Prime Minister Gandhi that India would have to “react in some manner.” It could betray an inclination in New Delhi in favour of nuclear weapons and cast doubts on India’s commitment to peaceful use of nuclear energy.

While we do not wish to read into the Indian Prime Minister’s statement more than what he has actually said, we should like the Government of India to note that this issue can be better resolved through a serious and purposeful dialogue than through propagandistic allegations.

To synchronies with Rajiv Gandhi’s unfounded allegations certain foreign media have been orchestrated by some anti-Pakistan lobbies to claim that Pakistan has obtained a trigger mechanism to set off nuclear bombs and has carried out tests for an explosion.

On behalf of the Government of Pakistan, I most categorically deny this fairy tale and assert that Pakistan does not have a nuclear bomb, has never had one, and does not intend to have one.

Ours is a nuclear programme for peaceful purposes and shall always be so.

I would like to tell those who take every opportunity to make untrue allegations against Pakistan, that a falsehood remains a falsehood, no matter how often it is repeated.

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Interview of Pakistan President Zia ul Haq with Tom Brokaw of N.B.C. on Pakistan’s nuclear programme.


(The interview was conducted for the NBC through satellite.)

Q: President Zia, you deny having a nuclear device and say you don’t intend building one. But there are all the evidences that Pakistan is now capable to have a bomb and they hope that it will have one very soon. What is the situation? Do you have a nuclear bomb?

A: Mr. Tom Brokaw, your question I expected. I can be very categorical. Pakistan has neither the intentions nor the capabilities of having a nuclear bomb. We do not have it, we do not intend to have it.

ON KAHUTA NUCLEAR FACILITY

Q: And yet you have a major nuclear facility at Kahuta that has been designed to enrich uranium which is bomb grade material. A number of knowledgeable persons form other countries believe that you are only enriching that uranium because you want to make a bomb.

A: No sir, this is not correct. In the first case, we haven’t got a very large facility in Kahuta. Our programme is a modest research programme to acquire nuclear technology for peaceful purposes. There are three areas in which we can make full use of nuclear technology for peaceful purposes: for our energy programme, for health purposes, and for agriculture.

ON URANIUM ENRICHMENT.

Q: President Zia, in 1984, Dr. Abdul Qadeer Khan, who heads the Kahuta programme, said that by the grace of God, Pakistan is now one of the few countries in the world that can enrich uranium. You only enrich uranium if you want to build a nuclear weapon. It is not necessary to do that if you want to have peaceful uses of nuclear power.

A: Mr. Tom Brokaw, you know it fairly well, and I think so do the scientists, that there are various grades of enrichment. Pakistan’s capability of enrichment of uranium is of a very low grade, which we want to use for our nuclear power reactor. Now, your next question would automatically be: “Do you have one”? I say, no, we haven’t yet got one but having had a very bad experience with our previous nuclear programme, we have decided that we should now have a foolproof arrangement of self reliance so that if and when Pakistan is able to get a light weight nuclear power reactor, we should be able to provide its fuel by ourselves. That is all there is to it.
President Zia, you have proposed a mutual treaty with India and an inspection programme. Indian Prime Minister Rajiv Gandhi has said that you have stored enriched uranium somewhere and it could be used for the production of a bomb and, therefore, it would not be subject to inspection that you have offered.

**NO ATOM BOMB TUCKED AWAY**

A: I do not know if he has said so. But, of course, I have no reason to disbelieve you and what you attribute to Prime Minister Rajiv Gandhi. But I must tell you that I also had a conversation with him when I went to New Delhi to attend the last rites of the late Prime Minister Indira Gandhi, I offered some mutual guarantees and measures that could generate mutual confidence. At that time, I thought he had responded positively. Now, as I said, I see no reason why I should disbelieve you, but if this is true, then I must say that Prime Minister Rajiv Gandhi is under some disillusion, misunderstanding like their famous scientist author, Mr. Subrahmanyam who says in one of his recent articles that who know whether India or Pakistan could have made a bomb by now and must have tucked it away somewhere. I want to assure you and through you I want to assure Mr. Rajiv Gandhi that Pakistan has not tucked away or stored away any bomb. Unless my offer to Mr. Rajiv Gandhi is tested, how can you say that it is only for the sake of saying. The test of the pudding is in eating. Here is my offer, accept it, try it out and then, of course, you will be able to have a critique on it.

**ON INSPECTION OF PAK NUCLEAR FACILITIES**

Q: Are you going to have an open international inspection of Pakistan’s nuclear facilities, specifically of the Kahuta nuclear processing plant?

A: Yes, Sir we had offered it long ago. But what we object to is the discriminatory attitude or discriminatory application by the International Atomic Energy Agency of full scope safeguards only to Pakistan. It must have a universal application.

**WHY PAKISTAN DOES NOT WANT ATOM BOMB**

Q: President Zia, why should you not want a nuclear weapon of some kind? After all, you have a Soviet occupation just to your west, an old adversary in India just to your east, and you have the Soviet Union hovering over your country to the north. Had I been in your place, I would have wanted to have a nuclear weapon for defence.

A: Mr. Tom Brokaw, you are right, but in Pakistan we do not think in that manner. In Pakistan, we think more in terms of what is good for the mankind, in terms of Islamic teachings and also in terms of international humane civic sense, if I can call it that. We want nuclear non proliferation to exist and be strengthened. We want that the world should live in peace and we want that humanity should be saved from another disaster. And that is a very strong reason that we are not wanting to have the capability or the intentions of having a bomb.
Q: If you reaffirm your hope and your intentions, why don’t you sign the nuclear non proliferation treaty?

A: We are prepared to sign it tomorrow but not on a discriminatory basis. We want its application to be at least on a regional basis. The projection of the nuclear non proliferation in South Asia, we propose, should be on a regional basis and Pakistan will be the first country to sign.

ON CHARGES OF STEALING NUCLEAR TECHNOLOGY

Q: President Zia, as you know, there are a number of allegations from a variety of sources that Pakistan’s nuclear capacity, whatever it is, is a capacity based on stealing nuclear technology from Netherlands and from Canada. How do you respond to those charges?

A: Negative: Incorrect: based on misunderstanding and a bad Press that Pakistan unfortunately has in the European world: As far as Canada is concerned, we are very greateful to Canada for signing with Pakistan the establishment of a natural uranium heavy water nuclear power plant. This is still running in Karachi. We had gone into the agreement with Canada in 1965. The facility was completed in 1972. In 1976, Canada unilaterally withdrew all assistance. It was Pakistan’s own sense of responsibility which made us unilaterally accept International Atomic Energy Agency’s full scope safeguards on this facility. With regard to the Netherlands, all I can say is that we have the capability of having a centrifugal system of enrichment of uranium on a very modest research scale.

Q: Do you mean that you reserve for yourself the idea that you can have enriched uranium but have no intentions of building a bomb?

A: Never, Sir our enrichment programme is purely and simply for a future light weight enriched uranium reactor, if and when we can have it. We have already floated some tenders and there are one or two very encouraging responses. I hope Pakistan one day can get this and can boost up its productivity which is now hampered because of lack of energy.

ON PAKISTANI INITIATIVES

Q: President Zia, if there was a concrete proposal to make this sub-continent, that is India and Pakistan in your part of the world, a nuclear free zone with international control, will you go along with that?

A: Mr. Tom Brokaw, for your information if I may be allowed to say, Pakistan has taken a number of initiatives in this respect so far. If you believe that the application of nuclear non proliferation in South Asia can be on a regional basis, Pakistan on its own has taken initiatives and offered to India five definite
proposals. We have offered that let us sign the nuclear non proliferation treaty together, jointly. If this is not acceptable, let us have bilateral nuclear non proliferation treaty between our two countries. If this is not acceptable, let us have an international inspection team to inspect each and every nuclear facility in each of the two countries. That is, in Pakistan and in India. Pakistan is also the exponent of the idea of having a nuclear free zone in South Asia. We also offered to India that let us jointly renounce the use of nuclear weapons altogether. Five proposals, Mr. Tom Brokaw, that we have made to India. We have not yet received any response. If it is said, as you said a little while ago, Pakistan’s initiatives, Pakistan’s proposals, are only a P.R. effort, why not try them? Give it a try. Accept Asia a real, ideal, nuclear free zone.

ON SINO-US NUCLEAR AGREEMENT

Q: President Zia, the United States and China have signed a new nuclear agreement for peaceful purposes. You have had a good relationship with China. Do you expect you would be able to share this technology as a result of this agreement?

A: No, sir, not at all Pakistan and China have a relationship in many fields, but in the nuclear field we have no cooperation whatsoever. Pakistan’s programme and Pakistan’s efforts so far are totally indigenous and we do not want to get in touch with China for any nuclear assistance, whether it is for peaceful purposes or for any other purposes. We welcome what China has been able to get from the United States of America and we wish China and the United States all the best in forging ahead their relationship which in my opinion will eventually be good for humanity and mankind.

NUCLEAR ALLIANCE WITH LIBYA DENIED

Q: President Zia, what is your comment on reports that Pakistan’s efforts to build a bomb were started by your predecessor, Mr. Bhutto, who said that Pakistan will make a bomb even if it has to eat grass. Was that his goal? Then there is considerable evidence that you have a real alliance with Libya in an effort to build a bomb.

A: Negative, Mr. Tom Brokaw. There is no truth in this. I know it and you must give me the credit for at least that much of knowledge and information on the subject. Pakistan and Libya have no relationship whatsoever in the nuclear field.

Q: And you don’t expect it in the future?

A: None whatsoever. As I said, Pakistan’s programme is totally indigenous and for peaceful purposes.
Q: I offer my personal assurances and will make sure of that. We can give you a tape of our programme and you can check for yourself if you are satisfied.

A: Thank you. I have full regard and respect for you and I trust you. It need not be checked by me. I am fully satisfied. Thank you so much. Come to Pakistan and be my guest if it is not embarrassing, if it is not something unusual.

Brokaw: Thank you very much, sir.

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1855. Response of Pakistan’s Minister of State for Foreign Affairs to the Indian Prime Minister’s observation about Pakistan’s nuclear programme.

Islamabad, October 12, 1985.

“Let me once again make it clear that we do not have any such bomb and we have no intention of making one,” Mr. Noorani said while speaking on an adjournment motion in the National Assembly.

He said India had accumulated a substantial stockpile of plutonium. It had already tested the explosion technology in 1974. In June 1985, the Indian Prime Minister had publicly admitted that India could make the nuclear bomb in “months or weeks”.

He said India had kept its options open. This was stated by the Indian Minister of State for External Affairs in August 1985. Any objective observer could see that it was India which posed a real threat to non proliferation in South Asia. However, New Delhi was engaged in a raucous propaganda against Pakistan. hardly a day passed when the Indian Prime Minister did not declaim on the issue.

He said: “One day Mr. Rajiv gives an interview to NEWSWEEK making a false accusation that Pakistan is making a bomb. The next day he repeats the same charge when speaking to Indian Army commanders. Again the next day he warns the Indian Defence College about ‘inadvertent use of the atom bomb by Pakistan’.

Mr. Noorani said no less a person than the President had time and again stated in clear terms that Pakistan’s nuclear programme, modest and experimental as it was, had been designed to meet energy requirements of the country.
He added: “If India is truly committed to exclusive peaceful uses why does it not join Pakistan in renouncing nuclear weapons? India only makes pious proclamations. We are prepared to back up our declarations by assuming solemn obligations in a treaty. We have made concrete and specific proposals to India. Every now and then New Delhi tries to pick holes in our proposals. But has it come forward with any constructive or positive idea of its own? We have not received a single one. And why does it not do so? It is because India does not want to commit itself to an era of peace and tranquility in the region,” he observed.

He noted “that it is also because New Delhi does not want to lose the chance of performing the snake charmer’s dance for the benefit of the international media to hypnotize it into believing that Pakistan is in the wrong, while India hides its own intentions behind a veil of innocence.

“How long does India expect to get away with this sham. I am sure intelligent people all over the world have seen through India’s game and nobody gives credence to these rancorous outbursts from New Delhi,” he added.

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Dr. Abdel Qader Khan, father of the ‘Islamic bomb’ said in his first interview with a foreign journalist: ‘America knows it. What the CIA has been saying about our possessing the bomb is correct and so is the speculation of some foreign newspapers’.

In confirming that his country has gained entry to the exclusive world nuclear club that includes the Big Powers, India, Israel and probably South Africa, he declared: “they told us that Pakistan could never produce the bomb and they doubted my capabilities, but they now know we have done it.”

For the first time, he said, these labs are producing highly enriched or weapons grade uranium. We have upgraded it (the uranium) to 90 percent to achieve the desired results, he revealed.

Asked if Pakistan had tested the bomb, he replied: “Is it necessary? America has threatened to cut off all its aid. The testing does not have to be on the
ground. It can be done in a laboratory, through a simulator. Planes are often flown after their capability in simulators."

During the hour long interview, Khan made a point of referring to an observation by a former Indian atomic energy chairman that Pakistan lacked the technical ability and manpower to make its own nuclear bomb.

Indeed it was difficult, particularly when America and other Western countries had stopped selling anything which could be used in manufacturing the bomb; he said. ‘Embargoes were put on such small things as magnetic and maraging steel (a very tough steel used for centrifuges), but we purchased whatever we wanted before Western countries got wind of it.

Khan said that Pakistan had taken only seven years to assemble the bomb, whereas an Indian team which carried out a nuclear test in 1974 took 12 years. The Indians have carried on with their nuclear weapons research, he claimed and they now have a much bigger bomb. They had not tested it on the ground, he added, but they have tested its other capabilities.

He poured scorn on India’s claim that it had carried out only a peaceful test in 1974. The word peaceful associated with the nuclear programme is humbug. There is no peaceful bomb.

Once you know how to run reactors, how to produce plutonium and reprocess it — all of which Pakistan has mastered as well— it becomes a rather easy task to produce nuclear weapons.

Khan spoke with obvious pride of the Kahuta plant, almost as if it were his third child, and described it as a mechanical miracle. It took three years to complete, he said, and became fully operational at the beginning of 1979. The procedure involved a sequence of ideas, decision making, feasibility report, basic research construction of a table model, of a pilot plant, and then of the facility.

The technology at Kahuta has been mastered only by highly industrialized countries, and Khan said Pakistan deserved credit for accomplishing a Herculean task that required expertise in metallurgy, engineering electronics and nuclear physics.

We took a very bold step and started with all the steps simultaneously. While preliminary work was being done at Rawalpindi and procurement was being done for the most essential and sophisticated equipment and materials, we were manufacturing the first prototypes.

Scientists at Kahuta started by enriching uranium to between 3.0 and 3.5 per
cent – the ‘safe’ level for commercial purposes. Now, at 90 per cent, the uranium is weapon grade.

When I reminded Khan that a Dutch court had sentenced him for trying to gather secret information -- a sentence later overturned on appeal -- he claimed he never had a chance of presenting his side of the case to the public prosecutor who tried him in absentia.

The Dutch Minister of Justice told the country’s Parliament last year that fresh charges would not be filed against Khan. But he will not be welcome if he should return to Holland.

I never received any answer to my letters, Khan said, but was prosecuted without my knowledge. The information I had asked for (from former colleagues) was ordinary technical information. I submitted certificates from six world renowned professors, from Holland, Belgium, Britain and Germany, that the information requested by me was not classified.

At the same time in an extraordinarily frank aside, Khan made clear that Pakistan would be prepared to beg, borrow whatever was required for its nuclear programme.

Having said that, I can tell you that the Western world never talks about its own hectic and persistent efforts to sell everything to us. When we bought inverters from Emerson, England, we found them to be less efficient than we wanted them to be. We asked Emerson to improve upon the parameters and suggested the method.

At that period, we received many letters and telexes, and people chased us with figures and details of equipment they had sold to Almelo, Capenhurst, etc. They literally begged us to buy their equipment.

Khan is aware of India’s interest in Kahuta. A military attaches at the Indian embassy in Islamabad tried unsuccessfully to recruit two of our boys, he claims. India knows what price it would have to pay for attacking Kahuta. In any case the plant is well protected and we have not put our eggs in one basket.

Nobody can undo Pakistan or take us for granted. We are here to stay and let it be clear that we shall use the bomb if our existence is threatened.

Khan’s fervent hope is that Pakistan and India will hold back from using nuclear weapons against each other. I personally think that the only way to stop nuclear warfare between us is to come to an agreement. Whatever arrangement India suggests, we are willing to accept, provided it is equally applicable to both.

Islamabad, March 1, 1987

“My attention has been drawn to an article in some newspapers by an Indian journalist, Mr. Kuldip Nayyar, containing an alleged interview with me. The article is mischievous, false and concocted and is an attempt to malign Pakistan.

“I never gave an interview to Mr. Kuldip Nayyar and never used the words attributed to me.

“To put the record straight, a Pakistani friend of mine living in Islamabad came to my house some 1-1/2 months ago to deliver an invitation for his marriage ceremony. He was accompanied by a person unknown to me and who was introduced as Mr. Nayyar. Since my friend had come personally to deliver the invitation, as a matter of courtesy I asked him to have a cup of tea with me. While having tea Mr. Nayyar, who I then learnt was Mr. Kuldip Nayyar of India, asked casually my views about Pakistan’s nuclear programme. I told him about Pakistan’s policy of its readiness to sign Nuclear Non Proliferation Treaty simultaneously with India and to renounce the manufacture and use of nuclear weapons. In response to a question I also told him that Pakistan’s policy on this subject had been reflected, in unambiguous terms, more than once by our Prime Minister, Mr. Mohammad Khan Junejo.

“As stated earlier, this coincidental meeting with Mr. Kuldip Nayyar was without prior arrangement. The disclosure of this informal meeting and discussions by Mr. Kuldip Nayyar is a breach of trust and is professionally un-ethical. I regret Mushahid Khan, Editor of the Muslim paper to say that he has misused my hospitality and has, unfortunately, indulged in unfair and bad journalism.

“I want to reiterate that our modest nuclear research and development programme is solely for peaceful purposes and is geared towards meeting our energy requirements for a fast growing industry”.

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1858.

Note recorded by Joint Secretary and Official Spokesman of the Ministry of External Affairs after his meeting with Journalist Kuldip Nayyar, who interviewed Pakistani Nuclear Scientist A. Q. Khan.

New Delhi, March 2, 1987

Ministry of External Affairs
(JS-XP)’s Office

As approved by FS, I spoke to Shri Kuldip Nayar yesterday, with regard to the article he had written in the ‘Observer’ (London) about his interview with AQ Khan in Islamabad. Nayar told me that the interview with AQ Khan took place on January 28 or January 29 at the latter’s residence. Nayar informed me, in the strictest confidence that the interview had been arranged for him by Mushahid Hussain, Editor of the Muslim.

(I personally know that Mushahid Hussain has close links with the Pakistan’s military establishment. He is a strong advocate of Pakistan going nuclear. While he professes a certain degree of independence of views, especially with regard to US–Pakistan relations, he has close personal relations both with President Zia and with President Zia’s former Information Secretary, Lt. Gen. Mujibur Rahman).

2. Kuldip Nayar told me that while he had given his article on his meeting with AQ Khan to Shyam Bhatia sometime ago, the Observer wanted to check out certain details before going to print. I might mention that AQ Khan has invariably taken an extremely militant and anti Indian positions in his press interviews. In press interviews which he has given over the last two years or so, he has invariably suggested that, should the nuclear establishment in Pakistan be asked to produce nuclear weapons for the defence of the country, then they would not fail to live up to the expectations of the nation. It is interesting that Kuldip Nayar should have been provided the opportunity to interview AQ Khan at the height of the Indo Pak tensions on the border and just prior to the visit of Foreign Secretary Sattar to India. The Pakistan perhaps did not expect that there be such a substantial delay in printing the interview. As Nayar was not allowed to record the interview, it is quite clear that the interview was given in a manner which make it “deniable”. I have spoken to both our High Commissioner in London and our Ambassador in Washington. I have advised our Mission in London to immediately air freight 100 copies of the newspaper to Washington. Ambassador Kaul mentioned me that he would
arrange to have the copies of the newspaper distributed expeditiously to
members of the Congress, media, etc.

(G. Parthasarathy)
Joint Secretary (XP)
2 – 3- 1987

Foreign Secretary

[arrangement for distribution of newspaper]

1859.

SECRET
Letter from Embassy of India in Pakistan to Ministry of
External Affairs.

T.C. A. Rangachari
Counsellor (P & E)
Embassy of India
482- F. Sector G.6/4
Islamabad

No.ISL/110/1/87 3 March 1987

My dear Satish,

We had telexed to you Kuldip Nayyar's story published here in THE NATION on
1 March, on his interview with A.Q. Khan: you would have also seen the London
OBSERVER story. He had accompanied a Pakistani journalist (since confirmed
to be Mushahid Hussain, editor of THE MUSLIM to A.Q. Khan's house. (Kuldip
Nayar had com to Pakistan at that time to attend Mushahid Hussain's marriage).

Not unexpectedly A.Q. Khan has issued a vehement denial stating that he
never gave an interview to Kuldip Nayyar though he confirms the meeting as
reported by Kuldip Nayyar. He accuses Kuldip Nayyar of breach of trust, lack of
professional ethics, misuse of hospitality and of unfair and bad journalism; no
interview was fixed in advance and, he says, he learnt of Kuldip Nayyar's identity
only during the meeting. His denial has been followed up by a statement put out
by the Foreign Office spokesman (Foreign Secretary Abdul Sattar). This too, is
a direct attack on Kuldip Nayyar accusing him of indulging in “irresponsible mischief
mongering” and “motivated journalism”; it also links the timing of its publication
with the debate on the 1987 -- 93 US aid package to Pakistan now before US
Congress.
2. A.Q. Khan is known to be a braggart and a publicity seeker. He would like to be regarded as the biggest benefactor of Pakistan after Quaid-e-Azam. He has given several interviews in the past boasting of his achievement in putting Pakistan on the nuclear map and in enabling Pakistan acquire the capability of making the bomb. The most recent was his interview published in *HURMAT* weekly of 7 January (our letter of even number dated 27 January refers). The *Observer* story brings out A.Q. Khan’s personal involvement with and pride in Kahuta. What is new in Kuldip Nayar’s report, therefore, is the open admission that Pakistan has actually made the bomb.

3. Ambassador spoke to Mushahid who confirmed the interview; he also said that A.Q. Khan did not permit the conversation to be tape recorded. THE *FINANCIAL TIMES* also telephonically checked with Mushahid Hussain and he backed the *Observer* story saying that the meeting lasted one hour and also that such meetings cannot take place without prior notification, at which point, the telephone line reportedly went dead. In an editorial this morning, obviously written by Mushahid, *Muslim* says that the contents of the interview are not surprising and tend to confirm what people in Pakistan had generally felt; the national interest has been served by the interview and the Government need not feel unnecessarily defensive or peevish over A.Q. Khan’s “candid comments on the nature and progress of our nuclear programme”.

4. This view is obviously not shared by the Government. Speaking to MNAs of the ruling PNL, Prime Minister Junejo said that the interview was against the interests of the country and assured them that necessary action will be taken. The Government owned NPT papers have sprung to the defence of the father of the Pakistani nuclear programme accusing India, (not merely) Kuldip Nayar of engineering a fabricated and fake story to malign Pakistan.

5. Not everyone is, however, buying the official explanation so readily. THE *FRONTIER POST*, for example finds the official explanation about ‘a chance meeting’ unbelievable recalling the fate that befell BBC correspondent, Chris Sherwell, who sought an interviews with A.Q. Khan as also the treatment meted out to the French Ambassador and First Secretary when they got too near Kahuta some years ago. It also refers to the policy of ‘ambiguity’ maintained by Pakistan which has helped US put pressure on India to sign the NPT.

6. We have surely not heard the last on this subject. A number of Adjournment Motions are being tabled in the National Assembly. The press is most agitated that a foreign journalist, and “that too an Indian” as the Delhi based correspondent of *Time*, Rose Munroe rather infelicitously put it in his message to a local correspondent, has walked away with world headlines. They will have much to say.

7. An interesting twist to all this is the description of Kahuta plant as a bluff by former Chairman of PAEC, P.H. Usmani. In an interview to *THE MUSLIM* on
24 February, he has acknowledged that capability to produce enriched uranium is no small achievement but to say that the Kahuta plant has provided Pakistan with a nuclear option and it was only a matter of decision whether or not to make the bomb, is like playing poker. While President Zia has repeatedly stated that Pakistan is not making a bomb at Kahuta, it would be more appropriate, according to Usmani, to say that Pakistan is not capable of making a bomb at Kahuta. Some other reports have also quoted similar remarks reportedly made by Dr. Raja Ramanna in the recent past.

Yours sincerely
T.C.A. Rangachari

P. S.

4 March 1987

A.Q. Khan has now put out a clarification retracting his earlier statement that meeting with Kuldip Nayar was without prior arrangement and acknowledged that he had been informed earlier about his identity and he agreed to see him. Mushahid has, in turn, stated that the statements attributed to A.Q. Khan are mis-quoted and irresponsible. This is very different from what he has said in THE MUSLIM editorial of 3 March. Obviously pressure has been exerted on both sides: on A.Q. Khan by Mushahid since his earlier statement made it appear that Mushahid was party to something clandestine and sinister; and on Mushahid by the Government to help salvage some credibility for A.Q. Khan. In fact, the clarification is being seen as confirmation. And Mushahid has been forced to fall on the sword: his ‘resignation’ has been accepted with great regret” by the management of THE MUSLIM.

2. I have just been told by a Pakistani journalist friend that A.Q. Khan openly referred to his conversation with Kuldip Nayyar at a Press club function in Islamabad last month at which my friend was also present. He says he remonstrated with him that he should be more discreet.

3. The Prime Minister reportedly summoned the IB Chief and also Interior Ministry officials and has questioned them about this incident. As a consequence, Mushahid has been put on the Exit Control List. Publisher of THE MUSLIM Murtaza Pooya was summoned by the Minister for Information and Broadcasting. Government has stopped its advertisements to THE MUSLIM with immediate effect; there is also talk of some other threats against the paper.

4. So far, each episode of this serial has been more interesting than the previous one. What will the morrow bring?

T.C.A. Rangachari
1860.  Note from Embassy of the Islamic Republic of Pakistan in Singapore to diplomatic missions in Singapore.

Singapore, March 5, 1987.

The Embassy of the Islamic Republic of Pakistan presents its compliments to the Diplomatic, Consular and Trade Missions in Singapore and has the honour to draw their attention to a news item appearing in the *Straits Times* of March 2 on page 26, on the development of the atomic bomb by Pakistan.

The Embassy wishes to state that the news story of the *Sunday Observer* London is a malicious propaganda which has been going on against Pakistan for sometime. Pakistan Government has reaffirmed a number of times and would like to do so again that the nuclear research in the country is solely aimed at development of fuel grade uranium for power generation.

The Embassy wishes to quote herewith the following statement issued by Dr. Abdul Qadir Khan, the scientist who has been quoted in the above referred story published in the *Sunday Observer* London of 1st March:

“I understand that the *Sunday Observer*, London is publishing an article in which it is attributing to me a false and concocted statement. Furthermore, some of my remarks have been taken out of context to mislead the world into believing that Pakistan possesses a nuclear weapon and that we have enriched uranium to 90 per cent or more.

As I have so often before stated, Pakistan’s enrichment research is solely aimed at the development of fuel-grade uranium for our future power reactors.

The Government of Pakistan has made it abundantly clear that it has no desire to produce nuclear weapons. It follows that our modest research and development enrichment programme is geared only to meeting our growing energy requirements”.

The Embassy of the Islamic Republic of Pakistan avails itself of this opportunity to renew to the Diplomatic, Consular and Trade Missions in Singapore the assurances of its highest consideration.

**The Diplomatic, Consular And Trade Missions in Singapore.**

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The following is the text of the interview:

**Question:** Kahuta remains surrounded by deep mystery. It does not have much to show for all the years it has been there. Would you like to comment?

**Answer:** All sensitive or high technology projects all over the world are kept away from the approach of every Tom, Dick and Harry. Kahuta is no exception. You can’t go to Harwell, Karlsruhe, Los Alamos or Bhabha Atomic Centre. Our government has so often spoken about the work being done at Kahuta. In addition to the difficult task accomplished in the field of uranium enrichment, we are now producing some sophisticated weapon systems for our armed force. I believe we have shown more than enough to the nation to worry about our image or credibility.

**Question:** How much of the Pakistani bomb is fiction and how much of it is reality? Don’t you think, as time passes, it is becoming something of a dream than a matter of substance?

**Answer:** It is all fiction and a creation of the minds of the anti-Pakistan lobby. Our governments all along have been solemnly declaring that our nuclear programme is peaceful. I have not been asked to do otherwise. We are a poor country and very short of electric power. All our efforts in this field are aimed at producing nuclear power in the country.

**Q:** Besides bomb making what, are the uses of the kind of enriched uranium you are making at Kahuta particularly when we don’t have any light water reactors?

**A:** The 3.3 - 5 per cent uranium we are making at Kahuta is mainly meant for making fuel for light water reactors (LWR). When we started Kahuta, we were hopeful that by the time we start producing enriched uranium, we will be having our own LWR. This unfortunately has remained a dream. If we had a LWR, we would be saved from so much insinuation and doubts about our peaceful nuclear programme. We have been let down in this case.

**Q:** Can you build LWRs? If you can why don’t you go ahead with that?

**A:** Technically speaking, yes. As an engineer I do not see any problems in it. Why we don’t go ahead, well we can do only those things which the government asks us to do. We can’t initiate any projects on our own.

**Q:** What are the chances of collaboration between Pakistan Atomic Energy
Commission (PAEC) and Kahuta Research Laboratory (KRL) now renamed Dr. Abdul Qadeer Khan Research Laboratory (A.Q. KRL). Why can’t the manufacture of LWRs be undertaken as a joint PAEC-KRL project?

A: Under the present circumstances, this is not possible. We have different norms and approaches to work. If I accept a job or if I am asked to do a certain project, I make sure it will be successfully completed within a definite time and for this you should be free to handle the job on your own. In this country working with others means delays, obstructions, failures, etc. We are not yet mature enough to work honestly and as colleagues.

Q: the existence of a certain amount of bitterness between PAEC and KRL is becoming increasingly clear. Would you like to say something on that?

A: If the politicians can have difference of opinions, why not scientists and engineers. I am not bitter about anybody. I have been entrusted with a very important, difficult and sophisticated job and by the grace of Allah my colleagues and I have done our job very well. The government is satisfied and happy and we are proud of our achievements.

Q: Don’t you think any unseemly debate between two or more scientists is best avoided?

A: I guess so, but you and other Pakistan friends know the reasons behind it. I do not want to go into details.

Q: How long might it take you to present the finished product under development in Kahuta? In case you can’t in the foreseeable future, it might seriously compromise your credibility as a scientist-engineer.

A: I do not know what you mean by the finished product. As far as we are concerned we have been producing the finished product, viz. 3.3 - 5 per cent enriched uranium for many years and the government and the whole nation know about it. We have established our credibility on a very solid foundation and on truth, and we are not worried about the few mischievous or concocted articles or gossips by selfish journalists or PROs. You should judge our credibility from what the whole world, friends and foes alike, say about us. Pick up any foreign journal or magazine and see what respect Kahuta commands at the international level.

Q: Would you like to comment on the reported downgrading of Kahuta and its potential for weapon-grade enriched uranium?

A: This is a highly mischievous and false propaganda. Kahuta is meant for the peaceful uses of nuclear energy. We are working exactly the same way and with the same tempo as before. The government is keen to get rid of load shedding and Kahuta will play the pivotal role in it.
Q: Do you find the references made to you as James Bond, Dr. No, Dr. Strangelove, etc., flattering or embarrassing?

A: I would say it is amusing to see how infertile brains can work and concoct things and stories. It does not bother me what the Western Press says about me. They dislike our God, they dislike our Prophet, they dislike our national leaders, and no wonder they dislike anybody who tries to put his country on an independent and self-reliant path. As long as I am doing a good job for my country I will ignore all such insinuations and concentrate on my work.

Q: Would you like to say something about your achievements in fields other than nuclear enrichment?

A: Yes, in addition to the Herculean and impossible task of establishing a uranium enrichment plant, we have been helping our armed forces with some modern weapon systems. We have been supplying them with surface to air, anti-aircraft shoulder-fired missiles, handheld laser range finders (the first and the only one approved by the Pakistan Army and in use with it), special anti-tank munitions, multi-barrel rocket launchers, etc. We are also developing sophisticated anti-tank missiles and some other weapon systems. We are also making all the sophisticated equipment and instruments for our facilities at Kahuta, thus keeping it totally self-reliant and safe from political pressures or blackmail.

KULDIP NAYYAR’S INTERVIEW FALSE AND CONCOCTED

Q: Would you like to throw some light on the circumstances of your interview with Kuldip Nayyar? You would agree it caused much embarrassment to the government at a time when the US Administration was about to consider the question of military assistance to Pakistan.

A: This is now an old story but I want to reiterate that it was never an interview. That was the biggest mischief perpetrated by a Hindu and was a sham on journalism. You know Mushahid Hussain was a dynamic editor of the daily MUSLIM. He wrote good editorials and commanded a lot of respect. Whenever we ran into each other, it was pleasant experience. One day he phoned me and said that a good friend of his, Mr. Nayyar or Kuldip Nayyar – I honestly don’t remember and it does not matter anyway—from India was coming to attend his marriage and would be in Islamabad the next day. He was one of my admirers and would love to see me. I asked Mushahid Husain to check with me the next day at about 5 p.m. as I had visitors and had arranged a dinner for them at 7 p.m. Mushahid phoned the next day and I agreed to receive him and his friend at about 6.30. They came the next day. It was almost dark. I guided the two gentlemen into the house. My wife prepared some tea and brought some biscuits. We talked on general topics and Kuldip Nayyar said that he was from Sialkot and was in India and I was from Bhopal and was in Pakistan. I told him that was
history and we were happy that we had a land of our own. Then he said that Pakistan should not indulge in nuclear weapons programme as India could make hundreds of them and Pakistan could never match that capacity. I responded by saying that India could use only 3 or 4 bombs against us and we did not need more than 4 and 5 against them either and as such the numbers did not play any role. Moreover, we should concentrate on improving the conditions of our poor people. They left at about 7 and I went straight to the nearby Guest House to attend the dinner. Kuldip Nayyar went back and after more than a month published that piece of yellow journalism. If I had said we had an atomic bomb, Mushahid Husain would not sit on it for one month and let Nayyar get away with the prize. No newspaper in the world wanted to buy this fictitious story but another Hindu Shyam Bhatia Sunday Observer came to Nayyar’s help and managed to get the consent of Mr. Trelford, Editor of Observer, to publish it. You already know about the stories of illicit relations of Observer’s Editor with an Indian call girl, Pamela Borders. All these things led to the publication of a concocted and false interview. The respectable and noted American nuclear expert Mr. Leonard Spector has recently exposed this yellow journalism in his new book and shown how Nayyar used my Dawn article and other publications to concoct and fabricate that article. It caused some inconvenience to our government but in the end the truth prevailed and the Indians failed to sabotage the US aid to us.

Q: How would you substantiate your claim that Pakistan is 10 years ahead of India in the nuclear enrichment technology?

A: I meant what I said. You know all the nuclear experts of the world have described enrichment technology as the most difficult of the whole nuclear fuel cycle. Only eight countries in the world can enrich uranium and out of them only five can enrich with the most modern ultra-centrifuge method being used at Kahuta. I know for sure that the Indians have been trying very hard for the last 15 years to master this technology and have not yet succeeded. That’s why I say that we are way ahead of India in this important and sensitive field.
1862. Statement of Pakistan Prime Minister Mohammad Khan Junejo.


The Pakistani Prime Minister, Muhammad Khan Junejo, has offered to allow India to inspect the controversial Kahuta uranium enrichment plant near Rawalpindi in exchange for a similar inspection by Pakistan of an Indian nuclear installation.

“We will go to the extent India does,” Mr. Junejo told Kyodo News Service in an exclusive interview yesterday, when asked if Pakistan would agree to the inspection of the Kahuta plant where India suspects it is building nuclear weapons.

He said the question of nuclear non proliferation had been discussed on different occasions by Pakistan and India with Pakistan offering to open all its nuclear facilities “without reservation,” if India allows the same.

We will do what India does,” he said, recalling a set of six proposals made by Pakistan to contain proliferation. These proposals include simultaneous signing of the Nuclear Non proliferation Treaty and declaring South Asia a nuclear weapons free zone.

Mr. Junejo gave the 20 minutes interview to Kyodo before his official visit to Japan from July 12 to 16.

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*A Journalist on July 24, asked the Indian Official spokesman about India’s reaction to Pakistan Prime Minister Mr. Mohammad Khan Junejo’s suggestion for mutual inspection of nuclear plants in India and Pakistan. the official spokesman stated that there was no question of equaling nuclear programme of the two countries. He said that while no one had said that the Indian nuclear programme was weapon-oriented, there was no secret about Pakistani intentions. No Indian had been arrested for stealing nuclear components for manufacturing weapons.*
Pakistan Institute of Strategic Studies (grateful if you can ignore the resultant acronym!) organized a Conference on Nuclear Nonproliferation in South Asia, at Islamabad on 1-2 September, 1987. Foreign Minister Yaqub Khan gave the inaugural address and former Foreign Minister Agha Shahi made the concluding remarks.

2. Participants were: 6 from Pakistan, 6 from SAARC countries including two from India (Bhutan sent an observer, who did not speak), 5 from Western countries, one from China, none from USSR, and rather low caliber officials of the IAEA, Vienna and the UN’s, Department of Disarmament in New York.

3. The texts of prepared papers, discussed at the Seminar are separately being sent to the Disarmament Division of the Ministry, as also to the IDSA.

4. This Seminar was quite obviously part of Pakistan current P.R. campaign of explaining away the suspicions and apprehensions generated by its pursuit of nuclear weapons options through clandestine means. Pakistani participants were obviously hand picked, and with great care. Almost all of them echoed the official line. (List of Pakistani participants is attached) (not attached here).

5. India was the prime target of all criticism, which itself was packaged as policies, entreaties, appeals, and proposals and suggestions.

6. Sahebzada Yakub Khan made this absolutely clear in his inaugural address, by stating that the recommendations of the conference would have a salutary influence on the policies of the states within and outside the region. He categorized the states which have not acceded to the NPT mainly as those blame worthy and those not so blame worthy. The hesitation of some (i.e. India) arose, in his perception, “not so much from the treaty’s inequality” as from “specific ambitions or threat perceptions. To such states nuclear weapons were a status symbol which would enable domination of other regional states. He spoke of three possible nuclear scenarios; a nuclear monopoly; a nuclear confrontation; and de-nuclearisation. One finds little that was new in his statement. He repeated the oft stated Pakistan “proposals” for India and Pakistan to
simultaneously accede to NPT etc. He offered to consider enlarging the scope of the proposed non aggression treaty, so as to include some aspects of bilateral non proliferation arrangements.

7. The presentation by the Pakistani participants and the question answer sessions made it patent that it was a conference to persuade India to sign NPT or Accept the Blames for Fuelling a Regional Nuclear Arms Race!

8. There was broad criticism of the terms and concepts of the NPT itself as discriminatory and unequal, a treaty that had permitted unbridled vertical proliferation, notably by the two super powers. There was occasional demand lament by the Pakistani participants that Pakistan’s assurances were not being taken at their face value, while Indian assurances were being accepted. Not everyone, however, accepted that Pakistan’s nuclear programme was devoted solely to peaceful purposes. Whether it was a direct thrust by Mushahid Hussain, or hints and innuendos by Gen. Ezaz Azim and Sajjad Hyder, there was significant and obvious accent on Pakistan’s undoubted capacity to make nuclear weapons. Against this background, Agha Shahi’s remark that the Pakistani programme was not aimed at peaceful nuclear explosion, and that it did not go counter to non proliferation, sounded hollow.

9. None of the participants found the courage to say openly that Pakistan lacks the kernel of political independence; and that this must necessarily inhibit her decision-making in this as in other fields. Each speaker glossed over the fact that Pakistan is susceptible to US pressure, and that this is not the case with India.

10. It was left to the Indian participants – M.K. Rasgotra and Bhabani Sengupta – to put this across plainly and without too much varnish. Both of them made the point that Pakistan’s current problems were due to the ambiguity, in which it had chosen to wrap up its nuclear programme. This caused problems between USA and Pakistan, which both of them, for slightly varying reasons wished to shift on to India, were this possible. Indian nuclear programme was more than four decades old; it was autonomous; it was independently conceived and developed; and, most importantly Indian decision making was independent. They candidly advised Pakistan, therefore, to take its own decisions in the light of its own national perceptions possibilities; including, as Mr. Rasgotra said bluntly, to build the bomb and be done with it.

11. Many found the line taken by the two Indian participants sobering. Most Pakistanis in the audience applauded the Indian statements. Western participants squirmed a bit. Everyone could see that India was not willing to be lured into the trap of a possible regional solution. What all of them found surprising was the Indian candour that Pakistan should go nuclear if they wished to, or could.
There was in all this an implicit warning: that India can cope with this situation. It is well enough understood in Pakistan, as Gen. Azim put it that if the choice were between U.S. aid and a nuclear programme, Pakistan may have to forego the former. We are back at square-one, i.e. the Bhutto period theme of eating grass and building the bomb! Therefore, Pakistan has been unable to calm the suspicions and apprehensions of the USA. Pak-USA dialogue on NPT has nothing to do with the nuclear business. It is all about US’s strategic perceptions in this region: vis-à-vis USSR and Afghanistan; the Gulf war: the future of Western influence in Iran and Pakistan’s potential role in that; Indian Ocean considerations and India’s burgeoning role in this area. India has not been much moved by the non proliferation propaganda, through means like this seminar and has, therefore, refused to budge. The participants have gone home. And the Conference is over.

12. In the overall context of Indo-Pakistan relations I have deemed it important enough to be reported to you.

Yours sincerely,

S.K. Singh

Shri K.P.S. Menon
Foreign Secretary
Ministry of External Affairs
New Delhi.
Statement issued by the Official Spokesman of the Ministry of External Affairs on Pakistan’s nuclear bomb.


The Pakistan Prime Minister has claimed in the USA that Pakistan neither had the capability nor the intention of manufacturing nuclear weapons. This assertion is quite contrary to what Gen. Zia has been saying in the past. Only a few months ago, Gen Zia told the Time Magazine (March 30, 1987) in an interview that “you can virtually write today that Pakistan can build a bomb whenever it wishes”. In fact, as far back as November 1981, Gen Zia claimed in an interview to a Turkish daily that Pakistan did have the capability to manufacture the nuclear bomb. Indeed, Dr. A.Q. Khan, flaunted as the “Father of the Pakistani Bomb”, went a step further in an interview with the Observer, London (March 1, 1987) and boasted that “Pakistan has the Bomb”. On several other occasions, Dr. A.Q. Khan indicated that Pakistan had the capability to manufacture the bomb. Thus, the claim of the Prime Minister of Pakistan about Pakistan’s nuclear capability is contrary to the assertions of both President Zia and the Chief of Pakistan’s nuclear enrichment programme.

The true nature of Pakistan’s so called ‘peaceful nuclear programme’ has been further exposed by the recent arrest in the USA of Arshad Pervez, who has been charged with the attempted illegal smuggling to Pakistan of 50,000 lbs. of maraging 350 Steel and an additional quantity of Baryllium. It is well known that maraging 350 Steel is used in making centrifuges for uranium enrichment plants and beryllium has application in fabricating internal components (neutron reflectors) of nuclear weapons. There is little doubt about the fact that maraging steel and beryllium were meant for Pakistan’s military nuclear establishment. In fact, even Arshad Pervez has identified as his client’ as one Brigadier Inam ul Haq, a Pakistani military officer said to be working in a firm called, Multinational Corporation, Lahore. Brig. Inam ul Haq is conveniently absconding though Pakistan had agreed to launch proceedings against him.

The case of Arshad Pervez is only the latest in a long series of revelations about clandestine procurement of nuclear materials, components, designs, and technologies by Pakistan for its nuclear weapons programme. We are all aware of nominal conviction of Nazir Ahmed Vaid, a Pakistani national in the USA in 1984 for attempted illegal export to Pakistan of 50 krytrone, which are high speed electronic switches used in nuclear weapons triggers. As in the Pervez case Vaid also had definite links which were established by documentary evidence with Pakistan’s military nuclear establishment. The Vaid episode was widely viewed as the “Smocking Gun” which left little doubt about Pakistan’s intention to acquire nuclear weapons. More recently, we have seen reports about Pakistan’s continuing efforts to steal components and designs with the help of
a West German firm for setting up a second enrichment plant. Less than 3 months ago, two Californian residents, Mr. & Mrs. Mandel, and a Hong Kong businessman were indicted by a Federal Grand Jury in California for illegal export to Pakistan of sophisticated electronic equipment which could be used in the nuclear weapons programme.

We have seen reports in the press about an insinuation made by the Pakistan Prime Minister that there was a link between India and Arshad Pervez. The Pakistan Prime Minister has reportedly claimed that Pervez had visited India earlier this year. Our preliminary enquiries do not show any evidence of Pervez having come to India earlier this year. However, even if he had passed through India, it is utterly ridiculous to suggest that India would assist him to smuggle highly controlled nuclear material to Pakistan for its weapon oriented nuclear programme. We certainly desire good relations with Pakistan but have no intention of assisting the latter in its feverish quest for nuclear weapons through clandestine procurements abroad. Arshad Pervez has been arrested in the USA after meticulous investigations by the Department of Justice and was specifically charged with attempting to smuggle nuclear material to Pakistan in contravention of U.S. Laws. Mr. Junejo’s insinuation that India was thereby trying to encourage the US Congress to block the aid package to Pakistan, is therefore, an insult to the competence and capability of the U.S. Department of Justice and to the intelligence of the U.S. Congress and the American people.

In response to further queries about Prime Minister Junejo’s comments that Pakistan had no intention of manufacturing nuclear weapons, the Spokesman stated that in a recently published book the Pakistan’s former Minister of Information and Broadcasting Maulana Kausar Niazi who is presently a senator had revealed that the entire Pakistani nuclear programme both with regard to reprocessing and enrichment were conceived in the early 1970 (well before India’s PNE), as being weapons oriented. The Spokesman also indicated that recent attempts by Pakistan to drag India into incidents involving smuggling of nuclear components and materials to Pakistan from North America and West Europe were essentially meant to divert attention on the obvious weapons orientation of Pakistan’s nuclear programme.

Spokesman also said that India’s policies on nuclear disarmament were guided by global and not regional consideration.
A word on our nuclear programme and Pakistan's that is currently being discussed in many areas. We feel there is little to compare between the two. India has the capability, but we have demonstrated, like I said, that we are not willing to turn that capability into a weapon system. We have demonstrated our resolve and our strength. Our capability is our own, built up by our scientists, by our own research, by own material, basically by our own technology. All our installations are in the civilian sector. They are in one way or another hauled across both the Houses of Parliament in almost every session. Nothing is really hidden about our nuclear weapons programme. Not even our worst enemies and critics have accused us of having a nuclear weapons programme. A capability – yes, a programme – no. if you compare that with Pakistan's nuclear programme, the whole programme is in the military sector. There is nothing open to civilians. There is nothing open to be questioned in Parliament. The programme has not had a history of being developed by their own scientists and by their own technology. It is a programme which has been clandestinely brought out from other countries, sometimes by sending people who have brought technology, sometimes by just pilfering technology sometimes by smuggling materials. Well, all possible devious means have been used to build that programme. The programme is entirely military. There is no civilian outlet for their products. Now, we are told to compare these two. How can we? And the basic question is, how can you compare India, which has done things honestly and openly, with Pakistan, which has done things in the most devious and hidden ways? There can be no equating the two, there can be no comparison. We must focus on our own problems; and our problems on the nuclear weapon issue cannot be limited to just our western border; they go much beyond, and in fact, they are global, and we must see them in that light. We must focus very firmly on the relevant issue; and the relevant issue is global nuclear disarmament and complete nuclear disarmament, with all countries – those with nuclear weapons as well as those without – involved in that process because all countries have an equal stake in the prevention of a nuclear war.

There is no freedom from a nuclear threat today because it reaches out well beyond the boundaries under any treaty or the boundaries of any country. The
only possible freedom is that of co-existence between all the systems in all the countries. There cannot be nuclear weapon zones and nuclear weapon free zones. Like I said, there can only be one nuclear weapon free zone and that is the whole globe. To achieve disarmament, it is essential first to have a moratorium on all testing and then to have a comprehensive Test Ban Treaty.

There is an inherent contradiction between, on the one hand, negotiating for nuclear disarmament across a conference table and, on the other hand, escalating your technologies in developing nuclear weapons, increasing their power or their capability or their reach. To resolve that contradiction, we need an immediate halt to vertical proliferation.

1866. Media Briefing by Spokesman of the Pakistan Foreign Office expressing concern on reported offer of Soviet N-Subs to India.


The Foreign Office spokesman in Islamabad on January 14, 1988 expressed the fear that the Soviet offer to supply India with three nuclear powered submarines would help the Indian Navy for the first time to acquire nuclear fire capability.

At his press briefing, he pointed out that the nuclear reactors of the submarines would be outside independent international safeguards.

In the course of his statement on the reported offer of three nuclear powered submarines to India, the spokesman said that, besides arming India disproportionately to its legitimate defence needs, the Soviet offer was no less regrettable because it would heighten the Indian threat to other countries in South Asia, betraying an extraordinary disregard for the imperatives of peace and security in this region.

"India's acquisition of nuclear submarines highlights its headlong militarization manifest already in its amassing of missiles, aircraft, artillery, tanks and warships. It also reveals a desire to project power and influence well beyond India's frontiers and is incompatible with the aim of denuclearizing the Indian Ocean. "The reckless expansion of Indian military power, totally disproportionate to its legitimate defence needs, cannot but intensify perceptions of insecurity in the neighbourhood"."

The spokesman also stated: 'No less regrettable is the Soviet decision to supply
nuclear submarines in addition to the arsenals of offensive weapon systems it
has provided to India over the years. This unbalanced policy aids and assists in
heightening the threat to other countries in South Asia and betrays an
extraordinary disregard for the imperatives of peace and security in this region.
The world has a right to expect a greater sense of responsibility from a
superpower”.

He refuted Press reports suggesting that Pakistan had been assured of $ 1
billion worth of assistance as quid pro quo for the French failure to honour its
agreement to supply a nuclear reprocessing plant in the 1970s. He said the
matter was nowhere nearer a settlement, although Pakistan was pursuing with
France the compensation question.

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1867.  Press Release issued by the Ministry of External Affairs
denying India’s collusion with Israel to attack Pakistan’s
nuclear facilities.

New Delhi, June 24, 1988.

Our attention has been drawn to a news item broadcast by Pakistan Radio this
morning about the possibility of an Indo-Israel collusion to attack Pakistan’s
nuclear facilities. We have in the past pointed out that the Pakistan media have
been in the habit of spreading baseless allegations on this and other questions.
The present allegation is also similarly baseless, motivated and mischievous.
We have also recently denied reports suggesting that India is appraising its ties
with Israel. The truth is that Pakistan insist on indulging in spreading false
propaganda against India, at a time when Pakistan itself is furiously engaging in
pursuing a nuclear weapons oriented programme.

The Government of India is constrained to point out that the item in question is
part of a systematic and continuous process of dis-information and propaganda
against India. We have noted a pattern in several recent instances where
deliberate lies were publicized as ‘news’ reports. We repeatedly see instances
of distorted, mischievous, motivated and tendentious reporting.

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Speech by the Minister of State in the Ministry of External Affairs at the National Seminar on “Recent Trends in Pakistan and its Nuclear Capability” organized by the Indian Centre for Regional Affairs at the India International Centre.

New Delhi, August 6, 1988.

My Chairman and Friends,

It gives me great pleasure in inaugurating the 2 day National Seminar on ‘Recent Trends in Pakistan and its Nuclear Capability’, which has been organized by the Indian Centre for Regional Affairs. The subject of the seminar is highly topical and of particular interest to India. The Indian Centre for Regional Affairs must, therefore, be commended both for the choice of the subject for the Seminar and for its timing. It is also most refreshing to note that the seminar is not merely confined to intellectuals from the Delhi area but envisages much wider participation on a truly national basis. This will, I am sure, give a much greater balance to the proceedings as intellectual exchange of this type restricted to Delhi – based resource persons can sometimes be much too inbred.

With President Zia’s dissolution of the Junejo Government and the National Assembly and his subsequent announcement of non party elections on 16 November 1988, the internal situation in Pakistan is in flux and somewhat uncertain. The current uncertainty in Pakistan stems basically from the fact that most of the Opposition Parties led by the PPP appear, at this stage, to be united in their opposition to President Zia. They seem, nevertheless to be ready to participate in the general elections even on a non party basis. It will be interesting to see as to how President Zia will manage them and the evolving situation in the country to his advantage. The situation of flux in the country is further aggravated by sentiments of provincialism, ethnic rivalries and religious schisms. Superimposed on these is the economic factor which should not be lost sight of. While Pakistan has been experiencing a commendable rate of growth in recent years, there are inherent structural weaknesses in the economy which could have a bearing on the long term political evolution in the country.

The relative prosperity associated with the first decade of Gen. Zia’s rule has run into problems. While Pakistan with a per capita income of US $ 410 seems to be well ahead of many developing countries, the basic structural weaknesses in the economy are now showing up. The Economic Survey of 1987-88 reveals a downturn in the economy with the GDP showing a growth rate of 5.8 % in 1987-88 and 5.7% in 1986-87 against an average growth rate of 6.5 % during the period since 1977-78. The other major problem confronting the Pak economy is the fall in remittances from $ 3 bn in 1984 to an anticipated low of $ 1 bn in 1992.
the balance of payment position remains weak in spite of exports growing at 27% in Dollar terms due to an over liberal policy on imports of consumer and capital goods. Defence expenditure increased by 6.7% in the current budget constituting 36.7% of current expenditure and debt servicing Rs. 47.52b accounting for 39.3% of current expenditure. I do hope that in the discussions during this seminar which will largely bear upon internal political developments in Pakistan, the less glamorous economic aspects will not be entirely lost sight of.

While the internal situation in Pakistan is in flux, its external environment is also passing through a process of change. In this context I have particularly in mind the evolving situation in Afghanistan, the expectation of Super Power detents and the prospects of an end at last to the Iran Iraq war. There and many permutations and combinations of how the situation in Pakistan could be affected by the changing external environment and the extent to which the ruling elite in Pakistan could use these changes to their advantage. I am confident that this seminar will dwell on these aspects as well.

Though the seminar is on ‘Recent Trends in Pakistan and its nuclear capability”, I wonder if you can altogether exclude from your discussions the pressing issues of India-Pakistan relations? Let me, therefore, briefly dwell upon the current status of our relations with Pakistan, which, unfortunately, are far from satisfactory. We have nothing but friendship for the people of Pakistan. We are convinced that it is in the interest of peoples of India and Pakistan to live in peace and amity. We have, therefore, made a number of proposals to Pakistan, including offer a Treaty of Peace, Friendship and Cooperation and an Agreement on Non attack on Nuclear Installations, expansion of private trade, exchange of books, periodicals and films, and easing of travel restrictions. However, our strenuous efforts to give a greater positive content to our relations with Pakistan have been set at naught by Pakistan’s negative attitude. While Pakistani leaders never tire of talking of their ‘peace offensive’ vis-à-vis India, there is, unfortunately, a wide chasm separating their professions and actual behaviour.

Pakistan has been extending support to terrorist activities directed against us, pursuing an aggressive and clandestine nuclear weapons programme and stalling on people to people contacts.

The Government of Pakistan have repeatedly assured us, including at the highest level, that they would not support separatist activities in India. However, reports continue to pour in about their continued involvement in such anti Indian activities. Frankly, it is not possible for us to pretend that it can be business as usual with Pakistan even though it was working against the unity and integrity of our country. This message has been conveyed very clearly to Pakistan.

We also continue to receive very disturbing reports about Pakistan’s pursuit of
an aggressive and clandestine weapons oriented nuclear programme. It is becoming more or less certain from these reports that Pakistan has acquired a nuclear weapons capability. The non peaceful dimensions of Pakistan’s nuclear programme are of paramount concern to India’s security. We have made it known that any acquisition of nuclear weapons by that country would completely change our security environment and force us to review our options.

I would be most interested in the conclusions and findings of the Seminar which could also usefully focus on developments in Pakistan.

In conclusion I would like to wish the Indian Centre for Regional Affairs the very best for the future in the organization of such activities and all success to this seminar.

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1869. Agreement on the Prohibition on Attack against Nuclear Installations and Facilities between the Republic of India and the Islamic Republic of Pakistan.


[This agreement was adopted as a confidence building measure to avoid nuclear mishaps in the sub-continent. This came in the background of mutual recriminations on the alleged pursuits by each country to attain nuclear weapon status.]

The Government of the Republic of India and the Government of the Islamic Republic of Pakistan, hereinafter referred to as the Contracting Parties,

Reaffirming their commitment to durable peace and the development of friendly and harmonious bilateral relations;

Conscious of the role of confidence building measures in promoting such bilateral relations based on mutual trust and goodwill;

Have agreed as follows:

Article 1

1. Each party shall refrain from undertaking, encouraging or participating in, directly or indirectly, any action aimed at causing the destruction of, or damage to, any nuclear installation or facility in the other country.
2. The term ‘nuclear installation or facility’ includes nuclear power and research reactors, fuel fabrication, uranium enrichment, isotopes separation and reprocessing facilities as well as any other installations with fresh or irradiated nuclear fuel and materials in any form and establishments storing significant quantities of radioactive materials.

Article II

Each Contracting Party shall inform the other on 1st January of each calendar year of the latitude and longitude of its nuclear installations and facilities and whenever there is any change.

Article III

This Agreement is subject to ratification. It shall come into force with effect from the date on which the Instruments of Ratification are exchanged.

Done at Islamabad on this Thirty First day of December 1988. in two copies each in Hindi, Urdu and English, the English Text being authentic in case of any difference or dispute of interpretation.

Sd/-
K.P.S. Menon
Foreign Secretary
For the Government of
Republic of India

Sd/-
Humayun Khan
Foreign Secretary
For the Government of
the Islamic Republic Of Pakistan
Media briefing by Official Spokesman of the Pakistan Ministry of Foreign Affairs denying Indian Prime Minister’s charge that Pakistan had imported nuclear material from West Germany.


The spokesman of the Foreign Office on February 4 expressed surprise and concern at the statement by Indian Prime Minister Rajiv Gandhi in Bombay on February 3 wherein he is reported to have said that West Germany had supplied nuclear technology and tritium to Pakistan, which could be used for increasing the yield of a nuclear bomb by four to 10 times. Mr. Rajiv Gandhi is also reported to have stated that, in view of this, India would have to seriously consider what can be done to defend its security.

Expressing regret at the timing and the content of Mr. Gandhi’s statement, the spokesman noted that the two countries had made a good start towards the easing of tensions and the normalization of relations after bilateral meetings between Prime Minister Benazir Bhutto and Mr. Rajiv Gandhi. The discussion between the two Prime Ministers had culminated in signing of the agreement that no country will attack nuclear installations of the other country which was a step in the right direction, he added.

He reiterated that Pakistan had not imported any sensitive nuclear material or technology from the Federal Republic of Germany. “Even the German authorities themselves have stated that no plant for the separation of tritium was exported to Pakistan”. On the other hand, there had been reports in the Press about India having received large quantities of heavy water of Norwegian origin through clandestine means. Similarly, there have been Press reports in West Germany to the effect that India had imported 95 kilograms of extremely pure beryllium metal which can be used for making 20 hydrogen bombs.

Pakistan, however, had refrained from commenting on these press reports, despite its deeply felt concern about India’s nuclear intentions, he added.

The spokesman noted that it was unfortunate that such baseless allegations had been leveled. These unfounded accusations could only serve to mar the atmosphere of trust and confidence which Pakistan has sought so assiduously to build between the two countries.

He expressed the hope that the Indian leadership would desist from efforts to cast doubts over Pakistan’s nuclear programme which was geared only to peaceful purposes.

The spokesman’s attention was drawn to the Press statement by US
Congressman Stephen Solarz on January 30 about the nuclear programme of Pakistan, wherein he is reported to have said that Pakistan had reacted favourably to a proposal under which the USA would sell nuclear reactors to Pakistan for peaceful nuclear energy and in return Pakistan would agree to accept full scope safeguards on all its nuclear facilities, including existing ones.

This was not the position of Pakistan, he said and added that Pakistan needed nuclear reactors to meet its energy requirements and was on record that such reactors would be placed under IAEA safeguards. He recalled that Pakistan’s nuclear reactor at Karachi (KANUPP) was already under IAEA safeguards.

However, the question of signing the NPT and accepting full scope safeguards or agreeing to inspection verification of Pakistan’s nuclear facilities was a separate issue. Pakistan was not prepared to accept any discriminatory treatment in this regard. The cause of non proliferation in this region could only be promoted through non discriminatory and equitable measures. It was in this context that Pakistan had proposed a regional approach to the nuclear issue and had made a number of proposals in this regard, he added.

The spokesman said that Pakistan would be prepared to consider any constructive ideas/proposals as long as they were equitable and non discriminatory and did not impinge on Pakistan’s sovereignty.

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Press Release issued by Pakistan Embassy in New Delhi carrying text of the Letter to the Editor of the Washington Times by Pakistan Ambassador in the United States clarifying his statement at the interview to a TV station.

New Delhi, February 16, 1989.

[According to Press Release issued by the Pakistan Embassy in New Delhi, Pakistan’s Ambassador in the United States Mr. Jamsheed Marker has addressed a letter to the Washington Times clarifying his statement regarding Pakistan’s nuclear programme made by him recently during an interview with the Public Broadcasting System. Washington Times was the first newspaper which took note of the interview]

Following is the text of his letter:

'I wish to clarify any misperceptions about Pakistan’s nuclear programme that may have been created on account of the item carried in your newspaper on 5th February.

— Pakistan’s nuclear programme is entirely peaceful and geared to meet the country’s energy requirements.

— Pakistan has offered to sign the NPT and accept full scope safeguards or agreed to verification/inspection of its nuclear facilities provided the issue is addressed on a regional basis.

— Pakistan sincerely believes that the cause of nuclear non proliferation in the South Asian region can only be promoted through non discriminatory and equitable measures.

The following are some of the relevant remarks made by Ambassador Marker of Pakistan in his interview of 11th February on US TV:-

1. "We are not working on a nuclear weapon and we don’t expect the aid to be cut".
2. 'I explained that we do not possess a nuclear weapon and we do not intend to possess one.
3. "We are exercising a nuclear option, let me put it that way, and we will not renounce this option, unless we get safeguards in terms of equality of treatment".
4. 'It’s right to say that we are one of the ‘threshold States’... we have deliberately chosen not to take the final step because—"

In response to a query as to what would be the final step, he stated, ‘it would be nuclear explosion. To build a bomb and test it or whatever’. [There is a basic contradiction in Ambassador Marker’s assertions that Pakistan is not working on a nuclear weapon and that it is a ‘threshold state’. The contradiction is even stronger when Ambassador Marker states that Pakistan has deliberately not taken the final step in making the bomb when he defines the final step as ‘nuclear explosion’ or test. However, Ambassador Marker’s assertion that Pakistan is a ‘threshold state’ is not all that different from statements made earlier by President Zia. In this context, reference may be made to Dr. A.Q. Khan’s interview to the Observer which was published on 1st March 1987 wherein he stated, ‘They[Big]
— While Pakistan has offered a number of proposals such as declaring South Asia as a nuclear free zone and an offer of bilateral inspection to our neighbour, India. We would be prepared to consider any constructive idea/proposal as long as it is not discriminatory and does not impinge on our sovereignty."

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Powers, etc.) told us that Pakistan could never produce the bomb and they doubted my capabilities, but they now know that we have done it'. Similarly, President Zia in an interview to Time magazine (13th March, 1987) stated 'you can virtually write today that Pakistan can build a nuclear bomb whenever it wishes. What is difficult about a bomb? Once you have acquired the technology, which Pakistan has, you can do whatever you like'. Thus, apart from the use of the term ‘threshold state’, Ambassador Marker’s statement is in tune with statements made about two years ago by President Zia and Dr. A.Q. Khan. It reflects the fact that Pakistan has finally acquired nuclear weapon capability and short of actually testing the bomb has taken all other steps.]

It has been argued that Ambassador’s Marker’s statement might have been a slip of tongue and could jeopardize the US aid programme for Pakistan. The ‘slip of tongue’ theory may, however, be discounted since Ambassador Marker was a top notch diplomat. Pakistan’s motivation in making this statement was perhaps to assert parity with India. This theory is corroborated also by Mirza Aslam Beg’s proud announcement of Pakistan’s recent missile tests.
1872. **Remarks by Prime Minister Rajiv Gandhi that Pakistan’s nuclear programme was nuclear weapons oriented.**

*New Delhi, April 2, 1989.*

Prime Minister Rajiv Gandhi said that he “is 100 percent convinced that Pakistan's nuclear programme is weapon-oriented”. He was speaking to journalists in an informal conversation on the sidelines of an International Editors’ Seminar organized by the Times of India in New Delhi on March 18-19, 1989 to mark its 150th anniversary. In his talk with the journalists Pakistan and Pakistan related issues dominated. He was blunt about Pakistan’s nuclear programme when he said he was “one hundred percent convinced that it is a nuclear weapons programme.”

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1873. **Media remarks of the Spokesman of Pakistan Ministry of Foreign Affairs on cooperation between India and Pakistan on nuclear issues.**

*Islamabad, December 5, 1989.*

Pakistan expects the new Indian government of Prime Minister V.P. Singh to cooperate in order to keep the region free from nuclear weapons, a Foreign Ministry spokesman said in Islamabad on December 5, 1989.

Concerns have been expressed in the past by both sides, India and Pakistan, over the possibility of nuclear dangers in the region, the spokesman said at a new briefing.

Asked to comment on an interview Mr. Singh gave to *KHALEEQ TIMES*, in which he spoke of the nuclear issues, the spokesman said: “we have taken note of the interview wherein he has talked about the need for a restraint in this field.

“Pakistan is participating in no nuclear race, as it neither has, nor does it want to develop nuclear weapons. However, concerns have been expressed on both sides on this subject”, he added.

He listed seven proposals which Pakistan has made over the years since 1974-when India exploded a nuclear device—to check nuclear proliferation in the region. Pakistan would still like India to respond to these proposals in order to ensure that the region stays nuclear-free, he added.
He said the proposals which Pakistan made are:

Declaring the region as a nuclear free zone;

A joint declaration to renounce development and preparation of nuclear weapons;

To put all nuclear installations in India and Pakistan under inspection of Vienna based International Atomic Energy Agency (IAEA);

Joint inspection by Indian and Pakistani experts of all nuclear installations in the two countries;

Simultaneous signatures by India and Pakistan on the Nuclear Non-proliferation Treaty; and

Renunciation of nuclear testing—or signing of a nuclear test ban treaty.

Replying to questions, the spokesman said India has replied to none of the proposals so far. Pakistan, he said, would like India to discuss these proposals with Islamabad. Asked whether the nuclear question was discussed by Prime Minister Benazir Bhutto and former Indian Prime Minister Rajiv Gandhi when he visited Pakistan in December 1988, and July 1989, he said the question did come up, but he could not say whether the subject was discussed in great detail. The two sides did conclude the agreement on not attacking each other’s nuclear installations, he added.

He said there is a difference of approach between the two countries on the nuclear question. India, he said, would like to see the nuclear weapon states first to destroy their nuclear arsenals and only then try to persuade non nuclear nations. Pakistan, on the other hand, has taken the position that the destruction of all nuclear weapons by the nuclear states will take a long time. Islamabad is of the view that, in the short run, the smaller countries should adopt a regional approach to prevent nuclear proliferation.

The spokesman said Pakistan also has its suspicions regarding the Indian nuclear programme. Such suspicions should be put to rest in order to tackle the nuclear question in its proper perspective.

He told a correspondent that the two sides have yet to exchange lists of their nuclear installations which will be covered by the agreement on non attack on nuclear installations.
1874. **Statement by Official Spokesperson of Ministry of External Affairs on nuclear non-proliferation in South Asia.**

**New Delhi, June 7, 1991.**

When asked for Government of India's reaction to a reported proposal made by the Pak. PM about a 5-nation multilateral consultation on nuclear non-proliferation in South Asia, the Spokesman responded that ‘our attention has been drawn to report on the suggestions made by Mr. Nawaz Sharif, the Prime Minister of Pakistan on the question of nuclear non-proliferation in South Asia. We find nothing new in these suggestions. They are a rehash of the well worded Pakistani posture adopted by them for the past several years.

The Pakistan Prime Minister has specifically suggested that USA, the Soviet Union and China should consult and meet with India and Pakistan to arrive at an agreement for keeping the South Asian region free of nuclear weapons. Pakistan has been moving a resolution on Nuclear weapons- Free Zone in South Asia for the past several years while at the same time relentlessly pursuing its clandestine nuclear weapons programme. Now that there is overwhelming evidence regarding the true nature of Pakistan’s nuclear programme, merely repeating the proposal at this stage must be viewed as propaganda exercise and a tactic by Pakistan for diverting international pressure to give up its nuclear weapons programme.

India’s views on the creation of regional Nuclear Weapons Free Zones are well known. Given the global reach of nuclear weapons, it is illusory to seek security through regional arrangements, particularly where the security interests of all the concerned states are not taken into account in defining the region. That is why India has proposed an Action Plan for the Ushering in of a Nuclear Weapons Free World. India has always been and is prepared to enter into consultations with Pakistan or any other country to work for programme for the elimination of nuclear weapons in a time bound framework, which includes commitments to be given by nuclear capable countries, not to cross the threshold.

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The Pakistani Foreign Office spokesman, while commenting on Indian rejection of the Pakistani proposal for resolving the issue of nuclear proliferation in the region, has said that Pakistan would not be deterred by the Indian stand. He said Pakistan has made a sincere effort in this respect and it will pursue the initiative. Commenting on the Indian suggestion for a nuclear free world, the spokesman said that it would take ages to achieve it. ‘we believe in a step by step approach. A nuclear free world is an ideal solution, but so is the total disarmament on which discussions have been going on for years but the objective remains to be achieved,” he said.
Indian reaction to the Pressler Amendment adopted by the US Congress.

New Delhi, June 14, 1991.

In response to questions on US House of Representatives action on the Pressler Amendment, the Spokesman said on, 14.6.91, that:

We have heard reports that during discussions of the Foreign Aid Authorisation Bill 1992 -- 93, the US House of Representatives has passed an amendment extending the coverage of the Pressler Amendment to include India.

We are disappointed at the tenor and content of the debate in which there is a tendency to gloss over the main issue that while India has followed a consistent policy of not acquiring nuclear weapons. Pakistan has single mindedly pursued a clandestine nuclear weapons programme by willful violation of US laws. Attempts to equate India with Pakistan in this manner therefore seem misplaced. We hope that US Congressmen will see this aspect in proper perspective in future debates on this issue.

India's nuclear policy is founded on twin objectives: that nuclear weapons are abhorrent and must be eliminated and that credible security can only be provided if this issue is addressed globally. It goes without saying that the presence of nuclear weapons in our neighbourhood is a matter of vital security concern.
1876. Message from High Commissioner J.N. Dixit to Foreign Secretary Muchkund Dubey.

Islamabad, July 1, 1991.

Additional Secretary INAMUL HAQ (also Acting Foreign Secretary in absence of SHAHARYAR at Male) called me to the Foreign Office at 1300 hours today (1st July) and said that Pak Government had taken note of view expressed by our Foreign Secretary Shri Dubey that the 6th June, 1991 suggestions of Prime Minister Nawaz Sharif for regional nuclear non proliferation were only in a public speech and that no formal communication on the matter has been sent by the Government of Pakistan to the Government of India.

2. INAMUL HAQ said that the point is well taken and, therefore, the Government of Pakistan is now conveying Prime Minister’s suggestions formally to the Government of India through me.

3. He then handed over a note verbale, the text of which is attached. He also handed over a copy of the speech made by Prime Minister Nawaz Sharif at the National Defence College on 6th June which has already been forwarded to you.

4. The enclosed note makes two points:

(a) that the Government of India should consider the proposals outlined on page 12 of Prime Minister Nawaz Sharif’s speech; and

(b) that the newly installed Government of India would seriously study this proposal in all its aspects and would, in due course, convey its response to the Government of Pakistan.

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Statement made by the Official Spokesperson of the Ministry of External affairs following the Indo-Pak Agreement on Prohibition of Attack Against Nuclear Installations and Facilities.

New Delhi, January 1, 1992.

Pursuant to the Agreement on Prohibition of Attack against Nuclear Installations and Facilities, signed at Islamabad on 31st December, 1988, India and Pakistan today (1 January, 1992) exchanged the list of nuclear installations and facilities to be covered under this Agreement.

Pakistan daily the NEWS on January 5 claimed that it had conducted a probe on the list supplied by India and suspected it to be incomplete. It said that Indian list was silent on several large and sensitive installations spread throughout India. Out of dozens of outfits of India, only four, Tarapur I and II, Rajasthan I and Rajasthan II are under the safeguards of the Vienna based IAEA. The Paper claimed that the sources familiar with the issues characterized it 'as a diplomatic subterfuge and a ploy'. Interestingly official sources in Islamabad at the same time maintained that the lists were not 'public' documents. But the paper gave a list of facilities claiming it to be a complete list which contained the following facilities:

**INDIAN NUCLEAR FACILITIES**

The following is the list of Indian nuclear facilities:

1. Reprocessing plants: (a) Trombay—Bhabha Atomic Research Centre, (BARC), capacity: 30 metric tons of spent fuel per year; (b) Tarapur, capacity: 100 metric tons of spent fuel, 135-150 kg plutonium per year; (c) Kalpakkam, capacity: Laboratory scale (ii) 125 metric tons per year.

2. Uranium conversion(UF6): 9a) Trombay, Bhabha Atomic Research Centre, capacity: 185 metric tons; (b) Hazira, capacity: 110 metric tons per year.

3. Enrichment plants: (a) Trombay/BARC, capacity: pilot scale (100) centrifuges.

4. heavy water: (a) Nangal, capacity: 14 metric tons per year; (b) Baroda, capacity: 45 metric tons per year; (c) Tuticorin, capacity 49 metric tons per year; (d) Talcher, (e) Kota, capacity: 85 metric tons per year (f) Thal-Vaishet, capacity: 110 metric tons per year; and (g) Manuguru.

5. Fuel Fabrication: (a) Hyderabad, capacity: 80 metric tons per year for Rajasthan, Madras, Tarapur, Narora and FTBR; (b) Trombay BARC, capacity: 135 tons per year.

6. Uranium purification (UO2): (a) Hyderabad.

7. Uranium resources/active mining sites/uranium mills reasonably assured reserves: 46,090 metric tons currently active. Site: Juduguda.

8. Research Reactors: 9 a) Apsara, Trombay BARC; (b) Cirus, Trombay/BARC (heavy water/ national uranium, 40 MWT), capacity, sufficient for experimental, enrichment programme, BARC; (c) Zerlina; (d) Purimia II, Trombay BARC (Uranium 233); (e) Kranium 233, 30 KWT; (g) Dhruva (formerly R-5), Trombay BARC; and (h) FBTRC, Kalpakkam (fast breeder/plutonium and natural uranium 42 MWT, 15 MWe).

9. Power reactors: (a) Tarapur; (b) Tarapur II; (c) Rajasthan I; (d) Rajasthan II; (e) Madras I; (f) Madras II; (g) Narora-I (heavy water/natural uranium); (h) Narora-II (heavy water/natural uranium); (i) Kakrapar I; (j) Kakrapar II; (k) Kaiga I, Karnataka; (l) Kaiga II, Karnataka; (m) Rajasthan III, Kota; (n) Rajasthan IV, Kota.

However the High Commission of India in Islamabad in a Press Release categorically refuted the veracity of the news item.
The exchange was carried out simultaneously at Islamabad and New Delhi. India’s Foreign Secretary, Mr. J.N. Dixit handed over the Indian list to Pakistan’s High Commissioner, while the list of Pakistani nuclear installations and facilities was handed over by Pakistan’s Foreign Secretary, Mr. Shaharyar M. Khan, to India’s Acting High Commissioner in Islamabad.

1878. Remarks of Pakistan Foreign Secretary Shaharyar Khan on Pakistan’s nuclear capability.


Foreign Secretary Shaharyar Khan said in Washington on February 7 that Pakistan now has the components and knowhow to assemble at least one nuclear explosive ‘device’, making the first time the confirmation publicly of the extent of the country’s nuclear programme.

Mr. Shaharyar’s admission came after meetings with US administration and Congressional officials in which he reiterated Pakistan’s pledge not to explode such a device or transfer nuclear technology to other Islamic States or Third World countries that have sought to obtain it. ‘The capability is there,’ he told reporters and editors during a 45 minute interview with WASHINGTON POST, adding that his country possesses ‘elements which, if put together, would become a device’.

He confirmed that these elements include potential weapons ‘cores’ fashioned form highly enriched uranium, a material commonly used to sustain a nuclear explosion. He said he was speaking candidly to ‘avoid credibility gaps’ that he suggested were created by senior officials of the previous Pakistani governments.

Those officials repeatedly denied that Pakistan had made any effort to produce the components of a nuclear device, but the USA did not believe them and cut off roughly $ 573 million in aid over the issue in 1990.

The Foreign Secretary said the current leadership in Islamabad had ‘inherited the problem’ of what to say or do about the nuclear weapons and decided to set the record straight so that it could come to a clear understanding with Washington about the barriers to a resumption of the US financial aid.

He said he had not been told how many nuclear devices could be assembled in his country from existing components. But he said his government last year permanently froze the production of highly enriched uranium and weapons’ cores.
Washington had demanded these measures as conditions for resuming aid, and Mr. Shaharyar Khan said the Bush administration, though initially skeptical, has accepted Pakistan’s assurances on this score. But he also stressed his government would only comply with a third US condition for the resumption of aid requiring destruction of the weapon cores in order to ‘revise’ the Pakistani capability if a similar step is undertaken by neighbouring India.

Pakistan has been reluctant to curtail its nuclear programme because Pakistanis see it as a counterbalance to India’s demonstrated nuclear ability. He said he had explained to the USA officials that India also would have to limit its nuclear effort to avoid a ‘public perception problem’ among the Pakistanis that they had been unfairly singled out.

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1879. Media Briefing by Official Spokesman of Pakistan Foreign Office on Pakistan’s nuclear capability.


The Foreign Office spokesman said in Islamabad on February 19 that Pakistan had acquired ‘a certain tactical capability’ in the process of its nuclear programme but this capability was being used for peaceful purposes.

Addressing to newsmen at his weekly Press briefing, he said that this decision was taken at the highest political level. Newsmen had sought his comment on Foreign Secretary Shaharyar Khan’s recent interview to WASHINGTON POST that Pakistan had assembled at least one nuclear device before freezing this capability.

The spokesman said the Foreign Secretary had in another interview to APP described certain portions of his interview in the USA as wrong.

When his attention was drawn to Mr. Shaharyar’s interview to a Rawalpindi-based daily on his return from the USA on February 15, he said that certain portions of this interview also were incorrect.

In this connection, he particularly referred to the issuance of certificate by US President George Bush enabling Pakistan to receive the US aid suspended two years ago under the Pressler Amendment and said the timings of the issuance of the requisite certification were wrong. ‘Mr. Shaharyar neither spoke of aid resumption in October nor in the next four or five months’ he added.
But that part of the interview was correctly reported in which Mr. Shaharyar was quoted as saying that an important US official will visit Pakistan in next April to continue talks to resolve the nuclear issue, he said. However, he could neither give the name of the official nor the exact date and duration of his visit.

The spokesman noted that the arrival of the US official should not be made something extraordinary. The nuclear issue being in the melting pot, talks between the USA and Pakistan would continue to take place. Already three rounds had taken place in seven months and preparations for the fourth were under way. The two sides were doing so because they had decided to continue to talk on this ticklish issue until it was satisfactorily resolved, he added.

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1880. Media Briefing by Official Spokesperson of Pakistan Ministry of Foreign Affairs on Consultations between Pakistan and Japan on nuclear issues etc.

Islamabad, February 13, 1993.

The Pakistan Foreign Office spokesman said on February 13 that it had told a visiting Japanese delegation that India had the capacity to produce 200 plutonium based nuclear weapons.

Addressing journalists at an impromptu briefing in Islamabad, he said this had been conveyed to Mr. Mitsuro Donowaki, Japanese Ambassador for Arms Control and Disarmament, at talks held in the Foreign Office in Islamabad on February 11. These talks were held within the framework of the discussions held in Tokyo in December between the Prime Ministers of Pakistan and Japan, he added.

‘Pakistan underlined the threat of nuclear proliferation in South Asia which arises primarily from the vast stock of unsafeguarded plutonium in India’s possession, with which it can manufacture nearly 200 bombs,’ he added.

The spokesmen said the Japanese were reminded that India had crossed the non proliferation ‘line’ prescribed in the Non Proliferation Treaty by exploding a nuclear device in 1974; ‘therefore, to secure India’s adherence to the NPT in its nuclear programme would obviously need to be rolled back,’ he added.

He said there was an extensive discussion of the security situation in South Asia, in particular the brutal Indian campaign of suppression in Kashmir, the anti-Muslim violence which followed the destruction of Babri Masjid and India’s ‘inflexible’ position on all other bilateral issues.
He also said that Pakistan informed the visiting Japanese delegation of its proposals to promote non proliferation in South Asia on an equitable and non discriminatory basis.

The spokesman said that the Japanese side had expressed certain ideas for enhancing the objectives of non proliferation in South Asia, which Pakistan had promised to examine very carefully and with interest. He declined to detail the Japanese proposal, except for describing them as 'ideas of considerable novelty'. He, however, added: ‘Two or three ideas were voiced, some more appropriate than others’.

He said that Pakistan was very happy to hold consultations with Japan for the promotion of peace, security and non proliferation in South Asia because Japan is a major Asian country with which it enjoys very close, friendly and friction free relations and because Japan has adopted a position on the non proliferation issue which is equitable and non discriminatory vis-à-vis Pakistan and India.

This equitable approach continued to be reflected in the Japanese position adopted during the talks. Both countries agreed that the issue of non proliferation in South Asia was linked to the regional security environment. Japan had also taken note of the importance of ensuring that the objective of non proliferation in South Asia should be pursued on a basis which is fair to all regional states and which does not prejudice their security interests, he added.
1881. Press Conference of Pakistan Prime Minister Benazir Bhutto on Pakistan's nuclear programme.


Addressing a Press conference in Karachi on November 20. Prime Minister Benazir Bhutto said that Pakistan's atomic programme was frozen in July 1990 but added it would not be rolled back. She linked non proliferation with the solution of the Kashmir issue with India and other issues Pakistan was confronting with its neighbour.

She said ‘Pushing Pakistan will not solve the problem and as far as rollback is concerned, it is impossible and not feasible as it will not help in securing non proliferation. (She also spoke on the same issues while laying the foundation stone of the Karachi Institute of Radiology and Nuclear Medicine (KIRAN) at Ojha Institute of Chest Diseases).

Elaborating her point with reference to the Pressler Amendment, she said the amendment was aimed at a non proliferation regime in South Asia. With the ban on aid to Pakistan unilaterally the USA has given India a free hand. Pressler puts a ban on Pakistan alone then why should India stop its programme. We are not in favour of this unilateral action, she said, adding that Pakistan had given a number of proposals in this respect which were rejected out of hand by India.

She said that her government was prepared to tackle outstanding issues with India on a bilateral basis but was also ready to sort out matters multilaterally if India so desired. The first and foremost issue which was to be solved is the issue of Jammu and Kashmir. “When this issue is solved then other issues like non proliferation, human rights, regional arms control and reduction in troops can be solved”, she emphasized.

“These were very important issues which could not be solved by punishing Pakistan,” she said, adding: ‘These issues can only be resolved by exercising parity and adopting a regional approach’.

To settle the issue with the USA, the Prime Minister said. ‘We are trying to convince our American friends that if you penalize Pakistan alone, non proliferation will not be achieved in the region’. She added that Pakistan was trying to tell them that it was being victimized. ‘I want an open debate on this issue’.

The Pressler Amendment said that countries possessing a nuclear device would not receive US aid. But the US government is talking about A. B and C capabilities. She added. Ms Bhutto then explained the three categories: “If you have A, B and C capabilities you can make a nuclear device. A stands for uranium enrichment; B for metal plating capability and C for the ability to develop the
core. This is a very strange categorization. This interpretation of the Pressler Amendment lacks legalistic sense,” She added. Ms Bhutto explained that Pakistan had the capability but had not gone beyond the threshold by marrying the three categories.

She admitted that Pakistan’s nuclear programme was capped and frozen in July 1990 during her previous stint in power ‘before the IJI government took over.’ Caretaker Prime Minister Moeen Qureshi had also informed the nation about it in his statement. She was also very critical of the politicization of the nuclear programme by politicians. “Pakistani politicians have damaged the programme of national security to be made into a political football. I will not allow the programme to suffer or sustain any damage” she said adding “Time will come when I will tell what was done to this programme since 1977”.

“Our commitment to nuclear non proliferation cannot be unilateral. There will be no rollback in our peaceful nuclear programme, nor will we accept discriminatory restrictions on research and development”, the Prime Minister explained, and added “unfortunately Pakistan’s peaceful nuclear programme has been constantly put under pressure and been subjected to hostile and vicious propaganda and unjust discrimination.”

The Prime Minister said that Pakistan would continue with its efforts towards establishing an equitable, non discriminatory and non proliferation regime in South Asia. “In fact the Pressler Amendment which today bars assistance from the USA to Pakistan is a veto in Indian hands”, she observed, adding that it has been found that the Pressler Amendment instead of supporting the idea of nuclear non proliferation has by giving India a veto, damaged all regional initiatives.

She said that being a citizen of this world she believe that nothing could be more terrible than a nuclear holocaust. “It is the duty of all of us to work for a world which is free from the threat of a nuclear war or conflict,” Ms Bhutto said and that Pakistan would welcome any proposal or initiative put forward from any quarter for achieving this cherished goal and will continue its endeavour to remove any apprehension or misgivings about the peaceful usage of nuclear energy.
1882. Statement by Pakistan Prime Minister Benazir Bhutto to the Pakistan Atomic Energy Council on Pakistan’s determination to use nuclear energy for peaceful purposes.


Prime Minister Benazir Bhutto on January 15, 1994 said that Pakistan firmly believed in going ahead with making fuller peaceful use of atomic technology.

Addressing members of the Pakistan Atomic Energy Council in Islamabad on January 15 on the occasion of its annual meeting she said. ‘The Islamic democratic and Awami government fully supported achieving excellence and advancement of technology be it simple technology or high technology’.

It was the elected Prime Minister the late Zulfikar Ali Bhutto, who had first started the atomic project in Pakistan, which was now being implemented “Late Z.A. Bhutto had 25 years ago, given an autonomous status to PAEC and sought cooperation of the USA to start PINSTECH and other atomic projects. Now with the Chinese cooperation my government is completing the Chashma Nuclear Power Plant after 25 years,” she added.

Ms Bhutto said that there were some undue misgivings about ‘our peaceful nuclear programme’ and hoped Pakistan would very soon be able to remove these misgivings.

She expressed her determination to make Pakistan an enviable progressive and developed state, where there was no brain drain and upcoming scientists as others took pride in working within the country rather than going abroad for better prospects, as had been the trend over the past.

Paying tributes to PAEC scientists for working selflessly and single mindedly without looking for any reward or popularity, Ms. Bhutto said the Federal cabinet had given assent to an over Rs. 1 billion comprehensive science and technology policy. The government believed that it was imperative to implement this ambitious national policy, so as to ensure rapid economic development of Pakistan she added.

The Prime Minister said the government was firm and believed in the peaceful use of atomic technology. The present government attached high priority to the energy sector. The work on 300 MW Chashma plant acquired during 1988-90, would be completed soon. This plant is a symbol Of Pakistan-China friendship. Upon its completion it would not only lessen energy problem but acquaint Pakistani engineers with the designing and preparation of nuclear power plants. She hoped the energy crisis would be over on the completion of the Ghazi Barotha dam. Hubco and the Nuclear Power Plan.

She said the nation could be proud of PAECs achievements like locally producing
fuel for the Karachi Nuclear Power Plant production of certain important spare parts, up-gradation of PINSTECH research reactor and providing facilities for development of nuclear power. Its ideas of locally producing nuclear power plant and designing of thermal power plant deserved special attention. The development of new agricultural varieties with the application of nuclear technology had benefited the national economy she added.

She said it was encouraging to note that the Institute of Bio technology and Genetic Engineering had come into operation at Faisalabad. The endeavours of the Commission in nuclear medicine and radio therapy were laudable, she added.

Ms. Bhutto said PAEC should utilize its technical and scientific knowledge for the advancement of computers. Information technology and micro electronics and should extend cooperation with other scientific and technical institutions of the country in the same respect.

1883. Suo Moto Statement by Minister of State for External Affairs Salman Khurshid in Lok Sabha on Pakistan’s Nuclear Capability.


We have carefully noted the statement by the former Prime Minister of Pakistan that Pakistan possesses an atomic bomb. This is the first ever such explicit statement by a Pakistani leader who occupied the highest office of Government. Pakistan can no longer maintain a stand of ambiguity about the intentions and true purpose of its nuclear weapon programme.

We have consistently held the view for long that Pakistan is pursuing a weapon oriented nuclear programme. The surreptitious evolution of Pakistan’s nuclear weapon programme from its infancy and its clandestine development have naturally engaged our close attention all along.

We are dismayed that Pakistan not only has advanced its nuclear weapon programme to an intended conclusion but also is holding out to India a nuclear threat in settling its outstanding differences with us. This is a matter of grave concern to us.
The international community must concertedly act to ensure that Pakistan behaves as a responsible member in the comity of nations. Indeed, there has been international concern expressed over Pakistan’s emergence as a nuclear weapon state. Pakistan should be forthwith compelled to abandon its nuclear weapons programme and agree to conduct itself within limits. Recent reports indicate that Pakistan is continuing to pursue its nuclear weapon programme and is clandestinely procuring materials for this purpose from whatever source available. The reality today is that Pakistan is becoming a serious threat to international peace and stability. Pakistan’s deplorable record of aiding and abetting international terrorism and subversion combines with its open threat to use nuclear weapons as an instrument of policy.

We are taking all necessary steps to mobilize the international community over the threat posed by Pakistan as a State Sponsoring terrorism with a declared intent to use nuclear weapons for resolving to differences with India over J&K.

I assure the House that the Government will maintain the utmost vigilance on this matter and will act with decisiveness and firmness in thwarting any danger to this country’s national security.

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1884. Media Briefing by Official Spokesman of Pakistan Ministry of Foreign Affairs on reported move on India testing a nuclear device.


Taking a serious note of reports that India is all set to conduct another nuclear test, Pakistan says it will be a grave setback to non proliferation efforts in South Asia and jeopardize peace and stability in the region.

Commenting on reports published in NEW YORK TIMES on December 15 the Foreign Office spokesman said Pakistan has consistently endeavoured to promote the goal of nuclear non proliferation in South Asia. It will have a negative implication for the ongoing efforts in the conference on disarmament to conclude a Comprehensive Test Ban Treaty.

General sentiments in Pakistan are that should India explode another device, Islamabad should follow suit as it has the nuclear capability. Mr. Munir Ahmad Khan, who was Chairman of the Pakistan Atomic Energy Commission (PAEC)
NUCLEAR said that another nuclear test by India will have grave consequences both at the regional and international levels. It will also undermine worldwide efforts to reduce and eliminate nuclear weapons.

He said Pakistan will be under tremendous pressure to respond, meaning that it could be the beginning of an overt nuclear arms race in the subcontinent. Pakistan cannot remain quiet this time as India has exploded its first device in 1974. Everyone knows about Islamabad’s basic nuclear basic nuclear capability. He added. ‘The testing will destroy the existing delicately balanced restraint on nuclear matters which exist in the subcontinent’.

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Meanwhile Pakistan’s Parliamentary Secretary for Foreign Affairs George Clement told the National Assembly on December 17 that the government would ‘evaluate its options if India carried out another nuclear bomb explosion in Rajasthan’. He was responding to a call attention notice in the House, and assured it that ‘Pakistan is fully alive to the ramifications of such a development and would adopt an appropriate policy to safeguard its security. He maintained that the nation is fully prepared to meet conspiracies of the enemy against the security of the country.’ He said the Pakistan Government is seriously concerned at reports that India may be preparing to carry out a nuclear weapons test. Pakistan he added is in contact with all its friends and has conveyed its concern and seriousness of the situation. Mr. George Clement said Pakistan is consistently promoting all efforts to ensure nuclear non proliferation in South Asia. He said Pakistan understands that a nuclear weapon test by India would cause a serious setback to the goal of non proliferation. It would destabilise the South Asian region and seriously compromise the prospects of concluding a Comprehensive Test Ban Treaty. He remarked that Pakistan is concerned at India’s ambitious nuclear and ballistic missile programme. On December 20th the Foreign Minister Assef Ahmad Ali on return from New Delhi said: “I have told Delhi in clear terms that India will be responsible solely for the consequences of its conducting another bomb test.” He said he had made it clear at the recent seven nation South Asian ministerial conference that Pakistan would respond to the Indian progress on the missile issue within the parameters of the Missile Technology Control Regime (MTCR). He said India’s alleged plan to test its Prithvi surface to surface missile was also unacceptable as Islamabad would not allow Delhi to gain an edge in missile development. The Minister told newsmen in Islamabad that Pakistan’s fears of a nuclear test by India were based on the US intelligence reports about unusual activity at the Pokhran reactor site in the desert state of Rajasthan. Meanwhile Indian External Affairs Minister Pranab Mukherjee denied on December 19 that India had any plans to carry out a nuclear test. But the Pakistani Foreign Minister said that the Indian denial had no credibility and stressed that the missile proliferation by India would cause tension in the region.
1885. Statement issued by the Official Spokesperson of the Ministry of External Affairs on Pakistan’s statement alleging that India was preparing for a nuclear test.

New Delhi, December 23, 1995.

The recent Pakistan Foreign Office statement is a familiar example of anti-India propaganda, seeking to exploit reports that have come out in some quarters alleging that India was preparing for a nuclear test. We have authoritatively responded to these reports.

Pakistan’s statement tries to divert attention from Pakistan’s on nuclear weapons programme. Pakistani spokesmen have themselves claimed that their country has made nuclear weapons and the nature and orientation of Pakistan’s programme is by now well documented. It is this programme which poses a real danger to regional and global peace and stability and is a source of constant and grave concern to the international community.

India has also been compelled to draw attention to Pakistan’s reckless pursuit of acquiring conventional arms, including force multipliers, from diverse sources far beyond its legitimate defence requirements. These acquisition have a destabilising influence in the region. They compel us to bear the burden of additional expenditure on our defence needs. The world community must bring to bear the weight of its influence on Pakistan to return to the path of negotiation and responsibility.

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1886. Response of Pakistan Prime Minister Benazir Bhutto to reports that India may detonate a second nuclear device.

Islamabad, January 9, 1996.

Pakistan Prime Minister Benazir Bhutto said in Islamabad on January 9 that in case India actually detonated its second nuclear device, ‘we have taken into consideration what our response will be.’ ‘It will be a considered and measured response’, the Prime Minister told a group of Japanese journalists. But it will be absolutely tragic for the sub-continent with India actually detonating its nuclear test, she added.

She said ‘Some people say that perhaps India wants to detonate this test to see whether Pakistan actually has the knowledge and the capacity to convert its
knowledge into nuclear reality. While taking a decision, we have to take all these facts into consideration. But I hope time will never come when we will make such a decision.

She expressed her confidence that world opinion will convince the Indian leadership that we are at the brink of the 21st century and we should better enter the century with peace. 'I will, therefore, place importance on the stated position of the Indian authorities that there will be no test'.

'We should better enter the next century by ending destruction' Ms Bhutto said adding, 'the 21st Century should be a century of peace'.

Responding to a query that the Leader of the Opposition had in the past claimed that Pakistan possessed a nuclear device, the Prime Minister said 'I think this was not the viewpoint of Nawaz Sharif when he was Prime Minister while in the opposition, he says many things to sensationalise them, to attract the crowd to get newspaper headlines. We have to differentiate between his statements, while in office and in the opposition', she replied.

Pakistan, Ms Bhutto said, 'has never denied that it has certain knowledge but because we believe in non proliferation, we have never turned or used this knowledge into creating a nuclear device. It is our policy today to continue on the path of non proliferation. By doing so we will not make devices, not to detonate devices, not to export any nuclear technology and we have shown tremendous responsibility and restraint'.

'The successive governments in Pakistan and not only my government, have reached the conclusion to exercise restraint restraint should be the hallmark of our country’s characteristic and despite provocations from India we have shown such restraint. But we believe that any threat by India at this stage would put a severe strain on our policy', Ms. Bhutto asserted.
Statement issued by the Official Spokesman of the Ministry of External Affairs on supplies of critical nuclear technologies to Pakistan by US Government.

New Delhi, March 15, 1996.

1. Government of India have been closely following reports on Pakistan’s acquisition of 5,000 specialized ring magnets from China, for use in gas centrifuges to enrich uranium for Nuclear Weapons. Government of India remains greatly concerned about the clandestine Nuclear Weapons Programme Pakistan has been pursuing for two decades. Pakistan’s role in smuggling nuclear weapons material, equipment and components is well documented, and widely known to the world community. It is also well known that Pakistan remains engaged in clandestine procurement of ballistic missiles from other countries.

2. These facts have been brought to the attention of the US Government on a number of occasions. Our concerns regarding supplies of critical nuclear technologies to Pakistan have also been conveyed to the concerned countries, including China.

3. Continuing nuclear acquisitions by Pakistan, and acquiescence or grant of waivers from the operation of non-proliferation sanctions on the part of those who claim to have a special responsibility in this regard, despite the accumulated evidence of such clandestine activities, only serves to underscore the irrelevance of the current Non-Proliferation Regime. The NPT apart from being discriminatory is fundamentally flawed as is evident from its acquisitions by Pakistan from NPT member states.

4. It is abundantly clear the world community needs complete elimination of nuclear weapons in a time bound frame-work, and not merely non-proliferation control of a particular kind symbolized by instruments like the NPT or the working of the Nuclear Suppliers’ Group.

On April 2, 1996 India expressed its further concern on reports that Pakistan had acquired blue prints from foreign sources for building a nuclear bomb, which it was pointed out provided another confirmation of the “relentlessness and duplicity with which Pakistan pursed its clandestine nuclear weapons programme. The Spokesman of the Ministry of External Affairs while briefing the media of this development warned that “it is dangerous for regional peace and stability to equip such a country with substantial quantities of conventional weapons.” He expressed the hope “that the countries which propose to do so will take heed of the warnings which are emanating from the recent reports regarding Pakistan’s acquisition of materials for its nuclear weapons programme.”

Islamabad, September 12, 1996.

Regretting that the Comprehensive Test Ban Treaty (CTBT) has brought no dividends to South Asia, Pakistan declared on September 12 that it reserved the right to respond adequately to any nuclear escalation by India.

The Foreign Office spokesman told the weekly news briefing that in view of its security concerns, Pakistan cannot accept unilateral commitments and is not in a position to sign the CTBT.

He said that Pakistan cannot remain oblivious to the threats posed to its security, which are intensified by the Indian position on the treaty.

The spokesman said that Pakistan deeply regretted India’s veto of the CTBT in the Conference on Disarmament at Geneva and its negative vote on the treaty in UN General Assembly.

“It is evident that India’s opposition to the treaty emanates from its nuclear ambitions and its reluctance to forgo further development of its programme, which poses a direct threat to Pakistan’s security.”

He said that Pakistan has noted that some major powers have tried to accommodate India’s negative position and have even tried to explain, if not justified, in terms of its ‘security concerns’. He said this approach was counter-productive.

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As announced by the Prime Minister this afternoon, today India conducted three underground nuclear tests in the Pokhran range. The tests conducted today were with a fission device, a low yield device and a thermonuclear device. The measured yields are in line with expected values. Measurements have also confirmed that there was no release of radioactivity into the atmosphere. These were contained explosions like the experiment conducted in May 1974. These tests have established that India has a proven capability for a weaponised nuclear programme. They also provide a valuable database which is useful in the design of nuclear weapons of different yields for different applications and for different delivery system. Further, they are expected to carry Indian scientists towards a sound computer simulation capability which may be supported by sub-critical experiments, if considered necessary.

The Government is deeply concerned, as were previous Governments, about the nuclear environment in India’s neighbourhood. These tests provide reassurance to the people of India that their national security interests are paramount and will be promoted and protected. Succeeding generations of Indians would also rest assured that contemporary technologies associated with nuclear option have been passed on to them in this the 50th year of our Independence.

It is necessary to highlight today that India was in the vanguard of nations which ushered in the Partial Test Ban Treaty in 1963. Due to environmental concerns, Indian representatives have worked in various international forums, including the Conference on Disarmament, for universal, non-discriminatory and verifiable arrangements for the elimination of weapons of mass destruction. The Government would like to reiterate its support to efforts to realize the goal of a truly comprehensive international arrangement which would prohibit underground nuclear testing of all weapons as well as related experiments described as ‘sub-critical’ or ‘hydro-nuclear’.

India would be prepared to consider being an adherent to some of the undertakings in the Comprehensive Test Ban Treaty. But this cannot obviously be done in a vacuum. It would necessarily be an evolutionary process from concept to commitment and would depend on a number of reciprocal activities.

We would like to reaffirm categorically that we will continue to exercise the most stringent control on the export of sensitive technologies, equipment and commodities - especially those related to weapons of mass destruction. Our track record has been impeccable in this regard. Therefore we expect recognition
of our responsible policy by the international community.

India remains committed to a speedy process of nuclear disarmament leading to total and global elimination of nuclear weapons. Our adherence to the Chemical Weapons Convention and the Biological Weapons Convention is evidence of our commitment to any global disarmament regime which is non-discriminatory and verifiable. We shall also be happy to participate in the negotiations for the conclusion of a fissile material cut-off treaty in the Geneva based Conference on Disarmament.

In our neighbourhood we have many friends with whom relations of fruitful cooperation for mutual benefit have existed and deepened over a long period. We assure them that it will be our sincere endeavour to intensify and diversify those relations further for the benefit of all our peoples. For India, as for others, the prime need is for peaceful cooperation and economic development.

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1890. Statement made by Pakistan Foreign Minister Gohar Ayub in the Senate.

Islamabad, May 12, 1998.

The news of resumption of nuclear testing by India has not come as a surprise to us. For the past 24 years, Pakistan had consistently drawn the attention of the international community to India’s nuclear aspirations.

We had also pointed out the duplicity surrounding India’s political pronouncements and its clandestine nuclear weapons programme.

The Prime Minister of Pakistan had recently drawn the attention of the international community particularly states permanent members of the United Nations Security Council regarding Indian plans to induct nuclear weapons.

Pakistan’s repeated reminders to the international community particularly to the leaders of states permanent members of the Security Council unfortunately did not receive the attention that they merited.

The international community has, in fact, by adopting a dismissive approach encouraged India to achieve its nuclear aspirations.

The responsibility for dealing a death blow to the global efforts at nuclear non-proliferation rests squarely with India.
Pakistan reserves the right to take all appropriate measures for its security.
The Prime Minister has assured the people of Pakistan that Pakistan’s defence would be made impregnable against any Indian threat be it nuclear or conventional.

Talking to reporters in Parliament House after his statement, Mr. Gohar said Pakistan might not sign the Comprehensive Test Ban Treaty (CTBT) if India, after conducting the nuclear tests, agrees on its ratification. “Pakistan will review its earlier stance of signing the CTBT if India does it in the changed security environment of the region,” he said. Pakistan, he said, was never ready for unilateral ratification of the CTBT but the nuclear test by India had changed the whole scenario and had forced Pakistan to have a fresh look at its earlier stance.

He said Foreign Secretary Shamshad Ahmad had called the envoys of five permanent Security Council members to the Foreign Office and discussed the changed security situation in the region. Brushing aside an impression that the government was caught unaware about Indian nuclear tests, he said they had closely monitored the tests carried out by India. “The Indian cabinet might not have the minutest details that we have,” he repeatedly said, adding that they were also aware of the tremendous activity going on in the Pokhran area for the past many days. Responding to a flurry of questions whether Pakistan would go for the nuclear test in response to Indian explosions, he said it was for the cabinet to decide. However, he said, Pakistan’s nuclear technology was better than that of India. Asked whether Pakistan would also have to carry out five tests to match the Indian capability, he said like the missile technology Pakistan was ahead of India in nuclear technology as well. In reply to a question whether Pakistan can brave the economic sanctions in case if decided to go nuclear, he said: “Pakistan is a self reliant country.” He recalled that at the time of creation of Pakistan there was a lobby which had been propagating that it would not survive and would soon collapse. Responding to a question about the warning being given to Pakistan by the USA to refrain from conducting a nuclear test, he said these were double standards. He reiterated that Pakistan would adopt an interdependent course of action. It reserved the right to give an appropriate reply to Indian threats.
1991. Message from Pakistan Prime Minister Nawaz Sharif to the leaders of the G-8 countries.


Excellency,

The nuclear testing by India of a whole range of weaponry, including systems which are Pakistan specific has multiplied manifold the immediacy and the magnitude of threat to our security.

Besides fundamentally altering the precarious strategic balance, which contributed to the maintenance of a tenuous peace, this Indian action has raised the possibility of aggressive military acts against Pakistan.

You would certainly agree that overt weaponization by India is yet another manifestation of the highly irresponsible and reckless action taken by India to escalate tensions in the region in recent weeks.

The BJP government has already made its aggressive designs against Pakistan a fundamental article of its policy agenda. In recent days, it has taken steps to implement its designs including military action across the Line of Control in Kashmir.

In the face of these ominous developments which pose an immediate threat to our security, we cannot be expected to remain complacent.

I had, in April 1998 drawn your attention to the consequences that would ensue from India’s induction of nuclear weapons. We are disappointed that our warnings were not heeded. The latest events have proven us completely right.

We are once again being asked to exercise restraint at an extremely critical juncture on matters involving national security and survival.

I trust that you would recognize and be receptive to Pakistan’s legitimate needs for self-defence.

Please accept, Excellency, the assurance of my highest consideration.

Muhammad Nawaz Sharif
Prime Minister of the Islamic Republic of Pakistan
1892. Statement by Pakistan Foreign Minister Gohar Ayub in the Senate on India's nuclear tests.


Mr. Gohar said in a statement, which he read in the Senate that India's latest nuclear tests were designed to perfect battlefield tactical arms which were a threat to New Delhi's neighbours. He asserted: "Indian actions pose immediate and grave threats to Pakistan's security and these will not go unanswered."

The statement said the government would "take all the steps it deemed necessary for national security, which were within its sovereign rights for self-defence."

He said: "India is now admittedly testing the whole range of nuclear weaponry, including battlefield tactical nuclear weapons which are Pakistan-specific."

"The news of the carrying out of two further nuclear tests corroborates our assessment and provides further confirmation, if any were needed, about India's consistent pattern of irresponsible behaviour," he said.

The Statement said: "The blind pursuit of intrinsic and inherent hegemonic impulses, reflected so often in Indian behaviour and ignored largely by the international community, despite Pakistan's repeated efforts and emboldened India to throw all cautions to the wind.

"The invoking of mandatory sanctions under the US laws against India hardly constitutes an effective response to Indian provocative actions or compensates for errors of judgment; which have seriously disrupted the regional strategic balance.

"Pakistan once again reiterates that responsibility for consequences that will inevitably ensue would lie squarely with India and those colluded and acquiesced in the weaponisation of India's nuclear programme."

Talking to reporters in Parliament House, he said Pakistan might not sign the Comprehensive Test Ban Treaty (CTBT) if India, after conducting the nuclear tests, agrees on its ratification. "Pakistan will review its earlier stance of signing the CTBT if India does it in the changed security environment of the region," he said. Pakistan, he said, was never ready for unilateral ratification of the CTBT but the nuclear test by India had changed the whole scenario and had forced Pakistan to have a fresh look at its earlier stance.

He said Foreign Secretary Shamshad Ahmad had called the envoys of five permanent Security Council members to the Foreign Office and discussed the changed security situation in the region. Brushing aside an impression that the government was caught unaware about Indian nuclear tests, he said they had
closely monitored the tests carried out by India.

“The Indian cabinet might not have the minutest details that we have,” he repeatedly said, adding that they were also aware of the tremendous activity going on in the Pokhran area for the past many days.

Responding to a flurry of questions whether Pakistan would go for the nuclear test in response to Indian explosions, he said it was for the cabinet to decide. However, he said, Pakistan's nuclear technology was better than that of India. Asked whether Pakistan would also have to carry out five tests to match the Indian capability, he said like the missile technology Pakistan was ahead of India in nuclear technology as well.

In reply to a question whether Pakistan can brave the economic sanctions in case if decided to go nuclear, he said: “Pakistan is a self reliant country.”

He recalled that at the time of creation of Pakistan there was a lobby which had been propagating that it would not survive and would soon collapse.

Responding to a question about the warning being given to Pakistan by the USA to refrain from conducting a nuclear test, he said these were double standards. He reiterated that Pakistan would adopt an interdependent course of action. It reserved the right to give an appropriate reply to Indian threats.

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1893. Media briefing by Official Spokesman of the Pakistan Foreign Office to developments attending on the detonation of nuclear device by India.


The Foreign Office spokesman said on May 14 that Pakistan has been advised restraint by foreign powers which ignored and dismissed Islamabad's warnings and encouraged India to “go ahead and cross the Rubicon” leading to the “irreversible situation.”

Replying to questions about the Indian nuclear tests, he said the Federal cabinet at its three-hour meeting on May 14 resolved to meet the unprecedented threat to Pakistan disregarding any external pressures which might be “unilateral, selective and discriminatory” in matters pertaining to national security and sovereignty.
[This was the first official Press briefing after the Indian explosions on May 11 and May 13 at Pokhran in Rajasthan firing range.]

He said the Indian nuclear tests demonstrated “operationalisation of India’s grandiose ambitions” to be counted as an additional member to the exclusive Nuclear Club of Five and its hegemonic designs. It also showed India wish “to ride on its nuclear status” to claim a seat in the UN Security Council as its new permanent member.

The spokesman, replying to repeated questions from newsmen, seeking in “unambiguous” language what might be Pakistan’s response to the India nuclear explosions, said in what he described as “advisedly (cautionary) words”, that while contemplating on Pakistan’s response, “we have tried to take into account all dimensions of the unprecedented and unparalleled threat to the region”.

“Pakistan in terms of action will keep in view the threat it faces to its national security and interests”, he said adding: “We will give a well considered, sober, mature and comprehensive response.”

He, however, recalled that the cabinet at its meeting had reaffirmed its resolve to take all necessary steps within its sovereign rights for self-defence and said there should be no doubt about the effective defence preparedness to respond to the emerging situation.

Asked whether Pakistan still remained committed to its known position that it would sign the Comprehensive Test Ban Treaty (CTBT) of 1996, if India does so, the spokesman said the Indian nuclear tests had irrevocably altered the strategic environment and changed the strategic balance in the region and rendered all nuclear non-proliferation instruments and efforts “irrelevant”. It was now for the entire world to contemplate how to contend with the changed scenario, he added.

Asked what would be the fate of stalemated talks between the Pakistan and Indian Foreign Secretaries in the changed political scenario, the spokesman replied: “The (Pakistan) Prime Minister’s initiative for resumption of negotiations with India stays as part of our foreign policy”. A dialogue is always useful, he said and believed that a meeting between Prime Minister Nawaz Sharif and Prime Minister Atal Behari Vajpayee was likely to take place when they attend the next SAARC summit in July in Sri Lanka.

The spokesman said that Pakistan would welcome a dialogue with the Americans “who are our friends” to convey to them Pakistan’s natural concerns on the present regional situation. A high-level US team of officials headed by Assistant Secretary of State Strobe Talbot is due in Islamabad for talks with Pakistan Foreign Ministry and government leaders.
He said Pakistan had been in contact with the Chinese leaders who were the most trustworthy of this country’s friends. He said envoys of all the OIC, SAARC member countries and some other states had been briefed by the Foreign Office.

The spokesman, however, made no direct response when asked whether was it not odd that hardly any “brotherly” state of the OIC or SAARC denounced Indian nuclear threat which the government in Islamabad directly aimed against Pakistan and to destabilize the region.

The spokesman said there was no intention to recall the Pakistan High Commissioner from Delhi. He was asked whether Pakistan intended to follow Australia and New Zealand which recalled their envoys as a protest against Indian tests.

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1894. Resolution unanimously adopted by the Pakistan Senate.

The Senate of Pakistan,

Meeting in a session.

Having comprehensively deliberated on the issue of resumptions of nuclear testing by India;

Determining that India’s decision to opt for overt nuclearisation carries grave implications for global and regional peace and security;

Regretting that Pakistan’s repeated warnings about India’s possession of nuclear weapons and its long standing designs to go nuclear were not heeded to by the international community.

Recalling that Pakistan has steadfastly condemned international double standards and discriminatory pressure which were totally unjustified.

Further determining that the consequences ensuing from India’s nuclear tests and weaponisation have dealt a fatal blow to the global non-proliferation regime, including NPT, CTBT and yet to be negotiated FMCT.

Affirming the determination of the Government, the Oppositions Parties and the people of Pakistan not to submit to Indian hegemony and to safeguard national security, whatever the costs.
1) **Resolve** the people of Pakistan will be steadfast in their support to any step that the Government of Pakistan will take after taking the whole nation into confidence in response to the new challenges and threats to national security.

2) **Condemns** the adamant stand of India to continue to pursue its aggressive designs and lust to acquire nuclear weapons to establish its hegemony in the region.

3) **Urges** the Government to work towards a national consensus based on political harmony and take such steps in consultation with all major political parties as are necessary to meet any eventually arising from the use or threat of use of nuclear weapons or conventional weapons by India.

4) **Supports** the Government in its firm resolve to reject any unilateral or discriminatory pressures from any quarter on matters pertaining to Pakistan's national security.

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1895. **Media Briefing by Official Spokesman of Pakistan Foreign Office on latest Pakistan reaction to India’s nuclear tests.**

**Islamabad, May 14, 1998.**

(a) The Pak Cabinet had a 3 hour long meeting in the morning in which it carried out an in-depth assessment of the situation arising out of Indian nuclear tests. All aspects of national security were comprehensively discussed. Pakistan has resolved to take all necessary steps in the interest of national security.

(b) The Cabinet decided not to yield to any pressure from any quarter. The Pakistani response is in consonance with the threat that the country is facing. The Cabinet expressed satisfaction at Pakistan’s defence preparedness.

(c) There is a clear and present danger to Pakistan. International non-proliferation efforts have been shattered. A new strategic situation has arisen. Balance of power in the region has been tilted. Asymmetry has been exacerbated. “The tests reflect the operationalisation of the Indian grandiose ambitions and hegemonic designs. They want to ride piggy back into the Security Council Club”.
(d) Replying to a question on whether Pakistan will go for a nuclear test, Spokesman Tariq Altaf stated that Pakistan will determine its own security needs. “We will give a well-considered, sober and comprehensive response.”

(e) On the *New York Times* report of today indicating that preparations are being made by Pakistan for a nuclear test at Chagai in Balochistan as early as Sunday, the Spokesman replied: “I wonder what the American intelligence was doing before May 11”.

(f) On the Russian, French and British decision not to impose sanctions on India, he said that sanctions are irrelevant. “You are trying to shut the door when the horse has bolted”.

(g) On whether Pakistan will review its stand on CTBT, he said that these instruments have become irrelevant. It is for the international community to consider how to deal with the new situation. We will take a fresh look at the situation.

(h) Regarding the visit of an American delegation to Pakistan tomorrow, Mr. Altaf said that this is an opportunity for Pakistan to explain to them the dangers that have been posed by the Indian tests. “We will inform them of our own national security concerns. We will lay our cards bare before them.”

(i) In response to a question regarding the messages the US is sending, he said, “we have been advised restraint not just by the US but by many other countries of the world.”

(j) On the future of Indo-Pak talks the Spokesman said, “This was an initiative taken by Prime Minister Nawaz Sharif and it remains a plank of our foreign policy”.

(k) Asked whether Pakistan intends to recall its High Commissioner from Delhi, he replied in the negative.

(l) At the end of the briefing, in response to persistent queries by journalists about any precipitate action Pakistan is considering, Mr. Tariq Altaf replied: “We have to take everything into account. We have to consider everything before taking any precipitate action. Please have trust in your government’s capacity to take the right decision. In this situation we have to be careful”.

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1896. Letter from Pakistan Prime Minister Nawaz Sharif to some Heads of State on Indian nuclear tests.

Excellency,

I am sure that you have been following the developments in our region since the nuclear tests conducted by India on 11 and 13 May 1998. Even before the dust settled at Pokhran, the Indian nuclear test site, New Delhi has raised demands that “Islamabad should realize the change in the geo-strategic situation in the region” and threatened that India will “deal firmly and strongly with Pakistan”.

Thus it is clear that overt Indian nuclear weaponisation has seriously upset the strategic balance in the region and emboldened India to make a naked assertion of her hostile intentions towards Pakistan.

In the background lie the two main planks of the ruling Bharatiya Janta Party (BJP)’s agenda. Long before it came to power the party had set for itself the goals of: i) overt nuclear weaponisation and ii) resolution of the Kashmir problem by use of force. One has been accomplished; the other is now being actualized. The seriousness with which the BJP has so far pursued its anti-Pakistan agenda leaves no room for complacency.

New Delhi feels secure in its belief that the world would signal the same helplessness towards her resort to use of force for a final resolution of the Kashmir problem as it has shown earlier in the face of the Indian overt nuclear weaponisation.

In pursuance of my policy for promotion of peace and stability in the region I had taken an initiative for resumption of dialogue with a view to achieving a peaceful solution of the Kashmir dispute and improvement of relations with India. The Indian leaders have, instead, responded with atomic tests and threatened to use nuclear weapons. Following upon that we are now faced with escalating threats of provocative actions. This is in keeping with the Indian record of aggression against Pakistan. Consequently, the tension in the region has been raised to a dangerous threshold.

We believe India is now bent upon creating conditions of extreme instability in the area. This situation is fraught with dangers. Indian nuclear missiles of various ranges project power in the region and beyond.

In this critical hour we have no doubt that the international community will take effective steps to restrain India from its bellicosity. Realizing the gravity of the situation I trust it necessary to focus your attention on the immediacy and magnitude of the threat posed to our security by the Indian aggressive agenda.
Please accept, Excellency the assurances of my highest consideration.

(Mohammad Nawaz Sharif)
Prime Minister

1897. Interview of Pakistan Foreign Minister Gohar Ayub with the BBC.

Pakistan Foreign Minister Gohar Ayub said on May 16 that nuclear test by Pakistan “is just a matter of timing and the Government of Pakistan will choose as to when to conduct the test.” To question whether the test was certain, Mr. Gohar said, “it is very close to certain but the timing is our choice.”

In an interview with BBC, Mr. Gohar told the world that his country was almost certainly going to carry out a nuclear blast in response to India’s five tests. The only thing to be decided is the timing of the explosion, he said and added the question was not if but when.

He said Pakistan was weighing up how much international community intended to hurt India for conducting five nuclear tests this week. From Islamabad’s point of view, he said, sanctions announced so far were mild.

Asked whether there had been any change in Pakistan’s nuclear policy, Mr. Gohar replied: “No change whatsoever. The impression that everybody is trying to give is that of a bang-for-a-bang or tit-for-tat response. That’s never been our policy.”

He added: “We have to make a very measured and calculated decision.”

Responding to another question, he said: “We explained to the high-powered US delegation our security concerns, the geo-political situation and how the imbalance has been tilted in India’s favour.”

Mr. Gohar said: “We are calculating our position like a chartered accountant as to what will be the impact of all these sanctions on India.”

If Pakistan was not going to conduct a test of its own, then what other sort of response could it give? To this question he said: “That is precisely what I said. It is as to ‘when’ and that is the situation as it stands.”
He added: “I did not say we are going to have a bang in the next few days or that very moment. No, that is not the situation. The situation is that we are assessing the entire gambit of the situation as to how sanctions against India will work”.

“We seemed to have come to a rough calculation that if things stand as they are and if the sanctions against India last about a year, there would be a loss of $23 billion,” he said and added: “We have to assess and we are in that process as to what effect these sanctions will have on Pakistan.”

He said: “We had been having sanctions and embargoes since 1965. So, the situation remains exactly where it is. We have the advantage to conduct a test as and when we like.”

Replying to a query, Mr. Gohar said: “The G-8 summit was itself divided on Indian nuclear blasts. So, it depends on how President Clinton would be able to phrase his words in the resolution, if there is any, against India. We feel encouraged right now but from all points of view the world reaction (to India’s blasts) has been very mild.”

Replying to yet another question, the Foreign Minister maintained that the US sanctions against New Delhi certainly did not satisfy Islamabad. “Some major US companies, which said that they are reconsidering investment in India, are not government-owned; they are private. Shareholders want profits from the investment they make. We have to see where that money will be invested,” he added.

“These companies and corporate tycoons would be after the government to dilute these sanctions as much as possible as happens all over the world,” he said.

Asked if he was not simply convinced that sanctions will be hard enough or long enough to persuade Pakistan no to conduct a nuclear test, Mr. Gohar said “Precisely not. India would not be struck so hard. We have calculated it. It is just a matter of time.”

To a query if he meant a test was likely, he said: “The question is when you conduct it.”

“A nuclear test by Pakistan is certain,” he added.

He dispelled the impression that Prime Minister Nawaz Sharif’s statements in last two days were conflicting. “The Prime Minister has certainly said that Pakistan will act responsibly and will not take any hasty decision but he also did not rule out a nuclear test,” Mr. Gohar added.

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Pakistan’s disappointment at the response of G-8 to Indian Nuclear Tests.

Islamabad, May 18, 1998.

Pakistan accused on May 18 India of spreading a rumor about a Pakistani nuclear test during the G-8 summit in Birmingham and thus “insulted” the leaders of the eight industrialized nations.

The Pakistan Foreign Ministry summoned ambassadors of the G-8 countries and conveyed to them Pakistan’s deep disappointment at the muted ‘response’ to last week’s Indian nuclear tests, an official statement said.

The Foreign Ministry told them that the Indians had made a ‘crude attempt on May 17 to slow confusion at the G-8 summit’ to shift the focus away from India by spreading a rumor that Pakistan had carried out a nuclear test.

“India thus insulted the G-8 leaders some of whom even raised at the summit,” the diplomats were told.

Pakistan told the ambassadors that although the G-8 statement claimed to have enhanced and strengthened non-proliferation regimes and international peace the fact was that the five Indian tests had left the nuclear non-proliferation treaty and the Comprehensive Test Ban Treaty “in shreds”.

The Indian move “irrevocably damaged peace and security in the region,” the Pakistani statement said.

It was emphasized to the diplomats that “the policy of appeasement was always counter-productive since it encouraged and emboldened habitual transgressors,” the statement said.

Pakistan appreciated the efforts of some of the G-8 leaders who advocated a stronger outcome of the summit, it said.

But it was ‘regretted’ that others had chosen to ‘dilute’ the G-8 statement, it said, adding: “It appeared that these countries were influenced by narrow economic interests, despite a clear record of Indian military adventurism in the region and its hegemonistic designs.”
1899. Extract from the Statement by Pakistan Prime Minister Nawaz Sheriff on nuclear tests.


"Since that day (When India conducted nuclear tests), the world around has suddenly undergone a qualitative change. We have to contend with new realities, heightened dangers and an imminent threat to our security. Since May 11 we are living under the dark shadows of Indian nuclear saber rattling.

The fundamentalist Indian leadership bared its teeth even before the dust settled at Pokhran. The Indian leaders couldn't contain themselves a minute longer. Immediately they raised the demand that Islamabad should realize the change in the geo strategic situation in the region.

The open message was that Pakistan should abandon its principled policy to support the indigenous struggle of the people of Kashmir for their right of self determination promised to them by India itself and the world community through the UN Security Council resolutions…

The Indians have spurned the peace initiative (from Pakistan) and answered with atomic tests… and gone to the extent of threatening to use nuclear weapons. Statements emanating from Indian leaders virtually amount to nuclear blackmail by India to impose a military solution in Kashmir.

Overt Indian nuclear weaponisation has seriously upset the strategic balance in the region and emboldened India to make a naked assertion of hostile intentions towards Pakistan.

India has repeatedly committed aggression against us. The Indian missile and nuclear programme has never been a secret. For their own reasons and in spite of its vast range and sophistication, the western world has never before expressed any concern at the Indian nuclear programme…

We are being asked to show restraint. Have we not always shown utmost restraint for all those years since we had the nuclear capability? What did we earn in return for this restraint? Discriminatory and punitive measures were imposed on us. And in a manifestly unjust and unfair approach, Pakistan was penalized for every Indian escalatory step on the nuclear and ballistic ladder.

The talk of sanctions is not only familiar to us but it also does not rattle us. We have learned to live with these punitive measures. Our legitimate need for security is still being ignored. This fills us with apprehension even now. We have made clear to all our friends and well wishers that we are not seeking any bargains..
India defiance on the other hand has even now attracted some sanctions and more understanding; some have even offered endorsement. No amount of condemnation has changed the magnitude of the threat posed to Pakistan. Practically the sanctions mean little and change nothing. The reality on the ground remains.

The balance of power in the region has been violently tilted. Under these circumstances, our undivided focus must be on the preservation of our national security interests.

Apart from threatening Pakistan India is now blackmailing the world by offers of bargain on the CTBT. We believe that the Indian actions have rendered the non proliferation regime and instruments such as the NPT (Non Proliferation Treaty) and the CTBT irrelevant.

The Indian tests have posed new challenges and dilemmas in the field of non proliferation. Fresh thinking is now needed on these issues…

We have not taken any action in haste. We have not behaved in a tit for tat manner. We have not let any madness engulf us. Ladies and gentlemen, whatever decision we eventually take will be in our supreme national interest.

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1900. Briefing by Pakistan Prime Minister Nawaz Sharif to the foreign media on Indian nuclear tests.


Ladies and Gentlemen,

I extend to you a warm welcome and that is in spite of the heat of the season as well as of May 11. Since that day the world around us has suddenly undergone a qualitative change. We have to contend with new realities heightened dangers and an imminent threat to our security.

Since May 11, we are living under the dark shadow of Indian nuclear saber rattling. The fundamentalist Indian leadership, bared its teeth even before the dust settled at Pokhran, the Indian leaders could not contain themselves a minute longer. Immediately they raised the demand that ‘Islamabad should realize the change in the geo-strategic situation in the region’. The open message was that Pakistan should abandon its principled policy to support the indigenous struggle of the people of Kashmir for their right of self determination promised to
them by India itself and the world community through the United Nations Security Council Resolutions.

You would recall that I had initiated dialogue with India with a view to resolving all the issues through peaceful means. The Indians have spurned the peace initiative and answered with atomic tests across our border and gone to the extent of threatening to use nuclear weapons. Statements emanating from Indian leaders virtually amount to a nuclear blackmail by India to impose military solution in Kashmir. Overt Indian nuclear weaponization has seriously upset the strategic balance in the region and emboldened India to make a naked assertion of her hostile intentions towards Pakistan.

We are not surprised at the actualization of the Indian hegemonic agenda just as we were not surprised at the conduct of Indian tests. India has repeatedly committed aggression against us.

The Indian missiles and nuclear programme has never been a secret. For their own reasons and in spite of their full awareness of its vast range and sophistication the western world has never before expressed any concern at the Indian nuclear programme. The BJP’s National Agenda clearly spoke of the nuclear option and the induction of nuclear weapons. We could see the writing on the wall. I immediately wrote letters to the leaders of major powers warning them of the impending danger. They chose in disregard of our advice. How should we now understand or interpret their indignation at the Indian nuclear tests? Have they offered any explanation to the world of their own indifference to the Indian nuclear programme and its culmination in tests ranging from low yield to the thermonuclear?

We are being asked to show restraint. Have we not always shown utmost restraint for all those years since we have had the nuclear capability. Our record and commitment to non-proliferation has been impeccable. What did we earn in exchange of the restraint? Discriminatory and punitive measures were imposed on us.

In a manifestly unjust and unfair approach Pakistan was penalized for every Indian escalatory step on the nuclear and ballistic ladder. The talk of sanctions is not only familiar to us but it also does not rattle us. We have learnt to live with these punitive measures.

Our legitimate need for security is still being ignored. This fills us with apprehensions even now. We have made clear to all our friends and well-wishers that we are not seeking any bargains. Can the Pakistani nation afford to barter its independence, security and sovereignty? What is the price for liberty and freedom, dignity and honour?
Indian defiance on the other hand has even now attracted some sanctions but more understanding. Some have even offered endorsement.

No amount of condemnation or sanctions have changed the immediacy or magnitude of the threat to us. Practically sanctions means little and change nothing. The reality on the ground remains.

Pakistan has to contend with that reality and its dark shadow on our security. We have to contend with the Indian threats which may materialize any time. The Indian record of aggression and irresponsible behaviour is a stark reality for Pakistan. Our compulsions are not hidden. The balance of power in the region has been violently tilted. Under these circumstances our undivided focus must be on the preservation of our national security interests.

In this critical hour we are much encouraged by the steadfastness, the moral support of our friend China which is a peace loving country and the only nuclear power which has promised not to use nuclear weapons, under any circumstances, against a non nuclear weapon state. We are also heartened by expressions of support and solidarity by the Islamic World.

I am particularly grateful to President Clinton for his three telephone calls during which he conveyed his strong appreciation and understanding for the threat to Pakistan’s security that has arisen as a result of the Indian Nuclear tests. I also appreciate the concern shown by the other world leaders during their telephonic conversation with me.

Apart from threatening Pakistan India is now blackmailing the world by offers of bargain on the CTBT. We believe that the Indian actions have rendered the non proliferation regime and instruments such as NPT and CTBT irrelevant. The Indian tests have posed new challenges and dilemmas in the field of non proliferation. Fresh thinking is now needed on these issues.

Ladies and Gentlemen,

Pakistan is a democratic country. The aspirations of the people of Pakistan provide the guiding path and govern our actions. Our nation has risen to the occasion. There is complete national consensus to respond to the challenges and the threat. This nation has a history of facing challenges and has never submitted to threats. Any misadventure will meet a resolute response. The whole nation has demonstrated a sober and mature approach to this complicated situation. We have not taken any action in haste. We have not behaved in a tit for tat manner. We have not let any madness engulf us. Whatever decision we will eventually take it will be in our supreme national interest.

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Suo Motu Statement by Prime Minister Atal Bihari Vajpayee in Parliament on Indian Nuclear tests.

New Delhi, May 27, 1998.

Sir,

I rise to inform the House of momentous developments that have taken place while we were in recess. On 11 May, India successfully carried out three underground nuclear tests. Two more underground tests on 13 May completed the planned series of tests. I would like this House to join me in paying fulsome tribute to our scientists, engineers and defence personnel whose singular achievements have given us a renewed sense of national pride and self confidence. Sir, in addition to the statement I make, I have also taken the opportunity to submit to the House a paper entitled ‘Evolution of India’s Nuclear Policy’.

2. In 1947, when India emerged as a free country to take its rightful place in the comity of nations, the nuclear age had already dawned. Our leaders then took the crucial decision to opt for self reliance, and freedom of thought and action. We rejected the Cold War paradigm and chose the more difficult path of non alignment. Our leaders also realized that a nuclear weapon free world would enhance not only India’s security but also the security of all nations. That is why disarmament was and continues to be a major plank in our foreign policy.

3. During the 50s, India took the lead in calling for an end to all nuclear weapon testing. Addressing the Lok Sabha on 2 April, 1954, Pt. Jawaharlal Nehru, to whose memory we pay homage today, stated ‘nuclear, chemical and biological energy and power should not be used to forge weapons of mass destruction’. He called for negotiations for prohibition and elimination of nuclear weapons and in the interim, a standstill agreement to halt nuclear testing. This call was not heeded.

4. In 1965, along with a small group of non aligned countries, India put forward the idea of an international non proliferation agreement under which the nuclear weapon states would agree to give up their arsenals provided other countries refrained from developing or acquiring such weapons. This balance of rights and obligations was not accepted. In the 60’s our security concerns deepened. The country sought security guarantees but the countries we turned to were unable to extend to us the expected assurances. As a result, we made it clear that we would not be able to sign the NPT.

5. The Lok Sabha debated the issue on 5 April, 1968. Prime Minister late Smt. Indira Gandhi assured the House that ‘We shall be guided entirely by our self enlightenment and the considerations of national security’. This was a turning
point and this House strengthened the decision of the then Government by reflecting a national consensus.

6. Our decision not to sign the NPT was in keeping with our basic objectives. In 1974, we demonstrated our nuclear capability. Successive Governments thereafter have taken all necessary steps in keeping with that resolve and national will, to safeguard India’s nuclear option. This was the primary reason behind the 1996 decision for not signing the CTBT, a decision that also enjoyed consensus of this House.

7. The decades of the 80’s and 90’s had meanwhile witnessed the gradual deterioration of our security environment as a result of nuclear and missile proliferation. In our neighbourhood, nuclear weapons had increased and more sophisticated delivery systems inducted. In addition, India has also been the victim of externally aided and abetted terrorism, militancy and clandestine war.

8. At a global level, we see no evidence on the part of the nuclear weapon free world. Instead, we have seen that the NPT has been extended indefinitely and unconditionally, perpetuating the existence of nuclear weapons in the hands of the five countries.

9. Under such circumstances, the Government was faced with a difficult decision. The touchstone that has guided us in making the correct choice clear was national security. These tests are a continuation of the policies set into motion that put this country on the path of self reliance and independence of thought and actions.

10. India is now a nuclear weapon state. This is a reality that cannot be denied. It is not a conferment that we seek; nor is it a status for others to grant. It is an endowment to the nation by our scientists and engineers. It is India’s due, the right of one sixth of human kind. Our strengthened capability adds to our sense of responsibility. We do not intend to use these weapons for aggression or for mounting threats against any country. These are weapons of self defence, to ensure that India is not subjected to nuclear threats or coercion. We do not intend to engage in an arms race.

11. We had taken a number of initiatives in the past. We regret that these proposals did not receive a positive response from other nuclear weapon states. In fact, had their response been positive, we need not have gone in for our current testing programme. We have been and will continue to be in the forefront of the calls for opening negotiations for a Nuclear Weapons Convention, so that this challenge can be dealt with in the same manner that we have dealt with the scourge of two other weapons of mass destruction – through the Biological Weapons Convention and the Chemical Weapons Convention.
12. Traditionally, India has been an outward looking country. Our strong commitment to multilateralism is reflected in our active participation in organizations like the United Nations. This engagement will continue. The policies of economic liberalization introduced in recent years have increased our regional and global linkages and my Government intends to deepen and strengthen these ties.

13. Our nuclear policy has been marked by restraint and openness. We have not violated any international agreement either in 1974 or now, in 1998. The restraint exercised for 24 years, after having demonstrated our capability in 1974, is in itself a unique example. Restraint, however, has to arise from strength. It cannot be based upon indecision or doubt. The action involved was balanced in that it was the minimum necessary to maintain what is an irreducible component of our national security calculus.

14. Subsequently, Government has already announced that India will now observe a voluntary moratorium and refrain from conducting underground nuclear test explosions. We have also indicated willingness to move towards a *de jure* formalization of this declaration.

15. The House is no doubt aware of the different reactions that have emanated from the people of India and from different parts of the world. The overwhelming support of our citizens is our source of strength. It tells us not only that this decision was right but also that our country wants a focused leadership, which attends to their security needs. This, I pledge to do as a sacred duty. We have also been greatly heartened by the outpouring of support from Indians abroad. They have, with one voice, spoken in favour of our action. To the people of India, and to Indians abroad, I convey my profound gratitude. We look to the people of India and Indians abroad for support in the difficult period ahead.

16. In this, the fiftieth year of our independence, we stand at a defining moment in our history. The rationale for the Government’s decision is based on the same policy tenets that have guided us for five decades. These policies have been sustained successfully because of an underlying national consensus. It is vital to maintain the consensus as we approach the next millennium. In my statement today and in the paper placed before the House, I have elaborated on the rationale behind the Government’s decision and outlined our approach for the future. The present decision and future actions will continue to reflect a commitment to sensibilities and obligations of an ancient civilization, a sense of responsibility and restraint, but a restraint born of the assurances of action, not of doubts or apprehension. Avoiding triumphalism, let us work together towards our shared objective in ensuring that as we move towards a new millennium, India will take its rightful place in the International community.
Our High Commissioner in Pakistan was called in by the Pakistan Foreign Secretary at 0210 hours (IST) this morning. The Pakistan Foreign Secretary conveyed to our High Commissioner that India was preparing to attack the nuclear facilities of Pakistan. Our High Commissioner dismissed this as an utterly absurd and malicious allegation. Pakistan has also sought to spread this canard in the UN and some important world capitals. In the normal course we would not have lent dignity to this vicious propaganda but as it could be a part of a more nefarious design, we would like to make it clear that India stands committed to uphold its treaty obligations and agreements including the India-Pakistan Agreement on the Prohibition of Attack against Nuclear Installations and Facilities. There is no intention, on our part, to heighten tension between India and Pakistan. We see in these Pakistani efforts yet another example of their deep frustration. We are confident that all concerned will reject these crude manifestations of the traditional Pakistani mindset of hostility against India.
1903. Announcement by Pakistan Prime Minister Nawaz Sharif of Pakistan conducting its Nuclear Tests.


Prime Minister Nawaz Sharif made the announcement in a televised speech on May 28 that Pakistan has detonated five nuclear devices and appealed to the nation to give up luxuries and comforts to face the new challenge to successfully pass through the great test.

This had become inevitable for the security and defence of the country after the five Indian nuclear blasts and the threatening statements by the Indian leaders. He said in his 30 minute address. We have settled score with India by equaling nuclear tests with it.

He said if sanctions are imposed on Pakistan, the country would have to walk on a path of self reliance which will ultimately lead it to road to prosperity. Vibrant nations are always ready for such challenges. We have the capabilities for such a test.

Mr. Nawaz Sharif said after military sanctions were imposed on Pakistan, the country exploded five nuclear tests. And now when economic sanctions will be imposed, it should become self reliant and prosperous economically.

It is an auspicious day, of historic significance. Allah Almighty gave us the courage and determination to take the decision of carrying out the nuclear tests. He said opening his speech to make the second most important announcement after the independence of the country in 1947.

The Prime Minister said when India conducted its first test in 1974, Pakistan was only aware of peace and not nuclear weapons. ‘But the explosion posed new dangers to us and the region. Whenever we drew the attention of the world to tell it that Indian military and nuclear preparations were meant for Pakistan and not China because China despite being a big power has no hegemonistic designs while India has, nobody listened to us. And the world went along India’s stand.

Mr. Nawaz said he had proposed that China, the USA and Russia should rid the region of the nuclear race and Pakistan was not trying to join it. We could have conducted the nuclear test 15/20 years ago, but we did not because we have in view the poverty and backwardness of the region, which needed massive development. We demanded that India should be stopped from the blind nuclear race.

But instead of putting pressure on India, he said sanctions were imposed on Pakistan for a sin which Islamabad had never committed. Still Pakistan did not
lose patience as it hoped that the world would impose sanctions on India, but
instead Islamabad was told to exercise restraint and show sense of responsibility,
he said.

The Prime Minister said that on the other hand India was conducting nuclear
explosions and deploying missiles at Pakistan's borders. “We were being asked
to learn to live with our heads down. Threats of attack on Azad Kashmir were
being given by India. Does such a country deserve to have nuclear weapons?
By conducting five nuclear explosions. Indians forgot civilized norms and how
to talk to other countries.”

The world he said, should have blockaded India for such actions and UN Security
Council should have imposed effective sanctions so that Delhi should have
realized its mistake, but unfortunately, no such step was taken.

It had become inevitable for Pakistan to give a matching response to India.
Whatever we have done is the decision of the people of Pakistan. The nation
wanted this great job to be done by me, and I did it.

The Prime Minister said that after the nuclear explosions, India was being asked
by foreign countries to sign the Comprehensive Test Ban Treaty CTBT on the
promise that it will not again conduct nuclear tests and they had thus forgotten
the sin Delhi had committed.

But at the same time, we were being urged to show restraint. I am not the
representative of a coward peace loving nation. We ran out of patience because
of the Indian actions. We are a self respecting nation, which can put its head on
the chopping bloc for self esteem.

Mr. Nawaz said he was well aware of the concern of the nation during the past
some time. He said he was feeling their pulse. We told the world that we are
ready to face the enemy, will not surrender to the threat and pressure of sanctions.
We decided to bravely face difficulties and problems. All the religious, sectarian
and political forces upheld the national esteem. We will now have to cope up
with the new test successfully. What we could not do during the past 50 year,
you decided to get it done by me.

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1904. **Briefing by Pakistan Foreign Secretary Shamshad Ahmad to Heads of Mission stationed in Islamabad.**


Foreign Secretary Shamshad Ahmad told the ambassadors and heads of mission based in Islamabad on May 29 that Pakistan had crossed the nuclear threshold with a high sense of responsibility.

He told them: ‘Our nuclear weapons capability is solely for national self defence. It will never be used for offensive purposes.

The ambassadors and heads of missions were called to the Foreign Office in groups (G-8, OIC, SAARC, ECO and others) to be personally briefed by the Foreign Secretary on the rationale for Pakistan’s decision.

He told the envoys that Pakistan proposes that all members of the international community should join it in addressing the implications of nuclearisation of South Asia with a view to evolving effective, non discriminatory, and verifiable measures to promote peace, stability and enhanced confidence in the Indian Ocean and adjacent regions.

In his briefing, Mr. Shamshad said that the decision to weaponise Pakistan’s nuclear programme was dictated by the imperative need to preserve regional peace and security that was gravely threatened by India’s overt weaponisation and the consequential collapse of the existential deterrence.

He said: ‘Indian leadership, after carrying out a whole range of nuclear tests threatened us with nuclear blackmail to impose a military solution on the Kashmir issue. In the face of the magnitude of the threat posed to our security, Pakistan was left with no choice.

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Statement made by the President of the UN Security Council on 29 May 1998 at a Meeting of the Council on India and Pakistan Nuclear Tests.

The Security Council strongly deplores the underground nuclear tests that Pakistan conducted on 28 May 1998, despite overwhelming international concern and calls for restraint. Reaffirming the statement of its President of 14 May 1998 (S/PRST/1998/12), on Indian nuclear tests of 11 and 13 May, the Council strongly urges India and Pakistan to refrain from any further tests. It is of the view that testing by India and then by Pakistan is contrary to the de facto moratorium on the testing of nuclear weapons or other nuclear explosive devices, and to global efforts towards nuclear non-proliferation and nuclear disarmament. The Council also expresses its concern at the effects of this development on peace and stability in the region.

The Security Council reaffirms the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons Treaty NPT and the Comprehensive Test Ban Treaty CTBT. The Council appeals to India and Pakistan, and all other states which have not yet done so, without conditions. The council also encourages India and Pakistan to participate, in a positive spirit, in the proposed negotiations with other States for a fissile material cut off treaty in Geneva with a view to reaching early agreement.

The Security calls upon all parties to exercise maximum restraint and to take immediate steps to reduce and remove tensions between them. The Council reaffirms that the sources of tension in South Asia should be reduced and eliminated only through peaceful dialogue and not by the use of force or other military means.

The Security Council urges India and Pakistan to resume the dialogue between them on all outstanding issues, including all those that the parties have already discussed, especially matters concerning peace and security, in order to remove the tensions between them and to enhance their economic and political cooperation. The Council calls upon India and Pakistan to avoid any steps or statements that could lead to further instability or impede their bilateral dialogue.

The Security Council will remain seized of the matter.
1906. **Announcement by Pakistan Foreign Secretary Shamshad Ahmad of the sixth test conducted by Pakistan thereby completing the current series.**


After successfully conducting five nuclear tests on May 28, 1998, Pakistan completed the current series by another nuclear test on May 30. Let me clarify that there was only one test conducted on May 30. All the tests conducted were fully contained. There was no release of radioactivity. The result was as expected, the devices tested correspond to weapons configuration, compatible with delivery systems.

The Prime Minister has congratulated the Pakistani scientists, engineers and technicians on their mastering of complex and advanced technologies through dedicated team work.

I know you are very keen and perhaps a little impatient to throw all your questions at me. But before I open the floor I think it will be useful for all of us, including friends who have traveled from far and wide, to see this whole question of nuclearisation of South Asia in its political indeed I dare say, its philosophical perspective.

To our friends in the western world the nuclear question is uni-dimensional. Their undivided focus has been and remains on non-proliferation as concept. Only the philosophy of the concept as adapted to their own intent and purpose, appeals to them, the all important underlying causes are conveniently ignored.

I would for a moment like to ask you to reflect on the obverse i.e. proliferation in South Asia. India initiated its nuclear programme right after independence and detonated a device as early as 1974. New Delhi then feverishly engaged in a massive nuclear and missile programme to satisfy its grandiose ambitions and hegemonistic designs. Their track record at that point showed aggression against China, wars against Pakistan and a patently illegal contract of Kashmir, accompanied by total denial of the right of self-determination to the people of Kashmir as enshrined in the Security Council resolutions.

The fact of our existence as the neighbour of an expansionist and a hegemonistic power, taught us the inevitable lesson that we must search for security. Contemporary history held only one lesson for us. The answer lay in credible deterrence.

Today we have proved our credibility. There are no doubts left any more. The era of ambiguity is behind us but may I say to you, ladies and gentlemen, that the problem stays.
The high priests of non-proliferation do not scratch below the surface. The symptom is their problem. The disease afflicts us. A whole vast field of the non-proliferation regime has been built up. The desire is to confine everybody within its four walls. But the real causes of insecurity, conflicts and tensions in our region need to be redressed. It is therefore, imperative to find a peaceful and just solution of the Jammu and Kashmir dispute.

Condemnations and sanctions are expression of the injured ego of the powers who arrogate to themselves the high responsibility of keeping the peace and the means to ensure peace in their part of the world. For the rest of the world their interest does not go beyond their own preoccupation with non-proliferation. They would leave the critical question surrounding peace and security to the narrow confines of the 'bilateral context'. They know very well that this is a dark tunnel where sounds reverberate but do not lead to light at the end of the tunnel.

Genuine contribution to peace and security can be made by constructive engagement in the search for permanent solutions. The councils of the world should not be convened to heap more criticism for that will evidently be fruitless but to devise ways and means to address the real issues.

Our decision to exercise the nuclear option was an expression of self defence. In restoring this strategic balance, Pakistan has given only a bare minimum response. It is not our intention to enter into an arms race. The history of the Cold War era shows that such disastrous races are counter productive and definitely not sustainable. The only race we propose to run is for economic development.

Over one billion people of our region do not want and certainly cannot afford to divert their precious resources for a nuclear confrontation in South Asia. We are determined to seek ways and means to cool the temperature and to lower the tensions.

Pakistan has always exercised maximum restraint. We will continue to do so. Our capabilities demonstrated by our six nuclear tests are only for self defence and only to deter aggression. This has been clearly stated by the Prime Minister. The Prime Minister has also affirmed Pakistan's determination to engage in a constructive dialogue with other countries especially major powers to promote the goal of nuclear disarmament and non-proliferation in the world.

The Prime Minister has also reaffirmed the government's determination to resume Pakistan - India dialogue to address all outstanding issues including the core issue of Jammu and Kashmir as well as peace and security.

We are prepared to enter into discussions with India for taking all steps that are necessary to ensure mutual restraint and equitable measures for nuclear stabilization in our region.
We have already stated at the highest level that Pakistan has not and will not transfer sensitive technologies to other states or entities.

The nuclearisation of South Asia poses new challenges for global non-proliferation. The history of this region tells us that non-proliferation cannot be ensured in a security void.

Compelling security concerns have to be discussed together with measures to promote the goals of non-proliferation. Global non-proliferation regimes can best be promoted by addressing the very factors that impel proliferation.

The new global security order cannot be predicated on trying to freeze the iniquities and ignore injustice.

As a responsible country whose record of restraint and responsibility is impeccable, Pakistan today assures the international community and in particular India of our willingness to enter into immediate discussions to address all matters of peace and security including urgent measures to prevent the dangers of nuclear conflagration.

A press release issued by the Ministry of External Affairs in New Delhi on the same day noted the Pakistani test and said: "We are in the knowledge of Pakistan having conducted one more nuclear test today. The development was expected. Facts are being ascertained. Government’s stand has been made clear by Prime Minister in Parliament .... As is well known, India is already observing a voluntary moratorium. Pakistan has sought to justify its nuclear tests by projecting an alleged threat from India. As Prime Minister has already stated, India does not pose a threat to Pakistan. The Prime Minister also reiterated the offer to hold discussions with Pakistan on a no first use agreement reflecting our desire to maintain peace and stability in the region. Government is watching the situation carefully. Government remains fully prepared to deal firmly and effectively with any threat to India’s national security."
Press Release issued by Ministry of External Affairs on Reaction of the UN Security Council to the Nuclear Tests conducted by Pakistan.


We note with regret that the Security Council, in reacting to the nuclear tests carried out by Pakistan, has made several unwarranted references to India. Much of the Council’s statement is a repetition of the one it issued on 14th May to which we have already given a response on 15th May, 1998. Nevertheless, it would be appropriate to put the developments in perspective.

2. We are astonished that the Council urges India not to conduct any further tests. Prime Minister has repeatedly stated, as widely reported in the media, and confirmed in the suo motu statement delivered in Parliament on 27th May, 1998, that India will observe a voluntary moratorium and refrain from conducting tests. India is also willing to move to a de-jure formulation of this declaration. The Prime Minister has also announced that we are willing to participate in the negotiations on a Fissile Material Cut Off Treaty (FMCT) in the Commission on Disarmament in Geneva.

3. The misleading references in Security Council’s Presidential statement obfuscate the nature of Pakistan’s nuclear and missile programmes, particularly the well documented fact that they are long established and are based on clandestine acquisitions and transfers.

4. India remains firmly committed to a policy of friendly and cooperative relations with all its neighbours, the promotion of peace and stability in the region and the resolution of all outstanding issues through bilateral dialogue and negotiations.

5. As the Prime Minister has stated, we have always desired to pursue the path of peace and of comprehensive and constructive dialogue with Pakistan. This is a manifestation of our national confidence and strength. Our proposals for the modalities of the dialogue as also a range of other proposals are with Pakistan and we await their response. Our dialogue includes peace and security issues including Confidence Building Measures. The international community can rest assured that on our part, there is no desire to heighten tensions and Pakistan faces no threat from India.

6. Our commitment to restraint is evident in the Prime Minister’s statement in Parliament on 28th May, 1998 that the Government is ready to discuss a ‘no first use’ agreement with Pakistan, as also with other countries bilaterally, or in a collective forum. The Presidential Statement ignores India’s security concerns, which go beyond South Asia.
7. On the broad issue of the nuclear environment that forced us to conduct these tests, which the Prime Minister again emphasized in Parliament were not directed against any country. The Prime Minister reiterated our commitment to the complete elimination of nuclear weapons within a specified framework of time. India calls on all nuclear weapon states and indeed the international community to join with it in opening early negotiations for a Nuclear Weapons Convention so that these weapons can be dealt with in a global non discriminatory framework as the other two weapons of mass destruction have been, through the Biological Weapons Convention and the Chemical Weapons Convention.

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1908. Interview of Dr. A. Q. Khan with the *Observer* of London as reported by the *Dawn* on Pakistan’s nuclear programme. Karachi, June 1, 1998.

**Question:** what do you say to the claim that the BCCI bank funded Pakistan’s nuclear programme?

**Answer:** Totally baseless, without any foundation concocted. It is full of lies. All the money came from government funds. We saved money from important projects elsewhere and used it for the nuclear project.

Q: Has Pakistan smuggled components for its nuclear programme?

A: No country can make everything. You have a concept, make a design and then buy whatever is cheap from wherever. If unnecessary restrictions are placed on you, you shop in the open market. We tried to buy planes from the USA. They refused to deliver them and blocked our money. Is this justice? They never accept that our engineers and scientists can do whatever their engineers and scientists can. Why not

Q: What did Pakistan achieve from these tests?

A: This has been a successful nuclear explosion by all definitions. It was exactly as we had planned and the results were as good as we had hoped.

Q: Were they fission or fusing devices?

A: They were all boosted fission devices using Uranium 235. We have been manufacturing this at Kahuta for up to 19 years. The first enrichment was done
on 4 April, 1978. The plant was made operational in 1979 and by 1981 we were producing substantial quantities of uranium. Until 1982-83 we were producing low enriched uranium and from 1983 started producing weapons grade uranium which is more than 90 per cent enriched.

Q: How does Pakistan’s nuclear programme compare with India’s?
A: They have used an old technology of plutonium from spent fuel, whereas we have used enriched uranium, which is a much more sophisticated and safe process.

Q: What was the total yield of the tests?
A: One was a big bomb which had a yield of between 30 and 35 kilotons, twice as big as the one dropped on Hiroshima. The other four were small tactical weapons of low yield. None of these explosions was thermonuclear. But we can do a fusion blast if asked.

Q: How long will it take?
A: Much quicker than one expects when the Indian Prime Minister gave a go ahead, their scientists took more than a month. Our scientists took 15 to 16 days.

Q: How many bombs do India and Pakistan have?
A: The numbers are less important than their effectiveness and sophistication. If there is a war you need only a few. Deterrence is the main advantage. Now they know we also have nuclear weapons they will think 10 times before invading us.

Q: Can your programme continue despite sanctions?
A: Yes we can. Sanctions do not affect any programme. We are totally independent and self reliant and make everything here.

Q: Has a change of government ever affected your programme?
A: It is a national project and a national priority and no government ever caused any obstacle.

Q: When were you first able to explode a nuclear device?
A: At the end of 1984. Pakistan never wanted to make nuclear weapons. It was forced to do so. The Indian nuclear explosion in 1974 brought a qualitative change. We kept quiet, but when the BJP assumed power Indian Prime Minister Vajpayee said India is a nuclear weapons state which created a big question of security for Pakistan so we had no other option.
Joint Communiqué issued by Five Permanent Members (P-5) of the UN Security Council on Nuclear Tests.


1. Bearing in mind the responsibility of their countries for the maintenance of international peace and security, the Foreign Ministers of China, France, Russia, the United Kingdom and the United States met in Geneva on 4 June to coordinate their response to the grave situation created by the nuclear tests carried out in May by India and then by Pakistan. The ministers condemned these States, expressed their deep concern about the danger to peace and stability in the region and pledged to cooperate closely in urgent efforts to prevent a nuclear and missile arms race in the sub-continent, to bolster the non-proliferation regime and to encourage reconciliation and peaceful resolution of differences between India and Pakistan.

2. The Ministers agreed that quick action is needed to arrest the further escalation of regional tensions stimulated by the recent nuclear tests. India and Pakistan should, therefore, stop all further such tests. They should refrain from the weaponisation or deployment of nuclear weapons, from the testing or deployment of missiles, capable of delivering nuclear weapons. They should also halt provocative statements; refrain from any military movements that could be construed as threatening and increase transparency in their actions. Direct communications between the parties could help to build confidence.

3. To reinforce security and stability in the region and more widely, the Five strongly believe that India and Pakistan should adhere to the Comprehensive Nuclear Test Ban Treaty immediately and unconditionally, thereby facilitating its early entry into force. The Five also call upon India and Pakistan to participate, in a positive spirit and on the basis of the agreed mandate, in negotiations with other States in the Conference on Disarmament for a Fissile Material Cut-off Convention with a view to reaching early agreement. The Five will seek firm commitments by India and Pakistan not to weaponise or deploy nuclear weapons or missiles. India and Pakistan should also confirm their policies not to export equipment, materials or technology that could contribute to weapons of mass destruction or missiles capable of delivering them, and should undertake appropriate commitments in that regard.

4. The Ministers agreed that the international non-proliferation regime must remain strong and effective despite the recent nuclear tests in South Asia. Their goal continues to be adherence by all countries, including India and Pakistan, to the Nuclear Non-Proliferation Treaty (NPT) as it stands, without any modification. This Treaty is the cornerstone of the non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament. Notwithstanding
their recent nuclear tests, India and Pakistan do not have the status of nuclear weapon states in accordance with the NPT.

5. The Ministers concluded that efforts to resolve dispute between India and Pakistan must be pursued with determination. The Ministers affirm their readiness to assist India and Pakistan, in a manner acceptable to both sides, in promoting reconciliation and cooperation. The Ministers pledged that they will actively encourage India and Pakistan to find mutually acceptable solutions, through direct dialogue, that address the root causes of the tension, including Kashmir, and to try to build confidence rather than seek confrontation. In that connection, the Ministers urged both parties to avoid threatening military movements, cross-border violations or other provocative acts.

6. The Ministers also considered what actions the Five could take, individually or collectively, to foster peace and security in South Asia. They will encourage India and Pakistan to adopt practical measures to prevent an arms race. They confirmed their respective policies to prevent the export of equipment, materials or technology that could in any way assist programmes in India or Pakistan for nuclear weapons or for ballistic missiles capable of delivering such weapons. They also undertook to do all they could to facilitate a reduction of tensions between those States, and to provide assistance, at the request of both parties, in the development and implementation of confidence and security building measures. They remain determined to fulfil their commitments relating to nuclear disarmament under Article VI of the NPT.

7. The Ministers viewed their meeting in Geneva as setting in motion a process aimed at strengthening peace and stability in South Asia, at encouraging restraint by India and Pakistan, at promoting the resolution of outstanding differences and at bolstering the international non-proliferation regime. They will remain fully engaged in pursuing these goals, and will work actively to build broad support in the international community for the objectives they agreed today.
1910. **Press Statement issued by the Ministry of External Affairs in response to the Statement of P-5 issued on June 4, 1998.**

**New Delhi, June 5, 1998.**

1. We have seen the Joint Communiqué issued by the Foreign Ministers of China, France, Russia, the UK and the USA in Geneva on June 4, 1998.

2. India has a consistent record as a responsible member of the international community, and a pioneer and leading participant in the movement towards global nuclear disarmament. Regrettably, the world is still far from establishing a comprehensive and equitable regime of nuclear disarmament, primarily because the nuclear weapon states have not taken credible and effective steps towards this goal. What has been put in place is a deeply flawed and discriminatory non-proliferation system which has legitimized the possession of nuclear weapons by a few countries and their presence in our neighbourhood. It is this adverse security environment that has compelled us to take the decision to carry out nuclear weapon tests.

3. The P-5 are not unaware that one of the most serious threats to our security has arisen because of the non-observance of the obligations they have undertaken under the NPT. The clandestine transfer over the years of nuclear weapons technology and fissile material to our neighbourhood is well known. Nevertheless the P-5 have declined to take any action to address a serious violation of a treaty provision to which all of them were party.

4. India has not violated any treaty provisions which it has undertaken. Our tests are not directed against any country. We have not raised tensions nor do we intend to do so. India remains strongly committed to a comprehensive, universal and non-discriminatory global nuclear disarmament regime.

5. In keeping with this responsible approach as a nuclear weapon state we have reiterated our commitment to continue observing the strictest control on export of nuclear material or related technologies. We would also draw attention to the significant proposals we have made recently for confidence building measures in the field of nuclear disarmament and for peace and stability in the region and beyond, i.e.: (i) India will observe a voluntary moratorium and refrain from conducting further tests. India is also willing to move to a *de jure* formulation of this declaration. (ii) India is willing to participate in negotiations on the FMCT in the Conference on Disarmament in Geneva. (iii) India has announced that it is ready to discuss a non-first use agreement bilaterally with Pakistan, as also with other countries, bilaterally or in a collective forum. These proposals provide a reasonable framework for addressing our common concerns.
6. We have also consistently worked to build confidence and promote peace and stability in our region. The initiatives we have taken along with other countries in this area have helped create a climate of cooperation and integration, at both bilateral and multi lateral levels. With Pakistan we have sought to develop a peaceful and cooperative relationship. Direct bilateral dialogue is the only means of achieving this objective. This will facilitate working out the possibilities of mutually beneficial cooperation as well as addressing of outstanding issues on the basis of mutual respect for each other concerns. We intend to continue in a constructive and sustained manner the broad based dialogue process which was renewed at our initiative in early 1997. Subjects for the dialogue have been mutually agreed on and include questions of peace and security, Jammu and Kashmir as well as trade and economic cooperation, people to people and cultural contacts, drug trafficking and cross border terrorism. This process has been under way for over a year now. Our specific and well considered proposals for the modalities for further talks have been with Pakistan since January 1998 and a response from them is awaited. We reiterate once again that there is no room for any outside involvement of any nature whatsoever in this respect.

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1911. Prime Minister’s Statement in Parliament regarding UN Security Council Resolution.

New Delhi, June 8, 1998

Sir,

Hon’ble Members are aware of the resolution adopted on 6 June 1998 by the United Nations Security Council. I would like to take the House into confidence on our position on this matter.

2. We regret that the Security Council has acted in a manner in which it has and produced a Resolution which is completely unhelpful in respect of the objectives it seeks to address. The Resolution contains a number of references to nuclear non proliferation. As I had mentioned in my earlier statement in the House, we are a responsible and committed member of the international community. The Resolution urges us not to carry out any nuclear weapon test explosions. For India, such an urging is redundant because we have already instituted a voluntary moratorium. We have also indicated our willingness to explore ways and means of converting this undertaking into a de jure obligation. Further, we have made clear our readiness to engage in multilateral negotiations
on a Fissile materials Cut off Treaty in the Conference on Disarmament in Geneva. We cannot, however, be expected to commit ourselves in advance of these negotiations, to unilaterally restrain production of fissile materials. In keeping with our commitment to non proliferation, we maintain the strictest controls over exports of nuclear materials and technologies. Our record in this regard has been impeccable and better than that of some countries who are parties to the NPT or members of the Nuclear Suppliers’ Group or even Permanent Members of the UN Security Council.

3. However, the call made in the Resolution that we should stop our nuclear programmes or missile programmes is unacceptable. Decisions in this regard will be taken by the Government on the basis of our own assessments and national security requirements, in a reasonable and responsible manner. This right, which we claim for ourselves is not something new; it is the right of every sovereign country, and a right that every Government in this country has strongly upheld for the last 50 years.

4. A glaring lacuna in the Resolution is the total absence of a recognition that the non proliferation issue is not a regional issue but has to be dealt with in a non discriminatory global context. We find it unfortunate that the UN Security Council Resolution does not reflect on the judgement of the highest international judicial body – the International Court of Justice, which has questioned the legitimacy of nuclear weapons and called for urgent negotiations for their elimination. In the paper on the Evolution of India’s Nuclear Policy laid on the Table of this House, we have reiterated our commitment to nuclear disarmament. Let me categorically state that unlike other nuclear weapon states who have sought to retain their exclusive hold over their nuclear arsenals, India has no such ambition. Government is committed to initiatives that can open negotiations for a global convention for the elimination of all nuclear weapons. The attempt to project the recent tests by India as a threat to peace and security is totally misguided and grossly out of focus. Such a portrayal of our policy ignores the positive steps announced by Government to which I have already referred, both in the global disarmament framework and the regional context. Our tests were necessary because of the failure of a flawed non proliferation regime, and, therefore, we categorically reject the notion that these have adversely affected either regional or global security.

5. Government have indicated willingness to engage in a meaningful dialogue with key interlocutors on the whole range of nuclear disarmament and non proliferation issues. Last week, Special Envoy Shri Brajesh Mishra visited Paris and London in this regard. He had meetings at the senior most levels in the two capitals. Dialogues with other countries are also planned. These dialogues have to be seen as part of a process, a process that will lead to a better understanding of India’s position.
6. Hon'ble Members are aware that India has always desired a peaceful, friendly, and mutually beneficial relationship with Pakistan based on confidence and respect for each other’s concerns. I have already said on the floor of both Houses, and I would like to reiterate, that a secure and prosperous Pakistan is in India’s interest. Our vision of our bilateral relationship is not confined to a resolution of outstanding issues, but is also directed to the future by seeking to building a stable structure of cooperation, which will benefit the people of both countries. As I wrote recently to Prime Minister Nawaz Sharif, we must not remain mired in the past, behind us, let us think of the welfare of our children and grand children.

7. We have remained committed to a path of direct bilateral dialogue with Pakistan. this reflects the nations’ conviction and confidence that it is only through direct discussions in a sustained and constructive manner that we can move ahead in our bilateral relationship. I would again like to reiterate our desire for the earliest resumption of the official talks with Pakistan. the subjects for discussions including peace and security, (along with confidence building measures) Jammu and Kashmir, economic and commercial cooperation and cross border terrorism have been identified. Our proposals for the modalities of these talks have been with Pakistan since January this year. We await their response. We have also made it clear once again that there is no place for outside involvement of any nature whatsoever in our dialogue process with Pakistan.

8. Hon’ble Members have expressed strong reservations against attempt to internationalise the Kashmir issue. There is simply no question of India ever agreeing to such internalisation. UN Security Council has chosen to mention Kashmir in its Resolution. This is unacceptable and does not change the reality that the State of Jammu and Kashmir is an integral part of the Indian Union. I would also like to draw the attention of the Hon’ble Members to the terms in which Kashmir finds mention in the resolution. The UN Security Council has recognized that bilateral dialogue has to be the basis of India-Pakistan relations and mutually acceptable solutions have to be found for outstanding issues including Kashmir. This is in keeping with our position.

New Delhi, June 10, 1998.

We have seen reports regarding a forthcoming meeting of Foreign Ministers of G-8 and other countries. Our reaction to the pronouncements in recent weeks of the UN Security Council, G-8 and P-5 countries makes it clear that India categorically rejects any suggestions for curtailing our nuclear weapon or missile development programmes. These are decisions taken by the Government of India on the basis of its own assessments and national security requirements.

We would urge these countries who claim to speak on behalf of the international community to take note of the unilateral gestures made by India in recent weeks. These include inter alia, the institution of a moratorium on nuclear testing; our

The G-8 Foreign Minister met in London on June 12 and issued a Communiqué which articulated the already pronounced views of these countries. The Ministry of External Affairs reacting to the Communiqué on June 13 inter alia said: "It is unfortunate that the G-8 statement ignores the positive gestures made by Government of India in recent weeks...........Further, India remains committed to developing a framework of peaceful relations with Pakistan through a broad-based and sustained bilateral dialogue. This provides an effective means of identifying the possibilities of mutually beneficial cooperation and resolving outstanding issues through bilateral negotiations. It would also include consideration of CBMs such as our proposal for a no first use agreement. In this process of dialogue, there is no place for third party involvement of any kind whatsoever. These gestures reflect both our desire to further the cause of global disarmament and non proliferation as well as our dedication to promoting peace and stability in the region. It is a matter of regret that the G-8 Foreign Ministers Joint Communiqué has not taken into account these proposals but has instead repeated unrealistic prescriptions, couched in the language of pressure.

India has been a responsible member of the international community and remains strongly committed to the objective of disarmament in general and nuclear disarmament in particular. However, we would like to make it clear that India’s security concerns cannot be viewed in a narrow South Asian construct. Indeed, the pursuit of non proliferation in an arbitrary selective regional context remains the fundamental flaw in the global nuclear disarmament regime. Government of India cannot consider any prescriptions which have the effect of undermining India’s independent decision making. Like any sovereign nation, India will continue to take decisions in this regard on the basis of its own assessment and national security requirements.

The G-8 have professed an interest in the welfare and economic growth of the people of the region. These professions are inconsistent with the actions threatened in the Joint Communiqué.

Independent of the advice of those who claim to bear the responsibilities of the international community, the Government of India is autonomously embarked on a well considered, comprehensive and purposeful programme meant to further genuine non proliferation and global nuclear disarmament, and aimed at building confidence and cooperation in the region. Coercive and intrusive prescriptions are not only ill advised but also counterproductive. Instead of offering homilies, the leading industrial economies should reflect seriously on the proposals made by India in recent week which offer a reasonable framework for dialogue in meeting our common concerns."
willingness to explore ways and means for *de jure* formalization of this undertaking; readiness to engage in negotiations on FMCT in the Conference on Disarmament in Geneva; maintain and further develop strict export controls on nuclear and related materials and technologies; resume discussions with Pakistan on all issues including our suggestion for a no first use agreement. These gestures and other statements reflect both our desire to further the global disarmament and non proliferation agenda as well as our commitment to pursuing direct bilateral dialogue with Pakistan for promoting security and stability in the region. There is no place for any third party involvement of any nature whatsoever in this process.

Any action on the part of the G-8 which does not take these proposals into account is short sighted and will be counterproductive. We would expect a positive response to our initiatives from those who claim to speak for the International community, rather than prescriptive and coercive suggestions which are neither responsible nor constructive.
1913. Statement by Official Spokesperson of Ministry of External Affairs on the Communiqué issued by Foreign Ministers of G. 8 Countries.

New Delhi, June 13, 1998.

We have seen the ‘communiqué’ issued by the Foreign Ministers of the G-8 countries at their meeting held in London on June 12, 1998.

India’s views on the contents of the communiqué have been clearly articulated in our government’s responses to the declarations issued after the various meetings of the P-5, the G-8 and the United Nations Security Council Resolution. Attention is invited in particular to the Official Spokesman’s statement of June 10, 1998, relating to the latest G-8 meeting.

It is unfortunate that the G-8 statement ignores the positive gestures made by Government of India in recent weeks. These include, inter alia, the institution of a moratorium on nuclear testing; our willingness to explore ways and means for de jure formalization of this undertaking; readiness to engage in negotiations on an FMCT in the Conference on Disarmament in Geneva; maintenance and further development of strict export controls on nuclear related materials and technologies.

Further, India remains committed to developing a framework of peaceful relations with Pakistan through a broad-based and sustained bilateral dialogue. This provides an effective means of identifying the possibilities of mutually beneficial cooperation and resolving outstanding issues through bilateral negotiations. It would also include consideration of CBMs such as our proposal for a no first use agreement. In this process of dialogue, there is no place for third party involvement of any kind whatsoever. These gestures reflect both our desire to further the cause of global disarmament and non proliferation as well as our dedication to promoting peace and stability in the region. It is a matter of regret that the G-8 Foreign Ministers Joint Communiqué has not taken into account these proposals but has instead repeated unrealistic prescriptions, couched in the language of pressure.

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to take decisions in this regard on the basis of its own assessment and national security requirements.

The G-8 have professed an interest in the welfare and economic growth of the people of the region. These professions are inconsistent with the actions threatened in the Joint Communiqué.

Independent of the advice of those who claim to bear the responsibilities of the international community, the Government of India is autonomously embarked on a well considered, comprehensive and purposeful programme meant to further genuine non proliferation and global nuclear disarmament, and aimed at building confidence and cooperation in the region. Coercive and intrusive prescriptions are not only ill advised but also counterproductive. Instead of offering homilies, the leading industrial economics should reflect seriously on the proposals made by India in recent week which offer a reasonable framework for dialogue in meeting our common concerns.

Place: New Delhi
Date: 13.6.1998

1914. Letter from Minister of State for External Affairs Mrs. Vasundhara Raje addressed to the Ministers of Foreign Affairs of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden.

New Delhi, June 16, 1998.

1. I am writing to you in connection with the initiative, taken by the Ministers for Foreign Affairs of Brazil, Egypt, Ireland, Mexico, New Zealand, Slovenia, South Africa and Sweden, contained in the declaration entitled ‘Towards a nuclear weapon free world: the need for a new agenda. I have carefully read the declaration and find in it a number of valuable suggestions that deserve consideration by the international community.

2. India has enjoyed close bilateral relations with your country, and we have in the past worked together for the cause of global nuclear disarmament in different multilateral forums. We value this association and consider the declaration a timely reminder that despite nearly 100 resolutions of the General Assembly reflecting the will of the international community, decisive steps for creating a nuclear weapon free world still have not been taken.
3. As you are aware, India has been in the forefront of calls for nuclear disarmament. We were the first to call for a complete halt to all nuclear testing as a means of preparing the ground for negotiations for prohibition and elimination of nuclear weapons more than four decades ago. In subsequent years, we put forward, individually and collectively with other like-minded countries, a number of initiatives intended to move the process forward, including an action plan for creating a nuclear weapon free world. This highlights our shared conviction that global elimination of nuclear weapons is the only way to enhance global security. Partial measures for non proliferation will not work. The road map is clear. We have dealt with two other categories of weapons of mass destruction, namely, chemical weapons and biological weapons, by negotiating multilateral treaties that are comprehensive, universal and non discriminatory. We need to adopt a similar approach to deal with nuclear weapons.

4. I am aware of your concern at the recent nuclear tests undertaken by India. I am also aware that your country is a party to the Treaty on the Non Proliferation of Nuclear Weapons, a treaty that India has long regarded as discriminatory and not serving her national security interests. India's becoming a nuclear weapon State was inevitable because the non proliferation regime neither led to nuclear disarmament nor prevented proliferation in our region. We are, however, deeply conscious of the fact that lasting global security can only be achieved through global nuclear disarmament. Therefore, notwithstanding our differences in approach, we share a common objective. I would like to assure you that India’s commitment to taking initiatives and supporting initiatives that can lead to genuine forward movement for a nuclear weapon free world remains undiluted.

5. We remain ready to cooperate with you in collective efforts to ensure that the international community will witness the establishment of a nuclear weapon free world in the coming millennium and the establishment of an equitable non discriminatory, non violent and lasting international security order.

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New Delhi, June 27, 1998.

We have seen the US-China 'Joint Statement on South Asia'. India categorically rejects the notion of these two countries arrogating to themselves, joint or individual responsibility for 'the maintenance of peace, stability and security in the region'. This approach reflects the hegemonistic mentality of a bygone era in international relations and is completely unacceptable and out of place in the present day world.

The statement contains a number of references to nuclear non proliferation and disarmament. It is most ironical that two countries that have directly and indirectly contributed to the unabated proliferation of nuclear weapons and delivery systems in our neighbourhood, are now presuming to prescribe norms for non proliferation. India's own consistent commitment to nuclear disarmament has been made amply clear in the constructive ideas that we have put forward over the years in international fora, in particular the proposals we have made in recent weeks provide a meaningful framework for discussions which will enable forward movement towards a comprehensive, universal and non discriminatory nuclear disarmament regime. We would also like to make it clear that India cannot consider the suggestions contained in the statement for curtailing our nuclear weapon or missile development programmes. India will continue to take decisions in this regard on the basis of its own national security requirements.

India’s desire to develop friendly and peaceful relations and a stable structure of cooperation with Pakistan does not require reiteration. The way of achieving

The Clinton – Zemin statement issued in Beijing on June 27 had inter alia expressed “deep and lasting concern” of the two countries at the developments in South Asia which had put “at risk” the global non-proliferation regime.

The Statement said that their “shared interests in a peaceful and stable South Asia and in a strong global non proliferation regime have been put at risk by these tests... which we have joined in condemning. We have agreed to continue to work closely together within the P-5 the Security Council and with others to prevent an accelerating nuclear and missile arms race in South Asia, strengthen international non proliferation efforts, and promote reconciliation and the peaceful resolution of differences between India and Pakistan.” Pledging their full support for the steps outlined in the P-5 Joint Communiqué of June 4 they chose again to call on “India and Pakistan to stop all further nuclear tests and adhere immediately and unconditionally to the Comprehensive Nuclear Test Ban Treaty (CTBT), to refrain from weaponisation or deployment of nuclear weapons and from the testing or deployment of missiles capable of delivering nuclear weapons and to enter into firm commitment not to manufacture weapons or deploy nuclear weapons or the missiles capable of delivering them.” They went on to offer their unsolicited help to India and Pakistan in resolving “peacefully the difficult and long standing differences between them, including the issue of Kashmir.”
these objectives is through direct bilateral dialogue. We look forward to the resumption of this process in which there is no place for any kind of third party involvement whatsoever. Our Prime Minister will be meeting the Prime Minister of Pakistan at the SAARC Summit in Colombo next month. The two Prime Ministers will hold bilateral talks on all issues of mutual interest.

1916. Letter from Permanent Representative of Pakistan at the UN Addressed to the Secretary General submitting Pakistan’s Position and Proposals on Nuclear Crisis in South Asia.


During the visit of your Personal Envoy to Islamabad, several suggestions for effectively addressing the security crisis in South Asia were made by Pakistan. I am enclosing herewith the text of those suggestions, which were also shared with your Envoy.

Alvaro de Soto would have briefed you on his indepth discussions in Islamabad and conveyed to you our sincere desire to cooperate fully with the United Nations to reduce tensions and find a peaceful solution to the root causes, notably the Jammu and Kashmir dispute.

We request you to encourage, facilitate and support the development of a comprehensive framework to address the interlinked issues of peace, security, conventional imbalance, confidence building, conventional and nuclear arms control and disarmament in South Asia.

The construction of a regime for nuclear and conventional arms stability in South Asia will require careful and patient efforts to develop a consensus. This is unlikely to be accomplished by India and Pakistan themselves. Nor can such a regime be imposed. It will have to evolve through a combination of simultaneous multilateral and bilateral efforts.

For its part, Pakistan is ready to engage with India and the international community to promote such a process, which in the first instance should accord priority to the avoidance of conflict, the promotion of nuclear and conventional restraint and stabilization between Pakistan and India, as well as the peaceful and just resolution of the core issue of Jammu and Kashmir.
I would be grateful if this letter were circulated as a document of the Security Council.

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ANNEXURE

PAKISTAN’S POSITION AND PROPOSALS

— Pakistan favours a serious and sustained endeavour by the United Nations to defuse the security crisis in South Asia, which threatens global peace and security.

— Pakistan wishes to engage constructively with the UN, the international community and India to overcome the security crisis in South Asia.

— Pakistan is committed to the purposes and principles of the UN Charter.

— India’s decision to induct nuclear weapons announced in the national agenda on 18 March, 1998 was executed with lightening speed. India conducted its nuclear tests ranging from thermo nuclear weapons to tactical weapons on 11 and 13 May 1998, declared itself as the sixth nuclear weapon state, affirmed that it had the ‘big bomb’ and then threatened Pakistan with use of nuclear weapons and held out a threat of nuclear blackmail to impose a military solution in Kashmir.

— In the absence of a credible response from international community or any assurances to Pakistan against the nuclear and conventional threats, we were obliged to act in self defence to restore the strategic balance, preserve our security and the maintenance of peace in the region.

— The Prime Minister kept the Secretary-General and the Permanent Members of the Security Council fully informed of the impending breach of peace signaled by the Indian announcement to induct nuclear weapons. Regrettably, our repeated warnings and appeals went unnoticed and unheeded.

— The P-5, the Security Council and the G-8 woke up to the nuclearization of South Asia only after our nuclear tests which had prevented or at least reduced the imminence of a grave breach of peace in South Asia.

— Our position on all aspects of the situation and the warranted approach was reflected in our Security Council statement on 6 June 1998.

— We believe that a comprehensive approach to the inter linked issues of peace, security, confidence building, conventional and nuclear arms control and disarmament must be evolved by the international community.
— We look forward to the institution of a process for peace and rapprochement in South Asia.

— Such a process should be encouraged, facilitated, assisted and monitored by the United Nations.

— The Secretary General will have Pakistan's full support and cooperation.

— The Security Council must play an active role and exercise its authority, particularly under Chapter VI of the United Nations Charter, to prevent the situation in our region from deteriorating further and for the peaceful settlement of disputes.

— Jammu and Kashmir lies at the heart of the problems between India and Pakistan. The denial by India to the Kashmiri people of their inalienable right to self determination, as provided for in the Security Council's resolutions, remains the central issue, that has over the past 50 years engendered conflicts and tensions between Pakistan and India.


— Jammu and Kashmir is not merely a territorial dispute. It involves the Kashmiri people. It also equally involves the United Nations. We have stood by the Kashmiri people in their demand for the implementation of Security Council's resolutions. We have, therefore, stood by the United Nations.

— The Jammu and Kashmir question has legal, security and humanitarian dimensions. These facts are interlinked and require simultaneous engagement. In order to promote a just solution.

— The Kashmiri people by their massive and spontaneous uprising over the past 9 years have rejected Indian occupation. They are demanding their right to self determination, as provided in the Security Council resolutions. These resolutions set the historical perspective and provide a legal basis for the settlement of the Kashmir issue.

— Kashmir has now become a nuclear flash point. Indian leadership has been talking of a 'practice' policy including 'hot pursuit' across the Line of Control. India is violating the Line of Control using heavy artillery. It has caused civilian casualties.

— There is a major Indian military buildup accompanied by an intensification of repression against the Kashmiri people.

— The United Nations also needs to take immediate cognizance of the
denial of fundamental human rights to the Kashmiri people and provide humanitarian assistance to the displaced Kashmiri, fleeing Indian oppression.

— Regrettably, the international community has not been able to address effectively the problem of Jammu and Kashmir. It is an international problem which cannot be exclusively relegated to the bilateral plane.

— Pakistan is, however, prepared to engage in a serious, substantive and result oriented dialogue with India, to effectively address the Jammu and Kashmir issue.

— It was at Pakistan’s suggestion that we were able to resume the Foreign Secretary level talks with India last year. These talks broke down due to backtracking by India, on the agreement reached on 23 June 1997 between the two Foreign Secretaries.

— On 11 June 1998, we proposed resumption of Foreign Secretary level talks and invited the Indian Foreign Secretary to come to Islamabad on 20 June 1998.

— India rejected our offer to hold Foreign Secretary level talks prior to the Colombo SAARC summit.

— During the last year, our Prime Minister met Prime Minister Gujral four times. We had hoped that it would be possible to promote a Pakistan - India dialogue for peace and reapproachment in South Asia.

— These hopes have been dashed by policies and actions of the new Indian Government.

— Nonetheless, we intend to persevere with patience to promote a credible, serious and substantive Pakistan - India peace process.

— On 23 June 1998, our Prime Minister sent a letter to Prime Minister Vajpayee affirming his readiness to meet with him during the SAARC Summit at Colombo next month.

— We believe that it is important for Pakistan and India to address the issues of peace and security and Jammu and Kashmir on a priority basis.

— Under the rubric of ‘peace and security’ which is the agreed item on the agenda of talks between Pakistan and India, we have suggested that both sides give urgent attention to the following:

(a) Avoidance of conflict.

(b) Nuclear and conventional restraint and stabilization measures.
(c) Confidence building.
(d) Jammu and Kashmir.
— We have announced a unilateral moratorium on nuclear tests and revived our offer to India to conclude a bilateral test ban agreement, which would be an important step at mutual confidence building.
— We also want to address the Jammu and Kashmir issue in all its aspects.
— We have also proposed the conclusion of a Non aggression Pact between Pakistan and India, on the basis of a just settlement of Jammu and Kashmir dispute.
— The United Nations, particularly the Secretary General and the Security Council, should facilitate the process of peace and rapprochement in South Asia.

The Secretary General should consider taking the following steps in this regard:
(a) Visit the region, particularly Pakistan and India, at an early date.
(b) Appoint a Special Representative for Jammu and Kashmir.
(c) Strengthen and enhance the mandate of UNMOGIP.
(d) Monitor closely violations of the Line of Control and report them on a regular basis to the Security Council.
(e) Create international awareness about the important role UNMOGIP is playing to prevent a major conflagration in Kashmir.
(f) Maintain close contacts with Pakistan and India to assist progress in their bilateral talks which should be reported periodically to the Security council.
— Neither the Council Resolution 1172 nor the G-8 Ministerial Communiqué, address the grave security situation in South Asia on a pragmatic basis.
— We favour a comprehensive approach to the interlinked issues of peace, security, confidence building, conventional and nuclear arms control and disarmament.
— In 1974, India exploded the myth of the ‘Smiling Buddha’. Its first casualty was Pakistan.
— For the next 24 years, Pakistan’s security, indeed its very survival and existence, faced a double jeopardy.
— On the one hand was the threat posed to our national survival by India’s unbridled pursuit of its nuclear and ballistic missile ambitions.

— On the other were the sanctions imposed by our friends in the name of nuclear non proliferation, which increasingly and rapidly even denied us the means of a conventional defence.

— Pakistan’s conduct during these 24 years, attests to the fact that perhaps no other country, ever pursued, more vigorously the goals of nuclear non proliferation.

— Since 1974, Pakistan launched a major diplomatic campaign to prevent nuclear proliferation in South Asia.

— We presented a series of proposals to spare our region from the specter of a nuclear conflict.

— These, inter alia, included proposals for:
  — A Nuclear Weapon Free Zone in South Asia-1974;
  — A joint Indo-Pakistan declaration renouncing the acquisition or manufacture of nuclear weapons-1978;
  — Mutual inspections by India and Pakistan of each other’s nuclear facilities-1979;
  — Simultaneous adherence to the NPT by India and Pakistan-1979;
  — Simultaneous acceptance of full scope IAEA safeguards-1979;
  — A bilateral or regional nuclear test ban treaty-1987;
  — A South Asia Zero Missile Zone-1994;
  — It was India, which vetoed each of these initiatives.

— Regrettably proliferation has taken place in South Asia, which is today nuclearized. Responsibility for this unfortunate development lies squarely on the shoulders of India.

— It is imperative that the international community acts effectively to prevent the dangers of a nuclear conflict in South Asia.

— We do not wish to engage in a nuclear arms race. We are willing to work towards evolving a stable deterrence regime which forecloses the possibility of an arms race.

— The establishment and maintenance of a stable deterrence regime will also require agreement(s) to maintain balance in the level and disposition of conventional forces between India and Pakistan.
We would be happy to enter into discussions bilaterally or together with major Powers for establishing additional confidence building measures.

The construction of a regime for nuclear and conventional arms stability in South Asia will require careful and patient efforts to evolve a consensus. This is unlikely to be accomplished by India and Pakistan themselves. Nor can such a regime be imposed on India and Pakistan by the Security Council or the G-8. It will have to be evolved through a combination of simultaneous and bilateral efforts.

In our view there are four priority ‘regional’ objectives and one ‘global’ objective which can and should be promoted in the context of recent development in South Asia.

The four regional objectives are:

(a) Avoidance of war,

(b) Nuclear stabilization by India and Pakistan,

(c) Conventional balance,

(d) Jammu and Kashmir

**Avoidance of war**

This is the first priority. The Indian proposal for ‘no first use’ of nuclear weapons is disingenuous. It is designed to make it ‘safe’ for India to use or threaten Pakistan with its conventional superiority. Pakistan has proposed a Non Aggression Agreement, on the basis of a solution of the Kashmir dispute. Perhaps, as a first step, the two countries, could (a) solemnly reaffirm their commitment to non use of force as prescribed by the UN Charter; (b) undertake to create transparency in military preparations; and (c) discuss further CBMs e.g. the creation of a ‘risk’ reduction Centre’ (as between U.S. and Russia).

The UN Secretary General and others should help in de escalating tensions, etc.

**Nuclear Stabilization by India and Pakistan**

Pakistan is not interested in a nuclear arms race. Pakistan has not declared itself a ‘Nuclear Weapon State’. Of course, as the Indians have noted, the ‘reality’ that India is now a nuclear weapon state cannot be changed by P-5 or Security Council’s rejection of their ‘status’.

Pakistan is prepared to enter into bilateral and/or multilateral dialogue to evolve an agreement for the maintenance of strategic parity and stable deterrence (a nuclear restraint regime) between India and Pakistan, at
any agreed level. But we will not accept a position of strategic inequality vis a vis India.

— We must assume that some weaponization has already occurred. The two countries should be encouraged to restrain their build up of warheads to the minimum and refrain from the deployment of missiles.

**NPT**

India has consistently and vigorously opposed NPT and will obviously continue to do so. Under the circumstances, Pakistan will have to rely on nuclear deterrence. It is important to build comprehensive arrangements for peace and security with India including a conventional arms balance and the resolution of the Kashmir dispute.

— We are for nuclear disarmament and non proliferation.

**CTBT**

— As regards the CTBT, Pakistan had voted for the Treaty.

— We have decided a unilateral moratorium on nuclear testing. We have offered a bilateral or regional test ban to India as an important confidence building measure, in the first instance.

— India has rejected our offer of a bilateral test ban.

— Our position on CTBT will be shaped by an assessment and analysis of our security requirements in the context of the nuclear and conventional threat posed by India.

**FMCT**

— FMCT is an issue which should only be discussed in the competent body, namely, the Conference on Disarmament.

— In the CD most members of the G-21 including India, have agreed that FMCT negotiations should be one element of broader negotiations on ‘nuclear disarmament’. Namely, an *Ad Hoc Committee* with 3 Working Groups dealing with (a) as a first step, a Convention committing all States to the elimination of nuclear weapons; (b) negotiations on a programme for nuclear disarmament; and (c) FMCT, Pakistan supports this approach also.

— The P-5 and those interested in FMCT must first ask India and determine whether it would enter the talks as a nuclear or non nuclear States (since obligations of nuclear and non-nuclear States will be different, for example, on verification and “execution”).
— We also need to evaluate whether India will reverse its nuclear programme, stand still or as threatened, move forward towards full weaponization and deployment of its nuclear capability.

— The Indians have claimed that with the new designs they have tested, they can exponentially enlarge the number and yield of their nuclear weapons with available stockpiles.

**Missile Development**

— The P-5 and the Security Council have called for a halt in the development of missiles. The indigenous development of missiles is not proscribed by any international agreement and is largely non verifiable. Pakistan cannot accept a situation of inferiority in missile capabilities. India has conducted 20 missiles tests, Pakistan only one.

— This disparity leads to strategic instability and, therefore, increases the risk of conflict.

— We are prepared, however, to discuss the issue of mutual (India-Pakistan) restraint in the production and deployment of missiles.

(c) conventional Balance

— A stable deterrence regime will also require an agreement or agreements, to maintain balance in the level and disposition of conventional forces between India and Pakistan.

— we would be happy to enter into discussions bilaterally with India and/or together with the major Powers to establish new confidence-building measures, ‘command and control’ and monitoring of implementation of CBMs.

— Conventional ‘balance’ between India and Pakistan will be a necessary complement for nuclear stabilization.

— The international community particularly P-5 should persuade India to exercise restraint and forego acquisition of sophisticate weapons systems which will further de-stabilize the situation.

(d) Jammu and Kashmir

— As mentioned before this is a priority objective at the regional level and must be addressed as such.

**Preserving the Global Non Proliferation Regime**

— Pakistan is aware of the concern that the nuclear tests and weaponization in South Asia could destabilize the entire nuclear non proliferation regime.
We are prepared to work with the international community, to avoid this, but only as part of a comprehensive approach which also addresses our security requirements.

— Pakistan has never transferred sensitive technology. We are pained by irresponsible statements regarding the ‘Islamic bomb’ Such assertions should not become self fulfilling prophecies.

— The Secretary General may rest assured of Pakistan’s fullest cooperation and support in reducing the tensions and risk of conflict in our region.

1917. Media Briefing by Pakistan Foreign Secretary on the talks between US President Clinton and Pakistan Prime Minister Nawaz Sharif.


[Prime Minister Nawaz Sharif told President Bill Clinton on September 21 that Pakistan cannot take any decision on the Comprehensive Test Ban Treaty CTBT in an atmosphere of coercion and sanctions’. We in principle, have never been opposed to the CTBT, but in the given situation, people of Pakistan have to be assured that there is no atmosphere of coercion and sanctions, he said during his meeting with the US President on September 21. Mr. Nawaz was one of the three leaders whom Mr. Clinton met after addressing the UN General Assembly session. The meeting lasted for more than 45 minutes and discussed nuclear non proliferation, the CTBT, peace and security in South Asia etc., in the wake of nuclearisation of the region and stuck up F-16 aircraft. Foreign Secretary Shamshad Ahmad told newsmen that there was an expression of understanding by Mr. Clinton to undo the atmosphere of coercions and sanctions. In fact steps have already been taken for getting a waiver from US laws including Pressler, Glenn and Symington amendments. There is no time frame. But this process will have its own momentum. We have every reason to be satisfied about US earnestness. Mr. Clinton assured support in accordance with the American legal constraints. They will take appropriate steps to serve as a signal to IMF, World Bank and other international donor agencies (to resume assistance). About the unnecessary irritant of F-16 planes for which Pakistan paid long ago. The Prime Minister said Pakistan expects full reimbursement. He underlined the need for early finalization of the assistance programmes of IMF, World Bank and Asian Development Bank.]
Pakistan Foreign Secretary Shamshad Ahmad briefing the media said, Mr. Clinton appreciated Pakistan position on nuclear and peace and security issues and the overall regional situation, including the Iran, Afghanistan relations. Mr. Clinton recognized the need to make progress in Pakistan-India dialogue and expressed the confidence that it will progress. Mr. Nawaz told Mr. Clinton that Pakistan cannot undertake any unilateral decision on the CTBT which is discriminatory, impinging on its nuclear capability. We will welcome mutually acceptable restraints. Peace and security have been and will remain one of the major subjects of Pakistan India talks when they will resume. He said India has been proceeding with development of its nuclear and missile programmes. We are not interested in nuclear arms race. The only race we want to run with India is the economic development trade and investment and for this purpose we are ready to take all steps. We want resolution of all outstanding issues including the core Kashmir dispute through peaceful dialogue. Mr. Nawaz further told Mr. Clinton that Pakistan was impelled by Indian nuclear tests to detonate nuclear devices and thus restored the strategic balance in the region and averted a catastrophic situation, which had erupted because of the Indian leaders’ statement following their blasts.

He drew Mr. Clinton attention to the fact that instead of punishing Pakistan for restoring strategic balance and averting the catastrophic situation we would have been rewarded. In this sense, we have made a positive contribution that would have been adequately rewarded.

Mr. Shamshad said the meeting was held in a warm and cordial atmosphere, reflecting the personal rapport Mr. Nawaz and Mr. Clinton have developed since their last meeting in September, 1997 in New York and numerous telephonic calls after nuclearization of South Asia.

The discussion focused on matters of mutual interest with the two sides recognizing the need to enhance bilateral relations which have gone through a difficult period because of unilateral sanctions slammed on Pakistan, the Foreign Secretary said. The Prime Minister emphasized the importance in restoring relations, somewhat damaged by unjust and counter productive sanctions. There was recognition to build new bilateral relations of genuine trust and not based on political exigencies and expediencies. Both sides expressed their firm resolve to remove roadblocks in the bilateral relations. Mr. Nawaz thanked Mr. Clinton for taking interest in the security of South Asia. Security and non proliferation issues are interlinked and be addressed in a comprehensive manner.

Pakistan thanked the President for making a reference to the Kashmir dispute in his speech to the UN General Assembly. Mr. Nawaz dealt with the centrality of the Kashmir dispute which he said, was the root cause of all tension in South Asia.
Mr. Nawaz urged Mr. Clinton to play a role in facilitating settlement of this problem. He informed him about the latest situation on the Line of Control. He said he was meeting Indian Prime Minister Atal Behari Vajpayee soon and will seek resumption of dialogue and doing away with the stalemated situation.

Mr. Shamshad said Mr. Clinton assured support for Pakistan-India dialogue and showed his keen interest in playing a role in the context of Kashmir. The Prime Minister informed him of India’s negative attitude. We will remain in touch with the USA to see how and what role they can play.
1918. Note from Pakistan Ministry of Foreign Affairs listing its Nuclear Installations.

Islamabad, January 1, 1999.

Ministry of Foreign Affairs
Islamabad

No. Ind (Pl)-VIII/6/98 01 January 1999

The Ministry of Foreign Affairs of the Islamic Republic of Pakistan presents its compliments to the High Commission of India in Islamabad and has the honour to reproduce below the list of nuclear facilities falling within the definition of and as required under the Agreement on the Prohibition of Attack against Nuclear Installations and Facilities between Pakistan and India’, signed on 31 December 1988 and ratified on 27 January 1991:-

<table>
<thead>
<tr>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Karachi (Karachi Nuclear Power Plant)</td>
<td>24 – 51’  66 – 47’ and 1 Kilometer around</td>
</tr>
<tr>
<td>ii) D.G. Khan (Chemical Plants around. Complex for Uranium Processing and Refining)</td>
<td>30 – 01’  70 – 36’ and 5 Kilometers</td>
</tr>
<tr>
<td>iii) Kundian (Fuel Fabrication around. Complex)</td>
<td>32 – 24’  71 – 17’ and 2 kilometers</td>
</tr>
<tr>
<td>iv) Rawalpindi (Pakistan Institute around. of Nuclear Sciences &amp; Technology)</td>
<td>33 – 39’  73 – 15’ and 2 kilometers</td>
</tr>
<tr>
<td>v) Kahuta (Dr. A.Q. Khan Research Laboratories)</td>
<td>33 – 36’  73 – 23’ and 2 kilometers around.</td>
</tr>
</tbody>
</table>

The High Commission of India in Islamabad is requested to convey the above information to the Government of India.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the High Commission of India the assurances of its highest consideration.

High Commission of India
ISLAMABAD

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1919. Note from Ministry of External Affairs listing Indian Nuclear Facilities.

New Delhi, January 1, 1999.

Ministry of External Affairs
New Delhi.

No. J/ 110/11/98 1 January, 1999

The Ministry of External Affairs of the Government of India presents its compliments to the High Commission for the Islamic Republic of Pakistan in New Delhi and has the honour to refer to Article II of the Agreement on the prohibition of Attack against Nuclear Installations and Facilities between the Republic of India and the Islamic Republic of Pakistan signed at Islamabad on December 31, 1988. The Ministry wishes to convey, in this connection, facilities contemplated under Article II of the above Agreement. The list is as follows:

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Facility</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Bhabha Atomic Research Centre</td>
<td>19° 01' N</td>
<td>72° 55' E and 5 kms around</td>
</tr>
<tr>
<td>2.</td>
<td>Indira Gandhi Centre for Atomic Research</td>
<td>12° 31' N</td>
<td>80° 09' E and 5 kms around</td>
</tr>
<tr>
<td>3.</td>
<td>Tarapur Atomic Power Station</td>
<td>19° 50' N</td>
<td>72° 40' E and 5 kms around</td>
</tr>
<tr>
<td>4.</td>
<td>Rajasthan Atomic Power station</td>
<td>24° 53' N</td>
<td>75° 37' E and 5 kms around</td>
</tr>
<tr>
<td>5.</td>
<td>Madras Atomic Power Station</td>
<td>12° 34' N</td>
<td>80° 11' E and 5 kms around</td>
</tr>
<tr>
<td>6.</td>
<td>Narora Atomic Power Station</td>
<td>28° 09' N</td>
<td>78° 24' E and 5 kms around</td>
</tr>
<tr>
<td>7.</td>
<td>Nuclear Fuel Complex</td>
<td>17° 27' N</td>
<td>78° 35' E and 5 kms around</td>
</tr>
<tr>
<td>8.</td>
<td>Rare Materials Plant</td>
<td>12° 30' N</td>
<td>76° 38' E and 5 kms around</td>
</tr>
<tr>
<td>9.</td>
<td>Kakrapar Atomic Power Station</td>
<td>21° 14' N</td>
<td>73° 22' E and 5 kms around</td>
</tr>
</tbody>
</table>

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for the Islamic Republic of Pakistan the assurances of its highest consideration.

The High Commission For
Islamic Republic of Pakistan
New Delhi

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Prime Minister Nawaz Sharif has said Pakistan will do whatever it can in response to India’s test firing of the Agni II missile.

Addressing a Press conference in Lahore at Governor’s House on April 13, he said India has done what it could and Pakistan will not desist from taking suitable action.

He said Pakistan will not engage itself in diplomatic warfare but it will take all possible measures to secure its frontiers. ‘Pakistan will do what it has to do, he said.

He asked media to mobilize public opinion on Pakistan’s test firing of missiles as they did prior to the nuclear tests on May 28.

In response to a question on relations with India, he said Pakistan-India talks should continue with sincerity for finding a peaceful solution to all disputes, including the Kashmir issue.

India has acknowledged that the Kashmir dispute should be settled through negotiations, he said, but added that as far as Pakistan’s defence capabilities are concerned, these cannot be compromised.

There are no two opinions it is Pakistan’s right to strengthen its defence in accordance with the regional strategic demands.

Pakistan will exercise this right as a sovereign state, Nawaz Sharif vowed.

Mr. Nawaz added that Pakistan does not want an arms race in the subcontinent, but unfortunately the race has already begun.

He said the ongoing talks with India for settling disputes have to continue and should not be mixed up with consolidating the country’s defence. These are two separate issues and should be viewed as such, he said.

Asked whether India deliberately tested its missile at a time when Chinese number two leader Li Peng was in Pakistan so that it sounded a warning to China. Mr. Nawaz said the question should rather be asked of the Indian leadership.

Asked whether Pakistan would assume a new role in the Organisation of Islamic Conference as a nuclear state especially because the Muslim leaderships look up to Pakistan after its nuclear tests the Prime Minister said it would not be a right thing for Pakistan to take upon itself such a role on its own.

It is nice and encouraging to know that the Islamic world gives Pakistan a special status after the country went nuclear, he said.

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1921. Address of Pakistan Foreign Secretary Shamshad Ahmad at the Institute of Strategic Studies.

Islamabad, September 7, 1999.

Mr. Chairman,

Excellencies,

Ladies and Gentlemen,

India's nuclear doctrine announced last month is a logical evolution of India's nuclear ambitions that it pursued since its independence. India developed its nuclear option as a matter of choice and policy consistent with its long held vision as a regional hegemon and a major global power. In contrast, Pakistan has exercised nuclear option only in response to the compulsions of its security environment. It is easy to understand why Pakistan's security concerns are so deep and so constant.

Since its independence, Pakistan has confronted nothing but endemic hostility from India which imposed three wars on us and dismembered our country in 1971. It used military force to occupy Kashmir, Hyderabad and Junagarh in violation of the principles governing the independence and partition of India. It annexed the independent Kingdom of Sikkim and occupied the Portuguese territory of Goa in 1961.

Even now, India is engaged in a brutal war to suppress the right of self determination of the people of occupied Jammu and Kashmir. Despite its propaganda about the so called threat from China, almost all of India’s military assets – an army of 1.2 million, over 700 combat aircraft, a large naval flotilla – are deployed against Pakistan.

For the past fifty years, India has sought, with single-minded devotion, the re-enactment of the Akhand Bharat or greater India dream. It has sought to dominate its periphery and then entire Indian Ocean region, as the first step towards recognition of its stature as a global power.

In contrast, Pakistan's foremost concern has been to safeguard its sovereignty and territorial integrity. We neither seek nor endorse spheres of influence. Territorial aggrandizement has never been our policy, indeed it is an anachronistic concept.

Before coming to power, India's present Hindu fundamentalist leadership had declared that it would conduct nuclear tests and 'induct' nuclear weapons. It also threatened to launch attacks on Pakistan across the Line of Control in Kashmir. The first of these threats was carried out last year. A year later saw the crisis...
along the LOC in Kashmir where active conflict continues and now India has outlined its military goals in its nuclear doctrine.

In evaluating the implications, it is essential to be aware of the ambitions of India, and the compulsions of Pakistan. What is clear is that India’s nuclear programme is status driven, ours security motivated. Unfortunately, our friends never paid sufficient attention to the root cause of insecurity and instability in South Asia, the unresolved Kashmir issue which continues to afflict the region with the real prospect of a wider conflict between two nuclear weapon states.

Ladies and Gentlemen,

India’s ambition to acquire nuclear weapons, though often disguised by deceit and hypocrisy, has been no secret. It acquired a research reactor and other nuclear facilities outside international safeguards in the 1960s. It refused to sign the NPT in 1968. It insisted on the legitimacy of ‘peaceful nuclear explosions’. India, meanwhile, diverted nuclear fuel from its ‘civilian’ programme to explode a so called ‘peaceful’ nuclear device in May 1974. Since then, it expanded the scope of its unsafeguarded nuclear facilities and fissile material stocks. Nuclear weapons development was accompanied by the development of nuclear delivery systems, specially ballistic missiles.

Pakistan’s actions in the nuclear and missile fields were taken at each stage, in response to India’s escalatory steps.

Through its research and development programmes, Pakistan was able to acquire the capability for nuclear enrichment and missile technology despite discriminatory embargoes and restrictions. We now have the capability and the potential to respond to India’s escalatory steps.

However, our policies have always been marked by restraint and responsibility. We have been sensitive, in fact responsive, to global non proliferation concerns.

In 1968 when the NPT was being negotiated, Pakistan’s concern was focused on obtaining positive security assurances for non nuclear weapons states. On the other hand, India was pre occupied with its challenge to the global nuclear paradigm which the Treaty was seeking to establish.

Since then, every single non proliferation proposal for South Asia has emanated from Pakistan. After the Indian nuclear test in 1974, we tabled a resolution at the UN, year after year, for a South Asian Nuclear Weapons Free Zone.

We proposed a joint Pakistan-India declaration renouncing the acquisition or manufacture of nuclear weapons in 1978. The same year we suggested mutual inspection by Pakistan and India of each other’s nuclear facilities.

In 1979, we proposed simultaneous adherence to the NPT by Pakistan and India as well as simultaneous acceptance of full scope IAEA safeguards.
We proposed a bilateral or regional Nuclear Test Ban Treaty in 1987, a South Asia Zero Missile Zone in 1994 and a non aggression pact in 1997.

Unfortunately, these proposals which sought to establish a non discriminatory and equitable nuclear weapons free regime in our region were rejected by India and ignored, encouraged to pursue its nuclear weapons programme.

It was only after 1989, when it became clear that we had acquired a nuclear capability, that a regional approach towards non proliferation was endorsed by the major powers. Even then, no sooner had Soviet troops withdrawn from Afghanistan, sanctions were imposed on us. This only further encouraged India to proceed apace with its nuclear and missile development programmes. The objective of non proliferation in South Asia was thus defeated. The fault was certainly not ours.

The nuclearization of South Asia is neither of our making nor of our choice, but it is now a reality that cannot be wished away. Three years ago, Pakistan voted in favour of the CTBT in the UN General Assembly. India opposed it. Never was the threat to our independence, in fact our survival, more pronounced than in the fateful month of May 1998.

India’s nuclear test radically altered the strategic balance in South Asia. Peace was imperiled. We faced nuclear blackmail. The Indian leadership demanded that we must accept the new reality of the changed strategic balance. They even questioned the credibility of our nuclear capability. This posed the risk of a serious and disastrous miscalculation on their part.

We neither had a security alliance nor could we depend on the nuclear umbrella of the major powers. We realized that we were alone in the face of a nuclear India.

It became imperative for us to respond. We restored the strategic balance and established nuclear deterrence. We have no doubt that our tests served the interest of peace and stability in South Asia.

It was Pakistan but India which added the nuclear dimension to the perilous security environment of our region.

India thus irrevocably shattered the objective of a nuclear free South Asia.

Pakistan was obliged to conduct its nuclear tests to maintain the credibility of nuclear deterrence against India. Following the tests we acted with a great sense of responsibility. We emphasized the need to prevent a nuclear and missile arms race. We declared a unilateral moratorium on nuclear testing. We expressed our desire for mutual restraint in the operational deployment of nuclear weapons. We sought to evolve a risk reduction mechanism and to maintain deterrence at the minimum level.
We have always believed that nuclear deterrence could be exercised by Pakistan and India at the lowest possible level. We were, therefore, initially encouraged by Indian statements that it wanted to maintain a position of 'credible minimum deterrence'. However, New Delhi left the interpretation of this concept deliberately vague. Foreign Minister Jaswant Singh asserted that 'credible minimum deterrence' was a dynamic concept and not fixed in time and space. Thus India was again playing the role of a wolf in sheep’s clothing. Its true nuclear and military ambitions were soon to be unmasked.

Following the initiation of our dialogue with the United States last summer, Pakistan developed the concept of three inter related elements to enhance peace and security in South Asia i.e. nuclear restraint and stabilization, conventional arms balance and the resolution of outstanding conflicts and disputes. This concept spelt out, in fairly specific terms, a strategic Restraint Regime which encompassed prevention of nuclear and ballistic missile race, risk reduction mechanism and the proposition that nuclear deterrence should be pursued at the lowest possible level.

The concept of a Strategic Restraint Regime was shared and discussed in our dialogue with the United States both at the political and expert levels. It was also formally proposed to India last October.

The nuclear doctrine announced by India is obviously incompatible with both the idea of 'credible minimum deterrence', as well as the concept of a strategic Restraint Regime'.

The Indian nuclear doctrine reveals New Delhi’s goal of acquiring massive nuclear war fighting capabilities a ‘triad’ of up to 400 operationally deployed ground, air and sea based nuclear weapons. Not all of the five NPT nuclear weapons states possess such a triad. A nuclear force as large as this may be credible but it will certainly not be ‘minimum’.

The announcement of the Indian doctrine has confirmed the concerns which Pakistan has so often expressed to the international community regarding India’s nuclear ambitions. The size of India’s nuclear arsenal, and its operational deployment, would transform it into a threatening ‘first strike’ force against Pakistan and other neighbouring countries. Such massive deployment cannot conceivably be designed purely for deterrence. India’s profession of ‘non first use’ of nuclear weapon is only a façade to justify a second strike capability and large scale acquisition and deployment of nuclear weapons. Also, as we have pointed out, India’s ‘offer’ of a no first use and non use against non nuclear states is not meant to reassure Pakistan or others, but it is primarily aimed at securing for itself the status of a nuclear weapon state.
The world must fully comprehend the near and long term strategic implications of India’s nuclear doctrine. India seeks to develop a massive nuclear weapons capability, but this is not designed to maintain ‘credible deterrence’ against Pakistan, nor is it meant for nuclear deterrence against China. For ‘minimum credible deterrence’ India does not need 150 to 400 nuclear warheads. It does not need sea based and submarine based nuclear capabilities. It does not require huge conventional land, sea and air forces, including aircraft carriers and advanced strike aircraft.

Certainly, deterrence is not India’s desire. India’s plans for developing a vast conventional force coupled with a large nuclear arsenal are aimed at building an offensive, and not a defensive, military capability.

India is feverishly trying to establish, within the next two decades, total military hegemony in South Asia and beyond, control the sea lanes, from the oil rich gulf in the West to the Straits of Malacca in the East, and compete for influence on the global stage with the major powers.

The militaristic dreams of the current Hindu fundamentalist leadership are a reflection of India’s aggressive mythology to which I have already referred. The leadership in New Delhi seem to be living in a time warp. They equate greatness with military prowess. They forget that in today’s integrated world, greatness comes primarily from economic and technological advancement and not from military capability.

These Indian dreams of grandeur constitute a threat to this region, to the world, and indeed to the poor and deprived people of India itself.

India’s planned military programme will be extremely expensive. Estimates of the cost vary widely from 20 billion dollars up to hundreds of billions of dollars. What also needs to be emphasized is that these huge outlays will be in addition to massive military expenditures which India is to incur under the defence supply agreements, for example, with Russia and France and its on going indigenous build up of conventional forces. The manufacture of hundreds of warheads and missiles, the acquisition of satellite early warning capabilities, the development of sea based and submarine based nuclear systems, will all entail huge additional costs.

The development of such a nuclear arsenal by India will oblige Pakistan to take appropriate action to preserve the credibility of its nuclear deterrence posture and the capability for conventional self defence. One recourse is for Pakistan to engage in a nuclear and conventional arms race with India. It will require Pakistan to expend even large resources for defence, further eroding its economic and development goals.
A prevalent theory is that, by pushing Pakistan into a huge military build up, India intends to destroy Pakistan’s economy. An analogy is drawn with that of the Soviet economy which crumbled as a consequence of the Cold War arms race against the United States. The error in this theory is in the assumption that we will, like lemmings, follow India’s militaristic example.

Let me state clearly and unequivocally that Pakistan can and will find ways and means to maintain credible nuclear deterrence against India without the need to match it - bomb for bomb, missile for missile.

Apart from provoking a response from Pakistan, India’s plans may also compel some of the nuclear weapons states, and others in Asia – from the Gulf to the Pacific to respond to the projected Indian military build up. Thus, the pursuit of India’s nuclear doctrine will be highly destabilizing for peace and security across the Indian Ocean region and beyond.

Furthermore, the Indian nuclear doctrine will militate against major nuclear disarmament and non proliferation objectives, including perhaps the CTBT and the Fissile Materials Treaty.

If its doctrine is to be implemented, India will require nuclear warheads to be placed on its short, medium and longer range missiles. It would want to match the other nuclear powers by developing thermonuclear weapons. Unless India has received nuclear weapons designs from clandestine sources, it will need to conduct further nuclear weapon tests to achieve the advanced deployment capabilities it desires. In this context, we have noted that certain preparations made by India last year to conduct additional nuclear tests have not been reversed so far. We hope the guardians of non proliferation will pressure India to reverse these preparations.

The very possibility that India may conduct further nuclear tests creates doubts in Pakistan regarding the advisability of our early adherence to the CTBT. If India does conduct further nuclear tests, this will, once again, oblige Pakistan to respond.

Further nuclear tests by India will completely subvert the CTBT. The first priority for the world must be, therefore to press India – and not Pakistan to sign and ratify the CTBT and to reverse the preparations it has made for further nuclear tests.

India’s intention to manufacture 400 or more nuclear warheads is also of special concern for Pakistan. India will require substantial quantities of fissile material for such a large nuclear force. Under these circumstances, neither India nor Pakistan could accept the conclusion of an FMCT, much less a moratorium on fissile material production.
Other reports suggest that India already possesses sufficient plutonium to build 400 warheads. If it does not, it will have to accelerate fissile material production in its various unsafeguarded facilities to reach the desired level of stocks.

In either event, Pakistan will be obliged to also build up the amount of fissile material in its inventory in order to maintain the capability for credible nuclear deterrence against the anticipated large Indian nuclear force. Therefore, the pursuit of India’s nuclear doctrine will deal a body blow to the prospects of concluding a Treaty – so widely desired – to halt fissile materials production.

The Indian doctrine also envisages the maintenance of ‘highly effective conventional military capabilities’ ostensibly to ‘raise the threshold’ of conventional and nuclear conflict. This argument is, of course, only an *ex-post facto* justification for the huge conventional arms buildup in which India is already engaged. The growing imbalance in conventional capabilities will accentuate Pakistan’s reliance on nuclear deterrence. This will have the consequence of lowering, not raising, the ‘threshold’ of possible use of nuclear weapons in South Asia. But the choice is not ours to make; it is India’s.

I must remind those countries which have concluded agreements to supply India with technologically advanced and lethal weapons systems – such as new Mirage 2.000s, SU-27s, SU 30s, and S-300 ABM systems – which can be all employed both in the conventional and nuclear mode, that they will be contributing to the destabilization of South Asia. Their actions will have significant negative consequences for Pakistan’s security and for the welfare of the peoples of our entire region.

Pakistan has alerted the major powers and other members of the international community to the dangers posed by India’s nuclear doctrine which graphically sets out New Delhi’s political and military ambitions, nuclear as well as conventional. We appreciate the concerns which have been expressed publicly by some states, and privately by many more, regarding India’s nuclear and military intentions and approach. We do not believe that any major power – even those supplying weapons for profit to India – would go so far as to ‘welcome’, or express ‘understanding’ for the Indian doctrine.

In response to criticism, Indian officials and some of New Delhi’s ‘friends’, have observed that the Indian ‘doctrine’ is as yet only a ‘draft’ for debate and not official policy. In fact, the ‘doctrine’ is the consensus report of the National Advisory Board on Security constituted by the Government of India. It was officially released to the public by the National Security Advisor to the Prime Minister of India.

Too often in the past have we seen the manner in which certain major powers have accepted at face value India’s ambiguous assurances despite Pakistan’s
cautionary advice. This happened in the 1960s when we warned that India would secretly divert fuel from the unsafeguarded Cirrus reactor. In 1965, the two superpowers rejected our *demarche* in the Geneva Disarmament Committee warning against an Indian nuclear explosion. In April last year, just before India conducted its nuclear tests, we were told by high level emissaries of a great power that they had been impressed by India’s self restraint.

Our friends should not be taken in, yet again, by India’s double-talk and sophistry. Its dangerous plans and contentions are writ large for the world to see. Turning a blind eye to these ominous signs will have grave implications.

Pakistan believes that the international community needs to respond in a coherent and determined way to this ‘doctrine’ in order to arrest India’s dangerous plans for nuclear and conventional arms escalation. Specially, the international community needs to ask India to assure its neighbours and the world that:

**One:** it will not conduct further nuclear tests. Until the CTBT comes into force, Pakistan and India could formalize their unilateral moratoriums into a binding bilateral arrangement;

**Two:** it will not operationally deploy its nuclear weapons and will keep them in a non deployed mode;

**Three:** it will not build the hundreds of nuclear warheads as envisaged by its nuclear ‘doctrine’;

**Four:** it will not produce or possess the large stocks of fissile materials which would enable it to build a large arsenal of nuclear weapons in the future. In this context, steps should be taken to achieve a balance between the unequal stockpiles of India and Pakistan;

**Five:** it will not seek to create sea based and submarine based nuclear forces;

**Six:** it will not seek to acquire, develop or deploy anti ballistic missile systems which could escalate the development and deployment of nuclear arms in the region;

**Seven:** it will refrain from any military related actions in space;

**Eight:** it will review and restrain its plans for the acquisition and development of advanced aircraft, nuclear submarines and other technologically advanced weapons systems which could accentuate and accelerate the nuclear and conventional arms race in the region;

**Nine:** it will seriously address and resolve the underlying issues with Pakistan, specially the Jammu and Kashmir dispute, with the active support and involvement of the international community; and
Ten: it will enter into negotiations with Pakistan to elaborate a ‘Strategic Restraint Regime’ for South Asia.

In the context of promoting regional military restraint, Pakistan would be greatly encouraged if the international community were to extend its support to our proposal for a ‘Strategic Restraint Regime’ in South Asia.

Also consistent with the objectives of preventing an arms race in this region, those countries which are engaged in the supply of advanced conventional and dual use weapons technology to India should halt their supplies and such cooperation with New Delhi. We appeal, in particular, to Russia and France in this respect.

In order to promote these objectives of peace and stability in South Asia, and to avert the threat posed by India’s nuclear and military plans, Pakistan is maintaining active contacts and consultations with the international community. We shall pursue these consultations at the forthcoming UN General Assembly and in other relevant forums with a view to evolving a broadly agreed approach to deal with the threats to regional and global peace and security emerging from India’s political and military ambitions as revealed in its nuclear doctrine.

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1922. Extract from Media Briefing by Pakistan Foreign Ministry regarding Pakistan signing the Comprehensive Test Ban Treaty (CTBT).

Islamabad, September 24, 1999.

Pakistan announced on 23-9-99 that it does not need any advice from any one on the question of Comprehensive Test Ban Treaty and it will not succumb to any pressure on this question.

Foreign Secretary Shamshad Ahmed announced it while briefly talking to select group of newsmen on the eve of expiry of the deadline for signing the CTBT. Flatly refusing to comment on why Prime Minister Nawaz Sharif had stayed back and not gone to New York for attending the UN General Assembly session, the Foreign Office official said it would be wrong to presume that the Premier was planning to go to the UN for signing the CTBT. ‘If at all Pakistan decides to sign the treaty, it could be signed by any one on behalf of the government and the presence of the Prime Minister there is not required.’
He said the Prime Minister is the best judge either to proceed to New York or not. ‘The decision is that the Prime Minister is not going there.’

To a question, the official said that it was possible to pull out of the CTBT even if Pakistan decided to sign or ratify it. “There is a specific clause that any country can pull out of the CTBT on account of its supreme strategic interests,” he added.

He said Pakistan has also urged the international community to act and it must act immediately. At the same time he urged India to: First, disown the proposed nuclear doctrine; Two, refrain from any further nuclear tests and adhere to the CTBT. For its part, Pakistan remains committed to adhere to the CTBT in an atmosphere free of coercion. Three, undertake not to operationally deploy nuclear weapons on land, air or sea; Four, open negotiations with Pakistan for an agreement to achieve balance in fissile material stocks while both India and Pakistan participate in the Fissile Material Cut off Treaty negotiations expected to commence early next year in Geneva; Five, eschew the acquisition of anti ballistic missile systems and any military related capabilities in space and cut back drastically on its plans to purchase and develop various advanced and destabilizing conventional weapons systems. In this context, Pakistan appeals to those countries which intend to supply these conventional weapons to India to reconsider their policies, he added.

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1923. **Extract from the Interview to CNN by Pakistan Chief Executive Prevez Musharraf threatening to use nuclear weapons if Pakistan's security was threatened.**

*Islamabad, January 4, 2000. (As published in *the NEWS*)*

The Chief Executive Pervez Musharraf hinted at the possibility of use of nuclear power if Pakistan’s security is threatened, in an interview with CNN, conducted a week ago. The General, when asked in what conditions Pakistan is going to use its nuclear weapons, said: ‘If the security of Pakistan is threatened… that is my short answer’.

Repyling a question regarding Pakistan’s formulating of guiding principal for the use of nuclear weapons, he said: ‘We haven’t worked that principle out, but we have worked surely that Pakistan's security will never be compromised’. Gen. Musharraf said Pakistan wants peace in the region and to settle its outstanding dispute specially Kashmir with India and to resolve the Afghan imbroglio.

He said: “Well, broadly speaking, I would say that the new millennium brings a lot of hopes for Pakistan.” General Musharraf said he was trying to urge India to be realistic and to focus on the main issue of tension between the two countries. He said the main issue of tension is Kashmir, the issue which previously had been sidelined and that is why there had never been any progress on it.

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1924. Interview of Pakistan Foreign Secretary during his visit to Berlin on the possible use of Nuclear Weapons.


Pakistan will consider using nuclear weapons first if attacked by conventional forces. Foreign Secretary Inamul Haq said on July 20.

‘There is no way Pakistan can hold out any assurance that it will not use any nuclear weapons if its existence is threatened,’ said Mr. Inamul Haq, the highest ranking Pakistani official to visit Germany since nuclear tests in 1998.

‘There is no such assurance on the part of India either,’ he said during a briefing for journalists. Pakistan carried out nuclear tests in May 1998 in response to similar tests from India which drew worldwide criticism and sanctions. India has said it is committed to a no first nuclear use policy.

Mr. Inam said that NATO maintained a first use threat to deter a Soviet attack during the cold war. At the time NATO worried about the possibility of an overwhelming conventional ground attack on Western Europe.

‘Speaking to journalists before a meeting with his German counterpart Wolfgang Ischinger. Mr. Inam defended Pakistan’s development of nuclear weapons.

‘India we believe, is a hegemonic power’, he said, "Our nuclear programme has been a response to our security threat perceptions. Nuclear weapons are weapons of deterrence," he added.

* Reacting to the above statement a Indian Ministry of External Affairs spokesman said there was nothing new in the Pakistani Foreign Secretary’s remarks. “Pakistan does not subscribe to a no first use policy as India does”, he said. “The policy of no first use is one of the central elements of our nuclear posture”, he added.
1925. Reaction of Official Spokesperson to suggestions from Pakistani President on no-war pact and de-nuclearization.

New Delhi, January 24, 2002.

Question: Do you have any comments on the offer of President Musharraf of no war pact?

Answer: There is nothing new in that offer. Pakistan has stated that on many occasions previously and India's position has also been clearly stated. It is necessary for the proxy war waged by Pakistan against India to cease, to stop forthwith. There is a low intensity conflict that has been generated by Pakistan against India, that has to stop and apart from that cross border terrorism and the support to cross border terrorism must stop.

Question: The Pakistan President has made another proposal of de-nuclearization; any comments?

Answer: There is nothing new again in that statement and in fact Pakistan had made similar statements at the very time that it was engaged in the clandestine acquisition of nuclear weapon know-how and technology. So there is nothing new in that statement.

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1926. Statement of the Official Spokesperson on “Pakistan’s nuclear bluff”.

New Delhi, June 20, 2002.

The spokesperson was asked to comment (20th June) on the recent statement by Pakistan President General Musharraf that India had been unable to call Pakistan’s nuclear bluff, and that possession of nuclear weapons by Pakistan had prevented India from going to war with Pakistan. She was also asked about the recent comment by Dr. A.P.J. Abdul Kalam on the nuclear capability of both India and Pakistan having prevented war between the two countries. In response, the spokesperson said that it was Pakistan that had indulged in loose and irresponsible talk over the last few years, on a number of occasions, in which it had threatened the use of nuclear weapons against India. Given this propensity on the part of Pakistan, the only rational conclusion that could be drawn was that India’s nuclear deterrent had helped effectively forestall Pakistan’s nuclear blackmail.

1. On June 18 the Pakistan President, Pervez Musharraf attempted to highlight the international concern and alleged that India’s “hesitation” to launch a ‘limited war’ demonstrated that strategic balance existed in South Asia and Islamabad’s conventional and nuclear capability deterred New Delhi from attacking it. “International concerns of a nuclear conflict in South Asia, and the hesitation, frustration and inability of India to attack Pakistan or conduct a so-called ‘limited war’, bear ample testimony to the fact that strategic balance exists in South Asia and that Pakistan’s conventional and nuclear capability together deter aggression,” he said at a dinner hosted for Pakistan’s nuclear scientists and engineers. Gen. Musharraf claimed that the theory of deterrence had worked, but did not refer to the decisions taken by his Government, particularly to stop cross-border infiltration of militants, as demanded by India.
1927. Threat of Pakistan President Prevez Musharraf to use nukes.

Interview to Der Spiegel weekly news magazine of Germany. (As reported by the Dawn on July 4, 2002.)

President Pervez Musharraf has “threatened India with the atom bomb” in the event of war over Kashmir whose “blood runs in our hearts”, he was quoted on April 6 as telling Germany’s DER SPIEGEL magazine.

Indian news reports quoted the magazine as saying that Gen Musharraf condemned ‘India’s great power illusion’ and told ‘India to count on the fact that if the pressure on Pakistan becomes too great, then nuclear weapons use as a last means of defence’.

Gen Musharraf’s remarks come barely a fortnight after Indian Prime Minister Atal Behari Vajpayee ruled out any possibility or threat of nuclear war.

But Mr. Vajpayee, during a trip to Shimla last month, had told journalists that ‘India had already declared that it would not be the first to use nuclear weapons and Pakistan has also expressed similar views’.

Indian reports on April 6 said Gen Musharraf’s aggressive comments are unlikely to go down well within the European Union, Britain and the Commonwealth.

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1928. Press release of the Government of India on the review of the operationalization of India’s Nuclear Doctrine by the Cabinet Committee on Security.


1. The Cabinet Committee on Security (CCS) met today to review the progress in operationalizing of India’s nuclear doctrine. The Committee decided that the following information, regarding the nuclear doctrine and operational arrangements governing India’s nuclear assets, should be shared with the public.

2. India’s nuclear doctrine can be summarized as follows:
   
   (i) Building and maintaining a credible minimum deterrent;
   
   (ii) A posture of “No First Use”: nuclear weapons will only be used in retaliation against a nuclear attack on Indian territory or on Indian forces anywhere;
   
   (iii) Nuclear retaliation to a first strike will be massive and designed to inflict unacceptable damage.
   
   (iv) Nuclear retaliatory attacks can only be authorised by the civilian political leadership through the Nuclear Command Authority.
   
   (v) Non-use of nuclear weapons against non-nuclear weapon states;
   
   (vi) However, in the event of a major attack against India, or Indian forces anywhere, by biological or chemical weapons, India will retain the option of retaliating with nuclear weapons;
   
   (vii) A continuance of strict controls on export of nuclear and missile related materials and technologies, participation in the Fissile Material Cut-off Treaty negotiations, and continued observance of the moratorium on nuclear tests.
   
   (viii) Continued commitment to the goal of a nuclear weapon free world, through global, verifiable and non-discriminatory nuclear disarmament.

3. The Nuclear Command Authority comprises a Political Council and an Executive Council. The Political Council is chaired by the Prime Minister. It is the sole body which can authorize the use of nuclear weapons.

4. The Executive Council is chaired by the National Security Advisor. It provides inputs for decision making by the Nuclear Command Authority and executes the directives given to it by the Political Council.
5. The CCS reviewed the existing command and control structures, the state of readiness, the targeting strategy for a retaliatory attack, and operating procedures for various stages of alert and launch. The Committee expressed satisfaction with the overall preparedness. The CCS approved the appointment of a Commander-in-Chief, Strategic Forces Command, to manage and administer all Strategic Forces.

6. The CCS also reviewed and approved the arrangements for alternate chains of command for retaliatory nuclear strikes in all eventualities.

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1929. Joint statement issued on the conclusion of the India-Pakistan Expert Level Talks on Nuclear Confidence Building Measures.¹

New Delhi, June 20, 2004.

In accordance with the agreement between the Foreign Secretaries of India and Pakistan in February 2004, Expert Level talks on Nuclear Confidence Building Measures were held in New Delhi from 19-20 June 2004.

On June 19, at the end of the first day’s talks the Spokesman of the MEA made the following statement:

“We have already circulated the agreed Press Statement on India-Pakistan expert Level Talks on Nuclear CBMs. I will read that out and give some additional information on the rest of the meetings during the day.

“The talks were held in a cordial and constructive atmosphere. Both sides approached the talks in a positive framework, aimed at taking the process forward, and making them result oriented.

The two delegations identified areas of convergence, including in the context of multilateral fora. They also exchanged views on their respective security concepts and nuclear doctrines, and agreed to elaborate and work towards CBMs.

The discussions will continue tomorrow.”

In addition, the delegation from Pakistan paid courtesy call on the External Affairs Minister Mr. K. Natwar Singh, National Security Advisor, Mr. J.N. Dixit and on the Foreign Secretary, Mr. Shashank. EAM and the other interlocutors welcomed them and encouraged the delegations to continue their work in a result-oriented framework.

Conscious of their obligation to their peoples and the international community,

Committed to work towards strategic stability,
1930. Joint statement issued at the end of the second round of India-Pakistan Expert Level talks on Nuclear CBMs.


In accordance with the agreement between the Foreign Ministers of Pakistan and India in September 2004, the second round of the Expert Level talks on Nuclear Confidence Building Measures was held in Islamabad on 14-15 December 2004. The Indian delegation was led by Ms. Meera Shankar, Additional Secretary (UN), Ministry of External Affairs. The Pakistan delegation was led by Mr. Tariq Osman Hyder, Additional Secretary (UN&EC), Ministry of Foreign Affairs. The visiting Indian delegation called on the Foreign Minister of Pakistan Mr. Khurshid M. Kasuri.

2. The two sides held discussions in a cordial and constructive atmosphere, in the framework of the Lahore MoU of 1999 and the Joint Statement of 20 June 2004. Both sides reiterated their desire to keep working towards elaboration and implementation of Nuclear CBMs, within the agreed framework.

3. Detailed consultations were also held on the early operationalization of the decisions taken during the last round of Expert Level talks on Nuclear CBMs held in New Delhi on 19-20 June 2004, especially on the upgradeation of the existing hotline between the DGMOs, and the establishment of a dedicated and

Agreed on the following:

* The existing hotline between the DGMOs would be upgraded, dedicated and secured.
* A dedicated and secure hotline would be established between the two Foreign Secretaries, through their respective Foreign Offices to prevent misunderstandings and reduce risks relevant to nuclear issues.
* Both countries will work towards concluding an Agreement with technical parameters on pre-notification of flight testing of missiles, a draft of which was handed over by the Indian side.
* Each side reaffirmed its unilateral moratorium on conducting further nuclear test explosions unless, in exercise of national sovereignty, it decides that extraordinary events have jeopardised its supreme interests.
* Both countries would continue bilateral discussions and hold further meetings to work towards the implementation of the Lahore MoU of 1999.
* Both countries will continue to engage in bilateral consultations on security and non-proliferation issues within the context of negotiations on these issues in multilateral fora.
* Both countries called for regular working level meetings to be held among all the nuclear powers to discuss issues of common concern.

both sides agreed to report the progress of the talks to the respective Foreign Secretaries who would meet on 27-28 June 2004.
secure hotline between the two Foreign Secretaries. These measures are, inter alia, intended to prevent misunderstanding and reduce risks relevant to nuclear issues.

4. Both sides agreed the future periodic Expert Level talks on Nuclear CBMs would discuss, review and monitor the implementation of Nuclear CBMs as called for by the Lahore MoU of 1999.

5. They also agreed to report the progress made in the present round of the talks to the respective Foreign Secretaries, who are scheduled to meet on 27-28 December 2004, and decide on the date and venue of the next Expert Level meeting on Nuclear CBMs.


New Delhi, August 6, 2005.

The India-Pakistan Expert Level Dialogue on Nuclear Confidence Building Measures was held in New Delhi on 5-6 August 2005. The Indian delegation was led by Ms. Meera Shankar, Additional Secretary (UN), Ministry of External Affairs. The delegation of Pakistan was led by Mr. Tariq Osman Hyder, Additional Secretary (UN & EC), Ministry of Foreign Affairs. The visiting Pakistani delegation also called on the Foreign Secretary Shri Shyam Saran.

2. The present round of discussions is the third meeting held between India and Pakistan at the level of experts on the subject of nuclear CBMs, under the Composite Dialogue process. The two sides continued to hold wide-ranging discussions in a cordial and constructive atmosphere, including on their respective security concepts and nuclear doctrines.

3. The two sides reached an understanding on the proposed Agreement on Pre-Notification of Flight Testing of Ballistic Missiles. The proposed Agreement commits both sides to pre-notify in a structured format flight testing of ballistic missiles, with the objective of enhancing mutual confidence and engendering predictability and transparency of intent. The Experts have jointly recommended the agreed text of the proposed Agreement to the Foreign Secretaries of India and Pakistan for formalization.

4. In pursuance of the MoU of 21 February 1999, which inter alia provided for undertaking national measures to reduce the risks of accidental or unauthorized
use of nuclear weapons under their respective control, the Indian side handed over a draft of such a proposed Agreement.

5. The two sides emphasized the importance of early operationalization of the hotline link proposed to be established between the Foreign Secretaries, through their respective Foreign Offices, to prevent misunderstandings and reduce risks relevant to nuclear issues. In this connection, discussions on related technical parameters were held. Details about implementation and testing schedules were exchanged. It was agreed that the hotline link will be established in September 2005.

6. The two sides also agreed to report the progress made in the present round of the talks to the respective Foreign Secretaries, who will decide on the date and venue of the next Expert Level meeting on Nuclear CBMs.

1. Speaking to journalists at the end of the talks Ms. Meera Shankar leader of the Indian delegation said that the hotline between the foreign secretaries of India and Pakistan would supplement the existing hotline between the two DGMOs, utilized to smoothen irritants on the Line of Control.

Islamabad, October 3, 2005.

The Government of the Republic of India and the Government of the Islamic Republic of Pakistan, hereinafter referred to as the Parties:-

Recalling the Memorandum of Understanding of 21 February 1999;

Committed to adopt appropriate measures aimed at preventing misunderstandings and misinterpretations and promoting a stable environment of peace and security between the two countries;

Have agreed as follows:-

Article-1

Each Party shall provide to the other Party, advance Notification of the flight test that it intends to undertake of any land or sea launched, surface-to-surface ballistic missile.

Article-2

Each Party shall notify the other Party, no less than three days in advance of the commencement of a five day launch window within which it intends to undertake flight tests of any land or sea launched, surface-to-surface ballistic missile.

Article-3

Each Party shall issue appropriate NOTAMs and NAVAREAs through their respective authorities.

Article-4

The bilateral Pre-Notification shall be conveyed through the respective Foreign Offices and the High Commissions, as per the format annexed to this Agreement.

Article-5

Each Party shall ensure that the test launch site(s) do not fall within 40 kms, and the planned impact area does not fall within 75 kms, of the International Boundary or the Line of Control on the side of the Party planning to flight test the ballistic missile.

Article-6

Each Party shall also further ensure that the planned trajectory of the ballistic missile being flight tested shall not cross the International Boundary or the Line
of Control between India and Pakistan and further, it shall maintain a horizontal distance of at least 40 kms from the International Boundary and the Line of Control.

**Article-7**

The Parties shall treat the bilateral Pre-Notification exchanged under this Agreement as confidential, unless otherwise agreed upon.

The Parties shall hold consultations, on an annual basis, or more frequently as mutually agreed upon, to review the implementation of the provisions of this Agreement, as well as to consider possible amendments aimed at furthering the objectives of this Agreement. Amendments shall enter into force in accordance with procedures that shall be agreed upon.

**Article-9**

This Agreement shall enter into force upon signature by the two Parties.

**Article-10**

This Agreement shall remain in force for a period of five years. It will be automatically extended for successive periods of five years at a time unless one or both Parties decide otherwise.

**Article-11**

A Party may withdraw from this Agreement by giving six months written notice to the other indicating its intention to abrogate the Agreement.

In witness whereof the undersigned being duly authorized thereto by their respective Governments, have signed this Agreement.

**Done** at Islamabad on 03 October 2005 in two originals, each text being equally authentic.

Shyam Saran  
Foreign Secretary  
For Government of the Republic of India

Riaz Mohammad Khan  
Foreign Secretary  
For Government of the Islamic Republic of Pakistan
ANNEXURE

Format for Pre-Notification
For Ballistic Missile Flight Tests

The Government of ........hereby notifies to the Government of .....that it will conduct a flight test of a land or sea launched, surface-to-surface ballistic missile within the period of....... to.........

The test launch site, the planned impact area and the planned trajectory of the ballistic missile conform to the provisions of Article 5 & 6 of the Agreement between the Republic of India and the Islamic Republic of Pakistan on Pre-Notification of Flight Testing of Ballistic Missiles.
Joint Statement on the 4th Round of Pakistan-India Expert Level Dialogue on Nuclear Confidence Building Measures (CBMs).

Islamabad, April 26, 2006.

The fourth round of Pakistan-India Expert Level Dialogue on Nuclear Confidence Building Measures was held in Islamabad on 25-26 April 2006. The Pakistan delegation was led by Mr. Tariq Osman Hyder, Additional Secretary (United Nations), Ministry of Foreign Affairs. Mr. K.C. Singh, Additional Secretary (International Organizations), Ministry of External Affairs, led the Indian delegation to the talks. The visiting Indian delegation also called on the Minister of State for Foreign Affairs Makhdum Khushro Bakhtyar.

The two sides held discussions in a cordial and constructive atmosphere, in the framework of the Lahore MoU of 1999. As mandated by Foreign Secretaries the two sides continued consultations on security concepts and nuclear doctrines to develop measures for confidence building. They reiterated their desire to keep working towards further elaboration and implementation of Nuclear CBMs within the framework of the Lahore MoU, with the objective of promoting a stable environment of peace and security between the two countries.

The two sides expressed their satisfaction on the signing of the Agreement on Pre-Notification of Flight Testing of Ballistic Missiles and the operationalization of the hotline link between the two Foreign Secretaries. These measures are, inter alia, intended to prevent misunderstanding and reduce risks relevant to nuclear issues. The two sides expressed their satisfaction on the signing of the Agreement on Pre-Notification of Flight Testing of Ballistic Missiles and the operationalization of the hotline link between the two Foreign Secretaries. These measures are, inter alia, intended to prevent misunderstanding and reduce risks relevant to nuclear issues. The two sides expressed their satisfaction on the signing of the Agreement on Pre-Notification of Flight Testing of Ballistic Missiles and the operationalization of the hotline link between the two Foreign Secretaries. These measures are, inter alia, intended to prevent misunderstanding and reduce risks relevant to nuclear issues.

The two sides held detailed discussions on the draft text of an agreement, the objective of which is to reduce the risk from accidents relating to nuclear weapons, and agreed to work towards its finalization.

Both sides discussed modalities for further securing the Foreign Secretaries hotline.

Both sides agreed that future periodic Expert Level talks on Nuclear CBMs would discuss, review and monitor the implementation of Nuclear CBMs as
called for by the Lahore MoU of 1999. They also agreed to report the progress made in the present round of the talks to the respective Foreign Secretaries who will decide on the date and venue of the next Expert Level meeting on Nuclear CBMs.

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1934. Agreement between the Islamic Republic of Pakistan and the Republic of India on reducing the risk from accidents relating to nuclear weapons.

New Delhi, February 21, 2007.

The Government of Islamic Republic of Pakistan and the Government of Republic of India hereinafter referred to as the Parties:

Recalling the Memorandum of Understanding signed at Lahore on 21 February 1999 between the two countries;

Recognizing that both Parties have national measures including Command and Control structures to guard against accidents related to nuclear weapons;

Recognizing that the nuclear dimension of the security environment of the two countries adds to their responsibility for avoidance of conflict between the two countries;

Committed to the objective of global and non-discriminatory nuclear disarmament;

Conscious of the need for adopting measures aimed at promoting a stable environment of peace and security between the two countries;

Have agreed as follows:-

Article-1

Each Party shall maintain and improve, as it deems necessary, existing national measures including organizational and technical arrangements, to guard against accidents related to nuclear weapons under its control.

Article-2

The Parties shall notify each other immediately in the event of any accident relating to nuclear weapons, under their respective jurisdiction or control, which
could create the risk of a radioactive fallout, with adverse consequences for both sides, or create the risk of an outbreak of a nuclear war between the two countries. In the event of such an accident the Party within whose jurisdiction or control the accident has taken place will immediately take necessary measures to minimize the radiological consequences of such an accident.

The obligation of a Party to notify shall be in respect of only such accidents which may result in an international transboundary release that could be of radiological safety significance or have security implication for the other Party.

**Article-3**

In the event of occurrence of an accident of the type referred to in Article-2 of this Agreement:

(i) Each Party shall act in such a manner as to reduce the possibilities of its actions being misinterpreted by the other Party;

(ii) In case of likely impact of the accident on the other party, the first Party shall inform the other Party forthwith with relevant information.

**Article-4**

The Parties shall make use of the hotline links between the two Foreign Secretaries and DGMOs or any other appropriate communication link as mutually agreed upon between their Governments for transmission of, or request for, urgent information in situations relating to the implementation of this Agreement. The Parties may also make use of any other communication channels, including diplomatic channels depending upon the urgency of the situation.

**Article-5**

Information obtained by a Party pursuant to this Agreement shall not be disclosed to a third Party without the prior consent of the other Party except where it concerns environment, public health or safety.

**Article-6**

This Agreement shall not affect the rights and obligations of the Parties under existing international agreements to which they are a Party.

**Article-7**

The Parties may hold consultations, as mutually agreed upon, to review the implementation of the provisions of this Agreement as well as to consider possible amendments aimed at furthering the objectives of this Agreement. Amendments shall enter into force in accordance with procedures that shall be agreed upon.

**Article-8**
This Agreement shall remain in force for a period of five years. Upon agreement by the Parties, the Agreement may be extended for successive periods of five years at a time. A Party may withdraw from this Agreement by giving six months written notice to the other indicating its intention to terminate the Agreement.

In witness whereof the undersigned being duly authorized thereto by their respective Governments, have signed this Agreement.

Done at New Delhi on February 21, 2007 in two originals, in English language, each text being equally authentic.

K.C. Singh  
Additional Secretary  
For Government of the Republic of India

Tariq Osman Hyder  
Additional Foreign Secretary  
For the Government of the Islamic Republic of Pakistan.

1935. Joint Statement on India-Pakistan expert-level dialogue on Nuclear Confidence Building Measures (CBMs).

New Delhi, October 19, 2007.

The fifth round of India-Pakistan expert-level talks on nuclear and missiles related CBMs, begun in June 2004 as part of the Composite Dialogue process, was held in New Delhi on 19 October 2007. Shri K. C. Singh, Additional Secretary (International Organizations), Ministry of External Affairs led the Indian side while the Pakistan delegation was led by Mr. Khalid Aziz Babar, Additional Secretary (UN&EC), Ministry of Foreign Affairs. Discussions focused on a review of the implementation of existing agreements on CBMs and on disarmament and non-proliferation related issues of mutual interest in multilateral forums as provided for in the Lahore Memorandum of Understanding (MoU) of 1999. They were held in a cordial and constructive atmosphere. The two sides agreed to meet in Islamabad next to carry forward the dialogue and the process of confidence-building in the nuclear and missile area.
INDIA-PAKISTAN RELATIONS

SECTION - V

JUNAGARH
1936. Extract from the Press Note issued by the Dewan of Junagad on the question of the attitude of Junagadh State in the future Constitutional set-up of India after August 1947.

Junagadh, April 11, 1947.

A certain section of the Gujarati press has of late been indulging in a variety of imputations and speculations regarding the attitude of Junagadh State in the future constitutional set-up of India. These imputations and speculations are incorrect and misleading. What Junagadh pre-eminently stands for is the solidarity of Kathiawar and would welcome the formation of a self-contained group of Kathiawar Stats. Such a group while providing for the autonomy and entity of individual States and their subjects would be a suitable basis for cooperation in matters of common concern generally and coordination where necessary. In view of this clear attitude of Junagadh State the newspapers’ surmises are without foundation.*

* On April 22nd, 1947 Junagadh Darbar published a communiqué reporting a speech delivered two days earlier by Dewan (Khan Bahadur Abdul Kadir). In his speech he inter alia said: “He (the Dewan) once again emphasized the attitude of His Highness and his Government in regard to the constitutional set-up which was clearly defined in the press note of April 11. Junagadh stands for the solidarity of Kathiawar and would welcome the formation of a self-contained group of Kathiawar States with sufficient safeguards for autonomy and entity of individual units. In fact His Highness has addressed a letter to his brother princes of Kathiawar on this subject. In another speech delivered on May 15th 1947 the Dewan said “May I repeat and state once more that His Highness and his Government are very keen on the formation of a self-contained group of Kathiawar States, for which His Highness has moved very earnestly and briskly in the quarters concerned. His Highness has addressed his brother princes in Kathiawar and he knows that they have the greatest regard for him. I may incidentally mention that we have officially informed our attached units that they will be at liberty to adopt any course for their preservation and progress after the termination of Paramountcy in June 1948 or earlier.”

Karachi, September 12, 1947.

Pakistan Government have accepted Junagadh States request to accede to PAKISTAN and have signed a standstill agreement with that State. It is reported Junagadh are not receiving their supplies of food grains, coal, petrol etc. Arrangements may kindly be continued to supply States quota on these and other commodities regularly as hitherto.

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1938.  Telegram from Prime Minister of India to the Prime Minister of Pakistan.

New Delhi, September 12, 1947.

We have just seen reported in the press a communiqué issued by the Pakistan Ministry of Foreign Affairs that a standstill agreement between Pakistan and the Junagadh State was signed on September 9. We have also seen a report that terms of the Instrument of Accession for States wishing to join the Dominion of Pakistan were settled by the Pakistan Government at their meeting on 9th September.

2.  On 21st August our Ministry of States addressed a letter to the High Commissioner for Pakistan in Delhi asking for indication of policy in respect of accession of the Junagadh State. The High Commissioner was subsequently reminded on 6th September. No reply has been received so far.

3.  It has all along been understood that a State is free to accede to either of the two Dominions; but the choice of a State in regard to accession must, in our opinion, necessarily be made with due regard to its geographical contiguity. Junagadh is nowhere contiguous to the Pakistan Dominion. It is surrounded on all sides by the States which form part of the Indian Dominion except where it is flanked by sea. Further there is within the State boundaries considerable territory which forms part of States which have acceded to the Indian Dominion. There are likewise pockets of the Junagadh territory within States which have acceded to the Dominion of India.

4.  The population of Junagadh according to the 1941 census is 6.71 lakhs
of which no less than 5.43 lakhs (or eighty per cent) are Hindu. This large majority of the population of the State has made it clear to the Ruler of Junagadh in no uncertain terms that they are opposed to Junagadh acceding to the Dominion of Pakistan and that they wish that the State should accede to the Dominion of India. Even the Junagadh State itself issued notifications from time to time stating that it stands for the unity and solidarity of Kathiawar (vide notification dated April 11 and April 22, 1947). All the Kathiawar States, barring, three small ones, have now joined the Indian Dominion.

5. The Dominion of India would be prepared to accept any democratic test in respect of the accession of the Junagadh State to either of the two Dominions. They would accordingly be willing to abide by a verdict of its people in this matter ascertained under mutual supervision. If however the Ruler of Junagadh is not prepared to submit this issue to a referendum and if the Dominion of Pakistan in utter disregard of the wishes of the people and principles governing the matter enter into an arrangement by which Junagadh is to become a part of the Federation of Pakistan, the Government of India cannot be expected to acquiesce in such an arrangement.

6. We therefore hope that no hasty action in regard to the acceptance of the accession of Junagadh would be taken by the Pakistan Government.

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1939. Minutes of the meeting of the Indian Cabinet relating to Junagadh State.

New Delhi, September 17, 1947. (5.P.M.)

Case No. 278/47/47.

Relations with Junagadh State

Present

The Prime Minister.
The Minister for Home, I & B and States.
The Minister for Education.
The Minister for Transport and Railways.
The Minister for Defence.
The Minister for Commerce.
The Minister for Communications.
The Minister for Health.
The Minister for Law.
The Minister for Finance.
The Minister for I & S.
The Minister for W.M. & P.
The Minister for Relief & Rehabilitation.
The Secretary, Ministry of States.
The Secretary to the Cabinet.
The Deputy Secretary to the Cabinet.

Minutes

The Prime Minister explained that a telegram had been received from the Pakistan Government stating that the latter had agreed to a request from the Junagadh State to accede to the Pakistan Dominion. The States Minister gave a picture of the background and explained how this action on the part of Junagadh and Pakistan vitally affected the Indian Dominion.

Decision

The Cabinet approved the following proposals:-

(1) Troops of the States which have acceded to the Indian Dominion and of India should be suitably disposed round Junagadh and in the territory of the sub-States situated in the midst of Junagadh which have acceded to India. No troops should occupy or remain in Junagadh territory.

(2) The Secretary, States Ministry, on behalf of the Government of India, should visit Junagadh and explain to the Nawab and the Dewan of the State the implications of their proposed accession to Pakistan.

(3) Economic measures such as the discontinuance of supplies of diesel oil, coal and petrol from the territories of the Indian Dominion and of the acceding States, should also be taken.

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1940. Telegram No. 251 from Pakistan Ministry of Foreign Affairs to the Ministry of External Affairs.


From : Governor-General PAKISTAN
To : Governor-General INDIA repeated Prime Minister India and Prime Minister PAKISTAN.

Understand that there are large troop concentrations along the borders of JUNAGADH and other states in Kathiawar which have acceded to PAKISTAN. Trust this information is incorrect. Any encroachment on Junagadh Sovereignty or its territory would amount to hostile act. Kindly ensure that Indian Dominion troops or troops of States acceding to India do not violate Junagadh territory, under any pretext whatsoever.

1941. Telegram No. 34-GG from the Ministry of External Affairs to the Pakistan Ministry of Foreign Affairs.

New Delhi, September 21, 1947.

From Prime Minister India to Prime Minister Pakistan.

Please convey the following message from Governor-General India to Governor-General Pakistan.

Reference your telegram 251 dated September 19th regarding Junagadh. Information about large troop concentrations around Junagadh not correct. For some time reports about possibility of Junagadh’s accession to Pakistan Dominion in the teeth of opposition from its Hindu population of over 80% had given rise to serious concern and apprehensions to local population and all surrounding States which have acceded to Indian Dominion. Large scale military preparations of Junagadh and supply of arms and ammunition to its Muslim subjects with the obvious intention of terrorizing the people of the State as well as bordering States accentuated this uneasiness and Government of India received appeals for suitable action both from the people and these States. The Government of India have therefore sent a small force of troops as a very natural precautionary counter measure, particularly as most of our acceding States in the affected area have no armed forces of their own.
2. As regards accession of Junagadh to Pakistan your attention is invited to our telegram addressed to Prime Minister, Pakistan, and delivered personally at the Government House, Karachi, by Lord Ismay on September 12 explaining fully the Government of India's position regarding Junagadh. Pakistan Government have neither acknowledged receipt of our message nor replied to this and our previous dispatches on the subject. Instead Pakistan Government have unilaterally proceeded to action which it was made plain the Government of India could never, and do not acquiesce in. Such acceptance of accession by Pakistan cannot but be regarded by the Government of India as an encroachment on Indian sovereignty and territory and inconsistent with the friendly relations that should exist between the two Dominions. This action of Pakistan is considered by the Government of India to be a clear attempt to cause disruption in the integrity of India by extending the influence and boundaries of the Dominion of Pakistan in utter violation of principles on which partition was agreed upon and effected. In these circumstances I hope it will be possible for you to prevail upon the Government of Pakistan to reconsider their attitude in regard to the accession of Junagadh, but if the matter is not reconsidered the responsibility for consequences must, I am compelled to inform you, rest squarely on the shoulders of the Pakistan Government. The Government of India are, however, still prepared to accept the verdict of the people of Junagadh in the matter of accession, the plebiscite being carried out under joint supervision of Indian and Junagadh Governments.

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1942. Telegram No. 276 from the Pakistan Ministry of Foreign Affairs to the Ministry of External Affairs.


Junagadh has wired a protest against alleged accession of MANGROL to Indian Dominion. Similar reports have been current in newspapers for some time past. We have ignored them so far because it is inconceivable that Indian Dominion would let MANGROL accede to India when MANGROL is only a vassal of Junagadh which has already acceded to PAKISTAN. If reports are correct MANGROL Dominion must make it clear that it will under no circumstances accept this and similar other encroachments if any on historical tradition and constitutional rights of Junagadh.

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1943. **Telegram No. 350 –PR to Nawab of Junagadh (Repeated to N.M. Buch, Regional Commissioner, Rajkot) from the Ministry of External Affairs.**

New Delhi, September 22, 1947.

Government of India understand that your Highness forces have occupied Babariawad. Your Highness is aware of our acceptance of accession of Babariawad to Indian Dominion announced on eleventh September. Presence of your troops in Babariawad has resulted in many Mulgirassias leaving the State. Further we understand that your agents in Babariawad are coercing the Mulgirassias to withdraw their accession to Indian Dominion. The Dominion Government take the gravest view of these activities. We would therefore be grateful if your Highness would issue necessary orders at once that these forces should be withdrawn and that the Mulgirassias are not subjected to any kind of harassment or molestation. I am further to point out that the Sheikh of Mangrol has acceded to Dominion of India and this Government wish to draw your attention to fact that no Junagadh force or Police should enter or occupy or remain in Mangrol territory. I shall be grateful if this telegram could be acknowledged immediately.

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1944. **Telegram No. RC/I from Regional Commissioner, Rajkot, to the Indian Ministry of States.**

Rajkot, September 22, 1947.

From Buch to Menon (Secretary of the Ministry of States)

Following letter delivered from SHEIKH SAHIB MANGROL this morning.

“On invitation from Mr. Menon I came to see you at residency about 10 a.m. September 20th. With regard to our talk it was conveyed to me that I shall get my full independence together with my Sovereign rights in regard to my non-Jurisdictional Villages also. In view of new prospects, in haste, without full considering the consequences and Constitutional implications I signed Instruments of Accession. As Mr. Menon was leaving immediately I did not even get one hour to ponder over matter. On my return to UTARA I found myself most awkwardly placed and I honestly believe that I should not have signed instruments of Accession. I also consulted my advisers and we all fully agree that Instrument of Accession should not have been signed and we also believe it might lead to some serious and grave consequences. I hereby
renounce Instruments of Accession which I have signed this morning. If Mr. Menon would have been here I would have done it personally but as he is away, I formally renounce Instrument of Accession before you and my signature on it may kindly be regarded as withdrawn. As the Instrument of Accession that I signed this morning is not placed before His Excellency the Governor-General for Dominion Indian Union and Dominion India has not accepted it I request you to kindly convey renouncement my Accession and withdrawal of my signature signed on Instrument of Accession.

The note which I have signed separately may also be kindly regarded as renounced and withdrawn."

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1945.  Telegram from Dewan of Junagadh to the Indian Ministry of States.

Junagadh, September 23, 1947.

Your telegram No. 350-PR, September twenty-two to His Highness Nawab Saheb had added to our surprise. Both Babariawad and Mangrol are integral parts of Junagadh territory and their accession to Indian Union not valid. No single case of harassment has occurred in Junagadh territory in spite of provocative means employed by neighbouring States and Indian States Department. Our forces in Babariawad is intended to maintain law and order and to protect state property and buildings. Attitude of Indian States Department is tantamount to invasion of Junagadh which forms now part of Pakistan. Mangrol made to sign accession on September Twenty without sufficient time to consider and realizing his position as part of Junagadh Territory has renounced it within an hour on same day in writing to Regional Commissioner at Rajkot Mr. N.M. Buch as States Secretary had meanwhile left for Bombay. He withdrew accession while document was still in hands of States Secretary who was on his way to Bombay and long before it reached Delhi or Governor General. As I explained personally to Mr. V.P. Menon the question can be settled between two Dominions who are pledging to maintain harmony between themselves and in their respective territory. Complete tranquility prevails in Junagadh. I again repeat unless it is intended to invade part o Pakistan two Dominions representatives can meet and settle disputed questions. Any impartial committee welcome to see things throughout Junagadh territory where every soul is given due protection and no harassment of any kind exists.

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1946. Telegram No. C/19 from Regional Commissioner, Rajkot to the Indian Ministry of States.

Rajkot, September 23, 1947.

Following telegram dated September 22\textsuperscript{nd} from De Souza Junagadh to Professor OZA Rajkot intercepted and withheld.

Begins:

Please publish: understood MANGROL has withdrawn proposed accession to Indian Union because of peculiar constitutional and political complications involved. Withdrawal communicated to Regional Commissioner Indian States Department, Rajkot—immediately after presentation of proposal to V.P. Menon who had meanwhile left for Bombay. Later MANGROL conveyed withdrawal to V.P. Menon also. Oza is Associated Press Representative.

End.

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New Delhi, September 23, 1947.

Please refer to your letter dated 18\textsuperscript{th} September regarding your difficulties in the event of Junagadh trying to cut off food and other supplies to Kodinar taluka. You can rest assured that in such an eventuality the Government of India will help you in every possible manner including movement of supplies along the sea coast. In fact Junagadh dare not do this as Junagadh itself has so many islands in our own territories which could be cut off should they try such a game with Kodinar. Secondly our telegram dated 14\textsuperscript{th} September referred to military assistance from Baroda but surely it could not be interpreted so as to say that Baroda would not co-operate with the Dominion Government in the matter of stoppages of supplies which would be used by Junagadh to harass the local population and the adjoining acceding States. Anyhow this matter has already been set right by the latest instructions which I understand His Highness has sent from England directing full co-operation with the Indian Dominion in the Kathiawar campaign. With kind regards.

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1948. Minutes of the Meeting of the Cabinet regarding Relations with Junagadh State.

New Delhi, September 24, 1947.

Subject: Case No. 285/49/47. Relations with Junagadh State.

Present
The Prime Minister.
The Minister for Home, Information and Broadcasting and States.
The Minister for Education.
The Minister for Transport and Railways.
The Minister for Defence.
The Minister for Commerce.
The Minister for Communications.
The Minister for Health.
The Minister for Finance.
Secretary, Ministry of Law.
Secretary-General, Ministry of External Affairs and Commonwealth Relations.
Secretary, Ministry of States.
The Chief of Staff, India.
The Deputy Chief of Staff, India.
The Principal Private Secretary to the Prime Minister.
The Secretary to the Cabinet.
The Deputy Secretary to the Cabinet.

Decision
The Cabinet approved the proposal that a brigade group consisting of troops of the Indian Army and the forces of acceding States should be suitably disposed in Kathiawar territory for the protection of the States which had acceded to the Indian Union. In particular a suitable number of troops should be sent in the Mangrol and Babariawad.

The Cabinet approved the draft directive to the Commander of the Kathiawar Defence Forces with the following changes:-

Para 4. - The words “by rail” to be inserted after the words “except in so far as may be necessary for the passage”.

Para 5. – The words “or the State forces under your Command” to be inserted after the words “Should an act of war be committed against you”.

The Cabinet further decided that a press note should be prepared by the States Ministry in consultation with the Secretary General, External
Affairs and Commonwealth Relations Ministry, for issue after the Prime Minister had approved. This note should give briefly the reasons, historical background as regards Junagadh and neighbouring States and explain the action that the Government of India were taking. Copies of this press note should be sent to the Pakistan Government and our High Commissioner in Pakistan, just before its release to the Press. Copies should also go to the United Kingdom High Commissioner at Delhi, our High Commissioner in the United Kingdom, our United Nations Organization Delegation in the United States and our Embassy in Washington.

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1949. Demi Official letter from C.C. Desai, Additional Secretary, Ministry of States to L.K. Jha, Joint Secretary, Ministry of Commerce, Government of India.

New Delhi, September 24, 1947.

(Copy to Y.N. Sukthankar, Esquire, Secretary, Ministry of Transport)

I enclose herewith a telegram intercepted at Rajkot offering the sale of two American boats to Junagadh Durbar by one Punjabi of Bombay. In view of the decision of Junagadh to join Pakistan and to encroach upon Indian territory, we must prevent this transaction. I have already spoken to you on the telephone and requested for immediate action to see that the boats are detained in Bombay. The next step to be taken is to see that they are made available for the use of the Indian Government. They may be required on the Kathiawar coast during the next few days. Would you, therefore, kindly have action taken and let us know when they can move for our own work. The States Ministry would also like that strong action should be taken against Mr. Punjabi for this attempt to facilitate the movements and communications of a foreign State.

2. I have already spoken about this matter to Hon’ble the Commerce Minister as well as to Sukthankar, Transport Secretary.

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1950.  Telegram from Ruler of Mangrol to Government of India regarding his renouncing the accession to the Dominion of India.

Mangrol, September 25, 1947.

Having signed instrument of accession under extraordinary circumstances I renounced soon after that on the same day. If Mr. Menon had been here for one hour more I would have done it before him. As he had left immediately for Bombay I gave my written renouncement and withdrawal to the Regional Commissioner Mr. Buch to be conveyed immediately to the States Department Delhi on the same day, 20 September 1947. I still stand on my final Decision of renouncement and withdrawal and under the circumstances there is no need whatsoever for sending any police or military for any purpose in my territory and any such action on the part of the Indian dominion would be regarded an act of highhandedness.

Repeated: to Regional Commissioner, Rajkot.

Copy: forwarded to:

(1) Hon’ble Minister for States
(2) Secretary, Ministry of States
(3) Ministry of External Affairs
(4) Principal Private Secretary to Prime Minister for information.

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1951. **Press Communiqué issued by the Ministry of States regarding the situation arising out of the accession of Junagadh to Pakistan.**

**New Delhi, September 25, 1947.**

In view of the wide public interest manifested in the situation in Kathiawar created by the accession of Junagadh to Pakistan, the Government of India consider it desirable to explain the effect of such accession and their own policy.

The State of Junagadh is situated in the midst of other States which have acceded to the Dominion of India, and its territories are interlaced with the territories of these States. For example, inside Junagadh itself, there are territories of the States which have acceded to the Dominion of India; similarly islands of Junagadh State territory exist inside Bhavnagar, Nawanagar, Gondal and Baroda. The railway and posts and telegraphs services of Junagadh are an integral part of the Indian system; the railway police, telegraphs and telephones are administered by the Dominion of India. The State has population of approximately 671,000, of whom about 543,000 or 81 per cent are non-Muslims.

Although, theoretically, the termination of Paramountcy left the Indian States free to accede to either of the Dominions, it has always been recognized that, in practice, this freedom would be exercised with due regard to the facts of geography. This was made clear by His Excellency the Governor-General of India at the Conference which he held with the representatives of the States on the 25th July and this has been the essence of the accession policy pursued by the Government of India.

A representative of Junagadh was present at this Conference and participated in its discussions. In his public statements, His Highness the Nawab has adhered to the principle of the solidarity of Kathiawar. Junagadh, however, never attempted to negotiate the terms of accession with the Dominion of India. On the other hand, without any warning, it was announced that the State had acceded to the Dominion of Pakistan and that this accession had been accepted. Prior to the announcement, there were indications that Junagadh intended to accede to Pakistan. The Government of India immediately represented to the Government of the Dominion of Pakistan that the matter should be decided according to the wishes of the people of the State. No reply was received either to this or to a subsequent communication. The Government of India, therefore, decided to depute Mr. V.P. Menon, Secretary, Ministry of States, to Junagadh with a personal massage to His Highness the Nawab. The Dewan convoyed to Mr. Menon His Highness’ inability to see him. He could only see the Dewan who made the suggestion that the matter should be discussed at a Conference with the representatives of the Dominions of India and Pakistan at which
Junagadh should also be represented.

The suggestion for a Conference has not been followed up, either by the Dominion of Pakistan or by the State of Junagadh. Meanwhile, the Government of India have received representations from several acceding States and areas in Kathiawar that they apprehend danger to their security and that large numbers of Hindus are fleeing from the Junagadh State. In any case, it is clear that the accession of Junagadh to the Dominion of Pakistan must, in view of the geographical situation of the State and the interlacing of its communications with the surrounding States which have acceded to the Dominion of India, must be a source of constant friction between Junagadh and the surrounding States, between Junagadh and the Dominion of India and ultimately between the Dominions of India and Pakistan.

The Government of India are determined to find a solution of this problem. Their sole aim is to see tranquility maintained throughout Kathiawar. This can only be achieved if relations between all the States are harmonious and the relationship of Junagadh to either of the two Dominions is left to be determined by a free expression of the will of the people of the State. To ascertain these wishes, the Government of India have suggested a referendum. They adhere to that suggestion. They are and will always be willing to find a solution of this complicated and delicate problem by friendly discussion with the Dominion of Pakistan and the State of Junagadh. They have an obligation to protect the interests of the States within and around Junagadh which have acceded to the Indian Dominion. This responsibility they will fully and faithfully discharged.

Ministry of States,
New Delhi.
September 25, 1947
1952. Telegram No. 311 from the Pakistan Ministry of Foreign Affairs to the Ministry of External Affairs.

Karachi, September 25, 1947.

Following from Prime Minister PAKISTAN to Prime Minister India.

Please convey following message from Governor-General PAKISTAN to Governor-General India.

2. Reference your telegram No. 34-GG, dated September 21st. Representations of Indian Dominion including one sent to us through Lord Ismay totally misconceived and untenable. The position of Indian States is very clearly defined and it has been repeatedly accepted that after lapse of paramountcy every Indian state is independent and sovereign and free to join PAKISTAN or Indian Dominion. You are now trying to import fresh criteria into this matter limiting free exercise of choice by States.

3. The division of British India agreed upon between Congress and Muslim League has nothing whatever to do with this as question of States was dealt with quite separately and stands on a different footing. In these circumstances you will agree that Junagadh like any other State was entitled and free to join PAKISTAN and has done so.

4. We are really astonished at view expressed by you which contains a threat to Dominion of PAKISTAN that "such acceptance of accession by PAKISTAN cannot but be regarded by Government of India as an encroachment on India’s sovereignty and territory and inconsistent with friendly relations that should exist between the two Dominions”. Indian Dominion has no rights of sovereignty, territory or otherwise over Junagadh. We entirely fail to understand how accession of Junagadh to PAKISTAN can be regarded as an encroachment upon India’s sovereignty and as inconsistent with friendly relations between the two Dominions.

5. Regarding your suggestion for a PLEBISCITE this was a matter between Ruler constituted authority and people of Junagadh.

6. We note that concentration of troops in adjacent States is only intended as a precautionary measure to meet any possible trouble that may occur in those States that have acceded to India Dominion. We are informed authoritatively by Junagadh that your allegation that Junagadh has made large scale military preparations is totally unfounded. In the very nature of things it is absurd to imagine that Junagadh can have aggressive designs on neighbouring States. All that Junagadh desires is to be left alone in peace.

7. On the contrary our information is that people from outside are fomenting trouble in internal affairs of Junagadh. The Jam Saheb’s latest statement is misleading and mischievous and in many respects devoid of truth. On the face
of it, is a piece of clumsy propaganda by him and involves a direct threat of resorting to violence against the Moslem subjects of the adjoining States. As a result panic stricken Moslems from adjoining States who are threatened by Hindu rulers and their Hindu subjects are pouring into Junagadh for safety. His gratuitous advice to Moslems and Junagadh that it is in their interest that Junagadh should join India Dominion is wholly uncalled for. There are many objectionable features of this statement by the Jam Saheb which we need not go into detail in this context. The Government of India should however take steps to stop such incitement to violence by a State that has acceded to the Indian Dominion.

8. I am repeating separately to you copy of a telegram received today from the Dewan of Junagadh which speaks for itself. According to my information from all sources account given therein is substantially correct. The cumulative effect of all facts stated above make PAKISTAN Government feel India Dominion by their policy and action are infringing sovereignty of PAKISTAN.

9. Your statement that India had been sending despatches on the subject to which PAKISTAN had given no reply is incorrect. When the matter was last raised with PAKISTAN High Commissioner he explained quite correctly to Sardar Patel the PAKISTAN Government’s policy on the subject and no further communication was considered necessary.

10. The alleged telegram from Prime Minister, India to Prime Minister of PAKISTAN dated 12th September was brought by Lord ISMAY. It does not bear any number or certificate to the effect that its issue had been authorized. Indeed it was gathered from Lord ISMAY that Minister concerned had refused to sign the telegram. In the circumstances it was felt that no notice could be taken of the telegram until it was formally and officially communicated to us.

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Telegram No. TOR. 1630 from the Pakistan Ministry of Foreign Affairs to the Indian Ministry of External Affairs.

Karachi, September 25, 1947.

From Prime Minister PAKISTAN to Prime Minister India.

2. Below is text of telegram referred to in Para. No. 8 of telegram No.311 sent today.

3. Your telegram No. 350 September 22nd to His highness the Nawab, has added to our surprise. Both BABARIWAD and MANGROL are integral parts of Junagadh territory and their accession to Indian union is invalid. No single case of HARASSMENT has occurred in Junagadh territory in spite of
provocative means employed by neighbouring States and India States Department. Our force in BABARIWAD is intended to maintain law and order and to protect State property and buildings. Attitude of Indian States Department is TANTAMOUNT to invasion of Junagadh which forms now part of PAKISTAN. Mangrol made to sign an accession on September 20th without sufficient time to consider and realising her position as part of Junagadh territory has renounced it within an hour on same day in writing to Regional Commissioner at Rajkot Mr. Buch as States Secretary had meanwhile left for Bombay. He withdrew accession while document was still in hands of States Secretary who was on his way to Bombay and long before it reached Delhi or Governor General. As I explained personally to Mr. Menon the question can be settled between the two Dominions who are pledged to maintain harmony between themselves and in their respective territory. Complete tranquility prevails in Junagadh. I again repeat unless it is intended to invade part of Pakistan the two Dominion representatives can meet and settle disputed questions. Any impartial committee welcome to see things throughout Junagadh territory where every soul is given protection and no harassment of any kind exists.

1953. Press Communiqué issued from the Ministry of States
New Delhi, September 25, 1947.
F. No. 26-PR/47

Press Communiqué.

In view of the wide public interest manifested in the situation in Kathiawar created by the accession of Junagadh to Pakistan, the Government of India consider it desirable to explain the effect of such accession and their own policy.

The State of Junagadh is situated in the midst of other States which have acceded to the Dominion of India, and its territories are interlaced with the territories of these States. For example, inside Junagadh itself, there are territories of the States which have acceded to the Dominion of India; similarly islands of Junagadh State territory exist inside Bhavnagar, Nawannagar, Godal and Baroda. The railway and posts and telegraphs services of Junagadh are an integral part of the Indian system; the railway police, telegraphs and telephones are administered by the Dominion of India. The State has a
population of approximately 671,000, of whom about 543,000 or 81 per cent are non-Muslims.

Although, theoretically, the termination of Paramountcy left the Indian States free to accede to either of the Dominions, it has always been recognized that, in practice, this freedom would be exercised with due regard to the facts of geography. This was made clear by his Excellency the Governor-General of India at the Conference which he held with the representatives of the States on the 25th July and this has been the essence of the accession policy pursued by the Government of India.

A representative of Junagadh was present at this Conference and participated in its discussions. In his public statements, His Highness the Nawab has adhered to the principle of the solidarity of Kathiawar. Junagadh, however, never attempted to negotiate the terms of accession with the Dominion of India. On the other hand, without any warning, it was announced that the State had acceded to the Dominion of Pakistan and that this accession had been accepted. Prior to the announcement, there were indications that Junagadh intended to accede to Pakistan. The Government of India immediately represented to the Government of the Dominion of Pakistan that the matter should be decided according to the wishes of the people of the State. No reply was received either to this or to a subsequent communication. The Government of India, therefore, decided to depute Mr. V.P. Menon, Secretary Ministry of States, to Junagadh with a personal message to His Highness the Nawab. The Dawn conveyed to Mr. Menon His Highness’ inability to see him. He could only see the Dewan who made the suggestion that the matter should be discussed at a Conference with the representatives of the Dominions of India and Pakistan at which Junagadh should also be represented.

The suggestion for a conference has not been followed up, either by the Dominion of Pakistan or by the State of Junagadh. Meanwhile the Government of India have received representations from several acceding States and areas in Kathiawar that they apprehend danger to their security and that large numbers of Hindus are fleeing from the Junagadh State. In any case, it is clear that the accession of Junagadh to the Dominion of Pakistan must, in view of the geographical situation of the State and the interlacing of its communications with the surrounding States which have acceded to the Dominion of India, must be a source of constant friction between Junagadh and the surrounding States, between Junagadh and the Dominion of India and ultimately between the Dominions of India and Pakistan.

The Government of India are determined to find a solution of this problem. Their sole aim is to see tranquility maintained throughout Kathiawar. This can only be achieved if relations between all the States are harmonious and the
relationship of Junagadh to either of the two Dominions is left to be determined by a free expression of the will of the people of the State. To ascertain these wishes, the Government of India have suggested a referendum. They adhere to that suggestion. They are and will always be willing to find a solution of this complicated and delicate problem by friendly discussion with the Dominion of Pakistan and the State of Junagadh. They have an obligation to protect the interests of the States within and around Junagadh which have acceded to the Indian Dominion. This responsibility they will fully and faithfully discharge.

Ministry of States
New Delhi
September 25, 1947.

1954.  Letter from Samaldas Laxmidas Gandhi, President, Junagadh Provisional Government to the Ministry of States, Government of India.

September 26, 1947.

I have the honour to address this communication on behalf of the Provisional Government of the People of Junagadh.

The accompanying Proclamation establishing my Government states the reasons which have compelled the people of Junagadh to adopt this course.

The Provisional Government has been appointed by the people of Junagadh at a public meeting held in Bombay on the 25th instant. Under the auspices of Junagadh Prajamandal and attended by them in thousands.

All the six Minister of the Provisional Government are holding responsible positions in life, leaders of public opinion, four of them having large stakes in Junagadh state.

You are aware that more than a lac of people have already migrated from the Junagadh state. At the instance of the state authorities thousands of foreign Muslims are infiltrating the state territory and they as well as the local Muslims are being armed to terrorise the people.

I have no doubt that Dominion Government will agree with the people of Junagadh that they were fully justified in disowning allegiance to the Nawab of Junagadh and in proceeding to appoint their own Government.
I claim that the Provisional Government is the truly representative Government
of the People of Junagadh and my Government will be prepared at any time to
prove its representative character by a free vote of the people of Junagadh to
be taken under conditions which may be decided hereafter to insure a free
vote to determine the will of the people of Junagadh.

I therefore, beg to request the Government of India with all the emphasis at my
command to accept my Government as the truly representative Government
of the People of Junagadh and to issue an instrument of accession to them for
accession of the Junagadh State to the Government of India under the terms
of the Proclamation.

I also, have to request you to render us full assistance (1) to discharge our
responsibility to the people of Junagadh in saving them from the yoke of the
despotic Nawab, who has forfeited all claims to the allegiance of his subjects,
(2) to rehabilitate the people of Junagadh who have been compelled to migrate
(3) to establish complete law and order in the state.

I am deputing Mr. U.N. Dhebar and C.C. Shah to personally convey the loyalty
of my Government to the Dominion of India and to secure their recognition and
assistance on behalf of my Government and the People of Junagadh.

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**Declaration by the Subjects of Junagadh State - Formation of
Provisional Government.**

Whereas the Nawab of Junagadh has, against the declared wishes of an
overwhelming majority of his subjects and under the influence of the agents of
the Dominion of Pakistan, executed on 15th September 1947 an Instrument of
Accession whereby the state is declared to have acceded to the Dominion of
Pakistan;

And whereas the Dominions of Pakistan has accepted the said Instrument of
Accession in disregard of such declared wishes and in defiance of all natural
ties which bind the people of Junagadh (82% of whom are non-Muslims) to the
people of Kathiawar and to the Dominion of India and in breach of the
understanding on the basis of which certain parts of India were allowed to
seceded and form into a separate state of Pakistan; namely, that only contiguous
areas predominantly inhabited by Muslims were to be included into the dominion
of Pakistan, with the free and willing consent of the people inhabiting those
areas;

And whereas by his said act of executing the Instrument of Accession the
Nawab has purported to transfer the allegiance of the subjects of his State against their will to the Dominion of Pakistan so as to compel them to be nationals of Pakistan which is a state foreign to them and formed with the object of providing a national home for Muslims.

And whereas before and after the said purported Accession the authorities of the state under the guidance of the agents of Pakistan, and in the name of the Nawab armed a section of the Muslims of the state with a view to terrorise the subjects of the state and to preventing them from claiming self-determination and voicing their antagonism to the Accession with the result that more than a hundred thousands of the subjects have already left and many more are leaving the state every day and the state authorities are infiltrating the state territories with Muslim refugees of other areas.

We the subjects of Junagadh state hereby declare that by transferring the allegiance of his subjects against their will to Pakistan and preparing for a reign of terror to coerce them to acquiesce in such transfer, the Nawab has forfeited his claim to the allegiance of his subjects;

We hereby further declare that the Dominion of Pakistan in accepting the said Instrument of Accession of the Nawab has violated the principle of self-determination as also the aforestated understanding on which Pakistan was agreed to be formed and that therefore the said Instrument of Accession is null and void and not binding on the subjects of the state or the territories thereof;

We further declare in exercise of our inherent right of self-determination our decision to accede to the Dominion of India and to join the territories of Junagadh State with the contiguous territories of the Dominion of India;

We further declare our firm and solemn resolve to adopt all such means and to take all such steps as may be necessary or incidental to the State of Junagadh formally acceding to the Dominion of India and forming and remaining an integral part thereof.

In furtherance of our said solemn declaration and resolve we hereby appoint a Provision Government consisting of:

1. Samaldas Laxmidas Gandhi
2. Durlabhji Keshavji Khetani
3. Bhavanishanker A. Oza;
4. Suragbhai Kalubhai Varu, (President),
5. Manilal Sunderji Doshi,
6. Narendra Pragji Nathvani,

with all power, authority and jurisdiction heretofore vested in and exercised by the Nawab of Junagadh prior to 15th September, 1947, over and in relation
to the said State of Junagadh and all territories thereof and we hereby authorize our said Provisional Government to take immediate steps for implementing and carrying out our said declaration and resolve and to exercise all power, authority and jurisdiction hereby conferred upon them.

And we hereby solemnly pledge our allegiance to the said Provisional Government and through it to the Dominion of India and call upon all the subjects of Junagadh State wherever resident to carry out loyally the orders and directions of the said Provisional Government.

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1955. Demi Official letter from the Governor General of India Mountbatten of Burma to Deputy Prime Minister Sardar Vallabhbhai Patel.

New Delhi, September 27, 1947.

No. 20/11 27th September, 1947

I enclose a copy of a signed note from Lord Ismay referring to paragraph 10 of telegram No. 311* of the 25th September from the Governor-General Pakistan to the Governor-General India, in which an allegation was made on which I have already given you my opinion merely on my relative opinion of the characters of Mr. Jinnah and Lord Ismay.

With reference to Lord Ismay’s paragraph 2, I consider that this deliberate lie should be refuted, and I would be grateful if the draft of the refutation could be shown to him before it is dispatched.

I am sending a copy of this letter to the Prime Minister.

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Note of Lord Ismay to the Governor-General, dated 27th September 1947.

With reference to paragraph 10 of the attached telegram* I have already stated categorically that Mr. Liquate Ali Khan left Karachi for Lahore for conversations with the Prime Minister (Nehru) before I could have a word with him. Consequently the word ‘Junagadh’ never crossed my lips from the time I left Delhi to the time I returned. Therefore to say that “it was gathered from Lord Ismay that Minister concerned had refused to sign the telegram” is an

* Please see Document No.1952.
absolute lie, without any shadow of foundation whatsoever. Not only is it an absolute lie, but it seems a most mischievous attempt to cast aspersions on my bona fides.

2. Should it be thought necessary to refute this deliberate lie—because there can be no question whatsoever of any misunderstanding on this point—I would be most grateful if I might be shown the terms of the refutation before it is dispatched, since my personal honour is engaged.

1956. Demi Official letter from Governor General Mountbatten of Burma to Secretary, Ministry of States V.P. Menon.

New Delhi, September 28, 1947.

Herewith a copy of the letter I have written to the Prime Minister about Junagadh, since you were present when I drafted it, this is a copy for your personal information. I am so glad that you agree with what I have proposed. You will notice one slight difference and that is, that I have recommended the notification should be sent to other members of the Commonwealth (since Jinnah supported this course himself) and since no action is required by them and we shall not get any of the back-wash, we might otherwise get from Russia and the others at United Nations Organisation.

I am so glad that you opened your heart to me in saying that you would feel dishonoured if the States whose accession to us is undisputed were left unprotected, for I too would feel dishonoured. However I hope that my proposal will prove the right solution.

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Demi Official letter from Governor General Mountbatten of Burma to Prime Minister Pandit Jawahar Lal Nehru.

New Delhi, September 28, 1947.

I have been thinking over the question of Junagadh which you told me last night was going to be discussed at a special meeting of the Cabinet at 5.30 p.m. today, Sunday. You know the basic principle on which I am working, which can be quickly restated as follows.

“In the present inflamed condition of India and Pakistan any act taken by either dominion which would involve soldiers of the two dominions
shooting against each other, might well start a war which would be the end of India during our lifetime. Further, India's international position and prestige, demands that she should not commit an act that might be regarded as responsible for precipitating this war".

I have however a corollary to state, which I think I did not make clear last night. "If any part of Indian territory including of course Indian States who have acceded to the Dominion of India, and whose accession is not in dispute, consider their security threatened by a state which has acceded to Pakistan, then the honor of India demands that this state should be granted the protection to which their Instrument of Accession entitles them".

The difficulty in the case of Junagadh, is the fact that some of the small Indian states which have acceded to us, can only be reached by crossing Junagadh territory. Fortunately, some of Junagadh territory can only be reached by crossing Indian territory. I would consider it a perfectly proper proceeding if a military column were to proceed across Junagadh territory to provide a garrison for Indian territory which was inside Junagadh, provided that two conditions were fulfilled

(a) that the column moved under the White Flag of truce, carrying written instructions which could be shown to Junagadh officers that they were to proceed only to Indian territory, and on no account to violate Junagadh sovereignty. Further more, that the column received orders on no account to open fire, except in the final case of self-defence.

(b) that due notification was sent to the authorities, in this case the Government of Pakistan, and Junagadh, and I strongly recommend that a copy of this notification should be forwarded either through the various High Commissioners to the other Dominions of the Commonwealth, or if the cabinet prefer to United Nations Organisation. In the latter case, it is well to remember that there are countries like Russia who always seem to delay matters. In this connection, it should be remembered that there are a lot of Nations in United Nations Organisation who might wish to take this opportunity of fishing in troubled waters. On the other hand, I do feel that our position would be strengthened if some other authorities were also informed of this notification, and on the whole I personally think the other members of the Commonwealth would be best. I suggest that in this notification, a full admission should be made of the reciprocal rights of Junagadh (and Pakistan) forces to cross Indian territory if they wish to proceed to outlying Junagadh territory.

As regards the disputed state of Mangrol and Babriawad; I personally have no doubt that we are legally entitled to accept their accession to India, but it must be realised that this has been publicly disputed by Mr. Liaquat Ali Khan in his recent statement. I therefore suggest that we should notify Pakistan and
Junagadh that we are prepared to go to arbitration in the case of these two states, but that in the meanwhile, to ensure that their inhabitants are not improperly interfered with, they should withdraw all Junagadh and Pakistan forces forthwith.

Personally, I entirely agree with the continuation of the military plans and precautions which we have had under discussion. I also renew my recommendation that we should make every endeavour to set up an adequate Intelligence Organisation in that area forthwith, and that up to a dozen Intelligence Officers or agents should be sent to the area to make sure that we are furnished with reliable and up-to-date information.

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1957. Meeting of the Cabinet held on Sunday, the 28th September, 1947 at 5:30 p.m.

Case No. 296/51/47.

Junagadh Situation

Present
The Prime Minister.
The Deputy Prime Minister.
The Minister for Education.
The Minister for Transport and Railways.
The Minister for Defence.
The Minister for Communications.
The Minister for Health.
The Minister for W.M. & P.
The Minister for Relief & Rehabilitation.
The Minister without Portfolio.
The Secretary General, Ministry of E.A. & C.R.
The Secretary, Ministry of States.
The Principal Private Secretary to the Prime Minister.
The Secretary to the Cabinet.
The Deputy Secretary to the Cabinet.

The Secretary, States Ministry, read out the telegram [Document No.1952] dated 25th September of the Pakistan Government on Junagadh. This telegram
repeated the assertion that Junagadh had every right to join Pakistan regardless of its territorial location, alleged that Junagadh had only peaceful intentions and argued that India should stop what it called incitement to violence from States that had acceded to India. It contained a petty and indeed frivolous legalistic argument about the message carried by Lord Ismay, attributed to the latter a statement which had been refuted by him as a mischievous lie, and referred to conversation between the Pakistan High Commissioner and the States Minister, which had never in fact taken place.

The Secretary, States Ministry, read out a draft reply [Document No.1956] which refuted the two untrue statements on questions of fact and, regarding Junagadh, referred to the press statement [Document No.1953] issued by India, on the 26th September, which expressed fully India's views on the subject. The draft reply was approved in principle by the Cabinet after discussion, and it was agreed that the Prime Minister should send it after such drafting changes as he considered necessary.

The general situation in Junagadh was also discussed. The Cabinet agreed to consider it further at a subsequent meeting.

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1958. Telegram from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs.

No.8093 29th September, 1947

Your telegram No 311 dated the 25th September [Document No.1952] Message from Governor-General Pakistan to Governor-General India regarding Junagadh.

2. The Government of India take strong exception to the tone of the message. Discourtesy neither resolves differences between Governments nor is it compatible with established diplomatic usage.

3. The position of Indian Dominion in regard to accession of Junagadh is clearly set out in the Government of India’s press statement [Document No. ....] text of which was telegraphed to you on 25th September and they have nothing to add to it.

4. As regards your reference to Press Conference held by His Highness Maharaja of Nawanagar, it may be mentioned that he was only voicing the
sentiments of Rulers of Gujarat and Kathiawar. In a Conference held in Bombay on 26th September, these Rulers wholeheartedly endorsed the view expressed by his Highness the Jam Saheb in his Press Conference.

5. Government of India must point out that report of situation conveyed in paragraph 7 of your message is totally incorrect. They have made very careful enquiries into position in Junagadh, and have unimpeachable evidence that not only have a large number of non-Muslims left Junagadh on account of insecurity of conditions there but also that there has not been single instance where a Muslim from adjoining States had to leave to Junagadh for reasons of safety.

6. With reference to paragraph 10 of your telegram, I am to point out that the States Ministry had, on the 6th September, enquired from your High Commission here whether any reply had been received to their letter of August 21st regarding Junagadh. The High Commissioner replied on the 12th September that he was still awaiting your instructions. The Pakistan High Commissioner then went to Karachi and only returned on the 26th September. Your High Commissioner never discussed and, indeed, owing to his absence could not have discussed this question with Sardar Patel.

7. As regards paragraph 11 of your telegram, the facts are these. Lord Ismay was going to Karachi. The message from the Prime Minister of India to the Prime Minister of Pakistan, which would otherwise have been telegraphed was given to him to ensure safe and speedy delivery. It needed neither number nor certificate. Had Lord Ismay been able to deliver it to the Prime Minister of Pakistan in person, he would have explained how he happened to be entrusted with it. Since Mr. Liaquat Ali Khan had left Karachi for Lahore before Lord Ismay could see him, message in question could not be delivered to the Prime Minister of Pakistan personally. Lord Ismay has seen Para 11. He totally denies having said that the “Minister concerned had refused to sign the telegram” and says that from the time he left New Delhi until his return to this city, the word ‘Junagadh’ did not cross his lips. The statement attributed to him is, therefore, devoid of foundation. The Government of India can only express their profound surprise and regret that the honour of a person of his integrity and long record of distinguished public service should have been impugned.

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1959. Letter from Governor General of India Mountbatten to Deputy Prime Minister and Home Minister Sardar Vallabhbhai Patel and his reply.

New Delhi, September 29, 1947.

Government House
New Delhi

29 September 1947.

My dear Deputy Prime Minister,

I noticed in the Press a day or two ago that Liaquat Ali Khan claimed that "Babariawad consists of a group of Jagirdars under the undisputed sovereignty of the Ruler of Junagadh" and that "Mangrol has voluntarily placed itself in the position of a vassal of Junagadh and has no separate entity as a State."

I know, of course, that we hold a very different view on both matters, and that as regards Mangrol, Sir Walter Monckton unequivocally upholds our view.

Nevertheless, I wonder if there is any method, such as reference to some impartial tribunal, which could settle this matter once and for all. The reason behind this suggestion is that I feel that if we are going to put troops into either of the disputed areas, we must be sure that in doing so we are acting with unchallengeable correctitude.

I will take this up later today if we can arrange a meeting.

Yours very sincerely

Mountbatten of Burma

Sardar Vallabhbhai Patel

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Reply of Deputy Prime Minister Sardar Vallabhbhai Patel to Governor General.

New Delhi 1 October 1947

My dear Lord Mountbatten,

Please refer to your Excellency's letter dated 29 September 1947 regarding Babariawad and Mangrol. Although Liaquat Ali Khan claims that "Mangrol has voluntarily placed itself in the position of a vassal of Junagadh and has
JUNAGARH

no separate entity as a State," the facts are quite the reverse. The Sheikh of Mangrol himself issued a Gazette Notification on 15 September stating unequivocally that he was independent of Junagadh and that his State was quite distinct and separate from Junagadh. He further went on to say that he would announce his policy regarding the accession shortly. He followed up this notification by sending his Legal Adviser to Delhi to negotiate accession to the Indian Dominion. On advice being telegraphed by him to the Sheikh Sahib at Mangrol the latter went to Rajkot, had further full discussion with Menon and eventually signed the Instrument of Accession. All this would not have happened if it was true that Mangrol had "voluntarily placed himself in the position of a vassal of Junagadh." We have accepted the accession of Mangrol and it is Junagadh and Pakistan who claim the Mangrol had no right to accede apart from Junagadh. Thus, if I may say so, the boot is on the other leg, and it is really for Pakistan to seek arbitration in support of its claim against Mangrol. I do not see how, after having accepted the accession of Mangrol, we can ourselves suggest arbitration, an implication of which would be that we have accepted accession without being quite sure as to the correct status of Mangrol. The same principle applies to Babariawad.

2. If, however, Pakistan wishes and suggests arbitration, we shall be prepared to consider the request, but I am quite clear in my mind that the approach for arbitration must in both cases be made by Pakistan and not by us.

Yours sincerely
Vallabhbhia Patel

H. E. the Governor-General
Government House,
New Delhi

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1960. Telegram from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs.

New Delhi, September 30, 1947.

No.14-B

Reference your Ministry of States communiqué [Document No.1953] on Junagadh. Pakistan Government regret to observe the position taken by India Government regarding the question of Junagadh's accession. India Government's conclusion that the only solution is to refer the question of Junagadh's accession to a plebiscite based on reasons with which we cannot agree. Junagadh Government was free to accede to Pakistan and has done so and it is not open to the India Government to dictate or interfere with Junagadh State in the matter of its accession. The immediate point at issue is that the apprehensions on both sides regarding the security of their respective frontiers should be removed. We have been and still are willing to negotiate and come to a satisfactory solution of this problem. Meanwhile it is understood that all supply and communication lines with Junagadh have been suspended at India Government's instance resulting in complete economic blockade of Junagadh. We must emphasise that negotiations however well meaning cannot be successful until economic and military threat to Junagadh is removed and peaceful atmosphere restored.

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1961. Telegram from Pakistan Ministry of Foreign Affairs to the Ministry of External Affairs.

Karachi, (not dated)

Dewan Junagadh reports that in spite of Junagadh's accession to Pakistan Indian Dominion continues to exercise jurisdiction over Railways within Junagadh State territory. This cannot now be considered valid and you are requested to arrange for immediate retrocession of jurisdiction to Junagadh. The matter may be treated as immediate and information of action taken given both to Junagadh State and to us.

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1962. Report by Secretary, Ministry of States, V. P. Menon on his visit to Junagadh.

September 1947.

I left Delhi by air on 18.9.1947 accompanied by His Highness the Maharaja Jam Saheb of Nawanagar and Mr. Buch and reached Rajkot the same evening. On arrival I sent an immediate telegram to His Highness the Nawab Saheb of Junagadh as follows.

"I have arrived today in Rajkot from Delhi with a most important message to deliver to your highness personally from Government of India and I as their representative desire to see your Highness tomorrow morning. I shall leave Rajkot at 8 O'clock tomorrow morning and would be in Junagadh at about 11 o'clock. Regards."

2. I had discussions on the situation first with Brigadier Smith and Colonel Houghton, officers in command of our battalion in Rajkot, and then with our Inspector-General of Police and the office in charge of the Central Armed Police Detachment at Rajkot. On the 19th I proceeded by car to Junagadh, accompanied by the Regional Commissioner, Mr. Buch, and the Deputy Regional Commissioner, Mr. Banesinhji. We were cordially received and the Inspector General of Police, Junagadh, Khan Bahadur Naqvi, met us outside Junagadh and escorted us to the Guest House. Sir Shah Nawaz Bhutto, the Dewan of Junagadh, came to see us at the Guest House. I told him that I had been sent by the Indian Dominion Cabinet to deliver an important message to His Highness personally. The Dewan said that His Highness had received my telegram but he had been in bed for the past ten days and was not fit enough to see anyone; and even the Dewan had been unable to meet him for four days. I again emphasised to the Dewan that the message was most important and meant to be delivered personally to the Nawab and that I would like to see His Highness for a few minutes even if he was indisposed. The Dewan said that His Highness' condition was such that it was absolutely impossible for him to see me. I may add that this did not come to me as a surprise as I had been warned at Rajkot that the Nawab would avoid meeting me.

3. I had a long talk with the Dewan. I pointed out to him the geographical position of Junagadh, the fact that the overwhelming majority of the population was non-Muslim and desirous of joining the Indian Union, the existence within Junagadh territory of pockets of States which had acceded to India and of Pockets of Junagadh territory in our areas. Junagadh State was so situated that by acceding to Pakistan a pocket of foreign territory was created right inside Kathiawar. This situation could not be tolerated and was not in the interest of the people as suggested by Junagadh State in the announcements made at
the time of accession. Junagadh had never made any attempt to negotiate with the Indian Dominion and till the very last day proclaimed their belief in the solidarity and integrity of Kathiawar.

4. The Dewan said that his Constitutional Adviser, who attended the Delhi conference on 25 July, advised the State that its interests lay in its acceding to Pakistan. Similar advice was given by Sir Muhammad Zafrullah Khan who was also consulted by the State. (I have no doubt myself that the deciding factor in Junagadh's accession to Pakistan was Sir Muhammad Zafrullah's advice). The Council of Ministers of the State which, according to the Dewan, consisted of members of all communities, came to the unanimous decision that the State should join Pakistan. It was apprehended that the Congress Government would soon find itself unable to resist the inroads of extreme Communist views, and Junagadh had not been treated properly lately. I pointed out that neither of these arguments could bear any scrutiny. If communism was to pervade the neighbouring territories, neither Junagadh nor even Pakistan could escape the influences permeating from these areas, particularly when Junagadh's situation was such that it was surrounded on all sides except on the sea front by States acceding to us. Apart from the fact that the fears entertained were themselves groundless, accession to one Dominion or another could not make any difference in this matter. Junagadh's representatives never discussed the matter at Delhi. In reply to the Dewan's argument that the Junagadh representative was not given a hearing at the Delhi conference, I pointed out to the Dewan that far from this being the case, the Junagadh representative asked a number of question at the conference of the 25th and that these questions were fully answered by His Excellency the Viceroy. I myself saw the Junagadh representative separately and had full and frank talks with him. I asked whether the Constitutional Adviser was present in Junagadh since I could then confront him with this. The Dewan said that he (Khan Bahadur Nabi Bux) was no longer in Junagadh service.

5. The Dewan complained about various orders passed stopping supply of commodities to the State. I pointed out that no action was taken at all till Junagadh informed the Government of India definitely that it had decided to accede to Pakistan.

6. During the course of the discussions Sir Shah Nawaz Bhutto regretted the decision that India was to be divided, but agreed that

(i) he had made a mistake in not making a further approach to the Government of India before finally making an announcement regarding accession;

(ii) there was now no doubt that the majority of the population of the State
was for joining the Indian Dominion although their opinion was greatly influenced by the passions raised and the virulent writings in the Gujarati Press;

(iii) the interests of Junagadh, the premier State in Kathiawar, were bound up with the rest of Kathiawar; and

(iv) personally he would favour the proposal that the issue should be decided by a referendum.

7. At the same time, the only two ways of dealing with the situation which had now been created were either the use of force or by proceeding in a constitutional manner. In his opinion only the second alternative was possible. The suggestion he had to make was that discussions should now be held between the two Dominion Governments at which he should also be invited. He would be quite prepared to tell this conference that his views were those summarized above. He suggested however that if his personal opinion was at all known outside, his position in Junagadh would become untenable and he might not be able to be of any help.

8. I asked him plainly whether if the Pakistan Government took up the stand that Junagadh must stick to its accession to Pakistan and that no referendum should be held, he would be prepared to hold a referendum despite Pakistan. Sir Shah Nawaz Bhutto's answer was that he knew that Jinnah was an obstinate man but he himself would in such circumstances be willing to hold a referendum, though he could not commit the Junagadh Government in this matter.

9. I pointed out to the Dewan with all the emphasis at my command the serious consequences likely to accrue from Junagadh's accession to Pakistan and the fact that the Indian Dominion cannot, after agreeing to the partition of the country, further allow pockets of foreign territory to be created within its own territory. I told him that I would make a report to the Cabinet on my return to Delhi.

10. We then left Junagadh and reached Rajkot in the afternoon. At Rajkot I had discussions with H.H. the Maharaja Jam Saheb who had come over from Jamnagar, Brigadier Smith, Col. Houghton and other officers at Rajkot, and a number of rulers and Talukdars of Kathi States and public men, including Mr. Dhebar and Mr. Rasiklal Parikh. At 8 p.m. I held a Press conference where I pointed out that I had gone to Junagadh to see the Nawab Sahib under instructions from the Cabinet, that I was unable to see H.H. on account of his indisposition but was cordially received and met by the Dewan with whom I had discussions. The Dominion Government was fully alive to the needs of the situation. On my raising the matter, the Junagadh Dewan had assured me that the Nawab was determined to protect and look after the interests of his Hindu
subjects who should not feel panicky. I would submit my report to the Cabinet, but I could give an assurance that the Government of India was fully determined and prepared to protect the States and areas which had decided to accede to it.

11. There is no doubt that there is considerable panic among non-Muslims in Junagadh and Hindus in large numbers are leaving the State. The Kathi States and areas round about and in the middle of Junagadh territory are feeling nervous and want arms as well as protection. The Jam Saheb had already sent some of his troops to Gondal and Jetpur States at their request.

12. Junagadh State has recently moved additional police and troops, rather less than 200 strong, to Babariawad, whose accession we have accepted recently. More men, nearly 200 again, are reported to be ready to go to their assistance from Una. We have nearly 150 men, of whom 120 belong to the Central Armed Police, and 30 to other police, at Dedan. They have not moved into Babariawad as they apprehend conflict and would like support from the military. I discussed the whole situation with our Army officers. Their view is that, instead of dispersing our forces in Babariawad, Blikha and other pockets in Junagadh, the better course would be to concentrate our troops at one place. If there was any resistance in Babariawad or elsewhere the battalion could proceed there. The battalion is not yet complete and some men and equipment, as well as transport, have yet to arrive. I thought it would be best if Brig. Smith and I flew over to Bombay with the Jam Sahib, in order to have an opportunity of discussing the whole situation with General Richardson.

13. On the 18th evening I also sent telegrams to the Khan Sahib of Manavadar and the Sheikh of Mangrol asking them to see me on the 19th at 5 p.m. The Dewan of Manavadar came as Khan Sahib was suffering from boils. I told him, however, that I wished to see the Khan Sahib himself. Accordingly the Khan Sahib came to see me the next morning in spite of his indisposition. I told him that the position of Manavadar was identical with that of many States which had acceded to the Dominion of India and asked him for a clarification of his attitude. He replied that he had already entered into a standstill agreement with Pakistan and had asked that Manavadar should accede to the Pakistan Dominion. I explained to him that from the point of view of the Indian government it was intolerable that pockets of foreign territory should be created in Indian soil. I found him puzzled and quite unable to argue his own case. Apparently I was later told that before he came to see me he had a telephonic talk with Karachi and had been advised to stand firm. I asked that his final decision one way or the other should be communicated to me the next morning. He promised to think about the whole question and come and see me again on the 20th at 11 o'clock. I have been informed that he tried to put a call through to Karachi.
immediately he left me, but that this call was stopped by the postal authorities. Eventually the Khan did not come to see me as promised.

14. Mr. Bapubhai Buch saw me on behalf of Mangrol. Junagadh considers that Mangrol is its vassal. The State consists of 42 villages, in 21 of which the Sheikh of Mangrol exercises full jurisdiction. In the other 21 the administrative arrangements are carried on jointly with Junagadh. This is an arrangement which had been recognized by the paramount power. On 15 August, however, Mangrol declared its independence and Junagadh issued a Press note in a Gazette Extraordinary on 18 September which reads as follows:

"The Sheikh Sahib of Mangrol, who has been a vassal of Junagadh for many generations, has intimated that he has declared independence. This declaration is entirely unconstitutional and illegal and has not been recognized by the Ruler of Junagadh who will take such steps as may be necessary to enforce his rights over his dependency. It is hoped that the Sheikh Sahib will realize the wrong step he has taken and will withdraw his decision to avoid any unfortunate or unpleasant consequences."

15. My interview with the Sheikh of Mangrol has an interesting history. On the day that I left for Rajkot the Sheikh had sent his constitutional adviser to Delhi to see the Prime Minister. When I told Mr. Bapubhai Buch that I wanted to see the Sheikh himself, he replied that the Sheikh is not allowed to travel by car through Junagadh territory and that although he was very anxious to meet me, his car would be stopped by the Junagadh authorities. I accordingly sent him a car with the Nawanagar name-plate. The Sheikh came to see me and showed me a telegram from his constitutional adviser from Delhi strongly advising him to accede to India. The only condition which he made was that we should recognize his independence of Junagadh. I assured him that this would be in accordance with the new constitutional set-up, since with the lapse of paramountcy and its obligations Junagadh could no longer enforce its sovereignty. He then dictated a letter and signed the Instrument of Accession and the Standstill Agreement. It appears that he has now made out that he put his signature without a full realization of the implications of accession. This is clearly absurd. I think what must have happened was that the Junagadh State officials intercepted him on his way back to Mangrol and forced him to write in this strain. But however this may be, we have taken action as soon as I arrived back in Delhi yesterday to announce Mangrol's accession to the Dominion of India and the Dominion Government's acceptance of this accession.

16. We left for Bombay with the Jam Saheb on the 19th. In Bombay a number of press representatives were waiting for us. I told them that from the point of view of Government I had nothing to add to what I had told pressmen in Rajkot.
but I asked the Jam Saheb to give them a talk explaining the point of view of the Kathiawar States. This was widely reported in the Bombay press.

17. We had a discussion with Gen. Richardson, General Officer Commanding, Southern Command. With his permission His Highness the Jam Saheb was also present at these discussions. Gen Richardson told us that he was not particularly strong in personnel and equipment but he did not see any difficulty from the military point of view in tackling the Junagadh problem provided there was no flare-up in Bombay and Ahmedabad. I promised to speak to the Home Minister, Bombay, about this. I impressed on Gen. Richardson the need for hundred per cent co-operation from everyone in pursuance of whatever decision Government may take.

18. After dinner we had discussions with several representatives both of the Congress and of the Indian States Peoples Organisation in Kathiawar. I may say that these persons represent practically the brains trust of the Kathiawar world. They were one and all emphatic that we have not done enough to secure a sense of safety in Babariawad and that the Junagadh issue was a most vital one on which if we gave in, the whole prestige of the Government would suffer badly. I explained generally how the matter stood. I also outlined to them the course of action which they would be well advised to take. They went away quite satisfied.

19. On the 20th morning I met Mr. Morarji Desai, Home Minister. He told me that he would be able to hold the position in Bombay and Ahmedabad provided the arms and ammunition which the Provincial Government have asked for were supplied immediately. I have since spoken about this to Home Minister and understand that this has been done. Mr. Desai also informed me that both the Bombay Govt. and the Bombay public were concerned that we should take a firm line in this matter. The position of the Bombay Government will also to a great extent depend on our attitude in the Junagadh affair. He asked me to mention this to the Cabinet with as much emphasis as I could.

20. Incidentally I may mention two points in relation to Kathiawar. In the first place a number of railway police personnel in Rajkot have been kept on even though they have opted for Pakistan. This has greatly affected our economic boycott of Junagadh since our control measures were being enforced with a great deal of laxity. Also several P&T officials who had opted for Pakistan continued to work in this area with the result that they tapped our telegraphic messages and passed them on to Junagadh State. I issued immediate instructions that everyone who had opted for Pakistan should be relieved of his duties at once and early arrangements should be made to send them to Karachi. This has been done. I may also mention that though the Deputy Inspector-General has 31 years of service he has not got sufficient initiative.
21. Again several States are sending sugar, petrol etc. into Junagadh thereby greatly diminishing the effect of our economic boycott. Mr. Buch, our Regional Commissioner, is fully aware of this position and will take strong measures to counter this. The whole of our economic measures will now require to be co-ordinated and a definite plan of action laid down. This would be looked into immediately. We have already issued instructions that aeroplanes should not stop at Junagadh and Sir Shah Nawaz Bhutto was complaining to me about this when I met him. I understand that Pakistan has supplied some amount of coal to Junagadh but that no soldier has yet been brought into Junagadh territory. The sloop Godavari is however standing by. Pakistan has informed Junagadh that all assistance will be rendered to the State if there is a conflict with the Indian Government.

22. To sum up, I think it will be correct to say that there is complete unanimity of opinion in Kathiawar that we should take adequate action to prevent Junagadh from becoming a part of Pakistan. The rulers of States, the organisations of the States subjects and the Congress are all agreed in this matter. Hindus in Junagadh are very apprehensive. Taking a general view it may even be that the whole of Kathiawar will disintegrate if we yield on this issue.

23. At the last meeting of the Cabinet it was decided that we should keep our troops in our own territory or in States which have acceded to the Dominion of India. Our business then would be to repel any offensive action that Junagadh might take against us. This decision requires, I think, to be reconsidered in the light of my visit to Junagadh. If our battalion is spread out in scattered areas, it is bound to weaken its striking power and this may prejudicially affect any military operations that we may have to carry out, should they be forced on us. The Junagadh military and police forces under the command of Mr. Harvey Jones are already right inside Babariawad and the latest information is that Mr. Harvey Jones is trying to persuade the Mulgirasias to change their accession from the Indian Dominion to Junagadh and Pakistan. In view of the fact that the Sheikh of Mangrol has since been influenced by the Junagadh authorities I have no doubt in my mind that the Junagadh forces will also enter and occupy Mangrol. Both these will be hostile acts. It is for the military authorities to consider the measures that are necessary to repel these attacks on our acceding States and to maintain our integrity. If I may make a suggestion, it is essential that military and naval action should be co-ordinated. It is absolutely necessary to have one more battalion sent to Rajkot at once. Secondly, two of our sloops should be kept in the territorial waters of Mangrol. It would certainly have a steadying effect on the Sheikh of Mangrol. The presence of one reconnaissance plane operated from Rajkot in that locality will also facilitate our action.

25. From the international point of view our case would have to be prepared
separately, but I have no doubt in my mind that our action would be fully justified because the offensive action is not taken by us but by Junagadh State. It is obviously essential that if any action is forced on us, we should take quick and effective measures. I would therefore suggest to H.M. that a cabinet meeting should be held at once to consider this matter and that the C-in-C should be invited to be present at this meeting.

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1963. Telegram from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs

Karachi, October 1, 1947.

No.156. 1

In view of Junagadh State’s accession to Pakistan Dominion with particular reference to communications it is proposed by the Post and Telegraph Branch of Pakistan Government to take over charge of Post and Telegraph in Junagadh. It is requested that immediate instructions may be sent to Superintendent Post and Telegraph at Rajkot to hand over charge of Junagadh system to an officer nominated by Director Post and Telegraph, Karachi, Sind and Baluchistan circle. Kindly confirm by return that instructions have accordingly been issued.

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1964. Telegram from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs.

New Delhi, October 2, 1947.

No.411. 2

2nd October, 1947

Your telegram No. 8093, dated September, 29th, 1947 [Document No.1958]

2. We regret to note that you have taken exception to the tone of our message and consider it discourteous. We have carefully examined the message and have failed to find in that communication anything to which you could justifiably take exception and we regret that you have not pointed out the
portions to which you object. In our opinion our message contained nothing but a free and frank statement of facts.

3. Paragraph 3 of your message. We have already replied to your message which you issued to Press regarding accession of Junagadh and have stated that we totally disagree with you.

4. Paragraph 4. Your statement that Jam Sahib was expressing sentiments of Rulers of Kathiawar in Press statement objected to by us in no way meets our point. Whether Jam Saheb was expressing his own views or was voicing sentiments of others the fact remains that it was a most objectionable statement and likely to lead to trouble; and since Nawanagar has acceded to India we expect India Dominion to see that such statements are not made.

5. Paragraph 5. We regret to have to say that your statement regarding position in Junagadh is wholly incorrect. In one of his letter the Dewan has stated as follows: “But strangely enough the mussulmans from neighbouring states entering Junagadh are not allowed to bring anything with them except their clothes and movements of moslem subjects of Junagadh in the neighbouring states are being watched and in Gondal some were actually killed”.

Part II :

Following are extracts from message in yesterday morning’s TELEPRINTER “the Provincial Government of Junagadh struck its first blow against Junagadh’s authority when members of Volunteer Corps accompanying Provisional Government took possession of Junagadh State House in centre of Rajkot this afternoon. Armed young men are now guarding entrances and exits to Junagadh House over which TRICOLOUR flag flies”. “A few hours after Junagadh house was taken over the Provisional Government renamed it as AZAD Junagadh House and announced that House would be their Headquarters”.

“When youthful volunteers of Provisional Government sealed walls of Junagadh House this afternoon they had in their possession a letter from the President of Provisional Government Mr. Samaldas Gandhi asking those in charge of House to surrender peacefully. There were, however, only some servants taking charge of house—some ten of them—who were taken into custody”.

“In the absence of Mr. Samaldas Gandhi who was held up in Jamnagar, Mr. Durlabhji Khetani Vice-President of Provisional Government unfurled the flag. Following him other ministers of Provisional Government — BHAWANI SHANKOZA, NATWANI and S.K. VARU —BALWANT RAJ MEHTA, Vice-President of All India States Peoples Conference and Mr. JETHALAL Joshi President of Rajkot Praja Mandal told the gathering that the people of Kathiawar who had always been at the helm of struggles for freedom must not now lag behind in this struggle”.
Part III :-

This attempt to set a parallel Government for Junagadh in your territory cannot but be described as an unfriendly act towards Pakistan. It is regrettable that SUBVERSIVE activities against Junagadh state are not only being carried out but actually encouraged by certain authorities. Crimes against person and property of Junagadh state subjects are being committed in adjoining areas of Indian Dominion. To permit your subjects or subjects of any state which has acceded to Indian Dominion to carry on these subversive activities constitutes a breach of constitutional and international obligations imposed on India Government. We may also point out that some of actions of India Government to HARASS the Junagadh state have emboldened such people e.g. in clear violation of Standstill Agreement with Pakistan. India Government has stopped all communication, mail, telegraphic and telephonic between Junagadh state and outside world and an attempt is being made to starve state into submission. We trust that with a view to avoiding further deterioration in situation India Government would take immediate action not only to restore Junagadh property which has been usurped at Rajkot but would also lift boycott of Junagadh territory.

6. There seems to be some misunderstanding. Mr. V.P. Menon Secretary States Department of India Government wrote a Demi Official letter to our High Commissioner on August, 21st, 1947.

Part IV :-

On same date our High Commissioner met Sardar Patel and held discussions with him about Junagadh. Our High Commissioner explained that the decision of Pakistan Government with regard to the legal and constitutional position regarding accession of states to either dominion was as laid down in August 11th public statements. He subsequently informed us of this. As position explained by High Commissioner to Sadder Patel was in accordance with the declared policy of Pakistan Government it was not considered necessary to send further confirmation. At that time Junagadh had not acceded to Pakistan. A number of States including Junagadh were negotiating with Pakistan. They were told of constitutional position and no attempt was made by us to persuade them to join one or other Dominion. Besides it would be improper to negotiate with Indian Dominion question of accession of Junagadh without Junagadh being a party to it. The moment Junagadh, freely and of its own accord, decided to join Pakistan Dominion official communications to that effect were sent by us to your Government but not until then.

7. It was never intended to impugn honour and integrity of Lord Ismay who is held in high esteem by everyone. In fact we were making use of his authority
to explain what actually had happened. The fact that message that he brought was un-numbered and unattested was noticed and he was naturally questioned about it. In reply he said that minister who had handed it over to him did not sign it. We merely conveyed these facts to you and do not see any grounds for accusing us for impugning honour and integrity of Lord Ismay.

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1965. Telegram from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs

New Delhi, October 2, 1947.
No. 223/Primin 72

From Prime Minister, India for Prime Minister, Pakistan.

In conversation yesterday regarding Junagadh and connected matter I informed you that it was our intention to issue a communiqué to the public and that we were anxious to find a peaceful and amicable solution of this problem. I pointed out that the presence of Junagadh forces in Babriawad was an act of aggression and a constant irritant to the people of the neighbouring states which have acceded to the Dominion of India. It appears that Junagadh troops have also gone to Mangrol and thus a further act of aggression has been committed. It is difficult for any conversations to be carried on in a peaceful atmosphere if armed forces occupy disputed territories. I have urged upon you, therefore, to have the Junagadh forces both in Babariwad and Mangrol withdrawn immediately. I trust that steps will be taken to this end without delay. This will relieve the present tension and enable us to proceed towards finding an amicable solution in consonance with the wishes of the people of the territories affected. As I have already informed you, a detachment of troops is being sent by us to Porbandar in response to the requests made by our acceding states in Kathiawar for protection. Certain state forces in Kathiawar will also guard frontiers. They have instructions not to enter the territory of Junagadh.

I shall be grateful for an early reply. I shall await your reply before issuing a press communiqué.

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New Delhi, October 3, 1947

Junagadh

Mr. Nehru said that although Junagadh was legally entitled to accede to Pakistan, the Government of India was not prepared to accept accession owing to the geographical complications caused by the fact that the other Kathiawar States and Junagadh were inextricably interlaced. Thus there were Junagadh islands in Indian territory and Indian islands in Junagadh territory. In addition there was the complication of Mongrol and Babariawad, both of whom the Nawab of Junagadh claimed to be his feudatories. The Government of India, after consulting legal opinion, did not accept this claim. Junagadh had put troops into both these States, and the other Kathiawar States had thereupon demanded the protection to which they were entitled from the Government of India.

He (Mr. Nehru) had had a long talk with Mr. Liaquat Ali Khan about this. They had both expressed their determination to settle the matter amicably. Mr. Nehru had suggested that the Junagadh troops should forthwith evacuate Mongrol and Babariawad, and Mr. Liaquat Ali Khan had said that he would consider doing so. Mr. Nehru added that the Government of India proposed to send troops to Porbandar to assure the neighbouring States of their safety. It had originally been their intention to announce the dispatch of these troops to Pakistan and to the world at large, but on further consideration he (Mr. Nehru) had decided that, as a first step, he would send a telegram to Mr. Liaquat Ali Khan reminding him of their conversation and asking him to expedite the withdrawal of Junagadh troops from Mongrol and Babariawad.
1967. Second Meeting of the Defence Committee held at 11 a.m. on Saturday, the 4th October, 1947.

Present
His Excellency the Governor-General.
The Prime Minister.
The Deputy Prime Minister.
The Minister for Defence.
The Minister of Finance.
The Minister without Portfolio.
The Commander-in-Chief, Indian Army.
The Flag Officer Commanding, Royal Indian Navy.
The Air Marshal Commanding, Royal Indian Air Force.
The Principal Private Secretary to the Prime Minister.
The Secretary, Ministry of States.
The Cabinet Secretary.
The Joint Secretary, Cabinet.
The Conference Secretary to the Governor-General.
*The Commander-designate, Kathiawar Defence Force.

(*Present for Item 1 only.)
The items discussed were:-

1. Junagadh.

2. British Officers.

Item 1. – Junagadh

The paper* before the meeting, which had been prepared by the Chiefs of Staff in accordance with a decision** reached at a previous meeting, contained:-

(a) An Appreciation of the situation involving the dispatch of forces to Kathiawar for the purpose laid down by the Cabinet.

(b) A Directive to Brigadier Gurdial Singh, Indian Army, who had been selected to Command the Kathiawar Defence Force.

* C.O.S. 1/47
** Item 2. (1st) Meeting of the (Provisional) Defence Committee, held on Tuesday, the 30th September, 1947.
(c) A draft press communiqué to be issued to the Press on the 4th October, 1947.

All the members of the Committee remarked on the excellent standard of preparation and presentation of this paper.

Minor amendments to the Communiqué were suggested and agreed. It was decided that this should be issued that evening.

It was agreed to make the following amendment to the Appreciation:

(i) The words “from Junagadh State” should be deleted from Paragraph 1 (a).

(ii) Appendix B should be amended to show that Sardargadh and Bantwa were among those States which had acceded and were friendly; and by adding reference to the disputed states of Mangrol and Babariawad.

The Contiguity of Porbandar and Mangrol.

The Chiefs of Staff stated that they had been informed by the ex-Dewan of Mangrol, who was now State Adviser, that Mangrol was not contiguous to Porbandar; the two states were six miles apart via the coast road. On the other hand Mr. V.P. Menon said that the Ministry of States had received a telegram from the Maharaja of Porbandar to the effect the two states were contiguous. The importance of discovering which of these two views were correct was emphasized; the Officer Commanding the Porbandar detachment should be asked to find out and report.

The Prime Minister’s conversation with the Prime Minister of Pakistan.

The Prime Minister recalled that it had been intended that the Government of India should issue a further statement on the Junagadh position four or five days previously. However, the matter had been discussed between himself and Mr. Liaquat Ali Khan on 1st October and the draft statement, together with a telegram which it had been intended to send to the Government of Pakistan, were now somewhat out of date. He had suggested to Mr. Liaquat Ali Khan at this meeting that the disputed territories of Mangrol and Babariawad should be free from aggression from either side. On the same day, however, news had been received that Junagadh forces had entered Magrol. Mr. Liaquat Ali Khan had promised to look into this.

The Governor-General said that he had thought that Mr. Liaquat Ali Khan, in the course of his conversations with the Prime Minister, had appeared visibly shaken when told that Sir Walter Monckton, who had been Constitutional Adviser
to Mangrol for some years, had given his view that the State was free to accede to India. Mr. Liaquat Ali Khan had said that he would have to consider the legal position afresh. The Prime Minister had suggested the possibility of a plebiscite in Junagadh to Mr. Liaquat Ali Khan; and the latter had given the impression that he would not be altogether averse to one taking place so long as this was made a generally accepted principle.

The Governor-General also confirmed that Mr. Liaquat Ali Khan had, during the course of these conversations, declared that it was not the intention of Pakistan to send troops to Junagadh.

**Telegrams between the Governments of India and Pakistan.**

The Prime Minister stated that he had, the day after seeing Mr. Liaquat Ali Khan, sent him the following telegram:

> "In conversation yesterday regarding Junagadh and connected matters I informed you that it was our intention to issue a communiqué to the public and that we were anxious to find a peaceful and amicable solution of this problem. I pointed out that the presence of Junagadh forces in Babariawad was an act of aggression and a constant irritant to the people of the neighbouring states which have acceded to the Dominion of India. It appears that Junagadh troops have also gone to Mangrol and thus a further act of aggression has been committed. It is difficult for any conversation to be carried on in a peaceful atmosphere if armed forces occupy disputed territories. I have urged upon you, therefore, to have the Junagadh forces both in Babariawad and Mangrol withdrawn immediately. I trust that steps will be taken to this end without delay. This will relieve the present tension and enable us to proceed towards finding an amicable solution in consonance with the wishes of the people of the territories affected. As I have already informed you, a detachment of troops is being sent by us to Porbandar in response to the requests made by our acceding States in Kathiawar for protection. Certain state forces in Kathiawar will also guard frontiers. They have instructions not to enter the territory of Junagadh. I shall be grateful for an early reply. I shall await your reply before issuing a press communiqué".

The Prime Minister went on to say that he had just received a further telegram from the Government of Pakistan, which was not in reply to the one above but which dealt with a previous one sent by the Government of India. This reply from Pakistan reiterated the opinion that the speech made by the Jam Sahib of Nawanagar was objectionable; alleged that Muslims entering Junagadh were not allowed to take in their belongings with them; described as an unfriendly act the setting up of a Provisional Government at Rajkot; regretted what were
described as "certain subversive activities"; referred to an alleged stoppage of telegraphic and telephonic communications from Junagadh; asked that any boycotts in force should be lifted and that the property of Junagadh in Rajkot should be restored; referred to a letter which Mr. V.P. Menon was alleged to have sent to the Pakistan High Commissioner on 21\textsuperscript{st} August, and a supposed interview between the Deputy Prime Minister and the Pakistan High Commissioner that day; and finished up by saying that it had never been intended to impugn the honour and integrity of Lord Ismay.

The Governor General said that he understood that Lord Ismay, who had spent the previous night in Karachi, had intended to take up this latter point himself. He pointed out that this latest telegram from Pakistan was not based on the conversations which the Prime Minister had had with Mr. Liaquat Ali Khan, who had probably not been consulted in the drafting of it.

Two further telegrams from the Pakistan Government were then considered. One asked that there should be immediate retrocession by the Government of India of their jurisdiction over the railways in Junagadh State territory. The other asked that the Posts and Telegraphs of the State should be handed over immediately to the Pakistan government.

The Governor General pointed out that under clause 7 of the Indian Independence Act, either the Ruler of Junagadh or the Government of India had the right to denounce the Standstill Agreements over communications which had been made. The Minister without portfolio said that the sense of the provision to sub-clause (b) of this Clause was that agreements in force before 15\textsuperscript{th} August should be given effect to the maximum extent possible until they were denounced by the Ruler of the State or by the Dominion concerned. He pointed out that, if it was agreed to hand over the Posts and Telegraphs to Pakistan, this would be tantamount to recognition of the accession of Junagadh to Pakistan by India.

The Prime Minister said that the Government did not admit Junagadh's right to accede to Pakistan, and could not therefore agree to handing over the Posts and Telegraphs to Pakistan. He mentioned that there was also a Meteorological Station in Junagadh from which the Government of India personnel had been withdrawn and which had been handed over to Junagadh by error.

During further discussion of the replies to be sent to the various telegrams from the Government of Pakistan, the following points were made :-

(a) The Government of India was not interfering with the Provisional Government; the Government of Pakistan should not interfere either; the issue should be left to the people of Junagadh to decide;
The Government of India should again insist on the withdrawal of Junagadh forces from Babariawad and Mangrol; if this demand was finally refused, it would have to be decided what action India was to take.

Mr. Menon undertook to draft, for dispatch by the Ministry of External Affairs and Commonwealth Relations, a reply to the three telegrams from Pakistan under discussion.

**The Grounds for Challenging the Accession of Junagadh to Pakistan**

The Prime Minister reiterated that the Government of India’s policy was not to recognize the accession of Junagadh to Pakistan. The main ground on which this policy was based was that accession had not been in accordance with the will of the people.

The Minister without portfolio said that he did not consider that the language used in the Indian Independence Act necessarily admitted even the legal right of Junagadh to accede to Pakistan. At any rate it was possible to argue that it did not. It was to be noted that the word “States” rather than “Rulers of State” was used in the relevant part [Clause 2 (4)] of the Act.

The Deputy Prime Minister said that he agreed that the main ground for challenging Junagadh’s accession to Pakistan was that it was in violation of the will of the people. But there were other strong factors – for example, the geographical situation of the State and the fact that it was interlaced with territory belonging to India and to States which had acceded to India. Furthermore, the accession did not fit into the general principle on which the division of India had been effected. The relevant clause of the Indian Independence Act should be interpreted in the light of that background.

The Governor-General suggested that the grounds for challenging the accession of Junagadh to Pakistan should be made the subject of a note by Constitutional lawyers.

**Referendum in Junagadh**

The Prime Minister stated that the Government of India held the view that the correct solution for Junagadh was to find out the desire of the people of that state by a free expression of their will.

The Deputy Prime Minister pointed out that the Provisional Government had declared their willingness to abide by the result of a referendum in Junagadh. He also recalled that the Dewan of Junagadh had given his personal opinion in favour of a referendum in the presence of Mr. V.P. Menon and two other witnesses. But the present Government of Junagadh had never claimed that it represented the will of the people.
The Prime Minister pointed out that a referendum could only be held under the authority which was in control of Junagadh.

**The Legal Position of Babriawad and Mangrol**

Mr. Menon gave his view that the accession of both Babariawad and Mangrol to India were founded on a strong legal case. In the case of the former, the lapse of Paramountcy had had involved the lapse of the whole of the treaty which had been in force between Junagadh and Babariawad; and the position had reverted to what it had been in 1863.

The Governor General recalled that Pakistan still challenged the legal basis for those accessions; he asked whether the question could be referred to any court for decision.

The Deputy Prime Minister gave his view that, if the Government of India supported Babariawad and Mangrol militarily, the question of Junagadh itself would speedily be settled.

**Military Action to be Taken in Certain Contingencies**

(a) The Minister without Portfolio suggested that the possibility of interference by Pakistan, in the event of the Provisional Government obtaining control of parts of Junagadh territory, must be reckoned with. The acceptance by Pakistan of Junagadh’s accession implied that Pakistan had undertaken responsibility for the defence of the State.

During discussion, it was considered unlikely that there would be any interference by Pakistan so long as only the nine pockets of Junagadh territory surrounded by other territory were concerned; and that some time would elapse before the Provisional Government might start to move into the main Junagadh territory itself. No decision on the action to be taken if Pakistan interfered in the latter circumstances could be taken at the present stage.

(b) The Committee considered that, if Junagadh forces were sent to the “outlying” pockets of Junagadh territory, it would be best not to stop them but to let them go through, and isolate them in these pockets. The Commander of the Kathiawar Defence Force should then refer to the Chiefs of Staff for further orders.

(c) Mr. Menon asked what action it was considered should be taken if Junagadh troops forcibly occupied Post Offices, etc. The Governor General suggested that any attempt at such action should result in communications being immediately cut off.

(d) The Governor General proposed, and it was agreed, that the Chiefs of Staff should direct the Commander of the Kathiawar Defence Force to
formulate a plan to occupy Babariawad and Mangrol with the object of avoiding an exchange of shots, as far as possible.

(e) The Committee considered that it was highly improbable that the Company Group being sent to Jafarabad would be attacked by Junagadh forces. It was pointed out that Jafarabad was a dependency of a State which had acceded to India. If Junagadh were to attack it, there would be every justification for taking full measures.

The Main Kathiawar Defence Force

The Commander-In-Chief, Indian Army, reported that the Brigade Group was likely to be in position within 10-14 days.

It was agreed that the Chiefs of Staff should draft a further press communiqué concerning the command and concentration of this force.

The Committee :-

(i) approved C.O.S. 1/47, as amended in discussion;

(ii) directed the Chiefs of Staff to amend the draft communiqué attached to C.O.S. 1/47 according to the decisions taken in discussion, and to forward it to the Minister for Defence for issue that evening:

(iii) directed the Chiefs of Staff to instruct the Commander of the Porbandar detachment to find out whether Porbandar was contiguous to Mangrol; and to report at the next meeting;

(iv) directed the Secretary, Ministry of States, to prepare, for the Prime Minister’s approval, a draft reply to the three telegrams from the Government of Pakistan which were considered at the meeting;

(v) directed the Ministry of States to arrange for the preparation by Constitutional lawyers of a note setting out in detail the grounds on which the accession of Junagadh to Pakistan was challenged by India;

(vi) directed the Chiefs of Staff to instruct the Commander, Kathiawar Defence Force, to prepare a plan for the occupation of Babariawad and Mangrol, in case this was ordered, with the object of reducing to a minimum any exchange of shots with Junagadh forces in these territories;

(vii) directed the Chiefs of Staff to prepare, for consideration by the Minister of Defence and the Prime Minister, a further communiqué for issue to the press concerning the command and concentration of the Kathiawar Defence Force.
1968. Telegram from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs.


No. PRIMIN. 90. 5th October, 1947

From Prime Minister, India, for Prime Minister, Pakistan.

Reference correspondence resting with your telegram No.411 dated 2nd Oct. [Document No.1964] Junagadh. We regret that we cannot accept either your arguments or your conclusions regarding accession of Junagadh to Pakistan.

2. You have suggested that, since Nawanagar has acceded to India, Indian dominion should control the utterances of the Ruler of the State. The Junagadh issue has aroused wide public interest and we do not see why the Ruler of a State directly interested in the future of Junagadh should, merely by reason of his accession to Indian Dominion, be restricted from giving free expression to his views.

3. As regards Provisional Government of Junagadh, we wholly deny suggestion that it has been set up or encouraged by Government of India or any authority subordinate to them. This Provisional Government appears to be the spontaneous expression of popular resentment against Junagadh accession, and the proper way to deal with it is to have a referendum as we have repeatedly suggested.

4. Factual position as explained in paragraph 6 of your telegram of 2nd October does not appear to us to answer in any way to point made in paragraph 6 of our telegram No. 8093 dated 29th September [Document No.1958]. We are glad to note that Pakistan Government never intended to impugn honour and integrity of Lord Ismay. The facts set out in paragraph 7 of our telegram of 29th September appear to us to have fully justified our protest.

5. We shall now deal with the main issue. In your telegram No. 14-B dated 30th September [Documents No.1960], Pakistan Government state that they have been and still are willing to enter into negotiations for a satisfactory solution of the problem of Junagadh. We regret to say that the requests of the Pakistan Government which we specify later and the entry of Junagadh troops into Mongrol are not in harmony with desire for friendly negotiation. Entry of Junagadh forces into Mangrol constitutes a unilateral act of aggression. The requests of Pakistan Government that we should arrange immediately for retrocession of jurisdiction over railways within Junagadh State to authorities of the State and for immediate issue of instructions to hand over Junagadh posts and telegraphs system to Pakistan authorities prejudge the whole issue
of the validity of accession of Jundagadh to Pakistan. As we have repeatedly stated, we do not recognize this accession. We cannot, therefore, but protest against the entry of Jundagadh forces into Mangrol and decline either to retrocede jurisdiction over railway to Jundagadh or to hand over our posts and telegraph system to Pakistan authorities. The only basis on which friendly negotiations can start and be fruitful is reversion of Jundagadh, Babariawad and Mongrol to the status quo preceding the accession of Junagadh to Pakistan. The alternative to negotiation is a referendum or plebiscite by the people of Junagadh. This method was accepted to determine the fate of parts of British India; there is no reason why it should not be applied to settle the future of Junagadh.

6. In our telegram No. PRIMIN 72 dated 2\textsuperscript{nd} October [Document No.\ldots\ldots\ldots], we have asked that the forces which had occupied Mangrol and Babariawad should be withdrawn immediately. We have received no reply to that telegram. The situation is fraught with dangerous possibilities and we must once again press for the withdrawal of those forces. In the meanwhile, we consider it necessary to make without any further delay a public statement explaining the position and a press communiqué [Document No.1970] will be issued tomorrow. In this communiqué we are reiterating our desire for an amicable settlement of this issue in accordance with the wishes of the people who should be the final arbiters in the matter.

1969. Telegram from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs

New Delhi, October 5, 1947.

No. 442. 5\textsuperscript{th} October, 1947.

Please give following message from Liaquat Ali Khan to Pandit Jawaharlal Nehru.

Begins.

Reference our discussion in Delhi on October 1\textsuperscript{st}, 1947 regarding Junagadh. We are prepared to ask Junagadh to withdraw troops from BABARIAWAD and not to send any troops to MANGROL on assurance that first India or any State that has acceded to Union of India will not send troops into Junagadh, Mangrol and Babariawad similar Talukas such as SARDARGARDH and BANTVA and where such troops have been sent they will be withdrawn.
simultaneously with withdrawal of Junagadh forces and secondly that question whether Babariawad and Mangrol are free to accede either dominion notwithstanding Junagadh's claim to suzerainty over them would be referred for independent legal opinion to a counsel whose name may be agreed upon between two Dominions. If this is acceptable to you we shall issue instructions to Junagadh immediately on receipt of your confirmation. This would I hope pave the way for a satisfactory and amicable settlement of various outstanding questions relating to discussion, conditions and circumstances in which Plebiscite should be taken by any State or States at our next meeting.

Ends.

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New Delhi, October 5, 1947.

The effect of the accession of the Junagadh State to Pakistan and the policy of the Government of India to deal with the situation thus created were set out in a press communiqué dated the 25th September 1947 [Doc. No.1953]. The Government of India remain of the opinion that, in the circumstances in which it was made, they cannot accept the accession of Junagadh to Pakistan. They disagree entirely with the claims and contentions of Pakistan in regard to Babariawad and Mangrol. They consider that the stationing of Junagadh Forces in Babariawad and Mongrol, both of which have acceded to the Indian Dominion, is an unjustified and provocative act of aggression, and must ask that these forces be withdrawn.

2. The Government of India and the Government of Pakistan have declared their determination in the joint statement issued on the 20th September 1947 to rule out war, and the government of India, true to this declaration, have no desire to take any steps which might aggravate an already difficult situation. It is their wish to find a solution to this problem by friendly discussion with the Dominion of Pakistan and the State of Junagadh. That solution must necessarily be one which enables the Government of India to discharge their responsibilities to the States acceding to the Indian Dominion.

3. The Government of India have an obligation to protect the interests of those states which have acceded to the Indian Dominion and this responsibility they shall fully and faithfully discharge. In view of the policy adopted by the Junagadh
State and in particular the acts of aggression in relation to Babariawad and Mangrol, a number of States in Kathiawar which have acceded to the Indian Dominion have specifically asked for help and protection from the Dominion of India. In response to these requests the Government of India have decided to send a detachment of troops to Kathiawar. These troops will proceed immediately to Porbandar. Other armed forces belonging to the States acceding to the Dominion of India will also be employed for guarding the frontiers between Junagadh and other States. The purpose of this dispatch and allocation of Dominion troops is to reassure the people of the States which have acceded to the Dominion of India and to convince them that the Government of India will do all that lies in their power to protect their legitimate interests. The Government of India are most anxious that all possibility of conflict between their forces and the forces of the States cooperating with them on the one hand, and the forces of Junagadh on the other, should be avoided. It is, therefore, necessary that Junagadh forces should at once be withdrawn from Babariawad and Mangrol. It is also necessary that these forces should make no attempt to reach islands of Junagadh territory by passing through the territories of states which have acceded to the Indian Dominion. As a reciprocal measure of precaution the forces of the Dominion of India and the acceding States have been instructed not to enter to territory of Junagadh, or to seek passage through Junagadh territory, even to reach those States within Junagadh which have acceded to the Indian Dominion. Instructions have also been issued not to enter, for the present, Mangrol or Babariawad territories, although the Government of India hold that these territories belong to the Indian Dominion and have to be protected.

4. The Government of India wish to reaffirm that all they seek is an amicable settlement of the Junagadh issue and of the connected issues of Babariawad and Mangrol. Any decision involving the fate of large numbers or people must necessarily depend on the wishes of these people. This is the policy which the Government of India accept in its entirety and they are of the opinion that dispute involving the fate of any territory should be decided by a referendum or plebiscite of the people concerned. This is a method at once democratic, peaceful and just. They suggest, therefore, that the issues regarding Junagadh should be decided by a referendum or plebiscite of the people of the State. Such a referendum or plebiscite should be held under impartial auspices, to be determined by the parties concerned. The Government of India, therefore, invite the Pakistan Government to comply with their suggestion and the deadlock that has arisen in regard to Junagadh should be resolved by a plebiscite or referendum of the people of the state.

Ministry of States
New Delhi, 5th October 1947.

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1971. Demi Official letter from Regional Commissioner Rajkot
N.M. Buch to Secretary, Ministry of States V.P. Menon.

Rajkot, October 7, 1947.

No. RC–76
7th October, 1947.

I enclose the usual police report which is fairly colourless (not included here).

2. There have been a number of feelers from Junagadh in the last two or
three days. The Maharaja of Porbandar has already seen Additional Secretary
at Bombay. A message was sent to Mr. Samaldas Gandhi of the Junagadh
Provisional Government at Rajkot by the Dewan of Junagadh asking him to
come over to Junagadh to see him and promising full protection and courtesies.
Mr. Samaldas Gandhi has sent a message that he would be prepared to see
the Dewan either at Rajkot or Jetalsar or some other place outside Junagadh.
The Maharaja of Morvi has also sent a personal letter to the Nawab of Junagadh
asking him to reconsider. It seems that there is a great deal of nervousness in
Junagadh itself but the Jamiat people who now-a-days wield a lot of power are
trying to keep up the show. The formation of the Provisional Government
followed by the management placed on Bantwa and Sardargadh and the news
of the landing at Porbandar have all contributed to a return of confidence
amongst Hindus and a certain amount of nervousness amongst Muslims. The
latest communiqué from Delhi is also considered reassuring by the public.

3. Certain Rulers viewed the formation of the Provisional Government and the
Jam Saheb’s extremist pronouncements with misgivings. The Kathiawar
Political Conference however in its resolution two days ago and the local leaders
have assured the Princes that the formation of Provisional Government for
Junagadh was under quite exceptional circumstances and other Rulers need
have no fears.

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From Jawaharlal Nehru to Liaquat Ali Khan.

Many thanks for your message of October 5th. You will have seen from Press Communiqué issued by us on October 5th that clear instructions have been issued to forces of India and our acceding States not to enter Junagadh territory or to seek passage through Junagadh territory even to reach States within Junagadh which have acceded to the Dominion of India or to enter Babariawad or Mangrol. We hope you will now ask Junagadh to withdraw at once its forces from Babariawad and Mangrol which have acceded to Indian Dominion.

2. You have put forward a suggestion for resolving position of Mangrol and Babariawad whose right to accede independently is questioned by you, but you have not touched the main issue of Junagadh itself. In our opinion it is essential to reach a settlement on this fundamental issue first. We are glad that you are agreeable to our discussing conditions and circumstances under which a plebiscite or a referendum should be held to ascertain the wishes of the people. Once this is settled in Junagadh it would be comparatively an easy matter to dispose of the subsidiary issues of Mangrol and Babariawad.

3. The case of Sardargarh and Bantwa to which a reference has been made in your message is quite separate from that of Junagadh. These two estates previously came under the Attachment Scheme of 1943. The Attachment Scheme came to an end with the lapse of Paramountcy on August 15, 1947. In deference to the generally expressed desire of the Talukdars and the people of these attached States including Sardargarh and Bantwa, the Scheme of Attachment was replaced by a system of direct relationship with the Government of India. This decision was announced in the Government of India’s communiqué of August 13, 1947.
1973. Press Note issued by the Pakistan Ministry of Foreign Affairs on Junagadh.

Karachi, October 8, 1947.

The Government of Pakistan have carefully studied the two press notes recently issued by the Government of India on Junagadh States accession to Pakistan and regret to note that the case has been misunderstood both as to the legal position and facts. As the public in Pakistan have lately shown a great deal of interest in this matter it is desired to relate correct factual position. The authentic constitutional pronouncement on the position of Indian States after the lapse of British Paramountcy is contained in the Cabinet Mission Memorandum on States, Treaties and Paramountcy dated May 12, 1946. According to this document on the lapse of Paramountcy every Indian State becomes independent and sovereign and free to join either Pakistan or India. This position has throughout been accepted by the Pakistan Government both in theory and practice as the corner stone of its policy with regard to States.

This policy has been publicly announced by the Qaid-i-Azam and repeatedly reaffirmed by Cabinet Ministers and never once has it been departed from. The Dominion of India, however, appears to hold the view that it has the right to influence the choice of the States by various methods.

Junagadh and other smaller Kathiawar States, such as Manavadar, Sardargarh etc. which have acceded to the Pakistan Dominion have done so voluntarily and freely. They had full legal right to do so and the Pakistan Government cannot recognize anybody's right to interfere with their free exercise of this right.

Blockade Alleged

Certain interested parties, are however, determined to force these states to change their decision and to that end have used and are using all possible weapons at their command. For nearly one month Junagadh and other States have been the victims of a complete economic blockade including stoppage of essential food supplies, coal, petrol and postal and telegraphic communications.

Troops have also been sent to the borders of the State and simultaneously attempts are being made to disrupt Junagadh administration from within. All this is being done on the ground that the accession of Junagadh is a threat to other Kathiawar States. This proposition is patently absurd and does not bear examination.

The Government of India claim that Mangrol and Babriawad have acceded to India and therefore, they have a right to protect their interests. The correct
legal position is that neither Mangrol nor Babriawad have any independent constitutional status and, therefore, are not free to accede to any Dominion on their own initiative. In fact both are part and parcel of Junagadh State. Apparently the sole object of the attempt to rope them in is to provide a semblance of justification for interference of the Indian Dominion in the matter of accession of Junagadh.

Pakistan's Attitude

The Government of Pakistan have made it quite clear that there can be no argument in regard to the legal right of Junagadh and other States to accede to Pakistan. In the interest of maintenance of good relations between the two Dominions, however this Government have offered to help in finding a solution to the situation which has been created in Kathiawar by the various measures undertaken by the Government of India.

Accordingly, the Government of Pakistan have informed the Government of India of their willingness to refer for legal opinion such subsidiary matters as the legality or otherwise of Mangrol and Babriawad's accession to the Indian Union and to concrete measures for allaying the apprehensions of both sides regarding the security of their respective frontiers.

They have, however pointed out that a condition precedent to any attempt at an amicable settlement is the immediate withdrawal of all troops by the Government of India from Sardargarh and Batva and other small taluqas in the area. Pakistan undertakes on its side to advise Junagadh to withdraw simultaneously such Junagadh forces as may be present in Babriawad and not to send any troops to Mangrol, without prejudice to the claim to suzerainty which Junagadh has over them.

The Pakistan Government have also informed the Government of India of their willingness to discuss conditions and circumstances in which a plebiscite should be taken by any State or States.

New Delhi, October 10, 1947.

Army HQ India Exercise PEACE Instruction No. 1

1. The object and the conduct of Exercise PEACE, your tasks and the composition of your force are given in the Directive and the Appreciation of the Situation in Kathiawar, already issued to you.

2. The arrangements made for the concentration of your force are as in Indian Army letter No. 6911/1/A/MO2, of 6 Oct. 47, copy of which has also been issued to you.

3. In the execution of your task you will also plan for the following:-
   (a) To be prepared to move into BABRIAWAD.
   (b) To be prepared to carry out a peaceful entry into MANGROL should it become apparent that the inhabitants will welcome our forces. Jog Col has already been ordered to carry out recess without entering JUNAGADH or MANGROL territory to report on the situation in MANGROL and where the WESTERN boundary of MANGROL lies.

4. In the event of JUNAGADH Forces crossing INDIAN State territory into JUNAGADH “pockets”, you should let them do so and then take steps to prevent their leaving these “pockets” by taking action on the borders or the “pockets” without your forces entering them, at the same time reporting the incident to Army Headquarter for further orders.

5. You, your subordinate commanders and troops will have NO relations with the Provisional Government of JUNAGADH.

6. You will ensure that all isolated detachments of your force, e.g. detachments in JAFRABAD and PORBANDER are provided with wireless communication.

Naval Support

7. The Royal Indian Navy are ensuring that one or more ships are always handy in case any isolated detachment gets into trouble. You will inform the Naval Liaison Office on your Staff of your requirements as regards Naval assistance.

Air Support

8. No. 8 Royal Indian Air Force Squadron with 8 TEMPEST aircraft under command of S/Ldr. P.S. GILL has been stationed at KHAMBALIYA to provide the following facilities :-
(a) Reconnaissance less photo reconnaissance for the Naval and Land Forces.
(b) Demonstration flights to instill confidence into the local inhabitants.
(c) Special flights such as dropping of leaflets or messages.
(d) One HARVARD aircraft has been provided for communication facilities.

9. F/Lt. G.B. SINGH, Officer i/c Visual Control Post, has been posted to work in conjunction with your Headquarter at RAJKOT.

10. (i) Representatives of the Ministry of States are being accredited to you and to the Forces at PORBUNDAR and at JAFRABAD. You will ask Mr. BUCH, the Regional Commissioner for the Government of INDIA at RAJKOT, for your further requirements.

(ii) The duties of the Representative of the Ministry of States are to:

(a) Advise the Commanders on all Political and Civil matters.
(b) Assist the Commanders in obtaining information about the Local situation.
(c) Assist the Commanders in the local purchase of stores and in the hiring of local transport when necessary. As far as possible, arrangements and payments for local purchase, hiring, etc., will be made through the Representatives of the Ministry of States.

11. You will inform this HQ by immediate signal as soon as you are in a position to take over Command of the following:

(a) JOGCOL
(b) JAFCOL
(c) The Force being concentrated on NORTHERN border of BABRIAWAD.
(d) The Force being concentrated JETPUR – DORAJI area.


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1975. Telegram from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs.
Karachi, October 11, 1947.

Please refer to Paragraph No. 5 of our immediate telegram No. 411 of 2nd October [Doc. No.1964] in which we had detailed certain illegal activities of so called Provisional Government of Junagadh. Regret to say further reports of unlawful and subversive activities including physical violence to Deputy Commissioner of Police, Junagadh have been received. We strongly protest against Government of India’s indifference to these subversive and unconstitutional activities going on in territory of State which has acceded to them. Continuance of an organization of this character in territory of a State which has acceded to the Indian Union is contrary to all International usage. We hope therefore Government of India take immediate and strong measures to suppress so called Provisional Government.

1976. Demi Official letter from C. C. Desai, Additional Secretary, Ministry of States to N.M. Buch, Regional Commissioner, Rajkot.
New Delhi, October 15, 1947.

No. F-26-PR/47. 15th October, 1947

Here are a few copies of the directive issued by the Army Headquarters to Brigadier Gurdial Singh who must have taken over as Commander, KATHIAWAR Defence Force. Copies may be distributed to His Highness the Jam Saheb, His Highness of Probandar, Pattani and Civil Liaison Officers. While forwarding the copy you should explain that in so far as direction 4 is concerned subsequent instruction to you is that any attempt on the part of Junagadh Police or Military to cross our frontier must be resisted and stopped as it would amount to a violation of our sovereignty and invasion of our territory. We cannot accept any argument on the part of the Junagadh forces that they want to cross our frontier to reach some of their islands. If however, any of the Junagadh forces are in the pockets, they should be prevented from passing through our territory so as to enter Junagadh mainland in virtue of this particular direction. It will be necessary to add this explanation in view of the possibilities mentioned by me in my letter of yesterday’s date.
1977. Meeting of the Cabinet held on Wednesday, the 15th October, 1947, at 5 p.m.

Case No.327/54/47

Junagadh Situation

Present
The Prime Minister.
The Minister for Home, Information and Broadcasting and States.
The Minister for Education.
The Minister for Transport and Railways.
The Minister for Defence.
The Minister for Commerce.
The Minister for Communications.
The Minister for Law.
The Minister for Finance.
The Minister for Industry & Supply.
The Minister for Works, Mines & Power.
The Minister for Relief and Rehabilitation.
The Joint Secretary to the Cabinet.
The Deputy Secretary to the Cabinet.
The Under Secretary to the Cabinet.

The Prime Minister observed that he had discussed the Junagadh situation with the Pakistan Prime Minister on the 1st October. At that time he had also mentioned to him about the dispatch of Indian troops to the adjoining parts of India with strict instruction not to enter Junagadh territory even for the purpose of transit into States or areas which had acceded to India. It had been explained to the Pakistan Prime Minister that India in turn expected Pakistan to withdraw all Pakistan or Junagadh forces from Mangrol or Babriawad. The Pakistan Prime Minister had appeared to be agreeable to this arrangement. On the following day as also on the 7th October telegrams [Doc. No.1972 ] had been sent to the Pakistan Government asking for the withdrawal of Junagadh or Pakistan armed forces from Mangrol and Babriawad but no reply had been received so far. He had been informed that some Junagadh forces had that day crossed our territory at Jetpur to enter a Junagadh pocket. Sardar Abdur Rab Nishtar was now on a visit to Junagadh. This state of affairs was unsatisfactory and a telegram was again being sent to Pakistan asking for the removal of troops.

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1978. Demi Official letter from Jawaharlal Nehru, Prime Minister, to Governor General Viscount Mountbatten of Burma

New Delhi, October 15, 1947.

No. P.M. 76. 15th October, 1947

You will remember that when Liaquat Ali Khan came here last we discussed the Junagadh matter with him and pressed upon him to withdraw the troops from Babriawad and Mangrol. He was more or less agreeable to this. We assured him, at the same time that we did not wish to cross the Junagadh territory, as we were anxious to avoid any possibility of conflict. In order to settle this question of Junagadh, we invited Pakistan to agree to a referendum or plebiscite.

The next day I sent him a telegram to this effect and urgently asked for the withdrawal of the Junagadh troops from Babriawad and Mangrol. This was 2 weeks ago.

On the 5th October we issued a press statement which you will remember. In this it was clearly stated that our forces were not to enter Junagadh territory or to seek passage through that territory or to enter Babriawad or Mangrol. We sent another telegram to the Prime Minister of Pakistan again asking for the withdrawal of Junagadh forces from Bariawad and Mangrol. No answer to this has come yet. It is exactly two weeks today since this proposal was put to Liaquat Ali Khan and approved of by him.

Meanwhile we are informed that the Junagadh troops have crossed the territory of another acceding state of ours in order to go to some other place. This is not only a further act of aggression, but also, in the circumstances, appears to be a deliberate flouting of our proposals.

All this is rather difficult to swallow and we can hardly sit by watching these developments. The smaller States of Kathiawar are getting nervous and rather frightened and have appealed to us for help. None of them is safe from this kind of aggression.

This matter will have to be considered by us very soon. I am, meanwhile, sending a telegram to Liaquat Ali Khan, a copy of which is enclosed.
1979.  Telegram from Prime Minister Jawaharlal Nehru to Prime Minister of Pakistan at Lahore.

New Delhi, October 15, 1947.

For Prime Minister, Pakistan from Prime Minister, India.

When I met you in Delhi on October 1st, we discussed the Junagadh affair and I suggested that the first thing we should do is to keep away troops of both parties from disputed territory in order to avoid any possibility of conflict. I informed you that we proposed to instruct our forces not to enter Junagadh territory and I suggested to you that Junagadh forces should be withdrawn immediately from Babriawad and Mangrol. You appeared agreeable to this proposal. The next day I sent a telegram to this effect to you. On the 5th October we issued a press communiqué in which it was clearly stated that we had issued clear instructions to our forces not to enter Junagadh territory or to seek passage through Junagadh territory even to reach States within Junagadh which have acceded to the Dominion of India or to enter Babriawad or Mangrol. On our part we have fulfilled the undertakings we gave you. We asked you again in that telegram to have the Junagadh forces withdrawn from Bariawad and Mangrol.

To that telegram we have had no answer and Junagadh Government have not yet withdrawn their troops from Mangrol and Babriawad. Today we have received a report to the effect that Junagadh troops have made another incursion into Indian Dominion territory at Jetpur. Jetpur State which has acceded to the Indian Dominion has drawn our attention to this and protested against aggression.

You will appreciate that fifteen days is a long time to wait for a reply to an urgent request, and the fact that meanwhile further incursions take place does not encourage the conclusion that you desire an amicable settlement. An immediate reply is requested as to whether Junagadh troops are going to be withdrawn from Mangrol and Babriawad and further are going to refrain from any incursions on Dominion territory. The undertaking we gave not to enter Junagadh territory was based on reciprocal action on the other side.
1980.  Telegram from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs.

Karachi, October 19, 1947.

No. 601. 19th October, 1947.

For Prime Minister India.

Your telegram 332/PRIMIN/162 dated 16th October regarding Junagadh. It seems you did not receive our Express Telegram dated 5th October [Doc. No.1969] which dealt with issues raised in your telegram under reply. For your information it is reproduced below:

Begins:

Most Immediate. Please give following message from LIAQUAT ALI KHAN to Pandit Jawaharlal Nehru. Reference our discussion in Delhi on 1st October 1947 regarding Junagadh. We are prepared to ask Junagadh to withdraw troops from BABRIAWAD and not to send any troops to MANGROL on assurance that firstly that India or any State that has acceded to Union of India will not send troops into Junagadh, MANGROL and BABRIAWAD and similar TALUK such as Sardargarh and BANTVA and where such troops have been sent they will be withdrawn simultaneously with withdrawal of Junagadh forces and secondly that question whether MANGROL and BABRIWAD are free to accede to either Dominion notwithstanding Junagadh’s claim to suzerainty over them would be referred for independent legal opinion to a counsel whose name may be agreed upon between the two Dominions. If this is acceptable to you we shall issue instructions to Junagadh immediately on receipt of your confirmation. This would I hope pave the way for satisfactory and amicable settlement of its various outstanding questions relating to Junagadh and I hope we shall be able further to discuss condition and circumstances in which PLEBISCITE should be taken by any state or states at our next meeting. Ends.

3. You will see from this telegram that prompt answer was actually given and we were in fact on the point of reminding you that you had not sent a reply to it. You will also notice that we agree to ask Junagadh to withdraw troops from Babriawad and not to send any troops to Mangrol on assurance that India or any State that had acceded to Union of India will not send troops into Junagadh, Mangrol and Babriawad and similar Talukas such as Sardargarh and Bantva and where such troops have been sent they will be withdrawn simultaneously with withdrawal of Junagadh and that on presumption that conditions in our telegram will be acceptable to you we did specifically advise Junagadh accordingly. We are now making enquiries to find out what action Junagadh has taken. We trust that you will take immediate reciprocal action to withdraw...
your forces from Sadargarh, Bantva etc. and not occupy any areas from which Junagadh withdraws its forces.

With regard to alleged incursion of Junagadh troops into Jetpur we have no information whatsoever and we are making immediate enquiries.

We also would like to know if you agree to refer question raised in our telegram quoted above whether Mangrol and Babriawad are free to accede to either Dominion notwithstanding Junagadh’s claim to suzerainty over them for independent legal opinion to a Consul whose name will be agreed upon between the two Dominions. We share with you your desire for an amicable settlement of various questions relating to Junagadh.

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1981. Telegram from Ministry of External Affairs to Pakistan
Ministry of Foreign Affairs.

New Delhi, October 20, 1947.

No. PRIMIN – 183. 20th October, 1947

For Prime Minister, Pakistan from Prime Minister, India.

Your telegram No. 601, dated the 19th October. Your message of 5th October was received and was replied to in my telegram No PRIMIN-98, dated 7th October. I repeat that telegram for your information and will be grateful for urgent reply.

Please see Document No.1972

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Telegram from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs.

New Delhi, October 20, 1947.

No. PRIMIN-193. 21st October, 1947

For Liaquat Ali Khan from Jawaharlal Nehru

Please refer to my telegram No. Primin-183, dated yesterday as well as my telegrams Nos. 90, dated 5th October and 162, dated 15th October. Position now as I understand from our correspondence as well as from what the Governor-General has told us is that you agree to a plebiscite or a referendum in Junagadh subject to details being settled between us. As regards Mangrol and Babriawad it is also agreed that Junagadh troops should be withdrawn. We undertook not to send Indian Union troops to Junagadh territory or to Mangrol and Babriawad pending final decision.

In your telegram No. 601, dated 19th October you stated that you will advise Junagadh accordingly. The position as regards Sardargarh and Bantva is completely different as we have pointed out to you previously.

It appears that your directions to Junagadh have not been carried out and Junagadh troops and police are still in position in Mangrol and Babriawad. Further reports show that Junagadh authorities have been taking oppressive action against people of Babriawad. They are commandeering crops, issuing exacting orders in respect of other property, reaping harvests, breaking open into houses and looting property. Rations and other necessities of life have been stopped. Attempt is being made to force the Chief of Babriawad to renounce accession to Indian Union and substitute it by accession to Pakistan. You will appreciate that it is impossible for us to tolerate any longer such acts of aggression and oppressive action and we have been urgently asked by the Chiefs and people of Babriawad to protect them. We are in honour bound to give this protection by such action as may be considered necessary.

We would have welcomed your presence in Delhi in order to discuss details regarding plebiscite in Junagadh and other connected matters. If it is possible for you to come here soon we shall be grateful. I understand however from Governor-General India that your health is not good. I am sorry to learn this and trust that this is not serious. In case you are unable to travel, I propose to send our States Secretary V.P. Menon to meet you at Lahore. An immediate answer will be appreciated.

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1983. Telegram from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs.

Karachi, October 23, 1947.

No.625. 23rd October, 1947

Your telegram No. 358-PS Primin. (183), dated October, 21st.

The legal position of Junagadh’s accession to Pakistan on which you invited our views in your telegram No. PRIMIN 98, dated October 7th has already been fully stated in our press note published on October 8th, 1947 a copy of which was sent to your High Commissioner in Karachi.

2. Your statement in connection with Sardargarh and Bantva does not explain reason why your troops have occupied these two Taluks and why they have not been withdrawn as requested by us.

3. Recent reports from Junagadh show that Indian troops are still being moved about in Junagadh territory over Junagadh railways causing great deal of panic among peaceful population. It is further reported that India is increasing strength of Dominion police forces on railway stations within Junagadh territory causing serious embarrassment to administration. This is clearly contrary to your promises and subsequent assurances that your forces will not seek passage through Junagadh territory. Our protest that administration of all communications in Junagadh should now be transferred to Pakistan has not been heeded.

4. We have already asked Junagadh to withdraw its forces from Bantva. As regards Mangrol the Sheikh who was here recently has personally confirmed our previous information that no Junagadh forces are posted on Mangrol territory.

5. With regard to question of Plebiscite the Prime Minister Pakistan told you that he was going to discuss this matter with you at his next meeting. He is at present at Lahore and your telegram is being referred to him.

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1984. Demi Official letter from H.V.R. Iengar, Principal Private Secretary to Prime Minister to Captain R.V. Brockman, Private Secretary to the Governor-General of India.

New Delhi, October 23, 1947.

No. D/S/620. 23rd October, 1947

I enclose, for His Excellency's information, a copy of the telegram [Doc. No. 1983] received today (after the defence committee meeting was over) from Karachi on the subject of Junagadh.

2. As desired by the Defence Committee this morning, I rang up the Prime Minister of Pakistan at Lahore on the question of V.P. Menon going there tomorrow. I was told that Mr. Liaquat Ali Khan had asked for the whole matter to be considered in the Pakistan Cabinet and he was waiting for their decision. He had not received a copy of the telegram sent to us and I read it over to his Secretary and pointed out that it did not cover the question of V.P. Menon's visit. I have been promised a reply on this point from Lahore during the course of today.

3. I then pointed out that the Governor-General had been informed by Lord Ismay that London had not yet received the views of the Pakistan Government on the question of closing down the Supreme Commander's Headquarters by the end of November. I was told, in reply, that the matter has been considered in the Pakistan Cabinet, that a draft reply has been sent down to Lahore and that the Prime Minister of Pakistan will telegraph the reply simultaneously to London and to Delhi in the course of today.

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1985.  Minutes of the Cabinet held on Thursday, the 23rd October, 1947, at 5 p.m.
New Delhi.
Case No. 345/56/47

Present
The Prime Minister.
The Deputy Prime Minister.
The Minister for Food.
The Minister for Education.
The Minister for Transport & Railways.
The Minister for Defence.
The Minister for Commerce.
The Minister for Communications.
The Minister for Health.
The Minister for Law.
The Minister for Finance.
The Minister for Industry & Supply.
The Minister for Works, Mines & Power.
The Minister without Portfolio.
The Principal Private Secretary to the Prime Minister.
The Joint Secretary to the Cabinet.
The Under Secretary to the Cabinet.

Plebiscite in Junagadh

The Prime Minister stated that he had sent a telegram to the Prime Minister of Pakistan inviting him to come to Delhi for discussions on the question of a plebiscite in Junagadh. In the telegram it had been stated that if the Prime Minister of Pakistan could not come to Delhi we could send Rao Babadur V.P. Menon to see him at Lahore. A reply had now been received that the Prime Minister Pakistan was unable to come and that Rao Bahadur V.P. Menon could go to Lahore but in that case the discussion would be at secretarial level only.

In the circumstances it was agreed, that there was no point in sending Rao Bahadur V.P. Menon to Lahore.

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1986. Telegram from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs.

Karachi, October 24, 1947.

No. 649. 24th October, 1947

From Liaquat Ali Khan to Pandit Jawaharlal Nehru.

Your telegram No. 364--PRIMIN-193 of October 21st received yesterday. The position as summed up by you in regard to a PLEBISCITE or referendum in Junagadh appears to be due to misunderstanding. Our position was and still is that we are prepared to discuss conditions and circumstances in which a Plebiscite or referendum should be held in any state or states. You must have no doubt realized that Junagadh is not the only state regarding which this question arises and that is why we advisedly said “Any State or States”. We suggest therefore that Menon should come to Karachi for a preliminary discussion with Ikrmullah, Secretary, Ministry of Foreign Affairs and States to be followed subsequently if necessary by a discussion at Cabinet level.

2. We strongly repudiate that any aggressive action against the people of MANGROL or BABRIAWAD has been taken by Junagadh. Your blockade of Junagadh despite our protests has driven people to verge of starvation and they have been in some cases reduced to cutting unripe crops to feed themselves.

3. No attempt has been made to force the chief of BABRIAWAD to renounce his alleged accession to Indian Union. Our case is that BABRIAWAD like MANGROL has no right of accession at all. Latest reports from Junagadh indicate that not only you have not evacuated Sardargarh and BANTVA but have even sent your troops to occupy MANAVADAR which has already acceded to Pakistan. Surely you would not deny that we are also honour bound to protect States which have acceded to us but in view to your assurances that you would like to have a peaceful settlement of whole thing we have refrained from any act which might make such a settlement difficult. If press reports are to be believed you have put in whole brigade in Kathiawar and round about Junagadh. It may interest you to know that we have not sent a single soldier. A peaceful settlement is only possible if you give up your present aggressive attitude and withdraw your forces from territories in question in order to restore state of affairs which prevailed when Junagadh acceded to PAKISTAN.

♦ ♦ ♦ ♦ ♦

October 25, 1947.

Indian Union Forces occupied Amrapur Thana, Khijadia and several other villages, all Junagadh territory. They disarmed loyal state police and took them prisoner along with some other people. One revenue Havildar was bayonetted. Such aggression is unwarranted, illegal and unconstitutional and may entail complications and repercussions with disastrous consequences for all concerned. Strongly protest against this movement of forces and aggressive action and request they be withdrawn immediately.

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1988. Telegram from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs

New Delhi, October 26, 1947.

No. 398- PRIMIN-226.

From Jawaharlal Nehru to Mr. Liaquat Ali Khan.

Your telegram No. 649 of 24th October. It is, and always has been, our view that where there is a dispute plebiscite or referendum should be held in any State or States in order to ascertain the wishes of the people. Our suggestion that Menon should go to Lahore was meant only to explain this to you and was influenced solely by considerations of your health. The holding of such referendum or plebiscite in Junagadh is matter of practical urgency because of circumstances which we have already fully explained to you. We are prepared to discuss with you at any time conditions and circumstances in which plebiscite or referendum should be held. We do not think that visit by Menon to Karachi for preliminary discussion with Secretary, Ministry of Foreign Affairs and States will very helpful, as this important matter can be settled only at Ministerial level.

2. As regards paragraphs 2 & 3 of your telegram, we do not agree with your statements. As already stated difficulties have arisen owing to Junagadh aggression. We have desired and still desire to settle Junagadh issue by peaceful means and a reference to the people of Junagadh.

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October 26, 1947.

No Junagadh forces have passed through Indian territory. On contrary hostile forces directed against Junagadh have been and being allowed by you passage through Indian territory to enter Junagadh villages as evidenced by occupation of Amrapur and other villages outlying Junagadh’s main territory. If our forces cannot pass through neighbouring states or Indian territory to protect our outlying islands I fail to understand how Indian territory could be used to base attacks on Junagadh by hostile or revolutionary forces having origin and support in Indian Union or how Indian forces pass through Junagadh State to Indian Union Islands inside Junagadh territory. In fact your forces from Bilkha went through Junagadh State territory to Rajkot by lorries on October 25th. I trust you will take every step to prevent forces of disorder from Indian Union being directed against Junagadh.

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1990.  Extract from the Note recorded by the Governor General of India Lord Mountbatten on his meeting with the Governor General of Pakistan Mohammad Ali Jinnah.

Lahore, November, 1947.

[The only other person present was Lord Ismay, the Staff Officer of Lord Mountbatten]

Introduction

In the course of 3½ hours of the most arduous and concentrated conversation, Kashmir took up most of the time; Junagadh took next place and Hyderabad the least. We darted about between these three subjects as well as talking about the over-all policy affecting States. I have divided this note into four parts, although this was not necessarily the order in which the subjects were discussed nor of course were all the remarks made consecutively.

* * * *
Part III: Junagadh

I read out to Mr. Jinnah the following extract from a statement made by Mr. Liaquat Ali Khan, which had been published in the *Statesman* of Friday, 21 September:

"The correct position is that the Indian Independence Act of 1947 has left all Indian States completely free to join either one Dominion or the other or to enter into treaty relations with either. Legally and constitutionally there can be no question of putting limitation on this right of the States. Muslim League leaders before August 15 and the official spokesmen of the Pakistan Government thereafter have publicly declared their agreement with this view; and have since rigorously stood by it. No objection has been raised by Pakistan to any State acceding to the Dominion of India."

I asked Mr. Jinnah if he still stood rigorously by his Prime Minister's statement. He looked somewhat uneasy but admitted that it represented the legal position. I told him I would revert to this when talking about Kashmir, but in the meanwhile wanted to know what he proposed to do about Junagadh.

He admitted that there was no sense in having Junagadh in the Dominion of Pakistan, and said that he had been most averse from accepting this accession. He had in fact demurred for a long time, but had finally given way to the insistent appeals of the Nawab and his Dewan.

I told him that in the case of Babariawad and Mangrol, it was clearly the wish of the people that they would be in the Dominion of India, and that they had in fact signed instruments of accession to that effect. How then could he refuse them the right of accession? He said that Mangrol's accession had been forced on him, and withdrawn almost before the ink was dry. In any event he had persuaded the Nawab of Junagadh to accept legal arbitration.

I told him that the Government of India would not have minded the position so much if Junagadh had played the game and not interfered internally in these small States; but that they were oppressing the people, imposing fines and removing their grain. I pointed out that repeated telegrams had been sent protesting at this. Mr. Jinnah denied this, and stated categorically that neither Pakistan nor Junagadh had sent any soldiers or armed police into these States.

I told him that we had definite information that Junagadh had sent armed police into both of them, and that they were oppressing the people. Pandit Nehru had telegraphed to Mr. Liaquat Ali Khan about this, and the latter had undertaken to ask Junagadh to withdraw the forces.
When they had failed to do so, the Government of India had telegraphed, a few days back, saying that we would have to protect the interests of these States if the Junagadh forces were not withdrawn. Since they had not been withdrawn, India were going to put in forces to protect their interests, subject to a plebiscite being subsequently held in these States about final accession. They would go in under a flag of truce, with loud-hailers and inviting the cooperation of Junagadh authorities.

Mr. Jinnah lamented that the Government of India had not invited the co-operation of Pakistan beforehand. I pointed out that they had in fact been unable to enforce their own order and that so far as I was aware, Indian forces had been sent into these States that very day.


New Delhi, November 1, 1947.

In the communiqués issued by the Government of India on September 25 and October 5, 1947, they made clear their attitude in regard to the accession of Junagadh to Pakistan. They also made it clear that the military and police forces stationed by Junagadh in Babriawad and Mangrol should be withdrawn at once since these States had acceded to the Dominion of India. These forces have not been withdrawn.

The Government of India received reports that Junagadh authorities were taking oppressive action against the people of Babriawad as, for instance, by commandeering crops, issuing exacting orders in respect of other property, breaking into houses and looting. Food and other necessaries of life were stopped, and attempts were made to force the Chiefs of Babriawad to denounce their accession to the Dominion of India and substitute it with accession to Pakistan.

On October 21, the Prime Minister, India, informed the Prime Minister, Pakistan, that it was impossible for the Government of India to tolerate this state of affairs any longer and that they were in honour bound to take measures for the protection of territories which have acceded to India and had been promised by them protection from outside interference. In fulfillment of these commitments, they have taken over the administration of these areas. They
have instructed their Regional Commissioner at Rajkot to invite the local officials of Babriawad to co-operate in the administration, if they so desire, as observers. As regards Mangrol, the Regional Commissioner has been instructed not to disturb the existing administration of the Sheikh.

Troops entered these territories under a flag of truce, equipped with loud hailers over which the identity of the occupying forces was made known to the people. The occupation was peaceful and was greeted with rejoicing by the local population. Messages of thanks for deliverance have been received from the people as well as the Talukdars of Babriawad and Mangrol.

As regards Junagadh, the policy of the Government of India was indicated in their communiqué referred to above and they propose to stand by it.

Ministry of States  
New Delhi,  
November 1, 1947.

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Junagadh, November 8, 1947.  

Communique

For the last few days the Junagadh Government has been anxiously watching the situation created by disorderly forces operating from outside who now threaten to destroy life and property and inflict heavy hardships on His Highness’ subjects. In a message from Karachi His Highness has particularly expressed a desire to the Dewan that all bloodshed of his beloved subjects should be avoided.

The position was also explained to the Junagadh public at a meeting held last evening at Dewan’s residence and it was approved that the Indian States Department should be approached to assist the Junagadh Government in the preservation of law and order pending an honourable settlement of the issue involved in Junagadh’s accession. The Regional Commissioner Rajkot has therefore been asked to make arrangements as above.

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November 8, 1947.

Very grateful for granting interview to our representatives. We accept your advice but distressed to find I am not allowed sufficient time to bring back Nawab Sahib from Karachi and take steps for people's government. Being pressed by circumstance we have asked Regional Commissioner, Rajkot to assist in preserving law and order and avoiding bloodshed against aggressive elements from outside without prejudice to honourable settlement of issues involved. His Highness from Karachi wires to avoid bloodshed at any cost of his beloved subjects and has invited me to meet him at once Karachi to discuss situation. (Repeated to His Excellency Lord Mountbatten, Mahatma Gandhi, Prime Minister and Deputy Prime Minister of India, Hon'ble A.K. Azad and the Governor General and Prime Minister of Pakistan.)

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November 8, 1947.

After discussion with Samaldas Gandhi at Rajkot on November 7, Captain Harvey Jones, Senior Member of the Junagadh State Council brought certain proposals for the consideration of the Council. The Council is prepared to accept them under protest but before a final decision could be communicated through Samaldas Gandhi, it was thought necessary to ascertain the opinion of the leading members of the public. A meeting was, therefore, held this evening and the views of the leaders were unanimously expressed that instead of handing over the administration to the Indian Union through the so-called Provisional Government it should be directly given over to the Indian Union through the Regional Commissioner, at Rajkot, particularly with a view to preserving law and order which is threatened by aggressive elements from outside. This arrangement is sought pending an honourable settlement of several issues involved in Junagadh accession.

2. The Junagadh Government, therefore, have requested that in order to avoid bloodshed, hardship, loss of life and property and to preserve the dynasty, you should be approached to give your assistance to the administration. We have
already wired to his Excellency Lord Mountbatten, Mahatma Gandhi, Prime Minister and Deputy Prime Minister of India, Hon’ble A.K. Azad and the Governor-General and Prime Minister, Pakistan. I hope you will kindly respond to this request.

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1995. **Telegram from the Ministry of States, Government of India to Regional Commissioner, Rajkot.**

New Delhi, November 9, 1947.

Letter of Sir Shah Nawaz Bhutto, Dewan of Junagadh, dated 8th November addressed to you and brought personally by Harvey Jones, Senior Member of the Junagadh State Council and Member-in-Charge of Junagadh State Forces offering immediate surrender of Junagadh Administration has been considered by the Government of India. They consider that in view of the unanimous request of the Junagadh State Council supported by the public of Junagadh whose views were ascertained by the Council at a meeting held in Junagadh on 7th November and also in view of the complete breakdown of the administration resulting in chaotic condition in the States you should take over the administration forthwith and ensure peace and order at the earliest possible moment. Pakistan Government is being informed from here.

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1996. **Telegram from Regional Commissioner, Rajkot (Camp) Junagadh to Ministry of States.**

November 9, 1947.

Junagadh occupied peacefully at eighteen hours this evening. Camping in Upperkot. Jai Hind.

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1997.  **Telegram from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs.**

New Delhi, November 9, 1947.

Repeated: Regional Commissioner, Rajkot.

No. PRIMIN-322. 9th November, 1947.

For Prime Minister, Pakistan.

Our Regional Commissioner at Rajkot was approached yesterday by Harvey Jones, Senior Member of the Junagadh State Council and Member-in-Charge of Junagadh State Forces with a letter from Junagadh Dewan Sir Shah Nawaz Bhutto appealing to the Government of India to take over Junagadh administration. This request was made in order to save state from complete administrative breakdown and pending honourable settlement of several issues involved in Junagadh accession. Sir Shah Nawaz stated in this letter that he had already telegraphed to you to this effect. We have considered this request and with a view to avoiding chaos in the State and its repercussion have agreed to take over administration of Junagadh with immediate effect. We have issued instructions to that effect to our Regional Commissioner, Rajkot text of which runs as follows:

“Buch from Menon. Letter of Sir Shah Nawaz Bhutto of Junagadh, dated 8th November addressed to you and brought personally by Harvey Jones, Senior Member of the Junagadh State Forces offering immediate handing over Junagadh administration has been considered by the Government of India. They consider that in view of the unanimous request of the Junagadh State Council supported by public of Junagadh whose views were ascertained by the Council at a meeting held in Junagadh on 7th November and also in view of the complete breakdown of the administration resulting chaotic condition in the State you should take over the administration forthwith and ensure peace and order at the earliest possible moment. Pakistan government is being informed form here.”

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1998. Minutes of an Emergent Meeting of the Cabinet held on Monday the 10th November, 1947, at 10:30 a.m.

Developments in Kashmir and Junagadh.

Case No. 392/61/47

Present
The Prime Minster.
The Deputy Prime Minister.
The Minister for Food & Agriculture.
The Minister for Commerce.
The Minister for Communications.
The Minister for Law.
The Minister for Health.
The Minister for Works, Mines & Power.
The Minister for Relief & Rehabilitation.
The Minister without Portfolio.
The Joint Secretary to the Cabinet.

The Prime Minster referred to the recent rapid developments in Kashmir and Junagadh and stressed the importance of carefully watching and following the developments in both places as they not only affected India’s external relations with Pakistan but had attracted considerable international attention.

Junagadh

The situation in Junagadh was generally discussed and the following decisions were taken:-

(1) The Government of India couldn’t agree to a joint Pakistan-India plebiscite in Junagadh.

(2) India could agree to a plebiscite under an independent body like the United Nations Organisation, and

(3) In any case it was desirable to go ahead with the plebiscite in Junagadh expeditiously.

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1999.  Telegram from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs.

New Delhi, November 10, 1947.

No. PRIMIN-324.  10th November, 1947.

For Prime Minister Pakistan.

Continuation my telegram Primin-322 of November 9th. Junagadh. In view of special circumstances pointed out by Junagadh Diwan our Regional Commissioner at Rajkot has taken temporary charge of Junagadh administration. This has been done to avoid disorder and resulting chaos. We have however no desire to continue this arrangement and wish to find a speedy solution in accordance with the wishes of the people of Junagadh. We have pointed out to you previously that final decision should be made by means of referendum or plebiscite. We would be glad to discuss this question and allied matters affecting Junagadh with representatives of your government at the earliest possible moment convenient to you.

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2000.  Telegram from Prime Minister, Pakistan, Lahore.

Lahore, November 11, 1947.


For Prime Minister, India, from Prime Minister, Pakistan.

Your telegram No. PRIMIN-322 of Nov. 9th and subsequent telegram of Nov. 10th informing us that your government had taken charge of administration of Junagadh were received by me on Nov. 10th.

You are aware of the fact that Junagadh has duly acceded to Pakistan Dominion. It would therefore have been clear to you that neither the Dewan nor for that matter the Ruler himself can negotiate any settlement either temporary or permanent with Indian Dominion. Pakistan Government has given no authority to Dewan to negotiate with you and we emphatically challenge India Dominion’s right to enter Junagadh territory. Your action in taking over State administration and sending Indian troops to the State without any authorisation from Pakistan Government and indeed without our knowledge is a clear violation of Pakistan territory and breach of international law.
2. India Government’s activities on accession of Junagadh to Pakistan have all been directed to forcing the State to renounce accession and all kinds of weapons have been used by you to achieve this end. Conditions have been carefully and deliberately created by your Government in and around the State which have made the running of administration impossible. In the circumstances your plea of having taken over Junagadh administration in order to avoid disorder and resulting chaos cannot be accepted.

3. With regard to your suggestion of a conference between representatives of two dominions and Nawab of Junagadh you know fully well that we have always been prepared to discuss these and other matter arising out of problems of accession to either Dominion. It is obvious, however, that there is no point in having a conference when you have already occupied our territory by military force. The only conditions under which we can usefully attend the discussions would be immediate withdrawal of Indian troops, reinstatement of Nawab’s administration and restoration of normal conditions in and around the borders of Junagadh including the stoppage of activities of so called Provisional government.

4. We consider your action in taking charge of Junagadh administration and in sending Indian troops to occupy Junagadh to be a direct act of hostility against Pakistan Dominion. We demand that you should immediately withdraw your force, relinquish charge of administration to rightful Ruler and stop people from Union of India invading Junagadh and committing acts of violence.

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Karachi, November 11, 1947.

In view of the latest developments in Junagadh culminating in the occupation of the State by the Armed Forces of the Indian Dominion it is necessary to give an up-to-date account of events.

Junagadh is a small state with an area of approximately 4,017 square miles and a population of about 800,000. It formally acceded to Pakistan on September 15, 1947. The Ruler of the State is a Muslim whose dynasty has ruled for over 300 years. The State has a seaboard with 16 ports of which at least two are ports of calls for steamers. By sea route Junagadh is approximately 300 miles from Karachi.
India's Objections
As soon as it was known that Junagadh was acceding to Pakistan, the Indian Government raised objections on the ground that Junagadh was not physically contiguous to Pakistan and that its population was predominantly Hindu. They further alleged that the accession of Junagadh to Pakistan was calculated "to cause disruption in the integrity of India by extending influence and boundaries of Pakistan" and was "an encroachment on India's sovereignty and territory and was inconsistent with friendly relations that should exist between the two Dominions.

Simultaneously with these protests, in reply to which Pakistan clearly restated its well-known attitude -- the Government of India sent detachments of Indian troops to the borders of Junagadh and encouraged neighbouring Hindu States which had acceded to India, to do likewise.

Economic Blockade
At the same time, in an attempt to starve the Junagadh State into submission a rigorous economic blockade, involving stoppage of all vital supplies including food, cloth and coal, into the State territory was imposed by the Indian Dominion, through whose territory the only railway line leading to Junagadh passes. Lines of communications, including telegraph, which were still being held by the Dominion of India in accordance with the general standstill agreement between the two Dominions, were operated in such a manner that it became impossible for the State or the Muslim population of Junagadh to communicate with the outside world. Pakistan's request to handover the communications within the State to Pakistan were ignored. Side by side, a strong Press campaign calculated to disrupt the morale of the State administration and to create panic among the population was launched both inside and outside the State.

Pakistan's Protest
On September 18, the Pakistan Government protested to the Government of India against sending troops to the borders of Junagadh and warned them that any encroachment on Junagadh territory would amount to a hostile act against Pakistan. In reply, the Government of India assured the Government of Pakistan that information about large troops concentration around Junagadh, was not correct, though it was admitted that they had sent a small force of troops as a counter-measure to "large-scale military preparations of Junagadh and supply of arms and ammunition to its Muslim subjects." Needless to say that there was no truth whatsoever in these allegations as later events have proved to the world.

Meanwhile, apparently in order to gain some semblance of justification for an otherwise completely untenable case, the Government of India persuaded
certain feudatory Chiefs and Jagirdars within the State of Junagadh to sign Instruments of Accession with the Dominion of India, in spite of the fact that they had no independent status to do so and their accession followed automatically that of Junagadh whose vassals they were. These comprised a number of mulgirassia jagirdars of Babariawad, who are Hindus, and the Chief of Mangrol, who is a Muslim but who had some old standing grievance against the Nawab of Junagadh.

Accession by threat

In the first case, accession was obtained by promises of future independence and in the latter by both promises and threats. The fact that the Sheikh of Mangrol renounced his accession within an hour or two of his signature and before the Instrument had been signed by the Governor-General of India, in token of his acceptance was totally ignored.

Another line of attack was adopted by setting up the so-called "provisional government" with headquarters first at Bombay and later at Rajkot, which claimed the right to liberate the so called oppressed non-Muslim population of Junagadh State. To Pakistan's protests in this connection the Government of India, at first gave most unsatisfactory and evasive replies and subsequently gave no reply at all.

In the correspondence which passed between the two Dominions in the last week of September 1947, the Government of India's attitude remained unhelpful, though, for tactical reasons, they expressed their view that the only solution to the dispute was holding a referendum or plebiscite of the population under the supervision of the Government of India and the Junagadh State.

Premiers' Meeting

About this time at a meeting between the Prime Ministers of the two Dominions suggestions were made that the whole affairs might be settled by discussion, although legally and constitutionally the accession of Junagadh to Pakistan was unexceptionable. In an endeavor to help find a peaceful solution, the Pakistan Government readily expressed their willingness to such a discussion and even offered to discuss conditions and circumstances in which a plebiscite or referendum should be held on any state or states.

It was however, pointed out that unless troops were withdrawn by the Government of India and aggressive attitude abandoned, no useful purpose could be served by a discussion. This the Government of India never clearly agreed to do and in fact continued to bring in more troops.

Meanwhile the so-called "provisional government" began operating extensively with a large trained body of men using automatic and modern weapons including
armoured cars. Among other unlawful activities this force occupied Junagadh House at Rajkot, the headquarters of the Indian Regional Commissioner of the States Ministry, and hoisted the Congress flag over it. Pakistan lodged a strong protest to India in regard to these incidents and once again pointed out that unless the warlike activities were stopped no useful discussion could take place.

CLIMAX

In reply to this protest the Government of India merely reiterated their objection to the accession of Junagadh to Pakistan and instead of curbing the activities of the "provisional government" themselves proceeded to occupy Sardargarh and Bantwa. The climax was reached when Indian Dominion troops entered the small State of Manavadar, occupied the place, shot dead a palace guard, took the chief in custody and removed him to an unknown destination. No explanation of why a State which had acceded to Pakistan was occupied and taken under management has been forthcoming from the Government of India, in spite of protests. Indeed, shortly afterwards the possibility of a peaceful settlement, the Government of India sent troops to occupy Babariawad and Mangrol, in spite of the clear undertaking that this will not be done.

Not content with this, active support was given to the so-called "provisional government" in their depredations which became extensive about this time. They began seizing villages of Junagadh State and in the process shot dead several policemen of the State with the modern arms they possessed.

Evidence received from unimpeachable sources clearly proves that a majority of the armed members of the so-called "Azad Fauj" were soldiers of India's regular Armed Forces of which a whole brigade was stationed in Kathiawar with the sole object of breaking the resistance of the State.

This has now been achieved. According to reports, on November 7, a force of 20,000 of the so-called "Azad Fauj" equipped with tanks, armoured and other modern weapons, marched on to Junagadh and gave an ultimatum to the administration to surrender. The Dewan of Junagadh had no alternative before him in the matter against such odds and decided to hand over the administration to the Indian Union temporarily pending honourable settlement of issues involved.

The Government of India have readily accepted the "invitation" and have declared that they have done so "in order to avoid disorder and resulting chaos". They have invited Pakistan to attend a conference with Junagadh in order to discuss the question of referendum of plebiscite and allied matters affecting Junagadh.

It is quite clear that if the Government of India had really meant to assist the
State, without any ulterior motive, they could have easily stopped the illegal activities of the so-called "provisional government" forces which were throughout using either Indian territory or territory of states having acceded to India for their operations against Junagadh.

The Government of India's activities throughout have been directed towards forcing the State to renounce its accession to Pakistan and all kinds of weapons have been used by them to achieve this end. Conditions were carefully and deliberately created in and around Junagadh State which made it impossible to run the administration.

Pakistan Advice

The Pakistan Government were fully aware of what was coming, but in their extreme anxiety to give no possible excuse to the Government of India for invasion, which they had obviously been looking for they advised the State authorities to act with the utmost caution and themselves refrained from sending a single soldier to Junagadh.

All that they did was to send seven thousand tons of food grains to feed the starving population of Junagadh and Manovadar despite the occupation of the latter by Indian Forces. It is regretted, however, that the restraint, with which the Pakistan and Junagadh State Governments have acted has not been appreciated.

Conference Meaningless

It has been made quite clear to the Government of India that the Pakistan Government have no intention of recognizing the military coup d'état performed by the Indian Dominion and cannot regard the occupation as anything but as unwarranted violation of Pakistan territory. Neither the Dewan nor, for that matter, the Ruler himself has to negotiate any settlement temporary or permanent with the Indian Dominion.

With regard to the Government of India's suggestion to hold a conference, the Pakistan Government consider that without an immediate withdrawal of Indian troops, reinstatement of Nawab's administration and restoration by India of normal conditions in and around the borders of Junagadh, including stoppage of activities of the so-called "Provisional government", the proposed conference would be meaningless.
2002. Press Note issued by the Government of India denying that Indian soldiers had entered Junagadh.

New Delhi, November 14, 1947.

It has been stated in a Press note issued by the Pakistan Government on November 11 that a force of 20,000 of the so-called "Azad Fauj" equipped with tanks and other modern weapons marched into Junagadh on November 7 and that the majority of armed members of the "Azad Fauj" were soldiers of India's regular armed forces. This statement is entirely false. Not a single soldier of the Indian Army entered Junagadh territory until the Government of India were asked by the Junagadh State Council on November 9 to take over the administration of the State and maintain law and order and only one battalion entered Junagadh on that day. That Government of India are in no way concerned with the so-called "Azad Fauj" and the allegations that its members were soldiers of the Indian Army and that they received arms and equipment from the Government of India are also untrue.

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Karachi, November 22, 1947.

No. 922. 22nd November, 1947

From Prime Minister Pakistan, to Prime Minister India

Your telegram PRIMIN No. 350, dated Nov. 17th evades main issued which is that India Government deliberately created conditions which brought administration in Junagadh to verge of breakdown. Our instructions to Junagadh State were that on no account should they do anything which would lead to disorder or bloodshed. Similar instructions were given by His Highness the Nawab to Dewan. Junagadh administration followed those instructions strictly and non-Muslims in State were perfectly safe. Nevertheless India Government persisted in their activities directed against administration at Junagadh.

2. It is true to say Pakistan Government knew of activities of your Government and of Provisional Government directed against Junagadh administration and in fact protested against them several times but it is wholly incorrect to suggest as you do that it was as a result of consultations with
Pakistan Government that Mr. Harvey-Jones, Senior Member of Junagadh Council negotiated with Mr. Samaladas Gandhi to hand over administration of State to Provisional Government. We had no knowledge that any such scheme was afoot or that any negotiations with Mr. Samaladas Gandhi were contemplated. We could not possibly recognize that Provisional Government had any locus standi in affairs of Junagadh. Incidentally Mr. Harvey-Jones never went to Lahore.

3. Telegram by Sir Shah Nawaz Bhutto addressed to Governor-General and Prime Minister Pakistan was received by us on November 9th after India Government had already occupied Junagadh by force. The insinuation that because of Nawab’s presence in Karachi action of Dewan of Junagadh had approval of Pakistan Government is wholly unfounded. We repeat that Pakistan Government only knew of occupation of Junagadh by Indian troops after the event. Sir Shah Nawaz Bhutto reached Karachi on 8th but did not call on Foreign Office until 10th.

4. We note that you insist upon keeping your troops in Junagadh and on continued occupation of State. If your troops withdraw and if you restore administration to rightful ruler as you should we see no reason why this should lead to anarchy and conflict. In fact reports are pouring in that you handled manner which has resulted in serious loss of Muslim lives.

5. The fact that you have not formally recognized Provisional Government does not alter basic position that it was formed and functioned on Indian territory and that but for your support and encouragement there would have been no such thing as a Provisional Government for Junagadh. We cannot possibly recognize either your occupation of Junagadh or Plebiscite which you appear to contemplate. A free and fair Plebiscite can only be held after your forces are withdrawn and administration of ruler restored and normal conditions prevail.

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2004.   Telegram from Ministry of External Affairs to Pakistan Prime Minister at Lahore.

New Delhi, November 17, 1947.

No. PRIMIN-350.  17th November, 1947

From Prime Minister, India, for Prime Minister, Pakistan.

Your telegram No. 396-G, dated 11th November Junagadh.

At the outset we wish to make it clear that we dispute the statements and allegations contained in your telegram. The facts are these:

On the admission of Sir Shah Nawaz and his colleagues, which our own Regional Commissioner has since corroborated, administration in Junagadh had completely broken down. The Junagadh Council, therefore, considered only two alternatives, namely, whether to hand over Junagadh administration to the Provisional Government or to the Government of India. In the end, they decided upon the latter course. If the Government of India had not intervened, the whole of Junagadh State would have been left in utter chaos with consequent repercussions on the whole of Kathiawar. Further, it was certain that the Provisional Government would have taken charge of the state in the conditions of chaos that prevailed there; this would undoubtedly have involved bloodshed. In these circumstances, the Government of India had to make up their mind quickly and had no alternative but to acceded to the request of the Junagadh State Council and take over its administration. The Senior Member of the Junagadh Council was waiting in Rajkot to receive the decision of the Government of India and it was he who on the 9th took the Regional Commissioner as the Representative of the Government of India to Junagadh to hand over the administration. The Senior Member of the State Council also undertook to disarm all the Police and the Military before he handed over the administration. He fulfilled this undertaking. The Regional Commissioner took a detachment of force only as a precaution and the administration of Junagadh State (except portions occupied by Provisional Government) was taken over by us without any incident and without any dissentient voice. This shows we acted just in time and succeeded in forestalling disorder.

2. In our view it is not correct to say that Pakistan had no knowledge of what was happening in Junagadh. Before opening negotiations with Provisional government, the Senior Member of Junagadh Council went both to Karachi and Lahore. He must have held consultations with Nawab and you or/and your colleagues. On his return he negotiated with Mr. Samaldas Gandhi to hand over his administration to Provisional Government.
3. In his letter to the Regional Commissioner, Rajkot, dated 8th November, Sir Shah Nawaz Bhutto has stated that he had already telegraphed the Governor-General and Prime Minister Pakistan intimating the Junagadh Government’s decision to ask the Government of India to take over the administration of the State. The Nawab himself was in Karachi and Sir Shah Nawaz was acting under his order as Prime Minister of the State. Further Sir Shah Nawaz took this decision with the unanimous approval of the State Council and of leader of public opinion in Junagadh. He himself reached Karachi on the 8th and must have acquainted the Pakistan Government with the situation the same day. On the other hand the Regional Commissioner did not take over the administration till the evening of the 9th November.

3. You have asked that Indian troops and presumably Indian administration should be immediately withdrawn from the State. We regret we are unable to do so. This situation would at once leave the way open for the Provisional Government to take charge of the entire administration and if any attempts were made at this juncture to restore the Nawab it would inevitably lead to conflict and result in bloodshed and anarchy which neither you nor we can view with equanimity. In this connection it may be recalled that it was this very consideration which led the Nawab to instruct his Dewan to make over the administration to the Indian Government.

4. We have not recognized the Provisional Government. But the fact cannot be ignored that the Provisional Government consists of Junagadh subjects with very large stake in the State who command considerable public support and who have occupied a large portion of Junagadh territory of which they are now in administrative charge. The Government of India cannot be expected to promote a situation in which they would come into conflict with the people of the State, fighting for their elementary rights.

5. To stabilize the situation swiftly and promptly is, therefore, the essence of the Government of India’s policy and for this purpose we wish to settle the issue with the least possible delay by a plebiscite as already conveyed to you in my telegram Primin-324 of the 10th November. This seems to us the only way in which this issue can be settled satisfactorily.

Karachi, November 24, 1947.

No. 399. 24th November, 1947.

Personal for Jawaharlal Nehru, from Sri Prakasa.

Am informed Nawab Junagadh and Prime Minister Bhutto not allowed to go out of Karachi under instructions of Jinnah. His senior Begum and heir-apparent staying at Carlton Hotel and expressing desire to join Indian Union feeling that they are constitutionally in power as Nawab practically deposed or abdicated. Nawab himself living in private residence with junior Begum and son, Bhutto swears he advised Nawab to join India but Nawab’s Adviser Nabi Bakhsh misled him and created mischief. JINNAH thinks they have all badly let down PAKISTAN.

Had long talk with General Officer Commanding Major General Akbar Khan. Feels India Government pampering Sikhs. Complained batches of Sikh refugees been sent to Madras and other distant provinces where they create trouble resulting in Muslim migration. Akbar Khan greatly perturbed over predominance of Sikhs among officers of Indian Army and fears Kashmir troubles will continue for five years unless settlement made on basis of Hyderabad, Junagadh acceding India and Kashmir going to Pakistan.

2006. Telegram from High Commissioner for India in Karachi to the Ministry of External Affairs.


No. 356. 29th November, 1947.

Following from Sri Prakasa for Jawaharlal Nehru.

KHAN SIR GHULAM MOHIYUDIN KHAN, Chief Sardagarh, young man of 27, son-in-law—CUM - nephew (i.e., cousin sister’s son) of Nawab Junagadh called this morning and had hour and a half talk. Gave long account of how accession to Pakistan took place. Distrusted BHUTTO who he said was still favouring Pakistan at heart. Nabi Bakhsh, Constitutional Adviser and Counsel decided
for Pakistan, Nawab unwilling and called Zafrullah Khan for final advice paying him one lakh twenty-five thousand rupees. Zafrullah Khan advised for Pakistan. Then Nawab yielded. GHULAM MOHIYUDIN told me that Zafrullah Khan had then said Bhopal can never go to India. Zafrullah Khan as Constitutional Adviser will compel him to go to Pakistan. Bhopal's going to India came as utter surprise to JUNAGARH when MANAVADAR also joined Pakistan. MOHIYUDIN still resited but being hopelessly SANDWICHED at last yielded. He fears you may depose him and establish his uncle late ZABAH DAST KHAN’s son on Gadi. Begs you realize his helplessness, pardon him and continue him as chief. He desirous of meeting VALLABHBHAI and yourself. Thinks he can secretly fly away under assumed name to Delhi despite strict watch and lay whole case before you. Only wishes he should be given human treatment and not be confined there. Talked nervously anxiously. Shall be grateful for your advice and guidance. Nawab Junagadh also anxious to meet me but does not know how he can come out of his residence and where he can meet me. I shall see to that on hearing from you.

Nawab desire to accede to India and declare fully democratic state on any model Vallabhbhai may draft. He desires that Sir Mirza Ismail may become his Dewan regardless of amount or salary. Suggested 10,000 rupees “more” if necessary.

Mohiyudin was very nervous about his own safety. Said he feared the smaller officials at Rajkot may be vindictive. He was most anxious for his Gadi should be secured to him and not given to his cousin. Begged me get your reactions earliest possible. Will meet me again Sunday 30th. Hope you will please send instructions earliest possible. 
2007. Telegram from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs.

New Delhi, November 29, 1947.

From Prime Minister, India to Prime Minister, Pakistan.

Your telegram No. 922, dated 22nd November, Junagadh. Our position was clearly indicated in our telegram of 17th November to which we have nothing to add and from which it will be quite clear that the Government of India have not only done nothing to undermine Junagadh administration but they have taken control of the situation to prevent the administration from collapsing.

2. With reference to paragraph 4 of your telegram I may mention that since administration of Junagadh was taken over by Government of India not a single Muslim has lost his life and that our Regional Commissioner has received a number of telegrams from local Muslims as well as from Muslims in Bombay thanking him for the effective manner in which the present administration has given protection to minorities.

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New Delhi, December 1, 1947.

No. PRIMIN-410. 1st December, 1947

Following for Sri Prakasa from Jawaharlal Nehru.

Your telegram No. 356, dated 29th November. I have consulted Sardar Patel. We dislike all this secrecy suggested by Ghulam Mohiyudin and think it would be embarrassing to encourage him in secret negotiations. We do not repeat not desire to see him under these conditions. I am quite sure that in any talks that you might have you will take care not in any way to commit the Government of India.

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2009. Telegram from High Commissioner for India in Karachi to the Ministry of External Affairs.


No. 373, Dated 4th December, 1947.

Personal for Jawaharlal Nehru from Sri Prakasa.

Reference my telegram Nos. 339 of November 24th and 356 of November 29th. Serial No. (123)] and your PRIMIN-410 of December 1st. I assure you I have taken greatest care not to commit Government of India in any of my talks with persons from Junagadh. Bhutto, Ghulam Mohiuddin have separately seen me again on behalf of Nawab of Junagadh making piteous appeals to me to restore them to Junagadh on promise of accession to India and full responsible Government to State people. As I must give them some reply for I cannot shake them off I shall be grateful for indication of your intentions regarding Junagadh. Is it not our intention to restore Nawab to Gadi and obtain accession of State to India. If not what is our objective. I do not know if Samaldas Gandhi’s Bombay speech reported in papers today saying that Nawab’s dynasty will never be permitted to return has the support of our government. I still suggest conference with Pakistan at high level and agreement to return of Nawab and his accession to India and full responsible government in State. It appears that Pakistan Government’s mind also working same way if Mandal can be trusted to be interpreting it properly. The question with them is who will take the initiative.

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2010. Telegram from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs.


No. 1279. 31st December, 1947.

Since Indian Dominion’s forcible occupation of Junagadh, MANAVADAR, MANGROL, BANTVA, SARDARGARH etc. reports of eye-witness accounts have been received from ever-increasing number of refugees here indicating prevalence of virtual reign of terror throughout these areas. Massacre of innocent Moslems, molestation of Moslem women and wholesale looting of Moslem property has apparently become order of the day. In BANTVA alone Moslem property worth several crores is reported to have been looted and respectable and peaceful families deliberately dishonoured. All Muslim institutions are reported to have been closed down and a number of mosques and tombs desecrated.

Khan Sahib of MANAVADAR and Shiekh Sahib of MANGROL are both reported to have been placed under humiliating detention and their personal property has been looted. Most of Gazetted and Non-Gazetted Moslem Officers have been relieved of their duties or forced to retire.

You will appreciate that Pakistan Government cannot but regard these happenings with greatest concern. If we have not so far made detailed representation to you regarding these it is because Indian Government possesses no constitutional locus standi in these States. As TEMPO of atrocities shows no sign of decreasing we must request you to take immediate and effective steps to put an end to what looks like a determined effort to annihilate the Moslems of Kathiawar.

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NEW DELHI, January 6, 1948.

No. PRIMIN-527.

For Liaquat Ali Khan from Jawaharlal Nehru

Your telegram 1279, dated 31st December. We are constantly in touch with situation in Junagadh, Manavadar, Mangrol Bantwa, Sardargadh and other places and are in a position to affirm that accounts given to you about conditions there are wholly untrue. There were sporadic disturbances in Junagadh when it was under Nawab’s administration, but within 48 hours of our taking over at request of Nawab, our Regional Commissioner was able to restore peaceful conditions. Large quantities of hidden arms have been and are still being recovered from some of the Muslim population of Junagadh. There was one communal disturbance of December 17 when 26 people were admitted to hospital, most of them were Hindus. Some Muslims made a determined attack on a police station on December 26 and hacked to death five Hindu policemen and injured some other, but orders was quickly restored and there was no retaliation. Bad Characters are of course being rounded up in order to prevent repetition of such lawlessness. In Bantva nothing has happened to disturb peaceful conditions except a small incident by Meher who had been subjected to oppression by the previous administration, but this was brought under control in a few hours. There was no loss of Muslim life in this incident and damage to property was negligible. In fact Muslims of Bantva themselves have sent telegrams thanking Regional Commissioner for effective action and for protection afforded to them. It is true that alarmist reports were sent by persons interested in fomenting trouble. One of these reports said that Ismail Khokhar, a close relation of Nawab of Junagadh was killed, but he is still alive and he with six other Muslim leaders of Junagadh was given facilities to verify for themselves what actually happened. After satisfying themselves they have publicly stated that most of the allegations were wholly false and frivolous and that there were altogether only two murders, slight damage to property and no verifiable reports of rape or abduction. Investigation and punishment of offenders, whether Hindu or Muslim, have been prompt. There is absolutely no truth in the allegation that number of mosques and tombs have been damaged or desecrated. The Khan of Manavadar is in Jamnagar with His Highness Jam Sahib of Nawanagar and the Sheikh of Mangrol is with His Highness of Porbandar in Porbandar. They have gone there at our instance as their presence at present in Manavadar and Mangrol is likely to create difficulties in the way of reorganization. They are staying as guests and were being provided all comfort.
and facilities. Their property has not been looted and is quite safe. There has been some reorganization of the administration with a view to removing corrupt, inefficient and unreliable staff of the previous regime.

2. Situation in Junagadh and rest of Kathiawar is quite peaceful and we regret that on the basis of false and irresponsible reports Pakistan Government should have brought such unfounded charges against this Government which has gone all out to protect Muslim life and property notwithstanding gravest provocation.

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2012. Press Note issued by the Government of Pakistan after the accession of Junagadh to the Indian Dominion. (Date not Available)

In view of the latest developments in Junagadh culminating in the occupation of the state by armed forces of the Indian Dominion it is necessary to give an up-to-dated account of events.

2. Junagadh is a small state with an area of approximately 4017 square miles and a population of about 8 lakhs. It formerly acceded to Pakistan on 15th September, 1947. The Ruler of the State is a Muslim whose dynasty has ruled for over 300 years. The State, has a sea-broad with 16 ports of which at least 2 are ports of call for steamers. By sea route Junagadh is approximately 300 miles from Karachi.

3. As soon as it was known that Junagadh was acceding to Pakistan, the Indian Government raised objections on the ground that Junagadh was not physically contiguous to Pakistan and that its population was predominantly Hindu. They further alleged that the accession of Junagadh to Pakistan was calculated “to cause disruption in the integrity of India by extending influence and boundaries of Pakistan” and was “an encroachment on India’s sovereignty and territory and was inconsistent with friendly relations that should exist between the two Dominions”.

Simultaneously with these protests, — in reply to which Pakistan clearly restated its well known attitude, — the Government of India sent detachments of Indian troops to the borders of Junagadh and encouraged neighbouring Hindu States which had acceded to India to do likewise. At the same time, in an attempt to starve the Junagadh State into submission, a rigorous economic blockade involving the stoppage of all vital supplies including food, cloth and coal, into
the State territory was imposed by the Indian Dominion, through whose territory the only Railway line leading to Junagadh passes. Lines of communications, including telegraph, which are still being held by the Dominion of India in accordance with the General Standstill Agreement between the two Dominions, were operated in such a manner that it became impossible for the State of the Muslim population of Junagadh to communicate with the outside world. Pakistan’s request to hand over the communications within the State to Pakistan were ignored. Side by side, a strong press campaign calculated to disrupt the morale of the State administration and to create panic among the population was launched both inside and outside the State.

4. On 18th September 1947, the Pakistan Government protested to the Government of India against sending troops to the borders of Junagadh and warned them that any encroachment on Junagadh territory would amount to hostile act against Pakistan. In reply, the Government of India assured the Government of Pakistan that information about large troops concentration around Junagadh was not correct. Though it was admitted that they had sent “a small force of troops” as a counter measure to “large scale military preparations of Junagadh supply of arms and ammunition to its Muslim subjects”. Needless to say that there was no truth whatsoever in these allegations as latter events have proved to the world.

Meanwhile, apparently in order to gain some semblance of justification for an otherwise completely untenable case, the Government of India persuaded certain feudatory chiefs and Jagirdars within the state of Junagadh to sign Instruments of Accession with the Dominion of India, in spite of the fact that they had not independent status to do so and their accession followed automatically that of Junagadh whose vessels they were. These comprised a number of mulgires and Jagirdars of Babariawad, who are Hindus, and the chief of Mangrol, who is a Muslim but who had some old standing grievance against the Nawab of Junagadh. In the first case accession was obtained by promises of future independence and in the later by both promises and threats. The fact that the Sheikh of Mangrol renounced his accession within an hour or two of his signature and before the instrument had been signed by the Governor-General of India in token of his acceptance, was totally ignored.

5. Another line of attack was adopted by setting up the so-called “Provisional Government” with headquarters first at Bombay and later at Rajkot, which claimed the right to liberate the so-called oppressed non-Muslim population of the Junagadh state. To Pakistan’s protests in this connection the Government of India at first gave most unsatisfactory and evasive replies and subsequently gave no reply at all.

6. In correspondence which passed between the two dominions in the last
week of September 1947, the Government of India’s attitude remained un-helpful, though, for technical reasons, they expressed their view that the only solution to the dispute was holding a referendum or plebiscite of the population under the supervision of the Government of India and the Junagadh state. About this time at a meeting between the Prime Ministers of the two dominions suggestions were made that the whole affair might be settled by discussion. Although legally and constitutionally the accession of Junagadh to Pakistan was unexceptionable, in an endeavour to help find a peaceful solution, Pakistan Government readily expressed its willingness to take such a discussion and even offered to discuss conditions and circumstances in which a plebiscite or referendum should be held in any state or states. It was, however, pointed out that unless troops were withdrawn by Government of India and aggressive attitude abandoned, no useful purpose could be served by a discussion. This the Government of India never clearly agreed to do and in fact continued to bring in more troops.

7. Meanwhile the so-called ‘Provisisonal Government’ began operating extensively with a large trained body of men using automatic and modern weapons including armoured cars. Among other unlawful activities this force occupied Junagadh House at Rajkot, the headquarters of the Indian Regional Commissioner of the states Ministry, and hoisted the Congress flag over it. Pakistan lodged a strong protest to India in regard to these incidents and once again pointed that unless the warlike activities were stopped no useful discussion could take place. In reply to this protest the Government of India merely reiterated their objections to the accession of Junagadh of Pakistan and instead of curbing the activities of the ‘Provisional Government’ themselves proceeded to occupy Sardargarh and Bantve. The climax was reached when Indian dominion troops entered the small state and Manavadar, occupied the palace, shot dead a palace guard, took the Chief in custody and removed him to an unknown destination. No explanation of why a state which had acceded to Pakistan was occupied and taken under management has been forthcoming from the government of India, in spite of protests. Indeed, shortly afterwards and while negotiations were still going on regarding the possibility of a peaceful settlement, Government of India sent troops to occupy Babariawad and Mangrol, in spite of clear undertaking that this will not be done.

8. Not content with this, active support was given to the so-called ‘Provisisonal Government’ in their depredations which became extensive about this time. They began seizing villages of Junagadh state and in the process shot dead several policemen of the state with the modern arms they possessed. Evidence received from unimpeachable sources clearly proves that a majority of the armed members of the so-called ‘Azad Fauj’ were soldiers of India’s regular armed forces of which a whole brigade was stationed in Kathiawar with the sole object of breaking the resistance of the state.
9. This has now been achieved. According to reports, on the 7th November 1947, a force of 20,000 of the so-called ‘Azad Fauj’ equipped with tanks, armoured cars and other modern weapons, marched on to Junagadh and gave an ultimatum to the administration to surrender. The Dewan of Junagadh had no alternative before him in the matter against such odds and decided to hand over the administration to the Indian Union temporarily pending honourable settlement of issues involved. The Government of India have readily accepted the invitation and have declared that they have done so “in order to avoid disorder and resulting chaos”. They have invited Pakistan to attend a conference “with a representative of the Nawab of Junagadh in order to discuss the question of referendum or plebiscite and allied matters affecting Junagadh”.

10. It is quite clear that if the Government of India had really meant to assist the state without any ulterior motive, they could have easily stopped the illegal activities of the so-called ‘Provisional Government’ forces which were throughout using either Indian territory or territory of states having acceded to India for their operations against Junagadh. The Government of India’s throughout have been directed towards forcing the state to renounce its accession to Pakistan and all kinds of weapons have been used by them to achieve this end. Conditions were carefully and deliberately created in and around Junagadh state which made it impossible to run the administration. The Pakistan government were fully aware of what was coming, but in their extreme anxiety to give no possible excuse to the government of India for invasion, which they had obviously been looking for, they advised the state authorities to act with the utmost caution and themselves refrained from sending a single soldier to Junagadh. All that they did was to send seven thousand tons of food-grains to feed the starving population of Junagadh and Manavadar despite the occupation of the latter by Indian forces. It is regretted, however, that the restraint, with which the Pakistan and Junagadh state governments have acted has not been appreciated.

11. It has been made quite clear to the Government of India that the Pakistan Government have no intention of recognizing the military coup d’etat performed by the Indian dominion and cannot regard the occupation as anything but an unwarranted violation of Pakistan territory. Neither the Dewan nor, for that matter, the Ruler himself has any authority to negotiate any settlement, temporary or permanent, with the Indian dominion. With regard to Government of India’s suggestion to hold a conference, the Pakistan Government considers that without an immediate withdrawal of Indian troops, reinstatement of Nawab’s administration and restoration by India of normal conditions in and around borders of Junagadh including stoppage of activities of the so-called ‘Provisional Government’ the proposed conference would be meaningless.
New Delhi, February 5, 1948.

No. PRIMIN-745. 5th February, 1948.

For Gopalaswami Ayyangar (Leader of the Indian Delegation) from Jawaharlal Nehru.

Your telegram 58/S dated January 31st. Papers relating to paragraph 2 (b), item 4 of para 3 of document II and para 12 of document III are being forwarded to you separately.

2. Following are answers seriatim to points raised by you regarding Pakistan’s allegations*:-

(i) Our troops entered Junagadh and Mangrol. Mangrol has acceded to the Dominion of India and signed the Instrument of Accession. Pakistan may argue either that Mangrol being a feudatory of Junagadh had no right to accede separately or alternatively that the accession of Mangrol was secured by coercion. The reply to these arguments would be, first that Mangrol was always treated as a separate entity and never recognized the suzerainty of Junagadh. Secondly, whatever arrangement existed between Mangrol and Junagadh was entirely the product of Paramountcy and lapsed with the lapse of Paramountcy. The Sheikh of Mangrol himself came to Rajkot and voluntarily handed over his Instrument of Accession to the Secretary, Ministry of States. Entry of our troops into Junagadh was on an invitation by the Dewan, who had obtained Ruler’s consent, and by Executive Council of Junagadh State supported by representative public opinion. Troops were led into Junagadh by Harvey Jones, Senior Member of the State Council and Member-in-charge of the State forces. Junagadh was taken over without firing a shot. Our troops are still in Junagadh and Mangrol. Manavadar, Sardargarh (including Sultanabad) and Bantva were petty States attached to Junagadh under the attachment scheme of the late Political Department and on the laps of Paramountcy the Attachment Scheme also lapsed. This decision was announced on 13th August 1947 when India was still undivided. The administration of these States had however completely broken down and consequently management of the States was taken over by the Government of India. Our troops never entered these States.

(ii) It is not correct that Rulers of these states have been kept in detention. The Nawab of Junagadh and Chiefs of Bantva and Sardargarh left their States and have gone to other places of their free will. The Khan of
Manavadar and the Sheikh of Mangrol are staying at Jamnagar and Porbandar respectively in State palaces and treated with all courtesy as guests of the Rulers of Jamnagar and Porbandar. Neither Ruler has expressed any dissatisfaction with the arrangements made for them. It is entirely untrue to suggest that these Rulers have been subjected to any pressure to wean them from Pakistan. On the other hand Pakistan tried to coerce Mangrol to renounce his accession to India, judging from statements made by him from time to time. The Nawab of Kurwai, the maternal uncle of the Sheikh of Mangrol, spent several days with him at Porbandar.

(iii) The present administration of Junagadh having been voluntarily and lawfully made over to the Government of India is being carried on by the Regional Commissioner assisted by an Administrator. The Nawab of Junagadh and his duly constituted Council after consulting public leaders handed over the administration of the state to the Government of India as they were unable to maintain law and order. Sir Shah Nawaz Bhutto’s letter of 8th November handing over the administration was delivered personally by Harvey Jones, Senior Member of the State Council to our Regional Commissioner. Dewan’s letter itself admits that the administration of the State at the time the letter was written had completely disintegrated. The Government of India entered Junagadh in response to importunities of the State administration and to put an end to lawlessness in Junagadh in the midst of territories of States which had acceded to India. The Nawab has not been deposed but removed himself to, and is staying of his own free will at Karachi. Technically and formally the Junagadh administration is carried on in the name and on behalf of the Nawab. It may be pointed out that the State administration with the full connivance and knowledge of Pakistan approached the Regional Commissioner for States of Rajkot (the Government of India) to take over complete charge of the administration. The action of the Government of India was thus not an act of aggression against Pakistan. [Moreover, the proviso to Section 7(1) of the Indian Independence Act continues, all existing agreements between inter alia Junagadh and the Government of India relating to customs, transit and communications, posts and telegraphs and other like matters, which shows that Junagadh was intimately bound up with India.]

(iv) Pakistan has been informed from the beginning of our intention to hold and abide by a plebiscite in Junagadh. The plebiscite is due to be held in the third week of February. A press communiqué in this respect was issued on the 15th January 1948. Date of plebiscite has not been specially notified to Pakistan.
Referendum is being held by a senior judicial officer, Mr. Nagarkar, who is neither a Hindu nor a Muslim. He is a Brahmo. It is quite unnecessary to hold the plebiscite under the authority of the United Nations but if the United Nations and Pakistan press for this and if the United Nations think it desirable it may straightaway send one or two observers to report on the arrangements made for the holding of and the actual conduct of the referendum. Under no repeat no circumstances should we agree to postponement of the plebiscite to enable United Nations Organisation and Pakistan to send their observers. Subject to this we may not repeat not raise any serious objection to such a proposal.

3. In all these areas the present situation regarding law and order is being maintained and complete protection is available to all sections and communities and life is normal. In a statement issued on 19th January 1948 Muslim leaders of Kathiawar had themselves expressed satisfaction with the administration.

No. 76-S. 7th February, 1948.
For Jawaharlal Nehru, from Gopalaswami Ayyangar.

Towards the end of our informal conference today February 6th Zafrullah Khan mentioned urgency of some action consistent in regard to Junagadh and suggested that I might communicate with my government and ask them to postpone taking of proposed plebiscite in Junagadh until a settlement has been arrived at on Pakistan's counter claims about that State. I said that I would do so and added that I personally saw no repeat no difficulty in Government of India's agreeing to this postponement. On return from conference I saw your telegram Primin-745, dated February 5th in which you say that under no circumstances should we agree to postponement of plebiscite. We think that postponement* should be agreed to as the matter is in effect sub-judice before Security Council.

* In reply Mr. Ayyangar was informed on February 10 that the announcement of the plebiscite had been made in January with full publicity and the plebiscite had in fact started with the process continuing for two or three weeks and hence it was “impossible to stop the process now”. Adding a caveat, the Prime Minister however informed him
that: “If you consider this necessary, you can say that, should circumstances justify this, Government of India would be prepared to have another plebiscite under suitable auspices.” On 19th February V.P. Menon, Secretary, Ministry of Stats informed Mr. Ayyangar that Sardar Patel did not agree with the suggestion made by the Indian Delegation to the Ministry of External Affairs that the results of the plebiscite in Junagadh, (which had overwhelmingly in favour of the accession of the State to India), be withheld.

The results of the vote were:

Vote for accession to

<table>
<thead>
<tr>
<th>Place</th>
<th>India</th>
<th>Pakistan</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Junagadh</td>
<td>190,779</td>
<td>91</td>
</tr>
<tr>
<td>2. Mangrol</td>
<td>11,833</td>
<td>8</td>
</tr>
<tr>
<td>3. Manavadar</td>
<td>8,436</td>
<td>11</td>
</tr>
<tr>
<td>4. Bantva (Bara Majmu)</td>
<td>1,091</td>
<td>10</td>
</tr>
<tr>
<td>5. Bantva (Chota Majmu)</td>
<td>1,412</td>
<td>Nil</td>
</tr>
<tr>
<td>6. Sardargarh taluka</td>
<td>3,241</td>
<td>2</td>
</tr>
<tr>
<td>7. Babriawad</td>
<td>5,392</td>
<td>8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>222,184</td>
<td>130</td>
</tr>
</tbody>
</table>

Similarly on February 5, the Indian delegation had been informed: “The Nawab has not been deposed but removed himself to, and is staying of his own free will at Karachi. Technically and formally the Junagadh administration is carried on in the name and on behalf of the Nawab.” During the course of discussions at the United Nations between leader of Pakistani delegation Zafrullah Khan and the leader of the Indian delegation Vellodi the question of Junagadh came up for discussion on 23rd April 1948, and Zafrullah suggested Vellodi that in their proposed joint meeting with the President of the Security Council the next day they should apart from other matters, discuss conditions precedent to holding of a plebiscite in Junagadh and the question of restoration of the Nawab to his position back in the State. Vellodi therefore sought instructions from the Ministry of External Affairs on these points. The Ministry after consultations with the Ministry of States informed Vellodi that New Delhi had “agreed to a further plebiscite in Junagadh in spite of the fact that in the last plebiscite there was an overwhelming majority in favour of accession to the Indian Dominion”, and “as far the Nawab’s return to the State, you may point out that he fled from the State taking with him all the realizable assets of the State. We have no (repeat no) doubt that if he returns to the State now there will be a major communal flare-up in the State and he will not be tolerated for twenty-four hours.”

Mr. Vellodi was accordingly advised not to give in on the question of Nawab’s return to Junagadh. On the question of removal of Indian troops in Junagadh, which Zafrullah also had suggested, the Indian representative was told that India had only a small detachment of no more than a couple of companies there and their presence will not affect the plebiscite in the slightest degree. “On the contrary it is necessary to retain them somewhere in the State for purpose of law and order,” was New Delhi’s advice to Vellodi and therefore not to give in this point too.

On April 26, 1948 the Leader of the Indian delegation in a letter to the Security Council inter alia said the following on Junagadh:

2. I have stated before the Security Council that, in the view of the Government of India, the Security Council would be well advised in awaiting the reactions of the two governments to the resolution passed by the Council on the Jammu-Kashmir question before it proceeds further with the consideration of the question relating to Junagadh. The reasons for this are as follows: in the first place, in both cases the matter in dispute is the question of the accession. In both cases the Government of India have agreed that this question should be decided by the verdict of the people of the State as expressed in plebiscite. In the case of Kashmir, the plebiscite has yet to be held; in the case of
Junagadh, a plebiscite has been held resulting in the large majority of the people voting for accession to India. India has however agreed that if the Security Council desires that a fresh plebiscite should be held this may be done at a suitable opportunity and under suitable auspices, international or otherwise. In regard to Kashmir the Security Council has, in its resolution of 19th April, made certain concrete proposals which have as their aim the holding, in due course, of a fair and impartial plebiscite in Kashmir, neither India nor Pakistan has yet accepted these proposals nor acquiesced in them. It is reasonable to expect that the plan that is finally approved for Kashmir will *mutatis mutandis* be applied to Junagadh. I therefore suggested what is indeed my government's view-that you should postpone the further consideration of the Junagadh question until the Security Council receive the reactions of the two governments to the proposals relating to Kashmir.

3. There is another aspect of this problem which is, if anything, more important. I feel sure you will agree that having made certain concrete proposals regarding Kashmir, the Security Council should do nothing that might impair their success. The situation is still very uncertain. Such reports as one has received so far from India do not fill one with great optimism regarding the fate of the resolution. I enclose copies of two newspaper reports one appearing in the *New York Times* of 25th April, and the other in the *Manchester Guardian* of 24th April, neither of which, you will observe, are encouraging. I need not emphasize that in the circumstances, the Security Council should exercise the utmost caution in taking any measures that might prejudice a successful solution of the Kashmir question.

4. From a purely practical point of view also it seems prudent to defer the consideration of the Junagadh question. Let us assume, for the sake of argument, that India expresses her inability to cooperate with the Security Council or with the Commission in implementing the terms of the Council's resolution on the Kashmir question. In that event is there any doubt that, even if in the meantime you had proceeded, formally or informally, to deal with Junagadh, you would immediately put aside this question and revert to the further consideration of the Kashmir question? What then is the practical advantage of undertaking immediately, formal or informal discussions regarding Junagadh?

5. Even on merits there is nothing that demands that an immediate or urgent consideration of Junagadh. The present situation in that State offers no threat to international peace or security. There is no fighting in the State. Even Pakistan has conceded that a fresh plebiscite when it is held will yield the same results as the last one.

6. It is for these reasons, and with a desire to facilitate, rather than to retard, the dispatch of business in the Security Council, and to avoid unnecessary and fruitless labour so far as you and members of the Council are concerned, that I suggested on Friday, and again on Saturday, that this question of Junagadh might very well wait until you have received the reactions of the Government of India and the Government of Pakistan to the resolution passed by the Council in respect of the Jammu and Kashmir question.
INDIA-PAKISTAN RELATIONS

SECTION - VI

KASHMIR
2015. Telegram, dated 4th September 1947, sent by Prime Minister, Kashmir, to Prime Minister, West Punjab, Lahore.

Nearly 400 armed Sattis Muslims residents mainly of Kahuta Tehsil, Rawalpindi District, reliably reported infiltrating fully armed into the State over river Jhelum eleven miles east of Kahuta. Ostensibly their purpose is to loot and attack minority communities in the State. His Highness' Government consider this encroachment highly detrimental to maintenance of peaceful relations unless prompt action is taken to force these people back and to prevent further encroachments of this nature. His Highness' Government think that these people are probably unaware of the equal treatment being accorded to all State subjects and of actual help, protection and guarantee of safe passage through the State being extended at the moment to countless Muslim refugees coming over from Shakargarh on their way to West Punjab. Grateful if the above is also brought home to the people of the tract to which intruders belong. Immediate action essential. Intimation of action taken may kindly be given*.

A copy of the above telegram was also repeated to the Deputy Commissioner, Rawalpindi.

* The telegram was provoked by a report from Chief of Staff of J & K State Forces Major General Scott on September 4 that "a band of up to 400 armed Sattis-Muslim residents mainly in Kahuta tehsil of Rawalpindi District were infiltrating into the State over the river Jhelum from Pakistan in the area of Owen (map reference sheet 43/G/10-649508) eleven miles east of Kahuta. Their purpose is looting and attacking minority communities in the State. Could the Government of Pakistan be asked by urgent telegram to take action to force return of these raiders to the west bank Jhelum river and to prevent further incursions into the State from the Rawalpindi and Hazara Districts."

On September 6 the Deputy Commissioner of Rawalpindi in reply said that "I have personally visited Kahuta and have made enquiries from officials of Gujarkhan Tehsil. Your information completely wrong. No infiltration has been seen by any of my officers or village officials anywhere at various points. I do not expect any trouble of any kind. I shall be glad to take action if you are able to furnish anything specific at any time." But the Srinagar replied back the same day told the D.C. Rawalpindi that: "Hope you would agree infiltration is effected more by secret movement than openly and people concerned could only be detected in the territory in which they have infiltrated for operation by officers specially deputed to find them out. Information given to you was based on the observation of responsible military officers."


The Government of Jammu and Kashmir in a communiqué says that the report published in a section of the Press that Kashmir State had decided to join the Indian Union is "unauthentic".

The communiqué adds: The position conveyed in a Press Communiqué issued on August 12th that standstill agreements with both Dominions will be entered into holds good.

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2017. Letter from Prime Minister Jawaharlal Nehru to Deputy Prime Minister Sardar Patel.

New Delhi, September 27, 1947.

I am writing to you about Kashmir. I met Mahajan (Mehr Chand Mahajan, Prime Minister of Jammu and Kashmir) before he went there and had a talk with him. I felt that his approach might not be wholly successful.

2. It is obvious to me from the many reports I have received that the situation there is a dangerous and deteriorating one. The Muslim League in the Punjab and the N.W.F.P. are making preparations to enter Kashmir in considerable numbers. The approach of winter is going to cut off Kashmir from the rest of India. The only normal route can hardly be used during winter and air traffic is also suspended. Therefore it is important that something should be done before these winter conditions set in, this means; practically by the end of October or, at the latest, the beginning of November, Indeed, air traffic will be difficult even before that.

3. I understand that the Pakistan strategy is to infiltrate into Kashmir now and to take some big action as soon as Kashmir is more or less isolated because of the coming winter.

4. Whether this strategy succeeds or not depends upon the forces opposed to it. I rather doubt if the Maharaja and his State forces can meet the situation by themselves and without some popular help. They will be isolated from the rest of India and if their own people go against them, it will be very difficult to
meet the situation. Obviously the only major group that can side with them is the National Conference under Sheikh Abdullah’s leadership. If by any chance that is hostile or even passive, then the Maharaja and his Government become isolated and the Pakistani people will have a relatively free field.

5. It becomes important, therefore, that the Maharaja should make friends with the National Conference so that there might be this popular support against Pakistan. Indeed, it seems to me that there is no other course open to the Maharaja but this: to release Sheikh Abdullah and the National Conference Leaders, to make a friendly approach to them, seek their co-operation and make them feel that this is really meant and then to declare adhesion to the Indian Union. Once the State accedes to India, it will become very difficult for Pakistan to invade it officially or unofficially without coming into conflict with the Indian Union. If, however, there is delay in this accession, then Pakistan will go ahead without much fear of consequences, specially when the winter isolates Kashmir.

6. It seems to me urgently necessary, therefore, that the accession to the Indian Union should taken place early. It is equally clear to me that this can only take place with some measure of success after there is peace between the Maharaja and the National Conference and they co-operate together to meet the situation. This is not an easy task; but it can be done chiefly because Abdullah is very anxious to keep out of Pakistan and relies upon us a great deal for advice. At the same time, he cannot carry his people with him unless he has something definite to place before them. What this can be in the circumstances I cannot define precisely at the present moment. But the main thing is that the Maharaja should try to gain the goodwill and co-operation of Abdullah. This is the belief also of various minorities in Kashmir who have no other support to lean upon. I do not think it is possible for the Maharaja to function for long if no major section of the population supports him. It would be a tragedy if the National Conference remains passive owing to frustration and lack of opportunity.

7. Nobody can guarantee what will happen in this complicated situation. Sheikh Abdullah was sentenced in May 1946 to nine years imprisonment for having led the “Quit Kashmir” campaign against the Maharaja. He was released on 29 Sept. 1947. But the course I have suggested seems to me the wisest one and the most likely to produce results. But it is important that there should be no delay. The time element cannot be forgotten and delay itself may cut us off completely from Kashmir owing to the approach of winter.

8. I tried to explain much of this to Mahajan. But I fear he only partly appreciated what I said. I do not know what advice you gave to him. Your advice will naturally go a long way either to the Maharaja or to Mahajan.

9. At the present moment Sheikh Abdullah and his colleagues are still in
prison. It seems to me very injurious to future developments. Unfortunately the Maharaja cannot make up his mind easily.

10. I hope you will be able to take some action in this matter to force the pace and to turn events in the right direction. We have definitely a great asset in the National Conference provided it is properly handled. It would be a pity to lose this. Sheikh Abdullah has repeatedly given assurances of wishing to co-operate and of being opposed to Pakistan; also to abide by my advice.

11. I would again add that time is of the essence of the business and things must be done in a way so as to bring about the accession of Kashmir to the Indian Union as rapidly as possible with the co-operation of Sheikh Abdullah.

Yours sincerely,
Jawahar Lal Nehru

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2018. Telegram from Pakistan Ministry of Foreign Affairs to Prime Minister of Kashmir.
Karachi, October 2, 1947.

We are willing to do everything we can and are indeed taking steps to see that Kashmir is supplied with essential commodities of which it is in need. It must however be appreciated that certain difficulties stand in our way. Drivers of lorries are for instance, reluctant to carry supplies between Rawalpindi and Kohala and it is impossible for us to spare troops for this escort. The Government of Pakistan are seriously concerned about reports reaching them to the effect that armed Sikhs are infiltrating into Kashmir State. We would once again impress upon you the need for representatives of Governments of Pakistan and Kashmir to meet and consider the question of supplies, the infiltration of these armed Sikhs, and other outstanding questions, we leave it to you to suggest the venue of this meeting.

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This was in reply to the State Government SOS to the Pakistan Government for urgent supplies since the main route to Srinagar was via Rawalpindi from where traditionally supplies had been made to the State until now. In reply sent on 3rd October the Kashmir government “emphatically” denied reports of Sikh infiltrators and repeated that it was the armed people from Rawalpindi, Jhelum and Sialkot who were raiding the State.

Instead of speeding supplies, the Pakistan government informed the State Government
that it was sending one Major Shah, Joint Secretary from the Ministry of Foreign Affairs "to discuss the whole question with a view to arriving at satisfactory solution".

On the 8th October the State Government replied to Pakistan Government and said since it was "extremely busy in dealing with disturbances caused by armed people infiltrating unchecked from Pakistan Dominion portion of Hazara and Murree into Poonch" it would discuss matters with General Shah "when this trouble is controlled," and asking Pakistan to "keep your people in check if so desired. This Government will appreciate if this is done."

On the 7th October the Kashmir Government sent a telegram to the British Prime Minister wherein it described the State government as the "Government of Jammu and Kashmir (India)". It complained that the essential supplies had been held up by Pakistan Government causing great hardship to the people of the State. It said:

"As the requirements decreased, the virulence of the Pakistan controlled press and radio increased, not only giving to the world false and malicious news but even allowing threats of invasion from its own people with a view to coerce the State to decide in favour of joining the Pakistan Dominion." The telegram concluded: "As a result of obvious connivance of the Pakistan Government the whole of the border from Gurdaspur side up to Gilgit is threatened with invasion which has actually begun in Poonch. It is requested that the Dominion of Pakistan may be advised to deal fairly with Jammu and Kashmir State and adopt a course of conduct which may be consistent with the good name and prestige of the Commonwealth of which it claims to be a member. As message if sent from Srinagar not likely to reach through Pakistan it is being cabled from Delhi."

On October 19th the Pakistan Government in a telegram accused the Kashmir Government of putting "forward vague allegations of infiltrating people of Pakistan in Kashmir and have accused the border people of manufacturing bad relations."

"Emphatically and categorically denying the allegations and accusations" the Pakistan Government accused the Kashmir Government of "mounting evidence of ruthless suppression of Muslims in Kashmir State and of raids into Pakistani territory by armed Dogra gangs and non-Muslim refugees from Punjab. Accusing the State Government of wanting to obtain outside assistance presumably from India, it went on to suggest and threaten that "the only object of this intervention by an outside power secured by you would be to complete the process of suppressing the Muslims to enable you to join the Indian Dominion as coup d'etat against the declared and well-known will of the Mussalmans and others who from 85 percent of the population of your State. We must earnestly draw your attention to the fact that if this policy is not changed and the preparations and the measures that you are now taking in implementing this policy are not stopped the gravest consequences will follow for which you alone will be held responsible."

When the State government tried to appeal to the Pakistan Governor General Jinnah against the highhanded attitude of the Pakistan government Jinnah in his reply dated 20th October accused the Maharaja of trying to "seek an opportunity to join the Indian Dominion as a coup de' etat by securing the intervention and assistance of that Dominion. This policy is naturally creating deep resentment and grave apprehension among your subjects 85 percent of whom are Muslims. The proposal made by my Government for a meeting with your accredited representative is now an urgent necessity."
2019. Telegram from Prime Minister Jawaharlal Nehru to British Prime Minister C.R. Attlee and repeated to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, October 25, 1947.

A grave situation has developed in the State of Kashmir. Large numbers of Afridis and other tribesmen from the Frontiers have invaded State territory, occupied several towns and massacred large numbers of non-Muslims. According to our information, tribesmen have been equipped with motor transport and also with automatic weapons and have passed through Pakistan territory. Latest news is that the invaders are proceeding up the Jhelum valley road towards the valley of Kashmir.

2. We have received urgent appeal for assistance from the Kashmir Government. We would be disposed to give favourable consideration to such request from any friendly State. Kashmir's northern frontiers, as you are aware, run in common with those of three countries, Afghanistan, the U.S.S.R. and China. Security of Kashmir, which must depend upon its internal tranquility and existence of stable government, is vital to security of India, especially since part of southern boundary of Kashmir and that of India are common. Helping Kashmir, therefore, is an obligation of national interest to India. We are giving urgent consideration to the question as to what assistance we can give to the State to defend itself.

3. I should like to make it clear that question of aiding Kashmir in this emergency is not designed in any way to influence the State to accede to India. Our view which we have repeatedly made public is that the question of accession in any disputed territory of State must be decided in accordance with wishes of the people and we adhere to this view. It is quite clear, however, that no free expression of the will of the people of Kashmir is possible if external aggression succeeds in imperiling the integrity of its territory.

4. I have thought it desirable to inform you of the situation because of its threat of international complications.
2020. Note Signed by the Commanders-in-Chief of the Army, Air Force and Navy (All British Officers) of India Regarding the Sending of Indian Troops into Jammu & Kashmir.

New Delhi, October, 27, 1947.

It has been alleged that plans were made for sending Indian forces to Kashmir at some date before 22nd October, on which day the raid on that State from the direction of Abbottabad began.

2. The following is a true time-table of events, as regard decisions taken, plans made, orders given and movements started in this matter:

(1) On 24th October the C-in-C, Indian army, received information that tribesmen had seized Muzaffarabad. This was the first indication of the raid.

(2) Prior to this date, no plans of any sort for sending Indian forces into Kashmir had been formulated or even considered.

(3) On the morning of 25th October, we were directed to examine and prepare plans for sending troops to Kashmir by air and road, in case this should be necessary to stop tribal incursions. This was the first direction which we received on this subject. No steps had been taken, prior to the meeting, to examine or prepare such plans.

(4) On the afternoon of 25th October, we sent one staff officer of each, the Indian Army and the R.I.A.F., by air to Srinagar. There they saw officers of the Kashmir State forces. This was the first contact between officers of our Headquarters and officers of the Kashmir State forces on the subject of sending Indian troops to Kashmir.

(5) On the afternoon of the 25th October, we also issued orders to an infantry battalion to prepare itself to be flown at short notice to Srinagar, in the event of the Government of India deciding to accept the accession of Kashmir and send help.

(6) On the morning of 26th October the staff officers mentioned in Subparagraph (4) above, returned from Srinagar and reported on their meetings with officers of the Kashmir State forces.

(7) On the afternoon of 26th October we finalized our Plans for the dispatch by air troops to Kashmir.

(8) At the first light on the morning of 27th October, with Kashmir's Instrument of Accession signed, the movement by air of Indian forces to Kashmir began.

2. No plans were made for sending these forces, nor were such plans even considered, before 25th October, three days after the tribal incursions began.

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2021. Message from the British Prime Minister C. R. Attlee to Prime Minister Jawaharlal Nehru.


I am most grateful to you for your message about the situation in Kashmir. We have received some reports but we have no confirmation of the scale and importance of any incursions which there may have been and I am conscious that in the recent past some rumours have proved to be much exaggerated.

2. The future relations of this State with Pakistan and India have obviously and from the first presented a problem of difficulty, the merits of which I do not think it is incumbent on me to discuss and I understand from your message that this problem is not at the moment uppermost in your mind. But I am clear as you say that the use of armed forces is not the right way to resolve these difficulties.

3. You must of course give serious consideration to an appeal from the ruler of the State but I do beg of you not to let your answer to this appeal the form of armed intervention by the forces of India.

4. I cannot conceive that at best this could result in anything but the most grave aggravation of communal discord not only in Kashmir but elsewhere. Further it seems unlikely that the Pakistan Government or indeed any Government could resist the temptation to intervene also with its own forces if you intervene with yours. This could lead only to open military conflict between the forces of the two Dominions resulting in incalculable tragedy. I am informing the Pakistan Prime Minister briefly of the purport of your message to me and of this reply and I am also begging his Government to do their utmost to prevent the incursion into Kashmir of armed persons from outside.

5. Restoration of order in Kashmir is of course important from every point of view and as you say it has an international aspect but I do not regard this aspect as so serious as to warrant taking such grave risks in the attempt to quiet immediately the present troubles.

6. I also suggest for your consideration as I am suggesting to Prime Minister of Pakistan that it might be most useful step towards settlement of difficult question of Kashmir's future if it would be discussed by you, Mr. Liaquat Ali Khan and Maharaja of Kashmir at a meeting* to be held as soon as possible at some suitable place.

* The next day on October 28 Nehru sent a cable to Liaquat Ali Khan saying: "I would welcome an early opportunity of meeting you and discussing various problems that have arisen, more specially developments in Kashmir about which I have informed you. I earnestly hope that there will be cooperation between Pakistan and India in stopping
2022. **Cable from Pakistan Prime Minister Liaquat Ali Khan to Prime Minister Jawaharlal Nehru.**

*Lahore, October 30, 1947.*

I have received your telegrams including that of 28th October to which I reply. The position is that Sikh attacks on Muslims in East Punjab in August greatly inflamed feeling throughout Pakistan and it was only with greatest difficulty that Pathan tribes were pre-vented from entering West Punjab to take revenge on Hindus, and Sikhs. Muslims in Poonch were attacked and those in Jammu massacred by mobs led by Kashmir State Forces and when it was evident that there was to be a repetition in Kashmir of that in East Punjab it became impossible wholly to prevent tribes from entering that State without using troops which would have created a situation on frontier that might well have got out of control.

Your recent action of sending troops to Kashmir on pretext of accession has made things infinitely worse. The whole of the frontier is stirring and feeling of resentment among tribes is intense. The responsibility for what is happening is entirely yours. There was no trouble in Poonch or Jammu till State troops started killing Muslims. All along Kashmir Government has been in close touch with you. At the same time they ignored or refused our offers of friendly discussion. On 2nd October I suggested that both Pakistan and Kashmir should appoint representatives to discuss supplies to Kashmir and mutual allegations of border raids. The Prime Minister, Kashmir, replied that he was too busy. When in spite of this we sent Shah, Joint Secretary, Ministry of Foreign Affairs, and States to Kashmir the Prime Minister refused to discuss with him. On 15th October Prime Minister, Kashmir, threatened that unless we agreed to an raids and putting down disorder and then leaving choice about future to people of Kashmir. I am glad to learn that you are likely to visit Delhi for Joint Defence Council meeting soon."

In a separate telegram same day, Nehru gave details of the latest developments in Kashmir to Attlee and said that though it was initially considered not to send armed units to Kashmir but only make available arms to the State, later developments "made it clear that, unless we send troops immediately, complete disaster would overtake Kashmir with terrible consequences all over India." Nehru described Indian military intervention as only "defensive in aim and scope, in no way affecting any future decision about accession that might be taken by the people of Kashmir ultimately." Justifying Indian intervention he said meanwhile "we cannot desert the Ruler and people of friendly State who are in peril." He concluded by assuring the British Prime Minister that "We are always ready to discuss any issue in dispute with representatives of Pakistan. We have laid down the principle that accession of every State, whether Junagadh or Kashmir or Hyderabad, should depend on ascertained wishes of the people concerned." P.M expressed satisfaction that Attlee had also asked the Pakistan Government "to do their utmost to prevent the incursion into Kashmir of armed persons from outside", a task in which India was willing to cooperate.
impartial enquiry into what was happening he would ask for assistance to withstand aggression on his borders. We immediately agreed to an impartial enquiry since when no more has been heard from Kashmir of this proposal.

The Pathan raid on Kashmir did not start till 22nd October. It is quite clear therefore that Kashmiri’s plan of asking for Indian troops—and it could hardly have been unilateral—was formed quite independently of this raid and all evidence and action taken shows it was pre-arranged. It would seem rather to have been made after failure of their troops to suppress people of Poonch and in anticipation of reaction which they expected to their massacre of Moselems in Jammu.

I, in my turn appeal, appeal to you to stop the Jammu killings which continue. Yesterday West Punjab was again invaded by an armed mob who after a fight with villagers retreated leaving two Gurkha soldiers in uniform dead behind them. As long as this sort of thing continues passions are bound to become further inflamed.

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2023. Press Communiqué issued by the Pakistan Army Headquarters denying deployment of Pakistan Army in Kashmir.

Rawalpindi, October 30, 1947.

“Rumours have been circulated that troops of the Pakistan Army are being deployed within the borders of Kashmir. These rumours are entirely untrue. No Pakistan troops have been used in Kashmir.”

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Lahore, October 30, 1947.

The Secretary-General, Pakistan Government, in a statement to the press tonight, characterized as "entirely untrue" the statement of Mr. Mehrchand Mahajan, Prime Minister of Kashmir, that "an appeal was made to the Governor-General of Pakistan for intervention, but without success."

The Secretary-General said: "As far back as September, the Quaid-i-Azam had suggested to His Highness the Maharaja that he would like to go to Kashmir about the middle of September hoping that he might have a friendly talk with the Maharaja, but that was emphatically turned down on the ground that it was highly undesirable.

When certain allegations and complaints were made by the Kashmir Government to the Prime Minister of Pakistan on October 2, the Prime Minister of Pakistan suggested to the Prime Minister of Kashmir that the matter should be discussed by the representatives of the two Governments. The reply given by the Prime Minister of Kashmir was that at the moment he was too busy. Nevertheless the Pakistan Government sent a representative of their Ministry of Foreign Affairs and States to Srinagar to discuss these matters with the state authorities. The Prime Minister of Kashmir refused to hold discussions with him and he had to return.

The Secretary-General added: "On accession His Highness also mentioned the fact that although he had asked both Dominions to come to a Stand Still Agreement with his State, only Pakistan had done so". He alleged that Pakistan had not kept that agreement.

The Government of Pakistan cannot accept the version of the circumstances in which Kashmir acceded to the Indian Union. The Government of Pakistan have consistently and repeatedly tried to reach a better understanding with Kashmir to prevent friction between the two States. His Highness Government have ignored or rejected all these approaches. On October 2 the Prime Minister of Pakistan suggested to the Prime Minister of Kashmir that all questions outstanding between the two States, including that of supplies under the Stand Still agreement and mutual accusations of border raids, should be discussed by representatives of the two governments. The Prime Minister of Kashmir replied that at the moment he was too busy to discuss these matters. Nevertheless the Pakistan Government sent a representative of their Ministry of Foreign Affairs to Srinagar to discuss these matters with the State.

The Prime Minister, however, refused to hold discussions with him and he had to return. On October 15, the Prime Minister of Kashmir in a telegram to the
Prime Minister of Pakistan threatened that unless Pakistan agreed to an impartial inquiry into matters in dispute between the two States in order to restore cordial relations, he would be compelled to ask for outside assistance to withstand the aggression and unfriendly acts of Pakistan people on his border. The Prime Minister of Pakistan at once accepted the proposal for an impartial inquiry, and asked the Prime Minister of Kashmir to nominate a representative for this purpose. The Government of Kashmir have since then made no further reference to this matter. On October 18, without waiting for a reply to his previous telegram the Prime Minister of Kashmir in a communication to the Governor General of Pakistan repeated his charges against Pakistan and concluded by saying that he wished to make it plain that the attitude of the Government of Pakistan could be tolerated no longer, and expressed the hope that the Governor-General would agree that he was justified in asking for “friendly assistance” to oppose trespass on the “fundamental rights of the State on October 20.”

The Governor General replied, calling attention to the repeated attempts of Pakistan to improve its relations with Kashmir and asking the Prime Minister of Kashmir to come to Karachi and talk things over with him. No reply has so far been sent to this request.

The Governor-General also pointed out that the threat to call outside help amounted almost to an ultimatum and showed that the real aim of the Kashmir Government’s policy was to seek an opportunity to join the India Union by means of a ‘coup d’état.’

“In the opinion of the Government of Pakistan, the course of these negotiations clearly show that the Kashmir Government had never any intention of maintaining relations with Pakistan and that at any rate as early as October 15, they had made up their mind to call in outside assistance, presumably after ascertaining the attitude of the Government of India by secret negotiations which had been going on for weeks”.

The correspondence between the two Governments closed with the Governor-General’s telegram of October 26, offering to discuss matters with the Prime Minister of Kashmir, and the Pathan raid into Kashmir occurred on October 22. The Government of Pakistan cannot, therefore, accept His Highness’ version that this raid was the reason for His Highness’ request for the help of Indian troops in return for his accession. The Government of Pakistan also note that India troops arrived in Kashmir at 9 A.M. on the day on which the Governor-General of India sent his letter accepting the State’s accession. In his telegram of October 2, the Prime Minister of Pakistan told the Kashmir Government that Pakistan wished to do everything in its power to implement the Stand Still agreement with Kashmir and explained that failure to send essential supplies
to the state under that agreement was due to dislocation of communications because of the disturbances in the Punjab.

The Kashmir Government have ignored these explanations and have merely repeated their wanton charge that the Stand Still agreement had been broken by Pakistan, for which there is no justification whatsoever.

The Government of Pakistan consistently denied raiding into Kashmir territory by people from Pakistan. On the other hand there is conclusive evidence that Kashmir troops were used first to attack Muslims in Poonch and later to massacre Muslims in Jammu and even to attack Muslim villages in Pakistan near the border. Early in October, women and children from Poonch sought refuge in Pakistan and there are at present about one lakh Muslim refugees in the West Punjab from Jammu.

Villages both in Poonch and in Jammu have been burnt as evidenced by the smoke seen rising from them. Mortar and automatic weapons have been used to drive Muslims from their villages. Recently over 17,000 Muslim corpses were counted near a village in the West Punjab and raiders from Jammu into that province have left behind them, military vehicles and the dead bodies of soldiers in uniform.

The Muslims of Kashmir State did nothing to justify this oppression, which seems to have been ordered as a matter of state policy on the model of what happened in August and September in the East Punjab. It is only because of this action by the State that Kashmir is disturbed and this well-concerted action was purposely resorted to in order to create an excuse for calling in troops from India.

* * *

In these circumstances, it is clear to the Government of Pakistan that the Pathan raid was provoked by the use of Kashmir troops to attack and kill Muslims in Kashmir and Jammu, and for this the policy of the Kashmir Government was solely responsible.

The Kashmir Government must have been fully aware of the inevitability of the Pathans. Their deliberate refusal to consider every suggestion of the Pakistan Government for a meeting of representatives of both governments to handle the situation jointly and in friendly co-operation and at the same time, their conspiring with the Indian Government enabled them to use this raid as the occasion for the putting into effect of the pre-planned scheme for the accession of Kashmir as a coup d'etat, and for the occupation of Kashmir by Indian troops with the object of holding down the people of Kashmir who have been driven to rebellion by this well calculated and carefully planned oppression. In the opinion
of the Government of Pakistan, the accession of Kashmir is based on fraud and violence and as such cannot be recognized.

The reference to a plebiscite for Kashmir is merely put forward to mislead, as it ostensibly seems attractive but as a practical proposition, it remains on paper. If the India Government are allowed to act freely unfettered as they please by virtue of having already occupied Kashmir and landed their troops there, then, this *El Dorado* of plebiscite will prove a mirage.

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2025.  Message from the British Prime Minister C. R. Attlee to Prime Minister Jawaharlal Nehru sent through the British High Commissioner in India.


Office of the High Commissioner for the United Kingdom 6 Albuquerque Road, New Delhi.

October 30, 1947

Text of message dated 30th October to Prime Minister of India from Prime Minister of the United Kingdom.

Begins.

"Your telegrams dated 28th October PRIMIN 229, 234, and 235. I am grateful to you for setting out so fully your reasons for deciding to send a force from the army of India into Kashmir and provisionally accepting the accession of Kashmir to the Dominion of India.

2. I do not think it would be helpful if I were to comment on the action which your Government has taken.

3. I was greatly heartened by the news which reached me last night through our Acting High Commissioner that you and the Governor-General were to meet the Prime Minister and Governor-General of Pakistan at Lahore today no doubt as a result of the appeal of the Prime Minister of Pakistan which you mentioned in one of your *en clair* telegrams.

4. I have learned with regret that this meeting has had to be postponed owing to your illness. I sincerely trust that your indisposition is not serious and wish you a speedy recovery."
5. I earnestly hope that an early conference will prove possible. I and my Government cannot help but being deeply concerned at the strain which these developments are placing on the relations between India and Pakistan. We are sincerely anxious lest Kashmir should prove to be the cause of a break between the two Dominion Governments and I confess there still seems to me to be considerable danger of this unless there are early talks at the higher level in order to concert plans both for the restoration of order in Kashmir and for the final solution of the problems of its ultimate relationship to Pakistan and India including the vexed question of how to ascertain the will of the people in a state like Kashmir.

6. In the meantime I venture to suggest that it is important that you should keep the Pakistan Government fully and completely informed of any measure you are taking to assist in the restoration of order in Kashmir and so far as possible in advance of any such action. I hope you may agree that as a matter of procedure this would be the right course and that it would be of advantage in promoting cooperation between your two Governments. I am sure that should also serve to prevent the spread of exaggerated rumours which have so often not only played a fatal part among the people but have also I fear sometimes influenced one or other of the two Governments and may easily do so again if constant contact is not maintained.

7. Many thanks for the permission given in your en clair telegram to make such public use as may be considered appropriate of the material contained in our correspondence. I am considering whether publication might be of advantage to us all and to the cause of good understanding. If so the question of my correspondence with the Prime Minister of Pakistan would plainly arise."

Ends.

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2026. Telegram from Pakistan Prime Minister Liaquat Ali Khan to Prime Minister Jawaharlal Nehru.

Lahore, November 6, 1947.

Following for Pandit Nehru from Liaquat Ali Khan:

Your telegrams, dated October 31st, and November 4th, regarding Kashmir.

In broadcast I made on evening of November 4th I gave a review of Kashmir situation and of events leading up to it. It is hardly necessary for me to go over the whole ground again or reply to your allegations in detail. But I must say that you are singularly misinformed about position in Jammu and Kashmir. In particular, your account of border incidents in Jammu and of conditions in Jammu is so contrary to facts that I can only conclude that Jammu and Kashmir Government are sedulously keeping truth away from you. Let me repeat that it is the Muslims in Jammu who are being massacred by the thousand every day with active assistance of State Police and military, who are also organizing raids into West Punjab. When Kashmir Government made an offer of an impartial enquiry into these border incidents we accepted it at once. The Kashmir Government never broached the subject again. Your other allegations and insinuations are equally devoid of foundation and I emphatically repudiated them.

A day before your broadcast indicating policy of your Government a long discussion took place between Lord Mountbatten and the Qaid-e-Azam as a result of which the following proposals were put before Lord Mountbatten for communication to you and your Government:

1. To put an immediate stop to fighting; the Governors-General should be authorized and vested with full powers by both the Dominion Governments to issue a proclamation forthwith giving 48 hours notice to two opposing forces to cease fire. We have no control over forces of Provisional Government of Kashmir or tribesmen engaged in fighting but we will warn them in clearest terms that if they do not obey order to cease fire immediately the forces of both Dominions will make war on them.

2. Both the forces of Indian Dominion and tribesmen to withdraw simultaneously and with utmost expedition from Jammu and Kashmir State territory.

3. With sanction of two Dominion Governments the two Governors-General to be given full power to restore peace, undertake administration of Jammu and Kashmir State and arrange for plebiscite, without delay, under their joint control and supervision.
Lord Mountbatten promised to let me know your Government's reply to these proposals but we have heard no more about them. Your Government's policy is vague. I still ask your Government to let me have your reply to our definite proposals.

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2027.  

Cable from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, November 8, 1947.

1. Your telegram, dated the 6th November, about Kashmir was received today.

2. I regret that I have to disagree completely with your account of what has happened or is happening in Jammu and Kashmir State. We have received and are receiving full information from your own representatives in both Jammu and Srinagar and this convinces us that your information is wholly wrong.

3. I regret also the tone and the contents of your broadcast of the 4th November regarding Kashmir which indicated no desire to find a method for a settlement. It was merely an indictment which has no relation to the fact.

4. In the last paragraph of your telegram you say that Lord Mountbatten promised to let you know the views of the Indian Government to the proposals discussed between the two Governors-General but that you have heard no more about them. On this point there seems to have been a misunderstanding.

5. Lord Mountbatten on his return from Lahore gave me full account of his talk with Mr. Jinnah and in particular of the two important suggestions which had been discussed namely.

One: The withdrawal of Indian Dominion troops and tribesmen from Kashmir, and

Two: The holding of a plebiscite at the earliest possible date.

6. As regards the first proposal Lord Mountbatten told me that Mr. Jinnah desired that withdrawal of the Indian Dominion troops and tribesmen should be made simultaneously, but that he (Lord Mountbatten) had pointed out that it
was clearly impossible for the Indian troops to withdraw from Kashmir valley until the raiders had left Kashmir soil and law and order had been restored in Kashmir. Lord Mountbatten had also made it quite clear to Mr. Jinnah that the Government of India had no desire to retain troops in Kashmir for a moment longer than was necessary.

7. As regards the second point, Lord Mountbatten reported that Mr. Jinnah had expressed the view that there was no hope of a fair plebiscite under the present Kashmir authorities. To meet this point Lord Mountbatten had suggested that it should be conducted under the auspices of the U.N.O. Mr. Jinnah had put forward a counter-proposal that two Governors-General should be given plenary powers to settle the matter. Lord Mountbatten had pointed out that it would be constitutionally improper for him to undertake this duty.

8. On the very day that I had this talk with Lord Mountbatten, I made a broadcast in which the views of the Government of India on both these proposals were stated plainly and I sincerely followed it up with telegram to you indicating that they might form the basis of discussion at our next talks.

9. It is thus clear beyond any shadow of doubt that we did in fact put forward definite proposals as a basis for discussion between us as soon as possible after Lord Mountbatten’s return from Lahore.

10. I would have been glad to explain to you personally, at the meeting, the reasons for our inability to accept the proposals made to Lord Mountbatten by Mr. Jinnah. But since unfortunately you are unable to come, I must let you have my views to uphold them. They are as follows.

11. As regards your proposals one and two: a number of well-armed raiders have entered Kashmir to accompaniment of massacre, arson and loot. Our troops have been sent there to drive out these raiders and protect Kashmir. So long as these raiders remain there, and law and order have not been established, our troops must discharge their duty. Afterwards they will be withdrawn, as I have already undertaken.

12. The raiders are either under your control or they are not. If they are under your control, you should withdraw them and, in any event, stop them coming through Pakistan territory into Kashmir. If they are not under your control and you can do nothing to stop them, then surely we are entitled to deal with them as we think best.

13. As regards proposal number three in your telegram of November 6th we entirely endorse Lord Mountbatten’s view (vide paragraph seven above). This stated that the two Governors-General be empowered to restore peace,
undertake the administration of the State and arrange to hold a plebiscite under their joint control and supervision.

14. It will thus be seen that our proposals which we have repeatedly stated are (one) that Government of Pakistan should publicly undertake to do their utmost to compel the raiders to withdraw from Kashmir; (two) that Government of India should repeat their declaration that they will withdraw their troops from Kashmir soil as soon as raiders have withdrawn and law and order are restored; (three) that Governments of India and Pakistan should make a joint request to U.N.O. to undertake a plebiscite in Kashmir at the earliest possible date.

15. The above conclusions relate only to Kashmir, but it is essential, in order to restore good relations between the two Dominions, that there should be acceptance of principle that, where ruler of a State does not belong to community to which the majority of his subjects belong, and where the State has not acceded to that Dominion whose majority community is same as the State’s, the question whether the state has finally acceded to one or other Dominion should be ascertained by reference to the will of the people.

16. The Major-General commanding our forces in Jammu and Kashmir has been given the most explicit orders to do everything in his power to ensure that no victimization of any community is permitted.

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2028. Message from British Prime Minister C. R. Attlee to Prime Minister Jawaharlal Nehru through the U.K. High Commissioner in India.


Office of the High Commissioner for the United Kingdom
New Delhi

22.11.1947

Dear Prime Minister,

I have been instructed to communicate to you the following message from Mr. Attlee:-

"It is difficult for me and my Government to judge whether by chance there is any way in which we could be of service in helping towards a solution of the intractable problems produced by the march of events in relation to Kashmir.

2. Although the approach of your Government and that of the Pakistan Government is different, there seems to be agreement on both sides that a reference to the people of Kashmir is the right way in which to obtain a decision on the question of final accession to Pakistan or India, although I assume that it is hardly practicable to take this step before the spring. You suggested in your broadcast of the 2nd November a reference under international auspices like the United Nations and Mr. Liaquat Ali Khan also suggested in his statement of the 16th November that the United nations might be asked to appoint representatives to assist in the settlement of the Kashmir problem.

3. I can see great advantages, if it proved practicable for the machinery for consulting the people of Kashmir to be devised and administered under the supervision of independent persons acting at the request of, and on

* Replying to Attlee the next day (23-11-47) Mr. Nehru said that during his visit to Kashmir when he personally saw the atrocities and vandalism committed by the raiders on the civil population, he was convinced that until the State was rid of them, a task in which Indian troops were engaged, and a task in which Pakistan could help by refusing passage to them through Pakistan territory, free expression of people's will, will not be possible. He said once peaceful conditions returned to the State, "we shall be ready to let question of Kashmir's final accession be decided by the people of Kashmir by means of a plebiscite or referendum under international auspices such as those of United Nations." Nehru ruled out the auspices of the International Court of Justice for this purpose since it had "no executive authority under United Nations Charter nor trained administrative personnel at its disposal. The appropriate authority to provide the machinery would be the Security Council or Secretary-General of the United Nations."
behalf of the two Governments jointly. After full consideration, I am inclined to think that the speediest and most satisfactory way of putting this idea into practice would be to have recourse to one special organ of the United Nations, namely, the International Court of Justice.

4. Would you like me to take private soundings from the President of the International Court of Justice to discover whether he is of the opinion that it would be practicable and would be willing to try and get together a small team of international experts, not connected with India, Pakistan or the United Kingdom in the event of the joint request being preferred by the Governments of India and Pakistan for this to be done?

5. I should be delighted to take such a step if you and the Prime Minister of Pakistan think it would be helpful. I am sending an identical message to the Prime Minister of Pakistan.”

Yours sincerely

Sd/- Terence Shone

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My dear Prakasa,

4. I saw Mountbatten this afternoon and he told me of his conversation with you, more specially of what you said about Kashmir. I realize perfectly the state of feeling in Pakistan about Kashmir. Anybody who sees Dawn daily can appreciate this. Other sources of information confirm that there is a state of hysteria and desperation. All this is bad and might lead to trouble. But I was amazed to learn from Mountbatten that you hinted at Kashmir being handed over to Pakistan for the sake of peace all round. If we did anything of the kind our Government would not last many days and there would be no peace at all anywhere in India. Probably it would lead to war with Pakistan because of public opinion here and of war-like elements coming in control of our policy. We cannot and we will not leave Kashmir to its fate.

5. The fact is that Kashmir is of the most vital significance to India as well as to Pakistan. There lies the rub. Apart from this we have already committed ourselves by sending there our armed forces and it is quite impossible for us to withdraw. We have to see this through to the end whatever the future developments might be. Those developments depend upon many factors, our military strength of course, our internal conditions, and the internal conditions and military strength of Pakistan. All of us realize that this Kashmir venture is no easy matter. We did not undertake it light heartedly and we are not pursuing it with any easy confidence. We know the difficulties perhaps more than you do. Nevertheless we are going to go through it and it is desirable that you should make this perfectly clear in your private talks whenever this question arises.

6. In Kashmir an internal revolution is taking place under Sheikh Abdullah's leadership. New forces are arising and a new set-up of Government is gradually taking shape. It is difficult to prophesy what will happen four or five months later. We are committed to a plebiscite and we stand by it. But developments during the next few months will naturally govern decisions later.

7. Kashmir is going to be a drain on our resources, but it is going to be a greater drain on Pakistan. In a military sense we are stronger. The position however is this that even if we were somewhat weaker than we are, we cannot desert the people of Kashmir to whom we have given our pledge. Kashmir
KASHMIR

gives us an example of communal unity and cooperation. This has had a healthy effect in India and any weakening in Kashmir by us would create a far more difficult communal situation in India.

* * * *

Yours sincerely,

Jawaharlal Nehru

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2030. Telegram from Pakistan Prime Minister Liaquat Ali Khan to UK Prime Minister Attlee repeated to Prime Minister Jawaharlal Nehru.

Lahore, November 25, 1947.

FROM: PUNSG, Lahore,

To : Secretary of State for Commonwealth Relations. London

(Repeated: Foreign Karachi, Pakistan High Commissioner New Delhi and Foreign New Delhi for Prime Minister India).

No. 420 C Dated (and received) 25th November 1947

MOST IMMEDIATE

From Foreign camp Lahore. From Prime Minister Pakistan for Prime Minister United Kingdom.

Many thanks for your telegram of November 22nd regarding Kashmir. Your suggestion of having recourse to International Court of Justice appears to be based on an inadequate appreciation of realities of situation in Kashmir. You have focused your attention solely on the last process in the solution of Kashmir question, namely the holding of a PLEBISCITE and have ignored the essential pre-requisites for a free and unfettered exercise of the will of people. These are firstly cessation of fighting and withdrawal of all outside forces Indian or tribesmen as well of large number of armed Sikhs and Rashtrya Seva Sangh who have entered the state since beginning of trouble. Secondly the establishment of an impartial interim administration which would put a stop to repression of Moslems and give a free and equal opportunity to all political parties in State. Without these two essential pre-requisites there is no chance of a free verdict of people of State on the question of accession.
2. The oft repeated promises of Indian Government and Pandit Nehru that they are willing to have a PLEBISCITE in Kashmir are intended to mislead world. There is no dispute that PLEBISCITE must be held as early as possible to ascertain free will of people of Kashmir. This is not the question in dispute; it is axiomatic. The real issue is how this is to be done. You say the question has become intractable. It has been made purposely so by India Government. If India Government is honestly and genuinely desirous of a fair and peaceful settlement of Kashmir question they should immediately agree that fighting must cease and not take shelter behind the SLOGAN that raiders must be driven out. It is not the raiders but the people of Kashmir who are fighting against heavy odds to end Dogra tyranny and to prevent Kashmir from falling into the hands of Indian Dominion. The AZAD Kashmir forces are almost wholly composed of the sons of the soil and even foreign observers have testified that wherever they have gone they have been welcomed as forces of liberation. We are ready to exercise all our influence on AZAD Kashmir forces to stop fighting and to see that any tribesmen with them are not only stopped from fighting but are made to leave Kashmir. These tribesmen it should be remembered are the KITH and KIN of those for whom they are fighting.

3. The India Government are also trying to mislead the world by stating that people of Kashmir asked them through Sheikh Abdullah to send their troops to Kashmir. Sheikh Abdullah has been a paid agent of Congress for the last two decades and with the exception of some GANGSTERS whom he has purchased with Congress money, he has no following amongst Moslem masses. It is astonishing that Pandit Nehru who knows these facts should proclaim this QUISLING to be the acknowledged leader of Moslems of Kashmir.

4. The India Government's insistence upon the retention of their troops in Kashmir until they have restored law and order to their own satisfaction can only mean that India troops will stay in the State until they have crushed by military force all opposition to their permanent occupation of Kashmir. The methods by which maintenance of law and order is used to consolidate an alien rule are well known. The Moslem population of the State has been feeling IMPACT of those methods in full force. The true leaders of Moslem and politically conscious among them are with their families the special targets of this repression. In spite of protestation of India Government the number of Moslem refugees into PAKISTAN swells day by day and is now over 200,000. All these refugees bring with them horrible tales of most inhuman atrocities. I repeat that what India Government is after its permanent occupation of Kashmir and they know that cannot achieve this object until they have changed composition of population by converting Moslem majority into a minority. Behind their high sounding phrases stands this hideous reality - the elimination and demoralization of whole population by violent means -- and any proposal which fails to tackle this basic fact offers no real solution.
5. The above analysis shows that firstly fighting must stop and all outside forces must withdraw and secondly which is no less essential that Kashmir administration must be taken over by an impartial and independent authority immediately. Not until these conditions are fulfilled is there any hope of getting a free PLEBISCITE which in our opinion need not wait till the spring.

6. I hope you now realize the actual position. If you would consider these basic facts you will I hope support our proposal that U.N.O should immediately send out a Commission to undertake the tasks outlined in para 5 above. This Commission should have under it an international police force to maintain law and order. The composition of this force can be left to decision of U.N.O. Commission. We on our part would be prepared to accept a force drawn solely from Commonwealth.

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Prior to Nehru’s arrival, Mountbatten urged Liaquat Ali Khan not to annoy or antagonize Nehru. He pointed out that Pakistan was in a weak position since India had offered a plebiscite in Kashmir under the auspices of the United Nations thereby putting herself right in the eyes of the world.

Pandit Nehru said categorically that if the Dominion of India had not gone to the assistance of Kashmir when called upon, not only by the Ruler but by Sheikh Abdullah, the leader of the popular party, he had no doubt whatever that the present Government of India would have been overthrown and that it would have been replaced by an irresponsible and extremist government which, in his opinion, would certainly have declared war upon Pakistan.

Mr. Liaquat Ali Khan countered this by saying that the Government of Pakistan had their position greatly weakened by not taking strong action against India, and that he personally was being abused in the vernacular press for failing to support Muslim interests.

In the course of the meeting certain proposals were formulated: a plebiscite under U.N. auspices; minimum number of Indian troops at vital points; fair elections and, as far as possible, return of refugees to their homes or choice of stay in either Dominion,. Nehru agreed to consider these proposals.

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Record of a Meeting Convened by Lord Mountbatten: Other present were: Jawaharlal Nehru, Baldev Singh (Defence Minister), Gopalaswami Ayyangar (Minister without Portfolio), Liaquat Ali Khan, Ghulam Mohammad (Pakistan Finance Minister).

New Delhi, December 8, 1947.

H.E. (Governor General) opened the discussion by emphasizing that the whole future welfare of India depended on an agreement over Kashmir being reached between the two Dominions. The effect that such an agreement would have on world opinion would also be very great. Unfortunately, since the last meeting between the two Prime Ministers on the subject at Delhi some ten days previously, events had occurred which had produced a setback in the outlook of both sides to the problem. He invited both Prime Ministers to give their opinion as to how matters now stood.

Pandit Nehru started by pointing out that, whatever might happen in the future, as the result of a plebiscite, Kashmir was at the present time part of the territory of India. Invaders had come into Kashmir through Pakistan territory. In his view, they had undoubtedly been assisted by persons in authority in Pakistan. There had been no attempt at an open disavowal by the Pakistan Government of this. Regular soldiers of the Pakistan army, and equipment supplied by that army, had been captured in Kashmir. There were concentrations of regular and irregular forces in Pakistan territory, close to the borders of Kashmir. This all really amounted to nothing less than an act of war-- and as such it had been treated by newspapers in Pakistan, which talked of the Indian troops as "the enemy". The present position was an impossible one; it must move either one way or the other.

Pandit Nehru said that he freely admitted that there had been atrocities on both sides. But during the last month there had been very few, if any, on the Indian side. In fact it was a physical impossibility that there could have been more than a very small number. On the side of the raiders, however, there had been, and continue to be, large-scale looting, destruction, massacre and abduction of women. It was the duty of India to fight the invasion until Kashmir was free of invaders. The first step, before there was talk of a plebiscite or anything else, must be the withdrawal of the raiders.

Mr. Liaquat Ali Khan said that he did not accept the view that the recent atrocities had been one sided. Many thousands of Muslims had been killed in Jammu -- some, while being evacuated from there. Many incidents had occurred since Kashmir had acceded to India. In particular, some women of good families had been abducted, taken back to Jammu, and there kept naked and raped.
Pandit Nehru said that the last attack on Muslims being evacuated from Jammu had taken place on November 5 over a month previously. This had happened before Indian forces had arrived in Jammu and restored the situation. Apart from this one incident, very few Muslims had been killed since the accession. Calculations made by subtracting the number of refugees who had arrived in Pakistan from the census population of Muslims did not hold water. There will still be a large number of Muslims in Jammu, including some in the local Home Guard. Every effort was being made, and would continue to be made, to recover abducted women. Any specific incidents on which information was provided would be energetically investigated.

Mr. Liaquat Ali Khan said that it was very difficult for the Government of Pakistan to provide such detailed information.

At H.E.’s suggestion, both Prime Ministers agreed that two teams, each consisting of a high-class representative of each Dominion, should be formed to tour both sides investigating the truth of the various reports that were received of atrocities and other incidents.

Mr. Liaquat Ali Khan then drew a parallel between events in Junagadh and those in Kashmir. He reminded Pandit Nehru of how India had recognized the “sanctity” of Junagadh territory. The "Provisional Government" of Junagadh had been set up in Indian territory: it had been provided with arms by India; and then invaded and captured territory belonging to Junagadh. The Head of the "Provisional Government" had made public statement saying that its success was due to the assistance which had been provided by the Deputy Prime Minister of India.

Pandit Nehru, while openly admitting that India had been in some ways in the wrong about Junagadh, claimed that the parallel with Kashmir was not tenable because of the vast difference in scale between the two.

Pandit Nehru pointed out that many of the raiders who had come into Kashmir were armed with modern weapons, including some which had been issued by Pakistan ordnance depots. He could produce proof that the N.W.F.P. Government had helped to arm the raiders, and given them every other sort of assistance.

His Excellency stated that General Messervy had categorically assured him that the Pakistan army had not issued arms to the raiders -- on the contrary, orders had been given that this was not to be done. General Messervy had also told him that there might be a few Pakistan soldiers on leave taking part in the Kashmir fighting.

Mr. Liaquat Ali Khan said that there were 3,00,000 armed people on the frontier.
This fact had been put on record by the ex-Supreme Commander. They had arm factories of their own, which produced first-class weapons. Some Pakistan army rifles might have been taken by soldiers on leave. Mr. Ghulam Mohammad said that the raiders also obtained arms from Afghanistan and Russia.

Pandit Nehru said that he considered that Pakistan territory was being used as a major base for operations against Kashmir. Mr. Ghulam Mohammad replied that many of the stories which were being circulated, and which might have led to this belief, were not true. But the feeling of the people of Pakistan with regard to Kashmir was very strong. They realized its strategic and economic importance to Pakistan. They felt that India’s action in Kashmir was planned to encircle and strangle Pakistan. Pandit Nehru said that this feeling was not, in his opinion, spontaneous. It had been whipped up by the whole administration of, and in particular by the Premier, of the N.W.F.P.

Pandit Nehru also claimed that Pakistan must be supplying petrol for the raiders' vehicles. This Mr. Liaquat Ali Khan denied. He said that the vehicles had been given to the tribes before partition by the British, and drew their petrol allowance in the normal way.

Mr. Gopalaswami Ayyangar said that he took it that the Pakistan Government was now ready to admit that raiders had passed through Pakistan territory. Did Pakistan recognize it as its duty, as a country having an international existence, to stop these raiders? Or did Pakistan disown all responsibility?

Mr. Liaquat Ali Khan replied that he could not stop them. Any effort to do so would mean going to war with the tribes, which he was not prepared to do. As it was, the Government of Pakistan was under continual attack by the people for the attitude they had taken in regard to Kashmir. However, the Government of Pakistan had not recognized the accession of Kashmir to India. The murder of the Muslims in Kashmir had been the cause of the tribesmen attacking. These had been started with incursions of Akali Sikhs and R.S.S. bands...

Pandit Nehru then gave a description of past history in Pakistan from his point of view. According to this, the Kashmir troubles had started with incursions from Pakistan.

Mr. Ghulam Mohammad then turned the conversation to the feelings of the people of Kashmir itself -- particularly the feelings of the Poonchis, who had rebelled against the Maharaja's Government. He appealed to Pandit Nehru, as an ex-rebel, to appreciate the point of view of these rebels.

The meeting next considered the basic policy of either Government with regard to Kashmir. The representatives of each Government were agreed that the ultimate aim must be to hold a fair plebiscite, whereby the will of people could
be ascertained as to which Dominion the State should accede to. There was, however, a fundamental difference as to what should be the first step forward towards achieving this object. The Indian representatives claimed that it must be a declaration by the Pakistan Government that it would do its utmost to influence the raiders at present in Kashmir to withdraw, and to stop any further raiders going in. The Pakistan representatives claimed that an essential prerequisite to this action was a declaration by India that Indian troops would be withdrawn and that there would be an impartial administration in the period preceding the plebiscite.

Mr. Liaquat Ali Khan said that, once this assurance had been given, Pakistan would use the utmost force to ensure the withdrawal of the invaders.

Pandit Nehru said that it was out of the question that Indian troops should be altogether withdrawn. The Indian troops were disciplined, they would obey orders; Pakistan could not control the irregulars. If all the Indian troops were withdrawn Kashmir would be at the mercy of the armed men of Poonch. If they remained, he guaranteed that the Poonchis themselves would be free of harassment -- nothing was further from his mind than to send punitive parties against them.

His Excellency pointed out that the only Indian troops at present in the Poonch area were those engaged in protecting 45,000 non-Muslims in the city of Poonch itself.

Mr. Ghulam Mohammad said that the only practicable way of getting the raiders out was to have a change of administration. If this was done, Pakistan would do all in their power to withdraw the raiders.

Mr. Liaquat Ali Khan said that he had discussed the draft agreement with the Azad Kashmir Government, who had said that they could not accept it in view of what had happened under the present administration. In the Kashmir Valley, no Muslim could be a member of the Muslim Conference without being arrested or at the least victimized.

Pandit Nehru pointed out that, if these Muslim Conference members were aiding and abetting the raiders, as they were known to be, the only way of dealing with them was to lock them up. It was out of the question that the administration should be changed.

H.E. pointed out that there was provision in the draft agreement for all political prisoners to be released prior to the plebiscite. He also stressed the point that, if a U.N.O. delegation was in Kashmir preparing for the plebiscite, it would be approachable by all parties, who would be able to lay before it their various complaints.
Pandit Nehru then took the line that the Government of India had already gone far further than they need have done. They had gone out of their way to offer a plebiscite. There was no necessity for them to have done this. Now they were told that they must change the administration.

Mr. Gopalaswami Ayyangar backed this up by saying that he wondered whether it was realized how unpopular the Government of India had become, both in Kashmir and India, on account of their pledge that there would be a free and impartial plebiscite. How could they now order the administration to be changed? There was no precedent for such a suggestion.

Mr Liaquat Ali Khan brought up the change of Governors in the N.W.F.P. as an example of how an administration could be changed before a plebiscite. H.E. explained the full circumstances which had led to Sir Rob Lockhart taking over from Sir Olaf Caroe.

Mr. Ghulam Mohammad again said that the essential prerequisite was an immediate promise of an impartial plebiscite -- either a coalition, or someone from neither main political party.

Pandit Nehru pointed out that the plebiscite would take some time to prepare - especially if, as both sides agreed, it was to be conducted on adult franchise. During the intervening period of six months, or whatever it might be, there must be an administration of some sort. The present administration had done three great things -- it had stopped the fighting in the area which it controlled, it had knit the people together on non-communal lines and it was the first fully responsible government which had ever been set up in Kashmir overthrowing the Maharaja's autocratic rule -- (which, incidentally, had been supported at one stage by the Muslim Conference). It would be fatal to upset it. He could see that circumstances might arise in which a coalition would be possible. But that question did not arise at the present time. The right conditions must first be brought about. Anyway, it was not for the Government of India, but for the people of the State themselves, to decide upon the form of government.

Mr. Gopalaswami Ayyangar gave his view that, if a coalition was put in at the present time, there would be grave risks of communal trouble in both Kashmir and Jammu. The great merit of the present administration was that it had brought communities together.

Mr. Ghulam Mohammad said that he was sure that a coalition would not result in communal trouble. He also said that a "fully responsible government" presupposed an election or plebiscite. It could not come before.

Mr. Liaquat Ali Khan then gave his view that the people of Kashmir were bound to vote, in the plebiscite, in favour of whatever administration was then in power. The Kashmiris were an illiterate and oppressed people, and they would be
bound to favour the authority in possession. If an Englishman went as administrator, they would vote to join the United Kingdom!

His Excellency suggested that the call of Islam would surely have a much greater influence upon the people of Kashmir. Religion was a factor of great importance among the illetrate. Also, the difficulties facing the present administration were so great that he would be amazed if it retained its hold on the people.

His Excellency then suggested that the two Governments might at least make a joint statement agreeing that all possible steps should be taken to stop the massacres in Kashmir and restore abducted women.

This suggestion met with no response from either side.

His Excellency suggested that the Government of India should put out a unilateral statement, on the lines of the draft agreement. The policy of India at least would then be clear to the world, and it might help Pakistan to induce the raiders to withdraw.

Pandit Nehru replied that he would not make such a unilateral statement. The question of a plebiscite in Kashmir did not arise until the raiders were thrown out. The first task must be to clear the State of outside elements. If necessary, he would throw up his Prime Ministership and take the sword himself, and lead the men of India against the invasion. Nothing else in India mattered—until Kashmir was cleared up though it might take five years or ten.

His Excellency suggested that U.N.O. should be asked to send out observers or advisers in some capacity to help the two Dominions solve the impasse which had been reached. The U.N.O. representatives could hold meetings with the two Prime Ministers. They could discuss the draft agreement, and ways and means of implementing it. They could set up a committee consisting of the principal contending parties in Kashmir. Would the two Governments agree to making a joint approach to U.N.O. or that one or other should make the approach?

Mr. Liaquat Ali Khan said that he would agree to U.N.O. advising on the impartiality of the administration before the plebiscite.

Pandit Nehru said that he would agree to U.N.O. advising on the impartiality of the administration before the plebiscite.

His Excellency's final suggestion was that a joint statement should be put out in which the Government of Pakistan would undertake to do their best to induce the raiders to withdraw and no further raiders to go in; and the Government of India would undertake to call in U.N.O. advisers straightaway.
Mr. Liaquat Ali Khan made it clear that it was fully within his power to agree to issuing a statement calling upon the tribes to withdraw straightaway. If he did so, however, without being able to make one concrete offer in return his appeal would be taken no notice of. Not only would it be a dishonest thing to do, and as such lead to further deterioration between the two Dominions, but it would also result in such a deterioration of the position of the Government of Pakistan vis-à-vis its own people that the very existence of that Government would be endangered.

His Excellency asked whether he could count on Mr. Liaquat Ali Khan’s full support to the proposal that UNO should be brought in, in whatever form this might be. This Mr. Liaquat Ali Khan undertook to do.

[The full meeting then reassembled, with the addition of Mr. Mohammed Ali (Pakistan) and Mr. H.M. Patel (India). The agreement which had been reached between the officials on the allocation of defence expenditure after August 15 was first taken and confirmed. A draft statement on the settlement of outstanding financial and economic issues was then considered. This was agreed, with minor changes, but considerable pressure had to be exerted by His Excellency on Pandit Nehru before he would agree that it should be published the following afternoon.]

His Excellency then described the talk which he had with Mr. Liaquat Ali Khan before the meeting. Nearly all the rest of the time was devoted to efforts to induce Pandit Nehru to accept a reference to U.N.O.

Pandit Nehru was extremely adamant. He went to the extremity of saying that he intended to clear Kashmir with the sword, whatever happened. He asked under what section of the Charter any reference to U.N.O. could be made. He asked how Pakistan came into the picture at all. He reiterated his insistence that the first step was to drive out the raiders.

His Excellency drew attention to the great benefits an approach to U.N.O. would have. It was the only way to solve the present impasse, and stop the fighting and to stop the fighting was the main thing at the moment.

Mr. Liaquat Ali Khan reiterated that he would not mind in what manner the approach to U.N.O. was made. He would even agree that it should be in the form of an accusation by India that Pakistan was assisting the raiders. He agreed with His Excellency that the first thing that the U.N.O. Commission would probably do would be to ask Pakistan to use their influence to withdraw the raiders and stop further influxes. In these circumstances, his own position would be so immensely strengthened that he would be able to issue the appeal with impunity.

The position, as finally left, was that Pandit Nehru should examine the U.N.O. Charter and see if there was any way in which he could agree to a reference being made.

Ghulam Mohammad Sadiq said, "Before the invasion, the National Conference deputed me to approach the Pakistan Government at the highest level to recognize democratic rights of the Kashmir people for self-determination and abide by the sovereign will of a free people on the question of free association with either of the Dominions. I met Pakistan's Prime Minister and other Ministers, but it was of no use. We see finally put into operation a programme of first enslaving and then securing 'yes' in their favour from an enslaved people".

 Asked what the immediate problems facing the Kashmir Administration were today, Mohammad Sadiq said: "Certainly not referendum but immediate relief to our people. In fact, we are carrying on with atomic speed the two-fold task of rehabilitation of unfortunate victims of Pakistan aggression and the procurement of food and cloth."

"Pakistan propagandists who pretend to show so much concern for their Muslim brethren in Kashmir against Dogra oppression have tried their best to starve them by blockade of all exports and imports for the past five months".

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2034. Note Recorded by Jawaharlal Nehru of his meetings with Governor General Lord Mountbatten and with Lord Mountbatten and Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, December 21, 1947.

I reached Government House at 10 p.m. to keep an appointment with Mr. Liaquat Ali Khan who had arrived earlier in the evening. I was taken to the Governor-General first as he was anxious to see me before I saw Mr. Liaquat Ali Khan. Although he intended speaking to me for a few minutes only, actually our conversation lasted for nearly an hour, while, presumably, Mr. Liaquat Ali Khan was waiting for me.

2. Lord Mountbatten told me that he had had an hour's talk already with Liaquat Ali Khan and had found him in a friendly mood, eager to come to some kind of a settlement. In fact he had never found him so chastened. He said that
it would be a tragedy of we could not take advantage of these circumstances now and put an end to the fighting in Kashmir, of course on terms advantageous and honourable to India. A continuation of the conflict, whatever the result, would mean a very great deal of trouble to India and even more so to Pakistan and would stop progress for a long time. Lord Mountbatten was greatly worked up and made repeated appeals both on national and personal grounds. He said that he had never been so exercised about any matter as this one because he felt that so much was at stake. The next day would be vital in the history of India. We were very near a settlement and the highest statesmanship and the good of India demanded that we should take advantage of the present favourable circumstances to bring such a settlement. Favourable circumstances evidently referred to Liaquat Ali Khan's desire for a settlement. Lord Mountbatten referred to the great increase in the prestige of India all over the world if we could bring about a settlement and to our immediately applying ourselves to the various internal problems which demanded our attention. The settlement of course should essentially be on the lines we have repeatedly laid down, i.e., reference to the U.N.O. to stop the fighting and when this is done and peace and order restored a plebiscite under U.N.O. auspices.

3. Lord Mountbatten also said that Liaquat Ali Khan was greatly exercised at the possibility of the Government of India repudiating or going back on the financial settlements arrived at. These settlements according to Liaquat Ali Khan had taken place nearly a month ago and nothing had been done yet to implement them. Was the matter going back to the Arbitral Tribunal for decision?

4. I stated in reply that there was no question of our challenging or repudiating the financial agreements arrived at. The only question that arose was when to make the payments. We would stand by the agreements and the Arbitral Tribunal would not be concerned with them. Our difficulty was that if we made any payments now, when a kind of undeclared war was going on between us, that money would be used in carrying on that war against us. It would be foolish for us to make those payments until this Kashmir business had been settled.

5. Lord Mountbatten said that the money was really Pakistan's i.e., it was a joint fund and this part of it therefore belonged to them. He appreciated however our difficulty, but would suggest that we should not emphasize this fact of non-payment in our difficulty, but would suggest that this would raise further difficulties. We might make it clear that so far as the financial agreements were concerned we did not challenge them.

6. Regarding Kashmir I pointed out that the immediate issue was one of aggression directly or indirectly by Pakistan on India. No other issue arose till this was settled. We proposed to refer this particular matter to the Security
Council of the U.N.O., charging Pakistan with aggression and asking U.N.O. to call upon Pakistan to refrain from doing so. Otherwise we would have to take action ourselves in such a manner as we thought fit to stop this aggression at the base.

7. Lord Mountbatten said he agreed with that reference, but could we not add to it that after law and order has been restored U.N.O. would supervise and carry out a plebiscite as we had previously declared? I said that we could not add this to our reference. It was entirely a separate matter and much would depend on developments. We were committed not only by our settlements but also by our general policy to allow the people of Kashmir to decide their future. Indeed it was not possible in the present context of things for us to hold Kashmir against the will of the people. But we were definitely of opinion that this could not be tied up to the present reference to U.N.O. In that reference there would no doubt be a historical narrative which would contain mention of the fact of our offering a plebiscite under U.N.O. auspices. Apart from that there would be no further mention of this. Our demand would be that aggression must cease and the raiders should withdraw. It was possible that as a consequence of U.N.O. taking action in this matter, whether by sending a commission or otherwise, other developments might take place. We would deal with them as they arose.

8. There was a great deal of talk roundabout this position. Lord Mountbatten was anxious that I should somehow talk on the plebiscite in some form or other so as to enable Liaquat Ali Khan to put it across his people who were greatly excited about Kashmir. I repeated what I had said before and informed him that our Cabinet had considered this matter and was quite clear that it should not bring in the question of plebiscite in this reference. That did not mean that we wanted to avoid a reference to the people. But how and when this should take place would depend on circumstances. We could not have a continuation of war and the idea of a plebiscite to go together. It was nearly three months ago that we had made this offer and it has not thus far been accepted and aggression had continued.

9. Lord Mountbatten mentioned also casually that Mr. Jinnah had been given a maximum of six months by his doctors and he was very ill.

10. At about 11 p.m. we went to Liaquat Ali Khan's room. The Governor-General accompanied me although probably it was not his previous intention to do so. No doubt he felt that his presence might be helpful in bringing about a more friendly approach.

11. We were with Mr. Liaquat Ali Khan for little more than an hour, till soon after midnight. I must say that I found him very much toned down and chastened, indeed almost, if I may say so, humble in his approach to the problem. Unlike previous occasions, there was hardly any argument or discussion.
12. Lord Mountbatten started off by saying that there was no intention on the part of the India Government to repudiate the financial agreements arrived at and that this matter would not go up before the Arbitral Tribunal. Further that we were thinking in terms of a reference to U.N.O. and that we stood by previous statement to the effect that the people of Kashmir would have to decide after peace and order were established about their future.

13. I then stated our position in regard to Kashmir. I said that nearly three months ago when we had intervened in Kashmir we had made a unilateral offer for a plebiscite under U.N.O. auspices after peace was established and all the raiders had departed or been pushed out. This offer had been repeated but there had been no response. Indeed the aggression had continued with every kind of violence and had been supported by the Pakistan Government. The invaders had been collected, transported, put in camps near the Kashmir border, armed and trained, all in Pakistan territory, and they had then been sent in batches inside Kashmir State. We considered that aggression of one state against another as a hostile act against India. Obviously we could not tolerate this, nor were we prepared to carry on this petty war in the way we have thus far done. We had sent relatively small forces into Kashmir in the hope that hostilities would cease and the raiders would be withdrawn. No such thing had happened and would necessarily have to take a more serious view of the matter and if no other development took place, we may have to strike at the base of operations and the lines of communications of the raiders. But as we were anxious to avoid far-reaching developments and being members of the U.N.O. we intended making a reference to U.N.O. charging Pakistan with acts of aggression and asking U.N.O. to call upon Pakistan to desist. In the alternative we would have to take such further action as we thought fit and proper.

14. Mr. Liaquat Ali Khan did not say much in reply to this except that he would welcome U.N.O.’s intervention as he was anxious that a third party should come into the picture. He complained of Sardar Patel’s speech at Jaipur in which he was alleged to have said that India was prepared for war with Pakistan if the latter desired it. Mr Liaquat Ali Khan said that we had decided at Lahore that no provocative speeches should be made and no responsible person in Pakistan had made any speech or statement of a provocative nature since then. Unfortunately Sardar Patel had done so and this did not help in producing the atmosphere we desired.

15. I said that I had not myself read Sardar Patel’s speech fully and I did not know what exactly he had said or what the context was. The speech had hardly anything to do with Kashmir and any reference could have been only casual and in some other context. I pointed out the way Pakistan newspapers were
behaving and more specially the demand in a leading article of a Karachi Urdu daily calling upon the Muslims to kill Sardar Patel. Our High Commissioner in Karachi had written to Pakistan Government on this subject. Mr. Liaquat Ali Khan said that his attention had been drawn to this and he greatly regretted it. He was taking steps against that newspaper. He said further that newspaper in Pakistan and India were thoroughly irresponsible, more specially the Indian language ones, and he wished that something could be done to stop them. Lord Mountbatten expressed his own disapproval of the way many newspapers indulged in inflaming public opinion and had expressed his opinion that every newspaper should be licensed by Government, the licence being withdrawn in case of misbehaviour.

16. Lord Mountbatten said that as we were thinking of making a reference to U.N.O. it would be a good thing if the draft was shown to Mr. Liaquat Ali Khan before it was sent.

17. I said that we would naturally send a copy to Mr. Liaquat Ali Khan, but the reference being in the nature of a charge against Pakistan it could not possibly be a joint reference. It would be for Pakistan to reply to it and for the Security Council then to take action.

18. Mr. Liaquat Ali Khan said that he did not think it necessary to see our draft reference. What was necessary was that both parties should be eager to stop this fighting.

19. In the whole course of the conversation no mention was made about the internal administration of Kashmir or about the armed forces of the Indian Union that might be left in Kashmir later on. These were the two points on which a great deal of arguments had taken place on previous occasions.

20. Lord Mountbatten asked Mr. Liaquat Ali Khan if it would not be difficult for him to get the raiders out owing to the state of public opinion in Pakistan. He agreed that it was not going to be an easy matter.

21. There was some talk about raids on Pakistan territory by air and land.

22. I informed Mr. Liaquat Ali Khan that all the relatives of Ghulam Abbas, President of the Kashmir Muslim Conference, were alive and were in Pakistan except for one girl who was apparently in Amritsar and would be sent to Pakistan. The story about the murder and abduction of these people was thus not true.

23. Our talk then went on some other matters. I referred to Mehr Chand Khanna’s case. Mr. Liaquat Ali Khan said that he was meeting him the next day.

24. Mr. Liaquat Ali Khan asked me if I had seen the Muslim League resolution about having a minorities charter. I said that I had not read it carefully but I had
glanced through it. I added that so far as we are concerned our Constituent Assembly had already carefully considered this matter and laid down provisions for the protection of minorities. Mr. Liaquat Ali Khan said that it would be a very good thing if both India and Pakistan would agree to similar provisions and would issue a joint statement to that effect which might be embodied in our constitutions. This would go a long way to lessen the feelings of fear and suspicion that exist. I agreed that it would be desirable to come to an agreement on these issues.

25. Mr. Liaquat Ali Khan then enquired about the order of Precedence in India as to where the Prime Minister and Ministers came into the picture.

The whole conversation with Mr. Liaquat Ali Khan, which lasted a little over an hour, was almost entirely free from argument which had previously accompanied such discussions. It seemed to me quite clear that for some reason or other Mr. Liaquat Ali Khan was eager and anxious for a settlement. He hardly raised any difficulties to what I said, though of course he did not agree to everything. He expressed a strong desire that India and Pakistan should have friendly relations and should put an end to conflict and misunderstanding.

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New Delhi, December 22, 1947.

Pandit Nehru recalled that I had, at one of the earliest of the previous series of meetings held at Delhi between the Prime Ministers, read out a note expressing my Government’s policy that all the agreements should hang together. He said that he considered the present situation to be tantamount to undeclared war, in which, in the opinion of the Government of India, Pakistan was encouraging the aggressors. It was not the question to hand over large funds to Pakistan in these circumstances.

Liaquat Ali Khan pointed out that these funds did not in any way belong to India; they were Pakistan’s legal share of the cash balances. It was not a question of a loan or a gift being made. He considered that they should be handed over straightaway.

Mr. Mohammad Ali made the point that all the financial agreements had been made on their own merits. With this Mr. Gopalaswami Ayyangar
agreed, but gave his view that the whole background in reaching these agreements had been the intention to reach an overall settlement.

I asked to what extent the action of making a reference to U.N.O. could be taken as a détente to stop the fighting and lead to a decision to implement the financial agreements.

Nehru did not answer this. Instead he said that the fighting was taking place on Indian Dominion territory, which had been attacked. He said (though this was on the spur of the moment and rather a hurried remark) that he admitted that the delay in implementing the financial agreements was a method of bringing pressure against the Pakistan Government. But this was not the main pressure that was being brought to bear. The military pressure, which was in reply to aggressive military pressure against Indian territory, was of greater import.

This gave Mr. Liaquat Ali Khan the opportunity to point out that he did not recognize Kashmir as Indian Dominion territory -- in exactly the same way as India did not recognize Junagadh as Pakistan territory. These remarks did not improve the atmosphere of the meeting.

I then emphasized that the agreement to make a reference on Kashmir to U.N.O. had been reached the previous evening before the question of the date of implementing the financial agreements arose. Therefore, there was no question of pressure having been applied to Pakistan in order to make them agree to this procedure.

Pandit Nehru reiterated that the reference which he intended to make to U.N.O. would be on the question of whether or not Pakistan had supported the aggression against Kashmir. All the evidence which was available to him showed that they had supported this to a most serious degree.

Pandit Nehru then handed to Mr. Liaquat Ali Khan the letter, which represented the first step in making a reference to U.N.O. Mr. Liaquat Ali Khan was in such a bitter mood that he first said that he did not wish to open or read this letter. But he subsequently repented, read it through, and undertook to send a reply as soon as possible -- after he had consulted his Government. I suggested that Pandit Nehru should draft the formal application to U.N.O. without waiting for Mr. Liaquat Ali Khan's reply, so that this could be dispatched with the least possible delay. Mr. Liaquat Ali Khan then returned to the question of the implementation of the financial agreements, concerning which he confessed that he was very bitter. He said that he regarded the delay in implementation as equal to, if not worse than, repudiation. He would indeed have preferred complete repudiation.

Mr. Mohammad Ali made further reference to the financial position of Pakistan.
The Rs. 20 crores which had been made available to them before August 15 were now nearing exhaustion. However, leaving aside all other possible sources of raising cash, there was no question at all of Pakistan running out of funds. Therefore, there was no question of pressure being applied in India's delay in making available Pakistan's share of the cash balances. He repeated his opinion that the attitude of the Government of India was not helping towards a settlement of the Kashmir issue, but rather the opposite. It was "putting up the backs" of the Pakistan Government.

To this Mr. Gopalaswami Ayyanagar replied that the assistance which Pakistan was giving to the raiders was "putting up the backs" of the Indian Ministers to a far greater extent.

Pandit Nehru then weighed in with the remarks which I had hoped that he would refrain from making. He said that the normal military action for India would be to hit out at the concentrations of raiders, their bases and supply lines (which were, of course, situated in Pakistan territory). However, the Government of India wished to avoid any action which was likely to lead to war, and was restraining itself. Nevertheless, it was an impossible position that a territory which should be friendly was being used as a base for operations. In his view the situation would now either improve rapidly, or deteriorate rapidly. He advocated that all concerned should now work for rapid improvement; the rest would follow.

I suggested that no publicity of any kind should be given either to the proposed reference to U.N.O. or to the question of the date of implementing the financial agreements. With this Pandit Nehru agreed. Mr. Liaquat Ali Khan agreed with the first point, but not with the second. He said that he wished to reserve his position with regard to publicity over the implementation of the financial agreements.
New Delhi, December 22, 1947.

Dear Mr. Liaquat Ali Khan,

On various occasions, I have drawn your attention to the aid which the raiders into Kashmir State are deriving from Pakistan. They have free transit through Pakistan territory. They are operating against Kashmir from bases in Pakistan. Their modern military equipment could only have been obtained from Pakistan sources; mortars, artillery and Mark V-mines are not normally the kind of armament which tribesmen possess. Motor transport, which the raiders have been using, and the petrol required for it, could also be obtained in Pakistan only. Food and other supplies are also secured from Pakistan; indeed, we have reliable reports that the raiders get their rations from military messes in Pakistan indeed, we have reliable reports that the raiders are receiving military training in Pakistan, which could only be under officers of the Pakistan Army.

2. The forms of aid, enumerated in the preceding paragraph, which the raiders are receiving, constitute an act of aggression against India because they are being used against a State which has acceded to the Indian Dominion. The Government of India, while protesting against the action of the Pakistan Government in furnishing or allowing such assistance to be furnished and urging that the Pakistan Government should stop such help and at least urge the raiders to withdraw, has so far taken no action itself which might involve entry by Indian forces into Pakistan territory. They have been hoping, all these weeks, though with diminishing hope, that the Pakistan Government themselves would put a stop to aid to the raiders which is of the nature of help to India's enemies. Since protests have failed to bear fruit, the Government of India now formally ask the Government of Pakistan to deny to the raiders:

(1) all access to and use of Pakistan territory for operations against Kashmir;

(2) all military and other supplies;

(3) all other kinds of aid that might tend to prolong the present struggle.

3. The Government of India have always desired and still earnestly desire to live on terms of friendship with Pakistan. They sincerely hope that the
request which they have now formally made will be acceded to promptly and without reserve. Failing such response, they will be compelled to take such action, consistently with the provisions of the United Nations Charter, as they may consider necessary to protect their interests, and to discharge their obligations to the Government and people of Kashmir.

Yours Sincerely,
Jawaharlal Nehru

Hon'ble Mr. Liaquat Ali Khan
Prime Minister
Government of Pakistan
Karachi.

2037. Note of Chief of Staff of Governor General Lord Ismay on Meeting between Nehru and Liaquat Ali Khan.

New Delhi, December 28, 1947.

The Prime Ministers talked along for well over an hour and then invited me to join them. The following is a summary of the points which they raised in my presence on the subject of the Draft Kashmir Agreement which had been prepared by officials as a basis of discussion:-

(i) with regard to the question of small contingents of Indian troops being left at certain points in Kashmir, Pandit Nehru said that he understood that Mr. Liaquat Ali Khan was prepared to agree in principle to the retention of a small number of Indian troops in Kashmir after the withdrawal of the bulk of the Indian forces, but that he desired information in regard to the number and the class composition of these detachments and the points at which it was proposed to station them. Pandit Nehru had undertaken to consult his military advisers.

(ii) In the above connection Pandit Nehru thought that "certain points on the frontier" was not exactly what was intended. It would be better to say "at certain selected points."

(iii) Lord Ismay said that if there had been any hope of the Draft Agreement being announced today, he would have suggested that the concluding passage of paragraph 2 (a) of the Draft should read as follows: After "Kashmir territory" insert full stop and then the following sentence:-
"Both Governments recognize however that, following on the upheaval in Kashmir, the resources of Kashmir State are not at present adequate to maintain law and order. They further recognize that the maintenance of law and order in Kashmir during the period which will elapse between the withdrawal of the bulk of the Indian forces and the holding of the plebiscite is essential if the plebiscite is to be free and unfettered. Accordingly, both Governments have agreed that small detachments of Indian troops of minimum strength to deal with disturbances in Kashmir, whether from outside or inside the State, will be stationed at certain selected points. The strength and composition of these detachments and the points at which they are to be stationed will be the subject of discussion between the two Governments."

Mr. Liaquat Ali Khan asked that the above formula might be placed on record in case it should prove useful.

(iv) Lord Ismay also suggested that the following sentence might be inserted in line 9 of paragraph 2(a) after the words "as quickly as possible": "The Government of Pakistan have also undertaken to do their utmost to prevent any future incursions of tribesmen into Kashmir."

(v) Pandit Nehru said that he had agreed with Mr. Liaquat Ali Khan that Paragraph 2(b) should commence as follows:-

"On the cessation of hostilities an approach shall be made etc."

(vi) With regard to Paragraph c(i), both Prime Ministers had agreed that the word "free" should be substituted for the word "welcome".

(vii) Mr. Liaquat Ali Khan had suggested that the population of Kashmir should have proportionate representation in the army, police and levies of Kashmir State. Pandit Nehru had doubted whether this was practicable but said that he would think it over and perhaps mention it to the Maharaja.

(viii) Mr. Liaquat Ali Khan had said that he had stipulated that it would be very difficult, if not impossible, for him to call off the tribes unless he could promise them :-

(a) the withdrawal of all Indian troops,

(b) a fair and unfettered plebiscite, and

(c) an impartial administration during the period which would elapse between (a) and ((b).
Now it was proposed that there should be a qualified withdrawal of troops and that there should be a distinctly impartial administration during the interim period. Unless some more satisfactory arrangement could be made in regard to these points he did not see how he could induce the tribesmen to withdraw.

(ix) The two Prime Ministers have agreed that the legal position of Hunza, Nagar and Chitral should be examined. Mr. Liaquat Ali Khan explained that Hunza and Nagar had applied to accede to Pakistan, but their accession had not been accepted pending a clarification of the legal position. Meanwhile, he had heard that a telegram had been received from Hunza to the effect that if they were not allowed to accede to Pakistan they would accede to Russia.

(x) Mr. Liaquat Ali Khan gave a description of the position in Gilgit. The Dogra troops had been disarmed and had left the country: a provisional Government had been set up and the Gilgit Scouts were in charge and functioning. He suggested that the forcible occupation of Gilgit would be a task beyond the powers of the Indian armed forces.

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2038. Telegram from the UK Prime Minister C. Attlee to Prime Minister Jawaharlal Nehru.


Many thanks for the message* dated 28th December which I have received through our High Commissioner in New Delhi on the subject of Kashmir. I am grateful to you for keeping me informed of developments and, believe me, I and my colleagues share your anxiety to the full.

2. I note that your appeal to the Security Council is being sent tomorrow. Much as I regret that the situation should have developed in such a way as to

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* Nehru in his message informed Attlee that his meeting with Liaquat Ali Khan had been fruitless despite India giving him enough proof of Pakistan rendering all sort of help to the raiders. The intense pressure under which Indian forces had come from the invaders with the help of Pakistan had created a military situation compelling India to strike at their bases inside Pakistan. Nehru felt confident that "Such a step would be justifies in international law as we are entitled to take it in self-defence." Nehru informed Attlee that he was asking the UN to ask Pakistan to take immediate and effective action to deny to the raiders the use of its territory and military help but warned that this request was "without prejudice to the freedom of the Government of India to take, at any time, such military action as they may consider necessary in exercise of their right of self-defence."
cause you to submit an appeal of the kind. I agree that it now seems that it is only under the authority of the United Nations that a settlement can be achieved.

3. It is obviously important that there should be no delay in the handling of the matter by the Security Council and we will do our best through our representative that it achieves very early consideration. In the meantime I beg you, as a friend, that whatever the provocation and whatever the immediate difficulties you should do nothing which might lead to war, with all its incalculable consequences, between the two Dominions.

4. May I say, in all frankness, that I am gravely disturbed by your assumption that India would be within her rights in international law if she were to move forces into Pakistan in self-defence. I doubt whether this is in fact correct juridically and I am positive that it would be fatal from every other point of view. It would, in my opinion, place India definitely in the wrong in the eyes of the world; and I can assure you from our experience on international bodies that it would gravely prejudice India’s case before U.N.O., if, after having appealed to the Security Council, she were to take unilateral action of this kind.

5. From our experience here I think you are very optimistic in concluding that your proposed military action would bring about a speedy solution. On the contrary, all military history goes to show how difficult it is to deal with the tribes of the North West Frontier even when one is operating from secure bases.

6. If, however, a peaceful settlement is brought about through the agency of the Security Council it will redound greatly to the credit of India who laid the matter before that body and will enhance the reputation already achieved by her internationally.

7. The United Kingdom Government will naturally do their best on the Security Council to support any measures likely to achieve a peaceful settlement. If in the meantime, you think that there is anything helpful which we, as a sister member of the Commonwealth, could do assist in ameliorating the situation, you can of course count on us.

8. I have not so far heard anything recently from Liaquat and am, accordingly, not informing him of the terms of this message.

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2039. Extracts of the Letter from Pakistan Prime Minister Liaquat Ali Khan to Prime Minister Jawaharlal Nehru.


Please refer to your demi-official letter, dated the 22nd December, in which you have brought formal charges against the Pakistan Government for aiding and abetting the so-called 'invaders' of Kashmir in their fight against the forces of the Maharaja and of the Indian Dominion.

2. Despite the ominous hint contained in paragraph three, I trust I am right in assuming that your letter is not an 'Ultimatum' but a forerunner of a formal reference of the matter to the UNO. If so, nothing could be more welcome, for, you will recollect, this is exactly what the Pakistan Government has been suggesting throughout as the most effective method of ironing out our mutual differences. I am therefore sincerely glad to find that you propose at last to adopt this particular line of approach to our problem.

3. I must, however, confess my disappointment that your proposal apparently restricts the reference to the single issue of Kashmir. The episode of Kashmir considered by itself would look like a sentence torn out of its context. It is but an act in the unparalleled tragedy which is being enacted before our eyes ever since the announcement of the scheme of partition. A reference to the UNO therefore in my opinion must cover much larger ground and embrace all the fundamentals of the differences between the two Dominions. As I see it, it is neither Kashmir alone nor Junagadh and Manavadar, nor even the terrible tragedy of wholesale massacres of Muslim men, women and children in extensive areas of the Indian Dominion, but a totality of these horrors and iniquities, indicating but one consistent, sinister pattern which should rightly form the subject matter of international investigation. If the root causes of the evil which is vitiating our relations are not determined and removed it is much to be feared that fresh incidents will continue to threaten the peace not only between the two Dominions, but in a much wider field.

4. The case of Kashmir is simple and our attitude has been explained frankly and repeatedly both in our communications to you and our official statements to the press. The Pakistan Government has not accepted and cannot accept the so-called 'accession' of the Jammu and Kashmir State to India. We have said it before and repeat that the 'accession' was fraudulent in as much as it was achieved by deliberately creating certain conditions, with the object of finding an excuse to stage the 'accession'. It was based on violence because it furthered the plan of the Kashmir Government to liquidate the Muslim population of the State. The accession was against the well known will of an overwhelming majority of the population and could not be justified on any grounds whether
moral or constitutional, geographical or economic, cultural or religious.

5. The sole responsibility for the disturbances which occurred in the State must squarely lie on the Maharaja and his Government who, despite the advice tendered by the Pakistan Government, persisted in their policy of repression of Muslims. Repression was followed by resistance, particularly in the area of Poonch which is inhabited by a large number of ex-soldiers. The resistance in its turn was met with more repression till the Dogra savagery supported by the brutality of Sikh and Rashtriya Sewak Sangh bands created a reign of terror in the State. This state of affairs naturally aroused strong feelings of sympathy throughout Pakistan, particularly among the Muslims living in the contiguous areas who had numerous ties of relationship with the persecuted people of the State. Some of these people went across to assist their kinsmen in their struggle for freedom and indeed for existence itself. The stage was thus set for the pre-planned intervention by the forces of the Indian Dominion to quell this spontaneous popular rising against the culmination of the age long tyranny of the Dogra rule. The repeated warnings of the Pakistan Government went unheeded. This hasty and ill-advised action completely changed the picture and the Frontier tribesmen, a ferociously freedom-loving people, naturally took up the challenge in support of their Kashmiri co-religionists fighting for their survival and liberation. If the Government of India had extended to the Pakistan Government the courtesy of consulting it before embarking on its enterprise and suddenly landing troops in Kashmir, or even notifying Pakistan of its proposed action, thus providing an opportunity for discussion and consultation, it might have been possible to avert the tragedy of Kashmir. The action of the Government of India served to swell the torrent of popular resentment until it became impossible for the Pakistan Government to stem it without embarking on large-scale military operations.

6. As regards the charges of aid and assistance to the 'invaders' by the Pakistan Government we emphatically repudiate them. On the contrary, and solely with the object of maintaining friendly relations between the two Dominions, the Pakistan Government have continued to do all in their power to discourage the tribal movements by all means short of war. This has caused bitter resentment throughout the country, but despite a very serious risk of large-scale internal disturbances the Pakistan Government has not deviated from the policy.

7. In view of this background it would not be surprising if some nationals of Pakistan were taking part in the struggle for the liberation of Kashmir along with the forces of the Azad Kashmir Government. You must have already heard of an International Brigade composed of representatives of many nations in the world who are likewise fighting on the side of the Azad Kashmir Government. In regard to the modern military equipment that you allege to be in the
possession of the Azad Kashmir forces, our information is that these forces are poorly equipped and such few modern weapons as they might possess have either been captured from the Dogra and Indian troops or have been in the possession of the ex-soldiers of Poonch since the days of the British. As you know there are large numbers of Poonchis in the Pakistan Army and if some of them while on leave in their homes rendered assistance to their kith and kin in defence of their hearths and homes, it is scarcely to be wondered at.

8. On the contrary, it is the Indian Government which must answer the charge of conspiracy with the Maharaja of Kashmir in repudiation of the very principles on which it had only one month before opposed Junagadh's accession to Pakistan. The plea that the accession is only temporary pending restoration of peaceful conditions is too flimsy to stand examination, particularly in the light of recent negotiations in the course of which a perfectly fair and workable plan of withdrawal of opposing forces followed by a referendum under impartial aegis, suggested by us, was turned down by your Government. But all this fits in with the general 'pattern' of the India Government's political attitude towards Pakistan ever since it became evident that Partition was the only possible solution of our constitutional problems.

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In this connection it is of interest to note that the arguments advanced by India for refusing to accept the accession of Junagadh to Pakistan have been conveniently and completely ignored in connection with the accession of Kashmir to the Indian Dominion. This again is fully in keeping with the general political attitude of India towards Pakistan.

16. These are not the only examples of aggression against Pakistan territory. Numerous raids by armed bands, assisted by the police and military, have taken place across the border into Pakistan. The Royal Indian Air Force have made repeated attacks on Pakistan territory causing damage to life and property.

* * *

To sum up, our counter charges against the Dominion of India are as follows:

(i) That India has never wholeheartedly accepted the Partition scheme but her leaders paid lip service to it merely in order to get the British troops out of the country;

(ii) That India is out to destroy the State of Pakistan which her leaders persistently continue to regard as part of India itself;

(iii) That the systematic sabotage against the implementation of Partition, the stoppage of such essential requirements as coal and rail transport, the deliberate withholding of Pakistan's share of funds and arms and equipment, the wholesale massacres of Muslim population are all designed towards one aim, namely, the destruction of Pakistan;
(iv) That India's forcible occupation of Junagadh, Manavadar and other States in Kathiawar which had acceded to Pakistan, as well as the fraudulent procurement of the accession of Jammu and Kashmir State are acts of hostility against Pakistan whose destruction is India's immediate objective.

19. I however note with pleasure your assurance that the Government of India have always desired and still earnestly desire to live on terms of friendship with Pakistan. On behalf of the Pakistan Government I fully and sincerely reciprocate this desire. I am constrained, however, to observe that the Government of India have at no stage afforded any practical proof of their desire to live on terms of friendship with Pakistan, more particularly in the case of Junagadh and Kashmir. On my side I can assure you that the earnest desire of the Government of Pakistan to live on terms of friendship with India has in many instances restrained the Government of Pakistan from taking action which would not only have been legally justifiable, but was in several instances urgently called for, and yet was not adopted in the hope that the attitude of the Government of India might even during these later stages be more favourably affected towards Pakistan. I find it more and more difficult to persuade myself to continue to entertain that hope. The course of events, very briefly set out above, would normally have been treated as a chain of aggression justifying extreme action on the part of the aggrieved Government. Now that your letter of 22 December 1947 has indicated an intention on the part of the Government of India to invite the intervention of the United Nations, a course which the Pakistan Governments has so far ineffectively suggested to the Government of India for the resolving of their differences, I have taken this opportunity to invite your attention to the main heads of differences between the two governments that stand in the way of an amicable adjustment of our relations. It is my most earnest hope that these differences may be speedily composed and that our relations will thereafter ever continue to be on the most cordial, co-operative and friendly basis. I trust you will agree that the intervention of the United Nations, whatever from it is to take, should be invited in respect of all these matters, so that all pending differences may be speedily resolved.

Yours sincerely
Liaquat Ali Khan

Hon'ble Mr. Jawaharlal Nehru
Prime Minister,
Government of India
New Delhi.

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Pandit Nehru asked me what I thought of the appeal to U.N.O. I congratulated him on this, and said I thought it was a masterly draft, but I regretted that it included the statement that India reserved the right to take direct action in Pakistan territory if this proved necessary. I pointed out that psychologically this could not help offending the members of the Security Council for they would be bound to feel that it was a form of threat: "If you don't jolly well hurry up, we will take the law into our own hands."

Pandit Nehru assured me that this was far from the impression they wished to convey, and that he was confident that U.N.O. would act quickly without this.

The Prime Minister told me how very upset he had been that in spite of immense precautions of secrecy to ensure that no news of the appeal to U.N.O. leaked to the press before U.N.O. itself released the information from New York, this had in fact appeared in full in all the papers that morning.

I told him that I thought that this was most unfortunate and I had been surprised to read it in the papers. He assured me that everyone in the Cabinet had realized the great need for secrecy, and that nobody outside the Cabinet Ministers, the Cabinet Secretariat and a few trusted officials had known about it except for the acting High Commissioner for the U.K. and his secretary whom he did not suspect.
Letter from the American Embassy to Prime Minister Jawaharlal Nehru.
New Delhi, January 2, 1948.

American Embassy
New Delhi, India

No. 2., January 2, 1948

Excellency,

I have the honour to transmit to your Excellency the following views of my Government regarding the Kashmir problem:

"The United States of America as a firm friend of both India and Pakistan regrets that they have been unable by direct negotiation to solve the Kashmir problem. It now appears that the United Nations Security Council will soon be seized of this issue. The Government of the United States of America will respond fully to its obligations as a member of the Security Council to assist in the attainment of an early and peaceful settlement. We are certain that such a settlement can be achieved only if during the critical period when this question is under the consideration of the Security Council the Government of India and the Government of Pakistan will not only refrain from taking any provocative action but will also restrain those irresponsible elements on both sides who are not alive to the grave consequences of their actions. We fear that precipitate action by either Government at this stage would seriously jeopardize the international goodwill and prestige which it now enjoys.

"For your information an identical message is being delivered to the Government of Pakistan."

In this connection, I should like to express to Your Excellency the appreciation of the Embassy for the courtesy of your Government in keeping the Embassy informed through the medium of Sir Girja Shankar Bajpai, the Secretary-General of the Ministry of External Affairs, of the policy of the Government of India regarding the situation in Kashmir, and the steps which the Government of India is taking for its settlement.

Accept, Excellency, the renewed assurance of my highest consideration.

Charge d'Affaires ad interim

His Excellency
Pandit Jawaharlal Nehru
Minister of External Affairs
And Commonwealth Relations
New Delhi.

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Note from the Minister for External Affairs to the Embassy of the United States of America.

New Delhi, January 3, 1948.

1. The Minister for External Affairs and Commonwealth Relations presents his compliments to the Charge d’Affairs ad interim of the United States of America and has the honour to acknowledge the receipt of his note dated the 2nd January, 1948.

2. The Government of India appreciate the friendly interest of the Government of the United States of America in a pacific settlement of the Kashmir issue. In the note submitted by them to the Security Council, there is ample evidence of the efforts made by the Government of India to settle this matter by friendly negotiation with the Government of Pakistan and of the patience which they have shown in the face of acts of aggression against their forces and their territory. They feel that they would have been within their right in entering Pakistan territory in order to strike at bases, situated in that territory, from which the invaders of Jammu and Kashmir State have been and still are operating. That they have, instead, preferred to invoke the aid of the Security Council is proof of their devotion to peace and of their loyalty to the principles of the Charter of the United Nations. They are not aware that there are, in India, any ‘irresponsible elements’ who are likely to indulge in provocative action while the Kashmir question is being considered by the Security Council; they certainly have no intention of doing so themselves. All that they desire is that the people of Jammu and Kashmir should be free as quickly as possible from the horrors of invasion and thus enabled to determine their future by their freely declared will. They will be grateful if, through their representative on the Security Council, the Government of the United States of America will help in the speedy achievement of this object.

The Charge d’Affairs ad interim
Of the United States of America in India,
New Delhi.

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My dear Krishna,

This letter is being taken by H.M. Patel who is going with General Bucher and Chanda to London. The main purpose of their visit is to enquire about military equipment, specially arms, and make arrangements for their purchase; also to find out, if possible, how far we can increase our petrol quota. Rather suddenly and without any adequate reason this quota has been very seriously reduced. We are inclined to think that this is due to political reasons, that is a desire to bring pressure upon us. There is no doubt that if our petrol quota is substantially reduced, we shall be gravely embarrassed. To some extent this might even affect our military operations. So it is very necessary to get it increased. Of course we do not propose to change any Important policy of ours because of such pressure.

2. We are also anxious to explore possibilities of adding to our petrol production in India. There has been some talk of this for some time with oil companies, American I think, but thus far they have not accepted our conditions which meant some kind of governmental control. Unfortunately this search for petrol requires very specialised knowledge and great resources. Probably only a few major concerns can take it up. Apart from the Russian oil concerns, the rest are tied up in big combines. The Russians are beyond our reach and we are thus forced to submit to the terms of these major combines. There seems to be no way out. Naturally we shall try to get the best terms possible. I am not sure that H.M. Patel and company will be able to do anything in regard to this matter. You will advise them.

3. As a long-term policy, we are trying to push ahead with the production of power alcohol and liquid fuel from coal.

4. Bucher was not originally going with this party. But Mountbatten thought that he should go, and we have agreed. Mountbatten was of the opinion that he might be helpful indirectly in explaining the Kashmir situation to some people there, specially General Scoon and others who accompanied Noel-Baker to

* Pt. Nehru lived here before moving to Teen Murti House.
Lake Success. Bucher or others are not supposed to talk on a political level with Noel-Baker or anyone else. We have made that clear to them and told them that such talks should take place through the High Commissioner. But they have been generally informed of the present position and our stand. Bucher has done good work here and I rather like him. Over the Kashmir issue he feels strongly that Pakistan has mis-behaved and is generally responsible for much that has happened. It might serve some little purpose if his independent view was placed forcibly before Noel-Baker, Scoon and others. Of course this must be done rather informally. It is not his business or H.M. Patel's to discuss the purely political aspects of the question.

5. A telegram has been sent to you today informing you of our present position in regard to Kashmir. It is not basically different from that taken up by Gopalaswami Ayyangar before the Security Council. There are one or two minor variations to which we may agree if they are suggested by others.

6. Two other points might subsequently arise. One is the possibility of Kashmir being considered more or less independent and guaranteed as which by India, Pakistan and possibly the U. N. The other is the possibility of some kind of partition either by previous agreement or as a result of the vote. I do not fancy either of these; but I do not wish to rule them out altogether. We are not going to put either of these forward unless circumstances more or less compel us.

7. The British attitude, to begin with, that is six months ago, was definitely in favour of Kashmir going to Pakistan. Subsequently they have talked of partition, meaning thereby that Jammu should come to India and Kashmir Valley and the rest should go to Pakistan. This is totally unacceptable to us. The real bone of contention is the Kashmir Valley. Even Mountbatten has at various times hinted at partition. Recent suggestions referred to the Poonch-Mirpur area being added on to Pakistan while Kashmir Valley, Jammu etc., might remain with India.

8. As I have said above, I dislike all this and we do not propose to say anything about it. If, however, such suggestions are put forward by others, we might consider them at a later stage.

9. Gordon Walker, the Under Secretary, saw me this evening. We talked about Kashmir and, as is usual with such people, he was very friendly and understanding. It is impossible for me to make out how far this outward agreement leads to. We have had rather bitter experience. Almost every Ambassador here has been assuring us of his understanding sympathy for our position in Kashmir and yet his Government goes against us in the Security Council.
10. Gordon Walker admitted that there could be no question of our withdrawing our troops; further that he did not say much about any change in the Government. I pointed out to him that if necessary Shaikh Abdullah might agree to take in one or two members of the Muslim Conference in Kashmir. That was the farthest we could go. Then Gordon Walker rather vaguely asked me if voting could not take place in such a way as to facilitate, if necessary later, a possible division. He emphasised that he was not suggesting a partition but merely wanted to think in terms of possible contingencies. Of course any voting by constituencies or zones can be used for this purpose.

11. If voting did take place in this way, it might result in a Pakistan majority in the Poonch-Mirpur area and Gilgit. Very probably the Kashmir Valley and the rest of Jhelum Province and Ladak etc would vote for India. If the worst comes to the worst, I am prepared to accept the Poonch and Gilgit area being partitioned off, though this would mean a serious blow to the State and would make Srinagar’s position insecure.

12. I am mentioning all this to you in confidence so as to keep you in touch with the working of our minds. But we are not going to put all this forward in any way before the Security Council. We shall adhere there to our previous position with, possibly later, the two variations that have been pointed out to you,

13. It is evident that the U.K. Government are rather apprehensive of developments. Gordon Walker has been talking to Senanayake of Ceylon asking him if, in case of necessity, he could accommodate British evacuees from India. Walker mentioned this apologetically to me adding that he did not think that there was any chance of such necessity arising. I told him that we could have no objection to their removing Britishers if and when they wanted to do so; if necessary we would help them in the process; but I did not think there was any chance of this being necessary.

14. On the whole the possibility of a formal conflict between India and Pakistan has receded into the background. This has been one of the results of our reference to the U.N. The announcement that a Commission might come over to inquire led Pakistan immediately to break up some of their large concentrations near the Kashmir border and spread out these people in other parts of the Province of West Punjab. Reports also indicate that the general war atmosphere of Lahore and West Punjab has toned down considerably. I do not think, therefore, that there is much chance of war. We seem to have passed that crisis.

15. The military situation is, on the whole, favourable to us and appears to be steadily but slowly improving. It is quite possible that we may make some
advances in the Jammu region within the next few days. But Banihal Pass will open for traffic in another two weeks and this will enable us to send more troops to the Kashmir Valley. All this does not mean that we can push out raiders from the entire State territory. Poonch will be a hard nut to crack. It does mean that we shall be, on the whole, aggressive and will slowly advance.

16. A message was brought to me today from Attlee suggesting again that I might meet Liaquat Ali and try to come to a settlement. I do not know what Attlee means by going on repeating this. I suppose his main object is to get the U.K. out of the difficulty they are in. Gordon Walker also pressed this. I told him that we are always willing to meet Liaquat Ali and in fact we have met him many times. But in the present context there was not the least possibility of his agreeing to anything worth-while. The Security Council proceedings will not encourage him to come to terms with us. As a matter of fact we invited Liaquat Ali to a Joint Defence Council meeting next week. He has stated in reply that he cannot come here till the middle of March because of the Pakistan Constituent Assembly. So that is that.

17. Gordon Walker said that according to his information, Pakistan must be very worried about the Tribal people in West Punjab, and this might induce them to come to terms with us. I have no doubt that Pakistan is worried. But the rest does not follow. Indeed any attempt to settle the Kashmir issue with us might well lead to large numbers of additional Pathans swooping down on West Punjab.

18. I suppose you will see Noel-Baker. He is your old Professor and friend. I think he has behaved very badly in the Security Council and he ought to be made to realise how we feel about it all. It appears that most of his advisers were of the wrong sort. It is evident that the U.K. Delegation were pulling the strings at Lake Success. Some of the propositions made by the U.K. and U.S.A. were monstrous.

19. We are approaching the U.S.A. Ambassador here as well as other Ambassadors on the lines indicated in our telegram to you. We hope that these diplomatic approaches as well as the realization on the part of the UK and USA that we are not going to give up our position will make a difference. Legally and morally we are on strong grounds and I see no reason, whatever why we should surrender either to the gangster tactics of Pakistan and the raiders or to the attempts at bullying by UK and USA. Naturally we do not want to have to reject the final advice of the Security Council. But if this goes too far, then we have no alternative but to reject it and face the consequences.

20. Gopalaswamy will probably return about the end of this month or early in March. We would like him to pass through London and to see Attlee and
others. Shaikh Abdullah will not go back. He is required in Kashmir. Probably within the next few days he will be made Prime Minister and will form his ministry there.

Yours affectionately,
(Jawaharlal Nehru)

V.K. Krishna Menon,
High Commissioner for India,
India House, Aldwych, London.

2044. Speech of Prime Minister Jawaharlal Nehru on Kashmir.

Srinagar, May 11, 1948.

The Kashmir problem involves issues which affect not only India but the world. The Security Council in handling the Kashmir issue has discussed all sorts of irrelevant questions and arrived at a strange decision while ignoring the main issue. If the United Nations takes a wrong decision, it is likely to affect world peace.

India wanted the Kashmir question to be settled constitutionally but a barbarous invasion has ruined her plans. I regret the hardships the Kashmirs are suffering and hope they will be progressively lessened. As a Kashmiri I feel it very deeply, but I will not be influenced by personal sentiments. The Government of India took the decision they did, after carefully considering the pros and cons. If the method adopted by the invaders is justified, it will only mean that might is right.

Our position today is the same as in last October when Indian forces were sent to Kashmir. The raiders, who devastated towns and villages, massacred the people, abducted women and looted property, must be thrown out in the quickest possible time. We know what happened at Baramulla, Rajauri and other places and can imagine what would have happened if Srinagar had fallen.

Countries like the U.S. have shown that religion has nothing to do with citizenship. India’s freedom is based on equal rights, irrespective of creed, colour or religion, and I stand by the secular character of the Indian state.

The colonial government created communal divisions and encouraged the
growth of religious parties. Partially we ourselves are also to blame. Mahatma Gandhi’s foremost ideal was to create communal harmony, but growth and development of communal parties eventually led to the partition of India, and the partition, based on the two-nation theory, led to bloodshed and misery. History will judge whether we were right in agreeing to the partition, though we agreed to it with good intentions.

Pakistan is creating a poisonous atmosphere. However, in Kashmir, under the leadership of Sheikh Abdullah, Muslims and Hindus regard Kashmir as their motherland. There is communal amity. This is a big achievement.

Many houses evacuated by the Muslims in Delhi are kept vacant although non-Muslim refugees coming from different parts of Pakistan need shelter. These houses are being given back to the Muslims returning to Delhi. Recently nearly 50,000 Muslims returned to Delhi while a number of Muslims are still fleeing Sind and other parts of Pakistan and coming into India. This has created formidable difficulties for resettlement, but whatever the difficulties, the Government will stick to what they consider a right decision. I have no doubt in my mind that India will become one of the greatest powers, because she believes in certain fundamental principles.

Pakistan is following a different course, although it claims that its citizens have equal right. The conditions, however, do not conform to these claims. But circumstances will make Pakistan change this course.

The Indian troops have discharged their responsibilities and helped the refugees, both Hindu and Muslim, in a praiseworthy manner. The real celebrations will be when there is peace throughout Kashmir. We must be united in pursuit of India’s high ideals, and I hope that the union between Kashmir and India will be everlasting.

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2045. Letter from the Indian Embassy in Moscow to Ambassador Mrs. Vijaya Lakshmi Pandit.
Moscow, October 5, 1948.
Embassy of India
Moscow

5th October 1948

My dear Vijaya Lakshmi Ji,

I send herewith the latest issue of the New Times carrying a very significant article on Kashmir which gives what may be regarded as the official Soviet view on the Kashmir problem. It will be very important to you when the Kashmir question comes up for discussion. In so far as our dispute with Pakistan is concerned the, article I think is favourable. It is only in its assessment of the supposed influence of the Indian Government on the internal, affairs of Kashmir that the article goes wrong, and adopts a line which is now getting very familiar. Most significant of all is the last paragraph. The Soviets might well take the line in U.N.O. that while our case against Pakistan is proved, the Indian Army should also be withdrawn from Kashmir as early as possible leaving the people free to make their own choice. It might be that the Soviets hope that Kashmir would decide to join neither Dominion in which case “the warm feelings of friendship towards the Soviet Union in Kashmir” referred to in the penultimate paragraph will find, free and unfettered scope for their development. If, however, the choice were to lie between India and Pakistan, Soviet Russia would, despite her present disappointment with trends in India, prefer India as Pakistan is definitely considered to be a British stooge.

Yours sincerely,

Sd - R. Dayal

Her Excellency Shrimati Vijaya Lakshmi Pandit,
Leader of the Indian Delegation to UN, General Assembly,
C/o Embassy of India, Paris.

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May 17, 1949.

Nano dear

I received your letter of the 10th May today. I have now been back just ten days from England and Switzerland and they have been, as you can well imagine, pretty busy days.

Today the Constituent Assembly ratified the London Agreement on India and the Commonwealth. After a dull two days’ debate, proceedings rather warmed up towards the end and my last speech apparently produced some effect. In the end there was only Hazrat Mohani’s lonely voice that protested. Probably if there had been voting, three persons might have voted against - Hazrat Mohani, Shibbanlal Saxena and K.T. Shah. This particular matter is for the time being closed, though it will be discussed in the A.I.C.C. at the end of this week at Dehra Dun.

My particular headaches of the present moment are: Kashmir, Refugee problem, food situation and the general economic situation. The latter two are rather inter-related. Generally speaking it might be said that both the food and the economic situation are static with just a slight indication towards improvement. It may be that the current harvest, which has been good all the world over, may improve the food situation and bring down the wheat price and it is the price of wheat that governs everything. In any event we hope to give concentrated attention to this food and economic problem after a few weeks. You will remember Boyd Orr who came here. He has given a slightly alarmist report.

Kashmir has been giving me a great deal of trouble in two ways. The Kashmir Commission has presented proposals which we do not like at all and which we are practically rejecting. I do not know what Pakistan will do. If Pakistan more or less accepts them, this may go rather against us in the Security Council later. But we have found from experience that acceptance of vague formulae which are capable of various interpretations, is a dangerous business. Pakistan
is amazingly unscrupulous and sometimes it almost appears that unscrupulousness pays. Meanwhile Pakistan is going full steam ahead with military preparations. Indeed their last Budget devoted, I think, about 65 crores out of 70 crores of revenue to military purposes. I do not remember the exact figures, but this is a rough estimate. This is fantastic and it can only be done through current cash in hand. They got a large sum from us after partition and they have apparently squandered it completely on their military. It is difficult to understand how Pakistan can carry on in this way for more than a year or two. They are functioning as a military state hoping to make good by war or by threats of war. Their idea appears to be to settle their refugee problem also by sending them to Kashmir. This is based on the assumption that the Hindus and possibly a number of Muslims will run away from Kashmir with the threat of Pakistan coming there.

The other headache about Kashmir is due to the activities of the Maharaja and Shaikh Abdullah in contrary directions. On the whole Shaikh Abdullah has recently been more irresponsible of the two and has made some very foolish statements. We have just had long conferences with Abdullah, Bakshi and others, and the Maharaja and the Maharani are here also. As a result some kind of agreement is in sight. Of course new troubles are bound to come and we should not complain if they do come.

Sd/-
Jawaharlal Nehru

Her Excellency
Shrimati Vijaya Lakshmi Pandit,
Embassy of India,
Washington D. C.
U. S. A.
SECRET & PERSONAL

Extract from the letter of Prime Minister Jawaharlal Nehru to the Ambassador in Washington Mrs. Vijaya Lakshmi Pandit.

New Delhi June 8, 1949

Prime Minister
New Delhi, India

June 8, 1949

Nandan

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I am quite clear in my mind, as I have been for sometime past, that it was the right policy for us to continue in the Commonwealth on the terms and conditions we laid down and which were accepted. It would have been dangerous for us to isolate ourselves and risky for us to slope too much towards the U.S. in the present context. That would have made it more difficult for us at any time to play the role of a friendly neutral to any of the parties concerned. It must be remembered also that with all the expressions of goodwill that are showered upon us from America, the State Department has been far from friendly. The recent Military Mission that we sent had a friendly reception in England, in Switzerland and even in America except for the State Department. As the State Department was what mattered in the US, the result was that our Military Mission did not achieve anything substantial in the US. In the U.N. Kashmir Commission it is the U.S. member, who is definitely and constantly hostile to us. In Indonesia, the U.S. policy has been even lately to bring continuous pressure on the Indonesian Republic to agree to Dutch terms.

In regard to Kashmir, you will remember the kind of hint or threat that was held out by some official of the State Department, when B.R. Sen went to discuss the U.N. Commission’s proposals. That is a sort of thing which does not make us feel very friendly towards the U.S. I am afraid I cannot get over the feeling that the U.S. diplomacy is immature or it is too sure of its physical might to care for the niceties of diplomatic behaviour. They have had a very bad set-back in China and they have not succeeded in many other places. And yet they have not wholly learnt their lesson yet. We rely upon them inevitably for many things and we want to be friends with them. But there are some things we just cannot swallow.

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The Kashmir issue is still in the clouds. That is to say, the commission is sitting on it. From such accounts as we have had, Pakistan has also not accepted the proposals.

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Yours

Jawaharlal Nehru

Her Excellency
Shrimati Vijaya Lakshmi Pandit,
Embassy of India,
Washington, D. C.
USA

2048.

SECRET & PERSONAL

Extract from the letter of Prime Minister Jawaharlal Nehru to the High Commissioner in London Krishna Menon.

New Delhi, June 15, 1949.

My dear Krishna,

I have just learnt that Kaul is going to London tomorrow on his way to Washington. I am taking advantage of this to give him a letter to you.

This month of June has been a very troublesome one, so far as I am concerned. So many things have gone wrong and continue to go wrong. However, I suppose we have struck a bad patch and that we will be out of it sometime or other. I am looking forward at least to early July when I go to Ladakh for a week.

The U.N. Kashmir Commission people, or some of them, are back here again wanting elucidations and explanations. In effect this is a continuous attempt to tone down what we have previously said. We shall answer them in the gentlest manner, but we are not going to change the position we have taken up. Practically there are three points at issue. One is the disarmament and disbandment of the Azad forces. This is agreed to in principle by the Commission, though the actual method of implementing it might be argued about. (2) The withdrawal of our forces. We have made it clear that our withdrawal will depend not only upon the complete withdrawal of Pakistan regulars and irregulars, but also on the disbandment of the Azad forces. At any given time, we are going to keep enough forces to meet any possible danger,
external or internal. Thirdly, the northern areas, including generally Baltistan, Ladakh, etc. The greater part of Ladakh is in our possession. So no question arises except one or two strategic points. Our general contention was that all these areas should be put directly under the Kashmir Government. There has been no regular occupation of these areas by any government during the past year. Roving military bands have captured some places here and there. Subsequently we varied this position and said that we were prepared to discuss the civil administration aspect later, but that we must hold certain strategic points in these northern areas. We did not specify these points, as we waited for the acceptance of the principle we had enunciated.

Even this we are slightly varying now. That is to say, we propose to indicate certain points, not very far from our present line, which we must have anyhow. In regard to the other strategic points, we are prepared not to occupy them now, provided that all Pakistan regular and irregular forces retire completely from all those areas and there is no internal trouble. If there is any such trouble, probably instigated by Pakistan, or any other danger to these areas, then we reserve the right to occupy some of the other strategic points in these northern areas. These areas, I might remind you, are very sparsely populated and gradually verge into the high mountains.

This is our present intention. Probably we shall give this reply as a kind of addendum to our previous letter tomorrow. Shaikh Abdullah is here today and so are our Military folk for consultation. I might mention that we consider it absolutely essential to hold the Kishenganga river in the North, the Burzil pass, Marol towards Ladakh and one or two other places.

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The general situation in Kashmir has on the whole improved by the firm line we have adopted. There has been a good deal of shouting and cursing in Pakistan and even talk of war. Personally I do not think there is going to be any war. But one can never be sure, because propaganda in Pakistan has brought up public expectations to fever heat and the Azad forces might misbehave at any time. So we have to be prepared.

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Yours

Sd/- J. Nehru

His Excellency
Shri V.K. Krishna Menon,
India House,
Aldwych, London.

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Letter from Indian Foreign Secretary K.P.S. Menon to Ambassador Mrs. Vijaya Lakshmi Pandit.

New Delhi, February 24, 1950.

External Affairs Department

No. D.867-AMS/50

New Delhi, the 24th February, 1950.

My Dear Vijaya Lakshmi;

I enclose, for your personal information, a copy of the record of a talk between the Prime Minister and Mr. Loy Henderson, the United States Ambassador to India, regarding Indo-China and cognate matters. You will doubtless treat it as strictly secret.

Yours sincerely,

Sd/- K. P. S. Menon

H. E. Shrimati Vijaya Lakshmi,
Ambassador of India,
2107 Massachusetts Avenue,
Washington D. C.

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Extract relevant to Kashmir in the record of talks between Prime Minister and Loy Henderson

P.M. received the American Ambassador at 12 Noon.

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Prime Minister next spoke about U.S. policy regarding Kashmir again to illustrate the importance of approach and understanding of the psychology of persons with whom one deals.

Mr. Acheason’s message on Kashmir, for example, was extraordinary. It was an attempt to bring pressure to bear on the Government of India by means of threats of dire consequences. The present Government of India consists of men who have been trained during the struggle against the British to refuse to submit to coercion in any shape or form. Any attempt to press them with threats causes immediate reaction, the consequences of which will be exactly the opposite to those intended. Mr. Henderson rather apologetically explained that
the phrasing of Mr. Acheason’s message was unfortunate and was, possibly, due to the influence of persons in the State Department who deal with more procedural matters than with policy matters.

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2050.

PERSONAL

Extract from the letter from High Commissioner in London V. K. Krishna Menon to Prime Minister Jawaharlal Nehru.

London, March 5, 1950.

London, W.C.-2

My dear prime minister,

Since the receipt of your recent letters about Kashmir and Bengal, I have had a number of informal talks with Lord Addison. I have also discussed the position with Gordon Walker. Lord Addison has conveyed the substance of these to Attlee, and expressed his own deep concern. I gather that he expressed himself strongly on Cadogan’s speech. I am to see Attlee on Tuesday. Addison is very sympathetic to our position and appears to understand it very well. He told me frankly that he was doing his best. During our last talk he asked what constructive steps he should suggest. I had to be careful not to be very precise, and therefore dealt with the matter on the general line of their not treating Pakistan and us in the same way with regard to Kashmir and for the need for their expressing themselves strongly to Pakistan on East Bengal. He appeared impressed. We are to continue these talks next week.

I have also seen various newspaper people individually, and this is continuing. To a considerable extent it is their correspondents in Pakistan and India that seek to weight the scales against us. There is a tendency to believe that we may be thinking in terms of an inevitable conflict and that there is general talk of war in India. I did not see any tendency to condone Pakistan, but as usual there was a tendency to think that we could be persuaded or pressed with greater effect than they.

I think there is great need for one or two contact men (English) who are suitable for the purpose. Our own newspaper people here, with the exception of
Parthasarathi, Gopalswamy Ayyangar’s son, are a liability and an adverse factor to us. The British representatives on our papers, like Matters, do not do any harm, and perhaps a little good. This cannot be said of the others. Therefore the spreading of our views in general conversations with newspaper men must be achieved in other ways. As a country we do far less in this way than even some very small countries. Hence my previous letter.

That Noel-Baker was not going back to the C.R.O. (Commonwealth Relations Office) was made known to me two or three days before the appointments. Gordon Walker’s posting to the C.R.O. is also intended to create better relations. I have also been told that senior officers of the C.R.O. were called and spoken to by Lord Addison. I have to find out what results all this has had in Attlee’s mind. The governmental position and the general feeling of concern in the country over its own affairs make things rather different than previously.

Although I have not written to you since I returned, I have not been inactive as far as work here is concerned. Time and energy however appear to be inadequate. Of my staff, Haksar alone is of any use for these purposes. He has been falling in lately. But I do not propose to write to you about these matters.

There is increased activity on the part of Pakistan to secure arms, particularly tanks. Nothing can go out of this country - in fact there are not any to be had. But they are buying elsewhere or trying to do so. In one or two instances this has been delayed, and perhaps brought to nought. Some information was received last week that they are trying to obtain some from Far East sources, Philippines and Formosa, but I have not checked on this. I am trying to obtain some information through various sources. I think it has become necessary to pursue these matters a little.

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Yours

Pandit Jawaharlal Nehru
Prime Minister’s House
New Delhi
Dear Vijayalakshmi ji,

Many thanks for your secret and personal letters dated the 27th May; I got the two of them yesterday.

Sir Owen Dixon was here for five days. He had two talks with the Prime Minister and twice that number with me. Although the Prime Minister, during the first interview when I was present, went into some detail of our case against Pakistan in Kashmir, his second and all my conversations with Dixon were relatively brief and confined to a discussion of procedure. Dixon’s view and this is in harmony with the terms of the resolution of the Security Council which is his mandate, is that he must first explore the possibility of holding a plebiscite and, therefore, must take up the question of demilitarization before anything else. I told him that we fully understood this and would be prepared to discuss with him, at his convenience, the connected questions of the withdrawal of our troops and the withdrawal of Pakistan forces and the disbandment of the Azad Kashmir forces. I have made it clear that our own withdrawal will depend upon what Pakistan does about its own forces and those of the Azad Kashmir. I have also left him in no doubt that we shall stand firm by our claim to control the Northern Areas. I discouraged his suggestion that I should meet Zafrullah in a preliminary conference; such a conference would be a repetition of many previous ones and carry us no farther towards a solution. Dixon has accepted this view and, when he left here, was planning to arrange for a meeting of the two Prime Ministers, after their return to this sub-continent, so that the differences can be discussed and, if possible, reconciled by the Heads of the two Governments. Whether he has in any way altered his plans, which were tentative, as a result of his stay in Karachi, I do not know. As I had anticipated, he has had a full dose of Zafrullah’s verbosity and, in spite of his long judicial experience, might well be in some mental confusion. From Karachi,
he goes to Srinagar; perhaps a little respite there from both parties will help to restore him to his normal clarity of perception.

* * * * *

Yours sincerely,
G.S. Bajpai

Her Excellency
Shrimati Vijayalakshmi Pandit,
Ambassador of India in the USA
Washington

2052.  
SECRET

Extract from the Letter from Prime Minister Jawaharlal Nehru to Ambassador Vijaya Lakshmi Pandit.

New Delhi, June 25, 1951.

Prime Minister
India

No.2997-P.M. New Delhi, June 25, 1951

* * * * *

In a recent letter of yours to Bajpai, you mentioned a remark of some official in the State Department. He said to you about America being tough on the Kashmir issue. Well, it is all right for America to be tough on this issue as they have been. Their toughness can only take us away from any possible settlement, as it has done in the past. The U.K. and U.S.A. attitude has encouraged all the bellicose tendencies in Pakistan and, for the first time, I feel that there is real danger of a big scale conflict between India and Pakistan. That would be most unfortunate. But if it comes, it cannot be helped. We cannot run away from it. It may be our fault that we have not been able to explain our position adequately. The question of Kashmir is not that of a patch of territory. It is a basic question of our entire policy in regard to India. If Pakistan's communal approach and policy prevail in Kashmir, it would not only be a tragedy for Kashmir, but it would upset the whole scheme of things in India, and of course in Pakistan.
We would enter a phase of trying to exterminate each other. These are terrible thoughts which come to me, and I find the U.S.A. and U.K. people skating merrily on this very thin ice over the deep ocean, and accusing us of intransigence.

* * * * *

Love
Jawahar

Shrimati Vijaya Lakshmi Pandit,
Embassy of India,
Washington, D. C.

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2053.

PRIVATE & PERSONAL

Extract from the letter of Secretary General, Ministry of External Affairs G.S. Bajpai, to Ambassador Vijaya Lakshmi Pandit.

Ministry of External Affairs

D.O. No. 266-SG/51 New Delhi, the 5th July, 1951

Dear Vijayalaskshmiji,

* * * *

I enclose, for your information, the record of a conversation that I had yesterday with Dr. Graham. I would, naturally, like you to keep its contents to yourself. As this letter is being dictated, Dr. Graham is with the Prime Minister. Probably he will take the same sort of line with him. If something more substantial is said by Dr. Graham, we shall let you know in due course.

* * * *

yours sincerely
G.S. Bajpai

Shrimati Vijayalakshmi Pandit,
Ambassador of India in the USA
Washington.

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Summary Record of Conversation with Dr. Graham, 4.7.1951.

Dr. Graham called on me at 11. A.M. today at his own request. He said that, after our two meetings yesterday, he had felt that he could come and take me into his confidence. What he was telling me had not been mentioned to anyone before. As I would observe, it was also outside his terms of reference. He regarded the establishment of cordial and cooperative relations between India and Pakistan to be of world importance. Though he had been long in public life this was the most difficult political problem that had been entrusted to him for solution. His experience had been primarily in the field of Capital-Labour relations. There also, the parties had started with deep distrust of one another and, at times, relations had been extremely bitter. With goodwill and persistence, however, those disputed had been resolved. Cooperation and friendship between Pakistan and India could come only of their own volition and by their own efforts. He (Dr. Graham) was not a judge and was here only to help if he could. He had no illusions, however, that either he or any other outside agency could bring these two great nations close together. The question was how to bring about the desired consummation.

2. I said to Dr. Graham that I did not wish to take him over the whole of the history of Indo-Pak relations or of the Kashmir dispute. I would, however, speaking in no spirit of partisanship, like to draw his attention to certain fundamental points:

(i) Pakistan believed that India had not reconciled itself to its (Pakistan’s) existence, but desired to destroy it. Therefore, Pakistan was distrustful of and hostile to India, The belief was without foundation. A few extremists and cranks apart, no one in India was even interested in Pakistan. We had enough problems of our own to attend to and solve. Nevertheless, this fiction of India’s alleged distrust and hostility had become an article of faith with Pakistan,

(ii) Kashmir was a symptom, though an acute symptom, of a congestion mentioned in (i). Pakistan itself had made this symptom acute by persistent inflammatory propaganda, urging its people to war, telling the world that war alone could solve this dispute. Dr. Graham had only to compare the press of Pakistan and the press of India to satisfy himself of the difference between the mentality of Pakistan over the Kashmir dispute and the mentality of India. This hostile propaganda had created an atmosphere in which a solution, at once friendly and conciliatory, was most difficult to find.
Pakistan had alleged that India had obtained the accession of Jammu and Kashmir by force and fraud. Pakistan had even succeeded in persuading many people abroad to believe this utterly false charge. I had been with the Government of India ever since this trouble in Kashmir began and could assure him that, even on the 22nd or 23rd October, 1947 India had no thoughts of securing the accession of Kashmir. India had even declined to enter into a standstill agreement with Kashmir, which Pakistan had done; India wished to leave it to the Ruler of Kashmir and its people to make up their minds as to whom the State shall accede. It was only when Kashmir was invaded, and rape and rapine, murder and arson had been let loose, that at the request of the Maharaja and of Sheikh Abdullah, India had sent troops to save Kashmir. But the Maharaja and Sheikh Abdullah had asked India to accept Kashmir’s accession and India had to do it as a measure of humanity as well as a gesture of neighbourly obligation.

Pakistan had made a great deal of the oppression of Muslims of Jammu and Kashmir by the Maharaja. The oppression had undoubtedly been there, but one of the victims of the oppression had been Sheikh Abdullah himself. The same Sheikh Abdullah was now the Head of the Government of Kashmir. India stood for a secular, not a communal government in Kashmir, hence her support of Sheikh Abdullah. India’s action could not be regarded as being of a piece with that of the Maharaja.

Pakistan had repeatedly urged and even succeeded in persuading important members of the Security Council that India did not intend to abide by its obligations, but, instead, intended to deceive and defy the Security Council. Had that been India’s intention, there was no need for India to have referred the Kashmir dispute to the Security Council. But what India had complained of to the Security Council was Pakistan’s aggression. On that issue, the Security Council had never said one word. India did not ask for public condemnation of Pakistan or for punitive action against Pakistan. India had, however, insisted that Pakistan’s aggression should be taken into account in assessing the status of the two parties to the dispute and in finding a solution to the dispute. This remained India’s stand.

Pakistan had alleged that India was trying her utmost to avoid a free and impartial plebiscite. It was India who had, even after Kashmir’s accession, offered to let the people of the State determine their future freely. If a free and impartial plebiscite had not yet taken place, this was due to the non-fulfilment, through the attitude of Pakistan, of conditions in which alone such a plebiscite could be held. We had never said that
our forces should be maintained in their present strength in Jammu and Kashmir during the plebiscite. All that we had maintained was that enough forces must be maintained there to safeguard the security of the State. But we had insisted that Pakistan, as aggressor, should withdraw its troops entirely from the State, and that the Azad Kashmir forces should be disbanded and disarmed before we could consider any substantial reduction in the strength of our forces.

Summing up, I told Dr. Graham that unless there was a psychological change in Pakistan and the propaganda in favour of Jehad stopped, I saw little prospect of bringing about that friendly and cooperative relationship between Pakistan and India which not only our well-wishers, but even more we ourselves desire.

3. Dr. Graham, after having listened to me intently, said that there were a number of outstanding disputes between India and Pakistan, e.g., Canal Waters. His idea was that an attempt should be made to settle all these disputes. He was not attempting to determine priorities, but any dispute settled was a step forward towards the establishment of friendly relations. If India and Pakistan could, by this process, settle their outstanding differences, and also because of the establishment of good relations, reduce their armaments, they could set an example to the world which was drifting towards another world war. Such a development would provide a “platform” from which some great leader from this sub-continent could appeal to and catch the imagination of the world. The enormous sums that were now being spent on armament could be diverted to productive activity that would add to the sum of human happiness; India and Pakistan would be able to devote more of their resources to the task of peace and the resources of the other free nations of the world could also be utilized in furthering this noble effort.

4. I told Dr. Graham that I would convey this to the Prime Minister. At the same time, I felt it necessary to draw his attention to the fact that Pakistan looked upon Kashmir as the first and major dispute between the two countries and its solution as a condition precedent, even a key, to the solution of other disputes. I asked Dr. Graham if his attention had been drawn to the correspondence between the Prime Minister and Mr. Liaquat Ali Khan on the subject of a “No War Declaration”. He said that he had not yet read the correspondence, but was going to do so. I told him that he would find a perusal of this document, revealing and, therefore, useful.

5. Taking leave of me, Dr. Graham repeated that he had been only thinking aloud to me in the utmost confidence, and he very much hoped that what he had said would not he made public in any way. I assured him that he could rely absolutely on our discretion and that his confidence would be strictly observed.
6. Clearly, Dr. Graham is groping his way towards some method of finding a solution and equally clearly his idealistic conception of the effect of a friendly solution between Pakistan and India on the international situation is something remote from fulfillment, if not unrealisable in a foreseeable future. But he is clearly sincere in his desire to attempt, if he can, a broader approach to the problem.

Sd/- G. S. Bajpai
4-7-1951

TOP SECRET

Extract from a letter from Prime Minister Jawaharlal Nehru to the Indian High Commissioner in London V. K. Krishna Menon.

New Delhi, July 22, 1951.

5. For some months past we had been worried not only at the feverish preparations in Pakistan for war but also at the hysterical demands for jehad there. Some five weeks ago we considered the situation. There were many factors which indicated that Pakistan might take aggressive action, probably beginning with Kashmir, as soon as Graham went back. As you know, I had made it quite clear on many occasions during the past year that any further attack in Kashmir would necessarily mean an all-out war between India and Pakistan. It would be impossible to limit it to Kashmir as previously. This declaration of mine has, I am sure, prevented Pakistan from attacking.

6. Meanwhile, the progress made in the Kashmir State, that is our part of it, has been very marked. The government machinery is running fairly well, supplies are good, transport, which is very important, is well organised. Generally there is an appearance of normality and tourists have poured in. In contrast, the Pakistan areas of Kashmir are in a bad way and there are many squabbles and internal conflicts. Because the internal position in our part of Kashmir was improving rapidly, Pakistan became afraid of our consolidating our position too much. Then came the announcement of the Constituent Assembly. To Pakistan this appeared as the final nail in their coffin, so far as Kashmir was concerned. Immediately there was a hullabaloo and they went to
The Security Council and the U.K. and U.S.A. representatives made very offensive anti-Indian speeches. However, we stood firm on that issue. Pakistan’s fear is that if the Constituent Assembly is held, her chances fade away. So she has tried her utmost to prevent this being held. Our information was that if she cannot stop this by foreign pressure, she would take offensive action and try to create trouble, sabotage, etc., with Kashmir also. Indeed we have caught people who had been sent from Pakistan for this purpose.

7. All this was disconcerting enough. Then came a number of raids across the cease-fire line, which appeared to be parts of an organised plan. They were far more important than the petty raids which had occurred previously.

8. We came to the conclusion that it was exceedingly dangerous for us not to take full precautions to meet any possible attack by Pakistan. Conditions in Pakistan were such that even if the Government there was somewhat reluctant, events might force their hands. We decided therefore to be fully prepared and took steps accordingly.

9. Last year we had reduced our army by 52,000 and it was our programme to reduce it by an additional 100,000 this year. But owing to these developments, we hesitated to make any further reduction. We had decided to transfer our Armoured Division from Meerut to Jhansi, which is much further away, but which has better quarters and training grounds. We stopped this transfer.

10. A little later, we decided to send this Armoured Division to the Punjab. In order to go there it has to cross two major rivers. That is a long process and it takes several weeks. If by any chance the bridges were destroyed, then it is hardly possible to send it across. Pakistan’s plan appeared to be to attack us suddenly in Kashmir to begin with, to achieve some results quickly and then perhaps to stop if the U.N. jumped in and called for a cease-fire. This plan was largely based on our un-preparedness to meet a sudden assault on a big scale in Kashmir and our inability to do anything in the Punjab at least for some time. We had thus to be prepared for any such sudden action. The only way we could do so was to send our Armoured Division across the two major rivers of the Punjab and make some other troop dispositions. We ordered this and the Armoured Division is on its way. It has not fully got there yet. Probably it will take another two weeks or more to be in position.

11. In Kashmir, our undertaking to the U.N. is not to add to the number of troops which existed at the time of the cease-fire. After the cease-fire we withdrew a considerable number. Recently we decided to send some additional troops to Kashmir. This was well within the old limit and therefore we were entitled to do it in terms of the cease-fire arrangement. I think that the U.N. Observers in Kashmir were informed of it.

12. We have also made some arrangements on the borders of Eastern
Pakistan. Eastern Pakistan has been during the last many months prepared for war purposes. Troops have been sent from the West and many other steps have been taken.

13. One must remember that the normal disposition of troops in Pakistan is more or less along the Indian borders. They had added to this and it was very easy for them to push across into India if they so chose. It is no longer easy for them to do this because we are there or will be there soon.

14. This is what has happened and I am quite sure that we would have been completely wrong in not taking these steps to protect ourselves in case of an attack. In fact, these steps have probably put an end to the fear of war because Pakistan cannot take us by surprise anywhere now. If unhappily war still comes, we shall be more or less ready for it in so far as one can be ready.

15. As a matter of fact, Pakistan has taken many other steps too, which we have not, such as calling up their reserves, cancelling leave, A(ir).R(aid).P(recautions) precautions, and recruiting new divisions. In spite of our army's persistent demand for additional recruitment, we have not agreed. Nor are we taking any other unusual steps. Any person who goes to Lahore and Delhi can notice the difference. In Lahore there is talk and preparation for war. In Delhi no change has occurred. It is true that this recent crisis has been referred to in the newspapers here, but this is nothing compared to what the newspapers in Pakistan are saying.

16. Some things may be taken for certain:

(i) We are going to have the Constituent Assembly in Kashmir, whatever other people may say or do. No amount of pressure or threats from Pakistan or the U.K., or the U.S.A., or the U.N., will stop us from having Constituent Assembly elections in Kashmir, probably in September.

(ii) We are not going to remove our troops from the Pakistan border till we are satisfied that there is no further danger of attack or invasion.

(iii) If Pakistan attacks or invades our territory anywhere, including Kashmir, this will inevitably result in an all-out war.

(iv) We are on no account going to attack Pakistan or take any aggressive action. We shall only take action if and when we are attacked. Therefore there will be no war, unless Pakistan starts it.

17. These facts must be fully understood. I do not think there is adequate realisation of them in the U.K. or U.S.A. and perhaps they still imagine that by some kind of pressure tactics they can force us to give in. That is impossible. You mention that Gordon-Walker said that the Americans were putting considerable pressure on the British to be tough with India and that they are
using Kashmir for this purpose. Some Americans have told me that it is the British who take the lead in this matter and that this is definitely Attlee’s policy. Whatever Attlee’s good intentions might be in regard to India as a whole, and I believe he has good intentions, about Kashmir his mind is completely closed and he thinks he has seen the light once and that is enough. I am sorry for this because he has hopelessly mistaken as are the Americans. They have got used to dealing with soft countries who are afraid of losing their goodwill or their money. Kashmir is a question on which we will not give in, whatever the consequences, and this should be made perfectly clear to everybody. I am quite convinced that it is the policy of the U.K. and the U.S.A., which has made the Kashmir situation as bad as it is. If war occurs therefore, the responsibility will be theirs. For their own reasons, they have chosen to back Pakistan in this and other matters. I cannot help that. But I am sure that sometime or other they will realise their grievous mistake. Personally I consider (I am sorry to say it) the leaders of Pakistan to be completely crooked in their ways.

18. I made a reference in my speech at Bangalore to British Officers and ex-officers in Pakistan adding to the tension. I was referring then to the large number of Britishers serving in Pakistan. I was also referring to Gracey and Auchinleck, who have been visiting various military centres in West and East Pakistan in the hottest weather. Nobody comes here in search of health during this time of the year. You have yourself reminded Gordon-Walker of Gracey’s advice to the Pakistan Government to send the Pakistan army to Kashmir. He is bitterly anti-Indian, as is almost every Englishman in Pakistan. Many of these Britishers in Pakistan employ used to be in the Indian Service and were pushed out by us. They have no love for us and they find that anti-Indian atmosphere in Pakistan completely congenial. Indeed they play a leading role in it.

19. The military conspiracy in Pakistan was chiefly due to resentment by Pakistan officers at the role of the British both in the Pakistan Army and in civil activities. That conspiracy was basically anti-British. The story that all kinds of concessions and bases were being given to the U.K. and U.S.A., had gone round and excited these military folk.

20. In Karachi, the British High Commissioner is also very anti-Indian. The U.N. observers in Kashmir are completely anti-Indian and say so in private. I might mention that these U.N. observers have said in private that a war is coming in Kashmir this autumn or at the latest in the spring. Presumably they got this from the Pakistan army people.

21. Graham is due here soon from Karachi. He has behaved very circumspectly and chiefly listened. On the whole, he seems to be somewhat of an improvement on Dixon. Dixon was the pure lawyer. Graham has not mentioned to us anything about the Security Council Resolution. He has talked
about the general background etc. I do not know what he is going to do. But he is hardly likely to stay here very long.

22. I might inform you that Nye was told about Gracey’s and Auchinleck’s tours in Pakistan. Nye said that he could not believe that about Auchinleek, but about Gracey he could not say.

23. In connection with this war scare, it is a major point that we are preparing hard for our general elections which are going to be on a stupendous scale. Is it likely that we would do this and think of war?

24. One other factor might be kept in mind. During the last few weeks there has again been a big exodus of Hindus from East Bengal to West Bengal. A surplus of 40,000 has come over and they continue to come. This may be due to many causes, because conditions of Hindus continue to be bad in East Bengal. But I think that principally it is due to the war scare.

25. We talk about Kashmir as being the root of all troubles between India and Pakistan, I do not think this is true, The root lies deeper and Kashmir is only a major symptom.

27. We are greatly criticised in our own country and outside. And yet we have some considerable achievements to our credit. I need not write all this. But it is as well to remember what we have done. In Pakistan, there has been practically nothing constructive done during these four years. They have not even started properly with their constitution making and they carry on with the relics of the old British Constitution. Provincial autonomy there is nominal. All that they have done is to concentrate on the growth of their defence forces and to instill hatred and the spirit of violence into their people. They hope to hold together because of this anti-Indian feeling and the appeal to Islam. How long this will carry them, I do not know, A war scare of course helps the Government very much to consolidate its position in Pakistan.

28. The situation on the Pakistan-Afghanistan border continues to be very troubled and the relations of the two countries are definitely bad. Pakistan has decided to send back its troops to some of the border areas, from which they had withdrawn them previously.

Jawaharlal Nehru

July 22, 1951.
Letter from Prime Minister Jawaharlal Nehru to UN Representative Dr. Frank Graham.

New Delhi, September 11, 1951.

Prime Minister
New Delhi, India

No.3255 - PM. 11th September, 1951.

Excellency

I have the honour to reply to your Excellency’s letter of the 7th September 1951, which you handed to me personally that day.

2. As Your Excellency is aware, we were glad to meet you and your associates as we are eager to find a way to a peaceful settlement of the Kashmir question. We made it clear, however, to Your Excellency, at the very outset of our discussions, which were informal, that, for the reasons explained by our Permanent Representative, Shri B.N.Rau, to the Security Council, we have found ourselves unable to accept the Council’s resolution dated the 30th March, 1951, and that our discussions were without prejudice to this stand of the Government of India. The views that my Government are submitting now on your proposals are similarly without prejudice to that stand.

3. We are in complete agreement with paragraph 1 of your proposals; it represents a policy that we ourselves have been urging upon the Government of Pakistan for a long time. We would also add that India has not committed aggression against Pakistan or made war on that country and has no intention of doing so.

4. As regards paragraph 4, the Government of India not only reaffirm their acceptance of the principle that the question of the continuing accession of the State of Jammu and Kashmir to India shall be decided through the democratic method of a free and impartial plebiscite under the auspices of the United Nations but are anxious that the conditions necessary for such a plebiscite should be created as quickly as possible. It is with this object and this object alone, in view that they have examined your proposals.

5. It is clear to the Government of India that the security of the State of Jammu and Kashmir from invasion or large scale infiltration of hostile elements will not be effectively ensured until the spirit and temper of war that now prevail on the other side of the cease-fire line and in Pakistan have been demonstrably replaced by a firm will to settle the Kashmir question peacefully. Nor will it be possible to make any headway with arrangements for holding a plebiscite until this condition is satisfied. The Government of India greatly doubt whether this
will be practicable within the period of 90 days mentioned in paragraph 6 of the proposals or such other period as may be agreed upon in terms of paragraph 6 and paragraph 9. The Government of India are willing to carry out the withdrawal of the bulk of the Indian forces in the State by the end of this period provided that the operations described in 7.A.(i), (ii) and (iii) of the proposals are progressively completed by the end of that period.

6. In the opinion of the Government of India, para. 7, B.(ii) should be omitted. They feel that the further withdrawals or reductions referred to in this part of the proposals cannot be related to the period to be fixed in terms of paragraphs 6 and 9; these can be realised only progressively thereafter as the fear of incursions into the State or renewal of aggression diminishes and completed when the fear completely disappears. Both the period during which these further withdrawals or reductions are to be made, and their phasing and quantum cannot be determined realistically at present. I would point out that the withdrawal of their forces which the Government of India are prepared to make under paragraph 7, B.(i) of the proposals, and which is specified in paragraph 8 of this letter, will be considerably in excess of “the bulk of the Indian forces”. It would leave in the State the very minimum force necessary to prevent infiltration. Any further reduction could only take place at some risk. The Government of India will be glad, however, to consider this problem with the U.N. Representative from time to time and to give effect to the measures that may be agreed upon between them to make further withdrawals or reductions. They wish me to give you the assurance that it is their policy to reduce their forces in the State to the minimum necessary to safeguard its security; the greater the measure of security that the State enjoys from threats of incursion or aggression, the smaller will be this minimum.

7. As regards the Civil Armed Forces to be maintained on the Pakistan side of the cease-fire line at the end of the period agreed upon in terms of paragraph 6 and paragraph 9, the Government of India would agree to a force of 4,000, organised, equipped and composed as recommended to UNCIP in C of the memorandum transmitted to Dr. Lozano under cover of letter No. 248-PASG/49 dated 13 April 1949, by their Secretary-General in the Ministry of External Affairs.

8. In pursuance of what has been stated in paragraph 5 of this letter, the Government of India will retain on their side of the cease-fire line in Jammu and Kashmir, One Line of Communication Area Headquarters and One Infantry Division (normal) but of four brigades of four battalions each, at the end of the period agreed upon in terms of paragraphs 6 and 9 of the proposals, provided that the operations described in paragraph 7.A.(i), (ii) and (iii) of the proposals have been completed by the end of that period. Thus much more than “the bulk
of Indian forces in the State” will have been withdrawn and I wish to emphasise that the forces left behind will be wholly inadequate to resist any large-scale aggression. Effective measures to prevent such aggression will, it is presumed, be taken by Pakistan.

9. About paragraph 10 of the proposals the Government of India agree that the Plebiscite Administrator should be appointed as soon as conditions in the State, on both sides of the cease-fire line, permit of a start being made with the arrangements for carrying out the plebiscite. To appoint the Plebiscite Administrator before he can function effectively would be premature. The Government of India would therefore prefer such a proposal to be omitted from that present document; it would be more appropriately included in proposals that deal specifically and in detail with the holding of the plebiscite and connected matters.

10. The Government of India have no other comments or suggestions to make on the proposals.

Accept, Excellency, the assurance of my highest consideration.

Signed.
Jawaharlal Nehru Prime Minister and
Minister of External Affairs.

His Excellency Dr. Frank P. Graham,
United Nations Representative for India and Pakistan.

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Letter from Secretary General, Ministry of External Affairs
G. S. Bajpai to the Permanent Representative of India at
the United Nations B. N. Rau.

New Delhi, September 12, 1951.

Ministry of External Affairs
New Delhi

No. 361-SG/51 the 12th September, 1951

My dear B.N.

As promised in my letter of the 8th September, (No.356-SG/51), Which I asked Mrs. Pandit to deliver to you, I enclose, for your information, a copy of our reply to Dr. Graham's proposals which he delivered to the Prime Minister on the 7th of this month. Dr. Graham had left behind, in Delhi, his legal Adviser, Dr. Marin, and, after I had handed over our reply personally to Dr. Marin, I made the following comments:

(a) The reduction in the strength of our forces in Jammu and Kashmir that we proposed to make under para. 7.B.(i) actually included much that we should have done under para. 7.B.(ii). The remnant left would, in effect, mean that we should have one brigade each in the valley, Poonch and Jammu and one in reserve. Considering the area of the State under the control of the Government of Jammu and Kashmir and the long frontier that we had to protect, this force was, if anything, below the minimum that our Military Advisers considered necessary even to protect the State against infiltration of disruptive elements that might seek to dribble in through the various passes from Azad Kashmir or from Pakistan, not for the purpose of staging an invasion but for disturbing peace and tranquility and for interfering with the freedom of the plebiscite. As for any large scale aggression, whether from tribesmen or any other source, this force of 4 brigades plus one line of Communication Area Headquarters, would be utterly inadequate to stop it.

While on the subject, I also informed Dr. Marin that the infiltration on the Ladakh side of the State of Kazaks and other elements from China was now presenting a real problem to us. We did not, however, wish to confuse the Kashmir issue with this new development. Such measures as might become necessary to deal with this problem could and would be discussed separately.

(b) As regards the appointment of a Plebiscite Administrator, I reminded
him how the premature appointment of Admiral Nimitz had caused embarrassment all round. We were not opposed to the appointment of a Plebiscite Administrator. Indeed, since we were anxious to have a plebiscite as quickly as the necessary conditions could be created, we would be glad to see him appointed as soon as the situation had improved sufficiently to justify the hope that arrangements for holding a plebiscite could usefully be started. In the light of past experience, we were naturally reluctant to fix dates or time-limits within which the necessary improvement in conditions might not be achieved.

2. Dr. Marin promised to convey to Dr. Graham what I had told him orally in explanation of our written reply. Speaking quite personally, he also said that Dr. Graham’s endeavour would be to prevent a debate on the merits of the Kashmir dispute in the Security Council in the near future. He thought that Dr. Graham’s report would leave the door open for further negotiations if the replies of the two Governments did not offer a basis for an immediate settlement and that, in all probability, Dr. Graham will recommend that the Council authorize him to continue his efforts. However, I expect that we shall get more precise information about the procedure and plans of the Council after Dr. Graham submits his report.

G.S. Bajpai

Shri B. N. Rau,
Permanent Representative of India at the UN.
New York.
SECRET AND PERSONAL

Extract from the letter from Mrs. Vijaya Lakshmi Pandit to Prime Minister Jawaharlal Nehru.

New York, November 5, 1952.

Indian Delegation to the United Nations
9 East 64th Street, New York, 21. NY.

No. D. O. VL.3/52

Bhai dear

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This morning Gladwyan Jebb handed me a copy of the draft resolution which it is intended to move in the Security Council tomorrow. This has already been telegraphed to you and I need not reproduce it. Jebb made a great point of saying that the resolution was being handed to me first and would be given to Zafrulla later. I pointed out that difference of a few minutes hardly needed emphasis. After explaining that Her Majesty’s Government had spent much anguished thought over the drafting of the resolution, he went on to say that he felt it was his duty to inform me that in case action could not be taken in terms of the resolution within 30 days, the U.K. and the U.S.A. would feel “compelled” to take the question of Kashmir to the General Assembly. At this point, he turned to his Adviser and asked whether the Russians could veto such a procedure and was told that since it was a procedural matter, no veto applied. He then re-emphasized what he had said, namely, “I think you should know that if a solution is not arrived at within 30 days, we shall feel compelled to take the matter to the General Assembly”. I told him that I had no comment and would forward the resolution as also his very kind warning to my Government.

It seems to me that there is a regular plan in the way items have been arranged. The Race Conflict* issue comes up in Committee on Monday. Kashmir will already have been taken up by the Security Council and the present draft resolution will have been moved. I am certain that the idea will be put across by the U.K. that the matter will have to go up before the General Assembly. This will prejudice U.N. opinion against our stand on the Racial Issue, and I am sure it is international. The argument that will be branded about in the U.N. will be to the effect that India is herself being

* Apartheid question in South Africa.
brought before the bar of world opinion in the General Assembly on Kashmir. So why should she point a finger at South Africa?

With love

Nanu

The Hon’ble Shri Jawaharlal Nehru,
Prime Minister of India
New Delhi.

SECRET AND PERSONAL

Extract from the letter from Prime Minister Jawaharlal Nehru to Mrs. Vijaya Lakshmi Pandit.

New Delhi, November 18, 1952.

Prime Minister
New Delhi, India

Nano dear,

Your letter of the 5th November has just come. It has taken longer than usual.

I confess to a feeling of amazement at your description of Gladwyn Jebb’s behavior when he handed to you his draft resolution on Kashmir. Have the English learnt nothing at all during the last few years? I am not thinking so much of their draft resolution, although that is bad enough, but rather of the way they think they can bully us. If there is one thing that all the powers in the world cannot do, it is to bully us. I have already sent you full directions about the Kashmir resolution. Privately, you can inform Eden that I am exceedingly sorry at the attitude of the U.K. Government in this matter and I do not consider it either a fair one or a friendly one. You should further mention to him the implied threat of Gladwyn Jebb which, as was natural,
I do not know why there is such a fuss about the discussion of the Kashmir issue. We are always prepared to discuss every issue. In fact in my last letter to the Pakistan Prime Minister, I told him that I was prepared to discuss every issue with him, though I did not particularly mention Kashmir.

2. It is clear, however, that nothing substantial can come out of a discussion of the Kashmir issue on official level. The only possibility is noting down various lines of approach without commitment. As a matter of fact, even I cannot fully discuss the Kashmir issue with Khwaja Nazimuddin, because a third and very important party is the Kashmir Government.

3. However, we can certainly inform the Pakistan Government that our officials who will participate in the conference are prepared to discuss every issue including the Kashmir issue. But it should be further pointed out that it is

* In his letter of 15 March 1953 to Nazimuddin, Nehru had expressed his “earnest desire” and readiness “to consider all these questions in all friendliness.”
obvious that the discussion of the Kashmir issue on official level can hardly yield any substantial result.

4. As for my meeting Khwaja Nazimuddin, it is exceedingly difficult for me to find time during this month or the next which is heavily booked up. Apart from this, I should like to wait for the result of the officials' conference before I consider fixing any definite meeting.

5. I propose to write to Khwaja Nazimuddin tonight.

2060.

SECRET

Record of Informal Discussions between the Official Committees of India and Pakistan on Kashmir from December 21 to December 29, 1953.

New Delhi, December 21-29, 1953.

Record of Discussions on December 21, 1953.

Mr. Desai welcomed the members of the Pakistani official committee and stated that this meeting was being held in pursuance of the agreement reached between the Prime Ministers of India and Pakistan during their talks in Delhi in August 1953. As the joint communique had put it, it was the firm opinion of the two Prime Ministers that the Kashmir dispute should be settled in accordance with the wishes of the people of that state with a view to promoting their well-being and causing the least disturbance to life of the people of that State. The most feasible method of ascertaining the wishes of the people was by fair and impartial plebiscite. Such plebiscite has been proposed and agreed to some years ago. Progress, however, could not be made because of lack of agreement in regard to certain preliminary issues. The two Prime ministers have agreed that these preliminary issues should be considered by them directly in order to arrive at agreements in regard to them. These agreements would have to be given effect to and the next step would be the appointment of the Plebiscite administrator. In order to advise the Prime Ministers in regard to these preliminary issues, in was agreed that committees of military and other experts should be appointed to discuss them.

2. Mr. Desai then stated that the official committees would have to take into consideration that the context of events under which previous discussions were held had undergone certain changes and referred in this connection to the
correspondence between the two Prime Ministers on certain basic issues, as for example, the appointment of the Plebiscite Administrator and the negotiations between the Governments of Pakistan and the U.S.A regarding military aid. The decisions taken by the Prime Minister on these questions would, therefore, be the general framework within which the official committees could tender advice to their respective Prime Ministers on the basis of their discussions at these meetings.

3. Mr. Desai went on to say that in his view it would have been more convenient for the official teams to meet after these major policy decisions have been taken by the two Prime Ministers who were in correspondence, but in view of the arrangements already made and announced, it was not advisable to postpone these meetings. He added that, as officials, they did not make policy but only advised their Prime Ministers. They need not therefore be worried unduly by the limitations imposed by recent developments but should carry on their discussions in the spirit of friendly and co-operative approach, so that they could be of assistance to their Prime Ministers in dealing with these complicated and intricate issues.

4. On the question of items of discussion, Mr. Desai suggested that the best arrangement would perhaps be to have no fixed agenda but to indicate informally various issues which could fruitfully be discussed and dealt with in a frank and informal manner.

5. Mr. Aziz Ahmad, in reply, thanked the Government of India for their welcome and hospitality and expressed the hope that they would soon have the opportunity of reciprocating it in Karachi.

6. In regard to the changes mentioned by Mr. Desai in the context of current events, Mr. Aziz Ahmad stated as far as they were concerned, there was change either in their approach or in their objective which was the maintenance of friendly relations between the two countries. The position, therefore, was as was left at the end of the talks by the two Prime Minister in August subject, of course, to subsequent developments, as shown in their correspondence. In regard to the specific issues mentioned by Mr. Desai, he stated that his Prime Minister had already sent a telegram to the Prime Minister of India regarding the Plebiscite Administrator repeating the position which he had explained in detail in a previous letter. On the question of the US – Pakistan Pact, the position had already been explained by his Prime Minister to the Prime Minister of India which was to reassure him that the conversations now taking place between the two countries would have no bearing on their desire to settle pending disputes between their countries and on their anxiety for healthy Indo- Pakistan relations. He agreed, however, that these two issues could be left to be discussed and agreed upon by the two Prime Ministers.
7. On the question of the Agenda Mr. Aziz Ahmed drew the attention of the Indian committee to the broad idea given on the subject in the letter dated the 1st December 1953 from his Prime Minister to the Prime Minister of India and suggested that, if the Indian team had no objection, these could form the list of issues, which they would discuss in their meetings. He agreed that the discussions in the committees should be informal and entirely off the record.

8. The first item mentioned in the letter from the Pakistan Prime Minister was "the demilitarization of the State of Jammu & Kashmir and in that context some discussion then ensued regarding the effect of the current discussions between the US and Pakistan on military aid. It was stated on the India side that in the past discussions between the representatives of the two countries, certain suggestions were made and the areas of agreement and disagreement defined in connection with the quantum of forces to be kept in the State. These suggestions were obviously made in the context of the military position then prevailing. If, however, that position were altered, it would be necessary to do some fresh thinking on the subject and to that extent it was obvious that the US -- Pakistan negotiations had considerable bearing on the issues before them. The Pakistan representatives replied that the forces outside the State should have no bearing on the issue of demilitarisation in the State. Pakistan had held that the recent increase in the Indian army had no bearing on the Kashmir issue and it was suggested that India should also take the same attitude. Moreover, if questions of relative strength of India and Pakistan were brought into these discussions, it would widen their scope considerably. Further, it was not the correct approach to look into the motives of the two countries and to argue that on the basis of any addition of strength on either side there would be a possibility of military action in Kashmir. If the motives of the two countries were in doubt it would become extremely difficult to carry on these discussions which as the two Prime Ministers desired should be held in a friendly and co-operative spirit.

9. The Indian representatives pointed out that there was a marked difference between (a) re-organisation and re-equipment of forces from local resources as had taken place in India, and (b) military aid from one of the largest military powers in the world, like the U.S.A The former had very little effect on the total military strength of a country while the latter altered the military picture entirely. Then there was the question of public opinion in the two countries and it was not possible for them to divorce themselves from the reactions which the military negotiations between the US and Pakistan would have on the public in India. It was not therefore a question of doubting the motives of a country. Moreover, India had to consider the whole picture which would emerge as a result of a military understanding between the US and Pakistan. Such a military understanding would, undoubtedly, bring this region into the cold war area and
the quantum of forces to be retained in the State would therefore also have to be considered from that angle.

10. The Pakistan representatives appreciated that India would like to keep these consideration in mind in these discussions. They however pointed that there were certain other considerations which were equally weighty which they would want also to be borne in mind at the same time. When the discussions about the quantum of forces were held in the past, the general atmosphere between India and Pakistan was bad. This had however changed since Mr. Mohammad Ali took over as the Prime Minister of Pakistan. In the past the Indian representatives had to take into account the security aspect of India vis-à-vis Pakistan in offering suggestions on the quantum of forces. The position now was completely changed and in view of the ardent desire of the Prime Minister of Pakistan to have friendship with India it was hoped that in offering fresh suggestions on this issue Indian representatives would bear in mind that the old security considerations did no longer apply and that smaller forces would serve the purpose.

11. There was then some discussion on the agenda to be followed by the official committees. It was agreed that the suggestions made by the Pakistan Prime Minister should form the Heads of discussion.

It was suggested on the Indian side that the preliminary issues mentioned by the Pakistan Prime Minister would include

1. concrete steps to be taken for the creation of peaceful atmosphere in the State as well as in India and Pakistan; and,
2. the question of the withdrawal of Pakistan nationals and tribesmen and the mechanics of verifying such withdrawal.

The Pakistani representatives stated that in their opinion there was considerable improvement in the public atmosphere in India and Pakistan since Mr. Mohammad Ali took over but that they had no objection to discussing this item. In regard to the tribesmen and Pakistan nationals they state categorically that these had already been withdrawn from the State but that the question of the verification of such withdrawal could be discussed, They added that they would also suggest the discussion of the question of safeguarding of peace and of fundamental rights in the State as recommended by Dr. Graham.

12. The following items of discussion were then agreed upon:

1. Creation of peaceful atmosphere.
2. withdrawal of tribesmen and Pakistan nationals.
3. Character and quantum of forces.
(4) Local authorities.
(5) Safeguarding of peace and fundamental rights in the State.
(6) Any other points which might occur to the sides.
13. It was agreed that the question of implementation of agreed decisions on each item should be discussed along with the item itself.
14. The attached Press Note was jointly agreed upon.
15. The committees would meet tomorrow at 10 A.M.

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**Press Note**

The Indian and Pakistan Official Committees on Kashmir met this afternoon at 3 P.M. in pursuance of the agreement reached between the two Prime Ministers during their talks in Delhi in August 1953.

2. The Committees are to discuss the Preliminary issues, lack of agreement of which has held up progress of the settlement of the Kashmir dispute on the basis of a free and impartial plebiscite. The discussions are being held in a very informal and friendly atmosphere and will be resumed tomorrow and on subsequent days.

3. The Committees consist of the following:-

**The Indian Committee**
Mr. M.J. Desai
Mr. Vishnu Sahay
Mr. V. Shankar
Maj-Gen. J.N. Chaudhuri
Brig. Manekshaw.

**The Pakistani Committee:**
Mr. Aziz Ahmad
Mr. M. Ayub
Mr. Aftab Ahmad
Maj-Gen. K.M. Sheikh
Lt. Col. Iqbal.

**New Delhi, December 21, 1953**

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Record of Discussions on December 22, 1953.

The first item of discussion agreed upon at the meeting of the two committees at yesterday’s meeting, namely, creation of peaceful atmosphere, was taken up for discussion.

2. The Indian representatives stated that when this issue was raised in the past it was generally considered in its wider context. It was felt however that for the time being the discussion at these meeting in regard to that issue may be restricted to the problem of Kashmir. If satisfactory arrangements were reached in this regard, they would lead also to the solution of the wider issue.

3. Several attempts had been made in the past by a series of agreements and formal and informal consultations at all levels between the two Governments with the objective of creating peaceful atmosphere between the two countries. Action in consequence of these agreements and consultations was however really effective only for a short time and the various agencies established under them gradually fell into disuse. Very often the Press on both sides got worked up and even responsible leaders sometimes violated these agreements. It was therefore emphasized that the question of the creation of peaceful atmosphere was an extremely important one, firstly for the success of the talks and secondly, for the implementation of the agreement reached between them. They had therefore to devise a satisfactory formula which would not only create but also maintain peaceful atmosphere between the two countries in regard to Kashmir in particular and in regard to the two countries in general.

4. Reference was invited in this connection to Dr. Graham’s following proposals:

“The Governments of India and Pakistan

(1) reaffirm their determination not to resort to force and to adhere to peaceful procedures and specifically pledge themselves that they will not commit aggression or make war - one against the other - with regard to the question of the State of Jammu & Kashmir…………

(2) agree that each Government on its part will instruct its official spokesmen and will urge all its citizens, organizations, publications and radio stations not to make warlike statements or statements calculated to incite the people of either nation to make war against the other with regard to the question of the State of Jammu & Kashmir.”

5. The question before the committees now was to what extent any special and extensive instructions, public as well as official, has to be made in this
regard and to what extent Dr Graham’s formula should be amplified so as to cover all aspects of the problem connected with the creation and maintenance of peaceful atmosphere.

6. The Pakistani representatives stated that it was their firm conviction that if the atmosphere between the two countries was to remain friendly, it was essential to tackle the causes which had created the rift between them. They agreed that it was necessary to deal with the problem of the creation of peaceful atmosphere in the manner suggested by the Indian committee, but in their view the main problem was to settle Indo-Pakistan disputes like Kashmir, Canal Waters, Evacuee Property, etc. Both these processes could, of course, go on simultaneously. They added that the atmosphere in Pakistan had recently undergone a considerable revolution not only because of the policies of their new Prime Minister who believed that India and Pakistan should live as peaceful neighbours like the U.S and Canada, but because the public in Pakistan had visible evidence of the fact that serious attempts were being made by the leaders of India and Pakistan to settle their outstanding disputes.

7. It was agreed that on a long term view relations between the two countries would be established firmly on peaceful and neighbourly basis when the disputes between them had settled satisfactorily. It was however essential that even in order to settle these disputes and to remove the causes of conflict between the two countries, the creation and maintenance of peaceful atmosphere was the first requisite.

8. Discussion then ensued on the issue raised by the Indian committee regarding amplification of Dr. Graham’s formula in this regard. It was suggested that the phrase “warlike statements” was fairly narrow and that what was necessary was to tackle all matters that were likely to embitter relations between the two countries. The appeal issued by the two Prime Minister after their recent talks could form the basis of the new formula in the context of Kashmir as well. It was agreed that the Indian side should prepare the necessary draft for the purpose which could be discussed at tomorrow’s meeting.

9. The official committees then discussed the problem of creation and maintenance of peaceful atmosphere in its various aspects. It was agreed that the matter should be examined in the following broad headings:

(1) Official agencies including officials, radio, official or officially inspired publications, official films, etc,

(2) Political parties both inside and outside the parliaments and local legislatures.

(3) Press and non-official publications.
Religious organisations.

10. (1) **Official agencies:** The Indian representatives stated that as far as Government servants were concerned the problem was a simple one, as breaches of instructions given to them could be effectively dealt with. It was desirable however for the two Governments to draft a common set of instructions to be given to the Government officials in this regard. This would apply to radios, official publications and official documentaries.

11. In regard to the State of Jammu & Kashmir, it could also be ensured that the Kashmir Government as well as the Azad authorities could issue identical instructions to their official agencies. Attention in this connection was invited to the Azad Kashmir Radio which was indulging in scurrilous propaganda.

12. The Pakistan representatives agreed to the suggested procedure.

In regard to Kashmir they also stated that the Srinagar Radio was an equal offender in this regard.

13. It was agreed that the Indian side would prepare a draft of these instructions and forward it to the Pakistani committee so that both sides may be able to finalise the instructions at their next meeting. It was also agreed that as far as remedial action was concerned, the matter was simple as the remedy lay in the hands of the Governments themselves. Further, it would create a better psychological atmosphere in the two countries if some announcement were made when necessary, of action taken, as for example, the withdrawal of an offensive official publication or documentary.

14. Apart from Government servants this problem also affected government leaders like the Ministers of the Central and Provincial or State Governments. It was felt that the best way to tackle this problem would be for the two Prime Ministers to impress on their colleagues and Ministers of Provincial and State Government the need for the maintenance of peaceful atmosphere and avoidance of official and private statements which might provoke public opinion in the other country. It was realized that very often statements made by the Government leaders were mis-reported in the press. For that purpose it would be desirable for countries to give to the High Commissioner of the other country authorized versions of important statements made by them.

15. (2) **Political Parties:** It was agreed that as far as the ruling parties in the two countries were concerned, compliance with the proposed code was not difficult as the two Prime Ministers were presidents of their respective party organisations and had the necessary prestige and the influence to control them. They could therefore issue suitable directives to their parties and if necessary, establish a machinery, as for example,
entrusting one of the secretaries of the organization concerned, to ensure compliance with the code.

16. The difficulty was however in regard to the Opposition, particularly as in both countries the Opposition had a tendency of becoming irresponsible in view of the fact they had no chance in the foreseeable future of coming to power. It was suggested in this regard that as far as the Members of the Opposition in the parliament were concerned, the Government could take them into confidence and hold periodic meetings in order to impress upon them the need for co-operation in the interest of the country as a whole. As far as the leaders of the opposition outside the Parliament were concerned the only way was to issue a general appeal if possible by holding a conference for the purpose.

17. It was agreed in this connection that neither Government need take undue notice of statements of unimportant people who did not have large following in the country.

18. (3) Press and Publications: The Indian representatives stated that the Indo-Pakistan Information Consultative Committee had not been entirely ineffective during its functioning. It had not however met for some time in view of the breaking up of the editorial organization in Pakistan. Moreover, even while it was functioning, at one of its later meetings, the Pakistan representatives had suggested that the agreement reached by them on Press matters should not apply to Kashmir and that their Press should be free to say what it liked on that subject.

19. After some discussion, it was agreed that it was necessary to revive an organization of this kind in order to ensure that the Press in the two countries co-operated with their Governments in the endeavour to create and maintain peaceful atmosphere. It was tentatively suggested therefore that the Governments of India and Pakistan create two bodies for the purpose:

(1) a large body like the Indo-Pakistan Information Consultative Committee which would be the general body meeting, say, every three months; and,

(2) a smaller body composed mainly of officials of the Information Ministry and representative editors. This body should meet more often and deal with the problem of compliance with the code laid down by them.

20. The Pakistani representatives agreed to this suggestion in principle but stated that there were certain difficulties in Pakistan at the moment regarding their important newspapers, like the DAWN, the C & M GAZETTE, the ZAMINDAR, etc. which were not seeing eye to eye with the Government and were not thus amenable to official pressure. They would therefore consider
this matter further on their return to Karachi in consultation with representatives of their Ministry of Information and Broadcasting.

21. As a general principle, both sides recognized that there were considerable legal and other difficulties in exercising control over the Press. They however agreed that it was essential that the Press in the two countries must observe the code if peaceful atmosphere had to be created and maintained.

22. As far as non-official publications were concerned, if they violated the laws they could be dealt with in accordance with these laws. It was realized however that these laws were not very effective. In such cases it could at least be ensured that official patronage should be withdrawn from such publications.

22. As it was suggested that the Principal Press Information officer of the Government of India should prepare a working paper on this subject so that the matter could be discussed further by the two official Committees.

23. (4) Religious Organisations: The Pakistan representatives stated that they had not noticed any recent violation of the code by religious organisations in their country. Moreover, the public opinion in Pakistan was increasingly un-attentive to appeals made on religious grounds. For example, the DAWN had been quoting a large number of religious leaders in its campaign against the Government. The public however did not take any notice of them.

24. The question of religious incitement by mullahs at prayer meetings, etc., was then discussed and the Pakistani representatives stated that apart from the fact that it was impossible to control this, it was not a serious matter.

25. It was agreed that religious propaganda calculated to arouse passions in the public of the two countries should be avoided.

26. The Pakistani representatives than raised the question of disabilities imposed in Kashmir on the bona fide expression of opinion by the public regarding the accession of the State. They cited the example of a person in Azad Kashmir who made public statements suggesting the desirability of the accession of the State of India and added that no penal action was taken against him. That was not however the position in Srinagar. The Indian representative stated that this and other allied matters could be discussed while they were considering item (5) of the tentative agenda worked out by them at the last meeting, namely, “Safeguarding of Peace and Fundamental Rights in the State”.

ITEM II- Withdrawal of tribesmen and Pakistan nationals.

27. The Pakistani representatives stated that they had removed the tribesmen and Pakistani nationals from the State of Kashmir. In reply to a query they added that there were no tribesmen in the northern area at any stage.
28. Some discussion then ensued in regard to the verification of such withdrawal in accordance with their previous agreements. In this connection, the Pakistani representatives stated that the procedure would be as under:-

In the first instance the Government of Pakistan would satisfy themselves that there were no tribesmen in Kashmir. They would then notify this fact to the United Nations Representative who would make necessary enquiries through his observers and finally notify India of it. The U.N. Representative may increase the number of the observers for this purpose.

29. In reply to another query of the Indian representatives about the question of satisfying India on this score namely that the tribesmen and Pakistan nationals had been withdrawn and that their re-entry into the State would be prevented, the Pakistani representatives stated that the matter had been gone into in greater detail in their discussions. It was then suggested that the matter could be left entirely to the U.N. Representative and his observers or that it could be entrusted to joint teams comprising U.N., Indian and Pakistan representatives who would verify this on both sides of the cease-fire line. It was agreed that as this issue would raise several wider questions, the problem could be dealt with when the Indian and Pakistani military experts were discussing the question of the implementation of demilitarization.

30. Summarising their position, the Pakistan representatives stated that as far as they were concerned this problem need not create any difficulties. When the Pakistan army entered the conflict in May 1948 they placed all these volunteers and tribals on army rations and organised them into certain formations. At the moment, no tribesmen or Pakistani nationals were on army rations. Secondly, all these organisations were disbanded and the volunteers were physically removed in Pakistan army transport. The tribesmen were removed by the 15th February 1949 and the other volunteers in a month or so thereafter. Thirdly, as far as verification of the fact that these tribesmen and volunteers have not re-entered was concerned, this would be checked up by their army authorities as well as by the civil officials. It was easier for the Government of Pakistan to ensure prevention of re-entry of these people as the main points of entry were only three or four which could be plugged effectively.

Next Meeting.

The committees will meet tomorrow at 10 A.M.

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Record of Discussions on December 23, 1953.

Item III - Character and Quantum of Forces.

In opening the discussion on this item, Mr. Dasai stated that it appeared to him that the principal stumbling block in arriving at an agreement on this subject had been the differences in the concept of the respective responsibilities of India and Pakistan in that regard. In order to clarify the background so that discussion could proceed with a full understanding of these responsibilities, he stated that it might be necessary to refer to the conditions as existed in 1947-48 and to the initial documents, viz., India’s complaint to Security Council and Pakistan’s answer to it, which was that the Government of Pakistan had nothing to do with the fighting in Kashmir. The Government of Pakistan stated subsequently that their army came into the conflict at a later stage.

2. In the context of this background, it would no doubt, be agreed that in order to implement the Prime Ministers’ agreement of ascertaining the popular will by a free and impartial plebiscite, the endeavour of the official committees should be to work out a settlement which would restore normal conditions prevailing before the events mentioned by him. The only difference would now be that for practical purposes, law and order on the west and north of the cease-fire line would be under the control of local authorities, though the J. & K. State would have legal sovereignty over this area as well.

3. The two main points in this regard therefore are:

(1) the sovereignty of the State of Jammu & Kashmir over the entire State; and,

(2) the responsibility of the Government of India for the defence of the entire State in view of its accession to India.

As practical people we have, while discussing this item to reconcile the legal sovereignty of the J. & K. State over the entire area with the practical needs of the situation as regards the law and order responsibilities of local authorities in the area to the west and north of the cease-fire line. India’s responsibility for the defence of the entire J. & K. State mentioned above should also be recognized consistently with the needs of the situation for the holding of a free and impartial plebiscite. These concepts of sovereignty and responsibility were not important only vis-à-vis Pakistan, but also regards other bordering countries as well and no question arose of distrust of Pakistan’s intentions, military or otherwise, in the matter.

4. Mr. Desai then went on to say that the Proposed US- Pakistan Aid pact would have an important bearing on this subject and drew the attention of the
Pakistan committee to the remarks made by him in this regard at their first meeting on Monday, the 21st December.

5. Mr. Desai added that before the discussion of the quantum of forces on the two sides could proceed, he wished to make a general observation. During past discussions the figures suggested by India were the absolute minimum. In spite of the altered situation referred to in para 4 above, we will provisionally proceed on the basis of these minimum figures. In view of this, the functions of the plebiscite administrator, in regard to these forces would, no doubt, be only regulatory and those of their disposition. The Plebiscite Administrator cannot suggest any reduction of these forces.

6. Mr. Aziz Ahmad expressed his distress that the general observation made by the Indian side indicated a fundamental difference of approach between the two sides. In his view, they also indicated a variation from the approach agreed to by the two Prime Ministers. The view of the Pakistani committee was that what had happened in the past and the discussions which were held in Geneva and elsewhere were no longer really relevant in the current context of the fresh approach suggested by the two Prime Ministers. Otherwise, the two teams would get involved in past wrangles and interminable arguments, thereby being unable to fulfill the object with which they were meeting.

7. Mr. Desai replied that there was a slight misunderstanding. He had not mentioned the general background of the problem in a legalistic or theoretical way. All that he wanted to convey to the Pakistani team was the general background which would explain the attitude to taken by the Indian team in suggesting the figures of forces and other allied matters. There was no difference about the objectives of the two countries as far as this item was concerned viz.,

(1) ascertaining the popular will by a free and impartial plebiscite; and,
(2) maintenance of Indian forces in the State to the barest minimum.

All that he had intended to convey was that the Government of India’s proposals regarding the quantum of forces were bound to reflect the position adopted by them in regard to the main issues of sovereignty and responsibility.

8. The two committees then took up the question of assessment of the factors and considerations governing this problem. On the Indian side the following were mentioned as the factors which had to be borne in mind in suggesting the quantum and character of forces:

(1) Indian’s international responsibility in maintaining the security of the State against the international background.
(2) Geography, means of communication, possibility of incursion from northern areas and allied problems.

(3) Internal security.

(4) The character of the populations on two sides of the cease-fire line in the sense that the people inhabiting the Azad side were trained for war and were turbulent; and

(5) The need to prevent breach of the cease-fire line.

9. On the basis of these factors, the Indian side stated that the barest minimum necessary for them would be 21,000 Indian troops without armour and artillery plus the State militia which was understood to be consisting of 5,500 men. On the other side, i.e., on the west and the north of the ceasefire line, they were prepared to agree to the retention of 4,000 men as civil forces, half of them armed and half disarmed. As agreed to by them earlier, however, if either after the assessment of the situation by the U.N. representative or even at the present stage, the Pakistani committee felt that there was need, for some increase in the figure of the civil forces on the Azad side or a need for the alteration of the ratio between the armed and unarmed men, or the need for better weapons for them, the Indian team were prepared to discuss the matter.

10. In this connection the Indian side re-emphasised what they had stated at an earlier meeting, viz., that any agreement on the quantum of forces that might be arrived at, would be only provisional subject to the final picture that emerged after the full details of the US-Pakistan military aid arrangement and its effect on the Pakistan military potential were made known to India.

11. In reply to a query from the Indian side regarding 50,000 (or so) men in Azad Kashmir who were disarmed by the Pakistan army, the Pakistani committee stated that all the arms of these people had been taken away and that there was not any likelihood of large caches of arms lying hidden in that area.

12. The Pakistani team stated that in their view the Indian approach was not the correct approach. People in both the countries had expected considerable advance on previous discussions as a result of the new approach initiated by the two Prime Ministers. They therefore failed to see in what way the Prime Minister of Pakistan would, for example, be able to take the public into his confidence on this matter when all that would happen would be an increase in the figures of forces suggested earlier rather than a decrease. Mr. Desai replied that the questions of the quantum and character of forces etc., were really subsidiary processes of the main issue, viz. induction into office of the plebiscite administer and the conduct of affair and impartial plebiscite. It is the achievement
of that major issue which the public in the two countries would see and not these minor details in achieving the main objective.

13. The Pakistani representatives felt however that the public in Pakistan would no doubt look into these details as well. In consonance with their Prime Minister’s general approach to that problem, therefore, they would suggest firstly that there should be no armed forces on either side at the end of the demilitarization period. Only police forces armed as well as unarmed need be kept for the maintenance of internal security as well as the cease-fire line. The only thing to consider in this connection therefore would be the number of the policemen required on either side.

14. If this suggestion were not acceptable, the Pakistani view was that the following factors had to be taken into account on their side:

(1) Defence at the international borders of China, USSR, and Afghanistan as far as the area under Azad Kashmir’s control were concerned.

(2) Observance of the cease-fire line.

(3) Internal security, particularly in view of the fact that the population on the Azad side was turbulent as stated by the Indian side; and

(4) Checking the main points of entry on the border with Pakistan.

On this basis, their minimum requirements would be 10,000 Azad Kashmir troops without armour and artillery plus 3,500 Gilgit and northern scouts.

15. The Indian team stated that, as agreed to by them earlier, they were prepared to discuss the question of an increase in the number of the civil force suggested by them. They could not however agree to these forces being regular Azad Kashmir troops nor to the factors mentioned by the Pakistani team which led them to arrive at the figure of 10,000 troops and 3,500 scouts. The question of “sovereignty” was mentioned by them in the initial stage of the discussion on this item and the responsibility for the maintenance of international security as far as the State is concerned, devolved on the Government of India. As far as the question of prevention of breaches in the cease-fire line is concerned, this would be attended to by the Indian troops. Finally, the prevention of re-entry by volunteers would be the responsibility of the Pakistan army in the territory of Pakistan and no troops would be necessary in the Azad areas for purpose.

The Pakistan team did not agree to this point of view. It was agreed that the committees would re-assemble tomorrow at 10 A.M. and continue discussion on this item.
Record of Discussions on December 25, 1953.

ITEM III – Character and Quantum of Forces (Continued).

The Committees resumed discussion of this item.

2. Mr. Ahmad reverted to the first suggestion he had made in this regard, namely that there should be no armed forces on either side and that only some police force might be retained on both sides of the cease-fire line. He was convinced that this was the correct approach, and was in accordance with the way of thinking of the two Prime Ministers. Since the last meeting, however, he had met the Indian Prime Minister and Mr. Desai and he realized that a proposition like the one he had made at the previous meeting could be considered impracticable and unrealistic. He would therefore like to amplify it.

3. What he would now propose was as under:

The whole State should be completely demilitarized. The functions of security and the maintenance of the ceasefire line should be entrusted to a police force of suitable strength and equipment on both sides. In order to meet local emergencies which such police forces could not deal with, a small striking force could be maintained in the State on either side as reserve force. This would be, say, a couple of battalions on the Azad side and a similarly small force on the India side. In addition, separate arrangements could be worked out in consultation with the Plebiscite Administrator for calling upon the two sides to supply additional forces in the event of grave emergencies.

4. Mr. Ahmad stated that this proposal not only was more effective but was also in accordance with the new approach of the two Prime Ministers. Its merits were as under:

(1) The psychological drawback that India and Pakistan were still thinking in the terms of Dr. Graham’s atmosphere would disappear.

(2) There would be no hindrance in the holding of a free and impartial plebiscite, which could otherwise result from the presence of large armed forces in the State.

(3) It dealt with all foreseeable emergencies which even the proposal of having 21,000 troops on one side and 10,000 on the other, did not do.
He added that this was only a rough idea and could be improved upon.

5. Mr. Desai thanked Mr. Ahmad for re-emphasising the proposal made by him at the last meeting. Even with the elaboration now given, however, it did not meet the objections raised by him at that meeting. He had emphasized the concepts of the sovereignty of the Jammu and Kashmir government over the entire State and of the responsibility of the Government of India for the defence of the State, against the background of which, this issue had to be considered. The proposal made by Mr. Ahmad not only ignored these concepts but aimed at establishing some sort of equation of authority and interest between India and Pakistan vis-à-vis Kashmir. It was therefore clearly unacceptable on the basis of this fundamental difference of approach between the two sides. Secondly, it was also not practicable. Any large scale withdrawal of forces from the State would create a problem of mass psychology which might lead to serious administrative difficulties, apart from other practical defects which were apparent in the proposal, e.g. the need for retention of troops in Ladakh, etc. Thirdly, from a realistic point of view, this proposal, with its police forces, striking forces in the State and emergency provisions for calling up of outside forces, in actual effect was not much different from the straightforward proposal considered by them earlier, namely 21,000 Indian troops plus militia on the one side and 4,000 armed and unarmed men on the other side. As far as the conduct of a free and impartial plebiscite was concerned, all assurances could be given that the presence of the Indian army would not hamper it in any way and the Plebiscite Administrator could look into it very carefully. What was necessary was (a) secrecy of the ballot and (b) security of the ballot-boxes.

6. It was therefore agreed that this problem of the character and quantum of forces could be discussed on the basis of the alternative proposal set forth by the two sides at their last meeting.

7. Mr. Desai pointed out that this problem should be dealt with in two stages. The first stage should be that of the “character” of these forces and second one that of the “quantum”. The first one was obviously the more important one, as the second one was mainly of working out of numerical details.

8. On the question of the “character” of these forces, he would refer again to the concepts of ‘sovereignty’ and ‘responsibility’ mentioned by him earlier. It was obvious that on the Azad side, there could only be civil forces and not military troops.

9. There was considerable discussion on this issue, during which the Pakistani side pointed out that as the concepts mentioned by Mr. Desai were important to India, the concept of the Government of Azad Kashmir and its army being the symbols of the people’s revolution and struggle for liberation,
was equally important to Pakistan; and the Indian side replied that this kind of approach was entirely contrary to the two Prime Ministers Agreement to settle the Kashmir dispute peacefully and by a free and impartial plebiscite forgetting rebellions, disorders, ideas of taking the law into one’s own hand, etc. The Pakistani side eventually suggested and it was agreed that this issue be held over for the time being, so that if some kind of agreement were reached on the question of the ‘quantum’ of forces, it could be re-examined and if necessary, referred to the two Prime Ministers.

10. Mr. Ahmad then suggested that both the sides should make an effort to reduce the figures given by them, as further discussion could proceed only on that basis and that as a start, the figure of 21,000 given by the Indian side needed to be reduced so as to get away from what he called “Dr. Graham atmosphere”. This could be a gesture of confidence and in keeping with the Prime Ministers’ approach.

Mr. Desai pointed out that their proposals indicated the barest minimum requirements for the various functions to be performed by the Indian army. In reaching those figures they had fully taken into account the fact that there was no question of aggression from Pakistan. Under these circumstances, (apart, of course from what he had said about the provisional nature of these proposals pending a clarification of the situation which might result from the proposed U.S. – Pakistan pact), it was not possible for the Indian side to quote any reduced figures. If the Pakistan side, however, gave any counter-proposals, the Indian Committee would no doubt examine them and if necessary submit them to their Prime Minister.

11. At this stage, the Pakistani Committee recessed for consultations among themselves. On the resumption of the meeting, Mr. Ahmad put forth the following proposals:

1. Either the position should be as it is now, namely that
   (a) there should be 21,000 troops on the Indian side and 10,000 men on the Azad side (the question of designation -- Civil Armed forces – of these ‘men’ not being agreed to at the moment);
   (b) both sides should have the same weapons;
   (c) there should be in addition the militia on the Jammu & Kashmir side and the scouts on the Azad side; and
   (d) the powers of plebiscite Administrator to reduce the forces on either side should be unfettered as obviously his hands could not be tied down in regard to what he might consider as conditions for a free plebiscite.

2. Alternatively, in the same spirit in which he had made his earlier proposal
of complete demilitarization and in the spirit of the two Prime Ministers, the following would be his proposal regarding the quantum of forces;

(a) The position of the scouts and the militia should be same as in the first alternative, that is, they would be in addition to the minimum number of forces to be agreed upon.

(b) The weapons would also be the same.

(c) The forces on the two sides should be reduced in the first instance to Indian side ... 19,000 and then by Azad side ... 8,000 3 months before the plebiscite, they should be reduced still further to Indian side ... 11,000 Azad side ... 4,000

(d) If the forces were reduced to this size, the Plebiscite Administrator would have no discretion to reduce them further.

12. In reply to queries for elucidation, Mr. Ahmad explained that as far as the control over the forces on the Azad side was concerned, this would be in the hands of local authorities under U.N. surveillance. In regard to weapons, apart from anti-tank weapons, the forces on both sides should have normal infantry weapons, namely, pistols, rifles, sten guns, L.M.Gs and 3" mortars.

13. Mr. Ahmad also stated that realizing that the figures suggested by him were fairly low, arrangements could be made with the Plebiscite Administrator to empower him to call up additional forces from both sides to meet grave emergencies.

14. Mr. Desai stated that he had already clarified the Indian position. The Indian team would however study the new Pakistan proposals further so that the matter could be discussed at their next meeting. He said that the position about the ‘quantum’ of forces now emerging from the new proposal was that

(a) There was no disagreement between the two sides on the question of the powers of the Plebiscite Administrator in regard to the forces, which could be only dispositional and regulatory, when the numbers on both sides were agreed to be “rock bottom”. (It was realized of course that there was disagreement about what ‘number’ should be considered as rock bottom); and

(b) There was no disagreement regarding control over the force on the Azad side vesting in the local authorities under U.N. surveillance.

The only questions which were controversial were those of

(i) “weapons” (in regard to which the Indian team’s reactions were
that they should be in accordance with the duties to be performed and in accordance with the complexion of the forces on the two sides, e. g. mortars being uncalled for in a civil force); 

(ii) the difference in status between, or the equation of, the Kashmir militia and the Gilgit Scouts; and 

(iii) the actual numbers on both sides which were to be considered as “rock bottom”.

15. The Committee will reassemble at 10.30 A. M. on the 26th December 1953.

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Record of Discussions on December 26, 1953. Morning Session

Item III – Character and Quantum of Forces (continued).

In resuming the discussion on this item Mr. Desai expressed his disappointment that the proposals made by Mr. Ahmad at the last meeting regarding the quantum of forces indicated to him that the Pakistan approach was not constructive and did not take the two committees any forward. We reiterated the background against which the Indian side was viewing this problem, namely, the concepts of “sovereignty and responsibilities. Further, the discussion, which they were holding at present, were informal, businesslike and on a provisional basis, so that the issues may be discussed frankly and the two sides could inform their Prime Ministers how the minds of the officials were working. If, therefore, the two sides did not approach this problem in a constructive manner; instead of fulfilling the functions as advisers, they would be creating more difficulties for their Prime Ministers.

2. Mr. Desai cited in this connection the attitude taken by the Pakistani side on various problems that had arisen before them in discussing this them. Firstly, on the question of the character of the forces to be kept on the west and the north of the cease-fire line, viz., that of their designation being “civil armed forces”, the concepts mentioned by him had not so far been taken into account at all by the Pakistan side. Secondly, on the question of the equipment of the forces, the Pakistani side had tried to maintain a parity and a status of equality between the Indian army and the civil armed forces ignoring the fact that weapons to be borne by these forces should be in accordance with the functions and responsibilities of the two sides. Thirdly, it appeared to him that, in making their suggestions regarding numbers, the Pakistani side had all the time kept before them the question of a co-relation between the Indian side and the Pakistani side saying that if the Indian
army had so many numbers, the Azad side will have so many numbers and that if on the other hand the Indian side was reduced by so many, then the other side will be reduced again by so many men.

3. As far as the Indian proposals were concerned, however, they were based entirely on a realistic and practical consideration of the problem. They had gone into this question very carefully with their military advisers and consonant with the duties to be performed and responsibilities to be borne by the Indian army, the figure of 21,000 suggested by them was definitely the rock bottom figure. They had also considered the concrete points made by the Pakistani team in assessing the requirements on the west and the north of the cease-fire line, and with a view to making a sincere effort to bridge the gulf between the two sides. They were prepared to advise their Prime Minister that one of the contentions of the Pakistani side had to be considered sympathetically, namely, that of the retention of the Gilgit and Baltistan scouts in the northern areas. Mr. Desai added that the question of control of these scouts would, of course, have to be gone into and would necessarily have to be the same as that of the civil armed force. Secondly, the Indian side was also prepared to advise their Prime Minister that, in view of the considerations mentioned by the Pakistani side, the question of increasing the number of civil armed forces from 4,000 to 6,000 might also be considered sympathetically. Questions of the equipment for these forces on the basis of their needs as well as of the ratio of armed and unarmed men could, he was sure, be discussed by the two sides to their mutual satisfaction. There was, however, one proviso to be attached to the question of the number of the civil armed force and that was that this force should be composed of people inhabiting the west of the cease fire line but half of them should be from the elements now comprising the Azad Kashmir force which would have to be disbanded and the other half from other elements.

4. Mr. Ahmad replied that from his point of view and from the point of view of the approach which, according to him, was the approach of the two Prime Ministers, the comments of the Indian side were disappointing. He added that since his arrival in Delhi, he was now convinced – which he was not on the first day the meeting started – that the Indian committee wished to settle this problem and that the meetings were not held simply because a date had previously been agreed to. Still, however, he had received two shocks since his arrival, one of which was the statement made by the Indian side that whatever was discussed was provisional which meant that nothing was settled and, secondly, the position adopted by India that the proposals for U.S. military aid to Pakistan had a bearing on the demilitarization of Kashmir. On the latter issue, he stated that the U.S aid proposals might have bearings on Indo – Pakistan relations on a wider plane, but they could have no connection as far as the question of demilitarization in Kashmir and the quantum of forces to be kept there was
concerned.

5. Mr. Desai expressed his surprise that these two issues should have been deemed as giving any shock at this stage. The Indian position had been clarified on the first day they had met. Actually, their discussions were double provisional. Firstly, in accordance with the joint press communiqué of the 20th August, 1953, the two Prime Ministers had agreed that these preliminary issues would be considered by them directly in order to arrive at agreements in regard to them and that the committees were to be appointed only to advise them. Apart from the fact, therefore, that officials could not bind the hands of their Prime Ministers, the terms of reference of the committees precluded them from any functions other than advisory. Secondly, their discussions were provisional also because of the proposed US--Pakistan Pact. The two Prime Ministers were considering this particular aspect. The Prime Ministers would also be considering, when they discuss Kashmir, the items discussed by the two committees as well as a large number of other items and the decisions that they would take would be based on a sum total of their appreciation of the entire field. This position was also clarified by him at the first meeting.

6. Considerable discussion then ensued on the general background of the proposals made by the Pakistan during which Mr. Ahmad reiterated the points made by him at previous meetings regarding the spirit of the Pakistani approach, considerations of the actual holding of the plebiscite and of its freedom and impartiality, etc. He also stated that the Pakistani attitude to proposals on this and other items should not be considered as aggressive or put forth in the spirit of thus far and no further, as they could not afford to be aggressive from the practical consideration that disagreement with India would mean the status quo resulting in the continuance of Indian control of Kashmir. They had, however, to take into account the question of public opinion, so that it would be better not to have an agreement on Kashmir rather than have an agreement by giving certain concessions and making certain mistakes which the public might interpret as leading to the loss of Kashmir to Pakistan. The Indian side pointed out that they cannot agree to the subjective views of the Pakistan public being the governing factor in judging the adequacy of the arrangements leading to the plebiscite. What arrangements will secure a free and impartial plebiscite must be assessed objectively and not with an eye to leading the dice one way or the other. On some discussion taking place on this particular statement, Mr. Ahmad stated that by this he did not mean that the consideration of satisfying future public opinion in Pakistan would condition their proposals in regard to Kashmir. What he meant was that if the officials themselves were convinced that a particular thing agreed to might result in affecting the freedom and
impartiality of the plebiscite, they could not support it merely for the sake of reaching an understanding with India, which they otherwise might do, were it not for the need to respect public opinion which generally consider Kashmir as the only issue determining the future of Indo-Pakistan relationship.

7. Mr Ahmad stated that, as far as he was concerned, he understood the point of view of the Indian committee on the proposals made by him; even though he did not agree with their approach. In his view, this matter could be discussed on the following proposals in the order of priority:

1. Complete demilitarization with the safeguards elaborated by him at the last meeting;

2. Demilitarization in two stages leaving at the time of the plebiscite 11,000 troops on the Indian side and 4,000 men on the Azad side with the proviso of the Plebiscite Administrator calling armed assistance from India and Pakistan in the case of emergencies; and,

3. 21,000 troops on the Indian side and 10,000 men the Azad side.

The first two proposals, in their order of priority, were in consonance with the Prime Ministers’ approach while the third was not and could be resorted to only if there was no agreement on the former.

8. Mr. Desai replied that the first two proposals made by Mr. Amad had already been examined very carefully and the Indian reactions had been communicated to the Pakistani team. To reiterate: The first difficulty was the danger involved in keeping the forces in the State so low that the Plebiscite Administrator would have to call additional forces from outside with all its administrative and psychological drawbacks. Secondly, if these proposals were examined in detail regarding the needs of the striking force, their location from the point of view of terrain, geography, etc., the increase in police forces, the retention of the scouts and militia, etc., it would be found that there was really no qualitative difference between them and the straightforward proposal given by the Indian side of 21,000 troops on the one side and 6,000 of the civil armed force on the other. Apart from these proposals being impracticable, they also had another basic drawback, namely, that they involved provisions for calling up of outside forces from India and Pakistan. It was on these considerations that the Indian side were unable to accept these proposals. On the third proposal given by the Pakistani side, however they had examined the matter carefully and given a counterproposal which was reasonable and meat considerable concessions to Pakistan. These concessions were:

1. The acceptance of the Pakistan point of view about the security of the
northern areas and consequent need for retention of the scouts; and,

(2) Substantial increase in the number of the civil armed forces on the Azad side with a readiness to come to a satisfactory solution about the ratio between armed and unarmed men as well as the type of equipment necessary on the basis of the functions to be performed by the force. On this question, therefore, the Indian side had made an appreciable advance over the attitude taken during the last five years or so. The only point on which they had retained their earlier position was that the civil armed force on the Pakistan side should consist of half Azad and half non-Azad elements from the local population in those areas.

9. Some discussion then ensued during which Gen. Chaudhuri and Gen. Sheikh participated regarding the security aspect of this problem. Gen. Chaudhuri pointed out that there were four distinct areas to be taken into account, namely,

(1) The Northern areas.
(2) Ladakh.
(3) The Kashmir Valley, and
(4) Jammu.

10. The question of calling up of outside forces was therefore an impracticable proposition, as the main problem for the military authorities was how soon they could get the requisite forces when they needed them at a particular point in an emergency. On the basis of those considerations, the figure of 21,000 by the Indian side was the lowest possible, consonant with their requirements. He also pointed out that there would be a large number of men within this figure of 21,000 which would be engaged in logistic support. There were several duties to be performed by these people, as for example, supply, headquarters, medical cover, etc. This was particularly important on the Indian side where, in view of the terrain and the differences, in the various regions, the number of troops required for such logistic support would be much higher than was ordinarily the case or would be the case on the Azad side. In reply to a statement made by Gen. Sheikh he also stated that in assessing the requirements of the Indian armed forces, no stress had been laid on the question of security vis-à-vis Pakistan. Gen. Sheikh stated that, apart from his belief that unnecessary stress had been laid on this aspect of the problem, as far as the Azad side was concerned, the length of the cease-fire line was the same and in suggesting their figure of 10,000, they had taken into account that the duties to be performed by both sides as far as the cease-fire line was concerned, would be identical.
Even then, of course, the number of men kept on the Azad side of the line would have to be less than those on the Indian side in view of the fact that the Pakistan side had suggested a very low total figure. When the Indian side pointed out that the maintenance of the ceasefire line was the responsibility of the Indian army, the Pakistani side replied that psychologically it would be better if violations of the cease-fire line were dealt with by the forces of the area to which the violators belonged. Otherwise, small incidents might have serious repercussions.

11. Mr. Ahmad stated that he appreciated that, from the Indian point of view, the concessions made were not to be considered as insignificant. To him, however, they were not so important as the main objectives were, firstly, the actual holding of the plebiscite and, secondly, the conduct of the plebiscite in a fair and impartial manner. To that extent the main issue was the reduction of forces. If, however, the Indian side was not prepared to consider his first two proposals, the only proposal to consider was that of 21,000 men on the one side and 10,000 on the other. The alternative given by the Indian side, namely, of having 6,000 men on the Azad side, was clearly inadequate, as the approach in that case would be to have forces suitable to meet all foreseeable emergencies.

12. The committee adjourned till 3 P.M. in the afternoon.

**Record of Discussions on December 26, 1953.**
**Afternoon Session**

**Item III – Character and quantum of forces (continued).**

At the resumption of discussion on this item, **Mr. Desai** stated that in his view there had been a considerable advance on this very difficult problem from the position which obtained during their last discussions with Dr. Graham. Firstly, the Indian side had agreed to the Pakistani assessment of practical difficulties in the northern areas and were prepared to recommend the retention to the Gilgit and Baltistan scouts. Secondly, the Indian side had also agreed to recommend an increase of the civil armed force to 6,000 men, without being difficult about the ratio of armed and unarmed men. This was an advance from 2,000 armed and 2,000 unarmed men, which were the figures so far accepted by India. In regard to complexion of these forces, the Indian side were prepared to agree to their recruitment from the area on the west of the cease-fire line, with the only proviso that half of them should be from the elements now comprising the Azad forces and the other half from other elements. On practically every issue on this item, therefore, the Indian side had made concessions.
2. The differences on the two sides had now mainly narrowed down only to one point and that was that in the view of the Pakistani committee, the Azad side needed 10,000 men while in the view of the Indian committee 6,000 men were quite adequate.

3. He hoped the Pakistani side could appreciate these concessions and narrow the gulf further, but even if there was no meeting of minds on that issue, he would still not be disappointed if these discussions led to the two sides appreciating each other’s point of view and each other’s difficulties.

4. Mr. Ahmad stated that even though he understood the Indian point of view and agreed that India had made some concessions, the fact remained that there was no agreement on the main issue of the quantum of forces. He added that their suggestion for 10,000 men was quite reasonable taking into consideration the facts that the length of cease-fire line on both sides was equal, the terrain on their side was more difficult and population on their side even though less, was more turbulent. Even the area was the same. This was however queried by the Indian side as the northern areas were separately provided for and the Azad area minus the northern areas was much smaller than under the authority of the J. & K. State.

5. It was agreed that accordance with the procedure adopted by the committees, this matter might be held over for the time being, and other points relating to this item should be discussed.

**Equipment of the Civil Armed Force.**

6. Gen. Chaudhuri stated that the functions of this force were twofold: (1) Maintenance of law and order, and (2) Prevention of minor violations of the cease-fire line, the question of large scale aggression being out of question. Further, it would be dealing with an unarmed population.

7. The duties of the force were therefore police duties and it should be equipped with police type of weapons, namely, pistols, stenguns, rifles and L.M.Gs on a reduced rate. On the Indian side, even though in general the duties were more or less the same for most of the J. & K. State area, the position was that it was regular army units which were kept in the State and it was not possible to break up the organisation of the army. There could therefore be no question of the Azad side seeking any equality even with forces like the Assam Rifles, whose functions were different in that they dealt with tribals and were also engaged on border protection work. Weapons for civil armed force should therefore be determined on the basis of its role and not on the basis of any theoretical conception of equality with the Indian army.
8. The Pakistani side pointed out that when they had asked for 2" and 3" mortars and a full complement of L.M.G.s, they were not motivated by any theoretical ideas of equality with the Indian army. Their stand had been based only on practical considerations. Firstly, the roles of the forces on the two sides were identical and they should have the same weapons. In reply to a query by the Indian side, they stated that taking into account the character of the population on the Azad side and the smallness of the force, sufficient number of L.M.Gs as well as the usual infantry complement of 2" and 3" mortars were essential. Their civil armed force in East Pakistan had mortars. Secondly, the Azad Kashmir force today was trained and organised on the same basis as the Pakistani army and in accordance with their present conception, it would eventually be assimilated in the regular Pakistani army. On the Indian side it was pointed out that the second point was entirely irrelevant to the issue.

9. The committees adjourned at this stage. The next meeting will be held at 10 A.M. on Sunday, 27th December 1953.

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Record of Discussions on December 27, 1953. 10 AM

ITEM III- Character and Quantum of Forces (continued).

There was further discussion on the question of the equipment necessary for the civil armed force, during which the Indian side re-emphasised that problem should be viewed not on the basis of ideas of parity with the Indian army but on the basis of the role to be performed by civil armed force. Brig. Manekshaw explained that a civil armed force could never have, or need, a 3" mortar. That was the position in India except for the Assam Rifles, whose duties were different, in view of the fact that they had to deal with tribals and border security. He added that a 3" mortar was a very destructive weapon, having a range of anything from 1, 600 to 3, 400 yards, pouring down an immense amount of shells, round after round, in quick succession. A 2" mortar had a shorter range, that is, about 400 to 450 yards, but here again apart from its functions of indication of targets and putting up of flares, it was also destructive weapon of considerable magnitude. On the other hand, the Indian side was being practical and did not insist that the Gilgit Scouts should be deprived to their normal equipment of an infantry battalion.

The Pakistani side did not agree that the force on the Azad side would not require mortars or that they would not require the same weight of L.M.Gs i.e., one per section. They again added that their assessment of the requirements was not based on ideas of parity but on needs.
2. As the two sides could not agree on this issue, it was agreed that the committees should proceed to the consideration of the next problem concerning this item – the composition and character of the force west of the cease-fire line.

**Composition and Character of the Civil Armed Force.**

3. **Mr. Desai** invited the attention of the Pakistan team to what he had said in this regard earlier, namely, that the Indian side would recommend an increase of the civil armed force to 6,000 men without being difficult about the ratio of armed and unarmed men. In regard to the complexion of this force, they were also prepared to recommend that these men be recruited from the area on the west of the cease-fire line, with the only proviso that half of them should be from the elements now comprising the Azad forces, which would be disbanded and disarmed, and the other half from other elements in that area. They had taken a very reasonable attitude on this question, as they were not now insisting that the non-Azad elements in the force should be supplied by the J & K State, or that they should be composed of men from the area now under the control of the State authorities.

4. **Mr. Ahmad** stated that the Pakistani side had agreed earlier that the question of the nomenclature of the force on the Azad side would be submitted by them to their Prime Minister for discussion and settlement at the Prime Ministers’ level. On the question of the composition, however, they were not in a position to accept the Indian proposition, in view of several insuperable administrative and practical difficulties, keeping in mind the need for the maintenance of law and order in the Azad area. For example, if and when the present Azad Kashmir army was being disbanded, there would be confusion and the law and order position would be completely unattended to. Secondly, there was the difficulty of training and the problem of discipline in the new force under the Indian proposition. Even when an ex-army man was being taken in a police force, he needed the usual training ranging anywhere up to one year. Thus, while the old force would be destroyed, the new force would take about a year to come into being. On the other hand, the entire process of demilitarization had to be accomplished within a period of three months. The Pakistan side therefore, could not afford to take these risks.

5. **Mr. Desai** stated that it was not the intention of the Indian side that the Azad Kashmir forces should be disbanded overnight. The question of their disbandment and disarmament would be a gradual process to be accomplished in stages and to be staggered to meet the practical objections raised by **Mr. Ahmed**. Moreover, it must not be forgotten that, while all this is being done, the Pakistani army would also be on the Azad side and it could be so arranged that the withdrawal of the Pakistani army, the disbandment of the Azad Kashmir
army and the creation of a new and re-organised force not present any real difficulties. They had met this problem in India in Part B States when the old State forces were disbanded and re-organised to meet the new conditions. Mr. Shankar pointed out the instance of the organisation of the U.P. Armed Constabulary in 1947, which was accomplished in one month’s time. The position on the Azad side was not so difficult, particularly as most of the men to be recruited in the new force would be ex-servicemen, and three months were, therefore, not an insufficient time to implement the Indian proposal. It was realized that there would be difficulties on both sides. Those on the Indian side were of considerable magnitude, involving as they did the evacuation of a very large number of men of the Indian army and their supplies, In the interest of a fair plebiscite, however, both sides would have to overcome these difficulties, which, as explained by the Indian side, were not insuperable.

6. The Pakistan side did not agree. Their proposal in this regard was as follows:

The Azad Kashmir army and the Pakistan army were now working as one unit, having the same servicing and logistic elements. What they would do, therefore, would be to create a new self-contained force re-organising the existing battalions reducing their number and constituting necessary headquarters, logistics and other servicing units. The new force would be organised on army lines, that means, in battalions and not in wings. Actually, their civil armed force in East Bengal was also organised on the battalion basis. Even though, therefore, it was possible that some units in the existing Azad Kashmir forces would not be affected by this re-organisation, in actual effect, the present Azad Kashmir army would generally have to be re-organised for the purposes of the reduction of its strength and of its re-constitution as self-contained force. They could not, however, agree to a general or partial disarmament and disbandment of the Azad Kashmir army.

7. The Indian side stated that the Pakistan proposal in this regard in effect meant only reduction of the existing battalions of the Azad Kashmir army and addition of certain servicing units for the purpose of making the new force into a self-contained force. It was recognised that many, or even most, of the old battalions of the Azad Kashmir army would be affected by this reorganisation; but on an overall view, it would only mean a reduced Azad Kashmir army.

8. In view of the considerable difference in the approach of the two sides to this question, it was decided that this matter be held over.

Control of the Force.
9. It was agreed on both sides that, as the control over the civil armed force and the Gilgit and Baltistan Scouts would vest in local authorities under U.N. surveillance that aspect of the problem could be taken up while discussing the next item on the unofficial agenda, namely, Item IV—Local Authorities, as local authorities and surveillance by U.N. representative must be spelled out fully before the nature of control of these forces can be known.

ITEM IV—Local Authorities.

10. The Pakistani side explained what were the authorities functioning at present in areas outside the control of the J&K State Government.

As far as the northern areas were concerned, there were two Political Agents, who were officers of the Pakistan Government in charge respectively of the Gilgit and Baltistan zones. This was necessary as the Gilgit and Baltistan areas were inaccessible, firstly, from the Azad Kashmir side and, secondly, from each other. The staff of these Political Agents was old staff and consisted of local elements. These areas constituted a separate administration with a separate budget and Pakistan had to make a contribution to the budget as the local revenues were insufficient. The coordination between the Political Agents was effected by the Pakistan Government.

As far as the rest of the area was concerned, it was administered by the Azad Kashmir Government with a Cabinet and a civil secretarial at Muzaffarabad in the same manner as a provincial government. There were three districts under a Commissioner. These three districts of Muzaffarabad, Poonch and Mirpur were under Deputy Commissioners and there was the usual district and tehsil administration. There were the district police as well as the Central Police reserve and the usual paraphernalia of officers of a provincial administration, like the I.G. of Police, Chief Conservator of Forests, etc. Liaison between the Government of Pakistan and the Azad Kashmir Government was maintained by the Ministry of Kashmir Affairs. As far as the officers of the Azad Kashmir Government were concerned, there were only a few Pakistani officers serving there on deputation in posts where suitable Kashmiris were not available.

11. The Pakistani side then proceeded to give the historical background of the problem of local authorities in order to explain their proposals for the future set up of the areas, and stated that the two main principles adopted by the Commission in this regard were: (1) That the Azad Kashmir Government could not be recognized as the government of the areas now under its control and, (2) that the United Nations would not undertake administration of these areas. It was in view of this background that the term “local authorities” was used. The point which the Government of Pakistan had considered was that, if the Indian Government could not function there, neither could the Government of
Pakistan, and if, at the same time, the Azad Kashmir Government was not recognized, it was necessary that some authorities must remain to carry on the administration. Dixon’s proposals in this regard were not acceptable to either side and there was only a brief discussion on the subject with Dr. Graham, who said that surveillance meant appointment of civil observers of the U.N. Then came the memorandum from India of February 1953, and there the matter rested.

12. The Indian representatives stated that as far as this aspect of the problem was concerned, the matter had been elucidated by Dr. Graham, and invited the attention of the Pakistani committee to Annexure I of Dr. Graham’s fifth Report, where, in Section C, the question of local authorities and sovereignty had been discussed. Dr. Graham mentioned the following position taken by India:

“That, paragraph A, 3 of Part II of the resolution should not be interpreted, or applied in practice, so as

“(a) To bring into question the sovereignty of the Jammu & Kashmir Government over the portion of their territory evacuated by Pakistan troops:

“(b) To afford any recognition of the so-called Azad Kashmir Government; or

“(c) To enable this territory to be consolidated in any way during the period of truce to the disadvantage of the State.”

Dr. Graham had also quoted the following statement from the letter of the Indian Prime Minister:

“If I understood you correctly, A.3 of Part II of the resolution does not envisage the creation on any of the conditions to which we have objected in paragraph 3(1) of this letter. In fact, you made it clear that the Commission was not competent to recognise the sovereignty of any authority over the evacuated areas other than that of Jammu and Kashmir Government”.

Dr Graham further gave the reply of the Chairman of the Commission, conveying its view that the interpretation of the resolution, as expressed above, coincided with its own interpretation.

It was clear from this that these were the assurances, clarifications and elucidations given by the U.N.C.I.P. and that Dr. Graham had summarized them as such. It was obviously in consonance with these assurances, namely:
Recognition of the sovereignty of the Jammu & Kashmir Government over the portion of their territory evacuated by Pakistan troops;

Non-recognition of the so-called Azad Kashmir Government; and

Not enabling this territory to be consolidated to the advantage of the State; that the official committees had to work out an agreed definition of “local authorities”.

13. The Pakistan side attempted to demur at this assessment of the position, pointing out that certain assurances were also given to the Government of Pakistan by the Commission, namely, that the U.N. surveillance will not extend to the northern areas and that there will be no interference in the existing administration of the Azad areas by the Azad Kashmir Government. They admitted that these assurances were not published, but were incorporated in their minutes of discussion with the Commission. The Indian side stated that as far as the assurances were concerned, the only assurances recognised by Dr. Graham were those which he summarised in Annexure I of his report. Further it was clear from para 38 of Dr. Graham’s Fifth Report that the terms of reference of the discussion which took place in Geneva in February 1953, between the representatives of the two Governments at ministerial level under the auspices of the United Nations Representative, were to continue negotiations on the basis of UNCIP’s resolutions of 13th August 1948 and 5th January 1949, bearing in mind the assurances, clarifications and elucidations given to the Governments of India and Pakistan by the UNCIP. It was Annexure - I which summarised these elucidations and assurances.

14. After a short recess for consultation among themselves, the Pakistani side then proceeded to give their idea of what should constitute local authorities in the area not under the control of the State administration. They stated that taking into account the points made by the Indian Government, as summarised by Dr. Graham in Annexure - I, the position of the Pakistan Government was as follows:

The Pakistan Government did not accept the Indian concept of the sovereignty of the Jammu & Kashmir Government over the Azad areas. However, out of respect for the feeling which the Government of India had in that regard, they were not insisting on the de jure recognition of the Azad Kashmir Government. Subject to that understanding, the view of the Pakistan Government was that existing authorities on the Azad side would continue to function. They agreed that Pakistan officials should be withdrawn. It should be realised, however, that there might be certain difficulties about technical men, like the P & T staff as well as engineers and health personnel. As far as the P. & T. staff were concerned, the committee had no idea of the size of the problem, but in regard
to others, it was not expected that there would be more than 4 or 5 Pakistani personnel required to continue in the State. The Pakistani committee also agreed that there should be no connection between the Azad Kashmir authorities and the Pakistan Government and that there should be the surveillance of U.N. Representative over the local authorities.

These comments applied only to the Azad areas minus the northern areas, which presented a peculiar problem, in view of (a) inaccessibility from the Kashmir side; (b) the requirements of the defence of the international frontiers and (c) the presence in that area of other States, like Hunza, Nagar and half a dozen other small principalities, which had direct connection with the Government of Pakistan. In view of practical difficulties in the northern areas, therefore, the present administrative set up should continue unhampered.

14. Mr. Desai expressed his disappointment that the Pakistani team had not made an effort to meet not only the Indian point of view but the clear assurances given by the UNICIP as recognized by Dr. Graham. Actually, the Pakistani proposals were directly contrary to these assurances. In effect, what the Pakistani proposals amounted to was that the Government of Pakistan would continue to control the northern areas and that the Government of Azad Kashmir would continue to control the Azad areas. Such definition and explanation of the term “local authorities” were, therefore, totally unacceptable to the Indian side.

15. The committees adjourned till 10.30 on Monday, the 28th December 1953.

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Record of Discussions on December 28, 1953. 10.30 A.M.

ITEM IV – Local Authorities (Continued)

Mr. Desai reiterated the comments of the Indian side on the proposals put forward by Pakistan side in regard to “local authorities” and stated that they were totally unacceptable to the Indian side, being entirely contrary to the Indian conception not only on this particular item but on the entire Kashmir problem as a whole. They were also contrary to the assurances and elucidations given by the Commission to the Government of India, as summarised by Dr. Graham. The Pakistani proposals only brought “into the question the sovereignty of the Jammu & Kashmir Government over the portion of their territory evacuated by Pakistan troops,” but also directly militated against it. Further, the fact that the Government of Pakistan would continue to run the northern areas directly and the Azad areas indirectly, in view of the close connection subsisting between them and the Azad Kashmir Government, the Pakistani proposals also offended against another specific assurance given to the Government of India, namely,
that this territory should not be consolidated in any way during the period of truce to the disadvantage of the State. Mr. Desai added that, as far as he could see, the Pakistani proposals appreciated only two minor points advanced by the Government of India. The Pakistani team had stated that they would withdraw all Pakistani personnel from the Azad Kashmir area except the P & T staff and technicians and that there would be no connection between the Government of Pakistan and the Azad Kashmir Government. On the main issue, however, their proposals, in effect, amounted to a de facto recognition of the Azad Kashmir Government which was specifically precluded by the UNCIP.

2. Mr. Ahmad stated that it was not the intention of the Pakistani team to ask for an indirect de facto recognition of the Azad Kashmir Government. Their proposals were, however, based on the administrative requirements of area concerned. They appreciated that India attached considerable important to the question of the sovereignty of the J. & K. State which Pakistan did not accept. Notwithstanding this, their proposals in regard to local authorities had been based not on concepts of sovereignty or recognition of Azad Kashmir Government, but merely from the point of view of administrative practicabilities.

3. The question of assurances given by the UNCIP had been gone into by the two committees at the previous meeting. Unfortunately the UNCIP had given assurances to the two sides, which appeared to him to be contradictory.

4. Some discussion then ensued in regard to these assurances, during which the Indian side repeated what they had stated at the previous meeting, namely, that the assurances given to the Indian side were given by the Commission as a whole and formed Annexure - I of Dr. Graham’s Fifth Report. The Pakistani side, however, pointed out that assurances given to them formed a part of the minutes of discussion prepared by the Commission themselves, even though these minutes might not have been supplied to India. One of the assurances was that the Azad Kashmir movement was not ignored by the Commission. The Indian side replied that it had been decided that statements made by individual members of the Commission did not constitute an assurance given by the Commission as a whole and pointed out that even at a meeting held on the 2nd September 1948, between the representatives of the Government of Pakistan and the Commission, Mr. Korbel had stated that by “local authorities”, the Commission meant “the Azad Kashmir people, though they could not grant recognition to the Azad Kashmir Government.”

5. Mr. Ahmad stated that, apart from the question of these assurances which to him appeared contradictory, the important criterion was the administrative requirements of the areas and it was on that basis that they had put forth their proposals in regard to local authorities. The Government of
Pakistan had also to look at the problem from the point of view of political considerations.

Firstly, in regard to Gilgit, Pakistan must remain responsible for the defence of the northern border. Apart from this, the acceptance of the Indian point of view would also mean break up of relationship between Pakistan and other States and principalities, like Hunza, Nagar, etc, which were in direct relationship with the Government of Pakistan. Further, it should be borne in mind that the arrangements contemplated by them were not only for the duration of the plebiscite, that is, about three months or so, but for nearly a year. It was not possible for the Government of Pakistan to take the risk of leaving northern areas in isolation and it was necessary that stable administrative arrangements should continue in that region. Even the Indian Prime Minister, in explaining India's point of view regarding sovereignty, etc., had stated that Gilgit should be an exception.

In regard to the Azad Kashmir areas, they were unable to understand how in a democratic Government, a popular Ministry could dissolve itself. In any case, Pakistan had no constitutional authority over the Azad Kashmir Government and whatever was done there could be done only with their consent. The first question that arose in this regard, therefore, was whether the Azad Kashmir Government would agree to sign away its existence voluntarily. For the sake of argument, even if the Government of Pakistan agreed to the proposal of the dissolution of the Azad Kashmir Government, in the event of the solution of the entire Kashmir problem hinging on that particular issue, it was not possible for them to force the Azad Kashmir Government to accept the proposed Harakiri. Secondly, even if the Azad Kashmir Government were willing to dissolve themselves, there had to be a central authority to administer the areas after the withdrawal of the Pakistan army. This central authority also had to be a democratic authority. Mr. Ahmad thought that even if the Present Government was followed by another democratic set up, there would not be very much difference in its complexion except that there was danger of internal fighting and deterioration of the law and order situation. That was a risk they could not take.

6. Mr. Ahmad added that, bearing in mind the requirements of practical administrative and political difficulties and the repugnance of a democratic government to force the dissolution of a popular Ministry, if the India team could suggest any alternative proposals, they would be considered sympathetically by the Pakistani team.

7. The Indian side pointed out that the statement made by their Prime Minister regarding Gilgit was misunderstood by the Pakistan side. In his letter dated the 20th August 1948, to the Chairman of the Commission, the Prime
Minister had stated that the authority of the Government of Jammu & Kashmir over this region as a whole had not been challenged or disturbed except by roving bands of hostiles or in some places like Skardu which had been occupied by irregulars of Pakistan troops. He had added that after these troops and irregulars had withdrawn from the territory, the responsibility for the administration of the evacuated areas should revert to the Government of Jammu & Kashmir and that for defence to India. It was here that the Prime Minister had stated that the only exception that he would be prepared to accept would be Gilgit. The exception was in regard to the administration by the Government of Jammu & Kashmir and to the responsibility for defence of the Government of India. It did not mean that the administration and the defence should be conducted by the Government of Pakistan. The view of the Indian team in regard to the administration of the Gilgit area, therefore was that the status quo before the entry of Pakistan in that zone should be restored. That could be the only meaning of “local authorities”.

In regard to the Azad Kashmir area, it was quite clear that even on the basis of assurances given to the Government of Pakistan by the member of the Commission, the position was that the statement of the Commission that the existence of the Azad Kashmir movement had not been ignored by them, meant the recognition of the Azad Kashmir people and not of the Azad Kashmir Government. Further, the Pakistani side had talked about the democratic set up in that area. It appeared to them that there had been five or six changes in the ministerial set up in Azad Kashmir. All those changes were made without any reference to the wishes of the people and the people in that area had had no opportunity of registering either their approval or disapproval of the various governments which came into being there. The Pakistan side replied that as far as this aspect of the problem was concerned there were two ways of having a democratic set up of government. Either the people elected their rulers, or that leaders came up in front and the people accepted them subsequently. As far as the Azad Kashmir areas were concerned, their main difficulty, however, was that pending a final decision about the accession of the State, they did not believe that elections should be held or that assemblies should be formed.

8. Mr. Desai stated that from what he could gather of the Pakistani point of view in this regard, the problem was political in character, the Pakistan contention being not based so much on tangibles which could be resolved by officials on the two sides, but on concepts like the extent of the authority which the Pakistan Government could exercise on the Present Azad Kashmir Government and the extent to which their decisions could be implemented by the existing authorities or alternative authorities in that area. That being so the problem entirely fell within the sphere of direct discussion between the two Prime Ministers, in which the official teams could not presume to interfere.
According to the Pakistani reading of the problem, therefore, the matter should be referred to the two Prime Ministers.

9. It was agreed that this matter be held over.

10. Before proceeding to the next item it was agreed that the question of surveillance of local authorities by the U.N. Representative should be left to the Representative who would submit his plan in that regard to the two sides. He would have to produce a plan which would satisfy any fears that might exist on the freedom of the plebiscite being affected by the local authorities. This matter would therefore need to be gone into at a later stage.

ITEM V – Safeguarding of Peace and Fundamental Rights in the State.

11. The Indian side explained the position in regard to this problem as it obtained as a result of the Resolutions of the Commission dated the 13th August 1948 and the 5th January 1949.

Part II of the Resolution of the 13th August 1948 referred to the truce agreement. Under this Resolution, both Governments are to accept certain principles as a basis for the truce agreement. One of these principles was that the Government of India “will undertake to ensure that the Government of the State of Jammu & Kashmir will take all measures within their power to make it publicly know that peace, law and order will be safeguarded and that all human and political rights will be guaranteed”. Under this Resolution, the details of the agreement were to be worked out in discussion between the representatives of the Governments concerned and the Commission. The Government of India accepted this Resolution, though the Government of Pakistan maintained that this acceptance was a conditional acceptance. In any case, the Government of Pakistan had not accepted that Resolution conditionally or otherwise.

The August Resolution, therefore, merely stipulated for making it publicly know by the Jammu & Kashmir Government that certain things would be done: that and no more. The matter was taken further in the Commission’s Resolution of the 5th January 1949, paragraph 7 of which stated that “all authorities within the State of Jammu & Kashmir will undertake to ensure in collaboration with the Plebiscite Administrator that” certain things were done. What had to be done had been given in detail as for example, that there should be no threat, coercion, intimidation, etc,

The scheme emerging out of these Resolutions, therefore, indicated three stages of fulfillment: (1) The issue of a declaration by the Jammu & Kashmir Government; (2) Consultation with the Plebiscite Administrator about the details regarding the guaranteeing of human and political rights, as elaborated in
paragraph 7 of the January 1949 Resolution: and (3) Implementation by the Government of Jammu & Kashmir.

12. The Pakistani side agreed with this interpretation. They added that it was their understanding that the discussion of details regarding these “rights” would not be subject to limitations, if any, imposed either by the Indian Constitution or by the proposed Kashmir constitution and that the discussions would be based on fundamental rights embodied in the U.N. Charter. The Indian side agreed that these discussions would not be circumscribed by any limitations but that they would naturally be based on local conditions and local requirements.

13. As there were no further item for discussion, the committees concluded their discussion on the agenda.

14. In summarising his impressions of the conference, Mr. Ahmad stated that he was not very happy with the sum total of the achievement registered by the committees. Undoubtedly, something had been done especially in the direction of understanding each other’s points of view but in his view they had not materially eased their Prime Minister burden on important issues like demilitarization. There were, no doubt, other difficult problems to settle, but it appeared to him that unless the issue of demilitarization was satisfactorily settled, there was not much likelihood of any meeting of minds on those issues. They had also to bear in mind that there was a tight time table and the various issues had to be settled before the induction of the Plebiscite Administrator in April 1954. It was that aspect that made him unhappy.

15. Mr. Desai stated that his impression of their deliberations were different. When they had met on the first day, he emphasised that the context of events, under which the two Prime Ministers had met in August 1953 and discussed Kashmir among other issues, had undergone certain changes, as illustrated in the correspondence between the two Prime Ministers, on the proposed US-Pakistan Aid pact and the appointment of a Plebiscite Administrator. The informal discussions by the two committees, therefore, were provisional subject to a clarification of the atmosphere which would emerge from the new context. As a matter of fact, as he had then stated, their discussions were doubly provisional as, in accordance with the communique of the 20th August 1953, issued by the two Prime Ministers and their terms of reference, the two official teams were functioning only in an advisory capacity. The two Prime Ministers had agreed that would consider the “preliminary issues” directly in order to arrive at agreements in regard to them.

As he saw it the function of the two committees was to understand each other’s point of view on these preliminary issues and be in a position to advise their
Prime Ministers, with a view to helping them in their direct discussion. To the extent that there was a frank and informal exchange of views between the two sides and to the extent that they had understood each other’s points of view, they had undoubtedly lightened the burden of their Prime Ministers.

In addition, they had also made some progress in the details concerning various issues, principally, in regard to the question of demilitarization which, according to the Pakistan team, was the most important. As pointed out by him earlier, the Indian side had made all efforts to meet the Pakistani point of view and as compared to the position which existed before meeting and which had continued for at least five years, considerable concessions had been made. For example, the Pakistani position regarding the northern areas had been accepted more or less completely. In regard to the Azad areas, they had now agreed to 6,000 men in the civil armed force, all armed if necessary as against 2,000 unarmed men. Further, on the question of the complexion of this force, they were not insisting that the non-Azad elements in the force should be supplied by the J & K. Government, or be composed of men from the areas controlled by that Government. These were significant advances.

16. It was agreed that the committees would meet again on Tuesday, the 19th December at 2.30 P.M. when the points of view of the two sides would be summarised, so as to remove any ambiguity or misunderstanding that might exist. A joint Press Note would also be drafted at that session which would be the final session of the committees.

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Record of Discussions on December 29, 1953. 2.30 P.M.

Summary of Discussions.

The committees went over the ground covered by them during their discussions at previous sessions, so as to summarise in a general way the position of the two sides.

2. **Mr. Desai** reiterated the general background of the Indian position both in regard to the terms of reference of the committees as given in the joint communique issued by the two Prime Ministers and the various questions in direct correspondence between the two Prime Ministers, *e.g.*, selection of Plebiscite Administrator, which indicated that their functions were advisory and discussions provisional and the change in the context of events as a result of US – Pakistan military aid negotiations which made their discussions doubly provisional.
3. Mr. Ahmad then proceeded to give his idea of the stand taken by the two sides on the various issues discussed by them.

There were no differences on the factual aspect of the summary. On two points regarding the character and quantum of forces, however, the Pakistani side made the following clarifications:

1. Mr. Ahmad stated that, in accordance with their proposal, every unit of the Azad Kashmir army would be affected when it had to be re-organised into a force of smaller numbers (10,000) and a force which was self-sufficient (that is, with all supporting units for logistics, headquarters, etc.).

2. In regard to weapons, Mr. Ahmad stated that they were not asking for parity with those of the Indian army. The Indian army, which would have the normal infantry weapons (minus artillery and armour), would have light machine guns. On the other hand the Azad force would not have light machine guns, though they would have mortars and LMGs on the battalion scale.

Mr. Ahmad gave to the Indian team a copy of the summary prepared by him. Mr. Desai stated that, in summarising the Pakistani position, even though the document handed over by Mr. Ahmad did not misinterpret India’s position factually, its presentation was based on the point of view of the Pakistani team, particularly, as on many of the issues discussed by them, arguments and reasons were given on the Pakistani side, without giving a corresponding weightage to Indian arguments and reasons. In any case, as it had been agreed that the discussions of the two committees would be informal and provisional and that there would be no minutes of these discussions, the Indian side would not take any notice of this summary either formally or informally and leave it to the two official teams to report in the manner they saw fit to their respective Prime Ministers.

Drafts contemplated during discussions on Item I- Creation of Peaceful Atmosphere.

4. A draft prepared by the Indian side elaborating Dr. Graham’s formula in regard to the creation of a peaceful atmosphere (paragraph 8 of the minutes of the second informal meeting) was agreed to by the two sides (Appendix I).

5. A draft prepared by the Indian team of Instructions to Official Agencies in regard to the creation of a peaceful atmosphere (Appendix II) was handed over to the Pakistani committee, who promised to consider it, as proposed at second meeting (paragraph 13 of the minutes).

Press Note.

6. The two committees agreed to issue a Joint Press Note (Appendix III).
Appendix – I

DRAFT

In the past the Governments of India and Pakistan have agreed to reaffirm their determination not to resort to force and to adhere to peaceful procedures in resolving the Kashmir dispute and to take suitable action to prevent warlike statements or propaganda on this issue. In the same spirit the two Prime Ministers emphasised last August the need for maintaining and cooperation between the two countries and active encouragement to the promotion of this atmosphere. They attached “great importance to this friendly approach and to the avoidance of words and actions which promote discord between the two countries”.

The Committees of the experts of India and Pakistan constituted to advise the two Prime Ministers have approached the question of Kashmir in the light of these pronouncements inspired by a desire to create a peaceful atmosphere. The Committees consider that while progress towards the solution of the Kashmir and other disputes will by itself improve the atmosphere, suitable action should also be taken in pursuance of the policy of the Prime Ministers on the following lines:

a. Instructions should issue to official spokesmen, Managers official publications, official organs of publicity such as radio, film to eschew statements likely to promote warlike propaganda, embitter relations between the two countries and provoke or inflame public opinion on this issue.

b. The two Prime Ministers may appeal on similar lines to their ministerial colleagues and Chief Ministers and Ministers of State Governments to observe in their Public statements and private discussions the same restraint and forbearance as indicated in (a) above.

c. Measures should be taken in consultation with political parties, the Press and other public organisations to secure in their respective spheres their full cooperation in the maintenance of peaceful atmosphere over this issue.

d. Machinery should be set up in the Information Ministry of each Government to ensure implementation of the instructions with a view to:

i. prevent breaches of these instructions or principles,

ii. deal with breaches as they occur,

iii. hold periodic meetings to review the position and suggest remedial action,

iv. review continuously the activities of the press, public leaders, official spokesmen, etc. to ensure that instances of transgression are promptly brought to light and dealt with adequately.

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Appendix – II

DRAFT

In this note the Committees of Experts give details of suitable action which they recommend for the creation and maintenance of a peaceful atmosphere in India and Pakistan in regard to Kashmir and the machinery which they consider necessary for the implementation of their proposals.

2. The authorities and agencies whose continuous co-operation is needed are:

(i) Civil servants including official spokesmen, managers of official publications and official organs of publicity such as radio and film,

(ii) Government leaders, i.e., Ministers, Central, Provincial or State, and Parliamentary Secretaries,

(iii) Political parties, both inside and outside Parliaments and state or provincial legislatures,

(iv) Non-official organisations, and

(v) The Press.

3. The support and cooperation of these authorities should be mobilized in the following manner:

(i) Official Agencies: The Committees find no justification for breaches of agreements or failure to deal with them by official agencies which should be strictly instructed to eschew statements likely to promote war-like propaganda, embitter relations between the two countries and provoke or inflame public opinion on the Kashmir issue. This object will be achieved better if the two Governments draft and issue a common set of instructions to Heads of official organs of publicity. The Indian Committee should prepare a draft and forward it to the Pakistan Committee to enable the draft being discussed and finalised later. The instructions should also cover the following points:

(a) To improve the atmosphere in the two countries, official action, when necessary, should be announced, e.g., the withdrawal of an offensive official publication or documentary;

(b) Direction to Information Officers to scrutinize official statements by their own Governments to avoid, from the external point of view, references likely to inflame public opinion on the other side of the border.
The Government of Jammu and Kashmir and the Azad authorities should be persuaded to issue similar instructions to their employees and agencies. While the Committees recognise there should be complete freedom in expressing opinion on the issue of accession or on other aspects of the Kashmir dispute, they consider it essential that attacks on personalities, and attempts to incite opinion on the other side of the cease fire line and scurrility should be avoided in the broadcasts including news bulletins, talks and programmes.

(ii) **Government leaders:** The two Prime Ministers may impress upon their colleagues and Ministers of State and provincial Governments the need for the maintenance of a peaceful atmosphere and avoidance of official and private statements likely to provoke public opinion in the other country. To correct the harmful effects of mischievous reporting of leaders’ speeches and statements, there should be a continuous and prompt exchange through High Commissioners of authentic versions if necessary, for release to the Press in the country in which the statements and speeches have been misrepresented.

(iii) **Political Parties:** Compliance with the proposed code should not be difficult so far as political parties in power are concerned, particularly when it is remembered that the two Prime Ministers are presidents of their respective party organisations. The two Prime Ministers may therefore issue suitable recommendations to their parties and if necessary, entrust the task of ensuring compliance with the code to one of the Secretaries of the party machine. Each Government should take the Opposition into confidence and hold periodic meetings with its leaders to impress upon them the need for co-operation in the interests of the country as a whole. To leaders of opposition outside Parliament, a general appeal might be issued, if possible, at a conference held specially for the purpose.

(iv) **Non-official Organisations:** Neither Government should extend official patronage to non-official organisations which attempt to poison relations between the two countries on the subject of Kashmir for example they could refuse to buy copies of objectionable publications.

(v) **The Press:** Willing cooperation of the Press is essential to the two Governments’ Objective which is difficult to achieve by a mere resort to legal measures against recalcitrant newspapers. After common instructions have been issued by the two Governments to their own officials and agencies and after these instructions have begun to be carried out, a meeting of the Indo-Pakistan Information Consultative Committee on which newspapers of both the countries are represented should be called and the advice and cooperation of newspapers sought
in the matter. This is necessary because as a general principle, the Committees recognise that there are considerable legal and other difficulties in exercising control over the Press.

4. **Machinery:** Machinery should be set up in the Information and Broadcasting Ministry of each Government to ensure implementation of the instructions with a view to:
   
i. prevent breaches of these instructions or principles,

   ii. Deal with breaches as they occur,

   iii. Hold periodic meetings to review the position and suggest remedial action, and

   iv. Review continuously the activities of the press, public leaders, official spokesmen, etc. to ensure that instances of transgression are promptly brought to light and dealt with adequately.

Two committees should therefore be set up for the purpose:

(a) A large body like the Indo-Pakistan Consultative Committee, meeting, say every three or six months or so to review the progress and problems in a general way, and

(b) A small compact body composed entirely of officials, holding frequent meetings to tackle problems with speed and vigour.

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**APPENDIX III.**

**Joint Press Note**

(To be released for publication on the morning of 30th December, 1953.)

The Indian and Pakistan committees of official experts set up under the Prime Ministers Agreement to advise them on preliminary issues relative to the Kashmir dispute concluded their talks this afternoon. The first meeting of these committees was held on 21st December, 1953. The committees have held nine sessions and examined these issues in considerable details. The discussions were throughout conducted in a very friendly and informal atmosphere.

2. The items that came up for discussion by the two committees were:

1) creation and maintenance of a peaceful atmosphere, particularly with reference to the Kashmir dispute;
2) mechanics for certifying that tribesmen and Pakistani nationals have been withdrawn from the State in terms of the UNCIP resolution of 13th August, 1948;

3) quantum and character of the armed forces to be maintained in the State;

4) local authorities to be in charge of the administration in areas west and north of the cease fire line; and

5) safeguarding of fundamental right in the State as required under UNCIP resolution of 13th August, 1948.

3. Satisfactory progress has been made in the examination of these issues. The committees will now report to their respective Ministers.

2061. Extracts from the letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Mohammad Ali.

New Delhi, August 23, 1954.

9. The second point that you deal with in your letter is the question of military aid from the United States of America to Pakistan and its effect on the Kashmir issue. We have discussed this question repeatedly and I do not feel that I need add anything to what I have already written. I do not and cannot challenge your right to accept that military aid or to come to any arrangement with any country. But I ventured to point out to you the consequences of that step on certain important questions which concern us. You refer to the threat to your security. It is not clear to me from what source that threat comes, or how your security is endangered. If you think that threat comes from India, I think you are completely mistaken because that is not only entirely opposed to our policy but, in the circumstances of today, outside the range of possibilities. But, whether it is possible or not, if that aid is in relation to India, then naturally it affects us and we are concerned. If this bears direct relation to the Kashmir issue, then the whole context of that question changes and we have to consider it afresh from a new point of view.

10. In discussing certain preliminary steps to be taken in regard to Kashmir, we had repeatedly considered the quantum of forces to be kept there. We had not
come to an agreement, but there was the possibility of an agreement on the facts as they then were. We were agreeable to withdrawing a very considerable part of our armed forces from Kashmir State, provided Pakistan took certain steps including the withdrawal of her forces from the Kashmir State territory occupied by her. This position changes completely when the military resources of Pakistan increase greatly because of the aid received from the United States. We do not know how much aid Pakistan has received or is likely to receive. But, in any event, it is a natural presumption that it will be considerable. In addition, Pakistan will have the powerful military backing of a great power. In these circumstances we have now to take into consideration this additional military strength of Pakistan. The basis of our previous discussions, in regard to quantum of forces, ceases to have relevance and entirely new considerations emerge and must apply.

11. It was on this preliminary question that we could not come to an agreement and because the preliminaries were not settled, we could not go further ahead. The present development renders the basis of our discussions on this subject unreal.

12. It is also evident that our approach to these problems differs widely. You have ruled out a no-war declaration, which I have repeatedly suggested, and you have accepted and rely more on foreign military aid. A no-war declaration brings more security than military preparation and creates a better atmosphere for the solution of problems. I agree that those problems have to be solved as soon as possible. But to oppose a no-war declaration till those problems are solved, neither brings security nor helps in the solution of these problems.

13. You are no doubt aware that some time ago my Government and the Government of the People’s Republic of China issued a joint declaration in which we mentioned five principles which should govern our relations. These included mutual respect for each other’s independence and territorial integrity; non-aggression, and non-interference with each other. Such a declaration gives far greater assurance of security and friendly relations than military pacts or military preparations. To agree to any such declaration does not mean that we should not try to solve our problems. It means that we should solve them in a better and more friendly atmosphere, having ruled out the possibility of a recourse to war, which should be your desire as it is mine.

14. I have in the past drawn your attention to the violent propaganda in Pakistan in favour of war with India. Many instances of this have occurred in recent months. You will appreciate that this is not a background for friendly talks. So far as I am concerned, I am anxious and eager for a settlement about Kashmir and other issues. In regard to the canal waters issue, we agreed to the World Bank’s proposals even though they threw a very heavy burden on us. No one can accuse the World Bank of partiality to India in this matter. They went deeply into this question and considered it, in consultation with your
engineers and ours, for two and a half years. In regard to the evacuee property matter, my last letter to you, written more than three months ago, has elicited no reply.

15. During the last few months a great and welcome development has taken place in international affairs owing to the conclusion of the Geneva Agreements on Indo-China. The long drawn-out and disastrous war has been ended and for the first time after many years, there is no war between nations in any part of the world. That is a development for which all of us should be devoutly thankful. Grave perils and dangers still confront us in the world, but a new turn has been taken—away from war and towards peace. That can be strengthened by each country resolving to maintain peace and avoid war and not by preparing for war and having military talks and alliances which can only be meant against some other country. I would wish that Pakistan and India took advantage of this new situation that has been created and approached each other in a more friendly and cooperative way.

Yours sincerely

Jawaharlal Nehru

Hon'ble Mr. Mohammad Ali,
Prime Minister of Pakistan
Karachi

2062. Letter of Prime Minister Jawaharlal Nehru to the Indian High Commissioner in Pakistan C. C. Desai.

New Delhi, February 27, 1955.

My Dear C.C.

I enclose a letter addressed by me to the Governor General of Pakistan. This is in a sealed cover. Please have this delivered immediately by safe hand.

A copy of this letter is enclosed for your information.

I might inform you that the drafting of this letter has given me a good deal of trouble. I recognize and feel that Ghulam Mohammed is anxious to have a settlement and is prepared to go some distance for it. That is a welcome approach. But to suggest that a plebiscite should be held in Jammu and Kashmir state in the autumn of this year is manifestly not possible. The other suggestion which he made about my representing Pakistan’s interest and Chaudhuri
Mohammad Ali, Finance Minister, representing India's interests is also rather odd. I realize both his desire for a settlement and his own difficulties.

At the same time there are obvious difficulties on our side. Personally I really see no way out except a recognition by both parties of the status quo, subject to minor modifications. Also of course, if there is an agreement, many mutual privileges might follow. At the same time, I am very reluctant naturally to say that we will not have a plebiscite. That might appear as a breach of faith and I do not want to be guilty of that.

As a matter of fact, impartial observers like the London Times correspondent in Srinagar have come to the same conclusion. About the beginning of February there appeared an article in the London Times from their correspondent in Srinagar. In this, after analyzing the situation fully, he came to the conclusion that the only satisfactory settlement possible now was on the basis of the status quo.

There is the question of the present Jammu and Kashmir Government agreeing to any step that we take. We cannot ignore them and we cannot just go ahead without their consent. So far as they are concerned, they have said very forcibly and rather aggressively that they will have no plebiscite and the problem is settled so far as they are concerned.

Then there is the international situation which has a direct bearing on the Kashmir issue. I am afraid that this situation is deteriorating very fast indeed in the Far East. In fact, for the first time I have to think of the possibility of war breaking out. Obviously, if such a contingency occurs we cannot think of anything that would upset Kashmir. Also there is not only the possibility, but something much more, of American bases in Azad Kashmir. Possibly Gilgit has already been chosen.

I am pointing out to you the various considerations that have been influencing me. The matter is so important that I have fully consulted some of my colleagues here, more especially Maulana Azad and Pandit Govind Ballabh Pant. I do not want you to speak to Ghulam Mohamed about all that I have written above. But I want you to know how our mind is working.

Yours sincerely,
Jawaharlal Nehru
Letter from Prime Minister Jawaharlal Nehru to Pakistan Governor General Ghulam Mohammad.

New Delhi, February 27, 1955.

My dear Governor General,

As you were leaving Palam airfield in Delhi on the morning of the 28th January, you handed me an envelope which contained a small piece of paper. This paper contained four points relating to the plebiscite in the Jammu and Kashmir state and like matters. Within an hour after you left Delhi, I left also on my long journey to London for the Commonwealth Prime Ministers’ Conference there. In London, I heard that you had gone to Switzerland for medical treatment. When I was on my way back to India, you were still, I believe, in Switzerland.

2. I wanted to write to you about the paper you had given me but, owing to your movements and mine, this was somewhat delayed. Since my return here I have been rather overwhelmed with arrears of work.

3. I need not tell you, because you know it, that I am at least as eager as you are for a full settlement of all matters in dispute between Pakistan and India. It has always seemed to me unnatural and improper for these two countries to be wrapped up with suspicion and ill will against each other. For both, this was harmful and it affected, to some extent, both our internal and external policies. I have been happy to note, more especially during the last few months, that, so far as our peoples are concerned, there is very little ill will. Indeed, there appears to have been some reaction against these past years of lack of goodwill, and recent instances of friendliness between our respective peoples have been remarkable and most cheering. Thus, an atmosphere has been created which is all to the good.

4. Yet, the problems remain. Those problems have already lasted for these seven years and more, and during this period much has happened to add to their complexity. They are obviously difficult problems or else we would have solved them long ago. It is not for lack of goodwill on either side that they have remained unsolved thus far. We made repeated attempts in the past and came up against solid difficulties which we were unable to surmount at the time. We have, therefore, to examine these difficulties and obstacles, and find out how we can proceed about this matter. Mere goodwill, which is obviously necessary and is undoubtedly present on both sides, is not enough. And we have to take particular care that, in attempting to solve one problem we do not create new and more difficult ones.

5. The Kashmir problem is undoubtedly the most difficult of all. That is no reason why we should bypass it. But we have often suggested that we might go ahead meanwhile with the other problems which have embittered our relations. Any success in regard to them is not only good in itself but would
also take us a long step forward towards the solution of any remaining problem. Unfortunately, very little progress has been made even in regard to these other problems.

6. Among these other problems, the most important are those relating to canal waters and evacuee property. There are a large number of others also. So far as the canal waters question is concerned, we have gone a long way with the cooperation of the World Bank, and I see no reason why we should not come to a final agreement on that basis before long. In regard to evacuee property, we are where we were or rather we have gone further away from any settlement.

7. Some of our officers have gone to Karachi to consider some of the relatively minor problems. I wish them success. But I rather doubt if much progress can be made by them at this stage.

8. The major problem that of Kashmir remains. When I read the paper you gave me on the eve of your departure from Delhi, I had mixed reactions. I liked your approach to this question in the sense that you wanted to leave out outside interference in this problem, casting the burden of solution on ourselves. I liked the approach of mutual trust. All this is to be welcomed. At the same time, the four points that your paper contained seemed to me not to be very helpful as they were and appeared removed from present facts. They did not bear much relation to what had happened thus far and the suggestions made in them did not seem to be feasible.

9. You will remember that, after numerous talks and consultations, we had arrived at a certain stage. That stage itself merely meant getting over the initial hurdle. Many other difficult hurdles remained. But even that first step was checked by certain developments. I need not go into these developments except to say that they did, in fact, create new problems for us. I have not, at any time, and cannot now presume to challenge Pakistan’s right to adopt any policy but, inevitably, we have to consider the consequences of that policy on us as well as on the Kashmir problem.

10. Unfortunately, subsequent happenings in the region of foreign policy have taken Pakistan and India further away from each other. Normally, this would not matter much but, in this world of great power blocs and when we stand in near danger of world war because of the conflicts in the Far East of Asia, this does make a vital difference. All of us stand on the edge of a precipice, and we have to think carefully and with all the wisdom that we possess about these world developments and how they affect us now and might affect us in the future.
11. I mention this because it is the context in which we move and frame our policies. We cannot get out of it. Any false step taken at this stage might have far-reaching and most unfortunate consequences. Anything that brings about an upset might well be dangerous to both our two countries.

12. I do not propose to repeat here the past history of seven and a half years in regard to Kashmir. But that history conditions the present, and cannot be set aside. You and I have different approaches to this problem. You have a grievance against India and consider the accession of the Jammu and Kashmir state to India as improper. I have a grievance against Pakistan for committing aggression on the Jammu and Kashmir state. According to us, Pakistan’s armies are in illegal and improper possession of a good part of the territory of the state.

13. So far as the state itself is concerned, it functions, as you know, under its own government and assembly. The state is not only autonomous but somewhat more autonomous than any of our other states. By reason of our formal agreement with the state and according to our Constitution, we cannot ignore the views of the state in any matter relating to it. This is not merely a legal or constitutional position. It is something more and, in effect, we cannot override it. We can advise, of course.

14. But, apart from all this, what exactly are we to do which will bring a peaceful and happy end to this dispute and this problem? You suggest, in your four points, that the plebiscite should be held by the middle of October at the latest. That appears to me to be wholly impractical. Previously, we got stuck up completely in regard to prerequisites for such a plebiscite, and there we are still. The position has indeed considerably worsened by developments in the foreign field.

15. But, apart from the timing and other like matters, we have to consider what we have to do now to help in solving this problem. Obviously, we should rule out any intervention by armed forces to decide the future of the state. That can only bring disaster to the state as well as to Pakistan and India as a whole. Any other course which increases tension and ill will also be bad. While I fully appreciate your new approach, I am unable to see how far our attempt to act up to your suggestions will be helpful at this stage. It is likely to raise great excitement and passion, and the atmosphere of conflict will dominate us. Whatever the result, there is likely to be trouble on a much bigger scale than we have to face now. This upset in the Jammu and Kashmir state will have its reactions in India as well as in Pakistan. Instead, therefore, of the settlement and friendly relations that we so ardently desire, both our countries and our peoples will be in a much worse position. Apart from conflicts, there might be large-scale migrations and the like, spreading poison in both countries.
16. Fortunately, there is peace in the state at present. I know this is so in our part of the state, where much progress has been made and economic conditions have improved considerably. To upset this is to invite trouble and possibly disaster.

17. I have written to you frankly and explained my difficulties to you because I am anxious that this problem should be tackled in a friendly and realistic way. Your friendly approach and what you have often said in this matter moves me and leads me to think that, whatever the difficulties, we shall be able to find some way out. I earnestly trust that if we consider these matters and differences in this spirit of mutual confidence, there should be no reason why we may not ultimately reach an agreed solution. But the approach we make should be realistic and in accordance with the facts of the situation. It is no longer any good for us merely to talk to each other in terms of slogans. Mohammad Ali will be coming here at the end of March. I very much wish that we should then be in a position to deal with this problem more concretely. It will serve little purpose if we do not understand the present position with all its limitations and consequences.

I hope that your stay in Switzerland benefited your health.

Yours sincerely

Jawaharlal Nehru

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The Union Home Minister, Pandit Govind Ballabh Pant, today virtually ruled out the possibility of a plebiscite in Kashmir*, because he did not see any prospect of Pakistan agreeing to reasonable conditions on the issue.

Pakistan, he told a press conference here this morning, “has failed to agree to any reasonable conditions for the last eight years.”

All that was left now was to allow the people living in Pakistan-held territory of the State “to make their choice and express their own views, and opportunity of which, perhaps, has never been given to them, and now conditions are reported to be not very satisfactory,” the Home Minister added.

Asked how he reconciled Mr. Nehru’s commitment to hold a plebiscite in Kashmir and his own declaration that Kashmir’s decision through its Constituent Assembly to accede to India would be honoured by the latter, Pandit Pant said that the fact that India did make such a declaration could not be denied, but then, circumstances had changed and the time factor was the most important. Many things had happened since then.

Kashmir, he continued, had been following certain policies for its advancement and many development schemes were in progress. Pakistan had entered into a military alliance with the United States. The Kashmir Constituent Assembly, which was elected on adult suffrage, had taken definite decisions. The National Conference had passed resolutions on the eve of the Constituent Assembly elections and Sheikh Abdullah, in his inaugural address to the Assembly in November, 1951, made it abundantly clear that the body had been constituted for the primary purpose of determining and deciding this vital issue.

The Home Minister further said: “While I am not oblivious of the initial declaration by India, I cannot ignore the important series of facts to which I have referred. In these circumstances, I personally feel that the tide cannot be turned now.”

* This was for the first time that a senior Minister of the Government of India made a public and categorical declaration on the non-feasibility of a plebiscite in J & K.

Murree, July 11, 1955.

The Pakistan Minister for the Interior Major-General Iskander Mirza, said that the Pakistan Government would have “no option but to take stock of our position, if Indian leaders resiled out of their international commitments on Kashmir”.

Interviewed by the APP regarding the statement of India’s Home Minister Pandit Pant, the General said that friendly relations between Pakistan and India could only be possible if both sides desired them and nothing in this direction could be achieved without a just settlement of the Kashmir dispute.

He said: “I find it very difficult to believe that a leader of the caliber and integrity of Pandit Pant could have made the statement attributed to him by the Press. This statement if true is tantamount to a repudiation of international commitment made by India regarding plebiscite in Kashmir.

The Interior Minister added, “The Pakistan Government have amply demonstrated their desire for friendly relations with India and a settlement of the Kashmir dispute by negotiations are only possible, if both the parties desire them. If however, India leaders resile from the word of honour, given by their Government, then we have no option but to take stock of our position.”

“No amount of resolutions by the Kashmir Constituent Assembly, which came into being after India made her international commitments, can alter or affect those commitments”.

“As far as we are concerned, we stand by an honourable and just settlement of the Kashmir and we will never deviate from this position. It is no use saying that the so-called Constituent Assembly of Kashmir has decided the question of the accession of Kashmir to India and that is the end of the matter,” he said.

He stated: “I am very unhappy about the statement of Pandit Pant. I am one of those who believe in close and friendly relations between India and Pakistan. This is in the interest of the masses of both India and Pakistan.”

“I cannot help thinking that but for this unfortunate Kashmir issue, our peoples on both sides of the border would have been much happier and our contribution towards the solution of world problems much more solid. But it would be doing no service to the ultimate improvement of relations between our respective countries if I did not say categorically that nothing can be achieved without a satisfactory and honourable settlement of the Kashmir dispute”, he concluded.
New Delhi, July 21, 1955.

My dear Prime Minister,

On the 14th July your High Commissioner in Delhi communicated a message from you to me. This message related to certain statements made by our Home Minister, Shri Govind Ballabh Pant, in Srinagar early in July. I have seen the newspaper reports to which you have drawn my attention and have also consulted our Home Minister about them. Those reports are not textually accurate in some places, but generally speaking they represent what he said, more especially, at the press conference held in Srinagar.

2. I do not think you will find in the Home Minister's statements any repudiation of the assurances given or commitments made on behalf of the Government of India in regard to Kashmir. What he has said is that those assurances and commitments could not be given effect to because of the attitude of the Pakistan Government during these past years. Further that during the past seven or eight years many developments have taken place and conditions have also changed considerably. Because of these developments and changed conditions, he has stated that "the tide cannot be turned". This is his estimate of the situation. He has further referred to the present constitutional relationship between India and the state of Jammu and Kashmir.

3. There is thus no question of any repudiation of an undertaking made on behalf of India, whether it was unilateral or international. As for the statement in your letter to the effect that failure to arrive at a settlement was not the fault of Pakistan and that India was responsible for it, this is a subject on which, it is obvious, we differ from you entirely. The history of these long drawn out negotiations during the past seven years is recorded in many volumes. During this period there have been numerous arguments between India and Pakistan on this subject and we have differed completely. You will not expect me to enter into this long argument here about what has happened in these past years. The fact is that the two respective viewpoints in regard to Kashmir have been opposed to each other and it is our opinion that the attitude taken up by Pakistan in the past has come in the way of a settlement which we were so anxious to reach.

4. In addition to your letter addressed to me, our Ministry of External Affairs have received a communication from your High Commission in India dated the 15th July. This communication repeats much that is said in your
letter. It goes on to say that “At no stage in the subsequent negotiations over the Kashmir dispute, including direct negotiations between the Prime Ministers of India and Pakistan, has a view such as that expressed by the Hon’ble Home Minister been ever put forward by the Government of India.”

5. You are aware of the repeated difficulties that have arisen in the course of our negotiations. Indeed, you refer to some of them in your letter. But, quite apart from this, you will no doubt remember our last conversations on this subject in Delhi when both you and General Iskander Mirza were present. On India’s side Maulana Abul Kalam Azad, Shri Govind Ballabh Pant and I were present. On that occasion we spoke fully and frankly to each other. I stated clearly that while we fully adhered to our assurances and commitments, it was manifest that great changes had taken place in the State during this period and that they could not be ignored. Among other things, I pointed out the constitutional position as it existed insofar as we were concerned. I read out then the provision of the Constitution of India as contained in a proviso to Article 253 of the Constitution. This ran as follows:


We are naturally bound by this provision of our own Constitution. This does not amount to a repudiation of any of the assurances given by us in the past, but it is an important element in the consideration of the problem today.

As I stated in the course of our talks then, the Jammu and Kashmir State was an autonomous State in the Union of India. Nearly all of our States are autonomous and have large powers with which the Central Government cannot interfere. The Jammu and Kashmir State, however, has been given a rather special position with even larger powers.

6. Apart from this constitutional position, I pointed out to you and General Iskander Mirza that any attempt to solve this problem had to take into consideration all the developments that had taken place during the past seven or eight years. We were dealing with a human problem and we could take no step which might result, instead of a settlement, in upsets and upheavals which should be harmful not only to the people of the State but to Pakistan and India. I need not repeat all that was said on that occasion between us as you will no doubt have it in mind.

7. Because of this situation that we have to face, there were two courses
open to us. One was that we should pursue the old line of discussion again which had thus far led to no satisfactory result, and indeed pursue it when further difficulties and complications had arisen. Obviously, this was not a hopeful prospect.

8. The other course was to try to discover some other line of approach which might yield better results. It was because of this that we did discuss other lines of approach. You told us then that you were not in a position to commit yourself at that stage to the suggestions I had put forward. I was not prepared to accept some of the suggestions that you had put forward. But the point I should like to make is that both you and I put forward suggestions and proposals which were not in line with our previous approach to this question.

9. Because we could not agree at that time, we decided to consider this matter further and consult our respective Governments before we met again.

10. That was the position when we parted in Delhi and that is the position today. Nothing that our Home Minister has said has affected that position. I would repeat that there is no question of our repudiating any commitment made by us. But if we want a peaceful settlement of this problem, a settlement which is in accordance with the wishes of the people of Kashmir, and a settlement which does not create upsets, then we have to take a realistic view of what has happened during these years and what the position is today. Otherwise it would be no settlement at all. As a matter of fact, ever since we met in Delhi, other developments have taken place at the instance of Pakistan which add to our difficulties.

Yours sincerely,

Jawaharlal Nehru

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2067. Note recorded by Prime Minister Jawaharlal Nehru for Commonwealth Secretary in the Ministry of External Affairs regarding Kashmir.

New Delhi, September 7, 1955.

I have discussed this matter with Bakshi Ghulam Mohammad, Prime Minister, Jammu & Kashmir State, who, I understand, has also discussed it with our Home Minister.

2. I am clearly of opinion that there should be no publicity about this at our end*. Any such publicity would rather play into the hands of Pakistan.

3. So far as action in the diplomatic field is concerned, I think that we should indicate to the Prime Minister of Pakistan through our High Commissioner in Karachi, that we view these statements about satyagraha (non-cooperation) in Kashmir with some concern. This might well develop into a breach of the ceasefire line to which both countries are committed and possibly lead to some undesirable incident. I do not think it is necessary to raise this question with any other Mission or Government.

4. As regards the UN Observers, I think that the J & K Government should write to our Corps Commander in J & K State drawing his attention to these developments and pointing out that these might lead to undesirable incidents as well as a breach of the ceasefire line. The Corps Commander should forward that letter with his own covering letter to the Chief of the UN Observers. No request should be made to them to intervene or to help.

5. Obviously a ceasefire agreement does not and cannot contain any reference to the entry of large numbers of civilians in the name of satyagraha. The fact remains, however, that these people cannot cross the border without the connivance of the Pakistan Army which holds the other side of the border, and their crossing the border in such numbers would create a difficult and possibly dangerous situation. In theory, an odd individual or a few of them may not make much difference, but a crowd does. Then again, the use of satyagraha in this connection is a misnomer. For all we know, the people may have concealed arms, and they may come just to create trouble. They may, for instance, surround and overwhelm our military picket near the border. Anyhow, there is so much uncertainty about this matter that we can certainly say that there is a possibility of a breach of the ceasefire line and, therefore, of the ceasefire agreement.

6. As regard internal preparations, of course, we should be on the alert. We should try to have as full and as rapid information as possible of developments. We can keep the U. P. Armed Police ready to move at short notice. But I would
much rather prefer that they were not sent or utilised, unless circumstances compelled us.

7. I do not think that Army should come into the picture, but the Army should be prepared to deal with any unfavourable development.

8. The general approach should be to make this so-called satyagraha invasion appear rather ridiculous to the public, both in Kashmir and outside. Therefore, any violence, including shooting and beating, should be avoided if possible. Probably the best course would be to allow these persons to come in within a mile or two of the border and then hold them there. They should not be allowed to go further forward. But the way for them to return across the border should be left open to them. They should not be provided with any refreshments. This should create a situation which probably would induce them themselves to go back after some hours or so.

9. It is difficult to lay down any precise directions when the exact form of entry and numbers is not known. Much will have to be left to the discretion of the local authorities within the larger range of directions given by us. It would be desirable, however, for some responsible person to be roundabout there to deal with the situation as it arises.

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Resolution passed by the All Party Conference presided over by Pakistan Prime Minister Mohammad Ali on Jammu and Kashmir.


[The following in the text of the resolution* passed unanimously by the All-parties Conference on Kashmir.]

Part A

Whereas self-determination is an inalienable right of the people of Jammu and Kashmir, and

Whereas the Government of Pakistan and the Government of India have entered into an International Agreement by accepting Resolutions of the United Nations Commissions for India and Pakistan dated Aug 13, 1948, and January 5, 1949, which were endorsed by the Security Council, undertaking to decide the question of accession of the State of Jammu and Kashmir to India or Pakistan by the democratic method of a free and impartial plebiscite, and

Whereas during the last seven years that solemn undertaking has not been honoured because of the intransigence of the Government of India which has persistently rejected every one of the proposals of the Security Council and its several Representatives, as also those of the Commonwealth Prime Ministers, for creating conditions essential to the holding of a free and impartial plebiscite in the State, and

Whereas the continued occupation of the state of Jammu and Kashmir by India is devoid of all legal and moral basis; And

Whereas, the people of Indian-occupied Kashmir and subjected to all kinds of repression, and are denied freedom of expression and other human rights, and leaders and members of the Plebiscite Front and of other political organisations, are being arrested wholesale and being detained in prison without trial because of their demand for the plebiscite, and

Whereas, the inordinate delay and continuous hindrances in holding the plebiscite are causing deep indignation and resentment among the people of Kashmir and Pakistan and are doing irreparable damage to the relations between India and Pakistan, and a situation has arisen which threatens peace not only in Asia but of the entire world;

* The resolution was adopted after three days of deliberations. The resolution was drafted by the three-man committee consisting of Mr. Mohammad Ali, H. S. Suhrawardy and Sheikh Din Mohammad. It was moved by Suhrawardy and seconded by Mumtaz Daultana.
Now, therefore, this All-Parties Conference on Kashmir unanimously—

Strongly condemns the intransigent attitude adopted by India during the last seven year with a views to depriving the people of the State of the right to self-determination, acknowledged by the Security Council Resolutions mentioned above,

Expresses its profound disappointment at the failure of the Security Council to enforce its decisions regarding the plebiscite and deprecates the weak policy adopted by it in acquiescing in the evasive tactics adopted by India to wriggle out of her international commitments in that behalf,

Pays homage to those martyrs who have lost their lives in the struggle for the liberation of their homeland and deeply sympathises with all those who have suffered and are suffering in this great cause,

Wholeheartedly lends its unstinted support to the Kashmir Liberation Movement, being convinced that the Kashmir question is a truly national one to which all other considerations must be subordinated, and for the solution of which the nation will consider no sacrifice too great;

Resolves that all efforts which are being made to secure for the people of the State the right to self-determination should be intensified and integrated on a national basis,

Re-affirms the irrevocable determination of the people of Pakistan to secure for the people of Jammu and Kashmir the right of self-determination at all costs, and calls upon the Government of Pakistan urgently to take, in the light of the discussions that have taken place in this Conference, all possible steps that are necessary to give effect to the national determination and empowers the President of the Conference to set up a Committee to advise the Government of Pakistan in this behalf;

Urges the Government of Pakistan to disseminate in all countries abroad correct information concerning the issues involved in the Kashmir dispute and the happenings inside Indian-occupied Kashmir in order to arouse the conscience of the world against the grave injustice that is being done to the people of Jammu and Kashmir in depriving them of their right to self-determination.

Finally while appreciating the action of the Prime Minister of Pakistan for convening this Conference and giving an opportunity to leaders of all communities, important political parties and institutions to consider this momentous national issue, resolves that similar conferences be called from time to time to take stock of the situation in regard to its solution.

The All-Parties Conference, further, unanimously
Recommends that the Constituent Assembly of Pakistan make a provision in the Constitution that when the people of the State of Jammu and Kashmir have decided to accede to Pakistan the relationship between Pakistan and the State of Jammu and Kashmir shall be determined in accordance with the wishes of the people of the State.

2069. Extract from the Note of Ambassador of India in China R.K. Nehru regarding his meeting with the Chinese Premier Chou-En-Lai.

Peking, March 16, 1956.

Ambassador saw Premier Chou En-lai on the afternoon of Friday the 16th March 1956 at 4 p.m. and had a talk with him for about one hour 45 minutes. Vice-Foreign Minister Chang Han-fu was also present. Mr Pu Shou-chang acted as interpreter.

4. (a) Karachi Communiqué and Indo-Pakistan relations:

Premier Chou felt that Prime Minister Nehru’s apprising Dulles of the views of the Government of India was a good thing, although Premier Chou felt that U.S. policy would not change over-night. Still, in his opinion, if all peaceful countries have a chance to tell America what they feel about American policies it will have some influence on America and U.S. will have to reconsider its attitude. U.S. will know that their dictatorial policies are meeting with obstructions. For example, shortly after the Karachi communiqué, Dulles had to explain it at every place. It would prove that the communiqué was incorrect.

5. Moreover, there does not seem to be a unanimous view about the communiqué. Pakistan has its own explanation of the communiqué, Britain has its own and France too has an explanation of its own. This shows that the communiqué is unreliable. America wanted to intimidate the people of Afghanistan, but this did not work. It wanted to intimidate the people of India and it worked much less. It wanted to intimidate China, but we just ignored them. Through their communiqué, they wanted to strengthen their hold on Pakistan, but this also is not very reliable. At the most, they would incite conflict between India and Pakistan, but Premier Chou felt that as long as India insisted on its correct stand, there was no hope of it. (Premier
Chou later on explained to Ambassador that by India’s correct stand, he meant the stand of peaceful negotiations taken by India vis-a-vis Pakistan. Premier Chou added that this does not mean that India should still be peaceful even if Pakistan starts an offensive.

6. On the contrary, Premier Chou felt that India had now more reason to state that not only SEATO, but U.S. had no reason to intervene in the Kashmir question. Moreover, Kashmir people had already expressed their will.

7. Premier Chou added that when the Pakistan Premier comes to Peking, he will tell him directly that it was most unwise to include Kashmir question in the Karachi communiqué and that it was a method destined to be defeated.

8. Premier Chou added that Pakistan was soon celebrating her Republic Day and that the Chinese Government had received an invitation to participate in the function. They were, therefore, sending a delegation under the leadership of Vice-Premier Ho-lung. Premier Chou also mentioned that he understood that the Indian Government would also be sending a delegation to Pakistan and added that on these questions, China’s policy is the same as that of India, namely, we are friendly to Pakistan, but if the policy of Pakistan is wrong, then we would give good intentioned advice to show that we do not agree with her on those matters and this is necessary.

9. Premier Chou further went on to say that another effect of the Karachi communiqué was to show the weakness of the British Government. At first, they did not agree to the inclusion of the Kashmir question in the communiqué, but finally they followed the U.S. The purpose of the British Government in giving up its view regarding Kashmir was in order to have American support on the Baghdad Pact and also to seek American support on the action taken in Cyprus. But, Premier Chou declared this too failed, U.S. still did not join the Baghdad Pact and has in fact expressed her disapproval of the British action in Cyprus. The U.S. did this to show that U.S. was different from other colonial countries, but this is only to deceive others. U.S. really is a greater colonial power than either Britain or France.

We can see the manifestation of such British policy in the Mid-east, Far East and South-East. Recently, a KMT fighter plane made a forced-landing in Hong Kong after flying over Chinese mainland and the British Government in Hong Kong sent the plane and the pilot back to Taiwan.

10. Premier Chou derisively declared that the British Government was making concession not only to the U.S., but to KMT also and pointed to the Kashmir Princess as another example. On the question of Kashmir, Britain is worsening its relations with India and on the question of the Kashmir
Princess with China, because Premier Chou felt that the British Government was making these concessions not so much to the KMT as to its masters—the U.S. Government.

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2070. Speech of Prime Minister Jawaharlal Nehru in the Lok Sabha replying to the Debate.

New Delhi, March 29, 1956.

In respect of the Kashmir issue, there is a tendency, not in this House, but generally, of forgetting certain basic facts. I am surprised at the ignorance often shown by eminent foreign observers and by the foreign Press. Whether it is assumed ignorance or not, I do not know, but there it is.

Therefore, I should like to repeat a few salient facts. The story is too long, the story of invasion of the Jammu and Kashmir State through Pakistan and by Pakistan, her persistent denial and the eventual admission—when the U.N. Commission was here—of having committed aggression. This initial fact of aggression which governs the whole Kashmir affair must be remembered, because everything subsequent flowed from it.

With this background we may go back to the U.N. Commission’s resolution of August 13, 1948. In that resolution the Commission proposed:

“As the presence of troops in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from the State.”

The point to remember is that because of this admission of aggression, the first thing the Commission required was that Pakistan should withdraw its armed forces from the area of the State occupied by it. We were asked to withdraw the bulk of our forces later, that is, on Pakistan withdrawing from that area. We were asked, to relieve tension, to withdraw the bulk of our forces, but retain our Army in the State in order to give it protection. The right of our Army to be there was recognized, but it was stated that since Pakistan was withdrawing completely from the Jammu and Kashmir State, India also could
reduce her forces as that would tend to bring about a better atmosphere. Today, eight and a half years after that, those armed forces of Pakistan are still there. Therefore, all this talk of plebiscite and other things is completely beside the point. Those questions would arise only when Pakistan had taken a certain step, that is, withdrawal of its armed forces. And Pakistan is out of court till it performs its primary duty by getting out of that part of the State on which it has committed aggression. This is a major fact to be remembered. There were many other prerequisites for a plebiscite. Well, many attempts were made. They did not yield results.

Another important fact to remember is that the Government of India and the Government of the Jammu and Kashmir State could not remain continually in a state of suspended animation in regard to Kashmir; something had to be done. Certain steps were taken by the Jammu and Kashmir Government, with the concurrence of the Government of India, to elect and convene a Constituent Assembly. That was done. We stated even then that actually the Constituent Assembly was free to decide any constitution it liked but we made it clear that we continued to be bound by our international commitments.

More years passed and while on the one hand Pakistan continued to occupy a part of the State on which it had committed aggression, the Constituent Assembly proceeded to draw up the Constitution of the State and it passed very important measures of land reform. Great development works were undertaken and the people of the State, except those under the forcible occupation of Pakistan, made progress. The people of Jammu and Kashmir experienced more prosperity under their own government than they had at any time previously in living memory or before. A very simple test of this is the number of visitors who went to Kashmir last year—fifty thousand, an unprecedented number.

It is not for me to say what the state of people on the other side of the ceasefire line is. But I notice that there is a continuous attempt by people on that side to come over to this side and share in the prosperity.

We were discussing various ways of settling the question with the Prime Minister of Pakistan when a new development took place. This was the promise of military aid from the U.S.A. to Pakistan—a promise which was subsequently fulfilled. This created not only a new military situation but a new political situation; and the procedure thus far followed by us became out of date and had to be viewed afresh. That situation has become progressively worse because of the flow of this military aid to Pakistan and the conclusion of SEATO and the Baghdad Pact. Apart from the legal and constitutional issues, we have this practical aspect to remember in discussing the question of Kashmir with
Pakistan representatives and others. We want to promote the happiness and freedom of the people of Kashmir and we want to avoid any step being taken which would be disruptive, which would upset things that have settled down and which might lead to migration of people this way or that way and which, further, would again lead to conflict with Pakistan. There is no settlement of the Kashmir problem if the manner of settling it leads to fresh conflict with Pakistan. As things settle down, any step which might have been logical some years ago becomes more and more difficult; it means uprooting of things that have become fixed legally, constitutionally and practically.

We pointed this out the last time the Prime Minister of Pakistan came here. All our previous discussions had to be abandoned because the basis of discussion had changed. I told him that facts had to be recognized as they were. It was no good proceeding on the basis of old things, ignoring the existing facts which include new factors which have come into the picture.

Meanwhile, another thing has been happening. Developments have taken place both in our Constitution and that of the Jammu and Kashmir State. As hon. Members will perhaps remember, we have laid down in our Constitution that we could not agree to any change in regard to the Jammu and Kashmir State without the concurrence of the Jammu and Kashmir Constituent Assembly. That is the constitutional position. I pointed this out to the distinguished representatives from Pakistan who came here.

The creation of one Unit in West Pakistan also concerns the people of Kashmir indirectly. Now, as a consequence of all these factors, I made it clear to the Pakistan representatives that while I was prepared to discuss any aspect of this question, if they wanted to be realistic they must take into consideration all that had happened during these seven or eight years and not talk in terms of eight or nine years ago. They did not quite accept that position and there the matter ended.

The only alternative, I said, was a continuance of the deadlock in our talks. I had offered some time ago a ‘No-war Declaration’ to the Pakistan Government to the effect that under no circumstances would India and Pakistan go to war for the settlement of any dispute. There was considerable correspondence and, the House will remember, Nawabzada Liaquat Ali Khan, who was the Prime Minister then, did not agree to that.

The present Prime Minister of Pakistan has again mentioned this matter and I gladly welcome his proposal. But it is clear that we must not tie ourselves in a ‘No-war Declaration’ with all kinds of conditions.

I want to be quite frank with this House and with the Pakistan Government. Having had nine years’ experience of this Kashmir affair in all its changing
phases—a problem that is affecting the people of the Jammu and Kashmir State, affecting India in a variety of ways, affecting our Constitution and our sovereignty and affecting our vital interests—am I to be expected to agree to some outside authority becoming an arbitrator in this matter? No country can agree to this kind of disposal of vital issues. I do think that if both Pakistan and we are agreed that on no account should we go to war with each other but should settle our problems peacefully, they may not be settled for some time, but it is better to have a problem pending than to go to war for it. Therefore, it would be very desirable and helpful to have a “No-war Declaration”.

One thing more. The Pakistan President said with great force that in all these border incidents, in every one of them, India was guilty. Well, any number of incidents have occurred. I cannot discuss each one of them. But at least in regard to ten incidents on the Jammu border the United Nations Observers have stated that Pakistan was the aggressor. I take their word for it. But I shall repeat what I said here the other day in my statement on the Nekowal incident. The Nekowal incident stands out in a stark manner not because twelve persons were killed, but in the way it has been dealt with by the Pakistan Government. The present President of the Pakistan Republic was in Delhi when we received the report of the U.N. Observers in regard to this incident. It was handed over to him and to the then Prime Minister. They assured us, and in fact the Prime Minister stated it in public, that they would deal with and punish those who were found guilty by the U.N. Observers. What Pakistan had to deal with was not our opinion, but the opinion of the U.N. Observers, arrived at after an enquiry. Pakistan itself said that the guilty would be punished. I am astonished that a year or more has passed and nothing has been done. I am still more astonished that statements should be made to the effect that we are the aggressors in all these incidents.

I hope that the Government and the people of Pakistan will consider these basic facts and realize that we mean no ill to them. We want to be friends with them. We want to settle all our problems in a friendly way and I am sure we can settle them if their approach is a friend’s approach.

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2071.

TELEGRAM

From: Dyhicomind, Lahore
To: Foreign, New Delhi.

IMMEDIATE

No. 45, April 2, 1956

Addressed Hicomind Karachi repeated Foreign New Delhi

Our Prime Minister’s statement on Kashmir has led to one of periodical storms of protest in Pakistan. Press and Politicians are whipping up public frenzy on what is being attacked as India’s final repudiation of plebiscite pledge and are urging effective action. President Mirza and Foreign Minister Choudhury now visiting Lahore have issued statements saying Pakistan would continue her efforts to secure implementation by India of International commitments even though this may take some time.

Yesterday morning speaking at a function Mirza said “Come what may we are determined to find solution to Kashmir problem based on justice”.

Last night at a dinner I met both Foreign Minister and President. Former said “I was hoping for improvement in our relations. That hope has now been dashed. We must start all over again to undo damage done”. His proposal for immediate relaxation of tension on Kashmir is to take up forthwith final demarcation of border to prevent further incidents. He was going to put up for Cabinet ratification Khanna - Mirza Agreement on relaxation of visa system but that would have to be put off for a time in view of present temper of people. His approach would be to first concentrate on less controversial issues and later, when these are out of way, proceed to major problems “which can only be solved by peaceful means, any other course being too terrible to people”.

Mirza said “people have been most upset and shocked by Pandit Nehru’s statement and are clamouring for action. While we shall not allow them to stampede us we must take notice of strong feelings aroused. I have been personally working for better relations for last eighteen months and am even prepared for common defence and foreign policies if Kashmir issue is solved. All my work has been undone by this latest statement and now there is no way out except to take matter back to Security Council immediately”. When I asked him what all this excitement was about, as what our Prime Minister said was only reiteration of our previous stand, Mirza replied “I was present at last talk between the two Prime Ministers. Pandit Nehru never raised the question of
our evacuating Azad Kashmir area. Even now we are prepared for any military arrangement which the U.N. might suggest for holding plebiscite.”

Later I met Dr. Khan Sahib also. He too said he was perturbed by Prime Minister’s statement “which should not have been made. I must however withhold further comment till I know what led him to say all that.” There is no doubt that strong public feelings are being worked up and even balanced people like Munir Chief Justice Supreme Court and a few others confessed to me anxiousness felt by them and asked if our Prime Minister would not say something in clarification* to relieve present tension. While irresponsible sections are demanding stern action including resort to force, indication is Prime Minister Pakistan will now go to Security Council, ground for which has already been prepared during visit of Turkish Prime Minister to Karachi. This was disclosed to me by Sir Mirza Ismail of Bangalore who after attending inauguration of Republic at the request of President Mirza to whom he is related, is now visiting Lahore. He said his impression after talking to Ministers, Officials and other is that Pakistan’s eventual intentions over Kashmir are definitely warlike but every possible attempt will be first made to settle dispute peacefully through U.N., of which further support will be obtained at background meeting of Baghdad pact. According to Ismail, Turkey, Iraq and Iran have already promised strong support. He also said that President Mirza and others, despite insistence of plebiscite would in a final bid at compromise be prepared for a “neutral Kashmir” with equal access to India and Pakistan for trade and travel and with her integrity jointly guaranteed, as in case of Monaco in France.

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* As for as India is concerned there was no going back on what the Prime Minister had said in the Lok Sabha on March 29. He expressed his happiness at his press conference on April 2 in New Delhi and said ‘I am glad I did so because of the enormous amount of confusion about facts. One can understand differences in interpretation or approach to this question, but surely certain basic facts should be recognized and I repeated them on that occasion and I am prepared to repeat them now’.
Mohammad Ali, Prime Minister of Pakistan, came to see me this morning and stayed nearly two hours. No one else was present during our talks. The interview had been fixed two or three days earlier at the request of Mohammad Ali who telephoned to me.

2. We discussed the proceedings of the Prime Ministers’ Conference for some little time and, more particularly, the importance of bringing China into the UN. Unless this was done, the situation in the Far East would not improve.

3. He then referred to Kashmir and we talked about this subject at some length. His approach to this and other subjects was quiet and almost ingratiating. He did not refer to past history much, but said that he was very anxious that India and Pakistan should solve all their problems and cooperate together. Much that had happened, including Pakistan’s differences in regard to foreign policy and defence, was largely due to these conflicts with India. If these conflicts were removed, friendly cooperation would inevitably result in all fields. He pointed out that his own position in Pakistan was obviously not one which would enable him to impose any decision. My position was much more stronger and if I decided to do something, I could put it through.

While there were other problems, Kashmir was the crux and if this was settled, there would be no difficulty in solving others.

He said something about the American military aid and made out that this had nothing to do with any aggressive intent on India. It was true that they did not expect any direct attack on Pakistan from the Soviet Union, but there was a possibility, in case of war, of Soviet forces entering Afghanistan and then Pakistan. They wanted to be prepared to meet any such contingency.

Even with the help that they had got or were likely to get from the United States, India would remain considerably stronger than Pakistan both in a military sense and even more so economically and otherwise. No sane person in Pakistan could think of war with India. It was true, however, that early in 1951 (this was just before the Liaquat Ali-Nehru Pact) people in Pakistan had grown very apprehensive about a possible attack by India. At that time Indian forces had been concentrated on the Pakistan borders, apparently because it was thought in India that Pakistan was strengthening her forces on the borders of Kashmir. This was entirely untrue. What had happened was partly replacements on the
Kashmir border and partly sending some fresh troops there to meet trouble in Azad Kashmir. There was no thought whatever of renewing hostilities with India. Nevertheless, the situation became a very serious one and was only eased by the Liaquat Ali-Nehru Agreement.

7. I told Mohammad Ali that, quite apart from the merits or demerits of the Kashmir question, and we hold strong opinions on the subject, what we always had in mind was the effect of any step that we might take on the Muslims of India and the Hindus of Pakistan. Kashmir had been a symbol to us of Hindus and Muslims living together. If we once did anything, or if any kind of a decision was made on the basis of Muslims going on one side and Hindus on the other, this would have very far-reaching and disastrous consequences in India and in Pakistan. In fact this would not be a solution of the problem and tension between India and Pakistan would become much worse. Further, I pointed out that there was strong feeling in India in regard to Kashmir and no leader, however important, could ignore or bypass it.

8. I referred to the difficulties we had experienced during the last seven or eight years in solving even some of the preliminary questions. If we had failed during these years, it was not likely that we would succeed now in solving these questions; and then there were other important questions. There had been constitutional developments and no step could be taken by us without the consent of the Kashmir Government which was more autonomous than the other State Governments of India.

9. Mohammad Ali said that all that he suggested was that we should go back to the Agreement made in 1953 to hold a plebiscite (he referred to the joint statement issued after the visit of his predecessor, Mohammad Ali, to Delhi on 28-8-1953). There should be no difficulty in solving the preliminary questions. The question of quantum of forces was not difficult, nor would other difficulties arise. If a plebiscite was held, the result of it would be accepted by both sides without any great difficulty, even though one side might dislike it. He however hinted at the plebiscite being by regions. This would prevent any large migration of people, to the possibility of which I had referred. He pointed out that the 1953 Agreement was made after the constitutional changes in India relating to Kashmir. He said that the sole reason for the deadlock after that 1953 Agreement was American military aid to Pakistan. That should not come in the way after he had explained the position.

10. I explained our position to him and how it seemed to me very difficult and dangerous to unsettle conditions in Kashmir by any step that we might take. This could only have disastrous consequences. Further, I pointed out that there was a sense of grievance as to the way this subject had been dealt with in the past. The real points at issue had never been considered and therefore
misunderstandings had arisen in the minds of the people. If we had to proceed with this matter any further in this way, we must go back to first things which largely governed the Kashmir issue. I said something about Pakistan’s denial of the presence of their troops in Kashmir, the later statement of General Gracey, etc. We talked for some further time more or less repeating our arguments and without any kind of agreement.

11. We discussed for a while the canal waters issue. He said that he met Iliff of the World Bank in London. Pakistan had agreed to carry on as suggested by the World Bank. The main issue now appeared to be financial. The cost of the link canals and the reservoirs was likely to be much greater than anticipated and would be a very large sum.

12. We referred to the exodus of Hindus from Eastern Pakistan and to the evacuee property matters. Mohammad Ali repeated that all this could easily be solved when the Kashmir question was over. If no settlement could be reached on the Kashmir issue, then we might inevitably have to go to the Security Council.

13. This is just a brief account of my talks with Mohammad Ali for record.

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2073. CONFIDENTIAL

Note of the meeting of Mr. Eric S. Tucker with Pakistan Prime Minister Mohammad Ali.


We had hoped that Lady Cripps, Horace Alexander and Eric Tucker could see Mohammed Ali together but the appointment originally made for 10 o’clock in the morning of July 5th was postponed at the request of the Prime Minister until 6 o’clock in the evening with the result that Lady Cripps, who had already deferred her arranged departure from London in order to be available in the morning, was not free to be present in the evening. However, in view of the fact that the postponement was caused by a meeting of Mohammed Ali with Mr. Nehru, there was some advantage in our meeting the Prime Minister of Pakistan after that conversation had taken place.

Having arrived at Claridges Hotel punctually for our appointment, it was somewhat disappointing to be informed that Mohammed Ali had not returned
from the afternoon session of the Commonwealth Prime Ministers’ Conference, and as time dragged on-and with the knowledge that Mohammed Ali had a dinner engagement at 7 o’clock - Horace Alexander and I had largely resigned ourselves to an opportunity of passing hasty pleasantries at the very most. Mohammed Ali eventually arrived at Claridges at 6-45, had one previous visitor to interview, and we were not shown into his room until 6-50. Nevertheless we were not only cordially received but the Prime Minister appeared to be relaxed and in the best of spirits and in no desperate hurry to terminate our meeting. He was himself responsible for launching into the major subject of our discussion and, though courtesy obviously made it impossible for us to extend our visit for more than ten minutes, a good deal of ground was covered in that time.

After expressing the apologies of Lady Cripps for her absence and saying that she would be back in London early next week if the Prime Minister would care to see her, Horace Alexander said how glad we were to learn that the Prime Minister had met with Mr. Nehru during the morning. Mohammed Ali commented immediately by saying that he had had a friendly two-hour talk with Mr. Nehru and that it had been primarily concerned with the Kashmir issue, which dominates all other issues of Indo-Pakistan relations.

He said that the Pakistan Government takes the view that the decision as to the future of Kashmir must be taken by the Kashmiris themselves. Mr. Nehru appeared to fear the consequence to the Muslim population in India of a plebiscite in Kashmir which might show that the people wished to align themselves with Pakistan, and Mohammed Ali said that he could not understand this fear for which he could find no grounds of support. But nevertheless if there is a fear of increased communal tension, it might be met by prohibiting anyone from entering the area from Pakistan or India during the plebiscite His Government wished to see a free plebiscite conducted under a neutral authority, which in practice meant the United Nations Organization. This was a reasonable request and if the Kashmir problem could be thus satisfactorily solved other existing problems between Pakistan and India would present no major difficulties.

Horace Alexander said that we associated ourselves with the view that the Kashmiris must decide their own future and that this is a basic principle which we felt sure was accepted by Mr. Nehru. This being so, was it not reasonable to hope that the present difficulties were negotiable matters and even though at this first meeting Mr. Nehru and Mohammed Ali had not reached agreement, they at least had reached a point of understanding from which they could start their discussions at a further meeting? Mohammed Ali appeared to doubt whether a further meeting would achieve more progress but Horace Alexander pressed this point suggesting that a meeting of the Prime Ministers in two or three months time, preceded by some preliminary work at a lower level, might produce results.
Mr. Nehru is a man, said Horace Alexander, who will turn over conversations in his mind and will sometimes have second thoughts. Although Mohammed Ali was clearly not prepared to commit himself to such a meeting, he left us with the impression that his mind was not completely closed to the possibility.

The Prime Minister of Pakistan said that he had expressed to Mr. Nehru his willingness for the three areas of Kashmir to vote independently of one another, and Horace Alexander suggested that a general election in Kashmir, provided it was held in conditions of complete political freedom, would achieve the same result as a plebiscite and might be easier to arrange.

Finally Horace Alexander drew the Prime Minister's attention to the report of a statement made by Mr. Rajagopalachari urging India to respond to any re-armament on the side of Pakistan by disarmament, and to oppose hatred with love. After reading the extract handed to him, Mohammed Ali commented: “Rajagopalachari is a wise old man”!

We were left with the impression that the Prime Minister of Pakistan is a very able administrator and negotiator. There was no sign of any personal bitterness toward Mr. Nehru on his part. It is still as clear as ever that the Kashmir problem will not be solved without a great deal of labour and negotiation with some giving of ground being necessary by both sides - (not an allusion to Vinoba Bhave’s influence!) - but we feel we may legitimately hope that a new attempt has been initiated to improve Indo-Pakistan relations.

Eric S. Tucker
6th July, 1956

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Office memorandum issued by the Ministry of Home Affairs to all Ministries of the Government of India regarding nomenclature for the area of Jammu and Kashmir under the occupation of Pakistan.

No: 3225-k/56  3rd August, 1956.

Government of India
Ministry of Home affairs
New Delhi

Office Memorandum

Subject:—Term to describe area of Jammu and Kashmir under occupation of Pakistan.

The undersigned is directed to say that in official notes and correspondence the expression ‘Azad Kashmir’ is sometimes used to describe our territory in Jammu and Kashmir State, which is under the occupation of Pakistan. This description is inappropriate since the area in question is legally part of Jammu and Kashmir State and does not constitute a separate political entity. It is therefore requested that whenever this territory is to be referred to, it may in future be described as ‘Pakistan occupied Kashmir’.

Sd/ K.N. V. Nambisan.
Under Secretary to the Government of India.

To All the Ministries of the Government of India,
New Delhi.
Letter from Indian High Commissioner in Pakistan to the Commonwealth Secretary M. J. Desai.

Karachi, October 4, 1956.

High Commission of India
Karachi


My dear. M. J.,

Ratan Nehru informs me that sometime in March* just before he left for India he had a long talk with Premier Chou-en-lai who spoke to him, among other things, about China’s attitude to the Kashmir question and to the Indo-Pakistan relations in general. The record of the talk was sent to Delhi and Ratan tells me that P.M. had it circulated to members of the Foreign Affairs Committee. We have not received an extract from the letter and I was wondering whether you could ask the Director of the Eastern Division to take out the extract and to send it to us.

2. In the same letter Ratan goes on to say that he has often spoken to Premier Chou En-lai about the Pakistan Prime Minister’s visit and that on the last occasion towards the end of August Chou En-lai merely shook his head expressing agreement with what Ratan had said about lack of stability in Pakistan. At that time Chou En-lai was wondering whether Chaudhri Mohammad Ali would be going there or not. The idea of Prime Minister of Pakistan paying a visit to China has again been revived and apparently Surawardy does not propose to allow grass to grow under his feet. News is being put out that Suhrawardy might fly out to Peking direct from Dacca even before the end of the session of the National Assembly which meets there on October 8 and which is expected to remain in session for nearly two weeks. The provisional date for Suhrawardy’s departure is 16th or 17th of October from Dacca. Members of the Chinese Mission here are looking forward to this visit in view of a slight change in the foreign policy of Pakistan discernible over the Suez and in view of the possibility of detaching howsoever slightly may be, Pakistan from the Western powers because of the attitude of Bhashani, the leader of the Awami League. The Soviet Embassy in Karachi does not see possibility of any real or radical change in the foreign policy of Pakistan, particularly after the recent statement by Noon that Pakistan was solid as a rock behind Baghdad pact. Suhrawardy has also said on more than one occasion that there must be

* Please See Document No.2069
consistency in the foreign policy of the country and that previous agreements
cannot be scrapped or abandoned. This was intended to be a reference to the
continued association of Pakistan with regional pacts like SEATO and Baghdad
Pact as also with the American-Pakistan Military Aid Agreement. However,
the fact cannot be disputed that with Suhrawardy the possibility of influence by
Soviet Union and China is greater than in the case of Chaudhri Mohammad Ali
and, no doubt, these two countries would not let the opportunity slip until they
find that they have come up against a solid front backed up by U.S.A. and
United Kingdom.

With kindest regards,

Yours Ever

(C.C. Desai)

Shri M.J. Desai, I.C.S.
Commonwealth Secretary,
Ministry of External Affairs, New Delhi.

2076.

TOP SECRET

TELEGRAM

From: Indebassy, Peking
To: Foreign, New Delhi

COMMONWEALTH SECRETARY FROM AMBASSADOR.

Members of Parliament Delegation was received by Chairman MAO Tse-Tung
from midnight to 1.30 this morning. In course of talk with Delegation MAO
TSE-TUNG referred to his meeting with Suhrawardy a few hours earlier.

2. MAO TSE-Tung said he had asked Suhrawardy why Pakistan had created
tension with her neighbours by joining SEATO and Baghdad Pact? Was
Pakistan afraid of aggression from China and Soviet Russia? Shurawady had
replied “No but we are afraid of aggression from India”.

3. MAO TSE-Tung Said that Suhrawardy had told him that dispute with
India could only be settled by arbitration or under U.N. auspices. MAO Tse-
Tung’s reply was that he disagrees with him and that dispute should be settled by direct talk with assistance of some friendly countries if necessary.

4. MAO-TSE-Tung told Delegation that General Chou En-lai would have further talk with Suhrawardy and same advice would be given to Suhrawardy again. Finally, MAO Tse-Tung said there is nothing in our talks with Pakistan Delegation which cannot be made public.

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2077. Aide Memoire handed over by the Pakistan High Commissioner in New Delhi to Prime Minister Jawaharlal Nehru at their meeting.

New Delhi, November 22, 1956.
Office of the High Commissioner for Pakistan in India
New Delhi

November 22, 1956

The Government of Pakistan has learnt from Press reports that a “Constitution” for the State of Jammu and Kashmir has been framed and passed with the concurrence and blessings of the Government of India and Kashmir is now going to be “integrated” with India.

2. The Government of Pakistan would like to point out that according to the U.N. resolutions of August, 1948 and January, 1949, both India and Pakistan stand committed to the democratic method of a free and impartial plebiscite under U.N. auspices to decide the question of accession of Jammu and Kashmir to India or Pakistan. The so-called “Constituent Assembly” at Srinagar is not competent to decide the question of accession and this was made clear by the Indian representative himself in the Security Council. The representative, Sir Benegal Rao, had stated that the opinion of the Srinagar “Constituent Assembly” would not bind the Government of India or prejudice the position of the Security Council. This was also affirmed by the Security Council in its resolution of March 30, 1951 which stated that “convening of a Constituent Assembly in Kashmir and any action which such an Assembly might attempt to take to determine the future of the entire State or any part thereof would not constitute a disposition of the State in accordance with the previously accepted principle of a free and impartial plebiscite.”

3. The Government of Pakistan is of the opinion that any action taken by
the Government of India to 'integrate' Jammu and Kashmir State with India, or
to acquiesce in the decisions of the so-called “Constituent Assembly” at Srinagar
will constitute a clear violation of the U.N. resolutions and a repudiation of
international agreements to which India is a party. The Government of Pakistan
would like to know whether the Government of India now propose to violate the
U.N. resolutions and to repudiate their commitments under these resolutions
by accepting the decisions of the so-called “Constituent Assembly” and going
about an “integration” of the State of Jammu and Kashmir with India.

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SECRET

Note recorded By Prime Minister Jawaharlal Nehru on the
above Pakistani Note while passing it on to the Ministry of
External Affairs.

Prime Minister’s Secretariat

The Pakistan High Commissioner has just seen me and he gave me the attached
Aide Memoire. I said that we would answer it formally in due time. He wanted
to know, however, my immediate reactions.

2. I told him that when this Constituent Assembly of the J & K State came
into existence we had welcomed it. What we had stated in the United Nations
and elsewhere about it was that it was perfectly competent to decide anything
it chose in regard to the State, but its decisions need not bind us unless we
accept them. We had said then that we stood by our commitments.

3. Since then much had happened and many developments had taken place.
The situation had changed markedly, and indeed many months ago I spoke in
Parliament here and pointed out that the relations of the J & K State to India
must be considered as final.

4. I had met the Prime Minister of Pakistan on more than one occasion
during the last two or three years and had drawn his attention to these various
developments as also to a clause in our Constitution that we could not make
any change in our relationship with the J & K State without the agreement of
the Constituent Assembly or Legislature of that State. That did not bind us to
accept everything that the Constituent Assembly might decide, but we
considered them fully competent to decide anything except in so far as certain
matters referred to in our Constitution were concerned which were common
matters and could only be decided by consent.
5. In fact, the process of Constitution making in Kashmir had begun nearly six years ago. The first change was about the Head of the State and some other changes also came soon after. Many important laws were passed changing the economic structure. The Zamindari system was abolished. Thus these changes both in the political and social structure had been continuous during the last five or six years. The recent passage of the Constitution was only the last step in this process.

6. That step appeared to us to be a logical one and a correct one. This did not involve us in any contradiction with what we said in the UN Assembly or elsewhere some years ago. It was a development that was necessitated by changing circumstances and a succession of events, which we had pointed out from time to time.

7. This is more or less what I said to him. I promised to send a formal reply later.

Sd/- J. Nehru
22-11-56

2078. Record of conversation of Prime Minister Jawaharlal Nehru with the Soviet Ambassador

New Delhi, November 23, 1956.

The Soviet Ambassador came to see me yesterday morning. He did not talk to me about the present crisis in the world, in Egypt or Hungary as I expected but about another matter. It was I who later referred to the question of Hungary and asked him to convey my message to Premier Bulganin.

He spoke to me about the talk which the Soviet Ambassador (S.I. Fadeyevich) in Karachi had had with Mr. Feroz Khan Noon and Mr. Baig at the beginning of October last. It was rather odd that this old story should be repeated to me six or seven weeks later. I remember seeing a report from our High Commissioner in Karachi about this conversation which the Soviet Ambassador had had with Mr. Noon.

Mr. Menshikov gave the following account of this conversation. This tallied largely with the account we had received from our High Commissioner last month.
Mr. Feroz Khan Noon said that the friction between India and Pakistan was due to the fact that India had seized Kashmir. India was a continuing threat to Pakistan and because of this Pakistan had been compelled to join the SEATO and Baghdad Pact. The Soviet support of India on Kashmir was one of the reasons for Pakistan joining the Baghdad Pact. This Pact was not directly against the USSR but was of purely defensive character.

Pakistan was ready to leave the Baghdad Pact provided the Soviet Union gave assurances to support Pakistan in the United Nations on the Kashmir issue and further assurances to give military aid to Pakistan, if attacked by India.

The Soviet Ambassador replied that India was a peace-loving country and there was no reason that she would attack Pakistan. The Soviet stand in regard to Kashmir had been clearly defined by Khrushchev and others. They were in favour of Pakistan and India having peaceful settlement of all their problems.

Mr. Menshikov being directed to tell me this old story at this late stage rather intrigues me. It may be that we were gently reminded of the Soviet Governments friendly attitude towards India and the help they had given us.

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2079.  
SECRET  
Letter from Indian High Commissioner in Pakistan C. C. Desai to the Commonwealth Secretary M. J. Desai.  
Karachi, December 5, 1956.  
High Commission of India  
Karachi  
D.O.No.HC/56/S-1919.  
December 5, 1956.  
My Dear M. J.  
Please refer to the correspondence resting with my letter No.HC/56/S-1822 dated November 24, 1956 on the subject of the talks which H.S. Suhrawardy had with Chou En-lai and the Chinese authorities during the visit of the Pakistan Prime Minister to China last month. I met the Soviet Ambassador, Ivan F. Shpedko, yesterday and he gave me a fuller account of what transpired between the Pakistan and the Chinese teams. Here is a summary of what he said. This information was volunteered by him and it was not necessary for me to raise the subject with him.
2. Suhrawardy talked most about the Kashmir dispute between Pakistan and India and to some extent, about the American attitude in international relations. Speaking about India, Suhrawardy told Chou En-lai that Pakistan’s adherence to SEATO and Baghdad Pact and entry into the American Military Aid Agreement was not motivated by hostility either to China or to Soviet Union and, although he did not specifically name India, he made it quite clear that his country was pushed into these alliances by the hostile and intransigent attitudes of India, especially in the Kashmir dispute. He then tried to draw a parallel between the Chinese feeling in regard to Kashmir and asked the Chinese leaders to mediate with India on behalf of Pakistan so as to persuade the Indian Government to hold a plebiscite in Kashmir. Chou En-lai pointed out that there was no parallel between Taiwan and Kashmir, that Taiwan belonged to China from time immemorial while Kashmir was a legacy of the British and further Kashmir had lawfully acceded to India and her people had in the Legislative Assembly confirmed that accession to India. Furthermore, Chou En-lai told Suhrawardy that China was not in need of Pakistan’s support for the settlement of the Taiwan dispute, that there could be no question of mediation by China except at the instance of India and that, in any case, Pakistan was not in a position to offer any effective mediation for the settlement of the Taiwan question. As regards the Military Pacts, the Chinese leaders disputed the Pakistan’s proposition that they were defensive pacts and that they were not directed against China or Soviet Union. All the information, they said, was to the contrary and that the sponsor of the pacts had left no doubt that the pacts were intended against the communist countries. When Suhrawardy met Mao Tsetung, most of the talking was done by Suhrawardy who was defending the regional pacts and the American policy. The Soviet Ambassador told me that Mao Tsetung was so angry that he did not wish to see him anymore, but that further meetings were arranged solely at the instance of Suhrawardy. No talks took place on the question of trade or cultural exchanges as Suhrawardy was talking all along about political matters and showed no interest or took no initiative in regard to other matters. The Chinese leaders decided that matters relating to trade and economic affairs should be persuaded through normal diplomatic channels and that they should not become a subject of discussion with the Pakistan Prime Minister in the absence of any indication of such a desire on the part of the Pakistan Prime Minister. Suhrawardy’s defence of the American policy in relation to China carried no conviction. Suhrawardy was trying to point out that America wanted peace and that America had no animus against China or her communist regime. The Chinese leaders were left with the impression that Suhrawardy was a stooge of the Western powers and that nothing could be expected from him in the direction of Asian-African cooperation against Western domination or Western colonialism. The Chinese leaders told Suhrawardy that they would forward a complete record of this discussion to the Indian Prime Minister for his information.
3. The Soviet Ambassador also told me that the Chinese Embassy here is having difficulties with the Pakistan Foreign Office over the detailed programme of Chou En-lai’s visit to Pakistan. I was told that the entire programme was crowded up with receptions and visits to industrial concerns leaving very little time for discussion and that no provision had been made for broadcast by Chou En-lai on Radio Pakistan or the issue of a communiqué at the end of the visit. Pakistan Government wants Chou En-lai to visit Peshawar and the Khyber Pass, but the Chinese are not in favour of it and are hoping to wriggle out of the suggestion. They consider that part of the Frontier is in dispute between Pakistan and Afghanistan and that it would not be right on their part to visit the disputed territory. Moreover, they are not interested in just going to the Khyber Pass and seeing the bare hills or the military Cantonments on the way.

4. This report supplements the information given in my previous letter dated November 24, 1956.

Yours ever,
Sd/- C.C. Desai

Shri M.J. Desai, ICS.,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

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2080. Letter from Ceylonese High Commissioner in India to Prime Minister Jawaharlal Nehru.

New Delhi, February 9, 1957.

Office of the High Commissioner for Ceylon in India
New Delhi

Ref. No: HCI/12/60/1

My dear Prime Minister,

I have been requested by my Prime Minister to convey to you the following personal message from him:

“I am deeply distressed by the unfortunate situation developing between your country and Pakistan regarding Kashmir. It is with the utmost friendship that I appeal to you to strive for a peaceful settlement of this matter in the interest of Asian African solidarity and of world peace, and in the spirit of cooperation that marked the Colombo and Bandung Conferences. I have sent a similar appeal to the Prime Minister of Pakistan. I am also taking the liberty of addressing the other Colombo and Bandung Powers to use their good offices in this matter.”

Yours sincerely,

Sd/- Edwin Wijeyeratne

His Excellency
Shri Jawaharlal Nehru,
Prime Minister,
New Delhi

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Letter from Prime Minister Jawaharlal Nehru to the Prime Minister of Tunisa.

New Delhi, February 9, 1957.

My Dear Prime Minister,

Our High Commissioner in London has informed me that your Ambassador Mr. Taieb Slim called on her (Ambassador Vijaya Lakshmi Pandit) and gave a message for me on your behalf. This message expressed the distress of the Tunisian Government at India’s disregard of the U.N. resolution on Kashmir and emphasized that in their view I had fallen from my high moral position and this was a blow to Asia and Africa. I understand you have also issued a statement to the press on those lines.

This unusual message would have been a surprise to me if any other Government had sent it. Coming from you and your Government with whom we have been on terms of close friendship before and after attainment of Tunisian independence it was an even greater surprise and distressed me. You will appreciate that it is not a friendly message to a friendly country.

I am not aware of the justification for this message but presumably you satisfied yourself before coming to this decision. I shall be glad to know on what grounds you came to this decision. I am not aware of India having disregarded any U.N. resolution on Kashmir. It is of course not for me to judge my moral position either before or now. For over nine years now India has been victim of Pakistani aggression in Kashmir and that aggression has continued in spite of U.N. resolutions asking Pakistan to withdraw her forces from Kashmir. I should have thought any person conversant with the facts would have come to the conclusion that India had not only acted correctly but over generously during these nine years.

I shall be grateful to you if you will kindly let me have any early answer as we do not wish our friendly relations to be interfered with by any misunderstanding.

Yours sincerely,

Jawaharlal Nehru.
2082. Letter from Prime Minister Jawaharlal Nehru to the Prime Minister of Ceylon SWRD Bandaranaike.

New Delhi, February 11, 1957.

No.110-PMO/57 New Delhi, February 11, 1957

My dear Prime Minister,

I have received today through your High Commissioner in Delhi a message from you relating to Kashmir. I thank you for this message and appreciate your friendly approach.

I need not tell you that it has been our desire throughout these troubled years to seek a peaceful solution of this difficult question. We shall continue to strive to this end.

It was more than nine years ago that this dispute arose. The origin of this trouble, as you will remember, was an invasion of the territory of Jammu & Kashmir State by armed forces from Pakistan which came without warning and committed arson, rapine and murder. The Jammu & Kashmir State thereupon acceded to India through normal legal and constitutional processes. At that time Lord Mountbatten was the Governor-General of India, and as the Head of the State, he was also naturally associated with these processes. It became our legal duty, as it was our moral obligation, to protect the State from this invasion. It was with the greatest reluctance that we undertook this very difficult task. This developed into military operations between India and Pakistan in the territory of Jammu & Kashmir State.

It would have been legitimate for us to carry these operations into Pakistan territory as Pakistan was the aggressor State and was using its territory as a base for these operations. We refrained from doing so because we did not want to spread the area of conflict. We made various appeals to the Pakistan Government to withdraw their forces, but these were rejected. In order to avoid any large scale war, we then went to the Security Council requesting them to ask Pakistan to withdraw her forces. Later, the Security Council sent a Commission here.

In August 1948, the United Nations Commission for India and Pakistan passed a resolution which we accepted, but Pakistan did not. Early in January 1949, a further resolution was passed by the Commission reaffirming and supplementing its earlier resolution. This resolution was accepted by us and later by Pakistan. In the August resolution it was stated clearly that a new situation had arisen as Pakistan had sent her forces in side Jammu & Kashmir State territory. The first step laid down by the resolution was for the withdrawal of Pakistani forces...
from the State territory. India was asked to withdraw the bulk of her forces from the territory as the aggression of Pakistan had been vacated. It was recognised, however, by the UN Commission and the Security Council that India had the constitutional right to help in preserving the integrity of the State and, therefore, to keep some of its forces there. Several other steps were enumerated. The first one, of course, was the cease-fire, then a truce, and then, after several stages, a plebiscite.

I might mention that the offer of plebiscite was made by us in the earlier stages and rejected by Pakistan. Later, we agreed to this plebiscite, but subject to a number of conditions among which was not only the withdrawal of the Pakistan forces, but also the recognition of the sovereignty of Jammu & Kashmir State and its special relation to India.

None of the steps indicated by the resolution of the Commission was taken by the Pakistan Government. In fact, the very first step, that is, the withdrawal of Pakistan forces, was not taken and these forces still continue in Kashmir territory.

These nine years have naturally seen numerous developments in the State. One third of the State is still under unlawful occupation of Pakistan forces. We have, at no time, agreed to this occupation, although we have stated that we will take no military measures against it.

Throughout this period, all kinds of wild charges have been brought against India by Pakistan and we have been accused of fraud, aggression, suppression, etc. As a matter of fact, the Jammu and Kashmir State has very full autonomy and some three or four years ago they had an election for a Constituent Assembly which also functioned as a Legislative Assembly and has brought about far reaching land/other reforms. The Constitution was framed gradually during these three or four years and given effect to in parts. The final Constitution was passed in November last. Contrary to statements made in various places, nothing was done by us on the 26th of January last.

There can be no doubt about the legal and constitutional position. In spite of this, we have repeatedly discussed this matter with Pakistan to find some way out. We were and are naturally anxious that no steps should be taken which might lead to upheavals not only in the Jammu & Kashmir State, but also in India and Pakistan, That such upheavals can happen is clear from the fact that there has been in past years a continuous stream of refugees coming from East Pakistan to India. Altogether, nearly four million refugees have come over from East Pakistan (this is in addition to those millions who came from West Pakistan). These refugees are a tremendous burden upon us and they continue
to come daily. It would be a terrible thing if any further step were to lead to vast migrations from one country to the other. This is the practical aspect.

The Jammu & Kashmir State has made very great progress during the last few years and its people have not been so well off at any time in historic memory. We are anxious naturally that all this progress should not be nullified and the people of the State brought to the verge of ruin.

It is not possible for me, of course, to give you all the facts of this long story in a letter. I shall send you, however, the full reports of the speeches of our representative in the Security Council on this issue as they give most of these facts in some detail.

We are always willing to discuss this matter with the Pakistan Government, but we cannot be a party to accepting anything which directly or indirectly casts a slur on our honour and ignores the fact that we have been the victims of aggression. Further, we do not want anything to be done which leads to upheavals and misery all round.

In Pakistan there has been—and this still continues — constant cries for *jehad* and holy war against India, and all kinds of preparations are made for these. Very large scale supplies of the latest type of arms and aircraft have been obtained by them from abroad, and it is largely because of this that they have taken up an aggressive and threatening attitude. You will appreciate that it is very difficult for us to ignore the real facts of the situation and to surrender to these threats and calumny. No Government in India would exist for a day if it did so. In fact, our Government has been studiously moderate and has tried to restrain public opinion.

I shall be sending you soon the material referred to above.

Yours sincerely,

Sd/- Jawaharlal Nehru

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The Honourable Mr. S. W. R. D. Bandaranaike,  
Prime Minister of Ceylon,  
Colombo
Letter from Prime Minister Jawaharlal Nehru to Tunisian Prime Minister Habib Bourguiba.

New Delhi, February 12, 1957.

My dear Prime Minister,

I am grateful to you for your letter* of the 12th February which was given through your Ambassador in London to our High Commissioner there and has only just reached me.

You refer to the Resolution of the Security Council passed on the 24th January 1957**. Presumably you are under the misapprehension that some step has been taken by India subsequent to that Resolution. No such step has been taken here. Our case is and has been throughout these nine years that the Jammu and Kashmir State acceded to India legally and constitutionally in October 1947. Subsequently a Constituent Assembly, elected in the State under adult suffrage, drew up a Constitution and gave effect to parts of it in the course of the last four or five years. This was finalized some months ago. No other step has been taken since then except that the Constituent Assembly dissolved itself. Therefore, the question of our not acting up to the Resolution passed by the Security Council, which you had mentioned in your previous message and to which apparently you refer again, does not arise. I have been pained at any such assertion being made without due enquiry of the facts. Kashmir State is at present governed by an autonomous Government responsible to an elected Legislature.

* In his letter Prime Minister Bourguiba referred to the Kashmir question and the Security Council Resolution of 24 January 1957. He stated that as the conflict about Kashmir could not be solved by direct negotiations between India and Pakistan for the last nine years, a plebiscite under the auspices of the UN remained the best alternative.

** The five-power Resolution, sponsored by Australia, Colombia, Cuba, UK and USA, reminded the Governments of India and Pakistan of the principles embodied in the earlier UN and UNCIP resolutions, and that the final disposition of the State of Jammu and Kashmir would be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite, conducted under the auspices of the United Nations. It reaffirmed the Resolution of 30 March 1951 which declared that the convening of the Constituent Assembly and any action taken by it would not constitute disposition of the State in accordance of the above principle. It also stated that further consideration of the dispute would follow. Bourguiba also deplored that, “India, listless to the Security Council recommendation, declared Kashmir as already part of India.” Though he admired Nehru as a champion of liberty and democracy, whose high moral position had helped in solving some of the most controversial problems threatening world peace, this attitude on Kashmir was likely to create a precedent for opposing the colonial people’s right to self-determination.
Perhaps you are not fully acquainted with the course of events in regard to Kashmir during these nine years. The whole trouble began by a sudden and unprovoked aggression by Pakistan. It would be a sad day if aggression is tolerated and approved by the United Nations or by any country. We have asked the Security Council to deal with these essential matters and they have thus far not done so. The Pakistan army occupies illegally one third of the State of Jammu and Kashmir in spite of the United Nations Resolution asking them to withdraw. We have not made a single international commitment which we have not honoured and it naturally distresses me that you should make a public statement accusing India when in fact India is a victim of aggression and deserve support.

We would be happy to send you all particulars of the Kashmir affair should you so wish to have them. I would have hoped that no statement would be made without full consideration of this intricate problem.

You have been good enough to refer to the moral aspect of this question. It is with this very moral aspect that we are concerned and we are distressed that it should be ignored. The peace of the world has not been threatened by us but by Pakistan’s aggression and by its continued threats of war.

With my regards and good wishes,

Sincerely yours,

Jawaharlal Nehru

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2084. Note of Prime Minister Jawaharlal Nehru after his meeting with the Soviet Ambassador.

New Delhi, March 1, 1957.

The Soviet Ambassador came to see me at midday today. He read out to me a letter dated the 11th February 1957, which the Prime Minister of Pakistan had sent through his Ambassador (Akhar Husain) to Mr. Bulganin (Soviet Prime Minister). This was delivered on the 13th February. He also read out Mr. Bulganin’s reply to the Pakistan Prime Minister, dated the 27th February.

2. The Pakistan Prime Minister in his letter expressed his satisfaction at the neutral stand taken by the representative of the USSR in the Security Council on the 24th January regarding Kashmir. He further said that the Pakistan Government had gone as far as possible to secure a just settlement. Their
wish was to allow the people of Kashmir to decide for themselves by a free and impartial plebiscite. India had agreed to this at an earlier stage but insist now on withdrawal of Pakistan forces from “Azad Kashmir”. No such condition had been laid down previously. But Pakistan was ready to withdraw her forces provided security was guaranteed by UN force or otherwise. If India objects to the UN force being sent to India-occupied Kashmir, then the UN force should remain in “Azad” territory only, provided there was demilitarization on the part of India on the other side. Alternatively, local forces could be recruited by the Plebiscite Administrator on the spot.

3. Pakistan was also not anxious to have foreign troops. Out of respect for the feelings of the USSR Government, they would agree to the foreign troops coming from neutral countries. The Pakistan Prime Minister hoped that the USSR would continue her impartial role in this matter.

4. Mr. Bulganin’s reply dated the 27th February was as follows:

As Pakistan Ambassador had already informed the Pakistan PM, there had been several talks on this subject in the course of which the Soviet Government had explained their views on the Kashmir issue clearly. This was a matter for the Kashmir people themselves to decide, and they had already expressed their views on it and decided that Kashmir should be an integral part of India.

5. The Soviet Union consider that disputes must be solved by peaceful means and negotiations, without outside interference. The Soviet Union could not agree to mediate in this matter as there were no grounds for this, in view of the total disagreement of India and Pakistan on this issue.

6. The recent discussions in the Security Council had further convinced the Soviet Union that outside interference would not only produce no good results, but would be harmful. It would only be to the advantage of certain countries associated with military blocs and colonialism. On the pretext of giving support to Pakistan, these countries were attempting to gain a hold in Kashmir and have some kind of an international administration there.

7. No outside interference could lead to any positive result. The Soviet Union will hold to its objection on such interference in regard to the Kashmir issue. As pointed out by the Pakistan Prime Minister, the Kashmir issue did not directly infringe on any interest of the USSR, but this does not mean that the Soviet Union will remain indifferent to any attempts to provoke tension in areas immediately adjoining the USSR by use of arms or the threat of the use of arms.
8. I thanked the Soviet Ambassador for this message. He said that the Pakistan Ambassador in Moscow had been particularly active during the past few weeks.

9. Copies of this note should be sent to President, Vice-President and members of the Foreign Affairs Committee.

2085. **Note of Prime Minister Jawaharlal Nehru on his meeting with the Australian High Commissioner.**

New Delhi, April 12, 1957.

I had an hour talk with the Australian High Commissioner. I told him that I was much distressed at the attitude of the Australian Government and their representative in the Security Council in regard to Kashmir discussions. It seemed to me that the statements made on behalf of Australia in the Security Council and outside were more hostile to India than the statements of any other member of the Security Council. For any country to say that would have distressed us, but for a Commonwealth country to do so was even more distressing and it produced unfortunate consequences in India.

2. I went over the broad features of this Kashmir affair and how unfairly we had been treated by many members of the Security Council in recent debates who ignored the basic points. I referred, in particular to the proposal to send UN forces in Kashmir, a proposal which was persisted in, in spite of many stating categorically that on no account would we permit such forces to come here. This was mentioned in the Security Council Resolution, although every member of the Security Council knew what our attitude was and the fact this was contrary to the provisions of Chapter VI of the Charter. Now, I found Mr. Casey again suggesting that Australia would be prepared to send forces if the parties agreed. He knew very well that India not only did not agree but entirely objects to it. Why then was he going on saying these things which angered our people?

3. I spoke to High Commissioner about the background of the Muslim League politics, two-nation theory etc., and the fact that the leaders of Pakistan were people who had opposed our struggle for freedom in the past and chiefly consisted of big landlords and had no constructive or economic policy. They could only think of keeping their people’s mind occupied with hatred of India. This was probably the main reason for keeping alive the Kashmir issue as this
was and the manner of their propaganda and their appeals to religion and jehad.

4. The High Commissioner told me that he had reported to his Government that, in his opinion, a plebiscite would be unfortunate as this would let loose dangerous forces.

5. I referred to Shri Krishna Menon quoting in one of his speeches in the Security Council from a document containing the gist of some talks which I had with some Prime Ministers in London. I suggested to him to meet Shri Krishna Menon to discuss the Kashmir matter and also find out the facts about this document.

2086. Letter from Prime Minister Jawaharlal Nehru to Tunisian Prime Minister Habib Bourguiba.

New Delhi, April 23, 1957.

No.337-PMO/57 New Delhi, 23rd April, 1957

My dear Prime Minister,

I write to acknowledge your latter of the 1st April which was handed to our High Commissioner in London by your Ambassador there and has been forwarded to me.

I am glad to note that Your Excellency understands and welcomes my explanation of our lawful position in Kashmir and that you agree that it is not open to challenge. I am surprised however, that Your Excellency still continues to approach this question as though Pakistan and India were two contestants with equal or similar and valid claims and as though the sovereignty of the Union of India over her entire territories was in doubt. Your Excellency will no doubt appreciate that this affects the integrity of India.

Let me make the present position in regard to Kashmir clear once again. The entire territory of the former Princely State of Jammu & Kashmir is a constituent part of the Union of India which is a Federation. Half of Jammu & Kashmir, as a result of invasion first by irregulars and afterwards by the Pakistan Army, is unlawfully and forcibly occupied by Pakistan. Here, may I say that Pakistan denied the fact of this invasion and concealed it from the Security Council until the Commission was about to discover the facts itself.
We did not go to the Security Council to decide our title or the issue of sovereignty in regard to the former Princely State of Jammu & Kashmir which acceded to the Union of India not only in accordance with law but in full conformity with arrangements which both Pakistan and India accepted with the British Government. It is the same procedure as was followed both by Pakistan and ourselves in regard to the other Princely States. We went to the Security Council because we were invaded and we wanted to obtain the termination of this invasion by the good offices and machinery of conciliation of the United Nations rather than by waging war and invading Pakistan territory.

I hope, Your Excellency will appreciate that, in our anxiety to avoid bloodshed and conflict with our neighbour, we refrained from invasion of Pakistan in 1947, though this would, in the circumstances, undoubtedly have been legitimate action on our part. At all times, we have maintained that the soil of our territory must be cleared of the invader. Pakistan has no rights whatsoever in Jammu & Kashmir and her presence there is the result of invasion and is illegal occupation.

Perhaps, to Tunisia as an Arab country, our position in Kashmir will strike with a greater sense of reality if I mentioned that Kashmir was invaded in the same way as Egypt was invaded by the Anglo-French-Israeli forces. In the latter case we all demanded vacation of the aggression, we do the same in regard to Kashmir, and I fail to understand how Tunisia, of all countries, can have two views on this question.

In regard to Your Excellency’s own country, we have, both before our own independence and after, firstly and without reservation supported the demand for the integrity of an independent Tunisia, the removal of foreign occupation and the restoration of Tunisian sovereignty to her people. We cannot be expected to feel or do less in regard to our own country.

Your Excellency referred in your previous letter to your pride in your friendship with Pakistan and India and to your earnest wish for a peaceful solution of the conflicts between our two countries. If any country is more anxious than India, and no one is more anxious than I am that conflicts between nations should be solved peacefully. This is also known to Pakistan and we have made many attempts and many sacrifices to this end. We have some achievements too to our common credit.

In view, however, of Your Excellency’s friendship with Pakistan, to which you have referred, I would regard it reasonable for us to expect that your country will use her influence with Pakistan in asking her to bring her actions in conformity with the Charter of the United Nations, with international law and neighbourly relations and in furtherance of the promotion of Asian unity and strength. I hope here-after we can look to Your Excellency’s good offices being
used in that direction, as any other, particularly the approach that you are now making, is a challenge to our sovereignty and a condonation of invasion. It causes us no little surprise that an appeal should be made to us on the basis that the invader is to reap the fruits of his aggression and that the active invasion gives him legal and even moral rights on our sovereign territory, and that he canvas a result of his occupation of the neighbouring country, thereafter claim from other nations the right to be regarded as having an equal position in regard to the sovereign territory of India.

I earnestly hope that a clear statement not merely of our position but of the factual situation and the moral issues involved will induce Your Excellency to make an approach to this problem far different from what you have done.

Yours sincerely.

Sd/- Jawaharlal Nehru

His Excellency Mr. Habib Bourguiba,
Prime Minister of Tunisia,
Tunis.

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2087. Note of the Embassy of the United States in New Delhi.

New Delhi, May 15, 1957.

No.551

The Embassy of the United States of America presents its compliments to the Ministry of External Affairs and has the honor to refer to the Ministry's note dated April 16, 1957 concerning remarks on Kashmir made by Secretary Dulles during hearings of the subcommittee of the Committee of Appropriations of the United States House of Representatives on January 29, 1957.

The Ministry will recall that the questioning of the Secretary of State by a member of the subcommittee came at the time when the Security Council was considering the Kashmir issue. The Council had just adopted a resolution recalling the principle embodied in previous resolutions that “final disposition of the state of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under United Nations auspices.” The resolution also
reiterated that any action by the Kashmir Constituent Assembly to determine the future shape and affiliation of the state or any part thereof would not constitute disposition of the state in accordance with this principle. The reply of Secretary Dulles to the Congressman’s question therefore clearly referred to the adoption of the resolution by the Security Council of January 24, 1957. Obviously the Secretary had no intention, during a hearing on appropriations, of going into the question of the legal status of Kashmir.

The Embassy has noted the renewed expression by the Ministry of the views of the Government of India on various aspects of the Kashmir dispute. The United States Government will, of course, take these views into account in determining its own position in connection with future consideration of the dispute by the Security Council. As the Ministry is aware, the United States Government further believes that the United Nations has a continuing responsibility to assist both parties in reaching a mutually satisfactory settlement.

The embassy takes this opportunity to renew the assurances of its highest consideration.

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2088. Press Note issued by the Pakistan Press and Information Department on the Statement of Foreign Minister Firoz Khan Noon.

Karachi, September 3, 1957.

Referring to the recent News Agency report of an alleged statement by State Department officials that United States was neutral in the Kashmir dispute, the Foreign Minister Malik Firoz Noon said today that it was clear that not only the United States but all other Members of the Security Council were and have always been neutral and their attitude has been determined by a desire to see the dispute settled in accordance with the principles of self-determination and justice. The only exception from strict impartiality has been that of Russia who by exercising the veto has added to the difficulties of the problem. It is hoped, however, that Russia will now realise that a peaceful solution cannot be found unless a United Nations Force is allowed to guard the cease-fire line and enable both sides to withdraw their troops after which a free and fair plebiscite could be held under the auspices of the United Nations.

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2089. Note of Prime Minister Jawaharlal Nehru on his meeting with the High Commissioner of the United Kingdom Malcolm MacDonald.

New Delhi, September 15, 1957.

The UK High Commissioner came to see me this afternoon and gave me the attached message from the Prime Minister of the U.K. (Not available here). This deals with Kashmir. Earlier I had received another message through him from Mr. Macmillan dealing with the situation in the Middle East.

2. I spoke to him first about Kashmir. I told him that, during the past many years, we had given enough evidence of our patience and our desire not to humiliate Pakistan in any way. We had not asked at any time for a specific condemnation of Pakistan as an aggressor, although we had repeatedly made it clear in the UN and elsewhere that Pakistan had committed aggression. We followed this policy because of our anxiety not only to settle the Kashmir issue, but so as not to embitter our relations with Pakistan insofar as we could help it. We looked to the future when we hoped to live in friendly cooperation.

3. The result of this policy has been to make Pakistan more and more aggressive and to cloud the basic issues. Unfortunately, Pakistan has been encouraged in this attitude by other Powers. We saw what took place in the UN last year, where, to our amazement, we were treated as if we were in the wrong and in the dock in spite of the fact that Pakistan had been the aggressor and it continued its aggression. We came to the conclusion then that the only way of dealing with this Kashmir issue was to keep the basic facts before us in the UN all the time, that is, the original and continuing aggression of Pakistan and the accession of Kashmir to the Indian Union. If those facts were admitted, as they must be, then one could discuss the matter on a secure foundation. Otherwise, we would have the same deadlocks that we have had during the past few years and India would have to face the extraordinary situation of being almost put in the dock.

4. Not only has this aggression continued throughout this period, but, lately, another and a different type of aggression was now being indulged in by Pakistan. This was the campaign of sabotage which was openly admitted by some of Pakistani leaders. Therefore, we cannot discuss this issue except on the basis of the facts of the situation. It has never been our desire to humiliate Pakistan or to make things more difficult. Difficulties have arisen from Pakistan’s attitude and its support by some of the Great Powers, which has encouraged Pakistan in its intransigence. Even now, it is not India that has asked for a meeting of the Security Council to consider this matter. It is Pakistan which has done.
5. It is, to some extent, true that the attitude we have adopted now is a clearer and stronger one than sometimes in the past, although throughout these past discussions, we have always based our case on Pakistan’s aggression. We have been compelled to adopt this attitude because of Pakistan’s activities and threats and the support Pakistan has got from other countries. It is not possible to proceed with this matter any further except on a basis of facts and reality.

6. Some reference was made by the UK High Commissioner to the Jarring Report. I pointed out that the Jarring Report itself recognized the many changes which have occurred. Towards the end of it, there was a reference to some kind of an arbitration to decide whether Pakistan had carried out its obligations under Part I of the UN Resolution. I did not understand how this matter was suitable for arbitration. Nobody doubted the fact that Pakistan was in illegal possession of a larger part of the territory of the Jammu and Kashmir State. If that was so, as it was, then the Security Council had to determine whether Pakistan had committed a violation of that resolution or not or if it had failed to implement it. As a matter of fact, some of the UN Representatives had expressed their views on this subject previously already. In addition to this was the new aggression and violation taking place now.

7. The UK High Commissioner said that there was no question now of having any arbitration, but perhaps someone on behalf of the UN could report on this present position. I said that was a matter for the Security Council to consider, but I did not see what additional facts, which were not known, were required for a decision on this primary issue.

8. The High Commissioner reminded me that Mr. Macmillan was anxious to keep this Kashmir issue “ticking on” so that the other major issue, namely, the Canal Waters, could be proceeded with. Any success in the latter would create a favourable atmosphere. I said I would welcome any progress made in that respect.

9. I am sending you a separate note on the talk I had with the High Commissioner about Syria and the Middle East.

10. I shall be sending a telegram to Shri Krishna Menon about these two notes I have received from Mr. Macmillan. I shall also have to answer these two notes. I propose to send an answer about Syria first, as this appears to be a more urgent matter.

11. I suggest that copies of both the messages from the UK Prime Minister as well as a copy of my notes on my interview with the UK High Commissioner might be sent by air mail to Shri Krishna Menon, so that he might have the full text of these papers.

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2090. Message of Prime Minister Jawaher Lal Nehru to British Prime Minister Harold Macmilan

New Delhi, September 18, 1957.

Thank you for your personal message on Kashmir. I am glad you read the memorandum which I gave you in July. That memorandum was rather a general one and not prepared especially for you. Should you so desire it, we can have a more precise memorandum prepared.

2. You know our broad position about Kashmir. We have felt very deeply the aggression by Pakistan in Kashmir, accompanied as it was by loot and massacre of large numbers of innocent people. In spite of this, when we went to the Security Council, we did not specifically ask for condemnation of Pakistan as an aggressor, and all that we asked for was that the Security Council should ask Pakistan to prevent Pakistan personnel and nationals from participating or assisting in the invasion. We chose Article 35 of the UN Charter, which is meant for conciliation. Even then, in spite of our strong feelings, we were anxious not to humiliate Pakistan in any way and to keep a way open for a friendly settlement. We had in view our future relations with Pakistan. In spite of this, Pakistan not only did not stop its nationals from participating and assisting in this invasion but sent its regular army into Kashmir. Pakistan's attitude then and ever since has been aggressive and violent and based on prevarications and false propaganda.

3. Our basic position has always been that Pakistan committed aggression and, in fact, was continuing it. This was accepted by the UN Commission when it said that a new situation had been created by Pakistan armies occupying the Jammu and Kashmir State territory and calling upon them to withdraw. We had accepted the UN Resolutions of August 1948 and January 1949 on the explicit assurances given to us by the Commission, which were published.

4. In the course of the past many years, we sought earnestly for a peaceful settlement and entered into long discussions which proved fruitless. We became convinced that no notifications, which ignored the basic facts of the situation, that is, Pakistan's aggression in Kashmir, and Kashmir's accession to India, could succeed.

5. Pakistan's aggression has continued and has been further consolidated and, now, another type of aggression has been started. This is well organized campaign of sabotage through Pakistani agents. I hope you will appreciate our position and the difficulties we have encountered in our attempts to find out a peaceful settlement. These difficulties have been largely due to Pakistan not carrying out the basic provisions of the UNCIP Resolutions. I regret to say that
Pakistan has been encouraged in this intransigent policy by great countries. We have no desire to condemn Pakistan. Indeed, it is not we who have asked for the coming meeting of the Security Council. But, we cannot accept any position which is not based on the essential facts of the situation. Nor can we go back to the interminable arguments and discussions which have taken place during the past years and which have led nowhere.

6. Apart from the basic facts to which I have referred, I must confess that it is very difficult for us to deal with a country and its leaders who continually indulge in violent abuse and untruths, and deliberately aim at propagating hatred and ill will and adding to the tensions that so unfortunately exist between our two countries. Feeling in our own country is very strong, and our Parliament has often expressed it. We have, however always tried to restrain this and to give expression to our views in moderate language, always expressing our goodwill to Pakistan and her people.

7. You refer to the importance of giving effect to Parts I and II of the UNCIP Resolution of August 1948. Nine years have passed since this Resolution, and the facts are patent that Pakistan has not carried out her obligations even as regards Part I. It is for the Security Council to accept this position, which does not require any detailed enquiry. The documents and admitted facts in the case are enough to establish this. We are, however, always ready to give careful consideration to any suggestions for constructive approach which are consistent with the stability and integrity of our country and which might help in the reduction of tension and conflict.

In a message dated 15 September 1957, Harold Macmillan referred to India’s concern about the principle regarding aggression. He interpreted that India now wanted that Pakistan should give effect to Section A of Part II of the August 1948 Resolution. He realized the difficulties about demilitarization in Kashmir and about the prolonged controversy as to the precise meaning and effect of the UNCIP Resolutions. Although he wanted to see a settlement of the Kashmir dispute acceptable to both countries, he was equally anxious that public controversy and acrimonious debate should be avoided which could only harm the common cause. He wrote that “controversies about events in 1947 and the revival of disagreements in 1948 will be sterile.”

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2091. Letter from the Indian Ambassador in Washington to the U. S. Assistant Secretary of State regarding depiction of Jammu and Kashmir in the map contained in the State Department’s publication: “The Middle East: Flexibility of Delineation”.


Embassy of India
Washington.

May 7, 1959/ Vaisakha 17,1881(Saka)

My dear Assistant Secretary,

I am writing to you on a matter which has caused considerable surprise to my Government especially as my Government is convinced of the friendship and cordiality which your Government has always evinced towards us. It concerns Kashmir.

2. in the State Department Bulletin Vol. XL, No. 1030, dated 23rd March 1959, Page 409 there is a map entitled “The Middle East: Flexibility of Delineation” in which the State of Jammu and Kashmir is marked “Jammu and Kashmir (In Dispute)”. It is difficult to understand how the State Department could possibly take the view that the sovereignty of Kashmir and Jammu is in dispute. There cannot be the slightest doubt that in international law the State of Jammu and Kashmir is part of India and India has sovereignty over that State. This is not only my view about the international law but this is the view which was accepted as far back as 4th February 1948 by the Leader of the U.S. Delegation in the Security Council. This is what Mr. Austin stated:-

“The external sovereignty of Jammu and Kashmir is no longer under the control of the Maharaja…. This is an affair between Nations, and with the accession of Jammu and Kashmir to India, this foreign sovereignty went over to India and is exercised by India, and that is how India happens to be here as a petitioner”.

3. Sir Owen Dixon who went to Kashmir on behalf of the Security Council made a statement which is also pertinent:

“I was prepared to adopt the view that when the frontier of the State of Jammu and Kashmir was crossed, on, I believe October 20, 1947, by hostile elements, it was contrary to international law, and that when in May 1948, as I believe, units of the regular Pakistan forces moved into the territory of State that too was inconsistent with international law”.

4. What is in dispute and what has not yet been finally decided and what is pending before the Security Council is India’s complaint against Pakistan of her aggression. If you wish to refer to this matter at all, the proper way to refer to it in the map would be “(matter Before Security Council)” but as it stands the map suggests as if India’s sovereignty over Jammu and Kashmir was in question.

5. I hope you will take the necessary action to have the matter corrected so as to enable me to report to my Government that the State Department used the expression “In Dispute” through inadvertence.

With kindest regards,

Yours sincerely

Sd. M.C. Chagla
Ambassador of India

The Hon’ble
William M. Rountree,
Assistant Secretary of State,
Department of State, Washington DC.

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2092. Letter of the U. S. Assistant Secretary of State William M. Rountree addressed to the Indian Ambassador M. C. Chagla regarding depiction of Kashmir in the State Department publication.


I am writing in answer to your letter of May 7, 1959, concerning a map which appeared in the issue of the Department of State Bulletin, dated March 23, 1959, on which the status of the State of Jammu and Kashmir was described as being ‘in dispute’.

This description is that which has customarily been used by the United States Government on maps on which the state of Jammu and Kashmir appears. The phrase ‘in dispute’ reflects the fact that the future status of the State continues to be the subject of consideration by the United Nations. The Security Council is still seized of this matter and, until such time as the issue is satisfactorily resolved, the terminology in question appears to the United States Government to be reasonable.
The United States Government, in using this terminology, does not thereby imply its support of the position adopted by either the Government of India or the Government of Pakistan concerning the present or future status of the State of Jammu and Kashmir. I know, moreover, that I need not assure you that the Government of the United States continues to have only the most friendly and cordial feelings toward the Government and people of India. It remains the earnest hope of the United States that the Kashmir question may be settled to the satisfaction of, and with justice to, all parties concerned.

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2093.  
SECRET  
TELEGRAM  
From: Indembassy Washington  
To: Foreign New Delhi  
MOST IMMEDIATE  
No.15.  
The 8th January 1961.  
Reference your 24115 of January 6 and your d.o. FS-6/62 of January 3 just received.

2. Position here is that State Department anxious to avoid a debate on Kashmir as among other things it will further worsen Indo-American relations, damage to which they are anxious to repair. Understand that RUSK sent for AZIZ AHMED on January 3 and discouraged him from going to Security Council suggesting that negotiations on Kashmir should be kept on a bilateral level. He is also reported to have said that India could obviously not enter into any meaningful discussions on the eve of a general election. Consequently this was no time to bring up the issue. Understand also that British have discouraged and not encouraged Pakistan’s going to the Security Council.

3. Reported that Kennedy received two letters from Ayub today. First letter said that if India wanted adjournment of Security Council discussion because of her elections, Pakistan would consider such an adjournment and second letter reflected sentiments expressed in Ayub’s Larkana speech.
4. The general situation here is that while the Administration which was never too emotionally upset at Goa is rapidly returning to normal and wishes to restore Indo-American relations to the status quo ante, feeling in general public and in Congress is still most acute. We are certainly going to be strongly criticized when Congress reassembles on Wednesday. If Kashmir is brought before Security Council in next few weeks, the combined effect on the image of India will be exceedingly bad. This I am anxious to avoid not only because I happen to be Ambassador here, but in our wider interests. My recommendation would, therefore, be that as proposed by you, we start the motions of negotiation immediately and prolong them as much as possible. Talbot in conversation with Chatterjee this afternoon attached great importance to Akhtar Husain’s visit and called it “decisive”. Grateful to be informed of your decision so that I can use it with State (Department).

5. Galbraith arrived yesterday and has been referring to some proposals he made to Prime Minister and AYUB which he will discuss with State Department. Grateful to know what these are and what your reaction to them is.

2094. SECRET

Letter from Foreign Secretary M. J. Desai to High Commissioner in Pakistan Rajeshwar Dayal (presently on vacation in India).

New Delhi, December 31, 1961.


My dear Dayal,

You will remember the correspondence between you and Gundevia in August/September, which I also handled at one stage on the subject of approaches by the Pakistan authorities to improve the climate between our two countries and to take the discussions on Kashmir a little further beyond the September 1960 stage. You suggested a visit by General Burki, Health Minister to India, as in your view, General Burki was a person with a constructive approach and liberal views, on whose advice President Ayub placed a lot of reliance. In the letter I wrote and also other letters sent by Gundevia we expressed our doubts
regarding the sincerity of Pakistan and their motives in making these sweet noises, but we told you that General Burki will be welcome whenever he chooses to visit India. Subsequent developments have been rather patchy, some showing a rather friendly trend, others reiterating and developing further the hate India campaign.

2. You must have seen various reports about Pakistan going to the Security Council or/and the General Assembly on Kashmir. Our information from New York about 6 weeks back confirmed that Pakistan had decided to revive the Kashmir question in the Security Council as Zafarullah had done this lobbying and was ready. Since then Pakistan, having seen the unfavourable reaction in the Western press on Goa, seems to have firmly decided that this was the best opportunity of squeezing India on Kashmir in the Security Council or/and the General Assembly.

3. Galbraith saw PM a couple of days back and also saw me later in the evening. He told us that a debate in the Security Council on Kashmir between Zafarullah and Krishna Menon would not do any good either to India, Pakistan or the USA. They will all be damned in various ways. He gave it as his view that Ayub did not want this debate, but he was being pressed by his colleagues. Galbraith’s appraisal was that Ayub would prefer resumption of direct talks between India and Pakistan on this subject. The object of taking the matter to the Security Council can only be agitational and not political as the Security Council cannot settle this matter. Galbraith then suggested that we should take some initiative for the resumption of the talks between India and Pakistan on Kashmir. PM told Galbraith that we were always prepared to talk and discuss Kashmir or any other matter. We did not, however, see any prospect of settlement unless Pakistan accepted the basic position that nothing should be done to upset the present position and the discussions should only deal with minor adjustments to make the present military line an international frontier. PM also said that he will have no time during the next 2/3 months because of the elections. Galbraith said that a beginning could be made by one of the Pakistani leaders of the second level visiting India and having a general talk and this could be followed up after the elections by a meeting between PM and Ayub. When Galbraith talked to me, I told him that the suggestion regarding General Burki visiting India was made by you in August/September and that we had agreed to Burki’s visit. We would accept this visit if General Burki desires to come to India for a goodwill visit and see our medical, public health establishments and institutions. He can also call on the Prime Minister. I mentioned, however, that while prepared to talk and discuss, I could not see how the Kashmir question can be taken further unless the Pakistanis accepted broadly settlement along the present cease fire line with minor adjustments. Galbraith said that both he and the State Department were extremely anxious
that Kashmir should not come to the Security Council at this stage as it will do no good to anybody and will unnecessarily embarrass the U.S. administration. He said that a visit by General Burki sometime in January might help considerably in avoiding awkwardness and embarrassment for all concerned. I told him that I will put this matter to you and request you to reactivate the old idea of General Burki’s visit. However, if Pakistanis thought that they would exploit the present Western hostility against India over Goa by taking the Kashmir question to the Security Council, they are hardly likely to let this opportunity go. I also added that as far as we are concerned, we have lived with these agitational approaches for nearly 14 years and we are not worried about Pakistan taking the Kashmir question to the Security Council.

4. PM desired that I should convey these developments to you and suggest that you might take up the question of Burki’s visit to India if you felt the atmosphere was receptive.

5. I find that you are not due to return to Pakistan till the third week of January. Is it possible for you to curtail your leave and return to Karachi sometime in the first week of January? PM is away on tour, but will be in Delhi from 9th till the 15th and then again from 19th till the end of January. If Burki is coming, his visit will have to be so timed that he is in Delhi during the period PM is not on tour.

6. I must tell you that Galbraith is very anxious about this matter. I can well appreciate his anxiety as a debate in the Security Council on Kashmir is bound to embarrass the US administration considerably.

7. I am sending a copy of this letter for information to Mehta and will be grateful if you would let me know whether you can curtail your holiday plans and return to Karachi 10 or 12 days earlier than your former schedule.

With kind regards,

Yours sincerely

Sd. M.J. Desai

Shir R. Dayal,
High Commissioner for India in Pakistan
C/o the Postmaster,
Ramnagar, District Nanital.

Copy for information to Shri A.N. Mehta,
Actg. High Commissioner of India, Karachi.
Letter from Foreign Secretary M. J. Desai to Ambassador in the United States B. K. Nehru.

New Delhi, January 3, 1962.

Ministry of External Affairs
New Delhi

My dear B.K.,

Please see copy of my letter to Rajeshwar Dayal No. FS-842/61 dated 31st December, 1961, which is self-explanatory.

2. Galbraith left last Friday for a week in Switzerland and another week at Washington for consultations. Before he left he told me that the U.S. authorities are extremely anxious to keep Kashmir out of the Security Council. He said that agreement by India to initiate preliminary talks of some sort—the Burki line mentioned in the letter—will also help him considerably in convincing the doubting Thomases in the United States that India’s policy continues to be one of settlement by peaceful negotiations and that Goa, for various reasons, was the one exception.

3. I do not know how far this is Galbraith’s personal line and to what extent the State Department and the people in Washington who matter are keen on the suggestion made by Galbraith. As you know, there is little chance of making any advance towards the settlement of the Kashmir question unless Pakistan shows a reasonable and practical attitude and broadly accepts the status quo. We are, however, prepared to go through the motions of negotiations at a second level before the elections and at the top level after the elections if this does help in reassuring American public opinion that India’s basic policy continues to be that of settlement by peaceful negotiations. I might add that Pakistan’s move to take the matter to the Security Council instigated perhaps by the U.K. does not cause us any concern and, while we will be prepared to go through the motion of negotiations to assist in restoration of normalcy in American public opinion, we would not like to do this as a gesture to Pakistan to persuade the Pakistan authorities not to rush to the Security Council.

4. I will be grateful if you give us an assessment from your knowledge of the local situation whether Galbraith’s suggestion to us in this matter is based on the current thinking of the State Department and the people who matter in Washington. A brief telegram saying that Galbraith’s views are shared or
are not shared by people who matter in Washington would be adequate.

With kind regards,

Yours sincerely,

(M.J. Desai)

Shri B. K. Nehru,
Ambassador of India,
Washington D.C.

2096.

SECRET

Telegram From Ministry of External Affairs to Indian
Embassy in Washington.

New Delhi, January 6, 1962.

TELEGRAM

From: Foreign, New Delhi
To: Indembassy, Washington.

IMMEDIATE


Addressed: Indembassy Washington:
info: Hicomind Karachi for A.N. Mehta
Hicomind London for T.N. Kaul.

B.K. Nehru from M.J. Desai.

Pakistan High Commissioner was with me for over an hour this morning. He is
leaving tonight for Karachi for consultation.

2. We talked Kashmir and the statements by Indian and Pakistani leaders
commencing with Prime Minister’s statement on Kashmir in the press
conference on 28th and ending with Ayub Khan’s statement at Larkana which
appeared in this morning’s press.
3. Pakistan High Commissioner took great pains to make out that India was against discussions and negotiations on Kashmir as seen from Defence Minister’s and Congress President’s recent statements. I contradicted this position and stressed Prime Minister’s statement of 28th December and our reaffirmation of the policy of settlement of this and other international questions by peaceful negotiations.

4. Pakistan Education Minister Akhtar Husain who is also Ministers for Kashmir Affairs is coming here on 9th to attend the Commonwealth Educational Conference. Pakistan High Commissioner asked for an appointment for Akhtar Husain to see Prime Minister. This is being arranged.

5. It appeared from today’s talks with Pakistan High Commissioner that Pakistanis have decided to go through the motions of a preliminary approach on Kashmir at Ministerial level through Akhtar Husain to placate the Americans but have taken a firm decision to go to the Security Council with a view to exploiting fully to India’s disadvantage Western hostility to India following the Goa incident and to create a split among Afro Asians. That Pakistan has decided to make this agitational approach is clear from President Ayub Khan’s wild statement at Larkana Sind about India’s intention to grab the territories of its neighbours Pakistan, Ceylon Burma and Nepal etc.

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2097. SECRET

TELEGRAM

From: Foreign, New Delhi
To: Indembassy, Washington.

MOST IMMEDIATE


B. K. Nehru from M.J. Desai

Paragraph 5 of your telegram No.15 January 8th.

2. My letter of 3rd January and the accompaniment gives the full background of Galbraith’s approach. Galbraith urged preliminary contacts at Minister level and except mentioning of the territorial approach to the problem did not make any detailed suggestions.
3. Prime Minister is seeing Akhtar Husain tomorrow. Our assessment of the position given in telegram 24305 January 6th has been confirmed by the statement about Pakistan going to the Security Council that Akhtar Husain himself made 3 days back.

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2098. SECRET

Telegram From Ministry of External Affairs to Indian Embassy in Washington.

New Delhi, January 10, 1962.

TELEGRAM

From : Foreign, New Delhi
To : Indembassy, Washington.

MOST IMMEDIATE

No.24313. 10th January 1962

Addressed: Indembassy Washington
Repeated: Indiadel New York (for JHA)
Hicomind Karachi (for Mehta)
Hicomind London (for Kaul).

B.K. Nehru from M.J. Desai.

My telegram 241312 of 9th.

2. Galbraith’s proposals were chiefly aimed at getting any discussion in the Security Council on Kashmir postponed for 2 or 3 months or better still not to have such a discussion at all. He therefore wanted direct talks at second level to begin with.

3. In regard to the content of the talks Galbraith’s idea was that we should get away from the territorial approach and avoid any attempt at major changes in the border including the cease fire line but discuss other facilities that we may be able to give to Pakistanis in Kashmir like the facility of entry, business, economic
exchanges etc. Though it was not clear what Galbraith had in mind, Prime Minister told Galbraith that we can settle down to normal life and people from Pakistan can have no difficulty in coming to Kashmir once the tension between the two countries over Kashmir is removed. Till that happens however it is not possible for us to relax the present restrictions as this would lead to a flood of people, some of whom might well be mischief makers bent on creating trouble, coming into Kashmir.

4. General Burki has sent a message that he is not coming. Minister Akhtar Husain who came for the Commonwealth Educating Meeting has however seen Prime Minister this morning.

5. No specific mention of Kashmir was made during this meeting. Prime Minister told the Pakistan Minister that despite temporary political differences our long term policy objective continues to be development of friendly and cooperative relations with Pakistan. Prime Minister referred to the 1960 September talks with the Pakistan President and the subsequent deterioration in the atmosphere between the two countries. He said that he had invited Pakistan President to come to India and that invitation still holds. Only it will be desirable to have an improved atmosphere between the two countries to make the visit fruitful. Prime Minister also mentioned that the past bitterness of partition between the common people on both sides has died down and that political differences between the two countries should be solved by discussion and negotiation. Akhtar Husain mentioned that the irresponsible outbursts in the Dawn have nothing to do with the policy of the Pakistan Government who cannot control Altaf Husain (editor) who is a law unto himself. He then referred to some Army concentrations near the West Pakistan border and himself suggested that this may be due to certain Army manoeuvres on the Pakistan side. Prime Minister told him that this seasonal movement of Army grouping for exercises and manoeuvres are decided on by the Army people and have no policy significance. Prime Minister added that India will not use force or attack Pakistan any time unless we were compelled to defend ourselves.

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SECRET

Letter from Officer on Special Duty in the Ministry of External Affairs (Kashmir) B. L. Sharma to Ambassador in the United States B. K., Nehru.
New Delhi, January 11, 1962.

Ministry of External Affairs
New Delhi

No. 28 – OSD (K)/62 January 11, 1962.

My dear Ambassador

Please refer to the correspondence resting with Foreign Secretary’s telegram No. 24313 dated January 10, 1962, regarding Kashmir.

2. In order to secure the support of member countries of the Security Council it has been decided to present to their Governments an AIDE MEMOIRE explaining our case on Kashmir. For this purpose a copy of an AIDE MEMOIRE is enclosed for presentation to the State Department.

3. Copies are also being sent to our Heads of Missions in other countries which are members of the Security Council.

Yours sincerely

B.L. Sharma

Shri B. K. Nehru,
Ambassador of India,
Washington

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AIDE MEMOIRE

There are only three aspects of the Kashmir question, namely: (i) the State’s accession to India, (ii) Pakistan’s aggression and (iii) the issue of plebiscite.

ACCESSION

1. The former princely State of Jammu & Kashmir acceded to India in October 1947 when the ruler of the State executed an Instrument of Accession under the Government of India Act of 1935 as adapted under the Indian Independence Act of 1947. This Instrument of Accession was accepted on behalf of the Government of India by Lord Mountbatten. A similar document was signed by more than 500 princely States who acceded to India after Indian Independence.
The State’s accession to India was legal, completely constitutional and totally unconditional.

The act of the State’s accession to India was performed by the ruler with the concurrence and support of the largest political party in the State, the National Conference. This act of accession was further reinforced by a freely elected Constituent Assembly of the State of Jammu & Kashmir which held its first meeting in October, 1951. It was reaffirmed in the State’s Constitution adopted on November 17, 1956. The relevant portion of this Constitution is as follows:

“We, the people of the State of Kashmir, having solemnly resolved, in pursuance of the accession of the State to India which took place on the twenty-sixth day of October 1947, to further defend the existing relationship of the State with the Union of India as an integral part thereof, and to secure to ourselves justice, social, economic and political; liberty of thought, expression, belief, faith and worship; equality of status and of opportunity; and to promote among us all sovereignty assuring the dignity of the individual and the unity of the Nation:

“In our Constituent Assembly this seventeenth day of November, 1956, do hereby adopt, enact, and give to ourselves this Constitution.

“The State of Jammu and Kashmir is and shall be an integral part of the Union of India.”

The Instrument of Accession has been superseded by the Constitution of India and the relations between the State of Jammu & Kashmir with India are now regulated by Article 370 of the Indian Constitution.

Hence, Kashmir became as expressly desired by its people, a constituent State of the Indian Union and therefore, part of Indian territory.

2. The State’s accession to India, it is worth noting, has never to date been challenged on the legal plane. The United States’ representative, speaking at a meeting of the U.N. Security Council on February 4, 1948 acknowledged the legality of the accession. “The external sovereignty of Jammu & Kashmir is no longer under the control of the Maharaja...with the accession of Jammu & Kashmir to India, this foreign sovereignty went over to India and is exercised by India, and that is how India happens to be here as a petitioner.”

The Government of the United Kingdom also never questioned and indeed could not have questioned this act of accession which was made directly under the enactments of the British parliament.

The Legal Adviser to the United Nations Commission came to the conclusion that the State’s accession to India was legal and could not be questioned. This fact was further recognized by the U.N. Commission in its report submitted to
the United Nations and defined in its Resolutions of August 13, 1948 and January 5, 1949. Both these Resolutions, be it noted, were accepted by India and Pakistan.

3. Pakistan, too, is not unaware of the legality of the accession and has therefore been unable to challenge it before an international court of law. It is interesting to note that in 1957 when the *TIMES* of London had made a suggestion that the issue of accession be referred to the World Court, the suggestion was opposed by Mr. Firoz Khan Noon, then Foreign Minister, and Mr. Chundrigar, then Prime Minister of Pakistan.

India's sovereignty in Kashmir stems from the act of accession which was complete, total and unconditional — an act of accession fully ratified by the freely expressed will of its people.

AGGRESSION

The act of Pakistan's aggression in the State of Jammu & Kashmir has also not been disproved until this day. President Ayub Khan of Pakistan has himself admitted this act of aggression in the following words uttered by him at a public meeting held in Djakarta (Indonesia) on December 7, 1960: “..Thus began the problem of Kashmir where the Moslems were fighting for freedom. Naturally, we in Pakistan, went to their aid.”

2. The late Mohammed Ali Jinnah, Founder of Pakistan, told Lord Mountbatten towards the end of 1947, that if Indian troops were withdrawn from Kashmir “I'll call the whole thing off”— meaning thereby that he would withdraw Pakistan forces from Kashmir (vide Alan Campbell Johnson's book —"Mission with Mountbatten").

3. Mr. Zafrulla Khan (formerly Pakistan Foreign Minister and principal delegate of his country in the United Nations who had earlier denied, during U.N. debates, Pakistan's incursion into Kashmir territory) admitted before the United Nations Commission in July 1948 that three Pakistani brigades were fighting in Kashmir. Commenting on this admission, the U.N. Commission observed:

> “According to the Security Council's resolution of 17 January, the Government of Pakistan was requested to inform the Security Council immediately of any material change in the situation. In a letter addressed to the Security Council, the Pakistan Government agreed to comply with this request. The Government of Pakistan had, however, not informed the Security Council about the presence of Pakistani troops in the State of Jammu and Kashmir.”

4. Sir Owen Dixon, eminent Australian jurist and U.N. Representative for
India and Pakistan, expressed the view that the entry of hostile elements into the territory of Jammu and Kashmir in October, 1947 was “contrary to international law” and the entry of regular Pakistan forces in May, 1948, too was “inconsistent with international law.”

5. Khan Abdul Qayum Khan (then Premier of the North-West Frontier Province of Pakistan) and Nawab of Mamdot, in a judicial enquiry made in some other connection in Lahore, admitted that Pakistan was behind the invasion of Kashmir by the tribesmen.

6. On October 22, 1947 Pakistan sent thousands of tribesman into Kashmir. These tribesmen were aided, abetted, financed and allowed to pass through Pakistan territory. They were supplied with automatic weapons and transport and reinforcements. The raiders used Pakistan Army signals and military hospitals. The Pakistan Radio related the exploits of the tribesmen and described India as the “enemy.”

The fact of Pakistan’s invasion of Kashmir has been amply corroborated by the testimony of numerous independent observers. Here is what Mr. Robert Trumbull, Correspondent of the NEW YORK TIMES, says in his book, “AS I SEE INDIA”:

“...The Pakistan government has steadfastly denied any official encouragement to the tribes in the invasion of Kashmir...

But there was never any doubt that Pakistani provincial authorities, perhaps unofficially but certainly not without the knowledge of Karachi, supplied the bloodthirsty tribal lashkars (war parties) with truck transport. And ‘Pakistani Army officers, alleged to be on “leave”, led the contingents... The Indians arrived just in time to stop the raiders five miles from the capital...”

Another independent observer, Vincent Shean in his book, “Nehru - Ten Years of Power”, states:

“By early September of that year (1947) the Pathan tribesmen had been converging on the borders of the Jammu Kashmir state and the western part of Jammu (the Poonch area) was soon in their hands. In mid-October they began the infiltration of Kashmir proper, armed with modern equipment which could only have come from the Pakistan Army... The Maharajah’s accession to India (October 24th, made final on the 26th) and the dispatch of the first Indian troops (October 27th) were not only next in order, but were the direct, inevitable consequences of this invasion. So far as the dates and facts are concerned there can be no dispute.”
It is worth noting that while in United Nations' debates on Kashmir in 1947 Pakistan, denied that it gave any support to the tribesmen, in 1960 the fact was taken for granted even by Pakistani newspapers. *THE PAKISTAN TIMES* of Lahore dated, October 12, 1960 in an editorial observed as follows: "When Pakistan volunteers and troops went into Kashmir to aid the armed struggle of its long oppressed people ...even the so-called deed of accession on which India’s whole case on Kashmir rests, had not yet been signed."

**PLEBISCITE**

1. Pakistani propagandists are never tired of repeating that India has not honoured her commitments to the U.N. on Kashmir. It was about time that Pakistan was reminded of her own solemn commitments on this very subject to the United Nations.

Both Pakistan and India had accepted the Resolution adopted on August 13, 1948 by the United Nations Commission for India and Pakistan (UNCIP). The first part of that Resolution imposed a ceasefire which, incidentally, Pakistan has repeatedly violated and continues to violate even today in the form of organizing raids and sabotage in Kashmir. The second part of this Resolution directed Pakistan to withdraw all its regular and irregular forces from the territory of the state of Jammu and Kashmir. The third part (which was to be implemented when the conditions laid down in parts one and two were fulfilled) envisioned a method whereby the free will of the people of the State could be ascertained in a peaceful manner.

It is important to note that neither part one, i.e., ceasefire, nor part two which mainly concerns Pakistan, i.e., withdrawal of its regular and irregular forces from the State, has until this day been carried out by the Pakistan Government. In these circumstances, is it not the height of logical absurdity to expect India, to implement unilaterally part three of this Resolution? If parts one and two were, ignored and part-three implemented, it would be like putting the cart before the horse! It will also not be in keeping with the spirit of the Resolution of the UNCIP to which both Pakistan and India are parties. Hence, it is Pakistan and not India which should be blamed for not honouring her commitments to the United Nations.

The responsibility of making a plebiscite at all possible lay not with India but with Pakistan. Pakistan deliberately dragged her feet in carrying out the obligation to withdraw her troops from Kashmir, Not sure of winning a plebiscite, Pakistan tried to gain time to consolidate her unlawful position in Occupied Kashmir. Hence the long drawn out negotiations with the U.N. Commission, Sir Owen Dixon (1950) and Dr. Graham (1951-1953) in which she tried to get the UNCIP terms on withdrawal of her troops modified to suit her purpose,
Dr. Jarring’s reference to “the changing political, economic and strategic factors surrounding the whole of the Kashmir question, together with the changing pattern of power relations in West and South Asia” and Dr. Graham's conclusion that the U. N. Representative could, not reconstitute the status quo required under the UNCIP resolutions show that a settlement of the Kashmir situation along the lines of the UNCIP resolutions is not a practical proposition in the conditions of today.

The discussion of the problem between the Prime Minister of India and President Ayub in September 1960 did not lead to any precise results. After the talks at a Press Conference at Lahore, the Prime Minister observed that if an attempt to solve a problem led to creation of more difficult problems, then that was no solution. However, in conformity with India’s policy of settling all issues by discussion and negotiation, the Prime Minister made an offer to President Ayub at his Press Conference held in Delhi on December 28, 1961, that negotiations could be started on the basis of things as they are and a settlement reached which avoids upsets. President Ayub has rejected this offer.

2. Pakistan has made much play of an assurance given by Prime Minister Nehru to the people of Kashmir, after India had accepted the State’s accession. The assurance, was that after Pakistan’s invasion had been liquidated and the entire territory of the State cleared of Pakistani hordes and tribesmen, India would again ascertain, if necessary, the will of the people of the State of Jammu & Kashmir.

This assurance, be it remembered, was made only to the people of Kashmir. The assurance was not that India would hold a plebiscite to determine whether Kashmir should join India or Pakistan. Where does Pakistan come in? What right has Pakistan in Kashmir? By what right is she sitting on more than one-third part of the territory of the State of Jammu & Kashmir? By what right does she demand a plebiscite when she has turned her own back on a democratic way of life? How can an aggressor be entitled to share in the property of aggressed?

So far as India’s assurance to the people of Kashmir is concerned, it has been more than fulfilled already. By refusing to vacate the aggression, Pakistan attempted to prevent the people of Kashmir from exercising their right of self-determination.

Determined not to be held to ransom by an aggressor, the people of Kashmir, except those held in subjection by Pakistan, convened a Constituent Assembly of elected members, framed a democratic constitution, reaffirmed their constitutional relationship with India, and drew up a programme of social reforms and economic development which is changing the face of this Indian State.
Article 3 of the State’s Constitution, which is irrevocable has made the State an integral part of the territory of the Indian Union.

Plebiscite, like general elections, is one of the recognised forms of democratic processes. It is to be noted, however, that there has not been a single general election in Pakistan since it was created in August, 1947. Meanwhile general elections, based on universal Adult suffrage, have been held twice during this period in Kashmir on the Indian side and a third general election is due to be held in February this year. As for as parliamentary democracy and democratic values are concerned, It is hardly necessary to comment on what prevails today in Pakistan; or in Pakistan-occupied Kashmir.

It is widely recognised that any upsets in Jammu & Kashmir will result in serious consequences to the people of the State and will also have grave repercussions in the rest of India and Pakistan. Stability, peace and progress have been brought about in Kashmir, in the teeth of opposition from the aggressor and by democratic methods — a tribute to the freedom-loving people of Kashmir and the community of the Indian people of which they form an integral part.

The virus of religious frenzy and hatred fanned by Muslim League leaders who advocated a theocratic State of Pakistan led to the hideous events which followed the partition. Pakistan is welcome to follow any policies it likes, but India cannot allow her dearly gained stability and independence to be undermined by permitting Pakistan to apply archaic theocratic principles to disrupt her territorial integrity.

India is prepared to be patient and tolerant and not resort to force to remove Pakistan aggression. It is obvious, however, that there is a limit to this patience and tolerance. India cannot permit Pakistan to use her continuing aggression on Indian territory as a jumping off ground for further territorial aggressions.

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Telegram from Ministry of External Affairs to Indian Embassy in Washington.

New Delhi, January 11, 1962.

TELEGRAM

FROM: Foreign, New Delhi
To: Indembassy, Washington.

No. 24316 11th January 1962

MOST IMMEDIATE

Addressed: Indembassy Washington

Repeated: Indiadal New York (for JHA)
Hicomind London (for KAUL)
Hicomind Karachi (for MEHTA)
B.K, NEHRU From M.J, DSSAI.

Reference my telegram No. 24313 January 10th

2. President KENNEDY has sent a message to Prime Minister welcoming the News that conversations on Indo-Pakistan relations are to take place between responsible Indian officials and Mr. AKHTAR HUSSAIN Pakistan Minister of Education. TIMMONS to whom I had given the gist of the talks between AKHTAR HUSSAIN and Prime Minister yesterday told me that his message about this talk has crossed the message received from the President.

3. TIMMONS personally presented the message to Prime Minister and enquired whether something more could be done to promote these talks. Prime Minister gave an account of his talks with AKHTAR HUSSAIN and said that he cannot see what more he can do. He said that he is leaving on tour again tomorrow morning but Foreign Secretary will be here.

4. TIMMONS asked me later whether something more could be done. I said that the ball is now in the Pakistan court and in any case HILALY Pakistan High Commissioner who saw me last Saturday had promised to see me again on his return from Karachi, I told TIMMONS that if HILALY or any other official wants to talk about this matter I am always available.

5. From the wording of the President’s message to Prime Minister it appears that ROWNTREE has given the State Department false hopes about these discussions though Pakistani authorities seem to have definitely decided to agitate the matter in the Security Council.

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2101.  SECRET

Telegram from Indian Delegation at the United Nations to Ministry of External Affairs.


TELEGRAM

From: Indiadel New York
To: Foreign New Delhi
Repeated: Hicomind London (for Kaul) Hicomind Karachi (for Mehta)


MOST IMMEDIATE

M. J. DESAI From B. K. NEHRU, Kashmir.

I saw Chester Bowles on January 9 and Galbraith on January 10. These meetings had not been arranged for Kashmir. Chatterjee saw Talbot and Galbraith yesterday and conveyed to them in the light of your 24313 of January 10 and 24316 of January 11. Thereafter these latter went to the White House to report.

2. Most productive meeting was with Bowles. He said that Pakistani objective in bringing the case to the Security Council was not to get a settlement which obviously could not be obtained through the Council but (a) to take advantage of our present unpopularity to get more sympathy and (b) to worsen Indo-American relations. As long as they got the last objective, they would be satisfied. He had been attempting to persuade the Administration to tell the Pakistanis that United States would not take Pakistan’s side if they brought up the dispute now. He had not so far succeeded but no commitment had been made to the Paks who did not yet know what view United States would take if they persisted in following this course against American advice. The danger was that the Americans would support Pakistan and the Russians would support India. The consequences of this, with the reactions and counter-actions of the press in both countries, would, coming on top of Goa, have the result of setting back Indo-American relations so badly as to require years, not months, of patient effort to put them right again. A subsidiary danger was that the debate might generate into a slanging match between Zafrullah Khan and Krishna Menon and the hard things said against the United States, especially through an unpopular spokesman, would not easily be forgotten. It was imperative in his view to do all that one possibly could to delay the debate till the effect of Goa had worn off. The Congress President’s and Defence Minister’s references to
the necessity of vacating Pakistani aggression had already been reinforced the image of Indian bellicosity which Goa had given.

3. We talked at length about how this postponement could be achieved. He came up with the idea that the Prime Minister should make a dignified statement deprecating aggressive attitudes and stating that India was always ready to negotiate with Pakistan. It was not necessary in this statement to spell out clearly the basis on which negotiations would take place. The whole problem at this moment was not substantive but one of public relations. The effect of statement of this kind would be to cut the ground to a certain extent from under Pakistani feet. People could also take the view at the Security Council that if India was prepared to negotiate, that offer should be accepted before the matter was again raised in the Security Council. If negotiations did start as a result of such a statement, they could commence at the tertiary level so that they did not creep to the Summit through the secondary level in less than six months. He felt that Prime Minister might turn down this suggestion as having in it an element of dishonesty, but he (Bowles) saw nothing dishonest in making statements that we were prepared for negotiations, as in fact we were.

4. Galbraith’s main point was that if the matter did come up to the Security Council, we should ensure that it did not result in vituperation. If the debate was prolonged and offensive words were used, there would, of course, be no difference in the end result, but great harm would be done to our image. I said it was a bit difficult considering the emotions involved and the deliberate objective of Pakistan to provoke us to ensure that the debate could be held at a calm non-vituperative level.

I agree with Chester Bowles’ analysis and recommendations. The question is not one of substance for it is obvious that no substantive change in position will result from the debate. It is one purely of public relations, and I fear greatly that a Kashmir debate coming on top of Goa will have an effect on Indo-American relations which will be extraordinarily difficult to repair. It is not only the Americans who have fish to fry with us; the fish we have to fry with them are fairly important and the frying pan should be kept in good condition.

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TELEGRAM

From: Foreign New Delhi
To: Indembassy Washington.

No. 24323.


Most Immediate

Addressed: Indembassy Washington

Information:
Hicomind London (for T.N. Kaul)
Hicomind Karachi (for A.N. Mehta)

B.K. Nehru From M.J. Desai

Your telegram 23 of 12th.

2. While we agree that a debate on Kashmir in the Security Council cannot settle anything and will merely cause embarrassment all round, we cannot see why our friends should go on pressing us to make various gestures when the Pakistanis are being deliberately cussed and mischievous and have categorically refused to listen to American advice in this matter.

3. Copy of text of a letter which JHA has been asked to send to the President of the Security Council has been repeated to you. It is now for the American delegate in the Security Council to persuade Council members to decide against the Pakistani request for an early meeting and to take up the matter if message at a later date in the light of developments in connection with direct negotiations.

4. Your telegram has been seen by Prime Minister who is on tour. It is possible that he may in the course of his speech later this evening refer to the Kashmir question in some form or other.

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Letter from Officer on Special Duty (Kashmir) in the Ministry of External Affairs B. L. Sharma to Ambassador in the United States B. K. Nehru.

New Delhi, January 17, 1962.

Ministry of External Affairs
New Delhi

No.43-OSD(K)/62 January 17, 1962.

My Dear Ambassador,

I enclose for your information an extract of letter No. AHC/16/62 dated January 13, 1962, which we have received from Acting High Commissioner in Karachi.

Yours sincerely,

(B.L. Sharma)

Shri B.K. Nehru
Ambassador of India,
Washington.

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5. I now come to the attitude of the Americans here. In an attempt to ascertain what advice the Americans had given to the Pakistanis Ashoke Chib and I made an earnest effort to get our American friends to talk. With a view to draw them out we mentioned the suggestion of Mr. Galbraith to the Foreign Secretary about talks on Kashmir on the second level with the purpose of avoiding a showdown in the Security Council, and gave a background of our invitation given before the High Commissioner went on leave to General Burki to discuss Indo-Pakistan relations with the Prime Minister. I also passed on Shafquat’s remark to me at a meeting the other day that General Burki did not consider the time opportune for a visit to India. In this context I referred to the last minute request for Mr. Akhtar Hussain to see the Prime Minister and enquired if this was not a downgrading of the mission originally contemplated. American reactions did not come as a surprise knowing the fascination Ayub exercises over Ambassador Rountree and the latter’s own conviction that not only can Ayub Khan alone get this country back on its feet but that there is no
one who can take his place. But what did surprise us was the rather naive attempt on the part of these senior officers, with whom we have had close personal relations, to convince us that talks at second level desired by their Ambassador in New Delhi and which we had foreseen by our invitation to General Burki was adequately met by the last minute shifting of the responsibility to Akhtar Hussain. They firmly contested our view that the inescapable conclusion was that Pakistan had made up its mind to go to the Security Council and their move was meant to impress the Americans.

6. We pointed out that as the American Embassy in Delhi was in close touch with our Government, we would like to assess correctly what was conveyed to the American Embassy here by the Pakistan Government in response to their approach for talks at second level with India. While our concern was appreciated they regretted at not being able to add to what they had already told us. I might add that both the Counsellor and the First Secretary were rather embarrassed at having to take this line. It is not difficult to see the hand of Rountree in the issue of this whip. This attitude contrasts sharply with the close and friendly contact maintained at Delhi to avoid an unpleasant situation affecting both countries. I would even go further and say that while we are sincerely responding to American efforts, it is doubtful if an adequate presentation of American concern over this matter is being conveyed here to the Pakistanis. It is inconceivable that this country, tied as it is to American apron strings, would not show some response if it had been so approached. One cannot help feeling that once again India is expected to pull American chestnuts out of the fires lit by its allies.

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Telegram from Indian Embassy in Washington to Ministry of External Affairs.


TELEGRAM

From: Indembassy Washington
To: Foreign New Delhi
Repeated: Indiadel, New York (For C.S. JHA)

No.33. 18th January, 1962.

Most Immediate

M. J. Desai From B. K. Nehru Kashmir

President's letter to Prime Minister was given to me by TALBOT last night. GALBRAITH lunched with me today and I discussed it with him. I was visiting Mrs. KENNEDY this afternoon. President walked in and we had fifteen minutes talk inter alia about Kashmir.

2. Parentage of proposal is not fully known but much of it is apparently President's own. He is most anxious to avoid any debate in Security Council for same reasons as given by CHESTER BOWLES. He is at same time anxious not to annoy AYUB too much in this matter in view of pressure he is exercising on him in regard to Afghanistan. Also apparently his commitment to AYUB in regard to doing something about Kashmir was a little stronger than was given out to us at time of Prime Minister's visit and AYUB keeps reminding him of it. He feels that it will be difficult for United States to vote against debate in Security Council without being able to say that some move for settlement of question was afoot. Furthermore, he believes that good offices of an impartial and universally respected man like BLACK can only help end not hinder.

3. I told President that I was talking wholly without instructions. Apart from the substance of the proposal I did not think the timing was too good. He said the timing was because he wanted some assurance that something was going to happen before Security Council debate so that the United States could honestly ask for postponement. I said it was exactly for this reason that I thought the timing was wrong. The Kashmir issue was a long standing one and aroused violent emotions. To remove it from one channel and put it into another was a major decision which no Government could be expected to take on the eve of a general election and certainly not with a time limit. (To Galbraith I had used
the womut effect the Indian example might have elsewhere. The presence of Defence Minister in New York immediately after the Goan military operations had further aggravated popular feeling. Criticism of India often came from people who had supported his action in Cuba and wanted him to take further action. They should be ignored. There also was certain amount of jubilation that India which was always preaching love and peace at the United Nations had been caught out.

9. I explained to him that Defence Minister had not been sent here as any symbol of victory; he had come in the normal course because he handled all important questions at the UN and STEVENSON had said on the night of Goa debate that he reserved the right to ask for another meeting. Although he did not mention it I am told he is still sore, that Prime Minister did not specifically mention Goa to him.

2105.

SECRET

Telegram from Ministry of External Affairs to Indian Embassy Washington.

New Delhi, January 19, 1962.

TELEGRAM

From: Foreign New Delhi
To: Indembassy Washington.

Most Immediate

B.K. Nehru From M. J. Desai.

I talked to TIMMONS this morning and told him that the suggestion made in President KENNEEDY’S letter on Kashmir to Prime Minister is being considered with the care and attention that the importance of the subject and our regard and esteem for President’s views and interest in our affairs demand.

2. I have also mentioned to TIMMONS briefly the points staged in para 3 of my telegram to JHA No.24335 of yesterday repeated to you and told him, that intervention of a third party whether he is called a good officer or mediator is liable to complicate matters considerably both because of the publicity involved
and the prestige issue which will vitiate effective negotiations. Direct talks between the parties avoid these prestige and publicity issues. The interest taken by the U.S. Government has been of help in the past in settling our boundary dispute on the Eastern and Western borders and in arriving at the Canal Waters settlement. Our objections and misgivings refer to the method suggested and not to US interest in this matter. We welcome the continuance of genuine interest US influence being unobtrusively but effectively used to promote a settlement.

3. I told TIMMONS that most of the Ministers are out touring because of the coming elections. This is one cause for delay as Prime Minister must consult his colleagues before replying to Presidents letter. We would also like to get full background from Ambassador GALBRAITH on his return.

It will not therefore be possible for Prime Minister to send a reply to President’s letter till some time towards the end of next week. TIMMONS said that he will communicate the gist of our conversation to his Government for their interim information.

4. Can you find out how President AYUB KHAN has reacted to President KENNEDY’s message? TIMMONS did not have any information on this point.

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IMMEDIATE

M.J. Desai From B.K. Nehru.

The Black proposal is now public and I presume we will have to reply fairly soon. It is not certain whether Pakistan has as yet sent a formal reply, but I learn from Pakistan Embassy source that President has been told that the proposal is acceptable and Pakistan will not press for meeting of Security Council pending Indian reply.

2. If we do not want to accept the proposal, as I assume we do not, and as a rejection would cause embarrassment not only with KENNEDY, but with Black, both of whom and particularly the latter are super-sensitive. I would repeat my advice that we send non-committal stalling letter saying we will reply definitively after new Government is formed. Letter should at some length describe our esteem for the President and our respect for Mr. Black, stress need for consultation in federal democracy and particularly with new Government of Jammu and Kashmir. It would probably be desirable not to give copy of reply to American Embassy before delivery to President in order to avoid premature communication of its contents.

3. In the time so gained, I suggest I be authorized to operate on Black and KENNEDY with objective of whittling down their proposal on grounds that I will have to manufacture as I go along. Withdrawal of the proposal will not obviously be possible for reason of prestige, but it might just be possible to get it so altered or weakened as to save us the embarrassment of an absolute rejection. If this is accepted grateful for guidance as to direction which you would like proposal altered.
2107. SECRET

Telegram from Indian Delegation at the UN to Ministry of External Affairs.


TELEGRAM

From: Indiadel, New York
To: Foreign, New Delhi.
Repeated Indembassy, Washington.

No.55 28th Jan 1962.

Most Immediate

Foreign Secretary From JHA

At a luncheon Partrick Dean (UK Representative at the UN) told me today that Zafrulla Khan was sending him another letter insisting on a meeting and that he may call a Council meeting on Wednesday. He felt that it would be awkward if Pakistan’s request addressed to him was not taken up during his period of Council President-ship but that he would of course consult Council members. To my question what the purpose of the Council meeting would be he said he could not say.

2. The reasons for this change and attempt to invest with urgency the matter that has remained quiescent for three weeks may be surmised as (1) green signal for meeting by United States after rejection by us of the Kennedy offer of Black’s good offices (2) decision by UK government not to let down Pakistan during Patrick Dean’s President-ship (3) reluctance of United States to call meeting during Stevenson’s President-ship in February: hence arrangement with Dean to call meeting on last day of this month.

3. Plimpton told me briefly of disappointment at our turning down their President’s offer. (Incidentally this seems known here though B.K. Nehru tells me that he would be handing over our reply tomorrow). I spoke with ZORIN LOUTFT and QUAIISON SACKEY of Ghana who were also present at same luncheon. They had not yet been consulted by DEAN. ZORIN said he fully appreciated our point of view and did not see need for a meeting now. He also did not see why Congo debate due to start on Tuesday should be shelved and interrupted by Kashmir debate.

4. Above is for present information. Shall telegraph again tomorrow after meeting PLIMPTON and some other member of Council

❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖
2108. Letter from the Indian Ambassador to the US President forwarding a letter from Prime Minister of India Jawaharlal Nehru.


Dear Mr. President,

I have the honour to transmit to you a letter from the Prime Minister of India which has been received by me telegraphically.

With my high regard and esteem,

Yours sincerely,

(B.K. Nehru)
Ambassador of India

The President,
The White House,
Washington D.C.

{In Tele No.24343 dated 27 January 1962, the MEA had informed the Ambassador Nehru that the “PM has considered all aspects of President Kennedy’s proposal with his cabinet colleagues and also with the Chief Minister of (Jammu and Kashmir) Bakshi Sahib.” The Ambassador was also instructed to pass on a copy of this letter to Ambassador C. S Jha who was India’s Permanent Representative at the U.N. in New York.}

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LETTER FROM THE PRIME MINISTER OF INDIA

New Delhi
27th January 1962

Dear Mr. President

Thank you for your letter of 16th January. I hope you will forgive me for the delay in answering it.

2. Both my colleagues in the Government and I have been heavily occupied with our election campaign. You will no doubt appreciate the burdens that these campaigns bring upon us. We have to tour about this large country and this is likely to continue during February. The Subject on which you wrote to me was of considerable importance to us and I did not wish to send an answer to you before I had consulted my colleagues as well as the
Government of Jammu and Kashmir State and considered your suggestion fully in all its aspects.

3. I can well understand your deep concern over relations between India and Pakistan and I share that concern. Indeed, I may say that there are few questions which affect India more. We have lived with this problem for over 14 years always hoping that our differences would be solved and result in happier and more co-operative relations between India and Pakistan. Fortunately there is very little ill-will now existing between the peoples of the two countries. But on the Government level the friction continues.

4. We had earnestly hoped when we agreed to partition and creation of Pakistan as an independent sovereign state that this would result in friendly relations between the two countries. Because of our geography, history and common culture as well as many other interests which we have in common, it seemed natural that we should co-operate. We in India were absorbed in our national development and in securing higher standards for our people. We did not want to divert our energy and our resources to a conflict with Pakistan.

5. It was, therefore, our constant endeavour to eliminate causes of friction and misunderstanding between India and Pakistan and, despite occasional setbacks, we have pursued this objective consistently throughout these past 14 years. I must confess to you that we have been grievously disappointed at the attitude of Pakistan which has throughout been negative and agitational and have come to the conclusion that it is a basic policy of that country’s Government to hate India and to keep up the tensions that exist between our two countries. This I suppose, is a conscious continuation of the religious complex of the two-nation theory which we all hoped would disappear with the creation of Pakistan. We in India have refused to accept that theory as a basis of political activity because to do so would mean a denial of the nationalism for which we stood. Even now, after the partition, there are 50 million Muslims living in India and we cannot entertain any obscurantist political theory of religion as the basis of the state.

6. Kashmir is supposed to be the principal problem between us. I think that Kashmir is rather the resultant of that ill-will than the cause of it. However, we have tried to solve the Kashmir problem to the best of our ability but without success thus far. It seemed to me on more than one occasion that we came fairly near some approach to a solution, but then, the approaches we made, even at the risk of having to face strong resentment of our people, did not meet with adequate response. We have had the feeling that a certain measure of support that Pakistan got from other countries made it much more rigid in this matter.
7. The history of the conflict over Kashmir is a long and complicated one. But there are certain basic factors that have to be kept in view before we deal with this question. The United Nations and the Commission it appointed on Kashmir both proceeded on the basis that the sovereignty of the entire State vests with India; further that, as the Commission indicated, there had been aggression by Pakistan on Indian territory. The principle (principal) resolutions passed by the United Nations Commission proceeded on the basis of vacation of Pakistan aggression and this was to be followed by a political settlement. Pakistan aggression, however, continues and what is worse there is continuous trouble on the cease-fire line and hardly a few days pass without attempts on behalf of Pakistan to commit acts of sabotage in Kashmir. These are the basic facts.

8. During these past years the Jammu and Kashmir State has become an autonomous State of the Union of India. According to our Constitution the State has a large measure of autonomy with which we cannot interfere. Indeed it is stated in our constitution that no change in the Jammu and Kashmir State can take place without the approval of the elected Assembly of the State. The State has had two general elections since then under adult franchise and third election will take place soon in common with the rest of India.

9. We have been anxious to settle this question and have made repeated attempts to do so keeping in view our Constitution and basic position. We went to the Security Council of the United Nations with a request to resolve the situation created by Pakistan aggression. Since then various eminent people have been appointed by the Security Council to find a way out of the difficulties that faced us. They failed in this endeavour and we became convinced that third parties would not be able to give any effective help in resolving our differences. The only way to solve them was by direct talks between the two countries. This may not be an easy matter but it seemed to us the only possible way.

10. I therefore, entirely agree with you that patient discussions and negotiations and the continuing search for a possibility of accommodation are the only effective ways of reaching an amicable settlement. We are as anxious as you are Mr. President to avoid public debate and recrimination and exploitation of controversy for its own sake. We have exercised and will continue to exercise moderation and restraint in our utterances so as not to prejudice the atmosphere for direct negotiations. We hope that Pakistan will do likewise.

11. We have considered the suggestion made by you with the care and attention that the importance of the subject and the esteem and regard
which we have for your views, require. We have the highest regard for Mr. Black's personal qualities and we are grateful to him for his keen interest in our development plans and the substantial contribution he made in resolving the Canal Waters question. There is no lack of confidence in Mr. Black, but we have certain doubts and misgivings about your proposal.

12. Ever since this proposal became public through some leakage in Karachi or Washington it has been severely criticized in India and even those who do not agree with our Government's policy on many things have not approved of it. Indeed it can be said without any doubt that the public reaction to this proposal in India has been overwhelmingly adverse. The idea of a third party’s intervention is strongly objected to and it is thought that such intervention will not be helpful. Indeed it might make matters worse. In view of the Past history of this case and the admitted aggression that took place on the part of Pakistan we feel that putting both parties on the same footing would be wrong. Even though Mr. Black’s good offices may be entirely informal this would be regarded as some kind of mediation or arbitration. Any such idea of mediation or arbitration would be strongly resented in India as past history has shown. I am convinced that the only effective way of arriving at a mutually satisfactory solution is to follow the method of direct negotiations and discussions. This method has produced results in the past and it is not too much to hope that it may be equally effective in regard to Kashmir.

13. A year and a half ago I invited President Ayub Khan to Delhi. I have again renewed that invitation. I hope he will be able to accept it. Any meeting or any other step will have to wait till the elections are over and a new Government has been formed in India. Ambassador Galbraith is in touch with us and we will gladly discuss with him any development that may arise and any avenue of fruitful negotiations that may offer itself.

14. I would like to thank you again Mr. President for your deep personal interest in matters that affect us so vitally. We are happy to have your understanding and sympathy.

With kind regards,

Yours sincerely,

Jawaharlal Nehru

The President,
The White House,
Washington D.C.
2109.  

SECRET  

Telegram from Indian Embassy Washington to Ministry of External Affairs.  


TELEGRAM  

From: Indembassy, Washington  
To: Foreign, New Delhi  

No.56  29th January 1962.  

IMMEDIATE  

M.J. Desai from B.K. Nehru.  

Kashmir  

Your 24341 was received Saturday afternoon. Substance of it was known to State Department before I received the telegram and was immediately communicated to the American Delegation to the United Nations and presumably to the President at Palm Beach. President came back this evening and I am delivering letter to him tomorrow. In the meantime the newspapers contain the substance of the letter datelined New Delhi and say that it was handed over to American Charge Affairs this morning. American practice is not to handover letters to Ambassadors here till they have been received by the addressee. Could we not also follow it to save this kind of embarrassment?  

2. I spent two hours with Black last night and am reasonably certain that he will not take our rejection as rebuff to him. Had long session with TALBOTT today. His reaction is that if this method is unacceptable, some other capable of producing solution should be found. In the meantime he sees no possibility of avoiding Security Council debate; he thinks it would be better to have it out now than postpone it to a time nearer the foreign aid debate in Congress.  

◆ ◆ ◆ ◆ ◆
2110. TOP SECRET

Telegram from Indian Delegation to the UN to Ministry of External Affairs.


TELEGRAM

From: Indel New York
To: Foreign, New Delhi
No. 57 29th January 1962.

Immediate

Addressed: Foreign New Delhi

Repeated: Indembassy Cairo for HUSAIN,
Indembassy Dublin for Charge d’Affaires (Foreign New Delhi please pass)
Hicomind London for Kaul,
Hicomind Accra KHUB CHAND
Indembassy Washington for NEHRU.

Foreign Secretary from Jha

My telegram No. 55 January 28th Kashmir. My talks virtually with PLIMPTON and YOST this morning confirm the suspicion that Americans have now decided that consequent on rejection of the KENNEDY offer there should be a meeting of Council as requested by Pakistan. PLIMPTON also spoke of a possible meeting on Wednesday. Pakistan’s letter to Security Council President was handed in at 4 p.m. with request for urgent meeting. Letter whose text separately telegraphed by INDUNIFO repeats SANJEEVA REDDY’s and Defence Minister’s statements and among other things alleges threat by India. Patrick Dean has not informed me but has fixed 1030 a.m. on Wednesday 31st January for the meeting.

2. PLIMPTON expressed “deepest regret” at our rejection of Kennedy offer adding that acceptance of Black’s good offices (not mediation or arbitration) would have done no harm and would have enabled avoidance of a Council meeting. I told him that Prime Minister’s reply had nothing to do with personality of Black who was highly respected, but we felt that direct talks had best chance of success without any kind of external presence or pressure. Our Prime Minister had already invited President Ayub Khan for talks in Delhi after the elections and that it was essential that these take place in a calm atmosphere. I impressed
on PLIMPTON that if Security Council meeting was held in response to what appeared to us to be groundless request of Pakistan just to please them with possible non participation by India, the Security Council may be permanently prejudicing its role in the solution of this question. I further impressed on Yost that if Security Council chose to hold a … (More to Follow)

INCOMPLETE

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2111. TOP SECRET

Telegram From Indian Embassy Washington to Ministry of External Affairs.


TELEGRAM

From: Indembassy, Washington.

To: Foreign, New Delhi.

No.64 30th January 1962.

Most Immediate

M.J. Desai From B.K. Nehru.

Kashmir

I delivered Prime Minister’s letter to President at usual most cordial and friendly and his pro-Indian bias apparent throughout.

2. He (along with roughly 30 officers of State Department) had already seen summary of letter telegraphed by American Embassy in Delhi. I began by saying that I had been asked particularly to assure him that we welcomed his continuing interest in this question; it was a matter of regret that we had not been able to accept this specific proposal that he had made. He said that he did not have the idea of proposing mediation or arbitration of this dispute. People were forever offering mediation or arbitration between the United States and Cuba or the United States and China; he could very well understand our objection to such proposals. What he had in mind was that a mere visit by Mr. Black would serve to reduce the temperature which had risen to fever pitch. He could have come back and reported to him that no solution was feasible. A few months would have passed and things would have cooled down.
3. I said I did not understand his reference to the temperature being at fever pitch. Nothing new had arisen in the Kashmir situation, so what was there to cool down? He said the Pakistani brought him a totally different story and were very excited about the situation. They had brought him a number of quotations from statements made by responsible Indians including the Congress President and the Defence Minister which they interpreted to mean that, heady with its victory in Goa, India was now ready to use force against Pakistan. They had also pointed out the heavy concentration of India troops along the Pakistan border. I said I was frankly not aware that this was in his mind at all. It was true that both the Congress President and the Defence Minister had made certain speeches, but this was election time and he could judge better than I what kind of speeches were made in a campaign. What was important was not the speeches but the resolution adopted by the Congress party and that made no mention of any use of force. Any suggestion that we intended to attack Pakistan or even to attack the Pakistan-held portion of Kashmir was pure rubbish.

4. He said he felt the Pakistanis really believed what they said. One immediate effect was that they wanted more arms. Ayub had recently written him two letters asking for more armament. The competitive armament of the two countries was being financed by the American tax-payer in one case directly and in the other indirectly. This was an incredible waste of resources and led to great difficulty in getting aid appropriations. I said I appreciated this position, but while I felt there was no practical possibility of getting an immediate settlement on Kashmir, I did not see why this waste of resources could not be eliminated irrespective of whether Kashmir was settled or not. Quite apart from our general non-aggressiveness and peacefulness—something which he had momentarily doubted—it was obvious that in Kashmir it was we who were in possession of the Valley which was the main cause of dispute. The Prime Minister had indicated to him that it would be possible to settle on the basis of the status quo. This being the situation what possible advantage was there for us to attack anybody to alter the status quo? It was only Pakistan who apparently wanted a change in the status quo badly enough to be willing to use force to achieve it. Its object in getting arms aid, as the President knew full well, was not to fight communism any more, than any body else was willing to fight communism, but to strengthen itself to be able to attack India in Kashmir. If he wanted the arms race to be stopped, all he had to do was to stop supplying arms to Pakistan.

5. He said that if BLACK had gone there he could perhaps have come back with a declaration that neither side was willing to settle this dispute by force. I said it was hardly necessary for BLACK to pay a visit for this purpose. Our policy was clear in this respect; we would not use force unless attacked. He
asked whether we would be willing to say so either a letter to him or publicly. I said I thought so.

6. He wanted to know why I had said the solution of Kashmir was impossible. I said because apart from the legalities and moralities of the situation, it was now after 14 years emotionally and politically unthinkable for us to lose the Valley. I then gave him a lecture on the theory of the Secular State and the importance of the Valley to the maintenance of such a State.

7. He asked why Black’s visit, though it might have been fruitless, would have been harmful. I said because it would have produced unsettlement in a situation which we regard as settled. He asked whether the Prime Minister had formally renewed his invitation to Ayub or whether this was merely through the press. I said I did not know. He said that the Pakistanis alleged that no invitation had been received.

8. He left sorry the letter seemed to lock and bolt the door. Could we not have agreed to send him a reply saying that this proposal could not be considered till after the elections, that it was for the new Government to decide on what to do and a final reply would be sent after the elections. Did I think there was any possibility of this being done now? Would I revert to my Government with this proposal? I said I would confide in him and tell him that I had already made such a proposal. I had received an answer that the matter had been fully considered by Cabinet and by the Government of Jammu and Kashmir. He asked why my proposal had not been accepted. I said I was not told why; I could only guess that the Prime Minister, having known that this proposal would not be accepted even later on, felt he would have been lacking in candour if he had given any contrary impression. I did not think there was any point in my going back once again at this stage.

9. He said “where do we go from here”. He was concerned with the effect on Indo-American relations which the rejection by India of this proposal and its acceptance by Pakistan would necessarily involve. BLACK had a unique position in this country and the rejection of the proposal could be interpreted as a slur on him. He did not want the letter to be published at this stage though with thirty people having seen the summary of it, he doubted if it could be kept out of the press. The public had to be given a positive and not a negative image of India. What he suggested was that the Government of India should issue a statement in Delhi saying that it had been conveyed to President Kennedy that:

(a) We appreciated the initiative of the American President;

(b) We had full confidence in Mr. Black and appreciated the services rendered by him to India.
(c) We felt direct negotiations would be more conducive to results;
(d) an invitation had been issued to President Ayub to resume negotiations after the elections; and
(e) we would not use force to alter the status quo in Kashmir.

10. He asked whether I thought India would be willing to issue such a statement. I said I saw no reason why not. We agreed that I should say nothing to the press as I went out except that I had delivered a letter and we had discussed various matters at length. At his press conference tomorrow, he would try to hedge but he hoped that we could get out statement out in time for him to be able to quote it at the conference.

11. In conclusion, he remarked humorously that KEN the great friend of India and I the great friend of the United States would go down in history as having ruined Indo-American relations. It was unbelievable that Indo-American relations should be worse now with an Administration so completely sympathetic to India than they had been during the EISENHOWER – DULLES regime. I said the only thing that had really so far affected them was Goa; if Adlai Stevenson had not gone off the deep end as he did and given the cue to the American Press, Goa need not have had, the effect it did. Kashmir was now coming up and the effect on Indo-American relations would depend entirely on how the matter was handled vis-à-vis the public. He nodded in agreement and said that was why he was anxious for the kind of statement he had suggested;

12. I would earnestly recommend that a statement on the lines suggested in para 9 (with considerable embroidery of course) be immediately issued. (a) to (d) are contained in Prime Minister’s letter. (e) can be assumed to have been conveyed through me (Use of phrase “present intention” should be avoided). If Ayub has not been invited directly, could the invitation be “concretized” e.g. through Pak High Commissioner.
TELEGRAM

From : Indembassy, Washington
To : Foreign, New Delhi.
No.64 30th January 1962.

Most Immediate

M.J. Desai from B.K. Nehru.

Kashmir

Continuation my immediately preceding telegram. Following are four quotations handed over by Pakistan Ambassador to President:

(1) REDDY: The head of India’s ruling Congress party pledged to “liberate” all of Kashmir from Pakistan. He said, India cannot accept the present cease fire line in Kashmir. “We hope that within a short time the (Indian) government will take steps to liberate that part of Kashmir (occupied by Pakistan)” (January 5, 1962)

(2) Menon: “For the time being there is no question of changing the agreed boundary between India and Pakistan” (January 2, 1962)

(3) Indian Government’s booklet ‘Kashmir and the United Nations’ says that India “cannot permit Pakistan to use her continuing aggression on Indian territory as ‘a jumping–off ground’ for further territorial claims or further territorial aggressions… India is prepared to be patient and tolerant and not resort to force to remove Pakistan aggression, but it is obvious that there is a limit to patience and tolerance.” (Note Similar statement by NEHRU prior to attack on Goa; “India’s patience has been exhausted” by what he called “provocations” by the Portuguese (December 12 1961)

(4) Nehru said his government “firmly intends to get Pakistani-Chinese – aggressions eliminated from Indian soil.” (January 22, 1962)
Telegram from Indian Delegation to the UN to Ministry of External Affairs.


TELEGRAM

From: Indiadel New York
To: Foreign, New Delhi.
Rptd.: Indembassy Washington

No.60

31st January 1962.

Most Immediate

Addressed: Foreign New Delhi Repeated Indembassy Washington (for Ambassador Nehru)

Foreign Secretary from Jha.

As a result of our strong protests against ex parte discussion of Kashmir question many members seem to have had second thoughts. Late last night meeting was not finally set for tomorrow. It will be held later this week probably Thursday afternoon.

At initiative of Ghana and UAR who have consulted President it has been suggested that after adoption of Agenda President would adjourn meeting to a future date convenient to both parties with following expression of consensus of members. “The Council having noted the apprehensions expressed in the communications from Governments of Pakistan and India appeals to both parties not to have recourse to any but peaceful means for the settlement of the dispute”. Neither Pakistan nor India would participate in meeting.

The suggestion was put to Zafrulla Khan and myself. I said I would refer it to you making clear to DEAN, QUAISON SACKEY and LOUTFI that this was without any kind of commitment whatsoever. I have impressed on DEAN that our opposition to Council meeting remained unchanged. I understand ZAFRULLA is also referring to his Government.
Council meeting seems unavoidable and I am told ZAFRULLA KHAN is determined to exploit opportunity for propaganda purposes. Therefore unless full participation is possible this week, postponement on agreed basis may be a good way out for the time being as that will at least prevent Pakistan from utilizing Security Council for anti Indian propaganda, and may be regarded as a slight setback for Pakistan.

Grateful for most immediate instructions. If you have any alternative suggestion kindly let me know.

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2114. SECRET

Telegram from Prime Minister to Indian Embassy Washington.

New Delhi, January 31, 1962.

TELEGRAM

From : Foreign, New Delhi
To : Indembassy, Washington.


Most Immediate

Addressed: Indembassy Washington
Repeated Indiadel New York (for Jha)
Hicomind Karachi (for Rajeshwar Dayal).

Ambassador from Prime Minister.

Your telegram No.56 January 29 and 64 of January 30. Latter arrived this afternoon. I saw it in evening after my return from Jammu.

2. It is not clear to me how I could possibly have made a statement as suggested in your telegram before President’s Press Conference yesterday.

3. As for a statement now, it would be undignified for me to make a special statement on the eve of Security Council meeting. In fact, I have said all this before on various occasions. I can repeat much of it during my election speeches. I am going tomorrow morning on tour again to U.P., Andhra, Madras and Kerala returning 8th afternoon. I cannot very well say much about this to peasant audiences in U.P., but later I might have an opportunity.
4. This afternoon I spoke in Jammu and specially referred to our not using any force against Pakistan except in defence. I reminded audiences that many years ago and repeatedly thereafter I had suggested a “no war” declaration to Pakistan which they had refused. I had then stated that anyhow we shall not take any military steps against Pakistan unless we were attacked. We stand by that declaration.

5. Pakistan making much of some odd statements made by Ministers here and laying stress on concentrations of our forces on border is just bullying tactics to get more arms aid from U.S. In fact Pakistan has been deliberately encouraging sabotage in Kashmir and we have a number of statements by persons captured to this effect. However we will not use force to alter the *statue quo* in Kashmir.

6. As for concentration of troops on border the facts are that on the eve of Goa operation there were large scale manoeuvres by Pakistan forces near our border. We did not expect any attack by Pakistan but there was a risk especially because of relations between Pakistan and Portugal. We decided therefore to send some troops to the Punjab. These were not sent to the border itself but about 30-miles away. Since then we have ordered their withdrawal and most of them have already been withdrawn.

7. As for invitation to President Ayub Khan I repeated this to Pakistan Minister Akhtar Husain when he came here about two or three weeks ago and asked him to convey it to President Ayub Khan. We have also asked our High Commission in Karachi to do so. I have not written to President Ayub Khan about this or any other matter.

8. You can state quite clearly if necessity arises that we shall not use military forces against Pakistan except in case we are attacked. That is our definite policy repeatedly proclaimed.

9. We did not send copy of my letter to President KENNEDY to American Embassy here till two days after we had sent it to you. Information which President KENEDY had got about it previously was apparently from PTI (Press Trust of India) message which was largely based on intelligent conjecture.

10. There is absolutely no reason to imagine that temperature between India and Pakistan had risen to fever pitch. It is manifest that apart from other reasons, we are much too busy with our elections to think of getting entangled elsewhere. This is obvious Pakistan following its usual tactics and trying to get something out of the Security Council or American aid. Probably they are facing internal difficulties, especially in East Pakistan, which have resulted in arrest of Suhrawardy.

11. It is difficult for me to keep in touch with developments owing to election tours. Unfortunately Foreign Secretary is unwell.

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2115.            SECRET

Telegram from Ministry of External Affairs to Indian
Embassy Washington.

New Delhi, February 1, 1962.

TELEGRAM

From : Foreign, New Delhi
To : Indembassy, Washington.

No. 24350. Feb 1, 1962.

Most Immediate

B. K Nehru from M.J. Desai.

Our telegram No.27511 of today.

2. Since 1959 the Chinese incursions in the north have complicated matters. If we go on announcing as we used to vis-à-vis Pakistan aggression in Kashmir that we will not use force to recover our territory and settle on the basis of the status quo the Chinese would claim the same treatment. It is for this reason that you find references to elimination of all aggression on our territory while at the same time emphasizing peaceful settlement consistent with India's basic policy and methods.

3. While Pakistan can flirt with China we have to deal with both and therefore announcement of our policy in terms which cannot be exploited by either.

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Telegram from Ministry of External Affairs to Indian Embassy Washington.
New Delhi, February 1, 1962.

TELEGRAM

From : Foreign New Delhi
To : Indembassy, Washington.

No. 27511. Feb 1, 1962.

Most Immediate

B. K Nehru from M.J. Desai.

Your telegram No.66 January 30.

Our replies to the four quotations are:

Sub paras (1) and (2) The important point is not what the individual leaders said but the resolution which the National Congress adopted on its foreign policy. This resolution states:

“The Congress considers that consistent with India’s basic policy and methods, the Government should seek all avenues of peaceful settlement and approves of the policy of the Government aimed at vacation of all aggression”.

(3) The quoted sentence which belongs to the last paragraph of the latest edition of “Kashmir and The United Nations” copies of which were sent to you by our X.P. Division sometime ago has been torn out of context. The “limit to patience etc.” refer to the sentence:

“India cannot permit Pakistan to use her continuing aggression on Indian territory as a jumping off ground for further territorial claims or further territorial aggressions.”

(4) The government policy of settling Indo-Pakistan disputes by discussions and negotiations and not by resort to force except when attacked has been repeatedly stated not only in Parliament and on floor of the Security Council by our representatives but also by our Prime Minister in almost every one of his public speeches. It is the policy of Government to secure the vacation of Pakistani-Chinese aggression on the Indian soil but by peaceful methods.

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Telegram from Indian Embassy Washington to Ministry of External Affairs.

TELEGRAM

From : Indembassy, Washington.
To : Foreign New Delhi
Hicomind Karachi (for Rajeshwar Dayal).
No.69. February 1, 1962.

Most Immediate

Secretary General from Ambassador.

Kashmir.

Reference Primin 21015 dated January 31 just received.

2. I regret I do not seem to have made clear what President suggested and I recommended. There is no question of any statement by Prime Minister or indeed any fresh Statement at all. The position is that President has written to Prime Minister and Prime Minister has replied, but neither side has formally and officially stated the results of this correspondence. Some statement on this has to be made. According to news here “official Spokesmen” have been making various statements about the correspondence, but nothing formal has been said. President at last week’s news conference –did make his proposal formally public. The question now is how the reply is to be made formally public.

3. TALBOT had drafted a short press release saying in effect that India had rejected the proposal. I toned it down, but President rejected even amended version on ground that it still would have very bad public relations effect. He suggested that publicity should come from Delhi and the statement issued should stress the points made in paragraph 9 of my No.64 dated January 30. This statement or press release or communiqué would merely say what the Prime Minister had said in reply to President and that was all. The President could here then confirm that he had received such a reply and that would end the matter.

4. At his press conference yesterday President was in fact asked a question on what the Prime Minister’s letter contained but he brushed it aside in the hope that a formal release on the lines suggested would be coming from India.

5. The whole point is not that we are being asked to do or even to say
anything new. The President has merely suggested a form of publicity which he feels will cause the least possible harm to Indo-American relations. In order to make quite clear what I am recommending, I am sending a draft of a press-release in my immediately succeeding telegram.

6. I would earnestly request that prime Minister’s orders be obtained and the release made as soon as possible.

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2118.  SECRET

Telegram from Indian Embassy Washington to Ministry of External Affairs.


TELEGRAM

From : Indembassy, Washington.
To : Foreign New Delhi
Hicomind Karachi (for Rajeshwar Dayal).
No.70.

February 1, 1962

Most Immediate

Secretary General from Ambassador.

Following is suggested text of press release mentioned in my immediately preceding telegram*.

The President of the United States of America wrote a letter on ..... ..... to the Prime Minister enquiring whether he would be willing to agree to Mr. Black, President of the International Bank for Reconstruction & Development to explore

* Foreign Secretary Mr. M. J. Desai in his telegram No. 24351 dated February 3 informed the Ambassador that the Prime Minister himself had already articulated the suggested points in his speech made in Lucknow.
with him and President Ayub the outlines and prospects for negotiations and discussions which might lead to a final resolution of the problem of Kashmir.

The Prime Minister replied to the President in a communication delivered by the Indian Ambassador to the United States on the 30th January. The Prime Minister, in his reply, made clear that he appreciated greatly the friendly interest of the President in seeking a solution for this problem. India had the greatest respect for and the fullest confidence in Mr. Black and was grateful to him for his keen interest in Indian development and the substantial contribution he had made in resolving the Indus Water dispute. The Government of India feels, however, that direct negotiations with Pakistan would, at this moment, be more conducive to results and the Prime Minister has, therefore, renewed his invitation to President Ayub Khan to discuss the subject of Kashmir after the Indian elections and the formation of a new Government. The Prime Minister has taken this opportunity to assure the President that India has no intention whatever of attempting to use force to alter the status quo in Kashmir.

2119.  
SECRET

Telegram from Indian Embassy Washington to Ministry of External Affairs.


TELEGRAM

From: Indembassy, Washington.
To: Foreign New Delhi
No.79. February 4, 1962

Most Immediate

M.J. Desai from B.K. Nehru.

Thank you for your 24351* dated February 3. Very long Indinfo enclair telegram just received.

2. Prime Minister’s speech does cover all the points and we will extract them and give them publicity. However this is not altogether the kind of statement I have been suggesting.

* Referred to in footnote to Document No. 2118
3. There has been certain correspondence between the President and the Prime Minister. No official release has been made by either Government in regard to its contents except for a brief reference by the President. It is desirable that such a formal official communiqué should be issued in order that (a) the minds of press and public which are now confused as a result of a number of “spokesmen” statements and election speeches should be cleared, (b) more importantly President should have an official document which he can use to quieten Congressional criticism. Furthermore the President has made a definite request that this should be done in order to help him to handle the situation here. Unless we can adduce very strong reasons to him why we are not willing to put out a communiqué of this kind, he is naturally liable to be further piqued at the rejection of a wholly innocuous procedural request.

4. As it is clear from the Prime Minister’s speech that he has no objection in substance to the issue of such a communiqué I would once again request you to issue it straightaway. Delay that has occurred so far does not matter, but further delay may very well complicate matters.

5. As far as the situation here is concerned, no further reference in Minister’s speeches to the Kennedy-Black episode will be necessary after the issue of the communiqué. In fact silence on it would be preferable in order to help whole matter to die down.
2120.  

SECRET  

Telegram from Ministry of External Affairs to Indian Embassy Washington.  
New Delhi, February 6, 1962.  

TELEGRAM  

From: Foreign New Delhi  
To: Indembassy, Washington.  
No.24353. 0  

6th February 1962  

Most Immediate  

B.K. Nehru from M.J. Desai.  

Your telegram No.79 of 4th February.  

2. I agree with you that the XP telegram was a poor performance despite clear instructions. I did not have opportunity to see the finished product that they had sent till I checked up last evening.  

3. I am telegraphing separately extracts from speeches of Prime Minister at Jammu and 31st January at Kanpur and Lucknow on 2nd February and at Vishakapatnam on 3rd February. These are official summaries which you can handover to the State Department or to President KENNEDY as you may consider appropriate.  

4. While we appreciate your anxiety to do whatever is possible to mend the fences of Indo-US relations I hope you will appreciate that we cannot go further than what has been mentioned in P.M’s speeches. We have our public opinion here too and there is the postponed debate in the Security Council. We cannot afford to compromise our position on the principles involved namely our sovereignty in Kashmir and Pakistan aggression and violation of that sovereignty.  

5. Pakistanis know what they are doing and their main aim is blackmail U.S. and get more arms and also damage India in U.S. eyes so that the present anti-Indian atmosphere is fully exploited and results in diminution if not stoppage of aid to India. U.S. were not able to prevent the Pakistanis from taking up the Kashmir issue to the Security Council nor have they been able to prevent Pakistan from having a Security Council meeting though the debate has been postponed to March.
6. You will remember the EISENHOWER proposal in 1958 and the reply we gave at that time. No complications occurred then. Mischief occurred this time because of the deliberate lead by Karachi and Washington. We have played as far as we could go to prevent this damage. Also as P.M. told you in his telegram it is hardly dignified for us to be over-anxious and defensive in this matter when Pakistan has been so cussed and aggressive throughout and U.S. have not been able to restrain or curb them.

7. All your telegrams have been seen by P.M. He specifically discussed your telegram 69 and 70 of first and third from Allahabad and decided that no further statements necessary as he had spoken on all these points on three different occasions. The authorized version of P.M.'s statements being telegraphed to you en Claire will give you all you want in the way of statement.

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2121. SECRET

Record of the meeting between Commonwealth Secretary Y. D. Gundevia and the U. S. Ambassador.

New Delhi, March 7, 1962.

Ministry of External Affairs

The US Ambassador came over, on March 7, at my request, and we discussed Pakistan and the situation in Indo-China.

2. I began by telling Ambassador Galbraith that we had been informed by our Permanent Representative in New York that Pakistan was pressing for a discussion of the Kashmir issue before the Security Council, and this month's President had asked us when it would be convenient for us to have the discussion. I told Mr. Galbraith, briefly, what we had replied, namely that there was no threat to peace in this area, but if, despite this, the Security Council needs must discuss Kashmir, we would like the matter postponed to the last week of April.

3. Mr. Galbraith said that this was unfortunate. The United States did not want an acrimonious discussion in the Security Council. They had done their best to dissuade Pakistan, but they had not succeeded. Mr. Galbraith, it seemed to me, knew that Pakistan had turned down their suggestion that the matter should not be raised before the Security Council.
4. I told the Ambassador that if the matter was to go to the Security Council, we, naturally, must prepare for it and the first thing would be for us to know how our friends were likely to vote. There was still a chance that if the U.S. genuinely did not want a Security Council discussion, they could make it known that they would stay out and not vote on any resolution. This, in turn, would materially affect other votes; and if Pakistan knew that they were unlikely to get a majority for any substantial resolution, they would probably drop the idea. Mr. Galbraith said that the U.S. position would be that they stood by the previous resolutions of the Security Council on Kashmir. In other words, the U.S. was not prepared to abstain. This meant, I told the Ambassador, that there would be most probably, a majority vote on one side and a Soviet Veto on the other, just the situation which we are given to understand Washington is anxious to avoid. The Ambassador repeatedly assured me that they really were anxious to avoid all this coming about, but there was, according to him, a point beyond which they just could not “pressure” Pakistan. I told Mr. Galbraith that this meant that a discussion before the Security Council was as good as certain; we would still try, but we were not sure of a majority vote, because the Western permanent members might side with Pakistan; and if the majority went against us, in any sense, we might see the Soviet veto exercised on the Kashmir issue, which was avoided in the last discussion in February. I did not go beyond this, and refrained from discussing anything as to the type or kind of resolution that we might be prepared to accept before the Security Council.

5. For the rest, we talked about the Cease-Fire Line, with some modifications, as the possible solution— the only solution that we were seriously prepared to discuss with Pakistan, I repeatedly stressed. Mr. Galbraith said that there were some suggestions that the Chenab should be taken into account. I said, frankly, that I did not know what this suggestion really amounted to — and in any case, we could not entertain anything that savoured of a reopening of the Indus Wasters Treaty. The Ambassador asked me, and I told him briefly, about our High Commissioner having renewed the invitation to Ayub and Shri Rajeshwar Dayal’s talk with, both, the President and Manzur Qadir. I told the Ambassador that the invitation had neither been turned down by Ayub, nor had he laid down any conditions. Manzur Qadir had as good as admitted that the invitation had made matters awkward for them, when the issue was pending before the Security Council; but even so, the Foreign Minister had not turned down the proposition.

6. The Ambassador’s statement that the U.S. would stand by the previous resolutions of the Security Council on Kashmir, if the matter comes up for discussion in the Council, shows quite clearly that the State Department is not prepared to adopt a rational, realistic line. It is significant that F.S. told the American Ambassador on December 14, 1961, that the basis of UNCIP
resolutions was completely outdated, and Mr. Galbraith appears to have gone
back on what he told himself to P.M. recorded this in his minute dated January
9, 1962.

7. We finally turned to Indo-China—but on this I am recording a separate note.

(Y.D. Gundevia)
9.3.1962.

P.M.
F.S. (Separate copy).
S.G./S.S.
Shri B.K. Nehru (Separate copy)
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2122. SECRET

Note recorded by Commonwealth Secretary Y. D. Gundevia
on his meeting with U.S. Ambassador Galbraith and
Ambassador B. K. Nehru on Kashmir.
New Delhi, March 8, 1962.
Ministry of External Affairs
I place below a note I have recorded on my talk with Ambassador Galbraith on
March 7. On March 8, the next day, I have had a detailed discussion with Shri
B. K. Nehru, who is here on consultations.

2. There was some vague expectation that because Pakistan knew that her
"allies" were not keen on Kashmir being agitated in the Security Council,
particularly since there was a definite cooling off on the resentment over India’s
action in Goa, Pakistan might not press for an early meeting of the Security
Council. Our High Commissioner’s last letters on the subject suggest that our
renewing the invitation to President Ayub, formally and officially, to visit India
may have made matters just a little awkward for Pakistan. But judging by our
Permanent Representative’s telegram No.104 dated March 5, Mr. Zafrullah Khan
has already approached the month’s President of the Security Council for a
renewal of the discussion of Kashmir. We have authorised our Permanent
Representative to say that there is no threat to peace, but if, despite this, the
Security Council must discuss Kashmir, we would like the matter postponed to
the last week of April.
3. The Americans, Mr. Galbraith assured me, have done their best, but have failed, and Pakistan is bent on having Kashmir discussed by the Security Council. Ambassador Nehru definitely endorses the view that the Administration in Washington is unhappy that Kashmir should come up before the Security Council at a time when foreign aid — and aid to India, in the main — is to be discussed. They know that any acrimonious discussion in the Security Council, probably followed by a Soviet Veto in favour of India, will handicap them in their foreign aid programme. The Americans are, therefore, anxious that the discussions in the Security Council should generate as little heat as may be possible; and the end result should be something that everyone could accept, making the Soviet Veto unnecessary.

4. If the discussion in the Security Council cannot be avoided, I feel that we should do our best to give the discussion a fruitful direction. We have asked our P.R. in New York to inform the President that there is no threat to peace and to reiterate our desire to resolve the dispute by direct discussions. If the Security Council, after a brief discussion, did not go substantially beyond this, and the resolution more or less, only expressed a desire that India and Pakistan should attempt to resolve the dispute by mutual discussions, we need not object, as far as I can see. Shri B. K. Nehru is of the opinion that the United States might not be averse to some such line; and if they (USA) agree, we might even be able to get a unanimous resolution. Neither President Ayub nor Manzur Qadir have turned down our invitation. A resolution on the lines suggested above might save Pakistan's FACE. Pakistan could console itself with the idea that Kashmir was, once again, raised before the bar of the Security Council and they could tell the world that bilateral discussions with India were the result of Pakistan's anxiety to conform to the directives of the august UN body.

5. The Foreign Secretary, who has handled Kashmir till now, is leaving for Geneva for the Disarmament Conference on Monday, March 12. I would suggest that we - Shri B.K. Nehru, M.J. Desai and myself — might be permitted to discuss this question with the Prime Minister before the Foreign Secretary leaves for Geneva.

(Y.D.Gundevia)  
9-3-1962

P. M.  
Foreign Secretary  
SG/SS  
Shir B.K. Nehru
Extract from the Note recorded by Foreign Secretary M. J. Desai on his meeting on March 8, 1962 with U. S. Ambassador Galbraith and U. S. Ambassador in Nepal Stebbins at his residence.

New Delhi, March 8, 1962.

Ambassador Galbraith and the U. S. Ambassador in Nepal, Mr. Stebbins, were with me at my house from 7.30 PM till 9 PM on the evening of the 8th. Shri B. K. Nehru was also present. We talked about Nepal, Indo-China and Kashmir.

* * *

3. **On Kashmir** I asked Galbraith why the USA should not keep off completely as they had failed to persuade Pakistan not to re-agitate the question in the Security Council. I said that the logical attitude for the USA should be to tell Pakistan that they would abstain in the Security Council from any agitational move. Galbraith said that this was not easy in view of the past commitments and repeated what he had told C. S. about reiterating U. S. support to the old resolutions. I asked him which these resolutions were. He mentioned the two UNCIP resolutions accepted by India and Pakistan. I said that reiterating support to these resolutions was superfluous as both India and Pakistan had accepted these resolutions. The relevant point was that these resolutions cannot be implemented because Pakistan aggression still continues and *status quo ante* cannot be restored. I told him that the only rational thing is for the U. S. to take the attitude that in view of the last fourteen years history the only constructive step would be to ask the parties concerned to resolve the situation by direct negotiations. He said that he was not very familiar with the background of the Kashmir discussions during the last fourteen years and that the men who mattered in this case were Stevenson, the U. S. Permanent Representative, Plimpton his Deputy and perhaps Talbot, the Assistant Secretary of State. He said that our Permanent Representative, Jha’s relations with Stevenson were not quite cordial and suggested that we should arrange for direct talks in this question with Stevenson and Plimpton and press our point of view. He suggested that B. K. Nehru should do this. I told B. K. Nehru, after the American Ambassadors had left, that he could take up this matter with Stevenson and Plimpton and also with Talbot. He would not be interfering with Jha’s sphere of activity as he will be talking to the officials of the American administration.

4. The talks made it clear that Galbraith was not able to make any impact on the U. S. Administration as regards Kashmir. Ambassador B. K. Nehru will have to take this matter up and press our point of view at all levels of the
American Administration. We will also have to ask our representatives in countries which are members of the Security Council to press on the Governments concerned the view that the only constructive step the Security Council can take is to sponsor a resolution requesting India and Pakistan to resolve the situation by direct negotiations.

(M.J. Desai)
10.3.1962
Prime Minister

2124. TOP SECRET
Telegram from Ministry of External Affairs to Indian Embassy Washington.

New Delhi, March 13, 1962.

TELEGRAM

From : Foreign New Delhi
To : Indembassy, Washington

MOST IMMEDIATE

No.24653 13th March 1962.


From Commonwealth Secretary.

Kashmir

Our High Commissioner in Karachi has formally renewed our standing invitation to President Ayub Khan to visit India and discuss Kashmir and other problems. Matter was pressed further by High Commissioner with Pakistan Foreign Minister Manzur Qadir. Neither President nor Foreign Minister have turned down the invitation. And yet Pakistan has pressed President of Security Council for a meeting.
2. Our Permanent Representative has been authorised to inform the President that there is no threat to peace whatever either in Kashmir or anywhere else on border between India and Pakistan. We have been preoccupied with elections which have only just concluded. Our next immediate task is formation of new Government which we hope will be in office by the middle of April. We maintain that Kashmir issue can be resolved only by direct discussion between India and Pakistan. If despite this Security Council decides to discuss matter our Permanent Representative has been asked to press that meeting may not be held till last week of April.

3. We understand that USA is anxious to avoid any acrimonious discussion in Security Council which may come in way of their foreign aid programme and they would prefer direct India-Pakistan talks. It is admitted however that they are unable to pressure Pakistan and are therefore reconciled to a Security Council meeting. Some members of the Security Council though prepared to place the Kashmir question on the agenda would like to avoid a discussion on the substance of the item. Chile and USA take this view. Majority of the members would probably favour direct talks between Pakistan and India for a practical reasonable solution.

4. If the Council meets and eventually adopts a resolution calling upon India and Pakistan to attempt a solution by bilateral negotiations in a friendly atmosphere we would be prepared to accept not agree to any time limit in direct negotiations because Pakistan would then aim only at bringing about a failure of talks and rush the issue back to the Security Council. What is wanted is genuine desire for settlement and patient negotiations.

5. We would like you to discuss and explain our case on Kashmir fully to the foreign Office and try to secure USA/USSR/ France/Ireland/Chile/Venezuela/ UAR/Rumania/UK/Ghana's support for a solution on lines of Para 4 above. It should be emphasised that we maintain that our case is legally and morally strong and we are not afraid of a full and detailed discussion in the Security Council. We would however like to avoid this only because we know that Security Council cannot resolve the issue today if it has not been able to do this in 14 years past. An acrimonious discussion would only spoil the atmosphere and delay amicable solution by bilateral negotiations. You may make it clear, if asked, even at this stage that we are not prepared to consider plebiscite any longer as a possible solution for reasons given in Prime Minister's speech in Srinagar in July 1961. We have repeatedly stated that any major upset in the present conditions in the Jammu & Kashmir State would have far reaching and possibly disastrous consequences on both countries. Even apart from the possibility of a major conflict this would mean heightened tension and would
make the position of the minorities in both countries very difficult. We have about 50 million Muslims in India. Also this would have a very serious effect on our Five Year Plans which would be completely upset, retarding our development schemes. It would have the same effect on Pakistan except that they have no major plans for development.

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2125.  

Telegram from High Commissioner in Pakistan to Ministry of External Affairs.


TELEGRAM

From: Highcomind Karachi
To: Foreign New Delhi


Gundevia from Rajeshwar Dayal

Reference your circular telegram 24653. In talks with American officials here and with U.K. High Commissioner we have the distinct impression that they are averse to a return to Security Council and would strongly favour bilateral talks on Kashmir. American correspondents from New York confirm this impression.

2. In my talk with Qadir I pointed the dichotomy between simultaneous Council approach and bilateral talks and I am meeting Qadir again tomorrow to continue the discussion. Please refer to paras 6 and 7 of my report of March 3 on the subject, CHESTER BOWLES and the U.S. Embassy here have also been advising the Pakistanis against a return to the Council (reference my report of March 5 on my talk with BOWLES).

3. While matters are still at delicate negotiating stage and influential members are themselves averse to a Council meeting, is it not premature to instruct our Missions on the lines of your para 4? We have not had a final reply from the Pakistanis yet and Council meeting during next few weeks seems most unlikely. Should we therefore not continue pressing for bilateral talks,
with the assistance of U.S. and others and against Council meeting? Otherwise we should be subscribing to Pakistani position that “a reference to the Council does not preclude bilateral talks”.

4. Furthermore if Council were to meet, the initiative would pass from our hands and considerations of power politics would prevail and it would possibly be difficult to avoid an acrimonious debate. The resulting resolution could go far beyond what may be acceptable to us. It may lay down strict time limits and a system of periodical reporting back to the Council with consequential repeated debates on the points at issue. We should perhaps consider, in case a direct bilateral approach fails, whether it is more advantageous to have bilateral talks under the purview of the Security Council as envisaged in your para 4, or with the assistance of a single individual acting strictly as good officer and catalyst and sit not repeat not as mediation or arbitrator.

5. I would request that we await result of my talk with Qadir to ascertain Pak’s rock bottom position. Even then we should continue diplomatic efforts for strictly bilateral talks and only when and if Council meeting becomes inevitable, should we adopt the line envisaged in para 4.

6. Reference third sentence of your para 3 - The Kashmir question has been on the agenda since India submitted its complaint to the Security Council, and there is no question now of placing it on the agenda.
Telegram from Indian Embassy Cairo to Ministry of External Affairs.

Cairo, March 14, 1962

TELEGRAM

From: Indembassy, Cairo.
To: Foreign, New Delhi
Repeated: Indiadel, New York.

No.56. March 14, 1962.

IMPORTANT

Commonwealth Secretary from Ambassador.

Your telegram No. 24653 dated 13th March, Kashmir. In the absence of Foreign Minister in Geneva saw Deputy Foreign Minister who because of earlier talks is familiar with our views, I stated reasons mentioned by you and he agreed to issue instructions to U.A.R. Representative in New York to

(a) support our request that Security Council meeting may not be held till last week of April

(b) while we are not afraid of full and detailed discussions an acrimonious debate on merits should be avoided

(c) to support a resolution for direct negotiations between India and Pakistan but without any time limit

(d) that all manoeuvres to drag in question of plebiscite should be opposed because plebiscite unacceptable to us under any circumstances.

2. Deputy Foreign Minister said that earlier instructions were broadly on the above lines except that (d) above was a new point. In this connection I reiterated position regarding repercussions on minorities in India and Pakistan and he agreed with our views adding before they agree to a plebiscite, they would wish to know if supporters of Pakistan would agree to a plebiscite in Palestine on basis of Arab majority and Jewish-minority in 1948. He added partition was British manoeuvre and conditions could not be restored to 1947 otherwise there would be no end to changes if we are to go back on history. His understanding was that people of Kashmir had already expressed their
views more than once. He repeated that they saw support to Pakistan’s move as a part of Western policy to pressurise non-aligned countries as had been done in Ghana, U.A.R. Ceylon, Yugoslavia, etc. in order to weaken their position to pursue policy of non-alignment.

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2127.  
SECRET

Letter from the Commonwealth Secretary Y. D. Gundevia to all the Heads of Mission abroad.

New Delhi, March 24, 1962.

No. F.8(2)/61-KU.  
New Delhi, the 24th March, 1962.

Government of India,  
Ministry of External Affairs

My dear Ambassador/High Commissioner/Charge d’Affaires etc.,

Please refer to Sharma’s circular letter No.F.8/2/61-KU dated January 16, 1962, forwarding the Pakistan Governments letter dated January 11, addressed to the President of the Security Council, and our reply dated January 16. You doubtless know that the only result of the Security Council debate on February 1, 1962, was that “further consideration of the matter” was deferred until sometime after March 1. No date for a meeting has been fixed yet.

2. The Venezuelan President, this month, of the Security Council has been approached by the Pakistan’s Zafarullah Khan to fix a date for resumption of the Kashmir debate. It was, however, suggested that Pakistan was in no immediate hurry for the debate. Our Permanent Representative has been asked to inform the President that, as we stated in our reply to the Pakistan Government’s letter of January 11, there is no threat to peace, whatever, either in Kashmir or anywhere else on the border between India and Pakistan. We have been pre-occupied with elections which have only just concluded. Our next immediate task is the formation of a new Government, which we hope will be in office by the second week of April. We maintain that the Kashmir issue can be resolved only by direct discussions between India and Pakistan. If, despite all this, the Security Council decides to discuss Kashmir, our Permanent Representative has been asked to press, that a meeting may not be held till the last week of April by which time our new Government will have been installed in office...
3. There is some Pakistan inspired suggestion floating around that if they fail to get what they want in the Security Council, they will take the matter to the General Assembly. In view of the growing feeling among the member countries against an acrimonious debate in the Security Council, we doubt if Pakistan will be able to secure a majority vote in the Council for any move to transfer the item to the General Assembly under the Uniting for Peace resolution. Even otherwise, after Goa, Pakistan has lost some general support in Asian and African countries and we doubt whether they would like to test the Asian-African vote, in any sense in the General Assembly, on the Kashmir issue.

4. It is by now amply appreciated by even Pakistan’s friends, not excluding her Western Great Power “allies”, that Pakistan’s sole purpose in moving the Security Council in January, 1962, was to take what advantage she could of Western resentment against India’s action in Goa, Daman and Diu. However illegitimate the criticism, there certainly was a very strong feeling against India at the time in several Western countries, and Pakistan, could not resist the temptation to take advantage of this and raise the Kashmir issue before an international forum, in the expectation that on the crest of the wave of resentment against India she could pressure the Security Council into a resolution that would, at least, reiterate the old stand in the UNCIP resolutions of 1948/49 which envisaged a plebiscite as one of the methods of determining the wishes of the people - which Pakistan propaganda now calls “self-determination”.

5. Just at the wrong time we were also hampered by President Kennedy’s unfortunate suggestion that India and Pakistan might take the assistance of Mr. Eugene Black in resolving the issue. We have no doubts, whatever, in regard to the U.S. President’s bona fides, but we could not possibly accept the suggestion because we are opposed to mediation or arbitration, on principle. Such a proposal means acceptance of a third party sitting in judgement over the issue of our sovereignty, which can only complicate matters instead of assisting in a solution. It may be added that one of the reasons which led to this suggestion from the United States was the hope that this would keep the issue clear of a Security Council debate.

6. Pakistan propaganda is not confined to the Security Council countries. We have reliable information that they are conducting intensive anti-Indian propaganda in the Arab countries, in particular, and they are likely to intensify their propaganda in Asia-African countries also to say nothing of Western Europe and the Americas, where they have many friends and sympathisers. We are anxious, therefore, that you should now publicise our case on Kashmir as forcibly and systematically as possible, as near as possible on the lines of all that is stated in this letter.

7. We would like you to present to the Foreign Office the Aide Memoire,
copy of which was sent to you by Sharma with his Secret letter No. F.8/2/61-KU dated January 15, 1962, and take vigorous steps to explain our case to the local Press. We would also like you not to let any inaccurate or objectionable statement in newspapers go unchallenged.

8. It should be emphasised that we maintain that our case is legally and morally strong and we are not afraid of a full and detailed discussion, whether in the Security Council or in the General Assembly. We would, however, like to avoid this only because we know that neither the Security Council nor the General Assembly can resolve the issue which has defied a solution during the past 14 years. An acrimonious discussion would only spoil the atmosphere and delay an amicable solution by bilateral negotiations, and no encouragement should therefore, be given by our friends to Pakistan’s agitational approach before the Security Council.

9. The Prime Minister’s offer of acceptance of things as they are in Kashmir, with minor modification by negotiation, which he made at his Press Conference on December 28, last, is the only practicable and reasonable solution of the problem. In explaining this in our publicity and propaganda, we should put stress on the following points:

(a) We have gone very far out to find a solution for this trouble, when our legal claim to the whole of Kashmir is fully justified. This is also a tribute to our genuine desire for creating friendly and peaceful relations between India and Pakistan.

(b) In view of the well-known experience over Berubari, it is not going to be easy for Government to persuade the country and the Parliament to accept the Cease-Fire Line as an international boundary between India and West Pakistan; Public opinion in India is very sensitive on Kashmir and opposition parties like the P.S.P. and Jan Sangh would strongly oppose such a proposal.

(c) The National Conference which is the largest political party in the State and which holds the reins of office, has adopted a number of resolutions calling upon the Government of India to bring about the vacation of Pakistan aggression and recover the territory unlawfully occupied by Pakistan.

(d) Plebiscite is no longer a possible solution for reasons given in Prime Minister’s speech in Srinagar on July 19, 1961, copies of which, were supplied to you by our X.P. Division.

(e) Pakistan knows full well that the responsibility for bringing about a plebiscite rested wholly with Pakistan and not with India. A plebiscite
was possible only after her troops had been withdrawn from Jammu & Kashmir; and her patent failure in this regard for 14 long years convicts Pakistan for having permanently defeated the chance of settling the problem in the manner contemplated by the Security Council in 1948-49. The realisation of this is obviously reflected even in some of the statements made by the President and Foreign Minister of Pakistan, although this may not be explicitly admitted by them.

President Ayub told a special correspondent of New York Herald Tribune: “If we are shown any other sensible suggestion (other than plebiscite) we are ready to look at it”.

(Pakistan Times, March 31, 1960)

Talking to newsmen at Dacca, President Ayub said: “If there were any other solution which could reasonably satisfy the three contestants - ourselves, India and Kashmir - we would be prepared to listen”.

(Morning News, Dacca, March 23, 1961)

In an interview with the correspondent of the Hindustan Times in Rawalpindi, the Pakistan Foreign Minister, Mr. Manzur Qadir, said that the onus of suggesting an alternative solution lay with India”.

(Hindustan Times, New Delhi, August 31, 1961)

“In this context Dr. Raghuvira added, the Pakistan President categorically told him that Pakistan did not now insist on plebiscite in Jammu and Kashmir to settle the Kashmir dispute. President Ayub felt that any alternative solution could be found by mutual negotiations. He was ready for any settlement or any device which would save the faces of both the parties to the dispute”.

(Dr. Raghuvira giving his impressions of two-day talks with President Ayub, Indian Express, July 1, 1960)

Both Jarring and Graham admitted the changed circumstances and the impossibility of restoring status quo ante which obtained before raiders from Pakistan and the Pakistan army committed aggression in Kashmir, and without a status quo ante there can be no going back to the UNCIP resolutions. Thus Jarring in 1967 said:

“On exploring this question of a plebiscite I was aware of the grave problems that might arise in connection with and as a result of a plebiscite”.

“In dealing with the problem under discussion as extensively as I have during the period just ended, I could not fail to take note of
the concern expressed in connection with the changing political, economic and strategic factors surrounding the whole of the Kashmir question, together with the changing pattern of power relations in West and South Asia. The Council will, furthermore, be aware of the fact that the implementation of international agreements of an ad hoc character, which has not been achieved fairly speedily, may become progressively more difficult because the situation with which they were to cope has tended to change."

Graham also said in his report dated March 28, 1558:

“Whether the United Nations Representative would be able to reconstitute the status quo which had obtained some ten years ago, would seem to be doubtful”,

(g) We have repeatedly stated that any major upset in the present conditions in the Jammu & Kashmir State would have far reaching and possibly disastrous consequences for both countries. It would be madness to revive post partition days. Even apart from the possibility of a major conflict, this would mean heightened tension and would make the position of minorities in both countries very difficult. We have about 50 million Muslims in India. Any upheaval of this nature would have a very serious effect on our Five Year Plans which would be completely upset, retarding all economic development in the country. It would have the same effect on Pakistan except that they have no major plans for development.

(h) Pakistan admitted having committed aggression against Kashmir, agreed to vacate it, has refused to do so for 14 years, and still poses as the aggrieved party!

10. We have already sent you enough material to back our case. Copies of the revised version of “Salient Aspects of the Kashmir Situation” which is really the Aide Memoire, are also being sent to you by the External Publicity Division so that you can project our point of view effectively in the local Press and other media of information.

Yours Sincerely

(Y.D.Gundevia)
SECRET

Letter from Commonwealth Secretary Y. D. Gundevia to Ambassador in the United States B. K. Nehru.
New Delhi, April 5, 1962.

Ministry of External Affairs
New Delhi

No.203-CS/62, April 5, 1962

My Dear B.K.

Will you please refer to Chatterjee’s letter No.488 dated March 21, on his talk with Talbot? If Talbot is pro-Pakistan and tries to sell Aziz Ahmed’s ideas about two trusted and level-headed negotiators, etc., there is, of course, a double danger. Aziz Ahmed appears to have made himself remarkably obnoxious to our Embassy in Washington. Can people like Talbot seriously look on him and his type as “level-headed negotiators”, really? The 1953 negotiations on our talks between Aziz Ahmed and M.J. Desai had led to nothing. The reference to 1953 is dangerous in itself, because it is obviously intended to take us back to the complications of demilitarization in Kashmir, which today can be nothing but a web of a strife discussion on the character and quantum of forces in Kashmir and an eventual “plebiscite”, etc. I look upon Talbot’s reference to 1953 only as further proof that the State Department is still seriously thinking in terms of negotiations leading to a “plebiscite”, which is, typically, Pakistan’s point of view. Galbraith has also told us, as you know, that they would like to stand by the UNCIP Resolution. We want bilateral talks, certainly, but we also want the Americans to accept gradually if not immediately – that the discussions must eventually lead to a settlement along the present ceasefire line, with necessary modifications. We will have to keep preaching this to the Administrations, consistently and patiently.

2. I am showing Chatterjee’s letter to the Foreign Secretary, since the last paragraph talks about China.

Yours sincerely,

(Y.D. Gundevia)

Shri B. K. Nehru
Ambassador of India
Washington.

❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖
TELEGRAM

From: Indembassy Washington
To: Foreign New Delhi.
Repeated: Hicomind Karachi
Indiadel New YorK

KASHMIR

Had lengthy discussion with TALBOT yesterday in regard to U.S. attitude in Security Council. He was non-committal saying that U.S. had not yet made up this mind, but was bound by the record of the UNCIP resolutions. They did not yet know what Pakistan wanted, but ultimately he presumed that U.S. would support a resolution either asking for the bringing up to date of the GHAHAM report or perhaps asking the parties to negotiate directly in terms of the resolutions and report back to the Security Council say in three months.

2. I said that I should like to analyse the situation as I saw it in non-governmental non-diplomatic real politik terms. It was a fundamental basis of our policy that no resolution would be acceptable to us if it led to a possibility or the loss of the Valley or which might give rise to a feeling that this might ultimately result. I did not wish for the moment argue about the legalities and moralities of this position (though I ultimately did in regard to the latter) but suggested that it would be wise to formulate U.S. policies in the light of this central and unalterable fact.

3. The second factor in the situation was that though we had not specifically consulted the Soviets on the issue we had reason to believe from the past history of the case and Soviet policy in regard to this matter that any resolution unacceptable to us would be vetoed by them. We might then have a repetition of Goa with the Soviets as our friends and the United States as our enemies. Furthermore, it was not even certain from the soundings we had made that a resolution unacceptable to us would even get the requisite seven votes.
4. In the light of our basic political attitude, resolutions of the kind he had suggested would not be acceptable to us. The first would involve a reopening of the question, and lead to unsettlement; the second would mean a periodic public ventilation of the case and would only acerbate the dispute. It was certain that the Security Council could not find a solution for this problem and there was therefore no point in continuing repeatedly to discuss it. If a solution was at all possible (which I personally doubted as long as both Pakistan's and our minimum terms were the possession of the Valley) it could only be through bilateral talks. The only resolution we could, therefore accept would be to ask the parties to talk bilaterally but without any time-limit and without any reporting to the Security Council. The resolution could, if necessary contain some reference to the previous resolutions on the subject.

5. TALBOT said he did not quite agree that the Soviets would veto just any resolution unacceptable to us. The history of the Arab – Israeli dispute in which they were firmly committed to the Arabs did not bear out this contention. Our offer of talks at the summit not really meaningful because no agreement would really be reached unless there had been a great deal of preparation. Our view could be either that the problem was obsolescent and therefore if we did nothing about it, it would become obsolete, in which case clearly we would attempt to do nothing about it. Or alternatively we could take the view (as the United States did) that it would not be forgotten for a very long time and if so we might be prepared to pay a price for a settlement. I said I did not understand where the question of price came in. If the Pakistani's were prepared to settle on the basis of our possession of the Valley that was that and no further question would arise. He said that it might well be that Pakistani would be prepared to forego the Valley but Ayub would have to show some appreciable territorial and other gains which he could set off against such a major loss. The Prime minister had spoken of minor adjustments of the cease fire line; what was minor and major was a question of viewpoint. He felt that Pakistan would be willing to let us keep the Valley provided that we gave them (a) the whole of Poonch and made certain other territorial adjustments, (b) assurances about the non-diversion of the waters of the Chenab and (c) access to the Valley. I asked him on what basis he made this statement. He said he had several Indications including BARBARA WARD's talk with MANZUR QADIR (which I mentioned to the Prime Minister in Delhi)

6. If we were prepared to accept a settlement on the general lines he had outlined, he felt that direct talks between the parties would be meaningful. It was obvious that neither the Pakistanis nor ourselves would go into the talks on the basis that they would give up the valley and we would make other concessions but this position could soon develop.

7. I did not specifically ask him what this had to do with the Security Council
resolution — we have agreed to meet again — but it seems obvious that if we can assure the Americans that we are willing to open negotiations within these terms of reference, they would be easier in their consciences in supporting a resolution directing the parties to negotiate bilaterally.

8. I would be grateful for your reactions. Personally I would feel that if the Pakistanis are willing to talk, bilaterally on this basis (about which I have grave doubts) we, should indicate to the Americans that we would also be so willing without of course any commitment at all about the concessions we might be prepared to make.

9. Please also refer to Chatterjee’s letter No.488 dated 21st March.

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2130. TOP SECRET

Telegram from Ministry of External Affairs to Indian Embassy Washington.

New Delhi, April 9, 1962.

TELEGRAM

From: Foreign, New Delhi

To: Indembassy, Washington

No.24692 April 9, 1962.

Immediate

Addressed: Indembassy Washington


B.K. Nehru from Gundevia.

Your telegram No.202 dated April 6 regarding Kashmir.

As the Pakistanis have insisted on debate in the Security Council there can be no question at this stage of bilateral talks between India and Pakistan on the lines on which these talks can be started. In the Council if there is any debate on the merits of the case, we will insist on the position of aggression on the
basis of Indian sovereignty over Kashmir flowing from accession. You might make this clear to TALBOT.

We will not undertake Ministerial talks with Pakistan either at the behest of the Security Council or on American recommendation. The only recommendation of the Security Council acceptable to us would be a final decision by the Council to leave the matter to the two parties for direct settlement without any condition as to reporting back to Security Council etc. We would like to settle this question by direct negotiation but the timing and method will be of our own choice. There is no need to discuss this matter with Americans or others. It is the interest taken by third parties that has made settlement difficult all these years.

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2131.  

Letter from the Commonwealth Secretary Y. D. Gundevia to Ambassador in the US B. K. Nehru.

New Delhi, April 11, 1962.

Ministry of External Affairs
New Delhi.

No.T231-CS/62 April 11, 1962

My dear B.K.

Galbraith called on us, later in the day, on April 9. The Foreign Secretary and I, both, talked to him together on Kashmir. He could not, of course, improve on anything that you had reported in your telegram No.202 of April 6, which we had received over the weekend — which had distressed us considerably — distressed me, I will say, because I was still hoping against hope that you and Galbraith might be able to persuade the State Department to be more helpful.

2. Galbraith talked very little about Kashmir. He said that they stood by the UNCIP Resolutions. We told him that this was quite unhelpful, because as we had told him before, there could now be no settlement except on the cease-fire line, with minor modifications, here and there. I kept stressing that it was a pity that the Americans did not realize that this was the only solution. We could not possibly go back to the UNCIP 1948 stories, because, among other things, there could be no restoration of the status quo ante. Any talks with Pakistan on the old resolutions would be a repetition of the 1953 discussions between Aziz Ahmed and M.J. Desai, which had led to nothing. We put it in parenthesis that Aziz
Ahmed, the present Ambassador of Pakistan in the United States was not a party we would like to deal with. We did not refer to your talk with Talbot, since Galbraith did not mention anything about this, though he must have been informed.

3. Your discussions with Talbot—your telegram of April 6—is disappointing in several ways. We were very anxious to press on with bilateral talks earlier in March, and that was why we had instructed Rajeshwar Dayal to renew the invitation to Ayub and see if, as a preliminary, they wanted talks at some “lower level”, Ministerial or official level, before the so-called ‘summit’. Then came Pakistan’s demand in New York for the meeting of the Security Council. You were here when the matter was discussed with the Prime Minister, and I sent out, the next day, my circular telegram No. 24653 dated March 13. We have since then all along felt that if there is to be a discussion, soon, before the Security Council, there can be no bilateral talks. Secondly, it is basic that, whenever there are bilateral talks, we will not barter anything substantial and we will accept only, minor modifications of the present cease fire line. As the Prime Minister has stressed, even this is not going to be easy for us. I find it difficult to understand why you should have, at this stage, when a debate in the Security Council is as good as certain, entered into detailed arguments with Talbot who you know to be pro-Pakistani in every respect. If Talbot or any important American is prepared to sell the cease-fire line to the Pakistanis, I would very much welcome talking to him. If that is not to be, then the Americans cannot help us and anything that they do would only hinder us. Does Talbot really think that we can think in terms of (a), (b) and (c) in para 5 of your telegram of April 6 as against the Prime Minister’s offer of minor adjustments of the Cease-fire Line. I told Galbraith in the course of this talk on April 9 that our friends must understand that Pakistan invaded Kashmir; We went in to defend Kashmir, after Kashmir had acceded to India, with complete legitimacy; and we had beaten the Pakistan armies back to nearly the Pakistan borders; and if the President of Pakistan, today, is an Army General, he ought to understand the meaning of this better than anyone else. We are prepared to step back (and step forward also) a mile or two, here and there. It is the Cease-fire Line or nothing. And, as we have told Galbraith more than once, this offer is not going to be open for ever with China perhaps wanting to talk. I cannot help feeling that unless we take a very firm line with Mr. Talbot and his friends, we will get nowhere on Kashmir with the Administration.

4. In the next meeting of the Security Council we want the Great Powers to keep their hands off Kashmir, as far as possible. I am sorry that your telegram referred to above has given the impression here that America is not going to be very helpful. The matter has been discussed, again, over the weekend with the Prime Minister who, as you know, was somewhat unwell, earlier in the week, and the Prime Minister has decided that the Defence Minister will go for
the Security Council meetings. We do not want an acrimonious debate, but we have told Galbraith that the tone of the debate will depend upon what Pakistan’s Zaffarullah Khan has to say, to begin with, at least. 

With kind regards.

Yours Sincerely, 
(Y.D. Gundevia)

Shri B. K. Nehru, 
Ambassador of India 
Washington.

★★★★★

2132. 
SECRET

Savingram from Indian Delegation to UN to Ministry of External Affairs. 
New York, April 12, 1962.

SAVINGRAM

From : Indiadel, New York
To : Foreign, New Delhi
Repeated: Indembassy, Washington (through courier)
No. D.15/PR April 12, 1962 

IMMEDIATE

Commonwealth Secretary from Rasgotra.

I met CHAUNCEY PARKER, STEVENSON’s Principal Adviser on Kashmir, yesterday morning at his request. He said AZIZ AHMED and ZAFRULLA KHAN were seeing DEAN RUSK later that day. Pakistan, he said, was pressing for public enunciation of view United States will take in Security Council of Kashmir issue. I have requested Minister, Indembassy, Washington, to get whatever information can be had covering this demarche. He had been asked to find out our views on kind of resolution that Council should adopt. I said resolution stage was yet far, that matter could profitably be discussed only after our delegation’s arrival, and that I could not give any firm indication far less make any commitment in Ambassador JHA’s absence. He seemed to want to talk
about Kashmir, and I let him do most of the talking. I did not want him to misconstrue complete reticence as acquiescence in his line of reasoning, and added my personal comments here and there.

2. He mentioned STEVENSON’s anxiety to avoid acrimonious debate that could only, lead to a freezing of positions of India and Pakistan, and his view that Council is, in fact, “a complicating factor”. United States delegation felt, he said, that early introduction of resolution agreeable to both sides would help smooth discussion. I pointed out that Pakistan’s contention in reviving issue in Council in January was her “apprehension” of imminent threat from India, which time had belied, that there was then and there is now no threat to Pakistan, and that Council could simply take note of that and of our proclaimed desire for direct settlement through bilateral negotiations.

3. Plebiscite, PARKER agreed, was out of the question and Council would do well to steer clear of that. I said the best Council can do is to leave matter to the two parties for direct settlement. He felt eventually, settlement would have to be reached by parties between themselves.

4. He emphasized, however, that Pakistan wanted either “updating” of GRAHAM Report or introduction of some, other third element into negotiations. I suggested that revival of GRAHAM’s proposals could serve no purpose except provide opportunities for periodic reporting followed by agitation in Council, and that conclusion of GRAHAM’s last report itself was that parties should talk between themselves. He agreed, but specifically suggested that Council should urge (a) bilateral negotiations—possibly without time limit and (b) agreement of parties “there and then (meaning in the Council) to a third person like EUGENE BLACK who will help lay down framework of talks”. He did not respond to question whether this is what United States intends to propose, but expressed his delegation’s anxiety, to find a basis for talks: framework suggested by Prime Minister— “ceasefire line with minor adjustments here and there” (his words) not being acceptable to Pakistan.

5. I said framework for talks could also appropriately be a matter for direct talks. I made clear our opposition to time limit or any other conditions concerning talks and added that (b) Would amount to arbitration or mediation — both not acceptable to India. Besides, I pointed to undesirability of seeking Council’s approval of a proposal which had earlier failed to find our acceptance for reasons which were made clear and had received some

6. To convey (b), I think was central purpose of PARKER’s visit, and I feel Americana might attempt push third party “like BLACK” into picture though PARKER acknowledged futility of pressing a resolution unacceptable to either side. On the other hand, PARKER referred to a developing optimism and
conviction in State Department concerning usefulness of a third party role in difficult situations of this character. He had in mind, he said, the analogy of current Dutch-Indonesian negotiations with which Secretary General was also associated though as somewhat distant but interested observer.

7. Referring to negative contribution of McNAUGHTON, DIXON and GRAHAM, I said our experience with Pakistan did not give rise to any optimism as to a third party role. The whole of Kashmir question revolved round two central facts Pakistan’s aggression and India’s unquestioned sovereignty over whole of Kashmir State. Third parties usually, shied away from open recognition and statement of first, and they were not competent to throw about suggestions prejudicing Indians sovereign rights. Insistence on introduction of third element might prejudice prospects of talks if Pakistan could be brought about to talk at all. PARKER said it was difficult for United States to ignore Pakistan’s wishes or point of view altogether.

8. He then commented on political inadvisability of India “relying or being made to rely” on Soviet veto. I said whether a resolution was vetoed or not was not, perhaps, the most relevant consideration — not at this stage at any rate: the principal facts to be borne in mind were that resolutions transgressing India’s just position and unacceptable to her had remained ineffective; and secondly, inclination to give Pakistan a sense of some ‘victory’ in Council to carry home did not appear conducive to promoting sense of realism which alone could lead to direct settlement.

9. PARKAR concluded his delegation wanted to understand what in our view the “limitations of the case” were. I repeated matter should be discussed more profitably at proper level in a few days time. I made no commitment, but trust I gave him a clear idea of “limitations” in a rather informal way Content of para 4 seems significant indication of American thinking, and thought I should report to you immediately.

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SECRET

Telegram from Indian Embassy Washington to Ministry of External Affairs.


TELEGRAM

From: Indembassy, Washington
To: Foreign, New Delhi.
No. 261 Dated 5th May 1962.

IMMEDIATE

M.J. Desai from B.K. Nehru.

Today’s New York Times reports rumours that we are buying two squadrons of MIG 21 fighters. Grateful for facts.

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SECRET

Telegram from Ministry of External Affairs to Indian Embassy Washington.

New Delhi, May 7, 1962

From: Foreign, New Delhi
To: Indembassy, Washington.
No. 24403 May 7, 1962.

Immediate

B. K. Nehru from M. J. Desai.

Your telegram 261 May 5.
Possibility of purchasing suitable planes for the IAF to meet minimum defence requirement in the context of China’s aggressiveness, and Pakistani hostility is being explored with several countries including the USSR.
2. We want to buy planes most suitable for our defence needs and at lowest cost and want quick deliveries and adequate spares at reasonable prices. We also want this purchase arrangement to be coupled with arrangements for local manufacture in India to reduce our dependency on foreign supplies as we have had and are still having a lot of trouble in securing spare parts and necessary equipments for our earlier purchases e.g. Canberras.

3. Exploratory enquiries with various countries are going on. No decision has however yet been taken about type of planes and the country from which they are to be purchased.

4. We have always maintained that we will buy our defence requirements wherever we can secure the type of equipment we want on the most favourable terms. We have so far been buying the bulk of our defence requirements from Western countries. This however has not made slightest difference to our policy of strict non alignment. Nor will purchase from the Eastern countries, should this be necessary purely on the basis of getting the best value, make any difference to our policy of strict non-alignment.

2135. 

SECRET

Telegram from Indian Embassy Washington to Ministry of External Affairs.


TELEGRAM

From: Indembassy, Washington
To : Foreign, New Delhi.

No.287 14th May 1962

IMMEDIATE

M.J. Desai from B.K. Nehru

Aeroplanes.

Thanks your 24403 May 7. One question being raised here is why if we want best equipment at lowest cost with quick deliveries and adequate spares linked
with manufacturing arrangements we have not explored possibility of these terms being available in the United States. I presume there is some policy decision against such purchases here. Grateful to know if this is so and reasons therefore with indication of what I can say publicly in regard to the noticeable exclusion of the United States from our exploratory activities.

2. As you are aware, purchase of MIGs from Soviet Union is capable of having far reaching reaction here. It is desirable, therefore, that we should be able to give some satisfactory explanation for omission of United States.

3. As you are also aware meeting of Consortium to finance second year of Third Five Year plan will take place on May 29. This is going to be difficult in view of European intransigence as well as present situation in United States Congress which is reflected in success of SYMINGTON’s move. It would not help if an announcement were made regarding MIG purchases before the Consortium meeting. If we are in fact buying these planes, announcement of deal should be held up till well after 29th May.

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SECRET

Telegram from Ministry of External Affairs to Indian Embassy Washington.

New Delhi, May 15, 1962.

TELEGRAM

From: Foreign, New Delhi
To : Indembassy, Washington.
No. PRIMIN-21083 15th May 1962

IMMEDIATE

B.K. Nehru from M.J. Desai.

Your telegram No.287 May 14th about aircraft.

The Ministry of Defence has been considering purchase and manufacture of aircraft for some months past. They consider that such purchase is essential to avoid a big gap and in view of position both on Pakistan - India border and
India - China border. They went into Lockheed offer in great detail. Also other possibilities. Ultimately they came to the conclusion that the only three possibilities to be considered were Lockheed French Mirage and Soviet MIG latest type.

2. These three were than considered from various points of view. From the point of view of performance they were considered about equals. But from other points of view MIG was found more suitable by our Air Force engineers. Lockheed was a very sophisticated and complicated plane whose manufacture in India is exceedingly difficult because our technicians are not used to such complicated processes. Mirage also was rather complicated. MIG was simple in design and relatively easy to manufacture. It can be used on ordinary air fields, while others require special type of air strip.

3. Also availability of MIG is greater. We can get it much sooner together with adequate supply of spare parts. Price of MIG is about one third of Lockheed and it can be paid for according to agreement with Soviets in rupees. There are other aspects too which favour MIG and make it a much easy proposition for us.

4. There is no policy or other decision against purchase in United States. In fact purchases are being often made there. But after full enquiry and consideration by our engineers and experts their report is in favour of MIGs.

5. However no decision has been taken in regard to this matter. Further consideration has been postponed until after Prime Minister returns from his visit to Kashmir where he is going tomorrow morning for about 12 days. Probably matter will be considered sometime in June.

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2137.  
SECRET  
Record of the meeting between Foreign Secretary and U.S.  
Ambassador.  
New Delhi, May 18, 1962.  
The US Ambassador saw me yesterday at lunch time,  
2. He said that he had been called to Washington for consultations. This  
was mainly in connection with the assistance required by the Administration in  
dealing with the Indian Aid Bill in the Senate Foreign Relations’ Committee. He  
said that the Administration were doing their best to reverse the previous snap  
vote and he will lend a hand in getting a majority for the Aid Bill as proposed by  
the Administration.  
3. The Ambassador mentioned incidentally that he hoped that the proposed  
purchase of MIGs by India will not be announced during the period he was in  
Washington as that would make a lot of trouble for him and the Administration  
with the Senate Foreign Relations Committee. I told the Ambassador that this  
matter is being considered purely on the basis of the price factor, early  
availability, adequate spare parts and starting of manufacture in India. I also  
said that it did not appear to us to be a bad idea to purchase MIGs for defence  
needs to meet possible danger from China in case the Chinese precipitated a  
clash. The Ambassador said that the top level of the Administration including  
the President agreed with him that purchase of MIGs will not have the slightest  
effect on India’s foreign policy just as the earlier purchase of Canberras did not  
create any pro-British bias in India’s policy. The bulk of the uninformed public  
opinion in the USA, however, would not appreciate this point and the opposition  
members of the Senate would exploit this to the disadvantage of the  
Administration and of India. I told the Ambassador that no decision had been  
taken in this matter and as Prime Minister had gone for 10 days or so to Kashmir  
for rest, the matter will be considered sometime in June. There was, therefore,  
no possibility of announcement of the decision in this matter being made within  
the next 2-3 weeks in any case.  
4. * * * * * * * * *  
(there was some discussion on Vietnam)  
5. The Ambassador said that the reports in the Indian press that the United.  
States had yielded to Pakistan pressure and were responsible for the Pakistan  
move to reagitate the Kashmir question in the Security Council were factually  
correct. He said that they are taking no initiative in this matter. They do not  
want a meeting of the Security Council themselves. If Pakistan and others  
want a meeting, it is difficult for them to resist. He said that Pakistan was
misbehaving and flirting with the opposition in America to embarrass the Administrator. Pakistan will soon find out that this policy is wrong and will create a further strain in Pakistan - American relations. I told him in this connection that we do not see what a meeting of the Security Council can do now as the whole question of Kashmir has been debated fully. We would like the Americans to oppose a meeting of the Security Council. The Ambassador said that they could not oppose such a move if the others want it, but they themselves do not want a meeting. I told the Ambassador that they could at least say that there is no need for an early meeting and support the position being taken by India with all members of the Security Council that if there has to be a meeting it should not be earlier than the end of June. The Ambassador said that he will tell his people to support this move and will give his personal support to this proposal when he reaches Washington in a few days.

2138. **SECRET**

Extracts from the Note of the Foreign Secretary on his meeting with the U. S. Ambassador on 18 May 1962.

New Delhi, May 18, 1962.

Ministry of External Affairs

Ambassador Galbraith saw me at my house yesterday evening at 8 p.m. He left for Washington by the midnight plane yesterday.

2.  *This related to developments in Southeast Asia.*

3.  The Ambassador asked what he could do while in Washington about Kashmir and the Security Council. I repeated what I had told him two days back, i.e., our position that there is no need for a Security Council meeting as the question had been debated fully and that, in any case, if there; has to be a meeting, it should be in the last week of June as we cannot make arrangements for adequate representation at the Security Council meeting before the last week of June in view of the Budget session, of Parliament which does not end till 3rd week of June. The Ambassador said that he will press this point in Washington.

4.  The Ambassador then asked what our attitude would be to some sort of
a resolution by the Security Council. He added that several drafts of resolutions were floating round though the American Administration had neither initiated any of these nor promised support to any of these. He said that he was quite clear that any sort of mediation was not acceptable to India. He asked whether some resolution instructing the Secretary General of the UN to make appropriate arrangements for direct discussions of the Kashmir question between India and Pakistan would be acceptable to us. I told the Ambassador that we see no need for any Security Council resolution as there is a categorical statement from India that the avenue of direct discussions between India and Pakistan was still open. Any sort of good offices by a third party, whether it is the Secretary General of the UN or anybody else will be exploited by Pakistan for propaganda purposes and we would categorically oppose any such move. I told him that we were fed up with this constant pressure on us to satisfy the Pakistan’s propaganda moves. We had not only renewed our invitation to Pakistan but reiterated this invitation in clear terms in our letter to the Security Council in January. Pakistan still wanted the propaganda debate and had the satisfaction of getting this debate. The Americans should realize now what Pakistani objectives are and clearly tell the Pakistan Government that they will not support any propagandist resolution in the Security Council. The Ambassador said that he entirely agreed that Pakistan had misbehaved and was working not only against India but against the American Administration. He however felt that some sort of resolution may have to be put up to wind up the Security Council debate on Kashmir. I said that any resolution which referred to good offices of a third party, Secretary-General of the UN or any other, or which said something about reporting back to the Security Council will be categorically opposed by India.

5. During the last six months, the situation had changed materially. Pakistan and China had combined to put pressure on India by threatening aggressive moves of various kinds. Not only was there this agreement about negotiating a boundary agreement but the announcement of this agreement on 3rd May, the threat in Zafrullah’s statement of 28th April and in China’s note of 30th April showed how combined pressure and aggressive moves against India were carefully synchronized by Pakistan and China during the week when Security Council was discussing Kashmir. It was impossible for us to show any kind of accommodation now as the two aggressors had already combined. I said that we might as a last resort acquiesce in though not accept some resolution which merely says that the matter should be discussed and settled direct between the parties in accordance with the UN Charter. There should, however, be no provision of any kind for a third party’s good offices or for reporting back to the Security Council. In brief, the only resolution with which we might acquiesce in will be something which in effect says that the matter should be settled by
parties in direct discussions and the Security Council shows no further interest in the matter

For information.

Sd/- M. J. Desai
19-5-1962

P. M.

2139.

SECRET

Telegram from Indian Embassy Washington to Ministry of External Affairs.


TELEGRAM

From: Indambassy, Washington
To: Foreign, New Delhi,
Repeated: Indiadel, New York (as Savingram)
No.311 19th May, 1962.

IMMEDIATE

Gundevia from B.K. Nehru.

Kashmir

On receipt of instructions contained in your 24692 dated, April 9, reinforced by your letter T.231-CS/62* dated April 11 countermaning my earlier instructions I naturally ceased to discuss this matter with the Americans or others. I believe that my latter instructions were a mistake.

2. In the light of your 24747-Circular of May 16 I saw TALBOT and (had) made forcefully every argument to press that no further meeting of the Security Council was necessary; and that if one was to be held it should be at the end of June.

3. The contrary argument urged by TALBOT was that the Security Council having been seized of the issue had to take some decision on it. The debate

* Document No.2130 & 2131
had been adjourned in order to allow the members of the Security Council to digest the statements of the parties and to consult among themselves. This was clearly stated by PLIMPTON as well as DEAN. Adequate time had now elapsed and the Council had to come to a decision. As to the exact date of the next meeting this was a matter for the members of the Security Council to decide. Whatever they settled on in New York would be acceptable to Washington.

4. From your telegrams it appears that the proposal for another meeting has come to you as a surprise. The thinking here and as far as I could gather in New York has always been that the adjournment on May 4 was purely temporary and that a further meeting would be held to enable members of the Security Council to express their views and to propose or not to propose resolutions.
that we have not entered into any Kind of serious negotiation in regard to prices, currencies manufacturing arrangements, etc. With exceptions of purchase of C130s only negotiations through us were for sidewinders and these were abruptly stopped. Grateful to be kept in touch with developments.

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2141.

SECRET

Telegram from Ministry of External Affairs to Indian Embassy Washington.

New Delhi, May 23, 1962.

TELEGRAM

From : Foreign New Delhi.
To : Indembassy, Washington.
No.24418 23rd May 1962

IMMEDIATE

B. K. Nehru from M. J. Desai. Personal.

I must say that I was surprised at the tone of your telegrams 313 and 314 May 19.

2. Full details about latest position in respect of our exploratory enquiries for purchase of suitable aircraft for the IAF were given, in PRIMIN-21083 of May 15 which makes clear that early availability, adequate spares, possibilities of manufacture in India and the price are the only factors which will govern our decision. There is no question of any political decision in favour of purchase from one country or the other.

3. So far as supplies of military hardware of any kind from United States are concerned there are several hurdles under the security law regarding supply of military equipments which is classified.

4. You have also referred in your telegram to our attitude on Kashmir. I do not see how this is relevant. In any case you know fully the efforts we made to prevent Pakistan from adopting an agitational approach and going to the Security Council. Surely we could not have done more.
5. GALBRAITH puts the difficulties of the United States Government to us. You in turn must be stressing our problems to the United States authorities.

6. I am sending separately by bag copy of my notes of discussions with GALBRAITH on all these matters.

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2142. TOP SECRET

Letter from Foreign Secretary M. J. Desai to Ambassador B. K. Nehru enclosing copies of his notes referred to in his telegram No. 24418 of 23rd May.

New Delhi, May 24, 1962.

Ministry of External Affairs
New Delhi

No.760/FS/T/62

May 24, 1962.

My dear B.K.

Please see my telegram No.24418 of 23rd May. I attach copies of notes promised in the telegram.

With Kind regards.

Yours sincerely

M.J. Desai

Shri B.K. Nehru
Ambassador of India
Washington

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TOP SECRET

Ministry of External Affairs

 Ambassador Galbraith saw me this morning. After talking about Assam and Sikkim which he had visited recently, he asked me about the developments on
the India-China border and the latest Chinese note of 30th April, on which PM had made some comments in Parliament yesterday. I explained the latest developments to him on the lines of PMs statement in Parliament and told him that while we will maintain our posts on this border regardless of the Chinese threat, we did not want to precipitate any crisis, or clash. If the Chinese, however, did attack any of our posts or patrols in the area, our men will naturally defend themselves. I told him about the timing of the Chinese note of 30th and the new threat and how it synchronized with the announcement regarding Chinese negotiations with Pakistan for that part of the China-Kashmir border which was under Pakistan control and the threat of Pakistan attack on Kashmir made by Zafrullah Khan in the Security Council debate on Kashmir. The Ambassador said that they had also noticed this peculiar feature of the Pakistan and Chinese move.

2. The Ambassador then showed me an extract from a press report that his Embassy had given him where there was some reference to likelihood of India buying Russian jets. He said that he had no instructions from his Governments in this matter but he would like to mention on a personal level how allergic US opinion was to purchase of Russian MIGs and added that the US authorities would be prepared to consider sale of the appropriate types, of planes to India. If the India-China border situation demanded such action. He added that so far as Pakistan is concerned, their military aid is being reduced and the U.S. Administration had no intention of promoting an armaments race in this part of the world. They would, however, be prepared to consider sale of planes to India should the developments in the border situation between India and China necessitate strengthening of the Indian Air Force.

3. I told the Ambassador that so far as the story in the press report about purchase of Russian jets by India is concerned, this appeared to be kite flying by some interested party. We have been buying some transport planes from the U.S.S.R. because they are eminently suitable for air drops at great heights in the border region. He said, however, that he wanted to mention this matter on a personal level as there had been a vague news report on the subject of likelihood of purchase of Russian jets by India and also mention the readiness of the U.S. authorities to sell suitable planes to India in case the border situation in the North necessitated strengthening of the Indian Air Force to meet the situation.

Sd/-
M.J. Desai
4.5.1962

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PM must have seen telegram 24403 which I sent yesterday to B. K. Nehru after discussing the matter with Defence Minister.

2. As Ambassador Galbraith had approached me for information on this matter earlier and as I did not have the exact information at that time, I sent for him today and talked to him on the lines of my telegram to B. K. Nehru.

3. The Ambassador said that there were two points he would like to bring to Government of India’s notice in this connection. The US Administration will be hamstrung in its efforts to get the requisite aid funds for India through the Congress and the Senate if the opposition leaders like Symington argued that the Soviets were supplying the military hardware to India while United States was asking the Congress and the Senate to sanction aid funds for civilian requirements. He said that it will be impossible for him or the President to meet this opposition as even if this is normal commercial purchase, it has to be accepted that sale of military hardware of this type, whether by the USA or the USSR, is closely linked with government policies. The other point he mentioned was that opportunity should be given to the USA to supply on reasonable terms the military hardware that India may require. If USA could not supply on reasonable terms and India had to buy from the Soviet Union, that would be a different matter.

4. The Ambassador told me in this connection that the Lockheed people had been negotiating with the Indian Ministry of Defence the question of sale and also manufacture with both of the C130 transport planes and of the F104 fighter bombers this winter. Manufacture of C130 transport planes in India was not a practical proposition and was therefore given up, but the manufacture of the fighter bomber F104 was a practical proposition and the Lockheed people were prepared to negotiate the technical aspects in detail. The Ambassador said that neither he nor State Department had actively encouraged the Lockheed people in this matter nor did they object to the exploratory negotiations. The US policy in this connection was that they did not want to offer military hardware and intensify the armament race anywhere in the world. That is why the Lockheed negotiations with the Ministry of Defence had not gone too far. On the other hand the US Government realised that India may want special military hardware of this type because of the difficulties on the northern border and the US Administration were prepared both to sell and to encourage the project regarding the manufacture in India so far as F104 fighter bombers were concerned. This, they would only do naturally if Government of India were interested in this project.
5. I told the Ambassador that I will mention these matters to PM and also bring them to the notice of the Ministry of Defence. I asked him, however, for clarification on two points. One was the question of scarce foreign exchange. I asked whether US authorities would be prepared to consider rupee purchase. The other question was about the various types of equipment that go with the F104 and whether US security laws and the fact that some of the equipment is classified would come in the way of supplies of this equipment to India. The Ambassador said that it should be possible to get round both these difficulties but he has to get necessary technical information before he can give a reply to me on both these points.

6. He asked whether he could tell the State Department categorically that no decision has been taken by the Government of India about the type of planes and the country from which they are to be purchased. I said that this is exactly the present position. The Ambassador then went on to say that the complication will be less serious if the United States were given an opportunity to meet the needs of the Government of India both regarding the purchase and the manufacture of the planes required and also the requisite equipment. If US authorities could not meet the needs on reasonable terms, and India contracted with the Soviet authorities, that would be quite a different situation.

(M. J. Desai)
8-5-1962

PM
TELEGRAM

From: Indembassy Washington.
To: Foreign New Delhi.


IMMEDIATE

Commonwealth Secretary from Ambassador

Your 24777-8 dated May 30, Kashmir.

I saw TALBOT today and explained to him our objections to the language and substance of the draft. He said Five Powers were still meeting in New York to discuss drafts.

2. I stressed that if any results were to be expected on Kashmir, it must be taken out of its present framework i.e., UNCIP resolutions, Dr. GRAHAM, Security Council etc and transferred to new framework, i.e. bilateral negotiations without interference of third party. He said this was difficult for the United States because (a) the rejection of present framework was unilateral; if both parties agreed to bilateral negotiations, United States would have no objection to ousting the Security Council, and (b) the principle of mediation had been so important and so useful in the settlement of international disputes and had in other disputes been supported by India itself that United States would find it impossible to exclude reference to third party.

3. Discussion proceeded on usual lines and concluded by his promising that the United States would study our objections most carefully before coming to a final decision.

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IMMEDIATE

Prime Minister from Ambassador.

Personal

Last night Senator HUMPHREY dined with me. HUMPHREY is personally known to you, has always been unquestioning friend of India and is well known liberal progressive. He is now Chief Whip and Assistant Majority Leader in Senate.

2. HUMPHREY said that while he saw no reason at all why India should not buy MIGs, such a deal would greatly complicate foreign aid legislation. The House was completely out of hand as MCCORMACK was unable to control it. If the deal was announced before the aid legislation was through the House, it would affect not only Indian aid but might well jeopardise the entire economic aid programme of the United States. On my questioning why the MIG deal was creating so much excitement when purchase of Soviet transport planes and helicopters had gone almost unnoticed, he said that there was an unbelievable amount of emotion attached to the MIG name. Too many American boys had been killed by it in Korea.

3. HUMPHREY asked me earnestly to request you to hold up the announcement of the deal till the legislation had passed both Houses of Congress. I am accordingly doing so.

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Telegram from Indian Embassy Washington to Ministry of External Affairs


TELEGRAM

From : Indembassy Washington
To : Foreign, New Delhi.

No.417 14th June 1962.

Prime Minister from B.K. Nehru. Personal.

I was at White House last night on a social visit. President said he was very worried about the proposed MIG deal. I had seen what had happened in Congress in regard to aid to Yugoslavia and Poland, the mess that had been made on payments due to Philippines and the difficulty with which he had been able to get the SYMINGTON cut on Indian aid reversed. With the present uncontrollable mood of Congress, he was fairly certain that if the MIG deal went through not only would American aid be cut but a great deal of abuse would be heaped on the Government of India. The natural reaction of this would be to make India anti-American, the cutting of aid would badly affect the Indian economy and the eventual result of these processes would be that India would lean more and more to the Soviet side and eventually go into the Soviet camp. Action and reaction could easily snowball and drive us where we did not want to go. Could I tell the Prime Minister what the reaction in this country would be to the deal? But the message should not be as from him, as the Prime Minister would think he was trying to exert pressure which was the last thing he intended to do.

2. I said I thought his fears of our going into the Soviet camp were greatly exaggerated. I had given some indication to Delhi of likely reactions here and presumed that Galbraith had given a fuller version. I was not very well informed but my impression was that the MIG deal had gone too far along the road to be reversed. (I explained to him the advantages from our point of view of the MIG proposal). Our turning back now would be interpreted in the country, even though counter offers from the West might be more attractive, as yielding to pressure of Western powers. This impression no respectable Government could afford to give and certainly not the Government of India.

3. I asked how it would affect the psychological situation here if the deal was not announced before Congress rose. I did not know whether this would
at all be possible considering the urgent nature of our demands but would it help him in dealing with Congress? He said that it certainly would help greatly if the deal did have to go through if it could possibly be postponed till September.

4. He then asked me what my personal judgement was as to the possibility of Russian technicians who would have to be imported for this purpose subverting and indoctrinating our forces. I said this fear was completely unfounded. We had had Western equipment and many Western technicians for years, if they had not been able to subvert us, why should we fear that the Russian would. He said this was his own personal view also but GALBRAITH seemed to think differently.

5. I then said it was all very well for people to say that we should not purchase the MIGs. We needed equipment and needed it to be manufactured in India. What was the alternative? He said that they had talked to the British and they would much prefer that we bought the LIGHTNINGS, manufacturing arrangements for which could also be made. The British wanted the Americans to bear the whole cost of this offer (which would be $40 million) and he did not know whether he would have to go back to Congress for an appropriation for this purpose. He had considered the possibility of offering American planes, but this would get him into immediate trouble with Pakistan who would ask for more.

6. I said this last I could not at all understand. One had assumed that the US-Pakistan alliance was an anti-Communist alliance; it was now being interpreted by President AYUB as an anti-Indian alliance aid the United State’s seemed to be accepting this interpretation. He said he had no sympathy left with Pakistan. He wished he had not given the 104s to AYUB but he had only fulfilled the commitment of the previous Administration. But the plain fact of the matter was that the Pentagon insisted that the base at PESHAWAR was essential for the security of the United States. (It is used as you are aware for electronic espionage over the Soviet Union). AYUB consequently had the whip hand over him; he could not afford at this point to let AYUB get out of CENTO and SEATO.

7. He asked whether if we did have to buy MIGs we could not at the same time buy some Western planes. This would reduce the adverse psychological impact here. I said I could not say but one difficulty would obviously be financial. He said he would contact me again in a couple of days.

8. This morning DEAN RUSK rang me up and put me three questions:

1) Did I interpret the Prime Minister’s statement yesterday to mean that the MIG deal had been finally closed and there was nothing to be done
about it? I said I did not so interpret it, but from the little I knew, I certainly had the impression that negotiations had gone so far that it would be difficult to reverse them, particularly as any reversal now would appear to be the result of Western pressure.

2) Did I think the Government of India knew the reaction to the deal here? I said I had given them some indication and I presumed that Galbraith had given them more. He said he had talked to several congressional leaders who had always been friends of India and they had told him that the MIG deal would damage the Indian aid programme almost beyond repair. The United States did not have a Parliamentary system and therefore the Executive could not convert this into a question of confidence. The attitude of the Executive towards India would remain unchanged but there was no possibility of controlling Congress. I said I thought India was aware of this situation.

3) Would we be prepared to consider alternatives? I said, we were not wedded to MIGs because they were Russian but because they offered us certain advantages. I did not know whether it was now too late for alternatives to be considered but in any case the Government of India was hardly likely to act without waiting to hear what DUNCAN SANDYS had to say.
Telegram from Ministry of External Affairs to Indian Embassy Washington.

New Delhi, June 15, 1962

TELEGRAM

From: Foreign New Delhi.
To: Indembassy Washington

IMMEDIATE

B. K. Nehru from Prime Minister Personal.

Your telegram 417 June 14. We have not come to any understanding with the Soviet about MIG deal. In fact no proposal has been made by us to them or by them to us. When some of our Air Force technicians went to Russia some months ago for some engines they examined MIGs from every aspect approved of them greatly. They have experience of similar foreign planes and I believe have even flown British Lightnings. They were strongly of opinion that MIGs were more suited for us.

2. Since then nothing more has transpired except the great deal of noise in American and British papers about MIG transaction. Naturally this has reached Russia and they must be interested in it though they have not said anything. It is our intention some-time later to send some of our Air Force people to look into the MIGs further and report about possible terms. Only then will question arise for us to decide finally.

3. In Parliament during discussion on Defence estimate there was widespread approval of our buying MIGs. We have obviously considered this matter purely as a commercial one and no other question would have arisen but for the reactions in America and, to some extent, Britain, which have made any decision on our part against purchase and manufacture of MIGs very difficult. In any event we would not like to receive aircraft from Britain or America as a gift.

4. I understand that Lightnings are gradually being given up by British Air Force and Australia has not approved of them.

5. I am seeing DUNCAN SANDYS tomorrow.

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** Extract from the speech of Prime Minister Jawaharlal Nehru while replying to the debate in the Rajya Sabha on foreign affairs.**

New Delhi, June 23, 1962.

Since I spoke this morning, news has come to us about the fate of the discussion about Kashmir in the Security Council. It appears that a resolution was introduced in the name of Ireland; the Irish delegate introduced it. It was supported by the permanent delegates, that is, the United States, the United Kingdom, France and Formosan China and two of the South American States, Venezuela and Chile, and it was opposed by two neutrals, Ghana and U.A.R., and opposed also by the Soviet Union and Rumania.

Now the opposition by the Soviet Union that has voted against is called loosely a veto. What the Charter of the United Nations desires is that the five permanent members of the Security Council should vote together in a resolution. If one votes against, it is called a veto - it is non-voting or voting against. Any how the Soviet Union voted against it. As a result, as it was called, it was a veto by the Soviet Union, and it is supposed to be the 100th veto that the Soviet Union has exercised in the last fifteen years. A long, long discussion has taken place about this matter in the Security Council, and our representative, our Defence Minister, spoke at some length expressing his deep sorrow that this Resolution should have been brought forward and, more especially, that Ireland should have brought it forward. And others also spoke. Now the Resolution is over and the proceedings are over. But it is a matter for deep regret to me that repeatedly, when matters concerning subjects which we feel rather passionately almost, subjects like Goa and Kashmir, it should be our misfortune that two great powers, the United States and the United Kingdom, should almost invariably be against us.

In a matter like Goa every Member of this House knows how strongly we felt about it and how, in spite of our feeling, we delayed any action till it was almost thrust upon us by circumstances. Yet, this was made an occasion for reading to us homilies and lecturing to us as to how we should behave properly in international matters. In regard to Kashmir also, I suppose, in the course of the last fourteen or fifteen years, the facts relating to Kashmir have been so often stated that they must be known, at any rate, to responsible people who speak in the Security Council, and yet, the patent fact that it was India that brought this matter before the Security Council and brought it complaining of aggression by or through Pakistan has not yet received the full-blooded attention of the Security Council. Always India and Pakistan have been placed, notably by those two powers, on the same level. “It is a dispute”, they say, “between two
quarrelling people, and they should sit down and settle it." We are prepared to sit down at any time with anybody, even with people who have done wrong. But this approach has been extraordinary.

The United Nations’ Commissions have come here, individuals have come here; we have got about ten fat printed volumes connected with Kashmir. In spite of this, these patent facts have not been realized by them in the Security Council as one would have hoped for. So the only other conclusion one could come to is that having realized them they do not like them because they have made up their minds to go in a certain way, to decide something in a particular way, and facts are not important - the fact of aggression, the fact of accession, the constitutional aspect, the legal aspect about which I said something. But, quite apart from all these aspects, there is also the fact of the consequences of any action that they suggest.

Now we are reminded of the Resolutions passed in 1945 (?) 1948) and 1949 by the United Nations Security Council and the Commission they sent, which we accepted. The very first thing in that Resolution was that Pakistan should vacate. Then other questions arose. Now it does not strike the distinguished representative of the United States or the distinguished representative of the United Kingdom to lay stress on the fact that Pakistan has not vacated and has not carried out the Security Council resolution for these fourteen years, and they always go on saying that India has refused to have a plebiscite. We agreed to a plebiscite, and I have no doubt we would have had the plebiscite then and there if Pakistan had withdrawn its forces, and in the normal course steps would have been taken. But they never withdrew their forces - that was an essential part. Now I am not going into the Kashmir issue here, but I express my deep sorrow that this should be so. As an Hon. Member just said, the United States, in addition to this fact, or, may be as a consequence of it - I do not know which - gives military aid to Pakistan, which leads to all kinds of consequences. It leads to an aggressive attitude on the part of Pakistan, constantly speaking in terms of war. Almost every day or every other day in the Pakistan newspapers there is something about some kind of aggression on India being thought of, if not by regular armies, by tribal hordes which, consequently, produce reaction on Indian opinion for India feels so strongly over this issue.

Well, any person would realize that giving this armed (arms) aid to Pakistan is likely to hurt India, not only to hurt us mentally but physically hurt us and drive us into spending more and more. We are getting aid for civil works and we are very grateful for that aid. But at the same time other steps are taken, like the military aid to Pakistan which compels us, out of our slender resources, to spend more money on defence. All this is very illogical and I really do not
understand how these great statesmen of the United States and the United Kingdom fit in all this in their thinking. They are democratic societies and they are pushed hither and thither by the pressure of public opinion or by lobbies or by their Parliament as we are. I wish they would realize that there is such a thing as public opinion in India, there is such a thing that no Government in India can ignore. It is only to some extent that it can press the public to go this way or that way. Things are done in regard to matters to which we are passionately devoted which hurt and injure that public opinion very much so - and which, unfortunately, create a result which we do not want. This creates doubt in our minds about the goodwill of those countries towards India and unfortunately the work done for years, the work of creating that goodwill which we value so much is washed out by a stroke of pen or a vote given, or by a speech given.

The speech given on the occasion in the Security Council by the distinguished representative of the United States about Goa hurt us, annoyed us, irritated us, angered us. It had nothing to do with the facts. It was based simply on certain assumptions and, I regret to say, probably, to the dislike of India and all that India stands for. And now the same distinguished representative tells us what to do about Kashmir not realizing that Kashmir is flesh and bone of our bone, and all that we know about the facts and about the law are in our favour. However, there it is. Unfortunately, much of the good that we have done in regard to relations with countries - I would not say it is washed out because good work always remains and brings its own result - the immediate effect of it is lessened. And I have no doubt that we shall now have a plethora of good advice from newspapers in America as to how we are not behaving properly in Kashmir and how the Soviet Union has misbehaved by voting against the matter.

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SECRET

Telegram from Indian Embassy Washington to Ministry of External Affairs.

Washington, July 25, 1962

TELEGRAM

From : Indembassy, Washington
To : Foreign, New Delhi.
No.534 25th July 1962.

MOST IMMEDIATE

Prime Minister from B.K. Nehru

TALBOT sent for me this morning and referred me to story in BALTIMOR SUN that Indian newspapers were announcing that we had taken decision to buy MIGs and that these stories had been confirmed by individual Cabinet Ministers. He wanted to know whether I had any information. I said I had none.

2. He recalled that during last two weeks the President had weighed in very heavily to get the foreign aid bill through and to ensure that there was no cut on Indian aid. This had not been easy (TALBOT’s assessment is correct, the President having gone very much out of his way both to ensure that there was no cut and to see that no debate on India took place). He said that it did not seem a gracious or courteous thing to do to repay the President’s efforts by announcing immediately afterwards that we were going to buy the MIGs. The relations between India and the United States were bad enough. It was desirable to prevent doing anything which might aggravate them.

3. I said that the issue involved in the MIG purchases was a very simple one and that was what price we were prepared to pay for economic aid. We had been told that if we bought the MIGs we would get no economic aid. He interrupted to say that the Administration had never said that nor had it questioned our sovereign right to buy planes wherever we wanted to. I said this was technically true; what we had been told was that while the Administration admitted this right and while it would continue its efforts to get us economic aid, Congress was uncontrollable and the effect of MIG purchases on Congress’ attitude to aid would be disastrous. As a foreign country we could not distinguish between the Administration and the Congress. For us the Government of United States was one indivisible whole. We had made it abundantly clear that we
were not prepared to pay any political price for aid. The MIG purchase was a test case and it was better to have the issue settled once for all. Having been threatened with the stoppage of aid if we bought the MIGs, there seemed to be no alternative for us but to buy them if only to make patent our independence of action. We could not refrain from doing a perfectly sensible thing if we regarded it in our national interest because certain Congressmen objected to it.

4. I did not underrate the effect on Congress nor the very far reaching consequences of a cut in aid. The Government of India too was well aware of the consequences. But there seemed to be no alternative. He asked whether it was certain that buying any kind of interceptors was in our national interest. I said this matter was for Government to consider. If Government decided that interceptors were necessary, my advice to them would have been to buy MIGs irrespective of the consequences. If we did not buy them we might be asked tomorrow not to buy steel plants or power houses from Russia and the day-after-tomorrow not to vote with the Soviet Union in the United Nations.

5. He said he did not accept the necessity of our flaunting our independence when no one had questioned it. But in any case why the timing? The Consortium was to meet on Monday and the Foreign Aid appropriations would still take another six weeks. If it had been our objective deliberately to sabotage all aid effort, we could not have chosen a better time to leak this information. I repeated that I did not even know that a decision had been taken and could not therefore give reasons for its timing.

6. I would respectfully submit that if we have not taken a decision we should announce that we have not done so. If we have, it does appear to me ungracious and discourteous towards the President to announce it immediately after he has battled valiantly for us for a couple of weeks. He has been increasingly feeling that India shows no sign of appreciation of the efforts he has consistently been making towards better Indo-American relations. An announcement before Monday may also very well have immediate repercussions on the Consortium meeting.
Telegram from Ministry of External Affairs to Indian Embassy Washington.


TELEGRAM

From: Foreign, New Delhi.

To: Indembassy, Washington.

No. 24448 27th July 1962.

IMMEDIATE

B.K. Nehru from Foreign Secretary.

Your Telegram 534 July 25 to PM.

2. About three months ago we intended sending a technical team to Soviet Union to evaluate MIGs more especially from the point of view of rapid manufacture in India. The advice given to us by our defence experts was that it was essential to take steps for this manufacture and necessary to get a few complete planes in view of the situation vis-à-vis Pakistan and the constant threats that are made there against India and also the grave situation on our frontier with China. Our experts were strongly of opinion that we must take steps to meet any contingency that might arise.

3. Because of the protests made in US and UK we decided to delay sending this team. We further decided to evaluate the British Lightenings before we came to a decision. Thereupon we sent a technical team to England for this purpose. The idea being that immediately afterwards we would send a team to the Soviet Union for the same purpose. Our team which went to England on return gave an adverse report about the Lightenings and said that however suitable the Lightenings may be in England, their manufacture and use in India would not at all be suitable for us. Thereafter we decided to send the team to Moscow to evaluate the MIGs and report to us about the conditions of manufacture etc. That team will be going soon. We shall await their report before coming to a final decision. That is the position now.

4. The developments on our Tibetan frontier though they may not lead to an immediate, and grave, crisis are a continuing threat and may at any time in future lead to such crisis. We cannot therefore delay much decision on this subject.
5. We considered the question of delaying sending out the team till the aid question was over. But we felt that this would not be quite fair to those who are giving us aid and notably the U. S. To have sent the team immediately after the decision of the aid question would have looked like playing a trick. We decided therefore to send the team await their report and then take a decision.

6. We are grateful for the steps taken by President KENNEDY and the US Government in connection with aid to India and we did not want to do anything to make him feel that we did not appreciate fully his efforts to this end. At the same time we do not wish to act in a way which appear to others as if we were playing a trick. That would not be fair to him.

7. The team we sent to England and which we are sending to Moscow consists of officers who are normally much more inclined to deal with western countries as they have done in the past. But event they felt that British Lightenings would not only be much more expensive but very difficult to manufacture in India and would take a very long time.

◆◆◆◆◆
2150.  

SECRET  

Letter from Ambassador B. K. Nehru to Foreign Secretary M. J. Desai.  

New Delhi, August 17, 1962.  

My dear MJ  

The rumour that Ayub was coming to Washington after the Commonwealth Prime Ministers Conference in London has been confirmed. The story as I heard is that he was in any case going to Canada after that conference and wanted to come to Washington on the way back home. It is not clear why he wants to come. I shall keep you informed of further developments*.  

Yours sincerely  
(B.K.Nehru)  

Shri M.J. Desai  
Foreign Secretary  
Ministry of External Affairs, New Delhi  

* Next day in another letter dated the 18th August Mr. B. K. Nehru informed he Foreign Secretary that “Ayub is arriving here on Sunday the 23rd and will be thrown out of Blair House, if he elects to stay there, by lunch time on the 24th as it is needed for other purposes A meeting with the President has been tentatively fixed for 11.a.m. on Monday. The visit is very much at his instance and has not been particularly welcomed here. We do not know what subjects he propose to discuss, but would anticipate that naturally they will mainly be Kashmir and increased military assistance.”
I had requested the American Ambassador, Mr. Galbraith, to see me, today, to talk to him about President Ayub’s visit to the States.

2. I asked the Ambassador whether he had any definite information on what Ayub was likely to discuss. The Ambassador said that Ayub was likely to get very little time with President Kennedy, perhaps little more than an hour over lunch and he was not likely to make very much head way. I said that there was wishful thinking on the part of Mr. Galbraith:

3. I told him that our information was that Pakistan was likely to behave itself till a little while after the Commonwealth Prime Ministers’ Conference and till Ayub’s intended visit to the States was over. By then Zafrulla’s election to the UN General Assembly would also be out of the way. We reckon after this they mean to make trouble on the Kashmir front. I said that we had information that arms were being distributed in some border areas and I gave him a short note on the subject, a copy of which is placed below. I said that the idea seemed to be that if there were a series of major incidents on the Kashmir border they could raise Kashmir with more seeming legitimacy before the General Assembly. The Security Council had done ample damage and, I said, if there was now any long drawn out agitation in the General Assembly in this session, the Indo-Pakistan clocks would be put many years back.

4. I repeated to the Ambassador what I had told him before, that we had seriously suggested to Pakistan through our Ambassador and through Hilaly also, that we should revert to the 1959 Sheikh-Swaran Singh Minister level meetings. Kashmir could not be settled over night, but if India and Pakistan sat down to attempt to settle everything else, border disputes, even flood control, passport regulations, etc., an atmosphere could certainly be created, which would be beneficial to both the countries. The Ambassador said that after his last talk with me on 30.8.1962, he had cabled this to the State Department and their Ambassador in Karachi had spoken to Rajeshwar Dayal; and Rajeshwar had confirmed what I had told the Ambassador. He asked me whether Rajeshwar Dayal had been able to speak to Ayub or Mohammad Ali. I said this had not been possible. He asked me whether our High Commissioner was likely to press this on Ayub before coming away, finally, from Pakistan. I said
I presumed he would see Ayub before leaving Pakistan and would speak to him on these lines. The Ambassador said that he proposed to telegraph the State Department and suggest that if President Kennedy could get the chance he should press Ayub to agree to talk to India, starting with a Minister-level meeting on the lines we had suggested.

5. I told Mr. Galbraith that the purpose of my request to him to come to me today, was to tell him that we feared the contrary and that while Pakistan seemed to be on its best behavior today their intentions were pretty foul on the cease-fire line, weeks hence.

(Y.D. Gundevia)
18.9.1962

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Note given by Commonwealth Secretary to the American Ambassador on the distribution of arms by Pakistan in the border areas.

Reports of distribution of arms to people in Pakistan – invaded Kashmir have been received in recent weeks.

2. According to these reports 4,000 rifles, 200 LMGs and a large amount of ammunition have been stored with the Inspector General of Police in the so-called “Azad Kashmir”. The weapons are known to be intended for distribution to irregular forces, who are to be encouraged to make trouble along the Cease-fire line. There are reports which suggest that Pakistan army personnel are being prepared for use as irregulars.

3. It is also learned that leave of personnel belonging to the so-called Azad Kashmir forces has been curtailed. Recruitment of villagers, particularly ex-servicemen, is reported from several districts of Azad Kashmir – Muzaffarabad, Pallandari and Poonch. In Muzaffarabad district alone 2, 500 persons have been recruited.

4. It is suspected that steps have been taken to organize further breaches of the Cease-fire Agreement and the Cease-fire Line by so-called armed civilians, most of whom in fact would be members of the Pakistan Army and “Azad Kashmir” forces. Statements by Ghulam Abbas and recently even by Mohammad Ali, Pakistan Foreign Minister, would appear to lend support to such a suspicion.

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2153.  

SECRET

Telegram from Ministry of External Affairs to Indian Embassy Washington.

New Delhi, September 19, 1962.

TELEGRAM

From: Foreign, New Delhi.

To: Indembassy, Washington.

Repeated: Hicomind, Karachi.

No: 24742. the 19th September, 1962.

IMMEDIATE

Ambassador from Commonwealth Secretary.

2. US Ambassador in Karachi has told Rajeshwar that Ayub's one day visit to President Kennedy is without Agenda and informal talks likely to be only of general nature. Ayub will also spend one day and night at Washington for official talks and meet Defence Secretary MCNAMARA and Air Chief HAMILTON. Ayub said to be anxious to get financial assistance for huge Turbela project on Indus and for alarming salinity problem. Former involves almost doubling Consortium aid and salinity problem would involve expenditure of over 600 (600) crores. Rajeshwar surmises that Ayub cannot therefore demand more military hardware and war planes. He will NO doubt also try to seek support on Kashmir but Americans may question him on his China policy and press for restoration of relations with Afghanistan.

3. Galbraith NOT apprehensive of Ayub's visit and has reaffirmed earlier that change of American policy on arms aid bound to affect Ayub's Pakistan.

4. I have yesterday warned Galbraith that we fear Pakistan will be on best behavior only while Ayub is out on tour. With Zafrulla's election now out of the way we apprehend serious provocations on cease fire line in Kashmir in weeks that follow. Series of serious incidents might be created by Pakistan to give some seeming justification to Kashmir being raised in UN General Assembly.

◆◆◆◆◆
2154.  

SECRET

Letter from Commonwealth Secretary Y. D. Gundevia to Ambassador B. K. Nehru enclosing a letter from High Commissioner Rajeshwar Dayal from Karachi.

New Delhi, September 19, 1962.


My dear B.K.,

I am enclosing herewith Rajeshwar’s letter dated the 15th of September, which discusses some of the matters which Ayub might raise with friends in Washington. I am also enclosing a copy of a note I have recorded after my talk with Galbraith yesterday on the same subject. Our reports suggest that Pakistan is making all sorts of preparations for trouble on the border. How reliable this information is, we do not know, but we felt it would be best to warn Galbraith and event frighten him somewhat.

Yours Sincerely,
(Y.D. Gundevia)

Shri B. K. Nehru,
Ambassador of India.
Washington.

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SECRET

Copy of letter No. HC/153/62 dated September 15, 1962, from Shri Rajeshwar Dayal, High Commissioner for India, Karachi, to Shri Y.D. Gundevia, Commonwealth Secretary, Ministry of External Affairs, New Delhi.

I called on U.S. Ambassador McConaughty on the 13th September. McConaughty began by expressing regret at the news of my departure from Pakistan in view of the friendly contacts established between us and the efforts which I had been making during my entire tenure of office for the improvement of Indo-Pakistan relations. I told McConaughty that I had tried to do my best to implement my instruction on the basis of our consistent policy towards Pakistan but during the last two years there had been little response to a positive and constructive approaches. Better relations were in Pakistan’s own interest as the period of Ayub’s greatest popularity synchronized with an improvement in our relations. The question of procedures and modalities was vital in dealing with international problems but Pakistan apparently felt that it could bring
pressure to bear on India by pursuing policies which damaged India’s interests on matters which had no direct bearing on Indo-Pakistan relations. Such a course was bound to lead to a sense of frustration. The pursuit of wrong methods could lead only to wrong results.

2. McConaughy said that he thought the President did not take an emotional view of Indo-Pakistan relations but he agreed that there was no policy making apparatus which could follow up matters in a consistent way. McConaughy has no great opinion of Dehlavi or the Foreign Office set-up while he is fully aware that Bogra has been too busy in rounding up political support, to be able to find time to run his Foreign Office.

3. I asked McConaughy about Ayub Khan’s Washington programme. He said that the day’s visit to President Kennedy at Newport had deliberately been made informal and no agenda had been fixed as it was intended to keep the talks at a very general level. But in Washington, President Ayub Khan was spending a day and a night and would meet Defence Secretary Macnamara and AID Director Hamilton. McConaughy said that Ayub Khan was extremely anxious to get aid for the construction of the Tarbela Dam to impound the waters of the Indus. He considered this gigantic work, whose engineering feasibility had not yet been established, as part of the replacement works although it had a considerable element of development in it. The question, of course, was where the balance of the 1.8 billion dollars - the Consortium having promised about one billion dollars - could come from. It was very doubtful if the United States would find the additional money, while the position of the other members of the Consortium was not known. Then there was the important problem of water logging and salinity on which the President had set his heart. There has been some delay in the completion of the report of the American experts on the subject which has now been submitted to the U.S. President’s Scientific Adviser, Dr. Jerome Wiesner. At this stage, I mentioned that the East Pakistanis had been complaining that while these vast funds had been asked for West Pakistan, the question of flood control in the east wing had received no attention whatsoever. McConaughy was aware of this.

4. From what McConaughy said it appears that while Kennedy’s wish may well be to avoid having detailed discussions on Pakistan’s problems or to be drawn into making any commitments, Ayub Khan will try to unburden himself of all his grievances and request. It can be taken for granted that Ayub Khan will make requests for military hardware and war-planes and he is likely to point to the gaps and weaknesses in Pakistan’s military set-up and possibly to India’s intention to develop its air force in support of his demands. It remains to be seen to what extent the U.S. Administration will be firm in meeting Ayub Khan’s extravagant claims and the relative emphasis which they will place upon economic and military aid.
5. We have heard from reliable sources that the Americans are concerned regarding Pakistan's approaches to China. We have been asked by the U.S. Embassy here for a second set of our white Paper. Washington may well question Ayub about his policy towards China and caution him against going too far. The Americans are also concerned about the continued rupture of Pakistan-Afghanistan relations, for with the lapse of time, the Soviet position in Afghanistan is being strengthened at the expense of the American. Talks between Bogra and his Afghan and Iranian counterparts are to take place in New York during the U.N. General Assembly session. Thereafter-unless some hitch develops-there will be a subsequent meeting between the three at Tehran. The Americans are naturally anxious to see that some progress is made in easing this difficult situation.

6. McConaughy said, as I was leaving, that it was a pity that Galbraith was wrongly regarded in Pakistan as being anti-Pakistan and he had been surprised to learn (presumably from Hilaly who saw him the previous day) that Galbraith and Hilaly were hardly on speaking terms with each other. McConaughy asked whether Galbraith had decided to continue in Delhi after March 1963 when his period of absence on leave from his University concluded. I replied that I had no information. McConaughy is going on the 17th September to Washington for Ayub Khan's visit and will be away for a fortnight.
2155.  

Telegram from Indian Embassy Washington to Ministry of External Affairs


TELEGRAM

From: Indembassy Washington

To: Foreign New Delhi,

Repeated: Hicomind Karachi.

No.653  
24th SEPTEMBER 1962.

IMMEDIATE

For Commonwealth Secretary

Reference your telegram 24742 September 19th.

2. Confirmed-

i) No specific agenda for AYUB-KENDDY talks which will be a tour d’horizon;

ii) AYUB will meet McNAMARA (which, according to Pentagon is the main purpose of his visit, meeting with Kennedy being Protocol) and AID Chief HAMILON;

iii) Administration examining Turbela Project and will give AYUB a copy of draft of report prepared by WEISNER and Study Team on salinity and, water logging problems - we may hope to get a copy when report is finalized;

iv) Pakistan-China border issue will be raised by USA as they feel concerned over the situation on the whole borders

v) Afghan issue will also be raised as US aid programme is being hampered by the closing of route through Pakistan.

3. State Department expects AYUB will raise the question of speeding up of military hardware deliveries which have, they say, lagged behind schedule and may now be affected by overall cut in aid funds. Kashmir issue is not expected to be raised but Department cagey about what they will say if asked for support for activization in General Assembly.
4. Pakistan has asked for one more squadron of F-104 (they have ten of ‘A’ and two of ‘B’) but Pentagon sources indicate that they do not intend to give it. They also feel Pakistan cannot use another squadron.

5. Pakistan Air Chief, Asghar Khan is here seeking replacement for attrition aircraft of their F-86 strength. No spare F-86s, we are told. MacDonnell F-110’s may not also be supplied. Sources add ‘we have made no bones about it, but one never Knows what AYUB will get away with once he has seen McNAMARA’.

6. Have stressed-
   i) Our view on supply of sophisticated weapons to Pakistan;
   ii) The futility of taking Kashmir to the General Assembly and our apprehensions of deliberate provocations in Kashmir; and
   iii) The undesirable consequences of Pakistan-China border deal, and raised doubts if AYUB realises consequences on his other borders.

7. State Department say they would not like Ayub to come to such settlement with China as would Jeopardize the interests of other ‘friendly nations’.

◆ ◆ ◆ ◆ ◆
Letter from Ambassador B. K. Nehru to Commonwealth Secretary Y. D. Gundevia regarding Pakistan.


No. 569. September 26, 1962.

My dear Gundevia,

Thank you for your letter No.818/CS/62, dated the 19th September, about Ayub’s visit to Washington, just received,

2. I do not know to what extent you succeeded in warning or frightening Galbraith, but the fact is that when the Finance Minister saw the President last Thursday, the latter said that Galbraith had reported that there was a possibility of India creating trouble on the ceasefire line because there were interested parties anxious to divert public attention from China to Pakistan.

3. He repeated this twice so as to leave no doubt in our minds that the report had come from Galbraith. The Minister and I told him this was absurd; what was true was the contrary because trouble on the cease-fire line was the easiest way for Pakistan to re-agitate the Kashmir issue before the United Nations. The President promised that he would speak to Ayub and dissuade him as much as he could from creating such trouble, if this indeed was his intention.

4. The President during the course of this conversation reiterated that the United States was not taking sides on the Kashmir issue. They had voted on the resolution in the United Nations because it seemed to them innocuous and in line with the past line taken in the United Nations. This did not mean that they wished the issue to be settled in any particular way.

Yours sincerely,

(B.K.NEHRU)

Shri Y.D.Gundevia,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

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SECRET

Telegram from Indian Embassy Washington to Ministry of External Affairs.


TELEGRAM

From: Indembassy Washington.
To: Foreign New Delhi,
Reptd: Hicomind Karachi.

No. 678. 5064 September 29, 1962.

IMMEDIATE

M. J. Desai from B. K. Nehru.
Repeated Hicomind Karachi for RAJESHWAR DAYAL.

Ayub’s Visit

Gather reliably that main subject of discussion was Pak-Afghan relations. Meeting was held last night in New York between Foreign Ministers of Iran, Afghanistan and Pakistan. Result as yet unknown.

2. Financing of Turbela dam was not raised at all. It is presumed this was because World Bank had advised that there were no chances of raising funds for it.

3. Kashmir was mentioned en passant, but not concretely or vigorously. No impression was given that it would be raised in General Assembly. AYUB is reported to have said that if Indians did not like plebiscite, he was prepared to discuss other arrangements.

4. Arms aid. Not clear whether further squadron of F-104s was asked for and refused. But in any case he is not getting any. On aircraft replacement of Attrition has been agreed to. For the rest no supply of any out of the ordinary weapons or equipment seems to have been discussed.

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Letter from Commonwealth Secretary Y. D. Gundevia to Ambassador B. K. Nehru on his talks with Galbraith.

New Delhi, October 12, 1962.

Commonwealth Secretary
Ministry of External Affairs
New Delhi.

No.888-CS/62 October 12, 1962.

My Dear B.K.

Thanks for your letter No.569 dated 26th September, 1962. Frankly, I have still not quite understood why Galbraith should have reported that there was a possibility of India creating trouble on the cease-fire line, when the whole purpose of my talking to him was to convince him of the contrary, that Pakistan was likely to make trouble. I will thrash this out with Galbraith one day but this will have to wait, because I am off to Ceylon today for 10 or 12 days.

With the Kind Regards,

Yours Sincerely,

(Y.D.Gundevia)
2159. The following statement was issued on August 2, 1963 by American Ambassador in Pakistan Walter P. McConaughy:

“The press of Pakistan has given undue attention to a recent press conference statement by American Ambassador to India Chester Bowles, given in New Delhi. A transcript of his comments includes the following:

Certainly we don’t think that Pakistan is going to attack India or India is going to attack Pakistan. If either one was attacked by the other, we will certainly move through the United Nations in order to do everything we could to ‘see’ it stopped. If it is not very clear, we have said it over and over again.’

Though not incorrect so far as it goes, Ambassador Bowles’ statement does not cover, nor was it intended to cover, the full extent of the United States Commitments to Pakistan in case of external aggression.

“I recall to your attention the clear record in this matter.

“On November 19, -1962, I declared to a press conference in Karachi: ‘The United States in turn has assured the Pakistan Government officially that if this assistance to India should be misused and misdirected against another country in aggression, the United States would undertake immediately in accordance with constitutional authority appropriate action both within and without the United Nations to thwart such aggression by India’.

“My statement was in full accord with a public statement by the Department of State the previous day which said:

‘The United States Government has similarly assured the Government of Pakistan that if our assistance to India should be misused and directed against another in aggressions the US would undertake immediately in accordance with constitutional authority appropriate action both within and without the United Nations to thwart such aggression. Needless to say, in giving these assurances that United States is confident that neither of these countries which it is aiding, harbors aggressive designs.

President John F. Kennedy, in his press conference of November 20, 1962, declared:

‘In providing military assistance to India, we are mindful of our alliance with Pakistan. All of our aid to India is for the purpose of defeating Chinese Communists subversion. Chinese incursions into the subcontinent are a threat to Pakistan as well as India, and both have a common interest in opposing it. We have urged this point on both governments. Our help to India in no way diminishes or qualifies our commitment to Pakistan and we have made this clear to both Governments as well.’

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My dear Gundevia,

Thank you for preparing and circulating to us the Report on the Conference of the Heads of Missions in South East Asia. It is a document which I have read with much interest and profit.

2. On page 27 of this booklet is the statement that the United States “did not bother about the rights or wrongs of the case in regard to Kashmir, nor did they believe that Pakistan had a good case on Kashmir; they only support Pakistan as an ally”.

3. It is my duty to point out, as I have done before, that this Embassy does not accept this assessment of the American view on Kashmir as correct. The Americans do believe that Pakistan has a good case on Kashmir — though the Administration is very careful not to say so and, the sympathy with Pakistan is not only because Pakistan is an ally but because it is regarded as the wronged party.

Yours sincerely,

(B.K. NEHRU)
Ambassador

Shri Y.D. Gundevia,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.
SECRET

Telegram from Indian Embassy Washington to Ministry of External Affairs.

Washington, November 1, 1963

TELEGRAM

From: Indembassy Washington
To: Foreign New Delhi.

No. 1079  1st November 1963

IMMEDIATE

Gundevia from B.K.Nehru

I lunched with GRANT yesterday and the following emerged:-

(a) The U.S. has had many indications that Pakistan is looking for trouble with India,

(b) Pakistan had delivered another aide-memoire to the United States complaining about us; but the US had refused to take any action,

(c) It would be helpful in these circumstances if we would exercise the maximum possible restraint so that if trouble started we could be able clearly to prove that we did not start it. In particular we might:

(i) not alter status-quo of CHAKNOT and
(ii) renew our offer to talk on the Assam influx troubles.

(d) TAYLORS visit had been cancelled not because of any protest by Pakistan but because he was genuinely occupied. He would not go even to the Cento meeting at Ankara as:

(i) CABOT LODGE was coming back from Viet Nam to report and
(ii) the military, budget; for the Fiscal 65 had to be prepared.

(e) He would however, come to India about 10th December via the Pacific and then go on to Pakistan. He would thus be able to speak more convincingly to the Pakistanis about the minimal nature of the American arms aid to India and it falling short of our requirements to meet the Chinese threat.

(f) General ADAMS, Commander-in-chief, Strike Command, Florida (who...
accompanied AVERELL HARRIMAN) in whose command we now lay would visit India at the time of the Air Exercises. Presumably this has been cleared with you.

(g) The US consider that we needed no more than 12 divisions to face the Chinese and no more than 4 divisions to face the Pakistanis and for other duties. They would be loath so to strengthen us that we could have a 21 division army even if technically the rest of the army equipment was financed by us. They did not consider that the Chinese were in any position to attack us in strength specially as the Soviets had cut off the supply of spare parts to China and the Chinese Air Force was obsolescent.

(h) We would not at least now get the supersonic aircraft we wanted even though American military experts thought we needed them because—

(i) with the finance available other higher priority equipment had to be supplied and

(ii) of Pakistani objections,

(i) Pakistani F-86 aircraft was getting obsolescent. Spare parts were no longer available and could only be supplied through a world-wide cannibalisation programme. These would have to be replaced by more modern aircraft. There was no intention however of giving Pakistan additional arms simply because India got arms aid.

(j) BALL had told AYUB and BHUTTO had been told here quite clearly that it was the unalterable policy of the United States to give India arms aid to the extent that they judged we needed it to meet the Chinese threat.

(k) That the Paks had also been told that the Americans did not consider that there was any danger of any attack from India. They did however recognise that the Palk had such a fear.

2. The lunch lasted two and a half hours and the above cited is the essence of what GRANT said in my and not in his language. It does not also contain the arguments and counter arguments that went on. The general effect left on me was that the Americans were getting slowly more fed up than before at Pakistani antics. There was through out the conversation no mention of Kashmir.

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IMMEDIATE

Gundevia from B.K. Nehru

In accordance with the instruction in paragraph 9 of your 24716 dated 7th November, I saw the Secretary of State this evening. There were present ambassador BOWLES and Assistant Secretary TALBOT.

2. As soon as I mentioned the F-104s, BOWLES interrupted to say that it was very strange that the Indian Government did not trust the word of the American Ambassador and wanted their Ambassador to verify it from the Secretary of State. He said that before his departure he had given quite categorical assurances separately to you to M.J. DESAI and to the Prime Minister that the Americans had no present intention of giving any F-104s to the Pakistanis. I had to confess, that, I have not been informed of this and I had come because my last Information was that he would check from Washington and then let us know. I am afraid that by this failure of communication we have (a) given the impression to the American Ambassador that his word is Inadequate and (b) shown up the lack of competence of our own administration.

3. Any way the assurance was repeated to me. There is no present intention of giving any 104s to Pakistan, but the problem of replacement of F-86s remains and will have to be considered.

4. RUSK said that we wished to take the opportunity of asking me what my Government’s views or, in the absence of Government instructions, my views were in regard to the military balance between India and Pakistan. I said I had no specific Government instructions, but I did not understand how It was any function of the United Stated to maintain such a balance. The magic formula at the time of Partition was 17½ to 82½ (TALBOT Interrupted to say that the division of military assets was in the ratio of 3 to 1), this reflected the relative areas, populations, etc. of the two countries, we were more industrialized than Pakistan and we had more competent men. Consequently it was obvious that
whatever the ratio of armaments, it would be abundantly in India's favour. The Pakistanis would have to learn to live with the facts of geography and it would not be in the interests of either India or Pakistan or the United States for the least to try and work on the theory of balances. As far as we were concerned, we wanted to re-equip ourselves only to meet the Chinese threat. If the United States really thought that Pakistan was under the threat of attack from China or the Soviet Union, they could similarly strengthen the Pakistani armed forces to meet that threat. The strength of the Indian forces was irrelevant for this purpose. But did the United States really think that Pakistan was under threat of attack?

5. RUSK said that his concern was not with maintaining any balance. But it was obvious that the strengthening of the armed forces of one side had effects on the other. Here we were concerned with the possibility of the Pakistanis getting F-104s; similarly they were concerned every time we got any military aid.

6. I said as far as their fears were concerned, we would be most happy to do anything that the Americans could suggest to allay them. I had asked AVERELL HARRIMMAN quite seriously to tell us what the Americans thought we could do and I made the same offer to the Secretary of State. Furthermore, we would have no objection whatever to the Americans making a public statement that they would defend the Pakistanis in case we attacked them. This should take away all their fears and stop this waste of resources on armaments.

7. RUSK said statements like this would not take away all their fears. The Americans had told us many times that they would not permit American arms in Pakistan to be used against us, but had not believed them. As far as the fear of an attack on Pakistan by Soviet Union or China was concerned, he agreed with me that today, in November 1963, there was none. But international situations went on changing, the global strategy of the United States could not be altered from day to day nor could arms aid be turned off or on like a tap. What they did with Pakistan was and would be related to their view of global strategy from time to time. It had nothing to do with keeping a balance between India and Pakistan.

8. For the rest of the time, we discussed internal American politics and sartorial history.

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2163. 

TOP SECRET

Telegram from Ministry of External Affairs to Indian Embassy Washington.

New Delhi, December 4, 1963.

TELEGRAM

From: Foreign New Delhi
To: Indembassy Washington

No. 24596 4th December 1963.

MOST IMMEDIATE


B. K. Nehru from Gundevia.

Your telegram No. 1205 12th December.

2. When Ambassador BOWLES saw me on 12th evening, I spoke to him about the news item that US Government has decided to extend the operational area of the Seventh Sleet to Indian Ocean. The Ambassador said that General TAYLOR would talk to us about this. When I questioned him further he said he had no instructions on the subject, but personally, he favoured the idea because the Seventh Fleet had always been a very effective deterrent to China and her presence in the waters would deter China all the more and also give Asian and African countries a definite feeling of security. I said that this would give an excellent handle to China for propaganda. Since we were certain to be asked in press circles, our official spokesman had been authorised to say that we had no information and we had not been consulted in the matter by the USA. Ambassador BOWLES suggested that we could say that the ocean was open to anybody, after all I said that we would not repeat not say this. For your information our official spokesman has only said that we had no information and we had not been consulted. Any other comments in Indian newspapers are only internal conjectures. Times of India of 13th December has strongly criticised the move.

3. The rest was on MAXWELL TAYLOR’S visit. BOWLES referred to press report that Pakistan had approached French Government for supply of two submarines. He said he was concerned because DE GAULLE’s reactions were always somewhat unpredictable. If India did not restrict purchases of armaments from her own resources, Pakistan might do likewise and there would be an arms race which would eventually affect India’s economic and industrial development.
4. Ambassador BOWLES then said that he had received conflicting advice as to the planned strength of the Indian Army though he knew that the total we wanted to work up to was about 8.6 or 8.7 lakhs. General TAYLOR would like to know more precisely about the number of divisions etc., that we planned and progress made to equip them.

5. I told BOWLES that my impression was that the delivery of equipment under the Nassau Plan had slowed down. The Ambassador did not deny this and said that altogether they were asking to get as detailed a picture as possible about our plans and hoped TAYLOR would be given this. He then said that continuing arms aid to India on a long term basis could really only be forthcoming if US was able to secure some informal understanding that in case of trouble in the region, meaning the whole of Asia, India would help U.S.A. to reduce effectiveness with which China could operate in various sectors. Referring to Indo-China, he said if there was trouble therein we might be willing to take reasonable measures to make the Chinese less effective in Indo-China. BOWLES was, obviously, deliberately vague, but he used the phrase “a second front”.

6. I said that we had never participated in joint defence in any region nor had we planned to assume such responsibilities. Our plan to re-equip Indian forces was directly limited to the extent which we considered absolutely necessary for defending Indians borders. BOWLES repeated the continuance of long term arms aid would depend on what responsibilities India was prepared to assume to assist USA in keeping the Chinese back in the various theatres in the region.

7. There have always been hints from HARRIMAN, GALBRAITH and others that USA would like us to assume more active responsibilities in Asia, but we would welcome your comments on whether MAXWELL TAYLOR expects to discuss with us any precise commitments.

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B. K. Nehru from Gundevia

Following is summary of Maxwell Taylor’s discussions with the Prime Minister this morning.

2. Taylor began by saying that they did not have a very clear picture of the plan or programme for the expansion of Indian Army and the Air Force and his visit was intended to understand our programme to enable them to plan their assistance and long term aid. Prime Minister said that we had a phased programme but not a very long term plan. Generally speaking we were aiming at an army of sixteen divisions plus five, which would not be full divisions, with a total of 8.66 lakhs which was much less than MOUNTBATTEN’s estimate.

3. TAYLOR said that he was “impressed” at the rate of expansion. After Korea their biggest problem had been how to keep up the morale of troops and they had got the army to work in Korean villages assisting in village development. BOWLES added that in South Vietnam also they were practicing this and the south Vietnam army itself now was assisting in social activities. Prime Minister pointed out that our troops in India were mostly stationed in scarcely populated mountain areas.

4. BOWLES asked if there had been any developments on the Colombo proposals and Taylor asked whether Sino-Soviet rift had in any way manner complicated our problem. Prime Minister said that the rift was there but it was leading if anything to Chinese isolation.

5. TAYLOR admitted that they had to think more and more about China which may one day be a nuclear power. Prime Minister admitted that this might
have psychological effect on us. TAYLOR said that missile development and nuclear bombs in Chinese hands for quite some time would really only have a symbolic effect. BOWLES said that they might explode bomb in 1964 or two or three years later.

6. Bowles last night had told me at dinner that they might not raise Seventh Fleet issue at all but TAYLOR mentioned the Seventh Fleet and said that judging by newspaper speculation newspapers claimed to have all information before the Government. He said that they had been “considering” the advisability of a carrier plus some other naval vessels cruising in these areas,..........................................................

SECOND AND LAST PART TO FOLLOW

SECOND AND LAST PART  (Received 18th December)

.....but whether this would be approved by the U.S. Government or not they did not know. It was not the entire Seventh Fleet which was to cruise the Indian Ocean. U.S. had commitments in certain other countries and they were thinking in terms of a carrier task force of four or five naval vessels. BOWLES added that they might call for instance at some of the African ports and this would give the American Navy some experience of the region. BOWLESS pointed out that one or two American Naval vessels had called at Indian ports in 1953 and they had played football etc. Prime Minister did not comment on all this. Later however when newspapers asked Prime Minister whether Seventh Fleet had been discussed he said that one or two ships might call at Indian ports, he meant by way of a courtesy visit.

7. In brief reference to Pakistan TAYLOR said Pakistan was not very happy with them. Pakistan could not look upon the problem in this region as a common problem involving everybody. Prime Minister said that we were distressed at Pakistan’s very friendly contacts with China while we were engaged in this conflict. TAYLOR said that he did not imagine that this meant any fundamental change in Pakistan’s policy. Prime minister explained how we had repeatedly offered a No-War declaration which Pakistan had not accepted. TAYLOR stressed that AYUB as soldier should be able to appreciate the indivisibility of the problem.

8. TAYLOR then spoke about the possible effect of the expansion of the Army on India’s economic development. He said that although he was a soldier he had learnt to realise that the demands of the army had to be balanced in the context of the economy in any and every country. The USA had really taken ten years for their army to be effective and some long term planning was always necessary. This appears to be TAYLOR’S main thesis and he has spoken on
these lines to the Finance Minister, the Defence Minister and others also. In a meeting with the Cabinet Secretary where BHOOTHALINGAM, RAO and I were present he ended by saying that he was getting a clearer picture as a result of these discussions.

2165. TOP SECRET

Telegram from Ministry of External Affairs to Indian Embassy Washington.

New Delhi, December 20, 1963.

TELEGRAM

From : Foreign, New Delhi
To : Indembassy, Washington.

No.24311. 20th December, 1963.

First of Two Parts

MOST IMMEDIATE


B .K. Nehru from Gundevia.

Your telegram 1229, December 19.

We are extremely surprised at the line GEORGE BALL has taken with you in this discussion, particularly in regard to our purchasing Soviet arms and equipment. This question has been discussed threadbare in the past in GALBRAITH’s time after the Chinese attack and we legitimately worked on the assumption that the U.S. accepted the position not only that we have to repeat have to take Soviet aid but it would be in our interest for the Soviet Union to come to India’s assistance against China.

3. The security aspect has also been discussed threadbare in the past and a U.S. Service Team visited India in April to go into this matter carefully and went back completely satisfied that there was no danger whatever of American equipment secrets finding their way to the U.S.S.R. through India. As you know, the MIG factories are being located in Korupet and Nasik, far removed from areas where any American equipment is or can be in use.
4. L.K.JHA has pointed out that in regard to our purchase of defence equipment against our own foreign exchange, you may bear in mind three, factors: (a.) Some of our equipment, including aircraft, being of French origin, spares have necessarily to be obtained from France where no aid is available; (b) so far Britain has refused to agree in principle to financing any defence production equipment under its defence aid funds or even to offer extended credits for them; and (c) for certain types of equipment to which we attach the highest importance, e.g. fighter aircraft and ground-to-air missiles, the U.S.S.R. has so far been the only country willing to help us.

5. Apart from my talk with BOWLES on 12th December (my telegram No.24596 dated 14th December) in which there was…………………………

SECOND AND LAST PART TO FOLLOW

SECOND and LAST PART (ALSO RECEIVED ON DECEMBER 20TH)

………….hint that TAYLOR might expect us to agree to commitments in Asia to contain China in the practical military field, (as it were this matter has not been raised) again. In TAYLOR's various discussions there was not the slightest suggestion that the US expected anything like this from us. In fact, I am surprised that TAYLOR was completely silent on this in spite of BOWLES' fairly clear warning to me to expect this.

6. You must speak to DEAN RUSK and ALEXIS JOHNSON very clearly on this and say that it will be completely against our policy, well known to our American friends to seriously consider the condition that they are now attempting to impose on us that we should not purchase Soviet arms and equipments today, or in the future. There should be no doubt whatever left in American minds on our unequivocal stand that we must be free to exercise our right to purchase arms wherever we consider this necessary particularly such arms and equipment as are not likely to be made available by our western friends.

7. I have a feeling that all this may be a prelude to a decision to supply more F-104 aircraft to Pakistan and deny them to us on grounds of security, accompanied by the suggestion that we are after all going in for Soviet MIG planes. There was some rumour yesterday that TAYLOR had been told that the MIG Project had been abandoned. We have unequivocally denied this and have said that the MIG project is progressing satisfactorily.

8. On who is right and wrong between India and Pakistan, since October 1962 at least you have ample material. With the departure of General MAXWELL TAYLOR, Pakistan has agreed to a cease-fire in Lobacherra yesterday, having de facto ceased fire in Dumabari three days ago.

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Telegram from Ministry of External Affairs to Indian Embassy Washington.

New Delhi, December 21 1963.

TELEGRAM

From : Foreign New Delhi
To : Indembassy Washington

No.24312 21 December 1963.

MOST IMMEDIATE

FIRST OF FOUR PARTS


B.K.NEHRU from GUNDEVIA.

Summary of record of Finance Minister’s discussion with General MAXWELL TAYLOR:

General MAXWELL TAYLOR called on the Finance Minister at 1050 AM on 17th December 1963. The discussion (with the Minister) lasted for about 80 minutes. General TAYLOR was accompanied by Ambassador CHESTER BOWLES, Mr. C.TYLER WOOD, Lieutenant General STRICKLAND Major General KELLY Major General GOODPASTOR and Colonel JORDON. Shri S. BHOTHALINGAM Secretary Coordination Shri L.K.JHA Secretary Economic Affairs Shri S. SOUNDRARAJAN from the Ministry of Defence and Shri S.GUHAN were also present.

2. General TAYLOR began by saying that he had come to India for his own personal education and for an exchange of views. President JOHNSON was greatly interested in the Defence of the sub continent and since his preoccupations would not allow him to come he had requested General TAYLOR to visit the area. His special interest was in the field of the combined operations of the army, Air Force and Navy and he wished to understand how this was tackled in India. The US Military Aid Programme to India has also to be dovetailed with the overall global strategy of the US Administration. He would be grateful for Minister’s views on this aspect of the matter.

3. The Finance Minister said that with the onset of the emergency, defence
expenditure had to be stepped up from 2 to 5% of the national income. In absolute terms, this was not too high a level in comparison with other countries of the world, but the increase from the previous level was appreciable. The choice that faced us in the case of army was either to have a somewhat large force or a relatively smaller one with greater mobility and the holding of larger stocks of equipment and ammunition at different places. Although immediately after the emergency we had withdrawn almost all our forces from the Punjab on the Pakistan front, we cannot obviously leave this frontier unguarded. It is in this context that we have to determine the force strength of the army. Lord MOUNTBATTEN when he had been in India, had been of the view that the force strength we need might be of the order of 17 divisions but in total numbers he had mentioned a figure of over a million. But the 21 division force which we now envisage would consist of only 850,000 men or so. In the case of the Air Force, the most..................

SECOND OF FOUR PARTS (Also received on December 21)

most important need was for a fast fighter plane. The recent joint air exercise had underlined this need. In the case of the navy, we were almost in a position of 'starting from the scratch'. The rupee cost in the next year’s budget for defence may not be higher than the outlay this year, but the foreign exchange requirement for capital investment in production machinery, for raw materials and for equipment that would have to be imported would be heavy. We now have a picture of our total requirements and also of our own production capabilities.

4. General TAYLOR then enquired as to the order of the foreign exchange resources which the Government of India would be able to spare in future years for defence. Secretary (Coordination) pointed out that prior to the emergency the allocations of foreign exchange for defence had been of the order of dollars 80 (80) million and this might have to go up to dollars 200(200) million in the current year. The real expenditure of foreign exchange was in fact higher than this since part of it had been found by diversion from civilian consumption. The Finance Minister said that it would not be possible to sustain an allotment of dollars 200 or 250 million in the future years. The minimum requirements for the maintenance of the civilian economy had to be met. On a long term basis, it would be difficult to spare more than a 100 million dollars or so per year for Defence.

5. General TAYLOR wanted to know whether the U.K. had given us any assistance so far in regard to aircraft. The Finance Minister replying to him, dwelt on the factors that inhibited the U.K. from giving any significant assistance to India. Firstly, their own economic situation and balance of payment position were not particularly comfortable. Secondly, the U.K. had vital interests in Hong
Kong and were interested to expand their trade with China. Thirdly, the affiliation between the U.K. and Muslim World, generally, and with Pakistan, in particular, had a certain historical basis. The coming year would be an election year in Britain and therefore a difficult year for aid. Even if a change in the Government came about, it may not be wise for India to expect any significant assistance from the U.K. in the absence of a crisis. This was the background to the Minister’s request to President KENNEDY not to insist on a matching basis from the U.K. and the Commonwealth for extending U.S. military aid to India.

6. Finance Minister said, in continuation, that he for one was not inclined to underrated the threat from China. General TAYLOR agreed wholeheartedly that the threat was of a long term character and was bound to remain for quite sometime. The actual military threat at any point of time in this period is however a matter conditioned by logistic and other problems.

7. The Finance Minister……………………………………………………………

THIRD OF FOUR PARTS (also received on December 21)

7. The Finance Minister then referred to the possibilities of Chinese attack. The hill-tribes in Assam and affiliations with their brethren in Burma, the neck leading to Assam was strategically very vulnerable. The oil fields in Assam which had a potentiality of over 6 million tons were a great temptation to the Chinese. There was evidence of a number of strong Chinese concentrations at various points on the border. The danger of infiltration was very real. The need therefore of adequate vigilance over a long border necessitated the maintenance of a large force and the size of the force was not capable of reduction without substantially larger facilities for transportation by air rail and road. We were taking steps to improve the transportation facilities. The sanctioning of a new broad gauge railway line in Assam and of a long lateral road were of some of the steps that had been taken.

8. One other factor was the grave economic situation in East Pakistan. The infiltration of Pakistani nationals into Assam, Tripura and West Bengal had introduced a rather volatile population in these areas. Self-Government would eventually resolve the Naga problem, but this would take time. As a result of all these factors the situation on the eastern sector was one of great concern.

9. Mr. CHESTER BOWLES wished to know what effect a possible Chinese invasion of Burma would have on India. The Finance Minister replied that if it took place we would be seriously affected. In this connection he mentioned that his information was that the Stillwell road was still usable. To a question from General TAYLOR, the Minister said that probably about 45000 Chinese ‘farmers’ had infiltrated into Burma and there was some information that another 20,000 had come in recently. General TAYLOR wanted to know if the
Government of India had had any discussions with the Burmese Government on the matter of infiltration by Chinese elements. The Minister replied that there was perhaps not much point in taking this up with the Burmese Government as it was doubtful to what extent the present Government at Rangoon had control over the entire country.

10. MR CHESTER BOWLES then enquired what India’s attitude would be to Chinese aggression elsewhere in Asia, for example, Thailand. The Finance Minister said that if Indian forces had by then been sufficiently strengthened, such an occasion might provide an opportunity for India to regain loss of the territory. But India would be unable and could not contemplate any supporting action outside Indian territory.

11. To a question …………………………………………………

FOURTH AND LAST PART (also received on December 21)

11. To a question from General KELLY, the Finance Minister outlined our plans in respect of the MIG-21 and HF-24. On the Air Force side, there was an urgent requirement for supersonic fighters and this had been fully brought out by the recent joint air exercises. The Chief of Air Staff had, at one stage, put down a requirement for 64 Squadrons but Government had not taken a firm decision in the matter as the demand was far in excess of the resources in sight in this field.

12. General TAYLOR, by way of summing up, wished to know if it would be correct to say that our immediate programme was for the modernisation and equipment of 16 divisions by the end of next year with the rupee defence expenditure at about the same level as in the current year and by foreign exchange allocation of about $125 million. These assumptions would reveal the gap that will have to be filled by aid. Secretary (Coordination) clarified that the figure of about $125 million was what we could at the most afford for the entire defence reeds and was no indication at all of what was necessary. Priority had to be given for defence production as this would in the long run minimise the need for external assistance. He mentioned that an investment of $200 million in defence production for munitions would represent a more or less realistic need. The Finance Minister underlined this and pointed out that the import of ammunition for one year came to roughly the foreign exchange cost of the plant for manufacturing it. In the matter of tanks, we were in need of a light tank suitable for the terrain in the Eastern and Western sectors. There will also have to be investment in electronics and perhaps in another type of supersonic aircraft in addition to the MIG-21 and the HF-24.

13. General TAYLOR then referred to the possibility of China being able to produce a nuclear weapon and enquired what repercussion it would have on
India. The Finance Minister replied that it would not be possible for India to meet a large scale and intensive threat unaided. If for instance our cities are bombed, it is crucial that we should have some capability to repulse the attack at least to a limited extent. General TAYLOR intervened to say that he was personally sure that if any of the Indian cities were bombed the U.S. Administration would come to our aid.

14. The Finance Minister then referred to the fluid position in many of the countries in the South East Asia area and in particular to the anti-Indian attitude of the Government and the press in Pakistan, in contrast with the friendly feelings for each other at the level of the common people in both Pakistan and India. The possibility of China and Pakistan collaborating to attack India could not be dismissed and so long as it remained, adequate mobilisation on the part of India was inevitable. General TAYLOR in conclusion said that he appreciated these factors and would only point out that the involvement of the U.S. in this area should prove a deterrent to the kind of threat referred to by the Minister.

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2167.  

TOP SECRET

Telegram from Ministry of External Affairs to Indian Embassy Washington.

New Delhi, December 21, 1963.

TELEGRAM

From : Foreign New Delhi
To : Indembassy Washington

No. 24313 December 21, 1963.

MOST IMMEDIATE

(FIRST, SECOND, THIRD OF SIX PARTS)


B.K.NEHRU from GUNDEVIA.

Gen. TAYLOR paid a call on the Secretary General and the Foreign Secretary
at 5.15 P.M. on the December 17th. He was accompanied by Mr. CHESTER BOWLES, U.S. Ambassador, Mr. GREENE Minister-Counsellor of the U.S. Embassy and General ANDREW GOODPASTER, Aide to General MAXWELL TAYLOR. Shri M.G.KAUL JS(EA) and Shri S. SOUANDRARAJAN Deputy Secretary, Ministry of Defence were also present.

2. General TAYLOR mentioned that he had come to India to acquaint himself at first had with condition here and with our policies and programmes in the context of the Chinese threat. He was particularly desirous to know of the plans prepared on the short-term as well as the long-term basis.

3. The Secretary General said that General TAYLOR had doubtless been informed by the various experts whom he had met earlier in the day about the details of these plans. He himself was only a lay man: as a lay man, however, he had certain clear ideas regarding the priorities by which we should be governed in framing these plans. He felt sure that the battle against China would be won or lost on the economic front. Ultimately it was a question of preserving our way of life and our political institutions, thereby demonstrating their superiority over the Chinese system. Therefore, it was absolutely necessary to continue with our plans of economic development, and to divert for the military buildup only the minimum resources essential for this purpose.

4. Various assessments, he said, had been made of the strength of Chinese forces in Tibet. Some people thought that these numbered about 175 thousand and the others put the figure at 125 thousand. He himself felt that the exact number of these troops was really not a matter of crucial importance. What was important was that the Chinese pressure will continue, extent and size of the physical pressure being limited only by topography and logistic difficulties. What we had to build up was adequate manpower to be able to resist this pressure both in the short term and for the future. In this context the quality of the men and the mobility which could be achieved in their deployment was of the greatest importance. General TAYLOR said that he was in full agreement with this view. The Secretary General went on to say that an adequate network of roads on the border which would ensure the mobility of our troops was essential. It was also absolutely necessary that our troops should be properly armed and equipped. To ensure this it was essential to have an adequate defence production base in this country. These were therefore our highest priorities.

5. It was also necessary and this we have been working towards, to have a coordinated administration all along the border area’s as also a rapid development programme, so that the border people should feel that they have something of value to protect. There had to be an administration where bureaucratic red tape was eliminated, grievances were quickly redressed, and
the hill people of these areas felt free from any danger of exploitation by people from the plains. All this had to be coordinated by the Government of India.

6. General Taylor then enquired what had led China to attack India in October 1962. The Secretary General explained that the reason for this attack was not merely the acquisition of more territory. In fact, the Chinese had already been in possession of, before the attack, of almost the entire territory which they wanted in Ladakh. From our side all that they were facing were small armed pickets in the form of a few additional Check posts, who were disputing Chinese possession of about 2500 square miles of territory to the East of Karakoram range. The attack was primarily due to other reasons. One factor was their desire to demonstrate to countries in this region that India was a weak country which could easily be pushed about, while China militarily was a power to reckon with. Another objective was to throw India off her posture of non-alignment. The Chinese in their quarrel with Soviet Russia had always maintained that there were no non-aligned countries and they had kept pressing Russia for this reason not to give assistance to India. Russia had also held this view till 1952, and America had held it till about 1957. Thus one of the objectives of the Chinese attack was to drive India into the arms of the Western camp and thereby force Russia to change this policy and, support only China economically and financially and not India or any other non-aligned country. China had also anticipated that as a result of their attack there would be a violent emotional reaction in India which would force the Government to divert its resources on a military buildup with consequent breakdown in economic development programmes. In both these calculations they had been mistaken. Very soon after the attack the Prime Minister had come out with a very clear statement to the effect that India would continue her policy of non-alignment and would continue to pursue her plans of economic development while undertaking additional sacrifices to build up the minimum defence potential required to meet the Chinese threat along the borders.

7. General TAYLOR then enquired the reasons for the Sino-Soviet rift, and its effect on the Chinese attitude towards India. The Secretary General said that a clash between the Soviet Union and China was to some extent inherent. China was over populated and had a very long border with Russia, which was comparatively an under populated country. This by itself was a danger to Russia and the integrity of her borders. China by virtue of its population of 700 million people was determined to make a bid for leadership of the communist world, and to extend its influence over South East Asia and the newly emerging countries in Africa and South America. This again was against Russia’s interests. Russia as a matter of policy had therefore befriended non-aligned countries. China’s attack on India was to an extent also directed against Russia to force her to change this policy.
8. General TAYLOR stated that within a year or two it was possible that China would explode a nuclear device. He added that it was a long way between exploding nuclear device and having an effective nuclear weapons system. Even the exploding of a nuclear device was bound however to have some effect and he wanted to know what the effect would be on India. The Secretary General said that the effect would be greater on the countries of SEA than on India because Indians knew that they possessed the nuclear know-how even if, as a matter of policy, India did not manufacture nuclear weapons. The capacity was there and that was a reassuring factor. Foreign Secretary said that such an explosion by China would undoubtedly lead to a demand within the country for India also to develop and manufacture nuclear weapons. The Secretary General agreed that this was so and that is why Government of India particularly welcomed the Partial Test Ban Treaty and the world wide support it had received.

9. General TAYLOR then enquired whether we were concerned about the reported infiltration of Chinese nationals into Northern Burma. The Foreign Secretary said we were certainly concerned about this. An imminent difficulty here was that the Burmese Government's writ did not run in North Burma, and the States in Northern Burma were hostile to the Government at Rangoon.

FOURTH OF SIX PARTS (also received on December 21)

Between the areas of Northern Burma and the adjoining areas of China there had always been a certain amount of traffic. The Secretary General recalled that a few months ago a contingent of 300 Chinese troops had come across Northern Burma towards the borders of the Tirap Division of N(orth E(ast) Frontier Agency). The Burmese Government had heard about this and had lodged a strong protest with the Chinese Government. The Chinese government had agreed to the withdrawal of these troops rather reluctantly but they had taken their own time as long as two or three months — to effect this withdrawal. This was a clear indication of the weakness of the Burmese Government in its administration of the Northern Burma, of which the Chinese could and would take advantage. The Secretary General added that the developments during the last six weeks in Burma were rather reassuring. NE WIN has given up negotiations with these leftist tribal groups and is firmer in his handling of them. It is to be seen whether the tougher policy can and will be effectively enforced.

10. The discussion then went on to the Nagas. The Secretary General explained in some detail the history of the Nagas, culminating in the formation of the present Nagaland State. General TAYLOR enquired whether there was any link up between the Nagas and the Chinese, to which Secretary General
replied that there was no particular link up with the Chinese but arms from U.K. were reaching the hostiles through East Pakistan with Pakistan assistance. General TAYLOR enquired of the number of such hostiles. Secretary General informed him that this was about 2,500 out of a total population of 350,000. The ranks of the hostiles were, however, replenished by occasional kidnapping. Foreign Secretary mentioned that while in the old days these Nagas had been armed with spears, today they had modern weapons. Some of these weapons were those which were left behind by the Japanese, but now they were also being supplied with modern arms and ammunition from East Pakistan. This seemed to surprise General TAYLOR.

11. General TAYLOR then enquired of the position regarding NEFA. He was told this was administered directly by the Governor of Assam on behalf of the Government of India. He also wanted to know about defence arrangements relating to Nepal, Sikkim and Bhutan. Secretary General said that Sikkim’s defence, foreign affairs and communications were our responsibility and we had our own troops there. Bhutan was an independent country but we had a defence understanding with them and were assisting them with training and equipment; Nepal was fully independent. General TAYLOR remarked that all this made the problem of border defence very complicated. Secretary General said.

FIFTH OF SIX PARTS (also received on December 21)

…… said that this was certainly so. It made the Chinese task of subversion and infiltration in the border areas “easier. This further underlined the importance of having a coordinated administration all along the border to deal with the security development and communications of this region.

12. General TAYLOR then mentioned that Defence Secretary Macnamara had introduced a five-year programme for the US armed forces; he felt that such a system or plan could be useful for us also. The Secretary General said that we had already prepared a three year plan for defence. The financial load for this was certainly very heavy; if we were to maintain our pace of development a considerable amount of assistance in the military sphere from friendly countries like the US would be necessary. General TAYLOR said, again that the build-up like the one we planned should be carefully phased. If everything was sought to be done at the same time not only this would mean very heavy expenditure which might dislocate our economic plans, but it would create complications later. As an instance, if a very large number of officers were recruited at the same time this would result in a degree of imbalance in the armed forces. The buildup should be effected gradually over a period of time.
In the same context he wanted to assure us that against China India did not stand alone. The US was with her and India could always rely on US for assistance and support.

13. The discussion then turned to the best manner in which, to deal with China. Secretary General said that the U.S had paid a great deal of attention to providing military assistance to countries bordering China, like South Vietnam, Laos etc. This however was not enough, all these countries till very recently, and even now, were ruled by oligarchies. In the social structure in these countries there was no strong middle class which would provide the nationalist urge necessary to put up real resistance to China and Chinese ideology. It was necessary, therefore, through adequate development measures and other administrative reforms to set about creating a responsible and stable middle class in these countries. General TAYLOR agreed with this view but said that this would take a good 20 years or so, and, in the meantime, it was necessary to buy time.

14. In regard to China itself, the Secretary General said that the western nations must ‘develop a coordinated policy after deciding on which lines they wanted China to develop. One alternative was to boycott her completely. If this was done China would be forced to toe the Russian lines. This is what the USSR wanted.

The……………………………………………………

SIXTH AND LAST PART (also received on December 21)

The other alternative was to support China and build her up at a counter-weight to Russia. The result of such a policy would be that China would become the cat among the pigeons; a country not likely to conform to the cannons of civilised behaviour and a power which no other nation or group of nations would be able to control adequately. Another, and better alternative was to continue to trade with China, develop contacts and keep her going, but not to build her up industrially. If China wanted food for her people, this should be sold. If she wanted fertilizer for better food production, this could be sold. If she wanted oil with which to keep her economy running, this might also be sold. But she should not be assisted in setting up plants and industries which would enable her to become self-sufficient industrially. The Western countries were now providing China with Petro-Chemical plants, fertilizer plants etc. this was dangerous move, and it was this kind of Industrial build-up that must be avoided, if any control on China was to be maintained. This was admittedly a difficult thing for the different Governments of Western nations to agree upon, and coordinate. It could be achieved by an understanding among the captains of Industry of Western countries, and this understanding was an objective which should consequently be worked towards.
15. In conclusion, Foreign Secretary said he had been very happy to see that General TAYLOR, though a soldier, was laying so much stress on economic development, which we had always regarded as of the highest importance. If India was to pursue its plans of economic development, and yet maintain its security, it was quite clear that considerable assistance both on the economic and the military fronts, was necessary from friendly countries, particularly the U.S.

16. The meeting ended with the usual expressions of mutual goodwill.

2168. SECRET
Telegram from Indian Embassy Washington to Ministry of External Affairs.
Washington, December 22, 1963

TELEGRAM
From: Indembassy, Washington
To: Foreign New Delhi
No.1237 22nd December 1963.

IMMEDIATE

Gundevia from B. K. Nehru.

TAYLOR’S Visit

Very many thanks for your telegrams 24311 dated December 20 and 24312 and 24313 of December 21.

2. I met RUSK at 11.00a.m. on the 20th which was before your telegrams had arrived. I nevertheless raised with him the point about not purchasing equipment from the Soviet Union, expressed my surprise at what BALL had told me, enquired why there had been this change in American policy, as we had so far understood it and pointed out that this would involve changing our policy of non-alignment which he well knew we would not do.

3. He seemed somewhat surprised that BALL should have said what he did and said that not having seen the papers, he would not like to express himself on the subject. He would, however, try to arrange that before I left
somebody should see me to explain the position clearly. Such a meeting has been set for tomorrow with TALBOT.

4. Pending what TALBOT tells me, the situation seems to me to be this:

(a) The Americans have decided to give us long-term military aid;

(b) The quantum and quality of this aid will be dependent upon the global strategy of the United States of which the defence of India against China is a part;

(c) There is a difference of opinion within the American Administration as to the price to be extracted for this aid. Possible prices are:

   (i) An Indian undertaking to help the United States psychologically and militarily in South East Asia;

   (ii) an Indian rapprochement with Pakistan to be arrived at through an alteration of our stand in Kashmir;

   (iii) an abandonment of non-alignment or a modification of it to such an extent as to make it meaningless.

5. These prices are not to be extracted all at once, but this is the direction in which American policies over the years will move. Pressures will be brought on us, requests will be made, sometimes bluntly and harshly, sometimes gently and diplomatically, sometimes with one individual contradicting another, but all working in the same direction. It is for us to settle on our responses.

6. I might make it clear that there is no present demand that we should abandon our Soviet and other purchases. This demand will be made, if at all, when we start talking about placing long-term aid on an organised basis, instead of the present *ad hoc* basis.

7. In regard to F-104s, there is a rumour that the U.S has already bought fifty of these planes for eventual delivery both to India and Pakistan. On the other hand, there is also a rumour that TAYLOR offered a new plane, FA .5, which has been specially designed for MAP countries, to Pakistan as a replacement for their obsolescent F-86s. All this is, however, unverified.

◆◆◆◆◆
2169. **SECRET**

Telegram from Ministry of External Affairs to Indian Embassy Washington.

New Delhi, December 23, 1963.

**TELEGRAM**

From: Foreign New Delhi  
To: Indembassy, Washington  
No.9162  

**MOST IMMEDIATE**

B. K. Nehru from M.J. Desai.

Your telegram 1237 December 22, to Gundevia on Taylor’s visit.

2. When you meet TALBOT you should, if an opportunity arises in the talks, give the following reactions to the three points mentioned in (c) of para 4 of your telegram:

   1. While we will be always willing and glad to exchange views with the United States on the problems in South East Asia in the context of the Chinese threat, there can be no question of India undertaking any military commitments. The strength of the Indian defence position *vis-à-vis* China should by itself be an important stabilising factor in South East Asia.

   2. There can be no question of any alteration of our stand on Kashmir *vis-à-vis* Pakistan to placate the United States. We cannot similarly alter our stand *vis-à-vis* China to placate USSR or any other country.

   3. Non alignment and promotion of peace and settlement of differences by peaceful means will continue to be a basic principle of our foreign policy. Similarly planned economic development on the basis of maintenance of parliamentary democratic institutions will continue to be our policy at home consistently with the objective laid down in the Preamble in our Constitution.

3. Prime Minister is on tour but you could give the above as your firm clear reactions so that the U.S. authorities understand clearly that pressures whether open or camouflaged will not make any impact on these basic positions.

4. Gundevia is sending you two separate telegrams on the Seventh Fleet, which subject also you should discuss on lines suggested.

✦ ✦ ✦ ✦ ✦
Telegram from Indian Embassy Washington to Ministry of External Affairs.


TELEGRAM

From: Indembassy, Washington
To: Foreign New Delhi


IMMEDIATE

Gundevia from B. K. Nehru

1. I saw TALBOT this evening at his request. The State Department had expressed inability to arrange an interview for me with the President before I left and I was designedly curt. (I shall take this matter up separately with you as it has some serious implications).

2. He asked me what new I had discovered about American policy towards India as a result of my visits with various people. I said I had hung round Washington so long that it was wholly unnecessary for me to visit people to discover what the Americans were thinking. However, I had discovered something new in that Mr. BALL had said that the United States did not favour our getting Russian equipment for our defence forces. Had I understood Mr. BALL correctly?

3. He said the American attitude on Soviet arms for India would depend on a variety of factors, e.g., co-mingling, security compatibility and the number of Soviet technicians they got with them. There would also of course be reactions of Congress to consider. I said this was somewhat different from the impression I had got from Mr. BALL. These objections had been made known to us earlier and there was nothing new in them. He said that was so, but they would appreciate it if we continued to keep them informed of what we were getting from the Russians.

4. It seems to me that GEORGE BALL either went somewhat beyond his brief or that having been instructed to try this one on the Department had retreated on getting our reactions. (I got the impression I had got from that WILLIAM BUNDY at least was unaware of my conversations with BALL).

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SECRET

Telegram from Indian Embassy Washington to Ministry of External Affairs.


TELEGRAM

From: Indembassy, Washington
To: Foreign New Delhi


IMMEDIATE

Gundevia from B. K. Nehru

In my conversations today with DAVID BELL BUNDY and TALBOT, all three raised the point of our “enormous expenditure” of foreign exchange from free resources on defence. TAYLOR’s report seems to have been that we have spent 250 million dollars on this account.

2. My information derives from paragraph 4 of your 24312 dated December 21 and is not very clear. I would be grateful if you could let me know the foreign exchange (a) allocation; (b) commitment and (c) disbursement over the last five years and our estimates for 1963/64.

❖ ❖ ❖ ❖ ❖
2172. SECRET

Telegram from Indian Embassy Washington to Ministry of External Affairs.


TELEGRAM

From: Indembassy, Washington
To: Foreign New Delhi


IMMEDIATE

M.J. Desai from B. K. Nehru

Your 9162 dated December 23.

2. I am sorry I seem to have given you the impression that the Americans were actually asking us to do the things mentioned in paragraph 4(c). WHAT I said in paragraphs 4 and 5 of my telegram was my own assessment of the long term aims of American policy. Nobody has raised this matter with me nor is ever likely to raise it in the terms that I have used. I did not therefore raise these issues specifically with Talbot this evening.

3. I have today seen DAVID BELL, WILLIAM BUNDY and JAMES ROOSEVELT in addition to Talbot and am sending separately reports on these conversations.

◆◆◆◆◆
B. K. Nehru from Gundevia.

You must have seen Morsecasts and press reports on continuous argument in Parliament on the Seventh Fleet on December 13, 17, 19 and 21st and day to day newspapers speculation and comments on the subject from the first obviously inspired leak from Washington in Times of India of December 12. Morsecasts have conveyed to you Prime Minister’s statement in Lok Sabha on December 13, Rajya Sabha on December 17, Lok Sabha on December 19 and Rajya Sabha on December 21. Latter was more detailed because BHUPESH GUPTA had raised the question of Government of India’s policy on the issue. I am telegraphing separately some abstracts from the Hansard of what the Prime Minister has had to say in reply in these discussions in Parliament.

2. It is quite impossible for us to understand why this important issue should have been so badly handled by the State Department. When BOWLES spoke to me on December 12 after the first leak from Washington in Times of India that morning all he said was that he had no instructions on the subject and MAXWELL TAYLOR would talk to us about this. I had said that our official spokesman would not say that the Ocean was after all open to any body. But you will see that the Prime Minister had to say this in Parliament consistently with the fact that we did not consider it necessary to “protest” to the United States for this move.

3. Had we been asked, informed or consulted about this by the State Department, as in courtesy at least they should have done, we would have advised against the move, because we could have easily anticipated that this would not be welcomed by any of the non-aligned nations in Asia and Africa, and America does respect non-aligned opinion in this region. All this crude newspaper diplomacy has given China ample material in her attempt to try and
persuade Asian-African opinion that India is no longer seriously non-aligned. Absurd as this may be, providing any material to China for our relatively more naive African friends harms us undoubtedly and has done us damage. Timing of the leak, whatever the explanation, was also most unfortunate, in that it just proceeded MAXWELL TAYLOR’s visit and our Parliament was in session which was certain to discuss the issue.

4. We would like you to discuss all this with GEORGE BALL, at least, and others and tell them that although we have not said anything openly against the preposition, since no firm decision has apparently yet been taken by the State Department on the question of extension of the operational area of the Seventh Fleet to the Indian Ocean, we consider it necessary to press our view that this will serve no useful purpose whatever and it will damage Western reputation in this region, particularly among the non-aligned Asian-African countries.

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2174. TOP SECRET

Telegram from Ministry External Affairs to Indian Embassy Washington.

New Delhi, December 23, 1963

TELEGRAM

From: Foreign New Delhi
To: Indembassy, Washington

No.24321 December 23rd 1963.

IMMEDIATE

B. K. Nehru From Gundevia

2. This is in continuation of my telegram 24320 of today’s date. Following from the Hansard would be relevant.

3. In Rajya Sabha, on December 17 when asked whether the Government of India must be consulted in regard to operation of foreign fleet on the high seas the Prime Minister said “No, Sir, unless they come into our territorial waters and call at our ports”.

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4. On December 19, in Lok Sabha, when pressed Prime Minister said that there was no question of the U.S. Government “referring the matter to us. It depends on what they are going to do…. It is just possible (that they are trying) to impress the countries roundabout that they are there some justification, there may be. But they are not coming to India”.

5. He also said “I do not think any particular concern need be caused to the countries here. If the Hon’ble member takes the countries one by one, most of the countries in South East Asia are more or less allied to the U.S. Government......I do not say all, but most of them are, and some of them are not. It is possible that some people may feel a little nervous about it”. Asked if all this might not be an invitation to the other powers, particularly antagonistic to us, to do the same and jeopardize our security, the Prime Minister said:” I doubt very much if that would be such an invitation. I doubt very much if there is any other power which is capable of sending a considerable number of ships roundabout here.”

TOP SECRET

Telegram from Indian Embassy Washington to Ministry of External Affairs.


TELEGRAM

From : Indembassy, Washington,
To : Foreign, New Delhi.

No.1249

December 24, 1963.

Gundevia from B.K. Nehru

Your 24320 dated 23rd December. Seventh Fleet

2. Your telegram arrived this morning. The Christmas Season has already started and many people are not available. If one sees any body but the area Assistant Secretary, a brief has to be prepared for the officer concerned and an interview is, therefore, not possible at short notice. In any case, BALL would not be the proper person to see on this one; I therefore saw TALBOT.
3. I explained to him whatever you have said, reading out in fact certain passages from paragraphs 3 and 4 of your telegram. TALBOT was somewhat mystified as the impression hitherto had been here from the Prime Minister’s statements that we did not object to TAYLOR’S proposal. As for the leakage TALBOT said that our annoyance was nothing compared to that of the State Department.

4. A decision on whether or not a unit would to the Indian Ocean was waiting for a report from General TAYLOR and this was the last missing piece in the project. TAYLOR had met the President yesterday, but TALBOT did not know whether a final decision had been taken or not. TAYLOR was going to meet the State Department day after tomorrow and our views would before then have been reported to the highest level.

5. As seen from here, Ceylon has objected on the ground that this would introduce nuclear weapons as well as the cold war in the Indian Ocean, Indonesia has vigorously objected in public though ALEXIS JOHNSON told me that in private conversation with Admiral RICKETTS, SUBANDRIO had looked upon the proposal with favour, Pakistan has adopted a ‘wait and see’ attitude and Malaysia has no objection. TALBOT said that from their point of view they had thought that this move would be helpful to India and in no case harmful.

2176. Record of the talks between Sheikh Abdullah and Indian Officials on Kashmir at the Prime Minister’s House.

New Delhi, May 8, 1964.

We the Foreign Secretary (Mr. Gundevia), the Indian High Commissioner in Pakistan, (Mr. Parthasarathi), and the Vice-Chancellor, Aligarh Muslim University (Mr. Tyabji) had a long conversation with Sheikh Abdullah this morning at the Prime Minister’s House.

2. The main points which emerged were: (a) the Sheikh’s reiterated desire to solve the Kashmir issue in a way which would promote Indo-Pakistan friendship and cooperation; (b) the Sheikh’s equal insistence on the solution being such that it did not, in any way, weaken the secular ideal of the Indian Constitution or the policy of its Government; (c) the third and again equal requirement that the solution should be one which would not weaken the position of the minorities in either India or in Pakistan, but brought about a greater sense of security and welfare to them.
3. The Sheikh said that he did not wish, for the present at any rate, to take upon himself active responsibility for the Kashmir Administration as he wished to concentrate on this larger issue unhampered by administrative responsibilities. He would support the Sadiq Government provided that they worked for the good of the Kashmir people and kept the Administration clean. He had no desire to take “revenge” against members of the previous Government, and thought that any action which had to be taken against Bakshi Ghulam Mohammad for his misdeeds was a matter for the present Kashmir Government or the Government of India.

4. The image of his, painted over the past decade by the Bakshi Government as pro-Pakistani an agitator for a plebiscite and anti-Indian, had sunk deep in the consciousness of the people of the Valley, particularly of the younger generation which had not known him, personally, of old. As a result, all the anti-Indian elements which, according to him, were now in a majority in the Valley had rallied to him, and he had gradually to win them over on the basis of an ideology which appealed to their self-respect and did not go contrary to his own which he described as “Gandhian”. He had, therefore, to be cautious in his references to India as the image of India had been so tarnished by the Bakshi regime. It would take time to bring this change about and he needed help and sympathy in his effort to do so.

5. He was opposed to a mid-term election in Kashmir because he was not sure whether he could win over the pro-Pakistani element to his side so quickly. It would be too dangerous a risk to take, because there were also certain strong elements which would come out openly in favour of accession to Pakistan.

6. He wished for this purpose to be furnished with some formula for the solution of the Kashmir question which, while resting on the three fundamentals referred to in paragraph 1 above, should yet be one which would be acceptable to Pakistan, or at least which they could not turn out of hand without damning themselves in the eyes of world public opinion. At the time when he was arrested in 1953, various alternatives for the solution of the Kashmir problem had been evolved by a Special Committee which he had set up, and which Included Bakshi Ghulam Mohammad and Ghulam Mohammad Sadiq. Actually, it was Bakahi Ghulam Mohammad himself who had suggested giving the Valley of Kashmir an independent status, guaranteed by India, Pakistan, USSR and China while ‘Azad Kashmir’ went to Pakistan, and the Jammu area to India.

7. The Sheikh emphasised that he was not wedded to any particular solution, but would like to have one or two alternative solutions which should be such as would reasonably satisfy Pakistan. He would then go over to Pakistan and discuss them with Pakistan leaders, and if he was able to make any progress there, the matter could be further progressed by the Prime Minister of India.
and the President of Pakistan. Acharya Vinoba Bhave had suggested a Confederation between India, Pakistan and Kashmir, while Rajaji thought that this idea was too ambitious for present implementation and, therefore, we should think of a Condominium over Kashmir by India and Pakistan, Defence and External Affairs being the joint responsibility of the two Governments.

8. We pointed out to the Sheikh that the Condominium idea would not work with the radical divergence in the foreign policies of the two Governments, and their defence needs in relation to China. So far as the Confederation idea was concerned, this might be worth pursuing, if Pakistan had any interest in it, and they did not think that it was merely a trap for reviving the conception of Akhand Bharat. In any event, we impressed on him the need for considering the Kashmir question as one essentially bound up with the question of the welfare of the minorities in both India and Pakistan. This question of minorities concerned the whole sub-continent and both the major communities and was, at present, most acute between East Pakistan and West Bengal. Therefore, any rapprochement between India and Pakistan on the Kashmir issue could only be on the basis of arrangements made in all the major areas of the sub-continent where the minority question impinged most. If Pakistan showed any eagerness to settle the Kashmir question in this context, immediate ad hoc measures could be taken to deal with them, and then step by step they could be given legal and constitutional form. Joint bodies could be set up in various areas for dealing with the entry, exit, resettlement, etc. of families and communities divided owing to partition; the passport and visa system could be liberalised, and other measures taken with the above object of bringing areas and people politically divided, closer to each other. (Mr. Tyabji had sent, the Sheikh a note on this previously, a copy of which is attached).

9. The Sheikh said that he would like to have some definite proposals to this effect as early as possible so that when he went back to Kashmir he could sell the idea to his people there, and later on to Pakistan.

10. The four alternatives, referred to in paragraph 6 above, according to Sheikh Abdullah, as reported in the STATESMAN of April 23, were:

1. An overall plebiscite in the whole of Jammu & Kashmir, including “Azad” Kashmir to determine whether the people wanted to join India or Pakistan or remain Independent;

2. outright independence of Jammu and Kashmir guaranteed by India, Pakistan, the UN and China;

3. a condominium between India and Pakistan; and

4. a modified version of the Dixon Plan — namely that Ladakh and Jammu
should be merged with India while “Azad” Kashmir should be merged with Pakistan and a plebiscite held in the Kashmir Valley to decide whether the Valley wished to join India or Pakistan or remain independent.

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NOTE OF SHRI B. F. H. B. TYABJI GIVEN TO SHEIKH ABDULLAH

In the welter of blood, passion mad sorrow which the sub-continent has witnessed in the last few months, sadly reminiscent of 1947, one or two things clearly stand out. They could be turned to advantage, if their significance was realised and we took the opportunity that they offer, for breaking through the stalemate that has bedeviled the relations between various parts of the Sub-continent over the past seventeen years. I deliberately say, between ‘various parts of the Subcontinent’, rather than between India and Pakistan, as I wish to emphasise that the over-all political partition between the latter, is only one aspect of the problem - the most momentous, and perhaps the governing factor, but still only one of several.

More than ever before, I think, it is apparent that:

(A) The people of this Sub-continent are emotionally, culturally and socially so bound up with each other that no political boundaries can sever them. Obviously, religion, caste, creed and social habits play a predominantly role in determining this alignment. In any event, there is ample evidence to show that by and large the Hindus of India are more concerned with the fate of their co-religionists across the frontiers, who are in fact Pakistanis, than with what happens to Indian Muslims, though they are Indian nationals. This feeling is perhaps strongest in West Bengal regarding the Hindus in East Pakistan, but it is certainly not exclusive to it. Similarly, Pakistani Muslims are far more, if not only, concerned about the welfare of Indian Muslims than they are in that of their own Non-Muslim nationals.

These are facts which have to be faced as however much one may preach the desirability, from the national point of view, of people thinking otherwise, they still continue to do so, 17 years after their political Partition. And there is not the slightest indication that they will not continue to feel the same hereafter or that in moments of stress, this feeling will not find expression in actions, as deplorable as those we have just been witnessing. Let us not forget either, that these feelings were brought under control recently only by drastic punitive action taken by authority, and not by any upsurge of public opinion.

(B) The threat to the security of the Sub-continent not only through Internal rivalries and a struggle for power between the various people inhabiting it, or
between India and Pakistan, but by extra-territorial forces; *e.g.* the Chinese. This has made most sensible people realise that the security of the Sub-continent is a joint responsibility, for all those in authority here, and that nothing is more dangerous for it than their mutual internal rivalries, as that will only pave the way, as they have in the past, for foreign domination.

To me, it seems that a realistic recognition now of these fundamental facts offers an opportunity for a drastic re-thinking of the whole relationship between India and Pakistan. The whole mistaken conception that the majority and minority in each country can live in splendid isolation from each other and their counter-parts in the other country must go. The Kashmir problem is an acute symptom of this malaise. Pakistan considers it the most crucial cause; India does not accept this, but both recognise its seriousness.

I have always held that the Kashmir problem is not one which affects only the people of Kashmir, or only one of the several constituent States of the Indian Union, but is one which affects the whole Sub-continent and all its people. It should, therefore, be dealt with in that context. And if, as Sheikh Abdullah rightly stresses, the settlement of the Kashmir problem should be one that would bring India and Pakistan closer to each other, then it must be dealt with along with similar problems which affect various other parts of the Sub-continent in the light of what has been urged in (A) above. Looked at in this light, we find that a similar problem arising out of partition exists in an acute form in three main areas:

(i) **In Kashmir which is divided into two halves.** Pakistan is more concerned about it than about any other area, because Kashmir has a majority of Muslim inhabitants! and the bulk of the Pakistanis are Muslims. It is a striking illustration of the point made in (A) above.

(ii) **In West Bengal and East Pakistan-as a result of the partition of Bengal.** Here too, what has been said in (A) above is clearly demonstrated by the reaction of the two major communities, whether living in Pakistan or in India, in regard to their splinters in the other.

(iii) **In East and West Punjab-carved out of the old Punjab.** Here, in one way, due to the induced exodus of practically all Hindus and Sikhs from West Punjab into India, and of Muslims from East Punjab into Pakistan, an uneasy equilibrium has been established, but the fire still simmer close under the surface. The majority of the Sikh Holy shrines are in West Punjab, and the call of language and blood between the Punjab peasantry forcibly suppressed still echoes across the frontier. It is not likely to die out in any conceivable future. At any moment of stress, a call to the Sikhs to fight a crusade to regain their Holy Places could drench the Punjab in blood again.
The above is the main issue between the two countries. The need for joint defence arises out of it. One can only join in defence when something that both parties cherish above all else is threatened, and that need overrides the urge to extract something from the other. If the latter feeling is predominant, as at present, then external danger is exploited in order to gain a strategic vantage point over the other, even at the risk of endangering oneself.

Therefore, the first point has to be tackled first; the second will follow almost automatically after the first has been resolved.

As the implementation of the decision to partition itself has abundantly shown, haste in such matters is full of pitfalls. One must hasten, but slowly. A moratorium must first be imposed on all Indo-Pakistan issues, and work begun on solving the main issue — symbolised by Kashmir for Pakistan, and the minorities problem for India - both of which mean the same thing, if the thesis enunciated at (A) above is accepted. And how can anyone fail to accept it, not only in the face of present day facts, but of the past? After all partition itself was only an attempt to solve it; and that it has not solved it is exactly what both India and Pakistan have been shouting at each other day in and day out for the past 17 years. And as Sheikh Abdullah says, this can only be solved now by bringing India and Pakistan closer to each other.

How is this to be done without impairing their sovereignty, their National dignity or their territorial integrity? Only by contributing to the common good - not by having to surrender to each other, but by voluntarily contributing to the benefit of the people of the whole Sub-continent. The solution has to be one which benefits all the people, and all the effected areas - not any one part of it or one community alone, or even different communities in different areas individually, but all communities all over the Sub-continent equally.

For this purpose, I would suggest

1. A moratorium of five years to begin with on all Inter-Government disputes between the two countries.

2. The setting up of India-Pakistan Regional Councils to deal with the common problems of the three partitioned former areas of Kashmir, the Punjab and Bengal. These Councils should deal with questions of citizenship, travel, migration, resettlement, property, economic links between the divided halves of the former territories etc. They should start functioning with the minimum powers necessary to get them going with the avowed object of bringing the separated halves as close to each other as possible without affecting their respective sovereignties. A Central Indo-Pakistan Council should be empowered to watch their functioning, and to propose the enlargement, and if necessary,
amendment of their functions and powers, at six-monthly intervals after a regular review of their work,

(3) The Central Council should immediately review the Indo-Pakistan passport and visa system is an effort to bring it in line, first with current international practice, and then to a form which would take into account the axiom accepted at (A) above.

(4) After the period of the moratorium is over the whole subject should be reviewed in the light of the prevailing sentiment in both the countries.

I would earnestly request Sheikh Abdullah to take the lead in the matter of bringing a realisation of the importance of carrying through such a programme of reconciliation and cooperation between India and Pakistan in both countries. It would be a task worthy of his stature.

(i) An overall plebiscite in the whole of Jammu and Kashmir, including “Azad” Kashmir to determine whether the people wanted to join India or Pakistan or remain independent; (2) outright independence of Jammu and Kashmir guaranteed by India, Pakistan, the UN and China; (3) a condominium between India and Pakistan; and (4) a modified version of the Dixon Plan — namely that Ladakh and Jammu should be merged with India while “Azad” Kashmir should be merged with Pakistan and a plebiscite held in the Kashmir Valley to decide whether the Valley wished to join India or Pakistan or remain independent.
Letter from Foreign Secretary to V. K. T. Chari on the question of Federation and its implications.

New Delhi, May 13, 1964.

Dear Shri Chari,

G. Parthasarthi, (presently Indian High Commissioner in Pakistan) your brother-in-law (and my very good friend and colleague) has asked me to write this letter to you. He has gone back to Karachi this afternoon.

As you know, there has, recently, been a lot of talk about a Confederation between India and Pakistan with Kashmir, in the legal scheme of things, being a possible solution of our present troubles. The Prime Minister has asked G. Parthasarathi to go into this question and examine the general concept of the legal implications of such a Confederation. We do not want to entrust this study, at the present stage, to any official agency because we do not want to give any publicity to the fact that the general idea in regard to a Confederation is being examined. That is why Parthasarthi has been entrusted to go into this matter on a, more or less, private and personal basis.

G.P. says that he is a little out of touch with the subject and he has no easy access to a good library. He has asked me to, accordingly, request you to kindly study the issues and give him a note.

The general idea of a Confederation is to be studied in the context of the present position of India, Pakistan and Kashmir. Kashmir has admittedly acceded to the Indian Union but its position as a State within the Indian Union is somewhat qualified by the provisions of Article 370 of the Constitution. Pakistan has no Constitution and Pakistan has no constitutional or known legal connections, as such, with Azad Kashmir. More than this I need not say on this aspect of the problem.

If there is to be a Confederation and there can be a Confederation, we need not do anything which would look like an annulment of the partition of India. Pakistan and India must remain separate Sovereign States and Kashmir must be brought into the Confederation. The question is: Must Kashmir be by itself a separate sovereign entity? The Confederation, ordinarily, would, probably, involve the Sovereign States of India and Pakistan, having uniform laws and policies on certain subjects, e.g. Defence, External Affairs and Communications, at least. The question is: What other subjects can be brought into this? These might be — control and movement of population and passport and visas; a customs union with common trade policies; some attempt at financial integration
might also be necessary and worthwhile. Protection of minorities would be a very important issue.

All this is by way of loose thinking on my part. GP and I have discussed this, but we have not got very far. I would be so very grateful if you could urgently examine this and try and give us a note on the subject by, say, 18/19th May. GP is coming back to Delhi, most probably, on 19th May, and I would request you to address your note to me and I will hand this over to him. He intends writing to you from Karachi himself also.

[Editors’s Note: After this letter, no paper was available to suggest the fate of the proposal.]

Yours sincerely,

( Y. D. Gundevia )

Shr V.K.T. Chari,
132, Lloyd Road,
Madras-6.

2178. Unofficial translation of a letter from Soviet Prime Minister Alex Kosygin to Prime Minister Lal Bahadur Shastri.

Moscow, August 20, 1965

Esteemed Mr. Prime Minister,

We have a real feeling of anxiety over the latest developments in the region of Kashmir and we are grateful for the friendly information given for the Soviet Government by your representatives in Delhi and Moscow. In the end of June, 1965, when India and Pakistan have signed the cease-fire agreement in the Rann of Kutch, one could think that tension in Indo-Pakistan relations would lessen and mutual understanding and co-operation, without which it is difficult for the neighbouring countries to live, would return gradually to normal.

But events have broken out which already now received a significant international repercussions. One can easily understand that the Soviet Government, like the Government of India, being concerned about the dangerous developments in Vietnam, which are caused by imperialists’ interference, is interested that already unfavourable situation in this area of
the world, would not be aggravated by a conflict between the two neighbouring countries as India and Pakistan are.

It is often that behind such disputes, and the situation in the world provides in this regard a lot of instances, in the end there stand outer forces, which, in their own aim, are striving to oppose nations, which freed themselves from the colonial enslavement, to each other, to destroy solidarity among them, to make international situation white-hot and, thus to create favourable conditions for suppression of the national-liberation movement of the peoples.

We are confident that India and Pakistan can avoid complications in their relations that they are able to solve the disputes and unsolved questions which exist between them exclusively by peaceful means, mutually taking into account the interests of each other, without resorting to the force of arms. The agreement on the Rann of Kutch, which has been reached recently, confirms this conviction.

We believe that the Government of India and you personally, Mr. Prime Minister, with state wisdom and restraint characteristic of you will take new efforts, which will promote the normalization of the situation.

We say all this as good friends of both the countries, of both the peoples. As far as India is concerned, we have repeatedly stated also to you personally, Mr. Prime Minister, during your recent visit to the Soviet Union, that we highly appreciate the general course of the foreign policy of India, its line for peaceful co-existence of states, its courageous struggle against colonialism, the struggle, in which the Soviet Union, India and many other states are marching together, hand in hand.

That is why we are welcoming the strengthening of foreign political positions of India as a big power, which is enjoying universally recognized estimation, because these successes are for the benefit of our common struggle for peace, for progress.

Expressing its considerations, the Soviet Government proceeds from the only aspiration to prevent the possibility of further aggravation of relations between Pakistan and India, to promote the achievement of the relaxation of international tension.

Simultaneously, I am sending a corresponding letter to President Ayub Khan. We have expressed to him with the full definition our concern over the events, which are going on, have called the Pakistani side to solve all the questions, that have arisen, by peaceful means, through negotiations, to maintain good neighbourhood with India.
I would like to wish you, Mr. Prime Minister, and the Government of friendly India every success and to convey heartfelt greetings and best wishes on behalf of my colleagues in the Government.

With sincere respect.

A. Kosygin
Moscow
August 20, 1965

2179. Letter from Prime Minister Lal Bahadur Shastri to the Soviet Premier A. Kosygin.

New Delhi, August 29, 1965.

I thank you for your letter of August 20, which was handed to me by your Charge d’Affairs in New Delhi.

2. I greatly appreciate the feelings of solicitude and friendliness for India which have prompted you to write. I well understand your anxiety at the recent developments in our State of Jammu & Kashmir brought about by well-planned and massive infiltrations of Pakistani armed personnel across the cease-fire line. Ever since the commencement of such infiltrations we have kept you and your Government fully informed of the developments through our Ambassador in Moscow and also through your Charge d’Affairs here. A few days ago, I had the great pleasure of receiving as our guest in New Delhi Mr. Mazurov, the First Deputy Chairman of the Council of Ministers of the USSR. During his visit, we had the opportunity of exchanging views on the Kashmir situation. I have every hope that from all the information received by your Government you are convinced that the root cause of the dangerous situation that has been created – a situation which has all the potentialities of a serious armed conflict between India and Pakistan – is to be traced to the illegal and massive infiltrations of armed men across the international frontier between Jammu and West Pakistan and the cease-fire line, which Pakistan has planned and organized in contravention of the Cease-fire Agreement and all canons of international law and international behaviour. I trust that you are further convinced about the falsity of the Pakistani propaganda line that there is an internal revolt in Kashmir and that Pakistan has nothing to do with the situation created in Jammu & Kashmir.
3. The Pakistani action is, in fact, nothing but a thinly disguised invasion. An estimated number of 5000 armed men, well-trained and organized in companies and battalions, have been sent by Pakistan into Jammu and Kashmir across the cease-fire line to commit arson and sabotage, to strike at our security forces and to incite the local people to rise against the Government. In this last design they have failed miserably.

4. If it were a question of merely dealing with a few thousands of armed infiltrators, the problem would have been relatively simple. The cease-fire line, as you know, however, is 470 miles long and lies along hilly and wooded terrain. It is impossible to seal off such a long and irregular line from infiltration by armed groups from Pakistan-occupied Kashmir, directed and organized by the Pakistan Government and backed by the military forces by Pakistan. During the operations of the last 3 weeks or more Pakistan forces have heavily shelled areas on our side of the cease-fire line to facilitate infiltrations and to cover up the infiltrators. The position is that Pakistani armed infiltrators are still coming in substantial numbers, despite the losses inflicted on those who came earlier. In the circumstances, I hope you will appreciate, Mr. Chairman, the difficult position in which we are placed. It is not possible for us to be at the receiving end all the time. We have been forced into a position in which we have to take preventive action not merely with a view to combing out the raiders but also to stop fresh infiltrations.

5. You will recall that in April and May last Pakistan committed patent aggression in our territory in the Rann of Kutch and attacked our posts there with its regular armed forces backed by tanks, artillery, etc. The provocation to us caused by Pakistan’s reckless attack was such that we had every reason to strike back militarily at Pakistan. We still showed great forbearance and persevered in the pursuit of finding a peaceful solution to the problem that had arisen. Eventually, an agreement relating to the Gujarat-West Pakistan border was reached between Pakistan and India and signed on the 30th June, 1965. However, even before the ink was dry over this agreement, Pakistan mounted its thinly disguised but large-scale infiltration into our territory by its armed forces dressed as civilians. Worse still, abundant evidence has come to light that even at the time when Pakistan put its signature of the agreement of June 30, it was perfecting its plans for its aggressive actions in Jammu & Kashmir. According to the evidence of the captured infiltrators, their training had started on the 26th May, 1965, at Murree under the Commander of Pakistan’s 12th Infantry Division.

6. The entire Pakistan press and all the media of propaganda in Pakistan are geared to the support of the infiltrators and are preaching the most virulent hatred of India, while, at the same time, the Pakistan Government disclaims any responsibility for the infiltrators and falsely claims that the trouble in Kashmir is entirely due to popular revolt.
7. I deeply appreciate, Mr. Chairman, your fervent plea for peaceful relations between India and Pakistan. I can assure you that I fully reciprocate your sentiments. We are not interested in military conflict. In fact, we have made repeated offers to Pakistan for a joint no-war declaration. Pakistan, however, has always refused to join in any undertaking that she will not resort to arms for the settlement of Indo-Pakistan disputes.

8. I have written at some length to explain to you the nature and gravity of the problem we are facing because of Pakistan’s aggressive action in sending armed men across the cease-fire line into Jammu & Kashmir. In the predicament in which we have been placed we have no option but to take all measures in self-defence to protect our sovereignty and territorial integrity.

9. By its actions Pakistan has ruined the atmosphere for any talks. A dialogue with Pakistan can be meaningful and have a chance of success only if and when Pakistan behaves in a friendly manner and gives evidence of sincere desire to have peaceful relations with India.

With warm personal regards,

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2180. Reply from Pakistan President Ayub Khan to Secretary General of the United Nations in reply to his message of September 1, 1965.

Excellency:

I have received your message and appreciate the expression of your deep concern at the grave turn that developments have taken in Jammu and Kashmir. Since September 1, the armed forces of India and the Azad Kashmir forces backed by units of the Pakistan Army are locked in battle in the Bhimber sector, and the Air Forces of India and Pakistan have also engaged in combat.

2. It is not necessary for me, therefore, to stress the gravity of the situation, the devastating consequences of which are self-evident.

3. In your message, you seem to consider August 5 – when the so-called ‘infiltration’ is alleged to have taken place – as the date when the cease-fire agreement of 1949 between India and Pakistan began to be so widely disregarded by unprecedented acts of violence along or in the vicinity of the cease-fire line as to have reduced that agreement to little consequence. If the
cease-fire in Jammu and Kashmir was reduced to a nullity, this process has taken place over a long period of time as a result of Indian designs and provocations. The more recent and grave instance occurred in May last when the Indian army crossed the cease-fire line in the Kargil sector and occupied three posts on the Pakistan side of the line.

4. Thus, the origin and sources of the conflict which is now taking place in Jammu and Kashmir cannot be traced to August 5. The Kashmir dispute must be viewed in the context of the tragic history of the Kashmir dispute – of the denial since 1949 of the right of self-determination to the people of the State, and the annexation of their homeland by India through the so-called ‘integration’ measures, in the teeth of their bitter protest and opposition. The cease-fire line, it needs to be recalled and emphasized here, was brought about by the UN Resolution of August 13, 1948 and January 5, 1949. These Resolutions which were negotiated by the United Nations, constituted an international agreement between India and Pakistan to implement the pledge of a plebiscite to the people of Jammu and Kashmir to decide their future. The cease-fire line agreement followed from the obligations accepted by both parties under those resolutions. Since the cease-fire in the state was affected to 1949, India at first stalled on their implementation and subsequently repudiated them.

5. From 1949 to May 1965, India spurned every offer and every suggestion and barred all avenues for a peaceful settlement of the dispute. She ruled out recourse to the International Court of Justice. She rejected mediation, conciliation or good offices of any third party including that of Your Excellency. If in the past India has made some show of willingness to enter into bilateral negotiations with Pakistan, events have shown that her motive was not to reach a settlement but to forestall effective international action or to tide over some crisis in her internal and foreign relations. The Government of India’s real attitude towards bilateral negotiations was made clear by the Indian Home Minister when, on July, 1965, he stated, “Kashmir is an integral part of India. It is a settled fact which cannot be the subject of debate or negotiations. The talk of self-determination is devoid of meaning or relevance.”

6. India has made it quite clear that she will not permit the wishes of the people of Jammu and Kashmir to be ascertained and that her objective is to make permanent the partition of the state of Jammu and Kashmir between India and Pakistan along the cease-fire line in total violation of her obligation to implement the right of self-determination.

7. In pursuit of this objective, the Government of India, have embarked on the unlawful and provocative course of annexing the occupied portions of the State. In the process a reign of terror and oppression has been let loose on the people. Thousands of Kashmiris have been goaled without trial for the crime of
demanding that India should honour her pledge to hold a plebiscite. Sheikh Abdullah, along with the lieutenant Mirza Afzal Beg, has for the third time been put in prison where they have already spent 11 years of their lives and where they are now apparently condemned to end their days.

8. The situation in India-occupied Kashmir today is that after 17 years of patient but vain expectation and hope, the people of Kashmir, finding all avenues of peaceful realization for their right of self-determination barred to them, have taken to arms against Indian tyranny. Who can blame them? The freedom-fighters who have challenged the might of the Indian army are not ‘raiders’ but sons of the soil of Jammu and Kashmir ready to make the supreme sacrifice for their case.

9. The people of Azad Kashmir have been engaged for years over India’s brutal repression of the freedom movement in Kashmir. If more than six divisions of the Indian Army deployed along the nearly 500-mile long cease-fire line have been unable to prevent them from moving across the line to aid the armed uprising of their compatriots in occupied Kashmir, how can it be expected that the much fewer troops of the Pakistan Army would be able to seal the line against them? It is but natural that India should seek to blame outsiders for the uprising in occupied Kashmir since she would have the world believe that people of the state are happy with their lot under Indian occupation.

10. I am constrained to express my surprise and regret that, though the United Nations Military Observers Group has admitted that in most cases the actual identity of those engaging in the armed attacks on the Indian side of the line and the actual crossing of it could not be verified by direct observation evidence, yet the group should have thought it fit to conclude that the uprising in Jammu and Kashmir resulted from the crossing of the cease-fire line from the Pakistan side by armed men, for the purpose of armed action on the Indian side. Failing to suppress the freedom-fighters in the occupied territory of Jammu and Kashmir, India has embarked on a course of unlimited aggression across the cease-fire line. On August 15 Indian Forces again crossed the cease-fire line to take over three unoccupied posts near Kargil, which they had earlier been made to vacate upon Your Excellency’s intervention. Significantly, this was done within hours of a public threat by the Indian Prime Minister which was tantamount to that of invading Azad Kashmir. Later, the Indian Defence Minister proudly announced in the Indian Lok Sabha that ‘India has crossed the cease-fire line in the past and would do so again.’ On 23 August, Indian forces shelled Awan Sharif, a village in West Pakistan – killing 25 persons and causing injuries to others and much damage to property. On 24 August, Indian troops crossed the cease-fire line and occupied two posts in the Tithwal sector on the Pakistan side of the cease-fire line. Again on the same day, Indian Forces crossed the cease-fire line in the Uri-Poonch sector and seized some Pakistani posts and on 1st September took Haji Pir Pass.
11. Simultaneously, with these acts of war, India intensified her acts of repression of Kashmiris, which in their scope and nature threaten to assume the proportion of genocide. On 14th August, the entire Batamalu suburb of Srinagar inhabited by Muslims, was set on fire and razed to the ground and the people burnt alive to punish the residents for the support and help they were extending to the freedom-fighters. This has been repeated in several other places in occupied Kashmir and has become the pattern of reprisals. Miss Mirdula Sarabhai, the well-known Indian social worker has testified that in the guise of taking action against the so-called ‘infiltrators,’ the Indian army has turned upon the entire Muslim population of the occupied territory and perpetrated atrocities upon them. The Foreign Press has also commented on the incendiary role of the Indian Army.

12. These acts of aggression and grave violations of the Cease-Fire Agreement have created a situation in which the human rights of the people of Kashmir as well as the security of Pakistan are equally threatened. Seventy five Indian battalions are poised to launch aggression on Azad Kasmir and Pakistan.

13. In response to this grave situation created by the Indian Armed Forces and to forestall further aggression by them, the Azad Kashmir Force backed by Pakistan Army, were forced in the exercise of the inherent right of self-defence to cross the cease-fire line in the Bhimber sector for the first time since the cease-fire agreement was reached 17 years ago, and after repeated Indian armed attacks and occupation of Azad Kashmir territories by the Indian army. This crossing took place on the 1st of this month. India escalated this conflict by mounting air attacks against Pakistan Force, on the same day, compelling the Pakistan Air Force to intervene. Until then, Pakistan had refrained from air action even though our isolated and thinly manned posts in the Uri - Poonch sector could not have been occupied if we had given them air support. On September 4, India carried the escalation of the conflict a stage further. The Indian Air Force twice violated Pakistan territory in strength escorted by MIG-21 aircraft and now my Government has good reason to believe that India has begun to again deploy and mass her armed forces against West and East Pakistan. Weeks earlier India moved a brigade from Aksai Chin and a mountain division from the NEFA (North East Frontier Agency now Arunachal Pradesh) area, armed and equipped by the United States and some Commonwealth countries for use against China, to reinforce the six divisions of the Indian Army which have been suppressing the people of Jammu and Kashmir. It is, therefore, clear from these repeated strikes across the Cease-Fire Line and step-by-step escalation of the fighting in Jammu and Kashmir that India has embarked on a premeditated course of aggression and war to seize the whole of Azad Kashmir territory and in that process not to flinch from even a sub-continental war.

It will be recalled, immediately following the reverse suffered by the Indian
Army in the Rann of Kutch some months earlier, Indian Government leaders publicly threatened that India would attack Pakistan at a time and place of her own choosing. In the circumstances Pakistan must take every step necessary to discharge its responsibilities and duties for the defense of her legitimate interests and territorial integrity. From the foregoing, it is evident that India has embarked upon a course of terror, oppression and aggression in Kashmir. It has plainly manifested every intention of aggression against Pakistan. The responsibility for the current grave situation in that state, therefore, rests entirely on her.

14. Let me now turn to the other points that you have raised in your message, that the Kashmir dispute can be resolved peacefully and not by military action and have also drawn my attention to the obligations of member-states of the United Nations not to have recourse to the use of force in the settlement of international disputes, but to seek pacific methods of settlement. Let me assure Your Excellency that Pakistan remains dedicated to the Charter of the United Nations and the obligations of membership of the organization including the peaceful procedure of settlement. You are aware, that during the last 17 years, despite all the provocations and acts of repression by India in Jammu and Kashmir, despite India’s open repudiation of the UNCIP and Security Council’s resolutions pledging self-determination to the people of Kashmir and despite India’s sinister pattern of annexing the state in the face of the bitter opposition and in total disregard of the relevant resolutions of the Security Council, Pakistan did not abandon her faith that reason would one day dawn on India and turn her to the path of peace. It was with this faith that the Pakistan Government turned repeatedly to the Security Council, when direct negotiations with India in 1953, 1955, 1962 and 1963 failed to produce a just and equitable solution. To my infinite regret, our experience seeking redress in the forum of the Security Council has time and gain turned out to be disheartening. You will recall that in 1964, the members of the Security Council would not even agree to recommend direct negotiations between India and Pakistan with the assistance, as my be mutually acceptable, of a third party, or even the Secretary-General. To our deep sorrow and regret, the end of the debate in that forum did not end in a consensus, much less a resolution. This is not to say that Pakistan has lost all faith in the efficacy of the United Nations as an instrument of peace. We reaffirm our confidence in the solution of international disputes by peaceful means. This confidence extends to settlement of the Kashmir dispute.

15. I trust that, in view of what I have stated in the foregoing part of this reply to your message, the action which the Pakistan Army has taken in Jammu and Kashmir in support of the Azad Kashmir Forces to defend Azad Kashmir and Pakistan territory against India trying to solve the Azad Kashmir dispute by force of arms. This is a purely defensive measure forced on Pakistan.
16. You have expressed your conviction that a peaceful settlement of the Kashmir dispute can be found and have appealed to me to indicate immediately our intention to respect the cease-fire agreement and return to the status quo ante. You have also assured me of the fullest possible assistance by you in the restoration of peace in Kashmir and the solution of the dispute. A number of chiefs of State and Governments of friendly countries have associated themselves with your appeal and some have offered their good offices for mediation. I am grateful to you and to them for these assurances and offers, which I find heartening. At the same time, I cannot but be candid and express to you our misgivings. Your appeal seeks nothing more than a return to the status quo ante without any assurance that you and the Security Council will strive to implement the U.N. Resolutions pertaining to the right of self-determination of the people of Jammu and Kashmir. You say that the quiet which would result from mutual observance of the cease-fire would afford the most favorable climate in which to seek a resolution of political differences. I would like to recall that the cease-fire agreement was observed from 1949 to 1965, when India chose to reduce it to a scrap of paper. Yet, during these 17 years, tranquility along the cease-fire line did not lead to that result. The Security Council faced with India's bad faith, intransigence and growing power chose practically to wash its hands off the responsibility for a peaceful and honourable settlement. I fear that your present appeal will only serve to perpetrate that injustice by leaving the people of occupied Kashmir to the mercy of India. What is to become of the brave people of Kashmir who are fighting for their freedom? I cannot believe that it would be the intention of the United Nations to permit India to liquidate them and to consolidate its stranglehold over occupied Kashmir. This leads me again to repeat what I have stated earlier—that if a peaceful settlement of the Kashmir dispute is to result from the intervention of the United Nations, it is necessary for the World Organization to go to the heart of the tragic problem and not merely to deal with its periphery. It must turn its attention to the issue of self-determination and not only with the ceasefire line. The concern of the United Nations must extend to the implementation of the UNCIP Resolutions as well as to observance of the cease-fire agreement. The cease-fire was only the first part of an inter-related and integral whole. Therefore, insistence on a cease-fire can only be meaningful if there is a self-implementing agreement to follow it.

17. I should not be misunderstood as implying that I under-estimate the importance of your assistance in the restoration of peace in Kashmir and the solution of its problems. On the contrary, I welcome your assurance in this regard as a step forward by itself. However, there is no evidence yet that your assistance would be equally welcome to India much less that India is prepared to reverse the dangerous ill-conceived course of her policies in Kashmir. If this armed struggle for freedom is to be halted and calm is to be restored in the state of Jammu and Kashmir, if indeed peace in this region is to be preserved,
then the right course for the United Nations, India and Pakistan is to proceed immediately to fulfil the pledge they gave to the people of Jammu and Kashmir 18 years ago. It is they who must be permitted freely to decide the question of accession of the state of Jammu and Kashmir to India or Pakistan as stated in that pledge.

Accept, Excellency, the assurances of my highest consideration and warm personal regards.

Mohammad Ayub Khan
President of Pakistan

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2181. Message of the Soviet Premier Alex Kosygin to Prime Minister Lal Bahadur Shastri and Pakistan President Ayub Khan.

Moscow, September 4, 1965.

Esteemed Mr. Prime Minister,

The seriousness of the situation, which has taken shape in recent days in Kashmir, impels me to approach you once again on a question on which the Soviet Government had expressed its opinion in the letter of August 20 this year.

Unfortunately, tension in the Kashmir area, far from easing, is growing, threatening to develop into a military conflict on a bigger scale. The agreement on a cease-fire in Kashmir, signed in 1949, and the established cease-fire line have, in fact, been violated. Both Pakistani and Indian regular military units have been involved in military operations, and tanks and aircrafts are being used. The number of casualties is increasing from day to day. Not only soldiers but civilians too are dying. Two major Asian states – India and Pakistan, the sponsors of the Bandung Conference-have essentially taken the roads of military operations.

The tendency to further expand the armed conflict aggravates the already tense situation in South and South-East Asia, created by the aggression of the American imperialism. Such developments, of course, play only into the hands of those external forces that seek to disunite and set at loggerheads states which had cast off the colonial yoke that are interested in weakening the unity of the Afro-Asian countries. These forces are not averse to instigating India
and Pakistan to extend the bloodshed to suit their own ends which have nothing in common with the interests of the Indian and Pakistani people.

We would not have been frank had we not said that the military conflict in Kashmir arouses the concern of the Soviet Government also because it flared up in a region immediately adjacent to the frontiers of the Soviet Union.

I think that you, Mr. Prime Minister, will agree that in the present situation it would hardly be right to give prominence to the question of what caused the conflict and to find out who is right and who is wrong. The main efforts should be concentrated on immediately halting military operations, stopping the tanks and silencing the guns.

The settlement of the dispute between the two neighbouring countries is, above all, a matter for these countries and their governments. However, the Soviet Government, guided by the interests of strengthening peace and international security, seeking to promote normalization of relations between India and Pakistan, would like to set out some considerations concerning the settlement of the conflict. In our opinion, the first step after the immediate cessation of hostilities could be reciprocal withdrawal of troops beyond the cease-fire line established by title Agreement between India and Pakistan in July 1949.

Acting in the spirit of the UN Charter and the principles of Bandung, the sides should enter into negotiations for a peaceful settlement of the differences that have arisen between them. As for the Soviet Union, both sides can count on its good cooperation or, as it is said, good offices in this matter. We are ready for this, if both sides consider this useful.

We are deeply convinced, and historical experience bears this out, that any disputes, including questions connected with Kashmir, can best be settled by peaceful means only. The military way cannot lead to their solution. Intensification of military operations by one side inevitably leads to a greater military effort by the other, and the result is extension of the conflict and, who knows, may be also war.

*India has more than once demonstrated its devotion to the policy of peace and peaceful coexistence. This gives us reason to hope that in this case too, over Kashmir, wise and prudent statesmanship will be displayed.*

Life shows that the flames of war are best extinguished at the very beginning. Restraint and goodwill will unquestionably make it possible to prevent the developments from taking a dangerous turn and to find a peaceful solution to the conflict that has broken out in the Kashmir area.
The Soviet Government also found it necessary to address a corresponding letter to the President of Pakistan, Mr. Ayub Khan.

Respectfully,
A. Kosygin

Note:
An identical letter was addressed to President Ayub Khan of Pakistan, with a significant difference that para in *italics* was replaced in this case by the following para:

“That the Government of Pakistan has sought, especially of late, to direct its efforts to the maintenance of world peace gives us reason to hope, Mr. President, that the Government of Pakistan, will in connection with the latest events in Kashmir, take all measures within its power to end the hostilities in the area and settle the conflict by peaceful means.”

2182. **Telegram dated 6 September 1965 from the Minister for Foreign Affairs of Pakistan to the President of the Security Council.**

Rawalpindi, September 6, 1965.

At 0300 hours last night the Indian Army unleashed a tremendous armed attack on Pakistan along the borders of West Pakistan and launched a war of unprovoked and naked aggression against our peaceful country. In announcing this news to the Lok Sabha the Defence Minister of India stated that the attack was being made with the object of forestalling an attack on India by Pakistan. To India’s record of series of aggressions against Junagadh, Hyderabad and Jammu and Kashmir has now been added the most grave and criminal war of aggression against Pakistan. We have warned the United Nations on several previous occasions that India would take to this course against us at an appropriate opportunity.

Since 1958, and more especially since 1962, the military build-up of the Indian Army has unmistakably pointed to the pattern of preparation for a war of aggression against Pakistan. The causes of the current conflict in Jammu and Kashmir are known to all Members of the United Nations. India has held the people of that State in bondage for eighteen years, broken all pledges to
implement the right of self-determination of the Kashmiri people, has annexed the State, has tried to break the spirit of the Kashmiris by ruthless suppression and the lifetime imprisonment of their leaders and has embarked on a series of aggressions across the cease-fire line, commencing from the middle of May when it occupied Pakistan posts in the Kargil sector on the Pakistan side of the cease-fire line. After vacating them for a time on the Secretary-General’s intervention, India again crossed the cease-fire line on 15 August and reoccupied them on 23 August. Indian forces shelled Awan Sharif, a village in West Pakistan, causing death and destruction to its peaceful inhabitants. On 24 August the Indian troops crossed the cease-fire line again and occupied two posts in the Tithwal sector on the Pakistan side of the line. Again on the same day Indian forces crossed the cease-fire line in the Uri - Poonch sector and seized some Pakistan posts, and on 1 September took the Haji Pir Pass. Simultaneously the Indian Army of Occupation has intensified its acts of repression of the people – acts which in their scope and nature threaten to assume the proportions of genocide. These acts of aggression and grave violations of the cease-fire agreement have created a situation in which the human rights of the people of Jammu and Kashmir as well as the security of Pakistan are equally threatened. In response to this grave situation created by the Indian armed forces the Azad Kashmir forces backed by the Pakistan Army were forced to cross the cease-fire line in the Bhimber sector in exercise of the right of self-defence for the first time since the cease-fire agreement was reached seventeen years ago and after repeated Indian armed attacks and occupation of Azad Kashmir territory by the Indian Army. This crossing took place on 1 September. India decided to escalate the conflict by mounting air attacks against Pakistan forces on the same day, compelling the Pakistan Air Force to intervene. On 4 September India carried the escalation a stage further. The Indian Air Force twice violated Pakistan territory in strength, escorted by MIG aircraft, and now, last night India mounted a treacherous armed attack, this time against West Pakistan. This war forced by India on Pakistan is not of Pakistan’s seeking. It is a war of aggression by India against Pakistan and as such constitutes the gravest possible violation of the Charter of the United Nations.

I have the honour to inform your Excellency that Pakistan will exercise her inherent right of individual and collective self-defence recognized in Article 51 of the Charter of the United Nations until the Security Council has taken effective measures to restore international peace and security by vacating Indian aggression against Pakistan and Jammu and Kashmir which India has forcibly and illegally occupied in violation of United Nations resolutions. The aggression unleashed by India against our country poses for the United Nations one of the most serious challenges to its very basis. The situation calls for action
immediately by the Security Council, including enforcement action to put an end to the Indian aggression and to restore international peace and security on the above-stated basis, which is the only way to secure a lasting peace in the region.

(Signed) Zulfikar Ali Bhutto
Minister for Foreign Affairs of Pakistan
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2183. Telegram from the British High Commissioner in Pakistan to the British Commonwealth Relations Office.

Rawalpindi, September 6, 1965.

From : Rawalpindi
To : Commonwealth Relations Office

Sir M. James
No. 3WL – 126 6 September, 1965
Addressed to C.R.O. telegram No. WL-126 of 6 September

Repeated: for information

To : Delhi, Washington, Ottawa UK, Mis New York, Wellington, Canberra, Karachi

From High Commissioner in Rawalpindi

American Ambassador McConaughy had sixty-minute interview here with President Ayub this morning 6 September.

2. Following are most important points which emerged:

(a) President delivered formal written request to United States for assistance against Indian aggression as promised in 1959 Pakistan/United States agreement and other documents;

(b) Pakistan is appealing for help from ‘all her friends’ but has not (repeat not) requested help from Russia or China. Answering McConaughy, President said there had been no (repeat no) consultation with Russia or China about latest developments. President had no (repeat no)
evidence of prospect of any [Chinese] diversionary attack, though he could not predict what Chinese might do.

(c) Ayub was not (repeat not) prepared to return to position based on Kashmir cease-fire line as it had existed previously. Consequently he would not (repeat not) give affirmative reply to Secretary-General’s appeal in its present form, though he would consider an arrangement whereby all Indian and Pakistani forces were withdrawn from whole of Jammu and Kashmir State. They could perhaps be replaced be a United Nations peace-keeping force.

3. Fuller report follows.

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2184. Telegram from British High Commissioner in Rawalpindi to the British Commonwealth Relations Office.

Rawalpindi, September 6, 1965.

Sir M. James

No.WL–127 6 September, 1965

Addressed to: C.R.O. telegram No. WL-127 of 6 September

Repeated: for information

To: New Delhi, Washington, Karachi UK Mis.New York, Ottawa, Canberra, Wellington

From: High Commissioner in Rawalpindi

My telegram No. WL 126.

Following is fuller report of McConaughy’s interview with President Ayub on 6 September. Bhutto was also present.

2. McConaughy’s instructions (which he has received during night of 5/6 September before Indian forces had crossed Punjab border) had been to warn Pakistanis that:

(a) United States Government expected to be pressed in fairly near future to declare that no (repeat no) further military aid would be supplied to either side and they would give such an assurance;
(b) to speak severely about Pakistan’s complicity in infiltration;
(c) regarding Consortium, to say United States still expected visit by Ayub as prerequisite to any pledge at Consortium meeting.

3. As the meeting took place a few hours after Indians had crossed Punjab border it was naturally held on a basis different from that which had been expected when Washington drafted these instructions. Atmosphere had been friendly and President Ayub had been ready to admit Pakistan had made various mistakes over relations with United States.

4. President Ayub had said that Pakistan was now engaged in all out war with India. He appreciated Indians would try to get behind Pakistan forces advancing on Akhnur but Pakistanis were prepared for this. He was neither optimistic nor pessimistic about outcome and did not know how long conflict would last though he was confident that Pakistanis would give a good account of themselves. Pakistan was ‘calling on all her friends for help’. President handed over formal written request for help against Indian aggression in accordance with American undertakings under 1959 United States/Pakistan agreement and American memorandum of November 1962. He asked for an early favourable reply and said he would be available to see McConaughy at any time. On relations with Russia and China see my telegram under reference. In discussion President had admitted a certain amount of provocation of India but reiterated that India stood condemned by her record of aggression over the years culminating in Rann of Kutch and seizure of Kargil. He did not admit Pakistan was guilty of aggression.

5. McConaughy had said that until night of 5/6 September Pakistan’s share of responsibility for present tension through help for infiltrators and crossings of cease-fire line had been greater than Indians, but he added, speaking personally, that in fresh circumstances now prevailing Pakistan had opportunity to correct this position and Ambassador therefore urged President to reply affirmatively to Secretary-General’s request on the lines that, in his words, ‘immediately India’s hand was removed from Pakistan’s throat, Pakistan would comply with Secretary-General’s request’. President had more or less accepted criticisms of Pakistan’s earlier responsibility but insisted that Pakistan needed some assurance that a settlement would not be followed by a further eighteen years of Indian evasiveness and provocation. For this reason Pakistan’s position on Secretary-General’s request was as stated in my telegram under reference.

6. Regarding Consortium meeting due for 23 September, McConaughy said that:
(a) If Indian attack had not occurred President Johnson was hoping for a personal meeting and still hoped Ayub would take up the postponed invitation if hostilities with India ended in a few days;
if serious fighting between India and Pakistan continued United States Government thought general view of all donor powers would be that it was inappropriate to hold Consortium meeting on 23 September; for it was no use considering ‘business as usual’ when sub-continent was gripped by war. Ayub had originally demurred, arguing that Pakistan should not be penalized as result of Indian aggression but was on the contrary entitled to a show of support from Consortium powers, but eventually Ayub seemed somewhat readier to consider idea of postponing Consortium meeting. ‘Ayub also made it clear that because of effect on Asian opinion he could not (repeat not) appear to go to Washington as a beggar’ i.e. he could not visit North America until after the American pledge, though if conditions improved with India he might go subsequently (and rather sooner than we had previously understood).

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2185. Record of the meeting between British Minister of State for Foreign Affairs and Pakistan High Commissioner in London Agha Hilaly.


REF: DO 196/384

Also present : Mr. V.C. Martin

Mr. C.C.W. Adams

Mr. Hilaly opened by saying that the Pakistan Government had always feared that the Kashmir situation would lead to war between Pakistan and India, and he blamed the Americans for increasing this risk by supplying arms to India. He then made a series of allegations against recent Indian aggression. He blamed India for the Rann of Kutch, for recent violations of the cease-fire line with troops and aircraft, and for the sovereign crime of invading the international boundary and bombing Lahore.

The present state of play in the fighting was then discussed. Mr. Hilaly said that at 1 p.m. today the B.B.C. had carried Indian reports that Lahore had been taken, whereas he had private information that at 2.15 p.m. Lahore was still under Pakistan Control and the Indians meeting heavy resistance at the border. He said he had complained to the B.B.C. for carrying such misleading statements.
The Minister of State said that the British Government regarded the fighting as a major tragedy, particularly since it was a struggle between two Commonwealth countries. This development was not only a disaster for the subcontinent, but one which could lead to a serious escalation of war outside it. He then handed Mr. Hilaly a copy of the Prime Minister’s statement which had been released at 3 p.m.

The Minister of State asked whether the Pakistan Government would be prepared to accept U Thant’s appeal for a cease-fire. Mr. Hilaly said that India had of course already rejected it. Although he had not received briefing from his Government, he said he thought they would consider a mere cease-fire insufficient, since the problem would remain unsolved and fighting could only recur, and that the only reasonable basis for a cessation of hostilities would be the re-opening of the whole Kashmir question. The latter could best take the form of establishing an internationally devised procedure which would promise to take Kashmir to a settlement under an international guarantee. (Perhaps Kashmir could be evacuated and placed under a United Nations Mandate or similar international form of control). Without this condition Pakistan, though conscious of its inability to resist a country with military and economic resources four times greater than those of their own, would have to fight it out.

Mr. Martin said it was of course extremely difficult to work towards any negotiated settlement while fighting was still in progress.

Mr. Hilaly said he was very disappointed by the statement of the United Kingdom’s Representative at the United Nations on 4 September, in which selected passages from Gen. Nimmo’s report, which were clearly detrimental to Pakistan, were quoted at length.

Mr. Hilaly then asked whether he might see the Prime Minister in the near future. The Minister of State pointed out that the Prime Minister was very busy but we would pass on his request.

Commonwealth Relations Office,
6 September 1965

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2186. Telegram from the British High Commissioner in Rawalpindi to the Commonwealth Relations Office.

Rawalpindi, September 6, 1965.

REF: DO 196/384

Sir M. James

No. WL – 128 6 September 1965

EMERGENCY

Repeated: for information

To : New Delhi

From: High Commissioner in Rawalpindi

Reference my telegram No. WL 126.

At my interview with President Ayub at 0600 hours G.M.T. tomorrow 7 September he may well take opportunity to call for British assistance in repelling Indian aggression. He may quote CENTO and SEATO, and claim that as military ally of Pakistan we are committed to support her. This would be in line with request which President put to American Ambassador here today 6 September.

2. My reply should I suggest be to say that I would at once refer this to you. But I would continue by pointing out on a personal basis that both sides must bear their share of responsibility for present appalling situation. Pakistan’s thrust towards Akhnur had been launched despite British appeal for restraint. Moreover despite my subsequent plea that at least Pakistanis should make clear limited character of their objective, Pakistanis had allowed Indians to assume that it was Pakistan’s intention to sever Indian lifelines at Jammu to Indian troops in Kashmir and Ladakh. What other conclusion could Indians have drawn from the facts? I was not (repeat not) seeking in any way to excuse Indian action, but it had to be seen against whole background of previous events including what Indians claim to have been deliberate organization by Pakistan of armed infiltrators across cease-fire line in early August.

3. I would then appeal very strongly to Ayub to declare his readiness to stop the fighting as soon as India did likewise.

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IMMEDIATE AND CONFIDENTIAL

Telegram from the British Embassy in the United States to British Foreign Office.


From: Washington
To: Foreign Office
Sir P. Dean

No. 2227 September 6, 1965

TELEGRAM

Addressed to Foreign Office telegram No. 2227 6 September

Repeated for information to: UKMIS New York, New Delhi, Karachi, Rawalpindi, Ottawa, Wellington, Canberra

India-Pakistan

Following Pickard’s helpful telephone call to Killick this morning I was able to see Mr. Rusk to obtain his account of the American general position.

2. He emphasized that the main thrust of American policy would be through the United Nations, neither the Indian or Pakistani Governments had consulted the United States at any stage of the crisis and the Administration felt no particular responsibility towards either. Neither he nor the President thought that intervention with either India or Pakistan by the United States would be profitable at the present time. As regards Ayub’s request invoking the 1959 American Assurance, the United States Government did not accept Pakistani denials of infiltration across the cease-fire line and indeed had plenty of evidence both from UNMOGIP and American intelligence sources that infiltration had taken place. The clear implication in Mr. Rusk’s remarks was that there was no basis for Pakistan to invoke the 1959 Assurance.

3. The President was taking up no strong personal position in public because it seemed to him that at present neither side was willing to listen. Within these limits the Americans were, however, taking up a very strong position on the government to government level and Mr. Rusk had telephoned personally to both Bhutto and Swaran Singh urging them to accept unconditionally the United Nations resolution. Beyond that little was being said to either Government. No American military equipment was being dispatched and an ammunition ship
on its way to Pakistan through Suez was being diverted. Mr. Rusk stressed
that this was very confidential.

4. As regards further developments, the question was whether either side,
politically speaking, could face a return to the cease-fire line. Although objectives
were no doubt limited at the outset, events seemed now to be taking over. Much
would now depend on how the fighting went and in particular on the Indian
forces' performance. Both sides would quickly be faced with serious
supply problems, which would no doubt hit Pakistan harder than India, although
Pakistan's initial advantage in equipment was greater. Ayub might be gambling
on major internal disintegration in India, but Mr. Rusk was sceptical of this and
thought that in the long run India's superiority of numbers would tell.

5. There were also external considerations. The State Department were
watching Chinese moves very closely and there seemed to be no major
development so far. If there were any secret agreement between Pakistan and
China, the Indian move against Lahore should bring it into the open. Ayub
must have been getting some very bad advice, and if there were Chinese-
Pakistan collusion, the Chinese were taking big risks. The Russians seemed
so far to be adopting much the same attitude as the United States although Mr.
Rusk had seen a report that they had given a private assurance to Shastri over
Kashmir. Pakistan's demand for a C.E.N.T.O. meeting might lead the Shah to
feel that he should give token assistance though Turkey with her other
preoccupations seemed unlikely to do anything. There might in any event be
some Chinese probing in Ladakh or even on the North-East Frontier, though it
would be unlikely to go far; in this event how might the Russians react?

6. The State Department were concerned not to appear to be challenging
Peking by using language in a Security Council resolution calling upon outsiders
‘not to exacerbate the situation'; they preferred positive language calling for
support of United States resolutions.

7. As regards American nationals there are 3,000 in Lahore who are to be
moved to Rawalpindi and evacuated by air. Small numbers of Americans in
the Eastern Punjab are being moved back to New Delhi.

8. Since drafting the foregoing I have had further conversation with Pickard
and have informed Mr. Rusk of actions taken by Ministers.
Message from the British Prime Minister’s Office to the U.S. White Houses on the Prime Minister’s current thinking on the situation in Kashmir.


10 Downing Street
Whitehall.

MESSAGE

From: Oliver Wright
To: Mc Geogre Bundy

September 6, 1965

Message Begins

The Prime Minister has asked me to let you know, for the President’s information, the state of our current thinking on Kashmir.

Briefly, we consider the present war between India and Pakistan to be of the utmost gravity and full of very considerable dangers, if not disasters, for the whole of the Indian sub-continent. The danger of communal strife on an appalling scale and of Chinese fishing in troubled waters are obviously two considerations over and above that of the course of the war itself.

In these circumstances, we consider that the main weight of peace-making should be on the Security-Council and the Secretary-General, and we do not propose at this stage to launch any Commonwealth initiatives which might cut across United Nations efforts. The Prime Minister has therefore:

1. Sent instructions to Lord Caradon to give full support to Security Council efforts to bring fighting to an end.
2. Sent further strong personal messages to Ayub and Shastri urging them to heed the Secretary-General’s pleas.
3. Issued a pretty tough (on India) statement from No.10 Downing Street.
4. Sent a personal message to all Commonwealth Prime Ministers urging them individually to send messages to Ayub and Shastri appealing for restraint and urging them to throw their weight behind current United Nations efforts.

We fully expect India to react strongly to these actions.

We have, in addition, various other ideas, such as a Commonwealth peace
initiative, perhaps in support of Pearson’s proposal, or a collective
Commonwealth appeal to India and Pakistan. We are also studying the position
which will arise if the Security Council finds that a situation has arisen under
Chapter 7 of the United Nations Charter. So, while the Prime Minister is ready
to back a Commonwealth initiative at the right moment, he thinks it best to give
the United Nations a clear run, at least until we see whether they will succeed
or not.

End of Message

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2189. IMMEDIATE AND CONFIDENTIAL

Telegram from the British Embassy in the United
States to British Foreign Office.


From: Washington
To : Foreign Office

Sir P. Dean

No. 2227 September 6, 1965.

TELEGRAM

Addressed to Foreign Office telegram No.2227 6 September

Repeated for information to: UKMIS New York, New Delhi, Karachi,
Rawalpindi, Ottawa, Wellington, Canberra

India-Pakistan

Following Pickard’s helpful telephone call to Killick this morning I was able
to see Mr. Rusk to obtain his account of the American general position.

2. He emphasized that the main thrust of American policy would be
through the United Nations, neither the Indian or Pakistani Governments
had consulted the United States at any stage of the crisis and the
Administration felt no particular responsibility towards either. Neither he
nor the President thought that intervention with either India or Pakistan by
the United States would be profitable at the present time. As regards Ayub’s
request invoking the 1959 American Assurance, the United States Government did not accept Pakistani denials of infiltration across the cease-fire line and indeed had plenty of evidence both from UNMOGIP and American intelligence sources that infiltration had taken place. The clear implication in Mr. Rusk's remarks was that there was no basis for Pakistan to invoke the 1959 Assurance.

3. The President was taking up no strong personal position in public because it seemed to him that at present neither side was willing to listen. Within these limits the Americans were, however, taking up a very strong position on the government to government level and Mr. Rusk had telephoned personally to both Bhutto and Swaran Singh urging them to accept unconditionally the United Nations resolution. Beyond that little was being said to either Government. No American military equipment was being dispatched and an ammunition ship on its way to Pakistan through Suez was being diverted. Mr. Rusk stressed that this was very confidential.

4. As regards further developments, the question was whether either side, politically speaking, could face a return to the cease-fire line. Although objectives were no doubt limited at the outset, events seemed now to be taking over. Much would now depend on how the fighting went and in particular on the Indian forces' performance. Both sides would quickly be faced with serious supply problems, which would no doubt hit Pakistan harder than India, although Pakistan's initial advantage in equipment was greater. Ayub might be gambling on major internal disintegration in India, but Mr. Rusk was sceptical of this and thought that in the long run India's superiority of numbers would tell.

5. There were also external considerations. The State Department were watching Chinese moves very closely and there seemed to be no major development so far. If there were any secret agreement between Pakistan and China, the Indian move against Lahore should bring it into the open. Ayub must have been getting some very bad advice, and if there were Chinese-Pakistan collusion, the Chinese were taking big risks. The Russians seemed so far to be adopting much the same attitude as the United States although Mr. Rusk had seen a report that they had given a private assurance to Shastri over Kashmir. Pakistan's demand for a C.E.N.T.O. meeting might lead the Shah to feel that he should give token assistance though Turkey with her other preoccupations seemed unlikely to do anything. There might in any event be some Chinese probing in Ladakh or even on the North-East Frontier, though it would be unlikely to go far; in this event how might the Russians react?

6. The State Department were concerned not to appear to be challenging
Peking by using language in a Security Council resolution calling upon outsiders 'not to exacerbate the situation'; they preferred positive language calling for support of United States resolutions.

7. As regards American nationals there are 3,000 in Lahore who are to be moved to Rawalpindi and evacuated by air. Small numbers of Americans in the Eastern Punjab are being moved back to New Delhi.

8. Since drafting the foregoing I have had further conversation with Pickard and have informed Mr. Rusk of actions taken by Ministers.

2190. **SECRET**

Record of the meeting taken by the British Prime Minister with the Officials of the Foreign Office on Kashmir.


Kashmir: Pakistan's request to Invoke Cento and Seato to be resisted

REF: DO 196/384

**Kashmir**

The Prime Minister had a meeting at No. 10 Downing Street at 12 noon this morning (7th September). The Foreign Secretary, the Commonwealth Secretary, the Minister of State for Commonwealth Relations and officials were present.

The meeting had before them the attached situation report at September 7 and briefs for the Prime Minister for his talk with the Indian and Pakistan High Commissioners.

The Commonwealth Secretary said that since he had returned to London he had gone over the whole position. He quite agreed with what had been done, although the statement put out from No.10 Downing Street the previous day had perhaps been a little hard on India. He agreed that the right course now was to let U Thant make the running while keeping ourselves in reserve for quiet diplomacy. At the right time it might be valuable if he himself were invited to go to visit India and Pakistan perhaps on behalf of the Commonwealth in view of his personal knowledge of Indian and Pakistani leaders.

On the question of arms shipments, investigation had shown that there were
two ships on the way to India with a certain amount of arms and they were due to arrive on September 20 and 25. They were in Indian ships but India had probably not yet formally taken possession of them. The question that Ministers may have to decide was whether it was worth having a public row with the Indians by taking drastic action to divert the shipments. Meanwhile, the movement of supplies forward within this country to India and Pakistan had been halted.

On the question of Pakistan invoking the CENTO and SEATO, although no formal request for assistance from Pakistan had been received, it was likely that one was on the way. When it came it would be firmly resisted on the grounds that it had been repeatedly made clear to Pakistan that neither Alliance could be invoked against a full member of the Commonwealth.

Summing up the discussion, the Prime Minister said that our line for the present should be:

1) no new initiatives and
2) no new announcements

On the CENTO and SEATO Alliance our line to the Press should be that no formal request had yet been received for any assistance but that it was well understood that nothing that was said in the Treaties could be held to permit aiding one Commonwealth country against another. It was agreed that the Prime Minister should see both the Pakistan and Indian High Commissioners. Subsequently the Pakistan High Commissioner was summoned to No.10 Downing Street at 4.00 p.m. and the Indian High Commissioner at 5.30 p.m.

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Record of a meeting between the British Minister of State and the Indian High Commissioner Jivraj Mehta.


REF: DO 196/384

Also present: Mr. Haksar, Mr. V.C. Martin

Indian Deputy High Commissioner Mr. C.C.W. Adams

The Minister of State opened by deploring the escalation in the fighting between India and Pakistan and handed Dr. Mehta the Prime Minister’s statement. Dr. Mehta commented very angrily at the reference in the statement to India crossing the international boundary and the absence of any mention to Pakistan’s many illegal acts. Why, he asked, had the statement not mentioned earlier Pakistan infiltrations into Kashmir and their armed attack across the cease-fire line?

The Minister of State explained that the Prime Minister’s statement referred to the new situation which had developed today as a result of Indian action, and he pointed out that on 4 September the United Kingdom Representative at the United Nations had drawn attention to certain passages in General Nimmo’s report which stated the Indian case very favourably. Dr. Mehta countered this with the legalistic argument that Pakistan had been the first to cross the international boundary in her drive towards Jammu and Akhnur. (Note: He appeared to be referring to the boundary between Pakistan and Kashmir). Mr. Martin said we would take note of this claim. Dr. Mehta protested strongly that the British Prime Minister should have pilloried India without a mention of Pakistan’s similar violation. This statement would be read by the world and the Indian Parliament would receive it in anger. Mr. Martin said that nonetheless the Indian attack towards Lahore could only be considered as a much more serious development than all Pakistan’s previous actions.

The Minister of State, turning to U Thant’s appeal for a cease-fire, asked whether India could give a favourable response. Dr. Mehta said that his Government had already replied to U Thant’s appeal. There must be some condemnation of Pakistan acts against India and Kashmir before the Indian Government would agree to a cease-fire. He then claimed that he and his Government had consistently drawn our attention be recent Pakistan violations, only to be ignored or fobbed off.

Commonwealth Relations Office,
6 September 1965
2192. Record of the Conversation between the British Prime Minister and Pakistan High Commissioner regarding Pakistan’s conditions for a Cease Fire.


REF: DO 196/384 4.15 P.M. On Tuesday, September 7, 1965

Present: Prime Minister;
Pakistan High Commissioner;
Mr. Cledwyn Hughes
Mr. Hilaly
Mr. J.O. Wright

The High Commissioner said that he had received no instructions to raise with the Prime Minister the question of aid and cooperation under the CENTO Pact. If any such request were made, it might well be put through the British High Commissioner in Rawalpindi. Nevertheless, the Prime Minister would have seen the Pakistan Foreign Minister’s statement to the effect that Pakistan felt that she was entitled to aid under CENTO and SEATO.

The High Commissioner went on to say that India’s attack across the international border on the previous day had shaken Pakistan. The first intimation of the attack had been when the bombs had fallen. Nevertheless, the spirit of the people of Lahore had been magnificent and they were inspiring on going about their normal lives. This would suppose that the Indians had been halted at least ten miles away. Nevertheless, India had bombed a number of open cities, notably in East Pakistan; but Pakistan had perhaps by now retaliated, but she had not been the first to bomb.

The High Commissioner said that U Thant had asked for a seat on Pakistan Airlines to Karachi. He thought that the Pakistan Government would not be willing to accelerate an appeal from U Thant for a cease fire until the United Nations took on the responsibility of finding a solution to the problem of Kashmir. They would insist that the problem of Kashmir had to be settled; otherwise they would prefer to carry on fighting.

Mr. Hilaly said that the Pakistan Government had been very grateful for the first paragraph of the statement which had been issued from No. 10 Downing Street on the previous day. Britain had been the only western power to have said anything condemning India. The Prime Minister would have noted that the Chinese had come out putting the blame squarely on India and this
Chinese statement was likely to have great repercussions throughout Asia and the world.

Mr. Hilaly went on to say that he had been asked to approach the British government and to say that his Government felt that they were entitled to the assistance and sympathy of their friends as well as moral and material help. They were resisting an army, navy and air force four times the size of their own. In the past, the danger and fear of annoying India had appeared to inhibit the free expression of the British conscience. He hoped that this would not allow Indian tactics to prevail once more.

The Prime Minister said that he hoped that the Pakistan Government would be under no illusion but that the sole object of the Chinese was to fish in the troubled waters. Whatever else came out of the unhappy business of Kashmir, he hoped that no-one would allow China to profit by it. It would be a very grave affair if the Kashmir problem became a happy hunting ground for other countries. Secondly, as regards CENTO and SEATO, the successive British Governments had always made it clear that they did not regard it as appropriate to activate these treaty obligations against another Commonwealth country. He could furnish documentary proof of this to the High Commissioner if necessary.

Thirdly, the Prime Minister said that he had issued his statement on the previous day, because he had been deeply concerned by the actions of the previous day. If he had condemned the Indian action of the previous day because they had crossed the international frontier that did not mean that the British Government condoned previous actions of the Pakistan Government. Moreover, although Pakistan and Britain were allies in CENTO, Pakistan had not thought fit to consult Britain before they had taken their successive actions, including their infiltration across the cease fire line followed by their military attack across the cease fire line towards Jammu. And yet it was this attack across the cease fire line which had been directly responsible for India's attack across the international frontier. None the less, Britain regarded yesterday's attack by India across the international boundary as different in kind and degree from attacks across the cease fire line. We took a very grave view of attacks across the cease fire line, but we took a still graver view of attacks across the international frontier.

The Prime Minister went on to say that the British Government's position in all this was quite clear. We gave full support to the United Nations initiative. We had considered whether there was any scope for a purely British or perhaps a Commonwealth initiative but we had decided that we did not wish to cross wires with the U Thant Mission and that the United Nations was the right forum to handle this problem.
As for Pakistan wishing to lay down conditions before they would agree to stop fighting, if Pakistan were to take their objections to a cease fire further, many people would be killed, the conflict would escalate to a wider war and there might well be communal troubles. It would be a tragedy if the refusal to stop fighting led to more innocent victims being killed. We therefore strongly backed the Security Council's initiative and we had urged the Commonwealth to give U Thant one hundred per cent support. It was essential, to start with, that both sides should stop fighting.

The Prime Minister went on to say that, as he saw it, the problem might be approached in four stages:

1. Both sides should stop fighting.
2. Both sides should agree to get back to the status quo.
3. There might be measures taken to neutralize and quieten down the situation within Kashmir itself.
4. The future settlement of the whole problem of Kashmir. It would be putting the cart before the horse to insist on settlement of the Kashmir problem before the fighting stopped.

The High Commissioner intervened to explain that Pakistan did not ask for a settlement of the Kashmir problem before the cease fire; they merely asked that they should have a firm assurance that the problem of Kashmir would be taken up as an international responsibility. Otherwise, once the fighting had stopped, India would revert to her usual immobile position.

The Prime Minister said that he was speaking not only for the Cabinet but for everyone in Britain when he said that he hoped that the Pakistan Government would give the fullest facilities to U Thant in his mission of bringing the fighting to an end. U Thant was the representative of the Security Council and of the whole world. Britain was certainly against the suggestion that there could be any conditions for stopping the fighting. He hoped that High Commissioner would tell President Ayub that this was the very strong view of the British Government which was being put to both India and Pakistan.

The High Commissioner said that if Pakistan agreed to stages 1 and 2, they would merely be back where they were in January 1948 when, as everyone knew, the next stages never came about. He did not think that the Pakistan Government would agree to a reversion to the status quo unless the future of Kashmir was taken up as an international responsibility. Otherwise, they would prefer to fight and they would not be deterred by the Indian blackmail of the fifty million Muslims living in India. The High Commissioner said that of course Pakistan was ready to stop the fighting. Pakistan did not wish for a single inch
of Indian territory. They would not insist on everything they wanted in Kashmir. All they insisted on was, that the situation in Kashmir should not be allowed to continue as it had for the past eighteen years.

The Prime Minister said that it was of course for us in Britain to be cool and detached about these affairs. Although he could understand, emotionally, how Pakistan felt about the Indian attitude, and in particular, how they felt that they could not stop fighting unless there was a prospect of a Kashmir settlement, he would have to say that he was in total disagreement. He thought it was totally wrong for the fighting to continue. He hoped therefore that the Pakistan Government would give all possible assistance to U Thant. He hoped that nothing that Pakistan did would make the position of Pakistan’s friends more difficult.

The High Commissioner thought that the U Thant mission was bound to end in failure. He thought that afterwards there might be scope for a Commonwealth initiative.

Mr. Cledwyn Hughes said, personally, he felt sure that after events of the past few weeks, pressures would be bound to develop for a settlement of the Kashmir problem but if conditions were laid down in advance the fighting was bound to go on.

The Prime Minister brought the conversation to an end by saying that if conditions were laid down, he felt that the solution that was finally found would bear no relationship to what was right or wrong but simply to who was the stronger.

*The High Commissioner left at 4.50 p.m.*
2193. Record of the Conversation between the British Prime Minister and the Indian High Commissioner Jivraj Mehta regarding the proposal for an unconditional ceasefire.


REF: DO 196/384 5.30 P.M. on Tuesday, September 7, 1965

Present:
Prime Minister Indian High Commissioner
Mr Cledwyn Hughes His Excellency Dr. Jivraj N.Mehta
Mr. J.O. Wright The Deputy Indian High Commissioner
Mr. P.N. Haker

The Prime Minister said that he had asked the High Commissioner to call on a very grave matter indeed. The British Government were very concerned about the fighting which was at present taking place between Pakistan and India. The problem of Kashmir had been a dangerous one for the past 18 years. When, quite recently, Pakistani infiltrations across the cease-fire line had taken place, the British representative at the United Nations had condemned them in very severe terms. Nevertheless, when on the previous day, India had crossed the international frontier between India and Pakistan the situation had been transformed both in kind and degree.

The United Kingdom’s position was that we had appealed both to the Prime Minister of India and the President of Pakistan through our High Commissioners in Delhi and Rawalpindi to bring the fighting to an end. We had considered whether there was any useful British initiative we could take or whether the Commonwealth could be brought into the picture. Nevertheless, we had come to the conclusion that any British or Commonwealth initiative at this stage might cut across the work of the Secretary-General of the United Nations. Our hope was, therefore, that the Government of India would take heed of the Security Council resolution of September 6 and co-operate to the fullest extent with U Thant. We had been in touch with all Commonwealth Heads of Government and asked them to support this policy.

The High Commissioner said that he regretted the emphasis placed in the Prime Minister’s statement of the previous day on the fact that India had crossed the international frontier. In fact, Pakistan had been the first to cross the international frontier in their drive towards Jammu, but no one had expressed any concern about that fact.

The Prime Minister said that we had no firm evidence that Pakistan had in fact crossed the international line. After a brief pause, for the consultation of maps,
etc., the Prime Minister went on to say that there would doubtless be a lot of argument about where the responsibility lay. He had, however, two questions to put to the High Commissioner. The first concerned the arms which the United Kingdom had supplied specifically for use against China. The High Commissioner said that of course these conditions would be observed. The Prime Minister then asked what justification there was for Indian bombing of open cities. The Deputy High Commissioner replied that they had no information on this from India; they only knew what they read in the newspaper.

The Prime Minister said that he hoped that the High Commissioner would convey to Mr. Shastri the very deep concern of the British Government about the present situation. He hoped that whatever the rights and wrongs to the situation were the Indian Government would give their fullest co-operation to U Thant. As he saw it, the situation might develop in four stages; first, both parties should agree to stop the fighting. Secondly, both parties should agree to withdraw to the status quo. Thirdly, measures should be taken to try to neutralize the situation within Kashmir and finally an attempt should be made to try to settle the whole problem of Kashmir itself. The first essential, however, was to stop the fighting without conditions.

The Deputy High Commissioner referred to a report in *The Times* that the British delegate to the United Nations had been instructed to condemn India. The Prime Minister said that the United Kingdom delegate had been instructed to speak on the lines of the statement issued from Number 10, Downing Street. Mr. Cledwyn Hughes added that he felt certain that when the High Commissioner saw the speech made by Lord Caradon in the Security Council he would find it perfectly exceptional. He thought it would be helpful to both sides.

The High Commissioner left at 6.00 p.m.

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2194. **Tass statement issued on 7 September 1965, Moscow.**

As reported earlier in the Soviet Press, an armed conflict recently flared up between the two neighbouring states of India and Pakistan in the Kashmir area. Tension is not only not easing, but, according to the latest report, military operations are assuming an ever broader scope and the region of these operations has transcended the boundaries of Kashmir. The ceasefire line in Kashmir, established by the Indian-Pakistani agreement of 1949, has in effect, been violated at several places. Large military units are involved in the military operations from both sides, tanks and aircraft are being used.

Pakistani troops, as foreign news agencies report, have advanced several dozen kilometers into the depth of Indian territory. At the same time, as Reuter reported on September 6, India’s Defence Minister Chavan stated in Parliament that ‘Indian troops had crossed the state frontier in Punjab near Lahore.’ The Indian air force is making combat flights in the region of Western Pakistan. India’s Prime Minister, according to news agencies, described the situation in Kashmir as a veritable war between India and Pakistan. Pakistan’s President Ayub Khan, in a broadcast on September 6 said that Pakistan ‘was in a state of War’ … ‘a state of emergency had been proclaimed in the country.’ The number of casualties is increasing from day to day. Not only soldiers but also civilians are dying. Such is the serious situation obtaining in that part of Asia.

There is no doubt that the armed conflict in the Kashmir area cannot benefit either of the sides – India or Pakistan. Present developments in that region play into the hands only of those outside forces that seek to disunite and set at loggerheads the states that cast off the colonial yoke. In the past, too, these forces have more than once tried to exploit the Kashmir issue to prevent the establishment of good neighbourly relations between India and Pakistan, seeking to set them at loggerheads. They are undoubtely, now, too, instigating India and Pakistan, to extend the bloodshed for the sake of their ends which run counter to the national interests of the Indian and Pakistani people who are vitally interested in the strengthening of peace. It is needed by the peoples of India and Pakistan to solve the many intricate and important problems of development of their states.

The tendency towards a further expansion of the armed conflict between India and Pakistan – two big Asian states – aggravates still further the tense situation in South and South-East Asia created by the United States aggression against the Vietnamese people.

The armed conflict between India and Pakistan evokes serious concern in the Soviet Union which always holds close to heart the cause of preserving peace. This concern is increasing because the conflict is passing in an area neighbouring on the frontiers of the Soviet Union.
The USSR is coming out for the solution of disputes between sovereign states by way of talks, by peaceful means. Realising the entire complexity of the situation in the Indian-Pakistani conflict, Soviet people believe that there is a possibility to find a peaceful solution of the disputes between India and Pakistan, given that the statesmen of both countries display realism, restraint and an understanding of the grave consequences of a development of the armed conflict.

Tass has been authorized to state that the Soviet Government has urged both sides—India, whose policy of non-alignment earned broad international recognition, and Pakistan—to immediately stop military operations and to effect a mutual withdrawal of troops beyond the ceasefire line established by the agreement between India and Pakistan in 1949, to remove the troops to the territories on which they were before the outbreak of military operations.

The Soviet Union expects that India and Pakistan, acting in the spirit of the United Nations Charter and the Bandung principles, enter into talks on a peaceful settlement of the conflict. The Soviet Government stated that both sides could rely on kind cooperation on the part of the Soviet Union, or, as one says, on the good offices, if both sides deemed this useful.

The settlement of the present conflict between India and Pakistan is an urgent matter. An understanding of this has been reflected in particular in the unanimously adopted resolutions of the Security Council on September 4 and 6.

The restraint and goodwill of both sides will undoubtedly create an opportunity to prevent the dangerous development of events and to find a peaceful solution of the conflict. Hope is expressed in the Soviet Union that the leaders of India and Pakistan will heed the voice of friends of the Indian and Pakistani peoples. The Soviet Government also hopes that the wisdom of the statesmen in India and Pakistan in the understanding and appraisal of the situation will triumph and that peace between the two neighbouring countries will be restored.

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2195. Letter from the British High Commissioner in New Delhi to the British Commonwealth Relations Office.

New Delhi, September 7, 1965.

REF: DO 196/384 7 September, 1965

The Rt. Hon. Arthur Bottomley, OBE, MP.,
Secretary of State for Commonwealth Relations
London, S.W.1

Dear Arthur,

On the evening of 5 September I was asked to pay a private social visit to the house of L.K. Jha the head of the Prime Minister’s Secretariat. He is a fairly intimate friend but I had not in fact seen him except in purely formal circumstances for some weeks. I arrived at about 9.50 p.m. and talked with him alone till about 12.20 a.m. Naturally, the conversation turned on the subject of Kashmir and it seems to me of sufficient interest to be worth reporting to you fully. I should add that at that time I had no knowledge that Indian troops were going to move across the International frontier in a few hours time. I am still in some doubt whether Jha knew about it or not. It seems likely that he did and that some of his observations which have been overtaken by events, or are incongruous in the light of events, were deliberately fudged in the interests of security. But there are some indications that he may not at that stage have been aware of the timing of the military operation. In that case what appear now to be inconsistencies in his story were valid at the time he talked. Either way I am sure he spoke as frankly as it is possible for a very senior official to speak to a diplomat; and I have decided to report his observations in the form in which he made them, not trying to rationalize them by hindsight, even though some of them are now out of date in detail. I believe you will agree they are an important insight on top-level Indian thinking.

2. We first spoke about Mr. Shastri. Harking back to our common experiences in the Kutch negotiations, Jha told me that Shastri is now totally in control. He has the whole Cabinet behind him; India’s present tough line is his line and he is playing the situation his own way.

3. Jha went on to say that Shastri saw the following points as the minimum prerequisite of any limitation of India’s freedom of military action:

(a) Recognition that the present crisis had arisen because armed infiltrators under control of the Government of Pakistan carried out an unprovoked invasion of Indian Kashmir.
(b) Complete withdrawal of infiltrators before any question arose of the withdrawal of Indian troops from across the cease-fire line.

(c) If any future settlement of the present crisis were based on a cease-fire line, the line must be either tactically defensible, or in some way guaranteed, against further intrusions.

N.B. There was conspicuous vagueness about the practicalities of (b) and (c) above. Jha thought that the Indian Government might not quibble about whether the last single infiltrator had been withdrawn, if Pakistan acknowledged responsibility and manifestly withdrew all the infiltrators she could control. He believed that in the long run (c) might prove the more difficult point.

4. In the light of this the Secretary-General’s message was not held to be particularly helpful, though Indians recognized his difficulties and good intentions. Our Prime Minister’s message to Mr. Shastri of 2 September was considered unhelpful and was badly received by Shastri. This, it is said, was because it was not based on a recognition of the circumstances which had led up to the present situation and did not consider in practical terms how they might be dealt with. The message, I am told, was not seriously considered and, insofar as it was considered at all, it aroused the resentment of a section of the Cabinet whose spokesman, unexpectedly, was T.T.K. (TT Krishnamachari). Further representations from us, I was told, would be unhelpful if they were addressed in identical terms of both India and Pakistan and if they were not based on a full recognition of the contents of the Nimmo report. Jha illustrated the point to me by hypothesizing that the Prime Minister had written a really personal letter to Mr. Shastri. He might have said: “We recognize how gravely you have been wronged: the important thing now is to use extreme patience and care in redressing the situation etc. etc.” And he might have written another letter to President Ayub saying: ‘We understand your political grievance about Kashmir, but force of arms is an inadmissible method of putting it right.’ In Jha’s view what he called ‘non-neutral but still non-aligned’ individual approaches might have been more successful. The Americans and Russians provoked slightly less irritation than we did because it is alleged that they both indicated a recognition of Pakistan’s responsibility. But nothing worthwhile had come from these approaches either, and Jha was particularly scornful of the American Ambassador’s interview with Mr. Shastri on 4 September which was confined, he alleged, to pious exhortations to be nice to everyone.

5. Jha believed that there was very little chance of avoiding war. Though he recognizes better than anyone the appalling cost, even he seemed to be reconciled to its inevitability. He claimed that the Indian Cabinet appreciated the consequences at least in theory, but believed they would prevent a decisive Pakistan victory until attrition had neutralized the tanks and aircraft, when India
would win an infantry war. They knew that all military aid would be cut off from both sides and they were aware of the possibility of economic sanctions. They were most reluctant to spread the war outside Kashmir, but would feel compelled to do so if Akhnur or Jammu were seriously threatened. In that case the supply line to Kashmir would be imperiled and the Indian army in Ladakh, to say nothing of the divisions in Kashmir proper, would be cut off and at the mercy of the Pakistanis and the Chinese jointly or severally. This was a major strategic disaster which India had to avoid at absolutely all costs. Jha left me in no doubt that if the counter-offensive started it would be against West Pakistan. He recognized that the Pakistanis might deliberately induce communal trouble in the east, but he thought they might have their own reasons for not doing this. The communal situation in East Bengal had considerably improved in recent months. In general the Indian government appreciation is that communal trouble can be contained; they were very worried about the Sikhs, but were hopeful that Mr. Nanda’s (Home Minister) statement due to be made the following day, 6 September, would take the heat out of this situation.

6. As far as Jha knew, the closing of the southern end of the Uri salient was the last tactical objective General Chaudhuri (Chief of Staff of the Indian Army) had set himself in Kashmir, though of course he remained free to respond to Pakistan, if Pakistani moves dictated further tactical requirements. The occupation of Muzaffarabad was not as yet part of the plan.

7. Jha said that Mr. Shastri had for some time envisaged his own solution of the Kashmir problem. It amounted to a rationalization of the cease-fire line. It would give India a little more room in the north e.g. round Kargil; it would straighten the line from Uri to Poonch; it would contemplate equivalent concessions of tactical convenience for Pakistan and the cession to Pakistan of a ‘respectable area of territory’ towards the southern end of the cease-fire line. The details of this last Jha did not specify. However, no discussions of any ‘solution’ of the Kashmir problem could be contemplated in the foreseeable future.

8. The implementation of Article 356 and 357 of the Constitution to Kashmir was seen by Mr. Shastri at the time as an internal matter to improve the Government of Kashmir; it was not related in his mind to his dialogue with President Ayub. Jha admitted that it probably was so related in Mr. Nanda’s mind. When it was conveyed to Shastri during the Kutch negotiations that this provocative action had seemed to Ayub the last straw, he sent, according to Jha, a secret personal message to Ayub through a trusted intermediary. Its essence was that Shastri was still ready to negotiate on Kashmir after he had faced his elections, and incidentally after the retirement of Aziz Ahmed, which would make the atmosphere easier. The Constitutional provisions would not
be allowed to stand in the way of anything they agreed. Any cession to Pakistan of territory in Kashmir would in any case involve a major political crisis in India, and Shastri was prepared to face this in the context of a Constitutional amendment, as would be the case with other frontier adjustments. This message was conveyed on or about 27 June, 1965.

9. Shastri's present tough attitude was, in Jha's opinion, based on a number of factors including the following:

(a) He has observed other powers, including Pakistan, at work in the international field and has come to the conclusion that he is more likely to make an impression by toughness than by good behaviour.

(b) The neutral attitude taken by India's friends on the Kashmir question, including lately even the Russians, has persuaded Shastri that they have no advice to offer which could conceivably lead to a solution satisfactory to India. Moreover they ignored the opportunity to halt the present escalation at the beginning, when India reported the invasion of the infiltrators.

(c) Ayub's alleged deception during the Kutch negotiations. Mr. Shastri believed in the early stages that the negotiations were in good faith, partly because the incident was so trivial and irrelevant, and partly because he had trustworthy intelligence information that Ayub had been misled by Bhutto as to the circumstances in which the Kutch affair started. He believed that as these became clear the Pakistanis would prove reasonable. His suspicions were aroused by the Vigokot patrol claim, which the Indians believed to be totally and deliberately untrue. Now it had become apparent that, while Ayub was actually negotiating to reduce tension, and persuading us to help him to that objective, the Pakistanis were in process of planning the infiltration of Kashmir. Mr. Shastri thus had no further trust at all in Pakistan good faith. Jha added that an invasion of West Pakistan, which was originally intended as a fairly small-scale, retaliatory operation was ready to be launched if the Kutch agreement had not been signed when it was. 'D' day for the operation was 3 July. In other words, Shastri gave the Pakistanis one week after agreement was reached in London to sign the document.

11. I have not extended this already overlong letter by reporting my part in the conversation. In fact, being unaware that major hostilities were just about to break out, I deployed to Jha all the arguments I had used to Mr. Shastri in delivering Mr. Wilson's message, in some cases with considerably more frankness. Most of Jha's views quoted above were elicited in answer to either questions or observations from me.
12. I hope I am right in believing that they are worth reporting even though the circumstances have considerably changed. I propose to make one comment only, and that concerning the role that we can now play. As you are aware, I believe that generalized messages from us to the GOI are at this stage useless in influencing Indian attitudes. (See paragraph 4 above.) I fully recognize that they may, none the less, be necessary for the sake of establishing publicly and incontrovertibly our own position. Thus our Prime Minister’s two messages of 6 September were appropriate in that context; but the principal one, appealing to both sides to stop fighting, will not have made any significant impact on Mr. Shastri. I believe that communications containing some element of threat or sanction (e.g., the second of the messages of 6 September, calling on the Indians to account for British aided arms) may have some effect in the long run – even though their political side-effects may be damaging. Similarly, I believe that injunctions from the Security Council, the General Assembly or the Commonwealth as a whole cannot easily be ignored even in the present reckless mood of the Indian Cabinet. I should like you to be in no doubt, however, that I am not recommending an attitude of complacency or acquiescence, but merely that we should save our shot until we have a clear target. There may come a moment when some real opportunity arises for a friendly power to step in and point the practical way to an honourable solution. If that happened, we should still be better placed than any other power to take the initiative. I am anxious that we should not dissipate our influence by spending it too prodigally too early.

13. I have addressed this letter to you personally, since it has been necessary to raise a query about ministerial instructions. I enclose a copy for the office, a copy which could perhaps be passed to Morrice James (with whom we have no bag contact at present) and an extra copy for Number 10, if you think the Prime Minister would wish to see it.

Yours ever,

(John Freeman)
2196.  
SECRET  
Record of a meeting between the British Foreign Secretary and U. S. Under Secretary of State George Ball at the British Foreign Office on Kashmir.  

W /104/G September 8, 1965.

11.30 A.M. ON WEDNESDAY, 8 SEPTEMBER, 1965

PRESENT:

THE RIGHT HON.
MICHAEL STEWART, M.P.          THE HON.GEORGE BALL
MR. CLEWDYN HUGHES, M.P.         THE HON.D.K.E. BRUCE
SIR BERNARD BURROWS              MR. A IRVING
LORD HOOD                       MR. G. SPRINGSTEIN
SIR NEIL PRITCHARD
MR. J.O. RENNIE
MR. E.H. PECK
MR. D.A. GREENHILL
AND ADVISERS.

INDIA-PAKISTAN

Mr. Hughes said we had been hoping that India was pursuing limited objectives and that the attack in the Punjab had been necessary to relieve the pressure in Kashmir. But the latest news of Indian bombing of Pakistan cities and of the opening by India of a new front in Rajasthan indicated that the Indians had wider objectives. We were inclined to interpret the latest moves as an indication that Mr. Chavan and the military, rather than Mr. Shastri, were dictating policy. We could be sure that President Ayub was a very worried man. It might be possible to persuade him to adopt a reasonable attitude if Indian actions were limited in scope; but the extension of hostilities by India strengthened Mr. Bhutto's hand and limit the chances of other advice getting through to President Ayub. Present Indian policy in fact made U Thant's chances of achieving a cease-fire less than when his departure for the sub-continent was decided on. Mr. Hughes said that Her Majesty's Government had decided to send no more military aid to India. As regards a Commonwealth initiative, we were holding
our hand and giving U Thant full support. We would have to see in the light of
the outcome of his efforts what scope there might be for Commonwealth action.

2. Mr. Ball said that the United States had stopped shipment of arms to the
two sides. It had been made clear to President Ayub that it was difficult for the
United States to continue military and if Pakistan took aggressive action, and a
general indication on the same lines had been given to India. There had been
no public announcement about this but Mr. Rusk might make one that afternoon.
As far as economic aids was concerned Mr. Ball said that the United States
had made no firm commitments to either country for the next financial year and
had full freedom of decision. They were prepared to use the influence this
gave them in support of U Thant when the time came. But the situation could
be complicated by possible Congressional initiatives which it might be difficult
to control.

3. Mr. Ball asked whether Mr. Stewart thought the Russians could play a
useful role. Mr. Stewart said that Sir Geoffrey Harrison would be making an
introductory call on Mr. Kosygin in the next few days and we were considering
his making a tentative sounding of the Soviet attitude. Mr. Ball said this would
certainly be useful. The Soviet Union had an interest in preventing the situation
from getting out of hand and possibly being exploited by the Chinese.

4. Mr. Hughes pointed out that the stopping of United States military supplies
to Pakistan could not fail to make a powerful impact. The Pakistanis had supplies
for only three weeks’ fighting. The Indians had ordnance factories and could
go on longer. If the war continued for three weeks for Indians would presumably
win. But if the Pakistanis won a big battle now on the plain of Punjab, this could
change the situation and lead the Indians to agree to a cease-fire. Mr. Ball said
that the United States would have to watch the situation more or less day by
day. Their dilemma was that they could, either by action or inaction, help one
side against the other.

5. Mr. Hughes said that Pakistan had made no official approach to us about
our obligations in CENTO or SEATO. Mr. Bhutto had said they would but
President Ayub had said nothing to Sir Morrice James at their last meeting. Mr.
Stewart said that we had always held that the CENTO treaty did not apply to
Commonwealth countries. Mr. Ball said that the United States had also made
it clear that they had no commitment to interfere between India and Pakistan.

6. Mr. Stewart said U Thant had told him that morning that he was planning
to suggest a time and date for a cease-fire. He had not thought about what
would follow if he failed to get agreement.

7. Mr. Ball asked whether we expected communal fighting. Mr. Hughes
said that it depended on developments in the military situation. The key was
East Pakistan. If there was much bombing there or the Indians attacked communal trouble might well break out.

8. Mr. Ball asked whether there would be a Commonwealth initiative if U Thant had no success. Mr. Hughes said that the Prime Minister had suggested a joint Commonwealth appeal to India and Pakistan. This was meeting with general approval and we were drafting an appropriate message. Individual Commonwealth Governments were of course sending messages. Mr. Pearson, who had offered to mediate, was giving full support to U Thant. We had suggested to Sir Abubakar, who was keen on a Commonwealth initiative, that he too should hold his hand. We would now wait to see how things developed. Mr. Stewart pointed out that if U Thant failed, we would have to consider what line to take in the United Nations. We were considering the possibility of a resolution to bring the problem within the scope of Chapter VII of the Charter. A decision partly depended on what we learned about the Soviet attitude.

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2197. Telegram from the British Foreign Office to the British Ambassador in Moscow to sound the Soviet authorities regarding their attitude on the possible Chinese intervention in Kashmir.


No. 2833 8 September, 1965

IMMEDIATE

Addressed: to Moscow


I discussed Kashmir with Mr. Ball the American Under Secretary this morning. He agreed with my suggestion that it would be useful for you to exchange views with the Russians. I should like you to do this with Mr. Kosygin when you make your introductory call. If however you have still not seen Mr. Kosygin by the beginning of next week please ask of see Mr. Gromyko not later than 14 September.

2. Unless you see objection I should like you to speak on the following lines:
The Soviet attitude in the Security Council and their public statements suggest that we have a strong common interest in this matter and indeed look at the dangers in very much the same way. For the moment Her Majesty’s Government think the right thing to do is to give full support to the Secretary General in his present mission to seek a cease-fire. If unhappily he should fail we have it very much in mind to attempt some Commonwealth initiative and the Prime Minister is in constant contact with the Commonwealth leaders. Have the Russians any action in view and are there ways in which we can work together to avert what we both recognize as a great danger?

3. If the atmosphere is right you should go on to say that in the event of no response by the combatants to the Security Council resolutions further discussion will have to take place in the Council. What do the Russians think ought to be done? It would seem to you personally speaking hard to avoid the conclusion that in that case a Chapter VII situation had arisen. If on the other hand the Secretary General is successful in securing a cease-fire have the Russians any ideas on how a long-term solution should be sought?

4. If the Russians raise the question of the supply of arms you should say that they will have seen that the Americans have made an announcement and we ourselves are stopping supplies, although the quantities going from this country are small. You should attempt to probe the Russian attitude on their supplies.

5. I do not expect the Soviet leaders will be ready to say anything about China, but you should do your best to find out what they think of Chinese intentions.

6. Her Majesty’s Embassy Washington please inform State Department.

7. My immediately following telegram gives background (to Moscow only).

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Telegram from the British High Commissioner in Rawalpindi to the Commonwealth Relations Office.

Rawalpindi, September 8, 1965.

Sir M. James

No. WL 134 7 September, 1965

IMMEDIATE

Addressed to: C.R.O.


From: High Commissioner in Rawalpindi.

President Ayub received me at 0500 hours G.M.T. today, 7 September, Mr. Bhutto was also present. I handed over Mr. Wilson's message. He expressed gratitude and promised an early reply.

2. President then reiterated Pakistan's position. He admitted Pakistanis 'had not been angels.' But for years they had suffered Indian oppression and excesses. Now they were victims of Indian aggression (which was being accompanied by many inhuman acts). This aggression had been undertaken by India in blatant violation of her solemn pledges. Moreover it had been made possible, and encouraged by Anglo/American supply of arms to India. Outcome was what Pakistanis had always feared. There had already been large-scale Indian attacks by land and air and more were threatened. In these circumstances it was not possible for Pakistan to do anything which increased the hazards to her territory. He repeated several times that Pakistan wanted a cease-fire. But it must be 'a purposeful cease-fire'. Such an agreement could cover withdrawal of all Indian and Pakistani troops from whole of Kashmir, followed by establishment of an international force in that State, this would create conditions for a settlement of Kashmir dispute devised by some third party. Unless there was 'a purposeful cease-fire' the result would merely by yet more years of talking. American Government had it in their power to stop Indian actions, and were committed to help defend Pakistan against aggression. Pakistan had asked them to do this in accordance with their bilateral obligations to Pakistan.

3. I then recalled to President Ayub his own decisive contribution to settlement on Rann of Kutch dispute when on 30 April he had unilaterally ordered his troops to refrain from taking any action which would aggravate situation further. This had been followed by similar action on Mr. Shastri's part. Subsequently two-month-long discussions had been possible in a temperature
reduced by absence of actual shooting. In this way Indian and Pakistani conditions which had originally been quite incompatible were finally brought together in an agreed document. This had only been possible because restraint on both sides had created the opportunity for negotiations.

4. Bhutto interrupted to say that situation then was quite different from situation now. President concurred. Now (he added) Pakistan territory had been violated, and national honour was to stake. No nation could allow its territory to be violated with impunity. If only India showed ‘some decency’ and ‘some sense’ present futile conflict could be ended. He had never wanted an all-out war with India and confirmed (in reply to a specific question from me) that he still did not want one.

5. I then appealed again for a positive reply to paragraph 4 of Mr. Wilson’s message. Speaking personally and as an old friend of Pakistan’s I then made point that Pakistan had her own share of responsibility to bear for the present situation, and spoke as in paragraph 2 of my WL 128. President took this in without showing any resentment, and made no (repeat no) serious attempt to rebut points I made. He then repeated his intention to reply promptly to Prime Minister. Bhutto said Pakistan position was that they could only agree to stop fighting if ‘the heart of the matter were broached’. I replied by reading paragraph of Lord Caradon’s speech beginning with the words ‘We have always believed that the Kashmir problem…..’ I underlined the point that force would not solve the Kashmir dispute; only peaceful negotiations could do that.

6. At no (repeat no) point did President request British assistance under terms of CENTO or SEATO.

7. We then had brief discussion on movement away from threatened area of British civilians (see my immediately following telegram).
2199. Telegram from British High Commissioner in Rawalpindi to Commonwealth Relations Office

Sir M. James

No.WL160 September 10, 1965

IMMEDIATE


My telegram No. WL 154, Paragraph 5: American/Pakistan Relations.

McConaughy told me today, 10 September, of his talk yesterday with Mr. Bhutto. Following are main points:

(i) Bhutto took United States decision to suspend arms’ shipments to both countries very badly indeed. He said this would be only a pin-prick to Indians; but fatal blow (indeed a stab in back) to Pakistanis;

(ii) Bhutto added that Americans were mistaken if they thought they would be strengthening hands of United Nations by doing this, it would only drive Pakistanis to take more desperate risks. They would fight with their hands if necessary;

(iii) Bhutto begged Americans to reconsider decision, or at least sell arms to Pakistan. If it were only a matter of Congress appropriation there should be no objection to commercial sale. McConaughy answered this by saying it was not so much a question of money as that United States Government were determined not to add fuel to fire;

(iv) Bhutto appealed to McConaughy to get United States Government to redress balance by stopping economic aid and PL. 480 to India;

(v) McConaughy put it to Bhutto that Pakistan could not lose by accepting United Nations proposals. If Indians also accepted, well and good. If Indians did not accept, a new situation would be created; Bhutto should not assume that would be end of United States measures against India. To this Bhutto replied that even if India did accept United Nations proposals Pakistan could not accept them as they stood. How could Pakistan Government tell their people, after all their sacrifices in Kashmir that they were to go back to where they were? McConaughy answered that it was politically inconceivable for any Indian Government to accept Pakistan proposals. If both sides accepted United Nations proposals it would not just be a return to old situation; Pakistan would have to take it on faith that there would be new impetus towards negotiated settlement;
(vi) Bhutto conceded some Pakistan encouragement for Kashmir – Mujahid operation but sought to justify it has basically ethnic Kashmiri revolt against Indian attempt at brutal obliteration of separate Kashmir identity.

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2200. The Gazette of India Extraordinary

PART I
SECTION 1

New Delhi
September 10, 1965/Bhadra 19, 1987

Ministry of Commerce
Notification

New Delhi
10th September, 1965

No. 12/2/65-E.Pty.

In exercise of the powers conferred by sub-rule (1) of Rule 133-V of the Defence of India Rules, 1962, the Central Government hereby orders that all immoveable property in India, belonging to or held by or managed on behalf of all Pakistan nationals, shall vest in the Custodian of Enemy Property for India with immediate effect.

2. Nothing in this notification shall apply to any such property, belonging to or held by or managed on behalf of such of the Pakistan nationals as are employed in the different Missions of the Government of Pakistan in India.

The Gazette of India Extraordinary

PART I
SECTION 1

New Delhi
September 11, 1965/Bhadra 20, 1987

Ministry of Commerce
Notification

New Delhi, 11th September, 1965
No. 12/2/65-E.Pty.-In exercise of the powers conferred by sub-rule (1) of Rule 133-V of the Defence of India Rules, 1962, the Central Government hereby orders that the properties in India, detailed in the Schedule annexed hereto, belonging to or held by or managed on behalf of all Pakistan nationals, shall vest in the Custodian of Enemy Property for India with immediate effect.

2. Nothing in this notification shall apply to any such property in India belonging to or held by or managed on behalf of such of the Pakistan nationals as are employed in the different Missions of the Government of Pakistan in India.

THE SCHEDULE

1. All Lockers and safe deposits in the Vaults of :-
   (a) Commercial Banks;
   (b) Exchange Banks;
   (c) Any body or person doing banking business; and
   (d) Any other body or person renting out lockers

2. All negotiable instruments such as promissory notes, shares debentures and other Government securities.

3. All vessels and vehicles, including automobiles and aircraft.

Sd/- B. D. Jayal
Jt. Secy

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2201. Telegram from British High Commissioner in Rawalpindi to Commonwealth Relations Office.

Rawalpindi, September 11, 1965.

Sir M. James

No. WL 166 September 11, 1965.

EMERGENCY

Repeated: for information : New Delhi, U.K. Mis New York, Washington, Karachi,

From: High Commissioner in Rawalpindi.

Indo-Pakistan Relations

Today, 11 September, I asked Bhutto to see me and have just had long talk with him.

2. Bhutto said:

(a) Pakistanis had fully explained their position to U Thant (on lines already known to you from President Ayub’s message in my telegram WL 141). Security Council Resolutions of 4 and 6 September favoured India since requiring return to status quo ante 5 August without providing for any subsequent settlement of Kashmir dispute. Ineffectiveness of United Nations for this purpose had repeatedly been demonstrated over last 18 years, and never more so than at last year’s Security Council discussion on Kashmir. U Thant, himself, had put matter in nutshell by saying that so far as United Nations was concerned Kashmir issued had been ‘almost dead’:

(b) On situation generally, Bhutto said that Pakistan would decide her future relations with all countries by how they behaved in her present hour of need. United States Government had not only failed to honour their treaty obligations, but by cutting off arms aid to both countries had dealt a heavy blow at Pakistan’s capacity to resist Indian aggression. They had done this regardless of Pakistani loyalty to the American alliance over the years, and of Pakistan’s continued membership in CENTO and SEATO despite the penalties which this entailed for her. Under American alliance all arms procurement had been geared to United States sources. Whereas India had access to supplies from many countries, and was in any case a much larger producer of arms;
(c) Under United Nations Charter, Pakistan had inherent right to defend herself against aggression, and would now be appealing for support to all peace-loving nations.

3. I said that:

(a) America’s intentions, like those of Britain and other Security Council Members, were to do everything in our power to get both India and Pakistan to stop fighting. I recalled McConaughy’s statements to Bhutto (see my telegram WL 154) that American bilateral responsibilities to Pakistan went beyond appeal to United Nations, if that should not work, and that subsequent American actions would depend in first instance on response of both countries to United Nations efforts (Bhutto conceded that both these points had been made).

(b) Pakistani terms for a cease-fire would certainly be unacceptable to India, and there could be no question of India being compelled to accept them by force, which if persisted in would only bring about general disaster. First and crucial need was to get from the battlefield to the conference table, or in the other words, to get a negotiation started. But no negotiation could begin if Pakistan insisted in advance that it must conclude by meeting every one of Pakistan’s own objectives. There had to be give and take.

4. Bhutto said reasonableness or otherwise of Pakistan’s terms for a cease-fire would doubtless be judged differently according to developments in the fighting. If Pakistanis scored military success their terms would at once be regarded everywhere as more reasonable. The converse was also true.

5. I said the Indo-Pakistan war so far was developing as I had expected, namely, towards rapid exhaustion on both sides of military supplies with economic and social disaster, great communal bitterness, the only certain outcome, and no hope of victory in any real sense for either party. Unless the fighting stopped there would soon be no chance left of a tolerable outcome for either.

6. Bhutto then said that he would like to discuss whole matter with [gap. omitted— Ayub?] again soon, possibly this evening. As we parted he said some warm personal words about high value which Pakistanis place on my presence here, and on contribution being made by this mission which Bhutto said he rated above any other.

7. Foregoing conversation in my view shows that paragraph 4 of Mr. Wilson’s message of 6 September; his talk with Hilaly on 7, and my own representations to Ayub (see my telegram WL 134) are producing some effect here. I am pretty
sure Pakistanis are looking to us again to assume mediatory role between
them and India, this time over Kashmir and indeed it may be that they have
had precisely this at the back of their minds for some time. This would account
for their not having sought to embarrass us by involving British assistance
under CENTO and SEATO. Another pointer is that so far Pakistanis have
allowed me to maintain my one vital teleprinter link from here to Peshawar
which it is within their power to sever at any time. McConaughy’s similar link
from here to Karachi has been cut.

8. Am sending foregoing Emergency in hope that it will arrive in time for
Cabinet consultations which I understand are being held over week-end.

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2202. Brief prepared by the British Commonwealth Relations
Office for the Secretary of State for the Cabinet meeting
on Kashmir.


Ref. Do 196/388

September 12, 1965.

Brief for Secretary of State Cabinet Meeting on Sunday, 12 September

The Secretary of State may like to make the following points on the hostilities
between India and Pakistan.

(a) Origins of Fighting

The Kashmir dispute has continued unabated since 1947. In 1962-1963 there was
some hope of progress in the direct talks between India and Pakistan after the
Chinese attack on India. These were frustrated largely by Pakistan’s own actions
in trying to use China as a means of putting pressure on India.

The situation improved again with Sheikh Abdullah’s release in early 1964.

After Nehru’s death, the Pakistanis were prepared to give Mr. Shastri some
breathing space, but they soon became convinced that Mr. Shastri was not in a
position to have any useful negotiations with them. During the last year the
position on both sides was therefore hardened. The Pakistanis became
convinced the only way of getting the Indians to negotiate was to put all means
of pressure on them. For this reason, they have objected violently to arms aid to
India on the grounds that if the Indians were militarily strong they would never
negotiate on Kashmir.
Earlier this year the Pakistanis took reckless military action in the Rann of Kutch and the peace was kept with great difficulty. In August, they put into effect a plan for infiltrating armed men across the cease fire line.

At first we hoped that the Indians would deal with the infiltrators and that the situation would not deteriorate. At this stage we were preoccupied more with Pakistan/America relations following Pakistan’s reaction to the postponement of the aid consortium.

In fact, however, the Indians crossed the cease fire line in order to cut off the access route of the infiltrators. This led to a Pakistan action across the cease fire line in a far more sensitive strategic area. The Indians were unable to halt the thrust which threatened Indian communications. The Indians therefore attacked towards Lahore.

(b) Objectives of Both Sides.

The Indians will claim that their objective is to remove the military threat to Kashmir. They have made it plain, however, that they will not agree to a cease fire without a return to the previous cease fire line and frontiers and without a guarantee from Pakistan that it will not use military force against the cease fire line. This would mean in effect an acceptance by Pakistan that the cease fire line is permanent and unchangeable; they will be giving up their claim for a settlement of the Kashmir problem. The Pakistanis said that they will not stop fighting unless it is agreed that there are negotiations for a final settlement of the Kashmir problem. The line taken by both sides will, of course, depend very much on military developments.

(c) British Position

We have always tried to find a settlement of the differences between India and Pakistan. Any contribution we could make has always been dependent on our retaining some influence with both sides. There is no need to go into the long history of our attitude towards the Kashmir problem, but we have never been able to accept the Indian case that the future of Kashmir was irrevocably settled by the accession of the Maharajah, and that the United Nations resolutions of 1948 are no longer applicable. The Indians have regarded our attitude as hostile to their case. The Pakistanis have also been dissatisfied that we have been unable to give stronger support to their claim for an early plebiscite, and they have also regarded our arms aid to India as hostile to their interests.

Our aim since the infiltration over the cease fire line in early August is to persuade both sides to show restraint and co-operate with the United Nations Observer Force and the United Nations. On 6 September the Prime Minister sent a strong message to both Mr. Shastri and President Ayub to support the
United Nations resolution of 4th September, and deploring the resumption of fighting as a result of the Indian attack across the Punjab frontier. Our view has been that this attack created a new situation which was full of danger to the subcontinent, and the Indians resented a specific reference to this attack in the public statement which we made. Our statement has been balanced by a statement of 4 September by our representative in the United Nations showing our disapproval of the infiltrations across the cease fire line from Pakistan.

We have suspended all shipments of military aid and all military stores under our control from the United Kingdom. Our military aid goes to India and not to Pakistan, but military purchases are probably of more importance to Pakistan than to India. The United States has taken similar action which bites far more on Pakistan than it does on India, and the Canadians have also suspended their military shipments.

(d) Military Developments

The military situation remains obscure; there is no clear indication of advantage to either side, but it would seem that Indian thrusts have made little progress. On the other hand our expectation must be that India in a very short time will begin to hamper the Pakistanis and obtain the upper hand as a result of their greater numbers and military resources. There is a possibility that in time the fighting will deteriorate into a generalized slogging match which will involve the civilian population. If this happens casualties will be on a vast scale.

It is possible that failure to achieve any immediate military advantages might in due course make both sides more agreeable to a cease fire.

(e) U Thant’s Mission

U Thant is in India and Pakistan for a few days to investigate the possibilities of arranging a cease fire. He intends to return to New York to report to the Security Council next week. The chances of a cease fire being agreed in such a short period seem remote, but there may just be a possibility, however, if sufficient pressure can be put on both sides, to their agreeing that the fighting should stop.

We are analyzing carefully what pressures are possible. Certain economic sanctions would be effective, but over a long period. If concerted international pressure on the combatants could be arranged the fighting could be brought to a halt in the long run. However, we have to weigh very carefully the danger all this will do to our future relations with both countries as against the damage which will inevitably be done by a continuance of the fighting.

(f) Commonwealth Action
The Prime Minister has been in touch with his Commonwealth colleagues some of whom (Sir Abubakar, President Nkrumah and President Kaunda) are suggesting that the Commonwealth Peace Mission of Vietnam should intervene in India and Pakistan. The Prime Minister has made it plain that we must at this stage put all our weight behind U Thant’s mission. He is, however, consulting with his colleagues to see whether the idea of using the Commonwealth Peace Mission if U Thant’s fails commends itself generally. The Prime Minister has let it be known that he would not wish his own position to be a material factor in the composition of any mission which goes to India and Pakistan.

(C.S. Pickard)
11 September 1965

2203. Letter from Foreign Minister of Pakistan Z.A. Bhutto to African Foreign Minister(s).
Rawalpindi, September 13, 1965.

Your Excellency,

On the 6th September, India launched a naked and unprovoked and treacherous aggression against Pakistan; on that day the Indian military machines which India had built up with massive military assistance from the U.S. and certain other countries by shamelessly contra-banding the non-existent Chinese threat was unleashed and the Indian armed forces suddenly invaded Pakistan territory - the three pronged attack against Lahore the second largest city in Pakistan and our country’s nerve centre. India has sought to explain away her criminal and perfidious act by blaming Pakistan for the revolt in Indian occupied Kashmir. The fact is that the people of Kashmir have suffered Indian suppression and oppression for 18 long years. For 18 years India resorted first to evasive tactics and more recently to blank refusal to honour her own solemn international commitments to the people of Kashmir; Pakistan and the world movements permitted to the people of the State of Jammu & Kashmir to exercise their rights of self determination. India failed to implement the U.N. resolutions which she had accepted to hold a plebiscite in the State. As the Kashmiri people grew restless India increased the violence of her tyranny and in desperation in August on the 12th anniversary of the first incarceration of their leader Sheikh Mohammad Abdullah the Kashmiri people raised the banner of freedom and rebelled against Indian colonialism. The Indian allegation that the freedom
fighters in Kashmir were infiltrators was nothing more than a contemptible cloak to delude the world. It was an insult to the brave people of Kashmir. We have already declared that the freedom fighters are the sons of the soil of Kashmir. Freedom loving people all over the world have extended their sympathies to the freedom fighters. The people of Pakistan naturally supported their Muslim brethren in Kashmir who are fighting for their emancipation from imperialist yoke. The revolt in Kashmir was used by India as a pretext to implement her declared scheme to occupy also the liberated part of the State known as Azad Kashmir. India had in fact started unfolding her schemes before the revolt began in Indian occupied Kashmir; as far back as 15th May, long before the so-called Pakistani infiltration. India crossed the cease-fire line and occupied three Pakistani posts in the Kargil sector on the Pakistan side on the line; compelled to vacate these posts under U.N. pressure but this time the Indians again crossed the cease-fire line on August 15 and reoccupied these posts. This was done within hours of a public threat by the Indian Prime Minister that India would carry the fight to Azad Kashmir. The Indian Defence Minister also stated in the Indian Lok Sabha that India had crossed the ceasefire line in the past and would do so again. On August 23, a village – Awan Sharir – one mile inside Pakistan territory was shelled by Indian forces. On August 24, Indian forces again crossed the ceasefire line in the Tithwal sector and seized two Azad Kashmir posts; a few days later they struck across the line in the Uri-Poonch sector and by the end of August seized a number of Pakistan posts there. That the Pakistani posts had been seized in order to seal the routes of access by Pakistani infiltrators is real propaganda to put Pakistan off guard and delude the world. All reliable information available to us at the time indicated that India had a clear and presented intention to mount a big offensive to seize Azad Kashmir; in order to arrest all further aggression by the Indian forces which had reduced the ceasefire line to a nullity. The Azad Kashmir forces backed by the Pakistan Army crossed the ceasefire line for the first time since the ceasefire agreement was reached 17 years ago. They advanced into the Bhimber sector and seized Chhamb and Deva the same afternoon the………….…..our Air Force in that area. The conflict was thus escalated by India while Pakistan had refrained from having recourse to its Air Force even to save the Uri-Poonch sector from seizure by India; on the 6th September night while the Security Council had appealed to both India and Pakistan to ceasefire, Indian forces launched a three pronged armed attack against Lahore making good their leaders’ threat to invade Pakistan at a place and time of their own choosing. A war of aggression by India has thus been forced on Pakistan. The Indian attacks have been repulsed. However, heavy fighting continues against escalating this conflict still further. On September 6 night the I.A.F., bombed Rawalpindi as well as Chittagong and Karachi. We have not attacked New Delhi or any major Indian City. From the foregoing facts it is
evident where responsibility for present conflict lies. It is quite clear that there
will be no peace in the region as long as there is no peace in Jammu and
Kashmir and there will be no peace in the State until its people are allowed
freely to decide the question of their future in accordance with the pledge given
to them by the U.N. by India and by Pakistan. Pakistan welcomes the efforts of
the U.N. to restore peace to the area. We welcome the proposal for a ceasefire
in order to restore lasting peace and tranquility function in the State.

2. Within three months of the ceasefire a plebiscite should be conducted in
the State under U.N. auspices to ascertain the wishes of the people of Jammu
& Kashmir on the question of accession of their State to India or Pakistan. This
is the only way in which peace can permanently return to this land. There is no
other way. This in brief is our position. With the Indian armed forces attacking
the sacred territory of Pakistan our duty is clear. The people of your country
who were themselves victims of imperialist aggression and have fought against
tremendous odds will I am sure understand the resolve of our people to defend
our homeland in accordance with the charter of the U.N. Pakistan has invoked
the right of individual and collective self-defence. We have also requested the
Security Council to take action including enforcement action to suppress and
vacate Indian aggression against Pakistan and Jammu & Kashmir. While we
remain ready for a peaceful and honourable settlement based on the right of
self-determination of the people of Kashmir as pledged to them by India and
Pakistan, our immediate objective must be to throw the Indian aggression out
of our soil. In this duty we seek the moral and material assistance of all peace
loving people.

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Moscow, September 13, 1965.

The incoming reports show that the Indian-Pakistani armed conflict is gaining ground. Military actions, which were started in Kashmir, are spreading to new districts. More and more troops are put into action from both sides. Air raids are growing in intensity and they are made not only on points within the zones of hostilities but also on towns deep in the territory of both countries, their capitals included. Paratroopers are sent into the rear. Naval forces are also being involved in military operations.

The stepping up of military actions between India and Pakistan, coupled with the continued aggression of American imperialism in Vietnam, increase still more the danger to peace in South and Southeast Asia and the danger to universal peace. It is understandable therefore that the governments of many countries situated near the conflict area as well as in other continents, voice justified concern and urge both sides to call an immediate halt to hostilities and settle the conflict peacefully. The U.N. Secretary General is also making efforts in this direction to compliance with the Security Council decision. More and more insistent demands are made for prompt action to put an end to the bloodshed, stamp out the conflagration of war in that area of Asia, and restore peace which is so badly needed by the Indian and Pakistani peoples for their constructive labour.

There are, however, forces which seek to profit by the worsened Indian-Pakistani relations. By their incendiary statements they push them toward the further aggravation of the military conflict. But such a turn of events can only aggravate the situation and cause the present developments to escalate into an even bigger conflagration. If matters develop in this direction, many states might find themselves drawn into the conflict one by one. This is a dangerous prospect. As shown by historical experience, this may have the gravest consequences – not only for the people of the region where the conflict began, but also far beyond it.

This course of event is unquestionably not in the interest of the peoples of India and Pakistan and the peoples of all Asia. And however the causes behind the hostilities between India and Pakistan are appraised, one thing is clear; their further extension would benefit only the forces of imperialism and reaction, only those who would like to re-impose the yoke of colonialism and neocolonialism on the newly free peoples. Even now American imperialism is trying to exploit the military clashes between India and Pakistan to divert the people’s attention from the US aggression in Vietnam.
Tass is empowered to state that the Soviet Government, seriously concerned over the turn of events, again calls upon the Governments of India and Pakistan to be reasonable and take measures to stop the hostilities at once. Nobody will deny that when blood is shed, when towns and villages are destroyed, when war hysteria is generated, it is more difficult to seek a reasonable solution to the problems which exist between the two states. Extension of the conflict inevitably engenders new problems which may prove even more difficult of solution.

The Soviet Government expects that the Governments of India and Pakistan, guided by the interests of peace, will, following the immediate cessation of hostilities, withdraw their troops behind the ceasefire line established by the Agreement of 1949, return them to the territory where they were stationed before the start of military operations. There is no possibility for settling the conflict other than peaceful talks. As it has been indicated in the messages of the Chairman of the USSR Council of Ministers to the Prime Minister of India and the President of Pakistan, dated September 4, the Soviet Government is ready to offer its good services if, of course, both sides express a desire for this.

The settlement of the conflict is primarily the concern of India and Pakistan. But in the situation that is taking shape a great deal depends also on other states.

One should realize the extent of the danger with which these events are fraught, display restraint and feeling of responsibility. All states should exert efforts to end the conflict and the bloodshed. The whole world, all states should warn those who facilitate the fanning of the conflict by their incendiary statements and by their policy that they thereby assume grave responsibility for such a policy, for such actions. No government has any right to add fuel to the flames. One should stop the dangerous development of events. Peace on the borders between India and Pakistan must triumph.
KASHMIR 5165

2205. Reply by Prime Minister Lal Bahadur Shastri to the letter from UN Secretary General U Thant.

New Delhi, September 14, 1965.

Mr. Secretary-General,

I thank you for your letter of 12th September, 1965 and appreciate greatly the sincere concern which you have expressed about the likely repercussions of the existing situation on the welfare of the peoples of India and Pakistan. Even since India attained independence in 1947, we have concentrated attention on the economic development of our country with a view to eradicating poverty and providing a reasonable standard of living of our people. Such resources as we could mobilize have been devoted to this vital task. All these years, we have actively and purposefully pursued a policy of non-alignment and of peaceful co-existence. We have sought peace and friendship with our neighbours. Our faith in the forces of peace was so genuine and so strong that we did not pay the requisite attention building up adequately the defence forces of the country. It was only after the Chinese invasion on our northern borders in 1962 that we realized how essential it was for us to be prepared for defending our territorial integrity.

So far as Pakistan is concerned, our effort has always been to promote good neighbourly relations. There has not been even a single occasion, during the last 18 years, when India has deviated from the path of peace in her relationship with Pakistan, let alone thinking of any aggressive action. In fact, on more than one occasion, but I and my distinguished predecessor have offered to enter into a no-war pact with Pakistan so that there is no possibility of a clash of arms between the two countries.

The response from Pakistan has been disappointing in the extreme. Our proposal for a no-war pact has been repeatedly turned down. An atmosphere of conflict and tension has been continuously maintain through a variety of ways, including firing across the cease-fire line, repeated border incidents elsewhere and a campaign of hate against India through the controlled press and radio of Pakistan. Important men, occupying responsible positions in that country, have openly and repeatedly declared their intention to use force against India in achieving their objectives. Not content with that, the rulers of Pakistan have launched naked aggression against India three times since 1947, twice in our State of Jammu and Kashmir and once in our State of Gujarat.

Mr. Secretary-General, we fully understand the concern of the Security Council over the present situation and we greatly appreciate its efforts towards the restoration of peace. I cannot, however, help expressing here that if the same concern had been shown immediately when Pakistan launched a massive attack
on India on August 5, 1965, by sending thousands of armed infiltrators equipped with Pakistani arms and ammunition and officered by men of the regular forces of Pakistan, about which there is irrefutable evidence, for the purpose of capturing vital positions, such as airports, and police stations, cutting of lines of communication, destroying bridges, and other public property and creating disorder with a view to seizing power from the lawfully established Government in accordance with a predetermined plan of invasion, the situation would not have assumed its present serious proportions. I would not go further into this aspect of the matter but must add that having been attacked by Pakistan, we had to take action to defend ourselves. I must also stress, and I hope it will be appreciated, that at every stage whatever action our armed forces took was dictated solely by the requirements of self-defence to meet the aggression of Pakistan.

Whatever may be the context, Mr. Secretary-General, we greatly welcome your visit and we recognize the importance of your mission from the point of view of peace, not only in the Indian sub-continent, but, indeed, in the world as a whole. India has already believed in peace and her adherence to peaceful methods stands unshaken. In deference to the wishes of the Security Council and to the appeals which we have received from many friendly countries, we accept your proposal for an immediate cease-fire. We would, therefore, be prepared to order a cease-fire effective from 6.30 a.m. IST on Thursday, 16 September 1965, provided you confirm to me by 9 a.m. tomorrow that Pakistan is also agreeable to do so.

In your letter, it has been suggested that the Government of India and Pakistan should give the requisite order to their field commanders with a view to ensuring an effective cease-fire from the appointed time and date. This will, however, be effective only in respect of the armed forces in uniform engaged in the present combat. The problem of thousands of armed infiltrators who have crossed over into our State of Jammu and Kashmir, from Pakistan side, will, I am afraid, continue to remain on our hands. Armed as they are with dangerous weapons of destruction, such as machine guns and hand-grenades, they do even now, as I write this letter, make sudden depredations in an effort to damage vital installations and other property and harass the people of the State of Jammu and Kashmir. That this invasion by armed infiltrators in civilian disguise was conceived, planned and executed by Pakistan is now well-established. Your own report, Mr. Secretary-General, brings this out clearly. And yet, as we understand from you, Pakistan continues to disclaim all responsibility. We are not surprised at this denial, because even on an earlier occasion when Pakistan had committed aggression by adopting similar methods she had at first denied her complicity, although at a later date she had to admit her involvement. We must urge that Pakistan should be asked forthwith to withdraw these armed infiltrators. Until that is done, our security forces will have to deal with these raiders effectively.
Mr. Secretary-General, may I remind you that it was only the other day, in April this year, that Pakistan had launched an armed attack supported by tanks and other armour, in our State of Gujarat. Despite grave provocation, we had then acted with great self-restraint and had taken no counter-measures. Eventually, a cease-fire agreement was signed, in which among other things, both sides had expressed the solemn hope that the tension between the two countries would get reduced. Subsequent events have shown that Pakistan never meant what she had agreed to expressly and specifically in that cease-fire agreement. It has come to us as a great shock that even from the month of April, 1965, plans for invading India in another sector had been prepared and training was being imparted to the armed personnel for war-like operations on our territories. Within less than five weeks of the signing of the Indo-Pakistan Cease-fire Agreement relating to West Pakistan-Gujarat Border, Pakistan attacked India once again. In the light of our own experience during the last few months, we will have to insist that there must be no possibility of a recurrence of armed attacks on India, open or disguised. Let me make it perfectly clear, Mr. Secretary-General, that when consequent upon cease-fire becoming effective further details are considered, we shall not agree to any disposition which will leave the door open for further infiltrations or prevent us from dealing with the infiltrations that have taken place. I would also like to state categorically that no pressures or attacks will deflect us from our firm resolve to maintain the sovereignty and territorial integrity of our country, of which the State of Jammu and Kashmir is an integral part.

In conclusion, Mr. Secretary-General, I must point out that the menacing forces of aggression are unfortunately at large in Asia, endangering the peace of the world. If the Security Council does not identify the aggressor and equates it with the victims of aggression, the chances of peace will fade out. The situation which the Security Council is being called upon to handle has grave and vital implications in respect of peace and political stability in Asia. What is involved is the welfare of millions of human beings who have suffered for long and who are now entitled to relief and to a better standard of living. If the forces of aggression are not checked effectively, the world may find itself embroiled in conflict which may well annihilate mankind. We sincerely hope that the forces of peace will win and that humanity will go forward towards ever increasing progress and prosperity. It is in the spirit that we are agreeing to your proposal for a cease-fire.
2206. Telegram from British High Commissioner in Rawalpindi to the Commonwealth Relations Office.

Rawalpindi, September 16, 1965.

From: Rawalpindi
To: Commonwealth Relations Office

Sir M. James No. WL 196
16 September, 1965

PRIORITY

Addressed: to C.R.O. telegram No. WL 196 of 16 September
Repeated for information: New Delhi, Washington, UKMIs New York,

India/Pakistan War:

American Ambassador today 16 September showed me long telegram he has sent to Washington analyzing present position and recommending action which he thinks United States Government should now take. Following is substance of telegram.

2. Analysis of situation

(i) India is as responsible for present conflict as Pakistan, if not more responsible. Pakistan initiated sequence of events with infiltrations starting 5 August but all subsequent escalations except for Pakistan thrust in Chhamb sector were caused by India;

(ii) American stoppage of military aid hits Pakistan more severely than India;

(iii) American support for U Thant’s proposals for immediate cease-fire without strings in effect supports India;

(iv) If United Nations sticks to position represented in 6 September resolution (i.e., immediate cease-fire without strings) there is danger that Pakistanis will be forced into position of having either to make abject surrender or fight to finish;

(v) Pakistanis are most unlikely surrender;

(vi) On other hand fight to finish would destroy Pakistan military capability which is not in American interests. It might also have other undesirable effects;

(a) Throw Pakistan into Chinese orbit;

(b) Divide United Nations with some members (e.g., Iran and Turkey) giving
material support to Pakistan thus impairing United Nations prestige and prolonging conflict.

3. Policy Recommendations;

In light of above analysis Ambassador recommends that United States should now try by means of discreet behind scenes work to get United Nations Security Council and Secretary-General to change their present approach. Specifically United States should:

(i) Work for a United Nations proposal for cease-fire followed by unconditional talks between India and Pakistan (possibly with help of third party);

(ii) Threaten a wide range of sanctions which would be applied by United States if two countries refused to agree to cease-fire on above terms;

(iii) Issue a declaration in support of a settlement of outstanding Indo-Pakistan differences (without specifying precise lines along which this might be achieved);

(iv) Offer full support to facilitate such a settlement (e.g., use of American good offices).
2207. Telegram from British High Commissioner in Rawalpindi to the British Commonwealth Relations Office.

Rawalpindi, September 16, 1965.

From: Rawalpindi

To: Commonwealth Relations Office

Sir M. James

No. W1191 16 September, 1965

IMMEDIATE

Addressed: to C.R.O. telegram No. WL 191 of 16 September

Repeated: for information: New Delhi, Washington, UKMIs New York, Karachi

From High Commissioner in Rawalpindi

My telegram No.WL 187: India-Pakistan War.

I saw Foreign Secretary Aziz Ahmed this morning 16 September.

Ahmed read me text of Mr. Shastri’s reply to U Thant’s proposal for cease-fire at 0100 G.M.T. today. Text was as follows:

‘I reaffirm my willingness to order a simple cease-fire and cessation of hostilities as soon as you are able to confirm to me that the Government of Pakistan has also agreed to a cease-fire.’

2. Ahmed said that in their reply being delivered to U Thant through Pakistan Mission in New York Pakistan Government have:

(i) expressed Pakistan’s willingness in principle to agree to a cease-fire while.

(ii) regretting that U Thant’s proposals contained no (repeat no) guarantee at all that once cease-fire was effected Kashmir dispute would be finally settled. Negotiations for which U Thant had called in his cease-fire appeal were by themselves not (repeat not) enough, as was demonstrated by fact that 1962-63 negotiations to which U Thant referred in his appeal had been completely abortive owing to intransigent Indian attitude. Pakistan could not (repeat not) agree to a cease-fire not linked to some procedure for finally settling dispute since this would merely postpone the conflict.

3. When I deplored this negative reply, and expressed great sadness and
foreboding about position into which Pakistan had put herself, Ahmed expressed hope that we would not regard reply as negative and said it was only answer possible in present circumstances.

4. Hard hitting arguments then developed about reasonableness of Pakistan position. Ahmed stuck rigidly to line that there was no point in stopping fighting without firm prospect of early final settlement. Pakistan's three-point plan for cease-fire imposed equal disabilities on either side and was entirely reasonable. In reply I emphasized:

(i) Three-point plan in effect represented terms which Pakistan would dictate if she had won the war. Pakistanis could not possibly expect Indians to accept it.

(ii) Vital need was for cease-fire which would provide pause for cool rational thought and facilitate negotiations. These must follow and could not (repeat not) precede a cease-fire.

(iii) Nobody could say what outcome of negotiations could be but they were only possible alternative to present tragic and wasteful conflict.

(iv) Big difference between present situation and situation in 1962-63 when Indo-Pakistan negotiations had been abortive was that international mood was quite different now. Whole world had been roused by present Indo-Pakistan war and wanted settlement of Indo-Pakistan differences.

(v) Force was a blind and deaf judge—and because of disparity in strength between Pakistan and India was bound to favour latter respective of merits.

5. My interview with Aziz Ahmed took place before (repeat before) I had seen your telegram 338, 344, 345 and 346 which have only just reached me i.e. since foregoing was drafted As you see I made a number of points in these telegrams to Foreign Secretary but am sure I should now reinforce approaches to President and Foreign Minister. Evidently your arguments and mine have been insufficient so far to make Pakistanis see reason but we can only continue to press them as hard as we can. A message to the President could be a valuable further means of persuasion.

6. You do not mention line we are taking in Delhi. I presume we are doing our utmost to get Indians to accept principle of negotiation over Kashmir following cease-fire. Even If Pakistanis drop their three point plan they must at least be able to count on a negotiation. Otherwise I cannot see Ayub agreeing to end the war since his own political survival is at stake.

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2208. Telegram from British High Commissioner in New Delhi to the British Commonwealth Relations Office pleading that the accession of Kashmir to Pakistan would be against UK interests.

New Delhi, September 16, 1965.

From: New Delhi
To: Commonwealth Relations Office

Sir Freeman

No. 3274  
16 September, 1965

EMERGENCY

Repeated: for information: Washington, Ottawa, UKMIs New York, Canberra, Rawalpindi, Moscow, Karachi, Wellington

C.R.O. telegram No.3204, [Telegram No. 718 to Washington] India-Pakistan.

I am worried at some implications in your telegram which affect our future policy in Security Council and elsewhere on the conflict between India and Pakistan, in particular your reference in paragraph 7 to possibility that Security Council may have to consider a clause about future of Kashmir.

2. During the past three days I have become increasingly concerned by the very serious and widespread disillusionment expressed here on our failure promptly and clearly to condemn Pakistan’s infiltration into Kashmir especially as subsequently we alone publicly deplored India’s crossing of the international border in the Punjab. This has very greatly diminished our influence and standing here; a false step at the Security Council meeting could, I believe, convert a temporary misunderstanding into irrevocable damage.

3. In considering our line for tomorrow’s meeting, I feel it must be recognized that our historic policy of holding the balance between India and Pakistan no longer accords with the facts:

(a) By her action in August 1965, Pakistan in effect abandoned her attempt to secure a political and diplomatic solution of the Kashmir dispute in favour of a military solution. This has now probably failed. India appears from here to be on the way to achieving substantial military superiority over Pakistan through the attrition of Pakistan armour and aircraft. If that assessment proves to be correct, I am convinced that India would not submit to a political settlement at this stage which appeared to favour Pakistan’s claims.
(b) Much more important than this emotional reaction is a military consequence which directly affects ourselves. If a political settlement enabled Kashmir to opt into Pakistan, Pakistan and China would then have a common land frontier of several hundred miles accessible by a main motor road within easy striking distance of one of the most thriving industrial areas of India, the Punjab. Whilst in the very long run India might doubtfully be brought to accept an autonomous Kashmir on the lines of Sikkim with international guarantees I do not believe that India could now accept the self-determination of an area which permitted Pakistan and China to develop direct land communications through Ladakh. Nor, as I see it, would this be in the interests of the West.

4. It follows that India is unlikely to accept a settlement in Kashmir which fails to acknowledge that what she has she holds, though adjustments in both directions to the CFL might be possible, provided these were suitable for development into an international border. At best it might be possible to persuade them to allow some autonomy for the Kashmiris, though this would not be immediately negotiable and would have to be supported by all members of the Council. On the other hand if, as seems possible, Pakistan has to admit to military defeat the political future of the Ayub Government may well be uncertain and the ability of Pakistan in doubt. In these circumstances, the only hope for the future stability of Kashmir would be in India. The alternative would be a vacuum waiting to be filled by China.

5. If we take as our immediate objective in the Security Council a simple cessation of hostilities, I would see no objection to our supporting (though without sponsoring) a resolution calling on members to stop the supply of military stores to both parties (Russia appears, however, at present to be continuing to supply India – see my telegram No. 3241). Nor if necessary (and subject to repercussions in the case of South Africa) would I see any objection to our being associated with general action to stop economic (but not food) aid temporarily if a further measure was needed to bring about a cessation of hostilities. But any steps towards a more permanent cease-fire which did not recognize the new position created by the recent fighting and by the continuing Chinese menace will be rejected with contumely by India.

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2209. Telegram from the British Ambassador in Tehran to the British Foreign Office.

Tehran, September 16, 1965.

From: Tehran
To: Foreign Office
Sir D. Wright
No. 1055 16 September, 1965

IMMEDIATE

Addressed: to Foreign Office telegram No. 1055 of 16 September
Repeated: for information: Washington, Ankara, Karachi, New Delhi, UK Mis. New York, UK Del NAT, Bangkok, Moscow

Rawalpindi telegram No.WL 186 to Commonwealth Relations Office: India-Pakistan.

Prime Minister returned yesterday afternoon from Pakistan and summoned American Ambassador and myself late last night to tell us of the outcome of this visit. Iranian Ambassador was also present.

2. Hoveida concentrated much of his attention on my American colleague. He told him that he had found the President of Pakistan very anxious for American friendship and understanding and wanted the United States Government to use the influence she undoubtedly had over India to persuade her to come to terms with Pakistan. He asked Meyer to put this strongly to his Government. In reply American Ambassador was very outspoken about Washington’s exasperation with Pakistan and held out little hope that his Government would respond sympathetically to this appeal.

3. Hoveida then told us that his visit had convinced him that the Pakistanis would not accept the United Nations resolution (presumably the Security Council cease-fire resolution); they had repeated time and again that they would go on fighting to the bitter end and if necessary take to the hills and continue from there; he was convinced that means must be found of reaching a ‘non-military solution’ as soon as possible. The President of Pakistan had asked that the Shah should now send Hoveida immediately to London, Washington and Moscow, to explain the position and ‘to act as a bridge’. He asked us to put this proposal to our Governments urgently and called for an early reply.

4. I asked Hoveida whether he had any particular proposals to put to you.
He said ‘none’; his purpose was to act as a bridge and explore the possibilities of a non-military settlement. Both the American Ambassador and I pointed out that our two Governments were already well aware of the Pakistan position and we did not see what more he might be able to say at this moment. Nor did we know how this proposed visit would fit in with our Governments’ views on the next step following the return of U Thant to New York; both our Governments believed that a solution should if possible be achieved through the United Nations; I also mentioned the possibility of a Commonwealth initiative, which the Shah himself favoured. All we could say was that if our Governments believed that such a visit might contribute to a cease-fire we felt sure they would agree but timing would clearly be important. We discouraged the thought that you would favour an immediate visit.

5. Hoveida, in answer to our question, said he felt the Pakistanis would go along with the proposals outlined in paragraph 2 of my telegram No. 1041 to you but we both got the impression that he had not really sounded out the Pakistanis.

6. In answer to American Ambassador’s question, Hoveida said that there had been no time to discuss arms supplies. Meyer repeated United States Government’s refusal to allow export of American equipment from Iran. My Turkish colleague, who accompanied Hoveida to Pakistan, has since told me that both Hoveida and the Turkish Foreign Minister did their best without much success to persuade the Pakistanis to go for a peaceful settlement rather than look for more arms for their military forces.

7. The Shah spoke to me briefly this morning at his 25th anniversary celebrations about the proposal that Hoveida should visit London and Washington. He expects an early answer.

8. From the point of view of Anglo/United States relations with Iran and the other two regional members of CENTO, I hope you can give a sympathetic reply to this proposal. I have a feeling that the Shah’s senior Ministers and perhaps the Shah himself are looking for ways and means of getting themselves off the hook of having to supply military aid to Pakistan. At the same time, the Shah feels very deeply that he is in a humiliating position because he cannot adequately help his ally without United States permission. Agreement to receive Hoveida would at least give the Shah the feeling that he was doing something to help.

9. I have since heard that the Prime Minister saw Soviet Ambassador after us.
India-Pakistan Relations

2210. Telegram from the British Foreign Office to the British Mission at the United Nations.


From: Foreign Office
To: New York
(United Kingdom Mission to the United Nations)

No.3175 16 September, 1965

IMMEDIATE

Addressed: to UKMIS New York telegram No. 3175 of 16 September

Repeated: for information: Washington, Paris, Moscow, New Delhi, Karachi, Rawalpindi, Ottawa, Canberra, Wellington

India-Pakistan

I saw U Thant at London Airport this morning and he gave me an account of his views following his mission to India and Pakistan.

2. U Thant said that he was not pessimistic. He did not think that India was counting on a military victory. Hopes of military success existed in Pakistan where the atmosphere was more tense and militant. He thought Pakistan had hopes of help from Iran and Turkey, and perhaps also counted on the Chinese. His proposal for a cease-fire had not been acceptable because of preconditions on both sides; the Indians had wished to retain some of their positions on Pakistani territory, and the Pakistani conditions, which he did not describe but were presumably those already made public, also raised serious problems.

3. The reason for U Thant's comparative optimism was his assessment that in the last resort both parties would accept a joint view of the Four Great Powers. He therefore intended to propose at the Security Council Meeting to be held on 17 September that a Committee be formed of United States, Britain, France and the U.S.S.R. to offer their good offices. He also intended that there should be a meeting of the heads of Government of India and Pakistan to discuss the substance of the question at which representatives of this committee should be present. Possibly this could take place in Burma or Ceylon. He hoped that India would accept this in view of the commitment in the Indian/Pakistan statement of 29 November, 1962. He was not yet sure what the Soviet attitude would be to this suggestion; at present he thought they would be reluctant to accept a role in a final settlement unless their participation was acceptable to India. He also had doubts about French willingness to join in. If he cannot
make progress with this idea, U Thant had in mind the possibility of using the three Afro/Asian members of the Security Council in a rather similar role. But since Malaysia, Jordan and the Ivory Coast were all Moslem countries he did not think that this would be welcome in India.

4. I asked the Secretary-General whether he would find it helpful for Britain to support his proposal publicly as soon as it had been made. U Thant was sure that this would be the right course. He said that the United States had already promised to support anything he might propose. This will be considered further here and instructions will follow.

5. I also asked him whether he felt that the Commonwealth could help in the solution of the dispute. Up to the present we had felt that the most useful action we could take was to support his own mission. U Thant said that he had been grateful for our support, and thought that there might well be a role for the Commonwealth. But he did not seem to envisage any specific or immediate action before his own proposal is made to the Security Council.

6. In reply to a further question U Thant said that he did not envisage action in the Security Council to stop arms shipments since any resolution passed would have no effect on supplies from China and Indonesia.

7. The Secretary-General said he would not tell anyone of our conversation and asked for his confidence to be respected.
2211. Brief prepared for the Commonwealth Secretary of State on India-Pakistan for discussion in the Cabinet.


Brief for the Secretary of State

INDIA-PAKISTAN

U Thant will arrive back in New York on 16th September. Neither India nor Pakistan has accepted the Security Council’s call for a cease-fire, though there are signs that the Indians will be prepared to do so if the Pakistanis will also agree.

2. Pakistan has laid down three conditions for a cease-fire:

(i) Withdrawal of all Indian and Pakistan troops from the whole State of Jammu and Kashmir.

(ii) Introduction of an Afro-Asian force to keep law and order.

(iii) The holding of a plebiscite within three months of the cease-fire to settle the final disposition of the state between India and Pakistan. (There is no mention of any possibility of independence either for the whole or part of Kashmir).

There is no chance whatever of India accepting any of these conditions. It may well be politically embarrassing for President Ayub to agree upon a cease-fire without any guarantee of a Kashmir settlement, but the alternative – for Pakistan to continue the struggle with all arms supplies from Britain and America completely cut off – would be far worse for Ayub’s regime and even less likely to help Pakistan’s cause over Kashmir.

3. We are consulting with the Americans about the next round at the Security Council which will probably take place soon after U Thant has returned and reported. It may well be necessary for the Council at this meeting to call for a total ban on all arms supplies to the combatants. The Americans may suggest some economic sanctions but these would be very difficult for us and agreement on them among the major powers is unlikely. An oil embargo would be ineffective, because Iran would continue to supply Pakistan and India has her own substantial production. Some concerted suspension of at least new commitments of economic aid would be possible but its effect on our diplomatic ability to influence the two parties needs consideration with the Americans. Most donors are already in fact entering into no new economic aid commitments.
4. There is also the question of a Commonwealth initiative. This could not now take place until after the next meeting of the Security Council. It is unlikely that the Security Council will be ready at present to invite a Commonwealth Peace Mission to visit Delhi and Rawalpindi. If it is decided that U Thant should continue his efforts at conciliation, we should have to make sure that a Commonwealth Mission would be welcome to him. The Tunku has suggested a meeting of Commonwealth Prime Ministers. If the prestige of Commonwealth Prime Ministers is to be committed, it should be at the crucial stage. We are considering with our High Commissioners how to carry the matter further.

5. The composition of a Mission would need some careful thought. Sir Abubakar and Nkrumah want to see the Vietnam Peace Mission reactivated and are both keen to go to the sub-continent. Senanayake may wish to serve on the Mission to India and Pakistan even though he refused the offer of a place on the Vietnam Mission. It would take time to get any changes agreed by correspondence.

6. There is something to be said for keeping the core of the Vietnam Peace Mission in being and agreeing that both Abubakar and Nkrumah should go to the sub-continent. Both of them, especially Nkrumah, would be offended if they were excluded from any new Mission which is arranged. If however Dr. Williams continues to show no enthusiasm this time, it might be best to offer his place to Senanayake. The Mission would be much better balanced if Pearson, Menzies or Holyoake would agree to serve on it.

(H.A.F. Rumbold)
16th September, 1965

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New Delhi, September 16, 1965,

The Ministry of External Affairs presents its compliments to the Embassy of the Peoples Republic of China in India and with reference to the Chinese Government's note of September 16, 1965, has the honour to say as follows:

Ever-since Sino-Indian border problem was raised by the Chinese Government, the Government of India had made strenuous attempts to settle the question peaceably and with honour. Even after unprovoked Chinese attack across the border in October-November, 1962, the Government of India consistently followed policy of seeking peaceful settlement honourable to both parties concerned. It was in this spirit that India accepted Colombo proposals which China has not accepted hitherto.

As has been pointed out in various notes to the Chinese Government in the past, the Government of India has given strict instructions to its armed forces and personnel not to cross the international boundary in the Easter and Middle Sectors and so-called 'line of actual control' in Western sector. The Government of India are satisfied after careful and detailed investigations that the Indian personnel as well as the aircraft have fully carried out these instructions and have not transgressed international boundary and 'line of actual control' in Western sector at any time at any place. The Indian Government are, therefore, absolutely convinced that allegations contained in the Chinese note under reply are completely groundless. The Government of India are constrained to reject these allegations and to re-assert emphatically that they do not accept claims to vast areas of the Indian territory in the Western, Middle and Eastern Sectors of the border put forward in the Chinese note under reply. As regards China's stand on Kashmir and on the present unfortunate conflict between India and Pakistan, it is nothing but interference on the part of China calculated to prolong and to enlarge conflict.

Chinese note has once again repeated allegations of so-called violations of Sikkim-Tibet border by the Indian personnel. These charges have already been answered and refuted by the Government of India. The Indian personnel have never crossed Sikkim border and committed any harassments or raids into Chinese territory. Nor have they seized livestock belonging to Tibetan herdsman or kidnapped any Chinese inhabitants from Tibetan territory. In the Indian Government's note of July 13, 1965, it was clearly stated that two Tibetan inhabitants alleged by Chinese Government to have been kidnapped by the Indian troops were actually refugees from Tibet who sought asylum in Sikkim. As the Chinese Government is aware, numbers of Tibetans have come over
into India from time to time on their own volition and without our permission. Such persons are detained and questioned and any of them desiring to go back to Tibet are always permitted to do so. The Tibetans in question can also go back to Tibet if they wish to do so.

The Chinese Government’s note had re-asserted the old allegations that India has built military structures on Tibetan side of border. The Government of India has refuted this allegation on several occasions in the past. In September, 1962, some defence structures were constructed on the Sikkim side of Sino-Indian frontier. These structures have not been in occupation since cessation of hostilities in November, 1962. Since Chinese Government alleged that some structures were on their side of border, India had in its note of September 12 gone to the extent of suggesting that independent observer be allowed to go to this border to see for himself state of affairs. The Chinese Government has not unfortunately accepted this reasonable proposal of the Indian Government and has reiterated its proposal for joint inspection. Even though the Government of India are convinced that their troops have not built military structures in Tibetan territory they have no objection to joint inspection of these points of Sikkim-Tibet border where the Indian personnel are alleged to have set up military structure in Tibetan territory. The Government of India on their part are prepared to arrange such inspection as early as possible at appropriate official level on mutually convenient date. If any structures are found on Tibet side of the border, there can be no objection to their being demolished.

The Government of India would like to point out in conclusion that charges made by the Chinese Government in its note are really minor ones and could well be settled through peaceful procedures such as those proposed in this note. These allegations do not on any reckoning justify kind of threatening language and ultimatum held out by the Chinese Government. It is clear that China is fabricating these charges only to find pretext for further-aggression against India. India is peaceful nation and has no desire for war-like conflicts. If, however, such conflict is thrust on India by aggression from China, responsibility for grave consequences that might follow from such action will lie squarely on the shoulders of the Chinese Government.

The Ministry of External Affairs avails itself of the opportunity to renew to the Embassy of the Peoples Republic of China in India the assurances of its highest consideration.
2213. Telegram from British High Commissioner in Rawalpindi to British Commonwealth Relations Office.

Rawalpindi, September 16, 1965.

From: Rawalpindi
To: Commonwealth Relations Office

Sir M. James
No. WL 197

16 September, 1965

PRIORITY

Addressed: to C.R.O. telegram No. WL 176 of 16 September

Repeated: for information: New Delhi, Moscow, Tehran, Washington, Ankara, UKMIs New York, Karachi

My telegram No. WL 136: Indo-Pakistan Relations.

American Ambassador here (McConaughy) also talked to Iranian Amassador (Ansary) about Iranian Prime Minister’s visit. McConaughy’s impression tallies closely with my own except that McConaughy formed impression that Iranian Prime Minister (Hoveida) left Pakistan with firm intention of making tour of capitals described in paragraph 4(b) of telegram under reference, and that Hoveida was sure Shah would approve. Ansary told McConaughy that President Ayub had himself suggested idea of Haveida’s mission and had outlined following roles which he could helpfully play in each capital:

(i) **Moscow.** Give Russians a sympathetic appreciation of Pakistan’s position, aim being to get Russians to maintain present neutral attitude;
(ii) **London.** Give more detailed analysis of Pakistan’s position, aim being to get Britain and Commonwealth solidly behind peace terms which Pakistan would accept;
(iii) **Washington.** Aim here would be to set stage for full Pakistan/United States talks on all matters of major mutual interest. President Ayub told Hoveida he wanted complete restoration of Pakistan’s traditional friendly ties with United States including an understanding on economic aid. He also wanted American support for better (from Pakistani point of view) United Nations cease-fire proposals.

2. Ayub expressed willingness for early face to face talks in order to achieve reconciliation with United States. Ayub mentioned early October as possibility for a visit to Washington but, Ansary commented, Ayub still, needed help to get off consortium hook.
Ansary also told McConaughy:

(i) Ayub was contemptuous when asked about possibility of Chinese intervention in Indo-Pakistan war. He said that Pakistan would never be Chinese satellite. On other hand Pakistan was prepared if necessary to be United States Satellite but not (repeat not) a ‘satellite of India in collaboration with United States.’

(ii) Pakistanis told Iranians they were very pleased about two recent American initiatives:

(a) Rusk’s recent public endorsement of plebiscite principle. They thought this was significant and were sorry Pakistan Press did not give Rusk’s statement more prominence;

(b) American efforts to stop war spreading to East Wing. Bhutto had said he thought American action had restrained Indian aggression in the East and this proved that United States are capable of curbing Indians; it was therefore regrettable that they had not restrained them in West Wing.

(iii) Pakistanis had insisted throughout Hoveida’s talks that U Thant must be given broader terms of reference before his efforts to achieve cease-fire could be fruitful.

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2214. Telegram from British High Commissioner in Pakistan to the British Commonwealth Relations Office.

Rawalpindi, September 17, 1965.

From: Rawalpindi

To: Commonwealth Relations Office

No. WL 201

September 17, 1965

EMERGENCY

Addressed: to C.R.O. telegram No. WL 201 of 17 September

Repeated: for information: Washington, New Delhi, UKMIS New York

India-Pakistan

I have following very urgent comments on Delhi telegram 3274:

(i) I do not agree with assessment of present military situation in paragraph 3(a). In long term and in conditions of total war India could certainly be expected to achieve decisive military superiority but in immediate future this does not seem attainable. See my Military Adviser’s reply to C.R.O. telegram 2053 to Karachi being sent from Karachi.

(ii) As seen from here argument in paragraph 3(b) rests on false premise that if Kashmir were to be transferred to Pakistani orbit military threat to India would be greatly increased in view of Sino-Pakistan collusion.

(a) While Ayub regime survives likelihood of Sino-Pakistan military collusion against India in Kashmir or elsewhere is improbable. At present there is no (repeat no) solid evidence of any such collusion and Ayub’s make-up and his repeated statements in public and private do not (repeat not) suggest probability of collusion in future unless this is forced on Pakistan;

(b) Settlement of Kashmir along lines acceptable to Pakistan would not (repeat not) necessarily lead to increase in Sino-Pakistan links. Pakistan’s entente with China would probably cool off since achievement of Kashmir settlement would have removed major motive behind it.

2. As seen from here British Government is now faced with grave dilemma. If we support any ‘solution’ of present conflict that appears to favour Pakistan we risk possible irrevocable damage to our position in India. But to continue to support an immediate cease-fire without strings is to court disaster so far as Pakistan is concerned since:
Pakistanis have now got themselves into position where they cannot possibly agree to such a cease-fire; they will fight to finish rather than accept it.

Consequences of fight to finish would be to leave Pakistan militarily impotent. Probable other consequences are overthrow of Ayub regime, severance of ties with West (whom Pakistan would regard as having deserted her) and increase in Chinese influence in Pakistan. In addition Kashmir dispute would fester on. Even a weak Pakistan could mount another guerilla campaign in Kashmir particularly if, as would be probable, Chinese were to help.

Situation outlined above is surely as unacceptable to us as is situation outlined in Delhi telegram. A weak, chaotic, anti-West, hyper anti-Indian and pro-Chinese Pakistan still pursuing Kashmir would pose at least as great, and possibly greater, threat to India than would hypothetical circumstances.

Given above analysis only avenue open to us seems to be to work for a cease-fire which carries with it an Indian commitment to enter into talks. This is absolute minimum we can hope to get Pakistan to accept as an alternative to fight to finish. Surely Indians can agree to this:

(i) No prior commitment involved;
(ii) They were prepared to talk about Kashmir in 1962-63, although it was ‘Indian territory’ then;
(iii) They were prepared to negotiate on northern half of Rann of Kutch though that was ‘Indian territory’ too.

Another aspect of situation is that whole status of Kashmir is still formally before Security Council. Security Council therefore, has every right to address itself to the ‘future of Kashmir.’ If we were to object to it doing so we would be regarded by Pakistan as having reneged most despicably on the position we have taken up in United Nations on all previous occasions. Damage to British position and influence here would be very deep and perhaps wholly irreparable.
Telegram from the British Ambassador in Washington to the Foreign Office.

Washington, September 17, 1965.

US Seeks Comparative Advantage In Chinese Move

From: Washington
To: Foreign Office
Sir P. Dean
No. 2365 17 September 1965.

IMMEDIATE

Addressed: to Foreign Office telegram No.2365 of 17 September
Repeated: for information to: New Delhi, UKMIs New York, Rawalpindi, Karachi, Warsaw (for Secretary of State)

Your telegram No. 7288: India/Pakistan

Both Mr. Rusk and I had inescapable appointments this evening. The Minister, therefore, saw, Mr. Ball and gave him the gist of the messages to President Ayub and Mr. Shastri.

2. Ball welcomed the Prime Minister's initiative and saw considerable advantage in trying to bring home to both sides the potential dangers of China's entry on to the scene. Indeed he thought it might even be helpful in the longer term if the Chinese were to give some degree of substance to their threats since both India and Pakistan, though particularly the former (since their basic military position was stronger), would probably require to be submitted to strong external pressures before they could be brought to see the need of reaching an accommodation between themselves.

3. On the question of the real threat from China, Ball inclined to the view which Mr. Rusk had expressed earlier this evening. He thought it likely that the Chinese would shortly undertake strictly limited military operations (patrolling, probing and harassment) in the Sikkim border area and down the Chumbi Valley. He thought that the Indians would, by and large, be able to deal with this, but would have been 'sobered' by the expressed threat and the possibility of unpleasant if not seriously dangerous Chinese operations.

4. Stewart gave Ball the substance of paragraph 3 of your telegram under reference. Ball commented that this looked like another Pakistani attempt to get the Americans committed to their side. He preferred to let both sides sweat it out for a bit and put the United States effort behind U Thant. He thought,
however, that Shastri had shown skill in proposing a joint Sino-Indian inspection of areas and sites under dispute on the Sino-Sikkim border.

5. Stewart spoke as instructed in paragraph 4 of your telegram under reference:

 Identical letters from Soviet Premier Alex Kosygin to
Prime Minister Lal Bahadur Shastri and Pakistan
President Ayub Khan.

Moscow, September 17, 1965.

Esteemed Mr. Prime Minister/Mr. President
We deeply regret that the armed clash between India and Pakistan continues, the bloodshed has not been stopped, and the conflict has not been ended. Though it is now impossible to foresee all the consequences’ of this course of events, there are many reasons to fear that a continuation of the conflict may cause irreparable harm to the national interests of both India and Pakistan, to the cause of peace and security of the peoples.

There is no need, I think, to repeat here that our position in the obtaining situation is dictated by one thing, and one thing only – a sincere desire to contribute to the earliest restoration of peace on the borders between India and Pakistan. Guided by the best of intentions and the interests of preserving peace, the Soviet Government, in its Messages of September 4 this year to you, Mr. Prime Minister, and also to the President of Pakistan, set out some of its considerations concerning the settlement of the Indo-Pakistani armed conflict, and offered its good offices for this purpose.

We are glad that your Government received our approaches with understanding and positively assessed both our call for peace between India and Pakistan, and the stand taken by the Soviet representative in the Security Council. You also know of the TASS Statement containing a warning to those who would not be averse to profit from the state of Indo-Pakistan relations*.

* In the letter addressed to President Ayub Khan, this particular paragraph is substituted by the following paragraph:

“We are glad that you, Mr. President, highly assessed the Soviet Government’s concern over the Indo-Pakistani conflict and received with understanding our sincere effort to contribute to the earliest settlement of the conflict.”
In developing its offer of good offices to both sides, the Soviet Government is submitting the following proposal for the consideration of the Governments of India and Pakistan; to hold on our territory a meeting in which you, Mr. Prime Minister, and the President of Pakistan would take part to establish a direct contact in order to achieve agreement on the re-establishment of peace between India and Pakistan. If desired by both sides, the Chairman of the Council of Ministers of the USSR could also take part in this meeting. Such a meeting could be held in Tashkent, for instance, or any other city in the Soviet Union. One thing is important to meet and start negotiations. It is important that the guns become silent and the blood of the two fraternal peoples ceases to flow. Each new day of the armed conflict produces new complex problem, which above all can impose a heavy burden on the peoples of India and Pakistan.

We are convinced that India would only strengthen its international authority and its prestige as a peaceful state if on its part it displayed an initiative toward ending the bloodshed and took a definite step toward peaceful negotiations.

Yours faithfully

September 17, 1965.

A. Kosygin
2217. Telegram from British Ambassador in Washington to the British Foreign Office.  

From: Washington
To: Foreign Office
Sir P. Dean
No. 2359 18 September, 1965

IMMEDIATE

Addressed: to Foreign Office telegram No. 2359 of 17 September
Repeated: for information: Peking, Delhi, Karachi, Rawalpindi, Moscow, UKMis. New York.

Yours telegram No. 7264 Washington only: India-Pakistan

You will now have seen my telegram No. 2345. I had a talk with Mr. Rusk about possible Chinese intentions on the Indian border when I saw him this afternoon. I asked how the Chinese Ambassador in Warsaw had reacted to the American warning reported in paragraph 2 of my telegram under reference. Mr. Rusk, who had Mr. Cabot's preliminary report on the meeting with him, said that on this particular point Cabot had not yet reported. Generally speaking, however, the meeting, which was a routine one, had shown the Chinese Ambassador in a less aggressive mood than usual. The Chinese had made the usual speech about Taiwan and Viet Nam and added piece about Indian aggression. All this however was old stuff.

2. Mr. Rusk went on to say that the American Government did not propose to panic about possible Chinese action. There were severe limits to what the Chinese could do and the Indian forces in the Darjeeling area, which the Indian Government had not touched, totaled six divisions. Though fully aware of this potential danger from China, he still had the impression that in relation to the whole of the present Indo-Pakistan conflict if we held our course steadily and stood firmly behind the Secretary-General's efforts, thing would 'shake down'. He added that he told the Indian Ambassador here that if, contrary to his own expectation, the Chinese did attempt a sizeable operation and the Indian appealed to the United States for assistance, the American Administration would regard it as a sine qua non that the Indians and Pakistanis first stop the fighting. Rusk continued that though there were certain limited things that the United States could do to help India in event of a major Chinese operation, anything in the nature of committing American forces would require Congressional sanction and he indicated he saw little likelihood of getting this as things stood at present.

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2218. Telegram from the British Ambassador in Washington to the Foreign Office.


From: Washington
To: Foreign Office

Sir P. Dean

No. 2363 17 September, 1965

PRIORITY

Addressed: to Foreign Office telegram No. 2363 of 17 September

Repeated: for information: New Delhi, Tehran, Karachi, UKMis New York, Rawalpindi

India-Pakistan

Mr. Rusk told me this afternoon that he was following with close attention the activities of the Iranian Prime Minister. He had in particular been interested in a report from the United States Ambassador in Tehran that Bhutto had indicated to the Iranian Prime Minister that the Pakistani Government might agree to a solution of the present conflict which led to an autonomous Kashmir. Mr. Rusk, however, had been interested to note that Bhutto had asked the Iranian Prime Minister not to report what he had said to the Americans until after 17 September. He wondered whether this detail could be tied to the Chinese move on Sikkim.
2219. Telegram from British High Commissioner in Rawalpindi to the British Commonwealth Office.

Rawalpindi, September 19, 1965.

From: Rawalpindi
To: Commonwealth Relations Office

Sir M. James No. WL 224 19 September, 1965

IMMEDIATE

Addressed: to C.R.O. telegram No. WL 224 of 19 September

Repeated: for information: Washington, New Delhi, UKMIs New York, and Saving to: Karachi

India/Pakistan

From: High Commissioner in Rawalpindi.

American Ambassador, McConaughy, has given me following account of talks he had today, 19 September, with Foreign Minister, Bhutto, and Finance Minister, Shoaib.

2. McConaughy was instructed not (repeat not) to seek interview with President but to put following points to senior Ministers with request that they pass them to Ayub immediately;

(i) Chinese ultimatum and troop movements put grave responsibility on Ayub. If he encouraged Chinese intervention or by failing to agree to cease-fire provided opportunity for such intervention he would alienate Pakistan from West;

(ii) Chinese Threat to India and consequent great risks of escalation of present Indo-Pakistan conflict have created new situation in which Ayub could agree to immediate cease-fire without losing face;

(iii) United State recognizes that basic causes of Indo-Pakistan dispute cannot be disregarded and is working through United Nations to make permanent settlement possible inter alia by supporting U Thant’s proposals for Indo-Pakistan summit talks;

(iv) Most important, in present situation, for Ayub to put himself in as favourable position as possible by agreeing to cease-fire which would greatly increase chances of successful Security Council action aimed at promoting final settlement;
(v) If Ministers urged United States pressure on India to agree to purposeful negotiations or raised question of Pakistan's need for further American Aid, Ambassador was to say that he had no instructions; United States Government could not (repeat not) consider these matters until they had received definite assurance that Ayub was not going over to Chinese. There would not (repeat not) be one thin dime for any country supporting Red China.

3. McConaughy accordingly put these points to Shoaib and Bhutto. In addition to formal interview with Shoaib, with official taking notes present, (a 'semi-police state atmosphere' was Shoaib's comment), he also managed to see Shoaib alone for short time, during which Shoaib made points in paragraph 6 below. Talks with both Ministers took place before today's Cabinet Meeting and before my own interview with President.

4. Talks with Bhutto

Bhutto took hard line, indicating that Chinese or no Chinese there was no (repeat no) possibility of Pakistan agreeing to cease-fire without strings. Bhutto deplored failure of United Nations so far to take cognizance of:

(a) United Nations Resolutions of 1948-49

(b) Indian aggression on 6 September;

(c) Principle of self-determination which he said was enshrined in United Nations Charter.

Bhutto said no (repeat no) United Nations Resolution was acceptable which did not provide for withdrawal of Indian forces from Kashmir and settlement in accordance with United Nations principles already laid down. Pakistan stuck to it's three-point plan, but in view of present circumstances Bhutto was prepared to make following secret offer to McConaughy on his own initiative but in the certain conviction that it would be approved by President Ayub. Offer was that Pakistan would agree to immediate cease-fire provided United States agrees to promote within United Nations or outside immediate Indo-Pakistan agreement for withdrawal of all armed forces from Kashmir, if such an agreement, underwritten by United States, was effected Pakistan would not demand immediate troop withdrawal and would not press for implementation of remainder of three point plan.

5. On China, Bhutto said:

(i) Categorically, that Pakistan had no (repeat no) knowledge of Chinese intentions towards India. China had not consulted Pakistan and Pakistan had not and would not endorse a Chinese attack on India;
(ii) However, in view of all injuries done to Pakistan by India, Pakistan could not be expected to come out with any pro-Indian statement or action in event of Chinese attack;

(iii) He appreciated United States position in the event of Chinese attack on India, but responsibility for this would not be Pakistan's and Pakistan could not be expected to give up its just struggle because of these unrelated difficulties;

(iv) He earnestly hoped that United States would give no help to India against Chinese while India was still pursuing its aggression against Pakistan; effect of this would be very unfortunate.

6. Talk with Shoaib.

Shoaib told McConaughy that:

(i) Ayub was growing increasingly worried by events and that in his (Shoaib's) opinion he would now agree to cease-fire provided there was only a very modest advance on present United Nations Resolutions, e.g., clause to effect that efforts would be made by Security Council to get two countries to resolve all outstanding differences, including Kashmir, Ayub would not survive unless he could extract this absolute minimum;

(ii) There was growing (gp.undec.? disillusionment) in Government now, at mess which Bhutto's policies had got Pakistan into, coupled with resentment that this Sindhi Minister should be the man mainly responsible for present situation in which so many Punjabis and Pathans were dying on the battlefield;

(iii) Kalabagh was due to arrive in Rawalpindi today from Lahore.

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2220. Telegram from the British High Commissioner in Rawalpindi to the Commonwealth Relations Office.

Rawalpindi, September 20, 1965.

From: Rawalpindi
To: Commonwealth Relations Office

Sir M. James


EMERGENCY

Addressed: to C.R.O. telegram No. WL 230 of 20 September

Repeated: for information: UKMis New York, Washington, Karachi

From: High Commissioner in Rawalpindi.

My WL 222 and WL 223: Indo-Pakistan War.

American Ambassador has told me of interview he had alone with President Ayub this morning 20 September. Ambassador press Ayub very hard to accept Security Council Resolution demanding cease-fire on 22 September. Ambassador’s report will be available to you from United States Embassy London. As you will see Ayub knows gravity of decision he must take but doubts whether he can carry his people with him in the event of acceptance which he thinks might bring about his own downfall.

2. Clearly this is moment when I must make supreme effort with Ayub on behalf of Prime Minister. Suggest I be authorized by emergency telegram soonest to deliver oral message from Mr. Wilson making some or all of following points:

(a) If India accepts cease-fire, and Pakistan does not, latter will be in impossible moral position if Chinese subsequently attack India. Non-Communist world would inevitably infer (however wrongly) that there was collusion between Pakistan and China against India, and world would hold Pakistan, along with China, responsible for whatever disasters follow;

(b) Pakistan’s case on Kashmir, which commands much sympathy at present, would be wholly neutralized by world-wide disapproval that would be felt against Pakistan for prolonging the fighting;

(c) These dangerous probabilities can be averted by agreement on cease-fire from which Pakistan has everything to gain. Kashmir is now before
world which is determined to promote a just and final settlement. Prime
Minister appreciates that Security Council Resolution is not in form which
Pakistan Government would have wished (nor is it what India would
have wished to see). But Resolution says specifically that cease-fire is
only first step towards peaceful settlement of outstanding differences
between the two countries on Kashmir and other related matters. It is
British Government’s intention, once cease-fire is effected, to do all in
their power to promote such a settlement.

(d) To prolong fighting and thereby encourage Chinese intervention could
bring disaster of such proportions on Pakistan (along with many other
countries) as to threaten social (gp undec? Fabric) of this country, leading
to a Communist take-over in due course. If now isolated at China’s side,
Pakistan would soon find Chinese to be masters and not friends.

2221. Record of Conversation on India and Pakistan at the
State Department on 20th September, 1965.

REF: DO 196/386

Present:
Mr. R. Hare,
Assistant Secretary For Near Eastern and South Asian Affairs

Mr. W.J. Handley,
Deputy Assistant Secretary

Mr. W. Bundy,
Assistant Secretary for Far Eastern Affairs

Mr. W. Buffum,
Deputy Assistant Secretary for International Organisation Affairs

Miss. C. Laise,
Director, Office of South Asian Affairs

Sir Saville Garner

Mr. Stewart

Mr. Trench
In reply to a question Mr. Bundy expressed the view that the Chinese had postponed their ultimatum because, in the light of the Indian reply, it would have seemed to world opinion provocative to maintain their original demand. In addition President Ayub had said that he had asked the Chinese to hold off and Mr. Bundy thought that this was probably true.

2. Sir Saville Garner said that the British estimate agreed with this. As regards the general question of Pakistan’s behaviour, he thought that for the past year or so Ayub had been led astray by Bhutto and under the latter’s influence had indulged in the ultimate folly of sending infiltrators into Indian-held Kashmir. It was only in the light of world reactions to this that he realized what he had let himself in for. He probably now regretted having relied so much on Bhutto and might come more under the influence of Shoaib, which would be beneficial. No matter what the situation on the ground was, Ayub had to some extent won a victory, because he had drawn attention to the need to solve the Kashmir question, which is recent years had slipped out of sight. Nevertheless the Pakistanis were not satisfied with this, as shown by Jordan’s abstention in the Security Council.

Mr. Buffum pointed out that the Council was committed to searching for a solution, apart from the fact that the Secretary-General himself was directly involved. He also made the point that if one of the parties to the dispute refused to accept a cease-fire, it would be necessary for the Council to consider sanctions against the offender.

3. Sir S. Garner said that at the moment there was a tactical problem vis-à-vis Pakistan, but in the long run the real difficulty was going to be to get the Indians to agree to any settlement at all which was not entirely in their favour. Miss Laise noted, however, that if India wanted help from the United Nations in regard to Chinese threats, she would have to make some concession on Kashmir. Sir S. Garner thought that Shastri was not in an awkward domestic political situation. It was true that India had come off best on the ground, but he had no great victory to announce. As regards Pakistan, it was clearly difficult to convince Ayub that the present Security Council resolution was satisfactory for him, because it was impossible to guarantee what the ultimate outcome would be. In any case it was good tactics for the Pakistanis to object, in the hope of securing concessions later.

4. After reference had been made to the Soviet offer to arrange a meeting between Ayub and Shastri, which Mr. Bundy considered to be mainly a propaganda gesture, perhaps with China in view, Sir S. Garner said in reply to a question that the idea of a Commonwealth initiative was now more or less in cold-storage. He thought it possible, however, that Ayub and Shastri might find it easier to meet eventually in Colombo rather than in Tashkent.
5. Miss Laise said that the only way of bringing effective pressure to bear on India was through the United Nations. It was therefore important to keep the problem in this forum. Mr. Bundy observed that although moral pressure might well be exerted on India in the U.N., the main practical pressure derived from U.S. aid. It looked as though Congress would not vote any more aid to either country until the Kashmir problem was either settled or was clearly on the way to being settled. He wondered whether there was any opportunity for progress with both countries by working through the respective aid consortia.

6. Sir S. Garner thought that a great deal would depend on the standing of Ayub and Shastri after a cease-fire had been achieved. This was difficult to predict. Mr. Bundy agreed and remarked that it was at present impossible to say what the real military situation was. It looked however as though the Pakistanis had done much less well than had been expected. If this were so, then it seemed that, although we should have to press Pakistan hard now to agree to a cease-fire, we should have to exert four times as much pressure on India at a later stage in order to induce her to make any concessions.

7. Mr. Bundy thought that the Chinese probably did not intend to embark on any major action against India. If they were to indulge in some mild harassing action, this might even turn out to be helpful, because of the leverage on India which it would give us. It was clear from Chinese behaviour over the past few months that they did not want direct hostilities with the United States. Mr. Bundy confirmed that the American Ambassador in Warsaw had warned his Chinese opposite number obliquely of the danger of going too far vis-à-vis India.

8. Miss Laise speculated that China’s effective possession of one-third of Kashmir (in the Ladakh area) might enable her to prevent India and Pakistan ever reaching agreement on Kashmir. If this were the case, we would be merely deceiving ourselves if we talked about the possibility of our exerting pressure on India and Pakistan in order to bring about a Kashmir settlement. A neutral Kashmir would benefit only China. Miss Laise thought that a sine qua non for a settlement of any kind was an unmistakable dissociation of Pakistan from China.

9. Sir S. Garner said that it was necessary to satisfy the Indians that under any new arrangement for Kashmir India’s strategic position would be no worse than it had been up to the present. He wondered whether any eventual territorial loss by India might be compensated for by giving the Indians certain tactical rights.
10. Mr. Handley said that whatever the long-term solution might prove to be – if indeed one were possible – it was clearly essential that both India and Pakistan should accept the Security Council resolution. Sir S. Garner agreed and said that at present there seemed no action to be taken by either Britain or the United States. If however, Pakistan showed signs of any disposition to refuse to comply with the resolution, a major diplomatic effort would have to be made by both countries to persuade her to do so. Besides pointing out that, as mentioned earlier, world attention was now focused on the Kashmir problem, we should have to argue that the wording of paragraph 4 of the resolution was seriously intended and that we meant to work for a meaningful discussion. We would also have to make clear that any failure by Pakistan to comply with a mandatory resolution by the Security Council would only damage the United Nations, but would be harmful to Pakistan if she was looking to the United Nations for help in this context. Mr. Handley and Mr. Buffum agreed and suggested that at some stage use might be made of the argument that further military and economic aid could not be expected by a country which flouted the United Nations.

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2222. Telegram from the British High Commissioner in New Delhi to the Commonwealth Relations Office.

New Delhi, September 21, 1965.

From: New Delhi
To: Commonwealth Relations Office

Mr. Freeman

No. 3405 21 September, 1965

EMERGENCY

Addressed: to C.R.O. telegram No. 3405 of 21 September

Repeated: for information: Karachi, Washington, Rawalpindi, Moscow, UKMis New York

Indo-Pakistan Hostilities.

I was summoned to Prime Minister’s office this evening. L.K. Jha informed
me that Shastri and Cabinet were very seriously thinking of accepting Kosygin’s offer to mediate so long as it was acceptable to Pakistanis. This would complement and not (repeat not) substitute for acceptance of Security Council Resolution. They gather from Indian Ambassador in Moscow that Russians have at least some reason to think that Pakistanis might also accept.

2. Before taking final decision Shastri wishes to know whether acceptance of Russian offer could attract strong hostility from British and United States Governments.

3. I said that in general our attitude was that any initiative to settle problems which had led to war was to be welcomed so long as it did not cut across Security Council Resolution. But that I could not take responsibility for giving official answer without instructions.

4. Naturally plan is contingent on Pakistan accepting United Nations Resolution along with India.

5. Very urgent answer required as Shastri unwilling to defer final decision beyond 0300 hours G.M.T. tomorrow 22 September. I must therefore pass any message by 0230 hours G.M.T.


7. My personal belief is that it would be wise for us to accept this with good grace because:

   (a) If (repeat if) Pakistanis also accept there is outside hope that mediation might be successful.

   (b) If it fails Russians will attract some odium.

   (c) I think Shastri’s mind is tilted this way already and it may be unwise to raise objections which he could override.

❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖
Helped by Shoaib I secured interview with President Ayub at 1515 G.M.T. today 21 September. He listened attentively but with some signs of restiveness (and I fear incomplete grasp) to warnings as in paragraph 2(a) and (b) of my telegram No. WL 230. However, when I made points in II(c) and (d) of that telegram, it was clear that both registered strongly with him.

2. President Ayub gave me no indication of decision he will take on cease-fire (and scarcely [groups omitted] to Bhutto’s current New York Mission – see my immediately following telegrams. He pressed me for news of India’s decision as to cease-fire, which I said to best of my knowledge had not yet been announced, though I expected it to be favourable.

3. As regards Chinese [group indec? Intention] President disclosed that he had yesterday made a second private appeal to Chinese Government not to aggravate situation, and when I asked for specific authority to inform you of this, readily agreed that I should do so. But he once again jibbed at my suggestion that he should make a similar appeal in public. As regards United States/United Kingdom attitude towards possible Chinese intervention, he said emphatically that this time we must not let the Hindus take us in. I said that if there were a cease-fire in the Indo/Pakistan war tomorrow the Chinese would probably not (repeat not) attack India; thus agreement by Pakistan to a cease-fire was best way open to her of preventing the unwelcome consequences to her of renewed Sino/Indian fighting.
4. Pakistan Foreign Secretary (Aziz Ahmed) was present and made several unhelpful comments, aimed at depicting Britain to the President as a slavism camp-follower of America.

5. I made following specific points on personal basis in addition to those [group undec? Augured] by your telegram No. WL 448:

(a) We were no country’s satellite, and if we were acting on this occasion in concert with Americans it was because we and they had a like interest in peace and stability of whole subcontinent;

(b) If Pakistanis refused to cease-fire, and Chinese subsequently attacked India, there would then be two wars in the sub-continent, which could speedily coalesce; resulting situation might easily escalate into an immensely complex and tragic disaster.

6. Comments

McConaughy’s account of his own earlier interview will be available to you in London and I will not summarise it here. He thinks there is a slightly better than even chance of the President deciding tomorrow in favour of a cease-fire. I would put the chance at evens myself.

7. On the credit side must be adopted the comparative calm and confidence shown by Shoaib to me tonight (as also to Mc Conaughy earlier). This has been the most re-assuring aspect of today.

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Note of the Ministry of External Affairs to the Chinese Embassy in New Delhi.

New Delhi, September 21, 1965.

The Ministry of External Affairs presents its compliments to the Embassy of the People’s Republic of China in India and with reference to the Chinese Government note of September 19 has the honour to reply as follows.

The Government of India are surprised by the language and contents of the Chinese note of September 19. We have no desire to compete with the Chinese Government in the use of abusive and undignified language. But it must be pointed out that neither vituperation nor intimidation is conducive to peaceful settlement.

It is regrettable that the Chinese Government has not responded to the peaceful gesture and reasonable proposal made by the Government of India in its note of September 17.

In regard to the defence structures alleged by the Government of China to have been built by the Government of India on the Tibetan side of the Sikkim border, since matters of facts were in dispute the Government of India suggested in their note of September 12 inspection by an independent observer but the Chinese Government did not accept this reasonable proposal. The Government of India, therefore, agreed to the suggestion of joint inspection by the Indian and Chinese officials reiterated in paragraph 1 of the Chinese note of September 16. It is extraordinary that China now refuses to accept its own proposal for a joint inspection into allegations that Indian troops have built military structures on the Tibetan side of the Sikkim border.

The Chinese Government have now demanded that “India Government dismantle all its military works for aggression on the Chinese side of the China-Sikkim boundary or on boundary itself before midnight of September 22, 1965.” It has already been stated in the Government of India’s note of September 17 that if after joint inspection any structure are found on the Tibetan side of the border there can be no objection to their being demolished. Surely, if in fact there were in existence any such structures on the Tibetan side of the border, the Chinese Government would not have waited for our consent to demolish them or asked us to do so by sending our personnel across the border.

Furthermore it is not clear what the Chinese Government mean when they speak of military works not only on the Tibet side of the border but also “on the boundary line.” The Chinese Government are concerned only with alleged military works on the Tibet side of the border in respect to which the Government of India have already clearly stated their position in their note of September 17.
and which has been reiterated above. As regards military structures on the Indian side of the border, whether they exist or not, is a matter which concerns only the Government of India within its own sovereign rights and the Chinese Government is in no way concerned with any matter pertaining to the Indian territory.

The second demand of the Chinese Government is in respect of handing back four Tibetan inhabitants who are wrongly alleged to have been kidnapped and also for the return of 800 sheep and 51 yaks alleged to have been seized by the Indian troops. In their note of September 17 the Government of India have already stated that the number of Tibetans – and there are as the Chinese Government is aware thousands of such refugees in India – have come over into India from time to time on their own volition and without our permission, and any of them desiring to go back to Tibet are always permitted to do so.

The Government of India has told the Chinese Government again and again that our troops have not kidnapped any Tibetans nor have they seized any livestock. The two Tibetan inhabitants mentioned in the Government of India note of September 17 and the two Tibetan herdsmen who had come into India in 1963 with their livestock are free to go back to Tibet at any time if they desire to do so. The Chinese Government are aware that there are not four but many thousands of Tibetans who have left their homeland and sought refuge in India. As regard the Yaks we have already told the Chinese Government in our note of February 2, 1964, that no Yaks have been seized by our personnel.

It is clear that the Chinese Government are repeating these false and frivolous allegations and accusing India of “acts of aggression” merely to find pretext for committing aggression.

Finally, the Chinese Government have asked for assurance that “no intrusions or harassing raids across the border will occur in future.” The Government of India have already, in their note of September 17 and earlier notes, informed the Chinese Government that the Indian Government have given strict instructions to its armed forces and personnel not to cross the international boundary in the Eastern and middle sectors and the so-called “line of actual control” in the Western sector and these instructions have been observed strictly. Having given replies to the specific demands made by the Chinese Government, the Government of India cannot but observe that China taking advantage of the present unfortunate conflict between India and Pakistan is concocting without any basis causes belle in order to commit aggression against India. The Chinese Government accuse the Government of India of expansionism which is totally false as is self-evident to the world in order to justify its own aggressive intentions and desire to extend their domination over the whole of Asia. The Government of China in the note under reply have enunciated new doctrine that China must
interfere in interse relations of the Asian countries. This claim of China to assume role of guardianship and hegemony over the Asian countries is a role which no self-respecting nation in Asia would be prepared to accept or recognize. Large or small, strong or week, every country in Asia has the fullest right to preserve its independence and sovereignty on terms of equality. Dominance of Chinese will not be accepted by any of them. The Government of India, therefore, reject the claim of China to advise the Government of India how to resolve its difference with its neighbour Pakistan over Kashmir or any other matter.

India’s record as peaceful country and good neighbour is well-known to the world and it is not necessary for the Government of India to argue this point with the Chinese Government who is blinded with hatred for India. It is also well-known to the world how India, since the establishment of the people’s Republic of China, extended hand of friendship to China and how in turn the rulers of China committed aggression against India and occupied by force 14,500 square miles of the Indian territory in Ladakh. India has neither forgotten nor accepted this illegal occupation of its territory by China. The Chinese note under reply has also repeated their aggressive claims to the Indian territory in the Eastern, Middle and Western sectors, claims which the Government of India categorically reject.

China’s aggressive intentions are clear from the fact that even while they have in their note extended the time limit by 72 hours in actual fact they have started firing at our border posts both in Sikkim and Ladakh having already crossed into the Sikkim border at Dongchui La and Nathu La. In the Western sector at Demchok several hundred Chinese troops have taken position across the Indian check-post which is well within the Indian side of the so-called “1959 line of actual control”. This action by China is in clear violation of the recommendation of 2(a) of Colombo proposals and China’s own so-called “unilateral cease-fire” declaration of November 22, 1962.

The whole attitude of the Chinese Government, its threat, and three days ultimatum prove that China is not at all interested in the peaceful settlement of the border question or in peaceful co-existence between India and China. India can only urge the Chinese Government to forsake path of belligerence and intimidation and to return to the path of peace and reason in its relations with India. On her part India has always been and continues to be willing to settle these differences by peaceful means.
2225. Telegram from the British Ambassador in Tehran to the Foreign Office.

From: Tehran
To: Foreign Office
Sir D. Wright
No.1082 22 September, 1965

PRIORITY
Addressed: to Foreign Office telegram No. 1082 of 22 September
Repeated: for information to: Washington, Ankara, Karachi, UKMис New York, UKDEL NATO
Moscow, Bangkok, New Delhi My telegram No. 1078: India/Pakistan.

When I was in audience with the Shah this morning a telephone call to President of Pakistan which he had asked for before my arrival came through. Ayub Khan told Shah that he had accepted cease-fire and Pakistani troops would be withdrawn, but they would retaliate if attacked by Indians.

2. The Shah told me that he now intended to ‘raise hell’ in every possible forum to see that Pakistan got a square deal over Kashmir. He hoped that Commonwealth machinery could be established to ensure this rather than let the Russians meddle; he also looked to us to help Pakistan.

3. Before the phone call came through the Shah had told me that his purpose was to put more pressure on Ayub Khan to accept a cease-fire, and he would threaten to cut off such help as Iran was giving to Pakistan if he refused to do so.

4. I told the Shah that I felt sure you would wish me to congratulate him on his part in persuading Pakistan to accept a cease-fire.

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Statement by Prime Minister Lal Bahadur Shastri in Parliament on the Cease-fire.

New Delhi, September 22, 1965.

I place on the Table of the House a copy of the Security Council resolution dated the 20th September, 1965, relating to the current conflict between India and Pakistan – a conflict which commenced on the 5th August, 1965, when Pakistan launched a massive attack on India by sending thousands of armed infiltrators across the cease-fire line in our State of Jammu and Kashmir.

As the Hon'ble Members would see, the Security Council had demanded that both Governments should order a cease-fire effective from 12.30 p.m. Indian Standard Time today, the 22nd September, 1965. On the question of cease-fire, the views of the Government of India were stated in detail and without any ambiguity in my letters of September 14 and 15, 1965, addressed to the Secretary-General. As stated in these letters, the Government of India had clearly accepted that they would order a cease-fire without any pre-conditions on being informed that Pakistan had agreed to do the same. On receiving the Security Council resolution, therefore, we sent a communication to the Secretary-General, in accordance with our earlier stand, informing him that we would be prepared to issue orders for a simple cease-fire effective from the appointed time and date, provided Pakistan agreed to do likewise.

Throughout yesterday, there was no further message from the Secretary-General, but in the early hours of this morning we received a message from him advising us to order a unilateral cease-fire in compliance with the relevant provisions of the Security Council Resolution, with the proviso that our troops could fire back if they were attacked. This, of course, was entirely impossible. In a battle which is continuing, it is just not possible for one side to ask its soldiers to stop firing, leaving the other side free to continue its operations. Our representative at the United Nations, was, therefore, instructed to inform the Secretary-General accordingly.

A further report was received a short while ago that at the request of the Foreign Minister of Pakistan, an emergent meeting of the Security Council was convened, at which an announcement was made, on behalf of Pakistan that they also had agreed to issue orders for a cease-fire and cessation of hostilities. From our side, the requisite orders are now being issued to our field commanders to effect a complete cease-fire by 3.30 a.m. tomorrow morning.

The Security Council Resolution refers to other matters which will require consideration subsequently. However, the policy of the Government of India in regard to matters which are of vital importance to us and which relate to the
present conflict, has been stated by me on more than one occasion on the
to the Secretary-
I do not propose to go into any further details at the present stage. Detailed
take place and there would have to be a fuller study of
problems to which I have just referred. For this purpose, our representative
of the United Nations will keep himself available to the Secretary-General.

There will now be cessation of hostilities. Peace is good. However, there is still
a threat from the Foreign Minister of Pakistan, which he held out today, while
speaking in the Security Council. We have, therefore, to be very watchful and
vigilant.

The nation has recently been going through its greatest trial. The times have
been difficult but they have served a great purpose. The whole world knows
now that the people of India- Hindus, Muslims, Sikhs, Christians, Parsess and
others, constitute a united nation with a determined common will and purpose.
On the battle front, the supreme sacrifice has been made by the members of
all communities who have shown that they are Indians first and Indians last.

To our armed forces, I would like to pay on behalf of this Parliament and the
entire country our warmest tributes. By their valour and heroism, they have
given a new confidence to the people of India. Those who have lost their beloved
on the battle front have made a contribution to the preservation of our
independence which will never be forgotten by a grateful nation. Their sorrow
and their pride are shared by the whole country.

Mr. Speaker, Sir, I would now seek your permission to express to all the
members of this august House, to all the political parties in the country, to the
leaders of public opinion, of labour organizations, of business and industry,
and of many other voluntary associations, my feelings of the deepest gratitude.
In the hour of trial each one of the 470 million people of this country stood up
shoulder to shoulder to meet the challenge to our freedom.

I should like to inform the House that on 18th September, 1965, I received a
message from Mr. Kosygin, Chairman of the Council of Ministers, USSR,
offering his good offices for bringing about improved relations between India
and Pakistan. Mr. Kosygin is impelled by noble intentions. No one can ever
contest the view that ultimately India and Pakistan will have to live together as
peaceful neighbours. We cannot therefore say no to any efforts, which may
help to bring about such a situation, made by those who are sincere and genuine
in their feelings of goodwill and friendship. I have, therefore, informed Mr.
Kosygin today that we would welcome his efforts and good offices.
I would also like to give the House some further details about the tragic accident in which the other day, we suffered grievous loss. Investigations conducted on the sport show that the aircraft in which Shri Balvantray Mehta* was traveling, was shot down by a Pakistani plane. The marks on the fuselage establish that gun fire had been used. Preliminary investigations by the Air Force authorities who also have visited the scene confirm that the aircraft was shot down at a low height. The ammunition recovered at the site of the crash also proves that the attacking aircraft was a Pakistani plane. That a non-combatant civilian aircraft should have been shot down in this manner is one of the most inhuman acts which we must all deplore and condemn. Shri Balvantrayji, his wife and the others who were traveling with him have laid down their lives at the altar of the freedom of the country. Their names will remain enshrined in our memory.

We are, Sir, still faced with the Chinese ultimatum. The House is aware that almost at the same time when the Chinese Government announced the extension of the time-limit of the ultimatum to India by 72 hours on September 19, their troops started provocative activities at several points of the border. On the Sikkim border, about which the Chinese have been making baseless and threatening allegations, the Chinese troops crossed the well-known and delimited boundary at Dongchui La and Nathu La on September 20 and 21 respectively. They fired at our observation posts. They have tried also to intrude into our other territories. Our armed forces have clear instructions to repel the aggressor.

Yesterday we sent a reply to the Chinese note of September 20 in which India was alleged to have intruded into Dum Chale and committed armed provocation. The Chinese charge was rejected as a fabrication and a cover-up for the intrusion and firing at Tsaskur to which I have referred a little while ago.

The House is aware that on September 19, the Chinese Government sent us a note couched in unbecoming language, extending the period of the ultimatum, making demands for destruction of military structures etc. Regarding the so-called military structures we have already told the Chinese Government that if after joint inspection any structures are found on the Tibetan side of the border there can be no objection on their being demolished. I have been told that China has announced that some of these so-called structures have been destroyed by our troops while withdrawing. All this is a product of their imagination.

I must tell the House that we view with grave concern the Chinese activities on the border and the armed intrusions into our territory. We have urged the Chinese Government in our note of September 21 replying to the Chinese note of September 19 to forsake the path of belligerence and intimidation and to

* Chief Minister of the State of Gujarat.
KASHMIR

return to the path of peace and reason in its relations with India. I hope that even at this late hour China will respond to this call and prevent a major crisis.

We do not, however, know what the Chinese will do next. We have to remain vigilant all along the frontier.

These are times of the greatest trial for the nation, but the people all over the country are now in that mood which alone ensures the preservation of country’s freedom. We may have to face many ups and downs, but I know the people have steeled themselves into a resolve to meet even this bigger challenge. On our armed forces, there may be a heavier responsibility. I have no doubt that they are in good spirits. We have no intention of under-estimating the gravity of the situation. But we have resolved firmly to meet this challenge to our freedom.

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2227. Letter of the British High Commission in New Delhi to the Commonwealth Relations Office conveying the conversation between the British High Commissioner and Italian Ambassador.

New Delhi, September 22, 1965.

REF: DO 196/38S

British High Commissioner New Delhi

PL-44/5 22 September, 1965

V.C. Martin Esq., South Asia Dept., C.R.O.

Dear Victor,

The following is a record of a conversation between the High Commissioner and the Italian Ambassador on 21 September. The Italian Ambassador is a well-informed person whose information is usually reliable.

2. ‘The Italian Ambassador called on me this morning to discuss the general Indo-Pak situation. In the course of the conversation he told me that he had a long talk yesterday with the Yugoslav Ambassador whom he knows intimately. The Ambassador told him that the Communist bloc had been making a very careful joint intelligence assessment of Chinese intentions. They had concluded that they had irrefutable evidence that there was an agreement between Pakistan
and China that the Chinese should intervene in force if the Indo-Pak war spread to East Pakistan. The plan would have been to attack on the Sikkim front and join forces with the Pakistanis with the object of cutting off Assam from India. The Communists believe that there was probably no such agreement in the event of the Indo-Pak war being limited to West Pakistan. They considered that China’s decisions about operations in Sikkim or Ladakh are, in present circumstances, taken without reference to the Pakistanis, although they may well be known to the Pakistanis. They consider that, if the war goes on, the Chinese will intervene as a matter of political prestige and in order to strengthen their hold on the Pakistan Government. If, however, the Security Council resolution is effective, they consider that the Chinese may not make any further move. Alternatively, if they do, the appreciation, is that it will be a very minor one designed to ‘redress their frontier grievance’ and save face following their two ultimata.’

3. I am copying this letter to Ward in Karachi and Gilmore in Washington.

Yours
(W.L. Allinson)

2228. Message from Prime Minister Lal Bahadur Shastri to the Soviet Premier Alex Kosygin.

New Delhi, September 22, 1965.

My dear Mr. Chairman,

I greatly appreciate the sincere feelings of friendship for India and concern for peace which have impelled you to send me your message, delivered to me by your Charge d’Affairs on 18 September, 1965. Considering the close and abiding ties that bind our two countries, our response to your offer of good offices, as our Ambassador must have told you already, is naturally positive.

2. Mr. Chairman, you have proposed a meeting between President AYUB and myself with the aim of achieving an agreement on the restoration of peaceful relations between India and Pakistan. Undoubtedly, the objective is laudable, because India and Pakistan will have to live together in peace in the interest of the welfare of Millions of people who inhabit this sub-continent. During the last 17 years, we have done all we could to promote good neighbourly relations, but unfortunately, the response from Pakistan has all along been disappointing. In
fact, there has been a persistent and deliberate effort to keep up an atmosphere of hostility towards India, culminating in aggression upon our territory on three different occasions. There is also the fact that the gulf between the two is so wide. Pakistan which is already in forcible and illegal occupation of a substantial part of our territory, wishes to annex additional areas by force. Whereas we are determined to maintain our territorial integrity. Mr. Chairman, in bringing about an improvement in our relations with Pakistan there can be, from our point of view, no better good offices than yours.

3. I have had the distinct feeling that a meeting between President AYUB KHAN and myself could for obvious reasons, be appropriately considered only after fighting has ended and calmer atmosphere prevails. I have just received information that Pakistan has agreed to comply with the Security Council resolution calling for a cease-fire.

4. Before concluding this letter, allow me, Mr. Chairman, to express to you and to your great country and the friendly Soviet people, our feelings of gratitude for the help and support which you have extended to us in these days of trial for our country.

Yours sincerely
Lal Bahadur

2229. Record of Telephonic Conversation between the British Prime Minister and Pakistan President Ayub Khan.

September 23, 1965.

Ayub’s Reservation Over Soviet Initiative at Summit

President Ayub said that Pakistan had agreed to a cease fire called for by the Security Council in the firm belief that the British and American Governments would put their full weight behind a purposeful settlement of the Kashmir problem. That being so, two problems arose; first, the question of military disengagement and secondly, the establishment of political machinery for the settlement of the dispute.

The Prime Minister asked what he President had in mind. President Ayub said he would leave it to the Prime Minister. He hoped that the Prime Minister would
consult the Americans and come up with a plan. He thought that the technique employed in solving the Rann of Kutch dispute might usefully be employed again. But Pakistan did not mind what the machinery was so long as it consisted of really impartial people who might shuttle between Delhi and Rawalpindi.

The Prime Minister said that he wished to say two things. First, he felt that the President had been absolutely right to agree to the Security Council’s proposals for a cease-fire. He knew that it had not been an easy decision to take but he was convinced that it was the right one. Secondly, he agreed on the need for a purposeful political negotiation on the basic subject of the dispute. The Prime Minister said that what we said in Security Council, we meant; now the problem was to give effect to that decision.

The Prime Minister went on to say that we would certainly get in touch with President Johnson and if possible with the Soviet Union, to see if we could get agreement on the form of machinery required. It was important to keep this within the ambit of the Security Council. The Prime Minister enquired how the President saw the Russian offer of mediation.

President Ayub said that the Russian offer was a propaganda stunt. If he and Prime Minister Shastri were to meet face to face in cold blood, they would merely restate their cases and depart without reaching agreement. The Rann of Kutch technique was by far the best way. He agreed that it should be under the auspices of the Security Council. But he would leave it to the Prime Minister how best to bring this about.

The Prime Minister said that we would first get in touch with the Americans and secondly try and devise the right machinery. He doubted whether it would be possible to carry the Russians with us, but it would be a very good thing if we could. There was a lot to be said for the Rann of Kutch approach.

It was agreed that the fact of the telephone conversation and its contents should remain secret and not be announced to the Press.

September 23, 1965.
2230. Telegram from the British High Commissioner in New Delhi to the Commonwealth Relations Office.

New Delhi, September 23, 1965.

From: New Delhi
To: Commonwealth Relations Office

Mr. Freeman

No. 3428 23 September, 1965

IMMEDIATE

Addressed: to C.R.O. telegram No. 3428 of 23 September


Your telegram No. 3301: Kashmir.

Personal for Rumbold.

Your telegram was delayed in transmission and only arrived late on 21 September. I much appreciate having your personal thought at this time, since from here it has not been easy to judge exactly where we are going and what is best for British interests.

2. I absolutely agree that there can be no real peace or stability in subcontinent until Kashmir dispute is settled. My fear is that it will never be settled unless we take some account of recent events. In this connection, I fully agree with your paragraph 8. It is probably true that Pakistan has not been defeated, but it is certain that she has attempted to secure a military solution and has decisively failed. In these circumstances, I am not sure that I understand the thinking behind the second sentence of your paragraph 2. I personally do not see the slightest chance of India's ever accepting that the Vale should either go to Pakistan or become independent. On the contrary, it is certain that she will refuse such a solution and oppose those who promote it by every available means. The loss of Kashmir would thus have to be imposed on India by a threat of force as formidable as to be irresistible. Is it in our interests – short or long term – to support such a policy? I tried to suggest in my telegram 3274 that, on the contrary, the security of the West as a whole might be seriously threatened if China were allowed to secure an accessible land frontier with Pakistan from which she could pose a major and permanent threat to the Punjab.
3. I recognize that this thesis, if it is correct, will involve a complete rethinking of our relations with India and Pakistan. It is, however, arguable that during the past 18 years we and the Americans have, for reasons which were good at the time but may now be irrelevant, permitted a distortion of the relations between the largest and most powerful nation of the South Asia (India) and her much less powerful neighbour. This distortion has arisen from the fact that we have tried to equate India and Pakistan (in the same way that we tried to equate the Muslim League with Congress) in spite of the real difference in potential between them. The question we are now faced with is whether Pakistan’s nominal membership of CENTO provides us with a more reliable bastion against Communism than India does. If, as I suspect, dependence on the positive efficacy of CENTO has become a relatively minor factor in both our political and defence calculations, then it follows that our future relations with India, and the support of India against both the economic and ideological penetration of Russia and the physical and ideological aggression of China are of greater importance to the Americans and to ourselves than ever before.

4. I recognize that this is iconoclastic thinking. But if I am right thus far, the train of thought in your paragraph 4 and 5 may lead to a different conclusion from the one you draw. Is it true, for example, that the two parties have shown conclusively their inability to settle the matter between themselves? Perhaps the converse is true. If anything has come out of the past deplorable three weeks it is that Pakistan has proved her inability to secure what she wants by force. Per contra India has probably done enough to show that she could settle the matter by force if no-one intervened. Are we now going to bring extreme pressure to bear on India to persuade her to accept what Pakistan has failed to achieve by war? Or are we going deliberately and unnaturally to build up Pakistan to the point where she might after all be strong enough to break up India? If we believe that the former can be done by normal diplomatic pressures I am afraid that we over-estimate our influence. I am convinced that the Indians will not take it from us or the Americans diplomatically any more than they did militarily from the Pakistan army. (The Russians show no signs of being ready to join us on such a course). If, in the end, we overrode India by economic pressure or actual sanctions, then our influence and that of America would have gone and Indian economic development (the real stabilizer) would have been set back a decade. Should we have achieved anything from this except to lay the whole subcontinent open to Russian and/or Chinese influence? The alternative way of forcing India to toe the line would be to rebuild Pakistan’s military strength to a level at which she could impose a military solution on India. This would have to be done while the Russians continued to arm India. Would it not condemn the whole subcontinent to the certainty of major war in the future and once again do nothing but damage to all our interests?
5. In more detailed comment on your telegram:

(i) Your paragraph 3: On India’s side, given her new-found confidence that she can meet Pakistan militarily, relations with Pakistan may well be more relaxed in future, especially if Pakistan is not assisted to rebuild a large modern military force. The present conflict has united India as never before (I am told much more than in 1962).

(ii) Your 4(c): India has always claimed in the past, with little success, that Pakistan was the aggressor in Kashmir. Is the world prepared to believe that Pakistan was not (in non-technical terms) the aggressor in 1965?

(iii) Your paragraph 4(D): You are better placed than we are to judge Russia’s present intentions. As we see it, whilst in the past Russia has been ready to use her veto for India, this time she was able, without using the veto, to secure a Resolution which neither referred back to earlier resolutions on Kashmir nor specified self-determination. Russia appears to recognize at last some responsibility for securing a settlement of the Kashmir issue, but I assume that she still maintains her previous stand that Kashmir (however defined) is an integral part of India.

6. I recognize that British interests here may greatly diminish if political and economic stability falters. On balance, however, I believe that policy based on the views I have set out above would make such instability less likely, and so offer the best chance that India will follow western-oriented economic policies. A policy designed to force an unacceptable Kashmir settlement on India might positively ensure a decline in political stability which could otherwise be avoided.

7. I hope the tone of this telegram does not sound over-combative. Intention is to raise in sharpest form issues which are clearly crucial to British interests at moment when Ministers are bound to be reassessing them. I hope I may be kept informed as Ministerial thinking develops.

New Delhi, September 24, 1965.

Intervention in the Lok Sabha:

Mr. Deputy-Speaker, Sir, in my opinion, the resolution of the Security Council of the 20th September which we are discussing constitutes a major diplomatic reverse for Pakistan. I cannot say, and I would not be fair to this House if I said, that it is wholly favourable to India. But I can say this: I will put it negatively – it is not unfavourable to India. If the drafting of this resolution was in our hands, we would certainly have drafted a better resolution, but the resolution was drafted by the Security Council, not by our representatives there.

But I should analyse this resolution and satisfy this House that it constitutes, as I said, a serious diplomatic reverse for Pakistan. Let us look at the resolution:

“The Security Council, having considered the reports of the Secretary-General on his consultations with the Government of India and Pakistan,”

I am reading the preamble to the resolution –

“Commending the Secretary-General for his unrelenting efforts in furtherance of the objectives of the Security Council’s resolutions of 4th and 6th September.

Having heard the statements of the representatives of India and Pakistan,

Noting the differing replies by the parties to an appeal for a cease-fire as set out in the report of the Secretary-General, but noting further with concern that no ceasefire has yet come into being……”

Then, this is a very important operative part – what we urged before the Security Council. Look at the difference between the attitudes of India and Pakistan. Our Prime Minister, by his letter of the 15th September, accepted an unconditional cease-fire. Contrast it with the reply of President Ayub of the 17th and record the fact that whereas India had accepted the ceasefire without conditions, Pakistan had not done so.

The Security Council could not go to that length, but I ask the House to see that by implication this preamble makes clear the position which I have just stated, because it says: “…differing replies by the parties to an appeal for ceasefire as
set out in the report of the Secretary-General." Anybody who looks at the report of the Secretary-General and looks at the letter of our Prime Minister of the 15th, and the letter of President Ayub of the 17th, will see the thing. I ask you to note the difference between the two English expressions: it is not “different” replies but it is “differing” replies, which means that one reply is quite different in quality and character from the other. Therefore, in this preamble, it is clear that the Security Council has accepted the different attitudes taken up by India and Pakistan on the question of ceasefire.

Then, coming to the next paragraph:

“Convinced that an early cessation of hostilities is essential as a first step towards a peaceful settlement of the outstanding differences between the two countries on Kashmir and other related matters.”

Frankly, I am not very happy at the expression in question and the word “Kashmir” in this part of the preamble. But may I point out to this House that this expression “Kashmir and other related matters” appears in the joint declaration of the then Prime Minister, and President Ayub in 1962? May I also point out to this House that nowhere in this resolution is the word “plebiscite” used? Nowhere in this resolution is the old resolution of Security Council referred to. When we talk of Kashmir, as I said, we must not merely think of Pakistan’s claim for a plebiscite. Let us not forget that we were the complainants before the United Nations; that we went to the United Nations complaining of Pakistan’s aggression. That aggression still continues, and we have every right to say that if there is a Kashmir dispute, the only dispute is about Pakistan’s aggression and continuing aggression. So, there is no reason why we should look upon this part of the preamble as prejudicial to us.

I then come to the operative part:

“Demands that a ceasefire should take effect on Wednesday, 22nd September, 1965, and calls upon both Governments to issue orders for a ceasefire at that moment and a subsequent withdrawal of all armed personnel back to the positions held by them before 5th August, 1965.”

Now, our argument before the Security Council was that the only issue, as my hon. friend Shri U.M. Trivedi just now said, that the Security Council should consider was, who committed aggression, and if it was satisfied that Pakistan had committed aggression, condemn Pakistan as an aggressor. As I said, the time has come when the Security Council should call a spade a spade. It should not hesitate to do so. I said, take the evidence; look at the record and be satisfied. If you are satisfied that Pakistan has committed aggression, that is the only issue and you decide that issue. But the Security Council did not say so.
Pakistan Condemned

I will satisfy the House how in this operative part is implicit the condemnation of Pakistan. I also pointed out that really we are concerned with cessation of hostilities and the resolution should be confined to the question of cessation of hostilities; and, all extraneous matters should not be brought in at this stage. The resolution says:

“...and calls upon both Governments to issue orders for a cease-fire at that moment and a subsequent withdrawal of armed personnel back to the position held by them before 5th August, 1965.”

The most crucial date in this resolution is the 5th August, 1965, because that is the date on which Pakistan committed aggression on our country. I do not merely say that infiltrators entered into our country, because I think this was a naked aggression and unabashed invasion of India. The fact that they entered Kashmir makes no difference, because invasion of Kashmir is invasion of India. 5th August is the date which is to be found in the Secretary-General’s report. This is what the Secretary-General says in his report:

“Gen. Nimmo has indicated to me that the series of violations that began on the 5th August were to a considerable extent in subsequent days in the form of armed men generally not in uniform crossing the cease-fire line from the Pakistan side for the purpose of armed action on the Indian side.”

This is not our allegation, not our view of the situation, but the report of the most powerful, most impartial international civil servant in the world today, the Secretary-General of the United Nations. This is his finding. If ever there was a clear and explicit unequivocal finding about an aggression, here it is. His finding is that aggression was committed by Pakistan on the 5th August, 1965.

Therefore, when you look at this resolution and see the date 5th August, as I said, implicit in that is the condemnation of Pakistan for this aggression, because you cannot read the date devoid of the report of the Secretary-General. The date is taken from his report and we have to ask ourselves the question, what happened on the 5th August? Why is that date mentioned in this resolution? The only answer is that on 5th August took place aggression by Pakistan upon our country, invasion by Pakistan of our country. So, although there is no explicit condemnation of Pakistan as an aggressor, which this country and this House would have liked, implicit in this operative part, is the condemnation of Pakistan...

I hope my hon. friend appreciates that in view of that fact that the Secretary-General’s report mentions the date 5th August and says from that date a large number of armed people crossed over from Pakistan into Indian side, and this
date having been mentioned in the resolution, there is implied condemnation of Pakistan.

As I pointed out, Pakistan has invaded India on three occasions. First was in 1947-48 when she invaded Kashmir. Then there was the Kutch invasion. This is the third invasion which is very similar to the first one into Kashmir, when Pakistan sent armed raiders, first denied any responsibility and then Sir Mohammad Zafrullah Khan admitted that Pakistan was behind it. But I will not deal with that now. I am dealing with this resolution.

Withdrawal of Forces

Let me deal with the question of the withdrawal of the armed forces. I have made the position perfectly clear before the Security Council as to what we mean by withdrawal of the armed forces back to the positions held by them before the 5th August. May I read out the passage? It is in the debate held in the Security Council on the 17th September – page 49. I do not know whether the official text has come yet. This is what I said before the Security Council on that day:

“This deals with the modality of the cease-fire. I do not want to deal with this in detail, but may I say this? All the invaders who have invaded Kashmir must leave. They must be withdrawn. They must be called back. As they were sent by Pakistan, they must be called back by Pakistan. Secondly, it must be made impossible for such infiltration to take place again. Thirdly, Pakistan must own its responsibility for this infiltration.”

Therefore, I made it clear that by withdrawal of the armed forces back to the positions held by them on 5th August, what I understood is, firstly, acknowledgement by Pakistan that she had sent these infiltrators, secondly, withdrawal of these infiltrators and thirdly, a situation to be created when such recurrence in future would be made impossible. I have not spelt out what the situation would be. But I would presently point out how the Prime Minister has taken up the same position in the correspondence, namely, that we do not want to go on from one cease-fire to another. We want to be satisfied that such a situation will not arise in future. We do not want to be put back in a position where thousands of infiltrators can enter our country and do what they have been doing there, create havoc, devastation, practice brutalities and cruelties, everything which I thought belonged to the past or the Hitler regime and not to modern civilized times...That is the position with regard to the 5th August.

Then, the resolution says:

“Calls on all the State of refrain from any action which might aggravate the situation there.”
Sir, this is a plea to all the States, and I take it that China is included, although it is not a member of the United Nations, not to intervene and aggravate this conflict. Then comes this:

“Decides to consider as soon as operative paragraph 1 of the Council’s resolution 210 of September 6 has been implemented, what steps could be taken to assist towards a settlement of the political problem underlying the present conflict, and in the meantime calls on the two Governments to utilize all peaceful means, including those listed in Article 33 of the Charter, to this end.”

Now, you will notice here that the steps which the Security Council could take are many. But here again there is no reference to Kashmir, there is no reference to plebiscite, and what we are called upon to do is to utilize all peaceful means including those listed in Article 33 of the Charter to this end. This country has always believed in peaceful means. It has always believed in debate and discussion. We are prepared to talk with anyone, including the devil, if necessary (Interruptions). Well, I do not know in whose favour the comparison is. But, Sir, you will notice that no time limit is fixed. It is left to us. This is purely recommendatory part of the resolution. We are asked to enter into discussions in order to bring about peaceful settlement, and there is mention of Article 33 of the Charter. Article 33 of the Charter, if you look at it, contains a large number of methods by which a peaceful settlement could be arrived at. Here also there is no prejudice as far as we are concerned.

Finally, it says:

“Requests the Secretary-General to exert every possible effort to give effect to this resolution, to seek peaceful solution, and to report to the Security Council thereon.”

Now, the best way to judge how seriously Pakistan considered this to be a diplomatic defeat is the response that was given by the Pakistan representative of the Security Council. I twice challenged him there to answer unequivocally whether he accepts a cease-fire unconditionally as our Prime Minister had done, and on both the occasions he refused to accept the challenge. This is what he says on the last day – this is very important. On the 20th September, when the resolution was about to be passed, this is the statement that he made. He said – this is page 23 statement by Mr. Zafar, Law Minister of Pakistan:

“On the other hand, should the Security Council adopt this draft resolution, we feel bound to warn and to put it on the record that unless the basic cause of the present conflict is removed, another and wider conflagration is bound to ensue.”
I told the Security Council that one aggression is not over and here is a threat of a new and wider conflagration. You will notice the note of utter dissatisfaction in this particular statement, because you will remember what the four conditions were which President Ayub was insisting on. The four conditions were: (i) cease-fire on which we are agreed; (ii) withdrawal of all troops not only from the part of Kashmir of which they are in unlawful occupation but we should even withdraw from our own Kashmir where we are there now; (iii) induction of Afro-Asian force; and, (iv) plebiscite within three months. In this statement Mr. Zafar said that as these conditions were not satisfied the resolution was unsatisfactory and another and wider conflagration was bound to ensure. You will notice that even President Ayub when he accepted the cease-fire said the resolution was unsatisfactory and mentioned that unless the Kashmir problem was solved, the continent will be submerged in a conflagration.

Goldberg Awakened at Dead of Night

It is surprising that although at this meeting, notwithstanding the challenge thrown out by me on two occasions, the Pakistan representative was not prepared to answer that Pakistan was prepared to accept a cease-fire unconditionally as our Prime Minister had done. It was only after a lapse of two or three days that President Ayub sent post haste Mr. Bhutto to the Security Council – poor Goldberg was awakened at dead of night, I do not know why, only for the purpose of permitting Mr. Bhutto making a speech to abuse our country. The acceptance could have been sent by a telegram, as we did, to the Secretary-General.

But the Security Council was convened solely for the purpose of enabling Mr. Bhutto to appear and abuse our country. I have shrewd suspicion – I may be wrong – that the reason for this delay, why the challenge was not accepted at the meeting of the Security Council and why some time lapsed before President Ayub accepted cease-fire, is that during that interval, a crucial interval, Pakistan was satisfied that China was not coming to her assistance. If Pakistan had felt that China was going to press home her ultimatum and attack us or invade us, I have a feeling that the answer of Pakistan would have been very different. Because Pakistan felt that not only she was militarily defeated but she could not even count on the perfidious alliance of China, that is why she was driven, however much she disliked it, to accept this cease-fire.

Kashmir an Integral Part of India

Now, Sir, I was telling you with regard to Kashmir. May I draw your attention to the fact that there also I took up an entirely unequivocal attitude. On the 18th September, speaking to the Security Council about Kashmir I said this:

“I come now to the question of Kashmir. I do not want to delve into
history. I studied history at Oxford and I am very fond of history, but history must be reserved for a proper occasion. Therefore, all that I had to say about Kashmir I said at great length when I intervened in the debate last year. But I want to make my position clear about Kashmir. I do not want this Council to be under any misapprehension as to the attitude of my Government with regard to Kashmir, nor do I want the representative of Pakistan to be under any misapprehension. Kashmir is an integral part of India. Kashmir is a unit of the Indian Federation, and we will not permit our Federation to be broken up. The separation of Kashmir from India means the break-up of our Federation of India. It would mean as much a break-up as if any other part of India were separated from India. Therefore, as far as the position of Kashmir is concerned, it has been stated by the representative of the Government of India on more than one occasion and, as I said, I myself stated it clearly and categorically at our last meeting.”

Some apprehension was felt by some of the members as to the effect of withdrawing our troops to the 5th of August positions. At the very last meeting when the resolution was passed, I made a statement on this resolution and I made the position of the Government perfectly clear so that there will be no doubt as to what the position was. This is what I said:

“As I read it, this resolution is not directed against my country. We have already accepted the unconditional cease-fire and we certainly will carry it out if Pakistan will carry it out. To the extent this resolution deals with the cease-fire, it could only be directed against Pakistan, which has not accepted the unconditional cease-fire.”

This is the important part.

“With regard to the rest of the resolution all that I am going to say now is that I adhere to everything that I said in the two statements I made in the Council on Friday and Sunday. Various matters are dealt with in this resolution and I have taken up those matters in those statements. My Government adheres to every one of those statements and my Government also adheres to the explanations given by the Prime Minister of India in his letter, dated 14th September, which is included in the Secretary-General’s preliminary report. Therefore, my position is perfectly clear and the position of my Government is also perfectly clear. We have come here before you to help you to stop the hostilities. We give you our full co-operation. To the extent this resolution deals with other matters, I do not wish to comment on them because I have already done so in my two statements and the Prime Minister has commented on them in his letter of 14th September.”
Now it is very necessary to see what the Prime Minister says in his letter of 14th September because it clinches the matter both on the question of the withdrawal to the 5th August position and the question of Kashmir. This is the letter which the Prime Minister wrote to the Secretary-General, dated 14th. I will read the relevant passage:

“In the light of our own experience during the last few months, we will have to insist that there must be no possibility of a recurrence of armed attacks on India, open or disguised. Let me make it perfectly clear, Mr. Secretary-General, that when consequent upon cease-fire becoming effective, further details are considered, we shall not agree to any disposition which will leave the door open for further infiltrations or prevent us from dealing with the infiltrations that have taken place.”

The next is about Kashmir.

“I would also like to state categorically that no pressures or attacks will deflect us from our firm resolve to maintain the sovereignty and territorial integrity of our country, of which the State of Jammu and Kashmir is an integral part.”

Nothing can be clearer, more unequivocal, more categoric than this statement of the Prime Minister. I pointed out to the Security Council that this was the attitude of the Government and I had reiterated it.

**India Prepared for Negotiations**

So, the House need have no misunderstanding as to what is the modality of the cease-fire agreement. We have agreed to the cease-fire. The modalities have to be worked out and in working out these modalities we will adhere to the position that we have taken. We will discuss with President Ayub. As I said, we are prepared to discuss with anybody. But in discussing with President Ayub we will remember what the Prime Minister has said, that Kashmir is a closed chapter, as far as the territorial integrity of our country is concerned. I said that last year in the Security Council. We are not going to vacillate or wobble. I think our position should be absolutely clearly and emphatically stated to the world that we are not prepared to discuss under any circumstances the holding of plebiscite or… (interruption).

I hope I have satisfied the House. The resolution that the Security Council has passed is not unfavourable to India, for our stand has been made perfectly clear and there is no doubt, no ambiguity, as to what we stand for and what we will stand for in the future.

Before I sit down may I make one or two general observations on what happened in the Security Council? I think the time has come when we should do some re-
thinking on our foreign policy. The world is moving and there is a regrouping of forces, regrouping of powers and we cannot possibly take up a rigid attitude or stand where we stood some years ago. We have to move with the world. I think we should give a serious thought to what the position is in the world today.

Stand taken by other countries

In this connection, I would be less than doing my duty if I do not express publicly on the floor of the House my deep appreciation for the stand taken up by Malaysia in the Security Council. As I said the other day, it was a speech which a member of the Indian delegation could have delivered. And I must also express my appreciation of the great help we received from the USSR while the resolution was being drafted. If the House only knew that the resolution was passed at quarter to three in the morning and the meeting had been going on the whole of Sunday, every comma, every semi-colon, every sentence was considered and re-considered, it is only then that you realize how the assistance of a country like USSR in getting the resolution in this shape was invaluable.

And let me say this about USA. There was much more understanding of our position this year than I found last year. I am satisfied that on certain matters the world opinion is entirely in our favour, whatever some papers or some people may say. There is no doubt that the world is satisfied that Pakistan was the aggressor. There is no doubt that this myth of an uprising in Kashmir has been completely exploded.

I should also say with regret that I could not understand the position taken up by Jordan. We have stood by the Arab World. We have shown friendship to the Arab world ever since we became free. We were among those countries which stood with the Arab world during the Suez trouble. As against Pakistan, we supported Jordan in the Jordan water issue. So, it came to me as a great disappointment that Jordan practically, if I may use a colloquial expression, toed the line of Pakistan.

There is one lesson which I learnt and which I have been learning since I joined public life, and that is this, that what ultimately matters is power; what ultimately matters is the strength of your country. We may have all the idealism in the world, we may have all the justice on our side, but if we are weak, nobody is going to listen. If we want our influence to be felt in the Councils of the world, we must be strong and must develop all the strength and power that we have. Then we would be listened to with respect.

There is one thing that I must say. I was proud when I was arguing India’s case before the Security Council. I could hold my head up and felt proud of being an Indian and what India stands for. The first thing was the heroism displayed by our jawans. I could tell the Americans that notwithstanding your Patton tanks
and all the modern equipment that you have given to Pakistan, our men are brave enough to fight them. Secondly, I was proud of the fact that not only Kashmir – Hindus, Muslims and Sikhs had stood by Government and resisted the aggression, but the whole of India was united on this issue.

Please do not forget that Pakistan counted on one thing. The grand design was that when the infiltration took place Kashmir would give trouble. It was exactly like the story of the Bay of Pigs in Kennedy’s regime. You remember, Sir, the Bay of Pigs. President Kennedy’s one great mistake soon after he assumed power was that he relied on his Intelligence. He was told that if he sent a few Americans, the people of Cuba would rise and when the people landed in the Bay of Pigs, they did not rise. And President Ayub - I do not know who was his informant; perhaps, Mr. Bhutto - was informed: Send 4,000 infiltrators to Kashmir and the whole of Kashmir will rise and will fall in your mouth like a ripe plum. That did not happen. He said, send these people to Kashmir and there will be trouble in India. Hindus, Muslims, Christians – India remains solid. And there again he failed.

Sir, I have taken longer than I expected; but, in conclusion, I think, we did wisely in accepting the cease-fire because I assure you, the whole world realized that we were dedicated to peace and did not want bloodshed even for a moment if hostilities could be stopped. I think, on the whole we have secured a Resolution which is not unfavourable to India and, I think, we can look upon this whole incident with pride. We should be grateful to our Prime Minister for taking up this strong line.

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DISCUSISON IN RAJYA SABHA

Later, intervening in the discussion on the same subject in the Rajya Sabha, the Minister of Education and Leader of the House, said:

Sir, I will try and make my intervention as brief as possible. If I might deal with the last point raised by Mr. Jairamdas about the Commonwealth, I know how strongly we are feeling and we are entitled to feel strongly about the attitude taken by the United Kingdom on this question of Pakistani aggression. Before we take a decision fraught with serious consequences, whether we should remain in the Commonwealth or not, we must give it careful thought. I would only throw out the suggestion for the consideration of the House. Our quarrel is with the United Kingdom; our grievance is against the United Kingdom, not against the Commonwealth. The Commonwealth is not the property of the United Kingdom. The United Kingdom is only a member of the Commonwealth. In the other House, I just heard somebody saying, “We might ask the United Kingdom to leave the Commonwealth” rather than that we should leave the
Commonwealth. Therefore, I would beg of this House, never take a political decision of far-reaching consequences when one is in a mood of indignation or anger. I think, as I said in London, our indignation and anger are perfectly justified but one must permit one's passion to cool down before one can come to a conclusion on so important a matter.

Dealing with the Resolution of the Security Council, an hon. Member said that it was not wholly satisfactory. I agree with him. As I was just telling the other House, this is not our draft. We did not approve of it. It was passed by the Security Council but I think, on the whole, it is a Resolution with which we might well be satisfied and it constitutes a serious and important diplomatic defeat for Pakistan. Just consider this. What did Pakistan want? She laid down four conditions, cease-fire, withdrawal of our troops from Kashmir and her troops from that part of Kashmir of which she is in unlawful occupation, induction of an Afro-Asian force and the holding of a plebiscite within three months. These were the conditions on which she was prepared to accept a cease-fire. Now, look at this Resolution. You do not find even a trace of any of these four conditions. There is no mention of a plebiscite, there is no mention of an induction of any foreign troops, there is no mention of evacuation of our troops from Kashmir and yet this Resolution, after a great deal of hesitation, Pakistan accepted. When I was arguing the case, the representative of Pakistan refused to give an unequivocal reply whether Pakistan was prepared to accept an unconditional cease-fire as our Prime Minister wants. It was only after the Security Council session was finished that President Ayub had second thoughts and sent Mr. Bhutto post haste to call a meeting at midnight to offer his acceptance.

I now come to the other point raised about the 5th of August by the hon. Member. He said this gives an advantage to the aggressor. Now, if you look at the Prime Minister's letter to the Secretary-General, it is perfectly clear as to what we mean by going back to the positions which were occupied by both the countries on the 5th August and I made Government's position perfectly clear to the Security Council that three conditions are implicit in this date, 5th August, one, that all the infiltrators who entered Kashmir and who commenced Pakistan's aggression must withdraw; second, Pakistan must admit responsibility for these infiltrators and third – and the most important – that we must create such a situation that infiltration in future would become impossible. We have had enough of these cease-fires, we have trusted Pakistan sufficiently and we are not prepared to trust her any more. Therefore, in the interests of our country, in the interests of our defence, we must have a cease-fire line of such a character that in future no infiltration would be possible. The cease-fire line is five hundred miles long. You may increase the number of U.N. Observers from forty to four hundred or four thousand but unless the cease-fire line is so constituted that infiltration becomes almost impossible, there is no guarantee as to what is going to happen
in the future.

And this is all the more important when we realize the statement made by Mr. Bhutto recently, the statement by Pakistan’s representative in the Security Council and what President Ayub said in accepting the cease-fire. What did they say? They said that unless the Kashmir problem is solved and solved according to their pleasure, there will be a greater conflagration in this country. Therefore, my submission to this House is, let us for forget that the cease-fire is only a truce; it is not peace. Therefore, we have got to be watchful; we have got to be vigilant. I think the cease-fire is not the end of our trouble; it is the beginning of many things which will have to be worked out over a long period of time and we must not be caught napping again. Now we have got full notice that Pakistan does not accept this cease-fire as leading to peace.

Pakistan’s contention is that peace will only come when there is a plebiscite in Kashmir. No. I should not say that because what has been said in the Security Council and by Mr. Bhutto is that peace will only come when Kashmir goes to Pakistan. They have already anticipated a plebiscite; they are not worried about the plebiscite. What they want is that Kashmir should belong to Pakistan. The Law Minister of Pakistan when he was arguing his case talked of Kashmiris as being the kith and kin of Pakistan and I asked since when the Kashmiris had became the kith and kin of Pakistan. The only bond which he could find was the fact that majority of people in Kashmir were Muslims and Pakistan is a theocratic State. And I said that on that basis they might as well say that the 50 million Muslims in India are the kith and kin of Pakistan and the next demand they will make is they will invade India in order to bring these 50 million Muslims under their domination. That shows the absurdity of the claim. When you make religion the basis of citizenship, you are really living in medieval times, not modern times. That is the whole trouble.

I think my friend. Mr. Akbar Ali Khan, said that something much more was at stake in this fight between us and Pakistan, not merely the question of Kashmir. I entirely agree with him and may I quote from what I said in the Security Council on this very matter? This is what I said:

“This is not merely a conflict between India and Pakistan. It has a much wider significance. The first significance is that the threat and menace of China looms large behind this war. It is much more than a mere looming now. It has almost come to a concrete shape after yesterday’s ultimatum.”

I was speaking the day after the ultimatum and I charged Pakistan with having committed this aggression on India with the hope and expectation that China will be behind it and support it.

“Then there is the war between the two ideologies.”
That is what Mr. Akbar Ali Kahn was referring to.

“Let us face it. On the one hand, there is the religious State and on the other hand the secular State. This is the conflict. It is not Kashmir. Kashmir is merely the symptom; it is not the disease. The disease is that Pakistan believes in a religious State; it believes in religion as the nexus between citizens. We believe in a secular State, in a multi-racial society. It is also a fight between a free society and democratic institutions on the one hand and dictatorship and regimentation on the other. These are the issues involved in this war and I think, if I may say so, that it is in the interests of Asia and the world that our free society, our multi-communal federation should survive. The attack on Kashmir is an attack for the purpose of breaking up our federation, of breaking up our way of life and preventing us from carrying on our great experiment of men of different religions and different languages living peacefully together. You in this country are trying the same experiment. Other countries are trying it but Pakistan does not want it. It does not believe in it and wants to break it up. What we are defending today is not merely the territorial integrity of our country which is important; what we are defending today is the existence of a free democratic nation. We want to function as a free democratic nation. It is the threat to our institutions that we resist.”

So this really is the conflict. It is not merely Kashmir. Of course, Kashmir is important enough; every inch of our country is important to us but something much more is involved in this fight and it is really a fight between two ideologies.

Now I think an hon.Member said: Why should India be pressurized into entering into talks with Pakistan? Now, the Resolution, if you look at it, does not pressurize us. All that it says is:

“decides to consider as soon as operative paragraph 1 of the Council’s Resolution 210 of 6th September has been implemented, what steps could be taken to assist towards a settlement of the political problem underlying the present conflict…

That is, as far as the Security Council is concerned what steps it could take.

“…and, in the mean time calls upon the two Governments to utilize all peaceful means, including those listed in Article 33 of the Charter…”

No time limit is fixed. We are called upon to talk and I think in India we should be the last to say that we will not talk with anyone, not even the devil. Therefore, if our Prime Minister has said that he is prepared to accept the invitation of USSR that he and President Ayub should meet in that country under propitious circumstances, there is nothing to be frightened about it. I think the fear we have is that we will allow the Kashmir question to be reopened. Let us face it. We have done that in the past. The fear in this House which I fully appreciate is that we
might be weak, we might vacillate, we might wobble over Kashmir but I wish to give this assurance to this House – the Prime Minister has said it in his letter to the Secretary-General and I have reiterated it in the Security Council – that as far as our basic stand is concerned, that Kashmir is an integral part of India, it remains unaltered. As I said, we will talk with President Ayub, we will talk with anybody else. After all this is another important issue about Kashmir that we can talk about and that is we went to the United Nations as complainants. Pakistan committed aggression on Kashmir in 1947 and that aggression still continues till today. Let that aggression be vacated. But as I said, it is perfectly clear on the record that our basic stand on Kashmir remains unaltered.

And may I say this? I think an hon. Member said something about the USSR. As far as the USSR is concerned until today, she has given us every assistance; she has made it perfectly clear and she has always said that she recognized that Kashmir was an integral part of India. And let me say this. This Resolution was passed on Sunday at quarter to three early in the morning. The Security Council sat the whole of Sunday and we were there. There were discussions over every comma, every semi-colon, every phrase and throughout those discussions we have every help and assistance from the USSR and I can assure this House that this Resolution would never have been passed in the terms in which it is has been passed but for the considerable assistance and help which we got from the U.S.S.R. Of Course, Malaysia also helped us but do not forget that what counts most in the Security Council is the five Big Powers which have the right of veto. Of course, Formosa does not count much but Russia, the United States, France and the United Kingdom to count because if one of them is opposed to a Resolution it makes no difference if everybody else supports it because that country can veto it. We succeeded in the Security Council to bring about unanimity among the Big Powers and even the non-permanent Powers and I repeat that but for the great assistance and help we had from the U.S.S.R. this Resolution would not have been carried and I say that this Resolution favours our country. It is a diplomatic defeat for Pakistan; it does not accept any of its conditions and I think we might took upon it as something which does not go against four interests at all.
Letter from Permanent Representative of Pakistan to the UN addressed to the UN Secretary General.


I am directed to refer to your telegram dated 20 September 1965, asking for a plan and schedule for withdrawal of troops, and to reply as under:

You have asked for a plan and schedule for withdrawal of our troops from their present position and you offer to send United Nations observers to assist in the withdrawal. You would appreciate that no withdrawal can take place until it has been jointly agreed to by representative of the two armed forces and a mutually accepted programme of withdrawal has been prepared. So long as such a programme has not been agreed to withdrawal cannot start and as such United Nations observers cannot begin to perform their function of supervising withdrawal.

In the meantime, I should like to state my Government’s position on this question. You appear to be concentrating almost exclusively on making arrangements for withdrawal of troops and re-establishing the old cease-fire in Jammu and Kashmir. In our judgement, however, military disengagement should proceed concurrently with an honourable political settlement. In other words, it is imperative that we should evolve a self-executing arrangement and procedures that would ensure an honourable settlement of the Jammu and Kashmir dispute which is the basic cause of the present conflict. Without such an arrangement it is hard to envisage an effective programme for the withdrawal of forces. Moreover, if immediate steps are not taken to bring about an honourable settlement of the Jammu and Kashmir dispute, we would be faced with the real danger of resumption of hostilities which we well lead to a conflict of much greater dimensions.

I shall be grateful if this communication is circulated as a Security Council document.
2233. Note from the High Commission for India in Pakistan to the Pakistan Ministry of Foreign Affairs.


No. HC-X/I. September 28, 1965

The High Commission of India presents its compliments to the Ministry of Foreign Affairs of the Government of Pakistan and is constrained to protest most strongly against the outrageous violations of its diplomatic rights and the humiliations and indignities to which the High Commission was subjected after 6th September, 1965.

The most flagrant offences of the Pakistani authorities were their armed search from 6.00 P.M. to 11.30 P.M. on September 11 of the dwellings of every single family of the Indian High Commission – including the High Commissioner’s— their further armed search between 2.30 A.M. and 6.30 A.M. on September 13 of the Indian Chancery and their inaction on September 21, 1965 while organized demonstrators attacked and extensively damaged the supposedly guarded chancery.

For over five hours on the evening of September 11, the residence of the High Commissioner and all the three other residential buildings into which the officers and staff of the High Commission had been herded with their families, were surrounded by scores of armed policemen, while dozens more searched every household and its contents. To the strong protests of the residents, the police rudely replied that they should get out of the way as no obstructions would be tolerated in the carrying out of official orders to search thoroughly every family, diplomatic or non-diplomatic. All crates, trunks and cupboards were opened, their contents thoroughly searched and the premises left littered with belonging of the families. In almost every case the Police took away papers both officials and personal, family correspondence, photographs, diaries etc. without giving any receipts. The Indian personnel were denied facilities to seek the intervention of the Ministry until the High Commissioner personally appeared on the scene of one of the searches. His protests were equally brusquely dismissed and when he finally succeeded in contacting the Foreign Ministry, the Police refused to accept the Ministry’s intervention saying they had their own orders and did not propose to talk to anyone from the Ministry. Even when the Director of the Ministry assigned as Liaison Officer for the High Commission, Mr. Choudhry, arrived, the Police paid little heed to his efforts except that they did not search the Deputy High Commissioner’s house. The Police continued their searches of all the other premises. Later when the High Commissioner visited other buildings that were being searched he was shocked to find that at every place the same pattern was being repeated; the family belongings had been turned inside out and strewn
about with utter callousness. At his own residence, which had been ransacked in his absence, the High Commissioner found that his official papers and personal belongings in all the rooms had been fully searched. The authorities did not show the slightest respect for the inviolability of the residence of the Head of the Mission which is sacrosanct is international law.

In spite of the firm assurance given by Mr. Choudhury on September 11 that at least the Chancery’s inviolability would be respected, at 2.30 A.M. on September 12, armed Police surrounded that building and forcibly occupied it. The Indian officials and their families who were living in the Chancery were summarily moved out of the way and the rooms they were occupying searched while officers living elsewhere were sent for to bring the keys for other rooms. Every safe, cabinet, cupboard and desk had to be opened, under duress, and every document that could be found was studied. Some personal letters, official papers and calendar diaries were removed for which again no receipts were given. The Pakistan authorities were particularly persistent in demanding the Cypher documents of the High Commission, which they were told, had been destroyed earlier.

From the brutally stringent way all these searches were conducted, it was clear that their primary purpose was to humiliate the Indian personnel and to remind them that they could not count on any of the rights and privileges which are guaranteed to all diplomats under international law and practice.

This lesson was re-emphasised when on September 21, the Chancery was attacked by nearly two to three thousand organized agitators who came with three trucks full of stones, which they threw, along with fireballs, breaking every window in the four-storey building, wrecking the auditorium and almost setting fire to some rooms. The Police, including those who were permanently encamped on the Chancery grounds, allowed these assaults to continue for nearly two hours without any hindrance, regardless of the fact that the Chancery was being used, at the Pakistan Government’s instance, to house over 150 Indian officials, their wives and children, who had been made to move from their normal residences for the sake of their “Security”. Considering that merely 2000 demonstrators came in their waves with truck-loads of stones which they freely hurled at the Chancery for two hours, it is obvious that the so-called “spontaneous demonstration” was well organized with the connivance of the authorities.

When such enormities were permitted by the Pakistani authorities, it seems almost inapposite to mention the deprivations of the personal rights and privileges of the diplomatic officers and the staff of the High Commission, whom the Pakistan Government required to be herded together in conditions of acute discomfort, inconvenience and indignity, with inadequate facilities for meeting even essential requirements and with a progressive denial of all rights of
communication with each other and even with the Pakistan Ministry of Foreign Affairs. The High Commissioner was progressively prevented from visiting the officers and staff of the Mission despite repeated reminders that it was his responsibility to look after their welfare; and from September 12 to 23, he was totally forbidden to leave his residence. The Indian diplomats were treated virtually as prisoners, dependent for the fulfillment of their needs on the varying helpfulness of the guards encamped on their grounds. The difficulties endured by individuals are wholly overshadowed by the outrages committed against the inviolability of the Mission, but they betray a no less derisive disregard for universally recognized diplomatic obligations and conventions.

The treatment with which the High Commission met constitutes a record of contempt by the Pakistani authorities for even the most fundamental rights of a diplomatic mission which is without parallel in the history of relations between civilized states. The inviolability of a diplomatic mission, its personnel and its premises, is one of the basic principles of international law, which every civilized state is obliged to observe in respect of the diplomatic missions it agrees to receive. Not only has the Pakistan Government totally disregarded its obligations, its authorities have taken action against the High Commission of India which, in any law abiding state, they are not even entitled to take against their own nationals without proper authorization and safeguard in law.

From the moment, on September 6th, when the Ministry of Foreign Affairs first informed the High Commission, orally, that restrictions were to be imposed on it, it was pointed out time and again to the Pakistani authorities that since India and Pakistan were not at war, and since neither Government had asked for the termination of the other’s mission, the High Commission failed to see on what basis the Pakistan Government was proposing to impose restrictions. No valid answer was available on the High Commission’s objections, the Indian personnel being simply advised to comply with the Pakistani requirements in the interests of the security of Pakistan and of their own security. Appreciating full well that the security of the Indian personnel was indeed dependent on the actions of the Pakistan authorities, the High Commission expressed its readiness, under protest, to comply with all reasonable limitations on its normal rights and functions. The Pakistani authorities not only proceeded far beyond any reasonable security requirements but, by forcing themselves into the premises of the High Commission, themselves committed most iniquitous breaches of the security they were supposed to safeguard.

The High Commission cannot protest too strongly against the insults, indignities and extraordinary violations of universally acknowledged diplomatic rights which authorities under the control of the Pakistan Government have perpetrated against it. There can be no excuse whatsoever for their behaviour. This has
been repeatedly pointed out in oral protest which have been made to the Ministry by the High Commissioner and Deputy High Commissioner on the few occasions on which they have been able to have any contact with the Ministry during the last three weeks during which these offenses were being committed, but so far no satisfactory reply has been forthcoming. It is hoped that the Government of Pakistan will consider carefully the implications of what has happened. If such conduct is tolerated, diplomatic intercourse between states becomes impossible. The Government of Pakistan can well imagine that its own missions in India could not function if they were exposed to similar violations of their rights. No diplomatic mission can possibly function if it cannot be confident that the receiving state will respect and ensure the inviolability of its premises and personnel. The High Commission of India in Pakistan must therefore call for the most categorical assurances that its inviolability will be both guaranteed and safeguarded by the Pakistani authorities. The High Commission further trusts that appropriately severe disciplinary action will be taken against the officials responsible for the outrages committed against it, for which it expects to receive from the Ministry an unqualified apology, as well as the assurances that they will never again be repeated.

A note is being addressed separately to the Ministry seeking compensation for the damage caused to the Chancery.

In accordance with formal convention, the High Commission has the honour to renew to the Ministry the assurances of its highest consideration.

The Ministry of Foreign Affairs
Government of Pakistan
Karachi.
2234. Letter from Permanent Representative of India at the UN to the UN Secretary General.


Excellency,

With reference to your communication of the 20th September, 1965, I had already sent you an interim reply conveying the willingness of the Government of India to order cease-fire at the previously appointed time, namely, 7 A.M. GMT. While doing so, I had communicated the impossibility of our ordering a unilateral cease-fire and stressed the need for arranging that both sides cease-fire simultaneously at the appointed time. Subsequently, because of the delay in the communication of Pakistan's acceptance of the cease-fire, which was only communicated at the emergency meeting of the Security Council on the morning of September 22, the Security Council extended the time for the cease-fire to 2200 hours GMT on the 22nd September. As you are aware, the cease-fire was ordered by both sides at this hour.

On receipt of your communication of September 23, addressed to the Prime Minister, I was asked by my Government to seek clarification on certain points arising from your letter. I refer to the Aide Memoire which I handed to you on the 24th September. I received your reply to my Aide Memoire on September 25. I note your assurance that the use of the word 'troops' in the identical communications that you sent to me and to the Permanent Representative of Pakistan on September 20, connotes no restrictions on the meaning and purpose of the Security Council Resolution which relates to the withdrawal of "all armed personnel". As noted in paragraph 6 of your report (Document S/6651). "...the series of violations that began on 5 August were to a considerable extent in subsequent days in the form of armed men, generally not in uniform, crossing the CFL from the Pakistan side for the purpose of armed action on the Indian side." It will be recalled that throughout the recent discussions in the Security Council and your discussions with the Prime Minister of India in New Delhi, the greatest emphasis has been placed by us on the withdrawal of these armed men from Pakistan. The Security Council Resolution itself, by naming 5th August as the date in connection with withdrawal to previous positions, has, undoubtedly, recognized the fact that armed infiltrators from Pakistan, to which reference has been made in your report, must be withdrawn. In your Aide Memoire it had been stated that in the expression "withdrawal of all armed personnel back to the positions held by them before 5th August, 1965", the word positions "must connote identifiable military positions of some nature which prior to 5th August 1965 have presumably been occupied by some kind of armed personnel under the Government control and/or direction." The Government of India are unable
to accept this restrictive interpretation of the Security Council Resolution. In fact, such an interpretation is not warranted by the Security Council Resolution, the Secretary General’s report to the Security Council Document S/6651, and the discussions in the Council. In paragraph 15(b) of S/6651. It will be recalled that it was proposed as one of the conditions under which restoration of the ceasefire and return to normal conditions along the cease-fire line could be achieved as “readiness on the part of the Government of Pakistan to take effective steps to present crossings of the CFL from the Pakistan side by armed men, whether or not in uniform.” It has always been the understanding of the Government of India that the withdrawals of all “armed personnel” contemplated in the three Resolutions of the Security Council must include withdrawals of such personnel not in uniform who have crossed the cease-fire line from Pakistan since August 5. Any schedule or plan of withdrawal of Indian troops has, therefore, necessarily to be related to and coordinated and synchronized with the withdrawal of Pakistani regular forces as well as armed men not in uniform who have crossed the cease-fire line and international border between Jammu and Kashmir and West Pakistan for both of which Pakistan must undertake full responsibility.

I would also, in this connection, refer to the Prime Minister of India’s communications to you of the 4th September and the 14th September. In paragraph 8 of the latter communication it was made clear that when, consequent upon cease-fire becoming effective, further details are considered, we shall not agree to any disposition which will leave the door open for further infiltrations or prevent us from dealing with the infiltrations that have taken place. I have under instructions from my Government brought to your attention numerous violations of the cease-fire by Pakistan since the cease-fire came into effect. Pakistan thus, despite its solemn pledge to cease-fire, is once again violating the pledge given to the Security Council in pursuance of the Council Resolutions. Pakistan should be made to observe the cease-fire. The question of withdrawals will come only thereafter. I am instructed by my Government to suggest to you that at that stage the best way of dealing with the question of withdrawal of armed personnel would be for you to send your representatives and/or team of observers to establish contact and have discussions with the Governments of India and Pakistan in order to assist in working out a plan of simultaneous, coordinated and synchronized withdrawal of all armed personnel of both sides.
2235. **Statement by Prime Minister Lal Bahadur Shastri in Lok Sabha on Cease-fire Line in Kashmir.**

**New Delhi, November 20, 1965.**

The Pakistan Press has been indulging, for several weeks, in intensive propaganda on the so-called concentration of Indian troops on the Cease-fire line. Newspaper headlines have tried to make out that India was planning to use, against Pakistan, the arms and equipment that she has received from friendly countries for her defence against Chinese aggression across her borders. To give an air of reality to these allegations, Pakistan has attempted to build up tension along the cease-fire line.

On October 16, the Pakistan Ministry of External Affairs handed over a note to our High Commission in Karachi alleging, *inter alia*, that Indian troops were stepping up their activity on the cease-fire line, particularly near village Chaknot, which according to Pakistan, had always been administrated by the so-called Azad Kashmir government, though they admitted that the village was situated on the Indian side of the Cease Fire line. The note went on to warn India that if a forcible seizure of Chaknot was attempted, the so-called Azad Kashmir Government Forces would be compelled to take whatever steps they might consider necessary to defend themselves and maintain the *status quo*. The threat held out in the Pakistan Note was supported by intemperate statements by Pakistan Ministers, even questioning the legality of the Cease-Fire Agreement in relation to the conduct of civilians and civil administration.

On October 22, Pakistan stopped the flow of water on their side of the cease-fire line in the power channel, which feeds the hydel generator situated in the town of Poonch. When to continue the supply of the water to the power house our workmen attempted to build a diversionary power channel, on our side of the cease-fire line and well away from the 500-yard demilitarized zone, they were fired upon from the Pakistan side, and one of our workmen was injured by rifle fire.

With considerable difficulty the work on the diversionary channel was completed by November 2 and the hydel generator began to function again. In this case also, Pakistan newspaper carried false reports of an attack by Indian troops and the resistance offered by the so-called Azad Kashmir Forces. This stoppage of water in the power channel to Poonch, we maintain, is a clear breach of the Indus Waters Treaty. This power channel takes off from the Betar Nallah on the Pakistan side of the cease-fire line. The firing incident on the power channel was reported by us to the U.N. observers and the question of the breach of the Treaty has also been taken up with Pakistan, officially, by our Indus Commissioner.
More recently, another report has been given wide currency by Pakistan newspapers and the Pakistan Radio, alleging that Indian troops have been active in village Polas, which is situated a few miles north-north-west of Poonch and the so-called Azad Forces are said to have been ordered to resist them.

All these Pakistan allegations are, of course, completely baseless. There is no concentration of Indian troops along the cease-fire line. We have, at no point, near village Chaknot, or near village Polas, increased, in any manner, our defence potential. All activities along the cease-fire line are under the constant scrutiny of the United Nations Observers. The U.N. Observers, we are informed, have visited Chaknot, and they have also visited the Betar Nallah near Poonch, in response to our complaints against Pakistan’s violations of the Cease-fire Agreement. Their awards are awaited. We have exercised complete administrative jurisdiction in all villages on our side of the cease-fire line and we shall continue to exercise such legitimate jurisdiction, without in any manner transgressing the Cease-Fire Agreement. If Pakistan has any complaints of any military build-up on our side, at any point along the cease-fire line, she is free to ask the U.N. Observers to go into the matter and report the results of their enquiry, after a verification on the spot, as they are authorized to do under the Cease-Fire Agreement. If Pakistan does not seek the assistance of the U.N. Observers we can only conclude that she is motivated by nothing but a desire to indulge in propaganda to malign India.

We want to live in peace with our neighbour, Pakistan. As we have repeatedly stated in the past, the arms we are receiving from friendly countries are not being used and will not be used against Pakistan. We have also repeatedly stated that although we claim and will continue to claim full and complete sovereignty over the whole of Jammu & Kashmir, as a result of State’s accession to the Indian Union, we have always hoped for and worked for a peaceful settlement of all disputes with Pakistan. But Pakistan has, all along, spurned our overtures of friendship and goodwill. This does not mean that we will change our policy of wanting friendly and co-operative relations with our neighbour.
Esteemed Mr. Prime Minister,

On the initiative of the Pakistani side. Mr. Z.A. Bhutto Minister for External Affairs of Pakistan stayed in Moscow from November 23 to November 26 this year and he had talks with me as well as with Mr. A.A. Gromyko, Minister for Foreign Affairs of the USSR.

In connection with the proposal of the Soviet Government for the good offices in solving the Pakistani-Indian armed conflict Mr. Bhutto laid down the considerations of the Government of Pakistan on this question and expressed some ideas on improvement of the Pakistani-Indian relations as a whole.

Mr. Bhutto stated that Pakistan accepted the Soviet Government’s proposal of the good offices and about the meeting with you of the President of Pakistan in the Soviet Union for conducting direct talks. Pakistan appreciates the proposal of the good offices suggested by the Soviet Union and considers that this proposal could be also an important step in correct direction in future.

Mr. Bhutto pointed out that the Government of Pakistan approached to the questions concerning relations with India with open mind and without bitterness and prejudices. Pakistan unconditionally accepts the proposal of the Government of the Soviet Union regarding the meeting of the Heads of Government of India and Pakistan to discuss all difference existing between the two countries.

During the talks Mr. Bhutto stressed several times importance and necessity of discussion of the question of Kashmir in the course of the possible meeting in Tashkent.

His attention, however, was drawn to the fact that if discussion of this question is to be considered as a precondition for the meeting of the Prime Minister of India and the President of Pakistan with the participation of the Chairman of the Council of Ministers of the USSR, then, taking into account the position of the other side, i.e. India’s stand, which holds different opinion on the Kashmir question, the meeting would have practically come into a deadlock at once. Then a question was put before Mr. Bhutto: would not it be more correct to agree that discussion should cover the issues, which are acceptable for both the sides. And, as is known, both the sides have such issues.
Replying to this question, Mr. Bhutto stated that discussion on any issues was finally connected with the Kashmir problem. The Government of Pakistan, however, was ready to accept also such an approach suggested by the Soviet side. He said that “Pakistan is ready not to put forward any concrete issue for discussion during the Indo-Pakistan negotiations. She is ready to discuss relations between India and Pakistan as a whole and it means that she is ready to discuss also any question, apart from that one of Kashmir, if India also is ready for such a discussion”. He added, that the Pakistani side was not putting forward any precondition that an exchange of opinion on the whole range of Indo-Pakistan problems should start namely from the discussion of the Kashmir question. The Government of Pakistan expressed the hope that India on her part would be ready for the meeting without any preconditions.

Mr. Bhutto said also that Pakistan would not like to recollect the past and to be engaged in making charges and counter charges.

In the past, Pakistan and India had settled a number of issues concerning their relations. Pakistan proceeds from the fact that since it was possible to settle with India certain concrete questions, solution of general problems could also be reached, if, of course, both the sides have such a desire. The Pakistani side feels that suggestions and goodwill of the other side should be taken into account in the course of the meeting. The discussion on all the questions should be held in a constructive way, without prejudices and with both the sides’ willingness to have friendly relations.

Mr. Bhutto confirmed that Pakistan was ready to implement the well-known resolutions of the Security Council taken in connection with the conflict and explained that the Pakistani side had agreed to the cease-fire and the withdrawal of the troops and armed personnel proceeding, firstly, from necessity to realize the corresponding resolutions of the Security Council and, secondly, because the Government of Pakistan strived to settle disputed questions with India by peaceful means, through negotiation.

The Soviet side told the Minister for External Affairs of Pakistan that the Soviet Government wanted the conflict to be caused and the friendly relations between India and Pakistan established as soon as possible. Such course of events would be a great victory of the peoples of India and Pakistan and a big contribution to the cause of preservation of peace in South Asia and throughout the world. In the Soviet Union there is the conviction that with the goodwill of both the sides given, the conflict can be settled. It will be, undoubtedly, settled and as soon as it is done, it is better for both the sides as the liquidation of the conflict will mean discontinuation of material and human losses, both on the side of India as well as Pakistan.
We do not share the point of view of the governments of some countries which are trying to confront interests of India against those of Pakistan.

This policy is alien to us. We stand for peace and friendship among the nations and we will try to do our best to help to improve the relations between India and Pakistan.

Informing you, Mr. Prime Minister, about the talks with the Minister for External Affairs of Pakistan, the Soviet Government would like to express some considerations.

The position of the Government of Pakistan, in our opinion, on the question of the peaceful settlement of the armed conflict changed lately for the better. If Pakistan previously as a condition of the meeting in Tashkent considered it necessary to make preparation for this through the Security Council and insisted on indispensable and immediate discussion at the meeting of the Kashmir issue, now, as is obvious from the position of the Government of Pakistan set forth by its Minister for External Affairs, Pakistan is ready to go for the Tashkent meeting without any preconditions.

Keeping in mind the consent given in principle by the Government of India to meet the President of Pakistan as well as the present position of Pakistan, there is, in our opinion, a considerable extent of agreement of the sides and, thus, suitable conditions for establishment of direct contacts between the leaders of India and Pakistan.

If you, Mr. Prime Minister, share our point of view there should be, possibly, an exchange of opinion on some questions of organization of meeting of the Heads of the Government of India and Pakistan, and in particular, on the question of the date of such meeting. On our part, we feel, that the end of December 1965, or January 1966 could be treated as the possible date of the meeting in Tashkent.

We also think that in case of your positive response to these considerations and thus to the understanding, reached in this connection, it would be expedient to publish in the nearest future an official announcement on the forthcoming meeting. As we think, that would be of positive effect.

It goes without saying that the final decision on the meeting is with the Indian and Pakistani sides. The Soviet Government found it possible to express these considerations frankly to you, using the right to be a friend of India and proceeding from the conviction that direct contact between the leaders of India and Pakistan can be a good beginning for the settlement of the disputable questions between both the countries and this, undoubtedly, would promote the normalization of relations between India and Pakistan.
It would be highly appreciated in Moscow, if you, Mr. Prime Minister, let us know about your opinion on these considerations. I do not think that I should mention the fact that friendly and frank exchange of opinion between our Governments is highly appreciated in Moscow and the opinion which you may find possible to express will be met with due attention.

Respectfully yours,

Kosygin

Moscow,
The Kremlin,
November 27, 1965.

2237. Letter from Prime Minister Lal Bqahadur Shastri to the Soviet Premier Alex Kosygin.

New Delhi, December 3, 1965.

My dear Mr. Chairman,

1. I thank you for your message of November 27, 1965, which was handed to me by His Excellency I.A. Benediktov.

2. We have given careful consideration to the contents of your communication and particularly to the considerations expressed on behalf of the Soviet Government. We take note of your assessment that Pakistan’s attitude towards the question of peaceful settlement of the armed conflict between India and Pakistan has lately changed for the better. We have also from your letter noted with satisfaction Mr. Bhutto’s statement that Pakistan wishes to approach the questions concerning relations with India with open mind and without bitterness and prejudice.

3. As you are aware, I have publicly stated in Parliament and elsewhere and I have also taken the opportunity of informing you through diplomatic channels, that it is our sincere wish to live with Pakistan as peaceful neighbours. We are prepared to discuss the totality of relations between India and Pakistan on an enduring basis. If, as would appear from your letter, Pakistan shows the same desire, I feel that the talks in Tashkent might be worthwhile.
4. I note that Pakistan is not laying down any conditions to the talks. Nor are we. I have said that certain basic positions of ours in regard to Kashmir and the present armed conflict are well known and in any discussions it will not be possible for us to deviate from such positions. The reaffirmation of our views is not to lay down preconditions but merely to make our position clear. Having said this, however, I would add that at the summit meeting it would be open to the two sides to suggest any matters in the context of the totality of the relations between India and Pakistan. Naturally, as you have pointed out to the Minister for External Affairs of Pakistan, who seems to have agreed, in the course of the meeting the two sides will engage themselves in a discussion only of issues agreeable to both. The emphasis on the talks should be on seeking ways and means for establishing amicable relations between India and Pakistan.

5. I am agreeable to meeting President Ayub and I suggest that the meeting be convened in the first week of January.

6. I agree with you, Mr. Chairman, that there should be an early announcement of the forthcoming meeting. I feel that the announcement should be very brief and merely say that the President Ayub and myself have in response to you proposal, agreed to meet in Tashkent on the specified dates to discuss the question of establishing peaceful and good neighbourly relations between India and Pakistan. I am merely suggesting this phraseology for your consideration. Any other general form of words which gives expression to the same idea will be acceptable to me.

7. before I conclude, Mr. Chairman, permit me to say how much I appreciate your efforts and your offer of good offices for the Tashkent meeting between President Ayub and myself.

With my highest esteem and regards,

Yours sincerely,

Sd/- Lal Bahadur
First of all, I want to convey to you, Chairman Kosygin, the feelings of sincere appreciation with which my people, my Government and I hailed your bold initiative which has brought me and President Ayub Khan of Pakistan together in this historic Asian city. It is with great pleasure that I express on my behalf and on behalf of my delegation our gratitude for the hospitality which has been lavished upon us and the care and attention which has been bestowed upon us. The great welcome, which the people of Tashkent gave us, was indeed very moving.

Our response to your invitation for a meeting in Tashkent was immediate and positive. The objective of peace, which inspired you, is indeed a noble one. Peace is vital for both India and Pakistan and indeed for the world as a whole. It should be our endeavour to try to open a new chapter in Indo-Pakistan relationship. I would not like to go into past history. I feel, and I am sure President Ayub Khan also feels, that the conflict which took place between our two countries was most unfortunate. Our objective at this meeting should be not recrimination over the past, but a new look towards the future.

I know that there are many unresolved differences between our two countries. Even between countries with the best of relationship, there are differences and even disputes. The question, which we have both to face, is whether we should think of force as a method of solving them, or whether we should decide and declare that force will never be used. If other countries, even those with vast resources and much deeper differences, can avoid an armed conflict and live together on the basis of peaceful coexistence, should not countries like India and Pakistan, whose main problem is the economic betterment of their people, give up the idea of solving any problems by recourse to arms?

The only justification for the use of force in international relations is to repel aggression. Our assurance to each other not to use force would mean, therefore, that each agrees to respect the territorial integrity of the other.

We have always said, and I say it today also, that we unreservedly accept Pakistan’s sovereignty and territorial integrity. Equally, we have to preserve our own territorial integrity and sovereignty. Respect for each other’s sovereignty is essential for peace and good relations.

Once this has been clearly accepted, the whole character of Indo-Pakistan relationship could be transformed to the benefit of the people of both countries. Let me say quite clearly and very sincerely that we wish Pakistan progress and prosperity. We have ourselves been striving to better the lives of our people.
We are convinced that prosperity would come sooner to the sub-continent if there was better relationship between India and Pakistan.

The foundation of such relationship should be, as I have said, the acceptance of the policy of peaceful co-existence. In pursuance of this, action will have to be taken on several fronts. For instance, the atmosphere of cold war has to be removed. If through propaganda, in the press or by radio, a feeling of animosity or distrust is generated and sustained between the two countries, whatever we, as heads of the two Governments, might say, there will always exist the danger of a conflict.

Our aim should be to improve the totality of the relationship between the two countries. Our trade has been shrinking. It should grow instead. Many rivers flow between India and Pakistan. Instead of being a source of controversy, they could, through cooperative endeavours, enrich both our countries. There are many other areas of economic co-operation which, given goodwill and understanding, can be developed to our mutual advantage.

In saying all this, I am not trying to suggest that we could, or should, shut our eyes to the many points of differences that exist between the two countries. I do not want to enumerate them. What I do say, however, is that all these problems must be resolved through talks and negotiations and not by resort to force. An armed conflict creates more problems than it solves. It is an impediment to understanding and agreement. On the other hand, in an atmosphere of peace, we can make real progress towards solving differences between us.

It would be a notable achievement if at this meeting, which Chairman Kosygin has convened, an agreement could emerge for renouncing the use of force for settling our differences. This should pave the way for the kind of good neighbourly relations which both countries need and would also make the solution of many of our problems much easier. We could and should, of course, discuss other matters as well, but even if we differ on some of them and cannot see our way to an immediate agreement, we should still not forsake the path of peace.

A heavy responsibility lies on our shoulders. The sub-continent has a population of 600 million – one-fifth of the human race. If India and Pakistan have to progress and prosper, they must learn to live in peace. If there is constant conflict and hostility, our peoples would suffer even greater hardships. Instead of fighting each other, let us start fighting poverty, disease and ignorance. The problems, the hopes and the aspirations of the common people of both the countries are the same. They want not conflict and war, but peace and progress. They need not arms and ammunition, but food, clothing and shelter. If we are to fulfil this obligation to our peoples, we should, in the meeting try to achieve something specific and positive.
This is a momentous meeting. The eyes of the world are upon us. Let it not be said that the President of Pakistan and the Prime Minister of India met and failed to reach an agreement. Let us show by our actions that we are capable of seeing our own problems in the wider context of world events.


Mr. Chairman,

Mr. Prime Minister and Distinguished Delegates:

My delegation and I were deeply moved by the overwhelming warmth and spontaneity of the reception accorded to us by the people of this beautiful and historic capital of the Republic of Uzbekistan. We share with the people of this region many cultural traditions and many memories of a rich past. It is significant that this place should have been chosen for this historic Conference in which we hope to discover a fresh direction for our future -- a future based on understanding, goodwill and co-operation. Tashkent recalls the past as it beckons the future.

Mr. Chairman, we are also extremely grateful to the Soviet Government and to you personally for the vision and statesmanship which you have shown in convening this meeting and for making such excellent arrangements for it. We are all fully conscious of the demands on your time and the burden of your enormous responsibilities. I wish to assure you that the importance of your great gesture of peace is not lost on us, as indeed, it is not lost on the world.

The eyes of the world are on Tashkent. History has offered both India and Pakistan a great opportunity to resolve their dispute on a peaceful, just and honourable basis. We have come here determined to use this opportunity in a positive and constructive manner.

We have come in a spirit of co-operation. Our aim is to compose our differences with India, not to perpetuate them. We are not here to indulge in polemics. We want to eliminate tensions and to promote a sense of confidence and security among the peoples of the two countries. I have no doubt that the distinguished Prime Minister of India and his distinguished colleagues are inspired by similar sentiments.
The prosperity of 600 million people of India and Pakistan depends on peace. Both of us have suffered under long and dark periods of foreign domination. It is after centuries that we have regained our freedom. We must live in peace to be able to devote all our energy and resources to the liquidation of the grim heritage of colonialism and to open avenues of happiness and progress for our people. For us peace is vital – it is indispensable.

But wishing peace is not enough to establish peace. One has to work for it. And one way is to face the problems which endanger peace. We have learnt that we can ignore them at our peril. Nor can nations be content with a simulation of peace while the undercurrents of tension still remain. A semblance of peace is no substitute for real peace.

It is for us to face the problem and to create conditions which will provide a firm and lasting basis for peace between our two countries. In this context I recently made a sincere offer in the General Assembly of the United Nations to enter into a no-war pact with India once the basic problem confronting us was resolved according to the principles already accepted by both of us. A No-war-Agreement between nations can work only if it is adopted after taking concrete steps for resolving the disputes which divide them. And disputes can be resolved only in a spirit of conciliation.

The problems with which India and Pakistan are faced are complex no doubt. But it is not beyond the leadership in the two countries to solve them peacefully and honourably. After all we were able to reach an agreement on the Indus Basin Waters. That problem was no less complex or explosive. More recently we agreed to submit our dispute in the Rann of Kutch to an Arbitration Tribunal. Earlier, we had succeeded in demarcating our borders and settling many controversial points amicably. Why should we now feel unable to face up to the basic problem which continues to cause tension and conflict between us?

Both of us have limited resources and we need all that we have, and much more, to raise our people from their present level of existence. Neither of us can afford war nor can we divert our resources to preparations for war. This is the one lesson which we should have learnt from our recent experience. What we must provide to our people, and what they demand, are instruments of life, not instruments of death.

Let this conference become a harbinger of peace and let us issue from here a message of hope for our people. There is no problem between us which cannot be solved peacefully and honourably. We should address ourselves to them in all earnestness. This is how we must begin if peace is what we seek remembering always that no one nation can lay down the terms of peace. The terms of peace are equality and justice. These are the terms which nations must learn to respect and obey.
I wish to assure you, Mr. Chairman, and also the distinguished Prime Minister of India that we will give you our fullest co-operation in making this Conference a Conference of peace in its truest sense.

Before I conclude, I must thank you once again for your hospitality and for the great interest you have shown in bringing India and Pakistan together. Thank you.

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2240. Speech by A.N. Kosygin, Chairman of the Council of Ministers of the USSR at the opening Session of the Taskkent Conference.

Tashkent, January 4, 1966.

Esteemed Mr. President,

Esteemed Mr. Prime Minister,

We are happy to welcome here in the capital of the Uzbek Soviet Socialist Republic, the city of Tashkent, Mr. Lal Bahadur Shastri and Mr. Mohammed Ayub Khan, prominent statesmen of two great Asian countries - India and Pakistan, the peoples of which enjoy the sincere respect and friendship of the peoples of the Soviet Union.

It is with profound satisfaction that the Soviet Government received the consent of the President of Pakistan and the Prime Minister of India to meet in Tashkent in order to establish direct contact with a view to improving relations and eliminating the conflict between India and Pakistan.

In proposing this meeting, the Government of the Soviet Union was guided solely by feelings of friendship towards the peoples of Pakistan and India, by a desire to help them to find a way to peace and prevent sacrifices and hardships brought by the disasters of war. The Soviet Union as a country that was fated to undergo exceptionally hard ordeals in previous wars, highly values peace and cherishes its ideals.

India and Pakistan are our southern neighbours. We have always advocated not only stronger friendly relations between the Soviet Union and India and Pakistan but a reign of peace and friendship between these countries themselves. The history of the peoples of India and Pakistan has known many
instances when they fought shoulder to shoulder in the heroic struggle against foreign domination. Victory over colonialism was achieved by their joint effort, and common sacrifices were sustained for this cause. And today, as in the past, it is only the enemies of Pakistan and India that could be interested in a clash between them.

What brings the Indian and Pakistani people close together is not only a thing of the past. The tasks confronting them today coincide in many respects. The peoples of both countries are striving to solve major economic problems which are vital for the well-being of their populations and future progress. We understand these strivings. We would like to see Pakistan and India as States that live in friendship, that solve all questions arising between them peacefully, successfully advancing along the path of their national development. The Indian and the Pakistani peoples possess great potentialities. Their constructive enterprise, unfolding of their creative capabilities, the development of the natural wealth of these countries provide conditions for their rapid economic progress.

The Soviet people and the Soviet Government welcomed the consent of the Governments of Pakistan and India to ceasefire. Progressive people in all countries have received with satisfaction the ensuing statements of the statesmen of India and Pakistan concerning their desire to live in peace and friendship.

We regard this meeting in Tashkent as one which could mark a turning point in the relations between India and Pakistan. We believe that the leaders of both States have arrived in Tashkent full of desire to strive for this aim. Naturally, it may prove difficult to find the solution of all existing problems in the course of one meeting. However, it is important to locate the ways leading to their settlement, to create an atmosphere of trust and mutual understanding and at the same time to resolve those questions which today stand in the way of the normalization of relations.

This would be an important step forward, and together with all people of goodwill, we hope that President Ayub Khan and Prime Minister Shastri will bend their efforts to take this step. Life confirms that when governments in a composed and objective manner consider disputed questions, taking into regard their mutual interests, not only are conflicts eliminated but the sources of their origin are to a considerable extent removed. We believe that the public opinion of both countries and representatives of the Press, guided by peace-loving motives, would contribute towards that end.

The future of Indo-Pakistani relations rests with India and Pakistan, with their readiness to demonstrate goodwill and mutual understanding and persistence in
achieving positive results. On its part, the Government of the Soviet Union will in every way promote the realization of these noble aims. We are ready to render good offices for the successful work of this meeting.

President Ayub Khan and Prime Minister Shastri will pursue their negotiations on the land of Soviet Uzbekistan which has scored great successes in the fraternal family of the peoples of the Soviet Union. The peoples of our country, and in particular of the Central Asian Republics, have long-standing close trade and cultural ties with the peoples living in Pakistan and India.

It can be said that normalization of relations between these two countries, which the coming negotiations must serve, will be conducive to still greater development of friendly ties of the Soviet Union with Pakistan and India and will lead to the further expansion of economic and cultural co-operation aimed at the strengthening of their national independence and the rise in the welfare of their peoples.

All those, for whom peace is dear, are following with great attention and hope this meeting between the President of Pakistan and the Prime Minister of India. They believe in the wise statesmanship of the leaders of Pakistan and India, they wish success to the Tashkent meeting, and peace and well-being to the Indian and Pakistani peoples. They wait for good news from Tashkent, they hope that this meeting will be fruitful and will consolidate the conviction of all progressive peoples that peace between states can be secured, and that even in the present difficult conditions ways for settling conflicts can be found.

In conclusion, may I wish you, our distinguished guests, successful work in the interests of the people of your countries, to the benefit of universal peace. We express hope that the new year of 1966 will be a year of the establishment of good neighbourly relations between India and Pakistan.

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2241. The Declaration issued by the Prime Minister Lal Bahadur Shastri and President of Pakistan Mohammad Ayub Khan at the end of their meeting.

Tashkent, January 10, 1966.

TASHKENT DECLARATION

The Prime Minister of India and the President of Pakistan, having met at Tashkent and having discussed the existing relations between India and Pakistan, hereby declare their firm resolve to restore normal and peaceful relations between their countries and to promote understanding and friendly relations between their peoples. They consider the attainment of these objectives of vital importance for the welfare of the 600 million people of India and Pakistan.

The Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good neighbourly relations between India and Pakistan in accordance with the United Nations Charter. They reaffirm their obligation under the Charter not to have recourse to force and to settle their disputes through peaceful means. They considered that the interests of peace in their region and particularly in the Indo-Pakistan subcontinent and, indeed, the interests of the peoples of India and Pakistan were not served by the continuance of tension between the two countries. It was against this background that Jammu and Kashmir was discussed, and each of the sides set forth its respective position.

II

The Prime Minister of India and the President of Pakistan have agreed that all armed personnel of the two countries shall be withdrawn not later than 25 February, 1966, to the position they held prior to August 5, 1965, and both sides shall observe the cease-fire terms on the cease fire line.

III

The Prime Minister of India and the President of Pakistan have agreed that relations between India and Pakistan shall be based on the principle of non-interference in the internal affairs of each other.

IV

The Prime Minister of India and the President of Pakistan have agreed that both sides will discourage any propaganda directed against the other country, and will encourage propaganda which promotes the development of friendly relations between the two countries.
V
The Prime Minister of India and the President of Pakistan have agreed that the High Commissioner of India to Pakistan and the High Commissioner of Pakistan to India will return to their posts and that the normal functioning of diplomatic missions of both countries will be restored. Both Governments shall observe the Vienna Convention of 1961 on diplomatic intercourse.

VI
The Prime Minister of India and the President of Pakistan have agreed to consider measures towards the restoration of economic and trade relations, communications, as well as cultural exchanges between India and Pakistan, and to take measures to implement the existing agreements between India and Pakistan.

VII
The Prime Minister of India and the President of Pakistan have agreed that they give instructions to their respective authorities to carry out the repatriation of the prisoners of war.

VIII
The Prime Minister of India and the President of Pakistan have agreed that the two sides will continue the discussions of questions relating to the problems of refugees and evictions/illegal immigrations. They also agreed that both sides will create conditions which will prevent the exodus of people. They further agreed to discuss the return of the property and assets taken over by either side in connection with the conflict.

IX
The Prime Minister of India and the President of Pakistan have agreed that the sides will continue meetings both at the highest and at other levels on matters of direct concern to both countries. Both sides have recognized the need to set up joint Indian - Pakistani bodies which will report to their Governments in order to decide what further steps should be taken.

The Prime Minister of India and the President of Pakistan record their feelings of deep appreciation and gratitude to the leaders of the Soviet Union, the Soviet Government and personally to the Chairman of the Council of Ministers of the U.S.S.R. for their constructive, friendly and noble part in bringing about the present meeting which has resulted in mutually satisfactory results. They also express to the Government and friendly people of Uzbekistan their sincere thankfulness for their overwhelming reception and generous hospitality.
They invite the Chairman of the Council of Ministers of the U.S.S.R. to witness this declaration.

Prime Minister of India
Lal Bahadur Shastri

President of Pakistan
Mohammed Ayub Khan

Tashkent, January 10, 1966

2242. Press Conference of Prime Minister Lal Bahadur Shastri with the Soviet journalists.

Tashkent, January 10, 1966.

[Immediately after the signing of the Tashkent Declaration the Indian Prime Minister Lal Bahadur Shastri replied to the questions of Soviet Press correspondents.]

Question: Esteemed Mr. Prime Minister, what are in your opinion the most important results of the just concluded Tashkent meeting?

Answer: First of all I wish to note that here in Tashkent, we received with the President of Pakistan a very important opportunity to discuss frankly our disputed problems. The Tashkent Declaration shows that we have achieved very tangible results. The most important one of them is that a concrete step has been taken towards the restoration of genuinely peaceful relations between India and Pakistan.

Second, not less important result of the Tashkent talks is that their outcome undoubtedly will promote the strengthening of the cause of peace in Asia and throughout the world. I am convinced that the peoples of India and Pakistan, at one with the other peoples of the world, will meet with satisfaction the results of the Tashkent Meeting.

Q: Esteemed Mr. Premier, what specific steps is your government going to take to fulfil the Tashkent Declaration?

A: I imagine that appropriate Ministers of India and Pakistan will begin to work in the near future to outline specific steps for the fulfillment of the Declaration. It seems to me that commissions may also be set up at various levels which will look after the implementation of the Declaration.
Q: Mr. Prime Minister, to what extent did the conditions in Tashkent facilitate a success of your talks with the President of Pakistan?

Q: To a great extent! First of all, I wish to note the great and noble role played in the holding of the talks, due to his good services, by the Soviet Prime Minister Mr. Alexei Kosygin, and we are very thankful to him for this.

The second thing that also helped us, was that both the welcome on the day of our arrival and the attitude of the people of Tashkent to what we were doing here, were also an important element in our successful work. I think that this is a reflection of the goodwill of the Soviet people who are striving for peace.

Q: Mr. Prime Minister, what would you like to convey to the people of the Soviet Union?

A: Our good relations with the Soviet Union are commonly known. We wish to strengthen them, but I intend to express my feelings more fully tomorrow when we fly away from the wonderful city of Tashkent.

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2243. **Briefing by the Pakistani Foreign Secretary acting as the Official Spokesman of the Pakistan Delegation at Tashkent on the outcome of the Tashkent Conference.**

**Tashkent, January 10, 1966.**

A spokesman of the Pakistan Foreign office tonight said that the Tashkent Declaration was message of goodwill and cheer for the people of Pakistan, India and Jammu and Kashmir that it opened the way for the settlement of the dispute of Jammu and Kashmir.

Addressing a Press conference after the formal signing of the Declaration, the spokesman said that the Declaration provided for the withdrawal of forces by a certain date. Following this withdrawal, the Security Council resolution, which called for a political settlement of this dispute, would reassert itself.

Secondly, it provided for direct negotiations between the two countries. Thirdly, it ensured the continued good offices of the Soviet Union for bringing about peace between Pakistan and India.
The spokesman did not rule out the possibility of another Tashkent conference or a similar conference in Pakistan in furtherance of the objectives laid down in the Tashkent Declaration.

Explaining the term “Armed Personnel” the spokesman said that it meant those people who bore arms and were within the control of the respective armies of the two countries. This was the meaning contained in the Security Council resolution, as drafted, he added.

He expressed gratitude to the Soviet leaders for taking the initiative in opening the dialogue between Pakistan and India. Their task had been very difficult, he said, and Premier Kosygin and Foreign Minister Gromyko had taken great pains.

Their role amounted to virtual mediation though this role had been confined to behind-the-scene activity in general. It was a matter of gratification that the initiative of the Soviet leaders had succeeded.

Characterizing the Tashkent Declaration as a declaration of intent, he said that this declaration had covered a lot of ground, though from Pakistan’s viewpoint it had not gone far enough.

Nobody, however, had expected that the Kashmir issue would be settled during the course of one conference. But they did expect that some self-executing procedure that might result in the settlement of the Kashmir dispute would be created. Obviously, he said, this dispute had to be solved if peace was to be established in the Pakistan-India sub-continent. This however, did not mean that the Tashkent Declaration was not a great achievement.

He said that they looked upon the Declaration as a victory for commonsense and not victory for either Pakistan or India. Its positive points were creation of a machinery for setting all disputes.

Pakistan had wanted a self-executing machinery, failing which a resort to conciliation, mediation or arbitration, but they, all the same, hoped that this machinery would achieve solution of all disputes including that of Jammu and Kashmir. There was also the provision for implementation of all existing agreements, withdrawal of forces and repatriation of prisoners. This would mark the end of the chapter of war. The problems of evictions and refugees’ influx had been referred to in the context of evictions of Muslims and their pushing into East Pakistan from the areas of India around it and the two lakh refugees from Kashmir.

Questioned about the term “all agreements”, he said that it included Berubari and other similar agreements entered into by Pakistan and India from time to time. About the Conference itself, he observed that mostly it had been conducted
by the Soviet leaders, who had adopted an extremely sensible procedure for the purpose.

Concluding, he said in reply to a question that if the Tashkent Declaration contributed towards the establishment of peace between Pakistan and India, it would be a major factor in the matter of peace in our region.

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2244. Statement by Indian Foreign Secretary C. S. Jha acting as the Official Spokesman of the Indian Delegation at the Tashkent Conference.
Tashkent, January 10, 1966.
The Tashkent Declaration signed by the President of Pakistan and the Prime Minister of India this afternoon, and witnessed by the Chairman of the Council of Ministers of the U.S.S.R., marks a turning point in the relations between India and Pakistan.

2. The two countries were poised at the cross-roads of history. There lay before them, on the one hand, the path of peace, good neighbourly relations and mutual cooperation made imperative by the common ties of history and the facts of geography and, on the other, the road to conflict and bitterness and misery to millions of people. In the Tashkent Declaration, India and Pakistan have chosen to turn away from mutual conflict and have resolved to base their relations on peace, friendship and good neighbourliness.

3. There is renunciation of the use of force and disputes are to be settled through peaceful means. These obligations of both countries as members of the United Nations have been reaffirmed in clear terms. Thus, the objective of the Tashkent meeting between the Prime Minister of India and the President of Pakistan has been fulfilled.

4. With the renunciation of force, both sides agree to the withdrawal of all armed personnel to the pre-5th August, 1965 positions in six weeks time and to observe cease-fire terms on the cease-fire line. Both sides have agreed to respect the cease-fire terms. This will ensure peace and tranquility all along the cease-fire line. Thus the dangerous tensions resulting from cease-fire violations will be eliminated, and the forces of peace will be strengthened between the two countries. Both countries will be able to conserve their resources for peaceful economic development. The security of both countries will be strengthened by the assurance of peace flowing from the Declaration.
5. The principle of non-interference in each other’s internal affairs, scrupulously observed by both sides, will substantially contribute to the elimination of misunderstandings and tensions between the two countries.

6. The discouragement of hostile propaganda and encouragement of propaganda which promotes the development of friendly relations, will be a positive factor for the promotion of good neighbourly relations. It is hoped that propaganda, often of a vicious kind, which has caused mutual resentment and marred relations between the two countries, will be a thing of the past.

7. The significance of the Tashkent Declaration is not that it resolves all outstanding problems between India and Pakistan, but that despite the existence of differences, the two countries have pledged to live together in peace as good neighbours. It is in this spirit that the subject of Kashmir was discussed. The two Heads of Government restated the respective positions of India and Pakistan on this matter.

8. The two High Commissioners are to return to their respective posts and normal functioning of the diplomatic missions of both countries will be restored in accordance with the Vienna Convention on diplomatic immunities. These steps will help normalize relations and the missions in the two countries can actively pursue the fulfillment of the objectives and agreements embodied in the Declaration.

9. Further meetings contemplated between the two Heads of Government in the Declaration will, no doubt, result in ever-increasing mutual cooperation to the enduring benefit of the peoples of both countries.

10. A meeting of the leaders of the two Asian countries on Asian soil in the Soviet Union has great significance. Premier Kosygin’s witnessing the Declaration gives it added weight and importance. While the declaration is a tribute to the wisdom and statesmanship of the Prime Minister of India and the President of Pakistan, much of the credit for the Declaration must go to the Chairman of the Council of Ministers of the U.S.S.R. and his colleagues.

We are greatly beholden to him and offer him our sincere thanks and gratitude for his efforts and for the warm and moving welcome and generous hospitality extended to us in Tashkent.

11. India and Pakistan have now the opportunity to live in peace and friendly cooperation. The Tashkent Declaration, sincerely observed and implemented, is a harbinger of peace and happiness and progress of the 600 million people of the Indo-Pakistan sub-continent.

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Broadcast by the Pakistan President Mohammad Ayub Khan to the people of Pakistan.

Islamabad, January 14, 1966.

My dear countrymen:

On the fourth of this month I went to Tashkent to meet the Indian Prime Minister. I must explain to you the background of this historic meeting.

When our two armies clashed in Azad Kashmir and the situation took a serious turn, the Soviet Prime Minister invited the leaders of the two countries to Tashkent to provide us opportunity to settle our differences in a peaceful and an honourable manner. We received the Soviet invitation on September 4. Two days later India launched an attack on our sacred territory. What followed is known to all of you. The entire nation rose like one man and came through this ordeal in a gloriously successful manner. The heroic deeds of our Armed Forces as well as the civilian population will for ever be cherished in our history.

We have always held the view that countries must settle their differences on the basis of peace and justice. We want peace for the whole world and, as a member of the United Nations we have accepted the obligation to settle differences not by force but in a peaceful manner and through mutual understanding.

As for our differences with India, we have always made it clear that the basic cause of this conflict was the dispute about Jammu and Kashmir and there is a Security Council resolution on this issue. According to this historic resolution the people of Jammu and Kashmir have the right to decide whether they want to accede to Pakistan or to India. India is a party to this agreement and has pledged to the United Nations that it would give to the people of the State their right to freely choose their own future.

For the last 18 years, we have been constantly endeavouring to persuade India to fulfil its commitment. Unfortunately, India did nothing to honour it with the result that the people of Jammu and Kashmir rose in an open revolt. When the Indian Forces launched repeated attacks on the Azad Kashmir territory, the Pakistan Army had no option but to take action in support of the people of Jammu and Kashmir. The resulting armed conflict between the two countries amply demonstrated to the world that there could be no peace between India and Pakistan unless the Kashmir dispute was settled. The Security Council resolution of September 20, provided for a cease fire and the withdrawal of Armed Forces. It also provided that after the withdrawal of forces the Security Council would take steps to resolve the basic issue of Jammu and Kashmir. The resolution expressed the hope that till the completion of the withdrawal, the two countries should try to settle the dispute between themselves.
My meeting with late Mr. Lal Bahadur Shastri in Tashkent was a step in this direction. The Government of the USSR and their Prime Minister made an all-out effort for the success of these talks. We were received with great enthusiasm by the Russian people and their leaders, who observed impartiality throughout these negotiations. We are grateful to them for all this.

The Indian Prime Minister wanted us to sign a no war pact, but we made it clear to him that we would never be a signatory to such a pact unless the Jammu and Kashmir dispute was settled honourably and equitably. We, however, offered to reaffirm our obligation under the UN Charter. This obligation means that nations will not resort to force unless they have explored all avenues of peaceful settlement.

We also impressed upon the Indian Prime Minister that the future of the people of the two countries depended on peace in the sub-continent and that this peace could not be lasting unless the Kashmir dispute was amicably settled. If this dispute was not settled, both the countries would continue with war-like preparations and their resources, instead of being dedicated to the welfare of their people, would be diverted to the purposes of war.

Personally, I had a feeling that the Indian Prime Minister was agreeable to what I said but he wanted that we should first normalize our relations and then grapple with the basic issue. We explained our respective points of views to each other but unfortunately we reached no conclusions. As for Pakistan we stuck to our belief that the basic cause was the dispute concerning Jammu and Kashmir and unless this was settled there could be no peace between India and Pakistan. Pakistan was not prepared to consider Jammu and Kashmir as part of India or that it was their internal affair. The people of Jammu and Kashmir had a right to decide their own future and we will continue to support their inalienable right.

I would invite you to consider the various provisions of the Tashkent declaration against this background. The declaration has in no way detracted from or damaged our national viewpoint of Kashmir. Their right to choose their future remains inviolate.

I hope that this declaration will open new avenues for the settlement of the Kashmir issue. First we will take up this matter with the Indian representatives and then, after the withdrawal of Forces, the Security Council also will be in a position to deal with it.

Moreover, the interest shown by the Soviet Government in the settlement of the dispute will also facilitate the task.

I appeal to you to show the same sense of purpose and discipline in achieving peace as you did in achieving victory during the last war. The sacrifices made
during that period are indelibly marked on our hearts and I assure you that no
sacrifice will go in vain. Whatever steps your Government has taken or is taking
they are for your good. We have been given assurances that sincere efforts will
be made to settle the Indo-Pakistan dispute in a just and equitable manner. It
is, therefore, necessary that we should take the fullest advantage of this effort.
It can only be translated into motion if we on our part implement the Tashkent
declaration. I am sure, the nation will help the Government make a success of
this effort for peace. If God forbid, for some reason or other, this effort does not
bear fruit, it will not mean that we will ever be oblivious of our national interests
or fail to safeguard the country’s defence. In any case, we have to build up our
defence effort.

The Tashkent declaration has been hailed in many parts of the country but
there are those as well who are not satisfied with it, I am fully aware of their
misgivings and honour the sentiments which give rise to them. It is obvious that
if the Kashmir dispute had been honourably settled at the Tashkent meeting
you would have welcomed it, but complicated issues are not easy to solve and
the Government has to adopt various means to solve it, according to
circumstances.

There may be some amongst us who will take advantage of your feelings and
will try to mislead you. They are not more patriotic perhaps than you and me
and are, in fact, after their own selfish gains. You should be aware of their
machinations. You should remain firm in your faith and steadfast in your discipline.
The ordeal is not yet over. Let us bow our heads to the Almighty and pray for
the strengthening of our will and determination.

Pakistan paindabad.

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2246. Press Note issued by the Pakistan Information Department carrying the Statement by Pakistan Foreign Minister Zulfikar Ali Bhutto on the Tashkent Declaration saying that the “Declaration not an end in itself”.


Handout No. 146K

I have learnt with deep concern and anguish the misgivings caused by the Tashkent Declaration. The President’s address to the Nation yesterday, he specifically assured the people of Pakistan that we will continue to support the inalienable right of the people of Jammu and Kashmir to decide their future.

Referring to the feeling among certain sections of the people, the President said: “I am fully aware of their misgivings and honour the sentiments which give rise to them.”

In considering the Declaration of Tashkent, it is well to remember that in the brief history of their existence as independent, Sovereign States, Pakistan and India have many a time attempted to settle disputes through negotiations. The Liaquat - Nehru Pact was one such agreement. It may also be recalled that a settlement of the Jammu and Kashmir dispute itself is the subject of an agreement between the two countries as embodied in the two Resolutions of the United Nations Council on India and Pakistan dated 13th August, 1948 and 5th January 1949. This agreement relates to the method of a free and impartial plebiscite under the aegis of the United Nations to enable the people of the State to decide the future affiliation and allegiance of their homeland. If, despite an international agreement, freely negotiated and mutually accepted, relations between the two countries failed to improve, and indeed, never ceased to deteriorate, it is not because of their incapacity to settle the dispute but because of India’s failure to implement honourably the agreement reached freely and in good faith.

The fundamental importance of resolving this dispute was stressed by the President in his opening statement at Tashkent on the 4th of January when he declared that unless we address ourselves to the resolution of the cause of conflict between India and Pakistan we would only be contending with the semblance of peace and not its substance.

Peace and justice are inseparable in the creed of Islam. Peace without honour is indeed inconceivable and repugnant to the tenets of our ideology. History is not deficient in instances where mere professions of peace have been overtaken by events resulting from the continuance of injustice and inequity. Words are no substitute for intents. If, in reality, injustice should persist, then peaceful declarations by themselves would not prevent tension or avert conflict.
The Tashkent Declaration has to be judged in its totality and against the historic background of our struggle for justice in Jammu and Kashmir. It is to be tested with regard to intent which determines the outcome of all accords. The realities of the situation invariably pierce through all perverse, biased and prejudiced interpretations of the words of any document. In the implementation of the Tashkent Declaration, its spirit as well as its specific provisions demand progress towards a settlement of all disputes particularly the basic dispute over Jammu and Kashmir.

Peace is not made of words but of actions. The specter of war and conflict can vanish only when a lasting peace is achieved by allowing the people of Jammu and Kashmir their right to freely determine their future. The struggle of the people of Jammu and Kashmir is based on the great movement for emancipation, equality and progress which has marked the history of this century. The great State on the soil of which the conference took place, the Union of Socialist Soviet Republics, came into being as a result of a mighty historic movement based on the principles of equality of man and self-determination of peoples. Historically and ideologically, the commitments of the Soviet Union to these ideals are irrevocable. The Soviet Union was itself conceived with struggle against the forces of oppression. The people of the Soviet Union have waged a heroic and ceaseless struggle against domination and exploitation. They have written a glorious chapter in the annals of human history by their resolute defence against aggression and by their successful war against human bondage.

It would be a fitting tribute to the Soviet Union if its initiative were to result in a significant contribution to the realization of the legitimate aspirations of the people of Jammu and Kashmir who have waged such a valiant struggle for their liberty. The Soviet leaders were no doubt mindful of their own rich heritage as fighters for freedom and liberty when they agreed at Tashkent that a solution of the Jammu and Kashmir dispute must be found.

Pakistan was itself founded on the principle of self-determination. The day must come when the people of Jammu and Kashmir will be enabled to decide their fate and their future in freedom and without coercion. The struggle in Jammu and Kashmir is between self-determination and alien domination, between freedom and oppression. What is at issue is not any territorial claim of Pakistan against the claim of India or the conflicting interpretations of an agreement but the right of the people of Jammu and Kashmir to decide their own future. Pakistan cannot be privy to any action which militates against this concept and commitment.

The U.N. Charter which represents the collective resolve of the world community to perpetuate peace, in Article 51 recognises the ultimate right of a nation to
wage its struggle for freedom. It is precisely in this context that in the Tashkent Declaration we have reaffirmed our obligations under the Charter. The fact that we were unable to immediately arrive at a settlement at Tashkent does not detract one iota from our resolve to seek a just settlement under this very Declaration or even outside its framework.

The Tashkent Declaration is not an end in itself and cannot by itself represent a turning point in our relations with India. The slate can only be sponged clean when the people of Jammu and Kashmir have exercised their inherent right of self-determination and there can be no doubt or ambiguity about it. The Tashkent Declaration resumed the dialogue between India and Pakistan. But no amount of platitudes or polemics can substitute or detract from the imperative need for a permanent settlement of the tragic dispute over Jammu and Kashmir.

In the ultimate analysis it is the determination of the people of Pakistan and their willingness to make sacrifices that will prevail over all forces pitted against this nation in its resolve to uphold justice and honour.

The blood of our martyrs is dedicated to the supreme pursuit of a peace based on justice and not a purchased peace. Their sacrifices shall not be in vain, nor shall we fail to be worthy of those who died for us.

For 18 years the Jammu and Kashmir dispute has waxed and waned until only a few years ago it virtually lay frozen in the U.N. It is no more now a dead issue. Not only has the dispute been reactivated but because of the people of Jammu and Kashmir has been resurrected and the world community as a whole made aware of the imperative need for restoration of their rights. The Great Powers have recognized the far-reaching implications of the dispute. Is it not a tribute to the struggle of Pakistan that as never before in the history of Islam, the solidarity of the Millat was manifested so clearly from the shores of the Maghreb to the water of South East Asia – the Arabs, the Iranians, the Turks and the Indonesians have all demonstrated their unanimous support of Pakistan in its just struggle against the continued denial to the people of Jammu and Kashmir of their inalienable right of self-determination? The Afro-Asian and Latin American communities have also demonstrated their solidarity with us and made it quite clear that the people of Jammu and Kashmir cannot be treated as an exception to the rule of emancipation and freedom which constitutes the very essence of our contemporary political movement.

This then is the basic truth and it can never be eclipsed no matter how grave the vicissitudes or how far-reaching the challenge and the crisis.

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New Delhi, 22 January 1966

INTRODUCTION

This Agreement is in four parts:

**Part I** Procedure concerning the immediate disengagement of troops and reduction of tension;

**Part II** Procedure concerning the withdrawal of troops from the occupied areas;

**Part III** Procedure concerning reduction of tension in the Eastern Sector;

**Part IV** General Points.

**PART I**

**Disengagement of Troops and Reduction of Tension**

**PHASE 1**

Both forces will withdraw 1,000 yards from the Line of Actual Control in sectors as specified below:

(a) RAJASTHAN/SIND
(b) AMRITSAR/LAHORE
(c) JAMMU/SIALKOT
(d) AKHNUR/CHHAMB (from River CHENAB NW 8061 To MAWA WALI KHAD NW 7770)

In all other sectors including sectors divided by the 1949 Cease Fire Line, troops will continue to hold their respective picquets as by so doing they will be automatically separated from each other. The only exception to this will be where, in hilly terrain, opposing forces are at present considered to be too close to each other, each side will withdraw to a distance to be mutually agreed upon by the local commanders not below the rank of Brigadier.

**NOTE:** In the Amritsar-Lahore sector, this 1000 yards withdrawal will be modified so that Pakistani troops who are actually on the West bank of the BRB Canal and Indian troops who are on the East bank of the BRB Canal facing each other will withdraw all armed personnel off the embankment to a distance of 200 yards on each side. Unarmed personnel may, however, live, move and work in this area.
The same principle will apply in Sulaimanki-Fazilka Sector, Hussainiwala Sector and Khem Karan Sector. After the withdrawal in this phase no new defences of any kind will be prepared in occupied territory.

There will be no movement of armed military, para-military or police personnel either armed or unarmed within the demilitarised zone and no civilian personnel will be permitted within it by either side.

The period for completion of this phase will be five days.

**PHASE II**

In this phase both sides will remove and nullify all defences which will include the:

(a) lifting of mines; and

(b) dismantling of all other defence works, less permanent defence structures constructed of steel and cement.

The period for completing this phase will be twenty-one days which will commence immediately after the five-day period mentioned in para 5.

Working parties for this purpose will be found by unarmed military personnel in uniform. No civilian or civil labour will be used for these tasks.

While every effort will be made to dismantle all defence works within the specified period, where owing to weather and other conditions it is not possible to complete this, the uncleared area so left will be clearly marked and a sketch of these given to the other side.

There will be no firing of weapons or use of explosives within 10,000 meters of the Line of Actual Control. Where explosives have to be used to dismantle defence works, this will only be done under supervision as specified later and after due intimation to the other side.

The present Agreement affecting restriction on flights of aircraft will continue to apply.

To ensure that the action agreed to in PART I above is being implemented in letter and in spirit, the good offices of UNMOGIP and UNIPOM will be utilised. In the event of a disagreement, their decision will be final and binding on both sides.

**PART II**

**WITHDRAWAL OF TROOPS FROM OCCUPIED AREAS**
After the dismantling of defences has taken place, all troops, para-military forces and armed police who are now on the other side of the international border and Cease Fire Line, will be withdrawn. This withdrawal will be completed by 25th February, 1966. If in any particular sector or part of a sector, the dismantling of defences has been completed earlier than the last date specified, withdrawal may be sectorwise if mutually agreed to.

During this withdrawal, there will be no follow up by civilians, armed military, para-military or police personnel until 25 February, 1966. Only unarmed military personnel at a strength mutually agreed upon at the sector level may move into these unoccupied areas for normal police duties (see paragraph 16 below).

After troops of both sides have crossed into their own territory, the procedure which was being followed by Pakistan and India before 5 August, 1965, for the security of the international border and the Cease Fire Line, will apply. Attention is drawn to Ground Rules 1961 for West Pakistan/Punjab, Rajasthan and Gujarat (India).

It is essential that under all circumstances troops must move out of occupied areas by 25 February, 1966, even if the dismantling of defence and lifting of mines have not been completed.

For immediate settlement of any points of dispute that may arise, sector commanders not below the rank of Major General will be designated by name and appointment both by India and Pakistan who will meet to settle the differences. Telephone or R/T communication will be established between these designated sector commanders and will be permanently manned.

Any matter on which there is disagreement will be referred to the C-in-C, Pakistan Army, and COA’s, India, for their joint decision. If the issue is still not resolved by them the good offices of Major General T· Marambio will be utilised and his decision will be final and binding on both sides.

PART III

REDUCTION OF TENSION IN THE EASTERN SECTOR

The limit of withdrawal in the Eastern Sector will be left to local commanders not below the rank of Major General to mutually decide where necessary, in consultation with the civil authorities concerned. Both sides will arrive at a working agreement as soon as possible.

Border Security Forces consisting of armed para-military units, police or any other irregular forces of both sides will not open fire across the border under any circumstances.
Any encroachment across the border will be dealt with through apprehension of personnel concerned and thereafter handing them over to civil authorities.

In any case where firing takes place across the border it will be investigated on the spot by a joint team consisting of border personnel from both sides within 24 hours of occurrence. Brigade Commanders/ DIGs responsible for this investigation will be designated by name and appointment sector wise for West Bengal, Assam and Tripura by India and for the adjoining areas of East Pakistan by Pakistan.

Liaison between commanders and telephone communications at various levels will be established as given in para 12 and 13 of the Ground Rules for Indo-East Pakistan border.

To ensure that the above Agreement is fully implemented, quarterly meetings will take place between Army and Police authorities of India and Pakistan, alternately in India and Pakistan, to assess the extent to which the Agreement is working in practice.

These are a supplement to the Ground Rules formulated by the Military Sub-Committee of the Indian and Pakistani delegations on 20 October, 1959.

PART IV

GENERAL POINTS

In order to resolve any problems that may arise in the implementation of this Agreement and to further maintain friendly relations between the two countries, the C-in-C Pakistan and the COA India will meet from time to time. The meetings will be held alternately in India and Pakistan and will be initiated by the respective Governments concerned.

Ground rules to implement this withdrawal Agreement in the Western Sector will be formulated by Lt. General Bakhtiar Rana Pakistan, and Lt. General Harbaksh Singh—India, under the Chairmanship of Major General T. Marambio as early as possible.

The Agreement comes into effect as from 0600 hours IST/0630 hours WPT 25 January, 1966.

Sd /- The Chief of Army Staff
India

Sd /- Commander-in-Chief
Pakistan Army

Amritsar/Lahore January 29, 1966.

1. The military representatives of India and Pakistan met together on 3, 6, 15, 25 and 29 January 1966 in Amritsar and Lahore under the auspices of General Tulio Marambio, representative of the Secretary-General of the United Nations, who was assisted by Mr. Miguel A. Marin, Principal Secretary.

2. The representatives of India were: Lieutenant-General Harbakhsh Singh, GOC-in-C, Western Army Command, assisted by Lt-Col T.S. Padde, Staff Officer, Western Command.

3. The representatives of Pakistan were: Lieutenant-General Bakhtiar Rana, Commander, One corps, assisted by Brig Gul Hassan Khan, Director of Military Operations.

4. Considering that the Security Council in its resolution of 20 September 1965 calls for withdrawal of all armed personnel back to the positions held by them before 5 August 1965;

5. Considering that the Security Council, on 5 November 1965, adopted a resolution which, inter alia, demands the prompt and unconditional execution of the proposal already agreed to in principle by the Governments of India and Pakistan that their representatives meet with a suitable representative of the Secretary-General for the purpose of formulating an agreed plan and schedule for the withdrawal by both parties, and urges that such a meeting shall take place as soon as possible and that such a plan contain a time limit on its implementation;

6. considering that the Prime Minister of India and the President of Pakistan in their joint declaration on 10 January 1966 at Tashkent agreed that all armed personnel of the two countries shall be withdrawn not later than 25 February 1966 to the positions they held before 5 August 1965;

7. Considering that on 15 January 1966 at the joint meeting held in Lahore, the parties agreed on the principles of a plan and schedule of withdrawal of armed personnel to be submitted to the then forthcoming meeting of Chief of the Indian Army Staff and the Commander-in-Chief of the Pakistan army;

8. Considering that on 22 January 1966, the Chief of the Indian Army Staff
and the Commander-in-Chief of the Pakistan Army agreed and formulated a plan for “disengagement and withdrawal of troops”;

9. **Considering** that in paragraph 26 of the above mentioned agreement it was stated that ground rules to implement the withdrawal in the Western Sector will be formulated by Lt Gen Bakhtiar Rana – Pakistan and Lt-Gen Harbakhsh Singh – India under the Chairmanship of General Tulio Marambio as early as possible;

10. The parties to the present agreement, duly authorized, have agreed to incorporate in the present document the relevant parts of the above mentioned plan and, as an annex, the ground rules formulated accordingly. Hereafter follows the Agreement as in Document No. 2247

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2249. First of the Month Broadcast of Pakistan President Mohammad Ayub Khan to the Nation.

February 1, 1966.

*My dear countrymen Assalam-o-Alaikum*, The month of January was important for us in many respects. We spent the major part of it in observing the discipline of fasting. The month of Ramzan represents not only an exercise in physical abstinence but also provides the mainspring of a spiritual happiness. It brings a message of peace, happiness and blessings for Muslims the world over, and provides us with an opportunity to reform our individual and national life.

It was in this month that Pakistan and India agreed on a Joint Declaration at Tashkent. I am aware that while this declaration has been welcomed in various parts of the country, there are people who are not satisfied with it. It is being asked what after all Pakistan has gained from it.

It is also being suggested that as a result of this declaration the Jammu and Kashmir dispute will be put in cold storage. Some suggest that to withdraw forces from battle positions will be of no benefit to us. There are others who apprehend that this declaration will not be implemented in letter and spirit and the basic political problem which has bedeviled Indo-Pakistan relations will gradually recede into the background. You have to decide for yourselves what basis there is in these doubts and suspicions. On behalf of the Government I will tell you the circumstances which led to our acceptance of the Tashkent declaration.
First and foremost, you should know who was responsible for the events which took place in the occupied part of the State of Jammu and Kashmir during the month of August last year. India has been telling the world that whatever happened in Jammu and Kashmir was engineered by Pakistan. I ask you, was it Pakistan which was responsible for the making and unmaking of so many governments in the occupied territory of Jammu and Kashmir? And have the political workers and leaders, of Jammu and Kashmir been put behind the bars at Pakistan’s behest? And is Pakistan responsible for the atrocities which are being perpetrated there day and night? If Pakistan is not responsible for these acts then it certainly cannot be held responsible for the grim consequences of these acts.

Of course, the people of Jammu and Kashmir had the support of Pakistan in their fight against oppression and in their struggle for freedom. This support they will always have till the question of Jammu and Kashmir is settled in a just and honourable manner.

The events of August last in Jammu and Kashmir were not the beginning of a new movement but the climax of 18 years struggle for freedom. There are some who believe that without Pakistan’s help the freedom movement of the people of Jammu and Kashmir would not have gathered momentum and led to a situation of war. What is being suggested is that Pakistan should have acted as an idle and helpless spectator and allowed India to swallow Jammu and Kashmir. And why? Because India happens to be big and because she has built up a powerful military machine. History has few instances to offer when a people made so many sacrifices and took such great risks for the sake of their kith and kin.

It is known to you that before the meeting at Tashkent, the Indian leaders declared, time and again, that they would never agree to any discussion on the question of Jammu and Kashmir. They had also asserted that they will not vacate Tithwal and Haji Pir Pass. But the Tashkent Declaration is in itself a testimony to the fact that the entire course of negotiations at Tashkent centered round the Jammu and Kashmir dispute. It was the pivotal problem.

True, we were not able to resolve this dispute in an acceptable manner. But who could expect that a problem which had been hanging fire for the last 18 years would be resolved in a single meeting. We did make it clear to India that an honourable solution of the problem of Jammu and Kashmir was an essential pre-requisite to the establishment of lasting peace between Pakistan and India.

World opinion has seen in Tashkent Declaration an opening for the peaceful settlement of the dispute of Jammu and Kashmir. But there are some people in our country who are not prepared to accept this. Perhaps they see war as the only means of the settlement of this dispute. Perhaps they believe that since we had war once we should have it all the time. The issues of Peace and War are not decided in the heat of emotion but by cold logic and cool thinking. The
sentiments of people must be respected under all circumstances. But the interests of people come first. They cannot be sacrificed and no responsible person will do that.

I owe it to the position of responsibility, which you have given me, that I should ponder over national issues with a cool head and take decisions in the light of my Iman (faith) and keeping in view the interests of the nation without looking for public acclamation or worrying about out-bursts of criticism. It is my belief that the Tashkent Declaration not only strengthens the integrity of Pakistan but also provides a possibility for the peaceful settlement of the dispute of Jammu and Kashmir.

This possibility can be turned into a reality if India and Pakistan stop this sterile discussion of who won and who lost, and recognize that the future of the people of the sub-continent and their prosperity lie in peace. And to attain that objective they should resolve the dispute of Jammu and Kashmir in honourable and just manner through sincere and earnest endeavour. Therein lies the welfare of India, therein the welfare of Pakistan.

This is not going to be easy, nor is it going to come soon. But let us not forget that history has put both India and Pakistan on trial. Shall we resolve our basic difference through understanding and accommodation and rescue our people from the nightmare of constant friction and acrimony? The Tashkent Declaration offers the way for taking advantage of this historic opportunity. It should help create an atmosphere of mutual understanding. For this purpose, the forces of the two countries are being withdrawn from the borders. The withdrawal of forces and the generation of the spirit of mutual understanding are intended to enable India and Pakistan to consider the basic political problem between them. The Security Council’s resolution of September 20 has identified this problem. After the completion of the withdrawal of forces, the Security Council should turn its attention to this problem in accordance with its own resolution.

The outcome of the Security Council’s efforts would, however, depend largely on the attitude which India may adopt. It is our feeling that the Big Powers in the Security Council have realized the gravity of the problem of Jammu and Kashmir and the need for its solution.

In any case, you should rest assured that whatever be the outcome of the Security Council’s efforts, your Government is taking all possible and appropriate measures for the defence and integrity of Pakistan. At the same time, we have impressed upon India that mounting defence expenditure affects the economic and social conditions of the people and it is in the interest of both countries that they resolve the Jammu and Kashmir dispute honourably so that they can cut down their defence expenditure.
If the two countries go on increasing their forces and engage themselves in an arms race, then obviously not only the welfare of their people will suffer but peace between them remain constantly threatened. To say that we intend to keep the peace though we must go on building up our forces is a contradiction, because intentions can always change. What matters is the capability. Peace can be guaranteed only if both countries decide not to expand their military strength beyond certain agreed limits. You would be happy to know that our relations with our neighbouring countries are constantly becoming cordial and stronger. Before going to Tashkent I went to Kabul and I was glad to know that the people of Afghanistan have brotherly feelings for the people of Pakistan and that the Government of Afghanistan wish to develop economic and social relations with Pakistan. We greatly value this desire and on our part we shall do everything possible to promote still more cordial relations with Afghanistan. Similarly, at Tashkent our relations with the Soviet Government took a new turn. The Soviet Prime Minister, Mr. Kosygin, in particular, showed great sympathy and patience in trying to understand our point of view. I hope that the development of relations between the Soviet Union and Pakistan will prove beneficial to both countries.

At this point I would also like to thank, once again, those friendly countries who came to our help in our hour of need. We can never forget their sympathy and support and our relations with them are constantly growing. The help which these countries gave to Pakistan has left an indelible mark on our hearts.

The basic objective of our foreign policy is to develop friendly relations with our neighbours in particular and with other countries in general. Development of relations with any one country does not mean withdrawing from another. Nor is our policy influenced by ill-will or antagonism towards any particular country. Our relations with other countries are determined by mutual interests.

It is a difficult and extremely delicate policy to follow in the present day complicated international situation. But I believe that if we pursue this policy with honesty and sincerity there is no reason why we should not succeed.

In the end I would like to emphasise that the unity and solidarity displayed by the people of Pakistan during the war was not a passing phase. It was a reflection of our faith which can never be obliterated.

I appeal to you and in particular to the youth of the country that they should have faith in themselves and should not allow national unity to go under at any cost. The times ahead are going to be difficult. To face them it is our duty to identify our national-interests and follow the programme outlined for the integrity and progress of the country with complete confidence and unity.

_Ameen, Pakistan Paindabad._

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Calcutta, February 1, 1966.

1. The meeting took place pursuant to the agreement at DELHI between the COAS INDIA and the C-in-C PAKISTAN on 22 Jan 66. It was reiterated that the aim of the meeting was the reduction of tension on the INDIA-EAST PAKISTAN border. The points discussed and decisions arrived at are contained in the succeeding paragraphs.

2. It was decided that all regular troops will be withdrawn from the border. The actual limit of withdrawal would be decided later. The GOC-in-C Eastern Command stated that orders to this effect had already been issued by him.

3. All defences, other than those which existed before the emergency, will be vacated and destroyed/filled in both by regular and police forces of both sides, by 15 Feb 66.

4. It was reiterated that the Ground Rules of 1959, which are fairly comprehensive and cater for most situations, should be faithfully observed. In this regard particular reference was made to Paragraph 5 of the Ground Rules – 1959.

5. It was agreed that there would be no firing across the border by the security forces under any circumstances and encroachments across the border would be dealt with by apprehension of the persons concerned in accordance with Paragraphs 19 and 20 of the Agreement at DELHI between COAS INDIA and C-in-C PAKISTAN.

6. It was agreed that liaison would be established between IG Border INDIA and DIG EPR, EAST PAKISTAN as well as between DlsG BENGAL, ASSAM AND TRIPURA borders with the sector commanders to be nominated by the DG EPR. Communications as laid down in the Ground Rules paragraphs 12 and 13 were to be established earliest.

7. The sector commanders were to be directed to arrive at a working agreement for all places which are generally scenes of firing incidents. In this respect the following places were particularly mentioned – LATHITILLA, BELONIA and RAMGARH. Sector Commanders concerned with ASSAM and TRIPURA borders were directed to meet on 8 Feb 66 at LATHITILLA at 0900 hours E PAK time. Brigade Commanders concerned would be present at this meeting. Working boundaries in respect of the above mentioned places as well as for other such sensitive areas were to be agreed upon by 20 Feb 66. The sector commanders were also directed to examine the problem created by the construction of spurs and find ways and means to arrive at a solution.
8. It was also decided to recommend strongly to the respective Governments that border demarcation/ratification/handling over of territory should be completed expeditiously as until this is done there will always be a risk of border incidents.

9. To review the progress of the agreement, GOC 14 INF Div (PAKISTAN) invited GOC-in-C Eastern Command and his party to visit DACCA any time at his convenience before 25 Feb 66.

GOC-in-C Eastern Command (INDIA) Goc 14 INF. DIV (PAKISTAN)
1 Feb 66 1 Feb 66.

2251. Record of discussion between the Chief of Army Staff, India and the Commander-in-Chief, Pakistan Army, regarding the Reduction of Military Forces in Kashmir.


It was agreed that in the State of Jammu and Kashmir, the quantum of regular troops, para-military forces and armed civilians who may be considered to constitute a military potential, to be located in the State, will not be more than as accepted by UMMOGIP in the context of the 1949 Karachi Agreement. This bringing down of armed personnel to these numbers will be completed by 1 April 1966 and be certified as having been done by UNMOGIP.

The question of raising, training and arming Mujahids, Razakars or armed irregulars in the State of Jammu and Kashmir who might in the terms of the 1949 Karachi Agreement be considered to constitute a military potential was discussed. It was agreed what this matter would be referred to the respective Governments for their consideration.

The Sector Commanders now nominated along each sector of the 1949 cease fire line will continue to meet from time to time to settle any points that may arise. The Chief of Army Staff, India, stated that apart from civilians interned on the Sialkot-Lahore fronts who were being returned shortly under civil arrangements only about 20 more prisoners were left in India and these would be returned very shortly. The C-in-C, Pakistan Army, handed over a list of names of 376 India prisoners and stated that individuals would also be returned shortly.
With regard to the writ petition filed in the Indian Supreme Court concerning the vacation of areas in the state of Jammu and Kashmir, the Chief of Army Staff, India, stated that he would clarify this position by 17 February 1966. It was agreed that a bridge as asked for by the UNMOGIP would be constructed near the URI check post by India and a maintenance post would be located there.

The Chief of Army Staff, India, C-in-C, Pakistan Army, exchanged views on other central points with regard to reduction of tension and decided to further discuss them at their next meeting.

10 February 1966.

2252. Speech of Prime Minister Mrs. Indira Gandhi in the Lok Sabha on Tashkent Declaration.

New Delhi, February 15, 1966.

As THE HOUSE is aware, at the initiative of the Chairman of the Council of Ministers of the U.S.S.R., Mr. Kosygin, there was a meeting between Prime Minister Lal Bahadur Shastri and President Ayub Khan of Pakistan in Tashkent. The Prime Minister and the President met in a plenary session in the presence of the Chairman of the Council of Ministers of the U.S.S.R. on January 4, 1966. Thereafter, there were a series of informal talks between the Prime Minister and the President. The Chairman of the Council of Ministers of the U.S.S.R. remained in close touch with both the Heads of Government. On January 10, 1966, the Prime Minister and the President signed the Tashkent Declaration.

The greater part of the discussions in Tashkent centred round the basic question of renunciation of force. Prime Minister Shastri made it clear that the main point was whether or not the two countries wanted to live in peace and settle their disputes without resort to force. The President of Pakistan raised the question of Kashmir as the basic issue which had to be settled before the two countries could live peacefully and as good neighbors. Prime Minister Shastri, in his talks with President Ayub khan, made it clear that it was not possible for India to deviate from its position that Kashmir was an integral part of India and that India’s sovereignty over Jammu and Kashmir was not negotiable. Eventually, there was agreement as embodied in article I of the Declaration.
For many years in the past, India had emphasized the importance of the two countries agreeing that all disputes and differences between them should be settled peacefully, without resort to arms. Unfortunately, no agreement could be reached on such a declaration between the two countries. The success of the Tashkent Declaration consists in the fact that both countries have now agreed not to have recourse to force and to settle their disputes through peaceful means. This has been done by a categorical reaffirmation in the Declaration of the obligations under the Charter of the United Nations to refrain from the use of force in settling international disputes. In the Tashkent Declaration, India and Pakistan have chosen to turn away from mutual conflict and have resolved to base their relations on peace, friendship and good neighbourliness.

Article II of the Declaration provides for the withdrawal of all armed personnel of the two countries, not later than February 25, 1966, to the pre-August 5 positions, as required in U.N. Resolutions. The fullest consideration was given to all aspects of the question of withdrawals before agreeing to this clause. In his letter of September 14, 1965, to the U.N. Secretary-General, Prime Minister Shastri had stated, “That when consequent upon the cease-fire becoming effective further details are considered, we shall not agree to any disposition which will leave the door open to further infiltrations or prevent us from dealing with infiltrations that have taken place.”

Under the Declaration, Pakistan has not only agreed to withdraw all armed personnel, but also undertaken not to resort to force for the settlement of any dispute and to respect the cease-fire terms on the cease-fire line. There is the further provision of non-interference by either country in the other’s internal affairs. Armed infiltrations across the cease-fire line would be wholly contrary to the Tashkent Declaration. The conditions laid down in the late Prime Minister’s letter to the Secretary-General of the United Nations have thus been met. The discouragement of hostile propaganda and encouragement of propaganda which promotes the development of friendly relations will be a positive factor for the promotion of good-neighbourly relations. It is hoped that propaganda of the kind which caused resentment in India and marred relations between the two countries will be a thing of the past. The Declaration provides for the normalization of relations between the two countries and for bilateral discussions, in a friendly atmosphere, to resolve various problems between the two countries.

Steps have already been taken towards the implementation of the Declaration. Agreement has been reached between the Chiefs of Armed Forces in both countries in regard to the withdrawal of forces on the west and for the avoidance of tensions. It has also been agreed that armed forces of both sides along the eastern borders will withdraw from forward positions and will not in any circumstances resort to firing. The high Commissioners of both countries have
returned to their respective posts and normal diplomatic relations have been resumed. Over-flights of scheduled air services of both countries across each other’s territory have been resumed. Exchange of prisoners taken by either side has been completed to a large extent. The Government of India have proposed a Ministers’ level meeting at which various other matters concerning the normalization of relations and further steps towards the implementation of the Declaration could be discussed. Restoration of posts and telegraphs and telecommunications between the two countries is being arranged.

India and Pakistan have now the opportunity of living in peace and friendly cooperation. The Tashkent Declaration, sincerely observed and implemented, will, it is hoped, contribute to the prosperity and progress of the 600 million people of the Indo-Pakistan sub-continent.

In conclusion, I would express the deep appreciation of the Government of India of the initiative and good offices of Mr. Kosygin, Chairman of the Council of Ministers of the U.S.S.R., which made the Tashkent meeting a success.

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2253. Reply by External Affairs Minister Swaran Singh to the debate on Tashkent Declaration in the Lok Sabha.

New Delhi, February 21, 1966,

Mr. Speaker, Sir, I am grateful to hon. Members who, while participating in this debate, lent massive support to the Tashkent Declaration. I am very happy that this support came not only from hon. Members belonging to this side of the house but several hon. Members from the Opposition Benches also supported the Tashkent Declaration, and have given on many occasions more reasons and arguments in favour of acceptance of the Declaration by the country. This expresses the determination of our people to treat this as a non-party issue, as a national issue.

My task in replying has been greatly lightened. It is very much easier as several hon. Members who have already participated and have lent their support to the Tashkent Declaration have given various arguments and reasons to remove some of the doubts that had been raised by those hon. Members who criticized the Declaration. I will not, therefore, be long in my reply. I will try to confine myself to meeting some of the specific points that have been raised by hon. Members who criticized the Declaration.
At this stage, I would like to say that a desire has been expressed by hon. Members that the Prime Minister should also make some statement on the Tashkent Declaration in the House. I am sure that this request, this wish that has been expressed on the floor of the House, will be conveyed to the Prime Minister, and in her intervention in the debate on the President’s Address, she can include her own statement on the Declaration.

The question of withdrawals of armed personnel from Haji Pir, Tithwal and Kargil has come up for comments; it has also been criticized by certain hon. Members. The question of infiltrators has also been mentioned. As a matter of fact, these two points are inter-connected, and I would like to say something on these two points together. We have first to see the objective that we had before us when the Indian armed forces moved to Kargil, the Tithwal and to Haji Pir. It is very important because we were facing aggression, and this massive aggression originated in the form of a large number of armed personnel crossing over to that part of Jammu and Kashmir which is in the actual possession and control, administrative and the rest, of the Government of India.

When we took up this matter with the Pakistan Government and pointed out to them the serious situation created by these armed infiltrators coming across into Indian territory, the Government of Pakistan did not accept any responsibility. It then became necessary for us to take defensive measures to check infiltration, because the responsibility in this respect was not accepted by the Government of Pakistan. It was in that context that the Indian armed forces moved into these two passes, Tithwal and Haji Pir, and we moved into Kargil because our line of communication to the Ladakh area was under constant threat by the sniping and other provocative acts which were indulged in by the Pakistan forces. These were the objectives before us when we moved to these passes.

We have now to see whether, when we agreed to withdraw, our objective had not been realised, whether the reason for which we moved to these passes still persisted at the time we agreed to this withdrawal. We gave very careful consideration to the various aspects. This was a very serious matter, and we attached a very great deal of importance to it. It was necessary for us to give the most careful consideration to the implications of the step that we were taking in agreeing to the withdrawal from these areas.

As I said when I initiated this debate, three conditions were agreed to by Pakistan. Firstly, both countries agreed that the use of force would be abjured in the settlement of any dispute, secondly that cease-fire terms on the cease-fire line would be adhered to and respected by the two parties, and thirdly that there would be non-interference in each other’s internal affairs. Even one of these considerations or conditions is enough to correct the mischief that can be created by the movement of infiltrators.
Sending armed infiltrators, for instance, is obviously use of force, and if both parties agree that force will not be used for the enforcement of any claim or the settlement of any dispute, obviously they cannot say that they will send these infiltrators in the exercise of their right to enforce a claim or to settle a dispute. It is quite another thing, a separate issue to which I will come, as to whether they will respect this or not, but my point is: is the sending of infiltrators protected or can it be resorted to by any loophole that is there in the agreement? My contention is that we should keep these two things separate, the interpretation of the agreement and their intentions or the question whether they will respect the terms of the agreement or not. At this stage, I am on this question whether the agreement itself covers armed infiltrators or whether, notwithstanding the terms of this agreement and even if they adhered to this agreement, they can make out a case that they can send infiltrators…. Pakistan has at no stage said that they have got the right to send infiltrators. All along they have denied having sent infiltrators, and even now they do not say that they have the right to send infiltrators. It is an important point. One of the first conditions of the agreement is not to use force, and sending armed infiltrators is use of force. That is what I am trying to contend. It is quite clear that even Pakistan has not said that they are entitled to send infiltrators or to use force even if Kashmir is not an internal matter of India. We do not accept the Pakistan contention that Jammu and Kashmir is not an integral part of India, and any interference by sending infiltrators, even by whipping up agitations there or trying to support those who are not accepting the writ of the local government there, is very much interference. We do not accept their interpretation of Jammu and Kashmir not being an internal problem or an internal responsibility of the Government of India.

The important point that I was mentioning at this stage was that this question of infiltrators and their being sent is covered by this condition which has been agreed upon between the two sides. I will not repeat it.

The second point that has been mentioned is that they do not accept Jammu and Kashmir as the internal problem of India, and therefore there may be a loophole for sending infiltrators. My reply to this is two-fold. Firstly, it is our interpretation, it is our very firm stand, that Jammu and Kashmir is an integral part of India, and that its sovereignty is not negotiable. In these circumstances, we do not accept this interpretation that they have got the right to interfere in this. So far as the question of armed infiltrators is concerned, whatever may their position with regard to Jammu and Kashmir, even if they are keeping up a dispute on that issue which we do not accept, we clearly say that there is no dispute—even then I contend that the clause relating to non-use of force covers this completely and any step that they take to interfere with the established administration on one side of the cease-fire line is a clear violation of the Tashkent Declaration, and is therefore something about which we need not have any doubt in our minds....
The late Prime Minister Lal Bahadur Shastri had also said: if the other party says that it wants to discuss Kashmir or they want to raise some point, all that I have to do is to state clearly that Jammu and Kashmir is an integral part of India; that is the position to which India, he said, would steadfastly adhere. In this context, at the meetings in Tashkent between our late Prime Minister and President Ayub Khan, it is a fact that President Ayub did raise the question of Kashmir.

Our late Prime Minister made a clear and categorical statement that Jammu and Kashmir is an integral part of India and that is the position to which he strongly adhered; we are not going to alter that position. As to what President Ayub said, or their Foreign Minister said, they are well known; they say from time to time that the people of that area should be permitted to express their desire about their future. If in reply to that we categorically reject any such claims and reiterate our stand on Jammu and Kashmir, it is not discussing the question of Kashmir; it is only reiteration of the position and that fact, Mr. Speaker, is clearly enunciated in the Declaration. The Declaration says that the two sides reiterated their position. Prof. Hem Barua is hurling the declaration at us. We went through every word of it. Shri Dwivedy raised a point that the position and manner in which this sentence is used perhaps might cast some cloud on our assertion. It is not at all correct. Article I says that the Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good neighbourliness between India and Pakistan in accordance with the U.N. Charter. It is unexceptionable. They reaffirm their obligation under the Charter not to have recourse to force but to settle their disputes through peaceful means. I would very strongly urge that this is a obligation not to use force. This should not be lightly dismissed; this is a clear affirmation of their obligation. They considered that the interests of peace in the region, particularly in the Indo-Pakistan sub-continent and indeed the interests of the people of India and Pakistan were not served by the continuance of tension between the two countries. They also said that our attitude should be to develop good neighbourly relations, to discontinue tension. It was in this context and in this background that Jammu and Kashmir was discussed and each side set forth its respective position. I have already said what our position was: namely, that it is an integral part of India. The other party said that they have got their own claim. They agreed to disagree on this issue. To bring about good neighbourly relations, they said there were other matters which should be attended to and the rest of the declaration proceeds to mention some of these other matters. The mention in this background under which Jammu and Kashmir was discussed is a point which clearly brings out our clear statement and position on Jammu and Kashmir. I would also like to mention that in the course of my talks with the Foreign Minister of Pakistan and his colleague, talks during which on our side my colleague Shri Chavan and other members of the delegation were present, I
reiterated our position and our stand on Jammu and Kashmir in unmistakable terms. Some hon. Members here and some outside had mentioned that the country should be told as to what was talked between the two sides. I would like to clarify the position.

The Indian position on Jammu and Kashmir was not whittled down in the slightest and we reiterated in clear and unmistakable terms our stand and Pakistan is in no doubt about our stand. No newspaper, no critic or supporter of the Tashkent Declaration from Pakistan has ever asserted that India has deviated from its stand on Jammu and Kashmir. On an issue on which even Pakistan does not claim that we have changed our stand on Jammu and Kashmir, it is not wise or in our national interest to continue to agitate these points and unnecessarily to create doubts even when the other party is in no doubt.

I do not want to go into the whole history of how this wave of infiltration started and how we took preventive action by moving into some of the passes and how vigorously our security forces took very stern and effective measures to deal with the infiltrators who were operating in the Jammu and Kashmir territory…

The infiltrators who had crossed over were being dealt with and our security forces and our police made a very thorough job of it. If ultimately we were able to control the situation it was due to the effective steps that were taken by the security forces. I would also like to add that the Government of Jammu and Kashmir and, if I may add, the people there, acted very strongly and they fully cooperated with these steps taken by the authorities in dealing with the infiltrators. It was this support given to us, the lack of the response which mistakenly Pakistan thought they would get from the people, which was mainly responsible in thwarting the designs of the infiltrators. We are grateful to the people who gave information to the local authorities. We had a large number of non-officials who traced the movement of these people and supplied information to the authorities which ultimately led to the mopping up operations and in providing the necessary security to the areas and to the targets which unfortunately had been aimed at by the infiltrators.

I would also like to add that after the cease-fire operations, although Pakistan did continue to keep this posture that they had never sent these infiltrators, and continued to disown their responsibility, we have definite information that they called upon these people, who had been sent across, to return to that area. We had definite information on that score, and a large bulk of these people actually crossed over into the other territory. Our security forces also have been stepping up their efforts which continued after the cease-fire, because our Prime Minister had made it absolutely clear that any cease-fire agreement that is arrived at or any cease-fire arrangement that is accepted does not mean that our efforts to deal with the infiltrators or to deal with them effectively would in any way be
influenced by the cease-fire. We made the position clear that this is an internal, law and order matter, and we had to function effectively. It was the combined effect of these two things: the continuous drive by our security and armed forces, the civilians and the civilian government - all this combined effort put so much pressure on them and they found, particularly after the cease-fire, that there was no point in their staying on, and a large number were actually thrown out and pushed back into the other territory. Out of the total number of infiltrators who were in thousands, a good bulk has been thrown back. A large number of them were killed; some of them were also arrested. The number that might be left there might be very, very small. It is very difficult for me to give any number, but it cannot be more than a few odds and ends, say, half a dozen or 10 people in one remote area or the other. I have not got the census or the list. If I knew the exact number, I will get hold of them or kill them or shoot them, those who come here without any authority. But the point is, the Pakistan Government, naturally from the very beginning, had taken the attitude that they are not concerned with them, that they have not sent them; we have information that they had done so and they had sent across these people. We had information that they were receiving messages and we intercepted some of those messages, and it was on that basis that we kept the county and this House fully informed about their activity; that they were sent across and they were supported. We had also information - we had definite information - that they were withdrawn after the cease-fire. So, this was a combined effect of the two-pronged operation, pressure by us, by our security forces, and also their attitude that they wanted to withdraw. In a matter like this, we have to see the results and need not insist on a public statement that they have withdrawn. I am sure that even on this statement of mine they might say, “No; we never sent anyone; we have not withdrawn anyone.” They may say as in their earlier statement that “We have not sent any man even in the initial stages”. So, we have to look to the situation on the ground and view it realistically, and realize that in future, these conditions are accepted: that non-use of force is accepted; non-interference in one’s internal affairs is accepted; and that observance of the cease-fire terms and the cease-fire line. So, in actual fact also, based upon this agreement that they have entered upon, we were fully satisfied that the question of infiltrators hereafter is not likely to arise and it is covered by the agreement because it was thereafter that we agreed in respect of Haji Pir and Tithwal, the passes through which we had moved in order to check further infiltration.

We are clear that if the terms of the agreement are adhered to, then, the question of sending infiltrators does not arise. It is a very pertinent question and a practical question; that is, if they do not adhere to the obligations that they have undertaken, then what is the guarantee? It is a very pertinent question. But the reply to this is linked up with all the other agreements that have been entered into between the two countries. In a matter like this, if we start with this attitude
that any agreement that is entered into is not likely to be adhered to, they will find some excuses to go back upon the agreement, then, the reply is that we know how to deal with the situation. Then a new situation develops altogether. The agreement is clear. If they do not adhere to it, if they go behind the agreement and they do not faithfully carry out their obligations under the agreement and surreptitiously take resort to something else then it is a clear violation of the agreement; then a situation arises, and we will take the sternest measure to meet the situation, and of that we have never made any secret. I would beg of this House to see that the agreement is very clear, and that the ultimate protection in this case is provided by the agreement and by their adherence to this agreement. If the agreement is not adhered to, it depends upon our capacity to deal with the situation. Many of our foreign friends, sympathetic friends, have many times mentioned to us that a country of 45 crores or 48 crores of people hardly needs to go to the international community to say that this is a nuisance by the infiltrators and that there should be some solemn agreement on their part that they will never send the infiltrators. They have admitted their responsibility, though not in these clear words, that if the terms are adhered to, it is covered. If they do not observe the terms then it is a situation where our strength and our capacity to deal with them will be the real guarantee. That is something which we should not lose sight of....

The other broad political issue which Mr. Nath Pai raised is vital. In fact, that is the most important issue which cuts across any words that might be used: What is the ultimate guarantee in these cases? For that the reply is, we have to depend upon our strength and we have to tell the world, as they have told us on many occasions, if the infiltrators come, notwithstanding this agreement, the answer is, shoot them; hang them in the passes. That will be the biggest deterrent. Even on this occasion, although they started in a surreptitious manner, although it caused some worry to us, the way we dealt with this problem effectively is the biggest guarantee that they will not try again. What have they gained by this, except that they have lost hundreds of people and they had eaten their words? When Pakistan embarked upon this misadventure, they had all types of flamboyant statements to make: “We are doing this with this object or that object”. It is not for me to remind the Pakistani leaders, but without introducing any element of criticism of their earlier statements on this issue, I would certainly ask, whereas Pakistan had embarked upon this to realize certain objectives, viz., to get a solution of the Jammu and Kashmir problem which they thought fits in with their pattern, have they succeeded? No; they have not.

Ultimately the terms of the agreement are such that any action of that nature will be covered. Will they do that again? If they adhere to the terms of the agreement, they would not do that. But if they do not adhere to the terms of the agreement, a new situation arises, which the country will have to deal with,
with all determination. I am sure that the full support of this House and of the country will be with any steps that are taken to deal with that situation.

The date 5th August is important, because on 5th August this infiltration started. Withdrawal of all armed personnel to positions which obtained prior to 5th August definitely covers the infiltrators also.

Another point which has been mentioned was that it appears as if some pressure was exercised on the late Prime Minister, Shri Lal Bahadur Shastri. I am very sorry that any such suggestion directly or indirectly was made... About this alleged pressure, those of us who were in touch with Shri Lal Bahadur Shastri can say that the actual volume of his work; the actual physical pressure, in those days was much less compared to the work he used to do in India where his responsibilities were so great, meeting a large number of persons from all sections of the House and leaders of various political parties, apart from his administrative work. But in Tashkent, we had gone for a special purpose. Myself, my colleagues and even the Press people who were there at Tashkent everyone knows that, judged in terms of sheer volume of work, it was much less as compared to his normal routine in Delhi.

Regarding the second point whether the functioning of the Soviet leaders and the Soviet delegation was such as to create the slightest feeling in our mind that they were trying to sell any particular idea, I would like to say categorically that the attitude of the Soviet leaders in this respect was one of full understanding of our position. Even before going to Tashkent, I had paid a visit to Moscow and had long talks with the Chairman of the Council of Ministers, Mr. Kosygin and also with their Foreign Minister, Mr. Gromyko. I had explained in full detail our stand on the various issues that were likely to come up during the Tashkent talks. Our stand on all these issues was fully known to the Soviet leaders. There was a great deal of understanding and they were quite objective. It will be absolutely wrong to suggest that they exercised any pressure directly or indirectly. It will be wrong on our part to suggest anything of that nature.

I would like to reiterate the expression of our gratitude to the Soviet leaders for all the understanding that they showed. If you look at the circumstances what could be the pressure? I fail to understand. Our late Prime Minister had gone to Tashkent as a great hero. He had the will and support of the entire country with him. Our army was standing on the outskirts of Sialkot and Lahore and we were occupying strategic passes. In the Security Council this matter has been agitated and we demonstrated very clearly that India will not brook any interference - we know what our case is and we will adhere to it steadfastly. So, what was the circumstantial pressure on him? Here was a person who was more or less in command of the situation. To suggest that there was any pressure either circumstantial or otherwise which impelled him to adopt this attitude is
absolutely unjustified. There was some pressure on him in the sense that the
saw as to what was in the best interests of the 600 million people of India and
Pakistan. He, as a great leader, who could fight bravely the battles, also knew
that India’s general attitude of peace also is something which requires all possible
support and nursing. Therefore, if he acted in the interest of peace, when he
was in that strong position, when he had this support, you cannot say there
was any pressure of any kind, direct or indirect, on him. He acted in a very
brave manner in reversing past unhappy trends by signing the agreement and
in a sincere effort to reverse the trends without yielding on any essential matters.
Therefore, I would like very categorically and clearly, to reiterate that there is
no question of any pressure either factual or circumstantial. He knew what he
was doing and he did it with a great gesture, with great strength and it is for us
really to honour that.

The Indian objective, when we had to face this armed conflict, was to repel
aggression. That objective had been fully realized. We successfully met this
aggression on the ground and also in signing this agreement. Now, some test
of this can be the reactions of other countries. This is one of those rare
agreements which has been welcomed by all countries excepting one, our
northern neighbor, China or some critics on the other side. It is very interesting
to see how the Chinese leaders looked at it. Even their reaction was not very
spontaneous to start with. They started building up their attitude and they took
some weeks before they actually gave out as to what was in their heart of
hearts with regard to this. Apart from their hostility to India, about which we
know, the House knows and the country knows - it is not that aspect that I want
to put forward so much at this stage - unfortunately, China is one country which
continues to hold that this doctrine of peaceful co-existence or the efficacy of
peaceful means for resolving disputes is not good. All these are doctrines which,
are not accepted by China. They saw in the Tashkent Declaration a clear
vindication of these two very important principles of international behaviour,
namely, the importance and the efficacy of peaceful co-existence and
determination to solve their dispute by peaceful means. On both these grounds
the official Chinese reaction is against this Declaration. They say the Soviet
Union want to demonstrate that by bringing India and Pakistan together, and by
asking them to abjure the use of force for settlement of any dispute,
notwithstanding differences they can co-existence is possible and that settlement
of disputes by peaceful means is also possible. As you know, the Chinese
believe in the inevitability of war. They steadfastly hold this view that nothing
can be resolved except through violence and resort to force. That is a doctrine
which we have never accepted, which the rest of the world does not accept,
and I would very humbly but very strongly place this aspect, not in any spirit of
animosity against China because that relates to a matter which we can swear
- we have got our problem - but let us take it at a higher level - their adherence
to the doctrine of the inevitability of war - this Declaration is a clear blow to their doctrine. For that reason also, this is a vindication of the general code of behaviour which the international community has embarked upon and is going assiduously to follow.

I would, before ending, earnestly appeal, now that we have had the debate, now that we have had our full say on this issue, let us now hereafter bring about a general support for this in our country so that the unfortunate trends of deteriorating relations, continuous friction and continuous tension might be reversed. I know that the process is difficult. I know that there may be difficulties which may also be created by the statements by the other side, may be that there are some difficulties on our side. But I would appeal that this Declaration is something worth working for; war and armed conflict is to be resorted to only if necessary in order to safeguard our security and integrity, but if peace can be restored by peaceful means and peaceful approaches, howsoever impracticable these efforts may appear to resolve all differences, it is something which is worth trying, and it is in that spirit that we should view this Tashkent Declaration.

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2254. Debate in the Pakistan National Assembly on the Tashkent Declaration.


[Introduction: After the August-September 1965 conflict and till 30th of April 1966 the National Assembly (Parliament) of Pakistan had two debates on foreign affairs, first in November 1965 and second after the Tashkent Declaration, in March 1966. In the latter two day debate, besides the Foreign Minister who initiated and finally replied, 38 more members participated. The speakers devoted a large part of their speeches to the Tashkent Declaration and Indo-Pak relations.

One of the significant points raised in the debate was that the Opposition, while it felt equally strong on the issue of Kashmir, disapproved the method of settling the dispute through armed conflict. Some of the charges leveled against Pakistan's foreign policy were (i) that it was ‘extremist’ (ii) that it had been full of contradictions and (iii) that the Tashkent Declaration was ‘a humiliating surrender, diplomatic subversion or ‘dishonourable’.

Summarily reproduce below are three speeches as reported by Dawn. First is that of the Foreign Minister; second is of the Leader of the opposition in the
National Assembly; the third one is also of the Foreign Minister who wound up the Debate on the fifteenth of March – ]

Foreign Minister Z.A. Bhutto 

Pakistan was born on the principle of self-determination. It established that every nation had the freedom to develop according to its genius and march towards its historic destiny. Pakistan, however, had suffered ill will and hostility from India for the last 18 years. The country had to face many India perfidies, calumnies, and crises. The people and the country met every challenge with the weapon of unity and solidarity, and emerged stronger and more united from every ordeal. The recent war was also a demonstration to friend and foe alike that Pakistan was not an amputated limb of another body politic but an independent sovereign state with a will to defend its integrity and sovereignty.

The history of past 18 years has chastened Pakistanis. They should, therefore, approach the problems between the two countries with caution, determination, patience and firmness. Our attitude towards the problems between the two countries, however, remains constructive. Pakistan was always, and is, willing for an honourable solution of the disputes so that the two countries could undertake economic development in an atmosphere of peace. Pakistan, due to geographical, economic, strategic, religious and cultural relations, has a claim on Kashmir. For other reasons, too, Kashmir has a close affinity with Pakistan. But their contention and aim has all along been that the people of Kashmir must be given an opportunity to exercise their choice whether they wanted to join Pakistan. Every constituent of Pakistan has exercised this choice. The former Provinces of East Bengal, West Punjab, Sind and Baluchistan have exercised the option. The territory of Sylhet and NWFP joined Pakistan after a referendum. Therefore Kashmir must also be given the right to determine her choice unless the dispute of Kashmir is settled in this light, the task of establishing peace in the Sub-Continent will remain unfinished. The broad objectives of Pakistan’s foreign policy since her inception have been and will continue in future as: (i) to complete, consolidate and defend sovereign independence and integrity of the nation; (ii) to carry forward the economic and social development of the country as rapidly as possible in order to transform our society, raise the living standards of our people and to bring to the country all the benefits and enlightenment which modern knowledge and technology can provide; and finally (iii) to play a role in the world commensurate with our size and situation and specially to contribute towards establishing a world order based on freedom and equality of all nations and peoples.

Right from the beginning, the aim of Pakistan’s foreign policy has been to foster goodwill towards all nations. It will be negation of this policy to make the country’s viability, defence and diplomacy dependent upon the goodwill of any particular country or group of countries.
Although Pakistan will not be able for some considerable time to become self-sufficient in her economic development and defence efforts but our endeavour must be progressively to reduce our dependence on external assistance and pursue consciously and systematically the noble objective of self-reliance.

The size, population and geo-political situation of Pakistan and the faith and ideology of its people have thrust upon it a certain role and responsibility. Pakistan is today in the mainstream of world politics. Events that happen in far away countries are capable of affecting our interests. We are frequently called upon to take a position or react to events that occur on the world stage. In one way or other we have a direct relationship with all the great powers. Bonds of brotherhood and cultural affinity bind us with the great Muslim world which spreads from the Pacific to the Atlantic. We have a circle of sympathy and common aspiration with the third world of Afro-Asian and underdeveloped countries, many of whom like us have struggled against colonial domination.

The foreign policy of Pakistan must be viewed against this moving and constantly changing backdrop. There was time when the foreign policy choices might have seemed simple. Today Pakistan must proceed with circumspection. The policy has to be evolved in the context of the complex clash of ideologies and interests amongst the great powers – clash which casts its shadow on the sub-continent adding to the intricacies of the problems and complexity of the situation. We seek the friendship of all countries honestly and without mental reservation. We have no desire to engage in the game of power politics. Our allegiance is not on auction to the highest bidder nor do we intend to play off one friend against another in search for diplomatic leverage.

Pakistan values its relationship with the United States. But there has been, some strains in Pakistan-American relations in recent years as a result of American decision to give the fullest assistance to India’s plan for a massive augmentation of its armed forces. Since President Ayub’s visit to Washington in December 1965, the United States has, however, a better understanding of Pakistan’s aims and objectives and of its policy of fostering relations with all neighbours.

Pakistan shall not forget the support and help which our great neighbour, China, extended to us in the recent conflict. The forthcoming visit of the President, Liu Shao Chi will further strengthen the bonds between the two countries and contribute to the strengthening of the fabric of peace in this region and in the world. Pakistan’s relations with her great and powerful neighbour to the north, USSR, are also growing in all fields. For the first time the USSR has participated directly to solve the disputes between India and Pakistan. The Tashkent Declaration, however, does not contain any specific answer or solution to problems between Pakistan and India. Neither does it foreclose any possibilities.
It is a door, not a barrier. It is not a contract, but a document of intent. It is aimed at clearing the damage and debris of war. It provides for a renewed effort for solving disputes between the two countries. It is for the future to show the results which emerge out of it. It has opened the era of consultations. This era may be a long one but it keeps the dialogue open. So long as the fundamental obstacle in the form of Kashmir dispute stayed and eviction of Muslims continued, it would be difficult to establish cordial relations. The Kutch dispute was an instance that if goodwill and desire to solve a dispute existed, the solution would not be difficult.

If relations with the Big Powers form an important aspect of Pakistan's foreign policy, relations with smaller powers are equally important for her. Indonesia lent her unstinting and unhesitating support to Pakistan during the war. The relationship with Indonesia is being developed on the RCD pattern. President Ayub visited Afghanistan early this year. The visit has laid the foundations for fruitful and ever-growing cooperation. And the bonds with Turkey and Iran, the RCD countries, are of abiding nature. The National Assembly is deliberating the issues of utmost importance to the nation. It will have a profound bearing on the destiny of Pakistan and the welfare of her people. It must, therefore, reflect a consensus of thinking within the country and project the aims and aspirations of its people. Let us, therefore, in discharging our responsibility proceed with sincerity and courage of conviction.

Leader of the Opposition in the National Assembly—Nurul Amin

The government follows an extremist policy whether it is foreign or domestic front. And that is why the Government has to change it frequently. We believe that outstanding problems between India and Pakistan could be settled through peaceful means, but when we advocated for the peaceful solution of disputes between India and Pakistan (November 1965), we were described as weak. The Foreign Minister had, then, told that Pakistan would quit the United Nations if it failed to solve the Kashmir dispute. I am however, glad to find that the Government has now accepted our (Opposition's) viewpoint. During the last 18 years a number of Governments had tried to tackle the basic cause of disputes between India and Pakistan. But in the past no Government had ever thought of solving this dispute by armed force. But the present Government had taken the risk of solving the question by armed force. When the war broke out in September 1965, the government even did not tell the people the causes of the war. We had expected that the Foreign Minister would at least inform the National Assembly about them. It is regretted that although thousands of our young men were killed and hundreds of people were uprooted yet the Government did not think it proper to let the people know the causes of war.

Certainly the United Nations has failed to solve the Kashmir dispute which has been hanging fire for the last 18 years. But war should have been avoided, in
the interest of the teeming millions of both the countries and other avenues should have been explored to solve the Kashmir dispute before going for an armed conflict. Thank God and the United Nations that they have been saved from the calamity of an all out war. But the war has exploded the myth, that India is in such a position that it can destroy Pakistan. The war proved that our Armed Forces were brave enough to repel the Indian aggression. The 100 million Pakistanis rose to a man to save our territorial integrity. So, it was not a fact that Pakistan could be conquered by India.

It should be borne in mind that Pakistan had not been created by accident. It was the achievement of 100 million Pakistanis and they would fight for the existence of the country. Second thing to be kept in mind is that Jammu and Kashmir is the main bone of contention between India and Pakistan. The problem might be solved today or tomorrow. But this should be kept alive before the eyes of the world.

Nobody had expected that the Kashmir problem would be solved in Tashkent. But it is a great gain for Pakistan that Russia has involved herself in the India-Pakistan disputes. So far as the Tashkent Declaration was concerned, it was not an agreement but as a step towards the peaceful solution of the problems. And this effort to solve the disputes between India and Pakistan peacefully should continue.

Reply of Foreign Minister Z. A. Bhutto in the National Assembly: Some members have raised the question why did we go to war with India. This was an irresponsible utterance. No nation consciously sought a war. Other points raised and pleaded by Mr. Nurul Amin were that:

I. Relations with the USA, the USSR and China be considered carefully

II. Pakistan should follow a non-aligned and an independent policy

III. The economy must be self-reliant

IV. The present system of government was unsatisfactory

V. President Ayub’s criticism of politicians as being ‘disruptionist’ was incorrect

VI. The East Pakistan genuinely wanted regional autonomy; it would surely not disintegrate Pakistan

VII. There be adequate representation of East Pakistan in administration, and

VIII. The emergency should be withdrawn and fundamental rights restored and direct suffrage be introduced—Nothing but destruction and for nations complete annihilation. But it should also be remembered that
wars had been fought and on the debris and rubble left by a war a new and better world had been constructed.

Before talking about the war, a distinction has to be made. Wars could be of avarice and exploitation. Wars could also be of justice and liberty. The wars waged by Alexander and Changez Khan were of the former category. But there were glorious wars to defend human dignity and liberty. These wars were resistance against foreign domination and for liberty.

This precise distinction has had to be made before examining the last war between Pakistan and India. Were Kashmiris fighting a war of avarice or was it for human dignity and liberty? The whole world had supported the people of Jammu and Kashmir and the people of Pakistan during the war. Why? Because Kashmiris were engaged in a just struggle. The world knew that Kashmiris were fighting for a cause which represented the culmination of self-respect for international morality. The Kashmiris are fighting against colonial domination. It is the same fight which was waged by Algerians and also the same as is being waged in Rhodesia. It was the justness of their cause which had resulted in the unique unity in the entire world of Islam, from Algeria on the shores of the Atlantic to Indonesia in the Pacific. The people of Pakistan stood courageously and valiantly for the cause of justice and liberty. It was a proud moment in the history of Pakistan. It was no adventurism. It was the heroic struggle of the people of Pakistan which would remain a pillar of strength to the people of Asia and Africa.

The United States had risked her society when under President Kennedy she gave an ultimatum to the Soviet Union for removing nuclear missiles from Cuba. Even now the world is on the brink of devastation and the world peace hangs by a thin thread because of the happenings in Vietnam. Great powers that are arrayed against one another are determined to support certain causes. Therefore, what is wrong if we supported the cause of liberation and honoured our commitment to the people of Kashmir? Were five million Kashmiris not equal to an Arch Duke since long forgotten for whom the First World War could be fought?

A member has asked why 50 million people of East Pakistan had been jeopardized for the sake of 5 million Kashmiris. This is a bankrupt and immoral argument. It is the product of a decadent mind of a decadent leadership. Some Indian leaders should have asked why were 400 million people of India, being asked to make sacrifices for Kashmir which anyhow is bound to be lost by India. Yet for chauvinistic and imperialist reasons, no Indian has said it, irrespective of the food shortage and other difficulties being faced by them. Such an argument in Pakistan therefore, is immoral. It was a shameful slander that there were some so brain-washed to say that Pakistan started the war.
Look at the world opinion. The whole world condemned India for its naked aggression against Pakistan. It was a pre-planned, pre-meditated aggression to destroy Pakistan under the pretext of Kashmir.

The Tashkent Declaration, as I have said earlier, is only a declaration of intent and not a contractual obligation. It does not stipulate the measures to solve disputes, but gives intentions of leaders of the two countries to resolve them peacefully.

The First clause which is the fulcrum of the agreement and from which the following clauses flowed, clearly lays down that the Jammu & Kashmir is a dispute between India and Pakistan. Renunciation of force promised in the declaration is not a new commitment either. Pakistan and India as members of the United Nations are already committed to it under the UN Charter. It is clearly directed against India because India was the aggressor and because India did not respect the Kashmiri people's right of self-determination, an obligation she has undertaken as a member of the United Nations.

As for the Third clause, it does not, by any stretch of imagination, accepts the State of Jammu and Kashmir an integral part of India. If Jammu and Kashmir had not been accepted as a disputed state, but as an integral part of India, it was inconceivable that the United Nations should have passed two resolutions on it, calling upon India to hold a plebiscite in the State in 1948 and 1949.

Clause Four also does not stop Pakistan from espousing the cause of the people of Jammu and Kashmir because it does not fall under the definition of propaganda.

As for clause Six, calling upon the parties to implement their existing agreement, it is also directed against India because she has to hand over Berubari and the State of Jammu and Kashmir and not otherwise. Clause Eight, asking for putting a stop to eviction of population from one country to other, is evidently for the use of Indian Government because Muslims are evicted from Rajputana, West Bengal, Assam and Tripura to Pakistan and not from Pakistan to India.

When the question of evolving a machinery for solution of the disputes was being discussed on January 9 in Tashkent, I put a direct question to the Soviet Premier, Mr. Kosygin, whether such a machinery would be able to take cognizance of the Kashmir dispute because without that it would not be acceptable to Pakistan. Mr. Kosygin's reply was that Pakistan could raise that question. It was because of that Pakistan was able to discuss the issue with India in the first ministerial meeting in Rawalpindi recently.

Besides, if the Tashkent resolution ran counter to the spirit of the United Nations Charter, it would be considered *ultra vires* to that extent. Under Article 51 of the
UN Charter, which was an overriding Article, Pakistan could always go to the defence of her people in Jammu and Kashmir.

The members have also raised the question whether Pakistan can trust the Soviet Union. Pakistan's poor relations with the Soviet Union were inherited by President Ayub's regime. It was pity that past Governments of Pakistan did not consider the vast industrial country of Russia worth cultivating as a friend. Until I went to Russia to sign an oil agreement, there had been no contact between the two nations. This Government can, however, claim now that contact between Pakistan and Russia has been established and as a result, Russia has admitted the existence of a dispute between India and Pakistan over Jammu and Kashmir.

Russia is an ideological country, a product of the principle of self-determination of the people. Given normal relations with Pakistan it would be unrealistic for Russia to deny the right of self-determination to the people of Jammu and Kashmir. I cannot claim at this stage that as against Pakistan, Russia would not support India. But the fact of the matter is that the Soviet Union has come a long way from its attitude on the State of Jammu and Kashmir when Mr. Morozoff called it an integral part of India in the Security Council or when Khrushchev made a similar statement in Srinagar.
2255. **Record of discussions held between C-in-C Designate Pakistan Army and Chief of the Army Staff, India on 13/14 September 1966 at New Delhi.**

1. It was agreed that any formations that may have moved forward should revert to their normal peace locations as soon as possible.

2. It was agreed that timing and place of any exercises at divisional level or above be carried out by either army would be intimated to the other side. Any exercises at brigade level or above to be carried out by either side in the State of Jammu and Kashmir would be intimated to the other side through UNMOGIP. Holding of such exercises in the immediate vicinity of the border/Cease Fire Line will be avoided.

3. Prior information in regard to the holding of blackout exercises in towns near to the border will also be exchanged.

4. In order to avoid any misunderstanding on either side it was agreed to establish telephone/radio communications to facilitate contact between C-in-C Pakistan Army and Chief of the Army Staff India.

5. In the State of Jammu and Kashmir the normal procedure of the Sector-Sub-Sector Commanders meeting under the auspices of the UNITED NATIONS to investigate and arrest a situation where necessary will continue to be followed as already laid down.

6. In the order to restore completely the pre-5 August line it was agreed that the Sector/Sub-Sector Commanders meetings in Sialkot should re-start to resolve the problems in the same manner as it has been done in the past.

7. It was agreed that piquets held by either country on the wrong side of the Cease Fire Line will be vacated on a verdict given by the UNMOGIP.

8. In East Pakistan the normal procedure of meetings between BSF/EPR at appropriate level will continue as and when necessary.

_Sd/- Lieutenant General_  
Commander in Chief Designate  
Pakistan Army  
**(A M Yahya Khan)**  
14 Sep 66.

_Sd/- General_  
Chief of the Army Staff of India.  
**(PP Kumaramanglam)**  
14th Sep 66.
2256. Record of discussions held between the Indian Chief of the Army Staff and Commander in Chief of Pakistan Army amplifying decisions contained in paras 2 and 3 of the Record of the meeting held at New Delhi on September 13-14, 1966.

Rawalpindi, October 25, 1967.

1. In amplification of the decisions contained in Paras 2 and 3 of Record of the Meeting held at New Delhi on 13-14 September 66, the following additional points were agreed:-

(a) Exchange of information regarding exercises should reach the other side three clear days before the moves for the main exercise take place.

(b) The information so exchanged, in addition to the time and place, should also include the level of the exercise.

(c) Information on 'Black-Out' exercises would only be exchanged in respect of towns lying within twenty-five miles of the border/Cease-Fire Line. Such information should also reach the other side three clear days before the actual date of the exercise.

2. In order to prevent avoidable incidents along the Cease-Fire Line/the working boundary as agreed to by the military commanders, local commanders should resort to the agreed methods of solving disputes/disagreements by holding joint meeting at various levels through the good offices of the UN Observers. Para 5 of Record of Discussion of New Delhi Meeting dated 14 September 66 refers.

3. With regard to the Sialkot-Jammu Sector it was agreed that sufficient flexibility be allowed to local commanders to enable them to define that line North of the Tawi on a basis similar to the one followed while establishing the working boundary South of the Tawi as required vide Chiefs’ agreement of 13-14 September 66.

4. It was agreed that service light aircraft will be permitted to operate up to a limit of 1,000 meters on own side of the border/Cease-Fire Line as discussed by the two Air Chiefs on 14-15 March 1966. Likewise civil agencies operating light aircraft should also be approached to observe the same limit. In cases of emergency, however, service light aircraft may approach own side of their border beyond the specified limit of 1,000 metres provided the other side has been given a prior notice to this effect.

5. With regard to the vacation of picquet's on the wrong side of the Cease-
Fire Line, it was agreed that both sides will vacate such picquests as soon as possible in accordance with the verdict given by the UNMOGIP, except in case of general area Shaqma (NN 9283) long (NN 9383), where the existing picquets would be surveyed jointly by a team consisting of representatives from the following:

(a) Survey of India.
(b) Survey of Pakistan.
(c) UNMOGIP.

Such surveys will be carried out from known trig points on both sides of the Cease-Fire Line. The picquets in this area would then be finally adjusted in accordance with the findings of the joint survey team.

6. In continuation of Para 8 of the Record of New Delhi Meeting dated 14 September 1966, and in partial modification of Para 21 of Part III of the agreement between Chief of the Army Staff India and Commander-in-Chief Pakistan Army dated 22 Jan 1966, it was agreed that the level of liaison from the Pakistan side will be as under:

(a) DG EPR (Brigadier).
(b) Sector Commander (Lt. Col).
(c) Wing Commander (Major).

India will nominate its own counterparts corresponding to the levels mentioned above and intimate their designation/ranks to Pakistan. This will ensure the holding of meetings within 24 hours of any serious incident as already agreed to mutually.

Sd:

General
Commander-in-Chief, Pakistan Army (A.M. Yahya Khan)
25 Oct 67

Sd:

General
Chief of the Army Staff India (P.P. Kumaramangalam)

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Note Recorded by T.N. Kaul on his “Private” meeting with Sheikh Abdullah and submitted to Prime Minister Mrs. Indira Gandhi.

New Delhi, October 10, 1967.

Ministry of External Affairs

I had written a short letter to Sheikh Abdullah on the 3rd October 1967 through the Deputy Commissioner, Delhi, enquiring about his health and asking whether I could call on him at some mutually convenient time. He got my letter on the 7th and replied the next day that he would be glad to have me for tea on the 10th October. I have known Sheikh Abdullah since my student days in Kashmir and wanted to pay a purely courtesy call on him.

2. The Deputy Commissioner was good enough to send the ADM, Shri V.K. Kapoor, and Shri Marwaha of the Police to take me to see Sheikh Abdullah on the 10th October. They were present during my meeting with Sheikh Abdullah and I explained to the Sheikh that this was a purely personal and courtesy call and not an official call and should not be divulged to the Press. Sheikh Abdullah smiled and told me that I was an old friend and there was no question of anyone talking to the Press about our meeting.

3. We then went to the dining room and had tea there. The Sheikh looked quite healthy and I complimented him on his health and cheerfulness. He gave me a long history about his illness and the present state of health.

4. I then asked him how he looked at the world situation. At first he tried to evade the question and said that it was difficult for him to take an objective view because he had not moved outside his house and he did not think newspapers or the radio gave a correct report. He, therefore, did not wish to be subjective in his approach to things. (Incidentally, he mentioned that during the 1965 Indo-Pak conflict, he had been confined to a single room and that had affected his health and blocked his imagination, but he was feeling much better now after coming to Delhi. He played badminton and went for walks, but had to be careful about his diet.)

5. After further probing Sheikh Abdullah said that Chinese policy seemed to be getting more and more dangerous. China wanted to dominate the whole of Asia and felt that India was the main stumbling block in her ambitions. That was the reason why China had entered into an agreement with Pakistan against India. Pakistan probably saw in such an alliance a counter to fear of India. Although this fear may be unrealistic there were many elements in Pakistan
who felt that India had not reconciled herself to the fact of partition. Certain
elements in India also encouraged this feeling. Jammu and Kashmir, under his
leadership, had voluntarily acceded to India without any pressure or inducement
from India. The Kashmiris believed in 1947 that they had much more in common
with Gandhi’s and Nehru’s India than with Pakistan. In spite of Hindu-Muslim
massacres in the rest of India and even in areas of Jammu and Poonch in the
Kashmir Valley, there had been perfect harmony between Hindus and Muslims.
He had insisted in October, 1947, that we should liberate the whole of Kashmir
and not stop at Uri. Unfortunately, Panditji had overruled this. Even in the Security
Council he had advocated that we should merely ask Pakistan not to allow
facilities to the raiders to enter Kashmir and should ask them to facilitate their
withdrawal, unfortunately he was again overruled, and unnecessarily we entered
into a long discussion with Pakistan in the Security Council.

6. Sheikh Abdullah had then suggested to the Prime Minister that a
Constituent Assembly should be called in Kashmir to finally ratify the accession
to India, but Pandit ji had discouraged this because he felt it would go against
the Security Council’s resolution. Pandit ji had declared to the whole world that
the Act of accession was provisional and would be subject to final ratification
by the people of Jammu and Kashmir. Later on Panditji wanted the accession
ratified by the Constituent Assembly, but Sheikh Abdullah found it difficult to go
back on what he had told his people earlier in accordance with Panditji’s wishes,
i.e. that accession would be subject to ratification by the people.

7. Sheikh Abdullah had tried against very heavy odds to increase the
revenues of the State and to give it a clean and efficient Administration. He had
taken the wind out of the sails of the Communists by introducing land reforms
and setting up debt conciliation Boards. However, the vested landed interests
and moneyed people did not like this and started corrupting my colleagues like
Bakshi Ghulam Mohammad, Sham Lal Saraf and others. When he asked Sham
Lal Saraf to resign because of allegations of corruption against him, Bakshi
Ghulam Mohammad opposed this because he feared that he would be the next
man to be asked to go. They carried false tales to Delhi and got an order issued
for the Sheikh’s arrest on the trumped up charge that he was going to Gulmarg
to contact the Pakistanis. Actually he was going to Gulmarg with 3 of his personal
staffs J.K. Zutshi, R.K. Raina and one other—and there was absolutely no truth
in the allegations made against him. However, he submitted to this gross injustice,
quietly and without any protest, in the hope and belief that truth would come to
light one day. When he met Panditji after his release, the latter told him that he
was very sorry about the whole thing and the Sheikh replied “Let us forget the
past and look to the future”.

8. With Panditji’s blessings he went to Pakistan in 1964 and persuaded
Ayub Khan to have a meeting with Panditji in order to bring about a peaceful
and honourable settlement that would strengthen the secularism of India and at the same time provide a basis for improving Indo-Pak relations. The Sheikh did not wish anything to be done that would harm India or India’s secular policy. Unfortunately Panditji had passed away and the Sheikh’s plans could not materialise. After Panditji’s death, he said, there appeared to be a change in policy, mainly due to the pressure put by the then Home Minister (Shri Nanda) on the now Prime Minister (Shri Lai Bahadur Shastri). He was given a passport and allowed to go abroad. His statements in London were distorted and misreported to India. He had spoken to Mr. Jivaraj Mehta about this and asked him to give the correct version to his Government, but the Indian Press had already created the wrong impression that the Sheikh was doing anti-Indian propaganda abroad. He was not even allowed to complete his Haj pilgrimage and was asked to return. He had been offered passport and asylum by a number of countries, including Pakistan, but he refused all such offers and returned to India in spite of the fact that he had been warned that he might he arrested on landing in India. If he really had any designs of working against India, he would not have returned to India. He was not even given an opportunity to explain his activities abroad and was kept under detention. However, he felt no bitterness about it at all except a little sorrow that things had been allowed to drift in Kashmir and the situation grew from bad to worse. He had faith in God and in his people. He still believed that Indian secularism should be strengthened and India’s larger Interests should not be harmed in any way. At the same time he felt than the gradual whittling of Article 370 of the Constitution with regard to Kashmir was unfortunate. It showed a lack of faith in secularism and the ability of Hindus and Muslims in Kashmir to get along with each other. He did not know what the future held in store for him, but he had his ideals and his faith.

9. I had to take his leave at this juncture, although he wanted to talk more, because I had an appointment with the Burmese delegation. He said he would like to see me again and invited me to come for dinner on the 12th October. I told him that it would not be possible for me to come for dinner, but I would like to see him again without any other persons being present. He readily agreed.

(T.N. Kaul)

P.M.

11.10.1967.
Note Recorded by T.N.Kaul after his dinner appointment with Sheikh Abdullah and Submitted to Prime Minister Mrs. Indira Gandhi

New Delhi, October 12, 1967.

After consulting Home Secretary and Home Minister, I accepted Sheikh Abdullah’s invitation to meet him on the 12th October 1967. I was with him for 2 hours from 7 to 9 p.m. He insisted on my having dinner with him, but I excused myself as I had another engagement that evening.

2. This time we were alone and sheikh Abdullah spoke more concretely than on the 10th October. The main points he made are:—

(1) He stood by all he had said before his arrest in June 1953. He had not changed in any way, but, circumstances in Kashmir had changed. There was a pro-Pakistani element there and there were separatist trends in Jammu Province which was dominated by the Jan Sangh and also in Ladakh. Besides this, in the rest of India also, secular forces were getting weaker and communal forces were getting stronger. What had happened in Ranchi was bound to have some effect in Kashmir. He did not know whether the Central Government was strong and determined enough to crush the forces of communalism and strengthen those of secularism. He said that the present communal trouble in Kashmir had been aggravated by the speech of Shri Balraj Madhok who, according to him, had been responsible for inciting scores of murders of Muslims in the Jammu province in the past.

(2) Kashmir was not like any other State of India, but held a special position, which was recognised in Article 370 of the Constitution. However this special position had been eroded and in spite of the guarantees he had been arrested without any cause or justification in 1953. The people of Kashmir had lost faith in the sanctity of Article 370 and would ask for firmer guarantees about the autonomy of the State.

(3) Shri Jaya Prakash Narayan had some time ago suggested to him that Kashmir should go back to her autonomous status at the time of accession, but Sheikh Abdullah wondered whether this was possible now in view of —

(a) The opposition from Jammu Province which wanted complete integration with the rest of India,
(b) Opposition from Ladakh which wanted to become a separate Union territory and
(c) Opposition from pro-Pakistani elements and the Plebiscite Front in Kashmir itself.

He said that before he could accept such a proposition, Government must consider these three points and make up their mind whether they can deal with them effectively,

3. In passing, Sheikh Abdullah said that the people had lost faith in the word of the Government and even the Princes were losing faith because of the talk of doing away with Privy Purses and their privileges.

4. When I asked Sheikh Abdullah what, in his opinion, was a possible solution of the Kashmir problem, he suggested –

(1) Government should put the problem before a small body of leaders of public opinion whose patriotism and loyalty are unquestionable. He did not suggest any names. Such a body could go into the various implications and suggest a solution that should be accepted by Government. Government could include in this body some leaders of the Opposition Parties, if necessary. When I insisted on Sheikh Abdullah giving his own idea as to what such a body could recommend, he was disinclined to be drawn into a detailed discussion. However, he indicated that in his view if such a body recommended going back to the pre-1953 position and giving autonomy to Kashmir, such a solution might still be workable. However, there would have to be firm guarantee. The Government would not whittle down Article 370 as it had done.

(2) He said some bitter things about the suppression of democratic liberty and freedom in Kashmir. He said that the CRP and BSF were treating the people of Kashmir as if it was a colony of India. He conceded that, the presence of the Army was necessary to protect Kashmir against external threats, but he did not see any necessity for large scale presence of CRP and BSF for maintaining internal law and order. Their presence showed that the Government of India did not trust the people of Kashmir. When I told the Sheikh that Kashmir Police had many pro-Pakistani and communal elements and it behaved rather badly during the recent Kashmiri Pandits’ agitation, he admitted this and said the remedy was to remove such elements from the Kashmir Administration and not to bring in similar elements from outside Kashmir. He affirmed that relations between Kashmiri Pandit and Kashmiri Muslims had always been cordial; a Kashrairi Brahmin girls always had a Kashmiri Muslim foster
mother and foster brother in whose hands her honour was safe. This was true till recently, but now the atmosphere in Kashmir had been poisoned by the inefficiency of the local Government, corruption and nepotism of the Administration and lack of a clear and farsighted policy by the Centre. I told the Sheikh Saheb that the question of Kashmir was not merely a question of 4 million Kashmiris but involved the fate of 55 million Muslims in the rest of India and peace in the whole sub-continent. He agreed with me and said he was prepared to do his bit provided the Government had confidence in him and gave him full trust and support and did not treat him like they had in the past. He said he had confidence in the bona fides of the Prime Minister, but he was not sure whether other elements in the political Parties would support him in any reasonable solution of the Kashmir question. I told him that the reaction in India was mainly due to the hostile criticism and propaganda in Pakistan. The Conditions in the Pakistan occupied Kashmir were much worse than in any part of India and that in spite of Kashmir being a border State, there was considerable freedom and democratic liberty there. Sheikh Abdullah admitted this but said that India was gradually slipping into the same communal atmosphere that prevailed in Pakistan. Unless this trend was stopped effectively, Muslims in Kashmir would lose faith in India. I asked Sheikh Saheb to bear in mind that the Kashmir problem was one to be settled between the Kashmiris and the rest of India. No third party had any locus standi in it. The Government of India could not afford to make any concessions on Kashmir to Pakistan nor was an independent Kashmir possible because its independence would not last more than a few days - it would only benefit China and neither India nor Pakistan. Sheikh Saheb did not contradict this, but said he would like to talk further on these matters. As it was getting late, I took leave of him and said I would come again. He Insisted on my having a meal with him next time.

5. My general impression as a result of the two talks I had with Sheikh Abdullah is as under:

1. He has probably realised that an independent Kashmir is out of the question - neither India nor Pakistan want it.

2. He has also realised that no Government of India can afford to give the Valley to Pakistan. He has also realised that this would weaken secularism in India and the position of 55 million Muslims in the rest of India.

3. Sheikh Abdullah is probably reconciled to the India of autonomous Kashmir within the Indian Union, but with proper guarantees and
safeguards against whittling down the autonomy.

(4)  Sheikh Abdullah is not quite sure whether he will be able to take the people of Kashmir along with him if he gets a chance to resume his leadership and wants an assurance in advance that he will have the full support and confidence of the Government of India.

(5)  He is not sure that the Congress Party alone can solve the Kashmir problem and probably has apprehensions that even the Congress Government at the Centre may change after some time. He would, therefore like an All Party assurance or solution of some sort to be evolved in order to support and strengthen the Government’s stand on any reasonable solution of the Kashmir question.

(6)  Sheikh Abdullah is not bitter but sad. It will not be easy to deal with him if he resumes leadership of Kashmir again. He will make demands which will not be easy to satisfy, e.g. removal of CRP and BSF. But it is possible that once he sees the reality of the situation he may become more pragmatic and reasonable. Since Mr. Sadeq himself has said publicly that he is not against the release of Sheikh Abdullah it may be worthwhile considering this step after having some further talks with him and making it clear to him that Government of India cannot accept any solution which gives the Valley of Kashmir to Pakistan. It would perhaps be worthwhile for PM or Home Minister to invite Sheikh Abdullah for a meal and to have a quiet, friendly exchange of ideas with him. I got the feeling that although he was very free and frank with me, because I have known him for the last 36 years, he was still holding back his final cards which he will probably reveal only to the Prime Minister.

(T.N. Kaul)
12.10.1967

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I had a third talk with Sheikh Abdullah on the 30th October 1967 for about 2 hours. His wife and daughters were in the sitting room and we talked alone in an adjoining room. I made it clear again to the Sheikh Saheb that I had seen him as an old friend, purely in my personal capacity, and had no instructions from Government to put forward any proposals nor did my statements commit Government in any way. Sheikh Saheb said he realised this, but, at the same time, our talks could not be useless and he hoped that they will bear some fruit.

2. Sheikh Saheb asked me what were my personal views about the Kashmir question. I told him categorically that no Government of India would be prepared to lose the Valley of Kashmir or hand it over to Pakistan at any cost. Apart from Jammu and Ladakh, the Valley of Kashmir was a symbol of India’s secular ideology and was vital for maintaining communal peace and harmony between the various communities in the country. What was involved in the Valley of Kashmir was not merely the fate of 4 million Muslims of Kashmir and not only the fate of the 56 million Muslims of the rest of India, but peace and harmony in the whole sub-continent. Besides this, the Valley of Kashmir was vital for the defence of India and particularly Ladakh vis-a-vis China. I appealed to the Sheikh Saheb to bear these considerations in mind and play a constructive role.

3. Sheikh Abdullah replied that it would have been possible, to work on these lines if the Government of India had not eroded Article 370 and arrested him and his colleagues. They had only played into the hands of anti-secular and pro-Pakistani elements thereby. Pakistan was much stronger today, having achieved economic and political stability and international prestige which she did not enjoy before. She had also acquired support among the Muslims in this side of the cease fire line which she did not have before 1953. This had been due to the wrong and repressive policies of the Government of India. Apart from this, the Muslims of Kashmir were facing in their own homestead frequent communal riots. There had been frequent communal riots in different parts of India also and the atrocities committed on the Muslim minority by the majority Hindus had shaken the confidence of the Muslims of Kashmir in the secular ideals of India. This had naturally helped the pro-Pakistani elements within the State to gain in strength. The most unfortunate fact of the matter is that the Government of India, through their stooges in Kashmir, provided all the material
resources to strengthen and organise such elements not only during the regime of Bakshi Ghulam Mohammad but even today. The Sheikh had received authentic reports that the riots which took place in Kashmir recently were engineered, supported and guided by the ruling party - the Congress. Mirza Mohammad Afzul Beg was refused permission to address meetings in Srinagar and other important towns of the Valley for maintaining communal peace and harmony. The tragedy was that the Kashmir Government had placed under arrest a large number of workers of the Plebiscite Front, whose only sin was that under the direction of their President, Mr. Beg, they campaigned for communal peace and harmony, while those who had actually been indulging in fanning the flame of communal hatred, loot and arson were by and large moving freely under the protective wings of the ruling Party. Perhaps communal peace and harmony did not suit the interests of the present ruling Junta, who appeared to have been willing to harm India in order to maintain their own position.

4. I expressed surprise at these statements and said that I was not aware of any such thing. While some people did say that Bakshi Ghulam Mohammad, while he was in power, had boosted certain elements with the money provided by the Government of India, the present regime in Kashmir could not have any motive for following the same line. I also questioned the Sheikh’s statement that Pakistan today was stronger and his implied statement that India was weaker. I told him that after the 1965 conflict Pakistan should have learnt a lesson that she could not take Kashmir or any other part of India by force. Sheikh Saheb answered that the motives were identical, i.e. to keep themselves in power although some people attributed other motives also, e.g; to postpone the expected release of political prisoners, including Sheikh Saheb in order to prevent a rapprochement between them and the Government of India; (b) to scuttle the efforts of some elements in India who desired a settlement with Pakistan; (c) to provide justification for the continuance of repressive measures and thus continue the uncertainty in the State so that power remained in their hands; and (d) to fight the Plebiscite Front by encouraging the parties opposed to it and thereby to weaken the hold on it.

5. Sheikh Saheb added that all those who believed in the secular ideology should realise that by allowing the ruling party in Kashmir to pursue the suicidal course, they were unconsciously helping in the creation of a frankenstein which would destroy the very fabric of secularism which they were expected to uphold and strengthen. He reiterated his opinion that, for fear of losing power, the present set-up in power in Kashmir, would never encourage the Centre to adopt a more humane and democratic attitude towards the people of Kashmir in order to understand and meet their aspirations.
6. I told Sheikh Saheb that I could not agree with his sweeping statement. While there may be some anti-secular and selfish elements in Kashmir, as elsewhere, the present Sadeq regime had by and large a secular outlook. What was perhaps wrong in the present set up was the failure of a strong, efficient and honest Administration. I expressed the hope that Sheikh Saheb would work with secular minded elements in Kashmir in order to strengthen secularism in Kashmir and the rest of India. I drew Sheikh Saheb’s attention to a statement made by Mr. Sadeq which was published on 30th October. Sheikh Saheb said that he did not attach much importance to the utterances of Mr. Sadeq whose only aim was to retain power. Expressing his reluctance to work with

Some parts of para 6 and 7 missing

8. Sheikh Saheb emphasised the necessity of creating a proper atmosphere in which talks could be held between the people of Kashmir and the Government of India. When I asked him whether he meant introduction of President’s rule in order to create a proper atmosphere, he replied that before taking such a step Government should consider its implications both internal and international. It was possible that the people of Kashmir would not perhaps welcome such a step as it had the strong support of the Jan Sangh which had made such a move suspect not only in the minds of the Muslims of Kashmir but in the minds to the democratic elements in the country as a whole. Sheikh Saheb could not give his own opinion unless he was in a position to find the reactions of his comrades and the people to such a proposal. He hinted however that such a proposal might be necessary in order to prepare the ground for further steps.

9. I asked the Sheikh what people he had in mind besides himself with whom the Government of India could talk in Kashmir. He replied that he would suggest the Plebiscite Front. I said no Government of India could talk with a body which had as its objective the holding of a plebiscite in Kashmir which was out of the question now. It would, therefore, serve no useful purpose to talk with such a body if they stuck to this position. Sheikh Saheb warmed up at this and said that this attitude was similar to that of the British Government towards the Indian National Congress. The British in their arrogance and intoxication of power had closed their eyes to the realities of the situation, but events had forced them to seek peace and understanding from the “naked fakir”. India was committing a similar mistake in Kashmir. According to the Sheikh, the Plebiscite Front was the only organisation in Kashmir which represented the urges and aspirations of the majority of the people and which alone had the capacity and strength to mobilise public opinion behind any agreement which might finally emerge out of the talks with them. If, however, India was not willing to talk with the Plebiscite Front, it was no use to have talks with him either; he could not work in a vacuum.
10. I warmed up too and said that it was not fair or right to compare the British government with the present Government of India. The Congress have been fighting a foreign Power, but the people of Kashmir were brothers and kith and kin of the people of India. Differences could arise between brothers, but they could not be compared to the kind of differences between a foreign government and a subject people. Sheikh Saheb remarked that the people of Kashmir had never suffered such atrocities during the British or even the Maharaja’s regime as they were suffering now. I challenged the accuracy of this statement.

11. Sheikh Saheb then informed me that although he supported the Plebiscite Front’s basic stand, he was not himself a member of that organisation. As far as he knew, their stand on plebiscite was not rigid. Its leaders had repeatedly declared their willingness to consider any alternative method of ascertaining the will of the people of Kashmir. Sheikh Saheb expressed surprise that Government of India should refuse to talk with the Plebiscite Front, whose only crime apparently was that it demanded the fulfilment of the commitments and solemn pledges given repeatedly by India not only to the people of Kashmir but to the whole world. I told Sheikh Saheb that the commitment to ascertain the will of the people was made unilaterally by the Government of India to the people of Kashmir and it had been fulfilled a number of times, even according to the statements of Sheikh Saheb himself, before 1953. I told him however that if the Plebiscite Front was not rigid in its demand for holding plebiscite, perhaps talks could be held with them. Sheikh Saheb said it was very strange that while Government of India had no hesitation in talking to the Underground Nagas who had opened armed revolt against her, they should refuse to meet the real representatives of the people of Kashmir. I told Sheikh Saheb not to compare Nagaland with Kashmir. The Nagas had been deliberately kept out of touch with the rest of India by the British and had not been emotionally integrated with the rest of India, but the Kashmiris were so close and near to the rest of the people of India and the situation is not similar.

12. I asked Sheikh Saheb who were the people besides Mr. Beg in the Plebiscite Front with whom talks could be held. Sheikh Saheb replied that Mr. Beg was the President of the organisation and it was for him to suggest the persons. I told Sheikh Saheb that I was going out on tour for about a week and would like to see him again on my return if he so desired. Sheikh Saheb was hesitant to commit himself because he had said what he had to say. When I asked him whether my meeting him caused him any embarrassment, he assured me that there was no such thing, but he did not like to have political talks with anybody while in detention; it was only because of his past relations with me that he had agreed to meet me.
13. I asked Sheikh Saheb whether he would like to see Shrimati Gandhi or any other leaders. He replied that despite what he had suffered all these years, his affection and regard for Indira had not lessened and when he was free from detention “he would be glad to meet her.

(T.N. Kaul)
7.11.1967

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2260.

Note recorded by T.N.Kaul of his Meetings with Sheikh Abadullah and submitted to Prime Minister Mrs. Indira Gandhi

New Delhi, January 1, 1968.

As I mentioned to PM, I invited Sheikh Abdullah and his wife and daughter to a quiet dinner at my house last night. Begum Abdullah was unable to come as she was not well, but Sheikh Saheb and his unmarried daughter came. Apart from my wife and daughter, Shri and Shrimati P.N. Haksar were also present. Sheikh Saheb and his daughter left at 1230 midnight.

2. It was a friendly social function and I told Sheikh Saheb that I hoped he would not record any Note about this meeting as it was a purely social, private and informal one. He agreed.

3. He talked most of the time, though I had to prod him now and then to draw him out. He repeated the same old arguments as before, but my impression was that his general attitude was less bitter than before and he seemed to be aware of the “realities of the situation” and that he would have to “face the facts”. He was also less bitter against Sadiq Saheb. Although he talked against Bakshi Ghulam Mohammad, he also admitted some of his dynamic qualities. As for Syed Mir Qassim, he did not seem to have a very high opinion of him and pooh-poohed his claim that he enrolled 7 lakhs of Congress members in the State. He also mentioned that Mir Qassim had received a certificate signed by Jinnah when, as a student at Aligarh University, he had campaigned for the Muslim League during the elections.
4. I am not mentioning the arguments I used with him, but following are the main points

Sheikh Saheb stressed:

(1) It is for the Government to take the initiative in setting right the wrong trends appearing throughout the country. He referred in connection to the situation in West Bengal, Haryana, Punjab, etc., the language question, the students' unrest, and last but not least, the anti-secular forces led by the Jan Sangh and communal minded elements in the Congress Party.

(2) He was directly concerned only with Kashmir, because he was partly responsible for the present situation there. He would, therefore, concentrate on his “base” in Kashmir and thereby help in setting right the trends throughout India by improving the situation in Kashmir.

(3) As he put it “Government must face the facts, and if they cannot handle the situation, they should get out and let others take the reins of power in their hands, or else the Prime Minister should bring in people who are known for their integrity, honesty and intelligence into the Government whether they belong to any political party or not.

(4) Only a bold leadership could set right things in the country,

5. He made the following points, in particular, with regard to Kashmir:

(1) The economic situation in the Valley was bad because people were unemployed for 4-6 months in the year. Communications must be improved and more employment provided for educated Kashmiris in the rest of India.

(2) In spite of the efforts of the Jan Sangh which wanted to wipe out secularism and considered the secularism in Kashmir as their main stumbling block, communal harmony had been, by and large, maintained throughout Kashmir, in contrast with what had happened at Ranchi and elsewhere. Secularism could be further strengthened in Kashmir and the rest of India if Government was prepared to support really secular elements and take strong action against communal minded elements. As he put it, “a surgical operation is necessary to cut off the diseased limb”.

(3) Kashmir’s accession to India was “provisional” and was based on the 3 subjects mentioned in the Instrument of Accession. As the Government of India had eroded the autonomy of Kashmir, Kashmir’s accession had also been eroded. It was difficult to say whether this accession could
be revised or finalised by going back to the 1953 position. However, the will of the people had to be determined and Government was committed to this.

(4) As for the demand for a separation or complete integration of Jammu Province with the rest of India, and the demand for making Ladakh into a Union Territory, Sheikh Saheb said “we should settle this problem by persuasion and not by force. No section of people can be kept within India by force of arms and bayonets, but if they can be persuaded, that is the only way of keeping them within India. If they cannot be persuaded, then they have the right to go their own way. When asked whether this would not lead to the disintegration of the country, he said “if the leaders cannot persuade the people, naturally the country will disintegrate. The fault therefore lies with the leadership and not with the people. The Central Government had encouraged the wrong kind of leadership which was communal minded and exploiting the situation to keep themselves in power.

(5) If the Kashmir problem is settled amicably, it can have a tremendous influence in creating friendship between India and Pakistan which is most essential for both countries. As Sheikh Saheb put it “India should try to create friendly neighbours and not enemies”. He blamed Shri V.K. Krishna Menon for having misled Pandit] and provoked the Chinese through his forward policy.

6. Sheikh Saheb said he stood by Panditji’s ideals and the policies he had propounded after great thought and introspection. He said “our present leaders must look within and make a self analysis and find out where they have gone wrong. If they are prepared sincerely to follow Panditji’s path, I shall go along with them too”. He said that he felt Shrimati Indira Gandhi naturally wanted to follow the path laid down by Panditji, but he was not sure of “others in the crowd”. As for Shri Jaya Prakash Narayan, he said “he is an honest man and a man of integrity, but he is a visionary and not a practical man”. He blamed Dr. Lohia for having reduced the Parliament to a fish market. He thought, however, that there were people in the country who had honesty, integrity and intelligence, and if Shrimati Gandhi had the courage she could take a bold step in getting them together and asking them to give a lead to the country. The people at large were sound, but bold and imaginative leadership is lacking. Asked whether he would cooperate in this task, he said “I cannot take the leadership; let Shrimati Indira Gandhi give the lead on the right lines and I will go along with her”. Beyond this he would not commit himself.
2261. Statement of Pakistan Prime Minister Zulfikar Ali Bhutto on the Agreement between the Prime Minister Mrs. Indira Gandhi and Sheikh Mohammad Abdullah.

Rawalpindi, February 24, 1975.

The announcement of an agreement between the Prime Minister of India and Sheikh Mohammad Abdullah comes as no surprise. It was known for over two years that negotiations were going on between their emissaries. Equally well known was the aim of these secret parleys. The Government of India was seeing the surrender of a people’s right by a political group and its leaders in exchange for some concessions to them which, given the inherent nature of alien occupation, cannot but be illusory.

It has been Pakistan’s view that the deal sought to be transacted by India would not affect by one jot or title the moral and political rights and wrongs of the dispute concerning the State of Jammu and Kashmir. Even it succeeded in luring these politicians to forswear their previous public stand they could not sign away what was not theirs to give. For at stake is a people’s integrity, life and historic destiny and no politicians, howsoever popular he might have been, has the right to barter it away. The era of colonialism and alien rule is all but dead. The right of all peoples to self determination has long been universally recognized. In the case of the people of Jammu and Kashmir, the exercise of this inherent right has been specifically pledged to them by the United Nations and both India and Pakistan accepted the principle that the question of the accession of the State of Jammu and Kashmir to India or Pakistan shall be decided by its people through a free and impartial plebiscite.

In the past also, the Government of India made attempts to prejudice the right of people of Jammu and Kashmir by securing an endorsement of accession by a so called Constituent Assembly of India held Jammu and Kashmir, but by its Resolutions of 30 March 1951 and 24 January 1957, the Security Council declared that no action or arrangement which attempted to determine the future shape and affiliation of the State, or any part thereof, without an impartial ascertainment of the popular will, would constitute a disposition of the State in accordance with the principle of self determination. It follows that any agreement between the Government of India and one or more individuals in Jammu and Kashmir cannot resolve the issue concerning the status of the State. This is not the first time Sheikh Abdullah has made an arrangement with the Government of India. The arrangement he made in 1947 and the assurances he received thereafter were not honoured by the Government of India which dismissed him in 1953 and sent him to jail. In any case, neither that arrangement nor the one he has made now can weaken much less extinguish the right of the people of Jammu and Kashmir to self determination.
On 5 March 1973 and again on 10 July 1974, the Government of Pakistan reiterated its view that any agreement the Government of India might reach with Sheikh Abdullah could not compromise, much less destroy, the right of the people of Jammu and Kashmir to self-determination.

Also the Government of Pakistan has thrice written to the Government of India since last September reminding it of its obligations under the United Nations Resolutions and of its commitment in this behalf under the Simla Agreement. That agreement makes it quite clear that a final settlement of Jammu and Kashmir has to be discussed between India and Pakistan in the context of normalization of their relations and the establishment of durable peace in the South Asian region. Pakistan repeatedly urged India to refrain from any unilateral action which might prejudice the chances of the success of the talks which the two countries were pledged to hold. It is therefore most deplorable that India should have decided nevertheless to go ahead with an arrangement with Sheikh Abdullah such as might jeopardize these talks. This is all the more so because no such arrangement with Sheikh Abdullah or any other Kashmiri politicians can change the status of the dispute concerning the state of Jammu and Kashmir, nor indeed can it deprive the people of that state of the exercise of their inherent right of self determination in accordance with the United Nations Resolutions accepted by both India and Pakistan. As I said on 5th March 1973, Pakistan had steadfastly maintained its position of principle and we will continue to stand by our commitment to support the people of Jammu and Kashmir in their struggle to achieve the right of self –determination assured to them by the United Nations. Since the Government of India has decided to go ahead with its plans for the suppression of that right, I have called upon the people of Jammu and Kashmir, whether in Indian occupied part of the State or in Azad Kashmir or in Pakistan and abroad, to signify their rejection of this plan and their determination to continue the struggle to achieve their right of self-determination by observing a one day Hartal (strike) on Friday, February 28, as a measure of protest against the action of the Government of India and Sheikh Abdullah. Considering their indissoluble bonds with the people of Jammu and Kashmir, the people of Pakistan will also join their Kashmiri brothers in observing this Hartal.
Statement by Pakistan Foreign Minister Sahabzada Yaqub Khan in the Pakistan National Assembly on Siachen.

Islamabad, June 8, 1985.

Foreign Minister Sahabzada Yaqub Khan said on June 8 that Pakistan had categorically rejected the Indian claim to the Siachin glacier area which formed part of the Northern Areas of Pakistan. He assured the National Assembly that the Foreign Office would do its best to protect Pakistan's rights in the best possible manner without having to resort to the use of force.

The Minister made the statement in response to an Adjournment motion moved by Mr. Mumtaz Ahmed Tarar while referring to press reports that India had recently reiterated its claim to the Siachen glacier region.

Sahabzada Yaqub Khan said Siachen glacier was part of the northern areas of Pakistan and situated to the north of the terminus of the Line of Actual Control in Jammu and Kashmir. India had protested to Pakistan in 1981 against the so-called violation of this area.

On more than one occasion, Pakistan had reiterated the position in official communications to India and categorically rejected the India claim to the Siachen glacier area.

India had, for the second time, put forward its claim to this area. It obviously was not a new occurrence, he said.

Sahabzada Yaqub Khan pointed out that it was a matter on which exchanges of statements and diplomatic notes had already taken place between Pakistan and India over a period of time.

He assured the Assembly that the Government would take up this matter again with India.

He confirmed that a number of clashes had taken place in the area within this year and at least three flag meetings of commanders on both sides had already been held to prevent the escalation of fighting.

"Obviously it is desirable that armed conflict in the area is avoided," adding that this was the policy to which Pakistan was committed. Nevertheless, Pakistan would insist on discussing it at the appropriate level "the matter which is of concern to us all."

"I share the concern of the member and assure that the Ministry of Foreign Affairs will do its best to ensure that the rights of the Government of Pakistan are protected in the best possible manner obviously without having resort to the use of force," he remarked.

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Joint Statement issued at the end of Second Round of India-Pakistan Talks on Siachen.

New Delhi, June 12, 1986.

The second round of the talks between the Defence Secretaries of India and Pakistan took place in New from June 10-12, 1986.

The **Pakistan delegation** comprised the following:

- H.E. Syed lilal Haider Zaidi, Defence Secretary (Leader)
- H.E. Dr. M. Humayun Khan, Ambassador of Pakistan
- Raja Mohd Iqbal, Addl. Secy, Min. of Defence
- Maj-Gen. Nishat Ahmed, Joint Staff Headquarters
- Mr Riyaz Khokhar, DG, South Asia, Min. of Foreign Affairs
- Mr Javed Talat, Jt. Secy, Min. of Defence.
- Brig. Jamshed Malik, Dir. Military Operations
- Mr Mohd Ashraf, Dy. Surveyor General
- Brig. M.R. Beg, Defence & Army *Attache*, Embassy of Pakistan

The **India delegation** comprised the following:

- Sh S.K. Bhattnagar, Defence Secretary (Leader)
- Lt-Gen. P.N. Hoon, PVSM, AVSM, SM, COS, Western Command
- Lt-Gen. R.N. Mahajan, VSM, DGMO
- Sh S.K. Lambah, Jt Secy, Min. of External Affairs
- Sh S.K Misra, Jt. Secy, Min. of Defence
- Sh Ajai Vikram Singh, Jt. Secy, Min. of Defence.
- Brig. V.R. Raghavan, AVSM, Dy DGMO
- Brig. D.K. Khanna, Defence & Military *Attache*, Embassy of India, Islamabad
- Col. I.P.S. Dhillon, Army Headquarters

The Defence Secretaries held constructive talks in a cordial and friendly atmosphere. They reiterated their resolve to find a negotiated settlement of the
Siachen issue in accordance with the Simla Agreement. In this context, they discussed various ideas for an amicable resolution of the problem and agreed to report these to their respective Governments.

The Defence Secretary of India accepted an invitation to visit Pakistan to continue the dialogue at a mutually convenient date.

Editor’s Note: There was no statement issued at the end of the First Round of Talks.

2264. Questions replied to in the Pakistan National Assembly on Siachen.


The Pakistan National Assembly was informed on September 8 that Pakistan and India had accepted the importance of resolving the Siachen Glacier issue through peaceful means.

Responding to a question asked by Mr Mohammad Nawaz Khokhar during question hour, the Minister of State for Defence, Rana Naeem Mehmud Khan, told the House that there had been two rounds of talks between Pakistan and India at the level of Defence Secretaries on this issue.

In these talks, he added, each side got an opportunity to explain its viewpoint and heads of both delegations agreed to continue the talks for arriving at a mutually acceptable solution.

He explained that delineation of a line of control in the Siachen Glacier area had not taken place so far. The reckoning of violations in the absence of an agreed line of control was therefore technically not possible, he said.

The mere presence of Indian troops in the Siachen Glacier is a violation of the Simla Agreement. In violations of this agreement, Indian troops made inroads into the Glacier area. Pakistani troops were deployed there in April, 1984, to check further Indian incursions in the area. “Indian provocations are answered by our troops effectively,” he added.

To a question about the Nakial sector, he said that it was one of the sectors along the line of control in Jammu and Kashmir. Violations of the line of control, he said, were termed cease-fire violations and not border violations as the line of control is not an international border.
Eight ground violations he said were committed by Indian troops in the Nakial sector in the last three months (March 11 to June 10). Complaints were lodged with the UN Military Observers’ Group by Pakistan for these violations of the “line of control.”

There were occasional unprovoked violations of this nature by India troops, he said. Pakistan troops took appropriate defensive measures to deal with each situation, he added.

2265.
SECRET
Letter from Deputy Chief of Mission of India in Pakistan A. B. Patwardhan to Joint Secretary (Pakistan) Ministry of External Affairs.

No. ISL/103/5/87 October 15, 1987

Embassy of India
482-F Sector G.6/4
ISLAMABAD

A. B. Patwardhan
Deputy Chief of Mission

My Dear Satish,

The evolutions of the Government of Pakistan position on the Siachen clashes this summer has intrigued everyone, beginning as it did with a denial that the clashes have taken place, and proceeding through different stages of half admission, claims that Pakistan had seized the initiative to recapture the Quaid post, and that the Pak army had not lost ground, but in fact added to territory under Pak control.

2. The question which needs to be answered is: why this preoccupation with Siachen at this juncture? Leaving aside the seasonal factors which prescribe the constraints and openings in the high altitude Glacier area, requiring action before the early winter sets in, several factors come to mind in explaining Pak motives:
(i) One major hypothesis could be that, smarting from Benazir’s biting criticism of Gen. Zia’s personal failure to safeguard Pak control over the Siachen Glacier area, the Sadar Saheb approved plans by the new corps commanders, Rawalpindi and VCAS to perk up the army’s tactical position, and gain some new features which could lend credibility to Gen. Zia’s leadership as COAS. Several variants of the theme could be developed, but these I do not wish to elaborate here.

(ii) With Prime Minister Junejo’s high profile tour of the Northern Areas, and his reported visit to Pak troops in forward positions past Skardu in the Siachen theatre, earlier this year, there has been a general demand within the PML to regain the Quaid post. This post— no one is really clear as to whether and where this bastion exists at all – has assumed very jingoistic connotations within the ruling party and the army has fuelled the thought and sentiment in its own self- interest. In a related development, apparently in a briefing given to the Prime Minister and to the Defence Committee of the Cabinet, VCAS and Defence Secretary appeared to have talked about the tactical disadvantage which Pak troops suffered from. The emphasis on this aspect has led to a fortuitous emphasis on attempts to improve the Pak army’s position from the tactical point of view, without exactly understanding how this could be achieved.

(iii) Judging from the debate on the status of the Northern Areas in recent times, it appears that both the military and the civilian wings of the Government have been somewhat excessively worried on account of our own dispositions and initiatives, in particular the decision to establish a separate command for the Siachen Glacier area, and therefore forming what is seen here as a new division. This is being interpreted as an element in our forward strategy which seeks to delink the Northern Areas from the Kashmir question (defined in terms of J&K per se) and to bring back into play our territorial claims to Baltistan, Gilgit etc. From a reading of the debate in the Pak media and at some seminars in Lahore and elsewhere, I get the impression that the Pakistanis are at least as pressed, and perhaps confused, as we have tended to be on the inter-relationship between these other areas and the Kashmir valley plus Jammu. The upshot of this here has been to demand of the army a degree of preparedness which is difficult to distinguish from an activist forward policy. One Pakistani went so far as to tell me that since the Pak view considers the entire Northern Areas to be separate from the Kashmir question, and regards the question as more or less settled in the light of the boundary agreement with China, there is a growing demand that the army should prove itself to be capable of reaching the Karakorram pass and controlling the entire area within the grid to the south of it.
(iv) Yet another explanation is connected with what is seen as Junejo’s attempts to hold Gen. Zia and the GHQ accountable for defence preparedness, the Siachen Glacier having become a test case for judging their capacity to defend Pakistan’s integrity. Strange as this must sound, here PPP and PML must be considered bedfellows.

(v) Finally, could it be that the new clashes in the Siachen are an attempt to reactive the area, probably setting up the stage for talks with India on the Siachen question.

3. Whatever the interplay of institutional factors between the army and the ruling Muslim League, or between the President/ COAS and the Prime Minister, or even the amorphous regime and the opposition in Pakistan, I doubt if we should pursue a dialogue with Pakistan on this question at this stage. From our experience of such worthy neighbours as the Chinese, we might take a leaf out of the book of history, fortify our position to make it as impregnable as possible, assert our claims to the extent we consider these to be conforming to our past and present position vis-a-vis Pakistan and China in this strategic area, and then examine the relative advantages of a dialogue. Merely talking to the Pakistanis, without being reasonably clear about the probability of compromise to our satisfaction is a questionable and probably self-defeating alternative.

4. There was a time earlier this year when interested parties had spread rumours of possible Sino-Pak collusion on our border with these two neighbours. Stories of what the Chinese would do to provoke us or worse i.e. teach us a second lesson abounded. With the latest episode of the unrest in Tibet, from all that I have been able to sense from the reactions of the Chinese and other diplomats here, our clear and unambiguous advice to His Holiness the Dalai Lama not to indulge in political activity, and a restatement of our position on the question of Tibet have served to improve the atmosphere for our forthcoming talks with China. It cannot be in our interest to talk about Siachen with Pakistan at this stage, much as the Pakistanis might pretend to yearn for just such a meeting.

5. I am endorsing a copy of this letter to JS(EA) also.

Yours sincerely

(A.B. Patwardhan)

Shri Satish Chandra,
Joint Secretary (AP),
Ministry of External Affairs,
New Delhi

❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖
Letter from High Commissioner in Pakistan S.K. Singh to Defence Secretary S.K. Bhatangar.
Ambassador of India
Islamabad

S. K. SINGH
No. ISL/AMB/399/87 15 November 1987

My dear Shashikant

1. It is not unlikely that you may soon have to hold another series of meetings with Ijlal Hyder Zaidi. So I thought I should brief you on the present state of general and public thinking on this matter here.

2. Pakistan Government is now trying to be tight-lipped about the recent clashes in the Siachen; after making certain evasive, contradictory and defensive statements in response to queries raised in the National Assembly. The Pakistani public and media have expressed concern at the confusion caused by the Government’s strange responses.

3. Replying to an adjournment motion in the National Assembly in early October, the Pakistani Minister of State for Defence, Rana Naeem Mehmud said, “the situation was totally under control at the Siachen and there was nothing to be worried about”. The Minister refuted the motion stating “that the gallant officers and jawans of the army had fought a battle at 22,000 feet which was unprecedented in the annals of history”. He was pained that some members “chose to criticise the gallant men of the armed forces who laid down their lives for Pakistan”. The Deputy Speaker ruled out the motion because “technically it was so sensitive”, and ruled that the matter be discussed in the Defence Committee. He also ruled that the movers of the adjournment motion would also be present when this committee met.

4. Ms. Benazir Bhutto has forged ahead with her criticism of Gen Zia on the Siachen issue. Addressing the newly elected office bearers of Ward Committees at Rawalpindi on October 25, Ms. Bhutto said that the Indian troops recently captured the Quaid post in Siachen and re-named it as Gandhi Post. She added that Gen Zia, who claimed to be the Chief of the Army Staff, had not once visited the Siachen Glacier to boost the morale of the troops who had to perform their duties against heavy odds. Ms. Bhutto claimed that this indifference to defence matters by the rulers amounted to “high treason”. Addressing a news conference at Islamabad on October 30, Ms. Bhutto demanded a “public inquiry
into the measures that led to the fiasco in Siachen Glacier last month. She said that it was unfair to send soldiers to fight in Siachen with ‘doubtful’ leadership, lack of logistic support and an ill-prepared plan and, above all, lack of courage displayed by the senior army officers in failing to visit the area. She declared that the continuation of Gen Zia was “incompatible with the national security needs”. Further, Ms. Bhutto alleged that the military regime of Gen Zia, ruling through its nominated Parliament and Prime Minister, had completely failed to safeguard the national security of the Federation.

5. On the other hand Prime Minister Junejo told newsmen at Multan on October 25 that there had been no change in the situation on the Siachen Glacier. It was more or less status quo, both India and Pakistan were at their previous positions. His Government would not deviate from its stand on the Siachen Glacier. He added that preliminary and inconclusive demarcation of the Siachen area was made in 1970-71 and “India made unjustified interference in the matter”. He said Pakistan had to take steps in self-defence.

6. The Nawa-e Waqt of October 20 reports that the Liberation League Chief KH Khurshid has impressed upon the Pakistan Government to take people into confidence over the situation in the Siachen Glacier. He said that contradictory statements issued by the Pakistan President, Prime Minister and Minister of State for Defence in this regard have caused great anxiety among the people of Pakistan, particularly that of POK. Expressing concern over the reports about demarcation of boundary and line of control in the Siachen Glacier, he said that the effort to convert the ceasefire line into line of control would be tantamount to ending of the Kashmir issue.

7. Talking to newsmen on October 14, Rana Neem said that the third meeting at Defence Secretaries level between the two countries to solve this question was likely to be held in Pakistan. He recalled that in the past two meeting both sides agreed that the issue of Siachen Glacier existed.

8. Media: Initially the media was largely silent. Articles and news-items have now started appearing in the Pak media. These are mostly historical pieces based on background articles published last year at the time of the Siachen talks. The following detailed articles are enclosed for perusal. (not included here)

   (i) The Siachen Glacier dispute - Shariq Jamal
   (ii) Siachen : Let’s not miss the wood for wood for the trees - Brig (Retd) A R Siddiqui
   (iii) Siachen : What really happened? - Maleeha Lodhi
Shariq Jamal in his piece entitled ‘The Siachen Glacier dispute’ concludes that, “the troops stationed in the Siachen should be beefed up so that they can defend every inch of soil. At the moment, the settlement of the problem seems to be a far cry”. Of course, the Siachen problem is there with the backdrop of the Kashmir issue. He concludes that this problem would bedevil relations between India and Pakistan for a long time.

Brigadier (Retired) A R Siddiqui views the recent clashes in the Siachen Glacier against the historical backdrop of the 1965 and 1971 operations. He concludes that no army, regardless of its size and orientation, can or should fight for every inch of the sacred soil. Whilst Pakistan should refuse to withdraw its claim for Siachen, its should question the wisdom of raising it to the stature of a Jehad.

Dr. Ms. Khalida Yusuf’s letter in the readers’ column of The Nation of October 07, shows surprising familiarity with terrain and tactics. She writes that, “India’s next move will be toward the Gasherbrum peak. But they are trying to divide our attention by opening new sectors in such areas as Bilafondla and Gyongla. We, through The Nation’s pages, want to know whether Pakistani armed forces have set up any strong military encampments on or near the Baltoro glacier”.

In her news Analysis in the Muslim of October 22, Maleeha Lodhi suggests that, “the talks on the issue may need to be handled at a higher lever than has so far been the case. It is the spirit of the Simla Agreement that should inform such bilateral talks. The past record shows that once positions become deeply entrenched, little can be done especially in an environment marked by mutual mistrust and suspicion. A just and peaceful solution to this problem is therefore urgent and imperative”.

Writing on the Siachen Glacier dispute in the Pakistan Times of October 22, Bashir Ahmed says, “Pakistan wishes to explore all peaceful means for the recovery of the area and it is to be hoped that its efforts will bear fruit. India’s record in not setting the long-smouldering Jammu & Kashmir issue is, however, a pointer in other direction”.

(iv) Siachen Glacier dispute - Bashir Ahmad
(v) Siachen Glacier – What is India upto - Shabbir Hussain
(vi) Indians trained in Antarctica for aggression in Siachen - Javed Nazir
(vii) A Delayed Operation - Mariana Baabar
14. The political opposition in the country, especially Ms. Bhutto, will continue to needle, tease and embarrass the Zia - Junejo Government on the Siachen issue. The Government is trying its best to defuse the criticism by trumpeting the courage and valour of the Pakistani troops who lost their lives on the Glacier.

15. Members of the Parliamentary Committee of Defence affairs were briefed in mid October by representatives of the Armed Forces with the help of slides, films and charts. I believe the Army representative said that the conditions put forward by India for talks on Siachen were not acceptable. He assured the members that Pakistan would not relinquish even a single inch of territory including Siachen.

16. The latest articles on the Siachen Glacier – an article in three instalments by Ikram Ullah, and “Siachen and our territorial integrity” by Capt (Retd) Humayun Akhtar, Pakistan Navy are rather vague and general and not been summarised in this letter.

Yours sincerely,

(S.K.Singh)
Ambassador

Shri S.K Bhatnagar
Defence Secretary
Government of India
Ministry of Defence
New Delhi- 110011

2267. Joint Press Release issued at the end of Third Round of India – Pakistan talks on Siachen.


The third round of talks between the Defence Secretaries of Pakistan and India was held in Islamabad from May 18 to 20, 1988. During his visit. Mr. S. K. Bhatnagar, Defence Secretary of India was received by the President, the Prime Minister and the Minister of State for Defence. In these meetings, the Defence Secretary of India conveyed the greetings and good wishes of the Indian leaders and their resolve for settlement of all bilateral matters, including the Siachen issue, through negotiations.
The two delegations had intensive discussions in two plenary sessions on May 19 and a wrap-up meeting on May 20, 1988. In addition, the two Defence Secretaries also met separately.

There was a meaningful and valuable exchange of ideas and perceptions on the Siachen issue during these meetings. The two sides considered certain specific proposals and agreed to examine these further.

The Indian delegation was headed by Defence Secretary S. K. Bhatnagar and comprised:

Mr. S. K. Singh,
Ambassador of India

Mr. N. N. Vohra,
Additional Secretary of Defence

Lt. Gen. B. C. Joshi,
Director General, Military Operations

Mr. S. K. Misra
Joint Secretary, Ministry of Defence

Mr. Satish Chandra,
Joint Secretary, Ministry of External Affairs

Maj. Gen. V. R. Raghavan,
Add. D.G. Military Operations

Maj. Gen. D. D. Saklani,
Headquarters, Northern Command

Brig. B. N. Raizada,
Defence and Military Attache

The Pakistani Delegation was led by Defence Secretary Syed Ijlal Haider Zaidi and comprised:

Dr. Humayun Khan
Pakistan Ambassador In India

Maj. Gen. Raja Mohd. Iqbal
Additional Defence Secretary

Maj. Gen. Nishat Ahmad
Dir. Gen. Joint Staff

Surveyor General of Pakistan

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Joint Statement issued at the end of fourth round of talks between the Defence Secretaries of India and Pakistan on Siachen.

New Delhi, September 24, 1988.

The Pakistan delegation comprised the following:

- Syed Ijlal Haider Zaidi, Defence Secretary (Leader)
- H.E. Mr Niaz A. Naik, Ambassador of Pakistan to India
- Maj-Gen. Raja Mohammad Iqbal, Addl. Secy, Min. of Defence
- Maj-Gen. Mohammad Akram, DG, Joint Staff Headquarters
- Maj-Gen. Jehangir Karamat, DGMO
- Mr Aziz Ahmad Khan, DG, Min. of Foreign Affairs
- Mr Naimatullah, Joint Secy, Min. of Defence
- Mr S. Shafqat Kakakhel, Minister, Pakistan Embassy, New Delhi
- Brig. Zahir-ul-Ishlam Abbasi, Defence & Army Attaché, Pakistan Embassy, New Delhi
- Mr Kamran Niaz, Counsellor, Pakistan Embassy, New Delhi

The India delegation comprised the following:

- Shri T.N. Seshan, Defence Secretary, Ministry of Defence
- Shri S.K. Singh, Ambassador of India to Pakistan
- Shri N.N. Vohra, Addl. Secretary, Ministry of Defence
- Shri Satish Chandara, Joint Secretary, Ministry, Ministry of External Affairs
- Shri S.K. Misra, Joint Secretary, Minister of Defence
- Maj-Gen V.R. Raghavan, Addl. DGMO
- Maj-Gen. D.D. Saklani, MG GS
- Shri S.B. Mathur, Director, Ministry of Defence
- Brig. B.N. Raizada, Defence Attaché in Pakistan
- Brig. R.K. Gulati, Ministry of Defence
During his visit, Mr. Ijlal Haider Zaidi, Defence Secretary of Pakistan, was received by Shri Rajiv Gandhi, Prime Minister of India, and Shri K.C. Pant, Defence Minister of India. At these meetings, the Defence Secretary of Pakistan conveyed the greetings and good wishes of the Pakistan leaders and their resolve to settle all matters through negotiations.

The discussions were conducted in a frank and friendly atmosphere and both sides reiterated their commitment to work for a peaceful and negotiated settlement of the Siachen issue in accordance with the Simla Agreement.

It was agreed that next round of Defence Secretaries talks will be held in Islamabad in January/February 1989.

2269.
SECRET

Letter from Defence Secretary T.N. Seshan to Foreign Secretary K.P.S. Menon on Siachen

Government of India
Ministry of Defence
New Delhi- 110011

DEFENCE SECRETARY

Dear Shri Menon,

This has reference to Shri Satish Chandra’s do letter No. 6893/JS (AP)/88 of 5th December, 1988 and DO letter No. 7205/JS (AP)/88 dated 19.12. 88 regarding the possibility of formulating a more flexible approach on issues concerning Pakistan in the context of PM’s forthcoming visit to Islamabad. The views of the Ministry of Defence are briefly as given below:

SIACHEN

2.1 In the fourth (last) round of Defence Secretary level talks on Siachen, our stand was that a solution to the Siachen tangle could be found if Pakistan accepted the Saltoro ridge as the ground position line beyond NJ 9842 and a thinning of troops was possible if Pakistan accepted this position. It was contemplated that the de-escalation of the situation in Siachen would be
formalised on the basis of the informal understanding earlier reached in the third round of talks. However, during discussions in the fourth round, the Pakistan side not only refused to accept the ground position line along the Saltoro ridge and insisted on demilitarization as a first essential step, but also disowned their informal acceptance of the realities on the ground reached in the third round of talks. Thus the suggestion which has now been made regarding exploring the possibility of ‘an understanding being reached on demilitarisation of Siachen’ would prima facia appear to be a reiteration of the Pak position in the last round of talks and is not acceptable. The search for a via media between the two opposite positions should take into account the fact that withdrawal from the Saltoro ridge would not be advisable on strategic considerations especially considering the tremendous cost at which the Army has continued to maintain its position on the ridge line. A reasonable approach, under the circumstances, would be that a mutual disengagement on the Saltoro ridge can be affected if Pakistan is willing to accept the ridge line as the logical extension of the Line of Control beyond NJ 9842. Disengagement has to be in relation to identified positions on the ground. Prime Minister may like to make this offer with an assurance that we have no intention of making any westward advances on the Saltoro ridge nor to attempt to alter the Line of Control unilaterally.

2.2 Whether to use this suggestion or not may be left to PM to decide.

3. As regards the dates for the next round of discussions, we may suggest the second week of February, 1989. This, however, may not perhaps be necessary as it has already been agreed in the last round of talks to hold the next round of discussions in Jan/Feb 1989 on mutually convenient dates.

Mutual reduction of ground force levels

4. It is unproductive to equate the force levels of the two nations as our respective strategic needs are totally different. Our force level vis-a-vis China cannot be made negotiable with Pakistan. An added dimension to the security aspect in the subcontinent is the nuclear question. For future negotiations, it would suffice if assurances are obtained that both sides have no intention of any military offensive against the other across the international border and Line of Control and would not assist or use clandestine or terrorist force against each other.

Notification of military exercises

5. An informal understanding was reached by our COAS in June, 1984, with the VCOAS of the Pakistan army to keep the border tension free and to inform each other about movement of troops close to the border. Any formalization of this informal agreement does not seem feasible or advantageous until a larger basis of the understanding could be reached.

Evolution of fresh border ground rules.
6. The Ground Rules are essentially between the BSF and the Pakistan Rangers and relate to the International border only. There is no compromise on our consistent stand that both the Armed Forces and building of defences on the border should be outside the purview of these Rules. However, both sides should utilise and strengthen the existing machinery for preventing military confrontation along the border.

Yours sincerely,
(T.N. Seshan)

Shri K.P.S. Menon,
Foreign Secretary,
South Block,
New Delhi.

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2270. Interview of Pakistan Minister of State for Defence Ghulam Sarwer Cheema.


The Minister of State for Defence Col. (Retd) Gulam Sarwar Cheema has categorically refuted the Indian claim that Pakistan have recently established certain new posts at the war-torn Siachen Glacier.

Talking to The Nation, the Minister observed that following the “suspicious activities” of Indian forces deployed in the area appropriate action had been taken by the Pakistan armed forces.

He said that no new post had been established by Pakistan during the past four months. However, “readjustment” of certain posts had been made during the past summer, he said.

He regretted that the impression of goodwill which the Indian Prime Minister had left following his visit to this country in connection with the SAARC summit has been wiped out following the recent step of his government.

To a question about the reaction of the President and the Prime Minister regarding the matter he observed that the matter was not that critical as being suggested by the international media.

He evaded questions regarding the number of casualties in the recent clashes in the area.
He noted that the Siachen talks have been postponed four times and held the Indian Government responsible for this. The Indians were delaying the talks so that they could achieve a strong hold in the area and then hold negotiations from a position of advantage, he added. He at the same time observed “I am not pessimistic too.”

He reminded that the outcome of the previous four rounds of talks between the Secretaries of Defence was not encouraging.

He asserted that the area was an integral part of the country and that every possible step would be taken to counter the Indian designs.

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2271. Joint Statement issued on the conclusion of the 5th round of India – Pakistan talks on Siachen.

Rawalpindi, June 17, 1989.

The fifth round of talks between the Defence Secretaries of India and Pakistan was held in Rawalpindi from 15th-17th June 1989.

The Indian delegation comprised the following:

Shri Naresh Chandra, Secretary Defence
H.E. Mr J.N. Dixit, Indian Ambassador at Islamabad
Shri N.N. Vohra, Secretary Deptt. Of Defence Production & Supply
Shri A.K. Chatterji, Joint Secretary (AP), Min. of External Affairs
Lt-Gen. V.K. Singh, Director General Military Operations
Brig. M.R. Sharma, HQ Northern Command
Shri Rangachari, Deputy Chief of Mission, Indian Embassy in Islamabad

The Pakistan delegation comprised the following:

Syed Ijlaal Haider Zaidi, Defence Secretary
H.E. Mr Niaz A. Malik, Pakistan Ambassador at New Delhi
Lt-Gen. Imtiaz Warraich, DG Joint Staff, Joint Staff HQ
During the visit, Shri Naresh Chandra, Defence Secretary of India, called on the President, the Prime Minister, the Adviser for Defence and the Chief of Army Staff. In these meetings, the Defence Secretary of India conveyed greetings and good wishes of the Indian leaders and their desire to see an early and peacefully negotiated settlement of the Siachen issue.

The discussion were held in a cordial and friendly atmosphere. Both sides discussed specific proposals aiming at an early settlement of the Siachen issue in accordance with the Simla Agreement.

There was agreement by both sides to work towards a comprehensive settlement, based on redeployment of forces to reduce the chances of conflict, avoidance of the use of force and determination of future positions on the ground so as to conform with the Simla agreement and to ensure durable peace in the Siachen area. The Army authorities of both sides will determine these positions.

They agreed that after an in-depth examination of such proposals the next round of talks between the Defence Secretaries will be held at New Delhi in the near future.

On June 19, the Pakistan daily Nation quoted Foreign Secretary Hamayun Khan to have told the paper that India had agreed to vacate the Siachen Glacier area and “a line of demarcation will be drawn to mark the boundary”. He further said that this was an issue of great importance and would play a key role in Pakistan - India relations. He described it a good omen that India had agreed to vacate the Glacier. Humayun Khan also told the press separately that the Defence Secretaries of the two countries had agreed to deploy their forces to the points they held at the time of the signing of the Simla Agreement. The army officials of the two countries would meet to identify such points as these
were not clear. He also added that the agreement on Siachen would remove the potential source of conflict between India and Pakistan. However on the same day an Official Spokesman of the Ministry of External Affairs clarified in New Delhi that no agreement had yet been reached with Pakistan on the redeployment of troops on the Siachen Glacier to their respective positions as before July 1972. The Spokesman was commenting on the statement of Pakistan Foreign Secretary Humayun Khan. The spokesman drawing attention to the joint statements said that the two sides agreed to hold talks in New Delhi in the near future to work out a comprehensive settlement to the six-year old dispute. The settlement would be based on “redeployment of forces to reduce the chances of conflict, avoidance of use of force and the determination of future positions on the ground so as to conform with the Simla Agreement”. In other word the two sides had agreed to determine “future positions” of troops on the basis of 1972 Simla Agreement, not withdraw or redeploy troops to their pre-July 1972 positions, the Spokesman added. While the Ministry of External Affairs was upset at the interpretation given by Pakistan Foreign Secretary to the joint press statement, it believed it could be due to genuine misunderstanding on the part of Humayun Khan of the agreement reached by the two sides.

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2272. **Briefing by Official Spokesman of the Pakistan Ministry of Foreign Affairs on Siachen.**

*Islamabad, June 20, 1989.*

Pakistan has reiterated that an agreement has been reached between India and Pakistan on the Siachen glacier. This position was reaffirmed by the official spokesman of the Foreign Office on June 20 during a briefing of national and foreign media.

When asked to comment on the reported denial by the Indian Foreign Ministry of any such agreement, as was broadcast by BBC, the Spokesman said: “there is nothing wrong with what the Pakistani press has reported”.

The spokesman referred to the joint statement issued at the end of the meeting of the Defence Secretaries of the two countries. He read out the joint statement adding that it was self-explanatory and contains the spirit of what the Foreign Secretary, Dr. Humayun Khan said at Islamabad airport in the presence of his Indian counterpart, Mr. S.K. Singh.
The spokesman said that the joint statements clearly implied that the two sides had agreed to resolve the existing problems in the spirit of the Simla Agreement and that redeployment of troops in disputed Siachen glacier would be decided by the militarily commanders of the two countries at their meeting likely to be held soon and decide on new positions in pre-Simla accord areas.

The statement, the spokesman pointed out, further states that the proposals of the army commanders then would be reviewed in another meeting of the Defence Secretaries of the two countries to be held in New Delhi soon.

However, he said, Pakistan was trying to get the text of the statements issued by the Indian Foreign Ministry and only after that it would be possible for it to comment on the Indian reaction. The spokesman said the Indian Foreign Secretary fully endorsed the statement of Dr Humayun Khan during the joint press conference at Islamabad airport. Asked if the Pakistani Press had correctly reported the contents of the joint press conference, he replied in the affirmative, saying: "By and large the position has been correctly reported in the Pakistani Press."

Media Report on the meeting between Indian and Pakistani military officials on Siachen.

New Delhi, July 11, 1989.

The first round of talks on the Siachen issue between senior Army officers of India and Pakistan concluded in New Delhi on July 17, 1989. Contrary to expectations no joint statement was issued before the Pakistani delegation left for Pakistan. An official spokesman of the Ministry of Defence said that the discussions had been "cordial" but declined to comment any further. The two sides met for about an hour. Earlier the Pakistani delegation accompanied by the Pakistani Ambassador in India, Mr Niaz A Naik, met the Defence Secretary Mr Naresh Chandra.

The talks were essentially of a preliminary nature as a first step in a process which was ultimately aimed at the withdrawal of troops to less combative positions along the 72-km glacier. If there were an agreement on the actual situation the next step would be a joint military commission to determine places to where the troops would move. And then, perhaps a monitoring system —
The recent deliberations will form the basis of the next round, which could be at a higher level. The Defence Secretaries of both countries have been meeting regularly to resolve this dispute.

Defence Ministry sources stressed that the discussions just concluded were not a level high enough to produce a solution. They said that the seven-year-old dispute cannot be resolved soon.

Pakistan had suggested that the troops should pull back during negotiations but India insisted on a concrete agreement prior to any such step. Indian military experts feel that a hasty withdrawal could prove risky. It would be extremely difficult for the troops to regain the high positions occupied now should the Pakistani forces seize them suddenly. The route on the ground and the supply line to the area where the soldiers are in an “eye-ball to eyeball” situation gives Pakistan a definite edge.

While the glacier is of strategic importance, both sides have realized that to continue an armed conflict there is very expensive. Because of the altitude and cold pulmonary oedema strikes regularly. Evacuation in often hampered by bad weather and blizzards. The truce announced after the last meeting of the Defence Secretaries appears to holding. The process towards demilitarization was expected to gather impetus after the Prime Ministers of both countries met.

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2274. **Extract from the Joint Press Release relevant to Siachen issued at the end of the visit of Prime Minister Rajiv Gandhi to Islamabad.**

*Islamabad, July 17, 1989.*

The two prime Minister reviewed the discussion held on the Siachen issue of Defence Secretaries and the army authorities of Pakistan and India in June and July 1989 respectively. In this context, they approved the joint statement issued at the end the Defence Secretaries talks on the 17th of June, 1989.

10. Taking note of these discussions, the two Prime Ministers directed that the Defence Secretaries of India and Pakistan should in their future meetings work towards a comprehensive settlement in accordance with the Simla
Agreement and that this settlement be based on the re-deployment of forces to reduce the chances of conflict and avoidance of the use of force, and further directed that the army authorities should continue discussions to determine future positions on the ground to which re-deployment would take place so as to conform to the Simla Agreement and ensure durable peace in the area. The next meeting of the Army authorities is being scheduled during August, 1989.

A day earlier Prime Minister Rajiv Gandhi speaking at the Banquet hosted in his honour by Pakistan Prime Minister had referred to the loss of lives “in the forbidding ice-bound terrain in the north” and said “the constructive discussions held on the subject contain encouraging pointers to a possible settlement.” Unfortunately the optimism generated by the Prime Minister’s visit did not last long. Ms Bhutto while visiting Siachen Glacier in the very next month (August) said “we were hoping that negotiations would make some progress before the winter snow, “but unfortunately, that has not happened”. Pointing to the soldiers, she said “you can see everybody here is quite dug in for another winter.”

2275.

Telegram from High Commissioner of India in Pakistan J. N. Dixit to Foreign Secretary.
Islamabad, November 28, 1989.

From : Hicomind Islamabad
To : Foreign New Delhi.

The spokesman of the Ministry of Kashmir Affairs and Northern areas of Govt. of Pakistan made an announcement late on Sunday November the 26th which was given publicity yesterday (November 27th) concerning Siachen, which should be a matter of concern to us.
2. Spokesman announced that Federal Government of Pakistan has taken a decision to “revive/create two districts named Ghizar and Ghanche with certain territorial modifications of administrative and cartographic purposes”. He went on to state that “the Federal Govt. has decided to create an additional subdivision named as Siachen subdivision with headquarters at village Thagas in the Ghanche District.”

3. The Hqrs. of the new Siachen subdivision, Thagas, is apparently located 13 to 14 Kms North-East of Khapalu on the Saltoro river approximately at 3513 N latitude and 7629 (E) longitude.

4. Government Spokesman gave following further details: “as a result of revival/creation of these two districts and the additional subdivisions in the Ghanche district in the Northern area, the Federal Government is further pleased to define and notify the subdivision-wise territorial composition of the five districts in Northern areas as under:

1) Gilgit District: Gilgit subdivision, Hunza subdivision, Nagar subdivision.
2) Ghizar District: Gupis/Yasin subdivision. Punial and Ishkoman subdivision.
3) Ghanche District: Khapalu subdivision, Siachen subdivision.
4) Baltistan District: Skardu subdivision, Shigar subdivision, Kharmong subdivision
5) Diamir District: Chilas subdivision, Astore subdivision, Darel and Tangir subdivision.

This notification will become effective from 1st December 1989.

5. the objective of creating a new subdivision North-East of Khapalu and calling it the “Siachen subdivision” is obviously to shake up the spurious claims of Pakistan on the Siachen Glacier area and to use this as an administrative/legal argument when the next round of Indo-Pak discussions takes place on Siachen issue.

6. I think we should immediately take up this matter with the Pakistani authorities putting them on notice that their creating a new subdivision called Siachen subdivision will not be acceptable to us. I could personally call on the acting Foreign Secretary M. Bashir Babar and deliver a note verbale objecting to this administrative-cum-cartographic decision and endorsing a copy of it to the Defence Secretary of Pakistan. The note verbale would state that this step by Pakistan is unacceptable and it would only vitiate prospects of successful negotiations on the Siachen issue.
7. You might consider calling in the High Commissioner of Pakistan in New Delhi and making a similar demarche as early as possible.

8. Request your telegraphic instruction to be taken by me in the context of suggestion in para six above.

9. You will notice from the details of the official spokesman’s statement given above that Government of Pakistan is administratively re-organising the whole Northern area to which we have claims. This also could be objected to by us generally depending on political consideration whether we wish to touch upon the larger controversies affecting POK and related territories.

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2276. Aide Memoire from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs.
New Delhi, December 1, 1989.

AIDE MEMOIRE

The Government of Pakistan has brought about an unilateral alteration in the situation in the northern territories of Jammu and Kashmir through its recently announced revival/creation of two new districts and a new subdivision which has been provocatively called Siachen subdivision. This action is not in keeping with the Simal Agreement and the Government of Pakistan has no right or sanction to do the above.

The creation of the so called Siachen subdivision cannot but be construed as a provocative step which can only vitiate the atmosphere of the ongoing discussions between our two countries to work out a comprehensive mutually acceptable settlement. The Siachen glacier area has always been an intrinsic part of the Nubra Tehsil of Ladakh district of Jammu and Kashmir and continues to be under Indian administrative control and jurisdiction.

1.12. 1989

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Speech of Pakistan Prime Minister Benazir Bhutto in the Joint Sitting of Parliament initiating the debate on the Situation in Kashmir.


Prime Minister Benazir Bhutto reiterated on February 10 Pakistan's principled position on the Jammu and Kashmir dispute and said that the present upheaval in Kashmir was the natural consequence of the persistent Indian repression over the last 42 years.

Initiating the debate on the evolving situation in Kashmir, in the joint sitting of Parliament, she regretted Indian attempts to externalize the Kashmiris struggle for independence, and repudiated Indian charges of Pakistan's involvement in the developments in Kashmir. She said it was the Kashmiris' will for independence. It was the fire smouldering for the last 42 years inside Kashmir. It was a revolution which had been passed on from one generation to the other.

Ms. Bhutto declared that the situation in Kashmir was not merely a law and order situation or an economic problem. It was the result of the spirit for independence and freedom on the part of the Kashmiris, she added.

She said when the entire world was in the grip of a wave of freedom and the Berlin Wall was breaking, the Kashmiris had also risen against their illegal and unconstitutional occupation by India.

She declared that the lasting solution of the Kashmir dispute had to be found through negotiations, dialogue and peaceful means. But she said that option for peace did not mean that Pakistan would abandon the Kashmiris' right for self-determination. Pakistan would never compromise on the Kashmiris' right of self-determination and it would continue to support the resolution of the dispute through free, fair and impartial plebiscite in Kashmir.

Ms. Bhutto said that Pakistan did not wish a clash or confrontation with India. There had been two wars between the two countries on this issue and Pakistan did not want the third one.

The Prime Minister assured the countrymen that Pakistan's armed forces were vigilant and ready to defend the motherland. Pakistan did not want war with India nor did it like to encourage a war-psychosis, she said.

She, however, declared that under no circumstances Pakistan's security and independence would be thrown to jeopardy. Pakistan, she said, was faced with many challenges and it must measure up to them. "We must remain
steadfast and unflinching in our resolve and determination," she said adding. We will not be intimidated. Internal unity is the real strength."

Repudiating Indian accusations against Pakistan on the subject, she termed it as an attempt to externalize the issue and divert public attention from it. She said that the evolving situation in Kashmir could not be the work of external elements or the miscreants. The fact of the matter, she said, was that the Kashmiris had never accepted Indian occupation. The Kashmiris' struggle had started against Indian occupation as far back as 1947.

Ms Bhutto recalled that when the Indians went into Kashmir, the Kashmiris rose against it. It was India which rushed to the UN following which the Security Council passed resolutions for a free, fair and impartial plebiscite.

She, however, regretted that India resiled and flouted its commitment in this regard. It was unfortunate that Pandit Nehru's commitments on the subject were still to be honoured by the Indian authorities, she said.

Stating that Pakistan could not remain a silent spectator to the objective realities in Kashmir, Ms. Bhutto said that when the wave of freedom throughout the globe had changed the map of the world, the uprising in Kashmiri had a special significance. Pakistan, she said, was with them in their just cause. Pakistan had extended moral and political support to the Kashmiris in the past and would continue to do so in the future.

She said that all countries, which valued human dignity must not remain silent when blood was staining the beautiful valley of Kashmir.

Referring to the threats being hurled at Pakistan by India, Ms Bhutto said that Pakistan wanted a peaceful settlement of the Kashmir dispute and it could not be intimidated by threats. The people and the Government of Pakistan were one and would defend the integrity and solidarity of Pakistan. "We have the courage, will and capability to defend the motherland," she declared.

She vehemently denied that Pakistan was providing arms to the Kashmiris and regretted that India was trying to turn the Kashmiris' own struggle into Pakistan's struggle, which was far from the truth. She declared that it was the struggle of the Kashmiris who were waging their crusade with bare hands. "The Kashmiris' sacrifices would never go waste," she declared.

Ms Bhutto said that the situation in Kashmir was not only an important event in Pakistan's history, but also in the world history. She said the world was changing, the people were awakening and dictators were falling in the world, with the wave of freedom all around. The masses, she said, were anxious for freedom, for which they were rendering immense sacrifices.
She said that the people of Kashmir had also risen against the 42 years of repressive Indian rule. Bullets were ringing in the valley of Kashmir and the people were writing new history. But, she said, a new freedom fighter was born with every drop of blood spilling there - who was imbued with the spirit of freedom and who dreamt for revolution.

She said the Kashmiris were rendering sacrifices for their right of self-determination, and the entire valley was groaning under the impact of repression and firing.

In these circumstances, she said, Pakistan, *Ummah* and the world at large could not remain silent spectators. Pakistan had always supported the principle of right of self-determination, and it was in this context that Pakistan's support for Palestine, Afghanistan and Namibia had remained unflinching throughout. On the same plain, she said the Kashmiris would continue to enjoy Pakistan's full support for their right of self-determination.

She said that the nation displayed solidarity with the Kashmiris on February 5 and she appreciated the opposition's exemplary conduct in this connection. She described it as an expression of patriotism and political vision. It had proved that the Kashmir issue transcended all political differences.

She declared that Pakistan had proved to the Kashmiris that they were not alone in their struggle for the right of self-determination and 100 million people of Pakistan would continue to support them morally and spiritually and in every other way.

She also referred to the countrywide strike as a token of solidarity with the Kashmiris with discipline and restraint and saluted the people of Pakistan for their laudable conduct. This had proved, she said, that the nation would stand united in any crisis and would render all sorts of sacrifices for the country.

Ms Bhutto said that the National Assembly and the Senate had debated the Kashmir issue, in one way or the other, over the past one year. But Pakistan could not remain silent in the current situation in Kashmir.

She said that she had held detailed talks with the Azad Jammu and Kashmir President and the Prime Minister on the subject, while Foreign Minister Sahabzada Yaqub Khan expressed Pakistan's grave concern over the situation in Kashmir during his visit to the Indian capital. The government, she said, desired to afford an opportunity to the elected representatives to discuss this issue in this august forum of the Majlis Shoora (Parliament) so that a consensus could be evolved on the issue.

She said that it had remained an ardent desire of Pakistan throughout its history
KASHMIR

to find a peaceful solution of the Kashmir dispute. The desire was, however, spurned by the negative attitude of the Indian government.

Pakistan, she said, wanted to establish tension-free relations with India so that attention could be diverted to the elimination of hunger, poverty and disease.

She said that it was Pakistan's persistent endeavour to resolve outstanding problems with India on the basis of sovereign equality and principles of justice. This desire, she said, was conveyed to the new Indian government as it was voted to power.

The Prime Minister, however, regretted that as true of the past, the Indian authorities had this time as well resorted to leveling wild allegations against Pakistan, in the context of the Kashmiris' struggle for independence. What should be noted, she said, was that India had failed to provide even a single proof of Pakistan's involvement in the Kashmir situation.

She said that the PPP government was proud of having supported the Kashmiris' cause throughout. She recalled that the late Zulfikar Ali Bhutto, first elected Prime Minister of Pakistan, raised his voice vociferously in support of the Kashmiris. The Kashmiris in the valley responded comprehensively to his call for strike on February 22, 1975.

She said that the present government had brought home to the foreign governments at different levels Pakistan's principled position on the Kashmir situation. The ambassadors in Pakistan were also briefed on the situation.

She said that Pakistan was keeping a vigilant eye on these developments and assured the members that whatever steps the Pakistan Government would take would be in consonance with the aspirations of the people.

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Joint Press Statement issued at the end of Sixth round India – Pakistan talks on Siachen.

New Delhi, November 5, 1992.

The Sixth Round of Talks on the Siachen issue between the Defence Secretaries of India and Pakistan were held in New Delhi from November 2-4, 1992.

During his visit, Defence Secretary of Pakistan was received by Shri Sharad Pawar, Defence Minister of India.

The discussions, which were resumed after a gap of three years, were cordial and constructive. Discussions were held on measures to carry forward the work done during the fifth round of talks between the two sides held in June 1989.

Proposals aimed at a comprehensive resolution of the Siachen issue were discussed. Both sides shall now report to their respective Governments.

It was agreed that the next round of talks will be held in Islamabad at an early date.

The Pakistan Delegation comprised:

- H.E. Syed Salim Abbas Jilani, Defence Secretary
- H.E. Riaz H. Khokhar, High Commissioner
- Maj-Gen. (Retd) Raja Mohammad Iqbal, Additional Defence Secretary
- Mr. Khaleed Saleem, Additional Foreign Secretary
- Maj-Gen. Ziaullah Khan, Joint Staff Headquarters
- Mr. Shahid Malik, Deputy High Commissioner
- Brig. Tauquir Zia, General Hqrs
- Brig. Jamshaid Gulzar, Defence & Army Attache, Pakistan High Commission
- Mr. Zamir Akram, Counsellor, Pakistan High Commission
- Lt. Col. Muhammed Saeed Sharif, General Headquarters
- Ch. Khalid Naseem; Section Officer, Ministry of Defence

The Indian Delegation comprised:

- Shri N.N. Vohra, Defence Secretary
Shri S.K. Lambah, High Commissioner of India for Pakistan
Lt-Gen. V.R. Raghavan, UYSM, AVSM, Director General Military Operations, Army HQ
Shri D. Basu, Joint Secretary (G), Ministry of Defence
Shri M. K. Bhadrakumar, Joint Secretary (IPA) Min. of Ext. Aff.
Maj-Gen. V. M. Patil, Additional Director General, Military Operations
Shri R. K. Singh, Director (G), Min. of Defence.
Brig. Shankar Prasad, Deputy Director General Military Intelligence, Army HQ.
Brig. G.K. Duggal, Defence Adviser, High Commission of India, Islamabad.
Shri A.K. Aoyal, Under-Secretary, Ministry of Defence.

2279 Clarification provided by the Official spokesman of the Ministry of External Affairs regarding the Joint Press Statement issued on the sixth Round of Talks on Siachen.

New Delhi, November 6, 1992.

In response to a query, on the apparently differing perceptions of India and Pakistan on the outcome of the Defence Secretary level talks on the Siachen issue held in New Delhi from November 2 to 4, 1992, the Spokesman clarified that the Statement issued by the Government of India reflects the “clinical and factual position”. There was a certain progress made in terms of the technical details of disengagement of troops. It was on this particular question the talks in 1989 had floundered. On this occasion, however, the talks did not flounder on this point. The point is that when one talks of disengaging, one has to take note of the places to which we move, but the places from where we withdraw is also to be on record. The Pakistani side is still unable to see the full logic of this approach but we are trying to overcome this and are hopeful that we will move forward in the next round.
Media Briefing by Official Spokesman of Pakistan Ministry of Foreign Affairs.

Islamabad, November 11, 1992.

The Pakistan Foreign Office spokesman said on November 11 that the Siachen talks have failed, though both Pakistan and India agreed to continue the process in Islamabad for which no dates have been set. Briefing newsmen, he said: “It is regrettable that the sixth round of talks on the Siachen issue ended without forward movement. It is important that both sides should approach the Siachen question with an open mind and a constructive attitude and that neither side should insist on preconditions.”

The spokesman said the talks are stalled because India has introduced a new element of preconditions which is against the June 1989 agreement and against the Simla Agreement.

The tense relations between the two countries appear to have an effect on the latest talks, where India appears to be looking for non-issues to stall any progress. Doubts also arise that by not agreeing to any definite dates for the next round of talks, India has sent a signal that it is not willing to play ball. Even on the issue of Sir Creek, the spokesman admitted that both sides stated their known position but there was no forward movement.

Asked about the core issue between the two sides, the spokesman replied: “If the Kashmir issue is resolved, there would be no Siachen problem. The other issues would also be easily resolved.” But the spokesman was not willing to admit that these talks should be treated as a negative signal from India when he said to a query: “I would not go beyond that; regretfully the Siachen talks were without any forward movement. In stating this, we speak about the totality.”

Giving a background of these talks, the spokesman said in the sixth round of Foreign Secretary-Level talks, it was decided that the Siachen issue should be resolved in accordance with the June 1989 agreement. “It was agreed by both parties to work out a comprehensive solution to the problem,” he added.

The three main elements of the June 1989 agreement “from which India backed out this month were redeployment of forces, reduction in chance encounters and redeployment of forces on the ground. This, the spokesman said, under the Simla Agreement would ensure a durable peace in the Siachen area.

Citing the present position, the spokesman said there was no difference in working out modalities of redeployment of the two armed forces as well as no difference on monitoring arrangements by the military sides. The spokesman,
however, said, “The Indian side has introduced preconditions that are not acceptable.”

Coming the second point, the spokesman said the question of delineation of the Line of Control between the last known point of NJ 9842 and the Karakorum Pass can be jointly taken up after the redeployment agreement in accordance with the June 1989 understanding.

He said Pakistan’s stand was that the area in Siachen which is a kind of a triangle should be considered no-man’s land in which neither side should intrude after they have reached an agreement in this regard. He said: “There is no problem on where the forces will go back from. In fact, there was progress on this. But we did not agree to where they insist their troops presently are.”

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2286. Joint Press Statement issued on the conclusion of 7th round of talks between the Defence Secretaries of India and Pakistan on Siachen.

New Delhi, November 6, 1998.

As part of the composite and integrated dialogue process between India and Pakistan on the basis of the agreed agenda of the Joint Statement of June 23, 1997*, discussions were held on the Siachen issue in Delhi on November 6, 1998. The Indian delegation at these discussions was led by Defence Secretary, Shri Ajit Kumar and the Pakistani delegation by Defence Secretary Lt. Gen (Retd) Iftikar Ali Khan.

2. The Pakistan Defence Secretary also called on Raksha Mantri (Defence Minister), Shri George Fernandes.

3. Discussions were held in a frank and cordial atmosphere. The Two sides stated their respective positions on the issue.

4. It was agreed to continue discussions on the issue during the next round of the dialogue process.

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* Pl. See Doc. No.1392
2282. Note circulated to the press by the Government of India after the Seventh Round of India – Pakistan talks on Siachen.

New Delhi, November 6, 1998.

As part of the composite dialogue process between India and Pakistan, discussions were held on Siachen area in Delhi on 6 November, 1998. The composite dialogue process is directed at improving relations between the two countries across a broad, building confidence and trust, putting in place a stable structure of cooperation and addressing all outstanding issues.

The Line of Control in Jammu & Kashmir, demarcated following the Simla Agreement, extends up to point NJ 9842. The areas North and East of NJ 9842 have always been under our administrative control and our troops were located at Daulat Beg Oldi, Sasoma and Zingrulma, Siachen area and area up to Karakoram Pass was patrolled regularly since 1950s. Pakistan deliberately encouraged activities such as granting illegal permission to mountaineering expeditions. Further Pakistani maps surfaced with the unacceptable arbitrary line from the grid reference NJ 9842 to the Karakoram Pass without any basis in law, tradition or fact. By late 1983, Pakistan had flown air photo missions, acquired special snow clothing and had plans to induct specially trained and equipped forces for the military occupation of the Siachen area. Under these circumstances, India had by 1984, no option but to secure its position in an area historically under its control in a state that in its entirety is its integral part.

Pakistan has not been willing to accept India’s legitimate presence in a part of its own territory. It, therefore, began hostilities against Indian posts in the Siachen area which have continued unabated. Pakistani troops have made repeated attempts to dislodge Indian troops from their positions. These attempts have all along been repulsed. It is noteworthy that Pakistani provocative actions in the Siachen area have been particularly marked since September this year. Even as our delegations were engaged in the opening round of the composite dialogue in Islamabad last month, Pakistani forces made an attempt to capture one of our posts in the area.

The Indian approach during the recently concluded discussions on Siachen has been characterized by its earnest desire to have peace and tranquility in the Siachen area and to put an end to the hostilities. With the above in mind, we have proposed an agreement on ceasing fire in Siachen. Such a step, in our view, would immediately defuse tension and the atmosphere of confrontation in the area. We have also proposed additional steps such as discussions of the modalities of implementation of the cease-fire and
authentication of the existing ground position in the area so as to ensure an effective implementation of the cease-fire. After these essential steps, discussions could take place on other aspects of the issue such as disengagement/redeployment.

New Delhi, 6 November 1998.

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2283. Joint press statement issued at the end of the India – Pakistan talks on Siachen.

New Delhi, August 6, 2004.

The two day Defence Secretary level talks between India and Pakistan on Siachen, in the frame-work of the Composite Dialogue were held in New Delhi on 5 – 6 August 2004. The Indian delegation was led by Defence Secretary, Shri Ajai Vikram Singh. The Pakistan delegation was led by Defence Secretary Lt. Gen. (Retd.) Hamid Nawaz Khan.

2. The Defence Secretary of Pakistan called on Raksha Mantri, Shri Pranab Mukherjee and National Security Advisor, Shri J. N. Dixit.

3. Frank and candid discussions were held in a cordial and constructive atmosphere aimed at taking the process forward. Both sides assessed positively the ceasefire that has been in effect since 25 November 2003.

4. The military experts of the two sides also met to discuss modalities for disengagement and redeployment of troops, and agreed to have further discussions.

5. The two Defence Secretaries agreed to continue their discussions with a view to resolving the Siachen issue in a peaceful manner1.

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1. Before the arrival of the Pakistani delegation and to prepare for the talks the Cabinet Committee on Security (CCS) on August 4 deliberated on the options for solving the Siachen and Sir Creek disputes with Pakistan. The two-hour long meeting was given a presentation by the Army on the Siachen dispute and the implications on the country’s security if the positions on the glacier were left unmanned. The meeting chaired by Prime Minister reviewed the position regarding demarcating the Line of Control beyond the grid reference NJ 9842, withdrawing the troops to agreed positions only after recording the existing positions and defining a no-war zone.
Joint press release issued on talks between the Defence Secretaries of India and Pakistan on Siachen.

Islamabad, May 27, 2005.

The Defence Secretaries level talks between Pakistan and India to discuss Siachen Issue under the Composite Dialogue Framework were held in Islamabad on 26-27 May 2005. The Pakistan delegation was led by Defence Secretary Lt. Gen. Tariq Waseem Ghazi (Retd.). The Indian delegation was headed by Defence Secretary Ajai Vikram Singh.

The two sides held frank and constructive discussions with a view to taking the process forward. They expressed satisfaction at the ceasefire currently in place since November 2003 and agreed to its continuation.

It was agreed by the two Defence Secretaries to continue with their discussions to resolve the Siachen issue in a peaceful manner.

The Defence Secretary of India called on the Senior Minister for Defence Rao Sikandar Iqbal and Foreign Secretary Mr. Riaz Muhammad Khan.

* A day earlier on May 26 the Army Chief, General J.J. Singh said that India “wants that the 110 k.m long actual ground position line on the Siachen glacier should be authenticated by Pakistan.” Stating the Indian position, General Singh said that the country’s interests “will be served only when the Actual Ground Position Line (AGPL) is authenticated”. He said the country’s basic position was that the present AGPL between NJ 9842 to upper Saltoro ridge should be authenticated as “it will safeguard the country’s interests in the future”. The army chief added that the Army had given the plans and feedback to the government on the issue. The official sources reiterated this position on the eve of External Affairs Minister’s visit to Islamabad in October. It was stated that redeployment of Indian and Pakistani troops in the Siachen would be possible provided the two sides agreed on the current actual ground position. It was further stated that the two countries would have to arrive at an understanding on what would be done with the area where the troops were currently deployed. Media quoted official sources to say that India favoured plotting the further course of the Line of Control which stops at Point NJ9842. President Musharraf during his visit to New Delhi in April had agreed that there should be some form of verification of the actual ground positions in Siachen.
Joint Press Release issued on the conclusion of Defence Secretary-level talks between India and Pakistan on the Siachen issue.

New Delhi, May 24, 2006.

1. The Defence Secretary-level talks between India and Pakistan on the Siachen issue in the framework of the Composite Dialogue were held in New Delhi on May 23-24, 2006. The Indian Delegation was led by Shri Shekhar Dutt, Defence Secretary, and the Pakistan delegation by Lt Gen (Retd) Tariq Waseem Ghazi, Defence Secretary. The Defence Secretary of Pakistan called on Shri Pranab Mukherjee, Defence Minister of India and Shri MK Narayanan, National Security Advisor.

2. The two sides held frank and constructive discussions in a cordial atmosphere. They welcomed the successful continuation of the ceasefire since November 2003 and reaffirmed their commitment to it

3. The Defence Secretaries agreed to continue the discussions to resolve the Siachen issue in a peaceful manner

1. Almost a month ahead of the Siachen talks National Security Advisor MK Narayanan had told journalists (on April 20) that India and Pakistan were “closer” to a “final point” on the Siachen problem. Talks were on to finalise the modalities for the authentication of the present troop positions, which could pave the way for the demilitarization of the world’s highest battlefield. He said India was keen on having “iron clad guarantees” from Pakistan to avoid a scenario in which India would have to “reclaim” the positions it now occupied. “(Agreements) on Siachen and Sir Creek have been on the anvil for a long time. As far as Siachen is concerned the issue has been how do you authenticate the line where they (troops) are,” Mr. Narayanan said. Asked the minimum conditions that India would expect Pakistan to meet, he said “I don’t think we are laying any conditions.” The only point is that we are occupying positions on the Saltoro Bridge. If we move back and if for some reason it becomes necessary to go back, it becomes so much more difficult,” he said.
2286. **Joint Press Statement issued at the end of India-Pakistan Defence Secretary level talks on Siachen.**

**Islamabad, April 7, 2007.**

The Defence Secretary level talks between Pakistan and India on the Siachen issue within the framework of the Composite Dialogue were held in Rawalpindi on April 6-7, 2007. The Pakistan delegation was led by Mr Kamran Rasool, Defence Secretary while the Indian delegation was led by Mr Shekar Dutt, Defence Secretary.

2. The discussions were held in a candid and constructive atmosphere. The two sides reaffirmed their commitment to the November 2003 ceasefire between the two countries which is holding successfully.

3. The Indian Defence Secretary also called on Rao Sikandar Iqbal, Senior Minister for Defence.

4. The Defence Secretaries agreed to continue the discussions to resolve the Siachen Dispute in a peaceful manner.

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1. A report in the Pakistani paper *Daily Times* said that Pakistan had softened its position on the question of authentication of maps indicating the present troops position on the ground as suggested by India. The report said Pakistan had offered a package deal under which it had agreed to the Indian suggestion for authentication “but asked for time-bound withdrawal of troops to the pre-conflict position as a quid pro quo”, the paper reported. “Pakistan would also like India not to use authentication for any sort of legal claims in future,” the paper quoted its sources as saying. Earlier the leader of the Indian delegation Defence Secretary Shekhar Dutt on arrival in Islamabad for the talks had said “I am sure we are heading for a resolution.” Meanwhile Defence Minister A. K. Antony on May 5 during his visit to Siachen reiterated that India was in no hurry to vacate unfriendly heights of the Siachen glacier and Saltoro Ridge saying there was no question of troops withdrawal until Pakistan agreed to authentication of the 110-km Actual Ground Position Line (AGPL). He said: “I can’t say if a solution is in sight … Before any forward movement, we must authenticate relative troop positions on sides of the AGPL.” However there was no change in the Pakistan position. India in the face of Pakistani reluctance could too make no further move. When Defence Minister was asked by journalists on June 18 whether India and Pakistan were closed to resolving the Siachen dispute, Defence Minister Mr. Antony pointed out that India had “stated very clearly” that any forward movement would depend on Pakistan agreeing to authenticate the Actual Ground Position Line (AGPL) and troops position. The Pakistani Spokesperson responded to Defence Minister’s observations and said in Islamabad on June 20th “Repetition of a rigid position that Pakistan has already rejected is not going to be of any help and will lead to nowhere.”

It may be relevant to recall that Prime Minister Dr. Manmohan Singh had proposed two years ago that the icy heights of Siachen in Jammu and Kashmir be demilitarized and converted into a “mountain of peace”. However, before undertaking demilitarization, New Delhi has been insisting on “iron-clad” authentication by Islamabad of the present troop positions of the two countries as it is wary of repetition of Kargil experience when Pakistani troops captured mountain heights vacated by India in winter. Pakistan’s reluctance to authenticate has prevented any forward movement in talks over the issue.
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TO

My Late Wife
Mandip Kaur

Mother of
Puneet and Mantosh

Mother- in- Law of
Gurpreet & Kamaljeet

Grandmother of
Arjan,
Geetika
Amitoj
Zorawar
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2613. Statement of the Indian Irrigation and Power Minister Dr. K.L. Rao in the Lok Sabha on Indo-Pak talks on eastern rivers.
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2614. Question in the Lok Sabha : “Farakka issue to be raised by Pakistan In the UNO”.
New Delhi, May 6, 1970.

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New Delhi, July 21, 1970.

2616. Statement of the Indian Deputy Minister of Irrigation and Power Prof. Siddheshwar Prasad in the Rajya Sabha on Indo-Pakistan talks on eastern rivers.

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INDIA – PAKISTAN RELATIONS

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KUTCH

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SECTION-IX
EASTERN WATER
INDIA-PAKISTAN RELATIONS

SECTION - VII

KUTCH
2287. Note from Pakistan High Commissioner in India to the Ministry of External Affairs.

New Delhi, July 14, 1948.

Office of the High Commissioner for Pakistan in India
New Delhi

No. 62(1)P/48-1893, the 14th July, 1948

Subject: Boundary dispute between Sind and Kutch State.

The High Commissioner for Pakistan in India presents his compliments to the Secretary to the Government of India in the Ministry of External Affairs and Commonwealth Relations and has the honour to enclose a copy of letter from the Dewan of Cutch to the Chief Secretary to the Government of Sind No. 1806, dated the 24th/26th May 1947 from which it will be observed that the Dewan has proceeded on the assumption that the un-demarcated part of the boundary between Sind and Cutch had been settled since its trigonometrical survey during the seasons 1881-1882 and 1883-1884. The position, however, is that the boundary in question is still in dispute and must be settled before the question of fixation of boundary pillars can be considered or taken in hand.

2. It appears that the question of settling the boundary after it was raised in 1875 was revived again in 1926. Nothing further developed until 1937-38 when a topographical survey was carried out by the Survey Department of the Government of India. The Officer-in-Charge of the Survey held a conference of the representatives of Sind and Cutch and Wav states but no agreement was arrived at. The representative of Sind claimed that the boundary line passed through the middle of the Rann of Cutch thus attaching the northern part of the Rann to Sind and wished it to be marked accordingly. That was not, however, agreed to by the representatives of Cutch and Wav States.

3. There was further correspondence between the Government of Sind and the Officer-in-Charge, No. 1 Party, Survey of India on the subject of the alignment of the boundary in question in the topographical maps of the Survey of India resulting in the latter's letter No. 1575/44-B-4, dated the 23rd August 1939 (copy enclosed) in which he agreed to omit the disputed boundary from the modern survey maps. Even if the boundary line is shown contrary to this agreement, topographical maps of the Survey of India are not authoritative as regards the alignment of fiscal boundaries.

4. Non-demarcation of the boundary on the ground is causing considerable hardship to the cattle owners of the area claimed by Sind. It has been represented to the Collector of Tharparkar that the Cutch authorities have leased
out the entire Rann of Cutch to one Shadikhan who is harassing and charging exorbitant grazing fees from the maldars (cattle owner) of Thar who can legitimately claim to have free grazing as the northern part of the Rann is claimed by Sind as part of Sind territory. The Collector wrote to the Cutch authorities requesting them to stop Shadikhan from harassing the maldars but received no response.

5. The question of settling the boundary and erecting the boundary pillars between Sind and Cutch is now very important and urgent, particularly as local disputes about grazing fees might easily lead to unpleasant incidents. As, however, there has been no agreement between Sind and Cutch State on the disputed boundary for such a long time, the Government of Pakistan has suggested that a Joint Boundary Commission of the Dominions of India and Pakistan should investigate and settle the dispute. The views of the Government of India on the suggestion may kindly be communicated to the High Commission for Pakistan at an early date.

High Commission For Pakistan in India
(Seal)

The Secretary to the Government of India,
Ministry of External Affairs and Commonwealth Relations,
New Delhi.

***************

Copy of Letter No. 1806 of 1947, dated the 24th/26th May 1947 from the Dewan of Cutch to the Chief Secretary to the Government Of Sind, Karachi.

Subject: Erection of Boundary Pillars between Kutch and Sind in accordance with the boundary already agreed to.

I have the honour to state that boundary pillars were erected in 1924 on the boundary line between Cutch and Sind from the mouth of the Sir Creek to the Tri-junction of Karachi and Hyderabad Districts and Cutch State. The trigonometrical survey of the rest of the boundary between Sind and Kutch was completed during the seasons of 1881-1882 and 1883-1884, as shown in the trigonometrical sheets Nos. 40D/12 – 16, 40D/11 – 15, 40H/3 – 7, 40H/4 – 8, 40H/11 – 15, 40L/3 – 7, 40L/11 – 15, 40L/10 – 14, 40P/3 – 7 and 40P/2 – 6. A Topographical survey of the Tharparkar District was made in 1937–38 and the same boundary as mentioned above has been marked on the topographical survey sheets Nos. 40L/SE, 40L/SW and 40L/NE. The position has once again been clearly shown in the trigonometrical sheet No. 40D/SE in parts of 40H/SW which was reprinted in 1939 with additions and corrections from extra-departmental information.
2. The Government of Cutch now propose that pillars on the boundary line already determined beginning from the Tri-junction up to the end of Sind-Cutch boundary in the east should be erected during the next cold season. The Government of Cutch are prepared to supply the required pillars and to erect them in conjunction with the Sind Government on the basis of the expenses being shared equally by the parties concerned.

***************

Copy of letter No. 1575/44-B-4, dated the 23rd August 1939 from the Officer-in-charge, No. 1 Party, Survey of India to the Collector, Tharparkar District, Mirpurkhas.

Reference your No. I.S./3684 of 1939, dated 18-8-1939.

I have the honour to inform you that as the Provincial boundary in the Rann of Cutch is un-demarcated and the authorities of Sind, Cutch State and Wav State still differ as to its correct alignment no decision can be arrived at by me. I propose to omit this boundary from the modern survey maps.

◆◆◆◆◆

2288. Letter No. 2109, dated the 15th August 1948 from the Chief Commissioner for Kutch to the Deputy Secretary to the Government of India, Ministry of States, New Delhi.

Subject: Boundary dispute between Sind and Kutch.

Reference your letter No. F.3(2)-IA/48 dated 24th July 1948 on the above subject.

The dispute between Kutch and Sind regarding western boundary arose in 1908 with regard to the territory between the Sir and Kori Creeks. The Bombay Government at that time claimed the Sind boundary up to the Kori Creek. The dispute was mutually settled between the Bombay Government on the one side and the Mahrao of Kutch on the other. This boundary was clearly demarcated and the boundary pillars were erected in 1924 from point B – C – D. This boundary joins up with the Kutch – Sind boundary in the north – east, namely the tri-junction of the Talukas of Jati and Badin in Sind and Kutch, marked as D in the map. The boundary line runs from the middle of north of the Sir Creek, point A to B from whence it goes east to C and then northwards to D, the tri-junction of Jati, Badin and Kutch. The remainder of the boundary which
runs along the northern edge of the Rann of Kutch was not in dispute then and has never been disputed since. We have always claimed and enjoyed possession of the entire Rann up to the above mentioned boundary line from point D eastwards marked E F G H I J K L.

2. The Viramgam Salt Line (as it then existed) also runs along this boundary line showing that from the tri-junction point (marked D) the then British Indian jurisdiction began. All along this line the Government of India maintained Customs Chowkies (posts) at suitable intervals and the road joining these has always been recognized as the boundary between Sind and Kutch up to the point L. Thus not an inch of land south of the Viramgam Line has ever belonged to Sind.

The Government of Kutch has also a fort (now in ruins) situated about a mile south of Rahimki Bazar (marked X).

3. Regarding the north-eastern portion of our boundary marked L M N O P, it was proposed to resurvey the Tharparkar District (in 1938) and a Survey Party was sent by the Government of India for the purpose. Taking advantage of this the Sind Government raised an objection to our existing boundary, claiming that half the Rann in that area should be included within their boundary. But on our vigorous protest the matter was dropped and the existing boundaries were allowed to continue and thus the entire Rann which had always belonged to us continues to be ours till today.

4. The letter No. 1575/44-B-4 dated 23.8.1939 from the Officer-in-Charge No. 1 Party, Survey of India to the Collector, Tharparkar District, refers to this north-eastern boundary only. The Officer-in-Charge No. 1 Party could not be presumed to have had authority to undo what had been authentically shown on the Survey of India maps as the boundary between the Province of Sind and the Kutch State, and the boundary line as shown by the Survey of India maps is the real boundary of Kutch and had never been changed or modified since (as shown in the trigonometrical sheets Nos. 40D/SE, 40H/SW, 40H/SE, 40L/SW, 40L/SE and 40P/NW).

5. New as the Wav State has become a part of the Indian Union territory the question of dispute between Kutch and Wav does not arise. It only remains to settle the boundary between Sind and the Union Government which may be done by getting suitable boundary pillars erected along the line shown in the trigonometrical sheets referred to, shown in map attached herewith from point D to N. I would like to point out that the Sind Government has always cast covetous eyes on Kutch territory adjoining their boundary, especially the Chhad Bet (marked Y) as it provides excellent pasturage. Numerous attempts had
been made by the Sindhis in the past to establish their grazing claim on this area by sending cattle, sometimes stealthily and sometimes forcibly there, and this has always been resisted by the Kutch authorities and till now the Government of Kutch has succeeded in asserting their possession of this area by recovering grazing dues from the Sind cattle owners. Also we are maintaining a few camel *sowars* (riders) there for this purpose.

6. **Historical.** In ancient days the river Indus used to flow through a part of this Rann and it was not barren as it is now and produced bumper rice crop. Some of the finest rice used to be produced in this area and the Government of Kutch used to derive a revenue of 8 lakhs from it as can be seen from “Selection from the records of the Bombay Government No. XV (page 99)”, an extract of which is reproduced below:-

   “Goolam Shah (the Sind Mir) at this period (1762 A.D.) or a short time previous, had inflicted an irreparable injury on Kutch. The Rann which had received its waters chiefly from the eastern Brach of the river Indus, had yearly produced large quantities of rice, and revenue to the state of eight lakhs of Koris. By building an embankment at Ally Bunder the flow of fresh water was prevented and no resistance being offered to the sea, the Rann became quickly inundated and has remained a salt marsh, perfectly unproductive, ever since.

This also proves that even in those days this area belonged to us.

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2289. Office Memorandum from the Government of India, Ministry of States to Ministry of External Affairs.

New Delhi, July 5, 1949.

No. F. 122 – P /49

Government of India
Ministry of States
New Delhi

Office Memorandum

Boundary dispute between Sind and Kutch.

The undersigned is directed to invite a reference to the Office Memorandum from the Ministry of External Affairs No. F. 12 – 8 (48) Pak – I dated the 2nd May, 1949 on the above subject and to state that this Ministry has carefully examined the claims of the Pakistan Government that the disputed boundary between Sind and Kutch should be investigated by a Joint Boundary Commission of the two Dominions. A dispute arose in 1908 between the Sind Government and the Kutch State regarding the western boundary between Sind and Kutch and this was finally settled in 1912 by a compromise agreed to by all the parties which defined the Western boundary from the mouth of the Sir Creek to top of the Sir Creek. This boundary was later on demarcated and boundary pillars were erected. The rest of the boundary between Sind and Kutch ran over the border of the Rann of Kutch and there has never been any dispute about this. In 1937 – 38 this boundary was rigorously surveyed by the Survey of India and the boundary is shown clearly in the Survey of India Sheet No. 40 L/S.E. The boundary between Sind and Kutch shown on this map was not demarcated on the ground but was surveyed following the limit of the Rann of Kutch as pointed out by local officials. The boundary thus surveyed was subsequently compared with the record copies of maps received from the Superintendent of Survey and Land Records, Sind, and was found in agreement suitable to the scale.

2. The Sind Government have never disputed this boundary between 1924 – 1947 when Sind was treated as a separate Province and it is surprising that they should have raised the issue on a request from the Kutch Durbar for the erection of boundary pillars. In the circumstances explained above the Government of India do not admit that there is any dispute as regards the boundary between Sind and Kutch and do not see any necessity for the appointment of a Joint Boundary Commission as suggested by the Pakistan Government.
3. The Chief Commissioner of Kutch has reported that a highly inflammatory leaflet said to have been printed at Hyderabad, Sind, is in circulation on the northern border of Kutch. It alleges that Chhad Bet belongs to Pakistan Government and that removal of grass, cattle, etc. to Kutch from this area is a heavy loss to the Pakistan Government and that measures should be taken to restore Chhad Bet to Pakistan. This Ministry considers that this kind of propaganda for a revision of boundaries should be discouraged. The Agent employed by the Kutch Government for collecting much needed fodder from this Chhad Bet area has been threatened with dire consequences by Pakistan nationals which finds expression even in newspaper articles. This may be brought to the notice of the Pakistan Government who may be requested to take strong and prompt action to stop this propaganda.

Deputy Secretary
to the Government of India.

Ministry of External Affairs,
New Delhi.

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2290. Letter from Ministry of External Affairs to High Commissioner for India in Pakistan.

New Delhi, July 29, 1949.

No. F. 12 – 8/48 – Pak.I. the 29 July, 1949

Government of India
Ministry of External Affairs
New Delhi

From : Prem Krishan Esquire, I.C.S.,
Deputy Secretary to the Government of India.

To : His Excellency the High Commissioner for India in Pakistan,
Karachi

Subject: Boundary between Sind and Kutch.

Sir,

I am directed to forward herewith a copy of communication No. 62(1) P/48/1893 dated the 14th July, 1948, from the High Commissioner for Pakistan in
India, and of its enclosures, regarding the boundary between Kutch State and Sind.

2. A dispute arose in 1908 between the Government of Sind and the Kutch State regarding the Western boundary of Sind and Kutch. This was finally settled in 1912 by an agreed compromise which defined the western boundary from the mouth of the Sir Creek to the top of the Sir Creek. This boundary was later on demarcated and boundary pillars were erected. The rest of the boundary between Sind and Kutch runs over the border of the Rann of Kutch and there has never been any dispute about this. In 1937-38 this boundary was rigorously surveyed by the Survey of India following the limit of Rann of Kutch as pointed out by local officials and in clearly shown in the Survey of India sheet No. 40. L/S.E. The boundary thus surveyed was consequently compared with the record copies of maps received from the Superintendent of Survey and Land Records, Sind, and was found in agreement suitable to the scale. The Sind Government never disputed this boundary between 1924 – 47 when Sind was a separate province and it is surprising that the Government of Pakistan should have raised the issue now on the request from the Kutch Darbar for the erection of boundary pillars.

3. The Government of Pakistan refer to letter No. 1575/44 – B - 4 dated the 23rd August, 1939 from the Office – In – Charge, No. 1 Party, Survey of India to the Collector, Tharparkar District Mirpurkhas in support of their contention that the boundary between Sind and Kutch was in dispute in 1939. No definite conclusion to this effect could be drawn in the absence of all the connected correspondence leading to this letter and the Government of India cannot understand why this question should be raised at all particularly as the boundary shown in the Survey of India Sheet No. 40 – L/S.E. was found in agreement with that shown in the record copies of maps received from the Superintendent of Survey & Land Records, Sind. The Government of India do not agree, therefore that there is any dispute as regards the boundary between Sind and Kutch or that there is any necessity for the appointment of a joint boundary commission as suggested by the Government of Pakistan.

4. I am to request that the above reply may kindly be conveyed to the Pakistan Government at an early date.

Yours faithfully

Sd/- Prem Krishan
Deputy Secretary.
KUTCH

2291. Note from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.

Karachi, August 10, 1949.

Office of the High Commissioner for India in Pakistan
Karachi 5

No. IHC-5-Poll/49-IX. the 10th August, 1949

The Indian High Commission present their compliments to the Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations, Karachi, and in reply to the Communication from the High Commissioner for Pakistan in India addressed to the Government of India, Ministry of External Affairs, No. 62(1)P/48-1893, dated the 14th July, 1948, regarding the settlement of boundary dispute between Sind and Kutch State, state as under.

2. A dispute arose in 1908 between the Government of Sind and the Kutch State regarding the Western Boundary of Sind and Kutch. This was finally settled in 1912 by an agreed compromise which defined the Western Boundary from the mouth of the Sir Creek to the top of the Sir Creek. This boundary was later on demarcated and boundary pillars were erected. The rest of the boundary between Sind and Kutch runs over the border of the Rann of Kutch and there has never been any dispute about this. In 1937-38 this boundary was rigorously surveyed by the Survey of India following the limit of Rann of Kutch as pointed out by local officials and is clearly shown in the Survey of India Sheet No. 40L/SE. The boundary thus surveyed was consequently compared with the record copies of maps received from the Superintendent of Survey and Land Records, Sind, and was found in agreement suitable to scale. The Sind Government never disputed this boundary between 1924 – 47 when Sind was a separate province and it is surprising that the Government of Pakistan should have raised the issue now on the request from the Kutch Darbar for the erection of boundary pillars.

3. The Government of Pakistan refer to letter No. 1575/44-B-4, dated the 23rd August, 1939 from the Office-in-Charge, No. 1 Party, Survey of India, to the Collector of Tharparkar District, Mirpurkhas, in support of their contention that the boundary between Kutch and Sind was in dispute in 1939. No Definite conclusion to this effect could be drawn in the absence of all the connected correspondence leading to this letter and it is not understood why this question should be raised at all, particularly as the boundary shown in the Survey of India Sheet No. 40L/SE was found in agreement with that shown in the record copies of maps received from the Superintendent of Survey and Land Records, Sind. The Government of India do not agree, therefore, that there is any dispute
as regards the boundary between Sind and Kutch or that there is any necessity for the appointment of a Joint Boundary Commission as suggested by the Government of Pakistan.

This High Commission takes this opportunity to renew to the Government of Pakistan the assurances of their highest consideration.

High Commission For India

The Secretary to the Government of Pakistan,
Ministry of Foreign Affairs and Commonwealth Relations,
Karachi.

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2292. Note from the Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.

Karachi, May 29, 1951.

Government of Pakistan
Ministry of Foreign Affairs and
Commonwealth Relations, Karachi

No. IA.3/2/50. the 29 May, 1951.

The Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, present their compliments to the High Commission for India in Pakistan and, with reference to their Note No. Poll. 30/50 – II, dated the 22/23rd November, 1950, have the honour to say that they have thoroughly examined the points raised by the High Commission in their above note:-

(1) It is not a fact that the Northern edge of the Rann of Kutch has always been the accepted boundary. The High Commission will be aware that this boundary is under dispute which is borne out not only by the relevant correspondence but also by the 70 mile India First Edition Map, printed at the Survey of India’s office, in which the word “disputed” is added to this boundary. The map under reference is thus showing the correct position.

(2) And (6) The High Commission have used the rather vague term “inaccurate” and unless details are given the Ministry regret they can offer no comments.
(3) As the High Commission are aware, the State of Jammu and Kashmir and the State of Junagadh are forming the subjects of disputes pending before the U.N., and the Government of Pakistan do not acknowledge their occupation by India. The High Commission are, therefore, wrong in claiming that these states are forming part of India.

(4) The boundary immediately West of that which forms the subject of dispute No. IV between India and Pakistan in the Karimganj area has been drawn in accordance with the Bagge decision as accepted and published by both, the Governments of India and Pakistan.

(5) As the High Commission are aware, the boundary in the vicinity of the junction of the Mathabhanga and the Ganges is being demarcated jointly by both the Governments in accordance with the Award of the Inter-Dominion Boundary Dispute Tribunal.

2. The Government Pakistan do not recognize the occupation of Hyderabad by India and it is, therefore, correct to show her on the map separately.

3. The Ministry avail themselves of this opportunity to renew to the High Commission the assurances of their highest consideration.

To,
The High Commission for India in Pakistan,
Karachi.

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Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.


Ministry of Foreign Affairs And Commonwealth Relations
Karachi

No. 1(I) 3/9/54. the September 20/22, 1954

Subject: Sind – Kutch Boundary.

The Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, presents its compliments to the High Commission for India in Pakistan and, with reference to their Note No. IHC-5-Poll/49-IX, dated the 10th August 1949, has the honour to state that the boundary between Sind and Kutch, for the purpose of demarcation, may be divided into two sectors, as under :-

(a) From the mouth of the Sir Creek to a point approximately long. 68º 48’ E, lat. 23º 58´ N, as explained in paragraph 3 below.

(b) from the latter point onwards.

2. The sector of the boundary included in (a) above has been demarcated and there is no dispute about it.

3. The remaining portion of the boundary mentioned in (b) above was never demarcated. It will be seen from the map appended to Bombay Government resolution No. 1192, dated 24th February 1914, to which the Indian High Commission refer, that the Runn was not a part of the Cutch State and that the Resolution defined the boundary merely from the mouth of the Sir Creek to the point longitude 68º 48´ E, latitude 23º 58´ N. It is therefore obvious that the rest of the boundary in sector (b) was never surveyed or demarcated but continued to be in dispute; nor did the Government of Sind ever accept the claim now brought forward by India between the years 1924 and 1947 when Sind was a separate Province. This is clear from the following facts:-

(i) In his letter No.1171/44-B, dated 19th May 1938, Major G.H. Osmaston, Officer-in-Charge, No. 1 Party, Survey of India, wrote to the Collector of Tharparkar that no regular demarcated boundary existed for survey between the States of Cutch and Wav and District of Tharparkar and that the territorial claims and representations of these authorities in the Runn of Cutch were discordant.
ii) In a subsequent letter No. 100/44-B-4, dated 16th January 1939 from Captain C.A. Biddle, Officer-in-Charge, No.1 Party, to the Superintendent of Survey and Land Records for Sind, it was pointed out that the external boundary of Tharparkar district remained “undecided”.

(iii) The map of India prepared by the Survey of India in 1938 also clearly shows this boundary as disputed.

(iv) Again Mr. W.H. Strong, Officer-in-Charge, No. 1 Party, in his letter No. 1575/44/B-4, dated 23rd August 1939, to the Collector of Tharparkar, wrote: “as the Provincial boundary in the Runn of Cutch is undemarcated and the authorities of Sind, Cutch State and Wav State still differ as to its correct alignment, no decision can be arrived at by me and I propose to omit this boundary from the modern survey maps”. But the Collector of Tharparkar instructed him not to omit the boundary but to show it as in old maps by means of a special symbol or a footnote indicating that it is in accordance with the old records “but in dispute”.

4. Besides these documentary proofs, there are innumerable instances to show that the Government of Sind exercised unfettered jurisdiction in the Runn of Cutch. Some of these may be enumerated here:-

(i) The boundary between Sind and Cutch was stated to be half a mile to the north of the dharamsala (Place of religious worship) in the Giandi ji Chann by the Mukhtiarkar of Diplo in his reply to a query from the Political Superintendent, Tharparkar (Superintendent’s Note No. 3706, dated 8th June 1875).

(ii) In 1856, the Commissioner in Sind sanctioned a sum of Rs. 2,800 for a dharamsala at Narrabate in the Runn (sic).

(iii) In 1923-24 an area measuring 20-27 acres was brought under cultivation by a certain Arbab Mir Khan and his son Mohammad Unis, and another piece of land measuring 20-23 acres in 1924-25 on Seanthro Canal. This canal, about 40 years ago, used to take off from Dhoro Puran at village Rahimki Bazar and flowed 7 or 8 miles in the Runn. The revenue due on the paddy crop cultivated with the water of this canal was collected by the Taluka of Diplo. The two old villages Vigakot and Kanjhikot (in the Runn), which are extinct now, were under the jurisdiction of the Government of Sind.

(iv) The lake called Shakur-ji-Mian which was about 6 miles from Rahimki Bazar in the Runn used to get water from the Dhoro Puran and the
lease for catching fish in the lake fetched Rs. 50,000 a year to the Government of Sind.

(v) A certain Gul Muhammed of Vingi, Taluka Diplo, got a tank excavated in the Char Bet about 100 years ago. The tank is still in existence and is called after his name as Gul Muhammed tank.

(vi) In 1936-37 a certain Ramsingh, Head Constable of Police, Rahimki Bazar, was murdered in the Runn at a distance of 24 miles from Rahimki Bazar. The Police Commissioner and other authorities of Cutch State refused to take action in the matter because the murder took place within British territory. Consequently the investigation was conducted by the Sub-Inspector of police, Diplo.

(vii) The cattle of three desert Talukas, viz., Mithi, Diplo and Nagarparkar, used to graze freely in Char and other neighbouring Bets without payment of any charges. This continued up to 1943-44 and the trouble arose only when Shadi Nohri appeared on the scene. This Shadi Nohri was given a contract in the Char Bet by the Cutch State authorities. The Collector of Tharparkar in his letter No. J – 270, dated 17th January 1947, to the Secretary to the Resident for Western India States at Baroda protested against the action of the State authorities in giving the contract in the Bet to Shadi Nohri, as it was under dispute. The Dewan of Cutch in his letter No. 1806, dated 24/26th May 1947 to the Government of Sind suggested that boundary pillar should be shown on the topographical sheets. As the topo sheets were unauthentic and unreliable, the Collector of Thar Parkar, in his letter No. 8680, dated 25th August 1947, informed the Revenue Commissioner that the question of boundary pillars can only be taken up after the boundary has been determined.

(viii) In 1945 an offence was committed at a place between Badin-Nagarparkar Road and Bedia Bet over eight miles in the Runn, and only 1½ miles to the north of Bedia Bet. On 26th February 1945 the Diplo Police registered a case under sections 324 and 333 I.P.C. read with section 148 I.P.C. and rule 81(4) of the Defence of India Rules. The Foujdar at Khawaro in Cutch state was approached by the Officer-in-Charge of the Police Station Khadai, Taluka Diplo, for assistance in arresting the accused but he refused to render any assistance because the offence was committed outside Cutch State and consequently only one accused out of 8 was arrested in Cutch and tried by the First Class Magistrate, Diplo.

(ix) In criminal case No. 19 of 1945 the police diaries reveal that the murder
of Ramsarup of the Customs Department was committed in the Runn on the road from Rahimki Bazar to Cutch, about 18 miles from Ding, Sind Customs Station. The accused could not, however, be secured because the Commissioner of Cutch State at Bhuj did not render any assistance to the Diplo Police Station.

(x) An offence under section 394 I.P.C. was committed by Hashim and Khan Muhammad near Vigaokot on the thoroughfare leading to Cutch proper in the Runn at a distance of 10 – 12 miles from Ding- jo–Pattan (Ferry of Ding). The accused were tried and convicted by the First Class Magistrate, Diplo.

5. From the facts mentioned in paragraphs 3 and 4 above it is abundantly clear that the boundary between Sind and Cutch from the top of Sir Creek onwards has always been in dispute. In regard to the topo sheets of the Survey of India maps, on which the Government of India base their claim, the Government of Pakistan would point out that topographical maps are not considered authoritative in the case of boundary alignment. In the circumstances the Government of Pakistan trust that the Government of India will agree to the demarcation of the boundary in the sector mentioned in (b) in paragraph 1 above. If, however, the Government of India do not see their way to agree to this suggestion, the Government of Pakistan propose that a Conference should be held between representatives of the two Governments as soon as the Government of India are prepared to discuss this matter. If the Government of India consider it doubtful that a settlement could be reached by correspondence or conference, the Government of Pakistan are prepared to agree to the reference of this dispute to an impartial tribunal on the lines of the tribunal decided upon at the Indo-Pakistan Conference held at Calcutta in October 1953.

The Ministry avails itself of the opportunity to renew to the High Commission the assurances of their highest consideration.

Ministry Of F.A. & C.R.

The High Commission for India in Pakistan, Karachi.

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Commissioner’s notification No. 7749 – A dated 13.4.1925

In exercise of the powers delegated to him by Government notification, Revenue Department, No. 1289 dated the 10th February 1913, The Commissioner in Sind is pleased under the provisions of Section 7 of the
Bombay Land Revenue Code, 1879 (Bombay Act V of 1879), to notify that the area specified in the first column and hither to included in the Deh, taluka and district specified in the second column of the subjoined table, shall hereafter be excluded from the Karachi district in consequence of its transfer to the Cutch State under the authority of the Government of India letter No. 3583 – I – A dated 11.11.1913

<table>
<thead>
<tr>
<th>Area</th>
<th>Deh, Taluka and district in which included here to</th>
<th>Deh, taluka and district in which to be included hereafter</th>
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</thead>
<tbody>
<tr>
<td>A G 76, 527–23</td>
<td>Deh Gandho, taluka Jati, district Karachi.</td>
<td>Cutch State</td>
</tr>
</tbody>
</table>

2294. Note from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.

Karachi, May 9, 1955.

High Commission for India in Pakistan
Karachi

No. F. IHC – 5 – Poll. /49 – IX. the 9th May 1955

The High Commission for India in Pakistan present their compliments the Ministry of Foreign Affairs and Commonwealth Relations of the Government of Pakistan and with reference to their Note No. I (I) 3/9/54, dated the 22nd September, 1954, in reply to the High Commission’s Note No. IHC–5– Poll./49 – IX, dated the 10th August, 1949, regarding the Indo – Pakistan boundary between Kutch and Sind, and have the honour to state as follows:

2. The Government of India, after careful and thorough consideration, categorically and most emphatically repudiates the claim of the Government of Pakistan that the boundary between Kutch and Sind from the top of Sir Creek onwards “has always been in dispute” for the reasons given in the three sub – paragraphs below:

(1) The only dispute which ever arose between Kutch and Sind on their boundary was in respect of the territory between the Sir Creek and the Kori Creek. The Sind Government claimed its boundary up to Kori Creek. According to them the boundary should have been from the mouth of the
Kori Creek to near the top of the Creek and from there due North up to the tri-junction of Jati and Badin talukas in Sind and the Kutch State. The dispute was discussed and a compromise reached in 1913. The Agreement was sanctioned by the Government of India and the Government of Bombay in their Resolution No. 1192, dated the 24th February, 1914, defined that “the boundary between Kutch and Sind should be the green line in the accompanying map from the mouth of the Sir Creek to the top of the Sir Creek at the point where it joins the blue dotted line; from there it should follow the blue dotted line due East until it joins the Sind boundary as marked in purple on the map”. Form the terminus of the blue dotted line in the East at the point approximately longitude 68º 48´ E latitude 23º 58´ N, the Sind boundary, marked in purple on the relevant map, was clearly shown as running to the North till it joined the tri-junction point of Jati taluka (Karachi District) and Badin taluka (Hyderabad District) in Sind and the Kutch State and then from the tri-junction point, the Sind boundary followed the Northern limit of the Rann of Kutch. Under this compromise, the Kutch State agreed to Sind’s jurisdiction over the triangular portion covered by the following three points, namely, (a) top of the Sir Creek, (b) tri-junction point of Jati and Badin talukas in Sind and the Kutch State and (c) a point approximately at longitude 68º 48´ E latitude 23º 58´ N. There was no dispute about any other portion of the boundary between Kutch and Sind.

(2) This agreement was then put into effect. The boundary was duly surveyed and demarcated by the construction of pillars on the ground along the line from the top of Sir Creek due East to the point longitude 68º 48´ E latitude 23º 58´ N and then along the line from the latter point due North to the tri-junction point of Jati and Badin talukas in Sind and the Kutch State. These operations were carried out jointly by the Sind and Kutch authorities in 1923–24. This position should be well known to the Government of Pakistan in view of the documents adduced in Appendix I, attached to this Note.

(3) The boundary from the tri-junction point of Jati and Badin talukas in Sind and the Kutch State due East along the northern limit of the Rann of Kutch till it meets the tri-junction point of Jodhpur, Sind and Kutch, was not demarcated by the construction of pillars and it was the question of demarcation of this portion of the boundary between Kutch and Sind which was taken up with the Government of Sind by the Kutch Darbar in their letter No. 1806 of 1947 dated the 24th/26th May 1947, referred to by the High Commission for Pakistan in India in their Note No. 62(1)P/48 – 1893, dated the 14th July 1948, to the Ministry of External Affairs of the Government of India.
3. The Government of India are, therefore, amazed that the Government of Pakistan should have thought fit to raise an absolutely untenable claim that the boundary between Kutch and Sind from the top of the Sir Creek “has always been in dispute” without ascertaining the correct facts, which were available from the relevant records of the Sind authorities in their possession. It is indisputably established that the boundary between Kutch and Sind from the top of the Sir Creek due East to the point longitude 68º 48´ E latitude 23º 58´ N and from the latter point due North to the tri-junction point of Jati and Badin talukas in Sind and the Kutch State on the Northern limit of the Rann of Kutch was properly demarcated on the ground. It is, therefore, not understood how the Government of Pakistan ignores this stretch of boundary running due North from the point approximately longitude 68º 48´ E latitude 23º 58´ N up to the tri-junction of Jati, Badin and Kutch. Once this position is understood, Pakistan’s contention of an alleged line running within the Rann of Kutch becomes meaningless. The question is not of a line from the point at longitude 68º 48´ E latitude 23º 58´ N up to the tri-junction of Jodhpur, Sind and Kutch but of a line from the tri-junction of Jati and Badin talukas and Kutch up to the tri-junction of Jodhpur, Sind and Kutch.

4. The Government of Pakistan will thus doubtless appreciate that their claim that the boundary between Kutch and Sind from the top of the Sir Creek “has always been in dispute” and that the boundary from the point longitude 68º 48´ E latitude 23º 58´ N onwards was “never surveyed or demarcated” is absolutely without any foundation. The portion of the Kutch – Sind boundary which remains to be demarcated is from the tri-junction of Jati and Badin talukas and Kutch due East along the Northern limit of the Rann of Kutch till it meets the tri-junction of Jodhpur, Sind and Kutch. The Sind authorities did not raise any dispute in regard to this portion of the boundary either at the time of negotiations between the Government of Bombay and the Maharao of Kutch leading to the rectification of the Western boundary between Kutch and Sind as defined in the Government of Bombay Resolution No. 1192 of the 24th February 1914, or at the time of the actual demarcation of the boundary from the top of the Sir Creek to the tri-junction point of Jati and Badin talukas and Kutch in 1923 – 24, or at any other time till the topographical survey of the area covered in Sheets Nos. 40 L and 40 P was undertaken by the Survey of India in 1937 – 38. The claim put forward by the Mukhtiarkar of Nagar Parkar in the meeting held between the representatives of Sind, Kutch and Wav and the Officer – in – Charge, No. 1 Party, Survey of India, on the 22nd January 1938, was not supported by the competent authorities of Sind, who accepted the alignment of the Sind boundary as shown in the Sind Topo Survey Sheets of the Survey of India, which would be obvious from a perusal of all the relevant correspondence as indicated in Appendix 2 attached to this Note.
In the light of facts stated in Appendix 2, the Government of India would like to point out that the “documentary proofs” cited by the Government of Pakistan in Sub-paragraphs (i) to (iv) of paragraph 3 of their Note under reply can in no way be substantiated by the relevant correspondence between the authorities concerned in Sind on the one hand and the Officer-in-Charge, No. 1 Party, Survey of India, on the other, read as a whole, or from the relevant records of the Survey of India and are, therefore, wholly misconstrued. The fact that the boundary between Kutch and Sind as shown in Sheets Nos. 40 L and 40 P of the Survey of India was based on the original maps furnished by the Superintendent of Survey and Land Records in Sind and was accepted by the competent authorities of Sind, is beyond dispute.

5. The Government of India have also carefully considered the contention of the Government of Pakistan in paragraph 4 of their Note under reply that the Government of Sind used to exercise “unfettered jurisdiction” in the Rann of Kutch as well as the instances quoted by them in support of their contention and find that they are not only totally misconceived but are also without any substance, which would be clear from the position explained in Appendix 3, attached to this Note.

6. The Government of India are, therefore, constrained to express their deep regret and painful surprise that the Government of Pakistan should have put forward after a lapse of about five years an utterly untenable claim in regard to the Indo-Pakistan boundary between Kutch and Sind without ascertaining the true facts, which, the Government of Pakistan will no doubt appreciate, is hardly conducive to the promotion of good neighborly and friendly relations between the two countries. The fact that there is absolutely no dispute about the Kutch–Sind boundary from the tri-junction of Jati and Badin talukas and Kutch due East along the Northern limit of the Rann of Kutch to the tri-junction of Jodhpur, Sind and Kutch, and that this boundary had all along been accepted by the Government of Sind would be clearly established from the following:

(1) The Kutch–Sind boundary from the tri-junction of Jati and Badin talukas and Kutch due East along the Northern limit of the Rann of Kutch as shown in the Survey of India Sheets Nos. 40 D and 40 H (including part Sheets) had never been disputed by the Government of Sind which is further borne out from the facts given below.

(i) The area covered in Sheet No. 40 D was resurveyed (blue print verification survey) during 1939–40. The boundaries were shown in this Sheet after they were compared against the relevant original taluka maps furnished by the Sind authorities. All discrepancies were corrected after verifying the position from the Sind authorities.
(ii) The area covered in Sheet No. 40 H was resurveyed (blue print verification survey on $1\frac{1}{2} = 4$ miles scale) during 1943–44 from the Sind side and the Kutch–Sind boundary was clearly shown along the Northern limit of the Rann of Kutch in a mosaic received by the Survey of India from their Frontier Circle for the purpose of compilation of Hind 5014 Sheets Nos. 42 NE and 42 SE. The relevant records are, however, not available with the Survey of India but it is presumed that the Kutch–Sind boundary was shown with the approval of the competent Sind authorities in accordance with the usual practice.

(2) The remaining portion of the Kutch–Sind boundary from the tri-junction of Jodhpur, Sind and Kutch due West along the Northern limit of the Rann of Kutch as shown in the Survey of India Sheets Nos. 40 P and 40 L (including part Sheets) was based on the relevant original taluka maps furnished by the Superintendent of Survey and Land Records in Sind and was in accordance with the instructions of the competent authorities of Sind as explained in detail in paragraph 4 above.

7. The Government of India, therefore, maintain that the Kutch–Sind boundary from the tri-junction of Jati and Badin talukas and Kutch due East along the Northern limit of the Rann of Kutch to the tri-junction of Jodhpur, Sind and Kutch has all along been shown by the Survey of India on their relevant map Sheets as verified and as accepted by the competent authorities of Sind and that the Government of Pakistan cannot, therefore, raise any claim in respect of this boundary. The Government of India would, however, like to make it clear that the agreement of the Kutch Darbar was not obtained in the case of the alignment of the Kutch–Sind boundary on certain maps of the Survey of India and they reserve their right to claim certain areas of the Kutch territory which have been wrongly shown in the territory of Sind on those maps.

8. The Government of India would like to affirm in the strongest terms that the only question which now remains to be settled is the demarcation of the Indo-Pakistan boundary between Kutch and Sind from the tri-junction of Jati and Badin talukas and Kutch due East along the Northern limit of the Rann of Kutch to the tri-junction of Jodhpur, Sind and Kutch and that the Government of India are perfectly willing to discuss any proposal for the demarcation of this portion of the Kutch–Sind boundary by the construction of pillars in accordance with the procedure already agreed upon between the two Governments on other sectors of the Indo–Pakistan boundary.

The High Commission takes this opportunity to renew to the Government of Pakistan the assurances of their highest consideration.
High Commission Of India.

The Ministry of Foreign Affairs and Commonwealth Relations,
Government of Pakistan,
Karachi.

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APPENDIX - 1

1. In a letter No. 1244 dated the 12th July 1923, to the Collector of Karachi, the Superintendent of Land Records in Sind wrote:

   "In reference to your letter No. 147/R dated the 21st June 1923 I have the honour to state that the work of demarcation of the Sind – Cutch boundary will be started on the 1st November 1923. It will commence from the top of Sir Creek at the point (A) where the green line from the mouth to the top of the Creek joins the blue dotted line, vide map attached. The boundary due east shown in the blue dotted line will at first be demarcated and next “the Sind boundary” marked in purple on the map running north to the tri-junction of Jati and Badin talukas and the Kutch State."

2. The theodolite survey of the boundary will be done by a Revenue Surveyor who will be deputed by me on the work and he will be assisted by Khalasis (helpers) up to six in number who will be employed by my order for the purpose. The Cutch authorities will undoubtedly send their own responsible Survey Official to represent them from the start to the finish of the work who will accompany my Revenue Surveyor along the whole boundary line during the progress of the operation.

   * * * * * *

2. In a further letter No. 42, dated the 10th January 1924, to the Collector of Karachi, the Superintendent of Land Records in Sind stated:

   * * * * * *

2. The total length surveyed amounts to 45 miles of which 22 miles are comprised in the southern line and 23 miles in the eastern line joining the tri-junction of Badin and Jati talukas and Kutch territory in the north.

3. The survey work was actually started on the 28th November 1923 and completed on the 19th December, i.e. in about three weeks ……

   * * * * * *
3. In a letter No.17, dated the 2nd February 1924, to the Government of Bombay, the Political Agent for Kutch, while forwarding a copy of letter No. 53 dated 31-1-1924 from the Dewan of Cutch, stated that “it will be seen that the work of fixing the pillars on the Sind-Kutch boundary is progressing favorably and the Cutch Darbar expect to complete the work by the 20th February 1924.”

The relevant extract from the above-mentioned letter of the Dewan of Cutch is reproduced below:

“… I have the honour to state that from a report received from the Cutch Officer at Lakhpat it appears that in all 133 pillars were to be fixed as under:

67 pillars on the line from East to West on the Muio Creek, and 66 pillars on the Kiriawali line from North to South.

2. Of the above number all the pillars (67) on the Muio line and 14 on the Kiriawali line have been already fixed i.e. in all 81 pillars are fixed. The work is now being proceeded with on the Kiriawali line, and the party expects to complete the whole work by the 20th February 1924.”

4. The Secretary to the Government of Bombay, Finance Department, in a Note No. 3085-A dated the 24th March 1924, for the Legislative Council, stated:

“In connection with the question of rectification of the Sind – Cutch boundary which was decided upon by Government a few years back a settlement was made by the Collector of Karachi with the Cutch Darbar whereby the latter have to arrange for the supply of stones and fixing thereof along the boundary at a total estimated cost of Rs. 5,880, half of which is to be borne by this Government ………. The work is now coming to an end and it is understood that the original estimate which was made by the Cutch Darbar is likely to be exceeded. The Cutch Darbar has not presented their claim and Government is unable to state what their share will be. However, in order that the provision of Rs. 2,940 may not lapse the Commissioner in Sind at his own suggestion was asked to pay the amount to the Darbar immediately…."

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APPENDIX-2

1. The Officer-in-Charge, No. 1 Party, Survey of India, in his letter No. 1171/44-B-4 dated 19-5-1938 to the Collector of Thar Parkar, while stating that the territorial claims advanced by the representatives of Sind, Kutch and Wav in
the Rann of Kutch were discordant, wrote that “therefore I forward herewith a Trace showing the extent of the Rann and areas surveyed during the last field season with the request that you will kindly show on it the correct alignment of the external boundaries of Tharparkar District in the Rann of Cutch and also with Wav and Cutch States, with copies of the relevant notifications, to enable us to show these boundaries on topographical maps now being drawn in this office.”

2. The Superintendent of Survey and Land Records in Sind in his letter No. T. 372 dated 12-11-1938 to the Collector of Thar Parkar, a copy of which was also forwarded to the Officer-in-Charge, No. 1 Party, Survey of India, under his letter No. T. 373 dated 12-11-1938 while stating that the boundaries of the talukas in question were derived from the topographical survey sheets of the Survey of India and were reproduced to the present reduced scale of the maps in his office, wrote that “it would suffice if the Officer-in-Charge, No. 1 Party, Survey of India, is informed that the boundaries as originally taken from the Survey of India maps stand unaltered so far the taluka maps in question are concerned. If the maps of this office showing the boundaries in question are however required by the Officer-in-Charge, No. 1 Party, Survey of India, the needful will be done.”

3. The Collector of Thar Parkar in his letter No. 6777 of 1938 dated 6-12-1938 to the Officer-in-Charge, No. 1 Party, Survey of India, confirmed that “the external boundaries of the Thar Parkar District stand unaltered as originally taken from the Survey of India maps.”

4. The Officer-in-Charge, No. 1 Party, Survey of India, in his letter No. 100/44-B-4 dated 16-1-1939 to the Superintendent of Survey and Land Records in Sind stated that the question of boundaries remained undecided and therefore requested that “you may please either send me a full reference (i.e., the number, scale and year of edition) of the Survey of India maps from which you originally took off the boundaries, or if such information be not available with you your office maps in original as proposed by you in your letter under reference) contained the boundaries, so that the necessary information can be extracted from them here in my office.”

5. The Superintendent of Survey and Land Records in Sind in his letter No. 357 of 1939 dated 8-2-1939 to the Officer-in-Charge, No. 1 Party, Survey of India, while forwarding the relevant maps, stated that:

“… the boundaries of all the talukas sub-divisions and the districts of the Province of Sind have been reproduced from the Sind Topo Survey sheets of the Survey of India …………..

In the case of Mithi and Nagar Parkar talukas in question, it is, however,
seen that the boundaries of the talukas were reproduced by the Photocinco Office, Poona, from the maps supplied by this office on a smaller scale of 4 miles to an inch. These maps appear originally to have been prepared from the Indian Atlas (4 miles = 1 inch) edition 1871 of the Survey of India.

The original maps of Mithi and Nagar Parkar talukas referred to above and the map of Thar Sub-division showing the required present unaltered boundaries are forwarded herewith for your reference ………

The boundaries shown on these original maps furnished by the Superintendent of Survey and Land Record in Sind were found in agreement suitable to scale with the boundaries depicted on Sheets No. 40 L and 40 P drawn by the Survey of India as a result of the survey carried out in 1937 – 38.

The Original maps referred to above were returned to the Superintendent of Survey and Land Records in Sind by the Officer-in-Charge, No. 1 Party, Survey of India, with his letter No. 775/44-B-4 dated 2-5-1939 and their receipt was acknowledged by the Superintendent of Survey and Land Records in Sind in his letter No. 889 of 1939 dated 11-5-1939.

6. In view of the facts stated above, the stand taken by the Collector of Thar Parkar in his letter No. I.S.4416 dated 2-10-1939 to the Officer-in-Charge, No. 1 Party, Survey of India, in regard to the intention of the latter “to omit the boundary from modern survey maps”, was justified in so far as it instructed him not to omit the boundary but to show it as in old maps. There is, however, no justification for the stand taken by the Collector that the words “but in dispute” should be added to a footnote in the map to the effect that the boundary was in accordance with the old maps, particularly when the boundary in question was being shown according to the original maps furnished by the Superintendent of Survey and Land Records in Sind and the instructions of the Collector of Thar Parkar himself in his letter No. 6777 dated 6-12-1939 mentioned above.

The fact that the latter stand taken by the Collector of Thar Parkar was not sustained by the Director of Map Publication when the matter was referred to him for a decision by the Officer-in-Charge, No. 1 Party, Survey of India, is obvious from the orders contained in his letter No. 67/5-D dated 25-11-1939 to the effect that the boundary should continue to be shown to the best of their knowledge and that a footnote inserted saying that “the boundary between Sind and States of Western India is taken from previous maps.”

7. The addition of the word “disputed” along the Kutch-Sind boundary in the 70 Miles Map of India Edition printed in 1938 has been carefully investigated by the Government of India. It appears that the word “disputed” was added as
a result of the confusion arising from the territorial claim advanced by the Mukhtiarkar (officer) of Nagar Parkar at the time of the topographical survey of the areas covered in Sheets No. 40 L and 40 P carried out by the Survey of India in 1937-38, which was, however, neither substantiated nor pursued further by the competent authorities of Sind, who accepted the Kutch-Sind boundary as shown in Sheets No. 40 L and 40 P.

The fact that the addition of the word “disputed” was an error and was rectified by the Survey of India themselves is borne out from their relevant records. After completing the printing of the map, the then Director of Map Publication ordered an investigation as to whether this boundary was in fact “disputed” or not. As a result of this investigation, he ordered the word “disputed” to be deleted from the map and this correction was carried out by hand on the fair drawn original as well as on the office copies and the stock copies. This correction was, however, not carried out on the standing negatives due to an oversight with the result that the subsequent reprints of the 1938 Edition and also the 1947 Edition of this map repeated the error of adding the word “disputed” along the Kutch-Sind boundary.

No importance can, therefore, be attached to the addition of the word “disputed” along the Kutch-Sind boundary in the 70 Miles Map of India which was merely an error as explained above.

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APPENDIX - 3

1. The dharamsala in the Giandiji Chhan and at Marrabate referred to by the Government of Pakistan in sub-paragraphs (i) and (ii) of paragraph 4 of their Note, apparently relate to the Gaenda Bet in the Rann of Kutch. The fact that the Kutch Darbar exercised jurisdiction over the entire Rann including this Bet and that this was accepted by the British authorities as early as 1854-55 would be apparent as follows:-

(i) The Assistant Political Agent for Kutch, in his memorandum No. 720, dated 20th December 1854 to the Mahrao of Kutch, forwarded a proposal from the Deputy Collector and Magistrate of Thar Parkar for the construction of a dharamsala in the Gaenda Bet in the middle of the Rann but as the Bet in question was within the boundary of Kutch, he wanted to be informed of the opinion of the Mahrao of Kutch.

(ii) The Mahrao of Kutch in his memorandum No. 383, dated 27th December 1854 to the Assistant Political Agent, did not agree to the construction of a dharamsala by the Sind authorities in the Gaenda Bet but offered to construct one himself.
The Assistant Political Agent for Kutch in his memorandum No. 21, dated 16th January 1855 to the Mahrao of Kutch stated that “as the Gaenda Bet is lying between Dhrobana and Balihari and as such within your State territory, you will build a rest house and sink a well in the said Bet”.

As regards the statements made by the Government of Pakistan in subparagraphs (iii) and (iv) of paragraph 4 of their Note, any action taken by the Sind authorities in the area of the Rann of Kutch below Rahimki Bazar, where they had no jurisdiction, without the knowledge or the agreement of the Kutch Darbar, could have no effect whatsoever on the rights of the Kutch Darbar. The fact that the Kutch Darbar exercised full jurisdiction up to the Northern limit of the Rann of Kutch just below Rahimki Bazar is clearly established by the existence of a fort known as Kanjar Kot (now in ruins) situated in the Rann of Kutch about a mile south of Rahimki Bazar. The Government of Pakistan have not adduced any evidence to show that the two old villages called Vijakot and Kanjhikot in the Rann, which are now extinct, belonged to Sind at any time.

The statements made by the Government of Pakistan in subparagraphs (v) and (vii) of paragraph 4 of their Note are not correct, which would be obvious from the following facts:

(i) There is no such tank as referred to by the Government of Pakistan in Chhad Bet. There is only a small depression, which holds some water during the monsoons. There being no facility for drinking water, the Kutch Darbar sanctioned a sum of Kories 1,000 during the year 1924–25 and a well was dug but it had to be abandoned as only salt water was found.

(ii) The Kutch Darbar have throughout exercised full jurisdiction over the Chhad Bet and other Bets in the area of the Rann and collected grazing dues from the graziers belonging to Sind. The fact that the jurisdiction of Kutch Darbar over the Chhad Bet and other Bets was accepted by the Sind authorities would be apparent from the cases mentioned below:

(a) The Sind authorities agreed in 1944-45 to the extradition of Mounted Police Sowar (horse rider) Ketamal Versimal, Sumara Sidik and Bhil Kania Gamia of the Diplo Taluka in the Thar Parkar District of Sind to Kutch for trial under Sections 393-398 and 347 I.P.C. for attempt of robbery and wrongful confinement of one Mahmmed Hamir, who was returning from Sind near a place called Kunverbet in the Rann of Kutch. Please see the endorsement No. J/7930 of 1945 dated 7th November
(b) In 1945, some employees of the Kutch State stationed on duty in the Chhad Bet apprehended some Sind cattle owners for grazing their cattle without payment of grazing dues and brought them to Khavda Police Station in Kutch. The Sind cattle owners were released after they had made payment of the grazing dues. They returned to Diplo and lodged a complaint against the Kutch State employees. The Diplo Police authorities registered a case under sections 223, 148 and 342 I.P.C. and the District Magistrate of Thar Parkar sought extradition of the Kutch State employees through the Resident for Western India States, who addressed the Kutch Darbar in the matter in his letter No. A/4-3(C), dated 17th September 1945. The Kutch Darbar did not surrender their employees who had only discharged their duties within the State territory and the Sind authorities had to drop the matter.

(iii) The protest stated to have been made by the Collector of Thar Parkar to the Secretary to the Resident for Western India State against the action of the Kutch Darbar in giving the contract to one Shadi Nohri for collecting the grazing dues in the Chhad Bet was not referred by the Secretary to the Resident to the Kutch Darbar. The letter No. 1806, dated 24th/26th May 1947 from the Kutch Darbar to the Government of Sind had, therefore, nothing to do with the protest mentioned above but only related to the demarcation of the Kutch-Sind boundary from the tri-junction of Jati and Badin talukas in Sind and Kutch due East along the Northern limit of the Rann of Kutch.

4. There is nothing to show in the records of the Kutch Darbar that the incident in 1936-37, referred to by the Government of Pakistan in sub-paragraph (vi) of paragraph 4 of their Note was ever brought to the notice of the Kutch authorities or that they refused to take any action in the matter on the ground that the murder took place within British territory.

5. The records of the Kutch Darbar do not show that any approach was made by the Diplo Police authorities to the Kutch authorities for assistance in connection with the offence referred to by the Government of Pakistan in subparagraph (viii) of paragraph 4 of their Note.

6. The statement made by the Government of Pakistan in subparagraph (ix) of paragraph 4 of their Note is not correct. The fact that all possible
assistance was rendered to the Sind authorities by the Kutch authorities to trace the culprits and that the offence was committed within Kutch territory would be clear from the following:-

(i) The Commissioner of Police, Kutch, in his letter No. 422 of 1945 dated 19th June 1945 to the Collector of Central Excise, Bombay, stated that Sub-Inspector of Police Jiwanlal Gangaram of the Diplo Police Station was given the assistance of a whole-time Sub-Inspector of Police of the Kutch State and that all the subordinate authorities were warned to strive their level best to trace the accused if they belong to Kutch and that their services will not only be rewarded by the Collector of Central Excise, Bombay, but also by the Kutch Darbar.

(ii) The Commissioner of Police, Kutch, in his letter No. 450 of 1945 dated 4th July 1945 to the District Superintendent of Police, Thar Parkar, stated that:

“I was expecting some sort of communication from you as regards the opinion to which the Sub-Inspector, Diplo Police Station, had arrived on leaving Kutch State after his investigation at various places where he had reasons to believe the suspects if they belonged to Kutch State could be traced. However, having not heard either from him or you, I am addressing this letter to you and also attach a copy of notes taken by me during his meeting with me at Bhuj on the 4th of June, 1945 ...........

Thus you will be pleased to observe that the offence of murder which has been registered at the Diplo Police Station, took place from the account given by your Sub-Inspector of Police, at a place about 18 miles from the Ding Customs Outpost.

I have carefully examined the topographical maps of surveys of this State, showing exact delimitation and giving details, and finds that there is no Rann of Sind at any place. Further the Great Rann of Kutch within the State territory commences immediately after leaving the Ding Outpost, as would be seen from the rough sketch sent herewith. In these circumstances, the murder of the Sowar could not have taken place in the Sind territory”.

It is therefore clear that had the culprits responsible for this offence been traced, they would have been handed over for trial in the Kutch Courts.
7. In the absence of the date and year of the offence referred to by the Government of Pakistan in sub-paragraph (x) of paragraph 4 of their Note, it is not possible to offer any comments.

(Note by the Editor: The spellings of Kutch (Cutch) as appearing in these pages are as in the original in the Government of India records. The appendices appear only to be extracts and not complete texts of the originals.)

2295. Note from the High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.

High Commission Of India
Karachi.

No. IHC.5/Poll/49/IX. Dated the 12th January, 1956

Subject: Kutch – Sind Border

The High Commission of India presents its compliments to the Ministry of Foreign Affairs and Commonwealth Relations and has the honour to state as follows:

It has been reported to the Government of India that the Pakistan authorities have posted units of a special constabulary known as Special or Sind Police Reserve at their outposts at Wingi and Jat Tarai on the border between Sind and Kutch. Members of these units have been crossing the border into Indian territory and proceeding to the pasture land known as Chhad Bet. They have been instigating the cattle owners whose cattle graze in the Bet not to pay grazing fees to the Indian authorities, or to the contractors who hold grazing rights under them. They have also cleared a pathway from the border up to Gulnamad Talavdi in the Chhad Bet so that a motor truck can go on to the Bet.

In its Note of the 9th May, 1955, the High Commission had stated that “the Government of India after careful and thorough consideration categorically and most emphatically repudiate the claims of the Government of Pakistan that the boundary between Kutch and Sind from the top of Sir Creek onwards ‘has always been in dispute’…” The High Commission is instructed to re-assert that position and to emphasize that as no doubt or dispute has existed or exists regarding the territories in the ownership and possession of the Kutch State, which is part of the Union of India, the activities aforesaid of the Pakistani police units constitute violation of the Indo-Pakistan border, trespass into Indian
territory and interference with the rights of the Kutch authorities or persons deriving rights from them.

As these activities are not conducive to the maintenance of peace and tranquil conditions on the border, which it is the agreed aim of the two Governments to preserve, the High Commission is instructed to request the Government of Pakistan to take steps which will ensure that the aforesaid activities and any of like effect cease immediately and the integrity of the border is respected.

The High Commission of India avails itself of the opportunity to renew to the Ministry of Foreign Affairs and Commonwealth Relations the assurances of its highest consideration.

The Ministry of Foreign Affairs and Commonwealth Relations, Karachi.

2296. Aide Memoire from the Ministry of External Affairs to Pakistan Ministry of Foreign Affairs.

New Delhi, February 23, 1956.

[The Aide memoire was handed over to the Pakistan High Commissioner by Commonwealth Secretary, Ministry of External Affairs]

The Government of India had received reports that Pakistani Police forces stationed on the Kutch – Sind border, accompanied by other Pakistani nationals had been trespassing into Indian territory and proceeding to the pasture land known as “Chhad Bet”, where they had been instigating the cattle owners whose cattle graze on the Bet not to pay grazing fees to the Indian authorities or to the contractors who hold grazing rights under them. It was also reported that the Pakistani forces or nationals had cleared a pathway from the border up to Gulmamad Talavdi in the Chhad Bet so that a motor truck could go on to the Bet.

2. Under instructions from the Government of India, the High Commission of India in Karachi presented to the Ministry of Foreign Affairs and Commonwealth Relations of the Government of Pakistan Note No. IHC.5/Poll/49-IX dated the 12th January 1956. In its Note of the 12th January, 1956, the High Commission of India stated that the activities aforesaid of the Pakistan Police units constitute violation of the Indo-Pakistan border, trespass into Indian
territory and interference with the rights of the Kutch authorities or persons deriving rights from them. Continuing, the High Commission requested the Government of Pakistan to take steps to ensure that the aforesaid activities and any of like effect ceased immediately and the integrity of the border was respected.

3. In the discussion that ensued on the occasion of presentation of the High Commission of India’s Note of the 12th January 1956, between the Deputy High Commissioner for India in Karachi and Mr. Dehlavi of the Ministry of Foreign Affairs and Commonwealth Relations of the Government of Pakistan, the latter stated that the matter was being considered by the Sind Government and that he hoped that a reply to the High Commission’s Note would be given soon. No reply has so far been received.

4. Subsequently the Government of India continued to receive reports of trespass by Pakistani forces and nationals on to the Chhad Bet. They have now received a report of an extremely serious incident that has taken place there.

5. It is reported that on the 17th February, 1956, an Indian police patrol party observed Pakistani personnel taking up positions in the area of Guilmamad Talavdi on the Chhad Bet. After some time, these personnel were observed to retreat. But on the same evening when the Chhad Bet contractor sent some of his men on camels to the Bet to investigate reports of unauthorized grazing, they were fired on to the extent of 50 – 60 rounds. On the morning of the 19th February, an Indian military patrol approaching Chhad Bet was fired on with automatic weapons by Pakistani forces from dug-in positions. Three members of the patrol were injured and three camels were killed. The condition of two of the casualties is serious.

6. The Government of India takes a serious view of this deliberate aggression on Indian territory which indicates calculated disregard of the request made to the Government of Pakistan in the High Commission of India’s Note of the 12th January, 1956. The Government of India protest most emphatically against the trespass by Pakistani forces into territory which is and always has been part of the Kutch State, one of the states of the Union of India and in respect of which the Government of Pakistan have no rights whatever. The Government of India further protest most emphatically against the wanton and unprovoked attack on the Indian military patrol.

7. The Government of India request that the Government of Pakistan issue immediate instructions to their forces to withdraw forthwith from Indian territory and take immediate steps to punish those responsible for the acts of trespass into Indian territory and of the unprovoked attack on the Indian patrol on Indian
The Government of India further request that the Government of Pakistan take adequate steps to ensure that such acts of trespass into Indian territory and of unprovoked attacks against Indian forces and nationals on Indian territory do not recur and that the border is not violated again.

8. The Government of India hold the Government of Pakistan responsible for the injuries inflicted on the three members of the Indian military patrol party and in that connection reserve the right to claim compensation from the Government of Pakistan.

2297.

Note from Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, February 26, 1956.

MOST IMMEDIATE

Office of the High Commissioner for Pakistan in India, New Delhi

No. F. 62 (1) P/48

26th February, 1956

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs of the Government of India and, in continuation of Foreign, Karachi’s Secret telegram No. 922 dated, February 24, 1956 to Foreign, New Delhi, has the honour to inform the Government of India that it has come to the notice of the Government of Pakistan that Indian troops on the morning of February 25 at 5 a.m. launched a heavy attack on Pakistan Border Police Forces stationed on the border between the State of Kutch (India) and West Pakistan which resulted in casualties to the latter. The Government of Pakistan are constrained to protest against this grave occurrence, coming as it did after the Government of Pakistan had suggested a meeting of senior officials of the two countries to discuss the situation and had expressed their anxiety to secure a peaceful and amicable settlement of border incidents in that area.

2. In order therefore to avoid the occurrence of further incident, the High Commission has been instructed to impress on the Government of India the need for ensuring that no action is taken which would lead to a further
deterioration in the situation. At the same time the Government of Pakistan reaffirm their desire for a peaceful and amicable settlement and reiterate their earlier proposal that senior officials of both countries of Divisional Commissioner or Inspector-General of Police rank having jurisdiction over these areas should meet together to study the situation with a view to arriving at a peaceful and amicable settlement, and propose that pending such a meeting the Indian Armed Forces and the Pakistan Border Police be withdrawn from the area in question.

3. The High Commission has been further instructed to inform the Government of India that the Government of Pakistan hold the Government of India responsible for the injuries inflicted on Pakistan border Police personnel as a result of the incident which occurred on the 25th February, 1956, and reserve the right to claim compensation thereof.

4. The High Commission avails itself of the opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi.

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2298. SECRET

Message from the Ministry of External Affairs to Pakistan Ministry of Foreign Affairs and Commonwealth Relations,
Karachi, February 27, 1956.

The Government of India has carefully considered the request made by the Government of Pakistan in their message No. 922 dated 24th February regarding the recent incident in the Rann of Kutch. This incident has already been the subject matter of protest made by the Government of India to the Pakistan High Commissioner here on the 23rd February and repeated through our High Commissioner in Karachi. Government of India also sent another note on 24th February in reply to the note of 23rd February from the Government of Pakistan and this has been handed over to the Pakistan Ministry of External (Foreign) Affairs and Commonwealth Relations in Karachi on 25th.

2. As early as 9th May 1955, it was pointed out to the Government of Pakistan in the Indian High Commission’s note of 9th May 1955 that the Chhad Bet in the
region of the Rann of Kutch, where this incident occurred, is indisputably in
Indian territory. This was repeated in the Indian High Commission's note of 12th
January 1956. No reply from the Government of Pakistan has so far been
received to any of these notes.

3. The Inter-Dominion Agreement of 1948 and the subsequent agreement
extending the arrangements of the 1948 Agreement to the Sind Kutch border
referred to in your telegram do not apply to the present incident as disputes
involving questions of policy are excluded from the scope of the general orders
issued under the Inter-Dominion Agreement and, in any case, these
arrangements cannot apply to the present incident, which was deliberate
violation of Indian territory by Pakistani armed personnel involving an unprovoked
attack on the Indian military patrol on Indian soil.

4. The Government of India is anxious to maintain friendly relations between
our two countries and are, therefore, always willing to discuss any matters of
common interest to the two Governments. Though the Inter-Dominion
Agreement of 1948 and the subsequent agreement referred to in your telegram
do not apply to this incident, Government of India are, in the interest of
maintaining a peaceful and amicable atmosphere between the two countries,
prepared to consider and discuss, at governmental level, any views that the
Government of Pakistan may advance in reply to the Indian High Commission's
notes of 9th May 1955 and 12th January 1956.

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Note recorded by Commonwealth Secretary M. J. Desai and the Orders of Prime Minister thereon regarding the incident of firing by Pakistan Police at Chhad Bet in Kutch.

New Delhi, February 27, 1956.

Ministry Of External Affairs

A review of the circumstances leading to the Chhad Bet incident and the experience gained in dealing with Pakistan’s aggression in this sphere indicates that certain follow-up action is necessary not only in this region but also generally in all border areas to counter similar attempts by Pakistan in future. That Pakistan will be aggressive, whenever possible, must be accepted, this apart from the possibility of a restricted clash in certain selected area which may arise perhaps a year later. It is also necessary to forestall Pakistan in the propaganda and publicity sphere, particularly with the Western powers.

2. I agree that it is easy to be wise after the event but this need not preclude learning from experience and I suggest that the following measures be taken. These will be passed on to the Ministries concerned for their consideration after P.M. has accorded his general approval to various ministries being approached.

Ministry of Home Affairs & States:

(i) The present Chief Commissioner of Kutch has not displayed the same amount of alertness as a Chief Commissioner in a border state should. A major part of the conflict which arose was due to his failure to maintain initiative and to keep Government of India adequately informed of Pakistan’s aggressiveness on Kutch – Sind border and suggesting definite action to contain this aggressiveness. There is no reflection on the officer himself. I have known him since 1930 but he is good enough for routine jobs and a more dynamic individual is required as Chief Commissioner in this border area. Apart from the present incident, we will have Khandla port in this area and extreme vigilance has to be maintained all along the coastal seas in the region to prevent Pakistan poaching in our water, which is generally combined with espionage activities.

(ii) Immediate action must be taken to strengthen the Special Police Reserve in Kutch state as the local police can hardly manage their routine work. Maintenance of border patrol and check on violations of the frontier are normally a police affair and we cannot have the army called in to remedy neglect by the state authorities and their police force as was done in the present case.
(iii) The army authorities are establishing a post in the Chhad Bet region to control border violations but this post will be temporary for two or three weeks and will have to be taken over by the police. As the state police can hardly tackle this job, it will have to be a post maintained by the Special Police Reserve. During our discussions, the army authorities have agreed to draw up a complete blue-print for the maintenance of the police post, their strength, equipment, supplies, communications etc., and to give on loan such equipment and materials as may be required. This must be followed up by the Chief Commissioner and the local commander of the Special Police Reserve in consultation with the army commander in the area and the police post established in the Chhad Bet, the army being relieved, within three to four weeks, of this liability.

(iv) In view of the discussions that have already taken place, instructions may be issued to discontinue auctioning of the Chhad Bet grazing concessions so as to seal the border more effectively. This can be reconsidered when more amicable border relations prevail between India and Pakistan, particularly in the Sind – Kutch region.

Ministry of Communications:

Our experience during the last week when army operations in the area were being considered shows how the army was handicapped by complete lack of telegraphic and telephonic communications in this important border region of Kutch. A general directive may be issued to remedy this to the Chief Commissioner, Kutch, and the Ministry of Communications asked to give all possible facilities. The maintenance of the police post in Chhad Bet requires that these facilities should be installed very early and similar arrangements may be necessary in other border areas in other States. The position may be reviewed by the Ministry of Home Affairs & States and the Ministry of Communications and necessary action take where required. Action, so far as Kutch is concerned, does not require any further consultations.

Ministry of Transport:

So far as border regions are concerned, road and communications are a vital arrangement if the borders are to be kept inviolate and threatened violations to the border are to be met immediately. The Ministry of Home Affairs and States may, in consultation with the Ministry of Transport, take such action as is required to remedy this deficiency about roads in the border areas. This will be done in consultation with the States concerned. So far as Kutch is concerned, this is an urgent matter and the Chief Commissioner’s views may be asked for by the Ministry of Home Affairs and States immediately.
Ministry of Defence:

(i) **Communications:**
For this Kutch incident, the army authorities suffered considerably from want of civil communication facilities. The improvement of communication facilities in Kutch should be coordinated with the army authorities, so that the Army Headquarters may keep for themselves such extra facilities as are required to maintain this border area inviolate.

(ii) Continuous liaison between the civil and military authority in border regions is necessary. There must be orders about this but in the case of the Kutch incident, the army authorities hardly knew anything about what was going on. These orders may have to be re-emphasized and their observance reviewed periodically.

(iii) So far as border areas are concerned, a certain amount of intelligence work is normally and continuously done by the local police. This is supplemented in most cases with army intelligence. In the Kutch case when we heard about this incident the army authorities were completely taken by surprise and there seemed to be very little army intelligence in this border region. We had to wait five days before we could get some information as to what the strength of the Pakistan police force in Chhad Bet – a place 35 miles from the nearest army post – was. Army intelligence work to be coordinated with the police intelligence and strengthened wherever required so far as the border areas are concerned.

(iv) P.M. knows about the long discussions regarding use of the Air Force in the Kutch incident. These were necessitated because of the complete lack of artillery assistance in the Southern Command. We must expect Pakistan aggressiveness in border areas generally. Therefore, the various Commands concerned should have the requisite artillery assistance within fairly easy reach of border areas so that limited army action to deal with intruders more expeditiously can be taken than was possible in this case so that no question of using the Air Force and making it a major incident may be involved in future.

**General :-**

It may be desirable to draw the attention of the various State Governments to the history of this particular incident, the serious developments that occurred because of the failure to take timely action to contain Pakistan aggressiveness and the need to take effective action at the earliest possible sign of Pakistan probing in border areas. This can be done by the Ministry of Home Affairs and States and a brief note will be supplied to them in this connection by the Ministry of External Affairs based on the history of the Kutch incident.
Press:

It is necessary that adequate publicity should be given to the history of this particular incident, the facts of the case, the action taken by the Govt. of India and the latest position. This can be done either by a press release or/and press conference but it will be better in view of the great interest shown in the Lok Sabha that PM makes a suitable statement in this connection sometime towards the end of the week. So far as timing is concerned, it is best that this statement is made before the arrival of the British Foreign Secretary on 3rd March. If P.M. accepts the suggestion, a brief note will be supplied to him for his use.

Sd/ - M.J. Desai.
27.2.1956.

P.M.

Note by Prime Minister

PRIME MINISTER’S SECRETARIAT

I agree generally that we should examine the position created by Pakistan’s incursions and become more vigilant. You can discuss these matters with the Ministries concerned.

2. I have not met the Chief Commissioner of Kutch, but his behavior on this occasion appeared to me very casual. I think he should be told so.

3. The auctioning of the Chhad Bet area must be discontinued for the present at least.

4. While communications should certainly be improved, it is not clear to me how we can lay roads leading to Chhad Bet when most of that area is under water for many months.

5. Your suggestion that artillery should be spread out all over the border does not seem to be a feasible one. It is always a bad policy to disperse your strength and we have not too much to disperse. Personally I would take the risk of not having Artillery in a particular place provided I have a good reserve somewhere from which this could be sent if necessity arose. Anyhow this is a matter for our Army Headquarters to consider and decide.

6. I am not inclined to make a special statement in Parliament. The Press has given adequate publicity to our retaking Chhad Bet. I could add nothing to it. The other question will relate to Pakistan’s complaints and legal issues etc. I imagine, however, that there would be further questions
in Parliament on this issue and I shall certainly answer them. Therefore a brief note should be prepared.

7. I told you this morning about some agreement arrived at after long discussion and argument between the old Sind Government and Kutch, probably in 1924. The border was demarcated by this agreement. Please have this matter investigated by our Historical Section.

Sd/- J. Nehru
27.2.1956

2300. SECRET

Note from Ministry of External Affairs to High Commission of Pakistan in India.

New Delhi, March 1, 1956.

No. F. 4 (14) – Pak. III/55.

The Ministry of External Affairs presents its compliments to the High Commission of Pakistan and with reference to the High Commission’s Note No. F. 62(I)P/48 of the 26th February 1956, has the honour to refer to (i) the Aide Memoire handed over to His Excellency the High Commissioner for Pakistan by the Commonwealth Secretary to the Government of India on the 23rd February 1956 and (iii) the copy of the reply by the High Commissioner for India in Karachi to the Pakistani Ministry of Foreign Affairs and Commonwealth Relations’ Note of the 23rd February, supplied to the High Commission of Pakistan on the 25th February and to state that the Government of India consider it a complete distortion of facts to describe the Pakistan border Police Forces involved in this incident as being “stationed on the border between the State of Cutch (India) and West Pakistan”.

2. The facts are that the Pakistani armed forces violated the Indo – Pakistani border by entering Indian territory and establishing themselves on Chhad Bet, 4 – 5 miles inside the Indian border. They opened five without provocation on the 19th February on an Indian military patrol as it approached Chhad Bet, causing serious injury to three members of the Indian patrol. This incident has already been the subject matter of a protest by the Government of India on the 23rd February 1956.
3. It is not a fact, as stated in the High Commission’s Note, that Indian troops on the morning of February 25 at 5 am. launched a heavy attack on Pakistani Border Police Forces which resulted in casualties to the latter. There was in fact no firing at all on the part of Indian troops on the 25th February. It is possible that some members of the Pakistani Border Police Force which intruded into Indian territory suffered casualties as a result of firing by the Indian military patrol in the incident that took place on the 19th February. The Indian military patrol, having been fired on by the Pakistani armed forces which were unauthorisedly in Indian territory, was completely within its rights in returning the fire in self-defence. In the circumstances, the Government of India is unable to accept any responsibility for any injuries which may have been caused to the intruding Pakistani Forces.

4. The Government of India are, in view of the position stated in the above paragraphs, unable to understand on what grounds the Government of Pakistan have lodged the protest contained in the High Commission’s Note referred to above.

5. With regard to the proposal by the Government of Pakistan referred to in para 2 of the High Commission’s Note, the Ministry has the honour to enclose for the information of the High Commission a copy of a message sent to the Pakistan Ministry of Foreign Affairs and Commonwealth Relations on the 27th February. The Ministry would draw the special attention of the High Commission to paragraph 4 of this message in which it is stated that the Government of India are prepared to consider and discuss at governmental level any views that the Government of Pakistan may advance.

6. The Ministry of External Affairs takes this opportunity to renew to the High Commission of Pakistan the assurances of its highest consideration.

The High Commission of Pakistan,
New Delhi.

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2301. Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.

Karachi, April 9, 1956.

Government Of Pakistan,
Ministry Of Foreign Affairs and Commonwealth Relations
Karachi

No. I (I) 3/10/56. the 9th, April 1956

The Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, present its compliments to the High Commission for India in Pakistan and, with reference to their Note No. F. IHC.5 (Poll)/49 – IX – 3252, dated 9/11th May, 1995 and Foreign, New Delhi, telegrams No. 30354 and 30355, dated 11 – 3 – 1956, has the honour to say that they notice with regret and surprise that despite the unassailable and overwhelming evidence cited by Pakistan, the Government of India should have considered that there does not exist any dispute with regard to the boundary between the Hyderabad and Tharparkar districts of the Sind Division and the Cutch State. The Government of India is obviously labouring under a misapprehension and has confused two distinct disputes between the pre–partitioned Government of Bombay and the Cutch State.

2. One of the disputes was regarding the land lying between Sir Creek and Khori Creek and the meeting point of Karachi and Hyderabad districts with the greater Rann. This dispute was settled by way of a compromise in 1913. A portion of the disputed territory in the actual possession of the Sind Administration was awarded and handed over to the Rao of Cutch while the remaining portion continued as territory of the Sind Administration.

3. This compromise was implemented by actual demarcation in situ in 1923 thereby terminating the Sir and Khori Creek dispute, also known as the Lakhpat –Sind dispute.

4. The other dispute relating to the territorial jurisdiction and the boundary alignment of the Hyderabad and Tharparkar districts of Sind on one side and the Cutch State on the other has never been settled though efforts to do so started in 1875.

This is clear from the following relevant entries in the records of the Sind Administration:-

(i) In 1875 on an enquiry by the Commissioner of Sind the Political Superintendent of Tharparkar asked the Mukhtiarkar of Diplo to intimated
the boundary between the Cutch State and the Tharparkar district. The Mukhtiarkar gave the following detailed report:-

“The boundary between Cutch Bhuj and Diplo taluka is as under:–

In the Rann beyond Rahamki there is the “Serai of Manji” in the north of Allah Bound. The Serai is at a distance of 24 miles from Rahamki. The boundary is near the Gaindiji Chan beyond the villages of Vanger and Balihari. There is Dharamshala at a distance of half a mile to the north of that Dharamshala. No pillars are in existence along the boundary. The boundary can be ascertained by the fact that during the Talpur Regime, the Mirs used to maintain law and order on the side of Gaindi and beyond that the matters were referred to and settled in Cutch Bhuj Darbar.

The whole Banni land is in the territory of Cutch Bhuj State. It is known on enquiry that the Banni land is at a distance of 2 miles from Khavro. The description of the situation is as under:-

1. In the South of Cutch Bhuj lies Tar of Sosrasar at a distance of 14 miles.
2. North 24 miles distant.

On further enquiry, the Mukhtiarkar elucidated the boundary as under:

“In Rann proper there is a Chan of Gaindi and there is a Dharamshala at that place. The Dharamshala is fixed as the boundary of Tharparkar district and Cutch State. The land lying between that Dharamshala and Diplo belongs to the Tharparkar district and the land on the other side of Dharamshala belongs to the Cutch Bhuj State. The Dharamshala marks the boundary between the Tharparkar district and the Cutch Bhuj State.”

The position explained by the Mukhtiarkar was accepted not only by the Political Superintendent, but also by the Commissioner. The latter referred the matter to the Bombay Government who in pursuance of the Commissioner’s observations, asked the Cutch State authorities to depute the Political Superintendent, Cutch State to meet the Political Superintendent, Tharparkar for the demarcation of the boundary. Unfortunately this could not be brought about on account of the death of
the then Rao of Cutch, and consequently the actual boundary continued to remain un-demarcated.

The Government of India would thus appreciate that even as far back as 1876 the territorial boundary between the Kutch State and the Sind was the line dividing the Greater Rann practically into two halves.

(ii) In 1903, the Collector of Hyderabad raised the question whether the Government could assert any right to the produce of a ‘Dhand’ in the Rann of Cutch five miles beyond the survey limits of the Badin Taluka and the Commissioner “considered that the right of the Sind authorities extended to at least the centre line of the Rann”.

(iii) The question was again taken up by the Bombay Government in 1905 but His Excellency the Governor of Bombay thought, “the question might well be left alone till we are forced to take it up. That date is not very distant if the Railway goes through Cutch.”

(iv) The northern portion of the Rann continued to be administered by the Sind authorities and the southern portion by the Cutch authorities without any objection or hindrance from either side. In 1926, however, the Cutch authorities tried to interfere with the grazing and Assishi right of the maldars of the Sind villages in respect Chhad Bet. The Raj – Mahajans and Patels of these villages put in a written application on 1 – 7 – 1926 wherein they complained that one Narainji a Police Jamadar of the Kutch State of Khaoro tried to levy grazing fee on them which they had never paid in the past. Their complaint was examined and the Collector ordered on the 20th December, 1927, that the area in which these persons grazed their cattle lay within the territory and jurisdiction of the Sind Administration and they should not, therefore, pay any grazing fee to the representative of the Kutch (Copy attached). It was clearly stated in this order that half of the Rann belonged to the British (Sind Administration). The Cutch authorities neither objected to this decision of the Collector nor made any representation against it to the authorities concerned.

It is important to note that this decision was given by the Collector soon after the actual demarcation of the boundaries of the area lying between the Sir Creek and Kori Creek was carried out. It is, therefore, clearly established that
the said dispute was entirely a different one and so far as the boundaries between the Cutch State and the Hyderabad and Tharparkar districts of Sind were concerned no settlement had been arrived at.

(v) In 1937–38 when No. 1 Party, Survey of India, undertook half inch survey in Sheets 40 L and 40 P (in which a portion of the Rann of Kutch falls) they wanted to mark on the map the correct boundary between the Cutch State, the Sind Province and the Wav State. A conference of the representatives of the two States and the Sind Province was held for this purpose. The representatives of the Sind Administration claimed that the northern half of the Rann belonged to the British Government. In support of his contention he cited the decision given by the Collector of Tharparkar. No agreement could, however, be arrived at and the boundary remained a disputed one.

The Officer— in— Charge, No. 1 Party (Survey of India) in his letter No. 100/44 — B — 4, dated 16-1-1939, remarked that the views expressed by the Superintendent of Survey and Land Records and the Deputy Commissioner, Tharparkar, were not definite and differed in regard to the alignment of the boundary on the map. It was added that in these circumstances the question remained undecided.

In his letter No. 1575-44-B-4, dated 23rd of August, 1939, the Officer-in-Charge, No. 1 Party wrote to the Collector, Tharparkar as follows:—

“As provincial boundary in the Rann of Cutch is un-demarcated and the authorities of Sind, Cutch State and Wav State still differ as to the correct alignment, no decision can be arrived at by me. I propose to omit this boundary from the modern survey maps”.

Thereupon the Collector of Tharparkar asked the Superintendent of Survey and Land Records, Sind, to give his opinion and the latter suggested that it would not be right to omit the existing boundary from the Survey of India maps as suggested by the Officer-in-Charge, No. 1 Party, Survey of India. It was added that it should be shown by a special symbol and a footnote should be given indicating that it was in accordance with the old records but that the dispute was still there. The Collector accepted the suggestion of the Superintendent of Survey and Land Records, Sind and informed the Officer-in-Charge, No. 1 Party, Survey of India accordingly (vide letter No. I.S. 4416 of 2-10-1939).

The Survey of India officers tried to get an agreement of the representatives of the Government of Sind, Cutch and Wav State but
could not succeed. The Officer-in-Charge, No.1 Party, therefore, recommended that the boundary should be omitted from the map. The Collector, Tharparkar district, however, did not agree and maintained that it should be shown by a special symbol with a foot note indicating that it was in dispute. In view of these circumstances the Director of Map Publication was not competent to show the boundary on the maps without specifying it as “disputed”. He should have refrained from doing so particularly in view of the note on the Survey boundaries supplied by the Officer-in-Charge, No. 1 Party, Survey of India, as an enclosure to his letter No. 1171-44-B-4, dated the 19th May, 1938, wherein it was clearly laid down that the Survey of India maps are not authoritative as regards the alignment of fiscal boundaries and where the boundary is not demarcated, the lack of demarcation on the ground is indicated on the map by a special symbol and where a boundary is in dispute and is not demarcated, it is customary to show the alternative alignment. In this case there was a dispute and the boundary should have been shown as disputed. The decision of the Director of Map Publication to show the boundary by the demarcated symbol without adding the word “disputed” on the large scale was, therefore, clearly unwarranted and cannot be binding on the States concerned.

Even if it is assumed that the action of the Director of Map Publication was correct it will only amount to laying down that the older map boundaries were preserved. The correct thing, therefore, would be to find out the old map boundaries. In this connection the following extract from page 74 of the Imperial Gazetteer of India (1908 Edition published at Oxford at the Clarendon Press) is relevant: -

“CUTCH (Kachchh or The sea-coast land’’) – Native State under the political superintendence of the Government of Bombay bounded on the north and northwest by the Province of Sind, on the east by Native States under Palanpur Agency, on the south by the peninsula of Kathiawar and the Gulf of Cutch and on the southwest by the Indian Ocean. Its limits, exclusive of a portion of the great salt marsh termed the Rann, extend from 22º 47’ to 24º N and from 68º 25’ to 71º 11’ E, comprising as belt of land 160 miles from east to west and about 35 to 70 miles from north to south. The area of the State (exclusive of the Rann) is 7,616 square miles, and it contains 8 towns and 937 villages.”

This shows that the northern most limit of the Cutch State could not go beyond latitude 24º. This view is further corroborated by the original map which formed the basis of the 1913 dispute which was finally closed in 1923. Therein the
jurisdiction of the Cutch State is shown by a yellow riband and this riband in its extreme northern corner does not go beyond latitude 24º.

It must also be emphasized that the action taken by the Director of Map Publication was erroneous for another very important reason. In the 1871 map there is no boundary symbol along the southern pacca portion of the Sind Administration. Subsequent insertions by the Survey of India were not only unauthorized but absolutely unjustified. Such symbol should have been inserted only if the un-demarcated boundary had been determined either by the competent authority or through an agreement of all the parties concerned.

It is significant that the word “disputed” was printed in 1938 along this boundary on a 70 mile map of India showing Provinces, States and Districts and was subsequently shown on reprints of the map in 1940, 1944 and 1946. The Government of India has tried to explain this important point by saying that the word “disputed” was entered by a mistake. The above analysis shows, however, that the entry of the word “disputed” repeatedly shown in maps for the years 1938, 1940, 1944 and 1946 was not really a mistake but was correct as the boundary was really in dispute and had not been determined by the orders of a competent authority or through an agreement of the parties concerned.

5. With this background it would be clear that the Government of India have confused the real issue. On the basis of the settlement of Khori and Sir Creek dispute, which was settled in 1913, they have tried to show that there is no dispute so far as the boundary between the Kutch State and the Hyderabad and Tharparkar districts of Sind is concerned. It is not, therefore, necessary to offer any detailed comments on the points raised by the Government of India in their Note No. F.IHC. 5/Poll-49/IX, dated 9-5-1955. For the sake of clarification, however, the following observations are made:

(a) The Government of India have laid great stress on the fact that in the implementation of the decision regarding Khori and Sir Creek dispute, actual pillars were erected from point at longitude 68º 48´ and latitude 23º 58´ up to the tri-junction between Karachi and Hyderabad districts and the Rann of Cutch. It has been contended by them that up to this point the boundary have been demarcated and if any demarcation is to take place it should be east of this point. Such a contention would be absolutely unjustified in view of the fact that this was altogether a separate dispute and Sind jurisdiction over half of the Rann of Cutch was never disputed. This is amply supported by the observations made by Mr. H.S. Lawrence, the Collector, Karachi, in his note dated the 29th January, 1910, that the Rann of Cutch itself wasn’t involved in the dispute and he clearly stated that he “excluded of course any reference to the Rann of Cutch itself”.

(b) Correspondence shows that the Rao of Kutch was not very keen to
have pillars fixed between longitude 68° 48′ latitude 23° 58′ and the northern tri-junction. The Commissioner, however, insisted that the boundary pillars should be fixed on this line as well presumably for the following reasons:

(i) That the two legs of the triangular area left to Karachi district should be clearly demarcated on site with definite pacca boundary pillars because of the shifting nature of the soil.

(ii) That the Revenue staff of their field work and inspection purposes may be able to locate the turning point at longitude 68° 48′ latitude 23° 58′.

(c) The Government of India also appears to have placed reliance on the erroneous description of the northern pillar given by the Superintendent of Land Records, Sind, who described it as the tri-junction between Jati and Badin Talukas and the Kutch State. In fact this was a tri-junction between these Talukas and the Great Rann. This is amply borne out by the extracts taken from the letters of the Commissioner of Sind and the Political Agent of Cutch. Both the Commissioner of Sind as well as the Political Agent of Cutch described this point as “a tri-junction of the Karachi and Hyderabad districts and the Rann of Cutch”. No capital can, therefore, be made out, of the wrong description given by the Superintendent of Land Records, Sind.

In view of the facts stated above it is clear that neither the wrong description given by the Superintendent of Land Records nor the actual fixation of the pillars up to the tri-junction mentioned above can be taken as the basis for the contention that up to this point the boundary between Sind and the Cutch State has been demarcated on the ground and that further demarcation should start from the point of this tri-junction. The Rann has four sides and so far only the western side has been demarcated and settled. As regards the southern, northern and eastern sides, no demarcation or settlement has yet been arrived at. It is the determination of these three sides which is pending settlement and it cannot, therefore, be maintained that there is no dispute.

(d) The Government of India has produced nothing to show that there was at any time any settlement or demarcation of the boundary between the Cutch State and the Tharparkar and Hyderabad districts of Sind. Mere reliance on the demarcation of the boundary between the Rann of Cutch and the Karachi district in 1923 cannot, in view of the circumstances mentioned, be of any help in supporting their contention so far as the question of demarcation of the boundary between Cutch State and Hyderabad and Tharparkar districts of Sind is concerned.
(e) The Government of India have also relied upon the map 40 L and 40 P. The remarks made in paragraph 4 (v) above clearly show that the Director of Map Publication was not justified in omitting the word “disputed” especially when no agreement between the representatives of Cutch, Sind and Wav Administration was ever arrived at.

Moreover, the Survey maps only show the boundaries along the edge of pacca land of both Sind and Cutch State. No map was ever prepared in accordance with an agreement of all the parties concerned which would have shown that the boundary of the Cutch State went as far north as the southern boundary of the pacca land of Hyderabad and Tharparkar districts and would have depicted the whole of the Rann as part of the Cutch State.

So far as the actual territorial jurisdictions are concerned they are not authoritatively shown on the Survey map. If on the basis of these maps the intention is to argue that the Sind Jurisdiction ended with the pacca land of the Sind Province similar remarks would apply to the pacca land of the Cutch State and the jurisdiction of the State will end with its northern pacca land.

(f) If the Pakistan Government were to follow the example of India they could, on the basis of India’s own arguments, claim the entire Rann. They have, however, not done so. It should, however, be emphasized that the Survey Maps are not conclusive so far as the territorial jurisdiction is concerned and cannot, therefore, be utilized for purposes of settlement of the actual territorial jurisdiction of Sind and Cutch State in the Rann of Cutch. From the records available with the Pakistan Government it is established beyond doubt that Sind Administration exercised territorial jurisdiction over the northern portion of Rann right up to Dharamshala near Ganda Bet. The actual limit, however, of this jurisdiction has not been determined so far. The dispute, therefore, is about the actual line which would indicate the exact position where the Sind jurisdiction ends and that of the Cutch State begins.

(g) Territorial jurisdiction can only be determined by the actual exercise of authority. In their Note dated the 22nd September, 1954, the Pakistan Government gave numerous instances of the exercise of authority of the Sind Government over the northern portion of the Rann both before and after 1923 when the Khor and Sir Creek dispute was finally closed. The Government of India, however, simply tried to explain away the real importance of these instances by remarking –

“Any action taken by the Sind authorities in the area of the Rann of Cutch below Rahimki Bazar, where they had no jurisdiction, without
the knowledge or the agreement of the Cutch Darbar, could have no effect whatsoever on the rights of the Cutch Darbar.”

It is hard to believe that while the Sind Administration exercised authority as illustrated by the examples quoted above the Cutch Administration should have remained ignorant of it. An impartial examination of the evidence available would go to show that the Cutch authorities accepted the position under which the authority of the Sind Administration extended up to the middle of the Rann. It was for this reason that while the Rao of Cutch objected to the construction of Dharamshala he himself suggested the repairs to the roads lying north of the Allah Bund and never disputed the grazing rights of the British citizen in the northern portion of the Rann up – to Dharamshala.

6. It has been emphasized that the Rann is a dead sea. According to the international practice also such seas are divided equally between the States situated on either side of it. The same principle appears to have been followed while settling the dispute over the little Rann between the two States of Morvi and Kutch. The Pakistan claim to the northern portion of the Rann up to Dharamshala is, therefore, supported not only by possession and exercise of authority but also by international practice and precedent.

7. It is thus clearly established that in spite of India’s assertion to the contrary, a dispute does exist about the determination of the boundary alignment of the Hyderabad and Tharparkar districts of the former Province of Sind on the one side and the Cutch State on the other.

8. The Government of Pakistan would, therefore, urge emphatically that in the interest of good neighbourly relations between the two countries as also with a view to avoiding recurrence of unfortunate incidents of the nature that have recently occurred on this frontier, the Indian forces should be withdrawn immediately from Chhad Bet Nara Bet and the status quo restored pending final settlement of the dispute and the ultimate demarcation of the boundary in situ.

The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

Ministry of Foreign Affairs & Commonwealth Relations

The High Commission for India in Pakistan, Karachi.

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2302.  Note from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.

Karachi, June 12, 1956

High Commission for India in Pakistan
Karachi

No. F. 113/6/56 – Genl. the 12th June 1956

The High Commission of India presents their compliments to the Ministry of Foreign Affairs and Commonwealth Relations and with reference to the Ministry's Note No. I (I) 3/10/56 dated the 9th April 1956 regarding the Kutch – Sind border have the honour to state as follows:

2. The Government of India, after careful examination of the various contentions advanced by the Government of Pakistan in support of their claim that the border between the Hyderabad and Tharparkar districts of Sind on the one side and the Kutch State on the other "has never been settled though efforts to do so started in 1875", are constrained to state that in view of the established facts which are well known these contentions are wholly untenable and entirely misconceived. The fact that the entire Rann of Kutch up to its northern limit, which formed the border between the Hyderabad and Tharparkar districts of Sind and the Kutch State, was included within the territorial limits of the Kutch State and that this was clearly recognized by the competent British authorities, including the supreme Government, from the earliest times till Partition is indisputable, as would be clear from the following :-

(1) Selections from the Records of the Bombay Government – No. XV – New Series – 1855 Edition. – These Selections contain the following:-

(i) A New Map of Kutch prepared by Lt. A. Burnes, Deputy Adjutant Quarter Master General in Kutch, from actual measurement and personal observation during 1825 – 28, was used by Mr. Lumsden, Political Agent in Kutch, to show the possessions of the Maharao of Kutch and was submitted together with a letter to the Bombay Government in June 1843. This map shows the possessions of the Maharao extending right up to the northern limit of the Rann of Kutch.

(ii) A Memoir on Kutch State along with a Sketch of the Rann and adjacent countries submitted by Lt. Raikes, Assistant Political Agent in Kutch, to the Bombay Government in November 1854. The Memoir states that the Province of Kutch "contains about 6500 square miles, independent of the Grand Rann which,
however, may be considered as a part of the Province, and which, including the islands with the portion bounded by the Guzerat Coast (east and south – east), occupies an area of 9,000 square miles”.

(2) Gazetteer of India compiled by the authority of the East India Company by Edward Thornton – Vol. II – 1854 Edition. – This Gazetteer while describing the territory of the Kutch State, states that “Its limits, inclusive of the great salt marsh termed the Rann extend from lat. 22º 47´ to 24º 40´ and from long. 68º 26´ to 71º 45´”.

(3) Gazetteer of the Bombay Presidency – Vol. V – 1880 Edition – published under the authority of the Bombay Government – This Gazetteer describes the Kutch State as “Cutch, or the sea coast land, lying between the Peninsula of Kathiawar on the south and the Province of Sind on the north, extends from 20º 47´ to 24º north latitude and 68º 26´ to 71º 10´ east longitude. Exclusive of the Rann, it contains an estimated area of 6,500 square miles ……. “ The map appended to this Gazetteer clearly shows the entire Rann as included within the limits of the Kutch State. Besides, the “Notes for revision of Vol. V” published as Gazetteer of the Bombay Presidency – Vol. V – B – 1905 Edition under the authority of the Government of Bombay made the description clear by stating that “It has an area of 7,616 square miles (exclusive of the Rann, 9,000 square miles belonging to the State).”

(4) Imperial Gazetteer of India – Vol. III – 1881 Edition – published by authority. – This Gazetteer while describing the territory of the Kutch State, states that “Its limits, inclusive of the great salt marsh termed the Rann, extend from lat. 22º 47´ to 24º 40´ and from long. 68º 26´ to 71º 45´.”

(5) Imperial Gazetteer of India – Vol. IV – 1885 Edition – published by authority. This Gazetteer also describes the limits of the Kutch State as inclusive of the great salt marsh termed the Rann.

(6) Imperial Gazetteer of India – Vol. XI – 1908 Edition – published under the authority of the Secretary of State for India. – This Gazetteer describes the territory of the Kutch State as “Its limits, exclusive of portion of the great salt marsh termed the Rann, extend from 22º 47´ to 24º N and from 68º 25´ to 71º 11´ E ……. The area of the State (exclusive of the Rann) is about 7,616 square miles ……”

The Government of Pakistan has misconstrued the above description to contend that “the northernmost limit of Cutch State could not go beyond lat. 24º N”. This
contention is utterly baseless as would be apparent from the maps showing the “Political Divisions of the Indian Empire” and “Bombay, Sind, Baroda and States of Western India” (Plates Nos. 21 and 38, respectively) in the final volume of the *Imperial Gazetteer – New (Revised) Edition – Vol. XXVI* – published in 1931 under the authority of the Government of India. These maps show the entire Rann of Kutch right up to its northern limit as included within the territorial limits of the Kutch State.

3. The Government of India are surprised that the Government of Pakistan should have thought it fit to re-assert that the printing of the word “disputed” along the Kutch – Sind border in the 70 mile Map of India showing Provinces, States and Districts (1938 Edition and its subsequent reprints of 1940 and 1946) “was not really a mistake but was correct as the boundary was really in dispute”. The relevant records of the Survey of India clearly prove that the addition of the word “disputed” was a mistake and that orders were duly issued by the Director of Map Publication to delete the word “disputed” from the map. While this correction was carried out by hand on the fair drawn original as well as the office copies and the stock copies, it was, however, not carried out on the standing negatives due to an oversight, with the result that subsequent reprints of the 1938 edition reproduced the mistake of printing the word “disputed” along the Kutch – Sind border. Besides, the 70 Mile Map of India showing Provinces, States and Districts (1938 Edition) was intended to conform in all respects to the 70 Mile Map of India showing Political Charges which was published by the Survey of India in 1938 for the use of the Political Department after it had been approved by that Department. The 70 Mile Map of India showing Political Charges is thus the authentic map for the purposes of delineating the territories of the States and it clearly shows that the entire Rann of Kutch right up to its northern limit was included within the territorial limits of the Kutch State under the charge of the Western India States Agency. The printing of the word “disputed” along the Kutch – Sind border in the 70 Mile Map of India showing Provinces, States and Districts (1938 Edition) thus lacked authority and was undoubtedly a mistake which was duly rectified by the Director of Map Publication. It will be seen that even in this map the boundary symbol “dash – dot – dash” is used along the northern limit of the Rann, which indicates an accepted boundary and therefore the insertion of the word “disputed” has no meaning.

4. The Government of Pakistan should be aware that it was a well established practice of the undivided Government of India that the Political Maps of India showing the external frontiers and the internal divisions were published by the Survey of India only after they had been approved by the Foreign and Political Department. The Foreign Department in their letter No. 3434 – F, dated the 2nd November 1906 while approving the proofs of the 4th edition of the 32 Mile Map
of India (Political Edition) stated that “It does not appear to be correct to show the Rann of Kutch as though it were all water. The symbol for a swamp might be used.” Again the Foreign and Political Department, while considering the proofs of the 5th Edition of the 32 Mile Map of India in their note dated the 31st March 1914, approved the depiction of the Rann as a marsh and directed the Surveyor General to show in this edition the rectified Kutch – Sind western boundary as agreed to by the Maharao of Kutch and the Bombay Government in 1913 and as sanctioned by the Government of India. The instructions made it clear that the boundary followed the mid-stream of the Sir Creek from its mouth to its top. The 5th edition of the 32 Mile Map of India was finally approved by the Foreign and Political Department in its note dated the 18th September 1914 and the 1915 edition of the 32 Mile Map of India clearly showed the rectified western Kutch – Sind boundary and included the Rann of Kutch up to its Northern limit within the territories of the Kutch State. The subsequent editions of the 32 Mile Map of India, which were published not only with the approval of the Government of India but also after incorporating the corrections intimated by the local Governments, clearly showed the territorial limits of the State of Kutch as inclusive of the Rann right up to its northern limit. It will, therefore, be seen that the 1915 and subsequent editions of the Map of India (Political Edition), which were published with the prior approval of the Government of India and were authoritative for the purpose of delineating the British territory and the territory of the States, clearly showed the entire Rann of Kutch up its northern limit as included within the territorial limits of the Kutch State and depicted the border between the Hyderabad and Tharparkar districts of Sind on the one side and the Kutch State on the other along the northern limit of the Rann of Kutch.

5. The various contentions made by the Government of Pakistan in regard to the depiction of the Kutch – Sind boundary on the Survey of India topographical sheets have already been dealt with in paragraphs 4 and 6 of the High Commission’s note No. F. IHC – 5 – Poll/49 –IX, dated the 9th May 1955 and appendix 2 attached to that Note. These show that the Government of Pakistan’s contentions are utterly untenable, because the Kutch – Sind boundary was shown in accordance with the original taluka maps furnished by the Sind authorities themselves. Moreover, the Government of Pakistan has conceded that “Even if it is assumed that the action of the Director of Map Publication was correct it will only amount to lying down that the older map boundaries were preserved. The correct thing, therefore, would be to find out the old map boundaries.” The assertions made by the Government of Pakistan regarding the old map boundaries are examined below :-
(1) The Government of Pakistan state as follows:-

“In the 1871 map there is no boundary symbol along the southern *pucca* portion of the Sind Administration. Subsequent insertions by the Survey of India were not only unauthorized but absolutely unjustified. Such symbol should have been inserted only if the un-demarcated boundary had been determined either by the competent authority or through the agreement of all the parties concerned.”

These contentions are without any foundation, as would be evident from the following:-

(i) It was the established practice of the Survey of India from very early times that the provincial boundaries on their large scale topographical maps were shown with the agreement of the local British authority. Where the boundary between a British Province and an Indian State was settled by demarcation, by treaty or was acknowledged in practice, it was shown by a dash – dot – dash ( – . – . – . – .) symbol engraved on the map with appropriate colour ribands on either side of it.

(ii) The Sind Topo Survey Sheets Nos. 11 NW. NE, SW & SE published in the Indian Atlas Series 1871 -72 *by the authority of the Government of India* showed the Sind boundary terminating on the northern limit of the Rann of Kutch by the dash – dot – dash ( – . – . – . – .) Symbol. This symbol clearly denotes that this boundary was acknowledged in practice. Besides, this boundary was compared only with the settlement maps of Sind and was shown in consultation with the Sind authorities and the Kutch authorities were not consulted. These sheets are, therefore, authoritative in so far as the Sind boundary is concerned.

(iii) The boundaries of all the talukas, sub – divisions and districts of Sind were derived from the Sind were derived from the Sind Topo Survey Sheets published in the Indian Atlas Series 1871 -72, which is clear from a letter No. 357 of 1939 dated the 8th February 1939 from the Superintendent of Survey and Land Records in Sind to the Officer-in-Charge, No. 1 Party, Survey of India. Since the Sind Topo Survey Sheets were authoritative as explained in Sub-Para above, it is not understood how the boundary symbol along the northern limit of the Rann of Kutch could be omitted from the original taluka maps of Sind. It is, therefore, clear that while the omission of the boundary symbol
from the original taluka maps, if any, was unauthorized, the survey of India were fully justified in using this symbol in their maps, which were published with the authority of the Government of India and showed the boundary in accordance with the Sind settlement maps and with the agreement of the Sind authorities.

(2) The further assertion made by the Government of Pakistan that in the map which formed the basis of the 1913 settlement "the jurisdiction of the Kutch State is shown by a yellow riband and this riband in its extreme northern corner does not go beyond latitude 24º" is also without any basis, as would be apparent from the following:

(i) The map which formed the basis of the 1913 settlement comprised the Sind Topo Survey Sheets Nos. 11 SW (reprinted in 1898), 11 NW (reprinted in 1895 with additions) 11 SE (reprinted in 1890) and 11 NE (reprinted in 1895 with additions). These sheets were again published with the authority of the Government of India and clearly showed the Sind boundary by the demarcated dash-dot-dash (– . – . – ) symbol terminating on the northern limit of the Rann of Kutch. The jurisdiction of Sind was also shown to terminate along this symbol by a purple re-band. There is thus no doubt that neither the boundary nor the territorial jurisdiction of Sind extended south of the northern limit of the Rann of Kutch.

(ii) The erroneous depiction of the jurisdiction of Kutch by a yellow riband along its land portion is due to the fact that the Rann of Kutch was wrongly shown in earlier maps as all water in spite of the fact that all textual description referred to it as a Salt Marsh. This misleading depiction was, however, removed by the orders of the Government of India in their letter of the 2nd November 1906 and their note of the 31st March 1914 mentioned in Para 4 above, which directed the Surveyor General to show the Rann of Kutch by the symbol for a swamp. All the maps published after 1915 invariably showed the jurisdiction of the Kutch State over the entire Rann of Kutch right up to its northern limit. This was so not only in the Map of India (Political Edition) published with the approval of the Government of India but also in the topographical maps which showed the Kutch –Sind boundary in agreement with the original taluka maps of Sind. These maps showed the Kutch – Sind boundary along the northern limit of the Rann of Kutch, which had come to be widely acknowledged
in practice, by the demarcated dash-dot-dash (-.-.-.-.) symbol with or without a pink or purple riband on the Sind side and a yellow riband on the Kutch side.

(iii) The map which formed the basis of the 1913 settlement was composed from reprints between 1890 and 1900 of the 1871-72 Sind Topo Survey Sheets in the Indian Atlas Series i.e. before the order of the Government of India of the 2nd November 1906 and the 31st March 1914 mentioned above.

(3) As regards the contention of the Government of Pakistan that “So far as the actual territorial jurisdictions are concerned they are not authoritatively shown on the survey map” it would suffice to say that the authenticity of the boundaries shown on these maps is derived from the competent authority. It has been clearly explained in the above paragraphs that the Kutch – Sind boundary has throughout been shown on the Survey of India maps in agreement with the original taluka maps furnished by the Sind authorities themselves or after the position had been verified and accepted by the Sind authorities.

The Sind authorities should, therefore, be the last to question the accuracy of these maps or to doubt the authenticity of the Sind – Kutch boundary shown therein.

6. The assertions made by the Government of Pakistan in regard to the actual fixation of pillars from the point at long. 68º 48´ E, lat. 23º 58´ N to the Karachi – Hyderabad – Kutch tri-junction on the northern limit of the Rann of Kutch that “neither the wrong description given by the Superintendent of Land Records nor the actual fixation of pillars up to the tri-junction mentioned above can be taken as the basis for the contention that up to this point the boundary between Sind and the Cutch State has been demarcated on the ground and that further demarcation put forth by them in support of these contentions are completely baseless, as would be obvious from the following:-

(1) If the boundary between Kutch and Sind from the point at long. 68º 48´ E, lat. 23º 58´ N onwards “was altogether a separate dispute and Sind jurisdiction over half of the Rann of Kutch was never disputed” as stated by the Government of Pakistan, there would have been absolutely no sense in the Sind authorities agreeing to the demarcation of the line from the point at long. 68º 48´ E lat. 23º 58´ N to the Karachi – Hyderabad – Kutch tri-junction on the northern limit of the Rann of Kutch by the actual fixation of pillars on the ground. This was the “Sind boundary as marked in purple on the map” referred to in the Bombay Government resolution No. 1192 dated the 24th February 1914 and was clearly shown
as such in the map accompanying the Resolution and this alone is enough
to prove that this was the boundary between the Kutch State and the
province of Sind which was demarcated on the ground and about which
the Sind authorities were so clear that they insisted that boundary pillars
should be fixed on this line. The map attached to the Gazetteer of the
clearly shows the south-north line as the territorial boundary of the Kutch
State in this sector.

(2) The presumptions of the Government of Pakistan that the Maharao of
Kutch was not keen on demarcating this line are not borne out from the
facts which are that the arduous work of actually fixing the pillars on a
difficult terrain was undertaken by the Kutch authorities. It these pillars
were constructed only to demarcate the legs of the Karachi district and
to enable the Sind Revenue staff to locate the turning point at long. 68°
48´ E lat. 23º 58´ N, there was no reason why the Kutch Darbar should
have not only undertaken this work but also paid half of the expenditure
involved. The Kutch Darbar was in no doubt that the line from the point
at long. 68° 48´ E lat. 23º 58´ N to the Karachi – Hyderabad – Kutch tri-
junction on the northern limit of the Rann of Kutch was the boundary
between the Kutch State and the Sind Province and that it was that
Kutch – Sind boundary which was demarcated on the ground.

(3) Any doubt that this was not the Kutch – Sind boundary should be further
removed by the Bombay Government Resolution No. 6783 dated the 3rd
April 1928 sanctioning the expenditure on account of Sind’s share payable
to the Kutch Darbar for the work carried out by them which was debited
to the specific head of “Demarcation of boundaries between British
territory and Indian States”.

(4) There is nothing wrong in the description of the “tri-junction of the Karachi
and Hyderabad districts and the Rann of Kutch” as the tri-junction of Jati
taluka, Badin Taluka and Kutch State by the Superintendent of Land
Records in Sind as there is no difference between the two. The Rann of
Kutch up to this point and east of the line demarcated on the ground was
an integral part of the Kutch State right up to its northern limit.

(5) The argument of the Government of Pakistan that the actual fixation of
pillars only demarcated and settled the western side of the Rann and
that the northern Southern and eastern sides remain to be settled has
no meaning. There is a substantial portion of the Rann lying west of
the line from the point at long. 68° 48´ E lat. 23º 58´ N to the Karachi –
Hyderabad – Kutch tri-junction on the northern limit of the Rann of Kutch.
Therefore the line demarcated in 1923 – 24 could not be the western
limit of the Rann but only the western border between Kutch and Sind. The only other part of the Rann requiring similar demarcation is its northern limit because this forms the boundary between Kutch and Sind.

(6) In view of the position explained above, the Government of India should like to state emphatically that it is an unchallengeable fact that boundary between Kutch and Sind from the top of Sir Creek up to the Karachi – Hyderabad – Kutch tri-junction on the northern limit of the Rann of Kutch has been actually demarcated on the ground and that further demarcation of the Kutch – Sind border should start from the tri-junction point and proceed due east along the Kutch – Sind boundary shown in purple in the map attached to the Bombay Government’s Resolution No. 1192, dated 24 – 2- 1914 up to the Sind – Kutch – Rajasthan tri-junction on the north – eastern extremity of the Rann.

7. In view of the facts stated in the above paragraphs, which clearly establish that the Rann of Kutch up to its northern limit was an integral part of the territories of the Kutch State, that the sovereignty of the Maharao of Kutch over the Rann up to its northern limit was recognized in the clearest terms by the competent British authorities, including the Supreme Government, that the boundary between the Kutch State and the Sind Province was demarcated on the ground up to the Karachi – Hyderabad – Kutch tri-junction on the northern limit of the Rann and that the boundary between the Hyderabad and Tharparkar districts of Sind on the one side and the Kutch State on the other was acknowledged to follow the northern limit of the Rann of Kutch not only by the competent Sind authorities but also by the Supreme Government, it is amazing that the Government of Pakistan should completely ignore these indisputable fact and contend that “The Government of India have produced nothing to show that there was at any time any settlement or demarcation of the boundary between the Kutch State and Tharparkar and Hyderabad districts of Sind.” The boundary between the Hyderabad and Tharparker districts of Sind on the one side and the Kutch State on the other along the northern limit of the Rann of Kutch has been a settled fact from the earliest times till Partition and continues to be so although it has not yet been demarcated on the ground. The Government of India, therefore, reiterate their regret and surprise that when the question of demarcation of this boundary, which should have presented no difficulty, was taken up with the Sind authorities in May 1947, the Government of Pakistan should have sought to reopen the entire question of the boundary between the Hyderabad and Tharparker districts of Sind and the Kutch State after Partition, without ascertaining the facts and basing their case on certain alleged acts of exercise of jurisdiction by the Sind authorities in the Rann of Kutch and certain unsubstantiated statements made by the Sind officials in times gone by. The Government of Pakistan should have known that the alleged acts of exercise of
jurisdiction, if any, were clearly unauthorized in view of the fact that the sovereignty of the Maharao over the Rann of Kutch was throughout recognized by the Supreme Government and had at no time been challenged by any competent British authority and that the vague and unsubstantiated statements of the Sind officials without any authority of the higher Government, i.e. the Bombay Government or the Government of India, could have no validity in affecting the sovereign rights of the Kutch Darbar over the Rann of Kutch. Nevertheless, the alleged acts of exercise of jurisdiction by the Sind authorities quote by the Government of Pakistan in paragraph 4 of their Note No. I (I) 3/9/54, dated the 22nd September 1954 were thoroughly examined in appendix 3 to the High Commission’s Note No. F.IHC – 5 – Poli/49 – IX, dated the 9th May 1955, a perusal of which once again will show that most of the instances cited by the Government of Pakistan were without any basis or without any authority. The Government of India had, on the other hand, referred to certain irrefutable facts establishing in the clearest terms that the jurisdiction of the Kutch Darbar extended over the entire Rann right up to its northern limit and that this was accepted by the Sind authorities themselves in a number of cases. The attention of the Government of Pakistan is again drawn to the following:-

(1) The entire Gainda Bet was clearly accepted as part of the territory of the Kutch State not only by the Political Agent in Kutch but also by the Magistrate of Tharparkar from as early as 1854 – 55. The boundary between the Sind Province and the Kutch State could not, therefore under any circumstances run through the Gainda Bet dividing it practically into two halves as alleged by the Government of Pakistan on the basis of an unsubstantiated statement made by the Mukhtiarkar of Diplo in 1875.

(2) The fact that the Kutch Darbar exercised full jurisdiction right up to the northern limit of the Rann of Kutch is clearly established by the existence of a fort known as the Kanjar Kot (its ruins are still in existence) belonging to the Maharao of Kutch. This fort is situated close to the northern limit just a mile or two south of the Rahim – ki – Bazar, the nearest village in Sind above the northern limit of the Rann.

(3) The fact that the Kutch Darbar have throughout exercised full jurisdiction over the Chhad Bet and other Bets in the Rann of Kutch by collecting grazing dues from the cattle owners of Sind and that this was accepted by the Sind authorities is borne out from the following :-

(i) The Kutch Darbar sanctioned a sum of Kories 1,000 /- during the year 1924 – 25 for digging a well in Chhad Bet as there was no facility for drinking water. The well was dug but it had to be abandoned as only salt water was found.
(ii) The Sind authorities agreed in 1944 – 45 to the extradition of mounted Police Sowar Ketamal Versimal, Sumra Sidik and Bhil Kania Gamia of the Diplo Taluka in the Tharparkar district of Sind to Kutch for trial under Sections 393 – 398 and 347 I.P.C for attempt at robbery and wrongful confinement of one Mahamad Hamir near a place called Kunvar Bet in the Rann of Kutch. The endorsement No. J/7930 dated the 7th November 1945 from the District Magistrate of Tharparkar to the Secretary to the Resident for Western India States refers.

(iii) In 1945 some employees of the Kutch State stationed on duty in the Chhad Bet apprehended some Sind cattle owners for grazing their cattle without payment of dues and brought them to Khavada Police Station in Kutch. The Sind cattle owners were released after they had made payment of the grazing dues. On return to Diplo, they lodged a complaint against the Kutch State employees and the Diplo Police authorities registered a case under Sections 223, 148 and 342 I.P.C. The District Magistrate of Tharparkar sought extradition of the Kutch State employees through the Resident for Western India States, whose letter No. A/4-3 (C) dated the 17th September 1945 to the Kutch Darbar refers. The Kutch Darbar refused to surrender their employees who had only discharged their duty within the State territory and the Sind authorities had to drop the matter.

(4) The Kutch authorities not only extended full assistance to trace the culprits responsible for the murder of Ramsarup of the Customs Department in the Rann of Kutch at a distance of about 18 miles from the Ding Outpost on the northern limit of the Rann but also informed the Superintendent of Police. Tharparkar that the offence was committed within Kutch territory. The letter No. 450 dated the 4th July 1945 from the Commissioner of Police in Kutch to the Superintendent of Police, Tharparkar, refers.

8. The contention of the Government of Pakistan in their telegram No. 1141 dated the 7th March 1956 that the Nara Bet in the North-eastern portion of the Rann of Kutch falls in the Nagarparkar taluka of Sind “according to official survey maps of 1927 and 1938” has been examined and is found to be without any basis, as would be clear from the following:-

(1) No survey maps containing the area of the Nara Bet were published by the Survey of India in 1927 or 1938 nor was the area surveyed by the Survey of India in those years. The Government of India are, therefore, not aware of the “official survey maps of 1927 and 1938” referred to by the Government of Pakistan.
The records about the Nara Bet show that it was a part of the Suigam Taluka (formerly in the Wav State) under the Western India States Agency but this was disputed by the Kutch State. This area was accordingly shown as “disputed” in the Survey of India Sheet No. 40 P. Nara Bet was never a part of the Nagarparkar taluka of Sind and Sind was not a party to the dispute between the Wav and Kutch States, as the boundary of Sind was shown clearly in Sheet No. 40 P in accordance with the original taluka maps furnished by the Sind authorities to the Survey of India. It is not necessary to go into the merits of the dispute between the Kutch State and Wav State as both the States became an integral part of India after Partition and the Nara Bet is thus clearly within Indian territory.

The Government of India presumes that the Government of Pakistan are aware of the engagement entered into by the Supreme Government with the Maharao of Kutch in the Treaty of Alliance of October 1819 guaranteeing the dominions of the Maharao. Since the sovereignty of the Maharao over the Rann of Kutch was recognized by the Supreme Government and since the jurisdiction of the Maharao over the Rann of Kutch right up to its northern limit was not only accepted but actually exercised by the Maharao, no unilateral action on the part of the Sind authorities could in the slightest way affect the established and recognized rights of the Maharao without his agreement and the sanction of the Government of India. If the Sind authorities or any other British authority had any doubt about the territorial limits of the Kutch State or had any claim on its territories, there was no reason why the proper course of negotiating with the Maharao or making a reference to the Government of India, if it was not possible to arrive at a settlement with the Maharao, was not adopted, as in the clear precedent of the dispute about the western portion of the Kutch – Sind boundary which was settled in 1913 in an appropriate manner. The fact that this was not done for nearly 75 years, according to the Government of Pakistan themselves, should be sufficient to signify that Sind had no claim at all. This also explains the reason why the Government of Bombay did not take any action on the references made by the Sind authorities in the matter on two occasions in 1875 and 1905. That the Sind authorities failed to establish their territorial claim for 75 years and that their authentic taluka maps throughout showed the boundary of Sind as terminating on the northern limit of the Rann of Kutch further prove the utter baselessness of Sind’s claim.

The question of application of International practice in regard to “dead seas” for determining the boundary between the Kutch State and Sind Province raised by the Government of Pakistan is absolutely irrelevant, as the fact that the Rann of Kutch has been an integral part of the territories of the Kutch State from the earliest times till Partition is beyond dispute, as has been shown in the above paragraphs. In any case, the Rann is not a sea, “dead” or “inland” or of
any other description. It is a salt marsh and has been so described since earliest times. The erroneous depiction of it on certain maps as all water was corrected by orders of the Supreme Government in 1906 and 1914 (see paragraph 4 above).

11. The Government of India should like to emphasize that the alignment of the boundary between the Hyderabad and Tharparkar districts of Sind on the one side and the Kutch State on the other along the northern limit of the Rann of Kutch is a settled fact and that the only question which now remains is the demarcation of this boundary by actual fixation of pillars on the ground. The Government of India are always prepared to discuss proposals for the demarcation of the Kutch – Sind border from the Karachi – Hyderabad – Kutch tri-junction on the northern limit of the Rann of Kutch due east to the Sind – Kutch – Rajasthan tri-junction on the north – eastern extremity of the Rann of Kutch in accordance with the procedure already agreed upon between the two Governments on other sectors of the Indo – Pakistan boundary.

12. From what has been said in this and earlier communications on this subject from the Government of India, it is clear that the Rann of Kutch up to its northern limit has always formed part of the Kutch State which is now a part of the Union of India. Consequently, the entry of Pakistani forces into Chhad Bet in February 1956 constituted a deliberate violation of Indian territory. As stated in paragraph 2 of telegram No. 30355 dated the 11th March 1956 from Foreign New Delhi to Foreign Karachi, Indian forces are in the Chhad Bet area in the performance of their normal duty of preventing any violation of Indian territory.

13. The High Commission takes this opportunity to renew to the Ministry of Foreign Affairs and Commonwealth Relations the assurances of their highest consideration.

High Commission For India

The Ministry of Foreign Affairs and Commonwealth Relations,
Karachi.

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2303. Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.


Government of Pakistan
Ministry of Foreign Affairs and Commonwealth Relations
Karachi


The Ministry of Foreign Affairs and Commonwealth Relations. Government of Pakistan presents its compliments to the High Commission for India in Pakistan and, with reference to their Note No. F – 113/6/56 – Genl., dated the 12th June, 1956, regarding the Kutch – Sind border has the honour to state as follows:

The Government of Pakistan regrets that despite the overwhelming evidence quoted in their Notes No. I (I) – 3/9/54, dated the 22nd September, 1954 and No. I (I) -3/10/56, dated the 9th April, 1956, the Government of India have thought it fit to assert that “the boundary between the Hyderabad and the Tharparkar districts of Sind on the one side and the Kutch States on the other along the northern limit of the Rann of Kutch has been a settled fact from the earliest times till partition and continues to be so although it has not yet been demarcated on the ground”. The position has been utterly misconceived by the Government of India as would be clear from the following:

2. (a) Once the Government of India realize the following two facts this case will cease to escape a solution. Firstly, that the Rann of Kutch has always been a distinct unit of area, entirely separate from Kutch. Secondly, that what existed between Sind and Kutch were two disputes each relating to a different area and having a different nature as follows:

(i) One dispute related to the Sind – Kutch boundary on the land lying between Creek and Khori Creek and the meeting point of the Hyderabad and Karachi districts with the Greater Rann. The dispute was settled through the Government Resolution No. 1192, dated the 24th February, 1914, and the actual demarcation effected on the site in 1923 in accordance therewith. In pursuance of that settlement an area of 76,527 acres 23 gunthas, as specified in the Commissioner-in-Sind’s Notification No. 7749 – A, dated the 13th April, 1925, was transferred from Sind to Kutch. No portion of the Rann lies in the area which was the subject matter of this dispute and the statement to the contrary in Sub-Para. (5) of paragraph 6 in the High Commission’s Note under reference is unfounded.
The other dispute related to the delimitation of the respective rights of Sind and Kutch in the Ram itself and involved the territorial jurisdiction and the boundary alignment therein of the Hyderabad and Tharparkar districts of Sind on one side and the Kutch State on the other. This dispute was first raised in 1875 when the relevant boundary defined by the Mukhtiar of Diplo [as mentioned in paragraph 4 of this Ministry’s Note No. I (I) – 3/9/54, dated the 22nd September, 1954], was accepted by the Political Superintendent of Tharparkar and the Commissioner of Sind as well as by the Bombay Government. The Bombay Government moved the Kutch Darbar for an actual demarcation to be effected in accordance therewith but this could not materialize because of the death of the Maharao of Kutch that year. The above position is borne out by record which shows that the Political Agent, Kutch State showed his inability to meet the Political Superintendent of Tharparkar that season. Therefore, the Government issued the Resolution of February, 1876, that the demarcation in question must be postponed till next season and the Commissioner in Sind was informed accordingly.

After 1875, this dispute arose only on two occasions as under:

(i) In 1926, when the official representative of the Kutch tried to charge grazing fee from the Sind graziers in Chhad Bet, the Collector of Tharparkar made a reference to the Commissioner and he was informed that no change had occurred in the boundary line since 1875. Thereupon the Collector of Tharparkar passed an order that half of the Rann belonged to the British (Sind) Administration and no grazing fee should be paid to Kutch.

(ii) In 1937 – 38, when topographical Survey was carried out by the Survey Department of the Government of India. At that time the Officer-in-Charge held a joint conference of the representatives of Sind, Kutch and Wav States but no agreement could be arrived at. The Sind representatives claimed that half of the Rann should be included in Sind and desired that boundary line be drawn accordingly. This was not agreed to by the representatives of Kutch and Wav States. On correspondence being carried on with the Officer-in-Charge of boundary line in the Rann of Kutch which was un-demarcated, he was prepared to omit the boundary line from the modern Survey maps.

(b) The existence of the two disputes as distinct entities is clearly expressed in the demi-official letter dated the 10th October, 1905, addressed by Mr. Morrison of Sind Government to the Government of Bombay in which
he said “the boundary between Sind and Kutch” ‘AND’ “the question of rights within Rann of Kutch” “will have to be settled one day or other, and my opinion is that the sooner the matter is taken up the better. Further delay will only give the Darbar opportunities, now that they apparently are thinking of their claims to accumulate or even manufacture evidence in their favour”. However as already pointed out in Sub-Para. (iii) Of paragraph 1 of this Ministry’s Note No. I (I) – 3/10/56, dated the 9th April, 1956, the Government of Bombay replied through their letter dated the 23rd November, 1905 that His Excellency (the Governor of Bombay) “thinks the question might be left alone till we are forced to take it up”. They were “forced” to take up the question relating to the settlement of the Sind – Kutch boundary to the west of the Rann because the following incidents occurred in that area one after another which threatened to strain the relations between the British Administration and the Maharao :-

(i) Ahmad Juma, a Tindal who was employed at the British Customs post at Sarganda was arrested and handcuffed by the Kutch authorities because he visited the west coast of the Sir Creek in the performance of his duty.

(ii) The Kutch authorities created a beacon “at the entrance to the Sir Creek and posts in the channel that thence connects with the Khori Creek”.

(iii) The Kutch State Police levied fees forcibly from the fisherman fishing in the open sea about 25 or 30 miles from the shores of Soir and Busta.

(iv) Certain Jakirani Jats who used to pay grazing fees to the British Government for the right to graze their camels between the Khori and Sir Creeks complained that they were compelled to pay the same fee over again to the Kutch Darbar.

(c) Sind – Kutch boundary to the west of the Rann was physically defined between Sind and Kutch through the Bombay Government resolution No. 1192, dated the 24th February, 1914 and demarcated accordingly in 1923. From the Government of Bombay Resolution No. 1192, dated the 24th February, 1914 and the map attached to that resolution, it is clear that only the boundary from the mouth of the Sir Creek to latitude 23º 58´ N, longitude 68º 48´ E was settled. No incidents occurred to similarly ‘force’ the British Administration to take up the question relating to the Rann ‘itself’ and so this question still remains unsettled.

(d) The Government of India would appreciated that the settlement of one dispute implies neither that the other disputed did not exist nor that the
other dispute was automatically settled by the settlement reached in the
former dispute. It is inconceivable that the British Administration would
give away the entire Rann of Kutch without saying a word to that effect
while for the very small area settled by the Bombay Government
Resolution No. 1192, dated the 24th February, 1914, they would issue a
notification (Commissioner-in-Sind’s No. 7749 – A, dated the 13th April,
1925) specifying the area (76,527 acres 23 gunthas) and particulars of
the land involved. In the map which formed the basis of the 1913
settlement, the jurisdiction of the Kutch State is shown by a yellow riband
and this riband in its extreme northern corner does not go beyond latitude
24°. The Bombay Government Resolution (mentioned above) made it
clear that the boundary laid down therein ended at the meeting point of
the blue dotted line with the Sind boundary as mentioned in purple on
the map i.e., at the point latitude 23° 58´ N, longitude 68° 48´ E. The
contention of the Government of India that the Sind authorities assumed
that the Rann of Kutch was included in the Kutch State on the basis of
the “Sind boundary as marked in purple on the map referred to in the
Bombay Government Resolution No.1192, dated the 24th February, 1914”
is utterly misconceived for the following reasons :-

(i) The map referred to in the Bombay Government Resolution
No.1192, dated 24th February, 1914, was no more than an annexure
to this Resolution and had no other purpose except to illustrate the
area of 76,527 acres 23 Gunthas thereby ceded to Kutch from the
Karachi district.

(ii) The dash-dot-dash-dot symbol upon it was inserted by hand only
to illustrate the Taluka District boundaries for the purpose of
illustrating the area of Jati and Shah Bunder Talukas of the Karachi
district which were ceded to Kutch. No such boundary symbol
existed on the 1886-87 map of the Survey of India nor in the map
prepared in 1910 to accompany the Sind Gazetteer and in fact the
maps of 1927-28 (of Nagarpur Taluka) and 1929–34 – 42 – 43 (of
the Thar Sub-Division of the Tharparkar district) show the Sind
jurisdiction to at least the centre of the Rann.

(iii) The map of Sind prepared in 1927 on a scale of 8 miles to an inch
was reprinted in 1933, 1936, 1940 and 1941. A copy was signed
by the Superintendent of Survey and Land Records in Sind on 3rd
September, 1940, and printed in Poona in 1941. In this map, the
words “Kutch State” have been spaced along the Talukas of Jati
and Shah Bandar of the former Karachi District from the mouth of
Sir Creek to the point lat. 23° 58´ N and long. 68° 48´ E. Beyond
this point the words “Rann of Kutch” have been spaced along the
south of the Pacca land of the Talukas o Badin, Diplo, Mithi and Nagar Parkar of the Sind Province. It is quite clear from this map that the extreme eastern portion of Kutch State in the Rann area demarcated in 1923 under the Bombay Government Resolution No. 1192, dated the 24th February, 1914 ended at the point lat. 23° 58´ N and long. 68° 48´ E and beyond that it was the Rann of Kutch. It is, therefore, established that the Bombay resolution only related to the area up to the extreme eastern portion ending at the point 23° 58´ N and 68° 48´ E and that it had no reference to the area east of this point.

(iv) On the 20th December, 1927 (i.e. soon after the actual demarcation of the boundaries of the area lying between Sir Creek and Kori Creek was carried out in pursuance of the Bombay Government Resolution quoted above), the Collector of Tharparkar issued an order that Chad Bet lay within the territory and jurisdiction of the Sind Administration and the maldars grazing their cattle there should not pay any grazing fee to the Official representative of the Cutch. It was clearly stated in this order that half of the Rann belonged to the British (Sind) Administration. It is to be noted that it was a Police Jamadar of the Kutch State who had tried to collect the grazing fee and he would not have failed to inform the Kutch authorities that under the orders of the Collector of Tharparkar the graziers had refused to pay it. The Kutch authorities neither objected to this decision nor made any representation against it to the Sind authorities. A copy of the Collector's order had already been forwarded to the Government of India as an enclosure to this Ministry's Note No. I (I) – 3/10/56, dated the 9th April, 1956.

3. The position taken up by the Government of India is that "the (so called) boundary between the Hyderabad and Tharparkar districts of Sind on the one side and the Kutch State on the other along the northern limit of the Rann of Kutch" is not a disputed boundary but represents a disputed area since "it has not yet been demarcated on the ground". This position has been utterly misconceived by the Government of India. The correct position is that the Sind Administration has always exercised jurisdiction in the northern half of the Rann and the area which needs to be demarcated and that the disputed area would be that roughly represented by a line passing through almost the centre of the Rann. This is proved from the following:-

(a) The under mentioned entry appears on page 5 of the Sind Gazetteer of the year 1907:-

"More recently the western part at least of the Rann from Ali Bandar
to Kori Creek was richly fertile, according to tradition and intercourse between Sind and Kutch, was free and frequent, obstructed by no desert barrier. In fact there was probably good water-way by the Puran from Lakhpat to Umerkot. About 30 miles from Lakhpat and 20 miles from Ali Bundar was fort of Sindhria frontier post and Customs house of the Kutch Government.

But in 1762 or there bout, Ghulam Shah Kalhore built a great dam across the Puran and Mori which served two purposes, fertilizing his own land and desiccating those of his enemy, the Rao of Kutch. The Kori became a mere creek and Lakhpat the furthest point of Kutch. The terrible earthquake of 1819 completed the work of desolation. A sudden subsidence of the land caused an inrush of sea which converted the country round Sindhri into a Salt lake for the time and destroyed that place. Since the earthquake the frontier of Sind from Kori Creek to Nagarparkar has been unmitigated saline desert.”

From this it is clear:-

(i) That the Rann was an inland sea,
(ii) That the land in the northern half of the Rann was under the Kalhora Kings of Sind,
(iii) That Sindhri was a frontier outpost of the Kutch State,
(iv) That Sindhri was about 30 miles away from Lakhpat and 20 miles from Ali Bunder, and
(v) That the Bund (shown on the map as Allah Bund) was constructed by the Kalhora Kings of Sind from Mori.

(b) The topo sheet published in 1898 (by the authority of the Government of India) under the direction of the Major General C. Stranhan, R.G., Surveyor General of India shows all the places named above. It also shows the Dharmsala mentioned in 1875 by the Mukhtiarkar of Diplo as pointed out in Sub-Para (1) of paragraph 4 of the Government of Pakistan’s Note No. I (I) – 3/10/56, dated the 9th April, 1956.

(c) Very obviously the treaty of Alliance of October, 1819, guaranteeing the dominions of the Maharao did not extend to or include the Rann of Kutch and this should become very obvious from the fact that the map prepared by Burns, Deputy Adjutant Quarter Master General “from actual measurement and personal observation” in 1825 (namely, soon after the Treaty of Alliance of October, 1819) did not show the Rann of Kutch
as included in the Kutch State. On the other hand, the words “THURR” and “PARKUR” respectively, are inserted on the space in which the Rann area is depicted in this map.

(d) In a permanent record consisting of Ism-Shumari for the year 1869 – 70 onwards there are clear entries about patches of areas granted by the then Revenue Officials of Taluka Diplo for Kharif and Rabi cultivation on both sides of the Dhoro Puran for which land revenue was recovered by the Taluka Revenue Officers. Dhoro Puran has been clearly shown in the Indian Atlas sheet No. 3 NESE as being approximately 4 miles inside the Rann of Kutch. This shows that as many as 87 years ago the Revenue authorities of Diplo Taluka exercised jurisdiction over this part of “BANNI” land and recovered land revenue.

(e) The following extracts from letter No. 372 of 1923 dated the 4th August, 1923 and letter No. 484 of 1923 dated the 29th September, 1923 from the Diwan of Kutch to the Political Agent of Kutch on the question of improvising water, provisions and conveyance etc., for the party demarcating the boundary (in accordance with the Bombay Government Resolution No. 1192, dated the 24th February, 1914) clearly show that even the Kutch State did not claim an area in the Rann beyond ten miles to the north of the point long. 68º 48´ E, lat. 23º 58´ N. and recognized that it was the Sind Administration which exercised jurisdiction over the remaining area of the Rann.

(Letter No. 372, of 1923)

(i) “This arrangement was availed of from the Seer Creek to the angle of the triangle and 10 miles northwards. Beyond this the party had expected to obtain water, provisions and conveyance etc., from the Sind side.

(ii) “With regard to the request, about rendering the Sind authorities every possible assistance, contained in your letter No. 664, dated the 13th June, 1923, I may inform you that the necessary help will be afforded to the Sind authorities when work is being done on the line from the Seer to the angle of the triangle and 10 miles northwards. Beyond that, Darbar trust that every assistance will be given to the Kutch party by the Sind authorities”. (Letter No. 372, of 1923)

(iii) “Referring to your endorsement No. 1062, dated the 11th September, 1923, I have the honour to say that as already stated in this office letter No. 372, dated the 4th August, last, the required arrangement can be made for the party mentioned in letter No.
1645, of the 6th instant from the Superintendent Land Records in Sind, when work is being done on the line from the Seer to the angle of the triangle and 10 miles north-wards, and beyond that the Sind Authorities will be expected to arrange for water, provisions and camels for their as well as the Kutch parties”. (Letter No. 484, of 1923)

(iv) “The Officer in-charge of the Kutch Party will notify to the Sind Officer what arrangements he would requires from the Sind authorities, when they are working beyond the ten miles northwards on the Sind side. It is therefore requested that the Sind authorities might be addressed to render every possible help to the Kutch party on requisition”. (Letter No. 484, of 1923)

(f) The Imperial Gazetteer of India (Volume XI 1908 Edition) published under the authority of the Secretary of State for India fixes the boundary of the Kutch State as extending not beyond nearly 24º North latitude. It elaborately defines the limits of the boundary of the Kutch State. The Government of Pakistan emphasise that according to this Gazetteer “the whole territory of Kutch is almost entirely cut off from the continent of India north by the Great Rann, east by the little Rann south by the Gulf of Kutch and West by the Arabian Sea”.

(g) That the Maharao did not regard the area beyond ten miles to the north of the point long. 68º 48´ E, lat. 23º 58´ N, as Kutch territory and regarded the demarcation in that area to be the responsibility of the Sind authorities, is proved by the letter No. 372 of 1923 and letter No. 484 of 1923 from the Diwan of Kutch to the Political Agent in Kutch quoted above. There is also correspondence which shows that the Kutch Darbar did not accept responsibility for the affixation of the pillars beyond ten miles to the north of the point 68º 48´ E, 23º 58´ N. The Commissioner in Sind insisted on this demarcation by pucca boundary marks so that in the same continuation the two legs of the triangular area left to the Karachi district may be clearly demarcated on site with definite pucca boundary pillars because of the shifting nature of the soil and the Revenue Staff for their field work and inspection purposes may be able to locate the turning point at long. 68º 48´ E, lat. 23º 58´ N. For facility of reference the area to which the total cost of the demarcation pertained may be split up into, (1) from the top of the Sir Creek eastward to the point long. 68º 48´ E, lat. 23º 58´ N. (2) from the point long. 68º 48´ E, lat. 23º 58´ N, northward to a distance of 10 miles, and (3) from the point ten miles to the north of the point long. 68º 48´ E, lat. 23º 58´ N, to the tri-junction of the Karachi and Hyderabad districts with the greater Rann. All that can be said, is that the cost of the demarcation relating to the last-
mentioned portion of the area should have been separated from the total cost and debited exclusively to Sind and that the small amount representing 50 per cent of the cost relating to this portion was an ex-

(h) gratia payment by Kutch. The Government of Pakistan regret that the Government of India again capitalize on the wrong deception by the Superintendent of Land Records of the point as “the tri-junction of Jati Taluka, Badin Taluka and Kutch State” even though this point is explicitly described in the old Revenue records as well as in the relevant correspondence both by the Commissioner of Sind and the Political Agent of Kutch as “a tri-junction of the Karachi and Hyderabad districts and the Rann of Kutch.”

(i) The Government of Pakistan note that none of the numerous instances of the exercise of jurisdiction by Sind in the northern half of the Rann, quoted in the Ministry’s Note No. I(I) – 3/9/54, dated the 22nd September, 1954, and Note on I(I) – 3/10/56, dated the 9th April, 1956, has been refuted by the Government of India.

(ii) It should, therefore, be obvious to the Government of India that

(iii) the order of the Commissioner of Sind and the Political Superintendent of Tharparkar by which they approved the boundary of the Tharparkar district was “defined” by the Mukhtiarkar of Diplo in 1875,

(iii) the declaration of the Commissioner of Sind (when the issue was raised by the Collector of Hyderabad in 1903) that “the right of the Sind authorities extended to at least the centre of Rann”, and

(iii) the order of the Collector of Tharparkar dated the 20th December, 1927 (on the application of the Raj Mahajans and Patels of Diplo Taluka) stating that half of the Rann belonged to the British (Sind) Administration were not the “vague and unsubstantiated statements of Sind officials” but were the views of competent authorities of the then British Administration and in accordance not merely with the position as accepted by the Government of Bombay in 1876 and the Gazetteers subsequently published under the authority of the Government of Bombay and the Secretary of State for India, respectively, but also in accordance with the admissions of the Kutch Darbar itself as mentioned above.

4. The jurisdiction in the northern half of the Rann was exercised by the Government of Sind after the British annexation and this is abundantly borne out by the numerous instances of their exercise of jurisdiction in this area as are mentioned in paragraph 4 of the Ministry’s Note No. I(I) – 3/9/54, dated the 22nd September, 1954, which the Government of India have not refuted but
which they have lightly ignored as being without the knowledge of the Kutch Darbar. No instance whatsoever has been quoted by the Government of India to show the exercise of any fiscal jurisdiction by the Kutch Darbar in the northern half of the Rann and, surely, an instance like that of collecting a fee to the tune of Rs. 50,000/- per year by the Government of Sind from the lease of the fishing rights in the lake called Shakur-ji-Mian (lake in the Rann of Kutch about six miles from Rahim-ki-Bazaar which used to get water from Dhor Puran) could not have been unknown to the Kutch Darbar and could not have failed to evoke a protest from them if the Kutch Darbar had ever exercised even the semblance of an authority in this area. Records of the year 1904 – 05 of the Diplo Taluka office contain a number of applications from villagers (Abad- gars) residing near the border of Rann for grant of Banni land in the Rann for cultivation purposes. But the then Deputy Collector on the report of the then Tapedar in October, 1904 decided that there was bandish (restriction) on the disposal of this land and that the land was reserved as Charagah (grazing ground) for the cattle. The Tapedar in his report has clearly stated that the land in the Rann is sarkari, *i.e.*, British India Government property.

5. (a) The Government of Pakistan reiterated that in the 1871 map there is no boundary symbol along the southern *pucca*, portion of the Sind Administration. Subsequent insertions by the Survey of India are not only unauthorized but absolutely unjustified in the absence of any notification from competent Authority. Such symbol should have been inserted only if the boundary alignment had been determined either by the competent authority or through the agreement of all the parties concerned and approved by the competent authority.

(i) The dash-dot-dash-dot symbol showed only the Taluka District boundaries and not the State or Provincial boundaries as it is marked within the Sind territory representing the boundary between the two Talukas of Sind on all the maps. There is no dash-dot-dash-dot symbol on the original maps of 1871 -72 and this is a subsequent and unauthorized insertion. The arguments advanced in clause (ii) of sub-paragraph (1) of paragraph 5 of the High Commission’s Note are, therefore, entirely unfounded.

(ii) The contention of the Government of India in clause (i) of sub-Para(1) of paragraph 5 of their Note is irrelevant, firstly, because the dash-dot-dash-dot symbol and the ribands appear only on the map which formed the basis of the 1913 settlement and this map was intended to be no more than an annexure to the Bombay Government Resolution No. 1192, dated the 24th February, 1914 and to illustrate no area other than that which was ceded under this Resolution to Kutch from the Karachi district, and secondly,
because instead of there being anything to show any “agreement of the local British authority” to the Kutch jurisdiction extending to the northern border of the Rann the numerous instance of the exercise of authority of the Sind Government over the northern portion of the Rann of Kutch both before and after 1923 (when the Khor and Sir Creeks dispute was finally closed) [No. I (I) – 3/9/54, dated the 22nd September, 1954 and No. I(I) – 3/10/56, dated the 9th April, 1956] and the instances relating to the years 1875, 1903, 1905, 1926 – 27 and 1938 – 39 (referred to above) and the Survey of India and Government of Bombay maps of 1886 – 87, 1927 – 38, 1929 – 34 – 42 – 43, 1927 – 36 – 40 – 41 and 1910 and 1938 – 40 – 44 – 46 (mentioned in the following Sub-Paragraphs) show that jurisdiction was always and continuously claimed and exercised by Sind up to the centre of the Rann although the Sind – Kutch boundary within the Rann was not physically settled.

(iii) The Government of India refer to letter No. 357 of 1939 dated the 8th February, 1939 from the Superintendent of Survey and Land Records in Sind to the Officer-in-Charge No. 1 party (Survey of India) according to which the Sind Topo Survey Sheets published in the Indian Atlas series 1871 -72 were the source from which the boundaries of all the Talukas, sub –Divisions and Districts of Sind were derived. However, the Government of Pakistan refer again to the note on the survey boundaries supplied by the Officer-in-Charge No. 1 Survey Party, Survey of India, as an enclosure to his letter No. 1171-44-B-4, dated the 19th May, 1938, wherein it is clearly laid down that “the Survey of India maps are not authoritative as regards the alignment of fiscal boundaries”. The Government of Pakistan are surprised that the Government of India have chosen to rely on the Sind Topo Survey Sheets published in the Indian Atlas series of 1871 -72 because, firstly these maps in no way bear out the India contention and secondly the subsequent maps of 1886 – 87 referred to in the next succeeding sub – paragraph completely, refute the Indian contention. In any case, the revenue maps are for the purpose of assessing land revenue and obviously, therefore, there was no necessity to indicate in them the fiscal boundaries of the Rann of Kutch which was either water or marsh and swamp. The original Taluka maps of Sind purport to delineate only the ‘pucca’ land and are by no means an acknowledgement or even evidence of the territorial jurisdiction in the Rann of Kutch.

(b) Maps prepared by the Surveyor – General of India during the years 1886 – 87 on 13 = 1 mile scale based on the ground survey of 1885 – 86 show parts of District Tharparkar and Rann of Kutch. No. boundary
along the Banni (Pucca) land is shown on these maps nor is any mention made as to whom the area of the Rann of Kutch belongs. There is no mention of Kutch State anywhere on these maps. On the maps, just below the Tharparkar District of Sind the islands named Bordia Bet, Dhan Bet and Parathna Bet and other small islands (the positions of which geographically correspond to the present Buruya Bet, Bhun Bet and Nara Bet) are shown. On the north-west corner of the maps the fact is mentioned that the maps cover some parts of District Tharparkar of Sind but there is no mention of Kutch anywhere, although some land portion in the Rann is shown on the Kutch that fell adjoining the Sind pucca (Bhanni) land and was under the control of the Sind Administration.

(c) From the Revenue map of Nagar Parkar Taluka prepared in 1927 – 1938 and duly signed by the Superintendent of Survey and Land Records in Sind and from the map of the Thar-Sub-Division of the Tharparkar District, Sind prepared in 1929-1934-1942-1943 and duly signed by the Superintendent of Survey and Land Records, Sind, it is clear that the islands of Buruya Bet, Bhun Bet, Selia Sochi Bet and Nara Bet, etc., in the Rann of Kutch were part of Nagar Parkar Taluka and were administered by the Sind Administration. If the situation of these islands is examined on a small scale map it will be found that the bottom of one of the islands (Nara Bet) goes below the centre of the Rann. These maps show that the Sind Administration exercised jurisdiction to at least half of the Rann area.

(d) A map of Sind was prepared in 1927 on a scale of 8 miles to an inch. It was reprinted in 1933, 1936, 1940 and 1941. A copy was signed by the Superintendent of Survey and Land Records in Sind on 3rd September, 1940 and printed in Poona in 1941. In this map, the words “Kutch State” have been spaced along the Talukas of Jati and Shah Bandar of the former Karachi District from the mouth of Sir Creek to the point lat. 23° 58´ N and long. 68° 48´ E. Beyond this point, the words “Rann of Kutch” have been spaced along the south of the Pucca land of the Talukas of Badin, Diplo, Mithi and Nagar Parkar of the Sind Province. It is quite clear from this map that the territory of the Kutch State ended at the point lat. 23° 58´ N and Long 68° 48´ E and to the east of this point it was the Rann of Kutch.

(e) The Government of Pakistan would again refer to the circumstances already mentioned in their Note No. I(I) – 3/10/56, dated the 9th April, 1956 and say that the printing of the word ‘disputed’ represented on actual fact and was not a mistake in the 70 miles map of India showing Provinces, States, and Districts (1938 Edition) and that if the 32 mile map of India
referred to in paragraph 4 of the High Commission’s Note under reference showing the Rann of Kutch as a part of the Kutch State were to represent a “settled fact”, the Survey of India officers would not have subsequently arranged and failed to obtain an agreement on the subject in the latter years of 1938 and 1939 between representatives of the Government of Sind, and of Kutch and Wav States respectively, and the Officer-in-Charge No. 1 Party (Survey of India) in his letter No. 1575-44-B-4, dated the 23rd of August, 1939 to the collector of Tharparkar would not have proposed “to omit this boundary from the Modern survey maps” for the reason that “authorities of Sind, Kutch State, and Wav State still differed as to the correct alignment”. It was the Collector of Tharparkar who insisted that position be made explicit by the insertion of the word “disputed” at the relevant places in the Survey maps. This shows that the boundary was not settled till 1939 – 40. Any doubts which the Government of India may still be entertaining on the subject should be removed by the maps referred to in sub-paragraphs (c) and (d) above which are more reliable than the 32 mile map of India referred to in paragraph 4 of the High Commission’s Note. That the Director of Map Publications realized that the boundary was in dispute is clear from the fact that in this letter No. 67/5 – D, dated the 25th November, 1939, he said that a foot-note should be inserted saying that “the boundary between Sind and the States of Western India is taken from previous maps. Therefore, this boundary should have been the same as shown in the maps mentioned in sub-paragraph (b), (c) and (d) and this is what was contemplated by the Collector of Tharparkar in his letter No. I.S. 4416, dated the 2nd October, 1939, to the Officer-in-Charge, No. 1 Party, Survey of India. The Government of India have pointed out that the Government of Pakistan should be aware that it was a well established practice of the undivided Government of India that the Political Maps of India showing the external frontiers and the internal divisions were published by the Survey of India only after they had been approved by the Foreign and Political Department”. The Government of Pakistan, however, regret to note that the Government of India, while applying this doctrine to the 32 mile map of India as mentioned in paragraph 4 of their Note under reference, should deny it to the 70 mile Map of India as published in 1938 and even to its subsequent reprints of the years 1940, 1944 and 1946 respectively and should insist that the printing of the word “disputed” at the relevant place therein was a ‘Mistake’. The Government of India have chosen to rebut the contents of the 70 mile Map of India showing Provinces, States and Districts (1938 Edition) to which the doctrine of authenticity quoted above applies by the 70 mile map of India showing Political changes to which such a doctrine does not apply.
(f) It is equally surprising that in spite of the fact that the map which formed the basis of the 1913 settlement, where the jurisdiction of the Kutch State is shown by a yellow ribbon and this ribbon in its extreme northern corner does not go beyond latitude 24º, the Government of India should say that “this erroneous depiction is due that the fact that the Rann of Kutch is wrongly shown in earlier maps as all water”, and add further that when the Government of India in their notes of 2nd November, 1906, and 31st March, 1914, respectively, directed it to be shown as a salt marsh or a swamp “all the maps published after 1915 invariably showed that jurisdiction of the Kutch State over the entire Rann of Kutch right up-to its northern limit”. The Government of India point out in this connection that “the map which formed the basis of the 1913 settlement was composed from reprints between 1890 and 1900 of the 1871 – 72 Sind Topo Survey Sheets in the Indian Atlas Series, i.e., before the orders of the Government of India of the 2nd November, 1906, and the 31st March, 1914 mentioned above”. All that the Government of India’s notes of the 2nd November 1906 and the 31st March, 1914, said was that the symbol for depicting the Rann of Kutch in the maps should not be that used for water but that for salt marsh or swamp. The genesis of the above quoted arguments in the High Commission’s note is that when the Rann of Kutch was treated as all water it was not a part of Kutch but when it came to be treated as salt marsh or swamp it became as part of Kutch. There was no Government order or Resolution to that effect. In fact the entire contention of the Government of India is wrong as even in the 1871 – 72 map of the Survey of India, the Rann of Kutch is shown by marsh or swamp symbol. The map showing the political district of Sind Province referred to in sub-paragraph (h) below was prepared in 1910, i.e., after the above quoted note of the Government of India, dated the 2nd November, 1906 and yet it omits the southern boundary of the Taharparkar district with the Kutch State. This proves that the Government of India’s Notes of the 2nd November, 1906 and 31st March, 1914 did not imply that the Rann was to be treated as a part of the Kutch State.

(g) In the interim edition of March, 1943, of Sheet No. 40 – P, the part of the Rann bounded by the Banni (Pucca) land of Tharparkar District of Sind, Jodhpur or Marwar and Sabar Kantha Agency and the chain of islands to the south–east of Nagar Parkar Taluka are shown as disputed in the administrative index, although the boundaries along the Banni (Pucca) land of the above districts and States are shown by a regular symbol of dash-dot-dash-dot (-----). This shows clearly that the dash-dot-dash-dot symbol is not in all cases an authoritative symbol for showing demarcated boundaries. This also shows that the topographical maps of the Survey of India are at variance with the another in connection
with fiscal boundaries and cannot be relied upon as an authority for
administrative boundaries and in fact they have never been intended to
be so relied upon vide note on the Survey boundaries supplied by No. 1,
Survey Party, Survey of India, as an enclosure to their letter No. 1171 – 44 – B – 4, dated the 19th May, 1938, wherein it is clearly laid down
that “the survey of India maps are not authoritative as regards the
alignment of fiscal boundaries”.

(h) Map of Sind on scale 16 miles =1" reduced to ½" scale from original by
Government Photographic Office, Poona, in 1910 prepared to
accompany the Sind Gazetteer on which political Districts of Sind Province are shown, shows the boundary all ever by -.-.-.- symbol but
omits the southern boundary of the Tharparkar district with the Kutch State. This clearly indicates that the boundary in this area was not
defined even in 1910.

(i) Map of the North Western Frontier of British India including the protected
Kutch State compiled from the then best and most recent authorities by
T.B. Tassin in scale 32 mile to one inch published at the Government
Press, Calcutta shows Rann of Kutch with marsh or swamp symbol and
shows “Kutch” the Rann of Kutch and Sind separately. It is a map of the
period after the earthquake of 1819.

(j) Sheet No. 3 of Sketch Map of India in 6 sheets, printed in 1867 on scale
32 miles = 1 inch, published under the direction of the Surveyor – General
of India shows Kutch, Sind and Great Western Rann separately; the
land area of Kutch and Sind is shown by ribands. Some of the islands
in the Great western Rann have been shown but they have no ribands.
The Rann is shown by water symbol.

(k) There are a number of other maps of the period 1832 to 1900 wherein
Sind has been shown as separated from the Kutch State by the Great
Rann and the Great Rann has been treated as an entirely separate unit.

6.(a) A dispassionate study of the maps referred to above leads to the following
conclusions:–

(i) That the Rann of Kutch was a separate unit of area entirely different
from Kutch State,

(ii) That while no map shows the Rann as a part of the Kutch State, some maps clearly show the northern portion of the Rann as
included in Sind,

(iii) That the Survey of India maps show the boundaries only of the
pucca land,
(iv) That the Survey of India maps are at variance and are not and were not intended to be an authority for fiscal boundaries,

(v) That the dash-dot-dash-dot symbol was not always treated as an indication of demarcated boundaries,

(vi) that any ribands or symbols in the 1871 publications of the Survey of India map or in the 32 mile map of India showing the Rann of Kutch as wholly comprised in the Kutch State were subsequent insertions without any authority and have no evidentiary value on subjects, and

(vii) That the dash-dot-dash-dot symbol only indicated the Taluka boundaries and did not indicate State or provincial boundaries.

(b) The Government of India have solely relied on certain maps. These maps, as analysed above, neither prove India’s case nor are reliable so far as fiscal boundaries are concerned. For determining these boundaries, we have to seek for other reliable evidence.

7. Such evidence would be found either in the instances of the exercise of jurisdiction referred to above or in the relevant entries in Gazetteers and Memoirs. The Gazetteers and Memoirs also support Pakistan’s case but the Government of India have completely misunderstood the position laid down therein as would appear from the following :-

(a) The Government of India is no doubt aware that the Gazetteers published by authority in pre-partitioned India were continuously revised in the light of newer research in factual matters, and their contents were superseded in relevant respects by the more recent editions. The latest Gazetteer quoted by the Government of India in the High Commission’s Note under reference is that of the year 1908 (Imperial Gazetteer of India – Volume XI – 1908 Edition – published under the authority of the Secretary of State for India) and this approximately fixes the boundary of Kutch State as extending not beyond 24 deg. North Latitude and elaborately defines the limits of its boundary. The Government of Pakistan emphasise that according to this Gazetteer “the whole territory of Kutch is almost entirely cut off from the continent of India – north by the Great Rann, east by the little Rann, south by the Gulf of Kutch and west by the Arabian Sea”. This shows that the Kutch State did not extend to beyond approximately 24 deg. N. latitude.

(b) The latest description in an Imperial Gazetteer on the subject is that contained in the 1908 edition. However, the 1931 publication constituting Volume XXVI contains only the maps. The Government of India is, no doubt, aware that in the event of an inconsistency between a description
and a map on the same subject the former prevails. In any case the 1931 edition (mentioned above) is amply refuted by the maps referred to above in paragraph 5 and even by the contents of the General Index appended to this (1931) edition wherein the Great Rann of Kutch is specified separately and not as a part of the Kutch State.

(c) The Gazetteer of the Bombay Presidency, Volume V, 1880 Edition (published under the authority of the Bombay Government) describes the boundary of the Kutch State as extending only as far as 24º north latitude. Moreover, it specifically excludes the Rann of Kutch from the boundary of the Kutch State and further lays down that the area of the State is 6500 square miles. It may be pointed out that the Rann itself covers an area of 9000 sq. miles.

(d) The statement of boundary of the Kutch State mentioned in sub-paragraph (c) above is corroborated by that contained in the Imperial Gazetteer of India, Volume II, 1908 Edition published under the authority of the Secretary of State for India.

(e) The Government of Pakistan are surprised that the Government of India should seek to contradict the unequivocal statements made in the Gazetteers mentioned above in sub-paragraph (c) and (d) by certain maps which are appendices even though it is obvious that these small scale maps show the Rann of Kutch as all water and do not assign it to Kutch State.

(f) The memoir of Kutch State which was submitted by Lt. Raikes (an Assistant Political Agent in Kutch) to the Bombay Government in 1854 is not an authentic document; “yet even therein the area of the Province of Kutch” is mentioned as 6500 sq. miles (thus showing that the area of the Rann was not treated as being a part of Kutch State) while all that is expressed in reference to the Rann of Kutch is a possibility that the “Grand Rann may be considered as a part of the Province”, a statement which denies the assertion that the inclusion of the Rann of Kutch in the Kutch State “has been a settled fact from the earliest times”.


(iii) The Imperial Gazetteer of India – Volume IV – 1885 Edition – published by authority; and
purport to lay down only a hypothesis and not a fact as in each case they make a separate and distinct reference to the Rann of Kutch as a separate unit which is dubious in its context. Were they to express a “settled fact” there would have been no need to specify the Rann and the area and boundary of the Kutch State would be assumed to be inclusive thereof. These Documents only show that the position about the Rann of Kutch was fluid and unsettled. In any case the Imperial Gazetteer of 1908 (Volume XI published under the authority of the Secretary of State for India) will prevail over these Gazetteers as mentioned in sub-paragraph (a) above.

8. The Government of Pakistan note that the Government of India has ultimately chosen to fall back on the instances of exercise of jurisdiction in the Rann. But the instances thus quoted by them do not bear out their claim at all as would be clear from the following :-

(a) There is nothing to show that the “entire” Gainda Bet was ever “clearly accepted by the Political Agent in Kutch or by the magistrate of Tharparkar as part of the territory of the Kutch State”. The Government of India will no doubt appreciate that the Rann was never demarcated (either entirely or territorially between Sind and Kutch) and the Gainda Bet is one of the very small and equally numerous islets in the Rann area. The jurisdiction which the Government of Pakistan define as theirs is half of the entire Rann and it so happens that thereby the Gainda Bet is roughly divided into halves, a position which is conformable to the fact that jurisdiction to the north of the Dharamashala in this Bet was exercised by the Sind Administration.

(b) Kanwar Bet extends south to beyond the centre of the Rann. The endorsement No. J/7930, dated the 7th November, 1945, by the District Magistrate of Tharparkar (relating to the extradition of mounted Police Sowar Ketamal Versimal Sumra Sidik and Bhil Kania Camia of the Diplo Taluka in the Tharparkar District of Sind to Kutch for Trial under sections 302, 393 – 398 and 347 I.P.C.) is, therefore, not relevant to the Indian case. The Government of Pakistan would like to point out two instances of the same year (1945) relating to Bhihar and Karimshahi Bets in the Rann of Kutch in which the offences of assault on a Customs Sowar and a Head Constable were registered in Diplo Police Station of the Tharparkar district of Sind [vide Cr. No. 19 of 1945 under sections 302 and 242 I.P.C. and Cr. No. 7 of 1945 under section 326, 333 and 148 I.P.C. and Rule 81 (4) of the Defence of India Rules, respectively].
(c) If the murder of Ramserup of the Customs Department (in 1945) in the Rann of Kutch (at a distance of about 10 miles from the Ding Outpost—a Sind Police Outpost on the northern limits of the Rann) were committed in Kutch territory, there could be no question of the “Kutch authorities (merely) extending full assistance to trace the culprits responsible for the murder”. In that case the apprehension of the culprits would be their exclusive responsibility. It will be noted that the scene of the offence in this case was only a couple of miles or so to the north of the centre of the Rann (which is approximately 24 miles wide) and the culprits probably slipped into the southern half thus making the assistance of Kutch authorities necessary to apprehend them. The letter No. 450, dated the 4th July, 1945, from the Commissioner of Police in Kutch to the Superintendent of Police, Tharparkar does not go beyond showing that the former laid a claim that the scene of the offence was in Kutch territory; there is nothing to show that this claim was accepted. This instance on the other hand shows that jurisdiction in the northern half of the Rann was exercised by the Sind Administration.

(d) The following instance may be reproduced verbatim as mentioned in the High Commission’s Note because it shows that the territorial position of the Rann was in dispute and that it was not a “settled fact” and that Chhed Bet was regarded by the pre-partition “British Administration as a part of Sind and not as that of Kutch”. “In 1945 some employees of the Kutch State stationed on duty in the Chhed Bet apprehended some Sind cattle owners for grazing their cattle without payment of dues and brought them to Khaawda Police Station in Kutch. The Sind cattle owners were released after they had made payment of the grazing dues. On return to Diplo, they lodged a complaint against the Kutch State employees and the Diplo Police authorities registered a case under sections 223, 148 and 342 I.P.C. The District Magistrate of Tharparkar sought extradition of the Kutch State employees through the Resident for Western India States, whose letter No. VA/4 – 3(C), dated the 17th December, 1945, to Kutch Darbar refers (and by which he obviously endorsed the stand of the District Magistrate of Tharparkar). The Kutch Darbar refused to surrender their employee”. There is nothing to show, as the Government of India contends, that the Sind authorities had to drop the matter. On the other hand, as mentioned in sub-Para(a) of paragraph 2 of this Note, the Collector of Tharparkar issued an order in 1926 that Chhed Bet lay within his district and that grazing fee in this area should not be paid to the official representative of the Kutch State. The Sind Authorities did not press the matter because they hoped that after this order and the registration of a case against the Kutch officials;
culminating in the issue of warrants of arrest against them the Kutch officials, in future, would not attempt to enter Chhed Bet.

(e) The Government of Pakistan deal separately with the following two instance quoted by the Government of India in order to emphasise that the latter have been misinformed about them:

(i) No well was ever dug in the Chhed Bet. The only excavation appearing there is a tank about three feet deep built by the Raj Mahajans of Diplo Taluka for the storage of drinking water during the rains for the cattle grazing in Chhed Bet. It is, therefore, wrong that in pursuance of some sanction given by the Kutch Darbar in 1924-25, “a well was dug (in Chhed Bet) but it had to be abandoned as only salt water was found”.

(ii) The fort which is about two miles to the south of Rahim – Ki – Bazar never belonged to the Maharao of Kutch. It was built by the Kalhoras and belonged to them.

9.(a) The Government of Pakistan are confident that in view of what has been stated above the Government of India will now accept the position that from earliest times the Sind Administration have exercised jurisdiction over at least the northern half of the Rann and would now agree to have the demarcation carried out in the Rann of Kutch accordingly. This demarcation would also be in conformity with the principle which would be applicable if the Rann of Kutch were treated as an inland sea. That the Rann of Kutch is an inland sea (now dead) is proved conclusively from the following extract of page 85 of the Imperial Gazetteer of India (Volume XI) published under the authority of the Secretary of State for India at Oxford at the Clarendon Press in 1908 wherein the Rann is described as below:

“It is believed to be the bed of an arm of the sea, raised by some natural convulsion above its original level, and cutoff from the ocean. It was a navigable lake in Alexander’s time (325 B.C.) and a shallow lagoon at the date of the Periplus (third century A.D.) and there are local traditions of seaport on its border. Geologically, it is of recent formation. The northern or larger Rann – measuring, from East to West about 160 miles and from North to South about 80 has an estimated area of not less than 7,000 square miles. The eastern or smaller Rann (about 70 miles from East to West), which is connected with the larger Rann by a narrow Channel, covers an area estimated at nearly 2,000 square miles. Between March and October, when the whole tract is frequently inundated, the passage across is a work of great labour and often of
considerable danger. Some of this inundation is salt water, either
 driven by strong south winds up the Lakhpat river from the sea, or
 brought down by brackish streams; the rest is fresh, the drainage
 of the local rainfall. The flood — waters as they dry leave a hard,
 flat surface, covered with stone, shingle and salt. As the summer
 wears on, and the heat increases, the ground, backed and blistered
 by the sun, shines over large tracts of salts with dazzling whiteness,
 the distance dimmed and distorted by an increasing mirage. On
 some raised plots of rocky land water is found, and only near water
 is there any vegetation. Except a stray bird, a herd of wild asses,
 antelope, or an occasional caravan, no sign of life breaks the
 desolate loneliness. Unseasonable rain, or a violent south — west
 wind at any period, renders the greater part f the Rann impassable.
 Owing to the effects of an earthquake in 1819 the greater Rann is
 considerably higher in the centre than along the edges while the
 centre, therefore, is dry; there are frequently water and mud at its
 sides. The little Rann is at present undergoing a marked change.
 Year by year the sea is spreading farther eastward; and, along the
 coast, places which a few years ago were inaccessible to boats
 are now open to water traffic.”

(b) In this connection the Government of Pakistan wish to emphasise that
the principle on which the dispute over the little Rann between the two
States of Morvi and Kutch was decided is definitely applicable to this
case and the argument that Morvi and Kutch both have been
subsequently integrated into the Union of India does not deprive the
aforesaid principle of the status of a precedent according to which the
current dispute between India and Pakistan should be decided.

10. The Government of Pakistan therefore hope that the Government of India
will now be convinced that Pakistan’s claim to the northern half of the Rann is
conformable not only (a) to the facts of the situation relating to actual possession
and exercise of the jurisdiction in the area and the admission of the Kutch
Darbar itself, but also (b) to the international law and practice relating to the
settlement of such a dispute in a tract of the nature of an inland sea, and will
agree to demarcation being carried out accordingly.

11. The Sind Administration had always been exercising jurisdiction in Chhed
Bet as it lay within the northern half of the Rann. After the Independence there
were instances of unjustified encroachments in this area by the Indian troops
and personnel against which protests were constantly lodged by the Pakistani
authorities with their counterparts. In view of what has been stated above the
unlawful occupation of Chhed Bet and other places in the northern half of the
Rann by Indian troops was nothing short of aggression. The Government of
Pakistan hope that the Government of India will now be convinced of the justice and the necessity for restoring the status quo in these areas and of a very early settlement of this dispute.

12. The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

Ministry of Foreign Affairs, Pakistan

The High Commission for India in Pakistan, Karachi.

2304. Note from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.


High Commission For India In Pakistan
Karachi

F. 113(6)/56 – Genl. the 23rd February, 1959

The High Commission of India presents their compliments to the Ministry of Foreign Affairs & Commonwealth Relations, Government of Pakistan, and with reference to the Ministry's Note No. I (I) – 3/10/56, dated the 19th May, 1958, regarding the Kutch – Sind boundary, have the honour to state as follows:

2. The detailed replies to various points given in the High Commission’s note No. 113/6/56 – Genl dated 12 – 6 – 56 conclusively established that there was no substance in the arguments advanced by the Government of Pakistan in support of their claim. The Government of India have, nevertheless, again given careful consideration to the arguments advanced in the Ministry's note of 19th May, 1958, sent in reply to the High Commission's note of 12th June, 1956. The Government of India regret to have to state that the Ministry's note contains no new arguments beyond those dealt with before and shown to be without any substance whatever. The Government of India are constrained to state that the Government of Pakistan have attempted to side – track the basic facts regarding the Kutch – Sind boundary, have repeated claims already shown to be groundless, quoted claims advanced by subordinate officials which, in
fact, were not supported by their higher authorities at the time and, what is particularly distressing, as shown in the following paragraphs, misquoted historical records, omitting portions which clearly establish a position other than the one the Government of Pakistan desire to establish. It is not surprising, in the circumstances, that the Government of Pakistan could not but arrive at wrong conclusions. The Government of India do not, in view of this position, propose to go into great detail over various questions which have been dealt with in the High Commission’s notes mentioned in the footnotes* but will limit this communication to stating their views on the principal arguments advanced in the note of the Pakistan Ministry of Foreign Affairs and Commonwealth Relations dated 19th May, 1958.

3. Before offering further comments, the Government of India wish to point out that the following statement in Para3 of the Ministry’s Note under reply is incorrect:-

“The position taken up by the Government of India is that ‘the (so-called) boundary between Hyderabad and Tharparkar districts of Sind on the one side and the Kutch State on the other along the northern limit of the Rann of Cutch’ ‘is not a disputed boundary but represents a disputed area,’ since “it has not yet been demarcated on the ground”.

The Government of India to do not consider that there is any disputed area involved. The position of the Government of India is clearly set out in the High Commission’s Note dated 12-6-1956 in the following terms:

“The Government of India would like to emphasise that the alignment of the boundary between the Hyderabad & Tharparkar districts of Sind on the one side and the Kutch State on the other along the northern limit of the Rann of Kutch is a settled fact, and that the only question which now remains is the demarcation of this boundary by actual fixation of pillars on the ground.”

4. In the Ministry’s note under reply, the Government of Pakistan have raised the following principal contentions:

I. That the scope and applicability of the Bombay Government’s resolution No. 1192 dated 24–2–1914 and the demarcation of the boundary along the triangle from the top of the mouth of Sir Creek to the Karachi–Hyderabad–Kutch tri-junction has no relevance so far as the question of the northern boundary between Sind and Kutch is concerned. The
Ministry’s note stresses the following points in support of this contention:

(a) “Sind – Kutch boundary to the west of the Rann was physically defined between Sind and Kutch through the Bombay Government Resolution No. 1192, dated the 24th February 1914, and demarcated accordingly in 1923. From the Government of Bombay Resolution No. 1192 dated the 24th February, 1914, and the map attached to that Resolution, it is clear that only the boundary from the mouth of the Sir Creek to latitude 23º 58´ N and longitude 68º 48´ E was settled,” and

(b) “That the Maharao did not regard the area beyond ten miles to the north of the point long. 68º 48´ E, lat. 23º 58´ N, as Kutch territory and regarded the demarcation in that area to be the responsibility of the Sind authorities, is proved by letter No. 372 of 1923 and letter No. 484 of 1923 from the Diwan of Kutch to the Political Agent in Kutch quoted above. There is also correspondence which shows that the Kutch Darbar did not accept responsibility for the affixation of the pillars beyond ten miles to the north of the point 68º 48´ E, 23º 58´ N. The Commissioner in Sind insisted on this demarcation by *pacca* boundary marks so that in the same continuation the two legs of the triangular area left to the Karachi district may be clearly demarcated on site with definite *pacca* boundary pillars because of the shifting nature of the soil and the Revenue Staff for their field work and inspection purposes may be able to locate the turning point at long. 68º 48´ E, lat. 23º 58´ N. For facility of reference the area to which the total cost of the demarcation pertained may be split up into, (1) from the top of the Sir Creek eastward to the point long. 68º 48´ E, lat. 23º 58´ N, (2) from the point long. 68º 48´ E, lat. 23º 58´ N, northward to a distance of 10 miles, and (3) from the point 10 miles to the north of the point long. 68º 48´ E, lat. 23º 58´ N, to the tri-junction of the Karachi and Hyderabad districts with the Greater Rann. All that can be said, is that the cost of demarcation relating to the last mentioned portion of the area should have been separated from the total cost and debited exclusively to Sind and that the small amount representing 50% of the cost relating to this portion was an *ex – gratia* payment by Kutch.”

5. That the scope and applicability of the Bombay Government’s resolution No. 1192, dated 24th February, 1914 and the demarcation of the boundary along the triangle from the top of the mouth of Sir Creek to the Karachi – Hyderabad – Kutch tri-junction are not as restricted as stated in the Ministry’s note and that under the Bombay Government resolution quoted above, the tri –
The Commissioner of Sind in his letter of 28th February, 1910 addressed to the Government of Bombay explaining Sind Government’s claim stated as follows :-

“The authorities summarized in this statement constitute a mass of evidence to the effect that since 1837, the boundary between Sind and Kutch has been recognized and shown on all maps which have been prepared from that date to the present day, to be a straight line drawn due south from the tri-junction of the Badin taluka of the Hyderabad District, Jati taluka of the Karachi district and the Rann of Cutch to a point on the North bank of the Kori Creek, east of the Musafirkhana at Kotri, and from that point the Khori Creek until that Creek joins the Arabian Sea.

“The new trigonometrical survey maps prepared in 1904 – 05 also show the same boundary, and so does the map of the Bombay Presidency including Cutch contained in the official memoranda on Native States in India 1909. I have also obtained additional valuable evidence of the correctness of this boundary which has never before been questioned since the conquest of Sind in 1843.”

The Maharao of Kutch, while accepting the settlement of the boundary line in his letter of 16th June, 1913 to the Political Agent of Kutch, stated that it would be desirable to erect boundary pillars on the line from the point at long. 68º 48´ E, lat. 23º 58´ N due north to the Karachi – Hyderabad – Kutch tri-junction, at the time of demarcating the boundary from the top of Sir Creek to that point. The Government of Bombay in their letter of 17th July, 1916 asked the Political Agent for Cutch to inform the Cutch Darbar that “the Commissioner in Sind has issued orders for the fixing of boundary pillars all along the boundary of the triangle on its southern and eastern sides, i.e. along the dotted blue line on the map, and also along the purple line from where it joins the dotted blue line to the tri-junction of the Karachi and Hyderabad districts and the Rann of Cutch.”

After the boundary had been demarcated the Superintendent of Land Records in Sind in his letter of 10 – 1 – 1924 reported to the Collector of Karachi as follows :-

“Our survey party ….. returned from the Rann of Kutch after completing the survey of the Sind – Kutch boundary on the 20th idem ……….
The total length surveyed amounts to 45 miles, of which 22 miles are comprised in the southern line and 23 miles in the eastern line joining the tri-junction of the Badin and Jati talukas and the Cutch territory in the north."

The above quotations, which give the position of the two contending parties regarding the points in dispute and the orders of the Government of Bombay as well as the final report of the Superintendent of Land Records in Sind to the Collector of Karachi after he had finished demarcation work in accordance with the orders of the Government of India, clearly establish that just as the Talukas of Badin and Jati on the Sind side of the boundary form part of the Sind Province. The Rann of Kutch on the Kutch side of the boundary forms part of the Kutch State. The Government of India regret to note that the Government of Pakistan have not only been ignoring the unimpeachable evidence against their contentions but have also been constantly modifying their position in connection with the scope and applicability of the Bombay Government's resolution No. 1192 dated 24–2–1914. In the Ministry's note dated 20–9–1954, it was stated that no demarcation had taken place beyond the point, 23° 58´ N – 68° 48´ E, whereas after considering the reply of the Government of India, the Government of Pakistan now argue that though demarcation had taken place right up to the tri-junction of the boundaries of the Badin Taluka of the Hyderabad District, the Jati Taluka of the Karachi District and the Rann of Kutch, this was for some purpose other than that of boundary demarcation. Similarly, the Government of India regret that the Government of Pakistan have now advanced other equally facile arguments that the map attached to the Bombay Government's resolution was a "mere annexure" without any significance and that the cost of demarcation relating to the portion from the point 10 miles to the north of the point, longitude 68° 48´ E and latitude 23° 58´ N, to the tri-junction of the Karachi and Hyderabad Districts with the Rann of Kutch, was charged to and paid by the Kutch Darbar under a mistake. In view of the clear evidence in (i), (ii) and (iii) above, the Government of India hope that the Government of Pakistan will not raise these arguments again and accept the position that the tri-junction point on the boundary of the Badin Taluka of the Hyderabad District, Jati Taluka of the Karachi District and the Rann of Kutch, demarcated in accordance with the Bombay Government's resolution No. 1192, dated 24–2–1914, is the established boundary between the old State of Kutch and Sind.

6. The second contention raised in the Ministry's Note is that (1) the Commissioner of Sind and Political Superintendent of Tharparkar had approved the boundary of Tharparkar District as defined by Mukhtiarkar of Diplo in 1875, (2) the Commissioner of Sind had declared that the right of the Sind authorities extended to at least the centre of the Rann when the issue was raised by the
Collector of Hyderabad in 1903 and (3) that the Collector of Tharparkar had issued orders on 20th December, 1927, stating that half of the Rann belonged to the British Sind Administration. The Government of Pakistan have also stated that “from earliest times the Sind Administration have exercised jurisdiction over at least the northern half of the Rann”. If these alleged orders and declaration were based on proper authority and if the Sind Administration had actually exercised jurisdiction up to the middle of Rann of Kutch, it would have been incumbent upon the then Government of India authorities to describe the boundary of Sind as running along the middle of the Rann of Kutch in such official publications as the Gazettes of India and to show the boundary accordingly in the maps published by all the competent authorities of the then Government of India. However, it is clear that, in no authoritative publication is the description of Sind Province given as including the Rann of Kutch, nor are there any authorized maps which show the boundary of Sind as running through the middle of the Rann of Kutch from the point long. 68° 48´ E lat. 23º 58´ N. The alleged declarations and orders of the local authorities of Sind have no validity. Any orders affecting the boundary between Sind and Kutch could have only been passed by the Government of former British India after agreement with the Maharao of Kutch.

7. The third contention raised in the Ministry’s Note is that certain maps quoted in the Ministry’s Note support the claim of Pakistan. These contentions are dealt with below:

(a) The dash – dot – dash (.-.) symbol in the map accompanying the 1914 Resolution is alleged to have been unauthorized.

The map in question comprised Indian Atlas Sheets Nos. 3 NE, 3 SE, 11 NW & 11 SW on the scale of 1½ = 4 miles, and all these were published by the “Authority of the Government of India”. These Atlas Sheets were based on maps compiled from the Sind Survey operations in 1867–70 and published in 1871 – 72. These maps were prepared after comparison with existing Settlement maps in Sind, and the Sind authorities were fully consulted in the preparation of these maps. It is worth noting that the authorities who were not consulted in the preparation of these maps were the Kutch Darbar. The boundaries shown in these Survey maps were adopted without change in the Indian Atlas Sheets. There is, therefore, not the slightest doubt that the alignment of the boundary in these Atlas Sheets so far as Sind was concerned, was fully authenticated. This matter has been fully explained in Para. 5(i) of the High Commission’s Note dated 12th June, 1956. Moreover, during the negotiations leading to the Bombay Government’s Resolution of 1914, the map was specifically referred to the Commissioner in Sind, and no
objection was taken by him as to the Sind boundaries shown. That the Pakistan Government’s contention is without any substance is clear from the fact that demarcation operations northwards up to the Karachi – Hyderabad – Kutch tri – junction would not have been undertaken and completed nearly ten years after the date of the Bombay Government’s Resolution if there had been the slightest doubt about the authenticity of the boundary as shown in the map accompanying the Bombay Resolution.

(b) It is alleged, on the basis of the 1886 – 87 Survey of India maps and certain other maps that the Bets of Bordia, Bhan and Paratha actually fell under Sind Administration.

So far as the 1886 – 87 Survey map is concerned, in the absence of a boundary line, what is of decisive importance is the “Index to adjoining Sheets”. The Index clearly shows these Bets as outside the Tharparkar District. Further, the attention of the Government of Pakistan is invited to one map which they have themselves cited in their note. In this map of Sind, signed by the Superintendent, Land Records, Sind, and published in Poona in 1927, the engraved dash – dot – dash symbol has been used to denote the Sind boundary, and clearly excludes from Sind jurisdiction the Bets in question. This very map contradicts the conclusions desired to be drawn by the Pakistan Government in citing the Maps of Nagarparkar Taluka 1927 -28 and of Thar sub – Division, 1929 – 34 – 42 – 43. If any further evidence was required, this will be found in Indian Atlas Sheets 21/ SW published under the “Authority of the Government of India” in 1890, which showed these Bets with the yellow riband leaving no doubt that they did not belong to Sind.

The Pakistan Government’s attention is also invited to the official publications of Sind, the latest of which was the Gazetteer of the Province of Sind – B. Vol. VI – Thar and Parkar District, 1919 and 1926 editions, published under the authority of the Government of Bombay, which gives the longitudinal and latitudinal limits of the three Talukas of Tharparkar as follows:-

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Diplo.</td>
<td>24º 16´</td>
<td>69º 6´</td>
<td>24º 51´</td>
<td>70º 7´</td>
</tr>
<tr>
<td>Mithi.</td>
<td>24º 16´</td>
<td>69º 25´</td>
<td>24º 58´</td>
<td>70º 40´</td>
</tr>
<tr>
<td>Nagarparker.</td>
<td>24º 12´</td>
<td>70º 29´</td>
<td>25º 2´</td>
<td>71º 10´</td>
</tr>
</tbody>
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This clearly precludes any such contention as has been made by the Pakistan Government.
The Government of Pakistan have also referred to certain correspondence among the O.C. No. 1 Survey Party, the Resident, Western India States, and the Collector of Tharparkar, during the 1937-38 surveys. A fuller examination of this correspondence would show the following:-

On the Sind authorities' claiming that there was divergence between their maps and the tracing furnished by the Survey of India, the O.C. Survey party insisted that the original Sind maps should be furnished to them by the Superintendent of Land Records, Sind. After examination of these original Sind maps, which showed the external boundary of Sind running partly along the limit of the Rann of Kutch, and partly along the cart track along this Rann, O.C. Survey party pointed out as follows:-

“This agrees with the alignment shown on our previous old maps of the area………

(a) Statement, dated 22 – 1 – 38, of the Mukhtiarkhar Nag Parkar is nullified………

(c) Cutch agrees with the Superintendent of Surveys and Land Records in Sind.

(d) The only dispute is between Kutch and Wav States over a bit of the Rann of Kutch area…..

The O.C. Survey party concluded as follows:-

“Under these circumstances it is evident that the alignment of the provincial boundary between Sind and the States of Western India as shown by the Superintendent of Surveys and Land Records in Sind, is correct and undisputed”.

8. The fourth contention in the Ministry’s Note is a reiteration of the argument regarding the origin of the word “disputed” in the 70 – mile map printed in 1938 and re – printed in subsequent years. This has already been dealt with in the High Commission’s Note of 12th June, 1956 and the Government of India would state again that they have established conclusively that the Director of Map Publications had ordered the word “disputed” to be removed and that the continued use of the word “disputed” was unauthorized and erroneous.

9. The fifth contention raised in the Ministry’s Note is that quotations from Gazetteers support the position of the Government of Pakistan that the Rann of Kutch has been described as separate from the Kutch State or that it has been excluded from the Kutch State. That this contention is groundless is clear from the following :-
(a) The Rann of Kutch has been described as a separate geographical feature and special mention made of it, but it has nowhere been stated that the Rann of Kutch or any part of it is part of the territory of Sind. All authorities indicate that the territory of Sind is bounded on the south by the Rann of Kutch. An example may be found in the Gazetteer of 1908 which defines the boundaries of Sind as follows:

“Sind is bounded on the north by Baluchistan, and Punjab, and the State of Bahawalpur; on the east by the Rajputana States of Jaisalmer and Jodhpur; on the south by the Rann of Kutch and the Arabian Sea; and on the west by the territory of the Jam of Las Bela and of the Khan of Kalat (Baluchistan)”. 

(b) If further evidence from the Gazetteers is necessary, attention is invited to the following:

(i) The Gazetteer of India compiled by the authority of the East India Company by Edward Thornton – Vol. II, 1854, defines the area of Kutch as follows:–

“It is bounded on the north – west and north by the province of Snide; on the east by the dominions of the Guicowar; on the south by the peninsula of Kattywar and the Gulf of Cutch, and on the south-west by the Indian Ocean. Its limits, inclusive of the great salt march termed the Runn, extend from lat. 22º 47´ to 24º 40´, and from long. 68º 26´ to 71º 45´. Its greatest length from east to west is 205 miles, and its breadth from north to south (which is nearly equal throughout its whole extent) 110 miles. The area, exclusive of the Runn is 6,764 sq. miles, and its population is returned at 500, 536”.

The above definition clearly establishes that in 1854 the British authority in India acknowledged that the Rann of Kutch formed part of the Kutch State.

(ii) The same Gazetteer (of 1854) defines the boundary of Sind as follows:-

“It is bounded on the north by Baluchistan, the Daman, and Bhawlpour; on the east by Jessulmere and Marwar; on the south by Cutch and the Indian Ocean; on the west by Baluchistan; and is situated between lat. 23º 37´ – 28º 32´ and long. 66º 43´ – 71º 3´.

The establishes that the British authorities recognized clearly that the Rann of Kutch did not form part of Sind.
(c) In the Treaty of Alliances of October 1819 the British guaranteed the integrity of the territory of the Maharao of Kutch and, therefore, there could be no question of any unilateral alteration of the boundaries of the Kutch State. There was no agreement between Kutch State and the British Government after 1854 whereby the boundaries of the Kutch State were altered by ceding the northern half of the Rann of Kutch to the British.

(d) The Pakistan Government have stated that in the General Index to the 1931 edition of the Imperial Gazetteer, the Great Rann of Kutch has been shown as a unit separate from the Kutch State. If it is proposed to draw any conclusions from this, similar conclusions would also have to be drawn from the fact that Thar Desert has been shown in the General Index as within Rajputana, although a part of it in fact clearly falls in Sind. It is pointed out that the Government of the India have not thought it fit to claim the whole of the Thar Desert on such grounds.

10. While on the subject of Gazetteers the Government of India would like to refer to a quotation from the Sind Gazetteer of the year 1907 given in Para. 3 of the Ministry's Note. This quotation is inaccurate and incomplete. The full and correct extract of the relevant paragraph in the Gazetteer is reproduced below and the portions omitted in the quotation in the Ministry's Note have been italicized:

“The Rann (or Run; in Sind it is pronounced Ryn.) of Kutch forms the southern, or south–eastern boundary of Sind from Rajputana to the sea and it is difficult to understand the history of the country without bearing in mind the great changes which have come about in that tract. It is now a vast salt waste, flooded to a great extent for several months of the year by the waters of the sea driven into it by the force of the south – west monsoon, which convert it into a salt lake. At other seasons it is a desert, flat, firm and quite bare, except for a few “islands”, where there is scanty herbage. Chinkara and the wild ass roam over it, crossing the border only to feed. But reasons are not wanting for the belief that, when Alexander the Great was in Sind, it was an inland sea, or lake, fed by the “lost river” and afterwards by the Puran. More recently the western part at least of the Rann, from Ali Bandar to Kori creek, was richly fertile, according to tradition, and intercourse between Sind and Kutch was free and frequent, obstructed by no desert barrier. In fact, there was probably a good water – way by the Puran from Lakhpat to Umarkot. About 30 miles from Lakhpat and 20 from Ali Bandar was the Fort of Sindri, a frontier post and custom house of the Cutch Government. Rahimki (more correctly Raomki) Bazar was another frontier town. But in 1762, or thereabouts, Ghulam Shah Kalhora
built a great dam across the Puran at Mori which served two purposes, fertilizing his own lands and desiccating those of his enemy the Rao of Kutch. The Kori became a mere creek and Lakhpat the furthest habitable point of Kutch. Then the terrible earthquake of 1819 completed work of desolation. A sudden subsidence of the land caused an influx of the sea, which converted the country round Sindri into a salt lake for the time a destroyed that place. A sketch of Sindri, taken by Captain Grind in 1808 and published by Alexander Burnes in his Travels into Bokhara, shows a square fort, with a high round tower at one corner, situated on the bank of a large river with boats sailing up it. Since the earthquake the frontier of Sind, from the Kori creek to Nagar Parkar, has been an unmitigated saline desert, and the frontier towns, like Raomki Bazar, have dwindled away.“

11. It will be obvious from the above that when omissions are supplied and the full text is quoted accurately, the position that emerges is that the Rann of Kutch did not fall within the boundary of Sind, that it formed the southern or south – eastern boundary between Sind and Rajasthan to the east, and that ‘Rahimki (more correctly Raomki Bazar) was another frontier town’ of the State of Kutch besides the fort of Sindri. The quotation also shows that Ghulam Shah Kalhora built a great dam across the Puran at Mori (not Puran and Mori as misquoted in the Ministry’s Note), and that the dam was built not in the Rann of Kutch but in the Sind territory beyond the Rann of Kutch. The Government of Pakistan have tried to confuse this dam with the ‘Allah Bund’ which was not ‘constructed by the Kalhora Kings of Sind from Mori’ but was a natural feature which had arisen as a result of the earthquake of 1819. An account of the earthquake of 1819 given in the Imperial Gazetteer of India, Vol. XI, 1908 Edition at page 77 gives the following:

“North of Sindhdi, after the earthquake was over, a bank about 50 miles long and from 10 to 18 feet high stood out from the plains which had before stretched as level as the sea. On account of its sudden appearance across the old bed of the Indus, the natives gave to this bank the name of Allah Band, or ‘God’s embankment’. Early observers speak of it as an upheaval of the surface.”

12. The quotation also corrects the misquotation in the Ministry’s Note that “The Kori became a mere creek and Lakhpat the furthest point of Kutch”. The correct quotation from the Sind Gazetteer is “The Kori became a mere creek and Lakhpat the furthest habitable point of Kutch”, showing clearly that the Kutch territory extended beyond Lakhpat.

13. The sixth contention advanced by the Government of Pakistan in paragraph 8(e) (ii) of their Note is that “The fort which is about two miles to the
south of Rahimki Bazar never belonged to the Maharao of Kutch. It was built by the Kalhoras and belonged to them”. The Government of Pakistan have quoted no authority to support this statement and are clearly misinformed about the correct position. Attention in this connection is invited to the following statement in the Brief Sketch of the History of Kutch by Capt. Charles Welter, Assistant to the Political Agent, 1854, Selection from the records of Bombay Government – No. XV – New series, 1855 Edition (pp. 106 – 107).

“The Rao having freed the country from all invaders, now reposed confidence and favour (which he never withdrew) upon Deokurn Sett; placed the Pugree of Minister on his head, and gave up the entire management of affairs to his charge ……..

By the power which his immense wealth enabled him to exercise, he carried an army into Parkur and established a Thanna at Veeravow, to punish the Sodas who had made incursions into Kutch………

In Sindh he was called in by the Rymas, who, though converted Muslims, had sprung from the same sources as the Jharejas (Samatrees); and to secure his acquisition, built a fort at the town now called Rymaka Bazar, and extended the Rao’s influence in that quarter”.


“Not content with securing the safety of the province, he spread the Rao’s name and power by carrying an army into Parkar, and, leaving a post there, overawed the Sodhas and put a stop to their raids. In west Kathiawar, the Okhamandal pirates, who had been harassing the trade of Mandvi, were punished and kept in order by building in their district the fort of Cutchigad; and in the east Balamba and other Halar villages were recovered from the estate of the traitor Kanyoji. In Sind, called in by the Raimas, Musalmans of the Jadeja stock, Devkarn protected them, and, to secure the lands he had won, built a fort at Rahim – ki – bazaar. All this was done without rousing the ill will of the chiefs and proprietors, who, on the slightest summons were ready to gather round the Rao’s standard.”

15. The fact that the fort at Rahimki Bazar was built by the Maharao of Kutch is corroborated also by the account given in a Memoire written by Dr. James Burns in 1828, entitled a “Narrative of a visit to the Court of Sind”. It is stated in the Memoire:-

“The Raos of Kutch had at no distant periods three tannas in the Dominion of Sind, viz., Ballyaree, Rao – ma – ka Bazar and Badenna, their right to which was undisputed. The year 1762 gave a new era to both nations and
it was the commencement of a calamitous one for Kutch. Ghulam Shah Kalhode, after bringing an army of 80,000 to Kutch and meeting with a warm reception at a hill above the small village of Jhara in Kutch, returned full of vengeance to Sind and threw a bund across the Phurram river.’

16. The above accounts clearly establish that the fort at Rahimki Bazar was built by the Maharao of Kutch and that the boundary of Kutch extended beyond this fort, \textit{i.e.}, the Rann of Kutch was part of the Kutch State. This is in consonance with the existing boundary of Kutch running approximately along the northern limit of the Rann of Kutch.

17. In alleging that the Darbar of Kutch did not maintain jurisdiction over the northern portion of the Rann, the Pakistan Government have cited the \textit{Ism – Shumari} (census) records of Diplo for the year 1869-70 onwards stating that land revenue was collected for cultivation “on both side of the river Dhoro Phurram”. It is to be pointed out that this river is a long one of which only 4 miles extended into the Rann. A reference to both sides of the river need not necessarily show areas comprising in the Rann. Considering the fact of the Kutch Darbar’s Fort at Rahimki Bazar mentioned above, it would appear that the conclusions envisaged by the Pakistan Government are ill-conceived.

18. The seventh contention in the Ministry’s Note is based on certain usages in the past. These are dealt with below:

(i) With reference to Para. 8 of the Ministry’s Note under reply, relating to Gainda Bet, attention is invited to Appendix 3 of High Commission’s Note dated the 9\textsuperscript{th} May, 1955, and para 7 (i) of their Note dated 12\textsuperscript{th} June, 1956.

(ii) As regards the construction of a well in Chhad bet in 1924-25, there are clear records to prove that the Kutch Darbar sanctioned a sum of 1,000 Kories for the purpose, and it is not understood how the Government of Pakistan can maintain a different view in the face of these records.

(iii) With regard to the case of the Sind cattle owners, who were made to pay grazing dues in 1945, the facts of the case are that, in forwarding the request of the Sind authorities, the Resident in his letter No. A. /4-3 (c) of 17\textsuperscript{th} September 1945 merely requested that “if the Kutch Darbar had no objection”, the request may be acceded to. In actual fact, the Kutch authorities had every objection, and they refused to surrender their employees who had only done their duty within Kutch territory. If, as the Pakistan Government have stated, the Sind authorities dropped matter in the hope that on the basis of an \textit{ex-parte} order by the collector, Tharparkar, of 18 years previously, Kutch officials would not attempt to enter Chhad Bet, all that can be observed is that it was a hope entirely
lacking in substance. Any such hope would have had to overcome the presumptions raised by the fact that the British authorities had over this length of period not found it appropriate to take action in furtherance of the order of the Collector Tharparkar.

19. The only boundary dispute that arose between Kutch State and the Government of former British India related to western boundary between Kutch and Sind and that dispute was settled in 1913-14. The local officials of Sind made an attempt in 1875 to advance a claim that half of the Rann of Kutch belonged to Sind but nothing came out of it. The Government of Bombay was not prepared to sponsor the claim and the matter was never raised with the Kutch Darbar. If any correspondence was exchanged by the Sind officials with the government of Bombay, it was of no concern to the Kutch State. They only competent authority to raise a boundary dispute with the Kutch State was the Government of former British India represented by the Government of Bombay or the Political Agent in the State. The Government of former British India never disputed the fact of the Kutch State boundary extending up to the northern limit of the Rann of Kutch. In 1938, when, on the occasion of the topographical survey of 1937-38, the Kutch State representative reported to the State Government, after the meeting of the representatives of the Sind Government, the Kutch State and the Wav State with the Officer-in-Charge, No.1 Party, Survey of India that the Sind representative had put forward at the meeting a claim that the northern half of the Rann of Kutch belonged to Sind, the State Government protested against this claim to the Resident for the States in Western India. The Dewan of Kutch in his letter No. 156 of 1938 dated 5th March 1938 addressed to the Resident of the States of Western India wrote:

“The Survey Superintendent has returned from Nagar Parkar and reports that as the representatives of Kutch, the Sind and Wav did not agree to the alignment, that Officer of the Survey party did not proceed with the survey work. The Sind representative is also reported to have claimed that half the Rann belonged to Sind. This has caused no small surprise to the Darbar as the boundary between Sind and Kutch has already been determined and shown on the Topographical Survey Sheets. Again, the boundary dispute between the Bombay Government and Kutch Darbar was settled long ago, and boundary pillars were erected in 1924 where the boundary was disputed.

“The Darbar, therefore, consider that the present claim of the Sind authorities has no validity and there was never any doubt that the entire Rann belongs to Kutch.”

The above letter put forward the position about the boundary clearly. The Government of undivided India never challenged this position.
20. Reports on the Administration of the Kutch State were regularly submitted by the Kutch Darbar to the British Government through the Political Agent/Resident. These Reports invariably mentioned that the Rann was a part of the Kutch State territory. An extract from the Report on the Administration of the Kutch State for the period 1st April 1944 to 31st October 1945 is reproduced below:-

“The area of the State is 8,249.5 sq. miles exclusive of the Rann of Kutch which forms part of the Kutch State territory and which comprises an area of about 9,000 sq. miles.”

This statement was never questioned by the Government of undivided India, as it has all along been recognized as an established fact that the Kutch – Sind boundary ran approximately along the northern limit of the Rann of Kutch.

21. In the light of the clear evidence adduced in Paras 2 to 20 above and in the previous notes of the High Commission referred to in Para. 2, the Government of India trust that the Government of Pakistan will accept the Government of India’s contention that the Kutch State boundary runs approximately along the northern limit of the Rann of Kutch (as shown in the Survey of India Sheets Nos. 40D, 40H, 40L & 40P on 1½ : 4 miles scale, 1942 Edition), that the boundary from the top of Sir Creek to the tri-junction of Jati taluka of Karachi district and Badin taluka of Hyderabad district in Sind and the territory of Kutch has already been demarcated and that the rest of the boundary, though defined, has still to be demarcated by erection of boundary pillars. The Government of India would be glad to discuss steps for the demarcation of the Kutch – Sind boundary from the Karachi – Hyderabad – Kutch tri-junction and would suggest that the Pakistan Government may agree to an early meeting between representatives of the two Governments for that purpose.

22. The High Commission of India avail themselves of this opportunity to renew to the Ministry of Foreign Affairs & Commonwealth Relations, Government of Pakistan, and the assurances of their highest consideration.

The Ministry of Foreign Affairs & Commonwealth Relations,
Government of Pakistan,
Karachi.

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Rectification of the boundary between Sind and Kutch State

Read again paragraphs 9 and 10 of Bombay Government letter No. 5543, dated the 20th September 1913, to the Secretary to the Government of India, Foreign Department :-

9. On full review of the evidence, therefore, Government arrived at the
conclusion that the boundary between Kutch and Sind should be the green line in the accompanying map from the mouth of the Sir Creek to the top of the Sir Creek at the point where it joins the blue dotted line; from there it should follow the blue dotted line due east until it joins the Sind boundary as marked in purple on the map, and His Highness the Rao has now expressed his willingness to agree to this compromise.

10. On this proposed settlement being referred to the Commissioner in Sind that officer agreed to the adoption, as the frontier line, of the blue dotted line running due east from the top of the Sir Creek. He observed, however, that the Sir Creek changes its course from time to time and the western boundary of the area, which it is proposed to surrender to the Rao, should therefore, be described as “the centre of the navigable channel of the Sir Creek”. A similar method has been adopted in determining the boundary between the Khairpur State and British territory where the river Indus is the boundary, and the position of the navigable channel varies from year to year.

I am to explain that the term “navigable” is really inappropriate in the larger sense. The Creek is, of course, tidal, and it is only at certain conditions of the tide that the channel is navigable and then only to country craft as far as the point from which the proposed boundary turns due east from the Creek.

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Letter No.3583 – I.A., dated the 11th November 1913.

From : The Assistant Secretary to the Government of India, Foreign Department;

To : The Secretary to Government, Political Department, Bombay.

I am directed to acknowledge the receipt of your letter No. 5543, dated the 20th September 1913, regarding the proposed rectification of the boundary between Sind and the Kutch State.

2. The Government of India observe with satisfaction that the dispute between the Sind authorities and the Cutch Darbar has been settled by a compromise agreeable to both parties, and are pleased to accord their sanction to the rectification of the boundary line proposed in paragraphs 9 and 10 of your letter.

*************

No.1192

Political Department.

Bombay Castle, 24th February 1914.
Resolution – Copies of the above letter from the Government of India, and of the letter No. 5543, dated the 20th September 1913, to which it is a reply together with a copy of the map showing the rectified boundary should be forwarded to the Commissioner in Sind with reference to his letter No. 106 – Confl., dated the 26th April 1912, and to the Political Agent, Kutch, with reference to his letter No. 103, dated the 18th June 1913.

The Political Agent, Kutch, should be requested to communicate the purport of the orders of the Government of India to His Highness the Rao of Kutch.

(Sd.)
Secretary to Government

To: The Commissioner in Sind,
The Commissioner, N.D.,
The Commissioner of Customs, Salt, Opium and Abkari,
The Political Agent, Kutch,
The Revenue Department of the Secretariat.

2305. Note from the Pakistan Ministry of Foreign Affairs to Ministry of External Affairs.


Ministry of Foreign Affairs And Commonwealth Relations
Karachi

No. I (I) – 2/3/59 the 11th December, 1959

The Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, presents its compliments to the High Commission for India in Pakistan, and with reference to their note No. F. 113(6) / 56 – Genl., dated the 23rd February, 1959, regarding the Kutch – Sind border has the honour to state as follows :-

2. The Government of Pakistan had produced overwhelming evidence through its notes (No. 1(I) -3/9/54 dated the 22nd September 1954, No. I (I) – 3/10/56, dated the 9th April, 1956 and No. I(I) – 3/10/56, dated the 19th May, 1958) but observes with regret that the Government of India have not taken cognizance of a large number of important points contained therein and instead have merely repeated certain assertions, although these very assertions were fully rebutted.
by the Government of Pakistan in the notes mentioned above. While there has been an extensive reproduction in the Government of India’s note of extracts from the Government of Pakistan’s note dated the 19th May, 1958, the Government of India have not met most of the material contentions and instead chosen to ignore the conclusions which necessarily follow from those contentions.

3. The High Commission’s statement that the Government of Pakistan have misquoted historical records is not correct. The only instance cited by the High Commission in support thereof is certain extract from page 5 of the Sind Gazetteer (1907) which was also quoted by the Government of Pakistan explicitly to indicate what the nature of the Rann was and who administered its northern half when the Treaty of Alliance between the Maharao of Kutch and the British Government in India was concluded in October, 1819. The Government of India have not disputed that the Rann is an inland sea. The additional quotation given by them is not relevant, since it relates to a period proceeding the year 1762, when Ghulam Shah Kalhora had finally extended his sovereign jurisdiction to the southern half of the Rann. The Government of India will no doubt appreciate that the extent of the Maharao’s territory in October, 1819, is all that is relevant for the purpose of the territorial dispute in the Rann of Kutch area. There is no evidence of any expansion of the Maharao’s influence in the Rann between 1762 and 1819. In this context, the Government of Pakistan would refer to paragraph 11 of the Government of India’s note under reply to point out that the location of the great Dam built by Ghulam Shah Kalhora which crossed the Puran at Mori conclusively establishes that his jurisdiction extended right up to the middle of the Rann. The Dam built on Puran at Mori by Ghulam Shah Kalhora was about fifteen miles to the South of Rahim – ki – Bazar at a point approximately 69° 10´ long. E. 24º 8´ lat. N. This Dam is described as an “old Bund” in a “New Map of Kutch” prepared by LT. Burns in 1828. This area subsequently turned into a lake as a result of the earthquake of 1819 as shown on the map of “North – West Frontier of British India including the protected Sikh States, Lahore, Kashmir, Kabul, Heart, Kandahar, Shikarpur and Bhawalpore together with Sinde and Rajpootana, the Indus River and part of Baluchistan” prepared by J.B. Tassin in 1848 from “the best and most recent authorities”. This is further confirmed by the map prepared by Lieutenant William Max-field in 1809 which shows the route taken by N.H. Smith the British envoy to Sind. The Government of India have also overlooked the fact that although at the time when Ghulam Shah Kalhora built the Dam there, the area in question was pucca land but it was subsequently submerged in water as a result of the earthquake of 1819. However, its geographical location has always been the same and it was situated right in the middle of the present Rann area, less than half a mile from Allah Bund. That Ghulam Shah Kalhora built his dam several
miles into the Rann area establishes that his jurisdiction extended not only beyond the present pacca land but to the entire northern half of the Rann. It should, therefore, be clear to the Government of India that the extracts from the Gazetteer, which they have quoted in support of their claim, really falsify it, and confirm the case of the Government of Pakistan. The objection taken by the Government of India to the description of the Bund given in the Ministry’s note of even number dated 19th May, 1958 as being built on the “Puran and Mori”, is really an objection to a typographical error. The correct words should have been “Puran at Mori.”

4. The position taken up by the Government of India in paragraph 7 of their note dated the 12th June, 1956, was that the “boundary between the Hyderabad and Tharparker districts of Sind on the one side and the Kutch State on the other along the northern limit of the Rann of Kutch has been a settled fact from the earliest time till Partition and continues to be so although it has not yet been demarcated on the ground”. This position is entirely unsustainable from the numerous instances of the exercise of jurisdiction by the Sind Administration in the northern half of the Rann and particularly from those quoted in Paragraph 4 of this Ministry’s note of the 22nd September, 1954 which remain un-replied. Demarcation of the boundary is always undertaken in pursuance of some agreement, resolution, or notification of the Governments concerned. The Government of India would appreciated that there is nothing whatsoever to show when and how the territorial alignment between Sind and Kutch in the Rann of Kutch was settled and what evidence is available in pursuance of which the Government of India desire that a boundary should be so demarcated on the ground as to include that entire Rann of Kutch to the former State of Kutch.

5. A reference to Para 5 of their note under reply would disclose that the Government of India have modified their previous stand. Their original position was that there was only one dispute and that was settled by the Bombay Government Resolution No. 1192, dated the 24th February, 1914. In paragraph 2 of their note dated the 9th May, 1955, the Government of India have defined the area involved in this dispute by stating that “the only dispute which ever arose between Kutch and Sind on their boundary was in respect of the territory between the Sir Creek and the Kori Creek …….. The dispute was discussed and a compromise reached in 1913. The agreement was sanctioned by the Government of India and the Government of Bombay in their Resolution No. 1192, dated the 24th February, 1914, defined that ……….”. They have now tried to extend the scope and applicability of this resolution and have asserted that this Resolution established that “the trijunction of the Badin Taluka of the Hyderabad District, Jati Taluka of the Karachi District and of the Rann of Kutch was established as the proper boundary point between Sind and Kutch”, in spite of the fact that there is no mention at all of this trijunction in the Bombay
Government Resolution of 1914 referred to above. In this connection, the Government of India have placed reliance on certain documents which will be dealt with presently. At this stage, however, the Government of Pakistan want to emphasize that the Government of India have changed their position in this manner because they do not find it possible to refute the overwhelming evidence of exercise of jurisdiction in the northern half of the Rann by Sind Administration as embodied in the preceding notes of the Government of Pakistan. The Government of Pakistan further points out to the Government of India that the Bombay Government Resolution, of 1914, describes the purple line as the Sind boundary. It does not describe it as the Kutch boundary or the Sind – Kutch boundary. The Government of Pakistan are, therefore, unable to see how the Government of India can contend that the Rann of Kutch was regarded under the aforesaid Resolution as being a part of Kutch.

6. To support the position now taken up by them, the Government of India have relied on the following documents. The First three of which are not available with the Government of Pakistan:

(i) The Commissioner – in – Sind’s letter of the 28th February, 1910 to the Government of Bombay;

(ii) The Maharao of Kutch’s letter dated the 16th June, 1913 to the Political Agent of Kutch;

(iii) The Government of Bombay’s letter dated the 17th July, 1916 to the Political Agent for Kutch; and


These are dealt with as under:

(i) The Government of India seem to have relied on the words “boundary between Sind and Kutch” occurring in the Commissioner – in – Sind’s letter of the 28th February, 1910, to substantiate their stand that the Commissioner regarded the trijunction as being situated at the meeting point of the Kutch territory with Sind. However, the Government of India have significantly omitted to observe the fact that in the same sentence the Commissioner has specifically described this trijunction as being the meeting point” of the Badin Taluka of the Hyderabad district, Jati Taluka of the Karachi district and the Rann of Kutch (and not Kutch)”.

As already pointed out to the Government of India, there were two distinct disputes between Sind and Kutch. While one such dispute related to the Sind – Kutch boundary on the land lying between Sir Creek and Khori Creek and the
meeting point of Hyderabad and Karachi districts with the Greater Rann; the other related to the delimitation of the respective rights of Sind and Kutch in the Rann itself and involved the territorial jurisdiction and the boundary alignment therein of the Hyderabad and Tharparkar districts of Sind on one side and the Kutch State on the other. The position taken by the respective parties (namely, the Government of Bombay and the Kutch State) in reference to the former dispute was that the entire area therein involved belonged to them. The Commissioner – in – Sind’s letter of the 28th February, 1910 was an assertion of the Sind Government’s claim to the area comprised in this dispute and had no reference whatsoever to the Rann of Kutch. It is inconceivable that while claiming the entire territory between Sir Creek and Khori Creek and the meeting point of Hyderabad and Karachi districts with the Greater Rann for Sind, the Commissioner – in – Sind through his letter of the 28th February, 1910 would concede that the whole of the Rann of Kutch belonged to Kutch. In fact, the description given by him of “the boundary between Sind and Kutch” included the entire area involved in the former dispute in the Sind Jurisdiction and therefore, the only inference that can be drawn therefore is that the Commissioner assumed that the whole of Rann also belonged to Sind. In view of the fact that Mr. Morrison and the Governor of Bombay in their correspondence of the year 1905 had clearly expressed that they were aware of the existence of the question of rights of Sind and Kutch respectively in the Rann which had arisen as far back as the year 1875, it is impossible that the Commissioner – in – Sind in 1910 would proceed on the assumption that no dispute relating to the Rann did exist, or that, while for a small area of about 75,000 acres transferred to Kutch a Resolution of the Government would be called for, the Commissioner will concede the whole of the Rann to Kutch through a tacit statement. The Commissioner – in – Sind’s reference to the trigonometrical survey map of the year 1904 – 05 and the map of the Bombay Presidency is solely in respect of the first dispute and has no connection whatsoever with the dispute about the Rann of Kutch.

(ii) If the Government of India intend to infer from the Maharao’s letter dated the 16th June, 1913 to the Political Agent of Kutch that the Maharao wanted a physical demarcation of the boundary to be done in an area over which his jurisdiction had been a settled fact, they will no doubt find it impossible to adhere to this position in view of :-

(a) Letter No. 484, dated the 29th September, 1923, addressed by the Diwan of Kutch to the Political Agent, Kutch, in which the former had clearly stated that the provisions for the Survey Party will be supplied by the Kutch Durbar “when work is being done on the line from the Sir (Creek) to the angle of the triangle and 10 miles northwards, and beyond that the Sind Authorities will be expected
to arrange for water, provisions, etc., for their as well as the Kutch parties”, and

(b) Letter No. 372, dated the 4th August, 1923 (again from the Diwan of Kutch to the Political Agent Kutch) in which it is clarified that the arrangements made by the Kutch Durbar for the survey party were availed of from the Sir Creek to the angle of the triangle and ten miles northwards, and “beyond this, the party had expected to obtain water, provisions and conveyance, etc., from the Sind side”.

It is, therefore, abundantly clear that the Maharao’s jurisdiction extended to only ten miles north beyond the point Long. 68º 48’ E. Lat. 23º 58’ N, and no further.

(iii) The Commissioner – in – Sind’s order as referred to in the Government of Bombay’s letter dated the 17th July, 1916 explicitly refers to the trijunction as being located in the Rann of Kutch. It does not say that it was the meeting point of the Karachi and Hyderabad districts with the Kutch State. Obviously no conclusion can be drawn therefore in favour of the Government of India’s case. The trijunction of the Hyderabad and Karachi districts and the Rann of Kutch was the only Pucca point in that area from where the point Long. 68º 48’ E lat. 23º 58’ N could be located by means of Cross Staff and Chains. The latter point could easily be obliterated by vagaries of Nature in the shifting soil where it was placed. Therefore, usefulness of pillars both sides all along the line from the trijunction to the point Long. 68º 48E lat. 23º 58N is clearly understandable. Obviously the Survey of India did not want to send their technical staff for theodolite survey to fix the point Long. 68º 48E Lat. 23º 58N each time it got obliterated.

(iv) Description of the trijunction given by the Superintendent of Land records in Sind, in his letter of the 10th January, 1924 as being the meeting point of Badin and Jati talukas and the Kutch territory in the North has no significance. The Government of India themselves have quoted the letter dated 28th February, 1910 of the Commissioner – in – Sind and dated the 17th July, 1916 of the Government of Bombay in which this trijunction has been described as being in the Rann of Kutch (and not in the State of Kutch). Furthermore, the circumstances recapitulated in the succeeding paragraphs 8 and 11 of this note should leave the Government of India in no manner of doubt that the trijunction was regarded as being located in the Rann of Kutch.

7. The remaining points raised in Paragraph – 5 of the Government of India’s note under reply are discussed below:-
(i) The Government of Pakistan emphatically repudiate that they have ever modified their position relating to the scope and applicability of the Bombay Government's Resolution No. 1192 dated the 24th February, 1914. It has always been the case of the Government of Pakistan that only the Western Boundary of the Rann of Kutch was determined by this Resolution and that its boundaries in the other directions have always remained unsettled and continue to be so. The Government of Pakistan have repeatedly drawn the attention of the Government of India to the impossibility of the Hypothesis that while for the small area of 76,527 acres 23 ghuntas transferred to Kutch in the settlement of the boundary dispute relating to the Western side of the Rann the Government of Bombay passed a Resolution and issued a formal Notification giving all the necessary particulars of the land involved, the whole of the area in the Rann where the rights of Sind and Kutch remained undetermined could be deemed to have been made over by the former to the latter merely by implication or tacit acquiescence.

(ii) The Government of India is not correct in stating that the Government of Pakistan have advanced the argument that the map attached to the Bombay Government's Resolution was "without any significance". On the other hand, the Government of Pakistan has accepted that the only significance of this map was to illustrate the area covered by the Bombay Government's Resolution to which it was an annexure. It will be surprising if the Government of India seriously consider this map as having any bearing whatever to an area involved in an entirely different dispute which for as entirely unconnected with the Government of Bombay's Resolution to which the map was annexed.

(iii) The Government of Pakistan have never said that any payment made by the Kutch Durbar relating to the cost of demarcation from the point ten miles to the north of the point Lon. 68° 48E Lat. 23° 58N to the trijunction of the Karachi and Hyderabad districts with the Rann of Kutch to the East was "under a mistake". The relevant statement to that effect in the Government of India's note under reply is a misquotation. It is true that added advantages accrued therefore to the Sind Administration for the benefit of the Revenue Staff doing field inspection and by the two legs of the Karachi district being demarcated on the ground; but the fixation of pillars from the trijunction to the point Lon. 68° 48E Lat. 23° 58N was necessary for the preservation of the latter point. The proportionate share contributed by the Maharao in this connection could not therefore be regarded as having been "charged to and paid by Kutch Darbar under a mistake".
Finally, the Government of Pakistan are rather astonished that the Government of India hope that “the Government of Pakistan will not raise these arguments again and accept the position that trijunction point on the boundary of the Badin Taluka of the Hyderabad District, Jati Taluka of the Karachi district and the Rann of Kutch, demarcated in accordance with the Bombay Government’s resolution No. 1192, dated the 24th February 1914, is the established boundary between the old State of Kutch and Sind.” The Bombay Government Resolution had nothing whatsoever to do with the demarcation of the trijunction at all. All that the aforesaid Resolution did was to assign 76,527 acres 23 ghunthas to Kutch from out of the area claimed by Sind. The Government of Pakistan completely fail to realize how the Government of India have found it possible to base their claim to the entire Rann of Kutch on the Resolution while they themselves have described the trijunction point as being in “Rann of Kutch” and not in the state of Kutch, in the relevant assertion contained in the last sentence of paragraph 5 of their note under reply.

A reference to the first paragraph 7 of the Government of India’s note under reply (which does not contain any paragraph 6) shows that the contentions of the Government of Pakistan have not been viewed in their proper perspective. It has been the stand of the Government of Pakistan that the Rann of Kutch is an inland sea, that no part of it has been surveyed or demarcated on the ground so as to determine its administrative boundaries, and that the rights therein exercised by Sind and Kutch have been roughly determined by the proximity of its various areas to the pucca lands comprised in their respective territories. Furthermore, the Government of India’s attention has also been drawn to the letter dated the 23rd November, 1905, according to which the then Governor of Bombay had thought that the question of rights within Rann of Kutch might be left alone till they were forced to take it up. Under these circumstances, it is surprising that the Government of India should attach any significance to the omission of “the then Government of India authorities to describe the boundary of Sind as running along the middle of Rann of Kutch in such official publications as the Gazetteers of India and to show the boundary accordingly in the maps published by all the competent authorities of the then Government of India”. Secondly the statement that “in no authoritative publication is the description of Sind Province given as including the Rann of Kutch, nor are there any authorized maps which show the boundary of Sind as running through the middle of the Rann of Kutch from the point long 68° 48E lat. 23° 58N, is no way, supports the Government of India’s case that the whole of the Rann of Kutch belonged to Kutch. The Government of Pakistan claims the northern half of the Rann on the basis of ancient usage. Attention of the Government of India
has also been drawn to the maps of the Nagar Parkar Taluka published in 1927 and of the Thar Sub – Division of the Tharparkar district published in 1928, by the Superintendent of Survey and Land Records, Sind, in which the various islands in the northern half of the Rann have been clearly shown to be within the administrative boundaries of the Nagar Parkar Taluka of the Tharparkar district. These two maps are of the highest authoritative value as evidence of Sind’s jurisdiction in the northern half of the Rann. Thirdly, the reference made by the Government of Pakistan to the District Magistrate of Tharparkar’s letter No. 2813 – R., dated the 31st December, 1927, by which he exercised his jurisdiction in the northern half of the Rann, was not intended to fall back on a local authority in support of Pakistan’s claim as is alluded to in the last but one sentence in the first paragraph 7 of the Government of India’s note under reply, but was intended to correct the wrong impression of the Government of India that the demarcation carried out in 1924 in pursuance of a settlement between Sind and Kutch, relating to another area, was understood by the parties to mean as also settling the entire Rann in favour of Kutch State or that it was then taken for granted that the Rann was a part of latter. Surely, if such were the case the District Magistrate of Tharparkar, three years later, would not have asserted his jurisdiction in the northern half of that area.

9. In sub-Para(a) of the second paragraph 7 of their note under reply, the Government of India have admitted that the Sind survey operations took place in 1867 – 70 and, as a result thereof, maps were published by the Survey of India in 1871 – 72. Nor do the Government of India deny the fact that the -.-.-.-.-.-.-. (Dash dot dash dot dash dot) symbol in the southern extremity of the Pucca land of Sind was a subsequent handwritten insertion and did not exist on the original of the relevant document. Obviously, such an insertion could not have been made so as to create any fiscal rights to the prejudice of one party and in favour of the other without the express consent of both. For this reason, the reliance placed by the Government of India on the alleged Indian Atlas Sheets 21/SW which are said to have been published in 1890 and in which the islands are said to be shown with a yellow ribbon is wholly misplaced specially when there was no sanction for such ribbons to be inserted when they did not exist in the Survey of India Maps of 1871 – 72. Again the Government of Pakistan cannot appreciate how the Government of India can but treat the -.-.-.-.-.-.-. symbol in the map accompanying the 1914 Resolution as unauthorized. This map committed the Government of Bombay only in so far as regards the area which it was intended to illustrate with reference to the Bombay Government’s Resolution No. 1192, dated the 24th February, 1914. In this connection, the Government of Pakistan would invite the attention of the Government of India to the contents of Paragraph 2 (d) (ii) of the former’s note dated the 19th May, 1958 on which the Government of India have not offered any comments.
As for sub-Para (b) of the second paragraph 7 of the Government of India’s note under reply, the Government of Pakistan are surprised how the Government of India regard the “Index to adjoining sheets” as being in any way, relevant to the alignment of the territorial boundaries. Surely, the Government of India knows that this has no such value whatsoever. Furthermore, the Government of Pakistan are quite unable to appreciate how the Government of India could use in their support the map of Sind signed by the Superintendent, Land Records in Sind (and prepared in Poona in 1927) in which only one Bet (Nara Bet) is shown and that, too merely by a conventional symbol. This map does not even indicate any of the islands in the Rann of Kutch. A more detailed study has been made of the boundary alignments of the various islands in the Rann in the map of Taluka Nagar Parkar and of the Thar Sub – Division of the Tharparkar district which was prepared in 1927 and 1928 respectively. These are on the scale of two miles to an inch while the map referred to by the Government of India which was prepared contemporaneously with these maps is on the scale of eight miles to an inch. After the unequivocal and irrefutable alignment shown in the maps cited by the Government of Pakistan, there is no room left for the Government of India to advance their case on the basis of such other maps which are not and were not intended to be an evidence of fiscal boundaries. In this connection, attention of the Government of India is also drawn to the following paragraph 5 of the note on the Survey of Boundaries.

“The topographical maps of the Survey of India are not authoritative as regards the alignment of fiscal boundaries, they can however be used as evidence in the sense that they portray the features of the ground, including existing boundary marks (where surveyed), as accurately as the scale permits.”

10. In Sub – Para (b) of the second paragraph 7 of their note under reply, the Government of India have also quoted the longitudinal and latitudinal limits of the talukas of Diplo, Mithi and Nagar Parkar to show that the Rann of Kutch was not included in these Talukas. However, this does not support the case of the Government of India that the Rann of Kutch was included in the Kutch State. On the other hand, the Imperial Gazetteer of the year 1908 lays down that boundary of Kutch State did not extend beyond 24º North latitude and specifically excludes the Rann from Kutch territory. Finally, the latitudinal limit of the Nagar Parkar Taluka (24º 12’ N as mentioned in the Sind Gazetteer which the Government of India have quoted) goes into the Rann beyond the Pucca land and thus, according to a document upon which the Government of India themselves rely their assertion that the limit of Sind ended with the Pucca land is contradicted.
11. In sub-paragraph (c) of their second paragraph 7, the Government of India have quoted incompletely from some document whose nature and context is only known to themselves and have reproduced some conclusion said to have been expressed by the O.C. Survey Party during the 1937-38 surveys. The Government of Pakistan are unable to see what value can be attached to it when, subsequently, on the 23rd August, 1939, the Officer-in-Charge wrote to the Collector of Tharparkar that “as the Provincial boundary in the Rann of Kutch is undemarcated and the authorities of Sind, Kutch State and Wav State still differ as to its correct alignment; no decision can be arrived at by me. I propose to omit this boundary from the modern survey maps”. Thereon the Collector of Tharparkar asked him on the 2nd October, 1939, that, if it was not possible for the Officer In-charge of the Survey Party to decide the boundary definitely, it may be shown as in the old maps, by means of a special symbol and a note written indicating that it was in accordance with the old records, but was in dispute. In fact, the word “disputed” appears in the 70 mile map printed in 1938 and reprinted in the subsequent years 1940 – 1944 and 1946. In an identical dispute between the Kutch and Wav States, which occurred contemporaneously, a similar procedure was followed by the Officer In-charge of the Survey Party and it is impossible to see how he could be competent to act differently in the present case.

12. As for paragraph 8 of the Government of India’s note under reply, the Government of Pakistan are surprised that the Government of India attach any importance to the move, if any, made by the Director of Map Publications, that the word “disputed” be removed from the map in view of the following facts:–

(1) The boundary was actually disputed between the parties.

(2) The Officer In-charge of the Survey Party had proposed to omit it altogether from the modern Survey Maps.

(3) It was the suggestion of the Collector Tharparkar that this boundary should be shown as in the old maps but with a special symbol with the word “disputed” written thereon, and

(4) In the subsequent map the word “disputed” did appear not merely in its publications of the year 1938 but also in its reprints of the subsequent years (1940, 1944 and 1946).

13. The contentions contained in paragraph 9 of the Government of India’s note are dealt with below seriatim:

(a) The description of Sind’s boundary in the Gazetteer of 1908 does not support India’s case since it does not state that the Rann was a part of the Kutch State. On the other hand, the Imperial Gazetteer of India of the
same year fixes the boundary of the Kutch State as extending not beyond merely 24º North Latitude. It elaborately defines the limits of the boundary of the Kutch State. The Government of Pakistan emphasizes that according to this gazetteer the whole territory of Kutch is almost entirely cut off from the continent of India – north by the Great Rann east by the little Rann, south by the Gulf of Kutch, and west by the Arabian Sea.

(b) (i) The reliance placed by the Government of India on Vol. II, 1854 Edition of the Gazetteer of India compiled by Edward Thornton under the authority of the East India Company is unwarranted because the two statements made therein are mutually contradictory. While defining the area of Kutch, this document includes the Rann in Kutch; it excludes it when specifying its area in square miles. The area of Kutch as given here is 6,764 square miles although the area of the Rann itself is 9,000 square miles. (ii) The same Gazetteer in giving the latitudinal limits of Sind includes the whole of the Rann in Sind territory. It describes Sind as situated between lat. 23º 37´ – 28º 32´ which clearly includes the area of the Rann. Apart from this patent rebuttal of the Government of India’s case contained in this document that the Rann was a part of Kutch territory, the Imperial Gazetteer of India, which is a more authoritative document, in its later edition of 1908 specifically, excludes the Rann from the Kutch State territory as already mentioned above.

(c) The Government of India have rightly stated that the only relevant date for determining the territorial extent of Kutch State is October 1819 when the Treaty of Alliance was concluded between the Maharao and the British Government. However, as indicated above, the reliance placed by the Government of India on the Sind Gazetteer of 1854 to establish their claim is wholly indefensible.

(d) The Government of Pakistan regret to state that the analogy attempted in sub – Para (d) of Para 9 of their note under reply by the Government of India is fallacious. So far as the dispute whether the Rann belonged to Bombay or to Kutch State is concerned it existed ever since 1875, and no dispute ever existed regarding the territorial alignment of the Thar Desert. Therefore the fact that the Great Rann of Kutch has been shown as a unit separate from the Kutch State in the General Index to the 1931 edition of the Imperial Gazetteer has its own significance and shows clearly that the Rann was not treated as a part of the Kutch State.

14. With reference to paragraph 10 of the Government of India’s note under reply it is pointed out that the extensive quotations given in that Para could serve no other purpose than that of establishing that the Rann is in fact an inland sea. The same purpose was adequately served already by the less
extensive quotation, from the same Gazetteer, in the Government of Pakistan's note dated the 19th May, 1958. However, the Government of Pakistan would once again draw the Government of India's attention to the last sentence in the following quotation given by them:

"Since the earthquake the frontier of Sind, from the Kori Creek to Nagar Parkar, has been an unmitigated saline desert and the frontier towns, like Rahim – ki – Bazar, have dwindled away".

The Government of India are well aware that Rahim – ki – Bazar remained under the Sind Administration ever since the year 1762. The above quoted statement in the Gazetteer amply bears out that the whole of the Rann was treated as Frontier of Sind and being comprised in it. Therefore, the document(s) cited by the Government of India themselves, contradicts their claim and shows that the entire area was included in Sind. In so far as it is not denied that a fort to the south of Rahim – ki – Bazar did exist the following quotation in paragraph 10 of the Government of India's Note has no relevance whatsoever:

"A sketch of Sindri, taken by Captain Grindlay in 1808 and published by Alexander Burns in his Travels into Bokhara, shows a square fort, with a high round tower at one corner, situated on the bank of a large river with boats sailing up it."

15. Any reference to Rahimki Bazar relating to a period earlier than 1819 is entirely irrelevant for the purposes of this case. It is not disputed by the Government of India that Rahimki – Bazar ceased to be under the control of Maharao of Kutch after the conquest by Ghulam Shah Kalhora in 1762. In paragraph 12 of their note, the Government of India have not attempted to assert that after 1762, while Lakhpat was the farthest "habitable point" of Kutch, there was some non – habitable point in the northern half of Rann still under the influence of the Maharao.

16. As already explained in paragraph 3 of this note the Bund was built by Ghulam Shah Kalhora in the middle of the Rann area which was then Pucca land but was subsequently submerged in water as a result of the earthquake of 1819. The statement in the Government of India’s note that the dam was not built in the Rann of Kutch is, therefore, incorrect. The Government of Pakistan are unable to appreciate, how the emergence of a natural bund as a result of the earthquake of 1819 (as emphasized in paragraph 11 of the Government of India’s note under reply), is relevant, once the Government of India have admitted that Ghulam Shah Kalhora, a Ruler of Sind, did build a dam across the Puran at Mori in 1762 which shows that he did then exercise jurisdiction in the northern half of the Rann. The same fact, namely, that the authority of
Ghulam Shah Kalhora was established over the Rann area as a result of his conquest over the Maharao of Kutch in the year 1762 is borne out by the Memoire written by Dr. James Burns in 1828, entitled a “Narrative of a visit to the Court of Sind” as mentioned in paragraph 15 of the Government of India’s note under reply. The relevant quotation is given below :-

“The year 1762 gave a new era to both nations and it was the commencement of a calamitous one for Kutch. Ghulam Shah Kalhora, after bringing an army of 80,000 to Kutch and meeting with a warm reception at a hill above the small village of Jhara in Kutch, returned full of vengeance to Sind and threw a bund across the Khurram river.”

The Government of India have not given a single historical instance to show that any time after the year 1819 and, in fact, during any time between 1762 and 1819, the Maharao of Kutch exercised any authority in any portion of the northern half of the Rann.

17. The contents of paragraphs 13, 14, 15, and 16 in the Government of India’s note under reply relate to a period which as mentioned in the first paragraph of this note, is relevant for the purposes of this case. In 1762, the authority of the Maharao of Kutch in the northern half of the Rann was finally vanquished by Ghulam Shah Kalhora, as is revealed by historical documents and in fact by those quoted in the Government of India’s note itself. In 1819, the Treaty of Alliance guaranteeing the integrity of the territory of the Maharao of Kutch was concluded between the Maharao and the British Government in India. There is nothing to show that at any times after 1819 or between 1762 and 1819 any assertion or exercise of authority was done by the Maharao in the northern half of the Great Rann.

18. The argument in paragraph 17 of the Government of India’s note that the Kutch Darbar’s fort existed at Rahim – Ki – Bazar after 1869/70 with the result that land revenue could not have been collected for the cultivation done on both sides of the river Puran in the Rann of Kutch, is clearly rebutted by the historical fact that after 1762 the Maharao of Kutch had no control whatsoever in the northern half of the Rann. Moreover, the Ismushumari (census) record clearly indicates that land revenue was collected by Sind for the cultivation done in the Rann area on either side of the Bhoro Puran.

19. With reference to paragraph 18 of the Government of India’s note under reply, the Government of Pakistan regret to observe that the Government of India have again quoted the same three instances in relation to which replies have been furnished to them already:-

(a) The Government of India have not given any proof in any way how the entire Ganda Bet was ever accepted by the Political Agent in Kutch or
by the District Magistrate of Tharparkar as part of the territory of the Kutch Stat. The Ganda Bet lies right in the centre of the Rann with its northern half and southern half being respectively situated in the northern half and southern half of the Rann. The Government of India will appreciate that the alignment of the Sind – Kutch boundary in the Rann was never demarcated or defined. In these circumstances this instance quoted by the Government of India in Appendix 3 of their High Commission’s note dated the 9th May, 1955, and repeated in paragraph 7(1) of their Note dated the 12th June, 1956, and again repeated in paragraph 18 of their note under reply does not, in any way, lend support to their claim that the entire Rann was a part of the Kutch State.

(b) A physical inspection of Chad Bet would convince the Government of India that there are no traces of any well having been dug there. The only excavation there is a tank about 3 feet deep which was made by the Raj Mahajans of Diplo Taluka for the storage of rain water for the cattle grazing in Chad Bet.

(c) The Government of Pakistan regret that the Government of India have capitalized on the phrase “if the Kutch Darbar had no objection” contained in letter No. A|4 – 3(c), dated the 17th September, 1945, from the Resident, Western India States to the Kutch Darbar as indicating that this did not amount to an assertion of the rights of the Tharparkar administration on the northern half of the Rann. The Government of India are no doubt aware that such phrases were a normal usage of correspondence between the Political Department and a Ruling Chief. If the Resident of the Western India States knew, and he would have surely known if such were the facts, that the entire Rann was a part of the Kutch State he would have refused to forward the request to the Kutch Darbar for extradition of the Kutch employees. This instance is significant as it refutes the Government of India’s contention that the only authorities to raise the relevant boundary dispute were the Sind Officials with the Government of Bombay.

20. The Government of India have stated in paragraph 19 of their note under reply, that “the only competent authority to raise a boundary dispute with the Kutch State was the Government of former British India represented by the Government of Bombay or the Political Agent in the State.” The Government of India would no doubt agree that the Resident of the Western India States would fall within the category of a “competent authority” as envisaged by them. Mr. Morrison’s letter dated the 10th October, 1905 and the Government of Bombay’s reply thereto dated the 23rd November, 1905 (quoted in Sub – Para (b) of the paragraph 2 of this Ministry’s note dated the 19th May, 1958, on which
no comment, whatsoever, has been made by the Government of India in Para 19 of their note, that the Government of Bombay was not prepared to sponsor its claim to the Rann of Kutch.

21. In paragraph 20 of their note, the Government of India have made a reference to a Report on the Administration of Kutch State for the period from the 1st April, 1944, to the 31st October, 1945, wherein the Kutch Darbar have asserted that the Rann of Kutch formed part of Kutch State territory. But the Government of India would accept that this Report was written after a series of incidents had taken place in which the authority of the British Government in India and the Kutch Darbar in the Northern half of the Rann had become an issue. Some of such instances have been quoted in paragraph 8 of the Government of Pakistan’s note dated the 19th May, 1958 which the Government of India have not found it possible to rebut. Already, the Dispute had been highlighted in 1937 -38 during the Topographical Survey Operations. As anticipated by Mr. Morrison in his demi – official letter dated the 10th October, 1905, the Maharao who had started thinking of his claims tended to accumulate or even manufacture evidence in his favour for the entire Rann. However, since the British Administration in Sind continued to exercise authority over the northern half of the Rann, they would not have considered it necessary to ask the Kutch Darbar to define the limits of the administrations in a land which was merely a marshy tract. As mentioned in the letter referred to in paragraph 2(b) of the Government of Pakistan’s note dated the 19th May, 1958, their policy was that “that question might be left alone till they were forced to take it up”. This letter which is dated the 23rd November, 1905 expresses the view of the Governor of Bombay in the following terms :-

“Please see Morrison’s Demi – official letter dated 10th October, 1905 regarding the proposed settlement of the boundary between Sind and Kutch. His Excellency thinks the question might well be left alone till we are forced to take it up. That date is not very distant if the Railways go through Kutch”.

There is absolutely nothing to show that the claim of the Maharao over the entire Rann was ever accepted by the British Government in India. In these circumstances, the Diwan of Kutch’s letter of the 5th March, 1938 has absolutely no bearing on the case now advanced by the Government of India.

22. The Government of Pakistan has suggested that a solution to this dispute could be based either on the actual facts of the situation relating to the exercise of jurisdiction, or on International Law and usage as applicable to an inland sea. The latter basis was adopted for the settlement of a similar dispute between Kutch and Morvi State in the little Rann. The Government of India has not stated which of these two alternatives is acceptable to them. On the other
hand, they had proposed that a meeting should be held between the representatives of the Governments to take steps for the demarcation of the boundary. Such a meeting can only follow after the alignment of the Indo—Pakistan boundary in the Rann of Kutch has been defined. The Government of Pakistan hope that one of the two alternatives stated above will be acceptable to the Government of are still unable to do so the boundary dispute in the Rann may be discussed at the forthcoming Indo—Pakistan Conference on West Pak./India Border Disputes.

23. The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

(Sd) S.M. Koreshi,
14/XII/59

The High Commission for India in Pakistan,
Karachi.

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2306. Note from High Commission of India in Pakistan to the Pakistan Ministry of Foreign Affairs.


High Commission of India
Karachi

No. F. 113(6)/56 – Genl. 31st December, 1959

The High Commission of India in Pakistan presents its compliments to the Ministry of Foreign Affairs & Commonwealth Relation, and with reference to the Ministry’s Note No. I (I) – 2/3/59 of 11th December, 1959, has the honour to convey the serious disappointment of the Government of India at the reiteration by the Government of Pakistan of their position on the question of the West Pakistan – Bombay boundary in the Sind – Kutch region, which the detailed Notes exchanged over the last 10 years show to be entirely unsupported by the reliable evidence. The previous correspondence, particularly the considerable historical evidence cited, has already established that neither the old Government of Bombay nor the then Government of India had any doubts whatsoever regarding the alignment of
the territorial boundary between Sind and the territories of the Kutch Durbar. The only dispute raised was settled in 1914.

2. The Government of Pakistan have only adduced some instances of unilateral statements/actions by subordinate officials of the Sind Administration in support of their contention that the boundary in dispute. Neither the old Bombay Government nor the then Government of India, in exercise of their authority and responsibility for Sind and Kutch, considered that these unilateral statements by subordinate officials deserved any attention. They, therefore, continued to show the correct alignment of the boundary in their authorized maps and documents, and continued to base their administrative arrangements on the basis of this alignment.

3. The Government of India is also unable to see how the question of an inland sea, or the international practices connected therewith are relevant in this case, as the Rann of Kutch is not such a sea.

4. Since, the Government of Pakistan desire it, the Government of India have no objection to discussing this matter at the Indo – Pakistan Western Border Conference scheduled for early January, 1960.

5. The High Commission of India in Pakistan avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, the assurances of its highest consideration.

The Ministry of Foreign Affairs and Commonwealth Relations,
Government of Pakistan, Karachi.

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2307. Notes Exchanged during the Indo – Pakistan Minister Level Conference on the Western Border Issues, held in January, 1960, by the two Working Parties setting out the respective stands on the dispute raised by Pakistan regarding the Kutch – Sind Boundary.

(i) Indian Note of January 8, 1960.

(ii) Pakistani Note of January 8, 1960.

Indian Note

The Indian view was that the totality of the evidence available from historical records, statements and actions of the British authorities representing the paramount power, gazetteers (Imperial, Bombay and Sind), Administrative Reports of Bombay State and of Kutch, establish without doubt that there is no dispute regarding the boundary between Kutch and Sind as acted upon by the paramount power up to the time of Partition. The only dispute between Sind and Kutch that the paramount power considered as obliging them to settle was settled by the Bombay Government’s Resolution No. 1192 of 24th February, 1914. The very terms of this Resolution laid down the boundary between “Kutch and Sind”, and described it in terms of a line drawn on the accompanying map “until it joins the Sind boundary as marked in purple”. There is no evidence that the Resolution dealt only with *Pucca* land, so as to exclude the Rann. Demarcation on the ground by the placement of pillars pursuant to this Resolution was undertaken with the full knowledge of the Sind Government, the Kutch Durbar and the paramount power, and extended to the tri-junction of Karachi and Hyderabad districts and the northern limits of the Rann. The correspondence relating to this demarcation, and routed through the agents of the paramount power, leaves no doubt that the entire stretch covered by the demarcation was the boundary between Sind and Kutch; that the expenditure was intended to be shared equally and was so shared between the Government of Bombay and the Kutch Durbar; that the rendering of assistance by the Kutch Durbar for demarcation work up to 10 miles northwards of the point 23º 58’ N Lat. was no more than an arrangement of convenience arising from the terrain.

2. There is nothing in historical records to show that the Kalhaura Kings maintained jurisdiction amounting to dominion over the Rann. The garrison established by Ghulam Shah at Lakhpat was withdrawn by his son. The evidence is to the effect that the Bund established by him was north of Rahim
– ki – Bazar. In any case, such vague claims based on past history of relations between Kutch and Sind rulers in this region were settled by the 1914 Agreement.

3. There is no evidence that the Treaty of Alliance between the East India Company and the Kutch Durbar in 1819, which guaranteed the dominions of the Rao of Kutch, was modified by the paramount power so as to reduce the area of his jurisdiction. While subordinate authorities of Sind may have raised claims in the Rann, all evidence is to the effect that the paramount power, i.e., the Government of Bombay until 1924, and the Foreign and Political Department thereafter, did not consider them deserving of their attention, so as to alter the previous boundary of the State of Kutch. On the contrary, evidence from 1878 onwards is clear that the view of the representatives of the paramount power was that the Rao of Kutch’s claim to the whole of the Rann was unchallenged. Moreover none other than the Commissioner in Sind had acknowledged in 1910 that there was “a mass of evidence that since 1837 the boundary between Sind and Kutch had been recognized and shown on all maps which have been prepared from that date to the present day to be a straight line due south from the tri-junction of the Badin taluka of the Hyderabad district, the Jati taluka of the Karachi district and the Rann of Kutch ….”, and the following authorities cited by him establish the boundary as following the north of the northern limit of the Rann:

(a) Memoir on Kutch State by S.N. Raikes, Assistant Political Agent, Kutch.
(b) General report on revenue survey operations in Sind for 1869 – 70.
(c) Official Memoranda on Native States in India 1909 and attached map.

Jurisdiction.

4. Certain records relating to the period from 1865 to 1872 were produced purporting to show that lands north of the middle of the Rann had been given for cultivation by the Sind authorities. These records, however, did not indicate that the lands concerned were without question outside Sind territory. The same applies to instances cited of the grant of fishing rights. Neither these records nor the unilateral instances affecting Sind residents can establish possession or jurisdiction adverse to the Kutch Darbar as these acts were beyond the knowledge of the Durbar. The records of the Kutch Durbar have clear statements about the Durbar’s jurisdiction extending well north of the middle of the Rann and of collection of Grazing Fees from cattle owners of Sind, or of digging of wells in Chad Bet.

5. Apart from the clear evidence in the earliest maps in Gazetteers and Memories, the 1937 edition and later 1938, 1939 and 1942 editions of the 70 – mile map showing Political charges, issued at the instance of the Political Department, depicted the Rann as falling within the Western India States Agency.
6. Exaggerated importance appears to have been given to the word "disputed" appearing in respect of the northern boundary of Kutch in the 70-mile map of 1938. This map was produced by the Surveyor-General to meet public demand. It was intended to conform to the 70-mile map showing political changes. The records of the Survey of India of 1939 show clearly that the word "disputed" was entered by mistake, and contain orders by the Director of Map Publications that this should be deleted. Stock copies were corrected accordingly, but owing to inadvertence standing negatives were not corrected with the result that certain later editions continued to show the word 'disputed'.

7. The map of Tharparkar for the year 1927–1928 has been cited as authority to show the limits of the District. The only revenue surveys of Sind carried out in the area was in the years 1867–70. The maps sheets prepared from these operations in 1871–72 show the rest of the boundary in a firm manner and the conclusion is that these sheets are authoritative for Sind boundary.

The 32-mile Map of India, 1915, published after it had been approved for boundaries by the Government of India and the subsequent edition of the map, the 50-mile Map of India published in 1928, 1936, and 1945, and the map sheets on the scale 13 = 2 miles and 13 = 4 miles, show that the boundaries between Kutch and Sind were firm and undisputed.

8. The omission of a boundary in 40L/12 and 16 of 1887 and 40L/11 and 15 of 1887 printed in 1908 does not detract from the firmness of the established boundary nor show that the decision of the Director, Map Publications in 1939 overriding the recommendations of O.C., No. 1 Survey Party was unauthorized.

In September, 1917, Government of Bombay in considering improvement of taluka maps issued clear orders that these maps of Sind should be derived from the Sind Topo Survey sheets. In December, 1938, Superintendent, Land Records, Sind had clearly stated that the external boundaries of Tharparkar district "stand unaltered" as originally taken from the Survey of India maps.

No map of the area prepared by the Survey of India prior to 1938 showed the area covered by 40L and 40P as disputed; Sind authorized themselves had acknowledged that their taluka maps were taken from the Survey of India maps. The decision taken by the Director, Map Publication to insert a footnote showing that the boundary was under dispute between Wav and Kutch, which was done in map sheets 40L/SE and 40L/SW was unquestionably correct.

Gazetteers etc.

9. A thorough examination of Gazetteers (Imperial, Bombay and Sind), Reports of Bombay and Kutch States show that while the area of Kutch State
has been described as “exclusive of”, “besides” or “inclusive” of the Rann, in no case has the area of Sind been described in these terms. On the contrary, Sind has been described as bounded by the Rann of Kutch.

The latitudes of the extremities of the Province of Sind are described in terms which clearly exclude the Rann of Kutch.

Dead Sea.

10. There are no grounds for regarding the Rann of Kutch as a dead – sea. In 1906 the Foreign Department of the Government of India clearly instructed the Surveyor General of India that it was more correct to show in maps the Rann as a ‘marsh’ than as a ‘lake’. The international practice in regard to dead seas is not relevant.

Kutch Morvi.

11. Some confusion has been created by the consideration of the dispute between Kutch and Morvi as a boundary dispute. It was no such disputed and the settlement was a separation of interests sanctioned by the paramount power. That settlement has no relevance to the present case.

12. Apart from the overwhelming evidence already mentioned, in 1935 the Reforms Office of the Central Government, while considering the definition of the boundary of the newly created Province of Sind, defined it as following the northern boundary of the States of the Western India Agency westwards until it met the Arabian Sea. All maps show the Rann of Kutch as within the Western India States Agency. In 1943, the Chief Secretary and the Chief Engineer in Sind in considering the project for bringing Indus Water to Kutch State defined both by description and by map, Kutch territory in terms which rule out any possibility of the northern half of Rann belonging to Sind.

13. The totality of the evidence given above clearly indicates that there are no grounds whatever for regarding the Kutch – Sind boundary as in dispute. This boundary from the top of the Sir Creek to the trijunction of the Jati taluka of Karachi district, Badin taluka of Hyderabad district and Kutch has already been demarcated by pillars during 1923 – 24. The remaining portion of the boundary has been clearly defined and accepted by the representatives of the paramount power, until 1924 by the Government of Bombay and thereafter until Partition by the Foreign and Political Department. This portion of the boundary along the north of the northern limit of the Rann of Kutch up – to the trijunction of Sind, Rajasthan and Karachi is shown in Survey of India sheets 40D, 40H, 40L and 40P on scale 13 to 4 miles and requires only demarcation on the ground.
Pakistan Note

Subject Matter of the Dispute.

This is an area lying between 20º 55´ and 24º 43´N and 68º 45´ and 71º 46´ E covering about 7000 square miles. According to the Imperial Gazetteer of India published under the authority of the Secretary of State for India in 1908, this area “is believed to be the bed of an arm of the sea, raised by some natural convulsion above its original level and cut off from the ocean. It was a navigable lake in Alexander’s time (325 BC) and a shallow lagoon at the date of the Periplus (3rd Century AD) and there are local traditions of seaports on its border. Geologically it is of recent formation. Between March and October when the whole tract is frequently inundated, the passage across is a work of great labour and even of considerable danger. Some of this inundation is salt water, either driven by strong south winds up the Lakhpat river from the sea, or brought down by streams; the rest is fresh, the drainage of local rainfall. The flood waters as they dry leave a hard, flat surface, covered with stone, shingle and salt. On some raised plots of rocky land water is found, and only near water is there any vegetation. Except a stray bird, a heard of wild asses, antelopes, occasional caravan, no sign of life breaks the desolate loneliness. Unseasonable rain, or a violent south – west wind at any period, renders the greater part of the Rann impassable. Owing to effects of an earthquake in 1819 the greater Rann is considerably higher in the centre than along the edges; while the centre, therefore, is dry, there are frequently water and mud at its sides”.

International Law Applicable to the Subject.

The subject matter of the dispute is thus either a land-locked sea or a boundary lake separating two different States from each other. According to the Treatise on International Law by Dr. L. Oppenheim, (page 485 Vol. I) the boundary line in this case must run through the middle of this area unless some special Treaty (which does not exist in this case) were to portion off such a lake or sea between riparian States.

History of the Dispute

Before 1762 the whole of the Rann of Kutch up to its northern extremity, and even beyond including Rahimki Bazar and Verawow fell within the jurisdiction of the Kutch State. However, in 1762 Ghulam Shah Kalhora, a Ruler of Sind
invaded the Kutch State and defeated the Mharao at Jarrah. He annexed the whole of the Rann of Kutch to Sind, established his garrison at Lekhpat, built an embankment across the eastern branch of the Indus within his own territories and dug canals for the purpose of withdrawing the water of the river entirely from Kutch. This dam was constructed across the Puran at Mori and served a two-fold purpose, namely, fertilizing the lands of Ghulam Shah Kalhora and desiccating those of the Maharao of Kutch. The location of this dam was about 15 miles to the south or Rahimki Bazar at a point approximately 69° 10′ Long. E, 24° 8′ Lat. N. The above facts are borne out by:

(i) Narrative of a Visit to the Court of Sind by James Burns (page 21); and
(ii) Gazetteer of the Province of Sind compiled by E. H. Aitkin (page 5); and
(iii) New Map of Kutch prepared by Lt. Burns in 1828.

After the death of Ghulam Shah Kalhora in 1772, his son Sarfraz Khan recalled the troops stationed by his father at Lakhpat but twice thereafter he entered Kutch with a considerable force and devastated a great part of the country before he quitted it. It further transpires from the above mentioned historical document prepared by James Burns, that between 1816 and 1819 the Maharao of Kutch was anxious to avoid the expansion of the influence of either the British or the Sind Rulers in his State. Exaggerated reports of the domestic disturbances in Kutch reached Sind and the Rulers of Sind from a fear that the Rao would again request the assistance of the English, determined, if possible, to keep this, their constant object of dread, at a distance, by offering the necessary support themselves. But the Maharao declined this assistance and kept the Rulers of Sind out of Kutch by the cession of the Fortress of Lakhpat Bunder. The British annexed Sind in 1843. The record of the year 1856 relating to the following expenditure amply bears out that the whole of the Rann of Kutch came under the British Administration of Sind:-

(1) Clearing road from Raoma Bazar (Rahimki Bazar) along the edge of the Rann from Parkur to Sooegaum (Suigam) in Gazarat the distance being 193 miles. Rs. 9065.

(2) Making out the road with stones across the Rann from Koura to Bullaree and from Parkur to Narabate and clearing road in Thurr from Bullaree to Verawow. Rs. 1000.

(3) Cost of Dharamsala at Barana, Kasua, Verawow, Narrabate (Between Parkur and Gazerat in the Rann) Deepla, Mittee, Islamkote, Karreea and Ghoree.

However, in 1875 the Mukhtiarkar of Diplo replying to a query from the Political Superintendent of Tharparkar, reported that “in the Rann proper there is a Chan
of Gaind and there is a Dharamsala at that place. That Dharamsala is fixed as the boundary of Tharparkar district and Kutch State. The land lying between that Dharamsala and Diplo belongs to the Tharparkar district and the land on the other side of the Dharamsala belongs to the Kutch Bhuj State. The Dharamsala marks the boundary between the Tharparkar district and Kutch Bhuj State”. This Dharamsala is situated in the southern half of the Gainda Bet. If a line were drawn through the middle of the Rann of Kutch, one half of the Gainda Bet would lie to its north and the other half to its south. The boundary within the Rann was not demarcated because the British Government did not wish to have any controversy in this connection with the Kutch Darbar. The Rann of Kutch had no better value than that of a marshy tract. In 1905 Mr. Morrison (Commissioner – in – Sind) suggested to the Government of Bombay that “the question of rights within the Rann of Kutch” should be settled earlier as “further delay will only give the Darbar opportunities, now that they apparently are thinking of their claims to accumulate or even manufacture evidence in their favour”. But the Governor of Bombay thought that “the question might be left alone till they were forced to take it up”.

In 1926 when an official representative of the Kutch Darbar tried to charge grazing fee from the Sind graziers in Chad Bet the Collector of Tharparkar made a reference to the Commissioner and he was informed that no change had occurred in the boundary line since 1875. Thereupon the Collector of Tharparkar recorded that since half of the Rann belonged to the British (Sind) Administration no grazing fee should be paid to Kutch. Finally, this question arose during the topographical survey of the year 1937 – 38 and by then, it seems, the Kutch Darbar had developed the attitude which had been predicted by Mr. Morrison 33 years earlier. They started laying claims to the whole of the Rann. The Officer – in – Charge of the Survey Party proposed to omit the boundary line altogether from the modern survey maps as the parties did not agree to its alignment. Further, the Collector of Tharparkar suggested that this boundary should be shown as in the old maps with a special symbol and with the word “disputed” written thereon. Consequently, in the map published in the year 1938 and in its subsequent re – prints of the years 1940, 1944 and 1946 the word “disputed” is mentioned on the relevant boundary line. As there has been no agreement between the parties concerned, there has so far been no alignment of the boundary between Sind and Kutch in the Rann area.

**Exercise of jurisdiction.**

The record of the years 1856 and 1875 which has been discussed above to trace the history of this dispute shows the exercise of jurisdiction in the Rann area by Sind Administration ever since the annexation of Sind by the British in 1843. The following are additional instances which lead to the conclusion that the northern half of the Rann has been administered by Sind:-
(i) There is one lake Shakooriji Mian six miles away from Rahimki Bazar in the Rann of Kutch which used to get water from Dhora Puran and the leases for catching fish in the lake fetched a sum of Rs. 50,000/- per year which according to Public Works Department record continued to be realized till at-least 1935 – 36 by Sind Administration.

(ii) Gul Muhammad of Vingi, Taluka Diplo, got a Tank excavated in the Chhar Bet (Chhad Bet) about 100 years ago and this tank is still in existence and called after his name as Gul Muhamad Kapri tank.

(iii) Ism – Shumari (Census) record of the year 1869 – 70 shows that patches of area in the Rann on both sides of Dhoro Puran were granted for cultivation by the Sind Authorities and the Revenue collected by them.

(iv) Records of the year 1904 – 05 of the Diplo Taluka Office contain a number of applications from villagers (Abadgars) residing near the border of Rann for grant of Banni land in the Rann for cultivation purposes. But the then Deputy Collector on the report of the then Tapedar in October, 1904, decided that there was Bandish (restriction) on the disposal of this land and that the land was reserved as Charagah (grazing ground) for the cattle. The Tapedar in his report clearly stated that the land in the Rann is Sarkari, i.e. Sind Government property.

(v) In 1923 -24 an area measuring 20 acres 27 gunthas was brought under cultivation by Arbab Mir Khan and his son Muhammad Unis and so also another piece of land measuring 20 acres 23 gunthas in 1924 -25. These lands were settled on Sanho Canal. This canal, about 40 years ago used to take off from the Dhoro Puran at village Rahimki Bazar and flowed 7 or 8 miles in the Rann. The revenue on the paddy crop cultivated with the water of this Canal was collected by the Taluka of Diplo. The two old villages called Vigakot and Manjhikot (in the Rann), which are extinct now, were under the jurisdiction of the Government of Sind.

(vi) There is a remark of the Collector of Tharparkar dated the 20th December, 1927 (on the application of the Raj Mahajans and Patels of Diplo Taluka) stating that half of the Rann belonged to the British (Sind) Administration.

(vii) In 1945 an offence was committed at a place between Badin – Parkar Road and Bedia Bet over eight miles in the Rann and only 1½ miles to the north of Bedia Bet. On the 6th February, 1945 the Diplo Police registered a case-under Sections 324 and 333 I.P.C. read with Section 148 I.P.C. and rule 81 (4) of the Defence of India Rules. The Foujdar at Khavda in Kutch State was approached by the Officer – in – Charge of the Police Station Khadai, Taluka Diplo, for assistance in arresting the accused. One accused out of 8 was arrested by Kutch Police in Kutch and was sent to Diplo where he was tried by the First Class Magistrate Diplo.
(viii) In Criminal case no. 19 of 1945 the police diaries reveal that the murder of Ramsarup of the Customs Department was committed in the Rann on the road from Rahimki Bazar to Kutch, about 18 miles from Ding, the Sind Customs Station. The Police Commissioner of Kutch State at Bhuj did render assistance to the Diplo Police for the apprehension of the accused.

(ix) An offence under section 394, I.P.C. was committed by Hashim and Khan Muhammad near Vigahkot on the thoroughfare leading to Kutch proper in the Rann at a distance of 10 to 12 miles from Ding – Jo – Pattan (Ferry of Ding). The accused were tried and convicted by the First Class Magistrate Diplo.

Pakistan’s Case.

On the basis of the historical facts mentioned above Pakistan could lay claim to the entire Rann of Kutch. However, in view of the Mukhtiarkar of Diplo’s and report the year 1875 which is on their own record and the instances of the exercise of jurisdiction by the Sind Administration they have confined their claim only to the northern half. In the absence of any Treaty, agreement, or Resolution of the concerned Governments to that effect, the Government of India are not entitled to claim the northern half of the Rann. On the other hand, Pakistan’s claim to the northern half of the Rann is also supported by the International law applicable to this area. In this connection there exists a precedent relating to the little Rann wherein a similar dispute between the Kutch and Morvi states was settled by dividing that area in two halves between the contending parties.

Sd/-
M.N.A. Hashmie.
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No. PI – 108(72)/64 dated the 12th February, 1965

The Ministry of External Affairs present their compliments to the High Commission of Pakistan in India and regret to state that there has been a serious violation of India territory by personnel of the West Pakistan Rangers and the Indus Rangers on the Gujarat West Pakistan border in the area of Kanjarkot in Gujarat.

2. Surreptitious intrusions by the Pakistan Rangers were noticed in this area late in January, 1965. An on-the-spot inspection by the District Magistrate of Kutch on 27 – 1 – 1965 fully established that the Pakistan Rangers had made unauthorized entry into Indian territory, in heavy motor vehicles, in the Kanjarkot area, the intrusion extending to more than 1½ miles inside Indian Territory. The fact that Kanjarkot is indisputably Indian territory has been made clear to Pakistan as far back as January, 1960. In May, 1964 when three Pakistan nationals were arrested by the Gujarat State Police, during routine patrol duty, at Kanjarkot, the fact of Indian jurisdiction of the area was again brought home to the Pakistan authorities. Efforts to discuss the May, 1964 incident with the Pakistan Rangers were thwarted and the Gujarat Police released the three Pakistani nationals as a gesture of goodwill.

3. When fresh intrusions by the Pakistan Rangers were noticed by the Gujarat State Police patrol late in January, 1965, efforts were made (on the 3rd and 4th February 1965) by the O.C. Chhad Bet to meet representatives of the Pakistan Rangers but the latter failed to appear for a meeting. It was noticed that the Pakistan Rangers were now using heavy motor vehicles for patrol duty. Presumably, these freshly acquired vehicles were deployed by Pakistan Rangers for the latest incursion into Indian territory. With the vehicles and other fresh equipment, the Pakistan Rangers have been emboldened to intrude into Indian territory in and around Kanjarkot, in Platoon strength, and to establish themselves in the old Fort. The Pakistan Rangers platoon at Kanjarkot is equipped with semi-automatic weapons.

The Ministry of External Affairs wish to protest against this unauthorized and forcible intrusion by the Pakistan Rangers across the boundary of Kutch and Sind and urge the High Commission to move the Pakistan Government for the immediate withdrawal of Pakistan intruders from the area referred to in the preceding paragraph.
4. such intrusion and violation of Indian territory by Pakistan Rangers may
be due, in part, to the un– demarcated nature of the Gujarat – West Pakistan
border. It is imperative therefore, that action is taken by the Governments of
India and Pakistan to demarcate this border as a matter of top priority. In October
1964, the Survey of India had addressed a letter to the Survey of Pakistan
reminding the latter of their joint responsibility for the demarcation of the entire
India – West Pakistan border, in terms of the agreement of 1956. The High
Commission is aware that the demarcation of the Rajasthan - West Pakistan
border has been completed. The last phase in the demarcation of the India –
West Pakistan border relates to the Kutch – Sind sector. It is regretted that
there has been no response from the Survey of Pakistan to the request made
to them by the Survey of India to begin work on demarcation of this boundary.
If incidents are to be avoided and tension lessened, it is essential that the
Survey of Pakistan are instructed by the Pakistan Government to begin work
on the demarcation of the Kutch – Sind border, without further delay.

5. The Government of India will be prepared to put a Survey Party at work
at this border immediately. The High Commission is requested to suggest it to
their Government that similar instructions should be issued to the Survey of
Pakistan so that demarcation on the Kutch – Sind border could be taken in
hand in the next few days.

The Ministry of External Affairs avail themselves of this opportunity to renew to
the High Commission of Pakistan in India the assurances of their highest
consideration.

High Commission of Pakistan in India
New Delhi.

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2309. Note from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.


High Commission of India
Karachi

No. D. 270-FSP/65

February 18, 1965.

The High Commission of India presents its compliments to the Ministry of Foreign Affairs of the Government of Pakistan, and has the honour to request that urgent action be taken by the competent Pakistani authorities to rectify a serious violation of Indian territory by personnel of the West Pakistan Rangers and the Indus Rangers on the Gujarat – West Pakistan border in the area of Kanjarkot in Gujarat.

2. After various intrusions in this area in January, 1965, the Pakistani Rangers penetrated two miles into Indian territory, set up a post in an old fort at Kanjarkot, and have been obstructing the Indian border authorities from their legitimate patrolling up to the border with Pakistan. The Gujarat Government sought to take up the matter immediately with the Pakistan authorities, and the Government of India also drew the attention of the Government of Pakistan to the need for urgent action in a note handed over to the Pakistan High Commission in New Delhi on the afternoon of February 12th, 1965. The Indian authorities had succeeded in arranging for a meeting between D.G., West Pakistan Rangers, and the D.I.G., Rajkot, for the 15th February, 1965, but the day before the meeting was to take place, the West Pakistan Rangers, Lahore, informed Rajkot that the meeting would be attended by the local Commanding Officer. The massage from the West Pakistan Rangers claimed that Kanjarkot lay well within the areas claimed by Pakistan, and this unjustified claim was repeated by the Pakistan side at the meeting of border officials when it was held on February 15th, 1965. These officials refused to examine the evidence which the Indian side produced as clear proof that Kanjarkot was well within Indian territory, as has indeed been made clear previously to the Pakistan Government. Not only was the meeting rendered fruitless but the Pakistani Rangers in the Kanjarkot area have persisted in obstructing Indian patrolling, and have sent their forces in line formation even beyond the limits up–to which they had earlier intruded. The Pakistani forces have been reported to be in uniform, carrying semiautomatic weapons and using motor vehicles.

3. The Government of India must emphatically protest against this provocative violation of Indian territory. The high handed action of the Pakistan Rangers is clearly against the ground rules agreed to by both Governments.
The Government of India reiterated their request to the Government of Pakistan to arrange for the immediate restoration of the status quo ante and its strict maintenance in future pending the demarcation of the frontier in this area. They would like to remind the Government of Pakistan that the Indian Survey authorities have been asking their Pakistani counterpart to cooperate in demarcating this one remaining un-demarcated area on the frontier between India and West Pakistan, but there has been no response to the Indian request. In addition to the steps immediately required to withdraw the Pakistani intruders and ensure prevention of all further violations, it is also necessary for the demarcation work to be undertaken rapidly so as to preclude the possibilities of any further incidents. The Government of India trust that the extreme forbearance shown by the Indian authorities will not be tried further. They hope that the Government of Pakistan will extend their immediate and effective cooperation both to rectify the immediate situation and to arrange for early demarcation.

The High Commission of India avails itself of the opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

Ministry of Foreign Affairs
Karachi

2310. Telegram from West Pakistan Rangers at Lahore dated 26th February, 1965 received at Rajkot at 10 A.M. on 27 – 2 – 1965.

Allegations made in your Telegram of 23rd baseless and misleading and I deny them with all force at my Command. As previously informed Kanjarkot falls in our de facto control and Rangers have patrolled it for many years. Your contention regarding our huge war-like reinforcement in trucks is really amusing. Suggest you instruct your junior Commander to refrain from passing back exaggerated information. Only wish your assurances of best cooperation were sincere and such situation as has been created by S.R.P. by plying war – like machines over our area and sending your personnel fully armed with L.M.G. loaded in vehicles in our area could have been avoided. In interest of peace and harmony in the area you must abide by the decisions of the meeting of 15th February between you and Commandant Indus Rangers. You have ignored protest lodged by my Commander against your unwarranted activities in the disputed Rann of Kutch and in Knajarkot area which is in our de facto control. Rangers have full
right to patrol Pak - territory as you have in India. I would ask you to maintain status quo in the area and not create situations that might result in incidents against common aim of preserving peace along the Border. Sincerely advise you to contact Commander Indus Rangers and discuss the matter with him preferably at your Karimshahi Post if you have still any doubt. Assuring you of my cooperation at all times.

—West Pak. Rangers

2311. Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.

Karachi, March 1, 1965.

Ministry of Foreign Affairs
Karachi


The Ministry of Foreign Affairs presents its compliments to the High Commission of India and with reference to its Note No. D. 270 – FSP/65, dated 18th February, 1965, has the honour to say that the Knajarkot Fort lies well within the area of the Runn of Kutch, which has been in de facto possession of Pakistan since August 1947, and Pakistan border forces have been patrolling it regularly.

2. On 30th January 1965, a party of Indian border forces made an effort to patrol the area in proximity of the Fort and was immediately challenged by the Indus Rangers. Again on February 3, 1965, an Indian Patrol party was seen in the area, whereupon the Area Commander Diplo (Pakistan) lodged a protest with his counterpart across the border. No attention seems to have been paid to the protest, as on February 5, 1965, an Indian patrol party again made an appearance on the scene. This time the Indian party was in 4 jeeps, 2 of which were carrying army personnel and the other 2 SRP personnel. A machinegun was mounted on one of jeeps. This patrol party was intercepted by the Indus Rangers and upon being asked to do so, it returned to its Camp.

3. In the judgment of the Local Commander, the sudden Indian activity in the area was directed at occupying the Kanjarkot Fort. Precautions have been taken to prevent this, but it is not correct, as alleged in the High Commission’s Note, that the Fort has been occupied by the Indus Rangers.
4. The Commandant Indus Rangers met the D.I.G. Rajkot, on the latter's request on February 15, 1965, to review the situation. The position regarding the border in this area was explained fully to the D.I.G. Rajkot, at this meeting and he was requested to see to it that no violation took place of Pakistan's borders by the forces under his command. However, in view of the concern expressed by the Government of India and with the desire to avoid the unnecessary creation of tension over this issue the Government of Pakistan have agreed that the situation might be discussed at a meeting at D.I.G. level and the D.I.G. West Pakistan has been instructed to make himself available for such a meeting at the request of the D.I.G. Rajkot.

5. It will be seen that no violation of Indian territory has taken place. On the contrary, Pakistan border forces in the area have acted to prevent the violation of Pakistan territory by Indian troops and have done so peaceably and without the use of force.

6. The Government of Pakistan trust that the Government of India have no interest in heightening tension in this area.

7. The Ministry wishes, in this connection, to draw attention of the High Commission to the following violations of Pakistan airspace in this area:-

(a) February 18th, 1965 – Three Indian aircraft (two Vampires and one Dakota with No. HJ – 247) violated Pakistan airspace over Indus Rangers posts Rahimki Bazar and Peneli.

(b) February 19th, 1965 – Two aircraft (Vampires) violated Pakistan airspace at our posts SURAI and MARAH.

(c) February 20th, 1965 – One Indian aircraft (Dakota) violated Pakistan airspace over our post RAHIMKI BAZAR.

(d) February 20th, 1965 – Three aircraft (Vampires) violated Pakistan airspace over our posts MARAH, RAHIMKI BAZAR and SURAI.

(e) February 21, 1965 – An Indian aircraft (Dakota) violated Pakistan airspace over KANJARKOT and our post SURAI.

8. It will be noted that these incidents have occurred simultaneously with the delivery of the High Commission’s Note of protest under reply and that at the same time the completely unfounded charge of Pakistani violation of Indian territory is being agitated in the Indian press. The Ministry earnestly hopes that an end will be put to such activities so that the settlement of the boundary question relating to the Sind Kutch sector can be effected in a calm and peaceful atmosphere.
9. The Sheikh – Swaran Singh Agreement of January 1960 records the decision of the two Governments to “study the relevant material and hold discussions later with a view to arrive at a settlement of this dispute”.

10. It is clear that this is a matter for discussion and agreement between the two Governments and that until such agreement is reached, the two Surveyors – General cannot proceed with the demarcation. The reference in the High Commission’s Note to the lack of response from the Surveyor – General of Pakistan is not, therefore, understood.

11. In the meantime, the Ministry hopes that attempts to create artificial tension over this issue will cease. Violations of Pakistan airspace and territory in the area can only lead to the creation of such tension, which the Government of Pakistan wish to avoid. The Ministry would, therefore, be grateful if necessary instructions could issue, to the Indian border personnel to avoid violation of the status quo both on the ground and in the air.

12. The Ministry of Foreign Affairs avails itself of this opportunity to renew to the High Commission of India the assurances of its highest consideration.

High Commission of India
Karachi

2312. Statement by External Affairs Minister Swaran Singh in Parliament on Pakistan Ranger’s intrusions in Kutch.


There have been intrusions of Pakistan personnel into Indian territory south of the Kutch – Sind border in the Kanjarkot area. This area has been regularly patrolled by our border police forces. The intrusions first came to the notice of the Gujarat border police on January 25 and are still continuing. These consist of the use of a new track by Pakistan vehicles south of Kanjarkot fort, well within Indian territory, patrolling by Pakistan border forces up to this new track, and obstruction to our patrol’s proceeding north of this track. Concentration of Pakistani forces in Pakistan across the frontier has been reported at Maro, Bedin and Rahim ki Bazar.

As soon as the intrusions became known, a protest was lodged locally with the Pakistan authorities. At the same time our border police were asked to undertake
vigorous patrolling of the area right up to our border. When our patrols encountered Pakistani armed personnel belonging to the Pakistan Rangers, the latter claimed that the area belonged to Pakistan and that our Patrol was in the Pakistani area illegally. Subsequently the Gujarat Government asked for an immediate meeting with the Pakistan Rangers at the highest level possible. The Gujarat Government continued patrolling of the area. On February 12, 1965, we also lodged a protest with the Government of Pakistan, through the Pakistan High Commissioner in Delhi, against violation of Indian territory. The Government of Pakistan were requested to issue instructions to their forces to withdraw the intrusion and agree to our request, which had already been pending with them since October 17, 1964, for immediate demarcation of the Kutch – Sind border. On February 15 a meeting was held at a place south of Kanjarkot between D.I.G., Rajkot, and Commandant of the Indus Rangers, Hyderabad Sind. This meeting came to nothing since the Pakistani party refused to study the map which the Indian party produced at the meeting showing clearly that Kanjarkot was well within the pre-partition boundaries of Kutch. The Commandant, Indus Rangers, maintained that the area in question was Pakistan territory. They had not occupied the Knajarkot fort but were patrolling the area south of this fort since there was a customary track joining the two Pakistani customs posts of Ding and Surai.

In view of the unsatisfactory outcome of this meeting and continuing Pakistani intrusions into Indian territory, it was decided to instruct our High Commissioner to see the Pakistan Foreign Minister immediately and to bring to his notice the gravity of the situation. A note was handed on February 18, 1965, by our High Commission to the Pakistan Foreign Office requesting for the withdrawal of Pakistani forces to their previous positions and for agreement of the Pakistan Government to our proposal of October, 1964, for a meeting of Surveyors – General of the two countries for the purpose of demarcation of the Kutch – Sind border. On February 19, our High Commissioner saw the Pakistan Foreign Minister and urged on him to issue instructions for immediate demarcation of the border. The Pakistan Foreign Minister said that he was not aware of the facts and promised to look into the matter.

On February 20, 1965, a senior official of our High Commission again approached the Pakistan Government and pressed for the acceptance of our proposals. The Pakistan Government takes the line that the Pakistani personnel south of the Kutch – Sind border in the Kanjarkot area are on their own territory and that Pakistan has always exercised de facto control up to the new Customs track. They further contend that there is nothing much to talk about but that if our border forces have any doubt they should ask for a meeting between D.I.G., Rajkot, and D.G., West Pakistan Rangers.
Yesterday evening, we received from our High Commission in Karachi the text of a Note received by them on 1st March, from the Ministry of Foreign Affairs of the Government of Pakistan. The Note repeats the stand of the Pakistan Government that Kanjarkot lies well within the area of the Rann of Kutch which, the Pakistan Government claims, has been in the *de facto* possession of Pakistan since August, 1947. The Note points out that while Kanjarkot is being patrolled by the Pakistan Rangers, the old fort in the area has not been occupied by the Pakistan forces. The Note asserts that there has been no violation of Indian territory by Pakistan and makes the allegation that India's border police have intruded into the area and Indian aircrafts have been violating Pakistan air space. It is stated in the Pakistan Note that this matter is for discussion and agreement between the two Governments and that until this agreement is reached, the Surveyors – General of India and Pakistan cannot proceed with demarcation of the Kutch – Sind border.

The position taken by the Government of Pakistan in their Note is wholly untenable. It is not correct that the Pakistan Rangers have been in *de facto* possession of Kanjarkot and Rann of Kutch, or that it was being patrolled by the Pakistan Rangers until they intruded in this area, in some force, in January this year. The Government of Pakistan, it is regretted, have adopted a most unhelpful attitude. We should have thought that if the Pakistan Government genuinely desired to avoid a serious situation, they would agree to an immediate meeting of representatives of two sides for the purpose of demarcation or to a high level conference. The Pakistan Government's attitude is unreasonable and totally contrary to the pre- partition maps which conform with the actual situation, namely, that Kanjarkot fort is well within our territory 1300 yards south of the Kutch – Sind frontier.

The Government of India take a serious view of the Pakistani intrusions. The Kutch - Sind border, though not demarcated with pillars, is well defined. If there is any difference of opinion about where the border exactly is on the ground, this is a matter of demarcation of the border in the course of which any differences can be sorted out. The Government of India will never accept the unilateral assertion of any claims by Pakistan Government on this border or elsewhere. They will continue their diplomatic efforts to bring about a demarcation of this border. At the same time they must insist on restoration of *status quo ante* and the withdrawal of Pakistan intrusion, to be followed by talks between the two Governments.

The Pakistan Government’s plea that the D.I.G., Rajkot Rangers and D.G., West Pakistan Rangers, should meet if there are any doubts does not take the matter much further; there has already been such a meeting before which produced no result. However, in consonance with our general policy of trying
to solve problems by peaceful methods, we are asking for such a meeting. We hope that the meeting will result in the elimination of tension that has been created by Pakistan’s unilateral action and intrusion into our territory and lead to discussions between the representatives of the two Governments in regard to demarcation of the frontier. The House may rest assured that the Government will take every possible step to protect the integrity of our border.

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2313. **Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.**

Karachi, March 5, 1965.

Government of Pakistan  
Ministry of Foreign Affairs  
Karachi

No. Pol. I(A) – 2/4/62 dated the 5th March, 1965

The Ministry of Foreign Affairs presents its compliments to the High Commission of India in Pakistan and in continuation of this Ministry’s Note of even number, dated the 1st March, 1965, has the honour to draw the attention of the High Commission to the following incidents in the Kanjarkot area:

(a) On February 26, 1965, Indian border forces made a new track by driving 3 jeeps about 300 yards north of their existing tract opposite Pakistan’s border posts at Vingi and Paneli. At a flag meeting, the Area Commander of Pakistan border forces pointed this out to the Indian D.S.P., who admitted that the Indian patrol had come to the north by mistake.

(b) On February 27, 1965, an Indian patrol about 20 strong, armed with rifles and light machine guns in 4 jeeps was observed patrolling the area opposite Pakistan’s border posts at Vingi, Paneli and Gethi between 1200 hours and 1500 hours.

(c) Again of February 27, 1965, an Indian patrol about 40 strong in jeeps and in 2x3 tons arrived opposite Kanjarkot on the Indian side about 14.30 hours and left at 1700 hours.

The show of force by the Indian border personnel as exemplified by a continued violation of Pakistan’s borders and air space and the artificial tension which is
being whipped up in India against Pakistan on the basis of completely unfounded charges is not conducive to the maintenance of calm in the area. The Ministry hopes that in the interest of avoiding any untoward incident in the area, Indian border personnel would be advised to desist from attempts to violate Pakistan borders and to cease all unnecessary show of force.

The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

High Commission of India
Karachi

2314. Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, March 11, 1965.

The Ministry of External Affairs present their compliments to the High Commission of Pakistan in India and with reference to the Notes handed over by the Ministry of Foreign Affairs of the Government of Pakistan to the High Commission of India in Pakistan, on 1st March and 5th March, 1965, have the honour to say that the narration in these Notes is completely at variance with the actual position on the Kutch – Sind border where Pakistani personnel, in some force, have intruded into and continue to violate Indian territory, despite formal and informal protests made to the Government of Pakistan and their agencies by the Ministry of External Affairs of the Government of India, the High Commission of India in Karachi and officers of the Gujarat State Police. The facts relating to these intrusions were brought to the notice of the Government of Pakistan, formally, in a Note handed over by the Ministry of External Affairs to the High Commission of Pakistan in New Delhi on 12th February, 1965; and by the High Commission of India in Pakistan to the Ministry of Foreign Affairs on 18th February, 1965. In addition to these, protests have been made, more than once, by the D.I.G. Rajkot to the D.G. West Pakistan Rangers in which facts relating to Pakistani intrusion into Indian territory on Kutch – Sind border have been recorded, with details of the intrusions and the dates on which the intrusions occurred.

In the Pakistan Government’s notes of 1st March and 5th March, 1965, handed to the Indian High Commission, Karachi, allegations of intrusion by Indian border
force into so–called Pakistan territory have been made. The fact is just the
opposite. The Kanjarkot area which the Pakistan Government claims to be
Pakistan territory is and has been unquestionably Indian territory. The boundary
of Kutch and Sind is well defined in the pre–Partition maps published by the
Surveyor–General, copies of which are available with the Government of
Pakistan. These pre–Partition maps clearly depict this boundary which lies
well north of the Kanjarkot Fort (in ruins). Kanjarkot was unquestionably a part
of Kutch. The authorities of the State and the Central Governments in India
have exercised effective control and jurisdiction over this area, and Indian border
police have regularly patrolled the Kanjarkot area right up to the border north
of the Fort. In the face of these facts the claim made by the Pakistan Rangers
and by the Government of Pakistan to Kanjarkot offends against the facts of
history, cartography and jurisdiction. The Government of India rejects all these
claims which are presumably based on insufficient appreciation of relevant
facts relating to the boundary of Kutch and Sind and lack of correct information
regarding the effective and continuing jurisdiction of the Government of Gujarat
over Kanjarkot.

In the light of the facts stated in the preceding paragraph, the instances cited in
the Pakistan Government’s notes referred to above do not amount to intrusion
by Indian border police into Pakistan territory. On the contrary, the obstructions
by the Pakistan Rangers to Indian patrols in this area amount to an unwarranted
intrusion, and a unilateral assertion, by show of force, of Pakistan’s claim to
this area.

However, since the Government of Pakistan have cited some detailed instances
in their notes, the Government of India would like to draw the attention of the
Pakistan Government to the true facts in their correct sequence:

(i) On 6 – 2 – 1965, a small party of the Gujarat border police were surprised
to see a large party of the Pakistan Rangers, deep inside Indian territory,
in the Kanjarkot area. When the Indian party wished to know the reasons
for this intrusion, the Pakistan Rangers threatened the Indian party not
to patrol in the area and, in any case, not to cross the new track that the
Pakistan Rangers had established nearly 2 miles south of the Kutch –
Sind border.

(ii) On 13 – 2 – 1965, the Gujarat Border Police was obstructed by personnel
of the Pakistan Rangers from continuing with their legitimate duty of
patrolling on Indian territory.

(iii) On 16 – 2 – 1965, the Gujarat Border Police patrols noticed two sections
of Pakistan Rangers, again deep inside Indian territory. Pakistan Rangers
advance towards the Indian party in a threatening posture. The Indian
party, not wishing to create further tension, withdrew while the Pakistanis continued to advance into Indian territory.

(iv) On 18 – 2 – 1965, another party of the Gujarat Border Police was threatened by a large group of Pakistan Rangers from advancing in an area 800 yards south of the new track that the Pakistan Rangers had established nearly 2 miles south of the Kutch – Sind border.

(v) On 23 – 2 – 1965, the Gujarat Border Police patrol were accosted by a sizeable group of Pakistan Rangers who took positions, adopting a menacing attitude and threatening that they would open fire on Indian patrol.

(vi) Again, on 23 – 2 – 1965, a sizeable group of Pakistan Rangers tried to encircle a small group of the Gujarat Border Police more than two miles inside Indian territory.

(vii) On 24 – 2 – 1965, a small group of Gujarat Border Police were physically obstructed while they were in Indian territory, by a full Company of the Pakistan Rangers.

(viii) On 26 – 2 – 1965, a group of Gujarat Border Police was gain physically obstructed from patrolling in Indian territory and when a Gujarat Police Official protested, the Pakistan Rangers told him that he should lodge the protest with their Director – General at Lahore.

(ix) On 26 – 2 – 1965, again, Pakistan Rangers on Indian territory issued a warning to the Gujarat Police that they should not patrol an area some 2 miles south of the Kutch – Sind border.

(x) The allegation that the Indian DSP admitted the Indian patrol having come to the North by mistake is baseless. The correct position is that the Gujarat Border Police patrols started patrolling from the 25th February opposite Wingi and Paneli south of the old customary track which forms the border between India and Pakistan, at a distance from 300 to 800 yards south of the latter. Under Ground rules, patrolling up to 150 yards of the boundary is permissible.

(xi) On the 26th February afternoon, the Indian patrol met Pakistan Rangers at 1400 hours at Wingi and at 1350 hours at Paneli. The Pakistan Rangers objected to the said patrolling opposite Wingi and Paneli. The Indian patrol told them that this was well within Indian territory and that patrolling would continue in the area. The Indian patrols have continued to patrol in the area.
(xii) On the 27th February, Indian border police patrolled in the area opposite Wingi and Paneli, referred to in preceding sub-paragraph, from 1215 hours to 1830 hours. They observed 8 armed camel sawars belonging to the Pakistan Rangers near Wingi post who started patrolling parallel to the Indian patrol but no communication was made. Near Paneli a Pakistani jeep came at 1345 hours and two Pakistani Captains Nazrat and Morteza contacted the Indian patrol alleging that they had changed their patrolling route and demanding that they should patrol on the old track. Indian patrol replied that they were patrolling within Indian territory.

(xiii) On 28 – 2 – 1965, a Pakistani post Commander of Wingi during his meeting with the Indian Inspector stated that the Indian patrol vehicle will be blown off. The Indian Inspector very firmly replied that they were patrolling in Indian territory and would not yield to any threat. In these exchanges, it is reported that while objecting to change of patrolling route the Pakistan authorities have not at any time contended that the Indian patrolling was not within Indian territory. Apparently, the Pakistan local Commanders have distorted the facts while reporting to their higher authorities.

The India Border Police have continued patrolling of Indian territory up to the boundary. On 25 – 2 – 1965, the Indian day patrol went to the Kanjarkot area. On 26 – 2 – 1965, Indian patrol with two platoon strength went to Kanjarkot. On this day, they observed that one company strength of Pakistan Rangers was illegally deployed around Kanjarkot. The Indian patrol went west of Kanjarkot but were interfered with by the Pakistan Rangers. The Officer Commanding, Chhad Bet, thereupon lodged a protest. On 28 – 2 – 1965, the Indian night patrol went to Kanjarkot area and patrolled it.

The High Commission of Pakistan cannot be unaware of these incidents and the facts relating to these intrusions into Indian territory by personnel of their West Pakistan and Indus Rangers. As has been made clear in the various Notes already sent to the Government of Pakistan, these intrusions by personnel of the Pakistan Rangers are unwarranted, illegal and against the letter and spirit of the Ground Rules of 1960, to which the Government of India and Pakistan are a party. The effort of the Pakistan Rangers to disturb the status quo on the Kutch – Sind border through show of force and threat of use of force, has resulted in a very serious situation and threatens to disturb peace and tranquility on the border. The Government of India are greatly surprised that the Government of Pakistan should have ignored the Protests made by the Government of India and the Government of Gujarat, at various levels. It is unfortunate that in an effort to provide a cover to the illegal and provocative activities of the Pakistan Rangers, the Government of Pakistan have thought it necessary to make baseless charges of Indian intrusion into Pakistan territory.
In their Note dated 5th March, the Government of Pakistan have complained that the Border Police of the Gujarat Government are patrolling (Indian) territory opposite certain “border posts of Pakistan”. It is strange that the activities of the Gujarat Border Police on Indian territory should cause offence to the Government of Pakistan. All such activity is confined to the territory of the erstwhile State of Kutch which has lawfully acceded to India, and is strictly in accordance with the Ground Rules of 1960.

The Pakistan Rangers have established a new, long, track nearly 2 miles deep into Indian territory, south of the old fort at Kanjarkot which again is 1300 to 1500 yards inside Indian territory. It is hardly relevant on the part of the Government of Pakistan to complain about the activities of the Gujarat Border Police on their own territory, particularly when personnel of the Pakistan Rangers are known to have crossed the border and violated Indian territory in this manner.

In their Note dated 1st March, 1965, the Foreign Ministry of the Government of Pakistan have complained of certain alleged violation of Pakistani air space by Indian aircraft. The Government of India were greatly surprised to read these allegations. To make assurance doubly sure, they made careful checks with the authorities in India who confirmed that at no stage had any Indian aircraft violated Pakistani air space on the Kutch – Sind border. There seems little doubt that what the Government of Pakistan allege as over-flights by Indian aircraft over Pakistan territory, are nothing more than flights undertaken by Indian aircraft south of the Kutch – Sind border and well within Indian territory. The Government of India are constrained to reject the allegations made by Pakistan which are contrary to the facts and have obviously been made with an eye to propaganda.

In their Note dated 12th February, 1965, the Ministry of External Affairs had suggested that the best way to avoid incidents and to reduce tension on this well defined but partly demarcated border was to undertake demarcation of the area as a matter of high priority. In this connection, the Ministry of External Affairs drew the attention of the Pakistan High Commission to letter dated 17th October, 1964 from the Surveyor – General of India to the Surveyor – General of Pakistan, inviting the latter to begin work on demarcation of this border. It is to be regretted that the Government of Pakistan have adopted a most unhelpful attitude on this proposal in stating that “this is a matter for discussion and agreement between the two Governments and until such agreement is reached, the two Surveyors – General cannot proceed with demarcation.”

The Government of India are anxious that the recent developments on the Kutch – Sind border, arising solely from intrusion of Pakistani personnel into Indian territory, should be discussed without delay between representatives of the two Governments. The consequences of delay in dealing with this problem
could be most serious. The Government of India do not wish to stand on formality in this important matter; they would, therefore, suggest a very early meeting with the Government of Pakistan, at any level acceptable to the latter, where a solution to the problem could be found and firm decisions taken for early demarcation of the Kutch – Sind border. At this meeting, both sides could exchange data and other material relevant to the Kutch – Sind border and consider the modalities of dealing with the problem of demarcation on the ground of the well defined boundary of Kutch and Sind. Pending such a meeting, the Government of India would emphasize the urgent need of maintaining status quo ante on the Kutch – Sind border. To this end, as provided for in Ground Rules, the D.I.G. Rajkot has already sent a message to D.G. West Pakistan Rangers for a meeting of border officials of the two sides. To-date there has been no response from D.G. West Pakistan Rangers to this message from D.I.G. Rajkot. The Government of India expect that the Government of Pakistan would issue immediate instructions to D.G. West Pakistan Rangers to meet his Indian counterpart and take early steps to restore status quo ante on the Kutch – Sind border. Any unilateral attempt to disturb a historically established boundary or to interfere with the status quo, through use or threat of use of force is not permissible, and it is hoped that Pakistan border police will not attempt to enforce Pakistan claims by force.

It is earnestly hoped that the Pakistan Government are as anxious as the Government of India on this issue. The Government of India, therefore, trust that the Pakistan Government will respond promptly to the proposals made in preceding para.

The Ministry of External Affairs avail themselves of this opportunity to renew to the High Commission of Pakistan the assurances of their highest consideration.

High Commission of Pakistan
New Delhi

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Dear Sen,

I am sorry I have not been able to reply to your telegram of 1st March, 1965, earlier due to multifarious pre-occupations. I am constrained to point out to you that a dispute which should have been settled at Government level has been made as an instrument to create unnecessary tension along the border. You know very well that Indus Rangers have all along patrolled the area much beyond Kanjarkot fort, whereas SRP patrols never came there. It is also on record that when your troops tried to construct some pillars further south in the disputed land, and when we lodged a protest against it, you had vide your letter No. CB/B/10/BOR dated 25th December, 1964, assured us that you had instructed your troops not to commit any further acts in the Rann of Kutch, which might bring about deterioration in our friendly relations. Yet the situation as it exists today has been created. Now that the matter has been reported to both the Governments who are in communication with each other, I feel that the meeting at DIG’s level which both the Governments have agreed, should be held whenever it is convenient to you. This is necessary because we desire to avoid unnecessary creation of tension over this issue. You know that no violation of Indian territory has taken place. On the contrary, in the face of repeated provocation from your side, Indus Rangers in the area have acted with unprecedented restraint, and whatever little activity they were compelled to undertake, it was meant to prevent violations of Pakistan territory by Indian troops. I would like to bring to your notice the contents of the Shaikh – Swaran Singh Agreement of January 1960 in which it was decided that the two Governments would study the relevant material and hold discussions later with a view to arriving at a settlement of the dispute regarding the Rann of Kutch. I therefore would request you to please order your troops not to create unnecessary tension along the border and let both the Governments decide in manner as they like.

I once again take this opportunity to renew the assurances of continued cooperation to you,

Yours sincerely,

Khuda Dad Khan.
2316. Express Telegram from D.I.G., Rajkot, dated March 17, 1965, to Director General, West Pakistan Rangers, Lahore.

Your telegram of Twenty-sixth February full of exaggerated statements and baseless claims. The line of our de facto control is clearly indicated in the Pre-Partition Survey maps which were produced by us in the Minister level Conference at Lahore in January, 1960 and also shown to Commander Indus Rangers by me at Conference of Fifteenth February. Our patrols have been patrolling and will continue to patrol up to that line and all territory south of that line including Kanjarkot is under our de facto control. Your reference to War-like machine not understood. Essential that you order your men to desist from intrusions into our territory and from interfering with our patrols the consequences of which will be entirely your responsibility. Understand from my Government that discussions have commenced at higher level. I would welcome a conference with you personally and not with Commander Indus Rangers who is not competent under ground rules to participate in conference at my level. This time conference should be held in your territory at Rehimki Bazaar since the last conference was held in our territory. I suggest that we settle this matter promptly in the interests of peace and friendly relations between our two Great Nations. I assure you of my cooperation in achieving peaceful conclusion to the state of tension which your men have unilaterally created. Grateful for immediate reply.

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2317. Aide Memoire handed over on March 30, 1965 by Mr. Akhund, Ministry of Foreign Affairs, Government of Pakistan, to Shri P.N. Kaul, Deputy High Commissioner of India in Pakistan, Karachi.

AIDE MEMOIRE

The Government of Pakistan in Ministry of Foreign Affairs notes No. Pol.I(A)-2/4/62 dated 1st March, and 5th March, 1965 have already made known their concern to the Government of India at the highly provocative activities of the Indian Army and Border Forces on the Sind – Kutch Sector of West Pakistan – Gujarat Boundary. Tension in the area has been aggravated by the Indian patrolling in the disputed area in violation of the status quo which has prevailed for the past several years.

The Government of Pakistan now learns that on the 27th and 28th March India carried out large scale Army/Navy operational manoeuvres in the disputed Rann of Kutch area, very close to Pakistan borders. The following forces are believed to have participated in the exercise:

1. Aircraft carrier INS Vikrant and 8 other first – line ships of Indian Navy.

2. Ground troops located at Kutch and in the Maharashtra area. Aircraft from INS Vikrant were reportedly used in extensive ground support operations. One of them violated Pakistan air space in the course of the exercise.

Earlier reports have described the opening of new Indian posts, construction of bunkers, digging of trenches and making of new tracks in the disputed territory.

These war–like activities in a territory, final disposition of which is to be the subject of negotiation and agreement between the two countries and in such close proximity to the Pakistan borders constitute a provocative show of force and serve only to aggravate the existing tension.

Simultaneously a hostile and apparently well–organized publicity campaign against Pakistan is being carried out in the Indian press making it difficult to create an atmosphere in which fruitful discussions between India and Pakistan might be held to eliminate the causes of tension.

The Ministry of Foreign Affairs hopes that the Government of India will carefully weigh all the consequences of the needless and artificial exacerbation of tension and will desist from all show of force and provocative activity in the interest of maintaining peace at the borders between the two countries.

Karachi, the 30th March, 1965.
2318. Letter from DIG, Rajkot Camp Bhuj dated the 1st April, 1965 to Director – General, West Pakistan Rangers, Lohore, West Pakistan.


2. I regret the delay in replying to your letter under reference as I had to go on leave for a few days due to the death of my father. It was unavoidable. I am taking the earliest opportunity on return from leave to reply to your letter.

3. I am afraid I cannot agree with the views expressed by you and the reasons are as follows:

   It is astonishing to read in Para 2 of your letter that Indus Rangers have, all along patrolled area much beyond Kanjarkot fort. This patrolling was never done by them and the Indus Rangers were for the first time noticed patrolling in our territory on the 25th January, 1965, when my patrols saw fresh and new illegally made track by your troops within Indian territory for which immediately protest was made by me. The dash dot line as shown to your Commandant Indus Rangers on 15 – 2 – 1965 in the various Survey Maps of pre – partition and post – partition up to which our patrols have been patrolling is the \textit{de facto} boundary and crossing of this line by your troops is a violation of Indian territory. A proper study of the letter referred to by you will clearly indicate that we had not agreed to remove any boundary pillars. These brick structures were not boundary pillars at all, and were made for marking our track. However, the dash dot line on Survey Maps as referred to above and as shown to your Commandant is our \textit{de facto} boundary and we reserve all our rights to put up any structures other than recognized boundary pillars in our territory according to our own needs pending demarcation of the \textit{de jure} boundary which question is being dealt with by both the countries at a higher level. A convenient date for a meeting at DIG’s level will be communicated to you in due course. In spite of strong protests lodged by me from time to time against the flagrant, deliberate and illegal violation of Indian territory made by your Rangers, I certainly feel amazed to read in Para 3 of your letter under reference that no violation of Indian territory has taken place. On the contrary the present position on the border will clearly show that your Rangers armed with war – like weapons have forcibly taken over possession of the area around the ruin of Kanjarkot fort which is south of dash dot line, \textit{i.e.} the real \textit{de facto} boundary and in Indian territory and they are still in full occupation of the same.

4. In the context of the above, I strongly protest against this illegal and deliberate occupation and violation of Indian territory and I request you to order your...
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Rangers (border forces) to vacate Kanjarkot fort forthwith so that the situation at the border may be maintained peacefully till the question about de jure border is settled by the higher authorities of the two countries. Under these circumstances, if anything untoward happens on the border between your border forces and my patrols, you will be solely responsible for the same.

5. Since the last conference was held on 15 – 2 – 1965 on Indian soil, I suggest that next conference should be held at Rahim Ki Bazar which is in Pakistan.

6. I again take this opportunity of assuring you of my continued cooperation with you at all times.

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2319. Note from Pakistan Ministry of Foreign Affairs to the High Commission of India in Pakistan.

Karachi, April 7, 1965.

The Ministry of Foreign Affairs of the Government of Pakistan presents its compliments to the High Commission of India in Pakistan and with reference to the Ministry of External Affairs Note dated 11th March, 1965 delivered to the Pakistan High Commission in Delhi, Ministry of Foreign Affairs wishes to state the following:

The Government of Pakistan are willing as they have always been to enter into discussions with the Government of India for the settlement of the dispute relating to the boundary between Sind and Kutch the only sector of the West Pakistan – India boundary which remains unsettled.

The Government of India are aware of course that the dispute relates to the precise location of the boundary and for this reason the proposed high level meeting cannot contrary to the suggestion in the India note confine itself to considering "the modalities of dealing with the problem of demarcation on the ground of the well defined boundary of Kutch and Sind". The problem of border demarcation is subsequent to that of definition and can be tackled at the appropriate technical level after the proposed high level political meeting has led to agreement as to the precise alignment of the border.

The Government of Pakistan have watched with growing concern the buildup of military forces which has been going on in and around the disputed territory of the Rann of Kutch since 30th January. The Ministry regrets that instead of
rectifying the situation as they have been repeatedly urged to do, the Government of India have not only intensified the buildup but thought it fit to hold combined military exercises in the region. The Government of India cannot have been unaware of the provocative nature of such actions at this time and of the effect they would have on an already tense situation. The Government of Pakistan is of the view that useful discussions cannot be held between the two countries on the settlement of Rann of Kutch border dispute in the atmosphere of tension by such provocations and show of force.

The Government of Pakistan is anxious to peacefully settle the Rann of Kutch problem at the earliest time. In order to permit a beginning to be made it is requested that the Government of India should immediately withdraw all additional troops and civil armed forces inducted since 30th January into the disputed part of Rann of Kutch, vacate position occupied or other measures taken to strengthen Indian military presence in the area and to cease all further activities of this kind.

The Ministry of Foreign Affairs sincerely hope that the Government of India will issue instructions immediately to all concerned to this effect. It is a matter of concern that the flag meeting fixed for 8.30 a.m. on 6th April did not materialize on account of the failure of the Indian side to be present.

The Government of Pakistan hope that an immediate restoration of the status quo will be brought about in order that the way may be opened for peaceful settlement of this border dispute. At the same time the Government of Pakistan must reserve the right to take necessary measures to defend its position and interest in the area.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the High Commission of India the assurances of its highest consideration.

**High Commission of India**
**Karachi**

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2320. Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, April 8, 1965.

Ministry of External Affairs
New Delhi

Note No. PI – 108(72)/64 April 8, 1965

The Ministry of External Affairs, Government of India, presents its compliments to the High Commission of Pakistan and has the honour to draw the attention of the High Commission to the Ministry’s Note Verbale No. PI – 108(72)/64 handed to the High Commission on the 12th February 1965, the High Commission of India’s Note Verbale presented to the Pakistan Ministry of Foreign Affairs on the 18th February 1965, and to the Ministry’s Note Verbale presented to the Pakistan High Commission on the 11th March, 1965. In these Notes the Government of India protested against the unauthorized and forcible intrusion into Indian territory by Pakistan Ranger south of the boundary between Kutch and Sind, and the disturbance of the status quo in this area. The Government of India requested the Pakistan Government to withdraw these intrusions and restore the status quo ante.

2. The High Commission will recall that in the Ministry’s Note of the 11th March, the Government of India proposed as follows:

“A very early meeting with the Government of Pakistan, at any level acceptable to the latter, where a solution to the problem could be found and firm decisions taken for early demarcation of the Kutch – Sind border. At their meeting, both sides could exchange data and other material relevant to the Kutch – Sind border and consider the modalities of dealing with the problem of demarcation on the ground of the well defined boundary of Kutch and Sind. Pending such a meeting, the Government of India would emphasize the urgent need of maintaining status quo ante on the Kutch – Sind border.”

3. In the same Note of the 11th March, 1965, the Government of India, on the assumption that the Pakistan Government were as anxious as themselves to resolve this issue, expressed the hope that the Pakistan Government would respond promptly to the above proposals. The Ministry is greatly disappointed that there has been no response to the above proposals made in the Ministry’s Note of 11th March, 1965. The Indian border police authorities made a request on the 3rd March for a meeting between the DIG Rajkot Rangers and DG, West Pakistan Rangers. No meeting has taken place in spite of repeated reminders by the Gujarat authorities, because of the virtual refusal of the DG, West Pakistan
Rangers. Nor has the Government of Pakistan agreed to the very reasonable proposal for a meeting between the two Governments at any level acceptable to the Government of Pakistan at which a solution to the problem could be found and firm decisions taken for early demarcation of the Kutch–Sind border.

4. Meanwhile the Government of Pakistan have not only continued and maintained their illegal intrusions but reinforced such activities. They have set up two standing posts at Kanjarkot and at a place west of Kanjarkot which the Pakistan forces choose to call Ding, respectively 1300 and 2000 yards into Indian territory south of the well–defined and well–understood Kutch–Sind border. The Pakistan Government has also brought up a heavy concentration of their armed forces along the border in Pakistan territory with a view to backing up and supporting their illegal activities. The Government of India strongly protest against such actions of the Pakistan Government and would request the immediate disbandment of the standing posts which Pakistan has set up in Indian territory and the restoration of the *status quo ante*.

5. The Government of India would once again request the Pakistan Government to agree immediately to a meeting between the DG, West Pakistan Rangers, and the DIG, Rajkot Rangers. In the hope that the Pakistan Government have the desire to reach a peaceful solution of the problem the Government of India would urge the Government of Pakistan to agree to a meeting between the representatives of the two Governments at whatever level considered appropriate.

The Ministry of External Affairs, Government of India, takes this opportunity to renew to the High Commission of Pakistan the assurances of its highest consideration.

*High Commission of Pakistan*

*New Delhi*

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The Government of India emphatically protest against armed attacks by Pakistan armed forces including the 18th Punjab Regiment on the Indian border police posts at Sardar and Vigokot. This unwarranted attack on the Indian border police posts lawfully situated well within Indian territory, south of the Kutch – Sind border, constitutes a pre–meditated and unprovoked aggression against India, a violation of Indian territory, and breach of the Ground Rules which were agreed upon as part of the Indo – Pakistan border agreement dated the 11th January, 1960.

On the early morning of April 9, the Indian border post at Sardar was subjected to heavy artillery and mortar fire by the Pakistan army. Subsequently, on the same afternoon, the Indian police post at Vigokot, nearly seven miles south of the well–defined Kutch – Sind border, was also subjected to heavy attack.

The Government of India have already protested to the Pakistan Government in their notes dated 12th February, 18th February, 11th March and 8th April, 1965, against illegal intrusions by Pakistan forces into Indian territory and the setting up by Pakistan of two posts – one at Kanjarkot and the other at a place west of Kanjarkot respectively 1300 and 2000 yards to the south of the Kutch – Sind border.

The Government of India have repeatedly brought to the attention of the Pakistan Government the serious consequences of such illegal and aggressive activities. The Pakistan Government have paid no heed to the previous protests of the Government of India and the events on the 9th April referred to above clearly show that the Pakistan Government are determined to create trouble and heighten tension and conflict between the two countries. The Government of India call upon the Government of Pakistan immediately to vacate their aggression against Indian territory, to withdraw all their armed forces including their army form Indian territory, to remove the post set up by them in Indian territory at Kanjarkot and another post to the west of Kanjarkot set up recently by Pakistan. The Government of India further demand adequate compensation for the loss of life and property caused by the illegal action and unprovoked aggression by the Pakistan Government.

Ministry of Foreign Affairs
Government of Pakistan
Karachi

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2322. Note from High Commission of India in Pakistan to the Ministry of Foreign Affairs Government of Pakistan.

Karachi, April 12, 1965.

The High Commission of India presents its compliments to the Ministry of Foreign Affairs Government of Pakistan and has the honour to invite attention to the Ministry of Foreign Affairs Aide Memory dated 30th March 1965 concerning the alleged activities of the Indian Army and border forces on the Sind – Kutch sector of West Pakistan – Gujarat boundary. The complaint made by the Government of Pakistan has been thoroughly investigated by the Government of India. The area mentioned in aide memoire is indisputably and unquestionably Indian territory. It is perfectly normal for any country to hold exercises in its own territory. Hence Pakistan has no right or competence or locus standi to object. The Government of Pakistan’s aide memoire is a transparent attempt to cover up the unprovoked and lawless military aggression committed by the Pakistan Army in the Indian Territory in Gujarat. The Government of India repudiate the charges and the allegations made in the Pakistan Governments’ Aide Memoire of 30th March as they have no basis in fact.

The Government of India express the hope that the Government of Pakistan would urgently take the steps indicated in High Commission of India’s note No. KAR (P) – 108 (5)/65 which was handed over by our High Commissioner to Mr. Agha Shahi on 11th April, 1965 which will help to reduce tension in Sind – Kutch border and maintain peace between the two countries.

The High Commission avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

Ministry of Foreign Affairs
Government of Pakistan
Karachi
Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan

Karachi, April 12, 1965.

The Ministry of Foreign Affairs presents its compliments to the High Commission of India in Pakistan and with reference to the latter’s note, dated 11th April, 1965 on the situation in the Rann of Kutch has the honour to state the following:

The Ministry categorically rejects the charge of aggression against Indian territory leveled at Pakistan in the Indian Note. The two places mentioned in the note namely Sardar Post and Vijokot, situated in the disputed part of the Rann of Kutch and not “south of the well-defined Kutch-Sind border” as is contended in the High Commission’s note, are not under the occupation of Pakistan forces as appears to be implied in the note.

The High Commission’s note once again makes the untenable claim that Kanjarkot and another post, which is not named (but may be presumed to be the one at Ding) lie within Indian territory. The Ministry has, on many occasions, in writing as well as orally, explained that both Ding and Kanjarkot are situated within Pakistan territory and have always been under Pakistan’s \textit{de facto} control. The fact that Pakistani forces had been patrolling a track between their posts at Ding and Surai, running south of Kanjarkot was admitted in the Rajya Sabha by the Indian Minister of State for Foreign Affairs, Mrs. Lakshami Menon.

The existing tension and the outbreak of hostilities have been caused by the attempt of Indian forces to interfere with Pakistan’s well-established rights in the area. In reply to the High Commission’s note, dated 18th February, the Ministry in its note of 1st March pointed out that even though Kanjarkot Fort lay within Pakistan territory, Pakistan border forces had not occupied it, but had been obliged to take measures to foil an Indian attempt to occupy the fort as part of their plan to prevent Pakistan border forces from patrolling the area as they have been doing for many years. In the same note and in subsequent note, dated 5th March, the Ministry enumerated a number of instances in which Indian border forces had attempted to intrude into Pakistani territory; Indian aircraft had violated Pakistan air space and in general, a show of force had been staged in a provocative and hostile manner. In disregard of these protests and of Pakistan’s willingness to hold discussions to find a peaceful solution of the dispute, activities of this nature were continued and intensified.

On 27th and 28th March, the Indian Army and Navy held a joint exercise in the Rann of Kutch with the participation of the 31st Indian Brigade, the aircraft carrier “INS Vikrant” and number of first line ships of the Indian Navy. One of the aircraft from the carrier violated Pakistan air space. In its Aide Memoire, dated
30th March, the Ministry lodged a strong protest against this willful and irresponsible action carried out in disputed territory at a time and in a manner which could not fail to raise serious questions about the intentions of the Indian Government. The Aide Memoire also drew attention to the reports of the opening of new posts, construction of bunkers and digging of trenches in the disputed territory by Indian forces. No reply to this Aide Memoire was received.

On March 31, the Indian Home Minister Mr. Gulzari Nanda visited the border area and on his return, reported to a meeting of the Emergency Committee of the Indian Cabinet, which was attended among others, by the Indian C-in-C, General Chaudhri. On 7th April, Mr. Nanda declared in the Indian Lok Sabha that the Government of India intends to take “effective measure to remove intrusions and ensure the safety of our borders”. In the meantime, on the night of 4/5 April, an Indian force infiltrated into Pakistani territory, established a post 300 yards north-west of Ding and deployed a company between that Pakistani post and Mara on a North–South axis. In response to a demand by the Local Commander of Pakistan border forces for the vacation of the intrusion, the Indian local Commander requested a flag meeting which was arranged for 8.30 A.M. on 6th April. At the request of the Indian Commander, this meeting was first postponed to the following day and then to the 8th and then significantly to the 10th April, the day after the one on which the Indian forces launched this attempt to dislodge Pakistani border forces from their established position, resulting in the out-break of fighting.

It must be noted that this unjustified and wanton recourse to force occurred when the Government of Pakistan were awaiting a reply to the proposal made in their note a 7th April for a restoration of the status quo followed by high level negotiation and at the very time when the modalities of bringing about such negotiations were being discussed with the High Commissioner of India. It was this attempt of the Indian troops in the area to seek a decision by force and not any alleged “aggression” by Pakistan which has provoked a clash and the consequent aggravation of the situation.

This development was brought to the attention of High Commissioner that very night and he was requested to impress upon his Government the urgency of putting an end to the needless fighting and to reiterate Pakistan’s willingness to seek a negotiated settlement of the Rann of Kutch dispute.

It is a matter of regret that instead of agreeing to the Government of Pakistan’s proposal for an immediate ceasefire to be followed by negotiations, the Government of India have advanced totally unfounded and baseless allegation of Pakistan’s aggression. In the light of events and the reported move the 1st Indian Brigade from Bhuj to position around the Ding – Kanjarkot area, the Government of Pakistan cannot but take a serious view of the reiteration of
Indian charges of aggression which the Government of India must itself know
to be wholly without any foundation.

The Government of Pakistan hope, therefore, that, as earlier proposed, the
Government of India will stop all show of force and military build–up and agree
to put an immediate and unconditional end to the fighting in the area. The
Government of Pakistan remain willing, as already stated on a number of
occasions, to discuss at an appropriate high level all aspects of the dispute
relating to the Rann of Kutch.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the
High Commission for India in Pakistan the assurances of its highest
consideration.

High Commission for India in Pakistan
Karachi

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2324. Statement by Home Minister Gulzarilal Nanda in Lok Sabha on Kutch – Sind Border Situation.

New Delhi, April 12, 1965.

I made a statement in the House on the afternoon of April 9, and briefly recounted
events on the Kutch – Sind border in the area of Kanjarkot, culminating in the
attack on one of our border posts by Pakistan Forces earlier that day.

According to information received subsequent to the statement, an attack on
our border post at Sardar commenced at 03:40 A.M. on April 9, with heavy
mortar and MMG fire, followed by artillery fire from 25 pounder guns under
cover of which two battalions of the Pakistan regular army belonging to 51
Infantry Brigade advanced towards the post. Our CRP unit stationed at Sardar
put up a fierce resistance as a result of which the Pakistan battalions had to
withdraw leaving 34 dead on the field including two officers and four prisoners
in our hands. We lost four policemen dead, 5 were wounded and 19 men
including the Deputy Commandant of the CRP are missing at present.

Apprehending a further attack later in the evening and as the Sardar post was
subjected to intermittent artillery fire which became heavy in the afternoon, the
police withdrew to our Vigokot post, 4 miles south – east of Sardar. The Vigokot post was also shelled by Pakistan artillery in the afternoon.

The Chief of the Army Staff was instructed on April 9, to take over operational control of the border and Army units moved into Vigokot the same evening. This is commendable promptitude considering the distances and the nature of the terrain. Army patrols re–occupied Sardar post on April 10 and some Pakistani documents and equipment were recovered from the neighborhood of the post.

From the interrogation of the prisoners taken in the engagement and the examination of the documents recovered it appears that the plan of the assault on our border post by the Pakistan Army was drawn up in the second week of March and movement of troops began thereafter. Orders of the attack were apparently given on April 7 and the attack was launched in the early hours of April 9. The second phase of the plan, namely, consolidation of Sardar post was foiled by the brave resistance put up by our border police.

I would like to pay a tribute to the gallantry of the police force at the Sardar post which for over 12 hours heroically defended themselves against such heavy odds and repulsed the attacks by two battalions of Pakistan Army. The House, will, I am sure, wish me to send our condolences to the families of those who were killed in this action. Government would make suitable provision for giving relief and financial assistance to the bereaved and the injured.

Apart from the precautions that have already been taken for the security of the border, we lodged on April 10, a strong protest with the Pakistan Government against the use of regular army units for attacking our border police post and the unprovoked aggression on our territory leading to loss of life and property to our nationals. Adequate compensation for the loss caused, as well as immediate withdrawal of all forces from our territory, have been demanded. Simultaneously, Members of the Security Council and Governments of friendly nations have been addressed with a view to acquainting them with the grave happenings which have dangerous possibilities if Pakistan persists in its present aggressive posture in the Kutch – Sind border.

The Government's policy in this matter is clear. We are taking every step to protect the integrity of our frontier. On the 10th April our High Commissioner in Karachi was told by the Pakistan Government that there should be a meeting between the two Governments first at the official and thereafter at the ministers' level. The House will recall that this was the proposal made in our notes of the 18th February and 11th March to the Pakistan Government. We wish that Pakistan had accepted our proposal before mounting an attack by the Pakistan Army on our border force. However, we are prepared for these talks, and we are communicating this to the Pakistan Government.
2325. Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.

Karachi, April 17, 1965.

Ministry of Foreign Affairs
Karachi


The Ministry of Foreign Affairs presents its compliments to the High Commission of India in Pakistan and has the honour to acknowledge its Note No. KAR (P) 108 (5)/65, dated April 12, 1965, which is in reply to the Ministry’s Aide Memoire, dated the 30th March, 1965.

The Ministry rejects as absolutely untenable and totally unacceptable the affirmation made in the High Commission’s note, that the area “is indisputably and unquestionably Indian territory”. The High Commission will recall that the dispute over this sector which relates to the alignment of boundary between India and Pakistan was last discussed at a ministerial level meeting in January, 1960 between General K.M. Shaikh representing Pakistan and Sardar Swaran Singh representing India and the following decision was then arrived at:

“Exploratory discussions regarding the boundary dispute in the Kutch – Sind region showed that the differences between the Governments of India and Pakistan could not be settled. Both Governments have decided to study the relevant material and hold discussions later with a view to arriving at a settlement of this dispute”.

The Ministry further recalls the provisions of Rule 9 of the Indo – Pakistan Border Ground Rules of 1960, which reads as under:-

“Notwithstanding the provisions of paragraphs 6 to 8 above, in areas regarding which disputes of title are already pending with the respective Governments for a decision, the status quo inclusive of defence and security measures will be strictly maintained until such time as the de jure boundary is finalized and the return of territories in adverse possession of the two countries takes place”.

The holding of military exercises in the area was, therefore, a violation of the Ground Rules of 1960, a flagrant breach of status quo ante and highly provocative show of force as a part of India’s recent abortive attempts to seize the territory by force.

The Ministry in its note of 30th March had drawn attention to serious misgivings about the intentions of the Government of India which were raised by the military
exercises and which aggravated the already tense situation. On this point the High Commission's note is silent.

As regards the boundary question and the final disposition of the disputed territory, these matters must form the subject of discussions between both the Governments, as already proposed.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the High Commission for India in Pakistan the assurances of its highest consideration.

High Commission of India
Karachi

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2326. Statement from the Official Spokesman of the Pakistan Ministry of Foreign Affairs on the Kutch-Sind Dispute.
Karachi, April 26, 1965.

The Government of India has rejected Pakistan's offer of cease – fire in the Rann of Kutch to be followed by an immediate withdrawal by both Governments of all their armed forces, both civil and military, from the disputed territory so as to pave the way for talks to evolve a peaceful solution of the dispute.

India's rejection of the constructive proposals put forward by Pakistan furnishes evidence that India is determined to remain in forcible occupation of this territory, comprising 3,500 square miles approximately.

In rejecting Pakistan's offer India has stated that the territory does not become disputed territory merely because one side claims it to be so. In other words, India now denies even the existence of the dispute in the Rann. This indeed is most extraordinary and represents a most blatant volte face yet assumed by India in its dealings with Pakistan apart from Kashmir.

Two of the agreed decisions occurring in Indo – Pakistan agreement on West Pakistan – India border disputes – signed on behalf of India by Commonwealth Secretary M.J. Desai on January 11, 1960 and ratified on the same date states as follows:

Exploratory discussions regarding the boundary dispute in Kutch – Sind region showed that differences between the Governments of India and Pakistan could
not be settled. Both Governments have decided to study the relevant material and hold discussions later with a view to arriving at a settlement of this dispute.

Paragraph 4 of the joint communiqué issued on the occasion also stipulates as follows:

Both countries agreed to collect further data in respect of the dispute regarding the Kutch – Sind boundary and discussions will be held later with view to arriving at a settlement of the dispute.

Apparently India now feels militarily strong enough to repudiate this agreement and to force a military decision on Pakistan.

The dispute over the Rann of Kutch is that of title to territory. It has existed since before partition. It has been subject to negotiations between the two countries on a number of occasions. It was last discussed between General Shaikh of Pakistan and Sardar Swaran Sing of India in January 1960. As no agreement was reached it was decided to defer consideration to a subsequent meeting. No meeting has since been held. Meanwhile, the two countries agreed in terms of Rule 9 of the Ground Rules of 1960 that “in areas regarding which disputes of title are already pending with the respective governments for decision, the status quo inclusive of defense and security measures will be strictly maintained until such time as the de jure boundary is finalized and the return of territories in adverse possession of the two countries takes place.”

Towards the end of January, 1965, Indian forces attempted to interfere with Pakistani’s patrolling outside the disputed territory. Later, in February, India accused Pakistan of occupying the Knjarkot Fort lying north of a track between Ding and Surai, customarily patrolled by Pakistani border forces. It was pointed out to India that Pakistani forces had been patrolling this track for the past several years and that, therefore, there had been no violation of the status quo.

Meanwhile,

1. Intensive Indian patrolling was started on a newly established track in close proximity of Pakistan tracks. Patrols carried automatic weapons, recoilless rifles, etc.;

2. New Indian posts were created early in March opposite Pakistani positions, notably at Vigokot, Sardar, Karimshahi and Sarafbel, equipped with VHF communication equipment and observation tower;

3. On February 24, the 31st Indian Infantry Brigade was moved from Ahmadabad and deployed near the area;
(4) The headquarters of the Indian armed forces in Gujarat state were moved forward to Bhuj to facilitate operational control;

(5) Extensive digging of trenches and construction of bunkers and new tracks in the disputed territory was commenced;

(6) Frequent reconnaissance flights by Indian Air Force planes were started;

(7) Large-scale combined Army / Navy operational exercise was carried out in the area by India. The forces participating in the exercise included the 31st Infantry Brigade, and Indian aircraft carrier, seven destroyers/frigates and one fleet support and reconnaissance missions. Naval ships carried out bombardment in support of ground forces.

Even while the modalities of reducing the tension in the area were being discussed, Indian forces attacked Pakistani border outpost at Ding within Pakistani territory on the night between April 4 and 5 and established positions to the north of that post. A flag meeting arranged by the local commanders to discuss the situation was repeatedly postponed by the Indian side. On April 9, Indian forces launched an attack on Pakistani forces in an attempt to dislodge them from their positions. It is this attempt of the Indian troops in the area to seek decision by force which has provoked hostilities between the forces of the two countries.

Subsequently, the conflict was enlarged when India brought in heavy armor and regular army units into the forward area and Pakistan was obliged to take appropriate measures for the defense of its borders and of its interests in the disputed territory.

India is focusing attention on Kanjarkot to divert attention from the fact that the entire northern half of Rann is in dispute and that the international boundary line lies along the 24th parallel. Indian designs became manifest in Prime Minister Shastri's statement of April 12, which he repeated in Lok Sabha on April 16 that India would insist on the vacation of Kanjarkot at the forthcoming talks and that in the meantime preparations would continue unabated to take Kanjarkot by force if necessary. In the light of this we have proposed that both sides should move their forces out of the disputed territory. In the meantime, India is making the situation more tense by moving in troop reinforcements and by threats of action against other sectors in the border.

The Rann of Kutch is not an isolated instance where India has used force to resolve an outstanding dispute. In the past India took Hyderabad and Junagadh by force. Today it is holding Kashmir in its colonial grip by sheer armed strength. Recently its aggressive activities on the ceasefire line in Kashmir have increased. They still continue.
Again, about two months ago, for no rhyme or reason, India suddenly occupied Dahagram – a Pakistani enclave in Cooch Behar. The Indian plan here was to force an exchange of enclaves at this stage and thus postpone to an indefinite future the demarcation and transfer of Berubari to Pakistan. The firmness shown by Pakistan in the face of India’s aggressiveness resulted in the withdrawal of Indian forces from Dahagram and in the reestablishment of Pakistan’s control.

India’s military move in the Rann of Kutch is yet another effort by Indian leaders to seek solution of disputes relating to the boundary by the use of forces.

While we have offered to discuss this dispute amicably with the Government of India, we reserve the right to take appropriate measures for the defense of our interests in the disputed territory.

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2327. Statement by Prime Minister Lal Bahadur Shastri in Lok Sabha on Pakistan’s Armed Aggression on Kutch Border.

New Delhi, April 28, 1965.

[Moving a motion in the Lok Sabha on April 28, 1965 for the consideration of the situation arising from the repeated attacks by Pakistan’s armed forces on the Kutch border, the Prime Minister, Shri Lal Bahadur Shastri, made the following speech]

I rise to move that this House may take into consideration the situation which has arisen as a result of repeated and continuing attacks by Pakistan’s armed forces on the Kutch border. There have been serious and frequent engagements. Our men are defending our frontiers with exemplary valour and I should like to tell them that this House and all the people of this country stand solidly behind them, and will consider no sacrifice too great to meet this challenge to our territorial integrity.

The situation which we are facing today is undoubtedly grave. I think the House would like to have a connected account of the events leading up to the situation that exists today.

During the last few months, Pakistan has been resorting periodically to firing and clashes at several points in the Indo–Pakistan border, both in the East as well as in the West. Our men have taken defensive action at all these points effectively, but with great restraint. The clashes on the Kutch border are the
latest in the series of incidents which Pakistan has chosen to indulge in. Sometime ago, Pakistani patrols were noticed moving on a track close to the Kutch – Sind borders. On being challenged by our patrols, the Pakistani patrols claimed that they were moving on a track which was the old customs track and within Pakistan territory. It was also noticed that Pakistan had occupied Kanjarkot and established a standing post there. In accordance with paragraph 3 of the Ground Rules, the Deputy Inspector – General of Police, Rajkot Rangers, took up the matter with the Director – General, West Pakistan Rangers and called for a meeting to discuss the situation and to determine the status quo. The Director – General, West Pakistan Rangers did not attend, but sent his local Commander who had a meeting with the DIG, Rajkot Rangers. This, however, led to no result and encounters between our patrols and those of Pakistan continue.

On April 9, in the early hours of the morning, our border post at Sardar was attacked with heavy mortar and MMG fire, followed artillery fire from 25 pounder guns under cover of which two battalions of the Pakistan Regular Army belonging to 51 Infantry Brigade advanced towards the post. Details of this encounter have already been given to the House in the statement by the Home Minister on the 12th April. The fact that this attack was pre–meditated and preplanned was quite clear from the documents captured from the Pakistan prisoners and from their interrogation. The plan of assault on our border post by the Pakistan Army was drawn up in the second week of March and movement of troops began thereafter. Orders for the attack were apparently given on April 7 and the attack was launched in the early hours of April 9.

Therefrom, as the House knows, the Chief of the Army Staff was instructed to take over operational control of the border and army units moved into Vigokot the same evening. The Pakistanin firings and shellings, however, continued to which our armed forces have replied.

Since then Pakistani armed attacks of increasing intensity have been continuing at many points into our territory south of the Kutch – Sind border. On April 24 our company post at Point 84 was shelled in the morning and later attacked by Pakistan infantry supported by tanks and other armour. On April 26, Pakistan armed forces, again with tanks and armoured vehicles, attacked our border post at Biarbet. These attacks are still continuing.

Pakistani armed action is a naked act of aggression. They have attacked Indian posts deep into Indian territory, six to eight miles south of the border – a territory which on Pakistan’s own admission has never been in its possession. Hon’ble Members have no doubt seen the statement of the Pakistan Foreign Minister, Mr. Bhutto, on the 15th April in which he said, defending the Pakistan position: “It must be remembered that the central fact is that this is a dispute over territory
which lies roughly north of the 24th Parallel. The dispute has arisen not because the boundary is undemarcated, but because the disputed territory is in India’s adverse possession.” This is what he has said. In other words, Pakistan has chosen to mount an armed attack on territory over which Pakistan has never exercised possession and over which Pakistan in fact admits India’s possession. Pakistan thus stands self – condemned. She has used force for changing the status quo and for vindicating its territorial claims. This is contrary to the United Nations Charter and to the Ground Rules under the Indo – Pakistan Border Agreement of 1960. Pakistan’s behavior in fact amounts to a clear and open aggression on our territory.

As is usual with Pakistan even while discussions have been in progress through diplomatic channels to settle the matter peacefully, Pakistan has been intensifying its attacks and moving in tanks and heavy artillery to attack our posts.

On April 19, the Foreign Secretary handed over a formulation to the High Commissioner which in substance was the same as the Pakistan Foreign Office had suggested to our High Commissioner in Karachi, a few days earlier, namely, that there should be a ceasefire, to be followed by talks at official level with a view to the determination and restoration of the status quo ante, and later a high – level meeting between the two governments to discuss the boundary question. On the morning of the 24th April, the Pakistan High Commissioner handed over an alternative formulation to the Foreign Secretary according to which ceasefire was to be followed by the withdrawal of the armed forces of both India and Pakistan, whether civil or military, from certain areas which they contended were the disputed territory. But earlier the same morning, even before this new formulation had been presented, Pakistan had launched a heavy attack in brigade strength on our post at Point 84, west of Chadbet with heavy artillery.

Throughout this period, Pakistan has been making shifting claims and conflicting statements. At the meeting between the DIG, Rajkot Rangers and Lt. Col. Aftab Ali, Commandant of the Indus Rangers, at Kanjarkot on the 15th February, 1965, they said that they had not occupied Kanjarkot but that they were patrolling the area up to the track south of Kanjarkot which according to him was the old customs track adjoining Surai and Ding. In the Government of Pakistan’s note dated the 1st March, 1965, which was in answer to our protest note of 18th February, 1965, it was stated by Pakistan Government that Kanjarkot fort had not been occupied by the Indus Rangers. Today, not only Pakistan is in occupation of the Kanjarkot fort but it has gone much beyond its claim to patrolling up to the customs track. Pakistan today is laying claim to a large area south of the Kutch – Sind boundary and north of the 24th Parallel.
I want to state clearly and emphatically that we reject and repudiate these claims in their entirety. Pakistan claims that the Rann of Kutch is an inland sea and, therefore, Pakistan is entitled to half of this area. This is completely untenable. The Rann of Kutch is not an inland sea and has never been recognized as such. Long before the creation of Pakistan, the then British Government of India decided formally in 1906, that it was more correct to define the Rann of Kutch as a “marsh” rather than as a “lake” or “inland sea”. That the Rann of Kutch is a “marsh” is indisputable. It has all the flora and fauna of marshland with marsh – grown grass in abundance and other characteristics. What happens is that during the monsoon period because of the strong winds and the high tides in the Arabian Sea, this low – lying area gets flooded by sea water? Furthermore in the monsoon period, it receives fresh water from the swollen rivers. The area, therefore, is flooded from about the middle of May till the end of October. It is mostly dry and partly marshland during the remainder of the year.

Pakistan’s claims also ignore the historical fact that even through the Kutch – Sind Border is undemarcated, it is well – defined on maps and well–recognized in fact. Prior to the partition of India, the Kutch – Sind border separated the then British Indian province of Sind and the Indian State of Kutch. Not being an international boundary then, it did not need to be demarcated. The boundary itself was, however, well – defined in all official maps dating from 1872 to 1943 and even later, and was well–known and well–established. The boundary has also been described in detail in official documents over the last three quarters of a century prior to the partition of India. The boundary shown in the official maps of undivided India prior to August 15, 1947, cannot be questioned.

The Official gazetteer of the Province of Sind published in Karachi in 1907, the Gazetteer of India of the Bombay Presidency published in 1909, and the Imperial Gazetteer of India published by the British Secretary of State for India in 1908 are all categorical about the Rann of Kutch being outside the province of Sind.

In all the documents of the Political Department of the then British Government of India of 1937, 1939 and 1942, defining the political charges of various officers, the Rann of Kutch was invariably shown as falling within the Western India States Agency and Never as falling within the province of Sind. As the House is aware, the entire Western India States Agency became part of India as a result of accession. The totality of evidence leaves no basis whatsoever for any dispute regarding the border between the Sind Province and Kutch.

Ever since these recent intrusions commenced, the Government of India suggested repeatedly to Pakistan that meetings should be held between local officials and also talks be held at a higher level. For instance, we suggested to the Pakistan Government that the Surveyors – General of the two countries
should meet to discuss the problem of demarcation. Pakistan refused. We reminded Pakistan of the Ground Rules and the desirability of a meeting between the local Commanders for the restoration of the *status quo*. We also suggested in our note of 18th February that there should be a meeting between the representatives of the two Governments at whatever level considered appropriate by Pakistan and repeated this suggestion later more than once. Despite these endeavour’s, there was no proper response from Pakistan.

On 13th April 1965, the Pakistan Government made a three step proposal suggesting (i) ceasefire, (ii) an inter – governmental meeting to determine what was the *status quo* which should be restored; and (iii) a higher level meeting. The Government of India authorized their High Commissioner the very next day, *i.e.* on 14th April, to convey the acceptance of these proposals. It is to be deeply regretted that the Government of Pakistan later went back on their old proposals.

On 19th April, the Government of India repeated that the proposal for ceasefire should be accepted forthwith, but instead of accepting this proposal, the Government of Pakistan put forward an entirely new formula on the 23rd April which, as I have already mentioned, required the withdrawal of Indian forces from what Pakistan chooses to call unilaterally a disputed territory but which in fact indisputably in this demand. This attitude on their part means a virtual rejection of all our efforts to wean them away from warlike postures.

Sir, I have made this rather long narrative in order to give the House a complete picture of the false nature of Pakistan’s claims, its sinister designs and the naked and reckless use of force by Pakistan against us.

It is apparent that one of the prime reasons of Pakistan’s irrational behavior is the obsessive hatred against India which Pakistani leaders, Pakistani pres and communal fanatics in Pakistan have worked into their system over the past two decades.

The events which I have just described have caused us all the gravest concern. Ever since the attainment of Independence, India has stood for peace, international amity and goodwill. India has a living and vital stake in peace because we want to concentrate attention on improving the living standards of millions of our people. In the utilization of our limited resources, we have always given primacy to plans and projects for economic development. It should therefore, be obvious to anyone who is prepared to look at things objectively that India can possibly have no interest in provoking border incidents or in building up an atmosphere of strife.

However, our neighbours, both China and Pakistan, have chosen to adopt an attitude of aggressive hostility towards India. Lately they seem to have joined hands to act in concert against India.
In these circumstances, the duty of Government is quite clear and this duty will be discharged fully and effectively. The entire resources of the country in men and material will be employed to defend our frontiers and to preserve our territorial integrity. I know that each one of our 450 million people of India is today prepared to make any sacrifice in defence of the motherland. We will prefer to live in poverty for as long as necessary but we will not allow our freedom to be subverted.

The specific question which we have to consider and, by this, I mean not only the Government but this House and indeed, the whole country is what course we should now pursue. Which path do we take? We are prepared to take the path of peace but we cannot follow it alone. Pakistan must decide to give up its warlike activities. If it does, I see no reason why the simple fact of determining what was the actual boundary between the erstwhile Province of Sind and the State of Kutch and what is the boundary between India and Pakistan, cannot be settled across the table. It need not even be a negotiating table. It is more a question of finding out the facts, rather than of negotiating a settlement. It can be done by experts on both sides. All this is possible provided there is an immediate cessation of hostilities and restoration of the status quo ante.

I should like to tell the House that on the Kutch Border Pakistan has many advantages. What is more, our soldiers are occupying posts in areas which will soon be submerged in water and from where they will, therefore, necessarily have to withdraw. If Pakistan continues to discard reason and persists in its aggressive activities, our Army will defend the country and it will decide its own strategy and the employment of its manpower and equipment in the manner which it deems best. Countries who are friendly to us have urged that a ceasefire should be agreed to as soon as possible. We are ready to respond to these appeals. But, at the same time, I must tell the House that we have also to be ready for the alternative.

Mr. Speaker, I have uttered these words after the most serious thought and with full consciousness of my responsibilities. This is one of the most fateful moments of our times. I realize that both India and Pakistan stand poised at the cross – roads of history. The path of reason and sanity, of peace and harmony, is still open. Even while our police and later our Army have been defending our soil with commendable courage in the face of heavy odds, the path to peace has not been blocked. But it is a path on which we cannot walk alone. It takes two to make friendship and peace.

It is my earnest hope that the point of no return will not be reached and that Pakistan will still agree to ceasefire in accordance with its own proposals of April 13, which Indian had accepted.
It is my earnest hope that the point of no return will not be reached and that Pakistan will still agree to ceasefire in accordance with its own proposals of April 13, which Indian had accepted.

I know at this hour every Indian is asking himself only one question: What can he do for his country and how can he participate in the nation’s endeavour to defend our freedom and territorial integrity. To them and to all our people, I want to address this appeal: wherever you are and whatever your vocation, you should work with true dedication. Bring out the best in you and serve the country selflessly. The supreme need of the hour is national unity – unity not of the word but of the heart. All Indians, of whatever faith or profession, have to stand solidly together and prepare themselves for hardships and sacrifices. Let us give no quarter to any ideas that tends to divide us. Let us all work together with a new sense of national discipline and with an inspired feeling of dedication to the cause of country’s freedom and integrity. And I would close by asking this august House to give its wholehearted and mighty support to the Government at this momentous hour.

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2328.

TOP SECRET

Telegram from Ministry of External Affairs to High Commissioner of India in Pakistan G. Parthasarathi.

New Delhi, May 1, 1965.

TELEGRAM

From: Hicomind, Karachi.

To: Foreign, New Delhi.

MOST IMMEDIATE

No. 308. May 1, 1965.

Jha from Parthasarathi.

British and American envoys are pursuing their discussions with BHUTTO this evening and MORRICE JAMES will go back to Pindi tomorrow for further processing. Presumably their respective envoys in Delhi are keeping you informed. I have not received any report from you on their discussion in Delhi
but so far as I can gather here the Pakistanis are still refusing modifications of their demand for withdrawal of troops a precondition to cease fire on the ground that this is the only way to ensure that India acknowledges what the dispute is about and does not consolidate herself in the “Disputed” territory as she has done in Kashmir etc. Pakistan is doubtless seeking to derive the maximum gain from her tactical advantage and will continue to be obdurate, but in so far as her opposition to Wilson’s proposals is based on misgivings about our alleged going back on the scope of the dispute we can remove these suspicions or at any rate put Pakistan in the wrong, by clarifying in the very formulation of the proposals that the scope of negotiations will remain as it has always been so far. The basis for doing this lies in the conclusions reached after the 1960 border conference. Pakistanis have themselves quoted the relevant para of the agreed decisions of 11th January 1960 in the note they gave us on the 17th of April. So we can say that it represents their own definition of the scope of talks. From our point of view the relevant para of joint communiqué of 11th January 1960 is somewhat better than the phrasing of the agreed decisions of that date, but either can be used.

2. It is for consideration whether further processing of proposals for a ceasefire etc. should be left to the good offices of our western friends or whether it would be appropriate for us to give Pakistanis another concrete proposal incorporating the clarifications they profess to want. If you agree to our taking an initiative ourselves we could phrase the formula as follows:

“At the conclusion of the ministerial conference on the India – West Pakistan border, the Government of India and Pakistan announced in the communiqué issued on 11th January 1960 that they had ‘agreed to collect further data in respect of the dispute regarding the Kutch – Sind boundary and discussions will be held later with a view to arriving at a settlement of this dispute’. To enable such a settlement to be reached as soon as possible the two Governments agree that the situation of armed conflict which has developed in the Sind – Kutch border area should immediately be resolved. They have therefore agreed that:

(a) There should be a ceasefire effective from ……. 

(b) Immediately thereafter the two Governments will hold talks to determine and restore the status quo ante on the following basis: 

(i) The armed forces of both sides will withdraw to the positions they respectively held on 1st January 1965. 

(ii) Without prejudice to the de jure position, the de facto jurisdiction exercised by the civil authorities, including police, as of 1st January
1965 will be restored in the spirit of the Prime Ministers’ Joint Communiqué of the 12th September 1958.

(c) hereafter there should be high level meeting to settle the dispute as envisaged in the joint communiqué of 11th January 1960."

3. There are two points to note about this:

(i) The Pakistanis cannot reasonably expect us to agree to any new and broader definition than in the past. Their present insistence on our withdrawal from the so called disputed area and specific acknowledgement that it has been in dispute is going beyond a restoration of the status quo and amounts to conqueror’s terms. The recalling of the 1960 terminology should satisfy them about the scope of negotiations if they are genuinely concerned about this. The formula would however remain consonant with the stand we have been taking throughout the present crisis.

(ii) Difficulty will be about the restoration of civil and police jurisdiction referred to in sub para b (ii) of the formulation. It would mean Pakistan disbanding her two posts around Kanjarkot, whereas we will have to disband our posts at Sardar Vigokot and Karim Shahi which would leave us only Chad Bet in the northern Rann. Moreover the question of the right to patrol as before will also be complicated. Pakistan’s claim to have patrolled the track around Kanjarkot will conflict with our right to patrol right up to the frontier as we have said we have always been doing. These aspects will need careful handling.

4. It is difficult to say that Pakistan in her present mood would accept any such formulation. However if you agree that we should present something on these lines, you might consider whether it would be appropriate for me to give and discuss it with President AYUB himself who will be in Karachi on Monday. BHUTTO is in any case leaving the country today and it is impossible to do any business with the Foreign Office. It is conceivable that a frank discussion with the President might prove helpful. Alternatively we could simply give the proposed formula through normal diplomatic channels.

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Extract from the Telegram from Foreign Secretary to Indian Ambassador in Washington.

New Delhi, May 1, 1965.

Telegram

From: Foreign, New Delhi
To: Indembassy, Washington.

IMMEDIATE

No. 24428. May 1, 1965

Ambassador from Foreign Secretary.

Cabot Lodge called on Prime Minister on 30th evening. Prime Minister expressed grave concern regarding Pakistan’s actions on Kutch border. He said he hoped the conflict would not escalate. Pakistan seemed in a belligerent mood. India had accepted Pakistan’s proposals of 13th April for ceasefire on basis of status quo ante. Pakistan had gone back on these proposals. India had now accepted British ceasefire proposals. Prime Minister, however, stated that he shuddered to think what would happen if a major conflict developed. Apart from grave economic and human consequences the problem of the minorities, both within India and Pakistan, had to be considered. Prime Minister further stated that neither the Parliament nor the country would tolerate an Indian withdrawal from Kutch without Pakistan having accepted ceasefire on basis of status quo ante. He stated that he had informed Parliament that if Pakistan persisted he would have to leave it to the army “to defend the country and it will decide its own strategy”.

2. The Prime Minister made the following other points:

1) Prime Minister made reference to Pakistan’s absurd propaganda that we first attacked their posts on the border. Prime Minister said if we wanted to attack Pakistan surely we would not have selected the impossible terrain of the Rann of Kutch.

2) Now Pakistan was laying claims to all territory north of the 24th Parallel which amounted to some 3500 square miles. This was fantastic claim.

3. Cabot Lodge stated that he would convey what the Prime Minister had stated to President Johnson. Chester Bowles expressed the hope that the Prime Minister would give to U.S. time to settle the question. He said he hoped “time
would not run out and no precipitate action be taken as he was quite sure, given time the U.S. would succeed in its endeavors to bring about ceasefire”.

4. Lodge had earlier called on my colleagues and myself. We had explained to him with the aid of large scale map that the Kanjarkot area had been precisely defined on the map and agreement had been reached between the Sind Government and the Kutch Durbar in 1914. There was an area to the east which had not been demarcated.

5. Lodge explained to Prime Minister the United States’ policies in Vietnam. A separate report will follow on this subject.

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2330. TOP SECRET

Telegram from High Commissioner in Pakistan G. Parthasarathi to Ministry of External Affairs.


TELEGRAM

From: Hicomind, Karachi.

To: Foreign, New Delhi.

MOST IMMEDIATE

No. 309. May 2, 1965

C.S. Jha from Parthasarthy.

I am grateful for L.K. JHA’s telegram No. PRIMIN 21091 30th April which reached me only this morning. I had talk with MORRICE JAMES yesterday soon after his return. JAMES said that the “lull” in the fight was a welcome respite and gave sometime in which he could work on the Pakistanis – and us – to process an acceptable formula. He seemed to feel however by that his task was very difficult and needed painstaking negotiations to achieve result.

2. You would be receiving my telegram No. 308 1st May in which I have suggested a formula by which we ourselves should present to the President
AYUB KHAN. I feel strongly that we should keep the diplomatic initiative in our hands and not allow our western friends to take charge of the negotiations as they are likely to lead us gently on the unwelcome compromises. In view of this misgiving that I have I urge that we should not countenance suggestion made by FREEMAN and MORRICE JAMES in para 4, 5 and 6 of your telegram for introducing British "expert" or remitting the matter to the High Commissioners in London.

3. In regard to para 1 (c) of L.K. JHA's telegram our Western friends seem to be considering the possibility of arbitration on the ground that in the present atmosphere bilateral negotiations even at the ministerial level envisaged in the SHEIKH – SWARAN SINGH communiqué of 11th January 1960 might not yield any results and that the Pakistanis have misgivings on this score. You will recall that para eight of the earlier SHEIKH – SWARAN SINGH agreed decisions of 23rd October 1959 provide for an impartial tribunal to resolve border disputes but para 6 of the joint communiqué issued on 24th October 1959 provides reference of disputes to the impartial tribunal if these are "not settled by negotiation". I feel that our stand should be that there is provision in previous agreements for binding decisions by impartial tribunals in the event of failure by two parties to agree through negotiations. Either side is therefore entitled to invoke these provisions after repeat after possibilities of bilateral negotiations provided in the same agreements are exhausted.

4. I had mentioned in my telegram of 1st May the difficulties we might have in negotiating with Pakistan for the retention of civilian posts in the Rann particularly in regard to Chad Bet. Pakistan is now maintaining that Chad Bet was under their administration until forcibly occupied by us in 1956. BHUTTO who has long been arguing this from his personal experience “as a boy” asserted it in his statement of 28th April and President AYUB KHAN repeated it in his broadcast last night. I am not aware whether they ever made such a claim during the 1960 Conference. In any case even after the Chad Bet incident of 1956 the Pakistanis agreed both in the penultimate paragraph of Prime Ministers’ joint communiqué of 12th September 1958 and in Paragraph 9 of the 1960 Ground Rules that the status quo which means the situation prevailing at the time of these agreements should be maintained. This is itself evidence that their present demands for consequent withdrawal of even civil and police posts from the so – called “disputed” area are totally invalid.

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Mr. Chairman, Sir,

I beg to move that the situation arising out of the repeated and continuing attacks by the armed forces of Pakistan on the Kutch border be taken into consideration.

I know how anxious the Hon'ble Members must be to know the facts of the situation and the policy of Government in regard to the grave developments which have taken place. First of all, I would like to report to the House that during the last two or three days, there has been no major engagement on the Kutch border and that the aggressive armed forces of Pakistan have not been able to make any further inroads on our territory. Secondly, during the clashes which took place, heavy losses were inflicted on the intruders. The morale of our armed forces is very high. I know that this House and the people of India stand behind them, united in the determination that the territorial integrity of India must be preserved fully and completely.

With your permission, Sir, I would like to state briefly the facts of the situation.

The Kutch - Sind border is a well-defined, well-known and well-established border which is clearly marked in the various editions of the Survey of India maps ever since 1871. A large part of the boundary is not demarcated on the ground.

This is so, however, because there was no disputed boundary between the province of Sind and the Kutch Darbar; and it was not customary to demarcate with pillars boundaries between provinces and States of British India as they were not international boundaries.

On the 15th August, 1947, Pakistan was carved out of India as an independent State. Under the Independence Act, the territories of Pakistan were enumerated and these included the province of Sind. The boundary between Sind and Kutch, thus, became an international boundary. Pakistan is precluded from claiming any more territory than was included in the province of Sind on the 15th August, 1947. No part of the territory south of the Kutch - Sind border which is shown in the map as situated north of Kanjarkot which is thus clearly Indian territory, could, conceivably, be a part of Pakistan. In fact, this area was under the jurisdiction and authority of the Ruler of Kutch which had extended at all times both in law and in fact right up to the border between Sind and Kutch as shown in the Survey of India maps of 1871, 1886, 1898, 1943 and 1946 which was the last map before the date of independence.

The boundary between Kutch and Sind has also been described in detail in other official documents over the last three quarters of a century prior to the partition of
India. The Official Gazetteer of Sind published in Karachi in 1907, the Gazetteer of India of the Bombay Presidency published in 1909 and the Imperial Gazetteer of India published by the British Secretary of State for India in 1908, are all categorical about the Rann of Kutch being outside the Province of Sind. In all the documents of the Political Department of the then British Government of India in 1937, 1939 and 1942, defining the political charges of the various officials, the Rann of Kutch was invariably shown as falling within the Western India States Agency and never as falling within the province of Sind. As the House is aware, the entire Western India States Agency became part of India as a result of accession. The position is so clear that in the light of this, the attack on the Kutch border is a clear case of aggression by Pakistan. This aggression also fits into the pattern of Pakistan's aggressive behavior during the last few months. Pakistan has been resorting frequently to firing and clashes at several points on the Indo-Pakistan border, both in the East and in the West. She has shown an utter lack of responsibility and displayed amazing recklessness.

A few days ago, Prime Minister Wilson sent a message to me and I presume a similar message to President Ayub Khan, making certain proposals in the framework of which a cease-fire could be brought about. The Prime Minister of U.K. is still pursuing his efforts and, therefore, for obvious reasons, I am unable to say much more about this matter at this stage. I can, however, assure the House that in the exchanges I have had with Mr. Wilson and in any further exchanges, we shall not depart from the position that along with cease-fire there must be a restoration of the status quo ante.

Mr. Chairman, the Indian Government and the Indian people have no ill-will against the people of Pakistan. We wish them well and we would be happy to see them progress on the road to prosperity. We are aware that their prosperity as well as the prosperity of the people of India, of the 600 million people who inhabit this sub-continent, depends upon the preservation of peace. It is for this reason that we have adhered fervently to the path of peace all these years. A war in the Indian sub-continent may well undo the massive efforts which have been made in both countries to secure an improvement in the living standards of our people. The march in this direction has only just begun and there is a long way yet to go. But President Ayub has talked of a total war between India and Pakistan. We on our part have been greatly restrained not because we are unprepared to meet President Ayub's challenge but because we feel that reason and sanity should prevail over aggression and bellicosity. President Ayub seems to suggest that whereas his country has the right to commit aggression on Indian territories at will and at a point of its own choice, India must not take effective counter-measures. This thesis is totally unacceptable to us. The pattern of Pakistani activity is this: First raise a claim to neighbour's territory; suddenly mount an attack taking the neighbor by
surprise; launch an ingenious propaganda campaign to suggest that the action is only of a defensive character. I do want to urge President Ayub to think a little more carefully of the consequences of the line of action that he has chosen to pursue. So far the Pakistani aggression on the Kutch border has been met only by local defensive action to protect our territories. From the Indian side there have been no counter - measures and the aggression has, therefore, been a totally one-sided affair. We have restrained ourselves, but if the Government of Pakistan persists in its present aggressive posture, the Government of India will be left with no alternative except to think how best to defend the territorial integrity of the motherland.

Mr. Chairman, let me once again make the position of the Government of India perfectly clear. We will have no objection to ordering a cease - fire on the basis of a simultaneous agreement for the restoration of status quo ante. After the status quo ante has been restored, we will be willing to sit together with the representatives of Pakistan to demarcate the boundary in accordance with the well-settled and well-established dividing line between the erstwhile Province of Sind and the State of Kutch. At the same time, I must reiterate clearly and emphatically that the Government of India do not recognize that there is any territorial dispute about the Rann of Kutch. Let me also make it clear that the threat of total war held out by President Ayub will not deter us from performing our rightful duties. No Government in the world would be worth its name if it allows its own territories to be annexed by force by an aggressive neighbour. The Government of India know their responsibilities in the present situation and they are determined to discharge them most effectively.

Among the people there must be a real sense of unity. WE must give no quarter to the rumours that are sought to be circulated by anti social elements. I am greatly strengthened by the knowledge that the morale of our people is high and that every Indian today is prepared to make any sacrifice for defending the territorial integrity of India.

The Rann of Kutch has been and continues to be India’s territory. It has been in our possession according to Pakistan itself though Mr. Bhutto characteristically chooses to call it adverse possession. Pakistan now seeks to annex this territory by force. This we shall not allow. No Government in the world would allow that. We have acted with the greatest restraint so far but the sands of time are running out.

I shall say no more on this difficult situation. This is a testing time for our country and our people. I would say to our people: be united, feel the pride of belonging to a great nation, carry out your tasks with true dedication. Take no notice of the false Pakistani propaganda. Let us have faith in ourselves and in the great destiny of our country. I would now close by asking the House to declare that we all stand together united in defending our motherland.
2332. **Statement carried by the Chinese newsagency *Hsinhua* on Indo–Pakistan border conflict.**

**Peking, May 4, 1965.**

The Hsinhua News Agency is authorized to make the following statement on Indian–Government’s slander against China in connection with the Indo–Pakistan border conflict.

1. India has recently provoked armed conflict in the Rann of Kutch on the Indo–Pakistan border in an attempt to forcibly occupy this disputed territory by armed attack. Pakistan took self–defence measures and suggested that both sides effect ceasefire persisting in settling the border dispute through peaceful negotiations. However, the Indian Government went so far as to alert three services and busily deploying troops to the Rann. The Indian Navy carries out exercises in sea off the area. The Indian side even threatened that the military action against Pakistan would not be confined to the Rann alone and India was free to choose the time and place of attack. Meanwhile, the Indian Prime Minister, Shastri and other ranking Indian officials blatantly declared the China colluded with Pakistan in taking aggressive and hostile attitude towards India and the present conflict was engineered by China, behind the scenes. News bulletins distributed by the Indian diplomatic mission in other countries also spread the lie that China’s sabre is in Pakistan’s sheath, etc. Such lies and slanders by the Indian Government are sheer fabrication and entirely groundless.

2. It is common knowledge that the Indo–Pakistan border in the Rann of Kutch has never been delimited. The area is a disputed territory, left behind by history. The Indo–Pakistan agreement on West Pakistan–India border disputes signed by the two sides in New Delhi on January 11, 1960, clearly stipulates that the Rann is one of the disputed territories on the Indo–Pakistan border and the two countries agree to study relevant material and hold discussions later with a view to arriving at the settlement. However, the Indian Government has gone back on the agreement and claimed that the area is Indian territory and there is no dispute over it. It has sent troops to occupy the area and carried out armed provocation against Pakistan. This is the crux of the present Indo–Pakistan border conflict. Such action on the part of the Indian Government once again shows up India’s big nation chauvinism and expansionism. The position of the Indian Government on the border disputed with the neighbouring countries has always been truculent and unreasonable and one of rejecting peaceful negotiations. The logic of the Indian Government is ‘my territory is mine, yours is also mine, places I occupy are mine and those I want to occupy are also mine’.
In the prolonged Sino – Indian border disputes and repeated Sino – Indian border conflicts the Chinese Government has long had experience of the big nation chauvinist and expansionist logic of the Indian ruling circles. The Chinese Government and people fully sympathies with and support the solemn and just stand of Pakistan Government in opposing the Indian policy of military expansion and advocating settlement of the border disputes through peaceful negotiations.

3. The Indian reactionaries have, for years made use of the Sino – Indian border dispute and flaunted anti – China banner to solicit money and guns from U.S. imperialism and its followers, to engage in military expansions on all points of compass and to intensify suppression of democratic forces at home. The U.S. imperialism and its followers, on their part, have energetically supported the Indian reactionaries, by giving them money and guns to encourage India’s arms expansion and war preparations. They have done so not only to make India a pawn in anti China crusade but to back India in bullying its neighbouring countries so as to carry out their evil schemes of making Asians fight Asians and disrupting Afro – Asian solidarity. Events show that India’s neighbours have often been subjected to its bullying and interference. This perverse line of action followed by the Indian Government has made itself more isolated than ever before in the world and intensely hated by its own people. Yet, it still hypocritically tries to present itself as peaceful, neutral, and non – aligned. This can deceive no one. Now the Indian Government has provoked border conflict with Pakistan and tries to vilify China with a view to stirring up tension and distracting attention of its people. It will never succeed in this.

4. The Chinese Government strongly condemns the big nation chauvinist and expansionist policy of the Indian Government. We would like to advise the Indian Government to give primary consideration to the interests of the Indian people and to the Afro – Asian solidarity and thereby settle it’s disputed with neighbouring countries, through peaceful negotiations. It instead, it insists on having its own way and playing with fire and widens armed conflict it will certainly come to no good end.
The Government of India has seen the statement of May 4 issued by the New China News Agency on behalf of the Chinese Government in support of Pakistan’s aggression against India in the Rann of Kutch.

It is significant that this statement is more prompt and vehement than even the innumerable utterances of the Chinese Government on the grave situation in Vietnam. This is a demonstration of the aggressive partnership between the Chinese and Pakistan Governments against India. The Chinese statement contains a threat against India when it says that if armed conflict is widened “the Indian Government will definitely come to no good end.” This is nothing but an open incitement to Pakistan to persist in its aggressive occupation of Indian territory in the Rann of Kutch under the umbrella of a Chinese military threat against India and is further evidence of China’s collusion with Pakistan against India.

The Chinese and Pakistan Governments entertain a common hatred and a common hostility against India. Both have committed aggression against India in Kashmir; both have laid claims against Indian territory and grabbed a portion of it illegally; and both have constantly applied military, political and propaganda pressure against India in order to make India submit to their aggressive demands. It is, therefore, not surprising that the Chinese Government has come out with this statement supporting Pakistan in its aggression in the Rann of Kutch just as the Pakistan Government has come out in support of Chinese aggression against India.

The boundary between India and Pakistan in the Rann of Kutch is a well-established and delimited boundary. What Pakistan has tried is to assert its fantastic claim by use of force. The whole world knows that it’s Pakistan who launched an attack in the Rann, using considerable military force with tanks and heavy artillery, and that India had to send troops there purely in self-defense.

The world also knows that it is Pakistan who has used American tanks to fight Indian troops in this area – tanks which it has got under a military agreement with the United States and under the SEATO and CENTO pacts of which Pakistan is a founder-member and evidently China approves of this. To ignore these facts and to accuse India of fighting its neighbors with “U.S. imperialist arms” proves nothing but utter opportunism and cynicism of the Chinese Government in the field of international relations.
The Chinese Government has alleged that India is carrying out the “U.S. scheme of making Asians fight Asians and disrupting the Afro – Asian solidarity.” This is a mantle which falls fittingly on China and Pakistan who are fellow – aggressors against India. In committing aggression against India and in encouraging Pakistan to commit aggression against India it is the Chinese Government that is disrupting Afro – Asian solidarity and making Asians fight Asians. While paying lip service to Asian – African unity and the Bandung principles, the rulers of China are doing everything possible to subvert these principles.

In the statement issued by the New China News Agency, the Chinese Government had the presumption to advise the Government of India to give consideration to the interests of the Indian people and “settle its disputes with neighboring countries through peaceful negotiations.” The only two neighboring countries who have resorted to military action against India in defiance of international law and good neighbourly relations and refused to settle problems through peaceful negotiations are China and Pakistan. The Chinese Government’s “advice” should, therefore, have been addressed to itself and to the Government of Pakistan.

The world has not forgotten that the Chinese Government has suppressed by massive force the autonomy of Tibet and the elementary rights of the Tibetan people, has invaded India and is occupying large areas of its territory and is interfering in the internal affairs of sovereign states and indulging in subversive activities aimed at overthrowing the lawful governments of such states in Asia as well as in Africa.

The Chinese Government’s stand on Pakistani aggression in the Rann of Kutch is a reflection of its familiar technique of trying to change the established frontiers of states through the use of military force. This is contrary to the principles of peaceful coexistence and the principles of Bandung and the declaration of the Cairo conference of non – aligned nations. The people of Asia and Africa can see that China is unashamedly fomenting trouble and conflict in Asia and Africa. China has emerged as the greatest disruptive force in Asia, a chauvinistic and imperialist power which has made a mockery of the principles of peaceful coexistence and is trying to bully and intimidate its neighbours and other Asian and African countries.

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Border incidents have occurred on the section of the frontier between India and Pakistan in the area of Rann of Kutch, developing into an armed conflict. As reported by the foreign Press, the formal cause of the conflict was the different interpretation by India and Pakistan of the position of the frontier in the uninhabited district of Rann of Kutch. Large military units have now been concentrated in the area by both sides, with the result that the situation there has become tense.

It is not hard to understand, however, that a military solution of the conflict between India and Pakistan would be contrary to the interests of both states. The events in the Rann of Kutch area add to the tension in the relations between the two countries: their development, far from leading to a solution of the problem, is increasingly aggravating it. If the conflict is not extinguished, its continuing development will drain the forces of India and Pakistan and can lead to a great loss of life, endangering peace in Asia.

Only the imperialist circles of the Western powers are interested in such a development of events. As a rule these circles either come out as the direct instigators of military conflicts or set states at loggerheads by acting through others. They strive to create a tense situation in various parts of the world so as to hinder the development of states that have recently won independence, to suppress the national – liberation movement of the peoples.

Presumably, the need for a peaceful settlement of the Indo–Pakistani border conflicts is realized also by the leaders of both countries. The Head of the Government of India – a country, whose policy of non- – alignment finds broad international recognition – Lal Bahadur Shastri, as far back as April 16 stated that India was ready ‘to hold talks with Pakistan in as much as it always seeks to settle international conflicts by peaceful means’. Speaking in the Parliament of India on April 28 in connection with the event in the Kutch area, Prime Minister Shastri said: ‘We are prepared to go along the road of peace but we cannot go alone. Pakistan must decide to renounce military actions.’

For his part the President of Pakistan Mohammed Ayub Khan stated on April 27 that Pakistan ‘seeks to settle its differences peacefullly by negotiations’ and that ‘Kutch – the area of the latest incident – is not fit for life and not worth quarrelling about’; on May 1, he said, that Pakistan was ready ‘to sit at a conference table and settle the conflict peacefully.’
Tass has learned that Soviet official circles display an understanding of these statements. Questions of relations between two states, just as international problems involving the interests of many states, cannot now be solved with the help of arms. Proceeding from this position, the above–mentioned circles express hope that the Governments of India and Pakistan will display the necessary restraint and patience, will find ways of settling the conflict by peaceful means. It is sincerely hoped in the Soviet Union that the differences between India and Pakistan will be settled by them by way of direct talks with due consideration for the interests of both sides. Not only the peoples of India and Pakistan but also the cause of universal peace will stand to gain from such a settlement.

2335.  
SECRET

Record of the call by the United Kingdom High Commissioner on Foreign Secretary C. S. Jha and Cabinet Secretary Dharma Vira.  
New Delhi, May 17, 1965.

No. 4118 – FS/65.

Ministry of External Affairs

The U.K. High Commissioner saw me this afternoon at 4.30 p.m. The Cabinet Secretary, Shri Dharma Vira, was also present.

2. With reference to the Cabinet Secretary’s observation on the 15th, when he and C.S. last saw the U.K. High Commissioner, namely, that the Ministers were getting a little tired at this interminable consultations and drafts and counter drafts, the High Commissioner had reported to London and asked whether a stage had not come when the parties should talk directly and try to iron out their differences. This could be in London or elsewhere as agreed upon. The High Commissioner went on to say that he had received a reply from London to the effect that the U.K. Prime Minister felt that for the time being he should persevere with his efforts. Later, when he felt that there was no possibility of reaching agreement on certain points, he might either publish his own formulation of what should be a fair basis of agreement or request the two Governments to have talks in order to iron out their differences. Asked whether we would like
the U.K. Government to continue their efforts, the Cabinet Secretary and I said that we were appreciative of the efforts being made by the U.K. Prime Minister and the difficulty experienced by him in getting Pakistan to agree to his draft formulations, and that there was no suggestion on the part of our Government that the U.K. Prime Minister should give up his attempts.

3. Coming down to the draft handed by the U.K. High Commissioner on the 15th May at 6.00 p.m. (which was considered by the Emergency Committee of the Cabinet this morning), I made the oral comments as indicated in the paper below (not available). A copy of this was given to U.K. High Commissioner making it clear that we were not handing any formal paper but were only letting him have our oral comments with precision. The High Commissioner said that he fully understood this.

(C. S. Jha)
17-5-65

Foreign Minister.
Prime Minister.
Home Minister.

Finance Minister
Minister, Information & Broadcasting.
Defence Minister

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Record of the Call by the United Kingdom High Commissioner on Foreign Secretary C. S. Jha and Cabinet Secretary Dharma Vira.

New Delhi, May 19, 1965,

Ministry of External Affairs

The U.K. High Commissioner called on Cabinet Secretary and myself this evening at 6.45 p.m. at his request.

2. He said he had not come to deliver any paper or make any fresh proposals; he had only come to apprise us orally of certain difficulties that had arisen subsequent to our oral communication to them of 17th May. (Please see my note of 17.5.65 submitted to members of E.C.C.:Emergency Committee of cabinet). The High Commissioner said that the difficulty had arisen because Pakistan had a different view of what the status quo was prior to 1st January 1965 in regard to patrolling in the border area, from what had been put down in the British paper given to us on the 12th May. It would be recalled that in this paper the status quo regarding patrolling had been set down as follows:-

Clause 2.

(iv) Indian police may patrol on the track from Chhad Bet westwards along the northern edge of the Rann of Kutch to the River Nara;

(v) Pakistan police may patrol on the track along the northern edge of the Rann from Ding to Surai.

At the time that the proposal of the 12th May had been handed to the Pakistanis, the latter, according to the High Commissioner, had stated that they would comment on these two points after consulting their border police. Pakistan had now come forward with its version of the status quo as follows:-

"According to Pakistanis, Clause 2(IV) is incorrect and Clause 2(V) gives an incomplete picture.

(2) Actual position stated to have been as regards (IV) that Indian police patrolled from Karimshahi to the North East up to a point six thousand yards south of Pakistani post Vingoor; then eastwards to Gulu Talao (which is located six thousand yards South of old Customs track) and then South to Chhad Bet."
(3) Actual position stated to have been as regards sub para (B) that Pakistani police patrolled on track from Ding to Surai, and then to a point about seven thousand yards South of Rahim Ki Bazar (and sometimes down to Vigokot)."

3. The U.K. High Commissioner felt that this was so different from what they (the British) had formulated according to the best information that they had in London, in their paper of the 12th May, that they wished to consult us as to how we would like them to proceed. In this regard they have made certain suggestions which are enumerated in paragraph 4 of the Summary of oral communication which the High Commissioner handed to me this evening.

4. We asked the High Commissioner whether he could say that Pakistanis would accept the formulation of the 15th May in regard to paragraph 2(iv). We also asked him whether the Pakistanis had accepted the rest of the proposals made in the British paper of the 15th May. The High Commissioner promised to check up and give us an answer to these queries tomorrow morning.

5. In the course of talks, the High Commissioner also gave the following clarifications:

(i) The oral communication made by him to us was under instructions from London.

(ii) These instructions had been received after the High Commissioner had communicated our comments of the 17th May to them.

(iii) It was in anticipation of the kind of difficulty that had now arisen in regard to status quo concerning police patrolling, that they had offered to make the good offices of a British General available in their original proposals of 4th May. When we said that the services of third party were not necessary, they tried to spell out the status quo in terms of paragraph 2(iv) and (v) of the paper of the 12th May. But once they did that, they have come up against the Pakistan version which he appreciated was not likely to be acceptable to us.

6. The High Commissioner said that we could take our time over this matter and give him our considered views later.

7. The Summary of the oral communication made by the High Commissioner, the Pakistan view of status quo, and relevant extracts from the
British proposal of 4th, 12th and 15th May, which were handed by the High Commissioner, are attached.

(C.S.Jha)
19.5.1965

Separate Copies

P.M.
H.M.
Finance Minister
I & B Minister
Foreign Minister
Defence Minister

Copy to: Cabinet Secretary
   : Secretary to Prime Minister
   : Secretary to Prime Minister

SUMMARY OF ORAL COMMUNICATION ADDRESSED BY BRITISH HIGH COMMISSIONER TO FOREIGN SECRETARY 19 MAY, 1965.

1. Our proposals for status quo of 4 May (attached) were unprompted by either party. We foresaw difficulties of definition at that time hence our offer of British senior officer to assist.

2. Indian Government thought this offer unnecessary. Therefore our new proposal, Article 2 (i); (iv) and (v) of 12 May (attached). This was also unprompted and based on best information available to London about status quo.

3. Pakistanis after consultation with local police officials eventually objected to formulation of 12 May and defined the position as in attached note. Hence our reformulation of 15 May.

4. Thus there now seem to be three alternatives.
   (a) A general article such as was originally put forward on 4 May and re–formulated in our proposals of 15 May.
   (b) The two parties could try to settle now what were the actual routes of patrols. This would mean considerable delay in conclusion of agreement.
(c) We could stick to Article 2 (iv) as formulated in proposals of 15 May and state in confidential letter that although patrols on both sides have the right to undertake the patrolling they were doing before 31 December, 1964 never the less in order to avoid clashes during the period during which the border was being determined by the process set out in the agreement patrols on the Pakistani side would be limited to the Ding – Surai track and on the Indian side to the area between Karimshahi and Chhad Bet.

5. We should like advice as to how you would like us to proceed. We have no certainty whether the Pakistanis can be persuaded to accept (c) above.

6. We have been thinking about possible methods of signing agreement and confidential exchange of letters in due course. Following procedure would seem sensible to us and would, we believe, be acceptable to Pakistanis:

Signature to take place at either Ministerial or Secretary level.

Signatories not to meet in one place.

Precise time and date of signing to be agreed in advance and Indian and Pakistan representatives in Delhi and Rawalpindi respectively to sign three copies of each document in presence of respective British High Commissioner, copies subsequently provided to the other parties.

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PAKISTAN VIEW

According to Pakistanis, Clause 2 (IV) is incorrect and Clause 2 (V) gives an incomplete picture.

2. Actual position stated to have been as regards (IV) that Indian police patrolled from Karimshahi to the North East up to a point six thousand yards south of Pakistani post Vingoor; then eastwards to Gulu Talao (which is located six thousand yards South of old Customs Track) and then South to Chhad Bet.

3. Actual position stated to have been as regards sub para (V) that Pakistani police patrolled on track from Ding to Surai, and then to a point about seven thousand yards South of Rahim Ki Bazar (and sometimes down to Vigokot).

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Letter from High Commissioner in Pakistan G. Pathasarathi to Secretary to Prime Minister L. K. Jha.


High Commission for India
Karachi

No. HC/TS/45/65.  6th June, 1965

My dear L.K.,

In continuation of the telegram I sent from Rawalpindi yesterday, I enclose the record of my meeting with the President. As you will notice, we went over familiar points but I thought you should have full version, rather than a summary of the substance, so that you can judge for yourself the proper significance of what was said, or not said. I should add that, to the extent that mood and manner have their own significance, my personal impression was that the President was his customary confident self, and quite unemotional, but both he and Bhutto seemed a little drawn; and it might not be fanciful to sense that they had been under strain. The President talked cordially and unconcernedly but it was also noticeable that he did not seem particularly anxious to discuss Indo-Pakistani relations in general, and waited for me to start even the specific discussion on the present crisis. Too much need not be read into these touches of atmosphere, but perhaps I should record that at one point when I had occasion to refer to the deterioration of relations since last autumn, I mentioned that this was particularly unfortunate since it followed the Prime Minister’s meeting with the President in October last year, which Shastriji had thought was a good meeting and which he had hoped might lead on to more fruitful exchanges; there was no positive reaction from Ayub.

2. However, we have to consider facts rather than feelings. The main point that emerged from the meeting with Ayub was that, as regards the restoration of the status quo in the Rann there was room for manoeuvre, but on the need for an agreement on general disengagement the Pakistanis were insistent. This was confirmed during my subsequent meeting with Aziz Ahmed, the record of which is also enclosed. Much of this seemed an unnecessary exercise, but there were two points of significance:

(a) In the morning the President had spoken of the possibility of neither side patrolling in the Rann as offering the basis for a solution. Aziz Ahmed had then quickly tuned to his idea of a proviso that officials meet to sort out any conflict of patrolling rights. In the afternoon he dealt exclusively
with this, and the idea of both sides abstaining from patrolling was not mentioned. I had purposely not probed the President further on this as it involves obvious difficulties for us; I also did not remind Aziz Ahmed about it. Any formal agreement to abstain from patrolling might be misunderstood on our side. However, a tacit understanding to this effect could offer a way out so long as the formal position was not jeopardized. For instance, the May 15th British formula that both sides may patrol as before January 1st, meets our position without spelling anything out; if it were buttressed with a tacit understanding that conflicts in patrolling would be avoided, there would seem to be a possibility here of finding a mutually acceptable formula. Whether this could include the amendment about officials meeting to work out arrangements, as Aziz Ahmed suggested, is a more doubtful question. Everything would depend on the spirit in which the agreement was worked. If the Pakistanis were to send patrols so as to establish their rights by the very fact of coming into conflict with our patrols, we could have endless trouble. If however the Pakistanis can be persuaded that in fact there would be no patrolling during the next few months and meanwhile the whole question would go into the automatic processes for a final settlement, then a suitable formula could be devised.

(b) In the morning meeting Ayub had said a general programme for disengagement would be necessary, but it would be sufficient if it were in general terms. In the afternoon Aziz Ahmed said that what the President had in mind was for the G.H.Qs. of both sides to get into touch and agree on the broad pattern of withdrawal. However, both Aziz and Ayub himself had said they accepted Wilson’s disengagement draft; this does not call for any programme but merely says that “necessary arrangements to this end shall be set in train forthwith”. I purposely did not enter into argument with Aziz Ahmed but there is room here for further discussion if Government feel that we can or should make any proposals on the disengagement issue.

3. The President was certainly emphatic that progress depended on our “seeing reason” regarding the need for a disengagement agreement. We have to consider what the Pakistani motives can be in digging their toes in on this point. They could simply be trying to wear us down and also show to their own people that, in contrast, to previous Governments, the Ayub regime knows how to “stand up to India”; they could be genuinely apprehensive about our intentions and seeking guarantees because of real fears; they could be preparing to exploit the situation, either for diplomatic and propaganda purposes or for the more sinister purpose of starting trouble in Kashmir and blaming it on the inevitable “spark” which was bound to be struck as a result of the confrontation. Doubtless
our Intelligence authorities are especially alert to warnings about this eventuality. For the rest, the question for us to decide is whether we should stick to a firm line of having no truck with the Pakistanis till they sign an agreement on the Rann, or whether we should manoeuvre for a settlement involving some commitment on disengagement. If the latter course seems preferable, then one possibility which might be considered is to tell Ayub that we cannot agree to a formal agreement on disengagement for various reasons, including the question of principle that the disposition of troops on one's own territory cannot be the subject of an international agreement, but that as soon as an agreement on restoring the status quo in Kutch is signed there can be an exchange of letters between the Prime Minister and President, in which each could welcome this peaceful measure and add that, in view of it, and of the desire to contribute to a further reduction of tension the Government concerned was ordering the return of its forces to their normal stations.

4. My call on the President has in a sense reestablished direct contact between the two Governments. We now have to decide both the matter of substance, as to the use to which these direct contacts should now be put, and also the matter of form, as to what the next contact should be. The President will be leaving Pakistan on June 13 and will be back only after the Algiers Conference. It is for decision whether anything further should be communicated to him in the form of concrete proposals or whether we should invite him to meet the Prime Minister in London. I shall be grateful for appropriate instructions as soon as possible. I would also like to have Government's views on the points raised by Aziz Ahmed.

5. Incidentally, Morris James was in Rawalpindi for another round of talks with Aziz. I saw him before calling on the President in order to find out what the latest position was on the British side. He explained they were still discussing these two problems of defining the status quo and ensuring disengagement and were wondering how to progress; he was due to see Aziz later. He called on me in the evening to say that nothing new was discussed with Aziz but the latter had said there had been a useful meeting with me in the morning. In order not to have any crossing of wires with the British, and also lest Aziz had given some slanted version of my meeting with the President, I told Morris James that I had used my farewell call to try and have direct contact with the President to see what chances there were following up the British initiative, and gave him a very brief outline of my talks without going into details.

6. I enclose an additional set of these papers (this letter and the records of the meeting with Ayub and with Aziz Ahmed) for the Foreign Secretary to whom you may kindly pass them on.
With kind regards,

Yours sincerely

(G. Parthasarathi)

Shri L.K. Jha,
Secretary to the Prime Minister,
Prime Minister’s Secretariat,
New Delhi

P.S.

I have just learnt that the telegram that I sent yesterday from Rawalpindi after my meeting with the President has not been transmitted. I am having it repeated to you today from Karachi.

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A record of meeting with President Ayub Khan at Rawalpindi on June 5th, 1965.

I saw President Ayub Khan for one hour at Rawalpindi on June 5th. Bhutto and Aziz Ahmed were present. I had taken Shankar Bajpai with me. I explained that since the President would be leaving on tour abroad in few days and I might be leaving Pakistan before his return, I wanted to say farewell and also take advantage of the opportunity to discuss the crisis arising from developments in the Rann of Kutch. I said I had been to Delhi last week and had met Prime Minister and Foreign Minister, and I knew how seriously the Government of India viewed the present situation. As Prime Minister had stated publicly and also in exchanges with the British, we sincerely wanted to settle our problems with Pakistan peacefully and had been hoping that the various proposals we had accepted for a solution of the Sind – Kutch border issue would lead to a lowering of tension, but unfortunately we found that each time we were practically on the verge of agreement some new difficulty arose in Pakistan’s position, and today we were still without any solution. The British had been trying to resolve our differences and we were both grateful for their efforts, but since we seemed to be stuck I thought during my visit I might hear the President’s views on the present situation and the way out of it, and also give him the Government of India’s views.

2. Ayub spoke first about the points of difference regarding the restoration of the status quo ante in the Rann of Kutch. He said he had instructed Aziz Ahmed to iron out difficulties because he did not want efforts for a solution to flounder on claims pressed by local officials. Even when it was reported to him
that the officials concerned had clear evidence that Pakistan had patrolled deep in the Rann around Kanjarkot he had insisted on seeing them himself to make sure that they were not exaggerating. He had found them convincing and had also made them explain the case to the British High Commissioner. The area involved was a very small corner of the Rann and he could not understand why India should make such a big issue of denying Pakistan patrolling rights in even this little area. Whatever we might claim, Pakistan had been exercising jurisdiction around Kanjarkot for years, yet since our Prime Minister had gone on record that there would be no talks unless Pakistan withdrew from Kanjarkot, in order to help our position Pakistan had, of its own accord, agreed not to have a post at Kanjarkot. India however evidently wanted to establish claims to patrol an area which Pakistan had always patrolled. The argument seemed so petty, particularly as the agreement which was thus being held up would soon settle the major issue and make this point meaningless. (The President also said in passing that no patrolling would be possible for the next few months anyway.) In short, he could not understand why this minor point should become such a major obstacle.

3. I said that we on our part were wondering in precisely the same way why Pakistan was creating difficulties over this issue. Our position was simply that the *status quo* should be restored, and from Bhutto's own statement of April 15th, it was clear that the *status quo* meant India's possession of what Pakistan chose to call disputed territory. (Bhutto said he had never said this, but when we produced his speech he quickly slurred over it as not bearing the meaning we gave it). I added that we had made a number of concessions, and had agreed on the processes for a settlement of the main problem, but this essential precondition, which was in accordance with Pakistan's own April 13th proposal, was not being met. Pakistan might satisfy herself that she had been patrolling the Kanjarkot area as she claimed, but we also knew that we had been patrolling there without being challenged. We had some argument about this, with Aziz Ahmed and Bhutto trying to go into details, but the President intervened to say that it seemed to be a matter which human ingenuity should be able to sort out. Pakistan for instance was prepared not to patrol in the area if India also agreed not to, and had made an offer to this effect. When I expressed surprise as no such offer had been put to us, Aziz Ahmed intervened to say that he had made another proposal to the British, namely, that the patrolling rights need not be spelled out but left in general terms which did not damage the claims of either side, with the addition of a proviso that if in the exercise of the rights any conflict arose, officials of both sides should meet to resolve the problem on a practical basis, it being specified that arrangements made would be without prejudice to the formal claims of either side. Aziz Ahmed added that there was now also the idea suggested by the President of both sides agreeing not to patrol. I started to point out the objection to any abandonment of rights implicit in an agreement.
to the effect that there would be no patrolling, but Bhutto intervened to say it was all really a drafting problem which could be sorted out if there was a genuine desire for agreement. Ayub said that was the real question. I said that the desire was very much there on our side, which was why I was having this discussion, but certain rights could not be given up. President said what he had suggested would leave India in Chhad Bet while Pakistan would withdraw from Kanjarkot, which meant India would retain her presence in the Rann while Pakistan would give up her’s entirely; he thought this should be more than adequate for us. There were further remarks about the problem not being insoluble, and discussion on this aspect ended with Aziz Ahmed offering to discuss it further with me in the afternoon.

4. We next turned to the question of disengagement, and I explained how in our view this should not be tied up with a Kutch settlement. Any confrontation of forces was the direct consequence of Pakistan’s violation of the status quo in the Rann, and should she agree to restore that status quo there would be an automatic lowering of tension and a general disengagement. Pakistan could rest assured of our sincere desire to reduce tension and our willingness to proceed with disengagement once the Kutch status quo was restored, but we could not agree to a formal agreement on such disengagement as a precondition to, or part of, an agreement on the Rann. Ayub at once said he could not understand what possible objection we could have. It was true that the present situation had arisen because of the conflict in the Rann but that was now a relatively small point of danger compared to the risk of a really major conflict developing out of the two armies facing each other with weapons ready for action. The slightest incident between them could give rise to fatal consequences. This confrontation and the Kutch issue had thus become part of a whole new situation which needed the most urgent solution. Pakistan did not want war, he wanted us to be very sure of this; but our army was in menacing deployment and a little local mistake could spark off war without either side wanting it, and if there was a war it would be a terrible one, we should also realize that. It was therefore only reasonable for the two Governments to tackle this danger. Given the acute suspicion and mistrust that had grown up between the two sides, neither side could be expected to withdraw any forces without at least a general programme being agreed to in advance. He was sure our soldiers would want to sit tight till they saw the Pakistanis move back, and naturally Pakistan would want to be sure we were withdrawing before they started to pull back. I said this raised the very question of how each side could satisfy the other in a formal agreement that a disengagement would be effected. If the two sides were to spell out which battalion should go back to which station, we would not only be negotiating over matters which were theoretically confidential for each side but which involved its sovereign right to dispose of its own forces on its own territory. Moreover, if it took so long to determine what forces could be where in the
Rann, the difficulty of sorting out the predisposition of troops from all over the frontiers would be endless and the whole discussion would get bogged down without any settlement regarding Kutch having been put into effect. We on our part also knew of Pakistan’s heavy deployment of forces against us and would certainly be willing to work out a suitable disengagement but first things must come first and that meant a settlement of the Rann issue. In point of fact, the whole problem of restoring tranquility on the borders between India and Pakistan and along the cease – fire line in Kashmir was most important, and we had agreed last year to meeting to deal with it on November 2, 1964, but Pakistan had cancelled it at the last minute and showed no desire to take it up again. On the contrary, the present tension had been created, of which the most important was the Rann of Kutch. If Pakistan was genuinely concerned about these tensions, she should agree to restore the status quo, and in the improvement of the atmosphere that would automatically follow we would be glad to revive the meeting arranged last year to restore tranquility on the borders.

5. We had some short arguments about what was really meant by first things first (the President being quick to ask, when I referred to the cease – fire line, “what about Kashmir itself”) but these were incidental. When the President referred to the danger of war I drew attention to our offer of a ‘No – War’ Pact, but he dismissed it as though it was joke, adding “Let us settle our problems and then we can have a No War Pact”. On the main question of disengagement, he repeated that it was not reasonable for India to refuse to restore the status quo in the areas of really dangerous confrontation while insisting on forcing Pakistan to restore the status quo in Kutch. He said he wholly failed to see what were our objections. Nobody wanted detailed discussion on which units should be moved to which station; all that was necessary was an understanding in general terms to disengage according to some broad programme, the adherence to which could convince each side that the other was honouring her commitments. Unfortunately, neither side was able to trust the other, and some such definite understanding was necessary. Once India saw the logic of this, it would be easy to work out satisfactory agreements regarding the Rann.

6. To my comment that Pakistan’s stand meant that she would not withdraw from the Rann unless India agreed to a general withdrawal of troops, which in turn meant an attempt to coerce us, Ayub replied very emphatically “No Sir, it is India which is trying to coerce us”. He again said he of all people knew what war would mean, and could assure us he wanted no such disaster for either country. Pakistan was keen on a peaceful settlement but why was India so adamant in trying “to hide” the need for disengagement? Any rational analysis of the present situation was bound to conclude that his general confrontation was the greatest danger, and Pakistan was not asking anything extraordinary.
in wanting a formal assurance that once she withdrew from Kutch, the confrontation would not be kept up on some other pretext. I again explained that we emphatically did not want war, and once Pakistan agreed to restore the Kutch status quo there would be no reason for any confrontation, but Ayub merely repeated that if we felt this way why did we hesitate to write it in to a formal agreement. I said we had already agreed to indicate our sincere desire for lowering of tension in the preamble of the last British formulation. Ayub persisted in asking why did not we accept the full British disengagement proposal. I repeated our stand that the Kutch problem should not be linked up with other matters. Ayub said Pakistan did not want to link up any other issue whatsoever, though he thought it was a pity to let disputes about border areas continue; eventually it would be sensible for both Governments to get rid of these sources of friction, as in the past Sheikh – Swaran Singh agreements. (In this context we talked briefly of the enclaves in the East, Berubari, Lathitilla etc.). But it was far from Pakistan’s intention to raise any such matters at present. All he wanted was what any realistic appraisal would show, namely, that the Kutch situation was now a small part of a much more dangerous confrontation; it might be true that the confrontation developed from what happened in the Rann but it was not reasonable to expect Pakistan to trust us to withdraw merely on word of mouth; we were trying to restore the status quo in the Rann and he could see no rational objection to our simultaneously agreeing to restore the status quo which had been changed all along the frontiers.

7. The discussion terminated at this point, as the President had to receive the Soviet Cultural Minister. However, he said he felt sensible people should be able to work out a solution, and Bhutto and Aziz Ahmed would be available for further discussion. As I was leaving, the President expressed the usual sentiments, wishing me well for the future.

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TOP SECRET

A Record of a meeting of High Commissioner G. Parthasarathy with Mr. Aziz Ahmed in Rawalpindi 5.00 to 5.30 P.M. on June 5, 1965.

Pursuant to his offer made during the meeting with President Ayub in the morning to discuss further Pakistan’s position regarding the status quo ante in the Rann of Kutch, Aziz Ahmed produced a map on which, he said, the Pakistani officials concerned with the area, had drawn up the lines of patrolling actually followed by both sides before January, 1965. The map showed the Pakistanis as following the track along the northern edge of the Rann (which follows the border as we maintain it to be) until it reaches the DING – SURAI Sector, where the Pakistani
line was shown as following the southern arc, taking in Kanjarkot on their side. For the Indian patrols, this Pakistani map showed a track coming north-west from Chhad Bet to a point roughly a mile south of the frontier and from there running westward parallel to the frontier track until it reaches a point due south of the Pakistani post of VINGOOR; from there it turns south – east to Karim Shahi. The point made by Aziz Ahmed was that the British formulation of May 10th would have authorized India to patrol the track along the northern edge of the Rann westward to the river NARA, and Pakistan had investigated the facts fully to show that India had never patrolled along this track, but only along a track south of it, and that too never westward of VINGOOR; in other words, a triangular corner in the north – west around Kanjarkot had never been patrolled by the Indians. Aziz Ahmed said that when he pointed this out to the British High Commissioner to justify Pakistan’s objection to the May 10th formula, Sir Morris James had challenged the Pakistani claim that the Indians had never come west of VINGOOR by referring to the May 1964 incident, when our patrols had an exchange with the Pakistanis as to whom Kanjarkot belonged to. Aziz Ahmed said they further looked into the facts, and the Pakistani officials had pointed out that the Indian patrol which came to Kanjarkot in May 1964, had not come westward from Vingoor (in which case it would have been seen by the various Pakistani posts between Vingoor and Kanjarkot), but had appeared straight from the south, apparently coming north from Karim Shahi via Vigaykot, and had been seen for the first time only by the patrol sent out by the Pakistanis from Rahim Ki Bazar. In brief, the Pakistanis were clear that the area immediately to the south and east of Kanjarkot had been patrolled by their side, and the Indians had never come westward of Vingoor, that was why the Pakistanis could not accept the May 10th formula and why they had been unable to abandon their right to patrol in this area.

2. Aziz Ahmed went on to say that in spite of this factual position, Pakistan was willing to try and find a formula satisfactory to India and he had thought a great deal how this might be achieved. He felt the May 15th formula of the British which allow both sides to patrol as they had been doing before January 1st, 1965, without specifying what patrolling they were entitled to, was a suitable basis for settlement; the only difficulty about it was that some additional proviso would be necessary to deal with the situation that might arise in case the patrolling rights sought to be put into effect by either side brought about a conflict in practice. He had, therefore, after much careful thought, suggested to the British a proviso to the May 15th formula, to the effect that if such a conflict of patrolling rights ever arose, officials of both sides should meet to work out a practical solution, which would be without prejudice to the claims of either Government. Aziz Ahmed did not spell this out, but he said something, not very clear, about both Governments instructing their officials to ensure that the actual patrolling
was carried out in such a way that the two sides did not get into conflict. What he seemed to have in mind was that if at any stage an Indian patrol ran into a Pakistani patrol, there should immediately be a meeting of officials concerned to work out patrolling arrangements, which would not bring the two sides into physical contact; presumably, it would mean a working arrangement that the two sides patrol on different days, it being specified that this would not prejudice either side's actual claim. Aziz Ahmed said he had given a possible draft to this effect to the British a few days ago, and he understood it would be discussed with us in Delhi. Pakistan Government would be interested to have our reaction. He added that Pakistan was anxious to find a way out of this impasse over patrolling and would welcome any alternative proposals from us.

3. Aziz Ahmed then said, the other question, which had been discussed with the President in the morning, was disengagement and on this he would like to mention the following. He heard that India was very disturbed that an agreement seemed in sight and then suddenly Pakistan started raising new objections; he could see the superficial justification for this, but that did not take account of the new developments which had been taking place while discussions had been going on. When the British High Commissioner had come about 3 weeks ago, to urge the President not to delay a settlement in the Rann, the President had asked him bluntly, what he was talking about; did he not realize that the Rann of Kutch was a "flea–bite", it was along the other frontiers that the fighting would take place because of the confrontation that had developed, and it was there that disengagement was necessary. The President was quite emphatic that a tremendous concentration of troops had been going on, on the Indian side, and consequently on the Pakistani side, and in comparison to that the Rann of Kutch was no danger at all. If the British wanted to ensure peace between the two countries, they should give their full attention to bringing about a disengagement along these other frontiers. Side by side with this determination to seek a general disengagement, the Pakistan Government had also been exercising the utmost restraint to try and avoid having a little spark set off a major catastrophe. Aziz Ahmed said, for example, Indian planes had been very provocatively violating Pakistani air space, but Pakistan had put up with it. One day an Indian plane flew over the SULAIMANKI Head–works for half an hour; on another occasion, an Indian plane hung around for 45 minutes over the Pakistani cantonment of KHARIAN. It would have been easy enough to shoot down the Indian plane, but the Pakistanis confined their reaction to Protest Notes Regarding the Kharian over – flight. Aziz Ahmed said the Pakistani Air Force were most agitated and wanted permission to bring the Indian plane down. Aziz Ahmed claimed, he told them not to do anything of the sort, but P.A.F. then said the Army at Kharian was very upset and insisted that the Air Force do something; Aziz Ahmed claimed, he then sought instructions from the
President, who simply said his orders that the Pakistani forces should avoid all action which might aggravate the situation, had to be carried out without fail. When the feelings of the Army and Air Force were conveyed to him, the President said the plane over Kharian should be left undisturbed, but the Foreign Office should tell the Indians, the British and the Americans, that if one more Indian plane intruded in this way, the Pakistani Air Force would in future have to exercise its own discretion of what action to take. Fortunately, no Indian plane had intruded since this was conveyed to us, but the point was that Pakistan had been strictly following a policy of avoiding action to aggravate the situation. Nevertheless, the situation persisted and was in itself so dangerous that some little mistake could spark off a war. That was why the President was so insistent on disengagement being extended all along the frontiers; the President realized the difficulties, and he knew that it would take time for the forces to withdraw; Pakistan also did not claim the right to decide what station the Indian forces should withdraw to; each side, doubtless, had information as to the normal stations for the forces of the other, but in reverting to the status quo, it was for each Government to decide what withdrawal would constitute the restoration of status quo. The other Government could not interfere, but both sides knew very well what was disengagement and what was not, and that was why the President had been insisting in the morning, that there must be some general programme. Aziz Ahmed now added that, in fact, the President felt the two G.H.Qs would have to get into touch with each other to work out such a broad programme and doubtless it would take many weeks for the disengagement to be effective. However, some agreement, such as proposed by Mr. Wilson, was acceptable to Pakistan and should be acceptable to India. (Aziz Ahmed produced the draft on disengagement prepared by the British which, in the version shown by him, read that the withdrawal of the forces should be completed “as soon as possible”. Aziz Ahmed had struck out these words and substituted the amendment “within a month”. The draft given by the British in New Delhi reads as amended by the Pakistanis. Aziz Ahmed said a month might not be enough, but that could be easily settled once India accepted the main fact that an agreement on disengagement was necessary.

4. Aziz Ahmed concluded with two further points:

(a) He noticed that India was complaining that Pakistan was holding up settlements. The actual fact was that Pakistan was very willing to work out a satisfactory agreement regarding the Rann as soon as possible, but India was avoiding the main issue, which was the need for general disengagement.
He also noticed that India had some feeling that Pakistan wanted to use the Kutch discussions as some sort of pretext for dragging in other issues. This was totally incorrect. Pakistan had never mentioned any other item, not even the border disputes that flared up from time to time in other areas. His Government had no desire whatsoever to raise other matters, but simply wanted a general disengagement and nothing more. The only point they insisted on was that this general disengagement was not “another issue”, but part and parcel of the problem which required immediate attention.

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2338. Agreement between the Government of India and the Government of Pakistan relating to Cease – Fire and the Restoration of the status quo as on 1 January 1965 in the Gujarat/West Pakistan Border and Determination of the Border in that Area.

New Delhi, June 30, 1965.

Whereas both the Governments of India and Pakistan have agreed to a cease – fire and to restoration of the status quo as at 1st January 1965 in the area of the Gujarat/ West Pakistan Border, in the confidence that this will also contribute to a reduction of the present tension along the entire Indo – Pakistan border;

Whereas it is necessary that after the status quo has been established in the aforesaid Gujarat/ West Pakistan border area, arrangements should be made for determination and demarcation of the border in that area;

Now therefore, the two Governments agree that the following action shall be taken in regard to the said area;

Article 1

There shall be an immediate cease – fire with effect from 0030 hrs GMT, 1 July, 1965.

Article 2

On the cease – fire:
All troops on both sides will immediately begin to withdraw;

This process will be completed within seven days;

Indian police may then re-occupy the post at Chhad Bet in strength no greater than that employed at the post on 31 December 1964;

Indian and Pakistan police may patrol on the tracks on which they were patrolling prior to 1 January 1965, provided that their patrolling will not exceed in intensity that which they were doing prior to 1st January 1965 and during the monsoon period will not exceed in intensity that done during the monsoon period of 1964;

If patrols of Indian and Pakistan police should come into contact they will not interfere with each other, and in particular will act in accordance with West Pakistan/India border ground rules agreed to in January 1960;

Officials of the two Governments will meet immediately after the cease–fire and from time to time thereafter as may prove desirable in order to consider whether any problems arise in the implementation of the provisions of paragraphs (iii) to (v) above and to agree on the settlement of any such problem.

Article 3

In view of the fact that:

(A) India claims that there is no territorial dispute as there is a well established boundary running roughly along the northern edge of the Rann of Kutch as shown in the prepartition maps, which needs to be demarcated on the ground;

(B) Pakistan claims that the border between India and Pakistan in the Rann of Kutch runs roughly along the 24th Parallel as is clear from several pre–partition and post–partition documents and therefore the dispute involves some 3,500 square miles of territory;

(C) At discussions in January 1960, it was agreed by Ministers of the two Governments that they would each collect further data, regarding, the Kutch – Sind boundary and that further discussions would be held later with a view to arriving at a settlement of this dispute; as soon as officials have finished the task referred to in Article 2(vi), which in any case will not be later than one month after the cease – fire, Ministers of the two Governments will meet in order to agree on the determination of the border in the light of
their respective claims, and the arrangements for its demarcation. At this meeting and at any proceeding before the Tribunal referred to in Article 3(ii) and (iv) below, each Government will be free to present and develop their case in full.

(ii) In the event of no agreement between the Ministers of the two Governments on the determination of the border being reached within two months of the cease – fire, the two Governments shall, as contemplated in the joint communiqué of 24 October 1959, have recourse to the Tribunal referred to in (iii) below for determination of the border in the light of their respective claims and evidence produced before it and the decision of the Tribunal shall be final and binding on both parties.

(iii) For this purpose there will be constituted, within four months of the cease – fire, a Tribunal consisting of three persons, none of whom would be a national of either India or Pakistan. One member shall be nominated by each Government and the third member, who will be the Chairman, shall be jointly selected by the two Governments. In the event of the two Governments failing to agree on the selection of the Chairman within three months of the cease – fire they shall request the Secretary – General of the United Nations to nominate the Chairman.

(iv) The decision of the Tribunal referred to in (iii) above shall be binding on both Governments, and shall not be questioned on any ground whatsoever. Both Governments undertake to implement the findings of the Tribunal in full as quickly as possible and shall refer to the Tribunal for decision of any difficulties which may arise between them in the implementation of these findings. For that purpose the Tribunal shall remain in being until its findings have been implemented in full.

In Witness Whereof the undersigned have signed the present Agreement.

Done in duplicate at New Delhi, this thirtieth day of June 1965 in the English Language.

For the Government of India For the Government of Pakistan
(Sd/-) (Sd/-)
M. Azim Husain M.A. Husain

Dated: 30 – 06 – 1965

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2339.  

Note of the Ministry of External Affairs on Agreement signed by the Governments of India and Pakistan on the 30\textsuperscript{th} June, 1965 agreeing to a cease – fire and the restoration of status quo as of 1\textsuperscript{st} January, 1965, in the area of Gujarat/West Pakistan border.

Missions are aware that an Agreement was signed between the Governments of India and Pakistan on 30\textsuperscript{th} June, 1965, at New Delhi for a cease–fire with effect from 0030 hrs. G.M.T.: 1\textsuperscript{st} July, 1965. This agreement provided for the restoration of status quo as on 1\textsuperscript{st} January, 1965, in the area of the Gujarat/ West Pakistan border. A similar Agreement was also signed on the same date in Karachi.

2. India had been greatly concerned all these months because of Pakistan aggression on India soil across the Kutch border. Unfortunately, relations between the two countries had not been cordial lately and the situation further deteriorated by an armed attack along our Gujarat border, specially at a time when it was only guarded by the Border Police Force. We took all necessary steps to defend our territorial integrity. We also made it clear that aggression had to be vacated and that too with the minimum of delay, if escalation of the conflict was to be avoided.

3. The British Prime Minister offered his good offices to prevent the situation from getting out of control totally. We made it abundantly clear that there could be no cease–fire without a simultaneous Agreement about the vacation of aggression and the restoration of status quo ante as on 1\textsuperscript{st} January, 1965. We have always been opposed to the enjoyment of the fruits of aggression by any aggressor and our basic stand on this issue was stated more than once in Parliament.

4. The Agreement of the 30\textsuperscript{th} June, 1965, vindicates India’s position that negotiations should take place after Pakistan aggression is vacated and the status quo as on 1\textsuperscript{st} January, 1965, restored. It is our conviction that this Agreement, which has been facilitated by the patient and quiet efforts of the Prime Minister of the United Kingdom, is in conformity with the pledge given by our Government to Parliament.

5. Pakistan has agreed to withdraw its forces from Indian territory beyond the Kutch – Sind international boundary. On our part, we have indicated that since we have no desire to keep up a war – like atmosphere, we would withdraw our troops from the Rann of Kutch.
6. India’s right to police patrolling of the Rann of Kutch up to the international boundary and to restore civil administration in the area has been recognized. Indian police would return to the positions they occupied before 1st January, 1965. Under the agreement we have the right to patrol up to Kanjarkot while Pakistan has had to vacate it and cannot now send any patrols there. We have thus won our point on this issue which had assumed so much prominence. It may be noted that there will now be no Pakistani military or police post in the Rann of Kutch. Thus the forcible occupation of territory in this area by Pakistan has been fully vacated.

7. Pakistan has, of course, gained the right to police patrolling of the Ding-Surai track, which in a small sector passes through our territory. This was part of the restoration of the status quo ante as on 1st January, 1965. This police patrolling on a specific limited track is the only right available to Pakistan under the Agreement so far as the Rann of Kutch is concerned. India will continue to patrol from Chadbet to Kanjarkot via Karimshahi. That patrol track passes by Biarbet and Vigokot. We will also reestablish our earlier police posts. India’s civil control over this area will thus be fully restored. Precautions have been taken to ensure that clashes between police patrol parties of the two countries are avoided. There is a clause in the Agreement that if police parties come into contact they will not interfere with each other and will act in accordance with the established Ground Rules.

8. Regarding withdrawal of troops from this area, the significant feature of the Agreement is that troops should not be confronting each other. Vigokot post was established after 1st January, 1965, and was situated about 7 miles south of the border. Sardar post was established on the 13th March, 1965, about 2 miles south of the border. As there were no Indian posts in these two places before 1st January, 1965, the Indian army has withdrawn from there. In this respect, we should bear in mind the physical features of the Rann of Kutch. Practically the whole of the Rann of Kutch gets waterlogged during the monsoon. Therefore, the withdrawal of Indian troops is not of any immediate practical significance. In any event, the Indian police posts along the border will have necessary backing if any need arises. According to the Agreement, the Indian Army shall vacate Chadbet post and the Police will take up this post again.

9. Pakistan has gained two points. One is the right to patrol the Ding-Surai track which Pakistan had constructed through Indian territory. This had to be conceded because Pakistan produced conclusive evidence to prove that they were patrolling that track before 1st January, 1965. But India has agreed to Pakistan patrolling of Ding-Surai track without prejudice to its claim that the area north of it belongs to it. This will be discussed during the negotiations at the Minister level meeting. The other point which Pakistan has gained is the recognition of its claim for a border in the Rann of Kutch proper.
10. The Cease–fire Agreement will not, perhaps, satisfy all critics but then no Agreement does so. We have accepted this Agreement because of our belief and conviction in the genuineness of our case. It would not have been in our interests to allow tensions to continue. India and Pakistan were virtually at war on the Gujarat–Sind border. It was, therefore, necessary to see that the situation did not escalate further. As such, in order to arrive at a settlement, an element of “Give and Take” had to be accepted.

11. The Cease–fire Agreement contemplates meetings between officials of India and Pakistan to resolve any problems that may arise in connection with the withdrawal of the troops and the resumption of police patrolling. Such a meeting has not taken place as yet but may in due course. In the interim we are preparing our case for the meeting of Ministers. They must conclude discussions by the end of August 1965. Failing an agreement between the Ministers about the border, the matter will have to be referred to a Tribunal of three persons neither of whom will be a national of either country. The composition of this Tribunal has to be settled by the end of September and the Tribunal is to assemble by the end of October 1965.

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Letter from Ministry of External Affairs to Heads of Indian Mission abroad.

New Delhi, July 14, 1965.

Ministry of External Affairs
New Delhi


B. Deva Rao,
Director (Pak)

Subject: Pakistani aggression on Gujarat—Agreement of the 30th June, 1965.

Dear Ambassador/High Commissioner/Charge d’Affaires,

Pakistani propaganda has been trying, sometimes subtly and often quite brazenly, to misrepresent the Agreement of the 30th June as a triumph for Pakistan’s strength and wisdom. The Minister of Information Shahabuddin sang a paean of praise of the Field Marshal for this achievement.

2. The Pakistani line of misrepresentation is as follows:

(a) That Pakistan has brought India to admit a dispute not only over the demarcation of the border but over 3,500 square miles of territory:

(b) That Pakistan has made India accept the principle of arbitration for the first time: and

(c) That Pakistan has prevailed on India to agree to a general disengagement along with a disengagement in the Kutch area.

3. These propagandist misinterpretations should be refuted on the following lines:

(i) Nowhere in the Agreement has India conceded that there is a dispute over 3500 square miles of territory. The text of the Agreement merely states the formal claims of the two sides. These claims were precisely those advanced in the series of notes exchanged between the two Governments from 1949 onwards and also during the conference of January 1960. Throughout these exchanges Pakistan claimed that there was a dispute over the northern half of the Rann; the Government of India rejected this claim and maintained that the only matter to be
settled was the demarcation of the boundary on the ground. This position has in no way been altered by the Agreement of the 30th June: on the contrary it has been reaffirmed. The Government of India have maintained the position which they have held all along, that their sovereignty over the Rann of Kutch is not in dispute. Nevertheless, they have always been ready to discuss any points which Pakistan might wish to raise. The latest accord constitutes absolutely no departure from this stand.

(ii) It is not correct to claim that India has now accepted the principle of arbitration for the first time. In point of fact, the agreement of 30th June, 1965 contains no reference to arbitration. If the two Governments fail to agree by direct negotiation, the issue will be referred for settlement to an impartial tribunal. This reference to an impartial tribunal not only has precedent in other Indo-Pakistan border issues: (such as those settled by the Bagge Award), but is also specifically provided for in the October 1959 Indo-Pakistan border issues: in which the two Governments agreed that “all outstanding boundary disputes raised so far” should be referred to an impartial tribunal. The Agreement of the 30th June 1965 specifically invokes the Agreement of 1959 by stating that the “two Governments shall, as contemplated in the joint communiqué of the 24th October 1959, have recourse to the Tribunal”. To pretend that this procedure represents a sudden new change in India’s position is patently dishonest.

(iii) Pakistan’s attempt to misrepresent India’s readiness to secure a disengagement of forces from other parts of the Indo-Pakistan border as another departure from India’s original position, is equally dishonest. The military confrontation on our borders had been thrust upon us by Pakistan’s aggression in Kutch and aggressive preparations on other borders. Once Pakistan vacates her aggression and refrains from further aggressive acts, there would be no need for this confrontation, which is contrary to our national ideals, our national policy and our national interest.

(iv) India’s consistent stand in the context of Pakistani aggression (which was also the stand taken in the context of China’s aggression) that the aggressor must first vacate his aggression, has been vindicated. Pakistan’s aggressive intrusion into Biar Bet, Point 84 and Kanjarkot has been vacated, although Pakistan has been allowed to patrol the track between Ding and Surai during the interim period.
4. If there are any other points on which you would need clarification, you will, no doubt, kindly write to us.

Yours Sincerely
(B. Deva Rao)

All Heads of Missions/Posts abroad

2341. Statement by Prime Minister Lal Bahadur Shastri in Lok Sabha on Kutch Agreement.

New Delhi, August 16, 1965.

Mr. Speaker, Sir,

I beg to move “that the statement laid on the Table of the House by Prime Minister on the 16th August, 1965, on the Indo – Pakistan Agreement of June, 1965 relating to Gujarat – West Pakistan border be taken into consideration.”

The House will recall that the last session of the Lok Sabha devoted considerable time and attention, and rightly so, to the developing situation between India and Pakistan on the Kutch – Sind border culminating in the inroads committed by Pakistani armed forces in the Rann of Kutch. I had made a number of statements in the House. It would be recalled that as a result of Pakistani armed intrusions into the Rann of Kutch and their aggression committed against us, there was serious danger of a military conflict between India and Pakistan, which, in the very nature of things, could not have been confined merely to the Kutch – Sind border. As I said in my statement in this august House on April 28 that was one of the most fateful moments of our times and both India and Pakistan stood poised at the crossroads of history. I made it quite clear then and afterwards that we are a nation pledged to peace, but that, at the same time, we are determined to defend our country.

Throughout those difficult days we were subjected to great provocation. Pakistan did everything to wash away the bridges of peace and to engulf the two countries in a military conflict the consequences of which would have been grave for both. However, the firm steps that we took, including the dispatch of troops to the frontiers to meet the threat posed by the concentration of troops on the other side, made Pakistan realize that it could not hope to get away with aggression.
I cannot but make a reference to the present situation as it exists in Kashmir. It is a new situation, full of the most serious potentialities. Large number of raiders in civilian disguise but heavily armed have come across the cease – fire line and are indulging in serious acts of sabotage and destruction. These raiders are being spotted out and dealt with firmly and effectively. The number of those killed, wounded and captured is now fairly large. Our valiant security forces, both army and police, are acting with exemplary valour.

The two situations to which I have made a reference arose at different point of time and I have no doubt whatsoever that the manner in which Government dealt with them was the best possible in the circumstances. I would urge the House to consider the Gujarat – West Pakistan Border Agreement in the light of the stand the Government had taken while the Parliament was still in session and which was stated in this august House on more than one occasion.

May I now refer to the Gujarat – West Pakistan Border Agreement in some detail. As the House is aware, on April 28, the Prime Minister of the United Kingdom, Mr. Harold Wilson, wrote to me and to President Ayub Khan expressing great concern at the situation that had developed in regard to the Kutch – Sind border. He suggested a cease – fire to be followed by withdrawal of troops and restoration of the status quo on 1\textsuperscript{st} January, 1965 and thereafter talks between the two governments. These proposals basically conformed to the stand consistently taken by the Indian Government in the fruitless exchange of notes which had taken place between the governments of India and Pakistan in the months of March and April. I, therefore, replied to Mr. Wilson accepting these principles. Thereafter followed a long process of negotiations on details through the intermediary of U.K. High Commissioners in India and Pakistan and the U.K. Government. Eventually, on the 30\textsuperscript{th} June, 1965, an Agreement was signed between India and Pakistan.

The main elements of this Agreement are: A cease – fire on both sides to be followed by withdrawal of forces and restoration of status quo as prevailing on the 1\textsuperscript{st} January, 1965. Once these are accomplished, there is to be a meeting between the Ministers of India and Pakistan and if such meeting is unable to resolve the boundary issue, a three – man impartial tribunal is to be constituted to give its findings on the subject. A time – table is set out in the Agreement for these various steps. The withdrawal of forces from the Rann of Kutch is to be completed within seven days of the cease – fire. Restoration of the status quo in it’s entirety, including resumption of normal police patrolling, is to be completed within a month from the date of the cease – fire. The Ministers’ meeting is to conclude discussions within two months and the tribunal is to be set up within four months of the cease – fire.
The Agreement is in conformity with the Indo – Pakistan Border Agreements of 1959 and 1960. In connection with the latter, I would like to recall that those Agreements were placed before the House on the 16th November, 1959 and 9th February, 1960 respectively and statements thereon had then been made by the late Prime Minister, Pundit Jawaharlal Nehru, and the Minister of State, Shrimati Lakshmi Menon.

Hon'ble Members will recall that in my statement before the House in the last session, I had said that we would agree to talks but only if Pakistan's aggression was vacated and the status quo ante was restored. I had also stated that Pakistan would have to vacate Kanjarkot. All this has been complied with. There is no Pakistani post now in Kanjarkot. Biarbet and other points which they had occupied have also been vacated.

As regards patrolling also, the position would be restored as on 1st January, 1965. The officials of the two governments have met to sort out details.

I should like to say a few words with regard to the status quo ante. The Agreement restores the status quo as on 1st January 1965. Generally speaking, implicit in the concept of status quo is adherence to a position prevailing at a given time. In agreeing to the restoration of the status quo ante, we have not introduced any new principle.

The question as to what was the actual position in regard to various matters on the 1st January 1965 was one of fact and not of any sovereign rights. The restoration of that position was considered essential in order to get Pakistan's aggression vacated – aggression which Pakistan had committed in April 1965. The interim period, while the question of demarcation of the boundary is being pursued, would be of a short term duration. As I have said already there is a definite time – table for the entire work to be completed even if it becomes necessary to refer the matter to a tribunal. It is perfectly clear that the boundary would be demarcated on the basis of documentary evidence and the de facto interim position would have no relevance what so ever.

One matter about the Agreement which has caused some comment is that of patrolling. On this question also, the actual position obtaining on the 1st January, 1965, had to be restored. Pakistan Government put forward the claim before the United Kingdom Government, who were acting as the intermediary that it was patrolling on that date over a wide area in the Rann of Kutch. This claim was found to be without foundation except with regard to a small track close to the international border, over which Pakistani patrols were said to have passed while moving from Ding to Surai both of which lay in Pakistani territory. This position had to be accepted as a part of the over all restoration of the status quo ante, on which, from the very beginning, India had taken a firm stand. I
should make it clear, however, that the use of this track does not in any manner confer any rights on Pakistan. The authority of India is complete and extends to the whole of the Rann of Kutch.

A few words more about Kashmir before I conclude. All my colleagues and I myself share fully the grave anxiety which I know fills the minds of all Hon’ble Members. As the Hon’ble Members are aware, the armed raiders have crossed the cease–fire line deceitfully in civilian disguise. According to information available and as has just now been said by the Defence Minister these people had been specially trained to indulge in acts of sabotage and destruction by the armed forces and officers of Pakistan. Our security forces are dealing with these raiders in the only manner appropriate to the situation. Amongst those arrested, there are some officers and from the statements made by the prisoners it would appear that the present operations have been planned and are being directed with the approval of the highest authorities in Pakistan.

The situation in Kashmir is completely under control. The raiders are being tracked down even with the help of the local population. It may take a little time to apprehend all the raiders but the operations are proceeding satisfactorily. The Government and the people of Kashmir are prepared to face the challenge and I would like to pay my tributes to the courage of the people and to the boldness and determination shown by the Government of Jammu & Kashmir under the distinguished leadership of G.M. Sadiq Sahib.

Hard days lie ahead, but we have to face the future with bold resolution. The price of freedom is paid not once but continuously. We have to be prepared as a country to pay that price.

So far as Government are concerned, we have dealt with the developing situation, whether in relation to Kutch or in relation to Kashmir in the best manner possible in our circumstances. Government will continue to do so in the days ahead, but their hands would be greatly strengthened by the mighty support it gets from this House.
2342. Notes exchanged between the Foreign Ministers of Pakistan and India regarding the appointment of a Tribunal for reference of the Kutch dispute.

August 18, 1965.

Note from the External Affairs Minister to Pakistan Foreign Minister

Excellency,

In view of the atmosphere created by the sharp deterioration of relations between India and Pakistan, we feel that there is no possibility of the meeting between Ministers referred to in article 3(i) of the Agreement dated 30 June 1965, between the Governments of India and Pakistan, resulting in a consensus. We consider, therefore, that the better course would be to proceed to the next stage of reference to a tribunal on the footing that no agreement has been reached between the Ministers, and we suggest that this course be adopted.

With assurances of my highest consideration,

Swaran Singh

18 August 1965

II

Note from Pakistan Foreign Minister to External Affairs Minister

Excellency,

I am in receipt of your message dated 18 August unilaterally, calling off the projected Ministers’ meeting referred to in article 3(i) of the Agreement, dated 30 June 1965, between the Governments of India and Pakistan with regard to the dispute concerning the Rann of Kutch.

In our view the deterioration of relations, to which you refer, made it all the more necessary for this meeting to be held. In saying that there was no possibility of reaching a consensus on the Rann of Kutch dispute you have unfortunately prejudged the outcome of the meeting which could only be known after our discussions had concluded. Furthermore, it has been our understanding that the object of the proposed meeting was not only to try and reach consensus as regards the Rann of Kutch dispute, but also to seek, as far as possible, ways of improving generally the relations between India and Pakistan.

However, in view of the fact that you have come to the conclusion that no useful purpose would be served by holding the meeting, we have no alternatives but to acquiesce in your suggestion that the meeting may not be held and that we
proceed to the next stage of reference of the Kutch dispute to the Tribunal provided under the Agreement.

With assurances of my highest consideration,

Zulfikar Ali Bhutto

18 August 1965

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2343. Letter from UN Secretary General U. Thant to the Government of India informing it of the nomination of the Chairman of the Kutch Tribunal, as requested by both India and Pakistan and sent through India’s Permanent Representative at the UN G. Parathsarathy who forwarded it to Foreign Secretary C. S. Jha.

New York, 16/17 December 1965.

Excellency,

I have the honour to refer to our previous exchange of correspondence relating to the Rann of Kutch Agreement of 30 June 1965. I now have the pleasure to inform you that, pursuant to the requests which I received from the two parties and in accordance with Article 3(iii) of the Agreement, I have nominated Judge Gunnar Karl Andreas Lagergren (Sweden) as Chairman of the Tribunal. Judge Lagergren’s curriculum vitae is attached for your information.

The Government of Sweden has agreed to relieve Judge Lagergren of his present responsibilities for the period necessary for the completion of the work of the Tribunal.

I am taking this opportunity to suggest, for your consideration, the following conditions of office for Judge Lagergren, it being understood that the parties to the Agreement will meet the costs involved in equal proportions.

Judge Lagergren’s appointment might be for an initial period of up to a maximum of six months, with provision for further extension of up to six months if the Tribunal has not concluded its work within that period. As a basis for his remuneration, I would suggest that a suitable standard, computed on a monthly
basis, would be the salary received by a Judge of the International Court of Justice which is at the present time set at Dollars 25,000 a year. Should the Tribunal complete its task before the expiry of Judge Lagergren’s first period of appointment for six months, I would nevertheless consider it equitable that he receive a minimum payment of Dollars 12,500. To the extent that Judge Lagergren’s remuneration might be subject to taxation by the State of which he is a national, I would suggest that the two parties would agree to reimburse him the amount of such taxation. However, in this respect, I wish to inform you that I have myself requested the Government of Sweden to refrain from taxing any emoluments received by Judge Lagergren as Chairman of the Tribunal, and I shall apprise you in due course of the results of my request.

In addition to the foregoing, I would propose that Judge Lagergren receive a subsistence allowance of Dollars 25.00 for each day on which he exercise his functions. It would also be understood that Judge Lagergren’s travel costs in connection with the work of the Tribunal, including possible visits to India and Pakistan, would be borne by the two parties, as well as the costs of such secretarial and other assistance as he may require in the discharge of his duties.

I am pleased to inform you that, if the parties so request, it would be possible for office and other facilities to be made available to Judge Lagergren’s at the European headquarters of the United Nations. Facilities can also be made available there, upon request, for formal meetings of the Tribunal, on the understanding that to the extent that extra costs may be involved in these respects, they will be reimbursed by the parties.

Please accept, Excellency, the assurances of my highest consideration.

U Thant
Secretary General

Curriculum Vitae

Lagergren, Gunnar Karl Andreas; Born in Stockholm on August 23, 1912; Bachelor of Arts 1934: Bachelor of laws 1937: Judge of the Stockholm Court of

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Under the Agreement of June 30th 1965 between India and Pakistan on Kutch the two countries had agreed to arbitration if they failed to resolve the issue between them. Having failed to do so, both had decided to go for arbitration and appointed a judge each of their choice as provided under Article 3 (iii) of the Agreement, and approached the Secretary General of the UN also under Article 3 (iii) to appoint a Chairman of the Tribunal. The present appointment was in fulfillment of this request of the two countries.
2344. **Statement of Pakistan Foreign Minister Sharifuddin Pirzada on the Kutch Tribunal Award.**

Islamabad, February 20, 1968.

The Award rendered in Geneva today by the Rann of Kutch Tribunal should put an end to a long standing dispute between Pakistan and India, over which there was fighting between the two countries on two occasions. In 1956 Indian troops forcibly occupied the Chhad Bet area. In 1965 they attempted to do the same thing in Kanjar Kot. I recall these two conflicts not in a spirit of recrimination but to emphasise the fact that the correct course is to seek settlement of disputes through peaceful means. The full text of the Award has not yet reached the Government. We shall give it the most careful study when we receive it. From the summary received it appears that Dr. Bebler, the Yugoslav Member, has given a dissenting opinion in support of the Indian case that the whole of the Rann of Kutch right up to its northern edge formed a part of India. The other member of the Tribunal, Mr. Nasrullah ENTEZAM, considered the Pakistan case regarding the northern half of the Rann to have been established but has concurred in the findings of the Chairman, Judge GUNNER LEGERGREN of Sweden. The Award of the Tribunal based on a majority holds that certain areas in the northern half like Kanjar Kot, Pirol Valo Kun, Chhad Bet, Dhara Banni and the Nagar Parkar inlets form a part of Pakistan. In reaching the Rann of Kutch Agreement of 1965 Pakistan showed its willingness to settle such disputes by recourse to the internationally accepted methods for the peaceful settlement of disputes. The Agreement states that the decisions of the Tribunal shall be final and binding on both Governments and shall not be questioned on any ground whatsoever. Both Governments also undertook to implement the findings of the Tribunal in full as quickly as possible. It will be recalled that this Agreement was approved by the Indian Parliament on 18th August 1965.

A Pakistan Foreign Office Spokesman in his comments on the Award said:
“The foundations of Pakistan’s case appear to have been accepted in the main. Nevertheless, what has been awarded to Pakistan is the barest minimum of the essential areas. We cannot hide our disappointment in the result. The areas awarded to Pakistan are areas under the occupation of India and are those over which the fighting in 1956 and 1965 took place. The Award will be studied more carefully before further comments can be made. Meanwhile, all that is necessary to say is that under the Agreement of June 30, 1965, the Award is binding on both the parties and neither party has the right to question it on any ground whatsoever. The Tribunal is to remain in being till its Award is fully implemented.”

2345. Minutes of the meeting held on March 4, 1968 between the Indian Delegation and the Pakistan Delegation about Demarcation of the West Pakistan- Gujarat (India) Boundary according to the Award of the International Tribunal.

The two Delegations were composed of the following

India

1. Shri B. N. Lokur ...............................Representative
2. Dr. K. Krishna Rao,
   Joint Secretary,
   Ministry of External Affairs......................Deputy Representative
3. Shri A.S. Gill,
   Secretary, Revenue Department
   Government of Gujarat
4. Brig. Nadir Shaw,
   Border Security Force.
5. Shri K.M. Kantawala,
   Chief Engineer and Jt. Secretary
   Government of Gujarat.
6. Col P. Rout,
   Director, Survey of India.
7. Lt. Col. T.S. Bedi,
Deputy Director, Survey of India.

8. Shri P. K. Kartha,
   Assistant Legal Adviser,
   Legal & Treaties Division, Ministry of External Affairs.

9. Shri K.V. Bhat,
   Deputy Secretary, Govt. of Gujarat

10. Shri T.R. Viswanathan,
   Survey of India.

**Pakistan**

1. Mr. Allauddin, .................................................Representative
   Director of Field Surveys,
   Survey of Pakistan.

2. Mr. Shahid M. Amin,
   Director, Pakistan Foreign Office.

3. Mr. Rafique,
   Director, Geodetic Survey of Pakistan

4. Mr. Munir,
   Officer-in-Charge No.5 party,
   Survey of Pakistan.

5. Mr. N.A. Waheed,
   Director General, Buildings,
   West Pakistan, P.W.D.,

6. Mr. Abdul Fateh.

After I made a brief welcome speech, I drew attention of the Pakistan Delegation to the Agenda for this meeting settled in the Agreement between the two Agents, dated 13 July 1967, and called upon the Representative of Pakistan to state the views of his Delegation on these items. The items were:

(1) The strength of the demarcation team.

(2) The design and specifications of the boundary pillars and the traverse pillars. The number and spacing of pillars.

(3) Detailed operational instructions for the guidance of the field staff.

(4) Any other matters which require consideration for effective demarcation work.
2. The Pakistan Delegation pointed out that each Government is required, under the Agreement, to nominate an Officer-in-Charge and stated that the Officer-in-Charge on behalf of Pakistan would be Mr. Rafique, Deputy Director, Survey of Pakistan. I stated that it will be for the Government to nominate the Officer-in-Charge on behalf of India and he may be either Col. P. Rout or Lt. Col. T.S. Bedi.

3. The Pakistan Delegation thereupon proposed that the reconnaissance work should be undertaken during the present season ending with the advent of monsoons and the remaining work should be left over for the next season commencing with the end of the monsoons, the entire field work for demarcation to be completed by the end of March 1969 and the strip maps to be signed by the end of May 1969. The reconnaissance work, it was explained, would consist of determining the control points astride the boundary line as close as practicable. These Control points would be about 50 - 60 in number, about 28 on each side of the boundary line. The control points will have to be determined by the triangulation method. Determination of the control points would involve the checking of the existing control points. After the control points have been determined the control pillars may be fixed. Four teams will be required for the reconnaissance work. The design of the control pillars, on the Pakistan side, would be the one used by Pakistan at present and the design of the control pillars on the Indian side would be such as in use at present in India. The control pillars on the Indian side will be provided and fixed by India and the control pillars on the Pakistan side will be provided and fixed by Pakistan.

4. The boundary pillars should be of the design and specifications of the boundary pillars used along the West Pakistan - Rajasthan boundary.

5. The number and spacing of pillars has necessarily to be flexible but not less than 3 pillars should be used in a mile. 300 boundary pillars and 900 sub-pillars may be required.

6. The Pakistan delegation suggested that the traverse pillars should be of stone, 6"x6"x30" in size. These traverse pillars are not intended to be very permanent.

7. The Pakistan Delegation stated that there are pillars along the “vertical line” in the west and it may have to be considered whether they should be replaced by the pillars now used for the rest of the boundary.

8. I asked the Pakistan Representative whether he has given his thought to the possibility of completing the entire demarcation work during the present season only and he indicated that this would not be possible in view of the terrain and the attendant difficulties.

Sd/- B.N. Lokur
4-3-1968
Note recorded by Special Secretary, Department of Legal Affairs B. N. Lakur laying down the Procedure for Demarcation of the West Pakistan — Gujarat Boundary according to the Award of the International Tribunal.

March 4, 1968

1. Every act necessary for demarcation has to be performed jointly by the Indian and Pakistan personnel.

2. The first task of the demarcation team is to ascertain if any control points exist and are available. If there are no control points in the area, the control points will have to be provided. Provision of control points is an indispensable step in doing the demarcation work and without the control points, the pillar positions cannot be determined accurately.

3. In the relevant area, control points do not exist for about 40-50 miles to the north and south of the boundary all through. The provision of the new control points in the area requires checking up of the old control points to start with. There will be about 30 control points on each side of the boundary line, about 25 of them being nearest to the boundary line—within one mile of the boundary line.

4. After the control points have been ascertained, pillars will have to be erected on the ground at all these control points.

5. It is estimated that the provision of the control points will take about 40 days. The control pillars will be erected side by side. The erection and curing of these pillars will be completed about 10 days after the provision of the last control point. In other words, the provision of the control points and the erection of pillars would take in all about 50 days.

6. The period mentioned above will be on the basis that Pakistan will agree to the use of Tellurometer. (In the course of the discussions today, the Pakistan Delegation faintly indicated that the ascertainment of the control points will be made by Bilby Tower Triangulation. If the method suggested by Pakistan is employed, the provision of control pillars will take about three months. Every attempt will be made to persuade the Pakistan Delegation to agree to the use of Tellurometers).

7. After the control points have been provided and control pillars erected, the next step would be to compute and adjust the co-ordinates of the control points. Such computation would take about 8 to 10 days.
8. The next step would be to determine the boundary pillar positions along the boundary line. This operation would take about 8 to 10 days.

9. Thereafter, pillars have to be laid on the pillar positions on the ground. One team would be able to relay 5-6 pillars a day. The total number of pillars to be relayed would be about 1200. If 20 teams are employed, the relay of pillars will be completed in about 10 days. But it is not practicable to employ 20 teams as they will have to be backed up by simultaneous erection of the pillars of the requisite specifications and with men and materials brought from a distance of about 60-70 miles every day. The Chief Engineer of Gujarat unequivocally rules out the possibility of supplying men and material and transport across the Rann for 20 teams. The optimum number of teams to be employed would be ten teams. That being so, the relay of pillars would take 20-25 working days.

10. After the boundary pillars are erected, Theodolite traverse of the secondary accuracy will have to be run to provide final co-ordinates to all the boundary pillars. This would take about 20-25 days with 10 teams working.

11. The next step is to carry out a Plane-table survey, which will take about 20 days. Thereafter, fair-drawn originals (strip maps) have to be prepared and printed. This will take about 2 months. After the strip maps are authenticated by the Plenipotentiaries of the two Governments, the demarcation is completed and the boundary is ratified.

12. It will be observed that the field operations will take about 140 working days and the office work, consisting of preparing fair drawn originals will take about 60 days. This would be on the assumption that there would be no dispute or difference between the Indian team and the Pakistan team at any stage. Any dispute or difference would further delay the proceedings of demarcation.

13. Before the work commences, the Indian team and the Pakistan team will have to be fully organized, necessary equipment provided and the teams and the equipment moved to site. This would take at least a fortnight. The earliest date by which the work in the field would commence would thus be 20/25 March 1968. The Rann will get tide water and there may be an occasional shower in the month of May, when the work will have to be discontinued due to inaccessibility. Even assuming that the whole of May is available for the field work, there would be less than 70 days available for the field work and, as observed above, the field work requires about 140 days. Thus it is impossible to complete demarcation during the current season.

14. The most practicable programme would be to ascertain the control points, erect the control pillars and observe all control pillars now and undertake the rest of the work during the recess and the next field season commencing from October. According to this programme, it will be possible to complete the field
work by the end of March 1969 and prepare and authenticate the strip maps by
the end of May 1969.

15. I have recorded the above note after full discussions with the officers of
the Survey of India and the Chief Engineer of the Government of Gujarat, who
is fully familiar with the conditions of the Rann as well as who is responsible
for the supply of men and material for the erection of pillars.

                                  (B.N. Lokur)
                                  4.3.1968

2347. The Indo-Pakistan Western Boundary Case Tribunal
       (Constituted Pursuant To The Agreement of 30 June, 1965)
       Minutes of the meeting held on 22 September, 1969 at 10
       a.m. at Svea Hovratt, Stockholm

       Present:                        The Tribunal:
       Gunnar Lagergren,             Gunnar Lagergren,
       Chairman                     Chairman
       Nasrollah Entezam,            Nasrollah Entezam,
       Member                       Member
       Alevs Bebler,                 Alevs Bebler,
       Member                       Member
       For India:                   For Pakistan:
       H.E. Mr. Y.K. Puri, Ambassador Extraordinary and Plenipotentiary
       H.E. Mr. Ikbal Akhtar, Ambassador Extraordinary and Plenipotentiary
       J. Gillis Wetter, Secretary-General

                       ..................

1. The meeting was opened by the Chairman at 10 a.m.

2. The Chairman made reference to the Agreement of 30 June, 1965
pursuant to which the Tribunal had been constituted, Article 3 subparagraph (iv) of which provided in part as follows:

“Both governments undertake to implement the findings of the Tribunal in full as quickly as possible and shall refer to the Tribunal for decision any difficulties which may arise between them in the implementation of these findings. For that purpose the Tribunal shall remain in being until its findings have been implemented in full.”

3. The Chairman recalled that the Award of the Tribunal was rendered in Geneva on 19 February 1968, at which time, i. a., the Conclusions of the Award had been communicated to the Parties, and that the full text of the Award had been delivered to the Parties in Stockholm on 31 March 1969. Subsequent to the latter meeting a copy of the full Award had been forwarded to the Secretary-General of the United Nations for deposit and custody in the United Nations archives at Headquarters.

4. The Chairman referred to the Agreement on the rules of Procedure for the Demarcation of the Boundary entered into between the Parties on 13 July 1968, which was attached as Annex 1 to the Award. In accordance with its provisions, the Tribunal had received monthly Progress Reports from the Parties on the demarcation of the boundary.

The Secretary-General, at the request of the Chairman, read certain passages from Reports dated 17 April 1968, 12 May 1968, 8/9 July 1968 and 9 July 1968.

5. The Chairman stated that the Tribunal had not been called upon to decide any question in the course of the implementation by the Parties of the findings of the Tribunal. Both Parties, the Government of Pakistan by a letter dated 8 July 1969, and the Government of India by a letter dated 22 July 1969, had transmitted to the Tribunal original copies of a document entitled “Agreed minutes”, executed by both parties on 6 July 1969, which provided in part as follows:

“The boundary has been demarcated on the ground in accordance with the Award and the Agreement on the Rules of Procedure for the Demarcation of the Boundary entered into between India and Pakistan on July 13, 1967. The final record of the demarcation, as prepared by the Officers-in-Charge of demarcation, and signed by them, was noted and approved. Fifteen copies of the strip maps have been authenticated in original by the Plenipotentiaries of both the Governments after they had been signed by the Officers-in-Charge demarcation and by the Representatives of the two Governments in overall charge of demarcation. Five copies of the strip maps have been retained by each
Government. The remaining five copies will be submitted, for record, by
the Government of Pakistan to the Chairman of the Tribunal in Stockholm
under intimation to the Government of India.

“The findings of the Tribunal have accordingly been implemented in full
by the two Governments and the boundary determined by the Tribunal
has been demarcated on the ground. The boundary so demarcated is
the boundary between India and Pakistan in this sector.”

The Agreed Minutes further provided that both Parties would request the
Chairman to convene a meeting in Stockholm at which the Tribunal should take
note of the Agreed Minutes and the authenticated maps which evidenced the
implementation of the findings of the Tribunal in full, and declare that the Tribunal’s
work having been completed, it stood dissolved with effect from such date. The
Agreed Minutes also stipulated that a copy of the Agreed minutes, together
with a copy of the signed minutes of the final meeting of the Tribunal, be sent to
the Secretary-General of the United Nations for his information.

In their aforesaid letters of transmittal, the Government of India and the
Government of Pakistan had requested the Chairman to convene a meeting for
the purpose set forth in the Agreed Minutes.

6. The Chairman declared that the Tribunal had taken note of the content of
the Agreed Minutes and had also placed on record the original authenticated
copies of the 51 strip maps which had been delivered to the Tribunal.

7. The Chairman made the following statement on behalf of the Tribunal:

“Since the Award of this Tribunal was rendered a year and a half ago the
Tribunal has closely followed the Progress Reports which have been
received from India and Pakistan on the demarcation of the boundary
determined by the Tribunal. The immensity and severe difficulty of the
task undertaken by the Parties has been vividly brought forth in some of
the Progress Reports, as illustrated by the few passages read earlier in
the course of this Meeting. The painstaking joint work of the Parties is
further admirably evidenced in the final maps covering the entire boundary
which are laid on the table before us. We express our respect and
admiration for the promising spirit of co-operation and fairness which has
reigned between the Parties since the day of the execution of the
constitutive Agreement of 30 June, 1965, throughout the written and oral
proceedings and the subsequent implementation in full of our findings. It
is our belief that the boundary case which this Tribunal was called upon to
resolve will prove to be of significance far beyond the compass of the
actual matter in dispute. In this instance two of the most important nations
in the world have elected a course of action on the road to peace which
has given an anxious mankind a streak of hope.”
8. The Ambassador of India made a statement attached as Annex I hereto.
9. The Ambassador of Pakistan made a statement attached as Annex II hereto.
10. The Chairman stated that a copy of the Agreed Minutes and of the present Minutes would be sent to the Secretary-General of the United Nations.
11. The Chairman declared the Tribunal dissolved.

Done in sextuplicate on this 22nd day of September 1969 in Stockholm, the Parties taking one original copy each.

Sd/-Gunnar Lagergren
Sd/-Nasrollah Entezam
Sd/-Ales Bebleer
Sd/-Y.K. Puri
Sd/-Ikbal Athar
Sd/- J. Gillis Wetter

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ANNEX – I

Statement made by His Excellency, Mr. Y.K. Puri, Ambassador of India.

Mr. Chairman, Excellencies and Gentlemen:

You, Mr. Chairman, have summed up admirably the history of this Tribunal since its inception in February 1966 and the result of its labours. Now that the labours of the Tribunal have come to a close, I deem it a privilege to be present on this solemn occasion when the Tribunal holds its final Session. I take this opportunity to express the thanks of the Government of India to the Governments of Sweden, Yugoslavia and Iran for having made available the services of eminent citizens to serve on this Tribunal. Our thanks are also due to you, Mr. Chairman, to His Excellency Dr. Ales Bebler and to His Excellency Mr. Nsrollah Entezam for having accepted the membership of the Tribunal and for the sincerity with which they have carried out their onerous responsibilities. I would also like to convey our sincere appreciation of the work done by Dr. J. Gillis Wetter as Secretary-General of the Tribunal.

May I also take this opportunity to request you, Mr. Chairman, to convey to the Secretary-General of the United Nations, the Government of India’s appreciation of the interest he has taken in the setting up of the Tribunal and its work.

Y. K. Puri
Statement by His Excellency Mr. Ikbal Athar, Ambassador of Pakistan

Mr. Chairman,

May I take this valedictory occasion to thank you and the distinguished members associated with you in your Tribunal, on behalf of my Government, for the eminent way in which all of you have through your indefatigable and strenuous public labours in the highest traditions of law and equity, brought this Rann of Kutch boundary dispute to a successful conclusion.

Permit me to endorse what you have just said on behalf of your Tribunal, and I quote: “In this instance two of the most important nations in the world have elected a course of action on the road to peace which has given an anxious mankind a streak of hope.”

That statement to my mind expresses neatly and succinctly the far reaching international significance of your work. I do not therefore have to say more.

In conclusion, allow me once again to express the deep appreciation of my Government and myself for the splendid work that you and your distinguished colleagues have put in to help translate our hopes of peace into reality.

I thank you Mr. Chairman.

Ambassador of Pakistan

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INDIA-PAKISTAN RELATIONS

SECTION - VIII

CANAL/INDUS WATERS
2348. Extract relevant to Canal Waters from the Record of the meeting of the Partition Committee held at Jullundur.

Jullundur (Punjab), 18th and 19th November, 1947.

Supplementary Agenda

Item 4.-Consideration of the interim report submitted by Khan Bahadur Muhammad Abdul Hamid, Chief Engineer, West Punjab, Irrigation Branch, regarding the future management of the Bari Doab Canal and Ferozepore Headworks.

NOTES.-While considering paragraph 15 of the Report of Expert Committee ‘B’ in regard to the Upper Bari Doab Canal and the Ferozepore Head-works, the Partition Committee decided in their meeting held on the 28th July 1947 that the matter should be looked into by a sub-committee consisting of Messrs. Saroop Singh and Hamid (from the Irrigation Department of West Punjab Government) and that they should put up a joint proposal in respect of maintenance of supplies of water to the areas in the two provinces irrigated by these canals and collection and crediting of water rates on the understanding that the Head-works could be maintained by the province in whose jurisdiction they were located.

2. In this connection Mr. Hamid has submitted an interim report vide his demi-official letter No. 46/Partition, dated the 8th November 1947, a copy of which is enclosed, for the information of the Partition Committee.

**********

Letter No. 46 dated November 8, 1947 from West Punjab Government to East Punjab Government. Lahore, 8.11.1947

D.O. No. 46/Partition November 8, 1947

Reference your D. O. letter No. 940-PC.47/568, dated 28-10-47, the position is that the Sub-Committee of S. B. S. Sarup Singh and myself deputed one officer from each side namely K. B. S. I. Mahbub for the West Punjab and R. B. L. Hakim Rai for the East Punjab to work out proposals for irrigation arrangements from the Upper Bari Doab Canal. These officers prepared proposals which did not deal with the problem in sufficient detail. Early in August S. B. S. Sarup Singh left for Simla. Also all the detailed plans were in charge of the Superintending Engineer, Upper Bari Doab Canal Circle (R. B. L. Hakim Rai) and although Mr. Mahbub has been trying to get copies of the plans for formulating proposals, he has not been able to get any plans so far. Thus the
question of a joint discussion of the proposals by S. B. S. Sarup Singh and myself has not arisen so far. Secretary ‘W’ (Mr. Protheroe) is trying to arrange a joint meeting of Chief Engineers, West and East Punjab, in which this matter would also be discussed.

2. Similarly the question of further proposals for proper distribution of supply between the various partners from the Ferozepore Head-works has not been discussed so far and will be discussed by Secretary ‘W’ in the joint meeting of the Chief Engineers, West and East Punjab.

3. Until these proposals are discussed, further question of collection and crediting water rates and apportionment of costs of repairs of the canal and Head-works etc. cannot be considered in detail.

At its second meeting held on November 27, 1947 in Lahore the Committee decided that “Mr. M. A. Hamid, Chief Engineer, West Punjab, and S. Sarup Singh, Chief Engineer, East Punjab, will submit a joint report at its next meeting regarding the future working of the Upper Bari Doab Canal and the Ferozepore Head-works”. When the next meeting of the Punjab Partition Committee took place at Jullundur on December 19-20, 1947, it was recorded: that “the Chief Engineers of the two Provinces had recorded and signed agreements regarding the future working of the Upper Bari Doab canal and the Ferozepore Head-works. These agreements were approved by the Partition Committee.”

2349. Stand-still Agreement regarding the running of the Upper Bari Doab Canal between the Governments of East and West Punjab.


1. This agreement has validity up to the end of the current rabi crop i.e. the 31st March 1948 and the parties to the agreement may during the currency thereof execute a further agreement for any period subsequent to the aforesaid date.

2. In the distribution of supplies to the channels that are now situated within the territories of the East Punjab and West Punjab, the status quo i.e. the system in vogue prior to the partition of the Punjab shall be maintained.

The distribution programme will be prepared by the Superintending Engineer, Upper Bari Doab Canal, East Punjab and the Superintending Engineer, Central Bari Doab, West Punjab in consultation and put into force immediately.
With a view to effecting proper regulation of channels the telegraph lines running from Amritsar to Wagha and along the Main Branch Lower shall be immediately restored by the parties concerned.

3. No party will have any claim for the restitution of water not used by it when available.

No claim whatsoever for compensation shall lie against the Government of the East Punjab for any closure of the canal which is necessary in the interest of the safety or maintenance of the works or on account of shortage of supply due to causes beyond its control. As far as practicable due notice of closure will be given.

4. The maintenance and management of the Head-works with its connected works and of the main canal branches and distributaries lying within the territory of the East Punjab shall rest entirely in the hands of the Government of the East Punjab.

5. The West Punjab Government will pay to the East Punjab Government its share of all expenditure in proportion to the authorized full supply of its channels, from the 15th of August 1947 to the 31st of March 1948.

6. This stand-still agreement is without prejudice to the case pending before the Arbitral Tribunal regarding the valuation and division of canal assets.

G. R. Garg
Chief Engineer, East Punjab
20th December 1947

EL. Protheroe
Chief Engineer, West Punjab
20th December 1947

Sarup Singh,
Chief Engineer, East Punjab
20th December 1947

M. A. Hamid,
Chief Engineer, West Punjab
20th December 1947

On March 29, 1948 Irrigation Secretary of East Punjab in an express telegram informed the Chief Engineer (Irrigation) of West Punjab, Lahore to note that the Stand Still agreements relating to Upper Bari Doab and Sutlej Valley Canals expire on March 31, 1948. On March 31, the Chief Engineer, Irrigation of West Punjab telegraphically requested the Chief Secretary, West Punjab to extend the two agreements “pending consideration at the next meeting” and asked for earliest convenient dates for the meeting. On 2nd April Chief Engineer, West Punjab Protheroe sent a telegraphic message to his counterpart in East Punjab Sarup Singh: “Hear you have stopped supplies Central Bari Doab Canal and Sutlej Valley Canals. Kindly extend period of Stand-still Agreement pending next joint meeting. Wireless already sent requesting you fix earliest convenient date.”
2350.  Stand-still Agreement regarding the running of the Sutlej Valley Canals between the Governments of the East and West Punjab.

Simla, December 20, 1947.

1. This Agreement will have validity up to the end of the present *Rabi* crop, *i.e.*, 31st March, 1948; and the parties to the Agreement may during the currency thereof execute further agreement for any period subsequent to the aforesaid date.

2. In the distribution of supplies of the Sutlej Valley Canals that are situated within the territories of East and West Punjab and Bikaner and Bahawalpur States, *status quo* will be maintained.

On account of the partition of the Punjab, copies of the water accounts will also be sent to the Chief Engineers of East and West Punjab.

3. No party will have any claim for the restitution of water not used by it when available.

No claim whatsoever for compensation shall lie against the Government of the East Punjab for any closure of any canal which is necessary in the interest of equitable regulation or the safety or maintenance of the works.

4. Besides the existing financial arrangements, the West Punjab will pay to the East Punjab Government its share of all expenditure on Ferozepore Headworks on account of the Depalpur Canal. The amount payable by the Bahawalpur State on account of tail distributary of the Eastern Canal will now be the dues of the Eastern Punjab.

5. This stand-still Agreement is without prejudice to the case pending before the Arbitral Tribunal regarding the valuation and division of canal assets.

G. R. Garg  
20th December 1947  
Chief Engineer, East Punjab

EL. Protheroe  
20th December 1947  
Chief Engineer, West Punjab

Sarup Singh,  
20th December 1947  
Chief Engineer, East Punjab.

M. A. Hamid,  
20th December 1947  
Chief Engineer, West Punjab.

◆◆◆◆
2351. **Wireless message, from the Chief Secretary, East Punjab, to the Chief Secretary, West Punjab.**

**Simla, April 10, 1948.**

Your wireless message M. 161, dated thirty first March, 1948. The Stand-still Agreement expired on thirty-first March, 1948, and accordingly the supplies were stopped. East Punjab Government notes your request for supply of water to your Central Bari Doab Canal Channels and Sutlej Valley Canals. We are prepared to consider the matter on terms to be mutually agreed upon. Chief Engineers, Irrigation Branch, East Punjab, would be glad to meet your Chief Engineers at Simla on fifteenth April. Please make this convenient. It is understood that the question of modification of the boundary at Ferozepore and Suleimanki would also be considered. On hearing from you arrangements will be made for accommodation at Simla. Chief Engineers, Irrigation, East, will also communicate with your Chief Engineers.

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2352. **Wireless message from the Chief Secretary, West Punjab, to the Chief Secretary, East Punjab.**

**Lahore, April 12, 1948.**

Your wireless message. My Government regret to note that your Government has stopped the water supply in our canals without good cause. Termination of period of previous agreement could not mean that water supply should be stopped. Supply of water is essential element in all partition arrangements relating to these canals and separate agreement relates to incidentals only. Hope you will restore water supply immediately as requested by me on telephone. Our Chief Engineers will reach Simla for meeting on fifteenth. Regret they cannot discuss boundary question because Inter-Dominion agreement is that policy questions regarding boundary should be discussed at dominion level only.

◆◆◆◆
2353. Wireless message from West Punjab Governor to East Punjab Governor.

(Date not available)

It has been brought to my notice that supplies in the Upper Bari Doab Canal and the Depalpur Canal from the Ferozepore Head-works are being stopped on account of the expiry of the Stand-still agreements. Shall be grateful if you will pass orders for the immediate resumption of supplies pending extension of the stand-still agreements in view of the fact that we have agreed to pay 43 per cent. of the cost of the entire canal system for the Upper Bari Doab and 69 per cent of the cost of Head-works in the case of Depalpur.

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2354. Telegram from Pakistan Prime Minister Liaquat Ali Khan to Prime Minister Jawaharlal Nehru.

Karachi, April 15, 1948.

IMMEDIATE

No.1361.

Following from Liaquat Ali Khan to Pandit Jawaharlal Nehru.

Upper BARI DOAB canal which is perennial, taking off at MADHOPUR in East Punjab irrigates GURDASPUR and AMRITSAR districts of that province and Lahore district of West Punjab. The distribution of water supplies among various canals is well recognised by irrigation officers of the two provinces. Similarly DEPALPUR canal which irrigates MONTGOMERY district in West Punjab takes off in East Punjab Province. This canal is not perennial and carries water in hot weather from April till October.

2. Government of West Punjab has reported that East Punjab has stopped supply of water to Lahore through Upper Bari Doab canal since April 1st and it has refused to supply water in Depalpur canal with effect from April 11th. The ostensible reason given is that an agreement subsisted between the two

On April 14, 1948 also the Indian Deputy High Commissioner stationed at Lahore telegraphically informed the Ministry of External Affairs of the stoppage of the canal waters to West Punjab on expiry of agreements on April 1st. He further added that “West Punjab Government has stopped operation of lockers and removal of household effects in retaliation. Quick decision necessary in the matter. Meeting Premier tomorrow.”
provinces for a period of 3 months up to March 31st 1948 and has not been renewed yet. This agreement referred to incidental matters. The Government of East Punjab had suggested a meeting and has now fixed 15th as the date. West Punjab Government has agreed to send its engineers to attend it.

3. The view of West Punjab Government is that water supply cannot be stopped on any account whatsoever and we fully endorse this view. Such stoppage is a most serious matter and affects a million acres of land. It will cause distress to millions and will result in calamitous reduction in production of food grains etc. Repercussions of grave character are apprehended and I am sure that neither Dominion would like such a dangerous situation to arise.

4. I shall be grateful if you take immediate action for restoring water supply and for arranging that water supply through the two canals is not stopped by East Punjab in future. I regret that before we have had time enough to settle our existing problems the Government of East Punjab has thought it fit to create new ones and I have no doubt that you will take a serious view of this situation.

In reply on April 16, in his telegram No. PRIMIN 1124 Prime Minister Nehru informed Liaquat Ali Khan that it was understood from East Punjab Government "that repeated attempts were made by them by telephone and telegram to West Punjab Government to consider problem of canal water supply as previous agreements expired on March 31st," and since "There was no response from West Punjab Government" the supplies were stopped. He expressed the hope that the proposed conference at Simla being planned by East Punjab Government will resolve the problem satisfactorily.
Agreement between the Government of the East Punjab Province of the Dominion of India and the Government of the West Punjab Province of the Dominion of Pakistan about the supply of water to the Channels of the Central Bari Doab Canal system of the West Punjab Province.

Simla, April 18, 1948.

1. WHEREAS on the 20th December 1947 the Government of the East Punjab Province of the Dominion of India and the Government of the West Punjab Province of the Dominion of Pakistan entered into an agreement regarding the continued running of the Upper Bari Doab Canal up to the 31st March 1948 on the terms and conditions specified therein.

AND WHEREAS the agreement dated 20-12-47, was made specifically subject to the award of the Arbitral Tribunal regarding the valuation and division of the canal assets.

2. AND WHEREAS the Arbitral Tribunal has, on the 17th March 1948 by virtue of the authority vested in the Tribunal under the Arbitral Tribunal Order, 1947, and the Punjab Partition (Apportionment of Assets and Liabilities) Order, 1947, made under section 9 of the Indian Independence Act, 1947, given the award regarding the Irrigation System of the Punjab Province providing inter alia:

(i) that twice the book values of the Irrigation system as a whole shall be taken as the value of the system and shall be apportioned between West Punjab and East Punjab in the general ratio; and

(ii) that, each Province shall bring into account the portion of the system lying within its areas taken at twice its book value.

3. AND WHEREAS in accordance with aforesaid Orders and award the East Punjab Government has become the owner of the Upper Bari Doab Canal System and the channels of the System in the West Punjab Province ceased to receive the supply of water after the 31st March 1948.

4. AND WHEREAS at the request of the West Punjab Government, the East Punjab Government has agreed in consideration set out hereafter to supply water to the channels of the Central Bari Doab Canal System of the West Punjab Province through the Irrigation System owned by the East Punjab Government on the terms and conditions hereinafter stated.
Now THIS AGREEMENT WITNESSETH as follows:

5. This agreement will take effect from the date of its ratification by the Dominions of India and Pakistan and will be valid up to the end of the 1948 Kharif crop i.e. 30th September 1948. (The agreement was not ratified by the Government of Pakistan)

6. For consideration hereinafter set forth, the East Punjab Government agrees to supply water to the Central Bari Doab Channels of the West Punjab at the following points according to indents, up to the maximum quantity noted against each.

<table>
<thead>
<tr>
<th>Points of delivery</th>
<th>Maximum quantity in cusecs</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Lahore Branch</td>
<td>RD.197630</td>
</tr>
<tr>
<td>(ii) Main Branch Lower</td>
<td>RD.250563</td>
</tr>
<tr>
<td>(iii) Pull Disty.</td>
<td>RD.74595</td>
</tr>
<tr>
<td>(iv) Rai Minor of Pull Disty.</td>
<td>RD.22916</td>
</tr>
<tr>
<td>(v) Kohali Disty.</td>
<td>RD.67245</td>
</tr>
<tr>
<td>(vi) Khalra Disty.</td>
<td>RD.26900</td>
</tr>
<tr>
<td>(vii) *Buchar Khana Dy.</td>
<td>RD.15705</td>
</tr>
</tbody>
</table>

*Sic. “Buchar Kahna”

7. On demand by the West Punjab Government an additional supply up to 150 cusecs in the Main Branch Lower will be delivered at R.D. 250563 provided in the opinion of the Chief Engineer, East Punjab Government, whose decision shall be final, there is surplus supply in the Canal.

8. In the event of supply in the Upper Bari Doab Canal, in the opinion of the Chief Engineer. East Punjab Government., whose decision shall be final, falling below 6800 cusecs the supply to channels of the Central Bari Doab System will be reduced pro rate.

9. No party will have any claim for the restitution of water not used by it when available. No claim whatsoever for compensation shall be made against the Government of the East Punjab for any reduction of supply and/or any closure of the canal which is necessary in the interest of the safety or maintenance of the works or security or on account of shortage of supply due to causes beyond its control. As far as possible due notice of closure will be given. Variations in indented supply within 10% will be permissible.
10. The Government of East Punjab will, to the best of its ability, deliver the stipulated quantities of water through its distributaries at the following points of the distributaries of the Central Bari Doab Canal system of the West Punjab Government as stipulated in para. 6 above, but on account of inherent difficulties it does not accept any responsibility for the interruption in supply even when ample supplies are available in the Canal, and no claim for compensation for damage of any description suffered by West Punjab shall lie against the East Punjab Government.

<table>
<thead>
<tr>
<th>Point of Delivery</th>
<th>Quantity (in cusecs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Main Branch Lower</td>
<td>RD.250563</td>
</tr>
<tr>
<td></td>
<td>1382·0</td>
</tr>
<tr>
<td>(ii) Pull Disty.</td>
<td>RD.74595</td>
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<tr>
<td></td>
<td>24·0</td>
</tr>
<tr>
<td>(iii) Rai Minor of Pull Disty.</td>
<td>RD.22916</td>
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<tr>
<td></td>
<td>16·0</td>
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<tr>
<td>(iv) Kohali Disty.</td>
<td>RD.67245</td>
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<tr>
<td></td>
<td>52·0</td>
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<tr>
<td>(v) Buchar Kahna Dy.</td>
<td>RD.15705</td>
</tr>
<tr>
<td></td>
<td>363·0</td>
</tr>
<tr>
<td>(vi) Khalra Disty.</td>
<td>R.D.26900</td>
</tr>
<tr>
<td></td>
<td>17·0</td>
</tr>
</tbody>
</table>

11. In consideration for the water supplied and services rendered by the East Punjab Government to the West Punjab Government, the latter shall pay to the former a sum of Rs.9,25,000/- for the supply made under clause 6 in accordance with the calculations in the Schedule attached and a sum of Rs.56,000/- for the supply under Clause 7 within 15 days of the ratification of this agreement, or opening of the West Punjab Channels whichever is earlier.

12. A sum of Rs.9,40,000/- on account will be paid by the Government of the West Punjab to the Government of the East Punjab by the end of April 1948 in lieu of the supply of water for the period 15.8.1947 to 31.3.1948 and will be adjusted on furnishing of the final account by the East Punjab. In working out the exact amount, the same principles will be applied as in the schedule referred to in clause 11 above, except that no Seigniorage charges shall be levied.

SARUP SINGH,—18-4-48,  
Chief Engineer,  
Irrigation Works,  
East Punjab Government.

E. L. PRO THEREO,—18.4.1948  
Chief Engineer,  
Irrigation Works,  
West Punjab Government.

M. A. HAMID—18-4-48,  
Chief Engineer,  
Irrigation Works,  
West Punjab Government.
SCHEDULE

Calculations for amount recoverable from West Punjab for the supply of water by East Punjab to the channels of Central Bari Doab system of West Punjab for *Kharif* 1948.

This consists of three parts:—

(A) Interest charges at 4% on the present capital value of the Head-works, main canal and branches, and distributaries for 6 months.

(B) Working expenses for the Head-works, main canal and branches, and distributaries for 6 months.

(C) *Seigniorage* charges.

(A) Booked capital outlay to end of 31-3-1947:

- Head-works = Rs. 11,71,000/-
- Main Canal and Branches lying in the East Punjab = Rs. 93,59,641/-
- Distributaries = Rs. 2,33,248/-
- **Total** = Rs. 107,63,889/-
- Other charges such as Establishment, Tools and Plant, etc. = Rs. 28,87,800/-
- **Grand Total** = Rs. 136,51,689/-

Present capital value of the above works is taken at four times the above booked outlay.

Interest charges on the present capital value at 4% for 6 months

\[
\frac{4}{100} \times \frac{6}{12} \times 546,06,756 = Rs. 10,92,135/-
\]

(B) Working expenses from 15.8.1947 to 31.3.1948.

- For Head-works = Rs. 7,07,141/-
- For Main Canal & Branches = Rs. 2,63,100/-
- For Distributaries = Rs. 15,606/-
- **Total** = Rs. 9,85,847/-
This expenditure is for 7½ months. To work out the expenditure for 6 months, a factor of 0.8 is applied. Thus working expenses for 6 months are:—

\[9,85,847 \times 0.8 = \text{Rs}.7,88,678/-\]

Total of \((A) + (B) = 7,88,678+10,92,135 = 18,80,815/- (sic \text{Rs}. 18,80,813)\)

Portion debitable to West Punjab @ 40 %

\[= 18,80,815^* \times 40/100= \text{Rs}.7,52,325/- \text{ I}\]

\((C) \quad \text{Seigniorage} \quad \text{charges @ Rs. 70/. per cusec of discharge}=2477 \times 70 = \text{Rs}.1,73,390/- \text{ II}\)

Total of I+II = 7,52,325+1,73,390 = \text{Rs}. 9,25,715/-

Say= \text{Rs}. 9,25,000/-

SARUP SINGH, - 18.4.1948  
E.L.PROTHEROE,- 18·4·1948.

M. A. HAMID, - 18·4.1948.
2357. **Wireless message, from the Chief Secretary, West Punjab, to the Chief Secretary, East Punjab.**

**Lahore, April 20, 1948.**

Our Chief Engineers have reported to Government the results of their negotiations at Simla. We are of opinion that the basis for agreement requires scrutiny and the final decision after further negotiations between Dominion Governments assisted by their Provincial Governments may take some time. We, therefore, suggest that water supply in Upper Bari Doab and Dipalpur Canals for West Punjab areas may be restored at once. Whatever agreement is finally arrived at will have effect from 1st April 1948 or any prior date agreed upon. Further stoppage of water supply will affect production of food and cause great and unnecessary distress and we appeal to you to help in avoiding it. We are ourselves anxious that there should be agreement regarding these canals, but we consider that water supplies should continue uninterrupted as token of our friendliness. We are contacting Pak Government to arrange early meeting to be attended by Dominion and Provincial Representatives on both sides.

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The next day (21-4-48) the Chief Secretary, East Punjab replied in his wireless message No 100G-ER: "Your wireless message of twentieth instant. The matter was thoroughly discussed with your representatives at Simla and as a result of lengthy negotiations the terms were agreed upon. These were carefully scrutinized and signed by your Chief Engineers in token of acceptance and we were hoping to get your approval to acceptance of these terms. We shall immediately open canals on hearing your acceptance of these terms. Final ratification by Dominion Governments can follow. We ourselves fully appreciate difficulties and are very anxious to avoid unnecessary hardship and distress occasioned by stoppage of water, but cannot disregard obligations to our own people."

❖ ❖ ❖ ❖ ❖
Telegram from Pakistan Prime Minister Liaquat Ali Khan to Prime Minister Jawaharlal Nehru.

Karachi, April 24, 1948.

MOST IMMEDIATE

From Liaquat Ali, Khan for Pandit Jawaharlal Nehru.

No. 1519.—Your telegram PRIMIN in 1124 of April 16th, I may mention at the outset that my telegram to which yours was a reply did not refer only to the Upper BARI Doab Canal but also to DIPALPUR Canal.

I have consulted West Punjab Government. It is correct that East Punjab engineers approached West Punjab engineers in March for preparing a fresh agreement for regulation of water supplies after March 31st. West Punjab engineers had similarly approached East Punjab engineers for same purpose but no meeting could take place because East Punjab appointed neither date nor place of meeting. West Punjab sent message on March 31st requesting the calling of an early meeting and suggesting continuance of previous arrangements. Throughout this period there was no suggestion of stoppage of water supply. In fact the stand-still agreement for three months January to March was accepted by West Punjab Government on express assurance by Sardar Sawarn Singh (at that time Minister in the East Punjab Government) to Sardar Shaukat Hayat Khan that East Punjab had no intention of stopping supply of water at any stage. This assurance was given at Jullundur in a meeting of Partition Committee presided over by Governor East Punjab in December 1947. We maintain that all arrangements connected with partition stipulated that lands receiving irrigation from canals should continue to receive similar irrigation in spite of partition. This was the reason why all head-works and water channels of Irrigation Department were valued for purpose of financial adjustments, otherwise water channels in Province other than Province which got head-works would be valueless. The main point is that West Punjab has both inherent and prescriptive rights to obtain water of which it is being deprived. Who maintain that such right cannot be interfered with simply because some agreement regarding incidentals has yet to be negotiated. West Punjab will hold Government of East Punjab liable for any loss or damage which people of West Punjab might be put to by this stoppage of water.

You have referred to exploratory conference of engineers held in Simla on 17th instant. I have seen terms of proposed settlement that have been offered by East Punjab to West Punjab after discussion among engineers. I observe that these terms have far-reaching consequences and it will be necessary to hold Inter-Dominion Confidence to discuss them. Will you very kindly suggest
a suitable place and date for such conference as early as possible? In the meantime I would request you to ask East Punjab to restore water supply forthwith because its interruption is likely to cause great distress to very large areas and to very large number of persons and it will have very serious consequences. I trust, therefore, that you would agree to my suggestion and have water supply restarted immediately.

In his telegram No. PRIMIN 1146 of 27th April Prime Minister Nehru suggested May 3 as the date for the inter-dominion conference in New Delhi.

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2359. Telegram from Chief Secretary, East Punjab, to Chief Secretary, West Punjab.

Simla, April 26, 1948.

No. N. PTN48/2019. Your wireless Message of twenty-fourth. We cannot accept your statement that the documents signed by Chief Engineers were merely a record of the best terms which our Engineers were prepared to offer. These documents themselves explain their nature. The terms offered to your Chief Engineers were considerably whittled down and after lengthy discussion and negotiations terms acceptable to your Chief Engineers were embodied in these agreements. In coming to agreement our Engineers were prompted by keen desire for immediate settlement in view of hardship involved if water supplies were stopped for any length of time. This was exactly the procedure followed when last Stand-still agreements regarding canal water supplies were entered into and endorsed by the Partition Committee. Regret we cannot restore supplies in the absence of any agreement after expiry of last Stand-still agreement. Suggest the agreements accepted by Chief Engineers should govern water supplies pending settlement at dominion level as proposed by you. We shall abide by whatever settlement is finally made as a result of Inter-Dominion Conference.

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Letter from Prime Minister Jawaharlal Nehru to Premier of East Punjab Gopichand Bhargava.

New Delhi, April 28, 1948.

My dear Gopichand ji,

I am greatly worried at the stoppage of canal water which used to flow to Lahore district. Whatever the legal and technical merits may be, there is little doubt that this act will injure us greatly in the world’s eyes, and more specially when food production is so urgently needed everywhere. As you are perhaps aware, we have convened an inter-Dominion conference to consider this matter and your Government’s representative will be coming to it.

There is another difficulty. I am told by our military authorities that owing to the stoppage of water there is too much water roundabout Pathankot and this is coming in the way of our building a bridge which is so urgently needed.

I have little doubt that water will have to be allowed in future because such stoppages cannot occur normally unless there is actual war. To stop water for the fields is supposed to be rather an inhuman act. I suggest to you, therefore, to consider this matter afresh. If we act with grace now (although it is getting rather late for it), we might get the benefit of it. Otherwise there will be no grace left and no benefit.

You will know best how to deal with this situation. If I may suggest a possible course, it is this: You may say that in view of the fact that an inter-Dominion conference is going to be held soon to consider this matter, your Government is permitting the flow of water for the time being as it is not your desire that the common people should suffer.

Yours sincerely,

Jawaharlal Nehru

Shri Gopichand Bhargava,
Premier, West Punjab
Simla.

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2361. Telegram from Pakistan Prime Minister Liaquat Ali Khan to Prime Minister Jawaharlal Nehru.

Karachi, April, 28, 1948.

From Liquat Ali Khan to Pundit Jawahar Lal Nehru.

No. 1583. Your telegram No. 1146 dated 27th. We accept May 3rd as date of meeting at New Delhi. PAKISTAN Government’s Delegation will be led by Mr. Ghulam Mohammad, Finance Minister, who will be assisted by High Commissioner for Pakistan in New Delhi, Mr. WASIM, Advocate-General of Pakistan and Mr. MOHSIN ALI, Consulting Engineer. The West Punjab Government will be represented by 2 Ministers, Mr. MUMTAZ DAULTANA and Sardar SHAUKAT Hayat Khan, who will be assisted by Majid, Chief Secretary, Hamid, Chief Engineer and Mr. ABDUL AZIZ, Engineer.

2. Regarding the question of water supply I understand that correspondence between East and West Punjab has been INFRUCTUOUS. In view of serious consequences that are likely to result from continued stoppage of water may I request you to order the opening of supplies pending settlement of entire question during Inter-Dominion Conference. The interval between now and Conference is very short but period is most vital.

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2362.  Telegram from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, April 29, 1948.

Following for Liaquat Ali Khan from Jawaharlal Nehru.

No. PRIMIN. 1155—Your telegram No.1583, dated 28th April. We are glad that your representatives are coming here on the 3rd May to discuss the question of supply of water from Upper Bari Doab and Dipalpur Canals. Both Government of India and East Punjab Government are anxious that this matter should be settled satisfactorily. Indeed as you know a settlement was arrived at recently between East Punjab and West Punjab engineers. We accepted that settlement but West Punjab Government has thus far not accepted it. We can only proceed on the basis of that settlement so long as no other arrangement is arrived at an Inter-Dominion conference.

I have been sorry to notice that an official spokesman of West Punjab Government had made various charges against East Punjab Government which are completely without foundation. In particular his statement that Sardar Sawaran Singh, Revenue Minister, East Punjab Government, gave an undertaking to West Punjab Government is untrue. However I do not wish to enter into this argument except to make it clear that East Punjab Government has consistently tried to implement agreements arrived at and is anxious that no suffering or injury be caused to agriculturists. I have spoken to Premier, East Punjab and in view of impending Inter-Dominion conference he is agreeable immediately to issue orders for resumption of water supply from the Upper Bari Doab and Dipalpur canals. It should be understood that this is on basis of agreement arrived at Simla recently subject to any variation which might be made at the Inter-Dominion conference. Orders are being issued accordingly.

Following Prime Minister’s intervention, on April 30th Chief Secretary, East Punjab telegraphically informed Chief Secretary West Punjab that while no reply had been received from West Punjab to East Punjab’s telegram No. Ptn. 48, dated 28th instant “but as a gesture of goodwill we have decided to supply you water on the basis of the agreement reached on the 18th April at Simla between the Chief Engineers of East and West Punjab and have issued instructions to our Chief Engineers today. Kindly acknowledge immediately.”
2363. **Telegram from Pakistan Prime Minister Liaquat Ali Khan to Prime Minister Jawaharlal Nehru.**

*Karachi, May 1, 1948.*

*For Jawaharlal Nehru from Liaquat Ali Khan.*

No. 1633. Many thanks for your telegram dated April 30th, 1948 intimating resumption of water supply to UPPER BARI DOAB and DIPALPUR Canals. I refrain commenting on terms offered by East Punjab at Simla in view of forthcoming Inter-Dominion conference at New Delhi on May 3rd. Nor do I wish to offer any remarks on paragraph No.3 of your telegram at this stage. I hope a satisfactory solution would be reached at conference. Meanwhile thank you for all trouble you took in getting water supply re-started.

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2364. **Record of the meeting between Prime Minister Jawaharlal Nehru and Pakistan Finance Minister Ghulam Mohammed.**

*New Delhi, May 3, 1948.*

Mr. Ghulam Mohammed came to see me this evening. He was alone. He spoke to me about the canal water dispute between East and West Punjab and said that to his great regret the inter-Dominion conference today had suddenly broken up. The conference, he said, was proceeding calmly and cooperatively and an attempt was being made to find a way out of the difficulties. Mr. Gadgil was helpful. At a later stage however Dr. Ambedkar (Law Minister) intervened and laid down the law rather harshly and brusquely. Dr. Ambedkar would consider no interim arrangement and insisted that the legal position as maintained by the East Punjab Government must be accepted or else there could not even be a temporary agreement.

2. Mr. Ghulam Mohammed had suggested that in view of a conflict of opinion about certain legal aspects, the matter might be referred to arbitration. This proposal was rejected and ultimately Mr. Gadgil put an end to the conference.

3. Mr. Ghulam Mohammed told me that he was greatly distressed at this and he was eager to find some way out of the impasse. He was not in a position to accept the legal formula which the East Punjab Government had advanced because of its far-reaching consequences. The subject was a difficult and complicated one and he was not lawyer enough to say much about it. He
suggested therefore that without prejudice to the position taken up by either party, a provisional agreement might be arrived at so that water should be supplied by the East Punjab Government and paid for by the West Punjab Government. Meanwhile, experts and others could consider the question in all its details and implications. This could not injure either party’s rights in any way. He was particularly concerned about the effect of any agreement on the riparian rights of rivers flowing from East Punjab. As the agreement would be without prejudice to the contentions of either party, and, meanwhile, *ad hoc* payments could be made, it would be a tragedy to stop the water and increase bitterness all round leading to further unfortunate consequences. He suggested that the Prime Minister of Pakistan would come here for further talks as soon as possible.

4. I told Mr. Ghulam Mohammed that I was not fully seized of all the facts of the case and had not yet seen the relevant papers. But it seemed to me that after the provisional agreement which ended on March 31st and the Arbitral Award, the rights in the canal head-works and the water vested completely in East Punjab. No doubt East Punjab should continue to supply water subject to the terms of any agreement. To challenge that fundamental right created a difficulty as the East Punjab Government thought that they would be put in a false position by submitting to that challenge. Again it might be easy to supply surplus water. But when water was relatively scarce the question would arise as to who should get it and in what quantity. In the arrangement of the canal system in the past the West Punjab area had been favoured and certain districts of East Punjab had suffered greatly. Hissar and other districts had suffered from famine repeatedly. It was natural for the East Punjab Government to desire to supply more water to Hissar and other neighbouring districts. If this was to be done West Punjab would inevitably suffer a lack from this source. It was for West Punjab to make alternative arrangements. These arrangements would no doubt take a little time and East Punjab would try to supply water to the best of its ability during this intervening period.

5. Mr. Ghulam Mohammed said that this matter was actually being discussed in the conference and Mr. Gadgil had appeared to favour some solution when Dr. Ambedkar put an end to such discussions. Mr. Ghulam Mohammed agreed that West Punjab should make its own arrangements and it may be that when these arrangements were completed East Punjab might be entitled to put an end to the arrangements to supply water.

6. I said if this was so, then it was obvious that East Punjab had the fullest right over the supply of water. If they could stop it after a certain period, then that right was there even now, subject, it may be, to humanitarian and other reasons which made it desirable to supply water till other arrangements were made. The legal position now was clear and East Punjab’s contention was justified.
7. Mr. Ghulam Mohammed pointed out that in calculating the value of the canal system the Arbitral Tribunal had taken present prices which were much more than original prices. They had valued the canal system and the head-works accordingly and West Punjab had been made to pay for that canal system. If East Punjab could stop the water for two canals then obviously those canals were completely useless and had no value left. Hence it could not be maintained that water should be stopped. Apart from this it was most unreasonable to allow water to flow into the sea when it could be used for agricultural and other human purposes.

8. Mr. Ghulam Mohammed repeatedly said that he could not argue the legal point, but when West Punjab is prepared to pay for the water he could not understand the difficulty of arriving at a provisional agreement without prejudice to either party’s contention. In the course of a month or two the matter could be examined fully by competent experts; also, that the real difficulty was not the canal water but the riparian rights of rivers.

9. I told Mr. Ghulam Mohammed that the real difficulty was the fear on either side of accepting a legal position which might be disadvantageous. This related to the seigniory rights. As a matter of fact Bikaner etc., who were taking water from these canals, paid a certain sum for these rights and there seemed to me no particular difficulty in West Punjab agreeing to this. In any event it might be possible to come to an arrangement under which the amount due to East Punjab from West Punjab on account of seigniory dues might be deposited somewhere, for instance, in the Reserve Bank, pending a final settlement of the other sums to be paid to East Punjab. Ghulam Mohammed indicated that he might be willing to agree to this as he was anxious to remove this great cause of friction on which both the East - West Punjab Governments felt so strongly and which affected the lives of a million and half people in West Punjab.

10. I asked him if he accepted the other figures which had been agreed by respective engineers. He said that those engineers were not competent to consider financial matters. They had been confronted with a document by the East Punjab engineers and they had ultimately signed it subject to agreement in regard to these controversial clauses by their respective governments. While he did not accept those amounts mentioned he thought there would great difficulty in arriving at some figures. In any event ad hoc payments could be made pending further consideration. The main point was that this would be completely without prejudice to each party’s contentions and that suitable payments could be made. Further that a sum might side for seigniory dues pending a final decision. All these not to apply to riparian matters.

11. I told Mr. Ghulam Mohammed that I had spoken to him without a brief but I proposed to look into the papers. I have asked him and some of his colleagues to see me tomorrow afternoon.

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2365. Inter-Dominion Agreement on the Canal Water Dispute.

New Delhi, May 4, 1948.

A dispute has arisen between the East and West Punjab Governments regarding the supply by East Punjab of water to the Central Bari Doab and the Depalpur canals in West Punjab. The contention of the East Punjab Government is that under the Punjab Partition (Apportionment of Assets and Liabilities) Order, 1947, and the Arbitral Award the proprietary rights in the waters of the rivers in East Punjab vest wholly in the East Punjab Government and that the West Punjab Government cannot claim any share of these waters as a right. The West Punjab Government disputes this contention, its view being that the point has conclusively been decided in its favour by implication by the Arbitral Award and that in accordance with international law and equity, West Punjab has a right to the East Punjab rivers.

2. The East Punjab Government has revived the flow of water into these canals on certain conditions of which two are disputed by West Punjab. One, which arises out of the contention in paragraph 1, is the right to the levy of seigniorage charges for water and the other is the question of the capital cost of the Madhavpur (Madhopur) Head Works and carrier channels to be taken into account.

3. The East and West Punjab Governments are anxious that this question should be settled in a spirit of goodwill and without prejudice to its legal rights in the matter. The East Punjab Government has assured the West Punjab Government that it has no intention suddenly to withhold water from West Punjab without giving it time to tap alternative sources. The West Punjab Government on its part recognise the natural anxiety of the East Punjab Government to discharge the obligation to develop areas where water is scarce and which were under-developed in relation to parts of West Punjab.

4. Apart, therefore, from the question of law involved, the Governments are anxious to approach the problem in a practical spirit on the basis of the East Punjab Government progressively diminishing its supply to these canals in order to give reasonable time to enable the West Punjab Government to tap alternative sources.

5. The West Punjab Government has agreed to deposit immediately in the Reserve Bank such ad hoc sum as may be specified by the Prime Minister of India. Out of this sum, that Government agrees to the immediate transfer to East Punjab Government of sums over which there is no dispute.

6. After an examination by each party of the legal issues, of the method of estimating the cost of water to be supplied by the East Punjab Government
and of the technical survey of water resources and the means of using them for supply to these canals, the two Governments agree that further meetings between their representatives should take place.

7. The Dominion Governments of India and Pakistan accept the above terms and express the hope that a friendly solution will be reached.

Jawahar Lal Nehru. 
Ghulam Mohd
N. V. Gadgil. 
Shaukat Hyat Khan
Swaran Singh. 
Mumtaz Daultana
New Delhi, May 4, 1948.

2366. Telegram, from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, May 18, 1948.

MOST IMMEDIATE

For Liaquat Ali Khan from Jawaharlal Nehru.

No. PRIMIN 1217- I draw your attention to the Inter-Dominion agreement arrived at on 4th May regarding the dispute between East and West Punjab on the subject of canal water. I had fully hoped that pending the examination referred to in paragraph 6 of the joint statement issued on the 7th May, matters would be allowed to take a normal course. East Punjab Government had given an earnest of their desire for friendly settlement by letting the waters flow into West Punjab even before the Inter-Dominion conference. I have now received reliable information that West Punjab Government have begun digging a channel with a view either or both to connect river Sutlej with Dipalpur canal or divert the course of Sutlej at Ferozepore. I am informed that bulldozers are already working on the site on the right side of the river just above Ferozepore where the river lies in loop by the Pakistan territory and that large labour force has been collected and the work has started in earnest. Should West Punjab complete this work it would cause a disaster for the Ganga Canal Colony in Bikaner State. East Punjab Government would not be able to feed their canal throughout the winter and in the event of digging of special channel by the West Punjab there is possibility of river avulsion and the result would be that the East Punjab will not be able to feed their canal even during summer.
In view of the gravity of the issues involved and their urgency the East Punjab Premier sent a wireless message to Premier, West Punjab Government. He has however been told in reply that this is a matter which should be taken up between the two Dominions.

I must ask that the matter be taken up immediately. Ghulam Mohd. will tell you that as a result of prolonged discussions conducted in a very friendly spirit we were able to arrive at a satisfactory provisional agreement. The whole of this will be upset if West Punjab persists in the course which it is reported to me they have taken. Any action of this sort taken by West Punjab Government unilaterally would, I need scarcely tell you, have very grave repercussions.

I shall be grateful for a very urgent reply as to whether the information I have received is correct, if not what the facts are.

I have not yet received a reply to my telegram PRIMIN. No.1179, dated 8th May addressed to Ghulam Mohd. Regarding the deposit of money in Reserve Bank, would you please have this expedited.

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The matter of the digging was first taken up by the East Punjab Irrigation Department with the West Punjab Irrigation Department on May 15, 1948. In view of the urgency of the matter the East Punjab Governor also wrote to his counterpart in Lahore, but the latter informed him that “channels of diplomatic correspondence” precluded him “from answering” his queries and that he had sent a copy of the message to the Government of Pakistan and advised the East Punjab Governor to take up the matter with the Government of India if considered desirable. He said that this matter being “other than partition matter, and should, therefore, be discussed and settled at Dominion level only.”

On May 21 Prime Minister Nehru again sent a telegram to his counterpart asking for an urgent reply and suggesting that “there have been further reports since then of the active part taken by West Punjab Ministers in the matter” and “all these reports have caused the greatest uneasiness to us and the East Punjab Government.”

Regarding the last paragraph of his message for deposit of Rs. 30 lakhs, Prime Minister suggested that it be deposited in the Reserve Bank at Amritsar as charges for the period from 15-8-1947 to the end of current quarter ending in June for the maintenance of the Madhopur Head-works and carrier channels.
Telegram from Pakistan Foreign Minister Zafrullah Khan to Prime Minister Jawaharlal Nehru.


MOST IMMEDIATE

No. 1922

For Jawaharlal Nehru From Zafrullah Khan.

2. Reference your telegram No. PRIMIN-1217 dated May 18th to Liaquat Ali Khan and your subsequent reminder. We have consulted West Punjab Government and position appears to be somewhat different from that mentioned in your telegram. In view of acute distress caused by suspension of water supplies to Dipalpur Canal the West Punjab Government prior to Delhi talks had initiated a scheme for digging a channel for connecting the Sutlej within our boundary with our Dipalpur Canal so as to ensure supply of water into canal should this prove necessary. Subject to saving our full legal rights and any final agreement that may be concluded between the two Dominions the position is as follows.

The work done by West Punjab Government is confined to PAKISTAN territory. We maintain that we have absolute right to take adequate precautionary measures to meet all eventualities. We are however prepared to obtain an assurance from West Punjab Government that marginal embankment will not be cut unless East Punjab Government again discontinue water supplies. In this connection it is pertinent to point out that West Punjab Government have been greatly perturbed by speech made by Sardar PRATAP SINGH, East Punjab Minister who is reported to have said that supplies of water to DIPALPUR Canal would be discontinued if exchange of prisoners was not effected promptly. You will agree that in view of their recent experience Government of West Punjab are fully justified in taking precautionary measures.

3. We have every intention of following up arrangement arrived at Delhi Conference and West Punjab Government have been requested to arrange to deposit necessary money in Reserve Bank of India.

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2368. Telegram from Prime Minister Jawaharlal Nehru to Pakistan Foreign Minister Zafrullah Khan.

New Delhi, May 23, 1948.

IMMEDIATE

For Zafrullah Khan from Jawaharlal Nehru.

No. PRIMIN. 1242— Your telegram No. 1922, dated 22nd May. Last Inter-Dominion Conference resulted in clear and signed agreement about supply of water and procedure to be followed in future. No mention was made then of this new scheme of West Punjab Government which vitally affects the whole question of canal water supply to both parties. I am surprised that this fact should have been kept away from us when this very matter was being discussed. There is no point in Inter-Dominion agreements if they can be by passed in this way.

You will appreciate that if West Punjab Government digs new channels which inevitably must cut across marginal embankments then East Punjab Government must also take precautionary measures which may result in tapping Sutlej waters higher up. This will adversely affect West Punjab interests and we are loath to embark on any such undertaking unless circumstances compel us. This process of mutual retaliation can only injure both parties and is entirely opposed to the spirit of our agreement. If any steps have to be taken by West or East Punjab Government this should first be considered at Inter-Dominion or Inter-Provincial conference in terms of Inter-Dominion agreement otherwise that agreement has no value. I trust therefore that no further steps will be taken till full discussion between parties concerned. I shall be glad to have an urgent assurance to this effect. I have not seen report of Sardar Partap Singh’s speech but there is and should be no connection whatever between supply of water and exchange of prisoners. Both questions should be dealt with separately. In regard to exchange of prisoners the sooner this is completed the better. I would remind you that this was stopped for a totally irrelevant reason by West Punjab Government.
2369. Telegram from Pakistan Foreign Minister to Prime Minister Jawaharlal Nehru.


IMMEDIATE

No. 1973

From Zafrullah Khan to Jawaharlal Nehru.

2. Your telegram No. 1242 of May 23rd. In view of our offer to obtain an undertaking from West Punjab Government that marginal embankment will not be cut until there is a further stoppage of water we do not see how our precautionary measures are described as opposed to spirit of arrangements agreed upon at Delhi Conference. This is not a retaliatory measure but a precautionary measure which will come into operation only if there is a failure of Inter-Dominion arrangements. For our part we are observing terms of arrangements and West Punjab Government will deposit in Reserve Bank Amritsar a sum of Rs.30 lakhs. In circumstances I feel that your apprehensions are justified (unjustified?) and I do not feel why this should start a process of what you describe as mutual retaliation. We fully intend to implement arrangements agreed upon pending settlement of our full legal rights which I hope to discuss with you in Delhi on June 5th when, if you so wish, I shall also invite representatives of West Punjab.

I am happy you agree that there should be no connection whatever between the 2 separate problems of supply of water and exchange of prisoners and trust you will impress this upon Sardar PRATAP Singh.

Replying to Zafrullah on May 29, Nehru advised him not to bring along the representatives of West Punjab to discuss the canal water question, when the discussion in Delhi on June 5 were essentially “intended to enable the two Prime Ministers to discuss major issues of policy.” He however assured Zafrullah that he would “of course be delighted to discuss with him the general implications of the canal dispute between the two Provinces.” Zafrullah agreed with Nehru and in reply on June 2 suggested that he would however, “be glad to discuss the general implications of canal dispute” with him as suggested.
3. **Maintenance of Upper Bari Doab Canal and Ferozepore Headworks**

Note by West Punjab Government.—The Expert Committee ‘B’ appointed for the division of the physical assets of the Punjab Province considered the question of the future management of the Upper Bari Doab Canal and secondly, the Ferozepore Headworks and made certain recommendations vide para. 15 of their report. The Partition Committee however asked Messrs Sarup Singh and Hameed to put up a joint proposal in the matter. The two Chief Engineers’ agreements in this case valid up to the 31.3.1948, were duly approved by the Partition Committee. No further agreements were however executed after the 31st March, 1948 and the supply of canal water to the West Punjab was stopped. The supply has however since been resumed on the basis of an agreement between the two dominions and the facts are known to the representatives of both the East and West Punjab Governments on the Partition Committee. Further negotiations will also take place at Dominion level. The matter is now laid formally before the Partition Committee for their information.

The Committee noted this information.

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2371. Telegram from Pakistan Foreign Minister Zafrullah Khan to Prime Minister Jawaharlal Nehru.

Karachi, June 4, 1948.

No. 2125

For Jawaharlal Nehru from Zafrullah Khan.

2. Bahawalpur Government has complained that supply of water received through State distributary of Eastern Grey Canal which takes off from Ferozepore Head-works has been stopped and over 60,000 acres of land are affected. They did not receive any water for this distributary for rabi season 1947-48 and were under impression stoppage was due to unavoidable factors but they have now reason to believe that stoppage is deliberate. Would you very kindly ask East Punjab Government to restore water supply immediately as stoppage is causing serious distress to people of Bahawalpur and has already inflicted severe damage and loss.

2372. Telegram, Prime Minister Jawaharlal Nehru to Pakistan Foreign Minister Zafrullah Khan.

New Delhi, June 5, 1948.

IMMEDIATE

No PRIMIN 1306

From Jawaharlal Nehru for Zafrullah Khan.

2. Reference your telegram. No. 2125, dated June 4th. Bahawalpur State distributary of Eastern Grey Canal is a non-perennial channel and does not run during, rabi season. In April 1948 East Punjab engineers enquired from West Punjab engineers whether any arrangements were desired to supply water to this distributary after the expiry of the Standstill Agreement on the 31st March 1948 but were informed that West Punjab was not interested. Similarly in the discussions at Delhi which preceded the Inter-Dominion Agreement of May 4th, 1948, no mention was made of any requirements of water for this distributary although Khan Bahadur Abdul Aziz, Chief Engineer, Bahawalpur, was actually present at these meetings.*
We shall gladly discuss this matter either on a Dominion level or as between East Punjab Government on the one hand and West Punjab and Bahawalpur State on the other. You will appreciate that it is difficult for us to enter into any further commitments in view of Developments that have taken place since the Inter-Dominion Agreement of May 4th, 1948. It is desirable that all outstanding differences should be settled early in terms of that Agreement. The Bahawalpur matter to which you have referred could be included in such discussions.

* "No water is now being supplied to this distributary. We regret that we cannot enter into any further Commitments till the outstanding differences regarding the Inter-Dominion Agreement are settled." This paragraph does figure in the record of the Ministry of Irrigation and Power. It is found in the text published in Nehru’s collected works by Nehru Memorial Fund. Vol. 6 page. 69-70.
Telegram from Prime Minister Jawaharlal Nehru to Pakistan Foreign Minister Zafrullah Khan.

New Delhi, June 5, 1948.

IMMEDIATE

From Jawaharlal Nehru to Zafrullah Khan.

No. PRIMIN 1308

Your telegram No. 1973 of May 26th. I did not reply to this because of the proposed discussion in Delhi on June 5th. Now that this discussion has been postponed to June 15th, I must draw your attention again to serious consequences flowing from the digging of the new channel by West Punjab Government. I am glad to have your assurance that you fully intend to implement the Inter-Dominion Agreement of May 4th. But that Agreement itself laid down that any action taken by either West or East Punjab Government affecting the other Government should be after mutual consultation. Thus the unilateral decision by West Punjab to dig new channel is against letter and spirit of that Agreement and strikes at the very root of our common approach to these problems which concern the livelihood of millions of people on either side. This new channel endangers the safety of the Ferozepore Head-works and may lead to stoppage of supply of water to our canals taking off from these Head-works.

2. Your offer to obtain an undertaking from West Punjab Government that marginal embankment will not be cut until there is further stoppage of water does not help at all. This will not prevent mischief by flood waters operating through the new channel. There is also the possibility of mischievous elements deliberately damaging the embankment of the Ferozepore Head-works with a view to create difficulties between the two Dominions. The possibility of all this happening rather suddenly and thus causing enormous loss and misery to millions is one which no Government can view with equanimity. Inevitably it has to think of what you call precautionary measures against such a contingency. There is no end to this process of so-called precautionary measures on either side except a frank recognition that steps should not be taken without full consultation. We cannot therefore, agree with you that the digging of the new channel is an innocent precautionary measure. I must therefore again request you to direct that works on the new channel be stopped immediately with a view to create the necessary atmosphere for continuance of discussions between the two Dominions as envisaged in paragraph 6 of the Agreement of the 4th May 1948. Unless this is done, these discussion can hardly be fruitful.
3. We are advised that the possibility of supplying water through the new channel to the Dipalpur canal depends *inter alia* on the maintenance of the Ferozepore Head-works. We cannot, therefore, regard the new channel as an alternative source for supply of water to Dipalpur canal within the meaning of paragraph 4 of the Agreement of 4th May.

4. We would strongly urge you to direct stoppage of work on the link channel. Your Government or the West Punjab Government cannot suffer any prejudice by doing so as you have yourself admitted that your intention is not to utilize this channel until we commit a breach of the Agreement. We consider ourselves bound by the Agreement so long as it is observed by your Government and there is going to be no breach on our part if the terms of that Agreement are observed by both parties.

5. You will appreciate that the East Punjab Government cannot remain a passive witness of something that may cause their people grave injury. If the digging of this new channel by West Punjab continues, they will have seriously to consider what action they should take to protect their vital interests.

6. My Government as well as the East Punjab Government is ready for further meetings as contemplated by paragraph 6 of the Agreement of May 4th. We suggest that such a meeting should take place in the last week of June, and that both parties should come fully prepared for discussing all aspects of the question involved. We suggest that, this meeting should take place in Delhi about the 25th June. Will you kindly let me know the exact date that will suit your Government and the West Punjab Government for this purpose?

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On June 5 the Deputy High Commissioner in Lahore in a telegram to the Ministry of External Affairs confirmed that “excavation of the canals, one near Wagah and the other a few miles up Ferozepore, is being proceeded with by the Muslim volunteers and National Guards unremittingly.”
2374. Telegram from Pakistan Foreign Minister Zafrullah Khan to Prime Minister Jawaharlal Nehru.

Karachi, June 8, 1948.

No. 2165

From Zafrullah Khan to Jawaharlal Nehru.

2. Your telegram No.1306-PRIMIN, dated June 5th. Your information about Eastern Grey Canal appears to be incorrect. Bahawalpur Government definitely state that Eastern Grey Canal is PERENNIAL and irrigates 35,000 acres in RABI season. Khan Bahadur Abdul Aziz is not Chief Engineer to State which had no Representative at discussions preceding agreement of May 4th. West Punjab are not concerned with this canal which runs east of Sutlej. It is, therefore, not surprising that they were not interested.

3. I agree that this matter should be settled at earliest possible date and look forward to discussing it along with other irrigation problems regarding which I am addressing you separately. Meanwhile I trust you will arrange for immediate resumption of supplies through Eastern Grey Canal in order to alleviate serious distress that is being caused.

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2375. Telegram from Prime Minister Jawaharlal Nehru to Pakistan Foreign Minister Zafrullah Khan.

New Delhi, June 15, 1948.

From Jawaharlal Nehru for Zafrullah Khan.

No. PRIMIN 1342.

Your telegram No. 2165, dated June 8th. I had hoped to discuss this matter at our proposed meeting in Delhi to-day, but as this meeting has been postponed and the matter is urgent I am sending you this reply.

Further enquiries confirm that the Bahawalpur State distributary of the Eastern Grey Canal is non-perennial and only functions during summer and monsoon, that is, between first April and sixteenth October. In fact it functions chiefly during the monsoon season. The fact that the Bahawalpur Government raised the question of supply of water to their distributary only about the beginning of June this year also confirms that the distributary only functions during this period.
We have given serious consideration to your request for immediate resumption of supplies to the Bahawalpur distributary through the Eastern Grey Canal. But you will appreciate that it is difficult for us to enter into further commitments depending on Ferozepore Head-works in view of the serious threat to this Head-work by the digging of the new channel by the West Punjab Government. In spite of our repeated requests this digging apparently continues and endangers not only the future of the Ferozepore Head-works but of the canal water supply system in a large area. If this digging continues, the assurance that the embankment will not be breached is of little consequence as the breach can be made at short notice and there will be continuous apprehension about it. The East Punjab Government will have to take steps to provide against this development which is so full of danger to their people as well as to the people of Bahawalpur. The whole Eastern Grey Canal system will be seriously affected by it. Thus this question is intimately allied with the digging of the new channel by the West Punjab Government, and cannot be viewed separately. I would request you again therefore to take urgent steps to stop this digging so that this and other matters might be considered in a normal context.

Subject to what I have said above we are prepared to ask East Punjab Government to supply water immediately to the Bahawalpur State distributary. It should be clearly understood however that this supply will be in terms of the Inter-Dominion Agreement of the 4th May, 1948, and subject also to the payment by the Bahawalpur State of interest, maintenance and seigniorage charges. Such seigniorage charges have been paid by various States in the past and stand on a different footing to that of West Punjab. Apart therefore from the question of West Punjab paying the seigniorage charges to East Punjab which has been reserved for future discussion, the case of their payment by Bahawalpur State is clear. The amount of actual payment and other details may be settled at a meeting between our respective representatives which should take place early, but the principle of payment of interest, maintenance and seigniorage charges should be accepted by the Bahawalpur Government.

This matter requires urgent consideration in the interests of both Dominions and their provinces and states. Postponement of it will be harmful to all concerned. There are many other matters also, including the implementation of the Inter-Dominion Agreement of Calcutta, which require early consideration. The Prime Ministers' meeting can hardly deal fully with all these matters though it may consider certain basic principles. I suggest therefore that an early date preferably in the last week of June be fixed for a meeting in Delhi between Dominion Ministers and secretarial and technical staff to consider all these matters.
2376. Telegram, from Pakistan Foreign Minister Zafrullah Khan to Prime Minister Jawaharlal Nehru.

Karachi, June 19, 1948.

From Zafrullah Khan to Jawaharlal Nehru.

No. 2312. Your telegram PRIMIN 1342, dated June 15th.

I am no less anxious than you to resolve at earliest possible date the difficulties with which we are both faced in this serious matter. I am confident we shall reach a just solution provided we leave no room for misunderstanding. The problem immediately before me is the restoration of confidence in all those in West Punjab who were shocked by a threat to lives and prosperity of millions by arbitrary stoppage of water supplies without warning at beginning of April. Quite apart from my letter dated March 22nd from administrative problem dealing with impending calamity they thought it essential to take all measures possible to prevent this complete loss of confidence developing into a serious threat to maintenance of peace between two Dominions. Fortunately the restoration of water supplies although delayed and on terms inconsistent with our rights removed immediate danger, it however in no way restored confidence.

The authorities concerned in West Punjab are well aware of catastrophic results which would occur if Ferozepore Head-works were in any way damaged and in excavating link channel have taken all possible precautions to protect them. Unless water is actually drawn through new channel (and there is no possibility of this so long as normal supplies continue) its construction designed to restore confidence and remove fear of insecurity is a matter of internal administration the exercise of which is not open to dispute.

These very real fears governed my reluctance to request cessation of work. I am assured that any such request will at once cause the return of suspicion and feelings of insecurity if not serious unrest.

It is evident however that situation is causing you concern which however for reasons above given can be no greater than mine. That being so and because goodwill must provide setting for forthcoming talks I propose to use my best endeavours with West Punjab Government to prepare way for partial or complete cessation of work on channel at earliest possible date without creating such local opposition as might neutralise all that Dominions are trying to achieve by negotiations. You will appreciate the necessity to move cautiously and must recognise that short-sighted policy followed by East Punjab Government has left behind it an unfortunate legacy of suspicion and distrust. Please rest assured however that I shall do my utmost to insure that pending final settlement West Punjab does nothing that may be detrimental to India or East Punjab.
The supply of water in Eastern Grey Canal to Bahawalpur is an entirely separate matter.

The invalidity of right of East Punjab to recover SEIGNIORAGE charges from West Punjab extends also to Bahawalpur whose contention is that their rights derive from capital participation in construction of system and are guaranteed by terms of their agreement. They are clearly entitled to 375 CUSECS at point of entry to State. However in deference to your view I am again consulting Bahawalpur Government. Meanwhile I greatly welcome your comment in the light of your offer to restore supplies to State pending settlement of respective rights and would, in view of approach I now make, request you to put it into immediate effect. I agree that a meeting should be held at the end of June to consider all these matters and shall suggest details in a few days.

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2377. Telegram, from Prime Minister Jawaharlal Nehru to Pakistan Foreign Minister Zafrullah Khan.
New Delhi, June 20, 1948.

From Jawaharlal Nehru to Zafrullah Khan.

No. PRIMIN 1352.- Thank you for your telegram No. 2312, dated 19th, June regarding canal water supply in East and West Punjab and Bahawalpur.

I appreciate what you say, but I would point out that East Punjab Government did not stop water supply at the beginning of April without notice as stated by you. They made repeated efforts to confer with representatives of West Punjab Government but did not succeed. It was only after failure of these efforts that water was stopped.

I shall not repeat what I have already said about inevitable consequences of the digging of new channel by West Punjab. I agree that confidence must be restored on both sides, but the very digging of new channel is preventing this restoration of confidence because it is a constant threat to East Punjab and would even threaten supply to Bahawalpur. It was for this reason that I laid great emphasis on the cessation of work in digging this channel which would, to some extent, restore confidence and enable all of us to face problem dispassionately and in the interests of all concerned. I earnestly hope, therefore, that West Punjab Government will immediately stop this digging of the channel.
As regards seigniorage charges from Bahawalpur, the position is entirely the same as with some other States which do pay these charges and we do not see how any new question arises in regard to it.

I am communicating your telegram to the East Punjab Government.

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2378. Telegram from Pakistan Foreign Minister Zafrullah Khan to Prime Minister Jawaharlal Nehru.

Karachi, July 6, 1948.

No. 2520.- Your telegram No, 1352 PRIMIN of June 20th and 1392 PRIMIN of July 4th. I am glad to say that West Punjab have, not without reluctance but in order to contribute to goodwill which we are endeavouring to establish, agreed to cessation of work on portion of new channel where it was intended to take off from the river. I hope you will agree that this is a valuable gesture which should help to restore confidence between West Punjab and East Punjab. I regret it has not been possible to arrange proposed meeting at end of June. I suggest that it be held at Karachi about July 20th when West Punjab Representatives can also attend.

We are examining further Bahawalpur’s claim to water from Eastern Grey Canal but hope meanwhile that you have arranged for resumption of supplies.

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2379. Statement handed over on behalf of India to Pakistan.

New Delhi, July 21, 1948.

East Punjab is prepared to come to a final agreement with West Punjab as regards the Upper Bari Doab Canal and the Dipalpur Canal on the lines of the Agreement of 4th May 1948, to the intent that such an agreement will take the place of all rights and liabilities which either side may have in law and both sides give up all legal contentions which they may have in respect of these two canals for rights other or further than those provided for in the agreement.

If West Punjab feels that it cannot come to final agreement, if the agreement is restricted to the Upper Bari Doab Canal and the Dipalpur Canal, East Punjab is prepared to discuss and if possible come to an agreement as regards the canals taking off from Suleimanki and Islam Head-works, either on the same lines as above or on such other lines as may be agreed upon between the parties. In the latter case it will be for Pakistan to put up concrete proposals as regards the terms on which they are prepared to come to an agreement as regards these other canals.

As regards Bahawalpur State Distributary taking off from the tail of the Eastern canal, East Punjab is prepared to restore the supply for a limited period on the same terms as it has restore the supply of the Upper Bari Doab Canal and the Dipalpur Canal.

2380. Statement handed over to India by Pakistan.


Our position is that the partition of the Punjab has made no difference to the rights of the two portions in which the Province has been divided and Bahawalpur, Khairpur and Sind to the use and enjoyment, both present and future, of the waters of the rivers affected by the partition. Areas within Pakistan which were entitled to the use and enjoyment of water from these rivers for irrigation and other purposes are entitled to continue to receive the benefit of such user and enjoyment on terms no more onerous in any respect than were applicable to such user and enjoyment before partition. Pakistan is also entitled to an extended user and enjoyment of the surplus waters of these rivers on an equitable basis. If this position is not accepted by the Dominion of India, Pakistan
would be entitled to have recourse to such means and procedure as may be open to it by agreement between the two Dominions or without such agreement to obtain an adjudication of these rights which should be binding upon both Dominions.

2. The scope of Inter-dominion discussions for purposes of resolving this problem may be comprehensive or limited. If it is comprehensive, the aim should be to arrive at a permanent agreement regulating for all time the rights of user and enjoyment of the waters of these rivers on the basis of safeguarding the existing rights and making provision for the beneficent and equitable use of the waters surplus to present requirements in such areas of either Dominion where they can be used to the best advantage on the principles already adopted by the Punjab Government before partition. Such an agreement would also settle the claims of Bahawalpur, West Punjab and Sind to share in the cost and benefits of schemes of reservation and conservation of waters on the reaches of these rivers within the Indian Dominion and to demand consequent equitable adjustments.

3. The aim of any limited arrangement would be to arrive at an interim agreement with regard to the period within which alternative sources of supply of water for irrigation purposes for West Punjab areas irrigated from the U.B.D.C. and the Dipalpur Canal can be investigated and brought into operation so as to enable the East Punjab to utilise proportionate quantities of water within its own areas subject to the ultimate determination of the legal rights of the two Dominions with regard to the user and enjoyment of these waters by means of arbitration or otherwise.

During the currency of such an agreement, the quantum of the present rights of user and enjoyment of the waters by all areas within Pakistan must be maintained intact on the same basis on which it had existed before partition subject to any modification agreed upon as a consequence of the coming into operation of alternative sources of supply for U.B.D.C. and Dipalpur areas.

4. A settlement would also have to be reached with regard to the claim of Bahawalpur to receive without charge 375 cusecs of water at the State boundary through the Eastern Canal in lieu of 564 cusecs of water to which it was entitled from Suleimanki and in respect of which it made its contribution to the costs of the Suleimanki Head-works. This arrangement was arrived at in order to obviate the necessity of Bahawalpur becoming a third partner in Ferozepore Head-works. In effect the extra share of the costs of Suleimanki Head-works borne by Bahawalpur was a contribution towards the Ferozepore Head-works.

Present
1. Rai Bahadur Shri Gita Ram Garg, I.S.E., Chief Engineer, East Punjab.
2. Sardar Bahadur Sardar Sarup Singh, I.S.E., Chief Engineer, East Punjab.
4. Khan Bahadur Pir Mohammad Ibrahim, I.S.E., Chief Engineer, West Punjab.
5. Khan Bahadur K. A. Ghafoor, I.S.E., Chief Engineer, West Punjab.

In addition to the above officers, Superintending Engineers and Under Secretaries concerned from both sides were also present.

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Item No. 1.— It was agreed that the charges for the supply of water to the Central Bari Doab Canal and the Depalpur Canal of the West Punjab for the period 15-8-1947 to the end of kharif 1948 will be in accordance with the calculation supplied to the West Punjab by the East Punjab on 1-9-1948, subject to the arithmetical check only.

2. East Punjab agrees that in the event of an agreement being arrived at for the continuation of the supply of water to the Central Bari Doab Canal and the Depalpur Canal, beyond kharif 1948, to levy charges calculated in accordance with the following principles. The West Punjab while agreeing to the method of calculation of the charges wants to add that the Delhi agreement provides the continuance of the supplies till the Dominions come to a new settlement. This is disputed by the East Punjab and the West Punjab suggested that the matter may be referred to the Dominions for clarification.

3. **UPPER BARI DOAB CANAL**

**Apportionment of Capital Expenditure:** The booked capital expenditure of the Madhopur Head-works will be borne in entirety by the East Punjab.

For the purposes of the apportionment of the booked capital expenditure on Main Canal and Branches and Distributaries, the average of the results of two
methods, viz:—

(a) Mileage basis as already worked out by the East Punjab.

(b) Cusec-mile basis, i.e. summation of the discharge of a reach multiplied by its length.

In accordance with (b) above, the apportionment of booked capital to the West will be the summation of the products of the cusec and miles of the Main Branch Lower and the Lahore Branches by reaches, lying in its territory, divided by the summation of the products of cusec and miles of the whole system lying in the East and the West Punjab by reaches.

**Interest and Maintenance Charges**:

(i) **Main Canal, Branches and Distributaries**: These charges will be distributed in proportion to the summation of cusec-miles delivered to West Punjab with pro-rata addition on account of absorption losses, to the summation of cusec-miles of carrier channels, accounts for each such channel being kept separately.

(ii) **Head-works**: These charges will be distributed in proportion to the ratio of supply allocated to East and West Punjab, viz. 60: 40.

The capital expenditure arrived at above on which interest charges are to be levied for recovery from the West would be multiplied by an enhancement factor of four as in the previous accounts for the period 15-8-1947 to 30-9-1948.

The West Punjab, however, contends that this factor should be two instead of four as disputed under para 2 of the Inter-Dominion Agreement, dated May 4th, 1948.

East and West Punjabs agree that no factor will be applied to the Capital expenditure incurred in the common interest after kharif 1948.

Further the East Punjab demands the Seignorage charges to which the West does not agree.

East agrees to the West Punjab proposal that the suspense figures included in the capital cost should be the figures as they stand on the 31st of March of the financial year for which the charges are to be recovered.

4. **DEPALPUR CANAL**:

The method of calculating the charges for the water supplied to Depalpur Canal shall be the same as calculated by the East Punjab for kharif 1948, except for
the following modifications:

(a) The booked capital cost of the Right Marginal Bund including its retired reach, of the Ferozepur Head-works lying in the West Punjab, would be subtracted from the booked capital cost of the Ferozepore Head-works for the purpose of apportionment of the capital expenditure between the East and the West, and for that purpose of levying of the interest charges.

(b) The East Punjab shall pay to the West Punjab the interest and the maintenance charges of the reach of the Right Marginal Bund referred to above in the same manner as the West will be paying to the East.

5. GENERAL

The East Punjab will prepare the schedule of charge both for the Central Bari Doab Canal and the Depalpur Canal and forward the same to the Chief Engineers of the West Punjab for their scrutiny and agreement.

On receipt of the schedule the West Punjab Engineers will put up the proposals to their Government for its concurrence and the East Punjab Engineers will then take up the case with the Government for ratification.

G. R. Garg 4-9-48
Chief Engineer, Irrigation Works
East Punjab

M. A. Hamid 4-9-48
Chief Engineer
West Punjab

Sarup Singh 4-9-48
Chief Engineer, Irrigation Works
East Punjab

Mohammad Ibrahim 4-9-48
Chief Engineer, Irrigation Works
West Punjab

K.A. Ghafoor 4-9-48
Chief Engineer, Irrigation Works
West Punjab

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2382. Telegram, from the Pakistan Ministry of Foreign Affairs to the Ministry of External Affairs.

Karachi, September 15, 1948.

No. 3516.

At conference held September 1st—September 3rd at WAGHA between East and West Punjab engineers it transpired that interpretation placed by East Punjab on Delhi Agreement of May 4th was that Agreement only modified Simla draft agreements in certain respects and therefore its life was same as that of Simla draft agreements that is up to 30th September. The argument when advanced by West Punjab at Inter-Dominion Conference held on July 21st in respect of proportion of supplies as laid in Simla agreements for supplies to Central BARI Doab Canal and Ferozepore Head-works, was refuted by East Punjab on ground that Delhi Agreement was not in continuation of Simla Agreements. East Punjab’s attitude is therefore quite inconsistent. We consider Delhi Agreement clearly provides for continual supplies to West Punjab till final Agreement is arrived at between two Dominions and at the same time accepts Simla Agreements excepting 2 disputed points. As it is essential that supply to West Punjab should continue it is requested that our interpretation be kindly confirmed without delay. It is also requested Prime Minister India may kindly fix amount to be deposited by West Punjab for quarter or half-year beginning October next.

While there was some delay in getting the response of the East Punjab Government to the points raised by the Pakistan Ministry of Foreign Affairs, the Ministry of External Affairs in its telegram dated September 27, 1948 assured Pakistan that “East Punjab Government have been instructed not to withhold water from West Punjab and you may be rest assured that supply of water will be continued to Dipalpur Canal from 1st October to 15 October, 1948 and to Central Bari Doab Canal from 1st October 1948 until the matter can be further discussed at an Inter-Dominion Conference.
2383. Letter from the Secretary, Government of Pakistan, Ministry of Foreign Affairs to the Secretary, to the Government of India, Ministry of External Affairs.

Karachi, September 27, 1948.

With reference to telegram from Foreign, Karachi, No.2520, dated the 6th July, 1948, I am directed to say that it has come to the notice of the Government of Pakistan that the East Punjab Government has under its consideration the following two proposals:—

(1) To take out a distributary from the Upper Bari Doab Canal from the Aliwal Head or from near Siri Gobindpore about 15 miles upwards from Aliwal; and

(2) To take out a canal from the rivers Sutlej and Beas near the Harike Ferry.

It is understood that the survey has been completed for both these projects but the East Punjab Government has not yet decided as to which proposal to accept. The Government of Pakistan consider that the East Punjab Government have no right to withdraw any more water from the rivers Sutlej, Beas and Ravi than was taken for irrigating their areas before the date of partition. The Government of Pakistan trust that the Government of India will ask the East Punjab Government to take no further steps in the matter till all the implications have been fully examined at dominion level.

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Telegram from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs.

New Delhi, October 18, 1948.

No. PRIMIN-1681 — Please refer to your telegram No. 3516, dated 15th September, 1948, regarding interpretation of Inter-Dominion Agreement dated 4th May 1948 on Canal Water Dispute.

2. We do not accept your interpretation of the Delhi Agreement of 4th May, 1948. We consider that Delhi Agreement imports by implication only some of the terms of the Simla Agreements in so far as they related to the supply of water to Dipalpur and Central Bari Doab Canals. We deny that the Delhi Agreement provides for continual supplies to West Punjab till a final agreement is arrived at between the two Dominions. We consider that if a party refuses to come to a final settlement of the dispute without any reservation or if there is an unreasonable delay on the part of a party in concluding such a final settlement, it is open to the other party to put an end to the agreement by giving reasonable notice. Further the Delhi Agreement is based on the recognition by the West Punjab Government of the right of the East Punjab Government to progressively diminish the supply of water to West Punjab in order to give reasonable time to enable the West Punjab Government to tap alternative sources. Further meetings between the representatives of the two Governments should be on the basis of this recognition by the West Punjab Government of the above-mentioned rights of the East Punjab Government.

3. Regarding the request contained in the last sentence of your telegram of the 15th September, 1948, a separate communication is being sent to you.

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2385. Letter from the Additional Secretary to the Government of India, Ministry of External Affairs to the Secretary to the Government of Pakistan, Ministry of Foreign Affairs.

New Delhi, December 8, 1948.

No. F. 26 – 3/48 – Pak.I

December 8, 1948.

Subject:— Alleged proposals of the Government of East Punjab (1) to take out a distributary from the Upper Bari Doab Canal; and (2) to take out a canal from the River’s Sutlej and Beas near the Harike Ferry.

With reference to your letter No. D. 7083-I/48, dated 27th September, 1948, the Government of India, have already intimated that they consider that the proprietary rights in the waters of the rivers in the East Punjab vest wholly in the East Punjab Government and that the West Punjab Government cannot claim as of right any share of these waters. The Government of India and the East Punjab Government have, however, previously expressed their willingness to consider the supply of water to West Punjab, without prejudice to its legal rights in the matter, in a spirit of goodwill and friendship. I would refer you to the Inter-Dominion Agreement on this subject dated the 4th May 1948. In that Agreement the West Punjab Government recognised that, even apart from the question of law involved, it would be just and proper for the East Punjab Government progressively to diminish the supply of water to the canals mentioned in order to give reasonable time to enable the West Punjab Government to tap alternative sources.

2. Both the Government to India and the East Punjab Government are perfectly prepared to abide by the terms of the Inter-Dominion Agreement of the 4th May 1948, provided the Pakistan Government and the West Punjab Government also carry out the provisions of this Agreement. This agreement was essentially based on a practical solution of the problem and with the desire that the matter should be settled in a spirit of accommodation to each other. It is obvious that the East Punjab Government has an obligation to discharge in regard to the development of areas where water is scarce in their province.

The West Punjab Government have recognised this obligation and duty of the East Punjab Government in the Agreement of the 4th May, 1948.

3. As a matter of strict law, the Government of India cannot accept the contention of the Government of Pakistan that the East Punjab Government have no right to withdraw any more water from the rivers Sutlej Beas and Ravi than was taken for irrigating their areas before the date of Partition. Even as a matter of equity and practical convenience this contention of the Government
of Pakistan cannot be admitted, and indeed, as stated above, the West Punjab Government has already agreed to the necessity of the East Punjab Government progressively using more water from these canals for its own purposes. The Government of India cannot also admit the right of the Pakistan Government or West Punjab Government to interfere in any way with any action they may take or propose to take regarding the extension of irrigation or alteration in the existing system of irrigation in India.

4. The Government of India, however, are always willing to consider these matters with a practical and human point of view in terms of the Agreement of the 4th May, 1948. In the letter under reply there appears to be an attempt to ignore completely this agreement.

2386. Telegram from Prime Minister Jawaharlal Nehru to Pakistan Foreign Minister Zafrullah Khan.

New Delhi, June 13, 1949.

Your telegram No. 2573 dated 13 June 1949.

2. East Punjab Government restored supplies to Central Bari Doab and Dipalpur Canals for kharif, 1949, on the basis of Inter-Dominion Agreement of 4th May 1948, and telegram No. 1681 PRIMIN, Delhi, dated the 18th October 1948.

Regarding supplies beyond kharif, the matter is covered by paragraphs 3 and 4 of Inter-Dominion Agreement dated 4th May 1948 wherein the Dominion of Pakistan recognized the natural anxiety of the East Punjab Government to discharge its obligations to develop areas in East Punjab where water is scarce and which are underdeveloped in relation to parts of West Punjab and the right of the East Punjab Government to progressively diminish its supplies to the Central Bari Doab and the Dipalpur Canals in the West Punjab in order to give reasonable time to enable the West Punjab Government to tap alternative sources.

The matter is to be pursued in the next Inter-Dominion meetings under paragraph 6 of the Inter-Dominion Agreement referred to above.

As regards the five channels, in which you complain that the flow has not been restored, the Government of the East Punjab is being requested to set matters
right, in case we have undertaken to supply water to these channels. Please instruct Chief Engineer, I.B., West Punjab, to contact Chief Engineer, I.B., East Punjab.

3. As regards the supply of water to the Bahawalpur State distributary, may I refer you to telegram No. Primin 1342 dated 15 June 1948 from Foreign New Delhi to Foreign Karachi. The supply desired is from the tail of the Eastern Canal owned by East Punjab. We do not accept the right of the Bahawalpur State to uninterrupted supply of water, and, as mentioned in the telegram referred to above, the supplies, if agreed upon, will be subject to payment by Bahawalpur State of the interest, maintenance and seigniorage charges and for the period to be mutually agreed upon.

4. As regards the supply of daily gauges and discharge data referred to in paragraph 4 of your telegram we have never objected to giving the information relating to the channels which we have contracted to supply with water. I presume you are not asking for data about rivers and canals about which there has been no agreement. Question of your engineers working in the Indian territory does not arise.

5. I am glad that you have deposited the necessary amount to cover up the charges for the quarter ending 30 June 1949. I trust that the deposit for the ensuing quarter is also being arranged early. As regards the disputed amount, please refer to paragraph 4 of express letter No.D.-I337 -I.B./48 dated 27 December 1948 from Foreign Karachi to Foreign New Delhi in which you agreed to the disputed amount being transferred in the name of the Prime Minister of India. We adhere to the agreed procedure. Therefore the question of a neutral escrow holder does not arise.

6. Our position has been consistent as regards the waters of rivers in our territory. In the Inter-Dominion Agreement dated 4th May 1948, Pakistan not only appreciated the anxiety of East Punjab Government to discharge its obligation to develop areas in East Punjab where water is scarce and which are underdeveloped in relation to parts of West Punjab, but agreed that apart from the question of law involved, the East Punjab could progressively diminish its supply to the Central Bari Doab and Dipalpur Canals in order to give reasonable time to the West Punjab Government to tap alternative sources. The provisions of paragraphs 3, 4 and 6 of the Inter-Dominion Agreement of 4th May 1948 are explicit. We, however, regret to notice that having conceded the right of the East Punjab Government to progressively diminish its supply to the Central Bari Doab and Dipalpur Canals in West Punjab, you have all along shown great hesitancy in complying with your solemn undertakings. We repudiate your suggestion that Pakistan's so-called equitable share includes not only water allocated to areas of Indus Basin in Pakistan at and prior to
partition but any additional supply that may be made available by engineering works in our territory in future. We do not accept your contention that East Punjab is not entitled to undertake new engineering works except on the basis of agreement with Pakistan as to sharing of costs of works and apportionment of additional supply after ensuring protection of existing uses and fulfillment of existing allocations, etc.

Paragraph 6 of your telegram under reply goes back upon arrangements reached between West Punjab and East Punjab in various conferences and meetings after partition and the claim set out therein is opposed to the provisions of law contained in the Indian Independence Act and the various Orders made thereunder by Lord Mountbatten and Governor Jenkins.

We appreciate your efforts to tap alternative sources of water supply in West Punjab as agreed upon in paragraph No.6 of the Agreement dated 4th May and on our part assure you that we are as anxious as ever for a friendly solution the basis of the new situation created by the Indian Independence Act various orders made thereunder and the Agreement of 4th May 1948.

7. As provided in paragraph 6 of the Inter-Dominion Agreement of 4th May further meetings between the representatives of India and Pakistan had to take place after an examination by each party of the legal issues, of the method of estimating the cost of water to be supplied by East Punjab Government and of the technical survey of water sources and the means of using them for supply to the Central Bari Doab and Dipalpur Canals. You have not yet intimated to us whether the stage has reached as contemplated in paragraph 6 of the Agreement for further meetings.

As already mentioned we are anxious as ever to pursue the matter in further meetings and the want of insistence, if any, on our part to pursue the matter with all expeditiousness was merely to give ample time to enable your Government to tap alternative sources. As members of the United Nations, we are ever anxious to promote good neighbourly relations and reiterate that the solemn Inter-Dominion Agreement of 4 May 1948 defines the rights of the parties.

Indian Independence Act and the Orders made thereunder had created a new situation and on an appreciation of the altered situation of the parties entered into contracts on the point in question from time beginning with 22 December 1947. Your suggestion that even after partition the waters remain common as before is not accepted.

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Telegram from the Pakistan Ministry of Foreign Affairs to Ministry of External Affairs.

Karachi, 13 June, 1949.


2. We were glad to receive confirmation that Government of India had instructed East Punjab Government to continue supplies of Central BARI DOAB and DIPALPUR Canals for Kharif 1949 and assume that at due time instructions will be issued to East Punjab Government to continued supplies beyond Kharif. We are informed unfortunately your instructions appear NOT to have been fully complied with inasmuch as flow has NOT yet been restored in five of the channels and three sets of common water-courses of three branches of Central BARI system. We have NO doubt but that you will have this corrected promptly.

3. We regret you have NOT directed resumption of flow of water in Bahawalpur State distributary of Eastern Grey Canal. We repeat that Bahawalpur has a right to NOT less than pre-partition supplies from this canal. This right cannot be subject to payment or deposit by RIRARIAN State of Bahawalpur of so called SEIGNIORAGE charges. We shall appreciate immediate instructions by you to resume these supplies to Bahawalpur.

4. We shall also appreciate instructions by you to ensure that our engineers are given daily gauge discharge data of RAVI, Sutlej and Beas rivers, the heads of the canals taking off from these rivers and the channels of canals crossing international boundary at the points of crossing. In addition, PAKISTAN engineers should be allowed to check such data on the spot.

5. We have transferred to East Punjab Rs. 12,35,000 half of 24,70,000, subject to adjustments when proper undisputed charges have been ascertained, and as for balance of ad hoc sums specified in your letter of April 6th, these will be deposited in Reserve Bank of India in name of West Punjab, all without prejudice to PAKISTAN’S right as heretofore. Whether this or previous deposits of disputed amounts should be in the name of West Punjab or Prime Minister of India would seem unimportant since in either case the funds are in ESCROW pending resolution of disagreements mentioned in agreement of May 4th. If you object to deposits continuing in name of West Punjab, a better solution might he to agree upon a neutral ESCROW holder.

6. In various communications since April 1st 1948 you have asserted exclusive rights over our Common Waters and have advanced interpretations of interim arrangements reached on May 4th 1948, which, in our view, are unwarranted. We have avoided wherever possible repeating our disagreements.
with these assertions in the hope of promoting an atmosphere in which there can be clarified friendly solution which both sides have undertaken to try to reach. Our silence in this matter should NOT, however, be understood as acquiescence in your assertions. We do NOT accept your interpretation of interim arrangement of May 4th, 1948 and do NOT concede that you are entitled under any circumstances to interfere with flow of water that represents PAKISTAN’s equitable share. This share includes of course NOT only water allocated to areas of Indus basin in PAKISTAN at and prior to partition, but as explained by our Foreign Minister at Lahore Inter-Dominion Conference on July 21st 1948, any additional supply that may be made available by engineering works in future. Accordingly NO such works should be undertaken in India prior to agreement with PAKISTAN as to sharing of costs of works (including any works made necessary in PAKISTAN), as to apportionment of additional supply after ensuring protection of existing uses and fulfillment of existing allocations and as to related matter necessary to protect and promote interests of irrigable areas of Indus basin on both sides of frontier.

7. We regret that despite undertaking at Delhi to seek a friendly solution to all differences regarding apportionment of our common waters NO such solution has been reached. Present *modus vivendi* is onerous and unsatisfactory to PAKISTAN and final solution should NO longer be postponed. In a separate note we are proposing procedure for resolving our differences in a manner that will safeguard our respective rights, comply with our respective duties as members of United Nations and fulfil our desire to promote good-neighbourly relations. Pending such a solution we urge that *status quo* at partition be respected and that neither side assume to itself right (to) be arbiter of differences that have arisen over our common waters.

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2388. Note from Pakistan Ministry of Foreign Affairs to the High Commission for India in Pakistan.


No. IA, 14/2/49 June 16, 1949

SUBJECT: Procedure for resolving Indo-Pakistan differences over common waters between the East Punjab and the West Punjab.

The Ministry of Foreign Affairs and Commonwealth Relations present their compliments to the High Commission for India in Pakistan and with reference to telegram from Foreign, Karachi, to Foreign, New Delhi, No.2573, dated the 13th June 1949 have the honour to request that the following note may kindly be transmitted to the Government of India as early as possible.

"The failure thus far to secure by negotiation a solution to the dispute over the apportionment of the waters common to India and to Pakistan calls for renewed efforts to remove this source of international friction. The purpose of this note is to propose means by which a solution that is fair to India and Pakistan alike can be found covering all of these waters. Both Dominions have recognised that owing to the dependence of millions of their inhabitants upon the rivers and irrigation systems across which their political boundary has been drawn, the distribution of these common waters is a matter of vital concern. An interruption such as occurred over a year ago in the flow upon which essential food-growing areas of Pakistan depend or a diminution in that flow, or even a threat of interruption or diminution, creates a situation likely to endanger the maintenance of international peace and security and is inconsistent with the obligations of membership in the United Nations.

2. The dispute has arisen over the action of the East Punjab in cutting off (on 1st April, 1948 in the case of the Central Bari Doab and Dipalpur Canals, and on about 25th August 1947 in the case of the Bahawalpur State Distributary) the flow into Pakistan of the latter’s share of the waters of three canal systems that by the partition had become international. Previously there had been, as a joint expert committee on partition reported, “no question of varying the authorised shares of water to which the two zones and the various canals are entitled”.

3. A year of negotiation has failed to accomplish the restoration of the flow into Pakistan of one of these systems. In connection with the restoration on 5th May, 1948 of the flow of the other two, the Government of India asserted the right to exact certain onerous conditions. Pakistan reserved its rights, and the two Governments agreed that further meeting between their representatives should take place in “the hope that a friendly solution will be reached”.

"
4. Not only has such a solution not been reached respecting the dispute incident to those conditions, but the negotiation since, at a conference in Lahore orally and by exchange of notes, have failed to bring the view of the parties closer together. Instead, the Government of India have put forward contentions that strike at the very root of Pakistan’s right to its historic, legal and equitable share in the common waters.

5. A most disturbing telegram from the Government of India on this subject is dated 18th October, 1948. In it the Government of India rejected the Pakistan suggestion of another conference unless the Government of Pakistan first conceded India’s contention that it was entitled to diminish progressively Pakistan’s share. The note adds the suggestion that India considers itself entitled to interrupt the flow altogether if Pakistan “refuses to come to a final settlement of the dispute without any reservation or if there is an unreasonable delay on the part of a party in concluding such final settlement”.

6. The continued interference with the flow in one to the canal systems and the threat of a diminution or renewed total interruption in the flow of the other systems are so disquieting and pregnant with danger to the maintenance of peaceful conditions as to make it imperative that a solution be sought by negotiation or adjudication. To this end the Government of Pakistan have attempted to review the entire controversy thoroughly and objectively, in the hope that a lasting solution may be achieved which will promote friendly relations between the two countries and their common welfare.

7. It should be noted that other disputes over international waters have sometimes gone through a stage where one or both sides advanced extreme contentions. Eventually a solution has been found through practical agreement reached in a spirit of comity and good will. In order to achieve this, each side, while reserving the rights for which it contended, agreed to discuss the matter without insisting that the other waived its contentions.

8. The legal contentions of India and Pakistan may be such that they can be resolved only by adjudication; but it does not follow that a fair, practical solution cannot be found, leaving the legal contentions to one side. If it develops that legal differences stand in the way of a friendly and peaceful settlement between the two countries, it then becomes their duty as members of the United Nations to submit their dispute for adjudication.

9. With these considerations in mind, the Government of Pakistan propose, and invite the Government of India to agree to the following procedure:

(1) That a conference be initiated before July 16, 1949, between representatives of India and Pakistan for the purpose of making an
equitable apportionment of the flow of all waters common to Pakistan and India and of resolving by agreement all disputes incidental to the use of these waters. Each Government, while reserving its rights, will seek to reach in a spirit of comity a practical solution that is fair and comprehensive.

(2) That, if the Government of India are not prepared to take part in the proposed conference at this time, or if, after the conference is agreed to, any event should occur which leads the Government of India or the Government of Pakistan to conclude that negotiation cannot accomplish such a practical solution, the International Court of Justice shall upon application of either party, have jurisdiction to resolve the dispute.

10. In view of the dangers inherent in a continuation of the present situation, the obligation of the parties as members of the United Nations to exhaust every peaceful means of seeking a solution and the expressed desire of both parties to find a friendly solution, the Government of Pakistan trust that these proposals will receive an early and favourable response. Representatives of Pakistan are ready to meet the representatives of India in the proposed conference at any time within the next thirty days and at any place in Pakistan or India that the Government of India may wish in its reply to designate.

The Ministry avail themselves of this opportunity to renew to the High Commission the assurances of their highest consideration.

2389. Telegram from the Ministry of External Affairs to Pakistan Ministry of Foreign Affairs.

New Delhi, July 2, 1949.

No. 29579—Please refer to your telegram No. 2573, dated the 13th June, 1949 and the subsequent Note No. IA/14/2/49, dated the 16th June, 1949, on the subject of canal water dispute between East and West Punjab.

2. These two communications raise much wider issues than have so far been under discussion. They also raise legal issues and suggest procedure which we CANNOT accept. We must reserve our reply to these points to a later stage. But there is one point which we would like to make at once. It is quite incorrect to suggest that we have been responsible in any way for the
delay in coming to a settlement over this question. Paragraph 6 of the Inter-Dominion Agreement of the 4th May, 1948, clearly stated that further meetings between the representatives of both the Governments should take place after an examination by each party of the legal issues, and the method of estimating the cost of water to be supplied by the East Punjab Government and of the technical survey of water resources and the means of using them for supply to these canals. The initiative for the very first meeting under this agreement was taken by the Prime Minister of India, in his telegram No. PRIMIN 1342 dated the 15th June, 1948, in which he suggested that “an early date preferably in the last week of June be fixed for a meeting in Delhi between Dominion Ministers and secretarial and technical staff to consider all these matters.” This meeting actually took place at Lahore on the 21st July 1948.

3. Some of the issues raised by Pakistan at the Lahore conference sought to repudiate the sense of the Delhi conference and particularly the agreement embodied in paragraph 4 of the Inter-Dominion Agreement of the 4th May, 1948. Subsequently, we received your telegram No. 3516, dated 15th September 1948 containing an interpretation of the Agreement of the 4th May 1948 which we could NOT accept. Our telegram No. 1681 PRIMIN dated the 18th October 1948 gave our interpretation of that agreement which we still maintain is the correct one. We had NO reply to that telegram. In the circumstances the initiative for suggesting a further Conference naturally rested with your Government.

4. We are however anxious for a practical approach to the problem as envisaged in paragraph 4 of the Inter-Dominion Agreement of the 4th May 1948 and we welcome your suggestion to hold another conference to explore the possibility of coming to a fair and practical solution, leaving the legal contentions aside for the present. In the spirit of this approach, we agree to further discussions with a view to explore the possibility of coming to an amicable settlement. The date suggested by you does NOT suit us as there are a number of important conferences in Delhi in the latter half of July. We therefore suggest that the conference might be held in Delhi on the 4th August 1949 at 10-00 A.M.

5. In view of what we have said above, the procedure suggested by you in para. 9 of your note dated 16th June 194D, does NOT arise.

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On July 11 the Pakistan Government, while reserving their comments on the contents of the Indian telegram confirmed their participation in the proposed conference on August 4 in New Delhi. It was added that Pakistan Government “have never accepted and cannot accept (your) interpretation of paragraph No.4 of the Agreement of May 4, 1948.”
After discussion on the 4th and 5th August, 1949, the leaders of the two Delegations agreed to exchange notes. This was done on the afternoon of the 5th August. These notes are marked Appendices I and II.

2. On the afternoon of the 6th August, the leader of the Indian Delegation read out his reply, marked Appendix III, to the note received from the leader of the Pakistan Delegation, marked Appendix II. The leader of the Pakistan Delegation gave his verbal comments on the note marked Appendix I, and promised to send his reply in writing later. This was followed by a general discussion, after which it was agreed that the Delegations would refer the case to their respective Governments for orders.

T.B. CREAGH COEAN  B. K. GOKHALE
6-8-1949.  6-8-1949

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APPENDIX - I

DRAFT

The representatives of the Governments of India and Pakistan, having met in conference in New Delhi on the 4th and 5th August 1949 to discuss the Inter-Dominion Canal Water dispute agree as follows:-

1. The two Governments recognizing

(i) that there is likely to be enough water in the Indus Basin to satisfy the irrigation needs of culturable areas situated in India and Pakistan, within the physical limits of command;

(ii) that at present a large proportion of those waters are untapped;

(iii) that a substantial part of the waters mentioned in (ii) above can be utilised for irrigation purposes by means of suitable engineering works;

Agree to set up a Technical Commission of two Engineers, one from either Dominion, to investigate and report for the entire Indus Basin on

(a) the optimum quantities of water required by developed and undeveloped tracts at different times of the year at both existing and possible points of utilisation,
(b) the quantities of water, utilised and unutilised, available at different times of the year at the points of utilisation mentioned in (a) above,

(c) the engineering works necessary to secure the quantities mentioned in (a) above and their financial implications, with the object that the entire waters of the Indus Basin are utilised equitably for the maximum benefit of culturable areas within physical limits of command in both India and Pakistan.

2. Both Governments agree to provide all necessary facilities to the Commission in the execution of its task. In particular, if the Commission requires any data for its enquiry, the two Governments undertake to carry out such surveyor investigations as may be necessary and supply the Commission with the required data.

3. The cost of the Commission and of the preliminary surveys and investigations will be shared equally by the two Governments.

4. The Commission shall complete its investigation and submit a report to the two Governments within a period of six months; provided that the period may be further extended by the two Governments from time to time up to a maximum of a further period of six months.

5. On receipt of the report, the two Governments will hold further meetings with a view to reach a settlement. Meanwhile, the arrangements under the Inter-Dominion Agreement of 4th May 1948 will continue until .......... 

6. This agreement is without prejudice to the rights and contentions of either Government.

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Appendix - II

Copy of D.O. letter dated the 5th August 1949, from the Hon'ble Sir Mohd. Zafrullah Khan, Minister for Foreign Affairs and Commonwealth Relations, Government of Pakistan, (Camp) New Delhi, to the Hon'ble Shri N. Gopalaswami Ayyangar, Minister of Transport, Government of India, New Delhi.

In this morning’s discussions, I explained that your suggestion for an over-all examination of the water resources of the entire Indus basin constituted an entirely new proposal. Before submitting it to my Government, I desired clarification of its implications and bearings. I have now put these points in the form of a draft, which I enclose.

2. I should emphasise that this is not the draft of an agreement which the Pakistan delegation is proposing should be made, but a draft of the points on
which clarification is asked for, so that when the proposal of the Government of India is submitted by me to the Government of Pakistan, they should be able fully to appreciate all the implications of the proposal.

**DRAFT**

Without prejudice to the legal rights of either side and to the claims resulting therefrom e.g., by India for seigniorage and by Pakistan for compensation for damage occasioned by closure of canals and short supply of waters, it is proposed that a joint over-all investigation of the water resources of the entire Indus basin should be undertaken to discover whether there are available water resources surplus to the following:

(i) Full satisfaction of pre-partition supplies in all channels of various kinds (e.g., perennial, non-perennial and inundation) in Western Pakistan.

(ii) Full supplies for the Thal and Upper and Lower Sind Barrage projects.

(iii) Making up of shortages existing in the Sutlej Valley canals up to their supplies “assumed” in the project.

2. If it is disclosed that there are surplus water resources over and above these requirements which can be made available for purposes of irrigation within the Indus Basin, India and Pakistan shall agree on the principles of equitable apportionment of these waters for purposes of irrigation within the Indus basin, and of the apportionment of the costs to be incurred in tapping these resources and making the surplus waters available for irrigation purpose, including the cost of subsidiary corrective works involved, provided that neither side shall be called upon to contribute towards the cost of providing water in substitution of the water to which it was entitled on August 15, 1947 whether such water was being then availed of for purposes of irrigation or was to be availed of in future.

3. Till this investigation is completed and, if this investigation should disclose the existence of surplus resources, then till an over-all agreement with regard to all matters in dispute is reached, the following *interim* arrangements shall come into operation:

(a) Full preparation supplies of water shall be continued in all Pakistan channels and restored in the Bahawalpur State Distributary of the Eastern Canal and in all Pakistan channels of the Upper Bari Doab Canal on payment of proportionate share of the costs of maintenance and interest on book value.

(b) The amounts deposited by West Punjab in respect of seigniorage and the disputed portion of the interest shall be permitted to be withdrawn by West Punjab.
(c) Pakistan shall be supplied with daily gauge-discharge data and periodical water accounts of the rivers and canals concerned and full facilities shall be afforded to Pakistan engineers to inspect and check gauge-discharge sites, equipment and data concerned.

(d) A joint committee shall be set up to supervise the effective working of these arrangements including the proper allocation of waters and the supply of data.

4. During the pendency of these interim arrangements neither side shall do anything or proceed with any works that may interfere with the proper working of these arrangements.

5. Every effort shall be made to conclude the joint investigation within a period of six months from the date on which the joint commission which is to carry out the investigation is set up.

6. If the joint investigation does not disclose the existence of surplus resources of water or results in disagreement between the representatives of India and Pakistan, or in case of the affirmation of the existence of surplus resources an agreement cannot be reached with regard to the apportionment of the waters or of the costs involved, the parties shall be relegated to their legal rights and claims without either being in any manner prejudiced by the terms of this agreement or by any work or project which the other party may meanwhile have undertaken or proceeded with, and the dispute shall be resolved in such manner as the parties may agree upon, and in the absence of an agreement on this point, the parties shall jointly submit the dispute to the International Court of Justice whose opinion shall be binding on the two Governments and shall be given full effect to by them.

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APPENDIX - III

Copy of D. O. letter, dated the 6th August 1949, from the Hon'ble Shri N. Gopalaswami Ayyangar, Minister of Transport, Government of India, New Delhi, to the Hon'ble Sir Mohd. Zafrullah Khan, Minister for Foreign Affairs and Commonwealth Relations, Government of Pakistan (Camp) New Delhi.

I was glad to receive your letter of the 5th August, 1949, enclosing a draft of the points on which you required clarification before you obtain the orders of your Government on the proposal discussed yesterday and the day before for an overall examination of the water resources of the entire Indus Basin.

Most of the points raised in your draft note are already covered by my draft of which a copy was handed over by Gokhale to Creagh Coen, at the same time
as he received a copy of your letter and note yesterday afternoon. I fully appreciate that, while my draft is that of an agreement which I suggest might be considered by both the Governments, your draft, although the form of an agreement, is only, draft of the points on which clarification is asked for. All the same, your draft will be of considerable value to me in putting up my suggestion for the consideration of the Government of India.

As we both have been insisting at our meetings on the 4th and 5th August 1949, our discussions have been limited to the severely practical approach without prejudice to the legal rights on either side and to the claims resulting therefrom. Both our drafts are based on this assumption. On the same assumption, I now enclose a copy of my reply to the points raised in your draft on which you have asked for clarification. I would request that you will also kindly favour me with your comments on my draft so that both of us will then be in complete possession of each other’s viewpoints before we submit our proposals to our respective Governments.

Both during the discussions and in your letter of the 5th August, you have stated that my suggestion for an overall examination of the water resources of the entire Indus basin constituted an entirely novel proposal. Personally, I see nothing novel about it. The need for a “technical survey of water resources and the means of using them for supply to Dipalpur and Central Bari Doab Canals” was specifically accepted in paragraph 6 of the Inter-Dominion Agreement of the 4th May, 1948. Paragraph 4 of that Agreement recognised that, apart from the question of law involved, the two “Governments are anxious to approach the problem in a practical spirit on the basis of the East Punjab Government progressively diminishing its supply to these canals in order to give reasonable time to enable the West Punjab Government to tap alternative sources”. In paragraph 3, “the West Punjab Government on its part recognise the natural anxiety of the East Punjab Government to discharge the obligation to develop areas where water is scarce and which were under-developed in relation to parts of West Punjab”.

At the Lahore Conference on the 21st July, 1948, I enquired what progress had been made with the technical survey of water resources, but could not get any satisfactory reply.

More recently, the Government of Pakistan, in paragraph 6 of their telegram of the 13th June, 1949, referred to “related matters necessary to protect and promote interests of irrigable areas of the Indus basin on both side of frontier”. This was followed up by a communication, dated the 16th June, 1949, from the Ministry of Foreign Affairs and Commonwealth Relations in Pakistan, in paragraph 9(1) of which the Government of Pakistan proposed and invited the Government of India to agree to a conference “between representatives of
India and Pakistan for the purpose of making an equitable apportionment of the flow of all waters common to Pakistan and India and of resolving by agreement all disputes incidental to the use of these waters”. It was further stated that “each Government while reserving its rights, will seek to reach in a spirit of comity a practical solution that is fair and comprehensive”.

You will recall that, in my opening speech at the conference on the 4th August, I myself referred to and welcomed these proposals of the Pakistan Government. I have always been anxious to welcome all friendly and constructive approach of this kind. It was entirely with an idea of being helpful to both sides that I accepted the suggestion made by the Government of Pakistan to treat the Indus basin as one unit for the purposes of an overall investigation.

The Technical Commission, which we may agree to set up, should first direct its efforts to finding alternative sources of supply to Dipalpur and Central Bari Doab Canals, as envisaged in the Agreement of the 4th May, 1948, and then proceed to complete an overall survey with the object that the entire waters of the Indus basin may be utilised equitably for the maximum benefit of culturable areas within physical limits of command in both India and Pakistan.

I must confess that I was somewhat disappointed to notice in the note attached to your letter a tendency to pre-judge legal issues. I also feel that, in trying to respond to your request for clarification, I should not be drawn into accepting modifications in the Agreement of the 4th May, 1948, which are implicit in your questions.

Needless to say, this letter is without prejudice to the legal rights of either side and the claims resulting therefrom.

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Pakistan’s Draft and Clarification provided by India

Pakistan’s Draft

1. Without prejudice to the legal rights of either side and to the claims resulting therefrom, e.g., by India for seigniorage and by Pakistan for compensation for damage occasioned by closure of canals and short supply of waters, it is proposed that a joint overall investigation of the water resources of the entire Indus basin should be undertaken to discover whether there are available water resources surplus to the following:-

   (i) Full satisfaction of pre-partition supplies in all channels of various kinds (e.g. perennial, non-perennial and inundation) in Western Pakistan.
(ii) Full supplies for the Thal and Upper and Lower Sind Barrage Projects.

(iii) Making up of shortages existing in the Sutlej Valley canals up to their supplies “assumed” in the project.

**Clarification**

1. We agree that the proposed joint overall investigation of the water resources of the entire Indus basin should be without prejudice to the legal rights of either side and to the claims resulting therefrom.

   We do not however agree with the object of the investigation as stated in your note. The object of the joint survey should be as explained in our draft agreement, handed over by Mr. Gokhale to Mr. Creagh Coen on the 5th August 1949. The survey should be undertaken with the object that the entire waters of the Indus basin are utilized equitably for the maximum benefit of culturable areas within physical limits of command in both India and Pakistan, irrespective of utilization, actual or contemplated, as suggested by Pakistan.

2. If it is disclosed that there are surplus water resources over and above those requirements which can be made available for purposes of irrigation within the Indus basin, India and Pakistan shall agree on the principles of equitable apportionment of these waters for purposes of irrigation within the Indus basin, and of the apportionment of the costs to be incurred in tapping these resources and making the surplus water available for Irrigation purposes, including the cost of subsidiary corrective works involved provided that neither side shall be called upon to contribute towards the cost of providing water in substitution of the water to which it was entitled on August 15, 1947, whether such water was being then availed of for purposes of irrigation or was to be availed of in future.

**Clarification**

2. The first step should be to collect the factual data by an overall survey as proposed in para. 1 above. The question of agreement between the two Governments on the principles of equitable apportionment of waters for purposes of irrigation within the Indus basin and for the apportionment of cost to be incurred in tapping these resources should be considered after the survey is completed. These matters could be discussed at the further meetings envisaged in para 5 of our draft. We do not agree that the principle of equitable apportionment should apply only to surplus water resources. We also do not admit the principle which has been suggested in the latter portion of this para about the apportionment of costs.

3. Till this investigation is completed and, if this investigation should disclose the existence of surplus resources, then till an overall agreement with regard
to all matters in dispute is reached, the following interim arrangements shall come into operation:-

(a) Full pre-partition supplies of water shall be continued in all Pakistan channels and restored in the Bahawalpur State Distributary of the Eastern Canal and in all Pakistan channels of the Upper Bari Doab Canal on payment of proportionate share of the costs of maintenance and interest on book value.

(b) The amounts deposited by West Punjab in respect of seigniorage and the disputed portion of the interest shall be permitted to be withdrawn by West Punjab.

(c) Pakistan shall be supplied with daily gauge-discharge data and periodical water accounts of the rivers and canals concerned and full facilities shall be afforded to Pakistan Engineers to inspect and to check gauge-discharge sites, equipment and data concerned.

(d) A joint committee shall be set up to supervise the effective working of these arrangements including the proper allocation of waters and the supply of data.

Clarification

3. Our suggestions for necessary interim arrangements are included in para 5 of our draft of the 5th August, 1949. We consider that as the Agreement of the 4th May 1948 continues in force, the new points which you have raised in items (a) to (d) do not really arise for consideration at this stage. We, however, give our comments on these items as follows:-

(a) & (b): We see no reason to revise the terms agreed upon between the two Governments in respect of Dipalpur and Central Bari Doab Canals in the Inter-Dominion Agreement of the 4th May 1948. In particular, we do not agree to any reduction in the payments already being made under the Agreement of the 4th May 1948. We cannot agree to permit West Punjab to withdraw the amounts in deposit. Further amounts under these heads should continue to be deposited as previously agreed by Pakistan on the 4th May 1948.

Regarding the Bahawalpur State Distributary of the Eastern Canal, we have offered to supply water on payment of maintenance and interest charges and on deposit of seigniorage on the lines agreed to in respect of the Upper Bari Doab and Dipalpur Canals on the 4th May 1948. Our offer still remains open.

There is no subsisting agreement as regards supply of water to other Pakistan Canals.

(c.) Pakistan is already being supplied with necessary gauge discharge data.
If any additional data is required, the matter can be discussed between the Chief Engineers of the East Punjab and West Punjab Governments,

(d) A Joint Committee of this kind is unnecessary.

4. During the pendency of these interim arrangements neither side shall do anything or proceed with any works that may interfere with the proper working of these arrangements.

Clarification

4. This does not arise in view of the replies noted above.

5. Every effort shall be made to conclude the joint investigation within a period of six months from the date on which the joint commission which is to carry out the investigation, is set up.

Clarification

5. We agree that the investigation should be completed within a period of six months; provided that this period may be extended, if necessary, from time to time, up to a maximum of a further period of six months, by agreement between the two Governments.

6. If the joint investigation does not disclose the existence of surplus resources of water or results in disagreement between the representatives of India and Pakistan or in case of the affirmation of the existence of surplus resources an agreement cannot be reached with regard to the apportionment of the waters or of the costs involved, the parties shall be relegated to their legal rights and claims without either being in any manner prejudiced by the terms of this agreement or by any work or project which the other party may meanwhile have undertaken or proceeded with, and the dispute shall be resolved in such manner as the parties may agree upon, and in the absence of an agreement on this point, the parties shall jointly submit the dispute to the International Court of Justice whose opinion shall be binding on the two Governments and shall be given full effect to by them.

Clarification

6. We must enter upon this overall investigation with the faith that it will lead to a friendly and amicable settlement. In any case, it is premature to consider the question of any reference of the dispute to the International Court of Justice or any other method of resolving the dispute.

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2391. Note from the Pakistan Ministry of Foreign Affairs to the High Commission for India in Pakistan.

Karachi, August 12, 1949.

No. 1A.14/2/49(II) August 12, 1949

The Ministry of Foreign Affairs and Commonwealth Relations present their compliments to the High Commission for India in Pakistan and with reference to the letter from the leader of the Government of India’s delegation to the canal waters conference, dated the 6th August, 1949, handed to the leader of the Government of Pakistan’s delegation at New Delhi, have the honour to request that the following reply may kindly be transmitted to the Government of India:—

2. Sub-paragraph (i) of paragraph 1—The first part of this sub-paragraph proceeds on the assumption that both Governments are of the view that adequate surplus waters are available for irrigation for the culturable areas situated in India and Pakistan. Such investigations, however, as we have carried out in Pakistan indicate that it is unlikely that any such surplus quantities will be discovered. So far as we are concerned, waters will be surplus only when they are over and above our needs. Apart from non-irrigation requirements, such as navigation in the lower reaches of the Indus, our requirements include:—

(a) Full satisfaction of pre-partition supplies in all channels of various kinds (e.g., perennial, non-perennial and inundation) in Western Pakistan.

(b) Full supplies for the Thal and Upper and Lower Sind Barrage Projects.

(c) Making up of shortages existing in the Sutlej Valley canals up to their supplies “assumed” in the project.

3. The expression “within the physical limits of command” is vague and does not define any particular areas. It may be construed to extend the utilisation of the Indus basin waters to the irrigation needs of areas outside the basin. To this we cannot agree. If we are to investigate the water resources of a particular area, those resources must naturally be used within that area.

4. Sub-paragraph (ii)—This also assumes, without any previous investigations, that a large proportion of the waters mentioned in sub-paragraph (i) are untapped. There may be some quantities of water from the middle of July to the middle of September surplus to the present allocations in the Indus basin; but on account of lack of sufficient storage facilities and, in the case of the Indus, on account of navigation requirements, only a very small proportion can be made available for irrigation.
5. Sub-paragraph (iii)—Subject to our views expressed above, there is no objection to this sub-paragraph.

6. Clause (a) of paragraph 1—This clause purports to bring under investigation for distribution even present allocation of water, and is calculated to deprive the existing canals of their guaranteed supplies. We cannot agree to this. The meaning of the phrase “possible points of utilisation” is not clear.

Clause (b)- This clause too is vague and, for the reasons given against clause (a) above, is unacceptable.

Clause (c)- This clause would have to be subject to the provisions, all of which we regard as essential, set out in paragraph 2 of the draft included in Appendix II of the minutes of the Conference.

The concluding lines of this paragraph reiterate that the Indus basin waters are to be utilized “within physical limits of command both in India and Pakistan”. We have already given our views about this earlier

7. Paragraph 2—This paragraph is acceptable, provided that it is made clear that if either member considers inspection of sites or any other investigation, experimental or otherwise, to be necessary, full facilities will be accorded.

8. Paragraph 3—No objection.

9. Paragraph 4—We agree to this paragraph though, in view of the detailed investigation already made by the Wiley Committee we feel that six months should suffice.

10. Paragraph 5—If a unanimous report is submitted, we agree that the two Governments should hold further meetings with a view to reaching a settlement. If, however, this should unfortunately not be the case the Government of Pakistan feel very strongly that a speedy and peaceable settlement of this long-standing issue is imperative, and that it can best be achieved by both parties agreeing that, in that event, either party shall have the right to take the dispute for decision to the International Court of Justice, as generally set out in paragraph 6 of our draft referred to above. Meanwhile paragraph 3 of our draft appears to constitute the fairest and most equitable interim arrangement.

11. Paragraph 6—We agree.

The Ministry avail themselves of this opportunity to renew to the High Commission the assurances of their highest consideration.

High Commission of India in Pakistan

Karachi
2392. Note by Prime Minister Jawaharlal Nehru on the Canal Water dispute with Pakistan.

New Delhi, September 28, 1949.

Pakistan says in its letter that if a settlement is not reached, a reference should be made by both parties agreeing to either party having the right to take the dispute for decision to the International Court of Justice.

Our reply to this, contained in paragraph 5, sub-paragraph (6), appears to me to be weak and incomplete. It gives one the impression that we are afraid of the proposal made and are trying to avoid any discussion of it. This is not a strong position. Personally I am quite clear and definite in my mind that we should be agreeable to arbitration in some suitable form. I do not understand this fear of arbitration, which some of us feel. In Mr. Gokhale’s (Secretary, Ministry of Works, Mines and Power) note, this fear is expressed clearly and it is argued that we should avoid arbitration at all costs. Surely this depends on the nature of the arbitration and the kind of arbitrators that might be appointed. I think there should be three and all of them foreign judges of international repute. The position that arose in connection with the Radcliffe Award, that is of the Indian and Pakistani representatives cancelling each other and Radcliffe having the final say, should not arise, when three independent foreign judges of repute are appointed.

Personally I have no strong objection to the International Court of justice, except that this is likely to be a long drawn out and expensive process. I do not myself see how the International Court can deal with an issue largely of fact and partly of law, unless it appoints a Commission to examine the position on the spot. The report of the Commission would go a long way to influence the Court. The Commission itself in effect would do much of the work that arbitrators would do on the spot, so far as facts were concerned.

I think we should be clear in our minds as to what we are prepared to do in this matter. Nothing is more harmful than shirking an issue, as this leaves the initiative always in the other party’s hands. We cannot ultimately avoid the International Court, unless we accept some form of arbitration. At the most we can choose between the two. A dispute about water resources and their use is eminently one for arbitration or judicial decision. It is ultimately a question of proportionate use of water and at the worst the proportion fixed might be slightly unfavourable to us. It cannot go much beyond this. To refuse both the International Court of justice and arbitration is to place oneself in an impossible position.

Quite apart from the reply that we have to send now, this question can be, and no doubt will be, raised on many occasions. For instance, I may have to deal...
with it in America. I cannot quibble about it, nor is it dignified for our Government
to do so at any time. The proposal for a joint technical commission that we
have made is a sound one and is the obvious course. Even if, unfortunately,
the Commission fails to achieve a settlement, this procedure has to be gone
through, before anything else is thought of. The International Court of justice
or arbitrators should themselves suggest this or something like it as a
preliminary. Normally it should not be necessary at this stage for us to consider
what should happen in the event of the joint technical commission not leading
to a settlement. But since this question has been raised, we cannot ignore it
and if we seek to ignore it, we do so to our disadvantage.

I think that we should be clear in our minds that The Hague Court or arbitration
or either must be accepted, if need arises, and we should not be afraid of
saying so. It is not necessary to say this in our letter under reply, but something
more should be said in our paragraph 5, sub-paragraph (6) than what has
been said. I suggest that this sub-paragraph should run as follow:

“As already stated in paragraph 4 above, the two Governments need
not fetter their discretion in any way, until the report of the joint technical
commission is available and every effort has been made to come to an
amicable settlement.

Even if, unfortunately, such a settlement could not be reached, as a
result of the labours of the joint technical commission, the Government
of India are convinced that the dispute should be settled by peaceful
methods and all such methods should be explored. The suggestion made
by Pakistan that the dispute might be referred to the International Court
of justice would involve long delay and would certainly not be a speedy
method of arriving at a settlement. A court sitting far away from the
scene of the dispute would not be able to deal easily with the facts and
may well have to appoint technical commissions to investigate these
facts. In view of these difficulties, any commitments at this stage about
an uncertain future, which might possibly not arise, are not desirable.
But as stated above, the Government of India will always be anxious to
explore all peaceful methods of settlement.

As stated in paragraph 3 above, until a fresh agreement on the subject
has been negotiated, the Inter-Dominion Agreement of the 4th May 1948
stands and there can be no question of altering that Agreement, except
by a fresh agreement.”

I have indicated above how my mind is working on this subject. I am not anxious
about a particular form of wording, which no doubt, can be improved by Hon’ble
Minister for Transport and Hon’ble Minister for Works, Mines and Power.....

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2393. Note from the High Commissioner for India in Pakistan to the Pakistan Ministry of Foreign Affairs.

Karachi, October 5, 1949.

The High Commissioner for India in Pakistan presents his compliments to the Ministry of Foreign Affairs and Commonwealth Relations of the Government of Pakistan and has the honour to refer to that Ministry’s note No.I.A. 14/2/49-(II) dated the 12th August 1949, which was received by the High Commissioner on the 19th August and reached the Government of India on the 24th August. That note forwarded the views of the Government of Pakistan on the letter dated the 6th August 1949, from the Leader of the Indian Delegation to the Inter-Dominion Conference on Canal Water Dispute, which took place at New Delhi on the 4th to 6th August 1949, to the Leader of the Pakistan Delegation. The High Commissioner is desired by his Government to communicate the following views on the note of the Pakistan Government.

2. The proposal made by the Leader of the Indian Delegation at the Inter-Dominion Conference on August 4-6, 1949, contemplates an investigation by a Joint Technical Commission of alternative sources of supply for the Dipalpur and Central Bari Doab Canals, as envisaged in the Inter-Dominion Agreement of 4th May 1948, followed by the preparation of an inventory of the water resources of the entire Indus Basin and of the reasonable irrigation requirements of culturable areas in both India and Pakistan within the physical limits of command of the rivers of that basin and which depend for their water supply on these rivers. Having prepared this inventory of resources and requirements, the Commission would proceed to investigate the engineering works required for the utilization of these water resources, on an equitable basis, for maximum benefit to both India and Pakistan. The entire work to be done by the proposed Commission will be without prejudice to the rights and contentions of either Government. The Government of India, therefore, urge that no attempt should be made to prejudice either the result of the proposed investigation or to seek recognition, at this stage, of the prior claims of any canal system, existing or proposed.

3. There can be no question of altering, in any way, the terms of the Inter-Dominion Agreement of the 4th May 1948 until a fresh agreement on the subject has been negotiated after the Report of the Joint Technical Commission is available or until, after a consideration of this Report, it unfortunately becomes apparent that no agreement is possible.

4. Given the necessary goodwill and accommodation on both sides, the
Government of India do not despair of a satisfactory agreement emerging after a consideration of the Report of the Joint Technical Commission and they, therefore, do not propose to do, or agree to, anything which might create an atmosphere likely to make the task of the Joint Technical Commission difficult. They, therefore, do not propose at this stage to consider the procedure to be adopted in case it should unfortunately not be possible to come to an agreement by negotiation; all efforts must, in the first instance, be directed to conclude a satisfactory agreement on a consideration of the report of the Joint Technical Commission.

5. Subject to the general remarks made above, and with a view to clarify further some of the points raised in the Note, dated 12th August 1949, from the Government of Pakistan, the following detailed comments are offered:

(1) Paragraph 2 of Pakistan’s Note of the 12th August 1949; sub-paragraph (i) of paragraph 1 of India’s draft.— The report of the Joint Technical Commission, will show whether adequate quantities of water are available or not for irrigation of culturable areas in both India, and Pakistan. Their findings need not be anticipated.

The Government of India cannot agree, in advance, to the claim for the full satisfaction of pre-partition supplies to all channels of various kinds in Western Pakistan. Waters that rise in India have first to satisfy the needs of undeveloped and un-irrigated lands in this country. It was in recognition of this fact that Pakistan agreed to a progressive diminution of supply to West Punjab canals to enable the East Punjab Government to discharge their obligations to develop areas where water is scarce and which are under-developed in relation to parts of West Punjab. The interval involved in such progressive diminution was also intended to give adequate time to the Pakistan Government to find and construct alternative sources of irrigation for the areas in Pakistan the supply to which may be diminished by its diversion to the under-developed areas of East Punjab.

The Government of India cannot recognise that supplies for the Thal and Upper and Lower Sind Barrages and for making up the alleged shortages in the Sutlej Valley canals have any prior claim over the requirements of projects for the undeveloped areas in India.

The Government of India also do not see how non-irrigation requirements such as the hypothetical navigation requirements of the Indus can be given precedence over the irrigation requirements in India or Pakistan. This issue, raised for the first time by the Pakistan Delegation at the last Inter-Dominion conference, can only be of academic interest in the context of the history of
irrigation development in India and Pakistan.

(2) **Paragraph 3 of Pakistan’s Note.**— The expression “area, within physical limits of command” is not new and is well understood by Irrigation Officers. As far back as 1870, the Secretary of State for India accepted as “undoubtedly correct” the principle that an Administration should receive “a supply of water in proportion to the area of its land within the influence of the canal.” The object aimed at in the preparation of every irrigation project has always been to extend irrigation, irrespective of territorial boundaries, up to the physical limits of command. Irrigation facilities from a river have never been and cannot be necessarily confined to the basin of that river. The scope of a project can be limited only with regard to the needs of areas which can be physically commanded by that project.

The expression “area within physical limits of command” means the area which can be physically commanded by a canal system, ordinarily by flow. In practice, however, it also includes areas, within irrigation boundary of a canal system, of which the level is too high to allow of irrigation by flow but which can be irrigated economically by water raised to the necessary level at some point in the supply system with reference to the Indus basin, the expression implies all such areas in both India and Pakistan to which waters of the Indus basin can physically be conveyed by canals in the manner indicated above.

(3) **Paragraph 4 of Pakistan’s Note: Sub-paragraph (ii) of India’s draft.**— It is not desirable to anticipate the findings of the Joint Technical Commission. It will be for that Commission to determine—

(i) the exact extent of the untapped waters at various times of the year, including the period middle of July to middle of September, and

(ii) the availability of storage facilities.

(4) **Paragraph 6 of Pakistan’s Note: Clause (a) of paragraph 1 of India’s draft.**— For a settlement on the basis of equitable distribution of the available supplies, it is necessary to bring under review all existing canal systems of the Indus Basin in India and Pakistan. It does not follow that existing canals must necessarily be deprived of supplies already being used, wholly or in part. Some modifications and rearrangements may be inevitable.

The term “possible points of utilisation” refers to sites of new off-takes on rivers and to sources not yet tapped.

Clause (b). The elucidation made above will, it is hoped, make the meaning of this clause clear.
Clause (c). It does not appear necessary to stipulate any conditions at this stage. The proper time for negotiating such conditions will be after the Report of the Joint Technical Commission is available and has been considered. The meaning of the expression “within physical limits of command” has already been explained in paragraph 5 (2) supra.

(5) Paragraph 7 of Pakistan’s Note: Paragraph 2 of India’s draft.—The Governments of India and Pakistan would no doubt give necessary facilities, on a reciprocal basis, for such inspections and investigations as are unanimously considered necessary by the Joint Technical Commission.

(6) Paragraph 10 of Pakistan’s Note: Paragraph 5 of India’s draft. As already stated in paragraph 4 above, the two Governments need not fetter their discretion in any way until the report of the Joint Technical Commission is available and every effort has been made to come to an amicable settlement. Even if, unfortunately, such a settlement should not be reached as a result of the labours of the Joint Technical Commission, the Government of India are convinced that the dispute should be settled by peaceful methods, and all such methods should be explored. A reference of the dispute to the International Court of Justice would involve long delay and would certainly not be a speedy method of arriving at a settlement. A Court sitting far away from the scene of the dispute would not be able to deal easily with the facts, and will in any case have to appoint Technical Commissions to investigate facts and make recommendations regarding possible methods of equitable settlement. In view of these difficulties, any commitments at this stage about an uncertain future, which might possibly not arise, are not desirable. But, as stated above, the Government of India will always be anxious to explore all peaceful methods of settlement.

As stated in paragraph 3 above until a fresh agreement on the subject has been negotiated, the Inter-Dominion Agreement of 4th May 1948, stands and there can be no question of altering that Agreement except by a fresh Agreement.

6. It is hoped that with the further clarification now furnished, the Government of Pakistan will agree to the proposal made by the Leader of the Indian Delegation at the Conference on August 4-6, 1949 at New Delhi, viz., that a Joint Technical Commission be appointed to examine and report on the problem in the manner explained above. An investigation of this kind is a necessary preliminary to a settlement of the contentions of the two parties, whether by negotiation or otherwise.

7. If the Government of Pakistan agree, it may be helpful, as a first step, to appoint a, small negotiating Committee, not exceeding 3 members to be nominated by either Government, to settle the terms of reference of the Joint Technical Commission and for otherwise exploring possibilities of a settlement of the dispute. Any difference of views could more easily be resolved by a small Committee of this type.

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2394. Telegram from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs.

Karachi, November 1, 1949.


2. We have already transferred 12,29,491 (repeat 12,29,491) rupees subject to adjustment when proper undisputed charges for second quarter have been ascertained. With regard to disputed amounts we have deposited in Reserve Bank of India 3,62,509 (repeat 3,62,509) rupees in ESCROW pending resolution of disagreements and without prejudice to PAKISTAN’S rights. In view of PAKISTAN the period contemplated during which the interim arrangement of May 4th, 1948, was to run has long since expired. The disputed amount is once more deposited despite the expiration of arrangement as an earnest of desire of PAKISTAN to reach a permanent friendly solution of all questions affecting our common water.

3. We are completing studies of observations submitted by you respecting point as to which clarification was sought by Pakistan. We hope shortly to submit a revised draft agreement for joint studies designed to facilitate permanent agreement for equitable apportionment of water desired to India and Pakistan. We believe that progress has already been achieved in that we are now in accord that we can discuss this matter, making joint studies and propose solutions without prejudice to legal contentions of either side.

4. In this connection and while two Dominions are seeking to resolve the matter in dispute we submit that PAKISTAN should NOT be asked to deposit even in ESCROW any further amounts that are disputed. While we appreciate that deposits heretofore made CANNOT be utilised except with the consent of both sides the making of these deposits constitutes a drain on West Punjab which, as amounts are disputed, it seems unfair to aggravate. Inasmuch as the period contemplated in interim arrangement of May 4th, 1948 has been exceeded and since it is express desire of both Dominions to reach as promptly as possible a solution in most friendly atmosphere and in view of fact that deposits of disputed amounts are placing upon West Punjab a burden of NO immediate benefit to anyone, it would appear appropriate to regard as superfluous any further deposits of disputed amounts.

5. In our revision of draft agreement, we are seeking to take due account of point of view of each side. We will complete and submit it earliest possible.
7. The presumption in paragraph 2 of your telegram No.30661, dated September 24th, 1949, is correct. In fact Pakistan definitely considers itself entitled to such supplies as part of its rights always. We repeat again it is necessary to have New Delhi’s acceptance and CANNOT accept the interpretation contained in memorandum 1681-PRIMIN, dated October 18th, 1948.

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2395. Note from Pakistan Ministry of Foreign Affairs to High Commissioner for India in Pakistan.


No. 1A.14/2/49(III) November 23, 1949

The Ministry of Foreign Affairs and Commonwealth Relations present their compliments to the High Commission for India in Pakistan and, with reference to their note No.IHC. 21/Poll./49/VII, dated the 5th October, 1949, have the honour to request that the following views on the proposals made by the Government of India may kindly be transmitted to the Government of India.

2. The note of 5th October, if correctly understood, proposes that a negotiating committee meet to explore the possibilities of settling the dispute, including agreement as to the terms of reference of a commission to investigate and report upon the facts affecting an equitable apportionment of the waters of the Indus Basin common to India and Pakistan. It further proposes that no attempts should be made at this stage by either side to prejudge the final result or to seek recognition of the rights or claims of either Government. These proposals are along the lines of the proposals which the Government of Pakistan has been preparing. They are accepted.

3. It is suggested that each Government name two, or if the Government of India prefers, three negotiators, that the negotiators be instructed to meet in continuous session until an agreement has been reached and approved by the respective Governments as to the procedure and scope of the studies to be undertaken, and that they begin their meetings at the earliest practicable date in December. The Government of Pakistan suggests that the opening meetings take place in Karachi and that the negotiators be free to hold their subsequent meetings at such place or places as they may determine.
4. In order to facilitate the work of the negotiators there is submitted for your study a draft of agreement which the negotiators for Pakistan will submit at the opening meetings. Pakistan is prepared to accept this draft and will also be prepared to consider such changes as may be suggested by the Indian negotiators to promote permanent agreement for the equitable distribution and maximum utilization of the water resources of the Indus Basin common to India and Pakistan. The draft preliminary agreement is attached.

5. The note of 5th October, in addition to making the proposals accepted by Pakistan in paragraph 2 of this note, presents the contentions of India on matters which it is now understood should be left to discussion by the negotiators or by the Governments of India and Pakistan with the benefit of the discussions of the negotiators and of the projected technical studies. These contentions will be discussed at the appropriate time in a spirit of friendly adjustment of the interests of the different territories which depend upon the Indus Basin waters. The remarks that follow are offered to clarify the work of the negotiators and to avoid any possibility of misunderstanding.

6. The note of 5th October suggests (in paragraph 2) that the proposed investigation should first explore alternative sources of supply for the Dipalpur and Central Bari Doab Canals. Pakistan will not object to any investigation believed by either side to be useful in arriving at an agreement for the equitable apportionment and maximum utilization of the common waters of the Indus Basin. In its view no apportionment would be either equitable or economically sound if it decreased the supply for uses now existing or allocated. But these views may be discussed by the negotiators, each side keeping in mind that neither is seeking to prejudge the final result. The Government of Pakistan accordingly assumes that no attempt will be made to confine the proposed studies to the accomplishment of a rearrangement of the supply of the Dipalpur and Central Bari Doab Canals or to the accomplishment of any similar preconceived result. It believes that the studies should be directed to provide reports on the water requirements of the developed and undeveloped tracts at different times of the year at both existing and possible points of utilization. It might appear in the course of a general investigation that by rearrangement of the source of supply for the Dipalpur and Central Bari Doab Canals optimum utilization of the water resources of the basin would or would not be promoted. The result which we appear to be in agreement in desiring is an equitable apportionment with optimum utilization. The specific ways of achieving this remain to be ascertained through our joint studies and discussions.

7. It would appear from the note of 5th October that the negotiators for India will be instructed to ask for the investigation of the requirements of areas that lie outside of the basin. Pakistan will interpose no objection to thus extending
the studies so long as this extension does not delay or prejudice the study of the requirements of the basin itself. It is the position of Pakistan that the basin should in no event be called upon to sacrifice its water resources, to the extent that they are needed in the basin, for the purpose of developing areas outside of the basin. It may well appear in the course of the studies that the apparent divergence in the views of Pakistan and India respecting the area entitled to share in the Indus Basin waters has little practical importance.

8. The harmonious atmosphere necessary for the success of the proposed negotiations and studies would not be promoted by repetition of the different view’s taken with respect to the interim arrangement of 4th May 1948. From telegram from Foreign, Karachi, No.4576, dated the 1st November 1949, and other communications from the Government of Pakistan, the Government of India will appreciate that Pakistan does not accept the Indian interpretation of that arrangement and that Pakistan considers the period contemplated during which that arrangement would remain in force has long since expired. Apart from these considerations, a new interim arrangement that is fair to both sides to cover the period when we are seeking a final solution is appropriate and such an arrangement is included in the draft agreement submitted by Pakistan.

9. It is the view of Pakistan that with goodwill on both sides and a determination to reach by agreement an equitable apportionment of the waters, it will be unnecessary to refer the dispute now existing to the arbitrament of the International Court of Justice. On the other hand, it would seem quite clear that the determination to reach a fair result by friendly negotiation will be promoted and not hindered by agreement in advance that in the event of failure each side will accept the arbitrament of the International Court. Such an agreement in advance will further promote the harmonious atmosphere desired on both sides through the assurance it will give to the populations dependent upon the waters of the basin that their right to livelihood will be given fair treatment. Should negotiation settle many points in dispute but fail to resolve all, only the points that remain open would need to be referred to the International Court. The contemplated joint studies should remove any disagreements as to the facts; but were issues of fact to arise that could be settled only by an impartial arbitrator, the International Court could under its statutes send a commission of inquiry to the Indus Basin. Agreement in advance to accepting the decision of this Court would, of course, not preclude resort to other means of mediation or arbitration; the parties might in the light of the circumstances existing at a future date find means to settle any issues which the negotiators could not resolve. With these reconsiderations in mind, and bearing also in mind that the International Court is not an “outside” authority but the instrument set up by the United Nations to settle such matters as are involved in the dispute between India and Pakistan, it is very much to be hoped that the Government of India
will instruct its negotiators to accept the jurisdiction of the International Court
with the understanding that such acceptance will not impair the mutual
determination to seek a solution by friendly negotiation.

The Ministry avail themselves of this opportunity to renew to the High
Commission the assurances of their highest consideration.

DRAFT AGREEMENT

The representatives of the Governments of India and Pakistan agree on
behalf of their Governments to seek a friendly solution to the dispute over the
water of the Indus Basin common to India and Pakistan as follows:—

“The two Governments agree to set up a Commission to investigate
and report for the entire Indus basin on:—

(a) the water requirements of the developed and undeveloped tracts at
different times of the year at both existing and possible points of
utilization,

(b) the water supply, utilized and unutilized, available at different times of
the year at the points of utilization mentioned in (a) above, and

(c) the engineering works necessary to secure the optimum supply to meet
the requirements mentioned in (a) above and their financial implications,
with the object of promoting agreement for the development of the
optimum utilization of the water resources of the basin and the equitable
apportionment of the supply between India and Pakistan.

2. The Commission shall consist of five persons, two nominated by India,
two by Pakistan and a neutral Chairman agreed upon by a majority of the other
four Commissioners. The Commission shall determine its rules of procedure
by majority vote of its members. The Commission shall have authority to employ
technical investigators and advisers, including a senior Engineer nominated
by the Indian Commissioners; a senior Engineer nominated by the Indian
Commissioners, and a Chief Engineer nominated by the Chairman. The
Commission and its staff shall be entitled to hold meetings and to make
investigations in Pakistan and in India as the Commission determines. It shall
report the result of its investigations and make recommendation to the
Governments of India and Pakistan but shall have no authority to arbitrate or
to bind either Government. All proceedings of the Commission shall be without
prejudice to the legal rights of either side and to claims resulting therefrom.

3. Both Governments agree to provide all necessary facilities to the
Commission in the execution of its task. In particular, if the Commission requires any data for its enquiry, the two Governments undertake to carry out such surveys or investigations as may be requested by the Commission, to supply the Commission with the data requested, and to facilitate verification by the Commission and its staff of such surveys, investigation and data.

4. The cost of the Commission and of the surveys and investigations shall be shared equally by the two Governments.

5. The Commission shall be set up and begin its work as early as possible and shall complete its investigations and submit a report to the two Governments on or before 1st May, 1950; provided that the period may be further extended by the two Governments from time to time up to a maximum period of 6 months from 1st May, 1950.

6. Until other agreement is reached between the two Governments or until one of the Governments serves notice on the other that it doubts that a satisfactory permanent agreement can be reached by negotiations, the following interim arrangement shall be observed:—

(a.) Each Government will refrain from any interference in the enjoyment by the other of the supplies of water allocated to its territory prior to partition from the tributaries of the Indus common to India and Pakistan and the canals connected therewith;

(b) Each Government will furnish and afford the other the opportunity at all reasonable hours to verify, at the appropriate locations on its territory, all data (1) concerning the flow and distribution between Pakistan and India of the water supplies of the tributaries of the Indus common to India and Pakistan, including the canals capable of drawing water therefrom, and (2) the actual costs of construction, maintenance and operation of all irrigation works of common benefit;

(c) Each Government will refrain from constructing, proceeding with or altering any works affecting the distribution between India and Pakistan of the waters common to India and Pakistan except in agreement with the other; and

(d) Each Government will pay a share of the actual carrying charges and costs of maintenance and operation of all irrigation works of common benefit proportionate to the benefits received.

7. Each of the Governments agrees that, upon notice by either of them that it doubts that a satisfactory permanent solution can be reached by negotiation, the International Court of Justice shall have jurisdiction to resolve the dispute upon application by either party.”
2396. Extract from the Express letter from Ministry of External Affairs to the Pakistan Ministry of Foreign Affairs.

New Delhi, November 25, 1949.

Subject: Deposit of disputed amounts under paragraph 5 of the Inter-Dominion Agreement of the 4th May 1948.

Please refer to your telegram No.4576, dated 1st November 1949.

* * *

5. As regards paragraph 4 of your telegram under reply, the Government of India consider that the deposit of the sum in dispute, in the manner specified above, is an essential part of the Agreement of 4th May 1948. They cannot, therefore, agree either to waive the deposit of these sums or to permit any change in the manner in which they are now being determined.

6. The Government of India note with surprise the statement in paragraph 2 of your telegram that "in view of Pakistan the period contemplated during which the interim arrangement of May 4th, 1948, was to run has long since expired". They are entirely unable to understand the basis or the reasons for this view which has been expressed by Pakistan for the first time. Even at the Inter-Dominion Conference held in Delhi in August 1949, there was no suggestion by the Pakistan delegation that the 4th May 1948 Agreement had come to an or in any way ceased to operate. The Government of India are clearly of the view that the Agreement continues to stand that its basic provision, viz., the recognition of the of East Punjab to progressively diminish the supply of water to the canals in order to give reasonable time to West Punjab to tap alternative sources, remains binding on parties. It is felt that the efforts being made both by India and Pakistan towards a prompt and final settlement of dispute in a friendly atmosphere can be assured of success if the status-quo is maintained while negotiations and joint studies are in progress.

7. With reference to paragraph 7 of your telegram of 1st November 1949, the Government of India cannot accept Pakistan’s contention that it is "entitled to supplies of water as part of its rights always". It serves little purpose however to reiterate the respective contentions of the two parties when it been agreed to leave all such contentions aside for the present and approach the problem in a practical spirit.

8. The Government of India are glad to note from paragraph 3 of your telegram that the Pakistan Government have agreed to the principle of joint studies as proposed by the Indian Delegation at the last Inter-Dominion Conference with a view to facilitating a permanent settlement of the dispute. They await with interest the revised draft promised in paragraph 5 of your telegram.

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2397. Letter from the Secretary to the Ministry of External Affairs to Secretary to the Pakistan Ministry of Foreign Affairs.

New Delhi, December 17, 1949.

No. F. 8-2/49-Pak-III  December 17, 1949

Subject—Bahawalpur State Distributary of the Eastern Canal—Supplies for—

With reference to your letter No. IA.14/2/49 (Ill), dated the 19th November 1949, I am directed to say that the points raised in your letter have been previously considered by the Government of India more than once, and that the Government of India are satisfied that the Government of East Punjab are not under any obligation to supply water from the Eastern Grey Canal to Bahawalpur State free of seigniorage.

2. It may be recalled that the question of supply of water to the Bahawalpur State Distributary was raised for the first time in your telegram No.2125, dated the 4th June 1948, to which a reply was given in para 4 of our telegram No. PRIMIN-1342, dated the 15th June 1948,—that we were prepared to ask the East Punjab Government to supply water immediately to the Bahawalpur State Distributary on terms similar to those contained in the Inter-Dominion Agreement of the 4th May, 1948, i.e., subject to the payment by the Bahawalpur State of interest and maintenance charges and the deposit of seigniorage. It is understood that in response to an enquiry from the Chief Engineer, Bahawalpur, the Chief Engineer, East Punjab, in his telegram, dated the 18th June 1948, informed the Chief Engineer, Bahawalpur, that the total of these charges would be of the order of Rs.3,32,000/- per annum. This included a sum of about Rs.20,000 only on account of seigniorage. Our offer to supply water to the Bahawalpur State Distributary on the terms noted above was repeated at the Inter-Dominion Conference at Lahore on the 21st July, 1948, and once again at the Inter-Dominion Conference at New Delhi on the 4th, 5th and. 6th August, 1949.

3. In view of what is stated in paragraph 2 of your letter under reply, the Government of India are surprised that this offer which involved only a deposit of Rs.20,000 or so by way of seigniorage should not have been accepted earlier. They repeat that the offer previously made is still open. If the Government of Pakistan now desire to take advantage of the offer, the Government of India, with a view to foster good neighbourly relations and to give reasonable time to the Government of Pakistan to make alternative arrangements for supply of water to these areas, will instruct the Government of East Punjab to supply water to the Bahawalpur State Distributary for the next flow season, viz., Kharif 1950.
The High Commission for India in Pakistan present their compliments to the Ministry of Foreign Affairs and Commonwealth Relations of the Government of Pakistan and with reference to their Note No. IA. 14/2/49 (III), dated the 23rd November, 1949, have the honour to communicate the following comments of the Government of India on the proposals made and views expressed by the Government of Pakistan.

2. The views of the Government of India on these matters are clearly stated in this High Commission Note No. IHC. 21- Poll/49-VII, dated the 5th October, 1949 and in Express letter No.44/49-S., dated the 25th November, 1949, from Foreign, New Delhi, to Foreign, Karachi. While the Government of Pakistan would appear not to have fully appreciated the position in all respects, the Government of India feel that there is a sufficient measure of agreement to enable the two Governments to proceed with the appointment of a Negotiating Committee for the purpose of setting up a Joint Technical Commission.

3. The Government of India accordingly nominate the following three negotiators and request the Government of Pakistan to nominate their negotiators so that they may begin their work at the earliest practicable date—

(1) Sri B. K. Gokhale.
(2) Sri A. N. Khosla.
(3) Sri M. R. Sachdev.

The Government of India have no objection to the opening meeting of the Negotiating Committee taking place in Karachi as suggested by the Government of Pakistan. The negotiators will be free to hold their subsequent meetings at such place and time as they may determine. The remarks that follow are offered to facilitate the work of the negotiators and to minimize possibilities of misunderstanding.

4. The Government of India suggested the appointment of a Negotiating Committee to settle the terms of reference of a Joint Technical Commission and for otherwise exploring possibilities of a settlement of the dispute. The Government of India feel that the first step towards a settlement of the dispute should be to undertake a technical survey of water resources and the means of using them for supply to the Dipalpur and Central Bari Doab Canals, as
envisaged in the Inter-Dominion Agreement of the 4th May, 1948, and also to complete an overall survey with the object that the entire waters of the Indus basin may be utilized equitably for the maximum benefit of culturable areas within physical limits of command in both India and Pakistan. Since the objective of the investigation as agreed to by the two Governments is the collection of technical data, the Government of India feel that the Commission should consist only of technical men.

5. The views of the Government of India in respect of the Inter-Dominion Agreement of the 4th May 1948, have already been conveyed to the Government of Pakistan in Express letter No.444/49-S, dated the 25th November, 1949, from Foreign, New Delhi, to Foreign, Karachi. The Government of India consider that the proposed investigation is in continuation of the technical survey envisaged in paragraph 6 of the Inter-Dominion Agreement of the 4th May, 1948. As such they are definitely of the opinion that no new arrangements are necessary while both sides are seeking a friendly solution.

6. The Government of India reciprocate the hope expressed by the Government of Pakistan that, with goodwill on both sides and a determination to reach agreement, it will be unnecessary to refer the dispute now existing to the arbitrament of the International Court of Justice. They further feel that, when entering upon the proposed negotiations, both sides should be determined to reach a reasonable settlement. To anticipate the contingency of a failure of the negotiations and to agree in advance as to the step to be taken on such failure might, in their view, far from promoting a settlement, have the opposite effect. A reference is also invited in this connection to paragraph 5 (6) of this High Commission Note No.IHC. 21/Poll/49-VII, dated the 5th October, 1949.

7. The Government of India have taken note of the draft agreement which the negotiators for Pakistan will submit at the opening meeting. The negotiators on behalf of the Government of India will place before this meeting the draft which forms Appendix I to the minutes of the Inter-Dominion Conference held on August 4-6, 1949. They will, of course, be prepared to consider such changes as may be suggested by the Pakistan negotiators with a view to promote agreement regarding the appointment and the working of the Joint Technical Commission.

8. The Government of India do not wish to discuss at this stage the various other points of difference which have already been dealt with in previous correspondence. There would be no advantage in restating these points and fettering in any way the work of the negotiators, particularly when it has been
agreed by both sides that no attempt should be made by either side to prejudge the final result or to seek recognition of the rights or claims of either Government and that the investigations and studies to be made by the Joint Technical Commission shall be without prejudice to the legal rights of either side or to the claims resulting therefrom.

9. The High Commissioner avail themselves of this opportunity to renew to the Government of Pakistan the assurances of their highest consideration.

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2399. Extract from the Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, January 18, 1950.

5. The canal water issue has been the subject of correspondence between the two Governments and both are practically agreed that a joint technical commission should be set up for making a factual investigations. On the basis of the report of the Commission, the two Governments will confer with a view to arriving at a settlement. If it is not found possible to reach a settlement, we are quite prepared to refer the matter to arbitration or some tribunal approved of by both Governments. You will appreciate that the manner of subsequent procedure as well as the forum can hardly be decided satisfactorily before we know what the results of the technical Commission are.

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Note from Pakistan Ministry of Foreign Affairs to the High Commission for India in Pakistan.


No. 1.A.4/50 (I) January 27, 1950

The Ministry of Foreign Affairs and Commonwealth Relations present their compliments to the High Commission for India in Pakistan and, with reference to letter from the Government of India, Ministry of External Affairs No. F.8-2/49-Pak-III, dated the 17th December 1949, have the honour to request that the following reply may kindly be transmitted to them.

2. The Government of Pakistan since the partition and the State of Bahawalpur since before the partition have maintained, and continue to maintain, their right to receive the share of water allocated to the State of Bahawalpur for supply through the State Distributary of the Eastern Grey Canal. They deny that India has any right to interfere in the flow of this supply or to exact as the price of non-interference the payment of any tax, whether called seigniorage or otherwise. There is, of course, no disposition on the part of Pakistan to avoid making those contributions provided for under the arrangements existing at partition toward the actual expenses of the installations in question. It is the charges in excess of such agreed contributions that are in issue.

3. In the view of the Government of Pakistan there is no foundation whatsoever for the Indian assertion of a right to exact a payment for supplies of water to which Pakistan is entitled. The Government of Pakistan are aware that the Government of India take a different view and they would welcome a suggestion from the Government of India as to how this sharp issue can be resolved in a friendly manner, once and for all.

4. The most serious aspect of the contention made in the letter under reply is the reassertion, despite the expression in other notes of the desire of India to settle the water dispute by friendly means, of a right to use India’s physical power as an upper riparian to withhold water from any part of Pakistan as a means of winning acquiescence in the Indian contentions. An interference in the flow of water that has been used, unchallenged, for irrigation in an arid country is a public international wrong. It is a weapon the employment of which cannot be reconciled with the agreement to settle the Inter-Dominion disputes in a friendly way. It is a violation of the obligations the Governments of India and Pakistan have undertaken toward each other and all other members of the United Nations.
5. In view of the genuine efforts being made by India and Pakistan to create a cordial atmosphere that will assure the success of the pending negotiations as to all questions in dispute with regard to the common waters, the Government of Pakistan invite the Government of India to reconsider the position taken in their letter of the 17th December 1949 with a view to issuing new instructions so that the customary supplies of water for the State of Bahawalpur will flow unhindered from the 1st April 1950 through the State Distributary of the Eastern Grey Canal.

6. Pakistan does not request that by ceasing to interfere with the flow of water, India prejudice its contentions. It asks only that while the issues between the two Governments are being worked out by negotiations or other friendly means, India should not prejudice the result by cutting off the supply. If India had offered to arbitrate the point in issue and Pakistan had refused, the matter might be different. The fact is that an offer by Pakistan to accept the decision of an international tribunal on this and on all other issues affecting the common waters has long been outstanding, and it is India that, up to the present, has refused. The Governments of India and Pakistan are agreed that in their negotiations neither party should seek to prejudge the final outcome. This being the case, surely the status quo at the time of partition cannot properly be altered by either party.

7. In the interest of the desired harmony and of a restoration of the economy in Bahawalpur that has been seriously damaged by the withholding late in 1947 and in 1948 and again in 1949 of the supplies to which it is entitled, the Government of Pakistan request that assurance be given as promptly as possible that the supply will be restored, so that the Government of Pakistan may inform the farmers of Bahawalpur that they may count on the restoration of their traditional supplies through the State Distributary of the Eastern Grey Canal beginning on the 1st April, 1950.

The Ministry avail themselves of this opportunity to renew to the High Commission the assurances of their highest consideration.
2401. Note from Pakistan Ministry of Foreign Affairs to High Commission for India in Pakistan.


No. 1A.4/50 January 28, 1950

The Ministry of Foreign Affairs and Commonwealth Relations present their compliments to the High Commission for India in Pakistan and, with reference to Note from the High Commission No. IHC.21-Poll/49-VII, dated the 19th December 1949, and Express Letter from Foreign, New Delhi, No. 444/49-S., dated the 25th November 1949, have the honour to request that the following reply may kindly be transmitted to the Government of India.

2. The Government of Pakistan are happy to learn that the Government of India feel that there is a sufficient measure of agreement to enable the two Governments to proceed with the appointment of a negotiating Committee, that the Government of India have nominated three negotiators and request the Government of Pakistan to nominate their negotiators to the end that the negotiations may be initiated the earliest practicable date.

3. The Government of Pakistan have nominated as their negotiators Messrs. Mohammad Ali, H. A. Majid and Pir Mohammad Ibrahim. Mr. Mohammad Ali will be able to return from New York to Karachi in time to begin negotiations there before the end of February. It is suggested that the first meeting of the negotiators begin at 10 A.M. on Monday, the 27th February 1950, in Karachi. As agreed by the Government of India, the negotiators will be free to hold their subsequent meetings at such places and times as they themselves from time to time shall determine.

4. With respect to paragraph 4 of the High Commissions note of the 19th December 1949, the Government of Pakistan consider that ultimate satisfactory agreement between India and Pakistan will be better facilitated if the proposed commission consists of non-technical representatives of India and Pakistan, with an impartial and non-technical chairman. This commission would in turn employ the technical men suggested by India, direct their studies and assist both Governments in applying the technical data to the concrete solution of the common problem.

5. It appears that the Governments of India and Pakistan are in agreement that the technical men should complete an overall survey with the object that the entire waters of the Indus Basin may be utilized and apportioned equitably for the maximum benefit of both countries. Such a study will of necessity include a survey of the water resources of the Sutlej and Ravi Rivers and the points from which and the canals through which the share of each country will be
drawn. As stated in paragraph 8 of the High Commission’s note of the 19th December 1949, it would, however, be inconsistent with the basis on which the negotiations and investigations are to be conducted were either side to restrict the studies so as to prejudge the agreement to be reached on the allocation of the supplies of any particular river or canal system.

6. Except for the point that Pakistan believes that the common objective will be better served by having the commission consist of non-technical statesmen who will enlist the services of the technical experts, the Government of Pakistan accept fully the statement of the basis of the negotiations expressed in paragraph 8 of the High Commission’s note of the 19th December 1949. This being the case no useful purpose is to be served by again taking issue with certain contentions of the High Commission’s note of the 19th December 1949, notably paragraphs 4 and 5, or in Express Letter from Foreign, New Delhi, No. 444/49-S, dated the 25th November 1949. The different views of the Government of Pakistan have been set forth in previous discussions and correspondence, including telegram from Foreign, Karachi, to Foreign, New Delhi, No. 4576, dated the 1st November 1949, and the Ministry’s note No. IA.14/2/49) (III), dated the 23rd November, 1949,

7. There remains only to clear up what appears to be a misunderstanding regarding the Pakistan proposal that each side agree to accept the jurisdiction of the International Court of Justice for the resolution of any issue that cannot be settled by negotiation. The High Commission’s note of the 19th December 1949 queries whether such an agreement might not weaken the expressed determination of each Government to work out an equitable apportionment through friendly means, The reference to paragraph 5(6) of the High Commission’s note of the 5th October 1949, suggests that the Indian apprehension is based upon a fear that such an agreement might invite a premature reference to the Court by Pakistan of issues which could with patience more quickly be resolved by negotiation. As to this, the Government of India may rest assured that Pakistan will not invoke the jurisdiction of that tribunal before a genuine deadlock has in fact been reached. With this assurance, it is submitted no valid reason can be advanced against acceptance by each side of the ultimate jurisdiction of the International Court.

8. The Government of India stress the importance to the success of the impending negotiations of a friendly atmosphere and of determination on each side to reach a reasonable settlement. With this, Pakistan is in wholehearted agreement. This is the reason why Pakistan attaches special significance to the attitude of the Government of India towards the Pakistan proposal to agree now that either party may avoid a stalemate by asking the Court to decide what is reasonable and right.
9. One point now sharply in issue will illustrate this. Indian spokesmen have in the past advanced the extreme view that as upper riparian India has the right to determine unilaterally how much water Pakistan may receive through the artificial channels that supplied a part of the Pakistan share prior to partition. Acting on this contention, certain of these supplies were actually cut off. India demanded, as the price of ceasing this interference, that Pakistan should pay a tax, called "seigniorage", for its own waters, as well as charges in excess of the actual carrying charges on irrigation installations of common benefit. Although the Government of India have permitted these disputed amounts to be deposited in escrow, the fact remains that they assumed (and in their letter of the 17th December 1949 still assume as to one canal) the right to withhold water unless deposits of these disputed amounts are made periodically in such sums as they prescribe.

10. The State of Bahawalpur has been denied since about the 25th August 1947 the supplies of water it is entitled to receive through the Eastern Grey Canal. It will be assumed that India is sincere in believing it is entitled to exact a payment for that water. Pakistan no less genuinely believes such an exaction is without justification of any kind. Whether India is right or Pakistan is right, one thing is most clear. It is an international wrong to cut off the flow of water while this issue is debated. The withholding or the threat to withhold water indispensable to life in an arid country cannot be reconciled with a desire to resolve differences of opinion in a friendly manner. Such action is moreover a use of or threat to use force contrary to the obligations of membership in the United Nations. Agreements exacted under such a use of or threat to use force are not voluntary, friendly or fair.

11. Pakistan's concern over India's reluctance to accept the jurisdiction of the International Court is not, therefore, based upon imaginary fears. Despite India's recently expressed determination to reach a reasonable solution by friendly means, the Government of India continue to use their physical power as a means of inducing acquiescence in India's position. The friendly atmosphere essential to the success of the impending negotiations will be enhanced by an agreement to accept the jurisdiction of the International Court and thus ensure the resolution of all deadlocked issues without recourse to force.

12. With these considerations in mind, it is the earnest hope of the Government of Pakistan that the Government of India will give renewed and favourable consideration to the suggestion that their negotiators be empowered to accept the jurisdiction of the International Court for the resolution of issues that cannot be settled by negotiation.

The Ministry avail themselves of this opportunity to renew to the High Commission the assurances of their highest consideration.

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2402. **Letter from the High Commission for Pakistan in India to Ministry of External Affairs.**

**New Delhi, February 4, 1950.**


The Pakistan High Commission in India present their compliments to the Government of India, Ministry of External Affairs, New Delhi, and have the honour to say that although the Government of West Punjab are paying their full share of maintenance charges of the Upper Bari Doab Canal according to their total share of supplies, channels of the Central Bari Doab Circle lying in the West Punjab are not receiving water supplies from the East Punjab. Particulars of the channels which are not receiving water supplies are shown below:

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Name of Channel</th>
<th>Authorised full supply discharge at the border</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Wagaha Distributary.</td>
<td>2.78 cusecs</td>
</tr>
<tr>
<td>2.</td>
<td>Shaneka Minor of Kohali and Thelpur Minor of Kohali Distributary</td>
<td>7.40 &quot;</td>
</tr>
<tr>
<td>3.</td>
<td>Amritsar Distributary</td>
<td>2.64 &quot;</td>
</tr>
<tr>
<td>4.</td>
<td>Giplan Minor of Basarke Distributary and Basarke Distributary Tail outlets.</td>
<td>14.00 &quot;</td>
</tr>
<tr>
<td>5 (i)</td>
<td>Kasur Minor of Khem Karan Distributary.</td>
<td></td>
</tr>
<tr>
<td>5 (ii)</td>
<td>Machille Minor of Khem Karan Distributary (Tail outlets).</td>
<td>17.00 &quot;</td>
</tr>
<tr>
<td>5 (iii)</td>
<td>Khem Karan Distributary common outlet</td>
<td></td>
</tr>
<tr>
<td>5 (iv)</td>
<td>Outlets for Sehji village on Khem Karan Distributary</td>
<td>1.99 &quot;</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>45.81 cusecs</strong></td>
</tr>
</tbody>
</table>
2. The High Commission shall be grateful if the Government of India will kindly take immediate steps to ensure regular water supplies in these channels so that there may be no further damage to irrigation in the West Punjab on account of the non-supply of canal water to that Province.

3. The High Commission request the favour of an early reply.

4. The Pakistan High Commission take the opportunity to renew to the Government of India the assurances of their highest consideration.

2403. Extract from the Letter from Pakistan Prime Minister Liaquat Ali Khan to Prime Minister Jawaharlal Nehru.

Karachi, February 14, 1950.

7. Again, the canal water dispute is a justifiable issue which should be referred to the International Court of Justice if no agreement by negotiations can be reached, and yet India has so far refused to agree to this course. It is true that both Governments have practically agreed that a Joint Commission should be set up, although Pakistan believes that the common objective will be better served if the Commission consists of non-technical statesmen who will enlist the services of technical experts, than by appointing a technical commission. On the basis of the Commission’s report, the two Governments will confer with a view to arriving at a settlement; but if an agreement is not reached, the proper way of resolving differences in a matter of this kind would be a reference to the International Court of Justice. What is most urgently needed is to set at rest the fear operating on the minds of the people likely to be affected that the dispute may drag on indefinitely while their welfare and prosperity are progressively put in jeopardy. They must be assured that, in the event of the dispute not being resolved by the method now being pursued, it will be settled by adjudication of the Tribunal best fitted to resolve it. Since you are prepared to accept arbitration, there should be no objection to designating the International Court of Justice as the arbitral authority.
In an accompanying Aide-Memoire the Government of Pakistan Inter alia said:

(iii) Canal waters. — The issue is a juridical one and if negotiations between the two Governments do not succeed, both Governments should agree in advance to refer the matter to decision by the International Court of Justice.

(iv) Evacuee property. — The evacuee property dispute can only be settled after the canal waters dispute has been settled since a decision on the canal waters dispute has a vital bearing on the question of evacuee property. A settlement of the canal waters dispute is, therefore, an essential preliminary to a settlement of the evacuee property. After the canal waters dispute has been settled, the evacuee property dispute should be settled by negotiation aided, if necessary, by mediation and if that does not prove successful by a resort to arbitration.

2404. Note from the High Commission for India in Pakistan, to the Pakistan Ministry of Foreign Affairs.

Karachi, February 23, 1950

No. IHC. 21 – Poll/49 – VII

February 23, 1950

The High Commission for India in Pakistan present their compliments to the Ministry of Foreign Affairs and Commonwealth Relations of the Government of Pakistan, and with reference to their Notes No. IA.4/50(I), dated the 27th and 28th January 1950; have the honour to transmit the following reply from the Government of India.

2. The Government of India have already intimated that they are agreeable to the first meeting of the Negotiators being held in Karachi on the 27th February 1950 since postponed to 27th March 1950. They trust that the negotiators will enter upon their task with good-will on both sides and with a determination to reach agreement. The Government of India, therefore, do not propose to reiterate their views regarding the supply of water to Bahawalpur through the Eastern Canal or the composition and functions of the proposed Joint Technical
Commission or the suggestion that each side agree in advance to refer to the International Court of Justice any issue that cannot be settled by negotiation. The views of the Government of India on these matters have already been very clearly expressed in earlier correspondence. The Government of India do not propose to say anything at this stage which might make it more difficult for the negotiators to reconcile conflicting views.

3. The Government of India regret to note that the Government of Pakistan have considered it necessary and proper to make the task of the negotiators more difficult by accusing the Government of India of committing an ‘international wrong’, of “using or threatening to use force contrary to the obligations of membership of the United Nations”, and “of continuing to use their physical power as a means of inducing acquiescence in India’s position”. The Government of India emphatically protest against these allegations which are entirely unfounded and extremely difficult to reconcile with a desire on the part of the Government of Pakistan for an amicable settlement of the dispute. They completely ignore the fact that the Government of India have throughout maintained a most helpful attitude and have continued for the time being to give waters to Pakistan Canals, irrespective of their own rights and the needs of their own people, only because of the Inter-Dominion Agreement entered into by representatives of India and Pakistan on the 4th May 1948. They have also offered to supply water to Bahawalpur State through the Eastern Canal on terms similar to those mentioned in the Inter-Dominion Agreement of the 4th May 1948, although they are under no obligation to supply water to Bahawalpur through an artificial canal running through their own territory.

4. The Government of India do not propose to indulge in recriminations which may prejudice the chances of success of the impending negotiations. While they would reiterate their determination to explore all peaceful methods of reaching a final agreement, they would insist that such agreement has necessarily to be without prejudice to their obligation towards their own people in the under-developed areas - an obligation clearly recognised by the Pakistan Government in paragraph 3 of the Agreement of the 4th May 1948. On their part the Government of India have equally recognised that as the discharge of this obligation will involve the progressive diminution of the supply of water to certain Pakistan canals, the Government of Pakistan should be given reasonable time to tap alternative sources of supply for these canals.

The High Commission avail themselves of this opportunity to renew to the Government of Pakistan the assurances of their highest consideration.
2405. Note from Pakistan Ministry of Foreign Affairs to the High Commission for India in Pakistan.


No. 1A.4/50 (I) March 22, 1950

The Ministry of Foreign Affairs and Commonwealth Relations present their compliments to the High Commission for India in Pakistan and, with reference to their note No.IHC.21-Poll/49-VII, dated the 23rd February, 1950, have the honour to request that the following reply may kindly be transmitted to the Government of India.

2. A review of notes leading up to the forthcoming negotiations reveals that agreement has been reached on certain points and that disagreement persists as to others. For negotiations to succeed it is clear that both sides must build up on points of agreement and avoid conditioning further co-operation on acceptance by the other side of views on which agreement has proved to be impossible. There is not a single point of disagreement over the common waters which the Government of Pakistan are unwilling to submit to the impartial decision of the International Court of Justice. If it should unfortunately develop that issues on which both sides cannot agree stand in the way of a solution built upon the issues where they do agree, the Government of India will, it is hoped, recognise the necessity of accepting the decision of this impartial Tribunal.

3. Fortunately the Governments of India and Pakistan are in agreement on the basic proposition that the common waters are a matter of common concern. They appear also to be in agreement that friendly solution must be reached that provides an equitable and lasting adjudication of each nation's interest in the use and development of these common waters. It remains to be discovered at the forthcoming negotiations how close both sides can come to reaching agreement upon those interests of each nation which the other must respect. Pakistan for its part is prepared to work out an allocation of the common waters in application of the principle of equitable apportionment. Since this is the principle that has been accepted by civilised communities as the basis of reconciling competing interests of riparians, and since it was upon this principle that allocations of the common waters in effect at the time of partition were made, it is to be hoped that agreement can be reached on interests to be respected in conformity with that principle.

4. The Government of Pakistan recognise the interest of the Government of India in developing to the extent that their resources permit areas within their jurisdiction where water is scarce. Reciprocally the Government of India
should recognise the interest of the Government of Pakistan in developments needed in their jurisdiction. The recognition by one community of the interest of the other in developing irrigation where there is scarcity does not convey a right to appropriate supplies its expense. Nor can interest in developing prospective uses justify the sacrifice of existing beneficial uses. Where the deferred apportionable supply is barely adequate to take care of existing beneficial uses, it becomes duty of all interested riparians to co-operate in increase and equitable apportionment of usable supplies. The Government of Pakistan are prepared to do this.

5. The Governments of India and Pakistan are in agreement that forthcoming negotiations and arrangements to be made leading up to a permanent solution shall be without prejudice to legal rights of either nation. They are further agreed to refrain from seeking in any interim and procedural arrangements to prejudice generally final results. Since the appropriateness of this has been recognised, it has appeared to the Government of Pakistan that each side should recognise the appropriateness of refraining, pending a final solution, from any action affecting the common waters prejudicial to the other side. It is fundamental to any agreement of permanent validity that, during the period of negotiation, each side must be free from compulsion. There being no disagreement as to allocations of water existing at partition, the status quo then existing should be respected until the permanent solution is found. It is the interferences with these flows, not their characterisation as “public international wrongs” that create a condition that make an amicable settlement difficult, if not impossible.

6. Before partition there was no question of payment of “Seigniorage” for conveyance of supplies of waters allocated to any zones now in Pakistan. Since partition, the Government of India have claimed a right to collect “Seigniorage”. The Government of Pakistan have disputed their claim. Inasmuch as such “Seigniorage” was not payable at the time of partition, and inasmuch as submission of this dispute for decision by the International Court of Justice has been delayed owing only to the reluctance of the Government of India to agree to such submission, it is submitted that there is no warrant for the Government of India to condition its non-interference with the flow alloated to Pakistan upon payment of this disputed charge. The great damage that this interference has been and is causing to Pakistan and its people has been brought to the attention of the Government of India. The Government of India are accordingly again requested to give necessary orders to that end that all interference with the flow of waters allotted prior to partition of zones now in Pakistan should cease.

7. Both sides agree that good will is essential to the success of the forthcoming negotiations. The cessation of interferences in flow allocated to
Pakistan will demonstrate, better than words, that there is no intention on India's part to prejudice or prejudge by unilateral act the fair result each side is seeking. The Government of Pakistan on their side are prepared to assure and do now guarantee that cessation of interference will not be used by Pakistan to prejudice or prejudge the final decision on the issue of “seigniorage”. If at any time the Government of India are willing to accept the decision of the International Court of Justice and that Court finds that the claim of India to “Seigniorage” for the use of artificial channels on its territories is well founded, the amounts adjudged by the Court to be owing by Pakistan will promptly be paid to the Government of India. In the meantime with these incidental disputes removed or reserved for arbitrament, it is hoped that the forthcoming negotiations may establish procedures by which a lasting agreement may be reached for the equitable apportionment of water resources of the Indus Basin.

8. The Ministry avail themselves of this opportunity to renew to the High Commission the assurances of their highest consideration.

High Commission for India in Pakistan
Karachi

2406. Note from High Commission for Pakistan in India to the Ministry of External Affairs.

New Delhi, April 15, 1950.

No. F.62 (6) P/50 - 1065

April 15, 1950

The Pakistan High Commission in India present their compliments to the Government of India, Ministry of External Affairs, New Delhi, and in continuation of this Mission’s communication No.62(6)P/50-403, dated the 4th February 1950, regarding water supplies to the Pakistan channels of the Upper Bari Doab Canal, have the honour to say that during the month of November 1949, when water supply was in keen demand for Rabi irrigation, Pakistan's share in the first balancing turn was withheld by the Government of the Punjab (India) and given to their own channels. This part of the year is considered vital as it is on this supply that the Rabi crops can be sown. Again during January 1950, when Kor watering was to be given to the Rabi crops, 800 cusecs of Pakistan's share of water supply were utilised by the Government of Punjab (India) in their own channels.
During the months of October, November and December, 1949 and the period from the 1st January to 17th January, 1950, there were no rains in the Punjab (Pakistan) and canal water supplies were in keen demand. The first shower of rains came on the 18th January 1950 and naturally the demand for water slackened. The Government of the Punjab (Pakistan) had however asked the authorities concerned in the Punjab (India) telegraphically on the 17th January 1950 to make up the shortage of water supplies to their channels and during the second balancing turn from the 28th January to the 5th February 1950, full supply of water was given in the Pakistan channels. It may mean making up the short supplies given in the first balancing turn in terms of cubic feet of water but it is no compensation for the water supply withheld during the vital period as water loses its value after rainfall.

As such withholding of water supplies is likely to cause considerable damage to the crops in the Punjab (Pakistan), the High Commission shall be grateful if the Government of India will kindly ensure that the Pakistan channels of the Upper Bari Doab Canal are given their full supplies of water in future. The result of the action taken by the Government of India may kindly be intimated to this Mission for communication to the Government of Pakistan.

The Pakistan High Commission take the opportunity to renew to the Government of India the assurances of their highest consideration.

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The MEA in its reply on February 21, 1951 repudiated the allegations contained in this note and pointed out the water was indeed supplied in “close accordance with the prescribed programme during rabi’ 1949-50, including the months of November 1949 and January 1950”. It further added that “during the Kur watering period, which began on 26th November 1949, the various branches were run closely in accordance with the prescribed rotational programme, which has to be followed irrespective of weather conditions and obviously cannot be altered in between for the benefit of any particular area”. 
2407. Note from Ministry of External Affairs to the High Commission for Pakistan in India.

New Delhi, April 18, 1950.

The Ministry of External Affairs of the Government of India present their compliments to the Pakistan High Commission in India, and with reference to the High Commission letter No. 62(6)P/50-403, dated the 4th February 1950, have the honour to state that the channels mentioned in paragraph 1 of the letter referred to above have never been, and are not being, taken into account in calculating the share of maintenance charges of the Upper Bari Doab Canal payable by the Government of Punjab (Pakistan); nor is the Government of Punjab (India) under any obligation to supply water to these channels.

2. As stated in the last two sentences of telegram No. PRIMIN 1155, dated the 29th April 1948, the supply of water was resumed to the Central Bari Doab Canal on the basis of the agreement arrived at between the Chief Engineers of East and West Punjab on the 18th April 1948, subject to any variation which might be made at the Inter-Dominion Conference on the 3rd and 4th May 1948. No mention was made of any of these channels in the Chief Engineers’ Agreement. The question of supply to these channels was never raised by the Governments of Pakistan or Punjab (Pakistan) at the Conference in May, 1948. There is consequently no mention of these channels in the Agreement of the 4th May, 1948. Accordingly, no supplies are being given; nor, as stated above, are these channels being taken into account in calculating the share of maintenance charges payable by Punjab (Pakistan). The question of giving supplies to these channels does not, therefore, arise.

3. The Ministry avail themselves of this opportunity to renew to the High Commission the assurances of their highest consideration.

High Commission for Pakistan in India
New Delhi.
Note from the Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, June 9, 1950.

Ministry of External Affairs
Government of India

No. 6-3/50-Pak.III. June 9, 1950.

The Ministry of External Affairs of the Government of India present their compliments to the High Commission for Pakistan in India and with reference to their Note No. P.62(6)P/50-1161 dated the 24th April, 1950, have the honour to state as follows.

2. With reference to the correspondence referred to in paragraph 2 of the note under reply, attention is invited to Mr. Dutt's D.O. No. F.12-9/48-Pak.I, dated the 25th July, 1949, in paragraph 6 of which the High Commission was informed that left Marginal Bund at Sulemanki is actually being maintained by the East Punjab Government in anticipation of some mutual agreement being reached as suggested in paragraph 3-5 above. Pending a reply from the Government of Pakistan to the proposal made in this connection in paragraph 5 of this Ministry’s Note No.F.37-2/49-Pak.III, dated the 12th November, 1949, and repeated in this Ministry Note and express letter of the 9th January, 1950, the Punjab (India) Government has continued to maintain the left Marginal Bund and will continue to do so.

3. As regard inspection by Pakistan Officers of the left Marginal Bund at Sulemanki, the Government of India, would invite reference to their communications dated the 25th July, 1949 and 12th November, 1949, already referred to above, in which it was clearly explained that in the view of the Government of India the arrangements for inspection of the Left Marginal Bund at Sulemanki should be on the same basis as those for the Right Marginal Bund at Ferozepur.

4. In view of the above, the Government of India request that the Government of Pakistan may accept at an early date, the proposals referred to in paragraph 2 above. They have every hope that an agreed solution of the problem will be found during discussion in the new atmosphere of good-will and understanding.

5. The Ministry take the opportunity to renew the assurance of their highest consideration.

The Pakistan High Commission in India,
Shershah Road Mess, New Delhi.
2409. Note from the High Commission for India in Pakistan to the Pakistan Ministry of Foreign Affairs.

Karachi, July 8, 1950.

No. IHC. 21-Poll/49- VII  July 8, 1950

The High Commission for India in Pakistan present their compliments to the Ministry of Foreign Affairs and Commonwealth Relations of the Government of Pakistan and with reference to their Note No.IA.4/50(I), dated the 22nd March, 1950 have the honour to transmit the following reply from the Government of India.

2. The Government of India were rather surprised to receive this communication from the Government of Pakistan on the very eve of the first meeting of the Negotiating Committee fixed for the 27th March 1950. It does not correctly represent the attitude of the Government of India on various points and confuses the legal issues with the practical approach which the Government of India have suggested for a friendly solution of the problem, regardless of legal contentions and the results flowing therefrom. Since, however, the negotiators for Pakistan at the meeting in Karachi from the 27th to 29th March 1950, approached the problem in a practical spirit and did not take up the points raised by the Government of Pakistan, in their note dated the 22nd March 1950, the Government of India refrained from sending a reply to the communication of the 22nd March 1950, so as not to prejudice the negotiations then in progress and not to make the task of the negotiators to reconcile conflicting views more difficult. The Government of India, however, now consider it necessary to avoid misunderstanding by clarifying their attitude on some of the points raised in Pakistan’s note of the 22nd March 1950.

3. With reference to para.3 of Note No.IA.4/50(I), dated the 22nd March 1950, the Government of India have made it abundantly clear that, as a result of the Indian Independence Act and the Orders made thereunder, the Dominion of Pakistan and the Republic of India both have full and exclusive jurisdiction over the management, control and utilisation of natural waters available in their territories. Accordingly, while the Government of India, with a view to promote friendly relations, are keen that a friendly solution be reached, no question of the adjudication of each Nation’s interests in the waters lying in the territory of the other arises. What each Nation has to respect are the interests of the other in the resources lying within its territory which belong to it by virtue of its sovereignty and the various instruments of partition. Again, while the Government of India are prepared to examine, in order to reach a friendly solution, whether an allocation of the waters of the Indus and its tributaries on an equitable basis cannot meet the reasonable requirements of both countries,
the Government of India cannot agree that they have accepted the principle of an equitable distribution of waters, alleged to be common waters or that an allocation of such alleged common waters was made at the time of the partition or even that the use of the river waters in the combined Punjab could have been based on any such principles.

4. The Government of India are glad to note that the Government of Pakistan recognise that in many parts of India, depending for their water supplies on the Indus and its tributaries, there is urgent need for water. It is no doubt true that the Government of India can develop these areas only to the extent the natural resources available in India permit. But while fully recognising the interest of the Government of Pakistan in developments needed in their jurisdiction, the Government of India cannot accept the position that India’s interest in developing prospective uses should be limited by considerations arising out of existing utilizations in Pakistan. This will not, however, in any manner affect the Government of India’s co-operation in reaching a friendly solution on the basis of the maximum utilization of the available supplies of all the six rivers.

5. The Government of India have no doubt agreed that no attempt should be made at this stage to prejudice the legal rights of either Nation and to prejudge the final results of negotiations. It does not, however, follow that the Government of India should agree to maintain any so called status quo before the partition. With the setting up of two independent Dominions, a new relationship came into being on the 15th August, 1947. Whatever arrangements or agreements existed prior to the partition lapsed on that date, except to the extent provided in the Indian Independence Act and Orders thereunder. After the 15th August 1947, waters from rivers in India may be given to Pakistan only as a result of fresh agreements negotiated between the two countries after the partition. The Government of India consider that since there is no question of maintaining any status quo as alleged by Pakistan, the question of interference by India with the alleged status quo does not arise.

6. It is true that before the partition there was no question of payment of seigniorage; there could not be any such charge between areas in the same administrative unit of the same country. It is incorrect to state that any part of the waters of rivers in India is allocated to Pakistan. The Government of India are therefore not prepared to reopen at this stage the terms of the Inter-Dominion agreement of the 4th May 1948, that amounts claimed as seigniorage should be deposited in ESCROW by Punjab (Pakistan).

7. As already stated, the Government of India do not accept the position that any waters of the rivers in India have been allocated to Pakistan. The question of interference with such allocations does not, therefore, arise. Water supplies from one independent country to another can be given only on the
basis of agreements arrived at between the two countries. The Government of India have on their part fully abided by the terms of the Agreement of 4th May 1948 and have continued to give uninterrupted supplies to Pakistan canals in terms of that Agreement. While, therefore, negotiations for a settlement are proceeding between the two countries, it is clear that the only working basis can be the agreement of the 4th May 1948 already arrived at.

8. The Government of India are determined to make every effort to secure by negotiation a friendly settlement of this dispute to the mutual benefit of both countries, regardless of legal contentions and the results flowing therefrom. They regret to note that the negotiators on behalf of Pakistan were not agreeable to the only practical approach to this problem, namely, to set up a Joint Technical Commission, as envisaged by the Government of India for collection of factual data, which must be made available and examined before any further steps are taken for a settlement of the dispute. The Government of India would, therefore, earnestly request the Government of Pakistan to agree to a Joint Technical Commission consisting of engineers on both sides, with a view to collect factual data, on agreed lines, as early as possible.

9. The High Commission avail themselves of this opportunity to renew to the Government of Pakistan the assurances of their highest consideration.

Ministry of Foreign Affairs & Commonwealth Relations,
Karachi

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2410. **Letter from Pakistan Prime Minister Liaquat Ali Khan to Prime Minister Jawaharlal Nehru.**

*Karachi, August 23, 1950.*


My dear Pandit Nehru,

The Government of Pakistan have today sent the High Commission for India in Pakistan a communication on the canal water dispute to which I attach great importance. I hope it will receive your personal attention.

2. I believe we are both agreed that there should be arbitration if negotiation fails. It seems clear now that negotiation has failed. Without putting blame on either country the fact is that after more than two years of negotiations the views of our governments as to their relative rights are if anything further apart. The consequences of this disagreement daily become more serious.

3. In your letter of the 18th January, 1950, speaking of arbitration you suggested that we should have a report of a technical nature before concluding that a settlement could not be reached by negotiations and in order better to decide the points that are at issue and the forum suited to resolve those points. Since then we have had the benefit of studies by highly competent Indian and Pakistan irrigation engineers and they have met together. A meeting of the negotiating committee on the 29th-31st May, 1950, disclosed, however, that disagreement is less over technical questions than over the question of the fundamental rights of riparians of international rivers.

4. In a Note dated the 8th July, 1950, from the High Commission for India in Pakistan, the Government of India repeat a suggestion made by the Indian negotiators that further steps towards settlement should be postponed pending factual research by a joint Commission of Engineers. The discussion of this suggestion at the meeting of the negotiators made it quite clear, however, that no amount of further factual research would lead to agreement by negotiation. The factual data already collected has made it clear that Pakistan could not agree to diminution of its share of supplies from the rivers Sutlej with its tributary Beas, Ravi and Chenab. On India’s part, the negotiators announced that whether the research they proposed was made or not, they could not agree that the projects designed to diminish the supplies heretofore allocated to Pakistan be suspended. Those projects constitute such a threat to the vital interests of Pakistan and the maintenance of good neighbourly relations that if we do not agree now to arbitrate the result will be a situation endangering international peace and security and justice.
5. The differences that have been brought out in the negotiations are differences of a juridical nature. This is the case both as to our fundamental rights and the contentions made by the Indian negotiators as to the interim arrangement of 4th May, 1948. Since our differences are juridicial, the International Court of Justice appears from every point of view to be the most suitable forum.

6. Under the optional clause the Government of India have agreed to accept the jurisdiction of the International Court on the application of countries which are not members of the Commonwealth. The exception doubtless contemplated that there would be Commonwealth machinery equally suited to the judicial settlement of disputes. While such Commonwealth machinery is lacking it would be anomalous to deny to a sister member of the British Commonwealth the friendly means of judicial settlement that is offered by India to countries outside the Commonwealth.

7. If we can agree promptly to accept the decision of the International Court in the canal works dispute matter, it will, I am sure, facilitate agreement upon other matters that have divided us. The latest international developments have, I am sure, strengthened your resolve as they have mine to maintain the most friendly cooperation between our countries.

Yours sincerely

Sd. Liaquat Ali Khan

The Hon'ble
Pandit Jawaharlal Nehru,
Prime Minister of India,
New Delhi.

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2411. Note from Pakistan Ministry of Foreign Affairs to High Commission for India in Pakistan.

Karachi, August 23, 1950.

No. 1.A. 4/50 (III) August 23, 1950

The Ministry of Foreign Affairs and Commonwealth Relations present their compliments to the High Commission for India in Pakistan and, with reference to the positions taken on behalf of India in the negotiations that ended on the 31st May, 1950, and to the High Commission’s note No. IHC.21-Poll/49-VII, dated the 8th July, 1950, have the honour to request that the following reply may kindly be transmitted to the Government of India.

2. The decision of the Government of India, disclosed at the meeting of the negotiators held on the 29th to the 31st of May, 1950, to continue the present interferences with the flow of water allocated to areas in Pakistan and to appropriate additional supplies of water vital to Pakistan, has created a situation so serious as to endanger international peace and security and justice unless other peaceful means of settling of the dispute are promptly agreed upon in compliance with the United Nations Charter.

3. It will be remembered that before partition the river supplies of the Indus Basin were allocated in accordance with principles and under orders to which all of the affected areas agreed. The principles were those that are recognized as governing the apportionment of water supplies from international as well as from inter-state and inter-provincial rivers. The Arbitral Tribunal, established to settle disputes arising out of the partition of India, acted on the premise that these principles and the existing allocations would continue to be respected. The Tribunal was not requested to give an express decision upon the division of the common waters because both the Indian and Pakistan members of Committee B, set up to certify for arbitration questions arising out of the partition of the Punjab, reported that “there is no question of varying the authorised shares of water to which the two Zones and the various canals are entitled”.

4. The Arbitral Tribunal wound up its work on the 31st of March, 1948. The following day the Punjab (India) began withholding water allocated to areas in Pakistan and shortly thereafter the Government of India for the first time asserted it had a right to withdraw supplies allocated to uses in Pakistan. From that time to the present the Government of Pakistan have sought continuously to find a solution by negotiation and the other means of settlement prescribed in Article 33 of the Charter.

5. It has been the view of the Government of Pakistan that agreement by negotiation would be facilitated if each side bound itself in advance to accept,
on any issue where negotiation failed, the arbitrament of the International Court of Justice. The Government of India have maintained the view that advance agreement to arbitrate might jeopardize the successful conclusion of negotiations. The negotiations, therefore, continued without agreement as to the arbitral procedure in the event of failure, but with assurances on behalf of the Government of India that they would accept arbitration if negotiation should fail.

6. In the view of the Government of Pakistan negotiation has failed. Negotiation has failed to find the required solution of the canal waters dispute. It has failed to discover any substantial area of agreement as to our relative rights as riparians of international rivers. It has even failed to establish, during the negotiations and without prejudice to the final solution, an interim agreement that protected the status quo at partition.

7. The Government of Pakistan are advised and maintain that under international law the uses existing and the allocations authorized prior to partition must be respected, and that any increase in supplies made available through storage dams or other installations must be shared in accordance with the principle of equitable apportionment. The Government of India on the other hand have claimed the right to appropriate all of the supplies from the rivers Sutlej with its tributary Beas, Ravi and Chenab and through their negotiators have admitted that projects are under way to exercise as fully as possible this alleged right. Pakistan cannot do without the supplies allocated to it from these four rivers and it needs its full share of the additional supplies that can be made available through engineering projects.

8. Water being the life-blood of arid regions, it is imperative for the maintenance of peaceful and friendly relations that a settlement of the basic issues of this water dispute should be no longer postponed. Once the basic rights of the two countries are determined, agreement by negotiation on practical and engineering questions should become possible. The experience of the last two years has, however, demonstrated that while the views of the two countries upon their basic rights remain so divergent a practical solution is not possible. Until the basic rights are settled, the situation is certain to deteriorate.

9. The Government of Pakistan, accordingly, request the Government of India to accept the jurisdiction of the International Court of Justice to decide on the application of either party any issue arising out of the dispute respecting the apportionment of the waters common to India and Pakistan.

10. The Government of Pakistan also request that the Government of India agree, without prejudice to the final solution, to an interim arrangement that preserves the status quo at partition. Unless and until the International Court of Justice decides otherwise, the uses and allocations then existing should be
respected. And unless and until the International Court of Justice determines that the appropriations which India contemplates making with the new installations now under construction do not exceed India’s equitable portion of the common waters, such construction should be discontinued.

11. Certain incidental issues that have complicated the dispute have arisen as a result of a pre-existing arrangement. It may be that these can be removed by a clarification of the position of the Government of Pakistan. If the Government of India continue to take a different position, the Government of Pakistan will, of course, accept the decision on these incidental issues of the International Court of Justice.

12. During the period while India was withholding the supplies of the Dipalpur and Upper Bari Doab canals it proposed an interim arrangement for those canals and set forth conditions on which India would agree to restore the supplies allocated to the Punjab (Pakistan). The interim arrangement so entered into is referred to as the Delhi Agreement of 4th May 1948. With millions of people facing the loss of their herds, the ruin of their crops and eventual starvation from lack of water, Pakistan was under compulsion to accept whatever India proposed. The proposal so accepted included the provision for the deposit in escrow of an ad hoc sum to be specified by the Prime Minister of India. In the meantime legal issues would be reserved and further discussions would take place. Pakistan performed the agreement. It made the deposit specified by the Prime Minister of India and it has participated in further discussions. The so-called Delhi Agreement, if ever it was binding upon Pakistan, has long since expired. The Government of Pakistan have on numerous occasions given to the Government of India notice to this effect. If, however, in the view of the Government of India any further action or notice is needed to render the so-called Agreement of 4th May, 1948, without present effect, it will be appreciated if this communication will be accepted as such action or such notice.

13. When the so-called Delhi Agreement was signed it was contemplated that a permanent solution would replace it, as the Prime Minister of India telegraphed to the Government of Pakistan, “before the end of June,” 1948. No solution having been reached by that time, the Government of India demanded a second deposit for a three months period beginning July 1, 1948. Fearful that if the deposit were not made supplies vital to Pakistan would again be withheld, the amount then specified by the Prime Minister of India was deposited. Every three months since there have been renewed demands for deposits. The Government of Pakistan have pointed out the inappropriateness of those demands but as an earnest of the desire of Pakistan to create an atmosphere conducive to negotiation the deposits have been made in the amounts specified. Unfortunately, the making of these deposits instead of encouraging a more
reasonable attitude on the part of India appears to have contributed to a stiffening of the Indian position.

14. Pakistan recognises the duty of riparians of international waters to pay their share of the actual maintenance costs of installations of common benefit. Pakistan will continue to transfer to the Government of India those amounts that represent the share of Pakistan in the actual cost of maintaining the hydraulic installations of common benefit. If the International Court of Justice should determine that more is owing, Pakistan will, of course, pay whatever the Court may award. If that Court directs that deposits of disputed amounts be made pending its final decision, the Government of Pakistan will make the deposits in the amounts specified by the Court. Regarding the deposits of the disputed amounts heretofore made, it is suggested that joint instructions be given to the Reserve Bank of India to return these to the Government of the Punjab (Pakistan). The Government of Pakistan will, if the Government of India should think it necessary, establish credits equal to the amount returned as a guarantee that if the International Court should decide that any part of that sum is owing to India the amount will promptly be paid.

15. In the High Commission’s Note of 8th July, 1950, the Government of India, after expressing regret that the negotiators on behalf of Pakistan were not agreeable to the establishment of a Joint Technical Commission for collection of factual data, request the Government of Pakistan “to agree to a Joint Technical Commission consisting of engineers on both sides, with a view to collect factual data, on agreed lines, as early as possible”. The position of the Pakistan negotiators has not been clearly understood. They did not object to the collection of factual data. They objected to the proposal that was coupled with that suggestion and repeated in the Note of 8th July, 1950, that no further steps should be taken for settlement of the dispute until after the Fact Finding Commission had completed its research. Further, the Indian negotiators refused to agree that pending settlement of the dispute the construction of projects designed to diminish supplies to Pakistan should be suspended. Under such circumstances it was apparent that the appointment of a Fact Finding Commission would serve to prolong and make more serious a situation that calls for immediate solution.

16. Although sufficient data has already been collected through studies by competent engineers on both sides, the Government of Pakistan will co-operate fully in any procedure for further collection, verification and exchange of information desired by the Government of India provided that the procedure does not impede taking of steps necessary for settlement of the fundamental dispute. That dispute exists not because of disagreement over facts. It exists because of disagreement over our respective rights in our common waters
and because of the refusal of India to respect rights of ‘Status quo’ at partition pending an impartial definition of our rights. It is on the just settlement of these real issues that attention should be focussed.

17. As members of the United Nations, India and Pakistan are under an obligation to “settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered”. (Article 2(3) of the 10 Charter). The continuance of this dispute is likely to endanger the maintenance of international peace and security. Negotiation has failed to produce a solution and the issues in the dispute are such as to call for judicial settlement. It is hoped, therefore, that the Government of India will agree to the immediate reference of this dispute to the International Court of Justice.

The Ministry avail themselves of this opportunity to renew to the High Commission the assurances of their highest consideration.

High Commission for India in Pakistan
Karachi

2412. Letter from Prime Minister Jawaharlal Nehru to Governor of Punjab C. M. Trivedi.

New Delhi, August 28, 1950.

My dear Trivedi,

I enclose a copy of a letter I have received from the Prime Minister of Pakistan. This relates to the canal waters dispute and you will notice that he suggests that the matter be referred to the International Court of Justice at The Hague.

This, of course, is not a new proposal and Pakistan has said so many times before. We have not liked the idea and we have been insisting on technical surveys and the like.

We shall still ask for full surveys, but it is clear that if our negotiations fail then there is a deadlock. We have been at this for the last two and a half years without much success. We may say, as we do, that Pakistan did not act properly and has caused all this delay by its tactics of avoiding a proper survey. That may be perfectly correct but the fact remains that the deadlock continues. How is that deadlock to be solved? If we leave out war, we come back to some form
of arbitration or a reference to a judicial tribunal. As a matter of fact, in a letter I wrote to the Prime Minister of Pakistan on January 18th, 1950, I wrote as follows:

The canal waters dispute has been the subject of correspondence between the two Governments and both are agreed that a Joint Technical Commission should be set up for making factual investigation. On the basis of the report of the Commission, the two Governments will confer with a view to arriving at a settlement. If it is not found possible to reach a settlement, we are quite prepared to refer the matter to arbitration or some tribunal approved of by both Governments. You will appreciate that the manner of subsequent procedure as well as form can hardly be decided satisfactorily before we know what the results of the Technical Commission are and what the remaining points for decisions are.

We have thus entered into a commitment about a reference to arbitration or to some tribunal approved of by both Governments. We need not stress again on a technical or other commission to find out the facts. But, in any event, we arrive at the same conclusion.

Apart from any other reason, we are convinced that The Hague Court is not a suitable place for this matter to be referred to. That Court can do nothing at The Hague without having a commission of enquiry on the spot. So we do not propose to agree to The Hague Court. But, ultimately, we shall have to agree to some form of arbitration. This will probably consist of both Governments selecting a nominee and then jointly choosing a third person.

Before finally deciding and replying to Liaquat Ali Khan, we should like to confer with representatives of your Government. But I wanted to tell you how matters stood. Your Government as well as our W.M.P. (Ministry of Water, Mines and Power) have been reluctant to accept arbitration. I do not see how they can avoid it. Personally I think it is the proper course and we should not be afraid of it.

We should like to refer the evacuee property question also to arbitration. Gopalaswami Ayyangar is carrying on some correspondence with Pakistan on this subject, and there is a faint hope that it may lead to some satisfactory result. If this fails, then we propose to refer the matter to arbitration of the kind indicated above.

I shall let you know when we want your representatives to come here.

Your sincerely

Jawaharlal Nehru
Extract from letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, September 3, 1950.

I received your letter of August 23rd dealing with the canal water dispute, some days ago. In that letter you referred to communication which your Government has sent to our High Commissioner in Pakistan on this subject. I waited to receive this communication. It took several days to reach us.

I have naturally read both your letter and the communication with care. I need hardly tell you that we are very anxious to settle this canal water dispute, as well as other disputes between us, as soon as possible. It was with a view to a solution of the canal water dispute that we had previously suggested that a technical examination was necessary. Whatever the method finally adopted for solving this dispute, such a technical examination seems to me essential. I regret that your Government has been unable to proceed on the lines suggested by us in this matter.

I confess that I have read the communication of your Government with some surprise. We shall naturally answer it fully. I should also like to write to you on this subject and draw your particular attention to some matters. For the present, I am rather overwhelmed with work, and early tomorrow morning I am going to Assam for a personal survey of the consequences of the great earthquake we had there.

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2414. Letter from Governor of Punjab C. M. Trivedi to Deputy Prime Minister Sardar Vallabhbhai Patel.

Simla, September 4, 1950.

Barnes Court, Simla 4 September 1950

My dear Sardar Patel,

I am very glad to know from Sachdev, our Chief Secretary, who telephoned to me last night from Delhi, that you were present at the conference convened by the Prime Minister yesterday to discuss the canal water dispute. I understand that certain conclusions were reached and a draft reply is being prepared. The reply is to be considered at a meeting to be held in Delhi either on the 10th or 11th, and Sachdev conveyed to me the Prime Minister’s message that he wishes me specially to be at Delhi at the meeting to consider the draft reply. Very likely, the meeting will be held on the 10th, and on this assumption I will be at Delhi on the 10th. If Dr. Gopichand feels well enough he would also come, but I do not wish him to take any risks with his health.

2. In this connection, I enclose for your information a copy of a letter which I wrote to Pandit Nehru on 2 September. This was followed by a telephone message to him requesting that any conclusions which may be reached at the meeting on 3 September should be sent to us for information and comments. I made this request because, owing to circumstances beyond my control, ministerial advice had not been available to me. It is, presumably, in response to this request that Pandit Nehru had asked me specially to come to Delhi.

3. I will make it a point of seeing you at Delhi on the 10th, if you are not otherwise engaged.

Yours sincerely,

C.M. Trivedi

The Hon’ble Sardar Vallabhbhai Patel
Deputy Prime Minister
New Delhi.

ENCLOSURE

Barnes Court, Simla. 2 September 1950

My dear Pandit Nehru,
I am grateful to you for your letter dated 28 August, regarding the canal water dispute. I have also seen the Pakistan Government’s note dated 23 August, on the same subject. We are sending our Chief Secretary and our Chief Engineer (Bhakra Dam) to represent us at the meeting you are holding tomorrow to consider what reply should be given to Liaquat Ali Khan. It has not been possible for any Honourable Minister to represent us, because Dr. Gopichand is ill, and no other Honourable Minister is very much conversant with the question.

2. If, you say, we shall have to agree to some form of arbitration over the canal water dispute, I think that our agreement to arbitration should be contingent on the following conditions:

   (a) The terms of reference for arbitration must be previously determined and agreed to by both parties. We know from experience what a great deal of trouble and embarrassment arise either from no terms of reference or vague terms of reference. I myself feel that it will be very difficult for arbitration to proceed until there are technical data, and one of the terms of reference will probably have to be the appointment of a joint technical commission. I do not think the matter is as simple as is sought to be made out in the note of the Pakistan Government.

   (b) The Pakistan Government should, at the same time, agree to the reference of the evacuee property dispute to arbitration. Here also the terms of reference must be defined by agreement. You will remember that when I had a talk with you about the canal water dispute in March last, I had pressed the view and you had more or less agreed that should it be considered desirable or necessary to refer the canal water dispute to arbitration, we must at the same time secure that the evacuee property dispute is referred to arbitration. I should add that the question of arbitration over this issue will not, of course, arise if the dispute is settled otherwise as a result of the correspondence which Gopalaswami Ayyangar is carrying on with Pakistan, to which you have referred in your letter.

3. So much for conditions prior to or accompanying arbitration. These I have suggested on the assumption that we must agree to arbitration immediately. There is a commitment by you in this respect in your letter to the Prime Minister of Pakistan, dated 18th January 1950, but it is quite clear that this commitment is contingent on a joint technical commission being set up for making a factual investigation, and the two Governments not being able to reach a settlement on the basis of the report of the commission. Pakistan has all along adopted a most unhelpful, if not a positively obstructive, attitude regarding the setting up of this commission. It is all very well for them to say that the negotiation has failed. If one party to a dispute is determined not to let
negotiation succeed, it is, of course, bound to fail. In such circumstances, it should not be open, or it is at least illegitimate for a party responsible for the failure of negotiation, to advance that failure as a reason for resort to arbitration to which you have agreed on certain conditions in your letter of 18 January. You may say that this is a debating point. Perhaps it is so, and we have to face the facts as they are, but it does seem to me to be wrong that intransigence should be rewarded.

4. There is yet another point. The Pakistan Government's note repudiates the agreement of 4 May 1948 in no uncertain terms, and alleges that Pakistan was under compulsion to accept whatever India proposed. They have now given formal notice that the “so called” agreement of 4 May 1948, is without present effect and that henceforth they will make no deposit in escrow of an ad hoc sum to be specified by you from time to time. In the past, Pakistan had attempted to resile from this agreement, and now it has said so in most explicit terms. Are we going to agree to arbitration without a successful challenge of the Pakistan Government's position, and if the Pakistan Government does not withdraw from the position, what are we going to do? They probably want us to take some extreme step like the stoppage of water supplies. If we do this, we furnish them with a cause belli. If we do not, we accept the position that the agreement has no present effect. In this matter, we are, it seems to me, on the horns of a dilemma. The matter has both legal and political aspects, and at the proposed meeting these will no doubt be considered very carefully.

5. A final point is this; Pakistan proposes that during the pendency of arbitration no further works should be constructed. They have certainly Harike in mind, but may also be referring to the Bhakra project. As you know, it was Pakistan's action in digging a channel in May 1948 (which action would have seriously jeopardised the utility of the Ferozapore headworks), which led us to think of Harike as a measure of self-defence. In spite of our entreaties, they did not stop the work of digging the channel. Now the boot is on the other leg. I think that there can be no question whatever of stopping the works at Bhakra or Nangal, but it may be possible to arrive at some satisfactory arrangement about Harike, provided Pakistan is really earnest to reach a satisfactory interim settlement. Our engineering representative will suggest a way out, and this may be considered, if deemed suitable.

6. These are the preliminary views which I have formed. Many of them are in the nature of posers, but I have put them for consideration and examination. I quite agree that we must remove all causes of conflict between Pakistan and us. At the same time, we must effectively safeguard our interests, which in the matter of irrigation are very vital to the people of this State. I am sure you will give our representative a patient hearing. Our representation has had to be at
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INDIA-PAKISTAN RELATIONS

the level of permanent officials. I know that by virtue of their position they are somewhat at a disadvantage in a conference at a very high level, but I have told them to express their views very frankly, knowing as I do that you always welcome frankness.

7. At one time, I did not think that I should write a letter, but on further reflection I thought that perhaps a letter was due from me one behalf of the Punjab, particularly as my Chief Minister is out of action, and I did not want my Government to think that I had not discharged my duty in his very unfortunate absence from work.

Yours sincerely

C.M. Trivedi

The Hon’ble Pandit Jawaharlal Nehru
Prime Minister
New Delhi.

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2415. Letter from Prime Minister Jawaharlal Nehru to Deputy Prime Minister Sardar Vallabhbhai Patel.

New Delhi, September 9, 1950.

My dear Vallabhbhai,

On my return from Assam I have had a number of letters from you, five I think, I am sorry for the slight delay in answering them, but I have been rather overwhelmed not only with work but also with Cabinet meetings and committee meetings.

About the canal water dispute, we have had several meetings in committee and discussed it at length. Setalvad came back this morning and we had another conference with him. Trivedi comes tomorrow and there will be a full conference on the 11th morning when we hope to finalise the draft. I cannot send you the draft yet because it is not ready. What has been prepared is very sketchy. Perhaps by tomorrow evening we might have the draft ready. I shall certainly send it to you as soon as it is ready. The delay of a day or two does not matter, but the answer has to go to Pakistan before some of us leave for the Nasik Congress.

Our present decisions are more or less as follows: We do not propose to deal argumentatively with many of the points that have been raised in the Pakistan
letter. That is to say, we do not deal with the merits of the case. We shall, of course, deal with certain important aspects such as the agreement of 4 May 1948 and their assertion that it was under coercion. We shall also deal with our repeated attempts to have a technical survey which we consider quite essential in any event, whatever further steps might be taken.

There is not much dispute about this thus far. Of course, when the draft is prepared, it will have to be carefully considered. The argument has revolved round two points: One, whether we should in the final analysis agree to the Hague Court or arbitration tribunal, and, secondly, which of these two is preferable.

You will remember my suggestion that we might adopt the USA-Canada example about a joint commission for certain border and water disputes. On further consideration this was found not to be feasible. Of course, in any event, such a joint commission could not deal with the evacuee property dispute.

After lengthy argument we came to the conclusion that there was no escape from our agreeing to some tribunal, either the Hague Court or arbitration. In any event, this was to be linked up with the canal water dispute.

Regarding the second point, we finally decided to suggest a judicial commission consisting of two Indian judges and two Pakistani judges. There was to be no foreigner. Of course, it can be said that they may not agree, and what then? We say nothing about it at this stage. If Pakistan raises the point, we propose to say that we can consider the matter then and refer such points as are still in dispute to some other tribunal, whenever that might be. This Indo-Pakistan Arbitration Commission would have full powers and, in any event, can clear the ground very much. If anything has to be referred after that, they will be limited issues. But this can be considered later. Even this Commission would inevitably have to appoint a fact-finding commission of experts.

This very Arbitration Tribunal can take up the evacuee property problem to which we shall attach great importance. We shall lay stress on the urgency of that matter and the importance of that being taken up immediately.

Gopalaswami has received a reply from Liaquat Ali Khan about evacuee property. This reply is a brief one saying that his Finance Minister is not here and he must await his return. Gopalaswami has now written to Liaquat Ali Khan formally suggesting arbitration about evacuee property.

Yours

Jawaharlal

The Hon’ble Sardar Vallabhbhai Patel

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2416. Letter from Deputy Prime Minister Sardar Vallabhbhai Patel to Prime Minister Jawaharlal Nehru.

Bombay, September 11, 1950.

My dear Jawaharlal,

Thank you for your letter dated 9 September 1950 and your top secret letter of 10 September regarding the canal water question. I have seen the draft. On the whole it seems to be on the right lines, but I understand that this morning some changes have been suggested. I should like to have an idea of those changes in order to let you have my final comments. I have telephoned to this effect to Dharma Vira. On receipt of the revised draft tomorrow, I shall telephone my comments.

2. I am glad about the manner in which you have linked the two questions of canal water dispute and evacuee property. I am also glad to know that Gopalaswami has written to Liaquat Ali Khan formally suggesting arbitration about evacuee property.

Yours sincerely

Vallabhbhai Patel

The Hon’ble Pandit Jawaharlal Nehru
New Delhi.

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My dear Vallabhbhai,

This morning we had a full conference about canal waters. Trivedi and a whole contingent from the Punjab were present and we had long discussions and ultimately unanimously passed a draft. We have now, therefore, finalised this. I had, however, decided to wait till tomorrow for any suggestions that you might have to make. I have just received Shankar’s message conveying to me two points which you wish to emphasise.

One of these points relates to our saying that Pakistan has no right to repudiate the agreement unilaterally. We have already made this clear in the draft.

The second point is about the charges which Pakistan pays. In a larger sense this matter has been referred to, though not specifically. We feel that any argument about charges would lead to a somewhat detailed consideration of this question. This would spoil the main points of the letter and upset its balance. We have deliberately concentrated on a few principal points in our answer. But that answer really covers this points because of what we have said about the Agreement of 4 May.

I have consulted Rajaji and Gadgil about this and they were of the same opinion.

I am sending you separately a copy of the revised letter. We intend dispatching this sometime tomorrow.

Yours

Jawaharlal

The Hon’ble Sardar Vallabhbhai Patel

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The High Commissioner for India in Pakistan presents his compliments to the Ministry of Foreign Affairs and Commonwealth Relations of the Government of Pakistan and has the honour to communicate the following reply from his Government to the Pakistan Government’s communication dated 23 August 1950.

2. The Government of India have noted with surprise and regret the statements of the Government of Pakistan:
that the disclosure by the Government of India’s representatives at the meeting of the negotiators held on 29 to 31 May, 1950, “to continue the present interferences with the flow of water allocated to areas in Pakistan and to appropriate additional supplies of water vital to Pakistan” has created a situation so serious as to endanger international peace and security, and

(2) that the Inter-Dominion Agreement of 4 May 1948, regarding the supply of water to the Central Bari Doab and Dipalpur canals in Pakistan was accepted by Pakistan under ‘compulsion.’

3. As regards (1), the Government of India deny categorically that there has been any interference with the flow of water to Pakistan since the signing of the Agreement of 4 May, 1948. The negotiators for India made it perfectly clear to the Pakistan negotiators that the Government of India would continue (a) to abide by the terms of the Agreement of 4 May 1948 and (b) to supply water to Pakistan until final agreement was reached. In spite of the notice that the Government of Pakistan have now given of their intention to terminate the Agreement of 4 May 1948 the Government of India adhere to their intention to continue the supply of water to the canals referred to, until the dispute is settled. They are, therefore, unable to understand why any threat to international peace and security should be apprehended from any attitude or action of theirs.

4. As regards (2), the Government of India wish to recall that the Agreement of 4 May 1948 was reached between the Prime Minister of India and the Finance Minister of Pakistan, Mr. Ghulam Mohammad, at a conference that was marked by cordiality and goodwill. When the joint communiqué announcing this Agreement was issued by the two Governments on 7 May 1948 there was no suggestion of compulsion, nor was any such suggestion made in the note that was submitted three weeks later by the West Punjab Government to the Punjab Partition Committee. When the Inter-Dominion Conference, at which Pakistan was represented by the Hon’ble Sir Mohammad Zafrullah Khan, met at Lahore on 21 July 1948, no complaint of compulsion was made. Thirteen months later, in June 1949, when, for the first time, the Government of Pakistan stated that the “present modus vivendi is onerous and unsatisfactory to Pakistan, and that a final solution should no longer be postponed” there was no allusion to compulsion having influenced the Government of Pakistan in accepting the Agreement of 4 May 1948. the Government of Pakistan will appreciate that, against this background of the sequence of events and their declared intention not to interfere with the supply of water to the Pakistan canals in reference, the Government of India are unable to accept the contention of the Government of Pakistan that the Agreement of 4 May 1948 was accepted by them unwillingly and under compulsion.
5. The Government of Pakistan have asked that their communication of 24 August should be treated as notice of termination of the Agreement of 4 May 1948. The Government of India wish to point out that the Punjab Partition Committee approved of the Standstill Agreements executed by the Chief Engineers of East and West Punjab on 20 December 1947. At a subsequent meeting held on 26 and 27 May 1948, this Committee also formally noted the Inter-Dominion Agreement of 4 May 1948. The Government of India hold the view that the Agreement of 4 May 1948 must also be treated as an integral part of the arrangements made at the partition, which cannot be unilaterally terminated or abrogated by either side. For their part, the Government of India regard the Agreement as valid and they propose to abide by its terms.

6. The Government of Pakistan requests the Government of India to agree to accept the jurisdiction of the International Court of Justice and to agree to the immediate reference of the dispute over canal waters to that Court. The Government of India have never refused to refer this dispute for decision to an appropriate body, if negotiations should fail to result in agreement. But as a preliminary to reference to such a body, if that should become necessary, they have repeatedly urged a comprehensive investigation by fully qualified engineers of both Governments working together in order to determine the availability of water both to India and to Pakistan from the rivers of the Indus basin. They have done so in the conviction that whatever the legal claims of the two parties, the problem of the utilization of the waters of these rivers should be resolved not in a spirit of narrow legalism but primarily with the desire to serve the needs and advance the welfare of the millions of human beings in both countries, whose contentment and prosperity depend upon the use of these waters. The Government of India are satisfied that no ad hoc body could decide the various issues involved, with the due regard to human welfare, until the results of the investigation, which the Government of India have repeatedly proposed, become available. Once more the Government of India would request the Government of Pakistan to agree to such an investigation being started immediately. Since in paragraph 16 of the note under reply it is stated that the “Government of Pakistan will co-operate fully in any procedure for further clarification, verification and exchange of information desired by the Government of India,” it should be possible to work out detailed plans for the investigation without difficulty or delay.

7. The Government of Pakistan have always expressed a preference for reference of the dispute over canal waters to the International Court of Justice. The Government of India do not question the high authority of that judicial body. There are two reasons, however, why they feel that this matter should be dealt with by an ad hoc tribunal. The first is that, for a correct and prompt settlement of the dispute, it will be necessary for those to whom adjudication of
the dispute may be entrusted to appraise the relevant factual data in the light of firsthand knowledge of the geographical and engineering elements of the problem. This can be done more conveniently and effectively by a small group of persons working in India than by a court which has its seat at The Hague.

8. The other, and even more important, reason is the great urgency to settle the question of evacuee property. The continued failure to do so merely prolongs the sufferings of millions of refugees on both sides of the border, and the passions engendered by a sustained sense of frustration and grievance inevitably have an adverse effect on the relations between India and Pakistan. In order to ensure a prompt solution of this problem, the Government of India consider it desirable that it be referred immediately for decision to an *ad hoc* body. For obvious reasons, this task cannot be entrusted to the International Court of Justice. An *ad hoc* tribunal, working in the sub-continent, could apply itself at once to the solution of both the problems, namely, the problem of evacuee property and the dispute over canal waters.

9. The Government of India accordingly propose that the two Governments should proceed to nominate, without delay, two judges from each country of the highest judicial standing to enquire into and to decide these two matters. Such a body will have the necessary attributes of impartiality and judicial competence. Since it will be working in the sub-continent, both Governments will find it more convenient and more economical to produce before its members the varied and voluminous data that would be needed for a complete understanding of these important and complicated issues. The experience and responsibility of the members should be a guarantee that they will approach these problems with the sole desire to do justice. They see no reason why a body so constituted should not be able to arrive at agreed conclusions on the issues refereed to it.

10. In conclusion the Government of India would observe that they have limited their reply to the major and practical issues involved. They consider it unnecessary at this stage to comment on the other points arising out of the Pakistan Government’s note of 23 August 1950.
Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, September 12, 1950.

I have already sent you a brief reply to your letter of August 23rd which dealt with the Canal Water dispute. After my return from Assam, I have given a good deal of time and attention to this matter. Indeed, right from the beginning, I have been personally interested in it. You may remember that I was present at the meeting of representatives of India and Pakistan who met to consider this matter in May, 1948. It was at that meeting, on the 4th May, 1948, that an agreement was arrived at between the two countries on this subject.

An official reply is being sent to your Government through our High Commissioner in Pakistan. I need not, therefore, reply to you at any length. I wish to assure you, however, that I attach great importance to a satisfactory settlement of this dispute, as of other disputes between our two Governments. It was because of this that I associated myself with these negotiations at an early stage. It seemed to me then that, whatever the legal and other aspects might be, and they were important, it was not possible to arrive at any correct decision without a full factual survey by experts representing the two Governments. Even if the matter is referred to any tribunal, the first step will have to be to find out the facts through such a survey. Because of this, we put forward the proposal long ago that a joint survey should be made. This was agreed to by Pakistan, but later your Government felt that they could not pursue the matter. I confess I was unable to understand this because whatever approach we make, such a survey seems a necessary preliminary.

There has been, I agree, unnecessary delay in dealing with this matter, though the consequences have not been and are not likely to be serious, as the normal flow of water has continued.

We have at no time been opposed to reference to a proper tribunal. We have felt, however, that a certain preliminary should be attended to before such a reference could be made. If, however, it is felt that a reference should be made now, we would agree to it. We have suggested in our official letter to your Government the procedure we think the most appropriate for this purpose. That procedure has many advantages. It is the best suited for this particular Canal Water dispute. It is also eminently suited to another dispute of old-standing between India and Pakistan which appears to us to be even
more important and urgent than the Canal Water dispute. This relates to the Evacuee Property problem which, as you know, affects large numbers of persons and is a continuous source of trouble for them and for their respective Governments. Both from the point of view of alleviating the distress of these large numbers of persons and in order to remove a serious cause of friction between our two Governments, it is of the utmost importance that we should deal with this matter immediately in the way we have suggested.

The proposal we have made for the settlement of both the Canal Water dispute as well as the Evacuee Property problem has even larger implications. This proposal may be adapted subsequently to the settlement of other disputes between the two Governments of a nature which can be dealt with in this way. Thus, this procedure would fit in with the proposal we have been considering for the adjustment of present and future disputes between the two Governments in connection with a “No-War Declaration”.

I do not wish to deal here with other aspects of the Canal Water dispute to which reference has been made in your Government's official communication to us. But there is one matter which I cannot pass over without comment. It has been stated in your Government's communication that the Agreement of 4th May, 1948, was accepted by Pakistan under “compulsion”. This has surprised and distressed me greatly. As I have mentioned above, I was myself personally associated with this agreement. I participated in the discussions and helped in drafting that agreement in cooperation with the representatives of Pakistan present at the Conference. Among these representatives were Ghulam Mohammad and your High Commissioner in India. There were also present two Ministers of the West Punjab Government. The whole discussion was of a friendly character and both parties approached the question with a desire to find a mutually satisfactory way out. We reached this agreement unanimously and it was signed by all those present there. I cannot imagine how any question of compulsion could possibly have arisen in these circumstances. There was then no kind of threat or even suggestion about stopping the flow of water. Ever since then, on numerous occasions, this agreement has been referred to by both parties and acted upon. I am sure that if you go into all the facts, you will agree with me that the allegation of compulsion is totally without foundation. You can ask Ghulam Mohammad or your High Commissioner in India or anyone else present about it.

I earnestly trust that your Government will accept the proposal we have made for the settlement of both the Canal Water and the Evacuee Property disputes and thus not only help in solving these difficult and troublesome
problems, but also lay the basis for a machinery for settlement of future disputes. That will go a long way towards improving relations between India and Pakistan.

Yours sincerely,

Jawaharlal Nehru

Hon'ble Liaquat Ali Khan
Prime Minister of Pakistan
Karachi

2419.  Note from High Commissioner for India in Pakistan to the Pakistan Ministry of Foreign Affairs.

Karachi, September 15, 1950.

No. IHC. 21 – Poli/49 – VII  September 15, 1950

The High Commissioner for India in Pakistan presents his compliments to the Ministry of Foreign Affairs and Commonwealth Relations of the Government of Pakistan and has the honour to communicate the following reply from his Government to the Pakistan Government’s communication No. IA. 4/50 (III), dated the 23rd August, 1950.

2.  The Government of India have noted with surprise and regret the statements of the Government of Pakistan:

(1)  that the disclosure by the Government of India’s representatives at the meeting of the negotiators held on the 29th to 31st May, 1950 “to continue the present interferences with the flow of water allocated to areas in Pakistan and to appropriate additional supplies of water vital to Pakistan has created a situation so serious as to endanger international peace and security”, and

(2)  that the Inter-Dominion Agreement of the 4th May, 1948, regarding the supply of water to the Central Bari Doab and Dipalpur canals in Pakistan was accepted by Pakistan under ‘compulsion’.

3.  As regards (1), the Government of India deny categorically that there has been any interference with the flow of water to Pakistan since the signing of the Agreement of 4th May, 1948. The negotiators for India made it perfectly
clear to the Pakistan negotiators that the Government of India would continue to abide by the terms of the Agreement of the 4th May, 1948. The Government of India regret that they are unable to accept any repudiation or notice of termination of the agreement. They adhere to their intention to continue the supply of water to the canals referred to, until the dispute is settled. They are, therefore, unable to understand why any threat to international peace and security should be apprehended from any attitude or action of theirs.

4. As regards (2), the Government of India wish to recall that the Agreement of 4th May, 1948, was reached between the Prime Minister of India and the Finance Minister of Pakistan, Mr. Ghulam Mohammad, at a conference that was marked by cordiality and goodwill. Ministers of the Governments of Punjab (India) and Punjab (Pakistan) participated in the Conference and signed the agreement. When the joint communiqué announcing this Agreement was issued by the two Governments on the 7th May, 1948, there was no suggestion of compulsion, nor was any such suggestion made in the note that was submitted 3 weeks later by the West Punjab Government to the Punjab Partition Committee. When the Inter-Dominion Conference, at which Pakistan was represented by the Hon’ble Sir Mohammed Zafrullah Khan, met at Lahore on the 21st July, 1948, no complaint of compulsion was made. Thirteen months later, in June, 1949, when, for the first time, the Government of Pakistan stated that the “present \textit{modus vivendi} is onerous and unsatisfactory to Pakistan, and that a final solution should no longer be postponed”, there was no allusion to compulsion having influenced the Government of Pakistan in accepting the Agreement of the 4th May, 1948. The Government of Pakistan will appreciate that, against this background of the sequence of events, the Government of India are quite unable to accept the contention of the Government of Pakistan that the Agreement of May, 1948, was accepted by them unwillingly and under compulsion.

5. The Government of Pakistan request the Government of India to agree to accept the jurisdiction of the International Court of Justice and to agree to the immediate reference of the dispute over canal waters to that Court. The Government of India have at no time ruled out reference of this dispute for decision to an appropriate body, if negotiations should fail to result in agreement. But as a preliminary to reference to such a body, if that should become necessary, they have repeatedly urged a comprehensive investigation by fully qualified Engineers of both Governments, working together, in order to determine the availability of water both to India and to Pakistan from the rivers of the Indus basin. The Government of India are satisfied that no tribunal could decide the various issues involved, with due regard to human welfare, until the results of the investigation, which the Government of India have repeatedly proposed, become available. The Government of India would, therefore, again
request the Government of Pakistan to agree to such an investigation being started immediately. Since in paragraph 16 of the note under reply it is stated that the “Government of Pakistan will co-operate fully in any procedure for further clarification, verification and exchange of information desired by the Government of India”, it should be possible to work out detailed plans for the investigation without difficulty or delay.

6. The Government of Pakistan have always expressed a preference for reference of the dispute over canal waters to the International Court of Justice. The Government of India do not question the high authority of that judicial body. There are two reasons, however, why their opinion is that this matter should be dealt with by an ad hoc tribunal. The first is that, for a prompt and satisfactory settlement of the dispute, it will be necessary for those to whom adjudication of the dispute may be entrusted to appraise the relevant factual data in the light of first-hand knowledge of the geographical and other elements of the problem. This can be done much more conveniently and effectively by a small group of persons working in India than by a court which has its seat at The Hague.

7. The other, and even more important reason is the paramount urgency to settle the question of evacuee property. The continued failure to do so merely prolongs the sufferings of millions of refugees and the passions engendered by a sustained sense of frustration and grievance inevitably have an adverse affect on the maintenance of friendly relations between India and Pakistan. The Government of India regret that their repeated efforts to arrive at a final settlement of the evacuee property problem have not met with an adequate response from the Government of Pakistan. In order to ensure a speedy solution of this problem, the Government of India consider that it be referred immediately for decision to a tribunal. For obvious reasons, this task cannot be entrusted to the International Court of Justice. An ad hoc tribunal, working in the Subcontinent, could apply itself at once to the solution of both the problems, namely the problem of evacuee property and the dispute over canal waters.

8. The Government of India accordingly propose that the two Governments should proceed to nominate, without delay, two judges from each country of the highest judicial standing to enquire into and to decide these two matters. Such a body of judges will have the necessary attributes of impartiality and judicial competence. Since they will be working in the Subcontinent, both Governments will find it more convenient and more economical to produce before them the varied and voluminous data that would be needed for a complete understanding of these important and complicated issues. Their status and experience should be a guarantee that they will approach these problems with the sole desire to do justice. The Government of India see no reason why a tribunal so constituted should not be able to arrive at agreed conclusions on
the issues referred to it.

9. In conclusion the Government of India would observe that they have limited their reply to the major and practical issues involved. They do not consider it necessary, at this stage, to comment on the other points in the Pakistan Government’s note of 23rd August.

The High Commission avails itself of this opportunity to renew to the Ministry the assurances of their highest consideration.

Ministry of Foreign Affairs and Commonwealth Relations,
Karachi.

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2420. Extract from letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, October 8, 1950.

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I am not aware of any instance where two independent nations have bound themselves down to refer every dispute, whatever its nature, to a particular authority, much less to an external authority. There is the well-known case of Canada and the United States of America. They created an International Commission, consisting of representatives of the two countries, for settlement of certain disputes. But that Commission had no outside member in it, and it dealt only with certain specified types of disputes between the two countries. I would gladly agree to any similar procedure for India and Pakistan. But, inevitably, it will have to deal with certain specified types of disputes and a Commission appointed for the purpose will consist only of an equal number of judges chosen by India and Pakistan respectively. It is true that there is always a possibility of a lack of agreement between the members of the Commission, but if they are judges of the highest standing, they will consider the issues before them in a judicial spirit and are highly likely to come to a unanimous or majority decision. Even if they fail to agree, the area of difference will have been narrowed down by the measure of agreement reached and only the outstanding point or points of difference will remain to be dealt with. The two Governments could then consider the matter afresh, including the question of reference to a third party. To think, ab initio, of a third party will lessen the sense of responsibility of the judges and will also be a confession of our
continued dependence on others. That would hardly be becoming for proud and self-respecting independent nations.

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This leaves us with the questions of evacuee property and canal waters. We wrote to you about both of these some time ago and suggested a precise method for their final settlement. We have had no answer from you to that proposal but you have referred to it in the course of your speech on Kashmir before the Pakistan Parliament, and I regret to find from that brief reference that you do not view our proposal with favour. Your main objection appears to be that the judges from India and Pakistan may not agree with each other and there is no provision for meeting that contingency. You seem to think that such disagreement is almost certain to occur and that only outsiders can decide for us. I confess that I am unable to appreciate the force of this argument, which, as I have indicated above, reduces us to a dependent status relying upon the pleasure of others; this is something wholly repugnant to me and, in my view incompatible with the dignity of both India and Pakistan.

If you read the two last letters that I have written to you, namely, the one dealing with the No War Declaration and the other with Canal Waters and Evacuee Property, you will find that, in effect, we have suggested not only a general and rather vague declaration, but also a precise method of dealing with what might be called, justifiable issues. I have suggested a judicial tribunal of high standing to consider and decide the questions of canal waters and evacuee property. I am perfectly prepared to extend this principle to any other justifiable issue. Thus we provide not only for present disputes but for future disputes except those which cannot be considered by a judicial tribunal. I think we have gone farther in making this proposal than any two nations have ever gone. If we agree on this basis, it will not only be a great thing for India and Pakistan but also something that will powerfully impress the world at a time when despair is seizing it.

I cannot myself see how we can go into greater detail either in regard to timing or procedure. I regret, therefore, that I am unable to accept the draft declaration proposed by you. I would beg of you to give thought to the considerations I have urged in this letter. I would gladly add to my draft a reference to our constituting a joint tribunal, as I have suggested, for the final decision of the evacuee property and canal waters problems, and to say that the decision of the majority shall be binding. Further, I shall be willing to say that this tribunal may also consider any other matters in dispute which are justifiable.

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Letter from Pakistan Prime Minister Liaquat Ali Khan to Prime Minister Jawaharlal Nehru.

Karachi, October 18, 1950.

My dear Pandit Nehru,

I greatly appreciate the personal attention you are giving to the matter of the waters dispute.

If I am correct in understanding your letter of the 12th September and the communication of your Government of the 15th September as assuring that Pakistan will receive without diminution its pre-partition supplies until other allocations are in the future adjudicated or agreed to, we are indeed on the road toward a just solution. The grave situation to which I referred in my letter of 23rd August to you arose from the fact that until now our repeated requests to respect the status quo as of the time of partition have not been accepted and it was even declared by the Indian negotiators that certain projects, which cannot be reconciled with continuation of Pakistan's supplies, were going forward whatever we might do.

We are studying with great care your proposals for an ad hoc body to adjudicate this question, the evacuee property question and possibly other matters. It would assist us if we had a draft of the convention governing the composition, the authority, the rules of decision and procedure etc.

I am reluctant to mar the improved atmosphere created by your assurances by harking back to the situation in May 1948. You asked me, however, to review what happened and this I have done. It has verified to my mind the correctness of our position that agreement which was signed then was in no sense a voluntary one for Pakistan. Contrary to your recollection and indeed to the recitals in that instrument, supplies of water vital to Pakistan were not restored until after Pakistan signatures were affixed. I trust, however, that those unhappy memories can be buried in the past.

As to a commission of engineers, am I correct in believing that your Government accepts our view that this feature must not be permitted to delay the adjudication of the underlying issues? With this understood, we have at all times been ready to go forward, and we will give prompt consideration to any concrete proposal your Government is prepared to make. It would add to the reassurance given by the Government communication and your note if the proposed commission were authorized to make joint measurements of current flows and withdrawals on both sides of the border to verify that the pre-partition allocations are being respected. I feel it to be my duty to invite your attention to official communications of my Government stating the specific instances in which pre-partition supplies have been withheld.
We are continuing our study of your proposal, but if we have the draft of agreement for the *ad hoc* court, it will assist us greatly in weighing the relative merits of such an *ad hoc* tribunal with those of the International Court of Justice.

Yours sincerely

Sd. Liaquat Ali Khan

Hon’ble Pandit Jawaharlal Nehru,
Prime Minister of India, New Delhi.

2422. Note from Pakistan Ministry of Foreign Affairs to High Commission for India in Pakistan.

Karachi, October 18, 1950.

The Ministry of Foreign Affairs and Commonwealth Relations present their compliments to the High Commission for India in Pakistan and with reference to their Note No. IHC.21-Poll/49-VII, dated the 15th September, 1950, have the honour to request that the following reply may kindly be transmitted to the Government of India.

2. The Government of Pakistan are studying with care the proposals made in the communication of the Government of India, of the 15th September. One reason why the Government of Pakistan have thought that the International Court of Justice would serve better to resolve the fundamental issues in the canal waters dispute is that that Court is already established and functioning successfully. The International Court of Justice could proceed to the adjudication of the merits without any delay in formulating an agreement as to its composition, its jurisdiction, rules of decision, procedure and the like. It will make the greatest difference in the consideration of the relative merits of the proposed *ad hoc* tribunal and the International Court of Justice if there appears to be no doubt but that agreement can be reached without protracted negotiations for the establishment of an effective tribunal. It would help to resolve doubts on this score if the Government of India were to elaborate its proposals respecting the proposed tribunal preferably in the form of a draft convention which they are prepared to sign.
3. It will be greatly appreciated if the Government of India will have such a draft agreement prepared and will forward it at the earliest opportunity. The Government of Pakistan will, in the meantime, continue their study of the general proposal in the hope that upon receipt of the concrete draft, a joint decision can quickly be taken by the two governments on the procedures best suited to resolve our differences.

4. Comment upon other points mentioned in the communication of the Government of India of the 15th September has been deferred in order to avoid delay in transmitting this request.

The Ministry avail themselves of this opportunity to renew to the High Commission the assurances of their highest consideration.

2423. Extract from letter of Pakistan Prime Minister to Prime Minister Jawaharlal Nehru.

Karachi, October 21, 1950.

You have referred to the arrangement between Canada and the United States, whereby they refer certain disputes to a Commission of representatives from the two countries. I believe this arrangement was made at a time when the International Court of Justice was not in existence. I am inclined to the view that the creation of the International Court of Justice and the voluntary acceptance of its jurisdiction by various countries marks a much bigger step forward towards peace and progress. In addition, ad hoc tribunals are set up for settling disputes between independent countries. Only recently Afghanistan and Iran agreed to refer the dispute over the apportionment of the water of the Helmond river to an independent tribunal of three nations. For the matter of that both of us appointed Justice Bagge of Sweden as the Chairman of the Tribunal in our boundary dispute and agreed to abide by his award. I do not, therefore, think that the appointment of an independent tribunal for arbitration is in any way inconsistent with national honour, prestige or independence.

There is, however, one aspect in which the proposal that I have made marks an important advance over anything that has happened before in human history and that advance consists in obligation voluntarily accepted of referring to arbitration every dispute that our two countries fail to resolve by negotiation.
and mediation. Such a provision would, to my mind, provide greatest incentive towards the success of our efforts to settle disputes by direct negotiation. It would encourage moderation and reasonableness on both sides. It would be the first example in history of two independent nations agreeing to settle all their disputes by peaceful methods. It would put India and Pakistan in the vanguard of human progress.

I do not propose in this letter to deal with the question of which disputes are justiciable and which are not or to the kind tribunal to which particular disputes should be referred. I am here merely on the point of principle. In the letter I wrote a few days ago regarding the canal waters dispute, I have requested you to elaborate your proposals for an ad hoc Court, but what I have stated above is relevant in that context also.

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2424. Extract from letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, October 27, 1950.

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2. I have read all these communications with great care. Since the disputes relating to canal waters and evacuee property are part of the issues now outstanding between India and Pakistan, and the specific method of solving them that I have suggested is susceptible, in our view, of extension to the settlement of other disputes of a like nature, it seems reasonable to treat them as part of the general problem. I have therefore, decided to deal with your three letters together.

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5. Canal waters and evacuee property.— In regard to two of the major disputes between our two countries, viz., canal waters and evacuee property, negotiation, over a protracted period failed to produce any result. We, therefore, suggested immediate reference to a tribunal of the highest standing, consisting of two judges from India and two judges from Pakistan. There was no question of delay in this.
6. You ask me to send a draft of the convention governing the composition, the authority, the rules of decision and procedure, etc. of this tribunal which we have suggested. I am afraid I have not quite followed what you mean by a convention. Clearly there must be agreement between us regarding the composition of the tribunal, its terms of reference and powers. The composition has already been dealt with. As regards the tribunal's powers, I think we should lay it down that it should have final authority to deal with the matters referred to it. The judges can decide unanimously or by majority. They will have all the powers of superior courts in regard to summoning of witnesses, etc. They will settle their procedure and method of working, as such tribunals do. We must invest the tribunal with the highest authority and not make it feel that it is just a stepping stone to something else. We must agree to abide by its decision in all matters referred to it.

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10. Certain facts relating to canal waters.— Before concluding, I should like to refer to certain points relating to the canal waters dispute which you have mentioned in your letter of the 18th instant. I am surprised at your statement that supplies of water to Pakistan were not restored until after Pakistan's signatures were affixed to the agreement of May 4, 1948. This is a simple question of fact, which can easily be verified. We sent you a telegram on the 29th April, 1948, in which it was stated that orders were being issued immediately for resumption of water supply from the Upper Bari Doab and Dipalpur canals. On the 1st of May you were good enough to acknowledge this telegram. Orders to renew the supply of water were issued immediately and renewal of supply actually took place on the 3rd May; the slight delay between the order to renew supplies and the actual renewal was unavoidable as the authorities concerned required a little time to carry out the orders. The agreement was signed on the 4th May evening. Perhaps I may claim to speak with some authority on this subject, because I was present at that conference. Paragraph 2 of the Agreement itself shows that the East Punjab Government had revived the flow of water into these canals before the agreement of 4th May was signed. Moreover, Pakistan's representatives, who included Mr. Ghulam Mohammad and the High Commissioner for Pakistan in India as well as a Minister of the West Punjab Government, can testify to the fact. There was no question of coercion about this agreement. Indeed, it was one of the happiest agreements arrived at in a friendly, co-operative atmosphere and no one then, or for long afterwards, ever raised the complaint which has recently been made on behalf of Pakistan.

11. The second paragraph in your letter of the 18th October is not quite correct and raises certain controversial issues about which we have had a
lengthy correspondence in the past. Our position is that we shall continue the 
supply of water to the two canals, until the dispute is settled in accordance with 
the agreement of the 4th May, 1948. I sincerely hope that this dispute will be 
expeditiously settled; indeed, I am confident that if we set up quickly the tribunal 
that we have proposed, a satisfactory settlement will soon be reached. I regret, 
however, that I cannot undertake to stop the new irrigation projects that we 
now have in hand.

12. You refer to a commission of engineer’s. It has been and is our view that 
no proper consideration of the canal waters question can take place without a 
technical survey carried out by engineers. For this reason, we have been 
pressing for such a technical survey. This was not meant to delay matters but 
to expedite them. In view, however, of your Government’s attitude in regard to 
this matter, we have expressed our willingness to refer canal waters issue at 
one to the ad hoc tribunal we have suggested. If your Government agrees, 
we can appoint the tribunal as well as the commission of engineers. Alternatively, 
we can go ahead with the tribunal and leave it to that body to appoint the 
commission of engineers.

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2425. Note from the High Commission for India in Pakistan to 
the Pakistan Ministry of Foreign Affairs. 
Karachi, November 1, 1950.

No. IHC. 21-Poll/49 – (VII) November 1, 1950.

The High Commission for India in Pakistan presents its compliments to the 
Ministry of Foreign Affairs and Commonwealth Relations of the Government of 
Pakistan and has the honour to communicate the following reply to the Ministry’s 
note No. IA.4/50(III) of the 18th October, 1950.

In the High Commission’s note of September 15, full reasons have been given 
why the Government of India consider that instead of a reference to the 
International Court of Justice, the canal waters dispute should be referred to a 
Tribunal constituted of two Judges to be appointed by the Government of 
Pakistan and two Judges to be appointed by the Government of India. The 
Government of Pakistan have now asked for the draft of a convention regarding 
the authority, powers and procedure of the Tribunal suggested. The Government 
of India have not been able to follow exactly what the Government of Pakistan
mean by a ‘convention’. Clearly there must be agreement between the two Governments regarding the composition of the tribunal, its terms of reference and powers. The composition has already been dealt with in the previous communication to the Pakistan Government. As regards the tribunal’s powers, the two Governments should agree that the tribunal should have final authority to deal with the matters referred to it. The Judges can decide unanimously or by majority and will have all the powers of the superior courts in regard to summoning of witnesses etc. The tribunal should settle the procedure and method of working, as such tribunals usually do. The two Governments should agree in advance to abide by the decision of the Tribunal in all matters referred to it. If, unfortunately, there is an equal division of opinion among the Judges, the two Governments should consider those parts of the dispute which have not been finally decided and try to settle them themselves, or, failing that, resort to arbitration or adjudication by a mutually agreed special agency or an International Organisation recognised by both Governments.

The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

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2426. Extract from the Telegram from Pakistan Ministry of Foreign Affairs to Indian Ministry of External Affairs.

Karachi, November 6, 1950.

No. 4956. November 6, 1950

With regard to disputed amounts requested by Government of India attention is invited to previous communications particularly that of Government of PAKISTAN 23rd August 1950 and reply of Government of India 15th September 1950. It is apparent that the disputed amounts constitute one of incidental issues of canal water dispute which negotiation has failed to resolve. It now being agreed that these issues should be adjudicated further discussion of their merits would only detract from our joint efforts directed towards the end of selecting Tribunal best suited to resolve promptly our differences. With the foregoing in mind and to remove any apprehension that PAKISTAN is seeking to prejudice any issue to be adjudicated Government of Pakistan has today establish with State Bank of Pakistan an irrevocable credit in amount of 15 lakhs rupees
(Indian) in favour of SCHRODER Trust Company New York City to be held by its Indian State ESCROW Agent. This amount is believed to be ample to cover all disputed canal water claims for year ending 30th June 1951. If Indian claims are larger than this amount Government of Pakistan would appreciate being informed.

The SCHRODER, Trust Company 57 Broadway New York City has agreed to act as Escrow Agent in accordance with terms set forth in following letter:

The Governments of India and Pakistan are seeking to reach agreement upon procedures for adjudication of a dispute over appointment *sic* (apportionment) of water common to two Countries. Incidental to fundamental issue is question whether Government of India are entitled to receive as they claim “SEIGNIORAGE” for water received by Pakistan through Central BARI DOAB canal, DIPALPUR canal and Bahawalpur State DISTRIBUTARY of Eastern Grey canal and carrying charges for MADHOPUR Head-works and carrier channels based upon amounts in excess of actual cost.

In order to remove any apprehension on the part of Government of India that Pakistan is seeking to prejudice any issue to be adjudicated, Government of Pakistan have established a credit deemed by them to be ample to assure that any judgment in favour of Indian claims will NOT remain unsatisfied.

The irrevocable credit in amount of 15 lakhs rupees (Indian) has been established with State Bank of Pakistan for unlimited use of SCHRODER Trust Company. This credit shall be held by SCHRODER Company in ESCROW. The terms of ESCROW are that SCHRODER Trust Company shall issue instructions to State Bank of Pakistan to pay from such credit.

Firstly, to Government of India the amount necessary [but NOT in excess of 15 lakhs rupees (Indian)] to satisfy any judgment of International Court of Justice or of any other International Tribunal agreed to between India and Pakistan and handed down in proceedings certified to ESCROW agent to have been begun NOT later than June 30th, 1951 for recovery of charges claimed by Government of India to be owing as SEIGNIORAGE for water received by Pakistan during year beginning with July 1st 1950 through Central BARI Doab canal, DIPALPUR canal and Bahawalpur State DISTRIBUTARY of Eastern Grey canal, or as carrying charges during that year, for MADHOPUR Head-works and carrier channels in excess of amounts shown to have been previously paid.
Secondly, to Government of PAKISTAN to extent NOT required to satisfy any judgment described in paragraph No.1 or in full if contention of Government of Pakistan is sustained that India is entitled to receive only payments currently being made by PAKISTAN or if NO the proceedings of character described in para No. 1 are begun before July 1st 1951.

The instructions are to be issued promptly following receipt of proof satisfactory to SCHRODER Trust Company of occurrence of any contingency that determines payments to be made in accordance with para No.1 and second.

It is understood that duties of SCHRODER Trust Company as ESCROW Agent are confined to issuing orders in accordance with terms of ESCROW arrangement setforth above and Government of Pakistan will hold SCHRODER Trust Company harmless from any claims arising out of any action or inaction on its part hereunder which is in opinion of Counsel in accordance with these terms.

It is further understood Counsel of SCHRODER Trust Company in this matter will be a partner of New York Law Firm of Sullivan and CROMWELL selected by SCHRODER Trust Company.

In replying to this telegram, the Ministry of External Affairs in their express letter No. F. 8-1/40-Pak-III dated December 16, 1950 expressed surprise that Pakistan had, “without previous consultation and unilaterally chosen to alter the existing Escrow arrangements” and pointed out this this was “clearly in contravention of the terms of paragraph 5 of the Inter-Dominion Agreement of 4th May, 1948, which the Government of India consider as binding on both Governments.” New Delhi cautioned Karachi that “any attempt to vary the terms of that agreement and in particular the escrow arrangements, in force until now, will certainly not be conducive to final settlement of the Canal Water Dispute.” It asked Pakistan to “deposit the disputed amounts…with the Reserve Bank of India as heretofore”.

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6. At the time of Partition the Indian representatives joined in declaring that there was no question of varying the shares of the two new countries in our Common Waters required for irrigation. Since then India has sought to compel acceptance of greatly increased supplies for India at the expense of irrigation vital to Pakistan. Taking advantage of its position as the stream riparian, India arbitrarily cut off during the critical sowing season in spring of 1948 the supplies of water of every Pakistan canal that crossed the boundary. Contrary to information you have received and no doubt contrary to your personal wishes and orders—the flows were not resumed until after your Government sought to exact certain conditions inimical to Pakistan. Not until certain of these conditions were met was the flow restored in the Central Bari Doab Canal, and it has not yet been restored in the Bahawalpur State distributary. Even your recent assurance that Partition supplies will not again be cut off has since been qualified by conditions which your Government know that Pakistan cannot accept. Our repeated requests to submit the canal waters dispute to the International Court of Justice have not been accepted.

7. Only after two and a half years have your Government accepted even the principle that the Water Dispute should be adjudicated. Instead however of accepting the jurisdiction of the International Court of Justice you have proposed the creation of a new Tribunal consisting of two Indian and two Pakistan Judges. If, as may be expected, a Tribunal so composed will be deadlocked, you suggest that the parties might negotiate a new Agreement to submit the stalemate to another Tribunal which this time presumably would consist of an odd number of Judges some of whom would be nationals neither of India nor of Pakistan. This counter-proposal contains a double veto and permits of endless delay. Meanwhile you intimate that your Government had decided to continue the construction of new irrigation projects designed to appropriate more water at the expense of Pakistan. Yet the right to do this is the very issue to be adjudicated.

8. Notwithstanding our apprehension, over this alternative to the International Court and the prejudice to Pakistan threatened in expansion of your irrigation projects during the delay involved, we will, as I indicated in my letter of October 18th, keep an open mind and study sympathetically the draft of governing convention of agreement which has been requested. If this draft provides for a Court that will assure effective adjudication Pakistan will accept.
I do hope that we may have that draft in the near future.

9. Without qualifying in any way what I have just said, I must frankly confess to you that the more we have studied your counter-proposal the more clearly does it appeal to us that the international Court would best serve your suggested purpose as well as ours. It has the great advantage of independence, impartiality and unquestioned competence without being in any sense a foreign Court. It is our Court, India and Pakistan by accepting the statute of the Court and agreeing to its jurisdiction, far from impairing their sovereignty, exercised it in aligning themselves with those nations that have freely chosen to live under the rule of law. By submitting our water dispute to that Court and abiding by its decision we again demonstrate that the highest act of sovereignty is to act in conformity with International Law. The International Court stands for the very same high principles of international conduct with which you have always identified yourself.

10. There are also many practical considerations weighing in favour of international conformity. The court is already functioning successfully. No detailed Agreement need be worked out to fix its composition, its jurisdiction, its rules of procedure or of decision. As you and your advisers consider the actual terms of the Draft Agreement governing the Tribunal you propose, I believe you will come to appreciate the full merit of the International Court. I therefore again request that rather than postpone settlement while seeking to create a new Tribunal as good as the International Court, we accept now the jurisdiction of that court to examine the Canal Waters dispute.

11. We have failed by negotiation to reach agreement to the fair division of our common waters owing to widely divergent views as to our legal rights. The International Court would probably not have to go beyond definition of principles involved. Once this is done we should have little difficulty in applying the legal principles that are laid down.

12. Turning to the matter of Evacuee Property I have had difficulty in finding what questions of a legal nature are involved. To be sure the value of property in a region that requires irrigation depends upon an authoritative definition of that region's rights to a continuation of its water supplies. Apart from that the question seems to be factual and economic. Furthermore, if India will accept our repeated offers that there be freedom of sales and exchanges of urban Evacuee Property in both countries the problem will be reduced to manageable proportions. You have, moreover, our offer to establish concrete procedures to which we would be bound without any right of veto for reserving any matter, justiciable or not, that in the Evacuee Property question and in the other disputes cannot by resolved by mutual accommodation.
2428. Note from High Commission for Pakistan in India to Ministry of External Affairs.

New Delhi, November 22, 1950.


The High Commission for Pakistan in India present their compliments to the Ministry of External Affairs, Government of India, New Delhi, and with reference to their Note No. D.3379- Pak. III/50, dated the 18th April, 1950, have the honour to reaffirm that Pakistan’s equitable share of the waters common to India and Pakistan includes the supplies in the same amounts and through the same channels as were receivable at the time of partition in the areas that now are a part of Pakistan. The supplies receivable through the channels mentioned in paragraph 1 of the High Commission’s Note No. 62(6)P/50-403, dated the 4th February 1950 should, accordingly, not be withheld. It is therefore again requested that orders be issued to assure that such supplies, and all other pre-partition supplies now being withheld, be furnished as at the time of partition.

2. Pakistan has been and is ready at all times to pay its share of the actual maintenance costs of all channels used jointly in proportion to the benefit Pakistan receives from those channels. Inasmuch as final adjustment has not been effected with respect to the actual maintenance costs of all the channels used jointly, Pakistan has lacked the data for determining whether the maintenance costs of the channels mentioned in the High Commission’s Note of 4th February, 1950, were not taken into account by the Government of India in calculating the share of the maintenance charges for which payment has been requested by India and has been made by Pakistan. It is clear that no charges are payable for the maintenance of channels while the supplies which should be received through them are withheld. It does not follow, however, that by failing to present statements for the maintenance costs of any particular channel, the Government of India acquires a right to withhold the share of supplies receivable by Pakistan through that channel.

3. The High Commission avail themselves of this opportunity to renew to the Government of India the assurances of their highest consideration.

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The Ministry of External Affairs in their note No. D.1056-Pak.III/51 dated the 9th February, 1951 did not think it worthwhile to reply in any detail to the Pakistani Note and simply drew the attention of that Government to their Note No. D. 3379 –Pak. III/50 of April 18, 1950.
9. The question of canal waters has been the subject of many conferences and long correspondence. I do not wish to burden this letter with a repetition of what I have said previously on so many occasions. But I must point out that the statement in your letter that, “at the time of partition, Indian representatives joined in declaring that there was no question of varying the shares of the two new countries in our common waters required for irrigation” is not correct. When the matter came up before the Punjab Partition Committee, this was not agreed to. The correct position is set out briefly in subsequent paragraphs. Nor, as I have repeatedly pointed out, is it correct that India has, since partition, sought to compel acceptance of greatly increased supplies for India at the expense of irrigation vital to Pakistan. I am deeply distressed that the agreement reached between the two countries in May 1948, in a friendly spirit, and our honorable fulfillment of it, should be so distorted and denounced.

10. Since we disagree even about facts apart from interpretation, there is little use in my recapitulating at length what I have said before on the subject of this agreement. But I cannot let pass, without challenge, the charge now made that only after 2½ years, India has accepted the principle that the canal water dispute should be “adjudicated”. As far back as May 1948, the Governments of India and Pakistan agreed “to approach the problem in a practical spirit on the basis of the East Punjab (now Punjab, India) Government diminishing its supply to the Pakistan canals, in order to enable the West Punjab (now Punjab, Pakistan) Government to tap alternative sources.” In the same practical spirit, the Government of India suggested, in August 1949, the appointment of a Joint Technical Commission to make an investigation for this purpose. If I may say so, it is Pakistan’s intransigence which has held up this essential preliminary technical investigation. Our objection to reference of this canal waters issue to the International Court of Justice has been due not to any desire to shirk settlement of differences by an impartial body but to the honest belief that a matter of this kind can best be settled by a small group of persons of the highest judicial standing, from India and Pakistan, who can appraise all the vital practical factors on the spot.

11. I do not see why you should say that, as may be expected, a tribunal of the kind that we have suggested will be deadlocked. That seems to me to be an unjustified reflection upon the impartiality of your judges and ours. In any case, we have not suggested that, if the members of this tribunal should be
divided, the point or points on which there is a deadlock should be referred to another tribunal which would consist of odd number of judges, some of whom would be nationals neither of India nor of Pakistan. All that we have suggested is that the two Governments should agree in advance to abide the decisions of the tribunal in all matters referred to it, and that, if unfortunately there is an equal division of opinion among judges on any points, the two Governments should try to settle these points by negotiation among themselves and, failing that, resort to arbitration or adjudication by a mutually agreed special agency or an International Organisation recognised by both Governments. Since our proposal provides that the agreed or majority decision of the tribunal should be accepted by both parties, our hope is that the points of difference will be so few as to make their settlement easier and more expeditious than the reference of the whole dispute to a tribunal sitting thousands of miles away.

12. You refer to a governing convention for the creation this tribunal. I cannot do better than quote what I have said on this subject in my letter of the 27th October;

“Clearly there must be agreement between us regarding the composition of the tribunal, its terms of reference and powers. The composition has already been dealt with. As regards the tribunal’s powers, I think we should lay it down that it should have final authority to deal with the matters referred to it. The judges can decide unanimously or by majority. They will have all the powers of superior courts in regard to summoning of witnesses, etc. They will settle their procedure and method of working, as such tribunals do. We must invest the tribunal with the highest authority and not make it feel that it is just a stepping stone to something else. We must agree to abide by its decision in all matters referred to it.’

Once these broad principles are accepted by you, details can be worked out by discussion between your representatives and ours. This is all that seems necessary.

13. You refer to the construction of new irrigation projects by India. To describe as new a project like Bhakra which has been under consideration or preparation for the last thirty years is hardly accurate. Such new proposals as we have considered since Partition are essential for the development of Punjab (India) and adjoining areas in India. As we have pointed out to your representatives repeatedly, in view there is a sufficiency of water in the Indus Basin for all your purposes as well as ours, provided that we approach them in a spirit of mutual accommodation. We have persistently urged a joint enquiry to confirm this but Pakistan avoided such an investigation. That, I venture to say, is no reason why the development of the East Punjab should be held up.
14. I did not suggest reference of the evacuee property dispute to the same tribunal as the one proposed for the canal issue because the problem is legal; I did so primarily to expedite an equitable settlement with the help of an agency whose impartiality would command confidence. This dispute has formed the subject of prolonged discussions between our two Governments and we attach even greater importance to its settlement because of the mass of human suffering involved by delay and its consequent repercussion on relations between the two countries. We both know how intense the feeling on this subject is. The value of agricultural property in certain areas would, of course, depend on irrigation facilities that might be available from existing or alternative sources, the proposed Tribunal would no doubt take this factor into consideration in suggesting how best the dispute should be adjusted between the two parties. Sale and exchange of urban evacuee property were tried on an earlier occasion but without any substantial result for reasons which I need not go into here. After all that has happened, it would not be practicable to revert to an agreement which would leave out large areas of agricultural land affecting the majority of evacuees in each country. Frankly, I fail to see why there should be any objection to settling this matter in the manner proposed by us.

2430. Extract from Letter from Pakistan Prime Minister Liaquat Ali Khan to Prime Minister Jawaharlal Nehru. 
Karachi, November 27, 1950.

7. This letter has already become too long and I would not like to take too much of your time to go into the details of the Canal Waters Dispute. I regret, however, to find that you question the accuracy of my statement that “at the time of partition, Indian representatives joined in declaring that there was no question of varying the authorised shares of waters to which the two zones and the various canals are entitled”. In my letters to you I take great pains to ensure accuracy and I repeat that the statement that I have made in my letter is correct. Nor, I must confess, do I see how you can deny that since partition India has sought to compel acceptance of greatly increased supplies for India, at the expense of irrigation vital to Pakistan. As for the Agreement of May 1948, all that I maintain is that it was made under compulsion.
8. I am amazed that in paragraph 10 of your letter you have actually charged Pakistan with intransigence. May I draw your attention to my letter of the 23rd August? In that letter I have dealt with the question of technical investigation. In view of what I have stated therein the charge of intransigence is most unjustified. My contention is that even though engineers of the two countries have repeatedly met and there is a mass of factual data available, this has not resulted in any progress in the settlement of the dispute. And how could it when you yourself say that such new proposals as you have considered since Partition are essential for the development of Punjab (India) and the adjoining areas in India; while we maintain that these works would inevitably devastate some of the richest areas in Pakistan, and your right to do this is the very issue to be adjudicated.

9. My statement that a tribunal such as the one proposed by you will be deadlocked is neither a reflection upon the impartiality of your judges nor on that of ours. But this is what we fear. And if past experience is any guide a deadlock is almost inevitable. In any case it would be wrong to make any plans without taking cognizance of what at least seems a very probable eventuality. It is for this reason that we suggest that reference might be made to a tribunal of undoubted standing—and “sitting thousands of miles away” so that It could decide the question dispassionately and without getting entangled into the barbed wire of political controversy. Nevertheless we have not rejected the idea of a tribunal. We have asked for a draft of governing convention. You have merely quoted from your previous reference. It was after seeing it that we felt that it was necessary to have a draft of governing convention. From my past experience I can say that unless details are clearly worked out we would find ourselves in the throes of new disagreements. If you would permit me to say so, you are so convinced of the rightness of your stand on every issue that I seem to have utterly failed to persuade you that there may be another side to any issue pending between us.

10. I notice that you have not made any new point with regard to the Evacuee property dispute. I am, however, glad to see that you recognise that the value of agricultural property would in certain areas depend upon the irrigation facilities that are available to it and in consequence, unless we made any progress with regard to the settlement of the Canal Waters Dispute, which vitally affects the most valuable, the most important irrigated area in Pakistan, it may be futile to talk of any equitable settlement. So far as the sale and exchange of urban evacuee property is concerned, if India will accept, as was once agreed upon, our repeated offers that there be freedom of sale and exchange of property, the problem would be greatly reduced.
2431. Extract from Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, December 11, 1950.

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6. Canal Waters — In your letter dated the 21st November 1950 you had said that “at the time of Partition, the Indian representatives joined in declaring that there was no question of varying the shares of the two new countries in our Common Waters required for irrigation”. I characterised this statement not correct in my letter to you dated the 24th November 1950 and I maintain that I was correct in so characterising it. You based your original statement apparently on, the Report of the Reconstituted Committee B appointed by the Punjab Partition Committee on the Division of Physical Assets of the Punjab. In your present letter you have put within inverted commas certain words taken from this Report which are by no means the same as what you had said in your previous letter. The actual words used in that Report are: “The Committee is agreed that there is no question of varying the authorized shares of water to which the two zones and the various canals are entitled”. It is only fair to point out that your original statement lacked accuracy. I note also that you have not referred to my further statement that, when this Committee’s Report came up before the main Punjab Partition Committee, it was not agreed to. On the contrary, the Punjab Partition Committee concluded that “in regard to canals there was a difference of opinion over fundamental issues and it was decided to refer the matter to the Central Arbitral Committee after both sides had prepared their cases”.

7. Your further assertion that, since partition, India has sought to compel acceptance of greatly increased supplies for herself at the expense of irrigation vital to Pakistan is absolutely without justification. India only proposes to utilise the waters to which she is entitled, but, before doing so, she has generously agreed not to prejudice any existing irrigation in Pakistan with such water until Pakistan has had reasonable time to tap alternative sources which are so abundantly available in her own limits. This was fully realised by the representatives of Pakistan when they put their signatures to the Agreement of 4th May 1948. It is, I confess, a matter of amazement to me that you should still seek to maintain that that Agreement as made under compulsion.

8. Pakistan’s intransigence as regards the technical examination agreed to between the two countries hardly requires proof. Engineers of the two countries have no doubt met more than once, but if, in spite of these meetings
and the mass of factual data available, no progress has been made in the settlement of the dispute, it can only be attributed to the refusal of the representatives of the Pakistan Government to permit the two sets of Engineers to get on with the technical examination of the problem. It is incorrect to say that the works, which in India are now in progress, "would inevitably devastate some of the richest areas in Pakistan". It is our firm conviction that, if only the technical examination is allowed to be made in a spirit of mutual understanding and accommodation, not only the richest areas in Pakistan but all other legitimately irrigable areas will get the supply of water they reasonably need. I have no doubt that, if the Tribunal which I have suggested is established and is assisted by the results of such a technical examination, it would not be difficult for it to find an equitable solution of the problem.

9.  Evacuee Property.— I can only regret that you should still think that the tribunal we have suggested would not serve any useful purpose. I am also disappointed at your refusal to discuss the evacuee property dispute pending a settlement in the canal water dispute, except on the basis suggested by you, namely, that there should be freedom of sale and exchange of urban property. In my previous letter I have explained why we feel that this method of approach to the evacuee property problem would not lead to a satisfactory solution. I need not repeat what I have said previously.

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2432.  Note from High Commission for Pakistan in India to Ministry of External Affairs.

New Delhi, May 10, 1951.

No. F. 62(4) P/51-1340  May 10, 1951

The High Commission for Pakistan in India present their compliments to the Government of India, Ministry of External Affairs, New Delhi, and with reference to their note No. F.6 Pak.III/51, dated the 12th March, 1951, have the honour to state as follows: 2. The Note under reference repeats various of the contentions of the Government of India in the irrigation water dispute and closes with the statement that the Government of India are still awaiting acceptance of their proposal made on the 15th September, 1950, to give effect to the agreement of the two countries to adjudicate the dispute. It is unnecessary to repeat the
Government of Pakistan's answer to the Government of India's contentions on the merits of the disputes. Each country has long been aware of the other, and both have acknowledged that they cannot reach an agreement as to their legal rights. The two countries have, however, agreed to adjudicate the dispute. It is essential that the parties implement that agreement the earliest possible. The Government of India's note on its face appears to share this view, but by ignoring every invitation to transform their proposal of 15th September into an effective means of adjudicating the dispute, the Note in fact promotes delay.

3. It is three years since India began withholding from Pakistan irrigation supplies authorised before partition and agreed to in the course of partition. For three years the Government of Pakistan have requested the Government of India to join with them in referring to the International Court of Justice the dispute thus begun. It is eight months since the Government of India at last agreed that the dispute should be settled by adjudication. But during the eight months the Government of India have refused to implement this agreement by reference to an impartial and effective tribunal.

4. As an alternative to the International Court of Justice the Government of India proposed on the 15th September 1950, the creation of a special court consisting of two Indian and two Pakistani judges. The proposal made no mention of the necessary chairman from a disinterested country. The Government of Pakistan believing that a more definite formulation of the proposal would include some provision for resolving the stalemate to be anticipated with an even number of judges from the interested countries, by their note of 18th October, 1950, requested the Government of India to put forward their proposal in the form of a definite agreement that the Government was prepared to sign. The draft agreement has not been sent.

5. The Government of India, by their Note of 1st November, 1950, gave certain indications of the type of tribunal their proposal of 15th September, 1950 contemplated. These excluded the necessary impartial chairman and suggested "if unfortunately, there is an equal division of opinion among the judges, the two Governments should consider those parts of the dispute which have not been finally decided and try to settle them themselves, or failing that, resort to arbitration or adjudication by a mutually agreed special agency or an international organisation recognised by both Governments." The Prime Minister of Pakistan in a letter of the 21st November, 1950 to the Prime Minister of India inquired whether Pakistan could assume that the second tribunal would consist of an odd number of judges some of whom would be nationals neither of India nor of Pakistan". On the 24th November, 1950, the Prime Minister of India replied that his Government was not prepared to agree to this. He explained that the proposal of the Government of India was that if the court arrived at a
stalemate, the two Governments should again try negotiation on the merits. If these negotiations again failed, the two Governments should again try to reach agreement on another court. But the Government of India would not agree in advance, he concluded, upon the second court.

6. The Prime Minister of Pakistan, in a letter of 27th November, 1950, made it perfectly clear that Pakistan could no longer seriously regard the proposal of 15th September, 1950, as an attempt to implement the agreement to adjudicate the dispute. The Prime Minister of India recognized that the proposal was regarded as inadequate when he stated in his letter of the 11th December, 1950:—

   “I can only regret that you should still think that the tribunal we have suggested would not serve any useful purpose”. Yet, the Government of India, in their Note under reference represent that “the Government of India are still awaiting the acceptance by the Government of Pakistan of the proposal made on the 15th September, 1950”.

   The Government of India have long been on notice that the Government of Pakistan are ready to accept the International Court of Justice or any other court that is not less impartial or effective, but that a tribunal constituted so as to promote a deadlock cannot be accepted as implementation of the agreement to adjudicate this dispute.

7. Until the dispute is adjudicated, it is essential that the parties should refrain from acting as though their contentions had already been held by an impartial tribunal to be well-founded. With this in mind, the High Commission invite attention to the plea in their note No. F.62(4)P/51-915 of 31st March, 1951 that the Government of India, pending adjudication of the dispute, respect the status quo at partition by ending all interferences with Pakistan’s pre-partition share of the common supplies and by suspending construction of the Irrigation Projects in India that would decrease Pakistan’s share.

The High Commission avail themselves of this opportunity to renew to the Government of India, the assurances of their highest consideration.

Ministry of External Affairs
Government of India
New Delhi

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Note from High Commission for Pakistan in India to Ministry of External Affairs.

New Delhi, March 31, 1951.

No. F. 62(4) P/51-915 March 31, 1951

The High Commission for Pakistan in India present their compliments to the Government of India, Ministry of External Affairs, New Delhi, and with reference to their Note No. D.1056- Pak. III/51, dated the 9th February 1951 and previous communications exchanged (Indian Note No.D.3379-Pak-III/50 dt. 18-4-50) in connection with irrigation water dispute, have the honour to state as follows:—

2. It is with profound concern that the Government of Pakistan learn of the decision of the Government of India to continue their interferences with Pakistan’s pre-partition share of water common to the two countries. Pakistan has repeatedly requested the resumption of its supplies withheld in part in certain of the main canals of the Central Bari Doab system and withheld altogether from other canals in that system and from the Bahawalpur State Distributary. It is regretted that, in rejecting the Pakistan’s requests, the Government of India ignore Pakistan’s agreement to pay its share of the actual maintenance cost of these international channels no less than in the case of the Dipalpur canal; they ignore Pakistan’s agreement to adjudication of every issue in dispute by the International Court of Justice or any other impartial and effective tribunal. India chooses to propose; and they also ignore the escrow credit established by Pakistan to protect India’s claims for seigniorage with regard to all of these channels. The credit guarantees payment to India of the full amount of India’s claims upon the direction of the International Court or any other impartial and effective tribunal acceptable to India.

3. The consequences of the Government of India’s decision to continue their interferences (apart from the announcement of India’s intention to increase its interferences) are so serious that the Government of Pakistan are moved once more urgently to request the Government of India to reconsider their decision and to issue orders to assure that Pakistan’s share in the common waters, authorised and existing at the time of the partition will flow pending adjudication of India’s claims and respective water rights of the two countries.

The High Commission avail themselves of this opportunity to renew to the Government of India the assurances of their highest consideration.

Ministry of External Affairs,
Government of India
New Delhi
The Ministry of External Affairs, Government of India, present their compliments to the Pakistan High Commission in India, and with reference to their Note No. F.62(4)P/51-915, dated the 31st March, 1951 and Note No. F.62(4)P/51-1340, dated the 10th May, 1951 have the honour to state as follows:

2. The Government of India are unable to understand the Pakistan Government’s repeated allegations that the Government of India have interfered and are continuing to interfere with supplies of water to the Pakistan canals, when in fact supplies are being continued in accordance with the Agreement of 4th May, 1948. As has been stated by the Government of India, more than once this Agreement furnishes the only proper and legal basis on which Pakistan can claim, and India can supply, water to these canals.

3. In their note dated the 31st March, 1951, the Government of Pakistan refer to "the resumption of supplies withheld in part in certain of the main canals of the Central Bari Doab System". These are presumably the same as the tail reaches of the eight minor distributaries particulars of which were given in the Pakistan High Commission’s Note dated the 4th February, 1950. According to that Note, the authorised full supply discharge at the border of all these minor channels and water-courses totaled no more than 45.81 cusecs, and the Note itself correctly referred to them as “channels”. The Government of India have no reason to think that what were petty channels, belonging mostly to cultivators, on the 4th February 1950 have or have been, developed into "main canals" of the Central Bari Doab System within the last 15 months. However, that may be the position in regard to these tail ends of channels has already been fully explained in this Ministry’s Note dated the 18th April, 1950, and it is unnecessary to repeat the contents of that Note.

4. The position in regard to the Bahawalpur State Distributary has also been explained more than once. As in the case of the Central Bari Doab and the Dipalpur canal systems, there can be no question of maintaining a so-called status quo ante partition. After 15th August, 1947 Pakistan could claim supplies from India only by virtue of specific agreements entered into after that date. It has in fact received water in these canals, first under the Standstill Agreement of 20th December, 1947 which had effect up to the 31st March, 1948, and then under the Inter-Dominion Agreement of 4th May, 1948. If Pakistan desires to receive supplies in the Bahawalpur State Distributary it
could only be on the basis of a fresh agreement between the two countries, either ad hoc or as a supplement to the Agreement of 4th May 1948. The Government of India have expressed more than once their willingness to negotiate such an agreement but there has been no proposal from Pakistan in that behalf.

5. In para. 2 of their Note dated the 31st March, 1951 the Government of Pakistan have charged the Government of India with “ignoring” several matters, but the most surprising of these is the charge of ignoring “the escrow credit established by Pakistan to protect India’s claims for seigniorage”. Such an escrow credit was undoubtedly established by Pakistan under para. 5 of the Agreement of 4th May, 1948, in regard to the waters supplied by East Punjab to the Central Bari Doab and the Dipalpur canals in West Punjab. Far from ignoring this arrangement which has been in full force in respect of the period from 4th May, 1948, to 30th June, 1950, the Government of India have strongly protested against Pakistan’s attempt at a unilateral alteration in that arrangement, vide this Ministry’s Express letter No. F.8-1/49-Pak.III, dated the 16th December, 1950, to which in spite of reminders no reply has been given by the Government of Pakistan.

6. The Government of India affirm, once more, their resolve to carry out their obligations under the Agreement of 4th May, 1948, and trust that the Government of Pakistan will similarly carry out, in the interest of peace and good neighbourly relations, their part of the obligations under this agreement and thus recognise the sanctity of international agreements. It is incumbent on Pakistan to continue to follow the escrow arrangements as established under the Agreement of 4th May, 1948 and to instruct the West Punjab Government to deposit immediately the disputed sums under the Agreement in the Reserve Bank of India as requested in Government of India’s letter dated the 16th December, 1950 and subsequent reminders on that subject. The Agreement of 4th May, 1948, it may be added, clearly lays down the procedure for, and the basis of a final settlement, and the sooner the Government of Pakistan gives effect to its relevant provisions, the sooner will it be possible to reach final settlement.

7. In paragraph 2 of their Note dated the 10th May, 1951, the Government of Pakistan state: “The two countries have however agreed to adjudicate the dispute”. Apparently, this refers to the proposal made by the Government of India in Note No. IHC.21-Poll/49-VII, dated the 15th September, 1950 from the High Commission for India in Pakistan. If so, the proposal must be read in its context, as a whole. A reference to paragraph 7 of the Government of India’s Note dated the 15th September 1950 will show that the Government of India attach great importance to “the paramount urgency to settle the question of
evacuee property. The continued failure to do so merely prolongs the sufferings of millions of refugees and the passions engendered by a sustained sense of frustration and grievance inevitably have an adverse effect on the maintenance of friendly relations between India and Pakistan”. Since the repeated efforts of the Government of India to arrive at a final settlement of the evacuee property problem had not met with an adequate response from the Government of Pakistan, “in order to ensure a speedy solution of this problem, the Government of India consider that it be referred immediately for decision to a tribunal........ An ad hoc tribunal, working in the Sub-continent, could apply itself at once to the solution of both the problems, namely the problem of evacuee property and the dispute over canal waters”.

8. The Government of India assume that the term “irrigation water dispute” used in paragraph 2 of the High Commission’s Note dated 10th May, 1951 and the term “disputed” used thereafter in that Note mean the dispute over canal waters mentioned above, regarding which the Governments of India and Pakistan have already entered into an agreement on the 4th May, 1948. They wish to point out the fairly obvious fact that matters on which the two Governments have already come to an agreement cannot be called matters in dispute. If Pakistan would not continue to deny the binding force of the Agreement of May 4th, 1948, there would hardly be any serious matter of dispute between the two countries for the solution of which they have not already agreed upon the procedure for and the basis of a final settlement.

9. The Ministry avail themselves of this opportunity to renew to the High Commission the assurances of their highest consideration.

High Commission for Pakistan,
New Delhi

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2435.  Note from High Commission for Pakistan in India to Ministry of External Affairs.

New Delhi, June 22, 1951.

No. F. 62 (4)P/51-1785  June 22, 1951

The High Commission for Pakistan in India presents their compliments to the Government to India, Ministry of External Affairs, New Delhi, and with reference to their Express Letter No. D.2396-Pak. III/51, dated the 31st March, 1951, have the honour to state as follows:-

2.  The Express letter crossed the note of this High Commission of the same date requesting again the cessation of all interferences by India with Pakistan’s share of the common water supplies. The Government of India have, in their Express letter, given their assurance only as to the supplies receivable through the Dipalpur and Central Bari Doab Canals, and the assurance even as to those supplies is restricted to Kharif 1951 and subject to other unwarranted limitations. The Government of India are aware that the proposed limitations are not acceptable to Pakistan.

3.  The Government of Pakistan have made known their position as to the claim of the Government of India of a right to require the deposit in the Reserve Bank of India of disputed amounts. If the Government of India has a legal right to the amounts in dispute, they may collect them under the Escrow credit established by Pakistan for that purpose. While it is believed that there is no basis for the Indian demand that amounts in dispute should be deposited, the Government of Pakistan are nevertheless willing to establish an Escrow credit for the year beginning 1st July, 1951, similar to the one now established for the year ending 30th June 1951 if the Government of India request it. Likewise the Government of Pakistan are prepared to extend to June 30th, 1952, the availability of Escrow credit established for the year ending June 30th, 1951, if Government of India request that.

4.  The Government of Pakistan will, of course continue paying their share of the actual maintenance cost of the international canals as they have done in the past. The amounts for the quarters ending the 31st March, 1951, and 30th June, 1951, have been provided for in full, subject to the usual adjustment. The sum of Rs.2,72,600/-, which the Government of the Punjab (India) have asserted is owing for the quarter ending the 31st March, 1951, has been met by establishing credits in the amounts of Rs. 2,62,966/-, and Rs. 600/- in the Reserve Bank of India and by crediting the Punjab (India) with the balance of Rs.9,034/- in settlement of the amount owing by the Punjab (India) with respect to its share of the maintenance and interest charges on the right marginal bund
at Ferozepore. A sum of Rs.9,28,000/- requested by the Government of India in their Express letter, under reference, for the quarter ending 30th June, 1951, has also been remitted.

5. The Government of India in their Express letter mention the grave concern with which they view the continuance of the disagreement over matters incidental to the basic dispute. They intimate that unless Pakistan accepts conditions which they know are not acceptable, those water supplies that were restored in May, 1948, may again be cut off as they were in April, 1948.

6. The proper subject of concern is the effect of the existing diversions and of the threat by India of progressively increasing diversions upon the precarious peace in the Indo-Pakistan sub-continent. The Government of India are aware of the importance of irrigation supplies to a country as arid as West Pakistan. Nothing could be better calculated to disrupt the peace than for India to continue taking by force supplies that the zones to which they have been allocated cannot do without. The situation is seriously aggravated when accompanied with the threat forcibly to take still further supplies vital to Pakistan.

7. In this situation the proper course for each side is clear. The parties should submit their contentions immediately to a tribunal that is already established and functioning, and is capable of settling the differences promptly, impartially and effectively. To this end, the Government of Pakistan have repeatedly requested that the Government of India join them in submitting the dispute to the International Court of Justice. Until the rights of the parties are established by such adjudication, each must respect the shares of water authorized for the other before the dispute began and remove the threat of future interference by suspending the construction of every project that would decrease the supplies authorized to the other side.

8. The High Commission avail themselves of this opportunity to renew to the Government of India the assurances of their highest consideration.

Ministry of External Affairs
New Delhi
2436. Note from Ministry of External Affairs to High Commission for Pakistan in India.

New Delhi, September 18, 1951.

No. F. 6 (1)-Pak.III/51 September 18, 1951

The Ministry of External Affairs, Government of India present their compliments to be Pakistan High Commission in India and with reference to their Note No. F.62(4)/P-1785, dated the 22nd June, 1951 have the honour to state as follows:

2. The High Commission’s note mentioned above refers only to this Ministry’s Express letter No. D. 2396-Pak. III/51, dated the 31st March, 1951 and makes no mention of this Ministry’s subsequent note on the subject, No. F. 6(1)-Pak. III/51 which was sent to the High Commission on the 13th June, 1951, i.e., 9 days before the despatch of the High Commission’s note referred to above. It has become necessary to point this out as most of the issues raised in the High Commission’s note of the 22nd June had already been dealt with clearly and precisely in this Ministry’s note of the 13th June, 1951. The Government of India are indeed surprised that a further note dealing with the same issues should have been sent by the High Commission without taking into account the views already expressed by the Government of India in the note.

3. As the Government of Pakistan are well aware and as has been clearly stated in paragraph 2 of this Ministry’s note of the 13th June, 1951, the Indo-Pakistan Agreement of 4th May, 1948 is the only basis in International Law for canal water supplies from India to Pakistan and since the beginning of May, 1948 all supplies to the Central Bari Doab and Dipalpur Canals have been made in terms of that Agreement. The continuance of supplies by India to these canals during Kharif, 1951 is strictly in accordance with the terms of that Agreement. The Government of India have always implemented in full the Indo-Pakistan Agreement of May 4, 1948 and they categorically repudiate the allegation made in the High Commission’s note of the 22nd June, 1951 that they have imposed any “restrictions” or “unwarranted limitations” on the supplies contracted for in that Agreement.

4. The Government of India must also emphatically repudiate any suggestions that the carrier channels in India through which supplies have been given to Pakistan in accordance with the terms of the Indo-Pakistan Agreement are “International Canals”, as alleged in paragraph 4 of the note under reply. No such “International Canals” exist in Punjab (India). All canals, water works and in fact all other works of any nature whatsoever, situated in
the territory of India and Pakistan vest wholly and completely in the country in which they are situate, without any liability or servitude whatsoever, except for such obligations as India and Pakistan have expressly undertaken through contractual agreements, and therefore in respect of the carrier channels and works related to such channels, the only obligations of the Government of India are those assumed by them under and in terms of the Indo-Pakistan Agreement of 4th May, 1948.

5. The Government of Pakistan are aware of the anxiety of the Government of India that all questions relating to the use of the waters of the rivers of the Indus basin should be finally settled in such manner as would promote the welfare and the continued development of both India and Pakistan. The total volume of waters of the Indus system of rivers is so large and the portion thereof utilised at present comparatively so small, that a practical solution to the questions mentioned above, would be the utilization of the surplus water, at present unused and running waste, towards the development of the areas dependant on them in both the countries. It was because it so happens that the major portion of these unused surplus waters lies in rivers which debouch into the plains within Pakistan and Pakistan is therefore more advantageously situated with regard to the utilization of the surplus at present being wasted, that the Government of Pakistan agreed in May, 1948 to the tapping by it of surplus waters in Pakistan territory and the Government of India agreed in turn, in regard to the Central Bari Doab Canal and the Dipalpur Canal, to diminish the supplies to these canals, which were and are badly needed for use in India itself, in progressive stages in order to give reasonable time to enable the West Punjab Government to tap alternative sources. It was in recognition of these basic facts and for the proper utilisation of these water resources in the best interests of both the countries that the Government of Pakistan had agreed on 4th May, 1948 to a technical survey of water resources with a view to tapping by Pakistan of alternative sources of supply. The Delhi Agreement of 4th May, 1948 therefore not only provides for the supply of water to the Central Bari Doab and Dipalpur canals of Pakistan during the interim period in accordance with the terms of that Agreement and for the gradual diminution of supplies by India to these two canals after tapping of alternative sources by Pakistan, in accordance with Clause 4 of that Agreement but also laid down the general basis and procedure on which the final settlement should take place. It is obvious and indisputable, as stated in this Ministry’s letter of the 13th June, 1951, that matters on which the two Governments have already come to an Agreement cannot be called matters in dispute. If the Government of Pakistan execute loyally and faithfully the treaty arrangements freely entered into in the Indo-Pakistan Agreement of May 4, 1948, which clearly lay down both the interim
arrangements and the procedure for and the basis of a final settlement of the dispute, no dispute would remain, and there would be no need for any lengthy and complicated legal proceedings.

6. Similarly no difference would arise between the two Governments with regard to the modalities of the arrangements for payments laid down by the 4th May Agreement, if Pakistan were to observe faithfully and scrupulously the terms to that Agreement. It is not enough, as proposed in paragraph 4 of the High Commission note of the 22nd June, 1951, for the Government of Pakistan to pay merely “their share of the actual maintenance cost” of the carrier channels and connected works in India in connection with the supply of water by India to the Central Bari Doab and Dipalpur Canals in Pakistan in accordance with the terms of the 4th May Agreement. In paragraph 5 of that Agreement, Pakistan has undertaken “to deposit immediately in the Reserve Bank of India such ad hoc sums as may he specified by the Prime Minister of India” and to transfer out of this to East Punjab Government “sums over which there is no dispute”. It is incumbent on the Government of Pakistan to abide faithfully by the undertaking given in the International Agreement referred to above. The Government of India strongly repudiate the suggestion, made in paragraph 5 of the note under reply, that the Government of Pakistan are being asked to accept any new “conditions”. The Government of India cannot agree that their insistence on the loyal execution by Pakistan of freely entered treaty obligations can constitute any such “conditions”. Any arrangements for deposits in “escrow” not in accordance with the terms expressly agreed upon do not represent valid modes of payment and the Government of India formally and expressly reserve all their rights on this subject. It has been made clear in several earlier notes that the Government of India cannot and will not agree to any unilateral change by Pakistan in terms already agreed upon. Such changes can only be regarded as a violation of International obligations undertaken by Pakistan and a continuation of such violation would expose Pakistan to all the legal consequences of this violation including the discharge of India from their obligations under the Agreement.

7. Reference has been made in paragraph 5 of the note under reply to the grave concern with which the Government of India view the continuance of disagreement over matters which the note describes as “incidental to the basic dispute”. The Government of India are entirely unable to agree that the continued failure of the Punjab (P) Government to deposit the charges in accordance with the 4th May Agreement can be brushed aside as a trifling disagreement over an incidental matter. The resolution of the dispute in the best interests of both the countries requires that both the parties to that Agreement should continue to fulfill faithfully all obligations accepted by them under the Indo-
Pakistan Agreement of 4th May, 1948.

8. In paragraph 6 of the now under reply, reference has been made to the alleged taking by India by force of certain supplies and to “the threat forcibly to take still further supplies vital to Pakistan”. The note also implies obliquely that action taken or to be taken by the Government of India constitutes some sort of threat to the peace of this sub-continent. The Government of India are, extremely surprised at these distortions of facts and the incorrect assumptions on which these allegations are based. Apart from the obvious fact that the use by a country of its own resources within its own territory cannot possibly be interpreted as use of force, they would point out that their letter of the 31st March, 1951, the Government of India made no mention of any cutting off of the supplies being given to Pakistan in accordance with the 4th May Agreement. In fact any suggestion of a sudden discontinuation of such supplies is clearly in contradiction of the express engagement made by India in the Delhi Agreement that a sudden withdrawal of these supplies would not be made, and the Government of India have repeatedly declared their resolve to discharge faithfully all their obligations under that Agreement, so long as Pakistan also continues to execute that Agreement loyally. It has been made clear earlier this note that the Government of India have neither made, nor have they any intention of making, unilaterally any change in their obligations under the Delhi Agreement. It is clear therefore that so long as Pakistan continues to execute faithfully the Agreement of 4th May, 1948, no possible danger of a sudden withdrawal of waters from the Dipalpur and Central Bari Doab Canals can possibly exist or arise. Any violation by Pakistan of the terms of that Agreement alone can expose Pakistan to the legal consequences of that violation including the discharge of India from her obligation under the Agreement. In this eventuality Pakistan could not complain of the results of its own treaty violations. If Pakistan’s violations of her obligations under the Agreement lead to consequences which Pakistan does not like and Pakistan thereon attempts to take recourse to force, surely the responsibility for a threat to the peace of this sub-continent must rest squarely on the shoulders of Pakistan and not on those of India which continues and will continue, in all good faith, to discharge her treaty obligations.

9. As has been clearly demonstrated above, all questions relating to the waters of the rivers in the Indus basin have either been settled or could be settled in accordance with the terms of the Agreement of May 4, 1948 if both the countries loyally carry out their international obligations under that Agreement. The present differences have arisen only because Pakistan is unilaterally attempting to repudiate its own obligations under that Agreement by violations of the Agreement and by allegations of its initial voidness or its subsequent termination. The
Government of India cannot recognise such unilateral repudiation of International obligation nor can they subscribe to the view that unilateral violations of an international treaty can confer on the offending party any rights over and above or different from the rights given to it by that treaty. The Government of India would again cordially invite the Government of Pakistan to a full implementation by both parties of their obligations under the Indo-Pakistan Agreement of 4th May, 1948. Should, however, the Government of Pakistan have any doubts regarding the binding character of this Agreement, the proper course would be for them to seek a judicial decision from an impartial international authority on the question of the validity of this Agreement. In case the Government of Pakistan desire to follow this course, the Government of India, while reserving all their rights including those flowing from the Indo-Pakistan Agreement of 4th May, 1948 and from violations by Pakistan of the terms of that Agreement, would be willing to discuss the procedure for such adjudication.

10. Until such time as the Government of Pakistan express their desire for an adjudication on the validity of the Indo-Pakistan Agreement of 4th May, 1948, the Government of India must presume that in accordance with international practice the Government of Pakistan will continue to adhere to and carry out their obligations under that Agreement. In that Agreement, Pakistan had recognized the natural anxiety of India to discharge its obligations to develop areas where water was scarce. The Government of Pakistan were to have reasonable time to enable them to tap alternative sources and a progressive diminution of the water to be supplied by India to the Central Bari Doab and Dipalpur canals was to take place for use within India. The Government of India are of the opinion that during the three years and more that have elapsed since the Agreement of 4th May, 1948, there has been a reasonable time for the Government of Pakistan to tap alternative sources and that the time has therefore come for a gradual diminution of the water to be supplied by India. The Government of India understand, although they have not received any information from the Pakistan Government, that the Government of Punjab (Pak) have already carried out and completed schemes whereby alternative sources of water have been tapped and arrangements made for the use of these alternative waters in the Central Bari Doab Canal. The Government of India would be grateful if the Government of Pakistan would furnish them with the detailed and technical information with a view to laying down a programme for the progressive reduction in the supplies made to this canal from India, so as not to affect in any way the protection given to the Government of Pakistan during the interim period by virtue of India's obligation not to withdraw the supplies suddenly. They would also be grateful if the Government of Pakistan would communicate their own suggestions regarding the stages in this programme and the reduction to be effected at each stage. Since the Government of India understand that the alternative supplies tapped
by Punjab (P) in accordance with the Agreement are sufficient to meet the major portion of the requirements of the Central Bari Doab Canal, they hope that the programme to be laid down for the progressive diminution can be so laid down and operated as not to cause any inconvenience or difficulty to Punjab (P) and at the same time make available to the arid areas in India the supplies needed by them at as early a date as possible.

11. With regard to the Dipalpur canal, since this canal is non-perennial, in the ordinary course of events no supplies of water would fall due from India under the 4th May Agreement in respect of the Rabi Crop. The Government of India would however be grateful if the Government of Pakistan would kindly give them information as to the steps that have been taken by the Government of West Punjab or the Government of Pakistan with a view to tap alternative sources to meet the supplies required by this canal. The Government of India understand that the scheme which has already been carried out to give alternative supplied to the Central Bari Doab Canal, has sufficient capacity also to give the required supplies during the Kharif season to the Dipalpur canal. The Government of India would be grateful if this presumption is confirmed. The Government of India would also be grateful if the Government of Pakistan intimate their programme for the progressive reduction of supplies to this canal at as early a date as possible.

12. With regard to paragraph 4 of the note under reply, the Government of India have no objection to the ultimate deduction of any sum spent by Punjab (P) on behalf of Punjab (I) with respect to the latter’s share of maintenance and interest charges for the Right Marginal Bund at Ferozepore. But it is necessary before actually making the adjustment to have the charges verified by that Government. It is requested that necessary action may be taken towards a final adjustment of the sum of Rs. 9,034 less paid by Pakistan for the quarter ending 31st March, 1951.

13. The Ministry take the opportunity to renew the assurances of their highest consideration.

High Commission for Pakistan
New Delhi

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2437. Note from the Pakistan High Commission in India to the Ministry of External Affairs.

New Delhi, March 29, 1952.

Office of the High Commissioner for Pakistan in India
New Delhi

No. F. 62(4)/52 - 966. 29th March, 1952.

The High Commission for Pakistan in India present their compliments to the Government of India, Ministry of External Affairs, New Delhi, and with reference to those communications of the Government of India regarding the irrigation water dispute to which replies have in the past months been withheld, including the communications numbered F.6- (1)PakIII/51, dated the 13th June, 1951, and 18th September, 1951, Express letters numbered F.6(1)– Pak III/51, dated the 25th June, 1951, and 31st December, 1951, and express letter No. D-6803-Pak.III/51 dated the 26th September, 51, and No. F.6-Pak.III/51, dated the 15th March, 1952, have the honour to state as follows.

2. For some time the Government of Pakistan have had under consideration communications from the President of the International Bank for Reconstruction and Development tendering the good offices of the Bank in working out a plan for the cooperative development of the water resources of the Indus Basin in accordance with the proposal of David E. Lilienthal published on 4th August, 1951. The Government of Pakistan were informed that letters in similar terms have been sent by the President of the International Bank to the Prime Minister of India and that the Government of India were likewise giving the proposal and the Bank’s offer their serious and sympathetic consideration. As an essential feature of the Lilienthal proposal is the avoidance of unnecessary controversy, the Government of Pakistan concluded that they should withhold during the period, when both Governments were considering the letters from the International Bank, further direct correspondence on the waters dispute.

3. By a letter dated 13th March, 1952, the President of the International Bank has confirmed that both sides have agreed to go forward on the basis of the Lilienthal proposal. Designees of each side and of the Bank are to meet beginning in early May to undertake the important task that has been entrusted to them. Under these circumstances and while the two Governments are using the good offices of the International Bank, the Government of Pakistan are of the view that there should be no direct correspondence dealing with past controversies in the waters dispute. It is understood, of course, that neither side will be prejudiced through its willingness to let the direct correspondence rest where it stands.
4. The question of reimbursement of actual costs of maintenance of installations of common benefits has at no time been a matter of controversy. The Government of Pakistan are informed by the Government of Punjab (P) that all “undisputed charges” have been met. The Chief Engineer, Irrigation Works, of the Punjab (P) is prepared to discuss with his counterpart in the Government of the Punjab (I) the accounting details and any appropriate adjustments.

The High Commission take the opportunity to renew to the Government of India the assurance of their highest consideration.

The Ministry of External Affairs,
Govt. of India, New Delhi.

2438. Note from the High Commission for India in Pakistan to the Pakistan Ministry of Foreign Affairs.


High Commissioner for India


The High Commission for India in Pakistan present their compliments to the Ministry of Foreign Affairs and Commonwealth Relations of the Government of Pakistan and with reference to Note No. F.62(4)P/52-966, dated 29th March, 1952 from the High Commissioner for Pakistan in India to the Ministry of External Affairs, Government of India, have the honour to state as follows.

2. As stated in the Government of India, Ministry of External Affairs note No.F.6(1)–Pak III/51, dated 18th September, 1951, the Government of India are anxious that all questions relating to the use of waters of the Indus Basin should be settled in such a manner as would promote the welfare and continued development of both India and Pakistan. The Government of India have, therefore, accepted the invitation of the International Bank for Reconstruction & Development to designate an engineer to the Working Party and to depute him to the Bank’s Washington office to participate in the initial meeting of the party on 7th May, 1952. The Government of India, however, are not aware that, as contended in the High Commission’s note referred to above, “both sides have agreed to go forward on the basis of the Lilienthal proposal”, on the
contrary, whilst it is true that the proposal regarding the forthcoming negotiations arose out of Mr. Lilienthal’s article, the letter dated 13th March, 1952, from the President of the International Bank clearly indicates that the Working Party is not bound by any rigidly fixed terms of reference.

3. The Government of India agree that all unnecessary controversy should be avoided, the more so while the Working Party is engaged in its task. But they do not consider that the correspondence relating to the fulfillment by the Governments of India and Pakistan of their treaty obligations under the agreement of 4th May, 1948, can be classed as such “unnecessary controversy”. The Government of India trusts that the forthcoming negotiations will culminate in an agreement which has as its ultimate objective the carrying out in India and Pakistan of specific engineering measures for the most effective utilization of the water resources of the Indus Basin in such a way as to make a maximum contribution to the development of the two countries. It is, however, obvious that the envisaged negotiations do not imply any suspension of the Delhi Agreement of the 4th May, 1948, even for the duration of these negotiations. India will, therefore, continue to supply to Pakistan canals water which she is obliged to deliver only under this agreement, and she is certainly justified in expecting that the Government of Pakistan would also fulfill their part of these treaty obligations until a new agreement has been reached which would take the place of Delhi Agreement. Meanwhile, the Government of India must expressly reserve all rights both with regard to the non-fulfillment in the past of Pakistan’s obligations under this agreement and with regard to any further delay in her fulfillment of those obligations.

4. The High Commission take the opportunity to renew to the Government of Pakistan the assurances of their highest consideration.


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2439. Note recorded by Prime Minister Jawaharlal Nehru for the Minister of Irrigation and Power.

New Delhi, January 11, 1953.

For the last two or three months or even more, we have had a barrage of propaganda and complaints in Pakistan about our cutting off or reducing canal waters, which go to Pakistan from India. Whenever I have seen this, I have enquired what the facts were because I know nothing about our doing any such thing. It is an extraordinary thing that all my enquiries have not elicited a satisfactory response yet. Vague answers have been sent. Sometimes we have been told that enquiry is being made from the Punjab Government. Later we are told that nothing has been done contrary to the Agreement arrived at in May 1948. Now there is nothing in that Agreement, this way or that way, about this matter. Again it was hinted that something is being done here in accordance with some previous Agreement between engineers from the two countries. That Agreement has no validity as it was denounced by Pakistan immediately after. We can have no action whatever on that Agreement.

2. From all this it appears rather vaguely that the canal water supply to Pakistan by us has been reduced in quantity. To what extent, I do not know. I have been told that even according to the engineers’ agreement, the reduction made has been greater.

3. Who is responsible for all this curious state of affairs? The canal waters issue is one of the major issues between India and Pakistan. Almost daily there is reference to it in Pakistan. It is connected, unjustifiably, with the Kashmir issue and, indeed, with all our relations with Pakistan. This is not a matter to be dealt with on the official level at all by any officer of the Ministry or any engineer.

On 8 November 1952, the Punjab Provincial Muslim League at a conference in Lyallpur passed a resolution calling upon the Pakistan Government to take steps against Indian interference in supply of waters to West Punjab. On 15 December, the Civil and Military Gazette also alleged reduction of water supplies to the canals running into Pakistan. The Dawn on 3 January 1953 also complained of reduction in canal water supplies resulting in a shortfall in wheat production. On 17 December, an enquiry was made by the Prime Minister’s Office from the Ministry of Irrigation and Power regarding complaint appearing in the Civil and Military Gazette on 15 December about reduction of canal waters by India. Similar enquiry was again made on 9 January 1953.

On December 19, 1952, Commonwealth Secretary in the Ministry of External Affairs B.F.H.B. Tyabji, had in a note to Prime Minister Nehru, inter alia suggested that “…any attempts to benefit from our control of the Punjab rivers at the expense of the West Pakistan agriculturists would be against principles guiding Indian foreign policy,” and considering the implications of the questions in our relations with Pakistan he suggested that the canal waters dispute be dealt with at the highest level in the Ministry of External Affairs and not by the East Punjab Government.
The political consequences are far too serious. I am gravely concerned about it and I have a strong feeling that the officers in your Ministry have been acting in an improper way in dealing with this matter. I therefore want you to find out exactly who is responsible for these various decisions and when were they taken and what was the result. It is almost extraordinary thing that I should go on for weeks and months asking for definite replies about facts and that these should not be forthcoming. Meanwhile, I have made statements in public, in Parliament, etc. denying the fact that we are cutting off canal waters. I am thus put in a most embarrassing position. Will you please enquire into this?

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2440. Telegram from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Khwaja Nazimuddin.

New Delhi, February 17, 1953.

You were good enough to write to me a letter dated 28th January in which you referred to various points to which I have been giving careful attention. I was hoping to send you an answer soon. Meanwhile, I have been astonished to see an intensive propaganda being carried on in Pakistan on the canal waters issue accusing India of deliberately following a policy to cause deep injury to Pakistan by withholding canal waters. Charges have been made not only in the public press but also by responsible Minister that we are cutting off canal waters supply to Pakistan. While this propaganda has been going on for some time and we have drawn the attention of your Government to it, so far as I know, no official complaint has been made to our Government. Indeed after full enquiry I have found that the complaints referred to in the public press...
have no substance. There has been no question of our cutting off canal waters supply, and certain diminution has been due on both sides to local causes like drought. In any event it is very extraordinary that such propaganda should be carried on without even any reference to us on the subject. It is still more surprising that this should be done at a moment when engineers designated by our two Governments are jointly investigating the problem in cooperation with World Bank officials and have made some progress in their investigations.

I now find that the Pakistan Government has issued an official handout on this subject. I have not seen this yet but from reference to it in a number of Pakistan newspapers it appears that this handout contains statements which are very far removed from facts and makes totally unfounded accusations against India. I must express my great regret that this policy should be followed by the Pakistan Government when it has been our joint desire to promote better understanding between our two countries. You will agree that it is difficult to bridge the gaps which unfortunately separate us when constant attempts are made in Pakistan to widen them.

2441. Letter from Prime Minister Jawaharlal Nehru to Chief Minister of East Punjab Bhimsen Sachar.

New Delhi March 18, 1953.

My dear Sachar,

I have written to you previously about the dispute with Pakistan in regard to the supply of water to West Punjab from East Punjab. I have been greatly exercised over this matter for some months past. Repeatedly I tried to get at facts but somehow facts have eluded me. Any number of senior officers have considered this matter at length. Letters have been sent to the Punjab Government and the Punjab engineers. The International Bank has come into the picture and generally an impression has been created that we have not kept to our word and our assurance in this matter.

This was bad enough at any time. It is much worse when a third party like the International Bank is concerned. What has troubled me greatly is the difficulty in getting at the facts. I have written several strong notes about it and suggested that the persons responsible for this mess ought to be dealt with fairly severely.
After much enquiry, we have found that the right proportion from the Ferozepore head-works for Pakistan canals should have been 79 per cent of the divisible supplies. Against this, the supply actually made in the *Rabi* sowing season of 1952, *i.e.*, from October 16 to December 5, 1952 was 69 per cent and that for the *Rabi* sowing season *i.e.*, from December 5, 1952 to February 12, 1953, was 72 per cent. This was an appreciable reduction over a long period. During this period, constant complaints were received by us and passed on to the Punjab authorities. I wrote numerous letters and notes. Nevertheless, this reduction continued.

I can only conclude that this reduction was not accidental, but was deliberate. I do not know who was responsible for it, but I am given to understand that this was done under orders from some high authorities in the Punjab.

This is a very serious matter involving our honour and our reputation and we shall have to go into this very thoroughly. We have also to make sure of the future and we can afford to take no risks whatever.

In fact, the International Bank has actually suggested keeping one of their own engineers there to watch. We may not agree to this, but it is a grave reflection on our *bona fides*. You will be coming here soon and I shall meet you. I am writing to you to keep you informed of what the situation is.

Yours sincerely,

Jawaharlal Nehru

Shri Bhimsen Sachar,
Chief Minister, East Punjab,
Simla.
Letter from Prime Minister Jawaharlal Nehru to Minister of Irrigation and Power Gulzarilal Nanda.


My Dear Gulzarilal,

After our long conference this morning on the canal waters issue, we settled what should be said to the International Bank people on our behalf. We also decided that we should have some representative of the Central Government to keep in close touch with the supply of water, etc., to Pakistan from East Punjab*.

There are two aspects of this question, however, which continue to trouble me. We are told that some local people in charge of the head-works were responsible for reducing supplies for Pakistan. It is hinted also that, possibly, some Punjab Ministers encouraged them to do so. Even accepting this, the fact remains how and why our Central supervision was so slack that this could have happened for any length of time, more especially when there was a loud agitation going on in Pakistan and I was constantly asking for facts. This can only mean that there is not enough Central contact. Apparently all that our people here did was to write messages to the Punjab Government or the Punjab engineers. This shows a complete lack of awareness of seriousness of this business. The least that could have been done was for someone immediately to go there and enquire personally and report and put matters right if necessary.

It is not very easy in dealing with these complicated figures for different canals and for different periods to make out one thing or the other. In order to understand the position, one has to delve much more deeply into this business. It has taken you a long time and a great deal of labour to find out the facts, such as they are. But it should not have been difficult for a person fully acquainted with this problem to do so with fair rapidity. I gather that Gulhati has been intimately connected with this throughout and he knows all about it. Why then should he not have known what was happening or not, have intervened as soon as his attention was drawn to it?

* It was decided to reject the World Bank’s proposal to post its engineers at various points on the Ravi and Sutlej in order to watch the regulation of canal water supplies between India and Pakistan. To prevent any over-zealous officials in East Punjab from meddling with regulation of water supplies, the Government of India decided to appoint a special commissioner for canal waters to ensure against any such lapse. The Ministry of Irrigation and Power, for the first time, scrutinized the deliveries of water made to Pakistan from 1948 to the middle of January 1953. Until then it was understood to be a matter for the East Punjab Government to deal with and it was entirely left to them. The scrutiny revealed that East Punjab local officials in charge of regulation of canal waters did not have any clear-cut instructions for day-to-day water supplies and hence there were short supplies to Pakistan canals since the Rabi sowing season of 1952.
Some of Gulhati’s answers at our conference today struck me as not only vague, but thrown out on the spur of the moment without full responsibility. Thus, he said that the new canals that Pakistan has dug could have been used to supply the water deficiency. Now, that was a very important statement. When we cross-examined him a little further, the statement was watered down considerably and ultimately meant nothing much. That is not the type of answer one would accept from a responsible person.

Gulhati appears to me to be a competent officer and he has devoted a good deal of time during the last three or four years to this issue of canal waters. He ought to know this from A to Z. Indeed, he has shown so much enthusiasm about it that sometimes I have a feeling that he has ceased to be objective.

There is another question and that is about certain proposals to build new dams or canals or tunnels on our side. It seems to me that these are put across rather casually, regardless of their implications, financial or other. Possibly, these matters may be raised at the meetings with the International Bank and some kind of commitments made. We have to be careful about that.

The result of all this is to produce a sense of uncertainty in my mind about what takes place in these head-works and canals in East Punjab. I feel that I cannot fully rely upon the statements made by some of our engineers. I do not mean to say that they intend to delude us in any way, but they appear to have a tendency to emphasize some aspects and to ignore the others and thus we did not get a full picture which should enable us to judge what is happening or what should be done. It is important that we should have reliable reports. Therefore, some procedure has to be devised for this purpose.

Yours sincerely,
Jawaharlal Nehru
Letter from Prime Minister Jawaharlal Nehru to Minister of Irrigation and Power Gulzarilal Nanda.

New Delhi, April 26, 1953.

My dear Gulzarilal,

On my return to Delhi this evening. I have received your letter of April 25 about the Bhakra Canals etc.

When we agreed to the standstill clause contained in Black’s letter of 13th March 1952, we made it perfectly clear that this was for a relatively short period. I forget what the actual words were, but I think that there was some reference to these talks with the Bank being concluded within a short period of time. Anyhow, this fact was made quite clear to Black in my correspondence with him as well as orally.

We cannot agree to a continuation of this standstill agreement beyond the date when, in the normal course, we can use the Bhakra canals, that is, beyond April 1954. That is the final date. In effect we should get rid of this restriction before that.

If our talks lead to an agreement in September next, this question does not arise. If they do not lead to an agreement, it must be made perfectly clear then that we are not bound by this standstill clause in view of the Bhakra canal system being ready for use next year. We shall, however, always try to accommodate Pakistan to the best of our ability, but it is essential that they should realise that our demands for the water will be much greater from April 1954 onwards.

Therefore our representatives must have the clearest instructions in this matter. It would be desirable. I think, that Black should be told informally if necessary about this position even before the September meetings. Our representatives in the Bank, B.K. Nehru, should be informed of this, so that Black may not say that we are springing a surprise upon him at a late stage. This gives Pakistan also more time to make such arrangements as may be considered necessary for alternative supplies for their use.

It is likely that we shall have talks with Pakistan on a number of issues in the near future. I am likely to meet the Prime Minister of Pakistan. But probably this meeting will not take place before I go to London. I shall certainly speak about this matter to him. When I go to London, a short brief on this subject should be given to me or preferably to N.R. Pillai (Secretary General of the MEA) who will be accompanying me. I do not want a multitude of papers because obviously I am not going to discuss anything in detail with the Pakistan Prime
Minister. Probably early next month there will be a meeting of officials, Indian and Pakistan, in Delhi to discuss various matters. I do not quite know what the agenda is and who will come for that meeting. The canal water issue will not be on the agenda. But it might be desirable, subject to other developments, for N.R. Pillai to have a talk with the Pakistani officials about this aspect of the canal waters issue.

Yours sincerely,

Jawaharlal Nehru

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Eugene Black, President of the World Bank, had proposed that the Governments of India and Pakistan should make a joint technical survey of the Indus basin, and had stated that the World Bank would be happy to extend the assistance, financial or technical, necessary for such a survey. He further suggested that so long as cooperative work continued with the participation of the Bank, “neither side will take any action to diminish (water) supplies available to the other side for existing uses.” Since no agreement could be arrived at on the World Bank plan of 5 February 1954, India opened the Bhakra canal system on 8 July 1954.
Press Note issued by the Ministry of External Affair on the question of supply of canal waters to Pakistan.

New Delhi, November 13, 1953.

The Government of India regret to note that unsubstantiated accusations were recently made against India in the Pakistan Constituent Assembly about an alleged reduction of supply of water to Pakistan through the Central Bari Doab and the Sutlej Valley Canals in September and October, 1953. These have been examined by the Government of India’s Special Commissioner for Canal Waters and have been found to be baseless. The accusations have been made on the basis of errors due to wrong recording of supplies received by Pakistan authorities and the adoption of an incorrect ratio of distribution and of wrong periods for working out distribution.

In accordance with the practice prevalent in both countries, the crop season, both kharif and rabi, is divided into various main periods - sowing, growing and maturing. These periods are divided into sub-periods. Short supply in one sub-periods and excess in another is in the nature of things inevitable and has always been accepted as a normal occurrence; water accounts between the two countries are therefore balanced at the end of each main period. The kharif maturing period, both on the Sutlej Valley and Upper Bari Doab Canals, lasts from the 6th September to the 15th October; and the rabi sowing period from the 16th October to the 3rd December. Although the supplies given to Pakistan in kharif maturing period as a whole should have been considered before any conclusion was drawn, Pakistan authorities have erred by taking the figures of a sub-period during which supplies were less, and by not taking into account other sub-periods during which supplies were in excess. Taking the figures for the entire kharif maturing period, the balanced account shows that Pakistan received 60% excess supplies in the Sutlej Valley Canals, and only a negligible shortage of 1.45% in the Central Bari Doab Canal.

Ministry of External Affairs
New Delhi, November 13, 1953.

[On November 10, 1953 Prime Minister Jawaharlal Nehru had also in a letter to Pakistan Prime Minister Mohammad Ali Bogra gave the details of the supplies made to Pakistan in reply to a complaint made by him.]

World Bank’s Proposals on Canal Waters

1. The entire flow of the Western rivers—Indus, Jhelum, and Chenab would be available for exclusive use of Pakistan, except for a small volume from Jhelum for Kashmir.

2. The entire flow of the Eastern rivers—Ravi, Beas, Sutlej would be available for the exclusive use of India except that for a specified period, transitional in nature, India would supply to Pakistan withdrawals from these rivers, which would be calculated on the basis of the time estimated to be required to complete the link canals needed in Pakistan to make transfers for the purpose of replacing supplies from India.

3. Each country would construct works located on its territories, but the cost of Pakistan’s link canals mentioned above would be met by India.

Prime Minister Nehru’s comments:

I have read all these papers.

The President of the International Bank wrote to me a letter some time ago and sent me the International Bank’s full proposal regarding the use of canal waters by India and Pakistan. I passed on this letter to Commonwealth Secretary and the Ministry of Irrigation & Power. I am not quite sure if this letter has been acknowledged thus far. Obviously it has to be replied to by me. No reference is made in these papers as to what reply I should send. Presumably my reply would be similar to the reply that Mr. Khosla intends sending to General Wheeler.

As for the proposed reply by Mr. Khosla, I do not see why we should be asked to commit ourselves finally in regard to every particular, before Pakistan discloses its hand. Thus far they have said nothing. I should have thought it quite enough for us to say that we accept the general principles governing this proposal, but in drawing up any agreement on the basis of it, naturally careful drafting will be necessary and a number of relatively minor matters will have to be cleared up. If Pakistan also accepts the general principles of the proposal as we have done, then we can proceed to these details and to the drafting.

Some such reply should meet the situation without our rejecting it and without our accepting every small detail.

The reply can be sent, as suggested, round about the fourth week of March.
It has always been Pakistan's practice not to commit itself to anything and to get our commitment. The result is that the next stage of the basis of discussion is our commitment and their lack of commitment. Why should we be in this position?

I agree generally that we should not appear to reject in any way the Bank's proposal. But why should it be necessary for us to swallow every little bit of it wholesale at this stage?

(Regarding the Jhelum, the Bank proposal had provided for continued enjoyment by India of the uses already developed but no provision was made for any new irrigation development from this river in Indian territory. The proposal denied India the right to tap the Chenab in her territory as India was planning to withdraw waters of Chenab at Marhu and Merali.)

_Cable sent by Prime Minister Jawaharlal Nehru to President of the World Bank on March 19 in reply to his letter forwarding Wheeler's proposals:_

We have now examined the proposals of the International Bank for Development and use of Indus basin waters..... We welcome the Bank's attempt to help in the solution of this problem and, as suggested in your letter, we are prepared to accept generally the principles governing the Bank proposals as the basis of agreement.

Our delegation in the Indus Basin Working Party will formally indicate our attitude to the Bank proposals. The actual agreement, which will be worked out with the assistance of the Bank authorities, will naturally deal with a number of details including the question of the small requirement of Jammu and Kashmir. If Pakistan also agrees to accept the general principles governing the Bank proposals as the basis of agreement, we can go on to the next stage of considering details with the assistance of the Bank which you have so kindly offered.

A.N. Khosla was the Indian Designee to the Indus Basin Working Party. The formal Indian reply sent by A.N. Khosla to R.A. Wheeler on 25th March pointed out that if India gave up, as proposed, her intention to withdraw waters from Chenab at Marhu, some part of Rajasthan would remain desert forever. The financial burden imposed on India for paying the cost of link canals in Pakistan would cause serious blow to economicvelopment of the country but in the interest of a speedy and constructive settlement, India would accept the Bank proposals as the basis of agreement, to be worked out in detail, which should also safeguard existing uses of water within Jammu and Kashmir. Indian acceptance of the proposals was given with the expectation that Pakistan would also accept the same at an early date. It was also mentioned that regarding new projects in both countries expected to be opened shortly an _ad-hoc_ agreement about them might be reached.

2446. AIDE MEMOIRE from the Government of India to the Government of the United States.

New Delhi, February 8, 1954.

The attention of the Government of India has been drawn to a news item published in the Dawn of Karachi dated 28.12.53 referring to the 22 million Dollar aid under the T.C.A. Programme by the Government of U.S.A. to the Government of Pakistan for Pakistan’s economic development plans. Projects covered for the year ending June 30, 1954 include expenditure of 2.1 million Dollars on construction of the Taunsa Barrage in the Punjab. As will appear from the attached extracts from the Pakistani Press, the Taunsa Barrage is intended to be a gigantic multi-purpose project, the object of which is to withdraw substantial quantities of water from the Indus to bring under irrigation 14,00,000 to 17,50,000 acres of land in Muzaffargarh and Dera Ghazi Khan Districts.

It will be recalled that when the Government of India approached the International Bank for Reconstruction and Development in 1949 for a loan for the Bhakra Dam and the Nangal Project, the Bank represented to the Government of India that it “took note of the existence of a water dispute between India and Pakistan and expressed the view that the Bhakra Dam and the Nangal Project raised issues which were very material to this dispute.” When in 1951 the question arose of similar aid to Pakistan for the Lower Sind Barrage Project, the Bank likewise refrained from making a loan as such loan “would anticipate the ultimate settlement of the dispute” and “prejudice the terms of the final settlement.”

Substantial withdrawals from the Indus by means of the Taunsa Barrage for bringing large new areas under irrigation are, from the point of view of the Government of India, open to the same objection as in the case of the Lower Sind Barrage. The Government of India would therefore request the Government of the U.S.A. to refrain from giving aid for the execution of a project which would anticipate the ultimate settlement of the water dispute or which may have repercussions on or otherwise prejudice the terms of such a settlement. The Government of the U.S.A. are no doubt aware that the Indus Basin Working Party is engaged, under the auspices of the International Bank, in working out a Comprehensive Plan for the utilization of the Indus Basin water resources. The Government of India wish to state that while a decision on division of the total available water resources between India and Pakistan is still pending, any promise of aid to one party for the execution of a multi-purpose project affecting the water resources
which form the subject of the Working Party’s investigations is likely to prejudice the negotiations which have been in progress in Washington since the 8th September, 1953.

New Delhi.
8th February 1954.

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U.S. AID PUTS ACCENT ON AGRICULTURE

With the signing today of a 22 million dollar aid agreement between the Governments of Pakistan and the USA, the US Government’s total contribution to Pakistan’s economic development plans since the inception of their TCA Programme will stand at 44 million dollars.

Pakistan’s Foreign Secretary will sign on behalf of Pakistan, and Ambassador Horace A Hildreth for the USA. The agreement covers the year ending June 30, 1954.

Negotiations, it is understood, have already been completed regarding the individual projects and operational agreements governing these are expected to be signed by the middle of next month.

Projects covered for the current year include a further expenditure of 3.5 million dollars on the fertilizer factory at Daud Khel, 2.1 million dollars on construction of the Taunsa Barrage in the Punjab, 2.5 million dollars on the Ganges-Kobadak scheme (East Pakistan) and 0.75 million dollars on engineering consultant services in connection with the Karnafulli project in East Pakistan.

Besides this about 4 million dollars are to be spent on the import of fertilizers and a further sum of 2 million dollars is earmarked for the setting up of a factory for the manufacture of agricultural implements and equipment. It is understood that no decision has yet been taken on the question of location of this factory.

The various important projects included in the proposed agreement indicate a definite slant towards the development and improvement of agriculture.

APP.

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2447. Telegram from Prime Minister Jawaharlal Nehru to President of World Bank Eugene R. Black.

New Delhi, March 19, 1954.

We have now examined the proposals of the International Bank for Development and use of Indus basin waters forwarded with our letter of 8th February. We welcome the Bank’s attempt to help in the solution of this problem and, as suggested in your letter, we are prepared to accept generally the principles governing the Bank proposals as the basis of agreement.

2. Our delegation in the Indus Basin Working Party* will formally indicate our attitude to the Bank proposals. The actual agreement, which will be worked out with the assistance of the Bank authorities, will naturally deal with a number of details including the question of the small requirement of Jammu and Kashmir**.

3. If Pakistan also agrees to accept the general principles governing the Bank proposals as the basis of agreement, we can go on to the next stage of considering details with the assistance of the Bank which you have so kindly offered.


** Regarding the Jhelum, the Bank proposal had provided for continued enjoyment by India of the uses already developed but no provision was made for any new irrigation development from this river in Indian territory. The proposal denied India the right to tap the Chenab in her territory as India was planning to withdraw waters of Chenab at Marhu and Meral.
2448. Note from Ministry of External Affairs to High Commission for Pakistan in India.

New Delhi, May 10, 1954.

No. P-III/54/2821/2

May 10, 1954

The Ministry of External Affairs present their compliments to the High Commission for Pakistan in India and have the honour to state as follows:

2. In their Note No. F.6(1)-Pak.III./51, dated the 18th September 1951, to the High Commission, the Government of India expressed “the opinion that during the three years and more that have elapsed since the agreement of 4th May, 1948, there has been a reasonable time for the Government of Pakistan to tap alternative sources and that time has therefore come for a gradual diminution of the water to be supplied by India”. The Government of Pakistan were also requested to “furnish them with the detailed and technical information with a view to laying down a programme for the progressive reduction in the supplies” and to “communicate their own suggestions regarding the stages in this programme and the reduction to be effected at each stage”. Since this Note was sent, another two and a half years have elapsed, but no reply has been furnished to these specific questions, presumably because in the meantime a Working Party had been set up, with the good offices of the International Bank for Reconstruction and Development, to prepare a comprehensive long-range plan for the most effective utilization of the water resources of the Indus Basin.

3. When the Working Party was set up it was anticipated that with due cooperation from all sides it would not take very long to reach agreement. In any case it was not anticipated that the negotiations would continue beyond spring 1954, the scheduled date for opening the Bhakra Canals in India. Unfortunately this expectation has not materialised. However, on February 5 this year, a Proposal for the Development and Use of the Indus Basin Waters was put forward, on behalf of the Bank for acceptance by both sides as the basis of agreement. One of the principles of the Bank Proposal is the provision of a transition period during which the supplies to Pakistan canals, now being given from the 'eastern' rivers in India, are to be progressively diminished according to an agreed schedule and finally discontinued.

4. Although, according to the Bank Proposal, India was called upon to make extremely heavy sacrifices which would constitute serious blow to the economic development of the Indian part of the Indus Basin, the Government of India decided to accept the principles of the Bank Proposal in the spirit of goodwill and friendship that has guided them ever since the beginning of this controversy. In his letter of acceptance, dated March 25, 1954, the Indian Designee referred
inter alia to a number of new projects in both countries which were nearing completion and suggested that in case it should unfortunately not be possible to reach in due time a final agreement, it would be desirable to reach an ad hoc agreement about the operation of such works of immediate urgency. The Government of Pakistan have so far neither indicated their acceptance of the Bank Proposal, nor entered into negotiations for this ad hoc agreement.

5. The Government of India understand that the Bambanwala-Bedian Link in Pakistan was completed over two years ago but has not yet been opened. If it had been duly brought into operation, it would have been possible for the Government of India to increase supplies to a number of new channels on the Upper Bari Doab Canal which have so far been given only restricted supplies in view of the understanding indicated in Mr. Black’s letter of March 13, 1952, even though the area served by these new channels is badly in need of increased supplies. India is, therefore, making a great sacrifice in order to fulfill to the utmost the engagement undertaken when establishing the Indus Basin Working Party. The Government of India trust that it will be possible to give relief to this area, at an early date, as an integral part of the transition arrangements to be provided for in the agreement to be negotiated under the Bank Proposal or, if necessary, in an ad hoc agreement referred to in paragraph 4 above.

6. The Government of Pakistan have recognized the natural anxiety in India “to discharge the obligation to develop areas where water is scarce” and are certainly aware of the great urgency and importance that the Government of India have always attached to the opening of the Bhakra Canals, as soon as possible, with a view to relieve distress in the scarcity areas of North West India. This position was explained by the Prime Minister of India to the Prime Minister of Pakistan in the summer of 1953 and has been mentioned more than once in the meetings of the Indus Basin Working Party. The Government of India have learnt that the Balloki-Suleimanke Link in Pakistan has been opened on April 2, 1954. This makes it possible to open also the Bhakra Canals without interfering with Pakistan’s existing uses. The Government of India understand that the supplies that can be delivered, during 1954, by the Balloki-Suleimanke Link to the Sutlej Valley Canals will adequately replace what these canals got from the Sutlej waters. The Government of India have therefore decided to open the Bhakra Canals in June 1954.

7. This intimation is being sent in order to enable the Government of Pakistan to suitably adjust the use of the waters of the new link on their Sutlej Valley canals for replacement of supplies to be withdrawn by the Bhakra Canals. This arrangement will have to be incorporated in the final agreement under the Bank Proposal as one of the first steps of the transition regulations. Since it
might take some time to work out the details of the transition arrangements to be provided for in the agreement to be negotiated under the Bank Proposal, the Government of India would prefer that the operation of the Balloki-Suleimanke Link in Pakistan and of the Bhakra Canals in India, as indicated above, during 1954, should be covered by the *ad hoc* agreement already mentioned. The Government of India hope that this *ad hoc* agreement can be urgently concluded within the next few weeks.

8. The Ministry take the opportunity to renew to the High Commission the assurances of their highest consideration.

High Commission for Pakistan
New Delhi

2449. Letter from Pakistan Prime Minister Mohammad Ali to President of the World Bank Mr. Eugene Black.


Dear Mr. Black,

Since receiving your letter of February 8th we have studied carefully your recommendations and the effect of a division of supplies as proposed by the Bank Representative in the light of factual data available to us. We have also, as you know, obtained an independent appraisal of the proposal by Mr. Royce J. Tipton of Denver, Colorado, a Consulting Engineer, recommended to our Government as one of the most competent and experienced in United States in matters dealing with effective utilization of irrigation supplies and their equitable apportionment between States and nations. You have, I am sure, studied the draft of his report which Mr. Tipton’s associate left with the Bank Representative and undertook to go over with him. Mr. Tipton’s study is based on certain approximations as explained verbally by the Pakistan Engineer Designee to the Bank Representative. More refined studies would indicate shortages of a more serious nature.

2. I share your views as to the vital importance of reaching an agreement settling this dispute over the water supplies of the Indus basin. In my view the best hope of reaching an agreement is through the participation of the International Bank and I share your opinion that negotiation for an agreement while involving
continuance of Working Party calls for participation by management of Bank and statesmen representing two sides.

3. The Bank proposal sets forth certain principles which Bank accepts and implies, we should accept as a basis for further negotiations. The division of supplies to meet essential test of fairness must assure that existing uses are protected from disturbance and that surplus supplies including those that may be developed are allocated in accordance with the principle of equitable apportionment. In working this out, water resources should be applied so as most effectively to promote development. The shift of large masses of population (across the border), who now need irrigated land, should be realistically taken into account. The cost of new works should be borne by the two countries according to new benefits. Until new works are completed in accordance with an agreed schedule the withdrawals should continue according to historic disbursement. The Government of Pakistan are in accord with these principles. They regret to note, however, that the Bank’s proposal as regards the division of supplies does not in fact meet the test of fairness laid down by the Bank and unless necessary adjustments are made my Government will not be able to accept it. They are accordingly instructing their representatives to work out with the assistance of the Bank an agreement which gives effect to the principles enunciated by the Bank which I have endeavoured to set out above.

4. The Bank proposal also states that “It is desirable so far as practicable to avoid control of supplies by India over waters on which Pakistan will be dependent.” I must say that I have been gravely perturbed by application of this concept suggested by the Bank Representative. I cannot understand how it is practicable under a plan that meets the test of fairness to cut off supplies which Pakistan has traditionally received from Eastern rivers. After the proposal of Bank Representative was made, our Engineers sought to work out with him the effect of division of supplies which he suggested. It became clear as Tipton Report independently demonstrates and, as I believe, Bank Management must now appreciate that it is neither practicable, nor equitable to cut off Pakistan’s historic supplies from Eastern rivers. The Government of Pakistan cannot visualise with equanimity the possibility of the implementation of a plan which would affect its vital interests adversely for all time to come. Adjustments in this regard will also therefore, be necessary if the proposed plan is to meet the test of fairness.

5. With these adjustments and other necessary changes within the framework of the principles stated in the proposal I remain confident that an agreement can be worked out which meets the test of fairness and will be acceptable to Pakistan. It is imperative that such an agreement be achieved.

6. I was gratified to have renewed assurance of your continued appreciation of the importance of reaching a fair settlement of the Indus basin water dispute
and of continued willingness of the Bank to participate in the cooperative work
of reaching and carrying out an agreement along the lines of Lilienthal proposal.
I am accordingly sending our representatives to Washington to work
cooperatively on a treaty that will achieve the results visualised.

7. I need hardly add that, as stated in your letter of March 13, 1952, the
legal rights of the two sides will continue unaffected except as may hereafter
be agreed under a treaty. Rights so vital to a country as are the rights of Pakistan
to its share of common water supplies cannot be impaired except by a treaty
duly ratified.

I remain,

Yours sincerely,

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2450.  

SECRET

Telegram from Indian Embassy in the United States to
Ministry of External Affairs.


From : Indembassy, Washington
To : Foreign, New Delhi.
No. 249 May 22, 1954

Nandaji from Khosla.

Following is text of memorandum by Bank handed to Pakistan Ambassador
today.

Begins.

1. The management of the Bank has carefully studied the message from
the Prime Minister of Pakistan to Mr. BLACK which was enclosed with a note
dated 14th May, 1954, from the Ambassador of Pakistan to Mr. BLACK (F.24/
54/60). The message does not differ from the draft which the Bank had
previously been given an opportunity to examine.

2. When the Bank management first saw the draft message, they advised
representatives of the Government of Pakistan that, in their opinion, the draft did not constitute an acceptance even in principle of the Bank proposal, and thus did not offer any prospect of carrying forward the work of the Working Party. They had in mind particularly the sentence in para 3 reading as follows:

“They regret to note, however, that the Bank’s proposal as regards the division of supplies does not in fact meet the test of fairness laid down by the Bank and unless necessary adjustments are made my Government will not be able to accept it.”; and also the following sentence in para 4: “It became clear as the Tipton Report independently demonstrated and as I believe the Bank management must now appreciate, that it is neither practicable, nor equitable to cut off Pakistan’s historic supplies from the Easter rivers. The Government of Pakistan cannot visualise with equanimity the possibility of implementing a plan which would affect its vital interests adversely for all time to come. Adjustments in this regard will also therefore be necessary if the proposed plan is to meet the test of fairness.”

The Bank management also took exception to the phrase in the above-quoted passage in para 4- “As I believe the management must now appreciate” - on the grounds that the phrase attributed to the Bank views which the Bank did not share. The management also mentioned that there were certain other points on which clarification was desirable, but regarded them as of minor importance in the context of the impression created by the passages quoted above.

3. The conversations that took place with the representatives of Pakistan concerning the meaning of the text of the draft message did not remove the impression created by the message itself that it amounted to a rejection of the Bank proposal. The representatives of Pakistan were so informed and were also advised that, in the Bank’s opinion, the Indian representatives would consider the draft message to be a rejection of the Bank proposal, and that its presentation would endanger the continuation of the joint discussions.

4. The management’s study of the message since its official delivery has not led to any change of these views of the management. The management are still unable to perceive that the message constitutes an acceptance of the Bank proposal in principle, either as a basis for agreement, or even as a basis for further joint discussions. Moreover, as the Bank expected, and is now informed, the Indian designee interprets the message as a virtual rejection of the Bank proposal and is unable to read the message as narrowing materially the area of discussion as it existed two years ago. The Indian designee feels also that, in the absence of clearer terms of reference than appear to be afforded by the message from the Prime Minister of Pakistan, no useful purpose would be served by further joint discussions.
5. In the circumstances, the Bank management must inform the Government of Pakistan that, in their opinion, there is no prospect of progressing with the cooperative work undertaken with the participation of the Bank unless it is possible to obtain clarification of the lines along which future discussions will continue and definition of the terms of reference for such discussions.

6. The management would like to emphasise that, regarding the Bank proposal, it is envisaged that after the transition period, with improved operational methods possible under a system of inter-linked canals, the following requirements in Pakistan would be met from the flow waters of the three western rivers:

(a) historic (pre-partition, actual) withdrawals of all canals;
(b) bringing most of the Sutlej Valley Canals up to allocation; and
(c) meeting the planned annual requirements of Thal (3.6 M.A.F.) and Kotri (9.5 M.A.F.).

In addition there would be a surplus out of the flow of the three Western rivers which the Bank has not attempted to allocate to individual canals or projects, but which could be applied to meet additional uses at Sukkur or Gudu if any. These supplies could be supplemented in due course from storage.

7. The management believes that, if any progress is to be made with the cooperative work, there must be, as a minimum, an understanding that further discussions will proceed on the basis of the Bank proposal, taking as a starting point the division of waters there proposed and attempting to work out a plan by which that division of waters would accomplish the irrigation uses envisaged in the proposal as mentioned above.

8. It would be implicit in such an understanding that if, in the process of preparing a definitive agreement, it became clear that with the proposed division of waters, a plan could not be worked out which would provide Pakistan with the irrigation uses which the Bank proposal envisages, then the Bank would be prepared to continue to use its good offices to bring about adjustments acceptable to both sides.

9. The management therefore, earnestly requests that the Government of Pakistan should within the next week advise the management of the Bank of their readiness to accept an understanding in the foregoing sense and send to Washington a representative authorised to enter into such an understanding.

10. Meanwhile, the management has advised the Indian designee that Pakistan Representatives will arrive in Washington on 24th May, 1954, to negotiate an ad hoc agreement for the year 1954. Ends.
Above memorandum incorporates my comments orally made to Bank and conclusion “nominally signalled” reached by Bank after prolonged discussions with us from 17th to 20th May. Bank memorandum puts onus for eventual breakdown of negotiations unequivocally on Pakistan. This definitely creates a more favourable position for India.

If within one week Pakistan does not respond to Bank’s appeal, it would thereby break up Working Party and India would regain freedom of action whilst retaining advantageous situation created by Bank proposal. If Pakistan accepted Bank appeal this would imply acceptance of Bank proposal by Pakistan as basis of further discussions thereby radically changing situation envisaged in SIVASANKAR’s telegram No. 79045, 20th May.

SUD and JAINI leaving next week. SAHNI leaving soon after. I shall await developments of next week and leave in any case by 10th June. Roorkee University may be informed accordingly. In view of possible change in situation described above question of return of BERBER MALHOTRA, BARKATRAM and BHIMSEN will require reconsideration after expiry of one week in which Pakistan must intimate its final decision.

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* Gulzari Lal Nanda was Minister of Irrigation and Power and A.N. Khosal was Indian Designee to the Indus Basin Working Party.
Letter from Pakistan Ambassador to the U.S.A. to the President of the World Bank, regarding Government of India’s Note No.P.III/54/2821/2, dated the 10th May, 1954.

No. F. 24/54/76

May 28, 1954

Dear Mr. Black,

On May 11, 1954, the International Bank made available and transmitted to my Government copy of a letter from Prime Minister Nehru delivered to Bank on May 10th. The letter dealt with a request previously made through the International Bank for negotiation of an ad hoc agreement with respect to operation of certain works described as of immediate urgency. Previously I had passed on to my Government suggestions from the Bank that a representative be sent to discuss such an agreement and had conveyed to Bank the information that a representative of Pakistan was being sent to Washington to carry on such discussions through the good offices of the Bank.

2. On May 10th Government of India handed to High Commissioner in New Delhi a note parallel in substance to Prime Minister's letter to you. A copy of that note is enclosed. In order that talks about ad hoc arrangements may not be obstructed by misunderstandings which might arise from certain statements in Indian communications my Government have instructed me to make clear their position in this regard.

3. The Pakistan Representative is coming to carry on discussion under Lillienthal proposal and your letters to Prime Ministers of September 6th and November 8th, 1951 and March 13th, 1952. In other words he will endeavour to continue co-operative work and will continue to expect confirmation by India of Pakistan’s existing uses which the proposal described as starting point and minimum which should be accepted without question. The participation by a representative in discussion requested by India must not be construed or represented as having any other significance. Particularly it must not be construed or represented as indicating Pakistan’s acquiescence in any of the contentions made by India in the past or statements made in Prime Minister Nehru’s letter or Indian note of May 10th.

4. These communications in disregard of your letter of November 8th, 1951, seek to revive past claims made by Government of India in a joint statement issued in May 1948, at the time of reopening by India of Dipalpur and Central Bari Doab Canal systems. These claims were a principal source of difficulties described in Mr. Lillienthal’s article and which the approach he proposed was designed to put at rest. The Government of Pakistan understood when they accepted the suggestions made in your letters mentioned above that so long
as cooperative work continued with the participation of Bank, India had agreed not to complicate constructive approach agreed upon by reviving these past claims. My Government are going forward with discussions for an *ad hoc* agreement and further negotiation for a permanent agreement on the basis that this understanding will be respected.

5. Apart from the agreement not to complicate present negotiations with the revival of past claims it is apparent that any attempt to give to a past *ad hoc* arrangement an effect reaching beyond the common intendment when it was entered into would make difficult a new *ad hoc* arrangement for fear it would later be similarly misused.

6. Indian communications assume various references to proposal of Bank representative put forward on February 5th, 1954. As you know the Government of Pakistan are fully in accord with principles of this proposal referred to by Prime Minister in his communication to you of May 14th, 1954. The Government of Pakistan are prepared to enter into a treaty within framework of these principles and in the first instance to work out an *ad hoc* arrangement to be negotiated as part of overall settlement. The willingness of my Government to enter into negotiation for such an *ad hoc* arrangement, however, must not be taken as implying acceptance of division of supplies suggested by Bank representative which as Prime Minister has indicated is not in accordance with principles accepted by the Bank. No *ad hoc* arrangements can be made before parties have reached agreement on eventual division of supplies if either side sees through that arrangement to pre-determine what eventual division should be.

7. The Indian communications make reference to Bhambanwala-Ravi-Bedian and Balloki-Suleimanki links which have been constructed in Pakistan. My Government agree that these links should be amongst the new works to be included in working out transitional arrangements which may be negotiated as a part of an overall settlement. The Indian communications, however, appear to misconceive the purpose of these links.

8. The Bhambanwala-Ravi-Bedian Link was designed to deliver Chenab supplies now used by Lower Bari Doab Canal to channels of Central Bari Doab Canals in exchange for Ravi supplies (now used in these canals) which would then be passed down Ravi to lower Bari Doab Canal. While this adjustment would not in itself make available additional supplies on Ravi, it would remove a source of friction due to uncertainly in supplies in Central Bari Doab Canals now received from India through a multiplicity of Canals.

9. The Balloki-Sulaimanki link, as you know, was planned prior to partition. One of the purposes of link was to provide additional supplies for Sutlej Valley Canals. Historically supplies available for these canals during critical sowing
and maturing periods have proved to be inadequate. You are aware of near famine conditions which were experienced by areas served by these canals in 1952 and 1953. The link was pressed to completion to ensure that distress of this magnitude would not recur. It was designed to make available such supplies as could be brought through the link from Chenab and Ravi without prejudice to Pakistan’s other requirements. The Pakistan representative cannot ignore obvious needs of Sutlej Valley Canals for increased supplies; nor can it ignore the fact that during 1952-53 the year of greatest distress in Pakistan, the area in India dependent on supplies from Sutlej had one of its best years in terms of food production. The Pakistan Representative while obliged to take foregoing into account will enter into discussions with desire to make available during 1954 through exchange for Bhakra Canals such a portion of supplies transferred through Balloki-Sulemanki link as is consistent with Pakistan’s own requirement.

10. It is assumed of course that an ad-hoc arrangement entered will provide that Government of India will pay a share of operation, maintenance and capital charges of any schemes operated for their benefit proportionate to new benefits they will enjoy and may make provision for exchange of data on river discharges and withdrawals and for joint observation as desired by either side.

11. The communications speak of an Indian decision “to open Bhakra canals in June 1954”. My Government instruct me to point out that any new or increased withdrawals the effect of which is to diminish the supplies traditionally received in Pakistan for existing use would be violation of Pakistan’s rights under International Law, and Statutes, Orders and Awards governing partition as well as agreement confirmed in your letter of March 13th, 1952. My Government request that you use your good offices to prevent any such new withdrawals in anticipation of an agreement that remains to be worked out.

12. My Government are anxious to cooperate in working out such an ad hoc arrangement and a permanent treaty. They regret that a permanent agreement has not long since been reached. They are confident that as soon as both sides are prepared to accept a division of supplies that meets test of fairness enunciated by the Bank, there will be no difficulty in reaching a permanent agreement and transitional or ad hoc arrangements.

Sincerely yours

(Amjad Ali)
Note from High Commission for Pakistan in India to Ministry of External Affairs.

New Delhi, June 5, 1954.

No. F.62 (4) P/53 – 1986

The High Commission for Pakistan in India presents their compliments to the Ministry of External Affairs, Government of India, and, with reference to their Note No. P. III 54/2821/2, dated the 10th May 1954, have the honour to state as follows:

2. Inasmuch as the question of an *ad hoc* arrangement is one aspect of cooperative work now going forward with participation of the International Bank, the Government of Pakistan, consistent with the policy adopted in the past, are communicating their position through the Bank. A copy of this communication is enclosed.

3. The Government of India are aware that any new or increased withdrawals by India, the effect of which is to diminish supplies traditionally received in Pakistan for existing uses, constitute a violation of Pakistan’s rights under International Law and Statutes, Orders and Awards governing partition as well as agreements confirmed in President Black’s letter of March 13th 1952. The Government of Pakistan most earnestly request the Government of India to restrain from making any new or increased withdrawal in anticipation of an agreement that remains to be worked out. As stated, the Government of Pakistan are anxious to co-operate in working out with all possible despatch an *ad hoc* agreement and a permanent treaty settling the water dispute.

4. A copy of a message from the Prime Minister of Pakistan to the President of the International Bank delivered on May 14th, 1954 is also enclosed. It will be noted that while the Government of Pakistan are in accord with the principles of the Bank’s proposal referred to in the letter they do not accept division of waters suggested by the Bank representative in as much as it is not in accordance with the principles accepted by the Bank and implicit in the Lilienthal proposal under which it was agreed to go forward.

5. The High Commission take this opportunity to renew to the Government of India the assurances of their highest consideration.

Ministry of External Affairs
Government of India
New Delhi
2453. Letter from Prime Minister Jawaharlal Nehru to President of the World Bank Eugene R. Black.

New Delhi, June 21, 1954.

Dear Mr. Black,

I refer to your letter of 13th March, 1952, concerning the setting up and functioning of the Indus Basin Working Party and my letter of 15th March, 1952, in which I indicated our readiness to participate in the cooperative work proposed by you for resolving the dispute that had existed for sometime past between India and Pakistan regarding the distribution of the waters of the Indus system of rivers. We were confident at the time that, with the good offices of the Bank, it would not be long before the Working Party would reach agreement on a comprehensive plan for the most effective use of the water resources of the Indus Basin for the greatest good of both countries.

2. The cooperative approach initiated by the Bank enabled the Working Party to collect and study a large mass of engineering data indispensable for the planning, on a functional basis, of the development of the water resources of the Indus system of rivers with its many complicated technical problems. This immense task would never have been accomplished but for the invaluable help and assistance afforded throughout by the Bank Engineers.

3. Notwithstanding this very useful basic work, prolonged efforts to agree on a common approach towards comprehensive planning proved fruitless. At the instance of the Bank representative, both parties, however, agreed to put up plans of their own. These plans showed such basic divergence of concept that it became clear there was no prospect of making any progress towards settlement unless the Bank took some initiative in the matter.

4. In these circumstances the Bank representative put forward on 5th February, 1954, with the full support of the Management of the Bank, a proposal for the consideration of both sides to serve as the basis of an agreement. This proposal was, according to the Bank, “based on concepts of its own which produced a fair and economic result.” At the same time the Bank made it clear that the proposal involved a large element of compromise under which each country would have to forego some of the irrigation uses that it wishes to develop.

5. Although aware that the Bank proposal would not meet some of the essential irrigation requirements of scarcity areas in India and would demand extremely heavy sacrifices from us, we accepted nevertheless, on 25th March 1954, the principles of the Bank proposal as the basis of agreement in the interest of a speedy and constructive settlement and in the spirit of goodwill and friendship that has guided us ever since the beginning of this controversy.
6. Unfortunately Pakistan's reaction to the Bank proposal has been negative. Its reply dated 14th May, 1954, contains a virtual rejection of the Bank proposal. According to the Bank's memorandum to Pakistan dated 21st May, 1954, the Bank was "unable to perceive that the message constituted acceptance of the Bank proposal in principle, either as a basis for agreement, or even as a basis for further joint discussion." Notwithstanding this the Bank in its memorandum made an urgent appeal to Pakistan for a reconsideration of this negative attitude and expressed the belief "that if any progress is to be made with the cooperative work, there must be, as a minimum, an understanding that further discussions will proceed on the basis of the Bank proposal, taking as a starting point the division of waters there proposed......". The Bank Management earnestly requested "that the Government of Pakistan should within the next week advise the Management of the Bank of their readiness to accept an understanding in the foregoing sense...". This appeal, as also the subsequent efforts of the Bank over the last two weeks, has produced no positive result. Under these circumstances there is, as had been stated in the Bank memorandum, no prospect of progressing with the cooperative work undertaken with the participation of the Bank. The persistently negative and uncooperative attitude of Pakistan has, therefore, made impossible the continuation of the talks initiated by you in March, 1952, and Pakistan has thereby voided the understanding under which we have been working for the last two years.

7. I would like to take this opportunity of expressing our high appreciation of the spirit of impartiality and fairness with which the Management and the Engineers of the Bank have approached this delicate problem through the last two years. The Bank proposal in its precision, succinctness and objectivity has definitely proved that, with a practical approach and with readiness on both sides to make sacrifices, it is possible to find a solution of this complicated problem. The Bank proposal will be regarded as an invaluable contribution towards the solution of this long-drawn dispute. I trust that sooner or later the Government of Pakistan will come to realise the benefits of an agreed settlement on the basis of the Bank proposal and the substantial advantages that would accrue to Pakistan therefrom.

8. Notwithstanding the persistently negative attitude of Pakistan which has until now frustrated all attempts at settlement we would be ready to consider arrangements for renewed cooperative work on the basis of the Bank proposal as soon as Pakistan indicates its willingness to you on that basis. I trust that the good offices of the Bank would in that case be available in as helpful and ample a measure as in the last two years.

9. Although, in view of the situation explained in para 6 above we are no longer bound now by the unilateral restriction implied in your letter of 13th
March 1952 under which, *de facto*, India could not undertake any major new developments whilst Pakistan could do so without any restriction, we would be willing to include in the arrangements for renewed cooperative work, referred to in para 8 above, appropriate provisions for the transitional period which would enable developments to proceed in both countries on an agreed schedule as envisaged in the Bank proposal.

Yours sincerely,
Jawaharlal Nehru

2454. Note from Pakistan Ministry of Foreign Affairs to High Commission for India in Pakistan.


No. I (I) 4/2/54 (I) July 10, 1954

The Ministry of Foreign Affairs and Commonwealth Relations present its compliments to the High Commission for India in Pakistan and in continuation of Note No. F.62 (4)P /53-1986, dated 5th June 1954, presented by the High Commission for Pakistan in India, has the honour to state as follows:-

2. The Government of Pakistan have viewed with grave concern the action taken by the Government of India in opening the Bhakra Canal in utter disregard of Pakistan's rights under International Law and Orders, Statutes and Awards governing partition and in flagrant and unilateral violation of the agreement recorded in President Black's letter, dated March 13th, 1952 addressed to the Prime Ministers of Pakistan and India. The Government of Pakistan regret that the Government of India have not seen their way to comply with the earnest request made by them in their Note cited above. At a time when goodwill is most needed in the interests of a peaceful solution of the water dispute to the lasting good of the common man on both sides of the border, it is regretted that by this unilateral action the Government of India have dealt a grievous blow to the co-operative work of the Indus Basin Working Party, constituted with the good offices of the International Bank. This action is all the more surprising when viewed in the perspective that Pakistan had, in anticipation of the overall settlement, expressed her willingness to negotiate an *ad hoc* arrangement and had made a concrete offer in this regard through her delegation at Washington. The Government of Pakistan are constrained to lodge a strong protest against
India’s action and to reserve the right to claim compensation for damage caused to cultivation in Pakistan dependent on the supplies which have been unilaterally withheld by the Government of India for running the Bhakra Canal.

3. The Government of Pakistan would therefore once again earnestly request the Government of India to take steps immediately to restore conditions confirmed in the agreement of 13th March 1952, so that the co-operative work of the Indus Basin Working Party may proceed in an atmosphere of understanding and cordiality. It is obviously in the interest of both India and Pakistan that negotiations in regard to both an overall settlement and transitional arrangements should be brought to a successful conclusion by an early date.

4. In line with the policy of the Government of Pakistan explained in earlier communications on the subject, a copy of this Note is being supplied to be International Bank.

5. The Ministry of Foreign Affairs and Commonwealth Relations avails itself of this opportunity of renewing to the High Commission the assurances of its highest consideration.

High Commission for India
Karachi.

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2455. Extract from Letter from Pakistan Prime Minister Mohammad Ali to Prime Minister Jawaharlal Nehru.

Karachi, July 14, 1954.

Thank you for your letter of April 13. I am sorry I was not able to write to you earlier owing to an unusually heavy pressure of engagements.

* * * * * * * * * *

2. In the meantime, another grave development has taken place. You have opened the Bhakra canals. This has been done while negotiations were still in progress for the settlement of the canal waters dispute with the World Bank and in spite of the undertaking contained in President Black’s letter of March 13th, 1952, that so long as this co-operative work continues with the participation of the Bank neither side will take any action to diminish the supplies available to the other side for existing uses. That undertaking
has been unilaterally repudiated by India and the waters of the Sutlej have been diverted to the newly completed Bhakra–Nangal canals to the serious detriment of supplies to Pakistan. I find this action all the more surprising since we had, at India’s instance and in compliance with the wishes of the World Bank, sent a delegation to Washington to negotiate an *ad hoc* arrangement regarding supplies to the Bhakra canals and had gone to the length of offering in advance to make waters available for the Bhakra canals. We had made this gesture in order not merely to facilitate a constructive settlement of the canal waters dispute but in the hope also that we might thereby help build up a co-operative atmosphere for the settlement of all other Indo-Pakistan disputes. The Bhakra canals have been opened before our two delegations could even take up consideration of *ad hoc* arrangements for these canals.

3. This precipitate action of India’s has made a most unfavourable impression on the people in Pakistan and has struck a grievous blow to the cause of Indo-Pakistan amity which you and I have been labouring to promote. The livelihood of millions in West Pakistan depends on the adequacy of supplies of canal waters. To Pakistan, it is a most vital matter. When these supplies are cut in the fashion you have chosen to do, no amount of professions of Indo-Pakistan friendship and goodwill on your part or mine would I fear carry any conviction with our people.

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Note from Ministry of External Affairs to High Commission for Pakistan in India.

New Delhi, July 31, 1954.

No. P. III/54/28210/2

The Ministry of External Affairs present their compliments to the High Commission for Pakistan in India and with reference to the Note No. F.62(4)P/53-1986, dated 5th June 1954, from the High Commission for Pakistan in India, and the Note No.1(I)/4/2/54(1), dated 10th July 1954, from the Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations, have the honour to state as follows:

2. The Government of Pakistan contend that the Bhakra canals have been opened in violation of Pakistan's alleged rights under International law as well as Orders, Statutes and Awards governing Partition. As the Government of Pakistan are well aware, the Government of India have always repudiated such an interpretation which has no foundation in International Law and Partition Agreement. It has been clearly stated in para 2 of the Ministry's Note, dated 13th June 1951, paras 3 and 4 of the Ministry's Note, dated 18th September 1951, and para 3 of Note No. C-14(II)-IHC, dated 5th May, 1952, from the High Commissioner for India, that the Agreement of 4th May 1948 is the only agreed basis between India and Pakistan concerning the use of waters flowing from India into Pakistan.

3. The Government of Pakistan also contend that by the opening of the Bhakra canals there has been a violation of the Agreement confirmed in the letter, dated March 13, 1952 from Mr. Eugene R. Black, President of the International Bank for Reconstruction & Development. As has been clearly stated in the letter, dated June 21, 1954, from the Prime Minister of India to Mr. Black (a copy of which was supplied by the Bank to the Government of Pakistan), the persistently negative and un-co-operative attitude of Pakistan had made impossible the continuation of the talks initiated by Mr. Black in March 1952 and Pakistan had thereby voided the understanding under which the Working Party had been functioning for the last two years. The co-operative work, as envisaged in Mr. Black's letter of March 13, 1952, had therefore come to an end and consequently the Government of India were no longer bound by the understanding contained in Mr. Black's letter of March 13, 1952, which was operative only during the continuance of that co-operative work.

It may be mentioned here that in accepting, on March 25, 1954, the Bank Proposal made on February 5, 1954, the Indian Designee clearly stated that a number of new projects in both countries were ready to be put into operation within the next
few months and that in case it should, unfortunately, not be possible to reach in
due time a final agreement including the necessary transition arrangements, it
would be desirable, in order to obviate the necessity for unilateral action to reach
an *ad hoc* agreement about such works of immediate urgency the operation of
which could not be delayed any longer. Neither did the Government of Pakistan
find it possible to accept the Bank Proposal including the transition arrangements
nor was it possible to reach agreement on a workable *ad hoc* arrangement. It
was only after having waited patiently for almost five months for a positive
response from the Government of Pakistan that the Government of India had to
draw the inevitable conclusion that the agreement of March 13, 1952 had been
voided by Pakistan.

4. Reference has been made in Note, dated 10th July 1954, from the
Government of Pakistan of their willingness to negotiate an *ad hoc* agreement
and to the concrete offer made in this connection through the Pakistan delegation
in Washington. This presumably refer to letter dated June 10, 1954 sent to the
World Bank on behalf of the Govt. of Pakistan, which was shown to the Indian
Designee. It will be recalled that it was early in April 1954, that the Bank impressed
upon the Pakistan Designee the importance of an early conclusion of such an
*ad hoc* agreement and that in their Note, dated May 10, 1954, the Government
of India reiterated the necessity of opening the Bhakra canals in June 1954. The
proposal contained in the above-mentioned letter of June 10, 1954, was not only
thus unduly delayed but was also so obviously unsatisfactory that it was not
followed up by the Pakistan representatives themselves; the latter, although sent
specially to Washington to negotiate an *ad hoc* agreement, pleaded lack of
information regarding the data for link canals in Pakistan, indispensable for
reaching agreement on the *ad hoc* arrangements and later stated that Pakistan
would not be able to make definite proposals in this connection earlier than 10th
August 1954. The claim that the Government of Pakistan were willing to agree
on an *ad hoc* arrangement is therefore clearly unjustified.

5. The Government of India must also emphatically repudiate the suggestion
that the opening of the Bhakra canals could have in any way affected existing
cultivation in Pakistan. Since the Government of Pakistan had not furnished
the detailed information sought by the Government of India in their Note of
September 18, 1951, regarding a programme for the progressive reduction in
supplies and had not communicated "their own suggestions regarding the stages
in this programme and the reduction to be effected at each stage", and since
they had on April 2, 1954, brought into operation the Balloki-Suleimanke Link,
the Government of India were left with no option but to inform the Government
of Pakistan vide their Note No. P.III/54/2821/2, dated May 10, 1954, of their
intention to open the Bhakra canals and to request the Government of Pakistan
to suitably adjust the use of the waters of the new link on their Sutlej Valley
Canals for replacement of the supplies to be withdrawn by the Bhakra canals" as envisaged in the Agreement of May 4, 1948 (and also implied in the Bank proposal which had been accepted by the Government of India and was then under consideration of the Government of Pakistan). No damage to cultivation in Pakistan can therefore arise as long as the Government of Pakistan comply with their obligations under the Agreement of May 4, 1948; if any damage should arise, it would be due only to the non-fulfilment by the Government of Pakistan of their own contractual obligations. In any case, there is no basis for any 'right' of Pakistan to claim compensation for alleged damage to cultivation.

6. The Government of India are gratified to note that the Government of Pakistan have now stated that it would be in the interest of both countries that negotiations in regard to an overall settlement and the transition arrangements should be brought to a successful conclusion by an early date, and have expressed to the Bank their desire to reach agreement, as soon as possible, on the terms on which future co-operative effort should be undertaken through the good offices of the Bank and on the transitional arrangements during the new phase of such co-operative effort. The Government of India therefore invite the Government of Pakistan to accept at an early date the Bank Proposal which was accepted by the Government of India some months ago even though it involved considerable sacrifice on their part. The Government of India would repeat the assurance given in the letter dated 21st June, 1954, from the Prime Minister of India to Mr. Black regarding their readiness to consider arrangements for a new phase of co-operative work on the basis of the Bank Proposal and to include in these arrangements appropriate provisions for the transition period which would enable developments to proceed in both countries on an agreed schedule as envisaged in the Bank Proposal.

7. As the Government of Pakistan have already sent to the International Bank a copy of their note of the 10th July, 1954, a copy of this note is also being supplied to the Bank.

The Ministry take this opportunity to renew to the High Commission assurances of their highest consideration.

High Commission for Pakistan
New Delhi

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New Delhi, August 19, 1954

Dear Mr. Black,

I thank you for your letter of August 13, 1954, forwarding your proposals for a new phase of cooperative work with the assistance of the Bank.

In my letter of August 8, 1954, I expressed the view that clarification of some points covering the terms of reference should precede the resumption of the negotiations. Nevertheless, in order to afford the maximum assistance to your efforts to resolve this dispute, I am prepared to accept the suggestion now made by you that these clarifications should come about in the actual process of working out the plan. Accordingly, I hereby accept the terms of reference and procedure for the resumption of cooperative work on the basis of the Bank Proposals as contained in Annex A to your letter of August 13, 1954. To avoid any possible misunderstanding, however, regarding the terms of reference as proposed by you, I would like to state that in giving this acceptance, I assume, that the words “feasible means”, used in para 4 of Annex A, refer only to the feasible means, within the framework of the division of waters envisaged in the Bank Proposal, that might be adopted to meet any deficiencies; and that the words “costs involved” in para 5 of Annex A relate only to the cost of replacement works as envisaged in the Bank Proposal, with the uses listed in para 2 of Annex A.

It is of course understood that, as is usual in all such cases, and as had been stated expressly in your letter of November 8, 1951, concerning the former Working Party, the Bank, before selecting its representative and other personnel (para 1 and 6 of Annex A), would ascertain that they would be acceptable to the two Governments.

As regards the transitional arrangements for September and October, 1954, proposed by you in Annex B, they unfortunately do not appear to be fully satisfactory, the supplies available for the Bhakra canals under these arrangements being so small as to have little practical significance. The transfer possibilities indicated by Pakistan in the figures supplied on August 9, 1954, regarding paragraph 1(c) of the Government of Pakistan’s message of 28th July 1954, which apparently form the basis of para 2 of Annex B, do not represent a complete picture. Apart from this, there are a number of other points in connection with Annex B which would appear to need closer examination and discussion. It appears necessary, therefore, that representatives of the Bank should come over to India and Pakistan, as early as possible, to assist in the conclusion of a transitional arrangement for rabi 1954-55 and kharif 1955 be
The Bank, in the main, proposed that: (i) The representatives of India, Pakistan and Bank Would assemble in Washington on 1 October 1954 and prepare, by 30 September 1955, a comprehensive plan, taking as starting point the division of waters envisaged in the Bank's proposal of 5 February 1954 (ii) The plan would aim to accomplish from the flow of water of the three western rivers the following irrigation uses: (a) Historic (pre-partition, actual) withdrawals of all canals in Pakistan and in Jammu and Kashmir State, (b) Bring most of Pakistan Sutlej Valley canals up to allocation: (c) Requirements of Thal and Kotri; and would examine the extent of any surplus available from flow of the western rivers after meeting those uses. (iii) The plan would then examine the extent to which and the manner in which the following additional uses could be met out of any such surplus; the additional requirements of Sukkur and Gudfo, and of the future development in Jammu and Kashmir State; (iv) The plan would outline feasible means that might be developed to meet any deficiencies if the flow supplies of the western rivers were inadequate (v) The planning would include engineering works required, costs involved and sharing thereof, the arrangements for the period of transition and all other pertinent matters; (vi) Each Government would promptly make available to the Bank Representative data and information asked for and give access to irrigated areas and work.

Paragraph one of Annexure B provided that during September and October 1954, India would limit additional irrigation uses in her territory so as not to reduce canal withdrawals in Pakistan; paragraphs two provided: "There will be taken into account, as replacement of supplies available to Pakistan, 70 per cent of the following total: the amount of Ravi supplies which shall actually be received at Balloki plus 1,000 cusecs of Chenab supplies which shall be deemed to be received at Balloki."
Letter from Prime Minister Jawaharlal Nehru to Prime Minister of Pakistan Mohammad Ali.

New Delhi, August 23, 1954.

My dear Prime Minister,

Thank you for your letter of the 14th July which you sent me in answer to my letter of the 13th April 1954. I hope you will forgive me for the delay in replying to it. You have been away from Karachi for a considerable part of this time and I have also been touring and otherwise very much occupied. I would also draw your attention to the letter addressed by me to you dated May 7, 1954, to which I have had no reply yet. This letter dealt with the evacuee property problem.

2. In your letter of the 14th July, you refer to the opening of the Bhakra canal. I need not deal with this matter fully at this stage because I am glad to find that, through the good offices of the World Bank, a further agreement about future negotiations, on the basis of the World Bank proposals, is in sight. But I should like to remove some misunderstanding. You have not been in touch with this matter except lately and I can, therefore, well understand that you are not fully posted with the background. When the President of the World Bank first made his proposal to the then Prime Minister of Pakistan and to me, and we both agreed to it, it was generally understood that the preliminary talks with the World Bank would take about six months or so. In my talks with Mr. Black, this was mentioned as a rough estimate. I made it clear to him that we could not commit ourselves, indefinitely, to the assurance we had given about not diminishing the supply of water. We pointed out particularly that the Bhakra-Nangal project was under construction and would gradually take shape. We were spending vast sums of money on this project and we could not be expected to suspend it or stop its future development. It is true that no period was mentioned in the written assurance that was given.

3. Instead of six months, as anticipated, these talks went on for a year and then for two years. In the course of these talks, our representatives at Washington clearly mentioned that the Bhakra-Nangal scheme was developing and the time was rapidly coming when part of it would be ready and we would require additional water supplies. Early in 1954 this was clearly stated both to the Bank separately and at the joint meetings. Even when the Bank made its final proposal, this was pointed out by us. We were anxious that your representatives should be fully informed of the position. Later we gave formal notice of it when we found that the negotiations through the Bank had come to a standstill because, at that time, you were not prepared to accept the proposals of the Bank, which we had accepted.
4. You will appreciate that any assurance of the kind that was given by us is of an interim character. It could not possibly continue indefinitely regardless of other circumstances. Otherwise, it would be open to one party merely not to take any step and thereby prevent the other from functioning.

5. Further, as a matter of fact, even on the opening of the Bhakra canal and after, we did not reduce the normal supply of irrigation water to Pakistan, and I must confess I fail to understand the reason for the outcry in Pakistan on this subject.

6. Because of this self-denying act on our part, we have lost a whole season to the great disappointment of large numbers of agriculturists who were expecting this water.

7. I need not go into this question any further at this stage. I hope that further talks will take place now on the basis of the acceptance of the Bank proposal by both sides and, separately, an *ad hoc* arrangement will also be arrived at.

8. I should like to remind you of the canal water agreement between India and Pakistan which was arrived at on the 4th May 1948. That agreement was signed, among others, by your present Governor-General and by me. It gave India the right to restrict water supplies provided we gave Pakistan enough time to make other arrangements. In fact, we did not lessen or restrict the supply of water to your canals at any time during these six years. There was some argument about a year ago about some minor restriction, but that was, I think, adequately explained at the time. You will observe that we have tried our utmost during these years to be cooperative in this matter with Pakistan and not to take any step which might cause injury to the agriculturists in Pakistan.

* * * * *

Yours sincerely,

Jawaharlal Nehru

Hon’ble
Mr. Mohammad Ali,
Prime Minister of Pakistan
Karachi

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2459. Letter from Pakistan Prime Minister Mohammad Ali to Prime Minister Jawaharlal Nehru.

Karachi, September 21, 1954.

I thank you for your letter of August 23rd, 1954. I greatly regret the delay that has occurred in my replying to your letter concerning evacuee property. As you know, I have been unusually busy since the receipt of that letter. I hope, however, to send you a reply shortly.

2. In your letter you say that when the President of the World Bank first offered the Bank's good offices to Pakistan and India to settle the canal waters dispute, it was generally understood that preliminary talks would take about six months or so and that when you found that they had taken two years and that there was no agreement over the Bank's recent proposals you felt that the opening of the Bhakra canal could be delayed no longer. You mention that the assurance given by India that she would not take any action to diminish the supplies of waters available to Pakistan for 'existing uses' was of an interim character and could not continue indefinitely regardless of other circumstances. In this connection you also refer to the canal water agreement between India and Pakistan of May 4th, 1948, which according to you, gave India the right to restrict water supplies provided Pakistan was given enough time to make other arrangements.

3. We are not aware of any understandings that you may have had with Mr. Black with regard to the time that preliminary talks and investigations preparatory to a settlement of the canal waters dispute would take. I gather, at any rate that the question of any such time-limit was never raised during discussions that Pakistan's representatives had with the Bank prior to the issue of Mr. Black's letter dated March 13, 1952, which embodies the agreement between the Bank, India and Pakistan, namely, that 'while the co-operative work continues with the participation of the Bank neither side will take any action to diminish the supplies available to the other side for existing uses', and it has never been raised since. When you decided unilaterally to diminish supplies available to Pakistan in order to feed the Bhakra canals, the co-operative work was, according to the understanding of the Bank and of ourselves, still in progress. That we were anxious to go forward with this co-operative work is evidenced further by the fact that we had deputed our Foreign Minister to Washington to discuss with the Bank proposals both for an overall settlement of this dispute as well as for ad hoc arrangements for the supply of water to the Bhakra canal.

4. It is true that the preliminary talks and investigations have taken a long time. You will, however, I hope, appreciate that this delay was not of our making. In fact, the Bank has expressed satisfaction at the fact that Pakistan was losing
no time in going ahead with the works that would facilitate the co-operative effort. It is true also that we knew that the Bhakra - Nagal project was taking shape. But this project was intended to receive its supplies from the Bhakra dam which is still in process of construction. Nevertheless, on receipt of information from the Bank that India intended to draw for the Bhakra canals on the flow supplies of Sutlej, we signified our willingness as early as May 9, to discuss interim arrangements in connection therewith and despatched a delegation to Washington for that purpose. Therefore, I was surprised to learn from press reports that, addressing the Council of States on May 18, you had remarked that India intended to go ahead with the opening of the Bhakra canal in June without waiting for the outcome of Washington talks. On June 11th, we went further in an effort to accommodate Indian demands. Our representative was authorised to make through the Bank an offer on an ad hoc basis of specified supplies for the Bhakra canal even although, as I have stated, these canals were not intended to draw on Sutlej supplies before the completion of the Bhakra dam. This naturally entailed considerable sacrifice on Pakistan’s part, for this offer involved diversion of supplies from our Sutlej Valley canals which had hitherto suffered from chronic shortages. We felt, however, that we must make this offer in order to promote an atmosphere of goodwill and understanding which would help settle not only this dispute but all other Indo-Pakistan disputes as well. The subsequent receipt of your formal notice intimating that India was withdrawing from the co-operative effort and the opening of the Bhakra canals soon thereafter at a time when the Pakistan Delegation was still in Washington ready to negotiate an ad hoc arrangement for the supply of water to that project therefore greatly surprised and distressed me, for in the circumstances it hardly seemed justified.

5. You have claimed that the Indo-Pakistan Agreement of May 4th 1948, gave India the right to restrict water supplies available to Pakistan provided Pakistan was given time enough to make other arrangements. You are doubtless aware of the views repeatedly expressed by my predecessors on the character of that agreement. The agreement was signed under duress. It was signed under the shadow of a national calamity threatened by the sudden stoppage of all supplies of water to Pakistan canals by the East Punjab Government who made resumption of supplies conditional on Pakistan agreeing to renounce all rights to the water. By its very terms, further, this agreement was in the nature only of an interim arrangement. We subsequently terminated it by a formal notice and it has long ceased to be effective.

6. You have expressed surprise that the opening of the Bhakra canal should have resulted in an outcry in Pakistan when according to you the normal supply of irrigation water to Pakistan was not thereby reduced. The facts are that the formal opening of this canal was in fact preceded by a steep fall in supplies
reaching Pakistan. The supplies below Ferozepur in the Sutlej fell from 23,700 cusecs on July 4 to 9,810 cusecs on July 7 - i.e., the day preceding the formal opening of the canal. Never in the past had supplies gone so low at that time of the year. This naturally caused alarm among our people, reminded as they were of what followed the total stoppage of supplies in all canals by India in April 1948. Later the supplies improved as usual in the flood months of July and August.

7. You say that India has not restricted the supply of water to Pakistan canals at any time during the last six years. This is not in accord with my information. Even apart from the restriction of supplies in the drought year 1951-52, which contributed to a serious food shortage in Pakistan, construction of new channels and extension or widening of the existing canals in India to effect increased withdrawals since Partition have been reported in the Indian press itself from time to time. These withdrawals cannot but impose a heavy burden on the supplies available in the Sutlej, the Beas and the Ravi rivers to the detriment of existing uses in Pakistan.

8. However, to me the really important thing now is that we go forward with finding a just solution of this problem without loss of time. I am therefore glad that discussions are in progress with the Bank for the early resumption of cooperative work and I share your hope that they will result in a satisfactory settlement.

* * * * *
4. In your letter you repeat that the Agreement of May 4, 1948, in regard to Canal Waters was signed under duress. A more extraordinary statement I do not remember to have come across at any time. I wrote to you once about this at some length and pointed out that the Agreement was signed by your present Governor—General who, you will agree with me, is not a man to suffer duress. I speak from personal experience of this Agreement, which you do not possess. There was no question of stoppage of water in the event of the Agreement not being signed. In fact, this was never hinted at. It was with the utmost goodwill that the Agreement was discussed and signed. It is not difficult for you to confirm this by reference to your Governor-General and the others who were present there including many Ministers of the Pakistan and the West Punjab Government. It took two years for your Government to discover that the Agreement was signed under duress.

5. This approach to this question of Canal Waters itself indicates how completely divorced it is from reality. I do not wish to discuss the past at any length here because I have dealt with it previously. But, coming to the present, the issue is of the utmost simplicity. The World Bank made some proposals which, in spite of their onerous character, we have accepted. If Pakistan accepts them in the same way without reservation, we lay the foundations of a full agreement for the future. If it does not accept them, then we have to continue to labour in order to find some basis for agreement. But we cannot consider ourselves bound by any arrangement till some agreement is arrived at. We have assured you however, that we shall continue to pay every attention to the needs of West Punjab in this matter in so far as we can. Indeed, we have shown our goodwill in this matter by not adding to ours during the past two or three months even though the Bhakra canals were completed. We did so, not because of any particular subsisting agreement with Pakistan but because we do not wish the farmers of West Punjab to suffer. Our aim throughout has been that we should prevent or at least minimise any suffering to farmers on either side of the border. That was the basis of the Agreement of the 4th May 1948 which you repudiate.

6. I do not wish to say much more in this letter on this subject. I would refer you to my previous letters to you as well as to my letters to Mr. Black, the President of the World Bank. Three years ago, I wrote to Mr. Black on the 25th September 1951. In the course of this letter I stated “we have at present under
construction a big river valley scheme in the East Punjab called the Bhakra-Nangal project. This project will, of course, have to continue. I mention this because the Pakistan Government have sometimes suggested that work on this project should be stopped. For all these years, we had made our position perfectly clear and it has been a matter of the utmost surprise to us that you should continue to raise objections which have no basis in fact.

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New Delhi, December 13, 1954.

The heavy sacrifices India has been called upon to make for resolving the long outstanding Canal Water Dispute with her neighbour Pakistan, are confirmed again in the release issued from Washington by the World Bank. According to the text of the release, an embargo has been placed on the diversion of Chanderbhaga (Chenab) waters which will condemn millions of acres of Rajasthan to remain desert forever.

As compared with the Eastern rivers, Sutlej Ravi and Beas, the Chenab has the predominant characteristic of an earlier rise in supplies from which additional benefit can be derived for the kharif sowings. Deprived of these valuable waters, further development of areas in Rajasthan is bound to be most adversely affected. It is to be noted that less than 3% of Rajasthan's culturable area is served with canal irrigation. The rest of the land is an arid desert where people have utmost difficulty in even obtaining drinking water.

The withdrawals which were contemplated by India from the Chenab were so small that the interest of Pakistan could not have been appreciably affected. For a total of 39.3 million acres of culturable area, Pakistan has been allocated a usable annual inflow of 97 million acres feet whereas India has in her eastern rivers only 22 million acre feet for a total culturable area of 25.6 million acres. Measured by the same yardstick as Pakistan, India's requirements should have been met by allocating further supplies which could only be derived from Western rivers. India's desire to have some flow supply from the Chenab was, therefore, very modest and entirely justified.
Any solution that India may have now to find for Rajasthan, is bound to be difficult and very costly. It is a matter of common knowledge that supplies derived from storage are much more expensive due to cost of dams and appurtenant works as compared with the flow irrigation projects based on diversion weirs and barrages. The unit cost of water to Pakistan for development of her areas, is much less as Pakistan canals are fed with flow supplies. There is thus a great loss to India as not she is deprived of flow waters of the rivers flowing in her own territory but any additional supplies have to be found by expensive storage projects.

The situation is further worsened for India because of the cost of the link canals and other works which India is required to pay to Pakistan. These link channals are required by Pakistan in her territory to replace supplies of the Eastern rivers. India feels that having the right of using waters in her own territory, she is under no obligation to make any such payment to somebody else.

The arrangement is thus going to involve India in heavy financial burden as the new canals in India, under the division of waters envisaged in the Bank Proposal would be much more expensive than if all the waters available to India (including the Chenab) and indispensable for her normal development, could have been utilized therein.

India thus feels that it has to make heavy sacrifices to use her own waters.

Nevertheless India has decided to accept the principles of the Bank Proposal in the Interest of a speedy and constructive settlement. She has offered her goodwill to the maximum in appreciation of the Bank’s services which she believes are motivated by a spirit of impartiality and fairness displayed by the management and engineers of the International Bank in their deliberations during the last 2 1/2 years.

Even though the contribution of the Bank towards the solution of this long drawn dispute is regarded as invaluable, India, consistent with her obligations to her own people, cannot stretch her concessions any further.

It is hoped that Pakistan and the rest of the world will have due appreciation of the heavy sacrifices and concessions made by India with a desire to end the long drawn dispute and to enable each country to go ahead with its programme of development. These sacrifices and concessions by India cannot be justified on any other grounds.
Statement made by Irrigation, Power and Planning Minister Gulzarilal Nanda in Lok Sabha on the India – Pakistan Dispute on the use of Indus Basin Waters.

New Delhi, March 5, 1955.

On 27 August 1954, as the House will recollect, after giving a brief history of the negotiations on the canal water dispute, I referred to the World Bank proposal of 5 February 1954, which India accepted, but which Pakistan did not. At the instance of the Bank discussions were resumed in Washington on 6 December 1954, on the basis of certain new terms of reference. These terms of reference were published on 13 December 1954.

‘The management of the International Bank attach great importance to finding a satisfactory solution of this dispute. When the discussions were resumed in December 1954, it was decided that the Bank group taking part in these discussions should be under the direct guidance of the Bank’s management and that Mr. W.A.B. Iliff, Assistant to the President of the Bank, should represent the management as the day-to-day head of the Bank team. The rest of the Bank group includes Messrs. Wheeler, Bashore and Bass who have been participating in this work on behalf of the Bank since the beginning. As the new phase of the work involved detailed planning, it was necessary for the Bank to add to its staff a certain number of new engineers.

There is no question of going over the entire ground afresh or re-opening all the intricate issues. The terms of reference are quite clear, and the starting point of the new negotiations remains as before the division of waters originally proposed by the Bank on 5 February 1954. The field trip has become necessary partly to enable the new officers of the Bank to acquaint themselves with the Indus Basin and partly to examine at site some of the specific problems which have arisen in the preparation of a comprehensive plan under the Bank proposal. It is not correct to say that the Bank Mission has no personal knowledge of the problems of the Indus Basin. Messrs. Iliff, Wheeler and Bengston - three members of the Mission - have been associated with the negotiations from the very beginning.

The Government of India are hopeful that with the deep interest evinced by the World Bank and the determination of both sides to resolve the dispute, a satisfactory settlement would be reached.

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Whereas representatives of India and of Pakistan, together with representatives of the International Bank, are engaged in the preparation of a comprehensive plan for the irrigation use of the waters of the Indus System of rivers, and,

Whereas it is considered desirable that ad hoc transitional arrangements should be made for the period 1st April to 30th September, 1955.

Now therefore, the Government of India and the Government of Pakistan agree as follows:

1. Except as provided in paragraphs 2 and 3 below, India agrees to limit canal withdrawals in Indian territory in each 10-day period during the months of June and September 1955, and in the first 10-day period of July, to the equivalent of the following:
   (a) 10,250 cusecs during June and the first 10-day period of July, and 10,500 cusecs during September, from the Sutlej, as at Rupar, plus
   (b) 5,500 cusecs from the Sutlej and Beas combined as at Ferozepore, provided that the withdrawal from the Beas component does not exceed 16% of that component, plus
   (c) Any Ravi supplies transferred to the Beas and received at Ferozepore.

2. In addition to the withdrawals that India would be entitled to make under paragraph 1 above, India may make further withdrawals equivalent to amounts related to Pakistan’s ability to replace. These amounts be ten-day periods, shall be the aggregate of (a) and (b) below:
   (a) 80% of the equivalent (at Ferozepore) of any Ravi supplies escaped below Madhopur, and
   (b) The following ad hoc amounts:

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3. In addition to the withdrawals that India would be entitled to make under paragraphs 1 and 2 above, India may make further withdrawals to the extent and in the circumstances specified below:
(a) When in any 10-day period the supplies at Ferozepore below (including withdrawals by the Dipalpur Canal), plus the amounts specified in paragraph 2 above, exceed the amounts set out below, India may withdraw the equivalent of 50% of the excess and will allow the balance to escape below Ferozepore.

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<th>Period</th>
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<tr>
<td>June 1-10</td>
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<td>July 1-10</td>
<td>30,000 cusecs</td>
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<td>Sept. 1-10</td>
<td>28,000 cusecs</td>
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<td>Sept. 11-20</td>
<td>25,000 cusecs</td>
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<tr>
<td>Sept. 21-30</td>
<td>19,000 cusecs</td>
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(b) When there is an escape below Islam, India may withdraw amounts equivalent to the amount of these escapage.

(c) There shall be no restriction on Indian withdrawals:

(i) Between July 11 and August 31, 1955, or

(ii) when, during any 10-day period, the supply at Ferozepore below (including withdrawals by the Dipalpur Canal), plus the amounts specified in paragraph 2 above, exceed 35,000 cusecs in June or in the first 10-day period of July, and 30,000 cusecs in September.

4. The corrections to be applied for time-lag, gains and losses shall be as set out in Annex I to this Agreement.

5. India will continue to supply the existing withdrawals of Central Bari Doab Canals as hitherto.

6. An attempt will be made to balance water accounts by ten-day periods, but any excess or deficit in Indian withdrawals in any ten-day period will be carried over to the next ten-day period for adjustment.

7. The Governments of India and Pakistan will each nominate a Special Commissioner, who shall be charged with the responsibility of supervising, in India and in Pakistan respectively, the implementation of this Agreement. Each Government may, if it so desires, appoint a Deputy Special Commissioner to assist the Special Commissioner.
(ii) The two Commissioners will consult with each other, on the request of either, and each Commissioner will furnish to the Commissioner of the other Government the data specified in Annex II to this Agreement. On the request of the Commissioner of the other Government, each Government will afford to the Commissioner of the other Government, or his Deputy, all reasonable access to the irrigation works concerned.

(iii) In the event of any serious damage to irrigation works arising from causes beyond the control of the Government of Pakistan, which would have the effect of diminishing the supplies in the Balloki-Suleimange Link, there shall be consultation between the Special Commissioners as to whether or not any modification should be made in the terms of paragraph 2 of this Agreement on account of such an emergency, and also with regard to the steps to be taken to restore the position to normal. In the event of such an emergency, the use of the B-R-B Link will be considered by the Special Commissioners.

(iv) In the event of any dispute arising with respect to the implementation of this Agreement, which cannot be resolved by discussion between the Special Commissioners, the matter will be referred to the representatives of the two Governments (on the Indus Water Talks in Washington) either of whom may, if he considers it necessary, enlist the good offices of the International Bank.

8. This Agreement will be without prejudice to any rights or claims of either Government, and will imply no commitments other than those specified herein for the period covered by the Agreement.

9. This agreement applies to the period April 1, 1955 to September 30, 1955. For the period April 1, 1955 to May 31, 1955, the amounts actually withdrawn by India are accepted for the purposes of this Agreement on an ad hoc basis.

Done at Washington, D.C., this 21st day of June, 1955, in three counterparts, of which one shall be retained by each of the parties to this Agreement and the third deposited in the archives of the International Bank for Reconstruction and Development.

FOR THE GOVERNMENT OF INDIA FOR THE GOVERNMENT OF PAKISTAN

( N.D. Gulhati ) (G. Moeenuddin)
Joint Secretary to the Officer on Special Duty
Government of India Ministry of Industries
Ministry of Irrigation and Power

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New Delhi, June 23, 1955.

The Government of India and the Government of Pakistan, with the good offices of the International Bank of Reconstruction and Development, have entered into an Inter-Governmental Agreement which was signed in Washington D.C., on 21 June 1955 by the leaders of the Indian and the Pakistan delegations now in Washington. The two delegations are engaged in the preparation of a comprehensive plan for the irrigation use of the waters of the Indus system of rivers. The Inter-Government Agreement makes provision for ad hoc transitional arrangements for the period 1 April to 30 September 1955, and, after taking into account Pakistan’s ability to transfer water in replacement from the western rivers, establishes agreed ad hoc amounts for additional canal withdrawals by India from the three eastern rivers (Ravi, Beas and Sutlej) during the period covered by the Agreement.

The conclusion of this Agreement enables the Indian and Pakistani delegations to continue to work, with the participation of the International Bank, on the preparation of the comprehensive plan, in an atmosphere of co-operation and goodwill.

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2465. Agreement between the Governments of India and Pakistan on *ad hoc* Transitional Arrangement for the use of the Waters of the Indus System of Rivers.


WHEREAS representatives of India and Pakistan, together with representatives of the International Bank, are engaged in the preparation of a comprehensive plan for the irrigation use of the waters of the Indus system of rivers, and

WHEREAS by agreement dated June 21, 1955, the Government of India and the Government of Pakistan agreed upon *ad hoc* transition arrangements for the period April 1, 1955, to September 30, 1955, and

WHEREAS it is considered desirable that *ad hoc* transitional arrangements should be made for the period October 1, 1955, to March 31, 1956,

Now THEREFORE, the Government of India and the Government of Pakistan agree as follows:

1. Except as provided in paragraphs 2 and 3 below, India agrees to limit canal withdrawals in Indian territory in each water accounting period specified in paragraph 6 of this Agreement to the equivalent of the following:

   (a) 10,000 cusecs from the Sutlej, as at Rupar, plus

   (b) 5,100 cusecs during the first 15 days of October, 3,500 cusecs during the next 16 days of October and 2,720 cusecs thereafter from the Sutlej and Beas combined, as at Ferozepur, provided that the withdrawal from the Beas component corrected for gains and losses between Ferozepore and Islam does not exceed 16% of that component, as so corrected, up to and including October 15, 1955, or 21% thereafter, plus

   (c) Any Ravi supplies (after having given effect to paragraph 5 of this Agreement) transferred to the Beas and received at Ferozepore.

2. In addition to the withdrawals that India would be entitled to make under paragraph 1 above, India may make further withdrawals equivalent to amounts related to Pakistan’s ability to replace. These amounts for the first 15 days of October shall be the aggregate of (a) and (b) below:

   (a) 80% of any Ravi supplies escaped below Madhopur, and

   (b) an ad hoc amount of 500 cusecs in view of the expected good supplies in 1955. These amounts for the period thereafter shall be such amounts, if any, as may be agreed upon between the Special Commissioners.
3. In addition to the withdrawals that India would be entitled to make under paragraphs 1 and 2 above, India may make further withdrawals to the extent and in the circumstances specified below:

(a) When the supplies at Ferozepore below (including withdrawals by Dipalpur Canal) plus the amounts specified in paragraph 2 above exceed 13,000 cusecs during October 1-10 and 9,500 cusecs during October 11-15, India may withdraw 50% of the excess and will allow the balance to escape below Ferozepore.

(b) When there is an escape below Islam (except during the annual closure at Islam headworks) India may withdraw amounts equivalent to the amount of the escapage.

(c) There shall be no restriction on Indian withdrawals from the Sutlej and Beas when, during any water accounting period specified in paragraph 6 of this Agreement, the supply at Ferozepore below, corrected for gains and losses between Ferozepore and Islam, including withdrawals of Dipalpur Canal, plus the amounts specified in paragraph 2 above, exceeds 25,000 cusecs during the first 15 days of October, and 10,000 cusecs thereafter.

4. The water account required under paragraph 6 of the Agreement will be prepared on the basis of identical dates at various points of river supply and canal withdrawals, without any allowance for time-lag, and without any allowance for gains or losses, except for those in the reach from Ferozepore to Islam. For this reach; the gains and losses shall be the actual gains and losses, calculated without any allowance for time-lag.

If, at any time between the closure of the Suleimanke Barrage (about the middle of October) and December 25, any supplies are released below Suleimanke, the Special Commissioners will agree on an estimate of the gains which would have accrued in the reach from Suleimanke to Islam but for such release and these estimated gains will be used in the water account instead of the actual gains or losses but not beyond December 25. This provision will not apply if the release is made when the supply reaching Suleimanke is in excess of 6,000 cusecs or when the supply reaching Islam falls below 350 cusecs, in which event the actual gains or losses will be adopted for purposes of the water account.

5. India will continue to supply the existing withdrawals of Central Bari Doab Canal as hitherto.

6. An attempt will be made to balance water-accounts by ten-day periods (except for the period October 11 to October 20 when the water account will be
balanced by five-day periods), but any excess or deficit in Indian withdrawals in any such period will be carried over to the next period for adjustment.

7.(1) The Governments of India and Pakistan will each nominate a Special Commissioner, who shall be charged with the responsibility of supervising, in India and in Pakistan respectively, the implementation of this Agreement. Each Government may, if it so desires, appoint a Deputy Special Commissioner to assist the Special Commissioner.

(2) The two Commissioners will consult with each other on the request of either, and each Commissioner will furnish to the Commissioner of the other Government the data specified in Annex I to this Agreement. On the request of the Commissioner of the other Government, each Government will afford to the Commissioner of the other Government, or his Deputy, all reasonable access to the irrigation works concerned.

(3) In the event of any dispute arising with respect to the implementation of this Agreement, which cannot be resolved by discussion between the Special Commissioners, the matter will be referred to the representatives of the two Governments (on the Indus Water Talks in Washington) either of whom may, if he considers it necessary, enlist the good offices of the International Bank.

8. This Agreement will be without prejudice to any rights of claims of either Government, and will imply no commitments other than those specified herein for the period covered by the Agreement.

This Agreement applies to the period October 1, 1955, to March 31, 1956.

DONE at Washington, D.C., this 31st day of October, 1955, in three counterparts, of which one shall be retained by each of the parties to this Agreement and the third deposited in the archives of the International Bank for Reconstruction and Development.

For the Government of India For the Government of Pakistan
(Signed) (signed)
(N.D. GULHATI) G. MUEENUDDI
Jt. Secretary to the Govt. of India, Officer- on- Special Duty
Ministry of Irrigation and Power. Ministry of Industries

1. The following data will be exchanged for the period October 1, 1955 to March 31, 1956. This data will be transmitted in duplicate by the Special Commissioners by airmail on a daily basis.
(a) **Data to be furnished by Pakistan**

1. Discharge of River Chenab downstream of Merala.
2. Discharge at head of Upper Chenab Canal.
3. Discharge at tail of Upper Chenab Canal.
5. Discharge of River Ravi at Shahdara.
6. Discharge of Deg Mallah.
7. Discharge of River Ravi upstream of Balloki.
8. Discharge at head of Balloki-Suleimanke Link.
10. Discharge at tail of Balloki-Suleimanke Link.
11. Discharge of River Sutlej upstream of Suleimanke.
12. Discharge of River Sutlej downstream of Suleimanke.
15. Discharge at head of Pakistan Canal.
17. Discharge at head of Fordwah Canal.
18. Discharge at head of Mailsi Canal.
19. Discharge at head of Bahawal Canal.
20. Discharge at head of Qaimpur Canal.
21. Discharge at tail of Montgomery-Pakpattan Link.

(b) **Data to be furnished by India:**

1. Discharge at head of Bhakra Main Line Canal.
2. Discharge at head of Sirhind Canal.
3. Discharge of Bist Doab Canal.
(4) Discharge of River Sutlej downstream of Rupar.
(5) Discharge of River Sutlej at Usarpur.
(6) Discharge of River Beas at Mandi (plain).
(7) Discharge of Western Bein into Beas.
(8) Discharge of Eastern Bein into Sutlej.
(9) Discharge downstream of Harike.
(10) Discharge of Makhu Canal.
(11) Discharge at head of (combined) of Grey Canals.
(12) Discharge at head of Bikaner Canal.
(13) Discharge at head of Eastern Canal.
(14) Discharge at head of Dipalpur Canal.
(15) Discharge of River Sutlej downstream of Ferozepore.
(16) Discharge of River Ravi downstream of Madhopur.
(17) Escapages from Upper Bari Doab Canal into River Ravi.
(18) Discharge at head of Upper Bari Doab Canal, excluding escapages.
(19) Discharge at head of Madhopur-Beas Link.
(20) Escapages from Upper Bari Doab Canal into River Beas.
(21) Discharge at tail of Madhopur-Beas Link.

2. In addition, the following data will be exchanged by telegraph daily between local officers:

(a) **To be furnished by India**:

   (1) Discharge of River Sutlej downstream of Rupar.
   (2) Discharge of River Ravi downstream of Madhopur.
   (3) Discharge at head of Upper Bari Doab Canal
   (4) Discharge of River Sutlej downstream of Ferozepore.
   (5) Discharge of Dipalpur Canal.
(b) To be furnished by Pakistan:
(1) Discharge of River Sutlej downstream of Islam.
(2) Discharge of River Sutlej downstream of Suleimanke.
(3) Discharge of River Ravi downstream of Balloki.
(4) Discharge at head (combined) of all Canals at Suleimanke.
(5) Discharge at head (combined) of all Canals at Islam.
(6) Discharge at tail of Balloki-Suleimanke Link.

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2466. Letter from Prime Minister Jawaharlal Nehru to World Bank President Eugene Black.

New Delhi, March 1, 1956.

Dear Mr. Black,

Thank you for your letter of the 13th February, 1956, with which you have forwarded a note by Mr. Iliff regarding repairs to the damage caused to certain portions of the Firozpur Head-works by the floods in October, 1955.

We have been anxious to repair this damage as rapidly as possible and, in fact, have made repeated attempts to do so since December last. To our surprise and regret, the Pakistan authorities, who stand most to gain by these repairs, have come in the way of work being done. Because of this interference, a situation has been created which might endanger the supply of water from the Firozpur Head-works to the Dipalpur Canal, which supplies water to cultivators in Pakistan. I am enclosing a note with plans to explain the situation.

In accordance with the Radcliffe Award, which demarcated the boundary between India and Pakistan, Bela and nearby land is clearly in Indian territory. Unfortunately Pakistan authorities have progressively encroached on the Indian territory in the region of the Firozpur Head-works. Even so, Bela was not under their occupation. But when earth was being removed by our engineers from Bela for this repair work, Pakistan authorities interfered.

You will appreciate that the Government of India cannot admit the right of any foreign power to interfere with their sovereignty over any part of the territory of
India. The difficulty that has arisen is none of our seeking. We do not want to raise any question in this indirect way. All we want is to carry out the necessary repairs to the Firozpur Headworks so as not to cause any hardship to the Pakistan cultivators who receive water from the Dipalpur Canal. I would have thought that the Pakistan authorities would cooperate with us in this matter in every way.

We have undertaken repairs to the floor of the right pocket, despite the greater labour and heavier cost involved in bringing earth on boats from long distance. While these repairs will ensure reasonable supply to the Dipalpur Canal, there is still a serious risk of the supplies being affected by our inability, owing to Pakistan's interference, to carry out repairs to the Right Divide Wall.

Though valuable time has been lost, we are, even at this late stage, prepared to carry out these repairs provided there is no further interference. We are in fact issuing instructions for the work to be carried out.

I am enclosing in this connection copy of a telegram dated 25th February received by us from the Pakistan Government and our reply to this telegram. The solution of a purely technical problem of repairs, which are vital to the welfare and well-being of Pakistan cultivators, has been unnecessarily complicated by the Pakistan Government making unjustified political claims to Indian territory and interfering through their military pickets with the repair work being done. I can assure you, however, that we shall continue to take all measures that are possible to see that supplies of water to Pakistan cultivators who depend upon the Dipalpur Canal are not unduly affected.

With kind regards,

Yours sincerely,

Jawaharlal Nehru

Editor's Note: During the unprecedented floods in October 1955, the Right Upstream Divide Wall and the upstream floor in the Right Pocket of the Firozpur Head-works were badly damaged. Maintenance of the Head-works was the responsibility of the Government of India. In identical letters to the Prime Minister of India and Pakistan, Black appealed that Governments of both the countries should endeavour to arrive at a mutually satisfactory understanding on the points at issue in order that the necessary repairs proceed without delay.

On 11 January 1956, the Government of India requested the Pakistan Government to issue immediate instructions to the military and other authorities to allow work on the bund to proceed without any interference. In their reply dated 25 February,
the Government of Pakistan, while agreeing to allow the removal of earth up to one million cubic feet from portions of the Bela, said that the balance should be found by India from places in Indian control. Expressing surprise that Pakistan Military should have interfered and any conditions should have been imposed for removal of earth from Indian territory, the Government of India stated in their reply on 1 March that they were nevertheless issuing instructions for work to be started. They further said that if, in spite of their best efforts, adequate supplies of water could still not be passed in the Dipalpur canal at any stage due to incomplete repairs, the responsibility would be entirely that of Pakistan.

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2467. Letter from Commonwealth Secretary Ministry of External Affairs M. J. Desai to Pakistan Foreign Secretary M.S.A. Baig.

New Delhi, April 9, 1956.


To : M.S.A. Baig Esq.,
Foreign Secretary to the Government of Pakistan
Ministry of Foreign Affairs and Commonwealth Relations,
Karachi.

Subject: Payment of Canal Water charges by Pakistan under the Indo-Pakistan Agreement of 4.5.1948

Sir,

I am directed to refer to the Government of India’s Express letter No. F.6(4)-Pak.III/56 dated the 2nd April 1956 on the subject mentioned above and to state as follows:

2. The accumulation of “disputed” charges due for deposit in the Reserve Bank of India, under the Inter-Dominion Agreement of the 4th May, 1948, by the Government of West Pakistan has now reached the figure of Rs. 70,22,705/- for the period 1st July 1950 to 30th June 1956. The Government of India have in the past made it clear to the Government of Pakistan that the unilateral action taken by the Government of Pakistan in 1950 modifying the arrangement for deposit of these amounts was a serious contravention of the 1948 Agreement. The Government of India have, however, in a spirit of goodwill,
continued to fulfill their obligations to supply water to Pakistani canals under the Agreement. I am therefore to request you to move the Government of Pakistan to instruct the Government of West Pakistan to take early action to deposit the sum of Rs. 70,22,705/- in ESCROW in the Reserve Bank of India in accordance with the Agreement of the 4th May 1948 and to make deposits for future quarterly periods from the 1st July 1956 in a similar manner.

3. The sums outstanding from the Government of West Pakistan on account of “undisputed” charges for the period of 1st July 1955 to the 30th June 1956 and on account of certain unilateral deductions made by the Government of West Pakistan from “undisputed” charges in the past now stand at the figure of Rs.47,02,231/ The details are :

(i) Unilateral deductions made by Pakistan in the past on account of India’s share of the maintenance of that portion of the Right Marginal Bund which falls in Pakistani territory under the Radcliffe Award:

(ii) Charges for the quarter July-September 1955 Rs. 9,72,500

(iii) Charges for the quarter October-December 1955 Rs. 4,99,140

(iv) Charges for the quarter January-March 1956 Rs. 18,83,700

(v) Charges for the quarter April-June 1956 Rs. 9,70,330

Total : Rs. 47,02,231

4. The Government of Pakistan in their letter No.1(I)/4/55 dated the 29th December 1955 and No.1(I)/4/56 dated the 29th February 1956 intimated that the Government of West Pakistan has been instructed to remit to the Government of the Punjab the undisputed charges for the period July-September 1955 and October-December 1955. These charges amounting to Rs. 14,71,640/- have not yet been received by the Government of the Punjab. The Government of India are unable to understand the delay by the Government of West Pakistan in complying with the instructions of the Government of Pakistan. I am therefore to request you to move the Government of Pakistan to take necessary steps to ensure that the charges for the two period mentioned above are immediately paid by the Government of West Pakistan to the Government of the Punjab.

5. The questions raised by the Government of Pakistan in their letter No. 1(I)/4/56 of the 29th February 1956 regarding the “undisputed” charges for the
quarter January-March 1956 are under examination. Pending this examination, I am to request you to move the Government of Pakistan to arrange for immediate payment of the charges as specified to the Government of the Punjab. Any adjustment that may become necessary as a result of the examination of the questions raised by the Government of Pakistan in their letter of the 29th February mentioned above can be made in subsequent quarters. I am also to request you to move the Government of Pakistan to arrange for payment of the unilateral deductions made in the past by the Government of West Pakistan from the “undisputed” charges and the “undisputed” charges for the period April-June 1956.

Yours faithfully

(M.J. Desai)
Commonwealth Secretary
to the Government of India

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Washington (D.C), September 24, 1956.

Whereas representatives of India and of Pakistan, together with representatives of the International Bank, are engaged in the preparation of a comprehensive plan for the irrigation use of the waters of the Indus system of rivers, and

Whereas by agreements dated June 21, 1955, and October 31, 1955, the Government of India and the Government of Pakistan agreed upon ad hoc transitional arrangement for the period April 1, 1955, to September 30, 1955, and for the period October 1, 1955, to March 1956, and

Whereas it is considered desirable that ad hoc transitional arrangements should be made for the period April 1, 1956, to March 31, 1957,

Now therefore, the Government of India and the Government of Pakistan agree as follows:-

A. For the period April 1 to October 15,
1. Except as provided in paragraphs 2 and 3 below, India agrees to limit canal withdrawals in Indian territory in each water-accounting period specified in paragraph 9 of this Agreement to the equivalent of the following:

(a) 10,250 cusecs from April 1 to July 10, 10,500 cusecs during September, and 10,000 cusecs from October 1 to 15 from the Sutlej, as at Rupar, plus

(b) 3,500 cusecs during April, 4,500 cusecs during May and 5,500 cusecs from June 1 to July 10 and during September and 5,100 cusecs from October 1 to 15 from the Sutlej and Beas combined as at Ferozepore, provided that the withdrawal from the Beas component does not exceed 16% of that component (during the period October 1 to October 15 the Beas component shall be as corrected for gains and losses between Ferozepore and Islam), plus

(c) Any Ravi supplies (after having given effect to paragraph 8 of this Agreement) transferred to the Beas and received at Ferozepore.

2. In addition to the withdrawals that India would be entitled to make under paragraph 1 above, India may make further withdrawals equivalent to amounts related to Pakistan's ability to replace. These amounts by water-accounting periods from April 1 to July 10 and from September 1 to October 15, shall be the aggregate of (a) and (b) below limited to amounts related to the effective capacities of the link canals, such amounts being shown in Column 4 under (b) below:

(a) 80% of the equivalent (at Ferozepore) of any Ravi supplies escaped below Madhopur,

(b) The ad hoc amounts shown in Column 2 below for each water-accounting period,

<table>
<thead>
<tr>
<th>Ferozepore Dates</th>
<th>Ad-hoc Amounts</th>
<th>Limiting Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Col.1)</td>
<td>For India (col.2)</td>
<td>For Pakistan (Col.3)</td>
</tr>
<tr>
<td>April</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>May 1-10</td>
<td>2,200</td>
<td>Nil</td>
</tr>
<tr>
<td>May 11-20</td>
<td>2,300</td>
<td>Nil</td>
</tr>
<tr>
<td>May 21-31</td>
<td>4,700</td>
<td>Nil</td>
</tr>
</tbody>
</table>
June 1-10  4,400  1,100  6,800
    11-20  5,000  1,300  6,800
    21-30  5,600  1,400  6,800
July 1-10   5,800  1,400  6,800
Sept. 1-10  6,200  1,600  6,200
      11-20  6,200  1,600  6,200
      21-30  1,000  Nil   6,400
Oct. 1-10   300   Nil   6,400
    11-15  300   Nil   6,400

(c) If during the last water-accounting period of September and the first fifteen days of October river supplies in Pakistan are sufficiently good to permit the transfer of additional amounts, Pakistan will cause such supplies to be transferred and will through its Special Commissioner notify the Indian Special Commissioner of the amounts which may be made available as additional replacement supplies.

3. In addition to the withdrawals that India would be entitled to make under paragraphs 1 and 2 above, India may make further withdrawals to the extent and in the circumstances specified below:

(a) When in any water-accounting period the supplies at Ferozepore below (including withdrawals by the Dipalpur Canal), plus the aggregate of the amounts specified for India in paragraph 2 above, exceed the amounts set out below, India may withdraw the equivalent of 50% of the excess and will allow the balance to escape below Ferozepore:

<table>
<thead>
<tr>
<th>Period (Ferozepore Dates)</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 1 to 10</td>
<td>7,000 cusecs</td>
</tr>
<tr>
<td>April 11 to 20</td>
<td>7,000 cusecs</td>
</tr>
<tr>
<td>April 21 to 30</td>
<td>8,000 cusecs</td>
</tr>
<tr>
<td>May 1 to 10</td>
<td>8,000 cusecs</td>
</tr>
<tr>
<td>May 11 to 20</td>
<td>11,000 cusecs</td>
</tr>
<tr>
<td>May 21 to 31</td>
<td>13,000 cusecs</td>
</tr>
<tr>
<td>June 1 to 10</td>
<td>16,000 cusecs</td>
</tr>
</tbody>
</table>
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June 11 to 20  19,000 cusecs
June 21 to 30  26,000 cusecs
July 1 to 10   30,000 cusecs
September 1 to 10  28,000 cusecs
September 11 to 20  25,000 cusecs
September 21 to 30  19,000 cusecs
October 1 to 10  13,000 cusecs
October 11 to 15  9,500 cusecs

(b) When there is an escapage below Islam, India may withdraw amounts equivalent to the amount of the escapage.

(c) There shall be no restriction on Indian withdrawals
   (i) between July 11 and August 31, or
   (ii) when, during any water-accounting period, the supply at Ferozepore below (including withdrawals by the Dipalpur Canal), plus the amounts specified in paragraph 2 above, exceeds 35,000 cusecs between April 1 and July 10, 30,000 cusecs in September (without correction for gains and losses), and 25,000 cusecs (corrected for gains and losses between Ferozepore and Islam) during the first 15 days of October.

B. For the period October 16 to March 31:

4. Except as provided in paragraphs 5 and 6 below, India agrees to limit canal withdrawals in Indian territory in each water-accounting period specified in paragraph 9 of this Agreement to the equivalent of the following:
   (a) 10,000 cusecs from the Sutlej, as at Rupar, plus
   (b) 3,500 cusecs during the last 16 days of October and 2,720 cusecs thereafter from the Sutlej and Beas combined, as at Ferozepore, provided that the withdrawal from the Beas component corrected for gains and losses between Ferozepore and Islam does not exceed 21% of that component, as so corrected, plus
   (c) Any Ravi supplies (after having given effect to paragraph 8 of this Agreement) transferred to the Beas and received at Ferozepore.
5. In addition to the withdrawals that India would be entitled to make under paragraph 4 above, India may make further withdrawals equivalent to amounts related to Pakistan’s ability to replace. These amounts shall be such amounts, if any, as may be agreed upon between the Special Commissioners.

6. In addition to the withdrawals that India would be entitled to make under paragraphs 4 and 5 above, India may make further withdrawals to the extent and in the circumstances specified below:

(a) When there is an escapage below Islam (except during the annual closure at Islam head-works) India may withdraw amounts equivalent of the amount of the escapage.

(b) There shall be no restriction on Indian withdrawals from the Sutlej and Beas when, during any water-accounting period specified in paragraph 9 of this Agreement, the supply at Ferozepore below, corrected for gains and losses between Ferozepore and Islam, including withdrawals of Dipalpur Canal, plus the amounts specified in paragraph 5 above, exceeds 10,000 cusecs.

(c) General

7. The water-account required under paragraph 9 of this Agreement will, during the period April 1 to July 10 (Ferozepore dates), be prepared with due allowance for time-lag as set out in annex I to this Agreement. During the period July 11 to March 31 such water-account will be prepared on the basis of identical dates at various points of river supply and canal withdrawals, without any allowance for time-lag. During the period April 1 to September 30, the corrections to be applied for gains and losses shall be as set out in Annex I to this Agreement. During the period October 1 to March 31 there shall be no allowance for gains or losses, except for those in the reach from Ferozepore to Islam. For this reach, the gains and losses shall be the actual gains and losses, calculated without any allowance for time-lag.

If, at any time between the closure of the Suleimanke Barrage (about the middle of October) and December 25, any supplies are released below Suleimanke, the Special Commissioners will agree on an estimate of the gains which would have accrued in the reach from Suleimanke to Islam but for such release and these estimated gains will be used in the water-account instead of the actual gains or losses but not beyond December 25. This provision will not apply if the release is made when the supply reaching Suleimanke is in excess of 6,000 cusecs or when the supply reaching Islam falls below 350 cusecs, in which event the actual gains or losses will be adopted for purposes of the water-account.
8. India will continue to supply the existing withdrawals of Central Bari Doab Canal as hitherto.

9. Each calendar month will be divided into three periods (1st to 10th, 11th to 20th and 21st to the end of the month) for the purposes of the water-account, except October which will be divided into four periods (1st to 10th, 11th to 15th, 16th to 20th and 21st to 31st). An attempt will be made to balance the water-account for each of the periods specified above but any excess or deficit in Indian withdrawals in any such period will be carried over to the next period for adjustment.

10. (1) The Governments of India and Pakistan will each nominate a Special Commissioner, who shall be charged with responsibility of supervising, in India and in Pakistan respectively, the implementation of this Agreement. Each government may, if it so desires, appoint a Deputy Special Commissioner to assist the Special Commissioner.

(2) The two Commissioners will consult with each other, on the request of either, and each Commissioner will furnish to the Commissioner of the other Government the data specified in Annex II to this Agreement. On the request of the Commissioner of the other Government, each Government will afford to the Commissioner of the other Government, or his Deputy, all reasonable access to the irrigation works concerned.

(3) In the event of any serious damage to irrigation works arising from causes beyond the control of the Government of Pakistan, which would have the effect of diminishing the supplies in the Balloki-Suleimanke Link, there shall be consultation between the Special Commissioners as to whether or not any modification should be made in the terms of paragraph 2 of this Agreement on account of such an emergency, and also with regard to the steps to be taken to restore the position to normal.

(4) In the event of any dispute arising with respect to the implementation of this Agreement, which cannot be resolved by discussion between the Special Commissioners, the matter will be referred to the representatives of the two Governments (participating with the international Bank in the Indus Water Talks) either of whom may, if he considers it necessary, enlist the good offices of the International Bank.

11. This Agreement will be without prejudice to any rights or claims of either Government, and will simply no commitments other than those specified herein for the period covered by the Agreement.

12. This Agreement applies to the period April 1, 1956, to March 31, 1957.
Done at Washington, D.C., this 24th day of September, 1956, in three counterparts, of which one shall be retained by each of the parties to this Agreement and the third deposited in the archives of the International Bank for Reconstruction and Development.

FOR THE GOVERNMENT OF INDIA FOR THE GOVERNMENT OF PAKISTAN

(N.D.Gulhati) (G. Mueenuddin)
Joint Secretary Officer on Special Duty to the Government of India Ministry of Industries
Ministry of Irrigation and Power

2469. Express Letter from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs.

Karachi, January 30, 1957.

Ministry of Foreign Affairs and Commonwealth Relations
Karachi

No. I (I) .4/57 January 30, 1957.

From : Foreign, Karachi
To : Foreign, New Delhi

Reference Correspondence resting with your Letters No. F. 6(4) –P-III/56 dated 2nd and 4th January 1957, regarding demand of the Government of India for the payment of disputed and undisputed charges for the operation in India of Irrigation works for the benefit of Pakistan.

2. It is recognized that when one country calls upon another to build, operate and maintain works for its benefit, it assumes a legal obligation to put the latter in funds to cover the actual cost of construction, operation and maintenance. If the two countries agree to the building, operation and maintenance of these works for their joint benefit, the costs are to be shared on a proportionate basis. When a country calls upon another to devote in parts for its benefit works already built by the latter, the former must pay in addition to the share of the actual cost of operation and maintenance, its share of the annual carrying share of the capital value (or in the alternative, its share of the capital value or capitalized carrying cost). As to this there is no dispute.
3. For almost nine years, Pakistan has in fact paid to India substantial sums representing at least Pakistan’s full share of the operation and maintenance and carrying charges of the capital cost of the works built before Partition for the benefit of the areas now in Pakistan and India. Over the last several years Pakistan has had to operate works in Pakistan in part for the benefit of the areas in India. The amount representing India’s share of the cost is considerably larger than the amount representing Pakistan’s share of the costs of works operated in India in part for Pakistan’s benefit. India has not so far tendered reimbursement of these costs. It has declined to include in the interim agreements, which called upon Pakistan to operate works for India’s benefit, if any provision for reimbursement beyond the provisions that the agreement is without prejudice to Pakistan’s claims. More recently it has, through its Water Delegation in Washington, sought to avoid even a discussion of procedures for providing for reimbursement. Notwithstanding this, the Government of India have repeatedly asked for punctual payment of Pakistan’s share of the cost incurred by India and in addition have demanded of Pakistan to deposit with the Reserve Bank of India additional payments representing charges, which India has recognized are disputed.

4. Since Partition, Pakistan has fulfilled its obligations to pay the undisputed charges claimed by the Government of India. The charges for the quarter beginning July and October 1956 and January 1957 will be paid as soon as the Government of India respond to our request for explanation of the extra-ordinary high charges for the quarter ending January – March 1956 which were paid subject to adjustment. These represent India’s view of Pakistan’s share of the actual cost of operation and maintenance of the Madhopur and Ferozpur head-works and the Upper Bari Doab canals for the joint benefit of India and Pakistan, and the maintenance and operation for the benefit of Pakistan of the 300 yards of the Diplapur Canal under Indian control. Pakistan has done this though the supplies received from these works have fallen often and at times seriously below Pakistan’s share of the carrying charges of the capital value, taken at twice the original cost. Twice the original cost has been accepted as a basis because the Arbitral in arriving at the value as of partition took twice the book value (original cost). The Government of India have, notwithstanding this added two further charges. These are the disputed charges.

5. The first of the disputed charges represents the carrying charges of the capital value of the Madhopur works. This demand is for the difference between undisputed charge (based in twice the book value) and the Indian claim for carrying charge based on four times the book value – twice the value at partition found by the Arbitral Tribunal. The second of the disputed charges is a claim for the so called Seigniorage. The basis for this claim has not been made clear. Certainly no precedent for such a claim has found sanction under
international law. In the opinion of the Government of Pakistan this claim is not granted and is contrary to the holdings of the Arbitral Tribunal and the agreements and orders governing Partition.

6. In 1948 when the supplies were cut off in the canals crossing the newly drawn boundary, the Government of India first declined to restore the flow for Kharif 1948 unless payment was made for the disputed charges. After protest it was stated that the flow could be resumed if the West Punjab Government deposited in the Reserve Bank of India “such ad hoc sum as may be specified by the Prime Minister of India”. Out of this the bank was authorized to pay over to the East Punjab Government only the amount representing “sums over which there is no dispute”. The balance representing the disputed charges was to be held in escrow. The question whether the disputed charges were payable was thus left open for future negotiation, or if negotiation failed, adjudication. It was contemplated on both sides when it was agreed in 1948 to make this one deposit in escrow that the question would be resolved in one way or another before the end of Kharif 1948. Unfortunately, subsequent meetings failed to resolve the differences.

7. Notwithstanding that Pakistan considers the disputed charges to be entirely unwarranted and notwithstanding that there has been no agreement to deposit any disputed charges after the end of Kharif 1948, the Government of Pakistan, as a gesture of goodwill and to promote an atmosphere conducive to a friendly solution, deposited in escrow with the Reserve Bank of India the amounts indicated by the Government of India for Rabi 1948-49, for Kharif 1949, for Rabi 1949-50 and for the first three months of Kharif 1950. Throughout this period attempts were made by Pakistan to resolve the differences by negotiation. All of these met in failure. Every proposal by the Government of Pakistan to resolve the question by impartial and effective adjudication was rejected. On October 8, 1950, the Prime Minister of India admitted that the differences between Pakistan and India regarding the waters of the Indus Basin were a proper subject for adjudication, including, it was presumed, the incidental issue over the disputed charges. He offered to submit the questions for adjudication but the court he proposed was to consist of an even number of judges from Pakistan and India. He refused Pakistan’s request to make the adjudication impartial and effective by adding a neutral Chairman. He also refused to agree if the court with an even number of judges reached a deadlock, the matter would automatically go to an impartial and effective court. He agreed only to agree later on a “special agency” that could be mutually agreeable—in other words, he agreed only to resume the negotiations that had failed.

8. Pakistan maintains that a deposit made in escrow carries with it an obligation on the part of claimants to the deposit to take part in proceedings for an impartial
and effective adjudication of their rights within a reasonable time following failure to resolve the differences by negotiation. The Government of India having failed to comply with this obligation, the Government of Pakistan by telegram No. 4956, dated November 6, 1950 informed the Government of India that the next deposits of disputed charges would be under an escrow arrangement that assured to each side prompt means of asserting its rights by impartial and effective adjudication. The telegram reads in part as follows:

“…Government of Pakistan has today established with the State Bank of Pakistan an irrevocable credit in amount of 15 laks rupees (Indian) in favour of Escrow Trust Company, New York City to be held by it as Escrow agent. This amount is believed to be ample to cover all disputed canal water claims for the year ending June 30th 1951. If the Indian claims are larger than this amount, Government of Pakistan would appreciate being informed.”

The telegram described the agreement reached with the escrow agent to pay over to the Government of India such portion of the credit as was necessary

“…to satisfy any judgment of International Court of Justice, or of any other International Tribunal agreed to between India and Pakistan and handed down in proceedings certified to ESCROW agent to have been begun not later than June 30th 1951 for recovery of charges claimed by Government of India to be owning as “SEIGNORAGE” for water received by Pakistan during the year beginning with July 1st 1950 through Central Bari Doab canals, DIPALPUR canal and Bahawalpur State distributary of Eastern Gray Canal, or as carrying charges during that year for MADHOPUR Headworks and carrier channels in excess of amounts shown to have been previously paid.”

The Government of India failed to take advantage of the opportunity to establish the correctness of their claim and to collect the amount, if any, due to them.

9. The deposit made covered the year July1, 1950 to June 30, 1951. The Government of India, according to their note of December 16, 1950 found they were “entirely unable to agree or associate themselves, in any way”, with such an effective escrow arrangement. They persisted in demanding that the amounts of disputed charges should be deposited with the Reserve bank of India under an escrow that India had not yet agreed to implement. As the period agreed by the effective escrow drew to a close, the Government of Pakistan by note dated June 22, 1951 informed the Government of India:

“While it is believed that there is no basis for the Indian demand that the amounts in dispute should be deposited, the Government of Pakistan
are nevertheless willing to establish an escrow credit for the year beginning 1st July 1951, similar to the one now established for the year ending 30th June 1951, if the Government of India request it. Likewise the Government of Pakistan are prepared to extend by June 30th 1952 the availability of Escrow Credit established for the year ending June 30th 1951 if the Government of India request that.

The Escrow Credit have been established for the period from July 1, 1951 to June 30, 1952 for the reason only that the Government of India have not made the appropriate request.

10. The offer quoted above, made on June 22 1951, is renewed and is made applicable to all demands for disputed charges for the period beginning after June 30, 1950. In other words, the Government of Pakistan remain prepared to establish with the Schroder Trust Company in New York City an irreversible credit to the full amount of the disputed charges claimed for the year after June 30, 1950 to be held in effective escrow. The Government of Pakistan are further prepared to agree to a period of one year from the establishment of that effective escrow in which the Government of India may indicate preference against the credit established for the period beginning July 1, 1950 and the subsequent credits for the determination of the correctness of the Indian contention that it is legally entitled to the disputed charges. The Government are further prepared to discuss with the Government of India with the good offices of the International Bank any alternative to this procedure that will ensure to both sides ample protection of their legal rights. The Government of Pakistan await only the request of the Government of India that this be done.

11. Adverting to the recognized obligation of a country to reimbursement of the actual cost of the construction, operation and maintenance of works for the benefit of another country, the Government of Pakistan regret that they must invite directly the attention of the Government of India to a matter that has been discussed indirectly through the Water Delegations of the two countries and the International Bankers good offices. In connection with the interim agreements that have been negotiated through the Water Delegations, and otherwise, the Government of Pakistan have had to operate certain works in Pakistan in part for the benefit of India. Very substantial sums are involved in the operation of, for example, the Bhambanwala – Ravi – Bedian, Upper Chenab, Marala – Ravi and Belloki – Sulemanki canals and their related headworks to release supplies for new uses in India. The Indian representatives refused to agree to incorporate in the interim arrangements provisions for reimbursement to Pakistan. The agreements, while failing to provide for reimbursement, preserve the financial claims of each side. As a step towards reaching agreement on the amounts owing and setting up procedures for payment, the head of the Pakistan Water Delegation on November 23, 1955 submitted the
following proposal:

“…up to the present time no move has been made either towards determining the amount of India's accumulating indebtedness for the operation for its benefit of works in Pakistan or towards reappraising the extent of Pakistan's obligation for the operation of works in India in the light of the developments of recent years.

“3. We feel that the time has come when steps should be taken to put on an equitable basis the mutual accounts growing out of these operations. At the present time, in view of the large sums which Pakistan is spending for works from which India benefits, the net financial obligation is from India to Pakistan. To avoid augmenting the present imbalance in the accounts which otherwise might be paid to India should be retained and applied against India’s growing financial obligations to Pakistan.

“4. India and Pakistan have been using the Bank’s good offices both as to the overall problem and as to the interim arrangements. The purpose of this letter is to solicit the exercise of the Bank’s good offices as to the financial side of the interim arrangements, which is of particular importance to Pakistan. Our thought is that without allowing down or interfering with the other work, the Bank might invite the two governments to join with it in creating a separate tripartite committee to study the problem and make recommendations for its solution. In the mean time each nation should, of course, keep all necessary records and accounts and make them available to the committee so that when a conclusion is reached it will be possible to apply it retrospectively as well as prospectively”.

12. The head of the Pakistan Water Delegation was subsequently informed through the International Bank that the head of the Indian Water Delegation has indicated that his government was not prepared at the time to proceed with the Pakistan proposal. The Government of Pakistan request the Government of India to inform the head of the Indian Water Delegation that the time has now come to proceed with the Pakistan proposal.

(S.A. Nabi)
For Secretary to the Government of Pakistan.

◆◆◆◆◆
Express Letter from Pakistan Ministry of Foreign Affairs and Commonwealth Relations to Ministry of External Affairs.

Karachi, March 16, 1957.

No. I(I)-4/57. the 16th March, 1957

Government of Pakistan
Ministry of Foreign Affairs & Commonwealth Relations.
Karachi

EXPRESS LETTER

From : Foreign Karachi.
To : Foreign, New Delhi

Continuation our letter No. I(I)-4/57 of January 31, 1957 regarding demands of the Government of India for the payment of certain “undisputed” charges for the operation in India of irrigation works for the benefit of Pakistan.

2. The Government of India in their letter of April 9, 1956 mention a sum of Rs. 376,561 which had been withheld by Government of Pakistan from past payments of “undisputed” charges to offset the liability of the Government of India for the maintenance by Pakistan of the portion of the Ferozepore bund that lies in Pakistan territory. The Government of Pakistan considers that the withholding of these amounts as an offset for India’s liability was correct. They do not however, presume to be the final judge of the reasonableness of their own action in this regard, and are prepared at the request of the Government of India to establish an irrevocable credit in the amount of Rs. 376,561 under an escrow arrangement which would provide for payment over to the Government of India or the Government of Pakistan as determined by negotiation or by arbitration.

3. The Government of Pakistan are constrained once again to invite the attention of the Government of India to the fact that the request for an explanation of the extraordinarily high charges for the quarter January-March 1956 has not been complied with. These charges exceeded the highest previous charges for a January-March quarter by some Rs. 15 lakhs. The “undisputed” charges for the quarters July-September and October-December 1956, are, in the aggregate, less than this apparent overcharges. Under the circumstances, the Government of Pakistan consider that the West Pakistan Government have been entirely justified in seeking to postpone payments for these quarters pending receipt of the requested explanation, and a determination by agreement or arbitration of the proper amount of the charges for the quarter January-March 1956.
4. The Government of India, in their letter No. P.III/54/2824/2 dated January 3, 1956 state that “the difference between the ‘undisputed’ amount referred to in para 2 above, and that intimated for the previous quarters is due to the heavy repairs to the Madhopur Head-works and the Upper Bari Doab Canal System on account of the damage caused by the unprecedented floods of October 1955”. It has been and continues to be the opinion of the Government of Pakistan that Pakistan should bear its proper share of the cost of necessary repairs made in part for its benefits, but the Government of Pakistan are at the very least entitled to an accounting of the actual expenditures, an explanation as to why they were necessary, and the question remains as to whether they should be treated as current expenditures or as capital investments. In the latter case, the Pakistan payment should correspond to its share of the increased carrying charge, as pointed out in our letter No. I(I)-4/56 of February 29, 1956.

5. The Government of India in their letter No. F.6(5)P.III/56 dated April 9, 1956 assured that the points raised in the letter of the Government of Pakistan of February 29, 1956 were under examination. With this and subsequent assurances in mind, the Government of Pakistan instructed the West Pakistan Government to pay the “undisputed” charges for January-March 1956 as well as for April-June 1956. The delay in payments for the quarters July-September and October-December 1956 is attributable only to the failure of the Government of India to come forward with the explanation for the extraordinarily high charges for the quarter January-March 1956. Notwithstanding these explanations have not yet been received, but in faith that they will shortly be forthcoming, the Government of Pakistan have instructed the West Pakistan Government to pay the “undisputed” charges for the quarters July-September and October-December 1956 and also for the quarter January-March 1957. This instruction has been given in the further faith that if agreement is not reached as to the propriety of the extraordinarily high charges for the quarter January–March 1956, or the appropriate adjustment of these charges, then the Government of India will establish an irrevocable credit in the amount of Rs.15 lakhs under escrow arrangement which would provide for payment over to the Government of Pakistan as determined in further negotiation or by arbitration.

(S.A. Nabi)
For Secretary to the Government of Pakistan.
2471. Letter from President of World Bank Eugene Black to Prime Minister Jawaharlal Nehru.


My dear Prime Minister,

Indus Waters

As you know, the present arrangements for the cooperative work between India, Pakistan and the Bank expired on March 31, 1957.

I feel that a situation has now arisen in which it is important that, not only the Government of India and the Government of Pakistan, but also the Bank, should have an opportunity of reviewing the useful work which has been accomplished in the course of the cooperative discussions up to March 31, 1957.

For my part, I would wish the Bank to have some further period of time in which to complete the appraisal envisaged in paragraph 11 of the Aide Memoire of May 21, 1956, and to determine what future course of action might appropriately be proposed to each of the Governments.

I would therefore recommend that the two Governments should concur in a formal extension of the cooperative work until September 30, 1957.

During this period, the Bank does not envisage that any discussions would be held in Washington requiring the presence there of either of the Delegations. But, so long as the Bank is continuing its participation, I would hope that it would be possible for each of the Governments to keep mobilized the expert knowledge that the Delegations have acquired, in the event that the Bank, at some later date, may desire to enlist their help.

I have sent a letter in similar terms to the Prime Minister of Pakistan.

Yours sincerely

(Eugene R. Black)

His Excellency Jawaharlal Nehru
Prime Minister of India,
New Delhi, India.

❖ ❖ ❖ ❖ ❖
New Delhi, April 24, 1957.

Dear Mr. Black,

Thank you for your letter of 11th April 1957, recommending a formal extension of the cooperative work until September 30, 1957.

You have stated that a situation has now arisen in which it is important that the Bank and the Governments of India and Pakistan should have an opportunity of reviewing the work which has been accomplished in the course of the cooperative discussions. While agreeing to the extension of cooperative work until March 31, 1957, Government of India had expressed the hope that a sufficient measure of agreement will be forthcoming within the next few months in order that a final settlement could, with the assistance of the Bank, be reached by March 31, 1957. I am seriously concerned at the absence of any progress during this period. You will appreciate that, in the absence of any indication by the Government of Pakistan of their intention to accept the Bank proposal of February 1954, it is difficult for us to make any useful appraisal of the situation.

It was envisaged in the Bank Proposal that, after a transition period, roughly estimated to be about five years, it would not be necessary to continue any supplies to Pakistan from the Eastern rivers. Three of these five years have already elapsed. During this period, in view of our acute problems of food shortage and rehabilitation, we have been proceeding with certain development plans in areas which depend for their water supply on the Indus system of rivers. The Bhakra canals were opened in Kharif 1954, the Bhakra Dam and the Sirhind feeder will soon come into operation and work has been taken in hand on the construction of a canal from the Head-works at Harike to feed the arid areas of Rajasthan. These schemes form part of an integrated development plan and you will appreciate that they cannot be held up because Pakistan Government have delayed indication of their attitude to the Bank Proposal for over three years.

You have expressed the view that the Bank should have some further period of time in which to complete the appraisal envisaged in paragraph 11 of the aide-memoire of May 21, 1956, i.e., to consider whether the employment of its good offices could make any further contribution to a solution and to determine, in the light of this appraisal, what future course of action might appropriately be proposed to each of the Governments. I agree to the formal extension of cooperative work, as recommended by you, until September 30, 1957. I hope, however, that the Government of Pakistan will give an early indication of their policy with respect to the Bank Proposal as, obviously, this is necessary to
assist the appraisal contemplated by the Bank and also for the appraisal by the Government of India of the cooperative work done so far.

During this period of formal extension of the cooperative work, our Representative will, as before, keep the Bank Representative informed of our views on various technical and financial problems relating to the cooperative work, in order to assist in every way the efforts of the Bank towards a final settlement of the question, which efforts my Government and I highly appreciate.

With kind regards,

Yours sincerely

Jawaharlal Nehru

2473. Note from Indian High Commission in Pakistan to Pakistan Ministry of Foreign Affairs.

Karachi, May 27, 1957.

No.7/1/57-Genl. May 27, 1957

The High Commission of India presents its compliments to the Ministry of Foreign Affairs and Commonwealth Relations and has the honour, with reference to their Express Letter No.I(I)4/57, dated the 30th January 1957, regarding payment, by the Government of Pakistan, of disputed and undisputed charges under the Inter-Dominion Agreement of 4th May 1948, to state that the matter has been considered by the Govt. of India. The comments of the Government of India on the letter referred to above are at paragraphs 2 to 8 below.

2. In paragraph 2 of the Express letter from the Govt. of Pakistan, certain general statements have been made and it has been added “As to this there is no dispute”. None of these statements has ever been subject of discussion between the Government of India and the Government of Pakistan and, therefore, much less of an agreement. In any case, they are irrelevant to the discharge of obligations under the contractual arrangement entered into between the two Governments as on 4th May 1948. The Government of India do not therefore consider it necessary to express any views with respect to these statements.

3. In paragraph 3 of the letter, referred to above, it has been claimed that “over the last several years Pakistan has had to operate works in Pakistan in
part for the benefit of areas in India”. It is well known to the Government of Pakistan that no areas in India receive any water through any works in Pakistan. The basis of this claim is, therefore, not understood. Nor was there any provision in the “interim agreements” mentioned in paragraph 3 of the letter (presumably, these refer to the agreements between the Government of India and the Government of Pakistan for *ad hoc* transitional arrangements for *Kharif* 1955, *rabi* 1955-56, and for the period April 1, 1956, to 31st March 1957) which called upon Pakistan to operate any works for India’s benefit. On the other hand, by these agreements, the Government of India agreed “to limit canal withdrawals in Indian territory” for the benefit of areas in Pakistan.

4. It has been stated in paragraph 11 of the letter under reference that a proposal was submitted on November 23, 1955, by the head of the Pakistan Water Delegation. The Government of India never received a copy of this proposal. The International Bank for Reconstruction and Development, however, informed their Representative, in this connection, that the Bank did not consider it necessary to transmit the Pakistan suggestion to him and that it had also informed the Pakistan Representative that no basis existed for discussing such a proposal in the circumstances. The Government of India also understands that a similar reply has been given by the Bank to another request on this subject recently made by the Pakistan Representative.

The Government of Pakistan would not doubt appreciate that, between two independent countries, there can be no financial liability except on the basis of a contractual obligation between them or on the basis of an award which they had agreed to accept.

5. In paragraphs 4-6 of the letter, reference has been made to various provisions of the Inter-Dominion Agreement of the 4th May 1948, covering the Canal Water Dispute. The relevant articles of the Agreement are;

“2. The East Punjab Government has revived the flow of water into these canals on certain conditions of which two are disputed by West Punjab. One, which arises out of the contention in paragraph 1, is the right to the levy of *seigniorage* charges for water and the other is the question of the capital cost of the Madhopur Head-works and carrier channels to be taken into account.”

* * *

“5. The West Punjab Government has agreed to deposit immediately in the Reserve Bank such *ad hoc* sum as may be specified by the Prime Minister of India. Out of this sum, that Government agrees to the immediate transfer to East Punjab Government of sums over which there is no dispute”.

* * *
While the agreement referred to above, did not specify the period during which disputed and undisputed charges would be paid by the Government of Pakistan in the manner stated above, it was claimed by the Government of Pakistan, vide their telegram dated the 15th September 1948, that the “Delhi Agreement clearly provides for continual supplies to West Punjab till final agreement is arrived at”. Although the Government of India had some reservations with regard to this claim, they have until now continued to supply water to the canals concerned, in order to give time to the Government of Pakistan “to tap alternative sources”, as provided in the Delhi Agreement. On their part, the Government of Pakistan have been paying to the Reserve Bank of India various sums “for credit to the Canal Dispute Account with them in accordance with Inter-Dominion Agreement”. Unfortunately, after abiding fully with the provisions of the Agreement for more than two years, the Government of Pakistan unilaterally discontinued depositing in full, in accordance with the Agreement, the *ad hoc* sums specified by the Prime Minister of India; instead only the sums which represented the undisputed charges were paid to the East Punjab Government through the Canal Dispute Account maintained with the Reserve Bank of India.

6. With regard to the unilateral action taken by the Government of Pakistan, on November 6, 1950, to alter the existing ‘escrow’ arrangements, without prior consultation with the Government of India and without an agreed modification of the relevant clause of the Delhi Agreement, attention is invited to Express Letter No.F.8-1\49-Pak.III dated 16th December 1950. The Government of India did not then agree to associate them in any way with this proposal. Nor are they now prepared to associate themselves, in any way, with the new offer of the Government of Pakistan, as contained in paragraph 10 of their letter under reference. The Government of India do not see any reason why the arrangement under the Delhi Water Treaty which had been followed for more than two years should not be maintained.

7. There are a number of other statements in the letter under reference with which the Government of India do not agree and on which they do not desire to comment at this stage. With reference to the first sentence of paragraph 8 of the letter, however, it has always been the understanding of the Government of India, that if no satisfactory settlement can be mutually worked out by negotiation with regard to the disputed charges deposited and to be deposited by the Government of Pakistan with the Reserve Bank of India, under the Inter-Dominion Agreement of 4th May 1948, it would be fair to seek an impartial and effective settlement of the question. Accordingly, the Government of India would be willing to discuss with the Government of Pakistan arrangements, including reference to arbitration if necessary, for such a final settlement of the entire amount of the disputed charges, as soon as the Government of Pakistan have complied with their obligations under the Agreement of 4th May 1948,
and deposited in “escrow” with the Reserve Bank of India, all the disputed charges intimated to them from time to time by the Prime Minister of India. The sum so outstanding, as on 31st March, 1957, is Rs.78,38,555/-.

8. In order, therefore that the question of the ‘disputed charges’ under the Delhi Water Treaty be settled satisfactorily, the Government of India would invite the Government of Pakistan to deposit immediately all the outstanding sums in ‘escrow’ with the Reserve Bank of India, Calcutta. As soon as this has been done, the Government of India would be ready to cooperate with the Government of Pakistan in working out satisfactory arrangements for a final settlement with regard to these charges.

The High Commission for India avails itself of the opportunity to renew to the Ministry of Foreign Affairs and Commonwealth Relations the assurances of its highest consideration.

The Ministry of Foreign Affairs and Commonwealth Relations,
Government of Pakistan, Karachi.

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2474. Note by Prime Minister Jawaharlal Nehru to Minister of Irrigation and Power S. K. Patil on his talks with the World Bank Vice President W. A. B. Iliff.

New Delhi, June 10, 1957.

Mr. Iliff of the World Bank saw me this afternoon and was with me for about forty-five minutes. He said that he had talks with our Minister for Irrigation & Power and he paid a tribute to his charm and ability in stating India’s case.

2. He said that he was feeling unhappy and not at all optimistic about the response he is likely to get from Pakistan. He could understand our position. Pakistan had, however, pointed out that if they agreed to the principles and if later there was no agreement about the details, then India would act unilaterally, and this would put Pakistan in a very difficult position. Iliff felt that there was some justification for this.

3. I repeated the usual arguments to Mr. Iliff and also spoke about the background of this case as well as of our dealings with Pakistan which had been very frustrating. I told him further that the idea that we wanted to injure Pakistan and break it up was fantastic because if there was such a break up
there, political or economic, it would have a boomerang effect on our own country. As it was, owing to the difficulties in East Pakistan, we had to endure this tremendous and continual influx of people. We could hardly bear this additional burden. What if the remaining nine million people in East Pakistan came over to us?

4. So we were anxious that Pakistan should function properly and flourish and should leave us in peace. It was natural for us to develop good relations with a neighbouring country, more especially as there were such intimate contacts in other ways, historical, cultural, etc. But, it had been our misfortune that every effort of ours had met with obstruction, whether this was in Kashmir or Canal Waters or Evacuee Property or this influx of people from East Pakistan.

5. Iliff expressed sympathy. He said he understood. Nevertheless, he said what are we to do about it, because he did not expect Pakistan to agree to accept the principles about this Canal Waters division at this stage. He did not wish this to breakdown, and at the same time, he intended telling them that the World Bank’s patience might be exhausted. He would, therefore, like to carry on somehow till after the Pakistan elections, which might bring about a more stable Government in Pakistan. Here in India we had our elections and we had a strong Government. Pakistan was full of political and other difficulties.

6. I told him that we had no desire to see these talks breakdown. After all, we had been carrying them on for five years and had shown repeatedly our desire for some settlement. We had been patient, but how long is this to continue? The Bhakra Dam was getting ready and people were anxious to utilize the benefits from it. The moment this was quite ready, we cannot stop supplying water through the canals. The pressure on us would be too great.

7. Also I said that I thought that relying on the elections in Pakistan for something to happen was not good enough. Nobody knew when the elections would take place, and even if they took place, no one knew what the result would be. Therefore, the elections should not be considered in this connection.

8. I pointed out to him that we were not against a Commission or even arbitration. In fact, in 1949, I had myself made a proposal for some kind of a joint Commission of India and Pakistan to deal with all river problems. But no Commission can work unless there was an agreed basis of principle. We cannot ask a Commission to decide on principles, and we cannot ask them to decide on details before the principles were decided upon.

9. Iliff agreed, but nevertheless said that here was this difficult position and all he could do was to gain time in order to avoid a breakdown. He further said
that in some matters which ought to be easy to decide by engineers, the
difference between Indian engineers and Pakistan engineers was complete.
The World Bank had their views about them, but they could not impose their
will. I said that I understood that, but surely without any imposition of a decision,
the World Bank could express their view from the engineering point of view.

10. Iliff said that they had succeeded in getting Pakistan to accept that there
was enough water to go round for everybody and further that it was possible by
engineering works to utilize that water fully. The only question that remained
was as to how this was to be done and the cost of it. I said that it was clear to
me that no adequate progress could be made without some agreement on
principles. We cannot work in the air and later be saddled with commitments
which we could not accept.

11. Finally, Iliff said he would try to do his best, but he did not hope for much.
The most he could do was to try to gain time. After seeing the Pakistan Prime
Minister, he would come back here and have further talks with our Minister for
Irrigation & Power.

J. Nehru

2475. Statement by Minister of Irrigation and Power S. K. Patil in
the Lok Sabha on Canal Waters Issue.

New Delhi, July 25, 1957.

The House is aware that on 4 May 1948 the Governments of India and Pakistan
entered into an agreement on the canal waters. The two Governments then
agreed to approach the problem in a practical spirit on the basis of India
progressively diminishing supply to Pakistan canals in order to give reasonable
time to enable Pakistan to tap alternative sources. The question, however, still
remains unsettled due to the unwillingness of Pakistan to settle it in the only
manner possible, namely, by developing supplies through alternative sources
to replace the pre-partition historic withdrawals of the Pakistan canals from the
three eastern rivers.

In 1952, a working party comprising an engineer each from India and Pakistan
and a representative of the World Bank, was set up, at the instance of Mr.
Eugene R. Black, President of the Bank, to work out a plan of “specific
engineering measures, by which the supplies effectively available to each country will be increased substantially beyond what they have ever been". Intensive engineering studies were undertaken but all efforts to find an agreed basis for a settlement ended in failure. It was, however, clear that there was enough water in the Indus Basin rivers to meet the requirements of both India and Pakistan.

The Bank representative, thereupon, put forward, on 5 February 1954, a proposal for the consideration of both sides to serve as a basis of agreement. This proposal, as is well known to the House, envisaged that the three western rivers (Indus, Jhelum and Chenab) except for minor uses in the State of Jammu and Kashmir, would be available for the use and benefit of Pakistan, and the three eastern rivers (Ravi, Beas and Sutlej) for the use and benefit of India. It also envisaged a transition period of roughly five years, during which Pakistan was to build link canals to replace the waters received by some of its canals from the eastern rivers. India was to contribute towards the cost of the link canals.

In the interest of a speedy settlement, we accepted the proposal notwithstanding the fact that its acceptance involved extremely heavy sacrifices by us. Pakistan, however, did not accept the Bank proposal. Later, it was agreed at the instance of the Bank that both sides would co-operate in working out a plan, taking as a starting point the division of waters envisaged in the Bank proposal. Although a considerable amount of useful work was done, the Bank found itself unable to bring about a settlement between the two parties.

In May, 1956, the Bank handed over to both sides an aide memoire in which it reiterated its conviction that the division of waters proposed by the Bank in 1954 afforded the best prospects of a settlement. The Bank also felt, on the basis of a study carried out by its consultants, that it might be necessary to provide some storage as a part of the replacement plan to meet the uses that the Bank had adopted for this study.

Though the talks were extended to 31 March 1957, the Bank again found it difficult to make much progress because of the attitude of the Pakistan representative who would not cooperate in working out a plan on the basis of the Bank proposal and the aide memoire. In April, 1957, the Bank suggested that the co-operative work should be extended up to 30 September 1957, to give the Bank and the Governments of India and Pakistan an opportunity to review the situation.

In June last, a Bank team, headed by Mr. W. A. B. Iliff, Vice-President of the Bank, visited India and Pakistan and held consultations with the Prime Ministers and Ministers concerned in both countries. Before leaving for Washington, Mr. Iliff handed over to both sides a letter in which he has asked for the views of
the two Governments, in writing, on certain heads of agreement which should form the basis of an approach to an international water treaty. These heads of agreement follow generally the Bank proposal of 1954 but seek to provide some machinery for resolving points on which the Bank may be unable to secure an agreement. After receiving the views of the two Governments, the Bank would obtain the comments of each Government on the views of the other. The Bank would then decide whether the employment of its good offices could make any further contribution and, if so, along what lines the work should proceed.

During the recent months, there has been a good deal of propaganda by and on behalf of Pakistan, aimed at misleading world opinion by suppression and distortion of facts. Among other things, it has been alleged that India has cut off, or is threatening to cut off, canal supplies to Pakistan; that India is constructing a dam on the river Sutlej which would convert the whole of West Pakistan into a 'dusty bowl'; and that Pakistan's economy is in danger unless it continues to receive supplies from the three eastern rivers.

The statements made against India have not only no basis in fact, but are completely misleading. Ever since the agreement of May, 1948, to which I have already referred, there has not been a single occasion when supplies were cut off from Pakistan. For the two years ending 31 March 1957, three agreements were executed through the good offices of the Bank and formed the basis of regulation of canal waters between the two countries. Under these ad hoc transitional agreements, India agreed to restrict her additional withdrawals for the Bhakra canals in accordance with Pakistan's ability to replace supplies. There is no such agreement, however, from April, 1957, as no request was made for one. It is understood that the three link canals already constructed in Pakistan are capable of replacing all the waters that the new Indian canals would withdraw during the current kharif season.

The Bhakra Dam which has been under construction since 1945 will go into operation with partial reservoir capacity in 1958. By 1960, it would operate with full capacity. This will not have any effect on the Pakistan canals as the dam would store supplies only during the flood season when ample supplies are available. On the other hand, such storage would reduce flood hazards and damage by floods in Pakistan.

A dam on the Sutlej cannot in any event hold up waters flowing into the Indus, the Jhelum and the Chenab which carry 80 percent of the waters of the Indus system. At present only about 10 percent of the irrigation in West Pakistan depends on the waters from the eastern rivers. The fact is - and this has been generally recognised by those who have studied the problem - that the three western rivers (Indus, Jhelum and Chenab) have such a large irrigation potential
that Pakistan would be able to undertake, in addition to replacing supplies hitherto received from the eastern rivers, extensive new developments for many years to come. To say, in these circumstances, that the whole of the irrigated area in West Pakistan will revert to desert by the withholding of waters from the eastern rivers is a grave distortion of facts.

It was in a spirit of good neighbourliness that we accepted the Bank proposal although it meant giving up our rights on certain vital supplies flowing through our territory. In the same spirit we voluntarily imposed on ourselves restrictions on the utilisation of the waters flowing through our rivers although in the context of the tremendous problems of rehabilitation following partition, we would have been fully justified in rapidly extending irrigation to areas which depend for their development on the waters of the eastern rivers. And, in our anxiety to see that the Pakistan cultivators were not penalised for the faults of their Government of Pakistan, contrary to the agreement of May, 1948, have defaulted in the payment of canal water charges, the arrears of which have steadily mounted up to over Rs.10 million. There is, however, a limit to our patience. India will not wait indefinitely for a settlement, ignoring the needs of her own people.


New Delhi, August 21, 1957.

The House is aware that the Government of India and Pakistan entered into an agreement on the Canal Waters as far back as May 1948 on the basis of India progressively diminishing supply to Pakistan canals in order to give reasonable time to Pakistan to tap alternative sources. Although over nine years have elapsed since the signing of the agreement, the Indus Water dispute still remain unsettled owing to the unwillingness of Pakistan to settle it in the only manner possible namely, by developing supplies from the western rivers to replace the pre-partition withdrawals from the eastern rivers. The House is also aware that in 1952, at the instance of Mr. Eugene R. Black, President of the International Bank for Reconstruction and Development, negotiations were started on an engineering basis to work out a comprehensive plan for the co-operative development of the waters of the Indus system of rivers. After a careful study of the problem, the Bank put forward in February 1954, a proposal which envisaged the division of waters on the basis that the three western
rivers (Indus, Jhelum and Chenab), except for minor uses in the State of Jammu and Kashmir, would be available for the use and benefit of Pakistan and the three eastern rivers (Ravi, Beas and Sutlej) for the use and benefit of India. That proposal also provided for a transition period of about five years during which Pakistan was to construct link canals from the western rivers. India was also required to pay for the cost of these link canals. Notwithstanding the fact that its acceptance involved great sacrifices, financial and other, on our part, we accepted the Bank proposal in principle but Pakistan did not. The negotiations thereupon broke down but were resumed again at the instance of the Bank in December 1954. When these talks also failed to bring about an agreement the Bank put forward an aide memoire in which, while reiterating its conviction that the division of waters envisaged in its proposal of 1954 afforded the best prospects of a settlement, the Bank indicated that it might be necessary to provide for some storage as a part of the replacement plan. Though the talks were extended up to 31 March 1957, no significant progress could be made because of Pakistan’s unwillingness to co-operate in working out a plan on the basis of the Bank proposal and the aide memoire.

In April 1957, the Bank suggested that the co-operative work should be extended up to 30 September 1957 to give the Bank and the Governments of India and Pakistan an opportunity to review the situation. This was agreed to by the two Governments.

In June last, a Bank Team headed by Mr. W.A.B. Iliff, Vice-President of the Bank, visited India and Pakistan and held consultations with the Prime Minister and Ministers concerned in both the countries. Before leaving for Washington, Mr. Iliff handed over to both sides a letter in which he asked for the views of the two Governments, in writing, on some General Heads of Agreement which should form the basis of an approach to an international water treaty. These Heads of Agreement follow generally the Bank proposal of 1954, but seek to provide some machinery for resolving points on which the Bank may be unable to secure an agreement. The two Governments have since communicated their views to the Bank who have in turn forwarded the views of each Government to the other for comments. Pakistan Government’s reply to the Bank is under examination.

The Government of India have scrupulously refrained from making any statements on the canal water dispute which might even remotely have the effect of embarrassing the Bank in its difficult and delicate task of bringing about a settlement between the parties.

But in the recent months statements have been made by persons in authority in Pakistan which are so palpably false and mischievous that they cannot be allowed to go unchallenged. Among other things it has been alleged that India has cut off or is threatening to cut off canal supplies to Pakistan and that
Pakistan’s economy is in grave jeopardy as Pakistan would revert to desert if India stops the supply of water from the eastern rivers.

The statements made against India have not only no basis in fact, but are completely misleading. Even since the Agreement of May 1948 to which I have already referred, there has not been a single occasion when supplies were cut off from Pakistan. For the two years ending 31 March 1957, three agreements were executed through the good offices of the Bank and formed the basis of regulation of canal waters between the two countries. Under these ad hoc transitional agreements, India agreed to restrict her additional withdrawals for the Bhakra canals in accordance with Pakistani’s ability to replace supplies. There is no such agreement, however, from April 1957 as no request was made for one. It is understood that the three link canals already constructed in Pakistan are capable of replacing all the waters that the new Indian canals would withdraw during the current kharif season.

The three western rivers allocated to Pakistan under the Bank proposal carry 80 per cent of the waters of the Indus system. At present Pakistan depends upon the eastern rivers only for about five per cent, of the total supplies used by her for irrigation in the Indus basin in Pakistan, if she makes full use of the link canals already constructed by her. There is, therefore, no question of the whole of the irrigated area in West Pakistan turning into a desert, or of Pakistan’s economy being endangered.

Had the World Bank proposal been accepted by Pakistan in 1954, the transition period would have expired some time in 1959. Unfortunately, Pakistan has imparted a political bias to what is essentially an economic and engineering problem and while going ahead with her development plans on the western rivers has sought to hold up development on the eastern rivers in India by placing difficulties in the way of a quick settlement. We have shown great restraint by imposing on ourselves restrictions on the utilisation of the waters flowing through the eastern rivers during the last nine years. To avoid suffering to the cultivator in Pakistan we have continued to supply water in spite of the fact that Pakistan, contrary to the obligations under the Agreement of May 1948, has defaulted in the payment of canal water charges.

We owe a duty to our own people and cannot wait indefinitely for a settlement. Despite our pressing needs, we have, with a view to promoting a settlement, informed the Bank that we would be prepared to extend the transition period up to 1962, that is, five years from now, although under the Bank proposal this period would have terminated in 1959. We cannot go any further without jeopardising the vital interests of millions of our people.
February 11, 1958.

Mr. W.A.B. Iliff, Vice-President of the International Bank for Reconstruction and Development, was in New Delhi from 28 January to 1 February 1958. On his way here from Washington, he had stopped for about four days in Karachi for discussions with the Government of Pakistan.

During his stay in New Delhi, Mr. Iliff met the Prime Minister. He also met me and held informal discussions with officers of the Ministry of Irrigation and Power.

These discussions aimed at exploring the possibilities of various approaches towards a settlement of the Canal Waters question. No concrete proposals have so far emerged from these discussions. The House will appreciate that, until various aspects of the suggestions, which were mentioned in the talks by Mr. Iliff, have been examined and further discussions regarding any concrete suggestions that may be made are held with the Bank, Government are not in a position to make a detailed statement on these exploratory discussions.

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February 12, 1958.

Shri S.K. Patil, Minister of Irrigation and Power, informed the Lok Sabha on 12 February 1958 that the last agreement between the Governments of India and Pakistan for ad hoc transitional arrangements regarding the supply of canal waters expired on 31 March 1957. No further agreement had been reached between the two Governments for any period subsequent to 31 March, 1957.

The arrangements for co-operative work between India, Pakistan and the Bank which had formally been extended up to 31 December 1957 had also expired. It was understood, however, that the Bank would informally continue to lend its good offices towards finding a solution acceptable to both sides.

The Minister said that during his recent visit to India and Pakistan, Mr. Iliff discussed with the two Governments possibilities of various approaches towards a settlement of the canal water dispute. These discussions had not yet led to any concrete result. Government had seen press reports of a statement in which the Pakistan Minister of Industries and Commerce was reported to have
said that Pakistan was willing to submit disputed questions to arbitration.

He further added that the Government of India had not received any communication on the subject directly from the Government of Pakistan. The Bank proposal of February, 1954, clearly states that where two sovereign authorities were concerned, problems relating to the development of water resources must be solved by negotiation and agreement rather than by decision. However in case the Government of Pakistan agreed to a settlement on the basis of the Bank Proposal of February, 1954, the Government of India had already indicated their willingness to establish, if necessary, an appropriate procedure for arbitrating disputes concerning the allocation of costs in accordance with the Bank Proposal.

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New Delhi, June 12, 1958.

The attention of the Government of India has been drawn to certain statements reported to have been made by the Prime Minister of Pakistan and the Chief Minister of West Pakistan and also to a Press Note issued by the Government of Pakistan alleging withdrawal by India of what has been described as “Pakistan's share of the historic supplies” from the Beas and the Sutlej.

The supplies in the river Beas, which during early kharif is the only source of supply for all the Sutlej Valley canals in Pakistan and the Eastern and Bikaner canals in India, have been abnormally low from about the middle of May. Towards the end of the month, the supply in the river was hardly half of the average of the previous 10 years. The other eastern rivers -- the Sutlej and the Ravi -- have also been much below normal.

As a result of the serious shrinkage in river supplies, the Bhakra canals in India have either remained closed or have received only nominal supplies. Some of the channels of the Upper Bari Doab Canal did not receive any water. On all our canals, sowing operations have received a serious setback. Reports about this serious situation of drought which, in fact, extends over large areas of Northern India have already appeared in the Press.

The Pakistan Sutlej Valley canals have had the advantage since 1955 of an additional source of water supply from the River Chenab through the Merala-Rave, Balloki-Suleimanki and other link canals. The supply in the River
Chenab has been sufficient to enable substantial quantities of water (even more than the total supply of the River Beas) being brought, through these link canals, to all the Pakistan Sutlej Valley canals, including the lower part of the Dipalpur canal. The Pakistan cultivator has thus been in a much better position regarding canal water supplies than his Indian Counterpart.

From 1 April to 10 May, the Dipalpur canal received its full requirements as intimated by the Pakistan canal officers and substantial quantities were delivered below Ferozepore. From 11 May, the river supplies fell and it was not possible to meet the indent of either the Dipalpur canal or the Indian canals at Ferozpur. The Dipalpur canal was closed on May 15, on receipt of a request from the Pakistan canal officers to do so; it remained closed until 26 May; when this canal was reopened, at Pakistan’s request, on 27 May, its indent was pitched high at 6,950 cusecs. The total supply in the River Beas, at that time, being about 7,000 cusecs, it was impossible to meet this indent in full.

The total volume of water given to the Dipalpur canal at Ferozepur, during the month of May this year, was 50 percent more than what this canal received in the same period in 1941 when the river supply was of the same order. In several other years, prior to 1947, the Dipalpur canal received less water than it did this year. As stated above, this canal should also have received this year some supplementary supplies from the link canals.

Daily intimation is sent by the canal officers in the Punjab to their counterparts in Pakistan about the supplies delivered to Pakistan canals. It was, however, only after 23 May that a number of telegrams were received from the canal officers in Pakistan complaining about shortage of water. Replies were sent promptly informing them of the low level of river supplies and the difficulties being felt in India on this account.

The Indian and Pakistani delegations, during the discussions under the auspices of the World Bank, arrived at three agreements ad hoc for transitional arrangements for the period April, 1955, to March 1957. In these agreements, India was entitled to make “additional withdrawals” from the eastern rivers equivalent to Pakistan’s ability to replace these withdrawals through its link canals mentioned above. The additional withdrawals made by India during the latter part of May this year were in fact less than those provided for this period in the Agreement for 1956. It may be pointed out that the withdrawals agreed upon in 1956 were fixed at a relatively low figure on account of the damage to the link canals caused by the floods of October, 1955, which had not been fully repaired. Since then, these link canals have been repaired and their capacity must now be much larger.
In view of the above, it is difficult to understand the complaints and press propaganda being made in Pakistan particularly when the conditions on the Sutlej Valley canals in Pakistan should be much better than that on the Punjab canals. Far from acting in a manner contrary to the spirit of the current negotiations, under the auspices of the World Bank, India has been imposing unilateral restrictions on her own withdrawals in accordance with the spirit of the Agreement of 4 May 1948, and the principles governing the withdrawals of water as put forward by the Bank for the transition period.

The Agreements for ad hoc transitional arrangements, referred to above, provided for exchange between India and Pakistan of data relating to river flow and canal withdrawals, on a reciprocal basis. On the expiry of the last of these Agreements in March 1957, Pakistan discontinued the supply of this information while India continued to supply such data as was being supplied earlier in accordance with arrangements existing under the Agreement of 4 May 1948.

The Government of India have now proposed to the Pakistan authorities that both sides should resume, with immediate effect, the supply of data in accordance with the Agreement of 1956-57 and, as a gesture of India’s goodwill and co-operation, instructions to this effect have already been issued to local canal officers in Punjab. It is hoped that Pakistan will also co-operate and resume the supply of data relating to its side.

2479. Note from the Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.

Karachi, August 29/30, 1958


The Ministry of Foreign Affairs & Commonwealth Relations, Government of Pakistan, presents its compliments to the High Commission for India in Pakistan and with reference to the Indus Basin Water Dispute has the honour to state as follows :-

2. On March 26, 1958 the Indian Minister for Irrigation & Power speaking in Lok Sabha with respect to the Eastern Rivers of the Indus Basin declared that “We (India) shall not wait a day longer than 1962 when our (Rajasthan) canal and the Sirhind feeder are ready. We shall withdraw the water and now goes to Pakistan.” The Indian Minister also went on to declare that this “is the last word so far as the Government of India is concerned.”
3. The announcement of this decision by the Government of India to proceed unilaterally came at a time when the two countries were preparing to meet with the International Bank for Reconstruction and Development in Rome as a part of the continuing negotiations under the good offices of the Bank. The announcement was promptly followed by commencement of construction on the Rajasthan canal to irrigate areas outside the Indus Basin. This project is dependent to a great extent on supplies presently used in Pakistan.

4. This declaration was accompanied by the incompatible statement that "The interest of the millions of peasants in Pakistan is as much dear to us as the interest of millions of peasants in this country." While the Minister relates that the Indian Prime Minister would not let the fields of these peasants go dry, the implementation of the March 26 decision to cut off the waters would produce a diametrically opposite result. India’s diversions, planned to begin in 1962, will irrigate new land-described by India itself as now a desert - while at the same time returning to desert the green fields in Pakistan built up by the labour of generations of farmers.

5. The announcement by the Indian Minister that his Government have decided to "withdraw the water that now goes to Pakistan" by 1962 directly contravenes the fundamental basis upon which the continuing negotiations under the good offices of the Bank have all along proceeded. "The water that now goes to Pakistan" is the very heart of the dispute being negotiated under the good offices of the Bank. It will be appreciated that a party to a dispute cannot unilaterally take possession of the very subject matter of the dispute being negotiated.

6. In his March 26 declaration, the Indian Minister also stated that "what little God has given to us or the good offices of the World Bank have given us in the 1954 proposal, we shall enjoy." The Government of India cannot possibly contend that the Bank Proposal, which engineering studies have since proved must include storage on the Western Rivers in addition to link canals, envisages such unilateral action as they propose to take. In fact it prohibits such action as set out in the Proposal itself:

   "It will be necessary under the Bank proposal for India to continue to supply the Pakistan canals until the necessary works are completed by Pakistan for transfer of supplies from the Western Rivers. This will involve preparation of a construction time schedule and of a time schedule for actual transfer of supplies. These schedules would allow the actual transfer of supplies to go into effect progressively and the deliveries by India to diminish accordingly. They must be prepared cooperatively as agreed to by both countries."

7. It is known to the Government of India that the construction time schedule
and the time schedule for actual transfer of supplies have not yet been “prepared
coop eratively as agreed to by both countries.” Nor have any arrangements been
made for the payment of the cost of replacement works in Pakistan whether link
canals or storage. These very matters are now under negotiation. Differences
as to these matters which cannot be ironed out in negotiation should be resolved
by arbitration or the other peaceful means set forth in the charter of the United
Nations, and not, by threats of use of physical power afforded by geography, to
take what the Government of India wants, in disregard of legal rights and claims.

8. If a permanent solution satisfactory to the Government of India is not
reached promptly, and the Government of India remain unwilling to submit
unresolved matters in connection with the Canal Waters Dispute to impartial
arbitration, the Government of Pakistan stand, as always, ready to refer the
unsettled questions at issue to the decision of the International Court of Justice.
Pakistan has stood ready to do this since the beginning of the dispute. The
latest proposal contained in a letter dated September 24, 1957, and standing
on March 26, 1958, and is still open to acceptance:

“My Government renew their request in the interest of promoting
agreement on these means of implementing the principles of the Adjusted
Bank Proposal (The Bank Proposal of the 5 February, 1954, and Aide
Memoire of 21 May’56), that the Bank in the exercise of its good offices
seek agreement now that if these means are not accepted or carried
through successfully, each side will submit to the International Court of
Justice every issue which either side decides to raise related to the
rights of the parties in and to the waters of the Indus system of rivers,
and agree to seek no advantage by reason of negotiations under the
auspices of the International Bank for Reconstruction and Development
and to carry out the decisions of the International Court of Justice.”

9. Apart from the obligation inherent in the negotiations extending over a
period of ten years, the Minister’s assertions also contravene the rights of the
two countries, established at partition. These rights have not been altered by
any presently effective agreement between the countries. In addition, the
announcement of an intention “to withdraw the water that now goes to Pakistan”
is totally incompatible with well-established principles of international law as
evidenced in such formulations as the Declaration of Madrid (1911) and
Declaration of Montevideo (1933), of multilateral conventions such as those of
Barcelona (1921) and Geneva (1923), of such statement of agreed principles
as that of the Indus Commission (1942) under the Chairmanship of Sir Bengal
Rau, of the Practices that constitute the basis of customary international law,
as well as of the general principles evolving out of the decisions of international
and federal courts and teachings of highly qualified publicist.
10. The Government of Pakistan strongly object to and view with serious concern any change in the existing regime of the rivers common to India and Pakistan that could interfere with the lawfully established beneficial uses in Pakistan dependent on these rivers and that could otherwise interfere with the realization by Pakistan of its right to share on a just and reasonable basis in the use and benefits of common rivers. Since the Government of Pakistan have amply demonstrated their willingness to reach a prompt and just solution by the pacific means envisaged in the Charter of the United Nations, the Government of India must fulfill their obligations by refraining from making or allowing any change which could interfere with the flow of these rivers into Pakistan except as the parties specifically agree or in conformity with a decision rendered.

11. On March 29, 1958, and again April 2, 1958, the Govt. of Pakistan requested the International Bank for Reconstruction and Development as good officer to secure from the Government of India appropriate assurances regarding their threatened unilateral action. To date the Government of Pakistan have received no such assurances. According to the releases of the Information Service of India in Washington, D.C. the Prime Minister of India has declined to deny India’s intention of withdrawals of waters that flow into Pakistan. In fact as recently as August 12, the Deputy Minister for Irrigation and Power is reported to have confirmed this intention in a statement to the Lok Sabha.

12. The Government of Pakistan earnestly request the Government of India to reconsider their attitude and in the interest of amity, justice and peace to agree to maintain the status quo, pending a negotiated settlement.

13. Copies of the note are being sent to the Secretary General of the United Nations and to the President of the International Bank.

14. The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.
2480. Statement laid on the Table of the Lok Sabha by Minister of Irrigation and Power Hafiz Mohammad Ibrahim on distribution of Indus Waters.

New Delhi, September 1, 1958.

The House will recall the last two statements made in the House on July 25, 1957 and February 11, 1958, with regard to the negotiations between the Government of India and the Government of Pakistan on the distribution of the Indus waters. As stated therein, a Bank team headed by Mr. W.A.B. Iliff, Vice President of the Bank, visited India and Pakistan in June 1957 and held discussions with the representatives of the two countries.

As a result of these discussions, Mr. Iliff wrote to both sides a letter in which he set out certain general Heads of Agreement, based on the Bank proposal of February 5, 1954 and on the aide memoire dated May 21, 1956, as a firm starting point from which to proceed to the formulation of the detailed text of an International Water Treaty, and asked for the views in writing, of the two Governments on these Heads of Agreement. The two Governments indicated their views to the Bank and later furnished their comments on the views expressed by the other Government.

It was, thus, for the first time after the Bank proposal had been made in 1954, that the Government of India came to know of the views of the Government of Pakistan with respect to the Bank proposal, which that Government had accepted in 1954 as a basis of discussion.

These views, purporting to be an acceptance, were hedged with such reservations, modifications and “understandings” as to constitute not acceptance, but non-acceptance of both the Bank proposal and the Heads of Agreement.

In January this year, Mr. Iliff paid another visit to India and Pakistan and tried to explore the possibility of a settlement of the dispute on eastern and western rivers. Mr. Iliff’s approach envisaged continuity of some supplies to Pakistan from the eastern rivers, allocated to India under the Bank proposal of February 1954, and withdrawal by Indian of an equivalent quantity from the western rivers allocated to Pakistan. These talks did not, however, lead to any concrete results.

On an invitation received from Mr. Iliff, further talks were held in Rome in April-May 1958. These talks were in continuation of the discussions held earlier by Mr. Iliff with the representatives of the two Governments and were intended to further explore the possibilities of various approaches towards a settlement of the canal water dispute.
As a result of these talks the Bank suggested a new approach on the basis of which the Pakistan representative was asked to put up a replacement plan for all Pakistan uses from the three western rivers, with a storage on the Jhelum.

As decided in the meeting held in Rome, the Pakistan representative submitted a plan to the Bank at the meeting held in London towards the beginning of July this year. The Pakistan Plan was subsequently handed over to the Indian representative who, after a preliminary examination of the plan, obtained certain clarifications and asked for some additional information which the Pakistan representative promised to supply.

The Indian representative has asked for more time to enable him to study the Pakistan Plan in greater detail before giving his comments. The talks in London were accordingly adjourned on July 31, 1958.

The Indian delegation has since returned and the Pakistan Plan is at present under detailed examination.

During recent months, there has been a good deal of propaganda in Pakistan, alleging withdrawal by India of what has been described as “Pakistan’s share of the historic supplies” from the Sutlej and Beas. These allegations are completely baseless and without foundation.

The correct position is that in early kharif, the river Beas is the only source of supply for all the Sutlej Valley canals in Pakistan and the eastern and Bikaner canals in India. The supplies in the river Beas were unusually low this year from about the middle of May; as a matter of fact the quantity of water in the river towards end of May was hardly half of the average of the previous 10 years. The other eastern rivers, the Sutlej and the Ravi, had also been running considerably below normal.

As a consequence, some of the channels in India did not receive any water and in some areas even drinking water was not available.

Nevertheless, during this critical period, the supply to Pakistan channels was continued in accordance with the principles put forward by the world Bank for the transition period.

During the period April 1955 to March 1957 the supply of water to Pakistan from the eastern rivers was regulated by three ad hoc Agreements concluded between the two Governments. India was entitled, under these agreements, to make additional withdrawals from the eastern rivers, equivalent to Pakistan’s ability to replace these withdrawals through the link canals.
The additional withdrawals made by India this year during the later part of May and early June, were in fact, less than those provided for in the Agreement for kharif 1956 when Pakistan's ability to replace was less than what it is today.

No such agreement was concluded for any period after March 1957. The Government of India are, however, continuing to distribute river supplies between the two countries on the basis of the Agreement of the 4 May 1948 and the principles proposed by the Bank for the transition period.

Under the Bank Proposal of February 1954 the transition period for the complete withdrawal of waters of the eastern rivers from Pakistan has been roughly estimated to be about five years. This period would have expired some time in 1959. Notwithstanding our pressing needs, we have with a view to promoting a settlement, informed the World Bank and Pakistan that we would be prepared to extend the transition period up to 1962 by which time we shall be in a position to utilize the waters for our Rajasthan Canal Project and other projects.

On the expiry of the last ad hoc Agreement in March 1957, Pakistan discontinued supply of data relating to river flow and canal withdrawals which was exchanged under the Agreement, on a reciprocal basis, while India continued to supply certain data in accordance with the arrangements existing under the Agreement of 4 May 1948.

On receipt from Pakistan of the ill-founded complaints of stoppage of supplies, the Government of India proposed to the Pakistan authorities that both sides should resume the exchange of data.

Pakistan agreed and the Special Commissioners of India and Pakistan met on 22 June 1958 at the Wagh border for exchange of data.

The World Bank had also sent out a team authorising Mr. Larz H. Bengston, General R. A. Wheeler and Sir K. Guinness to study the situation created by abnormally low supplies in the rivers Beas and Sutlej. The World Bank team visited certain areas in Pakistan and India with the participation of the Indian and Pakistan representatives, during June-July 1958.

The data collected by the Bank team appear to be still under examination and the Government of India are not yet aware of their findings.

Meanwhile, the exchange of data initiated by us is being continued.

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2481. **Note from Indian High Commission in Pakistan to Pakistan Ministry of Foreign Affairs.**

**Karachi, October 7, 1958.**

No.F.7(2)58-Genl(P) October 7, 1958

The High Commission of India in Pakistan presents its compliments of the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan and, with reference to the letter's note No.I(1)-4/5/58, dated August 29/30, 1958, has the honour to enclose relevant extract from the Minister's speech in question and to reply as follows:-

The Indian Minister of Irrigation & Power, speaking in the Lok Sabha on March 26, 1958, did not say anything new with respect to the Indus waters question which has not been stated before and which was not known to the Government of Pakistan or indeed to the authorities of the International Bank for Reconstruction and Development for the past many years. The Minister's speech was to in no sense a threat or an ultimatum. It only voiced the deep concern of the Government of India for the development of the arid areas of the Indus Basin within Indian territory, the urgency of which was recognised even before partition and has been consistently stressed by the Government of India ever since 1947.

This natural anxiety of the Government of India to discharge their obligations to develop areas on the Indian side of the Indus basin where water is scarce and which are under-developed in relation to the areas on the Pakistan side of the basin, was recognised in the Inter-dominion Agreement of May 1948 in which both India and Pakistan agreed to approach the problem in a practical spirit on the basis of India progressively diminishing its supply to Pakistan in order to give reasonable time to enable the Pakistan Government to tap alternative sources. It was also in the interests of a speedy and constructive settlement on the basis of a relatively short "transition period" which was estimated by the Bank to be about 5 years that India accepted the Bank proposal of 1954, though it involved extremely heavy sacrifices and constituted a serious blow to the economic development of the arid regions. This short transition period is almost over and yet we are nowhere near a solution.

In accepting the Bank proposal, the Government of India were motivated by a desire for an early and amicable settlement. The Indian representative stated:

"I am giving this acceptance in the expectation that Pakistan will at an early date likewise accept the principle of the Bank proposal as the basis of the Agreement; my acceptance cannot, as you will appreciate, extend unilaterally for an indefinite period."
The Government of India are seriously concerned at the attitude of the Pakistan authorities who are going deliberately slow in construction and operation of link canals, neglecting to repair the link canals already built, and proceeding, presumably with a view to making an implementation of the Bank proposal difficult or even impossible with the execution of development projects based on additional, i.e. non-historic, uses of water of the three western rivers which developments, in accordance with the Bank proposal, were to be taken up after the replacement works had been completed and the Bank proposal had been implemented.

Partition did not confer any rights on India or Pakistan with regard to canal waters, nor was any such right conferred on Pakistan by any decision of the Punjab Partition Committee. Prior to the Inter-Dominion Agreement of May 1948, the only arrangement governing the supply of water from India to Pakistan was the ad hoc agreement signed in December 1947 between the Chief Engineers of the East and West Punjab which expressly limited validity of the agreement to the end of the then Rabi Crop., i.e. March 31, 1948. Later, the Inter-Dominion Agreement of 4th May, 1948, on canal waters was signed by leading members of the then Governments of India and Pakistan, as well as of the State Governments of East and West Punjab. This was 10 years ago. The Government of India have consistently adhered to the terms of this Agreement and the spirit underlying it throughout these ten years, despite the failure of the Government of Pakistan to honour this agreement or to arrive at an agreement in terms of the Bank proposal and continued to give water to Pakistan out of their earnest desire to act not only in conformity with agreements arrived at, but also to avoid any injury to the interest of the peasantry in Pakistan. The Government of India will continue firmly to follow that policy and do all they can to arrive at agreed arrangements to settled what is essentially a human problem in a spirit of friendly and neighbourly relations. They cannot, however, accept unilateral repudiation by the Government of Pakistan of agreements arrived at in the past nor can they agree to hold up indefinitely pressing and urgent development schemes for the supply of water to arid areas in Indian territory.

The suggestion of arbitration made in the Ministry’s note seems to the Government of India, to have been made with the object of indefinitely blocking Indian development, an object that the Pakistan authorities have been steadily pursuing since 1948, in violation of the Inter-Dominion Agreement of 4th May, 1948. The Government of India repeat the offer, made several times in the past, to have the validity of this Agreement adjudicated upon by an impartial tribunal.

The Government of India cannot accept the position that the Government of Pakistan can go on repudiating existing agreements, decline to arrive at new agreements and, meanwhile, execute further projects in Pakistan and yet expect
that the Government of India should remain committed to the terms of agreements or proposal which the Government of Pakistan decline to implement. Such a position would be a travesty of agreements negotiated between sovereign states and an abuse of the good offices of the World Bank.

The High Commission would like to point out, with reference to the Ministry's assertion that any withdrawal by India would be totally incompatible with well established principles of International Law, that Government of India are not parties to the various International conventions and Declarations referred to in the Note nor do these represent international law in the accepted sense of the term or apply to the present case. The issues involved concern sovereign rights of the sovereign States of India and Pakistan and can only be governed by agreements arrived at between the two Governments, i.e., the Inter-Dominion Agreement of 4th May, 1948, or any other agreement that may be arrived at in future.

The High Commission taken this opportunity to renew to the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, the assurances of its highest consideration.

The Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, Karachi.

2482. Statement by Minister of Irrigation and Power Hafiz Mohammad Ibrahim in the Lok Sabha on Canal Waters.

New Delhi, April 6, 1959.

As the House is aware, the Inter-Dominion Agreement of May 4, 1948, between India and Pakistan provided for the progressive diminution of supplies to Pakistan canals from the eastern rivers in order to give time to Pakistan to tap alternative sources. In pursuance of the agreement Pakistan started the construction of a few link canals to transfer supplies from the western rivers to canals fed by the eastern rivers.

In February 1954, the International Bank for Reconstruction and Development put forward a proposal according to which the entire flow of the western rivers (Indus, Jhelum and Chenab), except for the insignificant volume of Jhelum
flow presently used in Kashmir, has been allocated to Pakistan and that of the eastern rivers (Ravi, Beas and Sutlej) to India, save that for a specified transition period India would continue to supply the historic withdrawals from these rivers in Pakistan. The proposal also envisaged that during the transition period Pakistan would construct certain other link canals from replacing the supplies received from the eastern rivers.

Three link canals, viz., Bambanwala-Ravi-Bedian-Dipalpur Link, Merala-Ravi Link and Balloki-Suleimanke Link, the construction of which was started in Pakistan after the Inter Dominion Agreement of May 1948, have since been completed. The withdrawal of waters by India is related to the capacity of these link canals to replace supplies hitherto received from the eastern rivers. For various reasons Pakistan has not been running these canals to full capacity. If so run, the link canals are capable of replacing nearly half of the supplies which the canals in Pakistan have been getting from our rivers. India cannot wait indefinitely and will gradually withdraw more and more supplies as and when more replacement works are built by Pakistan.

In the course of the talks under the aegis of the World Bank, which commenced in 1952, the Government of India and Pakistan entered into ad hoc transitional arrangements for the supply of water on three occasions: for Kharif 1955, Rabi 1955-56 and for the period from April 1, 1956 to March 31, 1957. Copies of these agreements have already been placed in the Parliament Library. Although the Pakistan Government did not enter into an agreement for the period after April 1, 1957, we continued to give supplies to Pakistan in accordance with the agreement of May 4, 1948, and the principles of the proposal. Discussions have just concluded in Washington on proposals for ad hoc transitional arrangements for the period from April 1, 1959 to March 31, 1960. The draft agreement now under consideration follows broadly the lines of the agreement for Kharif 1956, except that we stand to get a somewhat larger proportion of the waters hitherto supplied by us to Pakistan. The indications are that the agreement will be signed in Washington shortly. A copy of the agreement, after it is signed, will be placed in the Parliament Library.
Agreement between India and Pakistan on *Ad hoc* Transitional Arrangement for the Irrigational use of the Waters of the Indus System of Rivers.

Washington, 17 April 1959

WHEREAS representatives of India and of Pakistan, together with representatives of the International Bank, are engaged in the preparation of a comprehensive plan for the irrigational use of the waters of the Indus system of rivers, and

WHEREAS by agreements dated June 21, 1955, October 31, 1955 and September 24, 1956, the Government of India and the Government of Pakistan agreed upon ad hoc transitional arrangements for the periods April 1 to September 30, 1955; October 1, 1955 to March 31, 1956; and April 1, 1956 to March 31, 1957 respectively, and

WHEREAS it is considered desirable that ad hoc transitional arrangements should be made for the period April 1, 1959 to March 31, 1960,

NOW THEREFORE, the Government of India and the Government of Pakistan agree as follows:

A. FOR THE PERIOD APRIL 1 TO OCTOBER 15:

1. Except as provided in paragraphs 2, 3, and 7 below, India agrees to limit withdrawals from river flow (for direct use in canals or for storage) in Indian territory, in each water-accounting period specified in paragraph 10 of this Agreement, to the equivalent of the following:

   (a) 10,250 cusecs from April 1 to July 10, 12,000 cusecs from July 11 to August 31, 10,500 cusecs during September, and 10,000 cusecs from October 1 to 15 from the Sutlej, as at Rupar, plus

   (b) 3,500 cusecs during April, 4,500 cusecs during May, 5,500 cusecs from June 1 to September 30, and 5,100 cusecs from October 1 to 15 from the Sutlej and Beas combined; as at Ferozepore, provided that the withdrawal from the Beas component does not exceed 16% of that component (during the period October 1 to October 15 the Beas component shall be as corrected for gains and losses between Ferozepore and Islam), plus

   (c) Any Ravi supplies (after having given effect to paragraph 9 of this Agreement) transferred to the Beas and received at Ferozepore.

2. In addition to the withdrawals that India would be entitled to make under
paragraph 1 above, India may make further withdrawals equivalent to amounts related to Pakistan's ability to replace. These amount, by water-accounting periods, shall be the aggregate of (a) and (b) below limited to amounts related to the effective capacities of the link canals, such amounts being as defined under (c), below

(a) 80% of the equivalent (at Ferozepore) of any Ravi supplies escaped below Madhopur.

(b) 80% of the gross amount, determined as below

When the discharge at Merala is below the floor discharge shown in column 2 of the following Table, the gross amount, as at Ferozepore, shall be zero. When the discharge at Merala reaches or exceeds the ceiling discharge shown in column 3 of the Table, the gross amount as at Ferozepore shall be the amount shown in column 4 of the Table. For discharges at Merala between those shown in columns 2 and 3, the gross amount, as at Ferozepore, shall be the proportional intermediate amount.

<table>
<thead>
<tr>
<th>Period</th>
<th>Floor Discharge at Merala</th>
<th>Ceiling Discharge at Merala</th>
<th>Gross amount as at Ferozepore, corresponding to the ceiling discharge</th>
<th>Effective Capacity as at Ferozepore</th>
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<tbody>
<tr>
<td>April</td>
<td>(Col.1)</td>
<td>(Col.2)</td>
<td>(Col.3)</td>
<td>(Col.4)</td>
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<tr>
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<td>11,100</td>
<td>16,800</td>
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</tr>
<tr>
<td>May</td>
<td>(Col.1)</td>
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<td>(Col.3)</td>
<td>(Col.4)</td>
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<tr>
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<td>32,100</td>
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<tr>
<td>1-10</td>
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<td>30,900</td>
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<td>32,500</td>
<td>13,000</td>
<td>13,000</td>
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</table>
(c) the limiting amount shall be 80% of the effective capacity shown in column 5 above.

(d) During October I to is, India may make additional withdrawals, over and above those specified in paragraphs 1 and 2 (a) above, of 400 cusecs as at Ferozepore. If, during this period, river supplies in Pakistan are sufficiently good to permit the transfer of further additional amounts, Pakistan will cause such supplies to be transferred and will, through its Special Commissioner, notify the Indian Special Commissioner of the amounts which may be made available as additional replacement supplies.

In addition to the withdrawals that India would be entitled to make under paragraph 1 and 2 above, India may make another withdrawals to the extent and in the circumstances specified below:

3.(a) When, in any water accounting period the supplies at Ferozepore below (including withdrawals by the Dipalpur Canal), plus the amounts specified for India under paragraph 2 above, exceed the amounts set out below, India may withdraw the equivalent of 50% of the excess (provided that this quantity, viz. 50% of the excess, shall be reduced, but not below zero, by the equivalent at Ferozepore of the amounts, if any, stored during that period) and will allow the balance to escape below Ferozepore:

<table>
<thead>
<tr>
<th>Period (Ferozepore Dates)</th>
<th>Amount</th>
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<tbody>
<tr>
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<td></td>
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<tr>
<td>1-10</td>
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<td>21-30</td>
<td>8,000  Cusecs</td>
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<td>May</td>
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<td>1-10</td>
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<tr>
<td>21-31</td>
<td>13,000 Cusecs</td>
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<tr>
<th>Period (Ferozepore Dates)</th>
<th>Amount</th>
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<tbody>
<tr>
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<td>13,000</td>
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<td>21-31</td>
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<td>1-10</td>
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<td>11-20</td>
<td>18,700</td>
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<td>August 31</td>
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<td>September</td>
<td>30,000</td>
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<tr>
<td>October</td>
<td>13,000</td>
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</tbody>
</table>

(b) (i) When there is an escapage below Islam, India may withdraw equivalent to the amount of the escapage.

(ii) If, during a water-accounting period, the equivalent at Ferozepore of the actual delivery at the tail of the Balloki-Suleimanki Link is less than the effective capacity (column 5 of the Table under paragraph 2(b)) and there is an escapage below Khanki or below Balloki not due to an operational emergency, India may withdraw additional amounts, limited to the unused effective capacity or to the equivalent of the escapage, whichever is less. If the escapage has been due to an operational emergency, Pakistan will take steps to discontinue the escapage as soon as the emergency is over.

There shall be no restriction on Indian withdrawals when, during any water accounting period, the aggregate of (i), (ii) and (iii) below exceeds 35,000 cusecs (without correction for gains and losses) between April 1 and August 31, 30,000 cusecs (without correction for gains and losses) in September and 25,000 cusecs (corrected for gains and losses between Ferozepore and Islam) during the first fifteen days of October:

(i) The supply at Ferozepore below (including withdrawals by the Diplapur Canal).

(ii) The equivalent (at Ferozepore) of any Ravi supplies escaped below Madhopur.

(iii) Between April 1 and September 30, the appropriate gross amount under paragraph 2(b) above, and, during the October 1 to 15, the amount under paragraph 2(d) above.
The aggregate of (10 and (iii) will be limited to the effective capacity shown in column 5 of the Table under paragraph 2(b) above.

B. FOR THE PERIOD OCTOBER 16 TO MARCH 31:

4. Except as provided in paragraphs 5, 6 and 7 below, India agrees to limit canal withdrawals in Indian territory in each water accounting period specified in paragraph 10 of this Agreement to the equivalent of the following:

(a) 10,000 cusecs from the Sutlej, as at Rupar, plus

(b) 3,500 cusecs during the last sixteen days of October and 2,700 cusecs thereafter from the Sutlej and Beas combined, as at Ferozepore, provided that the withdrawal from the Beas component corrected for gains and losses between Ferozepore and Islam does not exceed 21% of that component, as so corrected, plus

(c) Any Ravi supplies (after having given effect to paragraph 9 of this Agreement) transferred to the Beas and received at Ferozepore.

5. In addition to the withdrawals that India would be entitled to make under paragraph 4 above, India may make further withdrawals equivalent to amounts related to Pakistan’s ability to replace. These amounts shall be such amounts, if any, as may be agreed upon between the Special Commissioners.

6. In addition to the withdrawals that India would be entitled to make under paragraphs 4 and 5 above, India may make further withdrawals to the extent and in the circumstances specified below:

(a) When there is an escapage below Islam (except during the annual closure at Islam headworks) India may withdraw amounts equivalent to the amount of the escapage.

(b) There shall be no restriction on Indian withdrawals from the Sutlej and Beas when, during any water accounting period specified in paragraph 10 of this Agreement, the supply at Ferozepore below, corrected for gains and losses between Ferozepore and Islam, including withdrawals of Dipalpur Canal, plus the amounts specified in paragraph 5 above, exceeds 10,000 cusecs.

C. GENERAL

7. India may utilise the stored waters in any manner it likes.

8. The water-account required under paragraph 10 of this Agreement will, during the period April 1 to July 10 (Ferozepore dates), be prepared with due allowance for time-lag as set out in Annex I to this Agreement. During the
period July 11 to March 31 such water account will be prepared on the basis of identical dates at various points of river supply and canal withdrawals, without any allowance for time-lag. During the period April 1 to September 30, the corrections to be applied for gains and losses shall be as set out in Annex I to this Agreement. During the period October 1 to March 31, there shall be no allowance for gains or losses, except for those in the reach from Ferozepore to Islam. For this reach, the gains and losses shall be the actual gains and losses, calculated without any allowance for time-lag.

If, at any time between the closure of the Suleimanke Barrage (about the middle of October) and December 25, any supplies are released below Suleimanke, the Special Commissioners will agree on an estimate of the gains which would have accrued in the reach from Suleimanke to Islam but for such release and these estimated gains will be used in the water-account instead of the actual gains or losses but not beyond December 25. This provision will not apply if the release is made when the supply reaching Suleimanke is in excess of 6,000 cusecs or when the supply reaching Islam falls below 350 cusecs, in which event the actual gains or losses will be adopted for purposes of the water-account.

9. India will continue to supply the existing withdrawals of C.B.D.C. as hitherto.

10. Each calendar month will be divided into three periods (1st to 10th, 11th to 20th and 21st to the end of the month) for the purposes of the water-account, except October which will be divided into four periods (1st to 10th, 11th to 15th, 16th to 20th and 21st to 31st). An attempt will be made to balance the water-account for each of the periods specified above but any excess or deficit in Indian withdrawals in any such period will be carried over to the next period for adjustment.

11.(1) The Governments of India and Pakistan will each nominate a Special Commissioner, who shall be charged with the responsibility of supervising, in India and in Pakistan respectively, the implementation of this Agreement. Each Government may, if it so desires, appoint a Deputy Special Commissioner to assist the Special Commissioner.

(2) The two Commissioners will consult with each other, on the request of either, and each Commissioner will furnish to the Commissioner of the other Government the data specified in Annex II to this Agreement. On the request of the Commissioner of the other Government, each Government will afford to the Commissioner of the other Government,
or his Deputy, all reasonable access to the irrigation works concerned.

(3) In the event of any serious damage to irrigation works arising from causes beyond the control of the Government of Pakistan, which would have the effect of diminishing the supplies in the Balloki-Suleimanke Link, there shall be consultation between the Special Commissioners as to whether or not any modification should be made in the terms of paragraph 2 of this Agreement on account of such an emergency, and also with regard to the steps to be taken to restore this position to normal.

(4) In the event of any dispute arising with respect to the implementation of this Agreement, which cannot be resolved by discussion between the Special Commissioners, the matter will be referred to the representatives of the two Governments (participating with the International Bank in the Indus Water Talks) either of whom may, if he considers it necessary, enlist the good offices of the International Bank.

12. This Agreement will be without prejudice to any rights or claims of either Government, and will imply no commitments other than those specified herein for the period covered by the Agreement.

13. This Agreement applies to the period April 1, 1959 to March 31, 1960. If, at any time during the currency of this Agreement, the International Bank should give notice to the two Governments of its withdrawals from the work of preparation of a comprehensive plan for the irrigation use of the waters of the Indus system of rivers, this Agreement shall cease to have effect as from a date three months after the date of the Bank’s withdrawal, or from 31st March, 1960, whichever is earlier.

DONE at Washington, D.C., this 17th day of April, 1959, in three counterparts, of which one shall be retained by each of the parties to this Agreement and the third deposited in the archives of the International Bank for Reconstruction and Development.

For the Government of India  For the Government of Pakistan
Sd/- N.D. Gulhati   Sd/- Aziz Ahmed
Additional Secretary  Ambassador of Pakistan
to the Government of India  to the United States of America
Ministry of Irrigation and Power

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2484. Note from High Commission of India in Pakistan to the Pakistan Ministry of Foreign Affairs.

Karachi, April 29, 1959.

The High Commission of India in Pakistan presents its compliments to the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, and, with regard to the Ministry's Note No.1(1)-4/5/58 of March 10, 1959, has the honour to invite a reference to the High Commission Note of October 7, 1958, in which the Indian position in respect of developments on the Indian side was clearly stated.

2. The Inter-Dominion Agreement of May 1948 envisaged progressive reduction in the supplies from the Eastern rivers made to Pakistan canals to give reasonable time to Pakistan to tap alternative sources. The World Bank Proposal of February 1954 also provided for a "transition period" which was estimated by the Bank to be about 5 years for the same purpose. Both these documents referred to historic supplies from Eastern rivers to Pakistan canals and placed no restrictions whatsoever on the utilisation of surplus supplies of the Eastern rivers for new development in India.

3. The Government of Pakistan have, during all these years, gone ahead with the execution of development projects based on additional, i.e., non-historic uses of the waters of the three Western Rivers. They have, however, been extremely slow in the completion and operation of replacement works. This attitude of the Government of Pakistan is contrary to the spirit of the Inter-Dominion Agreement of May 1948 and of the World Bank proposal of February 1954 and has resulted in holding up the development of arid areas on the Indian side. Despite this, the Government of India have all along acted in conformity with the 1948 Inter-Dominion Agreement and the principles of the World Bank Proposal of 1954.

4. The Government of India are surprised that in the face of the factual position stated in paras 2 and 3 above, the Government of Pakistan should in their note dated the 10th March 1959, object to the operation of the barrage at Harike on the vague and flimsy pretext that it would "interfere with the lawfully established beneficial use in Pakistan." In the communication dated 24th November 1958 from the Indian Special Commissioner for Canal Waters addressed to the Pakistan Irrigation Commissioner, it was made clear that the surplus supplies stored in the Harike pond in the flood season would be utilized to feed the newly constructed Sirhind Feeder and this would not in any way affect the releases below Ferozepore weir for Pakistan channels which would be maintained at 79% of the Beas flow supplies at Ferozepore, corrected for gains and losses between Ferozepore and Islam, after taking into account the replacement supplies that may be available to Pakistan.
5. It will be clear from the factual position stated in paragraphs 2 to 4 above that the Government of Pakistan have been grievously misinformed about the factual position and gross confusion has been created in their mind between the historic supplies from the Eastern rivers given to Pakistan canals and the surplus supplies of the Eastern rivers. The High Commission has been instructed by the Government of India to inform the Government of Pakistan that, in the view of the Government of India, the objection raised by the Government of Pakistan to the operation of the Harike Barrage is totally misconceived and groundless.

6. As the Government of Pakistan are aware, negotiations to settle the Indus Basin Water question are going on under the aegis of the World Bank and an ad hoc transitional agreement to cover the period from 1st April 1959 to 31st March 1960 has already been signed by the representatives of the Government of India and the Government of Pakistan.

7. The High Commission takes this opportunity to renew to the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, the assurances of its highest consideration.

The Ministry of Foreign Affairs Commonwealth Relations, Government of Pakistan, Karachi.

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2485 Note from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.


No.F.112(5)/56-Genl(P) the 4th May, 1959/14 Vaisakha, 1881.

The High Commission for India in Pakistan present their compliments to the Ministry of Foreign Affairs and Commonwealth Relations of the Government of Pakistan and, with reference to their note No.I(I)-4/57 dated the 25th August 1958, have the honour to state as follows :-

2. The Government of India are surprised to note that the Government of Pakistan should have deemed it necessary, at this stage, to reiterate their alleged legal position, as at partition, and advance various other claims which are not directly related to the question of deposit, by Pakistan, of the outstanding sums under “disputed charges.” The Government of India are already aware of
the position and claims advanced in the Pakistan note, referred to above. Equally, the Government of Pakistan should be aware of the views of the Government of India with respect to these matters which have been clearly and fully stated to these earlier communications. It is not understood, therefore, what purpose is now sought to be served by a reiteration of their position and claims by the Government of Pakistan.

3. India’s request for deposit of the ‘disputed charges’ which forms the subject matter of this exchange of notes, is based not on any vague general principles, or contentious arguments, but on the clear and precise terms which were formally accepted by the Government of Pakistan (see paragraph 7 of the Agreement of 4th May 1948, which states: “The Dominion Governments of India and Pakistan accept the above terms......”).

4. Obviously, if an Agreement has been concluded between two parties and if one party contends that it has become void while the other holds that it is still valid, the proper method to determine whether the Agreement is valid or not is to submit the problem of the validity of the Agreement to the judicial decision of an impartial authority. As the Government of Pakistan will recall, it is now more than seven years since the Government of India suggested this course in paragraph 9 of their Note No. F.6(1)Pak-III/51 dated the 18th September 1951 in the following words :-

“The present differences have arisen only because Pakistan is unilaterally attempting to repudiate its own obligations under the Agreement by violations of the Agreement and by allegations of its initial voidness or its subsequent termination. The Government of India cannot recognise such unilateral repudiation of international obligations nor can they subscribe to the view that unilateral violations of an international treaty can confer on the offending party any rights over and above or different from the rights given to it by that treaty. The Government of India would again cordially invite the Government of Pakistan to a full implementation by both parties of their obligations under the Indo-Pakistan Agreement of 4th May 1948. Should, however, the Government of Pakistan have any doubts regarding the binding character of this Agreement, the proper course would be for them to seek a judicial decision from an impartial international authority on the question of the validity of this Agreement. In case the Government of Pakistan desire to follow this course, the Government of India, while reserving all their rights including those flowing from the Indo-Pakistan Agreement of 4th May 1948 and from violations by Pakistan of the terms of that Agreement, would be willing to discuss the procedure for such adjudication.”
5. Apart from the above, with regard to the “disputed charges”, already deposited and to be deposited with the Reserve Bank of India, the Government of India have, in paragraph 7 of their note of 27th May 1957, assured the Government of Pakistan that if no satisfactory settlement can be mutually worked out by negotiation, the Government of India would be willing, as soon as the Government of Pakistan have carried out their part of the obligation, to discuss arrangements, including reference to arbitration if necessary, for a final settlement of the entire amount of the “disputed charges”. The Government of India are unable, therefore, to understand the hesitation of the Government of Pakistan to deposit immediately the outstanding sum. If the Government of Pakistan are really in earnest to resolve the question fairly, there is no reason why, instead of suggesting yet another procedure in paragraph 25 of their note of 25th August 1958, they cannot adhere to one which they had already followed for more than two years.

6. At a time when negotiations are proceeding, with the good offices of the International Bank for Reconstruction and Development, for a settlement of the question regarding the use by India and Pakistan of the waters of the Indus system of rivers, both sides having generally agreed that the problem “should be solved on a functional and not a political plane, without relation to past negotiations and past claims,” the Government of India would not like to comment on the claims put forward by the Government of Pakistan in paragraph 2-9 of their note of August 25, 1958, on the basis of their alleged “legal position at partition.”

It appears necessary, however, to clarify the status of the Expert Committee ‘B’ on whose report the Government of Pakistan appear to rely for their alleged legal position. This Committee had no legal status whatever under the Indian Independence Act, 1947. Under this Act, the only competent body to take decisions regarding matters arising out of the partition of Punjab was the Punjab Partition Committee. This Committee rejected the recommendations of the Expert Committee “B” with regard to the Upper Bari Doab Canal and the Ferozepore Head-works; instead, it asked for a re-examination of the problem and later, at its meeting held on 19th and 20th December, 1948, it approved the Standstill Agreements reached between the Chief Engineers of East Punjab and West Punjab. After the Agreement of 4th May 1948 had been concluded, the West Punjab Government thought it necessary to place the following note before the partition Committee:-

“3. Maintenance of Upper Bari Doab Canal and Ferozepore Head-works.
Note by West Punjab Government –

The Expert Committee ‘B” appointed for the division of the physical assets of
the Punjab province considered the question of the future management of the Upper Bari Doab Canal and secondly, the Ferozepore Head-works, and made certain recommendations vide para 15 of their report. The Partition Committee, however, asked Messrs. Sarup Singh and Hameed to put up a joint proposal in the matter. The two Chief Engineers agreements in this case valid up to the 31st March 1948, were duly approved by the Partition Committee. No further agreements were, however, executed after the 31st March 1948, and the supply of canal water to the West Punjab was stopped. The supply has, however, since been resumed on the basis of an agreement between the two dominions and the facts are known to the representatives of both the East and West Punjab Governments on the Partition Committee. Further negotiations will also take place at Dominion level. The matter is now laid formally before the Partition Committee for their information.”

The Committee noted this information.

(Extract from proceedings of the Punjab Partition Committee held on the 26th and 27th May 1948).

It would thus be clear that the statements of the Expert Committee ‘B’ have no relevance so far as the rights of India and Pakistan to the waters of the Indus system of rivers are concerned.

7. In paragraphs 26-31 of their note dated 25th August 1958, various financial claims against India have been advanced on the basis of Pakistan’s own interpretation of proposal made on February 5, 1954, by the International Bank for Reconstruction and Development as the basis of an agreement. In spite of prolonged efforts by the Bank and the fullest cooperation by the Government of India, it has not yet been possible to reach any agreement on that basis. The Government of Pakistan would appreciate that there can be no question of any financial liability between two independent countries except on the basis of a contractual obligation.

With regard to Pakistan’s interpretation of some paragraphs of the Bank proposal, on the basis of which the alleged claims mentioned above have been advanced, the position of the Government of India should by now be well known to the Government of Pakistan from communications on the subject exchanged through the Bank. At this stage, when the Bank is engaged in trying to negotiate an agreement between the two countries, the Government of India would not like to make the Bank’s task more difficult by entering into separate discussions with the Government of Pakistan on the interpretation to be put on various paragraphs of that proposal.
8. The Government of India regret to note that, apart from the question of deposit in escrow of the “disputed charges”, there has been considerable delay on the part of the Government of Pakistan to pay to the Reserve Bank of India, for credit to the Punjab (India) Government the “undisputed charges” fixed by the Prime Minister of India from time to time. The amount so outstanding for the period ending 30th June 1959 is Rs.15,75,561.

9. The High Commission avail themselves of this opportunity to renew to the Ministry of Foreign Affairs and Commonwealth Relations the assurances of their highest consideration.


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2486. Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.

Ministry of Foreign Affairs and Commonwealth Relations
Government of Pakistan
Karachi

No. I (1)-4/5/58 the 7th May, 1959

The Ministry of Foreign Affairs and Commonwealth Relations Government of Pakistan presents its compliments to the High Commission for India in Pakistan and with reference to the letter’s Note No.F.7(2)-58-Genl(P) dated October 7, 1958, has the honour to state as follows :-

2. The Government of Pakistan are studying the Note of the High Commission in which the Government of India have discussed, among others, issues involving around their position with respect to the Joint Statement of May 4, 1948, and have offered “to have the validity of the agreement (the Joint Statement of May 4, 1948) adjudicated upon by an arbitral tribunal.” Before making a full reply to the Note of October 7, 1958, the Government of Pakistan seek clarification of this offer by Government of India. As the Government of India are aware, the Government of Pakistan deny the Joint Statement of May 4, 1948, to be subsisting. The Joint Statement was a purely temporary arrangement, without prejudice to the legal rights of the parties, and is unrelated to the Bank Proposal of February 5, 1954, and Aide Memoire of May 21, 1956.
3. The Government of Pakistan, in their Note of August 29, 1958, renewed their offer, in the interest of promoting agreement on the implementation of the principles of the Bank Proposal and Aide Memoire, to reach now an agreement committing each side to submit to adjudication every issue related to the water question. This offer covers every contention that the Government of India might decide to raise related to the water question, including the validity of the Joint Statement of May 4, 1948.

4. Government of India would appreciate that adjudication respecting the validity of the Joint Statement to have meaning must of necessity include every point related to the Joint Statement which the parties may wish to raise. It will be appreciated if the Government of India will state precisely what issues relating to the Joint Statement the Government of India are prepared to adjudicate. As the Joint Statement of May 4, 1948 is unrelated to the Bank Proposal and Aide Memoire, any such reference shall be without prejudice to the negotiations now in progress through the good offices of the International Bank for Reconstruction and Development.

5. Since the Government of Pakistan continue prepared to commit Pakistan to adjudicate every issue related to the Water Question, they are desirous to explore with the Government of India, precisely what issue the Government of India are prepared to adjudicate. The Government of Pakistan have made their original offer in order to promote an early and just solution of the Indus Water Question. In as much as the Government of India have also expressed the desire for such a solution, the issues to be adjudicated would, of course, be those that stand in the way of agreement.

6. By their letter dated 22nd December, 1958 delivered to the International Bank for Reconstruction and Development through the head of their Water Delegation, the Government of Pakistan re-affirmed their acceptance, without condition or reservation, of the Bank Proposals of February 5, 1954 and Aide Memoire of May 21, 1958 as the continuing basis for reaching a cooperative solution of the Indus Waters question with the assistance of the Bank. By the same letter, they also re-affirmed their agreement to all differences as to interpretation of Bank Proposal and Aide Memoire or implementation that cannot be promptly resolved by agreement, being resolved any arbitration.

7. It will be appreciated if the Government of India will, either through the International Bank, or in reply to this enquiry, state whether they agree that all the differences as to the interpretation of the Bank proposals and Aide Memoire or implementation that cannot be promptly resolved by agreement should be resolved by arbitration.
8. Copies of this Note are being sent to the Secretary General of the United Nations and the President of the International Bank.

9. The Ministry of Foreign Affairs and Commonwealth Relations avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

The High Commission for India in Pakistan
Karachi.

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2487. Press Statement of President of the World Bank Eugene Black.

New Delhi, May 16, 1959.

During the past three days I have held, with the Indian authorities, a series of conversations on the Indus Waters question.

I have discussed the matter with Prime Minister Nehru, Mr. Morarji R. Desai (Minister of Finance), and Hafiz Mohd. Ibrahim (Minister of Irrigation and Power), and there have also been discussions at the official level.

As a result of these various conversations, certain general principles have been established along lines acceptable to the Government of India. The establishment of these principles represents in my view important progress towards a settlement of this issue which has been so long a cause of friction between India and Pakistan. There are, however, some difficult obstacles that remain to be surmounted.

I am now going to Karachi to hold conversation with President Ayub and the members of his Government.

I venture to express the hope that my conversations with the Pakistan authorities will carry matters another stage further along the road to a settlement.

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2488. Communique issued by the Government of India on the Canal Waters Issue.

New Delhi, June 9, 1959.

The Government of India have now received information from the World Bank regarding the results of recent discussions in Karachi between Mr. Eugene Black, President and Mr. W.A.B. Iliff, Vice President, World Bank, and the Government of Pakistan. These discussions followed similar discussions held earlier in New Delhi with the Government of India.

Though there are still several matters to be worked out in detail, these discussions have resulted in the formulation of certain general principles which would afford a basis on which it should be possible to move forward towards a settlement of the Indus Basin waters question.

The Government of Pakistan have conveyed to Mr. Eugene Black its willingness to go forward on the basis of a system of works proposed by the Bank. This system of works would be constructed by Pakistan, and one of its purposes would be the replacement from the three western rivers of the pre-Partition uses on those canals in Pakistan, which were dependent on supplies from the three eastern rivers.

The Bank has reached an agreement in principle with the Government of India on the amount of financial contribution to be made by India towards the cost of construction of these works.

The transition period, that is to say, the period of time after which India would be entitled to the exclusive use of the waters of the three eastern rivers, would be approximately 10 years.

In order to meet the full requirements of the Rajasthan and other new Indian canals, which will be ready to withdraw water much before the end of this long transition period, the Bank has agreed to attempt to secure for India necessary financial assistance to enable the construction of a storage on the Beas which will be taken up as early as possible.

The above understandings are contingent on the Bank’s success in obtaining assurances of adequate financial assistance from friendly Governments. Over the next two months, the Bank hopes to be able to obtain appropriate assurances in this regard.

A meeting of the representatives of India and Pakistan and of the Bank will be held in London early in August, 1950* to work out the heads of agreement of a Water Treaty between India and Pakistan, as also various details including the
regulation of supplies, from the eastern rivers between India and Pakistan during the transition period.

After a period of 11 years, during which the Government of India has been patiently negotiating for a peaceful settlement of this problem and in which the World Bank has devoted for the last seven years considerable time, energy and expense, the Government of India sees some prospects of a solution. They hope that, with goodwill on both sides and the assistance of the World Bank, it would be possible to reach before long a final settlement of the Indus basin waters question in the lasting interests of the people of the Indus Basin in both countries.
Statement by Minister of Irrigation and Power Hafiz Mohd. Ibrahim in Lok Sabha on Canal Waters Dispute.

New Delhi, August 3, 1959.

“In my statement of September 1, 1958, concerning the negotiations of the Indo-Pakistan Canal Waters question, I brought to the notice of the House that the plan of replacement works submitted by Pakistan at the London meeting of July 1958 was under examination. Our comments on the Pakistan plan were conveyed to the Bank when the talks were resumed in Washington in December 1958. Along with our comments the Indian representative put forward an alternative plan of replacement works.

“An important feature of that plan was the diversion of the waters of the Chenab at Marhu through Indian territory for supply to Pakistan at suitable points. It was much less expensive than the Pakistan Plan and had the merit of enabling the replacement works to be completed in a relatively short period. But it was not acceptable to Pakistan.

“Although in the course of the discussions in Washington, Pakistan signified, for the first time, its unconditional acceptance of the division of waters as suggested by the Bank in its proposal of 1954, it continued to have reservations on some of the other features of the Bank proposal.

“As there was no prospect of an agreement between the parties, the Bank felt that it should put forward, for consideration by India and Pakistan, its own proposals for a settlement of the dispute.

“In May 1959, Mr. Eugene Black, President of the Bank, visited New Delhi and held consultations with the Prime Minister and the Ministers for Irrigation and Power and Finance.

“In the course of the discussions he put forward certain general principles as furnishing a basis for the implementation of the Bank proposal of 1954 for the division of waters of the Indus Basin. He also visited Karachi and held similar consultation with the representatives of the Pakistan Government.

“The position as it has emerged from Mr. Black’s discussions in Delhi and Karachi may be briefly summarized as follows:

(a) The Government of Pakistan has conveyed to the Bank their willingness to go forward with a system of engineering works to be constructed by Pakistan, one of whose purposes would be the replacement, from the three Western rivers, of the pre-partition supplies of those canals in Pakistan which were dependent on supplies from the three Eastern rivers. Particulars of these works have not been furnished to India as India will have no concern with their planning construction, costs or operation.
(b) The Bank has reached an agreement, in principal, with the Government of India on the amount of financial contribution to be made by India.

(c) The transition period, that is to say, the time required by Pakistan to construct and bring into operation the works mentioned in (a) above and after which India would be entitled to the exclusive use of the waters of the three Eastern rivers, will be approximately 10 years.

(d) These elements of agreement are contingent on the Bank being able to secure for Pakistan adequate financial assistance from friendly Governments for the construction of these works in Pakistan.

“The House will recall that the Bank proposal of 1954 provided for a transition period of 5 years. This estimate was based on a system of replacement works which consisted mainly of link canals and did not include any storages.

“It was later felt that this estimate was somewhat optimistic and limited storage may be necessary. The engineering works now proposed are materially different from the replacement works formerly contemplated and, according to the Bank, they will also provide for replacement of the waters now drawn by Pakistan from the Eastern rivers, though it will take about 10 years to construct and bring them into operation.

“We would not have accepted a transition period of 10 years as the basis of a settlement if it was calculated to postpone unduly the date we had in view for the opening of the Rajasthan canal. We have agreed to it on the clear understanding that the link canals, already constructed in Pakistan, would be operated from 1960 onwards to their full designed capacities.

“We have also been assured that the Bank would try to obtain the necessary financial assistance for the construction of a dam on the Beas to make available perennial supplies to the Rajasthan canal well before the expiry of the transition period now suggested.

“The running of the link canals in Pakistan to full capacity will enable India to adhere the target date for opening the Rajasthan canal in 1962 or, even earlier, if the canal can be completed earlier. But for the first few years this canal, like the Bhakra canal, will have to function largely on a non-perennial basis.”

“The Beas dam may take 7 or 8 years to complete but limited perennial supplies will be available for Rajasthan canal in about 6 years when the dam can be expected to being impounding water, although not to its full capacity.”

The Minister also said: “The House will agree that the acceptance by the parties of certain broad principles as the basis of an agreement constitutes an advance towards a settlement of this difficult question."
“This satisfactory result has been achieved by the unremitting labours of the World Bank and the personal interest of its President whose contribution to the success of the recent talks it is difficult to over-estimate.

“While there may be reasonable grounds for optimism, it cannot be said that from now on everything is smooth sailing and that there are no difficulties ahead. Many hurdles have still to be crossed before a final settlement of the Indus Waters Question can be reached.”

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2490. Statement the Official Spokesperson of the Ministry of External Affairs on the Information supplied to Lok Sabha by the Minister of Irrigation and Power Hafiz Mohammad Ibrahim regarding payment from Pakistan of various dues from Pakistan on account of supply of canal waters.

New Delhi, August 4, 1959.

Shri Hafiz Mohd. Ibrahim, Union Minister of Irrigation and Power, stated in the Lok Sabha on August 4, 1959 that, as a result of further correspondence on canal water dues against Pakistan, Pakistan Government had made another payment of Rs. 16,21,370/- representing ‘undisputed’ charges for the period from October 1, 1957 to September 30, 1958.

[The Minister was giving a written reply to a question by Shri Vidya Charan Shukla and Shri D.C. Sharma regarding the result of further correspondence with the Government of Pakistan on settlement of the disputed as well as the balance of undisputed charges and the latest position of outstanding on these accounts.]

The Minister also stated that the amount outstanding from the Government of Pakistan, both ‘disputed’ and ‘undisputed’, up to the period ending September 30, 1959, were as follows:

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<tr>
<td>Disputed</td>
<td>Rs. 1,08,92,340/-</td>
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<tr>
<td>Undisputed</td>
<td>Rs. 21,76,561/-</td>
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(The Minister added that the matter was under correspondence between the two Governments for the remaining payment).

On 26th February 1960 the Lok Sabha was informed that no further payments either “disputed” or “undisputed” have since been received from Pakistan.

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2491. Note from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.

Karachi, August 4, 1959.

High Commission of India
Karachi

No. F.7(1)/59-P. 4th August, 1959/ Sravana 13, 1881 (Saka).

The High Commission for India in Pakistan presents its compliments to the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, and, with reference to the latter’s Note No.1(1)-4/5/58 dated the 7th May, 1959 has the honour to state as follows:

2. With regard to the Water Agreement of 4th May, 1948, the position of the Government of India was clearly stated eight years back, in paragraph 9 of their Note No.F.6(1)-Pak.III, dated 18th September, 1951, which is reproduced below for ready reference:

“As has been clearly demonstrated above, all questions relating to the waters of the rivers in the Indus basin have either been settled or could be settled in accordance with the terms of the Agreement of May 4, 1948, if both the countries loyally carry out their international obligations under that Agreement. The present differences have arisen only because Pakistan is unilaterally attempting to repudiate its own obligations under that Agreement by violations of the Agreement and by allegations of its initial voidness or its subsequent termination. The Government of India cannot recognize such unilateral repudiation of International obligations nor can they subscribe to the view that unilateral violations of an international treaty can confer on the offending party any rights over and above or different from the rights given to it by that treaty. The Government of India would again cordially invite the Government of Pakistan to a full implementation by both parties of their obligations under the Indo-Pakistan Agreement of 4th May, 1948. Should, however, the Government of Pakistan have any doubt regarding the binding character of this Agreement, the proper course would be for them to seek a judicial decision from an impartial international authority on the question of the validity of this Agreement. In case the Government of Pakistan desire to follow this course, the Government of India, while reserving all their rights including those flowing from the Indo-Pakistan Agreement of 4th May, 1948 and from violations by Pakistan of the terms of that Agreement, would be willing to discuss the procedure for such adjudication.........”
It would also be clear from the foregoing that by offering to have the validity of the Agreement of May 4, 1948, adjudged by an arbitral tribunal, the Government of India intended to determine whether the Government of Pakistan had any right to unilaterally denounce this Agreement in accordance with its provisions.

3. The Government of India are surprised that the Government of Pakistan should, on the eve of the visit of Mr. Black, President of the International Bank, to India and Pakistan, to discuss with the two Governments certain general principles for the settlement of the Indus Water question, have deemed it necessary to suggest in their Note, referred to above, that all differences as to the interpretation and the implementation of the Bank’s proposal and Aide Memoire be resolved by arbitration. These documents, being in the nature of proposals of a good officer exploring points of common understanding, the details of which had not been fully worked out, were never intended to be precise instruments enjoining any legal obligations capable of interpretation by the application of rules of law. Furthermore, for the same reasons, these documents cannot be compared with a bilateral agreement, such as the Water Agreement of 1948, in regard to their legal sanction or the rights and obligations flowing therefrom.

4. Since, as a result of Mr. Black’s discussions referred to above, it has been stated by the Bank that certain general principles have been established which afford a satisfactory basis for working towards a final settlement and further discussions are shortly going to be held in this connection between the representatives of India, Pakistan and the Bank, the Government of India would not like to make the Bank’s task more difficult by making detailed comments on various extraneous issues raised in the Ministry’s Note on 7th May, 1959.

5. The High Commission avails itself of this opportunity to renew to the Government of Pakistan the assurances of its highest consideration.

The Ministry of Foreign Affairs And Commonwealth Relations,
Government of Pakistan
Karachi.

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2492. Statement laid on the Table of the Rajya Subha by Minister of Irrigation and Power Hafiz Mohammad Ibrahim on the Indo-Pakistan Canal Waters Dispute.

New Delhi, August 10, 1959.

In my statement of 1st September 1958 concerning the negotiations on the Indo-Pakistan Canal Waters question, I brought to the notice of the House that the plan of replacement works submitted by Pakistan at the London meeting of July 1958 was under examination. Our comments on the Pakistan plan were conveyed to the Bank when the talks were resumed in Washington in December 1958. Along with our comments the Indian representative put forward an alternative plan of replacement works. An important feature of that plan was the diversion of the waters of the Chenab at Marhu through Indian territory for supply to Pakistan at suitable points. It was much less expensive than the Pakistan plan and had the merit of enabling the replacement works to be completed in a relatively short period. But it was not acceptable to Pakistan.

2. Although in the course of the discussions in Washington Pakistan signified, for the first time, its unconditional acceptance of the division of waters as suggested by the Bank in its proposal of 1954, it continued to have reservations on some of the other features of the Bank proposal. As there was no prospect of an agreement between the parties, the Bank felt that it should put forward, for consideration by India and Pakistan, its own proposal for a settlement of the dispute.

3. In May 1959, Mr. Eugene Black, President of the Bank visited New Delhi and held consultation with the Prime Minister and the Ministers for Irrigation and Power and Finance. In the course of the discussions he put forward certain general principles as furnishing a basis for the implementation of the Bank proposal of 1954 for the division of waters of the Indus Basin. He also visited Karachi and held similar consultation with the representatives of the Pakistan Government.

4. The position as it has emerged from Mr. Black’s discussions in Delhi and Karachi may be briefly summarised as follows:

(a) The Government of Pakistan have conveyed to the Bank their willingness to go forward with a system of engineering works to be constructed by Pakistan, one of whose purpose would be the replacement, from the three Western rivers, of the pre-partition supplies of those canals in Pakistan which were dependent on supplies from the three Eastern rivers. Particulars of these works have not been furnished to India as India will have no concern with their planning, construction, costs or operation.
The Bank has reached an agreement, in principle, with the Government of India on the amount of financial contribution to be made by India.

The transition period, that is to say, the time required by Pakistan to construct and bring into operation the works mentioned in (a) above and after which India would be entitled to the exclusive use of the waters of the three Eastern rivers, will be approximately 10 years.

These elements of agreement are contingent on the Bank being able to secure for Pakistan adequate financial assistance from friendly Governments for the construction of these works in Pakistan.

The House will recall that the Bank Proposal of 1954 provided for a transition period of about 5 years. This estimate was based on a system of replacement works which consisted mainly of link canals and did not include any storages. It was later felt that this estimate was somewhat optimistic and limited storage may be necessary. The engineering works now proposed are materially different from the replacement works formerly contemplated and according to the Bank, they will also provide for replacement of the waters now drawn by Pakistan from the Eastern rivers though it will take about 10 years to construct and bring them into operation.

We would not have accepted a transition period of 10 years as the basis of a settlement if it was calculated to postpone unduly the date we had in view for the opening of the Rajasthan canal. We have agreed to it on the clear understanding that the link canals, already constructed in Pakistan, would be operated from 1960 onwards to their full designed capacities. We have also been assured that the Bank would try to obtain the necessary financial assistance for the construction of a dam on the Beas to make available perennial supplies to the Rajasthan canal well before the expiry of the transition period now suggested.

The running of the link canals in Pakistan to full capacity will enable India to adhere to the target date for opening the Rajasthan canal in 1962 or even earlier, if the canal can be completed earlier. But for the first few years this canal, like the Bhakra canal, will have to function largely on a non-perennial basis. The Beas dam may take 7 to 8 years to complete but limited perennial supplies will be available for the Rajasthan canal in about 6 years when the dam can be expected to begin impounding water, although not to its full capacity.

On the basis of the understandings reached by the President of the Bank with the Government of India and Pakistan, discussions have been resumed on the 5th August in London between the representations of India, Pakistan and the World Bank with a view to working out Heads of Agreement for an
International Water Treaty. The talks will also cover matters connected with the regulation of supplies from the Eastern rivers during the transition period and with the uses which must be reserved for India in the upper reaches of the three Western rivers before they enter Pakistan.

8. The House will agree that the acceptance by the parties of certain broad principles as the basis of an agreement constitutes an advance towards a settlement of this difficult question. This satisfactory result has been achieved by the unremitting labours of the World Bank and the personal interest of its President whose contribution to the success of the recent talks it is difficult to overestimate. While there may be reasonable grounds for optimism, it cannot be said that from now on everything is smooth sailing and that there are no difficulties ahead. Many hurdles have still to be crossed before a final settlement of the Indus Waters Question can be reached.

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2493. Statement by Minister of Irrigation and Power Hafiz Mohammad Ibrahim in the Lok Sabha on the Canal Water dispute.

New Delhi, March 15, 1960.

The Government of India have seen the announcement made by the World Bank on March 1, 1960, which refers *inter alia* to the current negotiations for the conclusion of a water treaty between India and Pakistan in settlement of the Indus waters question and the Bank’s finance plan and the participation of various friendly governments in this plan.

The Bank’s finance plan is related to the system of works to be constructed which would provide not only replacement from the three western rivers of supplies to meet the irrigation uses in those areas of Pakistan which have hitherto depended on supplies from the three eastern rivers, but also further substantial additional irrigation developments and development of important hydroelectric potential. These works would also make an important contribution to soil reclamation and drainage in Pakistan.

The Government of India are grateful to the Bank for the strenuous efforts they have made and are making for the settlement of the Indus Waters question and are also glad that friendly governments are assisting in the implementation of the Bank’s finance plan.
The Bank’s finance plan of 1,000 million dollars is mainly for works in Pakistan and it does not include works under construction in India, like the Bhakra Project and the Rajasthan Canal Project, which are necessary to enable India to utilise the waters of the eastern rivers and on which we are ourselves spending more than 700 million dollars.

The Bank’s finance plan is, as stated in the Bank announcement, contingent on the ratification of the Water Treaty now under negotiation. While it is implicit in India’s acceptance of the Bank proposal of 1954 that it will make some contribution to meet the cost of constructing replacement works, the question of making such a contribution will arise only when full agreement is reached on the transitional arrangements, limited essential uses in India of the waters of the Western rivers and other questions which are at present being discussed in Washington. While the Government of India hope that the current negotiations will lead to an early settlement they consider it premature to specify India’s contribution to the Bank’s finance plan at this stage.

2494. Extract from the speech of Prime Minister Jawaharlal Nehru while replying to the debate on Foreign Affairs in Lok Sabha.

New Delhi, September 1, 1960.

AN HON. MEMBER asked me about the Canal Waters Agreement. Broadly it is based on the World Bank’s proposal of 1954, the salient feature of which was the allotment of the waters of the Indus, the Jhelum and the Chenab, except for minor uses in Jammu and Kashmir, to Pakistan and those of the Sutlej, the Ravi and the Beas to India. A transition period during which Pakistan would construct canals etc., to replace supplies hitherto received by her from the rivers going to India was to be fixed, India contributing towards the replacement works and allowing to Pakistan progressively diminishing supplies from the eastern rivers during this transition period.

The main features of this treaty are: Pakistan should build these replacement works, presumably in ten years’ time, and during these ten years we supply water to them, though in a progressively diminishing degree. In building these works, Pakistan is going to be helped by us financially to the extent that we are
going to deprive her of the water that she has been getting so far. In effect, however, Pakistan is going to build on a much bigger scale with the help of a number of countries and the World Bank. Large sums of money are going to be given to Pakistan by the World Bank and by a number of other countries. But that has nothing to do with our agreement. We are going to make an ad hoc contribution spread over ten year.

It has taken a long time to decide how much water we are to give during the transition period of ten years and in what form the payment should be made. The ten-year period began on April 1, 1960, the date on which the treaty came into effect, and it can be extended by a further period of three years at Pakistan’s request. The extension is subject to a reduction in our contribution by 5 per cent in the first year, 10 per cent over two years and by 16 per cent over the three years. The ten-year period is to be roughly divided into two phases, 1960-66 and 1966-70. The water to be supplied by India to Pakistan from the eastern rivers during the transition period is to be of a diminishing scale. India will have no responsibility for their canals, etc.

A question that troubles many people is what effect this agreement with Pakistan is likely to have on the Rajasthan Canal. According to present plans, the Rajasthan Canal will be ready to carry some irrigation water up to 1,200 cusecs in 1961, 2,100 cusecs in 1962 and 3,000 cusecs in 1963. Thereafter it is proposed to enlarge the capacity in such a way that by about 1970 the Canal would be developed to 18,500 cusecs. We are trying to provide water to the Rajasthan Canal throughout this period on an increasing scale. This will partly depend also on another scheme, namely, the Beas scheme. Although the Rajasthan Canal will get water in an increasing quantity during this period, the full supply will come only when the Beas scheme is completed. Because we are accommodating Pakistan to a considerable extent, the World Bank has promised us aid for the construction of the Beas Dam.

The treaty provides for a Permanent Indus Commission, consisting of commissioners from India and Pakistan. Each commissioner will be the representative of his Government for all matters arising out of the treaty and will serve as a regular channel of communication on all matters relating to the implementation of the treaty. The permanent Indus Commission will take the first steps to iron out any differences between the two sides. The treaty also provides for a neutral expert to whom differences of a technical nature would be submitted for solution. A court of arbitration has been provided to deal with the major disputes on the interpretation of the treaty. This, broadly, is the position.

New Delhi, September 19, 1960.

The Prime Minister of India has, a short while ago, signed with the President of Pakistan a Treaty regarding the use by India and Pakistan of the waters of the Indus system of rivers and matters incidental thereto.

In signing this Treaty, Pakistan has agreed that, after a transition period of 10 years, India may retain for its own use about 12 million acre-feet of water of the rivers Sutlej, Beas and Ravi which was being delivered to Pakistan for the irrigation of about four million acres in the district of Lahore, Montgomery, Multan and in the former State of Bahawalpur. In return, India has agreed to pay to Pakistan over the next 10 years, a fixed sum of Rs. 83 crores to enable Pakistan to construct such works as it may consider necessary to replace from the Western Rivers i.e. the Indus, the Jhelum and the Chenab, the waters which were previously being supplied to Pakistan canals from the Sutlej, the Beas and the Ravi.

The fixed sum of Rs. 83 crores which we have agreed to pay to Pakistan represents, in the view of our engineers, a fair estimate of the costs of the replacement to be effected.

During the transition period, some waters of the Eastern Rivers will continue to be delivered to Pakistan; the quantity of water to be delivered under the terms of the Treaty represents a substantial reduction from that given under the last ad-hoc agreement and this quantity will further be reduced progressively after five or six years until the deliveries are discontinued on the expiry of the transition period.

It has been agreed that the waters of the three Eastern Rivers shall, for all time to come, be available for use by India and the waters of the three Western Rivers, except for essential uses in India within their own catchments, shall be allowed to flow down for all time to come for use by Pakistan. These essential uses in India include such domestic, municipal and industrial uses as we may consider necessary, the supplies required for the irrigation of about one million acres of land already irrigated from these rivers in the State of Jammu and Kashmir, Punjab and Himachal Pradesh and the supplies required for the development of irrigation to a further area of about 700,000 acres in these States. Ample provision has been made for the storage of water for purposes of flood control. Additional provision has been made for the storage by India of about three million
acre-feet of water on the Western Rivers for various purposes including hydro-electric development.

This broad division of the waters of the Indus system rivers-Eastern Rivers for India and Western Rivers largely for Pakistan -- will enable each country to plan its own development in accordance with its own requirements and its own resources. In this manner the waters of these rivers will be developed for the maximum advantage of the people of both India and Pakistan.

Provision has been made in the Treaty for full and complete exchange of data of river supplies and canal withdrawals in both countries, and for undertaking works, on a co-operative basis, for the development of water resources, flood control and drainage in the interests of both countries. Appropriate Provision has also been made in the Treaty for the resolution of such differences and disputes as may arise during the course of its implementation.

The signing of this Treaty concludes a series of protracted negotiations with an agreement which follows not only the general principles proposed by the World Bank in 1954 which the Government of India had then accepted but also the principles underlying the agreement reached in May, 1948 between the Government of India and the Government of Pakistan. During all these long negotiations, the Government of India have always recognised the fact that the waters of the Indus rivers are important for both countries and must therefore be developed for the benefit of both. Whereas in discharge of our obligations to our own people we have been anxious to increase the use of these waters on our side of the border, we have never been unmindful of the interests of the Pakistan cultivators.

In accordance with our plans, we hope to open the Rajasthan Canal for non-perennial irrigation from Kharif 1961 and as new channels are constructed and new lands are broken for cultivation, increased supplies will be available for them under the terms of the Treaty. Rabi supplies for this canal will, however, not be available from the flow waters of the Beas until after the end of the transition period or from storage until the Beas Dam is built. Work on this dam will begin very soon.

On the entry into force of the Treaty, the agreement of May 4, 1948 will lapse. The ‘undisputed’ charges due under this agreement are being paid by Pakistan in full and it has been agreed to accept from Pakistan a sum of about Rs. 62 lakhs in full settlement of the ‘disputed’ charges.

I trust that the signing of the Treaty will bring a new era of co-operation between India and Pakistan in harnessing the large natural resources of the Indus and its tributaries in the interest of the people of both India and Pakistan.
In conclusion, I would like to express my gratitude and that of the Government of India to Mr. Black, President of the World Bank, and Mr. Illif, Vice President of the Bank, for the great interest they have taken in securing this settlement.

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2496. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Mohammad Ali.

New Delhi, August 23, 1954.

Thank you for your letter of the 14th July which you sent me in answer to my letter of the 13th April 1954. I hope you will forgive me for the delay in replying to it. You have been away from Karachi for a considerable part of this time and I have also been touring and otherwise very much occupied. I would also draw your attention to the letter addressed by me to you date May 7, 1954, to which I have had no reply yet. This letter deals with the evacuee property problem.

2. In your letter of the 14th July, you refer to the opening of the Bhakra canal. I need not deal with this matter fully at this stage because I am glad to find that, through the good offices of the World Bank, a further agreement about future negotiations on the basis of the World Bank proposals is in sight. But I should like to remove some misunderstandings. You have not been in touch with this matter except lately and I can, therefore, well understand that you are not fully posted with the background. When the President of the World Bank first made his proposal to the then Prime Minister of Pakistan and to me and we both agreed to it. It was generally understood that the preliminary talks with the World Bank would take about six months or so. In my talks with Mr. Black, this was mentioned as a rough estimate. I made it clear to him that we could not commit ourselves, indefinitely, to the assurance we had given about not diminishing the supply of water. We pointed out particularly that the Bhakra—Nangal project was under construction and would gradually take shape. We were spending vast sums of money on this project and we could not be expected to suspend it or stop its future development. It is true that no period was mentioned in the written assurance that was given.

3. Instead of six months, as anticipated, these talks went on for a year and then for two years. In the course of these talks, our representatives at Washington clearly mentioned that the Bhakra—Nangal scheme was developing and the time was rapidly coming when part of it would be ready and we would require additional water supplies. Early in 1954, this was clearly stated both to
the Bank separately and at the joint meetings. Even when the Bank made its final proposal, this was pointed out by us. We were anxious that your representatives should be fully informed of the position. Later we gave formal notice of it when we found that the negotiations through the Bank had come to a standstill because, at that time, you were not prepared to accept the proposals of the Bank, which we had accepted.

4. You will appreciate that any assurance of the kind that was given by us is of an interim character. It could not possibly continue indefinitely regardless of other circumstances. Otherwise, it would be open to one party merely not to take any step and thereby prevent the other from functioning.

5. Further, as a matter of fact, even on the opening of the Bhakra canal and after, we did not reduce the normal supply of irrigation water to Pakistan, and I must confess I fail to understand the reason for the outcry in Pakistan on this subject.

6. Because of this self-denying act on our part, we have lost a whole season to the great disappointment of large numbers of agriculturists who were expecting this water.

7. I need not go into this question any further at this stage. I hope that further talks will take place now on the basis of the acceptance of the Bank proposal by both side and, separately, an ad hoc arrangement will also be arrived at.

8. I should like to remind you of the canal water agreement between India and Pakistan which was arrived at on the 4th May 1948. That agreement was signed, among others, by your present Governor-General and by me. It gave India the right to restrict water supplies provided we gave Pakistan enough time to make other arrangements. In fact, we did not lessen or restrict the supply of water to your canals at any time during these six years. There was some argument about a year ago, about some minor restrictions but that was, I think, adequately explained at the time. You will observe that we have tried our utmost during these years to be co-operative in this matter with Pakistan and not to take any step which might cause injury to the agriculturists in Pakistan.

14. I have in the past drawn your attention to the violent propaganda in Pakistan in favour of war with India. Many instances of this have occurred in recent months. You will appreciate that this is not a background for friendly talks. So far as I am concerned, I am anxious and eager for a settlement about Kashmir and other issues. In regard to the canal waters issue, we agreed to the World Bank's proposals even though they threw a very heavy burden on
us. No one can accuse the World Bank of partiality to India in this matter. They went deeply into this question and considered it, in consultation with your engineers and ours, for two and a half years. In regard to the evacuee property matter, my last letter to you, written more than three months ago, has elicited no reply.

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2497. Letters exchanged between India and Pakistan terminating the May 4, 1948 Agreement on Canal Waters.

High Commission of India Karachi

September 19, 1960

Excellency,

I have been instructed by my Government to communicate to you the following:

“The Government of India agrees that, on the ratification of the Indus Waters Treaty 1960, the Inter-Dominion Agreement on the Canal Water Dispute signed at New Delhi on 4th May 1948 (of which a copy is annexed hereto) and the rights and obligations of either party thereto claimed under, or arising out of, that Agreement shall be without effect as from 1st April 1960.

The position of the Government of India stated above and Your Excellency’s Note of today’s date stating the position of the Government of Pakistan on this question will form part of Annexure A to the Indus Water Treaty 1960.”

Accept, Excellency, the renewed assurance of my highest consideration.

Yours sincerely

sd/- K.V. Padmanabhan

His Excellency Mr. Manzur Qadir,
Minister for Foreign Affairs and Commonwealth Relations,
Government of Pakistan,
Karachi.

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Ministry of Foreign Affairs & Commonwealth Relations  
Government of Pakistan  
Karachi.  

19th September, 1960  

Excellency,  

I have been instructed by my Government to communicate to you the following:-  

“The Government of Pakistan agrees that, on the ratification of the Indus Waters Treaty, 1960, the document on the Canal Water Dispute signed at New Delhi on 4th May, 1948, (of which a copy is annexed hereto) and the rights and obligations of either party thereto claimed under, or arising out of, that document shall be without effect as from 1st April, 1960.  

The position of the Government of Pakistan stated above and Your Excellency’s Note of today’s date stating the position of the Government of India on this question will form part of Annexure A to the Indus Waters Treaty 1960.”

Accept, Excellency, the renewed assurance of my highest consideration.

Sd/- Manzur Qadir  
Foreign Minister

His Excellency Mr. K.V. Padmanabhan, I.F.S.,  
Acting High Commissioner for India in Pakistan,  
Karachi.
2498. Statement by Prime Minister Jawaharlal Nehru while signing the Indus Water Treaty.


IS INDEED A UNIQUE occasion and a memorable day, memorable in many ways, memorable certainly in the fact that a very difficult and complicated problem which has troubled India and Pakistan for many years has been satisfactorily solved. It is also memorable because it is an outstanding example of a co-operative endeavour among our two countries as well as other countries and the International Bank.

On behalf of India I congratulate you, Mr. President, and I congratulate you, Mr. Iliff, as representative of the International Bank. I know how Mr. Black and you have laboured these past many years. Indeed, I often marveled at your patience and your persistence in spite of all manner of difficulties.

This settlement is memorable because it will bring assurance of relief to large numbers of people-farmers and others-in Pakistan and India. All of us, in spite of many scientific improvements, still depend upon the good earth and good water and the combination of these two leads to prosperity for the peasant and the countries concerned. By this arrangement we have tried to utilize to the best advantage the waters of the Indus river system. These waters have flowed down for ages past, the greater part going to the sea without being utilized. This is a happy occasion for all of us. The actual material benefits which will arise from this are great. But even greater than these material benefits are the psychological and emotional benefits. This treaty, Mr. President, is a happy symbol of the larger co-operation between your country and mine. I should like to express my deep gratitude to the International Bank and to all those who have laboured within Pakistan, in India and in the other friendly countries, and to all who have come to our assistance in this matter and generously made contributions towards solving this problem.

I feel sure that if we approach any problem in the world in a spirit of co-operative endeavour, it will be much easier of solution than it might appear to be. Therefore, most of all I welcome the spirit which, in spite of all difficulties and obstructions and obstacles, has triumphed in the end. Ultimately, the spirit does triumph even in this material age. I should again like to express my deep satisfaction at the happy outcome of many years’ labour and hope that this will bring prosperity to a vast number of people on both sides and will increase the goodwill and friendship between India and Pakistan.

◆◆◆◆◆
2499. Treaty between the Government of India and the Government of Pakistan Concerning the most complete and satisfactory utilisation of the Waters of the Indus System of Rivers.


PREAMBLE

The Government of India and the Government of Pakistan, being equally desirous of attaining the most complete and satisfactory utilisation of the waters of the Indus system of rivers and recognising the need, therefore, of fixing and delimiting, in a spirit of goodwill and friendship, the rights and obligations of each in relation to the other concerning the use of these waters and of making provision for the settlement, in a cooperative spirit, of all such questions as may hereafter arise in regard to the interpretation or application of the provisions agreed upon herein, have resolved to conclude a Treaty in furtherance of these objectives, and for this purpose have named as their plenipotentiaries:

The Government of India:
Shri Jawaharlal Nehru,
Prime Minister of India,

and

The Government of Pakistan
Field Marshal Mohammad Ayub Khan, HP., H.J.
President of Pakistan;

who, having communicated to each other their respective Full Powers and having found them in good and due form, have agreed upon the following Articles and Annexures:

Article I
Definitions

As used in this Treaty:

1. The terms “Article” and “Annexure” mean respectively an Article of, and an Annexure to, this Treaty.

Except as otherwise indicated, references to Paragraphs are to the paragraphs in the Article or in the Annexure in which the reference is made.

2. The term “Tributary” of a river means any surface channel whether in
continuous or intermittent flow and by whatever name called, whose waters in the natural course would fall into that river, e.g. a tributary, a torrent, a natural drainage, an artificial drainage, a nadi, a nallah, a nai, a khad, a cho. The term also includes any sub-tributary or branch or subsidiary channel, by whatever name called, whose waters, in the natural course, would directly or otherwise flow into that surface channel.

(3) The term “The Indus,” “The Jhelum,” “The Chenab,” “The Ravi,” “The Beas” or “The Sutlej” means the named river (including Connecting Lakes, if any) and all its Tributaries: Provided however that

(i) none of the rivers named above shall be deemed to be a Tributary;
(ii) The Chenab shall be deemed to include the river Panjnad; and
(iii) the river Chandra and the river Bhaga shall be deemed to be Tributaries of The Chenab.

(4) The term “Main” added after Indus, Jhelum, Chenab, Sutlej, Beas or Ravi means the main stem of the named river excluding its Tributaries, but including all channels and creeks of the main stem of that river and such Connecting Lakes as form part of the main stem itself. The Jhelum Main shall be deemed to extend up to Verinag, and the Chenab Main up to the confluence of the river Chandra and the river Bhaga.


(6) The term “Western Rivers” means The Indus, The Jhelum and The Chenab taken together.


(8) The term “Connecting Lake” means any lake which receives water from, or yields water to, any of the Rivers; but any lake which occasionally and irregularly receives only the spill of any of the Rivers and returns only the whole or part of that spill is not a Connecting Lake.

(9) The term “Agricultural Use” means the use of water for irrigation, except for irrigation of household gardens and public recreational gardens.

(10) The terms “Domestic Use” means the use of water for

(a) drinking, washing, bathing, recreation, sanitation (including the conveyance and dilution of sewage and of industrial and other wastes), stock and poultry, and other like purposes;
(b) household and municipal purposes (including use for household gardens and public recreational gardens); and

(c) industrial purposes (including mining, milling and other like purposes);
   but the term does not include Agricultural Use or use for the generation of hydro-electric power.

(11) The term “Non-Consumptive Use” means any control or use of water for navigation, floating of timber or other property, flood protection or flood control, fishing or fish culture, wild life or other like beneficial purposes, provided that, exclusive of seepage and evaporation of water incidental to the control or use, the water (undiminished in volume within the practical range of measurement) remains in, or is returned to, the same river or its Tributaries; but the term does not include Agricultural Use or use for the generation of hydro-electric power.

(12) The term “Transition Period” means the period beginning and ending as provided in Article 11(6).

(13) The term “Bank” means the International Bank for Reconstruction and Development.

(14) The term “Commissioner” means either of the Commissioners appointed under the provisions of Article VIII(1) and the term “Commission” means the Permanent Indus Commission constituted in accordance with Article VIII(3).

(15) The term “interference with the waters” means:
   (a) Any act of withdrawal therefrom; or
   (b) Any man-made obstruction to their flow which causes a change in the volume (within the practical range of measurement) of the daily flow of the water: Provided however that an obstruction which involves only an insignificant and incidental change in the volume of the daily flow, for example, fluctuations due to afflux caused by bridge piers or a temporary by-pass, etc., shall not be deemed to be an interference with the waters.

(16) The term “Effective Date” means the date on which this Treaty takes effect in accordance with the provisions of Article XII, that is, the first of April 1960.

Article II

Provisions Regarding Eastern Rivers

(1) All the waters of the Eastern Rivers shall be available for the unrestricted use of India, except as otherwise expressly provided in this Article.

(2) Except for Domestic Use and Non-Consumptive Use, Pakistan shall be under an obligation to let flow, and shall not permit any interference
with, the waters of the Sutlej Main and the Ravi Main in the reaches where these rivers flow in Pakistan and have not yet finally crossed into Pakistan. The Points of final crossing are the following: (a) near the new Hasta Bund upstream of Suleimanke in the case of the Sutlej Main, and (b) about one and a half miles upstream of the syphon for the B-R-B-D Link in the case of the Ravi Main.

(3) Except for Domestic Use, Non-Consumptive Use and Agricultural Use (as specified in Annexure B), Pakistan shall be under an obligation to let flow, and shall not permit any interference with, the waters (while flowing in Pakistan) of any Tributary which in its natural course joins the Sutlej Main or the Ravi Main before these rivers have finally crossed into Pakistan.

(4) All the waters, while flowing in Pakistan, of any Tributary which, in its natural course, joins the Sutlej Main or the Ravi Main after these rivers have finally crossed into Pakistan shall be available for the unrestricted use of Pakistan: Provided however that this provision shall not be construed as giving Pakistan any claim or right to any releases by India in any such Tributary. If Pakistan should deliver any of the waters of any such Tributary, which on the Effective Date joins the Ravi Main after this river has finally crossed into Pakistan, into a reach of the Ravi Main upstream of this crossing, India shall not make use of these waters; each Party agrees to establish such discharge observation stations and make such observations as may be necessary for the determination of the component of water available for the use of Pakistan on account of the aforesaid deliveries by Pakistan, and Pakistan agrees to meet the cost of establishing the aforesaid discharge observation stations and making the aforesaid observations.

(5) There shall be a Transition Period during which, to the extent specified in Annexure H, India shall

(i) limit its withdrawals for Agricultural Use,

(ii) limit abstractions for storages, and

(iii) make deliveries to Pakistan from the Eastern Rivers.

(6) The Transition Period shall begin on 1st April 1960 and it shall end on 31st March 1970, or, if extended under the provisions of Part 8 of Annexure H, on the date up to which it has been extended. In any event, whether or not the replacement referred to in Article IV(1) has been accomplished, the Transition Period shall end not later than 31st March 1973.
(7) If the Transition Period is extended beyond 31st March 1970, the provisions of Article V(5) shall apply.

(8) If the Transition Period is extended beyond 31st March 1970, the provisions of Paragraph (5) shall apply during the period of extension beyond 31st March 1970.

(9) During the Transition Period, Pakistan shall receive for unrestricted use the waters of the Eastern Rivers which are to be released by India in accordance with the provisions of Annexure H. After the end of the Transition Period, Pakistan shall have no claim or right to releases by India of any of the waters of the Eastern Rivers. In case there are any releases, Pakistan shall enjoy the unrestricted use of the waters so released after they have finally crossed into Pakistan: Provided that in the event that Pakistan makes any use of these waters, Pakistan shall not acquire any right whatsoever, by prescription or otherwise, to a continuance of such releases or such use.

Article III
Provisions Regarding Western Rivers

(1) Pakistan shall receive for unrestricted use all those waters of the Western Rivers which India is under obligation to let flow under the provisions of Paragraph (2).

(2) India shall be under an obligation to let flow all the waters of the Western Rivers, and shall not permit any interference with these waters, except for the following uses, restricted (except as provided in item (c) (11) of Paragraph 5 of Annexure C) in the case of each of the rivers, The Indus, The Jhelum and The Chenab, to the drainage basin thereof

(a) Domestic Use;
(b) Non-Consumptive Use;
(e) Agricultural Use, as set out in Annexure C; and
(d) Generation of hydro-electric power, as set out in Annexure D.

(3) Pakistan shall have the unrestricted use of all waters originating from sources other than the Eastern Rivers which are delivered by Pakistan into The Ravi or The Sutlej, and India shall not make use of these waters. Each Party agrees to establish such discharge observation stations and make such observations as may be considered necessary by the Commission for the determination of the component of water available for the use of Pakistan on account of the aforesaid deliveries by Pakistan.
Except as provided in Annexure D and E, India shall not store any water of, or construct any storage works on, the Western Rivers.

Article IV
Provisions Regarding Eastern Rivers and Western Rivers

(1) Pakistan shall use its best endeavours to construct and bring into operation, with due regard to expedition and economy, that part of a system of works which will accomplish the replacement, from the Western Rivers and other sources, of water supplies for irrigation canals in Pakistan which, on 15th August 1947, were dependent on water supplies from the Eastern Rivers.

(2) Each Party agrees that any Non-Consumptive Use made by it shall be so made as not to materially change, on account of such use, the flow in any channel to the prejudice of the uses on that channel by the other Party under the provisions of this Treaty. In executing any scheme of flood protection or flood control each Party will avoid, as far as practicable, any material damage to the other Party, and any such scheme carried out by India on the Western Rivers shall not involve any use of water or any storage in addition to that provided under Article III.

(3) Nothing in this Treaty shall be construed as having the effect of preventing either Party from undertaking schemes of drainage, river training, conservation of soil against erosion and dredging, or from removal of stones, gravel or sand from the beds of the Rivers: Provided that

(a) in executing any of the schemes mentioned above, each Party will avoid, as far as practicable, any material damage to the other Party;

(b) any such scheme carried out by India on the Western Rivers shall not involve any use of water or any storage in addition to that provided under Article III;

(c) except as provided in Paragraph (5) and Article VII(I)(b), India shall not take any action to increase the catchment area, beyond the area on the Effective Date, of any natural or artificial drainage or drain which crosses into Pakistan, and shall not undertake such construction or remodeling of any drainage or drain which so crosses or falls into a drainage or drain which so crosses as might cause material damage in Pakistan or entail the construction of a new drain or enlargement of an existing drainage or drain in Pakistan; and
(d) should Pakistan desire to increase the catchment area, beyond the area on the Effective Date, of any natural or artificial drainage or drain, which receives drainage waters from India, or, except in an emergency, to pour any waters into it in excess of the quantities received by it as on the Effective Date, Pakistan shall, before undertaking any work for these purposes, increase the capacity of that drainage or drain to the extent necessary so as not to impair its efficacy for dealing with drainage waters received from India as on the Effective Date.

(4) Pakistan shall maintain in good order its portions of the drainages mentioned below with capacities not less than the capacities as on the Effective Date

(i) Hudiara Drain
(ii) Kasur Nala
(iii) Salimshah Drain
(iv) Fazilka Drain.

(5) If India finds it necessary that any of the drainages mentioned in Paragraph (4) should be deepened or widened in Pakistan, Pakistan agrees to undertake to do so as a work of public interest, provided India agrees to pay the cost of the deepening or widening.

(6) Each Party will use its best endeavours to maintain the natural channels of the Rivers, as on the Effective Date, in such condition as will avoid, as far as practicable, any obstruction to the flow in these channels likely to cause material damage to the other Party.

(7) Neither Party will take any action which would have the effect of diverting the Ravi Main between Madhopur and Lahore, or the Sutlej Main between Harike and Suleimanke, from its natural channel between high banks.

(8) The use of the natural channels of the Rivers for the discharge of flood or other excess waters shall be free and not subject to limitation by either Party, and neither Party shall have any claim against the other in respect of any damage caused by such use. Each Party agrees to communicate to the other Party, as far in advance as practicable, any information it may have in regard to such extraordinary discharges of water from reservoirs and flood flows as may affect the other Party.

(9) Each Party declares its intention to operate its storage dams, barrages and irrigation canals in such manner, consistent with the normal
operations of its hydraulic systems, as to avoid, as far as feasible, material damage to the other Party.

(10) Each Party declares its intention to prevent, as far as practicable, undue pollution of the waters of the Rivers which might affect adversely uses similar in nature to those to which the waters were put on the Effective Date, and agrees to take all reasonable measures to ensure that, before any sewage or industrial waste is allowed to flow into the Rivers, it will be treated, where necessary, in such manner as not materially to affect those uses:

Provided that the criterion of reasonableness shall be the customary practice in similar situations on the Rivers.

(11) The Parties agree to adopt, as far as feasible, appropriate measures for the recovery, and restoration to owners, of timber and other property floated or floating down the Rivers, subject to appropriate charges being paid by the owners.

(12) The use of water for industrial purposes under Articles 11(2), 11(3) and HIM shall not exceed

(a) in the case of an industrial process known on the Effective Date, such quantum of use as was customary in that process on the Effective Date;

(b) in the case of an industrial process not known on the Effective Date:

(i) such quantum of use as was customary on the Effective Date in similar or in any way comparable industrial processes; or

(ii) if there was no industrial process on the Effective Date similar or in any way comparable to the new process, such quantum of use as would not have a substantially adverse effect on the other Party.

(13) Such part of any water withdrawn for Domestic Use under the provisions of Articles 11(3) and 111(2) as is subsequently applied to Agricultural Use shall be accounted for as part of the Agricultural Use specified in Annexure B and Annexure C respectively; each Party will use its best endeavours to return to the same river (directly or through one of its Tributaries) all water withdrawn therefrom for industrial purposes and not consumed either in the industrial processes for which it was withdrawn or in some other Domestic Use.
(14) In the event that either Party should develop a use of the waters of the Rivers which is not in accordance with the provisions of this Treaty, that Party shall not acquire by reason of such use any right, by prescription or otherwise, to a continuance of such use.

(15) Except as otherwise required by the express provisions of this Treaty, nothing in this Treaty shall be construed as affecting existing territorial rights over the waters of any of the Rivers or the beds or banks thereof or as affecting existing property rights under municipal law over such waters or beds or banks.

**Article V
Financial Provisions**

(1) In consideration of the fact that the purpose of part of the system of works referred to in Article IV(1) is the replacement, from the Western Rivers and other sources, of water supplies for irrigation canals in Pakistan which, on 15th August 1947, were dependent on water supplies from the Eastern Rivers, India agrees to make a fixed contribution of Pounds Sterling 62,060,000 towards the costs of these works. The amount in Pounds Sterling of this contribution shall remain unchanged irrespective of any alteration in the par value of any currency.

(2) The sum of Pounds Sterling 62,060,000 specified in Paragraph (1) shall be paid in ten equal annual installments on the 1st of November of each year. The first of such annual installments shall be paid on 1st November 1960, or if the Treaty has not entered into force by that date, then within one month after the Treaty enters into force.

(3) Each of the installments specified in Paragraph (2) shall be paid to the Bank for the credit of the Indus Basin Development Fund to be established and administered by the Bank, and payment shall be made in Pounds Sterling, or in such other currency or currencies as may from time to time be agreed between India and the Bank.

(4) The payments provided for under the provisions of Paragraph (3) shall be made without deduction or set-off on account of any financial claims of India on Pakistan arising otherwise than under the provisions of this Treaty: Provided that this provision shall in no way absolve Pakistan from the necessity of paying in other ways debts to India which may be outstanding against Pakistan.

(5) If, at the request of Pakistan, the Transition Period is extended in accordance with the provisions of Article 11(6) and of Part 8 of Annexure H, the Bank shall thereupon pay to India out of the Indus...
Basin Development Fund the appropriate amount specified in the Table below:

<table>
<thead>
<tr>
<th>Period of Aggregate Extension of Transition Period</th>
<th>Payment to India</th>
</tr>
</thead>
<tbody>
<tr>
<td>One year</td>
<td>Pound stg. 3,125,000</td>
</tr>
<tr>
<td>Two years</td>
<td>Pound stg. 6,406,250</td>
</tr>
<tr>
<td>Three years</td>
<td>Pound stg. 9,850,000</td>
</tr>
</tbody>
</table>

(6) The provisions of Article IV(1) and Article V(1) shall not be construed as conferring upon India any right to participate in the decisions as to the system of works which Pakistan constructs pursuant to Article IV(1) or as constituting an assumption of any responsibility by India or as an agreement by India in regard to such works.

(7) Except for such payments as are specifically provided for in this Treaty, neither Party shall be entitled to claim any payment for observance of the provisions of this Treaty or to make any charge for water received from it by the other Party.

**Article VI**

**Exchange of Data**

(1) The following data with respect to the flow in, and utilisation of the waters of, the Rivers shall be exchanged regularly between the Parties:

(a) Daily (or as observed or estimated less frequently) gauge and discharge data relating to flow of the Rivers at all observation sites.
(b) Daily extractions for or releases from reservoirs.
(c) Daily withdrawals at the heads of all canals operated by government or by a government agency (hereinafter in this Article called canals), including link canals.
(d) Daily escapages from all canals, including link canals.
(e) Daily deliveries from link canals.

These data shall be transmitted ‘monthly by each Party to the other as soon as the data for a calendar month have been collected and tabulated, but not
later than three months after the end of the month to which they relate: Provided that such of the data specified above as are considered by either Party to be necessary for operational purposes shall be supplied daily or at less frequent intervals, as may be requested. Should one Party request the supply of any of these data by telegram, telephone, or wireless, it shall reimburse the other Party for the cost of transmission.

(2) If, in addition to the data specified in Paragraph (1) of this Article, either Party requests the supply of any data relating to the hydrology of the Rivers, or to canal or reservoir operation connected with the Rivers, or to any provision of this Treaty, such data shall be supplied by the other Party to the extent that these are available.

Article VII
Future Co-operation

(1) The two Parties recognize that they have a common interest in the optimum development of the Rivers, and, to that end, they declare their intention to co-operate, by mutual agreement, to the fullest possible extent. In particular:

(a) Each Party, to the extent it considers practicable and on agreement by the other Party to pay the costs to be incurred, will, at the request of the other Party, set up or install such hydrologic observation stations within the drainage basins of the Rivers, and set up or install such meteorological observation stations relating thereto and carry out such observations thereat, as may be requested, and will supply the data so obtained.

(b) Each Party, to the extent it considers practicable and on agreement by the other Party to pay the costs to be incurred, will, at the request of the other Party, carry out such new drainage works as may be required in connection with new drainage works of the other Party.

(c) At the request of either Party, the two Parties may, by mutual agreement, co-operate in undertaking engineering works on the Rivers.

The formal arrangements, in each case, shall be as agreed upon between the Parties.

(2) If either Party plans to construct any engineering work which would cause interference with the waters of any of the Rivers and which, in its opinion, would affect the other Party materially, it shall notify the other Party of its plans and shall supply such data relating to the work as may be available and as would enable the other Party to inform itself of the
nature, magnitude and effect of the work. If a work would cause interference with the waters of any of the Rivers but would not, in the opinion of the Party planning it, affect the other Party materially, nevertheless the Party planning the work shall, on request, supply the other Party with such data regarding the nature, magnitude and effect, if any, of the work as may be available.

Article VIII
Permanent Indus Commission

(1) India and Pakistan shall each create a permanent post of Commissioner for Indus Waters, and shall appoint to this post, as often as a vacancy occurs, a person who should ordinarily be a high-ranking engineer competent in the field of hydrology and water-use. Unless either Government should decide to take up any particular question directly with the other Government, each Commissioner will be the representative of his Government for all matters arising out of this Treaty, and will serve as the regular channel of communication on all matters relating to the implementation of the Treaty, and, in particular, with respect to

(a) the furnishing or exchange of information or data provided for in the Treaty; and
(b) the giving of any notice or response to any notice provided for in the Treaty.

(2) The status of each Commissioner and his duties and responsibilities towards his Government will be determined by that Government.

(3) The two Commissioners shall together form the Permanent Indus Commission.

(4) The purpose and functions of the Commission shall be to establish and maintain co-operative arrangements for the implementation of this Treaty, to promote co-operation between the Parties in the development of the waters of the Rivers and, in particular,

(a) to study and report to the two Governments on any problem relating to the development of the waters of the Rivers which may be jointly referred to the Commission by the two Governments; in the event that a reference is made by one Government alone, the Commissioner of the other Government shall obtain the authorization of his Government before he proceeds to act on the reference;

(b) to make every effort to settle promptly, in accordance with the provisions of Article IX(1), any question arising there under;
(c) to undertake, once in every five years, a general tour of inspection of the Rivers for ascertaining the facts connected with various developments and works on the Rivers,

(d) to undertake promptly, at the request of either Commissioner, a tour of inspection of such works or sites on the Rivers as may be considered necessary by him for ascertaining the facts connected with those works or sites; and

(e) to take, during the Transition Period, such steps as may be necessary for the implementation of the provisions of Annexure H.

(5) The Commission shall meet regularly at least once a year, alternately in India and Pakistan. This regular annual meeting shall be held in November or in such other month as may be agreed upon between the Commissioners. The Commission shall also meet when requested by either Commissioner.

(6) To enable the Commissioners to perform their functions in the Commission, each Government agrees to accord to the Commissioner of the other Government the same privileges and immunities as are accorded to representatives of member States to the principal and subsidiary organs of the United Nations under Sections 11, 12 and 13 of Article IV of the Convention on the Privileges and Immunities of the United Nations (dated 13th February, 1946) during the periods specified in those Sections. It is understood and agreed that these privileges and immunities are accorded to the Commissioners not for the personal benefit of the individuals themselves but in order to safeguard the independent exercise of their functions in connection with the Commission; consequently, the Government appointing the Commissioner not only has the right but is under a duty to waive the immunity of its Commissioner in any case where, in the opinion of the appointing Government, the immunity would impede the course of justice and can be waived without prejudice to the purpose for which the immunity is accorded.

(7) For the purposes of the inspections specified in Paragraph (4) (c) and (d), each Commissioner may be accompanied by two advisers or assistants to whom appropriate facilities will be accorded.

(8) The Commission shall submit to the Government of India and to the Government of Pakistan, before the first of June of every year, a report on its work for the year ended on the preceding 31st of March, and may submit to the two Governments other reports at such times as it may think desirable.
Each Government shall bear the expenses of its Commissioner and his ordinary staff. The cost of any special staff required in connection with the work mentioned in Article VII(1) shall be borne as provided therein.

The Commission shall determine its own procedures.

**Article IX**

**Settlement of Differences and Disputes**

(1) Any question which arises between the Parties concerning the interpretation or application of this Treaty or the existence of any fact which, if established, might constitute a breach of this Treaty shall first be examined by the Commission, which will endeavour to resolve the question by agreement.

(2) If the Commission does not reach agreement on any of the questions mentioned in Paragraph (1), then a difference will be deemed to have arisen, which shall be dealt with as follows:

(a) Any difference which, in the opinion of either Commissioner, falls within the provisions of Part I of Annexure F shall, at the request of either Commissioner, be dealt with by a Neutral Expert in accordance with the provisions of Part 2 of Annexure F;

(b) If the difference does not come within the provisions of Paragraph (2) (a), or if a Neutral Expert, in accordance with the provisions of Paragraph 7 of Annexure F, has informed the Commission that, in his opinion, the difference, or a part thereof, should be treated as a dispute, then a dispute will be deemed to have arisen which shall be settled in accordance with the provisions of Paragraphs (3), (4) and (5): Provided that, at the discretion of the Commission, any difference may either be dealt with by a Neutral Expert in accordance with the provisions of Part 2 of Annexure F or be deemed to be a dispute to be settled in accordance with the provisions of Paragraphs (3), (4) and (5), or may be settled in any other way agreed upon by the Commission.

(3) As soon as a dispute to be settled in accordance with this and the succeeding paragraphs of this Article has arisen, the Commission shall, at the request of either Commissioner, report the fact to the two Governments, as early as practicable, stating in its report the points on which the Commission is in agreement and the issues in dispute, the views of each Commissioner on these issues and his reasons therefore.
Either Government may, following receipt of the report referred to in Paragraph (3), or if it comes to the conclusion that the report is being unduly delayed in the Commission, invite the other Government to resolve the dispute by agreement. In doing so it shall state the names of its negotiators and their readiness to meet with the negotiators to be appointed by the other Government at a time and place to be indicated by the other Government. To assist in these negotiations, the two Governments may agree to enlist the services of one or more mediators acceptable to them.

A Court of Arbitration shall be established to resolve the dispute in the manner provided by Annexure G

(a) upon agreement between the Parties to do so; or

(b) at the request of either Party, if, after negotiations have begun pursuant to Paragraph (4), in its opinion the dispute is not, likely to be resolved by negotiation or mediation; or

(c) at the request of either Party, if, after the expiry of one month following receipt by the other Government of the invitation referred to in Paragraph (4), that Party comes to the conclusion that the other Government is unduly delaying the negotiations.

The provisions of Paragraphs (3), (4) and (5) shall not apply to any difference while it is being dealt with by a Neutral Expert.

Article X
Emergency Provision

If, at any time prior to 31st March 1965, Pakistan should represent to the Bank that, because of the outbreak of large-scale international hostilities arising out of causes beyond the control of Pakistan, it is unable to obtain from abroad the materials and equipment necessary for the completion, by 31st March 1973, of that part of the system of works referred to in Article IV (a) which relates to the replacement referred to therein, (hereinafter referred to as the replacement element) and if, after consideration of this representation in consultation with India, the Bank is of the opinion that

(a) these hostilities are on a scale of which the consequence is that Pakistan is unable to obtain in time such materials and equipment as must be procured from abroad for the completion, by 31st March 1973, of the replacement element, and

(b) since the Effective Date, Pakistan has taken all reasonable steps to obtain the said materials and equipment and, with such resources of
materials and equipment as have been available to Pakistan both from within Pakistan and from abroad, has carried forward the construction of the replacement element with due diligence and all reasonable expedition, the Bank shall immediately notify each of the Parties accordingly. The Parties undertake, without prejudice to the provisions of Article XII (3) and (4), that, on being so notified, they will forthwith consult together and enlist the good offices of the Bank in their consultation, with a view to reaching mutual agreement as to whether or not, in the light of all the circumstances then prevailing, any modifications of the provisions of this Treaty are appropriate and advisable and, if so, the nature and the extent of the modifications.

Article XI
General Provisions

(1) It is expressly understood that

(a) this Treaty governs the rights and obligations of each Party in relation to the other with respect only to the use of the waters of the Rivers and matters incidental thereto; and

(b) nothing contained in this Treaty, and nothing arising out of the execution thereof, shall be construed as constituting a recognition or waiver (whether tacit, by implication or otherwise) of any rights or claims whatsoever of either of the Parties other than those rights or claims which are expressly recognized or waived in this Treaty.

Each of the Parties agrees that it will not invoke this Treaty, anything contained therein, or anything arising out of the execution thereof, in support of any of its own rights or claims whatsoever or in disputing any of the rights or claims whatsoever of the other Party, other than those rights or claims which are expressly recognized or waived in this Treaty.

(2) Nothing in this Treaty shall be construed by the Parties as in any way establishing any general principle of law or any precedent.

(3) The rights and obligations of each Party under this Treaty shall remain unaffected by any provisions contained in, or by anything arising out of the execution of, any agreement establishing the Indus Basin Development Fund.

Article XII
Final Provisions

(1) This Treaty consists of the Preamble, the Articles hereof and Annexures A to H hereto, and may be cited as “The Indus Waters Treaty 1960”.
(2) This Treaty shall be ratified and the ratifications thereof shall be exchanged in New Delhi. It shall enter into force upon the exchange of ratifications, and will then take effect retrospectively from the first of April 1960.

(3) The provisions of this Treaty may from time to time be modified by a duly ratified treaty concluded for that purpose between the two Governments.

(4) The provisions of this Treaty, or the provisions of this Treaty as modified under the provisions of Paragraph (3), shall continue in force until terminated by a duly ratified treaty concluded for that purpose between the two Governments.

In Witness Whereof the respective Plenipotentiaries have signed this Treaty and have hereunto affixed their seals.

DONE in triplicate in English at Karachi on this Nineteenth day of September 1960.

For the Government of India: For the Government of Pakistan
(Sd) JAWAHARLAL NEHRU (Sd) MOHAMMAD AYUB KHAN
Field Marshal, H.P., H.J.

For the International Bank for Reconstruction and Development for the purposes specified in Articles V and X and Annexures F, G and H:
(Sd) W.A.B. ILIFF

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ANNEXURE A-EXCHANGE OF NOTES BETWEEN GOVERNMENT OF INDIA AND GOVERNMENT OF PAKISTAN

I. Note dated 19th September 1960, from the High Commissioner for India in Pakistan, Karachi, to the Minister for Foreign Affairs and Commonwealth Relations, Government of Pakistan.

19th September, 1960

EXCELLENCY:

I have been instructed by my Government to communicate to you the following:

“The Government of India agrees that, on the ratification of the Indus Waters Treaty 1960, the Inter-Dominion Agreement on the Canal Water Dispute signed at New Delhi on 4th May 1948 (of which a copy is annexed
hereto) and the rights and obligations of either party thereto claimed under, or arising out of, that Agreement shall be without effect as from 1st April 1960.

The position of the Government of India stated above and Your Excellency’s Note of to-day’s date stating the position of the Government of Pakistan on this question will form part of Annexure A to the Indus Waters Treaty 1960.”

Accept, Excellency, the renewed assurance of my highest consideration.

ANNEX

A dispute has arisen between the East and West Punjab Governments regarding the supply by East Punjab of water to the Central Bari Doab and the Depalpur canals in West Punjab. The contention of the East Punjab Government is that under the Punjab Partition (Apportionment of Assets and Liabilities) Order, 1947, and the Arbitral Award the proprietary rights in the waters of the rivers in East Punjab vest wholly in the East Punjab Government and that the West Punjab Government cannot claim any share of these waters as a right. The West Punjab Government disputes this contention, its view being that the point has conclusively been decided in its favour by implication by the Arbitral Award and that in accordance with international law and equity, West Punjab has a right to the waters of the East Punjab rivers.

2. The East Punjab Government has revived the flow of water into these canals on certain conditions of which two are disputed by West Punjab. One, which arises out of the contention in paragraph 1, is the right to the levy of seigniorage charges for water and the other is the question of the capital cost of the Madhavpurl Head Works and carrier channels to be taken into account.

3. The East and West Punjab Governments are anxious that this question should be settled in a spirit of goodwill and friendship. Without prejudice to its legal rights in the matter the East Punjab Government has assured the West Punjab Government that it has no intention suddenly to withhold water from West Punjab without giving it time to tap alternative sources. The West Punjab Government on its part recognise the natural anxiety of the East Punjab Government to discharge the obligation to develop areas where water is scarce and which were under-developed in relation to parts of West Punjab.

4. Apart, therefore, from the question of law involved, the Governments are anxious to approach the problem in a practical spirit on the basis of the East Punjab Government progressively diminishing its supply to these canals in order to give reasonable time to enable the West Punjab Government to tap alternative sources.
5. The West Punjab Government has agreed to deposit immediately in the Reserve Bank such ad hoc sum as may be specified by the Prime Minister of India. Out of this sum that Government agrees to the immediate transfer to East Punjab Government of sums over which there is no dispute.

6. After an examination by each party of the legal issues, of the method of estimating the cost of water to be supplied by the East Punjab Government and of the technical survey of water resources and the means of using them for supply to these canals, the two Governments agree that further meetings between their representatives should take place.

7. The Dominion Governments of India and Pakistan accept the above terms and express the hope that a friendly solution will be reached.

JAWAHARLAL NEHRU
GHULAM MOHD
N.V. GADGIL
SHAUKAT HYAT KHAN
SWARAN SINGH
MUMTAZ DAULTANA
New Delhi, May 4, 1948.

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II. Note dated 19th September 1960, from the Minister for Foreign Affairs and Commonwealth Relations, Government of Pakistan, to the High Commissioner for India in Pakistan, Karachi.

19th September, 1960

EXCELLENCY:

I have been instructed by my Government to communicate to you the following:

“The Government of Pakistan agrees that, on the ratification of the Indus Waters Treaty 1960, the document on the Canal Water Dispute signed at New Delhi on 4th May 1948 (of which a copy is annexed hereto) and the rights and obligations of either party thereto claimed under, or arising out of, that document shall be without effect as from 1st April 1960.

The position of the Government of Pakistan stated above and Your Excellency’s Note of to-day’s date stating the position of the Government of India on this question will form part of Annexure A to the Indus Waters Treaty 1960.”

Accept, Excellency, the renewed assurance of my highest consideration.
ANNEX

A dispute has arisen between the East and West Punjab Governments regarding the supply by East Punjab of water to the Central Bari Doab and the Depalpur canals in West Punjab. The contention of the East Punjab Government is that under the Punjab Partition Apportionment of Assets and Liabilities) Order, 1947, and the Arbitral Award the proprietary rights in the waters of the rivers in East Punjab vest wholly in the East Punjab Government and that the West Punjab Government cannot claim any share of these waters as a right. The West Punjab Government disputes this contention, its view being that the point has conclusively been decided in its favour by implication by the Arbitral Award and that in accordance with international law and equity, West Punjab has a right to the waters of the East Punjab rivers.

2. The East Punjab Government has revived the flow of water into these canals on certain conditions of which two, are disputed by West Punjab. One, which arises out of the contention in paragraph 1, is the right to the levy of seigniorage charges for water and the other is the question of the capital cost of the Madhavpur (Madhopur) Head Works and carrier channels to be taken into account.

3. The East and West Punjab Governments are anxious that this question should be settled in a spirit of goodwill and friendship. Without prejudice to its legal rights in the matter the East Punjab Government has assured the West Punjab Government that it has no intention suddenly to withhold water from West Punjab without giving it time to tap alternative sources. The West Punjab Government on its part recognise the natural anxiety of the East Punjab Government to discharge the obligation to develop areas where water is scarce and which were under-developed in relation to parts of West Punjab.

4. Apart, therefore, from the question of law involved, the Governments are anxious to approach the problem in a practical spirit on the basis of the East Punjab Government progressively diminishing its supply to these canals in order to give reasonable time to enable the West Punjab Government to tap alternative sources.

5. The West Punjab Government has agreed to deposit immediately in the Reserve Bank such ad hoc sum as may be specified by the Prime Minister of India. Out of this sum, that Government agrees to the immediate transfer to East Punjab Government of sums over which there is no dispute.

6. After an examination by each party of the legal issues, of the method of estimating the cost of water to be supplied by the East Punjab Government and of the technical survey of water resources and the means of using them for supply to these canals, the two Governments agree that further meetings between their representatives should take place.
7. The Dominion Governments of India and Pakistan accept the above terms and express the hope that a friendly solution will be reached.

JAWAHARLAL NEHRU  
GHULAM MOHD
N.V. GADGIL  
SHAUKAT HYAT KHAN
SWARAN SINGH  
MUMTAZ DAULTANA

New Delhi, May 4, 1948.

***********

ANNEXURE B- AGRICULTURAL USE BY PAKISTAN FROM CERTAIN TRIBUTARIES OF THE RAVI

(Article II (3))

1. The provisions of this Annexure shall apply with respect to the Agricultural Use by Pakistan from certain Tributaries of The Ravi under the provisions of Article 11 (3) and, subject to the provisions of this Annexure, such use shall be unrestricted.

2. Pakistan may withdraw from the Basantar Tributary of The Ravi such waters as may be available and necessary for the irrigation of not more than 100 acres annually.

3. In addition to the area specified in Paragraph 2, Pakistan may also withdraw such waters from each of the following Tributaries of The Ravi as may be available and as may be necessary for the irrigation of that part of the following areas cultivated on sailab as on the Effective Date which cannot be so cultivated after that date: Provided that the total area whether irrigated or cultivated on sailab shall not exceed the limits specified below, except during a year of exceptionally heavy floods when sailab may extend to areas which were not cultivated on sailab as on the Effective Date and when such areas may be cultivated in addition to the limits specified:

<table>
<thead>
<tr>
<th>Name of Tributary</th>
<th>Maximum Annual Cultivation (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basantar</td>
<td>14,000</td>
</tr>
<tr>
<td>Bein</td>
<td>26,600</td>
</tr>
<tr>
<td>Tarnah</td>
<td>1,800</td>
</tr>
<tr>
<td>Ujh</td>
<td>3,000</td>
</tr>
</tbody>
</table>

4. The provisions of Paragraphs 2 and 3 shall not be construed as giving Pakistan any claim or right to any releases by India in the Tributaries mentioned in these Paragraphs.
5. Not later than 31st March 1961, Pakistan shall furnish to India a statement by Districts and Tehsils showing (i) the area irrigated and (ii) the area cultivated on sailab, as on the Effective Date, from the waters of each of the Tributaries specified in Paragraphs 2 and 3.

6. As soon as the statistics for each crop year (commencing with the beginning of kharif and ending with the end of the following rabi) have been compiled at the District Headquarters, but not later than the 30th November following the end of that crop year. Pakistan shall furnish to India a statement arranged by Tributaries and showing for each of the Districts and Tehsils irrigated or cultivated on sailab from the Tributaries mentioned in Paragraphs 2 and 3:

(i) the area irrigated, and
(ii) the area cultivated on sailab.

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**ANNEXURE C-AGRICULTURAL USE BY INDIA FROM THE WESTERN RIVERS**

(Article III (2) (c))

1. The provisions of this Annexure shall apply with respect to the Agricultural Use by India from the Western Rivers under the provisions of Article 111 (2) (c) and, subject to the provisions of this Annexure, such use shall be unrestricted.

2. As used in this Annexure, the term “Irrigated Cropped Area” means the total area under irrigated crops in a year, the same area being counted twice if it bears different crops in kharif and rabi. The term shall be deemed to exclude small blocks of ghair mumkin lands in an irrigated field, lands on which cultivation is dependent on rain or snow and to which no irrigation water is applied, areas naturally inundated by river flow and cultivated on sailab thereafter, any area under floating gardens or demb lands in and along any lakes, and any area under water plants growing within the water-spread of any lake or in standing water in a natural depression.

3. India may withdraw from the Chenab Main such waters as India may need for Agricultural Use on the following canals limited to the maximum withdrawals noted against each:

<table>
<thead>
<tr>
<th>Name of Canal</th>
<th>Maximum withdrawals for Agricultural Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Ranbir Canal</td>
<td>1,000 cusecs from 15th April to 14th October, and 350 cusecs from 15th October to 14th April.</td>
</tr>
</tbody>
</table>
(b) Pratap Canal 400 cusecs from 15th April to 14th October, and 100 cusecs from 15th October to 14th April.

Provided that:

(i) The maximum withdrawals shown above shall be exclusive of any withdrawals which may be made through these canals for purposes of silt extraction on condition that the waters withdrawn for silt extraction are returned to The Chenab.

(ii) India may make additional withdrawals through the Ranbir Canal up to 250 cusecs for hydro-electric generation on condition that the waters so withdrawn are returned to The Chenab.

(iii) If India should construct a barrage across the Chenab Main below the head regulators of these two canals, the withdrawals to be then made, limited to the amounts specified in (a) and (b) above, during each 10-day period or sub-period thereof, shall be as determined by the Commission in accordance with sound irrigation practice and, in the absence of agreement between the Commissioners, by a Neutral Expert in accordance with the Provisions of Annexure F.

4. Apart from the irrigation from the Ranbir and Pratap Canals under the provisions of Paragraph 3, India may continue to irrigate from the Western Rivers those areas which were so irrigated as on the Effective Date.

5. In addition to such withdrawals as may be made in accordance with the provisions of Paragraphs 3 and 4, India may, subject to the provisions of Paragraphs 6, 7, 8 and 9, make further withdrawals from the Western Rivers to the extent India may consider necessary to meet the irrigation needs of the areas specified below:

<table>
<thead>
<tr>
<th>Particulars</th>
<th>Maximum Irrigated Cropped Area (over and above the cropped Area irrigated under the provisions of Paragraph 3 &amp; 4) (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) From The Indus, in its drainage basin</td>
<td>70,000</td>
</tr>
<tr>
<td>(b) From The Jhelum, in its drainage basin</td>
<td>400,000</td>
</tr>
<tr>
<td>(c) From The Chenab</td>
<td>225,000</td>
</tr>
<tr>
<td>(i) In its drainage basin of which not more than 100,000 acres will be in Jammu District</td>
<td></td>
</tr>
</tbody>
</table>
(ii) Outside its drainage basin in the area west of the Deg Nadi (also called Devak River), the aggregate capacity of irrigating channels leading out of the drainage basin of Chenab to this area not exceeding 120 cusecs.

Provided that

(i) in addition to the maximum Irrigated Cropped Area specified above, India may irrigate road side trees from any source whatever;

(ii) the maximum Irrigated Cropped Area shown against items (a), (b) and (c) above shall be deemed to include cropped areas, if any, irrigated from an open well, a tube-well, a spring, a lake (other than a Connecting Lake) or a tank, in excess of the areas so irrigated as on the Effective Date; and

(iii) the Aggregate of the areas specified against items (a), (b) and (c) (i) above may be re-distributed among the three drainage basins in such manner as in between the Commissioners.

6. (a) Within the limits of the maximum Irrigated Cropped Areas specified against items (b) and (c) in Paragraph 5, there shall be no restriction on the development of such of these areas as may be irrigated from an open well, a tube-well, a spring, a lake (other than a Connecting Lake) or a tank.

(b) Within the limits of the maximum Irrigated Cropped Areas specified against items (b) and (c) in Paragraph 5, there shall be no restriction on the development of such of these areas as may be irrigated from General Storage (as defined in Annexure E) : the areas irrigated from General Storage may, however, receive irrigation from river flow also, but, unless the Commissioners otherwise agree, only in the following periods :

(i) from The Jhelum : 21st June to 20th August
(ii) from The Chenab : 21st June to 31st August

Provided that withdrawals for such irrigation, whether from General Storage or from river flow, are controlled by Government.

7. Within the limits of the maximum Irrigated Cropped Areas specified against items (b) and (c) in Paragraph 5, the development of these areas by withdrawals from river flow (as distinct from withdrawals from General Storage cum river flow accordance with Paragraph 6(b)) shall be regulated as follows:

(a) Until India can release water from Conservation Storage (as defined in Annexure E) in accordance with sub-paragraphs (b) and (c) below, the new area developed shall not exceed the following :
(i) from The Jhelum 150,000 acres:
(ii) from The Chenab 25,000 acres during the Transition Period and 50,000 acres after end of the Transition period.

(b) In addition to the areas specified in (a) above, there may be developed from The Jhelum or The Chenab an aggregate area 150,000 acres if there is released annually from Conservation Storage, in accordance with Paragraph 8, a volume of 0.2 MAF into The Jhelum and a volume of 0.1 MAF into The Chenab; provided that India shall have the option to store on and release into The Chenab the whole or a part of the volume of 0.2 MAF specified above for release into The Jhelum.

(c) Any additional areas over and above those specified in (a) above may be developed if there is released annually from Conservation Storage a volume of 0.2 MAF into The Jhelum or The Chenab, in accordance with Paragraph 8, in addition to the releases specified in (b) above.

8. The releases from Conservation Storage, as specified in Paragraphs 7(b) and 7(c), shall be made in accordance with a schedule to be determined by the Commission which shall keep in view, first, the effect, if any, on Agricultural Use by Pakistan consequent on the reduction in supplies available to Pakistan as a result of the withdrawals made by India under the provisions of Paragraph 7 and, then, the requirements, if any, of hydroelectric power to be developed by India from these releases. In the absence of agreement between the Commissioners, the matter may be referred under the provisions of Article IX (2) of decision to a Neutral Expert.

9. On those tributaries of Jhelum on which there is any Agricultural Use or hydro-electric use by Pakistan, any agricultural Use by India shall be so made as not to affect adversely the then existing Agricultural Use or hydro-electric use by Pakistan on those Tributaries.

10. Not later than 31st March 1961, India shall furnish to Pakistan a statement showing, for each of the Districts and Tehsils irrigated from the Western Rivers, the Irrigated Cropped Area as on the Effective Date (excluding, only the area irrigated under the provisions of Paragraph 3), arranged in accordance with items (a), M and (c) (i) of Paragraph 5: Provided that, in the case of areas in the Punjab, the date may be extended to 30th September 1961.

11.(a) As soon as the statistics for each crop year (commencing with the beginning of kharif and ending with the end of the following rabi) have been compiled at the District Headquarters, but not later than the 30th
November following the end of that crop year, India shall furnish to Pakistan a statement showing for each of the Districts and Tehsils irrigated from the Western Rivers, the total Irrigated Cropped Areas (excluding the area irrigated under the provisions of Paragraph 3) arranged in accordance with items (a), (b), (c) (w) and (c) (ii) of Paragraph 5: Provided that, in the case of areas in the Punjab, the 30th November date specified above may be extended to the following 30th June in the event of failure of communications.

(b) If the limits specified in Paragraph 7(a) or 7(b) are exceeded for any crop year, the statement shall also show the figures for Irrigated Cropped Areas falling under Paragraph 6(a) and 6(b) respectively, unless appropriate releases from Conservation Storage under the provisions of Paragraph 8 have already begun to be made.

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ANNEXURE D- GENERATION OF HYDRO-ELECTRIC POWER BY INDIA ON THE WESTERN RIVERS

(Article III (2) d)

1. The provisions of this Annexure shall apply with respect to the use by India of the waters of the Western Rivers for the generation of hydro-electric power under the provisions of Article III (2) (d) and, subject to the provisions of this Annexure, such use shall be unrestricted: Provided that the design, construction and operation of new hydro-electric plants which are incorporated in a Storage Work (as defined in Annexure E) shall be governed by the relevant provisions of Annexure E.

Part I - Definitions

2. As used in this Annexure:

(a) “Dead Storage” means that portion of the storage which is not used for operational purposes and “Dead Storage Level” means the level corresponding to Dead Storage.

(b) “Live Storage” means all storage above Dead Storage.

(c) “Pondage” means Live Storage of only sufficient magnitude to meet fluctuations in the discharge of the turbines arising from variations in the daily and the weekly loads of the plant.

(d) “Full Pondage Level” means the level corresponding to the maximum
Pondage provided in the design in accordance with Paragraph 8(c).

(e) “Surcharge Storage” means uncontrollable storage occupying space above the Full Pondage Level.

(f) “Operating Pool” means the storage capacity between Dead Storage Level and Full Pondage Level.

(g) “Run-of-River Plant” means a hydro-electric plant that develops power without Live Storage as an integral part of the plant, except for Pondage and Surcharge Storage.

(h) “Regulating Basin” means the basin whose only purpose is to even out fluctuations in the discharge from the turbines arising from variations in the daily and the weekly loads of the plant.

(i) “Firm Power” means the hydro-electric power corresponding to the minimum mean discharge at the site of a plant, the minimum mean discharge being calculated as follows:

The average discharge for each 10-day period (1st to 10th, 11th to 20th and 21st to the end of the month) will be worked out for each year for which discharge data, whether observed or estimated, are proposed to be studied for purposes of design. The mean of the yearly values for each 10-day period will then be worked out. The lowest of the mean values thus obtained will be taken as the minimum mean discharge. The studies will be based on data for as long a period as available but may be limited to the latest 5 years in the case of Small Plants (as defined in Paragraph 18) and to the latest 25 years in case of other Plants (as defined in Paragraph 8).

(j) “Secondary Power” means the power, other than Firm Power, available only during certain periods of the year.

Part 2- Hydro-Electric Plants in Operation, or under Construction, as on the Effective Date

3. There shall be no restriction on the operation of the following hydro-electric plants which were in operation as on the Effective Date:

<table>
<thead>
<tr>
<th>Name of the Plant</th>
<th>Capacity (Exclusive of standby Units)-(Kilowatts)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Pahalgam</td>
<td>186</td>
</tr>
<tr>
<td>(ii) Bandipura</td>
<td>30</td>
</tr>
</tbody>
</table>
4. There shall be no restriction on the completion by India, in accordance with the design adopted prior to the Effective Date, or on the operation by India, of the following hydro-electric plants which were actually under construction on the Effective Date, whether or not the plant was on the date in partial operation:

<table>
<thead>
<tr>
<th>Name of the Plant</th>
<th>Designed Capacity (Exclusive of standby units) (kwts)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Mahora</td>
<td>12,000</td>
</tr>
<tr>
<td>(ii) Ganderbal</td>
<td>15,000</td>
</tr>
<tr>
<td>(iii) Kupwara</td>
<td>150</td>
</tr>
<tr>
<td>(iv) Bhadarwah</td>
<td>600</td>
</tr>
<tr>
<td>(v) Kishtwar</td>
<td>350</td>
</tr>
<tr>
<td>(vi) Rajouri</td>
<td>650</td>
</tr>
<tr>
<td>(vii) Chinani</td>
<td>14,00</td>
</tr>
<tr>
<td>(viii) Nichalani Banihal</td>
<td>600</td>
</tr>
</tbody>
</table>

5. As soon as India finds it possible to do so, but not later than 31st March 1961, India shall communicate to Pakistan the information specified in Appendix I to this Annexure for each of the plants specified in Paragraphs 3 and 4. If any such information is not available or is not pertinent to the design of the plant or to the conditions at the site, it will be so started.

6.(a) If any alteration proposed in the design of any of the plants specified in Paragraphs 3 and 4 would result in a materials change in the information furnished to Pakistan under the provisions of Paragraph 5, India shall, at least 4 months in advance of making the alteration, communicate particulars of the change to Pakistan in writing and the provisions of Paragraph 7 shall then apply.

(b) In the event of an emergency arising which requires repairs to be undertaken to protect the integrity of any of the plants specified in paragraph 3 and 4, India may undertake immediately the necessary
repairs or alterations and, if these repairs or alterations result in a change in the information furnished to Pakistan under the provisions of Paragraph 5, India shall as soon as possible communicate particulars of the change to Pakistan in writing. The provisions of Paragraph 7 shall then apply.

7. Within three months of the receipt of the particulars specified in Paragraph 6, Pakistan shall communicate to India in writing any objection it may have with regard to the proposed change on the ground that the change involves a material departure from the criteria set out in Paragraph 8 or 18 of this Annexure or paragraph 11 of Annexure E as the case may be. If no objection is received by India from Pakistan within the specified period of three months, then Pakistan shall be deemed to have no objection. If a question arises as to whether or not the change involves a material departure from such of the criteria mentioned above as may be applicable, then either party may proceed to have the question resolved in accordance with the provisions of Article IX (1) and (2).

Part 3 — New Run – of – River Plants

8. Except as provided in Paragraph 18, the design of any new Run-of-River Plant (Hereinafter in this Part referred to as a Plant) shall conform to the following criteria:

(a) The works themselves shall not be capable of raising artificially the water level in the Operating Pool above the Full Pondage Level specified in the design.

(b) The design of the works shall take due account of the requirements of Surcharge Storage and Secondary Power.

(c) The maximum Pondage in the Operating Pool shall not exceed twice the Pondage required for Firm Power.

(d) There shall be no outlets below the Dead Storage Level, unless necessary for sediment control or any other technical purpose; any such outlet shall be of the minimum size, and located at the highest level, consistent with sound and economical design and with satisfactory operation of the works.

(e) If the conditions on the site of the Plant make a gated spillway necessary, the bottom level of the gates in normal closed position shall be located at the highest level consistent with sound and economical design and satisfactory construction and operation of the works.

(f) The intake for the turbines shall be located at the highest level consistent with satisfactory and economical construction and operation of the Plant as a Run-of-River Plant and with customary and accepted practice of design for the designated range of the Plant's operation.
(g) If any Plant is constructed on the Chenab Main at a site below Kotru (longitude 74° East and latitude 33° North), a Regulating basin shall be incorporated.

9. To enable Pakistan to satisfy itself that the design of a Plant conforms to the criteria mentioned in Paragraph 8, India shall, at least six months in advance of the beginning of construction of river works connected with the Plant, communicate to Pakistan, in writing, the information specified in Appendix II to this Annexure. If any such information is not available or is not pertinent to the design of the Plant or to the conditions at the site, it will be so stated.

10. Within three months of the receipt by Pakistan of the information specified in Paragraph 9, Pakistan shall communicate to India, in writing, any objection that it may have with regard to the proposed design on the ground that it does not conform to the criteria mentioned in Paragraph 8. If no objection is received by India from Pakistan within the specified period of three months, then Pakistan shall be deemed to have no objection.

11. If a question arises as to whether or not the design of a Plant conforms to the criteria set out in Paragraph 8, then either Party may proceed to have the question resolved in accordance with the provisions of Article IX (1) and (2).

12. (a) If any alteration proposed in the design of a Plant before it comes into operation would result in a material change in the information furnished to Pakistan under the provisions of Paragraph 9, India shall immediately communicate particulars of the change to Pakistan in writing and the provisions of Paragraphs 10 and 11 shall then apply, but the period of three months specified in Paragraph 10 shall be reduced to two months.

(b) If any alteration proposed in the design of a Plant after it comes into operation would result in a material change in the information furnished to Pakistan under the provisions of Paragraph 9, India shall, at least four months in advance of making the alteration, communicate particulars of the change to Pakistan in writing and the provisions of Paragraphs 10 and 11 shall then apply, but the period of three months specified in Paragraph 10 shall be reduced to two months.

13. In the event of an emergency arising which requires repairs to be undertaken to protect the integrity of a Plant, India may undertake immediately the necessary repairs or alterations; if these repairs or alterations result in a change in the information furnished to Pakistan under the provisions of Paragraph 9, India shall, as soon as possible, communicate particulars of the change to Pakistan in writing to enable Pakistan to satisfy itself that after such change the design of the Plant conforms to the criteria specified in Paragraph 8. The provisions of Paragraphs 10 and 11 shall then apply.
14. The filling of Dead Storage shall be carried out in accordance with the provisions of Paragraph 18 or 19 of Annexure E.

15. Subject to the provisions of Paragraph 17, the works connected with a Plant shall be so operated that (a) the volume of water received in the river upstream of the Plant, during any period of seven consecutive days, shall be delivered into the river below the Plant during the same seven-day period, and (b) in any one period of 24 hours within that seven-day period, the volume delivered into the river below the Plant shall be not less than 30%, and not more than 130%, of the volume received in the river above the Plant during the same 24-hour period: Provided however that:

(i) where a Plant is located at a site on the Chenab Main below Ramban, the volume of water received in the river upstream of the Plant in any one period of 24 hours shall be delivered into the river below the Plant within the same 24 hours period;

(ii) where, a Plant is located at a site on the Chenab Main above Ramban, the volume of water delivered into the River below the Plant, in any one period of 24 hours shall not be less than 50% and not more than 130% of the volume received above the Plant during the same 24-hour period; and

(iii) where a Plant is located on a Tributary of The Jhelum on which Pakistan has any Agricultural Use or hydro-electric use, the water released below the Plant may be delivered, if necessary, into another Tributary but only to the extent that the then existing Agricultural Use or hydro-electric use by Pakistan on the former Tributary would not be adversely affected.

16. For the purpose of Paragraph 15, the period of 24 hours shall commence at 8 A.M. daily and the period of 7 consecutive days shall commence at 8 A.M. on every Saturday. The time shall be Indian Standard Time.

17. The provisions of Paragraph 15 shall not apply during the period when the Dead Storage at a Plant is being filled in accordance with the provisions of Paragraph 14. In applying the provisions of Paragraph 15

(a) a tolerance of 10% in volume shall be permissible; and

(b) Surcharge Storage shall be ignored.

18. The provisions of Paragraphs 8, 9, 10, 11, 12 and 13 shall not apply to a new Run-of-River Plant which is located on a Tributary and which conforms to the following criteria (hereinafter referred to as a Small Plant):

(a) the aggregate designed maximum discharge through the turbines does not exceed 300 cusecs;
(b) no storage is involved in connection with the Small Plant, except, the Pondage and the storage incidental to the diversion structure; and

(c) the crest of the diversion structure across the Tributary, or the top level of the gates, if any, shall not be higher than 20 feet above the mean bed of the Tributary at the site of the structure.

19. The information specified in Appendix III to this Annexure shall be communicated to Pakistan by India at least two months in advance of the beginning of construction of the river works connected with a Small Plant. If any such information is not available or is not pertinent to the design of the Small Plant or to the conditions at the site, it will be so stated.

20. Within two months of the receipt by Pakistan of the information specified in Appendix III, Pakistan shall communicate to India, in writing, any objection that it may have with regard to the proposed design on the ground that it does not conform to the criteria mentioned in Paragraph 18. If no objection is received by India from Pakistan within the specified period of two months, then Pakistan shall be deemed to have no objection.

21. If a question arises as to whether or not the design of a Small Plant conforms to the criteria set out in Paragraph 18, then either Party may proceed to have the question resolved in accordance with the provisions of Article IX (1) and (2).

22. If any alteration in the design of a Small Plant, whether during the construction period or subsequently, results in a change in the information furnished to Pakistan under the provisions of Paragraph 19, then India shall immediately communicate the change in writing to Pakistan.

23. If, with any alteration proposed in the design of a Small Plant, the design would cease to comply with the criteria set out in Paragraph 18, then the provisions of Paragraphs 18 to 22 inclusive shall no longer apply and, in lieu thereof, the provisions of Paragraphs 8 to 13 inclusive shall apply.

**Part 4-New Plants on Irrigation Channels**

24. Notwithstanding the foregoing provisions of this Annexure, there shall be no restriction on the construction and operation by India of new hydro-electric plants on any irrigation channel taking off the Western Rivers, provided that

(a) the work-, incorporate no storage other than Pondage and the Dead Storage incidental to the diversion structure, and
(b) no additional supplies are run in the irrigation channel for the purpose of generating hydro-electric power.

Part 5—General

25. If the change referred to in Paragraphs 6 (a) and 12 is not material, India shall communicate particulars of the change to Pakistan, in writing, as soon as the alteration has been made or the repairs have been undertaken. The provisions of Paragraph 7 or Paragraph 23, as the case may be, shall then apply.

APPENDIX I To ANNEXURE D

(Paragraph 5)

1. Location of Plant

   General map showing the location of the site; if on a Tributary, its situation with respect to the main river.

2. Hydraulic Data

   (a) Stage-area and stage-capacity curves of the reservoir, forebay and Regulating Basin.

   (b) Full Pondage Level, Dead Storage Level and Operating Pool.

   (c) Dead Storage capacity.

3. Particulars of Design

   (a) Type of spillway, length and crest level; size, number and top level of spillway gates.

   (b) Outlet works: function, type, size, number, maximum designed capacity and sill levels.

   (c) Aggregate designed maximum discharge through the turbines.

   (d) Maximum aggregate capacity of power units (exclusive of standby units) for Firm Power and Secondary Power.

   (e) Regulating Basin and its outlet works: dimensions and maximum discharge capacity.
4. **General**

Probable date of completion of river works, and dates on which various stages of the plant would come into operation.

**APPENDIX II To ANNEXURE D**

(Paragraph 9)

1. **Location of Plant**

General map showing the location of the site; if on a Tributary, its situation with respect to the main river.

2. **Hydrologic Data**

(a) General map (Scale: 1/4 inch or more = 1 mile) showing the discharge observation site or sites or rainfall gauge stations on whose data the design is based. In case of a Plant on a Tributary, this map should also show the catchment area of the Tributary above the site.

(b) Observed or estimated daily river discharge data on which the design is based (observed data will be given for as long period as available; estimated data will be given for as long period as possible; in both cases data may be limited to the latest 25 years).

(c) Flood data, observed or estimated (with details of estimation).

(d) Gauge-discharge curve or curves for site or sites mentioned in (a) above.

3. **Hydraulic Data**

(a) Stage-area and stage-capacity curves of the reservoir, forebay and Regulating Basin, with contoured survey maps on which based.

(b) Full Pondage Level, Dead Storage Level and Operating Pool together with the calculations for the Operating Pool.

(c) Dead Storage capacity.

(d) Estimated evaporation losses in the reservoir, Regulating Basin, head-race, forebay and tail-race.

(e) Maximum designed flood discharge, discharge-capacity curve for spillway and maximum designed flood level.

(f) Designated range of operation.

4. **Particulars of Design**
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(a) Dimensioned plan showing dam, spillway, intake and outlet works, diversion works, head-race and forebay, powerhouse, tail-race and Regulating Basin.

(b) Type of dam, length and height above mean bed of river.

(c) Cross-section of the river at the site; mean bed level.

(d) Type of spillway, length and crest level; size, number and top level of spillway gates.

(e) Type of intake, maximum designed capacity, number and size, sill levels; diversion works.

(f) Head-race and tail-race: length, size, maximum-, designed capacity.

(g) Outlet works: Function, type, size, number, maximum designed capacity and sill levels.

(h) Discharge proposed to be passed through the Plant, initially and ultimately, and expected variations in the discharge on account of the daily and the weekly load fluctuations.

(i) Maximum aggregate capacity of power units (exclusive of standby units) for Firm Power and Secondary Power.

(j) Regulating Basin and its outlet works: type, number, size, sill level and designed maximum discharge capacity

5. General

(a) Estimated effect of proposed development on the flow pattern below the last Plant downstream (with details of estimation).

(b) Probable date of completion of river works, and dates on which various stages of the plant would come into operation.

APPENDIX III To ANNEXURE D
(Paragraph 19)

1. Location of Small Plant

General map showing the location of the site on the Tributary and its situation with respect to the main river.

2. Hydrologic Data

(a) Observed or estimated daily Tributary discharge (observed data will be given for as long a period as available; estimated data will be given
for as long a period as possible; in both cases, data may be limited to the latest five years).

(b) Flood data, observed or estimated (with details of estimation).

(c) Gauge-discharge curve relating to discharge site.

3. **Hydraulic Data**

(a) Stage-area and stage-capacity curves of the forebay with survey map on which based.

(b) Full Pondage Level, Dead Storage Level and Operating Pool together with the calculations for the Operating Pool.

4. **Particulars of Design**

(a) Dimensioned plan showing diversion works, outlet works, head-race and forebay, powerhouse and tail-race.

(b) Type of diversion works, length and height of crest or top level of gates above the mean bed of the Tributary at the site.

(c) Cross-section of the Tributary at the site; mean bed level.

(d) Head-race and tail-race : length, size and designed maximum capacity.

(e) Aggregate designed maximum discharge through the turbines.

(f) Spillway, if any : type, length and crest level; size, number and top level of gates.

(g) Maximum aggregate capacity of power units (exclusive of standby units) for Firm Power and Secondary Power.

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**ANNEXURE E-STORAGE OF WATERS BY INDIA ON THE WESTERN RIVERS**

(Article III (4))

1. The provisions of this Annexure shall apply with respect to the storage of water on the Western Rivers, and to the construction and operation of Storage Works thereon, by India under the provisions of Article 111 (4).

2. As used in this Annexure :

(a) “Storage Work” means a work constructed for the purpose of impounding the waters of a stream; but excludes
(i) a small Tank,
(ii) the works specified in Paragraphs 3 and 4 of Annexure D, and
(iii) a new work constructed in accordance with the provisions of Annexure D.

(b) “Reservoir Capacity” means the gross volume of water which can be stored in the reservoir.

(c) “Dead Storage Capacity” means that portion of the Reservoir Capacity which is not used for operational purposes, and “Dead Storage” means the corresponding volume of water.

(d) “Live Storage Capacity” means the Reservoir Capacity excluding Dead Storage Capacity, and “Live Storage” means the corresponding volume of water.

(e) “Flood Storage Capacity” means that portion of the Reservoir Capacity which is reserved for the temporary storage of flood waters in order to regulate downstream flows, and “Flood Storage” means the corresponding volume of water.

(f) “Surcharge Storage Capacity” means the Reservoir Capacity between the crest of an uncontrolled spillway or the top of the crest gates in normal closed position and the maximum water elevation above this level for which the dam is designed, and “Surcharge Storage” means the corresponding volume of water.

(g) “Conservation Storage Capacity” means the Reservoir Capacity excluding Flood Storage Capacity, Dead Storage Capacity and Surcharge Storage Capacity, and “Conservation Storage” means the corresponding volume of water.

(h) “Power Storage Capacity” means that portion of the Conservation Storage Capacity which is designated to be used for generating electric energy, and “Power Storage” means the corresponding volume of water.

(i) “General Storage Capacity” means the Conservation Storage Capacity excluding Power Storage Capacity, and “General Storage” means the corresponding volume of water.

(j) “Dead Storage Level” means the level of water in a reservoir corresponding to Dead Storage Capacity, below which level the reservoir does not operate.

(k) “Full Reservoir Level” means the level of water in a reservoir corresponding to Conservation Storage Capacity.
“Multi-purpose Reservoir” means a reservoir capable of and intended for use for more than one purpose.

“Single-purpose Reservoir” means a reservoir capable of and intended for use for only one purpose.

“Small Tank” means a tank having a Live Storage of less than 700 acre-feet and fed only from a non-perennial small stream: Provided that the Dead Storage does not exceed 50 acre-feet.

3. There shall be no restriction on the operation as heretofore by India of those Storage Works which were in operation as on the Effective Date or on the construction and operation of Small Tanks.

4. As soon as India finds it possible to do so, but not later than 31st March 1961, India shall communicate to Pakistan in writing the information specified in the Appendix to this Annexure for such Storage Works as were in operation as on the Effective Date. If any such information is not available or is not pertinent to the design of the Storage Work or to the conditions at the site, it will be so stated.

5. (a) If any alteration proposed in the design of any of the Storage Works referred to in Paragraph 3 would result in a material change in the information furnished to Pakistan under the provisions of Paragraph 4, India shall, at least 4 months in advance of making the alteration, communicate particulars of the change to Pakistan in writing and the provisions of Paragraph 6 shall then apply.

(b) In the event of an emergency arising which requires repairs to be undertaken to protect the integrity of any of the Storage Works referred to in Paragraph 3, India may undertake immediately the necessary repairs or alterations and, if these repairs or alterations result in a change in the information furnished to Pakistan under the provisions of Paragraph 4, India shall as soon as possible communicate particulars of the change to Pakistan in writing. The provisions of Paragraph 6 shall then apply.

6. Within three months of the receipt of the particulars specified in Paragraph 5, Pakistan shall communicate to India in writing any objection it may have with regard to the proposed change on the ground that the change involves a material departure from the criteria set out in Paragraph 11. If no objection is received by India from Pakistan within the specified period of three months, then Pakistan shall be deemed to have no objection. If a question arises as to whether or not the change involves a material departure from such of the criteria mentioned above as may be applicable, then either Party may proceed to have the question resolved in accordance with the provisions of Article IX(1) and (2).
The aggregate storage capacity of all Single-purpose and Multipurpose Reservoirs which may be constructed by India after the Effective Date on each of the River Systems specified in Column (2) of the following table shall not exceed, for each of the categories shown in Columns (3), (4) and (5), the quantities specified therein:

<table>
<thead>
<tr>
<th>Conservation of Storage Capacity in million acre feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>River System</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td>(a) The Indus</td>
</tr>
<tr>
<td>(b) The Jhelum</td>
</tr>
<tr>
<td>Excluding Jhelum main</td>
</tr>
<tr>
<td>(c) The Jhelum Main</td>
</tr>
<tr>
<td>(d) The Chenab</td>
</tr>
<tr>
<td>Excluding Chenab main</td>
</tr>
<tr>
<td>(e) The Chenab Main</td>
</tr>
</tbody>
</table>

Provided that

(i) the storage specified in Column (3) above may be used for any purpose whatever, including the generation of electric energy;

(ii) the storage specified in Column (4) above may also be put to Non-Consumptive Use (other than flood protection or flood control) or to Domestic use;

(iii) India shall have the option, to increase the Power Storage Capacity specified against item (d) above by making a reduction by an equal amount in the Power Storage Capacity specified against items (b) or (e) above; and

(iv) Storage Works to provide the Power Storage Capacity on the Chenab main specified against item (e) above shall not be constructed at a point below Naunut (Latitude 33° 19’ N. and Longitude 75° 59’ E.)

8. The figures specified in Paragraph 7 shall be exclusive of the following:

(a) Storage in any Small Tank.
(b) Any natural storage in a Connecting Lake, that is to say, storage not resulting from any man-made works.

(c) Waters which, without any man-made channel or works, spill into natural depressions or borrow-pits during floods.

(d) Dead Storage.

(e) The volume of Pondage for hydro-electric plants under Annexure D and under Paragraph 21 (a).

(f) Surcharge Storage.

(g) Storage in a Regulating Basin (as defined in Annexure D.)

(h) Storage incidental to a barrage on the Jhelum Main or on the Chenab Main not exceeding 10,000 acre-feet.

9. India may construct on the Jhelum Main such works as it may consider necessary for flood control of the Jhelum Main and may complete any such works as were under construction on the Effective Date: Provided that

(i) any storage which may be effected by such works shall be confined to off-channel storage in side valleys, depressions or lakes and will not involve any storage in the Jhelum Main itself; and

(ii) except for the part held in lakes, borrow-pits or natural depressions, the stored waters shall be released as quickly as possible after the flood recedes and returned to the Jhelum Main lower down.

These works shall be constructed in accordance with the provisions of Paragraph 11(d).

10. Notwithstanding the provisions of Paragraph 7, any Storage Work to be constructed on a Tributary of The Jhelum on which Pakistan has any Agricultural Use or hydro-electric use shall be so designed and operated as not to adversely affect the then existing Agricultural Use or hydro-electric use on that Tributary.

11. The design of any Storage Work (other than a Storage Work falling under Paragraph 3) shall conform to the following criteria

(a) The Storage Work shall not be capable of raising artificially the water level in the reservoir higher than the designed Full Reservoir Level except to the extent necessary for Flood Storage, if any, specified in the design.

(b) The design of the works shall take due account of the requirements of Surcharge Storage.
(c) The volume between the Full Reservoir Level and the Dead Storage Level of any reservoir shall not exceed the Conservation Storage Capacity specified in the design.

(d) With respect to the Flood Storage mentioned in Paragraph 9, the design of the works on the Jhelum Main shall be such that no water can spill from the Jhelum Main into the off-channel storage except when the water level in the Jhelum Main rises above the low flood stage.

(e) Outlets or other works of sufficient capacity shall be provided to deliver into the river downstream the flow of the river received upstream of the Storage Work, except during freshets or floods. These outlets or works shall be located at the highest level consistent with sound and economical design and with satisfactory operation of the Storage Work.

(f) Any outlets below the Dead Storage Level necessary for sediment control or any other technical purpose shall be of the minimum size, and located at the highest level, consistent with sound and economical design and with satisfactory operation of the Storage Work.

(g) If a power plant is incorporated in the Storage Work, the intakes for the turbines shall be located at the highest level consistent with satisfactory and economical construction and operation of the plant and with customary and accepted practice of design for the designated range of the plant’s operation.

12. To enable Pakistan to satisfy itself that the design of a Storage Work (other than a Storage Work falling under Paragraph 3) conforms to the criteria mentioned in Paragraph 11, India shall, at least six months in advance of the beginning of construction of the Storage Work, communicate to Pakistan in writing the information specified in the Appendix to this Annexure; if any such information is not available or is not pertinent to the design of the Storage Work or to the conditions at the site, it will be so stated:

Provided that, in the case of a Storage Work falling under Paragraph 9,

(i) if the work is a new work, the period of six months shall be reduced to four months, and

(ii) if the work is a work under construction on the Effective Date, the information shall be furnished not later than 31st December, 1960.

13. Within three months (or two months, in the case of a Storage Work specified in Paragraph 9) of the receipt by Pakistan of the information specified in Paragraph 12, Pakistan shall communicate to India in writing any objection
that it may have with regard to the proposed design on the ground that the
design does not conform to the criteria mentioned in Paragraph 11. If no
objection is received by India from Pakistan within the specified period of three
months (or two months, in the case of a Storage Work specified in Paragraph
9), then Pakistan shall be deemed to have no objection.

14. If a question arises as to whether or not the design of a Storage Work
(other than a Storage Work failing under Paragraph 3) conforms to the criteria
set out in Paragraph 11, then either Party may proceed to have the question
resolved in accordance with the provisions of Article IX (1) and (2).

15. (a) If any alteration proposed in the design of a Storage Work (other than a
Storage Work failing under Paragraph 3) before it comes into operation
would result in a material change in the information furnished to Pakistan
under the provisions of Paragraph 12, India shall immediately
communicate particulars of the change to Pakistan in writing and the
provisions of Paragraphs 13 and 14 shall then apply, but where a period
of three months is specified in Paragraph 13, that period shall be reduced
to two months.

(b) If any alteration proposed in the design of a Storage Work (other than a
Storage Work failing under Paragraph 3), after it comes into operation
would result in a material change in the information furnished to Pakistan
under the provisions of Paragraph 12, India shall, at least four months
in advance of making the alteration, communicate particulars of the change to Pakistan in writing and the provisions of Paragraphs 13 and 14 shall then apply, but where a period of three months is specified in
Paragraph 13, that period shall be reduced to two months.

16. In the event of an emergency arising which requires repairs to be
undertaken to protect the integrity of a Storage Work (other than a Storage
Work failing under Paragraph 3), India may undertake immediately the
necessary repairs or alterations; if these repairs or alterations result in a change
in the information furnished to Pakistan under the provisions of Paragraph 12,
India shall, as soon as possible, communicate particulars of the change to Pakistan in writing to enable Pakistan to satisfy itself that after such change
the design of the work conforms to the criteria specified in Paragraph 11. The
provisions of Paragraphs 13 and 14 shall then apply.

17. The Flood Storage specified against item (b) in Paragraph 7 may be
effected only during floods when the discharge of the river exceeds the amount
specified for this purpose in the design of the work; the storage above full
Reservoir Level shall be released as quickly as possible after the flood recedes.

18. The annual filling of Conservation Storage and the initial filling below the
Dead Storage Level, at any site, shall be carried out at such times and in
accordance with such rules as may be agreed upon between the Commissioners. In case the Commissioners are unable to reach agreement, India may carry out the filling as follows:

(a) if the site is on The Indus, between 1st June and 20th August;
(b) if the site is on The Jhelum, between 21st June and 20th August; and
(c) if the site is on The Chenab, between 21st June and 31st August at such rate as not to reduce, on account of this filling, the flow in the Chenab Main above Merala to less than 55,000 cusecs.

19. The Dead Storage shall not be depleted except in an unforeseen emergency. If so depleted, it will be refilled in accordance with the conditions of its initial filling.

20. Subject to the provisions of Paragraph 8 of Annexure C, India may make releases from Conservation Storage in any manner it may determine.

21. If a hydro-electric power plant is incorporated in a Storage Work (other than a Storage Work falling under Paragraph 3), the plant shall be so operated that:

(a) the maximum Pondage (as defined in Annexure D) shall not exceed the Pondage required for the firm power of the plant, and the water-level in the reservoir corresponding to maximum Pondage shall not, on account of this Pondage, exceed the Full Reservoir Level at any time; and
(b) except during the period in which a filling is being carried out in accordance with the provisions of Paragraph 18 or 19, the volume of water delivered into the river below the work during any period of seven consecutive days shall not be less than the volume of water received in the river upstream of the work in that seven-day period.

22. In applying the provisions of Paragraph 21(b)

(a) the period of seven consecutive days shall commence at 8 A.M. on every Saturday and the time shall be Indian Standard Time;
(b) a tolerance of 10% in volume shall be permissible and adjusted as soon as possible; and
(c) any temporary uncontrollable retention of water due to variation in river supply will be accounted for.

23. When the Live Storage Capacity of a Storage Work is reduced by sedimentation, India may, in accordance with the relevant provisions of this
Annexure, construct new Storage Works or modify existing Storage Works so as to make up the storage capacity lost by sedimentation.

24. If a power plant incorporated in a Storage Work (other than a Storage Work failing under Paragraph 3) is used to operate a peak power plant and lies on any Tributary of The Jhelum on which there is any Agricultural Use by Pakistan, a Regulating Basin (as defined in Annexure D) shall be incorporated.

25. If the change referred to in Paragraph 5(a) or 15 is not material, India shall communicate particulars of the change to Pakistan, in writing, as soon as the alteration has been made or the repairs have been undertaken. The provisions of Paragraph 6 or Paragraphs 13 and 14, as the case may be, shall then apply.

APPENDIX To ANNEXURE E
(Paragraphs 4 and 12)

1. Location of Storage Work
General map showing the location of the site; if on a Tributary, its situation with respect to the main river.

2. Hydrologic Data
(a) General map (Scale : 1/4 inch or more = 1 mile) showing the discharge observation site or sites or rainfall gauge stations, on whose data the design is based. In case of a work on a Tributary, this map should also show the catchment area of the Tributary above the site.
(b) Observed or estimated daily river discharge data on which the design is based (observed data will be given for as long period as available; estimated data will be given for as long period as possible; in both case data may be limited to the latest 25 years).
(c) flood data, observed or estimated (with details of estimation).
(d) Gauge-discharge curve or curves for site or sites mentioned in (a) above.
(e) Sediment data.

3. Hydraulic Data
(a) Stage-area and stage-capacity curves of the reservoir with contoured survey maps on which based.
(b) Reservoir Capacity, Dead Storage Capacity, Flood Storage Capacity, Conservation Storage Capacity, Power Storage Capacity, General Storage Capacity and Surcharge Storage Capacity.
(c) Full Reservoir Level, Dead Storage Level and levels corresponding to Flood Storage and Surcharge Storage.

(d) Estimated evaporation losses in the reservoir.

(e) Maximum designed flood discharge and discharge capacity curve for spillway.

(f) If a power plant is incorporated in a Storage Work
   (i) Stage-area and stage-capacity curves of forebay and Regulating Basin, with contoured survey maps on which based.
   (ii) Estimated evaporation losses in the Regulating Basin, head-race, forebay and tail-race.
   (iii) Designated range of operation.

4. Particulars of Design

(a) Dimensioned plan showing dam, spillway, diversion works and outlet works.

(b) Type of dam, length and height above mean bed of the river.

(c) Cross-section of the river at the site and mean bed level.

(d) Type of spillway, length and crest level; size, number and top level of spillway gates.

(e) Type of diversion works, maximum designed capacity, number and size; sill levels.

(f) Outlet works: function, type, size, number, maximum designed capacity and sill levels.

(g) If a power plant is incorporated in a Storage Work,
   (i) Dimensioned plan showing head-race and forebay, powerhouse, tail-race and Regulating Basin.
   (ii) Type of intake, maximum designed capacity, size and sill level.
   (iii) Head-race and tail-race, length, size and maximum designed capacity.
   (iv) Discharge proposed to be passed through the plant, initially and ultimately, and expected variations in the discharge on account of the daily and the weekly load fluctuations.
(v) Maximum aggregate capacity of power units (exclusive of standby units) for firm power and secondary power.

(vi) Regulating Basin and its outlet works: type, number, size, sill levels and designed maximum discharge capacity.

5. General

(a) Probable date of completion of river works and probable dates on which various stages of the work would come into operation.

(b) Estimated effect of proposed Storage Work on the flow pattern of river supplies below the Storage Work or, if India has any other Storage Work or Run-of-River Plant (as defined in Annexure D) below the proposed Storage Work, then on the flow pattern below the last Storage Work or Plant.

ANNEXURE F-NEUTRAL EXPERT
(Article IX (2))

Part I-Questions to be referred to a Neutral Expert

1. Subject to the provisions of Paragraph 2, either Commissioner may, under the provisions of Article IX (2) (a), refer to a Neutral Expert any of the following questions:

(1) Determination of the component of water available for the use of Pakistan

(a) in the Ravi Main, on account of the deliveries by Pakistan under the provisions of Article 11 (4). and

(b) at various points on The Ravi or the Sutlej, on account of the deliveries by Pakistan under the provisions of Article 111 (3).

(2) Determination of the boundary of the drainage basin of The Indus or The Jhelum or The Chenab for the purposes of Article III (2).

(3) Whether or not any use of water or storage in addition to that provided under Article III is involved in any of the schemes referred to in Article IV (2) or in Article IV (3) (b) and carried out by India on the Western Rivers.

(4) Questions relating to

(a) obligations with respect to construction or re-modeling of, or pouring of waters into, any drainage or drain as provided-in Article IV (3) (c) and Article TV (3) (d); and
(b) maintenance of drainages specified in Article IV (4).

(5) Questions arising under Article IV (7) as to whether any action taken by either Party is likely to have the effect of diverting the Ravi Main between Madhopur and Lahore, or the Sutlej Main between Harike and Suleimanke, from its natural channel between high banks.

(6) Determination of facts relating to questions arising under Article IV (11) or Article IV (12).

(7) Whether any of the data requested by either Party falls outside the scope of Article VI (2).

(8) Determination of withdrawals to be made by India under proviso (iii) to Paragraph 3 of Annexure C.

(9) Determination of schedule of releases from Conservation Storage under the provisions of Paragraph 8 of Annexure C.

(10) Whether or not any new Agricultural Use by India, on those Tributaries of The Jhelum on which there is any Agricultural Use or hydro-electric use by Pakistan, conforms to the provisions of Paragraph 9 of Annexure C.

(11) Questions arising under the provisions of Paragraph 7, Paragraph 11 or Paragraph 21 of Annexure D.

(12) Whether or not the operation by India of any plant constructed in accordance with the provisions of Part 3 of Annexure D conforms to the criteria set out in Paragraphs 15, 16 and 17 of that Annexure.

(13) Whether or not any new hydro-electric plant on an irrigation channel taking off the Western Rivers conforms to the provisos to Paragraph 24 of Annexure D.

(14) Whether or not the operation of a Storage Work which was in operation as on the Effective Date substantially conforms to the provisions of Paragraph 3 of Annexure E.

(15) Whether or not any part of the storage in a Connecting Lake is the result of man-made works constructed after the Effective Date (Paragraph 8 (b) of Annexure E).

(16) Whether or not any flood control work constructed on the Jhelum Main conforms to the provisions of Paragraph 9 of Annexure E.

(17) Whether or not any Storage Work to be constructed on a Tributary of
the Jhelum on which Pakistan has any Agricultural Use or hydro-electric use conforms to the provisions of Paragraph 10 of Annexure E.

(18) Questions arising under the provisions of Paragraph 6 or 14 of Annexure E.

(19) Whether or not the operation of any Storage Work constructed by India, after the Effective Date conforms to the provisions of Paragraphs 17, 18, 19, 21 and 22 of Annexure E and, to the extent necessary, to the provisions of Paragraph 8 of Annexure C.

(20) Whether or not the storage capacity proposed to be made up by India under Paragraph 23 of Annexure E exceeds the storage capacity lost by sedimentation.

(21) Determination of modifications to be made in the provisions of Parts 2, 4 or 5 of Annexure H in accordance with Paragraphs 11, 31 or 38 thereof when the additional supplies referred to in Paragraph 66 of that Annexure become available.

(22) Modification of Forms under the provisions of Paragraph 41 of Annexure H.

(23) 1. Revision of the figure for the conveyance loss from the head of the Madhopur Beas Link to the junction of the Chakki Torrent with the Beas Main under the provisions of 4.5 (c) (11) of Annexure H.

2. If a claim for financial compensation has been raised with respect to any question specified in Paragraph 1, that question shall not be referred to a Neutral Expert unless the two Commissioners are agreed that it should be so referred.

3. Either Commissioner may refer to a Neutral Expert under the provisions of Article IX (2) (a) any question arising with regard to the determination of costs under Article IV (5), Article IV (11), Article VII (1) (a) or Article VII (1) (b).

Part 2- Appointment and Procedure

4. A Neutral Expert shall be a highly qualified engineer, and, on the receipt of a request made in accordance with Paragraph 5, he shall be appointed, and the terms of his retainer shall be fixed, as follows:

(a) During the Transition Period, by the Bank.

(b) After the expiration of the Transition Period,
(i) jointly by the Government of India and the Government of Pakistan, or
(ii) if no appointment is made in accordance with (i) above within one month after the date of the request, then by such person or body as may have been agreed upon between the two Governments in advance, on an annual basis, or, in the absence of such agreement, by the Bank.

Provided that every appointment made in accordance with (a) or (b) (ii) above shall be made after consultation with each of the Parties.

The Bank shall be notified of every appointment, except when the Bank is itself the appointing authority.

5. If a difference arises and has to be dealt with in accordance with the provisions of Article IX (2) (a), the following procedure will be followed:

(a) The Commissioner who is of the opinion that the difference falls within the provisions of Part 1 of this Annexure (hereinafter in this paragraph referred to as “the first Commissioner”) shall notify the other Commissioner of his intention to ask for the appointment of a Neutral Expert. Such notification shall clearly state the paragraph or paragraphs of Part 1 of this Annexure under which the difference falls and shall also contain a statement of the point or points of difference.

(b) Within two weeks of the receipt by the other Commissioner of the notification specified in (a) above, the two Commissioners will endeavour to prepare a joint statement of the point or points of difference.

(c) After expiry of the period of two weeks specified in (b) above, the first Commissioner may request the appropriate authority specified in Paragraph 4 to appoint a Neutral Expert; a copy of the request shall be sent at the same time to the other Commissioner.

(d) The request under (c) above shall be accompanied by the joint statement specified in (b) above; failing this, either Commissioner may send a separate statement to the appointing authority and, if he does so, he shall at the same time send a copy of the separate statement to the other Commissioner.

6. The procedure with respect to each reference to a Neutral Expert shall be determined by him, provided that:

(a) he shall afford to each Party an adequate hearing;

(b) in making his decision, he shall be governed by the provisions of this Treaty and by the compromis, if any, presented to him by the Commission; and
(c) without prejudice to the provisions of Paragraph 3, unless both Parties so request, he shall not deal with any issue of financial compensation.

7. Should the Commission be unable to agree that any particular difference falls within Part 1 of this Annexure, the Neutral Expert shall, after hearing both Parties, decide whether or not it so falls. Should he decide that the difference so falls, he shall proceed to render a decision on the merits; should he decide otherwise, he shall inform the Commission that, in his opinion, the difference should be treated as a dispute. Should the Neutral Expert decide that only a part of the difference so falls, he shall, at his discretion either:

(a) proceed to render a decision on the part which so falls, and inform the Commission that, in his opinion, the part which does not so fall should be treated as a dispute, or

(b) inform the Commission that, in his opinion, the entire difference should be treated as a dispute.

8. Each Government agrees to extend to the Neutral Expert such facilities as he may require for the discharge of his functions.

9. The Neutral Expert shall, as soon as possible, render a decision on the question or questions referred to him, giving his reasons. A copy of such decision, duly signed by the Neutral Expert, shall be forwarded by him to each of the Commissioners and to the Bank.

10. Each Party shall bear its own costs. The remuneration and the expenses of the Neutral Expert and of any assistance that he may need shall be borne initially as provided in Part 3 of this Annexure and eventually by the Party against which his decision is rendered, except as, in special circumstances, and for reasons to be stated by him, he may otherwise direct. He shall include in his decision a direction concerning the extent to which the costs of such remuneration and expenses are to be borne by either Party.

11. The decision of the Neutral Expert on all matters within his competence shall be final and binding, in respect of the particular matter on which the decision is made, upon the Parties and upon any Court of Arbitration established under the provisions of Article IX (5).

12. The Neutral Expert may, at the request of the Commission, suggest for the consideration of the Parties such measures as are, in his opinion, appropriate to compose a difference or to implement his decision.

13. Without prejudice to the finality of the Neutral Expert’s decision, if any question (including a claim to, financial compensation) which is not within the
competence of a Neutral Expert should arise out of his decision, that question shall, if it cannot be resolved by agreement, be settled in accordance with the provisions of Article IX (3), (4) and (5).

**Part 3-Expenses**

14. India and Pakistan shall, within 30 days after the Treaty enters into force, each pay to the Bank the sum of U.S. $5,000 to be held in trust by the Bank, together with any income therefrom and any other amounts payable to the Bank hereunder, on the terms and conditions hereinafter set forth in the Annexure.

15. The remuneration and expenses of the Neutral Expert, and of any assistance that he may need, shall be paid or reimbursed by the Bank from the amounts held by it hereunder. The Bank shall be entitled to rely upon the statement of the Neutral Expert as to the amount of the remuneration and expenses of himself (determined in accordance with the terms of his retainer) and of any such assistance utilized by him.

16. Within 30 days of the rendering of a decision by the Neutral Expert, the Party or Parties concerned shall, in accordance with that decision, refund to the Bank the amounts paid by the Bank pursuant to Paragraph 15.

17. The Bank will keep amounts held by it hereunder separate from its other assets, in such form, in such banks or other depositories and in such accounts as it shall determine. The Bank may, but it shall not be required to, invest these amounts. The Bank will not be liable to the Parties for failure of any depository or other person to perform its obligations. The Bank shall be under no obligation to make payments hereunder of amounts in excess of those held by it hereunder.

18. If at any time or times the amounts held by the Bank hereunder shall in its judgment be insufficient to meet the payments provided for in Paragraph 15, it will so notify the Parties, which shall, within 30 days thereafter, pay to the Bank, in equal shares, the amount specified in such notice as being the amount required to cover the deficiency. Any amounts so paid to the Bank may, by agreement between the Bank and the Parties, be refunded to the Parties.

**ANNEXURE G-Court OF ARBITRATION (Article IX (5))**

1. If the necessity arises to establish a Court of Arbitration under the provisions of Article IX, the provisions of this Annexure shall apply

2. The arbitration proceeding may be instituted

(a) by the two Parties entering into a special agreement (compromise) specifying the issues in dispute, the composition of the Court and
instructions to the Court concerning its procedures and any other matters agreed upon between the Parties: or

(b) at the request of either Party to the other in accordance with the provisions of Article IX (5) (b) or (c). Such request shall contain a statement setting forth the nature of the dispute or claim to be submitted to arbitration, the nature of the relief sought and the names of the arbitrators appointed under Paragraph 6 by the Party instituting the proceeding.

3. The date of the special agreement referred to in Paragraph 2(a), or the date on which the request referred to in Paragraph 2(b) is received by the other Party, shall be deemed to be the date on which the proceeding is instituted.

4. Unless otherwise agreed, between the Parties, a Court of Arbitration shall consist of seven arbitrators appointed as follows

(a) Two arbitrators to be appointed by each Party in accordance with Paragraph 6; and

(b) Three arbitrators (hereinafter sometimes called the umpires) to be appointed in accordance with Paragraph 7, one from each of the following categories:

(i) Persons qualified by status and reputation to be Chairman of the Court of Arbitration who may, but need not, be engineers or lawyers.

(ii) Highly qualified engineers.

(iii) Persons well versed in international law.

The Chairman of the Court shall be a person from category (b) (i) above.

5. The Parties shall endeavour to nominate and maintain a Standing Panel of umpires (hereinafter called the Panel) in the following manner:

(a) The Panel shall consist of four persons in each of the three categories specified in Paragraph 4(b).

(b) The Panel will be selected, as soon as possible after the Effective Date, by agreement between the Parties and with the consent of the persons whose names are included in the Panel.

(c) A person may at any time be retired from the Panel at the request of either Party: Provided however that he may not be so retired

(i) during the period after arbitration proceedings have been instituted under Paragraph 2(b) and before the process described in Paragraph 7(a) has been completed; or
(ii) during the period after he has been appointed to a Court and before the proceedings are completed.

(d) if a member of the Panel should die, resign or be retired, his successor shall be selected by agreement between the Parties.

6. The arbitrators referred to in Paragraph 4(a) shall be appointed as follows:

The Party instituting the proceeding shall appoint two arbitrators at the time it makes a request to the other Party under Paragraph 2(b). Within 30 days of the receipt of this request, the other Party shall notify the names of the arbitrators appointed by it.

7. The umpires shall be appointed as follows:

(a) If a Panel has been Dominated in accordance with the provisions of Paragraph 5, each umpire shall be selected as follows from the Panel, from his appropriate category, provided that the category has, at that time, at least three names on the Panel:

The Parties shall endeavour to agree to place the names of the persons in each category in the order in which they shall be invited to serve on the Court. If such agreement cannot be reached within 30 days of the date on which the proceeding is instituted, the Parties shall promptly establish such an order by drawing lots. If, in any category, the person whose name is placed first in the order so established, on receipt of an invitation to serve on the Court, declines to do so, the person whose name is next on the list shall be invited. The process shall be repeated until the invitation is accepted or all names in the category are exhausted.

(b) If a Panel has not been nominated in accordance with Paragraph 5, or if there should be less than three names on the Panel in any category or if no person in a category accepts the invitation referred to in Paragraph 7(a), the umpires, or the remaining umpires or umpire, as the case may be, shall be appointed as follows:

(i) By agreement between the Parties.

(ii) Should the Parties be unable to agree on the selection of any or all the three umpires, they shall agree on one or more persons to help them in making the necessary selection by agreement; but if one or more umpires remain to be appointed 60 days after the date on which the proceeding is instituted, or 30 days after the completion of the process described in sub-paragraph (a) above, as the case may be, then the Parties shall determine by lot for
each umpire remaining to be appointed, a person from the appropriate list set out in the Appendix to this Annexure, who shall then be requested to make the necessary selection.

(iii) A national of India or Pakistan, or a person who is, or has been, employed or retained by either of the Parties shall be disqualified from selection under sub-paragraph (ii) above.

Provided that

(1) the person making the selection shall be entitled to rely on a declaration from the appointee, before his selection, that he is not disqualified on any of the above grounds; and

(2) the Parties may by agreement waive any or all of the above disqualifications in the case of any individual appointee.

(iv) The lists in the Appendix to this Annexure may, from time to time, be modified or enlarged by agreement between the Parties.

8. In selecting umpires pursuant to Paragraph 7, the Chairman shall be selected first, unless the Parties otherwise agree.

9. Should either Party fail to participate in the drawing of lots as provided in Paragraphs 7 and 10, the other Party may request the President of the Bank to nominate a person to draw the lots, and the person so nominated shall do so after giving due notice to the Parties and inviting them to be represented at the drawing of the lots.

10. In the case of death, retirement or disability from any cause of one of the arbitrators or umpires his place shall be filled as follows:

(a) In the case of one of the arbitrators appointed under Paragraph 6, his place shall be filled by the Party which appointed him. The Court shall, on request, suspend the proceedings but for not longer than 15 days pending such replacement.

(b) In the case of an umpire, a new appointment shall be made by agreement between the Parties or, failing such agreement, by a person determined by lot from the appropriate list set out in the Appendix to this Annexure, who shall then be requested to make the necessary selection subject to the provisions of Paragraph 7(b) (iii). Unless the Parties otherwise agree, the Court shall suspend the proceedings pending such replacement.

11. As soon as the three umpires have accepted appointment, they together with such arbitrators as have been appointed by the two Parties under Paragraph 6 shall form the Court of Arbitration. Unless the Parties otherwise agree, the
Court shall be competent to transact business only when all the three umpires
and at least two arbitrators are present.

12. Each Party shall be represented before the Court by an Agent and may
have the assistance of Counsel.

13. Within 15 days of the date of institution of a proceeding, each Party shall
place sufficient funds at the disposal of its Commissioner to meet in equal
shares the initial expenses of the umpires to enable them to attend the first
meeting of the Court. If either Party should fail to do so, the other Party may
initially meet the whole of such expenses.

14. The Court of Arbitration shall convene, for its first meeting, on such date
and at such place as shall be fixed by the Chairman.

15. At its first meeting the Court shall
(a) establish its secretariat and appoint a Treasurer;
(b) make an estimate of the likely expenses of the Court and call upon each
   Party to pay to the Treasurer half of the expenses so estimated: Provided
   that, if either Party should fail to make such payment, the other Party
   may initially pay the whole of the estimated expenses;
(c) specify the issues in dispute;
(d) Jay down a programme for submission by each side of legal pleadings
   and rejoinders; and
(e) determining the time and place of reconvening the court.
   Unless special circumstances arise, the Court shall not reconvene until
   the pleadings and rejoinders have been closed. During the intervening
   period, at the request of either Party, the Chairman of the Court may, for
   sufficient reason, make changes in the arrangements made under (d)
   and (e) above.

16. Subject to the provisions of this Treaty and except as the Parties may
otherwise agree, the Court shall decide all questions relating to its competence
and shall determine its procedure, including the time within which each Party
must present and conclude its arguments. All such decisions of the Court shall
be by a majority of those present and voting. Each arbitrator, including the
Chairman, shall have one vote. In the event of an equality of votes, the Chairman
shall have a casting vote.

17. The proceedings of the Court shall be in English.

18. Two or more certified copies of every document produced before the
Court by one Party shall be communicated by the Court to the other Party; the
Court shall not take cognizance of any document or paper or fact presented by a Party unless so communicated.

19. The Chairman of the Court shall control the discussions. The discussions shall not be open to the public unless it is so decided by the Court with the consent of the Parties. The discussions shall be recorded in minutes drawn up by the Secretaries appointed by the Chairman. These minutes shall be signed by the Chairman and shall alone have an authentic character.

20. The Court shall have the right to require from the Agents of the Parties the production of all papers and other evidence it considers necessary and to demand all necessary explanations. In case of refusal, the Court shall take formal note of it.

21. The members of the Court shall be entitled to put questions to the Agents and Counsel of the Parties and to demand explanations from them on doubtful points. Neither the questions put nor the remarks made by the members of the Court during the discussions shall be regarded as an expression of an opinion of the Court or any of its members.

22. When the Agents and Counsel of the Parties have, within the time allotted by the Court, submitted all explanations and evidence in support of their case, the Court shall pronounce the discussions closed. The Court may, however, at its discretion re-open the discussions at any time before making its Award. The deliberations of the Court shall be in private and shall remain secret.

23. The Court shall render its Award, in writing, on the issues in dispute and on such relief, including financial compensation, as may have been claimed. The Award shall be accompanied by a statement of reasons. An Award signed by four or more members of the Court shall constitute the Award of the Court. A signed counterpart of the Award shall be delivered by the Court to each Party. Any such Award rendered in accordance with the provisions of this Annexure in regard to a particular dispute shall be final and binding upon the Parties with respect to that dispute.

24. The salaries and allowances of the arbitrators appointed pursuant to Paragraph 6 shall be determined and, in the first instance, borne by their Governments; those of the umpires shall be agreed upon with them by the Parties or by the persons appointing them, and (subject to Paragraph 13) shall be paid, in the first instance, by the Treasurer. The salaries and allowances of the secretariat of the Court shall be determined by the Court and paid, in the first instance, by the Treasurer.

25. Each Government agrees to accord to the members and officials of the Court of Arbitration and to the Agents and Counsel appearing before the Court
the same privileges and immunities as are accorded to representatives of member states to the principal and subsidiary organs of the United Nations under Sections 11, 12 and 13 of Article IV of the Convention on the Privileges and Immunities of the United Nations (dated 13th February 1946) during the periods specified in these Sections. The Chairman of the Court, with the approval of the Court, has the right and the duty to waive the immunity of any official of the Court in any case where the immunity would impede the course of justice and can be waived without prejudice to the interests of the Court. The Government appointing any of the aforementioned Agents and Counsel has the right and the duty to waive the immunity of any of its said appointees in any case where in its opinion the immunity would impede the course of justice and can be waived without prejudice to the effective performance of the functions of the said appointees. The immunities and privileges provided for in this paragraph shall not be applicable as between an Agent or Counsel appearing before the Court and the Government which has appointed him.

26. In its Award, the Court shall also award the costs of the proceedings, including those initially borne by the Parties and those paid by the Treasurer.

27. At the request of either Party, made within three months of the date of the Award, the Court shall reassemble to clarify or interpret its Award. Pending such clarification or interpretation the Court may, at the request of either Party and if in the opinion of the Court circumstances so require, grant a stay of execution of its Award. After furnishing this clarification or interpretation, or if no request for such clarification or interpretation is made within three months of the date of the Award, the Court shall be deemed to have been dissolved.

28. Either Party may request the Court at its first meeting to lay down, pending its Award, such interim measures as, in the opinion of that Party, are necessary to safeguard its interests under the Treaty with respect to the matter in dispute, or to avoid prejudice to the final solution or aggravation or extension of the dispute. The Court shall, thereupon, after having afforded an adequate hearing to each Party, decide, by a majority consisting of at least four members of the Court, whether any interim measures are necessary for the reasons hereinbefore stated and, if so, shall specify such measures:

(a) the Court shall lay down such interim measures only for such specified period as, in its opinion, will be necessary to render the Award: this period may, if necessary, be extended unless the delay in rendering the Award is due to any delay on the part of the Party which requested the interim measures in supplying such information as may be required by the other Party or by the Court in connection with the dispute; and

(b) the specification of such interim measures shall not be construed as an indication of any view of the Court on the merits of the dispute.
29. Except as the Parties may otherwise agree, the law to be applied by the Court shall be this Treaty and, whenever necessary for its interpretation or application, but only to the extent necessary for that purpose, the following in the order in which they are listed

(a) International conventions establishing rules which are expressly recognized by the Parties.

(b) Customary international law.

## Appendix to Annexure G
(Paragraph 7(b))

<table>
<thead>
<tr>
<th>List I for selection of Chairman</th>
<th>List II for selection of Engineer Member</th>
<th>List III for selection of legal Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) The Secretary-General of the United Nations</td>
<td>The President of Massachusetts Institute of Technology, Cambridge Mass., U.S.A.</td>
<td>The Chief Justice of the United States</td>
</tr>
</tbody>
</table>

## ANNEXURE H
TRANSITIONAL ARRANGEMENTS
Article II(5)

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- Part 1 Preliminary
- Part 2 Distribution of the Water of The Ravi
- Part 3 Distribution of the Water of The Sutlej and The Beas in *Kharif* during Phase I
- Part 4 Distribution of the water of The Sutlej and The Beas in *Kharif* during Phase II
- Part 5 Distribution of the waters of The Sutlej and The Beas in Rabi
- Part 6 Water-accounts at Ferozepore
- Part 7 Financial provisions
Part 8 Extension of Transition Period

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Appendix I Provisions for Time-lag and for Determination of the ‘Sutlej Component at Ferozepore’ and the Seas Component at Ferozepore

Appendix II Forms of water-account

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Appendix IV-Calculations for determining proportionate working expenses to be paid by Pakistan under the provisions of Paragraphs 49 and 50

PART 1
Preliminary

1. The provisions of Article 11 (5) with respect to the distribution of the waters of the Eastern Rivers during the Transition Period shall be governed by the provisions of this Annexure. With the exception of the provisions of Paragraph 50, all the provisions of this Annexure shall lapse on the date on which the Transition Period ends. The provisions of Paragraphs 50 and 51 shall lapse as soon as the final refund or the additional payment referred to therein has been made for the last year of the Transition Period.

2. For the purposes of this Annexure, the Transition Period shall be divided into two parts: Phase I and Phase II.

3. Phase I shall begin on 1st April 1960 and it shall end on 31st March 1965, or, if the proposed Trimmu-Islam Link is not ready to operate by 31st March 1965 but is ready to operate prior to 31st March 1966 then, on the date on which the link is ready to operate. In any event, whether or not the Trimmu-Islam Link is ready to operate, Phase I shall end not later than 31st March 1966.

4. Phase II shall begin on 1st April 1965, or, if Phase I has been extended under the provisions of Paragraph 3, then on the day following the end of Phase I but in any case not later than 1st April 1966. Phase II shall end on the same date as the Transition Period.

5. As used in this Annexure

(a) The term ‘Central Bari Doab Channels’ or ‘C.B.D.C.’ means the system of irrigation channels located in Pakistan which, prior to 15th August 19.47, formed a part of the Upper Bari Doab Canal System.
(b) The terms ‘kharif’ and ‘rabi’ respectively mean the crop seasons extending from 1st April to 30th September (both days inclusive) and 1st October to 31st March (both days inclusive).

(c) The term ‘Water-accounting Period’ means the period which is treated as a unit for the purpose of preparing an account of the distribution of waters between India and Pakistan.

(d) The term ‘Seas Component at Ferozepore’ means the amount of flow water derived from The Beas which would have reached Ferozepore if there had been
   (i) no transfers from The Ravi or contribution from The Sutlej,
   (ii) no withdrawals by the canals at Harike,
   (iii) no abstraction of flow waters by, or release of stored waters from, any storage reservoir on The Beas or the pond at Harike,
   (iv) no withdrawals by the Shahnehr Canal in excess of those specified in Paragraph 55, and
   (v) no withdrawal by any new canal from The Beas or from the Sutlej Main between Harike Below and Ferozepore constructed after the Effective Date with a capacity of more than 10 cusecs.

(e) The term ‘Sutlej Component at Ferozepore’ means the amount of flow water derived from The Sutlej which would have reached Ferozepore if there had been
   (i) no transfers from The Ravi or contribution from The Beas.
   (ii) no withdrawals, as at Rupar, in excess of those specified in Paragraph 21(a), and
   (iii) no abstraction of flow waters by, or release of stored waters from, any storage reservoir on The Sutlej or the Ponds at Nangal or Harike.

PART 2

Distribution of the Waters of The Ravi

6. Subject to the provisions of Paragraph 20 and to the payment by Pakistan, by due date, of the amounts to be specified under the provisions of Paragraph 48, India agrees to continue the supply of water to the C.B.D.C., during the Transition Period, in accordance with the provisions of Paragraphs 7 to 19. The balance of the waters of The Ravi, after India has made the deliveries specified in these Paragraphs or the releases specified in Paragraph 20, shall be available for unrestricted use by India.
7. India will deliver supplies to the C.B.D.C. throughout rabi and during April 1-10 and September 21-30 in kharif (dates as at the points of delivery, no time-lag being allowed from Madhopur to these points), at the points noted in Column (3) of Table A below, according to indents to be placed by Pakistan, up to the maximum quantity noted against each point in Column (4) of Table A:

<table>
<thead>
<tr>
<th>Item</th>
<th>Name of Channel</th>
<th>Point of Delivery</th>
<th>Maximum Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Col (1)</td>
<td>Col.(2)</td>
<td>Col.(3)</td>
<td>Col. (4)</td>
</tr>
<tr>
<td>1.</td>
<td>Lahore Branch R.D.</td>
<td>196,455</td>
<td>615</td>
</tr>
<tr>
<td>2.</td>
<td>Main Branch Lower R.D.</td>
<td>250,620</td>
<td>1,382</td>
</tr>
<tr>
<td>3.</td>
<td>Pull Distributary R.D.</td>
<td>74,595</td>
<td>10</td>
</tr>
<tr>
<td>5.</td>
<td>Khalra Distributary R.D.</td>
<td>26,900</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>2,361</strong></td>
</tr>
</tbody>
</table>

8. (a) The supply available in the Ravi Main, at Madhopur above, after deducting the actual withdrawal (the deduction being limited to a maximum of 120 cusecs during April 1-10 and September 21-30 and to nil cusecs during rabi) for the Kashmir (Basantpur) Canal, will be taken as the ‘gross supply available’: Provided that any withdrawal from The Ravi upstream of Madhopur by a new canal constructed after the Effective Date with a capacity of more than 10 cusecs will be accounted for in working out the supply available in the Ravi Main at Madhopur Above.

(b) From the ‘gross supply available’ as determined in (a) above, the escapages, if any, from the Upper Bari Doab Canal into The Ravi will be deducted to get the ‘net supply available’. India will use its best endeavours to limit these escapages to the minimum necessary for operational requirements.

(c) The ‘net supply available’ as determined in (b) above, limited to a daily ceiling of 6,800 cusecs during April 1-10 and 21st September to 15th October and of 5,770 cusecs during 16th October to 31st March, will be taken as the ‘distributable supply’.

9. If the ‘distributable supply’ falls below 6,800 cusecs during April 1-10 or 21st September to 15th October, the aggregate deliveries to the C.B.D.C.
may be reduced to 34.7 per cent of the ‘distributable supply’. If the ‘distributable supply’ falls below 5,770 cusecs during 16th October to 31st March, the aggregate deliveries to the C.B.D.C. may be reduced to 41 per cent of the distributable supply.

10. If in any year after the Rasul-Qadirabad and the Qadirabad-Balloki Links are ready to operate, the average discharge for a period of five consecutive days during 21st February to 6th April in the Jhelum Main at Rasul above (including the supply in the tail-race of the Rasul hydro-electric plant) exceeds 20,000 cusecs and the daily discharge is not less than 17,000 cusecs on any of these five days, India may, from a date four days after the expiry of the said period of five days, discontinue deliveries to the C.B.D.C. from that date until 10th April in that year: Provided that, if India should decide to exercise this option, India shall notify Pakistan telegraphically three days in advance of the date proposed for the discontinuance of deliveries.

11. As soon as the supplies specified in Paragraph 66 are available for reduction of deliveries by India during September 21-30 and *rabi*, the Commissioners will meet and agree upon suitable modifications in the provisions of this Part of this Annexure. In case the Commissioners are unable to agree, the difference shall be dealt with by a Neutral Expert in accordance with the provisions of Annexure F.

12. A rotational programme will be followed for the distribution of supplies during 16th October to 31st March; it will be extended, if necessary, for the distribution of supplies during 21st September to 15 October and April 1-10. This programme will be framed and, if necessary, modified by the Chief Engineer, Punjab, India, in such manner as will enable the C.B.D.C. to get the due percentage of the ‘distributable supply’ during each of the following Water-accounting Periods:

(i) 21st September to 15th October.
(ii) 16th October to 2nd December (*rabi* sowing period).
(iii) 3rd December to 12th February (*rabi* growing period).
(iv) 13th February to 31st March (*rabi* maturing period).
(v) April 1-10.

In framing, operating and, if necessary, modifying the rotational programme, the Chief Engineer, Punjab, will make every effort to see that, within each of the Water-accounting Periods specified above, the supplies delivered to the C.B.D.C. are spread out over the period as fairly as the prevailing circumstances permit.
13. The Chief Engineer, West Pakistan, will communicate to the Chief Engineer, Punjab (India) by 31st August each year, his suggestions, if any, for framing the next rotational programme and the Chief Engineer, Punjab, in framing that programme, will give due consideration to these suggestions. Copies of the programme shall be supplied by the Chief Engineer, Punjab, to the Chief Engineer, West Pakistan, and to the Commissioners, as early as possible but no later than 30th September each year. Copies of the modified programme shall similarly be supplied as soon as possible after the modifications have been made and the Chief Engineer, West Pakistan, and the Commissioners will be kept informed of the circumstances under which the modifications are made.

14. Neither Party shall have any claim for restitution of water not used by it when available to it.

15. India will give Pakistan adequate prior notice of any closures at the head of the Upper Bari Doab Canal during the period 21st September to 10th April. If, however, on account of any operational emergency, India finds it necessary to suddenly close the Upper Bari Doab Canal at head, or any channel specified in Table A, India will notify Pakistan telegraphically.

16. No claim whatsoever shall lie against India for any interruption of supply to the C.B.D.C. due to a closure of the Upper Bari Doab Canal at head, or of any channel specified in Table A, if such closure is considered necessary by India in the interest of the safety or the maintenance of the Upper Bari Doab Canal system.

17. India will use its best endeavours not to pass into any of the channels listed as items 1, 2 and 6 of Table A, any supplies in excess of 110 per cent of the corresponding figure given in Column (4) (if that Table. Any supplies passed into any of the aforesaid channels in excess of 105 per cent of the corresponding figure given at Column (4) of Table A will not be taken into account in drawing up the water-account. If however the indent of any channel is less than the corresponding figure given in Column (4) of Table A, the supplies passed into that channel up to 110 per cent of the indent will be taken into account in drawing up the water-account.

18. If, because of unavoidable circumstances arising out of the inherent difficulties in the operation of the Upper Bari Doab Canal (U.B.D.C.) system, deliveries to C.B.D.C. are temporarily reduced below the amounts indented or due (whichever amounts are less), no claim for financial compensation shall lie against India on this account. India will make every effort to bring about at the earliest possible opportunity a resumption of deliveries to C.B.D.C. up to the amounts indented or due (whichever amounts are less.)

19. The delivery into each of the channels specified in Table A will be
regulated by India in accordance with the discharge table current for that channel on the Effective Date until that table is revised, if necessary, on the basis of
(i) any discharge observation made by India whenever it may consider necessary to do so, but not more often than once in two months; or
(ii) any joint discharge observation by India and Pakistan which may be undertaken at the request of either Commissioner, but not more often than once in three months; the observation shall be made within a fortnight of the receipt of the request.

India will supply to Pakistan, for each channel specified in Table A, a copy of the discharge table current on the Effective Date and of any revised discharge table prepared thereafter in accordance with (i) or (ii) above.

20. Pakistan shall have the option to request India to discontinue the deliveries to C.B.D.C. at the points specified in Table A and to release instead equal supplies (that is, those due under the provisions of Paragraphs 7 to 11) into the Ravi Main below Madhopur. This option may be exercised, effective 1st April in any year, by written notification delivered to India before 30th September preceding. On receipt of such notification, India shall comply with Pakistan’s request and thereupon India shall have no obligation to make deliveries to C.B.D.C. at the points specified in Table A during the remaining part of the Transition Period, but will use its best endeavours to ensure that no abstraction is made by India below Madhopur from the supplies so released.

PART 3
Distribution of the Waters of The Sutlej and The Beas in Kharif during Phase 1

21. Except as provided in Paragraphs 22, 23, 24 and 27, India agrees to limit its withdrawals during Phase I at Bhakra, Nangal, Rupar, Harike and Ferozepore (including abstractions for storage by the Bhakra Dam and for the ponds at Nangal and Harike) and by the Bachherewah Grey Canal from the flow waters (as distinct from stored waters) present in the Sutlej Main and from the ‘Beas Component at Ferozepore’, in each Water-accounting Period, to the equivalent of the following:

(a) 10,250 cusecs from April 1-10 to July 1-10; 12,000 cusecs from July 11-20 to August 21-31 and 10,500 cusecs during September 1-10 to 21-30 from the Sutlej Main, as at Rupar; plus
(b) 3,500 cusecs during April 1-10 to 21-30; 4,500 cusecs during May 1-10 to 21-31 and 5,500 cusecs from June 1-10 to September 21-30, as at Ferozepore, from the ‘Sutlej Component at Ferozepore’ and the ‘Beas Component at Ferozepore’, taken together. Provided that this withdrawal shall not exceed the sum of the ‘Sutlej Component at Ferozepore’ and 16 per cent of the ‘Beas Component at Ferozepore.’
22. In addition to the withdrawals under Paragraph 21, India may make further withdrawals, in each Water-accounting Period, equivalent to the amount related to Pakistan’s ability to replace. This amount shall be determined as follows:

(a) For each Water-accounting Period, the ‘average discharge at Merala Above’ shall first be worked out as follows:

(i) The daily figures for the discharges at Merala Above shall be limited to a minimum equal to the figure for the appropriate Floor Discharge at Merala Above, as given in Column (2) of Table B below, and to a maximum of M cusecs where M has the following values:

<table>
<thead>
<tr>
<th>Period</th>
<th>Value of M (Cusecs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td></td>
</tr>
<tr>
<td>1-10</td>
<td>28,000</td>
</tr>
<tr>
<td>11-20</td>
<td>33,000</td>
</tr>
<tr>
<td>21-30</td>
<td>35,000</td>
</tr>
<tr>
<td>May</td>
<td></td>
</tr>
<tr>
<td>1-10</td>
<td>41,000</td>
</tr>
<tr>
<td>11-20</td>
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</tr>
<tr>
<td>May 21-31 to Sept. 31-30</td>
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</tr>
</tbody>
</table>

(ii) The average of the daily figures, limited in accordance with (1) above, will be taken as the ‘average discharge at Merala Above’, for the water accounting.

(b) For each Water-accounting Period, the ‘gross amount’ as at Ferozepore, corresponding to the ‘average discharge at Merala Above’, as determined in (a) above, shall next be worked out from Table B, in the following manner:

When the ‘average discharge at Merala Above’ is equal to the Floor Discharge shown in Column (2) of Table B, the ‘gross amount’, as at Ferozepore, shall be zero. When the average discharge at Merala Above equals or exceeds the Ceiling Discharge shown in Column (3) of Table B, the ‘gross amount’, as at Ferozepore, shall be the amount shown in Column (4) of Table B. For an ‘average discharge at Merala Above’ between those shown in Columns (2) and (3) of Table B, the ‘gross amount’, as at Ferozepore, shall be the proportional intermediate amount:

Provided that

(i) if during April 1-10 in any year, the ‘average discharge at Merala Above’ is equal to 11,100 cusecs and the ‘gross amount’ for the whole of the preceding March, under the provisions of Paragraph 35, has been equal
to zero, then for the succeeding April 11-20 the figures for Columns (2), (3) and (4) of Table B will be taken as 12,000, 23,400 and 8,600 respectively; no change will be made for calculating the ‘gross amount’ in any subsequent Water-accounting Period in that year, but if, in addition to the conditions already stated for April 1-10, the ‘average discharge at Merala Above’, during April 11-20, equals 12,000 cusecs, then for the succeeding April 21-30 the figures for Columns (2), (3) and (4) of Table B will be taken as 12,100, 23,500 and 8,600 respectively; no change will be made for calculating the ‘gross amount’ in any subsequent Water-accounting Period in that year;

(ii) if during March 21-31 in any year, the average discharge at Merala Above (obtained by limiting the daily values to a maximum of 27,000 cusecs) exceeds 22,000 cusecs, then for the succeeding April 1-10 the figures for Columns (2), (3) and (4) of Table B will be taken as 11,100, 26,700 and 12,900 respectively; no change will be made for any subsequent Water-accounting Period in that year; and

(iii) if, during any Water-accounting period from April 1-10 to September 21-30, the Upper Chenab Canal (U.C.C.) and M.R. Link are both closed at head (any day, on which some supplies are passed into U.C.C. in order that the head across the U.C.C. Head Regulator should not exceed 17 feet, being treated as a day of closure), on account of the discharge on any day in the Jammu Tawi having exceeded 30,000 cusecs, or on account of the discharge at Merala Above on any day having exceeded 200,000 cusecs, the ‘gross amount’, as at Ferozepore, will be worked out as follows

For each of the days for which both U.C.C. and M.R. Link remain closed at head, the ‘gross amount’, as at Ferozepore, shall be taken as 108 per cent of Q during April 1-10 to August 21-31 and 100 per cent of Q during September 1-10 to 21-30, where Q equals 67 per cent of the corresponding actual river supply at Balloki Above (allowing three-day time-lag from Merala to Balloki) minus 300 cusecs; Q being limited to 8,000 cusecs during April 1-10, to 11,000 cusecs during April 11-20, to 13,000 cusecs during April 21-30, and to 15,000 cusecs from May 1-10 to September 21-30. For the remaining days in the Water-accounting Period, the ‘gross amount’ shall be worked out on the basis of the average of the daily discharges at Merala Above for those days, the daily discharges being limited, where necessary, in accordance with (a) (i) above. The ‘gross amount’, for the Water-accounting Period taken as a whole, will be taken as equal to the sum of the ‘gross amount’ for each of the days of closure plus the ‘gross amount’ for the remaining days of the Water-accounting Period multiplied by the corresponding number
of days, the aggregate being divided by the total number of days in the Water accounting Period.

Pakistan will notify India about any such closure by telegram stating therein the discharge of Jammu Tawi, the discharge at Merala Above and the discharge of U.C.C. at head, and will continue to supply similar information daily by telegram till the U.C.C. and M.R. Link are re-opened.

(c) The ‘gross amount’, as at Ferozepore, as determined under (b) above, will then be multiplied by the corresponding factor in Column (5) of Table B to obtain the amount of further withdrawals by India, as at Ferozepore.

23. During September 11-20 and September 21-30, an adjustment shall be made in the withdrawals which India may make under the provisions of Paragraphs 21 and 22 by adding the actual gains in the Sutlej Main from Ferozepore to Islam to the value determined under the provisions of Paragraphs 21 and 22 and deducting from the resulting total 3,400 cusecs during September 11-20 and 2,900 cusecs during September 21-30.

**TABLE-B**

<table>
<thead>
<tr>
<th>Period</th>
<th>Discharge at Merala Above (Col.1)</th>
<th>Floor Discharge at Merala Above (Col.2)</th>
<th>Ceiling as at Ferozepore, corresponding to the ceiling discharge (Col.3)</th>
<th>‘Gross amount’ Capacity as at Ferozepore (Col.4)</th>
<th>Effective (Col.5)</th>
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<td></td>
<td></td>
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<td></td>
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<tr>
<td>1-10</td>
<td>11,100</td>
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<td>11-20</td>
<td>12,000</td>
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<td>21-30</td>
<td>12,100</td>
<td>30,000</td>
<td>16,600</td>
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<td>1-10</td>
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</tr>
<tr>
<td>21-31</td>
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</tr>
<tr>
<td>21-31</td>
<td>18,300</td>
<td>37,300</td>
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<tr>
<td>Sept.</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-10</td>
<td>20,400</td>
<td>39,700</td>
<td>17,200</td>
<td>0.70</td>
<td></td>
</tr>
<tr>
<td>11-20</td>
<td>22,200</td>
<td>40,400</td>
<td>17,200</td>
<td>0.70</td>
<td></td>
</tr>
<tr>
<td>21-30</td>
<td>21,100</td>
<td>39,300</td>
<td>17,200</td>
<td>0.70</td>
<td></td>
</tr>
</tbody>
</table>
24. If, in any Water-accounting Period, the sum of W and (ii) below exceeds 35,000 cusecs during April 1-10 to August 21-31, or 30,000 cusecs during September, then India may make further withdrawals, as at Ferozepore, from the flow waters of the Sutlej and the Beas to the extent of the excess over 35,000 cusecs or 30,000 cusecs, as the case may be.

(i) The supply available from the ‘Sutlej Component at Ferozepore’ and from the ‘Beas Component at Ferozepore’ less the withdrawals due to be made by India under the provisions of Paragraphs 21 (b), 22 and 23.

(ii) The appropriate ‘gross amount’, as at Ferozepore, determined in accordance with Paragraph 22 (b).

25. After allowing for the withdrawals by India under the provisions of Paragraphs 21(b), 22, 23 and 24, the balance of the ‘Sutlej Component at Ferozepore’ and of the ‘Beas Component at Ferozepore’ shall be delivered at Ferozepore for use by the Pakistan Sutlej Valley Canals.

26. Pakistan undertakes that, between 1st April and 30th June, and between 11th and 30th September, when the flow at Meral above on any day is less than the appropriate Ceiling Discharge shown in Column (3) of Table B, it will not allow surplus water to escape below Khanki or below Balloki (except in circumstances arising out of an operational emergency or out of inherent difficulties in the operation of the system of works) and will cause such surplus waters to be transferred to Suleimanke. If, however, there should be spill at Khanki or at Balloki because of the aforesaid circumstances, Pakistan will immediately inform India of the reasons for such spill and take steps to discontinue the spill as soon as possible.

27. If the aggregate of (i) and (ii) below does not exceed 35,000 cusecs during any Water-accounting Period from April 1-10 to June 21-30, or 30,006 cusecs during September 11-20 or 21-30, and if Pakistan expects at any time during any of these Water accounting Periods, that on one or more days it would be unable to use in its Sutlej Valley Canals the supplies likely to be available to it under the provisions of Paragraph 25 and the probable transfers under Paragraph 26, and that there is, therefore, a likelihood of escapage below Islam, Pakistan agrees that it will give such timely information to India as will enable India to make such additional withdrawals at or above Ferozepore on the day or days to be specified as will reduce the escapage below Islam to a minimum.

(i) The likely delivery to Pakistan at Ferozepore under the provisions of Paragraph 25.
(ii) The probable appropriate ‘gross amount’ as at Ferozepore, determined in accordance with Paragraph 22(b).

Provided that the above provisions shall not apply during any Water-accounting Period in which (i) above is zero.

28. Subject to the provisions of Paragraph 64 and to the payment by Pakistan, by due date, of the amounts to be specified under the provisions of Paragraph 49, India agrees to deliver into the Dipalpur Canal at Ferozepore, during each Water-accounting Period, such part of the supplies due to be released by India under the provisions of Paragraph 25, as Pakistan may request, limited to a maximum of 6,950 cusecs: Provided that no claim shall lie against India if, because of circumstances arising out of the inherent difficulties in feeding the Dipalpur Canal, the supply delivered into the Dipalpur Canal should at any time fall below the supply requested by Pakistan to be fed into this Canal out of the total supplies due to be released by India at Ferozepore.

PART 4
Distribution of the Waters of The Sutlej and The Beas in Kharif During Phase II

29. Subject to the provisions of Paragraphs 30 and 31 below, India agrees to deliver at Ferozepore for use by the Pakistan Sutlej Valley Canals the following minimum supplies during Phase II:

(a) In each Water-accounting Period during April 1-30:
74 per cent of the amount calculated for delivery at Ferozepore under the provisions of Paragraph 25 minus 21 per cent of the ‘gross amount’ determined in accordance with Paragraph 22(b): Provided that, during April 1-10 in any year, if the discharge at Trimmu Above is less than 8,500 cusecs, the delivery during April 1-10 in that year shall be the same as under the provisions of Paragraph 25.

(b) In each Water-accounting Period during May 1-31:
71 per cent of the amount calculated for delivery at Ferozepore under the provisions of Paragraph 25 minus 24 per cent of the ‘gross amount’ determined in accordance with Paragraph 22(b).

(c) In each Water-accounting Period during June 1-30:
58 per cent of the amount calculated for delivery at Ferozepore under the provisions of Paragraph 25 minus 36 per cent of the ‘gross amount’ determined in accordance with Paragraph 22(b).
(d) July 1-10 : 3,000 cusecs.
(e) July 11-20 to August 21-31 - 4,000 cusecs.
(f) September 1-10 : 3,000 cusecs.
(g) September 11-20 and 21-30 :

As under the provisions of Part 3 of this Annexure reduced by the following:

66 per cent of the amount by which the discharge at Trimmu Above (corrected for actual gains and losses between Trimmu and Panjnad, allowing a time-lag of three days from Trimmu to Panjnad) exceeds the smaller of the following two quantities:

(i) the sum of the actual withdrawals by the Panjnad and Haveli canals; and
(ii) 19,600 cusecs:

Provided that the gains from Trimmu to Panjnad shall be deemed to be limited to the actual withdrawals at Panjnad and provided further that the reduction, as thus calculated, shall be limited to a daily maximum of 7,000 cusecs and shall not exceed one-third of the sum of the supply which would have been delivered at Ferozepore under the provisions of Paragraph 25 and the 'gross amount' determined in accordance with paragraph 22(b).

30. As soon as the Rasul-Qadirabad and the Qadirabad - Balloki Links are ready to operate, the deliveries at Ferozepore for use by the Pakistan Sutlej Valley Canals, as specified in Paragraph 29, may be reduced

(a) in each Water-accounting Period during April 1-10 to June 21-30, by (AX-AB) cusees limited to (AY) cusees where

X = the actual discharge at Rasul Above (including the supply in the tail-race of the Rasul hydro-electric plant),

Y = difference between 18,400 cusecs (limited during April 1-10 to 21-30 to the 'gross amount' as at Ferozepore corresponding to the Ceiling Discharge in Table B, read with provisos (i) and (ii) of Paragraph 22(b) and the actual gross amount worked out under Paragraph 22(b),

A = a factor equal to 0.60 from April 1-10 to May 1-10, 0.65 for May 11-20, and 0.70 from May 21-31 to June 21-30, and
B = 24,000 cusecs from April 1-10 to 21-30,
32,000 cusecs from May 1-10 to 21-31 and
40,500 cusecs from June 1-10 to 21-30; and
(b) during July 1-10 and 11-20, by 1000 cusecs.

31. As soon as the supplies specified in Paragraph 66 are available for reduction of deliveries by India during September, the Commissioners will meet and agree upon modifications in the September 11-20 and 21-30. In case the Commissioners are unable to agree, the difference shall be dealt with by a Neutral Expert in accordance with the provisions of Annexure F.

32. Subject to the provisions of Paragraph 64 and to the payment by Pakistan, by due date, of the amounts to be specified under the provisions of Paragraph 49, India will arrange to deliver into the Dipalpur Canal at Ferozepore, during each Water-accounting Period, such part of the supplies due to be released for Pakistan under the provisions of Paragraphs 29, 30 and 31 as Pakistan may request, limited to a maximum of 6,950 cusecs: Provided that no claim shall lie against India if, because of circumstances arising out of the inherent difficulties in feeding the Dipaipur Canal, the supply delivered into the Dipalpur Canal should at any time fall below the supply requested by Pakistan to be fed into this canal out of the total supplies due to be released by India at Ferozepore.

33. Subject to the provisions of Paragraphs 29 to 32, and Paragraph 57, there shall be no restriction on the use by India of the waters of The Sutlej and The Beas in kharif during Phase II.

**PART 5**

**Distribution of the Waters of The Sutlej and The Beas in Rabi**

34. Subject to the provisions of Paragraphs 35 to 38, during the Transition Period India agrees to deliver at Ferozepore for use by the Pakistan Sutlej Valley Canals, the following minimum supplies during rabi

(a) October 1-10 and October 11-15: (i) 84 per cent of the ‘Beas Component at Ferozepore’ plus (ii) 1,670 cusecs minus (iii) the actual gains from Ferozepore to Islam.

(b) October 16-20: (i) 79 per cent of the ‘Beas Component at Ferozepore’ plus (ii) 960 cusecs minus (iii) the actual gains from Ferozepore to Islam.
(c) October 21-31
(i) 79 per cent of the ‘Beas Component at Ferozepore’ plus
(ii) 640 cusecs minus (iii) the actual gains from Ferozepore to Islam.

(d) November 1-10:
(i) 79 per cent of the ‘Beas Component at Ferozepore’ plus
(ii) 570 cusecs minus (iii) the actual gains from Ferozepore to Islam.

(e) In each Water-accounting period from November 11-20
35. When the flow at Trimmu Above, during March 1-10, 11-20 and 21-31 in any year, exceeds the smaller of the following two quantities:

(i) the supplies required at Trimmu above to meet the withdrawals of the Haveli and Panjnad Canals (after allowing a time-lag of five days from Trimmu to Panjnad), and

(ii) 7,500 cusecs during Phase I or 10,000 cusecs during Phase II, the deliveries specified in Paragraph 34(e) may be reduced, during March 1-10, 11-20 and 21-31 in that year, by amounts related to Pakistan’s ability to replace. For March 1-10, 11-20 and 21-31, these amounts shall be taken as equal to 60 per cent of the ‘gross amount’ determined as follows:

When the sum of (a) the average discharge at Merala Above (obtained by limiting the daily values to a maximum of 25,000 cusecs during March 1-10, a maximum of 26,000 cusecs during March 11-20 and a maximum of 27,000 cusecs during March 21-31) and (b) the Ravi Component at Balloki Above (total supply at Balloki minus the delivery at U.C.C. tail minus the delivery at M.R. Link outfall minus the delivery into the Ravi Main through B.R.B.D. escapes, the result being limited to a minimum of zero) is less than or equal to the Floor Discharge shown in Column (2) of Table C below, the ‘gross amount’, as at Ferozepore, shall be zero. When this sum equals or exceeds the Ceiling Discharge shown in Column (3) of Table C, the ‘gross amount’, as at Ferozepore, shall be the amount shown in Column (4) of Table C. When the sum is between the values shown in the said Columns (2) and (3), the ‘gross amount’, as at Ferozepore, shall be the proportional intermediate amount.
### TABLE C

<table>
<thead>
<tr>
<th>Period</th>
<th>Col. (1) Cusecs</th>
<th>Col. (2) Cusecs</th>
<th>Col. (3) Cusecs</th>
<th>Col. (4) Cusecs</th>
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<td>March 1 – 10</td>
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<tr>
<td>11 – 20</td>
<td>14,500</td>
<td>22,000</td>
<td>6,000</td>
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<tr>
<td>21 – 31</td>
<td>14,500</td>
<td>24,000</td>
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</tr>
</tbody>
</table>

36. If, during any Water-accounting Period, the aggregate of (i), (ii) and (iii) below exceeds 25,000 cusecs during October 1-10 and 11-15 or 10,000 cusecs from October 16-20 to March 21-31, the deliveries due to be made under the provisions of Paragraphs 34 and 35 may be reduced by the amount of such excess over 25,000 cusecs or 10,000 cusecs, as the case may be.

- (i) Deliveries due to Pakistan at Ferozepore under the Provisions of Paragraphs 34 and 35.
- (ii) During March only, 60 per cent of the appropriate ‘gross amount’, as worked out under Paragraph 35.
- (iii) During October 1-10 to November 1-10 only, the actual gains from Ferozepore to Islam, or, under the circumstances specified in paragraph 62 the estimated gains agreed upon between the Commissioners.

37. In Phase II, during March, the deliveries to Pakistan, under the provisions of Paragraphs 34 to 36, may on any day be reduced by 60 per cent of the amount by which the discharge of Trimmu Above two days earlier exceeds 10,000 cusecs, but the reduction on this account shall not exceed 12 per cent of the ‘Beas Component at Ferozepore’.

38. As soon as the supplies specified in Paragraph 66 are available for reduction of deliveries by India during rabi, the Commissioners will meet and agree upon modifications in the deliveries to be made by India at Ferozepore during rabi. In case the Commissioners are unable to agree, the difference shall be dealt with by a Neutral Expert in accordance with the provisions of Annexure F.

39. Subject to the Provision of Paragraph 64 and to the payment by Pakistan, by due date, of the amounts to be specified under the provisions of Paragraph 49, India agrees to deliver into the Dipalpur Canal at Ferozepore, during October
1-10 and 11-15 in each year, such part of the supplies due to be released for Pakistan under the provisions of Paragraphs 34 to 38 as Pakistan may request, limited to a maximum of 6,950 cusecs: Provided that no claim shall lie against India if, because of circumstances arising out of the inherent difficulties in feeding the Dipalpur Canal, the supply delivered into the Dipalpur Canal should at any time fall below the supply requested by Pakistan to be fed into this canal out of the total supplies due to be released by India at Ferozepore.

40. Subject to the provisions of Paragraphs 34 to 38 and Paragraph 57, there shall be no restriction on the use by India of the waters of The Sutlej and The Beas during rabi.

Part 6- water-Accounts at Ferozepore

41. An account of the distribution of waters, as at Ferozepore, under the provisions of Parts 3, 4 and 5 of this Annexure will be maintained by each Commissioner in accordance with the provisions of Paragraphs 42-46, and appropriate Forms will be used both for Phase I and Phase II in order to facilitate, and to provide a record of, the distribution of waters in accordance with the provisions of this Annexure. Such Forms for Phase I are set out in Appendix II to this Annexure. Appropriate Forms for Phase II will be prepared by the the Commission. The Forms (both for Phase I and Phase II), may, from time to time, be modified or added to by the Commission, but only to the extent that the Commission finds it necessary to do so in order to further facilitate, and to maintain an appropriate record of, the distribution of waters in accordance with the provisions of this Annexure. In the absence of agreement in the Commission, the question shall be referred to a Neutral Expert for decision in accordance with the provisions of Annexure F.

42. Each calendar month will be divided into three Water-accounting periods, viz., 1st to 10th, 11th to 20th and 21st to the last day of the month, except the month of October which will be divided into four Water-Accounting Periods, viz., 1st to 10th, 11th to 15th, 16th to 20th and 21st to 31st.

43. For each Water-accounting Period, the river supplies or withdrawals or deliveries at any point will, unless otherwise specified in this Annexure, be taken as the average values to the daily figures for the days included in or corresponding to that Water-accounting Period.

44. The Water-accounts for the period April 1-10 to July 1-10 (Ferozepore dates) will be prepared with due allowance for time-lag as set out in Appendix I to this Annexure.

45.(a) The ‘Sutlej Component at Ferozepore’ during each water-accounting Period from April 1-10 to September 21-30 and the ‘Beas Component at
Ferozepore’ during each Water-accounting Period from April 1-10 to March 21-31 shall be worked out in accordance with Appendix I to this Annexure.

(b) During the Water-accounting Periods from September 11-20 to November 1-10 the gains and losses in the reach from Ferozepore to Islam shall be taken as the actual gains or losses calculated without allowance for time-lag.

(c) A conveyance loss of 6 per cent from the head of the Madhopur Beas Link to the junction of the Chakki Torrent with the Beas Main shall be adopted until revised, at the request of either Commissioner, as follows:

(i) The figure may be revised by agreement between the Commissioners, either after a study of available data and general considerations or after an analysis of discharge observations to be carried out jointly by the Commissioners, at the request of either Commissioner, or

(ii) if the Commissioners are unable to agree on a suitable figure (or figures) for the conveyance losses, the matter may be referred to a Neutral Expert for decision in accordance with the provisions of Annexure F.

(d) The procedure for working out the equivalents, at Mandi Plain, of any withdrawals from the Beas Main by any new canal constructed after the Effective Date, with a capacity of more than 10 cusecs, or of any abstractions from the flow waters by, or releases of stored waters, any reservoir on The Beas will be determined by the Commission at the appropriate time.

(e) An allowance for run-out (Nikal) shall be made in the water-account in respect of the waters passed into the Beas by the M.B. Link (including escapages from the U.B.D.C. into) the Beas). This allowance shall equal the volume of water passed by the Link (including escapages from U.B.D.C.) into The Beas on the last two days of the operation of the Link during the period from 1st September to 15th October and it shall be accounted for at Mandi Plain during the Ten days following the closure of the Link:

Provided that this allowance shall be made only once and if the Link is re-opened thereafter, on further allowance on the account shall be made.

46. Every effort will be made by India to balance the Water-account of Ferozepore for each of the Water-accounting Periods, but any excess or deficit
in deliveries, due to Pakistan, in any Water-accounting Period, under the Provisions of this Annexure, that may arise out of the Inherent difficulties in determining these deliveries shall be carried over to the next Water-accounting period for adjustment: Provided that:

(a) If, in any Water-accounting Period during Phase I the sum of (i), (ii) below exceeds 35,000 cusecs during April 1-10 to August 21-31, 30,000 cusecs during September 1-10 to 21-30, 25,000 cusecs during October 1-10 or 11-15, or 10,000 cusecs during October 16-20 to March 21-31, then there will be no carry-over from any such period to the next period.

(i) The supply at Ferozepore Below (including withdrawals by the Dipalpur Canal, if any).

(ii) During March 1-10 to September 21-30, the appropriate ‘gross amount’, as at Ferozepore, determined in accordance with paragraph 22(b) or Paragraph 35.

(iii) During September 11-20 to November 1-10, the actual gains and losses from Ferozepore to Islam, losses being treated as negative gains; or, under the circumstances specified in Paragraph 62, the estimated gains agreed upon between the Commissioners.

(b) If, in any Water-accounting Period, the indents of the Indian Canals at Ferozepore and Harike have been fully met and there is an excess delivery to Pakistan at Ferozepore, than such excess shall not be carried forward to the next period.

(c) In each year, the water-account shall be finally closed at the end of the Water-accounting Period March 21-31 and any excess or deficit in the water-account, at the end of that period, shall not carried over to the succeeding Water-accounting Period, viz., April 1-10.

(d) If, during phase I, in any Water-accounting Period from April 1-10 to June 21-30, the withdrawals computed as due to India under the Provisions of Para under the provisions of Paragraphs 21(b), 22, 23, and 24 exceed the supply available to India from the ‘Sutlej Component at Ferozepore’ and from the ‘Beas Component at Ferozepore’ taken together, then, in the Water-account only 50 per cent of such excess shall be carried over for use by India.

(e) If, during Phase II, in any Water-accounting period from April 1-10 to June 21-30, the withdrawals computed as due to India from the ‘Sutlej Component at Ferozepore’ and from the ‘Beas Component at Ferozepore’ after allowing for the deliveries due to Pakistan at Ferozepore under the Provisions of India from the ‘Sutlej Component at
Ferozepore’ and from the ‘Beas Component at Ferozepore’, then such excess shall be treated separately and accounted for as below :-

(i) The excess may be carried over for adjustment to the succeeding Water-accounting Period and, where necessary, to the next succeeding Water-accounting period, but shall be deemed to have lapsed if not adjusted by then.

(ii) The cumulative excess carried over shall not exceed 2,000 susecs from April 1-10 to May 21-31 and 3,000 cusecs during June 1-10 to 21-30.

(iii) In no case shall the excess be carried over beyond June 21-30.

47. As soon as possible after the end of each Water-accounting Period, each Commissioner will intimate to the other, by telegram, the excess or deficit carried over to the next Water-accounting Period. On receipt of this information, either Commissioner may, if he considers it necessary, ask for an exchange of the relevant water accounts.

Part 7-Financial Provisions

48. For each year for which Pakistan has not exercised the option under the provisions of Paragraph 20:

(a) India will by 1st February preceding, communicate to Pakistan, in writing the estimated proportionate working expenses payable by Pakistan for the Madhopur Headworks and the carrier channels calculated in accordance with Appendix III to this Annexure; and

(b) Pakistan will pay to the Reserve Bank of India, New Delhi, for the credit of the Government of India, before 1st April of that year, the amount intimated by India.

49. For each year for which Pakistan has not exercised the option under the provisions of Paragraph 64:

(a) India will, by 1st February preceding, communicate to Pakistan, in writing, the estimated proportionate working expenses payable by Pakistan for the Ferozepore Headworks (including the part of the Dipalpur Canal in India) calculated in accordance with Appendix IV to this Annexure; and

(b) Pakistan will pay to the Reserve Bank of India, New Delhi, for the credit of the Government of India, before 1st April of that year, the amount intimated by India.

50. As soon as the figures of actual audited expenditures on the Mahopur Headworks and the carrier channels and on the Ferozepore Headworks for
each year are supplied by the Accountant General, Punjab (India), but not later than one year after the end of the year to which the expenditure relates, India will communicate to Pakistan, in writing, the actual expenditure corresponding to the estimated proportionate working expenses paid by Pakistan under the provisions of Paragraph 48(b) and 49(b). If the actual proportionate expenditure is less than the amount paid by Pakistan under the provisions of Paragraphs 48(b) and 49(b), India shall, within one month, refund the difference to Pakistan and if the actual proportionate expenditure is more than the amount paid, Pakistan shall, within one month, make and additional payment to India to cover the difference.

51. The payments by Pakistan to India under the provisions of Paragraph 48, 49 and 50 and the refund by India under the provisions of Paragraph 50 shall be made without any set off against any other financial transaction between the Parties.

Part 8-Extension of Transition Period

52. In the event that Pakistan is of the opinion that the replacement referred to in Article IV (1) cannot be effected unless the Transition Period is extended beyond 31st March 1970, this period may be extended at the request of Pakistan

(a) by one, two or three years beyond 31st March 1970; or

(b) having been extended initially by one ear beyond 31st March 1970, then by one or two years beyond 31st March 1971; or

(c) having been extended initially by two years beyond 31st March 1970, or having been extended by one year beyond 31st March 1971 under (b) above, then by one more year beyond 31st March 1972.

53. A request by Pakistan for any extension under the provisions of Paragraph 52 shall by made to India by formal notice in writing, and any such notice shall specify the date up to which Pakistan requests an extension under the aforesaid provisions. On the receipt of such notice by India within the time-limit specified in Paragraph 54. The Transition Period shall be extended up to the date requested by Pakistan.

54. A formal notice under Paragraph 53 shall be given as early as possible and, in any event, in such manner as to reach India at least twelve months before the due date for the expiration of the Transition Period. Unless such a notice is received by India within this time-limit, the Transition Period shall expire on the due date without any right of extension or further extension: Provided however that the Transition Period shall be extended, within the provision of Paragraph 52, by an exceptional notice of request for an extension
received by India not later than five months before the due date for expiration of the Transition Period if, within the twelve months prior to such due date heavy flood damage should have occurred which, in the opinion of Pakistan, cannot be repaired in time to operate the system of works as planned.

**Part 9 General**

55. India may continue to irrigate from the Eastern Rivers those areas which were so irrigated, as on the Effective Date, From The Sutlej, The Beas or The Ravi by means other then the canals taking off at madhopur, Nangal, Rupar, Harike and Ferozepore: Provided that

   (i) any withdrawals by the Shahnahr Canal in excess of 940 cusecs during any Water-accounting Period shall be accounted for in the estimation of the Beas Component at Ferozepore', and

   (ii) the capacity of the Shahnahr Canal shall not be increased beyond its actual capacity as on the Effective Date (about 1,000 cusecs).

If India should construct a barrage across the Beas Main below the head of the Shahnahr Canal or undertake such other works as would enable the Canal to increase its withdrawals by more than 50 cusecs over above those attained as on the Effective Date, the withdrawals during each Water-accounting Period in excess of the average withdrawals for each such period during the five years preceding the completion of the barrage or of such other works shall be accounted for in the estimation of the ‘Beas Component at Ferozepore’.

56. India agrees that, from 21st September to 31st March, it will not make any withdrawals for Agricultural Use by Government canals or by power pumps from the Ravi Main below madhopur, in excess of the withdrawals as on the Effective Date.

57. Subject to the provisions of Paragraph 55, India agrees that it will not make any withdrawals withdrawals for Agricultural Use from the Sutlej Main below Ferozepore from the supplies delivered at Ferozepore for use by the Pakistan Sutlej Valley Canals.

58. India shall be entitled to utilize without restriction the waters stored by it (in accordance with the provisions of this Annexure) in any reservoir on the Eastern Rivers or in the ponds at Nangal or Harike.

59. Pakistan agrees that

   (i) it will have filled the ponds at Suleimanks and Islam by 10th September in each year to the maximum extent possible without causing the maximum working head across the weirs and the maximum pond levels to exceed the values given in Table D below:
Table D

<table>
<thead>
<tr>
<th>Weir</th>
<th>Maximum working head In feet</th>
<th>Maximum pond level (R.L.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suleimanke</td>
<td>18.5</td>
<td>569.0</td>
</tr>
<tr>
<td>Islam</td>
<td>18.0</td>
<td>452.0</td>
</tr>
</tbody>
</table>

(ii) after the river has fallen to a stage at stage at which the releases from the ponds will not result in a spill below Islam, it will lower the pond levels gradually to R.L. 565.5 at Suleimanke and R.L. 449.0 or lower if possible, at Islam, and complete the lowering, as far as possible, by 31st October, without spilling below Islam; and

(iii) it will use its best endeavours to fill the pond at Islam to R.L. 455.0 provided that this does not endanger the safety of the weir:

Provided that the above provisions in so far as they relate to the Islam Weir shall lapse on the date Pakistan discontinues the use of this weir. Instead, the pond at the new weir below Islam shall be filled by 10th September each year and lowered by 31st October in accordance with the above provisions, but the maximum working head in feet, the maximum pond level and the level to which the pond is to be lowered by 31st October shall be determined in accordance with the design of the new weir.

60. Pakistan agrees that it will not release any water below the barrage at Suleimanke between October and 10th November, except when the supply reaching Suleimanke on any day (including the delivery, if any, from B.S. link tail) is in excess of 6,000 cusecs, when the excess on that day over 4,000 cusecs may be released. If the supply reaching Islam falls below 350 cusecs, Pakistan may release supplies below Suleimanke provided that such releases shall be so regulated that the supply reaching Islam does not appreciably exceed 20 per cent of the sum of the withdrawals, at head, of the perennial Pakistan Sutlej Valley Canals.

61. Pakistan agrees that from 21st August to 15th September it will, except under unavoidable circumstances, run the B.S. Link with a discharge not less than 13,000 Cusecs, at head.

62. If, for any reason, Pakistan is unable to adhere to the Programme for filling and emptying the ponds at Suleimanke and Islam, as set out in Paragraph 59, the Commissioners will agree on an estimate of the gains which would have accrued in the reach from Ferozepore to Islam but for Pakistan’s inability to adhere to the aforesaid programme and these estimated gains will be used in the water-account instead of the actual gains or losses.
63. In the event of an emergency, leading to circumstances under which Pakistan is unable to fulfill the provisions of Paragraph 61, the actual gains or losses will be the water-account, and the Pakistan Commissioner will immediately inform the Indian Commissioner of the emergency and take steps to restore normal conditions as soon as possible.

64. Pakistan shall have the option to request India to discontinue the deliveries into the Dipalpur Canal. This option may be exercised effective 1st April in any year by written notification delivered to India before 30th September preceding On receipt of such notification, India will cease to have any obligation to make deliveries into the Dipalpur Canal During the remaining part of the Transition Period.

65. If, owing to heavy floods,

(i) damage should occur to any of the Link Canals (including Headworks) specified in Columns (1) below during the period specified for that particular Link Canal in Column (2) below and,

(ii) as a result of such damage, the ability of that Link Canal to transfer supplies should have been diminished to an extent causing serious interruption of supplies in irrigation canals dependent on that Link Canal, then the two Commissioners will promptly enter into consultations, with the good offices of the Bank, to work out the steps to be taken to restore the situation to normal and to work out such temporary modifications of the relevant provisions of this Annexure as may be agreed upon as appropriate and desirable, taking equitably into consideration the consequences of such modifications on the cultivators concerned both in India and in Pakistan. Any modifications agreed upon shall lapse on the terminal date specified in Column (2) below:

<table>
<thead>
<tr>
<th>Column (1)</th>
<th>Column (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) M.R. Link</td>
<td>UP to 31st March 1962</td>
</tr>
<tr>
<td>(b) B.S. Link</td>
<td>&quot;</td>
</tr>
<tr>
<td>(c) B.R.B.D. Link</td>
<td>&quot;</td>
</tr>
<tr>
<td>(d) Trimmu-Islam Link (including the Head Works for this Link on the Ravi Main and The Sutlej Main)</td>
<td>Two years beginning from the date on which the Link is ready to operate, but Not to extend beyond 31st March 1968.</td>
</tr>
<tr>
<td>(e) Resul-Qadirabad and Qadirabad- Ballki Links (including the head-works for these Links)</td>
<td>Three years beginning from the date on which the Links are ready to operate, But not to. extend beyond the end of the Transitions period.</td>
</tr>
</tbody>
</table>
66. If, at any time before the end of the Transition period, the Bank is of the opinion that the part of the system of works referred to in Article IV (1) is ready to provide supplies during September 11-30 and rabi, over and above the replacements in these periods specifically provided for in Parts 2 to 5 of this Annexure, it shall so notify the parties. On receipt of such notification, Pakistan shall provide, towards a reduction of the deliveries by India during September 11-30 and rabi to the C.B.D.C. and at Ferozepore under the provisions of Parts 2 to 5 of this Annexure, the equivalent (at points of delivery) of 60 percent of the total supplies made available by the whole of the above-mentioned system of works: provided that, in computing the aforesaid total supplies, any contribution from the Indus and any supplies developed by tube-wells shall be excluded.

67. The provisions of this Annexure may be amended by agreement between the Commissioners. Any such amendment shall become effective when agreement thereto has been signified in an exchange of letters between the two Governments.


68. The actual withdrawals made by India and the actual deliveries made by India into the C.B.D.C. into the Dipalpur Canal and into the Sutlej Main at Ferozepore, during the period between the Effective Date and the date on which this Treaty enters into force, shall be deemed to be withdrawals and deliveries made in accordance with the provisions of this Annexure.

69. For the year commencing on 1st April 1960, (a) the communication by India of the amount of the estimated proportionate working expenses specified in Paragraphs 48 (a) and 49 (a) shall be made within one month of the date on which this Treaty enters into force and (b) the payment by Pakistan to India specified in Paragraphs 48 (b) with respect of that year shall be made by Pakistan within three months of the date on which this Treaty enters into force and the provisions of Paragraph 50 shall than apply.

70. Subject to the provisions of Paragraph 28 and if the supplies due to be released for Pakistan at Ferozepore, during 1961 from April 1-10 to June 21-30, are less than the amounts set out in Column (2) below and Pakistan and Pakistan is unable to deliver into the Dipalpur Canal from the B.R.B.D Link during April, May or June amounts equal to the aggregate amounts specified for that month in Column (2) below, India will make additional deliveries into the Dipalpur Canal at Ferozepore to make up these aggregate amounts in such manner as to ensure that the canal is not closed for more than 10 days either in May or in June 1961.
APPENDIX I TO ANNEXURE H

Provisions for Time Lag and for Determination of the ‘Sutlej Component at Ferozepore’ and ‘Beas Component at Ferozepore’

A. Time-lag

<table>
<thead>
<tr>
<th>Reach</th>
<th>Time-lag in days</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>May 1 to July 10</td>
</tr>
<tr>
<td>Bhakra/Nangal to Rupar</td>
<td>1</td>
</tr>
<tr>
<td>Rupar to Ferozepore</td>
<td>4</td>
</tr>
<tr>
<td>Ferozepore to Suleimanke</td>
<td>3</td>
</tr>
<tr>
<td>Shahnehr Canal head to Mandi Plain</td>
<td>3</td>
</tr>
<tr>
<td>Mandi Plain to Ferozepore</td>
<td>1</td>
</tr>
<tr>
<td>Western Bein to Ferozepore</td>
<td>1</td>
</tr>
<tr>
<td>Madhopur to Mandi Plain via Beas</td>
<td>3</td>
</tr>
<tr>
<td>Mirthal to Mandi Plain</td>
<td>3</td>
</tr>
</tbody>
</table>

For other periods and reaches unless otherwise specified in this Annexure, the dates will be taken to be the same as the dates at Ferozepore, with no allowance for time-lag.

B. Sutlej Component at Ferozepore corresponding to assumed releases of flow waters below Rupar
(i) The assumed releases of flow waters below Rupar shall be taken as equal to the Sutlej flow waters, as distinct from stored waters, which would have been released below Rupar if the aggregate of the net Indian withdrawals from these flow waters had been limited to the values specified in Paragraph 21 (a) of this Annexure.

(ii) For each of the Water-accounting Periods from April 1-10 to August 21-31 (Ferozepore dates) the values of the ‘Sutlej Component at Ferozepore’ corresponding to the assumed releases below Rupar shall be worked out from the following table:

<table>
<thead>
<tr>
<th>Assumed releases Below Rupar (Cusecs)</th>
<th>‘Sutlej Component at Ferozepore’ (Cusecs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 500 Actual at Ferozepore</td>
<td></td>
</tr>
<tr>
<td>500</td>
<td>320</td>
</tr>
<tr>
<td>1,000</td>
<td>640</td>
</tr>
<tr>
<td>1,500</td>
<td>960</td>
</tr>
<tr>
<td>2,000</td>
<td>1,280</td>
</tr>
<tr>
<td>3,000</td>
<td>1,920</td>
</tr>
<tr>
<td>5,000</td>
<td>3,200</td>
</tr>
<tr>
<td>7,500</td>
<td>5,400</td>
</tr>
<tr>
<td>10,000</td>
<td>7,600</td>
</tr>
<tr>
<td>15,000</td>
<td>12,000</td>
</tr>
<tr>
<td>20,000</td>
<td>16,400</td>
</tr>
<tr>
<td>30,000</td>
<td>25,200</td>
</tr>
<tr>
<td>40,000</td>
<td>34,000</td>
</tr>
<tr>
<td>50,000</td>
<td>42,800</td>
</tr>
<tr>
<td>100,000</td>
<td>86,800</td>
</tr>
<tr>
<td>200,000</td>
<td>174,800</td>
</tr>
</tbody>
</table>

For intermediate values of the assumed released below Rupar, in excess of 500 cusecs, the ‘Sutlej Component at Ferozepore’ will be worked out proportionately.

(iii) During September 1-10 to 21-30, the ‘Sutlej Component at Ferozepore’ shall be taken as equal to 090 S plus 400 cusecs, where S equals to assumed releases of flow water below Rupar (allowing three days time-lag between Ferozepore and Rupar).

C. Beas component at Ferozepore (X) corresponding to the sum (Y) of the Beas component at Mandi Plain and the discharge of the western Bein
For each Water-accounting Period the ‘Beas Component at Ferozepore’ (X) shall be working out by multiplying the sum (Y) of the Beas Component at Mandi Plain and the discharge of the Western Bein by the appropriate factor given in the following table:-

<table>
<thead>
<tr>
<th>Water-accounting Periods (Ferozepore Dates)</th>
<th>Factor for converting Y to X</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 1-10 and 11-20</td>
<td>0.95</td>
</tr>
<tr>
<td>April 21-30 and May 1-10</td>
<td>0.89</td>
</tr>
<tr>
<td>May 11-20 to July 1-10</td>
<td>0.87</td>
</tr>
<tr>
<td>July 11-20 to August 11-20</td>
<td>0.89</td>
</tr>
<tr>
<td>August 21-31 and September 1-10</td>
<td>0.92</td>
</tr>
<tr>
<td>September 11-20 to October 21-31</td>
<td>0.98</td>
</tr>
<tr>
<td>November 1-10 to 21-30</td>
<td>0.95</td>
</tr>
<tr>
<td>December 1-10 to 21-30</td>
<td>0.97</td>
</tr>
<tr>
<td>January 1-10 to February 21-28/-29</td>
<td>0.92</td>
</tr>
<tr>
<td>March 1-10 to 21-31</td>
<td>0.94</td>
</tr>
</tbody>
</table>

**APPENDIX II TO ANNEXURE H**

**Forms of Water-account**

<table>
<thead>
<tr>
<th>Form No.</th>
<th>Contents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1(a).</td>
<td>Water-account as at Ferozepore for the Periods April 1-10 to September 21-30.</td>
</tr>
<tr>
<td>1(b).</td>
<td>Water-account as at Ferozepore for the Periods October 1-10 to February 21-28/29</td>
</tr>
<tr>
<td>1(c).</td>
<td>Water-account as at Ferozepore for the Periods March 1-10 to March 21-31</td>
</tr>
<tr>
<td>2.</td>
<td>Estimation of the Beas Component at Ferozepore.</td>
</tr>
<tr>
<td>3.</td>
<td>Indian Canal Indents and withdrawals at Harike and Ferozepore.</td>
</tr>
</tbody>
</table>
4. Determination of the ‘Gross Amount’ as at Ferozepore
5. Estimation of the Sutlej Component at Ferozepore.
8. Determination of the ‘Gross Amount’ as at Ferozepore During days of closure at Merala.

(Text of Forms Not Printed)

PROTOCOL TO THE INDUS WATER TREATY 1960
23 DECEMBER 1960

The Government of India, the Government of Pakistan and the International Bank for Reconstruction and Development, having found that certain textual errors have occurred in the Indus Waters Treaty 1960, as signed by their duly authorized Plenipotentiaries at Karachi on the nineteenth day of September in the year one thousand nine hundred and sixty, hereby agree as follows:-

The corrections specified in the schedule hereunder shall be carried out in the text of The India Waters Treaty 1960 and the said Treaty shall be read subject to the said corrections.

THE SCHEDULE

<table>
<thead>
<tr>
<th>Sr</th>
<th>Reference</th>
<th>Page</th>
<th>Paragraph</th>
<th>Line</th>
<th>Particulars</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Annexure C</td>
<td>4</td>
<td>6(b)</td>
<td>5</td>
<td>For colon read semicolon.</td>
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<tr>
<td>2</td>
<td>Annexure D</td>
<td>3</td>
<td>6(a)</td>
<td>5-6</td>
<td>For “communicate” read “communicate”.</td>
</tr>
<tr>
<td>3</td>
<td>Annexure E</td>
<td>12</td>
<td>2(b)</td>
<td>5</td>
<td>For “case read “case”.</td>
</tr>
<tr>
<td>4</td>
<td>Annexure F</td>
<td>3</td>
<td>1(22)</td>
<td>2</td>
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</tr>
<tr>
<td>5</td>
<td>Annexure H</td>
<td>1</td>
<td>title</td>
<td>2</td>
<td>For “Article II (5)” read “(Article) (5)”</td>
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<td>6</td>
<td>Do.</td>
<td>3</td>
<td>title above Paragraph</td>
<td>6</td>
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<tr>
<td>No.</td>
<td>Source</td>
<td>Column Numbers</td>
<td>Notes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>--------</td>
<td>----------------</td>
<td>-------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Do.</td>
<td>3</td>
<td>Table A Column Numbers. For “(Col.2)” read “Col. (2)”.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Annexure H</td>
<td>15 27(ii) 1</td>
<td>For “‘gross amount,’” read “‘gross Amount’,”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Do.</td>
<td>20 35(i) 1</td>
<td>For “above” read “above”.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Do.</td>
<td>23 45 (e) 3</td>
<td>For “the Beas” read “The Beas”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Do.</td>
<td>24 46 7</td>
<td>For “Water-accounting read “Water accounting”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Do.</td>
<td>25 46(d) 7</td>
<td>For “Water-accounting read “Water accounting”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Appendix I to Annexure H.</td>
<td>1 title 2</td>
<td>For “Time-Lag” read “Time-lag”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Appendix II to Annexure H.</td>
<td>4 Item 2 1</td>
<td>For “Component” read “Component”</td>
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<td>15</td>
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<td>6 Item 5 1</td>
<td>For “below” read “Below”</td>
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<td>11 Footnote 1</td>
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<td>17</td>
<td>Do.</td>
<td>14 Item 15 3</td>
<td>For “C(ii),” and “C(iii)” read “B(ii)” and “B(iii)” respectively</td>
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<td>23 3 (c) 3</td>
<td>For “and” read “or”</td>
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<td>3 4(b) 3</td>
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<td>3</td>
<td></td>
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<td>24</td>
<td>Appendix IV</td>
<td>1 2(ii) 1</td>
<td>For “Miscellaneous,” read “Miscellaneous”.</td>
<td></td>
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</tbody>
</table>

**In Witness whereof** the respective Plenipotentiaries of the Parties hereto, being signatories to The Indus Waters Treaty 1960, have affixed their signatures to this Protocol, which shall be called the “Protocol to The Indus Waters Treaty 1960”, on the day appearing below their respective signatures.
Done in triplicate in English.

For the Government of India:                      Sd/- Jawaharlal Nehru,

For the Government of Pakistan:                    Sd/- Mohammad Ayub Khan,
                                                        Field Marshal, H.P., H.J.
                                                        2nd December

For the International Bank for Reconstruction And Development:  Sd/- W.A.B. Iliff.
                                                                  23rd December, 1960.

INSTRUMENTS OF RATIFICATION

RAJENDRA PRASAD

PRESIDENT OF INDIA

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty called The Indus Waters Treaty 1960 was signed at Karachi on the nineteenth day of September in the year one thousand nine hundred and sixty by the respective Plenipotentiaries of the Government of India, the Government of Pakistan and, for the purposes specified in the aforesaid Treaty, the International Bank for Reconstruction and Development, duly authorized for that purpose;

And Whereas the above mentioned Plenipotentiaries have subsequently signed the Protocol to The Indus Waters Treaty 1960, agreeing that certain corrections shall be carried out in the text of The Indus Waters Treaty 1960, which Treaty, as so corrected, is word for word, as follows:

(THE INDUS WATERS TREATY 1960)

And whereas it is fit and expedient to confirm and ratify The Indus Waters Treaty 1960, as reproduced above;

Now, therefore, be it known that the Government of India, having seen and considered the said Treaty, do hereby confirm and ratify the same and undertake to perform and carry out all the stipulations therein contained;
In testimony whereof I, Rajendra Prasad, President of India, have signed these presents and affixed hereunto my Seal at New Delhi the Seventh day of Paus of the Saka year One thousand eight hundred and eighty two corresponding to the 28th day of December of the year One thousand nine hundred and sixty A.D., in the eleventh year of the Republic of India.

President of India

(PAKISTAN’S EMBLEM)

Whereas The Indus Waters Treaty 1960 between the Government of Pakistan and the Government of India was signed at Karachi on the Nineteenth day of September One thousand, nine hundred and sixty by the respective Plenipotentiaries of the Government of Pakistan and the Government of India and, in respect of certain matters concerning the International Bank for Reconstruction and Development, by a Plenipotentiary of the Bank, duly authorized for that purpose;

And Whereas the above mentioned Plenipotentiaries have subsequently signed the Protocol to The Indus Waters Treaty 1960 agreeing that certain corrections shall be carried out in the text of The Indus Waters Treaty 1960, which Treaty, as so corrected, is, word for word, as follows:

(The Indus Waters Treaty 1960)

Now, the Government of Pakistan, having considered the Treaty aforesaid, hereby confirm and ratify the same and undertake to perform and carry out all the stipulations therein contained,

In witness whereof this Instrument of Ratification is signed and sealed by me, Field Marshal Mohammad Ayub Khan, H.P., H.J., President of Pakistan.

Done at Karachi, the 27th day of December, One thousand, nine hundred and sixty.

President of Pakistan

❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖

New Delhi, 27 November and Karachi 2nd December, 1960

The Government of India, the Government of Pakistan and the International Bank for Reconstruction and Developments, having found that certain textual errors have occurred in the Indus Waters Treaty 1960, as signed by their duly authorized Plenipotentiaries at Karachi on the nineteenth day of September in the year one thousand nine hundred and sixty, hereby agree as follows:-

The corrections specified in the Schedule hereunder shall be carried out in the text of The Indus Waters Treaty 1960 and the said Treaty shall be read subject to the said corrections.

THE SCHEDULE

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Reference</th>
<th>Page</th>
<th>Paragraph</th>
<th>Line</th>
<th>Particulars</th>
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<td>1.</td>
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<td>Annexure D</td>
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<td>Annexure H</td>
<td>1</td>
<td>title</td>
<td>2</td>
<td>For “Article II(5)” read “(Article II(5))”</td>
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<td>1</td>
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<td>9.</td>
<td>- do -</td>
<td>20</td>
<td>35(i)</td>
<td>1</td>
<td>For “above” read “above”.</td>
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</table>
10. Annexure H 23 1 For “42-46” read “42 to 46”.
11. - do - 24 45(e) 3 For “the Beas” read “The Beas”.
13. - do - 26 46(d) 7 For “Water-account” read “Water-account”.
15. Appendix II To Annexure H 4 Item 2 1 For “Component” read “Component”.
16. - do - 6 Item 5 1 For “below” read “Below”.
17. - do - 11 Footnote 1 For “circumstances” read “circumstances”.
18. - do - 14 Item 15 3 For “C(ii)” and “C(iii)” read “B(ii)” and “B(iii)” respectively.
19. - do - 19 Footnote 2 For “link” read “Link”.
20. - do - 19 - do - 3 For “link” read “Link”.
21. Appendix III To Annexure H 2 3(c) 3 For “and” read “or”.
22. - do - 3 4(b) 3 For “and” read “or”.
23 - do - 3 4(c) 3 For “3(b)(ii) and (c)” read “3(b)(ii) or 3(c)”.
24. Appendix IV To Annexure H 1 2(iii) 1 For “Miscellaneous,” read “Miscellaneous”.

IN WITNESS WHEREOF the respective Plenipotentiaries of the Parties hereto,
being signatories to The Indus Waters Treaty 1960, have affixed their signatures to this Protocol, which shall be called the “Protocol to The Indus Waters Treaty 1960”, on the day appearing below their respective signatures.

DONE IN TRIPILCATE IN ENGLISH

For the Government of India:                For the Government of Pakistan
Sd/- Jawaharlal Nehru                 sd/- Mohammad Ayub Khan, F.M
(JAWAHARLAL NEHRU)                        (MOHAMMAD AYUB KHAN)
27 November 1960                        2nd December 1960

For THE INTERNATIONAL BANK FOR
RECONSTRUCTION AND DEVELOPMENT
Sd/- W.A.B. Iliff
W.A.B.ILIFF
23rd December 1960
Letter from Commissioner of Indus Waters H. C. Kalra to Pakistan Commissioner of Indus Waters Mian Khalil-ur-Rahman.


Government of India
Ministry of Irrigation & Power

H. C. Kalra
Commissioner for Indus Waters

D.O. No.F.4(18)/62-I.
New Delhi, the 27th July, 1962

My dear Mian Sahib,

Kindly refer to Mr. M.A. Hamid’s d.o. letter No. WT(38/2)(35-A/PGIW, dated the 18th May 1962, regarding the construction of a barrage across the Jhelum Main.

2. It has been stated in your letter referred to above that, “Paragraph 8 of Annexure E deals with the figures of storage capacity specified in Paragraph 7 of the same Annexure which, in turn, does not provide for any flood storage capacity on the Jhelum Main, but merely refers to Paragraph 9 thereof, thus making the latter paragraph as the one to govern the construction of flood control works on the Jhelum Main”. I am afraid I do not agree with this view as Paragraph 8 is an independent paragraph: it is not a subsidiary paragraph to either Paragraph 7 or Paragraph 9, although it contains a reference to Paragraph 7.

3. As I stated in paragraph 2 of my letter of 24th March 1962, a barrage is proposed to be constructed across the Jehlum river with a view to divert the winter supply temporarily into the side channel and to return it to the river lower down, in order to make the reach below the barrage workable for a distance of about 13,100 feet for removal of the deposited sediment. The purpose of the barrage, therefore, is to maintain in proper condition that reach of the river which receives heavy sediment including large boulders. You will kindly appreciate that there could have been no mention of a barrage on the Jhelum Main in Paragraph 8(h) of annexure E, if, according to paragraph 3 of your letter referred to above, India was not entitled to construct a barrage on the Jhelum Main with an incidental storage not exceeding 10,000 acre-feet.

Assuring you of my best co-operation at all times and with best wishes,

Yours sincerely

Sd/- H.C. Kalra

Mian Khalil-ur-Rahman, T.Pk.,
Pakistan Commissioner for Indus Waters,
50-A, Lawrence Road, LAHORE.
2502. Letter from Pakistan Commissioner for Indus Waters to Indian Commissioner for Indus Waters H. C. Kalra.

Lahore, December 5, 1962.

Pakistan Commissioner
for Indus Waters, Government of Pakistan
50-A Lawrence Road
Lahore
D.O. NO.WT(38-a)/(609-A)/PCIW. 5th December, 1962.

My dear Kalra Sahib,

Kindly refer to your letter No. F.4(18)/62-IC dated the 27th July 1962 regarding the construction of a barrage across the Jhelum Main as a flood control work.

2. It appears that the views expressed in my letter No. WT(38/1)/(352-A)/PCIW dated the 18th May 1962 have been misunderstood. According to paragraph 8(h) of Annexure E to the Treaty the storage capacities mentioned in paragraph 7 of the said annexure are exclusive of the storage incidental to a barrage on the Jhelum Main, provided it does not exceed 10,000 acre feet. This only means that the storage incidental to a barrage not exceeding 10,000 acre feet on the Jhelum Main is not ruled out as far as paragraphs 7 and 8 of Annexure E are concerned. However, according to paragraph 9 of Annexure E the works to be constructed on the Jhelum Main, that may be considered necessary for the flood control of the Jhelum Main, are to be such that “any storage which may be effected by such works shall be confined to off-channel storage in side valleys, depressions or lakes and will not involve any storage in the Jhelum Main itself”. Thus, according to paragraph 9 of annexure E a barrage for flood control of the Jhelum Main, which involves any storage in the Jhelum Main itself, cannot be constructed.

Assuring you of my best cooperation at all times and with kind regards,
Yours sincerely,

Sd/- M.A.Hamid  S.Q.A.

Shri H.C. Kalra,
Commissioner for Indus Waters,
Government of India,
North Block, New Delhi, India.

◆ ◆ ◆ ◆ ◆
2503. Letter from Indian Commissioner for Indus Waters to Pakistan Commissioner for Indus Waters.

New Delhi, March 12, 1963.

Government of India
Ministry of Irrigation & Power

H. C. Kalra
Commissioner for Indus Waters


My dear Sheikh Sabib,

Kindly refer to your d.o. letter No. WT (38/1)/(609-A)/FCIW dated 5th December 1962, regarding the construction of a barrage across the Jhelum Main.

2. As already stated in my d.o. letter No. F.4(18)/62-IC, dated 27th July 1962, Paragraph 8 of annexure E is an independent paragraph and is not a paragraph subsidiary to either Paragraph 7 or Paragraph 9. The reference to Paragraph 7 in Paragraph 8 is merely to clarify that the figures specified in Paragraph 7 shall be “exclusive of” the storages visualized in Paragraph 8. Paragraph 8, therefore, is not effected by the limitations indicated in Paragraph 7, whether for general storage capacity or for power storage capacity or for flood storage capacity. The flood storage capacity shown in Paragraph 7 against the Jhelum Main has been stated “as provided in Paragraph 9”. This only means that the storage mentioned in Paragraph 8(h) is over and above the storage “as provided in Paragraph 9” and is not restricted to the storage given in Paragraph 9.

Paragraph 7 of annexure E has to be read along with Paragraphs 8 and 9. So read, India is entitled to provide for storage upto 10,000 acre feet incidental to a barrage on the Jhelum Main and, in addition, for off-channel storage in side valleys, depressions or lakes. Paragraph 8(h) clearly contemplates the construction of a barrage on the Jhelum Main and the interpretation sought to be placed by you has the effect of rendering null and void the provisions of Paragraph 8(h).

In the light of the above, I regret I cannot agree with you that there is a restriction on the construction of barrage on the Jhelum Main with an incidental storage not exceeding 10,000 acre feet for whatever reasons this barrage may be required.

3. I would like to again add for your information that the purpose of the proposed barrage on the Jhelum Main, as stated in paragraph 3 of my d.o.
letter No. F.4(18)/62 IC dated 27th July, 1962, is to help maintain the natural channel of the river by removing deposits in the bed in the small length which is subject to choking by the detritus material including large boulders which roll down the steep hill torrents that join the Jhelum Main in that length.

Assuring you of my best co-operation at all times and with best wishes,

Yours sincerely

Sd/- H.C. Kalra

Mr. M.A. Hamid, S.Q.A.,
Pakistan Commissioner for Indus Waters,
50-A, Lawrence Road, Lahore,
West Pakistan.

2504. Letter from Pakistan Commissioner for Indus Waters M.A. Hamid to Indian Commissioner for Indus Waters H. C. Kalra.

Lahore, June 8, 1963.

Pakistan Commissioner for Indus Waters
Government of Pakistan
50-A, Lawrence Road
Lahore

D.O. No. WT (38/1)/(811-A)PCIW 8th June, 1963

My dear Kalra Sahib,

Kindly refer to your letter No. F.4(18)/62-IC dated 12th March 1963 regarding the construction of a barrage across the Jhelum Main as a flood control work.

2. Paragraph 9 of annexure E to the Indus Waters Treaty 1960, which deals with the works considered necessary for flood control of Jhelum Main states in unambiguous terms that such works are not to ‘involve any storage in the Jhelum Main itself’. However, from your letter under reference, it appears that you are of the view that under the provisions of paragraph 8(h), India could construct a barrage on the Jhelum Main, for flood control of the Jhelum Main, provided the incidental storage did not exceed 10,000 Acre feet. If your view is correctly presented above I regret that I do not subscribe to it and the question will need to be taken up under the provisions of article IX of the Treaty.
3. It is not correct to say that my interpretation of paragraph 9 of Annexure E renders the provisions of paragraph 8(h) of the said annexure null and void. In this connection your kind attention is invited to paragraph 2 of my letter No. WT(36/1)(609-A)/PCIW dated the 5th December 1962. I had nowhere stated that a barrage for purposes other than ‘flood control of the Jhelum Main’ was also ruled out by the paragraph 9 of Annexure E.

4. Incidentally, the data communicated vide your letter No. 16(19)/61-IT dated the 24th March 1962 does not indicate the top levels of the gates of the barrage and the head-regulator. In the absence of the top level of the barrage gates I do not know the level to which the barrage could store the waters of the Jhelum. In any case the water level has to be higher than the crest of the head regulator so as to feed the diversion channel. Moreover, the data supplied by you indicate a vertical drop of 4.0 ft. at R.D. 11,200 of the Jhelum Main. I do not understand why such a fall has been shown when, as far as I know, none actually exists at site. The proposed barrage may also affect levels in the Wooler lake.

It is quite probable that the storage created by the barrage, when reworked out after taking into account the above points, may even exceed 10,000 Acre-feet.

5. You would also appreciate that even if a barrage with storage less than 10,000 Acre-feet, and for purposes other than flood control, was to be constructed on the Jhelum Main, the information regarding it would have to be communicated to Pakistan as provided for in paragraph 12 of Annexure E.

Assuring you of my best co-operation at all times and with kind regards.

Yours sincerely

Sd/- M.A. Hamid S.Q.A.

Shri H.C. Kalra,
Commissioner for Indus Waters,
Government of India, North Block,
New Delhi, INDIA
2505. Note from the Pakistan High Commission in India to the Ministry of External Affairs and Reply Letter from Ministry of External Affairs to Pakistan High Commissioner in India.

New Delhi, April 15, 1964.

Note from Pakistan High Commissioner:
Office of the High Commissioner
for Pakistan in India
New Delhi

No.F.1(2)P/63 15th April, 1964.

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs, Government of India, and has the honour to state that during the Tenth Meeting of the Permanent Indus Commission, held at Karachi from 25th to 31st March, 1963, the two Commissioners agreed that paragraph 45(c) of Annexure 'H' to the Indus Waters Treaty 1960 be deleted and that appropriate action be taken, in this connection, towards an exchange of letters between the two Governments, as required under the provisions of Paragraph 67 of Annexure 'H' to the Treaty.

2. The High Commission accordingly signify through this Note the agreement of the Government of Pakistan to the amendment of Annexure 'H' by the deletion of the aforesaid Paragraph 45(c) of Annexure 'H' to the Treaty. This amendment shall become effective upon the receipt of a similar Note from the Government of India signifying their agreement to the amendment.

3. The High Commission avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India, New Delhi.

************
Letter of the Ministry of External Affairs:

Ministry of External Affairs
New Delhi

No. PI/112(11)/63 April 15, 1964

Your Excellency,

I have the honors to say that, during the Tenth Meeting of the Permanent Indus Commission, held at Karachi from 25th to 31st March, 1963, the two Commissioners agreed that Paragraph 45( C ) of Annexure H to the Indus Waters Treaty 1960 be deleted and that appropriate action be taken, in this connection, towards an exchange of letters between the two Governments, as required under the provisions of Paragraph 67 of Annexure H to the Treaty.

2. The Government of India accordingly signify, through this letter, their agreement to the amendment of Annexure H by the deletion of the aforesaid Paragraph 45( C ) of Annexure H to the Treaty. This amendment shall become effective upon the receipt of a similar letter from the Government of Pakistan signifying their agreement to the amendment.

Accept, your Excellency, the assurances of my highest consideration.

( C.S. Jha )
Commonwealth Secretary

H.E. Mr. M. Arshad Husain,
High Commissioner for Pakistan in India,
Sher Shah Road Mess, New Delhi.
My dear Commonwealth Secretary,

I called on the Pakistan Foreign Secretary this afternoon.

2. Mr. Ikramullah kept me with him for about 40 minutes. He was to exchange formally with the Swiss Charge d’Affairs the instruments of ratification of the Swiss - Pakistan treaty on Avoidance of Double Taxation at 1 p.m. and the Chief of Protocol dropped into his office twice to remind him that it was already a few minutes past the time and that everybody was waiting. Mr. Ikramullah however continued talking to me saying that I was an old friend from the Commerce Ministry and from London.

3. In the beginning Mr. Ikramullah talked of weather, particularly the unwholesome aspects of it in Dacca, his visit to Rawalpindi from where he had come the previous night, his wife’s miraculous escape from certain death and other time wasting topics of small consequence. He also asked me to apologise to Padmanaban for not being able to see him when he came to Foreign Office to say good bye a couple of days before his departure.

4. I then handed over to him your letter of the 7th of October (502 CS/60) regarding exchange of areas on the western border in adverse possession of the two countries. He said he was somewhat embarrassed at the date suggested, particularly in view of the commitment he had already made to his President. He told me that he had discussed the matter with you during your last visit and he got the impression that the actual exchange could commence a week after the introduction of the requisite Bills in the Parliament. To be on the safe side he had suggested that the end of November be fixed as the appointed date. He had mentioned this earlier to his President, who had agreed that in view of the legislative processes that would be constitutionally necessary in India, Pakistan should agree to the suggested postponement from the 15th of October to the 30th of November.

5. During his discussion with you in Murree you had stated that it would be
prudent to fix 31st of December. Mr. Ikramullah said he then offered a compromise and suggested 15th December. You said you would write to him from Delhi but got the impression that there would be no difficulty in agreeing to this date. He therefore, went again to his President and got his approval to a second postponement to the 15th of December.

6. Mr. Ikramullah therefore asked me to write to you immediately and place his difficulties before you. He said that “Ayub was after all a dictator” and one could not go to him again and again on a matter of this kind. As it is, the President does not think much of civil servants and would be justifiably irritated with these changes. He might also get the impression that people on both sides were unnecessarily delaying the matter”.

7. I told him I had seen the draft Bills in Delhi and that they would be introduced in Parliament at its forthcoming session. This would be duly reported and every one in Pakistan would know that India was proceeding with the implementation of the agreement. Mr. Ikramullah said he appreciated this point but felt that he was still not sure that the President would not feel somewhat uneasy if he spoke to him again of a further formal postponement. He added on a personal basis that a fortnight here or there would hardly make any difference and that even if the agreed date of exchange were fixed at 15th of December and the legislative processes in India took a little longer, the people in Pakistan would not be perturbed if the actual exchange took place somewhat later. He was aware that no Government could say firmly that its Legislature would do something by a fixed date. The agreed date was therefore only an estimate. Mr. Ikramullah, therefore, asked me to request you to agree to the 15th of December.

8. I said I shall write to you and let him have your reply.

9. Having changed from weather to politics, Mr. Ikramullah continued to expostulate on his theories on Indo-Pakistan relations and his views on some pending issues. He talked of Mr. Jinnah and the Congress. He said that immediately after Partition, some people went to see the Quaid and told him that one Jinnah got them Pakistan but that even one hundred Jinnahs could not rehabilitate and develop Pakistan. After the deputationists had left, Mr. Jinnah told him (Mr. Ikramullah) that even one hundred Jinnahs could not have got Pakistan and that it was the narrow-mindedness of the Congress which was responsible for its creation. Mr. Ikramullah said that India could have “killed” Pakistan with kindness even after its establishment.

10. This led him to the issues still outstanding on the eastern border. He said he was prepared to let Assam have the five Patharia villages as well as Umapati provided that East Pakistan could have in return the Chhatak quarries.
East Pakistan was economically backward and had no indigenous raw materials for cement. Any kindness shown to East Pakistan, therefore, would be greatly appreciated. On the other hand, if India did not take a generous attitude, he, on his part, was going to be difficult. I said I was sorry to hear this, particularly as the position of Umapati was quite clear. If Pakistan raised this matter seriously, it would run counter to the entire approach and the intention of the two Governments in arriving at the border settlement at the October meetings. Mr. Ikramullah said that as far as he was concerned, there were two approaches. One was mutual accommodation and the second was legalistic attitudes. If he did not get the quarries, he would be legalistic on Umapati. He added that he had told Padmanabhan very clearly that he would not get the quarries; he would be legalistic on Umapati. He added that he had told Padmanabhan very clearly that he would not agree to a settlement of their claim over Umapati except as part of a deal involving the Chhatak quarries.

11. I could have pointed out to him the obvious contradictions in the stand taken by him. I did not however wish to conduct a disputation with him at my first meeting. Having made my point, therefore, I kept quiet and let the Chief of Protocol conduct him to the conference room, the Swiss Charge d'affairs and the press photographers.

12. I was somewhat disappointed at this approach at his first meeting with me despite his personal affability. I had known him in Delhi when he was Joint Secretary in the Ministry of Commerce before Partition and I was Deputy Secretary. At that time, he and his wife were busy achieving Pakistan for Mr. Jinnah. But I thought the passage of time might have sobered him.

With kind regards,

Yours sincerely

V.C. Trivedi

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

◆ ◆ ◆ ◆ ◆
2507. Note from the Pakistan High Commission in India to the Ministry of External Affairs.
New Delhi, April 15, 1964.
Office of the High Commissioner for Pakistan in India
New Delhi

No.F.1(2)P/63 15th April, 1964

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs, Government of India, and has the honour to state that during the Tenth Meeting of the Permanent Indus Commission, held at Karachi from 25th to 31st March, 1963, the two Commissioners agreed that paragraph 45(c) of Annexure ‘H’ to the Indus Waters Treaty 1960 be deleted and that appropriate action be taken, in this connection, towards an exchange of letter between the two Governments, as required under the provisions of Paragraph 67 of Annexure ‘H’ to the Treaty.

2. The High Commission accordingly signify through this Note the agreement of the Government of Pakistan to the amendment of Annexure ‘H’ by the deletion of the aforesaid Paragraph 45(c) of Annexure ‘H’ to the Treaty. This amendment shall become effective upon the receipt of a similar Note from the Government of India signifying their agreement to the amendment.

3. The High Commission avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India, New Delhi.

Reply Note of the Ministry of External Affairs:
Ministry of External Affairs
New Delhi.

No. PI/112(11)/63 April 15, 1964

Your Excellency,

I have the honors to say that, during the Tenth Meeting of the Permanent Indus Commission, held at Karachi from 25th to 31st March, 1963, the two Commissioners agreed that Paragraph 45( C ) of Annexure H to the Indus Waters Treaty 1960 be deleted and that appropriate action be taken, in this connection, towards an exchange of letters between the two Governments, as
required under the provisions of Paragraph 67 of Annexure H to the Treaty.

2. The Government of India accordingly signify, through this letter, their agreement to the amendment of Annexure H by the deletion of the aforesaid Paragraph 45(C) of Annexure H to the Treaty. This amendment shall become effective upon the receipt of a similar letter from the Government of Pakistan signifying their agreement to the amendment.

Accept, your Excellency, the assurances of my highest consideration.

( C.S. Jha )
Commonwealth Secretary

H.E. Mr. M. Arshad Husain,
High Commissioner for Pakistan in India,
Sher Shah Road Mess, New Delhi.

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2507. Note from the Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, November 20, 1965.

Ministry of External Affairs

No. P.I/112/7/64 November 20, 1965.

The Ministry of External Affairs, Government of India, presents their compliments to the Pakistan High Commission in India, and with reference to their Note No.1(42)CS.VI/65 dated 17th November, 1965, have the honour to state as follows:

2. Paragraph 7 of Annexure H to the Indus Waters Treaty provides, inter alia that India will deliver supplies to the Central Bari Doab Channels from 21st September to 10th April “according to indents to be placed by Pakistan“, subject to certain maxima specified in that Paragraph. During the previous years, indents have invariably been placed by Pakistan as required by the Treaty. This year, however, no indents have been received from Pakistan, even to this date. As an indent indicates the requirement of water for a channel, it was obvious that Pakistan did not want any supplies to be run in these channels. Naturally, India could not be expected to deliver water into these channels without any indication of the actual requirements or indents for the channels from Pakistan. On receipt of indents, India will deliver waters to these channels, in accordance with the relevant Treaty provisions.
3. As regards the Government of Pakistan’s suggestion that Pakistan’s share of water in the C.B.D. Channels may be delivered in the river Ravi below Madhopur, as a temporary measure, it is pointed out that deliveries to these channels are regulated by the provisions in Annexure H to the Treaty. According to Paragraph 20 of that Annexure, Pakistan is entitled to ask for this share to be released in the river itself but only by giving due notice to India, and this arrangement would then be applicable for the entire balance of the Transition Period. The Treaty does not provide for making such an arrangement temporarily as suggested in Paragraph 4 of Pakistan’s Note. Also, it is wrong to say that it is not practicable to deliver supplies into the C.B.D. Channels at the points specified in Paragraph 7 of Annexure H to the Treaty.

4. So far as the deliveries to the Dipalpur Canal are concerned, Pakistan has already exercised her option not to get any waters in this channel with effect from 1st April, 1966. Also, under paragraph 39 of Annexure H, the Dipalpur Canal is not entitled to get any waters after 15th October during the rabi season i.e. from 16th October to 31st March. The period to be considered is, therefore, from 23rd September to 15th October, 1965.

During September, 1965, the Ferozepore Head-works was subjected to heavy shelling by Pakistan and some of the irrigation staff were killed or seriously injured. No regulation of supplies as between Dipalpur Canal and below Ferozepore was physically possible and even the Indian Canals taking off on the left side could not be fed from the Head-works. Also, after the cease-fire, there has been unprovoked firing from Pakistan at and in the vicinity of the Head-works and regulation at this place has become extremely dangerous. However, the supplies let into Sutlej, according to the estimated share of Pakistan under the Treaty, have been passed down to Pakistan. It is complete travesty of facts to say that Pakistan is not being given its due share under the Treaty or that at present almost all the waters of the Sutlej and Beas are being withdrawn by India.

5. The Ministry of External Affairs avail of this opportunity to renew to the High Commission for Pakistan in India the assurances of their highest consideration.

The High Commission for Pakistan in India,
New Delhi.
2508. **Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.**

Islamabad, December 14, 1965.

No.1(4)-13/10/65, 14th December 1965.

The Ministry of Foreign Affairs presents its compliments to the High Commission of India in Pakistan and with reference to the Ministry of External Affairs, Government of India’s Note No. P.I/112/7/64, dated 20th November, 1965, has the honour to state as follows -

2. Paragraph 7 of Annexure H to the Indus Waters Treaty 1960 provides *inter-alia* that India will deliver supplies to the Central Bari Doab Channels “at the points mentioned in column (3) of Table A below, according to indents to be placed by Pakistan up to the maximum quantity noted against each point in column (4) of Table.” However, the quantum of supplies to be delivered by India has to be determined, independent of the indents, in accordance with the provisions of Paragraph 8 and 9 of the said Annexure. Paragraph 7 does not provide that indents be placed afresh every year nor does it contemplate that in the absence of fresh indents, it is to be presumed that Pakistan does not require any water at all and that, therefore, the water-supply should be stopped. The purpose of placing indents is obviously to enable Pakistan to get the deliveries in any channel reduced by changing the indent if so warranted by an emergency such as sudden damage to the channel or the works connected with it. The indents were repeated each year during September simply as a matter of courtesy and to serve as a reminder rather than in fulfillment of any obligation under the Treaty. However, the same indents would have been repeated this year as well during September 1965 but for the disruption of communications as a result of India’s wanton aggression against Pakistan. In any case, in the absence of any advice to the contrary from Pakistan, the Government of India should have taken the same indents as for the last three years to be the requirement of Pakistan rather than divert the share of Pakistan for use in India for which there is no justification under the Treaty. By depriving Pakistan of its rightful share of the Ravi waters, serious damage has been caused to cultivation in Pakistan for which India alone is responsible.

3. The Government of Pakistan is still of the opinion that, at present it is not practicable to receive supplies in the C.B.D. Channels at their crossings of the international boundary. As a result of the Indian aggression, these points as well as certain lengths of the channels are at present under the adverse control of the Indian Forces. Pakistan, therefore, for the present, could neither receive these supplies at the international border nor ensure their safe passage through the Pakistan territory adversely held by India. It is, therefore, against suggested
that Pakistan’s share of the C.B.D. Channels be temporarily delivered into the Ravi river below Madhopur till the Indian Forces have withdrawn from Pakistan territory and Pakistan acquires full control of the points of these channels specified in Paragraph 7 of Annexure H.

4. The Ministry of Foreign Affairs is constrained to point out that the arguments put forward in the Note under reply regarding the non-delivery of water to the Dipalpur Canal are fallacious. The Dipalpur Canal continued to run with supplies from Hussainiwala Head-works during the fighting. It was only after the cease fire that the supplies were suddenly cut off while the Pakistan indent, already with India, had not been changed. It is also not correct as has been alleged in the Note under reply that Pakistan’s share of the Sutlej and the Beas waters has been passed down in the Sutlej below Ferozepore. During the last two months the supplies reaching Suleimanki, other than those transferred through the links by Pakistan, have been far less than even a thousand cusecs while Pakistan’s share must have been over five thousand cusecs.

5. The Government of Pakistan would once again impress upon the Government of India the urgent and imperative need of restoring to Pakistan its full share of the waters of the Eastern Rivers and would suggest, without prejudice to their right to compensation for losses caused and being caused to Pakistan by India’s failure to deliver Pakistan’s full share, that the International Bank for Reconstruction and Development, which has been so closely associated with the Indus Waters Treaty and continues to be keenly interested in its implementation, be requested to depute an observer to check up the facts.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the High Commission of India in Pakistan the assurances of its highest consideration.

High Commission of India in Pakistan, Islamabad

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2509. **Note from Ministry of External Affairs to Pakistan High Commission in India.**

**New Delhi, January 20, 1966.**

**Ministry of External Affairs**

(Pak. I Registry)

No. PI/112/7/64 January 20, 1966.

The Ministry of External Affairs, Government of India, presents its compliments to the High Commission of Pakistan in India, and with reference to the Ministry of Foreign Affairs, Government of Pakistan Note No. I(4)-13/10/65 dated the 14th December, 1965 (copy enclosed —Document No………..) has the honour to state as follows :-

2. Paragraph 7 of Annexure H to the Indus Waters Treaty 1960 requires Pakistan to place indents for their C.B.D. Channels which are entitled to receive supplies only in the period from September 21 to April 10 every year. The purpose of placing indents is to indicate the requirements of water for each of the channels and obviously India could not assume the requirements of water in Pakistan. Such indents have been placed by Pakistan every year in the past with reference to Paragraph 7 of Annexure H to the Treaty. Furthermore, the indents have at times been modified by Pakistan.

In Paragraph 2 of the note from the Ministry of Foreign Affairs, Government of Pakistan, it has been stated that indents could not be placed due to the disruption of communications between India and Pakistan in September 1965. In this connection, the Government of India observe that the Government of Pakistan had sent a communication to the Government of India, under Paragraph 64 of Annexure H, towards the end of September 1965, through the World Bank when the communications between the two countries were in a state of disruption. Furthermore channels of communication through the Diplomatic missions of India and Pakistan in the respective countries were always available.

3. Paragraph 20 of Annexure H to the Treaty provides an option to Pakistan to have the supplies due for the C.B.D.C. to be released into the Ravi river below Madhopur. This option, however, has to be exercised before 30th September preceding and, thereafter, India has no obligation to make deliveries to these channels from 1st April succeeding, for the remaining part of the Transition Period. This option has not so far been exercised by the Government of Pakistan. Keeping particularly in view of the happy conclusions reached recently at Tashkent between the Prime Minister of India and the President of Pakistan and as a measure of goodwill and co-operation, the Government of
India would, on receipt of indents from Pakistan, be glad to ensure safe passage of water through these channels in the area under their *de facto* control in the current *Rabi* season, till the date of withdrawal of the armed personnel of the two countries.

4. The Ministry of External Affairs again point out that due to the heavy shelling of the Ferozepore Head-works during September 1965 and the cease-fire violations in that area even after the cease-fire, the regulation of the supplies at Ferozepore was rendered extremely difficult and at times even impossible. In spite of these difficulties, the Government of India have continued to honour their obligations under the Treaty.

5. With regards to the suggestion made in paragraph 5 of the Pakistan note under reply, it may be stated that the Treaty provides that any question which arises between the parties concerning the interpretation or application of the Treaty, shall first be examined by the Permanent Indus Commission. If the Government of Pakistan should so desire, any such matters can be looked into by the Commission. The last meeting of the Commission was held in Pakistan in May-June 1965. As the meetings of the Commission, according to the Treaty, are to be held alternatively in India and Pakistan, its next meeting can be held in Delhi at the convenience of Pakistan.

6. The Ministry of External Affairs avails of this opportunity to renew to the High Commission of Pakistan in India the assurance of its highest consideration.

**High Commission of Pakistan in India**

**New Delhi.**

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2510. **Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.**

**Islamabad, January 25, 1966.**

No.1 (4) – 8/10/65 January 25, 1966

The Ministry of Foreign Affairs presents its compliments to the High Commission of India in Pakistan and with reference with reference to Ministry of External Affairs Note no. 1(4)-9/10/65 dared the 14th December 1965, has the honour to state as follows-

The Government of Pakistan in para 3 of the previous Note referred to above had suggested that its share of the C.B.D.C. be temporarily delivered into the Ravi river below Madhopur till the Indian armed forces had withdrawn from Pakistan territory. It is regretted that this has not been done so far and India continues to withhold Pakistan’s share of the water of the Ravi river for which there is no justification under the Indus Waters Treaty 1960.

In view of the Government of India’s refusal to deliver the supplies in the Ravi river and in view of the changed circumstances brought about by the Tashkent declaration the Government of Pakistan requests that supplies may immediately be restored by the C.B.D.C. As regards the indents of these channels attention is invited to para 2 of the Ministry’s previous note under reference and without prejudice to its views expressed therein the Government of Pakistan hereby informs the Government of India that indents for the current season are the same as communicated last year. These are reported below. Lahore branch 615 main branch lower 1382 pull distributary to Kohali distributary 26 Khaira distributary 11 and Bhuchar Kahna distributary 317.

Para 12 and 13 of Annexure H to the Indus Waters Treaty of 1960 provide the framing of a rotational programme for the distribution of Ravi Waters. According to the provisions of the Treaty Chief Engineer Punjab was to supply copies of the programme of the Pakistan Commissioner for Indus Waters and Chief Engineer West Pakistan not later than September 30, 1965. The programme which has not been received so far may please be supplied immediately.

The Government of Pakistan is constrained to point out that the supplies being received in the Sutlej are still considerably short of Pakistan’s share under the Treaty. The supplies received during October, November and December were not even 20 per cent of Pakistan’s share. Of late there has been some improvement in the supplies delivered in the Sutlej below Ferozepore but these are still considerably short of Pakistan's share. The Government of Pakistan would therefore once again impress upon the Government of India the imperative need of restoring to Pakistan its full share under the Treaty.
The Ministry of Foreign Affairs avails itself of this opportunity to renew to the High Commission of India in Pakistan the assurances of its highest consideration.

High Commission of India in Pakistan,
Islamabad.

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2511. Note from Ministry of External Affairs to Pakistan High Commission in India.
New Delhi, February 3, 1966.
Ministry of External Affairs
New Delhi


The Ministry of External Affairs presents its compliments to the High Commission of Pakistan in India, New Delhi, and with reference to the Note handed over by the Pakistan Ministry of Foreign Affairs to the High Commission of India in Pakistan, Islamabad, on 25th January, 1966, in regard to the distribution of river supplies under the Indus Waters Treaty, has the honour to state as follows:-

2. The Government of India have noted with satisfaction that the Government of Pakistan have placed the indents for the Pakistan Central Bari Doab Channels (C.B.D.C.). The indents have been taken as effective from the morning gauges of 31st January, 1966 and necessary action has been taken to deliver supplies to the C.B.D.C. according to the Rotational Programme for the current \textit{rabi} season. The Pakistan Army Officer at site had requested the local irrigation authorities in India to release supplies into the M.B.L. not earlier than 30th January afternoon. The High Commission for Pakistan in Delhi was requested on telephone on 30th January, 1966, to advise the Pakistan Commissioner for Indus Waters that the supply in M.B.L. was likely to reach the border that evening.

3. A copy of the Rotational Programme for the Upper Bari Doab Canal for \textit{rabi} 1965-66 is enclosed, along with a copy of the revised Rotational Programme for the portion of the \textit{Rabi} Growing Period from 4.1.66 to 12.2.66. This revision was necessitated by the shifting of the annual closure scheduled for 20.1.66 - 4.2.66 to 1-10.4.66, on account of the failure of rains and the prevailing dry weather. Copies of the Rotational Programme could not be furnished by the
Chief Engineer, Punjab, to the Pakistan Commissioner for Indus Waters and
Chief Engineer, West Pakistan, because of the disruption of communications.
In order to enable the C.B.D.C. to get water at the earliest time, the revised
programme has been further modified to afford first priority to the Main Branch
Lower during the period 28.1.66 - 4.2.66. This modified programme will follow.

4. In regard to the supplies delivered in the Sutlej at Ferozepore, the attention
of the Government of Pakistan is invited to paragraph 4 of the Ministry of External
Affairs, India, note No. PI/112/7/64, dated the 20th January, 1966, in reply to
the Pakistan’s note No.1(4)-13/10/65, dated the 14th December, 1965. However,
this matter can be discussed, if desired, between the two Commissioners in
their next meeting which is likely to be held during February, 1966.

The Ministry of External Affairs avails itself of this opportunity to renew to the
High Commission of Pakistan in India the assurances of its highest
consideration.

The High Commission of Pakistan,
New Delhi.

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21. 25.3.66 31.3.66 Balancing Period

Chief Engineer, Punjab (India) reserves the right to modify the rotational programme as and when necessary.

Revised Rotational Programme of Upper Bari Doab Canal for the growing period (i.e. 4.1.66 to 12.2.66)

1. 4.1.66 11.1.66 I III II
2. 12.1.66 19.1.66 III II I
3. 20.1.66 27.1.66 II I III
4. 28.1.66 4.2.66 I II III
5. 5.2.66 12.2.66 Balancing period.
Joint letter from the Permanent Indus Commissioners of India and Pakistan to the Governments of India and Pakistan.

New Delhi, March 31, 1967.

From: The Permanent Indus Commission.

To:


2. The Government of Pakistan, Ministry of Industries and Natural Resources, Islamabad.

Subject:- Disputes concerning Article IX(1) of the Indus Waters Treaty 1960.

Sir,

The Commission has the honour to invite attention to Article IX(3) of the Indus Waters Treaty 1960 and to state that some disputes have arisen concerning Article IX(1) of the Treaty.

A report on these disputes is submitted herewith.

Yours faithfully,

Sd/-

P.R. Ahuja, Khalil-ur-Rahman T.Pk.
Commissioner for Indus Waters Pakistan Commissioner for Government of India Indus Waters Government of Pakistan

New Delhi
March 31, 1967.

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Report on the Dispute Concerning Article IX (1) of the Indus Water Treaty - 1960

New Delhi, March 31, 1967.

At the 21st meeting of the Permanent Indus Commission, held at Delhi from
28th September to 4th October, 1966, the Pakistan Commissioner presented certain questions concerning the deliveries to Pakistan from the Eastern Rivers during the period September 1965 onwards, for examination by the Commission under the provisions of Article IX(1) of the Treaty. These questions are reproduced below:

“1. Deliveries to be Central Bari Doab Channels (CBDC) under the provisions of Annexure ‘H’ to the Treaty.
   (i) Does Paragraph 7 of Annexure H to the Treaty contemplate the placing of fresh indents by Pakistan before 21st September every year, or would the indents placed in one year hold good for subsequent years in the absence of any further indents modifying the said indents?
   (ii) Considering the special circumstances prevailing during the period 6th September 1965 to late January 1966, should India not have delivered Pakistan’s share of the Ravi waters in the C.B.D.C. and, when Pakistan requested for it in November 1965, in the river Ravi below Madhopur?
   (iii) What amount should be paid by India to Pakistan to compensate it for the losses suffered on account of the non-receipt of its share of waters from 21st September 1965 to about the end of January 1966?

II. Deliveries to the Dipalpur Canal at Ferozepore.
   (i) Were supplies delivered into the Dipalpur Canal during the period 11th September to 15th October 1965 in accordance with the indent placed by Pakistan? If not, what was the extent of shortages?
   (ii) What amount should be paid by India to Pakistan to compensate it for the losses suffered on account of non-receipt of the indented supplies during the period 11th September to 15 October, 1965?

III. Deliveries below Ferozepore.
   (i) What was the extent of the shortages in deliveries due to Pakistan, below Ferozepore, during the period 11th September 1965 to 10th January 1966?
   (ii) What amount should be paid by India to Pakistan to compensate it for the losses suffered on account of the non-receipt of its full share of waters from 11th September 1965 to 10th January 1966?”

2. The Indian Commissioner held the view that the questions to be examined under Article IX(1) of the Treaty should be as under:

“1. Deliveries to the Central Bari Doab Channels (CBDC) under the Provisions of Annexure H to the Treaty.
Paragraph 7 of Annexure ‘H’ to the Treaty stipulates that India will deliver supplies to the C.B.D. Channels “according to indents to be placed by Pakistan”. Was not Pakistan, therefore, required to place indents on India for supplies to be delivered to C.B.D. Channels from 21st September 1965 onwards, particularly when Pakistan had been consistently placing such indents every year in the past?

II. Deliveries to Pakistan at Ferozepore (including Dipalpur Canal).

What were the deliveries due to Pakistan at Ferozepore in each Water-accounting period from 11th September 1965 to 10th January 1966, and what were the deliveries actually made to Pakistan, separately below Ferozepore and into the Dipalpur Canal, in each of these Water-accounting periods?

3. After detailed discussions relating to the questions in paragraphs 1 and 2 above, the Commission, at its 21st meeting, decided that before the subject was taken up again, at the next meeting of the Commission, further consideration should be given to the points mentioned below:

(i) Whether the questions to be examined under Article IX(1) are to be framed by the Commission or by the Party making the reference to the Commission?

(ii) Can the Commission examine under Article IX(1) a claim for financial compensation raised with respect of any question to be examined by it under the said Article? If so, should the claim for compensation be raised at the time of the initial reference of the question to the Commission or should it be raised after the Commission has completed the examination of the basic question?

(iii) In the examination of a question under Article IX(1) of the Treaty, should the Commission, as a single body, hear the Parties and/or consider the material submitted by the Parties, or should the two members of the Commission also simultaneously act as representatives of the Parties and argue the respective points of view of the Parties between themselves, or should the Commission follow some other procedure and, if so, what would be the appropriate procedure?

(iv) Can the Commission while examining and endeavouring to resolve a question under the provisions of Article IX(1), act independently of the Parties?

4. At its 22nd meeting held at Islamabad from 17th to 24th January 1967, the Commission gave further consideration to the four points mentioned in paragraph 3 above. In addition, the Commission also considered a fifth point, viz.,
Can the Commission ask the Parties to supply data and any other information that may be needed for the examination of a question under Article IX(1) of the Treaty?

5. Detailed discussions were held at the 22nd meeting of the Commission on all the five points listed in paragraph 3 and 4 above and as no agreement could be reached on them, it was decided to treat these five points as “questions” under Article IX(1) of the Treaty, which the Commission had endeavoured but failed to resolve by agreement. Since none of these five “questions” fell within the provisions of Part I of Annexure F to the Treaty, the Commission decided that these questions would have to be treated under the provisions of Article IX(2) as “disputes” to be settled in accordance with the provisions of Paragraphs 3, 4 and 5 of Article IX. It was also agreed that a report regarding these disputes would be submitted under Article IX(3) which is reproduced below:-

“As soon as a dispute to be settled in accordance with this and the succeeding paragraphs of this Article has arisen, the Commission shall, at the request of either Commissioner, report the fact to the two Governments, as early as practicable, stating in its report the points on which the Commission is in agreement and the issue in dispute, the views of each Commissioner on these issues and his reasons therefore.”

6. Accordingly, the views of each Commissioner on each of the five issues in dispute, and his reasons therefor, are set out in paragraphs 7 to 11 below.

As regards the questions reproduced in paragraphs 1 and 2 above, the Commission, at its 22nd meeting, agreed that it would examine them further at its next meeting, without prejudice to the views held by the two Commissioners regarding the five issues in dispute which are the subject matter of this report.

7. **Issue No. (i):** Whether the questions to be examined under Article IX(1) are to be framed by the Commission or by the Party making the reference to the Commission?

7.1 The Pakistan Commission held the view :-

“The questions to be examined under Article IX(1) are to be framed by the Party making the reference to the Commission.”

7.2 He gave the following reasons in support of this view :-

“(a) As Article IX(1) does not provide that the Commission is to frame the questions, it naturally follows that the Party desirous of referring the matter to the Commission will frame the questions.

(b) If there is any pre-condition that a question to be examined by the
Commission must first be approved by the other Commissioner then in case of disagreement between the two Commissioners upon its phrasing, the framing of the question itself would become a dispute. This would only delay the resolution of questions and settlement of differences and disputes and this cannot be the intention of the Treaty. However, either Party is free to refer to the Commission questions even regarding matters about which questions may have already been referred to the Commission by the other Party. In such a case the Commission could examine the two sets of questions in the chronological order of their reference or, if possible, even simultaneously.

(c) The framing of questions itself is not a procedural matter and is not covered by Article VIII (10) read with Articles VIII(4)(b) and IX(1).

(d) Questions which arise between the Parties regarding the Treaty would naturally concern the interpretation or application of the Treaty or the existence of any fact which, if established, might constitute a breach of the Treaty. If the two Commissioners were to frame the questions before these could even be entertained under Article IX(1), a situation can arise where one of the Commissioners by holding the view that the matter did not attract the provisions of Article IX(1) could even obstruct the taking up of the matter and proceeding to the subsequent stages under Article IX of the Treaty. This would cut across the very basis and purpose of Article IX of the Treaty. It is therefore logical that the Party concerned should frame the question."

7.3 The Indian Commissioner held the view:-

"The questions to be examined are to be framed by the Commission itself i.e., by the two Commissioners acting together. However, if the two Commissioners, who constitute the Commission, do not agree on the formulation of a question, then the Commission may determine, as a matter of procedure, that each Commissioner representing his Government may submit his own separate version of the 'question' which has arisen between the Parties."

7.4 The Indian Commissioner gave the following reasons for his view:-

"(a) The word 'question' used in Article IX(1) actually refers to the substance of the point or points at issue, its phraseology or formulation being a subsequent step. The aim has, therefore, to be to frame the question in such a way that the underlying issue is expressed in clear and objective terms. If the Party wanting to bring the question before the Commission, under Article IX(1), were to be the sole judge or the form in which the question is to be put, then it could lead to the position that the question might be so worded as to appear to prejudge the issue or to lay, by implication, the onus of default on the other Party. It could also happen
that, in the opinion of the other Party, the 'question' does not even concern the interpretation or application of the Treaty, in which case it could not even be entertained under Article IX(1). Consequently, it is necessary that the Commission (the two Commissioners acting together) should itself formulate the question.

(b) Although Article IX(1) of the Treaty does not specifically provide that the Commission is to frame the questions, there is no doubt that Article VIII(10) of the Treaty which states that the Commission (meaning the two Commissioners together) will determine its own procedures, applies just as much to the discharge of the Commission's function under Article IX(1) as it does to the discharge of the Commission's other functions mentioned in Article VIII(4). The reference to Article IX(1) in Article VIII(4)(b) makes this position abundantly clear.

(c) As the two Commissioners together form the Commission, the Commission can proceed to discharge its function under Article IX(1) only when the two Commissioners are agreed between themselves as to what the issue is which has arisen between the Parties, which the Commission must examine and endeavour to resolve by agreement. The two Commissioners must, therefore, agree on the formulation of the 'question' between themselves bringing out the substance of the point or points at issue. Failing this, the Commission may agree to let each Commissioner submit his separate version of the 'questions' for examination by the Commission.

(d) If the two Commissioners fail to agree on a joint formulation of the question, to be examined under Article IX(1), this should not necessarily mean that this question, as to how the 'question' themselves should be framed, would have to be referred to a Neutral Expert or Special Negotiators/Court of Arbitration. Failing agreement on the joint formulation of the questions the Commission (the two Commissioners together) can always decide on a question of procedure e.g., each Commissioner may frame his own questions for examination by the Commission and the Commission (meaning the two Commissioners together) may take up the questions as framed by the two Commissioners for examination in a particular order, for example, alternately or two together or in some other order mutually considered convenient in a particular case. It would thus be seen that a situation cannot arise when one of the Commissioners, by holding the view that a particular question cannot be examined under Article IX(1), can obstruct a Party from taking up the matter to the subsequent stages of Article IX."

8. Issue No.(ii): Can the Commission examine under Article IX(1) a claim for financial compensation raised with respect of any question to be examined by it under the said Article? If so, should the claim for compensation be raised at the time of the initial reference of the question
to the Commission or should it be raised after the Commission has completed the examination of the basic question?

8.1 The Pakistan Commissioner held the view:--

“A claim for financial compensation could be raised, for examination under Article IX(1) of the Treaty with respect to a question referred to the Commission under the said Article.”

8.2 He gave the following reasons in support of this view:--

“(a) The word ‘application’ used in Article IX(1) of the Treaty is comprehensive enough to fully cover the raising of a question which includes a claim for compensation.

(b) A perusal of the scheme and language of Article IX clearly indicates that the intention of the two Parties was that, in the first instance, all questions relating to the interpretation, application etc. of the Treaty should be examined by the Commission, and it was only when the Commission was unable to resolve a particular question that resort should be had to the time consuming and expensive procedure of referring the question to a Neutral Expert or Special Negotiators and Court of Arbitration. It is precisely to achieve this purpose that Paragraph 1 of Article IX has been framed in broad terms.

(c) Paragraph 2 of Annexure F clearly shows that the Treaty contemplates that financial compensation may be claimed with respect to a question referred to the Commission for examination under Article IX(1) of the Treaty.

(d) The phrase ‘financial compensation as may be claimed’ in Paragraph 23 of Annexure G to the Treaty, read with Article IX of the Treaty, also indicates that the claim for financial compensation can be made before the stage of reference to the Court of Arbitration is reached and it could form a part of a question to be examined under Article IX(1) of the Treaty.

(e) As ‘differences’ to be referred to the Neutral Expert and ‘disputes’ to be referred to the ‘Court of Arbitration’ have to pass through an earlier stage where they are termed as ‘questions’, it is obvious that a claim for financial compensation which could be a part of a ‘difference’ or a ‘dispute’ should, where raised, also form a part of a question under Article IX(1).”

8.3 The Indian Commissioner held the view:--

“A claim to financial compensation cannot be examined by the Commission under Article IX(1).”
8.4 He gave the following reasons for this view:-

“(a) The questions which could be examined by the Commission under Article IX(1) are only those concerning (i) the interpretation of the Treaty, (ii) the application of the Treaty and (iii) the existence of any fact which, if established, might constitute a breach of the Treaty. Since a question concerning a claim for financial compensation for an alleged breach of the Treaty does not fall within any of these three categories, the Commission was not competent to examine it under Article IX(1).

(b) The intention of the Parties to the Treaty must be gathered from the language of Article IX(1) which is quite explicit and unambiguous. It gives power to the Commission to examine and endeavour to resolve, by agreement only, the three categories of questions mentioned therein.

(c) A claim for financial compensation can only arise as a consequence of a breach of the Treaty, the establishment of which alone can be examined by the Commission.

(d) The Treaty itself does not contain any provisions relating to financial compensation on account of a breach of the Treaty. In the absence of any such provision in the Treaty the Commission could not be considered as ‘applying’ the Treaty, if it were to examine any question of financial compensation for an alleged breach of the Treaty and award financial compensation.

(e) There is no basis in any of the other provisions of the Treaty to suggest that the intention of the Parties was that the Commission shall examine questions relating to financial compensation. Where, for instance, the Parties intended to confer such power on the Court of Arbitration provided for under Article IX(5), they specifically conferred this power by Paragraph 23 of Annexure G to the Treaty. The language of Paragraph 23 of Annexure G also rightly brings out the fact that financial compensation can only be claimed as a relief by either Party from the Court of Arbitration.

(f) Under Article IX(2), power has been conferred on the Neutral Expert, vide Annexure F Paragraph 2, to examine a claim for financial compensation raised with respect to any question specified in Paragraph 1 of Annexure F, only if the two Commissioners are agreed that it should be so referred. But this provision of Annexure F in Paragraph 2 can hardly be relied upon to support the proposition that the Commission itself can examine a claim for financial compensation under Article IX(1). Article IX(1) itself does not provide that the Commission can examine such a question and even if the provisions of Annexure F Paragraph 2
are relied upon to show that a question relating to a claim for financial compensation can be ‘raised’ by a Party, it still does not prove that the Commission (meaning the two Commissioners together) are competent to examine such a question which falls outside the three categories of questions mentioned in Article IX(1). In fact, the power to refer a question of financial compensation to a Neutral Expert, under Annexure F Paragraph 2, is a power conferred on the two Commissioners by the provisions of this paragraph but by its nature, it is distinct from the duty of the Commission under Article IX(1), which is limited to the examination of the three categories of questions mentioned therein.

(g) It is not correct to say that if a claim for financial compensation is not examined by the Commission under Article IX(1), it cannot be taken to the subsequent stages of Article IX.”

9. Issue No.(iii): In the examination of a question under Article IX(1) of the Treaty should the Commission, as a single body, hear the Parties and/or consider the material submitted by the Parties, or should the two members of the Commission also simultaneously act as representatives of the Parties and argue the respective points of view of the Parties between themselves, or should the Commission follow some other procedure and, if so, what would be the appropriate procedure?

9.1 The Pakistan Commissioner held the view:-

“The Commission, as an independent body, while examining a question, can hear the Parties or act in any other way it deems fit.”

9.2 He gave the following reasons in support of this view:-

“(a) The Commission as an independent body (see issue No.(iv) below) can examine a question under Article IX(1) of the Treaty in any manner it deems fit. Moreover, this being a procedural matter, and as Article VIII(10) of the Treaty provides that the Commission is to determine its own procedures, the Commission can hear the Parties or adopt any other appropriate procedure.

(b) The provision in Article VIII(1) that ‘each Commissioner will be the representative of his Government for all matters arising out of this Treaty and will serve as the regular channel of communication on all matters relating to the implementation of the Treaty.’ would apply to all actions that a Commissioner, as such, might take on behalf of his Government. This does not prevent the Commission, sitting as a body, from hearing the views of the Parties separately. There is no prohibitory provision anywhere in the Treaty to allow that once a question has been referred
to the Commission as a body, no other person could represent the views of the two Governments at the deliberations of the Commission.”

9.3 The Indian Commissioner held the view:-
“The Commission could not, as a single body, hear the Parties. The two Commissioners constituting the Commission, being the representatives of their individual Governments, have to argue the respective points of view of their Governments between themselves.”

9.4 He gave the following reasons for his view:-
(a) Article VIII of the Treaty, which deals with the setting up of the Permanent Indus Commission and the appointment of the Commissioner by each Government, clearly stipulates in Paragraph 1 itself that each Commissioner will be the representative of his Government for all matters arising out of the Treaty and will serve as the regular channel of communication on all matters relating to the implementation of the Treaty.

(b) Article VIII(2) of the Treaty provides that the duties and responsibilities of the two Commissioners towards their own Governments will be determined by their respective Governments. They cannot, therefore, expect to hear the two Governments and/or consider the material submitted by the two Governments as a single body, nor can they examine any questions except as representatives of their Governments.

(c) It is true that under Article VIII(10) of the Treaty, the Commission can determine its own procedures. But the question whether or not the Commission can hear the Parties as a single body, cannot be considered by the Commission as merely a question of its own procedure which the Commissioners acting together can determine on their own. the express provisions of Article VIII(1) which state that the Commissioners are the representatives of their Governments for all matters arising out of the Treaty and have to serve as a regular channel of communication on all matters relating to the implementation of the Treaty excludes any possibility of the Commission determining, as a matter of procedure, that the Governments would appear before them through other representatives and/or submit material to the Commission as a single body through other representatives.”

10. Issue No.(iv): Can the Commission, while examine and endeavoring to resolve a question under the provisions of Article IX(1), act independently of the Parties?

10.1 The Pakistan Commissioner held the view:-
“The Commission, while examining and endeavouring to resolve a question under the provisions of Article IX(1), acts as an independent body.”
10.2 He gave the following reasons in support of this view:

“(a) The scheme of things provided for in the Treaty as a whole and specifically the provisions relating to the Commission lead to the irresistible conclusion that the Commission has been constituted as a separate independent entity whose decisions regarding functions allocated to it are final and have to be carried out by the Parties. For example Article III(3) provides that each Party will establish such discharge observation stations or make such observations as may be considered necessary by the Commission.

(b) The provision in Article VIII(4) that one of the functions of the Commission will be to promote co-operation between the Parties also clearly shows that the Commission is separate from the Governments and has an independent entity of its own.

(c) The concept of agreement for the resolution of a question under Article IX(1) does not mean that the Commission is not an independent body, but as it consists of only two members, it could resolve a question only by the agreement of the two members of the Commission and in no other way. If the members of the Commission were to act only as the representatives of the Parties and not independently while sitting in the Commission, then their failure to resolve a question under Article IX(1) would amount to a failure of the two Governments to resolve a question. In that case the provisions of Article IX(4), which contemplate the resolution of the disputes by the two Governments by agreement through negotiators, would not have been necessary. This is all the more so because the Commission has to examine under Article IX(1) all questions and not only those limited to the field of hydrology and water use.

(d) Article IX(1) gives a mandate to the Commission to ‘endeavour to resolve the question by agreement’, and, as long as agreement is reached, the powers of the Commission, i.e. of the two Commissioners as members of the Commission, are not limited in this behalf.

(e) The provision in Article VIII(1) that ‘each Commissioner will be the representatives of his Government for all matters arising out of this Treaty and will serve as the regular channel of communication on all matters relating to the implementation of the Treaty’, would apply to all actions that a Commissioner might take on behalf of his Government. However, it does not mean that the Commission because its two members happen to be the Commissioners, cannot act independently in examining and resolving the questions under Article IX(1).”
10.3 The Indian Commissioner held the view:-

“While examining and endeavouring to resolve a question under Article IX(1), the Commission could not act independently of the Parties. It had to endeavour to resolve the question arising between the Parties by agreement but such agreement must be the agreement of the two Commissioners as representatives of the two Parties and not an agreement between themselves, as individuals, independents of the Parties.”

10.4 He gave the following reasons for his view:-

“(a) Nowhere in the Treaty is it stated that the Commission is to be an independent body or that the members of the Commission are to act independently of the Parties. On the contrary, Article VIII of the Treaty, which deals with the setting up of the ‘Permanent Indus Commission’ and the appointment of the Commissioner by each Government, clearly states in Paragraph 1 itself that each Commissioner will be the representative of his Government for all matters arising out of the Treaty and will serve as the regular channel of communication on all matters relating to the implementation of the Treaty.

(b) The provisions of Article VIII(4), which state that the purpose and functions of the Commission is to promote co-operation between the Parties, clearly show that the Commission is not an independent body, but the two Commissioners are only the representatives of their respective Governments. If the Commissioners, while acting as member of the Commission, were not the representatives of their Governments, it is difficult to see how they could promote co-operation between the Parties.

(c) It is not correct to say that the concept of agreement for the resolution of the questions has been used in Article IX(1) only because the Commission is a body consisting of two members. The words in Article IX(1), to the effect that the Commission will ‘endeavour to resolve the question by agreement’, are indeed significant. They express clearly the intention of the Parties that under Article IX(1) the Commission is not to ‘decide’ the questions or ‘adjudicate’ on them or give its own findings on them as an independent body. The Parties intended that the Commission is to resolve the questions by agreement and such ‘agreement’ obviously refers to the agreement between the two Commissioners as representatives of their Governments.

(d) It is not correct to say that the Commissioner are the representatives of the Governments for the purpose of examining the questions that may have arisen between the Parties under Article IX(1), the provisions of
Article IX(4), which bring in the two Governments later are redundant. Article IX(4) gives a chance to the two Governments to resolve any dispute directly by agreement after the Commission has failed. Article IX(4) was obviously provided to afford an opportunity of reviewing the dispute between the two Governments at another level with a view to exploring a further possibility of reaching mutual accord on the issue in dispute.

Under the Article VIII(1) the two Commissioners are persons who are ordinarily high ranking engineers competent in the field of hydrology and water use. While they would therefore be generally able to deal with such questions as may arise within their field, there may be other questions or other aspects of the same question arising between the Parties, which the Parties may like to deal with subsequently at a different level.

(e) Further, the wording of Article IX(4) supports the view that the Commission is not an independent body but the two Commissioners even while acting under Article IX(1) are representatives of the two Governments. Thus Article IX(4) provides that even when the Commission has not yet submitted its Report to the two Governments under Article IX(3), if either Government comes to the conclusion that the report is being unduly delayed in the Commission, it can invite the other Government to resolve the dispute by agreement. Such a provision could not have been there in Article IX(4) if the Commission were to be an independent body and the members of the Commission were not the representatives of the two Governments."

11. Issue No. (v): Can the Commission ask the Parties to supply data and any other information that may be needed for the examination of a question under Article IX(1) of the Treaty?

11.1 The Pakistan Commissioner held the view:-

“The Commission can ask the Parties to supply data and any other information that may be needed by it for the examination of a question under Article IX(1) of the Treaty.”

11.2 He gave the following reasons in support of this view:-

“(a) Article IX(1) requires the Commission to examine any question which arises between the Parties. As such, any information required by the Commission for such an examination has to be provided to the Commission by the Parties.

(b) The Parties, having entrusted the Commission with the task of examining the questions and endeavouring to resolve them by agreement, have to co-operate with the Commission and facilitate its work by producing the
information that the Commission may need. The work of the Commission is likely to be frustrated if this is not done.”

11.3 The Indian Commissioner held the view:-

“The Commission cannot, as an independent body, ask the Parties to supply any data and/or information. Each Commissioner can only ask the other Commissioner for data in so far as the Party represented by the other Commissioner is obliged to provide such data by a specific provision of the Treaty and not otherwise.”

11.4 He gave the following reasons for his view:-

“(a) Nowhere in the Treaty is the Commission, as such, authorised to demand or call for any data from the Parties.

(b) Under Article VIII(1) each Commissioner representing his Government serves as a regular channel of communication on all matters relating to the implementation of the Treaty, and, in particular, with respect to the furnishing of data provided for in the Treaty e.g., under specific provisions of Article VI and VII (2).

(c) If the intention of the Parties was that the Commission should act as an independent body, under Article IX(1), and be in a position to call for any data from the Parties considered by it to be relevant to the questions under examination, the whole scheme of Article VIII and IX would have been different. The Parties to the Treaty have not conferred such power on the Commission as they have specifically done on the Court of Arbitration under Paragraph 20 of Annexure G. This provision empowers the Court to ‘have the right to require from the Agents of the Parties the production of all papers and other evidence it considers necessary and to demand all necessary explanations’. In the absence of a similar provision in the Treaty, in respect of the Commission, and in the face of the clearly contrary intention of the Parties expressed in the wording of Article VIII(1)(a), it is not correct to presume that the Commission as such has any power under Article IX(1) to call for any data from the Parties other than that covered by the Treaty itself.

(d) Under the scheme of the Treaty, the obligation of the Parties to supply data to each other is a limited and defined obligation restricted to the specific provisions of the Treaty requiring them to do so, such as Article VI and VII (2). The Commissioners, under Article VIII(1), are required in such cases to act as the channel of communication between the Parties for the furnishing or exchange of data.

If, under Article IX(1), a Party were to be under an obligation to furnish any data not required by a specific provision of the Treaty, it would lead to a position where either Commissioner could take recourse to the machinery provided for
settlement of differences under Article IX(1) merely to elicit data from the other Party which he could not have normally obtained under any other provision of the Treaty. This could not have been the intention of the Parties and hence it stands to reason that under Article IX(1) each Commissioner can only ask the other Commissioner for supply of data in so far as the Party represented by the other Commissioner is bound to provide such data under some specific provision of the Treaty."

Sd/-
(P.R. Ahuja )
Commissioner for Indus Water
Government of India

Sd/-
( Khalil-ur-Rahman ) T.Pk.
Pakistan Commissioner
for Indus Waters
Government of Pakistan

New Delhi
March 31, 1967.

NOTE

The Disputes in question were resolved by the Negotiators of India and Pakistan. Please see Document No.2518.
2513. Statement by Prime Minister Mrs. Indira Gandhi in the Lok Sabha congratulating Pakistan President Ayub Khan on the completion of the Mangla Dam.

New Delhi, November 15, 1967.

While overflying West Pakistan on my way to Moscow, as is customary, I sent a message of greetings to the President of Pakistan. I expressed the hope that the successful conclusion of the talks on the restoration of telecommunications would lead to further progress in our mutual relations. I also conveyed my congratulations on the completion of the Mangla Dam. This did not imply any departure from our stand as to the status of the territory of the State of Jammu and Kashmir on the other side of the cease-fire line.

The Indus Waters Treaty was signed by India and Pakistan in September 1960. It was placed before the Lok Sabha in November 1960 and ratified in December 1960. As provided in the Preamble, the Treaty had for its aim and I quote:

“the most complete and satisfactory utilization of the waters of the Indus System of rivers”

by India and Pakistan. Accordingly, the Treaty allocated the waters of the three Western Rivers, viz, the Indus, the Jhelum and the Chenab, to Pakistan, and those of the Sutlej, Ravi and Beas to India.

As provided in Article IV (1) of the Treaty, and I quote:

“Pakistan shall use its best endeavours to construct and bring into operation, with due regard to expedition and economy that part of a system of works which will accomplish the replacement, from the Western Rivers and other sources, of water supplies for irrigation canals in Pakistan which, on 15th August, 1947, were dependent on water supplies from the Eastern Rivers.”

Under the aegis of the World Bank, an Indus Development Fund was set up, to which a number of countries contributed funds for the replacement works envisaged in the Treaty and for connected development works. Under the Treaty, India undertook to make a fixed contribution towards the cost of the replacement works in Pakistan.

On the completion of the Mangla Dam, more water will be available to Pakistan which, in turn, will also enable India to make additional withdrawals from the Western Rivers for her own use. The Indian Commissioner appointed under the terms of the Treaty, has been periodically visiting the Dam site, along with his Pakistani counterpart. This fact had been mentioned in the Annual Reports of the Indus Commission, which were placed on the Table of the House on
June 16, 1962 and August 18, 1965. The Indian Commissioner is now discussing the extent of the withdrawals which India can make because of the earlier completion of the Mangla Dam and other works.

The Mangla Dam is located on the international border between the Indian territory of the Jammu and Kashmir State in the occupation of Pakistan, and that of West Pakistan. Our protests, which relate to a period prior to the conclusion of the Indus Waters Treaty of 1960, were intended to safeguard our sovereign rights over the territory involved. The Treaty itself safeguards these rights under Article XI (1) (b) as follows:

“nothing contained in this Treaty, and nothing arising out of the execution thereof, shall be construed as constituting a recognition or waiver (whether tacit, by implication or otherwise) of any rights or claims whatsoever of either of the Parties other than those rights of claims which are expressly recognized or waived in this Treaty”.

On the 16th November, 1959, Prime Minister Nehru said in the Lok Sabha in reply to supplementary questions on starred question No. 2 regarding the Mangla Dam, and I quote:

“….the hon. Member is correct in thinking that it (Mangla Dam) may be connected with the Canal Water issue. In that sense, there is no question of any dispute; the dispute is about Kashmir, if you like. The other is the question of an arrangement about canal waters, about which we are dealing with Pakistan……”

“….there are two parts of this matter. One is a question that arises over our territory in Kashmir State even though that might now be occupied by Pakistan, and our claim that they should not do anything on the territory which is ours. That is one question which is part of the Kashmir issue. The other question is connected with the canal waters, as to the best use that might be made of canal waters, for India and for Pakistan. In that connection, the US Government and the World Bank, and perhaps various governments, are, at the instance of the World Bank, offering considerable sums of money to Pakistan. That is not our concern what money they offer to Pakistan in connection with the development of their canal system.”

The position of the Government of India was reiterated in this House, in answer to questions, on several occasions, viz. on 17th February, 1960 and 30th November, 1960 by Prime Minister Nehru and on 31st August 1961 by his Parliamentary Secretary. There has been no departure whatsoever from that position.
The construction of the Mangla Dam has aroused much international interest not only because of the financial contributions made by a number of foreign countries but also as an engineering feat. A number of foreign dignitaries are expected to be present at the opening of Dam. The completion of this irrigation system will now benefit millions of human beings in our neighbouring country and also in our own as it will enable us to draw more water for Punjab, Haryana and Rajasthan.

I should like to end by recalling that it has been our firm conviction that India and Pakistan can cooperate with each other in a meaningful way for the benefit of our respective peoples.

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2514. Letters exchanged by the Foreign Secretaries of Pakistan and India for the amendment of Annexure H to the Indus Waters Treaty, 1960.

Pakistan Foreign Secretary’s Letter.

Ministry of Foreign Affairs
Islamabad

No. 2/1/67-I (V) 18th November, 1967

Your Excellency,

I have the honour to say that, during the Twenty sixth Meeting of the Permanent Indus Commission, held at Islamabad from 8th to 13th November 1967, the two Commissioners agreed that Annexure H to the Indus Waters Treaty 1960 may be amended as below:-

(i) By the addition of a new part (Part 12) after Part 11, as given below:-

“PART 12 – Additional Provisions for Rabi 1967-68

77. Subject to the provisions of Paragraph 78, India agrees to deliver at Ferozepore for use by the Pakistan Sutlej Valley Canals, the following minimum supplies during each of the Water-accounting periods from November 21-30 to March 21-31:-

(a) November 21-30 to 71.5 per cent of the ‘Beas
   December 21-31 Component of Ferozepore.’

(b) January 1-10 to 67 per cent of the
   March 21-31 ‘Beas Component of Ferozepore.’
78. If, during any water-accounting Period from November 21-30 to March 21-31, the aggregate of (a) and (b) below exceeds 10,000 cusecs, the deliveries due to be made under the provisions of paragraph 77 may be reduced by the amount of such excess over 10,000 cusecs.

(a) Deliveries due to Pakistan under the provisions of Paragraph 77.

(b) The differences between 79 per cent of the ‘Beas Component at Ferozepore’ and the deliveries due to Pakistan under the provisions of Paragraph 77.

79. If, in any Water-accounting Period from November 21-30 to March 21-31, the sum of (a) and (b) below exceeds 10,000 cusecs, then there will be no carry-over from any such period to the next period.

(a) The supply at Ferozepore below.

(b) The difference between 79% of the ‘Beas Component at Ferozepore’ and the deliveries due to Pakistan under the provisions of Paragraph 77.

80. The provisions of Paragraphs 34, 35, 36, 37 and 46 (aa) shall not be applicable during the Water-accounting Periods from November 21-30 to March 21-31.

(ii) By the modification of the first sentence of Paragraph 41 of Annexure H to read as follows:-

“An account of the distribution of waters, as at Ferozepore, under the provisions of Parts 3, 4, 5, 11 and 12 of this Annexure will be maintained by each Commissioner in accordance with the provisions of Paragraphs 42-46, and appropriate Forms will be used, both for Phase I and Phase II, in order to facilitate, and to provide a record of, the distribution of waters in accordance with the provisions of this Annexure.”

2. The Government of Pakistan signify, through this letter, their agreement to the amendment of Annexure H to the Indus Waters Treaty 1960 as indicated in the preceding paragraph, and in accordance with the provisions of Paragraph 67 of that Annexure, agree that this amendment shall become effective upon the receipt of a similar letter from the Government of India signifying their agreement to the amendment.

Accept, Your Excellency, the assurance of my highest consideration.

(S. M. Yusuf)
Foreign Secretary

His Excellency
Mr. Samerendranath Sen,
High Commissioner of India
Islamabad

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Letter from Indian Foreign Secretary:

No. P.II/112/1/67 20th November 1967

Your Excellency,

I have the honour to say that, during the Twenty-sixth Meeting of the Permanent Indus Commission, held at Islamabad, from 8th to 13th November, 1967, the two Commissioners agreed that Annexure H to the Indus Waters Treaty, 1960 may be amended as below:-

(i) By the addition of a new part (Part 12) after Part 11, as given below:

“PART 12 – Additional Provisions for Rabi 1967-68

77. Subject to the provisions of Paragraph 78, India agrees to deliver at Ferozepore for use by the Pakistan Sutlej Valley Canals, the following minimum supplies during each of the Water-accounting periods from November 21-30 to March 21-31:-

(a) November 21-30 to December 21-31
   71.5 per cent of the ‘Beas Component of Ferozepore’

(b) January 1-10 to March 21-31
   67 per cent of the ‘Beas Component of Ferozepore’

78. If, during any water-accounting Period from November 21-30 to March 21-31, the aggregate of (a) and (b) below exceeds 10,000 cusecs, the deliveries due to be made under the provisions of paragraph 77 may be reduced by the amount of such excess over 10,000 cusecs.

(a) Deliveries due to Pakistan under the provisions of Paragraph 77.

(b) The differences between 79 per cent of the ‘Beas Component at Ferozepore’ and the deliveries due to Pakistan under the provisions of Paragraph 77.

79. If, in any Water-accounting Period from November 21-30 to March 21-31, the sum of (a) and (b) below exceeds 10,000 cusecs, then there will be no carry-over from any such period to the next period.

(a) The supply at Ferozepore below.

(b) The difference between 79% of the ‘Beas Component at Ferozepore’ and the deliveries due to Pakistan under the provisions of Paragraph 77.

80. The provisions of Paragraphs 34, 35, 36, 37 and 46 (aa) shall not be applicable during the Water-accounting Periods from November 21-30 to March 21-31.”
(ii) By the modification of the first sentence of Paragraph 41 of Annexure H to read as follows:-

“An account of the distribution of waters, as at Ferozepore, under the provisions of Parts 3, 4, 5, 11 and 12 of this Annexure will be maintained by each Commissioner in accordance with the provisions of Paragraphs 42-46, and appropriate Forms will be used, both for Phase I and Phase II, in order to facilitate, and to provide a record of, the distribution of waters in accordance with the provisions of this Annexure.”

2. The government of India signify, through this letter, their agreement to the amendment of Annexure H to the Indus Waters Treaty, 1960 as indicated in the preceding paragraph, and in accordance with the provisions of Paragraph 67 of that Annexure, agree that this amendment shall become effective from the receipt of a similar letter from the Government of Pakistan by the Indian High Commissioner in Islamabad, signifying their agreement to the amendment.

Accept, Your Excellency, the assurances of my highest consideration.

(Rajeshwar Dayal)
Foreign Secretary

H. E. Mr. Arshad Hussain,
High Commissioner for Pakistan in India,
New Delhi

Letter from Foreign Secretary of India:

No. PII/112/2/68. 27th April, 1968.

Your Excellency,

I have the honour to say that, during the Twenty-seventh Meeting of the Permanent Indus Commission, held at New Delhi from 18th to 23rd April 1968, the two Commissioners agreed that Annexure H to the Indus Waters Treaty 1960 may be amended as below:-

(i) By the addition of a new Part (Part 13) after Part 12, as given below:-


81. In each Water-accounting Period during May 1- 10 to July 11 - 20, 1968, the deliveries at Ferozepore for use by the Pakistan Sutlej Valley Canals, as specified in Paragraph 29, may be reduced in accordance with the provisions of Paragraph 30, provided that both the Rasul-Quadirabad and the Qudirabad-Balloki Links are running and that the reduction in the deliveries does not exceed A percent of the supplies delivered by the Qadirabad-Balloki Link at its tail, where A is 60 for May 1 - 10, 65 for May 11 - 20 and 70 for May 21 - 31 to July 11 - 20”.

(ii) By the modification of the first sentence of Paragraph 41 of Annexure H to read as follows :-

“An account of the distribution of waters, as at Ferozepore, under the provisions of Parts 3,4,5,11,12 and 13 of this Annexure will be maintained by each Commissioner in accordance with the provisions of Paragraphs 42-46, and appropriate Forms will be used, both for Phase I and Phase II, in order to facilitate, and to provide a record of, the distribution of waters in accordance with the provisions of this Annexure.”

2. The Government of India signify, through this letter, their agreement to the amendment of Annexure II to the Indus Waters Treaty 1960 as indicated in the preceding paragraph, and in accordance with the provisions of Paragraph 67 of that Annexure, this amendment shall become effective upon the receipt of a similar letter from the Government of Pakistan signifying their agreement to the amendment.
Accept, Your Excellency, the assurance of my highest consideration.

Rajeshwar Dayal
Foreign Secretary

His Excellency Mr. M. Arshad Hussain,
High Commissioner for Pakistan in India
New Delhi.

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Letter from Pakistan’s Foreign Secretary:

Ministry of Foreign Affairs
Islamabad

No.2/1/67- I(V) 29th April, 1968

Your Excellency,

I have the honour to say that, during the Twenty seventh Meeting of the Permanent Indus Commission, held at New Delhi from 18th to 23rd April 1968, the two Commissioners agreed that Annexure H to the Indus Waters Treaty 1960 may be amended as below :-

(i) By the addition of a new Part (Part 13) after Part 12, as given below:-


81. In each Water-accounting Period during May 1 - 10 to July 11 - 20, 1968, the deliveries at Ferozepore for use by the Pakistan Sutlej Valley Canals, as specified in Paragraph 29, may be reduced in accordance with the provisions of Paragraph 30, provided that both the Rasul-Quadirabad and the Qadirabad-Balloki Links are running and that the reduction in the deliveries does not exceed A percent of the supplies delivered by the Qadirabad-Balloki Link at its tail, where A is 60 for May 1 - 10, 65 for May 11 - 20 and 70 for May 21 - 31 to July 11 - 20”.

(ii) By the modification of the first sentence of Paragraph 41 of Annexure H to read as follows:-

“As an account of the distribution of waters, as at Ferozepore, under the provisions of Parts 3,4,5,11,12 and 13 of this Annexure will be maintained by each Commissioner in accordance with the provisions of Paragraphs 42-46, and appropriate Forms will be used, both for Phase I and Phase II, in order to
facilitate, and to provide a record of the distribution of waters in accordance with the provisions of this Annexure.”

2. The Government of Pakistan signify, through this letter, their agreement to the amendment of Annexure II to the Indus Waters Treaty 1960 as indicated in the preceding paragraph, and in accordance with the provisions of Paragraph 67 of that Annexure, this amendment shall become effective upon the receipt of a similar letter from the Government of India signifying their agreement to the amendment.

Accept, Your Excellency, the assurance of my highest consideration.

Sd/- (S.M. Yusuf) S.Pk., CSP
Foreign Secretary

H.E. Mer. Samar Sen,
High Commissioner for India,
Islamabad.


Indian Foreign Secretary’s Letter:
No. PII/112/2/68, 29th August, 1968.

Your Excellency,

I have the honour to say that, during the Twenty-eighth Meeting of the Permanent Indus Commission, held at Islamabad/Lahore from 7th to 13th August, 1968, the two Commissioners agreed that Annexure H to the Indus Waters Treaty 1960 may be amended as below:-

(i) By the addition of a new Part (Part 14) after Part 13, as given below:-


82. Subject to the provisions of Paragraph 86, India may not release any supplies into the Ravi Main below Madhopur during the period from 21st September 1968 to 20th February 1969. From 21st February to 31st March 1969, however, the supplies due to Pakistan under the provisions of Part 2 of this Annexure will be delivered by India into the Ravi Main below Madhopur.
83. Subject to the provisions of Paragraph 86 and notwithstanding the provisions of Paragraph 29(g), India agrees to deliver into the Sutlej Main below Ferozepore for use by the Pakistan Sutlej Valley Canals, the following minimum supplies during the period from 11th to 30th September 1968:

(a) September 11 - 20: 5,000 cusecs
(b) September 21 - 30: 3,000 cusecs

84. Subject to the provisions of Paragraph 86 and notwithstanding the provisions of paragraph 34:

(i) India agrees to deliver into the Sutlej Main below Ferozepore for use by the Pakistan Sutlej Valley Canals the following minimum supplies during the period from 1st to 15th October 1968:

(a) October 1 - 10: 2,000 cusecs
(b) October 11 - 15: 1,500 cusecs

(ii) During the period from 16th October 1968 to 20th February 1969, India may discontinue the deliveries into the Sutlej Main below Ferozepore.

(iii) From 21st February to 31st March 1969, the supplies due to Pakistan under the provisions of Part 5 of this Annexure will be delivered by India into the Sutlej Main below Ferozepore for the use of the Pakistan Sutlej Valley Canals.

85. If the Mangla reservoir does not fill to the Full Reservoir Level of 1202 feet by the end of kharif 1968, India shall deliver into the Sutlej Main below Ferozepore, for the use of the Pakistan Sutlej Valley Canals, supplies aggregating in volume to 40 percent of the difference between the capacity at Full Reservoir Level and the maximum capacity to which the Mangla reservoir fills during kharif 1968, in addition to the deliveries specified in Paragraph 84. These additional deliveries will be made with effect from 11th October 1968 and in accordance with the schedule agreed to between the two Commissioners. If necessary, the two Commissioners will meet in the first week of October 1968 to work out the agreed schedule of the additional deliveries.

86. If, owing to damage or apprehension of damage to the newly constructed works of Mangla Dam, Rasul Barrage, Qadirabad Barrage, Rasul-Qadirabad Link Canal or Qadirabad-Balloki Link Canal, or owing to unavoidable circumstances arising out of the difficulties in the operation of these works, the transfer of the water stored in Mangla reservoir to Balloki through the Rasul-Qadirabad-Balloki Link system is or has to be interrupted, or materially reduced, Pakistan shall so inform India, also stating the date from which the interruption or the material reduction has taken place and India shall, within two days of the receipt of this information, resume the deliveries into the Ravi Main below
Madhopur and into the Sutlej Main below Ferozepore in accordance with the provisions of Parts 2 to 5 of this Annexure, notwithstanding the provisions of Paragraph 82, 83, 84 and 85, provided that:

(i) If the supplies available at Harke/Ferozepore have to be supplemented by releases from the Bhakra reservoir to ensure the delivery of Pakistan's full share into the Sutlej Main below Ferozepore, the period of two days mentioned above shall be extended to a maximum of 5 days in respect of the supplies that are released from the Bhakra reservoir.

(ii) Pakistan will not invoke the provisions of this Paragraph if the duration of the Interruption or the material reduction in the transfer of supplies through the Rasul – Qadirabad - Balloki link system is not likely to exceed two days.

(ii) By the modification of the first sentence of Paragraph 41 of Annexure H to read as follows :-

"An account of the distribution of waters, as at Ferozepore, under the provisions of Parts 3,4,5,11,12, 13 and 14 of this Annexure will be maintained by each Commissioner in accordance with the provisions of Paragraphs 42 - 46, and appropriate Forms will be used, both for Phase I and Phase II, in order to facilitate, and to provide a record of, the distribution of waters in accordance with the provisions of this Annexure."

2. The Government of India signify, through this letter, their agreement to the amendment of Annexure H to the Indus Waters Treaty 1960 as indicated in the preceding paragraph, and in accordance with the provisions of Paragraph 67 of that Annexure, this amendment shall become effective upon the receipt of a similar letter from the Government of Pakistan signifying their agreement to the amendment.

Accept, Your Excellency, the assurance of my highest consideration.

Rajeshwar Dayal
Foreign Secretary

His Excellency Mr. Sajjad Hyder,
High Commissioner for Pakistan in India
New Delhi.

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Lettered from Foreign Secretary of Pakistan:
Ministry of Foreign Affairs
Islamabad
No. 2/14/66 – I (V) 30th August, 1968

Your Excellency,

I have the honour to say that, during the Twenty-eighth Meeting of the Permanent Indus Commission, held at Islamabad/Lahore from 7th to 13th August, 1968, the two Commissioners agreed that Annexure H to the Indus Waters Treaty 1960 may be amended as below:-

(i) By the addition of a new Part (Part 14) after Part 13, as given below:-


82. Subject to the provisions of Paragraph 86, India may not release any supplies into the Ravi Main below Madhopur during the period from 21st September 1968 to 20th February 1969. From 21st February to 31st March, 1969, however, the supplies due to Pakistan under the provisions of Part 2 of this Annexure will be delivered by India into the Ravi Main below Madhopur.

83. Subject to the provisions of Paragraph 86 and notwithstanding the provisions of Paragraph 29(g), India agrees to deliver into the Sutlej Main below Ferozepore for use by the Pakistan Sutlej Valley Canals, the following minimum supplies during the period from 11th to 30th September 1968:-

(a) September 11 - 20 : 5,000 cusecs.
(b) September 21 - 30 : 3,000 cusecs.

84. Subject to the provisions of Paragraph 86 and notwithstanding the provisions of paragraph 34:

(i) India agrees to deliver into the Sutlej Main below Ferozepore for use by the Pakistan Sutlej Valley Canals the following minimum supplies during the period from 1st to 15th October 1968:-

(a) October 1 - 10 : 2,000 cusecs.
(b) October 11 - 15 : 1,500 cusecs.

(ii) During the period from 16th October 1968 to 20th February 1969, India may discontinue the deliveries into the Sutlej Main below Ferozepore.

(iii) From 21st February to 31st March 1969, the supplies due to Pakistan
under the provisions of Part 5 of this Annexure will be delivered by India into the Sutlej Main below Ferozepore for the use of the Pakistan Sutlej Valley Canals.

85. If the Mangla reservoir does not fill to the Full Reservoir Level of 1202 feet by the end of kharif 1968, India shall deliver into the Sutlej Main below Ferozepore, for the use of the Pakistan Sutlej Valley Canals, supplies aggregating in volume to 40 percent of the difference between the capacity at Full Reservoir Level and the maximum capacity to which the Mangla reservoir fills during kharif 1968, in addition to the deliveries specified in Paragraph 84. These additional deliveries will be made with effect from 11th October 1968 and in accordance with the schedule agreed to between the two Commissioners. If necessary, the two Commissioners will meet in the first week of October 1968 to work out the agreed schedule of the additional deliveries.

86. If, owing to damage or apprehension of damage to the newly constructed works of Mangla Dam, Rasul Barrage, Qadirabad Barrage, Rasul-Qadirabad Link Canal or Qadirabad-Balloki Link Canal, or owing to unavoidable circumstances arising out of the difficulties in the operation of these works, the transfer of the water stored in Mangla reservoir to Balloki through the Rasul-Qadirabad-Balloki Link system is or has to be interrupted, or materially reduced, Pakistan shall so inform India, also stating the date from which the interruption or the material reduction has taken place and India shall, within two days of the receipt of this information, resume the deliveries into the Ravi Main below Madhopur and into the Sutlej Main below Ferozepore in accordance with the provisions of Parts 2 to 5 of this Annexure, notwithstanding the provisions of Paragraph 82, 83, 84 and 85, provided that:

(i) If the supplies available at Harike/Ferozepore have to be supplemented by releases from the Bhakra reservoir to ensure the delivery of Pakistan’s full share into the Sutlej Main below Ferozepore, the period of two days mentioned above shall be extended to a maximum of 5 days in respect of the supplies that are released from the Bhakra reservoir.

(ii) Pakistan will not invoke the provisions of this Paragraph if the duration of the Interruption or the material reduction in the transfer of supplies through the Rasul—Qadirabad - Balloki link system is not likely to exceed two days.

Pakistan agrees that it will use its best endeavours to restore the situation to normal as early as possible and keep India informed of the steps taken in this connection. Meanwhile the two Commissioners will promptly meet to work out such modifications in the provisions of this Annexure as may be agreed upon as appropriate and desirable"
(ii) By the modification of the first sentence of Paragraph 41 of Annexure H to read as follows:-

“An account of the distribution of waters, as at Ferozepore, under the provisions of Parts 3, 4, 5, 11, 12, 13 and 14 of this Annexure will be maintained by each Commissioner in accordance with the provisions of Paragraphs 42 - 46, and appropriate Forms will be used, both for Phase I and Phase II, in order to facilitate, and to provide a record of, the distribution of waters in accordance with the provisions of this Annexure.”

2. The Government of Pakistan signify through this letter, their agreement to the amendment of Annexure H to the Indus Water Treaty 1960 as indicated in the preceding Paragraph, and in accordance with the provisions of Paragraph 67 of that Annexure, this amendment shall become effective upon the receipt of a similar letter from the Government of India signifying their agreement to the amendment.

Accept, Your Excellency, the assurances of my highest consideration.

Sd/-
(S. M. Yusuf)
S.Pk., C. S. S. P.

His Excellency Mr. Samar Sen,
High Commissioner for India
Islamabad

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NOTE

The matter in italics in Pakistan’s letter which did not figure in the Indian Foreign Secretary’s letter of August 29, 1968, was subsequently added as requested by the Government of India in their letter No. P.II/112/2/68 dated the September 27, 1968 to Pakistan High Commissioner in New Delhi.

The Pakistan High Commissioner while acknowledging the above letter pointed out a few other typographical omissions in the Indian letter vide his letter No. 1 (42) CSV/65 dated October 8, 1968. These were:

(i) Paragraph 1(i) - 5th line : Comma appearing between ‘March’ and ‘1969’ was not there in the original text.

(ii) Paragraph 83(a) and (b): Full stops at the end of the two sentences are missing.
Press Release issued by the High Commission of India in Pakistan at the end of the Transition period as specified in the Indus Water Treaty.
Islamabad, April 1, 1970.

INDUS WATERS TREATY

The transition period under the Indus Waters Treaty 1960 came to an end on March 31. From today, April 1, India is entitled to use exclusively flow of eastern rivers of the Indus basin (Ravi, Beas and Sutlej).

As the Indus Waters Treaty 1960 is a perpetual treaty the ending of the transiting period will have no effect on the other provisions made therein regarding its functioning including tours and meetings of the Commission.

To establish and maintain cooperative arrangements for the implementation of the Treaty and to promote co-operation between the parties in the development of waters, the permanent Indus Commission comprising permanent Commissioners for India and Pakistan has been set up under the provisions of the Treaty.

For the fulfilment of the above purpose and its other functions the Commission is required to undertake once in every five years a general tour of inspection of the rivers and hold meetings at least once a year alternately in India and Pakistan.

During the last ten years the permanent Indus Commission has held 16 meetings and undertook eleven general tours and twelve special tours in India and 16 meetings, eleven general tours and nine special tours in Pakistan.

This is an example of active cooperation between the two countries on mutually beneficial projects.

Background: Under the Indus Waters Treaty 1960, which is a perpetual treaty,
the entire flow of the three eastern rivers (Sutlej, Beas and Ravi) of the Indus system was allocated for unrestricted use of India.

However the transition period of ten years ending on 31st March, 1970 was provided in the treaty during which time India was to continue supplying waters to Pakistan from the eastern rivers for the use of such Pakistan canals as were dependent on the eastern rivers at the time of Partition.

This period was allowed in order to enable Pakistan to construct engineering works in Pakistan which would enable waters to be transferred from the western rivers (Indus, Jhelum and Chenab) of the Indus system for replacing supplies received by these canals from the eastern rivers.

Under the treaty India also agreed to make a fixed contribution of Pound 62,060,000 (about Rs.980 million) to meet a part cost of these engineering works. The tenth and the last installment was paid on October 31 last year.

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2518. Report submitted by the Indian and Pakistan negotiators to resolve the differences of opinion among the Permanent Commissioners regarding interpretations of Article IX (1) of the Indus Water Treaty 1960.

Islamabad, January 22, 1976.

From :

(i) Shri B. Sen and Shri O.P. Chadha
    Negotiators of the Government of India and

(ii) Sheikh Ghias Mohammad and Khalil-ur-Rahman,

To : 

(i) The Government of India,
    New Delhi.

(ii) The Government of Pakistan,
    Islamabad.

Subject: Resolution of The Disputes concerning Article IX (1) of the Indus Waters Treaty 1960.
Sir,


2. The Ministry of Foreign Affairs, Government of Pakistan had, under the provisions of Article IX(4) of the Treaty, invited the Government of India to resolve the said disputes by agreement and had, for this purpose, appointed Sheikh Ghias Mohammad and Mian Khalil-ur-Rahman, as the Government of Pakistan’s Negotiators. The Government of India appointed Shri B. Sen and Shri P.R. Ahuja, as the Government of India’s Negotiators. For the fourth meeting of the Negotiators Shri O.P. Chadha was appointed as Negotiator in place of Shri P.R. Ahuja.

3. The Negotiators held four meetings in all. These meetings were held at the places and on the dates indicated below :-

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<tr>
<th>Meeting</th>
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<tr>
<td>First</td>
<td>New Delhi</td>
<td>March 18-22, 1970</td>
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<td>Second</td>
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<td>Third</td>
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<td>September 12-17, 1970</td>
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<tr>
<td>Fourth</td>
<td>Islamabad</td>
<td>January 20-22, 1976</td>
</tr>
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</table>

At the meetings the Negotiators were assisted by the following advisers: -

### India

1. Dr. J.K. Malhotra (1st meeting only)
2. Shri B.S. Bansal (2nd and 3rd meeting)
3. Shri O.P. Chadha (1st, 2nd and 3rd meeting)
4. Shri I.P. Khosla (1st, 2nd and 3rd meeting)
5. Dr. R.K. Dixit (1st, 2nd, 3rd and 4th meeting)

### Pakistan

1. Mr. M.A. Ameen (1st, 2nd and 3rd meeting)
2. Mr. Iftikhar Ali Qureshi (1st and 2nd meeting)
3. Mr. Zahid Saeed (1st, 2nd and 3rd meeting)
4. Mr. C.A. Rehman (4th meeting)
5. Mr. A.G. Chaudhary (4th meeting)
(4th meeting) (4th meeting)  

4. The Negotiators are happy to inform the Government of India and the Government of Pakistan that they have been able to resolve all the five issues in dispute as below :-

(i) The first issue in dispute was :-

"Whether the questions to be examined under Article IX(1) are to be framed by the Commission or by the Party making the reference to the Commission?"

The Negotiators resolved this issue in the following manner:-

"When a question is brought before the Commission under the provisions of Article IX(1) of the Indus Waters Treaty 1960, the Commission shall, at its meeting held for the consideration of the question, endeavour to make an agreed formulation of the question for examination. However, if either Commissioner, after discussion of the matter, comes to the conclusion that an agreed formulation of the question is not possible, then each Commissioner should formulate the question independently and the Commission should thereafter examine both the formulations of the question."

(ii) The second issue in dispute was:-

"Can the Commission examine under Article IX(1) a claim for financial compensation raised with respect to any question to be examined by it under the said Article? If so, should the claim for compensation be raised at the time of the initial reference of the question to the Commission or should it be raised after the Commission has completed the examination of the basic question?"

The Negotiators resolved this issue in the following manner:-

"When any question concerning the application of the Indus Waters Treaty 1960 or the existence of any fact which, if established, might constitute a breach of the said Treaty, is referred to the Commission, the Commission shall examine the question under the provisions of Article IX(1) of the Treaty, and in the event of the Commission coming to an agreed conclusion that the facts established constitute a breach of a provision of the Treaty, the Commission shall, if a Party so desires, also examines the claim for financial compensation as a consequence flowing from the said breach. Nothing will preclude a Party from stating in its
reference to the Commission that a relief in the form of financial compensation would be claimed if the existence of the facts giving rise to the claim for financial compensation is established.

Even where the Commission has not agreed on the question of breach of a provision of the Treaty and has consequently not examined the claim for financial compensation, it will not preclude the Negotiators, appointed under Article IX(4) of the Treaty, or the Court of Arbitration, established under Article IX(5) of the Treaty, from considering the claim for financial compensation in addition to the existence of the facts giving rise to the claim for financial compensation.”

(iii) The third and the fourth issues in dispute, which being inter-linked were considered together by the Negotiators, were :-

“(iii) In the examination of a question under Article IX(1) of the Treaty, should the Commission, as a single body, hear the Parties and/or consider the material submitted by the Parties, or should the two members of the Commission also simultaneously act as representatives of the Parties and argue the respective points of view of the Parties between themselves, or should the Commission follow some other procedure and, if so, what would be the appropriate procedure?”

“(iv) Can the Commission, while examining and endeavouring to resolve a question under the provisions of Article IX(1), act independently of the Parties?”

The Negotiators resolved these two issues in the following manner:-

“In examination of a question under Article IX(1) of the Treaty :-

(a) The two Commissioners act as the representatives of the Parties, namely, their respective Governments;

(b) As representatives, the Commissioners can present the view points of their own Governments but this will not preclude the Commissioners from invoking the help of advisers;

(c) The Commissioners act to resolve the question as the representatives of their Governments; and

(d) As the Commissioners are accredited agents of their respective Governments and arrive at a solution of a question in that capacity by agreement, their agreed solution will bind their principals i.e., the two Governments.”
(iv) The fifth issue in dispute was:

“Can the Commission ask the Parties to supply data and any other information that may be needed for the examination of a question under Article IX(1) of the Treaty?”

The Negotiators resolved this issue in the following manner:-

“If the two Commissioners, acting in the Commission as representatives of the Parties, agree that certain data or information provided for in the Treaty, which may not have been furnished, is needed for the examination of a question under the provisions of Article IX(1) of the Treaty, the Parties shall supply such data or information.”

Yours faithfully,

INDIA’S NEGOTIATORS

Sd/-
1. (B. Sen)
Sd/-
2. (O.P. Chadha)
Islamabad
22nd January 1976.

PAKISTAN’S NEGOTIATORS

Sd/-
1. (Ghias Mohammad)
Sd/-
2. (Khalil-ur-Rahman)

NOTE

For the Origin of the Dispute Please see Document No.2512.
2519. Joint Communiqué issued at the end of talks on Salal Project on the River Jehlum.

New Delhi, October 7, 1976.

At the invitation of His Excellency Shri J.S. Mehta, Foreign Secretary, Government of India, a Pakistan delegation led by His Excellency Mr. Agha Shahi, Foreign Secretary, Government of Pakistan, visited New Delhi, from October 3 to 7, 1976 to hold talks concerning differences over the design of the Salal Hydro Electric Project to be built by India on the River Chenab.

The Pakistan Foreign Secretary was assisted by the following: His Excellency Mr. Fida Hassan, Pakistan Ambassador in India, Mr. Khalilur Rehman, Additional Secretary, Ministry of Fuel, Power and Natural Resources, Mr. Hayat Mehdi, Director-General, Ministry of Foreign Affairs, Mr. Habibur Rehman, Pakistan Indus Water Commissioner, Mr. Shahid M. Amin, Minister, Embassy of Pakistan, Mr. Mujahid Hossain, Counsellor, Embassy of Pakistan, and Mr. Zafar Hilaly, Director, Ministry of Foreign Affairs.

The Indian Foreign Secretary was assisted by the following: Sheri Y.K. Murthy, Chairman, Central Water Commission, Sheri K.S. Bajpai, Ambassador of India in Pakistan, Shri C.C. Patel, Additional Secretary, Department of Irrigation, Ministry of Agriculture and Irrigation, Shri K.S. Subramanyam, Member, Central Electricity Authority, Dr. I.P. Singh, Joint Secretary, Ministry of External Affairs, Dr. S.P. Jagota, Joint Secretary, Ministry of External Affairs, Shri O.P. Chadha, Joint Secretary, Department of Irrigation, Ministry of Agriculture and Irrigation, and Commissioner for Indus Waters, Shri R.C. Bhargava, Joint Secretary, Ministry of Energy, Shri A.N. Harkauli, Member (Design & Research), Central Water Commission, Shri K. Doshi, Counsellor, Embassy of India, Islamabad, Shri M.N. Venkatesan, Director (Monitoring), Central Water Commission and Mrs. L.K. Ponappa, Under Secretary, Ministry of External Affairs.

During his stay in New Delhi, His Excellency Mr. Agha Shahi was received by the Prime Minister of India, Smt. Indira Gandhi. He also called on Shri Jagjivan Ram, Minister of Agriculture and Irrigation, Shri K.C. Pant, Minister of Energy and Shri P.N. Haksar, Deputy Chairman, Planning Commission.

The two delegations held several rounds of detailed discussions with a view to arriving at a mutually satisfactory settlement of their differences regarding the design of the Salal Plant, in terms of the Indus Water Treaty 1960.

The discussion were held in an amicable atmosphere.

The two Foreign Secretaries noted that the spirit of accommodation shown by both sides had enabled differences to be considerably narrowed. They
recognized that despite their best efforts it had not been possible to agree on all points relating to the design of the plant in the short space of the current round of negotiations. They agreed that the matter should be discussed further. For this purpose the Pakistan foreign Secretary has extended an invitation to an Indian Delegation led by the Indian Foreign Secretary to visit Islamabad from 19th October to 21st October, 1976.

The Pakistan foreign secretary expressed his sincere thanks to the Indian Foreign secretary for the warm hospitality extended to the Pakistan delegation.

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2520. Joint Communiqué issued on the conclusion of talks on Salal Project on the River Jehlum.
Islamabad, October 21, 1976.

Pursuant to the invitation extended by His Excellency Mr. Agha Shahi, Foreign Secretary, Government of Pakistan, at the conclusion of the talks held in New Delhi from 3 to 7 October 1976 on the design of the Salal Hydro-Electric Project, an Indian delegation led by His Excellency Mr. Jagat S. Mehta, Foreign Secretary, Government of India, visited Islamabad from 19 to 21 October, 1976.

The Indian Foreign Secretary was assisted by the following: H.E. Mr. K.S. Bajpai, Ambassador of India in Pakistan, Mr. C.C. Patel, Secretary, Department of Irrigation, Mr. Y.K. Murthy, Chairman, Central Water Commission, Dr. I.P. Singh, Joint Secretary, Ministry of External Affairs, Mr. O.P. Chadha, Joint Secretary, Department of Irrigation and Commissioner for Indus Waters, Mr. R.C. Bhargava, Joint Secretary, Ministry of Energy, Mr. Kiran Doshi, Counsellor, Embassy of India, Mr. Nareshwar Dayal, Counsellor, Embassy of India, Mr. M.N. Venkatesan, Director, Central Water Commission, Dr. R.K. Dixit, Director, Ministry of External Affairs and Mrs. L.K. Ponappa, Under Secretary, Ministry of External Affairs.

The Pakistan Foreign Secretary was assisted by the following: His Excellency Mr. S. Fida Hassan, Ambassador of Pakistan in India, Mr. Masrur Hasan Khan, Secretary, Ministry of Fuel, Power and Natural Resources, Mian Khalilur Rehman, Additional Secretary, Ministry of Fuel, Power and Natural Resources, Mr. Hayat Mehdi, Director General, Ministry of Foreign Affairs, Mr. S. Habibur Rehman, Pakistan Commissioner for Indus Waters and Mr. Z.A. Hilaly, Director, Ministry of Foreign Affairs.

During his stay in Islamabad His Excellency Mr. Jagat S. Mehta was received
by the Prime Minister of Pakistan Mr. Zulfikar Ali Bhutto. He also called on Mr. Aziz Ahmed, Minister of State for Defence and Foreign Affairs.

The two delegations resumed discussions on various points relating to the design of the Salal Project. The discussions, which were comprehensive in nature, succeeded in creating a better understanding of each other’s viewpoint and in resolving some of the outstanding points. It was recognized that certain aspects needed to be studied further. They, therefore, agreed that the two delegations should meet again as soon as these studies had been completed.

The talks were held in the same amicable atmosphere as prevailed during the discussions in Delhi. The Foreign Secretaries expressed satisfaction at the earnest efforts made to resolve the remaining differences in keeping with the letter and spirit of the Indus Waters Treaty of 1960. They expressed the hope that during the next round of talks the two delegations would be able to arrive at a mutually satisfactory solution.

The Indian Foreign Secretary expressed his sincere thanks to the Pakistan Foreign Secretary for the warm hospitality extended to the Indian delegation.

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2521. Letter from Chief Minister of Jammu and Kashmir Shaikh Mohammad Abdullah to Prime Minister Morarji Desai conveying proposal to construct a barrage on River Jhelum.


My dear Morarji Bhai,

I encroach upon your valuable time on a matter of great urgency and importance to us. The winter discharge of the Jhelum river is about 2,000 cusecs as against 10,000 cusecs during summer. We are hard hit by it, in that our navigation comes to a standstill and generation of power in our old power house at Mohora and in the one going to be commissioned soon at Gantamulla as well as that proposed to be built near Uri, all located below Baramulla, goes down by 80%.

We intend building a barrage upstream of Sopore town just below the exist of Wular lake. But under the Indus Water Treaty we can build storage dams only on the tributaries of the Jhelum and not on the main river Jhelum itself. There being only a single outlet for the Jhelum river at Khadanyar below Baramulla,
capable of discharging a maximum of 35,000 cusecs, it makes no difference to Pakistan whether dams are built either on the tributaries of Jhelum or on the Jhelum itself. Building dams on tributaries would cost us hundreds of crores of rupees. On the other hand, construction of a barrage over the Wular just below the exist of the lake high enough to raise the level of the lake to 5,177 ft. which is 9-10 ft. below the highest flood level, would cost us only Rs.12-14 crores. This will enable us to use the river not only for navigation during the lean period, but also help increase the water discharge of the river from 2,000 cusecs to 4,000 cusecs to firm up power generation in our run-of-the river schemes at Mohora and in the one to be commissioned soon at Gantamula as well as the one proposed to be built near Uri.

We feel that Pakistan will also stand to gain by this, inasmuch as Mangla dam which otherwise would remain partly empty during the four months of winter will also get 2,000 cusecs of extra water at a time when the discharge from Kishenganga and Jhelum tributaries completely trickles down.

According to newspaper reports our Foreign Minister is likely to visit Pakistan soon. May I request that he may kindly be asked to broach the subject to his counterpart in Pakistan if you deem fit?

With highest regards,

Yours sincerely,

(S.M. Abdullah)

Shri Morarji Desai,
Prime Minister,
Government of India,
New Delhi
Agreement between India and Pakistan on the Design of the Salal Hydro Electric Project.

New Delhi, April 14, 1978.


Being desirous of promoting and strengthening friendly relations between them on the basis of sovereignty, equality and mutual benefit.

Taking into consideration the provisions of the Indus Water Treaty, 1960, to which both the government are parties.

Having discussed the differences that had arisen between the two Governments regarding the design of the Salal Hydro-electric Plant on Chenab Main, and

Without prejudice to the provisions of the Indus Waters Treaty, 1960 (hereinafter referred to as the Treaty) or to the rights and obligations of the parties thereunder,

Have agreed as follows:

ARTICLE 1

The salient features of the Salal Hydro-electric Plant shall conform to the following:

(i) Location : at Salal,
Longitude : 74 50' East
Latitude : 33 08' North

(ii) Full Pondage Level : Not higher than EL 1600 feet.

(iii) Operating Pool : 'NIL'

(iv) Dead Storage Capacity : Not exceeding 230, 303 acre feet.

(v) Immovable Crest Level of the Spillway : Not more than 30 feet below the full Pondage Level

(vi) Spillway Gates : 2 numbers, 50 feet wide and 30 feet high. The design shall provide for water to spillover the top of the spillway gates if the gates are not opened in time.

provision of the Treaty.
(vii) Level of Power Intakes: The centre line of the penstocks at the intake to be not lower than 27.5 feet below the full pondage level.

(viii) Outlet Works: Six numbers with sill level not below EL 1365 feet. These shall be permanently closed with concrete plugs within one year of the date of the first filling of the reservoir up to the Full Pondage Level or within three years of the date of the first filling of the reservoir up to the crest of the spillway, whichever is earlier. The Dead Storage shall not be depleted except in an unforeseen emergency endangering the safety of the earth of the concrete dams. In that event, India shall give immediate information to the Government of Pakistan of the nature of the emergency and may simultaneously undertake such action as may be necessary. In case of the removal of concrete plugs becomes necessary, India shall hold immediate consultations with the Representatives of the Pakistan Government including site inspection of the plant.

ARTICLE 2

India shall not make any further alterations in the features of the design of the Plant specified in article I above except by mutual agreement.

ARTICLE 3

Any question which arises between the Parties concerning the interpretation of application of this Agreement or the existence of any fact which, if established, might constitute a breach of this Agreement shall be dealt with under the provisions of Article IX of the Treaty.

ARTICLE 4

Matters not expressly provided for in this Agreement shall be governed by the
ARTICLE 5

The terms used in this Agreement shall have the same meanings as in the Treaty.

ARTICLE 6

This agreement shall come into force upon signature.

Done in duplicate in the Hindi, Urdu and English languages at New Delhi on this Fourteenth day of April, 1978. All the texts will be equally authentic, however, in case of doubt, the English text will prevail.

Sd/-
(Agha Shahi)
Adviser on Foreign Affairs
For the Government of the
Islamic Republic of Pakistan

Sd/-
(A.B. Vajpayee)
Minister of External Affairs
for the Government of the
Republic of India

2523. Statement to the Press by Pakistan Advisor on Foreign Affairs Agha Shahi after signing the Salal Dam Agreement.

New Delhi, April 14, 1978.

We have just signed an agreement of major importance to the two countries. It has taken us eight long years of difficult negotiations, marked by recurrent setbacks to arrive at a compromise which while ensuring great benefits to India, will at the same time safeguard the vital interests of Pakistan under the Indus waters Treaty of 1960.

The accord reflects the determination of the two countries to find peaceful adjustment of their essential interests. As such, it augurs well for an equitable settlement of outstanding disputes or differences.

The Heads of Government of Pakistan and India- General Zia-ul-Haq and Prime Minister Morarji Desai have made an indispensable contribution to the conclusion of the Salal agreement. It is their statesmanship, and their vision of Pakistan and India living together as good-not warring-neighbours, in permanent peace that has influenced the course of our negotiations. Foreign Minister Vajpayee’s role has been crucial to the successful outcome.
I believe that my visit, like Mr. Vajpayee’s earlier visit to Pakistan, has contributed to the further improvement of relations between Pakistan and India. Furthermore, I return to Pakistan, not unhopeful that the momentum of this process can carry us forward towards the goal of strengthening peace and security of the region in this nuclear era.

I would also like to pay a tribute to the members of the two delegations led by the Foreign Secretaries who have worked tirelessly and with a great sense of dedication and responsibility to prepare the ground for the conclusion of this agreement.

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2524. Statement of External Affairs Minister Atal Behari Vajpayee in the Lok Sabha on the Signing of the Salal Hydro–electric Project.

New Delhi, April 14, 1978.

The House will recall that the Indus Waters Treaty 1960 provided for exclusive use of three eastern rivers (Sutlej, Ravi and Beas) to India while Pakistan was allowed the exclusive use of waters of the three western rivers (Chenab, Jhelum and Indus). Exclusive use meant that except for some limited uses for domestic and agricultural purposes, the waters of the western rivers could not be utilized except for non-consumptive purposes such as the generation of hydro-electric power. However, under the Treaty, Pakistan, as a lower riparian, was entitled to study the design and raise objections on the grounds that the design did not, in their opinion, conform to the criteria laid down in the Treaty.

The Salal Hydro-electric Project on the Chenab in the state of Jammu and Kashmir was planned by the Central Water and Power Commission which, when completed, will generate 345 megawatts of power and provide significant increase in the availability of power for the State of Jammu and Kashmir and other States of the Northern Region. The designs were first sent to the Pakistan Commissioner for Indus Waters in 1970. Pakistan raised various objections to the design and urged in brief that the design was not in accordance with the provisions of the Treaty. It was also suggested that it would give India the capacity to manipulate the flows of the river which may cause harm to Pakistan. As a consequence, discussions had been going on in the Permanent Indus Commission since 1974 and were continued at the Foreign Secretary’s level since 1975.
These discussions did not resolve the difference, and as a result, at one stage, it was being discussed that the question might be referred, under the provisions of the Treaty, to a neutral expert. However, following the agreement for the restoration of diplomatic relations and other severed links and in keeping with the understanding reached in the Simla Agreement of 1972, we took the initiative to invite Pakistan to resume bilateral negotiations to resolve this problem. Pakistan agreed to the suggestion and two rounds of discussions were held at the Foreign Secretaries level in October 1976 at New Delhi and Islamabad. These negotiations succeeded in narrowing the differences and a broad understanding was reached on the points at issue pertaining to the design. However no agreement could be finalised.

VISIT TO ISLAMABAD

When I went to Islamabad in February this year, the Pakistan Government indicated their willingness to resume the negotiations on the Salal Plant. I am glad to report to the House that as a result of the present discussions it has been possible to reach and sign an agreement on the design of the Salal Hydro Electric Plant today. In terms of this Agreement, the height of the spillway gates shall be 30 feet and all the sluices shall be closed within one year of the date of first filling of the reservoir up to the full pondage level or within three years of the date of the first filling of the reservoir up to the crest of the spillway, whichever is earlier. Adequate provision has been made to meet any unforeseen emergency if the safety of the plant might be endangered. In essential respects, the specifications of the design are the same as were informally agreed in Islamabad in October 1976.

Thus, an important and most difficult problem which has been bedeviling relations between the two countries has been resolved to the satisfaction of both the countries.

The discussions were held in an atmosphere of understanding and cordiality which reflected a desire to foster friendly and good neighbourly relations on the basis of sovereign equality and mutual benefit in order to usher in an era of cooperation and confidence between the two countries.

INHERITED OBLIGATIONS

The Agreement once again demonstrates that the Janata Government respects inherited obligations and seeks to build with greater vigour cooperative relations with our immediate neighbours. We hope this Agreement will be a significant step to consolidate and to reinforce these policies and to make our subcontinent an area of stability and thus enable the nations of the region to optimize their natural resources and spur their development and promote the well-being of the people in the countries of the region.

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2525. **Aide Memoire from Embassy of India in Pakistan to the Pakistan Ministry of Foreign Affairs.**

**Islamabad, July 21, 1986.**

**Aide Memoire**

The Governments of India and Pakistan have been engaged in government-level talks on Tulbal Navigation Project in terms of Article VIII of Indus Waters Treaty 1960. The first round of government-level talks was held in Islamabad on 4-5 October 1987. Since then these government-level talks have been held alternatively in New Delhi and Islamabad. The last round of these talks was the fifth one of the series and was held in Islamabad from 24-27 May 1988.

The Government of Pakistan had requested that construction on the project be suspended while government level talks with a view to reaching an amicable bilateral settlement were continuing. As a gesture of goodwill, good neighbourliness, cooperation, and in order to facilitate an early settlement, on a bilateral basis, Government of India, without prejudice to their rights and obligations under the Treaty, had agreed in October 1987, to suspend construction activities on the control structure for a period of three months. This was subsequently extended twice for further periods of three months each, on Pakistan's, specific requests. It was the hope and expectation of the Government of India that it would be possible to reach an amicable bilateral settlement during this period.

Even though the period of suspension of work agreed to by the Government of India had been only up to 2 June 1988, Government of India have refrained from resuming construction activity over the last seven weeks, i.e. ever since the last round of talks in Islamabad in May 1988, in the hope of receiving some positive indication from Government of Pakistan about a settlement. The Government of Pakistan would appreciate that it would be difficult for Government of India to continue with an indefinite suspension of work of the project particularly in the absence of tangible indication of Pakistan's desire to reach an amicable bilateral settlement.

The Government of India, at their highest level are to consider this matter within the next few days. It would help, prior to that date, if Government of India could receive from the Government of Pakistan some indication of their position in regard to reaching an amicable bilateral settlement on this issue.

**Islamabad July 21, 1988**
Letter from Ambassador of India in Pakistan S.K. Singh to Foreign Secretary A.P. Venkateswaran enclosing an Aide Memoire from the Government of Pakistan.

Islamabad, September 28, 1986.

Ambassador of India
Islamabad

No.ISL/Amb/277/86 28 September,1986

My dear Foreign Secretary,

Please refer to your telegram No.34446 of September 24, regarding Tulbal Navigation Project being constructed by India on the river Jhelum main.

2. I enclose herewith copy of an Aide Memoire which was handed over to me by Foreign Secretary Abdul Sattar today when he called me to the Foreign Office. He wanted me to read this Aide Memoire first before he made oral comments and explanations. I told him that even before reading this I wanted to make some comments of my own on how their politicisation of a technical matter like this has appeared to us. I said that this matter had been under discussion between the Pakistani and Indian Commissioners for Indus Water for several months now. I told him that the data requested by the Pakistan Commissioner had been supplied even though no data was required to be supplied under the Treaty in a matter like this. Also that the Pakistani engineers had been enabled to visit the area in May 1986. In a situation like this, we were surprised, sadly surprised, to note that this matter was considered worthy of the attention by their Cabinet and the press briefed in exaggerated detail immediately thereafter on 23 September. Thereafter, the next day i.e. 24 September the Foreign Secretary himself, as Foreign Office spokesman gave a detailed and lengthy briefing to the international media representatives here plus Pakistani press (Indian media representatives were excluded).

3. And now, he was giving me this Aide Memoire which again is bound to be shared by them with the press. I told him that this, in my view, was no way of handling bilateral technical, engineering problems governed by a bilateral treaty; a treaty that has served both our countries well for more than a quarter of a century.

4. Thereafter I read the Aide Memoire and said that I notice the terms ‘… Pakistan taking a serious view’ ‘Pakistan protesting’ etc. in this document, I am sure they would go to town with this in their press. I said one could not avoid getting the impression that the effort is to focus attention on yet another dispute concerning even a technical matter related to the soil and water of Kashmir.
5. My comments put Sattar quite a bit on the defensive. Before making the following points, he said that he had decided to start calling the PTI man in Islamabad to all his briefings!

(i) that they should have been provided information at least 6 months in advance of the physical undertaking of the storage works.

(ii) That when they asked for data, it was not provided in 1985. They were given a three line reply.

(iii) That their fear is that India is going ahead constructing a barrage which will be 439 feet in length and that they will try later on to present this as a fait accompli.

(iv) That it is their hope that the issue will be settled between the technical experts. If it cannot be then the rest of the machinery for resolving differences e.g. inter-Governmental negotiations will have to be undertaken.

6. I should be grateful for instructions. However, it may be best to keep on handling this matter on the technical level. We must not respond point by point, or copiously, to Pakistan. Perhaps, an element of lofty disdain is in order.

Yours sincerely,

(S.K. Singh)

Shri A.P. Venkateswaran,
Foreign Secretary,
Ministry of External Affairs,
New Delhi.

Copy to:
Shri Ramaswamy Iyer,
Secretary,
Ministry of Water Resources,
Lodi Road, New Delhi

Aide Memoire from the Government of Pakistan

Under the provisions of the Indus Waters Treaty, 1960 between India and Pakistan, all the waters of the three Western Rivers i.e. the Indus, the Jhelum and the Chenab have been allocated to Pakistan for its unrestricted use. Article III (4) of the Treaty states that “Except as provided in Annexures D and E, India shall not store any water of, or construct any storage work on, the Western
Rivers”. The permitted storage and uses of waters, which are an exception to the “unrestricted use” by Pakistan, are subject to the limits of Annexures D and E. Furthermore the provisions of Annexure E bind India to supply specified information at least 6 months in advance of the physical undertaking of storage works, and Pakistan has the right to object to the works on the ground that their design does not conform to the criteria laid down in the Annexure.

2. The Government of Pakistan has learnt that India has commenced work on the construction of a barrage on the Jhelum Main (Wullar Lake) in the area of the Indian held Jammu and Kashmir. The foundation of navigation lock, under sluices and adjoining bay of the barrage, had already been reportedly excavated.

3. The Pakistani Commissioner for Indus Waters had, at a number of times, conveyed Pakistan’s serious concern about the proposed barrage to his counterpart in India and sought details of the Project. The Indian Commissioner employed dilatory tactics and supplied partial and inadequate information only recently.

4. The Project, as now known to the Government of Pakistan, is expected to comprise of a barrage 439-feet in length located at the out-fall of Wullar Lake with a gated weir, under sluices and a 12 meter wide navigation lock.

5. The construction of this Project is in violation of Article III (4) of the Treaty as it far exceeds the limits of Annexure E. Pakistan was also not informed, again in violation of the Treaty provisions six months in advance of the commencement of works.

6. Strict observance of the Indus Waters Treaty is obviously indispensable to ensuring protection of the rights of the parties under the Treaty. The Government of Pakistan takes a serious view of the non-supply of the complete information in respect of the barrage being built by India on the Jhelum Main in clear violation of the provisions of the Treaty. The Government of Pakistan protest at this breach of Treaty obligations by India.

7. Article IX of the Treaty contains a self-executing procedure for resolving differences and disputes which arise between the parties concerning the interpretation or application of the Treaty. It is to be hoped that the matter will be resolved expeditiously, precluding prejudice to Pakistan’s interests due to delay in the settlement of the problem.

8. The Government of India is also urged, as a first step in that direction, to stop forthwith all construction work on the barrage in question. This would be in keeping with the mutual desire to promote good-neighbourly relations between the two States.

Islamabad,
28 September, 1986.

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2527. **Statement by Pakistan Minister of State for Foreign Affairs Zain Noorani in the National Assembly.**

**Islamabad, September 30, 1986.**

The National Assembly was informed on September 30 by the Minister of State for Foreign Affairs, Mr. Zain Noorani, that the construction of a barrage on the Jhelum river at the mouth of Wullar lake in Kashmir would entail a grave breach of the Indus Water Treaty.

Speaking on an adjournment motion sought to be moved by Mumtaz Ahmad Tarar, Mr. Zain said, the Pakistan Government will take effective measures in accordance with the provisions of the Treaty to prevent any detriment to Pakistan’s rights.

He declared that under the Treaty, India is not allowed even to store waters of the western rivers or construct any storage work on them.

He said the Pakistan Commissioner for Indus Waters has taken appropriate action under the Indus Treaty and the question has now to be resolved under the relevant provisions of the Treaty. If the Indus Commission does not reach a settlement, the Pakistan Government can take up the matter with the Indian Government to resolve the dispute by agreement, he added.

The treaty, he said provides also for the establishment of a court of arbitration for resolving a dispute not settled by agreement between the parties.

He said the question should be settled without delay as the Pakistan Government cannot resort to dilatory tactics for the creation of a *fait accompli*. Therefore, the government attaches great importance to an expeditious resolution of the question.

The Federal Cabinet, he said, has already given exhaustive consideration to this matter and taken serious note of the Indian plan. Pakistan’s official concern has already been conveyed to India expressing the hope that the matter would be resolved expeditiously precluding prejudice to Pakistan’s interests due to delay in the settlement of the problem.

As a first step in that direction Pakistan has called upon India to stop forthwith all construction work on the barrage.

He further said the two countries should implicitly honour the commitments under the Indus Treaty which has served the two countries well and contributed to the promotion of trust.
2528. Press Release issued by Embassy of India on Tulbul Navigation Project.

Islamabad, October 1, 1986.

The Indus water treaty concluded by Pakistan and India in 1960 has stood the test of time and served the two countries well. The Minister of State for Foreign Affairs of Pakistan, H.E. Mr. Zain Noorani is right in saying that this treaty is an elaborate and comprehensive document. It has been effective. And it has worked satisfactorily and contributed to promoting cooperation and goodwill between the two signatories.

2. There is no reason why this happy state of affairs should not continue. The Pakistani and Indian Commissioners for Indus waters have by now had more than a quarter of a century of experience in implementing the provisions of the treaty.

3. Against this background, it is regrettable that a comparatively small matter, concerning the Tulbul navigation project on the river Jhelum main, designed to permit round the year navigation in the Wullar Lake, which has been under discussion between the two commissioners should through this publicity be built up as an issue in Indo-Pak bilateral relations. It is noteworthy that the technical level discussions in this context are continuing; and have been conducted by the two sides in a spirit of cooperation and mutual understanding.

4. The fact that discussions are continuing has been emphasized in the press reports flowing from the official briefings given by the spokesman of the Cabinet on September 23, and of the Foreign Office on September 24, 1986. The statement made in the National Assembly by the Minister of State for Foreign Affairs on 30 September, further confirms this. In all these reports it is acknowledged that the technical level discussions between the two commissioners are yet to be concluded. These are indeed continuing. The Minister of State has informed the National Assembly also that there are available, under the provisions of the Indus Water Treaty, other methods of ironing out differences in case discussions in the Indus Commission fail to resolve this issue.

5. What all these briefings, statements and press reports do not clarify is why at this intermediate stage of bilateral discussions, the Pakistani side has deemed it appropriate or necessary to focus high wattage publicity on this technical matter.

6. Also these various statements etc. do not clarify that the bulk of the data which was requested by the Pakistan Commissioner for Indus water has already
been supplied to him. In addition to supplying the required data, as a gesture of goodwill, and with a view to consolidating the spirit of cooperation which has been maintained in the implementation of the Indus Water Treaty, a Pakistani team was invited and did visit the project in May 1986.

7. It deserves to be mentioned that during the course of discussions the two sides have also given consideration to those aspects of this project which through regulating the depletion of the lake, maintaining the possibility of year-round navigation, would benefit Pakistan, through increasing the lean season flows in the Jhelum, obviating spills from the Mangla dam and making waters available at a later stage.

8. The above facts, which have not been mentioned hither-to deserve to be known.

9. It is India’s considered view that it does not serve any useful purpose, at this stage, to start a public debate, through the media, of technical issues presently under discussion in the technical forum prescribed under the treaty.

Islamabad, October 1, 1986.

Ambassador S.K. Singh addressing a Press conference at the Indian Embassy in Islamabad, regretted that the Pakistan government had tried to propagandise a “minor point” into a major controversy when talks were still continuing at technical level within the framework of the treaty “in a spirit of co-operation and understanding.” He failed to understand why “the Pakistani side deemed it necessary to focus high voltage publicity on this technical matter.”

As had been stated by the Minister of State for Foreign Affairs, Mr. Zain Noorani in the National Assembly, the Ambassador said the treaty signed in 1960 was an elaborate and comprehensive document. “It had been effective, and it had worked satisfactorily and contributed to promoting co-operation and goodwill between the two signatories,” he added. He, therefore, saw no reason why this happy state of affairs should not continue. It was not fair to blow up the matter to excite the minds of Pakistani people as if “something terrible was happening,” he added.

Giving details of the works, the Ambassador said it was designed to permit round-the-year navigation in the Wullar Lake which had been under discussion between the two Commissioners.
During the course of discussion, he added, the two sides had also given consideration to those aspects of the project which, through regulating the depletion of the lake and maintaining the possibility of year-round navigation, would benefit Pakistan by increasing the lean season flows in the Jhelum, obviating spills from the Mangla dam, and making water available at a later stage.

A newsman pointed out that Pakistan had expressed the apprehension that the Indian government was using delaying tactics so that it might be presented with a *fait accompli* after the project was completed.

"Has it happened so far?" Mr. Singh asked.

In reply to a question, he said that he did not know when the excavations started for construction of the project. "I don’t have precise information.” “These probably, started six or seven months before the Indus Treaty Commissioners visit in May”, he added.

The water in the Jhelum would be stored and released in lean period. So there would be no denial of water to Pakistan.

The Pakistan government had stated that the water to be impounded under the project would be used for irrigation and power generation. The Indian Ambassador replied that this was not the case.

He told a questioner that his government would reply to Pakistan's protest in a manner conducive to continuance of talks in due course of time. The two neighbours had never rejected each other's protests so far as he could remember. In the last 26 years there had been many problems including the Salal Dam project which had been resolved. There was no reason why the matter of Wullar Lake project could not be resolved, Mr. Singh added.

That discussions were continuing had been emphasized in the Press reports flowing from the official briefings by the Pakistani authorities. The Minister of State had informed the National Assembly that under the treaty, other methods of ironing out differences were available in case discussions in the Indus Commissioner failed to resolve the issue. The talks were still in the first phase.

The Commissioners of Pakistan and India, accompanied by secretaries of the relevant ministries, had discussed the project as recently as the first week of September, he disclosed.

These various statements, Mr. Singh went on to state, did not clarify that the bulk of the data requested by the Pakistan Commissioner had already been supplied to him. "As a gesture of goodwill and with a view to consolidating the spirit of cooperation which has been maintained in the implementation of the treaty, a Pakistan team was invited and did visit the project in May last."
2530. Media Briefing by the Official Spokesman of Pakistan Ministry of Foreign Affairs

Islamabad, October 1, 1986.

A Pakistan Foreign Office spokesman told newsmen in Islamabad on October 1 that the Pakistan government had asked the Indian government that if it proceeded with the construction of barrage in the present shape, it would present Pakistan with a fait accompli. “We want to avoid this situation by urging India to start talks at the commissioner level to resolve the issue without any delay,” he said.

He said the treaty was comprehensive, elaborate and precise and contained self operating mechanism for resolving a dispute between the two countries. There were different stages in the treaty for settling a dispute. First, he explained the matter was to be discussed at technical level involving commissioners on both the sides. If they failed to arrive at a settlement, it was to be referred to the governments for taking up at political level.

In the event of a failure to resolve the issue at governmental level it would be sent for arbitration, he said.

The spokesman pointed out that Pakistan had been able to establish the existence of a question which was important for moving further in the matter. He said the Pakistan commissioner of the Indus Waters Treaty had approached its Indian counterpart for a meeting but the other side had not so far given any response.

Pakistan, he said, could not acquiesce to India’s bid to go ahead with the construction of such a barrage which would affect uninterrupted and natural flow of water downstream to which Pakistan had exclusive right under the treaty.

India under the treaty, he said, was obliged to provide any information regarding undertaking of any plan upstream without delay. But in this case, it took them a lot of time to provide Pakistan design information of the project. It was supplied to us in last spring while the matter was taken up a year earlier as it came to our notice, he said.

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2531. Aide Memoire from the Embassy of India in Pakistan to Pakistan Ministry of Foreign Affairs.

Islamabad, November 11, 1986.

In its Aide Memoire dated 28th September 1986, which was handed over on that date by the Pakistan Foreign Secretary to the Indian Ambassador, the Government of Pakistan have alleged that the Tulbal Navigation Project, reportedly under construction, is in violation of Article III (4) of Indus Waters Treaty 1960 and have urged immediate cessation of all construction work on the Project. They have also complained about non-supply of complete information in advance of the commencement of the work under the provision of Annexure E to the Treaty and that the Indian Commissioner employed dilatory tactics and supplied partial and inadequate information only recently.

2. The allegations made by Pakistan in the above mentioned Aide Memoire have been carefully examined and are found to be totally unjustified and are denied. Pakistan’s allegations presume that India was bound to supply information in advance and did so belatedly, whereas it was in fact necessary to examine whether advance information was obligatory and whether there was any violation of the Treaty as alleged. Examination of these issues necessarily took some time and this did not constitute any delay on the part of the Indian Commissioner. The Indian Commissioner responded to Pakistan Commissioner’s requests for information with reasonable promptness and readiness and in a spirit of good will and cooperation. He informed the Pakistan Commissioner that the Tulbal Navigation Project had been taken up to improve the navigation of the Jhelum river and that, as this Project was not a storage work, provisions of Annexure E were not attracted; however, he made available the important salient features of the Project and drawings in a spirit of good will and cooperation. The Pakistan Commissioner wanted to visit the Project and this was readily arranged by India and the Project was visited. It is, therefore, not understood why Pakistan had said that they had ‘learnt’ that the work on Tulbal Navigation Project had been commenced and that foundation had been reportedly excavated. After the visit to the Project the Pakistan Commissioner gave a list of further data prepared in his own handwriting and practically all of this was also supplied by the Indian Commissioner. The matter was discussed in the Commission in May 1986 when the Indian Commissioner handed to the Pakistan Commissioner a copy of the note covering the scope of the Project and India’s views. It was again discussed in the Commission meeting held in July-August 1986 when the two Commissioners agreed to hold the next meeting in December 1986 and take up the matter under Article IX(i) of the Treaty at the next meeting.
3. In a nutshell the Tulbal Navigation Project is purely a control structure meant for improving the navigability of the Jhelum river. A natural storage is already available in the Wular Lake and this structure will neither contribute to raising the water level in the Wular Lake nor involve any consumptive use of the waters. The Tulbal Navigation Project is not a storage work and as such provisions of Article III (4) are not violated, and the limits of the Annexure E do not apply. Accordingly, India was not bound to communicate, in advance, the information specified in that Annexure, which is meant for storage works. Nevertheless all the information required by the Pakistan Commissioner was supplied as a gesture of good will and cooperation and a visit to the Project was readily arranged on the request of the Pakistan Commissioner.

4. Since the Tulbal Navigation Project is in complete conformity with the Indus Water Treaty 1960, there is no call for considering the stoppage of work on the Project.

5. As Pakistan’s Aide Memoire itself points out, the Treaty contains a self-executing procedure for resolving differences and disputes which arise between the Parties concerning the interpretation or application of the Treaty. The issue relating to Tulbal Navigation Project has been taken up by the two Commissioners under Article IX (1) of the Treaty. The procedure laid down under this Article can be followed. Alternatively, the matter can also be taken up by either Government directly with the other Government under Article VIII(1). It is therefore, regrettable that instead of following the procedures laid down in the Treaty, Pakistan has seen fit to mount a veritable publicity campaign in the matter made up of slanderous and unfounded charges against India. The Government of India is deeply concerned at this step of Pakistan, which has not only given yet another setback to the normalization process between the two countries but is also quite unwarranted and indeed against the spirit of the Indus Waters Treaty 1960 as the issue is still under discussion within its framework. Further, there is no prejudice to Pakistan’s interests from this Project. On the contrary, Pakistan would stand to benefit from this Project. The Government of India sincerely hopes that the Government of Pakistan would adopt a more constructive approach so that such technical issues can be resolved in the relevant technical fora.

Islamabad.
11th November 1986.

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2532. Minutes of the India-Pakistan Secretary-Level talks on Tulbal Navigation Project held at Islamabad from 22nd to 25th February, 1988.

The eight—member Indian delegation was led by Shri Naresh Chandra, Secretary (Water Resources) and the eleven member Pakistan Delegation was led by Mr. Abdur Rahim Mashud, Secretary, Ministry of water and Power. The members of the two delegations were:

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<th>India</th>
<th>Pakistan</th>
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<tr>
<td>1. Shri Vir Amar Parkash</td>
<td>1. Maj. Gen. Agha Manzoor Rauf,</td>
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<tr>
<td>Member (P&amp;P),</td>
<td>Additional Secretary,</td>
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<td>Central Water Commission</td>
<td>Ministry of Water &amp; Power</td>
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<td>&amp; Addl. Secretary ex-officio</td>
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<td>2. Shri M.S. Rao</td>
<td>2. Mr. S. A. Nizami</td>
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<td>Commissioner for Indus Waters</td>
<td>Additional Secretary</td>
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<td>Ministry of Law</td>
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<td>3. Shri K.S. Sharma,</td>
<td>3. Mr. Abdul Rahim,</td>
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<td>O.S.D. (Indus)</td>
<td>Pakistan Commissioner for</td>
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<td>Indus Waters</td>
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<td>4. Dr. P. S. Rao</td>
<td>4. Mr. T.R. Ghouri,</td>
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<td>Director (Legal &amp; Treaties Division)</td>
<td>Chief Engineer, WAPDA.</td>
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<td>Ministry of External Affairs.</td>
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<td>5. Shri Ashok Kanth,</td>
<td>5. Mr. Aziz Ahmad Khan,</td>
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<td>Deputy Secretary (AP)</td>
<td>Director General,</td>
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<td>Ministry of External Affairs</td>
<td>Foreign Affairs.</td>
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<td>6. Shri V.V.R.K. Rao,</td>
<td>6. Dr. Younis Khan,</td>
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<td>Director (HEP)</td>
<td>Director WAPDA</td>
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<td>Central Electricity Authority</td>
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<td>7. Shri N. Suryanarayanan,</td>
<td>7. Mr. M.H. Siddiqui,</td>
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<td>Director (BCD-I)</td>
<td>Director, Indus Waters Treaty</td>
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<td>Central Water Commission</td>
<td>and Regulation, Irrigation and Power</td>
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<td>Deptt. Govt. of Punjab</td>
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<td>8. Shri T.C.A. Rangachari</td>
<td>8. Mr. Muhammad Anwar,</td>
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<tr>
<td>Counsellor (P&amp;E),</td>
<td>Assistant Commissioner for</td>
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<td>Embassy of India</td>
<td>Indus Waters.</td>
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<td>Islamabad.</td>
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10. Syed Habib-ur-Rehman, formerly Pakistan Commissioner for Indus Waters.

2. Two new members were added to the Pakistan Delegation at Sl. Nos 9 and 10 above. These new members were formerly Pakistan Commissioners for Indus waters. Mr. Khalilur-Rahman held the post for nine years from 1964 to 1973 whereas Syed Habib-ur-Rehman held this post for about 13 years from 1973 to 1986. The treaty came into effect in 1961 and thus, in 27 years of the life of the Treaty, these two officers remained as Pakistan Commissioner for Indus water for almost 22 years.

**Brief Account of discussions (on 23.2.1988)**

3. After exchange of pleasantries, Secretary (Water Resources) recalled that good ground had already been covered during the last two rounds of Secretary-level talks. The only significant event which took place after the two rounds of Government-level talks was the technical discussions at the level of the two Commissioners held at Lahore at the end of January 1988. India had also supplied to Pakistan the studies for the Tulbal Navigation Project based on the historical data for 10 years 1975-76 to 1984-85. It would be better for both the sides if the two commissioners could tell us the areas covered by them and the outcome of the discussions.

4.1 The Indian Commissioner for Indus Waters recalled that during the second round of Secretary-level talks (held from 10th to 14th November, 1987) it was decided that India would supply the studies for 10 years during November, 1987 itself and Pakistan was to send its comments within 10 days after receipt of Indian study. Thereafter, the Commissioners were to meet for discussions at the technical level. India supplied the studies on 25.11.87; but till today Pakistan's comments on the studies supplied by India had not been received. Mr. Abdul Rahim had been telling that they would require some more time. However when contacted on telephone, the Pakistan Commissioner said that they would give their reactions at the time of technical discussions at Lahore from 29.1.1988 to 1.2.1988. After these discussions, the Pakistan Commissioner gave the Indian Commissioner a rough study for only a period of 10 months (from May 1981 to February 1982) regarding the effect of Tulbal Navigation...
Project on supplies reaching Mangla Dam. The Pakistan Commissioner also gave a stage-capacity curve for Mangla reservoir for the pre-1985 and post-1985 periods. The Pakistan Commissioner was given the study for the 10th year 1984-85.

4.2 During the technical discussions the Pakistan Commissioner broadly raised the following points:–

1. *The full operating level of 5177.90 ft. assumed in the design of Tulbal Navigation Project was not the dominant level and was on the high side.*

   It was explained by us that the Project was formulated in 1981 and that the Wular Lake did achieve a dominant level of 5177.90 ft. A statement was given to Pakistan Commissioner in support of this conclusion.

2. *The Tulbal Project would have adverse impact not only on Mangla and the proposed Kohala and Abbasiya Projects in Pakistan but also on lower Jhelum and the proposed Uri Hydel Project in India.*

   It was explained by us that initially there could be some impact but ultimately the operation of the Tulbal Project would firm up power generation at Mangla as well as at Kohala and Abbasiya. Further, the fluctuations, if any, would be only on the side and would be evened out by the large valley storage on a length of 240 Km up to Mangla.

3. *India had kept the minimum operating level of 5167.00 ft but it had the capability of going below this level.*

   It was explained by us that in order to keep the channel navigable towards the side the lock is located, it would be desirable to operate only the overflow portion No.1 and as such the minimum operating level of 5167 ft. was ok. In any case, the additional capacity up to the level it would go, would only be 1300 acre feet or so.

4. *India did not earlier indicate that the design of the project was based on 12-hour release of 4000 cusec in a day. All along it was indicated that 4000 cusec would be run in the outfall channel for 24 hours a day.*

   It was explained by us that the 12 hours operation was based on the 1981 project itself and was not a recent change.

4.3 The Indian Commissioner, requested that Pakistan should now give their response to our 10 year study already supplied to Pakistan.

5. The Pakistan Commissioner stated that stage-area and stage-capacity curve of Mangla had already been supplied to India on 1.2.1988 and India
could itself work out the impact of the Wular Barrage on the supplies reaching at Kohala. The missing data regarding Mangla Project had also been supplied.

6. The Indian Commissioner explained that immediately after the technical discussions, the Pakistan Commissioner was informed that India did not have the inflow or the outflow data at Mangla Dam on which Pakistan’s study for one year (1981-82) handed over on 1.2.1988, was based. This data had not yet been supplied. However assuming the Kohala discharges as inflow into the Mangla, we have made an assessment that Tulbal Project would be beneficial to Pakistan also.

[Later this point was discussed with the Pakistan Commissioner and WAPDA Officials and it was agreed to by them that inflow or the outflow data of Mangla Dam was not available with India and would have to be supplied to India within a week or 10 days.]

7. Pakistan Secretary (Water and Power) stated that he did agree to the supplying of study for only 10 years by India, but he had also suggested for the study for the post-Mangla period from 1967-87 i.e. for 20 years. According to him it was not possible to draw conclusions based on data for such a short period. The conclusions based on longer data could be entirely different. If only 50% data is supplied, the probability would only be 50%. He further stated that his boys were reluctant to undertake the study unless full 20 years' study for 1967-87 was supplied by India. According to him, the operation of Mangla and Wular Barrage had to be simulated and the data to be made available by India had to be superimposed on Mangla. This was necessary because as stated by him earlier that the Mangla spilled in 13 out of 20 years (In fact Mangla spills in 12 out of 16 years).

8. The Pakistan Secretary also brought out that 12 hours operation in a day was not informed earlier by India. Such an operation would have effects on Mangla and other projects lower down. Further, with the 12 hours operation how much time the water would take to travel; this study was also required to be done by India.

9. The Pakistan Secretary again reminded for supply of the Tulbal Project report. If India could supply the project report, Pakistan could superimpose the data in Mangla. No Project was based on 10 years data. In hydrology, data of 50 to 100 years was considered the minimum.

10. The Pakistan Secretary further said that a non-technical person had suggested that India could achieve the same objective by constructing 10-12’ high ungated weir at Baramulla without infringing the Treaty. The slopes in the reach, Wular to Baramulla, are very gradual as the velocity of 3. km. per hour
(as given by the Indian Commissioner) indicated. Earlier a number of alternatives like series of barrages, flat bottom barges etc. were discussed but such a simple proposal as suggested by a non-technical person never occurred either to India or to Pakistan. The Pakistan Secretary recalled his opening remarks at the first round of Secretary-level talks when he mentioned that sanctity of the Treaty was of paramount importance and the less it was interfered with, the better it would be. Any interference with the Treaty had to be avoided. This alternative would not interfere with the Treaty and should be examined by India. Below Baramulla, there were rapids and no navigation was possible.

11. The Indian Secretary (Water Resources) stated that the question was of time. The time was the essence of the matter. The matter had been put to the CCPA and it was with great difficulty that the CCPA agreed to suspension of the work for a limited period. Lot of objections were being received from the state Government also who were executing this project. It would be difficult for India to go in for an open ended discussion. After the last meeting in Delhi in November, 1987, the two Commissioners were still finalizing the data.

12. Coming to supply of data for a longer series, the Secretary (Water Resources) Stated that he had no objection for consideration of data of 50 or 100 years, but that would depend on the size of the project. This kind of a small project for control structure could be described as a peanut compared to large multi-purpose projects. He had no hesitation to go into as many details as were necessary. Also lots of refinements could be done. But for the present, in his opinion, some broad conclusions could be reached even on the basis of studies for 10 years already supplied by India. It was required at this stage only to see whether this project was advantageous to Pakistan or disadvantageous. It was not necessary to exactly measure these with general accuracy at this stage. If it was assessed that this project was of material disadvantage to Pakistan then it would not be processed within its present shape. It should be seen whether it was causing disturbances which would prejudice the interests of Pakistan over the years. This was the point on which a conclusion should be reached within the time-frame.

13. Regarding the 12 hour operation, the Indian Commissioner reiterated that 12-hour operation was nothing new but already provided for in the 1981 project planning itself.

14. As regards the Project Report the Secretary (Water Resources) stated that, besides, the concurrence of the State Government of J&K, concurrence of a number of ministries was also required. Efforts were being made to obtain their concurrence. According to the practice in India, Project Reports of one State could be given to the other state only after the concurrence of the owner. Nevertheless, Secretary (Water Resource) stated that this project, being a
Transport Project, the Report mainly discussed the road transport versus river transport etc. Much more data than was contained in the Project Report had already been supplied by India.

15. Referring to the alternative of a weir at Baramulla, Secretary (Water Resources) stated that this alternative must have been considered, but still he would get it examined again. The Indian side also explained that because of heavy silt and debris being brought down by Pohru and other tributaries joining the Jhelum below the Wular Lake such a proposal was not practicable. Further, this proposal would require substantial raising of banks of the river in a length of about 20 Kms. which besides being very costly would require acquisition of land which would be very difficult. The Tullbal Navigation Project, besides improving the draft in the channel below it, would also improve the draft upstream of the Wular also. Further, already huge expenditure (Rs.15-20 crores) had already been incurred on the Tullbal Project.

16. Reacting on the point of 12-hours operation the Indian Commissioner stated that with a velocity of about 3 Km/ hour it would take about 6 hours for the water to travel between the Project and Baramulla to build up the required draft and the flotillas could be used in the remaining 6 hours period and as such the 12 hours operation would be quite feasible. Further, the Mangla dam was 240 Km below the project and fluctuations, if any, would be evened out by valley storage in this long reach of the river.

17. Secretary (Water Resources), thereafter, requested that Pakistan should give their reactions on the 10 years study already supplied by India. This would indicate to us Pakistani approach in the matter.

18. Pakistan Secretary (Water & Power) reiterated that his officers were reluctant to take up the study unless complete study for 20 years (1967-87) was supplied by India.

19. Secretary (Water Resources) at this stage handed over the study for the period 1967-68 to 1974-75 and stated that this would mean a study for 18 years had been supplied by India. The study for the remaining two years would also be supplied after collecting the missing data from the state Govt, but that should not hold up Pakistan’s reactions in the matter. Pakistan should give their reaction on the 18 years study already supplied to them.

20. At this stage, the former Pakistan Commissioner for Indus waters Syed Habib-ur-Rahman was asked to give his reaction in the matter. He stated that to come to a definite conclusion it was necessary to have longer data. Why it was important to have longer data was evident from India’s own studies. The lake did not attain the level of 5178’ or so every year as claimed by India.
When queries were made, it was explained that regulation of the project would be started at different levels in different years. Sometimes, this level was achieved in April. Further queries revealed that India would operate the project only for 12 hours a day. As such, long period data was necessary as we had to sell this project to the people. We could not sell it unless we show them that it would not cause any damage to Pakistan’s interests. From the Indian side the premises had been changed and conclusions amended from time to time. No timings of operation had been indicated in the Indian studies.

21. The Pakistan Commissioner for Indus Waters (Mr. Abdul Rahim) said that besides the missing data India had also to supply the long-section and cross-section of the outfall channel. This data should be supplied now as the one supplied in the sixties was obsolete. India had also not supplied the Ningli discharges after 1986.

22. The Indian side enquired how the long-section and cross-sections of the outfall channel were relevant to the study. Further, in case these long-sections and cross-sections were not readily available it would take lot of time to carry out the required surveys.

23. Syed Habib-ur-Rahman stated that it was India’s view, that the long-section and cross-section were not relevant. Pakistan wanted to know the present discharging capacity of the outfall channel to study the effect of Tulbal Project on the supplies reaching Pakistan. The long-section and cross-section of the outfall channel were very much relevant to determine the retention time of supplies reaching Pakistan.

24. The Indian Commissioner stated that he was doubtful if the latest long-section and cross-sections were readily available and it would take time if these were to be surveyed. He, however, requested that even with 10 years study, broad conclusions could be drawn out. Now the studies for 18 years had been made available and Pakistan should give their comments expeditiously. It was also indicated that the concurrent discharges of Jhelum at Kohala and at Sopore had been examined and it was seen that there were no material differences. The changes likely to be effected by the Tulbal Project in the Sopore discharges were superimposed on the Kohala discharges for the 10 years. The position which had emerged was very happy. This showed that even with the studies for 10 years a trend could be discerned.

25. After some discussions, the following was agreed:

(1) Pakistan would supply their comments on India’s study for 18 years within a week or 10 days.
(2) ‘Pakistan would also supply the data of outflows/inflows at Mangla dam .for the period 1967-87.

(3) India would supply their study of the remaining two years 1985-86 and 1986-87 soon.

(4) India would also try to supply the long-section and cross-sections of the outfall channel, if these were readily available and without involving fresh surveys.

(5) The fourth round of Secretary-level talks will be held at New Delhi from 22nd to 24th March, 1988. It could, if considered necessary, be extended by one more day.

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2533. Statement by Pakistan Minister for Water and Power Kazi Abdul Majid Abid in Pakistan National Assembly.

Islamabad, April 17, 1988.

The National Assembly was informed on April 17 that government was fully seized of the matter regarding the construction of barrage “Tulbal Navigation Project” by India on Wullar Lake and was handling the issue seriously with caution and care.

The Pakistan government, he said, had agreed to hold negotiation on the desire of the Indian government with the pre-condition that work on the project would be stopped. The Indian government, he added, had responded, positively in this regard.

Four meetings on government-to-government basis at the Secretaries level, he said, had been held so far, two each in India and Pakistan. The fifth meeting in this connection would be held in the last week of the current month.

Explaining the Pakistan’s point of view, he said that the construction of the barrage was violation of the Indus Water Treaty. The Indian government, he said, had probably spent Rs. 180 million on the project so far.

Kazi Abid told the questioner, if the negotiations did not yield any positive result, there was a prescribed procedure under the treaty to proceed further in this matter. The Pakistan government, he said, would then have to go for arbitration in the International Court.
However, the Minister stressed that clauses of the treaty and its sanctity must be observed. Pakistan, he added, firmly held on its stand and had not shown any complacency in this regard.

2534. Statement by Pakistan Minister of Water and Power Kazi Abdul Majid Abid in the National Assembly.


The Minister for Water and Power, Kazi Abdul Majid Abid, has said that Pakistan would not allow India to deprive her of a single drop of due share of river water and for this purpose negotiations were continuing with India.

“But we have not given up other options including going in for international arbitration on the question of unilateral action of India to build up Wullar Barrage on river Jhelum,” he added, while winding up a two-hour discussion in the National Assembly on an admitted adjournment motion regarding the construction of the barrage on river Jhelum in ‘occupied’ Kashmir.

He said that the Indian Government had stopped the construction of the Wullar Barrage as the stoppal was Pakistan’s pre-condition to accept the Indian offer for bilateral negotiation.

Kazi Abdul Majid Abid said; “if we do not succeed in negotiations with India we have not given up other options available to us including going to international arbitrations provided in the Indus Basin Water Treaty.”

The Minister said that our experts were preparing sound and logical case. They had already done a good job and the report was ready for consideration by the Cabinet.

Kazi Abdul Majid said in unequivocal terms “India has violated the sacred provisions of the treaty. If it does not accept our case; we have the option of going for international arbitration”.

Dispelling the apprehensions of some of the members, Kazi Abdul Majid Abid said “the Government has not been negligent in the discharge of its duty. We will do our utmost to fight for our cause and will not allow even a drop of water to go from what is our right under the Indus Basin Treaty.

The Minister for Water and Power said “we will not allow anything that could jeopardize our right.” Any diversion of water from river Jhelum would damage our agriculture.
Kazi Abdul Majid Abid said Prime Minister Mohammad Khan Junejo's Government fully shared the concern expressed by the members during the course of the discussion in the House. We have nothing to be shy and for every drop of water "we will resist with full courage. This Government is here to perform its functions with courage, conviction and patriotism. We are an elected government and there is no disagreement on the issue under discussion".

He said "we are particular to see that the terms of the treaty are honoured".

India started the construction of the barrage without consulting Pakistan to whom she had given a solemn pledge. We made a complaint of violation and had meetings of two Commissioners of Indus Water Treaty who also inspected the site. We asked India to stop work on Wullar Barrage to which India responded by saying she was prepared to discuss the matter on Government level, he added.

Kazi Abdul Majid Abid said that the Government shall not let down the country.

He said that the matter would come up for discussion of the House Standing Committee on Water and Power on Thursday, and invited Mr. Illahi Baksh Soomro, Chairman of the All Pakistan Engineers Association, to attend the committee meeting to give his expert opinion.

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2535. Letter from Ambassador S.K. Singh to Pakistan Minister for Water & Power Kazi Abdul Majid Abid.
Islamabad, April 24, 1988.

Ambassador of India
Islamabad

No..ISL/112/1/8 24th April 1988

Excellency,

I have seen press reports of the statement you made on 18 April 1988 in National Assembly on the Tulbal Navigation Project. You are, therefore, aware that our two Governments have been engaged in Government level talks as provided for in Article 8(i) of the Indus Waters Treaty, in this matter. Four rounds of Secretary-level talks have already been held on this subject.

2. These Government-level talks commenced in October 1987. Prior to the
commencement of these talks, Government of India, in the interest of goodwill, cooperation and for creating a proper atmosphere for an amicable bilateral settlement, decided to suspend construction on the project for a period of 3 months. Subsequently, in January 1988, Government of India agreed to a request of the Government of Pakistan for a further suspension of construction activity in another 3 months. In April 1988, Government of India extended this suspension for one more month. The understanding of the Government of India was that an amicable bilateral settlement would be reached during this period.

3. In pursuance of the decision taken at the 2nd round of talks held in New Delhi in November 1987, Government of India provided technical data and regulation studies relating to the projects. Government of India also arranged for the visit of the representatives of the Government of Pakistan, including the Indus Waters Commissioners of Pakistan to visit the project site in December 1987. The Pakistan side had agreed, at that time, to provide written responses and reactions to the data supplied by India. Regrettably, these responses and reactions have not yet been communicated. We feel that it would be difficult to hold any meaningful and result-oriented discussions until Pakistan has provided their responses.

4. The 5th round of Secretary-level talks was scheduled to be held in Islamabad from 23–25 April 1988. Pakistan authorities have indicated that they are too pre-occupied with relief operations necessitated by devastation and the resultant dislocation caused by the recent tragic Ojheri Camp accident to be able to hold this meeting here until after Eid.

5. It is understandable that the Government of Pakistan are unable to hold this meeting at the present moment, in Islamabad / Rawalpindi. Indeed, we have, at the highest level, conveyed our sympathy and condolences for the loss of human life in this tragedy. In this situation, the Government of India have decided, in a spirit of friendship and goodwill, and in an effort to reach an amicable bilateral settlement in the earliest time frame possible, to invite Pakistan to send its delegation to India before the end of this month for the next round of talks as was earlier agreed upon by the two sides.

6. I look forward to receiving your Excellency’s response at the earliest convenience.

Please accept, Excellency, the assurances of my highest consideration.

(S.K. Singh)

H.E. Mr. Kazi Abdul Majid Abid,
Minister for Water and Power,
Government of the Islamic Republic
of Pakistan, Islamabad.
Letter from Secretary Ministry of Water Resources Naresh Chandra to Foreign Secretary K.P.S. Menon.


Secretary to the Government of India
Ministry of Water Resources


Dear Shri Menon,

As you are aware, we had gone to Islamabad for the fifth round of Secretary-level talks on the Tulbal Navigation Project last week. I took the opportunity to call on the new Minister for Water & Power, Mr. Wazir Ahmed Jogezai on 25th May. Shri S.K. Singh, Indian Ambassador and the Secretary, Water & Power (Pakistan) were also present.

From my discussions with the Minister and Secretary, Water & Power, Pakistan, we learn that the issue relating to the Tulbal Navigation Project and the provisions in the Indus Treaty were discussed at length by the Cabinet of the Government of Pakistan. It appears that both the former Minister of Water & Power (Mr. Kazi Abdul Majid Abid) and the Secretary, Water and Power expressed themselves strongly in favour of coming to a bilateral settlement with India. They could not, however, convince the other Members of the Cabinet to come to a decision. Accordingly, the matter was deferred and the Ministry of Water and Power, Pakistan were asked to further examine the long-term implications of condoning the alleged violation of the Treaty by India going in for a “storage project” on the main stem of Jhelum river.

Consequent on the above directions by the Cabinet, the Ministry of Water and Power, Pakistan pressed for a further suspension of work on the Tulbal Navigation Project for a period of three months. At the same time, the forthright commitment has not been given by Pakistan that this would be sufficient to work out an agreement to settle the dispute amicably. We made it clear during the discussions that it would not be possible for us to continue with the period of suspension indefinitely in view of the fact that nothing tangible has been given by the Pakistan side so far. While they have informally admitted that the Tulbal Navigation Project would not prejudice the interest of Pakistan, even going to the extent of admitting grudgingly that it would confer benefit on them in terms of additional power generation and more irrigation during the lean months, they have not expressed their views in writing in reply to the studies furnished to them by the Indian side.

During discussions with the Minister, we also explained to him that under the Indus Waters Treaty 80 per cent of the water was allocated to Pakistan and the
three eastern rivers allocated to India account for only 20 per cent of the total waters available. The so-called storage of 0.3 MAF temporarily created on the Wullar Lake is a small proportion of the 134 MAF of water flowing to Pakistan in a normal year. We emphasised the need for explaining the facts to the Members of their Senate and National Assembly in the proper perspective as also to counter misinformed press reports on the subject.

From our side we gave an indication that we would have to allow the Government of J & K to resume their work on the existing structures in order to insure them against possible damage during heavy flood in that area. It was also explained that these works are not on the Jhelum main but on one side of the river channel slightly down-stream of the Wular Lake. Technically speaking, these works do not involve any violation at all. We gave them to understand that we can accommodate their request for suspension to the extent of not permitting the State Government to start any work on the Jhelum main or at the point of out-fall from the Wular Lake to the river channel and that this should be taken as a sufficient gesture by India to continue the Secretary-level talks for arriving at an amicable bilateral settlement.

We understand that some of the officers of the Foreign Ministry Pakistan who have been taking part in the discussions are sympathetic to this view but they are not sure what the decision at the higher level would be.

We are expecting a formal communication from Pakistan any day requesting for further suspension of work on the project for another period of three months, i.e. from 2nd June 1988 to 1st Sept., 1988. We propose to reply to them on the lines indicated in the previous paragraphs.

It is felt that this matter could be raised during the talks shortly to be held at New Delhi at the level of Foreign Secretaries of India and Pakistan. In case the Pakistan Foreign Secretary could be persuaded to appreciate our point of view it might enable us to resume the work on the Tulbal Navigation Project without disruption of the talks at the level of Secretaries of Water Resources of the two countries and avoid a situation where Pakistan goes in for immediate steps to raise the matter in arbitration.

As regards the background to the case, this is contained in our last note for the CCPA dated 9th May 1988 which would be available in your Ministry.

With regards,

Yours sincerely,

(Naresh Chandra)

Shri K.P.S. Menon,
Foreign Secretary,
South Block, New Delhi.
2537. **Draft Agreement on Tulbal Barrage.**

**October 12-13, 1991.**


The Government of Islamic Republic of Pakistan and the Government of Republic of India

Desirous of promoting and strengthening friendly relations between the two countries on the basis of sovereign equality and mutual benefit.

Re-affirming their continued commitment to the Indus Water Treaty, 1960 (hereinafter referred to as the Treaty) and their sincere desire to maintain its sanctity and

Desirous of arriving at a negotiated settlement on the Wullar Navigation Project (hereinafter referred to as the Project) on the Jhelum.

Have, in accordance with the provision of the Treaty, agreed as follows.

**Article 1**

The salient features of the Project shall conform to the features as laid down in the Annexure to this Agreement.

**Article 2**

India agrees to keep 6.2m of the structure as ungated with a credit level at EL1574.90 m (5167 ft).

**Article 3**

India shall not make any alteration in the salient features of the Project specified in Article 1 and 2 above except by mutual agreement between India and Pakistan.

**Article 4**

India shall forego a General Storage Capacity of 0.30 million acre-feet out of the provision permitted to it on the Jhelum (excluding the Jhelum Main) under Item (b) Paragraph 7 of Annexure to the Treaty.
Article 5
In consideration of India foregoing a General Storage Capacity of 0.3 Maf in terms of Article 4 above, the Project shall be entitled to attain Full Operational level of 5177.90 ft. each year. The annual filling of the lake upto the Full Operational Level and initial filling below the Dead Storage Level should be carried out at such times and in accordance with such rules as may be agreed upon between the Commissioners. In case the Commissioners are unable to reach agreement, India may carry out the filling during 21st June and 20th August.

Article 6
Except for the uses specified in Article III (2) of the Treaty and subject to the provisions of Article 5 of the Agreement, India shall be under an obligation to let flow all the waters entering Wullar Lake.

Article 7
Any question which arises between the Parties concerning the interpretation and application of this Agreement or the existence of any fact which, if established, might constitute a breach of this Agreement shall be dealt with under the provisions of Article IX of the Treaty.

Article 8
Matters not expressly provided for in the Agreement shall be governed by the provisions of the Treaty.

Article 9
The terms used in this Agreement shall have the same meanings as in the Treaty.

Article 10
The Agreement shall come into force upon signature.

Done in duplicate in the Hindi, Urdu and English languages at..... on ........this ........day of ........ All the texts will be equally authentic. However, in case of doubt, the English text shall prevail.

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Sailent Features of Wullar Project

(i) Location
   On the Jhelum Main near Ningli
   Longituded : 74° 29' 4"
   Latitude : 34° 17' 30"

(ii) Designed discharge
     1415.84 m³/sec (50,000 cusecs)

(iii) Maximum conservation level
     1578.22 m (5177.90 ft.) This level will
     be flush with the top of the gates. There will be no breast wall above the
     gates.

(iv) Dead Storage Level
     1574.90 m (5167.00 ft)

(v) Gross Storage Capacity
    518.06 Mm³ (0.420 MAF)

(vi) Live Storage Capacity
     Not more than 374.98 Mm³
     (0.304 MAF)

(vii) Dead Storage Capacity
      143.08 Mm³ (0.116 MAF)

(viii) Width between the abutments
       133.80 m (439.30 ft.)

(ix) Navigation Lock
    (a) Size
        429.15ft x 39.36ft wide overall
        (150 m x12 m)
    (b) Floor level
         U/S 1572.20 m (5158.13 ft)
         D/S 1570.50 m (5152.56 ft)

(x) Gated bays Set No.1
    (a) No. of bays
        2
    (b) Clear span of each bay.
        12 m (39.37 ft.)
    (c) Crest level/ Floor level
        1572.16 m (5158.00 ft.)
    (d) Top level of gates
        1578.22 m flush with full Operational
        level of (5177.90 ft) 1578.22m
        (5177.90ft)
2538. Joint Press Statement issued at the end of India Pakistan talks on Wullar Barrage/Tulbal Navigation Project.

New Delhi, November 5, 1998.

As part of the composite and integrated dialogue between India and Pakistan on the basis of the agreed agenda of 23rd June, 1997, Wullar Barrage/Tulbal Navigation Project was discussed in New Delhi on 5.11.1998. The Indian delegation was led by Shri Z. Hasan Secretary to the Government of India, Ministry of Water Resources and the Pakistan delegation was led by Syed Shahid Husain Secretary to Government of Pakistan, Ministry of Water and Power.

Syed Shahid Husain will call on Shri B.C. Mishra, Principle Secretary to the Prime Minister of India.

The discussions were held in a frank and constructive atmosphere. While reaffirming their continued commitment to the Indus Water Treaty of 1960, both sides exchanged views and took note of the previous discussions on the subject from October 1987 to August 1992.

It was agreed that the discussions would continue at the next round of the dialogue process with a view to finding a solution to the issue consistent with the provisions of the Treaty.

New Delhi
5.11.1998.

2539. Joint press release issued at the end of the India-Pakistan Secretary level talks on Baglihar Hydroelectric Project.


Secretary level talks between India and Pakistan on the Baglihar Hydroelectric Project were held at New Delhi on June 22, 2004. The Pakistan delegation was led by Mr. Ashfaq Mahmood, Secretary (Water & Power) and the Indian delegation was led by Shri V.K. Duggal, Secretary (Water Resources).

Prior to the meeting, the Pakistan delegation called on Shri Priyaranjan

The talks were held in a very cordial & friendly atmosphere and in the spirit of goodwill & cooperation.

The two Secretaries discussed ways and means to resolve technical concerns relating to the Project and shared their assessments on this issue. They will now report back to their respective Governments¹.

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2540. Joint press statement on India - Pakistan talks on Wullar Barrage/Tulbul Navigation Project.


The delegations of Pakistan and India met in Islamabad on 29-30 July 2004 for discussions on the Wullar Barrage/Tulbul Navigation Project as part of the Composite Dialogue. The Pakistan delegation was led by Mr. Ashfaq Mahmood, Secretary to the Government of Pakistan, Ministry of Water & Power and the Indian delegation was led by Mr. V.K. Duggal, Secretary to the Government of India, Ministry of Water Resources.

Mr. V.K. Duggal and the members of the Indian delegation called on Mr. Aftab Ahmad Khan Sherpao, Minister for Water & Power.

The talks were held in a cordial and constructive atmosphere. Both sides reaffirmed their commitment to the Indus Waters Treaty of 1960.

It was agreed that the discussions would continue at the next round of the dialogue process with a view to finding a solution to the issue consistent with the provisions of the Treaty.

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¹ At the conclusion of the talks, the leader of the Indian delegation and Secretary, Water Resources V.K. Duggal said: “The issues were discussed with total understanding towards the point of taking them to a resolution.” Pakistan’s Water Resources Secretary Ashfaq Mehmood said: “We had good discussion with an open mind, in an atmosphere of give and take and have covered sufficient ground” adding that “it is win-win situation.”
Media briefing by Secretary (Water Resources) V. K. Duggal on the failure of India–Pakistan talks on Baglihar dam project.

New Delhi, January 7, 2005.

The Secretary (Water Resources) V.K. Duggal told the media at the end of the India–Pakistan talks on the Baglihar Dam Project that Pakistan’s insistence that it will seek the appointment of a “neutral expert” to arbitrate on the project is not reflected in the agreed minutes, but “if it chooses to do it then we will state our position. India is clear that there is no deviation from the provisions of the Indus Water Treaty of 1960. A week in the seven-year history of the project was not a big time. But this was not accepted by the Pakistan delegation. Now both parties will report this position to the respective governments.” Mr. Duggal indicated that there could be convergence on some of the technical issues. He said there was no talk of re-opening of the treaty, “which had stood the test of time.” Asserting that this was the first time that quantitative discussions on the technical data had been held, Mr. Duggal said India received Pakistan’s observations on its technical data on December 31 with the request to hold talks from January 3. “We told them we needed more time to study the data yet we agreed to a meeting from January 4. On the second day of the talks we identified six technical issues, including weir at low level, pondage, level of intake, (un)gated spillway, free-board height and low-level tunnel. We even had a smaller group of engineers discuss the technical data but needed more time”, said Mr. Duggal.

Mr. Duggal, however maintained that the talks were “constructive and focused” and had moved forward. “Even though the discussions were inconclusive, a breakthrough had been achieved on the technical aspects,” he asserted. He said as a goodwill gesture India was willing to consider Pakistan’s objections provided they did not impact on the safety of the dam and the people. India even asked Pakistan to come up with alternate design calculations or some alternate fact sheet which could be examined on a “two-way basis.”

[Mr. Duggal’s media briefing came in the wake of failure of the India–Pakistan Baglihar talks. Pakistan said it would go ahead and seek the appointment of a “neutral expert” to address the differences with India as permitted by the Indus Water Treaty of 1960. Ashfaq Mahmood, Pakistan’s Water Resources Secretary told pressmen that this “next step” would be taken, as there had been no progress in the three-day]
In a related development, an External Affairs Ministry official said India was ready to continue technical discussions with Pakistan on Baglihar dispute. According to him the Indian position remained that the design of the project was well within the definitions contained in the Indus Treaty. According to the official, Pakistan's intention was to ensure that the Government of India could not go ahead with any project that would benefit the people of Jammu and Kashmir. All this was being done to prevent India going ahead with the Baglihar project. India, the official said, would not stop the construction of the project as demanded by Pakistan. In the case of Tulbul project, the construction was halted some 16 year ago, and since then the matter had been the subject of bilateral discussion, with Pakistan showing no urgency in resolving the issue. India did not want Baglihar to meet the same fate.

Earlier the two-day talks on the Baglihar had been extended by a day to resolve the differences persisting between the two delegations. Mr. V. K. Duggal told the media that both sides agreed that the talks were "constructive and focused" around the six technical issues short-listed on the previous day. "The talks are mid-way. We understand each other's point of view. We hope to conclude the talks by tomorrow," said Mr. Duggal. The Pakistani counterpart too agreed that the talks were "issue based".

1. External Affairs Minister Natwar Singh speaking in New Delhi after delivering the Lal Bahadur Memorial lecture on January 14 referred to the failed talks on Baglihar and said that the standoff between the two countries on the Baglihar power project would figure during his three-day visit to Islamabad beginning February 15. The Pakistani High Commissioner in New Delhi who was present, said that Islamabad had not yet taken any decision on approaching the World Bank to appoint a neutral expert to resolve the Baglihar project. "The issue is being examined by the Government of Pakistan. Whenever there is a decision, it will be announced", the High Commissioner said.

On January 18 the Spokesman of the Pakistani Foreign Office conceding that it was not a "good omen" for the Indo – Pakistan peace process, announced petitioning the World Bank for its arbitration in the Baglihar project. Same day i.e. January 18 India described Pakistani decision as not justified. The Spokesperson of the Ministry of External Affairs Navtej Sarna said: "Our view has been that during the detailed discussions held at the level of Secretaries of Water Resources recently, there had been some convergence and we believe that through continued technical discussions, further convergence would be promoted. We do not believe that the reference to the World Bank is justified. The media quoting official sources in New Delhi said India had no intention to stop construction at the project as demanded by Pakistan. Pointing to the Tulbul navigation project on the Jhelum river, they said that Pakistan wanted the work to be stopped for three month; but now it was 17 years since the work had come to a stand still on Tulbul.
Prime Minister Shaukat Aziz on January 10 directed relevant government departments to make preparations on priority basis for seeking the World Bank intercession to resolve the Baglihar hydropower project dispute with India. The move has come two days after talks with India failed to resolve the dispute as both sides stuck to their positions. Pakistan maintains that the Baglihar dam, being constructed by India on river Chenab in Kashmir, violates the 1960 Indus Waters Treaty but India asserts it does not.

A high-level meeting presided over by Prime Minister Aziz at the PM House on recommended that the case be referred to the World Bank for appointment of a neutral expert. It may be recalled that the World Bank had originally brokered the bilateral water-sharing treaty on the Indus and also stood as its guarantor. The treaty gave both countries the third-party option in case of a deadlock over any issue.

Pakistan’s Water and Power Secretary Ashfaq Mahmood, who led the Pakistani delegation at the talks on the Baglihar dam issue in New Delhi, presented his report to the meeting. The crux of his report was that Pakistan had a sound case. Attorney-General Makhdoom Ali Khan, who was also present at the meeting, maintained that Pakistan had a strong legal case and recommended that Article IX of the treaty be invoked. The article provides for settling disputes through neutral experts or arbitration if they cannot be resolved between the two Indus Waters Commissioners.

During the two-hour meeting, the prime minister was informed by Mr. Mahmood that the Pakistani side made every effort to resolve the issue bilaterally but the Indian attitude remained inflexible. He said that India as usual wanted to buy time and further delay the process. “What they were offering was merely an eyewash and not a substantial adjustment in the design of the dam that could have paved the way for an agreement,” the meeting was informed. The Secretary Water Resources said that at the last round of talks, India took the stand that the Baglihar project was based on ‘techno-economic’ considerations. However, it was pointed out by the head of the Pakistani delegation that it should have been guided by the provisions of the Indus Waters Treaty. The Pakistani side maintained that the run of the river project did not call for a head 475 feet high and the project design should be based on low weir. The Pakistani side was said to have argued that the calculation of pondage and firm power in the design was not consistent with the treaty. Moreover, it maintained that as per provisions of the treaty, the project design should be based on un-gated spillways.
At the heart of the dispute is the design of the project which, according to Pakistan, provides for submerged gated spillways and, therefore, allows Indian control over Pakistani waters in breach of the water treaty. Pakistan believed that the construction of a dam of such a magnitude would interfere with the flow of water. Pakistan's main concern was said to be that the gated structure would provide India the capability to manipulate the flow of water to Pakistan's disadvantage. One serious consequence was, according to Pakistani experts that it would arm India with the capability to cause acute water shortages in Pakistan. Experts warned that it could deprive Pakistan of up to 8,000 cusecs of water per day.

A Spokesperson of the Pakistan Foreign Ministry cautioned India that its failure to come to a settlement on the Baglihar dam issue in the last round of talks in New Delhi would have an indirect impact on the ongoing political talks on Jammu and Kashmir and peace and security.

Answering questions at his weekly news briefing, Foreign Office spokesman Masood Khan said he believed that there was a relationship between the talks on the Baglihar dam and the composite dialogue. He said that lack of a positive result of last week's Baglihar talks had a 'demonstrative effect' on the whole process of composite dialogue as scheduled during the course of this year. He, however, categorically stated that the impasse in Baglihar talks in no way meant a "collapse of the confidence-building measures or the bilateral composite dialogue on Jammu and Kashmir and peace and security issues" and said that both the processes were continuing and were on track. Mr Khan said that the failure of New Delhi talks did betray a widening deficit of trust between the two sides to resolve the contentious issues and disputes. The minimum requirement which Pakistan sought from India, he maintained, was to categorically undertake to stop or suspend the new construction at the Baglihar dam so long as no agreement was reached between them.

He said that India's design to raise the height of the dam to a higher level would interfere with Pakistan's acknowledged right to draw the whole of River Chenab's waters under the 1960 Indus Basin Treaty.

The spokesman avoided to comment when Pakistan would take the Baglihar dam dispute to the World Bank to secure its legitimate right to the Chenab water, and indicated that the level of talks on the dam issue might be raised to a higher political level at the scheduled meetings to be held early this year at the leadership plane and between the foreign ministers of the two countries.

However, he reiterated that India must, in the meantime, stop or suspend the new construction at the Baglihar site to keep the direct bilateral talks alive. Asked how long Pakistan might take to raise the dam issue with the World
Bank, the spokesman said that in the course of time, Islamabad would prepare its case supported by facts and figures which had been debated with India during the last several years in detail and comprehensively. He did not set any time-frame even when pressed hard by newsmen.

On January 11, Pakistan gave detailed briefing to some 20 envoys from key European and Western missions on the Baglihar dam at the Foreign Office. The Pakistan media said the briefing was organized on the request of some foreign missions that have been closely monitoring the matter that they believed had the potential of turning into a major political issue between the two nuclear-armed South Asian neighbours. The briefing was conducted by Water and Power Secretary Ashfaq Mehmud who led the Pakistan delegation at the last round of talks on the Baglihar issue with India. Foreign Ministry’s South Asia Director-General Jalil Abbas Jilani, who was a member of the Pakistani delegation, also spoke on the occasion. Besides heads of the EU missions, envoys from the embassies of Canada, US, China, Australia and Japan also attended the 90-minute briefing. They were told that since differences were conclusively established and bilateral track had failed to resolve them, the only option for Pakistan was to resort to other avenues provided by the treaty to settle the dispute. It was underlined that differences pertaining to the Baglihar hydro-power project were technical and experts needed to give a determination on it. It was also conveyed to them that Baglihar issue would not have a direct bearing on the composite dialogue process as it was never part of the composite process. It was pointed out that the treaty had its own built-in mechanism to take care of the differences. When questioned about the general view of the diplomatic community on the Baglihar issue, a senior official said: “There is a lot of concern and interest, especially on the part of Western countries.”

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Question: What did Mr. Tariq Aziz talk to EAM about?
Answer: Mr. Tariq Aziz paid a brief visit to New Delhi to offer condolences on behalf of President Musharraf on the passing away of Shri J.N. Dixit, National Security Advisor. During this visit Mr. Aziz called on the Prime Minister and the External Affairs Minister and he also went to Mr. Dixit’s residence to personally express his condolences to Mrs. Dixit. That is all I have on the visit.

Question: Any discussion on the SAARC dates when he was here?
Answer: No, I have no other details of what happened during the talks. As I said, he came to offer his condolences on behalf of President Musharraf.

Question: Pakistan has threatened to go to the World Bank for the Baglihar project. What is India’s stand on that?
Answer: Our stand is very well known on the Baglihar project, which is a run of the river project. We believe it is fully compatible with the provisions of the Indus Water Treaty between the two countries. In the recently concluded bilateral talks between India and Pakistan on the Baglihar project the Indian side presented very detailed technical information to the Pakistani side to convince them that there is no ground for any apprehension that the project violates the Indus Water Treaty, that the technical parameters violate any of those that are laid down in the Indus Water Treaty. This is the first time, I can tell you, that such detailed technical discussions were held and we found that they were very useful and some convergence has appeared. We also feel that more technical discussions are likely to lead to further convergence and we have offered Pakistan that we should have further technical discussions.

Question: In case Pakistan still refuses to go in for the discussions?
Answer: If Pakistan still chooses to go to the World Bank disregarding the offer that we have made for further technical discussions then we will respond appropriately.

Question: You were saying there was some convergence...
Answer: As I said this is the first time that technical discussions were held with data etc and some convergence did appear but since this was the first time there is possibility of increasing this convergence through further technical discussions and that is why we have made the offer.
Question: Can you tell us what was the convergence?

Answer: These are technical issues. As you know, Water Resources Secretary has already been talking to the press. They have a better idea. I cannot identify to you exact things on which there was convergence. But yes, our feeling at the end of the technical discussions was that they were useful. There were some things on which because of data that we provided, because of technical discussions that took place, there was some convergence and there is possibility of more if we have more discussions.

Question: But they say there is no scope for further discussion…

Answer: We believe that this is the first time that we have had technical discussions. We believe that the data that we have given to Pakistan should convince them that the technical parameters of the project are not violative of the Indus Water Treaty provisions. We believe that further technical discussions would be useful as these have been. So this is our offer.

Question: On Tariq Aziz – did he come as a special envoy of President Musharraf?

Answer: Frankly, I would not be able to characterize that, but, as I said, the purpose of the visit which he came for was to present his condolences on behalf of President Musharraf.

Question: Nothing to do with Tsunami, reports today said he (Mr. Tariq Aziz) also offered condolences on that.

Answer: Well, it is quite possible that it may have been discussed. Earlier on also the Government of Pakistan’s condolences on this issue have been conveyed.

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Response of the Official Spokesperson of the Ministry of External Affairs to a question on Baglihar Project.

New Delhi, April 29, 2005.

In response to a question on Baglihar Project the Official Spokesperson said:

"We have been informed by the World Bank that on the basis of Pakistan's representation, it has, as required under the terms of the Indus Waters Treaty, proposed the appointment of a neutral expert to examine certain issues raised by Pakistan on the design of the Baglihar project. We have consistently declared that India intends to remain in strict conformity with the provisions of the Treaty and, therefore, intends to cooperate fully with the World Bank in the selection of a neutral expert. It may be recalled that India had conveyed to Pakistan its readiness to consider any design changes or technical modifications, in conformity with the Treaty, in case Pakistan was able to provide quantified technical objections in this regard. This was conveyed to Pakistan as recently as during the visit of President Musharraf to Delhi earlier this month. Since Pakistan has chosen to invoke the role of the World Bank, as provided for in the Treaty, India will have no hesitation in making available whatever technical details the neutral expert may require, within the parameters clearly laid down in the Treaty. The Government of India attaches considerable importance to the Baglihar project, which will bring significant economic benefits to the people of Jammu and Kashmir. India will, however, observe all its solemn commitments to the Indus Waters Treaty, which has, for the past 45 years, stood the test of time".

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Press release of the Ministry of External Affairs on discussions in Paris on the Baglihar Hydroelectric Project.
New Delhi, June 11, 2005.

The Indian delegation led by Secretary, Ministry of Water Resources attended the first meeting with the Neutral Expert appointed by the World Bank in consultation with the Governments of India and Pakistan under the provisions on the Indus Waters Treaty of 1960.

It may be recalled that the World Bank, had appointed Prof. Raymond Lafitte of the Swiss Federal Institute of Technology, as the Neutral Expert who is to make a determination on the issues of difference which Pakistan had referred to him.

This was the first meeting on the matter held on 9-10 June 2005 in Paris.

The Pakistani delegation was led by Mr. Makhdoom Ali Khan, Attorney General.

Opening the meeting, Mr. Roberto Danino, Senior Vice President and General Counsel, World Bank, appreciated the constructive manner in which the Indus Waters Treaty had been operated for the past 45 years. He pointed out that the Neutral Expert, Prof. Lafitte was appointed in consultation with the Governments of India and Pakistan and he was happy that the Bank had a constructive and positive role to play in the process.

The first meeting focused on setting the procedures, which the Neutral Expert would adopt to enable him to arrive at a determination of the differences in a fair and equitable manner.

The discussions were held in a cordial atmosphere and the Neutral Expert heard the views of the delegations of India and Pakistan on issues of procedure and documents.

The procedure settled by the Neutral Expert affords both parties three occasions each to explain their respective stances which is in line with the practices followed by international courts and other tribunals to reach a just and equitable resolution. The Neutral Expert also proposes a site inspection on mutually convenient dates.
2546. Joint press statement issued at the end of India-Pakistan talks on Wullar barrage/Tulbul Navigation Project.

New Delhi, June 29, 2005.

As part of the Composite Dialogue between India and Pakistan, the delegations of the two countries met in New Delhi on 28-29 June 2005 for discussion on the Wullar barrage/Tulbul Navigation Project. The Indian delegation was led by Mr. J. Hari Narayan, Secretary, Ministry of Water Resources, Government of India and the Pakistan delegation was led by Mr. Ashfaq Mahmood, Secretary, Ministry of Water and Power, Government of Pakistan.

2. The talks were held in a cordial and constructive atmosphere. The two sides exchanged views on the project and reaffirmed their commitment to the Indus Waters Treaty of 1960.

3. The two sides agreed to continue the discussion at the next round of the Dialogue Process with a view to resolving the issue in accordance with the provisions of the Treaty.

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2547. Joint Statement issued on the conclusion of India-Pakistan discussions on the Wullar Barrage & Storage Project / Tulbal Navigation Project.

Islamabad, June 23, 2006.

1. As part of the Composite Dialogue between Pakistan and India, the delegations of the two countries met in Islamabad on 22-23 June 2006 for discussion on the Wullar Barrage & Storage Project / Tulbal Navigation Project. The Pakistan delegation was led by Mr. Ashfaq Mahmood, Secretary, Ministry of Water and Power, Government of Pakistan and the Indian delegation was led by Mr. J. Hari Narayan, Secretary, Ministry of Water Resources, Government of India.

3. The talks were held in a cordial and constructive atmosphere. The two sides exchanged views on the project and had a better understanding of each other’s views. They reaffirmed their commitment to the Indus Waters Treaty 1960.

4. The two sides agreed to continue discussions during the next round of Composite Dialogue with a view to resolving the issue in accordance with the provisions of the Treaty.

2548. Press Release of the Ministry of External Affairs on the award of the neutral expert Prof. Raymond Lafitte on the design of the Baglihar Dam.

New Delhi, February 12, 2007.

1. The overall design of the Baglihar dam being built by India on the Chenab as a run-of-river plant has been upheld by Prof. Raymond Lafitte, the Neutral Expert (NE) appointed by the World Bank to consider Pakistan’s objections to the Baglihar project, in his decision delivered today in Berne to the representatives of India and Pakistan.

2. The NE has emphasized the need to incorporate state of the art technology for projects built under the Indus Waters Treaty for reasons of safety and optimum utilization of the waters. He declares that “the general rules of treaty interpretation allow him to have recourse to rules of science and technology and the state of the art practices, in his assessment of the concept and design of the Baglihar Dam and Hydro Electric Plant”.

3. The decision of the NE recognizes India’s right to utilize the waters of the Western Rivers more effectively, within the ambit of the Treaty, for power generation.

4. This is the first time since the signing of the Indus Waters Treaty 1960 that a Neutral Expert has been appointed. Pakistan’s request made on 15th January, 2005 raised a number of Points of Difference for Expert Determination in respect of the design of the Project on the basis that certain features of the design did not conform to criteria specified in the Treaty. Pakistan contended, inter alia, that conditions at the Baglihar site did not require a gated spillway; that the spillway gates were not at the highest level; Indian calculations of the
design flood and the height of the dam (Freeboard) were excessive; India's calculation of the required Pondage of 37.5 MCM was also too high as the correct Pondage should be 6.22 MCM; and that the level of intakes for the Power Plant were not at the highest level as required by the Treaty.

5. After consulting the Governments of India and Pakistan, the World Bank appointed Mr. Raymond Lafitte, Professor at the Federal Institute of Technology of Lausanne, Switzerland as the Neutral Expert (NE) on 10th May, 2005.

6. During the 18 months period after his appointment, the NE held 5 meetings - in Paris, Geneva, London, Paris & Washington and also visited the Baglihar site and its hydraulic model at Roorkee. The Parties made written and oral submissions during the course of the Expert Determination.

7. The NE after a detailed analysis of a data base of about 13000 dams from the International Commission on Large Dams (ICOLD)'s World Register of Dams to analyse the type of spillway, gated or ungated, and a historical review of construction of large orifice outlets as well as a consideration of ICOLD guidelines, held that the site conditions at Baglihar require a gated spillway, and also held that in view of the high flood discharges and heavy silt loads, India's design of gated spillways - both chute (surface) spillway and sluice spillways, as well as the number, size and location of their gates for the Baglihar dam complies with the design criteria set out in Annexure D of the Indus Waters Treaty.

8. This important element in the NE's Determination will deeply influence all future interpretations of the Indus Waters Treaty. The NE has observed that the present day state of scientific and technical knowledge with advances in technology in dam design, not known or developed in 1960, can and should be utilized in dealing with problems such as those posed by heavy sediment which shorten the effective life of a plant. He is of the view that the reference in the Treaty to conceptual notions such as the need to ensure “satisfactory construction and operation”, “sound and economical design” and “customary and accepted practice of design” clearly not only permit but require use of latest technology. The NE has adopted the principle of effective interpretation which gives full effect to the rights and obligations provided by the Treaty, taking into account its object and purpose set out in the Preamble which is “attaining the most complete and satisfactory utilization of the waters of the Indus System of rivers”.

9. The NE accepts and regards as prudent India’s calculation of the design flood of 16,500 cumec (as against Pakistan’s figure of 14,900 cumec) in view of the uncertainties of flood analysis, possibilities of climate change etc.
10. The NE observes that the designer of a spillway is not only faced with the problem of flood control but also with that of sediment control and cites the "ICOLD" to note that the state of the art is today that "Bottom outlets may be used for under sluicing of floods, emptying of reservoirs, sluicing of sediments and preventing sediment from entering intakes etc."

11. Accordingly, India’s design of sluice spillway at Baglihar with five outlets is regarded as appropriate and permissible under the Treaty for sediment control of the reservoir and evacuation of a large part of the design flood and being in conformity with the international practice and the state of the art. This decision will help India to deal more effectively with the problems of sedimentation in its future projects as the NE has confirmed India’s design of large bottom outlets (sluice spillway) as the most important technique to be employed in managing the high volumes of sediment which characterise the Himalayan Rivers. Incidentally, this had been an element of strenuous objection and India, in the course of the Expert Determination, constantly maintained that India’s design to deal with sedimentation problems by modern methods does not in any way interfere with the flow of waters of the Chenab River into Pakistan as required by the Treaty.

12. Based on the guidelines of ICOLD, the NE considers that the freeboard could be reduced by 1.5 metres. In this context, it is to be noted that India, in the spirit of good neighbourly relations, had offered possible reduction of freeboard to Pakistan even before the process of Expert Determination had started.

13. According to the NE, the first objective of “Pondage” is to regulate the flow of the river to meet the consumer demand. He considers that “Pondage” volume should be calculated taking into account only the variations in the load thus confirming the methodology adopted by India for calculation of Pondage. He disagrees with Pakistan’s method of determination of “Pondage” i.e. with the objective of operating the plant at constant power and regulating the fluctuations in the river flow. The NE has recognized the uncertainties in projecting future load variations. He has arrived at a slightly lower value of 32.56 Million Cubic Metre (MCM) of maximum permissible “Pondage” as against India’s design of 37.50 MCM. The NE has arrived at the lower value as he adopted a daily pattern of power generation which is slightly different from that adopted by India. As a result, there will be a minor change in the schedule of peak power generation. However, the number of hours of power generation per week would remain at about 49 hours as designed by India. According to Pakistan’s calculations, the maximum “Pondage” allowed was 6.22 MCM.
Another Point of Difference raised by Pakistan was regarding the elevation of Intakes for the Turbines for the Plant. The Treaty requires these to be located at the highest level, consistent with satisfactory and economical construction and operation of the Plant and with customary and accepted practice of design for the designated range of the Plant’s operation. Pakistan had suggested that provision of anti-vortex devices could raise the intake levels by about 7 metres from that designed by India. According to the NE, the normal practice is to go in for an appropriate arrangement of the intake structure. In particular cases where this is not possible for technical or economic reasons, then recourse could be taken to anti-vortex devices. The NE has also observed that the intakes should be so located as to avoid asymmetrical flow of water towards them. From his application of well known semi-empirical formulae, the NE considers that it is necessary to raise the power intakes by 2 metres and an additional 1 metre to allow for the slight reduction in “Pondage”. While the Indian designers of the project do not agree with the NE’s approach, as it reduces the water seal by 2 metres, no difficulty is expected in incorporating this change in the design of the Baglihar Plant.

The three elements of design which require marginal changes, i.e. reductions in freeboard and Pondage and increase in the height of the Intakes, all arise from calculations and not from basic principles.

The NE’s Final Determination confirms that India’s design has been compliant with the basic principles of the Indus Waters Treaty.
Pakistan termed “great victory” the decision of the World Bank’s neutral expert who vetted three of its four objections on the design of Baglihar Hydroelectric Plant on river Chenab in the Indian occupied Kashmir and asked New Delhi to accept it as a moral obligation.

“This is the moral, legal and political obligation of India to accept the World Bank’s decision on the Baglihar dispute. India got nothing from violating the Indus Water Treaty of 1960,” Water and Power Minister Liaquat Ali Jatoi said at the press conference.

He said Pakistan had gone to the right forum to get the issue resolved with New Delhi as per the spirit of bilateral water treaty. “India has wasted not only its time but will now also face problems when it will demolish or further raise some of its constructions to meet the obligations of an altered design as decided by the neutral expert.”

He said that the decision also had a positive outcome on the issue of Kishanganga Hydropower Project on river Neelum as the Indian cabinet had decided not to allow the construction work before reviewing its design.

“India should respect the decision as it is vital for the peace (process),” he added.

The WB water expert, Prof Raymond Lafitte, who was appointed in May 2005, has accepted three of the four objections Pakistan had raised over the design of the dam.

In 1992, India had shared the project design with Pakistan which expressed reservations over the water storage capacity (pondage), water level above the dam level (free board), level of power intakes and spillway of the dam.

The expert has, however, not supported Pakistan’s viewpoint on the issue of the spillway. But, the minister said various technical and legal aspects were being studied and Pakistan reserved the right to take up the issue again.

“We have the right to take up the spillway issue anytime at an appropriate forum,” Mr Jatoi said in response to a question.

Pakistan was of the view that free board for the dam was excessive and provided capability to India for raising artificially the water level in the operating pool.
above the full pondage level. So, it demanded that the free board should be reduced.

The neutral expert found that India’s calculations on free board were inaccurate. He decided that the crest level of the dam should be kept at the lowest and directed India to reduce the free board from 4.5 metres to three metres — a 33 per cent reduction.

The second contention of Pakistan was that dam’s intake for the power plant should be raised in accordance with the water treaty. The neutral expert also determined that the location of power intake stipulated by India was not at the highest level as required by the treaty. He decided that the intakes be raised from the present elevation of 818 metres to 821 metres, which means that the power intake should be raised by three metres.

Pakistan demanded a reduction in pondage (water storage capacity) of the dam. The expert also directed India to reduce pondage from 37.722 million cubic metres to 32.56 mcm.

Pakistan was of the view that the location of the spillway gate 27 metres below the Dead Storage Level — the level below which water cannot be drawn down or depleted except in emergencies — was unnecessary. It said that either an un-gated spillway or surface-gated spillway could be provided with the bottom of gates at the highest level.

The World Bank expert held that the spillway gates were in conformity with the international practice and were state-of-the-art.

However, Mr Jatoi said, the expert had observed that the Indian design and analysis were incorrect.

“The results of model tests (of spillway) are also not representative of the reality and are illusory,” Mr Jatoi said. Pakistan’s view was that the expert should have gone strictly by the Indus Water Treaty as any other practice was not relevant, he added.
Joint Statement on Composite Dialogue between India and Pakistan, on the Tulbul Navigation Project/Wullar Barrage.

New Delhi, August 31, 2007.

As part of the Composite Dialogue between India and Pakistan, the delegations of the two countries met in New Delhi on 30-31 August 2007 for discussions on the Tulbul Navigation Project/Wullar Barrage. The Indian delegation was led by Mrs. Gauri Chatterji, Secretary, Ministry of Water Resources, Government of India and the Pakistan delegation was led by Mr. Muhammad Ismail Qureshi, Secretary, Ministry of Water and Power, Government of Pakistan.

2. The talks were held in a cordial and constructive atmosphere. The two sides further discussed their respective positions on the project and had a better appreciation of each other’s views. They reaffirmed their commitment to the Indus Waters Treaty of 1960.

3. The two sides emphasized the need for an early and amicable resolution of the issue in accordance with the provisions of the Indus Waters Treaty of 1960 for the socio-economic development of the peoples of the two countries. The Secretaries agreed to hold discussions including at technical-level on mutually acceptable dates. Both sides looked forward to the next round of talks under the Composite Dialogue with a view to resolving the issue at an early date.

4. The Pakistan delegation also called on H.E. Prof. Saifuddin Soz, Minister for Water Resources, Government of India.

1. According to a report in the Chennai based paper the Hindu on September 5, “India and Pakistan have agreed to set up a technical-level mechanism to take forward their talks on the Tulbal Navigation Project in the Baramullah district of Jammu and Kashmir. This is the first time that the two sides have agreed on a mechanism. India says the project is a “navigation lock” on river Jhelum, while Pakistan maintains it is a “barrage.” Mr. Qureshi, Leader of the Pakistani delegation who called on Water Resources Minister Saifuddin Soz, told media persons that the talks held as part of the Composite Dialogue were “cordial.” Describing the talks as a “step in the forward direction,” Mr Soz said India was not violating any aspect of the Indus Water Treaty with Pakistan. Navigation was permissible under the treaty. “No irrigation potential is being created and no dam or barrage is being built. The Pakistan team visited the Wullar lake area in March. On their request, India allowed it as a goodwill gesture. We are confident that the issue will be settled amicably,” he said. The Tulbal Navigation Project was started by India in 1984 and was halted in 1986 after Pakistan raised objections.”
INDIA-PAKISTAN RELATIONS

SECTION - IX

EASTERN WATERS
INDIA-PAKISTAN RELATIONS
2551.  

SECRET

Letter from High Commissioner for India in Pakistan C.C. Desai to Minister for Irrigation and Power Gulzarilal Nanda.

High Commission of India in Pakistan
Karachi

D.O. No. HC/55/D.276 August 17, 1955

My dear Nandaji,

The way that rivers in Assam, North Bengal and Northern India have been flooding vast territories and bringing devastation and destruction to homes and fields, I can well imagine it must be one of your major headaches to-day. I know that several steps have been, and are in the process of being taken to study these floods and to devise ways and means of controlling them. I appear to have read some news-item a few days ago that co-operation for this purpose was being sought from Tibet and perhaps China, as these rivers originate in those areas. I am, however, not quite familiar with the steps taken and with the up-to-date situation.

2. Just as these floods bring havoc to Assam and North Bengal, similarly they bring havoc to East Bengal also. I understand that this year the damage is even more extensive than last year which experienced the worst ever floods. As a token of our sympathy and appreciation, we have just announced a donation of commodities worth Rs. 1,00,000/- for the sufferers from floods in East Bengal. The Governor General and the Prime Minister of Pakistan are now making a tour of East Bengal and assessing the flood situation from the point of view of both immediate relief and long term prevention. I understand that it is the feeling in Governmental circles in East Bengal that for the control and regulation of these floods, there must be co-ordination between India and Pakistan and that East Bengal by itself could achieve very little. It is possible that on their return, the Governor General and the Prime Minister may make a proposal to us for a joint Indo-Pakistan flood control board or commission to take stock of the situation and to adopt such measures as may be necessary to minimize this recurring catastrophe. So I thought I should write to you giving you advance intimation of a possible proposal. Any such suggestion for co-ordination would, I hope, be supported by us as it would be in common interest and as it would be for the benefit of humanity. Meanwhile I was wondering if the Ministry of Irrigation and Power could prepare a note on the steps taken so far in the matter of flood control in Assam and North Bengal, so that when the
SECRET

Letter from High Commissioner for India in Pakistan C. C. Desai to Commonwealth Secretary Subimal Dutt.

Karachi, August 19, 1955.

High Commissioner for India
Karachi


My dear Subimal,

Only yesterday I wrote to Shri Gulzarilal Nanda about a possible approach by Pakistan Government for joint investigation or commission for prevention of floods in India and Pakistan in the Eastern Wing. I had written that letter on receipt of confidential information from one of our officers whom I had specially asked to keep in touch with East Bengal Government. A copy of my letter to Shri Nanda is herewith enclosed. The same proposal has now been made by Choudhury Mohamad Ali in his broadcast from Dacca made yesterday, vide cutting herewith enclosed. It shows how our officers are reliable in their contacts with high parsonages in East Bengal and also how things are moving briskly in the matter of flood control. My talks with various people here indicate that the main reason for these recurrent floods is that the rivers have been silting rapidly of late, with the result that water does not drain into the sea as quickly and as voluminously as in the past. According to this theory, these recurrent occasion arises, I could talk from information on and with a certain amount of authoritativeness.

With kindest regards,

Yours Sincerely

Sd/- C.C. Desai

The Hon’ble
Shri Gulzarilal Nanda,
Minister of Irrigation and Power,
Government of India,
New Delhi

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floods will be a constant feature until action is taken to dredge the rivers and to restore the channels to their previous depth and width. Excessive rain in the catchments area is not the only cause of these floods. If the view expressed by people over here has any force in it at all, it means that joint action by both India and Pakistan is absolutely necessary. If the rivers are silted in East Bengal, no amount of preventive action in India and Tibet would reduce the floods, though constructions like embankments might curtail the area of damage. I am, therefore, definitely of the opinion that the proposal made by Choudhury Mohmad Ali when received officially by us should be immediately supported and both countries should set up a joint commission for the survey, regulation and control of floods in the Eastern Wing of India and Pakistan. I suppose we would hear some time in the course of the next few days from Choudhury Mohamad Ali, who is returning to Karachi to-day.

2. In passing, I might tell you that the particular officer, who is working under my instructions and who is in close touch with leading personalities in East Bengal, has done excellent work during the last two weeks. I had sent for him specially to Karachi, where he was constantly in contact with Members of the Constituent Assembly from East Bengal. He is in the personal confidence of Fazlul Huq and many others, and is able not only to know but even to influence what is going on. My difficulty is, however, that I can't have that officer here most of the time and he has got to get back to East Pakistan, although his utility to India would be greatly increased if I had the power to arrange for flexibility in his movements. That is also the reason why I asked the other day for a Bengali-speaking assistant information officer to be attached to Karachi. The proposal was turned down on the ground that the volume of work did not justify the post. I am afraid it is not possible for me to place all my cards on the table to satisfy so many Under Secretaries in the External Affairs and Finance Ministries. You must have faith in my judgment and you must judge me by my results. You must also view my proposals in the light of the circumstances in which I work and of the task which I have to perform. I grant that mere information work would not justify the second post. At the same time, if I have him here, I could use him for contact purposes in respect of a group of people who are useful otherwise. I am confident that the result I would achieve would more than counterbalance the cost involved. In these matters you must remember that I cannot use the same man for contact with different groups. I have to attach ‘A’ to one group and ‘B’ to another group, as all these people live in the same premises and the popping in and popping out of the same man would only create suspicion and confusion and would defeat the purpose. I hope that it would be possible for you to send for that file and to persuade the Government to agree to my proposal. It has the added merit, in the sense that a new Information officer is now going to Dacca and present man there, Raychaudhuri,
would be a surplus hand. He has been there long and he knows the people
over there and, therefore, he would be an ideal choice for an agent of mine in
Karachi. This is not special pleading, but a genuine proposal about the
soundness of which I have personally not the slightest doubt. I wonder whatever
I have been able to carry conviction to you.

With Kindest regards,

Yours ever

(C.C. Desai)

Shri S. Dutt, I. C.S.,
Commonwealth Secretary
Ministry of External Affairs,
New Delhi

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2553. SECRET

TELEGRAM

From : Hicomind, Karachi
To : Foreign, New Delhi
No. 668. August 20, 1955

Prime Minister from Desai.

Met Chaudhuri Mohammad Ali this morning for 45 minutes at his instance. He
started saying I was first diplomatic representative to be seen by him thus
emphasizing importance he attaches to maintenance of most cordial relations
between our two countries. On this occasion he said he would refer to two
matters namely joint cooperation for flood control in our Eastern Regions and
attitude of minorities in both countries.

2. About first point he said he was so sure of our Prime minister’s approach
that even without previous consultations between the two countries he referred
to desirability of Joint Flood Control Commission in his broadcast at Dacca
and again on arrival in Karachi. Problem same in both countries and both causes
and relief require joint study and joint action to be effective and lasting. Floods
may be due to heavy rains in upper regions, silting of rivers lower down,
earthquakes in Assam. Some may be remediable and some remedies might
take long time and cost vast sums of money. Nevertheless matter must be attended to urgently and seriously. I told him of what we had already done to study flood phenomena and of joint action between India and Nepal, Bhutan, Sikkim and Tibet. I also told him that speaking personally his proposal was sound and was sure to find ready response from our Government. He said that he had not gone into details about terms of reference, composition, location, funds etc. but this could be done immediately on receipt of our Government’s favorable response. His idea appears that we should take definite decision within month. I also told him that our central Hydraulic Research Institute at Khadakvasla was one of best in the world for study of such phenomena and that our people would be happy to study East Bengal problems there and advise on ways and means of mitigating hardships by training of rivers or construction of spurs and embankments. He told me that this discussion should be treated as formal request by him and that he will not now be writing in confirmation.

3. As silting is one of major factors causing floods remedy cannot be effective unless entire river basin studied and tackled as a whole. I would therefore humbly advise acceptance of suggestion in principle to be followed by discussion at highest possible level during next few days.

As Chaudhuri Mohammad Ali himself taking interest and as he cannot get away from Pakistan because of Constituent Assembly, may be necessary for our minister for Irrigation to come here during next few days for talks with him.

4. Mohammad Ali said that he also looked at proposed cooperation from wider angle. Any joint action proving beneficial to people would lay surer foundation of goodwill between our two countries. This is not merely pious reasoning but genuine. I am enamoured of idea as it would bring two Bengal’s closer together and if coordination is successful it might have salutary effect on morale of minorities.

5. Instructions solicited as to what reply should be given to Chaudhuri Mohammad Ali formally on behalf of our Government.

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2554.

SECRET

TELEGRAM

From: Foreign New Delhi
To: Hicomind, Karachi

No. 21291 August 22, 1955

High Commissioner from Prime Minister

Your telegram 668 August 20th

We are completely agreeable to cooperate with Pakistan in dealing with floods. These floods, especially in the eastern region, are a common menace to both our countries and it is obviously desirable for collaboration in dealing with them. In fact, these eastern floods come chiefly through Bhutan and Tibet and we have been in touch with these two countries in order to have previous information as well as, in Bhutan, to devise other methods of control.

2. Each major river valley region has to be considered separately from the point of view of floods. Last year we appointed several river commissions dealing with this flood menace. Among these commissions are Brahmaputra River Commission and the Ganga River Commission. They are expert Commissions and State Governments concerned are associated with them. They have already done good work. The main danger to East Pakistan comes from the Brahmaputra river and its tributaries. Also perhaps to some extent from the Ganga.

3. We accept in principle the proposal for cooperation between India and Pakistan in flood control in this eastern region which is so often devastated by floods. The manner of this cooperation will have to be carefully worked out. It might be desirable for Pakistan Government to constitute its own flood control commission for the eastern region. This commission could cooperate fully with our Eastern Commissions and they may even have a joint body or we may have a joint commission for that region. This is essentially a matter for expert engineers to deal with. We suggest that we might send soon one of our senior engineers dealing with flood control to Karachi to discuss broadly various approaches to this problem and to find out what suggestions the Pakistan Government has in mind. The next stage will be to consider the matter in greater detail and formulate specific proposals. If necessary, Ministers can meet at that stage, but previous discussions should take place at expert level.

4. Please convey this message to Chaudhuri Mohammad Ali.

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2555.  

Letter from Prime Minister Jawaharlal Nehru to High Commissioner for India in Pakistan C.C. Desai.  

New Delhi, August 22, 1955.  

No. 1502-PMH/55  

My dear C. C.,  

I have just sent you a telegram in reply to yours, about the proposal to have a joint flood control commission with Pakistan. There is no point at all in a Minister going to Karachi at this stage. The whole question is one for Engineers to deal with. Ministers only agree in principle. As soon as we hear from you, we shall arrange to send one of our top-most engineers dealing with this problem, probably the Chairman of the Central Water & Power Commission. Tell them what we have done and try to find out that what Pakistan has in mind.  

There can be no single commission to deal with all the flood control problems of India and Pakistan. We have to consider this matter separately in terms of different river valleys. We have at present three river commissions for this purpose—(1) the Brahmaputra River Commission, (2) The Ganga River Commission and (3) the North Western River Commission, which includes Jammu and Kashmir. We intend to have a fourth dealing with Central India.  

The question of floods in the western area does not affect Pakistan much and in any event it is difficult to deal with an area which includes Jammu and Kashmir. We must, therefore, limit the area for consideration to the eastern zone, which really is the important one from the flood control point of view, for Pakistan as well as India.  

Yours Sincerely  

Sd/- Jawaharlal Nehru  

Shri C.C. Desai,  
High Commissioner for India,  
Karachi.  

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2556.  

TOP SECRET

Brief prepared by the Ministry of Irrigation and Power for the Indian delegation going to Pakistan for talks on Flood Control measures in the East and the Minute by Prime Minister Jawaharlal Nehru.

Ministry of Irrigation & Power

Brief for the Technical Delegation proceeding to Karachi on the 9th September 1955 in regard to Flood Control in the Eastern Region. The discussions should relate to technical matters and be confined to Brahmaputra valley only as suggested in Para 2 of the telegram No.709 dated the 3rd September 1955 from the High Commissioner for India at Karachi. If there is any mention by Pakistan delegates of the measures relating to the Ganga Basin, we may hear them but not enter into any discussions.

2. The proposal for a joint Indo-Pakistan Commission having been mooted by Pakistan, the object of the meeting should be mainly to ascertain from them the nature of assistance they expect from us rather than discuss details of the organisation that should be constituted to render such assistance.

3. We may suggest to Pakistan that they should constitute a Brahmaputra River Commission on their side on the lines of the Brahmaputra Commission constituted in India. There should be no commitment in regard to the constitution of a joint commission at this stage. This is a matter of policy which should be left for decision at Ministers’ level.

4. We may suggest consultations between officers on both sides engaged in the formulation of flood control measures.

5. If Pakistan wants warnings of floods to be given we may agree to do so.

6. Pakistan have suggested in one of their communications that “a party of Indian and Pakistan officers be nominated to survey the upper reaches of the Ganga and Brahmaputra and submit a preliminary report to the two Governments on the ways and means by which floods could be brought under control or their recurrence prevented”. The suggestion, if made in discussion, should be discouraged. It should be pointed out that we have an adequate organization for formulating flood control measures on our side and that it would be desirable if each country undertook its own surveys.

7. If Pakistan suggests that they should be consulted before we take up any flood control schemes in the upper reaches in India, we may parry the question and enquire from them how such consultation is likely to help Pakistan.

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Minute by Prime Minister Jawaharlal Nehru on the Note submitted to him on the proposed visit to Pakistan of a Technical Delegation for discussion on flood control.

New Delhi, September 7, 1955.

Prime Minister Secretariat

I have read this note for a brief for the Technical Delegation which is going to Karachi in regard to flood control. I would like to add that our approach should not appear to be unfriendly or uncooperative. We have nothing to hide about this matter. Naturally any proposals made will have to be considered later at Ministers level...

We should definitely propose that the best course would be for Pakistan to have a river commission for the eastern region just like we have and, secondly, that there should be arrangements for the two Commissions to cooperate fully. For this purpose each Commission can nominate its representatives who can meet from time to time.

We should give them full information about flood control measures. If they wish to visit Dibrugarh or any other place, I see no reason why they should not be invited to do so.

The suggestion to survey the upper regions of the Ganga and the Brahmaputra is not a feasible one. The Ganga belongs to a different region. So far as the Brahmaputra is concerned, the upper reaches are in Tibet or in the NEFA, which is difficult of access. If, however, as I have said above, any of their engineers wish to see what work we have done in Assam proper, there should be no objection. This does not mean a survey but rather an inspection.

There can be no question of either India or Pakistan saying that they should be consulted before anything is done in the other country, but we should tell them that we shall keep them informed of important developments which may even be discussed when there is a joint meeting.

I do not like the idea of an impression being given that we are parrying questions or being evasive. We should be quite straightforward about this matter and if any complicated question or any question relating to political issues arises, our engineers should say frankly that the matter should be referred to their Government.

Sd/- J. Nehru
7.9.1955

Shri Sivashakar
Min of E.A. U. O. No. P-212-CS dt. 7.9.55

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Letter from Minister for Irrigation and Power Gulzarilal Nanda to High Commissioner for India in Pakistan C.C. Desai.

New Delhi, September 7, 1955.

D.O. No. 68(I)-CWD/55 the 7th September, 1955

My Dear Desai,

Please refer to your D.O. No. HC/55/D-276 dated the 17th of August, 1955. We appreciate the feeling in East Bengal that for the control and regulation of floods in the eastern region, there must be cooperation between India and Pakistan, as East Bengal by itself would achieve very little. The Prime Minister of India has already accepted, in principle, the proposal of joint cooperation between India and Pakistan in dealing with measures to control the floods on the Ganga and Brahmaputra. The manner in which such cooperation can be best achieved will, however, have to be carefully worked out and as a first step towards our offer of a cooperative approach, we are sending a delegation of technical officers headed by the Chairman, Central Water & Power Commission to Karachi on the 9th of September as desired in your telegram No. 709 dated the 3rd of September, 1955 to the Prime Minister.

2. The rivers in Assam, North Bengal, Bihar and U.P. have experienced heavy floods again this year and have caused considerable damage to crops and dwelling houses. All the flood control works constructed last year have proved to be reasonably effective in giving protection to the towns and the areas for whose benefit they were constructed. As more flood control works are constructed further protection will be afforded.

3. Last year we requested the People’s Republic of China to set up gauge and discharge sites at 3 places along the Tsanpo (The name of Brahmaputra in Tibet) from July onwards. They are transmitting us the daily discharge by wireless. These discharge stations are:

(a) Shigatso - about 590 miles from head.
(b) Chushal Dozong - about 117 miles from Shigatso
(c) Tsela Dozong - about 246 miles from Chushul Dozong.

A study of this information shows that the maximum discharge at Tsela Dozong this year was of the order of 3 Lakh cusecs in August, the corresponding figure at Passighat being of the order of 5 lakhs cusecs and at Pandu of the order of
18 lakhs cusecs. From these it would appear that the contribution of flood water from Tibet area is not of very great consequence. In any case the receipt of daily information is very useful.

4. I have no doubt that the floods must be doing lot of havoc in East Bengal. I shall be glad to have further information from you about the nature of the damage.

5. The amount of help we can render would naturally depend on the nature of the flood control works envisaged by East Bengal. India, of course, give flood warnings if East Bengal is interested. If East Bengal is contemplating construction of embankments they may not require much help from India. In case, however, they are contemplating the construction of reservoirs in the higher reaches for the purpose of flood control it may be possible for India to investigate and prepare schemes at suitable sites to see to what extent the cost can be shared by the two countries.

6. A brief note on the steps taken so far in the matter of flood control in Assam and North Bengal is enclosed for your information. So far as our experts can make out most of the damage to East Bengal must be from the Brahamputra river. We have already constituted a Brahampoutra River Commission to render technical advice on the various aspects of the problems pertaining to the floods in the Brahamputra. We may suggest to the Government of Pakistan to form a similar river commission for the East Pakistan. I may for your information state that while India could give some help in the matter of flood control to Pakistan there is hardly anything which Pakistan can do to help India in this particular respect.

7. Closely linked with the flood control measures on the common rivers to India and Pakistan in the Assam, West and East Bengal is the question of utilization of the waters of these rivers for irrigation, navigation and hydro-electric purposes. In this connection, the Government of Pakistan sent us a note in October 1951 for information relating to the nature and scope of Ganga Barrage Project. The note expressed the fear that the consequences of the contemplated diversion would be a grave danger to the “agricultural economy and commercial life” of East Bengal during the dry season and asked that the Government of Pakistan might be consulted before any such scheme was put into operation. We replied at that time that the project was only under preliminary investigation and the questions raised by Pakistan were purely hypothetical.

8. In May 1952, Pakistan referred to a report published in The statesman regarding the Ganga Barrage Scheme and an article on the Ganga Project. Pakistan wanted to know the correct position of the projects and their scope and at the same time expressed the fear that the projected works would “have ruinous effect on the agricultural and commercial economy of East Bengal”.
While a reply to the reference was under consideration in this Ministry, the position was complicated on account of a communication that issued from another Ministry. To get over that complication, we extended an offer of “co-operative development” by India and Pakistan of the water resources of the Ganga. This offer has been welcomed and accepted by Pakistan. In our last communication to Pakistan, we stated that in view of the extensive and frequent damage in East Bengal and West Bengal caused by the floods in the Ganga and Brahmaputra, a further field of fruitful co-operative work would be the formulation of the flood control measures on the two rivers. The Government of Pakistan have welcomed this proposal and have now suggested that “a party of Indian and Pakistan officers may be nominated to survey the upper reaches of these rivers and submit a preliminary report to the two Government on the ways and means by which the floods can be brought under control or their recurrence prevented”. While we are completely agreeable to co-operate with Pakistan in dealing with the floods, we cannot agree to any survey of the upper reaches of the Ganga and Brahmaputra by Pakistan officers. In any proposal that may emerge after negotiations with Pakistan for a co-operative approach in dealing with the floods, we wish to avoid such a contingency.

9. There is yet another important aspect of this problem. We have a dispute over the Indus Basin waters with Pakistan and negotiations for the settlement are in progress at Washington with the good offices of the World Bank. There are indications that we may have a similar dispute over the Ganga and Brahmaputra waters also in the near future. We must therefore, be extremely cautious in whatever we communicate to Pakistan so that we do not do anything in the matter of flood control in the eastern region that may complicate or jeopardize our position on the Ganga Brahmaputra case at a future date. This is why Kalra who deals with the Canal water Dispute in this Ministry is going with the delegation to Karachi on or about the 9th of September in response to your telegram No. 709 dated the 3rd September to the Prime Minister. Kalra delegation calls on you at Karachi.

Your Sincerely
(G.L. Nanda)

Shri C.C. Desai,
High Commissioner for India in Pakistan,
High Commission of India,
Karachi-5.
2558. Minutes of the Meeting of Indian and Pakistani delegations on Flood Control held on 10th September, 1955 at the Ministry of Industries, Government of Pakistan, Karachi.

Indian Delegation:
1. Mr. Kanwar Sain
   Chairman Central Water and Power Commission (Leader).
2. Mr. A.R. Khanna
   Chief Engineer, Flood Control, CW&PC.
3. Mr. K.L. Rao
   Chief Engineer, Flood Control CW&PC.
4. Mr. H.C. Kalra
   Deputy Secretary, Ministry of Irrigation and Power.
5. Mr. A.C. Gupta,
   Secretary, Indian High Commission in Pakistan.

Pakistan Delegation:
1. Mr. Mohsin Ali
   Consultant, Planning Board. (Leader).
2. Mr. K. Azeemuddin,
   Chief Engineer, Karnafuli Project.
3. Mr. A.F. Quraishi,
   Chief Engineer, Warsak Dam Project.
4. Mr. S. Masood Hussain
   Director, Central Engineering Authority.
5. Mr. B.M. Abbas,
   Deputy Chief Engineer (Irrigation),
   Government of East Bengal
6. Mr. A. Latif,
   Executive Engineer, C.E.A. (Member-Secretary).

In welcoming the Indian Delegation, Mr. Mohsin Ali invited their cooperation in the exchange of data and other technical information for reliving the suffering caused by the frequent floods in the north eastern region of the sub-continent. He particularly stressed the duty of engineers looking at such problems purely from a professional point of view irrespective of political boundaries.
2. Mr. Kanwar Sain, on behalf of the Indian delegation reciprocated wholeheartedly to the observations made by Mr. Mohsin Ali and said that the Prime Minister of India had expressed a keen desire for mutual cooperation in such matters between the two Governments.

3. Information was exchanged about the methods adopted or proposed in the two countries for combating the flood menace. Details were given by the Indian delegation regarding the organizational set up in India for:

(a) Investigation and surveys and collection of data;
(b) Execution and maintenance of flood control works; and
(c) Provision of funds for the purpose.

4. After discussion the India delegation offered to give flood warnings and supply such hydrological and metrological data for the monsoon period (15th June to 30th September) regarding the Brahmaputra valley as may be of assistance in dealing with floods in Pakistan. The following were specifically mentioned:

(a) Gauge and discharge readings at Gauhati including the previous gauge readings.
(b) Gauge readings at Dibrugarh to be supplemented with the discharge readings, when a discharge station is set up.
(c) Co-relation curve between the discharges at Gauhati and gauges at Dibrugarh, when ready.
(d) Silt analysis and silt transportation investigations on the Brahmaputra.
(e) Pakistan delegation desired to have information regarding streams south of Brahmaputra from the Khasi Juntia hills. The India delegation promised to give all help in this respect on receipt of a formal request from the Government of Pakistan.
(f) Gauge, discharge and silt analysis data of (a) Patna Station on the Ganges and of the Kosi river; (b) Silchar Station on the River Barak.
(g) Study of rainfall and intensities of rainfall in the region or a period of 20 years when completed.

5. It was suggested by the Indian delegation that a River Commission be constituted for tackling flood problems in East Pakistan. It also appeared desirable to both the delegations that the Chairmen of both the Indian and Pakistan flood control commissions be authorized by their respective
governments to correspond direct on technical meters. The procedural matters and manner of exchange of information be finalized at a meeting of the Ministers concerned of the two Governments.

6. On an enquiry, Mr. Kanwar Sain indicated that he would very gladly welcome the visit of any Pakistani engineers in Gauhati, Dibrugarh and other sites of interest on the Brahmaputra Valley as well as the central water and power research station, Poona, to see the models of the Brahmaputra river set up for study of flood control measures.

7. It was suggested by Pakistan delegation that flood warnings information be centralized at Calcutta from Shillong, Darjeeling, Gauhati and Dibrugarh and other places and broadcast daily from Calcutta station of the All India Radio on short-wave which will be picked up by Radio Pakistan, Dacca, and monitored, throughout the monsoons i.e. from 15th June to 30th September. The Indian delegation promised to have the feasibility of this arrangement examined.

8. The message of His Excellency the Indian High Commissioner offering full cooperation in this respect was greatly appreciated by Pakistan delegation. It was noted that Mr. A.C. Gupta, Second Secretary will liaise in the initial stages for collection of information from India.

9. The Meeting was marked by a perfect spirit of cordiality and mutual desire to cooperate with each other.

Sd/-
(Kanwar Sain) 11.9.55
Leader
Indian Delegation.

Sd/-
(Mohsin Ali) 11.9.55
Leader
Pakistan Delegation
2559.  
SECRET  
Letter from High Commissioner for India in Pakistan C. C. Desai to Minister for Irrigation and Power Gulzarilal Nanda.  
Karachi, September 13, 1955.  
High Commissioner for India  
Karachi-5  
No. H.C/55/25  
September 13, 1955  
My Dear Shri Nanda,  
I am most grateful to you for your detailed and comprehensive letter No.68(1)-CWD/55 dated the 7th September, 1955, on the subject of cooperation between India and Pakistan in connection with flood control in the eastern region of the Indian sub-continent.  

2. Since then the Flood Control Mission headed by Kanwar Sain has come and gone. They were received on the first day by the Prime Minister, Chaudhri Mohamad Ali, who told them how keen he was on this coordinated endeavour stressing that this was a long-term and slow process but one worthwhile beginning without any loss of time. Our team then met the Pakistan delegation led by Mohsin Ali and they had a very fruitful discussion, judging from the proceedings which must have been seen by you by now. They left the next day according to programme.  

3. Although the visit was a short one, it was a most business-like one and I have heard repeatedly from Mohsin Ali, Shaikh and others that the meeting was businesslike and that a definite and hopeful beginning has been made. The next stage will probably be a meeting between the Ministers, presumably in Delhi.  

4. Here in the High Commission, I have asked one of my officers to be in charge of the file and to act as Liaison officer so that he keeps abreast of all developments and receives and supplies information to both sides as desired from time to time.  

5. I have noted our special interest in the Ganga project and the desirability of avoiding as far as possible conduct of survey in upper regions by Pakistani Engineers. Anything that is absolutely necessary for a joint understanding of the project would, I expect, be permitted and could be taken no exception to.  

6. I am happy at the very satisfactory beginning of a joint effort which has vast potentiality not only for the benefit of the people of the two countries but
also for better understanding between the two Governments. I hope that further progress would be conducted in the light of this principle.

With kind regards,

Your Sincerely

Sd/- C.C. Desai

Shri Gulzarilal Nanda,
Minister for Irrigation & Power
Government of India,
New Delhi.

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2560. Brief Note put up by Commonwealth Secretary S. Dutt to the Prime Minister on the visit of a delegation of engineers to Pakistan for cooperation in Flood Control.

New Delhi, September 23, 1955.

Ministry of External Affairs

In Pursuance of the exchange of telegrams between the Prime Ministers of India and Pakistan in regard to Indo-Pakistan co-operation for flood control in the eastern zone, a Delegation of Indian experts visited Karachi in the second week of September for talks with Pakistan experts. The Indian Delegation met the Pakistan Prime Minister and held a conference with Pakistan officers on the 10th September. Agreement was reached on concrete measures which India will take in assisting Pakistan in the matter.

2. The Indian Delegation explained the factors which generally lead to floods, particularly those relating to earthquakes, snowfall and rainfall. They also explained the working of their Flood Control Organization at the Centre (Including the Central Flood Control Board) and of the State Flood Control Boards and other agencies. Measures taken at the village level with the assistance of the local population were indicated to the Pakistan Delegation. Shri Kanwar Sain, who was the Indian leader, also explained the organizational set-up for flood control in China.

The Indian Delegation further offered to give flood warnings and relevant hydrological and meteorological data for the monsoon period regarding the
Brahmaputra valley, which would be of assistance in dealing with floods in Pakistan. It was also agreed that the question of centralizing at Calcutta the information on flood warnings from various relevant stations like Shillong, Darjeeling, Gauhati and Dibrugarh and broadcasting such warnings daily during the monsoon from the All India Radio station at Calcutta to be picked up by the Radio Pakistan at Dacca would be examined by the authorities concerned. The nature of the data including flood warnings and gauges and discharges at various sites, to be given to Pakistan was gone into great detail. The Indian Delegation also stated that they would welcome the visit of Pakistani engineers to Gauhati, Dibrugarh and other sites of interest in the Brahmaputra valley as well as the Central Research Station in Poona. It was agreed that the Chairman of the Indian Central Water & Power Commission and of the corresponding Commission to be established by Pakistan would correspond direct for the exchange of technical data and information regarding flood control.

3. The Pakistan Delegation expressed their complete satisfaction at the results of the conference. It was suggested that the Ministers concerned of the two Governments should meet shortly to discuss the matter further and finalize the necessary arrangements.

2561. SECRET

Letter from Minister of Irrigation and Power Gulzarilal Nanda to High Commissioner for India in Pakistan C. C. Desai.

New Delhi, November 18, 1955.

Minister for Irrigation & Power
New Delhi

No. 68(I)-CED(GB)/55 November 18, 1955

My dear

Many thanks for your letter No. HC/55/25 dated the 13th September, 1955, in regard to the co-operation between India and Pakistan for flood control measures in the eastern region.

2. I have seen the proceedings of the meeting held between the technical
experts at Karachi. I am glad to hear of the feeling in Pakistan circles that a
good and hopeful beginning has been made. Our delegation, you must have
noticed, extended their utmost cooperation in dealing with the question of
controlling floods in East Pakistan.

3. The Minister for Public Works, East Bengal Mr. Abdus Salam Khan met
me at Delhi on the 29th of October, 1955. He stated that a decision to form a
Technical Board for flood control in East Pakistan had been taken and he
hoped to announce its formation soon after his return to Dacca. It is only after
the constitution of their Board that the manner in which their board and our
Brahmaputra River Commission can cooperate with each other and the other
allied questions can be considered. The flood control problems were also
discussed between me and the Pakistan Foreign Minister when we met at
Singapore in October last. We both agreed over the need for collaboration
between India and Pakistan in regard to flood control measures. We were also
of the view that useful joint projects of benefit to both the countries should be
sponsored under the Colombo Plan.

4. As regards the meeting, I suggested to the East Bengal Minister that it
would be useful if before the meeting, Pakistan sent us a note indicating the
flood control work already done, the studies they had carried out and the
proposals they had in view. Similarly, I offered to supply such information
regarding the work that had been done or the experience that had been gained
in India as could be useful in dealing with similar problems in East Bengal. We
agreed, that the programme of surveys and common projects should be ready
before the meeting, so that the same could be discussed and the proposals for
assistance from Colombo Powers finalized. The East Bengal Minister felt that
the flood control measures mainly concerned the West and the East Bengals
and if our meeting is held at Calcutta instead of Delhi, the local officers of the
states concerned could also take part in the discussions. I told him that I had
no objection to this change.

5. You have referred to the Ganga Barrage Project and expressed the hope
that anything which is necessary for a joint understanding of the project would
be permitted. As you are aware, we have ourselves offered to join in the co-
operative development of the water resources of the Ganga and its tributaries
and our offer has been welcomed by Pakistan. We have also told Pakistan that
we would supply a copy of the project as soon as we are in a position to do so.
We are prepared to fully co-operate with the Government of Pakistan but at the
same time we feel that there is need for caution and that nothing should be
done which may weaken our case, should Pakistan decide to take the Ganga
case before the International forum. Any request received from Pakistan for a
proper understanding of the project will receive our most earnest consideration.
6. Kanwar Sain has told me how helpful you have been to our delegation and of the personal interest you have been taking in this important problem. I fully share your sentiments that the joint effort may lead to better understanding and goodwill between the two countries.

With kind Regards,

Your Sincerely

(G.L. Nanda)

Shri C.C. Desai,
High Commissioner for INDIA,
 Karachi-5

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2562. Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, February 23, 1956.

Ministry of External Affairs,
New Delhi.

No. F. 6 (10) –PAK.III/55 the 23rd February, 1956

The Ministry of External Affairs present their compliments to the High Commission for Pakistan and with reference to the High Commission’s Notes No.F.62(20)P/54, dated the 3rd and the 27th May 1955, have the honour to state as follows:

2. With regard to the scheme for the construction of a barrage across the Teesta river near Gondivari stated to be under the active consideration of the Government of Pakistan, the Government of India would appreciate it if they could be informed of the particulars of the scheme in due course. The Government of Pakistan would no doubt be aware that a scheme for the development of the waters of the Teesta, in its head reach in India, has been under the consideration of the Government of India for some years past. After full particulars of the two schemes are available, it would no doubt be in the common interest of the two countries to consider these schemes simultaneously.

3. The Government of India would also be glad to receive fuller details (including the project report) of the Ganges-Kobadak Scheme, Phase I,
undertaken in East Bengal for the irrigation of about 200,000 acres. As is known to the Government of Pakistan, the Government of India have also some projects in the Ganga system in India which, together with the above scheme in East Bengal, may with advantage be discussed between the two countries after necessary investigations have advanced sufficiently.

4. As regards the suggestion that a party of Indian and Pakistani officers be nominated to survey the upper reaches of the rivers Ganga and Brahmaputra, the Government of India have already set up a special organization to undertake surveys and investigations and have also constituted Ganga and Brahmaputra Commissions to deal with the flood control measures on these rivers in West Bengal and Assam. The Government of India suggest that the Government of Pakistan may also consider the desirability of similar action on their side.

5. In reply to a message from the Prime Minister of Pakistan the Prime Minister of India has already conveyed his acceptance, in principle, to a cooperative approach in dealing with the floods in the eastern region. The manner in which such cooperation can be best achieved is, however, a matter the details of which can be worked out between the two Governments.

The Ministry of External affairs take the opportunity to renew to the High Commission of Pakistan the assurance of their highest consideration.

The High Commission of Pakistan
New Delhi.

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2563. Press Note issued simultaneously in New Delhi and Karachi on the talks held in New Delhi on cooperation between India and Pakistan in the control of floods in the Eastern Region of the two countries.

New Delhi/Karachi, August 24, 1956.

The hope that co-operation between India and Pakistan in tackling the problem of floods in the eastern regions of the two countries would help to reduce the flood risks and so mitigate the sufferings of the people was expressed by the Ministers of the two countries in their speeches at the Indo-Pakistan Conference on Flood Control held in New Delhi on 24 August.

The Indian delegation was led by the Union Minister of Irrigation and Power
and Planning Shri Gulzarilal Nanda, and the Pakistan delegation by Mr. Habib Ibrahim Rahimtolla, Central Minister of Industries and Commerce.

Welcoming the Pakistan Minister, Shri Gulzarilal Nanda recalled that in September 1955 a delegation of Indian engineers went to Karachi in response to a request from the Prime Minister of Pakistan for co-operation in controlling floods in East Bengal. He explained the main features of the flood problems confronting India and pointed out the similarity of experience in regard to floods on both sides of the border. He referred to the arrangements made in India for flood forecasting and flood warning and gave details of the comprehensive surveys undertaken for the collection of hydrological and other relevant data by setting up a network of rain and river gauges, discharge and silt observation sites and indicated the nature of the various protection measures to moderate floods, all of which, he said, would prove helpful to Pakistan in dealing with their problems. India was reasonably well equipped now to assist Pakistan by way of timely information of approaching floods which should help to avoid untoward consequences in their areas. He added that the human aspect of the problem was in the forefront of his mind and he felt that it was a neighborly obligation on the part of India to render all possible assistance which it would gladly discharge.

The Pakistan Minister in his address expressed pleasure over the opportunity of conferring with his Indian friends on the common problems relating to floods. It was a happy augury, he said, for the conference that the Prime Ministers of the two countries so keenly desired mutual co-operation in this matter. Observing that flood control was a highly technical problem, Mr. Rahimtolla stated that there could be no two opinions about the recommendations made by the technical experts of both the countries at the meeting held in Karachi in September 1955. Mr. Rahimtolla hoped that the procedure of exchange of information which might now be agreed upon would pave the way for the formulation of flood control schemes in both the countries in the near future.

The Minister of Pakistan and India authorized the Chairmen of the East Bengal Flood Commission, Pakistan, and the Brahmaputra River Commission, India, to exchange information necessary for measures for flood control in the eastern regions of the two countries. The two Chairmen would correspond with each other direct on technical matters and request for such information as may be of assistance in tackling flood problems in this region.

The various directions in which the co-operative work should proceed were then discussed and it was agreed that the details should be gone into by the Chairmen of the two Commissions. The Chairmen of the two Commissions met later and made certain recommendations regarding details of the information required by each side and the manner of exchange of such information.
Some of the important recommendations approved by the conference were: (a) flood warnings to be given from Dibrugarh, Gauhati, Patna, Silchar, Gomti, Khawai and Dholal from India to Pakistan; (b) flood warnings from Atrai in Pakistan to be given to India; (c) heavy rainfall data from Shillong to be transmitted to Pakistan; (d) heavy rainfall data from Sylhet and Habibganj in Pakistan to be sent to India; and (e) India will endeavour to furnish such other information relating to the Brahamputra Valley or other assistance as may be considered necessary by the two Chairmen for formulating flood schemes.

The discussions were held in an atmosphere of cordiality and goodwill.

2564. Request made by the Government of Pakistan to the UN Technical Assistance Administration for help in the study of water resources of East Pakistan.

Karachi, November 12, 1956

United Nations Technical Assistance Administration

Request of the Government of Pakistan

Job Description

PAK -26 12 November 1956

General field : Water Resources Development-- Flood control
When Required : As soon as possible.
Duration : Three months
Number of Posts : Four

The team of advisers would be headed by a top level experienced executive planner with wide experience in river control and multipurpose projects who would be assisted by up to three advisers as required.

Duties:

1. To review at the highest governmental level the objectives of Pakistan, with the control and development of the water of the Brahamputra -- Ganges Basins as a basis for developing a programme for large scale multi-purpose water resources development in East Pakistan.
To examine and evaluate existing material, studies and plans related to the control and development of these basins and to determine in which areas necessary data are lacking.

3. To conduct a preliminary survey on the spot and determine the stages for further specific studies.

4. To report results of these investigations. Identify major problems to be encountered in developing a long term control and development programme and recommending the steps to be taken for their solution including recommendations concerning public policies, organization, personnel requirements and other major factors affecting work schedules.

5. To consult with the Government concerning plans for flood control and water resources development in West Pakistan with particular references to the Indus River Basin.

Background:

The Brahmaputra River rises in the glaciers of the Himalayas in south-eastern Tibet and under its Tibetan name Tsang-Po, flows about 900 miles south eastward parallel to the Himalayas. It then veers to the northeast through a series of gorges and turns sharply south and southwest into India where it takes the name of Brahmaputra and flows in a broad island dotted stream for 450 miles down the Assam Valley turning south around the western end of the Assam range in Pakistan where it joins the Ganges at Goalundo and, under the name of Padma, flows to the Bay of Bengal. It is 1800 miles long and drains an area of 361,000 square miles.

The Ganges rises in the glaciers of the Himalays in Nepal near the Afghan (sic) border and flows southeast on an alluvium plane across India into East Pakistan where it joins the Brahmaputra near Goalundo. It is 1,600 miles long and drains an area or 350,000 square miles.

For many years the control of the waters of the Ganges and Brahmaputra rivers in East Pakistan has been a serious problem particularly during the flood season. In recent years floods have raised the toll in lives. Property and crops and caused increasing human misery, famine and economic disaster. A number of useful pertinent studies have been undertaken in recent years and some material is available. Work has been undertaken on some of the smaller eastern tributaries. Under the United States bilateral aid programme for the control and development of these rivers and their basins touching among other things on agriculture, Irrigation, Communications, drainage, commerce, land industries, finance, foreign affairs, power and engineering.
The first-five year plan provides an estimate of 666.7 million rupees for water and power resources in East Pakistan over the period 1956-60. Of this total, 5.9 million is for general investigation, 424.3 million is for multi-purpose development, 29.9 million is for irrigation, 100 million is for Flood Regulation and Drainage and 106.6 million is for Power. The plan advocates comprehensive and long range schemes for multi-purpose development, the design and construction of integrated systems bases on these plans and their coordinated operations as the keys to the greatest values at the least cost. It recommends the establishment of a statutory public agency in East Pakistan to be charged with coordinating and administering the programme.

2565.

**SECRET**

Telegram from Ministry of Irrigation and Power to Indian Embassy in the United States of America.

New Delhi, January 23, 1957.

TELEGRAM

From : Foreign, New Delhi.

To : Indembassy, Washington DC.

IMMEDIATE

No. 79602 January 23, 1957

Gulhati from Kalra.

Your telegram 752 of 1st December regarding KRUG Mission. On December 5 AZIMUDDIN addressed Kanwar Sain regarding visit of Pakistan Engineers pursuance para 3 of minutes of meeting held 24th August 1956. Subsequently AZIMUDDIN sent another letter stating KRUG expressed desire to accompany Pakistan Engineers to see Brahmaputra river up to DIBRUGARH and little beyond. This was followed by similar request from Secretary Industries Pakistan.

2. Have now received form JAMES KRUG Resident Representative UNTA BOARD letter forwarding copy of Pakistan’s Project Request leading to KRUG Mission. KRUG States he has been requested by UNTAA to enquire if India Government agreeable to KRUG Mission visiting Delhi sometime February.
Object of visit as stated is discussions with concerned officials and possibly thereafter survey of Indian part of Brahamputra-Ganga Basin. KRUG’s letter states KRUG Mission investigating flood problem in Ganga -- Brahamputra Basin at Pakistan’s request. Pakistan Project Request to UNTAA however describes general field of KRUG Mission’s activities as Water Resources Development – Flood Control and its duties, amongst other, as follows:-

(a) Review at highest governmental level objectives of Pakistan, with control and development of waters of Brahamputra - Ganges Basins as basis for developing programme for large scale multi-purpose water resources development in East Pakistan

(b) Identify major problems to be encountered in developing a long term control and development programme and recommending steps to be taken for their solution.

(c) Consult with Government concerning plans for flood control and water resources development in West Pakistan with particular reference to Indus River Basin.

Copies of relevant papers sent by bag on 21st.

3. We propose inviting KRUG to see Brahamputra as requested by Pakistan and then to Delhi for discussions on flood control only. Kindly cable advice. Have also addressed BWRER in similar terms.

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2566.  

SECRET

TELEGRAM

From : Foreign, New Delhi.

To : Hicomind, Karachi.

MOST IMMEDIATE

No. 30362  February 14, 1957

C. C. (High Commissioner) from M.J. (Commonwealth Secretary)

Your number 130 February 12th regarding Krug. We understand that Krug Mission is to advise Pakistan not only about flood control but also about development water resources in Brahmputra, Ganges and Indus basins and UNTA have enquired if we would accept mission of three for discussion at Delhi and possibly thereafter survey of Indian part of Brahmaputra-Ganges basins.

2. We are against discussions on water resources development in Brahmaputra-Ganges basin.

3. We are informing UNTA that Krug Mission welcome to have discussions on flood control repeat flood control only and that too in Brahmaputra region. A visit to Brahmaputra will also be arranged if desired. We are further informing UNTA that Krug Mission should visit Delhi after completing their work in East Pakistan when discussions would be more useful. Further background information together with copy of our letter to UNTA will follow by bag.

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Letter from Ministry of External Affairs to Deputy High Commissioner for India in Pakistan D. N. Chatterjee.

New Delhi, February 15, 1957.

D. O. No. 640 – NGO/57

My Dear Chatterjee,

Please refer to the Commonwealth Secretary’s telegram No. 30362 dated 14th February to the High Commissioner regarding a visit of the Krug Mission to Delhi. I enclose a copy of letter No. 1-4-04 (B1) dated January 8, 1957 from the Resident Representative of United Nations Technical Assistance Board to the Ministry of Finance together with a copy of the Project Request from the Government of Pakistan which has led to the Krug Mission.

2. You will observe that whereas Keen’s letter describes the object of the Mission as flood control in the Brahmaputra – Gangas Basin, the Project request visualizes that in addition to flood control the Mission activities will cover water resources development not only in East Pakistan but also in the Indus River Basin. The Government of Pakistan have sent us several communications about arranging a visit by the Mission to India. In all of these they have been at pains to emphasize that Krug would be concerned with flood control only. In his d.o. letter No. 1399 –F.C. dated the 5th December 1956 to the Chairman, Central Water and Power Commission wrote as follows: “The United Nations sent a mission recently to advise us on the problem of flood control in East Pakistan”. In his letter No. W1-15(25)-56 of the 24th December 1956, Khaleeli writing to the Secretary, Ministry of Irrigation and Power referred to the mission in the same terms: “You might have learnt that the Government of Pakistan have obtained the services of a UN team of experts headed by Julius A. Krug to advise them on flood problems in East Pakistan”. From the outset however, there have been indications that the UNTA mission would concern itself with water utilization problem. For example in the memorandum dated November 16. 1956 which the Resident Representative handed over to the High Commissioner it was stated that the mission would carry out a preliminary study of the whole problem of flood control and matters related thereto on the watersheds of the Gangas and Brahmaputra rivers in East Pakistan. The significant statement here is the phrase “matters related thereto”. Again there was the news item in the Dawn of 18th November 1956 which spoke of the Mission being concerned with a “broad program of flood control and water utilization”.

3. I view of these indications the Ministry of Irrigation and Power had from the beginning taken a cautious attitude towards the question of a visit by Krug to India. It had been apprehended that the Pakistan Government might endeavor
through Krug to reach some arrangement which would give them direct or indirect control over our developments on the Gangas and Brahmputra. In view of the fact that the period of the notice required for our denunciation of the convention and statute on the Regime of Navigable Waterways of International Concern has not yet expired, no risks could be taken and the matter was given very careful consideration. The following decisions have now been taken:

i) The Krug Mission may be allowed to visit India for consultations with officials at Delhi; a visit to the Brahmputra will also be arranged if desired.

ii) The discussions with Indian officials to be confined to East Pakistan flood control problems on the Brahmputra.

iii) The Mission should visit India after completing its work in East Pakistan (They will then be in a better position to know what information they require from us to help them in resolving problems studied by them in East Pakistan. Also knowing their problems we shall be in a better position to help them).

4. A reply on the above lines is being sent to the Resident Representative of UNTA. We expect that this will be done today. I shall send you a copy as soon as possible.

Please show this letter to the High commissioner.

Yours Sincerely

(J.C. Kakar)

Sh. D.N. Chatterjee
Deputy High Commissioner,
High Commission of India
Karanchi.

PS. Shri H.C. Kalra of the Ministry of Irrigations & Power whom you met during your last visit to Delhi has asked me to invite your attention particularly to item (4) of the Mission duties as set out in the Project Request. The words "identify major problems to be encountered in developing long-term control and development program" might well entail a meddlesome interest on the part of the Mission in our Ganga Barrage Project.
I hasten to write to tell you of the pleasure and inspiration which came to us through our whirlwind one-week visit to your country.

We were met at Bombay airport by Mr. Kanwar Sain, Chairman of the Central Water and Power Commission, and Mr. H.C. Kalra, Deputy Secretary of the Ministry of Irrigation and Power, and flown to Poona by chartered Government aircraft. We spent a most interesting afternoon visiting this well directed and splendidly equipped hydraulic laboratory.

Tuesday morning we went on to Delhi and had a good meeting with Deputy Minister Shri Jaisukhlal Hathi, Ministry of Irrigation and Power, and his top staff. Wednesday morning we left before dawn and had the unforgettable experience of seeing the Taj Mahal at daybreak. We flew on from there to visit Bhakra Nangal and must admit that it exceeds even the boldest of our attempts so far to capture the power of falling water in deep and difficult mountain gorges.

We then proceeded to Calcutta and drove out to witness the accomplishments of the Damodar Valley Corporation and visited both the Maithon and Panchett flood control and power projects and we also inspected the vast crop lands which will be irrigated by this project. Our whole visit was another example that you have to see in order to believe.

We were particularly impressed by the fact that these projects are being carried forward almost entirely through the supervision of India engineers and through your own organizations of skilled craftsmen and well directed workers rather than by outside contract as so often is the case.

May we express again our deep appreciation for your speedy efforts in arranging this visit. Although I am no longer an official of the United States Government, I hope I will have a chance to return the favour when any of your great engineers visit our country in the future.

Thanking again for your courtesies.

Karachi, March 2, 1957.

High Commission of India
Karachi

D. O. No. 8(1)/57-Genl. March 2, 1957

My dear Dr. Krug,

I am very happy, indeed, to receive your letter No.JAK/A/14, dated February 26, 1957, and to learn there from that you had a successful visit in India and that you had fruitful discussions with our Ministers and others concerned with Irrigation and Power. I have no doubt that your complimentary remarks would give great satisfaction to our people even though you may have been led to say such nice things out of a sense of courtesy and goodness.

2. Both in our First Five Year Plan and in the Second five year plan we are laying great emphasis on the development of irrigation and hydraulic power as we consider that these two developments would constitute a sure foundation for the building up of our future prosperity and progress. We have to increase our supply of food grains and we have to provide cheaper power for our growing industry. I wished you had a little more time for being spent in India in which case we would have been happy to take you round some of our other big irrigation projects such as the Hirankund which has just been completed and the Kosi and the Chambal which are now in the process of implementation.

3. I shall be looking forward to an opportunity of meeting with you and having a general talk when you return to Karachi after your arduous and important labours in East Pakistan.

Thanking you once again for having done us the honor of a visit to our Hydraulic Research Laboratory at Kharakvasla and to some of our irrigation projects and with kindest regards,

Your Warmly

Sd/-

(C.C. Desai)

Dr. J.A. Krug,
United nations Water Control Mission,
Hotel Shahbagh, Ramna, Dacca.

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2570. Letter from High Commissioner for India in Pakistan C.C. Desai to Commonwealth Secretary M.J. Desai

Karachi, March 2, 1957.

High Commission of India
Karachi

D. O. No. 8(1)/57-Genl. March 2, 1957

My dear M.J.,

You remember that it was not without some difficulty that I got our Government to agree to receive the Krug Mission in India on the dates and in the manner suitable to the members of the Krug mission rather than in accordance with our own convenience which suggested a slightly different programme. The Krug mission wanted to visit India before going to Dacca and wished to see the Hydraulic Research Laboratory, Poona, Bhakra, Nangal and the Damodar Valley Corporation in that order. On the other hand our people desired that the mission should first go to East Bengal and have a meeting with our people on the way back and that the first meeting should take place in Delhi after which the mission should go out to the various places. I was happy to find, however, that Government accepted my advice and the Krug Mission was enabled to adhere to their programme which was fully carried out. I have now heard from Dr. Krug vide copy of his letter herewith enclosed. Even allowing for the usual courtesy of praising the hosts I feel that Dr. Krug’s letter is a complete vindication of the trouble that we took to accommodate him and to show him round in his own way. Knowing the work of our Central Hydraulic Research Laboratory at Khadkvasala and the magnitude of our projects for the Sutlej Valley and the Damodar Valley, I am inclined to take the view that Dr. Krug’s description is by no means an exaggeration and that he has merely said what he actually feels in his own heart. All this is very gratifying to us and that is why I have taken the trouble to write this letter in the hope that you would see it on your return from Accra and that in the mean time copies would be shown to the Ministry of Irrigation & Power and especially to Dr. Kanwar Sain, Chairman of the Central Water and Power Commission who created such a deep impression on Dr. Krug and the members of his party. I am one of those who believe that ours is an open book and that anyone can come and see our projects, that we should let others chalk out and adhere to their own programme and that in the end this attitude brings far better dividends than any policy of hide and seek or maneuvering for position. I am sure I would hear much more about this visit of Dr. Krug when he returns to Karachi after his investigations in East Pakistan.
2. I am sure P.M. would also be happy to see the letter of Dr. Krug.

With kindest regards,

Yours ever

(C.C. Desai)

Shri M.J. Desai, I.C.S.,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

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2571.  
SECRET

Letter from High Commissioner of India in Pakistan C.C. Desai to Commonwealth Secretary M.J., Desai.

Karachi, March 31, 1957.

High Commissioner for India
Karachi

D.O. No. 8(1)/57-Genl. 31st March, 1957

My dear M.J.,

Will you kindly refer to Kakar's letter No.31/168/NGO/55 dated March 11, 1957 on the subject of Dr. Krug's visit to India while on his mission to Pakistan to study flood control and irrigation potentialities in East Pakistan? Dr. Krug and one of his engineers returned some time back to Karachi and were good enough to call on me at the Chancery. They told me how deeply grateful they were to the Government of India for making excellent arrangements for their visits to Kharakvasala, Delhi, Bhakra, Nangal, Calcutta and DVC. About the Hydraulic Research Laboratory at Kharakvasala, Dr. Krug said that they had not seen anything like that even in the United States where such a laboratory would be under covered premises and could not therefore be of the same size and dimension as the Indian one. Apart from the size of the laboratory, they had nothing but the highest praise for the manner in which different river systems were being studied and the advice was being built and that the engineers employed on the dam had the hardest time and were pursuing their task with
the best possible engineering skill. He pointed out that foundation engineering was extremely difficult but that the people employed at Bhakra were tackling the task with wonderful skill and efficiency. He was also highly impressed with the DVC which he saw from one end to the other.

2. As for future flood control in the eastern part of this sub-continent Dr. Krug told me that he had impressed upon his Pakistani friends that without cooperation with India nothing was possible and no worthwhile results could be achieved. He was hopeful that this attitude would be adopted by the Pakistan authorities. He said that whatever was done in East Bengal had its effect on the portions of the rivers passing through India and thus the problem was mutual one which could be tackled only on a cooperative basis. He was not interested in politics and he regarded the work as one of benefit to humanity.

3. The thing which he mentioned to me and which impressed me most was the immense potentiality for power by harnessing the steep fall in the Brahmaputra just outside Assam and at the corner of the junction between China and India. He said that within a short distance the mighty river had a tremendous fall which, if harnessed, could give something like 30 million K.W. which is fantastic but nevertheless which is capable of achievement. The entire Tennessee Valley Development in America which is the basis of American prosperity and industry gave only 10 million k.w., whereas the Brahmaputra scheme would alone give 30,000,000 k.w. Such a development would require cooperation between China and India with interest on the part of Pakistan and Burma. This may look like a distant project but one has to think of a thing like that for a long time before it becomes a reality. I am sure the Prime Minister would be interested to be told of this possibility which no doubt he is already aware of. Even so, I am not afraid of repeating because the thing is something wonderful which, if achieved, would mean such a radical change in the way of life of the people in this rather backward and inaccessible part of the world.

With kindest regards,

Yours ever,

(C.C. Desai)

Shri M.J. Desai, ICS.,
Commonwealth Secretary
Ministry of External Affairs,
New Delhi.
2572. Note from High Commission for Pakistan in India to Ministry of External Affairs.

New Delhi. Not dated

Office of the High Commissioner for Pakistan In India
New Delhi

No. 62(20)P/54 (Not dated)

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs and with reference to their Note No. F.6(11) – P.III/56 dated 12th March, 1957, has the honour to state that the Government of Pakistan are gratified to note the assurance of the Govt. of India that press reports to the effect that the Government of India have decided to proceed with the Ganga Barrage Project are totally without foundation.

2. The Government of Pakistan welcome reiteration by the Govt. of India of their agreement for a co-operative development by the two countries of the water resources of the Ganges and the Brahmaputra Rivers. In this connection, it may be recalled that at the suggestion of the Government of India, this agreement has already been extended to include the formulation of flood control measures on these two rivers and discussions were held to this end in September, 1955, at Karachi at experts’ level and in August 1956 at New Delhi at Ministers’ level. In the view of the Government of Pakistan, time is now propitious for the establishment of a procedure for furthering and reconciling the interests of India and Pakistan in developing the Ganges and Brahmaputra river systems.

3. The Government of Pakistan suggest that the Government of India join with them in securing the advisory and technical services of a United Nations body to assist in planning for the co-operative development of these river systems. The Government of Pakistan have in mind an international body comparable to the River Boards provided for in the Government of India River Boards Act, 1956, to advise the Indian states on Inter-State rivers.

4. The Government of Pakistan are prepared to establish an engineering board to participate in discussions with the international organization referred to above and with a corresponding board established by the Government of India.

5. The High Commission would be grateful to be informed whether the Government of India are agreeable to this procedure or would like to suggest any other procedure which in their view might be more conducive to an effective co-operative development of the Ganges and the Brahmaputra river systems.
6. Is regards paragraph 4 of the Government of India’s note under reference the Government of Pakistan regret that they are unable to subscribe to the view that the purposes of the “Barcelona Convention and Statute on the Regime of Navigable Waterways of International Concern” which the Government of India has denounced have been superseded, explicitly or implicitly, by the General Agreement on Tariffs and Trade. In particular, the Government of Pakistan would invite attention to Article 10, Sub-Section 1, reproduced below which is not reflected in any of the provisions of the GATT:

“Each riparian State is bound, on the one hand, to refrain from all measures likely to prejudice the navigability of the waterways or to reduce the facilities for navigation, and on the other hand, to take as rapidity as possible all necessary steps for removing any obstacles and dangers which may occur to navigation.”

The High Commission avails itself of this opportunity to renew to the ministry the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi.

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2573. Note from Ministry of External Affairs to High Commission for Pakistan in India.

New Delhi, October 31, 1957.

Ministry of External Affairs
New Delhi

No. F.6(13)-Pak.III/57. October 31, 1957

The Ministry of External Affairs present their compliments to the Pakistan High Commission in India and with reference to their Note No.62(20)/P/56 dated nil, have the honour to state as follows:-

2. As the High Commission is aware, the Governments of India and Pakistan have agreed in principle on a cooperative approach regarding the development of the water resources of the Ganga on a reciprocal basis and also on formulation of flood control measures in the Eastern region. The furtherance of this
The cooperative approach is, in the view of the Government of India, the most practical way of promoting development satisfactory to both countries. The Government of India therefore consider that there is no need to secure the advisory and technical services of any United Nations body.

3. Further procedures to give effect to the cooperative approach agreed to in principle can best be worked out by the representatives of India and Pakistan meeting at expert level. Such a meeting can be arranged when the experts are ready with technical data on the basis of which procedures for furthering this cooperation can be established.

The Ministry takes the opportunity to renew the assurances of their highest consideration.

The High Commission for Pakistan
In India,
New Delhi.

2574. Note from High Commission for Pakistan in India to Ministry of External Affairs.

New Delhi, September 1, 1958.

Office of the High Commission for Pakistan in India
New Delhi

No.62(20)P/54 September 1, 1958

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs, Government of India and in continuation of the correspondence resting with the Ministry’s Note No.F.6(11)P.III/56 of December 20,1957 has the honor to state as follows:-

2. In their note No.F.6(13)P.III/57 dated October 31, 1957, the Government of India proposed a meeting at experts level as the best way to work out “further procedures to give effect to the co-operative approach” and stated that such a meeting “can be arranged when the experts are ready with technical data on the basis of which procedures for furthering this cooperation can be established”. The Government of Pakistan are prepared to appoint experts now to meet the experts of the Government of India and proposes that the first meeting may
take place in Dacca in September or October 1958. If this is convenient to the Govt.
of India, the High Commission shall be grateful to know the names of their experts,
who will attend the meeting.

3. The Government of Pakistan appreciate that the Govt. of India may not have completed the
detailed engineering studies that experience demonstrates should precede the planning of
projects presently contemplated by the latter but in the view of the Government of Pakistan, joint
examination should take place before the point is reached where local pressures may demand
the construction of projects without regard to the accommodation inherent in the cooperative
approach to which the two Government have agreed.

4. The Government of Pakistan are in no position to evaluate correctly the possible effects in
Pakistan of the projects contemplated in India unless Government of India supply to the
Government of Pakistan the data in their possession. For example, in its Note No. F.6(11)P.III/56
dated December 20, 1957, the Government of India stated that the position regarding Ganga
Barrage project was still the same as reported in the Note No. F.6(11)P.III/56 of March 12, 1957
i.e., “in an investigation stage”. The Government of Pakistan note that this is substantially
the same report received six years ago when the Government of India, in its Note No. F.6.(8)-Pak.III/51
of March 8, 1952 stated that the Ganga Barrage Project was “only under preliminary
investigation”. It is hoped that additional data with respect to this project are now available. In this
connection it is noted that the Indian Minister for Irrigation and Power on March 26, 1958
asserted before Lok Sabha that “as soon as more resources are available (the Ganga Barrage
project) would be taken up”. The note under reply states that “the Government of India have
not yet taken a final decision on the scheme”. The point that the Government of Pakistan desire
to emphasize is that the exchange of data and a meeting at experts’ level should not wait
until there has been a “final decision” on this or any other schemes affecting Pakistan.

5. The Government of Pakistan welcome the statement of the Indian Minister for
Transport and Communications delivered at Calcutta on the 30th June, 1958
and reported in the 1st July issue of the Times of India to the effect that “India
would do nothing that would prejudicially affect the riparian rights of Pakistan”. Referring
however, to the Farraka Barrage Scheme, he is reported to have said that “this project
had been examined by independent international experts more than once and they had expresed the
opinion that Farraka scheme was not only feasible but that it would not in any way affect
navigation in Pakistan”. It appears from this statement that the Farraka Scheme has reached well beyond
the investigation stage. The Government of Pakistan would, therefore, reiterate their
request to be supplied with the details of this scheme. They expect the
Government of India not to take any decision on it, till it is established to the satisfaction of the Government of Pakistan that it would not “prejudicially affect the riparian rights of Pakistan”. Hence the necessity for an early meeting of the experts.

6. The Government of Pakistan desire to state that on the basis of such technical data as are presently available to them, the entire low supply period discharge of the Ganges River in East Pakistan is required to maintain navigation and for the overall Ganges Kobadak project, and other uses.

7. In this connection, the Government of Pakistan do not presume to judge by itself the reasonableness of its requirements, and it is for this reason that they still consider it appropriate and desirable for engineering experts from the United Nations to participate in the meetings at the experts’ level. The desirability of the participation of such independent experts is emphasized in a recent resolution adopted by the Economic and Social Council, which in this regard specifically (stated):

“Further requests the Secretary-General to give proper consideration to application by Government for assistance in the development of river basins, including the joint development of international rivers”.

8. The participation of independent experts suggested in the High Commission’s note No.62(20)P/54 of May 30, 1957, would undoubtedly contribute to an understanding of the problems and would facilitate the collection and exchange of engineering and hydrological data. The Government Pakistan, therefore, reiterate their request to the Government of India that the latter join with them in applying to the Secretary-General of the U.N. for the appointment by him of an engineer or engineers to participate in the meeting of the experts’ level. As this procedure is likely to take time and as Government of Pakistan are anxious to hold discussion at experts level, as early as possible the first meeting proposed for September/October, 1958, may be confined to experts named by the Government of India and the Government of Pakistan.

9. The Government of Pakistan will be glad to know the reactions of the Government of India to the point raised in para 6 of the High Commission’s note No.62(20)/54 dated 30th May, 1956 regarding India’s denunciation of the “Barcelona Convention and Statute on the Regime of Navigable Waterways of International concern”. The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi

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2575. Note of Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, December 29, 1958.

Ministry of External Affairs
New Delhi

The Ministry of External Affairs present their compliments to the Pakistan High Commission in India and with reference to the High Commission’s Note No. 62 (20) P/54, dated the 1st September, 1958, have the honour to state that the High Commission appears to have been misinformed, probably due to some journalistic misunderstanding, about the statement made by the Minister of Transport and Communications at a Political meeting held in Calcutta on the 30th June, 1958. For instance, no “riparian rights” were discussed and the Minister only casually referred to the general policy of the Government of India to steer clear of any violation of rights established under International Law, in conformity with the Charter of the United Nations.

2. The Government of India are of the view that the appropriate stage for the meeting of the experts of the two countries would be when they are ready with adequate technical data. Nevertheless, to meet the wishes of the Government of Pakistan, the Government of India agree to a meeting being held earlier, and suggest that the expert’s meeting may take place some time in April or May, 1959. The Government of Pakistan would, no doubt, appreciate that in the absence of sufficient data, the experts will be able to discuss only the procedural details and arrangements for the exchange of whatever little data would have been collected by that time.

3. As regards paragraphs 3, 4 and 5 of the High Commission’s note referred to above, the Government of India wish to make it clear that investigations in respect of the Ganga Barrage project are still in progress and that no final decision has been taken so far. The Government of Pakistan have suggested a meeting at the level of experts before a final decision is taken by the Government of India on this project. While the Government of India are anxious to take into consideration the reasonable interests of East Pakistan before taking a decision on the project, they cannot recognize any claim for a “joint examination”. In this connection, the Government of India are constrained to observe that no such examination was considered necessary by the Government of Pakistan in respect of their projects, final decisions concerning which have been taken and the execution of some of which has already started without consulting the Government of India. The Ganges-Kobadak project is an instance in point.
4. In this Ministry’s Note No. F.6(10)-Pak.III/55, dated 22/23rd February, 1956, the Government of India had requested the Government of Pakistan for fuller details (including the Project Report) of the Ganges-Kobadak scheme undertaken in East Pakistan for the irrigation of about 2 lakh acres. This request was repeated in the Ministry’s note No. F.6(II)-Pak.III/56, dated the 12th March, 1957. Neither the Project report nor any other details have been received so far. The Government of India would appreciate if this request which has been outstanding for almost three years is complied with at an early date.

5. In paragraphs 7 and 8 of the High Commission’s note, the Government of Pakistan have suggested the association of engineering experts from the United Nations in the meeting at the expert’s level. The Government of India do not see any justification for this proposal. On the other hand, the Govt. of India are of the considered view that such association is calculated to complicate the work of the experts of the two countries and would ultimately make their task more difficult. The Government of India hope that the Government of Pakistan will appreciate the advantages of direct bilateral discussions.

6. As regards paragraph 9 of the High Commission’s note concerning the Barcelona Convention and Statute on the Regime of Navigable Waterways of International Concern, it may be mentioned that the reasons for denunciation have already been fully explained in paragraph 4 of the Government of India’s Note No.F.6(II)56, dated the 12th March, 1957. The Government of India would reiterate their opinion that the navigational interests of India and Pakistan are fully protected by the General Agreement on Trade and Tariffs.

The Ministry of External Affairs avail themselves of this opportunity to renew to the High Commission of Pakistan in India the assurances of their highest consideration.

The High Commission of Pakistan in India,
Sher Shah Road Mess,
New Delhi.

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Note of High Commission for Pakistan in India to Ministry of External Affairs.

New Delhi, March 18, 1959.

Office of High Commissioner for Pakistan in India
New Delhi

No. 1(26)P/58. 18 th March, 1959

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs, and with reference to the Ministry's notes No. F. 6(5)-Pak.III/58, dated the 2nd January, 1959 and 10th February, 1959 has the honour to state that the Government of Pakistan fail to understand the anxiety and concern of the Government of India over the construction of the Karnafuli Dam, in view of the assurance already given by them to the Government of India that the Dam, which is under construction at present, is not likely to flood any additional Indian territory. The concern seems to be all the more unnecessary as under the terms of the Interim Agreement subsequently proposed by them to the Government of India, they have already offered to pay fair compensation to the Government of India, in case the joint surveys and investigations referred to in the Agreement established, that some additional Indian territory would be submerged as a result of the Karnafuli reservoir.

2. The Ministry allege that the Government of Pakistan tried to mislead the Government of India by saying at first that the reservoir was not likely to flood any territory in India. This allegation is not borne out by facts. The position of the Government of Pakistan regarding the flooding of the Indian territory as a result of the Karnafuli reservoir has been consistent and uniform throughout. The term “not normally submerged” was used merely further to clarify the position and not to amend their earlier stand, as alleged by the Ministry. It was felt that the term “not normally submerged” was simple and expressive enough and did not require any detailed explanation. However, now that the Government of India seem to be in doubt about the meaning of this term, it may be pointed out for their information that the term implies that normally the water of the Karnafuli reservoir is expected to be confined to the normal river section in India territory, and that during floods the back water aflux produced by the Dam is not expected to exceed the levels of the river which would be reached by similar floods under present conditions when there is no dam.

3. With reference to the desire of the Government of India to send an Indian engineer to visit the site of the Karnafuli Dam for making an on-the-spot study, the Government of Pakistan consider that separate visits by Indian engineers to the site of the Dam and by Pakistani engineers to the Indian territory across
the border would merely result in long delays. It was because of this consideration that they had proposed, in the Interim Agreement, joint surveys by the Governments of Pakistan and India. However, if the Government of India desire to send an Indian engineer to East Pakistan to work out the mechanics of the joint survey of the Karnafuli river, the Government of Pakistan would have no objection to such a visit. The Indian engineer may come to Dacca and on his arrival hold a meeting in the office of Mr. Masud, Secretary to the Government of East Pakistan Works, Housing and Settlement (Irrigation) Department, with the Officer In-charge of the Karnafuli Project and the Chief Engineer.

The High Commission avails itself of this opportunity to renew to the Ministry the assurance of its highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi

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2577. Note from Ministry of External Affairs to High Commission for Pakistan in India.

New Delhi, April 25, 1959.

Ministry of External Affairs
New Delhi

No. F. 6(4) Pak. III/59 the 25th April, 1959

The Ministry of External Affairs, Government of India present their compliments to the High Commission for Pakistan in India, and with reference to the latter’s Note No. 1(6)P/58, dated the 18th March, 1959, have the honour to state as follows :

2. The High Commission repeat their argument that there will be no additional flooding of Indian territory not normally submerged and that during floods the backwater afflux produced by the Dam will not exceed the levels of the river reached by floods at present. Pending the completion of the surveys and collection of the necessary data, the Ministry are not in a position to offer any comments on the extent of additional Indian territory which will be flooded. It is quite evident, however, that whereas at present the reservoir normal high
water level is reached only for a few hours or days and the water thereafter recedes and the river section which is benefited by flooding can be cultivated, the submergence resulting from the operation levels of the reservoir produced by the Dam is likely to be of a more permanent nature and therefore of a different order.

3. The High Commission refer to the Interim Agreement proposed by the Government of Pakistan and state that it contains an offer to pay fair compensation to India in case any additional territory is flooded. As explained in the preceding paragraph, compensation will have to be paid not only for additional areas flooded but also for more permanent flooding of areas which are at present only occasionally flooded for a few hours or so during high flood.

4. An examination of the Pakistan proposal shows that, while it seeks to provide for Indian agreement on continuation of the construction of the Dam and consequent flooding of Indian territory, it leaves negotiations about compensation to a later date. Further, the principle of determining the actual extent of flooding is left entirely vague and open to misconstruction. It was in view of this vagueness that the Ministry made it clear to the High Commission in paragraph 5 of their Note No. F. 6 (5)/Pak.III/58, dated the 19th September, 1958 that the Government of India considered it premature to discuss terms of any agreement relating to the Project until the necessary investigations had been carried out and the relevant data collected.

5. The Government of India had suggested the visit of an Indian Engineer to the site of the Dam in the middle of February to make an on the spot study of the operational feature of the Project so that he could assist in evaluating the result of the Indian survey now in progress on the Indian side of the border, and state precisely the extent of flooding and damage that would take place in India. This would enable the Government of India to formulate and settle the terms of agreement with the Government of Pakistan expeditiously. In case the Indian suggestion had been promptly accepted, the visit would have been completed well before the Pakistan Note was dispatched and in view of this it is difficult to understand the reason given in the Note for turning down the suggestion, viz. that it would cause long delays. The Government of Pakistan have again referred to their scheme for survey of the Indian side of the Karnafuli River by Pakistani Engineers which, they are well aware was rejected by the High Commission of India in Pakistan vide the Ministry’s Note No. F8(2)57 - Genl. dated the 16th April, 1958 addressed to the Min. of Foreign Affairs & Commonwealth Relation, Govt. of Pakistan and which therefore could only have been made to evade the issue. The Ministry repeat the offer to send an Indian team of 3 officers to proceed to the Project site and would be grateful if the Government of Pakistan would convey suitable dates for their visit. The
Indian Engineers could also take the opportunity to visit the office of Mr. Masood, Secretary to the Government of Pakistan, Works Housing and Settlement (Irrigation Department), at Dacca, and discuss points of mutual interest with a view to expedite discussion and settlement of the terms of Agreement.

6. The Government of India are gravely concerned at the non-cooperative and secretive attitude of the Government of Pakistan and at the continuing threat of flooding of Indian territory and hope that the Government of Pakistan would seek a solution in cooperation with India. In the meantime, the Government of India must necessarily, in accordance with International Law and Custom, reserve all rights in this regard.

7. The Ministry of External Affairs avail themselves of this opportunity of renew to the High Commission for Pakistan in India the assurances of their highest consideration.

The High Commission for Pakistan in India,
New Delhi

2578. Note from Ministry of External Affairs to High Commission for Pakistan in India.

New Delhi, August 8, 1959.

Government of India
Ministry of External Affairs
New Delhi

No. F. 6(4) – Pak.III/59 the 8 August, 1959/Saravana17, 1881

Ministry of External Affairs, Government of India, present their compliments to the High Commission for Pakistan in India and with reference to paragraph 5 of the Ministry's Note No. P.6 (4) Pak.III/59 dated the 25th April 1959, and have the honour to state that reports have reached Government of India that work on the Karnafuli Dam project is proceeding and will be completed before July 1960. The Government of India would appreciate confirmation from the Government of Pakistan that these reports are not correct and that the project will not be completed pending finalization of the question which is under correspondence between the two Governments.

2. The Ministry may kindly be informed of the Government of Pakistan views on the proposal contained in their note under reference for an Indian team of 3
officers to visit the site of the Karnafuli Dam and also discuss any points of mutual interest with the officers of the Government of East Pakistan, with a view to expedite discussions and settlement of the terms of the Agreement, has met the concurrence of the Government of Pakistan.

The Ministry avail themselves of the opportunity the renew to the High Commission of Pakistan the assurances of their highest consideration.

The High Commission for Pakistan in India.
New Delhi.

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2579. Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.


Ministry of Foreign Affairs & Commonwealth Relations
Karachi

No. I(I)-4/20/59. 10th September, 1959

The Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, presents its compliments to the High Commission for India in Pakistan and has the honour to state as follows:

2. The Government of Pakistan are deeply concerned to learn of the West Bengal Irrigation Minister’s statement in Calcutta on the 25th July, 1959, about the 220 ft. wide, 20ft, deep and 400 yds long canal, recently constructed to ensure greater flow of the Ganges water to the Bhagirathi at Biswanathpur in Murshidabad District, about five miles below the point where the river Bhagirathi emerges from the river Ganges.

3. The Government of Pakistan feel that this unilateral action is a violation of generally accepted principles and spirit of international law and conventions. Such a step would also be repugnant to promotion of friendly and neighbourly relations between Pakistan and India. Government of India would appreciate that such an action by them would greatly set back the cooperative approach for which the Government of Pakistan have been striving over the past several
years. The experts of the two countries are scheduled to meet for discussions on the question of exchange of information about the Ganges Barrage project, and it is felt that execution of schemes, even of temporary nature, which disturb the quantum of water flowing down the Ganges, will greatly hinder the progress of these discussions and will make the task of the experts difficult.

4. The Government of Pakistan would appreciate if the Government of India would let them know the complete details of the canal constructed (generally referred to as the Biswanathpur Cut) by the Government of India and the quantity of water to be withdrawn from the Ganges during different periods of the year, and if these withdrawals are in addition to the normal off-take of the Bhagirathi river from the Ganges at the point where it originally emerges from the Ganges river. Government of Pakistan would further request the Government of India for an assurance that the withdrawals from the Ganges through the Bishwanathpur Cut are not to be in addition to the normal off-take of the Bhagirathi river, at all times of the year.

The Ministry avails itself of this opportunity to renew to the High Commission the assurances of his highest consideration.

The High Commission for India in Pakistan
Karachi

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2580. Note from High Commission for Pakistan in India to Ministry of External Affairs.

New Delhi, September 24, 1959.

Office of the High Commissioner for Pakistan in India
New Delhi

No.1(26)P/58. the 24th September, 1959

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs Government of India and, with reference to the Ministry's Note No. F.6(4) Pak. III/59, dated the 25th April, 1959, has the honour to state that the Government of Pakistan are surprised and distressed to find the allegation of non-cooperative and secretive attitude contained therein against them. The facts are that they had furnished the Karnafuli Project Report and other relevant information to the Government of India as long ago as June 1958. The Government of Pakistan have also proposed the terms on an interim Agreement between the two Governments which, inter alia, provide for payment for fair compensation by the Government of Pakistan to the Government of India in case the joint surveys and investigations, referred to in it, establish that some additional Indian territory will be submerged as a result of the Karnafuli Reservoir. The Government of Pakistan have also conveyed their concurrence vide the High Commission's note of 18th March 1959 to the visit of an Indian engineer to Dacca and to discuss and settle with the officers of the Government of East Pakistan the mechanics of the Joint surveys of the Karnafuli River. The Government of Pakistan have, thus been making every effort to co-operate with the Government of India and they are sincerely at a loss to understand the repeated allegation of non-cooperative and secretive attitude against them.

2. As regards the Ministry's new proposal to send an Indian team of three engineers to visit the site of the Karnafuli Project, the Government of Pakistan, as an expression of their continued desire to co-operate with the Government of India in every possible way, are agreeable to such a visit also. However, to make the discussions between the Indian team and the Pakistan team more fruitful and to enable the Pakistan authorities to carry out an engineering appraisal to their own before the meeting takes place, the High Commission's request that the Government of India may be good enough to furnish to the Government of Pakistan the latest data collected by them as a result of the surveys and investigations carried out by them on the India side of the Border. In case this data cannot be made available to the Government of Pakistan soon and if the Government of India so desire, they may still send the Indian team to the Project site in early November 1959 for an exploratory meeting with the Pakistan authorities. The exact date when it would be convenient for
the Indian engineers to visit East Pakistan may please be communicated to the High Commission as early as possible. The Government of Pakistan hope that the Indian team’s visit would lead to the expeditious signing of the Interim Agreement and to the carrying out of the joint surveys which it envisages.

3. The Ministry have observed that while the Interim Agreement proposed by the Government of Pakistan to the Government of India provides for Indian Agreement on continuation of the construction of the Karnafuli Dam, it leaves negotiations about compensation to a later date. What the Interim Agreement exactly provides among other things, is that the Governments of Pakistan and India on the basis of the survey data, will negotiate a formal agreement to permit flooding in the Indian territory, if any, and to provide for fair compensation by the Government of Pakistan if appropriate. Obviously it is the joint survey and survey data which would establish the need or otherwise of a formal agreement about compensation. It would be premature to go into the terms of that formal agreement at this stage and would only delay the conclusion of the Interim Agreement between the two Governments and the essential co-operative work which it envisages. As regards the Ministry’s Note No. F.6(4) – Pak-III/59 dated the 8th August 1959, the High Commission has the honour to state that the reports reaching the Government of India that work on the Karnafuli Dam Project would be completed before July, 1960, are not correct.

4. The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi

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2581. Note from High Commission for India in Pakistan to Pakistan Ministry of Foreign Affairs.
Karachi, December 18, 1959.

High Commission of India
Karachi

No. F.8(1)/59-P 18th December, 1959/Agrahayana 27, 1881 (Saka)

The High Commission of India in Pakistan presents its compliments to the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan and with reference to the Ministry’s Note No. I(I) 4/20/59, dated the
10th September 1959 has the honour to state that the Government of Pakistan appear to have been misinformed regarding the nature of the Biswanathpur Cut.

2. Up to the end of the 1958 flood season, the river Ganga had been sharply eroding its right bank at Biswanathpur and had come within less than 300 ft. (not 400 yards) of the Bhagirathi. It was with a view to guard against that imminent risk of a sudden breakthrough by natural causes on the restarting of the erosion along the concave bank and avoiding the consequential dangers that a small pilot cut 50 ft. (bottom width) x 20 ft. depth was made through the remaining narrow ‘char’. As was to be expected the erosion recommenced with the onset of the floods in the Ganga during the current season and engulfed the Biswanathpur Cut, as the accompanying Plan will show. It will be clear that no new canal has been constructed and the Biswanathpur Cut has not made any difference to the supplies which the Bhagirathi would have obtained after the break-through by natural erosion.

3. The High Commission of India avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Commonwealth Relations the assurances of its highest consideration.

The Ministry of Foreign Affairs
And Commonwealth Relations
Government of Pakistan
Karachi.

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2582. Letter from Pakistan High Commissioner in India O.H. Malik to Minister of Steel, Mines and Fuel Swaran Singh.

New Delhi, December 19, 1959.

Office of The High Commissioner For Pakistan In India
New Delhi.

No. 1 (26)P/58 19th December, 1959

My dear Minister,

I have been asked by the Government of Pakistan to pass on to you the following message from Lt. General K.M. Sheikh:
Begins

“You will recall that while discussing the use of common rivers for irrigation and power development in East Pakistan the question of raising height of Karnafuli Dam was mentioned by Pakistan Delegation during Indo-Pakistan Conference on East Pakistan disputes and you gave an assurance that India will raise no objection to development activities in connection with Dam Project, on consideration of submergence of some area in India. This assurance is contained in paragraph 7 of agreement.

Indian engineers who visited Karnafuli Dam recently mentioned that they were unaware of the question of raising height of Dam and that they were authorized to deal only with clearance of possible submergence of India territory on the basis of present design. You will recall that we had agreed to the insertion of a provision in the agreement that in the event of the Dam being raised, the Governments of India and Pakistan would discuss how the claims of the Government of India regarding the loss if any, caused by the flooding of the Indian territory would be settled. Desai had got a clearance from the Ministry of works before the agreement was signed.

I would request you to impress upon the Government of India to instruct their engineers in conformity with the spirit of conference and not to raise any objection to the increase of height of the dam on consideration of possible submergence in India. Government of East Pakistan are already taking steps to demarcate the portion of the boundary where some Indian area might possibly be flooded by raising the height of Dam”.

Ends.

Yours sincerely

(O.H. Malik)

Hon’ble Sardar Swaran Singh,
Minister of Steel, Mines & Fuel,
Government of India
7, Hastings Road,
New Delhi
Letter from Minister for Steel, Mines, and Fuel Swaran Singh to Pakistan Minister of Interior Lt. General K. M. Shaikh.

New Delhi January 1, 1960.

My dear General Shaikh,

Thank you for your message in connection with the visit of the Indian engineers to Karnafuli Dam and their reaction to the question of raising the height of the Dam. This message, delivered through your High Commissioner in New Delhi, reached me on 21st December.

I have looked into this matter in consultation with my colleagues in the Ministries of External Affairs and Irrigation & Power.

It is true that the Indian engineers, who had been working on the Project Report supplied by the Government of Pakistan last year, reserved their opinion on the proposal of raising the reservoir level by ten feet till they could study additional data connected with the proposal. This was natural because they did not have the requisite data connected with this new proposal. Some of the data was supplied during the discussions at Dacca and Kaptai. The Pakistan Delegation promised that the rest of the data required by the Indian engineers will be supplied as soon as possible.

I can assure you, however, that, while examining the revised design consequent on the raising of the reservoir level by ten feet, our engineers will bear in mind that the principle embodied in para 7 of the Agreement of the Indo-East Pakistan Border Conference should govern their examination of the revised design i.e. the engineers will raise no objection to the revised design merely because it result in additional submergence. As a matter of fact, our engineers had made this position clear to the Pakistan engineers during their meetings at Dacca and Kaptai.

We have impressed the urgency of the matter on our engineers and told them to act in conformity with the spirit of the principle embodied in para 7 of the Agreement. I will be grateful if you will, on your part, expedite boundary demarcation on this border where Indian territory is likely to be flooded by the execution of this project and also issue instructions to the authorities in charge of the project to furnish the additional data they promised to supply to the Indian engineers without any further delay so that this question can be discussed very early and the principles on which compensation will be based, the quantum
EASTERN WATERS

of electric power that can be supplied to India and the terms and conditions for this supply could be finally settled.

With kind regards,

Yours sincerely

(Swaran Singh)

Lt. General K.M. Saikh,
Minister of the Interior,
Government of Pakistan,
Rawalpindi

2584. Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, June 17, 1960.

Ministry of External Affairs
New Delhi

No.F.6(15)-Pak.III/59. June 17, 1960/Jyaistha 27, 1882 (Saka)

The Ministry of External Affairs present their compliments to the High Commission for Pakistan in India and have the honour to state as follows :-

2. In their Note No. F.62(20) P/54, dated the 3rd May 1955, the Government of Pakistan informed the Government of India that they had under active consideration a scheme for the construction of a barrage across the Teesta River near Goadivari about 2 1/2 miles from the Hathibhandha Railway Station to irrigate 1.125 million across in the Northern portion of East Bengal. While asking for particulars of the scheme, the Government of India informed the Government of Pakistan in their Note No. F.8(10) Pak.III/55, dated the 22/23rd February 1955, that a for the development of the waters of the Teesta, in its head reach in India, had been under the consideration of Government of India for some years past.

3. In their Note No. 62 (20) P/54, dated the 15th May 1957, the Government of Pakistan informed the Government of India that they had accorded administrative approval to the Teesta Barrage Scheme in East Pakistan on the basis of a preliminary technical note and that they had ordered the preparation
of a detailed Project for which surveys and investigations were stated to be in hand. The Government of Pakistan promised to apply a copy of the Project Report to the Government of India, when available. The Government of India regret to observe that neither the project report nor any further information concerning the project has so far been made available. Until full particulars of this Project have been received and studied, the Ministry of External Affairs, in their Note No. F-6.(11)P.III/56, dated the 20th November 1958, have already informed the Government of Pakistan that they reserve their position on this scheme.

4. According to the news appearing in the Press, it is learnt that preliminary works on the Teesta Project are in progress and, in order to get some immediate benefit, a sub-project to irrigate 45,880 acres of land has been taken in hand. The Government of India are much concerned at this unilateral action taken by the Government of Pakistan. Since the Barrage is proposed to be located very near the West Bengal-East Pakistan border, the Government of India apprehend that it is likely to raise the flood levels in the adjoining Jalpaiguri District of West Bengal. Further, due to accretion which will occur upstream of the Barrage, the rise in river levels will be felt a long distance upstream of the river in the Indian territory. As Jalpaiguri in already a flood-affected district, the Teesta Barrage Projects in East Pakistan is sure to increase flood hazards and inundation in India territory. The question of water supplies that would be available for the Indian and the East Pakistan Projects on the Teesta river also require very careful consideration.

As the consequence of the contemplated Teesta Barrage Scheme in East Pakistan will be of grave concern to the contiguous areas in India, the Government of India would reiterate that it would be in the common interests of the two countries to consider these schemes simultaneously, after particulars of the two schemes are available and before any commitments are made.

5. The Ministry of External Affairs avail themselves of this opportunity to renew to the High Commission for Pakistan in India the assurances of their highest consideration.

The High Commission for Pakistan in India
New Delhi
2585. **Record of discussions at the Meeting of the Water Resources Experts of India and Pakistan. New Delhi, June 28 to July 3, 1960.**

A meeting of the Water Resources Experts of India and Pakistan was held in New Delhi from 28th June 1960 to 3rd July 1960. The delegations comprised the following:

**Indian Delegation:**
1. Shri K.K. Framji, Leader
2. Dr. N.K. Bose
3. Shri P.L. Malhotra
4. Shri J.M. Bazaz

**Pakistan Delegation**
1. Mr. M.A. Hamid. S.Q.A., Leader
2. Mr. B.M. Abbas A.T.
3. Mr. Manzur Ahmad
4. Mr. M.A. Rahman
5. Mr. A. Latif
6. Mr. S. Masood Hussain

2. On behalf of the Government of India and his delegation, the leader of the Indian delegation welcomed the Pakistan delegation and expressed the hope that these meetings would lead to a better understanding of each other’s problems and that the co-operative approach would yield fruitful results. On behalf of the Government of Pakistan and his delegation, the leader of the Pakistan delegation thanked the Government of India and the Indian delegation for their hospitality and reciprocated the sentiments expressed by the leader of the Indian delegation.

3. It was recognized that the data in respect of the rivers common to India and East Pakistan was inadequate. Both the delegations expressed the view that as engineers they should aim at evolving a practical approach to the problems under discussion.

4. It was also recognized that the co-operative approach made it desirable that exchange of information and studies for a project should be carried out on
the merits of the project and that progress on such exchange regarding one project should not be held up because the availability of data of another project lagged behind for unavoidable reasons.

5. It was noted that the agenda for discussion at the meeting as agreed to by the two Governments consisted of the following items:-

   (i) to make recommendations to the two Governments on

       (a) procedural details,

       (b) arrangements for the exchange of data, and

   (ii) To exchange whatever data are available on projects of mutual interest.

6. It was agreed that Mr. M.A. Hamid and Mr. K.K. Framji could correspond with each other on projects for which data were exchanged or on information mutually agreed at this meeting to be exchanged. The exchange of other information could be considered at subsequent meetings. Another officer would be nominated by each Government as an alternate. From Pakistan the name of Mr. B.M. Abbas A.T. was proposed. It was also agreed that there should be frequent meetings. The Pakistan delegation expressed the view that visits to sites of works would be helpful to a better understanding of these projects and proposed that such visits might be directly arranged between the engineering nominees of the Governments of India and Pakistan, but the Indian delegation stated that this would have to be arranged at Government level, as the Projects were in the jurisdiction of the State Governments. It was proposed by the Pakistan delegation that a panel of three experts be selected from each country for visiting the projects and that permanent category ‘D’ visas should be issued to these experts so that they could visit the sites together. From the Pakistan side the three officers would be: Mr. M.A. Hamid, Mr. B.M. Abbas, A.T. and Mr. S. Masood Husain. While agreeing in principle to this suggestion of visits of experts of both countries to the site of works, the leader of the Indian delegation, however, reserved his position stating that the composition of the Indian delegation on each occasion would be a matter for Government to decide.

7. The Pakistan delegation suggested that as it would take some time to prepare and complete project reports and get the approval of the various authorities concerned, it might be better to furnish the important information on the magnitude and scope of the projects in the first instance.

8. The Indian delegation stated that their complete project report for the Preservation of the Port of Calcutta (which had been otherwise referred to as the Ganga Barrage or the Farakka Barrage project) was ready and could be exchanged at this meeting for a similar complete project report of the Ganges -- Kobadak Project (including the Khulna Multipurpose Project). The detailed
designs were in hand for the Project for the preservation of the Port of Calcutta. The Pakistan delegation noted this development particularly as they were under the impression that so far only meager data were available as indicated in the note of the Government of India dated 24th/28th March 1960. The Indian delegation explained that the meagerness of data referred to in the Indian note related to the hydrological data of the Basin. In view of the difficulties expressed by the Pakistan delegation of finalizing the project report of the Ganges--Kobadak Project (including the Khulna Gravity Scheme) in the near future, since the various units of the Project were at different stages of investigation or progress, it was agreed that the exchange of important information concerning these two and other projects should be made on agreed data formats. The data formats for exchange of information were discussed and finalized as under:-

Annexure I - Irrigation cum Drainage cum Flood Control projects.

Annexure II – The Project for the preservation of the Port of Calcutta.

9. In addition to the above-mentioned formats, the following formats were exchanged by the Indian and Pakistan delegations:-

Annexure III – Format for information requested by the Indian delegation to assess the effect (if any) of projects in East Pakistan:

(a) Navigation
(b) Irrigation
(c) Salinity intrusion.

Annexure IV – Format for supplementary information requested by the Pakistan delegation on the Project for the Preservation of the Port of Calcutta to study its implications.

The two delegations agreed to supply the information against these lists on the understanding that the mere supply of information did not commit either side to the relevancy of the data requested for to the problem or the projects under issue. It was also agreed that the lists exchanged at the present meeting were not intended to be comprehensive and could be supplemented at future meetings.

10. The Indian delegation suggested that it would be desirable to have a common agreed list of projects of mutual interest to both parties, with notes showing the reservations made by the two delegations. The Pakistan delegations, however, suggested that each delegation should submit its list of projects of interest to it in the other country. This was agreed to and the lists are set out below:-
Indian delegation List

I. Ganges Basin
   1. Ganges--Kobadak Scheme (Kushtia and Jessore Units)
   2. Khulna Multipurpose Gravity Canal Scheme.
   3. Tidal Embankments Scheme.
   4. Tangon Irrigation Project (Tangon and Korotoya Barrage)

II. Brahmaputra Basin (including Teesta River)
   1. Gadimari Teesta Barrage Project.
   2. Brahmaputra Multipurpose Project.

Pakistan Delegation’s List

II. Ganges Basin
   1. Project for the Preservation of the Port of Calcutta.
   2. Kosi Irrigation Project
   3. Gandak Irrigation Project

II. Brahmaputra Basin (Including Teesta River)
   1. Tista Project (India)
   2. Flood Embankments is Assam.

(These lists are not comprehensive and can be supplemented).

11. The Indian delegation expressed the view that the Kosi and the Gandak Projects were located on tributaries; very far from the border and in view of the regeneration that would occur, their effects would be negligible. In any case, the true effects could not be assessed due to the inadequacy of the data of the losses and gains in the river reaches and, therefore, the Indian delegation stated that the discussions in respect of the Ganges Basin should at this stage be confined to the projects in the two Bengals, i.e. projects of which there was a clear likelihood that they would adversely affect the water situation of the other country.

12. The Pakistan delegation emphasized their interest in information regarding the Kosi and Gandak Projects because they felt that the proposed withdrawals under these projects would affect the supplies reaching
Pakistan. They added that it would be possible to assess their effects only after data had been furnished on these projects and that no one party should presume to be the judge of the requirements or effects on, the other party of its own projects.

13. It was agreed that these schemes could be discussed at a subsequent meeting when sufficient data became available.

14. As it was realized that the discussions in New Delhi would have to extend beyond the 30th June and in view of the statement by the Indian delegation that no construction work had been done at Farakka on the Project for the Preservation of the Port of Calcutta, the visit to this site was deferred at the suggestion of the Pakistan delegation.

15. It was agreed to exchange information for the Indian and Pakistan Project on the Tista River and for the Project for the Preservation of the Port of Calcutta and the Ganges--Kobadak Project (including the Khulna Scheme) on the agreed formats. It was explained by the Pakistan delegation that the data in respect of item 5 of the Format at Annexure I in respect of the Ganges—Kobadak Project was not immediately available. It was therefore agreed to exchange the data on the Project for the Preservation of the Port of Calcutta and on the Ganges Kobadak Project (including the Khulna Multipurpose Project) at a meeting to be held in Dacca or Calcutta later this month. The delegations agreed, however to exchange the data formats for the Tista Projects at this meeting. The Indian delegation supplied a Note on their Tista Projects and the Pakistan delegation supplied the information on their Tista Project in the Format at Annexure I as well as a copy of the Consultants ‘Reports on this Project.

16. It was further agreed that the information contained in the Appendices to the formats as Annexure I and Annexure II should be exchanged as far as possible, within a period of four months at a joint meetings.

17. As regards information requested by one delegation from the other, vide Annexure III and Annexure IV, it was agreed that it should be supplied to the extent available within a period to be fixed at the next meeting.

18. As regards the flood embankments in Assam, at the suggestion of the Indian delegation, it was agreed that the procedure already approved by the two Governments in pursuance of co-operative approach on the Flood Control measures on the Brahmaputra should be followed, namely consultations between the flood control organizations concerned in India and Pakistan.
19. It was decided to issue at the end of the meeting a joint press communiqué the draft of which was approved by both the delegations.

20. The delegations appreciated the very cordial and cooperative spirit maintained throughout the discussions.

New Delhi
July 3rd, 1960

Sd. K.K. Framji Sd. M.A. Hamid
Leader of Indian Delegation Leader of Pakistan Delegation

2586. Note from Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, February 28, 1961.

Office of the High Commissioner for Pakistan in India

New Delhi

No. 1 (18) P/58 February 28, 1961

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs, Government of India, and has the honour to state that Mr. G. Mueenuddin, Secretary, Ministry of Fuel, Power and Natural Resources, Government of Pakistan, while in India in connection with the exchange of the Ratification documents of the Indus Basin Waters Treaty, had on informed discussion with Mr. Sachdev, Secretary, Ministry of Irrigation and Power, Government of India, regarding the projects in India and in East Pakistan respectively on the Teesta river. Mr. Sachdev promised to write to Mr. Mueenuddin after examining the problem, suggesting further detailed discussion. Mr. Mueenuddin has not yet received Mr. Sachdev's letter which may kindly be expedited.

The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs,
Governments of India,
New Delhi

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2587. Note from Ministry of External Affairs to Pakistan High Commission.

New Delhi, March 14, 1961.

Ministry of External Affairs
New Delhi

No.F.6(15)-Pak III/59. March 14, 1961

The Ministry of External Affairs, Government of India, present their compliments to the High Commission for Pakistan in India, and have the honour to refer to the High Commission’s note No. 1(18)P/58, dated February 28, 1961. Enquiries from the Ministry of Irrigation & Power reveal that no discussions on the projects in India and in East Pakistan on the Tista river took place between Mr. M.R. Sachdev, Secretary, Ministry of Irrigation & Power Government of India, and Mr. G. Mueenuddin, Secretary, Ministry of Fuel, Power & Natural Resources, Government of Pakistan, while the latter was in India in connection with the exchange of the ratification documents of the Indus Basin waters, as stated in the High Commission’s note. Mr. Mueenuddin had expressed a desire to informally discuss this subject and Mr. Sachdev replied that he would consider the matter*.

1. In his D.O. letter No. F.8(4)60-GB, dated March 9, 1961, a copy of which is enclosed, Mr. Sachdev had inter alia informed Mr. Shafqat, the High Commissioner for Pakistan in India, that the Engineers should first meet at the earliest opportunity and exchange information on the Ganga and Tista before any useful informal discussions could take place. The High Commission’s attention is also drawn in this connection to para 3 of Ministry’s note No. 6/1/ Pak. III/60. dated March 2, 1961, where it was made clear that the data in respect of the Projects on the Tista Barrage Projects of Pakistan supplied to the Engineers was particularly inadequate, and the hope was expressed that more complete information would be made available at the forthcoming meeting.

The Ministry of External Affairs avail themselves of this opportunity to renew to the High Commission for Pakistan in India, the assurance of their highest consideration.

Dated, New Delhi, the 14th March, 1961.
The High Commission for Pakistan in India,
New Delhi.
Letter from Pakistan President Field Marshal Mohammad Ayub Khan to Prime Minister Jawaharlal Nehru.

Dacca, March 27, 1961.

President’s House
DACCA

27th March, 1961

My dear Prime Minister,

When I discussed with you in London the problem relating to the use of the waters of the rivers common to India and Pakistan in the Eastern Region, you were good enough to agree that discussions should take place at Ministers’ level. I would like to suggest that such a meeting should be arranged early.

As General Shaikh and Sardar Swaran Singh have successfully negotiated the border dispute it may be desirable to let these two Ministers conduct these negotiations also.

Although a detailed agenda for the meeting will be drawn up later, I have listed on a separate sheet some of the points which might be discussed at this meeting.

A brief history of the case prepared by the Ministry of Fuel, Power and Natural Resources is also enclosed.

In the end let me assure you of my Government’s continued desire to approach this problem in a spirit of cooperation and neighbourly goodwill.

With regards,

Yours sincerely

Sd/- M.A. Khan

His Excellency,
Pandit Jawaharlal Nehru,
Prime Minister of India,
New Delhi (India).

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ENCLOSURE – I

Points suggested for Discussion at the proposed Ministerial Meeting

a) A procedure for delimiting the share of the two parties in each of the international rivers in the Eastern Region of the two countries should be agreed to. Pakistan would like to propose that in the first instance there
should be bilateral discussions; it should, however, be further agreed that in case of failure to reach agreement within a reasonable time through direct negotiations, the good offices of a recognized international body would be sought to facilitate the reaching of an agreement. In case the negotiations with the help of the good offices also bear no fruit, the question would be solved through arbitration.

b) The two sides should undertake not to proceed with any project on the International Rivers till the procedure proposed in (a) above has been agreed to. Once agreement has been reached on the procedure either side may undertake, even before the actual delimiting of shares is completed, construction of such projects, provided it is agreed that such construction will not give rise to any rights or claims.

c) In view of recurring food shortages Pakistan is anxious to proceed with the construction of the Ganges - Kobadak and Teesta Projects. It is presumed that India is equally anxious to do something for the Port of Calcutta. It may, however, be impossible to design these projects satisfactorily without determination of the requirements of each country. It should, therefore, be agreed that the negotiations proposed under (a) above should be completed as early as possible and the first two steps should not be prolonged beyond a reasonable period.

d) The Government of India agreed in Para 4 of their Note No.F.6 (II) P, III/56, dated 20th November 1958, to supply to Pakistan the details of any project included in their plans. In spite of this there has been some question as to which projects in each country affect the other and the data with regard to which should be exchanged. It should be left to either country to choose the projects for which it would require data and both countries should agree, in the spirit of your Government's Note quoted above, to supply all data so required.

e) After a decision is available on the distribution of the waters of the Ganges and the Teesta, the experts of the two countries should explore the possibility of having joint works for the utilization of these waters as this might not only be more economical but also more beneficial in the interest of both the countries. Perhaps it can be agreed to build a barrage on the Ganges at the border, which could deliver supplies both to Pakistan for irrigation and to India for the Hooghly River. Similarly a dam on the Teesta River built at joint expense may improve supplies in the dry weather for the benefit of both the countries.

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ENCLOSURE - II
BRIEF HISTORY OF THE CASE

In 1951, the Indian Press carried reports that the Government of West Bengal was seriously considering a scheme for the diversion of the waters of the Ganges to resuscitate the Bhagirathi, a feeder of the Hooghly river, by constructing a barrage at Farakka on the Ganges. As the agricultural economy and the commercial life of East Pakistan depends upon these waters, the Government of Pakistan expressed their grave concern to the Government of India in their Note No.F.62/5/P-5368, dated the 29th October, 1951. A request was made that, in the interest of good neighbourly relations and to avoid any possible hardship to the people of East Pakistan, the Government of Pakistan may be consulted by the Government of India before putting into operation any scheme which may tend to prejudice the interests of East Pakistan. It was also stated in that note that cooperation in this matter would be beneficial to both the countries. In their reply the Government of India stated that the project was then only in a preliminary stage of investigations. The Government of India, however, appreciated the desire for cooperation between the two countries.

2. As a result of further correspondence, it was agreed that cooperative development by Pakistan and India of the water resources of the Ganges and other rivers common to them would be desirable. The Government of India stated in their Note No. 6(8)Pak.III/51, dated 22nd May, 1953, that “they would appreciate cooperative development by India and Pakistan of the water resources of the Ganga, but obviously cooperation can only be on a reciprocal basis....”.

3. To give a practical shape to this agreement, it was suggested by the Government of Pakistan that the two Governments should join in securing the advisory and technical services of a United Nations body to assist in planning for cooperative development of the common rivers. The Government of India, however, preferred bilateral discussions at experts’ level. The experts of the two countries have accordingly held two meetings, the first at New Delhi in June-July 1960 and the other at Dacca in early October of that year. At these meetings, which were held in an atmosphere of extreme cordiality, some data of the projects of each country was exchanged. Further data was agreed to be exchanged at subsequent meetings.

4. In the correspondence exchanged with the Government of Pakistan, the Government of India extended an assurances in their Note No.F.6 Pak.II/57, dated 29th December, 1958 that they were anxious to take the
reasonable interests of East Pakistan into account before taking a decision on the Farakka Barrage Project.

5. Mr. K.K, Framji, Joint Secretary, Ministry of Irrigation and Power, Government of India has stated in his letter No.F.7/ 18/60-GB, dated January 30, 1961 to Mr. M. A. Hamid, Chief Engineering Adviser to the Government of Pakistan, that the work on the construction of some components of the Farakka Project had already been completed and design would proceed concurrently with construction of other components. The Government of Pakistan has protested against this unilateral action.

2589. Note from High Commission for Pakistan in India to Ministry of External Affairs.

New Delhi, March 31, 1961.

Office of the High Commissioner for Pakistan in India
New Delhi

No.1(18)P/58. 31st March, 1961

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs, Government of India, and in continuation of its No. I (18)P/58 dated 27th January, 1961, has the honour to state as follows:

2. The attention of the Government of Pakistan has been drawn to a letter No. F-7/18/60-GB dated 30th January, 1961 addressed to Mr. M.A. Hamid, Chief Engineering Adviser, Government of Pakistan by Mr. K.K. Framji, Joint Secretary to the Government of India.

3. Before dealing with the serious issues raised in Mr. Framji’s letter, the High Commission would like to comment on the procedure adopted. The Government of India will recall that on the basis of the recommendations of the First Meeting of Water Resources Experts of India and Pakistan Mr. K.K. Framji and Mr. M.A. Hamid were authorized to correspond with each other directly on projects on which the data has been exchanged or is agreed to be exchanged. But as stated in paragraph 2 of the Ministry of External Affairs Note No. F6(1) Pak. III/60 dated March 24/28, 1960, the experts recommendations were to be confined to matters regarding procedural details and arrangements for the exchange of data. The experts recommendations did not, therefore, imply
replacement of the normal channels of communications between the two Governments. When the issues go beyond the exchange of data, as do in this case, they should appropriately be the subject of correspondence at Government level.

4. The High Commission is directed by the Government of Pakistan to convey to the Government of India their strong protest at the unilateral decision of the Government of India to start implementation of the Ganga Barrage Project, and at the commencement of execution of the Project, in contravention of the agreement reached between the two Governments on a cooperative approach to the development of rivers common to India and East Pakistan. The need for such an approach was repeatedly recognized in the correspondence exchanged between the two Governments since October 1951 when the grave consequences of contemplated diversions for this Projects to the agricultural economy and commercial life of East Pakistan were first brought to the notice of the Government of India. The actions is a clear departure from the categorical assurance of the Government of India that they “are anxious to take into consideration the reasonable interests of East Pakistan before taking any decision on the Project.” The Government of Pakistan regard this action also as a violation of the letter and spirit of international law. They are deeply perturbed at this alarming development which has caused widespread concern in the country.

5. As the Ministry will recall the Government of India did not agree to the proposal of the Government of Pakistan to associate an impartial body of experts preferably of the U.N. to assist the experts of the two countries in furthering the agreement on cooperative approach. The Government of Pakistan, therefore, had no course but to agree to give a trial to the procedure, suggested by the Government of India, of bilateral discussions at experts level. But while the task of these experts was still incomplete, the Government of India seem to have chosen to take unilateral action on the Project, relying merely on the supply of “meager data” to the Pakistan Delegation at the Experts Meeting. The views of the Government of Pakistan on the Project Report supplied by the Indian Delegation have already been communicated to the Government of India in paragraph 5 of the High Commission Note under reference. It was stated in that Note that this report is mostly descriptive in nature and is full of statement unsupported by facts and evidence, that it does not appear to be even a feasibility report and does not in any way establish the need for upland discharge. While the Government of Pakistan were anxiously awaiting the supply of a complete Project Report, including the information requested at the Experts’ Meeting and of data on the Kosi, Gandak and other Projects contemplated or already under implementation in India on the Ganges system, upstream of Farakka, to enable them to make an appraisal of the effect on
supplies vitally needed in East Pakistan, the Government of India seem to have taken a decision on the execution and even taking in hand actual construction of the works of the Farakka Barrage Project.

6. It has been asserted in paragraph 3 of Mr. Framji’s letter that “this exchange has doubtless conveyed to Pakistan that their reasonable interests are safeguarded”. The Government of Pakistan would like to point out that the Government of India cannot be the judge of the interests of East Pakistan and would like to state that on the data supplied so far they are of the opinion that their interests have not been safeguarded to their satisfaction.

7. The Government of Pakistan have been unable to reconcile the statement of the Government of India that they are “vitally interested in the reaches of the Ganges below Farakka because of the goods traffic between West Bengal and Assam, even after the Ganga Barrage Project, has to use the water routes across East Pakistan” with the action taken by them to proceed with the execution of a Project aimed at the diversion of a considerable portion of the dry weather flow which would seriously affect even the navigability of the said reach, keeping in view the planned requirements of Pakistan.

8. The Government of Pakistan are also unable to find any basis for the statement made in Mr. Framji’s letter that “the Project will also improve the river condition in East Pakistan during the flood season.” The stage for an examination of a statement of this character did not arise at the Experts’ Meeting because the full data had not yet been supplied by the India Delegation. Such statements can, therefore, only confuse rather than help the situation.

9. The Government of Pakistan earnestly hope that the Government of India in the interest of good neighbourly relations, justice and equity will refrain from proceeding with the execution of the Ganga Barrage Project till the issues, which the Government of Pakistan consider to be negotiable, have been settled to the mutual satisfaction of both Governments through discussions at Experts’ Meetings or any other agreed forum. For their part, the Government of Pakistan, while reiterating their willingness to find a settlement through bilateral discussions, are prepared, in case no agreement is reached in this manner, to abide by any impartial determination of the rights of the two countries on the waters of the Ganges.

The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India
New Delhi
My dear President,

Thank you for your letter of March 27, together with its enclosures, on the Rivers in the Eastern Region, which was delivered by your Acting High Commissioner to our Commonwealth Secretary on 5th April, 1961.

2. When we met in London, last months, you spoke to me about the schemes of mutual interest to our two countries in the east, which are the Farakka Barrage Project of India and the Ganges-Kobadak Project of Pakistan and also the schemes on the Tista. I agreed that it might be useful for our two Ministers to meet, if they could arrive at some pragmatic proposals to implement the mutual desire for co-operation, rather than our standing in each other's way in these matters. Although the engineers of our two countries have made a fairly good start in the exchange of data in regard to these schemes, a lot apparently still remains to be done in this direction; and until full data are available, a Minister's level conference, I feel, cannot result in any suggestions leading up to a satisfactory solution of the problem. The engineers' meeting, the third of its kind, is again being held from the 25th of this month. On our side, our engineers, I am told, are ready to exchange the full available data that are scheduled for the next and subsequent meetings. I express the hope that the Pakistan engineers will, likewise, reciprocate and complete the full exchange of data, as soon as possible, to enable the Minister's level meeting to be held soon.

3. I must, however, point out that if the Ministers meeting is to be useful, it must start with a suitable, practical agenda. The points listed by you in Enclosure - I of your letter concerns legalistic issues and the formulation of procedures. They are based on interpretations and implications or assumptions which are not in conformity with the generally accepted international law and practice, and it would be futile to expect any agreement on such premises. Instead of this approach, the agenda, I would suggest, should be narrowed down to a discussion of the projects on which the data are now being exchanged and a genuine effort made, in a co-operative spirit, to understand the reasonable mutual requirements of our two countries in respect of those projects.

4. Enclosure - II of your letter which has been termed as "Brief History of the Case", I regret to say, is a very one-sided version, which we cannot accept. Although since early in 1956, we have been asking for the particulars, including the Project Report of the Ganges-Kobadak Project in East Pakistan, and had reserved our position in respect of the supplies required for that Project, the
Government of Pakistan has been proceeding with its construction and increasing the scope of the Project without giving us the information and without consulting us. On the other hand, despite the fact that Calcutta is our largest port and its extinction would spell calamity to our economy, we delayed our Farakka Barrage scheme for some years, in spite of the repeated advice of our technicians and foreign experts that we had to go ahead, most urgently, with this project to save the port of Calcutta. This was solely because we wanted to take into consideration Pakistan’s reasonable interests. Indeed, we still wish to give full consideration to all concrete and detailed information that your Government would like to give us.

5. Your enclosure - II, to which I have referred above, ends with a reference to your Government having lodged a protest against our alleged unilateral action. To this we will, naturally, reply, in due course: but I will add here that the fact of your lodging this protest, after our talk in London, was a matter of some surprise to me. I would, however, like to assure you that I am as anxious as you are to continue to approach this problem in a spirit of co-operation and good neighbourliness.

With kind regards,

Yours sincerely
(Sd) Jawaharlal Nehru

His Excellency
Field Marshal Mohammad Ayub Khan,
President of Pakistan,
Rawalpindi.

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APPENDIX-I

Comments on each of the points for discussion at the Minister-level Meeting proposed by President Ayub Khan in Enclosure I to his letter to Prime Minister dated the 27th March, 1961

Point (a):

Bilateral negotiations must of necessity be preceded by a full exchange of data, if they are to result, as should be their aim, in a pragmatic and practical accommodation of each other’s interests. Pakistan has so far not furnished data on its established irrigational uses, the existing depths in the navigable reaches of its rivers and the minimum river discharges and levels at which navigation is sustainable and the basic data to determine the existing tidal intrusion in East Pakistan. Three successful meetings of Indo-Pakistan Experts
to exchange data have already taken place but the above-mentioned data still remains outstanding.

The suggestion of mediation (through the induction of good officers as on the Indus) is even more premature. It is also dangerous for India. The induction of a good officer may mean the placing of an embargo on the Ganga Barrage Project as well as on all our other projects on the Ganga e.g. the Kosi, Gandak, Chambal, Rehand etc., till a final solution has been reached. The Canal Waters negotiations which lasted for nearly a decade demonstrate the impossibility of finding quick solutions, while the negotiations on the Ganga are likely to be more prolonged because of the greater complexities caused by the involvement of tidal hydraulics navigational problems and the insufficiency of the hydrological data that have been observed in the Ganges System.

As to the principle of arbitration, no water dispute has so far been settled by arbitration. Provision in a treaty for arbitration is something very different from deciding a dispute by arbitration. It would also be premature to fix straightaway the total number of procedures to be followed and precede en the presumption, at this stage, that mediation or arbitration will have to be resorted to.

2. Besides these practical difficulties, the point (a) of President Ayub starts from legalistic interpretation and implications which are not in conformity with the generally accepted international law and practice. For example, it is wrong to define the Ganga Water as international waters. A river becomes an international river only by an agreement between the co-riparians to so recognize it. Under international law all the waters of the Ganga Basin lying in India (8,000 miles) are Indian waters and not international waters.

Point (b):

The proposed step of estoppels of all works pending agreement presumes the right of previous consent of the lower riparian to works by the upper riparian, or the right of veto by the lower riparian, which is neither valid in law nor acceptable to us. Under the generally accepted principles of international law, a riparian has every right to go ahead with a project in its territory provided it takes into account the reasonable interests of the other party and ensures that it does not adversely affect the reasonable interests of the other party. This is clear from the recent decisions in the Lac Lanoux case (1957) between France and Spain where it has been stated:

“As a matter of form, the up-stream State has, procedurally the right of initiative; it is not obliged to associate with the down-stream State in the elaboration of its projects. If, in the course of discussions, the down-stream State submits projects to it, the up-stream State must examine
them, but it has the right to give preference to the solution contained in its own project provided it takes into consideration, in a reasonable manner, the interests of the downstream State.”

India has already made available to Pakistan the project report of the Ganga Barrage Project and has agreed to furnish more data that Pakistan may require to enable Pakistan to assure itself that its reasonable interests are safeguarded. Pakistan did not consult India before starting their Ganges-Kobadak Project. Pakistan merely informed India about it. If we agree to point (b) of President Ayub the estoppels would be as applicable not only to the Ganga Barrage, but to all other projects on the Ganga until an agreement has been reached with Pakistan which might take 5 years or 15, which will mean a great blow to Indian development as well as the certain extinction of the port of Calcutta. Furthermore, this delay would be in Pakistan’s interest as it would give them time to appropriate more waters further down the stream, so much so, that a day might arrive when it would be impossible to justify any withdrawals through the Ganga Barrage Project or any other consumptive project on the river upstream in India, as then these withdrawals might indeed adversely affect the established uses in Pakistan. The Pakistan proposal does not take into account at all the vital need and urgency of our Ganga Barrage for the Port of Calcutta. Under International Law the vital necessity of each party (as also established uses) receive the highest priority in any sharing of the waters.

**Point (c):**

The suggestion here is that India cannot avoid arbitration for very long. It has been stated above that arbitration is not obligatory under international law. It has its obvious dangers. It has been generally accepted (even by the United States Supreme Court) that such disputes are not suitable for adjudication by a Court or arbitration, but only for settlement by way of agreement.

**Point (d):**

Acceptance of this principle would enable Pakistan to widen the scope of dispute to cover the whole Ganga Basin. The Ganga in India is 1000 miles long and the length of its 39 principal tributaries is 7000 miles. There are many Indian unfinished projects in the Ganga Basin. The dangers of widening the dispute to cover the whole Ganga Basin have already been covered above. Further discussion on the the Ganga, based on a water account for the whole Basin, would be far more involved that on the Indus, because of the much larger number of tributaries and withdrawals, and the serious lack of hydrological data of river discharges and withdrawals. Much of the withdrawals further up are made good by regeneration. We may be faced with the situation that all our projects on the Ganga Basin are held up pending agreement with Pakistan.
For this reason we must limit firmly our discussions to our project which is near the Pakistan border with their Ganges - Kobadak Project.

Point (e):

The barrage on the border would be 12 miles from the mouth of the Bhagirathi and will not effectively resuscitate the Bhagirathi, which is the whole aim of our scheme. There are other serious technical limitations and drawbacks of such a scheme also, which will give Pakistan all the benefits but none to India. The suggestion is also based on the assumption that we have not yet started work on our project. But the fact is that preliminary work on the project has already been completed and further works are in hand. We have recently in consultation with the West Bengal Government set up a high powered Control Board for the Farakka Barrage Project to ensure that the work can proceed expeditiously. A joint project was refused by Pakistan on the Indus.

2591. Record of Discussions at the Third Meeting of the Water Resources Experts of India and Pakistan held in Calcutta from 28th April to 30th April, 1961.

The Third Meeting of the Water Resources Experts of India and Pakistan was held in Calcutta from 28th to 30th April, 1961. The delegations comprised the following :-

**Indian Delegation**

1. Shri K.K. Framji **Leader**
2. Dr. N.K. Bose
3. Shri P.L. Malhotra
4. Shri J.M. Bazaz
5. Shri V.N. Nagaraja
6. Shri. M.L. Madan

**Pakistan Delegation**

1. Mr. M.A. Hamid, S.Q.A. **Leader**
2. Mr. B.M. Abbas A.T.
3. Mr. S. Masood Husain.
4. Mr. Manzur Ahmad
5. Mr. M.A. Rahman
6. Mr. P.B.A. Salim
7. Mr. A Latif
8. Mr. G.R. Choudhury

2. Earlier the delegations took a trip on the River Hooghly by a pilot vessel from Calcutta to Saugor and back on 26th and 27th April, 1961 at which some the navigational difficulties experienced, resulting in draft limitations and bunching of ships and the training measures and dredging undertaken were explained by the officers of the Calcutta Port Commissioners.

3. In welcoming the Pakistan delegation the Leader of the Indian delegation expressed the hope that this meeting would also be carried on in the same spirit of mutual understanding as in the past. He said that he looked forward to a fruitful and co-operative exchange of data, which had become all the more urgent as the two Governments were anxious to discuss the matter at a higher level. He added that his delegation was ready with all data (including the supplementary data) agreed to be exchanged, to explain any data already furnished and to supply, on a reciprocal basis, any further basic data that might be asked for by the Pakistan delegation.

4. The Leader of the Pakistan delegation acknowledged with thanks the courtesies shown to the members of his delegation and the hospitality extended to them both during their stay at Calcutta and during the trip along the Hooghly river between Calcutta and Saugor. He assured the Leader of the Indian delegation that the Pakistan delegation would continue to work in a spirit of understanding and join with the Indian delegation in applying their combined experience and knowledge to a fruitful exchange of a data sufficient to enable one party to understand the magnitude, scope and effect of the Projects under consideration of the other party adding that this might form a helpful basis for discussions at a higher level for settlement. He shared the keenness of the Leader of the Indian delegation on making quick progress in the exchange of useful and accurate data.

5. The following documents were supplied by the Indian delegation:

(1) Appendix (Technical Data) of Annexure II for the Project for the Port of
Calcutta (details set out in a prefatory note enclosed with the Appendix).

(2) Preliminary Project Report on the Tista Multipurpose Barrage Project.

(3) Appendix (Technical Data) of Annexure I for the Tista Multipurpose Barrage Project (details set out in a prefatory note enclosed with the Appendix).

(4) (a) Gauge data of River Ganga at Rajmahal (in four volumes) -

(i) 1 June 1910 to 6 April 1919.

(ii) 7 April 1919 at 31 December 1928.

(iii) 1 January 1929 to 15 September 1948.

(iv) 16 September 1948 to 30 September 1960.

(b) Supplementary data of discharge of river of Ganga at Farakka from July 1960 to September 1960.

(5) A note on ‘Littoral Drift in the Bay of Bengal with particular reference to the Hooghly Estuary’.

(6) A note on ‘Interference by Estuarine Closures’.

(7) (a) A note indicating the equipment used for and the techniques of measuring and computing discharges of the river Ganga at Farakka.

(b) A map with an explanatory statement showing the location of the gauge and discharge sites in the Project area of the Project for the Preservation of the Port of Calcutta.

(8) A map of the river Hooghly from Bansbaria to ‘M’ Buoy compiled by the Commissioners for the Port of Calcutta (1955-56).

6. The following documents were supplied by the Pakistan delegation:

(1) Appendix (Technical Data) of Annexure I to the Data Format of the Ganges- Kobadak Project for

(a) Kushtia Unit.

(b) Jessore Unit.

(c) Khulna Unit.

(2) Appendix (Technical Data) of Annexure I to the Data Format of the Teesta Barrage Project.
(3) Coastal Embankment Project in East Pakistan.

(4) A note indicating equipment used and techniques of measuring and computing discharges of the river Ganges at Hardinge Bridge.

(5) A note on the gauges at Rampur-Boalia, Hardinge Bridge and Goalundo on the Ganges River.

(6) Monthly crop deltas and water requirement of the Ganges-Kobadak Project for the Kushtia, Jessore and Khulna Units.

(7) Gauge data of the Ganges river at
   (i) Hardinge Bridge for the year 1910 to 1932
   (ii) Goalundo from August 1946 to December 1948 and 1957 to 1959.
   (iii) Rampur-Boalia from 1951 to 1953 and 1957 to 1959.

(8) Teesta Barrage Project (Drawings).

7. It was stated by the leader of the Pakistan delegation that some important concepts of the Project for the Khulna Unit were being changed and it was now proposed not only to increase the number of the bolders to avoid closure of large rivers but also to change the method of irrigation i.e., instead of irrigation by flooding, irrigation by conventional means of distribution would be adopted. In the view of the leader of the Pakistan delegation, irrigation by the latter method would actually require more water, but he assured that the revised requirements would be restricted in critical months to the figures already given in the Consulting Engineers’ Report on the Khulna Unit supplied at the First Meeting by the Pakistan delegation. The Leader of the Indian delegation, however, considered that by the avoidance of the use of large rivers as parts of the supply channels, there would be less requirements of water. The Leader of the Pakistan delegation stated that this was not the only factor involved but agreed that if calculations on the basis of conventional method of irrigation showed less requirements in any month, these would be restricted to the lower figures.

8. As regards the Jessore Unit it was pointed out by the Leader of the Pakistan delegation that the Technical Appendix to Annexure I had been framed on the basis of the best available data as the surveys and investigations on this unit were still going on and were likely to take some time. On an enquiry by the Leader of the Indian delegation about the comparative figures of water requirements now and previously specified for the Jessore Unit, it was explained that the water requirements would be less in March and April but larger in
May. He added that the earlier figures were on a prorate basis as shown in the note on the Project supplied at the second meeting. The Leader of the Indian delegation stated that May was frequently the worst month for the Ganga in India and any revision upwards in the figure of withdrawals specified earlier would be unacceptable, as such changes in data are inappropriate in his view.

9. The Leader of the Indian delegation stated that besides the information on the Project for Preservation of the Port of Calcutta agreed to be furnished at this meeting vide Appendix (Technical Data) to Annexure II, the Indian delegation were also ready with the supplementary information asked for by the Pakistan delegation as set out in Annexure IV and this information was brought for exchange at this meeting with the information set out in Annexure III in regard to the Ganges-Kobadak Project (including the Khulna Multipurpose Gravity Canal Scheme). The Leader of the Pakistan delegation stated that the collection and compilation of the information set out in Annexure III was not complete and would take some time. It was, therefore, agreed to exchange the data listed in Annexure III and IV at the next meeting.

10. It was agreed that further information on the Project for the Preservation of the Port of Calcutta and the Tista Project of India as required by the Pakistan delegation and similar additional information on the Ganges-Kobadak Project (including the Khulna Unit) and the Teesta Barrage Project of Pakistan as required by the Indian delegation set out in Annexures VI and V respectively, should also be exchange at the next meeting.

11. The Leader of the Indian delegation stated that Teesta Multipurpose Project Report, which was handed over at this meeting, was a preliminary project report, and he hoped that, by about October this year, the final Project Report would be made available by the Indian delegation, as the investigations were well advanced.

12. The Leader of the Indian delegation supplied to the Pakistan delegation printed copies of errata to their Farakka gauge and discharge data, cyclostyled copies of which had been previously furnished. He also handed over a supplementary list of the apparent typographical errors in this Hardinge Bridge data and said that he would be grateful to have the views of the Pakistan delegation in due course so as to have mutually accepted hydrological data for use by both the delegations. The Leader of the Pakistan delegation pointed out that the discharges computed for dates between those for which discharges were observed were different for the same gauge levels. The Leader of the Indian delegation explained that the interpolated discharges were obtained from gauge-discharge curves now supplied under Appendix (Technical Data).
of Annexure II and requested an examination of the gauge-discharge curves of both Farakka and Hardinge Bridge to arrive at mutually accepted data.

13. A brief discussion took place as to the possible reason for the difference in discharge data at Farakka and Hardinge Bridge. The Leader of the Pakistan delegation stated that there was no apparent consistency in the pattern of gains and losses. The Leader of the Indian delegation stated that this was not an unusual feature but it would require a study of subsoil water level and rainfall data along the river and verification of the methods of discharge observations during the abnormal years for reconciliation. It was agreed that the two delegations would further examine the matter and exchange their ideas at a subsequent meeting.

14. The leader of the Pakistan delegation stated that in view of the proposal to revise the Project for Khulna Unit, which would not involve significant closures of major estuarine channels it appeared that it would not be necessary to furnish the information asked for by the Leader of the Indian delegation as set out in paragraph 16 (ii) of the Record of discussions of the Second Meeting. He, however, offered to examine the matter further in the light of the note supplied by the Indian delegation entitled: “Interference by Estuarine closures.”

15. The leader of the Indian delegation stated that there were serious practical difficulties of simultaneous observations of velocities, salinity and silt intensity at five verticals, at five depths at each vertical, during a complete tidal cycle, in springs and neaps, during monsoon and winter, at suitable cross sections near Garden Reach, about one mile above Damodar Outfall, and at Roy Chak Column, as requested by the Pakistan delegation in para 17 (ii) of the Record of Discussions of the second Meeting. He added that this was supported by the Officers concerned of the Port Commissioners. He explained how these observations would be impracticable and inaccurate so that it appeared that it would not be necessary to furnish the information. The Leader of the Pakistan delegation, however, requested the Leader of the Indian delegations to supply to him a note on the difficulties involved, to which the latter agreed.

16. The Leader of the Indian delegation asked whether the data regarding the raising of the Karnafuli dam could be discussed at this meeting. The Leader of the Pakistan delegation stated that a letter from the Government of Pakistan would shortly be sent to the Government of India and that this matter should be discussed separately.

17. The Pakistan delegation supplied to the Indian delegation, in pursuance of paragraph 7 of the Record of discussions of the Second Meetings, a note with a map showing a suggested gauge and discharge observations site on the Ganges at the Border. The Leader of the Indian delegation stated that their
reconnaissance had shown that no site was suitable for joint observation but he agreed to consider the suggestion of the Pakistan delegation and give their own views at the next meeting.

18. The Leader of the Indian delegation invited attention to paragraph 9 of the Record of discussions of the Second Meeting and requested the Pakistan delegation to start daily measurements of discharges at Hardinge Bridge so as to have data at least from the latter part of the current dry season onwards.

19. The leader of the Indian delegation requested the leader of the Pakistan delegation that, pending the supply of full information asked for under Annexure III, he would appreciate if the Pakistan delegation would furnish information (with supporting data) on river discharges and levels which in their view would be sufficient and necessary to sustain navigation in the various reaches of the Ganges in East Pakistan. The Leader of the Pakistan delegation stated that such a study had not been carried out in the past and expressed the view that this was also not the stage for exchange of such a study. The Leader of the Indian delegation clarified that what he was asking for was the data, not studies, namely, items(3) and (4) of Section A of Annexure III.

20. The Leader of the Pakistan delegation expressed a desire for visits by the Pakistan engineers to the Farakka and Jangipur barrage sites and also the Tista dam and barrage sites and alignments of canals. The Leader of the Indian delegation stated that, as already decided, this matter would have to be taken up at Governmental level. When asked about his reaction to the suggested visits, the Leader of the Indian delegation said that he would support the request for visit to Farakka and Jangipur sites, but he would suggest that the visit to the Tista Projects sites should be requested for at a later stage when the final project reports would have been made available to the Pakistan delegation.

21. The Leader of the Indian delegation expressed a wish for a visit between the middle of May and the middle of June 1961 by the Indian engineers to the site of the intake works of the Kushtia, Jessore and Khulna Units, to the Hardinge Bridge discharge site, and the head reaches of the supply channels to the three units and for a trip along the river form Hardinge Bridge to Goalundo. He would also request for a visit to the Teesta Barrage and canal alignments on a subsequent occasion. The Leader of the Pakistan delegation stated that he would support the requests for these visits when made to the Government of Pakistan.

22. The Leader of the Pakistan delegation supplied a note on their Faridpur Barisal Project and at the request of the Leader of the Indian delegation, elucidated the status and scope of the scheme. It was explained that the project was at a preliminary stage of investigations and would cover a cultivable area
of 1.5 million acres between the eastern boundary of the G.K. Project and the Ganges and the Arial Khan with a weir over the Ganges and an intake a mile below the off take of the Kushtia Unit. The Leader of the Indian delegation expressed surprise and strongly reserved his position in view of the low water supplies in the river Ganges at times in certain periods of the dry season and because this Project had never been mentioned before. The Leader of the Pakistan delegation stated that he did mention about other areas requiring water from the Ganges although this project was not specifically named and added that the list of the project considered so far was not meant to be comprehensive. He further said that the question of water availability was an issue to be considered. The leader of the Indian delegation stated that there was no indication previously about other areas requiring water from the Ganges at any stage and that this project would almost double the scope of the water requirements for irrigation from the Ganges in East Pakistan over the figures heretofore indicated by them at the experts meetings. The Leader of the Pakistan delegation pointed out that up till independence, the areas comprising East Pakistan had remained sadly neglected and no water development works whatsoever had been carried out in this region. He further said that adequate irrigation development had therefore now to be undertaken to meet the acute food shortage in the Province. The Leader of the Indian delegation said that the questions regarding rights and historical usages were wholly outside the scope of the agreed terms of reference of the present series of meetings of the Experts.

23. The Leaders of the two delegations considered that the next meeting should be held in Dacca within about 2 months.

24. It was decided to issue a joint press statement, the draft of which was approved by the Leaders of the two delegations.

25. The meeting was held in a very cordial and cooperative spirit.

Calcutta. 
April 30. 1961.

Sd. (K.K. Framji) Sd. (M.A. Hamid) 
Leader of the Indian Delegation Leader of the Pakistan Delegations
Supplementary information requested by
the Pakistan Delegation.

Projects for the Preservation of the Port of Calcutta

1. River flow of the Bhagirathi at a site near Biswanathpur off-take and the Kalna from the year 1930 daily or as observed.

2. Storage capacity of any dam under consideration on the tributaries of the Bhagirathi.

3. The desired hydrograph at Kalna and how derived?

4. Relevant extracts of available reports of Experts mentioned in para 3. 22 of the project report.

5. The actual HW and LW at Garden Reach from 1930 onwards.

6. Frequency of bore tides month by month from 1930 onwards.

Tista Multipurpose Project in India

1. Gauge and discharge data of all rivers crossing the canal alignments and flowing in the Project.

2. Type of crossing of the canals and the rivers.

3. Clarification of 5% perennial area.

4. Storage capacity of the dam, active and dead.

5. Dimensions of craft and towing methods for which the various reaches of canals will be designed.

6. Break-up of monthly water requirements from areas on each canal.

7. Cross section of the different reaches of the canals and locations and size of navigation locks proposed.

8. Area to be commanded lying between rivers crossing.

9. Areas district-wise proposed to be irrigated and cropping pattern.

10. Seasonal variation in the subsoil water level in the Project area.

11. Location and capacity of escape channels.

Itld./ K. K. Framji

Itld./ M. A. Hamid
My dear Prime Minister,

Thank you for your letter of April 24, 1961 on the allocation of waters of our rivers, the Ganges and the Teesta in the eastern region.

2. I am glad that the proposal that our two Ministers look at this problem from their level and vantage point continues to be acceptable to you. Let me at the very outset assure you, Mr. Prime Minister, that we are animated by an earnest desire to settle these issues in a spirit of friendship and understanding. As, however, the availability of water of these rivers is a matter of life or death for the people of Pakistan, you would, I am sure, appreciate our anxiety to protect our legitimate rights. Basically, this is a human problem and as such, we are prepared and indeed keen to appreciate your problem in the confidence that you are equally willing to understand our difficulties. Threatened, as we are, by the gravity of rising food shortage in the context of our fast growing population, the need for increased agricultural production, is as fundamental as the urge to survive. This crucial demand becomes all the more compelling in the frame work of our development plans which are inescapably necessary in the age of rising expectations.

3. I am in complete agreement with you that if the Minister’s Conference is to be useful, it must start with a suitable practical agenda. Since, however, our views on the rights of co-riparians under international law evidently differ, the best course would be, as is usual, for the parties to reserve their legal rights and try to explore a solution on any other mutually acceptable basis. This, we are prepared to do. The agenda for the river Teests covering Pakistan’s Teesta Barrage Project and India’s Tista Multi-purposes Barrage Project appear to be workable. However, the agenda for the river Ganges, to be realistic, should not only embrace the projects on which data were exchanged, but it should also cover our requirements for the Faridpur — Barisal Projects, a note on which was supplied by our Engineers to yours at their Calcutta meeting. The requirements of these projects on this river should be studied in relation to the existing water situations at the border, which I am told, your experts believe,
will not be affected by other projects on your side upstream. I may mention here that our requirements for the Teesta Barrage Project on the river Teesta, the Ganges - Kobadak Project and the Faridpur - Barisal Project on the river Ganges are those which can be realistically foreseen at present. Fresh consultations between the Parties would be necessary if further requirements come to light later on or India plans another Project on those rivers in addition to the ones on which data have so far been exchanged.

4. I understand that the experts have already made progress and that the outstanding available data of each other’s projects are scheduled to be exchanged at their fourth meeting at Dacca in June - July this year. Would you not agree that after this meeting, a stage will perhaps be appropriate for the Ministerial meeting aimed at achieving a workable agreement in principle for the projects on the Ganges and the Teesta? Simultaneously, the experts can continue their meetings so that details for such an agreement can be evolved.

5. The matter is of such vital concern that I would like the Ministers to make a start on the problem soon after the Engineer’s next meeting. With this in mind, I would refrain, at this stage, from commenting on the contents of paragraph 4 of your letter or explaining, whether or not, we increased the scope of our Ganges - Kobadak Project over and above that indicated in our Note sent to your Government in September 1954.

6. I am, however, happy to note the desire of the Government of India to take into account Pakistan’s reasonable interest, and your statement that your Government “wish to give full consideration to all concrete and detailed information” that the Government of Pakistan would like to supply to the Government of India. On our part, we would not like to stand in the way of the Government of India developing the resources of the common river so long as Pakistan is assured the supplies required to meet its vital interests.

7. There seems to be some misunderstanding on the question of our protest. As a matter of procedure this was found to be necessary because the Government of India decided to begin construction of the Farakka Barrage Project unilaterally and at a time when the experts of the two countries were still exchanging data in furtherance of a co-operative approach. Under these circumstances, the Government of Pakistan was compelled to reserve its position on this project and the only way to put this on record was to lodge a protest. The protest from Pakistan was all the more necessary as any work constructed by an upper riparian on an international river gives it the potential to ruin the economy of a lower riparian, while the risk of works build by a lower riparian is borne entirely by the latter.
8. I would like to assure you again of our continued keenness and desire to find a mutually satisfactory solution of the problem in the interests of amity, peace and neighbourly goodwill.

With kind regards,

Yours sincerely

Sd/ Mohammad Ayub Khan

His Excellency
Pandit Jawaharlal Nehru,
Prime Minister of India,
New Delhi.
the port of Calcutta, the Ganga-Bhagirathi opening should remain within the Indian Union, in spite of Murshidabad district in which it is situated being a Muslim area. The case was contested by Pakistan. Sir Cyril Radcliffe, the Chairman of the Commission, awarded Murshidabad to India and compensated Pakistan by awarding to East Pakistan the Hindu majority area of Khulna. The Government of Pakistan are also aware that despite the fact that Calcutta is India’s largest port, through which about half of the total imports and exports of the country are routed, and that its extinction would be disastrous to Indian economy and notwithstanding the advice of technical experts to go ahead with this project the Government of India delayed it for some years, solely because they wanted to take into consideration Pakistan’s reasonable interests. At the very first meetings of the Indian and Pakistan Water Resources Experts in June and October, 1960, the Project Report of the Project was handed over to the Pakistan engineers, and the extreme urgency with which the Government of India viewed the scheme was also conveyed to them. Further, Shri K.K. Framji, Joint Secretary to the Government of India, informed Mr. Hamid, Chief Engineering Adviser to the Government of Pakistan, in his letter of 30th January, 1961 (referred to in para 3 the High Commission of Pakistan Note), the position then obtaining on the project i.e., that preliminary work and an important component had been completed and further construction on the major components was proceeding and the detailed designs of the remaining components would go on concurrently with construction. A copy of this letter was also handed over by Commonwealth Secretary in the Ministry of External Affairs to the High Commissioner for Pakistan in India.

The understanding on a co-operative approach between the two countries did not enjoin the parties to seek the previous consent of the other, before commencing works in its own territory. No such prior permission was considered necessary by the Government of Pakistan in respect of their projects — the Ganges Kobadak Project (Kushtia Unit) and the Karnfully project— final decisions regarding which have been taken and execution started without consulting the Government of India. While the Government of India, in deference to the understanding on the co-operative approach, delayed the Indian project only to take into consideration the reasonable interests of Pakistan, the Government of Pakistan has given no consideration whatever to Indian interests in planning or executing their projects and indeed, have inflated their water requirements to prejudice Indian projects, as is detailed in para 4 below.

The Government of India’s attitude is also fully in conformity with the rules of International Law, which do not require one of several riparian starting or continuing works to obtain before-hand the consent of the other riparian, except where this is prescribed by mutually accepted international treaty. No such treaty or agreement exists between India and Pakistan concerning the Ganga,
and the mutual acceptance of the principle of co-operative approach does not in international law or practice imply the necessity of previous consent of the other party, thus making the development in one country dependent upon the discretion of another. Nevertheless, the Government of India has constantly made every effort to keep the Government of Pakistan informed and to take fully into consideration Pakistan’s reasonable interests, and it may be added that the Government of India propose to continue to do so and to give full consideration to all concrete and detailed information that the Government of Pakistan adduce in support of the genuine and bona fide interests of Pakistan.

3. In para 4 of the Ministry of External Affairs, Government of India Note No.6 (1)-Pak.III/60 dated 2nd March, 1961, it has been clearly explained that the report of the project for the Preservation of the Port of Calcutta, which has been furnished is a complete document with all the necessary information on the magnitude and scope of the Project, its urgent and vital necessity, supporting the conclusion that the project is the only technical means of ensuring the regulation of the upland supplies for the problem of the Bhagirathi-Hooghly and the Preservation of the Port of Calcutta. At the recent third meeting of the Indian and Pakistan water resources experts, Indian Engineers were, none the less, prepared to exchange any reasonable additional information that might be required for a further understanding of the Project. Indeed the additional information asked for by the Pakistan Engineers vide Annexure VI, Record of Discussions, does not substantiate the contention that the Report lacks facts or evidence to support its statements or conclusions or that it does not establish the need for upland discharge. For that matter, the Government of Pakistan already have in their possession sufficient information for a full and complete appraisal of the effect on supplies needed in East Pakistan of the operation of the Indian Project.

4. The Government of India desire to point out that although in law Pakistan cannot claim any right of prior consent or consultation for works undertaken in India, in the interests of good neighbourly relations, it was the Government of India that initiated the Meeting at Experts Level to give effect of the co-operative approach, and agreed in principle to the exchange of data, with a view to securing a fair reconciliation of the mutual interests of the two countries. At each of these three meeting, as the records amply prove, the Indian Delegation have shown their readiness to always furnish more data than the Pakistan Engineers were prepared to do, on a reciprocal basis. Even at the recent third meeting, the Indian Engineers expressed their readiness to exchange the supplementary data asked for by each country in respect of the projects of the other country (namely Annexure III and IV of the Data Formats prescribed at the first meeting), to explain any data already furnished and to supply, on a reciprocal basis, any further basic data that might be asked for by the Pakistan
delegation, (e.g. Annexure VI). The Pakistan delegation, however, explained that it would take some more time for them to be prepared for the exchange of the supplementary information reciprocally asked for by the Indian Engineers. The Government of India are ready to intensify these exchanges and are prepared to ensure such completion of the exchange of data, by the next meeting, which is scheduled to take place within two months. The Government of India cannot, however, accept the demand to stop their Project, which is vital for the Preservation of the Port of Calcutta, and which does not violate International Law.

It may be observed that the Government of Pakistan have, themselves, in the past, not practiced, in regard to their own schemes, what they now seem to demand from the Government of India. They have, on the contrary, gone on from time to time, to increase the scope and magnitude of their demands on the waters of the Ganga. At first in September 1954, the Government of Pakistan informed the Government of India that their requirement for phase I of the Ganges-Kobadak Project for an acreage of 200,00 acres would be 1500, to 2000 cusecs; but later in May, 1957, they stated that the F.A.O. had revised the project, doubling the commanded area to 400,000 acres. In the Note received in 1954, it was merely mentioned that in the Ganges-Kobadak region, the net area available for agricultural production was estimated to be of the order of 2 million acres and that “agronomical survey has indicated that a maximum withdrawal of 20,000 cusecs from the river Ganges is practicable against its minimum dry weather flow of 60,000 cusecs". At that time, there was no suggestion whatever, of any gravity command and, a barrage having been ruled out, a pumping scheme for a discharge of 20,000 cusecs, with a maximum lift of about 30 feet, did not appear to be a practicable preposition for an area already intensively cultivated and subject to heavy rainfall and inundation; but according to the latest indications the Government of Pakistan show their maximum requirement for the Project to be 22,000 cusecs of which about 8,800 cusecs are by flow irrigation. At the third meeting of the Experts, the Government of Pakistan have gone a step further and indicated another possible, future project form the Ganga for an area of 1.5 million acres in the Faridpur-Barisal Districts, which would require some 11,000 to 13,000 cusecs additional supply in the driest months and a maximum supply of over 30,000 cusecs, also by pumping, in spite of a weir across the Ganga. While the Government of India have followed up their long- delayed program with the with the utmost moderation and with due regard, at each step, to Pakistan’s reasonable interests, the Government of Pakistan have kept on steadily inflating their demand to quantum, which appear to be unreal, without any consideration for the legitimate interests of India — which has riparian interests on by far the greater length of the Ganga than Pakistan— although such consideration is prescribed by international law. The Government of India expressly reserve all
their rights in this respect and they do not consider that these rights are in any way prejudiced by Pakistan's exaggerated and unreal claims as to their requirements.

5. Obviously, only such problems can come within the preview of bilateral discussions, at any level, as have international aspects. For projects, this means that there must exist a clear likelihood, that they will adversely affect the water situation in the other country. Where this is not the case, the Government of India cannot agree to discuss any such project which would clearly be “matters which are essentially within the domestic jurisdiction” (Article 2 para 7 U.N. Charter). In view of the entirely insufficient hydrological data that are available and the total unlikelihood of far distant projects having any significant effect on the river near the border, the more so in view of the increased regeneration that will occur, the Government of India must insist on limiting the discussion or the exchange of data to the Project for the Preservation of the Port of Calcutta, on the one hand and the Ganges – Kobadak Project, on the other, with a view to an early practical settlement of the Indo-Pakistan problem on the Ganga.

The Government of India cannot agree to the definition of the Ganga Waters as “waters of the rivers common to India and Pakistan in the Eastern Region” or as “International Rivers in the Eastern Regions” because all river waters in India are under the jurisdiction of India and they can become international or common waters only by an International Treaty. At present there is no such treaty governing the uses of Ganga Waters.

It is generally recognised in International Law and even in Federal Law, that the best method to arrive at the regulation of water situation, which has not otherwise been regulated by a treaty, is negotiation and it is this method that had led to satisfactory results on the questions of water of the Indus between India and Pakistan. On the Ganga the first stage of discussions on an engineering basis has so far produced satisfactory results and these discussions are an indispensable preliminary, to the ultimate working out of a satisfactory solution of our mutual requirements in this region. The Pakistan engineers have not, however, so far, furnished the minimum data required for a practical approach such as the data of the available depths in the navigable reaches of the river and the maximum river discharges and levels at which navigation is sustainable or the basic data to determine the existing and apprehended tidal intrusion in East Pakistan. The Government of India would welcome suggestions from the Government of Pakistan for intensifying and making these discussions more effective.

With reference to Government of Pakistan’s Note Verbale No. F.1 (18)P/58 dated 21st September, 1960, the Government of India would like to point out as
is clear from the above, that they do not share Pakistan’s interpretation of
International Water Law, which is contrary to what is generally accepted in
State practice.

6. The High Commission of India avails itself of this opportunity of renew to
the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs,
Government of Pakistan,
Karachi.

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2594. SECRET
Letter from Prime Minister Jawaharlal Nehru to Pakistan
President Field Marshal Mohammed Ayub Khan.
New Delhi, July 6, 1961.

New Delhi, 6th July, 1961

My dear President,

Thank you for your letter of the 19th May 1961 in which you deal with the rivers
in the Eastern region of India. I am sorry for the slight delay in answering your
letter. These matter, as you will appreciate, are technical and complicated and
we have to consider them in consultation with our technical advisers. As a
matter of fact, we have already sent to the Pakistan Government a formal note
in reply to Pakistan Government’s procedural letter of protest against our
proceeding with the further construction of the Farraka Barrage Project. This
note which is dated the 26th June 1961, deals with some of the points you have
raised in your letter. I presume it has come to your notice. But, for facility of
reference, I enclose a copy of this note of ours dated the 26th June.

2. We have already agreed to a meetings, on the level of Ministers, to
discuss these subjects. But, as you have said in your letter, such a meeting
can only be useful if it has a suitable practical agenda and after a full exchange
of data. I entirely agree with you that basically this is a human problem and that
it should be tackled by attempting to understand each other’s needs and
difficulties. I do not like the two Governments to be tied up in a discussion of
legalistic issues on rights and procedures. But any discussion has to be based
on factual data.
3. I doubt very much if this exchange of data will be completed at the fourth meeting of our engineers at Dacca. I am told that the progress on the exchange of data was not satisfactory at the third meeting in April last. At that meeting, the Pakistan Delegation was unable to furnish information set out in Annexure III and said that this will take some more time. Some important changes are still being introduced on your side in the concept of the project for the Khulna Unit and the surveys and investigations in the Jessore Unit are still far from complete. Our engineers had also asked for information (with supporting data) on river discharges and levels which the Pakistani engineers considered adequate and necessary to sustain the navigation in the various reaches of the Ganges in East Pakistan; but this information has also not been supplied. Furthermore, you will appreciate that the engineers of the two sides must, first necessarily agree on each other’s figures and on the basic data, particularly on river discharges in the key sites, before the Ministers can usefully discuss the issues. I would therefore, suggest that we ask our engineers to let us know as soon as they feel that a full exchange of data has taken place and there is general agreement on this matter. The two Governments can then consider the experts’ recommendations and also fix the dates for the Ministers’ meeting.

4. I am grateful for your assurance that you did not like to stand in the way of our vital development and I will therefore, not reiterate the importance of the Farakka Barrage Project for us which is the only means we have of saving our vital Port of Calcutta. I appreciate no less your problem of food shortage and a growing population and we would like, to the best of our ability, to be helpful in the solution of this problem. But, you will no doubt appreciate that problems of food shortage and a growing population are common to us both and that far more people depend on the Ganges in India than they do in East Pakistan. These waters are indeed for the Indian people even more a matter of life and death and I hope you will readily understand our anxiety to safeguard our vital interests. I have no doubt, however, that given a frank and co-operative approach on both sides, the interests of both are capable of a rational reconciliation.

5. You have referred in your letter to the Faridpur — Barisal Irrigation Projects. I must confess that we have never heard of this new project until it was mentioned at the last meeting of the engineers at Calcutta in April 1961. Our engineers tell me that only a very sketchy note, with very inadequate data on the necessity and justification of this project, has been furnished. There is no mention of this in Pakistan’s Second Plan where merely the need for “A comprehensive drainage scheme for Faridpur” and for protection of portions of Barisal District by “The Tidal Embankment Project” is mentioned. Our engineers find it difficult to accept that irrigation should be provided for this area by diversion from the Ganges, which is known to have critical supplies in certain months, barely sufficient for existing demands. Any data that may now be furnished on
the Faridpur-Barisal Irrigation Project is likely to be of a speculative nature and therefore, it would be necessary to restrict the agenda of the proposed Ministers’ meeting to the projects on which data is actually, at present, being exchanged and which, on the Ganges, are the Ganges Kobaddak Project of Pakistan and the Project for the preservation of the Port of Calcutta of India.

6. One more matter to which I must also refer is the distinction you still seem to make between the rights of the upper and lower riparian in paragraph 7 of your letter that the lower riparians can proceed unilaterally with projects while the upper riparian should not be free to do so. If this was to be so, it would enable the lower riparian to create, unilaterally, historic rights in its favour and go on inflating them at its discretion thereby completely blocking all development and uses of the upper riparian. We cannot obviously, accept this point of view, especially when three-fourths of the length of the Ganges lies in Indian territory which gives India the priority of interest in this river.

7. I am referring to these matters not because I wish to raise legalistic arguments, but because we have to be clear in our approach to this subject before we can deal with it satisfactorily. I would repeat that we should like this problem to be treated as a human problem affecting large numbers of human beings in India and in Pakistan. It should be our endeavour to meet their needs in the largest possible measures. We have throughout been very careful to take into account Pakistan’s reasonable interests on the Teesta as well as on the Ganges and I am assure you that we shall continue to consider these matters with goodwill, friendship and frankness.

With warm regards,

Yours sincerely

Sd/ Jawaharlal Nehru

His Excellency
Field Marshal Mohammed Ayub Khan
H.Pk. H.J
President of Pakistan, Rawalpindi.
2595. Note from Pakistan High Commission to Ministry of External Affairs.

New Delhi, November 29, 1961.

Office of the High Commissioner for Pakistan in India
New Delhi


The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs, Government of India, and with reference to their Note No. F-6(1)- Pak. III/60 dated 2nd March, 1961 has to honour to state as follows:

2. At the Second Meeting of the Water Resources Experts of India and Pakistan, held from 1st to 3rd October, 1960, the Pakistan representatives supplied the following documents in connection with the Ganges-Kobadak Project:-

1. A Note on the Ganges-Kobadak Project in East Pakistan.
2. Data format for the Ganges-Kobadak Project.
5. Gauge and discharge data of the Ganges River.

The Jessore Unit required pumped supply like the Kushtia Unit and its requirements could be gauged to be similar to those of the Kushtia Unit in the proportion of the culturable areas.

The above information was sufficient to assess the magnitude and the effect of the Ganges-Kobadak Project, specially when the proposed monthly withdrawals had been indicated in the Data Format on this Project. However, the following additional data on this Project was supplied at the Third Meeting of the Experts held at Calcutta from the 28th to 30th April, 1961:

1. Monthly crop delta and water requirement of the Ganges-Kobadak Project for the Kushtia, Jressore & Khulna Units.
2. Appendix (Technical Data) of Annexure I to the data format of the Ganges-Kobadak Project for
   a. Kushtia Unit,
b. Jessore Unit, and
c. Khulna Unit.

Additional details asked for would, as agreed between the experts, be furnished at their next meeting.

3. The Government of Pakistan are, however, surprised at the opinion expressed by the Government of India that since the Project involved pumping, it would be economically prohibitive. Our study belies this and its economic feasibility has been established. We are faced with recurring food shortages and cannot go on importing food at the cost of developmental work.

4. Regarding the consultant's Feasibility Report of the Teesta Barrage Project, supplied by the Pakistan Experts at the First Meeting, attention is invited to the correspondence exchanged between the Government of India and the Government of Pakistan prior to this meeting. The Government of India had then informed the Government of Pakistan that only meager data was available about their Farakka Barrage Project and the agenda was to be primarily limited to procedural matters. The Pakistan team, therefore, took only one copy of the Teesta Barrage Project Report without drawings to that Meeting for their own use. This had been cyclostyled for circulation amongst the WAPDA officers from the original Consultants' Report, of which only a limited number of copies were received. During the Meeting, however the Leader of the Pakistan team, as a gesture of goodwill, and without getting any literature in return on reciprocal basis from the Indian team, supplied the cyclostyled copy of the Feasibility Report to the Leader of the Indian team. Additional copies of the Report, were supplied at a subsequent Meeting.

The impression of the Government of India that some pages of the original Report were excluded from the cyclostyled copy is not correct and is unfortunately due to the typographical error in page numbering which resulted in the two sheets bearing the same page-number.

5. The Government of Pakistan regret to observe that the Report on the Preservation of the Port of Calcutta (Farakka Barrage Project) supplied to Experts is far from being full and comprehensive, as has been stated by the Government of India, and they are, therefore, anxiously awaiting the further details and clarifications requested from the Experts of the Government of India. The Government of Pakistan would specifically like to know how the withdrawal pattern of the Project has been arrived at and would, therefore, request the Government of India to kindly ask their Experts to supply this information also at the next Meeting.
6. It is encouraging to note that the data on the Kosi and Gandak Projects are available for over two years. The Government of Pakistan are, however, unable to understand the reasons for denying them the available data. The Government of Pakistan learn that substantial withdrawals of water are proposed by the Government of India for their Kosi and the Gandak Projects and are, therefore, anxious to study the effects of these Projects on the water situation at the border. The Government of India are requested again kindly not only to furnish the project reports on the Kosi and the Gandak Projects but also to supply the available discharge data of the river Ganges at the junction with the Kosi and the Gandak, and of the Kosi and the Gandak on the basis of which these Projects have been framed. The Government of Pakistan note the statement made by the Government of India that the withdrawals upstream would not affect the situation at the border, but would like to study the problem on their own. It is, therefore, requested that the data on which the Government of India base their conclusion may please be supplied.

7. A copy of the Tidal Embankment Project has since been supplied to the Experts of the Government of India. The closing of tidal inlets in East Pakistan, whose tidal basins are not connected with the tidal basin of the Hooghly River, should not have any adverse effect on the Hooghly River. However, it will be observed from the Coastal Embankment Project that it does not provide from any closing of major tidal inlets.

8. The Government of Pakistan’s stand on the acceptance of the Record of Discussions of the various Meetings of the Experts has already been dealt with in this Missions’ Note No.F.1 (18)P/58 dated the 27th January, 1961.

9. The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Minister of External Affairs,
Government of India,
New Delhi
Press Note issued by the Ministry of External Affairs clarifying its position on the Farakka Project.

New Delhi, September 27, 1962.

Press Note

Farakka Barrage Scheme
India’s Position Clarified

The attention of the Government of India has been drawn to reports carried by the Pakistan Press that the Prime Minister of India has agreed to a proposal made by the President of Pakistan that a Minister-level conference should be held for talks over the Farakka Barrage Scheme of India.

It transpires that the matter was mentioned by President Ayub Khan to the Prime Minister in London as they were both leaving the Marlborough House after the Commonwealth Prime Ministers’ Conference. President Ayub Khan said that the engineers of India and Pakistan had met and that they had collected and exchanged necessary information and data. President Ayub Khan went on to suggest that the time had now come for the matter to be considered at the Ministers’ level.

The Prime Minister of India replied that he was not sure that the engineers had finished their work. Prime Minister Nehru said that it was for the engineers to make the recommendation which could then be considered by the Ministers.

The position of the Government of India in this matter has not changed since the Prime Minister wrote to President Ayub Khan last on this subject. In his letter dated 6th July 1961, which has not been replied to, the Prime Minister of India has stated that he was agreeable to a conference at the Ministerial level, but that such a meeting could only be useful if it had suitable practical agenda and after a full exchange of technical data between experts of the two sides. This was what the Prime Minister had said in an earlier letter also to the President of Pakistan, viz. that until technical data had been fully exchanged, a Minister-level conference would be of no use.

It may be stated that the engineers of the two sides have not exchanged the necessary technical data so far on the basis of which an early Minister-level conference could be usefully held.
Press release issued by the Government of India on the conclusion of Indo-Pakistan talks regarding cooperation in control of floods in the eastern regions of India and Pakistan

New Delhi, August 24, 1965

The hope that co-operation between India and Pakistan in tackling the problem of floods in the eastern regions of the two countries would help to reduce the flood risks and so mitigate the sufferings of the people was expressed by the Ministers of the two countries in their speeches at the Indo-Pakistan Conference on Flood Control held in New Delhi on 24 August.

The Indian delegation was led by the Union Minister of Irrigation and Power and Planning, Shri Gulzarilal Nanda, and the Pakistan delegation by Mr. Habib Ibrahim Rahimtoo, Central Minister of Industries and Commerce.

Welcoming the Pakistan Minister, Shri Gulzarilal Nanda recalled that in September 1955 a delegation of Indian engineers went to Karachi in response to a request from the Prime Minister of Pakistan for co-operation in controlling floods in East Bengal. He explained the main features of the flood problems confronting India and pointed out the similarity of experience in regard to floods on both sides of the border. He referred to the arrangements made in India for flood forecasting and flood warning and gave details of the comprehensive surveys undertaken for the collection of hydrological and other relevant data by setting up a network of rain and river gauges, discharge and silt observation sites and indicated the nature of the various protection measures to moderate floods, all of which, he said, would prove helpful to Pakistan in dealing with their problems. India was reasonably well equipped now to assist Pakistan by way of timely information of approaching floods which should help to avoid untoward consequences in their areas. He added that the human aspect of the problem was in the forefront of his mind and he felt that it was a neighbourly obligation on the part of India to render all possible assistance which it would gladly discharge.

The Pakistan Minister in his address expressed pleasure over the opportunity of conferring with his Indian friends on the common problems relating to floods. It was a happy augury, he said, for the conference that the Prime Ministers of the two countries so keenly desired mutual co-operation in this matter. Observing that flood control was a highly technical problem, Mr. Rahimtoo stated that there could be no two opinions about the recommendations made by the technical experts of both the countries at the meeting held in Karachi in September 1955. Mr. Rahimtoo hoped that the procedure of exchange of information which might now be agreed upon would pave the way for the
formulation of flood control schemes in both the countries in the near future. The Ministers of Pakistan and India authorised the Chairmen of the East Bengal Flood Commission, Pakistan, and the Brahmaputra River Commission, India, to exchange information necessary for measures for flood control in the eastern regions of the two countries. The two Chairmen would correspond with each other direct on technical matters and request for such information as may be of assistance in tackling flood problems in this region.

The various directions in which the co-operative work should proceed were then discussed and it was agreed that the details should be gone into by the Chairmen of the two Commissions. The Chairmen of the two Commissions met later and made certain recommendations regarding details of the information required by each side and the manner of exchange of such information.

Some of the important recommendations approved by the conference were:

(a) flood warnings to be given from Dibrugarh, Gauhati, Patna, Silchar, Gomti, Khawai and Dholal from India to Pakistan;
(b) flood warnings from Atrai in Pakistan to be given to India;
(c) heavy rainfall data from Shillong to be transmitted to Pakistan;
(d) heavy rainfall data from Sylhet and Habibganj in Pakistan to be sent to India; and
(e) India will endeavour to furnish such other information relating to the Brahmaputra Valley or other assistance as may be considered necessary by the two Chairmen for formulating flood schemes. The discussions were held in an atmosphere of cordiality and goodwill.
2598. **Statement of the Deputy Minister in the Ministry of External Affairs, Surendra Pal Singh in response to Calling Attention Notice in the Rajya Sabha on the “Reported statement of Foreign Minister of Pakistan regarding Farakka Project”**.

**New Delhi, June 24, 1967.**

Madam Deputy Chairman, the Government of India are not yet in possession of the text of the statement made by the Foreign Minister of Pakistan in the Pakistan National Assembly on 15th June, 1967. The same has been called for from our mission in Pakistan and on its receipt due consideration will be given to it. Reports which have appeared in Indian and Pakistani newspapers mention that in a statement laid on the Table of the House, the Foreign Minister of Pakistan has charged India with pressing ahead with the Farakka Barrage Project to present Pakistan with a fait accompli thus foreclosing the possibility of, what he called, a reasonable solution. The Pakistan Foreign Minister is also reported to have assured the House that his Government would do its best to prevent India from proceeding with the Project.

The facts relating to the Farakka Project are already well known to the House. This is a simple Project to save the premier port of Calcutta from a process of sure extinction and it has no element of irrigation or power. Farakka Barrage Project has not been conjured up over-night, but has been the result of a continuous search for ways to save the port of Calcutta, spread over more than a century. Starting from Sir Arthur Cotton, who as far back as 1858 planned barrage across the Ganga, to Dr. Walter Hensen, an expert German engineer, a century later, a galaxy of engineers who devoted their attention to the problem of Bhagirathi-Hooghly has unanimously asserted that the construction of a barrage with the objective of supplying additional water into the Bhagirathi-Hooghly system was the only measure by which the alarming rate of deterioration of the Hooghly approaches to the port of Calcutta could be arrested. This Project is of great national importance to India and will not be detrimental to Pakistan. Pakistan’s objections to the construction of the barrage are also not new but have been continuing for the last several years. It was with a view to allaying the fears of the Government of Pakistan that the Government of India had agreed to the exchange of technical data relating to river projects of mutual interest to the two countries. For this purpose four meetings of water resources experts of both the countries were held between June 1960 and January 1962. The Government of India had written to the Government of Pakistan in 1965 to arrange the 5th meeting of the experts but the outbreak of hostilities between the two countries stood in the way of such a meeting being held and this proposal is still pending with Pakistan.
Shri Surendra Pal Singh: I am prepared to give the assurance that we will not succumb to any pressure whatsoever in this regard. This is a very vital project for our country and we are going ahead with it at full speed. This much is true that Pakistan has actually objected to the building of the barrage there. The two main objections that Pakistan has come forward with are that if this barrage is built there, it will reduce the flow of water in summer to their part of the river in East Pakistan and secondly if we built this barrage, it will aggravate the flood situation in their country during the monsoon season. We have assured Pakistan that both these things will not happen and that their interests will not be put in jeopardy. As far as we are concerned we propose to go ahead with it and we shall see that it is completed within the scheduled time.

We have not received any communication or protest from Pakistan about the Farakka Barrage. As regards the question of modification in the design of the barrage, it is a technical question which I cannot actually answer but as far as I know the design of the barrage has not been actually modified or changed to such an extent as to have any adverse effect on the Calcutta port. The main purpose of building this project is to supply additional water to the Calcutta port and this objective will always be uppermost in our mind.

The Minister of Irrigation and Power (Dr. K. L. Rao): Sir, may I add that the design of the project is exactly the same as was decided upon and we are not deviating even an inch from the original design?

Shri Surendra Pal Singh: Madam, we are willing to thrash out all our differences with Pakistan; there is no doubt about that. As regards the meeting of the experts, as I have already said in the main reply, we had invited Pakistan for the fifth meeting but because the war intervened, the meeting could not be held. Our invitation is still open and it is up to Pakistan to accept the invitation and have this meeting. As regards the meeting of the Foreign Ministers of India and Pakistan in New York, I take it that a number of subjects will be discussed when they meet but I cannot say whether this specific question will be taken up or not.

......that there is no justification whatsoever on the part of Pakistan to have any objection to this project and as I have already said before, while we are prepared to meet Pakistan's demand to some extent to allay her fears in regard to the
supply of water and control of floods, we do however intend to go ahead with this project and there is no question of giving it up or modifying it despite Pakistan’s objections which we do think are unreasonable.

2599. Statement by Pakistan Foreign MinisterSharif Uddin Pirzada on Farakka Barrage.

Rawalpindi, December 14, 1967.

The Government is fully alive to the serious threat posed to the economy of the country by the construction of a barrage at Farakka in India. In the course of my visit to East Pakistan last year I toured the region threatened by the Farakka Barrage and met engineers, officials and Union Council members to apprise myself on the spot of the situation and the ill effects which this project will have on the economy and development of that part of East Pakistan.

During the last budget session of the National Assembly, in answer to a question I had given a detailed answer in this behalf.

Indian Objectives

India is constructing the Farakka Barrage with the stated objective of flushing the Hoogly River in order to improve navigation in the Calcutta Port. According to an official explanation the project is also designed to improve communication facilities, drainage and sanitation and water supplies in Calcutta and inland water transport with a rail cum road project over the Farakka. A note on the project in the 1965-66 Indian budget stated that considering the strategic and international importance of the project, the construction program had been advanced by one year and that the project would be competed by 1969-70.

Effects on Pakistan

As a result of the construction of this Barrage, as well as of two others on the Kosi and Gandak tributaries of the Ganges, between a third and a half of the dry weather flow of the Ganges, which would have otherwise flowed into East Pakistan would be diverted into the Hoogly. East Pakistan whose economy had been tied for centuries past with the river Ganges will thus be denied the most important source of water. The deleterious effects of this diversion on the economy of East Pakistan are incalculable.
Negotiations with India

The adverse effect on Pakistan’s economy of the construction of the Farakka Barrage was taken up with the Government of India as early as 1951, when the news of the Government of India’s plans in this regard first came to our notice. It was pointed out to the Government of India that Pakistan should be consulted before any scheme likely to prejudice the vital interests of this country were put into operation in India. The Government of India’s reply was to the effect that the Ganges Barrage Project was only at the stage of preliminary study and that Pakistan’s apprehensions were purely hypothetical. They agreed, however, on the need for cooperation between the two countries in this matter. Later that year the Government of India’s attention was once again drawn to the reports about top priority being given to the construction of Farakka Barrage and Gandak Projects and requested the Indian Government for full information on the nature and scope of these projects. The Government of India replied to the effect that both projects were under investigation and added that cooperation between the two countries in this matter would have to be reciprocal.

In 1954, the Pakistan Government supplied India with details of the Ganges-Kobadak Projects and requested for the supply of similar information in respect of the Indian projects on the Ganges. The Indian reply was evasive but suggested cooperation on flood control in the Ganges and Brahmaputra basin. In May 1955, we again addressed the Government of India on the subject and proposed in pursuance of the Indian proposal regarding flood control that a party of engineers of two countries should survey the upper reaches of the two rivers. In their reply sent in February 1956, the Government of India sidetracked the proposal but advised the Government of Pakistan to set up a flood control commission of its own on the model of those set up by India.

It is obvious that while the Government of India were paying lip service to the idea of cooperation, they were not willing to give the idea a practical shape. In 1957, therefore the Pak Government suggested that both countries should approach the United Nations for Advisory and Technical services in planning the optimum and mutually beneficial use of the common rivers. The Government of India rejected this proposal and held that bilateral discussions at the level of experts would be adequate. The Pakistan Government without giving up the proposal for reference of the problem to a third party agreed to the proposal for discussions between experts of the two countries. Four meetings were accordingly held between experts of the two countries the last being in January 1962.

In the course of these meeting technical data on the respective projects of the two countries were exchanged. At the last meeting both sides expressed the view that satisfactory progress had been made in the exchange of data;
subsequently the Indian side put in requests for a great deal of further data, much of which was considered to be irrelevant by the Pakistan side. Further data was however made available to India but no further meeting has since been held.

Meanwhile in 1961, in the course of Commonwealth Prime Ministers meeting in London President Ayub and Prime Minister Nehru discussed this question and in the course of subsequent correspondence between them on the subject it was agreed that as soon as exchange of data had been completed at experts’ level, the problem should be discussed at the level of Ministers.

In 1963, the Government of Pakistan proposed a further meeting of experts to be held in order to complete the exchange of data. No reply having been received to this proposal, a reminder was sent in May, 1965. The Government of India in reply agreed in August, 1965, to hold an expert level meeting which could not be held due to outbreak of war between the two countries.

**India’s Approach**

It is evident from the reference in the Indian budget to the “strategic and international importance” of the project that the Government of India have other considerations in mind than that of ensuring the navigability of the Hoogly river. Pakistan has it on the authority of international experts that the Farakka Barrage is not the best way of dealing with the problem of silting in the port of Calcutta. In pressing ahead with the project, the Indian Government obviously intend to present Pakistan with a *fait accompli* thus foreclosing the possibility of a reasonable solution of this problem which permit each country to make optimum use of the waters of this common river without harming the interests of others. On June 24, 1967, when members of the Indian parliament referred to my statements in this connection, the Irrigation Minister of India told the Lok Sabha that the Government of India had no intention of giving up the project or modifying it in any way in response to Pakistan’s objections. India’s approach has thus been contrary to international law and practice and uncooperative.

**Pakistan’s Approach**

We believe that the waters of the Ganges should be equitably shared by the two countries on the basis of genuine need and in accordance with the international law. Friends and well wishers of both countries have urged the need for economic co-operation and joint development between Pakistan and India. The Farakka barrage threatens the entire ecological pattern of the deltaic region of East Pakistan and for Pakistan the question assumes an importance which transcends purely economic considerations. What is required is not only to ensure an equitable share of the waters of the common rivers to East Pakistan
but also to guarantee the rights of East Pakistan as the lower riparian through adequate controls on the unilateral action of the upper riparian for optimum development of the areas served by the Ganges and its tributaries in both countries. The whole history of our attempts to seek a fair solution of the problem demonstrates Pakistan’s practical and reasonable approach. We are ready to explore avenues of settlement with India on that basis and hope the Government of India will realise that its present unilateral course of action can only make the problem more complex and render increasingly difficult a rational and mutually beneficial solution.

**Assistance By Third Party**

It will be recalled that as early as 1967 Pakistan suggested that the advisory and technical services of an appropriate UN body might be secured in the endeavor to reach an agreed solution with India on this dispute. India rejected this suggestion. Since then on a number of occasions Pakistan has raised the issue in international forums and drawn attention to the grave consequences of the Indian project on the economy of East Pakistan. Pakistan has also raised this question at other international bodies. In October this year we have again proposed to India that we should hold talks on this problem. India’s reply to this proposal awaited. The Government is constantly reviewing measures that may be open to Pakistan in tackling this problem and hope that India will enter into fruitful negotiations with us on this dispute. If our efforts at solving this problem through negotiations with India do not yield any result within a reasonable time, the Government would approach the concerned international agencies.

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Note from the Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.

Islamabad, June 21, 1968.

Ministry of Foreign Affairs
Islamabad

The Ministry of Foreign Affairs presents its compliments to the High Commission of India and with reference to the correspondence exchanged between President of Pakistan and the Late Prime Minister of India in 1961, has the honour to state as follows:

Then the President of Pakistan in his letter dated 27th March 1961, referred to the agreement reached with the late Prime Minister of India on the holding of a Ministerial level meeting to discuss the problem arising out of the construction of Farraka Barrage by India, the late Prime Minister expressed the view that the experts of the two sides, who had by then had held three meetings had not completed the exchange of data. The Government of Pakistan agreed to hold a further meeting of experts with a view to paving the way for Ministerial Level talks. This meeting was held at Dacca from 27th December, 1961 to 8th January, 1962. The joint communiqué issued at the end of this meeting stated that both the delegations had been briefed by their respective governments to complete the exchange of data. The communiqué also stated that voluminous data had been exchanged and some further information would be furnished by correspondence. Since then a lot of data were actually furnished through correspondence. As the Government of India insisted on holding yet another experts’ level meeting, the Government of Pakistan agreed to the proposal after clarifying in its Aide Memoire dated January 31, 1968 that it would be the final meeting of the experts of the two countries and that its purpose would be to prepare the ground for a Ministerial meeting.

2. The Government of Pakistan note that a great deal of additional data were exchanged at the meeting in Delhi for May 13 to May 28, 1968. In spite of their best efforts the two teams of experts were unable to secure any measure of agreement on the interpretation of these data and the conclusion drawn therefore. The Governments of Pakistan, therefore are of the view that a stage has now been reached when the two governments should, in a spirit of genuine co-operation, hold substantive discussions with a view to reaching a mutually satisfactory solution of the basic problems.

3. The Government of Pakistan, therefore, proposed that a meeting between
the two Governments be held at Ministerial level and invite the Government of India to send a delegation led by a Minister to hold talks at Islamabad. Should the Government of India consider it more convenient to hold the proposed meeting in New Delhi, the Government of Pakistan would be willing to send a delegation there. In view of the need for an early solution of the problem, the Government of Pakistan propose that the meeting be held during the month of July, 1968 on any dates that may be convenient to the Government of India.

The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

High Commission of India in Pakistan, Islamabad.

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2601. SECRET

Record of the call by Pakistan High Commissioner Sajjad Haider on Deputy Prime Minister Morarji Desai.

New Delhi, July 12, 1968.

Ministry of External Affairs

The Pakistan High Commissioner, Mr. Sajjad Haider, called on the Deputy Prime Minister at 5-30 p.m. today.

After some general talk, the High Commissioner said that he had come from Islamabad with instructions to work for improving the relations between the two countries and with this end in view, the Government of Pakistan had just before his arrival sent a note proposing a ministerial level meeting on the question of the waters of the Eastern Rivers. He hoped that the Government of India would accept their invitation to send a Ministerial delegation to visit Pakistan. The DPM replied that while India has no objections to talk on any and all subjects, there was no point in asking third parties, like the World Bank, to mediate in this matter. Nor will any maneuver on the part of Pakistan to stop the building of the barrage (succeed). The division of waters is what has been determined by nature and our share cannot be given away. If Pakistan keeps on asking for more and more, it will not help matters especially when they keep on saying that India is the enemy at every opportunity. We realise that we are
two separate countries and we have no wish to alter this fact. It is our hope that the two countries can live in peace. But as long as the abuses and anti-India propaganda continues and there is no real desire in Pakistan to improve relations, nothing can happen.

The High Commissioner interjected to say that, ever since his arrival here, he has found the same kinds of things being said about Pakistan. For example when Pakistan gets help from other countries, India protests. The DPM said that India will certainly protest if Pakistan continues to arm itself because this is meant against us.

The High Commissioner asked for whom the Indian arms were meant? The DPM replied that India’s defense build-up was aimed at China. We have not attacked any country and do not covet anyone’s territory. No one need worry on that score. As a matter of fact, Pakistan had attacked India twice in 1965. We have no intention to wage war but we will defend ourselves against any attack. The High Commissioner protested that Pakistan wanted to be friendly and did not want war. In that case, the DPM asked, why is Pakistan not prepared to talk with India on all subjects. For restoring telecommunications, India did not press for the payment of dues by Pakistan to show goodwill towards Pakistan. There should be some reciprocity in these matters.

The High Commissioner then said that since he has come here he is trying to take up matters regarding air services as well as Ministerial meeting on Farakka. He is hoping to have some positive response from India. The DPM replied that talks should be held on all subjects with which the two countries are concerned and not limited to subjects of special interest to Pakistan only. We believe that it is always better to meet and talk so that sooner or later something can come out of it. The High Commissioner agreed and said that he hoped that during his tenure here the two heads of Government will meet and that he had made a mention of this to PM. He again expressed the hope that Pakistan’s invitation for a Ministerial meeting on Farakka would be accepted and the DPM would take this opportunity to visit Pakistan. The DPM said that the Government of India will reply to the Pakistani note.

(Prakash Shah)
Under Secretary (Pak-I)
12-7-1968
Note from Ministry of External Affairs to Pakistan High Commission.

New Delhi, July 20, 1968.

Government of India
Ministry of External Affairs
New Delhi

No.PII/112/1/68 July 20, 1968

The Ministry of External Affairs, Government of India, presents its compliments to the High Commission of Pakistan in India and with reference to the Record of Discussions of the Fifth Meeting of the Water Resources Experts of India and Pakistan, held at New Delhi in May, 1968, has the honour to state that the Government of India have since considered the above mentioned Record of Discussions. The Ministry would particularly like to draw the attention of the High Commission to the following issues that emerge there from.

The Government of India note with serious concern that the Pakistan Government propose to construct a barrage across the Padma, as detailed in the “Preliminary Design Report” prepared by Tippets - Abbet McCarthy—Stratton, a copy of which was furnished to the Indian Experts by the Pakistan Experts Team at the Fifth Meeting (vide para 21 of the Record of Discussions.). Such a barrage when completed will cause immense harm to large tracts of territory belonging to India. The Government of India, therefore, lodge a strong protest against proposed construction of the barrage which would constitute a serious infringement of the territorial sovereignty of India by causing injury to Indian interests in the areas affected thereby. The Government of India reserve their right to take such action as they consider necessary to protect their interests and the sovereignty of their territory which would be adversely affected by the construction of the proposed barrage by Pakistan.

The Government of India also strongly protest against the construction of the “Teesta Barrage as described in the Report of Teesta Barrage Project-EPWAPDA March 67” (Vide para 29 of the Record of Discussions) or any such other structure across the Teesta in East Pakistan, which would involve inundation of Indian territory and interfere with the utilisation of water in India and have other serious repercussions on India.

The Government of India invite specific attention to para 28 of the Record of Discussions relating to the Karnafuli Project and restate their position as to the damage caused to India as earlier clarified in their note No.F.8(2)/57-Genl(P) dated July 29, 1964. While the Government of India will separately communicate to the Government of Pakistan their assessment of the compensation payable
to India for the damages caused to Indian areas and interests, they wish to emphasize that the Government of Pakistan should not operate the Karanfuli Reservoir, so as to cause submersion of Indian territory before undertaking a joint technical examination of the levels up to which the reservoir could be operated without causing loss to Indian territory and property.

In conclusion, the Government of India wish to state that they fully endorse the suggestions made by the Indian delegation, vide para 32 of the Record of Discussions (Annexure I). They accordingly urge the Government of Pakistan to ensure that the Pakistani experts join hands with Indian experts in the various studies listed therein so that in due course they are able to recommend to their respective Governments the basis on which further progress could be made.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of Pakistan in India the assurances of its highest consideration.

The High Commission of Pakistan, New Delhi.

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Annexure—I

Paragraph 32 of the Record of Discussions of the Fifth Meeting

The Indian delegation stated that they were entirely in disagreement with the statements made and conclusions drawn in paragraph 31. While India had consistently followed the path of cooperative approach, this has not been fully reciprocated by Pakistan. The Indian delegation have avoided entering into legalistic issues which are totally outside the scope of the experts meeting. The Indian delegation cannot also recommend the induction of a third party as this suggestion is not in consonance with the spirit of cooperative approach. The Indian experts have tried to satisfy the Pakistan apprehensions in regard to the possible adverse effect of the project on the river in Pakistan.

The Indian delegation referred to the Record of the Fourth Meeting as follows:

“The delegations were happy to learn that significant progress had been made in the exchange of basic data through sustained and genuine efforts on both sides.”

While the changing scope of the Pakistan projects on the Ganges and its water requirement in the lean months when the water situation is critical, the progress of these discussions has not been according to the original expectation. This
situation can, however, be rectified if the two delegations could function in a constructive and co-operative manner.

The Indian delegation is of the view that there are still a large number of important points of technical nature in regard to which the experts of the two countries could usefully have further discussions provided there is the willingness on both sides to exchange the relevant information freely and fully. Some of these point are:-

1) First and foremost, Pakistan should undertake to give a final picture of its water requirements form the Ganga which can be justified in a truly technical manner and for which inadequate and incomplete information has been provided so far. It is possible for Pakistan to give a firm picture of the final projects they have in view and its requirements of water, which can be discussed by the delegation on a technical basis.

2) Discussions should also be held between the experts as to what areas essentially require supplies from the Ganga and what areas can receive irrigation from other sources or by other irrigation techniques. For the areas to be irrigated from the Ganga, discussions are necessary on the beneficial intensity, crop pattern and duties and deltas — that is, water requirements which while taking into account Pakistan's reasonable requirements would not injure India's interest.

3) The Indian delegation has made preliminary estimates of 18,000 cusecs regeneration between Farakka and Hardinge Bridge from past data of river supplies at these places. This figure has not been accepted by Pakistan. It is, therefore, suggested that the two delegations make a study of the present regeneration of water between these point and the likely additional regeneration after Farakka Barrage is in operation.

4) A detailed technical study of the possible effects of the high level Ganges Barrage of Pakistan on the submergence of Indian territory and its effects on the operation of the Farakka Barrage Project are also required. A joint survey is considered necessary and this should be undertaken without any delay after final stage of Pakistan requirements is known.

5) Since Pakistan have expressed doubts in the accuracy of their measurements of river discharges at Hardinge Bridge, it is essential for the experts of the two countries to make a special study and to establish a correlation between Hardinge Bridge and the new site at which measurements have been recently started. Joint visits to the discharge sites may also be made by the experts of the two countries.

6) A technical study of the likely effects of the Teesta Project on Indian
Territory and other Indian interests by the experts of the two countries is essential before the Government of Pakistan go ahead with the project.

The proposed joint visits of the Pakistan and Indian engineers to the sites of Farakka Barrage and the Ganges Kobadak areas would no doubt provide opportunity to carry forward the present discussions and help mutual understanding. It hopes that these visits will be followed by further discussions is order to complete the task assigned to the experts of the two countries.

The Indian delegation stated that it will thus be seen that while much useful work has been done at the past meetings, there is much that remains to be done before enlightened discussions at Government level could take place for lasting beneficial solutions satisfactory, to both the countries. The Indian delegation, therefore, suggests that the two delegations recommend to their respective Governments that further technical discussions of the experts of the two countries should be held in respect of the point mentioned above and other relevant matters. In particular during these discussions a genuine effort should be made to assess the reasonable water requirements of Pakistan which must be met from the Ganga and the manner in which these can be met.

2603. Statement of the Indian Minister for Irrigation and Power
Dr. K. L. Rao replying to Half-an-hour discussion in the 
Lok Sabha on the “Visit of Pakistani Experts to Farakka Barrage site”.

New Delhi, July 26, 1968

The Minister of Irrigation and Power (Dr. K.L. Rao) : Mr. Chairman, Sir, I am very glad the House is taking a lot of interest in this very important project of our country. I shall first clear up the points raised by the hon. Member, Shri Naidu, and later on answer the questions put by other hon. Members.

The first question raised was about the progress of the project. I want to say that the progress of the project is going even ahead of what we thought. We originally thought that this project will be ready only in June, 1971. But we are proceeding at such a rapid rate—and I must say the river has been very kind to us so far—that we hope now that this Barrage will be completed by June 1970—
i.e., one year ahead. I must also tell hon. Members that this is one of the most difficult engineering feats of the world. It is not an ordinary thing to construct a barrage at the very end of Ganga. It is a very difficult problem and such a thing has not been attempted so far in any country. In fact, Pakistan was afraid of constructing a barrage in their own territory, otherwise they would have suggested one long ago. Only after seeing our work they are more courageous and they are suggesting a barrage lower down in their country. As I said, it is a very difficult project and it involves an expenditure of more than Rs. 150 crores. The Government of India is very anxious about this project. We are doing everything possible to see that this project is completed as early as possible. In view of the very difficult conditions it is not possible to switch on the date of progress beyond what we are doing. Two-third work has been done on the Barrage and 40 per cent work has been done on the feeder canals. These are the two main components of this project. Therefore, the House should really be glad to know that we are going to do this work one year ahead of schedule.

The second question was about the invitation given to their engineers to visit the project. It is not correct. No such invitation was made. What happened was, we agreed for a bilateral discussion between this country and Pakistan at the experts level.

Shri Kanwar Lal Gupta: Why? Why did you do that when there was no dispute?

Dr. K.L. Rao: After all, in any problem we can always have bilateral discussions.

Shri Kanwar Lal Gupta: When this is not under dispute, why do you make it a disputed case?

Dr. K.L. Rao: It is not a question of any dispute. Ganga was originally flowing into Bhagirathi. It was flowing by Calcutta. Padma was another branch. River Ganga was having two outlets—one was Bhagirathi and the other was Padma. This was 400 years back. Then, 400 years ago there was an avulsion and Padma became the main Ganga and Hoogly became the smaller Ganga without much water except during the monsoons. Therefore, a major portion of Ganga flows through India and a part of its waters enter into the sea through Pakistan. You can have a discussion on this problem between the two countries. That was agreed to as far back as 1957, that we shall have discussion at the experts level or the technical level. In pursuance of that we had four meetings and the fifth meeting was held recently in the month of May. In that meeting they said that they would like to visit the project. We said that we would like to show them the project at a later date. But they said that they would like to see it... (Interruptions) ...immediately. Their engineers wanted to see the project. We have come to a stage at which we would like their engineers to come and see...
the project. They were under the impression that this project was not completed, it had not reached such a stage of development as we had stated. They were thinking that we were stating lies. So, when they said, “all right we want to come and see the project”, we said “all right”. And when they saw the project, what impression did they get? They have expressed the view that a major portion of the work has been done, more than two-thirds, there is nothing more which can be done and the project can be treated as a completed project.

Shri Rabi Ray: Not very convincing.

Dr. K.L. Rao: At the same time, we insisted that our engineers should see their project, that project for which they were claiming waters, that is, Ganga-Kabaddak-Faridpur-Barisal project. We said “let our engineers see the project” and they agreed. So, we are sending our engineers in the month of October/November to see what progress they have made.

I will submit that there is nothing wrong in showing them a project which is completed. After seeing the project they are convinced that it is over. Their experts visited the project on 21st and 22nd June when the Ganga was flowing full. This has convinced them that two thirds of the work has been done. So much for the Ganga. With regard to the other question, he has made two suggestions.

The hon. Member has made two valuable suggestions. We should look to the destination of Bhagirathi to ensure that the canal and river lower down are ready to take up the water which can be used for the Calcutta port. That is a very good suggestion; in fact, we are aware of that, but that is a work which has to be done in consultation with the Ministry of Transport. We will do that; it is a question of funds.

Another important question which he has raised is this. It is desirable to have a navigation canal from Farakka to Assam through Indian territory completely so as to avoid passage through Pakistan which our vessels have to take in normal conditions. Actually, this project is Farakka-Dhubri Project through Tista. This project has not been taken up so far only because of the financial difficulties. The project costs Rs. 200 crores and we cannot afford to spend that much money now. It will be taken up as soon as we are in a position to find the funds for it. The project has been fully investigated and we can put it on the field straightaway. It consists of canals 300 miles long and it will enable our vessels to go from Ganga to Brahmaputra through Tista. It is a very valuable project and we will take it up as soon as we get a little better financially.
There is one point on which hon. Members were very critical. They have given various versions of it specially its repercussions in East Pakistan and so on.

About that particular letter I want to submit and categorically state that the only sentence that it has got about this project expressed a desire that both countries should show goodwill in the search of a mutually acceptable solution as in the past in the case of the Indus system.

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There is no question of a third party. What it meant was that he wished that there might be an acceptable solution found out by the efforts of these two people. That is a general wish which anybody can express. We do not mind that. Our policy is very distinct and clear in the case of the Ganga and the use of its waters.

The case of the Ganga waters is entirely different from that of the Indus waters. The Indus has an intricate system of canals and rivers. Part of the headworks are in India and the canals are in Pakistan. It was an intricately connected system there, but in the case of the Ganga there is no such inter-connected system.

There are many other reasons why the Indus and Ganga systems are entirely different. For example, the Indus system irrigates an area where there is no rainfall—it is very highly dry and it is a completely dry system—whereas in the case of the Ganga system the rainfall in East Bengal is of the order of 100 to 150 inches.

What I mean to say is that they are two entirely dissimilar problems and there is no question about it. We are very definite that there is no necessity for any third party intervention and we will not allow any kind of intervention or induction of a third party into the question.

If anybody studies the problem in its scientific bearing, the legal issues and in its proper style, one would feel that the claims of Pakistan are rather unfortunately and unnecessarily exaggerated. For example, in the first meeting they wanted 3,500 cusecs; now they have gone to 49,000 cusecs. If really this water is granted to them, Professor Guha will be able to tell you that this will do them more harm than good because it is an area where really a drainage system is more indicated than irrigation. We know all the facts very thoroughly about the whole thing. I will be very happy to consult Professor Guha if this problem comes up, because he comes from East Bengal and he will be able to help us very much if anything really comes up.

* * *

There is no question of a third party. What it meant was that he wished that there might be an acceptable solution found out by the efforts of these two people. That is a general wish which anybody can express. We do not mind that. Our policy is very distinct and clear in the case of the Ganga and the use of its waters.

The case of the Ganga waters is entirely different from that of the Indus waters. The Indus has an intricate system of canals and rivers. Part of the headworks are in India and the canals are in Pakistan. It was an intricately connected system there, but in the case of the Ganga there is no such inter-connected system.

There are many other reasons why the Indus and Ganga systems are entirely different. For example, the Indus system irrigates an area where there is no rainfall—it is very highly dry and it is a completely dry system—whereas in the case of the Ganga system the rainfall in East Bengal is of the order of 100 to 150 inches.

What I mean to say is that they are two entirely dissimilar problems and there is no question about it. We are very definite that there is no necessity for any third party intervention and we will not allow any kind of intervention or induction of a third party into the question.

If anybody studies the problem in its scientific bearing, the legal issues and in its proper style, one would feel that the claims of Pakistan are rather unfortunately and unnecessarily exaggerated. For example, in the first meeting they wanted 3,500 cusecs; now they have gone to 49,000 cusecs. If really this water is granted to them, Professor Guha will be able to tell you that this will do them more harm than good because it is an area where really a drainage system is more indicated than irrigation. We know all the facts very thoroughly about the whole thing. I will be very happy to consult Professor Guha if this problem comes up, because he comes from East Bengal and he will be able to help us very much if anything really comes up.

* * *
I do not think Pakistan is really serious about the discussions when they suggest such a large volume of water. Nobody would, normally, 'suggest any such thing. If one is really interested in getting something, one must make a reasonable demand. No one goes to the extent of this absurd exaggeration. That defeats their case itself. I know the case. There is very little for us to feel, in any way, about having any kind of doubt on our stand about this issue. After all, Ganga river is an Indian river. It is entirely an Indian river. It serves about 40 per cent of India's population and the entire water, more than 99½ per cent, comes from India. Generally there should be no question of any discussion on the subject. But still if a neighbouring country wants to have a discussion, we do not want to deny it at the technical level. That is all to which we have committed so far.

Then, as I submitted, unfortunately, there is a misunderstanding about the letter of the hon. Prime Minister of U.S.S.R. As far as I know about the subject, there has been no such suggestion at all in that letter either for a third party or the World Bank or anything of that kind. All that it says is, "You please, both of you discuss and come to a settlement." There is nothing wrong in that. It is purely a bilateral discussion to which we have committed so far. Nothing more than that.

The hon. Member, Shri Madhu Limaye, asked about a pending legal case. There is nothing that we need to be afraid of because these plans of Farakka Barrage are entirely with us. Anyway, the Project is nearing completion. But about the pending suit I am not up to-date. I know that there was something like that. I shall write to the hon. Member, Shri Madhu Lemaye, separately about that after I get the information on the subject.
No.PII/112/1/68. September 25, 1968

The Ministry of External Affairs of the Government of India presents its compliments to the High Commission of Pakistan in India and with reference to the Government of Pakistan's note No. 2/1/68-I(V) dated the 21st June, 1968, has the honour to state as follows:

(1) In their note No. PII/112/1/68 dated July 20, 1968 the Government of India, after a very careful consideration of the record of discussions of the Fifth Meeting of Experts, of May, 1968, had recommended to the Government of Pakistan the continuance of the technical level talks for the exchange and compilation of basic data which the note also sought to identify. The Government of India consider that these studies are an essential step for preparing the groundwork for discussion at the Minister level, for it is obvious that the two Governments cannot be expected to take decisions before the essential data is available. The question is not one of interpretation of the data as stated in the Pakistan note but of ascertaining certain basic facts and attempting to reach an agreement thereon. For example, an understanding of the amount of water that is available in the Padma at Hardinge Bridge near the Indo-Pakistan border, particularly during the low water months, is essential before a meaningful Government level discussion can be held for a solution of the problem. But this has been made impossible by the doubts cast by the Pakistan delegation on its own hydrological data furnished earlier in regard to the key-site at Hardinge Bridge. Again, according to the papers furnished to India, the scope of the Pakistan scheme on the Padma (namely, the Ganges Kobadak project) has been progressively enlarged, and the summer water demand from the Padma which was 3500 cusecs in 1960 has now been raised by 14 times which amounts to almost the entire flow of the Ganga at Farakka during the low water months, leaving no water for the Bagirathi-Hooghly channel on which the great port of Calcutta is situated. It is clear that the nature and scope of the project and the river flow data have been continuously changed by Pakistan and are as yet unsettled. The Government of India had entered into these discussions in a spirit of cooperation and good neighborliness. It
is unrealistic to expect then to agree to the proposal that a full assessment of the technical aspects of Pakistan’s demand is not necessary. When it is remembered that the Ganges is almost entirely an Indian river and large areas which are affected by periodic droughts depend upon it, Pakistan’s position appears even less justified.

Apart from the above, large areas of Indian territory are threatened with submergence and erosion by barrages proposed by Pakistan. It is, therefore, also necessary for the experts to undertake an immediate appraisal of the likely effects of these schemes and the means necessary to prevent harm to Indian Territory.

2. The Government of Pakistan have referred to the Ayub-Nehru agreement of 1961. It is indeed this understanding which constitutes the basis of the technical level meetings that have been held since 1961. It also lays down the agreed conditions for the termination of the technical level talk and the beginning of Minister-level meetings. Mr. Nehru stated in his letter of July 6, 1961:

“We have already agreed to a meeting, on the level of Ministers, to discuss these subjects. But as you have said in your letter, such a meeting can only be useful if it has a suitable practical agenda and after a full exchange of data..... You will appreciate that the engineers of the two sides must first necessarily agree on each other’s figure and on the basic data particularly of river discharges in the key sites, before the Ministers can usefully discuss the issues. I would, therefore, suggest that we ask our engineers to let us know as soon as they feel that a full exchange of data has taken place and there is general agreement on this matter. The two Governments can then consider the experts’ recommendations and also fix the dates for the Ministers’ meeting.”

The President of Pakistan had agreed with this, although he had expressed an interest in a speedy conclusion of the technical level talks.

The Indian Government have throughout been anxious for a faithful implementation of the above agreement so that the two Governments could get down to substantive talks to solve the issue at the earliest date. The correspondence exchanged between the two Governments between the Fourth technical level meeting in 1962 and the Fifth meeting of this year and the Record of Discussions of the Fifth Meeting bear ample testimony to this. Even though the technical level talks started in 1960, to imagine that they have continued for seven years, would give a
misleading impression of the true facts. The last meeting before 1968 took place in 1962. For full 6 years no meeting took place for reasons well known to Pakistan and the blame for this long lull can hardly be placed on India. The Foreign Minister of Pakistan has indeed explained to the Pakistan National Assembly on June 2 the various factors that prevented the holding of a meeting. Nor did India ever agree, as is contended in Pakistan's note, that the technical level meeting of May, 1968, should be the final meeting. Obviously, the final meeting can take place only when the agreed purpose of these talks has been fulfilled. To unilaterally terminate the technical level talks at this stage would be tantamount to a breach of the 1961 agreement and to resile from the path of cooperation to which both countries are committed.

(3) The Government of India are as eager as the Government of Pakistan to hold a Minister level meeting and to contribute to the solution of the problems. They are, however, equally convinced that for the reasons referred to above, the stage to terminate the technical level talks and to begin the Minister level meeting has not yet been reached. To abandon the technical discussions in favor of political talk cannot at this stage be justified either on grounds of practicability or on the basis of the 1961 agreement and the cooperative approach. Indeed, India believes that at the present stage it would be pointless to think in terms of talks at the political level; without the indispensable data the Ministers would be groping in the dark and the meeting would be condemned from the outset to failure, thus making the problem more intractable.

It follows that what is necessary is to complete the technical level talks at the earliest possible date. And the Government of India are prepared to offer their unstinted cooperation in this behalf. In their view the material point is the continuation of the exchanges under agreed cooperative approach, the level of the talk being determined according to the relevant factors. One possible step to accelerate and intensify these talks could be to establish small working groups for specific items requiring urgent attention. If the Government of Pakistan have any further suggestions, the Government of India would welcome them.

On the other, hand if the Government of Pakistan so wish the Government of India would be agreeable to a Ministry-level meeting at an early date, the purpose of which would be that the Secretaries of the concerned Ministries of the two countries, assisted by their advisers, would review the progress already made in respect of the technical discussions and establish procedures for the proposed intensification and speeding up of the technical level talk. In that event, the Government of India suggest
that if it is convenient to the Government of Pakistan, the meeting may
take place in New Delhi as early as practicable.

The Ministry of External Affairs, Government of India, avails itself of this
opportunity to renew to the High Commission for Pakistan the assurances of
its highest consideration.

High Commission of Pakistan,
New Delhi.

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2605. Note from Pakistan High Commission in India to Ministry
of External Affairs.

New Delhi, October 19, 1968.

Pakistan High Commission
New Delhi

No. F.1 (61) CSVI/65-Vol.II October 19, 1968

The High Commission for Pakistan in India presents its compliments to the
Ministry of External Affairs, Government of India and with reference to the
Ministry’s Note No.PII/112/1/68 dated September 25, 1968 has the honour to
state as follows:

2. As the Government of India are aware, the problems of sharing the
Ganges water has assumed special urgency in view of the action taken by the
Government of India in speeding up the pace of construction of the Farakka
Barrage which, on completion, would cause grave and permanent damage to
East Pakistan.

3. The Government of Pakistan had agreed to the technical level talk which
commenced in 1960 on the understanding that these would lead to a discussion
of the substantive issue at the political level before action was taken to
implement the Farakka Barrage and other schemes on the upper reaches of
the Ganges. What has actually happened, however, is that while technical
data were being exchanged between 1960 and 1962 the Government of India
unilaterally started the construction of the Farakka Barrage. The continuance
of these experts level talks would have served the purpose for which they were
held only if India had withheld the implementation of their schemes on the
Ganges in deference to the agreement reached between the two countries, for a cooperative approach in the development of the waters of the Ganges river.

4. The Government of Pakistan, have therefore, continued to emphasise, in various communications including the letter addressed by the President of Pakistan to the Prime Minister of India, the need for urgent talks at the political level to secure a solution of this problem.

5. Nonetheless, the Government of Pakistan agreed in January this year to participate in yet another experts' level meeting in the hope that this would prepare the ground for an early settlement of the issue through Ministerial level talks. In this meeting held in New Delhi from 13th May to 26th May, 1968 the two delegations reviewed the data exchanged so far. The record of discussions at this meeting, however, revealed that there were basic disagreements on almost every single issue discussed at the fifth experts' level meeting.

6. After careful consideration of the record of discussions of the fifth experts' meeting, the Government of Pakistan were confirmed in their view that no useful purpose would be served by continuing the technical level exchanges which have gone on for the past 8 years at five meetings and through voluminous correspondence. The Government of Pakistan, therefore proposed in their note of 21st June, 1968 an early Ministerial level meeting as sufficient data were already available to enable the two Governments of start substantive talks with a view to finding a mutually acceptable solution of the problem of apportionment of waters of the Ganges.

7. The Government of Pakistan have given due consideration to the points raised in sub para (1) of the Ministry's note referred to above. They do not wish to enter into arguments or start a fresh controversy over these points but for purpose of clarification and record, it is necessary to point out that the imperfections of the data concerning the flow of the river at Hardinge Bridge were already known to and acknowledged by the water resources experts of India. It was on these considerations that the two Delegations had agreed in 1960 that a new site should be established for observing discharges on the Ganges in Pakistan. In any case, there should be no serious impediment to reaching settlement on the basic question as the relevant data of the flow of the Ganges at Farakka in India and for a limited period of Paksey, the new site in East Pakistan, are available. Secondly, it is a matter of record that the requirements of all the areas in Pakistan dependent on the Ganges were never indicated by the Government of Pakistan as 3,500 cusecs. This is the requirement of only one unit viz. Kushtia Unit of Ganges Kobadak Project. Indeed, as long ago as 1954 the requirements of the Ganges - Kobadak area alone were intimated to the Government of India to be of the order of 20,000 cusecs during the dry seasons. Since then Pakistan has indicated the full water
requirements of the projects dependent on the Ganges on the basis of detailed scientific studies carried out subsequently. Finally, the statement in the Indian note that the Ganges “is almost entirely an Indian river” is neither tenable under international law nor does it accord with the spirit of the agreement reached between the two countries to follow a cooperative approach in the development of the waters of this river.

8. As regards the last part of sub-para (1) of the Government of India’s Note under reference, the Government of Pakistan wish to affirm that their project on Ganges is not a new one. The details of the project were intimated to India as early as 1961. Besides, what is much more important is to determine first the share of the two parties in the waters of the Ganges river which can then be followed by a cooperative effort to ensure that the design or operation of the projects of one country is so arranged as to avoid any damage to the other.

9. The Government of Pakistan sincerely regret that the Government of India have not accepted the proposal put forward in their note of 21st June, 1968. However, they have noted with satisfaction the assurance that “the Government of India are as eager as the Government of Pakistan to hold a Minister level meeting and to contribute to the solution of the problems” in consonance with their attitude of accommodation and cooperation, the Government of Pakistan, therefore agree to the suggestion made by the Government of India for a Secretaries’ Level meeting. In communicating their agreement to the proposed meeting, the Government of Pakistan have taken into account the conversation held between Mr. B.R. Bhagat, Minister of State for External Affairs, with the High Commissioner of Pakistan in New Delhi on the 28th September 1968, in which the Government of India agreed that these talks would include not only the review of the technical discussions but also the preparation for a Ministerial Level Meeting.

10. The Government of Pakistan express appreciation to the Government of India for offering New Delhi as the venue of the meeting but they feel that since the last Indo-Pakistan meeting on Farakka was held in New Delhi in May this year it would be more appropriate to hold the Secretaries’ level meeting in Islamabad. The Government of Pakistan therefore suggest that, if it is convenient to the Government of India, the Secretaries’ level meeting may start in Islamabad on or about the 7th November, 1968.

* The Ministry of External Affairs in reply vide their note No. P.II/112/1/68 dated October 25 suggested that while New Delhi examined Pakistan’s note, in the meantime, a visit of Indian engineers to the Ganges-Kobadak project be arranged by the end of current month so that by the time the Secretaries met, Indian side would have the advantage of the report of their experts in hand. In making this suggestion, New Delhi reminded Islamabad that the Pakistani experts had already made their visit to the Farakka Barrage site in June 1968.
The High Commission for Pakistan avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

Ministry of External Affairs
Government of India
New Delhi.

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2606. Question in the Lok Sabha: “Demand by Pakistan for increased water supply from Ganges”.
New Delhi, November 11, 1968

Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that Pakistan has been continuing to increase its demand on the waters of Ganga from 3,500 cusecs to 49,000 cusecs since the last round of expert level talks held in Delhi in May, 1968, and

(b) if so, the details thereof?

The Deputy Minister in the Ministry of Irrigation and Power (Shri Siddheshwar Prasad):

(a) Yes, Sir.

(b) The requirements indicated by Pakistan at the various meetings of Water Resources Experts of India and Pakistan are given below:

<table>
<thead>
<tr>
<th>Meetings</th>
<th>Demand in April (Cusecs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upto First meeting, June-July, 1960</td>
<td>3,500</td>
</tr>
<tr>
<td>Second meeting, October, 1960</td>
<td>18,090</td>
</tr>
<tr>
<td>Third meeting, April 1961</td>
<td>29,352</td>
</tr>
<tr>
<td>Fourth meeting, Dec. 1961-Jan. 1962</td>
<td>32,010</td>
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<tr>
<td>Fifth meeting, May 1968</td>
<td>49,000</td>
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</tbody>
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Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, November 19, 1968.

Ministry of External Affairs
New Delhi

No.PII/112/1/68 November 19, 1968

The Ministry of External Affairs, Government of India, presents its compliments to the High Commission of Pakistan in India and with reference to the High Commission's note No.F.1(61)/CSV/65-Vol II date October 19, 1968 and in continuation of Ministry's note No.PII/112/1/68 dated October 25, 1968 has the honour to state as follows:

2. The Government of India regret that the Government of Pakistan should have stated in their note that the completion of the Farakka Barrage would cause grave and permanent damage to East Pakistan. The Padma flows only for a short distance in East Pakistan before it joins the Brahmaputra and for most of the year, the problem concerning the Padma is that of too much rather than too little water. Moreover, on the basis of full data supplied to the Government of Pakistan at the technical level discussions, Pakistan is fully aware that the Farakka Barrage will not cause damage to even the small area commanded by the Padma, let alone to the whole of East Pakistan. Further, it is also clear from the correspondence exchanged between the two Governments that the Government of India have always been willing to see that no harm is caused to the areas depending upon the Padma; and indeed, it is for this purpose that the experts of the two countries have been meeting so that Pakistan's interest in the waters of Padma can be understood and, the manner in which they could be met, discussed. It is unreasonable for Pakistan to avoid a full assessment of Pakistan's demands from the Padma by the technical experts by pressing for the termination of the technical level talks and at the same time to make unsubstantiated and serious allegations against Indian intentions.

3. The Government of India also regrets that Pakistan objects to the statement that the Ganga is almost entirely an Indian river. The drainage area of the Ganga is overwhelmingly larger in India than in Pakistan: the population depending upon the Ganga is similarly overwhelmingly larger in India than in Pakistan, in fact 200 million or 40% of the whole Indian population depends on the Ganga basin; the contribution of water to the Ganga by India is similarly overwhelmingly superior to that of
Pakistan; the economic and social needs of the Indian side are also overwhelmingly greater and more pressing, without the relieving feature of substantial alternative resources available in East Pakistan which has much more rainfall and a much more favourable level of ground water than the drier regions of the Ganga area in India. These are self evident facts. Merely because the Government of India, in a spirit of good neighborliness, agreed to hold technical level talks to discuss Pakistan’s demands, it would be incorrect to draw the conclusion that the fact that Ganga is an Indian river is open to question.

4. Pakistan’s note asserts that the technical level talks were agreed to “on the understanding that these would lead to a discussion of the substantive issue at political level before action was taken to implement the Farakka Barrage and other projects on the upper reaches of the Ganges.” It is, however, clear from the correspondence exchanged between President Ayub Khan and Prime Minister Nehru in 1961 that Pakistan had been intimated and was well aware that India had started construction of the Farakka Barrage at the time of Ayub-Nehru agreement of 1961. That there was no question of India delaying any development of water resources in India during the duration of the technical level talks is clear from President Ayub’s letter of May 19, 1961 to Prime Minister Nehru in which President Ayub stated: “On our part we would not like to stand in the way of the Government of India developing the resources of the common rivers so long as Pakistan is assured of the supplies required to meet its vital interest.”

5. In paragraph 5 of their note, the Government of Pakistan have stated that the Record of Discussions of the Experts’ meeting held from May 13 to 26, 1968 revealed basic disagreement on almost every single issue discussed and have also contended, in paragraph 6, that sufficient data was available to terminate the technical level talks and begin the Minister level meeting. The Government of India consider that disagreement at the Fifth Meeting of Experts alone would not be an adequate justification to question the necessity of the technical level discussions. It is only on the basis of such discussions that the “vital interests” of Pakistan in regard to its project on the Padma can be properly examined. It is also a fact that the data on the flow of the river in East Pakistan and full data for Pakistan’s project on the Padma which are indispensable for a further consideration of the matter are not yet available. Till the technical level exchanges started in 1960 the only project drawn up by Pakistan would not have needed more than 3500 cusecs of the Padma waters. The scope of the water demand for the
project underwent substantial changes from meeting to meeting; and even as late as May 1968, an altogether new project was presented, raising the demand for water to fourteen times over the one intimated up to 1961. In the face of these facts, it has not been possible for India to assess, and much less to accept, any of the continuously increasing estimates of the so-called vital water requirement of East Pakistan from the Padma.

Further, the Government of Pakistan’s statement that “the imperfections of the data concerning the flow of the river at Hardinge Bridge was already know to and acknowledged by the water resources experts of India” is not in accordance with facts. All that the Indian engineers had advised was that measurements were required to be made daily in the months of January to June instead of fortnightly. On the question of an additional site, the Pakistan engineers had stated that a site upstream of Hardinge Bridge (such as Paksey) had been investigated and found unsuitable. Pakistan’s own consultants have held the view that, particularly for the months of low supplies, the data collected at Hardinge Bridge are reasonably accurate and hence dependable. The data of the Paksey site in Pakistan is for a brief period of about two and a half years only and cannot be considered as a workable substitute for the Hardinge Bridge data which has been available for over 30 years.

As mentioned in the Government of India’s note of September 25, 1968 to state that the technical level talks have gone on for eight years gives a misleading impression, since for six years between 1961 and 1968, no meeting had taken place. India, therefore, cannot accept the contention that further technical level talks would serve no useful purpose or that the incomplete data new available is adequate for making further progress. The point that emerges, therefore, is that the continuance of the technical level discussions is more necessary now than ever before. For this purpose, what is imperative is that the Pakistan experts must extend their fullest cooperation in these discussions so that all the relevant data could be collected and assessed as early as possible and the ground prepared for substantive discussions.

6. The Ministry would here like to correct the statement in paragraph 9 of the Pakistan High Commission’s note date October 19, 1968, that Shri B.R. Bhagat, Minister of State in the Ministry of External Affairs, had “agreed that these talk would include not only the review of the technical discussions but also the preparations for a Ministerial level meeting.” The Ministry would like to point out that the above understanding of the
Pakistan High Commissioner regarding his conversation with the Minister is wholly incorrect. At the meeting between Shri Bhagat and the High Commissioner of Pakistan, the Minister said that the Government of India were not opposed to hold a Minister level meeting but that such a meeting could only profitably take place after a good deal of preparation and in this context he emphasized that the prospects of the Minister Level meeting would depend upon the successful conclusion of the technical level discussions.

7. The crux of the issue is that the two Governments have accepted to co-operate as good neighbours and to see that no harm is caused to each other’s interests in the Eastern Rivers. For this purpose, they have agreed to have the relevant scheme of each party examined by the other and also exchange the necessary data. The Nehru-Ayub agreement of 1961 lays down the procedure for the holding of the bilateral discussions. The Government of India are determined to implement the above understanding for any step which militates against the cooperative approach is likely to create a new and intractable situation. The welfare and prosperity of the inhabitants of the region served by the Eastern Rivers depend upon the continuation of Indo-Pakistan co-operation on this issue which throw added responsibility on the two Governments in this respect. The Government of India therefore note with satisfaction that the Government of Pakistan have agreed to the meeting at the Secretary level, which is to begin on December 9, 1968. They hope that the meeting would be able to evolve procedures for the intensification and speeding up of the technical level exchanges so that a stage for substantive talks and solution of the problem could be reached early. The Government of India, on their part, would put forward positive suggestions at the meeting for the intensification and speeding up of the technical level exchanges.

8. In accordance with paragraph 28 of the record of discussions of the Fifth Meeting of Experts, the Secretaries may also discuss the situation arising from the operation of the Karnafuli reservoir and the manner in which Indian interests should be safeguarded.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of Pakistan the assurances of its highest consideration.

The High Commission for Pakistan in India,
New Delhi.

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2608. Note from Pakistan High Commissioner in India to Ministry of External Affairs.

New Delhi, December 6, 1968.

High Commissioner for Pakistan in India
New Delhi

No.1/61-CSVI/65. December 6, 1968

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs, Government of India, and with reference to the Ministry’s Note No. P.II/112/1/68, dated November 19, 1968 has the honour to state as follows:

2. The Government of Pakistan are surprised that the Government of India are persisting in their claim that the Ganges “is almost entirely an Indian river.” The Government of Pakistan reject this untenable claim. Not only does the Indian contention militate against an obvious geographical fact and the established principles of International law and usage, but it also violates the spirit of the agreement between the Governments of Pakistan and India to adopt a cooperative approach in the development of the water resources of the Ganges river. That the Ganges is an international river has been accepted as the basic factor in the correspondence exchanged between the two Governments since 1951. The Government of Pakistan are not aware of any other basis of the agreement for cooperation than the recognition by both the countries of each other’s vital interests in and rights on the waters of this international river. In this connection, attention is invited, in particular to paragraph 3 of the Ministry of External Affairs, Government of India’s note No. F-6 (II)-P.III/56 dated March 12, 1957 which states: “The Government of India reiterate their desire for cooperative development of water resources of Ganges by both the countries. Such an approach, however, must be on a reciprocal basis”. The Government of Pakistan therefore express the hope that there would be no further argument about the status of the Ganges as an international river. Furthermore, calling the Ganges by a different name would not alter, in any way, the physical fact of this river flowing through the territories of Pakistan.

3. The Government of Pakistan also regret that the Government of India have chosen to dispute the fact that the Farakka Barrage would cause grave and permanent damage to the territories of Pakistan. The attention of the Government of India was drawn to the serious repercussions of this barrage on East Pakistan in the very first note of the Government of
Pakistan in 1951 protesting against India’s unilateral decision to construct the barrage. There is nothing in the data furnished by the Indian experts which would in any way affect the conclusion that the cumulative effect of the Indian projects which have been completed or are in the process of being completed in the Ganges basin, will be most injurious to the interests of Pakistan. Any interference with the regime of the Ganges river of the scale of the Indian projects would (a) cause serious and intolerable shortage of water for irrigation on which depends the livelihood of millions of people in East Pakistan, (b) increase the lift of irrigation pumps already installed or being installed, (c) lower the ground water table and reduce the moisture content of soil which sustains existing agricultural conditions in large areas commanded by the Ganges and its spill channels, (d) adversely affect inland navigation in the Ganges and its spill channels, (e) increase inland penetration of saline water with serious effects on agriculture, municipal and industrial water supply, (f) increase the silt load of the Ganges causing a rise in the river bed and thereby accentuating the flood hazard and (g) increase flood heights, silt deposition in the rivers and ports, adding to the cost of protective embankments, dredging and river training.

4. The Government of Pakistan are also unable to agree the full data of all the Indian projects which will affect the quantum of waters of the Ganges reaching East Pakistan had been supplied to the Government of Pakistan. The record of the experts’ level discussions and the correspondence exchanged between the two Governments would show that while all relevant available data of Pakistan’s projects on the Ganges have been furnished by Government of Pakistan, the Government of India have been persistently refusing to supply to Pakistan the data concerning the Kosi, the Gandak and other Indian projects on the Ganges upstream of Farakka.

5. The Government of Pakistan welcome the reiteration of the assurance that “the Government of India have always been willing to see that no harm is caused to the areas depending upon the Ganges.” However, they regret to observe that this assurance is belied by the action of the Government of India who without settlement of the question of apportionment of the waters of the Ganges between India and Pakistan, continue to proceed with the execution of their projects which will take away almost the entire dry weather flow of the Ganges river to the detriment of the areas dependent on it in East Pakistan.

6. Paragraph 2 of the Ministry’s note refers to certain factors like the distance for which the Ganges flows in East Pakistan or the contribution of the various segments of its drainage basin to the run-off which are
not relevant to the determination of the water requirements of Pakistan. What is relevant is the dependence on the waters of this river of a net irrigable area of 4.25 million acres in East Pakistan. This area is by no means small as alleged by the Government of India; it constitutes about one fifth of the total culturable area in East Pakistan which supports more than one fourth of its population. The need for the development of the water resources of this region has become all the more pressing because of neglect of the pre 1947 era. Similarly the statements that the problem in East Pakistan is “that of too much rather than too little water” and that East Pakistan has “much more rain-fall” do not reflect a correct appreciation of the hydrological cycle in East Pakistan. East Pakistan is essentially a water scarce area in the dry period as the rainfall is concentrated in a few months and there is no rainfall at all for more than six months of the year. What causes grave concern is that during this part of the year, Pakistan is being deprived of vital water supplies by diversion of the bulk of the flow of the river. The reference in the Ministry’s note to the other point concerning the more favorable level of ground water is also not valid. Ground water is being developed in East Pakistan where good sources of such water are found. In view of the texture of its sub-surface strata and its proximity to the saline zone the possibility of developing ground water in the area commanded by the Ganges on a dependable basis is remote. On the other hand, unlike East Pakistan a number of storage sites are available in India which can be exploited to improve the dry weather flow of the Ganges. The Government of India also seem to have overlooked the fact that East Pakistan is one of the most densely populated areas of the world and has a high rate of growth of population. To feed this population, intensive cultivation of land in all the seasons is becoming increasingly essential. This cannot be achieved without providing irrigation throughout the year. The Government of India had themselves accepted the need for such intensive development of agriculture in East Pakistan when the Prime Minister of India in his letter dated the 6th July, 1961 to the President of Pakistan stated; “I appreciate no less your problem of food shortages and a growing population; we would like to the best of our ability to be helpful in the solution of this problem.”

7. The Government of Pakistan reiterate that President of Pakistan’s letter of May 19, 1961 a part of which has been reproduced in paragraph 4 of the Ministry’s note remains the key note of the Government of Pakistan’s policy that “so long as Pakistan is assured of the supplies required to meet its vital interests”, the Government of Pakistan would not object to the Government of India developing the resources of the Ganges.
As regards the data concerning the flow of the Ganges in East Pakistan and water requirements of Pakistan’s projects, this has been discussed at length in paragraph 7 of the High Commission’s Note of October 19, 1968. All salient data about Pakistan projects which can legitimately be of interest to India have been furnished including cropping intensities, crop patterns, water requirements and their monthly distribution. In this connection the Government of Pakistan regret to note that the Government of India are still maintaining that till 1960, the only project drawn up by Pakistan would not have needed more than 3500 cusecs of water from the Ganges. The Government of India’s attention is again drawn to the fact that they were intimated as far back as 1954 about the dry season requirements of 20,000 cusecs for the Ganges Kobadak Project alone. The Government of India were also later informed that as other projects were drawn up their requirements would be intimated to them. This too has been done.

With reference to the Government of Pakistan’s statement regarding the imperfection of the data concerning the flow of the river at Hardinge Bridge quoted in the Ministry’s Note under reply, the Government of Pakistan wish to draw the attention of the Government of India to paragraph 8 of the Record of Discussions of the 2nd meeting of the Water Resources Experts held in Dacca from the 1st to 3rd October, 1960 which states

“In response to suggestion from the leader of the Indian Delegation, the Leader of the Pakistan Delegation promised to examine the question of selecting a discharging site near Hardinge Bridge which gives more reliable data than the one at the Bridge itself.”

It is thus clear that the Indian Delegation was convinced about the unreliability of the Hardinge Bridge data. It is admitted that Paksey data are available for a short period but Farakka data extend for a number of years and can well be the basis for substantive discussions. The Ministry’s Note also refers to the view of Pakistan’s consultants about Hardinge Bridge data during the low flow period. This view cannot be conclusive as data for this site alone were available to the consultants at the time and they had no occasion to assess the accuracy of the available data.

The Ministry’s Note refers to the fact that no meetings of experts were held between 1962 and 1968. This however does not mean that no exchanges took place at the technical level during this period. In fact
voluminous correspondence consisting of over 400 letters were exchanged between the two sides through which a great deal of additional data were furnished to each other. In this connection, it would not be irrelevant to point out that considerable time was taken by the Government of India in replying to some of the important communications of the Government of Pakistan.

11. The Government of Pakistan note with regret that in spite of the voluminous data furnished by Pakistan about its essential requirements of the waters of the Ganges at the five rounds of expert’s level talk and through the correspondence exchanged between the two Governments for seventeen years, the Government of India are still insisting on the continuance of the expert level exchanges. The Government of India cannot be oblivious of the fact that further delay in holding substantive discussions will render the problem increasingly complex and difficult to solve. What is even more disconcerting is the fact that the Ministry in paragraph No. 2 of its note dated 19th November should describe the purpose of talks as mere understanding of Pakistan’s interest in the Ganges. This is contrary to the assurances given by the Government of India vide paragraph 4 of the High Commission of India’s note No. F.(3)/2/61-P, dated that June 26, 1961 that the purpose of the exchange of data was to secure “a fair reconciliation of the mutual interests of the two countries.” In his letter dated 6th July, 1961 to the President of Pakistan the Prime Minister of India had reiterated that “given a pragmatic and co-operative approach on both sides the interest of both are capable of a rational reconciliation”. The Government of Pakistan fully share this sentiment and urge upon the Government of India to appreciate that the data supplied to date by the Government of Pakistan are adequate for finding a settlement of the basic question relating to the apportionment of the waters of the Ganges between the two countries. The Government of Pakistan are of the considered opinion that in view of the basic disagreement at the fifth experts level meeting and the continued reluctance of the Government of India to have recourse to the assistance of a competent third party in resolving the differences or reconciling the divergent conclusions, further discussions at the level of experts only will not yield any useful result. In the circumstances the best course would be for the two countries to enter into substantive talks with a view to arriving at “some pragmatic proposals to implement the mutual desire for co-operation” as stated by the Prime Minister of India in his letter dated April 24, 1961.

12. The Government of Pakistan, therefore, feel that the Secretaries’ level
meeting should address itself to the task of promoting the settlement of this dispute without further delay. In this connections the Government of Pakistan would not like to enter into argument about the position explained in para 6 of Ministry’s note under reference. The Government of Pakistan continue to maintain that this human problem can be resolved in a mutually beneficial manner provided the two sides show good will and understanding. The Government of Pakistan had agreed to the Government of India’s proposal for a Secretaries’ level meeting on the understanding communicated in the High Commission’s note of October 19, 1968. The Government of Pakistan are accordingly sending their delegation to participate in the Secretaries’ level meeting at New Delhi beginning on December 6, 1968 in the hope that substantive talks would take place to find a solution and that the Government of India would extend full cooperation in facilitating this task.

The High Commission for Pakistan avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi.

2609. Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, December 7, 1968.

Government of India
Ministry of External Affairs
New Delhi

MOST IMMEDIATE

No.PII/112/1/68 December 7, 1968

The Ministry of External Affairs, presents its compliments to the High Commission of Pakistan in India and with reference to the High Commission’s Note No.1/61-CSVI/65 dated December 6, 1968 has the honour to state as follows.

2. The Government of Pakistan, inter alia, question the fact that the Ganga
is an Indian river; they assert that the Farakka would “cause grave and permanent damage to the territories of Pakistan”. The Government of Pakistan have also advanced arguments and contentions on other points. The Government of India would only wish to state that neither these contentions nor the grounds on which they are based are acceptable to them. The Government of India reserve their position entirely on these matters and they hope to deal with the Government of Pakistan’s stand in regard to them in due course.

3. At the present stage, the Government of India consider it necessary to clarify their position in regard to paragraph 12 of the High Commission’s note in which it has been stated that “The Government of Pakistan had agreed to the Government of India’s proposal for a Secretaries’ level meeting on the understanding communicated in the High Commission’s note of the October 19, 1968”. If the reference in this quotation is to the last sentence of paragraph 9 of the High Commission’s note of October 19, 1968, the Government of India feel compelled to draw the attention of the Government of Pakistan not only to paragraph (3) of the Ministry’s note PII/112/1/68 of September 25 1968, but also to paragraphs 6 and 7 of its note PII/112/1/68 of November 19, 1968 wherein the scope and purpose of the Secretaries’ level meeting have been specified, without leaving room for ambiguity. In order to avoid any misunderstanding, the Ministry would once again like to clearly state that the purpose of the meeting would be to review the progress already made in respect of the technical discussions and to establish procedure for the intensification and speeding up of technical level talks. The Government of India trust that the Government of Pakistan share this understanding.

4. The Government of India place considerable importance on the successful conclusion of the technical level talks for they believe that this would lead to solutions beneficial to both countries.

The Ministry of External Affairs avails itself of the opportunity to renew to the High Commission of Pakistan in India the assurances of its highest consideration.

The High Commission of Pakistan in India, Chanakyapuri, New Delhi.
2610. Joint Communiqué issued at the end of the meeting of Secretaries of India and Pakistan on the Eastern Waters.

Islamabad, March 25, 1969.

The Secretary, Ministry of Irrigation and Power, Government of India and the Secretary, Ministry of Industries and Natural Resources, Government of Pakistan, assisted by their advisers, met in Islamabad at the invitation of the Government of Pakistan for talks on Farakka Barrage Project and other projects on Eastern Rivers. The meetings were held from the 21st March to the 25th March 1969. The Leaders of the two delegations also met separately.

2. These takes were held in a cordial atmosphere.

3. It was noted with satisfaction that further data was exchanged and fruitful discussions took place at the present meeting. It was agreed to hold another Secretary level meeting by early July. The next meeting will make further preparations for the Ministers’ level meeting on the basis of the agreement between President Ayub and Prime Minister Nehru for a cooperative approach.

Islamabad, Tuesday, the 25th March, 1969.

Sd/- Syed Saeed Jafri, Secretary to Govt. of Pakistan, Ministry of Industries & Natural Resources and Leader of Pakistan Delegation.

Sd/- K.P. Mathrani, Secretary to Government of India, Ministry of Irrigation and Power and Leader of Indian Delegation.

2611. Statement of the Indian Minister of Irrigation and Power K. L. Rao in the Lok Sabha: “Secretary level Indo-Pakistan talks on eastern rivers held in New Delhi from July 15 to 26, 1969.”

New Delhi, July 28, 1969

As the House is aware, during the Indo-Pakistan Secretaries’ level meeting on Farakka Barrage and other projects on Eastern Rivers held at Islamabad in March, 1969, it was agreed that another meeting would take place at New Delhi in July. Accordingly, a meeting was held at New Delhi from the 15th to
26th July, 1969. The Pakistan team was led by Mr. A.G.N. Kazi and the Indian team was led by Shri K.P. Mathrani.

There were lengthy discussions on various technical aspects, viz:

(i) reconciliation of basic flow data in the Padma at Hardinge Bridge in East Pakistan;
(ii) gains in the flow in the Ganga-Padma between Farakka in India and Hardinge Bridge in East Pakistan; and
(iii) Pakistan’s project on the Padma.

Apart from the above, there were some discussions on the Indian and Pakistan projects on the Tista, the Karanafuli problem and certain miscellaneous issues.

On the basis of the technical material that was made available by Pakistan after the Islamabad meeting and the studies made by the Indian experts, discussions took place for establishing the basic technical facts relating to the flows in the river as well as the reasonable summer water requirements for Pakistan’s project. Although good progress was made in these technical discussions, there are still some important aspects on which discussions were inconclusive and need to be further considered.

India made it clear to Pakistan that the gains in the flow between Farakka (India) and Hardinge Bridge (East Pakistan) are quite substantial and represented an important factor to be considered in the overall water requirements of irrigation in East Pakistan from the waters of the Padma.

Pakistan’s demand for the waters of the Padma has been stepped up from time to time and from meeting to meeting. The demand which was 3,500 cusec upto 1960, was raised to 58,000 cusec at the Islamabad meeting in March this year. At the recent meeting India made it clear that the project, as now conceived by Pakistan, was unrealistic and would be a serious threat to Indian territory, apart from causing large scale submergence and erosion; and, calculated to lay claim on the entire summer flow at present in the Padma, the project could not form the basis of any meaningful discussion.

The Pakistan delegation continued to take their earlier stand that technical discussions were futile and that the matter should be considered at political level. The Indian delegation made it clear that before the matter could be discussed at the political level, the basic technical facts essential for fruitful discussions should be established.

It was finally agreed by the leaders of the two delegations that the next meeting should be held at Islamabad in Pakistan in four months’ time to complete the considerations of the technical issues and to consider the substantive issues,
Statement of the Leader of the Indian delegation at the Secretary level Indo-Pakistan talks on eastern rivers.
Islamabad, February 24, 1970
Mr. Kazi and Members and Advisers of the Pakistan delegation,

We are happy to be here with you for discussion on issues relating to the Eastern rivers. I wish to express our sincere thanks to you for the cordial welcome and hospitality extended to us by your Government.

I wish to state at the outset that our approach to these talks has been of trying to be helpful to the utmost extent possible not one of asserting points of a legal nature. That spirit of helpfulness has found expression in our approach to the Karnafuli and Tista projects and in our contribution in the evolution of cooperative measures of river training works on certain border rivers.

As in parts of India, floods pose a serious problem for East Pakistan. This is another area in which we have been trying to be of assistance. We have taken steps to intensify our efforts in the Brahmaputra Valley for obtaining advance information in regard to rainfall and river water levels at specific stations. We will be happy to share this information with Pakistan. This would, we believe, be of interest to Pakistan in providing timely warnings to the affected people and evacuating them to safer places in time. We would be happy to discuss the manner in which Pakistan would like to derive advantage from this offer.

INDIA DEPENDENT ON GANGA WATERS

However, the extent to which one State can go in helping a neighbouring State is limited by its own needs and the challenges posed by its own needs and problems. Our dependence on the waters of the Ganga is so overwhelming that whatever portion of it we may forego, will involve a sacrifice on our part. Before we agree to a sacrifice of this nature, it is but just that we should know what the extent of the sacrifice should be and how it can be justified, having in view the importance of the Ganga to India and of Padma to Pakistan.

Let me mention a few points relating to Ganga Basin which bring out its supreme importance to India. Ganga with its principal tributaries flows through five thousand miles of Indian territory draining a catchment area of 300,000 square miles. The culturable area in the region concerned is over 150 million acres and a large population of 210 million lives in the Gangetic plain. The annual rainfall is only from 15 to 50 inches giving an average of about 30 inches.

Contrast this with hardly 100 miles of the course of the Padma and her tributary in Pakistan; the two thousand square miles of its catchment area; the four and a quarter million of the corresponding culturable area and the population of twelve million and an annual rainfall varying from 55 to 100 inches and you will appreciate what Ganga means to India in relation to what Padma means to
Pakistan. And, let me add, the uninterrupted flow of Ganga waters through the Bhagirathi-Hooghli is crucially important for the saving from extinction the Calcutta Port whose importance to the economy of India is too well known to need elaboration.

**DISASTROUS PAKISTAN PROJECTS**

Such being the position the Pakistani project on the Padma, as contemplated in the report given to us, has caused us deep concern. It is conceived in utter disregard of the overwhelming dependence of India on the waters of the Ganga. Besides, the project will, if executed, inundate large densely populated areas of India and will be a threat to the operation of the Farakka Barrage itself. Naturally, therefore, we cannot view with equanimity any such project fraught with disastrous consequences to India.

Is a project of this nature at all justified or necessary for meeting the reasonable water needs of the agricultural land in the region proposed to be benefitted by it? In all humility, I would reply in the negative. The project does not pay adequate attention to certain relevant conditions in East Pakistan, which, if duly taken into consideration, would render it unnecessary to embark upon a project for the seeming benefit of areas in East Pakistan, but fraught with disastrous consequences to India.

The project overlooks the importance of factors which point to a minimal use of surface waters for irrigation in East Pakistan where water is an item of superfluous luxury—and even a nuisance—rather than a precious necessity as in the arid regions of India. The abundant rainfall and the favourable ground water and soil moisture conditions in East Pakistan render it unnecessary to invest in costly projects for long haulage of surface waters for irrigation. These important facts have not duly been taken into account in the formulation of the project.

The proposed annual irrigated cropping intensity of more than 200 per cent of culturable area is not known to have been achieved anywhere else in such large blocks of areas as those proposed in the project; this is unrealistic. Experience indicates that it is also impracticable.

The high irrigation intensity proposed seeks to support a cropping pattern which places an undue emphasis on the cultivation, in the water scarce season of high water consuming, but comparatively less harvest yielding crops. A better balanced cropping pattern with proper emphasis on the irrigation of *aman* and *boro* paddy, coupled with a diversification of crops by inclusion of mustard, wheat, vegetables and *rabi* crops would be appropriate from all points of view.

Further, the water requirements for the crops have been estimated on the basis of experiments which had not been subjected to the scientific control requirements necessary for reaching correct results. This, coupled with an
underestimate of the available moisture in the area, has led to a gross overestimation of the irrigation needs of the project.

While the irrigation requirements per acre have thus been placed at highly unrealistic levels, the amount of culturable area also appears to have been overestimated and in disregard of the findings of the FAO soil survey which found hardly 57% of the area as suitable or moderately suitable for irrigation.

PAKISTANI DEMAND ARTIFICIALLY INFLATED

The cumulative result of all the above features is an artificially inflated demand for water during the dry period—a demand which can drastically be reduced if more realistic objectives are aimed at and better attention is bestowed on the climatic and soil conditions of East Pakistan.

I would urge upon you to give due consideration to what I have said and formulate a scheme which adequately meets the points made—a scheme which, while being realistic and satisfying the reasonable irrigation requirements of the regions in East Pakistan under consideration, does not force India into an intolerable position.

The prerequisite to the consideration of any scheme is of course the availability of agreed hydrological data because such data is basic to all planning of water resources development. If the progress in reaching an agreement on basic data is tardy, the progress elsewhere will inevitably be halted to a corresponding extent: I see from the records that an agreement has already been reached in regard to the flow data relating to Farakka. I do not see why a similar agreement should not be reached with regard to the flow data relating to Hardinge Bridge. In our talks we have to give utmost consideration to this important matter.

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2613. **Statement of the Indian Irrigation and Power Minister Dr. K.L. Rao in the Lok Sabha on Indo-Pak talks on eastern rivers.**

New Delhi, March 5, 1970

The Minister of Irrigation and Power (Dr. K.L. Rao) : I beg to lay on the Table a statement on the Secretary-level talks between India and Pakistan held at Islamabad (West Pakistan) to discuss Farakka Barrage and other Eastern Rivers.
Statement

1. As the Honourable Members are aware, a Statement was laid on the Table of the House on the 28th July, 1969 on the conclusion of the Indo-Pakistan Secretary-level meeting on the eastern rivers held in Delhi in July, 1969. It was decided at that meeting that another meeting would be held to consider the completion of technical issues and to consider substantive issues.

2. A meeting was accordingly held at Islamabad from 24th February to 2nd March, 1970. The Indian delegation was led by Shri V.V. Chari, Secretary, Ministry of Irrigation and Power, and the Pakistan team was led by Mr. A. G. N. Kazi, Secretary, Ministry of Industries and Natural Resources.

3. Detailed discussions took place regarding the project on the Padma proposed by Pakistan. The Indian and Pakistan projects on the Tista, the issues relating to the Karnafuli project in East Pakistan, and cooperative measures in regard to river training works on border rivers in the eastern region, were also discussed.

4. There were full and frank discussions on the various, technical matters concerning Pakistan's proposed project on the Padma. The Indian delegation reiterated the Government's stand that the project as put forward by Pakistan was not only unrealistic in many ways but would inundate densely populated areas in India. Naturally India could not view with equanimity any such project and urged the Pakistan delegation to revise their project in a realistic manner. The Pakistan delegation took the view that their project was viable and that the water requirements of the project could be reviewed only in the context of an agreement on the waters of the Ganga-Padma.

5. The Indian delegation once again explained at length how Pakistan's fears about the effects of the Farakka Barrage Project on East Pakistan were unfounded.

6. It was finally agreed that another Secretaries level meeting would be held in New Delhi within four months for carrying forward the discussions on substantive issues and related matters.

7. A copy of the joint communique issued at the end of the meeting is enclosed.

Joint Communique

Delegations headed by the Secretary, Ministry of Irrigation and Power, Government of India, and the Secretary, Ministry of Industries and Natural Resources, Government of Pakistan, met from 24th February, 1970 to 2nd March, 1970, in Islamabad at the invitation of the Government of Pakistan for talks on Farakka Barrage Project and other matters relating to the Eastern Rivers. The talks took place in a very cordial atmosphere.
It was agreed that another Secretaries’ level meeting would be held in New Delhi within four months for carrying forward the discussions of substantive issues and related matters with a view to enabling the early holding of a Ministers’ level meeting.

Sd/-
V.V. Chari
Secretary, Ministry of Irrigation & Power,
Government of India
Leader of the Indian Delegation.

Sd/-
A.G. N. Kazi
Secretary, Ministry of Industries & Natural Resources,
Government of Pakistan and Leader of the Pakistan Delegation.

Islamabad, the 2nd March, 1970.

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2614. Question in the Lok Sabha : “Farakka issue to be raised by Pakistan In the UNO”.

New Delhi, May 6, 1970

Will the Minister of External Affairs be pleased to state :

(a) whether Government’s attention has been drawn to the statement of the President of Pakistan that the Farakka issue would be raised in the United Nations;

(b) whether as a sequel to this, intense diplomatic lobbying has been started by Pakistan towards this end; and

(c) if so, the steps which Government have taken to forestall the raising of the issue in the United Nations?

The Deputy Minister in the Ministry of External Affairs (Shri Surendra Pal Singh):

(a) Yes, Sir.

(b) and (c). Government are watching the possibility of intensive diplomatic (activity) by Pakistan towards this end. Our view is that this question as other issues between the two countries can and should be settled bilaterally. This has been conveyed to third countries.
Shrimati Sharda Mukerjee: The delay in the completion of this barrage gives added advantage to Pakistan. I should like to know from the Government what efforts are being made by them to see that the barrage was completed by June, 1970 as was originally expected because in this way if it is delayed the Pakistan Government is gaining advantage?

The Minister of External Affairs (Shri Dinesh Singh): I am sure that the Ministry of Irrigation and Power is fully engaged in this matter and they are trying their best to see that this barrage is completed as quickly as possible. I believe there has been some discussion about this matter in the House and complete information was given to the House at that time.

Shrimati Sharda Mukerjee: That was not my question. Any way, attempts are being made by Pakistan to take this question above the official level to a political level and this is being done in order to take this into international political circles. What is the Government's reaction to this move to take it from the official level to the political level?

Shri Dinesh Singh: We have conveyed to Pakistan our desire to discuss this matter with them and to satisfy them that Farakka is not going to be of any disadvantage to them and if any of their legitimate interest is likely to suffer because of this dam we would be willing to consider this matter. This is an exercise in which we are engaged. Unfortunately the Government of Pakistan had not been able to supply all the technical information that was required. They have inflated their demands to a fantastic figure. That is where it has been necessary to continue with the technical talks till we reach a decision when we are able to assess the legitimate requirements of Pakistan and see in what way we could help. Thereafter, we have said, we are agreeable to discuss the matter at the political level to find a solution. There is no question of our agreeing to an international consideration of this question because it is purely a bilateral matter between Pakistan and us.

Shri Thirumala Rao: Pakistan is intensifying its diplomatic offensive against India and the hon. Minister just now said that the Ministry of Irrigation and Power are proceeding with the work on the dam in order to complete it quickly. Are the Government aware that because of agitations by local people, mainly due to the efforts of political parties, there is trouble in that area? What steps are the Government taking to see that the dam is constructed according to schedule?

The Minister of Irrigation and Power (Dr. K.L. Rao): What the hon. Member has stated is correct. There has been some labour trouble and the progress of the work had slowed down. During the last one month the labour situation has improved and we only hope that we shall be able to make up for the lost time.
Any way, we must be prepared for not being able to complete the work as per schedule.

Shri Ranga: Why don’t you utilise the services of the Army?

Shri Samar Guha: The efforts of the Government of Pakistan to raise the question of Farakka in the United Nations are nothing but political. The Government of Pakistan has simply failed to rouse the people of East Bengal by their Hate-India campaign on the issue of Kashmir or Canal waters and so they are trying to take advantage of Farakka and create an atmosphere of hostility towards India among the people of Bengal. The People of Bengal, the Muslims of East Bengal are not anti-Indian; you will be astonished to know that more of them listen to Indian radio than Pakistani radio. It is a political move to rouse the people of East Bengal against India. In view of this, will the Government launch a counter-offensive and tell people that the problem of East Bengal is more water and not less water and that the people of East Bengal suffer on account of floods and not for want of water and that this is a political move to rouse the people of East Pakistan?

Shri Dinesh Singh: I am inclined to agree with the hon. Member that Pakistan is playing it up as a political issue without any sufficient justification in technical terms. That is why we have been trying to discuss the technical details with them, when it will become self-evident that there is no basis for their propaganda. In fact, the problem of East Pakistan is largely of too much water, rather than shortage of water.

2615. Joint communique issued at the end of the Indo-Pak talks on Farakka Barrage Project and other eastern rivers.

New Delhi, July 21, 1970

Delegations headed by the Secretary, Ministry of Industries and Natural Resources, Government of Pakistan and the Secretary, Ministry of Irrigation and Power, Government of India, met from the 16th July, 1970 to 21st July, 1970 in New Delhi at the invitation of the Government of India for talks on Farakka Barrage Project and other matters relating to the Eastern Rivers. The talks took place in a very cordial atmosphere.

Both sides agreed to submit to their respective Governments for their consideration the following agreed recommendations:
(i) The point of delivery of supplies to Pakistan of such quantum of water as may be agreed upon will be at Farakka.

(ii) Constitution of a body consisting of one representative from each of the two countries for ensuring delivery of agreed supplies at Farakka is acceptable in principle.

(iii) A meeting be held in 3 to 6 months time at a level to be agreed to by the two Governments to consider the quantum of water to be supplied to Pakistan at Farakka and other unresolved issues relating thereto and to Eastern Rivers which have been the subject-matter of discussions in this series of talks.

2616. Statement of the Indian Deputy Minister of Irrigation and Power Prof. Siddheshwar Prasad in the Rajya Sabha on Indo-Pakistan talks on eastern rivers.

New Delhi, July 27, 1970

As the Hon’ble Members are aware a statement was laid on the Table of the House on the 5th March, 1970, on the conclusion of the fourth Secretary-level meeting between India and Pakistan on the Eastern Rivers held at Islamabad in February-March, 1970. It was agreed at that meeting that the next meeting would be held in New Delhi within 4 months for carrying forward the discussions.

A meeting was accordingly held at New Delhi from 16th to 21st July, 1970. The Indian delegation was led by Shri V.V. Chari, Secretary, Ministry of Irrigation & Power, and the Pakistan delegation was led by Mr. A.G.N. Kazi, Secretary, Ministry of Industries & Natural Resources.

OVERWHELMING NEED OF INDIA

There were lengthy discussions on the quantum of supplies of water to East Pakistan from the Padma. The Indian delegation emphasised that these supplies had to be related to properly reformulated project of Pakistan taking into consideration all the relevant factors like cropping intensities, rainfall, soil moisture, alternative sources of supplies etc. It should also take into account the overwhelming interests of India on the waters of the Ganga having regard to the fact that the best part of the catchment, culturable area, population etc. of the basin lay in India. The Indian delegation also made it clear that Pakistan
should see to it that no Indian territory would suffer any submergence due to the construction of any structure by Pakistan.

The Pakistan delegation, however, reaffirmed their earlier stand that the reformulation of their ‘Ganga Barrage Project’ could be undertaken only after they had an idea of the guaranteed supplies of water that would be made available to Pakistan. They, however, made it clear that they had no intention of causing any damage to Indian territory and that the question of safeguarding Indian interests against any adverse effects of any structure in Pakistan would be dealt with in arriving at an agreement between the two Governments.

The position at the end of the discussions was that while the Indian delegation held that without the formulation of a realistic project they could not, in value, state a figure of supplies, the Pakistan delegation took the view that unless a figure of supplies was indicated in advance by India they could not reformulate a project.

**FARAKKA—POINT OF DELIVERY**

At this stage it was considered that an agreement on the point of delivery of such supplies as may be agreed upon would facilitate the consideration of the quantum of supplies. It was agreed to recommend to the two Governments that the point of delivery of such supplies of water as may be agreed upon could be at Farakka, this being the point where India would have operational control. The delegations also agreed to recommend to the two Governments the acceptance in principle of the constitution of a body consisting of one representative from each country of supervising such deliveries as may be agreed upon.

The Pakistan delegation have been pressing for a Minister-level meeting for quite some time now but the Indian delegation have always taken the position that in the absence of general agreement based on adequate data they found themselves unable to recommend such a meeting. However, as a situation had arisen in which Pakistan delegation was unwilling to reformulate their project in the absence of a prior indication by India of the quantum of supplies and the Indian delegation considered that the reformulation of the project taking into account the various factors referred to was a pre-requisite for taking a view of the quantum of supplies, it was agreed that the two delegations should bring this situation to the notice of their respective Governments and suggest that the next meeting should be held at a level to be agreed upon by the two Governments within a period of three to six months to consider unresolved issues.
INDIA-PAKISTAN RELATIONS
1947-2007
A DOCUMENTARY STUDY
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INDIA – PAKISTAN RELATIONS
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A DOCUMENTARY STUDY

VOL - VIII

Introduced and Edited by
AVTAR SINGH BHASIN

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My Late Wife
Mandip Kaur

Mother of
Puneet and Mantosh

Mother-in-Law of
Gurpreet & Kamaljeet

Grandmother of
Arjan,
Geetika
Amitoj
Zorawar
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SECTION - X

TRADE AND COMMERCE
2617. **Extract from the AIDE-MEMOIRE of the Government of Pakistan on the disruption of trade between India and Pakistan.**

**Karachi, October 13, 1947.**

At the meeting of the Partition Council held on the 5th of August, 1947, the Council considered the report of Expert Committee No. III (i) (Central Revenues) and it was agreed ‘that while all assets and liabilities existing prior to the 15th August, 1947, were subject to division between the two Dominions, the question of sharing future revenue arising on or after that date was a matter for free negotiation between the two Dominions or for submission by agreement to the Arbitral Tribunal’. At the same meeting the Council also approved the proposals made in paragraph 13 of the report of Expert Committee No. VII on Economic Relations (Control) regarding the maintenance of the *status quo* in matters affecting trade and movements between the two Dominions up to the 29th of February, 1948, but the Pakistan members reserved the right ‘to revise their attitude in view of the stand taken by the Dominion of India regarding customs revenue’.

a) **Jute.** It is estimated that Pakistan produces approximately 73 percent of the total jute crop, but most of the exports both of raw jute and jute manufactures are at present made through Calcutta. In the budget estimates presented last February the total receipts from duties on raw jute and jute manufactures were estimated at Rs. 5.5 crores. Chittagong’s share of these duties is at present estimated to be only Rs. 40 lakhs. Thus under the present arrangements India is likely to receive over 90 percent of the jute revenue, although only 27 percent of the jute is grown in that Dominion. Moreover 62.5 percent of the total revenue from jute has hitherto been paid to the producing Provinces in accordance with the provisions of the Niemeyer Award. If however Pakistan receives less than 10 percent of the total revenue the principal producing Province (i.e. East Bengal) will be deprived of this source of revenue. The Pakistan Government recognize that jute manufactures can at present be produced only in West Bengal, and they do not therefore claim the full amount of revenue which would accrue to them if they exported the whole of the East Bengal crop. They consider however that Pakistan should receive, at least 75 percent of the export duty on 59 lakhs bales.

b) **Central Excise Duties.** In the budget estimates presented last February the total net revenue from Central Excise duties was estimated at approximately Rs. 41 crores. Out of this amount collections in Pakistan are not expected to exceed Rs. 3 crores in a full year. This is obviously much less than the amount
of duty payable on excisable commodities consumed in Pakistan, but under the
existing arrangements no refund or rebate of excise duty is being granted
on goods exported from India and Pakistan. On the other hand cotton and
other commodities produced in Pakistan are being exported to India without
payment of any duty. The Pakistan Government therefore consider that for the
period of 7½ months ending on the 31st March, 1948, Pakistan should be
given a reasonable share of the total central excise revenues, on the basis of
the quantity of excisable goods consumed in Pakistan territory.

2618. **Aide Memoire from the Government of India to Government of Pakistan regarding the latter’s Aide Memoire of October 13, 1947.**

*New Delhi, October 30, 1947.*

The Government of India have given full consideration to the Aide-Memoire, dated the 13th October, 1947 presented by the Government of Pakistan.

In the light of the subsequent discussions which took place between the officials of the Government of India and the Government of Pakistan on the subject, the Government of India consider that under the present arrangements, which cover the period from 15th August, 1947 to 31st March, 1948, each of the dominions is entitled as a Sovereign State to the taxes which it levies and collects within its own territories. There is nothing illogical in it, or in the arrangements which have been made for practical convenience and for the uniformity of taxation and freedom of trade between the two countries. This is purely a short-term working arrangement and it would scarcely be fair to question its equity by isolating any particular sources of revenue, such as Jute Export Duty or Central Excise in regard to which one party may feel that it had any special claims. A matter such as this will have to be considered comprehensively over the whole field of import, export and Central Excise duties in relation to common economic and fiscal policies and the absence of any customs or trade barriers, or in other words in the light of a Customs and Excise Union and all that such a Union implies.

The Government of India would enquire whether the Pakistan Government desire a comprehensive and reasonably long-term settlement between the two Dominions in respect of:
(a) Freedom of trade and commerce between the two Dominions *inter se*, covering in particular the question of trade and customs barriers between the two Dominions;

(b) Uniformity of policy, legislation and taxation in respect of customs and central excises;

(c) The division of customs and central excises of both the Dominions on an equitable basis; and

(d) As far as possible, a general agreement on other relevant matters of mutual interest in the economic sphere.

If the answer is in the affirmative, the Government of India suggest that discussions should be initiated at once, in order that in the interests of both the Dominions, final conclusions may be reached in time for the budget for 1948-49.

If a comprehensive agreement is reached on these lines, the Government of India would be quite prepared to give effect to it from the 15th August, 1947 in order to deal with the present claim of the Pakistan Government.

 shm

2619. Notification issued by the Pakistan Ministry of Commerce treating India as a foreign country for import/export.

Karachi, November 14, 1947.

No. 6 (3-1) and F.T./47. in exercise of the power conferred by section 5 of the Indian Tariff Act, 1934, (XXXII of 1934), the Government of Pakistan declares the Dominion of India to be foreign territory for the purposes of the said section and directs that a duty of customs at the rate prescribed by or under the said Act, in respect of any of the following articles when exported from a port in the Dominion of Pakistan shall be leviable on any such article when exported by land from the said Dominion:

**Raw Jute**

1. Cuttings,

2. All other descriptions.

 shm
2620.  Press Communiqué of the Government of India expressing surprise on the Pakistan Government imposing duty on the export of jute from East Pakistan to India.

New Delhi, November 23, 1947.

The Government of India have read with considerable surprise the Press Note issued by the Ministry of Finance of the Government of Pakistan justifying their action in imposing a duty on raw jute exported from East Bengal to India. Under the arrangements put into effect by both the Dominions each is entitled to retain the taxes which it levies and collects in duties and there was to be complete freedom in the movement of goods across the frontiers of the two Dominions, and no import or export duties were to be levied on such goods. This arrangement was to cover the period from August 15th, 1947, to March 31st, 1948. Moreover, each of the Dominions is entitled to retain the taxes which it levies and collects in its own territories. As a purely short-term working arrangements involving any form of customs and central excise union after April 1, 1948, providing, inter alia, for an equitable division of such revenues between the two Dominions subject to certain conditions. The arrangements which have been made between August 15, 1947, and March 31, 1948 are therefore purely temporary working arrangements.

About a month ago, the Pakistan Government put forward a claim to a share in the export duty on jute levied and collected by the Government of India at the port of Calcutta on the ground that Pakistan produces nearly 73 percent of the raw jute of both the Dominions, and that Pakistan was in consequence entitled in equity to a share of the export duty on jute collected by the Indian Dominion. They further put forward a claim to a share in all the Central Excise duties levied and collected by the Indian Government on the produce on manufactures of the Indian Dominion, on the ground that a considerable proportion of such excisable articles was in fact consumed in Pakistan. Discussions were held between the official representatives of the two Dominions in the middle of October, 1947. It was explained to the Pakistan officials that claims in respect of particular items of revenue could not be dealt with in isolation and would have to be considered along with the claims which the Government of India may have in respect of other items, and that it would therefore be necessary to undertake a comprehensive examination of the entire question of the customs and excise revenues. Such an examination would have to be on the basis of a reasonably long-term comprehensive settlement designed to cover the whole field of import, export and central excise duties in relation to common economic and fiscal policies and the absence of any customs or trade barriers, or in other words in the light of a customs and excise union and all that such a union implies. In spite of the opposition of the Pakistan member on the Expert
Committees to any form of customs and excise union after April 1, 1948, the Government of India made it quite clear that they were prepared to initiate discussions at once for the negotiation of a reasonably long-term agreement which would be equitable to both sides indeed, in the event of a settlement, the Government of India undertook to give effect to it from August 15, 1947 in order to cover equitably the request of the Pakistan Government in respect of a share of the jute export duty and the central excise duties.

The Government of India are therefore surprised that the only reply of the Pakistan Government to the reasonable offer of the Government of India has been a unilateral action by that Government levying immediately a duty on jute exported from Pakistan to India, and a misrepresentation of the Government of India’s attitude, as unreasonable. The Prime Minister of India has protested to the Prime Minister of Pakistan against this, but no reply has yet been received.

In view of the unilateral action of the Pakistan Government the Government of India are now examining what parallel measures they should take in order to protect the interests of the Indian Dominion. Any action taken would, however, be without prejudice to reconsideration, should there be any hope of arriving at an amicable and reasonably long-term settlement over the entire field of freedom of trade and commerce between the two Dominions and allied matters.


New Delhi, December 10, 1947.

Whereas the Government of the Dominion of India and the Government of the Dominion of Pakistan desire to conclude an agreement for the avoidance of double taxation of income chargeable in the two Dominions in accordance with their respective laws:

NOW, THEREFORE, the said Governments do hereby agree as follows:

Article I

The taxes which are the subject of the present Agreement are the taxes imposed in the Dominions of India and Pakistan by the Indian Income-tax Act, 1922 (XI of 1922), the Excess Profits Tax Act, 1940 (XV of 1940), and the Business Profits Tax Act, 1946 (XXI of 1947), as adapted in the respective Dominions.
Article II
Subject to the provisions of Article IX this Agreement shall continue in force so long as the basis of residence and the scope of charging provisions in the aforesaid Acts as adapted remain unaltered in both the Dominions, and shall apply to the following assessments made under the said Acts in the two Dominions:

(i) Assessments made on or after 15th day of August, 1947, for the assessment year 1947-48 or for the corresponding chargeable accounting period.

(ii) All other assessments made on or after 1st day of April, 1948, excepting excess profits tax assessments for chargeable accounting periods for which provisional assessments have been made before 1st day of April, 1948.

Article III
Save under the provisions of Section 34 of the Income-tax Act, 1922, and Section 15 of the Excess Profits Act, 1940, as adapted neither Dominion shall charge to tax any income of a person whose assessment (whether regular or provisional) including such income had been completed before the 15th day of August, 1947, or 1st day of April, 1948, as the case may be, by an Income-tax Officer or Excess Profits Tax Officer functioning respectively under the Indian Income-tax Act, 1922, or the Excess Profits Act, 1940, or under those Acts as adapted and applied to any Areas or to either Dominion.

Article IV
Each Dominion shall make assessment in the ordinary way under its own laws; and, where either Dominion under the operation of its laws charges any income from the sources or categories of transactions specified in column 1 of the Schedule to this Agreement (hereinafter referred to as the Schedule) in excess of the amount calculated according to the percentage specified in columns 2 and 3 thereof, that Dominion shall allow an abatement equal to the lower amount of tax payable on such excess in either Dominion as provided for in Article VI.

Article V
Where any income accruing or arising without the territories of the Dominions is chargeable to tax in both the Dominions, each Dominion shall allow an abatement equal to one-half of the lower amount of tax payable in either Dominion on such doubly taxed income.

Article VI
(a) For the purposes of the abatement to be allowed under Article IV or V, the tax payable in each Dominion on the excess or the doubly taxed
income, as the case may be, shall be such proportion of the tax payable in each Dominion as the excess or the doubly taxed income bears to the total income of the assessee in each Dominion.

(b) Where at the time of assessment in one Dominion, the tax payable on the total income in the other Dominion is not known, the first Dominion shall make a demand without allowing the abatement but shall hold in abeyance for a period of one year (or such longer period as may be allowed by the Income-tax Officer in his discretion) the collection of a portion of the demand equal to the estimated abatement. If the assessee produces a certificate of assessment in the other Dominion within the period of one year or any longer period allowed by the Income-tax Officer, the uncollected portion of the demand will be adjusted against the abatement allowable under this Agreement; if no such certificate is produced, the abatement shall cease to be operative and the outstanding demand shall be collected forthwith.

Article VII

(a) Nothing in this Agreement shall be construed as modifying or interpreting in any manner the provisions of the relevant taxation laws in force in either Dominion.

(b) If any question arises as to whether any income falls within any one of the items specified in the Schedule and if so under which item, the question shall be decided without any reference to the treatment of such income in the assessment made by the other Dominion.

Article VIII

The Schedule to this Agreement may be modified from time to time by agreement between the Central Boards of Revenue of the two Dominions and references to the Schedule in the foregoing Articles shall be read as references to the Schedule as modified.

Article IX

Either of the Contracting Parties may, six months before the beginning of any financial year (beginning on the 1st day of April) give to the other Contracting Party, through diplomatic channels, notice of termination and in such event this Agreement shall cease to have effect in relation to any assessment to income-tax for the financial year beginning with the 1st day of April next following and in relation to assessments to any other tax on the income of the corresponding chargeable accounting period.
2622. Notification issued by the Government of India declaring Pakistan to be a foreign territory for export of jute manufactures to Pakistan.

New Delhi, December 23, 1947

No. 134-T (59)/47 – In exercise of the powers conferred by section 5 of the Indian Tariff Act, 1934 (XXXII of 1934), the Central Government is pleased to declare the Dominion of Pakistan to be foreign territory for the purposes of the said section and to direct that on and from the 23rd December, 1947 a duty of Customs at the rate prescribed by or under the said Act or any other law for the time being in force in respect of raw jute manufactures, when exported from a port in the Dominion of India, shall be leviable on the said articles when exported by land to the Dominion of Pakistan.

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2623. Press Communiqué issued by the Government of India declaring Pakistan to be a foreign territory for the purpose of export of jute and jute manufactures to that country.

New Delhi, December 23, 1947.

In their communiqué of November 23, the Government of India, while dealing with the imposition of a duty on raw jute by the Pakistan Government, stated that they were examining what measures they should take in order to protect the interests of the Indian Dominion. The matter has received further careful consideration of the Government of India and they have decided to declare forthwith the Dominion of Pakistan to be foreign territory for the purpose of levying customs duty on the export of raw jute and jute manufactures, from India to Pakistan.

To implement this decision the Government of India have issued the necessary notifications under the Indian Tariff Act, the Sea Customs Act and the Land Customs Act with immediate effect.

The Government of India are also taking suitable measures to ensure that sufficient stocks of raw jute are kept available in the Indian Dominion.

The above decisions or any others that the Government of India may be called upon to take to cope with the situation caused by the levy of Customs duties by
the imposition of export duty on raw jute by the Pakistan Government are, however, as already stated, without prejudice to reconsideration of the position if an amicable and reasonably long-term settlement is reached over the entire field of freedom of trade and commerce between the two Dominions, levy of Customs and excise duties, their pooling and allied matters.

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2624. Notification of the Ministry of Commerce, Government of India declaring Pakistan to be a foreign territory for the purpose of trade.

New Delhi, February 27, 1948.

Ministry of Commerce
Notification
TARRIFS

New Delhi, the 27th February 1948

No.24-T(1)/48- In exercise of the powers conferred by section 5 of the Indian Tariff Act, 1934 (XXXII) of 1934) and in supersession of the Notification of the Government of India in the Ministry of Commerce No. 134-T(59)/47, dated the 23rd December 1947, the Central Government is pleased to declare the Dominion of Pakistan to be foreign territory, with effect from the 1st March 1948, for the purposes of the said section and to direct that on and from that date a duty of customs at the rate prescribed by or under the said Act or any other law for the time being in force in respect of any article when imported into or exported from a port in the Provinces of India, shall be leviable on any such article when imported by land into, or exported by land from, the Provinces of India from or to the Dominion of Pakistan.

S. Ranganathan
Joint Secy.
My dear Jawaharlal,

Before I fell ill, I had in mind to speak to you about suitable arrangements here to co-ordinate discussions on matters regarding trade policy, tariffs, economic controls, etc., between ourselves and Pakistan. I had written to Chetty some time ago emphasizing the importance of negotiating with Pakistan further agreements on all these matters in a co-coordinated manner. He said that this was desirable, but subsequent negotiations seem to have been taken up more in isolation than in any degree of co-ordination. Instances in point are the barter deals with Pakistan resulting in an exchange of cotton cloth for cotton and of wheat for rice. I need hardly say that such isolated transactions are apt to result in our settling individual items without having regard to the over-all picture of economic arrangements with Pakistan, and there is substantial danger of our sacrificing the bargaining advantage which we undoubtedly hold in certain matters and of Pakistan securing advantage over us in certain other in which we are in a comparatively weak position. Thus we would be deprived of useful levers in our attempt to persuade Pakistan to come to a satisfactory economic arrangement.

This, of course, applies to financial arrangements as well or to arrangements regarding property of evacuees. It is far from my intention to suggest that we should necessarily aim at a general agreement and not deal with individual problems as they arise. My sole object is to ensure that, while we are dealing with individual problems we do not lose sight of our interests in an over-all arrangement or of the final balance sheet of advantages and disadvantages, bearing in mind a more comprehensive picture of our economic and financial arrangements with Pakistan. In dealing with such items, for instance, we should not ignore many serious hardships which our people in Assam, West Bengal and Tripura are undergoing on account of the setting up of customs barrier in consequence of the expiry of the Stand-still agreement on 1st March 1948, or for the matter, recent breaches of the provisional agreement and transit facilities committed by Pakistan in holding up our communication plans or demanding duty from passengers coming by air from foreign countries and travelling direct to India.
I would, therefore, suggest that we should set up at Cabinet level a Committee to co–ordinate all our dealings with Pakistan in fiscal, financial and economic and other matters. This Committee of the Cabinet should be assisted at Secretariat level by a Committee presided over by the Secretary of the Ministry of Commonwealth Relations and consisting of the Secretaries of Ministries mostly concerned with such negotiations, as for example, Finance, Industry & Supply, Food, Relief & Rehabilitation and Patel who has a valuable background and experience of inter–Dominion negotiations and Partition matters. I also suggest that, in future, negotiations on these matters should be handled by the Ministry of Commonwealth Relations, whose responsibility it will be to have each matter examined in the appropriate Ministry of the Government and then to place the proposals of the Ministry before the Committee of Secretaries mentioned above. After this Committee has examined the proposals, they should be approved by the Committee of the Cabinet which would refer suitable cases for the approval of the Cabinet.

I do not think that this procedure would lead to any delay. On the other hand, it will enable us to see each matter against the background of all facets of our relationship with Pakistan.

Yours sincerely

Sd/- Vallabhbhai Patel

The Hon. Pandit Jawaharlal Nehru,
Prime Minister of India.
2626. Record note of discussions between the Commerce Minister of India and Finance Minister of Pakistan on Excise, Tariff, Commodities and Trade Control and Rebate on Central Excise.

New Delhi, April 8, 1948.

A. Excise, Tariff, Commodities and Trade Control:

In the course of an informal discussion between the Honourable Mr. K.C. Neogy, the Commerce Minister of India, and the Honourable Mr. Ghulam Mohammed, the Finance Minister of Pakistan, with a view to exploring possibilities of increasing inter-dominion trade by the reduction or removal of fiscal and other barriers, it was agreed that they would recommend to their respective Governments that the following propositions may be accepted and that the final decisions of the two Governments should be communicated to each other by the 14th April, 1949.

1) Each Dominion will grant full rebate of excise on excisable commodities exported to the other Dominion if such rebates are given on exports of the same commodities to any other country. Further for a period of one year from the date on which such agreement comes into force the two Governments will give such rebates on all commodities that are at present excisable, or may during that period be made subject to excise duty, irrespective of whether such rebates are given on exports to other countries or not. The rebates will become effective as early as possible on a date to be agreed upon between the two Governments and, in any case not later than the 1st of June 1949.

2) The two Governments will enter into negotiations to secure that the benefits arising out of the grant of rebates are not unduly impaired by the imposition or enhancement of other duties, or by the imposition of unreasonable quantitative restrictions.

3) In view of this agreement, the Pakistan Government will immediately instruct their delegation at Annecy provisionally not to proceed with the consideration of their complaint before the Contracting Parties and as soon as the agreement is ratified, Pakistan will instruct their delegation to withdraw that complaint finally.

4) With effect from the date on which the rebate of excise becomes effective Pakistan will withdraw their export duties on bamboo and fish exported to India and, provided the necessary administrative arrangements can be made, India will reduce the import duty on unmanufactured tobacco
from Pakistan to rates corresponding to the rates of excise duty which
would be payable on similar Indian tobacco used for similar purposes,
this being the position that obtains and will continue to obtain in Pakistan.

5) An inter-Dominion conference should begin not later than the first week
of May for considering the extension of the Inter-Dominion commodities
agreement, and at the same conference should also be considered.

(i) Proposals for abolition or reduction of import and export duties on
certain items;

(ii) Simplification of the import/export control regulations. For this
purpose each Dominion will communicate to the other Dominion
by the 25th April 1949 a list of items on which such fiscal relief is
desired and also a minimum list of articles on which they consider
it necessary to maintain import or export control.

6) About the same time the two Governments will enter into negotiations
with a view to a more comprehensive agreement being reached
with reference to the production, manufacture and sale of jute and
cotton. These discussions are intended to deal with long range
problems and should not delay the conclusion of agreements in
respect of the foregoing items.

With reference to the record of the informal discussions between the Commerce
Minister of India and the Finance Minister of Pakistan, it is agreed that the
reference to jute and cotton in item 6 does not exclude them from the purview
of the negotiations for the extension of the Inter-Dominion Commodities
Agreement referred to in item 5. They are separately mentioned in item 6 as
that refers only to long-term aspects.

P. J. Shearer. S. Ranganathan
8.4.49 8.4.49

B. Agreement on Rebate of Central Excise:

The following decisions have been reached as a result of recent discussion
between India and Pakistan:

(1) With effect from 1st June 1949 each Dominion will grant full rebate of
excise on excisable commodities exported to the other Dominion if such
rebates are given on exports of the same commodities to any other
country. Further for a period of one year from the same date, the two
Governments will give such rebates on all commodities that are at present
excisable or may during that period be made subject to excise duty
irrespective of whether such rebates are given on exports to other countries or not.

(2) In view of Clause (1) above the Pakistan Government will withdraw their complaint before the Contracting Parties to the General Agreement on Tarrifs and Trade regarding rebates of excise duties.

(3) With effect from 1st June, 1949 and subject to India continuing to supply to Pakistan mustard oil free of export duty, Pakistan will withdraw their export duties on bamboo and fish exported to India and provided necessary administrative arrangements can be made India will reduce the import duty on un-manufacture tobacco from Pakistan to rates corresponding to the rates of excise duty which would be payable on similar Indian Tobacco used for similar purposes this being the position that obtains and will continue to obtain in Pakistan.

(4) An Inter-Dominion Conference will be held on a suitable date before the expiry of the current arrangements to negotiate a fresh agreement for the supply of commodities. The two Dominions will exchange lists of requirements at least a week before the conference begins.

(5) The two Dominions will also enter into negotiations at a separate conference on a date convenient for both to consider (i) the abolition or reduction of import or export duties on certain items and (ii) the simplification of import and export control regulations. For the purpose of these negotiations each Dominion will communicate to the other Dominion a list of items on which such fiscal relief is desired and also a minimum list of articles on which they consider it necessary to maintain import or export control.

(6) Either Government will give due consideration to any representation that may be made by the other Government should the latter feel that the achievement of the full benefits of this agreement is in any way hampered.
2627. Agreement at the Inter-Dominion Conference at Calcutta, 15-18 APRIL 1948

Present

India
Mr. V. Narahari Rao – Chairman
Mr. H.M. Patel
Mr. C.C. Desai
Mr. Vishnu Sahay
Mr. L.K. Jha
Mr. A.B. Chatterji
Mr. S. K. Chatterji
Mr. S.K. Dutt
Mr. Himmat Singh K. Maheshwari
Mr. B. Das Gupta
and also advisers,

Pakistan
Mr. G. Farouque – Leader
Mr. Nasir Ahmed
Mr. S.A. Hasnie
Mr. Shearer
Mr. N.M. Khan
and also advisers,

Mr. Farouque proposed and Mr. Hasnie seconded that Mr. Narahari Rao should take the chair during the proceedings of the Committee. This was unanimously agreed to.

Whereas the Government of the two Dominions agree that mass exodus of minorities is not in the interest of either Dominion and they are determined to take every possible step to discourage such exodus and to create such conditions as would check mass exodus in either direction and would encourage and facilitate, as far as possible, return of evacuees of their ancestral homes the two Dominions agree as follows:

The report of the Expert Committee appointed by the Inter-Dominion Conference to consider certain economic issues was discussed and the two Dominions agreed to give immediate effect to the recommendations made therein subject to the modifications described in the addendum appended thereto. The report of the Committee is annexed.

MINUTES OF THE OFFICERS COMMITTEE APPOINTED TO THE INTERDOMINION CONFERENCE
2. The Committee unanimously agreed that such practical recommendations and proposals as they were to put forward with a view to removing the economic hardships and grievances resulting from the termination of the standstill agreements and the imposition of customs barriers must be as smooth and simple as possible, while ensuring at the same time the genuine and legitimate interests of both the Dominions. One of the Principal factors to be kept in the background of these recommendations was that the additional irritants which gave an impetus to the exodus of minorities should be removed.

3. The items of the agenda specifically referred to this committee were Nos. (1), (2) and (5) of the main agenda which are stated below:

I. To discuss situation caused by termination of Standstill Agreement between India and Pakistan and imposition of restriction on movement of goods and to find ways and means of facilitating movement under existing conditions.

II. Pending a final Trade Agreement between India and Pakistan to arrive at some arrangement regarding the supply by each Dominion of essential requirement of the other.

III. Implementation all levels of Interim Agreement confirmed in PAKREW Telegram No. 169/CUS./47 of March 13th and Indian Ministry of Finance Telegram No. 204(6) (CUS-1)/48, Of March 31st regarding free transit from one another through Pakistan territory and vice versa.

A few other items were also added later on and have been dealt with.

In regard to item (1) of the agenda, the Committee recommends as follows:

(i) Both Dominions must strive to reduce to the minimum the restrictions which hamper the free movement of passengers between the two Dominions and for this purpose, the following measures are recommended:

(a) The Customs authorities of the two Dominions should together work out a common set of simple baggage rules applicable on both sides to passengers traveling from one Dominion to the other.

(b) The application of the baggage rules should be made with due consideration so as to avoid irksome restrictions and unnecessary harassment of passengers.

(c) Passengers’ baggage should be checked only by duly authorized Customs staff and no one else.
(d) Personal searches should as a rule be avoided, and only carried out in cases where there is genuine suspicion of smuggling. In such cases, the search should only be conducted under the personal orders of the seniormost Customs official present and a record of all searches made should be maintained. Liaison Officers should be allowed facilities to ensure a fair application of the rules.

(e) The personal search of women passengers, if at all made, should be carried out only by women Officers, as provided for by the Sea Customs Act.

(f) Both Dominions should re-examine their tariff Schedules and their Import and Export control Notifications to see what relaxations are possible with a view to minimize or render unnecessary any Customs formalities in regard to the personal effects of passengers.

(g) Passengers should be shown every consideration and as far as possible suitable arrangements should be made to facilitate the easy movement of through-passengers without needless examination and harassment.

(h) No person other than an authorized Government servant, e.g. a Police Officer duly authorized may hold up any person crossing the frontier on the ground that he is carrying or suspected to be carrying contraband goods or is smuggling. Such a person should be taken or directed to the nearest Customs post by such officer for examination and no examination of his luggage or person should be made by anyone who does not belong to the Customs staff. All such authorized officers should wear distinctive badges.

(i) All authorized Customs officers should carry suitable badges or other means of identification.

(j) Once a passenger has passed the Customs frontier, no further search or examination of his luggage or person should be made.

(2) In order to facilitate the movement of goods and commodities in general the Committee makes the following recommendations:

(a) As far as possible, the two Dominions should set up parallel Customs posts as near to each other as possible so that for each Customs post in one Dominion there is an opposite number.

(b) Having regard to economic considerations, both Dominions should try to reduce the number of commodities which when moving from one Dominion to the other, shall be subject to an import or export duty. In fact only specified articles should be liable to duty and the rest should be free. This would obviate the absurd difficulties which
have arisen in regard to perishables such as fish, fresh fruit, etc.

(c) A similar examination of the Export Trade Control Notification should be made by both Dominions. There is no import control between the two Dominions at the moment.

(d) The Pakistan representatives claimed that if the Havana Charter is ratified, each Dominion will become entitled to 'most favoured nation' treatment in respect of rebates of excise duties and urged that in the interests of Inter-Dominion trade such treatment should be authorized by both Dominions without further delay. The Indian representatives stated that the present practice is not, in fact, uniform and that this is due to certain practical difficulties and other circumstances. The Pakistan representatives expressed their willingness to co-operate in removing any practical difficulties and requested that a final decision on the claim already put forward officially should be reached within a month in order to enable them to settle their import policy. India promised to reach a decision at an early date.

(e) Where any cultivator living in a border village of one Dominion has land in a border village in the other Dominion he should be permitted within a reasonable period after the harvest, to take across the border to his residence reasonable quantities of any controlled commodities produced by him for his domestic consumption with the minimum of restriction and formalities.

3 The Committee adopted the following recommendations in regard to item (5) of the agenda for the approval of the two Governments:

(1) Transit

(a) Each Dominion should take effective measures for the smooth implementation of transit facilities to the other Dominion in accordance with the provisions of International Agreements governing such transit.

(b) The foreign exchange earning or liability for any transit cargo moving in bond shall belong to the Dominion of origin or destination as the case may be and not to the Dominion of transit.

(c) Transit cargo should in general be given the same transport priority as is accorded to similar cargo moving internally.

(d) The Custom experts of the two Dominions should get together to evolve a procedure for transit which should be as simple as possible and take into account the peculiar difficulties arising on account of geographical and transport Considerations, e.g., the need of
transhipment and the location of transport heads at points different from the Inter-Dominion boundary. The procedure already introduced by the two Dominions, should be reviewed.

(e) The production of a certificate from a Customs Officer of the Dominion from which the goods are being sent should ordinarily be taken as conclusive evidence of the origin of such commodities at the point of entry for transit and transit facilities shall not be denied on the ground that there is any suspicion that the goods might have originally come from the other Dominion.

(f) In order to ensure the smooth working of the transit arrangements the officers of each Dominion should receive suitable instructions to co-operate with the officers of the other Dominion to avoid disputes and difficulties.

(g) Each Dominion should post Liaison Officers at important Customs outposts and important points en route selected by agreement in the other Dominion so as to facilitate the removal of any difficulties that might crop up. These Liaison Officers should be persons specially selected for their capacity to smoothen difficulties. These Liaison Officers will also have other functions in connection with the removal of difficulties of travelers and movement of goods and baggage.

(h) Where road or river transport is involved by itself or in combination with any other form of transport, arrangements should be made for transit facilities by establishing suitable out-agencies.

(2) Transport

(a) To ensure that transport bottlenecks and congestion are avoided mutual contacts are necessary at operational levels between the railways of the two Dominions. Operational Committees consisting of representatives of the three railways in the Eastern Region and the two railways in the Western Region should be set up to deal with difficulties relating to rail transport including in particular:

(i) Delay in the turn round of wagons;

(ii) discriminatory treatment in the allotment of wagons or charging of freight;

(iii) matters affecting priorities.

(b) It is further recommended that a Railway Operational Committee be established on an Inter-Dominion basis which could settle broad principles of Inter-Dominion rail transport.
(3) **Facilities for Repairs**

The movement of machinery, etc. sent for one Dominion to the other for repairs and return should be dealt with under the arrangements normally provided for under the import and re-export rules. To cover, however, past cases of machinery sent before the establishment of customs frontier reasonable latitude shall be given for a matter of three months in the application of the rules.

(a) In order to ensure the avoidance of undue hardship resulting from the switch-over from the standstill to the new situation, the two Dominions will consider sympathetically applications for the

At this stage of the discussions, India suggested that one way of overcoming the various difficulties would perhaps be to revive the Standstill Agreement for 3 or 6 months at the outside. This interval could then be utilized for arriving at an agreement relating to Customs Union and trade to suit the special requirements of the two Dominions. While recognizing that such a procedure might have certain advantages, Pakistan representatives felt that it would not be possible to revive the Standstill Agreement.

After considering the views put forward by the representatives of the several Governments the Committee recommended that the restrictions whether imposed by a Central or Provincial Government on the movement between the two Dominions of commodities such as fresh fruit, vegetables, fresh milk and its products, poultry and eggs, local spices, bamboo and firewood, and any customs duties thereon must be removed.

That the Indian Government agreed to discuss the supply of mustard oil to East Bengal to be decided at a meeting to be arranged within the next 3 weeks. Until then the Pakistan Government shall continue to allow the free movement of fish without any duty.

The Committee considered that it would be in the interests of both the Dominions if an agreement or agreements could be reached in the near future for the mutual supply of commodities essential for each other economy. Such agreements and their implementation would promote the continuance of the close economic relationship which have existed in the past between the areas now included in the two Dominions. The time for the commencement of discussions on the and other connected matters should be settled between the two Governments at an early date. Meanwhile a list of commodities, the supply of which to Pakistan is considered essential by Pakistan, was considered. In view of short notice and inadequate information available at Calcutta the Pakistan representatives agreed to accept provisional replies covering at least
their immediate requirements if final answers could not be given across the table. The list of commodities, and the estimated annual requirements and the agreed conclusions of the Committee are shown in the Annexure to this report.

As regards the commodities the supply of which India would require from Pakistan, India’s representatives stated that as detailed discussions were not anticipated, they could not put forward their full requirements under all headings. Discussions will have to take place subsequently. Meanwhile the following agreed conclusions were reached:

(1) Pakistan should supply India’s requirements of rock salt and gypsum.

(2) Pakistan should give priority to the requirements of cotton for Indian Textile Industry before exporting elsewhere except when such export is necessary for earning hard currency or for obtaining essential supplies of cotton textiles and yarns which cannot be met by India. Details would have to be settled at the forthcoming discussions for reaching a Trade agreement.

(3) Jute is of course one of the principal commodities required by India from Pakistan. Since there was no immediate difficulty in respect of jute supplies it was agreed that there was no need to bring up the matter at this stage especially as this Committee were dealing primarily with items in respect of which difficulties of supplies were being experienced but the long-term aspect of this question should be considered by the two Governments at an early date.

(4) Among the other commodities which Pakistan could supply to India were food grains, cement and hides and skins. It was agreed that the Government of India will prepare quantitative statements of their requirements and communicate them to the Pakistan Government as soon as possible.

**Additional Matters**

A number of other miscellaneous points were discussed. These are summarized below:-

a) Pakistan representatives suggested that in order to keep down prices the Government of India should not levy any export duty on cotton textiles going to Pakistan and that Pakistan should not levy the export duty on raw cotton exported to India. The Committee agreed that this matter should be further considered by the Government of India.

b) **Insurance Companies.**

It was agreed that difficulties experienced by the Insurance Companies
owing to the partition should be examined in detail. Discussions between the representatives of the two Dominions had already been arranged.

c) **Postal, telegraphic and telephone rates.**

It was agreed that this question, as well as the question of simplifying the movement of letters and postcards so as to reduce the delays which now arise by passing them through the exchanges should be examined urgently by exports of both the Dominions. Arrangements were already in train for these discussions. The question of parcels which are subject to customs duty, might require a different treatment.

d) **Partition stores.**

To facilitate the movement of stores between the Dominions, which were covered by the orders of appropriate authorities dealing with the division of assets as a partition matter, it was agreed that such movement should be exempt from the normal export and import control and customs duties. Both the Governments, should introduce at an early date an agreed procedure for simplifying the formalities relating to their movement. It was considered that in certain cases powers would have to be delegated by the Central Governments to officers of the Provincial governments in regard to such movements.

e) The Pakistan representatives complained that no accounts had been received for the cross railway traffic. The Indian Delegation agreed to take up the matter with the appropriate authorities were similarly wanting in respect of interchange of traffic.

f) In regard to the general complaint that there had been discriminatory practices against minorities in India in respect of the grant of export and import licenses and assessment of Income tax and similar matters, the Indian Delegation pointed out that it was impossible to deal with vague and general accusations of this nature. Indeed there were grave allegations of discrimination and injustice against minorities in Pakistan and specific cases had been brought to the notice of the Government of India. So far as India was concerned there was no question of discrimination against any minority, and individuals with concrete grievances had the right of redress at the hands of the highest authorities. The Government of India would deal sternly with any genuine cases of injustice or oppression. The Pakistan representatives agreed that their Government would do likewise.
g) The non-receipt by the Pakistan Railways of their share of the supply of railway stores ordered prior to the 15th August, 1947 and the non-receipt by the Eastern Punjab Railway of its share of stores from the North western Railway were mentioned.

The Committee could not settle these issues, but recommended that this matter should be considered at a meeting of the representatives of the Railway Boards of the two Dominions and the other officers concerned.

They further recommended that in order to provide for a smoother working, a close liaison should be established between the two Railway Boards.

h) In regard to the complaint about the non-payment of the sum of Rs. Five Crores, it was stated that the views of the Government of India had been explained by Mr. H.M. Patel in a letter addressed to the hon'ble the Finance Minister, Pakistan.

i) The Committee agreed that orders should be issued by both the Governments to the authorities concerned for terminating forthwith the unauthorized hold-up of goods including personal effects which had occurred in the past between the two Dominions in the light of the conclusions now reached. The articles which were already in movement through recognized carriers before the termination of the Standstill Agreement should be let through with the minimum of formalities.

**Liaison and Co-ordination**

The Committee considered that it is a matter of paramount importance that there should be liaison between the officers of the two Dominions at all levels for ensuring close coordination and freedom from harassment and delays of every kind. Apart from the system of the appointment of special Liaison Officers of suitable grades wherever the volume and nature of the work justified, the officers of the Provincial Governments and the Central Governments of the two Dominions should make it a point of maintaining mutual contact and goodwill with their opposite numbers with a view to the removal of each others difficulties. The successful implementation of, any agreement, or rules, largely depends upon the goodwill and cooperation of officials at all levels, and the highest administrative officers of the two Dominions should endeavour to instill this spirit amongst their officers and subordinates of every grade.
## ANNEXURE
*(Annually required)*

<table>
<thead>
<tr>
<th>Commodity</th>
<th>Unit</th>
<th>Quantity</th>
<th>Conclusions reached</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asbestos cement</td>
<td>Sq. ft.</td>
<td>50,00,000</td>
<td>To be examined in Delhi</td>
</tr>
<tr>
<td>Chemicals and Pharmaceuticals.</td>
<td>Tons.</td>
<td>7670</td>
<td>Supplies From Indigenous Sources Are Referred To Here And May Be Available Quantities Will Be Communicated From Delhi.</td>
</tr>
<tr>
<td>Coal</td>
<td>Tons.</td>
<td>34,00,000</td>
<td>Interim arrangements are in existence for the present but delays in deliveries should be avoided.</td>
</tr>
<tr>
<td>Copper wire</td>
<td>Tons.</td>
<td>1,000</td>
<td>Pakistan Delegation Stated That Large Surpluses For Disposal Were Lying In India. The Feasibility Will Be Examined In Delhi.</td>
</tr>
<tr>
<td>Cotton cloth and yarn.</td>
<td>Bales.</td>
<td>5,00,000</td>
<td>Covered by existing interim agreement.</td>
</tr>
<tr>
<td>Hardwood</td>
<td>C. ft.</td>
<td>5,00,000</td>
<td>To be examined in Delhi</td>
</tr>
<tr>
<td>Jute manufactures.</td>
<td>Tons.</td>
<td>30,000</td>
<td>India will meet Pakistan’s own requirement for consumption.</td>
</tr>
<tr>
<td>Leather and footwear</td>
<td>Sq. ft.</td>
<td>1,60,00,000</td>
<td>To be examined in Delhi</td>
</tr>
<tr>
<td>Canvas shoes.</td>
<td>Lbs.</td>
<td>1,06,80,000</td>
<td>To be examined in Delhi</td>
</tr>
<tr>
<td>Myrabollam</td>
<td>Tons.</td>
<td>2,000</td>
<td>Supplies of quantities required will be allowed.</td>
</tr>
<tr>
<td>Edible oils.</td>
<td>Tons.</td>
<td>36,000</td>
<td>Supplies up to the figure asked for will be allowed.</td>
</tr>
<tr>
<td>Paints, Enamels and Varnishes.</td>
<td>Tons.</td>
<td>2,500</td>
<td>Some supplies will certainly be available but quantities will need examination in Delhi.</td>
</tr>
<tr>
<td>Paper and board</td>
<td>Tons.</td>
<td>20,780</td>
<td>Immediate release of 58 tons asked for was agreed to. Dy. C.C.E. was instructed on this sport. Further supplies will be</td>
</tr>
</tbody>
</table>
Seed potatoes. | Tons. | 1,00,000 | To be examined in Delhi.
--- | --- | --- | ---
Railways stores. | Value Rs.4 Crore
Steel and pig iron and scrap. | Tons. | 3,13,720
Tyres and Tubes | Nos. | 13,00,000 | Supplies considered possible but quantities to be examined in Delhi.
Woolen and worsted goods. | Lbs. | 11,00,000

No. 1982-CS (G)-48/9779.

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Simla, April 22, 1948.

From: E.N. Mangat Rai, Esquire, I.C.S.,
Director General Food and Civil Supplies, East Punjab.

To: The Secretary to the Government of India,
Ministry of Industry and Supply, New Delhi.

No. 1982-CS(G)-48/9779  Simla, the 22nd April, 1948

Subject: Trade with Pakistan.

Sir,

I am directed to say that enquiries from various concerns are being received by the East Punjab Government as to whether there are restrictions on the export of commodities like cloth, yarn, tea, soap etc., from this province to places situated in Pakistan.

2. In accordance with Government of India Cotton Textiles (Control of Movement) Order, 1946, the Cotton Cloth and yarn cannot be exported from one Zone to another without an export permit to be granted by the Textile Commissioner, Bombay. Similarly these commodities cannot be exported from East Punjab to places situated in Pakistan without a permit to be granted by the Provincial Government, under the East Punjab Cotton Cloth and Yarn (Regulation of Movement) Order, 1947.

3. As regards articles like woolen goods, silk cloth and yarn, sugar, tea, soap etc. there are no restrictions under the provincial law on the export of these commodities from East Punjab to Pakistan. Since Pakistan is now a foreign territory, presumably restrictions have been imposed by the Central Government on the export of all such commodities. I am, therefore to request you to inform this Government with regard to the export policy and the part which the Provincial Government, has to play in the implementation of this policy.

I have the honour to be

Sir

Your most obedient servant

Sd/- Provincial Civil Supplies Officer
For Director General Food and Supplies

◆◆◆◆◆
Letter from Ministry of Commerce, Government of India to the Provincial Governments in India regarding trade policy towards Pakistan.

New Delhi, May, 1948


GOVERNMENT OF INDIA
MINISTRY OF COMMERCE

New Delhi, the MAY 1948

From : K.K. Chettur, Esquire, M.A.,
Joint Secretary to the Government of India.

To : The Chief Secretaries of all the Provincial Governments.
All the Chief Commissioners.

Sir,

With reference to Mr. Mangat Rai’s letter No.1982-CS(G)-48/9779 dated the 22nd April 1948 addressed to the Secretary to the Government of India, Ministry of Industry and Supply (copy enclosed) I am directed to say that there seems to be a certain amount of confusion in regard to the restrictions on the movement of goods and commodities going to Pakistan from India since the termination of the Standstill Agreement and the declaration of Pakistan as a foreign territory for purposes of trade with effect from the 1st March 1948. The correct position in this regard is set out below.

2. From the date of the partition until the 25th February 1948, the movement of trade between the two Dominions was governed by the Standstill Agreement which had the effect of giving this trade a purely internal and domestic character and, as a rule, only those restrictions applied to such trade as were applicable in regard to movements between one part of India and another. In other words, where the movement of any commodity within India was subject to any form of restriction or control, whether Central or Provincial, that restriction applied equally to movements to Pakistan. Where no such restriction existed, the commodity in question could move freely from India to Pakistan.

3. With the termination of the Standstill Agreement, Pakistan is being treated as foreign territory, which means that the restrictions applicable in regard to Pakistan are not internal restrictions but those which govern the movement of goods and commodities going to Pakistan.
goods and commodities from India to any other country like Australia or the United Kingdom. The position in regard to such movements is that no commodity, which is included in the E.T.C. Notification, can go out of India, save and except under a valid licence granted by the appropriate authority under the said Notification. A complete list of such commodities, which are controlled, will be found in the Gazette of India dated 30th November 1946, and although some minor amendments have subsequently been made, for all practical purposes this list may be taken as representing the position as it is today. Commodities, which are not included in this Notification, are, on the other hand, free to go to Pakistan unless they are the subject matter of any special restrictions imposed on their export by any other ad hoc legislation, e.g. the Indian Tea Licensing Act. Unless, however, any commodity is controlled under the E.T.C. Notification or under any other relevant act, the Customs staff will not restrict the movement of such goods to Pakistan though duty will be claimed where payable.

4. As the Provinces will realize; the E.T.C. Notification referred to above was framed having in view the nature of commodities which would in the absence of control have gone out of undivided India as a whole. With the creation of Pakistan as a separate State, however, it may become necessary either to impose special restrictions in order to conserve supplies in the Indian Union or to allow some special liberalization in order to keep alive trade connections and the normal pattern of the economic relationship subsists between adjoining regions. In either event, changes can only be made by the Central Government and, therefore, Provincial Governments are requested to examine the existing Notification and to forward their proposals in this respect to the Ministry of Commerce at the earliest possible date.

5. In this connection I am to point out that it is obviously desirable that there should be only one Central machinery to check the export of all commodities from India to Pakistan and that there should as a rule be no occasion for separate check by both Provincial Government officers and the Central Government officers. The Staff of the Government of India which is engaged on this task has been instructed not to allow the movement of controlled goods and commodities except on the production of a licence from the appropriate authority. The licensing authority in regard to most items covered by the E.T.C. Notification is the Chief Controller of Exports in New Delhi and his deputies at the ports of Bombay, Calcutta and Madras. Similar organizations may be set up elsewhere if necessary to deal with cases locally as far as possible. I may add for your information in this connection that it is proposed to set up an Export Trade Control Organisation at Amritsar.

6. Although as explained above, Provincial Governments have been called upon not to play any direct part in controlling exports to Pakistan, they can,
TRADE AND COMMERCE

and the Government of India hope, they will, contribute to the shaping of Central policy on the subject taking into account the interests of both consumers as well as producers and traders within their jurisdiction and suggesting such changes as may appear to them to be necessary from time to time.

7. I am accordingly to request that the Provincial Governments will be so good as to examine the list of commodities at present being controlled and favour the Government of India with their views as to the modifications which may be considered necessary. For their information, I am to state that as a result of the agreement reached between India and Pakistan at Calcutta it has been decided that the movement of fresh fruits, fresh vegetables, fresh milk and milk products, fish (dried and fresh), poultry and eggs and local spices will be free from any restrictions or duties.

I have the honour to be
Sir
Your most obedient servant
(K.K.Chettur)
Joint Secretary to the Government of India

2630. Agreement between India and Pakistan for the Mutual Supply of certain Essential Commodities.


The Representatives of the Government of India and the Government of Pakistan having considered the requirements of essential commodities which each Dominion needs from the other have, subject to ratification by their respective Governments, agreed as hereunder:

1. The quantities of each commodity which each Dominion undertakes to make available to the other are stated in Annexures I and II (not reproduced here). The Annexures also indicate the demands made by each Dominion in respect of each commodity and special features, if any.

2. Apart from the commodities listed in the Annexure I and II it was agreed to show the maximum consideration in facilitating the export of goods from one Dominion to the other. It was agreed that imported goods which had been shipped and paid for in either Dominion before the 31st of December 1947 out
of the undivided exchange account will be allowed to be re-exported to the other Dominion wherever it is established that the goods were originally intended for consumption in that Dominion.

3. The period of the agreement will be one year from 1\textsuperscript{st} July 1948 to the 30\textsuperscript{th} June of 1949 except as regards:

(a) Raw cotton and cotton textiles, for which the agreement shall cover the period from 1\textsuperscript{st} September 1948 to 31\textsuperscript{st} August 1949; and

(b) Food grains for which the agreement will be for the period 1\textsuperscript{st} June 1948 to 31\textsuperscript{st} August 1949.

4. With such exceptions as may be mutually agreed upon, supplies will ordinarily be made through commercial channels. Commodities which are not subject to any control either internally or for export present no problems. In the case of commodities which are not subject to internal control but are subject to export control, the supplying Dominion shall issue necessary export licences in such a manner that the export of the agreed quantities will be facilitated. In respect of commodities which are subject to internal as well as export control, the supplying Dominion shall either supply on a Government to Government basis or make specific allocations in conformity with their internal control as well as issue export licences.

5. In regard to raw jute, India agrees to restrict her exports of raw jute from the Indian Dominion to 9 lakhs of bales predominantly of the Indian varieties the bulk of which is not suitable for use in Indian mills and is usually exported.

6. It is agreed that neither Dominion will re-export to any country any commodity imported from the other Dominion in the form in which it was imported.

7. Pakistan agrees to supply food grains to India at the same rate as charged for supplies to its own deficit Provinces. India agrees to supply steel f.o.b. Calcutta at f.o.b. Calcutta prices. The freight will be borne by the buyers. India also agrees that the internal controlled price of coal and paper will continue to be charged for sales to Pakistan also. Supplies of coal to the Government of Pakistan will be paid for out of irrevocable credits to be opened by the Pakistan Government. Other supplies of coal to Pakistan will be made on pre-payment by the purchasers in the usual manner. The prices indicated are exclusive of any export or import duties that may be levied by either Dominion.

8. It was agreed that subject to seasonal considerations each dominion should spread its purchases as uniformly and conveniently as possible.
9. In order to implement the Agreement in a smooth and orderly way, it was agreed that monthly progress reports should be exchanged between the two Dominions and that meetings between representatives of the two Dominions should be held every other month for this purpose.

10. During the currency of this agreement items may be added to or taken away from the lists of commodities included in the annexures by mutual agreement between the two Dominions.

MOHD. ALI

Karachi,
Dated the 26th May, 1948.

C.C. DESAI

2631. Agreement Reached at Karachi in October 1948 to facilitate proper fulfillment of the Agreement of May 1948.

Karachi, October 20, 1948.

In order to facilitate proper fulfillment of the Agreement entered into between the two Dominions at Karachi in May 1948, the Delegations of the two Dominions have, after full discussion, agreed, subject to ratification by the respective Governments, on the following clarifications and arrangements:

Cotton—The Indian Delegation stated that the fixation of monthly quotas for the supply of cotton with a lapsing clause was not acceptable and should be reviewed. The representatives of the Pakistan Government agreed to fix an export quota of 360,000 bales for India for the period ending 31st January, 1949, provided that if Indian purchases during the period fell below 325,000 bales such shortfall will be liable to lapse. The Pakistan Government representatives agreed that export quotas to other countries and purchases by them and for internal consumption in Pakistan will not together exceed 360,000 bales during the same period. Pakistan representatives further agreed that consideration of fixation of quotas on a monthly or quarterly basis for subsequent periods be postponed and examined in due course by prior consultation in the light of working of this arrangement as a whole.

Food grains—At the concern expressed by the Government of India at the inability of Pakistan to supply foodgrains as a result of unexpected floods during
the current crop season, the representatives of Pakistan assured the Indian Delegation that they were most anxious to implement the Agreement and that they would make their best endeavours to supply the stipulated quantity of foodgrains from their next Rabi crop.

**Coal**—Pakistan’s representatives emphasized their inability to move cotton without supply of coal from India. They stated that hitherto they have not received the full quantity which India had promised to supply. At the same time Pakistan appreciated the difficulties which India had to encounter in supplying the full quantity of coal. The Indian Delegation assured the representatives of Pakistan that realizing the importance of coal to Pakistan, they would take steps to ensure that full quantity of coal is supplied every month.

**Other Commodities**—The representatives of Pakistan stated that nothing has been received from India against the quotas of steel, asbestos cement sheets, sulphuric acid, tyres and tubes, etc.

The Indian Delegation reiterated that they have every intention of fulfilling the terms of the Agreement. In this connection the Indian delegation agreed that steel will be supplied on f.o.b. Calcutta basis as contemplated in the Inter-Dominion Agreement.

**Jute**—Both parties agreed that there was no occasion to change the existing policy in regard to export of jute to India. It was further agreed that should circumstances otherwise warrant, India will be consulted before any change is effected. At any rate, no change will be effected till the 31st December 1948.

**Cloth** – The Indian Delegation agreed that they will make arrangements which would enable Pakistan to obtain regular supplies of cloth to Pakistan from India. The exact details of the arrangements will be settled at an early date by mutual consultation.

**General** – Both Governments recognize that the Agreement must be regarded as a whole and implemented in full; and for this purpose the arrangements for the export of commodities concerned must be devised in such a manner as to satisfy both Governments that the goods would move in accordance with the terms and intentions of the Agreement.

S.A. HASNIE C.C. DESAI
20-10-48 20-10-48

Karachi
20th October 1948

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New Delhi, 12th December, 1948

Economic Committee

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<thead>
<tr>
<th>Members (India)</th>
<th>Members (Pakistan)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Mr. H. M. Patel, Chairman.</td>
<td>1. Mr. G. Faruq.</td>
</tr>
<tr>
<td>3. Mr. K.R.K. Menon.</td>
<td>3. Mr. Azhar.</td>
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<tr>
<td>4. Mr. R.L. Gupta</td>
<td>4. Mr. N.M. Khan.</td>
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<tr>
<td>5. Mr. K.C. Bakhle.</td>
<td>5. Mr. J.B. Shearer.</td>
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<td>7. Mr. M.V. Rangachari.</td>
<td>7. Mr. Nazir Ahmed.</td>
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<td>8. Mr. L.K. Jha.</td>
<td>8. Mr. Abdul Qadir.</td>
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<td>9. Mr. B.N. Banerji.</td>
<td>9. Mr. Nasir Ahmad.</td>
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<tr>
<td>10 Mr. S. Som (West Bengal).</td>
<td>10. Mr. Bashir Ahmed.</td>
</tr>
<tr>
<td>11 Mr. S.K. Datta (Assam).</td>
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<tr>
<td>12 Mr. B.K. Acharya (Dewan of Tripura).</td>
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</table>

Report of the Economic Committee appointed by the Inter-Dominion Conference at New Delhi in December, 1948.

(1) The Calcutta Agreement of April 1948 was reviewed in detail. The result of the review as well as the fresh recommendations which the Committee found it necessary to make in order to achieve the main objects in view are shown in Appendix I.

(2) The agreement signed at Karachi relating to the mutual supply of certain essential commodities by one Dominion to the other were reviewed and the result of the examination as well as the fresh recommendations made by this Committee are indicated in Appendix II.

(3) The case of stores sold through the disposals organization lying in one Dominion and purchased by a person who resided or had since evacuated to the other Dominion had been considered at previous
Conferences without any agreement having been reached. The present Committee having reviewed the matter recommends the following solution:-

a. All such purchasers should be given the option either to take delivery of the stores before the 28th February 1949, or to ask for the cancellation of the sale.

b. Where the purchaser prefers the former alternative every facility should be provided to him by the Dominion where the goods are lying to take these goods to the other Dominion if the purchaser so desires.

c. Where the purchaser exercises his option to have the sale cancelled, any money deposited by him should be refunded in full without deducting any demurrage, rent, etc., by the Dominion in which the stores are located.

d. The arrangement outlined above should apply even to persons who fall in the category of an evacuee and payment should be made to him and not to the Custodian of Evacuee Property. If necessary, the relevant law of either Dominion should be amended in order to let the purchaser have the full benefit of this recommendation.

(4) The review of the Agreements reached so far has shown that while the two Dominions have found it easy and even necessary to agree on fair and equitable principles in dealing with the wide variety of problems arising out of partition, in actual implementation there have been frequent and recurrent lapses on both sides. The Committee therefore recommends that the machinery set up in Section II, Clauses 2(i), (ii) and (iii) of the Agreement should also be utilized for the purpose of ensuring the implementation of the various agreements reached by this Committee in the spirit in which they are entered into.

(5) A number of instances, where there had been lapses in the implementation of the agreements reached so far or there had been other difficulties, came up before the Committee and agreed decisions were taken as indicated in Appendix III.

Review of the Two Agreements at Karachi Regarding the Supply of Essential Commodities from one Dominion to the Other

The Agreement signed at Karachi in May 1948 had been reviewed at another conference in October 1948. The developments since then were further
reviewed. The position in regard to the various commodities and the conclusions reached in respect of them are summarized below:

**India’s exports to Pakistan**

1. **Coal**—The latest available figures showed a distinct improvement on the earlier ones and India agreed to do everything possible to see that the full quantity of coal as agreed to at Karachi was supplied each month. India also agreed to consider supplying a larger proportion of the total quantity by rail.

   Pakistan complained that no supplies of hard coke had been received. This had been due to a serious fall in Indian production and it was pointed out that even the original agreement was not a firm one in respect of hard coke supplies.

   It was agreed that Pakistan would supply to India a list of its essential requirements of metallurgical hard coke in order of priority and India would try to meet these requirements as far as possible. The Indian delegation further stated that an improvement was expected by the end of January when it would be possible to make larger supplies to Pakistan.

2. **Cloth and yarn**.—Arrangements had only recently been finalized by a conference between the two Dominions held at Bombay.

3. **Steel, pig iron and scrap**—India explained that there were no supplies in the first few months of the agreement as it took about five months for supplies to become available after orders had been placed.

   India hoped to step up deliveries with a view to supply the entire quantity of steel agreed to at Karachi during the period of the agreement. If any appreciable portion remained undelivered, India would extend the time-limit.

4. **Paper and board**—Monthly allocations on the various mills were made by the I. & S. Ministry and export licences were issued accordingly. Pakistan asked that the licences should not lapse at the end of each month. It was explained that export licences were normally valid for a period of three months and a similar validity would be given to the paper and board licences; if any licences had expired owing to a shorter time-limit having been given, they would be extended.

5. **Chemicals and pharmaceuticals**—The sulphates did not need any export licences and there was no hold-up on the Indian side in the normal free movement of sulphates to Pakistan. The quantities of acids
that have so far been licensed were communicated to the Pakistan Delegation who intimated that some orders for acids had been placed by the Pakistan Government on Bombay and Calcutta firms. The Pakistan Delegation would communicate the particulars to the Indian Chief Controller of Exports, who would issue export licence to them within the quota if they are eligible.

(6) **Asbestos cement sheets.**—No applications had been received for exports when applications had been invited from manufacturers. A licence for 200 tons had been given so far to Asbestos Cement Ltd. It was agreed that licences at the rate of 500 tons a month should be given to the same firm who were the only manufacturers, so that the full quota could be supplied within the period of the agreement.

(7) **Paints and Varnishes**—Many varieties are decontrolled. It was agreed that licences should issue for half the agreed quantity of paints, enamels and varnishes to be supplied by India in respect of the controlled categories containing lead and zinc. Licences for the remaining half would be in the de-control varieties. The Pakistan Delegation would communicate particulars to the Indian Chief Controller of Exports to enable him to issue licences to eligible parties within the quota.

(8) **Leather and footwear** and myrobalams were decontrolled items.

(9) **Jute manufacturers** were allowed to go to Pakistan without export licence being necessary.

(10) **Woollen and worsted goods**—Practically the whole quantity had been licensed already.

(11) **Groundnut oil**—Licences have been issued for a portion, but movement has been slow.

(12) **Mustard Oil**—The quantity licensed was satisfactory but there was complaint regarding actual movement. The Indian figure of actual movement was very much higher than the one of which Pakistan appeared to be aware. To expedite supplies it was decided that all licence-holders should be told by the Government of India that unless they moved the oil within the time for which the licence was valid, the licence would be given to other parties and they would be permanently debarred from getting any licences in the future. It was further agreed that particulars of licences issued and quantities moved would be supplied regularly to the Pakistan authorities.

(13) **Tyres and tubes**—Approximately half the quantity had been licensed
for export by India and it was agreed that the full quantity should be immediately licensed.

(14) Tobacco—There was no export control over tobacco in India. The Pakistan Delegation pointed out, however, that if India insisted on charging the maximum rate of excise duty on the fluecured tobacco, the agreement would in fact be ineffective since the importers would not lift the tobacco on those terms.

(15) Seed potatoes—Pakistan pointed out that although India had agreed to supply one lakh maunds of seed potatoes they had no information of any quantity having moved. India stated that movement of potatoes, both table and seed, from Assam to Pakistan had been made free.

(16) Additional matters.—Pakistan asked for the export of bauxite to Pakistan at the rate of two wagons a month. India agreed to this.

Pakistan asked for a quota of 6,000 tons of linseed oil. India promised to examine the matter and to make a suitable allocation to Pakistan during 1949.

It was agreed that India will do everything possible to ensure that the goods licensed for export actually did move and for this purpose would

(a) issue export licences expeditiously,

(b) take suitable action against parties who having got export licences failed without reasonable excuse to move the goods in time, and

(c) ensure that transport difficulties were removed as expeditiously as possible.

India also agreed to give special consideration to orders placed by the Pakistan Government with suppliers in India within the frame-work of the general export licensing policy, provided timely intimation of Pakistan Government’s orders was received.

Pakistan’s Exports to India

(1) Raw Jute—The Indian Delegation expressed concern over supply position and the slow movement of raw jute to India and considered that in view of final forecast figure issued by East Bengal (Agriculture Ministry) namely 54.7 lakh bales the maintenance by Pakistan of exports of raw jute to other destinations at the level mutually agreed to in Karachi in July last might have the effect of causing a shortfall in the agreed supply to India.

The Pakistan Delegation assured the Indian Delegation that they need not
apprehend any reduction in the quantities earmarked for India under the Karachi Agreement. According to Pakistan's latest and most reliable estimates of jute crop the actual crop in Pakistan would not be less than 60 lakh of bales after allowing for local consumption and therefore they were satisfied that Pakistan's exports to other countries on the existing scale would not actually interfere with the delivery of 5 million bales of raw jute to India. In regard to movements, Pakistan agreed to upgrade the priority under which raw jute was moving to the mills in Calcutta to the extent necessary with a view to maintaining movements approximately at 1946 level. In order to improve matters in connection with the movement of jute traffic on the E.B. Railway, representatives of Railway Board (India) agreed to supply Broad Gauge empties to the extent necessary. The General Manager, E.B. Railway should intimate his exact requirements to the East Indian Railway. It was agreed that the position should be reviewed again in the near future. Pakistan also suggested that a Joint Committee consisting of competent representatives of the two railway systems and transport and jute interests concerned should be set up in Calcutta so as to keep the problem of raw jute transport by road, rail and river under constant review.

(2) Raw cotton—India drew attention to the recent orders issued by Pakistan which required that India should not only purchase 325,000 bales of cotton before the 31st January 1949, but should also export them out of Pakistan to India. India took the view that the Karachi Agreement of 20th October, 1948, was clear and unambiguous on the point that India was required only to purchase the cotton by the end of January and there could be no objection to the physical export taking place later. Pakistan agreed that this was the correct interpretation. India stated that as the time-limit for making purchases of raw cotton was very short and Indian importers had to be asked to start buying immediately after the Karachi Agreement of October last, the system of distribution of quotas to India through different shippers which was being adopted by Pakistan was bound to give rise to difficulties in actual practice. For example it might happen that some of the contracts entered into by Indian importers were not with parties who got export licences from Pakistan. It was agreed therefore that for the current licensing period, special consideration should be given to India’s difficulties in this respect and an officer should go from India to Karachi in order that any possible difficulties might be resolved on the spot. Pakistan added that as a substantial portion of the quota was being given to shippers who were exporting before partition it would be possible in most instances to accommodate Indian orders within the framework of Pakistan export licensing.

(3) Food grains.

1. The estimated loss of the rice crop in the normally surplus Provinces of
West Punjab, Sind and Baluchistan in the current Kharif year due to floods was shown by Pakistan as in statement attached (Schedule A). As the loss was above 4 annas of the average of the past five years production of rice in the said provinces Pakistan urged that it was not in a position to supply any foodgrains to India.

2. India claimed that the basis for reckoning the percentage of loss should be the total rice crop of the dominion as a whole. In substantiation India stated that in the case of a normal crop in West Pakistan and serious failure in East Pakistan, the dominion of Pakistan would certainly have pleaded extenuation and diverted rice earmarked for India to its Eastern Wing. Pakistan urged that if that interpretation was accepted it would imply that Pakistan would have to supply 175,000 tons of rice even if there was total loss of rice crop in West Pakistan plus a loss of 1 million tons in the rice crop in East Pakistan. Therefore, the intention could not have been to apply the escape clause to the rice crop of Pakistan as a whole.

3. Pakistan Government agreed that if during the current Kharif year the surplus declared by the surplus areas turns out to be in excess of the requirements of the deficit areas in Pakistan and becomes available for export it will be supplied to India and no rice will be exported to any other country.

4. Pakistan also agreed that if a surplus of wheat becomes available for export during Rabi harvest, April-May 1949 Pakistan will supply it to India against its commitment of 175,000 tons of foodgrains under the Karachi Agreement. If the surplus wheat position from that harvest permits it Pakistan will increase this quantity. No wheat will be exported to any other country from the Rabi harvest April-May 1949 until the above commitment has been met.

5. In order to ascertain if a surplus of wheat is available for export to India for the purposes of para.4 above India suggested that if the procurement of wheat in the wheat surplus areas exceeds a figure agreed between the two dominions the excess should be deemed to be available for export. This matter will be settled between the Food Ministries of the two dominions.

6. The restriction against export referred to in paras.3 and 4 will not cover token exports of small quantities, e.g. quantities sent to meet requirements of Pakistan Embassies etc. abroad.

7. Even on the basis suggested by Pakistan in para.1 the loss works out to about 28 percent. The actual figures of acreage and yield of these areas
are not available yet. India, therefore, reserves the right to re-open the question of supply of rice by Pakistan if finally the loss of rice works out to less than 25 percent of the average referred to in para. 1.

**SCHEDULE A**

**Rice (Pakistan)**

<table>
<thead>
<tr>
<th></th>
<th>Five years average 1943-44 to 1947-48</th>
<th>1947-48 (000 tons)</th>
<th>1948-49 Acreage (tons)</th>
<th>Yield (000 tons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baluchistan</td>
<td>20</td>
<td>21</td>
<td>51.5</td>
<td>27 (paddy)</td>
</tr>
<tr>
<td>Sind</td>
<td>597</td>
<td>553</td>
<td>Not available</td>
<td>Not available</td>
</tr>
<tr>
<td>West Punjab</td>
<td>3211</td>
<td>294</td>
<td>Not available</td>
<td>Not available</td>
</tr>
<tr>
<td>East Bengal</td>
<td>7528</td>
<td>6737</td>
<td>19127</td>
<td>6634</td>
</tr>
<tr>
<td>N.W.F.P.</td>
<td>12</td>
<td>Not available</td>
<td>53.7</td>
<td>45**</td>
</tr>
<tr>
<td>Bhawalpur</td>
<td>12</td>
<td>11</td>
<td>Not available</td>
<td>Not available*</td>
</tr>
<tr>
<td>Khairpur</td>
<td>9</td>
<td>9</td>
<td>Not available</td>
<td>Not available</td>
</tr>
</tbody>
</table>

8499 7625

The estimates of acreage and yield for 1948-49 are not available, but the estimate of loss received by Pakistan Government in terms of rice is as follows:-

- Sind - 150,000 tons
- West Punjab - 1,09,000 tons

(4) Additional matters—It was agreed that the movement of soft wood should be made free of all control on both sides.

Individual cases of difficulties were discussed by the Economic Committee and the following agreed decisions were taken for immediate implementation by both sides:-

1. The following consignments meant for Tripura and held up in East Bengal will be released:-
   - Oil drilling machinery belonging to B.O.C. in respect of which Pakistan Government have already issued orders.
   - One jeep and two trailers going from Calcutta.
   - 1,000 maunds of salt going to Sabroom held up at Dhoomghat.

2. S.D.O. Hbiganj had imposed a ban on the movement of dried fish to Tripura. This should be removed.

3. It was reported that vehicles working for the out-agency of the E.B. Railway at Balu Ghat were not being allowed to enter the railway station.
which was in East Bengal. It was agreed that the difficulty should be removed.

(4) It was reported that at Hill railway station some difficulty was still being experienced in the booking of transit cargo as there was no customs official on the Pakistan side. It was agreed that Pakistan will make suitable arrangements to facilitate this movement.

(5) Pakistan agreed to issue orders for the release of 400 wagons reported to be held up at Lal Monir Hat for inviting particulars.

(6) Milk and milk products have recently been brought under export control by the Deputy Chief Controller of Imports and Exports, Chittagong. It was agreed that this was on account of a misunderstanding and the notification will be cancelled at once.

(7) It was reported by Pakistan that an agreement reached in February 1948 regarding the supply of cement from East Bengal to Assam and from India to East Bengal had not been implemented on the Indian side. A permit for 2,000 tons for immediate supply was being issued by India and a regular supply in terms of the original agreement was agreed to by both sides.

(8) Four of the reparation plants allotted to Pakistan are still lying at Bombay. India agreed to issue export permits for them as soon as particulars were received from the Pakistan Government. As the allocation of these plants to Pakistan had been made before they landed at Bombay, Pakistan requested that India should examine the question of exempting these consignments from the payment of Indian import duty. India promised to give a quick reply.

(9) Pakistan mentioned that electric plant and machinery for the electric supply companies in East Bengal ordered through Calcutta firms had been landed in Calcutta before Partition. It was agreed that such plant and machinery will be allowed to be exported to East Bengal. India further agreed to consider sympathetically the question of allowing the export of spares and maintenance stores which are fabricated in Calcutta for the electric supply companies in East Bengal.

(10) India agreed to consider Pakistan’s request for the export of 15 maunds of Bangalee printing type from Calcutta to Pakistan. The particulars will be communicated direct to the Chief Controller of Exports, India.

(11) Pakistan requested that an export of 120 tons of sulphur to East Bengal should be permitted to meet an immediate requirement of certain sugar
factories and Pakistan would supply this quantity to India later when
direct imports had been made. This was agreed to.

(12) Pakistan complained that movement of commodities like gunny bags
and cloth from India to East Bengal was hampered owing to the non-
availability of wagons. Pakistan stated that wagons for the movement of
foodgrains at stations like Rohanpur, Nachol, and Godagari worked by
the Indian railways though situated in East Bengal were not being made
available. India promised to see that steps are taken to facilitate the
movement of these Commodities and it was agreed that these matters
should further be considered at the next meeting of the Railway Operation
Committee.

(13) It was agreed to allow cylinders to go out as containers of gas on the
understanding that their return will be allowed without any restriction.

2633. Agreements arrived at the Inter – Dominion Conference at

PART IV.
Remittance facilities – Customs and Exports and Imports Controls.

(1) Both Dominions will provide reasonable exchange facilities for
remittances arising out of this agreement if and when foreign exchange
control between India and Pakistan is instituted.

(2) The Pakistan representatives expressed the view that such facilities
would be governed by the separate agreement which is at present under
negotiations between the two Dominions regarding the terminating of
the Reserve Bank of India’s functions as the exchange and currency
authority in Pakistan.

(3) The representatives of India, however, were of the view that some special
provision would have to be made whether in the agreement referred to
by the Pakistan representatives or in an agreement ancillary thereto, in
view of the special character and magnitude of remittances arising out
of this agreement.

(4) In regard to Customs and Export and Import Controls, arrangements
should be made in accordance with the agreement set out in Annexure A.
Annexure A

A. Agreement regarding Customs and Export and Import Controls in respect of Evacuee Property and Government Stores and Vehicles

(1) It is agreed that goods which are allowed to be moved by evacuees from one Dominion to the other in pursuance of the arrangements arrived at between the two Dominions shall be exempt from export and import trade regulations as well as from export and import duties. Such goods will cover the following:

(i) Goods carried in evacuee special trains;
(ii) persons and household effects intended for personal and household use, including articles like motor cars, cycles, gramophones, radios and radiograms, electrical goods, musical instruments, sewing machines, typewriters, private libraries, professional instruments, apparatus and equipment, cattle and other animals, jewellery, currency notes, shares, bond securities, and licensed arms and ammunition. This exemption will cover accompanied as well as unaccompanied goods, provided that such goods shall be covered by a permit granted by an authority to be designated in this behalf by each Dominion;
(iii) goods carried by evacuees proceeding by motor convoys straight from district camps in one Dominion to the other. This exemption will also cover vehicles forming such convoys; and
(iv) trade goods and merchandise including stock in trade belonging to an evacuee excluding gold and silver bullion provided that they are covered by a permit granted by an authority to be designated in this behalf by each Dominion.

(2) Evacuees traveling by evacuee special trains or road convoys should be made to declare whether they have with them any bullion. Searches should be restricted to suspicious cases and should be conducted by Customs officials only in the presence of a responsible officer.

(3) It is agreed that military stores consigned by one Dominion Government to the other, or carried by the M.E.O. or vehicles under the command of the M.E.O. whether carrying such stores or not, shall be exempt from export and import trade regulations as well as from export and import trade duties if any, on production of a certificate from the Ministry of Defence of the Dominion from which they are being exported, or from an officer authorized by such Ministry in this behalf that they are such stores or vehicles.
(4) It is agreed that all Government stores other than those covered by paragraph (3) above, e.g., Railway and P. and T. stores, allocated to each of the two Dominions as a result of partition shall be exempt from export and import trade regulations as well as from export and import duties, if any, on production of a certificate from the Ministry concerned of the Dominion from which they are being exported, or from an officer authorized by such Ministry in this behalf that they are such stores. This exemption will also cover vehicles carrying such stores.

(5) It is agreed that all vehicles crossing the border if covered by Movement Orders issued by the Joint M.E.O. shall be exempt from export and import trade regulations as well as from export and import duties. This exemption does not apply to the goods carried in such vehicles.

(6) It is agreed that all vehicles used by officers of either Dominion in the discharge of their duties and crossing the border shall be exempt from export and import trade regulations as well as from export and import duties on production of a certificate from the High Commissioner or the Deputy High Commissioner of the Dominion to which the officer belongs, or from an officer authorised by them in this behalf that the vehicle is so employed.

(7) Subject to the conditions specified in paragraph (2) above, it is agreed that the Customs authorities will conduct a search on the border only in cases where the import or export of goods is, under the aforesaid provisions, required to be covered by a certificate or permit from an appropriate authority. No searches will however be undertaken in cases covered by paragraphs (3) and (4) above.

(8) It is agreed that if, for any reason, any articles are detained by the Customs authorities, a receipt giving details of the articles detained shall be furnished by these authorities to the owner of the articles.

(9) It is agreed that adequate publicity should be given to the arrangements in both Dominions and machinery set up for receiving complaints of alleged violations and their investigation.

PART VII

1. **Inter Dominion Commission.** – (1) A permanent Inter-Dominion Commission shall be set up at Secretariat level, which will meet at regular intervals, or according to the urgency of the work before it, in each Dominion in turn.
1. The functions of the Commission will, inter alia, include:

(a) Review and supervision of the working of the agreed arrangements in regard to:

(i) the administration, sale and transfer of evacuee property in both Dominions, and

(ii) the payment and remission of moneys etc., connected therewith.

(b) Consideration of matters other than important questions of policy, that may arise in regard to refugees and evacuees between the two Dominions.

(c) Consideration of other matters referred to it by the Government of either Dominion.

(3) The Commission shall consist of the Secretary and one other officer of the two Dominion Ministries dealing with refugees, with the addition of such officers as it may be necessary to include for the purpose of any meeting.

2. Inter-Dominion Refugees and Evacuees Council. In addition an Inter-Dominion Refugees and Evacuees Council shall be set up composed ordinarily of two Ministers each from India and Pakistan this Council will meet, whenever necessary, to resolve matters on which the Inter-Dominion Commission is unable to agree or to consider questions of policy which require settlement at Ministerial level.
2634. Extract from the letter of Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, March 15, 1949

My dear Nawabzada,

I should like to draw your attention to two leading articles in the Dawn newspaper appearing in the issues of the 12th and 14th March. One of these is entitled “Trade Policy” and the other “Wishful Delhi”. They refer to the Government of India’s desire to encourage free trade as far as possible between Pakistan and India. How far free trade is practicable or desirable it is for the two countries to determine. But for the last many months during inter-Dominion conferences as well as during private conversations, the necessity to remove trade barriers between India and Pakistan has been repeatedly stressed on both sides. We have been anxious to do everything in our power to promote friendly relations between the two countries and to remove causes of conflict. In our anxiety to achieve this we have been thinking more and more of a trade policy which would lead to the removal of such barriers as far as possible. Now that a suggestion to this effect is made, we are treated to the kind of articles in Dawn to which I am drawing your attention. I shall not say much about these articles and I leave it to you to judge whether this is the kind of response that might be called friendly and cooperative. If it is not Pakistan’s desire to go ahead in this or in other directions, we shall naturally adapt our policy accordingly. In view, however, of your repeated statements that Pakistan is anxious and eager to promote friendly and cooperative relations with India, this type of criticism and sarcastic comment does not seem to fit in with your declared policy. In one of your speeches you said that Pakistan is prepared to clap hands, but one hand could not be clapped by itself. The suggestion was, I presume, that the Government of India was not reciprocating in the matter. My own impression has been the exact reverse of this. In any event the way our present approach has been met by Pakistan would seem to indicate that the non-cooperation is on the side of Pakistan. I shall be glad to know what Pakistan’s policy is in regard to trade matters. We have been led to believe by our talks that it was different from what the Dawn newspaper states and we had proceeded on that basis. If we have been misled, I shall be grateful to be corrected by you.

* * *

When Prime Minister Nehru met Pakistan Finance Minister Ghulam Mohammad a few days later on April 1 he told the Prime Minister that Pakistan was eager to remove customs barriers between the two countries, but that this could not be done in a hurry. He instead advocated a step by step approach.
Trade Agreement Between India and Pakistan
Karachi, 24 June 1949.

Whereas the Government of India and the Government of Pakistan are desirous of continuing arrangements regarding the supply by each country of the requirements of the other they have agreed as follows:-

Article I

The Government of India agree to permit the importation from and exportation to Pakistan and the Government of Pakistan agree to permit the exportation to and importation from India, of the commodities and goods specified in Schedules A and E at least up to the limits for each class of goods mentioned therein during the period of this Agreement on the terms and conditions of this Agreement.

Article II

With regard to such commodities and goods specified in the said Schedules as are, or may be, subject to export or import licences, the two Governments agree to grant, upon receipt of applications duly made, export or import licences at least up to the quantitative or monetary limits specified in Schedules A and B in respect of such commodities and goods in accordance with the law of the country and regulations and administrative practices of the Government granting the licences.

Article III

During the currency of this Agreement, the two Governments may, by mutual agreement, alter, extend or supplement the Schedules to this Agreement.

Article IV

Articles I and II of this Agreement are without prejudice to the right of traders of either country entering into business transactions in respect of goods and commodities not forming part of this Agreement subject to, and in conformity with, the laws and regulations of either country for the time being in force.

Article V

The two Governments agree to render all reasonable assistance in facilitating the export and import of goods and commodities included in Schedules ‘A’ and ‘B’ and to consult each other in respect of any matter arising from, or in connection with, the exchange of commodities and goods between the two countries during the currency of and in accordance with this Agreement.
Article VI
Neither party shall re-export to any other country any scheduled commodity obtained by either country from the other in the form in which it was imported. Change of packing does not constitute change of form for the purpose of this Article.

Article VII
Subject to seasonal considerations and delivery requirements indicated in Schedules ‘A’ and ‘B’ each country shall spread its purchases as uniformly and conveniently as possible.

Article VIII
The two Governments agree to promote the contacts between the trade interests of the two countries and undertake to give every reasonable facility for the import and export of commodities, and in particular to facilitate the use of the routes and methods of transportation which are most economical and convenient.

Article IX
This Agreement, subject to ratification by the two Governments, shall remain in force for a period of twelve months from the 1st July 1949 to the 30th June 1950, except where otherwise specified in the Schedules.

Article X
In order to implement the Agreement in a smooth and orderly way the two Governments will exchange monthly progress reports and arrange meetings every other month between representatives of the two countries.

DONE and SIGNED in duplicate in English, either copy being authentic, in Karachi on this twenty-fourth day of June 1949.

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Present

Government of Pakistan
Mr. G. Faruque.
Mr. M.A. Hewitt.

Government of India.
Min. of Commerce.
Mr. C.C. Desai.
Mr. K.K. Chettur.
Mr. V.C. Trivedi.
Mr. J.N. Dutta.
Mr. P.R. Subramanian.
Mr. S.S. Vasist. (Ministry of Railways)
Mr. M.D. Sethna (Ministry of Transport)

Min. Industry and Supply
Mr. S.K. Sinha.
Mr. P.R. Das Gupta.
Mr. I.S. Malick
Mr. A.K. Roy. (Ministry of Finance)
Mr. V. S. Swaminathan. (Ministry of External Affairs)
Mr. M.N. Chakravarty. (Ministry of Food)

In accordance with Article V of the Trade Agreement between India and Pakistan signed on the 24th June, 1949 the question of facilitating the transport of goods and commodities included in the Schedules to the Agreement was examined.

Coal. - Mr. Faruque stated that on the basis of the firm commitment of 1,70,000 tons per month Pakistan’s programme of requirements of coal from August 1949 onwards would be approximately 89,200 tons for West Pakistan and 80,800 tons for East Pakistan per month.

It was agreed that the Government of India would place on an average 80 wagons per day for 26 days in a month for the all-rail movement of coal to West Pakistan. This would mean the transport of nearly 45,760 tons per month to West Pakistan by the all-rail movement. The balance of Pakistan’s requirements, i.e. 43,400 tons would move by the rail-cum-sea route from Calcutta to Karachi.
No difficulty was anticipated in meeting the entire requirements of East Pakistan by the all-rail route provided the East Bengal Railway would accept the traffic without prejudice to the existing agreed quota of 100 broad gauge full wagon-loads a day of all traffic for stations in the Indian Dominion.

In regard to the additional 30,000 tons of coal per month which according to Schedule B to the Agreement, India had undertaken to make every effort to supply, if transport could be arranged, it was agreed that if some additional quantities were required for East Pakistan, India would make every endeavour to effect the necessary dispatches by rail provided sufficient advance notice was given by Pakistan. It was further agreed that India would facilitate as far as possible dispatches to West Pakistan by rail-cum-sea route for some additional shiploads provided that Pakistan gave sufficient advance notice of such additional requirements.

**Other Commodities.**—No difficulty was anticipated either from the Indian side or from the Pakistan side in moving the quantities of other goods covered by the Agreement. Both sides should facilitate easy and expeditious passing of wagons by Customs on the frontier.

**Jodhpur Railway.**—It was agreed that through goods booking between North Western Railway and Indian Railway over the Jodhpur railway should be resumed from the 1st August, 1949.

**W.D. Wagons.**—It was agreed that the division of W.D. wagons between India and Pakistan, when it actually took (takes) place, should be by units and not by individual wagon numbers. It was further agreed that the actual division of those wagons should be finalized as early as possible. Meanwhile each country was free to use, and should use, such wagons in her possession. It was also agreed that when the division was agreed upon, the wagons rehabilitated by either country within the total number due to her would not be liable to be surrendered to the other country.

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Statement made by Minister of Commerce K. C. Neogy in the Constituent Assembly (Legislative).

New Delhi, December 24, 1949.

With your permission, Sir, I should like to take this opportunity of making a statement explaining in some detail the latest developments in our trade and commercial relations with Pakistan. The House is aware that these have been based on a series of Trade Agreements, the last of which was entered into in June 1949. these Agreements proceeded on a recognition by both countries of the importance of continuing arrangements regarding the supply by each country of the requirements of the other and to do all that is necessary for the purpose. Thus, under the 1949 agreement, which is valid for the period July 1949 to June 1950, Pakistan agreed to make available to India four million bales of raw jute and 450,000 bales of cotton, while India was to make available to Pakistan 150,000 bales of cotton textiles, 80,000 tons of steel and 2 million tons of coal. I have mentioned only the principal commodities. I should add in this connection that India is herself an importer of large quantities of steel from the hard currency countries, nevertheless we agreed to supply steel to Pakistan in order to preserve as far as possible the traditional pattern of trade.

Soon after the 1949 Trade Agreement was signed, it became clear that Pakistan was not serious about implementing it. For instance, far from helping the import of cotton textiles from India into Pakistan, they actually took measures to restrict this trade. It is stated in the Agreement that the import of Indian textiles into Pakistan was governed by Open General License. But the Indian textiles were frozen on arrival while textiles from other countries were allowed to be sold freely. Thus there was positive discrimination against Indian textile a discrimination which they continued to maintain in spite of representations. Towards the end of September we were suddenly informed that the O.G.L. for the import of several commodities from India including textiles had been suspended temporarily. This was followed by a proposal to cancel the O.G.L. for mill-made textiles from all countries including India. Not only were our protests ignored, but Pakistan went a step further. On the 12th November Pakistan published by notification a list of countries from which no import of textiles would be allowed. India was included in the list. The Inter-Dominion Agreement for free movement of certain types of handloom cloth was never implemented by them, although we on our part continued to import handloom cloth from East Bengal.

In spite of the difficulties over textiles, India continued to buy jute in normal way and there were no difficulties to start with. I should explain at this stage that it has always been the custom for Indian buyers to purchase jute through agents whom they finance. As a rule the agents pay for the jute on the spot in
Pakistan. In this way as much as 12 lakhs of bales of raw jute had been purchased in Pakistan by the middle of September. Since then Indian buyers have found it virtually impossible to make fresh purchases of Pakistan jute owing to its high cost. Meanwhile the movement of jute already purchased began to be interfered with. These difficulties became even more acute after the establishment of the Pakistan Jute Board. This body has not only fixed minimum prices but is also exercising certain checks on exports of raw jute. Under their orders as much as 5 lakh bales out of the 12 lakh bales purchased by India have been held up in Pakistan. All this jute is clearly Indian property, having been paid for long before the Jute Board had been established. A large portion of this jute has been passed by the Pakistan customs; the Pakistan export duty has been paid and the jute had actually been loaded in barges and flats. The hold-up of this jute is thus inexplicable and clearly indefensible. Repeated attempts were made by the Indian buyers and their agents to get this jute released. Claims were made to the Jute Board both verbally and in writing. The steamer companies produced before the Jute Board evidence regarding dates of loading. All this produced no result except admissions in principle by the Jute Board that the jute which is Indian property would be released. To find out what precisely had to be done to secure the release of this jute, the Indian Jute Mills Association sent a representative to discuss the matter with the Board, but his visit proved equally fruitless. It became clearer every day that the formalities regarding proof of transactions were only being used as a pretext to detain the jute. Numerous buyers who were naturally anxious to comply with all necessary formalities individually approached the Jute Board and other authorities for clarification and advice about the action expected of them, but none of them was given any clear ideas about the precise formalities to be complied with or the nature of the proof of payments, contracts, etc., which they had to produce to the Jute Board. Others wrote to the Jute Board on these matters, but their letters were left unanswered. All this time the jute had been deteriorating. The Government of India, therefore, brought these facts to the notice of the Pakistan Government and requested them to release the jute immediately, and to facilitate a quick decision even went to the length of offering arbitration to settle outstanding claims on either side. But the reply from Pakistan was that the proposal for arbitration was premature, that the reasons for the detention of jute had been misrepresented to us, that detention of jute was actually a nuisance to Pakistan, and that Indian buyers had failed to take advantage of their simple and easy procedure for making claims. These statements are completely at variance with the facts which I have already stated. The value of the Indian owned jute lying in Pakistan for over three months runs into crores of rupees. When this money is locked up, when the jute is lying exposed and is deteriorating and losing value everyday, it cannot be seriously suggested that the owners have failed to make their claims, or that the procedure
is easy and simple as represented by Pakistan. The inference is irresistible that the procedure if any, is really designed to hold up all movements of jute.

The detention and obstruction to movement of jute is not confined to Pakistan grown jute bought by Indian nationals. Such obstruction has of late been extended to Indian jute in transit from Assam through Pakistan to Calcutta. A number of barges and flats loaded with Assam jute are also being held up at various points in Pakistan. To our knowledge there are thirty of them, carrying nearly a hundred thousand bales. The detention of Pakistan jute bought by Indian nationals, taken together with the obstruction to the movement of Indian jute in transit through Pakistan can lead only to one conclusion, namely, that Pakistan is deliberately denying jute to Indian jute mills with a view to exercising economic pressure on the industry. There have been many other cases of hold up of transit goods, particularly of railway stores required for the Assam railway line.

To make matters worse, the Pakistan Government have in some cases called upon the Steamer Companies to unload the barges in Pakistan, the result of which would be further deterioration of the jute. In any case, detention of these barges is immobilizing river transport and causing congestion on the riverways which constitute the main artery of communication between Calcutta and Assam, apart from such action resulting in the infliction of hardship and losses on the steamer companies.

The supply of jute by Pakistan to India, and of coal by India to Pakistan are among the cardinal features of the trade agreement. India has throughout consistently fulfilled her obligation of supplying coal. Pakistan, on the other hand, far from facilitating the supply of jute is deliberately obstructing such supply to India.

The Trade Agreement, which both countries accepted only a few months ago as the basis of their mutual commercial relations is thus being honoured by Pakistan only to the extent of receiving in full their monthly quota of coal. Some days ago, we pointed out to the Pakistan Government that unless there is reciprocity we shall have to reconsider our attitude to the agreement itself. The Pakistan Government in their reply have argued that the only obstacle in the way of fulfillment of the agreement is India’s failure to recognize their rate of exchange. This is not understandable at all. If Pakistan wishes to maintain a certain rate of exchange with other currencies, it is obviously her business to buy and sell Indian Rupees. On the other hand, banks and individuals are prevented from doing so, except at the rate of exchange notified by Pakistan. Apparently, no one is able to do business on these terms. In this connection Honourable Members will recall that for sometime after devaluation trade continued between the two countries, although on a reduced scale, until the Pakistan Rupee came to be quoted at par with or even below the Indian Rupee.
It was then that the Pakistan Government issued orders prohibiting their Banks to buy or sell Indian Rupees except at the rate of exchange notified by them. Any impediment to trade and commerce on account of exchange difficulties is therefore due to Pakistan’s own regulations. Banks in India are free to buy or sell Pakistan Rupees, without restriction.

We had on more than one occasion in the past suggested a Customs Union or other similar arrangements with Pakistan but there has been no response whatever. A formal and duly ratified Agreement which had resulted from my personal discussions with the Pakistan Finance Minister in March last contemplated a conference to be held as soon as possible to find ways and means of relaxing import and export regulations to encourage and expand trade between the two countries. No conference has, however, yet been held. It has been postponed on some ground or other advanced by the Pakistan Government. Meanwhile, we have tried to discharge our obligations under the Trade Agreement. But the operation of the Trade Agreement amounts now only to the export of coal from India. There is no other trade between the two countries. On the other hand an enormous quantity of jute purchased and paid for by our nationals is being deliberately detained. The Government of India decided not to allow this situation to continue indefinitely. A telegram was therefore sent to Pakistan on the 20th of this month in which the offer of arbitration was reiterated and Pakistan requested immediately to release all our raw jute. Till yesterday morning we had no reply. We were, therefore, compelled to suspend temporarily dispatches of coal to Pakistan from yesterday and we have informed the Pakistan Government accordingly. We have also informed the Pakistan Government that as soon as resumption of trade is rendered possible by them particularly by the release of raw jute, we shall be prepared not only to resume supplies of coal but even to make up the short supplies.

I hope, Sir, that in the circumstances stated by me, the Government will have the fullest support of the House in the action taken by them.

❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖
2638. Agreement between India and Pakistan on Trade.
Karachi, April 21, 1950.

The Government of India and the Government of Pakistan being desirous of reviving trade on a balanced basis between their two countries have, through their respective representatives, who met in Karachi on the 19th-21st April 1950, agreed as a first step as under:-

2. The Government of Pakistan through their Jute Board shall arrange to supply to the Chairman of the Indian Jute Mills Association, on the specified dates, 40,00,000 maunds (old measure of weight—roughly 37.50 kg) of raw jute in accordance with the terms and conditions given in the annexure to this Agreement.

3. The Government of India undertake to arrange the supply of 20,000 tons of jute manufactures of Indian origin to the Jute Board of the Pakistan Government in accordance with the terms and conditions stated in the annexure and grant licences for this purpose where necessary with maximum dispatch.

4. In addition, the two Governments shall facilitate the purchase by Pakistan from India through normal trade channels of goods and commodities given below:

<table>
<thead>
<tr>
<th>Commodity/goods</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cotton textiles, fine and superfine.</td>
<td>45,000 bales.</td>
</tr>
<tr>
<td>Cotton yarn of counts 40 and above.</td>
<td>5,000 bales.</td>
</tr>
<tr>
<td>Mustard oil</td>
<td>7,000 tons</td>
</tr>
<tr>
<td>Tobacco</td>
<td>5,00,000 lbs.</td>
</tr>
<tr>
<td>Steel sheets, corrugated and plain.</td>
<td>5,000 tons.</td>
</tr>
<tr>
<td>Wheels, tyres and axles.</td>
<td>1,000 tons.</td>
</tr>
<tr>
<td>Timber from Assam, Malabar and Punjab</td>
<td>12,000 tons.</td>
</tr>
<tr>
<td>Cement for East Bengal.</td>
<td>50,000 tons</td>
</tr>
<tr>
<td>Woolen Manufactures. Value:</td>
<td>50,00,000</td>
</tr>
</tbody>
</table>

5. The two Governments agree to use their good offices to ensure prompt deliveries of the goods mentioned in clauses 2, 3, and 4 above.
6. Transactions under clauses 2, 3 and 4 of this Agreement shall take place in Indian rupee for which a separate account shall be maintained by the State Bank of Pakistan with the Reserve Bank of India. The value of goods and commodities purchased by Pakistan under clauses 3 and 4 of the Agreement shall, as near as possible, be equal to the value of jute purchased by India.

7. In addition to the commodities mentioned above the two Governments agree that trade in the following commodities shall be permitted to take place without import, export and exchange restrictions on either side in respect of transactions in these commodities, to the extent that traders in either country are able to finance exchange of goods without any assistance from either Government in the shape of releases of foreign exchange:-

(i) **To and from India and Pakistan.**
   - Vegetables.
   - Fruits – fresh and dry.
   - Fish – fresh and dry.
   - Poultry.
   - Eggs.
   - Milk and Milk products.
   - Betel leaf (pan)

(ii) **From Pakistan to India.**
   - Cotton seed.
   - Soda Ash.
   - Hides and skins.
   - Handloom cloth.
   - Betelnuts.

From **India to Pakistan.**
- Leather.
- Spices.
- Myrabolam.
- Soaps other than washing soaps.
- Paints and varnishes.
- Drugs, chemicals and acids.
- Cigarettes, bidis and matches.

Sewing machines.
Electric fans.
Silk and artificial silk fabrics.
Glassware.
Bauxite.
Umbrellas.
Silica sand.
Washing soap. For East Bengal.
Lanterns.
Handloom cloth.

Following descriptions:-

Saronges, Kailiez, Visakuthu, Sarongs, Burma Lungis, Kasturia, Kattaries, Pattanies, Gingams, Ammavarikuppams, Bambans, Jublees.

8. The goods imported under this Agreement shall not be re-exported by either country.

9. (a) The two Governments undertake to give every reasonable facility for the import and export of commodities, and in particular to facilitate the use of the routes and methods of transportation which are most economical and convenient.

(b) In order to facilitate resumption of normal rail movement and to ensure that transportation difficulties are promptly attended to a meeting of the representatives of the Railway authorities of the two Governments shall be arranged as soon as possible.

10. Both parties shall arrange to meet as frequently as possible and in any case once in a month in order to:

(a) examine the progress in the movement of goods on either side;

(b) ensure that a balance of trade is maintained in the transactions covered by this Agreement;

(c) settle any issues that may arise in connection with this Agreement; and

(d) explore possibilities of extending the scope of this Agreement.

11. The Government of Pakistan agree to supply 1,50,000 tons of wheat to the Government of India at a price to be settled between the two Governments for which purpose negotiations will be opened as soon as possible.
12. This Agreement shall come into force with immediate and shall remain in force up to 31st July 1950 but shall continue to apply beyond that date in respect of such goods and commodities specified in clauses 2, 3 and 4 above as are not supplied before the expiry of that date for good and valid reasons. It shall be deemed to have been ratified by both Governments unless either Government notified to the contrary before the 30th April 1950.

Done and signed in duplicate, in Karachi, on the twenty first of April nineteen hundred and fifty.

For the Government of Pakistan.
Sd/-
(Mohamed Ali)
Leader Pakistan Delegation.

For the Government of India
Sd/-
(C.C. Desai)
Leader Indian Delegation
The Committee reviewed the question of trade between the inhabitants of the border areas adjoining the Indo-Pakistan frontier between East Bengal on the one hand and the States of West Bengal, Assam and Tripura on the other.

The Committee felt that a distinction was desirable between full scale commercial trading in the goods produced in these areas and small scale trading between the inhabitants of these areas.

The former was not really border trade. Thus the export on a commercial scale of fruits grown in Khasi and Jaintia Hills to East Bengal for general consumption could be regulated by the general terms and conditions governing trade between the two countries. It was open to the two Governments to agree to make special concessions to facilitate such trade. In so far as the difficulty was one of foreign exchange, it should be possible to make suitable arrangements whereby there would be an approximate balance between such imports and exports. For example, if betel leaves were to be exported from one country to the other the foreign exchange commitment could be reduced by allowing the import of betel nuts or some other similar commodity of equal value. This problem was, however, left by the Committee for consideration in the context of the general agreement which the main conference may come to.

The Committee confined itself to the problem of border trade in the narrow sense. The main object of such trade would be to provide certain reasonable facilities for the inhabitants of the bordering areas to obtain their daily necessities by trading, which would be necessarily on a small scale.

One of the main problems to be considered in this context was that any facilities given should not encourage smuggling and trafficking in currency notes. After a full examination of the problem the following were the main conclusions which emerged:-

(a) The objective should be to arrange a balanced trade.

(b) It would be desirable to divide the entire border for the purpose of facilitating border trade into small sectors because the nature of commodities entering into the border trade varied from place to place. The following sectors were tentatively suggested:-
1. Lushai Hills- Chittagong Hill Tracts.
2. Tripura- East Bengal.
5. Rest of India -East Bengal Border.

(c) It was felt that the people living around these borders who held a Visa should be allowed to do some small scale trading without the need to pass through customs check points. To insist that they must carry commodities only through customs points would virtually mean denying to them the facility which the ‘A’ Visa is supposed to provide. Further, in some cases, the people concerned would have to make fairly long journeys over hills in order to pass through these check points. Therefore, permission for border trade should be for trading across the border rather than through check posts.

(d) In order that this concession is not abused, it should be confined to holders of ‘A’ Visas and there should be a definite list of commodities limited by quantity which each person could carry across with him when crossing the border. In drawing up a final list it may be necessary to consult local authorities. The Committee, however, felt that the list should not be confined to local produce and the principle should be one of necessity. The commodities like salt and oil may have to be covered though they would not be produced locally. The point to guard against, however, would be that since some of these items may be of imported origin, the quantity on either side should be evenly balanced.

(e) The question of rice was specifically discussed. Neither country can afford to export rice. On the other hand, if approximately equal quantities of rice were allowed to move in both directions, the result might be advantageous to both countries. Thus rice could move from the Chittagong Hill Tracts to Lushai Hills, while it could move from Tripura to East Bengal.

(f) Subject to the quantitative and qualitative limits the holders of ‘A’ Visas should be free to move goods at any point of the border where their Visas are valid and no question of customs duties etc. should arise for such trade.

(g) In general, most people engaged in such trade would sell what they produced and buy what they need across the border. But an exact balance was not possible from day to day. Sometimes especially in the
case of seasonal products, sales would exceed purchases and the balance would have to be carried in the shape of cash. It was agreed that the existing limits of Rs. 50/- in Indian currency and Rs. 50/- in Pakistan currency at present applicable to passengers should apply to these people also and larger sums in cash should not be allowed to be carried.

The Committee considered what further safeguards were necessary to prevent an abuse of these concessions. It was felt that suitable checks could be devised in the case of critical commodities such as rice by having some kind of a rationing arrangement linked with the ‘A’ visas. Furthermore, in the light of the experience gained, the quantitative and qualitative limits could be revised from time to time by consultation between the two Governments once in three months or so. Subject to these safeguards, the Committee felt that the danger of trafficking in currencies would not be aggravated by these concessions. On the contrary if two way trade was encouraged, the currency earned would be spent in buying goods rather than sold in the black market. In any case even as things are a certain amount of such trade continues to take place. By regularizing it and properly defining its scope there was much less danger of smuggling and other evils than by driving it underground.

The Committee felt that if the two Governments concerned accepted the approach outlined above in principle, details could be worked out in further discussions at which representative of the local areas would naturally have to be present.

S.M. Yusuf
Pakistan Delegate,
New Delhi, the 19th March 1953.

L.K. Jha,
Indian Delegate.

❖ ❖ ❖ ❖ ❖
2640. Agreed Decisions following discussions between the Leaders of the Indian and Pakistan Trade Delegations.

New Delhi, March 20, 1953.

(a) To enable Pakistan to plan her production of raw jute, India has indicated that, according to the best estimates, she will need at least 18 lakhs of bales per year from Pakistan. Government of India have agreed to give import licences for this amount in each of the three jute years commencing July 1, 1953. Should, however, larger quantities be required by India, Pakistan will facilitate the export of raw jute up to 25 lakhs bales in a year. The trade will be through normal channels.

(b) India will provide improved facilities for the export of coal to Pakistan and the movement of coal by rail to West Pakistan will be increased.

(c) The problem of trade between the inhabitants of the areas adjoining the Indo-Pakistan border between East Bengal on the one hand, and West Bengal, Assam and Tripura on the other was recognised as needing special treatment. Certain principles to regulate such trade have been formulated and on approval by the respective Governments, there will be a further Conference before the end of April to translate them into practice.

(d) It was agreed that at a later date, there should be further discussions between the two Governments with a view to widening the scope and expanding the volume of trade between the two countries.
Meeting between Minister of Rehabilitation Mehr Chand Khanna and Minister of Communication, Government of Pakistan Dr. Khan Sahib.

Karachi, April 12, 1955.

Minutes of a meeting held in Pakistan Secretariat on the 12th April 1955 at 11.00 hours.

PRESENT.

<table>
<thead>
<tr>
<th>Pakistan side</th>
<th>India side</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Hon'ble Dr. Khan Sahib, Minister for Communications</td>
<td>1. Hon'ble Mr. Mehr Chand Khanna, Minister for Rehabilitation</td>
</tr>
<tr>
<td>2. Hon'ble Major General Iskandar Mirza, Minister for Interior</td>
<td>2. H.E. Mr. C.C. Desai, Indian High Commissioner</td>
</tr>
<tr>
<td>3. Mr. S.M. Hasan, Director General Railways</td>
<td>3. Shri K.B. Mathur Member, Railway Board</td>
</tr>
<tr>
<td>4. Mr. Mushtaq Ahmad, Financial Adviser Communications</td>
<td>4. Shri K. P. Mathrani, Min. of Rehabilitation</td>
</tr>
<tr>
<td>5. Mr. I.A. Ahmad, Chief Operating Supdt. N. W. Railway</td>
<td>5. Shri R. T. Chari, Deputy High Commissioner for India</td>
</tr>
</tbody>
</table>

I. Resumption of rail traffic via additional rail links between West Pakistan and India.

It was agreed that rail traffic should be restored on the following routes: -

(i) Kasur - Ferozepur
(ii) Khokrapar - Munabao

The General Managers of North Western Railway (Pakistan) and Northern Railway (India) should meet at an early dated and work out the details for the resumption of traffic on these routes in conjunction with the representatives of customs and police authorities. The target date for the resumption of this traffic should be the 1st June, 1955.
II. Resumption of through passenger service between West Pakistan and India.

It was agreed that Railways and other departments concerned of the two countries should work out the details for providing suitable through passenger services between the following points:

(i) Lahore and Calcutta via Saharanpur;
(ii) Lahore and Delhi;
(iii) Lahore and Bombay via Delhi; and
(iv) Hyderabad (Sind) and Ahmedabad via Khokrapar.

It was further agreed that every endeavour should be made to commence the through service between Lahore and Calcutta from the 1st of June 1955.

III. Resumption of movement of cross traffic between stations in India on the Eastern Zone via the East Pakistan route.

It was agreed to resume through booking of this traffic with effect from the 1st of May 1955 in accordance with the details outlined in Appendix ‘A’.

IV. Customs and Police checks.

The Ministers were anxious that a rational system of customs and police inspection, which would substantially minimize the inconvenience and delay to the passengers, should be adopted.

It was, therefore, agreed that:

(a) In regard to passenger traffic moving between Amritsar and Lahore, these examinations should be made at Amritsar and Lahore and not at intermediate border points;

(Note: Instructions have already been issued to the respective General Managers to fix up the details of these arrangements in conjunction with the Police and Customs authorities of the two countries).

(b) Arrangements for Police and Customs check should be so adjusted on all the routes that they are completed, as far as possible, within an hour.

V. It was agreed that all payments hereafter between the two railway systems should be adjusted from month to month between the railways concerned and the balances paid up currently. These transactions should remain independent of other Government to Government transactions and should conform to recognized business principles.
VI. It was agreed that the two Governments should ratify these decisions as early as possible and in any case before the end of April 1955 and that in the meantime, the railway authorities concerned should initiate action to implement them in time.

Sd/- Khan. Sahib                                            Sd/- Mehr Chand Khanna
15.4. 1955         15 . 4. 1955

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APPENDIX - ‘A’

Goods traffic from India to India via Eastern Bengal Railway (Pakistan).

(i) The above traffic will be resumed in accordance with the conditions mentioned in the minutes (copy attached), of the meeting held at Calcutta on 4th and 5th April 1955 between the Railway and Customs officials concerned of India and Pakistan. It is further agreed that to attract traffic and to enable the Indian Railways to allocate regularly an agreed quota of traffic to the above route, the E.B. Railway shall quote special rates via border station to via border station which will be derived by giving a special rebate of 30% over their existing rates between the border stations concerned, with such exception as may be necessary in the case of any particular commodity to conform to what the traffic can bear.

(ii) The cross traffic over the E.B. Railway will be resumed from the 1st May, 1955. As the examination of exceptions may take time, the E.B. Railway will quote, as an immediate measure, special rates on the basis of 30% reduction mentioned in (i) above. Exception, if any, will be made later.

Sd/- K.B. Mathur.                                          Sd/- S.M. Hasan
14. 4. 1955                                               14. 4. 1955
Member Transportation                                        Director General
Railway Board (India)                                             (Pakistan) Railways

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Minutes of the meeting held in Eastern Railway Headquarters, Calcutta on 4th and 5th April, 1955 to discuss the feasibility of restoration of cross traffic across the Eastern Bengal Railway.

PRESENT:-

Pakistan Officials

1. Mr. M.J. Chughati, General Manager,
   Eastern Bengal Railway.
2. Mr. M.K. Mohiuddin,
Chief Traffic, Manager, Eastern Bengal Railway.

3. Mr. S.M. Raza, Financial Adviser and Chief
Accounts Officers, Eastern Bengal Railway.

4. Mr. S.M. Abbasi, Collector of Central Excise and Land Customs.
Excise and Land Customs.

**Indian Officials**

1. Mr. B.Arora, General Manager,
North Eastern Railway.

2. Mr. B. C. Malik, Director,
Rail Movements, Railway Board.

3. Mr. P. K. Sarkar, Financial Advisor and Chief Accounts Officer,
Eastern Railwlay.

4. Mr. J. S. Mathur, Chief Operating Superintendent,
North Eastern Railway.


6. Mr. H.P. Sen Gupta, Assistant Collector, Land Customs.

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It was recognized that all the three modes of transport, viz:-

(i) All India Link route to and from North Bengal and Assam,

(ii) Steamer route through Indian and Pakistan waters to and from North Bengal and Assam, and

(iii) Route across the Eastern Bengal Railway should be availed of.

In regard to movement by the route across the Eastern Bengal Railway, the following agreements were reached:-

1. **Routes over which Cross Traffic will be permitted to move through the Eastern Bengal Railway.**

   (a) *Via* Darsana – *via* Chilhati.

   (b) *Via* Darsana – *via* Mogalhat.

   (c) *Via* Biral – *via* Mogalhat.
The Indian representatives enquired whether it would be possible for the Eastern Bengal Railway to move traffic on the Bhurangamari – Sonahat Section so that traffic via Mogalhat can also move directly to Golakganj. The Eastern Bengal Railway representatives stated that a bridge on this section was damaged during the floods and it will take considerable time to repair it. If, however, substantial traffic was expected to move that way, they would consider the restoration of the section. The Indian representatives stated that most of via Mogalhat traffic could pass over this section.

II. **Volume of Traffic.**

1. The Indian representatives roughly estimated that the traffic will amount to:

   (a) One Broad Gauge train–load a day of about 60 Broad Gauge wagons from *via* Darsana to *via* Mogalhat – (goods to be transshipped at Santahar); and

   (b) About 15 Broad Gauge wagon loads a day from *via* Darsana to *via* Chilhati. This traffic is expected to develop to about 30 Broad Gauge wagons a day as soon as adequate transshipment facilities are provided at Haldibari by the North Eastern Railway.

   Substantial traffic is not expected to materialize on the other routes.

2. All traffic to North Bengal and Assam is at present planned and co–ordinate by the Director, Rail Movements, Railway Board, in consultation with the Governments of West Bengal and Assam and other important users in the area. This arrangement will continue and the Director, Rail Movements will now also plan for traffic across the Eastern Bengal Railway and in doing so, will consult the Chief Traffic Manager, Eastern Bengal Railway as and When necessary.

   In allocating the traffic to the three modes of transport, the Eastern Bengal Railway will be allotted a reasonable share of high – rated traffic.

3. The Eastern Bengal Railway representatives enquired what the traffic in the reverse direction would be. It was explained by the Indian representatives that even on the North Eastern Railway traffic to North Bengal and Assam is considerably heavier than return traffic and empties
are worked to certain points in the reverse direction. The position will substantially be the same in respect of the new routes via the Eastern Bengal Railway. There was however, a possibility of a substantial amount of timber in logs being offered in the reverse direction if facilities for transshipment could be provided at Santahar. The Eastern Bengal Railway representatives promised to examine this and advise the North Eastern Railway and the Director, Rail Movements of the position. There may also be a possibility of bamboos moving from the hill section via Latu and Darsana.

III. Operating Arrangements:

1. The traffic moving via Santahar will be offered by the Broad Gauge section in three groups, viz: (i) for destinations between Gitaldaha and Alipur – Duar Jn. inclusive (also Bamanhat), (ii) stations east of Alipur – Duar Jn. and (iii) stations north and west of Alipur – Duar Jn. Eastern Bengal Railway will, after transshipment, marshal the goods trains in the same three groups before handing them over at Lalmanirhat.

2. The Eastern Bengal Railway will exercise running power on the Broad Gauge Section from the Pakistan – India border to Haldibari.

3. On the Mogalhat side, North Eastern Railway manned trains are running at present only up to Mogalhat. With the re-introduction of cross traffic running powers would be exercised by the North Eastern Railway, as in the past, up to Lalmanirhat.

4. At Haldibari, broad gauge shunting will be performed by the Eastern Bengal Railway locomotives operated by the Eastern Bengal Railway crew under the directions of Traffic shunting staff of the North Eastern Railway. The charges for these locomotives shall be paid for on an hourly basis.

5. Eastern Bengal Railway are at present maintaining a credit balance with Indian Railways both on Metre Gauge and Broad Gauge. With the responsibility for finding rolling stock for carrying cross traffic they may need to adjust these balances to some extent. It this is found necessary, they will give adequate notice.

IV. Commercial Matters:

1. Rates: Class, schedule and special rates, if any, over the Eastern Bengal Railway portion by the various routes will be calculated by Eastern Bengal Railway in terms of Indian currency and communicated to Eastern and
North Eastern Railways who will then issue necessary foreign rate circulars to their staff.

Except in cases where a modification of rates is found necessary on account of a change in the basic rates structure or in the basis of calculation of such rates in terms of Indian currency, no change will be effected without prior consultation.

It was recognized that there will be no manipulation of rates by any party with a view to altering the balance of movements between the various routes.

2. **Booking:** All traffic moving across the Eastern Bengal Railway shall be booked freight pre–paid.

Smalls traffic, if booked across the Eastern Bengal Railways will be handed over in sealed wagons.

Arms and ammunition and military stores and equipment will not be booked across the Eastern Bengal Railway.

3. **Claims:** The responsibility for claims arising in respect of consignments will be determined in terms of the “Fundamental and Subsidiary Rules for interchange of traffic between India and Pakistan” in force from time to time. All other rules in respect of interchange of Railway traffic and rolling stock etc. contained in the Fundamental and Subsidiary Rules will equally apply except that Note 2 to Rule (7) of Annexure I will now be treated as cancelled.

4. **Documentation:** (a) Separate series of Invoice Books (of distinctive colour) will be used by all stations in booking such traffic. It will also be arranged by the Eastern and North Eastern Railways that wagons are labeled with distinctive labels. Usual seals will be used and any additional seals required by the Customs authorities will also be provided.

The invoice will be prepared in six foils, as follows:

(i) Booking Station Record.
(ii) Railway Receipt.
(iii) Border Station Invoice.
(iv) Invoice for Destination Station (Through Invoice).
(v) Junction Invoice.
(vi) Accounts Foil - to be specially forwarded by the forwarding station to the combined Foreign Traffic Accounts Office, Calcutta. This copy will be attached to the Division – Sheet, which will be submitted by the Financial Adviser & Chief Accounts Officer, Eastern Railway, Calcutta to the Financial Adviser & Chief Accounts Officer, Eastern Bengal Railway, Chittagong.

(b) Five copies of in – transit manifest for customs requirements will also be prepared by the booking station for each invoice. These manifests will contain the following particulars:–

(i) Invoice No.
(ii) Station From.
(iii) Station to.
(iv) Name of Consignor.
(v) Name of Consignee.
(vi) Number of packages.
(vii) Description of contents.
(viii) Weight.

Four copies of these manifests will be securely pinned to the Junction and Border Invoices and sent to the first customs station.

V. Financial Settlement:

1. As regards payments to the Eastern Bengal Railway for carrying the cross traffic, it was suggested by the Eastern Bengal Railway representatives that some special arrangements will have to be devised to effect prompt settlement. An arrangement already exists according to which the value of and freight on coal from India for Pakistan are paid in India currency at Calcutta out of an irrevocable credit placed with a Bank at Calcutta by the Pakistan Government. On the same lines the Indian Railways will place an irrevocable revolving credit with a bank at Chittagong in favour of the Eastern Bengal Railway and authorize the Eastern Bengal Railway each month to draw upon this credit for its dues.

The amount of this irrevocable credit in the initial stage may be fixed at Rupees three lakhs, subject to modification on periodical review in the light of traffic actually carried, the underlying principle being that this credit should not be less than the freight earned by the Eastern Bengal Railway during any month.
2. The Eastern and North Eastern Railways will submit cross traffic Division sheets to the Eastern Bengal Railway three times a month and an authority of payment will accompany the last Division sheet for the month and on this authority the Eastern Bengal Railway will draw upon the credit opened by the Indian Railways in the bank at Chittagong.

3. Any discrepancies detected either by the Financial Adviser & Chief Accounts Officer of the Eastern Bengal Railway or the Financial Adviser & Chief Accounts Officer of Eastern North Eastern Railways on check of these Division Sheets /Invoices will be communicated to the Financial Adviser & Chief Accounts Officer concerned for acceptance. On communication of this acceptance, the adjustment will be made by the Financial Adviser & Chief Accounts Officer, Eastern/North Eastern Railway in the account to be submitted in the month following.

VI. **Customs Procedure:**

1. Through wagons will be sealed by the Indian Customs at the last Customs – sealing station in India and by the Pakistan Customs at the first Customs station in Pakistan. Seals will be liable to be checked at any Customs Station on the in – transit route. If seals are found broken at any time wagons will be detained and a complete inventory of the goods taken in the presence of Railways and Customs representatives. In any case, the Customs Officer in charge of the last Customs Station en route in Pakistan will verify the seals and certify that they are intact.

2. At the station of entry in Pakistan, in the case of all trains carrying in – transit cargo, the railway guard will present to the Customs Officer copies of the manifests referred to in para IV. 4. (b). These will serve as in – transit manifests. The Customs Officer will retain one copy and return the other copy duly stamped to the guard for presentation to the Customs Officer at the station of exit. These two copies will be forwarded by the Customs officers of the stations of entry and exit to the Land Customs Audit Department for check. No other customs documents will be required by the Pakistan Customs.

3. Similarly two copies of the in – transit manifests will also be presented to the Indian Customs station of exit. The Indian Customs Officer will retain one copy, stamp the other, put the stamped copies in a sealed cover and hand over this sealed cover to the train’s guard for onward
transmission through the Eastern Bengal Railway to the Indian Customs Station at the point of entry. No other documents will be required by the Indian Customs.

4. In the case of goods to be transshipped in Pakistan from broad – gauge to metre gauge and vice versa, the wagons will be sealed by the Indian and the Pakistan Customs to begin with, but these seals will be broken by Pakistan Customs at the transshipment station viz. Santahar. A register will be maintained by the Eastern Bengal Railway at this station, in which particulars of goods transshipped with the Nos. of wagons will be entered. The Customs Officer will attest this register after every transshipment operation, and prepare two copies for his own records. Transshipment will be done under Customs supervision. The railway officials at Santahar will arrange with the Customs for the posting of the required number of officers. One copy of the transshipment record will be sent by the local Customs in weekly batches to the Land Customs Audit Department for check with the in – transit manifests.

5. In case of any discrepancies noticed in transshipment cargo, intimation will be sent by the Customs Officer, Santahar to the Indian Customs Officers of the two stations of exit and entry. The Eastern Bengal Railway will also send an intimation to the Indian Railway concerned. Goods will not be detained on account of such discrepancies, unless prohibited goods like gold or silver bullion, opium and dangerous drugs or arms and ammunition are found to be carried. Indian Customs seals will not be broken except in the event of information being received by Pakistan Customs that such prohibited goods are being carried in a particular consignment, provided further that the seals can be broken in such cases only under the orders of an officer not below the rank of an Assistant Collector, who will report the case to the Collector of Central Excise and Land Customs, Chittagong.

6. In order to avoid the Indian and Pakistan Customs having to deal with individual consignors and consignees of goods which may involve delay, the Indian Railways will act as the agents of the owners of the goods for the in – transit formalities, and at the time of booking of goods will take a declaration from the owner authorizing them to act as his agents for this purpose and indemnifying the Railway against penalties imposed by the Customs authorities of either country on account of contravention of Customs and allied laws and regulations. This declaration may be in such form as the legal advisers of the Railways may recommend.

7. The Indian Railways may depute an officer at Santahar to act as their agent for assisting the Pakistan customs and Railway staff in the quick
movement of goods, especially in the event of any discrepancies detected. This will also assist in the disposal of claims that may arise on this account.

VII. **Ratification:** The agreements recorded above are subject to ratification by the respective Governments.

(M.J. Chughati) (B. Arora) (S.M. Abbas) (H.P. Sen Gupta)
General Manager, General Manager, Collector of Central Collector of
Eastern Bengal, North Eastern, Excise of Land Central Excise
Railway, Railway, Customs, Chittagong, Land Customs

Calcutta

5th April, 1955 5th April, 1955 5th April, 1955 5th April, 1955

◆ ◆ ◆ ◆ ◆

2642. **Agreement between the Representatives of the Film Industry in Pakistan and India regarding trade in films.**

**Karachi, July 15, 1955.**

A joint meeting of the representatives of the Film Industry and Trade of India and Pakistan was held at Hotel Metropole, Karachi at 2 P.M. on 15 – 7 – 1955. The Following were present:

<table>
<thead>
<tr>
<th>Pakistan</th>
<th>India</th>
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</thead>
<tbody>
<tr>
<td>1. Mr. W.Z. Ahmed</td>
<td>1. Mr. K.M. Modi</td>
</tr>
<tr>
<td>2. Mr. S. Fazli</td>
<td>2. Mr. Jaimani Dewan</td>
</tr>
<tr>
<td>3. Mr. S.M. Kazmi</td>
<td>3. Mr. S.L. Ramji</td>
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<tr>
<td></td>
<td>4. Mr. D. Pramanick</td>
</tr>
</tbody>
</table>

It was agreed to make the following joint recommendations to the Indian and Pakistani Delegates who are having trade talks.

(1) That the deadlock in the trade of films between India and Pakistan should be resolved immediately.

(2) That to start with India should extend O.G.L. facilities in regard to import of films from Pakistan without any restriction on remittances.
(3) That to start with imports of Indian films into Pakistan should be separate for each of the two Wings – East and West Pakistan as follows:
   (a) 25 Hindi and/or Urdu pictures in West Pakistan per year.
   (b) 20 Hindi and/or Urdu picture in East Pakistan plus 10 pictures in Bengali per year.

   It is understood that the number 25 and 30 as aforesaid shall include the pending licenses.

(4) That the remittances shall be subject to ceilings as follows:
   (a) For West Pakistan Rs. 1,00,000/- (Pak)
   (b) For East Pakistan Rs. 40,000/- (Pak)

   It is understood that the basis of imports shall be either out right sale or on rental basis subject to the ceiling as above. It is further understood that in case where importers desire to import on out right sale basis, the sale price shall be allowed to be remitted to India subject to the ceilings as aforesaid.

2643. Trade Agreement between India and Pakistan.


The Representatives of the Government of India on the one hand and the Representatives of the Government of Pakistan on the other have agreed to enter into the following Agreement for the continuance of trade between the two countries:

Article I

With respect to the items mentioned in Schedules ‘A’ & ‘B’ attached to this Agreement licenses shall, where necessary, be granted in accordance with the laws, regulations and procedure in force in either country from time to time to permit their import/export upto the quantity/value mentioned against each item.

Article II

Imports and exports of the commodities goods mentioned in Schedule ‘A’ & ‘B’ shall normally take place through ordinary commercial channels, except where either Government finds it necessary to buy or sell part or whole of the quantity value of any item on Government account. Such purchases and sales shall be reckoned as being within the terms of this Agreement.
Article III
In order to meet the day to day requirements of the people diving within the border areas of East Pakistan on the one hand and West Bengal, Bihar, Assam and Tripura on the other and with a view to providing facilities to these people to dispose of their goods, border trade shall be allowed in the commodities specified in accordance with Schedule ‘C’ to this Agreement.

Article IV
Tenants, including Ziratia tenants, residing in the border areas of East Pakistan on the one hand and Assam and Tripura on the other who have land on the other side within a ten mile belt of the border and paddy thereon shall be allowed to take across the border within a reasonable period after the harvest 40 maunds of paddy per family or the total produce of such lands cultivated by them, whichever, whichever is less.

Article V
In order to facilitate the implementation of this Agreement, the two Governments agree to consult each other in respect of any matters arising out of or in connection with the agreement including alterations, amendments or additions, if any, to the Schedules appended to this Agreement.

Article VI
The Commodities and goods included in Schedules ‘A’ and ‘B’ refer only to those produced, processed or manufactured in India or Pakistan as the case may be.

Article VII
Re-export of any of the commodities goods imported under Schedules ‘A’ and ‘B’ shall not be permitted.

Article VIII
In respect of all commodities goods, whether included in the Schedules to this Agreement or not, import and export licenses valid for the non-dollar currency area shall be valid for India and Pakistan as the case may be.

Article IX
Subject to the approval of the Governments of India and Pakistan, this agreement shall come into force with effect from 1st September, 1955 and shall remain valid till 31st August, 1956.
Done at Karachi this nineteenth day of July, 1955.

Signed on behalf of the
Government of India.
(L.K. Jha)
Leader of the Indian
Trade Delegation.

Signed on behalf of the
Government of Pakistan
(M. Karamatullah)
Leader of the Pakistan
Trade Delegation

2644.  
SECRET

Proceedings of a meeting held in the room of Mr. Hameed Uddin Ahmed, Deputy Secretary, Ministry of Interior at 10.30 AM on 28th November, 1956 on matters relating to cotton trade.

Karachi, November 28, 1956.

Government of Pakistan
Ministry of Interior.

Present

1. Mr. Hameeduddin Ahmed
   Deputy Secretary, Ministry of the Interior.

2. Mr. Masrur Hasan Khan, C.S.P.
   Secretary, Chief Commissioner, Karachi.

3. Mr. Idris Ahmed
   Under Secretary, Ministry of Finance.

4. Mr. Abdul Qawi
   Under Secretary, Ministry of Commerce.

5. Mr. Mohammed Rafi
   Asst. Sec., Ministry of F.A. & C.R.

6. Mr. J.M. Soares
   Passport Officer, Ministry of F.A.& C.R.

7. Mr. I.H. Qarni
   State Bank of Pakistan
Mr. Hameeduddin Ahmed explaining the object for which the meeting was called, stated that as the cotton trade in Pakistan was one of the country it is necessary to safeguard it against domination of foreign interests particularly if these are inimical to the country. There have been reports both from official as well as non-official sources about the objectionable activities of Indian nationals and firms engaged in this trade in Pakistan. These Indians are reported to be manipulating the market to the disadvantage of Pakistan. Almost all of them are evading income tax on their very substantial earnings which they show as very meager. Apart from this loss on income-tax they are causing serious loss of foreign exchange through transfer of funds to India a very small portion of which is transferred legally; the bulk being sent through illegal processes. It was for similar objectionable and anti-Pakistan activities of this group of Indians that Government decided as early as 1951 that permits (which were then in vogue) should not issue to Indians connected with the cotton trade. This followed the view expressed by the Ministry of Commerce that Muslims have now gained sufficient experience of the trade and the services of Indians are no longer required. As a result of this policy the number of Indian cotton brokers was drastically reduced. This number unfortunately again increased as a result of the introduction of the Passport-cum-visa system between India and Pakistan and liberalization of our visa policy. The matter was reviewed by Government again in 1954 when Government decided that no visas should issue to Indians connected with the cotton trade. Despite these orders the present position is that at present there are about 25 Indians cotton brokers in Karachi, out of which 16 are confirmed Indian nationals and the rest have not yet declared their nationality.

2. Mr. Mirza, Chairman of the Cotton Association endorsing the above viewed gave a resume of the action taken by him and the Cotton Association to minimize the effects of the losses caused by the Indians. He however expressed difficulty over making the Directors two of whom are Hindus – and two Europeans to do anything substantial to prevent the mischief that these brokers are causing.

3. The question as to how Indian cotton brokers happen to be here despite orders of the Government was considered. It was explained by Mr. Soares that
in all probability these persons have secured visas for visiting Pakistan on grounds other than the cotton trade. As this amounted to obtaining visas on false pretense it was decided that the visas of the 26 Indian cotton brokers should be immediately cancelled and they should be made to leave Pakistan. This was only implementing an existing decision of the Government.

4. Those who have not yet declared their nationality should be asked to do so by the Cotton Association who issue cotton trade licences to them. Enquiries should also be made by the Chief Commissioner Karachi, about the national status of these persons. If they are found to be Indians, action should be taken against them as in para 3 above. This should be on the basis of an authentic list of Indian national connected with the cotton trade communicated by the Ministry of Commerce to the Ministry of F.A. & C.R. The Ministry of F.A. & C.R. will also ensure that no visa is issued to these persons in future.

5. It was stated by Mr. Soares that under our agreement with the Government of India, we are compelled to give ‘E’ and ‘F’ visas to persons who have business connection in this country since before the introduction of the Passport System. Mr. Masrur Hasan Khan suggested that all applications for category ‘E’ and ‘F’ visas should be referred to the Chief Commissioner Karachi, for security checking. Visas should not issue in cases when there is security objections to the continuance of these Indians in the business in which they are engaged. The suggestion was accepted.

6. It was pointed out that in future most of the persons connected with the cotton trade will cease to work as such but will be employed by Pakistani in all industrial and business concerns in Pakistan. This was necessary for security, political and foreign exchange reasons. The present rules which applied only to export and import business concerns allowed up to 50 % outsiders. This is too high a limit which needs to be drastically reduced. Mr. Qarni stated that the question was already under consideration on the initiation of the Ministry of Labour and the decision taken that connection would be applicable to Indian Nationals employed with Pakistani firms dealing with the cotton trade.

7. As regards the Pakistani Cotton brokers who kept their families in India and are sending their earnings to India, it was decided that while we cannot possibly force them to bring back their families to Pakistan, attempt should be made to check the method of transmission of money by them to India. Action in this regard should be taken by the Ministry of Finance (State Bank) and Chief Commissioner, Karachi.

8. Almost all cotton brokers particularly Indians were earning money which they grossly understated for purposes of tax assessment or transfer to India. To overcome this it was agreed that the Ministry of Finance should carry out
special inquiries through the Income Tax authorities. At the same time the Cotton Board should enforce measures to ensure that all transactions including forward and factory selections contracts are duly registered with the Cotton Trade Association.

9. In the case of Indian nationals who have partnership in firms in Pakistan it was decided that it would not be possible at present to take any isolated action in respect of Cotton firms. The general issue of allowing partnership by Indians in concern in this country should be examined by the Ministry of Commerce. On grounds of security and for saving foreign exchange it was necessary to limit such partnerships and to impose conditions which will prevent the firms from working against the interests of Pakistan.

Sd/- Hameeduddin Ahmed
Deputy Secretary to the Government of Pakistan


New Delhi, 22 January 1957

The Government of India and the Government of Pakistan being desirous of strengthening and developing commercial relations between their respective countries have agreed as follows

Article I

The two Governments recognising the needs and requirements of each other for foreign exchange in the context of their developing economies and having regard to the present disequilibrium in their trade and payments position undertake to explore all possibilities for expansion of trade between the two countries on the basis of mutual advantage.

Article II

With regard to the commodities/goods mentioned in Schedules ‘A’ and ‘B’ attached to this Agreement, the two Governments shall facilitate imports from and exports to each other’s territories to the extent permitted by their respective laws, regulations and procedures.
Article III
Imports and exports of the commodities/goods mentioned in Schedules ‘A’ and V shall normally take place through ordinary commercial channels, except where either Government finds it necessary to buy or sell part or whole of the quantity/value of any item on Government account.

Article IV
With respect to commodities/goods not included in Schedules ‘A’ and ‘B’ export or import shall also be permitted in accordance with the laws, regulations and procedures in force in either country from time to time.

Article V
Each Government shall accord to the commerce of the country of the other Government treatment no less favourable than that accorded to the commerce of any third country.

Article VI
The provisions of Article V shall not apply to:
(a) any advantage which either country has accorded or may accord at any time during the period of validity of this Agreement to other bordering countries in order to facilitate frontier traffic,
(b) any advantages accorded in connection with a customs union or free zone of which either country may become a member,
(c) preferences or advantages accorded by either country to any third country prior to the 15th August 1947 or in replacement thereof.

Article VII
The two Governments recognising the need for entering into special arrangements as contemplated by Article XXIV (11) of the General Agreement on Tariffs and Trade agree to enter into such arrangements. The commodities covered by such special arrangements and the nature and scope thereof are set out in Schedule ‘C’.

Article VIII
In order to meet the day-to-day requirements of the people living within a ten mile belt of the border between West Bengal, Assam and Tripura on the one hand and East Pakistan on the other and with a view to providing facilities to these people to dispose of their goods, border trade shall be allowed in the commodities specified in accordance with Schedule ‘D’ to this Agreement.
Article IX
In order to facilitate the implementation of this Agreement the two Governments shall consult with each other as and when necessary and in any case review the working of the Agreement every six months.

Article X
Subject to the approval of the Governments of India and Pakistan this Agreement shall come into force with effect from the 1st February 1957. It shall remain in force up to the 31st January 1960, provided that after the expiry of the first year it may be terminated by either party giving six months notice in writing to the other. The schedules attached to the Agreement will be subject to revision by mutual consultation before the commencement of the years 1958 and 1959. DONE at New Delhi this Twenty-second day of January, 1957.

S. Ranganathan           A. M. Ahmed  
For the Government of India.  For the Government of Pakistan

Press Note issued by the Government of India on the signing of the India-Pakistan Trade Agreement.

New Delhi, January 23, 1957.

Press Note

Indo - Pakistan Trade Agreement
Negotiations between the Trade Delegation from Pakistan and the representatives of the Government of India for strengthening and developing commercial relations between the two countries began in New Delhi, on January 15, 1957. The negotiations, which concluded today, have resulted in a Trade Agreement which was signed today on behalf of the Government of India by Shri S. Ranganathan, Secretary Ministry of Commerce and Consumer Industries, and on behalf of the Government of Pakistan by Mr. Aziz Ahmed, Secretary, Ministry of Commerce.

Subject to ratification by the two Governments, the Agreement is expected to come into force from February 1, 1957 and is likely to remain in force for three years.
Under the Agreement the two Governments have undertaken to explore all possibilities for expansion of trade between the two countries on the basis of mutual advantage. They have agreed to facilitate imports and exports of commodities specified in two schedules attached to the Agreement, to the extent permitted by their laws, regulations and procedure.

The items available for export from India to Pakistan include coal, chemicals, drugs and medicines, mill-board and straw-board, machinery and mill work, workshop equipment, electrical instruments, cinema films, sugar, tea for blending, coffee, betel leaves, bidi and hooka tobacco and bidi leaves. The items available for export from Pakistan to India include raw jute, hides and skins, fish, poultry and eggs, betel nuts, spices, honey, cinema films, machine tools, bicycle and spare parts, surgical instruments and sports goods.

Export or import of commodities not listed in the schedules will also be permitted in accordance with the laws, regulations or procedures of either country. The two Governments have agreed to enter into special arrangements for commodities listed in a separate schedule, up to quantities or values specified for each item. These include coal, hard and soft wood, stone boulders and sea salt for export from India and rock salt and forest produce for export from Pakistan to India.

The two Governments have also agreed to accord to each other’s commerce the most-favoured-nation treatment. In order to meet the day-to-day requirements of the people living within a ten-mile belt of the border between East Pakistan on the one hand and West Bengal, Assam and Tripura on the other, the two Governments have agreed that border trade will be allowed in the commodities specified in a separate schedule. These commodities include items of daily consumption like fish, poultry and eggs, soap, vegetables and fresh fruits, milk and milk products, kerosene, betel leaves, fodder and firewood. It has been agreed that after six months from the date the present Agreement comes into force, this trade will be carried on only through specified routes.

The working of the Agreement will be reviewed every six months and the schedules of commodities will be subject to revision before the beginning of each calendar year.
Office Memorandum of the Ministry of Commerce and Consumer Industries on India-Pakistan Trade Agreement of 1957-60.

New Delhi, February 12, 1957.

Government of India
Ministry of Commerce & Consumer Industries.

No. 28-FTC(22)/56 –Pak
New Delhi, the 12 February, 1957.

Office Memorandum

Subject : Indo-Pakistan Trade Agreement (1957-60)

Will the Ministry of External Affairs etc. please refer to this Ministry’s O.M. of even number dated the 31st January, 1957 forwarding copy of Indo-Pakistan Trade Agreement mentioned above, as well as of letters exchanged regarding ziratia tenants and transit facilities?

2. In the course of discussions certain views were expressed by the two delegations on the following items:

(1) Modification of the Articles of Agreement.
(2) Most favoured Nation treatment.
(3) Ziratta tenants.

Both the delegations agreed that it was not necessary to exchange formal letters on these subjects, but the two sides would keep a record of these discussions on their respective files.

A copy of note in question is attached for information.

(B.K.Kochar).
Deputy Secretary to the Government of India

Agreed record of note of discussions resulting in the Indo-Pakistan Trade Agreement of 1957.

In the course of discussions which resulted in the Trade Agreement between India and Pakistan, certain views were expressed by the two delegations on matters connected with the Agreement. It was agreed that the formality of exchange of letters in these cases should be dispensed with, both sides keeping
1. **Regarding modification of the Articles of Agreement.**

(1) **Article X of the Trade Agreement reads as follows:**

“Subject to the approval of the Governments of India and Pakistan this Agreement shall come into force with effect from the 1st February 1957. It shall remain in force up to the 31st January 1960, provided that after the expiry of the first year it may be terminated by either party giving six months notice in writing to the other. The schedules attached to the Agreement will be subject to revision by mutual consultation before the commencement of the years 1958 and 1959.”

This Article provides for termination of the Agreement after the expiry of the first year by either party giving six months’ notice in writing to the other, and for modification of the schedules attached to the Agreement at the beginning of 1958 and 1959. There is no provision in the Agreement for modification of the substance of the Agreement itself. The Pakistan Delegation was anxious to provide for this. The Indian delegation on the other hand was of the view that this was unnecessary because the Agreement could be modified by mutual agreement at any time and it was not necessary to provide for this in the Agreement itself. In fact to do so would be to deprive it such merit as was sought to be secured for it by making it valid for a period of 3 years. This view was accepted.

II. **Most favoured-Nation treatment:**

**Article V** of the Agreement reads as follows:

“Each Government shall accord to the commerce of the country of the other Government treatment no less favourable than that accorded to the commerce of any third country.”

The Pakistan Delegation made it clear that this would not affect Agreements already concluded by them and the single country licensing which was being done by them in pursuance of those Agreements. The Indian Delegation while nothing the point expressed the hope that those Agreements would not be extended and similar Agreements concluded in future but if Pakistan found this to be necessary at any time it would enter into consultations with the Government of India to find out whether the Government of India were prepared to enter into similar arrangements in return for which Pakistan was prepared to issue single country licences in favour of the third country. In regard to subsisting agreements the Indian Delegation pointed out that if India was able to make out a comparable case, we would expect similar treatment to be accorded to import of the same commodities from India.
III. Ziratia tenants:

The previous Trade Agreement which expired on the 31st January, 1957, contained the following Article in connection with the rights of Ziratia tenants:-

“Tenants, including Ziratia tenants, residing in the border areas of East Pakistan on the one hand and Assam and Tripura on the other who have land on either side within a ten mile belt of the border and paddy thereon shall be allowed to take across the border within a reasonable period after the harvest 40 maunds of paddy per family or the total produce of such lands cultivated by them, whichever is less.”

No such Article appears in the body of the new Agreement. The arrangements relating to Ziratias is now covered by separate letters which were exchanged on the 22nd January, 1957. This was considered advisable by both delegations since the provision relating to Ziratia was not a normal feature of a Trade Agreement. Article IV of the previous agreement was incorporated in the letters exchanged without any change, because the Pakistan Delegation stated that they did not have the necessary authority from their Government to modify it in any way. Nevertheless the Indian Delegation, brought to the notice of the Pakistan Delegation the fact that some difficulty had arisen in the past with regard to the interpretation of the words “take across the border within a reasonable period after the harvest 40 maunds of paddy per family or the total produce of such land cultivated by them whichever is less”. Varying interpretations had been sought to be put on this clause, the view consistently adhered to by the Government of India being that the concession, which was intended to enable a Ziratia tenant to take out only that quantity of paddy which would be required for consumption by his family, did not entitle him to take out 40 maunds of paddy per harvest. A ziratia tenant was in the view of the Government of India entitled to take only 40 maunds or the total produce, whichever is less, during the whole of each agricultural year. This view had been agreed to by the Commerce Minister of Pakistan (Mr. Abul Mansur Ahmed) in the course of his discussions with C.I.M. Shri Aziz Ahmed stated that his Delegations was prepared to accept this interpretation, and that Pakistan would not put any other interpretation on the wordings occurring in the letter exchanged on the subject.
2648. **SECRET**

Note on the work of the Indian Delegation at the Indo–Pakistan Trade Agreement Review Conference held at Karachi from 19th to 22 December 1957.

The Trade Agreement concluded in January 1957 with Pakistan provided for the review of the working of the Agreement at six monthly intervals (Article IX) Agreement and review of the Schedule attached to that Agreement (Article X), before the commencement of the year 1958. These were to be reviewed in mutual consultation between the two Governments. Schedule ‘D’ to that Agreement further provided that “each Government will after such consultation with the other as may be necessary, be free to prescribe an adequate number of such routes having regard to the requirements of *bona fide* border trade”. Similarly, sub-clauses (3) and (4) of the first letter exchanged between the Commerce Secretary, India, and the Commerce Secretary, Pakistan, regarding *Ziratia* tenants, also provide for review of the implementation of the arrangements relating to such tenants, the provision of authorized routes only through which such tenants may cross the border as well as the improvements made in the transit facilities through East Pakistan into Tripura.

2. It was with the object of conducting these reviews that a Delegation consisting of

i. Shri B.N. Banerji, Joint Secretary, Ministry of Finance (Department of Revenue) - Leader

ii. Shri S. Than, Deputy Secretary, Ministry of Commerce & Industry-Member

iii. Shri H.M. Kannampilly, Deputy Secretary, Ministry of External Affairs.- Member

iv. Shri R.R. Singh, Deputy Secretary, Ministry of Home Affairs.

v. Shri P.C. Mathew, Joint Director, Railway Board. - Member

vi. Shri A. Mitra, Industry Secretary, West Bengal Government- Member

vii. Shri S.K. Sircar, Chief Secretary, Tripura Administration. - Member

viii. Shri Digvijay Sinh, Attache, Ministry of Commerce & Industry- Member

ix. Shri D.R. Khanna, I. & B. Ministry - Member

x. Shri H.N. Vibhakar, First Secretary, Indian High Commission in Karachi - Member Secretary
was sent to Karachi by the Government of India. The Delegation assembled at Delhi on the 17th and left for Karachi on the 18th December 1957. They were, on arrival, received with due courtesies by officers of the Pakistan Government as also of the Indian Mission at Karachi. The Government of Pakistan offered to treat the entire Delegation as state guests during their stay in Karachi. This offer was availed of by six members of the Delegation, while the Leader of the Delegation was, through the very kind courtesy of the High Commissioner, put up at the India House and two members of the Delegation stayed with their own friends in the Indian High Commission. The Pakistan Commerce Ministry also invited the Delegation to a lunch and this hospitality was returned again through the very kind courtesy of the High commissioner, at India house.

3. The two Delegations met for their work in the morning of the 19th December 1957. The Pakistan Delegation was composed as follows:-

   i. Mr. S. Osman Ali, Joint Secretary, Ministry of Commerce
   ii. Mr. Wazir Ali, Joint Secretary, Revenue Division.
   iii. Mr. S.S. Jaffri, Joint Secretary, Ministry of Industries
   iv. Mr. B. A. Kureshi, Director General, Supply and Development
   v. Mr. I.A. Khan, Chief Controller, Imports & Exports.
   vi. Mr. M.E. Khan Choudhary, Liaison Officer, Government of East Pakistan.
   vii. Mr. K. A. Waheed, Deputy Director General, Supply and Development and Coal Commissioner.
   viii. Dr. S.A. Wajid Khan, Director, Department of Trade Promotion and Commercial Intelligence
   ix. Mr. M.U. Ahmad, Deputy Secretary, Ministry of Commerce.
  x. Mr. Idris Ahmed, Deputy Secretary, Ministry of Finance.
 xi. Mr. R.A. Sadique, Joint Director (Traffic), Railway Division.
 xii. Mr. A.H. Siraj, Officer on Special Duty, Ministry of F.A. and C.R.
 xiii. Mr. O. Yusuf Khan, Officer on Special Duty, Ministry of Commerce.

The Leader of Pakistan Delegation Shri Osman Ali, opened the proceedings, with the usual expression of sentiments appropriate to the occasion and mentioned that on his side only the following items stood in need for review,
viz., stones (Pakur) included in Schedule ‘A’ to the Trade Agreement and coal, boulders, cement and timber provided for in Schedule ‘C’. He also expressed apologies for the delay in the ratification of the transit facilities Agreement reached at an official level between the Delegates of India and Pakistan in Dacca in March 1957. In private conversation, Shri Osman Ali sought to explain this delay on the rather naïve ground that from September onwards an argument had been going on inside the Central Secretariat of Pakistan as to whether the Railway Ministry or the Commerce Ministry should obtain the orders of Government in this matter. At the meeting held on the 20th, he stated that a part of delay was also due to the East Pakistan Government’s uneasiness in the matter of the movement of rice crops, cultivated by the Pakistan Ziratia tenants in Tripura. Both privately, as well as at an official meeting, he, however, assured to Indian Delegation that steps have now been taken to obtain the necessary governmental approval and he hoped to communicate it formally to us before our departure from Karachi in spite of the fact that a new Commerce Minister has only very recently taken over and that soon after the latter’s installation he had to proceed on tour to Lahore. He was also at pains to explain his own preoccupation with the Trade Delegation of Iran, which was also present in Karachi and accordingly, suggested that the next meeting should take place only on the afternoon of Friday, the 20th December, and that subsequent meetings could be held on the forenoons of Saturday and Sunday.

5. The results of those discussions have been embodied in the form of agreed minutes which form an annexure to this report.

6. The general impression gathered by the Delegation as a result of these talks, is that the Pakistan Government are perhaps not in earnest either in maximizing trade between the two countries or in removing the apparent disequilibrium in their trade and payments position. So far as commodities mention in Schedules ‘A’ & ‘C’ are concerned, they harped repeatedly on the prompt fulfillment of our own commitments in respect of coal, boulders, timber and cement without displaying the same anxiety in the matter of implementation of their part of the bargain as for example, in the case of Indian films. As far as border trade is concerned, considerable publicity had been given to the fact that with effect from the 17th December 1957 the Pakistan Army, Navy and Air Force have taken over in conjunction with the Customs, Police and Railway authorities, the administration of the entire East Pakistan border with a view ostensibly to prevent smuggling. They frankly admit that they have set up “a reign of terror” on the frontier by imposing “dusk to dawn curfews” and by issuing instructions to the armed forces to “shoot suspects at sight”. Leading articles in the Dawn as well as the Karachi Times obviously officially inspired, claim that as much as Rs. 80/- crores worth of goods and other assets as being exported illegally each year from Pakistan to India. This attitude seems
to be *prima facie* inconsistent with the fact that Indian currency still commands a heavy premium over Pakistan currency in the free market. On being informally asked about this situation, no convincing reply was forthcoming.

7. It seems reasonably clear, therefore, that the object of this move is primarily political rather than economic, because even otherwise, as we are ourselves aware, West Pakistan perhaps, more than East Pakistan is a center of organized smuggling activities. It is curious, therefore, that no overt action has yet been taken or perhaps even contemplated to disturb that position.

8. After the meeting of the Delegations Shri Osman Ali referred to the correspondence which he was having with Shri K.B. Lall of the Union Commerce Ministry regarding the alleged discrimination against Pakistan in the matter of issue of import licences for raw cotton of more than one inch staple length. He claimed that according to a printed publication of the Indian Central Cotton Committee, certain varieties of Pakistan cotton did exceed one inch in staple length and urged that such licences should, therefore, be made available for the import of Pakistan raw cotton as well. Shri Than took note of this point which needs some looking into.

9. It remains for me to record our appreciation of the very valuable services rendered to the Delegation by the Member-Secretary, Shri Vibhakar, as well as certain members of the office staff of the Indian High Commission. They had to work late hours in connection with the typing of the draft minutes and other incidental activities. Our thanks are also particularly due to the members of the Drafting Committee, namely, M/s S. Than, S.K. Sircar and P.C. Mathews, who too had to work till the small hours of the morning both on Friday the 20th and Saturday the 21st December 1957. But for their efforts the work entrusted to the Delegation would not have been completed by the 22nd afternoon.

Sd/- B.N. Banerji.
2649. Record of discussions between the Indian and Pakistan Delegations held at Karachi regarding the working of the Trade Agreement, 1957 and the Agreement on Ziratias and transit facilities for Tripura.


The Government of India and the Government of Pakistan being desirous of strengthening and developing commercial relations between their respective countries concluded a Trade Agreement in January, 1957. Agreements relating to Ziratia tenants and improvement in transit facilities through East Pakistan into Tripura were also concluded at that time as contained in the letters dated 22nd January, 1957, exchanged between the leaders of the two delegations. Articles IX and X of the Agreement and the above mentioned letters provided, respectively, for:-

(i) a review of the working of the agreement every six months;
(ii) revision of the Schedules attached to the Agreement by mutual consultation before the commencement of the year 1958 and 1959; and
(iii) a review of the implementation of the arrangements relating to Ziratia tenants and the improvements made in the transit facilities through East Pakistan into Tripura.

The representatives of the two Governments accordingly met in Karachi from 19th to 22nd December, 1957 and undertook a review of the working of these arrangements.

A. Review of the working of the Trade Agreement

(Article IX)

Schedules A & B: Two items under these Schedules came up for discussion, namely,

i. Stones (Pakur) and

ii. Books, Periodicals and Newspapers.

Stones (Pakur): The Pakistan representatives stated that a large quantity of Pakur stones was required by East Pakistan but that transport and other difficulties had stood in the way of completion of deals already put through by private parties in regard to the movement of this item from India to Pakistan. They, therefore, suggested that the possibility of this commodity being handled on Government to Government basis be examined. It was explained by the Indian representatives that in view of the special instructions already issued to
the Eastern Railways inadequate supplies of this commodity were due not so much to difficulties of transport as to the fact that so far no indents for wagons had been placed by the exporters concerned. It was further stated by them that the movement of 4 to 5 wagons a day was not likely to be a problem and that this quantity could be increased during the slack period for the Railways (July to October). Regarding the suggestion that the State Trading Corporation of India handle the export of this commodity, the Indian representatives pointed out that the item being included in Schedule A, it should normally be handled through private trade channels. They, however, promised to have the suggestion for trading on Government to Government basis further examined.

Books, Periodicals and newspapers: The Indian Delegation pointed out that considerable difficulty was being experienced in the import of Indian books, periodicals and newspapers, including Government of India publications, into Pakistan. It was presumed that intending importers of Indian publications were experiencing difficulties in getting the necessary import licences. The Pakistan Delegation explained that according to the import policy of the Government of Pakistan these items could be imported from any country in the world and that, therefore, there should be no difficulty in regard to import of Indian books, periodicals and newspapers.

Schedule ‘C’: Coal, Stone, boulders, Hard wood and Soft wood, Cement, Sulphuric Acid and Cinema films came up for review under this Schedule.

Coal: The Pakistan representatives stated that the procedure for procurement of coal from India was so complicated and cumbersome that it was not possible in actual practice to dispatch quantities according to the targets agreed in Schedule ‘C’ unless the Coal Commissioner, Pakistan, was permitted to programme about 25% more than the agreed quotas. Thereby it was expected that the actual receipts by Pakistan would be nearer the agreed quotas. If, however, in a particular quarter, the dispatches to Pakistan were on the average more than the quotas fixed by the Agreement, the excess would be adjusted in the next quarter. The Indian Delegation pointed out that the procedure for placing of indents was the same for all indentors, whether domestic or foreign, and that, therefore, they anticipated practical difficulties in accepting this suggestion. It was explained that the present arrangement of allowing an extra 10% monthly over 30,000 tons to West Pakistan for programming as mutually agreed upon between the Coal Commissioners of Pakistan and India would continue and, in addition, the Coal Commissioner, India, would consider the recoupment of serious shortfalls in a preceding month by allowing extra quantities and wagons in addition to the normal quotas in the succeeding month, as far as may be possible. It was also agreed that both the Coal Commissioners should consider simplifying their existing procedures.
Stone boulders: The two delegations expressed concern over the fact that stone boulders have not moved from India to East Pakistan for one reason or the other. The main difficulty was understood to be the delay in reaching an agreement by the Railways concerned on the technical details in regard to running of the boulder trains. The two delegations agreed that a Conference of the Principal Officers of the headquarters of the Indian and Pakistan Railways concerned should be called at Calcutta to discuss the issues involved and to arrive at an agreed arrangements, as quickly as possible, but not later than 31st January, 1958.

Hardwood: The Pakistan Delegations stated their willingness to import as much as 4 lakh C. ft. of hard wood if India was in a position to spare it. This was noted by the Indian delegation for further examination.

Soft wood: The Pakistan Delegation stated that in addition to the quantity mentioned in the trade agreement, which was being received, their further requirement of soft wood was of the order of 10 to 20 lakh C. ft. per year for construction purposes. Of this quantity, 70% could be Deodar and 30% Kail, though these percentages were not rigid. As regards sizes, Pakistan preferred to import scantlings (10’ × 10” × 5” all ups) and logs (10’ × 60” all ups) though some quantities in smaller sizes (scantlings – 8’ × 8” × 5” all ups & logs – 8’ × 48” all ups) would be acceptable. The Indian Delegation explained the general shortage of soft wood in India but assured the Pakistan Delegation that the question would be examined in detail.

Cement: The Pakistan Delegation stressed that the exchange of cement under the Agreement had not taken place and that in view of the acute shortage of cement in East Pakistan, they attached considerable importance to the exchange of cement provided in the Agreement. The Indian Delegation explained that they had a surplus of cement in the Western region and a deficit in the eastern region and therefore, they offered to supply the requirement of East Pakistan from South India by sea. The Pakistan Delegation pointed out that supplies by sea created serious transport problems from ports in East Pakistan onwards but that they would consider this offer for limited quantities, provided Indian cement prices were competitive.

To meet part of the immediate requirements of East Pakistan as indicated by the Pakistan delegation, the Indian Delegation agreed to supply 10,000 tons of cement from the Bihar area by rail to East Pakistan either for cash or for adjustment against supplies due from West Pakistan under earlier contracts.

Sulphuric Acid: The two delegations noted that the two-way movement of sulphuric acid had not taken place. They agreed to consider what steps could be taken to facilitate this movement.
Cinema Films: The Indian representatives pointed out that whereas Pakistan films were being freely licensed for import into India, no licences had been issued for import of films from India to Pakistan. The Pakistan representatives pointed out that delay had occurred in the issue of these licences as time was taken in the settlement of procedures and policies for import. The position was that import licences for fourteen films had already been issued against applications received in pursuance of the Public Notice of the 16th November, 1955 and one more licence against these applications was under issue. The Pakistan representatives stated that if further changes in the import arrangements were not made by the Government of Pakistan it should be possible to issue licences for fifteen Indian films (19 Bengali and 5 Urdu/Hindi films) within about two months' time. The Pakistan delegation assured the Indian delegation that every effort was being made to license the import of Indian films as required under the current trade agreement, but in case the agreed quota was not licensed during the first year of the Agreement it was their intention to carry forward the balance.

Schedule ‘D’ – Border Trade: The Indian Delegation pointed out that their experience has been that the border trade arrangements as contemplated under the Agreement had not worked satisfactorily because of wholesale seizure of the passports of ‘A’ category visa holding Pakistani nationals engaged in this trade and other reasons. The Pakistan Delegation stated that their understanding of the situation was somewhat different and that according to their information the working of these arrangements in most of the sectors had been reasonably satisfactory. They, however, assured the Indian representatives that it was their intention that these arrangements should be enabled to work smoothly.

Revision of the Schedules attached to the Agreement (Article X)

The Pakistan Delegation stated that it was not in a position to discuss revision of the Schedules at this stage as the examination of the question had not been completed on their side. In these circumstances it was agreed by the two Delegations that a review of the Schedules should be postponed to a future date.

C. The Review of the implementation of the arrangements relating to Ziratia tenants and the improvements made in the transit facilities through East Pakistan into Tripura.

Ziratia tenants: The Pakistan Delegation mentioned a number of difficulties encountered by the Ziratias on their side and pointed out that they were unhappy in regard to the implementation of the arrangements relating to Zirtia tenants. Similar difficulties were pointed out by the Indian Delegation in respect of Ziratia
tenants who were Indian nationals. The major difficulties pointed out by the Pakistan Delegation related to the situation arising out of the delay in mutation of names in the revenue records and non-issue of ‘A’ category visas. It was explained by the Indian Delegation that the difficulty regarding mutation was due to the provisions of the revenue law in Tripura (as in the revenue law of almost all states) which required presentation of applications for mutation within a certain period. It was further pointed out that this was normal provision in revenue law and was equally applicable to all tenants in Tripura and that this law had been in existence for a long time. So far as non-issue of ‘A’ category visas to Ziratias was concerned, the Indian Delegation stated that their information was that while India had been issuing these visas liberally, corresponding facilities were not forthcoming from the Pakistan side. On the Pakistan Delegation pointing out that strict enforcement of relevant laws in the circumstances would result in hardships for Ziratias, the Indian Delegation agreed to examine the matter further in the light of this consideration. As regards the other difficulties mentioned by the two delegations, it was agreed that both sides would collect more specific information with a view to resolving those difficulties.

**Improvement of transit facilities:**

The Pakistan Delegation stated that due to certain unavoidable reasons delay had occurred in the ratification of the Minutes of the meeting held in Dacca in March, 1957, but that these Minutes had since been approved by the Government of Pakistan and formal intimation about their ratification would be communicated to the Indian Government shortly. In the circumstances, it was agreed that the railways on both sides should get together, as soon as possible, but not later than 15th January, 1958 and complete the joint preliminary survey of the sites for the provision of the siding facilities in Tripura by the end of that month. The Indian Delegation stated that there were a few other minor difficulties which could be removed even now without waiting for the implementation of all the arrangements contemplated in the said Minutes, e.g., the difficulties occasioned by the lack of co-ordination between the Pakistan Railway authorities and the Pakistan Customs in respect of the clearance of wagons booked for Tripura, particularly at the Akhaura railway station and charging of demurrage in cases of non-clearance of goods for Tripura in circumstances beyond the control of the consignees. The Pakistan Delegation agreed to look into this matter on an immediate basis and to issue suitable instructions to the local authorities where necessary.

_Sd/- B.N. Banerji_  
Leader, Indian Delegation  
22-12-57.

_Sd/- O. Osman Ali_  
Leader, Pakistan Delegation.  
22-12-57.
Statement by Deputy Minister for External Affairs Shrimati Lakshmi Menon in Lok Sabha on Border Trade with Pakistan.

New Delhi, March 23, 1959.

Border trade between West Bengal, Assam and Tripura on the one hand and East Pakistan on the other is governed by Article VIII of the Indo-Pakistan Trade Agreement (1957-60).

Pakistan had put various obstacles by restricting visas etc. and by harassment of those engaged in border trade. This was pointed out to the Pakistan Delegation at the 1957 Trade Agreement Review Conference held at Karachi in December. Since then, however, this border trade has come to a complete standstill as a result of “Operation Close Door” started by the Government of East Pakistan since the beginning of 1958.

The High Commissioner for Pakistan in India during his visit to Assam in November, 1958, told Rev. Nochols Roy, M.L.A. and an ex-Minister, that the Government of Pakistan were anxious to improve trade, particularly border trade, with India and suggested that the Chief Secretaries of Assam and East Pakistan meet to discuss border trade without waiting for the Indo-Pakistan Trade Review Conference between the Governments of India and Pakistan. The State Government not sure whether the High Commissioner meant business particularly in view of the exactly opposite policy followed by his Government, referred the High commissioner’s suggestion to us. After consulting the Ministry of Commerce & Industry, we request the Government of Assam to accept the High Commissioner’s suggestion for a Chief Secretaries Conference on border trade provided the Chief Secretaries of West Bengal and Tripura also participated in the proposed conference. After the Governments of West Bengal and Tripura had agreed to our suggestion, the Chief Secretary, Government of Assam, wrote to the Government of East Pakistan on 5th December, 1958, welcoming the High Commissioner’s suggestion in a formal manner and leaving it to the Government of East Pakistan to suggest the date and venue for the meeting. No reply from the Government of East Pakistan was received to this letter for over two months although there were periodical reports in the Pakistani Press that Pakistan was anxious to improve trade relations with India. On 9th February, 1959, the Chief Secretary, Government of East Pakistan, however, informed the Government of Assam that a meeting of Chief Secretaries to discuss the question of border trade was not necessary and that border trade was a part of the general trade agreement between Pakistan and India.

Apart from the above, there were news items in the East Pakistani Press during
December, 1958, and January, 1959, that Pakistan intended to send a
dlegation consisting of three representatives of the Local Chamber of
Commerce in East Pakistan to neighbouring States in India. On attempts by
the First Secretary (Commercial) at Karachi to verify the truth of these
newspapers stories, it was invariably discovered that the Government of
Pakistan had no such proposals before them.

According to article IX of the Indo-Pakistan Trade Agreement (1957-60), there
has to be a six monthly review of the working of the Trade Agreement. The last
review took place in a Conference at Karachi in December 1957. Since then,
several approaches have been made to the Government of Pakistan for a
Trade Agreement Review Conference at Delhi but no such Conference has
yet been held. Our Ministry of Commerce and Industry have been anxious to
hold the Review Conference which has been overdue since July, 1958.

The Government of East Pakistan who showed great keenness to have a Chief
Secretaries’ meeting to discuss border trade arrangements have obviously not
been able to convince the Pakistan Government at Karachi about the urgency
of this problem and the latter do not seem to be keen to have an early conference
to review the Trade Agreement of which the border trade arrangements are a
part.

2651. **Record Note of Discussions between the Indian and
Pakistani Delegations held at New Delhi to Review the
working of the India-Pakistan Trade Agreement (1957 –
60)**

**New Delhi, July 27, 1959**

As contemplated in Article IX of the Trade Agreement concluded between the
Government of India and the Government of Pakistan, the second review of
the working of the Indo-Pakistan Trade Agreement between the representatives
of the two Governments was held in New Delhi from 22nd to 24th July, 1959.

2. The two Delegations took note of the fact that the volume of trade between
their two countries had fallen to a low level, and expressed the hope that as a
result of this review, the trade between their countries would expand.

3. Both the Delegations felt that as the major volume of trade between their
two countries was carried on under the special arrangements listed in Schedule
‘C’ of the Indo-Pakistan Trade Agreement of 1957, it would be more appropriated
to discuss the main commodities in that Schedule item by item. The following four items of Schedules ‘A’ & ‘B’ came up for a brief discussions:-

I. Stones (Pakur);

II. Books, Periodicals & Newspapers;

III. Drugs & medicines including Ayurvedic & Unani medicines; and

IV. Raw Cotton.

4. **Stones (Pakur):** The leader of the Pakistan Delegation stated that arrangements regarding supply of Pakur stones to meet the requirements of East Pakistan still remain unfulfilled and they would appreciate if necessary arrangements were made to see that it reached its destination in East Pakistan at the rate of two to three wagons per day till the quantity contemplated under the Agreement was fully supplied. The leader of the Indian Delegation stated that, according to his information, Pakistan contractors had not placed indents for railway wagons to lift Pakur stones and it was suggested that they might impress upon their contractors to place indents expeditiously. It was suggested by the Leader of the Pakistan Delegation that as the buyer on their side was Government, it would be appreciated if the transaction took place on a Government-to-Government basis. The Leader of the Indian Delegation stated that there are indications that the State-sponsored agency is now in a position to undertake supplies to the Pakistan Government.

5. **Books Periodicals & Newspapers:** It was pointed out by the Leader of the Indian Delegation that the position relating to the import of books, periodicals and news- papers of Indian origin into Pakistan had not shown any improvement since the matter was reviewed last, while the import of this item from Pakistan had shown a steady increase. The leader of the Pakistan Delegation explained that he was not aware of any decline in the volume of trade and further stated that no restrictions were imposed by the Government of Pakistan on the trade for the import of books, periodicals and newspapers from India. It was therefore, not understood as to why there was a decline, if at all, in the exports from India. He would, however, look into the matter.

6. **Drugs & Medicines:** The Leader of the Indian Delegation pointed out that the export of Indian drugs and medicines into Pakistan had shown a progressive decline over the years. It was stated by the Leader of the Pakistan Delegation that he was not aware of any decline, but if there was any, it might perhaps be due to local manufacture or consumer preference. The Leader of the Indian Delegation requested the Leader of the Pakistan Delegation to take effective steps to remove impediments, if any, in the free flow of trade in this item, as the Indian produces conform to international standards and are being
exported in increasing quantities to other neighbouring countries. The Leader of the Pakistan Delegation stated that there were no impediments and licences were issued without any restrictions (except for a small quantity under bilateral agreements).

7. **Raw Cotton:** The Leader of the Pakistan Delegation stated that India was not importing raw Cotton from Pakistan though she imported the same or similar varieties from elsewhere. He stated that Pakistan desired that restrictions, if any, on import of raw cotton from Pakistan be removed and Pakistan given equal facility to compete with other suppliers. The Leader of the Indian Delegation stated that according to the current policy, India allowed imports of cotton stapling 1-1/16" and above and there was no reference to the country of origin, importers being free to get their requirements from the country of their choice, including Pakistan.

8. **The following major items under Schedule ‘C’ came up for discussion:**

   (i) Coal;
   (ii) Stone Boulders;
   (iii) Potato Seeds;
   (iv) Raw Jute & Jute cuttings;
   (v) Cinema films; and
   (vi) Cement.

9. **Coal:** The Leader of the Indian Delegation stated that there has been a considerable improvement in the supply of coal to Pakistan after the last review. During the year, 1958, India supplied 12.08 lakh tons, while during the first five months of 1959, the supplies were to the tune of 4.14 lakh tons, which was, in the main, in accordance with the quantities mentioned in the Agreement. The Leader of the Pakistan Delegation observed that while this was so, difficulties had often been experienced in obtaining specified quantities of this commodity according to time schedule. Secondly, there were complaints in respect of quality and weight at the points of delivery. He stated that Pakistan Government would be prepared to take larger quantities of coal, provided these were supplied by rail in agreed quantities. The Leader of the Indian Delegation replied that there were procedural difficulties also on the side of Pakistan, but for which dispatches would have been better. As to quality and shortages in weight, it was suggested that the matter be taken up by them with their supplying agents. Upon the Leader of the Pakistan Delegation expressing the desire to have additional quantities only by rail, in spite of the existing difficulties, in the interest
of promotion of trade between the two countries, it was agreed to arrange movement by rail of ad-hoc supply of additional quantities of 30,000 tons and 5,000 tons per month to East and West Pakistan, respectively, during the three months from August to October, 1959. The Leader of the Indian Delegation further mentioned that India was in a position to supply larger quantities of coal to Pakistan by sea as even by this route the price of Indian coal at Karachi/Chittagong would be competitive. It was also agreed that the Coal Commissioners of the two countries should meet and consider simplifying the procedures for the movement of coal.

10. **Stone Boulders:** The two Delegations noted the latest position in respect of the movement of stone boulders. The Leader of the Pakistan Delegation mentioned that Pakistan was still interested in the supply of this item, but the movement had not taken place as contemplated in the Schedules. The Leader of the Indian Delegation stated that the reason for this was that no indents had been placed by Pakistan contractors. It was, therefore, suggested that the contractors should place indents expeditiously. Alternatively, the transaction could be on a Government-to-Government basis. On receipt of indents from Government of Pakistan, necessary action could then be taken by the Indian State-sponsored agency. The Leader of the Indian Delegation also pointed out that while the Eastern Railway (India) and the East Bengal Railway (Pakistan) had come to an understanding in this regard, agreement between the East Bengal Railway (Pakistan) and the North-East Frontier Railway (India), still remained to be finalized by the officers of the two Railways. It was agreed that they be asked to finalize their agreement at an early date.

11. **Hard Wood & Soft Wood:** The Leader of the Pakistan Delegation mentioned that Pakistan was still interested in those items, and would like to take at least Five to Seven thousand tons over and above the quantities specified for West Pakistan. The Leader of the Indian Delegation replied that during the period under review, Pakistan had not lifted the agreed quantity, as envisaged in the Agreement. With regard to the additional quantity, he stated, that since India was herself in short supply, this perhaps might not be possible. The Leader of the Pakistan Delegation stated that if additional supplies were not possible, supplies as specified in Schedule ‘C’ might be arranged, preferably via Pathankot. The Leader of the Indian Delegation promised to look into the matter.

12. **Potato Seeds:** The Leader of the Pakistan Delegation stated that although the agreed quantities of potato seeds had been supplied, deliveries were generally delayed and supplies received after the sowing season was over. He would, therefore, appreciate timely deliveries to Pakistani cultivators particularly in the coming two months. The leader of the Indian Delegation promised necessary assistance in the matter.
13. **Raw Jute & Jute Cuttings:** The Leader of the Pakistan Delegation stated that it was suggested in the talks held recently at Karachi between the Indian High Commission and the Pakistan Commerce Minister that it would be in the mutual interest of the two countries, to adopt a co-ordinated approach regarding this commodity. He also observed that both countries were faced with foreign competition and threat of substitutes, which posed a serious problem requiring very careful consideration. He also stated that the off-take of raw jute by India had been steadily falling and in the current year the quantities indicated by India had not been lifted. The Leader of the Indian Delegation, while appreciating the point of view of the Leader of the Pakistan Delegation, mentioned that the lower off-take during the current year was due to the unexpectedly good crop of jute. The Leader of the Pakistan Delegation further stated that India which was the main buyer of jute cuttings had lifted very little quantity of this variety of jute. The Leader of the Indian Delegation promised to consider as to whether further quantities of jute cuttings in excess of those already lifted could be imported during the currency of the present Agreement.

14. **Cinema Films:** The Leader of the Indian Delegation mentioned that the position with regard to films had not improved since the last review. He added that while India was issuing import licences freely for Pakistani films without any restriction on their circulation, the agreed number of films had not been imported into Pakistan during the period under review. It was also brought to the notice of the Leader of the Pakistan Delegation that 618 Indian films in Pakistan had been ‘uncertified’ and certain popular Indian films were not allowed to be imported. In reply, the Leader of the Pakistan Delegation observed that certain mal-practices had been brought to notice and, therefore, a new procedure was being evolved under which Indian films would be obtained through their High Commission in New Delhi. He also mentioned that Pakistan was going into the matter of re-certifying some of these films, which had, sometime ago, been ‘uncertified’. The Leader of the Pakistan Delegation expressed the hope that as a result of the new measures taken by them for the purchase of Indian films, the position would probably show an improvement. He also stated that as far as he was aware very few Pakistani films had actually been imported into India.

15. **Cement:** The two Delegations took note of the fact that the exchange of quantities stipulated in the Agreement had not taken place. The Leader of the Pakistan Delegation, however, stated that Pakistan was still interested in movement of cement up to 50,000 tons for East Pakistan, if supplies could be made available by rail, as India has an exportable surplus, and further added that India would prefer a long term arrangement. As explained at the last Review Conference, it was also stated by the Leader of the Indian Delegation that India had achieved self-sufficiency in cement and was, therefore, not interested
in importing 50,000 tons of cement from West Pakistan. The Leader of the Pakistan Delegation agreed to examine the proposal.

16. **Border Trade:** The Leader of the Indian Delegation pointed out that border trade arrangement as contemplated under the Agreement, were meant to be free from Import/Export control, Exchange Control Regulations, Customs Duties and other formalities and for helping the inhabitants of the border area of both the countries with regard to some of the daily requirements, such as eggs, poultry, fish, betel leaves, etc. The present indications were that this arrangement had not worked and that border trade had almost come to a standstill. The Leader of the Pakistan Delegation pointed out that there were no restrictions on *bona-fide* border trade as provided for in the Agreement. Any effect on it, however, might be the result of the anti-smuggling measures taken by Pakistan Government.

17. At the conclusion of the Review, the Leader of the Pakistan Delegation stated that apart from the commodities mentioned in the Schedules, Pakistan was interested in the growth of trade in the following commodities:-

i) Import & export of fresh fruits

ii) Import & export of betel leaves;

iii) Export of a small quantity of newsprint from October, 1959 rock salt, eggs & poultry;

iv) Import of a small quantity of tea seeds & live stock from Bihar; and

v) Export of small quantities of *Chuna Khari* peaes and *Daincha* seeds from East Pakistan.

18. The Leader of the Indian Delegation mentioned that he would have this matter considered and stated that apart from stepping up the exports of commodities mentioned in the Schedules, specially with regard to heavy items which had an advantage in view of the proximity of the two countries, India was interested in the movement of larger quantities of her manufactured goods, particularly the products of her recently developed industries to Pakistan.

New Delhi, August 24, 1959.

Government of India
Ministry of External Affairs.

D.O. No. F. 3-17/59-Pak. II. New Delhi, Dated the 24th Aug., '59

My dear Ambassador / High Commissioner/ Charge d’ Affaires.

As you are aware, an Indo-Pak Trade Review Conference was held at New Delhi recently. This was the second Review of the Indo-Pakistan Trade Agreement 1957-60. The Review scheduled for last year was postponed at Pakistan’s instance. I enclose a record of the Review.

2. The following figures will show the deterioration in Indo-Pakistan Trade during the last decade:

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<tr>
<th>Year</th>
<th>Main exports to Pakistan (in lakhs of rupees)</th>
<th>Main imports from Pakistan (in lakhs of rupees)</th>
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<td>109,29</td>
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<td>1949-50</td>
<td>43,30</td>
<td>44,06</td>
</tr>
<tr>
<td>1950-51</td>
<td>30,58</td>
<td>43,87</td>
</tr>
<tr>
<td>1951-52</td>
<td>45,30</td>
<td>87,50</td>
</tr>
<tr>
<td>1952-53</td>
<td>31,14</td>
<td>21,88</td>
</tr>
<tr>
<td>1953-54</td>
<td>8,00</td>
<td>19,30</td>
</tr>
<tr>
<td>1954-55</td>
<td>9,79</td>
<td>19,38</td>
</tr>
<tr>
<td>1955-56</td>
<td>8,40</td>
<td>27,11</td>
</tr>
<tr>
<td>1956-57</td>
<td>7,90</td>
<td>15,80</td>
</tr>
<tr>
<td>1957</td>
<td>6,68</td>
<td>13,40</td>
</tr>
<tr>
<td>1958</td>
<td>7,12</td>
<td>6,28</td>
</tr>
<tr>
<td>1959(Jan. to March)</td>
<td>1,15</td>
<td>1,37</td>
</tr>
</tbody>
</table>
This has largely been caused by dwindling of raw jute exports from Pakistan to India and virtual stoppage of cotton piece goods export from India to Pakistan. These two, in the old days, accounted for virtually 75% of Indo-Pak Trade. The main items we to-day buy from Pakistan are fish, jute, (including jute cutting and waste) and hides & skins and the main items Pakistan buys from us are coal, coke & briquettes *bid* leaves, medicinal & pharmaceutical products, cement, building material (gravel, stone boulders, limestone), timber, etc. While little can be done to improve trade in jute and cotton piece goods, as both countries are embarked upon a programme of self-sufficiency in this regard, there is scope, if there be will, to increase exchange in certain other commodities. Pakistan could for example buy more coal from India rather than from far off countries such as Poland and China. In view of the dams and canals that will be built there in connection with the settlement of the canal water dispute, Pakistan’s demand for cement is likely to rise and we could perhaps accommodate her on cement to a certain extent. Pakistan could also take certain kinds of manufactured goods particularly the products of India’s recently developed industries. Undoubtedly, without jute and cotton piece goods, trade could never perhaps recover to its pre-1950 eminence and the balance of trade, unlike in the past, would be in India’s favour, the rot could, all the same, be stemmed.

The Americans also appear to be keen that Pakistan develop trade relations with India. They are particularly keen that Pakistan buys coal, cement and pig iron from us rather than from the communist countries.

Another feature of the Indo-Pak Trade Agreement 1957-60 was the Border Trade Agreement (Schedule D). According to this, border people were allowed to exchange commodities on a barter basis. This agreement was brought to a standstill after the promulgation by Pakistan of Operation Closed-Door in East Pakistan in August, 1957. Since March, 1958, after firing incidents were begun by Pakistan and there has been a complete stoppage of border trade, particularly on the Assam-East Pakistan border.

3. I may mention the following principal decisions of the present Review.
The above background may help you to appreciate the significance of these decisions:-

(a) Pakistan agreed to take, during the next three months, one lakh tons of coal over and above the stipulated amount under the Trade Agreement. Pakistan insisted that she receive all coal by rail. We preferred to supply coal by sea owing to our tight wagon position and worked out that even by sea, Indian coal would cost less to Pakistan than coal from some other countries.
(b) Pakistan agreed to take 50 thousand tons of cement during the next three months.

(c) Pakistan did not commit herself to import of Indian machinery, household appliances etc.

(d) India failed to commit herself to lift Pakistani jute to the extent under the Agreement.

(e) India did not commit herself to take increased quantity of Pakistani newsprint, fish, fowl, betal nuts, etc., which they were in a position to supply to us. This was largely because of foreign exchange difficulties and the fact that these commodities are not essential commodities.

(f) There was no progress on border trade. Our border people are getting adjusted to alternative sources.

4. In addition to the items under the Agreement discussed at the Review, India also took up with the Pak delegation the following:

i. Increasing harassment of Indian industrial and commercial interests in Pakistan.

ii. Recovery of timber washed down by the floods from Kashmir.

iii. Failure of Assam-Bengal Cement Co., Ltd., East Pakistan to buy Assam coal as in previous years.

iv. Closure of river communication for commercial traffic on river Ganga (Padma) in West (East?) Bengal where both banks belong to Pakistan.

The Leader of the Pakistan delegation made a note of these items but did not give any reply.

5. The Review helped the two sides to get a better appreciation of the thinking of each other which might help in negotiating the next Trade Agreement in 1960.

Yours Sincerely,

(Narendra Singh)
Limited Payments Agreement between the Governments of India and Pakistan.

Karachi, 3 December 1959

The Government of India and the Government of Pakistan, animated by the desire to develop and strengthen trade between the two countries and promote closer economic relations, have agreed to the exchange of certain commodities on a self-balancing basis under the following Payments Agreement. This Agreement shall be in addition to the normal trade under the existing Trade Agreement between the two countries.

**Article I**

All payments in respect of the sale and purchase of the commodities listed in the schedules at Annexure I up to the values mentioned therein, shall be made by Pakistan and India in nonconvertible Indian rupees.

**Article II**

For the exclusive purpose of facilitating such payments, the National Bank of Pakistan, Karachi, shall open a separate Clearing Account (hereinafter referred to as Account 'A' with the State Bank of India.

**Article III**

Payments in respect of the sale and purchase of the commodities listed in the said schedules, shall be cleared through Account 'A'.

**Article IV**

All transactions in the commodities listed in the said schedules for the purposes of Account 'A' shall be valued either on FOR or C&F basis depending on the terms of the contracts entered into.

**Article V**

Account 'A' shall be a self-balancing Account with a swing limit of Rs. 25 lakhs (Rupees Twenty five lakhs only) on either side. When the outstanding amount in Account ‘A’ exceeds the swing limit, limit the country running an import surplus may suspend imports temporarily, while the country running an import deficit shall take steps to expedite imports so that the imbalance is rectified. The rate of interest and technical details for the operation of Account ‘A’ shall be as settled between the National Bank of Pakistan and the State Bank of India as per Annexure II.
Article VI

In order to facilitate the implementation of this Agreement, the two Governments shall review the working of this Agreement and other consequential problems arising therefrom at the expiry of three months from the date of signature and compare the debits and credits on either side to devise such measures as may be mutually agreed upon to rectify the imbalance, if any, in favour of one or the other country.

Article VII

In case of any change in the parity rate of the rupees on either side, the balance in Account ‘A’ shall be adjusted in proportion to the change in the rate.

Article VIII

If at the close of the currency of this Agreement, there remains any amount outstanding in Account ‘A’ to the credit of either Government, the same shall be liquidated by the import of goods mentioned in the schedules by the country concerned except that if a small balance not exceeding say Rs. 1,000/- (Rupees one thousand only) remains unadjusted for six months after the termination of this Agreement, this amount may be adjusted by a remittance from Pakistan if the account is in debit or a remittance from India if the account is in credit.

Article IX

The list of commodities in the schedules may be amended from time to time by mutual consent.

Article X

This Agreement shall be valid for a period of one year with effect from the date of signature and may be extended for such further period as may be mutually agreed upon.

Article XI

This Agreement is signed in Karachi on the third day of December 1959 in two original copies in the English language, both of which are authentic.

For and on behalf of the Government of India. Sd/- (K.R.F. Khilnani) Leader Indian Trade Delegation

For and on behalf of the Government of Pakistan Sd/- (I. A. Khan) Leader Pakistan Trade Delegation
The sale and purchase of commodities exchanged under this agreement will be subject to laws, rules, regulations and procedures in force from time to time governing imports and exports in either country.

[Note: The Annexure I listing the commodities for import/export is omitted]

ANNEXURE II

Banking Arrangement between the State Bank of India and the National Bank of Pakistan for Financing the Movement of Goods under the Limited Payments Agreement between Pakistan and India

December 3, 1959.

The National Bank of Pakistan, Local Principal Office, Karachi, shall maintain a special non-convertible Indian Rupee Account with the State Bank of India, New Delhi, for the purpose of making and receiving of payments in respect of the sale and purchase of commodities covered by the above Limited Payments Agreement dated the 3rd December 1959. This account shall be styled “NATIONAL BANK OF PAKISTAN CLEARING ACCOUNT ‘A’.”

2. All claims or adjustments in respect of goods exchanged under this Agreement as also all bank charges shall be settled through the said account.

3. The account shall have a swing limit of Rs. 25 lakhs (rupees twenty five lakhs only) on either side subject to the proviso that all outstanding Letters of Credit and other commitments on the part of either the National Bank of Pakistan or the State Bank of India shall be honoured, even if the balance, debit or credit, exceeds the said limit. The balance in the account, both credit and debit shall carry interest at 2 1/2% per annum on a daily product basis, and this interest shall be credited or debited monthly to the said account under the advice to the National Bank of Pakistan.

4. The handling of transactions under this agreement shall be restricted to the National Bank of Pakistan on the side of Pakistan and to the State Bank of India on the side of India. The inter-branch transfers in India for credit or debit to the Clearing Account shall be effected at par.

PROCEDURE:

5. Exports from Pakistan to India

The Offices of the National Bank of Pakistan handling export documents will send these documents under the covering schedule to the concerned office of the State Bank of India in India, and will at the same time send a copy of this schedule to the State Bank of India, New Delhi.
Exports from India to Pakistan

The offices of the National Bank of Pakistan opening Letters of Credit will advise the credits through the concerned offices of the State Bank of India in India, and will send a copy of each such Letter of Credit to the State Bank of India, New Delhi.

Collecting offices of both National Bank of Pakistan and State Bank of India will advise the respective remitting offices on the other side of the payment of each bill received for collection. Copies of such advices issued by offices of the State Bank of India will in each case be sent to the National Bank of Pakistan, Local Principal Office, Nicol Road, Karachi.

The State Bank of India, New Delhi, will send weekly statements of account to the National Bank of Pakistan, Local Principal Office, Karachi. The statements will indicate the relative bill and Letter of Credit number against each item posted in the Statement; and also the name of the office of the National Bank of Pakistan concerned.

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LETTERS Exchanged between the Leaders of the Indian and Pakistan Delegations

No.1. Letter from The Leader of Pakistan Delegation:

Ministry of Commerce
Karachi

3rd December, 1959

K.R.F. KHINANI, Esquire.,
Leader, Indian Trade Delegation, Karachi

Dear Mr. KHILNANI,

You would recall that with reference to Article VII of the Limited Payments Agreement signed today, the National Bank of Pakistan had raised the point that the exchange guarantee under that Article should also cover the next forward commitment of the National Bank of Pakistan. You stated that it would not be possible for you to make any commitment on this point without consulting the Reserve Bank of India, but promised to take up the matter with them on your return to New Delhi. Should the Reserve Bank of India, for any reason, not find it possible to accept the point made by the National Bank of Pakistan, the matter would be raised in the Review Meeting contemplated under the Agreement.
I hope you will kindly confirm that the above correctly sets out the discussions between us on this issue..

Yours sincerely
Sd/- I. A. KHAN

[This letter was confirmed in reply by the Leader of the Indian Delegation]

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No. 2

Ministry of Commerce

Karachi
3rd December, 1959

K.R.F. Khilnani, Esquire
Leader, India Trade Delegation, Karachi

Dear Mr. Khilnani,

We have today signed a Limited Payments Agreement. The transactions under this Agreement shall be made in non-convertible Indian rupees. The purpose of this Agreement is to promote trade between two countries by exchange of commodities on a balanced basis without involving any expenditure of foreign exchange. With a view to achieve this end we discussed and agreed that every endeavour shall be made to transport goods, as far as possible, without involving expenditure of foreign exchange.

I hope you will kindly confirm that the above correctly sets out the understanding reached between us.

Please refer to your letter of 3rd December, 1959, regarding the Limited Payments Agreement between India and Pakistan which reads as follows:

The Limited Payments Agreement between India and Pakistan which we have just signed, will be without prejudice to any contracts or any movement of goods between the two countries independent of this Agreement in the normal commercial manner.

I shall be grateful if this is confirmed by you.

Yours sincerely,
Sd/- I. A. KHAN

************************
K.R.F. Khilnani, Esquire
Leader, Indian Trade Delegation, Karachi

Dear Mr. Khilnani,

Please refer to your letter of 3rd December, 1959, regarding the Limited Payment Agreement between India and Pakistan which reads as follows:

“The Limited Payments Agreement between India and Pakistan which have just been signed, will be without prejudice to any contracts or any movement of goods between the two countries independent of this Agreement in the normal commercial manner.

I shall be grateful if this is confirmed by you.”

I confirm the understanding as set out in your letter quoted above.

Yours Sincerely

Sd/- I. A. Khan

Mr. K.R.F Khilnani,
Leader, Indian Trade Delegation, Karachi.

Dear Mr. Khilnani,

Please refer to your letter of 3rd December, 1959 concerning our discussion in course of negotiations on the Limited Payments Agreement, which reads as follows:

“I refer to our discussions regarding Limited Payments Agreement between the Governments of India and Pakistan to develop and strengthen trade ties between the two countries and develop trade in addition to normal trade under the existing arrangements between the two countries.
The two Governments, desirous of expanding the trade between the two countries as much as possible, like to provide adequate facilities for import and export of goods from and into either country in accordance with the export and import and foreign exchange regulations in force from time to time in the two countries.

I had made a mention of India's capacity to supply the requirements of Pakistan of light engineering goods. India's export in these lines has been steadily growing and I expressed the hope that Pakistan also would be able to avail herself of the goods that India can supply competitively as to quality and price.

I made a special mention of the following items:
- Domestic sewing machines and parts. Cycle parts and accessories.
- Diesel engines.
- Electric motors.
- Electrodes. Transformers.
- Bolts, nuts, screws and rivets. Agricultural implements and accessories.
- Umbrella ribs.
- Transmission towers.
- Textile machinery parts and accessories. Steel lockers, locks, vault doors and office equipment. Fluorescent tubes and fittings.
- Aluminum foil
- Aluminum sheets and circles.

Your delegation assured me that Pakistan Government will make arrangements that these goods would be covered under the heading “Hardware and light engineering goods and machinery”.

It was also agreed that we should explore new lines of trade as well as the old lines in which the trade has dwindled down and find out ways and means of furthering trade in those items.

I shall be grateful if this is confirmed by you.

I confirm that the letter correctly records the discussions we have had.

Yours sincerely

Sd- I. A. Khan

K.R.F. Khilnani Esquire
Leader, Indian Trade Delegation, Karachi.
A Trade Delegation from Pakistan, led by the Hon. Mr. Hafizur Rehman, Minister of Commerce, arrived in New Delhi on March 14, 1960, for negotiating a new trade agreement to replace the Indo-Pakistan Trade Agreement which expired on January 31, 1960.

After preliminary discussions between the Hon. Mr. Hafizur Rehman, Pakistan Minister of Commerce, and Hon. Shri Lal Bahadur Shastri, Indian Minister of Commerce and Industry, negotiations continued between the Pakistan and Indian Delegations at official level. The two Delegations exchanged views on the impediments in the smooth flow of trade between the two countries and felt that closer trade and economic relations would be to their mutual benefit, and that there was considerable scope for expanding the present level of trade between the two countries.

As the result of these negotiations, a new Trade Agreement was signed in New Delhi on March 21, 1960 by Mr. I.A. Khan on behalf of Pakistan and by Shri K.B. Lall on behalf of India. The validity of the Agreement, which comes into immediate effect, will be for a period of two years and may be extended for a further period of one year provided either Government does not give notice to the contrary. Letters have also been exchanged between the two Delegations extending the validity of the last Trade Agreement till March 20, 1960. The new Trade Agreement comes into force from today.

Appended to the new Trade Agreement are two Schedules, indicating the commodities available for export from India and Pakistan respectively. The export and import of commodities mentioned in the Schedules as well as those not mentioned therein will be subject to the laws, regulations and procedures of either country. The Agreement also provides for the most favoured nation treatment being accorded to the commerce of either country.

A Protocol to the Agreement has also been signed, which supersedes the Limited Payments Agreement signed at Karachi on December 3, 1959. The values of commodities to be exchanged under this Protocol have been raised from Rs.2 crores to Rs.4.10 crores either way. Under this arrangement, Pakistan has agreed to supply India with jute cuttings to the extent of Rs.1 crore and also to raise the ceiling for cotton from Rs. 1 crore to Rs.1.5 crores. India, on the other hand, has agreed to supply Pakistan with iron and steel to the extent of Rs. 1 crore and has raised the ceiling for cement and biri leaves from Rs. 70 lakhs to Rs. 150 lakhs. The list of items to be exchanged has also been enlarged to cover, inter-alia, the following items:-
Betel leaves, films, fish (dried and salted), drugs and medicines (Ayurvedic and Unani), rock salt, betel nuts, Kapok, etc. from Pakistan, and betel leaves, films, spices, groundnut seeds H.P. S. and stone boulders etc., from India.

As in the previous Agreement, the two Governments have entered into special arrangements by means of another protocol, for supply by India of coal, hard and soft wood and stone boulders to Pakistan. Pakistan has also agreed under this Protocol to supply India with raw jute, the quantity and value will be determined as heretofore. In spite of India’s own difficulties in regard to movement and supply of coal, she has agreed to make available to Pakistan, by rail and by sea, an additional quantity of 30,000 tons per month over and above one lakh tons of coal per month to both wings of Pakistan in accordance with the provisions of the Trade Agreement.

The question of the extension of the border trade arrangements provided for under Schedule ‘D’ of the last Trade Agreement for meeting the day-to-day requirements of the people living within a ten mile belt of the border between East Pakistan on the one hand and West Bengal, Assam and Tripura on the other, was also discussed. While the Pakistan Delegation felt that border trade did not lead to bona fide trade, they, however, agreed to hold further consultations in this behalf.

The two delegations also felt that there was scope for co-operation in respect of the production and exchange of several commodities, such as raw jute, raw cotton, coal, newsprint, pig iron, steel of different sorts including structural, cement and wood and timber. The two delegations agreed that it would be desirable to take such steps as might be found practicable to promote commodity consultations with a view to entering into long-term arrangements of mutual benefit.

The two delegations expressed the hope that the new Trade Agreement would lead to a considerable expansion of trade and economic co-operation between the two countries to their mutual advantage.

The working of the Agreement will be reviewed from time to time, at least once a year. The Protocols will also be subject to review every six months.
Joint Communiqué issued at the end of Review talks on India – Pakistan Trade Agreement


Meetings between the Indian and Pakistan Trade Delegations to review the Trade Agreement took place in New Delhi from March 22 to March 28, 1961. The agreed minutes of the meeting were signed on March 28 by Mr. I. A. Khan for Pakistan and Mr. K. R. F. Khilnani for India. The progress made was noted and the difficulties experienced in the working of the Agreement were examined in detail. It was agreed that steps would be taken to facilitate further movement of trade. The ceilings agreed for the first year have been repeated for the second year in addition to the carry-over of the balances of the first year except in the case of live stock. The groups have been re-arranged and one group has been deleted, but the commodity (betel leaves) mentioned there in has been moved to another group, i.e. miscellaneous commodities. The ceilings for the current year would be as follows:-

Group A – Fresh fruits, fruit plants and seeds ........ Rs. 40 Lakhs
Group B – Raw cotton from Pakistani bidi leaves, Cement, stone boulders and railway materials etc. from India....... Rs. 150 Lakhs
Group C – Live stock including horses from Pakistan... Rs. 5 Lakhs
Group D – Jute cuttings from Pakistan Steel materials and coal from India. ....... Rs. 100 Lakhs
Group E – Miscellaneous commodities...... Rs. 115 Lakhs

Total — Rs. 410 Lakhs

It is expected that as a result of the detailed review, the flow of trade will increase.

◆◆◆◆◆
Joint Communiqué issued at the end of Trade Review Talks between India and Pakistan.

New Delhi, June 2, 1962.

Talks were held at New Delhi from May 23 to June 1, 1962, between the Pakistan Trade delegation led by Mr. K. S. Islam, Joint Secretary, Ministry of Commerce, and the Indian Trade Delegation led by Mr. S. Vohra, Joint Secretary, Ministry of Commerce and Industry. The working of the Indo-Pakistan Trade Agreement (1960-63) was reviewed and decisions were taken regarding the value of the commodities to be imported by the two countries in the final year of the Agreement ending March 20, 1963. The talks were held throughout in a cordial atmosphere.

The two major commodities to be supplied respectively by Pakistan and India both under the Special Payments Arrangement and against convertible foreign exchange during the third year of the Agreement are cotton to the extent of 1,00,000 bales and coal at the rate of 1,30,000 tons per month.

It was agreed that the unutilized amounts of the ceilings of the last two years under the Special Payments Arrangement will be carried over into the third year. In addition the ceilings fixed under this Arrangements for the third year are: Rs. 40 Lakhs for import of fruits by each country, Rs. 210 lakhs for import of cotton and Rs. 40 lakhs for import of jute cuttings by India, Rs. 180 lakhs for import of coal by Pakistan, Rs. 70 lakhs for import of iron and steel items, bidi leaves, railway material, cement etc. by Pakistan and Rs. 115 lakhs for import of miscellaneous commodities by each country.

Difficulties experienced in the free flow of trade between the two countries were discussed and measures were agreed upon for removing the bottlenecks.

The Agreed Minutes of discussions were signed today by the Leaders of the two Delegations.
2657. Joint Communiqué issued at the conclusions of Trade Talks between India and Pakistan.

Rawalpindi, July 17, 1964.

An Indian delegation led by Shri Y.T. Shah, Joint Secretary to the Government of India in the Ministry of Finance, Department of Economic Affairs, arrived in Pakistan on July 1, 1964 to purchase Kangni and Joshi rice from Pakistan. The visiting delegation held discussions at the Ministries of Commerce and Agriculture and works. As a result of these discussions, the Governments of Pakistan and India on July 17, 1964 concluded an agreement in Rawalpindi under which Pakistan would supply Kangni and Joshi rice to India valued at Rs. 36.5 million during the next six months. In exchange, India would supply to Pakistan coal, railway equipment and other specified commodities over the next 12 months. A Protocol for the exchange of these commodities was concluded on July 17, 1964.

The two Governments also concluded another Protocol providing for the exchange of fresh fruits to the value of Rs. 5 million each way during the next 12 months.

The Agreement for the sale of rice was signed by Mr. M. Khurshid, Secretary, Agriculture, on behalf of the Government of Pakistan. The Protocol for import of coal and other specified Indian goods as well as the Protocol for exchange of fresh fruits was signed by the Commerce Secretary, Mr. M. Aslam. Shri Y.T. Shah, Leader of the Indian delegation, signed the Agreement and the two Protocols were signed at a ceremony in Rawalpindi.

The Indian delegation comprised Shri Shah (Leader), Shri H.K. Kochar, deputy Secretary in the Ministry of Commerce and Shri Ishwar Chandra, Deputy Secretary in the Department of food.

◆ ◆ ◆ ◆ ◆
2658. Protocol I (of 1965) to the Trade Agreement of 1st September 1963 between the Governments of India and Pakistan.


In pursuance of Article VI of the Trade Agreement between the Government of India and the Government of the Islamic Republic of Pakistan signed on the 1st September 1963, and with reference to the Agreement dated the 17th July 1964, for the import of 70,000 tons of rice from Pakistan into India, as also the subsequent Agreement, dated the 11th January 1965, for the import of another 50,000 tons of rice from Pakistan into India, the two Governments have agreed to enter into the following special arrangement to facilitate, on a self-balancing basis, the exchange between the two countries of the commodities mentioned in the schedule below to the extent of the values mentioned against each subject to the conditions mentioned herein after:

**SCHEDULE**

<table>
<thead>
<tr>
<th>Export from Pakistan to India</th>
<th>Exports from India to Pakistan.</th>
<th>Against Agreement Dated 11/1/63</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joshi Rice) 365</td>
<td>Coal 260</td>
<td>Rs. (lakhs)</td>
</tr>
<tr>
<td>Kangni Rice)</td>
<td>Biri Leaves 20</td>
<td>160</td>
</tr>
<tr>
<td>(Agreement dated 17.4.64)</td>
<td>Spices 25</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Lime Stone 10</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Umbrella fittings 10</td>
<td>5</td>
</tr>
<tr>
<td>Joshi Rice) 260</td>
<td>Crude drugs 10</td>
<td>5</td>
</tr>
<tr>
<td>Kangni Rice)</td>
<td>Railway Equipments 25</td>
<td>20</td>
</tr>
<tr>
<td>(Agreement dated 11.1.65)</td>
<td>Stone boulders 5</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Tea Machinery Nil</td>
<td>14</td>
</tr>
<tr>
<td>Khari Salt Nil</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Law books Nil</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Silbatta Conch, Shells and buffalo</td>
<td>Horns  Nil 5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total 625</td>
<td>Total 365</td>
</tr>
<tr>
<td></td>
<td></td>
<td>260</td>
</tr>
</tbody>
</table>
2. All payments in respect of sale and purchase of the commodities listed in para 1 shall be made by Pakistan and India in non-convertible Indian Rupees up to the values mentioned therein into and from the special rice account styled as “National Bank of Pakistan – Special Rice Account” which has been opened by the National Bank of Pakistan with the State Bank of India in pursuance of Protocol I (of 1964) to the Trade Agreement of 1st September 1963. The value of rice exported from Pakistan under the rice agreement dated the 17th July 1964 has already been credited to the “Special Rice Account” referred to. The value of rice to be supplied under the rice agreement dated the 11th January will likewise be credited to that account. The value of commodities imported into Pakistan from India, as listed in the Schedule in Paragraph 1 above, is already being debited, in respect of the values shown in column (4) of the Schedule, to the Special Rice Account and will continue to be so debited for further imports in respect of values of commodities shown in columns (4) and (5) of the Schedule.

3. Imports into Pakistan of Indian commodities as listed in the Schedule will be deemed to have been made against the values shown in column (4) of the Schedule until the provision thereunder is exhausted. Thereafter, the imports will be deemed to have been made against the provision as made in column (5). The imports will proceed in this manner irrespective of the state at which payment is credited to the Special Rice Account in respect of the rice to be delivered by Pakistan under the Rice Agreement dated the 11th January 1965.

4. All transactions in respect of the commodities to be imported into Pakistan shall, for the purpose of the Special Rice Account, be valued either on F.O.R. or F.O.B. or C&F basis depending on the terms of the contract entered into. The rice exported from Pakistan under this Arrangement shall be valued on F.O.B. basis.

5. In case there is insufficient credited balance in the Special Rice Account to meet payment in respect of imports into Pakistan from India, the State Bank of India shall allow an over-draft in the Special Rice Account and all outstanding Letters of Credit and other commitments on the part of the national Bank of Pakistan shall be honoured by the State Bank of India. The balance in the Special Rice Account, both credit and debit, shall carry interest at 2.5% per annum, on a daily product basis, and this interest shall be credited or debited monthly, to the Special Rice Account under advice to the National Bank of Pakistan.

6. In case of any change in the parity rate of the Indian Rupee, the balance in the Special Rice Account shall be adjusted in proportion to the change in the rate.
7. It is the intention of both Governments that rice should be imported into India by the 31st March 1965 and the Indian goods be imported into Pakistan by the 11th January 1965. If at the end of this period, there has been any shortfall shall be made good by supplying coal of equivalent value instead, over the next three months, that is, by the 11th April 1966. If any Rupees lie to the credit of the Special Rice Account as on 11th April 1966, by reason of any shortfall in the supply of coal in lieu of the shortfall of other commodities, as provided for in para 1, then the said funds shall be remitted in convertible Pounds sterling to Pakistan in three equal monthly instalments as follows:-

<table>
<thead>
<tr>
<th>No. of instalment</th>
<th>Date of remittance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st instalment</td>
<td>11th April 1966</td>
</tr>
<tr>
<td>2nd instalment</td>
<td>11th May 1966</td>
</tr>
<tr>
<td>3rd instalment</td>
<td>11th June 1966</td>
</tr>
</tbody>
</table>

8. While the export and import of goods between the two countries as envisaged under this arrangement will take place on the basis of commercial contracts to be executed between the parts directly concerned in the two countries, both Governments will in every way facilitate the movement of goods and will, inter alia, issue import/export licences where necessary.

9. In case of any shortfall in the delivery of rice to India which might affect the estimated imports into Pakistan commodities of the value of Rs. 625 lakhs, the value of the various Indian goods to be exported to Pakistan will stand revised in the same proportion.

10. All payments under Letters of Credit for import of coal into Pakistan from India established or after the 17th July 1964 shall be made from the Special Rice Account. In respect of other commodities as listed in paragraph 1 above, this arrangement shall apply

   a) in respect of biri leaves, lime stone, spices, umbrella fittings, crude drugs, railway equipment and stone boulders to all contracts concluded on or after the 17th July 1964

   b) in respect of tea machinery, khari salt, law books, sil batta, conch shells and buffalo horns to all contracts concluded on or after the 11th January 1965.

11. The provisions of Protocol I (of 1964) to the Trade Agreement of 1st September 1963 signed on the 17th July 1964 will be deemed to have been modified to the extent the provisions of the said Protocol are at variance with the provisions of the present Protocol.
12. This Protocol is signed in Rawalpindi on the Eleventh January 1965 in two original copies in the English language both of which are equally authentic.

For and on behalf of the Government of India.

Sd/- Y.T. Shah
Joint Secretary to the Government of India and Leader of the Indian Delegation.

For and on behalf of the Islamic Republic Of Pakistan.

Sd/- M. Aslam
Secretary to the Government of Pakistan and Leader of the Pakistan Delegation.

2659. Joint Communiqué issued by the Government of India on the Indo-Pakistan Agreement on Telecommunications.

New Delhi, April 2, 1968.

A meeting of the representatives of the Telecommunication Administrations of India and Pakistan was held at New Delhi from March 30 to April 2, 1968.

The Indian Team was led by Mr. L.C. Jain, Chairman, Post and Telegraph Board, and the Pakistan Team was led by Mr. Mir Mohammed Hussain, Director-General, Telegraph and Telephone.

The two Teams reviewed the working of the telecommunication services in the light of the Agreement signed at Karachi on October 11, 1967. It was observed that there was steady improvement in the services between the two countries after these were fully restored on November 1, 1967. The meeting discussed measures to be taken for further improvement in these services. In this regard various measures were agreed upon. Both the Administrations agreed to install improved equipment in their respective countries on the three major routes, namely, Lahore-Amritsar New Delhi, Calcutta-Dacca and Karachi-Jodhpur-Bombay. It is hoped to complete these improvements by the middle of May, 1968.

The two Teams examined the pattern of traffic between the two countries and it was felt that, to ensure free flow of traffic between the two countries, accounting procedures could be conveniently simplified to the mutual benefit of both the countries. After discussions it was agreed that for terminal traffic exchanged
between the two countries, there may be no sharing of revenues. This arrangement will be effective for all traffic between the two countries from November 1, 1967.

It was also agreed that the telegraph and telephone rated for traffic from one country to the other may be streamlined and these should be comparable in the two directions. The two teams agreed that, depending upon the growth of traffic, further upgrading of the circuits both in respect of quality and capacity, would be kept under review.

The discussions were held in a cordial atmosphere and there was genuine desire on both sides to encourage the flow of telecommunication traffic between the two countries.

2660. Press Release issued by the High Commission of India in Pakistan reproducing the Press Note issued by the Ministry of External Affairs in New Delhi regarding resumption of trade between India and Pakistan.

Karachi, October 30, 1969.

The Government of India have contradicted persistent reports appearing in the East Pakistan Press that India is not in favour of import of fish on large scale from East Pakistan.

A Press Release issued in New Delhi states: “The fact is that as in case of other items of trade between the two countries, the Government of India would welcome import of fish from East Pakistan. This is particularly so because of acute shortage of fish in West Bengal. The problem is not that India does not wish to import fish from East Pakistan but that Pakistan refuses to resume its trade links with India.

The Government of India have since 1965 made their position perfectly clear in regard to trade with Pakistan. It unilaterally lifted ban on trade with Pakistan in May 1966 and had since made several proposals for resumption of trade between the two countries. As recently as July this year, the Prime Minister repeated her offer in this respect to President Yahya Khan. However all efforts by India have met with a negative response from Pakistan. President Yahya Khan’s reply to our Prime Minister’s letter clearly showed that Pakistan adheres
to its policy of refusal to resume trade or any other contacts unless what Pakistan calls 'Basic Disputes' may be reproduced freely with or without acknowledgement are settled first. The Government of India would continue to make efforts to persuade Government of Pakistan that trade between India and Pakistan would benefit peoples of both countries".


New Delhi, 30 November 1974

RECALLING the provisions of the Simla Agreement of 1972 to progressively restore and normalise relations between the two countries,

REAFFIRMING the desire of their respective Governments for resumption of trade and cooperation in economic and other agreed fields,

RESOLVING to explore possibilities of establishing channels of trade on a mutually beneficial basis,

REALISING the significant opportunities arising out of economic growth in the two countries, and

DESIRING to develop and extend the commercial relations between their two countries on the basis of equality and mutual benefit.

The Delegations of India and Pakistan which met in New Delhi from 26 to 30 November, 1974,

HAVE agreed as follows:

1. Necessary steps will be taken by both countries to lift the embargo on trade between the two countries with effect from 7th December, 1974.

2. Trade will be conducted on the basis of free convertible currency in accordance with the foreign exchange regulations in force from time to time in each country.

3. Trade between the two countries will be on the basis of the most-favoured-nation treatment in accordance with the provisions and decisions of the GATT.
4. To begin with, and unless otherwise agreed, trade will be conducted on Government-to-Government basis or through Government Controlled Trade Corporations of the two countries, for which purposes representatives of the concerned organisations will meet from time to time.

In this connection, the immediate possibilities of commencing trade in the following commodities was noted:

- Cotton
- Engineering goods
- Jute manufactures
- Iron Ore
- Railway equipment
- Rice
- and Tea.

5. Keeping in view the importance of immediate restoration of direct shipping services between the two countries for facilitating the movement of goods and trade, it was agreed that experts of the two countries should meet in December, 1974 to work out details in this regard. Likewise, discussions will be arranged at a mutually convenient time for the restoration of the rail links to serve mutual trade:

6. A Trade Agreement will be concluded between India and Pakistan in the near future for which purpose a delegation from India will visit Pakistan in the first week of January, 1975. This Protocol will come into force on the date of signing.

Sd/- Y.T. Shah
Commerce Secretary
Government of India

Sd/- Ejaz Ahmad Naik
Commerce Secretary
Government of Pakistan

New Delhi, 15 January 1975

RECALLING the provisions of the Simla Agreement of 1972 to progressively restore and normalise relations between the two countries, and

RECALLING further the Protocol on Resumption of Trade between India and Pakistan signed at New Delhi on the 30th November, 1974, and

RESOLVING to restore direct shipping services between the two countries,

The Delegations of India and Pakistan, which met in New Delhi from the 11th to 15th January, 1975,

HAVE agreed as follows:

1. Necessary steps will be taken by both the countries to restore direct shipping services by the 15th February, 1975, on the principles of sovereign equality, and mutual benefit.

2. Such services will cover the carriage of cargo between the two countries.

3. Such carriage will only be by the vessels of the mercantile marine sailing under the flag of either country in accordance with its laws and regulations.

4. All cargo between the ports of the two countries shall be carried on the principle of equality in matters relating to cargo liftings and freight earnings on an annual basis.

5. Vessels of either country will load in the ports of one country only such cargo as is destined for the other country.

6. For coordination of all questions connected with the operation of direct shipping services between both the countries, the Government of India hereby nominate the Director General of Shipping, Bombay on their part and the Government of Pakistan likewise nominate the Director General of Ports and Shipping, Karachi, on their part.

7. The authorities referred to in Article (6) will nominate the shipping companies of their respective countries to determine by mutual discussion the details of operation of the services. For this purpose, the representatives of the Shipping Companies shall meet, as early as possible, on a mutually convenient date.

8. The vessels of either country, their crew, and cargoes shall be admitted to the territorial waters and the ports of the other country and shall be accorded the most-favoured-nation treatment relating to their entry,
stay loading/unloading of cargo, leaving of the ports, and all necessary facilities for safe maritime navigation.

9. The provisions of Article (8) shall be subject to Article (5) and such restrictions as are or may be imposed, from time to time, by the laws of either country.

10. Either country shall adopt, within the limits of their laws and port regulations, all appropriate measures to facilitate and expedite maritime traffic, to prevent delays to vessels and to expedite the carrying out of customs and other formalities, applicable at the ports.

11. All ship documents including those relating to nationality, registration, tonnage and survey issued or recognised by one country shall be recognised by the other country.

12. Either country shall recognise the seamen’s identity documents issued by the appropriate authorities of the other country.

13. Holder of Seaman’s identity documents specified in Article (12) shall, during the stay of the vessel in the ports of the other country, be permitted to land on temporary shore leave without visa, on his obtaining a Landing Permit valid for a period not exceeding 24 hours, provided he deposits his Continuous Discharge Certificate with the Immigration Authorities and provided further that the crew list has been submitted to the concerned authorities in accordance with the laws and regulations in force in the port. The said person shall be subject to customs control. His entry and stay in port shall be governed by the provisions of the India-Pakistan Visa Agreement of the 14th September, 1974, and the laws and regulations in force in that port.

14. When a member of the crew disembarks in the port of the other country due to illness, he shall be permitted to enter a hospital. He shall also be permitted to rejoin ship or be repatriated if a member of the crew is left behind for reasons such as “missing the ship”, or his transfer from the ship, he shall be permitted to rejoin ship or be repatriated.

15. The captain of the vessel staying in the port of the other country or a person authorised by him shall be permitted and assisted to contact or visit the Consular official representing the interest of the other country.

16. If a vessel of either country be involved in maritime peril or encounters any other danger off the coast or in the ports of the other country, the vessel, the cargo, the crew and the passengers shall receive the same assistance which is accorded to a national vessel, its cargo, crew and passengers. This will be subject to the respective laws and international obligations of the two countries.
17. The cargo, ship stores, machinery spares etc., of the damaged vessel which have to be off loaded, shall not be subject to customs duties and taxes provided the same are taken out of the country within a reasonable period.

18. All payments and expenses relating to shipping services between the two countries shall be effected in freely convertible currency in accordance with the foreign exchange regulations in force from time to time in each country.

19. The representatives of the two authorities referred to in Article (5) above shall meet, as necessary, to discuss and resolve all outstanding problems. If they are unable to settle any question concerning the interpretation or application of this Protocol, such questions shall be referred to the respective Governments for settlement.

20. To facilitate urgent consultations in matters relating to implementation of this Protocol and any arrangements made thereunder, visas shall be granted immediately, on request, to four nationals of either country nominated by the respective authorities referred to in Article (6), for travel to the other country. Names and full particulars of the nationals so nominated shall be exchanged as soon as possible and Consular authorities representing the interest of both the countries informed accordingly.

21. Both the governments shall take necessary steps to rescind with effect from the 1st February, 1975, the existing restrictions on the entry of merchant vessels of their countries to each other’s ports.

22. The working of this Protocol shall be reviewed by the two Governments after the lapse of one year and thereafter as may be mutually agreed upon.

23. This Protocol will come into force on the date of signing.

Sd/-
M. Ramakrishnayva
Secretary to the
Government of India,
Ministry of Shipping and
Transport and Leader of the
Indian Delegation

Sd/-
K. T. Kiowai
Secretary to the
Government of Pakistan
Ministry of Communications
and Leader of the
Pakistan Delegation

New Delhi, 15th January, 1975

The Government of INDIA and The Government of PAKISTAN,
DESIRING to develop, extend and strengthen the commercial relations between the two countries on the basis of equality and mutual benefit,
HAVE AGREED as follows:

Article 1
The two Governments shall, subject to the laws, regulations and procedures in force in their respective countries from time to time, take all appropriate measures to facilitate, strengthen and diversify trade between the two countries.

Article 2
In order to advance the objectives of Article 1 of this Agreement, the two Governments shall also encourage relevant enterprises and organizations of their respective countries to explore the scope for long-term contracts and, where appropriate, to conclude such contracts.

Article 3
The two Governments undertake to grant import/export licences in accordance with their respective laws and regulations relating to import/export and foreign exchange. To begin with, and unless otherwise agreed, trade will be conducted on Government-to-Government basis or through Government controlled Trade Corporations of the two countries.

Article 4
Ir The two Governments shall accord to each other in their trade regulations the most favoured nation treatment in accordance with the provisions and decisions of the GATT.

Article 5
The two Governments agree to cooperate effectively with each other to prevent infringement and circumvention of the laws, rules and regulations of either country in regard to matters relating to foreign exchange and foreign trade.

Article 6
In order to advance the objectives of this Agreement each Government shall, subject to the laws and regulations in force in its country encourage and facilitate the holding within its territory of trade fairs and exhibitions by enterprises and organizations of the other country.

Article 7
All payments and charges in connection with trade between the two countries shall be effected in freely convertible currency in accordance with the foreign exchange regulations in force from time to time in each country.

Article 8
The goods exported from Pakistan and India under this Agreement will be of Pakistan and Indian origin and for consumption in India and Pakistan respectively. The said goods shall not be re-exported to third counties.

Article 9
For the purpose of promoting the aims of this Agreement a Committee of representatives to be designated by the respective Governments shall be established.

The committee shall meet at least once a year, or as often as may be mutually agreed upon alternatively in India and Pakistan.

The Committee shall:
(a) review the implementation of the provisions of this Agreement;
(b) examine and recommend measures for the solution of problems which may arise in the implementation of this Agreement or in the course of the development of trade between the two countries;
(c) consider proposals made by either of the Governments, within the framework of this Agreement, aimed at further expansion and diversification of trade between the two countries.

Article 10
This Agreement shall come into force on the date of signature and shall be valid for a period of one year. Thereafter, it shall automatically be extended for two years unless, within a minimum period of three months prior to the expiration of the initial period validity of one year, either Government gives to the other a written notice of its intention to terminate the Agreement.

DONE at Islamabad on Twenty-third day of January, 1975, in, two originals in English, both texts being equally authentic.

Sd/- Y.T. Shah Sd/- Ejaz Ahmad Naik
Secretary to the Secretary to the
Government of India Government of Pakistan
Ministry of Commerce, Ministry of Commerce
Leader of the Indian Delegation Leader of the Pakistan Delegation
Memorandum of Understanding
Islamabad, 23 January 1975

1. For the purpose of giving effect to the provisions of Article 7 of the Trade Agreement and ensuring expeditious settlement of trade transactions under contracts concluded hereafter and other transactions incidental thereto, the two Governments recognize the need of commercial banks in India and Pakistan entering into suitable agency arrangements, subject to laws and regulations in force in the respective countries from time to time. These arrangements will be applicable only to trade transactions concluded after the 23rd January, 1975. Exports from India to Pakistan will be covered by irrevocable documentary letters of credit opened by a bank in Pakistan with a bank in India and expressed in convertible currency. Similarly, exports from Pakistan to India will be covered by irrevocable documentary letters of credit opened by a bank in India with a bank in Pakistan and expressed in convertible currency.

In order to avoid multiplicity of banks handling transactions in initial stages on either side, such transactions may for the present be confined to the State Bank of India in India and the National Bank of Pakistan in Pakistan. Suitable agency arrangements may be entered into between these two banks for this purpose. As trade between the two countries gathers momentum, arrangements may be reviewed at a later date with a view to including other banks in the financing of trade between India and Pakistan.

2. In accordance with clause 4 of the Trade Protocol of 30th November, 1974, the delegations from the concerned Organizations are scheduled to meet at the end of January, 1975 to explore the possibilities of trade in cotton. The delegations of the Government controlled corporations of the two countries will meet in March or April, 1975 in New Delhi to explore the possibilities of trade in other commodities such as, engineering goods, jute manufactures, tea, coal, iron and steel products, rice bidi leaves and railway track materials etc., which have been indicated as available for export. Further meetings of the representatives of the concerned Organizations will be held as and when necessary.

This Memorandum of Understanding will constitute an integral part of the Trade Agreement signed on this date.
Joint Press Release

In pursuance of the provisions of the Trade Agreement and the Memorandum of Understanding concluded between India and Pakistan at Islamabad on the 23rd January, 1975, a ten member delegation led by Mr. Izharul Haque, Chairman of the Trading Corporation of Pakistan visited India from the 22nd April to the 30th April 1975 and held a series of discussions with the Indian Trade Delegation led by Shri Vinod Parekh, Chairman of the State Trading Corporation of India.

During the course of its stay in India, the Trade Delegation from Pakistan visited various commercial and industrial establishments in and around Delhi, Bangalore, Madras and Bombay to acquaint themselves with the range, specifications, prices and delivery schedules of products which could be of import interest to Pakistan.

The two delegations agreed upon the modalities to be followed in the conduct of mutual trade: it was agreed that the focal point for coordinating trade enquiries and exchange of other relevant information would be the State Trading Corporation of India, New Delhi and the Trading Corporation of Pakistan, Karachi.

Consequent upon these discussions and visits, the two delegations identified specific areas in which commercial transactions could take place to the mutual advantage of both sides. The items of immediate interest agreed to by the two delegations were – Pig Iron, Coal, Coke and 

\textit{Bidi leaves}.

The two delegations agreed that details and specifications furnished in respect of Engineering Goods required further examination in Pakistan.

DONE at Islamabad on 23rd January, 1975, in two originals, both of which are equally authentic.

Sd/- Y.T.Shah  
Secretary to the Government of India  
Ministry of Commerce, Leader of the Indian Delegation

Sd/- Ejaz Ahmad Naik  
Secretary to the Government of Pakistan  
Ministry of Commerce, Leader of the Pakistan Delegation

* * *
Corporation of Pakistan will communicate with the State Trading Corporation of India with a view to facilitating conclusion of contracts on a mutually acceptable basis. For this purpose, exchange of specialized purchase and sales teams would be arranged as and when required.

The two delegations further agreed to initiate action through their respective shipping agencies nominated by the two Governments to negotiate and determine the freight rates applicable in respect of items of trading interest.

The Chairman, Trading Corporation of Pakistan extended an invitation to Chairman, State Trading Corporation of India to visit Pakistan on a mutually convenient date.

2665. Record Note of discussions held between the Indian Trade Delegation and the Pakistan Trade Delegation from 11th to 14th January, 1976.

Islamabad, January 14, 1976.

As envisaged in the Trade Agreement and the accompanying Memorandum of Understanding signed between India and Pakistan at Islamabad is January 1975, a seven-member Indian Trade Delegation led by Mr. Vinod Parekh, Chairman, State Trading Corporation, visited Pakistan from 11th to 14th January 1976, to continue discussions with the Pakistan Trade Delegation headed by Chairman, Trade Corporation of Pakistan, Mr. Riaz Ahmed Naik, on the further expansion of trade between the two countries.

2. During its visit, the Indian delegation visited a number of commercial and industrial establishments in Pakistan. Several rounds of talks were held between the two delegations and the leader of the Indian delegation also visited Islamabad for discussions with the Secretary, Ministry of Commerce, Government of Pakistan.

3. In the course of these discussions, the two sides reviewed the progress made in the expansion of trade between the two countries since their last meeting in April 1975. They expressed satisfaction that it had been possible to finalist contracts for the export of pig iron and bidi leaves from India and hoped that there would be further similar contracts leading to an expansion in the two-way trade.
4. Both sides agreed that it was necessary to take steps to facilitate and speed up the exchange of trade information between the two countries. Towards this end, they agreed on the following:

i) Tenders, Trade enquiries etc. floated by Government and Public Sector agencies will be communicated expeditiously to the agencies concerned in the other country.

ii) Public Sector agencies in one country may deal directly with their counterparts in the other.

5. The two delegations identified specific commodity groups in which commercial transactions could take place to the mutual advantage of both sides. The items of interest agreed upon were:

1) Coal and coke.
2) Automobile components including Tyres and Tubes and Tractors and Tractor components.
3) Railway material.
4) Iron and steel items.
5) Ferro Alloys.
6) Chemicals.

6. To expedite negotiations in this regards, it was agreed that specialized Trade Teams from appropriate Public Sector agencies in both countries would visit each other as frequently as necessary.

7. The Indian Delegation expressed their deep appreciation of the warm hospitality extended to them during their visit to Pakistan.

8. The leader of the Indian Delegation extended an invitation to the Chairman, Trading Corporation of Pakistan, to visit India at an early date.

Sd/-
(Vinod Parekh) (Riaz Ahmed Naik)
Leader of the Indian Trade Delegation and Chairman, State Trading Corporation of India, New Delhi. Leader of the Pakistan Trade Delegation and Chairman, Trading Corporation Pakistan, Karachi.
Progress of trade between India and Pakistan was reviewed at Islamabad between January 11 and 14, 1976 during the visit of a seven member Indian trade delegation to Pakistan led by Shri Vinod Parekh, Chairman of State Trading Corporation. During their stay, export contracts of pig iron and bidi leaves from India were signed and the two delegations expressed the hope that there would be further similar contracts for purchases from India leading to an expansion in the two way trade. The Indian delegation has returned here this morning.

Both sides agreed that it was necessary to take further steps to facilitate and speed up the exchange of trade information between the two countries. Towards this end, it had been decided that tenders and trade enquiries floated by Government and public sector agencies would be communicated expeditiously to the agencies concerned in the other country. The two delegations had also agreed that public sector agencies concerned in the other country might deal directly with their counterparts in the other.

The two delegations identified specific commodity groups in which commercial transactions could take place to the mutual advantage of India and Pakistan. These commodities were coke and coal, automobile components including tyres and tubes, tractors and tractor components, railway materials, iron and steel items, ferro alloys and chemicals.

It was also agreed that specialized trade teams from appropriate public sector agencies in both the countries would visit each other as frequently as necessary.

The Indian trade delegation held detailed discussions with Trading Corporation of Pakistan, Pakistan Automobile Corporation, Pakistan Tractor Corporation, Water and Power Development Authority, Railway Board, Pakistan Tyre Corporation, Federal Light and Heavy Engineering Corporation and other engineering units. They also called on the Pakistan Commerce Secretary at Islamabad.

The Leader of the Indian delegation extended an invitation to the Chairman, Trading Corporation of Pakistan to visit India at an early date.

Pak Team

It may be recalled that a Pakistani delegation led by Mr. Izharul Haque, Chairman of the Trading Corporation of Pakistan, visited India towards the end of April...
last year to probe the prospects of increasing trade between the two countries. The Pakistani delegation visited various commercial and industrial establishments in and around Delhi, Bangalore, Madras and Bombay to acquaint themselves with the range specifications, prices and delivery schedules of products which could be of import interest to Pakistan. They also expressed interest in commodities like iron and steel products, engineering goods including railway track material, coke and coal and bidi leaves.

Trade between India and Pakistan was resumed on December 7, 1974 in accordance with the protocol signed here between the two countries earlier. A formal Trade Agreement was concluded in Islamabad in January, 1975 envisaging a Most-Favoured Nation treatment in accordance with the provisions and decisions of General Agreement on Trade and Tariff to each other. It was also agreed that the trade between the two countries would be conducted on Government to Government basis or through Government controlled trading corporations.

The initial trade Protocol listed several items for mutual exchange including cotton, engineering goods, jute manufactures, iron ore, railway equipment, rice and tea. The list was later enlarged to include Coal, Coke and bidi leaves.

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Press Release issued by the Pakistan Ministry of Commerce clarifying that no special facilities or concessions had been given to India in its trade with Pakistan.

Islamabad, August 16, 1976.

A section of our Press and some political elements have, of late, been trying to distort and misrepresent the normalization of relations between India and Pakistan. The latest example of this perverse exercise in falsehood is a report published in NAWAI WAQT about the Indo-Pakistan Agreement. This report is replete with inaccuracies and it has tried to misrepresent the nature and consequences of trade between Pakistan and India.

The report tries to make out that Indian goods imported into Pakistan would adversely affect our industry and economy. It has claimed, for example, that bicycles will be imported from India, and this would damage the bicycle industries in Pakistan. This is a deliberate and patent falsehood, because there is no question of importing items like bicycles from India.
It has to be made clear that the recently concluded trade agreement with India is on the lines of the trade agreements concluded by Pakistan with other countries of the world. No special privileges or favours have been granted to India under this agreement. This trade agreement will operate under the overall context of the general import policy, announced by the Ministry of Commerce for the fiscal year 1976-77. The Government’s policy has given adequate safeguards to the local industries and manufactures. Most of the items, which are manufactured in the country, are banned from import. Only those items, which are either not produced in the country at all or are not adequate to meet the domestic requirements, are importable and in the latter case adequate protection has been given to the local industry and manufactures by levying import duties.

In addition to these safeguards contained in the import policy, the Government keeps a watchful eye on the international market and carries out a revision of the import duties in accordance with the price fluctuations in the world and in the interest of protecting the local industry. It has been alleged that India produces cheap goods, which will harm the local industry. The import policy takes sufficient care of this situation. Moreover, why should Pakistan not buy importable items from India at cheap rates; instead of wasting its valuable foreign exchange on purchasing these items from other countries on higher prices? It may also be pointed out that Pakistan imports a large number of items from China, which is one of the cheapest sources in the world, but it has not done any harm to the local industry. How can this happen in case of imports from India?

The report has mentioned the prospective import of iron bars and cycles from India. This is a malicious propaganda. The import of these items is totally banned under the Import Policy Order, 1976. The question of import of these items from India, therefore, does not arise. It may also be pointed out that the import of some other items is the exclusive monopoly of the Trading Corporation of Pakistan, for example, billets and iron and steel pipes. The question of import of these items by private traders does not arise. As these items are imported in the public sector, the Government will naturally not only import these items from the cheapest source, but will also look after the interest of the local industry.

The Indo-Pakistan trade in the private sector has been opened with effect from the 15th July, 1976. The private traders in the two countries are still exploring and the contacts between them have not been so intensive and extensive as reported in the Urdu daily. No foreign trade delegation, whether governmental or private, can visit Pakistan or a similar Pakistani delegation visit a foreign country without the permission of the government. No request has been received from India by the Government of Pakistan for the visit of any trade delegation. The report that two trade delegations from India will be visiting Pakistan in the near future is absolutely baseless and tendentious.
It has been maliciously alleged in this report that trade with India will affect the balance of trade of Pakistan adversely, as goods worth fifty crores of rupees will be imported from India. The spite in this report is obvious. The trade with India will be in the context of the overall import policy of the country and will not be outside that import policy. The items which are to be imported by the country to meet its domestic requirements will obviously be imported from the cheapest source in the world including India, but excluding certain specific countries, such as South Africa, Israel, etc. The imports from India, therefore, will not be an additional burden on the balance of trade but, in fact, the Indian goods will have to compete with the goods imported from other countries into Pakistan.

It has been maliciously alleged in the report that the Indian tradesmen will act as middlemen for trade between Pakistan and Bangladesh. The public in the country is aware that Pakistan has already entered into a trade agreement with Bangladesh in order to allow direct flow of trade between the two countries. The question of Indian tradesmen becoming middlemen in the Pak-Bangladesh trade does not arise. Similarly it has been tendentiously alleged that the trade with India will affect Pakistan’s trade with Muslim countries. This is also not correct, as the pattern of trade with India will not be the same as with Muslim countries and Pakistan has surplus goods and commodities which are required by India. Already, informal enquiries have been made by India for the purchase of Pakistani cotton and the trading circles are fully aware how Pakistan faced difficulty sometime back for the disposal of its surplus cotton. The trade with India will not affect Pakistan’s trade with the Muslim countries, which will not only be maintained but continue to grow.

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2668. Note from Embassy of Pakistan in India to Ministry of External Affairs.

New Delhi, September 28, 1976.

Most Immediate
Embassy of Pakistan
New Delhi

No. Trade/1/76 September 28, 1976

The Embassy of Pakistan presents its compliments to the Ministry of External Affairs and has the honour to state that while the State Bank of Pakistan has taken up with the Reserve Bank of India the question of settlement of trade transactions between Pakistan and India through the A.C.U.; as an interim measure, Pakistani importers have been authorized to open letters of credit for imports from India in convertible foreign exchange. It has been reported, however, that the Government of India have imposed certain restrictions on exports from India to Pakistan which do not apply to exports to other countries; whereby the exporter has to obtain a licence for export to Pakistan by producing evidence of an irrevocable letter of credit in convertible foreign exchange. Pakistan nonetheless, has not laid any special condition for exports from Pakistan to India which are permitted under the normal regulations applicable to exports to other countries.

2. The matter is being brought to the notice of the Ministry of External Affairs, with a view to ascertaining the correct position as regards the procedures adopted by the Government of India to regulate exports to Pakistan. If extraordinary restrictions are applied to exports to Pakistan these would tend to restrict trade and removal of such restrictions would contribute to the growth of trade between the two countries. It is hoped too that the Government of India would find it possible to agree to the proposal for settlement of trade transactions between the two countries through the A.C.U.

The Embassy of Pakistan avails itself of this opportunity to renew to the Ministry of External Affairs, the assurances of its highest consideration.

The Ministry of External Affairs,
(Attention Mr. S.N. Puri, Dy. Secretary (Pak-aff)
New Delhi.

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2669. **Agreed Minutes of the Trade Review Talks between India and Pakistan held in New Delhi from the 11th of April, 1977 to the 14th April, 1977.**

A meeting between the delegations of the Government of India and the Government of Pakistan was held to review trade between the two countries in New Delhi from the 11th to 14th April, 1977. The Indian delegation was headed by Dr. P.C. Alexander, Secretary (Foreign Trade), Government of India and the Pakistan delegation was headed by Mr. E.A. Naik, Commerce Secretary, Government of Pakistan. The composition of the two delegations is at Annexure – I.

2. **The following agenda was adopted for the review talks:**

1. Review of working of the 1975 Trade Agreement
2. Review of trends of trade
3. Review of Transport arrangement-
   a) railways and (b) road.

3. At the outset the Leader of the Indian Delegation extended a warm welcome to the Pakistan Delegation and expressed the hope that the meeting would review the implementation of the Trade Agreement between the two countries with a view to promoting bilateral trade. The Leader of the Pakistan Delegation thanked the Government of India for the hospitality extended to the Pakistan Delegation and also expressed the hope that the review talks would help to find solutions for the problems that have come to notice in Indo-Pakistan trade since its resumption in November 1974.

**Agenda Item No. 1: Review of Working of the 1975 Trade Agreement.**

With reference to Article 9 of the Trade Agreement between the Government of India and the Government of Pakistan, it was agreed that the Committee envisaged in this Article be set up for promoting the aims of the Trade Agreement. It was agreed that permanent members of the Committee may be designated at this stage. Other concerned officials on either side may be coopted at the time of the deliberations of the Committee keeping in mind the problems that may arise from time to time. The Committee would consist of the following permanent members:

<table>
<thead>
<tr>
<th>Indian side</th>
<th>Pakistan side</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Secretary (Foreign Trade)</td>
<td>Secretary Commerce</td>
</tr>
</tbody>
</table>
3. A representative of the Min. of External Affairs
4. Joint Secretary/Deputy Secretary, Department of Foreign Trade – Member Secretary.

With reference to the provisions of Article 10 of the Trade Agreement, the two sides noted that the validity of the current Trade Agreement between the Government of India and the Government of Pakistan would extend up to 22nd of January, 1978. It was agreed that the two sides would take appropriate action in due course regarding the future of the Trade Agreement.

The provisions of the Memorandum of Understanding dated 23rd January, 1975 attached to the Trade Agreement were reviewed by the two sides. In view of the changes already introduced on both sides in financial and banking procedures applicable to trade transactions, particularly the introduction of the Asian Clearing Union for settlement of accounts, it was decided that the said Memorandum was no longer necessary. It was, therefore, agreed that the said Memorandum may be deleted. Article 7 of the Trade Agreement provides the necessary framework for regulating arrangements for trade transaction hereafter.

**Agenda Item No. 2: Review of Trends of Trade**

The trends of trade between the two countries were reviewed. It was pointed out by the Pakistan side that since the induction of private sector in trade between Pakistan and India, letters of credit for a value of 30 million $ for imports into Pakistan from India had been opened up to the end of February 1977, whereas exports from Pakistan to India were negligible. The Pakistan side expressed concern over this trend which amounted to one-way traffic in trade between the two countries and suggested that efforts may be made to narrow down this gap. The Indian side indicated that according to their figures for the period April 1976 to March 1977, licences issued for export from India to Pakistan were of the order of Rs. 20 crores. Imports from Pakistan during this period amounted to Rs. 1.7 crores. It was stated that since the accounting periods varied, the figures did not tally. However, the trend was clear that while exports from India to Pakistan had picked up substantially after the induction of private sector, the imports from Pakistan to India were at a negligible level.
6360

The Indian side stated that they were fully conscious of the need for the promotion of two-way trade and indicated that they would be willing to effect imports from Pakistan and towards this end suggested that identification of exportable items from Pakistan to India may be made so that the gap could be narrowed.

It was indicated that Pakistan was exporting approximately 200 items on a global basis. While noting that cotton and rice are likely to be the major items of export from Pakistan to India, the Pakistan side indicated some other items available for export to India. The following items were indicated by the Pakistan side as having good prospects, for immediate export to India.

1. Cotton yarn
2. Rock salt
3. Fresh and dried fruits
4. Gypsum
5. Industrial alcohol
6. Tobacco
7. Onyx; and
8. Medicinal herbs.

This list was understood to be indicative and not a comprehensive one. The Indian side stated that some of the items suggested by the Pakistan side are not permissible for imports to India. However they would give due consideration to the suggestions made by the Pakistan side and would let the Pakistan side know of the possibilities of imports shortly.

The Indian side enquired about the possibility of import of naphtha and furnace oil from Pakistan. In respect of these items, it was indicated by the Pakistan side that the normal policy was to invite international tenders for sale, in which Indian parties could also participate. However the possibility of a deal between the respective public sector organizations in the two countries would be examined in consultation with the Ministries concerned in Islamabad.

It was indicated by the Indian side that they would continue to explore possibilities of increasing imports from Pakistan in order to promote two way trade.

**Agenda Item No. 3. Review of Transport Arrangements:**

(a) **Railways:**

The problems of movement of goods by rail were discussed and the Indian side presented on Aide-Memoire on the subject to the Pakistan side which is at Annexure II. The Pakistan side agreed to refer these problems to the concerned authority for examination.
(v) Road:

The problems connected with transport by road were discussed. The Indian side suggested that if a system of back-to-back loading/unloading and joint customs inspection could be introduced, the volume of goods transported by road could be increased, thereby relieving pressure on the railway system. It would also improve the economy of road transport. The Pakistan side agreed to consider the proposals and to refer them for examination to the appropriate authorities. It was agreed that, in order to further consider these proposals a meeting of the experts of the two sides at an appropriate level may be arranged at a mutually agreed date.

Agenda Item No. 4: Measures for Promotion of Bilateral Trade

The Pakistan side was of the view that the liberal import policy followed by Pakistan had facilitated a higher level of Indian exports to Pakistan. On the other hand, the Indian import policy did not favour to the same extent, imports from Pakistan into India. The Indian side pointed out that in their opinion there was nothing in the import policy of India which was inhibiting imports from Pakistan; on the other hand it was the inadequacy of export items of interest to India in Pakistan which was limiting the flow of imports from that country.

In order to explore new items of export from Pakistan to India, it was felt that appropriate encouragement would be necessary for visits by businessmen on both sides. In order to promote contacts between the business communities on the two sides, it was also suggested that better facilities for travel from India to Pakistan may be provided. The Pakistan side stated this matter was under examination.

The talks were held in a friendly and cordial atmosphere and the two sides agreed that the meeting of the Committee constituted under Article 9 of the Trade Agreement between the two, Governments be held before the end of 1977, at Islamabad.

Sd/-
Dr. P.C. Alexander
Secretary, Foreign Trade
Ministry of Commerce
Government of India,
New Delhi

Sd/-
E.A. Naik
Secretary Commerce,
Leader of the Pakistan Trade Delegation

New Delhi, the 14th April, 1977.

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# Annexure – I

**Composition of Indian and Pakistan Delegations**

<table>
<thead>
<tr>
<th>Indian Delegation</th>
<th>Pakistan Delegation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Leader</strong></td>
<td><strong>Leader</strong></td>
</tr>
<tr>
<td>1. Dr. P.C. Alexander</td>
<td>Mr. Ejaz Ahmad Naik,</td>
</tr>
<tr>
<td>Secretary (Foreign Trade)</td>
<td>Secretary</td>
</tr>
<tr>
<td>Ministry of Commerce</td>
<td>Ministry of Commerce.</td>
</tr>
<tr>
<td><strong>Members</strong></td>
<td><strong>Members</strong></td>
</tr>
<tr>
<td>2. Shri G.S. Sawhney</td>
<td>Mr. Hamid D. Habib,</td>
</tr>
<tr>
<td>Member, Customs &amp; Excise</td>
<td>Chairman, Export Promotion Bureau.</td>
</tr>
<tr>
<td>3. Shri A.N. Varma,</td>
<td>Mr. Shahid M. Amin,</td>
</tr>
<tr>
<td>Joint Secretary</td>
<td>Minister, Embassy of the Islamic Republic of Pakistan, New Delhi.</td>
</tr>
<tr>
<td>Ministry of Commerce</td>
<td></td>
</tr>
<tr>
<td>New Delhi.</td>
<td></td>
</tr>
<tr>
<td>4. Shri S.N. Puri,</td>
<td>Mr. M.W. Farooq,</td>
</tr>
<tr>
<td>Deputy Secretary</td>
<td>Executive Director,</td>
</tr>
<tr>
<td>Min. of Commerce</td>
<td>State Bank of Pakistan</td>
</tr>
<tr>
<td>5. Shri P.G. Manked.</td>
<td>Mr. Khalid Amin,</td>
</tr>
<tr>
<td>Deputy Secretary,</td>
<td>Deputy Secretary,</td>
</tr>
<tr>
<td>6. Shri N.N. Khanna,</td>
<td>Mr. K.K. Suri,</td>
</tr>
<tr>
<td>Deputy Secretary,</td>
<td>First Secretary,</td>
</tr>
<tr>
<td>Ministry of Commerce</td>
<td>Embassy of the Islamic Republic of Pakistan, New Delhi.</td>
</tr>
<tr>
<td>New Delhi.</td>
<td></td>
</tr>
<tr>
<td>7. Shri A. Ramji,</td>
<td></td>
</tr>
<tr>
<td>Joint Director (Traffic)</td>
<td></td>
</tr>
<tr>
<td>Railway Board.</td>
<td></td>
</tr>
<tr>
<td>8. Shri N. Dayal,</td>
<td></td>
</tr>
<tr>
<td>Counsellor, Embassy of India, Islamabad.</td>
<td></td>
</tr>
<tr>
<td>9. Shri S.L. Malik,</td>
<td></td>
</tr>
<tr>
<td>First secretary, Embassy of India, Islamabad.</td>
<td></td>
</tr>
</tbody>
</table>

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Annexure – II
Aide – Memoire

Streams of Traffic
There are two distinct streams in the flow of traffic from India to Pakistan:
(i) Piecemeal traffic loaded from various stations in the country (logs and timber chemicals, cycle parts etc.)
(ii) Bulk traffic loaded from major producing centres like cement factories and steel plants.

Traffic Potential
According to present estimates traffic potential by rail is to the tune of about 100 wagons per day – requiring the running of 2 trains daily – one to clear piecemeal traffic of about 40 wagons and the other to clear the bulk movement of about 60 wagons.

Present Position
Presently the clearance of traffic by Pakistan Railway is very inadequate and irregular. Only 8 to 9 wagons, on an average, are able to get across. Movement takes place on hardly 10 to 12 days in the month. The trends of movement during the past 3 months are given below:

<table>
<thead>
<tr>
<th>Month</th>
<th>Average number of Wagons made over Daily</th>
<th>Number of days receipt of traffic from India was Restricted</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 77</td>
<td>8</td>
<td>19</td>
</tr>
<tr>
<td>February 77</td>
<td>9</td>
<td>20</td>
</tr>
<tr>
<td>March 77</td>
<td>9</td>
<td>17</td>
</tr>
</tbody>
</table>

Traffic Awaiting Clearance
There is a heavy backlog. Over 750 wagonloads are awaiting clearance, despite loading having been regulated for the past 10 to 15 days. Indian Railways have stopped accepting registrations for Pakistan traffic. A large number of LCs are reported to be expiring.

Constraints
There is no official communication from Pakistan setting out the difficulties encountered in handling the traffic from India. An Indian team of Railway Divisional officials who visited Lahore for a meeting in January, 77 noted that the main problems relate to:-
(A) Spare constraints in Lahore area inhibiting the free handling of traffic in Lahore Goods shed.

(B) Late receipt of documents by consignees due to procedural and postal delays.

Suggested Remedies

According to the existing Rail Agreement between the two countries, traffic in wagon loads can be booked, through to destinations which are open for the booking of goods. Traders and Government Agencies may diversify the loading patterns accordingly and not confine all loading to Lahore alone. This will necessitate a review of the present procedure of Customs examination of all freight traffic at Lahore only.

Dumps should be created for various types of bulk traffic like cement, steel etc., at suitable locations where the wagons could be unloaded for further distribution as required.

Documents such as railway receipts, bill of lading, etc., may move through the Train Guard of through a Courier Service daily. Pakistan Governments (Railway, Customs, and Banking Departments) would, however, have to clear these arrangements. If wagons could be released and consignments delivered promptly on the basis of these authenticated duplicate documents, it is likely that much of the hold ups may disappear.

As far as bulk traffic is concerned, details have to be worked out with the Pakistan Railway and Customs. Without sorting out the related technical matters concerning bulk movement it is not possible to start the movement of steel plant traffic, cement etc. to Pakistan. A meeting at the headquarters level has been suggested on the 14th April, 1977 at Attari.
The Indian Railways delegation to Islamabad, Pakistan, has achieved a significant breakthrough in their talks with the Pakistan side which is likely to give a boost to exchange of goods and parcels traffic between the two countries.

The annual meeting between the Railway delegations of India and Pakistan took December 26 to 29, 1977. The Indian delegation was led by Shri S.N. Sachdev, Director, Traffic Transportation, Ministry of Railways (India) and the Pakistan delegation was led by Mr. Sheikh Anwar Hussain, Joint Secretary, Ministry of Railways (Pakistan).

Both sides took note of the increasing level of freight traffic and assessed the scope of its further increase. To meet the demand of traffic, detailed procedure for exchanging 100 wagons daily was laid down. The procedure now agreed upon provides for greater flexibility in the day-to-day transactions of wagons between the two countries. A significant breakthrough was also achieved by realistically reformulating the standards of wagons, interchangeable between the two countries, in the light of changes in design and other structural modifications. This will enable more wagons becoming acceptable for loading and exchange between India and Pakistan. Iron and steel traffic from India to Pakistan has been steadily on the increase and to enable a higher volume of this traffic moving into Pakistan, the interchange of bogie open flat wagons, which carry heavy steel material, has been accepted in principle by both countries. Special rules have been framed to facilitate a regular flow of bogie open flat wagons between India and Pakistan. The Pakistan side has also assured that more and more terminals will be diversified and dumps created to deal with bulk traffic in iron and steel, asbestos pipes, conductors, cement, etc.

Another important decision taken at the meeting relates to the facility of a daily parcel service between the two countries. Modalities have been worked out to provide a bogie parcel van daily on the Express train running between Amritsar and Lahore.

The talks were held in a frank and cordial atmosphere and the decisions taken at this meeting are expected to come into force from February 1, 1978.
2671. Joint Press Statement issued on the conclusion of India-Pakistan Trade Talks.

Islamabad, May 9, 1978.

The Commerce Secretaries of the Government of the Islamic Republic of Pakistan and the Government of the Republic of India met in Islamabad from the 6th to the 8th May, 1978 to review trade relations between the two countries. The talks were held in a cordial and friendly atmosphere.

The two sides acknowledged the need for strengthening mutual commercial relations and agreed to promote bilateral trade. The Pakistan side explained that the prevailing regulatory mechanism governing external trade in either country was not suited to the conduct of bilateral trade in accordance with the principles of equality, mutual benefit and diversification which formed the basis of resumption of trade between the two countries. The Indian side, while explaining its view that trade could be conducted on the pattern followed hitherto, expressed its readiness to cooperate in solving the problems put forward by the Pakistan side.

In recognition of the right of an importing country to seek an orderly marketing arrangement, the two sides considered various regulatory measures which could be adopted to bring about the necessary improvements in the nature and direction of trade. They agreed in principle that indicative lists of goods and commodities in which trade would be in mutual interest would be exchanged. They further decided to resume their talks after a brief adjournment.

The problems of Pakistan were several and complex and these were explained by the Pakistan Times on May 10, 1978: “Pakistan had been particularly worried about the marked imbalance in the exchange. In the current financial year, the country has not been able to interest the Indians in anything apart from quantities of naptha fuel oil. On the other hand, Pakistani businessmen have almost made a rush of Indian goods, several of them non-essential category. Partly the phenomenon is inherent in the present situation of unequal development. Pakistan has little to compare with the range of goods India offers. The kind of imbalance this is bound to create is not necessarily harmful. It does not detract from the principle of mutual benefit. The benefit that accrues to Pakistan in such cases is that it is able to substitute costlier and more distant sources of its imports with one that is more convenient and less expensive. In the case of non-essential or of such goods as compared with our manufacturers (like some agricultural machinery), the onus would seem to lie largely on ourselves. There ought to be an effort to regulate imports in the private sector, if necessary by reducing the free list and transferring the trade in selected commodities to the public sector. The import policy should in any case have been carefully reviewed following the opening of trades with India. After following all this, there still seems room for India to be more accommodating in regard to the import of Pakistani goods. The Indian import policy is highly restrictive and has no more than 17 items on the free list (compared to Pakistan’s 400). No basic change in that can be expected, as the Islamabad statement also indicates, but there is still enough scope to make substantial adjustments and to remove bottlenecks that make even the flow of
There has also been some problems in the Indians meeting the supply schedules agreed. Pakistan’s economy, its industrial activity particularly, has been through a rough patch recently. In normal conditions and with necessary facilities there is no reason why mutual trade should not be a lot more to mutual benefit. In the interim, Islamabad, would rightly expect Delhi to appreciate the anxieties of both official and non-official circles in Pakistan; India should make a bold effort at the next round of talks to ensure that trade ties between the two countries are rationalized and put on a sounder footing.”

There was an undercurrent of worry in Pakistan as to what would happen to the Indo-Pakistan trade in view of no agreement having been reached. The official sources trying to assuage the worries of the trading community said that status quo in trade would continue. As such the letters of credit opened under the 1975 Indo-Pakistan Trade Agreement, which expired this January but were still being honoured, would be acted upon until such time as the Federal Government stopped trading with India in the private sector through a notification. The media reiterated the stand taken by Pakistan at the talks that in the absence of an agreement on new trading arrangements, the legal position regarding trade with India would revert to the provisions of the Trade Protocol signed by them in 1974.
It was very kind of you to renew during our meeting in Nairobi your earlier invitation to me to visit India. The appreciation you have shown of the difficulties that stand in the way of my visit encourages me to believe that you will bring your great experience and outstanding statesmanship to bear on their resolution.

With profound regards,

Yours sincerely

General
(M. Zia-ul-Haq)

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Pakistan’s Objection to Unrestricted Participation of Private Sector in Indo-Pakistan Trade

Trade between Pakistan and India was liberalised and thrown open to private sector from 1st July, 1976, consequent upon Joint Statement of the two countries’ Foreign Secretaries on 14th May, 1976.

2. At that time India and Pakistan were following different types of trade policies. After July 1976 while Pakistan’s liberal import policies allowed Indian private sector virtually unlimited access to the Pakistan wide open market the private sector in Pakistan did not receive reciprocal benefits in the highly protected Indian market. The change to the private sector trading coincided with the cessation of cotton exports from Pakistan, this being the only item which India had imported previously. As a result Pakistan’s exports to India after 15 July 1976 suddenly fell to almost nil while India’s exports burgeoned.

3. Apart from the large trade imbalance experienced in the first year (1976-77), the following consequences of the trade liberalization were felt :-

(a) Adverse effects on local Industry

(i) Import from India adversely affected Pakistan’s nascent domestic industry since the industrial development in the two countries is, at present, at different levels. India has the advantage of local availability of raw material and older and more advanced and sophisticated technology;

(ii) Some of the light engineering products of India were exported at artificially low prices which hit the domestic industry resulting in the closure of some, and leading to unemployment and dissatisfaction in others.

(iii) A large number of items which were not actually importable from India or from any other country found their way into Pakistan market, primarily due to mis-declaration of Indian exporters (of course in collusion with Pakistani importers).
Pakistan has developed over the years trade relations with some countries of the region which are reliable sources of supply as well as markets for Pakistani exports. Freight cost being nominal India exported many items at much lower prices causing understandable concern to Pakistan’s traditional trading partners who could hold out the threat of retaliatory measures thus affecting Pakistan’s exports. Since Indian goods compete with Pakistan’s in those markets Pakistan could ill afford to accept temporary cheaper imports from India at the cost of regular supplies from and Pakistani exports to these markets.

The level of trade with India remained open ended and there could be no limit to its dimensions. The already massive balance of trade deficit against Pakistan in the first two years of trade on private account would have grown from bad to worse leading to growing political controversy and justifiable economic discontent.

The Reasons for Reverting to ‘Government to Government’ Trade

4. The realities of limited opportunities in Indian market available to us, our unequal competitiveness with India and the liberal pattern and features of our trade regime, evolved in isolation of any trade relations with India for well over a decade, are not conducive to conducting mutually beneficial trade with India on a completely unregulated basis. It would surely be appreciate that unless there is mutuality of advantage trade with other countries cannot be palatable to industry, business and particularly the public. It was, therefore, considered necessary to evolve a framework of safeguards against the import of such items from India as adversely affected our industry as well as safeguards against an unlimited imbalance of trade. The exercise would obviously take some time and we sincerely believe that patience would be in the mutual long-term interest rather than haste which might prove counterproductive. Keeping in view these objective factors the leader of the Pakistan delegation at the conclusion of the last trade talks informally informed the leader of the Indian delegation that unless another acceptable basis was agreed to earlier, trade with India would, under the Pakistan’s import policy for 1978-79, be governed by the Protocol of November 1974. Legally this situation had in fact come about in January 1978 when the 1975 Trade Agreement had expired.

5. The public sector plays an important role in industry as well as trade in India and Pakistan. The presumption that trade in public sector would, somehow, restrict the volume of trade seems to be premised on the experience of 1975-76 when Pakistan and India, after resumption of trade relations, transacted business only in a few commodities. That was a very special period. During
that period the public sector in the two countries were trying to familiarise themselves with the procedures of respective corporations and working to identify items which could be traded. Moreover 1975-76 was the peak period of international recession which also witnessed in Pakistan a huge accumulation of public sector import inventories leaving no room for the further purchase of items which could be imported from India. Such a situation does not exist any longer. We, therefore, do not see any reason why substantial trade cannot be conducted on Government-to-Government basis.

6. Trade between the public sectors of the two countries would provide equitable and mutually advantageous framework which cannot be subjected to any political controversy. The public sector trading in both the countries could handle a much larger volume of trade and offer benefits to the partners in trade which unfortunately the private sector could not ensure.

2673. Joint Press Statement issued at the conclusion of India – Pakistan Trade Talks.

Islamabad, October 9, 1978.

The second round of trade talks between India and Pakistan was held at Islamabad from October 7 to 9, 1978.

The Indian trade delegation was led by Mr. C.R. Krishnaswamy Rao Sahib, Secretary Commerce, Government of India and the Pakistan trade delegation was led by Mr. Izharul Haque, Secretary Commerce, Government of Pakistan.

The talks were held in an atmosphere of cordiality.

The two sides reiterated their resolve to conduct trade on a mutually beneficial basis. The Pakistan side re-emphasised the problems which had caused concern in Pakistan on account of actual experience of trading in the last two years.

The Indian side, while reiterating their stand, offered to resolve all these problems.

The two sides held constructive discussions regarding the scope and modalities of trade suitable to their respective trade regions and requirements.

After a detailed exchange of views, substantial progress towards finding solutions to these problems was registered.
The two delegations agreed to hold another round of talks in New Delhi in the near future to examine the remaining issues.

Pending finalization of a trade agreement, while trade on Pakistan side would continue to be conducted through public sector agencies, on the Indian side both the private and public sectors could participate in such trade.

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2674.  SECRET

Savingram from Indian Embassy in Pakistan to Ministry of Commerce.


SAVINGRAM

From: Indembassy Islamabad
To : Foreign New Delhi

IMMEDIATE

No. 034-SAV.  January 29, 1979

Commerce Secretary from Ambassador.

Reference your enquiry about prospects for trade talks. SATTAR, who met me before returning from his meeting here, confirmed impression given to you by his Commercial Counsellor that Pakistanis were soon going to suggest early dates but we have it from fully reliable sources that nothing of this sort is contemplated, other commitments making any resumption with us physically impossible for several weeks, and political circumstances making progress equally impossible. Commerce Minister SARFRAZ, who stayed at length at function at my house two days ago, while volunteering all sorts of good intentions (which he promptly belied by very sharp criticism of us to some foreign correspondents who met him) also said we must leave timing to him.

2. This of course we are perfectly content to do, but we need to clarify basis for next round, about which officials concerned here are professing a totally different view from ours. You will recall we were discussing four lists Pakistani exports through (i) State organizations (ii) private channels, and Pakistani imports through (iii) their public sector and (iv) what they would allow
from us in their private sector. Their suggestions for fourth list were derisory, but our clear impression was we had only started discussions and no list was finalized, as we were only temporizing pending basic decision whether Pakistan was ready to sign any agreement at all. When they asked us to postpone everything, ZIA himself said some at least of our industrial goods should be included in fourth list, but his officials take the line that agreement was already reached on four lists and only timing of signing was put off. SATTAR went so far as to say Pakistan Commerce Secretary had “understanding” with you to this effect, which I promptly denied. As you know lists we were looking at represent no real change from present ban on private trading, at least unless fourth list is expanded substantially. This is not a matter of working through Public Sector (which they know we like but which in practice they are not acting through despite their promises) or of opening doors to private sector: Pakistani ban is politically directed to prevent growth of any group here which would have vested interest in good relations with us and once we accept their present formulation, they will just call it a day and not allow any change in future. It is therefore of considerable long term consequence to our interests to persist in widening of trade framework now. You might take early informal opportunity to urge through SATTAR need for expansion of fourth list as prerequisite for any agreement, emphasizing talks here had only reached exploratory stage and were far from final.

2675. Record of a meeting between Commerce Secretary and Pakistan Ambassador Abdul Sattar.

New Delhi, April 24, 1979.

DEPARTMENT OF COMMERCE

The Pakistan Ambassador, Mr. Abdul Sattar, called on Commerce Secretary at 3 PM today.

2. The Ambassador began by communicating his Government’s “wish” and “decision” to conclude a trade Agreement with India at the next round of talks. He stated that after two sessions held in May and October, 1978, both sides know each other’s position well. During the October talks, Pakistan had candidly informed the Indian Delegation that the reasons for their inability to conclude an Agreement then were neither economic nor commercial, but political. The
“timing” was not considered right. The situation is somewhat different now and Pakistan feels it necessary that an Agreement be reached at the next round. The Ambassador said that if there were any remaining problems or differences it would be advantageous to sort them out before the meeting of the Commerce Secretaries.

3. C.S. said we were happy to know that the Government of Pakistan was now in a position to resume a dialogue with us in Delhi. We ourselves feel that at the forthcoming session, an agreement should be reached. The only outstanding issue that needs resolution first relates to expansion of List IV viz., “Items to be imported from India by the Private Sector in Pakistan”. C.S. recalled the discussions he had with Pakistan’s Commerce Secretary last October when it was clarified that this list must include some manufactures particularly engineering goods. We were prepared to consider applying voluntary restraint on exports, both in terms of value and quantity, on items considered sensitive by Pakistan. But we cannot accept a total denial of trading in manufactures to the private sector in both countries. Commerce Secretary added that this point had also come up during his call on the Pakistan President who himself felt that Indian products could be included for imports through private trading channels as long as Pakistani industry was not hurt and the items were competitive. For follow-up by Pakistan, we had left a list behind giving particulars of the commodities in the engineering sector on which trade enquiries had been received from Pakistan parties.

4. Ambassador Sattar said that the impression in Islamabad was that the lists had really been finalized last October. They had in fact been approved by the Economic Committee of the Cabinet. Any amendment now would require fresh, high level clearance, which itself may mean delay and hard bargaining. His Government hoped that at the next round they would not have to reargue on points already discussed exhaustively. It has taken six months to reach a point when talks could be suggested. Pakistan’s new trade policy is to be announced on 1st July, 1979. Pakistan would like the agreement to be concluded before that date. If there were to be marginal changes in the lists, the matter could be sorted out. But such changes should not be made a pre-requisite to either holding of the next round of talks or to the signing of an agreement. Difficulties which India had in this regard could be sorted out subsequently through the inclusion in the agreement of a “review clause”; a review could be held say at end-year when items of export interest to India could quietly and “invisibly” be inserted into list IV.

5. C.S. clearly told the Pakistan Ambassador that it would be very difficult for us to sign any agreement which totally excluded engineering goods from
trading by the private sector in the two countries. He reminded the ambassador that India’s largest export item was engineering goods and the Government was fully committed to encouraging the dynamic sector and exports of value added commodities. Our Parliament would not accept any arrangement under which trade by the private sector is restricted to items which we were exporting in the “sixteenth century” especially when a wide variety of manufactures were being imported by Pakistan freely from other countries. In view of Pakistan’s sensitivity, however, we were not insisting that the entire range of engineering goods be included in our agreement; even for some items that are agreed for inclusion, we would be prepared to consider exercising self-restraint in exports.

6. C.S. suggested that if the Government of Pakistan were to consider this whole matter in terms of specific commodities, they may well find that the problem is not too difficult of resolution. C.S. said we might even be agreeable to not having a generic heading of engineering goods in List IV; instead, specific products could be identified under a formula in which:

(i) No restrictions on imports are placed on items not manufactured in Pakistan and whose entry into Pakistan is permitted under the relevant regulations;

(ii) Items in which Pakistan is totally self-sufficient and where competition is feared from more competitive Indian goods could be excluded;

(iii) Some quantitative or value restrictions could be applied on exports of those items from India for which Pakistan has some manufacturing capacity but allows import from other countries to meet the domestic requirements.

An agreement on these lines should meet Pakistan’s objective.

7. Mr. Sattar felt that his Commerce Secretary would not have a flexible enough brief to take spot decisions in Delhi which would provide for major expansion in the lists. C.S. appreciated this point and straightaway communicated our willingness to receive in Delhi, prior to the Secretary-level talks, a lower-level team from Pakistan, technically equipped to sort out this issue. Alternatively, if Pakistan desired, the matter could be resolved through diplomatic channels.

8. Mr. Sattar again urged consideration by the Government of India of the Pakistani suggestion that an agreement now be concluded, with the various lists being made the subject matter of bilateral review at a subsequent date, especially as the Pakistan Government definitely was of the view that full understanding had virtually been reached during the October talks.
9. C.S. replied that while he would certainly place the Pakistani viewpoint before the Commerce Minister, he would like to make it absolutely clear that Pakistan’s understanding that a final shape had been given to the lists in Islamabad was incorrect. C.S. added that he did not think it would be possible for Government to go in for an agreement on the basis of what had been worked out so far. In terms of Government’s policy of fostering the closest economic and commercial links with our neighbouring countries, we had already taken a large number of measures to provide for the special needs and sensitivities of Pakistan. We have been entirely sincere in our approach. We hoped that Pakistan appreciated the steps taken by us and would cooperate in arriving at a mutually acceptable formula that could also be defended in India.

10. Ambassador Sattar noted these observations and took leave stating that his Government was grateful for the principled stand adopted by India towards Pakistan which had greatly helped in creating an atmosphere of confidence in our bilateral relations.

N. Dayal  
(Director)

2676.  
SECRET  
Telegram/Savingram from Indian Embassy in Pakistan to Secretary, Ministry of Commerce.  
Islamabad, June 11, 1979.  

TELEGRAM

From : Indembassy Islamabad  
To : Foreign New Delhi  

IMMEDIATE

No. 147-SAV.  

Commerce Secretary from Ambassador.  

Dayal will have informed you that during meetings between Foreign Secretaries in Delhi May 30th Pakistanis agreed to let technical experts from both sides work out details of what Pakistani private sector could import from or export to India before final round of trade talks between your and Pakistan Commerce
Secretary. When I called on SHAH NAWAZ here June 9th to pursue various points requiring action after our Delhi meetings, this also came up, Pakistan Foreign Secretary suggesting we send our team here quickly so agreement could be worked out before June 30th announcement of Pakistan’s annual import policy. This was originally the approach of Pakistan’s Commerce Secretary but when I saw him today to work out dates, he made it clear nothing could be done by June 30th and he himself could not come to Delhi before mid-August. For discussions between technical experts he suggested first or last week of July. I deliberately emphasized on our side we were ready for the experts to meet now but he said all concerned on his side would be heavily preoccupied and invited us to come July 2nd.

2. IZHARUL HAQUE also reiterated his understanding and preference that agreement be confined to what Pakistan was ready to accept had signature been politically possible at our last round. He acknowledged you had warned him at airport before leaving Islamabad that it would be very difficult for us to accept any agreement unless it provided for some Pakistani private sector import of our engineering goods, but he maintained that basically we had agreed on the components of the four lists already. He argued that reasons for proceeding very gradually and having only very limited imports through private sector still prevailed, but to meet our point of view his Government were prepared to consider inclusion of “one or two” engineering items at present, which could always be reviewed later.

3. This promise of later expansion is meaningless. It will be recalled that when they banned private trading, the Pakistanis promised we would see how their public sector would expand trade with us and of course nothing has happened. As I told IZHARUL HAQUE, we are not interested either in the quantum of trade or in doing any favours to private sector; on contrary, we went trade to be instrument for improving relations and are ourselves very public-sector oriented. However, apart from our objections to discrimination against India, we felt private trading would promote more people to people contact, which was the best way to improve broader relations. It is of course precisely because they realize this that the Pakistani die-hards are so adamant about limiting private sector trade. Once Pakistani Government makes any concession to those die-hards it becomes virtually impossible to get them to move forward – as we are seeing in this very case of the trade ban. Pakistanis also have a habit of trying to get agreements on all sorts of oral assurances which they then proceed to forget completely. (they have incidentally been trying to project our joint statement of last October as confirming acceptance of their position – another typical Pakistani casuistry which makes it so important to insist on even punctuation marks when dealing with them.)
4. Since what they now have in mind is so insignificantly marginal a change in their position of last October, there seems to be little point in having any expert level discussions merely to work out “one or two” engineering items. Since it is also now apparent that they are not serious about having an agreement before announcing their new policy, we had best stick to our position that after such a long wait, when they have had ample time for the sort of review of their import needs and policies such as they promise us for the future, it would be impossible for us to explain to our public why we were agreeing to a “new” trading arrangement which in all practical terms was no different from the existing position, which had all along been an unacceptable to us, that we were singled out for exclusion from Pakistan’s private sector trading. As for doing business with us, Pakistan can go ahead even now through its public sector if it is serious, because trade can move even without any agreement. The new agreement must be a positive forward step, and since we have waited so long, we are prepared to wait even longer till Pakistan feels ready to accept an import arrangement which genuinely adds something to existing position and not just pan, bidi and tea.

5. I told Pakistanis I would check with Delhi when it would be convenient for our experts to come. We should in any case plead other commitments for first week July as it would be inappropriate for us to commence talks on the very morrow of their new import announcement, as though we have come running because we are still excluded. About our having any meeting at all, I suggest that you call their Ambassador in Delhi when convenient, tell him we are ready to send experts but since his Government say here they can only accept changes so marginal they would in fact be purely pro forma, we would like to resume talks even at experts level only when they have re-examined their position and are ready to improve on it significantly.
SECRET

Letter from Ambassador of India in Pakistan K. S. Bajpai
to Ministry of Commerce.
Islamabad, July 11, 1979.

Ambassador of India
Islamabad

You will have seen the gist of the Pakistan Commerce Secretary’s announcement of the Import Policy on June 30, press versions of which have been sent to you. The Dawn version which usually is fuller puts the position in more promising terms than the Pakistan Times report which, inadvertently but perhaps more accurately, reveals the real approach of the authorities here that “import from India would only be done by the public sector.”

2. I trust the Commerce Secretary is now back and that you have been able to formulate your views on the Pakistani proposal for preliminary talks at expert level to identify the items that could be traded in the private sector. Most people here knowledgeable in such matters, see very little chance of the present regime being able to undo the damage already done by the ban on private sector trading; as you know, once anybody takes a hard line position here in regard to India, he becomes a prisoner of what for convenience we can call the Nawai-Waqt lobby (though it extends far beyond that newspaper) and the fear of being accused of going soft on India inhibits all objective re-thinking. Some private firms here who are anxious to do business with us, if only to represent our concerns in negotiating with the Pakistani public sector organisations, tell me that with the acute foreign exchange position of this country, complicated by very poor aid expectations, the importers here will be compelled to turn to the cheapest source and we have very good prospects. Even they, however, accept my skepticism about anything more than nominal changes in regard to the private sector and agree that the powers in the Establishment with a negative approach towards us will probably persist in denying us even public sector contracts. However, there are some areas where, we are advised, efforts on our part would still pay dividends. Some of the projects which have been given the highest priority – e.g. power development are due to come up with aid which is of such a nature that even those in this Government opposed to doing business with us will be hard put to it to reject our bids. For example, the transmission lines from Guddu to Karachi are being financed by a Kuwaiti loan and ours should prove so much the best bid that if the Pakistanis try to raise obstacles, we should be able to intervene with the Kuwaiti benefactors. Similarly, the power project at Pipri is not likely to come up unless there is a loan from
the A.D.B. Here also, we should be able to persuade or pressurize the Pakistanis to decide on purely objective merits. I gather some projects with German aid are also of a nature that some of the components at least can be supplied by us under the aid-giver’s policy of allowing other developing countries to be suppliers.

3. To divert for a moment, Pakistani business circles in Karachi tell me that they were rather surprised we did not put in a bid for some transformers that were needed by KESC as our bid could not have been rejected. Heaven knows we have tried earlier hard enough, and I feel that our own people are so fed up with the Pakistani attitudes that we are beginning to lose interest. That is a good talking point for negotiations, but in practical terms, I feel we might continue to keep our eyes and ears open and put in bids; if only to build up a case history of Pakistani prejudices. I am endorsing a copy of this letter to JS(PAK-IRAF) and perhaps you will both advise BHEL accordingly.

4. But to revert to the main question of the further steps on Indo-Pakistan Trade negotiations, I happened to have occasion to get Najmuddin Shaikh’s views on this. I told him that during my talk with Izharul Haq, there seemed little change in the Pakistani position of confining private trade to a handful of what we now call ‘sixteenth century’ items like Paan and Bidi. Shaikh looked genuinely surprised, saying that the decision was that we should, while avoiding controversial items like engineering goods, move beyond the Brussels tariff nomenclature and accept a few broad categories – e.g. “spare parts”. I said that this approach would be a little more promising though it would be better still if Pakistan would accept our self-restrained approach and give us the negative list of what they do not want to allow into Pakistan rather than a small “positive list”. However, that was merely my standard gambit and I am not suggesting we go back to that position if there is a real possibility of the Pakistanis moving towards a reasonable agreement with us. What makes me a little intrigued by Najmuddin’s remarks is that when I called on Foreign Secretary Shah Nawaz in another context a few days later, he asked what was happening on trade; I said that we were awaiting Delhi’s reply and that in view of what Najmuddin had told me, perhaps something useful could be worked out. While seeing me off in the corridor afterwards, Najmuddin hastened to clarify that what he had said was his own impression and was not based on any talks with the Commerce Ministry. It may well be that the latter is merely safeguarding its negotiating position and taking a rigid stand now in order to make whatever little concessions they make in the actual talks look like a major change of approach. Taking the picture here as a whole, however, that is rather doubtful. I repeat my advice that our Commerce Secretary might send for Sattar (who is here for a Conference of Pakistani Ambassadors, but should be back in Delhi next week) and tell him that we have considered and are
willing to send a small team here, preparatory to the meeting of the Commerce Secretaries, that we would be glad to have just a preliminary talk if the Pakistan Government are seriously interested in a genuine, as distinct from a superficial, move away from the present discriminatory policy towards India, that is the Pakistanis were trying to make us agree to the small list which they had put forward for discussions last time, then there was a little chance of success; but if a real, however, limited, shift was possible in the Pakistani position, then we would be glad to sent you and, at most, one other expert here for discussions on the scope of private trade. I do not think we should make an issue of whether the talks are there or here – it is easier for them to get decisions here.

Yours Sincerely

(K.S. Bajpai)

Shri Naresh Dayal
Director,
Ministry of Commerce,
New Delhi.
2. The position on the ground is that the Government of Pakistan has finally released a list of 40 items in the last week of October which can now be imported by private importers through the Trading Corporation of Pakistan (TOP). As per the circular of the State Bank of Pakistan dated October 23, 1982 imports of the specified items from India will be made against irrevocable Letter of Credit to be established under Asian Clearing Union arrangement by the Trading Corporation of Pakistan on behalf of the private importers holding import licences issued by the Chief Controller of Imports and Exports. The TOP will levy a commission ranging from 1% to 2.5% depending upon the nature of goods subject to a minimum of Rs.2,000/-. 

3. While the Pakistani business community has by and large welcomed the Government’s decision they have expressed serious misgivings on two counts. Firstly, they feel that bringing in the TOP, which has earned notoriety for corruption, would result in cumbersome delays, and render the free flow of trade difficult. Secondly, they feel that the list is highly restrictive and a large number of commodities, whose import would have been economically beneficial to Pakistan, have been excluded from the list. The other point that the business community has been making is that a single journey permission in a year granted by the Government for visit to India would make regular trade contacts very difficult.

4. As far as the question of opening free trade with India at par with other countries is concerned, opinion appears to be divided. While the businessmen of Punjab area, particularly belonging to the Lahore Chamber, staunchly support the Government’s line that free trade would adversely affect Pakistan’s nascent industries and result in a huge imbalance of trade, the businessmen in Karachi favour a more liberal approach. Similarly, while the manufacturers and big import/export houses appear to be in favour of restrictive and regulated trade the medium ranking traders support freer trade with India. The big trading houses, who have well established trade contacts with Western countries are jittery of Indian competition and form the backbone of lobby which supports discriminatory trade with India. Incidentally, this lobby which consists of close relatives or associates or senior Generals or top bureaucrats, both retired and serving, is quite powerful in Pakistan and close to the powers that be.

5. In the Government also there appears to be divided opinion on the subject. While Ghulam Ishaq Khan, Federal Finance and Commerce Minister, who controls all the important economic ministries appears to be a hardliner in respect of trade with India, Sheikh Ishrat Ali during a personal discussion with Shri V.P. Punj, President, PHD Chamber delegation, at Islamabad on October 12, went as far as to suggest that India should maintain the pressure on the Government of Pakistan for eliminating the TOP as an intermediary for trade.
with India. Though in formal meetings he had been towing the Government line, in his personal capacity his attitude appears to be more moderate. However, I have a hunch that as long as Ghulam Ishaq Khan continues to be at the helm of economic ministries, a radical change in the Government’s trade policy towards India cannot be expected. Nevertheless, if the pressure is maintained by the Pakistani business community, which I assess it will, they may expand the list of 40 items and make the role of TOP less cumbersome. So far, no Letters of Credit have been opened by any businessmen and it will take some time before we can really gauge the actual impact of the decision taken by Pakistan to permit trade in 40 items with India.

6. The visit of the PHD Delegation to Pakistan was very opportune and created a favourable and lasting impact here. They had extensive meetings with local business community and had the occasion to address Lahore, Karachi, Sialkot, Gujranwala and Faisalabad Chambers of Commerce. There was record attendance in all the meetings addressed by them. During their meetings they were able to drive home the point that increased economic interaction and trade between the two countries was very much in the economic interest of Pakistan. They also convincingly dispelled the apprehension that if trade was liberalized Indian goods may flood the Pakistani markets. They were also able to remove to a large extent, the misgivings in Pakistani business circles that India’s import policy was highly restrictive. The delegation’s major success was in generating a fund of goodwill in the trading community which in due course would probably help in building a strong pro-Indian trade lobby. As you might be aware, the PHD Delegation signed two Memoranda of Understanding with Lahore and Karachi Chambers under which they formed two separate sub-committees which would meet once in three months to discuss various matters concerning bilateral trade and economic cooperation.

7. During their meetings here, Pakistani businessmen displayed a lot of interest in joint ventures in third countries and transfer of technology between the two countries. While businessmen from both sides appeared enthusiastic about the idea they did not appear to be clear about the form it could take in view of policies of their respective Governments. May be in coming months some of them would try to explore the possibilities further.

8. During the meeting with Sheikh Ishrat Ali and other officials of the Government of Pakistan on 11 November, the PHD Delegation strongly recommended elimination of TOP for ensuring smoother trade between the two countries. They also mooted the idea of opening trade centres in important commercial cities which could help the businessmen in each country to know about the products and market trends in the other. They suggested that travel formalities between the two countries should be simplified and grant of visas
made easier. Pakistan officials agreed to examine the matter, particularly the suggestion to open trade centres.

9. The Press also adopted a highly sympathetic approach and gave a wide and prominent coverage to the visit of the Indian delegation. Actually, in recent years no other trade delegation from any country in Pakistan has received so much attention from the Press as the Indian delegation did.

Yours sincerely,
(K.D. Sharma)

Shri Abid Hussain,
Secretary, Ministry of Commerce,
New Delhi.


New Delhi, March 10, 1983.

The Government of the Republic of India and the Government of the Islamic Republic of Pakistan,

Committed to the principles of peaceful coexistence,

Mindful of the need to strengthen good neighbourly relations, and

Desirous of strengthening mutual understanding, and of

Promoting their bilateral relations and cooperation in various fields,

Have agreed as follows:

ARTICLE - I

An Indo-Pakistan Joint Commission is established to strengthen understanding and to promote cooperation between the two countries for mutual benefit in economic, trade, industrial, education, health, cultural, consular, tourism, travel, information, scientific and technological fields.

ARTICLE - II

The Joint Commission will submit mutually agreed reports and recommendations within the area of its competence to the appropriate
authorities of the two governments. Both governments will consider taking such legal and administrative measures as will facilitate the fulfillment of the tasks entrusted to the Joint Commission.

**ARTICLE - III**

The Joint Commission may appoint sub-commissions as may be deemed necessary to deal with specific areas of cooperation. The sub-commissions will submit reports of their work to the Joint Commission at each session.

**ARTICLE - IV**

The Joint Commission will normally meet once a year, alternately at New Delhi and Islamabad. The respective delegations will be led by the Minister of External Affairs of India and the Minister for Foreign Affairs of Pakistan and will include, in addition, representatives designated by each Government.

**ARTICLE - V**

The sub-commissions will meet as often as mutually considered necessary and may invite, to such meetings as may be agreed, official or non-official experts and advisers.

**ARTICLE - VI**

The Joint Commission and its sub-commissions may adopt such rules of procedure as may be necessary for their functioning in accordance with the provisions of this agreement.

**ARTICLE - VII**

The decisions and other conclusions of the Joint Commission will be drawn up in for form of reports or agreed minutes.

**ARTICLE - VIII**

The agenda for each session will be prepared after exchanging proposals through diplomatic channels, at the latest in the month preceding the opening of the session, and will be adopted on the opening day of the session.

**ARTICLE - IX**

This agreement shall remain in force for a period of five years and shall be automatically renewed for each subsequent period of five years unless either party gives a written notice to the other six months in advance of its intention to terminate the agreement. This agreement may be modified by mutual consent.

**ARTICLE - X**

The present agreement is subject to ratification*. It shall enter into force provisionally on the date of signing and definitively on the date of exchange of instruments of ratification.
Signed at New Delhi on this tenth day of March 1983 in duplicate in Hindi, Urdu and English language, all the texts being equally authentic, except in case of doubt, the English text shall prevail.

For the Government of the Republic of India
Sd/- (P.V. Narasimha Rao) Minister for External Affairs

For the Government of the Islamic Republic of Pakistan
Sd/- (Shahabzada Yaqub Khan) Minister for Foreign Affairs

* The Instruments of Ratification were exchanged between the two foreign ministers on June 1, 1983 when they met in Islamabad for the inaugural session of the Joint Commission.

2680. Opening Remarks by the Pakistan Minister of Foreign Affairs and Indian External Affairs Minister at the Inaugural Session of the India-Pakistan Joint Commission meeting.

Islamabad, June 1, 1983.

Remarks by Pakistan Foreign Minister Sahabzada Yaqub Khan:

Excellency Mr. Narasimha Rao,

Ladies and Gentlemen,

It gives me great pleasure to extend to your Excellency and to the distinguished members of your delegation a warm and cordial welcome to our country on this historic first meeting of the Indo-Pakistan Joint Commission.

When the idea of this Commission was put forward by Her Excellency Prime Minister Indira Gandhi last year, it evoked a prompt and positive response from Pakistan, and President Mohammad Zia-ul-Haq had no hesitation in accepting the Prime Minister's suggestion when he met her in New Delhi on November 1 last year. The establishment of the Joint Commission is therefore a tribute to the sagacity of our leaders, whose guidance enabled us to negotiate the text expeditiously, and it was in their presence at the memorable occasion of the Non-Aligned Conference in New Delhi that Your Excellency and I had the honour and privilege or signing the agreement.

Excellency,

The concept of cooperation between neighbouring countries is by no means new. Both our countries have established Joint Commission with a number of friendly countries, including neighbors. Such commissions have a proven value...
and efficacy. They enable us to identify feasible proposals of common interest; they promote mutually beneficial cooperation within an institutionalized framework; they strengthen respective national endeavours for economic development and for improving the quality of life, in an atmosphere of harmony and cooperation. Cultural, social and economic exchanges at the level of the people can surely serve to bring nations closer to each other and to fortify the foundations on which an edifice of mutual trust and confidence can gradually be built.

Trust and confidence should indeed be the watchwords in our future dealings for liberating ourselves from prejudices and from a past haunted by hatred and seared by strife. Grace and vision should be our guiding lights for dispelling the miasma rancour and recrimination which have tended to poison and corrode our relations.

These imperatives demand that we look beyond the exigencies of the here and how, however important or pressing they may be to relate the totality of our associations to wider horizons and longer term perspectives.

It is with these deeper objectives in mind, that the Government of Pakistan and the Government of India have under consideration two other proposals our for the conclusion of an agreement on non-aggression and non-use of force and India’s for a treaty of peace, friendship and cooperation. A pact that solemnly rules out the use of force and pleges the two countries to resolve their differences exclusive through peaceful means should foster that degree of mutual confidence and sense of security which are inseparable from friendship and cooperation.

At another level, as Your excellency is aware, Pakistan as well as India, are simultaneously participating in efforts to promote cooperation in South Asia on a regional basis. That forum of seven nation should enable us all to profit from a larger reservoir of experience of knowledge and of resources. In the process, we may also hope to contribute to the promotion of peace and stability and the consolidation of good-neighbourly relations in the region. The bilateral Joint Commission will serve to supplement the cooperation already underway in the regional context.

I think it is important, at this stage, to recognize that salutary progress has already been made in the normalization of good neighbourly relations between Pakistan and India in recent years. The dialogue between us will now enter a new and more intensive phase. I am confident that the regular meetings between our two delegations in an institutionalized forum would provide fresh impetus for meaningful cooperation between our two countries.
At this first meeting of the Joint Commission, we can proceed expeditiously to organize our work. In view of the specialized and technical nature of many of the subjects. It is proposed that we may appoint four sub-Commissions.

We hope that the Sub-Commissions will be able, at this meeting, not only to identify specific proposals for the enhancement of cooperation in agreed fields but also to exchange views on some steps which can be taken at this meeting. On other aspects, more detailed consideration may be necessary in order to determine their scope and feasibility. The Sub-Commissions will, of course, continue their work in the interval between the first and the second meetings of the Joint Commission. We trust each one will recommend its own schedule.

The tasks before the Joint Commission will not always be easy, but with goodwill and sincerity we shall ensure that these first, somewhat modest steps, in a new endeavour along the path of cooperation and neighbourly understanding will be steady and sure and will not disappoint the expectations of people of goodwill on both sides of the border.

Confident in this expectation, I once again bid your Excellency a cordial welcome and hope that you and the members of your delegation will find their stay in Islamabad comfortable as well as productive.

Reply Remarks by External Affairs Minister P. V. Narasimha Rao:

Your Excellency Foreign Minister Sahabzada Yaqub Khan and members of the two delegations.

I would like to thank you and the Government of Pakistan for the warm welcome accorded to me and my delegation and for the traditionally gracious and generous hospitality that has been extended to us.

I was in your country almost two years ago to the day and am happy to be here once again. Several important developments have taken place since then. We have had the pleasure of welcoming on our soil His Excellency President Zia-ul-Haq twice and Your Excellency three times. These visits have afforded us an opportunity to know each other’s perspectives better and establish close report. The non-aligned Summit in New Delhi earlier this year enabled us to not only strengthen our contacts as members of the family of Non-Aligned nations, but also cooperate fruitfully on matters of common concern.

It is a matter of satisfaction for me and my delegation to participate in the inaugural session of the Indo-Pak Joint Commission. You will recall, Excellency, both of us signed this Agreement on March 10 in the presence of my Prime Minister Shrimati
Indira Gandhi and the President of Pakistan His Excellency Gen. Zia-ul-Haq during the Seventh Non-Aligned Summit. That this was the only bilateral agreement India signed during the Conference is indicative of the importance we attach to our relations with your country. We have gathered this morning to give substance and content to the idea that reflects the collective will of our two peoples to seek peaceful and mutually beneficial cooperation. These were the goals we had set before ourselves at Simla nearly eleven years ago.

The Joint Commission will deal with major subjects like trade, education, health, culture, consular, tourism, travel, information, communications, social sciences and economic subjects. I am accompanied by a team of officials and experts who are competent to deal with these subjects. I have come here with the expectation that the deliberations will make a concrete and substantial contribution towards creating new bonds between our countries. We have also come with full confidence that our proposals are for mutual interest and hope that your side too would find them so.

We in India earnestly seek to achieve with you normal and friendly links as between two sovereign, equal and independent neighbours. We would like cooperation with you in largest possible number of spheres of activity for the benefit of our peoples. We would like to promote exports to and from each other and to plan for greater cultural contacts on the basis of mutually agreed priorities. We would also like to ease travel restrictions and simplify procedures so that more and more people from one country can visit the other. We could open up additional routes. We could think of travel facilities for a wider cross-section of our people, who have hitherto not been exposed to each other, such as tourists and academics, scientists and engineers, youth and students, professionals and businessmen. I am happy to say that as a gesture of goodwill, we currently welcoming the first such group of students and teachers of the Dawood School of Engineering, Karachi. We would like to improve communications. We would like uniformly reduced postal rates between our two countries. Institutions and organizations dealing with similar subjects should be encouraged to increase contacts where they exist and explore possibilities of new ones where they don’t. during the deliberations of the Sub-Commissions my delegation will give you separate drafts on cultural relations and promotion of tourism between our two countries. We will also like to finalise the review of the Shipping Protocol. We would also like discussion on the review of the Visa Agreement which is nine years old now.

Much can be done in these and other fields. Taken individually these measures are utilitarian and may not therefore appear dramatic. Yet, whether they make headlines or not, they bring benefits to the common man. They also strengthen the news of friendship and prove conducive to healthy interaction between the two countries.
The fact that I have with me the largest number of officials and experts to have visited Pakistan in a single delegation from India in recent times is proof of the earnestness of our mission.

Two years ago I had occasion to voice our belief, which I am sure is common to both of us, that cooperation can transcend or be male to transcend whatever difference we might happen to have. It is this faith that infuses the structure of the Joint Commission with a sense of purpose. As the great Iqbal said, life is concealed in a search.

I cannot but think of the task before us as a quest. It may prove, at moments, an uncertain quest – searching, groping, not fully free doubt. But its intensity will be matched by the will of our peoples to seek solutions. And that is makes the exercise worthwhile and rewarding.

Our nations have been blessed with richness of resources and human skill and potential. If we are persuaded of the relevance of a particular experience to our needs, why should we not share it? The younger generations of today both in India and Pakistan need no longer be inhibited by the various limiting factors of the earlier generation. Only the present can prove to be a wholesome investment for the future. The appropriate time for this process is now.

Excellency, I bring with me the greetings and good wishes of our Prime Minister, Shrimati Indira Gandhi, and the Government and people of India. Let us now get on with the task of carrying out the wishes of our leaders which are embodied in the setting up of this Joint Commission.
2681. **Agreed Minutes of the Meeting of Sub-Commission on Economic Matters (Including Industry, Agriculture, Communications) Health, Scientific and Technological Cooperation held in Islamabad on June 1, 2 & 3, 1983.**

I. The Sub-Commission discussed various proposals for cooperation between the two countries in different fields. The two delegations comprised the following:

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<th>Pakistan Delegation</th>
<th>Indian Delegation</th>
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<tr>
<td>1. Mr. Hasan Nawab (Leader) Joint Secretary Ministry of Science and Technology</td>
<td>Mr. Yashwant Sinha (Leader) Joint Secretary Ministry of Shipping and Transport</td>
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<td>2. Mr. Humayun Faiz Rasul Joint Secretary, Economic Affairs Div.</td>
<td>Mr. S.K. Sudhakar Joint Secretary Ministry of Health</td>
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<td>3. Mr. F.I. Malik Joint Secretary Ministry of Industries</td>
<td>Mr. Ravi Sethi Deputy Secretary Ministry of Industries</td>
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<td>4. Mr. Anwarul Haq Razi Joint Secretary, Min. of Agriculture</td>
<td>Mr. J. Basu Deputy Director General Directorate General of Posts and Telegraphs</td>
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<td>5. Surgeon Commodore Mohammad Mohsin Pal Director General</td>
<td>Mr. Chainani Representative of Mughal Lines Ministry of Health</td>
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<td>6. Brig. Mansoor-ul-Haq Malik Director General Telephone And Telegraphs</td>
<td>Miss Neelam Dhamija Deputy Secretary, Ministry of External Affairs</td>
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<td>7. Mr. Abdul Hameed Joint Secretary Min. of Communications</td>
<td>Mr. G. Jagganathan First Secretary, Embassy of India Islamabad</td>
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<td>8. Mr. G.N. Zahid Malik Deputy Director General Pakistan Post Office</td>
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<td>9. Mr. Alvi Abdul Rahim Chief (Taxes) Central Board of Revenue</td>
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II. The Subject discussed were as follows:

1. Economic Matters
   — Avoidance of Double Taxation
   — Industry
   — Agriculture
   — Communications(Telecommunications, Railways, Shipping, Postal Services)

2. Health

3. Science and Technology

III. The agreed minutes are as follows:

Economic Matters

1. It was agreed that a process should be initiated for consultations on long term planning for economic cooperation between India and Pakistan.

2. For this purpose, a Working Group may be set up headed by the Secretary, Planning Division, Government of Pakistan and his counterpart in Government of India which should formulate practical suggestions for promoting and accelerating economic cooperation.

3. With a view to promoting informal exchange of ideas amongst the experts and administrators on different aspects of cooperation between the two countries, a Seminar may be organized sometime in August in Pakistan.
4. **Avoidance of Double Taxation**

Discussions took place on Double Taxation Avoidance Agreement between the two airlines. It was noted with satisfaction that the competent taxation authorities of two countries have already agreed to hold negotiations during July 18-23, 1983 at Islamabad to have a dialogue on the subject of avoidance of double taxation of income to review the existing position and explore possibility of concluding a comprehensive tax treaty or a limited treaty applicable to airlines only.

**Industry**

5. Both sides noted with satisfaction that the delegations of businessmen and industrialists of each country have visited the other country, and established contacts with their counterparts in order to explore areas of industrial cooperation for mutual benefit. It was agreed to encourage such visits of businessmen and industrialists so that opportunities for collaboration between the entrepreneurs of the two countries are identified and projects based on such cooperation established.

6. The Indian side indicated that there were good prospects of technological collaboration and supply of machinery between the two countries in the following fields:
   
   (a) Automotive components manufacturing
   (b) Manufacture of agricultural machinery and implements
   (c) Chemicals and dyes particularly for tanning and textile industry
   (d) Drugs and pharmaceutical industry to produce basic ingredients
   (e) Dairy products and equipment
   (f) Medium and heavy electrical equipment
   (g) Material testing and process control equipment
   (h) Compressors

7. The Pakistani side agreed to consider specific proposals which may be made in the fields mentioned above, by the entrepreneurs of the two countries.

8. The Indian side suggested that the areas and sectors of industry wherein the two countries can cooperate in the establishment of joint ventures in third countries especially in North Africa and West Asia be explored and identified. The Pakistani side noted the suggestions. The two sides agreed to continue discussions in this area.

9. Recognising the need for developing small scale and cottage industries sector, it was agreed to exchange information on the experience and
development programmes, with each other. Both sides would exchange visits at suitable levels, for the purpose of study and training.

Agriculture

10. Both sides agreed to the need for cooperation in agriculture. To this end, both sides agreed in principle that the Pakistan Agricultural Research Council and the Indian Council for Agricultural Research would enter into an agreement providing *inter-alia* for exchange of scientists, technologists and experts, germ plasma and breeding materials, scientific literature, information and methodologies and participation of the scientists, technologists and experts in each other’s seminars, symposia, workshops, etc. Both sides also agreed to explore the possibility of cooperation between other specialized institutions in the field of agricultural research.

Communication

11. **Telecommunications:** Both sides were of the view that the existing state of telecommunication facilities between the two countries were inadequate and unsatisfactory and agreed to take following short term and long term measures to improve it:

   (i) **Overhead Carrier System**

   The existing overhead line between Lahore and Amritsar should be fully repaired and maintained by the respective sides. The Carrier System would be upgraded and its full capacity would be utilized. After renovation of second pair, the possibility of adding a second 12 channel Carrier System would be explored and necessary technical investigation would be carried out immediately. As suggested by the Pakistan delegation it was agreed to provide new trunk circuits between other cities/towns of both the countries if justified by the volume of traffic.

   (ii) **U.H.F. Link**

   In order to bridge the gap between Lahore and Amritsar in the interim stage, Pakistan side proposed to establish a 24 channel U.H.F. System between Lahore – Amritsar and offered to supply the terminal equipment at their own cost for Indian side also. The equipment could subsequently be returned to Pakistan on commissioning of Coaxial Cable Link. For this it was agreed that technical survey should be carried out before the next coordination meeting between the two sides.
(iii) **Coaxial Cable System**

The laying of approved Coaxial Cable between Lahore and Amritsar should be expedited in order to commission the Broad Band System by mid 1984.

(iv) **Satellite Link**

Pakistan side proposed the augmentation of the Satellite route between Karachi – Bombay and suggested that the feasibility of introducing I.S.D. service between the two countries should be explored. Indian side agreed to examine the relevant technical factors. It was also agreed by the two sides that pending introduction of subscriber dialing the disposal of operator controlled traffic would be improved through progressive augmentation of channels.

(v) **Coordination Meeting**

Both sides agreed that T&T officials at the executive level on both sides should have frequent meetings at the border to discuss and remove the difficulties for the improvement of telecommunication facilities between the two countries. Both sides also agreed that the Heads of Telecommunication Departments of both the countries should meet each other periodically to ensure implementation of proposals agreed with a view to improve the state of telecommunications.

(vi) **Settlement of Accounts**

The Indian delegate mentioned about the need for early settlement of pending T&T Account between the two countries. It was agreed to expedite the matter relating to the settlement of telecommunication account. It was further agreed that coordination meetings between experts of the two countries would take place to expedite the settlement.

**Railways**

12. It was agreed in principle that passengers from either country should be afforded the facility of purchase of through tickets from the points of entrainment in one country to the points of detrainment in the other and recommended that the experts of the two countries should meet and discuss the details of financial arrangements to be made in this regard.

13. It was agreed that the customs and immigration facilities for the passengers of either country traveling between India and Pakistan should be organized on Indian side at Amritsar instead of Atari. The Sub-commission noted that from the Pakistan side such facilities were available at Lahore.
14. It was agreed that the two sides should examine the feasibility of conducting customs and immigration checks on running trains instead of at specified points as at present.

15. It was felt that there was a need for early settlement of pending financial transactions by the Railway authorities of both countries.

16. **Shipping**

The Sub-Commission reviewed the scope and implementation of the Protocol on Resumption of Shipping concluded between the two countries in New Delhi on 15th of January, 1975. The Protocol is presently confined to the carriage of bilateral trade only *i.e.* trade which originates in India and is destined for Pakistan and *vice versa.* The Pakistan delegation proposed that the scope of the Protocol should be expanded. The Indian Delegation welcomed the suggestion and stated that the carriage of all 3rd Country cargo should be included within the scope of the Protocol. The matter could be further examined.

17. It was clarified that the scope of the Protocol will not extend to vessels of either side chartered out to any Third Flag country. Thus such chartered out vessels will not be permitted to participate in the carriage of any cargo to and from either country.

18. Certain infringements of the Protocol were noted and it was agreed that steps will be taken to strictly follow the Protocol.

19. The expansion of the Protocol to cover the passenger trade would be taken up at a later date.

**Postal Services — Reduction of Postal rates**

20. Pakistan has reduced postage rates on letters and postcards both surface and air as well as on Aerograms posted for India, by 15% effective 1.7.82. India has reduced with effect from 1.6.82. postage rates for Pakistan by 15% in case of all categories of letter post items and postal parcels sent by air except Aerograms. In case of surface articles, India, between 1977 and June 1982 has progressively reduced postage rates by 37 percent for all categories of letter post items and by 15% for parcel post.

21. In order to further improve good neighbourly relations and promote greater communications between the two countries, the Pakistan delegation agreed to recommend to the Government of Pakistan to further reduce postage on surface mail letters, book posts up to 20 grams and
post cards by another 22% and on all other items of postal mail both by air and surface by 15%. Indian side agreed similarly to recommend to the Government of India to reduce the rate for aerograms also by 15%.

22. Settlement of Outstanding Postal Dues

The Indian delegation raised the question of settlement of outstanding postal accounts and Postal Savings Bank Accounts between India and Pakistan on service to service basis and suggested a meeting between the representatives of the two postal administrations to discuss and expedite the settlement. The Pakistan delegation felt that the question of outstanding postal accounts is linked with the overall settlement of financial dues of post-independence origin like outstanding pensions etc. Both sides felt that the matter needs further discussion.

Health

23. Both the delegations identified the following areas of mutual cooperation:-

A - Exchange of information in Health Field
B - Communicable Diseases Control
C - Research
D - Traditional medicine
E - Population Planning
F - Primary Health Care

24. It was agreed that (i) initially in so far as Communicable Disease Control is concerned priority will be given to Malaria, Leprosy, T.B. and Dermal Lishmaniasis (ii) after exchange of information on the country status of these diseases, there will be exchange of visits of experts in either country to study the strategy involved, progress made and share experiences to the benefit of both, (iii) it was agreed further that in national seminars held in either country, delegates may be invited from the other country, whereas in Inter Regional and Inter-national Seminars delegates will be invited to participate and share experience.

25. It was further agreed that exchange of visits of members of PMRC and ICMR will take place to identify fields of Research collaboration between the two countries. Similarly exchange of visits of health administrators will take place to see the Primary Health Care System, process of integration of traditional medicine in Primary Health Care and general health services, strategy used for Population Planning as well as the services being provided to the effect.
26. It was agreed that concrete plan may be drawn up as quickly as possible especially with regard to exchange visits of experts/Health administrators to identify more specific areas of joint collaboration and chalk out details thereof accordingly.

2682. Agreed Minutes of the Sub-Commission – II under the India-Pakistan Joint Commission.

Islamabad, June 2, 1983.

The Pakistan and the Indian delegations to the Sub-Commission II consisted of the following members:

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<tr>
<th>Pakistan Delegation</th>
<th>Indian Delegation</th>
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<tbody>
<tr>
<td>1. Mr. Tewfiq Pehmi (Leader)</td>
<td>Mr. K. Sandilya (Leader)</td>
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<tr>
<td>Joint Secretary, Ministry of Commerce</td>
<td>Director, Ministry of Commerce</td>
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<tr>
<td>2. Mr. K.K. Suri, Director</td>
<td>Mr. A.K. Doval,</td>
</tr>
<tr>
<td>Export Promotion Bureau,</td>
<td>First Secretary, Commerce</td>
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<tr>
<td>Islamabad.</td>
<td>Section, Embassy of India</td>
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<td>3. Mr. M. Latif,</td>
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<td>General Manager (Imports),</td>
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<td>Trading Corporation of Pakistan.</td>
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<td>4. Mr. Shahid Malik,</td>
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<td>Director, M/O Foreign Affairs</td>
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<tr>
<td>5. Mr. M. Asif Zaman Ansari</td>
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<td>Section Officer, Ministry of Commerce.</td>
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The Sub-Commission on trade met in two sessions held in the Ministry of Foreign Affairs on the 1st and 2nd June 1983. The following agenda was agreed and adopted for the discussions:-

(i) Measures to increase trade;
(ii) Facilities to use land routes for trade;
(iii) Trade display centres and other export Promotion measures;
(iv) Reciprocal participation in trade fairs and International Exhibitions;
(v) Exchange of trade delegations.

3. On the principal agenda item relating to increasing trade between the two countries, the two delegations agreed to resume the dialogue from where it was left off in the trade talks held in November 1980 in Islamabad and later Secretary level discussions in Delhi in November 1981.

4. The two delegations reiterated the keen desire of both sides to expand bilateral trade. To this end, they exchanged views on the question of concluding a new trade agreement on the basis of mutuality of advantage. The two delegations agreed to work purposefully towards formulation of feasible approaches to bilateral trade, that would take care of the major concerns of each, and at the same time would lead to further improvement of trade between the two countries.

5. On agenda items (ii) to (v), it was recognized that these were interlinked with agenda item (i) and will be discussed when the new trade agreement is finalized.

6. It was agreed that the Sub-Commission would meet next in New Delhi at an appropriate level as early as possible.

2683. Agreed Minutes of Sub-Commission III on Information, Education (including, Social Sciences) Culture and Sports.
Islamabad, June 3, 1983.

The Sub-Commission III on Information, Education, Culture, Sports and Social Sciences held four sessions from 1st to 3rd June 1983. During these sessions, both sides exchanged views and examined specific proposals with a view to promoting cooperation in the above fields. The deliberations of the Sub-Commission are covered in the succeeding paragraphs.

Culture

2. The Indian side presented for study and consideration a draft Cultural Cooperation Agreement between the two countries. The leader of the Pakistan Delegation stated that this draft would be studied in consultation with the concerned Ministries of the Government of Pakistan and that they would revert to the subject in due course.
3. It was agreed that pending finalization of the Cultural Cooperation Agreement or a formal Cultural Exchange Programme between the two countries, a short-term operational programme of Exchanges on the basis of reciprocity could be initiated in the fields of Education, Culture and Sports.

Archaeology:

4. The following proposals made by the Indian side were accepted:
   i) No country is to be used as a channel for illegal export of the antiquities belonging to the other.
   ii) Illegally imported cultural property/antiquity belonging to other country is to be returned to the country of its origin without the payment of any compensation for the restitution of the cultural property.
   iii) The Indian side proposed that appeals be made by the Joint Commission on behalf of the two countries to all those nations which in their capacity as colonial powers in the past took away valuable antiques from Indo-Pakistan sub-continent to return these cultural properties. The Pakistan side stated that they support the proposal in principle but for the time being both sides may pursue the matter through UNESCO.

5. It was also agreed to exchange expertise in the field of pre-history and proto-history. The Indian side proposed that an Archaeological Congress in specific problems connected with archaeology and associated subjects relating to each country may be held annually. It was further proposed that publications pertaining to archaeological discoveries and researches be exchanged between the two sides. The Pakistan side stated that these two proposals have been noted for consideration in consultation with the experts.

Museums:

6. It was agreed that both sides would promote exchange visits of museum experts. Proposals would be processed through the concerned government agencies.

Conservation:

7. The Indian side proposed that the two sides should promote conservation of cultural property through exchange of information and publications, joint research studies and training facilities in the field of conservation of cultural property. The Pakistan side stated that they have noted the proposal for consideration in the next meeting.

Archives:

8. The two sides agreed to the exchange of archival materials. The Pakistan
side presented a draft agreement for exchange of archival materials which the Indian side agreed to study and revert back in due course.

9. Pending consideration and decision regarding Pakistan’s proposal to conclude a Protocol on the exchange of archival materials, the two sides agreed to the following proposals made by the Indian side:

i) Visits of two archivists would be exchanged annually between the two countries.

ii) Archival publications would be exchanged after mutual consultations.

iii) The two sides would cooperate in promoting the activities of South West Asian Regional Grant of the International Council on Archives (SWARGICA) of which both countries are members.

Libraries:

10. Both sides agreed to encourage exchange of books between the national libraries of the two countries. Details of these exchanges would be worked out through mutual consultations.

Exhibitions:

11. The two sides agreed to exchange exhibitions of photographs, folk crafts and handicrafts.

12. The two sides agreed to exchange exhibitions of musical instruments and contemporary musical archives through mutual consultations.

13. Both sides agreed to exchange annually exhibitions of paintings which could be accompanied by an expert in the field. Details would be worked out through mutual consultations.

Performing Arts:

14. The Indian side proposed that both sides exchange annual visits of performing artists such as soloists, Ghazal/Qawal/Folk/Classical Singers and theatre groups on the basis of reciprocity, details about the number of groups and the date and duration of visits would be decided through mutual consultations.

15. The Pakistan side responded that male Ghazal singers, classical and semi-classical singers and instrumentalists may perform in the diplomatic premises or other mutually designated places of the other country on such occasions as National Days.
16. The two sides stated their respective positions on the exchange of visits of performing artists and decided to discuss the matter further.

Writers and Poets:

17. The Indian side proposed the exchange of writers and poets. The proposal was noted for consideration.

18. The Indian also brought to the notice of Pakistan side the desirability of arranging talks/interviews of visiting Indian writers/scholars on Pakistan Television and Radio. The Pakistan side noted the proposal for consideration.

Education:

19. The Indian side then submitted proposals for an Operational Programme of Exchange in the field of education. These proposals were taken up one by one. The two sides agreed that:-

i) The focal points for exchange of information and sharing of experiences would be the National Council of Educational Research and Training in India and the Curriculum Wing of the Ministry of Education in Pakistan.

ii) They would exchange materials relating to school education, open universities particularly the distance learning systems, science education and universalization of elementary education.

iii) Materials may be exchanged regarding kinds and levels of education with a view to sharing common experiences in the future.

20. With a view to sharing experiences in each other’s educational system and identifying possible areas of cooperate it was agreed to exchange academics, scientists and educational administrators at various levels of education in mutually agreed areas.

21. The Indian proposal on the infringement of copyright was noted for future consideration by the Pakistan side.

Sports

22. Both sides noted with satisfaction the exchanges already taking place between the two countries in field of sports. They agreed to further promote cooperation in exchange of sports teams, coaches and personnel dealing with sports as may be mutually agreed. Furthermore, it was agreed to increase exchanges in the field of Hockey and Cricket, details of which would be worked out by the respective National Federations/Boards. It was also agreed to promote, through mutual consultations between the respective National Federations, the exchange of teams in the fields of Athletics, Wrestling, Kabaddi, Squash, Boxing, Polo, Football and Swimming.
Social Sciences
23. The proposals submitted by the Indian side in respect of various types of exchanges in Social Sciences, bibliography and documentation services were noted for consideration.

24. The proposals submitted by the Indian side regarding a Seminar on “Indus Valley Civilization – Anthropological perspectives” and other anthropological studies were noted for consideration.

Information
25. Both sides noted the important role played by the media in promoting friendly relations between the two countries and emphasized that it should support the on-going effort to reduce tension in the interest of fostering good neighbourly relations.

26. Bearing in mind the relevant provision of the Simla Agreement, the two sides agreed that Radio and Television Organisations should continue to exercise the utmost care in desisting from hostile propaganda directed at the other country and that instances of such propaganda be brought to the notice of the concerned Government through diplomatic channels.

27. The two sides also agreed that with a view to promoting understanding following measures may be taken:-

   i) The visits of journalists between the two countries should be encourages.

   ii) One more Indian/Pakistani correspondent representing a newspaper/news agency may be appointed in each other’s country at their respective capitals on reciprocal basis.

   iii) Pakistan Broadcasting Corporation and All India Radio may favourably consider the appointment of a correspondent in the other country on reciprocal basis.

28. The two sides further agreed that:

   a) Radio in Pakistan and India can reach millions of people in each other’s country and can help in promoting understanding. Periodical meetings could be held under the aegis of the Sub-Commission or directly between the two organizations, to promote cooperation and prevent hostile propaganda.

   b) Pakistan Broadcasting Corporation and All India Radio should make available to each other, on request, documentary and music programmes as mutually agreed. For this purpose information on existing programmes will be exchanged from time to time.
c) Pakistan Broadcasting Corporation and All India Radio should provide studio facilities on appropriate occasions.

d) Pakistan Television and Doordarshan can exchange on cost basis specifically selected programmes required by either side.

e) Live and recorded coverage on sporting events between the two Television Organisations of the two countries may be exchanged on a bilateral or cost basis.

29. The two sides discussed the visit of Indian Minister for Information and Broadcasting and the Secretary of that Ministry at the invitation of the Government of Pakistan. The Indian side stated that the visit would take place shortly.

Cinema

30. The Pakistan side noted for consideration the following suggestions made by the Indian side for possible cooperation in the field of Cinema:-

i) Non-Commercial presentation of selected Pakistani films in India and Indian films in Pakistan on a periodic basis as mutually agreed.

ii) Exchange of visits by Film Personalities either in association with the presentation of films referred to in para (i) above, or otherwise on a mutually agreed basis.

General:

31. With the objective of promoting further contacts and cooperation between the two countries, both sides agreed to exchange visits of important persons in the concerned Ministries dealing with Culture, Sports, Education and Information.

32. Both sides agreed to hold the next meeting of the Sub-Commission in December 1983 at New Delhi.
Agreed Minutes of the Sub – Commission — IV on Travel, Tourism and Consular Matters.

Islamabad, June 4, 1983.

Pakistan Delegation  Indian Delegation

1. Mr. Mohsin Kamal (Leader)  Mr. T. Ramaswamy (Leader)
   Joint Secretary (Tourism),  Joint Secretary,
   Ministry of Culture,  Ministry of Home affairs.
   Sports and Tourism

2. Mr. Abdul Wahab, Joint  Mr. G. Parthasarthy,
   Secretary, Ministry of Interior  Consul General, Karachi.

3. Mr. Baqir H. Nasim, Deputy  Mrs. Vibha Pandhi,
   Secretary, Ministry of Religious Affairs.  Deputy Director General
   Tourism.

4. Mr. Abbas Haider Zaidi  Acting Director,
   Acting Director,  Ministry of Foreign Affairs.
   Ministry of Foreign Affairs.

The Sub-Commission considered the various proposals made by the Indian Delegation on the following matters and arrived at the following conclusions:

I) Review of Indo – Pak Visa Agreement
   Of September 14, 1974.

The agreed conclusions in this regard are as follows:

Clause 2(a) (i):

The Indian side suggested that the period of validity of Diplomatic Visas could be extended from one year to the duration of assignment of diplomatic personnel. This would obviate revalidation of the visa at the end of each year of that tenure. The Pakistan side concurred in the proposal.

Clause 2(a) (ii)

The Indian side suggested that the provision for the grant of Diplomatic Visa for single entry to high ranking dignitaries should be amended to include high ranking dignitaries/officials visiting on official business or to attend international conferences and who hold diplomatic passports. The Pakistan side drew the attention of the Indian side to the problems which they would encounter in agreeing to this proposal in view of the fact that senior Pakistani officials and
high ranking dignitaries were often not issued with diplomatic passports. In view of this, the Indian side agreed that clause 2(a) (ii) need not be amended.

Clause 2(a):
The Indian side suggested that the period of validity of non-diplomatic visas should be for the duration of assignment as in Clause 2(a). The Pakistan side concurred in the proposal.

Clause 2(d) (i):
The Indian side suggested that this provision could be amplified as the term “legitimate purpose” has not been defined. They suggested that the clause may be amended to read as follows:

“A visitor visa will be issued to persons visiting the other country for the following purpose:

i) to meet relatives

ii) to meet friends

iii) for business

iv) for any other legitimate purpose like sports study and educational tours of professional interest.

The Pakistan side felt that the existing provision was adequate and does not require any change.

The Indian side suggested that with a view to promoting trade and economic relations the visa policy for businessmen may be liberalized. After discussion both sides agreed that visitor visa valid for 3 visits for a period not exceeding six month for up to….may be granted to businessmen. The existing clause 2(d) (i) of the Visa Agreement will have to be re-drafted to give effect to this suggestion.

The Indian side suggested that only businessmen sponsored by a recognized Chamber of Commerce would be eligible for this facility. While the Pakistan side agreed that safeguards would have to be provided to ensure that only \textit{bona fide} businessmen would avail of this facility, they felt that this was a matter of detail and need not form part of the Visa Agreement.

The Indian side also suggested that businessmen availing of such Visas may be exempted from Police reporting. It was agreed that the question of exemption from Police reporting in such cases could be discussed further at the next meeting of the Sub-Commission.
Clause 2(e):
The two sides agreed to discuss the possibility of issuing transit visa valid for two entries through Diplomatic channels before the next session of the Sub-Commission. The Indian side will initiate this process.

Clause 5:
The Indian side suggested that in the case of persons holding visitor and transit visa for a period of 14 days or less, reporting in person to the local Police may be dispensed with and it should be enough if a registered communication with acknowledgement due is sent. In such cases, the acknowledgement due slip would constitute the necessary documentation for immigration authorities at the time of exit. For visits exceeding 14 days they also suggested personal appearance before the Police authority will be necessary. Pakistan side agreed to consider the suggestion and give their reaction through diplomatic channels.

It was agreed that in the case of families, one member of the family alone need appear before the registering authority for registering himself and the members of his family.

Clause 7.
Both sides agreed that in view of increased costs and the need to provide prompt service to visa applicants, the visa fee should be raised to Rs. 15/- inclusive of all charges.

Both sides agreed that the amendments/ additions to the Visa Agreement which had been mutually agreed upon would come into effect from 1st July 1983.

II. Tourism
The Indian side presented a Draft Protocol to promote group tourism between the two countries. The Pakistan side agreed to the proposal in principle that organized group tourism between the two countries should be promoted and stated that the Indian Draft Protocol needed further study.

Both sides also agreed to hold further discussions on the subject in about three months time.

III. Visits by Organised Groups of Academics, Professionals, Students etc.
The Indian side proposed that facilities should be provided for fostering visits by organized groups of academics, professionals, students etc. it was agreed that to begin with such facilities may be extended to academics and professionals.
IV. Enlargement of Lists of Religious Shrines

The Indian side conveyed their readiness to open more religious shrines for visit by Pakistani pilgrims and handed over a list of shrines in Pakistan for inclusion in the list of agreed shrines to be visited by Indian pilgrims, which is appended. The Pakistan side indicated that the proposal required detailed examination.

V. Re-Opening of Khokhrapar — Munabao Check-posts

The Indian side referred to the need to re-open the Khokhrapar-Munabao checkpoints in order to facilitate travel between the two countries. The Indian side also expressed its readiness to arrange for the re-opening of this route for travel between the two countries. The Pakistan side referred to certain administrative, financial and operational difficulties in re-opening the check post from the Pakistan side and stated that the matter was under consideration.

VI. Modalities for Return of Civilians and Detenus and Consular Access

The various issues relating to modalities for return of civilian detenus who have completed their sentences and for consular access under the Protocol which was signed on 2 November 1982 were discussed and the following conclusions were arrived at:

i) The prisoners on either side who have completed their sentences and whose nationality had already been ascertained, will be exchanged at the Wagah /Attari border by 30 June, 1983.

ii) The prisoners on either side who have completed their sentences will be assembled in Multan jail on the Pakistani side and at a jail to be designated by the Indian side for the purpose of identification in terms of Protocol of 2nd November 1982. This process will be completed by 31st August 1983.

iii) Prisoners who are undergoing sentences and who are under detention will be governed by the Protocol of November 1982.

The exchange of lists of prisoners in terms of article 1 of the Protocol on Consular Access of November 1982 took place.

The Sub-Commission will meet again to discuss matters of mutual interest before the end of the year.

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Statements made by the Pakistan Foreign Minister Sahabzada Yaqyub Khan and External Affairs Minister P. V. Narasimha Rao at the concluding session of the Joint Commission.

Islamabad, June 4, 1983.

Statement by Pakistan Foreign Minister:

Excellency:

With the signing of the Report of the Joint Commission, the business of this first meeting reaches its conclusion. However, before we formally close the meeting, I would like to express my sincere satisfaction at the results achieved over the last three days. In this short period:

— We have organized the Joint Commission;
— The Sub-Commissions were able to consider proposals covering a wide spectrum of the mandate of the Commission; and
— The Joint Commission has achieved agreement on a number of proposals which will directly affect the lives of our two peoples. We have been able to formulate recommendations for cooperation in important areas which would benefit our countries.

2. Specifically, we have agreed to take steps to improve the telecommunication facilities and to carry out a further reduction of postal rates between the two countries. In the field of health several areas where the two countries could benefit from each other’s experience have been identified and it has been decided to initiate the process of formulating concrete plans of action.

3. We have identified a considerable scope for cooperation in the field of science and technology as well as industry. It has been recommended that the Pakistan Agricultural Research Council and the Indian Council for Agricultural Research negotiate an agreement to promote cooperation in their field.

4. A number of steps have been suggested to alleviate the hardship faced by visitors, by streamlining travel arrangements between the two countries. Regular meetings between experts and administrators of the national planning organizations of India and Pakistan are also to be initiated.

5. In regard to trade, the discussions have confirmed the keen desire of both sides to explore the possibility of concluding a new agreement on the basis of mutuality of benefit. The Sub-Commission on Trade is to hold another meeting in New Delhi as early as possible to continue discussions in this regard.
6. An agreed programme of cooperation in the fields of information, school and higher education, archaeology, museums, archives, libraries, exhibitions and sports has been prepared. It has been decided to discuss further mutual cooperation in the fields of social sciences, performing arts, anthropological studies, copyrights book promotion and exchanges of writers and poets.

7. It has also been agreed that two draft agreements, one presented by the Indian side on cultural cooperation, and the other presented by Pakistan, on the exchange of archival material, would be examined for further discussion.

8. Your Excellency’s stay in Pakistan also provided us a most valuable opportunity to discuss measures to strengthen mutual understanding that would foster a conducive climate in which the full potential of cooperation between our two countries can be realized. To that end, we have decided that the Foreign Secretaries should hold an early meeting to give further consideration to our proposal for the conclusion of an agreement on non-aggression and non-use of force and the Indian proposal for a treaty of peace, friendship and cooperation. An agreement that rules out war between the two countries and provides for settlement of differences exclusively by peaceful means will complement and reinforce the efforts we are making in the Joint Commission to build harmonious and cooperative relations between the two countries.

Excellency:

9. The results we have been able to achieve and the friendly exchanges we have had on matters of vital interest to our two countries have demonstrated the keen desire on both sides to promote cordial and good neighbourly relations in consonance with the aspirations of our peoples for a future of peace, amity and cooperation. While we realize the complexity of the task that lies ahead of us, we are confident that under the guidance of our two leaders, we would overcome any impediments which may come in our way and forge ahead towards the achievement of our common goal of progress and prosperity for the mutual benefit of the peoples of Pakistan and India.

Excellency:

10. Before concluding I would like, on behalf of my delegation, to express our warmest thanks to all members of the Indian delegation for their valuable contribution to the work of the Joint Commission and for the constructive spirit in which it was performed.

11. I would also like to express my profound personal appreciation to Your Excellency for the cooperation, cordiality, goodwill and understanding that has pervaded our discussions in the course of this memorable first meeting of the Joint Commission.

12. We look forward to the second meeting of the Joint Commission to be
held in New Delhi next year in the confidence that the process initiated in Islamabad would gather further momentum.

Statement by External Affairs Minister:

First of all, I would like to thank, on behalf of my delegation, the Government of Pakistan for the warm hospitality extended to us during our stay here. I am indeed grateful for the excellent arrangements made for the inaugural meeting of the Joint Commission which contributed in no small measure to its successful outcome. I am gratified that the four sub-commissions which were charged with the task of formulating concrete proposals for bilateral cooperation in different areas like economic cooperation, travel and tourism, consular matters, information, education, social sciences, culture and trade have been able to come up with suggestions whose implementation will go a long way in generating goodwill and the cooperative spirit between the two countries. I am told that never before have so many persons from both countries dealing with such diverse subjects been involved together in an exercise to find solutions to problems. I would like to offer my congratulations to members of both the delegations. I am hopeful that the spirit of good neighbourliness and friendship that has pervaded our deliberations in the last four days will continue to prevail so that a wholesome and forward looking substantive content is given to our relationship.

As I said in my inaugural statement, steps taken by the two countries in the direction of cooperation, however, small or merely utilitarian they might seem, benefit the common man in both countries and, therefore, ought to be sustained and promoted. This Joint Commission has the unique privilege of dealing with matters affecting that common man whether it is reduced postal rates, through railway bookings, better communications or liberalization of travel facilities. A special responsibility rests on us because what we do affects persons, who are poor, distant and longing for contacts and to whose happiness we have the responsibility to contribute.

In quest of the larger objective of fostering friendship and understanding between our two peoples, we are keen that travel should be eased, cultural contacts increased and our experiences in building for a better future shared on the basis of mutuality of benefit.

It is clear that in our relations the Joint Commission will have an important role to play and function to perform. We have noted with satisfaction that before our next session in 1984, all the four sub-commissions will again meet in the next few months. I hope that officials of both countries would meanwhile give thought
to proposals made by each other. In this intervening period I would particularly wish that there be a special concentration on those areas in which the progress has been comparatively less. Further, a very important aspect is the implementation of decisions taken. I hope that both our countries will take swift action to implement agreed proposals. I can assure you that no our part, we will take whatever action is required at the earliest.

At this time yesterday I was in Mohenjodaro, I was deeply moved to see the legacy of that great civilization. History tells us that the people of the Indus Valley had extensive contacts in many fields with people of other distant lands. As we set out to open a new and purposeful chapter in the history of our two countries with the setting up of the Joint commission, let us be guided by the spirit of Mohenjodaro which stands as a monument to the innovative spirit of man which time cannot erase.

I am not given to exaggeration but I want to share my joy at the modest but useful progress made in the last four days.

I would, once again, like to thank you, Mr. Foreign Minister, members of your delegation and the Government of Pakistan for your kindness and the excellent manner we were looked after during our stay here. I would particularly like to thank the conference staff for the valuable help they gave to my delegation which enabled us to finish our work in time. All of us will retain very pleasant memories of our stay here in connection with the inaugural session of our Joint Commission. We look forward, Excellency, to welcoming you in our country in a few months in our endeavours to further cooperation in the South Asian region, a process which has a new dimension of its own.

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Report of the India – Pakistan Joint Commission Meeting held in Islamabad from June 1 to 4, 1983.

{The following report was signed on the conclusion of the first meeting of the Indo-Pakistan Joint Commission held in Islamabad from June 1 to 4, 1983.}

In pursuance of agreement between the Government of Pakistan and the Government of India on the establishment of a Joint Commission signed at New Delhi on 10 March 1983, with a view to strengthening understanding and to promote cooperation between the two countries for mutual benefit in economic, trade, industry, education, health, cultural, consular, tourism, information, scientific and technological fields, the first meeting of the Joint Commission was held in Islamabad on June 1-4, 1983.

The Pakistan delegation was led by His Excellency Sahabzada Yaqub Khan, Minister for Foreign Affairs. The Indian delegation was led by His Excellency Mr. P.V. Narasimha Rao, Minister of External Affairs.

At the inaugural session of the Joint Commission held on June 1, 1983, the two Foreign Ministers exchanged the instruments of ratification of the Agreement (on Joint Commission). Reaffirming the resolve of their Governments to foster good-neighbourly and harmonious relations between the two countries, they expressed gratification at the establishment of the Joint Commission which would provide an institutional framework for promotion of bilateral cooperation.

It was agreed to appoint four Sub-Commissions to deal with the various subjects as specified below:

I. Economic, health, scientific and technological (including agriculture, communications & industry).

II. Trade.

III. Information, education, social sciences, culture & sports.

IV. Travel, tourism and consular matters.

The Sub-Commissions held a number of working sessions during which both sides put forward concrete proposals for cooperation in various areas.

Discussions in the Joint Commission as well as the Sub-Commissions were held in a cordial atmosphere, reflecting a constructive and positive attitude. It was realized that confidence-building and cooperation was a continuous process and that some of the proposals discussed at the first meeting would require further examination and negotiations.

The attached reports submitted by the Sub-commissions were adopted by the
Joint Commission. The main conclusions of the Joint Commission are as follows:

SUB-COMMISSION-I

Economic Matters (Including Industry, Agriculture, Communications), Health, Scientific and Technical Cooperation.

Avoidance of Double Taxation: Discussions took place on Double Taxation Avoidance Agreement between the two airlines. It was noted with satisfaction that the competent taxation authorities of the two countries have already agreed to hold negotiations during July 18-23, 1983 at Islamabad on the subject of avoidance of double taxation, to review the existing position and explore the possibility of concluding a comprehensive tax treaty or a limited treaty applicable to airlines only.

Planning: Consultations on long term planning would be initiated with the setting up of a Working Group and the organization of a Seminar as early as possible.

Industry: The two sides agreed to encourage visits of business men and industrialists in order to identify opportunities for collaboration between the entrepreneurs of the two countries and establish projects based on such cooperation.

The Indian side indicated that there were good prospects of technological cooperation and supply of machinery, in such areas as manufacture of agricultural machinery and implements, chemicals and dyes, dairy products and equipment, electrical equipment, process control equipment and compressors. The Pakistan side took note of the above proposals.

The two sides agreed on the exchange of visits, and of information on the experiences of development programmes of small scale and cottage industries.

Agriculture: Both sides recognized the need for cooperation in agriculture. It was agreed in principle that the Pakistan Agricultural Research Council and the Indian Council for Agricultural Research would enter into an agreement providing inter alia, for exchange of scientists, technologists and experts, germ plasm and breeding materials, scientific literature, information and methodologies and participation of the scientists, technologists and experts in each other’s seminars, symposia, workshops, etc. Both sides also agreed to explore the possibility of cooperation between other specialized institutions in the field of agricultural research.

Communications: Telecommunication: It was mutually agreed that existing telecommunication facilities between the two countries would be improved and augmented by adding more channels. Exchange of visits and discussions
between the telecommunication executives of the two countries would take place with a view of improving cooperation and coordination of telecommunication operations. It was also decided that the installation of the broad-band coaxial cable system between Lahore and Amritsar would be taken up with priority.

**Railways:** An agreement was reached in principle that passengers from either country should be afforded the facility of purchase of through tickets from the points of entrainment in one country to the points of detrainment in the other. It was also agreed that customs and immigration facilities for passengers of either country should be organized on the Indian side at Amritsar.

**Shipping:** The Sub-Commission reviewed the scope and implementation of the Protocol on Resumption of Shipping concluded between the two countries in New Delhi on 15th of January, 1975. The Protocol is presently confined to the carriage of bilateral trade only i.e. trade which originates in Indian and is destined for Pakistan and vice versa. The Pakistan delegation proposed that the scope of the Protocol should be expanded. The Indian delegation welcomed the suggestion and stated that the carriage of all 3rd country cargo should be included within the scope of the Protocol. The matter could be further examined.

**Postal Services:** Pakistan has reduced postage rates on letters and postcards, both surface and air, as well as on aerograms posted for India by 15 per cent effective from 1.7.1982. India has reduced, with effect from 1.6.1982, postage rates for Pakistan by 15 per cent in case of all categories of letter post items and postal parcels sent by air except aerograms. In case of surface articles, India has, between 1977 and June 1982, progressively reduced postage rates by 37 per cent for all categories of letter post items and by 15 per cent for parcel posts.

The Pakistan delegation agreed to recommend to the Government of Pakistan to further reduce postage on surface mail letters, book post up to 20 grams and postcards by another 22 per cent and on all other items of postal mails, both by air and surface, by 15 percent. Indian side agreed similarly to recommend to the Government of India to reduce the rate for aerograms also by 15 per cent.

**Health:** Both the parties agreed that in the field of Health the following areas could provide the basis for useful mutual cooperation:

i) exchange of Information, ii) communicable diseases control, iii) research, iv) traditional medicine, v) population, family welfare and vi) primary health care. Details of collaborative programmes can be worked
out after exchange of visits of experts and health administrators, which would begin as soon as possible.

Science and Technology: Discussions took place on mutual cooperation in the field of science and technology. In this context, reference was made to the areas identified by the science and technology Working Group under the aegis of South Asia Regional Cooperation. It was agreed that exchange of delegations may take place between the two countries and suggest concrete measures for cooperation in such areas as clean energy, metallurgy, marine sciences, genetic engineering and bio-technology, medical research, environment (with special reference to population control) and optics.

Sub-Commission – II

Both sides reiterated their keen desire to expand bilateral trade. With this objective, views were exchanged on the question of concluding a new trade agreement on the basis of mutuality of advantage. It was agreed to work purposefully towards formulation of feasible approaches to bilateral trade that would take care of the major concerns of each side, and at the same time, would lead to further improvement of trade between the two countries.

In the discussion on other items, it was recognized that these were interlinked with the measures to increase trade and would be discussed when the new trade agreement is finalized.

Sub—Commission — III

(Information, Education, Social Sciences, Culture and Sports)

An agreed programme of cooperation relating to exchanges in Information, school education, higher education, archaeology, museums, archives, libraries, exhibitions and sports was prepared. It was decided to continue discussions on mutual cooperation regarding exchange of writers, poets and in the fields of social sciences, performing arts, conservation of cultural property, anthropological studies, copyright and book promotion.

The Indian side presented a draft agreement on cultural cooperation between the two countries and the Pakistan side presented a draft Agreement regarding exchange of archival materials. The two draft would be examined for further discussions.

Sub – Commission - IV

(Travel, Tourism and Consular)

Detailed discussions were held on travel, tourism and consular matters. In
particular, views were exchanged on the promotion of group tourism, travel, visits of businessmen and organized groups of professionals and academics were agreed to. Furthermore, agreement was reached on the need to promote group tourism between the two countries. Measures to expedite exchange of civilian prisoners between the two countries were also agreed upon.

The Foreign Ministers expressed satisfaction at the results achieved during the first meeting. They were confident that the Joint Commission would facilitate the strengthening of mutual understanding and the promotion of cooperation between the two countries.

The Foreign Minister of India expressed gratitude for the reception and hospitality extended to the Indian delegation by the Government of Pakistan.

It was agreed that the next meeting of the Joint Commission would be held in India in 1984. Meanwhile Sub-Commissions I and II would meet in Islamabad and Sub-Commissions III and IV in New Delhi before the end year.

In addition to the deliberations of the Joint Commission, the two Foreign Ministers also exchanged views on a number of subjects of common interest. Recalling the statement issued after the meeting between the President of Pakistan and the Prime Minister of India on 1 November 1982, the two Ministers reiterated the commitment of their Governments to hold further discussions at an early mutually agreed date, on Pakistan’s proposal for an agreement on non-aggression and non-use of force and India’s proposal for a treaty of peace, friendship and cooperation.

Sd/- P. V. Narasimha Rao 
Minister for External Affairs 
Government of India

(Sahabzada Yaqub Khan) 
Minister of Foreign Affairs 
Government of the Islamic Republic of Pakistan

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Telegram from Ministry of External Affairs to All Indian Missions abroad.

New Delhi, June 6, 1983.

TELEGRAM

From : Foreign New Delhi
To : All Indian Missions Abroad

No. 32930-Circular June 6, 1983

Head of Mission/Post from Natwar Singh

Foreign Minister visited Islamabad from 1-4 June 1983 for inaugural session of Indo-Pakistan Joint Commission. He had several rounds of talks with Pakistan Foreign Minister SAHABZADA YAQUB KHAN. Foreign Minister could not meet ZIA as he had been operated upon and hospitalized. Pak Government and media highlighted visit. Text of Joint Statement and FM’s speech at inaugural and concluding sessions separately sent to you.

2. Foreign Minister was accompanied by 15 officials from different Ministries. I had gone to Islamabad two days prior to FM’s arrival with an advance team for preliminary discussions. I had discussions with Pak Foreign Secretary NAIZ NAIK. Later I had discussions on some important bilateral matters with Lt. Gen. ARIF, Chief of Staff to President.

3. At the inaugural session of Joint Commission on June 1, it was agreed to constitute the following four Sub-Commissions:

   I. Economic matters (including Industry, Agriculture, Communications, Health, Scientific and Technological Cooperation.

   II. Trade

   III. Information, Education, social Sciences, Culture and Sports.

   IV. Travel, Tourism, Consular.

4. Highlights of the decisions taken in the four Sub-Commissions pertained to improvement in telecommunication facilities, uniformly reduced postal rates, cooperation in areas such as Health, Population/Family Welfare, Science and technology, Information, School Education, Higher Education, Archaeology, Museums, and to discuss further mutual cooperation in the field of social sciences, performing arts and exchange of writers and poets, contacts between
agricultural research institutes consultations to take place between planning agencies of two countries to formulate practical suggestions for promoting economic cooperation etc.

5. We gave drafts of separate agreements on culture and tourism which they promised to consider. In the sphere of travel/consular some limited liberalization has taken place but Pakistanis did not accept some of our suggestions like opening of a new route for travel as provided in 1974 Visa Agreement or liberalization regarding personal reporting in police stations by visitors from either country as at present. They only agreed to consider these. Measures to expedite exchange of civilian prisoners were agreed upon. There was no progress in the Sub-Commission dealing with Trade. Similarly they did not agree to liberalizations proposed by us in the Shipping Protocol whose review has been pending since 1976. It was however agreed to increase visits by businessmen and industrialists to identify opportunities for collaboration. They took note of our proposal for cooperation for joint ventures in third countries and supply of machinery in some specified fields. Judging from initial reactions, we do not expect any substantial progress in these fields. All sub-commissions will again meet before the end of this year.

6. There was a tendency on part of Pakistanis to implicitly suggest that climate of relations could improve substantially only if efforts of Joint Commission were reinforced by conclusion of No War Pact. YAQUB in his discussions with Foreign Minister suggested resumption of dialogue on Pakistan proposal for a No War Pact and our offer of a Treaty of Peace and Friendship, in August, at the Secretary’s level. Foreign Minister agreed to this suggestion stating that precise dates could be worked out by mutual agreement.

7. Other points raised by FM were:

(a) He urged Pakistan not only to continue its search for Defence personnel missing since 1971 but also permit their families to visit Pakistan. Pakistanis agreed that families of missing Defence Personnel could visit Pakistani jails accompanied by an Embassy official in terms of the recently concluded protocol on Consular Access.

(b) Foreign Minister reminded YAQUB KHAN about Pakistan’s unfulfilled promise on return of hijackers. YAQUB stated that their trial in Pakistan would commence soon after the meeting of Joint Commission but mentioned no dates.

8. Afghanistan: YAQUB KHAN gave a detailed report to FM on the latest position in Afghanistan. He said that CORDOVEZ had been over-optimistic in his statements but conceded that progress had been made in Geneva
particularly in regard to consultations with refugees about their return. He also confirmed that CORDOVEZ had given a draft document to both sides. He was however adamant that any settlement has to be linked with the withdrawal of Soviet troops and that they were not prepared to have direct talks with the KARMAL regime. About his recent tour abroad he said he had give similar briefing to the French, British and Saudis but had more detailed discussions with the Chinese and Americans as they could be possible guarantors along with Soviet Union. He would be having discussions in Moscow on the 9th before going to Geneva for the 3rd round commencing June 16.

9. Joint Commission meeting useful as it was first time that officials dealing with various subjects in both countries met together face to face. Pakistanis conceded importance of Joint Commission and recognized its value in improving relations. Predictably there was reluctance on their part in agreeing to different concrete proposals regarding bilateral trade, travel, shipping and furthering cultural exchanges. There was also a feeling that Pakistanis who had initially been hesitant with regard to discussions in Joint Commission had been obliged to come up with more concrete proposals on their own or pay more serious attention to our own proposals because of the momentum which had developed. In spite of Pakistan dragging its feet on bilateral matters, we were able to extract agreement on a few aspects and promise of consideration on others. We had not gone to Pakistan with any high hopes. We were conscious of their restraints and reservations.

10. Foreign Minister in his address at the concluding session of the Joint Commission described its result as “modest but useful”. 
Inaugurating the meeting of Sub-Commissions III and IV of the India-Pakistan Joint Commission on January 19, 1984 the Foreign Secretary, Shri Maharajkrrishna Rasgotra said:

The first and second Sub-Commissions of the India-Pakistan Joint Commission met for the first time earlier this week. From all accounts, the meeting achieved some progress. That should be a matter of satisfaction to us.

This meeting of the third and fourth Sub-Commissions here in New Delhi is a welcome and happy occasion, which I feel privileged to inaugurate. I have great pleasure in extending a warm and friendly welcome to the members of the Pakistan delegation. I wish them a pleasant stay here. I hope the discussions they are going to have with our officials will carry this constructive dialogue between our two countries a long step forward and the results of this meeting will impart meaningful content to the relations between our two countries in the fields covered by the two Sub-Commissions.

I hope that our friends from Pakistan will not grudge me the thought – and the hope – that this meeting will register even greater achievement than the Islamabad meeting earlier this week. I say this not from a sense of rivalry but from the desire, so often demonstrated by our leaders, for a positive and cooperative turn in India-Pakistan relations. For too long and far too often has the world heard only of differences and disagreements between India and Pakistan: we think it is time for a change.

FORUM

It was in this spirit that our Prime Minister, Shrimati Indira Gandhi, proposed the setting up of the India-Pakistan Joint Commission as a forum for forgoing constructive and mutually beneficial cooperation between our two countries which would help transcend the differences and misunderstandings of the past.

As you know, the Prime Minister of India and the President of Pakistan agreed to set up the Joint commission and this decision was brought into effect when a formal agreement was signed by the two Foreign Ministers in March 1983. The Commission’s first meeting took place in Islamabad in June 1983. It was a good beginning and we were happy that we made some useful, though modes progress. The goals that we set out to achieve last year were the same as those enshrined in the Simla Agreement of more than a decade ago.
The two Sub-commissions meeting here deal with information and culture, education and social sciences, travel and tourism. These are important areas of extensive potential contacts between the information media, the academic, intellectual and the ordinary citizens of our two countries. The progress achieved in our meetings will help generate understanding between our peoples. Larger interaction between them is bound to be beneficial to both.

Positive Approach

Our approach, might I repeat, is positive and constructive. We are anxious to give meaning and substance to the relations between our two countries in different areas. We are anxious to do so because Pakistan is our neighbor, and a strong tradition of good neighbourliness characterizes our history and our culture.

The Prime Minister of India, Shrimati Indira Gandhi, said some time ago: neighbours are a gift of geography. India and Pakistan are neighbours, that is a reality and it is given to neither to change it. India desires normal and friendly relations with Pakistan as between two sovereign, equal and independent neighbouring countries.

Our country is blessed with many neighbours. We have differences over some matters with some of them, and that is but natural. But the general tenor of our relations with each one of them is excellent and our cooperation with them is diverse and extensive. We work together with them as good neighbours: where we differ or disagree, we do so as friends. As friends, we try to narrow differences and widen the areas of understanding and cooperation. Why should the situation between India and Pakistan be any different? In appropriate forums both countries should give careful thought to this question.

This is the spirit in which our delegations to this meeting of the two Sub-Commission in New Delhi will discuss issues with their counterparts from Pakistan. We wish to work for greater contacts among wider cross-sections of our two peoples.

We seek cooperation in the largest possible number of areas of common interest for mutual benefit on the basis of agreed priorities.

I am confident that cordiality and the spirit of friendship will prevail in these meetings and your talks will be productive and useful. Looking beyond these meetings, I hope that the agreements reached here will be acted upon by the respective agencies and organizations of the two Governments so that we can move forward to the full achievement of the aims in pursuit of which the Joint Commission was established.

I wish all success to your endeavours. May your work lead to the opening of new vistas of understanding and cooperation between our two countries.

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Sub-Commission - I

Sub-commission 1 of the Indo-Pakistan Joint Commission, which deals with economic matters has completed its deliberations, the highlights of which are as follows:

Planning and Development

A working group consisting Secretary, Planning and two senior officials of the Planning Commission of both countries has been constituted to formulate suggestions for economic cooperation. A seminar on long-term economic cooperation is to be held in Islamabad in April 1984.

Agriculture

The two sides exchanged drafts on agricultural cooperation between the Indian Council for Agricultural Research and the Pakistan Agricultural Research Council. A revised draft has also been prepared for final approval by the two governments.

Railways

It has been agreed to introduce through bookings, for the passengers traveling between Pakistan and India, to seven designated railway stations in both countries. Passengers will be able to buy tickets in their own currency. These arrangements are expected to come into effect in July 1984.

Health

Both sides agreed to exchange delegations for discussions between the Directorate General Health Services and Medical Research Council of both countries. Areas of cooperation would include control of communicable diseases, control and prevention of goiter and other water-borne diseases, as well as research and training of teachers for the handicapped. A Pakistani delegation is to visit India in April 1984 and an Indian delegation would visit Pakistan subsequently.

Industry

Progress was reviewed regarding (i) exchange of visits; (ii) technological cooperation and supply of machinery; (iii) joint ventures and (iv) exchange of information. A proposal to set up a Joint Business Council was noted for
consideration. A delegation of industrialists and officials would visit India to explore prospects of industrial cooperation and exchange of information. Both sides agreed to encourage their entrepreneurs to invest in the Export Processing Zones of the other country.

**Shipping**

*It was agreed* that it would be mutually beneficial to expand the scope of the 1975 'Protocol on Resumption of Shipping Services' between India and Pakistan to cover carriage of third country exchange cargo. A Pakistani delegation is expected to go to India to discuss further liberalization of the Protocol and related issues.

**Telecommunication**

*It was decided* to add one more telephone carrier system between Lahore and Amritsar for which the terminal for installation at Lahore will be loaned by India.

A radio telephone link in the VHF range will also be installed shortly for which the terminal for installation at Amritsar will be loaned by Pakistan.

It was decided that the co-axial cable system between Lahore and Amritsar which is a part of the Asia Telecommunication Networks should be completed by the end of 1984. After this system is installed better quality circuits would be available.

Auto telex circuits would also be expanded over the terrestrial and satellite telex traffic. Both sides further agreed to examine the introduction of semi-automatic telephone working and try to overcome the related technical problems in this connection.

**Postal**

*The two sides* expressed deep appreciation at the reduction of postal rates for mail between the two countries. It was agreed to hold a meeting of the two postal administrations by mind 1984 for the settlement of postal accounts prior to 1971.

**Science and Technology**

*It was agreed* to exchange visits for exploring cooperation in clean energy, marine science genetic and bio-technology medical research, environment and optics with a view to sharing each other’s experience.

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Sub—Commission — II

Indian Delegation:
Shri Abid Hussain, Leader
Shri K. D. Sharma Shri S. K. Lambah
Shri. Santosh Kumar Shri A. K. Sen and Shri A. K. Doval

Pakistan Delegation
Mr. Isharul Haque Leader
Mr. Towfiq Fehmi, Mr. Javed Burki Mr. Mian Mumtaz
Mr. Mohammad Abdullah
Hafiz Shaikh Mr. Said K. Dehlai, Mr. Iqbal Mueen,
Mr. Ghulam Yazdani and Mr. A. Hamid.

Sub-commission II (Trade) met in three sessions held in the Ministry of Commerce on 15, 16 and 17 January, 1984.

The talks were held in a very cordial and friendly atmosphere.

The two delegations reiterated their keen desire to substantially increase trade between the two countries. It was agreed that there was considerable scope for increasing trade between the two countries, without incurring large trade imbalances.

In order to further increase the levels of trade, the following items were identified for bulk trading between the two countries:

Exports to India
Fertilizer (urea), low grade coal, pig iron, soda ash, fresh and dried fruits, petroleum products, fish, rock salt, onyx and industrial alcohol.

Exports to Pakistan
Iron ore, steel mill rolls, stainless steel sheets, mica and mica products, selected chemicals, jute and jute products, tea, coffee, bidi leaves.

In the context of increasing its trade with India, Pakistani side inter alia reiterated its concern of affording protection to its industry. The Indian side took note of Pakistan’s concern.
It was agreed to exchange market intelligence regarding commodities of common interest in their trade with their countries.

It was agreed to encourage technical cooperation in items of export interest of the two countries.

While expressing satisfaction over the existing cooperation between the two countries on issues of international trade in the various international trade forums, it was agreed to maintain and increase exchange of views on a regular basis on trade matters of common concern to developing countries.

It was agreed that more opportunities should be provided to the trading communities of the two countries in order to establish contacts with each other for the purposes of identifying possibilities of trade and learning from each other’s experience.

It was agreed to find ways and means of gradually inducting the private sectors into the trade between the two countries.

It was agreed that the two countries would make all possible efforts to meet each other’s requirements of essential commodities caused due to unforeseen shortages.

Both the countries have set up Export Processing Zones for promoting export oriented units. The investors of the two countries would be encouraged to set up units in each other’s Export Processing Zones in accordance with respective regulations.

Sd/- Abid Hussain
Leader of the Indian Delegation

sd/- Izharul Haque
Leader of the Pakistan Delegation

Islamabad, dated 17th January 1984.
2690. Press Statement issued at the conclusion of the meetings of the Indo-Pakistan Joint Sub-Commissions III and IV.

New Delhi, January 21, 1984.

The second meeting of Sub-Commission III on information, education, social sciences, culture and sports and Sub-Commission IV on travel, tourism and consular matters of the India-Pakistan Joint Commission was held in New Delhi between January 19 and 21, 1984.

The meeting of the two Sub-Commissions was inaugurated by Shri M. Rasgotra, Foreign Secretary of India. H.E. Mr. Riaz Piracha, Ambassador of Pakistan was present on the occasion.

The Pakistan delegation for the meeting of the two Sub-Commissions was led by Mr. M.A. Beg, Joint Secretary, Ministry of Culture and Sports and Mr. Mohsin Kamal, Joint Secretary, Tourism Division, Government of Pakistan. The Indian delegation was led by Shri J.K. Bhattacharya, Joint Secretary, Ministry of Information and Broadcasting and Shri Surjit Singh, Joint Secretary, Ministry of Home Affairs.

During the discussions, which were held in a cordial and constructive atmosphere, the two sides reviewed the progress of the implementation of decisions made at the last meeting of the two Sub-Commissions held at Islamabad in June 1983 and exchanged views on specific proposals aimed at promoting mutually beneficial cooperation in these fields.

A protocol on promotion of group tourism, the text of which has now been finalized, will be signed soon.

In the course of deliberations in Sub-Commission III, various other proposals were discussed and decisions reached in regard to exchanges in the fields of information, education, culture, sports, performing arts, etc. It is hoped that this will facilitate visits of artists, poets, writers, performing artists and experts in various fields between the two countries.

The meeting considered further measures to implement decisions taken at the last meeting in regard to cooperation among national libraries, national archives and national museums and for the preservation of cultural property, prevention of illegal exports of antiques etc.

Fresh proposals have been made to give further impetus to the tempo of exchanges in the field of sports and plans have been made for exchanging teams of sportsmen in different fields during 1984. Exchange of exhibitions of paintings, photographs, handicrafts and folk-crafts are also envisaged.
In the Sub-Commission IV steps to streamline modalities in respect of return of civilian detenus who have completed their sentences were further discussed. It was agreed that measures would be considered to increase the number of shrines for visit of pilgrims of both countries. It was decided that, in future double entry transit visas would be issued by both countries.

All the four Sub-Commission of the India-Pakistan Joint Commission will meet again in New Delhi during the 2nd Meeting of the Joint Commission.

2691. Press Release issued by the Federation of Indian Chamber of Commerce and Industry on the visit of 12-member Trade Delegation representing the Federation of Pakistan Chamber of Commerce and Industry.

New Delhi, March 26, 1984.

Potential for increased trade between India and Pakistan exists and should be fully explored. India is keen to improve trade between the two countries to a significantly higher level. Trade could play a vital role between the two countries and assist in cementing the relationship.

These ideas were exchanged today when a 12 member delegation representing the Federation of Pakistan Chambers of Commerce and Industry called on Commerce Minister, Shri V.P. Singh here today. Shri N. R. Laskar, Minister of State for Commerce and Shri Abid Hussain Commerce Secretary were also present. The Pakistan delegation was led by Mr. Saifullah Khan Paracha, Chairman of FPCCI. The delegation is in India on the invitation of FICCI.

The leader of the Pakistan delegation observed that during this visit he had found a strong desire amongst the Indian businessmen to increase trade with Pakistan.

This urge was reciprocated in the business community of his country.

Shri V.P. Singh suggested that various new items for import and export could be identified at the traders level. Mr. Paracha informed him that Indian and Pakistan Chambers of Commerce and Industry were already working on this so that link-ups could be organized shortly.
For certain items like edible oil, basmati rice and carpets which were of import and export interest to both the countries, market intelligence could be exchanged so that the two countries could benefit while trading with third countries, suggested the Commerce Minister.

Similarly industrial collaboration and new technologies and joint ventures were areas, where the two countries could cooperate in.

The Commerce Secretary pointed out that a new dimension could be added to joint ventures cooperation by investment in the free trade zones of each other’s countries.

The Commerce Minister further stated that exchange of visits between the two countries’ State Trading Corporation and other public sector undertaking like the MMTC could be arranged for better information flow and interaction. Mr. Paracha of Pakistan felt that regulations could be eased to facilitate frequent visits of businessmen between the two countries. He made a request for additional facilities in the import policy of India for items of export interest to Pakistan.

Onyx and collaboration in marble production were also considered. There were further discussions on the framework of trade between the two countries.

India’s total exports to Pakistan have risen from Rs. 0.78 crores in 1975-76 to Rs. 6.59 crores in 1982-83. Similarly the imports from Pakistan have gone up from Rs. 2.12 crores in 1975-76 to Rs. 32.46 crores in 1982-83.

Although no trade agreement between India and Pakistan exists, there has been progress in discussions at the two meetings of the Indo-Pak Sub-Commissions on trade in June, 1983 and January, 1984. At the last meeting, it was agreed that trade deficits should not be viewed purely from the arithmetical or short-term point of view. It was also agreed that there was substantial scope for expansion of trade without incurring a large trade imbalances.

Measures to expand trade which were agreed to in Sub-commission Meetings in January, 1984 include;

(i) the two countries will make all possible efforts to meet each other’s requirements of essential commodities caused due to unforeseen shortages.

(ii) The following items were identified for bulk trade between the two countries. **Exports to India:** Fertilizer (Urea), Low grade oil, pig iron,
soda ash, fresh and dried fruits, petroleum products, fish, rock salt, Onyx and industrial alcohol. **Exports to Pakistan:** Iron ore, steel mill rolls, stainless steel sheets, mica and mica products, selected chemicals, jute and jute products, tea, coffee and Bidi leaves.

India has already imported fertilizers and pig iron worth Rs. 5.5 crores and 9 crores during July 1983 February 1984.

Pakistan participated in a big way in the India International Trade Fair, 1981, and the country’s pavilion was the second largest in the Fair.

Exchange of visits between the business communities have been encouraged. A delegation from Pakistan Federation of Chambers of Commerce and Industry visited India at the invitation of FICCI In November, 1981. The PHD Chamber of Commerce and Industry sent a team to Pakistan in November 1982. A delegation of FICCI also visited Pakistan in February, 1983.

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2692. **AIDE MEMOIRE from the High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.**

Islamabad, May 12, 1984.

The Sub-Commission on Trade, formed under the Indo-Pak Joint Ministerial Commission, held its last meeting in Islamabad on 15-17 January 1984. In view of the special importance attached to this vital sector of bilateral relations, both sides in the Sub-Commission meeting were led by their respective Commerce Secretaries. The Agreed Minutes of the meeting reiterated the keen desire of both the countries to substantially increase trade between the two countries.

In the Sub-Commission meeting it was, *inter alia*, agreed to find ways and means of gradually inducting the private sector in the trade between the two countries. While discussing the mechanics of achieving this commonly shared objective, it was pointed out by the Pakistan side that it apprehended injury to its nascent industries if unrestricted trade was permitted between the two countries. The Indian side took note of Pakistan’s concern.

In the above context, it was felt that it would be worthwhile if the Government of Pakistan could identify the specific commodities whose import from India in its judgement would adversely affect some of its industries. Preparation of
such a list, it was hoped, would help in resolving the present impasse which had defied a solution for too long. With these considerations in view, the Commerce Secretary of Pakistan had assured the Indian Commerce secretary to give a list to the Indian side identifying the products requiring some protection.

The Government of India would like to receive the list of the products, requiring quantitative or qualitative protection in the context of Indo-Pak trade, if the same has since been prepared, with a view to give a further impetus to the promotion of Pakistan–India trade relations.

Islamabad
12 May 1984

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2693. Protocol on Group Tourism between the Islamic Republic of Pakistan and the Republic of India.


The Islamic Republic of Pakistan and the Republic of India hereinafter referred to as the Contracting Parties.

Desirous of promoting and strengthening goodwill between the two countries.
And further desirous of promoting tourism between the two countries to enhance understanding of their people about the other country

Have agreed as follows:

ARTICLE I
The Contracting Parties shall develop group tourism between the two countries on the basis of reciprocity.

ARTICLE II
The group tourism envisaged in this Protocol shall not cover the nationals of either Party, if they come with groups visiting either country from third countries, or if they leave for third countries.

ARTICLE III
The Contracting Parties shall grant visitors’ visas for a period not exceeding 15 days to groups of 30 to 100 tourists to visit recognized places of tourist interest in their country. Each Party shall permit the visit of up to 2000 tourists in each quarter of the calendar year.
ARTICLE IV
Visas will be issued for specified places. The visas shall be granted on the basis of fixed itineraries previously approved by the other Party.

ARTICLE V
Initially, these group tours will be handled in Pakistan by the tour operation agency of the Pakistan Tourism Development Corporation, the designated tour operator for Pakistan, and in India by the India Tourism Development Corporation, the designated tour operator for India.

ARTICLE VI
The designated tour operators shall apply for visas, giving names and travel particulars of each tourist group to the Embassy of the other country in its territory, at least one month before the date of arrival of the group in the other country.

ARTICLE VII
Initially, all tourist groups will travel by air only. Entry and exit of these tourist groups will be through a recognized check post. The exit may not necessarily be through the same check post as the check post of entry.

ARTICLE VIII
Tourist shall not be required to personally report their arrival and departure to the local police.

ARTICLE IX
Each Party shall grant, on a reciprocal basis, sufficient foreign exchange to each tourist to promote group tourism between the two countries.

ARTICLE X
The Contracting Parties shall share their experiences in the field of tourism through exchange of statistical publications, research studies and other relevant published material.

ARTICLE XI
This Protocol shall remain in force until either Party revokes it by giving a notice in writing 3 months in advance, to the other party.

The Protocol shall come into operation from a date to be notified by mutual Agreement.
2694. Reports of the Second Meeting of the India - Pakistan Joint Commission held in New Delhi from 2\textsuperscript{nd} to 4\textsuperscript{th} July, 1985.

The second meeting of the India-Pakistan Joint Commission was held in New Delhi from 2\textsuperscript{nd} to 4\textsuperscript{th} July, 1985.

2. the Indian delegation was led by H.E. Shri Khursheed Alam Khan, Minister of State for External Affairs. The Pakistan delegation was led by H.E. Sahabzada Yaqub Khan, Minister for Foreign Affairs.

3. During his stay in New Delhi the Minister for Foreign Affairs of Pakistan called on the President, the Vice President, the Prime Minister, the Ministers for Defence, Agriculture and Education as well as Chairman of the Policy Planning Committee in the Ministry of External Affairs.

4. At the inaugural session held on 2\textsuperscript{nd} July, 1985, the leaders of the two delegations expressed satisfaction at the fact that the second meeting of Joint Commission coincided with the 13\textsuperscript{th} anniversary of the historic Simla Agreement. They reaffirmed their Government’s resolve to pursue the task of promoting friendly and cooperative relations and the establishment of durable peace between the two countries in keeping with the letter and spirit of the Simla Agreement. They paid tribute to the late Prime Minister of India, Smt. Indira Gandhi who proposed the creation of the Joint Commission, and the President of Pakistan H.E. General Mohammed Zia-ul-Haq, for their foresight in agreeing to its establishment as an institutional framework for promoting mutually beneficial cooperation in various fields. They expressed the desire that this meeting of the Joint Commission should make a concrete contribution towards further strengthening confidence, cooperation and friendship between the two countries. They directed their respective delegations that this objective must guide the deliberations in the four sub-commissions.
5. The four sub-commissions dealing with: (I) Economic matters (including Agriculture, Communications & Industry), Health, Scientific and Technical Cooperation (II) Trade, (III) Information, Education, Social Sciences, Culture and Sports & (IV) Travel, Tourism and Consular matters, held a number of working sessions in the course of which several concrete proposals were put forward by the two sides.

6. Some important decisions taken and recommendations made by the second meeting of the Joint Commission include: (i) Signing of the Agreement on cooperation in agricultural research; (ii) agreeing on the text of the draft Cultural Cooperation Agreement; (iii) Drawing up of proposals on cultural exchanges for the forthcoming year; (iv) Waiver of requirement of police reporting in respect of bona fide businessmen and holders of transit visas; (v) Commencement of through railway booking facilities between designated railway stations in the two countries from October 1, 1985; (vi) Programme for holding a seminar on long term planning in Islamabad and setting up of a working group for cooperation in this field; (vii) Exchange of information to check trafficking in narcotics.

7. It was decided that with a view to promotion of better understanding and mutual goodwill, the two governments, will facilitate people to people exchanges between intellectuals, students, alumni of recognized educational institutions, professional organizations and welfare clubs.

8. The discussions in the Joint Commission and the four sub-commissions were held in a cordial and constructive atmosphere. The importance of timely implementation of various decisions taken by the Joint Commission was emphasized.

9. The Joint Commission adopted the reports submitted by the four sub-commissions, copies of which are attached (not included here). The following are the main conclusions of the Joint Commission:

**Sub Commission I**

Economic matters (including industry, communications, agriculture) health, scientific and technical cooperation.

(i) **Agricultural Cooperation:** An agreement on cooperation in agriculture was signed by the Minister of Agriculture and Rural Development of the Government of India and the Minister of Foreign Affairs of the Government of Pakistan on 4th July, 1985.

(ii) **Planning:** A seminar on long term planning would take place in Islamabad some time in December 1985 – January 1986 to be followed
by the setting up of a Working group for promoting economic cooperation. The Minister for Finance, Planning and Development of the Government of Pakistan would visit India in the last quarter of 1985.

(iii) **Avoidance of Double Taxation**: The tax panels of the two countries would meet in October 1985 to draw up a limited purpose treaty on the avoidance of double taxation.

(iv) **Health**: In order to strengthen cooperation in the field of health, it was agreed that a delegation from Pakistan would visit India in the first fortnight of August 1985 to be followed by a return visit by an Indian delegation to Pakistan in September, 1985.

(v) **Telecommunications**: The existing 12 channel carrier system between the two counties has been vastly improved and a second carrier system of 8 channel capacity has also been commissioned between Lahore and Amritsar. Six additional circuits between other cities/towns of both countries have also been introduced. The coaxial cable link between Lahore and Amritsar is expected to be commissioned by September 1985. A coordination meeting of the financial experts of both countries would also be convened in Islamabad at the earliest to settle outstanding financial dues.

(vi) **Science & Technology**: In order to concretize bilateral cooperation in certain identified fields, an Indian delegation would visit Pakistan in February, 1986 to be followed by a return visit from a delegation from Pakistan to India to April 1986.

(vii) **Shipping**: An Indian delegation would visit Pakistan in October 1985 to finalise details for liberalization of the bilateral Shipping Protocol of 1975.

(viii) **Railways**: Through bookings of passenger traffic between selected pairs of stations will be introduced from October 1, 1985.

### Sub-Commission II- Trade

There was a review of the development of trade and it was noted that the volume of trade between the two countries had been very modest and did not fully reflect the potential which existed for trade between the two countries. Both sides agreed that expeditious measures needed to be taken to reverse the trend. It was agreed that further discussions would be necessary before a harmonization on basic approaches is possible. In order to achieve the mutually agreed objective of expanding trade, both sides exchanged indicative lists of products of their respective export interest.
Sub-Commission III

Information, Education (including Social Sciences), Culture and Sports

(i) A draft text of the cultural Cooperation Agreement was finalized for the consideration and approval of the two Governments.

(ii) Pending finalization of a Cultural Agreement, several proposals were made by both sides for exchanges during 1985-86. These would be pursued for implementation. The proposals included visits by archaeologists, social scientists, museum experts, writers, poets, artists, classical singers, archivists, library experts, anthropologists, etc.; exchanges of books, publications, sports teams and exhibitions of Urdu books and paintings; joint symposia on social sciences etc. India invited Pakistan to take part in the 6th Art Triennale in New Delhi in November 1985.

(iii) The two sides discussed the draft agreement for exchange of Archival Material. It was felt that the matter required further deliberation.

(iv) Correspondents of AIR and Radio Pakistan will be positioned in Islamabad and New Delhi respectively by end August 1985. One newspaper correspondent from each country will also be in place shortly.

(v) Both sides noted the importance of the role of the media. They emphasized the hope that in accordance with the provisions of the Simla Agreement, the media will contribute to the promotion of understanding and establishment of good neighbourly relations between the two countries.

(vi) Radio and TV organizations in the two countries will identify programmes for reciprocal exchanges.

(vii) Visits will be promoted between intellectuals, poets, writers, alumni of recognized educational institutions, professional organizations and welfare clubs.

Sub-Commission IV –

Travel, Tourism & Consular Matters

i) It was agreed to exempt businessmen visiting each other’s country and transit visa holders from reporting to police in person.

ii) The implementation of the protocol on group Tourism was reviewed and it was noted two group from Pakistan visited India and a group from India was scheduled to visit Pakistan towards the end of 1985.
The Airlines Visa Agreement of 1976 could be further liberalized and the Station Managers of Indian Airlines and PIA could be given assignment visas. Other staff members of the airlines would also have the number of visits increased from three to six each year. The families of the airlines officials would also enjoy these additional facilities.

The number of pilgrims visiting shrines in each other’s country will be increased. Additional facilities for these pilgrims would also be provided.

The procedures for the repatriation of civilian detenus after completion of their sentences were reviewed and it was agreed that lists of civilian detenus and consular access would be provided on a regular basis every quarter.

For the first time, the modalities to check smuggling of narcotics products were discussed and it was agreed that the Directorate of Revenue Intelligence in India and the Directorate of Customs Intelligence and Investigation in Pakistan would exchange information and stay in close touch in order to check trafficking in narcotics.

While in New Delhi Pakistan Foreign Minister Sahabzads Yaqub Khan apart from attending to the work of the Joint Commission also called on Indian President Zail Singh and Prime Minister Rajiv Gandhi at New Delhi on July 2. He conveyed the warmest regards and best wishes of President Mohammad Zia-ul-Haq to Mr. Zail Singh, who cordially reciprocated Gen Zia’s message.

During his 40-minute meeting with Mr. Rajiv Gandhi, Sahabzads Yaqub Khan exchanged views on matters of mutual interest. They agreed that expansion of contacts and exchanges between the two countries at official, as well as non-official level, would positively contribute to further development of good neighbourly cooperation in an environment of mutual trust and confidence. They also agreed that such an evolution could strengthen peace and stability in the region. Gen zia had also had a telephonic conversation with Mr. Rajiv Gandhi to convey his greetings on the occasion of the 13th anniversary of Simla Accord. Reciprocating the greetings of Gen Zia, Mr. Rajiv Gandhi asked Sahabzada Yaqub Khan to convey his best wishes to Gen Zia and Prime Minister Mohammad Khan Juneja. Sahabzada Yaqub Khan also made a courtesy call on Mr. Khurshid Alam Khan, Indian Minister of State for External Affairs.

Speaking at the opening session of the Commission Pakistan Foreign Minister said Pakistan and India had much to gain from mutual confidence and cooperation. As neighbours they could and should be a source of help and strength to each other, he said. As developing countries “we can, and should, benefit from each other's experience,” he added.

He spoke of the shared history, culture and languages and innumerable other ties that bind the two countries and expressed the hope that an expanded exchange could immeasurably contribute to mutual enrichment of the lives of the two peoples with glorious and ancient civilizations. Calling for establishing tension-free, amicable and mutually supportive relation between the two countries, he said these would also strengthen the forces of peace and stability in the region, free from foreign military intervention or interference in the internal affairs of each other. He paid tributes to the late Prime Minister Indira Gandhi, who, he said, would be remembered as a founder of the Joint Commission. A distinguished stateswoman and admired leader of India, she had the foresight to propose the creation of the Commission. The proposal, as indeed it found ready acceptance by Gen Zia-ul-Haq, symbolized a recognition that harmony and cooperation...
10. The leaders of the two delegations expressed satisfaction at the results achieved during the second meeting of the Joint Commission and expressed their confidence that these would further facilitate the promotion of understanding and cooperation between the two countries and peoples.

11. The Foreign Minister of Pakistan expressed gratitude for the warm reception and generous hospitality extended to the Pakistan delegation by the Government of India.

12. It was agreed that:

(i) The Third meeting of the Joint Commission will be held in Islamabad in 1986;

(ii) The sub-commissions would meet in between also to review the progress. Sub-commissions I & II will meet in New Delhi and Sub-Commissions III & IV in Islamabad. These meetings will be held before the end of this year.

(Khursheed Alam Khan) (Sahabzada Yaqub Khan)
Minister of State for Minister of Foreign Affairs
External Affairs, Government of India. Government of the Islamic
Republic of Pakistan

and not conflict and confrontation would best serve the real interests of the two countries. Recalling the signing of the Simla Agreement he said “Today, on the 13th anniversary of the signing of the Simla Agreement, we are cognizant especially of the wisdom of its step-by-step, progressive and incremental approach, which has proved its efficacy and effectiveness over the years. We have moved a long way from the state of boycott and severance that unfortunately characterized our relations in the early seventies. While there is always room for improvement, already our relations have moved forward in the fields of travel and trade, culture and communications. With greater mutual confidence, we can and, Insha Allah, shall achieve greater progress. The noble principle of the UN Charter, peaceful co-existence and mutual benefit, can and must be our inspiration and guide,” he added. He pleaded for the early and expeditious conclusion of a bilateral treaty to reinforce their commitment to the principles of non-aggression and non-use of force. He recalled that significant progress was made last year to wards the harmonization of the Pakistan proposal and the Indian draft treaty of peace, friendship and cooperation. The Foreign Secretaries were due to meet at the end of this month in New Delhi and “we look forward to further substantive results.”

Welcoming the Pakistani delegation at the opening of the meeting the Indian Minister of State for External Affairs, Khurshid Aslam Khan, said their objective was to increase contacts and cooperation where they existed and to explore new avenues for such cooperation. Their endeavour would be to concretize various proposals and ideas and reach mutually satisfactory agreements. The four sub-commissions provided a unique forum for Indian and Pakistani experts and officials dealing with a variety of subjects
which had a direct bearing on the day-to-day life of the common man in either country, he said.

Mr. Alam said Protocols and agreements were important, but they were not an end in themselves. They represented the starting point in a joint endeavour. “We have to look beyond the signing of agreements. We have to ensure that decisions taken by the Joint Commission through mutual agreement are implemented expeditiously in letter and spirit. Various agencies of the two Governments concerned with their implementation have to ensure timely action in pursuance of these decisions. The two Foreign Minister have a crucial role to play as coordinating agencies,” he said. The people of India, Mr. Khurshid Alam Khan said, sincerely desired cordial, cooperative and good neighbourly relations with Pakistan, devoid of past suspicions, mistrust, and recrimination. “I am confident that our discussions will be marked by cordiality and will be productive and useful, so that we can take another step forward towards the achievement of the goals for which the Joint Commission was established,” he added.

Before leaving for Delhi Mr. Yaqub Khan told newsmen at the Islamabad airport that he was going to New Delhi for the Joint Commission meeting with an open mind and he would have a constructive and positive approach towards the talks with a view to building up mutual confidence and having tension free good neighbourly relations with India.

The second meeting of the Joint Commission ended after reaching a number of important decisions aimed at promoting mutual cooperation and friendship between the two countries. These steps included signing of an agreement on cooperation in agricultural research, finalization of the draft for a cultural agreement, formulation of cultural cooperation program, relaxation of travel regulations including exemption of police reporting in respect of businessmen and transit visitors, finalization of facilities for through railway bookings between designated railway stations and the decision to facilitate exchange of visits by various group organisations like, women’s organisations, lawyers’ associations and old boys associations. It was also agreed that India would hold an exhibition of Urdu books in Pakistan later that year and a seminar on long-term planning. The agreement on agriculture envisaged cooperation and collaboration in the fields of germplasm and breeding material, exchange of scientific literature and their participation in seminars, symposia and workshops and import and export of scientific equipment as available and required for the programmes of common interest.

The Indian Minister for agriculture, Mr. Buta Singh, said the signing of the agreement between the two countries was another step forward in the series of efforts being made to foster greater understanding and bilateral cooperation in diversified fields and to develop good neighbourly relations between the two countries. India wanted to share Pakistan’s experience and knowledge on the basis of “reciprocity and mutuality of interest”. Pakistan’s Foreign Minister, Sahabzada Yaqub Khan said the agreement was vital for both countries as it would benefit the peoples of the two countries immensely. Although the step taken was modest, yet this would lead to further steps to clear the atmosphere and dispel the doubts and misgivings between the two countries, Mr. Yaqub Khan said. Sahabzada Yaqub Khan appreciated the work done by the four sub-commissions during their two-day deliberations. The way they had tackled the problems and issues with all seriousness reflected the desire and political will of the two countries, particularly that of President Zia-ul-Haq and Prime Minister Rajiv Gandhi, to forge good neighbourly and cooperative relations. “It harmonises the feelings of peoples in both the countries,” he said. He gave a firm assurance that the Pakistan Government would give serious attention to the implementation of the decisions arrived at during the three-day deliberations.

Mr. Khurshid Alam Khan, Indian Minister of State for External Affairs, congratulated the members of the two delegations and described the deliberations of the joint Commission as a productive and satisfactory exercise. He said it was gratifying that the discussions had been marked by a spirit of friendship, constructive cooperation and mutual accommodation. “The atmosphere, if I may say so, has been pervaded by the Simla spirit. It is only appropriate and befitting that this should be so,” he said.

The goal for which the joint commission had been established and the objectives they
had set before themselves at Simla could be achieved only through sincere and timely implementation of such decisions as they took together under the aegis of the joint commission. In this, time and speed were as important as direction and content. "I have no doubt that our two governments will ensure that all the concerned agencies on both sides take timely action", he said.

During the joint briefing by the Spokesmen of the two delegations, it was stated that the first sub-commission had recommended increasing telephone links with other cities of the two countries for the benefit of the people and introduction of through railway bookings from October, 1985. It was decided that the Pakistan Finance Minister would be paying a visit to India in the last quarter of this year to discuss economic cooperation.

Progress was also made on avoidance of double taxation. The concept of joint venture in third world countries was also identified.

In the second sub-commission dealing with trade, it was agreed to have further discussions in this area, because no specific decision was reached and discussions were left open. In the third sub-commission dealing with information, culture, sports and education, the two sides have been able to work out a draft cultural cooperation agreement. Certain proposals were also worked out for exchanges of social scientists, museum experts, writers, poets and artists. It was agreed to exchange radio correspondents as well as newspaper correspondents. Progress of cooperation was also reviewed in regard to radio and television programme.

In the fourth sub-commission dealing with travel, tourism and consular access, there was liberalization of regulations for some categories of travellers. On the question of repatriation of civilian prisoners, it was decided to streamline the procedure. There would be a visit on the 28th of next month of consular officers of both sides to civilian prisoners. Thereafter, there would be such meetings every four months.

On return to Islamabad Yaqub Khan expressed his satisfaction over the outcome of the Joint Commission meetings. The results of the meeting were very satisfactory and this impression was also shared by other members of his delegation and "our hosts in India", he said. His favourable impression of outcome of deliberations was also confirmed by the persons at all levels he had the occasion to meet during his stay in New Delhi, he added.

The leaders of both the countries had helped the Commission arrive at understanding. He paid tribute to Prime Minister Mr. Rajiv Gandhi and said he had encouraged them greatly and promoted the conclusion of understanding between the two countries. Gen Zia-ul-Haq had also given him instructions that had enabled them to achieve encouraging results.

On the whole, he said, the results of the meeting were substantial. Even if they were to be regarded as modest, it was important to remember that each step, however, small would make the next step easier. He was sanguine that the wide range of decisions that had emanated from the meeting would help generate goodwill and confidence which was imperative for the promotion of cooperative relations between the neighbouring countries.

With continued goodwill and understanding, patience and perseverance, "we can achieve progress even in those areas where it appears to be lacking", he added.

In New Delhi, meanwhile, Foreign Secretary Mr. Romesh Bhandari said in an interview that seen in the context of the history of past 38 years of suspicion, hostilities, mistrust and distrust, the outcome of the Joint Commission meeting was really noteworthy and it should be the endeavour of the two sides to keep working if they had to go further. The legacies of the past should not deflect the two countries from the path of friendship, understanding and harmony, he added. At least, he said, there was no acrimony. "We are not at least snarling at each other. We are trying to find out what new element could be introduced to achieve greater understanding. Mr. Bhandari disclosed that "hot line" was being established between the Indian Foreign Secretary at New Delhi and the Pakistan Foreign Secretary at Islamabad. This would enable the two secretaries to attend to immediate problems. The aim was to change the negative attitude into a positive one
2695. Agreed Minutes of the meeting between Finance Minister V. P. Singh and Pakistan Finance Minister Mahbub-ul-Haq.

Islamabad, January 10, 1986.

In pursuance of the decisions taken of the meeting between the Prime Minister of India and the President of Pakistan at New Delhi on the 17th of December 1985, His Excellency Mr. V.P. Singh, Finance Minister of India visited Pakistan from 8-10 January 1986. He was accompanied by Mr. S.Venkitaramanan, Secretary Finance, Mr. Prem Kumar, Secretary Commerce, Mr. Muchkund Dubey, Additional Secretary Ministry of External Affairs and other senior officials of the Indian Government. Mr. S.K. Singh, Indian Ambassador in Pakistan also joined the delegation.

2. The Pakistan Delegation was led by Dr. Mahbub-ul-Haq Minister for Finance, Planning and Economic Affairs and included Mr. Ejaz Ahmad Naik, Secretary General, Economic Affairs Division, Mr. H.U. beg, Secretary Finance Mr. Mehtab Masud, Secretary Commerce, Mr. Masud Zaman, Secretary Industries, Dr. Moin Baqai, Secretary Planning, Mr. Hasan Zaheer, Secretary Production, Mr. F.K. Bandial, Secretary Communications, Mr. Abdul Sattar, Additional Secretary Ministry of Foreign Affairs and other senior officials of the Pakistan Government. Dr.Humayun Khan, Pakistan Ambassador to India also joined the delegation.

3. During his stay in Islamabad, the Indian Finance Minister called on the President and the Prime Minister of Pakistan.

4. The two Finance Ministers held wide-ranging discussions on matters so that fruitful results for the betterment of the two peoples could be found. Mr. Bhandari however admitted that no progress had been achieved in the Joint commission meeting on trade and about the Khokropar border post. Maybe, Pakistan had some difficulties in the matter.

Within weeks of the meeting of the Joint Commission, on October 19 India and Pakistan agreed to cooperate in the field of Health and Family Planning when the signed agreed minutes of when a Pakistani delegations visited New Delhi.

Both sides agreed that there should be:

1. Exchange of information in the areas of bio-medical research, medical education and training, seminars and workshops at national levels.

2. Collaboration in communicable diseases control, particularly, malaria, tuberculosis, leprosy and control of goiter. The collaboration will be implemented through the Directorate General of India and Pakistan.


4. Exchange of information and experiences in the fields of family planning and welfare.

5. Exchange of experts in specialized fields of health and family welfare.
relating to economic cooperation between the two countries and the means by which this cooperation could be further strengthened. These discussions were intended to contribute to the process of normalising relations and promoting understanding and cooperation between the two countries, set in motion by Prime Minister Shri Rajiv Gandhi and President Zia-ul-Haq. These discussions related to the fields of telecommunications, shipping, air links, industry, trade, industrial joint ventures, education etc.

5. The discussions were held in a friendly and cordial atmosphere. The two sides reaffirmed their commitment to take appropriate steps to further expand and strengthen economic cooperation between the two countries.

6. The following decisions and understandings were reached during the meetings of the two Finance Ministers. An attempt will be made to implement decisions/understandings in all these areas and to finalise, wherever appropriate, texts of agreements, before the forthcoming visit of the Prime Minister of India to Pakistan:

(i) Telecommunications

(a) Direct dialing

Direct dialing services between the two countries should be started before the end of 1986.

(b) Telex facilities

The present telex facilities linking the two countries should be further expanded on the Lahore - Amritsar route.

(ii) Shipping

The amendments to the Shipping Agreement as agreed upon in the last meeting of the Joint Commission should be finalised as soon as possible.

(iii) Air Links

Representatives of the two national airlines should meet at an early date to explore the possibilities of increase in the frequency of services on existing routes and introducing more wide-bodied aircraft to cope with the growth in traffic.

(iv) Trade

7. The two sides agreed that there was considerable scope for the expansion of trade between India and Pakistan in the mutual interest of both the countries.
They also reaffirmed their objective is to conduct this trade in conformity with the commitments, obligations and safeguards under the GATT.

8. It was agreed that efforts should be made to at least double the trade in commodities being traded by the public sector agencies of the two countries, during the current year.

9. In private trade, Pakistan agreed to make an immediate beginning by opening its private sector trade in 42 commodities given in the annexed list. It will also set up a special committee to consider additional items for inclusion in private trade and to finalise those items within a month.

10. Pakistan proposed that as a pragmatic approach the expansion of private trade should be taken up in phases, building up a momentum towards a pattern of two way trade which would be in conformity with the principles of the GATT, while fully safeguarding local industries. Both sides agreed to continue further dialogue on the matter.

(v) Industrial Joint Venture

11. Both sides agreed that setting up of joint ventures in the two countries would be an important means of promoting industrial collaboration and trade between the two countries. This process will be facilitated by setting up a joint business committee of the federations of Chambers of Commerce and Industry of India and Pakistan. Such a committee would help in promotion of trade flows.

12. Representatives of the two governments should meet as early as possible to formulate specific guidelines that would govern such joint ventures arrangements. The two countries should also encourage investments by each other’s entrepreneurs in their export processing zones within the framework of rules and procedures that apply to these zones.

(vi) Exchange of delegations

13. Both sides agreed on the need to encourage greater contact through exchange of delegations of trade, businessmen, and industrialists, scholars and students, and professionals groups with a view to promoting greater understanding and cooperation, especially in the economic field.

(vii) Follow-up action

14. It was decided to set up a special committee of senior officers to be
nominated by the two Governments to take follow up action on all the matters mentioned above. The committee would meet in February 1986.

(Vidshwanath Pratap Singh) (Mahbub ul Haq)
Minister for Finance Minister for Finance
Government of the Planning & Economic Affairs
Republic of India. Government of the Islamic
Republic of Pakistan

Islamabad
Dated the 10th January, 1986

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LIST OF ITEMS FOR PRIVATE SECTOR IMPORTS FROM INDIA

<table>
<thead>
<tr>
<th>S.No</th>
<th>Description of items</th>
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<tbody>
<tr>
<td>1.</td>
<td>Tea (Q.R)</td>
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<tr>
<td>2.</td>
<td>Wood and Timber</td>
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<tr>
<td>3.</td>
<td>Betel leaves (Q.R)</td>
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<tr>
<td>4.</td>
<td>Betel nuts (Q.R)</td>
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<td>5.</td>
<td>Ginger</td>
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<td>6.</td>
<td>Tamarind</td>
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<td>7.</td>
<td>Seeds— vegetable, fruits and flowers</td>
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<td>8.</td>
<td>Vegetable plants for dyeing</td>
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<td>9.</td>
<td>Cutch and gambier</td>
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<tr>
<td>10.</td>
<td>Essential oils</td>
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<tr>
<td>11.</td>
<td>Books (Technical, professional religious only)</td>
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<tr>
<td>12.</td>
<td>Spices excluding chillies, turmeric and cumin seeds</td>
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<tr>
<td>13.</td>
<td>Steel strips for manufacture of razor blades</td>
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<td>14.</td>
<td>Viscose, fibre and yarn</td>
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<td>15.</td>
<td>Ferro alloys</td>
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<td>16.</td>
<td>Calculators, calculating machine</td>
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<td>17.</td>
<td>Ball bearings (permissible sizes only)</td>
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Finance Minister V.P. Singh welcomed the Pakistan move to expand the list of commodities for private trade adding that his country had already permitted unrestricted imports from India which can be processed by a committee of officials to be set up by Islamabad. He described the January 10 accord as “historic” in view of the recent deadlock in their trade, while Pakistan’s Finance Minister, Dr. Mahbubul Haq welcomed it as a good start, adding that the two countries’ economic relations had now entered “a new and more pristine phase”.

Summing up his impressions of the new moves to normalize India-Pakistan relations,
Dr. Mahbub said at the Press conference that these had not been negotiations in the traditional sense of the word, “but a joint voyage towards greater normalisation and friendship”. People on both sides longed for peace and development and “… a new harvest of hope” and “it is our duty to respond to these aspirations”. Both the Finance Ministers emphasized that talks on economic matters had linkage with discussions on other issues and the progress during the last two days would certainly be beneficial for the negotiations planned over the next few weeks in other matters.

Replying to a question, Dr. Mahbub, said Pakistan would be specifically interested in importing from India iron ore, wheat, pesticides and manganese ore. India could import from Pakistan urea fertilizer, cotton, iron and steel products, besides other things of its choice.

While stressing the re-opening of trade in “an orderly and progressive fashion”, Dr. Mahbub reiterated his assurance that the interest of Pakistan’s domestic industries would be fully protected, adding that the Indian side had also shown its sensitivity to this issue.

Dr. Mahbub believed that the decisions now made would “generate a new sense of momentum in our economic relations” and added that “a journey of a thousand miles starts with one step. We have taken that step”.

Finance Minister VP Singh underlined the complementarity of the economies of the two countries and hoped that the dynamics of growth would lead to both horizontal and vertical development of their economic relations.

Mr. Singh said the two sides recognized that there was considerable scope for trade between Pakistan and India but to ensure that the respective industries were not harmed in any way, it was reaffirmed by both sides that it was objective to conduct trade in conformity with the obligation and safeguards provided under the GATT.

When asked why the two sides had sought the GATT safeguards while they had already been demanding reforms in the General Agreement for Trade and Tariff, Mr. Singh said as long as it was not reformed, it was thought practical to use the available instruments.

He said a committee of officials from both the countries would be constituted within a month to follow up and monitor the programme envisaged in the agreed text. Speaking at a lunch hosted in his honour by the FPCCI in Karachi, Mr. Singh called upon the Pakistani businessmen to take the initiative in making the trade traffic thicker on the cooperation road being paved by the two governments. The private sector was the vehicle to promote economic relations between India and Pakistan, he said. Briefing the business community on the outcome of his deliberations with Islamabad, Mr. Singh said that in the context of SAARC, South-South trade and growing protectionist trend in the advanced countries, the growth of economic trade between the two countries should not be a problem. Called for deeper analysis of the trade pattern between the two countries when free trading was allowed, he said: “Two-thirds of Pakistan’s imports from India during this period were of agricultural items and machinery which was not produced locally” Brushing aside the apprehensions that imports from India might hurt the Pakistan Industry, Mr. Singh said only imports of three items from India crossed Rs. 10 million mark and only 20 items could touch the Rs. 1 million line at the graph.

Mr. Singh said that when he was asked by the Indian Press that the balance of trade was in favour of Pakistan, he had replied that it did not matter because the imports were cheaper than it would have been from anywhere else. Mr. Singh assured the Pakistani businessmen that he shared the concern of the developing countries that imports should not be allowed where they hurt the indigenous industry, “but we propose to have trade with you in areas where you are already having it with other countries.”
2696. **Agreed Minutes of Sub-Commission III of India – Pakistan Joint Commission on Information, Education (including Social sciences), Culture & Sports**

**Islamabad, February 5, 1986.**

<table>
<thead>
<tr>
<th>Composition of Indian Side</th>
<th>Composition of Pakistan Side</th>
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<tbody>
<tr>
<td>1. Mr. Man Mohan Singh, Joint Secretary, Department of Culture.</td>
<td>Mr. Khalid Ali, Director General, External Publicity Wing, Ministry of Information &amp; Broadcasting.</td>
</tr>
<tr>
<td>2. Mr. Aftab Seth, Consul General, Consulate General of India, Karachi.</td>
<td>Syed Sarfraz Ali, Joint Secretary, Culture, Sports and Youth Affairs Division.</td>
</tr>
<tr>
<td>3. Mr. K.S. Baidwan, Joint Secretary, Ministry of Information &amp; Broadcasting</td>
<td>Mr. Khalid Hasan Bukhari, Joint Educational Adviser, Ministry of Education.</td>
</tr>
<tr>
<td>4. Mr. R.K. Perti, Director, National Archives.</td>
<td>Brig. (Retd.) Abdul Hameed, Director General, Sports Control Board.</td>
</tr>
<tr>
<td>5. Mr. Prabhu Dayal, Deputy Secretary (Pak), Ministry of External Affairs.</td>
<td>Mr. Uxi Mufti, Executive Director, Lok Virsa.</td>
</tr>
<tr>
<td>6. Mr. R. C. Pandey, First Secretary, Embassy Of India, Islamabad.</td>
<td>Mr. Attique Zafar Sheikh, Director, National Archives.</td>
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<td>7.</td>
<td>Mr. Ismail Patel, Director (External Publicity.)</td>
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<tr>
<td>8.</td>
<td>Mr. S.I. Murshed, Director (India-Pak), Ministry of Foreign Affairs.</td>
</tr>
<tr>
<td>9.</td>
<td>Mr. Javed Iqbal, Director (SAARC), Ministry of Foreign Affairs.</td>
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</table>
Sub-Commission III on Information, Education (including Social Sciences), Culture & Sports held sessions on 4 and 5 February, 1986 at its 4th meeting at Islamabad. The discussions took place in a most cordial and constructive atmosphere. Both delegations expressed their sense of satisfaction at the way cooperation was expanding.

I. As decided during the last meeting, the draft Cultural Cooperation Agreement had been examined. The amendments suggested by the Indian side have been incorporated. The Agreement may be initialed at the Joint Commission during its next session.

II. Archaeology and Archives
(a) It was stated by the Indian delegation that an International seminar on the subject would be organized in New Delhi. Details would be forwarded to the Pakistan side to facilitate their participation.
(b) The Pakistan side had already been providing facilities to Indian scholars in this field and, at present, and Indian scholar was studying Gandhara Culture. Proposals for further exchanges in other schools and styles may also be explored.
(c) Both sides had already exchanged their publication. It was agreed to continue such collaboration.
(d) The problems of archaeological conservation, relating to marble and brick structures especially, were discussed in detail. It was felt that each side could benefit from the experience of the other. India had already established institutions in this field. The Indian side agreed to provide details of facilities available at such institution. Pakistan would nominate two representatives for training at such institutions.
(e) Both sides exchanged draft agreements which were examined by the Directors of National Archives of two countries. The draft agreed upon would be submitted to the respective Governments for examination and approval. The Indian delegation suggested that, after approval, this agreement could form a part of the Cultural Cooperation Agreement.
(f) Pakistan had already communicated the names of two archivists who would visit India. It was agreed that the exchange of visits may take place during February-March 1986.
(g) It was noted with satisfaction that archival publications were being exchanged regularly.

III. Libraries and Museum Services
(a) The Directors/Experts of the National Libraries of the two countries
will exchange visits in September/October, 1986 for a period of 2-3 weeks to study the catalogues and identify material, publications, micro-films of rare books of mutual interest to form the basis of exchange of materials and development of cooperation. Both sides agreed to exchange art publications.

(b) The Pakistan delegation stated that a number of museums in Pakistan had been reorganized resulting in substantial improvement in display techniques. The Indian side noted this development. It was agreed that both sides would benefit from exchange of experts in this field for which proposals would be formulated.

IV. Cooperation in Folk and Traditional Arts and Crafts

Both sides evinced keen interest in cultural exchanges in the sphere of oral traditions, folk arts, culture and crafts. The following fresh proposals were identified for cooperation in this field:-

1. Pakistan invited 2-4 master artisans to participate in the folk festival being organized at Lok Virsa from 11th to 16th April at Islamabad. Pakistan will provide local hospitality.

2. The Classical Music research Cell and Lok Virsa propose to exchange publications catalogues, indices as well as audio recordings with Sangeet Natak Academy, New Delhi.

3. Lok Virsa, Pakistan proposes to exchange publications, information and jointly develop a computer indicating of folkloric material with an appropriate Indian Institution.

4. Lok Virsa, Pakistan proposes exchanging publications, catalogues and information with Sahitya Academy, Delhi and Lalitkala Academy, Delhi.

5. Lok Virsa, Pakistan proposes to send a craft expert to India to study the organization of the Indian Handicraft Board and the development of traditional handicrafts in India. Similarly an Indian expert would visit Pakistan under the programme on reciprocal basis.

6. Lok Virsa, Pakistan invited experts from India for training/study in documentation of oral traditions and traditional culture in Pakistan.

7. Lok Virsa Media Centre, Pakistan proposes to exchange audio and video programmes on traditional culture with Door Darshan and AIR.

V. Education including Social Sciences

(a) It was decided that exchanges in various aspects of education
would receive high priority. The Pakistan side has already invited Secretary Education, Government of India to visit Pakistan along with experts on formal and non-informal education. A similar delegation from Pakistan would visit India. It was also proposed that a 2-3 member delegation from Pakistan may be received in India to study the functioning of the Indian Institutes of Technology.

It was agreed that both sides would exchange information/literature on universalization of primary education including schemes to educate drop outs. The Pakistan delegation requested information on the leading IITs regarding disciplines taught, discipline-wise annual output of graduates, M.Sc.s, M. Phils., Ph.Ds, annual budget and sources of funding, staff, data regarding evaluation of IIT’s. In exchange the Indian side requested for similar literature on engineering institutions and other Centres of Excellence.

b) An offer of five scholarships from India for the session 1986-87 for Pakistani students to study in Indian Institutes of Technology/Engineering Colleges was being processed. Nominations would be sent to India by March, 1986. Five seats for Indian students in the faculties of medicine, engineering, business administration in Pakistan are being secured. The formal offer of scholarships would be communicated to India in March.

c) The Institute of Modern Languages, Islamabad, would exchange literature and materials with the Central Institute of English and Foreign Language(s), Hyderabad and the Institute of Modern Languages, Mysore. This was expected to lead to cooperation and collaboration.

d) **Equivalence**: Information on the equivalence of Certificates/diplomas/degrees would be exchanged between the two countries. Problems, if any, would be resolved by experts through visits and mutual consultations.

e) **Moral Education**: It was agreed that bibliographies on Islamic Studies and Moral Education would be exchanged between the two countries. This would enable the identification of subjects on which the two countries can exchange literature.

VI. **Copy Right**

Both sides reiterated their firm resolve to protect the rights of writers and artists to their intellectual property. The Pakistan delegation stated that the copyright law was being revised in Pakistan. They requested that recent Indian enactments on this subject may be provided. It was felt that material in this area could usefully be exchanged on a regular
basis. It was agreed that implementation of copyright regulations in both countries may be reviewed periodically.

VII. Sports

It was noted that substantial exchanges had taken place in sports. The sports events identified by the Sub-Commission, however, are to be organized. It was stressed that these events should be expeditiously organized. With this object the respective sports authorities may formulate calendars of events through mutual consultations.

It was felt that cooperation in the field of sports could be further enlarged. Pakistan’s requirements for expertise in the fields of sports medicines and sports sciences were noted by the Indian side. It was agreed that representatives of the respective sports authorities would exchange visits to work out details.

VIII. Visit of Alumni Groups and Women’s Organizations

It was noted with satisfaction that visits by Alumni Organizations have been taking place. It was agreed that this should continue. The Indian delegation suggested that in cultural exchanges due consideration may be given to the participation of women. The suggestion was noted.

IX. Information

Reviewing matters relating to information the two sides reiterated that the media can and should play an important role in promoting friendly relations between the two countries in the spirit of the Simla Agreement. Both sides emphasized that the media should make greater efforts to contribute towards the establishment of good neighbourly relations.

The Sub-Commission reviewed the implementation of decisions taken at previous meetings and found the progress to be satisfactory.

Exchange of Correspondents

The two sides noted with satisfaction the tempo at which progress has been achieved in the appointment of correspondents on a reciprocal basis. Correspondents of Pakistan Broadcasting Corporation and daily JANG have already been stationed in India. Similarly, correspondents of AIR and TIMES OF INDIA have taken up assignments in Pakistan. The two sides agreed to the posting of one more newspaper correspondent on a reciprocal basis.
Exchange of Radio and TV Programmes

The two sides noted that the existing arrangements for the exchange of Radio Programmes between AIR and PBC are progressing satisfactorily. They agreed to accelerate the process.

Programmes are also being exchanged between Doordarshan and Pakistan Television. The two sides agreed that telecast rights of specifically selected programmes could be obtained by either side on a commercial or any other agreed basis. Both sides agreed that Radio and TV officials should exchange visits to accelerate mutual cooperation.

Visits of Professional Journalists

It was noted that visits of professional journalists of one country to the other were taking place satisfactorily. Each country was providing necessary facilities to the journalists of the other side during their visits. The two sides agreed to further encourage such visits.

Import of Newspapers and Periodicals

The question of import of newspapers and periodicals on a commercial basis between the two countries was discussed at length. It was agreed to continue the discussions.

Review of facilities for Press Telegrams

The two sides noted with satisfaction that their correspondents were provided with adequate facilities for the transmission on dispatches.

Duty Free facilities

The Pakistan side mentioned that their Government has extended the facility of duty-free import of certain essential items to Indian correspondents based in Pakistan. They requested that India should also consider extending such facilities to Pakistani correspondents stationed in India. The Indian side pointed out that such facilities were not being extended, at present, to any foreign correspondent based in India. However, the Pakistani side was assured that their proposal would be given due consideration.

Books Exhibitions and Seminars

Successful exhibitions in Pakistan of Urdu Books, published in India and of holding of Seminars on Urdu literature in which renowned Indian Urdu scholars participated was noted with satisfaction. It was agreed that exhibitions of Pakistani books and Seminars with participation of
Pakistani scholars will be arranged in India in February/March, 1987 on similar terms.

**Social Sciences**

XI. It was agreed that Pakistan’s Centre of Social Sciences and Humanities (COSH) at the University Grants Commission will request the Indian Council of Social Sciences Research and request for supply of literature on its organization, functions, programmes, list of publications etc. Visits of social scientists and staff of the two institutions will be exchanged to develop collaborative programmes and holding a seminar in India. The ICSSR’S invitation to two Pakistan’s Social Scientists for participation was noted.

**Anthropology**

XII. An Indian anthropologist will visit Pakistan in October, 1986 to study pre-historic fossils/remains/sites, and to explore possibilities of forging long term cooperation with Pakistani research institutions in this field. It will be followed by visit of a Pakistani anthropologist. The Indian request for supply of a plaster-cast of Ramapithicus fossil was noted in this context.

Sd/-
(Khalid Ali) (Man Mohan Singh)
Pakistan India
2697. **Agreed Minutes of the Meeting of Sub – Commission – IV on Travel, Tourism and Consular Matters held in Islamabad on February 4-5, 1986.**

<table>
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<tr>
<th>Composition of Indian Side</th>
<th>Composition of Pakistan Side</th>
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<tbody>
<tr>
<td>1. Mr. Arun Kumar, Joint Secretary, Ministry of Home Affairs</td>
<td>Mr. Abdul Wahab, Joint Secretary, Ministry of Interior</td>
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<tr>
<td>2. Mr. Shashank, Minister, Embassy of India</td>
<td>Mr. Riaz H. Khokhar, Director-General (SA), Ministry of Foreign Affairs</td>
</tr>
<tr>
<td>3. Mr. K.J. Francis, Under Secretary (Pak), Ministry of External Affairs</td>
<td>Mr. Rehamatullah Khan, Joint Secretary Ministry of Religious Affairs and Minorities Affairs</td>
</tr>
<tr>
<td>4. Mr. H.S. Gaba, Under Secretary, Ministry of Home Affairs</td>
<td>Mr. Anwar Kabir, Joint Secretary, Ministry of Culture and Sports</td>
</tr>
<tr>
<td>5. Mr. T.O. Khakha, Under Secretary, Ministry of Home Affairs</td>
<td>Mr. Mubeen Ahsan, Director Intelligence and Investigation, Customs and Excise</td>
</tr>
<tr>
<td>6. Mr. Ravi N. Nair, First Secretary, Embassy of India</td>
<td>Mr. Muhammad Sulaiman, Chief (Customs), C.B.R</td>
</tr>
<tr>
<td>7. Mr. Dalbir Singh, Deputy Director, Ministry of Finance</td>
<td>Mr. Tariq Altaf, Counsellor, Embassy of Pakistan, New Delhi</td>
</tr>
<tr>
<td>8.</td>
<td>Miss Kausar Ahsan, Director (India-C), Ministry of Foreign Affairs</td>
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<tr>
<td>9.</td>
<td>Mr. Ismail Hasan Niazi, Deputy Secretary, Ministry of Interior</td>
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The Sub – Commission discussed the various items on the Agenda consisting of the subjects under its purview and arrived at the following conclusions:
I. (i) Review of Indo – Pak Visa Agreement of September 14, 1974:

Clause 5.

The sub-Commission decided to amend clause 5 under the sub-heading “registration” in the Visa Agreement 1974 as follows:

(a) Holders of visitor visas shall be required to register themselves at the check post of entry and shall, within 24 hours of their reaching the specified places of stay, report their arrival in writing to the prescribed authority or the nearest police station. They shall also make a similar report 24 hours prior to their intended departure from the place of stay. In the case of families, only one member of the family shall be required to appear before the registration authority for registering himself and the members of his family.

(b) *Bona fide* businessmen going on business visits shall be required to register themselves at the check post of entry. However, they may not be required to report in person to the prescribed authority or the nearest police station for registration. For this purpose they may depute their authorized representatives to report their arrival in writing to the prescribed authority or the nearest police station within 24 hours of their reaching the specified place. The authorized representatives shall also make a similar report on their behalf 24 hours prior to their intended departure from the place of stay.

(c) Holders of transit visas valid for a period not exceeding 72 hours shall be required to register themselves only at the check post of entry. They will not be required to report their arrival/departure to the prescribed authority or the nearest police station for registration.

ii) Proposal for increase of visa fee for both countries.

It was agreed that the visa fee shall be increased from Rs.15 to Rs.25.

iii) Proposal for exemption from police reporting for visitors holding visitor visas valid upto 14 days.

The Indian side had suggested that visitors holding visitor visas valid up to 14 days should be exempted from personal reporting and should instead send a registered communication with acknowledgement due slip which would have constituted the necessary documentation for immigration authorities at the time of exit.

The Pakistan side pointed out the difficulties and the likely delays in postal communication in the two countries and stated that it was agreeable to exempt visitors holding visitor’s visa valid up to 14 days.
from reporting to police in person for registration and that their authorized representatives could be deputed for this purpose, as in the case of businessmen.

It was agreed that both these proposals would remain under consideration.

II. **Review of the improvement of facilities to Airline of either country operation/overflying each other territory.**

It was proposed by the Pakistan side that PIA Station Managers based in Delhi and Bombay should have permission to visit three more cities in addition to the existing arrangements. The Pakistan side also proposed that PIA Station Managers should have the facility of using either Delhi or Bombay airport as port of entry and exit.

The Indian side agreed to consider the two proposals with reference to their reciprocal application to IAC Station Managers based in Pakistan.

The Indian side proposed that the IAC staff members should not be required to obtain work permit for extension of their visas in the same way as is the case for the PIA staff posted in India. The Pakistani side agreed to consider this proposal.

The Pakistan side agreed to consider the Indian proposal that the IAC crew members arriving at Lahore and Karachi airports would be allowed to disembark and use the transit lounge facilities for rest or refreshment, as this facility is already available to PIA crew members at Delhi and Bombay airports. A decision in this regard would be sent through diplomatic channels at the earliest possible.

III. **Facilities to Pilgrims to visit either country including Additional Shrines**

Both sides agreed that the facilities provided to the pilgrims may be further improved in both the countries.

The Pakistan side agreed to open two more shrines namely Hazrat Data Ganj Baksh, Lahore and Hazrat Barri Imam, Islamabad, out of the list of thirteen shrines for the visit of devotees from India on the occasion of the Urs. Appropriate administrative measures in this respect will be taken by the Pakistan side.

The question of opening more shrines will also remain under consideration. However, the Pakistan side informed that no shrine exists at the site mentioned at serial No. 11 of the Indian list, namely Rabwah.
The Indian side agreed that Pakistani proposal to open more shrines in India will be considered when received.

5. The Pakistan side also agreed that the Indian request to increase the duration of stay of the pilgrims at Hayat Pitali from 3 to 5 days will be considered.

IV. Re-Opening of Khokhrapar – Munabao Check-post.

The Pakistan side stated that the question of re-opening the Khokhrapar - Munabao check-post continued to be under their active consideration.

XI. Streamlining of Procedure for return of Detainees (including Defence Personnel) of one Country Detained under the Custody of the other.

It was agreed that the particulars of the persons without valid documents claiming to be the citizens of the other country would be furnished to the respective Embassies, immediately after such persons have been convicted by courts, irrespective of the nature and terms of their sentences.

The Indian side also agreed that in view of the legal difficulties mentioned at the last Sub-Commission meeting, ways and means will be explored to ensure that persons who have already completed their sentences but whose national status has not been verified are kept in sight.

Indian detainees whose national status has already been determined will be handed over to the Indian side at Wagah/Attari Check-post on 20 February 1986.

It was agreed that the lists of the detainees who have completed their terms of sentences and are to be repatriated by March 31, 1986 will be exchanged by 24 February 1986 for determination of their national status.

In regard to the Indian defence personnel missing since 1971, the Pakistan side stated that it had after extensive searches satisfied itself that there were no longer any Indian defence personnel in Pakistani jails. However, they agreed to consider some suggestions put forward by the relatives of some of the missing Indian defence personnel, including the checking of records of specified periods in certain jails in Pakistan.

VI. Review of Working of Protocol on Group Tourism

With regard to the implementation of the Protocol on Group Tourism, the Pakistan side stated that three groups from Pakistan had already visited India.
The Indian side stated that a group of tourists was expected to visit Pakistan shortly.

The Sub-Commission felt that PTDC and ITDC should review the situation with a view to promoting tourism between the two countries.

VII. **Guidelines to Check Smuggling of Narcotic Products on the India - Pakistan Border.**

Both sides agreed to exchange information on matters relating to drug trafficking on “as and when necessary.” A proforma designed for this purpose was mutually agreed upon. It was decided to exchange data through the postal and telex.

In order to deal effectively with the drug menace in both the countries the following cooperative measures were upon:

1) To undertake investigations in their respective countries on requests from the other.
2) To periodically exchange statistical bulletins containing details of narcotics seizures, persons arrested and other related matters;
3) To exchange information regarding changes in Drug laws, procedures for interdiction of drugs and instructions on new control – measures for prevention of trafficking of drugs.

Considering the fact that drug trafficking does not exist in isolation and is an activity controlled by organized international smuggling syndicated dealing in other important high – value items like bullion and currency, the Pakistan side suggested that the above channel be also used for exchange of information in respect of such items. The suggestion was accepted by the Indian side.

Sd/- (Abdul Wahab)  Sd/- Arun Kumar
5.2.86  5.2.86

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My dear F.S.

During President Zia's talk with P.M. in New Delhi on 21 February 1987, you may recall, it was agreed to hold the meetings of two Sub-Commissions I & II which have remained pending for the last one year and more. These Sub-Commissions cover economic cooperation and Trade. P.M. had then suggested to President Zia that India should be allowed to compete on equal terms, with third countries, in case Pakistan could not straightaway accord MFN status to India. President Zia had indicated his agreement, in principle, to this.

2. Like everything else in Indo-Pak relations, all this has a bit of history. India and Pakistan under the Simla Agreement, you may recall, had agreed to certain steps for giving practical effect to their stated objective of ending conflict and confrontation, and for working for the promotion of a friendly and harmonious relationship, and establishment of durable peace. These steps included resumption of communications; posts and telegraphs; sea, land and air links; border posts; travel facilities; trade; economic cooperation; science and culture.

3. Between 1972 and now, a certain amount of implementation on the above points has indeed been achieved. In Annexure ‘A’ which is attached, we summarise these points (not included here).

4. President Zia and the late Prime Minister Indira Gandhi had agreed, in 1983 to establish an Indo-Pak Joint Commission with four sub-commissions under it. In December 1985 our Prime Minister and President Zia had agreed to hold expeditiously meetings of these sub-commissions, followed by the Joint Commission under the Chairmanship of two Foreign Ministers.

5. Invitations for Sub-Commissions III and IV scheduled to be held in Islamabad were given almost immediately by Pakistan and these met in Islamabad in February 1986. Invitations for Sub-commissions I and II were to be given by us, as the venue was New Delhi. We could not give these invitations, as we were unhappy about the way they had handled the implementation of decisions taken by the two Finance Ministers, under their Agreed Minutes of 10th January 1986.
6. There are certain basic elements which should be understood. India affords Pakistan MFN treatment. We have been doing this unilaterally. Pakistan has persisted all these years in providing only a restricted trade regime to India. During the V.P. Singh - Mahbubul Haq discussions, culminating in their Agreement of 10 January 1986 it was recognized that India was in the same category as Israel and South Africa as far as the private trade in 42 items being permitted. Even after this, according to one interpretation, India continues to be in the same category as Israel and South Africa, as these are the only three countries in respect of which special arrangements are insisted upon by Pakistan Government. Even apart from this, India’s efforts to get a meaningful expansion of the list of 42 items have not yet borne any fruit.

7. President Zia had mentioned to P.M. that he hoped that we could invite their delegations to the two Sub-Commissions, to Delhi sometime in April. They also expect that these meetings will be followed by a meeting of the Joint Indo-Pak Commission under the Co-Chairmanship of the two Foreign Ministers.

8. May I suggest that we focus on how we should now proceed.

9. Pakistan had agreed in the V.P. Singh - Mahbubul Haq Agreed Minutes of January 10, 1986, to send expeditiously a delegation (i.e. within one month) of three Secretaries (their Secretary General Economic Affairs; Commerce Secretary; and Finance Secretary) to New Delhi to consider the entire gamut of the infrastructural steps for building up meaningful economic cooperation and trade. This has not happened so far. Pakistan would perhaps wish, now, to hold a routine meeting of the two sub-commissions (perhaps at the level of Joint secretaries) which would lead us nowhere.

10. From our point of view, there could be several ways of handling this. We could ask them, through diplomatic channels, to hold preparatory informal consultations with sub-commissions meetings. Or we could request them to hold the meetings of the sub-commissions at the level of Secretaries; and insist on their fulfilling their earlier commitment, but through the modality of these Sub-commission meetings.

11. Obviously the question is not an entirely economic one, insofar as Pakistan is concerned, but a political one. The expanding contact, and flow of people between the two countries, once trade and economic cooperation is built up, would lead to the consequence of Pakistani’s getting a realistic perception of India’s achievements in the industrial and other allied fields. It is a fact that certain sections of Pakistani business community are genuinely apprehensive of being swamped if trade with India is re-opened, on MFN basis. Conversely a large number of Pakistanis acknowledge too that there are profits to be garnered for Pakistan through open and real trade with India.
12. The current level of our two way trade is approx. Rs. 60 Crores. The balance of advantage is with Pakistan, in the proportion of 2:1. This indeed we should not mind. Our objective should be a significant increase in the near future, rather than an entirely balanced trade, at this stage of our effort of opening things up.

13. Now this is the background. And we must also keep in view the Summit-level understanding on holding the Sub-commission meetings. May I, therefore, respectfully suggest that perhaps you should send for Ambassador Humayun Khan and inform him of our intention of inviting their delegations for the two Sub-commission meetings. And then you could suggest that before doing this we would like to have a clear idea of how they feel about the following points:-

(i) Our pending request with them for an expanded list of meaningful items for trade.

(ii) Exchange of delegations of Chambers of Commerce, professional groupings (e.g. AIEI, and bodies of professionals like Bankers, Chartered Accountants etc).

(iii) Their response to an invitation by us to Pakistani delegations to negotiate banking arrangements between the two countries; shipping arrangements; land transport arrangements (this last one would need to be deliberated by the Government of India, in the light of the Punjab situation).

No doubt, Ambassador Humayun Khan would wish, in response, to make counter suggestions or proposals.

The one point I would like the Pakistanis to understand is that we do not favour holding meetings of the two sub-commissions without a prior understanding of which way the two countries wish to move, or allowing these to be held at routine or subordinate levels. We must be conscious that certain important aspects of implementation have been pending for too long, between us, and the meetings of the two Sub-commissions need to be utilized for solving important questions and not for propaganda or publicity purposes.

Yours sincerely,

(S.K. Singh)

Shri K.P.S. Menon,
Foreign Secretary,
Ministry of External Affairs,
New Delhi
Letter from the Charge d’affaires Embassy of India in Pakistan T.C.A. Rangachari to Ministry of External Affairs.

New Delhi, July 8, 1987.

T. C. A. Rangachari
Charge d’affaires
Embassy of India
482-F, Sector G-6/4
Islamabad

No. ISL/103/3/86
8 July 1987

Please refer to your letter No. J/103/15/87 dated 8 June 1987 addressed to Ambassador which was received here last week. Ambassador discussed this letter with me before his departure on home leave and I am giving below our assessment based on those discussions.

2. The Sub-Commission meeting would be taking place in the backdrop of uncertainty about the immediate political and economic future of this country. Politically, there are rumblings within the power structure. Despite protestations of civilianization, power is very much vested with the armed forces and it is General Zia who calls the shots. Junejo has not been able to emerge as an assertive or independent focus of power nor has he been able to rally the political forces behind him. He has not been able to bring in major political parties like the PPP and ANP, who continue to remain outside the political framework brought into existence in 1985. There is increasing skepticism about the acceptability and the survivability of the civilian edifice. The distinction between Zia and Junejo by Benazir Bhutto and others during 1986 is now thing of the past; Benazir is now focusing on General Zia, dismissing Junejo as a mere figure head. Junejo’s ruling party, Pakistan Muslim League, continues to remain a conglomeration of self-serving, power seeking individuals and interest groups with little manifest, loyalty to the party, any ideology or even to Junejo himself. The Government does not feel certain enough to even announce dates for the Local Bodies election which are due in September and which were held twice by the Martial Law regime. Economically, the situation in serious. The country is facing a resources crunch. The recent budget fiasco revealed that the interest of the armed forces take precedence over that of the economy. Defence allocation at Rs.46 billion out of a total budget of Rs. 153 billion is taking too big a share of the national cake. Defence expenditure along with debt servicing and subsidies take up close to 85 % of the budget leaving little resources for development. In fact, the entire developmental outlay, pegged at Rs. 48 billion for 1987-88, is to be financed by borrowings. The National Taxation
Reforms Commission estimates that tax evasion was Rs. 5076 crores compared to the tax collection of Rs. 1930 crores in 1984-85. Corruption is rampant and prof. Mehbubul Haq estimates that some Rs. 40 billion are syphoned off. The Government has shown little inclination to tackle these problems with determination, firmness and perseverance. Being unrepresentative in character, it is unable to withstand pressures in taking hard and unpopular decisions. In order to secure its short-term political future, it resorts instead to populism, adhocism and quick acting palliatives. There is no attempt to address and resolve the basic and structural problems of the economy. The resource crunch generated by inability to mobilize additional revenues or curtail expenditure will necessitate fairly large scale borrowings in the not distant future. The scope for additional concessional assistance is limited; commercial borrowings will create longer term debt servicing problems. In brief, economy is in a bad shape but the Government doesn’t seem to be doing very much about it.

3. In this situation, Prof. Mehbubul Haq’s is a voice of reason. His professional expertise does not equip him to fight political battles. Nevertheless, through his Commerce and Planning portfolios, he has tried to tackle some of the problems. He has focused attention on the need to cut down the trade deficit. His new Trade Policy seeks, over the next 3 years, to finance 85% of the country’s import requirements through exports. A number of concessions, incentives and facilities have been introduced. In regard to India, however, the Trade Policy makes no change.

4. You would recall that Ambassador had called on Prof. Mehbubul Haq on 30 March immediately after he assumed charge as Minister for Commerce. At that meeting Mehbubul Haq had said that intellectually he agreed with GOI position that Pakistan’s trade regime vis-à-vis India was discriminatory and he was formulating some new proposals which he would share with us after seeking Prime Minister Junejo’s political guidance. Since then, we have reminded the Foreign Office on several occasions but there has been no indication of when they would share with us whatever proposals they may now have. Indeed, we are yet to receive a response even in regard to the dates proposed by us. Nor do we have a response to our suggestion, reiterated most recently in Ambassador’s letter of 8 June 1987 to Additional Foreign Secretary, Tanvir Ahmad Khan that, in terms of the V.P. Singh – Mehbubul Haq agreement of 10 January 1986, high-level discussions precede the Sub-commission meeting in order to ensure that it is productive.

5. Clearly political decision regarding liberalization of trade with India is still in the process of being finalized. There might well be resistance in taking major strides on this road. The Pakistani brief for the Sub-commission meeting may, therefore, be circumscribed by these factors. Given the current Pakistani pre-occupation to boost exports and cut down on imports, Pakistan would be
looking for new markets for its products. There would be interest in tapping the Indian market. There would also be interest in establishing some kind of import-export linkage. Pakistan would also wish to seek preferential entry into the Indian markets for its products, as it has done before.

6. In regard to our own approach, we should first insist on a review of the V.P. Singh – Mehbubul Haq Agreement. That agreement contained a number of ideas for building up infrastructure and exchanges. (A statement giving the details of the current status in regard to each proposal is annexed (Not included here)). In regard to one or two proposals (e.g. exchange of delegations at the level of Chambers of Commerce and Industry), we ourselves seem to have some reservation (Commerce Secretary’s last discussion with Ambassador Humayu Khan refers). It would not be advisable for us to give the impression of having second thoughts about components of that package. Instead, we could perhaps achieve our objective by seeking some kind of prioritization of the different items in the January 1986 agreement.

7. It does not seem necessary for us to make any new proposals pending Pakistani response. The ball is in their court. The alternatives before us are either to modify our position and accept the Pakistani line of reasoning in the interest of expanding bilateral trade by whatever amount possible or hold firm to our position and wait for Pakistan to fulfill the pledges made 18 months ago. Our own preference would be to follow the latter course since there is no indication of prospects of substantial expansion of trade.

8. We could utilize the sub-Commission also to try and resolve some old and outstanding issues which periodically pop out. For instance, there is the Ministry of Communications proposal regarding the revival of the 1958 Postal Life Insurance Agreement (Ministry’s letter No. J/273/4/86 dated 27 April 1987 refers). We also have one long pending problem regarding our Chancery project at Islamabad. We have been claiming refund of Excise Duty on purchase of cement which is due to us but which has got stuck in the Pak bureaucracy. The sum involved is Rs. 12 lakhs. There are also some problems relating to Indian Airlines, taxation agreements etc. which could be taken up in the Sub-commission.

9. I am annexing brief notes on the economy of Pakistan and its foreign trade which contains relevant statistical data (not included here).

Yours Sincerely
(T.C.A. Rangachari)

Shri Satish Chandra,
Joint Secretary (AP),
Ministry of External Affairs, New Delhi.

New Delhi, August 10 to 12, 1987.

The Sub-Commission reviewed the progress of implementation of the recommendations made by the Indo-Pakistan Joint Commission at its meeting in July 1985.

It also discussed and examined proposals requiring further action.

The subjects discussed were as follows:

i) Planning.

ii) Avoidance of Double Taxation Agreement.

iii) Industry.

iv) Agriculture.

v) Telecommunications.

vi) Postal Services.

vii) Shipping.

viii) Railways.

ix) Health.

x) Science and Technology.

The agreed minute are as follows:

Review of deliberations at Indo-Pak Seminar on Long-term Planning held in Islamabad in October 1986.

The two sides confirmed the following themes for the next India-Pakistan Seminar on planning that had been recommended in the first one held at Islamabad.

i) mobilization of savings; 

ii) population and social planning; and

iii) irrigation programmes and policies.

The Seminar, bringing together distinguished economists and planners would be held in New Delhi sometime during January-March 1988 at mutually convenient dates to be decided through exchange of letters.
It was agreed to establish, through their national planning bodies, a system for regular exchange of documentation relating to economy and development planning of the two countries. (A list of documents is attached at Annexure II—(not included here))

In order to help the Joint Commission identify research agencies for the establishment of mutual contacts, both sides agreed to suggest that India and Pakistan sponsor short duration visits by scholars who will acquaint themselves with the work of research institutions in the two countries.

**Signing of the double taxation avoidance Agreement covering aircraft profits:** Both sides stated that necessary procedures had been accomplished and the Agreement approved for signing by the two Governments. The Pakistan side proposed that the Agreement be signed when the Joint Commission meets at Islamabad. The Indian side agreed to this proposal.

The Indian side pointed out that the State Bank of Pakistan were withholding 3% of the gross receipts of Indian Airlines in Pakistan towards tax due under the Pakistan law from July 1, 1986, on the ground that the double taxation avoidance Agreement had not been officially signed. The Indian side further pointed out that the Agreement had been initialed at delegation level and had been approved by the Cabinets of both the Governments and, accordingly, both Indian Airlines and Pakistan International Airlines should enjoy tax exempt status with effect from July 1, 1986. The India side further requested that suitable instructions are issued to appropriate authorities in Pakistan to release the amount withheld from the Indian Airlines since July 1, 1986 as no such tax is payable by the Indian Airlines under the Agreement.

**Industry:** The Pakistan side stated that concerned authorities could be requested to examine this matter.

Both sides reaffirmed the desire for bilateral cooperation in the industrial field and recognized the need to identify specific areas of cooperation.

It was also noted that communication gap regarding Government rules, procedures and guidelines needed to be bridged to facilitate the process of cooperation. It was noted that this objective can be achieved by exchange of information and promotion of contacts between concerned organizations/Associations of the two countries.

The Pakistan side requested that in due course of time the visit of concerned Indian industrial organizations may take place to Pakistan in response to the visit of the delegation of FPCCI in March 1984.

**Agriculture:** An Agreement for Cooperation in Agriculture was signed between the two Governments in July, 1985. The first biennial Work plan had been
under consideration of the two sides for some time past and the details of the areas of interest of the two sides as well as the details of visits of experts and officials under these areas had already been identified. (Work plan is at Annexure Ill-(not included here)). After discussions on various aspects of the Work plan, the following decisions were taken:-

i) Originally the Work plan was supposed to cover the years 1987-88. But in view of the fact that 1987 was more than half gone and the fact that it would take some more time to actually implement the work plan, it was decided that the Work plan should be for the years 1988-89 (1.1.88 to 31.12.89).

ii) It was further decided that the next Biennial Work plan for the years 1990-91 should be drawn up by mid 1989, preferably in Islamabad (Pakistan).

iii) The Indian side then pointed out that it had been decided to accommodate the request of the Pakistani side to include one more item in the Work plan viz. “Learning the Techniques of Hybrid Cotton Production”.

Telecommunications: Substantial progress has been made since the meeting held in July 1985.

a. Overhead Carrier System.
The carrier systems have since been closed after commissioning of 12 Mhz Coaxial system between Lahore and Amritsar.

The Carrier terminals loaned by each country have also been exchanged as was agreed in the last meeting.

b. Additional direct services for other cities/towns of both the countries.
All the required circuits as agreed during the last meeting have since been opened excepting Lucknow terrestrial circuits, which would be commissioned by August 30, 1987.

c & d. Lahore-Amritsar UHF Link
This proposal has since been dropped in view of the coaxial system already commissioned.

e. Augmentation of Satellite Circuits
No satellite circuits have been added as decided in the last meeting.

f. Coordination meetings.
Three rounds of Coordination meetings at D.G. and Joint Secretary level were held, both in Islamabad and Delhi and most of the issues have now been sorted out.
g. **Settlement of Accounts.**

In the last Telecommunications Operation Coordination meeting held in July 1987, the outstanding dues have been settled to a large extent and suitable action has to be taken for payment as agreed to. The action for settlement of remaining outstanding dues may be expedited.

h. **Introduction of Automatic and Semi-Automatic Services, on terrestrial links**

SLODs Circuits between Delhi-Lahore and Delhi-Islamabad and Bombay-Lahore as decided in earlier meeting have already been opened. SLOD circuits between Lucknow-Lahore have also been opened both ways. In the recent Telecom Operation Coordination meeting held on 11-14 July, 1987 following circuits have been proposed:

a). Lucknow-Karachi OTD circuits, one for each direction


i. **Auto Telex Service.**

The Auto Telex Service between India-Pakistan has opened on 12.1.1987 with tariff lower than that of Satellite link.

j. **Maintenance procedure for Lahore-Amritsar Coaxial Link.**

The agreement has been signed between the two Operation Departments.

k. **Implementation of decision for introduction of ISD between India and Pakistan.**

In the last Telecom Operation Coordination meeting held at Islamabad on 11—14.7.86, a detailed schedule of providing direct Dialing Circuits and suitable equipment at both ends were agreed and a tentative date for commissioning of ISD service has been fixed as September 30, 1987. The Indian side has stated that the equipment at their end is ready for commissioning and Pakistan would also be ready by the target date.

l. **Rationalization of tariff.**

In order to encourage the traffic, the collection and accounting charges may be reviewed by both the administrations. This was also agreed to in the last Telecom Operation Coordination meeting.
Postal Services: Settlement of dues and exchange of information:

At the last meeting of the Joint Commission it was agreed that a meeting between Senior officials of the two Postal Administrations should take place to consider the matter further. It was noted that this meeting had not yet taken place. It was, therefore, decided that the meeting to resolve the issue be held in Islamabad before the end of 1987.

It was agreed to continue exchange of information on matters of mutual interest particularly with regard to recently introduced services, mechanization and computerization.

Shipping: The matter of amendments of clause 3 and clause 5 of the shipping Protocol of 1975 as suggested by Pakistani side were discussed. The Pakistani side indicated that they had completed arrangements for the formalization of the revised protocol and requested that the Indian side do the needful so that the agreement could be signed at the next Joint Commission meeting in Islamabad.

The Indian side stated that the scope of these suggested amendments were under study in consultation with all concerned.

It was agreed that the decision should be arrived at as quickly as possible.

Railways: Settlement of outstanding financial dues.

It was noted that so far only meeting had been held between the two railways in January, 1985 at New Delhi. The next meeting which was agreed to be held in the last week of March, 1985 at Lahore has not been held so far. It was decided to hold the next meeting at Lahore on 12.9.87. Thereafter regular meetings would be held alternatively in New Delhi and Lahore till definite conclusions are arrived at, as already decided in the Inter-ministerial meeting held in Islamabad in April, 1984.

Health: The two sides reaffirmed their desire to further explore and collaborate in areas identified during the last meeting of the Joint Commission as well as during the visit of the Pakistan delegation to India in October, 1985. These include, among other things, exchange of information in the areas of bio-medical research, medical education and training; collaboration in communicable diseases control, particularly, malaria, TB, leprosy and goiter control research collaboration through the respective national research councils; exchange of information and experience in the field of family planning and welfare; and exchange of experts in specialized fields of health and family welfare.
It was agreed that the reciprocal visit of the Indian delegation to Pakistan will take place within the next few months; the exact dates of the visit will be confirmed through diplomatic channels.

Science and Technology: An Indian S&T delegation in the areas of clean energy, medicinal and aromatic plants, genetic engineering and biotechnology, medical research, optics and non-conventional energy which were considered earlier will visit Pakistan. Subject to confirmation by Pakistan side, the visit would take place during the first quarter of 1988.

A reciprocal visit by a S&T delegation from Pakistan to India will take place during the third quarter of 1988. This list of areas will be finalized through mutual consultations.

Drug Trafficking: Drug trafficking is an item on the agenda of Sub-Commission IV. However, both sides took this opportunity to express their satisfaction over the exchange of operational intelligence between the two countries since the first meeting on 26-27 March, 1987 of the Committee specially constituted to combat drug trafficking.

Dr. P.C. Joshi Mr. Aftab Ahmed Khan
(India) (Pakistan)

2701. Agreed Minutes of the meeting between Indian and Pakistani Delegations.


1. As desired by the Prime Ministers of India and Pakistan at their meeting in Kathmandu on 4th November, 1987 and in continuation of the discussions held between Finance Ministers of the two countries in Islamabad in January, 1986 a delegation from Pakistan comprising Secretary, Planning and Development Dr. Tariq Siddiqui and Secretary, Commerce, Mr. R.A. Akhund and other officials visited New Delhi from 7 to 10 December, 1987 to hold talks with an Indian delegation comprising Secretary, Planning Commission, Shri J.S. Baijal and Secretary, Commerce, Shri A.N. Varma and other officials.

2. The two sides held discussions on matters relating to economic co-operation and expansion of bilateral trade.
Planning

3. It was agreed that the next India-Pakistan seminar on Planning would be held in India in July-August, 1988.

4. Both sides noted with satisfaction that a system for the exchange of information in the field of planning had been established and had been initiated by an exchange of documents by both sides.

Agriculture

5. Both sides expressed satisfaction that the first biennial Work Plan is to commence from January 1, 1988 and hoped that its implementation would lay the basis for future co-operation in this important field.

Avoidance of Double taxation

6. The Indian side requested that the Agreement for the Avoidance of Double Taxation, being an operational agreement, could be formalized at the Ambassadorial level and need not await the convening of the Joint Commission.

7. The Pakistan side stated that the request of the Indian side would be examined by concerned authorities.

Telecommunication

8. While reviewing the recommendations made during the last meeting of Sub-Commission I, the Indian side noted that the issue relating to the rationalization of tariff rates by Pakistan needs to be resolved.

9. The Pakistan side indicated that the matter is under examination and the decision is linked to the completion of ongoing restructuring of the Telecommunications Department.

Railway

10. It was noted that an Indian Railway delegation would visit Pakistan at an agreed date in the coming months.

Industry

11. Both sides reaffirmed the desire for co-operation in the industrial field. The Indian side indicated that representative of an Indian corporate organization could visit Pakistan. The Pakistan side renewed the invitation to a FICCI delegation to visit Pakistan.

12. Both sides agreed to an exchange of visits by representatives of public sector organizations of the two countries.
13. The two sides discussed the scope for joint ventures by industrialists of India and Pakistan. In this connection it was agreed that each side would furnish lists of industries where such joint venture could be set up. Private sector delegations would then be exchanged to identify specific projects.

Science & Technology and Health

14. The Indian side stated that the visits to Pakistan by delegations in the field of Science & Technology and Health could take place in the first half of 1988.

15. The Indian side stated that delegation of Indian Postal officials, due to visit Pakistan before the end of 1987, was awaiting confirmation of dates from the Pakistan side.

Mints

16. The Indian side requested that the issue relating to the outstanding claims of the Bombay and Calcutta Mints pending with the Government of Pakistan be resolved at the earliest.

Trade

17. During the talks the Pakistan delegation intimated their intention to enlarge the list of items that could be imported from India by the private sector in Pakistan as another step forward towards normalization of bilateral trade between the two countries. Trends in bilateral trade would be monitored to ensure balance growth of trade. Either side would be entitled to call for consultations at an appropriate level to review the adverse trends in the balance of trade and to adopt corrective measures. The Pakistan delegation stated that if in spite of these consultations the balance of trade of Pakistan moves into a deficit of around US $ 40 million, Pakistan would have the option to take such necessary steps as it deems fit to remove the imbalance.

18. Further, the following steps would be taken to achieve the objective of expanding trade between the two countries:

i) Both sides will encourage their public sector organizations to expand trade under the existing trading regimes of both countries on a non-discriminatory basis.

ii) Pakistan side welcomed the participation of Indian public sector organizations in international tenders floated by Pakistan Public Sector Companies/Corporation.
iii) India would welcome a broad based Pakistan delegation to discuss and identify items for export to India.

iv) The Indian Delegation indicated that a Tea Delegation from India would visit Pakistan in the near future.

(J.S. Baijal) (R.A. Akhund)
Secretary, Secretary for Commerce,
Planning Commission Government of the
Government of the Islamic Republic of Pakistan.
Republic of India.

(A.N. VARMA) (Dr. TARIQ SIDDIQUI)
Secretary for Commerce Secretary, Planning and Development
Government of the Government of the
Republic of India. Islamic Republic of Pakistan.

New Delhi.
The 10th December, 1987.

2702.
SECRET

Record of the discussions between Commerce Secretary A. N. Varma and Pakistan Ambassador Niaz Naik.

New Delhi, March 17, 1989.

Ministry of Commerce
FT (SA) Division

The Pakistan Ambassador Mr. Niaz Naik, called on Commerce Secretary today. At the start of the discussions, CS referred to the decision taken to schedule the meeting of the Indo-Pakistan Joint Commission, following Prime Minister Rajiv Gandhi’s visit to Islamabad in December, 1988. He stated that the Sub-Commission on Trade would have to meet prior to the Joint Commission. The last bilateral discussions on Trade took place when the Commerce and Planning Secretaries of Pakistan visited India in December, 1987.

CS stressed that it was essential that there be a clear perception at the official level, prior to the Sub-Commission discussions on outstanding matters. The
central issue was the grant of MFN treatment by Pakistan to Indian exports. CS stated that India did not discriminate against Pakistan and allowed imports from Pakistan at par with imports from other countries within the parameters of India’s import regime. There was also no embargo of any kind on exports from India to Pakistan.

CS stated that the question of Grant of MFN status to India had also been discussed when Commerce Minister visited Pakistan in October, 1988. As signatories to GATT, India and Pakistan were required to provide MFN treatment to each other, but India had so far not raised this issue at GATT.

CS referred to the fact that, after the notification of the list of 249 items permitted for import by private parties in Pakistan, no notification had been issued to give effect to the decision that raw-materials would also be permitted for import from India. Dr. Mahbub-ul-Haq had indicated to our Commerce Minister that such a decision had been taken but to date no notification has been issued. There was also no import of raw-materials from India.

CS also mentioned that items of Indian origin were being imported by Pakistan but through Dubai and Singapore and third parties were gaining at the expense of Indian exporters and Pakistani importers.

CS stated that liberalization of trade would be of benefit to both countries. Since the sub-committee on Trade would have to meet prior to the Joint Commission meeting, CS indicated that India wished to know what would be the agenda for the Sub-committee and what we could look forward to at the discussions. At the moment, there was no indication, whatsoever of Pakistan’s thinking in this regard. From our side, we would reciprocate whatever gestures Government of Pakistan made. The decision as to the shape bilateral trade relations would take lay entirely with the Government of Pakistan.

The Pakistan Ambassador, in response, indicated that after Prime Minister Rajiv Gandhi’s visit to Islamabad and the SAARC summit in December 1988, the Pakistan Prime Minister was extremely anxious to expand relations with India in all fields. She was keen that the momentum generated following Prime Minister’s visit should be maintained and, therefore, series of high level meeting were being planned between the Foreign Secretaries, Defence Secretaries. Trade, however, continued to be a difficult issue because of internal problems in Pakistan.

The Ambassador then recalled the developments in trade trends since, 1985. He said that in 1985, following the meeting between late President Zia-ul-Haq and the Indian Prime Minister, the late President indicated that a commitment had been made by him to open up trade. Government of Pakistan, therefore,
must draw up necessary programmes in this regard prior to the visit of the then Commerce Minister of India, Shri V.P. Singh, in early, 1986.

The Pakistan Ambassador indicated that at all meetings at the Secretarial and Ministerial level, the Commerce and Industry Ministries had expressed reluctance to open up trade with India on the grounds that it would harm Pakistan's industry. The Foreign Office of Pakistan had been supporting the opening up of trade. The late President Zia had intervened in a meeting, taken by Foreign Minister Sahebzada Yaqub Khan where Ministers from Industry, Planning and Commerce and others were present, and had said that, while business circles in Pakistan had shown interest in liberalization of trade with India, it was the bureaucrats who were expressing hesitation. He had wanted an analysis done, on an industry by industry basis, to identify the actual impact that opening of trade would have on Pakistan's industries. Interestingly, the Pakistan authorities were able to identify only the bicycle industry as a possible sufferer if trade with India was opened up.

Subsequently, domestic tension in Pakistan between Prime Minister Junejo and late President Zia led to trade being relegated to the back ground. Prime Minister Junejo had opposed the opening up of trade with India, because, apparently, he had not been kept in the picture and the Pakistan Foreign Office had prepared a blue print for opening up of trade with India at the behest of the late President Zia.

The Pakistan Ambassador went on to say that the new Commerce Secretary of Pakistan was extremely liberal in his approach towards trade with India and had repeatedly been seeking reports on the trend of trade following the notification of the 249 items. The majority opinion in Pakistan was in favour of opening up trade with India. He also mentioned that Pakistan's economic imperatives today demanded opening up of trade with India and this was a view shared by the new CS and Foreign Secretary of Pakistan. It was, however, a decision that would ultimately have to be taken at the political level.

The Ambassador expressed confidence that the Prime Minister of Pakistan would press for a positive forward movement at the meeting of the Sub-commission on Trade.

The climate of opinion among business circles in Pakistan was in favour of increased trade with India but the communication gap needed to be bridged. A suggestion had been made that a Pakistani delegation should visit India to explore possibilities for increased trade.

The Ambassador, however, went on to repeat that the decision, with regard to the framework for future trade relations with India, would be a political one,
particularly in view of the polarization of the political situation recently in Pakistan.

The Pakistan Ambassador cited an example to show the benefit that could accrue to Pakistan by opening of trade with India. He stated that a Pakistan party had mentioned to him that it was contracting for the purchase of a paper pulp plant from India because it was cheaper, spare parts could be easily obtained from India and there would no difficulties in its installation on account of similarity of language of the concerned personnel.

The Pakistan Ambassador indicated that he would go to Islamabad shortly and would apprise the Pakistani Commerce Ministry of Indian thinking and obtain from them a brief for the Sub-Commission on Trade talks. He would then inform Commerce Secretary of the manner in which the Pakistan authorities would approach the meeting of the Sub-commission on Trade.

On the question of MFN treatment, the Ambassador reiterated that it was a political issue and wondered whether there was some way in which the grant of MFN status to India could be disguised.

CS stated that the important aspect was the opening up of imports by Pakistan. He stated that India’s import policy did not in any way mention Pakistan by name and was equally applicable to Pakistan and other countries. If, however, Pakistan’s import policy referred to restrictions imposed on imports from India, then automatically it would imply that India was not being granted MFN treatment.

CS mentioned that one possible alternative for Pakistan to open up imports from India, was the notification of short negative list of items which could be restricted in order to protect Pakistan’s domestic industry. He, however, went on to say that if this negative list was not applicable to other countries and was limited to India, the reality would be that India was not being granted MFN treatment. He also stated, and the Pakistan Ambassador agreed, that the entire concept of restricted list of items was outdated.

CS stated that as long as Pakistan continued with the system of a restricted list, there would always be misgivings as to Pakistan’s commitment to increase bilateral trade.

The meeting ended with the Pakistan Ambassador stating that he would brief Commerce Secretary after his discussions in Islamabad.

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CONFIDENTIAL

Letter from Foreign Secretary S. K. Singh to Commerce Secretary A. N. Varma.

New Delhi, June 2, 1989.

Foreign Secretary
Ministry of External Affairs
New Delhi - 110011

No. 7206/FS/89 June 2, 1989

My dear amarnath,

During his call on me on May 31, the Pakistan Ambassador made out that consequent upon Pakistan's expansion of list of items which would be imported from India, India-Pakistan trade had picked up. He mentioned that in the last one year, there had been a 200 per cent increase in trade between the two countries. I would appreciate your comments on this point. Are detailed figures regarding the extent of trade between the two countries in 1988-89 available as compared to the previous year?

2. The Pakistan Ambassador also indicated that Pakistan was going to further expand the list of items to approximately 600 which could be imported from India, mainly in the area of raw materials. He further indicated that during his call on you a few days ago he had stated that Pakistan would be quite willing to include in the list of items cleared for import from India those goods which were finding their way to Pakistan from India through third countries, especially Dubai and Singapore. In this context, he mentioned that he had not yet received this list from you but Pakistan would take action immediately on its receipt. May be your office can supply this list to him, with a copy to us. Can this be done before my forthcoming visit to Pakistan for bilateral talks?

3. The Pakistan Ambassador also mentioned that they were interested in setting up of a Joint India-Pakistan Business Council to promote trade between the two countries, as had been agreed during Shri Dinesh Singh's visit to Islamabad. I understand that there has also been some thinking on the idea of setting up of a joint India-Pakistan Chamber of Commerce. We would like to have your considered views in this matter so that we may coordinate action on this issue with the Pakistan side.

With kind regards,

Yours Sincerely

(S.K. Singh)

Shri A. N. Varma
Commerce Secretary
Udyog Bhavan, New Delhi.
2704. **Agreed Minutes of the Meeting of Sub – Commission on Trade of Indo - Pak Joint Commission.**

**Islamabad, July 17, 1989.**

The third meeting of the Sub-Commission on Trade between India and Pakistan was held in Islamabad on 17th July, 1989. The Pakistani delegation was led by Mr. Hafeez Akhtar, Joint Secretary, Ministry of Commerce and the Indian delegation by Mr. M.R. Sivaraman, Joint Secretary, Ministry of Commerce.

2. **The following agenda was agreed and adopted for discussions:-**

   i) Review of bilateral trade;
   
   ii) Normalization of market access for export from India;
   
   iii) Identification of items of export-import interest and trade promotion measures.

3. The two sides had a detailed exchange of views in a cordial and friendly atmosphere.

4. Both sides recognized that in the difficult international trading environment afflicted by the protectionist policies of developed countries, there was an imperative need for developing countries to increase as far as possible, trade exchange amongst themselves, in a spirit of South-South cooperation.

5. The two sides noted with satisfaction the growth in bilateral trade and agreed that there was still considerable scope for further expansion of trade between Pakistan and India in the mutual interest of both the countries.

6. Pakistani side reiterated that a pragmatic approach should be taken for further expansion of private trade in phases building up a momentum towards a pattern of two way trade which would be in conformity with the principle of GATT while fully safeguarding local industries. In keeping with this the Pakistan side offered a still enlarged list of 322 items developed on Harmonized System Code for the private sector import from India, in addition to the previous list with the same proviso as indicated earlier during the 2nd meeting of the sub-commission. The Indian side indicated that M.F.N. treatment should be accorded to Indian exports by Pakistan. Both sides agreed to continue further dialogue on the matter.

7. Both sides agreed that there was considerable potential for joint efforts in export marketing of selected products such as Guar gum and Basmati rice in the mutual interest of both counties; similarly joint efforts at imports of non ferrous metals and fertilizer would be in the interest of both sides. Mutually
beneficial bilateral trade in a wide range of products was discussed and it was proposed that there should be exchange of delegations between the two countries to concretize these prospects. The Indian delegation mentioned the proposed visits by delegations in the field of Tea and Textiles machinery/components. Cooperation in the field of automotive components was agreed as an area of potential growth.

8. Both sides agreed that it would be a desirable export promotional measure to display each other’s products in both the countries. Pakistan side indicated that Pakistan would be displaying a wide range of products in the forthcoming India International Trade Fair 1989.

9. Both sides agreed to setting up of Joint Business Council. The FPCCI would be the nodal agency from the Pakistani side and FICCI along with the PHD Chamber of Commerce would be the coordinator from the Indian side. It was agreed that a delegation from India would visit Pakistan shortly for the establishment of the Council.

10. Indian side expressed its appreciation and thanks to the Government of Pakistan for the generous hospitality and courtesies extended to it as well as excellent arrangements made for the meeting.

(M.R. Sivaraman) (Hafeez Akhtar)
Joint Secretary Joint Secretary
Ministry of Commerce Ministry of Commerce
Government of the Government of the
Republic of India Islamic Republic of Pakistan
Islamabad
17th of July 1989

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The fifth session of the Pakistan – India Sub-Commission on economic matters was held in Islamabad on 17th July 1989. The Indian delegation was led by Dr. Arvind Virmani, Adviser, Planning Commission while the Pakistan delegation was led by Mr. Aftab Ahmad Khan, Additional Secretary, Economic Affairs Division. …

2. The Sub-Commission reviewed the progress of implementation of the recommendations made by the India-Pakistan Joint Commission at its meeting in July 1985. It also discussed proposals in the following areas:

a. Planning
b. Avoidance of Double Taxation Agreement.
c. Industry
d. Agriculture
e. Telecommunications
f. Postal Services
g. Shipping
h. Railways
i. Health
j. Science and Technology.

3. After detailed discussions which were held in a cordial and accommodating atmosphere, the following conclusions were arrived at:-

(a) Planning

(i) Both sides agreed on holding of a seminar on Planning, in India around October-November 1989, focusing on mobilization of savings, population and local planning, irrigation programmes and policies. Exact dates will be conveyed by the Indian side by the first week of August 1989.

(ii) Both sides agreed on the exchange of plan documents and budget papers. The Planning Commissions in Pakistan and India would act as coordinating agencies.
(b) **Avoidance of Double Taxation**

Both sides expressed their satisfaction on the conclusions of the agreement on Avoidance of Double Taxation on income derived from international air-transport. They also agreed to initiate negotiations for a broad based Convention on the Avoidance of Double Taxation on income. The Pakistan side proposed that experts of the two countries should meet in December 1989 - March 1990 or after August 1990 for this purpose.

(c) **Industry**

(i) With a view to increasing bilateral industrial cooperation both sides agreed to the exchange of industrial delegations within one year. The Indian delegation will visit Pakistan first. The delegations may also include representatives of public sector enterprises and the construction industry.

(ii) Both sides agreed to exchange information regarding industrial policies, rules and regulations for the setting up of new units to facilitate identification of areas for joint ventures.

(iii) Both sides agreed to cooperate in small and medium industrial sectors including transfer of technology. Pakistan Council for Scientific and Industrial Research and Pakistan's National Centre for Technology Transfer and India’s National Research Development Corporation will serve as nodal organizations for this purpose.

(iv) Both sides agreed to cooperate in automotive components sector. Information with regard to manufacture of components will be exchanged, initially between Pakistan Automobile Corporation and India’s Maruti Udyog Ltd., for exploring possibilities of cooperation.

(v) Both sides appreciated the idea of cooperation in civil engineering and other types of construction projects in both countries as well as in third countries. They agreed to explore the possibilities for such cooperation.

(vi) Both sides also agreed to the exchange of information on management experience in public sector enterprises.

d) **Agriculture**

After a review of the implementation of the last session's decision it was agreed, as under:-

i) The revised schedule of visits agreed to between the two countries will be completed from September to December 1989.
ii) Joint Workshops on soil salinity and water management and use of saline water in agriculture will be held in Pakistan in September 1989, and on coordinated research and genetic improvement of indigenous breeds of livestock will be held in India in November 1989.

e) Telecommunications

i) Both sides expressed their satisfaction on the recent meeting of the experts and on the progress achieved since the last meeting of the Sub-Commission in 1987. The Indian side raised the question of putting 11 additional circuits into operation from New Delhi to Karachi. Pakistan side explained that there was no problem in doing so provided the Indian side agreed to use the C-5 international signaling system.

ii) Pakistan side raised the issue of the settlement of the telecommunication accounts for the period 1947-67 which had been discussed in the last meeting of the Telecommunication Departments of the two countries. The Indian side noted the issue and agreed that the next meeting of the Telecommunication Departments could finalize the matter.

f) Postal Services

Both sides reviewed in detail the existing cooperation and agreed on the following:-

i) Organization of philatelic exhibitions, on agreed themes, on reciprocal basis, and on mutually agreed dates.

ii) Exchange of visits between the faculty members of the two Postal Staff Colleges and experts of the two postal administrations should be undertaken within one year. Exchange of information should also take place between the postal administrations of both countries.

iii) Both sides expressed their satisfaction that an agreement on the settlement of outstanding dues had been signed in June 1988.

g) Shipping

i) Both sides reviewed the issue of amending clauses 3 and 5 of the 1975 Shipping Protocol. Pakistan side informed that they had already obtained approval to revise the 1975 Protocol in conformity with the suggestions made during the Joint Commission meeting in 1985.

ii) The Indian side presented their counter proposals regarding amendments to clauses 3 and 5 .... It was agreed that the issue be discussed further between the experts of the two countries.
h) Railways

(i) The Indian side observed that the meetings between the Railway Ministries of the two countries needed to be held regularly in order to finalize issues relating to the reconciliation of wagon census. The Pakistani side felt that they were unable to obtain information from Bangladesh regarding the number of Indian railway wagons in Bangladesh. They suggested delinking this issue to expedite settlement. The Indian side noted these suggestions.

(ii) Pakistan side expressed its concern on the inadequate utilization of the through booking facilities to various stations in Pakistan. Indian side assured that the Indian Railways was taking necessary measures to create awareness and encourage passengers to better utilize the above facility.

(iii) The Pakistan side expressed concern regarding the settlement of the outstanding claim by Pakistan Railway in connection with the steel consignment imported from Verka to Lahore, pending since 1982. The Indian side assured that necessary efforts would be made for an early settlement.

(iv) On the issue of up-gradation of facilities in Lahore, Pakistani side explained that some measures have been taken to improve the facilities at Lahore Railway Station.

(i) Health

Both sides agreed to an exchange of medical research delegations (PMRC-ICMR) pertaining to areas of Coronary Heart Diseases and Oncology. The proposed delegations would consist of relevant experts in the two fields from either side. It was further agreed that the Pakistan delegation would visit India in September 1989. This will be followed by a visit of the Indian delegation in November / December 1989.

(j) Science and Technology

Recognizing the importance of cooperation in Science and Technology the two sides agreed to an exchange of visits by Science and Technology delegations to concretize specific subject areas, modalities and cooperation programmes. An Indian delegation would visit in October-November 1989. This would be followed by the visit of a Pakistani delegation in December – January 1990 on mutually agreed dates. The possible areas of Science and Technology cooperation were identified as under:-
a) Clean Energy
b) Genetic engineering and Bio-technology.
c) Medical Research-Traditional Medicines.
d) Meteorology
e) Renewable sources of Energy
f) Environment
g) Medicinal and aromatic plant research
h) Optics
i) Water resources research.

(Aftab Ahmad Khan) (Dr. Arvind Virmani)
Additional Secretary Adviser, Planning Commission
Economic Affairs Division Republic of Pakistan
Islamic Republic of Pakistan

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2706. **Agreed Minutes of the Meeting of Sub - Commission - IV of India – Pakistan Joint Commission.**

Islamabad, July 17, 1989.

The Pakistan and the Indian Delegations held discussions on the basis of decisions taken in the informal consultations held in New Delhi from 20th to 25th June, 1989. The Indian delegation was led by Smt. Indira Misra, Joint Secretary, Ministry of Home Affairs and the Pakistan delegation by Mr. Hassan Raza Pasha, Joint Secretary, Ministry of Interior and Narcotics Control (Interior Division). ...The discussions took place in a spirit of cordiality.

2. The following is the record of the recommendations made:

I. **Visa Matters**

3. Both sides confirmed their agreement on the following matters, on the basis of reciprocity:

i) The number of places that can be visited by nationals of either country should be increased from the present four to eight.

ii) A new category of tourist visa valid for 14 days may be added to the existing categories of visas to cover group tours organized by approved tour operators/travel agents. This visa will be non-extendable.

iii) Both sides agreed that all persons with visas valid for up to 14 days should be exempted from police reporting. This visa will be non-extendable. Sub-Commission IV may review the arrangements after a period of one year and make suitable recommendations to respective governments.

iv) The Indian side proposed that there should be complete exemption from police reporting for people above 65 years of age and children below 16 years of age. The Pakistan delegation agreed to examine the proposal.

v) The present arrangements with regard to the business visa i.e. 3 entries over six months duration should be continued.

vi) There was no objection to the revision of visa fee on either side from Rs. 15/- to Rs. 25/- . However, the Joint Commission may like to take a decision about the timing of enforcement of this revision.

vii) It was agreed that travelers on visitors visa should be allowed to exit from an air-check post other than that of entry. Exit and entry points will be indicated in the visa. This visa shall be non-extendable and shall be granted on the basis of a pre-paid return ticket.
II Tourism

4. Both sides confirmed their agreement on reciprocal basis on the following matters:

i) In the case of group tours organized by tour operators/travel agents approved by either Government, entry and exit points could be different if tours are prepaid, itinerary is pre-determined and the group travels by air.

ii) In addition to the provisions of the existing Protocol on Tourism between the two Governments, it was agreed that private tour operators/travel agents, duly approved by the respective Governments, should also be permitted to operate group tours.

iii) It was agreed that groups may consist of 10 or more persons. The tourists from either country would be granted non-extendable tourist visas valid for up to 14 days and for a maximum of 8 places. While individual members of the group will not be required to register with the Police, the tour operator will furnish copies of the itinerary and other relevant information to the Registration authorities of the places of visit in prescribed form in advance.

iv) Both the Governments shall exchange lists of approved tour operators/travel agents. The list shall be reviewed periodically for incorporating any changes.

III Detainees

5. Both the sides confirmed their agreement on the following matters on the basis of reciprocity:

i) Both sides agreed to increase the number of jails in which consular access would be provided. The additional jails will be at Rajkot in State of Gujarat in India and at Karachi in Pakistan. The consular access at all the jails will be provided thrice a year according to the existing schedule.

ii) Both sides agreed to provide information, including photographs, about nationals of either country arrested/detained in the other country within four weeks to the respective Embassy, within the frame-work of the protocol on consular access of November, 1982.

iii) Both sides agreed that repatriation should be done as soon as possible after completion of the sentence. For this purpose, consular access should be provided well before the completion of sentence and necessary formalities completed to ensure that repatriation is effected soon after the completion of sentence.
IV. Pilgrimage

6. Indian side agreed to raise the number of pilgrims from Pakistan to the Shrines in India to the extent indicated below:

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Shrine of Hazrat Moinuddin Chishti, Ajmer Sharif.</td>
<td>300 500</td>
</tr>
<tr>
<td>ii) Shrine of Hazrat Nizamuddin Aulia, Delhi.</td>
<td>180 250</td>
</tr>
<tr>
<td>iii) Shrine of Hazrat Amir Khusro, Delhi.</td>
<td>120 200</td>
</tr>
<tr>
<td>iv) Shrine of Hazrat Mujadid Alaf Sani at Sirhand Sharif.</td>
<td>120 200</td>
</tr>
<tr>
<td>v) Shrine of Hazrat Kh. Alauddin Ali Ahmad Sabir at Kalyar Sharif.</td>
<td>120 200</td>
</tr>
</tbody>
</table>

7. The Pakistan side agreed to raise the number of Hindu pilgrims to Hyat Pitafey from 200 to 400 and extension in stay from 5 to 10 days. It has also been agreed to allow Indian pilgrims to visit Katasraj Shrine twice a year instead of the present one visit every year. The timing of visit will be decided in consultation with the local authorities.

8. In regard to other places of pilgrimage, the Pakistan side indicated that they would be agreeable to open for about 150 Indian Muslim pilgrims the Shrine of Hazrat Data Ganj Buksh at Lahore. They, however, expressed some difficulty in the case of Shrine of Hazrat Bari Imam (Islamabad)

9. The Pakistan side requested that the following shrines in India may be considered for visits by Pakistani pilgrims:-

(i) Boo-Ali Shah Qalander (Panipat)
(ii) Hazrat Deva Shah (Lucknow)
(iii) Hazrat Ahmad Raza Khan Barelvi (Braelli)
(iv) Hazrat Hafiz Abdullah Shah (Agra)
(v) Hazrat Imam Nasiruddin (Sonepat)

The Indian side agreed that the shrine at Agra will be opened for 150 pilgrims for one visit in a year. The cases of other shrines will be examined.
10. The Indian side recalled that they had proposed a list in 1983 for visits by Indian pilgrims which contained the names of the following shrines:
   i) Sadhu Bela, Khanpur and Mirpur Mathelo (Sukkur)
   ii) Maheshpanthi Shrines (Sind)
   iii) Hazratdata Ganj Buksh (Lahore)
   iv) Dev Samaj Temple (Lahore)
   v) Hazrat Bari Imam (Islamabad)
   vi) Prahaladpuri temple (Multan)
   vii) Pir Giarwienwala Shrine (Multan)
   viii) Nirankari Shrine (Islamabad)
   ix) Sakhi Sarwar Shrine (D.G. Khan)
   x) Parnami Shrines(Sahiwal)
   xi) Ahmediya Shrines at Rabwa (Jhung)
   xii) Darbar of Shahanshah Godriwala in village Garh (Gujrat)
   xiii) Mata Hinglaj’s Shrine (Baluchistan).

11. If due to any reason, it was not possible to agree to open all the above places, the Indian side suggested that at least the following five shrines may be opened in the first instance for Indian pilgrims:
   i) Sadhu Bela (Sukkur)
   ii) Maheshpanthi Shrines (Sind)
   iii) Prahaladpuri Temple (Multan)
   iv) Darbar of Shahanshah Godriwala in Village Garh (Gujrat)
   v) Mata Hinglaj’s Shrine (Baluchistan).

The Pakistan side agreed to open Sadhu Bela Temple to the pilgrims visiting Hyat Pitafey. The visit will be for one day. The Pakistan side will also consider the question of opening other shrines. However, it was pointed out that there is no shrine in Rabwah and that the shrines mentioned at serial (xii) in para 10 is a Muslim shrine.

(V). IAC/PIA Staff

12. Both sides confirmed their agreement on reciprocal basis on the following matters:-
i) Grant of assignment visas to all members of IAC/PIA Staff stationed in Lahore/Karachi and Delhi/Bombay. The facility will be extended to the members of their families.

ii) In addition to the existing three places, assignment visas for 3 more places would be granted to each member of the airlines staff. The facility will be extended to members of their families.

13. Pakistan side proposed addition of Bangalore, Hyderabad and Calcutta for the PIA staff posted in India with reference to S. No. 9 (ii) above.

14. Indian side proposed that Pakistan side may suggest some other station in place of Hyderabad. Indian side will indicate the three places required for the IAC staff posted in Pakistan after consultation with the relevant agencies.

VI. Conferences/Symposia

15. It was agreed that both the sides will frame specific proposals in respect of grant of visa to Scientists to enable them to attend Conferences, Symposia and Seminars in consultation with the concerned Ministries.

VII. Opening of Khokhrapar - Munabao Rail Route

18. This matter is also being discussed by Sub-Commission-I. However, Pakistan side agreed to consider it.

Islamabad, the 17th July, 1989.

(Hasan Raza Pasha) (Mrs. Indira Misra)
Joint Secretary Joint secretary
Ministry of Interior & Narcotics Ministry of Home Affairs
Control,(Interior Division)
Remarks by Pakistan Foreign Minister Sahabzada Yaqub Khan and External Affairs Minister P. V. Narasimha Rao at the third meeting of the India – Pakistan Joint Commission.

Islamabad, July 18, 1989.

Remarks by Sahabzada Yaqub Khan:

Excellency Mr. Narasimha Rao,

Ladies and Gentlemen.

It is both a pleasure and an honour for me to welcome Your Excellency to Pakistan for the Third Meeting of the Indo-Pakistan Joint Commission. I should also like to extend a warm welcome to members of the Indian delegation. We are very happy to have you in Islamabad.

Excellency,

The discussions between our two Prime Minister last December in Islamabad laid the groundwork for a new and promising start in improving our relations. Both leaders stressed the need to revitalize the process of normalization of relations. We agreed to resume various high-level bilateral meetings. We also decided to convene the indo-Pakistan Joint Commission which had not met since 1985.

Our meeting is most timely. The recent official visit by His Excellency Mr. Rajiv Gandhi has imparted a fresh stimulus for a forward movement on a broad agenda. Both sides have demonstrated a willingness to address outstanding differences and seek agreements based on equity and mutual benefit.

Since the beginning of this year a number of important bilateral meetings have taken place. This indicates a common desire to work towards improving relations between our two countries. Over the past six months bilateral discussions on a wide range of issues have yielded hopeful possibilities.

Excellency.

We attach great importance to the work of the Joint Commission. The purpose assigned to the Joint Commission at its establishment in 1983 was to strengthen mutual understanding and promote cooperation in diverse fields. Despite its short existence, a wide network for initiatives and joint actions in different spheres of activity has been created.

We have agreed to cooperate in the fields of agriculture, communications, railways, shipping and science & technology. There has been steady growth in bilateral trade. Following the ratification of the Cultural Cooperation Agreement,
a Cultural Protocol will be signed for the next three years. Exchanges in the fields of art, culture, education, sports and media are being expanded.

These agreed areas of cooperation are evidence of our determination to benefit from each other's experience, knowledge and skills. These are small steps. But they pave the way for initiating further activities to improve mutual cooperation and understanding between our two countries.

**Excellency,**

Bilateral cooperation can only flourish in an environment of peace and stability. It is to this end that we seek good neighbourly, cooperative and tension-free relations with India on the basis of sovereign equality and mutual benefit. We seek to resolve our outstanding differences on a step by step basis as envisaged in the Simla Agreement in order to build a durable relationship.

Regrettably there are several issues which continue to divide us. We must have a better understanding of each other's perspectives in order to resolve those problems expeditiously.

We seek ways to dispel rather than to live with the dark clouds of mistrust and suspicion. We must remove the risks of misperception and move forward with confidence and trust.

**Excellency,**

Conflict and confrontation are being replaced by peace and cooperation in many parts of the world. There has been a dramatic reversal of the perception that political problems can be resolved through the use of military force.

A wave of peace is moving across the globe. A decade marked by strife and turmoil is ending. Let us endeavour to strive our peace in our region.

**Excellency,**

In many areas we face common problems. We have a shared interest in improving the living conditions of our peoples. Together we must make a constructive contribution to the realization of the economic and social aspirations of the people in our two countries.

**Excellency,**

This meeting of the Joint Commission provides an opportunity to give substance to bilateral cooperation in a concrete form and on a broad front. The new programmes and proposals we will consider and adopt at this meeting will further consolidate our relationship.

Our cooperative efforts should respond to the expectations of our people, who aspire for harmonious and mutually beneficial ties. The task before us is
challenging. But with goodwill and sincerity on both sides, our deliberations will produce substantive results and, I am confident, will give a new impetus to the advancement of bilateral cooperation.

Statement by P. V. Narasimha Rao:

Your Excellency, Foreign Minister Sahabzada Yaqub Khan,

Ladies and Gentlemen

2. I would at the outset like to thank you and through you the Government of Pakistan for the gracious hospitality which has been extended to the members of my delegation and myself as well as for the warm words of welcome. The basic oneness and empathy of our peoples together with the traditional Pakistani courtesy and warmth of which we are always the recipients made Pakistan for us a home away from home. Having so much in common there is no reason why we should not given the favourable prevailing political climate draw upon this shared heritage of language, culture and history to forge closer links in all fields in the mutual interest and for the benefit of our teeming millions.

3. Before proceeding any further permit me, Excellency, to introduce the members of my delegation.

4. The third meeting of the India-Pakistan Joint Commission is taking place in the background of a particularly favourable climate in India-Pakistan relations. It is quite evident that the tenor of India-Pakistan relations underwent a marked improvement with the meeting between our two Prime ministers in December 1988. Their subsequent meetings both in Paris and now again in Islamabad will further serve to accelerate the normalization process between our two countries in accordance with the Simla Agreement. This will not only benefit the peoples of our two countries but will also provide peoples of our two countries but will also promote peace and stability in our region.

5. We also meet Excellency at a time of momentous changes in the international environment with confrontation giving way to dialogue on a wide range of issues. Old rigidities are being influenced by new thinking and frozen attitudes on many hitherto intractable problems are under attack. However, the new détente that is taking place has unfortunately tended to leave out the world economic problems from its purview, perhaps deliberately. The external debt problem, adverse balance of trade, protectionism, issues like intellectual property rights, trade in services, rules and regulations governing international investment, are all being utilized to perpetuate the dominance of the developed countries, and the technological backwardness of the developing.
6. In this background there is need for greater coordination among like-minded developing countries. We would also need to develop our bargaining position by expanding markets among ourselves, attain higher rates or growth and generate technology. It is, therefore, only appropriate that during the recently held meeting between the Foreign Secretaries of India & Pakistan there was agreement to consult and coordinate our positions on international economic issues. This is an area in which meaningful cooperation between India and Pakistan would not only help the two countries but would also enormously benefit the entire developing world.

7. I am happy to note that in the purely bilateral content and in keeping with the mandate from our two leaders we have in the first half of 1989 had a series of India-Pakistan meetings. These have covered almost the entire range of India-Pakistan relations and have been productive in enlarging areas of cooperation or at least in narrowing down differences on the more intractable issues. Particularly significant have been the meetings between the Water Resources Secretaries, the Home Secretaries, the railway and aviation officials, the Defence Secretaries and the Foreign Secretaries of our two countries. These have succeeded in strengthening infrastructural linkages and setting up institutional arrangements to deal with cross border crimes including inter alia drug trafficking, smuggling and the movement of fugitives from law. We are both committed to a comprehensive and peacefully negotiated settlement of the Siachen issue in accordance with the Simla Agreement and are well on the way to putting behind us this problem which has for some time bedeviled our relationship. I welcome the understanding arrived at during the Foreign secretaries’ meeting to coordinate with each other for various candidatures in international bodies as well as to hold suitable follow up meetings to sort out a variety of issues in the bilateral context.

8. The present meeting of the Joint Commission is taking place after an unforeseen gap of four years. I do not want to go into the reasons for this delay or the factors that had vitiated the atmosphere resulting in this delay. When the Joint Commission had been set up in 1983, the idea was to provide an institutional framework for fostering growing contacts and cooperation between our two countries and peoples in various areas of mutual interest and benefit. Through this mechanism we have achieved some, even though modest, progress. We were able to develop a Cultural Cooperation Agreement which was signed in December 1988 and the Cultural Exchange Programme should be ready during our present meeting. Infrastructural links particularly in the field of communications have been steadily strengthened.

9. In other areas, progress has been slow, perhaps due to a desire to be cautious and not do, or be seen to be doing, too much too soon. However,
given the mandate of our two Prime Ministers and the desire of our two peoples, I submit that now is a time for boldness and not hesitation.

10. Given the felt needs of the peoples in our two countries, therefore, there is a lot more that needs to be done. The various agreements and protocols that we sign should be implemented fully and meaningfully. On trade, we continue to give Pakistan MFN status and we hope you will be able to extend similar facility to us before long. We were particularly surprised that, in contrast to the developments in other areas, Pakistan has singled out India as the only country to which it will not provide GSTP facilities. Industrial cooperation between our two countries including in third country projects should be encouraged. Our efforts to bring about a more relaxed travel and visa regime will be welcomed by large sections of our peoples.

11. There is a much greater convergence of thinking in the two countries on measures to increase people to people contacts which, provides to surest foundation for friendly and cooperative ties between India and Pakistan over the long haul. I therefore look forward with anticipation to the possibility of this session of the Joint Commission making a breakthrough in devising significant steps for increased exchanges between the two countries in education, culture, the media and in the economic and commercial sectors.

12. I would like to assure you that our approach is positive and any new ideas or proposals that you may have will receive our most constructive consideration. Our objective is to increase contacts and cooperation where they exist and to explore new avenues for meaningful and mutually beneficial interaction.

13. The Government and people of India sincerely desire cordial, cooperative and good neighbourly relations with the Government and people of Pakistan devoid of past suspicions, mistrust and recrimination. Any adverse propaganda distortions in publications and books should not only be consciously corrected but an effort made to project each other objectively and without bias. This would help to create positivity in India-Pakistan relations.

14. In conclusion, Excellency, I would be remiss if I failed to mention our good fortune in having you here as Co-Chairman to guide our deliberations. Your innate abilities, vast experience and Rampur charm will, I am confident, help make this meeting memorable and successful.
The third meeting of the India-Pakistan Joint Commission was held in Islamabad from 18-19 July 1989. The Pakistan delegation was led by H.E. Sahabzada Yaqub Khan, Foreign Minister of Pakistan. The Indian delegation was led by H.E. Mr. P.V. Narasimha Rao, Minister for External Affairs of India. His Excellency Mr. Iqbal Akhund, Adviser to the Prime Minister on Foreign Affairs and National Security also participated in the proceedings of the Joint Commission.

2. During his stay in Islamabad the Minister for External Affairs of India called on the President and the Prime Minister of the Islamic Republic of Pakistan.

3. The Joint Commission Meeting was preceded by the meetings of its four constituent Sub-Commissions namely:


   Sub-Commission -II: Trade


   Sub-Commission-IV: Travel, Tourism, Consular Matters.

4. The four Sub-Commissions held an in-depth and detailed exchange of views in their respective spheres on a wide range of measures which could be considered for adoption by the sides to enhance mutually beneficial cooperation between the two countries.

5. The two Foreign Ministers expressed their satisfaction that the Sub-Commissions had been able to evolve several concrete measures designed to increase collaboration between the two countries in the fields of agricultural research, industries, health, planning and to further promote people-to-people exchanges between the two countries particularly in the field of education, culture, media exchanges.

6. The Sub-Commission adopted the reports submitted by the four Sub-Commissions, Copies of the reports are annexed. The main conclusions of the Joint Commission are as follows:

Sub - Commission - I

I. Planning

   (i) A seminar will be held in India in October-November 1998 on subjects already identified.
(ii) Exchange of plan documents and budget papers will take place through the respective Planning Commissions.

II. Industry
Exchange of industrial delegations (within one year); exchange of information regarding industrial policies, rules and regulations so as to facilitate joint ventures; cooperation in small and medium industrial sectors including through identified nodal agencies, cooperation in automotive components sector, civil engineering, and between public sector enterprises.

III. Agriculture
Revised schedule of visits to be implemented and seminars to be held on already identified subjects in Pakistan (September 1989) and India (November 1989).

IV. Telecommunication
The concerned departments will discuss further the settlement of outstanding dues and facilitating introduction of additional circuits between New Delhi and Karachi.

V. Postal Services
Organization of philatelic exhibitions, exchanges of visits between faculty of two Postal Colleges and experts of the two postal administrations; exchange of information.

VI. Shipping
The issue of amending clauses 3 and 5 of the 1975 Protocol would be discussed further between the experts of the two countries.

VII. Railways
Efforts will be made to expeditiously settle outstanding dues; and ensure better utilization of through booking facilities.

IX. Science and Technology
Exchange of visits to concretize specific areas, modalities of cooperation in already identified sectors.

X. Avoidance of Double Taxation
Negotiations on a broad based convention will be initiated.

Sub - Commission - II
The two sides noted with satisfaction the growth in bilateral trade and agreed that there was still considerable scope for further expansion of trade between Pakistan and India in the mutual interest of both the countries.
As a further step towards normalization of trade relations between the two countries Pakistan side announced the enlargement of the list of items allowed for import from India in the private sector by another 322 items under the Harmonized System of classification. The Indian side reiterated their stand that Pakistan should extend MFN status to India.

Both sides agreed to make joint effort in marketing of selected products in the mutual interest of both the countries. In addition there was agreement on exchange of delegations between the two countries to promote trade in a wide range of products as well as participation in trade fairs in each other's country. Towards this end both sides agreed to shortly set up a Joint Business Council.

Sub - Commission - III

In pursuance of Article II of the Cultural Cooperation Agreement signed between the two countries during the visit of the Prime Minister of India to Islamabad in December 1988, a Cultural Exchange Programme for 1989-1991 was finalised and signed on 19 July 1989 by the Ambassadors of the two countries. The Cultural Exchange Programme envisages exchanges in the fields of Education, Art, Culture, Sports and the Media. The following are some of the salient features incorporated in the C.E.P.:

I. **Education**

   (i) Exchange of information and experience through visits of experts and organization of seminars, and establishing linkages between Universities and other institutions.

   (ii) Taking steps to evolve and establish systems of linkages between institutions of higher learning and technical education, universities and specialized institutions/agencies.

   (iii) Exchange of visits by authors and participation in seminars, literature readings and symposia including provision of facilities for travel to document impressions and images of each other’s country.

   (iv) Offering 15 annual scholarships for University studies.

   (v) Exchanges in the field of women literacy and women’s studies, and adult education.

   (vi) Encouraging studies and exchanging experiences in traditional systems of education particularly in respect of modernization of Madrasahs.

   (vii) Exchanging information and evolving agreements on the equivalence of certificates, diplomas and degrees.
(viii) Both sides agreed to consider more effective adherence to copyright laws through adoption of internal legislation and international conventions.

II Art and Culture

(i) Exchange of artistes and cultural troupes. The total number of person days from each side would be at least 750 annually and each troupe will cover at least three cities.

(ii) Exchange of exhibitions of contemporary fine arts, crafts, contemporary life styles, paintings etc.

(iii) Exchange of experts for studies in the field of archaeology including joint exploration and study of archaeological material and a joint study tour of the Indus Valley cities.

(iv) India to offer 5 cultural scholarships for study of classical Indian music.

(v) Exchange of writers and poets.

(vi) Identifying counterpart libraries/institutions for regular exchange of books and periodicals.

(vii) Exchange of children’s paintings and works of creative art.

(viii) Exchange of art historians.

III Sports

Exchange of sportsmen, athletes and coaches.

IV Radio, TV, Press & Films

(i) Exchange and joint production of Radio and TV programmes; exchange of Radio and TV professionals.

(ii) Organization of film weeks in each other’s country and exchange of documentary films.

(iii) Commercial exchange of newspapers.

(iv) Facilitating visits of journalists and posting of more newspaper and news agency correspondents.

Sub - Commission - IV:

The two sides agreed to take several measures to enhance people-to-people contacts between the two countries:

(i) Increase in number of places that can be visited from 4 to 8.

(ii) Persons with up to 14 days’ visa to be exempted from police reporting.
(iii) Private tour operators, approved by the respective governments, will be permitted to operate group tours. For such tours entry and exit points could be different if tours are pre-paid, itinerary pre-determined and the group travels by air. A new category of tourist visa has been added to the existing categories to cover such group tours of up to 14 days. Both the governments will exchange a list of approved tour operators/travel agents.

In order to make the Protocol on Consular Access more effective it was decided that:

(i) Information regarding arrest/detention of each other’s nationals should be provided to the respective embassies within 4 weeks.

(ii) Repatriation should be undertaken as soon as possible after the completion of the sentence.

(iii) The number of jails in which consular access is provided be increased by one each by both countries.

Both sides agreed to increase the number of pilgrims for certain shrines in Pakistan and India and to increase the period of stay for pilgrimages to Hyat Pitafey in Pakistan to 10 days. They also agreed to open additional shrines for pilgrims as detailed below:

**In Pakistan:**

(i) Hazrat Data Gang Bakhsh (Lahore) 150 pilgrims once a year.

(ii) There will be two visits in a year to Katasraj in place of one.

Sadhu Bela (Sukkur) – day visit by pilgrims visiting the shrine at hayat Pitafey.

**In India:**

Hazrat Hafiz Abdullah shah (Agra- 150 pilgrims once a year).

Both sides also agreed to grant the facility of assignment visas for the airlines staff of Indian Airlines Corporation (IAC) and Pakistan International Airlines (PIA), and their families stationed in each other’s country.

Indian side requested an early reopening of Khokrapar – Munabao route. Pakistan side indicated that the matter was being examined.

7. The discussions were held in a warm and cordial atmosphere with both sides demonstrating a positive and constructive attitude.

8. The leaders of the two delegations expressed satisfaction at the outcome of the meetings of the Joint Commission and the four Sub-Commissions.
9. The Minister of External Affairs of India expressed gratitude for the warm reception and hospitality accorded to him and the Indian delegation by the Government of Pakistan.

10. In addition to the deliberations of the Joint Commission, the two Foreign Ministers also exchanged views on a number of subjects of mutual interest. Recalling the meetings of the two Prime Ministers in December 1988 and July 1989, they reiterated the resolve of their Governments to further strengthen the cooperative ties between the two countries.

It was agreed that:

(i) The Fourth meeting of the Joint Commission will be held in India in 1990.

(ii) Sub-Commissions I and II will meet in New Delhi and Sub-Commissions III and IV in Islamabad in January 1990.

(P.V Narasimha Rao) (Sahabzada Yaqub Khan)
Minister of External Affairs Minister of Foreign Affairs
Government of the Republic Government of the Islamic
of India Republic of Pakistan

Islamabad, 19 July 1989

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The Third Meeting of the India-Pakistan Joint Commission was held in Islamabad on 18-19 July, 1989. The Pakistan delegation was led by His Excellency Sahabzada Yaqub Khan, Foreign Minister of Pakistan. The Indian delegation was led by His Excellency Mr. P.V. Narasimha Rao, Minister for External Affairs of India. His Excellency Mr. Iqbal Akhund, Adviser to the Prime Minister of Foreign Affairs and National Security also participated in the proceedings of the Joint commission.

2. During his stay in Islamabad His Excellency Mr. Narasimha Rao called on His Excellency Mr. Ghulam Ishaq Khan, President of the Islamic Republic of Pakistan on July 18th and Her Excellency Mohtarma Benazir Bhutto, Prime Minister of the Islamic Republic of Pakistan on July 19th.

3. The discussions during the meetings of the Joint Commission and the four Sub-Commissions were held in a warm and cordial atmosphere. The approach of both sides was positive and constructive.

4. In accordance with the directives of the Prime Ministers of Pakistan and India, the two sides agreed upon a number of concrete measures to strengthen cooperation between the two countries in number of areas. These include:

I. Planning:
The two sides will exchange documents and data relevant to furthering the process of development. A seminar on mobilization of savings, population and local planning, irrigation programmes and policies will be held during 1989.

II. Industry:
Both sides agreed to exchange delegations of businessmen in order to increase bilateral industrial cooperation.

III. Agriculture:
Revised schedule of visits will be implemented and seminars will be held on already identified subjects in Pakistan (September 1989) and India (November 1989).

IV. Postal Service:
Philatelic exhibitions will be organized on a reciprocal basis in India and Pakistan.
V. **Health:**

Both sides agreed to an exchange of medical research delegations in the field of Oncology and Coronary Heart diseases.

VI. **Double Taxation:**

Both sides agreed to initiate negotiations for a comprehensive convention for the avoidance of double taxation.

5. **Trade:**

The two sides noted with satisfaction the growth in bilateral trade and agreed that there was still considerable scope for further expansion of trade between Pakistan and India in the mutual interest of both the countries. The Pakistan side announced enlargement of the list of items to be imported from India in the private sector by another 322 items under the Harmonised System of classification. Both sides agreed to the setting up of a Joint Business Council. It was also agreed to participate in Trade Fairs in each other’s countries. Pakistan would be participating in the India International Trade Fair 1989.

6. **Culture:**

The two sides adopted a three yer Cultural exchange Programme for 1989-1991. the CEP provides for cooperation in the fields of

a) **Education** including providing fellowships/scholarships to students in either country; exchange of educationists, historians, scientists, academicians and other experts in the field of education and

b) **Art and culture** including exchange of musicians, artists, folk dance and music, theatre groups, exhibitions of arts and crafts, writers, poets, painters and sculptors.

c) Both sides also agreed to exchange exhibitions on miniature paintings and contemporary art. The two sides further agreed to participate in painting exhibitions, folk festivals, seminar, etc., organized by each other. The two sides also agreed to send delegation of children/ youth.

d) **Sports:** Both sides agreed to encourage exchange of sportsmen, athletes, coaches etc., in various sports.

e) **Radio, TV, Press and Films:** Both sides agreed to exchange radio and TV programmes and delegations of radio and TV professionals.

f) Both sides agreed to permit commercial exchange of newspapers and periodicals.
g) Both sides agreed to allow the posting of more newspapers and agency correspondents in each other’s country on a reciprocal basis.

h) Both sides agreed to participate in each other’s films festivals and exchange film delegations.

7. Travel & Tourism

a) Both sides agreed to increase the number of places that can be visited by nationals of either country from the present 4 to 8.

b) Both sides agreed that persons with visas valid up to 14 days will be exempted from police reporting on reciprocal basis. This visa will be non-extendable.

c) Both sides agreed that visitors traveling by air could enter at one point and exit at another point provided that the visa is so endorsed.

d) Both sides agreed to introduce a new category of tourist visa to cover group tours by approved tour operators valid upto 14 days. Private tour operators/travel agents duly approved by respective governments would be permitted to operate group tours. Such groups must consist of 10 or more persons who would be granted non-extendable tourist visas valid for 14 days and for a maximum of 8 places. Individual members of the group will not be required to register with the police. The tour operators will inform the registration authorities at various places in advance.

e) Both sides agreed to increase the number of pilgrims and places of pilgrimages. Indian side agreed to increase the number of pilgrims as follows:

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Shrine of Hazrat Moinuddin Chishti Ajmer Sharif</td>
<td>300</td>
</tr>
<tr>
<td>II. Shrine of Hazrat Nizamuddin Aulia, Delhi</td>
<td>180</td>
</tr>
<tr>
<td>III. Shrine of Hazrat Amir Khusro Delhi</td>
<td>120</td>
</tr>
<tr>
<td>IV. Shrine of Hazrat Mujadid Alaf Sani, At Sirhand Sharif</td>
<td>120</td>
</tr>
<tr>
<td>V. Shrine of Hazrat Kh. Alauddin Ali Ahmad Sabir at Kalyer Sharif</td>
<td>120</td>
</tr>
</tbody>
</table>

(a) Pakistan side agreed to permit two visits annually to Katasraj of 200 pilgrims for each visit.
(b) Indian side agreed to open the shrine of Hazrat Hafiz Abdullah Shah (Agra) for visit by 150 Pakistani pilgrims.

(c) Pakistan side agreed to open Sadhu Bela (Sukkur) shrine and the Shrine of Hazrat Data Ganj Baksh (Lahore). Pakistan side indicated that the pilgrimage to Sadhu Bela would be combined with the pilgrimage to Hyat Pitafey and the number of pilgrims would be increased from 200 to 400.

8. The Indian side expressed its warm appreciation to the Government and people of Pakistan for the hospitality extended to the Minister of External Affairs of India and his delegation.

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2710. Interview of Pakistan Commerce Minister Ahmed Mukhtar with *Khaleej Times* spelling out Conditions considered essential by Pakistan to accord MFN status to India. (As published in Pakistan newspaper *The NATION*)

Islamabad, April 3, 1996.

Pakistan is ready to offer the Most Favoured Nation (MFN) status to India provided New Delhi removes non-tariff barriers to start meaningful trade between the two countries, said Federal Commerce Minister Ahmed Mukhtar in an interview with *KHALEEJ TIMES*.

He said: “I favour trade with India and if that is done I do not believe Pakistan will have any disadvantage."

He said although India has already given the MFN status to Pakistan there are certain hurdles due to which Islamabad cannot reciprocate. One of the reasons is that Indians are still hesitant to remove non-tariff barriers, he added.

“We have also asked the Indians to open their borders so that two-way trade could be made viable and profitable,” Mr. Mukhtar said, hoping that the Indian government would look into the issue and remove hurdles due to which both countries cannot benefit from each other.

Citing an example, he said that ever since Bangladesh accorded the MFN status to India its exports to New Delhi remained static at $600 million while its imports from India went up to $2.2 billion. This, he pointed out, is happening
as the Indians are not ready to open their borders to provide free access to Bangladeshi traders so that they can receive goods on time and relatively on cheaper prices.

“What is happening today is that we have to first send our goods to Karachi for onward shipment to India, but if there are no border restrictions we can send these goods from Lahore to New Delhi which will save a lot of time and money, “he said, adding “the Indian government should open up border as early as possible so that the traders community of both countries could immensely benefit from each other”.

“Who does not know that India and Pakistan spend a lot of additional foreign exchange on importing things from other places and if they could get these things from each other, they would be doing a great service to their own peoples, “he said.

He did not believe that India would give a tough time to Pakistan in trade. “We are ahead of India in producing and exporting leather and India is just earning 5 to 10 per cent more in the textile sector”. He said: “Pakistan would be much more comfortable if trade with India is started on a large scale.”

“In addition, India has not been able to compete with us in textiles. We have 10 to 12 million of cotton bales annually while India has about 13 million bales despite being so large. The people should have no fears in having trade with India, “he added.

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It may be recalled that on January 11, 1996 a Spokesman of the Pakistan Foreign Office had said “MFN status will not be granted to India unless the latter stops giving subsidies to the manufacturers and exporters and Pakistan’s business community is prepared to compete with Indian products so that a level playing field is available.” He said on the MFN status “our policy is quite clear: we will honour all commitments under the WTO agreement. Pakistan is committed to discussing trade matters with India and other WTO members”.

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2711. Joint Declaration by the Lahore Chamber of Commerce and Industry and Punjab, Haryana and Delhi (PHD) Chamber of Commerce and Industry.

Lahore, July 30, 1997.

The Lahore Chamber of Commerce and Industry and the PHD Chamber of Commerce and Industry recognize the importance of proximity and several complementarities between the regions represented by them in their respective countries.

LCCI and PHDCCI have resolved to constitute an Indo-Pak Joint Study Committee to enhance greater cooperation in the sphere of Trade, Industry and Commerce. The Joint Committee will meet alternatively in India and Pakistan at least thrice in a year and will specifically focus on achieving the following objectives:

1. Developing and promoting mutually beneficial Trade possibilities.

2. Identifying factors which impede the growth of Trade and Economic cooperation. Jointly develop proposals which the two chambers will follow up with their respective Government and other agencies.

3. Identify areas for joint venture, strategies for international trading based on mutuality of interest and recognition of the comparative advantage factors.

4. Identify and formulate suggestions for promotion of Joint Investment, Joint venture, Transfer and technical know-how and other related areas.

5. Identify and formulate concrete suggestions which will reduce the cost factors in mutual and international trading including the possibilities of transportation through Land route.

6. The LCCI and PHDCCI agreed to seriously consider opening up export promotion office in their respective countries in the chambers.

The Lahore Chamber of commerce and Industry appreciated the offer of PHDCCI to provide infrastructure support to the LCCI for setting up an export promotion office in PHD House New Delhi.

During the same visit, the PHD Chamber of Commerce and Industry delegation also visited Karachi and signed a MOU with the Karachi Chamber of Commerce and Industry (KCCI) on August 2 in Karachi, to encourage and facilitate the conclusion of contracts and commercial agreements between enterprises authorized to engage to foreign trade and international economic cooperation. The two sides pledged to stimulate and facilitate, in conformity with the rules in force in two countries, the decisions and actions leading to the promotion and development of trade and economic cooperation.
Based upon the mutual discussion and consensus the PHDCCI and LCCI resolved to work jointly for promotion of the bi-national trade and economic cooperation.

Sd/-
Sheikh Wahid ud Din
President
The Lahore Chamber of Commerce and Industry
Signed on Wednesday the 30th day of July 1997 at Lahore.

Sd/-
Binay Kumar
President
PHD Chamber of Commerce & Industry

2712. Joint Press Statement issued at the end of the discussions between India and Pakistan on matters relating to Economic and Commercial Cooperation.

New Delhi, November 10, 1998.

As part of the composite and integrated dialogue process between India and Pakistan on the basis of the agreed agenda of June 23, 1997, discussions were held on economic and commercial cooperation in Delhi on November 10, 1998. The Indian delegation at these discussions was led by Commerce Secretary, Shri P.P. Prabhu, and the Pakistan delegation by Commerce Secretary, Mr. Mohammed Suleiman.

Mr. Mohammad Suleiman will call on Commerce Minister, Shri R.K. Hegde at 1600 hrs. today.

The discussions were held in a frank and cordial atmosphere.

They exchanged views on various aspects of Economic and Commercial cooperation and decided to continue discussions at the next round of the dialogue process.

The Associated Press of Pakistan quoting the Indian Commerce Secretary from New Delhi said that the he had pushed Pakistan to reciprocate the most-favoured-nation (MFN) treatment that New Delhi has extended to Islamabad for many years.

"The Pakistan side conveyed that this would be done in due course," he said, adding the issue would be further discussed at a South Asian Association for Regional Cooperation
(SAARC) meeting later that month. However, a Pakistani Foreign Ministry Official told reporter in Islamabad that there was need to extend MFN to India. While stressing the “unlimited possibilities” for cooperation, the official indicated trade ties could not be developed in the present climate. “An environment of peace and security is absolutely essential for a free flow of trade and to build confidence among businesses of the two countries,” he said.

The same APP report said that the two parties during their Delhi talks discussed questions of cooperation in the power, telecommunications and railway sectors, but very little progress was apparently made, besides commitments to keep talking. India wants to buy power from Pakistan on a long-term basis to bridge the demand-supply gap of about 3,000 megawatts in northern India. The report quoting an Indian source said Pakistan had made an initial offer of 650 megawatts on the table, but added that no concrete agreement had been reached.

Media reports said that India-Pakistan bilateral trade was worth Rs. 6.8 billion in the year to March 1998 way below the figure for unofficial trade — including smuggling and re-export through third countries-which was estimated at up to $1.5 billion. It said the potential for trade was enormous, but it was stymied by tariff differences and a Pakistan restriction on Indian imports to a list of 600 items. The situation was also preventing the growth of freer trade within SAARC. In particular, their differences on tariffs have stalled efforts for a South Asian Preferential Trade Agreement. For Pakistan, whose economy was far more vulnerable than India’s, there was a feeling that liberalizing trade with it would result in its market being swamped by Indian goods. The current talks in New Delhi mark the second round of discussions since India and Pakistan resumed their broad bilateral dialogue in Islamabad last month after a one-year gap.

2713. **Press Release issued by the Ministry of External Affairs regarding sale of Power by Pakistan and Delhi – Lahore Bus Service:**

New Delhi, November 20, 1998.

During the recent bilateral meetings on Economic & Commercial Co-operation and Friendly Exchanges in Various Fields, held as a part of the composite dialogue process, it was agreed that technical level discussions will be held between India and Pakistan on the sale of Power by Pakistan to India and to finalise an Agreement as also commercial and operational details for the Delhi-Lahore Lahore-Delhi Bus Service. It has now been decided that Indian delegations will visit Pakistan from 24th to 27th November 1998 for discussions on the Bus Service.
2714. **Agreed Record of Technical Level Discussions between Pakistan and India on the issue of Export of Power to India.**

**Islamabad, November 26, 1998.**

Government of Pakistan indicated availability of surplus power up to 2000 MW which could be exported to India at least till the year 2010 and possibly even beyond. The transfer of this power would require detailed system studies and setting up of a large transmission network. It was thus felt that initial study should be restricted to establish interconnection facilities which can be executed in the shortest time.

2. It was felt that a beginning could be made by initiating power exchange at 220 KV level by connecting sources of power in Pakistan with Northern Regional Grid in India in the short term.

3. In the above context, the following options were discussed:-

(a) Connecting load in Northern or Western Grid of India with Pakistan in a radial mode. It was felt that this option needs to be studied in detail.

(b) By radial interconnection of grid stations located in Pakistan to Indian Grid. A total of 400 to 500 MW of power would be transmitted through this mode.

The following proposal was discussed in this regard:-

(i) Pakistan would supply 400-500 MW of power from one of the bus sections of 220 KV Sarfraz Nagar (Dinanath) grid station or any other grid station near Lahore which would be dedicated to the Indian System.

(ii) For absorbing 400-500MW of power one double circuit twin bundled 220 KV transmission line would be constructed from Sarfraz Nagar (Dinanath) to the nearest point on Pak-India border. Within the Indian territory, one 220 KV double circuit twin bundled line would be constructed up to Ferozepur/Amritsar or two 220 KV double circuit lines would be constructed from the border to Ferozepur and Amritsar.

(iii) The 220 KV buses at Sarfraz Nagar (Dinanath) (or any other grid station around Lahore) could be sectionalized and the transmission line to India could be connected to one of the two sections. The arrangements at Sarfraz Nagar (Dinanath) grid station (or any other grid station around Lahore) and 220 KV lines up to the border would be built by Pakistani side and the lines from the border to Indian grid station (s) would be constructed by Indian side.
4. Alternatives in addition to the specific proposal under Para 3 (b) (i) – (iii) to supply 400-500 MW from Lahore or any other area to the Indian Grid by isolating the Pakistani and/or the Indian Grid may also be studied by mutual exchange of data/information to finalize proposal(s) for implementation at an early date.

5. The transmission line could be constructed in about six months time from the data of commercial agreement between GOP and GOI. In the meantime, both the countries would consider initiating engineering activities for implementation of the above proposal. The tentative schedule for implementation of the proposed engineering activities, which can start after an in-principle agreement, is annexed.

6. Export of bulk power in the long term was also discussed and the points of interconnection in India were suggested as Moga 400KV Grid Station (existing) in Punjab and Sirohi 400 KV Grid Station (proposed) in Rajasthan. Possibility of asynchronous connection through HVDC back to back link would be examined keeping in view the constraints of operating in synchronous option. Possibility of connection through AC link from identified grid Stations in Pakistan to Indian grid could also be considered.

7. It was agreed that the next round of discussions would be held in New Delhi on mutually convenient dates for consideration of an in-principle agreement on the power export possibility identified for the short term and subject to conclusion of such an agreement, commercial discussion could follow.

8. It was agreed that Mr. Aurangzeb Akbar, Deputy Secretary, Ministry of Water and Power, Islamabad from Pakistan and Mr. S.K. Jayaswal, Deputy Secretary from Indian side will be the nodal point for exchange of technical information/data required by both sides.

(Engr. Syed Ibrahim Shah) (Pradip Baijal)
Senior Joint Secretary (Power) Special Secretary
Ministry of Water and Power Ministry of Power
Leader of Pakistan delegation Leader of Indian delegation

Islamabad, the 26th November, 1998.

Tentative Work Schedule

1. Finalization of Network Plan and Engineering including exact locations along with voltage level, transformer data and fault level on the Indian Grid where the following quantum of power can be absorbed:
2715. Joint Press Statement issued at the end of the discussions between India and Pakistan on the question of sale of Power to India.

Islamabad, November 26, 1998.

Technical-level discussions were held between Pakistan and India, on the issue of Export of Power to India, in Islamabad on November 25-26, 1998. The Indian delegation was led by Shri Pradip Baijal, Special Secretary, Ministry of Power, Government of India and Pakistan delegation by Engr. Syed Ibrahim Shah, Senior Joint Secretary, Ministry of Water and Power, Government of Pakistan.

2. The Indian delegation called on HE Gohar Ayub Khan, Minister of Water and Power, Government of Pakistan on November 25.

3. In the course of discussions, the Pakistan delegation indicated availability of surplus power up to 2000 MW which could be exported to India at least till the year 2010 and possibly even beyond. Since transfer of this power would require detailed system studies and setting up of a large transmission network, it was felt that initially study should be restricted to establish interconnection facilities which can be executed in the short term to transmit 400-500 MW power to India. Possible technical alternatives were examined.

4. It was assessed that the transmission lines for the purpose, on the Indian and Pakistani sides could be constructed in about six months from the date of commercial agreement between GOP and GOI.

5. It was agreed that the next round of discussions would be held in New
Delhi on mutually convenient dates for consideration of an in-principle agreement on the power export possibility identified for the short term and subject to conclusion of such an agreement, commercial discussions could follow.

6. Export of bulk power in the long term was also discussed and the Indian delegation suggested possible points of interconnection in Northern and Western Regions of India. It was decided that various technical aspects in this regard would be examined.

Islamabad

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Islamabad, February 17, 1999.

Whereas the Government of the Republic of India and the Government of the Islamic Republic of Pakistan, having agreed to explore possibilities of expansion and promotion of vehicular traffic between the two countries on the basis of mutual advantage and reciprocity and with a view to strengthening interaction between the peoples of the two countries on the basis of common interests, by operating a passenger bus service between New Delhi and Lahore, have agreed as follows:

ARTICLE-I

DEFINITIONS


(b) “Authorization fee” means the fee to be paid by the permit holder of one country to the other country for obtaining authorization.

(c) “Certificate of fitness” means a certificate issued by the competent authorities of one of the two countries, testifying to the fitness of the vehicle to ply on the road.
“Transport vehicle” means a motor vehicle (Coach or Bus) for the carriage of passengers for hire or reward, between India and Pakistan, subject to such restrictions on the gross laden weight, wheel base, seating capacity, etc., of vehicles as may be existing under the Act in either country from time to time.

(e) “Competent authority” means:
   (i) In relation to “Permits”, an authority competent to issue such a permit authorized by the Government concerned;
   (ii) In relation to “Driving License” an authority competent to issue a driving license authorized by the Government concerned;
   (iii) In relation to a “Conductor’s License”, an authority competent to issue a Conductor’s License authorized by the Government concerned.

(f) “Conductor’s License” means a License issued under para 5 of Article –IV.

(g) “Driving License” means the authorization issued under para-4 of Article –IV.

(h) “Forms” mean any of the form/(s) given in the schedule/(s).

(i) “Insurance Policy” means a policy of insurance which covers comprehensive or third party risks, arising out of the use of a transport vehicle and which complies with the requirements of the respective laws of the two countries.

(j) “Registration Certificate” when used with reference to a transport vehicle means the Registration Certificate issued under the Act.

(k) “Regular Permit” includes “Regular Permit for passenger transport vehicles as defined below.

   “Regular permit for Transport Vehicles” means a permit issued by competent authority of one country and countersigned by competent authority of the other country authorizing the transport vehicle to ply on the scheduled service routes, as specified in the permit.

(l) “Scheduled service routes” mean the routes along with the time scheduled and other related operational aspects specified in the Protocol to this Agreement.

(m) “Passenger” means a person in possession of a valid ticket for travel from New Delhi to Lahore or vice-versa and a valid passport, visa or any other travel document which may be mutually agreed.
(n) “Bus Crew” means driver, conductor and liaison officer.

ARTICLE – II

This Agreement shall not in any way affect the provisions of any other Agreement already in force and as may be amended from time to time between the two Governments.

ARTICLE – III

1. A permit shall be in the form set out in Schedule – I and shall be non-transferable.
2. A permit shall be valid for one year and renewable up to five years on a yearly basis.

ARTICLE – IV

1) A transport vehicle registered in either country when entering the other country shall be so constructed and maintained as to be at all times under the effective control of the person driving it.
2) A transport vehicle referred to in Schedule (I) shall have:
   i) A valid registration certificate;
   ii) A valid certificate of fitness;
   iii) A valid insurance policy
3) All the documents referred to in Para 2 above, shall be in possession of the person driving the transport vehicle at the time of entering the other country and during the entire period of stay of the vehicle in the other country and shall always be available for inspection by any authority competent to inspect such a vehicle.
4) The person driving a transport vehicle shall be in possession of a valid driving license issued by a competent authority of the respective governments to drive such a vehicle and driver’s badge.
5) The conductor of a transport vehicle shall be in possession of a valid conductor’s license issued by a competent authority of the respective Governments.
6) if, for any reason, a driver and / or a conductor referred to in paras 4 and 5 above is unable to perform his/her duties in the other country, a driver or a conductor in possession of a valid license issued by the competent authority of that country, may drive or act as a conductor of the vehicle.
7) Throughout his/her stay in the other country, while on duty, a driver or a conductor shall display his/her badge and shall be in prescribed uniform.

8) In addition to the registration number assigned to a transport vehicle by the competent authority of the respective Governments, the following particulars shall be painted in English letters, (each letter being not less than one inch (2.5 cm) wide legibly painted on a plain surface or a place or places affixed to the vehicles):

   i) New Delhi – Lahore –New Delhi (on front and back)
   ii) Name of the operator of the bus service (on the sides)

**ARTICLE – V**

1) The driver, conductor and the Liaison Officer of a vehicle may carry such personal effects, as may be necessary, having regard to the period of their stay in the host country subject to conditions specified in the Customs Rules of the two countries. The personal effects, the fuel contained in the usual supply tank of vehicles, standard accessories and essential spares shall be exempted from duties and taxes.

2) In case of over-stay due to repair of vehicles or other unforeseen circumstances, the authorization holder shall notify to the competent authority of the host country who may extend the validity of the authorization for the required period in genuine cases. There would be no refund of duties and taxes on fuel and spare parts purchased by either side in the other country.

**ARTICLE – VI**

1) The transport vehicle to be operated under this Agreement shall be insured by a registered Insurance company against passenger and the comprehensive loss.

2) Each Government shall provide facilities to the Insurance company of the other country to carry out all necessary steps such as survey, assessment, investigation and settlement of claims as an agent to the concerned insurer of the other country and facilitate remittance in connection with such operation.

3) In the event of an accident resulting in damage to a third party property or loss of life or injuries to third parties, each government shall provide facilities to the persons concerned in accordance with the laws of the respective country.
ARTICLE – VII
The driving license granted by the competent authority of either Government shall be recognized by the competent authority of the other.

ARTICLE – VIII
Both the governments agree that no motor vehicle tax shall be levied on transport vehicles registered in the other country and operating under this Agreement.

ARTICLE – IX
Both the Governments agree that transport vehicles, plying on the scheduled route which are registered in either country shall be exempted from permit fee in the other country on reciprocal basis.

ARTICLE – X
No transport vehicle registered in India and operating under this Agreement shall be engaged in the transport of passengers from any point in Pakistan to any other point in Pakistan and similarly no transport vehicle registered in Pakistan and operating under this Agreement shall be engaged in the transport of passengers from any point in India to any other point in India.

ARTICLE – XI
During the stay in the territory of the other country, the authorization holders shall observe the laws and regulations in force in that country. The passengers’ en route however shall be allowed to disembark at the selected service area/(s) and their movement will be restricted to the territory of the service area/(s).

ARTICLE – XII
Both Governments shall make suitable security arrangements for the bus, the crew and the passengers within their territories.

ARTICLE – XIII
Nothing in this Agreement shall be construed as exempting any person from the rules and regulations regarding entry wherever applicable.

ARTICLE – XIV
No transport vehicle registered in one country shall be required to be simultaneously registered in the other country.

ARTICLE – XV
Both governments agree to issue appropriate instructions to the respective
authorities at all levels, including designation of specific authorities, for the purpose of effective implementation of this Agreement.

ARTICLE – XVI

1) Both Government agree to review the implementation of this Agreement every two years.

2) The Ministry of Surface Transport of the Government of the Republic of the India and the Ministry of Communications of the Government of the Islamic Republic of Pakistan shall enter into immediate consultations with each other at the request of either side and implement measures to overcome any difficulty that may arise in the effective implementation of this Agreement.

ARTICLE – XVII

Disputes concerning the interpretation and application of this Agreement shall be settled through negotiation between the two Governments.

ARTICLE – XVIII

1) This Agreement shall enter into force upon signature and shall remain valid for a period of five years, unless terminated by either party by giving a written notice of not less than three months.

2) The validity of this agreement may be renewed for further periods of five years, at a time, by mutual consent subject to such modifications as may be agreed upon.

3) This Agreement may be modified, amended and reviewed by the two Governments form time to time, as and when necessary.

Done at Islamabad on February 17, 1999 in two originals each in English and Hindi languages, all the texts being equally authentic. In case of doubt in interpretation, the English text shall prevail.

H.E. Mr. G. Parthasarathy, H.E. Dr. M. Akram Sheikh
High Commissioner, Secretary,
High Commission of India, Ministry of Communications,
Islamabad. Islamabad.
(For the Government of the (For the Government of the
Republic of India) Islamic Republic of Pakistan)

***************
SCHEDULE-I
(Under Article V of the Agreement)
Form of Permit to Ply Transport Vehicles on
New Delhi / Lahore — Lahore / New Delhi Routes

Regular Permit
(Strike out whichever is not applicable)

Government of India / Pakistan
Permit to ply transport vehicles between India (New Delhi) and Pakistan (Lahore).

a) Name, address and nationality of the operator of motor vehicle.
b) Registration number of the vehicle.
c) Nature of transport operations point to point (Lahore – New Delhi).
d) Capacity of the vehicle:
   i) Seating capacity  
   ii) laden Weight 

e) particulars of insurance policy.
f) Particulars of Certificate of fitness.
g) The starting and terminal points in each country.
h) The route or routes to be followed by the scheduled passenger service vehicle.

This permit is valid from………………………………………………
to……………………..and is not transferable.

Signature, Designation and Seal of the competent authority
Seal of the competent authority
Of the Government of India. Of the Government of Pakistan

This permit is hereby renewed up to the ……………………..day of ………………..19………..

Signature, Designation and Seal of the competent authority
Seal of the competent authority
Of the Government of India. Of the Government of Pakistan
NOTE: Registration papers and other documents such as insurance certificate, fitness certificate etc., shall be carried on the vehicle (s) and made available for inspection on demand by the competent authority or any officer duly authorized by the authority.


*Islamabad, February 17, 1999.*

1. Whereas the **Government of the Republic of India** and the **Government of the Islamic Republic of Pakistan** have agreed to operate a passenger bus service between New Delhi in India and Lahore in Pakistan, the following protocol for operation is agreed:

   Operations from the Indian side will be undertaken by Delhi Transport Corporation (DTC) – A Government undertaking with its Headquarters at New Delhi.

   The Operations from the Pakistan side will be undertaken by Pakistan Tourism Development Corporation (PTDC) with its Headquarters at Islamabad.

2. **Days of Operation**

Both the services may start from origin (i.e., New Delhi or Lahore) at 06.00 hrs. The days of operation could be as follows:

<table>
<thead>
<tr>
<th>Service by Indian Bus (DTC)</th>
<th>Service by Pakistani Bus (PTDC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day 1: New Delhi – Lahore (Tue)</td>
<td>Lahore – New Delhi (Tue)</td>
</tr>
<tr>
<td>Day 3: New Delhi – Lahore (Fri)</td>
<td>Lahore – New Delhi (Fri)</td>
</tr>
<tr>
<td>Day 4: Lahore – New Delhi (Sat)</td>
<td>New Delhi – Lahore (Sat)</td>
</tr>
</tbody>
</table>
3. **Route and halts from New Delhi to Lahore and Vice-versa**

   (i) **Starting point from New Delhi – Ambedkar Stadium (Delhi Gate)**
   
   First Halt : Pipli Tourist Complex (near Karnal, Haryana)
   
   Second : Sirhind (Punjab) (Lunch)
   
   Third Halt : Kartarpur (Punjab)

   (ii) **Starting point from Lahore – Hotel Faletti’s, Lahore**
   
   First Halt : Kartarpur (Punjab)
   
   Second Halt : Sirhind (Punjab) (Lunch)
   
   Third Halt : Pipli Tourist Complex (near Karnal, Haryana)

   (iii) The passenger *en route* will be allowed to disembark at the above service areas and their movement will be restricted to the service area.

4. **Unscheduled Halt / break-down of the vehicle (Bus/Coach)**

   (i) In the event of unscheduled halts on account of unforeseen circumstances and break-down of bus, the local District Magistrate and Sub-Divisional Magistrate will be immediately informed by the crew on Cellular telephone for transit arrangement of passengers and crew keeping in view security as well as passenger requirements.

   (ii) In the event of break-down of a bus/coach, alternate arrangements will be made by the operator of the country where the break-down has taken place but in such a case the passengers will be brought up to the border point only. From the border point to the destination, the concerned country will make necessary arrangements.

5. **Medical Facilities**

   Every vehicle shall carry a well-equipped first-aid box. In order to meet serious medical eventualities that cannot be managed on board, the State Governments of Punjab, Haryana and Delhi in India and Governments of Pakistan / the Provincial Government of Punjab in Pakistan shall make available the requisite medical facilities which fall nearest along the route and duly pre-identified.

6. **Issuance of Permits**

   The vehicle to be operated shall be insured with Oriental insurance Company Limited of India or the Nationals Insurance Corporation of
Pakistan as the case may be against passenger and comprehensive loss to be valid for both countries.

7. **Issuance of Permits**
   (i) Permits to Pakistan operator will be issued by the Ministry of Communications and will be countersigned by the competent authority of India.
   (ii) Permits to DTC will be issued by State Transport Authority (STA), Delhi to be Countersigned by the competent authority of Pakistan.

8. **Travel Documents for Bus Crew**
   (i) Bus crew both from India and Pakistan shall travel on the basis of valid passports and multiple entry visas.
   (ii) Bus crew from both India and Pakistan will be exempted from the requirement of reporting to the Police on arrival and departure.

9. **Passenger Manifest**
   Each bus will carry a passenger manifest authenticated by a senior officer of the bus service provider (namely – DTC or PTDC as the case may be). Copies of passenger manifest will be handed over to the immigration and customs authorities of both the countries.

10. **Fare and Ticketing**
    The fare will be Rs. 800/- per passenger, in Indian currency, and Rs. 950/- per passenger, in Pakistani currency. However, it is subject to modifications after mutual consultation, if need arises. The fare structure will be as follows:-

    | Age             | Fare Structure     |
    |-----------------|--------------------|
    | Children upto 2 years | Free (no entitlement of seat) |
    | 2 years and above but below 12 years | 66% of the actual fare with entitlement of seat |
    | Above 12 years   | Full fare          |

    Baggage will be free of charge.
    Tickets will be issued only to those having valid travel documents. Ticketing/Reservation may be done by the bus operators directly.
    To begin with, DTC will act as a ticketing agent for Pakistan from New Delhi to Lahore and PTDC will reciprocate similarly.

11. **Baggage**
    Baggage will be restricted to one suitcase and one hand-bag per ticketed passenger. However, in case of a baby passenger not requiring ticket, the baby should be entitled to hand-bag/basket.
The dimension/weight of suitcase may be decided by mutual consultation.

12. **Tax and Fees**
   This service will be exempted from all taxes.

13. **Security Personnel**
    For the journey between New Delhi – Atari/Atari – New Delhi, two authorized Indian security personnel will be on board throughout the journey. For the journey between Lahore – Waghana/Wagha – Lahore, two Pakistani authorized security personnel will be on board throughout the journey.

    There shall be a Liaison Officer in each bus operating under this Agreement and the Liaison Officer shall be treated as the Senior member of the crew.

14. **Crew Stay**
    Arrangements for over-night halt for Pakistani crew will be made by the Indian side (DTC) in consultation with police/security agencies in a suitable hotel for which expenses will be borne by the operator. Reciprocal arrangements for the Indian crew may be arranged by the Pakistani authorities.

15. The two Governments agree to set up separate Standing Committees for review of the Agreement and the Operational Protocol. These committees shall meet at place and time to be decided by mutual consultation. The Ministry of Surface Transport of India and the Ministry of Communication of Pakistan will act as the focal points for convening the meeting to review the Agreement and the Protocol.

16. **Signed** at Islamabad on February 17, 1999 in two originals each in English and Hindi languages, all the texts being equally authentic. In case of doubt in interpretation, the English text shall prevail.

H.E Mr. G. Parthasarathy
High Commissioner,
High Commission of India,
Islamabad.  (For the Government of the Republic of India )

H.E. Dr. M. Akram Sheikh
Secretary
Ministry of Communications
Islamabad  (For the Government of the Islamic Republic of Pakistan)
2718. Inaugural address by External Affairs Minister Yashwant Sinha, at the third meeting of India-Pakistan Chambers of Commerce and Industry.


Dr. A.C. Muthiah, President, FICCI Jenab Ilyas Ahmed Bilour, President, India-Pakistan Chamber of Commerce and Industry Jenab Iftekhar Malik, Immediate Past President, Federation of Pakistan Chambers of Commerce and Industry Jenab Aziz Ahmad Khan, High Commissioner-designate of Pakistan Dr. Amit Mitra, Secretary General of FICCI Ladies and Gentlemen.

A very warm welcome to our friends from Pakistan.

I am happy to have this opportunity to participate in this third meeting of the India-Pakistan Chambers of Commerce and Industry. It is a reminder of the historic initiative that was taken through the Lahore Bus journey of Prime Minister Vajpayee in 1999. The hope for the future that had been rekindled by the Lahore process was quickly seized by your two Chambers to create this common platform for pursuing mutually benefiting endeavours.

The fact that this meeting is taking place today and the overwhelming participation here from both sides are clearly a reflection of the hitherto unfulfilled yearnings of the people of our two countries to find ways to contribute to enhanced trade and economic exchanges, and the resulting employment and income generation benefits for our respective peoples.

Ladies and Gentlemen,

Figures show clearly, and they have been mentioned here by speaker after speaker, that we have not fully exploited our common potential. Our bilateral trade recorded officially has hovered, over the past several years, in the range of US$ 200-250 million. Our exports to each other constitute a very small proportion of the overall exports of each of our countries, namely, a mere 1%. It is also much lower than India’s trade figures with other countries in the SAARC region. With Bangladesh our total trade is almost US$ 1 billion, with Sri Lanka it was close to US$ 1 billion in 2002, with Nepal it is around US$ 600 million. The level of trade with Pakistan is clearly not natural, since Pakistan’s economy, as has been mentioned, is much bigger, much larger. Let us not forget that at the time of independence more than 50% of Pakistan’s exports and 30% of its imports were accounted for by India.

A comparison would be relevant in this regard. The US has strong trade relations with its neighbours Canada and Mexico. In both these cases, although US is the stronger economy, trade balances are in favour of Canada and Mexico.
Apprehensions, therefore, that the larger economy will inevitably swamp the smaller neighbouring economies are not borne out by reality. Balance of trade is a reflection of complementarities in the economies. The challenge is to exploit the potential that exists to mutual benefit. With Nepal, for example, India generally imports more than it exports.

I would like to compliment FICCI for its excellent "Status Paper on India-Pakistan economic relations". It has shown that with a normal traderelationship, our trade will easily reach the level of US$ 3-4 billion, and Dr. Muthiah just mentioned that it could even reach $6-8 billion. You can visualise the impact that this will have on employment and incomes in both our countries. There would also be the resulting need for further investments in communications and infrastructure to support this, a point which has been made here, which would have its own spin-off benefits. Government revenues would benefit from the tax incomes generated and business persons of Pakistan would also benefit from the more than one billion strong Indian market, with a middle class of over 300 million people with increasing purchasing power, which is much larger than the total population of many industrialised countries. Normal trade relations will therefore expand the potential for foreign direct investment in Pakistan considerably.

The FICCI study that I just referred to points out that many of Pakistan's exports would benefit and become even more competitive, a point which has been made by both sides, through cheaper raw material and intermediate inputs from India. This would apply to the plastics, leather and textile industry. The Pakistani domestic and industrial consumer would also benefit from lower prices in several sectors including engineering industry and transport equipment.

Goods from other neighbourhood economies with whom Pakistan has normal trade relations have not swamped Pakistani markets. For example, out of US$ 1.8 billion worth of trade with China in 2002, Pakistan's exports are quite substantial and to the tune of US$ 750 million. There is no need therefore to harbour any special fears about India. The wide range of products of potential trade such as chemicals, industrial machinery, cement, tyres, tea, pharmaceuticals, etc. clearly show the complementarities that exist between our two economies.

Bilateral trade between India and other SAARC countries has not been to the disadvantage of the other SAARC countries nor has it been to the sole advantage of India. For example, there has been a remarkable increase in the level of trade with Sri Lanka, and this is a point I would like to particularly emphasise, following the Free Trade Agreement signed in 2001. In 2002 alone, exports of Sri Lanka to India grew by around 137%. Consequently, we have now created a Joint Study Group which is studying how to take us into the next generation of economic partnership with a focus on trade in services and
investments in each other’s countries. Similarly, we also hope to commence negotiations on a Free Trade Agreement with Bangladesh before the end of this year. Let me assure you that we in India have no intention to overwhelm Pakistan’s economy through trade. Our aim is only to have a normal trade relationship, and promote trade in a manner that people of both countries benefit.

Friends, it is also unfortunate that not enough progress has been made in SAFTA and SAPTA so far. SAARC came into being in 1985. Almost 18 years later, very little progress has been made with regard to its primary objective of economic cooperation. After eight years and four rounds of SAPTA negotiations, intra-SAARC trade forms only 4% of the total trade of South Asia. The number of products on which Preferential Tariffs have been exchanged with Pakistan is in particular, minimal.

As early as 1997, there was also a decision at the summit level to have a South Asian Free Trade Area by the year 2000. However, till the beginning of 2002, only one meeting had taken place, and efforts continue to be made to delay this process. We are now in the second half of 2003, and not a single meeting has taken place this year on SAFTA despite the Kathmandu Summit mandate for a speedy conclusion of the talks to finalise the Framework Treaty. I know that your group needs no convincing of the immense benefits that would accrue from such an arrangement.

In fact, I believe that along with a free trade arrangement for goods and merchandise, we should also have free flow of investment and services within the SAARC area. We are also prepared to work for reasonable levels of uniform value addition norms for all countries in South Asia, and for harmonisation of tariff regime.

In a globalizing world, regional trade is increasingly seen as a protective measure against external shocks. According to some estimates, intra-regional trade between ASEAN countries is over 40 per cent of its total trade. The European Union too trades over 65 per cent within itself. And these figures have been achieved because both ASEAN and the EU have not allowed political differences amongst member countries to hamper trade within the region.

There is much that we can achieve together. Our representatives have worked successfully and productively in international fora including the WTO, and on discussions in UN fora on issues of poverty alleviation, access to better healthcare, ensuring education for all, and solutions to problems of environmental degradation.

Ladies and Gentlemen,

India is today one of the fastest growing economies of the world, ranking fourth
in terms of purchasing power parity. India remained relatively unscathed from
the 1997-98 Asian financial crisis and maintained a healthy growth rate despite
recession in major world economies over the past several years. We have
built external foreign exchange balances of around US$ 82 billion. From a food
grains importing country, we are net exporter of good grains today. Our rate of
inflation has also been well under control over the last five years. A Morgan
Stanley Dean Witter report felt that were it not for the resilience of China and
India, the world economy would have been in deep recession in 2002.

We are proud of our achievements and confident of the future. At the same
time, we are also clear that if we want to secure this future, our neighbours
must become full partners in this endeavour and make equal if not more
economic progress. We wish to celebrate together as we purposefully move
forward. It is for this reason I recently suggested that even as we implement
fully the SAARC Charter, we should also start thinking of a South Asian Union.
If other regions could achieve this kind of Union, despite political, social and
economic differences, there is no reason why we should deprive our people of
this opportunity. I repeat this here today to show India’s commitment to the
concept of a South Asian Union. We are prepared to enter into discussions on
this issue from tomorrow, if other countries of the region are willing.

My intention is not in any way to wish away or to underplay the differences that
exist between us. We must, at the same time, exploit the potential for cooperation
that exists. I am confident that this would increase the political and economic
space to create and exploit additional areas of cooperation and deal with
differences. This is the approach that we have successfully adopted and
productively followed in our relations with others.

Friends, the challenge faced by India and Pakistan is whether we can truly live
together as good neighbours. Till now, we have witnessed the simple logic of
mutual economic benefits being overwhelmed by political and other differences
between our two countries. I believe that the time has come for us to reverse
this trend and for economics to attain a dominant role in our bilateral interaction.
It is businessmen such as you and Chambers of Commerce and Industry of
the two countries who can play a critical role in this regard.

In conclusion, the most important objective that India seeks to achieve in the
next decade or so is to completely banish poverty from our land and to provide
our people with a better quality of life. This objective would naturally benefit
from peaceful and cooperative relations in the region and the rest of the world.
We intend to continue to pursue the twin objectives of peace and economic
progress with determination.

I would like to once again thank the Federation of Indian and Pakistani Chambers
of Commerce and Industry for the initiative they have taken to convene this meeting and for this very important contribution to the improvement in relations between our two countries.

I wish you success in your deliberations. I would also urge you to work out specific joint recommendations to both Governments for taking the trade and economic relationship significantly forward.

Let me assure you that the Government of India would not be found wanting in implementing these joint recommendations.

Thank you very much.

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2719. Inaugural address by External Affairs Minister Yashwant Sinha at the launch of the India - Pakistan CEO’s Business Forum

New Delhi, September 14, 2003.

Shri Anand G. Mahindra, President, CII
Jenab Amin Hashwani, Co-Chairman, India-Pakistan CEOs Forum
Shri Suketu Shah, Leader, India-Pakistan YPO Peace Initiative
His Excellency, Jenab Aziz Ahmed Khan, High Commissioner of Pakistan

Friends,

I am happy to have this opportunity to launch the India-Pakistan CEO’s Business Forum in New Delhi today. I compliment the CII on taking this step in furtherance of Prime Minister’s initiative to expand economic cooperation and people-to-people contacts with Pakistan. The invitation to businessmen of both countries to interact in such a forum would help in focussing on the challenges as well as the opportunities not just in Indo-Pak trade and economic relations but also the larger relationship and the global context. It will also be useful for finding new approaches for the future and discovering complementarities between our two economies.

Friends, a most of you are aware there has been a significant change in India-Pakistan relations since Prime Minister Vajpayee extended his hand of friendship to Pakistan once again on April 18, 2003 and Prime Minister Jamali spoke to him on phone on April 28. A number of important steps have been
taken to advance people-to-people contacts. The Delhi-Lahore Bus service has resumed. There is now a regular flow of people across the Wagah border. I am particularly happy that all of you have come through Wagah border.

Some of the important developments since April, include:

- Exchange of Parliamentary delegations
- Visit of a 120-member business delegation from the Federation of Pakistan Chambers of Commerce and Industry.
- Fashion show in Karachi by some leading Indian fashion designers, and a similar reciprocal event in Delhi.
- Visit by a 60-member delegation of journalists and MPs from India to Pakistan.
- Mutual release of civilian prisoners and fishermen.
- A decision to facilitate the visa requirement of Pakistani children coming to India for medical treatment and to fully fund the travel, stay and medical treatment of 20 Pakistani children taking into account the popular response to the Noor Fatima case.
- Resumption of sporting ties.
- Staging of a Pakistani play “Ek Thi Nani” In India.
- Innovative new ways to expand trade and economic cooperation including through the establishment of this Forum.

As is obvious, a great deal of progress has been made. Unfortunately, there are also areas where we have not been able to move forward. For example, the first round of Civil Aviation talks have not proved as productive as we would have liked them to be. A Tea Trade delegation and a team of jurists from India were denied visas to go to Pakistan for reasons which remain a mystery to us. We, however, do not intend to allow these setbacks to cool our enthusiasm in any manner. We are committed to persevering with the process of normalizing the relationship.

The need for greater economic interaction between India and Pakistan is a self-evident reality. Facts and figures of India-Pakistan trade speak out loud in this regard. According to official figures, trade between Pakistan and India is currently of the order of US $ 200-250 Million. This miniscule and unnatural figure is about a quarter or so of trade between India and other countries of the sub-continent like Bangladesh and Sri Lanka. In fact, estimates of actual trade, taking into account trade through third countries, is around US $ 2 Billion. But, even that is only a glimpse of the potential that exists.

If US$ 2 billion worth of goods are traded at a time when politics has been
working against trade, what would be the picture when politics and trade become aligned? Moreover, enhanced trade would lead to increase in investments in communications and infrastructure. It would attract large investments from outside to both our countries. There would also be a whole range of other spin-off benefits, such as, increased revenues generated from taxes, increased employment and higher incomes. May I also mention that reports prepared by our Chambers of Commerce indicate that normal trade between our two countries would benefit in particular, Pakistan’s exports which would become more competitive due to cheaper raw material and inputs from India.

One of the businessmen who was part of the Federation of Pakistan Chambers of Commerce and Industry delegation told me that in the absence of direct trade, he had no option but to purchase textile machinery manufactured in India from Dubai. This is an unfortunate situation. We should ask ourselves who is benefiting from this absence of direct trade between India and Pakistan. Why are we denying ourselves the benefits of trading with each other? What are the elements which are preventing such commerce and how can we change them?

Friends, despite the ups and downs in India-Pakistan relations, India has continued to extend the Most Favoured Nation treatment to Pakistan. India seeks normal trade relations with Pakistan. We would like to promote trade in a manner that people of both countries benefit. It is for this reason that we have supported CII’s efforts to organize a ‘Made in Pakistan’ products exhibition in India. There is a perception that India maintains certain non-tariff barriers. Let me declare in unambiguous terms that if there are any Pakistan specific restrictions, the Government of India will strive for their removal. Naturally, it is our hope that Pakistan, will also sooner rather than later, give India the Most Favoured Nation treatment and remove all non-tariff barriers.

Along with steps such as the above, we should sincerely work towards more effective arrangements under SAARC. Progress towards SAFTA is an urgent requirement. Friends, I have in recent days spoken of India’s willingness to move towards a South Asian Union. I hope this goal will materialize some day. I dream of the day when South Asia, through mutual agreement, creates one currency, one tariff regime and agrees to free movement of goods, services and people throughout the region.

We, in India and Pakistan, have allowed our differences to overwhelm our commonalities so far. We have failed to provide adequate space for our natural complementarities to assert themselves. India’s commitment to the building, through dialogue, of a relationship of durable peace, stability and cooperation was underlined by our Prime Minister when he recorded at the Minar-e-Pakistan in February, 1999 that a ‘stable, secure and prosperous Pakistan is in India’s interest’. As neighbours, we cannot wish each other away. We need to learn to deal with each other as two mature nations and accept each other’s reality. I
am aware that there are many voices in Pakistan which echo similar sentiments towards India. It is our hope that these sentiments can slowly but steadily drown the shrill cries of hostility between us.

The people-to-people contacts which have been initiated since the Prime Minister’s Srinagar initiative reveal the extraordinary amount of goodwill that exist in both countries for each other, particularly at the common man’s level. There are strong peace constituencies in both countries and CEOs such as you gathered here, are important leaders of such peace constituencies. I believe that these peace constituencies should be encouraged and strengthened by the Governments of both countries.

Friends, I am often asked the question if India’s foreign policy is Pakistan centric. I have responded to this several times in the past and do so again today. There is a wide world out there with whom India is seeking to build good relations. In the best traditions of Indian foreign policy, we strive to strengthen relations with all countries of the world. We would like to see close economic, political, social and people-to-people linkages with all countries. India, therefore, has no intention or desire to be Pakistan centric in our policies. At the same time, we hope that Pakistan will also succeed in shedding its obsession with India. For example, the practice of turning every international and multilateral forum into a battleground to attack each other should end.

While our respective domestic media exult in the coverage of such verbal duels, the sad reality is that they lower the standard of debate of the entire forum in which they take place and are a major source of embarrassment to all those forced to witness this unseemly spectacle. Let us put an end to this practice. The forthcoming UNGA will be a test of this.

I would like to thank the Confederation of Indian Industry in cooperation with Young President’s Organization for the initiative they have taken to launch the India-Pakistan CEO’s Forum today. I am convinced that this Forum will make an important contribution to improvement in relations between our two countries. I welcome the initiative to organize an exhibition of Pakistani products in India and the setting up of the India-Pak trade website. These measures, I am sure, will open up new windows of opportunity for interaction between our peoples and it is through such interaction that we are going to ultimately succeed in transforming the relations between our two countries.

I wish you all success in your deliberations and hope you will have a pleasant and enjoyable stay in India.

Thank you
Joint Statement issued at the end of India – Pakistan talks on Economic and Commercial Cooperation.

As part of the Composite Dialogue between Pakistan and India, discussions were held on Economic and Commercial Cooperation in Islamabad on 11 – 12 August, 2004. The Pakistani delegation was led by Commerce Secretary, Mr. Tasneem Noorani while the Indian delegation at these discussions was led by Commerce Secretary Mr. Dipak Chatterji.

Mr. Chatterji called on Commerce Minister, Mr. Humayun Akhtar Khan. The discussions were held in frank and cordial atmosphere.

Wide ranging proposals were made on various aspects of Economic and Commercial Cooperation. These would be considered further.

Pakistani sources pointed out after the talks that the Indian delegation had asked for MFN status at the talks but Pakistan linked it with the start of a sustainable political dialogue to resolve all outstanding issues between the two countries. Pakistan also raised the issue of access of its products to the India market. Talking to newsmen, Mr. Tasneem said: “It was first time interaction with India on trade and it was going on in a positive direction.” He said during the talks Pakistan raised the issue of both non-tariff and tariff barriers while India showed its areas of interest in trade with Pakistan. Asked whether India raised the issue of seeking Most Favoured Nation (MFN) status. Mr. Tasneem said all the issues, including this one, came under discussion and they were reviewing the legality of the issue. The Indian Commerce Secretary said both sides exchanged views on enhancing the volume of trade between the two countries. He said India sought the MFN status from Pakistan so that the volume of trade could be enhanced between the two neighbouring countries.

Media reports said that Pakistan had communicated to India that under the present circumstances when Indians enjoyed protection from their government, it would be difficult for Pakistan to give them MFN status. These reports pointed out that for Pakistan to consider MFN status for India, New Delhi had to eliminate the subsides, lower the tariff rates and remove the non-tariff barriers so that Pakistani products could also avail level-playing field in the India markets. India also reportedly raised the issue of transit facility to trade via the Wagah border to Afghanistan. While the Commerce Secretary linked the issue of MFN to economic factors, the Pakistani Commerce Minister Humayun Akhtar Khan linked it to the sustainable political dialogue between Islamabad and New Delhi. “Pakistan was ready to consider giving MFN status to India if there starts a sustainable political dialogue to resolve all outstanding issues between the two countries,” Mr. Khan told MR Deepak Chatterji who had called on him on August 11.
2721. Joint statement issued at the end of India–Pakistan discussions on Khokhrapar-Munnabao Rail Link.


A meeting between the delegations of Pakistan and India was held on 2nd & 3rd December, 2004 to discuss the modalities of the resumption of rail-link between Pakistan and India through the border at Khokhrapar-Munnabao. The Pakistan delegation was led by Mr. Zaeem Ahmed Chaudhry, Secretary Railway Board, Ministry of Railways while the Indian delegation was led by Mr. Lajpat Rai Thapar, Additional Member (Traffic) Railway Board.

2. The talks were held in a cordial and constructive manner.

3. Both sides agreed to an early resumption of the rail link between Khokhrapar- Munnabao. It was also agreed by the two sides to take necessary steps in the interim, to undertake specific activities including laying of railway tracks and other related infrastructure, to operationalize the rail link.

4. It was agreed to hold the next meeting between the Railway authorities of Pakistan and India on a mutually agreed date.

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2722. Joint press statement issued at the end of India - Pakistan talks on Srinagar-Muzaffarabad bus service.

New Delhi, December 8, 2004.

The first meeting between India and Pakistan on all issues related to the commencement of the bus service between Srinagar and Muzaffarabad was held in New Delhi on December 7-8, 2004. The Indian delegation at these discussions was led by Shri Alok Rawat, Joint Secretary, Ministry of Shipping, Road Transport and Highways, while the Pakistani delegation was led by Mr. Jalil Abbas Jilani, Director General, Ministry of Foreign Affairs of Pakistan.

2. The Pakistan delegation called on the Secretary, Department of Road Transport and Highways of India.

3. The talks were held in a frank, cordial, and constructive atmosphere.

4. Both sides reiterated their commitment towards an early establishment of the proposed link. Ideas were exchanged on all aspects related to operationalisation of the bus service between Srinagar and Muzaffarabad. The
two sides agreed to continue discussions at the next meeting to be held at mutually agreed dates¹.

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2723. Joint statement issued at the first meeting of India-Pakistan Joint Study Group (JSG) on Trade and Economic Cooperation.

New Delhi, February 23, 2005.

The First Meeting of the India-Pakistan Joint Study Group (JSG) on Trade and Economic Cooperation was held on February 22-23, 2005. The Indian delegation was led by Mr. S.N. Menon, Commerce Secretary, Government of India and the Pakistani delegation was led by Mr. Tasneem Noorani, Commerce Secretary, Government of Pakistan.

2. The meeting was inaugurated by Mr. Kamal Nath, Minister for Commerce and Industry, Government of India. The talks were held in a cordial and constructive atmosphere.

3. The Joint Study Group had detailed discussions on promotion of trade and economic cooperation for the mutual benefit of both countries. The JSG constituted two Working/Sub-Groups on Customs Cooperation & Trade Facilitation and Non-Tariff Barriers (NTBs). The Terms of Reference (TOR) for the Sub-Groups were mutually agreed upon. The two sides identified issues relating to bilateral trade and deliberated upon the future roadmap in order to enhance trade and economic cooperation. It was also decided to hold the Second Meeting of the JSG on mutually agreed dates.

4. The recommendations of the JSG would be submitted to the respective Governments for consideration under the framework of the Composite Dialogue.

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¹. The talks were apparently stalemated on the question of travel documents that the passengers must carry with them on this journey. While India proposed use of passports along with entry permit issued by the High Commissions in New Delhi and Islamabad, Pakistan stuck to her position that passports would not be acceptable to her and that the passengers use only the Identity Cards. Pakistan too insisted that the bus service should only be restricted to Kashmiris while India wanted it to be available for all her citizens irrespective of their place of residence in India.
2724. Joint statement issued at the end of India - Pakistan technical level talks for operationalization of Lahore-Amritsar bus service.

**Islamabad, May 11, 2005.**

The first round of the Pakistan-India technical level talks for operationalization of the Lahore-Amritsar bus service was held in Islamabad on 10-11 May 2005. The Pakistan delegation was led by Mohammad Abbas, Additional Secretary, Ministry of Communications and the Indian delegation was led by Mr. Alok Rawat, Joint Secretary, Department of Road Transport and Highways. The Indian delegation also called on Minister for Communications H.E. Mr. Muhammad Shamim Siddiqui.

2. The two sides discussed the modalities for operationalization of the Lahore-Amritsar bus service including the designated route, bus terminals, facilities for the bus crew, modalities of visa arrangements and a Protocol/MOU for the Lahore-Amritsar bus service. The next meeting for the technical level talks would be held in New Delhi in two months time.

3. It was agreed in principle to start Amritsar-Nankana Sahib Bus Service. It was decided that its modalities and frequency would be discussed in a subsequent technical level meeting to be held in New Delhi in two months time.

4. The meeting was held in a friendly and cordial atmosphere.

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2725. Joint statement issued at the end of second round of India-Pakistan talks on Economic and Commercial Cooperation.

**New Delhi, August 10, 2005.**

The Second Round of India – Pakistan talks on Economic and Commercial Cooperation within the framework of the Composite Dialogue was held here on August 9-10, 2005. The Indian Delegation was led by Commerce Secretary Shri S. N. Menon. The Pakistan delegation was led by the Acting Secretary Ministry of Commerce, Syed Asif Shah.

The discussions were held in a cordial and constructive atmosphere. The two sides recognized the scope for further increase in bilateral trade and discussed
further measures to enhance mutually beneficial economic and commercial cooperation.

The two sides agreed on the following:

- Aeronautical talks would be held in Pakistan in September 2005 to review the existing Air Services Agreement.
- Bilateral meeting to review the Shipping Protocol of 1975 would be held in Pakistan in September 2005.
- The Second Meeting of the Joint Study Group (JSG) would be convened at an early date in Islamabad. The JSG meeting would be preceded by the meeting of the Sub-Groups on Non-Tariff Barriers (NTBs) and Customs Cooperation and Trade Facilitation to formulate recommendations for consideration by the JSG.

The two sides recalled the decision taken during the visit of the Prime Minister of Pakistan to India in November 2004 to open branches of scheduled banks in each other’s country and agreed that requests for opening of bank branches in both the countries would be processed expeditiously to facilitate bilateral trade relations.

Both sides also noted the progress achieved in concluding a Memorandum of Understanding (MoU) between the Securities and Exchange Board of India (SEBI) and Securities and Exchange Commission of Pakistan (SECP) to benefit from each other’s experiences.

Both sides expressed the hope that Fibre Optic link between Amritsar and Lahore would be established and operationalized at the earliest.

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1. When the talks began on August 9, the Indian Commerce Secretary in his welcome address said that under the Composite Dialogue, both sides would explore cooperation in the areas of mutual benefit like Civil Aviation, Shipping, Banking, and Petroleum & Natural gas. The exchange of technology and skills between the two countries would help enhance the quality of goods at relatively cheaper prices, he said. He welcomed the move of the Government of Pakistan to open the Wagah- Attari Land Route. “The Wagah- Attari LCS was notified by India in 1994 on the permanent basis for movement of goods by road and rail. We hope that Pakistan would consider opening of the same on permanent basis for a larger number of commodities. This has the potential for the creation of jobs by increasing ancillary activities along these routes” he said. During the talks both the sides noted the quantum increase in the volume of trade between the two countries, which has reached the level of US $ 600.77 million in 2004-05.
Joint statement at the end of second round of India-Pakistan technical level talks for operationalisation of Amritsar-Lahore and Amritsar-Nankana Sahib bus services.

New Delhi, September 28, 2005.

The second round of the India-Pakistan technical level talks for operationalisation of the Amritsar-Lahore and Amritsar-Nankana Sahib bus services was held in New Delhi on 27-28 September 2005. The Indian delegation was led by Shri Dilip Sinha, Joint Secretary, Ministry of External Affairs and the Pakistan delegation was led by Mr Mohammad Abbas, Additional Secretary, Ministry of Communications.

2. The two sides finalised an agreement on the Lahore-Amritsar bus service. They also discussed the draft agreement / protocol and technical modalities for the Nankana Sahib –Amritsar bus service including issues such as designated routes, bus terminals and facilities for the bus crews. Both sides agreed to hold another round of technical level talks within one month to finalise the arrangements for starting the Nankana Sahib-Amritsar bus service at the earliest possible.

3. A trial run of the Lahore-Amritsar bus service by the operators of the two sides will take place in the second half of October 2005 with a view to starting the regular bus service in the first half of November 2005.

4. The two sides also explored the possibility of travel by pilgrims from both countries to holy shrines in India and Pakistan including Ajmer Sharif.

1. The schedule of October could not be maintained because of earthquake in Pakistan. The trial run from Amritsar to Lahore took place on December 11, when a bus from the Indian part of the Punjab crossed over to the Pakistani side via the Wagah border check post. The bus service is named Punj – Aab (Five Rivers). The Pakistan side conducted its dry run on December 13 when a bus carrying eight officials from Lahore crossed into India through the Attari - Wagah joint check post. The regular bus service which was to start from Lahore on December 23 and from Amritsar on December 27 has been postponed to now start from Lahore on January 20, 2006 and from Amritsar on January 24, 2006.
2727. Joint press statement issued at the end of India-Pakistan Civil Aviation talks.

Islamabad, September 28, 2005.

Civil Aviation talks between Pakistan and India to review the existing bilateral arrangements were held in the Ministry of Defence, Rawalpindi on 27-28 September, 2005.

The Pakistani delegation was led by Maj. Gen (Retd) Muhammad Ashraf Chaudhry, Additional Secretary, Ministry of Defence while the Indian delegation was led by Mr. Satendra Singh, Director General, Ministry of Civil Aviation.

In-depth discussions were held on adding more destinations, designation of multiple airlines and increasing frequency of flights. Both sides agreed to continue discussions.

The talks were held in a cordial atmosphere. Next meeting would be held at a mutually convenient date.

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2728. Press statement by External Affairs Minister K. Natwar Singh after the Joint Commission Meeting.

Islamabad, October 4, 2005.

Foreign Minister Kasuri and I have had two days of friendly, intensive and productive talks on all aspects of our bilateral relations. Yesterday, we conducted a comprehensive review of the second round of the Composite Dialogue. I agreed with Foreign Minister Kasuri that the second round of the Composite Dialogue achieved more positive results than the first round. We can expect an even more successful third round which will take place from January to July 2006.

2. This morning, I met President Musharraf and conveyed to him the greetings of our President and our Prime Minister. We both agreed that India-Pakistan relations had made significant progress since the current peace process began in January 2004. We reaffirmed our commitment not to permit terrorism to impede the peace process.

3. The Joint Commission met this morning after a hiatus of 16 years. We had a very useful discussion on how we could use the Joint Commission to
further expand our bilateral cooperation. We have presented draft proposals to
the Pakistani side on Visa Liberalisation, Consular Access and on expanding
both the exchange of pilgrims and increasing the list of shrines on both sides.
We have also handed over a draft Cultural Exchange Programme. We hope
that these proposals will elicit a positive and early response from the Pakistani
side.

4. We welcome the agreement we have reached to initiate technical level
discussions to promote bilateral cooperation in a number of areas of mutual
interest such as Agriculture, Health, Education, Science and Technology,
Information, Environment and Tourism. Such cooperation will add greater
substance to our relations both in the bilateral context as well as in the context
of regional cooperation under SAARC. We have agreed that the next meeting
of the Joint Commission which would be convened in 2006, would consider
the reports of the various technical level interactions.

5. This afternoon, I will be meeting PM Shaukat Aziz and exchanging views
with him on all aspects of our bilateral relations. I will leave for Karachi this
evening for a day long visit. There will be an opportunity for me to call on the
Governor of Sindh and meet the Chief Minister of the province. A meeting with
the Federation of Pakistani Chamber of Commerce and Industry is being
scheduled tomorrow. As you know, we plan to reopen our Consulates in Karachi
and Mumbai respectively by January 2006 and my visit to Karachi will give me
an opportunity to review the progress in the renovation of our Consulate
premises.

6. The detailed results and outcomes of our meeting are laid out in a
comprehensive manner in the Joint Press Statement. As is evident from the
Joint Press Statement, this has been a substantive visit. I take this opportunity
to thank my friend and counterpart, Foreign Minister Kasuri, for the gracious
hospitality extended to me and my delegation during our stay in Islamabad.

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Address by External Affairs Minister K.Natwar Singh to the Federation of Pakistan Chambers of Commerce & Industry.

Karachi, October 5, 2005.

I am very glad to be present here this morning and interact with this distinguished gathering of the business community in Pakistan. I am grateful to the Federation of Pakistan Chambers of Commerce & Industry for kindly providing the platform for this interaction.

2. I have returned to Karachi after a gap of 23 years and it is with a feeling of affection and nostalgia that I see many of the prominent landmarks of this great City.

3. As I take an overview of the economic and commercial relationship between India and Pakistan and the manner in which it has progressed in the past 18 months or so, there are numerous positive developments. Firstly, economic and commercial contacts between the two countries have rapidly grown in this period. This greater intensity to business-level contacts has encouraged thinking and discussion about joint ventures, technical collaborations, and better marketing strategies in either country. This is a most encouraging sign. Secondly, there has been excellent participation by business communities of both countries in trade fairs and exhibitions in the other country. Thirdly, there are rapid developments beyond conventional trading, and this is in the area of services – in particular tourism, IT, civil aviation, shipping services, medicine and tele-medicine and banking. Fourthly and finally, there have been developments, which inspire confidence that there is an emerging environment in which it would be possible to restructure the infrastructure of trade and economic cooperation. In this regard, I refer, in particular, to the small beginning which has been made with regard to direct trade through the Attari-Wagah border, the good possibilities which exist for such trade on the Srinagar-Muzaffarabad and the Khokrapar-Munabao routes, the interest which has been shown in the Mumbai-Karachi ferry service and the on going discussion on expanding the scope of the present civil aviation and shipping protocols between India and Pakistan.

4. The points I have mentioned so far provide a bird’s eye view of the present conjuncture of economic and commercial cooperation between India and Pakistan. There is a more general environment also to which I must refer. Both the Pakistani and Indian economies are in the midst of a major growth spurt. This provides a most favourable environment to conceive new concepts and ideas of how we can mutually benefit from existing complementarities between
the two countries. Secondly, the regional institutional environment, particularly
given the impetus, which has been provided by SAPTA and SAFTA, is also
more commerce and business sensitive than perhaps, it has ever been. Finally,
the current international environment has also provided further impetus to efforts
in both India and Pakistan for expanding bilateral economic cooperation. In
this context, I would refer, specifically, to the burden that increase in the price
of hydrocarbons has placed on both our economies and the fact that we have,
today, instruments, which would enable us to alleviate that burden by
cooperation with third countries. Transnational pipelines, therefore, immediately
come to mind and this is an area which is of immense significance to all of us.

5. Having sketched this general background let me come to specifics. There
is a lot of scope for cooperation in many areas such as agriculture, chemicals,
textile machinery, hydropower, drugs and pharmaceuticals, cotton industries,
to name a few. For example, Pakistan can export cotton yarn, textile fabrics,
surgical instruments, sports goods, electric fans and water coolers to India.
We can even look at import of power from Pakistan if Pakistan has surplus
power. India has recently offered liberalizing import of 116 tariff lines of interest
to Pakistan in SAFTA. We are ready to look at non-tariff barriers within the
ambit of the Joint Study Group. Similarly, India is in a position to fulfill Pakistan’s
annual demand of 100,000 units of vehicle tyres but the 46% import tariff on
this item acts as a deterrent. We understand that there are certain industries,
which need to be protected. We urge Pakistan to make a negative list of these
and open the rest for regular trade or atleast open those items that she presently
imports from elsewhere to Indian trade. This would go a long way in enhancing
economic cooperation between the two countries.

6. I can, confidently assert that the business environment today is more
favourable than it has ever been between India and Pakistan. This poses a
challenge for those of us in Government and equally for the business community
in both countries. I do believe that the role of Government should be to facilitate
to the fullest extent possible contacts between the business communities of
the two countries. In this spirit, we would welcome suggestions from
businessmen in Pakistan on what we can do in specific and precise ways to
advance cooperation between the two countries, turn our backs on the barriers
and suspicions of the past and in some way endeavour to create and encourage
the spirit of enterprise for businessmen in both the countries. Equally, there is
a challenge for the business community of both countries. As I said, the
environment, which exists today, because of a number of conjunctural forces
and factors, is in many ways unique. It is for you to make full use of it. I am
aware of the considerable increase in trade, which has already taken place in
the last 12 months. This is a most encouraging sign since what, more than
anything else, led to this spurt in our trade was only a more open visa regime than existed previously. Once we have better banking, airline, shipping and road transport linkages with each other, clearly, the results will be even more significant. It is our expectation that in the next few months there will be considerable advances in each of these specific sectors. We are on the threshold of a major expansion in people-to-people and business contacts. The re-opening of the Consulates General in Mumbai and Karachi reflects the desire of both Governments to facilitate the expansion of such contacts to the fullest extent possible.

7. Another important milestone will be the opening of Khokrapar-Munabao train route. These developments will facilitate cooperation between Western India and Southern Pakistan to a far greater extent than before. Karachi is poised at the threshold of a great expansion as Pakistan moves to harness its potential as a “hub country” as Foreign Minister Kasuri said at our talks in Islamabad. It is my belief that the expansion in trade and economic cooperation between India and Pakistan will lead Karachi to a even more successful and qualitatively new stage of its evolution as a trading and commercial capital of Asia and the World. The spirit of its citizens and the enterprise of its businessmen are well known to everyone in India. I hope that this spirit and enterprise are harnessed to the cause of expanding economic and commercial cooperation between India and Pakistan for the betterment of our whole region.

8. I expect that the citizens and the business community of Karachi will lead the way forward in building a new future for the people of India and Pakistan’.

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Lahore, December 21, 2005.

The third round of the India-Pakistan Technical level Talks for operationalisation of the Amritsar-Lahore and Amritsar – Nankana Sahib Bus services was held in Lahore on December 20-21, 2005. The Pakistan delegation was led by Mr. Mohammad Abbas, Additional Secretary, Ministry of Communications and the Indian delegation was led by Mr. Saroj Kumar Dash, Joint Secretary (Transport), Department of Road Transport & Highways.

2. Both sides signed the Agreement for the operationalisation of Bus Service between Amritsar and Nankana Sahib today. It was decided that the trial run would take place from Amritsar on January 27, 2006 and from Nankana Sahib on January 29, 2006. Regular operation of the bus service would commence within a month from the trial run. The one-way fare would be Pakistani Rs. 1200/- and Indian Rs. 1000/-.

3. The Agreement for the operationalisation of Bus Service between Amritsar and Lahore, which was finalized during the second round of Technical level Talks held in New Delhi in September 2005, was also signed today. It was decided that this bus service would commence on January 20, 2006 from Lahore to Amritsar and on January 24, 2006 from Amritsar to Lahore. The Indian bus would ply from Amritsar to Lahore on every Tuesday and return on Wednesday. The Pakistani bus would ply from Lahore to Amritsar on every Friday and return on Saturday. The one-way fare would be Pakistani Rs. 900/- and Indian Rs. 750/-.

4. The meeting was held in a friendly and cordial atmosphere.

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2731. Joint Statement issued at the end of India-Pakistan talks on Munabao - Khokhrapar train service.

New Delhi, January 6, 2006.

The Railway delegations of India and Pakistan met on 5th & 6th January 2006 in New Delhi to finalise the modalities for operationalising the rail link between Munabao in India and the newly established Railway station near Khokhrapar in Pakistan.

The Indian delegation was led by Shri Ashok Gupta, Adviser/Traffic, Ministry of Railways, Government of India, and the Pakistan delegation was led by Mr. Saleem-ur-Rahman Akhoond, General Manager, Pakistan Railways.

The talks were held in a cordial and constructive atmosphere. This passenger train between the two countries will be called “THE THAR EXPRESS”.

Both sides discussed a draft Agreement pertaining to the modalities of the running of the train. An Indian delegation will visit Pakistan before the end of January 2006 for the signing of this Agreement.

The two delegations have also agreed to commence the train operations on this route from 1st February 2006. The rake for this service will be provided alternately by Indian and Pakistan Railways on a six monthly basis. For the first six months, the Pakistan train will cross into India to Munabao. Thereafter, the Indian train will cross into Pakistan to Zero Point Railway Station near Khokhrapar. This six monthly process will be repeated alternately.

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2732. Joint Statement issued at the end of India-Pakistan meeting for operationalisation of Munabao-Khokhrapar rail link.


The railway delegations of Pakistan and India met on 30-31 January, 2006 in Islamabad to finalize the Agreement for operationalisation of rail link between Zero Point Railway station near Khokhrapar (Pakistan) and Munabao (India).

The Pakistan delegation was led by Mr. Mushtaq Khan Jadoon, Additional
General Manager (Passengers), Pakistan Railways, Government of Pakistan while the Indian delegation was led by Mr. Ashok Gupta, Adviser, Traffic, Ministry of Railways, Government of India.

The two sides signed the Agreement on the establishment of rail link via Zero Point Railway Station near Khokhrapar (Pakistan) and Munabao (India) and also agreed to various technical modalities for the running of the Thar Express.

The Thar Express will run every Saturday and return the same day. The first train with Pakistani rake will start on February 18, 2006.

The talks were held in a friendly and cordial atmosphere.

Islamabad, March 27, 2006.

1. The Meeting of the Joint Study Group, led by the Commerce Secretaries of Pakistan and India was held at Islamabad on 27th March 2006.
2. The lists of delegates of Pakistan and India, respectively is at Annex-I.
3. Commerce Secretary, Government of Pakistan welcomed the visiting delegation of India and stated that the primary objective of the Joint Study Group was to focus on putting in place facilitation measures to enhance bilateral trade; and to supplement deliberations on substantive trade issues being addressed in the Composite Dialogue Meetings. He emphasized the importance of facilitation measures to reduce cost of doing business and make exported products competitive in the markets of importing countries.
4. The Commerce Secretary, Government of India concurred with the views expressed by the Secretary Commerce, Government of Pakistan and intimated that the facilitation measures for trade are being emphasized by the Government of India at bilateral, regional and multilateral fora. Initiatives like computerization and electronic data interchange have been taken up and are likely to be completed during this year.
5. The Sub-Groups on “Customs Cooperation and Trade Facilitation Measures”; and “Non-Tariff Barriers” met after the Plenary Session.
6. The Sub-Group on “Customs Cooperation and Trade Facilitation Measures” reached consensus on:

   a) To explore the possibility of a bilateral agreement on Customs Cooperation.
   b) To exchange information on the Certificates of Origin; import and export declarations; customs laws & procedures; valuation; trade statistics.
   c) To encourage exchange of information electronically between the Customs of the two countries.
   d) To identify areas for mutual technical assistance and capacity building.

7. The Sub-Group would endeavour to complete these exercises before the meeting of the next Joint Study Group.

8. The Sub-Group on Non-Tariff Barriers, established the following two Working Groups:

   a) Working Group on Standards and Conformance

9. Both the Working Groups had in-depth discussions and worked out a roadmap to finalise the Mutual Recognition Agreement (MRA) to facilitate trade.

10. The reports of the two Sub-Groups were presented in the Second Session of the Joint Study Group in the afternoon of 27th March 2006.

11. The Joint Study Group appreciated the outcome of the deliberations by the Sub-Groups and decided to continue the deliberations in the future meetings of the Joint Study Group.

12. The next meeting of the Joint Study Group shall be held at India on a date convenient to both sides.

13. The Commerce Secretary, Government of India appreciated the excellent arrangements made for the meeting and the hospitality extended by Pakistan to the visiting delegates.

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The Third Round of Pakistan-India talks on Economic and Commercial Cooperation within the framework of the Composite Dialogue was held on March 28-29, 2006 at Islamabad.

The Pakistan delegation was led by Secretary, Ministry of Commerce, Syed Asif Shah and the Indian delegation was led by Commerce Secretary, Shri S.N. Menon.

The talks were held in a cordial and constructive atmosphere. The two sides recognized the satisfactory progress on the initiatives agreed during the Second Round of the talks held in New Delhi on August 9-10, 2005. It was emphasized that the new Shipping Agreement would be signed in the near future at New Delhi; and the talks on Air Services Agreement would be concluded expeditiously.

The two sides agreed on the following:

- In line with the announcement of the Prime Minister of Pakistan on his visit to India in November 2004, to open branches of scheduled banks in each country, the central banks would process applications by banks expeditiously.

- To facilitate import of tea from India, both sides would encourage delegations of importers/exporters of tea to visit respective countries. It was also felt that after the new Shipping Agreement comes into effect, import of tea from India would be facilitated further.

- To identify the problems of transportation of goods by train between India and Pakistan, the relevant Ministries of both sides had a meeting on the sidelines of the talks. It was decided that they would continue their dialogue.

- Pakistan and India would constitute a Working Group to discuss the issues relating to joint registration of Basmati rice SGI.

- Pakistan would consider enlarging the list of importable items from India in consultation with stakeholders and after fulfilling legal and procedural requirements.

- India will provide detailed proposals for trade in IT-enabled medicaleservices and export insurance cooperation for consideration by Pakistan.

It was noted with satisfaction that the laying of optical fibre on the Indian side would be completed in the near future.
It was also noted that the initiative on liberalization of visa regime would be discussed in the relevant segment of the Composite Dialogue.

The Indian proposal to convene a meeting of the relevant technical level experts at the Attari-Wagah Border to draw up proposals to upgrade infrastructure to facilitate trade including export of transit cargo of Afghanistan, was noted by Pakistan.

An MOU on Assistance of Mutual Cooperation in Capital Markets has been conveyed by Pakistan SECP to their counterpart in India. It was agreed that India would communicate its response soon.

Both sides welcomed the ratification of SAFTA Agreement by all SAARC Member Countries and expressed the confidence that it would enhance regional trade.

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New Delhi, June 20, 2006.

The first meeting of the India-Pakistan Joint Commission Technical Level Working Group on Health was held in New Delhi on June 20, 2006. The Indian side was led by Mr B. P. Sharma, Joint Secretary, Ministry of Health & Family Welfare while the Pakistani delegation was led by Dr. Mohammad Reza, Deputy Director General (P&G), Ministry of Health.

The two sides discussed measures for control of Polio and exchanged ideas on management of Avian Influenza. The delegations shared their experiences in health care and family welfare in their respective countries.

The two sides exchanged information on drug and pharmaceutical administration and on the need for identifying areas of cooperation in the field of traditional systems of medicine.

Both sides agreed to continue discussions in the next meeting to be held in Islamabad at mutually convenient dates.

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New Delhi, February 21, 2007.

• The working group on Environment has discussed the decline in Vulture population; conservation of Migratory Water Birds; Clean Development Mechanism; cooperation in establishing Botanical Gardens in Pakistan; sharing of experience in Desert Afforestation; Environment Protection and conservation & efficient use of energy resources.

• The working group on Science & Technology discussed the subjects of medicinal plants, herbal medicines, Biotechnology, Renewable Sources of Energy and popularization of science. Probable ways of cooperation agreed included Joint workshops, seminars, exploratory visits, training and collaborative research.

• Under Tourism possible areas for cooperation identified are Human Resource development in tourism sector, exchange of statistics/promotional material, familiarization tours by travel agents & tour operators and the role of public-private partnership.

• The working group on Agriculture discussed the subjects of production of quality seeds, agricultural research and quarantine issues concerning trade in livestock/meat.

• Discussions in the working group on Health covered the areas of Control of polio, management of Avian Influenza, public-private partnership in healthcare and family welfare, health related Intellectual Property Rights, Capacity Building in health sector, administrative structures relating to drugs and pharmaceuticals in the two countries and traditional systems of medicine.

• Possible areas for cooperation identified by the group on IT & Telecommunications included Telecom policy, e-governance, IT education & training, telemedicine and IT-enabled services.

• The issues discussed by the working group on Education included cooperation in higher education sector in various fields, institutional linkages between University Grants Commission and HEC of Pakistan, exchange of printed material relating to educational development, sharing of experiences by NCERT & National Book Trust of India and National Book Foundation of Pakistan and exchange of expertise in the field of elementary, secondary and adult education.
The working group on Information discussed issues concerning participation in seminars by journalists, media coverage of historical and religious events in the two countries, combating piracy of films, music and channel contents and exchange of radio, television programmes and films.

2737. **Joint Statement on the Fourth Round of India-Pakistan talks on Economic and Commercial Cooperation.**

**New Delhi, August 1, 2007.**

The Fourth Round of India-Pakistan talks on Economic and Commercial Cooperation within the framework of the Composite Dialogue was held on 31 July-1 August 2007 in New Delhi.

The Indian delegation was led by Commerce Secretary, Shri G.K. Pillai and the Pakistani delegation was led by Syed Asif Shah, Secretary, Ministry of Commerce.

The talks were held in a cordial and constructive atmosphere. The two sides recognized the satisfactory progress on the initiatives agreed during the Third Round of the talks held in Islamabad on 28-31 March 2006. The two sides agreed on the following:

- Both sides emphasized the importance of having bank branches in either country to facilitate trade. Both sides agreed to finalise the processing of the applications for the two bank branches in either country within six months of the receipt of applications or by 31st December 2007 whichever is later.

- To facilitate import of cement from Pakistan, the Indian side informed that India will complete all statutory certification related formalities on a fast track. The Indian side informed that it is also in the process of making appropriate policy changes to accept third party certification.

- To facilitate import of tea from India it was agreed to facilitate and encourage the trading of tea through rail. Pakistan side noted the request for providing duty concessions on import of Indian tea,

- Pakistan will nominate representatives to the Joint Working Group to discuss the issues relating to joint registration of Basmati rice as GI and
the first meeting of the Group will be held at an early date. The Pakistan side raised the issue of Notification issued by India declaring ‘Super Basmati rice’ as an approved variety for export. India agreed to look into this issue.

• The Indian delegation handed over a list of 484 tariff lines for inclusion in the Positive List of items importable from India. The Pakistan side agreed to examine the request in consultation with stakeholders.

• The Indian side informed that a Task Force comprising of representatives from various ministries and departments of Government of India has been constituted to address the issues of Non-Tariff Barriers (NTBs) and para-tariffs. The Task Force will make recommendations in a time bound manner for removing these barriers to provide greater market access to all members of SAARC.

• In order to address the issue of imbalance in bilateral trade, the Indian side invited the Pakistan side to identify twenty products of its export interest so that India could inform Pakistan about the detailed import regime on these products with a view to facilitating their import into India.

• Both sides will facilitate holding of trade exhibitions in each other’s country. The Indian side invited Pakistan to organize a “Made in Pakistan” Trade Fair in India.

• A delegation from Pakistan was invited to visit India to see some of the IT-enabled tele-medicine facilities, with the objective of exploring avenues of cooperation in this field.

• The Indian side agreed to convey a response by 30th September 2007 to the draft MOU on Assistance of Mutual Cooperation in Capital Markets conveyed by Security and Exchange Commission of Pakistan (SECP) to Security Exchange Board of India (SEBI).

• Both sides noted with satisfaction the progress made on laying of the optical fibre link and agreed to establish connectivity at an early date.

• The Export Credit Guarantee Corporation of India Limited (ECGC) will provide detailed proposals for capacity development in the field of export insurance cooperation for consideration by Pakistan by 30th September 2007.

• The Pakistan side raised the issue of amounts outstanding against the Indian Post Office. The Indian side handed over an aide memoire to the
Pakistan side. Both sides agreed to discuss the matter further for settling the issue.

- The Indian side made a presentation on the state of development of Integrated Check-post (ICP) planned to be developed at Wagah/Attari Border at the Indian side. The Pakistan side also briefed on the state of infrastructure and proposed plan for development on its side. Both sides agreed to continue the exchange of information on the development of ICPs on either side.

- Both sides noted with satisfaction the initiative to allow cross border movement of trucks, up to designated points at Wagah/Attari, for unloading/reloading of cargo. It was decided that the first technical level meeting to work out modalities would be held on 20th August 2007 at the Wagah border on the Pakistan side.

- To facilitate movement of cargo it was decided that Technical Teams from Pakistan and Indian Railways will meet to decide the modalities for interchange of air braked stock and containers.

- Indian side also proposed that in order to reduce pressure on Attari-Lahore Rail route and to improve trade, the Munabao-Khokrapar route should be opened for freight movement. Pakistan side noted the proposal.

- Both sides agreed to constitute a Joint Group headed by Joint Secretaries of Commerce of both countries to monitor and coordinate the decisions taken during the Fourth Round of talks on economic and commercial cooperation within the framework of Composite Dialogue.

1. During his visit to New Delhi the leader of the Pakistani delegation Syed Asif Shah had a meeting with the Minister of State for Commerce Jairam Ramesh who later told the media that Pakistan moving further in enhancing trade relations and giving an impetus to the peace initiative as well, expressed its willingness to allow trade through the Line of Control (LoC) in Jammu and Kashmir in a limited number of goods. “In my discussions with Mr. Shah, I raised the issue of whether trade can be done through LoC, to which Pakistan’s Commerce Secretary’s replied that Pakistan was in favour of duty-free movement of goods through this route for a limited number of items,” Mr. Ramesh said. Interestingly Pakistan’s willingness for free trade through Jammu and Kashmir came barely a fortnight after Prime Minister Manmohan Singh stated that the ‘Line of Control’ could become a line of peace with a free flow of ideas, goods, services and people. When asked whether the trade on the LOC could begin this year, Mr. Shah told Mr. Ramesh certain infrastructure needed to be rebuilt since many bridges had collapsed in the devastating earthquake in October 2005. Mr. Shah also told Mr. Ramesh that there was a feeling of openness in trade and “we need to take it forward.” Mr. Shah said that he would take back home India’s proposal on investment along with trade in merchandise. Mr. Ramesh suggested to the Pakistani Commerce Secretary that the trade point in Jammu and Kashmir could start operating on the lines of the Nathu La Pass in Sikkim. “If we can open Nathu La for trade with China, there is no reason [why] we cannot do it in Jammu and Kashmir,” Mr. Ramesh said.
Joint Statement on the Third Meeting of India-Pakistan Joint Study Group (JSG) at Commerce Secretary - level.

New Delhi, August 3, 2007.

The Third Meeting of India-Pakistan Joint Study Group (JSG) at Commerce Secretary -Level was held in New Delhi on 2 August 2007, co-chaired by Mr. G. K. Pillai, Commerce Secretary, Government of India, and Syed Asif Shah, Secretary, Ministry of Commerce, Government of Pakistan.

2. Commerce Secretary, Government of India, welcomed the visiting delegation of Pakistan and underscored the need for the JSG to prepare their recommendations in a time bound manner. The JSG report should aim at developing a policy framework to maximize benefits of geographical proximity, identifying opportunities for enhancing economic cooperation and create a framework for facilitation of trade in goods including elements such as customs cooperation, standards, certification system etc.

3. Commerce Secretary, Government of Pakistan, while agreeing with the need to facilitate trade, said that in the spirit of the Article XXIV of GATT, India should consider creating special provision for giving more market access to Pakistan. India noted the request. He proposed that the Sub Groups on Customs Cooperation and Trade Facilitation Measures, SPS & TBT Measures, and Standards & Conformance should meet every six months in order to ensure speedy implementation of the recommendations of the JSG, which was agreed to by Commerce Secretary, Government of India.

4. The Pakistan side proposed to set up a sub group to address the issue of market access arising out of subsidies extended to the agriculture sector in India; the Indian side noted the proposal.

5. The Sub-groups and Working groups on Custom Cooperation and Trade Facilitation Measures; Standards and Conformance and Sanitary and Phyto-sanitary measures, after their deliberations, prepared their respective Records of Discussion. 6. The Sub Group on Customs Cooperation and Trade Facilitation Measures reached consensus on the following issues:

a) To work towards a bilateral agreement on Customs Cooperation on specific bilateral issues;

b) To constitute a Customs Border Liaison Committee at Attari- Wagah border to meet once in two months to resolve the operational issues at the field level;

c) To work towards electronic exchange of information, including to verify the adherence to the Rules of Origin;
d) To meet at six monthly interval alternatively in India and Pakistan.

7. The Sub Group on Sanitary and Phyto-Sanitary Measures reached consensus on the following issues:
   a) It was agreed to exchange a list of 20 products of export interest to both sides by 31 August 2007 and prepare a Compendium of procedures for their trade facilitation. Though this would be a continuous process, efforts would be made to complete the exercise and place it on their respective websites by 31 December 2007.
   b) The Non Tariff (SPS & TBT) issues associated with the identified commodities or any other product would be exchanged by 30 September 2007 and the same would be resolved in the working group meeting scheduled for November 2007.
   c) Two country level workshops, one in each country, would be organized, the first to be held in the first week of November 2007 in Pakistan and the second in India in the first week of January 2008.
   d) It was agreed to mutually extend technical assistance in capacity building and to identify the areas in which the same can be extended.
   e) Both sides agreed to forge consultative mechanisms for taking common positions in international standard setting fora. As a first step it was agreed that international meetings under Codex, IPPC, OIE, that are of interest to both sides would be identified for the next six months and the possibility of exchange of views prior to these meetings would be explored. This will be done by 30 September 2007.
   f) It was decided to finalize an agreement on SPS & TBT for acceptance of each other’s inspection and certification systems. The first draft in this respect would be exchanged by 31 December 2007.
   g) On the specific issue of testing of azo-dyes in textile products imported from Pakistan, India will consider for acceptance, certification by a laboratory duly accredited, as per international norms. The Pakistan side will send the details of such laboratories, including the details of the accreditation body, to the Indian side by 31st August, 2007.

8. The Sub Group on Standards and Conformance reached consensus on the following issues:
   a) Comments on draft MOU between BIS and PSQCA, if any would be sent by Pakistan by the end of August 2007. India would reciprocate with the final draft by the 30 September 2007.
   b) In reference to Mutual Recognition Agreement (MRA), Pakistan side assured that the said document would be sent by the 30 September 2007. India would respond on these comments by the 30 November 2007.
c) To facilitate export of cement from Pakistan to India, BIS agreed to finalize the process of certification of the three Pakistani cement factories, from which samples have already been taken, by 15 September 2007. It was further agreed to put other applications by Pakistani cement manufacturers for BIS registration/certification on a fast track.
d) Both sides agreed that initially the list of products under mandatory certification in both countries would be considered for examination for trade facilitation. The information on testing facilities for such items would be exchanged between both countries within a period of one month.
e) For the purpose of harmonization of standards it was mutually agreed that initially standards for Cement may be taken as pilot project, to be extended to other products of mutual interest.
9. Both sides agreed on the timelines for various activities recommended by the sub-group and the working groups.
10. Commerce Secretary of Pakistan expressed his appreciation and thanks for the excellent arrangement made for the meeting and the hospitality extended by the Government of India to the Pakistan delegation.

2739. Joint Statement issued at the conclusion of the India and Pakistan trade facilitation talks.
Wagah border, August 20, 2007.

The technical-level meeting between Pakistan and India to work out the modalities to allow cross border movement of trucks, up to designated points at Wagah/Attari, for unloading/reloading of cargo was held at Wagah on August 20, 2007. The Pakistan side was led by Mr. Ali Salman Abbasi, Collector of Customs, Lahore and the Indian side was led by Shri S. K. Swami, Director (BM), Ministry of Home Affairs.
2. The talks were held in a cordial and constructive atmosphere. Recognizing the importance of trade facilitation measures, the two sides agreed on the following:
i) trucks from one side would be allowed to go to designated points on the other side at the Wagah/Attari border for unloading of cargo;
ii) a hotline would be established between the two Customs authorities at the Wagah/Attari border;
iii) to obviate the need for passports, visas and international driving license, a system of computerized single entry permits would be introduced. These permits, which would be issued in triplicate by the respective Customs authorities, would contain a picture ID of the driver, his name, address, license number and details of the vehicle;

iv) initially, trucks of up to the size of ten-wheelers would be allowed to cross over to the other side;

v) the drivers of these trucks would wear bright yellow jackets/ vests with “Driver-Pakistan” inscribed on the back of the Pakistani drivers and “Driver-India” inscribed on the back of the Indian drivers;

vi) the operation of trucks shall take place between 0700-1400 hours PST and 0730-1430 hours IST;

vii) in case of force majeure, the Customs authorities of the two sides at Wagah/Attari border shall establish hotline contact to work out the modalities of further action;

viii) the Customs authorities of the two sides may also consult each other to resolve local issues as and when required;

ix) to operationalize the system by October 1, 2007;

x) to further facilitate this procedure, the two sides shall open a dedicated cargo gate towards South-East of the existing Pakistan Customs House and South-West of the existing Indian Customs House at the Wagah/Attari border. A fenced path shall connect the two Customs Houses through this gate; and

xi) upon completion of this dedicated cargo gate, all cargo traffic shall pass through it.
INDIA-PAKISTAN RELATIONS

SECTION - XI

INDIA-EAST PAKISTAN BORDER
2740. Report of the Bengal Boundary Commission headed by Sir C. Radcliffe presented to the Viceroy and the Governor-General of India, on the division of the province of Bengal.

New Delhi, August 12, 1947

I have the honour to present the decision and award of the Bengal Boundary Commission, which, by virtue of section 3 of the Indian Independence Act, 1947, is represented by my decision as Chairman of that Commission. This award relates to the division of the Province of Bengal, and the Commission’s award in respect of the District of Sylhet and areas adjoining thereto will be recorded in a separate report.

2. The Bengal Boundary Commission was constituted by the announcement of the Governor-General dated the 30th of June, 1947, Reference No. D 50/7/47R. The members of the Commission thereby appointed were:

Mr. Justice Bijan Kumar Mukherjea,
Mr. Justice C.C. Biswas
Mr. Justice Abu Saleh Mohamed Akram, and
Mr. Justice S. A. Rahman.

I was subsequently appointed Chairman of this Commission.

3. The terms of reference of the Commission, as set out in the announcement, were as follows:

“The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous (majority) areas of Muslims and non-Muslims. In doing so, it will also take into account other factors.”

We were desired to arrive at a decision as soon as possible before the 15th of August.

4. After preliminary meetings, the Commission invited the submission of memoranda and representations by interested parties. A very large number of memoranda and representations was received.

5. The public sittings of the Commission took place at Calcutta, and extended from Wednesday the 16th of July 1947, to Thursday the 24th of July 1947, inclusive, with the exception of Sunday, the 20th of July. Arguments were presented to the Commission by numerous parties on both sides, but the main cases were presented by counsel on behalf of the Indian National Congress,
the Bengal Provincial Hindu Mahasabha and the New Bengal Association on the one hand, and on behalf of the Muslim League on the other. In view of the fact that I was acting also as Chairman of the Punjab Boundary Commission, whose proceedings were taking place simultaneously with the proceedings of the Bengal Boundary Commission, I did not attend the public sittings in person, but made arrangements to study daily the record of the proceedings and all material submitted for our consideration.

6. After the close of the public sittings, the remainder of the time of the Commission was devoted to clarification and discussion of the issues involved. Our discussions took place at Calcutta.

7. The question of drawing a satisfactory boundary line under our terms of reference between East and West Bengal was one to which the parties concerned propounded the most diverse solutions. The province offers few, if any, satisfactory natural boundaries, and its development has been on lines that do not well accord with a division by contiguous majority areas of Muslim and non-Muslim majorities.

8. In my view, the demarcation of a boundary line between East and West Bengal depended on the answers to be given to certain basic questions which may be stated as follows:

(1) To which State was the City of Calcutta to be assigned, or was it possible to adopt any method of dividing the City between the two States?

(2) If the City of Calcutta must be assigned as a whole to one or other of the States, what were its indispensable claims to the control of territory, such as all or part of the Nadia River system or the Kulti rivers, upon which the life of Calcutta as a city and port depended?

(3) Could the attractions of the Ganges-Padma-Madhumati river line displace the strong claims of the heavy concentration of Muslim majorities in the districts of Jessore and Nadia without doing too great a violence to the principle of our terms of reference?

(4) Could the district of Khulna usefully be held by a State different from that which held the district of Jessore?

(5) Was it right to assign to Eastern Bengal the considerable block of non-Muslim majorities in the districts of Malda and Dinajpur?

(6) Which State’s claim ought to prevail in respect of the Districts of Darjeeling and Jalpaiguri, in which the Muslim population amounted to 2.42 per cent of the whole in the case of Darjeeling, and to 23.08 percent
of the whole in the case of Jalpaiguri, but which constituted an area not in any natural sense contiguous to another non-Muslim area of Bengal?

(7) To which State should the Chittagong Hill Tracts be assigned, an area in which the Muslim population was only 3 percent of the whole, but which it was difficult to assign to a State different from that which controlled the district of Chittagong itself?

9. After much discussion, my colleagues found that they were unable to arrive at an agreed view on any of these major issues. There were of course considerable areas of the Province in the south-west and north-east and east, which provoked no controversy on either side: but, in the absence of any reconciliation on all main questions affecting the drawing of the boundary itself, my colleagues assented to the view at the close of our discussions that I had no alternative but to proceed to give my own decision.

10. This I now proceed to do: but I should like at the same time to express my gratitude to my colleagues for their indispensable assistance in clarifying and discussing the difficult questions involved. The demarcation of the boundary line is described in detail in the schedule which forms Annexure A to this award, and in the map attached thereto, Annexure B. The map is annexed for purposes of illustration, and if there should be any divergence between the boundary as described in Annexure A and as delineated on the map in Annexure B, the description in Annexure A is to prevail.

11. I have done what I can in drawing the line to eliminate any avoidable cutting of railway communications and of river systems, which are of importance to the life of the province: but it is quite impossible to draw a boundary under our terms of reference without causing some interruption of this sort, and I can only express the hope that arrangements can be made and maintained between the two States that will minimize the consequences of this interruption as far as possible.

Cyril Radcliffe

Annexure - A

1. A line shall be drawn along the boundary between the Thana of Phansidewa in the District of Darjeeling and the Thana Tetulia in the District of Jalpaiguri from the point where that boundary meets the Province of Bihar and then along the boundary between the Thanas of Tetulia and Rajganj; the Thanas of Pachagar and Rajganj, and the Thanas of Pachagar and Jalpaiguri, and shall then continue along the northern corner of the Thana Debganj to the boundary of the State of Cooch-Behar. The District of Darjeeling and so much of the District of Jalpaiguri as lies north of this line shall belong to West
Bengal, but the Thana of Patgram and any other portion of Jalpaiguri District which lies to the east or south shall belong to East Bengal.

2. A line shall then be drawn from the point where the boundary between the Thanas of Haripur and Raiganj in the District of Dinajpur meets the border of the Province of Bihar to the point where the boundary between the Districts of 24 Parganas and Khulna meets the Bay of Bengal. This line shall follow the course indicated in the following paragraphs. So much of the Province of Bengal as lies to the west of it shall belong to West Bengal. Subject to what has been provided in paragraph 1 above with regard to the Districts of Darjeeling and Jalpaiguri, the remainder of the Province of Bengal shall belong to East Bengal.

3. The line shall run along the boundary between the following Thanas:
   Haripur and Raiganj; Haripur and Hemtabad; Ranisankail and Hemtabad; Pirganj and Kaliganj; Bochaganj and Kaliganj; Biral and Kaliganj; Biral and Kushmundi; Biral and Gangarampur; Dinajpur and Gangarampur; Dinajpur and Kumarganj; Chirirbandar and Kumarganj; Phulbari and Kumarganj; Phulbari and Balurghat. It shall terminate at the point where the boundary between Phulbari and Balurghat meets the north-south line of the Bengal-Assam Railway in the eastern corner of the Thana of Balurghat. The line shall turn down the western edge of the railway lands belonging to that railway and follow that edge until it meets the boundary between the Thanas of Balurghat and Panchbibi.

4. From that point the line shall run along the boundary between the following Thanas:
   Balurghat and Panchbibi; Balurghat and Joypurhat; Balurghat and Dhamairhat; Tapan and Dhamairhat, Tapan and Patnitala; Tapan and Porsa; Bamangola and Porsa; Habibpur and Porsa; Habibpur and Gomastapur; Habibpur and Bholahat; Malda and Bholahat; English Bazar and Bholahat; English Bazar and Shibganj; Kaliachak and Shibganj; to the point where the boundary between the two last mentioned thanas meets the boundary between the districts of Malda and Murshidabad on the river Ganges.

5. The line shall then turn south-east down the River Ganges along the boundary between the Districts of Malda and Murshidabad; Rajshahi and Nadia; to the point in the north-western corner of the District of Nadia where the channel of the River Mathabanga takes off from the River Ganges. The district boundaries, and not the actual course of the River Ganges, shall constitute the boundary between East and West Bengal.
6. From the point on the River Ganges where the channel of the River Mathabanga takes off, the line shall run along that channel to the northernmost point where it meets the boundary between the Thanins of Daulatpur and Karimpur. The middle line of the main channel shall constitute the actual boundary.

7. From this point the boundary between East and West Bengal shall run along the boundaries between the Thanas of Daulatpur and Karimpur; Gangani and Karimpur; Meherpur and Karimpur; Meherpur and Tehatta; Meherpur and Chapra; Damurhuda and Chapra; Damurhuda and Krishnaganj; Chuddanga and Krishnaganj; Jibannagar and Krishnaganj; Jibannagar and Hanskhali; Maheshpur and Hanskhali; Maheshpur and Ranaghat; Maheshpur and Bongaon; Jhikargacha and Bongaon; Sarsa and Bongaon; Sarsa and Gaighata; Gaighata and Kalaraa; to the point where the boundary between those thanas meets the boundary between the districts of Khulna and 24 Parganas.

8. The line shall then run southwards along the boundary between the Districts of Khulna and 24 Parganas, to the point where that boundary meets the Bay of Bengal.

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New Delhi, August 13, 1947

I have the honour to present the report of the Bengal Boundary Commission relating to Sylhet District and the adjoining districts of Assam. By virtue of Section 3 of the Indian Independence Act, 1947, the decisions contained in this report become the decision and award of the Commission.

2. The Bengal Boundary Commission was constituted as stated in my report dated the 12th of August 1947 with regard to the division of the Province of Bengal into East and West Bengal. Our terms of reference were as follows:

“The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims.
In doing so, it will also take into account other factors. In the event of the referendum in the District of Sylhet resulting in favour of amalgamation with Eastern Bengal, the Boundary Commission will also demarcate the Muslim majority areas of Sylhet District and the contiguous Muslim majority areas of the adjoining districts of Assam."

3. After the conclusion of the proceedings relating to Bengal, the Commission invited the submission of memoranda and representations by parties interested in the Sylhet question. A number of such memoranda and representations was received.

4. The Commission held open sittings at Calcutta on the 4th, 5th and 6th days of August 1947, for the purpose of hearing arguments. The main arguments were conducted on the one side by counsel on behalf of the Government of East Bengal and the Provincial and District Muslim Leagues; and on the other side, by counsel on behalf of the Government of the Province of Assam and the Assam Provincial Congress Committee and the Assam Provincial Hindu Mahasabha. I was not present in person at the open sittings as I was at the time engaged in the proceedings of the Punjab Boundary Commission which were taking place simultaneously, but I was supplied with the daily record of the Sylhet proceedings and with all material submitted for the Commission's consideration. At the close of the open sittings, the members of the Commission entered into discussions with me as to the issues involved and the decisions to be come to. These discussions took place at New Delhi.

5. There was an initial difference of opinion as to the scope of the reference entrusted to the Commission. Two of my colleagues took the view that the Commission had been given authority to detach from Assam and to attach to East Bengal any Muslim majority areas of any part of Assam that could be described as contiguous to East Bengal, since they construed the words “the adjoining districts of Assam” as meaning any district of Assam that adjoined East Bengal. The other two of my colleagues took the view that the Commission’s power of detaching areas from Assam and transferring them to East Bengal was limited to the District of Sylhet and contiguous Muslim majority areas (if any) of other districts of Assam that adjoined Sylhet. The difference of opinion was referred to me for my casting vote, and I took the view that the more limited construction of our terms of reference was the correct one and that the “adjoining districts of Assam” did not extend to other districts of Assam than those that adjoined Sylhet. The Commission accordingly proceeded with its work on this basis.

6. It was argued before the Commission on behalf of the Government of East Bengal that on the true construction of our terms of reference and section 3 of the Indian Independence Act, 1947, the whole of the District of Sylhet at
least must be transferred to East Bengal and the Commission had no option but to act upon this assumption. All my colleagues agreed in rejecting this argument, and I concur in their view.

7. We found some difficulty in making up our minds whether, under our terms of reference, we were to approach the Sylhet question in the same way as the question of partitioning Bengal, since there were some differences in the language employed. But all my colleagues came to the conclusion that we were intended to divide the Sylhet and adjoining districts of Assam between East Bengal and the Province of Assam on the basis of contiguous majority areas of Muslims and non-Muslims, but taking into account other factors. I am glad to adopt this view.

8. The members of the Commission were however unable to arrive at an agreed view as to how the boundary lines should be drawn, and after discussion of their differences, they invited me to give my decision. This I now proceed to do.

9. In my view, the question is limited to the districts of Sylhet and Cachar, since of the other districts of Assam that can be said to adjoin Sylhet neither the Garo Hills nor the Khasi and Jaintia Hills nor the Lushai Hills have anything approaching a Muslim majority of population in respect of which a claim could be made.

10. Out of 35 thanas in Sylhet, 8 have non-Muslim majorities; but of these eight, two—Sulla and Ajmiriganj (Which is in any event divided almost evenly between Muslims and non-Muslims), are entirely surrounded by preponderatingly Muslim areas and must therefore go with them to East Bengal. The other six thanas comprising a population of over 530,000 people stretch in a continuous line along part of the southern border of Sylhet District. They are divided between two sub-divisions of which one, South Sylhet, comprising a population of over 515,000 people, has in fact a non-Muslim majority of some 40,000; while the other, Karimganj, with a population of over 568,000 people has a Muslim majority that is a little larger.

11. With regard to the District of Cachar, one thana, Hailakandi, has a Muslim majority and is contiguous to the Muslim thanas of Badarpur and Karimganj in the District of Sylhet. This thana forms, with the thana of Katlichara immediately to its south, the sub-division of Hailakandi, and in the Sub-division as a whole Muslims enjoy a very small majority being 51% of the total population. I think that the dependence of Katlichara on Hailakandi for normal communications makes it important that the area should be under one jurisdiction, and that the
Muslims would have at any rate a strong presumptive claim for the transfer of the Sub-division of Hailakandi, comprising a population of 166,536, from the Province of Assam to the Province of East Bengal.

12. But a study of the map shows, in my judgment, that a division on these lines would present problems of administration that might gravely affect the future welfare and happiness of the whole district. Not only would the six non-Muslim thanas of Sylhet be completely divorced from the rest of Assam if the Muslim claim to Hailakandi were recognised, but they form a strip running east and west whereas the natural division of the land is north and south and they effect an awkward severance of the railway line through Sylhet, so that, for instance, the junction for the town of Sylhet itself, the capital of the district, would lie in Assam, not in East Bengal.

13. In those circumstances I think that some exchange of territories must be effected if a workable division is to result. Some of the non-Muslim thanas must go to East Bengal and some Muslim territory and Hailakandi must be retained by Assam. Accordingly I decide and award as follows:

A line shall be drawn from the point where the boundary between the Thanas of Patharkandi and Kulaura meets the frontier of Tripura State and shall run north along the boundary between those Thanas, then along the boundary between the Thanas of Patharkandi and Barlekha, and then along the boundary between the Thanas of Karimganj and Barlekha, and then along the boundary between the Thanas of Karimganj and Beani Bazar to the point where that boundary meets the River Kusiyara. The line shall then turn to the east taking the River Kusiyar as the boundary and run to the point where that river meets the boundary between the Districts of Sylhet as lies to the west and north of this line shall be detached from the Province of Assam and transferred to the Province of East Bengal. No other part of the Province of Assam shall be transferred.

14. For purposes of illustration a map marked A is attached on which the line is delineated. In the event of any divergence between the line as delineated on the map and as described in paragraph 13 the written description is to prevail.

Cyril Radcliffe
Summary record of the meeting between Rear-Admiral Viscount Mountbatten of Burma and representatives of India and Pakistan, for the acceptance of the Awards of the Punjab and Bengal Boundary Commissions.

New Delhi, August 16, 1947

Those present at this Meeting held at Government House, New Delhi, on 16 August 1947 at 5.00 p.m. were: Rear-Admiral Viscount Mountbatten of Burma, Pandit Nehru, Mr. Liaquat Ali Khan, Sardar Patel, Mr. Fazlur Rahman, Sardar Baldev Singh, Mr Mohammad Ali, Rao Bahadur, V.P. Menon, Lieutenant-Colonel Erskine Crum (Secretariat)

The Awards of the Boundary Commissions

1. The meeting considered the awards of the Boundary Commissions, copies of which had been given to the Ministers after the Joint Defence Council meeting that morning.

Bengal

2. Pandit Nehru said that he had never considered that the allocation of the Chittagong Hill Tracts to East Bengal was possible under the terms of reference of the Boundary Commission. Eminent lawyers had confirmed this point of view. Tracts were an excluded area, and were not represented in the Bengal Council. He and his colleagues had given assurances to petty chiefs from the Chittagong Hill Tracts who had come to see them, that there was no question of the territory being included in Pakistan. The population of the Chittagong Hill Tracts, though small (approximately 1/2 million) was 97% Buddhist and Hindu. There was not the least doubt that the people themselves would prefer to form part of India. On religious and cultural grounds the Chittagong Hill Tracts should form part of India. Sir Cyril Radcliffe had no business to touch them.

3. The Governor General explained the reasons why Sir Cyril Radcliffe has included the Chittagong Hill Tracts in East Bengal. He emphasized particularly the economic ties which bound Chittagong District and the Hill Tracts together. He stressed the importance to Chittagong Port of the proper supervision of the Karnaphuli River, which ran through the Hill Tracts.

4. Mr. Fazlur Rahman gave his opinion that the Chittagong Hill Tracts could not exist if separated from Chittagong District. In his view, the allocation of these Tracts to East Bengal was unquestionably permissible under the terms of reference. In fact the "contiguity" clause of the terms of reference would not have permitted their allocation to West Bengal.
5. The Governor General said that it had been Sir Frederick Burrows' view that the whole economy of the Chittagong Hill Tracts would be upset if they were not left with East Bengal. However, he had confirmed that Sir Frederick had not expressed any view on this matter to Sir Cyril Radcliffe, so he could not be said to have influenced the decision.

6. The Governor General suggested the possibility of a compromise whereby the upper waters of the Karnaphuli would be protected through the allocation of a strip of territory on either side of the river to East Bengal, while the administration of the rest of the Hill Tracts would be undertaken by India.

7. This was not considered a satisfactory solution by either party. Pandit Nehru's view was that India should undertake the administration of the whole territory; a strip on either side of the river allocated to Pakistan would cut the territory in two. If the Chittagong Hill Tracts were given to India an agreement between the two Dominion Governments whereby Pakistan would obtain all desired facilities, could well be made.

8. Mr. Liaquat Ali Khan said that he could not consider any suggestion of an adjustment in this territory alone. The awards of both Commissions must be looked at as a whole. If this was done, it would be found that Sir Cyril Radcliffe had completely ignored the fundamental basis of his terms of reference. Moreover, the Chittagong Hill Tracts were the only source of hydro-electric power in East Bengal.

9. The Governor General then suggested that the two Governments might agree on an exchange of territory, whereby the Chittagong Hill Tracts would go to India and some predominantly Muslim area which had been allotted by the Commission to India would go to Pakistan.

10. Mr. Liaquat Ali Khan emphasized that the awards of the Commissions, taken as a whole, had been so unfavourable to Pakistan, that he could not consider any minor modification only, such as had been suggested.

11. Mr. Fazlur Rahman protested strongly against the allocation of the Districts of Darjeeling and Jalpaiguri to India. In his view, Sir Cyril Radcliffe had violated the basic principle of his terms of reference in making this decision.

**Punjab**

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12. Pandit Nehru said that he considered that the award of the Boundary Commission in the Punjab was likely to have a bad effect among the Sikhs, who presented a particularly difficult problem.
13. Sardar Baldev Singh also considered that the reaction to the award would be very unfavourable on the Sikh mind.

14. Mr. Liaquat Ali Khan said that it would have a similarly unfavourable reaction among the Muslims. He emphasized that he, as Prime Minister of Pakistan, considered it his duty to stand up for the rights of the Sikhs in West Punjab as much as the India leaders stood up for their rights in East Punjab. He emphasized that complete religious freedom would be allowed.

15. Sardar Patel's view was that the only solution to the Punjab award was a transfer of population on a large scale.

16. The governor General said that he had spoken to Mr. Jinnah about Nanakana Sahib. Mr. Jinnah had stated that he had it in mind to give the Sikhs any religious assurances that were required in connection with their Gurdwara there. The Governor General suggested that a specific statement on Nankana Sahib might be made by the Pakistan Government at the same time as the issue of the Boundary Commission award.

17. Mr. Liaquat Ali Khan said that he understood that it was Sir Francis Mudie's view that the Punjab Boundary Force should be separated and be put under the control of the two Governments rather than under joint control. It was agreed that this suggestion should be considered at the meeting at Ambala the following day.

18. Pandit Nehru suggested that he and Mr. Liaquat Ali Khan should also visit Lahore and Amritsar the following day, and this was agreed.

19. Pandit Nehru said that he had received particularly alarming reports from Lahore, where many hundreds of Sikhs and Hindus were gathered together in relief camps without proper protection and without rations. Mr. Liaquat Ali Khan undertook to get in touch with the Prime Minister of West Punjab and ask him to ensure that full measures were taken for the protection of refugees. He further suggested that the Punjab Boundary Force should be asked to assist in the evacuation of refugees.

The Publication of the Awards

20. Mr. Liaquat Ali Khan said that he was opposed to any suggestion that adjustments between representatives of the two Governments should be made at the present meeting. He considered that the awards of the Boundary Commission should be published as they stood.
21. The Governor General suggested that in the communique stating that the awards had been considered by the Prime Ministers, it might be stated that they had come to the conclusion that there were certain unsatisfactory features which they proposed to take up forthwith on a governmental level. Mr. Liaquat Ali Khan was opposed to this suggestion. He considered, and it was agreed, that the communique should only make mention of the fact of the meeting, and not draw attention to any dissatisfaction, nor to any proposals for the transfer of population.

22. Pandit Nehru finally emphasized that he and his colleagues felt themselves to be in a moral impasse about the Chittagong Hill Tracts, because, throughout the previous two or three months, they had given countless assurances to the representatives of that territory that it could not be included in Pakistan. Furthermore, this action had been taken after consultation with lawyers.

23. It was agreed that the Governor General should issue the awards in the form of a Gazette Extraordinary the following day, and that copies of the awards should be sent immediately to the Governors of East and West Bengal and East and West Punjab.

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I have received information from more than one source that Muslim League National Guards in East Bengal are carrying on propaganda that Tripura State belongs to Eastern Pakistan. Pamphlets inciting Muslims to conquer Tripura and annex it to East Bengal are in circulation in Eastern Pakistan and preparations are being made to invade Tripura.*

Tripura acceded to the Indian Dominion before 15 August. Any activities in Pakistan territory intended to support the forcible annexation of Tripura into Eastern Pakistan are clearly an hostile act against the Dominion of India. I request that you will discourage such activities and see that no act of aggression is committed on Tripura.

* In October 1947, at public meetings convened by the Muslim League at Comilla, demands were made for the accession of Tripura to Pakistan. Similar propaganda was carried on in the Feni sub-division.
Continuation our telegram 670 of January 22nd. Demarcation of boundary between East Bengal and Assam. We are informed that Deputy Commissioner, Sylhet, has crossed into Patharia Hill Reserve Forest on the border between Kusiyara and Tripura State, has arrested section of Assam armed police consisting of 14 men sent to protect oil concessions in Patharia and is also reported to have arrested B.O.C. employees. Pathan troops are also said to have entered this area as reinforcements. According to map attached to Radcliffe Award, Patharia Hill Reserve Forest clearly falls within the Dominion of India, and I would request that East Bengal Government be asked immediately to withdraw their forces from this area. Failing withdrawal of Deputy Commissioner’s party, we may have to consider other action. Until boundary has been demarcated by Joint Survey Commission, as already suggested by us, Assam Government should, we think, continue to be in undisturbed possession of this area. Incident emphasizes the need for a joint survey without further delay.

[Editor’s Note: In the Radcliffe Award, the entire Sylhet district of Assam with the exception of four thanas of Patharkandi, Ratabari, Karimganj and Badarpur had been awarded to East Pakistan, but East Pakistan claimed even this area as its own territory describing it as the Patharia Forest Reserve. Prime Minister Nehru in another Telegram of 2nd February 1948 pointed out to Liaquat Ali Khan that the Government of Assam Gazette published in 1940 showed Patharia as part of Patharkandi thana and there was no subsequent Gazette notification changing the position. He asserted that according to Radcliffe “Patharkandi thana is definitely included within the province of Assam”, and this position was confirmed by the Map attached to the Award. On the other hand Liaquat Ali Khan in his telegram of January 31 had claimed the area within East Pakistan and complained that the Indian troops had entered the Forest Reserve and encamped within the Pakistan territory. He therefore desired that until the dispute was settled, the disputed area would not be disturbed. He proposed constitution of a commission to settle the matter. Indian Prime Minister agreed with the suggestion and proposed that “until the work of Commission is completed and decision is reached by the two Governments, all troops and armed police on either side should be withdrawn from Reserve” but the withdrawal “should be only up to a distance of five miles (as against ten miles suggested by Liaquat Ali Khan) beyond the periphery of the Reserve”. Going a step further, Nehru suggested that since “the question is not only one of exact location of a boundary but also of the possession of Reserve itself, civil officers of both East Bengal and Assam Governments should also be withdrawn from the Reserve.” In the meantime Pakistan had raised the red flag on the boundary between Kusiyara river and Tripura State and suggested that the proposed boundary commission should settle the entire sector. Since there was also the question of the boundary between Sylhet and Karimganj, Nehru suggested that the proposed commission should first settle the question of Patharia Forest Reserve and location of the Kusiyara river before any other boundary dispute was considered. India nominated Rohini Kumar Chaudhary to represent India and Pakistan Syed Mouzzimuddin to represent Pakistan on the Boundary Commission which was constituted on March 15, 1948. In the meantime there were differences of interpretation with regard to other sectors of India –}
East Pakistan boundary namely Murshidabad – Rajshahi, certain point on the river Ganga, it was decided at the Inter-Dominion Conference held in December 1948 to refer all the disputes to another Boundary Commission consisting of one member each by the two Dominions and another a Chairman acceptable to both the Dominions. This Chairman was Justice Algot Bagge, a former member of the Supreme Court of Sweden.

2745. Telegram from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, February 18, 1948.

Your telegram 471 of February 10. Dispute Patharia Hills Reserve. Your paragraph 3.2. We agree that dispute should be settled by a Joint Boundary Commission on which both Dominion Governments will be equally represented. We consider, however, that as at present there is no dispute elsewhere than on Sylhet - Karimganj border. In order to save time, Commission should be asked to investigate and report on disputes on this border only and not on possible disputes on rest of the border between Assam and East Bengal. We also agree that until the work of Commission is completed and decision is reached by the two Governments, all troops and armed police on either side should be withdrawn from Reserve. We suggest, however, that withdrawal should be only up to a distance of five miles beyond the periphery of the Reserve. We would add that as the question is not only one of exact location of a boundary but also of the possession of Reserve itself, civil officers of both East Bengal and Assam Governments should also be withdrawn from the Reserve. Please telegraph your consent.

Your paragraph 4: We agree that there should be one representative of each Dominion Government on Boundary Commission. We note the name of your representative and will telegraph the name of our representative as early as possible. We also agree that each representative should be assisted by one or two experts who will not be members of Commission.

Your paragraph 2: I stated in my reply to a question on the floor of the Constituent Assembly of India (Legislative) on February 7 that we had been waiting for a reply to our telegram dated February 2, 1948 and not to our earlier telegram of January 28. Your telegram 382 of February 4 reached here
after I had approved of the reply in draft, and I regret that the reply was not amended subsequently to make it clear that your reply to our telegram of February 2 had in fact been received. I assure you, however, that I had no intention of misleading the House about the attitude of Pakistan Government.

Note: Liaquat Ali had in his telegram proposed that the troops should be withdrawn from all points within ten miles or any other distance which Nehru might prefer from the periphery of the Forest Reserve. The Joint Boundary Commission should deal with all disputes between Assam and East Bengal on the borders of the Sylhet district, and not just with the Sylhet - Karimganj boundary. In the other telegram Liaquat Ali said that while the Governments of Assam and East Bengal could decide on the venue of the meeting, it was vital to remove "all possibilities of a clash." In his Tel. of 10 February, Liaquat Ali said that he had replied to Nehru's of 28 January which should have reached him before he gave his reply in the Constituent Assembly (Legislative).

2746. Interpretation of the Radcliffe Award on Sylhet

SECRET

A. Letter from the Minister of Judicial and Legislative Ministry, Government of West Bengal to Prime Minister Jawaharlal Nehru regarding interpretation of the Radcliffe Award on Sylhet.

Bombay (Camp), April 25, 1948.

Judicial & Legislative Ministry, Government of West Bengal, Camp Bombay.

April 25, 1948

My dear Pandit Ji,

As suggested by you yesterday, I am writing this to remind you of the points I discussed with you relating to the interpretation of the Radcliffe Award in respect of the south-western portion of the Sylhet district which comprises territories amounting to 1256 square miles, rich in tea and perhaps oil, and yielding a revenue of about Rs.1½ crores. This territory also forms a belt adjoining the north-western borders of the Tripura State including in it a portion of the Bengal
- Assam Railway as well as Hindu majority areas from the point of view of population. The suggestions I would ask you kindly to consider for your early decision in this connection are as follows:-

1. In view of the representations made by the West Bengal Government with the support of their legal opinion followed also by the opinion of Kunwar Sir Duleep Singh, the interpretation of the Radcliffe Award advanced by the West Bengal Government and also subsequently forwarded by the Government of Assam should, in the first place, be unilaterally accepted by the Central Government apart from the question as to whether the Pakistan Government accept this interpretation or not.

2. It should be made known to the public by the Central Government as well as formally communicated to the Government of Pakistan that according to the correct interpretation of the Radcliffe Award the area in question as the residual portion of the district of Sylhet belongs to the Indian Union although, it now happens to be under the possession of the Government of Eastern Pakistan.

3. Acceptance by the Central Government of this interpretation and their declaration, to this-effect should then be followed by concrete proposals to be thought of for implementing this interpretation. Although, we may be aware of the fact that the Government of Pakistan will take a different view, that should be no reason for our not advancing this claim without any further loss of time.

4. The area in question being in the decided opinion of the West Bengal Government (a Cabinet decision was taken to this effect) a portion of the Indian Union, being exclusively a Bengali-speaking area, being a portion under the jurisdiction of the Bengal Provincial Congress Committee and being now one of the territories from which considerable number of refugees are arriving in the West Bengal Province, the Government of West Bengal should be recognised as vitally interested in these territories and as such should be asked to depute its representatives to form part of the Delegation on behalf of the Indian Union in any joint Commission of the Governments of India and Pakistan which may have to consider the matter.

5. I had a talk about the subject with the Hon'ble Shri G. N. Bardoloi, Premier of Assam, and as far as I understood he would welcome the Central Government including representatives of the West Bengal Government in any Delegation which may have to be formed in this connection, for negotiations. For, this subject would be entirely for the Central Government to deal with, although the territories in question form part of the province of Assam (sic).
6. Apart from any other consideration, acceptance by the Central Government of this interpretation of the Radcliffe Award will have a salutary effect on the morale of the populations inhabiting this area and help to check tendencies towards exodus to a large extent.

There are many other aspects of the question which justify the claim of the Indian Union to these territories being made immediately, irrespective of whether there is any chance of its implementation at present or not.

I press this so strongly because I have personally considered the matter most carefully and feel that I am justified in thinking that this claim sooner or later will be irresistible before any forum for mutual negotiations for amicable settlement of elsewhere. I do hope and trust you will kindly give an early decision but not an adverse one without, personally giving me a chance to argue out the whole case before you, if necessary. I hope you will kindly treat this matter as very urgent.

With kindest regards,

Yours sincerely

Niharendu Dutt Muzumdar

The Hon'ble Pandit Jawaharlal Nehru,
Prime Minister,
India.

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B. Note of Secretary, Ministry of Law commenting on the opinion of his Ministry on the interpretation of Radcliffe Award on Sylhet based on the suggestion of West Bengal Government.

New Delhi, May 27, 1948.

Subject: Disputed territory in the old District of Sylhet: Wrong interpretation of the Radcliffe Award.

The Cabinet at its meeting held on 6th May 1948 decided that the Ministry of Law, in consultation with the Legal Adviser of the Ministry of External Affairs and Commonwealth Relations should prepare and put up specific proposals on the above subject for consideration by the Cabinet. Accordingly the enclosed draft has been prepared by the Ministry of Law. In forwarding the draft to the
Ministry of External Affairs and Commonwealth Relations the Ministry of Law have noted as follows:-

1. After informal discussion with Sir Dalip Singh and Mr. S. Dutt, I have attempted a draft letter as directed by the Cabinet. I have however grave misgivings as to the immediate as well as the final making such an approach to Pakistan.

2. There can hardly be any doubt that this claim to set up “Q line” as the proper boundary between East Bengal and Assam will be rejected off-hand by Pakistan. It is quite unlikely that Pakistan will even agree to a suggestion that this question of interpreting the terms of the award should be referred to the Joint Boundary Commission which has been agreed to by the Dominions for deciding a particular dispute. From Mr. Dutt’s note it appears that there will be some awkwardness in our suggesting it, since we have formerly rejected attempts on the part of Pakistan to bring other boundary disputes before this Commission. In the circumstances it is, I think, essential that we should, have a clear idea as to what our next step is going to be in the event of Pakistan summarily, and probably rudely, rejecting our claim.

3. We may perhaps be able to maintain before a legalistic tribunal that the wording of the award in paragraph 13 is final and conclusive and must be interpreted in the way we are seeking to interpret it, and that the statements in paragraphs 10, 11 and 12 of the Report (of Radcliffe) are not decisive even if they are relevant. Once we admit that any statement contained in these three paragraphs actually defines the boundary notwithstanding its inconsistency with our present claim, we are bound to weaken our case. In my opinion, with all respect to Sir Dalip Singh’s arguments to the contrary, the substance of these three paragraphs read as a whole is likely to go against the interpretation we are now putting forward rather than in its favour.

4. For instance the first sentence of paragraph 10 of the Report reads: “Out of 35 thanas in Sylhet, 8 have non-Muslim majorities; but of these eight, two—Sulla and Ajmiriganj—— are entirely surrounded by preponderatingly Muslim areas, and must therefore go with them to East Bengal”. It may be pointed out that a small part of the Ajmiriganj thana lies to the south of the straight line drawn due west of the starting point of the Radcliffe line. If we admit on the basis of the sentence quoted above that Sir Cyril Radcliffe had definitely decided to transfer this part to East Bengal, I am unable to see how we can lay any claim to “the preponderatingly Muslim areas” by which these two non-Muslim thanas of Sulla and Ajmiriganj are surrounded. These areas which according
to the first sentence of paragraph 10 must go to East Bengal certainly include
the thanas of Baniyachung, Lakhai, Madhabpur, Nabiganj, Habiganj, Chunarughat, and Bahubal, if not also Maulavi Bazar and Rajnagar (vide map).
If we do not claim those thanas, it seems to me that the whole of the Q line
theory will fall to the ground. It seems necessary, therefore, to stick to the view
even the apparently categorical statement in the first sentence of paragraph
10 of the report has not been given effect to in the award and hence is of no
effect.

5. Then it seems to me that, although there is nothing to prevent making an
attempt at argumentation, the general trend of paragraph 12 of the report is not
in favour of our contention. In particular, it cannot be denied that the retention
in Assam of the area south of the Q line will result in a very awkward severance
of the railway lines within the old Sylhet district. It will also mean that
communications with Sylhet town by rail from other parts of East Bengal will
have to be across Assam territory.

6. For these reasons, therefore, I have preferred in my draft letter to rest
the claim entirely on the wording of the award, and not on any arguments
derivable from, or analysis of paragraphs 10, 11 and 12 of the Report. But I
have no doubt in my mind that Pakistan will rely strongly on those paragraphs
and contend that since there is a doubt, or at any rate a dispute, over the
meaning of the award, these paragraphs must be looked into for the purpose
of ascertaining the meaning of the award. In that very probable contingency
the arguments contained in Sir Dalip Singh’s note will no doubt be of use.

7. If H.M. approves of the lines on which the letter to Pakistan has been
drafted, I suggest that the file may be referred to the Ministry of External Affairs
and Commonwealth Relations for any comments or suggestions they may like
to make with regard to the draft. In particular, they may like to fill out the last
paragraph, indicating the proposal that we should make to Pakistan in respect
of our claim.

Sd/- K.V.K.Sundaram
Secretary
27.5.1948.

(Note: The note referred to in the minute of Mr. Sundaram and the MEA
Memorandum, containing its advice could not be traced)
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C. DRAFT LETTER

Prepared by the Ministry of Law for
Government of Pakistan Referred to in the Note Above

From……………………

To …………………

Sir,

I am directed by the Government of India to invite the attention of the Government of Pakistan to the award of the Bengal Boundary Commission in regard to Sylhet district.

2. As the Government of Pakistan are aware, this award is contained in paragraph 13 of the report submitted on the 13th August, 1947 by Sir Cyril Radcliffe to the Governor-General of India. After stating that in the circumstances discussed in the three immediately preceding paragraphs of the report, some of the non-Muslim Thanas of Sylhet district must go to East Bengal and some Muslim territory must be retained by Assam, Sir Cyril Radcliffe gives directions for the drawing of a line across the district of Sylhet.

3. There can be no doubt, and there is no doubt, as to the point where the above line starts, not as to the point where it ends. It starts from a point A where the boundary between the Thanas of Patharkandi and Kulaura meets the frontier of Tripura State, then proceeds in a generally northern direction to a point B where the boundary between the thanas of Beani Bazar and Karimganj meets the river Kusiyara and then proceeds in a generally eastern direction to C the point where that river meets the boundary between the districts of Sylhet and Cachar.

4. The award then directs categorically that, “so much of the district of Sylhet as lies to the West and north of this line shall be detached from the Province of Assam and transferred to the Province of East Bengal; and no other part of the Province of Assam shall be transferred”.

5. The Government of India has given very careful consideration to the question as to how the operative part of the award quoted in the preceding paragraph ought to be interpreted. They have come to the conclusion that the area lying to the west and north of the line ABC must be determined by drawing a straight line Q due west from A the southern-most point, and another straight line P due north from C the eastern-most point. Whatever part of the Sylhet district falls to the south of the straight line Q or to the east of the straight line...
P clearly does not lie to the west and north of the line ABC and ought not to be transferred to East Bengal. The contour of the Sylhet district is such that no part of it lies to the east of the straight line P but a very considerable part lies to the south of the straight line Q. In the opinion of the Government of India, the Radcliffe award has not transferred this latter part of the District of Sylhet to East Bengal, and this area remains within the Province of Assam and consequently the Dominion of India.

6. In support of the above contention the Government of India first wish to observe that for purposes of sub-section (3) of Section 3 of the Indian Independence Act, 1947, it is the award of the Boundary Commission which is material and operative, and sub-section (4) of this Section defines the expression “award” as meaning the decisions of the Chairman of the Boundary Commission contained in his report to the Governor-General at the conclusion of the Commission’s proceedings. It is, therefore, not the whole of the report that constitutes the award, but only that part of it which sets out the decisions of the Chairman. In this particular case, then, the award is that part of the report which follows the words “Accordingly I decide and award as follows”.

7. Secondly, it should be noted that the award does not state that the whole of the line A B C shall constitute the only boundary between the two parts into which the district of Sylhet is to be divided under the award. If Cyril Radcliffe’s intention was otherwise, he would have said so in the award.

8. Thirdly, if Sir Cyril Radcliffe meant to apportion the area lying south of the straight line Q to East Bengal, he could have said so in the plain terms as he did in the case of Jalpaiguri district in the main Bengal award (vide the last sentence of paragraph 1 of annexure A to the report of the Bengal Boundary Commission). Alternatively, he could have easily said, if that was his intention, that so much of the district of Sylhet as lies to the east and south of the line ABC shall be detached from that district and remain part of the Province of Assam, and that the rest of the district shall be transferred to the Province of East Bengal. The contrary formula actually adopted by him must, therefore, be given its appropriate and full meaning, and in doing so the existence of a part of Sylhet district to the south of the straight line Q cannot be ignored.

9. Fourthly, the various and conflicting considerations discussed by Sir Cyril Radcliffe in paragraphs 10, 11 and 12 of the report are not intended to, and do not, form part of the award which, as already pointed out, is set out clearly and precisely in paragraph 13 of the report.

10. For these reasons, among others, the Government of India claim all that portion of the district of Sylhet which lies to the south of the straight line Q as marked in the attached map. As, unfortunately, owing to a wrong interpretation
of the award, that portion was transferred to the territory of East Bengal after
the announcement of the award, the Government of India would request that
immediate steps be taken by the Government of Pakistan to transfer the territory
to Assam. The Government of India would also suggest that a Survey
Commission be set up consisting of one representative of each Government to
demarcate the boundary on the ground along the line Q.

Note by S. Dutt:
The decision of the Cabinet is requested as to whether the Government of
Pakistan should be addressed by the Government of India as in the attached
draft.

Sd/-S. Dutt

To
The Cabinet Secretariat

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D. When the proposal was circulated to the Cabinet Ministers,
Minister of Health Rajkumari Amrit Kaur had her
reservation which she recorded in her Note as under:

The Legal Adviser’s opinion may show perhaps that the matter in dispute did
not receive full consideration in all its aspects in the original note on which the
decision to hand over certain territory to Pakistan was based. The conclusion
however of the Legal Adviser is that the case is arguable.

On the other hand, the opinion, of the Secretary of the Law Ministry would
show that at any rate there was a possible interpretation of the Award which
justified the handing over of the territory.

In these circumstances, it seems to me that two difficulties arise (i) that the
fact that a possible interpretation was accepted by the Government of India as
the interpretation of the Award must now weigh against the Government of
India’s present interpretation. (ii) be that as it may, however, it seems further
to me that we have no means of enforcing the interpretation that we now wish
to place upon the Award short of going to war with Pakistani unless Pakistan
agrees to a reference to some judicial tribunal. It seems to me that Pakistan is
not likely to agree to any such thing and the therefore it will be useless to
prosecute the matter beyond the stage when Pakistan has refused to abide by
a judicial decision as to the meaning of the Award.

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E. The Cabinet at its meeting held on Friday the 26th June at 3 P.M. (Case No. 256/39/48) ordered:

"The Cabinet approved the draft letter put up by the Ministry of Law on the subject of wrong interpretation of the Radscliffe Award regarding certain territories in the old District of Sylhet and directed the Ministry of External Affairs and Commonwealth Relations to take steps to send the letter to the Pakistan Government.

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F. Letter from the Ministry of External Affairs to the Government of Pakistan on the question of interpretation of the Award on Sylhet.

No.F.12-6/48-PAK - I
Government of India
Ministry of External Affairs and Commonwealth Relations
New Delhi

the 1st July, 1948

From: S. Dutt Esq., OBE., ICS.,
   Additional Secretary to the Government of India

To: The Secretary to the Government of Pakistan,
    Ministry of Foreign Affairs and Commonwealth Relations,
    Karachi.

Sir,

I am directed by the Government of India to invite the attention of the Government of Pakistan to the award of the Bengal Boundary Commission in regard to Sylhet district.

2. As the Government of Pakistan are aware, this award is contained in paragraph 13 of the report submitted on the 13th August, 1947, by Sir Cyril Radcliffe to the Governor- General of India. After stating that in the circumstances discussed in the three immediately preceding paragraphs of the report, some of the non-Muslim Thanas of Sylhet district must go to East Bengal and some Muslim territory must be retained by Assam Sir Cyril Radcliffe gives directions for the drawing of a line across the district of Sylhet.

3. There can be no doubt, and there is no doubt, as the point where the above line starts, nor as to the point where it ends. It starts from a point A where the boundary between the Thanas of Patharkandi and Kulaura meets the frontier of Tripura State, then proceeds in a generally northern direction to a point B where the boundary between the thanas of Beani Bazar and Karimganj meets the river Kusiyara, and then proceeds in a generally eastern direction to
C the point where that river meets the boundary between the districts of Sylhet and Cachar.

4. The award then directs categorically that “so much of the district of Sylhet as lies to the west and north of this line shall be detached from the Province of Assam and transferred to the Province of East Bengal and no other part of the Province of Assam shall be transferred”.

5. The Government of India have given very careful consideration to the question as to how the operative part of the award quoted in the preceding paragraph ought to be interpreted. They have come to the conclusion that the area lying to the west and north of the line ABC must be determined by drawing a straight line Q due west from A the southernmost point, and another straight line P due north from C the eastern most point. Whatever part of the Sylhet district falls to the south of the straight line Q or to the east of the straight line P clearly does not lie to the west and north of the line ABC and ought not to be transferred to East Bengal. The contour of the Sylhet district is such that no part of it lies to the east of the straight line P, but a very considerable part lies to the south of the straight line Q. In the opinion of the Government of India, the Radcliffe award has not transferred this latter part of the district of Sylhet to East Bengal and this area remains within the Province of Assam and consequently the Dominion of India.

6. In support of the above contention the Government of India first wish to observe that for purposes of sub-section (3) of Section 3 of the Indian Independence Act, 1947, it is the award of the Boundary Commission which is material and operative, and sub-section (4) of this section defines the expression “award” as meaning the decisions of the Chairman of the Boundary Commission contained in his report to the Governor-General at the conclusion of the Commission’s proceedings. It is, therefore, not the whole of the report that constitutes the award, but only that part of it which sets out the decisions of the Chairman. In this particular case, then, the award is that part of the report which follows the words “Accordingly I decide and award as follows”.

7. Secondly, it should be noted that the award does not state that the (whole of) the line ABC shall constitute the only boundary between the two parts into which the district of Sylhet is to be divided under the award. If Sir Cyril Radcliffe’s intention was otherwise, he could easily have said so in the award.

8. Thirdly, if Sir Cyril Radcliffe meant to apportion the area lying south of the straight line Q to East Bengal, he could have said so in plain terms as he did in the case of Jalpaiguri district in the main Bengal award (vide the last sentence of paragraph 1 of annexure A to the report of the Bengal Boundary
Commission). Alternatively, he could have easily said, if that was his intention, that so much of the district of Sylhet as lies to the east and south of the line A B C shall be detached from that district and remain part of the Province of Assam, and that the rest of the district shall be transferred to the Province of East Bengal. The contrary formula actually adopted by him must, therefore, be given its appropriate and full meaning, and in doing so the existence of a part of Sylhet district to the south of the straight line Q cannot be ignored.

9. Fourthly, the various and conflicting considerations discussed by Sir Cyril Radcliffe in paragraphs 10, 11 and 12 of the report are not intended to, and do not, form part of the award which, as already pointed out, is set out clearly and precisely in paragraph 13 of the report.

10. For thesis reasons, among others, the Government of India claim all that portion of the district of Sylhet which lies to the south of the straight line Q as marked in the attached map. As, unfortunately, owing to a wrong interpretation of the award, that portion was transferred to the territory of East Bengal after the announcement of the award, the Government of India would request that immediate steps be taken by the Government of Pakistan to retransfer the territory to Assam. The Government of India would also suggest that a Survey Commission be set up consisting of one representative of each Government to demarcate the boundary on the ground along the line Q.

11. The attached map is not authoritative and is intended only to illustrate the Government of India’s case. (map not available)

Yours faithfully

Sd/- S.Dutt
Additional Secretary

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Reply from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs regarding interpretation of the Radcliffe's Award on Sylhet.


From: The Secretary to the Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations.

To: The Additional Secretary to the Government of India, Ministry of External Affairs and Commonwealth Relations, New Delhi.

Sir,

With reference to your letter No.F.12-6/48-PAK.I., dated the 1st July, 1948, I am directed by the Government of Pakistan to state that for reasons given below the Government of Pakistan are unable to agree with the interpretation that has been put by the Government of India on the Award of Sir Cyril Radcliffe.

2. Under Section 3(4) of the Indian Independence Act the “award” means the decision of the Chairman of the Boundary Commission. A perusal of the report submitted by Sir Cyril Radcliffe to the Governor-General will show that preliminary facts are stated in paras.1, 2, 3 and 4, and from para. 5 onwards the decision of the Chairman is given on the several contentions of the parties before the Boundary Commission. Paras 5, 6 and 7 contain the decision of the Chairman on three preliminary points which had been raised before the Boundary Commission. In paragraph 8, after stating that the members of the Commission were unable to arrive at an agreed view as to how the boundary line should be drawn and, after discussion of their differences, had invited him to give his decision, he expressly adds, “This I now proceed to do”. In paras 10, 11 and 12 he examines the various considerations on which a decision as to the boundary between East Bengal and Assam might be based. In these paras, he considers what were Muslim and non-Muslim majority Thanas in the Districts of Sylhet and Cachar. He finds himself unable to divide the Districts of Sylhet and Cachar on the basis of the majority areas and says that, “A study of the map shows that a division on these lines would present problems of administration that might gravely affect the future welfare and happiness of the whole District.” Holding this view, he says in para,13 that “some exchange of territories must be effected if a workable division is to result. Some of the non-Muslim Thanas must go to East Bengal and some Muslim territory and Hailakandi must be retained by Assam.” Then he adds, “Accordingly I decide and award as follows”. The word “Accordingly” clearly shows that the proceeds
to make the decision contained in para 13 as to the boundary for reasons already stated by him in paras 10, 11, 12 and in the earlier portion of para 13.

3. It is a well-known rule of construction applicable to all written instrument that, “the instrument must be construed as a whole in order to ascertain the true meaning of its several clauses and the words of each clause must be so interpreted as to bring them into harmony with the other provisions of the instrument, if that interpretation does no violence to the meaning of which they are naturally susceptible. The best construction of deeds is to make one part of the deed expound the other, and so to make all the parts agree. And effect must, as far as possible, be given to every word and every clause”. In the present case, Sir Cyril Radcliffe has himself by using the word “Accordingly” put the matter beyond doubt; but even apart from the use of this word, the Award could not be construed in any other manner.

4. Apart from these considerations the Government of Pakistan desire to point out that point A on the map alleged to have been marked ‘A’ by Sir Cyril and attached to the Award is the point where the boundary between the thanas of Patharkandi had Kulaura meets the frontier of Tripura State and Sir Cyril Radcliffe draws the line northwards from that point. He holds that this line should divide the district of Sylhet into two parts and the part of the District lying east of this line should be included in Assam and the part lying to the west and north of this line should be included in East Bengal. The portion of the District of Sylhet claimed by the Government of India as part of Assam is clearly to the west of point A and also west of Line A B. It is certainly not in the south of point A or line A B. The map which is alleged to have been drawn up by Sir Cyril under para 14 of the Award places the question beyond any controversy. It is categorically stated in that map above the signature of Sir Cyril Radcliffe as follows:-

“Red line A-B-C forms boundary between Provinces of Assam and East Bengal in District of Sylhet”.

“Certified as map marked ‘A’ referred to in my Report dated 13th August, 1947”.

This proves conclusively that the District of Sylhet is divided between the two Provinces by that line and the line ABC constitutes the only boundary between the two parts in which that District has been divided under the Award.

5. If Sir Cyril Radcliffe intended to give the portion of the District of Sylhet to the Province of Assam now claimed, he would have drawn the imaginary line from A to Q as is now drawn up by the Government of India and clearly and distinctly stated both in the Award and the map that the District of Sylhet
has been divided into three parts and the portion, south of line A to Q has been awarded to the Province of Assam.

6. It is important to note that the imaginary line AQ drawn by the Government of India is not only purely arbitrary and runs counter the terms of reference of the Commission as well as to all consideration which Sir Cyril based his Award; it cuts off the southern portion of Ajmiriganj Thana which Sir Cyril specifically mentioned in para 10 as one of the thanas that must inevitably go to East Bengal.

7. In paragraph 8 of your letter under reference you have referred to Sir Cyril Radcliffe’s Award in respect of Jalpaiguri district in support of your interpretation. The Government of Pakistan consider that, if the interpretation which the Government of India seeks to place on the Sylhet Award were accepted, they would be clearly entitled to include in East Bengal the area marked red in the accompanying map (which is illustrative and not authoritative) and hereby reserve their right to claim the said territory.

8. I am to draw your attention to paragraph 1 of Annexure A to the Report of the Bengal Boundary Commission according to which: “A line shall be drawn along the boundary between the Thana of Phansidewa in the District of Darjeeling and the Thana Tetulia in the District of Jalpaiguri from the point where that boundary meets the Province of Bihar and then along the boundary between the Thanas of Tetulia and Rajganj; the Thanas of Pachagar and Rajganj, and the Thanas of Pachagar and Jalpaiguri, and shall then continue along the northern corner of the Thana Debiganj to the boundary of the State of Cooch-Behar. The District of Darjeeling and so much of the District of Jalpaiguri as lies north of this line shall belong to West Bengal, but the Thana of Patgram and any other portion of Jalpaiguri District which lies to the east or south shall belong to East Bengal”

9. There is no dispute as to the location of the line ABC. If the word ‘north’ occurring in para 1 just quoted is interpreted in the same way as the Government of India desire to interpret the words “west” and “north” in the case of the Sylhet award, only that portion of Jalpaiguri district which is directly north of the line described in paragraph 1 and marked in red link in Sir Cyril Radcliffe’s map, should go to West Bengal. The rest of the district of Jalpaiguri lying to the east of the yellow vertical line CD drawn due north from the south and of Sir Cyril Radcliffe’s boundary line would clearly belong to East Bengal.

I have the honour to be,

Sir,

Your most obedient servant,

(T.B. Creagh Coen)

for Secretary to the Government of Pakistan

**********
MEMORANDUM

Subject: East Bengal-Assam Boundary Interpretation of the Radcliffe Award.

At its meeting on the 25th June, 1948, the Cabinet approved of the draft letter put up by the Ministry of Law on the subject of wrong interpretation of the Radcliffe Award regarding certain territories in the old District of Sylhet and directed the Ministry of External Affairs and Commonwealth Relations to take steps to send the letter to the Government of Pakistan. The letter was despatched on the 1st July, 1948 and a reply has now been received from the Government of Pakistan. Copies of the letter to Pakistan and their reply are attached.

2. The reply has been shown to the Legal Adviser to this Ministry and to the Ministry of law. The opinion of the Legal Adviser is as follows:

“The analogy drawn by Pakistan; with the division of Bengal is, in my opinion, fallacious as the words relied on are not the same. So far as Jalpaiguri is concerned, the words used are (1) so much as lies in the ‘north of this line’, (2) ‘which lies in the East or South’. There is, in strict law, a clear distinction between ‘north’, ‘East or South’ and ‘North and West’. Suppose any point of origin with; axes at right angles to each other and a line drawn in the plane as shown in the figure below.

The entire area lying ‘north’ of this line is easily discernible. Similarly the entire area lying East or South is discernible by drawing imaginary lines. To find the area lying West and North however, a line has to be drawn due North from the Northern-most point of the line and due West from the Western-most point of the line and only that area will be ‘West and North’. I think this is a correct answer to the claim to Jalpaiguri or any portion thereof. As regards para 3 of the Pakistan reply, the argument in the abstract, is correct provided however the words in the operative
part are not clear and unambiguous. The question therefore is whether the words “West and North” are not clear in themselves and need no interpretation. Even if they are considered ambiguous in the context the question remains what is the true interpretation of the award. As I stated previously the matter is arguable and by no means so clear as Pakistan makes out in para 2. My previous note and Mr. Sundaram’s admirable note on the point may be considered. Para 4 does not appear to me to advance the matter at all. The division does not become three fold because the Western boundary to the South of the line A.B. is advanced Westward, while remaining South of the line.

Para 5. The words ‘East and North’ imply an imaginary line AQ. It is a question whether by the specific words with reference to Amirganj thana, the line AQ stops at its intersection with that district and runs Southward following the boundary of that thana. I have already dealt with the claim to a portion of Jalpaiguri. I humbly suggest Mr. Sundaram should also be consulted. I must repeat the caution that the fact that we accepted a different interpretation must weigh heavily against us.”

3. The opinion of the Secretary of the Ministry of Law (Mr. Sundaram) is as follows:-

“Paragraphs 2 and 3 of Pakistan Government’s letter:

The arguments in these two paragraphs were only to be expected, but do not effectively counter the contention put forward in paragraph 9 of our letter. The rule of construction stated in paragraph 3 of the Pakistan Government’s letter may, of course, be applied to the decision (or award) and to ‘every word and clause’ of that decision, but the decision is contained entirely in the second sub-paragraph of paragraph 13 of the Report.

2. Paragraph 4 ibid: The statement at ‘A’ on page 168/cor. (in para 4 of the Pakistan Government’s reply) should be verified with reference to the original signed copy of the map which, I understand, is in the custody of the External Affairs Ministry. If Sir Cyril Radcliffe has actually stated on the map that ‘Red Line A B C forms boundary between Provinces of Assam and East Bengal in District of Sylhet’, it certainly makes our case even weaker, since the necessary implication would be that no other boundary line within the district of Sylhet was intended by him. (See paragraph 7 of our letter in this connection.)

3. Paragraphs 5 and 6 ibid: were also to be expected, and I have no special comments thereon.
4. Paragraphs 7, 8 and 9 ibids: I have nothing to add to Kunwar Dalip Singh’s observations in regard to the Jalpaiguri point.

4. It has been verified from the original signed copy of the map that Sir Cyril Radcliffe has actually written on the maps:

“Red line A B C forms boundary between Provinces of Assam and East Bengal in District of Sylhet.”

“Certified as map marked ‘A’ referred to in my Report dated 13, August; 1947”.

5. H.P.M. directed that H.M. Transport should see the case and if he desires, the matter should be placed before the Cabinet.

6. H.M. Transport, while agreeing it that “the matter has certainly to be reported to Cabinet in view of its previous directive”, has commented as follows:

“After looking at the map at flag ‘E’ and the certificate therein of Radcliffe, I have come to the conclusion that our case is more than ordinarily weak. The line ABC is not disputed. When the Radcliffe award speaks of the portions of Sylhet district west and north of this line it was a loose but a fairly definite description of what he meant. He obviously meant the portions of Sylhet west of the line A B and north of the line B C. That the winding southern boundary of the Sylhet district includes an area south of a line that may be drawn due west from the point A is obviously not a strong argument in favour of the view we have taken that that portion is not specifically covered in the area west of the line AB. The map and the certificate on it, apart from other considerations, will be accepted by any arbitrator as almost conclusive evidence that the whole of the Sylhet district is divided into two parts by the red-line ABC shown on the map. I am afraid we can hardly pursue this matter further with Pakistan.”

7. The case is placed before the Cabinet for further consideration. The points for decision are (1) whether the matter should be pursued with the Government of Pakistan and (2) if the matter is not to be pursued, whether there would be any point in seeking to controvert the argument of that Government in regard to Jalpaiguri.

(S. Dutt)
Additional Secretary

To
The Cabinet Secretariat
(Mr. E.C. Donoghue)

**********
I. Meeting of the Cabinet held on Friday, the 1st April, 1949 at 5 P.M. Case No. 94/16/49. East Bengal - Assam Boundary – Interpretation of the Radcliffe Award.

Present
The Prime Minister,
The Deputy Prime Minister.
The Minister for Education,
The Minister for Finance.
The Minister for Labour,
The Minister for Communications.
The Minister for Health,
The Minister for Law.
The Minister for Industry & Supply,
The Minister for Works, Mines & Power.
The Minister for Commerce.
The Minister for Transport & Railways,
The Minister for Food & Agriculture.
The Minister of State for Relief & Rehabilitation,
The Joint Secretary to the Cabinet.
The Deputy Secretary to the Cabinet.

The Cabinet decided that no further action need be taken for the present regarding any of the two points mentioned in paragraph 7 of the memorandum of the Ministry of External Affairs.

✦ ✦ ✦ ✦ ✦
2747. Inter Dominion Conference—December 12, 1948.

Report of the Committee for boundary-disputes and border incidents between East Bengal-West Bengal, between East Bengal-Assam, and between East Punjab-West Punjab.

MEMBERS

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<td>(1) Mr. S. Dutt.</td>
<td>(1) Mr. Aziz Ahmed,</td>
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<td>(2) Mr. S. Sen.</td>
<td>(2) Mr. Fida Hussain.</td>
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<td>(3) Mr. J. N. Talukdar,</td>
<td>(3) Mr. M.W. Abbasi.</td>
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<td>(4) Mr. M. R. Sachdev.</td>
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<td>(5) Mr. S. K. Dutta.</td>
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<td>(6) Mr. B. K. Acharya.</td>
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<td>(7) Mr. A. K. Mukherji.</td>
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Terms of Reference

To discuss the boundary disputes and incidents on the East-West Bengal, East Bengal-Assam and East Bengal-Tripura borders and the border incidents on the East-West Punjab border and suggest the machinery necessary for —

(a) settlement of disputes; and
(b) prevention of such incidents.

1. The Committee met on the 6th, 9th, 10th, 11th and 12th December, 1948. On the last two days it was assisted in its deliberations by the members of the Steering Committee, Messrs. H.M. Patel and G.A. Faruque.

2. **Boundary Disputes**—The Committee makes the following recommendations for the settlement of the East-West Bengal and East Bengal-Assam boundary disputes:

   (1) **Tribunal: Terms of reference**:

   A Tribunal should be set up at as early a date as possible and not later than 31st January, 1949, for the adjudication and final settlement of the following boundary disputes arising out of the interpretation of the Radcliffe Award and for demarcating the boundary accordingly:
(A) East-West Bengal disputes concerning—

(i) the boundary between the district of Murshidabad (West Bengal) and the district of Rajshahi including the thanas of Nawabganj and Shibganj of pre-partition Malda District (East Bengal); and

(ii) that portion of the common boundary between the two Dominions which lies between the point on ‘the River Ganges where the channel of the river Mathabhanga takes off according to Sir Cyril Radcliffe’s Award and the northern-most point where the channel meets the boundary between the thanas of Daulatpur and Karimpur according to that Award.

(B) East Bengal-Assam disputes concerning—

(i) the Patharia Hill Reserve Forest; and

(ii) the course of the Kusiyara river.

(2) The Tribunal shall Consist of three members as follows:

One member nominated by each of the two Dominions of India and Pakistan, such person being one who is holding or has held high judicial office and a Chairman who is holding or has held high judicial office and is acceptable to both Dominions. In the event of disagreement between the members, the decision of the Chairman shall be final in all matters. The Tribunal shall report within three months from the date of its first sitting.

(3) After the Tribunal has adjudicated upon the disputes, the boundaries shall be demarcated jointly by the experts of both Dominions. If there is any disagreement between the experts regarding the actual demarcation of the boundary in situ, such disagreement shall be referred to the Tribunal for decision and the boundary shall be demarcated finally in accordance with such decision.

(4) The Tribunal shall prescribe the procedure to be followed for adjudicating upon the disputes as well as for deciding the point or points of disagreement, if any, arising from the demarcation of boundary.

3.(1) The Committee further recommends that the entire boundary between East-West Bengal (other than the portion described in paragraph 2 above) should also be demarcated without further delay by the Directors of Land Records of the two Provinces assisted by such staff and in such manner as they might mutually agree upon, areas where disputes have arisen or may arise being taken up first.
The Committee recommends that the boundary between East Bengal on the one hand and Assam, Tripura State and Cooch Behar State (India) on the other, except the portions described in para. 2 above, should also be demarcated as soon as possible by the Directors of Land Records of the Provinces or States concerned, assisted by such staff and in such manner as they might mutually agree upon.

4. The cost of the Tribunal and of implementing the recommendations contained in paragraphs 2 and 3 above other than that of the staff normally employed by the two Governments shall be borne equally by both Dominions.

5. In order to prevent border incidents on the East Bengal-West Bengal and East Bengal-Assam borders, the Committee recommends that all border incidents other than those involving questions of policy shall be settled by the District Magistrates and failing them by the Commissioners of the Provinces concerned or where there are no Commissioners, by officers of equivalent rank and steps shall be taken to prevent the recurrence of such incidents in the future.

6. Regarding the incidents on Tripura-East Bengal border, the Committee agreed that both Governments must take all possible steps to prevent the recurrence of such incidents in future. Such incidents shall be settled by the District Magistrates of the districts concerned in East Bengal and the Dewan of Tripura State who should meet as soon as practicable, with a view to holding a joint enquiry, if necessary, followed by such other action as the circumstances may necessitate. In the event of disagreement between the District Magistrate and the Dewan the matter shall be referred to His Excellency the Governor of Assam and the Hon’ble the Premier of East Bengal or their nominees, for decision.

7. Both Governments agree that henceforth no attempt will be made by either side to settle boundary disputes by force.

8. Interim Arrangements.

(i) **East Bengal-Assam border.**—The Committee recommends the following proposals for the interim administration of the Patharia Reserve Forest on the East Bengal-Assam border:

1. There shall be no armed forces of either Government of any description within 5 miles of the periphery of the Reserve Forest.

2. East Bengal Government shall be in possession of the Reserve Forest west of the Radcliffe Line and Assam Government shall be in possession of the Reserve Forest east of the Radcliffe Line.
The strength of the Forest staff to be employed by each of the two Governments on each side of the Radcliffe Line shall be determined jointly by the Conservators of Forests, East Bengal and Assam.

(3) Each side undertakes not to make any new construction of any description within the areas of the Reserve Forest, of which it will be placed in charge, for the interim administration, provided, however, that there shall be no objection to any special operations necessary in connection with the oil boring by the B.O.C. on either side of the Radcliffe Line within the Reserve Forest.

(4) In order to satisfy themselves that each of them is carrying out the undertakings set out above, the two Governments will agree to the areas of the Forest placed in their respective charges being inspected by a joint Committee of Officers, one of each Government, not below the rank of a Divisional Forest Officer assisted by such advisers as each might consider necessary.

(ii) East Bengal-West Bengal border (Rajshahi-Murshidabad).—It was agreed that without prejudice to the rights of either Government to the area in dispute each Government shall continue to maintain possession of the areas which are now in its possession along the East Bengal-West Bengal border. The area now in actual possession of West Bengal at Ghughumari Ghat (Rainapur) shall be cordoned off by East Bengal on its periphery on the East Bengal side and shall continue to remain in possession of West Bengal provided that—

(a) both West Bengal's and East Bengal's anti-smuggling staff may be stationed in this area and may freely patrol the river bank along this area; and

(b) that West Bengal will exercise Civil and Criminal jurisdiction over this area and shall post a Magistrate on the spot to deal with local cases.


(see in the India – West Pakistan Border Section)
Decisions of the Indo-Pakistan Boundary Disputes Tribunal under the Chairmanship of The Honourable Lord Justice Algot Bagge.

Dacca, January 26, 1950

Decisions given by
The Indo-Pakistan Boundary Disputes Tribunal
in
Conformity with the agreement concluded at the Inter-Dominion Conference at Delhi on December 14th, 1948,
between
The Dominion of India
and
The Dominion of Pakistan
Relating to the interpretation of the Report of the Bengal Boundary Commission,
August 12th and 13th, 1947.

By the Indian Independence Act, 1947, as from August 15th, 1947 two independent Dominions were set up in India, to be known respectively as India and Pakistan. According to Section 2(2), it was provided that the territories of Pakistan should be inter alia the territories which, on the appointed day, were included in the Province of East Bengal, as constituted under Section 3. It was laid down in this Section that the Province of Bengal, as constituted under the Government of India Act 1935, should cease to exist and that there should be constituted in lieu thereof of two new Provinces, to be known respectively as East Bengal and West Bengal. The boundaries of the new Province of East Bengal should be such as may be determined, whether before or after the appointed day, by the award of a boundary commission appointed or to be appointed by the Governor General in that behalf, and the expression "award" should mean, in relation to boundary commission, the decisions of the Chairman of that commission contained in his report to the Governor General at the conclusion of the commission's proceedings.

The Commission known as the Bengal Boundary Commission, was constituted by the Governor General on June 30th, 1947. The Commission presented to the Governor General the following two reports dated the 12th and 13th August, 1947, respectively:

1. Report of the Bengal Boundary Commission for the division of Bengal Province - [Document No.2740]
2. Report of the Bengal Boundary Commission relating to Sylhet District and adjoining districts of Assam-[Document No. 653 p. 1472] Certain disputes arose out of the interpretation of this Report, generally known as the Radcliffe Award. By special agreement concluded on December 14, 1948, at the Inter Dominion Conference held at New Delhi the two Dominions agreed as follows for the settlement of these Disputes:

(1) “A Tribunal should be set up at as early a date as possible and not later than January 31st, 1949, for the adjudication and final settlement of the following boundary disputes arising out of the interpretation of the Radcliffe Award and for demarcating the boundary accordingly”:

(A) **East-West Bengal disputes concerning** -

(i) the boundary between the district of Murshidabad (West Bengal) and the district of Rajshahi including the thanas of Nawabganj and Shibganj of pre-partition Malda district (East Bengal); and

(ii) that portion of the common boundary between the two Dominions which lies between the point on the River Ganges where the channel of the River Mathabhanga takes off according to Sir Cyril Radcliffe’s award and the northernmost point where the channel meets the boundary between the thanas of Daulatpur and Karimpur according to that Award.

(B) **East Bengal-Assam disputes concerning** -

(i) the Patharia Hill Reserve Forest; and

(ii) the course of the Kusiyara River.

(2) The Tribunal shall consist of three members as follows: One member nominated by each of the two Dominions of India and Pakistan, such person being one who is holding or has held high judicial office and a Chairman who is holding or has held high judicial office and is acceptable to both Dominions. In the event of disagreement between the members, the decision of the Chairman shall be final in all matters. The Tribunal shall report within three months from the date of its first sitting.

(3) After the Tribunal has adjudicated upon the disputes, the boundaries shall be demarcated jointly by the experts of both Dominions. If there is any disagreement between the experts regarding the actual demarcation of the boundary *in situ*, such disagreement shall be referred to the Tribunal for decision and the boundary shall be demarcated finally in accordance with such decision.

(4) The Tribunal shall prescribe the procedure to be followed for adjudicating upon the disputes as well as for deciding the point or points of disagreement, if any arising from the demarcation of boundary.”
According to the agreement the cost of the Tribunal and of implementing the agreement contained in paragraph (1), (2) and (3) above other than that of the staff normally employed by the two Governments should be borne equally by both Dominions.

Pursuant to section (2) of the said Agreement the Governments of the two Dominions nominated as members of the Tribunal: the Government of India, The Hon'ble Chandrasekhara Aiyer, retired judge of the Madras High Court and the Government of Pakistan, The Hon'ble M. Shahabuddin, judge of the High Court at Dacca in East Bengal. The two High Contracting Parties nominated as Chairman, The Hon'ble Algot Bagge, former member of the Supreme Court of Sweden.

By Special agreements in November, 1949, between the Governments of the two Dominions it was settled that the Tribunal thus composed should be deemed to have been set up in terms of the Delhi Agreement of December 14th, 1948, that the Tribunal should open its proceedings at Calcutta and that it should sit part of the time at Calcutta and part of the time at Dacca, the Headquarters of the Tribunal being wherever it is sitting for the time being. It was also agreed that the sittings at Calcutta and Dacca should be for approximately equal periods. All arrangements for the sittings at Calcutta should be made by the Government of India and those for the sittings at Dacca by the Government of Pakistan.

On December 3rd, 1949, the Tribunal held an informal meeting in the Great Eastern Hotel at Calcutta and acting pursuant to the provisions of the Inter-Dominion Agreement of 1948, established the necessary rules for the procedure. It was decided -

(i) that the Tribunal would be known as “The Indo-Pakistan Boundary Disputes Tribunal”.

(ii) that the hearing concerning East-West Bengal disputes should take place at Calcutta and the hearings concerning East Bengal-Assam disputes should take place at Dacca;

(iii) that the hearing should be open to public, the Tribunal reserving to themselves the right to make exceptions to this rule;

(iv) that the Tribunal should hear oral arguments by Counsel of each Party, in the dispute concerning the boundary between the district of Murshidabad and the district of Rajshahi, the Indian Government beginning and the Pakistan Government replying; in the dispute concerning the River Mathabhanga the Pakistan Government beginning and the Indian Government replying; in the dispute concerning the Patharia Hill Reserve Forest, the Indian Government beginning and the Pakistan Government replying and in the dispute concerning the course
of the River Kusiyara, the Pakistan Government beginning and the Indian Government replying;

(v) that the procedure should be informal, and

(vi) that the proceedings should be recorded by the Secretary General appointed by the Tribunal, a full shorthand report being also made.

The Tribunal appointed as Secretary-General to the Tribunal the Hon'ble G.de Sydow, judge of the Court of Appeal at Stockholm.


An official report of the oral proceedings was prepared by the Secretary-General to the Tribunal. Also a complete shorthand report of the hearings was made under the supervision of the Tribunal and the Parties. When closing the hearings on January 12th 1950, the Chairman stated that the decisions of the Tribunal would be delivered to the two Governments in writing within about one month’s time from that date.

II

The Tribunal having carefully considered the cases, oral arguments, documents and maps presented by either side and finding a local inspection in Dispute II unnecessary, makes the following decisions;

Dispute I

The dispute concerns the boundary between the district of Murshidabad (West Bengal) and the district of Rajshahi including the the thana Nawabganj and Shibganj of pre-partition Malda district (East Bengal).

Mr. Justice Chandrasekhara Aiyer opines as follows: (Not Included)

The conclusion of Mr. Justice Chandrasekhara Aiyar is as follows:

The district boundary on the date of the Award must be ascertained and
demarcated. If this is impossible, the midstream line of the river Ganges and the land boundary will be demarcated within one year from the date of the publication of this Award.

Mr. Justice Shahabuddin opines as follows: (Not Included)

**The Conclusion of Mr. Justice Shahabuddin is as follows:**

The construction put by Pakistan on the Award in connection with this dispute is correct and reasonable and the boundary in this area, except over the Rampur-Boalia Char is flexible and not rigid and the boundary line shall run along the course described in the Pakistan statement of the case, subject only to such geographical variations as may result from changes occurring in the course of the river Ganges.

The Chairman opines as follows: (Appendix-III)

**The conclusion of the Chairman is as follows:**

In the area in dispute the district boundary line, consisting of the land boundary portion of the district boundary as shown on the map Annexure B' and as described in the Notification No. 10413-Jur., of 11-11-40, and the boundary following the course of the midstream of the main channel of the river Ganges as it was at the time of the Award given by Sir Cyril Radcliffe in his Report of August 12th, 1947, is the boundary between India and Pakistan to be demarcated on the site.

If the demarcation of this line is found to be impossible, the boundary between India and Pakistan in this area shall then be a line consisting of the land portion of the above mentioned boundary and of the boundary following the course of the midstream of the main channel of the river Ganges as determined on the date of demarcation and not as it was on the date of the Award. The demarcation of this line shall be made as soon as possible and at the latest within one year from the date of the publication of this decision.

Having regard to the fact that the two Members have disagreed in their views and that the Chairman has agreed with Mr. Justice Chandrasekhara Aiyer and giving effect therefore to the terms of section (2) of the Delhi Agreement under which the view of the Chairman has to prevail, the Tribunal gives the following:

**Decision**

In the area in dispute the district boundary line consisting of the land boundary portion of the district boundary as shown on the map Annexure 'B' and as described in the Notification No. 10413 -Jur of 11-11-40 and the boundary following the course of the midstream of the main channel of the river Ganges as it was at the time of the Award given by Sir Cyril Radcliffe in his Report of
August 12th, 1947 is the boundary between India and Pakistan to be demarcated on the site.

If the demarcation of this line is found to be impossible, the boundary between India and Pakistan in this area shall then be a line consisting of the land portion of the above mentioned boundary and of the boundary following the course of the midstream of the main channel of the river Ganges as determined on the date of demarcation and not as it was on the date of the Award. The demarcation of this line shall be made as soon as possible and at the latest within one year from the date of the publication of this decision.

Dispute II

The dispute concerns that portion of the common boundary between the two Dominions which lies between the point on the river Ganges where the channel of the river Mathabhanga takes off according to Sir Cyril Radcliffe’s Award and the northernmost point where the channel meets the boundary between the thanas of Daulatpur and Karimpur according to that Award.

Mr. Justice Chandrasekhara Aiyar opines as follows: (Not Included)

The conclusion of Mr. Justice Chandrasekhara Aiyar is as follows:

(a) Sir Cyril’s line in the Award map (Document No. 72)\(^1\) showing the Mathabhanga river in red ink is to be adopted as the boundary.

(b) If this is not possible, the river Mathabhanga shall be taken as that which commences from the loop of the Ganges as found in the congregated air map (Document No. 164)\(^1\) and the boundary shall be along the middle line of the main stream from the point of the said off-take to the northernmost point where the line meets the boundary of the thanas of Daulatpur and Karimpur; the off-take point of the river as now demarcated shall be connected by a shortest straight line with the point nearest to it on the midstream of the main channel of the river Ganges. The centre line shall be a rigid boundary and demarcated accordingly as on the date of Sir Cyril’s Award or, if this is found impossible, as on the date of this decision.

Mr. Justice Shahabuddin opines as follows: (Not Included)

The conclusion of Mr. Justice Shahabuddin is as follows:

The boundary line in this case is a fluid boundary and not a rigid one, and it shall run on water along the course described in the statement of the case of
Pakistan, subject only to such geographical variations as may result from changes occurring in the course of the river Mathabhanga.

The Chairman opines as follows: (Appendix-VI)

The conclusion of the Chairman is as follows:

The boundary between India and Pakistan shall run along the middle line of the main channel of the river Mathabhanga which takes off from the river Ganges in or close to the north-western corner of the district of Nadia at a point west-south-west of the police station and the camping ground of the village of Jalangi as they are shown on the air photograph map of 1948, and then flows southwards to the northernmost point of the boundary between the thanas of Daulatpur and Karimpur.

The point of the off-take of the river Mathabhanga shall be connected by a straight and shortest line with a point in the midstream of the main channel of the river Ganges, the said latter point being ascertained as on the date of the Award or if not possible as on the date of the demarcation of the boundary line in Dispute I. The said point so ascertained shall be the south-eastern-most point of the boundary line in Dispute I, this point being a fixed point.

Having regard to the fact that the Members have disagreed and that the Chairman has disagreed with both of them and giving effect, therefore, to the terms of section (2) of the Delhi Agreement under which the view of the Chairman has to prevail, the Tribunal gives the following:

Decision

The boundary between India and Pakistan shall run along the middle line of the main channel of the river Mathabhanga which takes off from the river Ganges in or close to the north-western corner of the district of Nadia at a point west-south-west of the police station and the camping ground of the village of Jalangi as they are shown on the air photograph map of 1948, and then flows southwards to the northernmost point of the boundary between the thanas of Daulatpur and Karimpur.

The point of the off-take of the river Mathabhanga shall be connected by a straight and shortest line with a point in the midstream of the main channel of the river Ganges, the said latter point being ascertained as on the date of the Award or if not possible as on the date of the demarcation of the boundary line in Dispute I. The said point so ascertained shall be the south-eastern-most point of the boundary line in Dispute I, this point being a fixed point.

Dispute III

The dispute concerns the Patharia Hills Reserve Forest.

Mr. Justice Chandrasekhara Aiyar opines as follows: (Not Included)
The conclusion of Mr. Justice Chandrasekhara Aiyar is as follows:

The portion to the west of the forest boundary line as drawn by Sir Cyril Radcliffe, (Document No. 184) and shown in white in India’s index map, (Document No. 185), shall belong to East Bengal but the rest of the forest lying to the east of the said line shall belong to Assam.

Mr. Justice Shahabuddin opines as follows: (Not Included)

The conclusion of Mr. Justice Shahabuddin is as follows:

The boundary line delineated on the map of the Award accords with the description given in the Award, and that line shall be the boundary line in this area and the portion of the forest to the west of that line, i.e., the portion shown in white in the index map shall be awarded to East Bengal (Pakistan) and the portion to the east of the line i.e., the portion shown in blue in the index map to the province of Assam (India).

The Chairman opines as follows: (Appendix-IX)

The Conclusion of the Chairman is as follows:

The line indicated in the map ‘A’ attached to the Award is the boundary between India and Pakistan. Now, therefore, in view of the unanimous conclusions of the Chairman and the Members the Tribunal gives the following:

Decision

The red line indicated in the map ‘A’ attached to the Award given by Sir Cyril Radcliffe in his report of August 13th, 1947, is the boundary between India and Pakistan.

Dispute IV

The dispute concerns the course of the Kusiyara river.

Mr. Justice Chandrasekhara Aiyar opines as follows: (Not Included)

The conclusion of Mr. Justice Chandrasekhara Aiyar is as follows:

The line drawn by Sir Cyril Radcliffe from the north-western corner of the Patharia Hills Reserve Forest up to the point ‘B’ in the Award map (Document No. 342) is the correct boundary line.

The line BC in the Award map is correctly shown as the Kusiyara river and will constitute the boundary between East Bengal and Assam.

Mr. Justice Shahabuddin opines as follows: (Not Included)

The conclusion of Mr. Justice Shahabuddin is as follows:

The boundary in this area shall run along the southern river i.e., the river wrongly
described as Sonai in the Award map, from the point where the land boundary running from the south to the north meets the said river, to the point from where that river takes its waters through Noti Khal from the northern river, i.e., the river named on the said map as Boglia and thence along the latter river to the boundary between the districts of Sylhet and Cachar.

The Chairman opines as follows:

The conclusion of the Chairman is as follows:

From the point where the boundary between the thanas of Karimganj and Beani Bazar meets the river described as the Sonai river on the map ‘A’ attached to the Award given by Sir Cyril Radcliffe in his Report of August 13th, 1947 (Gobindapur) up to the point marked ‘B’ on the said map (Birasri) the red line indicated on the said map is the boundary between India and Pakistan.

From the point ‘B’ the boundary between India and Pakistan shall turn to the east and follow the river which according to the said map runs to that point from the point ‘C’ marked on the said map on the boundary line between the districts of Sylhet and Cachar.

Having regard to the fact that the two Members have disagreed in their views and that the Chairman has agreed with Mr. Justice Chandrasekhara Aiyar, and giving effect, therefore, to the terms of section (2) of the Delhi Agreement under which the view of the Chairman has to prevail, the Tribunal gives the following:

Decision

From the point where the boundary between the thanas of Karimganj and Beani Bazar meets the river described as the Sonai river on the map ‘A’ attached to the Award given by Sir Cyril Radcliffe in his Report of August 13th, 1947 (Gobindapur) up to the point marked ‘B’ on the said map (Birasri) the red line indicated on the said map is the boundary between India and Pakistan.

From the point ‘B’ the boundary between India and Pakistan shall turn to the east and follow the river which according to the said map runs to that point from the point ‘C’ marked on the said map on the boundary line between the districts of Sylhet and Cachar.

DONE at DACCA in triplicate original, January 26, 1950.

Algot Bagge
N. Chandrasekhara Aiyar
M. Shahabuddin
APPENDIX III

The Opinion of the Chairman on Dispute No. 1

The case submitted in this dispute on behalf of the Government of India is that the line marked by Sir Cyril Radcliffe in Annexure B of his award is the actual line of demarcation to be worked out on the site and that in consequence this line shall be rigid, not shifting according to the course of the river Ganges.

The case submitted by the Government of Pakistan is that upon a proper construction of the award, the district boundary is and is to remain the boundary between India and Pakistan subject only to such geographical variations as may result from changes occurring in the course of the river.

The relevant portion of the Award in Annexure A in this respect is as follows:

4. From that point a line shall run along the boundary between the following Thanas:

...... Kaliachak and Shibganj; to the point where the boundary between the two last mentioned thanas meets the boundary between the districts of Malda and Murshidabad on the river Ganges.

5. The line shall then turn south-east down the River Ganges along the boundary between the districts of Malda and Murshidabad; Rajshahi and Murshidabad; Rajshahi and Nadia; to the point in the north-western corner of the District of Nadia where the channel of the River Mathabhanga takes off from the River Ganges. The district boundaries, and not the actual course of the River Ganges, shall constitute the boundary between East and West Bengal.

The boundary between Rajshahi and Murshidabad districts was last notified, before the Partition, under Bengal Act IV of 1864, by notification No. 10413-Jur., dated 11th November, 1940. This notification while describing ‘the boundary between Rajshahi district and adjoining districts (Nadia and Murshidabad) going in the direction up the river Ganges states as follows:

“thence along the south-western boundary of Naosara Sultanpur (209), southern boundary of Fatepur Palasi (J.L. No. 190), up to the midstream of the Ganges, police-station Charghat, thence along the midstream of the Ganges up to a point near the south-east corner of village Char Rajanagar (J.L.No-99), police-station Raninagar in the district of Murshidabad; thence northward along the eastern boundary of Char Rajangar up to the south-east corner of Diar Khidirpur (No. 243 of police-station Boalia), thence along the southern and western boundaries of Diar Khidirpur, thence along the southern boundary and part of western
boundary of Char Khidirpur (235), thence along the south boundary of Taranagar (232), thence along the eastern boundary of Majher Diar (231), up to the midstream of the Ganges, thence along the midstream of the Ganges up to the junction of the midstream of the Ganges and the Mahananda, river . . . . . .

The district boundary between Malda and Murshidabad was notified last, before the Partition, by notification No. 2667-Jur., dated 6th March, 1942, under Bengal Act IV of 1864. This notification, while describing the southern boundary of the district of Malda (i.e. the boundary between Malda and Murshidabad districts), states as follows:-

“up to the junction with the trijunction point of district of Rajshahi, Malda and Murshidabad on the main channel of the Ganges or Padma river.

South-western and western boundary of the district.

Thence towards north-west and north along the midstream of the main channel of the Ganges or Padma river up to the junction with the trijunction point on the main channel of the districts of Malda, Santhal Parganas and Purnea ...........”

The northern and north-eastern boundary of the Murshidabad district (i.e. the district boundary between Murshidabad on one side and Rajshahi and Malda on the other) was notified under the notification dated February 11th, 1875, as following the stream of the rivers ‘Ganges’ and ‘Pudda’. After that there is no district notification of Murshidabad covering the disputed area, but if the Thana notifications up to 1931 are congregated then the line so formed will tally with the boundary line of Rajshahi and Malda.

According to these notifications the district boundary between Malda and Murshidabad was then “the midstream of the main channel” of the river Ganges and between Murshidabad and Rajshahi “the midstream of the river Ganges” with the exception of the char area in the river Ganges, opposite Rajshahi town, where the boundary line ran over land. The district boundary in consequence according to those notifications ran to about seven eighths in the Ganges and to about one eighth on land, viz., the char area opposite Rajshahi town.

The first question to examine is whether the district notification line in the river Ganges consisting in “the midstream of the main channel of the river Ganges” or “the midstream of the river Ganges” was rigid and object of correction only through a new notification or if this line in the river Ganges was a fluid line.

On behalf of the Indian Government it has been argued that the district boundary always was a rigid line, i.e., when a notification declared the main stream of a river as the boundary, the main stream at the time of the notification was
intended. The Pakistan Government on the other side contends that the district boundary in a river was not a fixed boundary in the sense of a demarcated line, but a notional boundary which depended on the existing course of the river. That will say that according to the Government of Pakistan if the main stream of the river left its old bed and formed a new one the district boundary line followed the new mainstream of the river until an official notification made a change in the boundary.

The notifications contain no explicit disposition whether the notifications when talking of the midstream of the river Ganges mean the midstream of the Ganges at the time of the notification—rigid line—or the midstream of the river Ganges as it is any time until the next notification— a flexible line.

However, the correspondence in the Documents Nos. 110-118 indicates that the boundary between the districts by the Governmental authorities was held to be the centre of the stream which at the time in question is actually the main stream, meaning thereby presumably at any time when the question of the boundary came up.

It seems therefore not possible to hold that the district boundary in the river Ganges in the disputed area was a rigid line.

Another question is however whether the boundary between India and Pakistan as established in the award is embodying the flexible line of the district boundaries or whether the boundary between India and Pakistan is according to the award a stationary line.

It is stated in the award that "the line shall then turn south-east down the river Ganges along the boundary between the Districts of Malda and Murshidabad etc., - - , to the point in the north-western corner etc." Supposing that the award had not gone beyond stating this, the boundary between India and Pakistan having incorporated the district boundary would have been a fluid line in the river Ganges down to the char area opposite Rajshahi town, a rigid line over the char and then a fluid line in the river Ganges down to the point where the river Mathabhanga takes off. But the award continues that "the district boundaries, and not the actual course of the river Ganges shall constitute the boundary between East and West Bengal".

The flexible district boundaries which cover about seven-eighth of the boundary stretch now in question, were at the time of the award following the then actual course of the river Ganges.

To take the flexible district boundaries as the boundary between India and Pakistan would then be to have the flowing course of the river Ganges as the boundary on a great part of the boundary line. This would be contrary to the prescription in the award that the actual course of the river Ganges shall not constitute the boundary between East and West Bengal.
It has been maintained that another interpretation of the words “not the actual course etc.” is possible, viz., that the words have been used only to indicate that the boundary should run across the char area. But that should have been the result even without this sentence as it already has been stated in the description that the line should run along the boundary between the two districts, across the char area. It is not possible that Sir Cyril Radcliffe who otherwise in the award has used very concise language just here should have expressed himself in terms which are purely tautological. These words must have a special meaning and according to my opinion the meaning is the one above explained.

The award then cannot mean the boundary to be a flexible line. Such an interpretation having been accepted, the question arises which rigid district boundary lines are meant in the description.

It would, in itself, seem to be a natural thing to interpret the expression “the district boundaries” in Annexure A with the help of the map in Annexure B. On this map there are drawn district boundaries on the stretch in dispute and Sir Cyril Radcliffe has followed these district boundaries in delineating the boundary between India and Pakistan on the stretch in question.

To consider the district boundaries drawn on the map as the district boundaries of the description offers no difficulty as regards the land boundaries. They are put down on the map as notified in the latest notifications and they show the district land boundaries at the time of the award.

But concerning the part of the district boundaries which are following the midstream of the river Ganges difficulties arise in making use of the map as regards the interpretation of the district boundaries of the description in Annexure A.

The map in Annexure B is a congregated map of the district maps used at the time of the latest notifications. As the district maps are based on a survey which was started in 1915 and completed in 1926, the map does not reproduce the position of the river at the time of the notifications but at the time of the survey. The map, in fact, does on the stretch which is following the river Ganges not reproduce any other district boundaries than those determined by the position of the river Ganges at the time about thirty years ago when the survey maps were made on which the map in Annexure B is based. To interpret the words “district boundaries” in the description in Annexure A on this stretch as being the same as district boundaries as determined by the position of the river Ganges as demarcated on the map in Annexure B does not seem possible. The district boundaries and the delineation of the boundary between India and Pakistan following these district boundaries in the river Ganges as demarcated on the map can therefore not be considered as having been meant as an
illustration of the words “district boundaries” in the description so far as the district boundaries following the midstream of the river Ganges are concerned.

It remains then as regards the part of the district boundaries which is following the midstream of the river Ganges to decide whether to take the district boundaries as they were at the time of the latest notifications of the districts concerned or the district boundaries as they were at the time of the award.

The position of the district boundaries as they were at the time of the notifications depends so far as they are following the midstream of the river Ganges on the position of the river at the time of the different notifications. As the river Ganges certainly has shifted its course between the dates of these different notifications no continuous and common district boundary line can be taken as existing at the different dates of the notifications so far as the district boundaries of the notifications were determined by the midstream of the river Ganges.

The dates of the latest notifications therefore cannot be taken as the time for deciding the position of the district boundaries.

As regards then the time of the date of the award there is to be remembered the stipulation in Annexure ‘A’ that the district boundaries and not the actual course of the river Ganges shall constitute the boundary between East and West Bengal. The interpretation given of this stipulation is that the boundary as determined by the district boundaries is to be a rigid and not a flexible line.

By taking the district boundary line at the time of the award as a rigid line you do not then come into conflict with the stipulation that the actual flowing course of the river Ganges shall not constitute the boundary.

My conclusion is therefore that in the area in dispute the district boundary line consisting of the land boundary portion of the district boundary as shown on the map, Annexure ‘B’ and as described in the Notification No. 10413-Jur., of 11-11-40, and the boundary following the course of the midstream of the main channel of the river Ganges as it was at the time of the award given by Sir Cyril Radcliffe in his Report of August 12th, 1947, is the boundary between India and Pakistan to be demarcated on the site.

If the demarcation of this line is found to be impossible, the boundary between India and Pakistan in this area shall then be a line consisting of the land portion of the above mentioned boundary and of the boundary following the course of the midstream of the main channel of the river Ganges as determined on the date of demarcation and not as it was on the date of the award. The demarcation of this line shall be made as soon as possible and at the latest within one year from the date of the publication of this decision.

Algot Bagge.
Appendix VI
The Opinion of the Chairman on Dispute No. II

The case submitted in this dispute on behalf of the Government of Pakistan is that the middle line of the channel of the river Mathabhanga within the limits prescribed in (II) 2 in the printed statement of the case of the Government of Pakistan is and is to remain the boundary between India and Pakistan, subject only to such geographical variations as may result from changes occurring in the course of the river Mathabhanga. The limits thus prescribed are as follows:

“At and before the date of the said Award, the Mathabhanga River took off and now takes off from the Ganges near village Godagaridiar J.L. No. 170 of Daulatpur P.S. and flowed as it now flows through mauzas Udainagar Khanda, J.L. No. 169 and Muradpur Diar J.L. No. 172 of Daulatpur P.S., Muradpur Jalangi J.L. No. 30, Sahebrampur J.L. No. 33, Ikuri. J.L. No. 31 of Jalangi P. S. of Murshidabad district, and mauza Madhugari J.L. No. 108 of Karimpur P.S., meeting the boundary between thanas Daulatpur and Karimpur near the south-western corner of Char Sarkarpura J.L. No. 173 of Daulatpur P.S.”

The case submitted on behalf of the Government of India is that the point in the north-western corner of the district of Nadia where the channel of the river Mathabhanga takes off from the river Ganges can be ascertained by reference to Annexure B of Sir Cyril Radcliffe’s Award, i.e., his map, where he has shown the point at which the channel of the Mathabhanga takes off from the river Ganges. The other end of the disputed boundary is the northernmost point where the channel of the Mathabhanga meets the boundary between the thanas of Daulatpur and Karimpur. Having taken that point Sir Cyril has drawn the line from there up to the point where the river Mathabhanga, according to his award, takes off from the river Ganges. The Government of India claims the land to the west of the line in Annexure B.

The relevant portion of the Annexure A of the award is as follows:

“5 . . . . to the point in the north-western corner of the District of Nadia where the channel of the River Mathabhanga takes off from the River Ganges, the district boundaries, and not the actual course of the River Ganges, shall constitute the boundary between East and West Bengal.

6. From the point on the River Ganges where the channel of the River Mathabhanga takes off, the line shall run along that channel to the northern most point where it meets the boundary between the thanas of Daulatpur and Karimpur. The middle line of the main channel shall constitute the actual boundary."
7. From this point the boundary between East and West Bengal shall run along the boundary between the thanas of Daulatpur and Karimpur; . . . . . "

It is common ground that there is no dispute as to the boundary proceeding southwards from the point where the channel of the Mathabhanga meets the boundary between the thanas of Daulatpur and Karimpur.

The Government of India does not base their case on the presumption that there is, or was, at or about the time when Sir Cyril gave his award, a river Mathabhanga taking off from the river Ganges as indicated on the map attached to the award. They concede that there is no river at that place. They say that—river or no river—there is a rigid line as indicated on the map from the point where, according to the map, the river Mathabhanga takes off from the river Ganges and that the line which is to be followed at the demarcation is, so far as there is a main channel indicated on the map, the line which is equal in distance from both the shores as indicated on the map, and then the line representing the river until this line meets the northernmost point on the boundary between the thanas of Daulatpur and Karimpur.

The Government of Pakistan submits that there is a divergence between the boundary as described in Annexure A of the award and as delineated in the map in Annexure B thereof, in that, the position of the off-take and the channel of the river Mathabhanga as shown in the map is incorrect, and that, in accordance with the terms of paragraph 10 of the award, the description in Annexure A thereof must prevail.

The Government of India in this respect refers to what is said in clause 10 in the award: “The demarcation of the boundary line is described in detail in the schedule which forms Annexure A to this award and in the map attached thereto, Annexure B”. The Government of India says: The demarcation is described in detail in the map as also in Annexure A. Therefore, the description is in detail in both. The map is not only for the purpose of illustration, but the demarcation of the boundary line is described in detail in the map. Sir Cyril’s finding on a question of fact is conclusive. He finds the Mathabhanga channel and draws it on the map. There is no divergence between the boundary line in Annexure B and the description in Annexure A.

The Government of Pakistan replies: You must interpret a term in connection with its context. The map is annexed for purposes of illustration, and if there should be any divergence between the boundary as described in Annexure A and as delineated on the map in Annexure B, the description in Annexure A is to prevail. In this case the author of the award has done two things; he has made a delineation and he has also made a description. Delineation is the marking of a red line. His delineation is quite obviously divergent from the description given in Annexure A.
I am of the opinion that it must be held that the award makes a difference between the description in Annexure A and the delineation on the map Annexure B. So far as it is possible to get a solution from the description in Annexure A the delineation on the map is only an illustration of that solution.

In this case such a solution can be found. According to the description in Annexure A Section 5 the line now in dispute shall begin at a point in the north-western corner of the district of Nadia where the channel of the river Mathabhanga take off from the river Ganges. From that point the line shall run along the channel to the northern most point where it meets the boundary between the thanns of Daulatpur and Karimpur.

Air photograph maps established by way of photographs taken from the air in the year 1948 and submitted by the Government of Pakistan (Document No. 164) and an air map of 1939 submitted by the Government of India which is substantially the same as the 1948 air photograph maps, are showing a river taking off from a loop of the river Ganges not far from the point indicated on the Annexure B map. This same river is running south to the northernmost point where it meets the boundary between the thanas aforementioned.

There is no reason why this river should not be accepted as the river described in Annexure A.

The river, as reproduced on the 1948 air photograph maps (Document No. 164), corresponds with the description in Annexure A, with the exception that the place where this river takes off form the river Ganges possibly is situated in the district of Murishdabad, but anyhow quite close to the north-western corner of the District of Nadia. If there is such a difference this cannot however be considered as being of any importance.

The river thus flowing must in consequence be taken as being the river Mathabhanga to which the description in Annexure A of the award refers. The award, Annexure A, says that the boundary line shall be a line running along the channel of the river Mathabhanga and that the middle line of the main channel shall constitute the actual boundary.

The Annexure A, must by that mean an existing river. The river with a channel as traced on the Annexure B map in reality does not exist. The Government of India, however, has contended that the fact that a river with a channel, which takes off from the river Ganges drawn on the Annexure B map, must, even though there is no river at that place, be deemed a reality, the correctness of which cannot be challenged.

This would mean that where there is a divergence between what the description means in this case an existing river, and what the map indicates viz., a river existing though the river does in fact not exist, the map should prevail. This cannot be the meaning of the award.
To accept the line delineated on the Annexure B map as the boundary line would also mean to give this delineation of a line on the map the force of a description as mentioned in Annexure A. Nor would this be in conformity with the award as long as there is a description which is sufficient to give the necessary solution.

The contention of the Government of India that the point in the northwestern corner of the district of Nadia where the channel of the river Mathabhanga takes off form the river Ganges can be ascertained by reference to the Annexure B map can therefore not be accepted.

According to my opinion the beginning of the boundary line shall therefore be the point in or close to the north-western corner of the district of Nadia where the channel of this river takes off from the river Ganges.

There has been some difference of opinion concerning the place where the off-take of the river Mathabhanga is situated. According to my opinion the river Mathabhanga must be held to take off from a loop which forms a part of the river Ganges. This off-take is situated west-south-west of the police station and the camping ground of Jalangi village as these are shown on the air photograph map (Document No, 164). The river Mathabhanga then flows from that off-take southwards to the northernmost point where it meets the boundary between the thanas of Daulatpur and Karimpur.

There is not, as in Dispute I, any expression in the award indicating that the boundary line should not follow the line of a flowing stream, with, as is said in the printed statement of the case of Pakistan, such geographical variations of that stream as may result from changes occurring in the course of the river.

There is of course the fact that in the description of the award the channel of the river Mathabhanga is mentioned as taking off from a point in the north-western corner of the district of Nadia. But the purpose of mentioning the area from which the river is flowing should be taken as being made more for an identifying purpose than for establishing any fixed point of off-take.

The boundary line in question shall therefore follow not a rigid line from the off-take of the river Mathabhanga but the middle line of the main channel as it is flowing, down to the northernmost point where the channel meets the boundary between the thanas of Daulatpur and Karimpur.

The boundary line running along the boundaries between the districts of Rajshahi and Murshidabad and the districts of Rajshahi and Nadia must be connected with the boundary line beginning where the channel of the river Mathabhanga takes off from the river Ganges. The whole boundary-line must of course be continuous. A connecting boundary line must therefore be drawn, from the
boundary line going along the district boundaries aforementioned, to the beginning of the boundary line formed by the middle line of the main channel of the river Mathabhanga beginning at the off-take of the river Mathabhanga as described. This connecting boundary line must follow the shortest way from the beginning of the middle line of the main channel of the river Mathabhanga to the boundary line between the districts of Rajshahi and Nadia.

My conclusion is therefore that the boundary between India and Pakistan shall run along the middle line of the main channel of the river Mathabhanga which takes off from the river Ganges in or close to the north-western corner of the district of Nadia at a point west-south-west of the police station and the camping ground of the village of Jalangi as they are shown on the air photograph map of 1948, and then flows south-wards to the northernmost point of the boundary between the thanas of Daulatpur and Karimpur.

The point of the off-take of the river Mathabhanga shall be connected by a straight and shortest line with a point in the midstream of the main channel of the river Ganges, the said latter point being ascertained as on the date of the award or if not possible as on the date of the demarcation of the boundary line in Disputa I. The said point so ascertained shall be the south-eastern-most point of the boundary line in Dispute I, this point being a fixed point.

Algot Bagge.

Appendix IX

The Opinion of the Chairman on Dispute No. III

The case submitted in this dispute on behalf of the Government of India is that India claims the portion of the forest being to the west of the boundary line demarcated on the map ‘A’ attached to the award. The case submitted on behalf of the Government of Pakistan is that the true interpretation of paragraph 13 in the award is a boundary running along the eastern boundary of the Patharia Hills Reserve Forest from the point at which the boundary between thanas Kulaura and Patharkandi, as determined by the award, cuts the south-eastern boundary of the Reserve Forest northward up to the point at which the eastern boundary of the Reserve Forest meets the southern boundary of thana Karimganj.

According to the award the line shall be drawn along the boundary between the thanas of Patharkandi and Barlekha, and then along the boundary between the thanas of Karimganj and Barlekha, and then along its boundary between the thanas of Karimganj and Beani Bazar.

The thana of Patharkandi did not exist as such until 1922 and the thana of Barlekha was constituted in 1940. Before that there existed two thanas, viz.,
Jaldhup and Karimganj, which had a common boundary. This boundary coincides with the line delineated on the map ‘A’ by Sir Cyril Radcliffe. In 1920 the Patharia Hills Reserve Forest was formed. It appears from the description of the boundaries of the forest that the boundary line of Jaldhup thana cut the forest into two, the major portion being to the east of the boundary line and a small portion to the south-west. In 1922 Patharkandi which was till then an outpost of the Karimganj thana was converted into a thana. The west boundary of Patharkandi was described *inter alia* as Patharia Hills in thana Jaldhup, In the same notification the east boundary of Jaldhup was described *inter alia* as Patharia Hills of thana Karimganj and Patharia Hills of thana Patharkandi. By a notification of May 28th 1940 the thana of Jaldhup was split up into two thanas, namely Barlekha and Beani Bazar. The eastern boundary of thana Barlekha was described *inter alia* as the western boundary of the Patharia Hills Reserve Forest. The Jaldhup portion of the forest was not included in the thana of Barlekha or in the thana of Beani Bazar. No corresponding notification of the thana of Patharkandi was made including this portion within its ambit.

The Government of India base their case on the facts that when the thana of Jaldhup was split up into two thanas, namely, Barlekha and Beani Bazar, and when the notification of 1940 constituted these thanas and described their boundaries, the Jaldhup portion of the forest was excluded from the new thana of Barlekha. Sir Cyril Radcliffe has in his award described the Inter-Dominion line in terms of thana boundaries. The line shall run along the boundary between the thanas of Patharkandi and Barlekha. Sir Cyril’s line of demarcation in his Map ‘A’, which is attached to the award, leaves, however, the portion of the forest thus excluded from Barlekha as if it were in Barlekha. For the purpose of illustration Sir Cyril adopted the map of 1937. But he has provided that in case of any divergence between the map and his description, the description will prevail.

The Government of Pakistan submits as a basis for their claim to the whole of Patharia Hills Reserve Forest as follows: For a number of years up to the date of the award and thereafter when occasion arose for the exercise of police jurisdiction within the boundaries of Patharia Hills Reserve Forest, such jurisdiction was exercised by thana Jaldhup up to 1940 and thereafter by thana Barlekha. In the year 1934, when a circle map of Patharkandi Circle was made, that circle did not extend to any part of Patharia Hills Reserve Forest. In the year 1941, the official Census Report included in thana Barlekha persons resident within the boundaries of that forest.

As regards especially Barlekha the Government of Pakistan Submit:

(a) That while the expression “along the boundary between the thanas of Patharkandi and Barlekha” in paragraph 13 of the Award is unambiguous,
the delineation of that boundary in the map ‘A’ attached to the Award is incorrect in that it does not show the boundary as stated in the Award; and that, in accordance with the terms of paragraph 14 of the Award, the description of the boundary in paragraph 13 of the Award must prevail;

(b) that the description of the eastern boundary of thana Barlekha in the preliminary notification, dated 2nd September 1938 and in the final notification, dated 28th May, 1940, was made by error; and the said notification was not made in accordance with the requirements of Rule 203 of the Assam Police Manual and the form thereby prescribed and was therefore illegal; and that it was also not acted upon.

(c) that if, on the other hand, the said notification is a valid and effective notification to alter the boundaries of thana Barlekha, there was, in such a case at the date of the Award, no common boundary between thana Barlekha and thana Patharkandi.

As regards the claim of India to the Jaldhup portion of the forest excluded from Barlekha by the notification of 1940 and Pakistan’s claim to that same portion it is established that there does not exist nor did it exist at the time of the award any such common boundary between the thanas of Patharkandi and Barlekha as provided in the award.

The boundary cannot therefore be decided only by reading the description in the award. It is true that generally the map ‘A’ attached to the award only serves the purpose of illustration, but this principle involves a description in the award which is complete and which makes it possible to draw the line after it.

If the description is incomplete we must be allowed to use the map not only as an illustration to the description but also as affording the necessary completion of the description.

The Government of India has submitted that regard should be had to the prescription in the award that so much of the district of Sylhet as lies to the west and north of the described boundary line i.e. inter alia, the line running along the boundary between the thanas of Patharkandi and Barlekha, shall be detached from the Province of Assam and transferred to the Province of East Bengal. This submission does not seem to solve the difficulty, as no such common boundary between the thanas: Patharkandi and Barlekha does exist and the boundary line as demarcated on the map has been drawn along the old common boundary line between the thanas of Patharkandi and Jaldhup. With regard to that fact and to the fact that the description provides a common thana boundary line the Jaldhup portion of the forest must be treated as if it belonged to the thana of Barlekha.
As to the claim of Pakistan to the portion of the forest situated in the thana of Karimganj, I cannot find that what has been put forward as arguments for such a claim are convincing. Even if there may have been police jurisdiction by the thana Barlekha exercised somewhere in the forest neither this nor the other circumstances relied on by the Pakistan Government can be considered to constitute a boundary thana line as provided in the description of the award. Even here replies what has been said as regards the portion of the forest claimed by India, (sic)

My conclusion is therefore that the line indicated in the map market ‘A’ attached to the award is the boundary between India and Pakistan.

Algot Bagge

Appendix XII

The Opinion of the Chairman on Dispute No. IV.

The case submitted in this dispute on behalf of the Government of Pakistan is that the black line on the map marked ‘A’ attached to the award, going from Gobindapur to Karimganj town, just passing under a figure 32 on the map ‘A’ shall form the boundary line between East Bengal and Assam. As to the boundary line delineated on the map from Karimganj to the boundary between the districts of Sylhet and Cachar the Government of Pakistan concede that this part of the boundary line is following a river which for equitable reasons may be deemed to be the river Kusiyara.

The case submitted by the Government of India is that the red line delineated in the map ‘A’ attached to the award as going from Gobindapur over Birasri to Karimganj town and continuing to the boundary between the districts of Sylhet and Cachar shall be the boundary line between East Bengal and Assam.

The base of the contention of the Government of Pakistan is that the course of the river Kusiyara is running as shown by the black line aforementioned on the map ‘A’ until the little stream Noti Khal which is joining the river Kusiyara with the river which further on meets the boundary between the districts of Sylhet and Cachar and which river for equitable reasons may be deemed to be the river Kusiyara.

The base of the claim of the Government of India is that the course of the river Kusiyara is running along the red line aforementioned, delineated on the map ‘A’. There is in fact a certain confusion as regards the name of the river which according to the description and the map shall be taken as the boundary between India and Pakistan from the point where the boundary between the thanas of Karimganj and Beani Bazar meets this river until the point where the river meets the boundary between the districts of Sylhet and Cachar.
The river which the boundary delineated on the map ‘A’ is following, has, according to evidence produced, been called from time to time Kusiyara or Boglia or Barak, and the last stretch of the river which according to the Government of Pakistan ought to be taken as the boundary for arriving at a just and reasonable implementation of the dominant intention of Sir Cyril Radcliffe is on the map itself called the Boglia river.

On the other side the name of Kusiyara has been used also for the river relied upon by the Government of Pakistan which river through a stream called Noti Khal is connected with the river which on the map ‘A’ is marked Boglia.

It seems to me that under such circumstances the name of the river used in the description does not give in itself a sufficient guidance. The fact, that Sir Cyril Radcliffe has in delineating the boundary followed the first-mentioned river, must then be taken as a sufficient proof that, this river is the river referred to in the description.

My conclusion in therefore that from the point where the boundary between the thanas of Karimganj and Beani Bazar meets the river described as the Sonai river on the map ‘A’ attached to the award (Gobindapur) up to the point marked ‘B’ on the map (Birasri) the red line indicated on the map is the boundary between India and Pakistan.

From the point ‘B’ on the map the boundary between India and Pakistan shall turn to the east and follow the river which according to the map runs to that point from the point on the boundary line between the districts of Sylhet and Cachar which has been marked ‘C’ on the map.

Algot Bagge
2749. Extract from the decisions taken at the 14th Meeting of the Chief Secretaries of East and West Bengal held at Calcutta on April 21, & 22, 1950 with regard to the Enclaves.

(3) Administrative difficulties arising in connection with the East Bengal enclaves in Cooch Behar and vice versa were considered. The Chief Secretaries agreed to recommend to their respective Governments that in the interest of administrative convenience the question of exchange of these enclaves should be considered at a very early date. For this purpose the two Governments should exchange their preliminary suggestions with a view to a detailed joint examination and possibly also a joint local inspection at a later date.

A. AHMED S. N. Ray
Chief Secretary, East Bengal Chief Secretary, West Bengal
23-4-1950.

2750. Letter from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs.
Karachi, June 19, 1950.

No. I A.7/20/49

Government of Pakistan
Ministry of Foreign Affairs and Commonwealth Relations.
Karachi

From: The Secretary to the Government of Pakistan,
Ministry of Foreign Affairs and Commonwealth Relations,
Karachi.

To: The Secretary to the Government of India,
Ministry of External Affairs,
New Delhi.

Subject: Demarcation of the disputed boundary between East Bengal and Assam.

Sir,
With reference to paragraph 24 of letter from the Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations, No.IA.7/20/49, dated
the 27th April 1950, I am directed to say that in dispute No.III, i.e. the dispute regarding Patharia Hills Reserve Forest, the red line indicated in the map ‘A’ attached to the Award given by Sir Cyril Radcliffe on the 13th August 1947, has been fixed by the Bagge Tribunal as the boundary between East Bengal and Assam. It is necessary to demarcate the line as early as possible. In the absence of the demarcation of the boundary, which runs through the forest, it is difficult for both the Governments to administer their parts properly, and difficulties and misunderstandings arise every now and then.

2. In the dispute regarding the course of the Kusiyara River, the decision of the Tribunal is as follows:

“From the point where the boundary between the thanas of Karimganj and Beani Bazar meets the river described as the Sonai river on the map ‘A’ attached to the Award given by Sir Cyril Radcliffe in his Report of August 13th, 1947, (Gobindapur) up to the point marked ‘B’ on the map (Birasri) the Red line indicated on the said map is the boundary between India and Pakistan.

From the point ‘B’ the boundary between India and Pakistan shall turn to the east and follow the river which according to the said map runs to that point from the point ‘C’ marked on the said map on the boundary line between the districts of Sylhet and Cachar”.

3. It is also necessary that the boundary line as fixed by the Tribunal from near Gobindapur on the River described as Sonai up to Birasri on the bank of the northern river which has been found by the Tribunal to be Kusiyara River should also be demarcated by clear boundary marks in order to remove all doubts and misunderstandings in the minds of the local people and the two Administrations regarding the boundary between East Bengal and Assam in this area.

4. In these circumstances, I am to request you to be good enough to take early steps for a joint demarcation of the boundary between East Bengal and Assam in the disputed areas according to the decisions of the Indo-Pakistan Boundary Disputes Tribunal. According to para. 2(3) of Appendix V of the Agreement concluded between the representatives of the two countries at New Delhi in December 1948, demarcation of these boundaries may be made jointly by the experts of both the countries. Subject to the above stated general principles to be followed in demarcating the boundaries, the other details of survey and demarcation may be settled by the survey experts of Pakistan and India by a joint discussion. For this purpose the Survey General of Pakistan
may be allowed to correspond direct with the Surveyor General of India, if the Government of India have no objection.

5. An early reply will be much appreciated.

I have the honour to be
Sir
Your most obedient servant

(A.A.Shah)
for Secretary to the Government of Pakistan

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2751. Note from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.
Karachi, June 30, 1950.
Office of the High Commissioner for India in Pakistan,
New Town, Karachi


Subject :- Facilities for survey staff of Assam Government for survey on the left bank of Surma River and the boundary between Cachar and Sylhet Districts.

The Indian High Commission present their compliments to the Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations and with reference to the Ministry’s Note No. IA.3/3/50, dated the 10th April, 1950, have the honour to state there is no question of demarcation of boundary between Assam and East Bengal. All that the Government of Assam require is that their survey and settlement staff may be afforded facilities by the Government of East Bengal to cross over to the stages of resettlement Operations in Cachar District.

In view of the position as explained above, it is hoped that the Government of Pakistan will instruct the Government of East Bengal to give the required facilities to the Survey and resettlement staff of Assam.

The High Commission avail themselves of this opportunity to renew to the Government of Pakistan the assurances of their highest consideration.

The Ministry of Foreign Affairs and Commonwealth Relations,
Government of Pakistan, Karachi.

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Note from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.

Karachi, July 20, 1950.

Office of the High Commissioner for India in Pakistan,
New Town, Karachi.

No. Poll. I/50.-II 20 July, 1950

Subject: Facilities for survey staff of Assam Government for survey on the left bank of Surma River and the boundary between Cashar and Bylhet Districts.

The Indian High Commission present their compliments to the Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations and in continuation of this High Commission Note of even number dated the 30th June, 1950, have the honour to state that the Government of India have received a report from the Government of Assam which says that the deputy Commissioner Sylhet has raised a claim to a portion of the Stream of Surma River from Katagaonmukh to Natanpur. It is not understood on what grounds the claim has been advanced. The entire Surma River (from Katagaonmukh to Natanpur) where it is the boundary between Cachar and Sylhat Districts falls entirely within the Cachar District. The District notification of 1928, the settlement report of 1914-18, village Maps, Ferries, Fisheries, etc. bear this out conclusively. Although the Survey of India have shown in their typographical map that the mid-stream is the district boundary and although Mr. Creed's map of 1937 used by Sir Gyrl Radcliffe for the purpose of illustrating his award repeats the mistake made by the Survey of India, these mistakes do not affect the actual position. According to the Radcliffe Award where there is a divergence between the description and the map used for purposes of illustration, the description will prevail.

2. In view of what is stated above and since the entire Surma River has been within the jurisdiction of India, the local authorities have been directed by the Government of India to take effective steps to maintain this jurisdiction. It is requested that the Government of Pakistan may kindly instruct the East Bengal Government and the Deputy Commissioner, Sylhet, to maintain the status quo pending demarcation of the boundary.

3. The High Commission would further be very grateful if the Government of Pakistan could kindly arrange the grant of facilities required by the Survey and Resettlement staff of Assam.
The High Commission avail themselves of this opportunity to renew to the
Government of Pakistan the assurances of their highest consideration.

The Ministry of Foreign Affairs and
Commonwealth Relations,
Government of Pakistan Karachi.

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2753. Minutes of the meeting held in Shillong on the 22nd July,
1950 between the Director, Eastern Circle of the Survey of
India and Surveyor General of Pakistan in the room of Chief
Secretary Assam on the subject of the demarcation of the
disputed and undisputed portions of the Assam/East
Bengal Boundary.

Present:
India Representatives
Mr. S.P. Desai, Chief Secretary, Assam.
Col. R.T.L. Rogers, Director, Eastern Circle, Survey or India.
Mr. N. Phukan, Director of Land Records & Surveys, Assam.
Mr. A.P. Datta, Deputy Director of Survey of Assam.

Pakistan Representatives
Khan Bahadur S.A. Majid, Director of Land Records & Surveys, East Bengal.
Mr. M. Alauddin, Deputy Director of Surveys, East Bengal.

The Conference first of all decided that the discussion should be separate; first
on the points in dispute before Bagge Tribunal and secondly as regards the
rest of the Indo-Pakistan boundary extending from the trijunction of Cooch
Behar - Goalpara and Rangpur to Lushai Hills.

2. As regards the Kusiyara dispute before the Bagge Tribunal, India
representatives stated that the dispute was with regard to the identity of the
Kusiyara river and that the red line drawn by Sir Cyril Radcliffe symbolised the
common thana boundary between Karimganj and Beanibazar and that point B
represented the point where the common thana boundary between Beanibazar
and Karimganj cut the Kusiyara river. The Bagge decision was relevant for
determining the identity of the Kusiyara river and the demarcation in regard to that decision should be taken up to the point where the common thana boundary cut the Kusiyara river.

3. The view expressed by the Pakistan representatives was that the red line on Sir Cyril Radcliffe’s map was the boundary and that point B as it stands on the Radcliffe map was in fact accepted by the Bagge Tribunal as being near Birasri. The opinion of the Indian Member of the Bagge Tribunal in this regard was clearly stated by him in paragraph 18, Appendix X of the Award of the Bagge decision which is as follows: -

“I may add a word about the boundary line proceeding north from the north-western corner of the Patharia Hill Forest up to the point B in the map (near Birasri). There are no adequate grounds for holding that this is not a correct delineation of the boundary. Therefore, this portion of the western boundary line as shown in Sir Cyril’s award map will also stand."

They stated that the dispute No.4 before the Bagge Tribunal did in fact affect the whole boundary from Sonai river to point C of Sir Cyril Radcliffe’s map and the alignment of the boundary between river Sonai and Kusiyara was therefore a material and essential part of dispute No.4. They had no brief to interpret the words of the Bagge decision in any way other than literally, that is, that the red line indicated in the map A is the boundary between India and Pakistan.

4. The India representatives said that from the decision of Bagga Tribunal it was clear that the boundary was the common boundary between Beanibazar and Karimganj and the red line remained to symbolise this.

5. So far as the Patharia Reserve was concerned the India representatives said that the Radcliffe line represented a common thana boundary between Patharkandi thana and its western neighbour. Since the abolition of Jaldhup and the constitution of Barleka in this portion, the Jaldhup portion of the forest had been neither in Barleka police station as notified nor in Patharkandi police station as notified. The map used by Sir Cyril Radcliffe was prepared in 1937 and showed the then existing common boundary between Patharkandi and its western neighbour Jaldhup. Lord Justice Bagge had also stated that the line on the Radcliffe map corresponded to the common boundary line between Jaldhup and Patharkandi. The Bagge line therefore meant the old Jaldhup - Patharkandi line for the demarcation of “which the thana notification illustrated by thana jurisdiction maps on the 1" to 1 mile scale were the relevant material.

6. The Pakistan representatives said that they had no authority to argue a case or to discuss the interpretation of the Bagge decision. Their brief was to implement the literal interpretation of the Bagge decision which was understood by them to be the legal interpretation.
7. The India representatives asked whether it was the Pakistan case that the Bagge line had no connection with the thana jurisdiction and the Pakistan representatives replied that they had nothing to further to add to what they had already stated.

8. After some discussion it seemed quite clear that the only hope of progress lay in the Indian Government and the Pakistan Government agreeing on the correct interpretation of the Bagge decision in respect of disputes III and IV as Pakistan stood for acceptance of the red line in its position on the Radcliffe map whereas India maintained that it only symbolised the common thana boundaries described in the Radcliffe award.

9. As regards the demarcation of the undisputed portion of the entire Assam-East Bengal boundary it was contended on behalf of India that the boundary notifications valid on the 15th August, 1947 together with the connected records and maps should be the basis for demarcating the boundary. The Pakistan representatives maintained that these records should be the guiding principle but not necessarily the sole basis for demarcation.

10. The Surveyor General of Pakistan and the Director, Eastern Circle agreed that technical implementation of decision reached by the Governments of India and Pakistan as to the alignment of the disputed portions of the boundary would not be difficult and could be settled at a later date.

Shillong, 25.7.1950.

(C.A.K. WILSON)
COLONEL
SURVEYOR GENERAL OF PAKISTAN

(R.T.L. ROGERS)
COLONEL
DIRECTOR, EASTERN CIRCLE
SURVEY OF INDIA
Letter from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs.

New Delhi, August 17, 1950.

No.F.22-10/50-PakIII. the 17th August 1950

Government of India,
Ministry of External Affairs
New Delhi

From : The Secretary to the Government of India.

To : The Secretary to the Government of Pakistan,
Ministry of Foreign Affairs & Commonwealth Relations,
Karachi.

Subject: Demarcation of the disputed boundary between East Bengal and Assam.

Sir,

I am directed to refer to your letter No. IA.7/20/49 dated the 19th June, 1950, on the subject mentioned above and to say that the Government of India agree that the boundaries in dispute No.III regarding the Patharia Hills Reserve Forest and in dispute No.IV regarding the course of the Kusiyara river, which were referred to the Indo-Pakistan Boundary Disputes Tribunal, should be demarcated as early as possible and that, in accordance with paragraph 2(3) of Appendix V of the Inter-Dominion Agreement of December, 1948, the demarcation of these boundaries should be made Jointly by the experts of the two countries.

2. As regards dispute No.III concerning the boundary in the Patharia Hills reserve forest, the Government of India consider that it will be a simple matter for the boundary to be laid on the ground. This is to be done in accordance with the description in the Radcliffe Award and as illustrated on the map annexure ‘A’ to that Award. It would assist the survey experts of the two countries in carrying out the demarcation if they could be provided with the relevant Thana notifications and Thana jurisdiction maps relating to the common boundary between Thana Patharkandi and the Thana lying immediately to its west in this part of the forest at the time the map used by Sir Cyril Radcliffe for purposes of illustration was first prepared and printed by Assam Survey Department. The Government of India will shortly forward to the Government of Pakistan details of these notifications etc. for their concurrence.
3. As regards Dispute No. IV concerning the course of the Kusiyara river, the Government of India are surprised that while no mention is made regarding the demarcation of the boundary along the course of the river Kusiyara, which was the point in dispute, the Government of Pakistan have suggested the demarcation of the boundary “from near Gobindpur on the river described as Sonai up to Birasri on the bank of the northern river which has been found by the Tribunal to be the Kusiyara river”. The dispute referred to the Tribunal concerned and was limited to the boundary along the course of the river Kusiyara. The portion of the boundary between the river Sonai and the river Kusiyara was never in dispute, was not referred to the Indo-Pakistan Boundary Disputes Tribunal for adjudication and was at no time mentioned in the arguments advanced on behalf of India or Pakistan before the Tribunal. Although the Tribunal have in the first Paragraph of their decision regarding this dispute mentioned that the red line indicated on the map annexure ‘A’ to the Radcliffe Award is the boundary between India and Pakistan, this part of the decision is merely by way of recital, goes beyond the scope of the reference made to the Tribunal, forms no part of the decision and is consequently not binding on the parties. The position is that the red line on the map annexure ‘A’ to the Radcliffe Award does not correctly represent the boundary between the thanas of Karimganj and Beani Bazar as described in the Award. The correct boundary runs from a point on the river Sonai a little to the south west of Gobindpur to a point on the river Kusiyara a considerable distance west of the point marked ‘B’ in the map annexure ‘A’. According to the Radcliffe Award where there is a divergence between the description and the map which has been used for purposes of illustration, the description will prevail. This portion of the boundary must, therefore, be demarcated in accordance with the description contained in the Radcliffe Award and the demarcation in accordance with paragraph 3(2) of Appendix V of the Inter-Dominion Agreement of 1948, is to be made jointly by the Directors of Land Records of East Bengal and Assam. It may be added that the Government of Assam are and have throughout been in possession of the entire area up to the boundary as described in the Radcliffe Award.

4. Although the Government of Pakistan have not mentioned the demarcation of the boundary along the course of the river Kusiyara in their letter under reply, the Government of India consider that the decision of the Indo-Pakistan Boundary Disputes Tribunal in respect of this dispute should be implemented by the demarcation of this boundary jointly by the experts of the two countries as early as possible.

5. The Government of India have no objection to the Surveyor-General of Pakistan and the Surveyor-General of India corresponding directly with each other to settle the details of survey and demarcation. They may also hold such joint discussions on the subject as may be necessary. The Government of
India is issuing instructions to the Surveyor-General of India accordingly and it is requested that similar instructions may kindly be issued by the Government of Pakistan to the Surveyor-General of Pakistan.

5. The Government of India believe that the earliest and most suitable time for the demarcation of the boundary in these two disputes will be the cold weather of 1950-51 and trust that the survey experts of India and Pakistan will complete their arrangements and be able to carry out the demarcation during this period. The Surveyor-General of India is being instructed accordingly.

Yours, faithfully

for Secretary to the Government of India

2755. Extract from the proceedings of the Seventeenth Chief Secretaries Conference held at Dacca on the 29th and 30th August, 1950.

I (m) —Difficulties regarding Enclaves (Cooch Behar - Rangpur).

As regards visits by officers of Cooch Behar, Dinajpur & Rangpur to their respective enclaves, it was agreed as follows:—

(1) That officers likely to pay such visits should be given identity cards (bearing the Photo of the holder) by their respective District Officers.

(2) That whenever any such officer wants to visit an enclave situated in the territory of the other Government, the District Magistrate concerned or the Deputy Commissioner will telegraph to his opposite number stating the name and designation of the officer who wants to visit the enclave, the name of the enclave and the route which the officer will follow, at least 15 days before the projected visit. The District Magistrate or Deputy Commissioner, as the case may be, will thereupon arrange for such officer to be escorted to the enclave in question through his own territory. Similar arrangements will be made for the return journey.

Whenever under these arrangements, it is necessary to send a police party to an enclave, such a party should be accompanied by a police officer not below the rank of A.S.I. who should hold an identity card and carry with him a list of names of members of his party who should all be in uniform but should not
carry any arms. The same procedure should be followed in regard to sending supplies of mustered and kerosene oil, sugar, matches, cloth and medicines and medical appliances, provided that such supplies are sent in bulk at intervals of not less than one month. The Officer (either Government or of a local body) accompanying the consignment should carry an identity card and a list of commodities indicating the quantities in each case of the goods he is carrying.

As regards revenue collections, the total amount in respect of each enclave will be intimated to the other Government, and Revenue Officers’ visits to enclaves under the arrangement described in para (2) above will be at intervals of not less than six months, to take out of the enclaves amount not in excess of the revenue demands from that area, provided also that such amounts are verified and sealed at the border in the presence of the officer of the Government through whose territory the money will pass.

Note from the Editor:

The above decisions were taken in view of the under mentioned difficulties pointed out by Pakistan at the 16th Chief Secretaries Conference held from May 23 to May 26, 1950.

Item 5:—Difficulties experienced in the matter of administration of enclaves.

The Chief Secretary, East Bengal, stated that in connection with the administration of Pakistani enclaves in Cooch-Behar the following difficulties were reported to have been experienced:—

(i) Pakistani officers are not allowed to visit those enclaves since they have to pass through Indian territories.

(ii) The inhabitants of Pakistani enclaves are prevented from visiting hats in Pakistan wherever they have to do so by crossing Indian territory.

(iii) Essential commodities such as mustard oil and salt cannot be dispatched from Pakistan to these enclaves in Cooch-Behar where they are reported to be in short supply since they have also to cross Indian territory. The Chief Secretary, West Bengal, said that he would look into these difficulties.
Letter from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs.
Karachi, September 27, 1950.

No.IA.7/20/49.

Government of Pakistan
Ministry of Foreign Affairs & Commonwealth Relations
Karachi

From: The Secretary to the Government of Pakistan,
Ministry of Foreign Affairs & Commonwealth Relations
Karachi

To: The Secretary to the Government of India,
Ministry of External Affairs,
New Delhi.

Subject:- Demarcation of the disputed boundary between East Bengal and Assam.

Sir,

I am directed to refer to your letter No.F.22-10/ 50-Pak-III, dated the 17th August 1950, on the above subject, and to say that while in para 3 of their letter No. IA.7/20/49, dated the 19th June, 1950 the Government of Pakistan emphasised the need for demarcating the boundary line from near Gobindapur on the river described as Sonai upto Birasri, in para 4 of that letter they requested the Government of India to take early steps for the joint demarcation of the boundary between East Bengal and Assam in the disputed areas according to the decisions of the Indo-Pakistan Boundary Disputes Tribunal.

2. Pursuant to the Inter-Dominion Agreement of 14th December 1948, the Indo-Pakistan Boundary Disputes Tribunal was set up for the adjudication and final settlement of the following East Bengal and Assam boundary disputes in addition to the other two East Bengal and West Bengal Boundary disputes arising out of the interpretation of the Radcliffe Award and for demarcating the boundary accordingly:-

(i) the Patharia Hills Reserve Forest; and
(ii) the course of the Kusiyara River.

With regard to the dispute at (i) above, the Tribunal having carefully considered the cases, oral arguments, documents and maps presented by either side gave the following decision:-
“The red line indicated in the map ‘A’ attached to the Award given by Sir Cyril Radcliffe in his report of August 13th, 1947, is the boundary between India and Pakistan.”

In the circumstances, the Government of Pakistan consider that it is not open to either party to dispute the decision or decisions of Indo-Pakistan Boundary Disputes Tribunal add, therefore, regret that they cannot accept the Government of India's contention that the boundary in this case is to be demarcated in accordance with the description in the Radcliffe Award and as illustrated on the map annexure ‘A’ to that Award. The Government of Pakistan further, consider that the survey experts of the two Governments should strictly follow the literal interpretation, which is the correct and legal interpretation of the Tribunal’s decision and lay down the boundary on the ground in the position the Red line indicates on the said map.

3. Similarly, the Government of Pakistan are unable to accept the contentions of the Government of India with regard to the decision of Indo-Pakistan Boundary Disputes Tribunal in the case of 2 (ii) above; viz;

“(a) The dispute referred to the Tribunal concerned and was limited to the boundary along the course of river Kusiyara.”

“(b) Tribunal’s decision so far as it refers to the boundary from near Gobindapur on the river described us Sonai upto to Birasri, is merely by way of recital, goes beyond the scope of the reference made to the Tribunal, forms no part of the decision and is consequently not binding on the parties.”

As regards (a) above, the Government of Pakistan consider that the dispute regarding the identity of River Kusiyara really involved a dispute regarding the triangular area of land bounded on the south by the River which the Bagge Tribunal found to be the River Sonai, on the north by River which the Bagge Tribunal found to be the River Kusiyara, and on the west by the red line from Gobindapur to Birasri which was shown in the Radcliffe map as the boundary between East Bengal and Assam in this area. That being so; it; was very necessary for the Bagge Tribunal to make an Award regarding the boundary between East Bengal and Assam in this disputed area. India never stated at any time before the Bagge Tribunal that this red line shown in the Radcliffe map was incorrect. As a matter of fact, in the claim map signed by the Chief Secretary, Assam, which was filed by India before the Indo-Pakistan Boundary Disputes Commission (Moazzamuddin Hossan -Rohini Choudhury
Commission) on 21st April, 1948, this red line from near Gobindapur to Birasri was shown as the line claimed by India as the boundary between East Bengal and Assam in this area. On 22nd February, 1948 again a second map signed by the Chief Secretary, Assam, on behalf of India, was filed before the same commission in modification of the previous claim map, but on that the same red line from Gobindapur to Birasri was shown by India as the boundary line between Pakistan and India as claimed by India.

As Assam claimed before the Indo-Pakistan. Boundary Disputes Commission this red line (from Gobindapur to Birasri) as shown in the Radcliffe map as the boundary between East Bengal and Assam in this area, and as India did not contend at any time during the hearing of dispute No. IV by the Bagge Tribunal that this red line shown in the Radcliffe map was not the correct line, it is obviously not open to India now to dispute the decision of the Bagge Tribunal regarding the boundary between East Bengal and Assam in this area. As a matter of fact both India and Pakistan argued the case before the Indo-Pakistan Boundary Disputes Tribunal in dispute No. IV on the assumption that in this area the red line from Gobindapur to Birasri as shown in the Radcliffe map would be the correct boundary line between Pakistan and India if the northern river were held, by the Tribunal to be the Kusiyara River. Even Mr. Justice Chandrasekhar/Aiyar, India representative in the Bagge Tribunal, observed as follows, In his opinion regarding the dispute No. IV,

“I may add a word about the boundary line proceeding north western corner of the Patharia Hills upto the point ‘B’ in the map (near Birasri). There are not adequate grounds for holding that this is not a correct delineation of the boundary. Therefore, this portion of western boundary line as shown in Sir Cyril Radcliffe’s Award map will also stand”.

With reference to (b) above the Government of Pakistan wish to invite the attention of the Government of India to the following observation of Mr. justice Chandrasekhara Aiyar which seems to provide an answer to this contention:–

“The argument that under our terms of reference we have only to find out the course of River Kusiyara and not to determine whether BC was properly determined as the boundary by Sir Cyril needs no serious attention, much less refutation. It is because of dispute between the two Dominion as regards BC that we have been asked to state or determine what is the course of the river. It is not for purposes of abstract geography of history or in the interests of antiquarian research that this Tribunal has been constituted,”
4. The wordings of Indo-Pakistan Boundary Dispute Tribunal Award are quite clear and the Government of Pakistan have accordingly instructed the Surveyor General of Pakistan to settle with the Surveyor General of India the details of survey and demarcation of the boundaries in the above two areas in accordance with the literal interpretation of the Award and hope that the Government of India will also reconsider the matter and in view of the importance of the early implementation of the decisions of the Indo-Pakistan Boundary Disputes Tribunal similarly instruct the Surveyor General of India.

I have the honour to be
Sir
Your most obedient servant

(A.A. Shah)
for Secretary to the Government of Pakistan

2757. Note from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.

Karachi, November 20, 1950.

Office of the High Commissioner for India in Pakistan
New Town, Karachi

No. Poll. I/50./II Dated the 20th November, 1950

Subject: - Facilities for survey staff of Assam Government for survey on the left bank of Surma river and the boundary between Cachar and Sylhet Districts.

The Indian High Commission in Pakistan present their compliments to the Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations, and in inviting a reference to this High Commission Note of even number dated the 14th July, 1950, have the honour to state that while a reply to this Note is still awaited, a report received by the Government of India from the Government of Assam Indicates that Pakistan boats have been attempting to force a passage along the Surma between Kataganjmukh and Natanpur without submitting themselves to Indian Customs and other examinations. As already intimated to the Government of Pakistan in this Mission’s Note of 14th July, the whole of the Surma River between Kataganjmukh and Natanpur falls
within the Jurisdiction of India. The local authorities have, therefore, been
instructed to take effective measures to maintain the jurisdiction.

It is requested that the Government of Pakistan may kindly instruct the East
Bengal Government to take effective measures against any Pakistan boats
attempting to force a passage through this portion of the Surma without
submitting themselves to Indian Customs and other Examinations.

The High Commission avail themselves of this opportunity to renew to the
Government of Pakistan the assurances of their highest consideration.

The Ministry of Foreign Affairs &
Commonwealth Relations,
Government of Pakistan, Karachi.

2758. Letter from the Government of West Bengal to Ministry of
External Affairs.

Calcutta, January 13, 1951.

Government of West Bengal
Home (Political) Department
Commonwealth Relations Section

From: Sri S. H. Ray, I.C.S.,
Chief Secretary to the Government of West Bengal.

To: The Secretary to the Government of India,
Ministry of External Affairs,
New Delhi.

No. 22-C.B.S., dated Calcutta, the 13th January, 1951

Sub: Question of exchange of Cooch Behar enclaves

Sir,

I am directed to address the Government of India on the subject of the exchange
of the enclaves of Cooch Behar in East Bengal with those of the Government
of East Bengal in Cooch Behar.

2. As the Government of India are aware, there are enclaves of the Cooch
Behar district which are situated in Pakistan and enclaves of Pakistan territory
inside the Cooch Behar district. As will be seen; from the enclosed maps these enclaves are like small islands and their administration presents a great deal of difficulty. Cooch Behar Officers are not able to visit enclaves in East Bengal and for this reason land revenue and rents of these enclaves have remained uncollected over many years. The inhabitants of the enclaves find themselves in great difficulty in regard to essential supplies such as kerosene and matches and practically live by smuggling these articles. Crimes committed in the enclaves are seldom investigated. Both the Governments of West Bengal and East Bengal appreciated these difficulties and agreed at the 14th Chief Secretaries' Conference held at Calcutta on the 21st and 22nd April, 1950 to consider proposals for their exchange An extract from the decisions recorded therein will be found in Annexure I to this letter.

3. The Administrative difficulties, however, became acute in recent months and, as a short term remedy, an agreement was made with the East Bengal Government at the 17th Chief Secretaries Conferences held on the 29th and 30th August, 1950 at Dacca. A copy of this agreement is enclosed for the information of the Government of India (Annexure II).

4. The total number of Cooch Behar enclaves in East Bengal is 130 with an area of 20,957 acres with a total population of 12,602. The number of East Bengal enclaves in Cooch Behar is 93 covering 12,152 acres. The figures of the population are not known but are estimated to be to the order of 11,000. The details of the enclaves will be found in the enclosed Annexure III. The population of the Cooch Behar enclaves in East Bengal consists mostly of Hindus while that of the East Bengal enclaves in Cooch Behar mostly of Muslims.

5. The several Departments of this Government concerned with matters relating to the administration of police, revenue, food and, other supplies and justice and other ancillary subjects in the enclave were consulted and the consensus of opinion, as indicated in the enclosed Annexure IV, is that without an exchange of these Indian enclaves in East Bengal with those of East Bengal in Cooch Behar there can be no satisfactory solution of the problem.

6. The main points for consideration are the following :-

(a) Since the Indian enclaves in East Bengal have an excess area of about 8,800 acres, any exchange must be accompanied by the Government of East Bengal ceding to this Government an additional area of 8,800 acres including the two portions of East Bengal which make inroads of Pakistan territory at the south-eastern and south-western sides of the Cooch Behar district so that the southern boundary of the Cooch Behar district may be straightened out.

(b) A major problem that will arise is the transfer of nationality of the inhabitants of these enclaves. On the Indian side, this Government would certainly
encounter opposition to the transfer of their nationals to Pakistan, since, as already mentioned in paragraph 4 above, the population of the Indian enclaves in East Bengal consists mainly of Hindus and the inhabitants of the Pakistan enclaves in Cooch Behar are mostly Muslims. If the areas are exchanged without exchange of the inhabitants there is the danger that these pockets will remain permanently as small pockets containing disloyal citizens. Therefore, along with the exchange of territory, the question of exchange of population should also be seriously considered.

7. I am now to request that the matter be placed before the Government of India and their views communicated to this Government at as early a date as possible. The detailed examination of the question will be taken after the views of the Government of India have been received.

Yours faithfully
Chief Secretary
To the Government of West Bengal

2759. SECRET
Note recorded by Secretary in the Ministry of External Affairs S. Dutt on the exchange of enclaves with East Pakistan.
New Delhi, March 7, 1951.
Government of India
Ministry of External Affairs
New Delhi
Note for the Cabinet
the 7th March 1951.

Subject: Exchange of Cooch Behar Enclaves in East Bengal with those of East Bengal in Cooch Behar
There are 130 enclaves of Cooch Behar, with an area of 20,957 acres and a population of 12,602, situated in East Bengal. Similarly, there are 93 enclaves of East Bengal, with an area of 12,152 acres and an approximate population of 11,000, situated in Cooch Behar (West Bengal). The population of the Cooch
Behar enclaves within East Bengal consists mostly of Hindus while that of the East Bengal enclaves within Cooch Behar consists mostly of Muslims.

2. Ever since partition the administration of the Cooch Behar enclaves, situated within East Bengal, has been presenting a great deal of difficulty. The enclaves are small islands of West Bengal territory completely surrounded by East Bengal territory so that officers from Cooch Behar have not been able to visit the enclaves and land revenue and rents have remained uncollected for several years. The inhabitants of the enclaves find themselves in great difficulty in regard to essential supplies, such as kerosene and matches, and practically live by smuggling. Crimes committed in the enclaves are seldom investigated. Similar difficulties, must have been experienced by the East Bengal Government also in administering their enclaves situated within West Bengal. At the 14th meeting of the Chief Secretaries of West and East Bengal, held on the 21st and 22nd April, 1950, it was decided therefore, to examine the question of the exchange of the enclaves, and the West Bengal Government have now come up with a proposal for the exchange of these enclaves between India and Pakistan.

3 If it is decided to proceed with the proposal, for the ex-change of the enclaves; a proposal to which there appears to the no alternative due to the difficulty of administering the enclaves the following points will have to be considered:

(i) Whether we should insist upon Pakistan giving us, in addition to the area covered by their enclaves in West Bengal an area, of 8,805 acres adjoining Indian territory to equalise the territories to be exchanged. The view of the Government of West Bengal is that this should be insisted on as not only will such a request be entirely fair, but an exchange of equal area will also be necessary if the persons to be displaced are to be given an equal area, in exchange. The Ministry of External Affairs are inclined to agree with this view.

(ii) Whether an exchange of the enclaves should be accompanied by an exchange of population. The view of the West Bengal Government is that since an exchange of territories will result in a exchange in the nationality of their residents, the Governments of India and Pakistan must enable those residents of the enclaves, who so wish to retain their nationality by bringing them within the revised territorial limits of each State. The most convenient method of affecting this will be by an exchange of population of the enclaves. The Ministry, of External Affairs agree with this view.
4. If an exchange is decided upon it is proposed that the preliminary negotiations for the transfer of the enclaves may be left to the Government of West Bengal to settle with the Government of East Bengal subject to the general guidance of the Government of India. The two Central Governments may reach, a formal Agreement later. Legislation to give effect to the Agreement will have to be executed both by the West Bengal Government and the Government of India in accordance with Art. 3 of the Constitution.

5. The Prime Minister, is in general, agreement with the views mentioned above and has directed that the decision of the Cabinet should be obtained.

(S. Dutt)
Secretary

To
The Cabinet Secretariat,
New Delhi

Meeting of the Cabinet held on Thursday, the 22nd March. 1951, at 9.30 A.M. Case No. 74/14/51. Exchange of Cooch Behar Enclaves in East Bengal with Enclaves of East Bengal in Cooch Behar.

Present

Shri Jawaharlal Nehru, Prime Minister.
Maulana Abul Kalam Azad, Minister of Education
Shri C. Rajagopalachari, Minister of Home Affairs.
Shri Jagjivan Ram, Minister of Labour.
Shri Rafi Ahmed Kidwai, Minister of Communications.
Shri Amrit Kaur, Minister, of Health.
Dr. B.R. Ambedkar, Minister of Law.
Shri N.V. Gadgil, Minister of Works, Production & Supply.
Shri N. Gopalaswami Ayyangar, Minister of States, Transport & Railways.
Shri K. M. Munshi, Minister of Food & Agriculture.
Shri Sri Prakasa, Minister of Natural Resources and Scientific Research.
Shri C.D. Deshmukh, Minister of Finance.
The Cabinet agreed with the principle of exchanging the enclaves and authorised that the West Bengal Government should start exploratory discussions with the East Bengal Government for effecting the exchange. On the completion of those discussions the West Bengal Government should report to the Government of India.

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2760. Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.

Karachi, April 16, 1951.

Government of Pakistan
Ministry of Foreign Affairs
& Commonwealth Relations
Karachi

No. I (I) – 3/3/50 16 April, 1951

Subject: Facilities for the survey staff of the Government of Assam for the survey of the left bank of Surma river and the boundary between Cachar and Sylhet districts.

The Ministry of Foreign affairs and Commonwealth Relations present their compliments to the High Commission for India in Pakistan and with reference to the correspondence resting with their Note No.Poll/1/50.(II), dated the 20th November, 1950, have the honour to state as follows.

1. According to notification No.60, dated 1st July 1880 of the district of Sylhet, the boundary line between Sylhet and Cachar districts runs “along the Barak (or Boglia) river to the junction of the Surma river at the village of Kandigarh, and thence along the Surma river to the village of Karrabella as defined by the Revenue Survey maps of 1864-65”. This divides the Surma river half and half between Sylhet and Cachar. In regard to the Cachar district notification No.3314-R dated 4th October 1928, on which
the Government of India base their claim for the whole of the river Surma in the Cachar district, it is pointed out that the modification of the boundary of Cachar district also involved a corresponding change in the boundary of Thana Karimganj in Sylhet district on the Cachar district border, but no notification was issued modifying the boundary of this Thana. The eastern boundary of Thana Karimganj is defined in the notification No.176-G.J., dated the 10th January 1922 as “Surma river, Boglia river, Kachua Nadi…….” As no new notification of the boundary of Karimganj Thana was made, half the Surma river in that area continued to be included in Karimganj Thana of Sylhet District after 1928 just as before. Again, as late as 1941, defining the boundaries of thana Kanairghat notification No.12550 H, dated the 2nd December 1941, describes the eastern boundary of the Police Station Kanairghat as follows:-

East :The Cachar district boundary to Sylhet the midstream of the Surma river at the South East corner of Nij Karballa (Pargana Mulagul) where it meets the North Sylhet - Karimganj Sub-Division boundary”

The implication of the words “midstream of the river Surma” in this notification is that the common boundary between Sylhet and Cachar in that area was still the midstream of the Surma river. This notification shows that the notification of 1928 was, never acted upon.

(2) It is also not correct to say that Mr. Creed’s map of 1937 used by Sir Cyril Radcliffe for the purpose of illustrating his Award repeats the mistake made by the Survey of India, in as much as the map used by Sir Cyril Radcliffe is not the 1937 edition but the corrected 1947 edition of the official map of Government of Assam published under the authority of the Government and supplied to Sir Cyril Radcliffe.

While defining these boundaries of Cachar District, the notification of 1928 put the whole of the Surma river within the Cachar District. This would of necessity have involved a corresponding change in the boundary of Thana Karimganj in the Sylhet District along the common boundary, but no notification to this effect was issued, nor have the Government of India ever claimed this. If at all this notification of 1928 is accepted as valid (which is doubtful), it is but logical also to accept the later notification of 1941 as valid. Although this notification of 1941 does not refer to that of 1928, yet it is expressly stated therein that the “Government of Assam hereby notify the following more accurate description of the boundaries of the Police station”. From this sentence it is clear beyond doubt that the Government of Assam’s intention was to make the description more accurate, and the Government of Pakistan trust that the Government of India will agree that, therefore, this notification of 1941 is to prevail.

(3) The Government of Pakistan are not in possession of the Settlement Report of 1914-18 and the village maps referred to by the Government
of India. As regards the ferries and fisheries referred to by the Government of India, in the absence of details about particular ferries and fisheries referred to or of the documents relating thereto the Government of Pakistan are not in a position to make any comment, and would be glad as to have copies of such documents as the Government of India may have in support of their contention.

2. As regards the facilities required by the Survey and Settlement staff of Assam, survey and settlement operations have also been started by the Government of East Bengal in the district of Sylhet for the preparation of village maps on the scale of $16" = 1$ mile and records of rights under the Tenancy Act for villages in the district. In the course of the survey operations it be necessary for the East Bengal survey staff and settlement staff to cross the border between Sylhet and Assam and to work on the soil of Assam, where necessary. If, therefore, the East Bengal survey staff is allowed to cross the border, where necessary, and to work on the soil of Assam for the Survey of villages in Sylhet district on the border of Assam, there would be no objection to the survey staff of Assam crossing to Surma river and working on the soil of East Bengal for the facility of their survey work in the district of Cachar.

3. In regard to the statement by the High Commission in their note dated the 20th November 1950, it is pointed out that since partition, the part of the Surma river flowing on the boundary between Cachar and Sylhet district has been used by the nationals of Pakistan as a common water way without any hindrance from Indian nationals and has been treated all along as a common waterway between Pakistan and India. As a matter of fact the river is the main means of communication for Pakistan nationals in the area. It has been reported that, without warning, the rice control staff of Cachar, aided by the police have been blocking the passage of boats of Pakistan nationals along the Surma river. This interference with free passage has caused great hardship to the villagers of the area. The Government of Pakistan therefore, request that instructions should immediately be issued to the Government of Assam to maintain the status quo and not to interfere with the free passage of the boats of Pakistan nationals along this portion of the Surma river till the boundary in the area has been finally demarcated in accordance with para 3(2) of Appendix V of the Inter-Dominion Agreement of December 1948.

The Ministry avail themselves of this opportunity to renew to the High Commission the assurances of their highest consideration.

The High Commission for India
in Pakistan, Karachi.
Agreement between India and Pakistan regarding East – West Bengal Boundary Alignment.

New Delhi, August 21, 1952.

We, the Plenipotentiaries of the Governments of India and Pakistan do hereby accept the alignment of the boundary between India and Pakistan from the off-take of the Mathabhanga to point eleven in sheet seventy-two and from point one of sheet fifty to point ten of sheet seven of the India-Pakistan Boundary (Ganges Area) Series 1952, as defined by the coordinates the agreed list of which is herewith attached.

In witness whereof we have signed each of the pages of the said list.

2. We also accept as correct the delineation of the said portions of the India-Pakistan Boundary on map sheet numbers eighty-five, eighty-four, eighty-one, seventh-eight (seventy-eight), seventy-five, seventy two, fifty, forty-six, forty-seven, forty-four, forty-five, forty-one, thirty-seven, thirty-four, thirty-five, thirty-one, twenty-seven, twenty-three, nineteen, sixteen, thirteen, ten and seven of the India-Pakistan Boundary (Ganges Area) 1952 Series, prepared by the Air Survey Company Ltd. of London, in witness whereof we have jointly signed each original copy of the above-mentioned map sheets.

For the Government of Pakistan:         For the Government of India (Signed)
S. ITAAT HUSAIN                           (Signed) Y. K. PURI
Plenipotentiary                           Plenipotentiary

Agreed Coordination of points of Junction of Straight Segments defining the Boundary between India and Pakistan from the Mathabhanga Off-take to Point 11 of Sheet 72 and from Point 1 of Sheet 50 to Point 10 of Sheet 7 of the India - Pakistan Boundary (Ganges Area) Series, 1952 Indian Grid II B (Lambert)

Note: Grid points not included here

Accepted on behalf of the                  Accepted on behalf of the
Government of Pakistan                    Government of India
(Signed) S. Itaat Husain                  (Signed) Y. K. Puri
Plenipotentiary                           Plenipotentiary
Date: 21.8.52                              Date: 21.8.52

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My dear Bidhan,

As you know, we have had a good deal of trouble in regard to the Indian enclaves in Pakistan territory and the Pakistan enclaves in Indian territory. These are mostly situated in Cooch-Behar and in East Bengal. We can hardly reach our enclaves or deal satisfactorily with them, and the people there suffer a great deal of inconvenience...

I understand that there are 130 enclaves of Cooch-Behar with an area of 20,957 acres and a population of 12,602 (mostly Hindus) in East Bengal. On the other side, there are 93 enclaves of East Bengal with an area of 12,152 acres and a population of 11,000 (mostly Muslims) in Cooch-Behar.

In March 1951, our Cabinet agreed in principle to the exchange of these enclaves on the following basis:

(a) that East Bengal should transfer, in addition to the area covered by their enclaves in West Bengal, an additional area of 8,805 acres adjoining Indian territory to equalize the territory to be exchanged.

(b) that since an exchange of territories would also result in a change in the nationality of their residents, the residents of the enclaves, if they so desired, should be enabled to retain their nationality by bringing them in the revised territorial limits of each State; in other words, in order to effect the exchange, there should be an exchange of population.

There has been little progress since then. In June 1951, the West Bengal Government asked the East Pakistan Government to obtain the Pakistan Government’s approval to the principle of exchange. In answer, the East Pakistan Government in February 1952 asked for proposals formulated by the West Bengal Government. The latter replied that no proposal had so far been formulated because the agreement of the Pakistan Government to the principle was awaited.

On the 16th December 1952, the Pakistan Foreign Office has written to the External Affairs Ministry asking for information about “the terms and conditions which the Government of India would suggest for the proposed exchange.”

We have thus to put forward some definite proposals. We can presume that
the principle of exchange is agreed to. It seems to me clear, however, that if we put forward the conditions mentioned in our Cabinet resolution, the Pakistan Government will not agree to the transfer of the additional area of 8,805 acres. Is it worthwhile, therefore, our putting forward this proposition?

It seems to me that we should suggest a pure exchange of the enclaves as they are. If there is some petty corner on the border which might conveniently be transferred to us, we might suggest that also. But I doubt very much if even that is going to be agreed to.

The only feasible course appears to be to exchange the enclaves as they are, making some special arrangements for the populations. It may be that Indian sentiment might not like the handing over of 8,805 additional acres to Pakistan, although the area is really small. The alternative is to allow things to remain where they are and this is most unsatisfactory.

Before I put this matter up before our Cabinet, I should like to have the views of your Government.

Yours
Jawahar

2763. Extract of a Letter from Commonwealth Secretary B.F.H.B. Tyabji to High Commissioner for India in Pakistan Mohan Sinha Mehta.

New Delhi, July 1, 1953.

D.O. No. CS (T)/365, 1st July, 1953

Subject: Settlement of Indo – Pakistani disputes.

My dear High Commissioner,

Please refer to your d. o. letter N0. H. C./53/PMC/194 dated the 28th June and Atal's d. o. letter No. DHC/53/PV dated the 20th June 1953.

6. You will notice as the last item on the enclosed list of items for discussion “Exchange of Enclaves in East and West Bengal”. Regarding this the position is, as you probably know, that the total area of the Indian enclaves in East Bengal is greater than the total area of the Pakistan enclaves in West Bengal.
by about 6 sq. miles. The original proposal of the West Bengal Government was that these enclaves should be exchanged, and the Pakistan Government should be pressed to compensate us for the extra 6 sq. miles of territory, by allotting us territory elsewhere. Naturally, this proposition did not appeal to the Pakistan Government; and no progress on those lines was feasible. Now, however, the West Bengal Chief Minister has suggested that the adjustment in territory should be carried out by an adjustment of the boundary line between the two Bengals. This seems to be an eminently reasonable proposition. Dr. B.C. Roy, we believe, has written to the Pakistan Prime Minister about it; we do not know with what result. We should like you to find out informally what the reactions of the Pakistan Government are in regard to it. This should be done as informally as possible, as we are consulting the Defence Ministry about it, and would like to have their views on the suggested boundary adjustment before we take it up more formally with the Pakistan Government. I enclose a copy of Dr. B.C. Roy’s letter dated the 14th May, 1953, to the Prime Minister for your personal information*. I shall send you the map mentioned in it later. We are getting copies of it prepared.

Yours sincerely
(B.F.H.B. Tyabji)

Dr. Mohan Sinha Mehta,
High Commissioner for India, Karachi.

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* The High Commissioner, in his letter dated July 7 gave the reaction of the Pakistan Prime Minister to the proposal of Dr. B. C. Roy on the question of exchange of enclaves as under:

"With regard to the last paragraph of your letter on the “Exchange of Enclaves in East and West Bengal” I had a brief talk with the Prime Minister. He told me that he had placed Dr. Roy’s letter and the map accompanying it before his Cabinet. The proposal was in principle accepted by his colleagues. He had sent the papers to East Bengal and the Map also has gone with them. I am hoping to meet Mohammad Ali again before he leaves for Dacca. I shall discuss this subject informally again with him. But I understood from him that so far as he and his Cabinet are concerned, the proposal made by Dr. Roy was reasonable and acceptable to them."

In putting up the letter to the Prime Minister containing the above reaction the Commonwealth Secretary described it as “encouraging.”
Letter from Prime Minister Jawaharlal Nehru to Chief Minister of West Bengal Dr. B. C. Roy.

New Delhi, July 29, 1953.

My dear Bidhan,

I have just come back after three days in Karachi. The first impression that I received was one of great popular welcome. The Government there went all out to welcome me and show me every consideration. But more than the Government, the people did so. I could not have been welcomed more warmly by the people in any city in India. There was a friendly and expectant atmosphere. Everyone was anxious and eager that we should put an end to our conflicts with Pakistan, and they seemed to think that perhaps I could do so. Pakistan's position has been bad politically and economically. There are all kinds of intrigues afoot and there is no real stability. Mohammad Ali is, in a sense, popular, but he has no roots and no basic strength. It is quite possible that his present popularity may fade away soon, if he does not show any results. In effect he is not the most important man there.

It was really rather pathetic to see and experience the desire of the people there for a settlement with India. One old man in the street shouted out to me: Aye Hindustan ke Badshah, Pakistan ko apnao (O' you the King of India, adopt Pakistan).

The refugees there are still in a terrible way. There are, I believe, four or five lakhs of them round about Karachi, all living in miserable huts which are in various stages of collapse. In fact the refugee picture there was what we saw in India five years ago. I should imagine that given the chance, a vast number of these people would return to India, as they see no future for themselves in Pakistan.

All this, of course, has exerted a powerful pressure on the Government of Pakistan. Also other events. I think the leading people there are fully convinced now that there is no hope for them in carrying on conflicts with India, and they are prepared to go pretty far in resolving them. Certainly that is the feeling of the people. Many persons spoke to me with tears in their eyes on this subject.

The main stumbling block is, of course, Kashmir. I talked at length on this subject, but it was obviously not possible for us to find a way out of impasse. I shall be seeing Mohammad Ali again after a month here in Delhi.

Among the other subjects discussed were evacuee properties, the Cooch-Behar enclaves, and general trade and communications and travel facilities between East Bengal and West Bengal and Assam, etc. About evacuee properties, for
the first time during the last few years, we are having a real and earnest talk with them. I could not go into the details, but we have left some of our senior officials there who are carrying on these discussions. I hope they would result in some good.

In regard to the Cooch-Behar enclaves, Mohammad Ali told me that both his Central Government and the Bengal Government had agreed to exchange them. He mentioned that there was an excess of about seven square miles on the Indian side and that your Government had asked for additional territory to that extent. He said that this would be difficult, but he was prepared to give compensation for this additional territory (how to compute the compensation for seven square miles, I do not know). I said that there was another possible approach. Instead of a chunk of additional territory, perhaps we might try to straighten out our frontiers which should be convenient for both parties. Mohammad Ali said that he would like to examine this and it might be possible. Thus, the position is that these enclaves have to be exchanged. This is agreed. As for the additional territory, there might be either some kind of compensation or some straightening out of the frontiers. I remember your writing to me something to this effect once. I have suggested to Mohammad Ali that this matter might well be examined at a conference consisting of representatives of West Bengal and East Bengal. This conference might be held in Calcutta. He liked the idea. We can have Central representatives at that conference also. If you agree, as I am sure you will, you might proceed with arrangements for such a conference. I am writing to Mohammad Ali formally about this and certain allied subjects. A copy of this letter will be sent to you.

This conference of East and West Bengal and, of course, Assam also might well consider various other matters relating to the Eastern Zone, such as trade, travel facilities, visas and the like. I had pointed out to Mohammad Ali the difficulties in border trade, more especially with Assam and Tripura. You could deal with almost any matter relating to that area in this conference. I would suggest that the approach might be somewhat informal and not too rigid.

Yours affectionately
Jawaharlal
Excerpts from the Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Mohammad Ali relating to Enclaves and other border issues.

New Delhi, July 29, 1953.

My dear Prime Minister,

In the course of our talks in Karachi, we discussed the question of the Cooch-Behar enclaves. You told me that you had decided that these should be exchanged. You mentioned, however, that the enclaves in Pakistan at present are somewhat bigger, from the point of view of territory, than the enclaves in India. The difference is really a small one and, according to what you told me, is about 7 square miles. Thus, if an exchange is made, Pakistan would get 7 square miles of additional territory. The West Bengal Government had suggested that this surplus area might be given to them somewhere else so as to make this exchange an even one. You told me that you would prefer giving some compensation for the surplus area.

I then suggested to you that it might be desirable to consider, in this connection, minor rectifications of the border which might be advantageous both to India and Pakistan. You said that this could be enquired into.

This matter really relates to East Pakistan on the one side and West Bengal on the other. We agreed that the proper course to adopt would be for representatives of East Pakistan and West Bengal to meet and consider this question and make their recommendations to the respective Governments. If they agree, there would be no difficulty in the Indian and Pakistan Governments also agreeing.

I suggest, therefore, that a conference might be arranged in Calcutta to consider this question. This would consist of representatives of West Bengal and East Pakistan Governments and also, if necessary, some representatives of the two Central Governments.

There were a number of other matters relating to the Eastern Zone comprising East Pakistan, West Bengal, Assam and Tripura, which we also discussed. These related to travel facilities and visas, trade, more especially border trade, and other matters relating to that area. These could also be considered conveniently at the conference in Calcutta. But that conference should consist of, apart from those mentioned above, representatives of Assam and Tripura also.

Perhaps the first conference could extend itself and deal with these other problems later. I should like your views on this matter.

* * * * *

Yours sincerely,

Jawaharlal Nehru

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2766. Record Note of Discussion at the Indo-Pakistan (Eastern Zone) Conference.

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First Plenary Session held at Raj Bhawan, Calcutta, at 10-30 a.m. on Wednesday, the 30th September, 1953.

Mr. Tyabji (Commonwealth Secretary, leader of the Indian delegation) welcomed the Pakistan Delegation (headed by J. A. Rahim, Foreign Secretary)) and expressed the hope that the Conference would deal with the problems before it in a practical manner so that agreed decisions may be reached on them and concrete results achieved in the interest of both countries. He suggested that they had a heavy agenda before them. It would be more expeditious if allied groups of items on the agenda were discussed in sub-committee. These sub-committees would record their decisions and report to the Plenary Session.

2. In regard to press relations, Mr. Tyabji suggested that it might be desirable to adopt the procedure followed by them in the past. The leaders of the two delegations might inform the press of the progress made at the end of each day's work.

3. On the agenda Mr. Tyabji stated that in regard to the principal items, namely, items 1 to 4, there was already agreement in principle between the two countries. On item 1. Exchange of Enclaves—the two Prime Ministers had agreed that this should be done and that details of such exchange should be worked out at the present conference. As far as item 2. Boundary Demarcation—was concerned, the main disputes had already been settled by the Bagge Award, and it was for the Conference to decide upon the method and procedure of implementing the Award. Similarly, in regard to item 3, it was also the agreed policy of the two Governments to liberalise restrictions on freedom of movement. There was also a Conference at Delhi between the representatives of the two Governments in March 1953, and a committee on Border Trade had worked out a general outline. It was on the basis of these principles that the Conference would discuss details regarding Border Trade (item 4) between the two countries.

4. Mr. Rahim thanked the Government of India for their hospitality, and stated that it would be the endeavour of Pakistan Delegation to reach agreement on outstanding issues before them in a spirit of co-operation and friendship. Mr. Rahim agreed to the suggested procedure of discussing the various items on the agenda in sub-committees, and to the release of information to the press.

The following sub-committees were formed:-Appendix “A”

Sd. (B.F.H.B. Tyabji) .                                   Sd.(J. A. Rahim)
### APPENDIX - A

**Committee No. 1.**

<table>
<thead>
<tr>
<th>Items</th>
<th>Indian Members</th>
<th>Pakistani Members</th>
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<tbody>
<tr>
<td>1. Exchange of enclaves</td>
<td>1. Commonwealth Secretary.</td>
<td>1. Mr. Rahim.</td>
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<tr>
<td>2. Boundary demarcation</td>
<td>2. Chief Secretary, W. Bengal</td>
<td>2. Mr. Hilaly.</td>
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<td>3. Dy. Director of Surveys of Assam.</td>
<td>3. Mr. Ishaque.</td>
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<td>4. Mr. S.J. Majumdar, Additional secretary,</td>
<td>4. Mr. Shah</td>
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<td>Government of Bihar,</td>
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<td>5. Col. R. S. Kalha.</td>
<td>5. Mr. Wilson,</td>
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<td>6. Director of West Bengal, Land records.</td>
<td>6. Mr. Qureshi.</td>
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<td>7. Mr. M. Ahmed.</td>
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<td>8. Mr. Majid.</td>
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<td>9. Mr. Faruqui.</td>
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<td>10. Mr. A. A. Shah</td>
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**Committee No. 2**

<table>
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<tr>
<th>Items</th>
<th>Indian Members</th>
<th>Pakistani Members</th>
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<td>3. Freedom of movement</td>
<td>1. Commonwealth Secretary or</td>
<td>1. Mr. Rahim</td>
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<td></td>
<td>2. Mr. V.C. Trivedi.</td>
<td>2. Mr. Hilaly.</td>
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<tr>
<td>9. Agreement re: river craft</td>
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<td>11. Prime Ministers’ Agreement</td>
<td>5. Mr. V. Nanjappa.</td>
<td>5. Mr. Kaiser.</td>
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</tbody>
</table>
12. Migration Certificate

6. Mr. S.K. Datta.
7. Mr. E.S. Krishnamoorthy.
8. Mr. K.B. Lall.
9. Mr. S.S. Shiralkar.
10. Mr. Fateh Singh.
11. Mr. Gopala Krishnan.
12. Mr. P.G. Zachariah.
13. Mr. A. S. Bam.
14. Mr. A. M. Dam
15. Mr. C. K. Ray.
16. Mr. S. J. Mazumdar
17. Mr. T.S. Parasuraman

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Committee No.3.


1. Mr. M.V. Ranghachari.
2. Mr. P.G. Zachariah.
3. Mr. B. Das Gupta, Finance Secy. W. Bengal
4. Mr. A. S. Bam

7. Transfer of funds.

1. Mr. Ishaque
2. Mr. Turab Ali
3. Mr. Khursheed.
4. Mr. Jamil.

8. Transfer of provident fund, from East Bengal

5. Mr. Nasiruddin
6. Mr. Sarwar.
7. Mr. Hafeez.
8. Mr. Karim

***************
Record note of discussion at the Second Plenary Session of the Indo-Pakistan (Eastern Zone) Conference at Raj Bhavan, Calcutta, on Saturday, the 3rd October, 1963.

The two Delegations approved the Minutes of the Sub-Committees 1, 2 and 3. The decisions contained in these minutes will be subject to ratification by the two Governments which will be done shortly. On rectification, a joint communiqué will be issued announcing the decisions and their implementation.

Sd.(B.F.H.B. Tyabji). Sd. (J.A.Rahim)

COMMITTEE NO.1.

2. Exchange of Enclaves

India proposed that advantage should be taken of the exchange of enclaves to straighten out the boundary between Cooch Behar in India with Pakistan, and that with this view the Patgram P.S. of Rangpur District which contained as many as 50 Cooch Behar enclaves should be ceded to India and further that India should be cede sufficient territories as shown in the map prepared by them to make up for the excess area involved in the total exchange. It was pointed out by India that in the correspondence between the two Prime Ministers after their meeting at Karachi, it was mentioned that proposals for rectification of the boundary should also be considered along with the question of exchange of enclaves. Pakistan stated that any proposal involving transfer of as large an area as Patgram P.S. did not constitute “minor rectification of boundary” contemp-lated by the two Prime Ministers and therefore could not be considered. India then proposed that the enclaves should be exchanged and that Pakistan should cede to India the excess of approximately eight square miles of territory to make up for the difference in area between what was going to Pakistan and what was coming to India. Pakistan stated that an out and out exchange should be affected without ceding further territory by them to make up for the excess in area. Pakistan’s view was that as the population involved in the two sets of enclaves was more or less equal, the exchange involved equal values on both sides, since the number of inhabitants of the area affected represented a truer value of the area, which might comprise lands of varying kinds, and qualities, than mere measurement of area. The above proposal for an out and out exchange was found unacceptable to India who pointed out that West Bengal was already a very small state with a large population and West Bengal could not afford to lose any area however small.

It was agreed on both sides that if exchange was effected, nationals of these enclaves must not be persecuted harassed or forced to migrate. They must be
given the option to acquire citizenship of the country to which the enclave will fall after exchange, and that those remaining on in the enclaves should suffer no disability in the matter of acquisition of citizenship rights. It was also agreed that any Government servants in the enclaves should be withdrawn by their mother country after the exchange.

It was decided by the Sub-Committee that discussions be terminated at this stage and the door be left open for further discussions at some later date.

2. Boundary Demarcation

Dispute No.I of the Bagge Decision

The dispute over the method of connecting the river boundary and the land boundary in the Kaliachak (West Bengal) - Shibganj (East Bengal) Section was discussed and the following decision reached.

The boundary between India and Pakistan shall run along the boundary between the thanas of Kaliachak and Shibganj up to the southern corner of Plot No.656 of village Deonapur (J.L.48, P.S. Kaliachak) and thence by a straight line to the point (Grid No. N.841225, E.2780653- Lambert Grid IIB) on the bank of the river Ganges as agreed upon by the D.L.Rs. of both countries in 1951, and thence by the shortest line to the median line of the main channel of the river Ganges. The bank of the river Ganges and the median line of the main channel will for the purpose of this demarcation be as determined by the joint Indo-Pakistan air survey of 1951.

(2) Dispute No.I of the Bagge Decision (Continued).

The dispute relating to the method of connecting the river boundary at both ends of the fixed land boundary on the char opposite Rajshahi was discussed and the following decision was reached.

The terminal point at the Western end of the land portion of the boundary as referred to in the decision of the Bagge Tribunal in Dispute No. I shall be a point, the Grid Co-ordinates of which are N 794300, E 2840015 (Lambert Grid IIB) from which the boundary shall be joined by a straight line to the South-east corner I of Char Majherdiar (J.L.231, P. S. Rampur Boalia, Distt, Rajshahi) as surveyed in Cadastral Survey of 1915-16.

The terminal point at the eastern end of the land boundary shall be the north-east corner of Plot No.205 of Mouza Char Rajanagar (J.L. 99, P.S. Raninagar, Distt. Murshidabad).

The above eastern and western terminal points shall be joined by the shortest
straight lines to the median line of the main channel of the river Ganges as determined jointly by the Survey experts of both countries in 1951.

The land boundary shall be converted to straight segment on exactly the same principle as in the case of the boundary following the median line of the main channel of the Ganges.

(3) Dispute No. II of the Bagge Decision regarding the boundary along the Mathabhanga river was discussed and the following decision reached.

That the line joining the off-take point of the river Mathabhanga in the position agreed upon by the representatives of both countries in 1951, with the median line of the main channel of the river Ganges as determined by the joint survey of 1951, together with the median line of the main stream of the river Mathabhanga as shown in the joint survey of 1951 up to the point where it cuts the boundary between the Thanas of Daulatpur and Kerimpur shall constitute the boundary between India and Pakistan according to the decision of the Bagge Tribunal, and that the boundary so determined shall be a fixed boundary; that the boundary between the Thanas of Daulatpur and Karimpur shall be transferred from the latest cadastral maps of undivided Bengal to the jointly prepared 8 inch air survey of 1951; and that the above median line of the river Matha-bhanga shall be reduced to a series of straight segments on exactly the same principles as in the case of the median line of the main stream of the river Ganges. The determination of these segments to be carried but jointly by the Surveyor General’s Departments of both countries.

(4) Berubari, and, Hili disputes

The dispute over the boundary in Berubari, J.L. No.23 of P.S. Jalpaiguri of undivided Bengal and the dispute over the boundary in Hili were discussed and left over for further discussion at a later date.

DISPUTE III

In the sector of the Patharia Reserved Forest the Red Line drawn by Sir Cyril Radcliffe on the map at Annexure ‘A’ to his Award of 1947 shall, in accordance with the decision of the Bagge Tribunal form the boundary between India and Pakistan. In the absence of any large scale revenue map of this area, the Red Line will be transferred from the above Radcliffe map to the Survey of India/Pakistan one-inch map of the area and the alignment so transferred will be reduced to a series of straight segments by joint agreement between the Surveyor-Generals of India and Pakistan, the segments being so located as to ensure that neither country receives a smaller area of the Patharia Forest than
it would have received if the international boundary had followed the actual curved course of the Red Line.

**DISPUTE NO. IV — KUSHYARA.**

It was agreed that this dispute should be referred to an impartial Tribunal (not the Bagge Tribunal) consisting of one Indian judge, one Pakistani Judge, and one independent Chairman jointly agreed upon by the two Governments.

**Bholaganj and Surma River Disputes**

It was agreed that both sides shall endeavour to settle these disputes by correspondence or conference but failing a settlement these disputes shall be referred to the Tribunal to be set up for settling dispute No. IV.

It was agreed that where areas belonging to one country that have so far remained in the possession of the other and are delivered to the country to which they belong, the inhabitants of those areas must not be persecuted, harassed or forced to migrate. They must be given the option to acquire citizenship of the country to which the area is transferred. The inhabitants who migrate shall have the right to dispose of their immoveable property by sale, exchange or otherwise.

It was further agreed that deliberate destruction of immoveable property within the area to be transferred must not be allowed to take place.

It was agreed that every effort should be made by both countries to implement the decisions of this Conference regarding Bagge Disputes I, II and III before 5th February, 1954.

Sd/- J. A. Rahim Sd/- B.F.H.B. Tyabji
3.10.1953 3.10.1953

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Extract relevant to exchange of Enclaves in East/West Bengal from a letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Mohammad Ali.

New Delhi, October 8, 1953.

My dear Prime Minister,

3. (i) **Exchange of Enclaves:** When we met in Karachi in July, 1953, we agreed that the Cooch Behar enclaves in East Bengal should be exchanged with the East Bengal enclaves in West Bengal. This was reiterated in the Joint Press Communiqué which we issued after we met again Delhi in August last. Certain proposals were also made to you by Dr. B. C. Roy, Chief Minister of West Bengal, suggesting that advantage could be taken of the exchange of enclaves to straighten out the boundary of Cooch Behar between India and Pakistan. It was proposed that the Patgram P.S. of Rangpur District which contained as many as 50 Cooch Behar enclaves should be ceded to India, in lieu of which India should cede sufficient territory as shown in the map furnished for the purpose, to make up for the excess area involved in the total exchange. In our subsequent correspondence after our meeting at Karachi a specific suggestion was made that proposals for the rectification of the boundary between East Pakistan and West Bengal should also be considered along with the question of the Exchange of Enclaves.

These proposals were made by us obviously with the intention of ensuring that the exchange of territory between India and Pakistan should take place on an equitable basis not specifically favouring either country, but in a manner which would be advantageous to both. As you know, if there is a straight exchange of the existing enclaves between the two countries, it would mean that India would cede approximately 8 square miles of territory in excess of the territory that she would receive from Pakistan in return.

You will easily appreciate that a small over-populated State that West Bengal is now, cannot possibly afford to give away such excess territory without being compensated in kind elsewhere. This is so obvious that it seems hardly worth while discussing the subject on any other basis. Unfortunately, however, this is exactly what the Pakistani Delegation at Calcutta did. They were not prepared to consider the proposal made by us, namely, that communicated to you by Dr. B.C. Roy, referred to above. Moreover, they had no alternative suggestion to make regarding the manner in which they proposed to compensate west Bengal for the extra 8 square miles of territory which it would be called upon to yield by the exchange of enclaves. This really meant that no real consideration of this
question could take place at Calcutta, and the matter stands exactly where it did when we first discussed it, except that much time and effort has been needlessly wasted in the meantime. I, therefore, request you to look into the matter, and to make any alternative proposals that you may have in mind for giving West Bengal territory equal to that which she will be called upon to surrender to East Pakistan by the exchange of enclaves. This may be at any place along their common frontier that you may judge most convenient.

4. I have written to you very frankly about all these matters. I hope you will write to me equally frankly, as only then shall we be able to cut away the dead wood which has been hampering the growth of normal friendly relations between our two countries for all these years. Unless we do this, our future negotiations will be bogged down in the same way as our attempt to restore to the common man on this sub-continent the rights and privileges to which he is entitled by all that you and I stand for.

Yours sincerely

Sd/- Jawaharlal Nehru

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October 10, 1953.


Government of India,
Ministry of External Affairs.
New Delhi.

Summary for the Cabinet

Subject: Indo-Pakistan (Eastern Zone) Conference.

In pursuance of the agreement reached between the Prime Ministers of India and Pakistan during their discussions held in New Delhi last August, an Indo-Pakistan officials Conference was held in Calcutta on the 30th September and the 1st, 2nd and 3rd October 1953 to discuss the exchange of Cooch-Behar and East Bengal enclaves, travel and trade facilities and other issues relating to the Eastern Zone.

The Indian delegation was led by the Commonwealth Secretary Mr. B.F.H.B.
Tyebji, and the Pakistan delegation by Mr., J. A. Rahim, the Pakistan Foreign Secretary. The agenda of the Conference and the composition of our delegation are attached (Annexures ‘1’ and ‘2’) (not included here).

2. As the Agenda was heavy, it was decided that the Conference should break up into sub-committees to discuss allied groups of items; the sub-committees then reporting back to the Plenary Session. Annexure ‘3’ gives the composition of the three sub-committees which were formed at the first Plenary Session of the Conference held on the 30th September 1953. The sub-committees met on the 30th September and the 1st, 2nd and 3rd October 1953. The second Plenary Session was held on the evening of the 3rd October 1953 and approved the reports of the sub-committees. The minutes of the Plenary Session and of the sub-committees are at Annexure ‘4’ (Please see the previous document).

3. Even though not much progress was achieved on some of the important issues like the exchange of Enclaves, Border Trade, facilities to minorities, financial settlement and reorientation of the existing Passport and Visa Scheme, the Conference did make some progress on most of the outstanding boundary disputes, on the further liberalization of travel facilities, the amelioration of customs and currency restrictions, and in securing a greater understanding of each other’s points of view on the treatment of minorities, and on outstanding financial issues.

4. For the sake of clarity, comments are offered on the subjects discussed at the Conference in three parts:

I: Issues on which agreement was reached.

II: Issues on which there was complete dis-agreement, and

III: Issues open for further discussion and on which assurances were given.

Part I, Issues on which agreement was reached

5. Boundary disputes

The most significant achievement of the Conference was the solution of three of the four major disputes in the Eastern Zone. These four disputes were referred to the Bagged Tribunal, who gave their sward in January 1950, but even then, the actual demarcation of the boundary could not be under-taken as differences arose between the two sides on the interpretation of the Award.

(i) Dispute No.(1)- West Bengal border.

Agreement was reached:
(a) on the method of connecting the river boundary and the land boundary in the Kaliachak (West Bengal) - Shibganj (East Bengal) Sector; and,

(b) on the method of connecting the river boundary at both ends of the fixed land boundary on the river island (char) opposite Rajshahi.

(ii) Dispute No.(II) – West Bengal border.

Agreement was reached on the demarcation of the boundary along the Mathabhanga river.

(iii) Dispute No. (III)- Assam border.

Agreement was reached on the demarcation of the boundary between India and Pakistan in the sector of the Patharia Reserve Forest, viz. in accordance with the red line drawn by Sir Cyril Radcliffe on the map appended to his Award as decreed by the Bagge Tribunal.


The decisions of the last Indo-Pakistan Passport Conference held in New Delhi came into effect on the 25th July 1953; That Conference had recorded considerable progress in liberalising travel between the two countries. The Calcutta Conference was held only about three months after that date, but it was still found possible to make some further progress in this direction.

(i) An important agreement was on the exchange of information between the two Governments about the issue of visas by them. So far the Government of Pakistan has been to bucking this.

(ii) Agreement was also reached on several other points, chiefly on the procedure for the grant of travel facilities for the re-union of divided families, and for the repatriation, of nationals belonging to the other country, and on facilities to be granted to officials on the two sides to cross and re-cross the border on official business. The latter agreement will remove irksome restrictions and delays suffered by our Posts & Telegraphs officials and the Survey staff in particular on the border.


Some progress was also achieved on financial issues, particularly in the direction of getting by an agreed time, the data on which it will be possible for the two Central Governments to resolve their differences.

(i) Balance sheet of undivided Bengal.

Agreement was reached on the procedure to the followed for the finalisation of the balance sheet.
(ii) **Wrong debits against undivided Bengal.**

It was agreed to submit a final report to the two Governments (East and West Bengal) by the 31st December 1953.

(iii) **Financial settlement between East Bengal and Assam.**

It was agreed that the balance sheet with their recommendations should be prepared by the two Governments (East Bengal and Assam) and forwarded to their respective Central Governments by the 31st December 1953.

(iv) **Transfer by Assam of Provident Fund of East Bengal Optees.**

It was agreed that the matter should be further progressed on the basis of payments due on this account being set off against payments due to Assam from East Bengal for certain supplies of foodstuffs and irregular debits, and a report made to their respective Governments by the 31st December 1953.

**Part II. Issues on which there was complete Disagreement.**

8. **Border Trade.**

On most of the important issues, however, it was not possible to reach agreed decisions. On Border Trade and Freedom of Travel, in particular, there was a complete divergence of views between the two delegators.

9. **Border Trade.**

There was a complete deadlock on this issue which was all the more surprising as (1) the Committee on Border Trade of the Indo-Pakistan Trade Conference held in March 1953 had agreed on the general principles which should govern border trade between the two countries, and the Calcutta Conference was expected to work out the details of their implementation and (2) the two Prime Ministers had discussed in Karachi and New Delhi the general question of Border Trade. Annexure 5 is the report of the Committee on Border Trade and Annexure 6 is an extract of a minute by the Prime Minister on his talks with the Prime Minister of Pakistan in Karachi on the 25th July 1953.

For three days the Pakistan delegation were not prepared to discuss the question of border trade which was one of the first to be included in the agenda for the Conference. On the evening of the third day, one of the officers of the Pakistan Commerce Ministry flew to Calcutta with apparently a rigid brief on the subject.

When the problem was discussed on the morning of the fourth and final day of the Conference, the Pakistan delegation affirmed their general acceptance of the principles agreed to in the sub-committee at Delhi and wanted only minor procedural changes to enable the two Governments to make a rough
assessment periodically of the volume of border trade with a view to ensuring that a balance was maintained between the two countries. For this purpose, they suggested that a distinction should be made between

(a) Actual producer-cum-consumer and
(b) petty traders.

The Pakistan delegation wanted (b) to operate under a system of licences and to be accorded freedom of movement with goods only on *Hat* (market) days. No questions in regard to liability to pay customs duty or restrictions on movements only through specified routes or check-posts were raised during the early part of the discussion. On this basis, details of commodities and quantities were discussed and agreed over a large sector of the border trade. But in the concluding stages of the discussion, the Pakistan delegation raised the issue of liability to pay customs duties and the consequent need to impose restrictions on movement only through specified routes and check posts. It was argued by the Indian delegation that this suggestion involved a radical departure from the principles agreed to by the sub-committee on border trade, as far back as March 1953. It was urged that if the arrangements to facilitate border trade were intended to alleviate the hardship of the people living on either side of the border, it was essential that provision should be made to free completely the export/import of specified goods in agreed quantities from import/export, and foreign exchange restrictions and customs rules and regulations. If even the goods forming part of the border trade were to be subjected to the payment of customs duties, it would be necessary to impose harassing restrictions on movement and to provide for numerous routes and check posts. This was administratively impracticable. Pakistan was reminded that when so far they had been unable to organise as many customs posts on their side as have been established on the Indian side of the border, it was impossible to expect that the two Governments would be able to organise detailed customs regime for border-trade along the whole length of the border. No agreement could be reached on this point, and the Conference was unable to work out a scheme for border trade within the ambit of the principles agreed to by the sub-committee of the Indo-Pak Trade Conference in March 1953.

10. **Freedom of Movement.**

As stated in para 5 above, some progress was made in liberalising travel between the two countries. It was not, however, possible to secure from the Pakistan delegation any agreement on a re-orientation or a simplification of the existing passport and visa scheme. They refused to consider the abolition of the visa system in the Eastern Zone or its simplification in both the zones. Concrete suggestions made by the Indian delegation in this regard for the
automatic grant of visas at the check posts for visits up to two months and for the reduction of the number of categories of visas so that the system would conform to inter-national or Commonwealth practice were also rejected by the Pakistan delegation.


No agreement was reached on some of the financial issues raised by the Government of East Bengal, e.g. an on-account payment by West Bengal pending the finalization of the balance sheet between the two Governments, payment of pre-partition claims against undivided Bengal.

Part III. Issues open for further discussion and those in which assurances were given.

12. Liberalization of restrictions regarding currency and customs.

Even though no definite agreement was reached in these matters, it was agreed that the suggestions made at the Conference should be discussed further between the representatives concerned of the two Governments. These suggestions related mainly to the publication of a uniform set of baggage rules by the two Governmental, the opening of additional customs check-post by the Government of Pakistan and the grant of additional exchange facilities to travelers.


The Pakistan delegation proposed a direct exchange of enclaves, while the Indian delegation suggested that in addition to the enclaves, Pakistan should also transfer to India approximately 8 sq. miles of Pakistan territory, as the area of the enclaves to be transferred by India was larger than that to be transferred by Pakistan. The Pakistan delegation promised to consider the Indian suggestion further.

14. Agreement on river navigation.

The Pakistan delegation also promised to consider the West Bengal Government’s suggestion for an agreement on the navigational use of rivers by vessels of both countries in cases where the median lines of the rivers formed the international boundary.

15. Boundary Disputes.

(I) Dispute No.IV - Assam-Border.

No agreement was reached on this dispute. It related originally to the course of
the river Kushiyara in Assam, which was disputed by Pakistan. A decision on this was given in India’s favour by the Bagge Tribunal, but, unfortunately, in doing so, Lord Justice Bagge indulged in some uncalled for obiter dicta, which gave rise to a dispute in other parts of this area, The confusion in this matter was also increased by similar obiter dicta by Mr. Justice Chandrasekhar, the Indian judge in the Tribunal. No compromise was possible as the territory involved was not small. It was, therefore, decided that this matter should be referred to another Tribunal consisting of one Indian judge, the Pakistani judge and one neutral judge (other than Lord Bagged) jointly agreed upon by the two Governments.

(ii) Other local disputes

(a) Bengal border: No agreement was reached on the Berubari and Hili disputes, but it was decided that they should be discussed further between the two Chief Secretaries,

(b) Assam border: Here again, no agreement was reached on the Bholaganj and the river Surma disputes. It was decided that they should be discussed between the two Chief Secretaries concerned, and failing an agreement between them, they should be referred to the Tribunal to be constituted for Dispute No, IV.

16. Items arising out of the Prime Ministers Agreement on Minorities.

The Indian delegation had raised several questions of breaches of the agreement by the Government of East Bengal in regard to requisitioning and derequisitioning of properties, meetings of the Minority Boards and Minority Commissions, etc. The East Bengal representatives assured the Indian delegation of their observance of the Agreement. It was not, however, possible to make any progress on legislation to be enacted by the East Bengal Government regarding forcible conversion and search and the recovery and custody of abducted women. The Pakistan delegation suggested that, this matter was of sufficient importance for discussion between the two Minority Ministers. They also suggested that the question of provision of certain safeguards for members of the minority community while requisitioning land belonging to them should also be discussed by the two Ministers.

17. Issue of Clearance Certificates to intending Migrants.

Pakistan has been anxious to secure our agreement to their proposal under which migrants from Pakistan to India would have to obtain clearance certificates
from them in addition to migration certificates from the Indian Deputy High Commissioner at Dacca. No agreement was reached on this issue at the Conference, and it was decided that it should be pursued further by correspondence.

18. **To sum up:**

(a) Agreement was reached on three of the four disputes in the Eastern Zone referred to the Bagge Tribunal.

(b) Agreement was also reached on a few matters relating to the visa system, and,

(c) Some progress was achieved in formulating agreed procedures for processing of financial claims by the two sides.

(ii) **No agreement was, however, reached on—**

(a) Working out of an agreed procedure for border trade within the ambit of the principles laid down at an earlier Indo-Pakistan Conference.

(b) A re-orientation or a simplification of the existing passport and visa scheme, and

(c) on some financial issues,

(iii) **On the following issues, the door was left open for further discussion and formal or informal assurances were given of sympathetic consideration:**

(a) The Indian proposal of equal transfer of territory in connection with the exchange of enclaves,

(b) Unsolved border disputes,

(c) liberalization of restrictions regarding currency and customs,

(d) facilities to members of the minority community in East Bengal and

(e) agreement on navigational use by vessels of both countries of rivers whose median lines formed the international boundary.

19. The decisions of the Conference are subject to ratification. They are accordingly submitted to the Cabinet for their approval. The approval of the Cabinet is also sought for further negotiation by correspondence or conference, as convenient, of the issues on which no agreement was reached at the Conference.
20. The Minister for External Affairs has approved the summary and the proposal made in Para 19 above. The Ministries of Finance and Commerce & Industry have concurred.

(B.F.H.B. Tyabji)
Commonwealth Secretary

To
The Cabinet Secretariat,
New Delhi.

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2769. Joint Communiqué issued after the ratification of the decisions of the Eastern Zone Conference between the Representatives of Governments of India and Pakistan.

New Delhi, October 15, 1953.

The Governments of India and Pakistan have ratified the decisions reached at the Indo-Pakistan (Eastern Zone) Conference held at Calcutta from the 30th September to the 3rd October 1953 in pursuance of the Agreement reached between the two Prime Ministers at New Delhi in August 1953.

The two Governments agreed on the following matters; they are taking steps to give immediate effect to the decisions:

(1) Boundary Disputes
(a) Dispute No.1 before the Bagge Tribunal.
   The method of connecting the river boundary and the land boundary in the Kaliachak (W.Bengal) – Shibganj (East Bengal) sector and on the method of connecting the river boundary at both ends of the fixed land boundary on the char opposite Rajshahi.
(b) Dispute No. II before the Bagge Tribunal.
   The boundary along the river Mathabhanga referred to in this Dispute.
(c) Dispute No.III before the Bagge Tribunal-Patharia Hill Reserve Forest.
   The demarcation of the boundary in this sector.
(d) **Dispute No. IV before the Bagge Tribunal** The course of the river Kusiyara.

To refer this dispute to another impartial Tribunal consisting of one Indian judge, one Pakistani judge and one independent Chairman, jointly agreed upon by the two Governments.

(e) **Berubari and Hilli Disputes.**

The dispute over the boundary in Berubari I.L.No.23 of P.S. Jalpaiguri of undivided Bengal and the dispute over the boundary in Hili were discussed, and left over for further discussion at a later date.

(f) **Bholaganj and the River Surma Disputes.**

Both sides to endeavour to settle the disputes by correspondence or Conference, failing which to refer them to the Tribunal set up for settling Dispute No. IV referred to above.

(g) That where area belonging to one country which have so far remained in the possession of the other are delivered to the country to which they belong, the inhabitants of those areas should not be persecuted, harassed or forced to migrate. They should be given the option to acquire the citizenship of the country to which the area is transferred. Those who choose to migrate should be given the right to dispose of their property by sale, exchange or otherwise.

Further, that deliberate destruction of property within the area to be transferred should not be permitted.

(h) Every effort should be made by both countries to implement the decisions of this Conference regarding the Bagge Disputes. I, II and III before the 5th February, 1954.

(2) **Liberalisation of travel facilities**

(a) ‘A’ Category visas:

Instructions to be issued to visa-issuing authorities that medical practitioners, lawyers and other professional men resident in the border zone were eligible to receive Category “A” visas, if they practised their professions within that area,

(b) “B” Category visas.

Nephews and nieces of the first degree should be included in the list of near-relations for the purposes of the grant or “B” visas.

The present regulation requiring visa-holders of “B” category to leave at the end of two months should be liberalised. They should be allowed the facility available to holders of visas of other categories to obtain
extensions of stay, if required, during the validity of their visas. The visa-holders would, however, have to apply for the extension of the period of stay during a single visit at the expiry of every two months.

It was explained that the Deputy High Commissioner for Pakistan at Calcutta insisted only when in doubt that Indian nationals having an interest in immovable properties in East Bengal should produce some kind of satisfactory evidence in support of their claim for “B” visas. Indian visa-issuing authorities would not insist on bona fide applicants desirous of applying for forest permits producing forest permits before visas were granted to them.

(c) “D” Category visas.
“D” (Diplomatic) and “D” (Official) visas should, on application, be made valid for a maximum period of one year and for repeated journeys during that period.

(d) Photographs for renewal of applications.
It would not be necessary to affix photographs on the application forms for the renewal of any category of visa during the validity of the passport, if the renewal application was made to the original visa issuing authorities.

(e) Reports of arrivals and departures to the Police.
It should be re-emphasised by both the Governments by the issue of fresh instructions and publicity that holders of categories “C”, “F” and “E” visas (except transport workers) who are required to report their arrivals and departures to the Police, could do so by letter, and that there was no need for them to make these reports in person.

(f) Multi-journey transit visas.
The Government of Pakistan would issue detailed instructions to the grant of multi-journey transit visas in accordance with the previous agreement between the two Governments, if their present instructions were inadequate.

(g) Excessive references.
Both the Governments should issue fresh instructions emphasising that there should not be unnecessary or excessive reference to them by their visa-issuing authorities.

(h) Registration with Intelligence Branch of Police.
The Government of Pakistan would instruct the check post officials that, as long as the visas on the passports of Indian nationals were issued by
authorities within East Bengal at the time of the departure of Indian nationals from Pakistan, they should not insist on their registering themselves with the Police or on their producing duplicate copies of their application forms to verify the legality of their original entry into Pakistan.

(i) Exchange of information.

As decided at the last Indo-Pakistan Passport Conference in January-February 1953, information of the issue of visas by the two Governments should now be exchanged, and that, as the dates specified in the passport agreement had expired the information to be exchanged should for the following two periods and should be done by the 31st October, 1953:-

(a) from the introduction of the passport scheme till the 31st January 1953; and

(b) from the 1st February 1953, to the 31st August 1953.

The two Governments may later exchange this information on a quarterly basis. Before the end of each quarter the two Governments would fix the date for such exchange.

(j) Repatriation of nationals belonging to the other country.

The following procedure will be followed in lieu of the one agreed to at the Indo-Pakistan Passport Conference held in February 1953:

1. If a person is convicted and sentenced to imprisonment by a court of law for the contravention of the Passport Regulations, and his passport expires during this period of the sentence, then within the shortest possible time, not exceeding ten days, of his release he should be allowed by the check posts of both the countries exist end entry on the production of his expired passport, and the release order issued by the Superintendent of the jail (in which he served his sentence) together with a certificate by the latter to the effect that he had been in jail undergoing imprisonment on conviction for a contravention of the passport regulations.

2. If a person, having entered one country from the other, without any passport or anything equivalent travel document is convicted and sentenced by a Court of Law for illegal entry all the relevant facts will, immediately in such conviction, be communicated to the nearest Diplomatic Mission of the country from which the person had entered in the country where he is convicted, together with a
certified copy of the judgment of the Court convicting him of illegal entry. If the Diplomatic Mission to which the references is made does not within a forthright refuse in writing to acknowledge the convicted person as its national, on expiry of the sentence such person shall be allowed exist and entry. (If the refusal is communicated within the fortnight stipulated above, the convicted person will not be repatriated until the matter is settled between the two Governments).

(i) If a sentence of imprisonment has been imposed, he shall be allowed exit and entry within the shortest period not exceeding thirty days of his release on production of the release order issued by the Superintendent of the Jail (in which he has served his sentence) together with a certificate by the latter to the effect that the person had been in Jail undergoing imprisonment on conviction for contravention of the Passport Regulations; and,

(ii) If the sentence is of fine, or discharge or acquittal, he shall be allowed, exit and entry within the shortest period not exceeding thirty days of the payment of the fine or other order of the Court which will be supplied to the convicted person free of charge.

(3) There will be no bar to the prevention of illegal entry or the expulsion of illegal entrants while attempting to enter illegally either country.

(K) Re-union of divided families.

The grant of the following facilities for the re-union of divided families:-

(a) If the persons concerned are, under the law of the country from which they wish to migrate, its nationals and as such are eligible for being issued with passports of that country, they will be required to produce such passports with appropriate visas for admission into the other country.

(b) If, however, the persons affected are not, under the law of the country from which they wish to migrate, eligible for the grant of passports of that country, the Government of the country giving re-union facilities will admit them on the strength of appropriate visas given on Emergency Certificates issued by the other country which will, for this purpose, be recognized as valid travel documents by both the Countries. For the above purposes, visas will be issued for a period of one year, and extended from time to time until the holder has acquired the citizenship of the country to which he or she has come to rejoin his or her family.
(1) **Lapse of visa for non-utilisation within six months.**

If a visa expires because of its non-utilisation by the holder within six months of its issue, the visa holder will be allowed to apply for its extension on payment of the visa fee only, without having to submit an application for extension in the usual form with photographs. The duplicate copy of the original application returned to him will, however, have to be produced for revalidation.

(3) **Liberalisation of restrictions regarding customs**

The Government of Pakistan would give wide, publicity to their baggage rules and migrants’ concessions. The customs representatives of the two countries shall get together as early as possible to work out a revised set of common baggage rules based upon reciprocity, and considerations of public convenience, for implementation simultaneously by the two Governments by December 1953. It was emphasised that as it was the policy of both Governments to ensure the utmost free-flow of traffic between the two countries these revised rules should provide as liberal a treatment as possible to the passengers.

The customs representatives of the two countries will consider the concrete proposals made by the Government of India for the opening of parallel land customs stations on the Pakistan side, corresponding to the land customs stations on the Indian side in accordance with para 3(ii) of the Indo-Pakistan Agreement of April 1948, as modified by the Agreement of December 1948.

The Government of Pakistan will issue instructions to the customs authorities in the Eastern Zone that they should not insist on sealing certain in-transit goods, like bamboo and bamboo *kanchis*, and that so long as the quantity declared in the in-transit documents accompanying the goods agree with the quantity and goods in transit, the movement of such goods should not be interfered with.

4. **Review of some of the items from the Prime Ministers’ Agreement of April 1950 and its August Annexure.**

(a) **Legislation regarding forcible conversion and search and custody of abducted women.**

This matter should be considered further by the Ministers for Minorities of the two countries.

(b) **Minority Commissions and, District and Sub-Divisional minority Boards.**

The Minority Commissions and Beards should meet regularly. In regard to the Minority Boards, the monthly meetings should be held even if there was no formal agenda for the meeting. The proceedings of the
meetings of the Boards should be maintained, and the practice of confirming the proceed-ings of a meeting at the subsequent meeting should be adopted.

(c) Requisitioning of rural properties.

It was explained that the Government of Pakistan requisitioned only fallow land when required.

The two Minority Ministers should discuss the suggestion that blocks of land in which minority interests were more than 50% should not be requisitioned.

The suggestion that when requisition-ing, a minimum area for the actual subsistence of the owner should be exempted, would be considered.

5. Financial Issues.

The procedure for the finalisation of the balance-sheet for undivided Bengal.

In regard to the financial settlement between East Bengal and Assam, the balance-sheet with their recommendations should be prepared by the Governments of East Bengal and Assam and forwarded to their respective Central Governments by the 31st December 1953.

On the question of wrong debits against undivided Bengal, the Application Committee should complete the scrutiny of the debits in dispute and submit a final report to the two Governments by the 31st December 1953.

In regard to the question of transfer by Assam of Provident Funds of East Bengal optees, the matter should be progressed further on the basis of the payments due on this account being set off against payments due to Assam from East Bengal for certain supplies of foodstuffs and irregular debits, and a report made to the respective Governments by the 31st December 1953.

6. Exchange of Enclaves

The general question of the exchange should be discussed further at a later date. If the exchanges were affected, the nationals of those enclaves must not be persecuted, harassed or forced to migrate. They should also be given the option to acquire the citizenship of the country to which the enclave would fall after the exchange, and those continuing to remain in the enclaves should suffer no disabilities in the matter of acquiring citizenship rights. Government servants working in the enclaves should be withdrawn by their parent country of the exchange.
We, the Plenipotentiaries of the Governments of India and Pakistan do hereby accept the alignment of the boundary between India and Pakistan from Point No: 1 in Map Sheet 68 to Point No: 9 of Map Sheet 53; and from Point No: 1 of Map Sheet 4 to Point No: 6 of Map Sheet 4; and from Point No: 1 of Map Sheet 89 to the Off-take of the Mathabhanga in Map Sheet 85 of the India-Pakistan Boundary (Ganges Area) Series as defined by the co-ordinates of the agreed list which is herewith attached, in witness of which we have signed each of the pages of the said list.

We accept as correct the delineation of the parts of the said India-Pakistan Boundary on Map Sheets Numbers 68, 69, 64, 65, 60, 61, 56, 57, 53, 4, of the India-Pakistan Boundary (Ganges Area) Series prepared by the Air Survey Company Limited of London, in witness of which we have jointly signed each original copy of the above mentioned sheets.

We accept as correct the alignment of the part of the said India-Pakistan Boundary entered by hand in red ink on Map Sheets 85 and 89 of the above mentioned map series, and we accept the deletion of the descriptive remark “Fluctuating Boundary 18th January 1951” printed in Sheets 84 and 85 alongside the line joining Point No.1 of Map Sheet 84 with the Off-take of the Mathabhanga, this line being now a fixed boundary; and we also accept the deletion of the note “Boundary follows the middle line of the main channel” printed alongside the Mathabhanga River in Map Sheet 85; in witness of which we have signed each of the two copies of Map Sheets 84, 85 and 89.

For the Government of India: For the Government of Pakistan
(Signed) V.C. Trivedi (Signed) A. Hilaly

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AGREED CO-ORDINATES OF POINTS OF JUNCTION OF STRAIGHT SEGMENTS DEFINING THE BOUNDARY BETWEEN INDIA AND PAKISTAN FROM THE POINT NO.1 OF SHEET NO.4 (IDENTICAL WITH POINT NO. 10 OF SHEET NO.7) TO POINT NO.6 OF SHEET NO.4 OF THE INDIA-Pakistan BOUNDARY (GANGES AREA) SERIES.

Editor: Grid points not included here
AGREED CO-ORDINATES OF POINTS OF JUNCTION OF STRAIGHT SEGMENTS DEFINING THE BOUNDARY BETWEEN INDIA AND PAKISTAN FROM THE POINT NO.1 OF SHEET NO.68 (IDENTICAL WITH POINT NO.11 OF SHEET NO.72) TO POINT NO.9 OF SHEET NO.53 (IDENTICAL WITH POINT NO.1 OF SHEET NO.50) OF INDIA-PAKISTAN BOUNDARY (GANGES AREA) SERIES

Editor: (Grid points not included here)

Accepted on behalf of the Government of India: 
(Signed) V.C. Trivedi 
Plenipotentiary 
Dated: 22-1-1954 

Accepted on behalf of the Government of Pakistan: 
(Signed) A. Hilaly 
Plenipotentiary 
Dated: 22-1-1954 

***************
Letter from Pakistan Prime Minister Mohammad Ali to Prime Minister Jawaharlal Nehru.


My dear Prime Minister,

I regret I was not able to deal with your letter dated October 8, 1953, earlier. It is only now that I have been able to study the subjects dealt with in it in some detail and am in a position to write.

1. Although I agree that much progress was not made during the Calcutta Conference, I do not think that it would be at all fair to say that the Conference had failed properly to appreciate the issues involved or that they had been mishandled. It is true that you and I had agreed that the enclaves should be exchanged and that border trade and travel should be facilitated. But in considering the actual mechanism for giving effect to these general agreements we have to be realistic and must take into account certain practical considerations. A settlement which did not take full account of the practical difficulties involved would only serve to create more problems than it solved. Let me take the three matters specifically mentioned by you.

2. (i) **Exchange of Enclaves:** You propose that since a straight exchange of the existing enclaves between the two countries would mean that Pakistan would receive 8 sq. miles of territory in excess of the territory she ceded to India, we should make over to West Bengal 8 sq. miles of East Bengal territory in addition to the enclaves exchanged. This is a proposition which I fear my Government are unable to accept. It involves not merely the handing over to India of 8 sq. miles of territory which has since Partition constituted part of Pakistan, but also of Pakistan nationals living in such territory without even the justification that might be urged for such a transfer in the case of an enclave. You can well imagine the public out-cry that is bound to arise against any such proposal. My Government does not feel that they could justify such a proposition before the public. We could however, support a straight exchange of enclaves since it would involve exchange of an approximately equal number of nationals of both countries.

(ii) **Border Trade:** I regret that there was delay in the arrival in Calcutta of our representative from the Ministry of Commerce with Government’s brief on this subject. This arose out of delay in putting certain administrative formalities through owing to my personal preoccupation with other matters. I do not think however that any serious harm was done by this delay because although he
arrived on the last day of the conference there was no reason why the conference could not have continued for another day had there been some possibility of agreement being reached. Nor do I think it was at all material that this particular officer had no personal knowledge of local conditions, since the Delegation included five senior officers from East Bengal (including the Chief Secretary to that Government) who were fully conversant with local conditions and the background of this subject.

The main difficulty in appreciating the Pakistan Delegation’s approach to this question of border trade appears to me to have arisen out of a misunderstanding. It seems to have been assumed that the principles enunciated at Delhi by the Indo-Pakistani sub-committee on border trade in March last had been accepted by the Government of Pakistan and that these were later being repudiated by the Pakistan Delegation in Calcutta. I would invite your attention to the report of that sub-committee where it was made quite clear that the conclusions reached were provisional and subject to acceptance by the two Governments in principle. My Government has at no time accepted them. At the same time, since it had been decided that this subject should be discussed again at the Calcutta Conference, it was considered unnecessary to convey our inability to accept those principles to the Government of India, it being assumed that our reactions to these principles would be conveyed at the conference itself when the matter came up for further discussion. I regret that our omission to inform the Government of India of our reactions in advance had given rise to the mistaken belief that the principles enunciated by the sub-committee in Delhi had been accepted by us. While at the Calcutta Conference the Pakistan Delegation was therefore right in agreeing to let discussion proceed on the basis of the recommendations made by the subcommittee on border trade, it was unfortunate that this should have created the impression in the mind of the Indian Delegation that those recommendations had been accepted and that they were being subsequently repudiated. In fact nothing of the kind had happened.

I come now to the mechanism for promoting border trade discussed at the Calcutta Conference. We are anxious to promote legitimate border trade but could not possibly agree to a system that would lead to large scale abuse and smuggling. Looked at from this point of view the principles set out by the sub-committee on border trade in Delhi are wholly unsuitable. Any proposal that involves that the nationals of either country should be allowed freely to take even limited quantities of goods at every point across the border without being subject to import, export or foreign exchange regulations, or customs control would only mean that we would be opening the flood-gates of smuggling and no machinery that we could devise could ensure that the import and export
account in terms of the quantities and values of goods moving thus across the border would, as envisaged by the sub-committee, be balanced. I would earnestly request you to consider our difficulties in the matter. It is difficult enough already to stop smuggling from and into East Bengal along the 1700 miles of land border of that province. The Indian proposal, if accepted, would not only make it absolutely impossible to stop smuggling but would in fact directly encourage it and the persons who would take advantage of the situation would be not so much the inhabitants of the border areas in question but the professional smuggler with his army of small agents operating along numerous points on this border. It seems to me that if our intention is to promote legitimate border trade for the convenience of the residents in border areas we should have to give this matter further consideration and think along lines different from those recommended by the border sub-committee.

(iii) **Freedom of Movement:** Here again I am constrained to find that the approach of the Pakistan Delegation was helpful and realistic. The time for doing away with the visa system has not come and, in my opinion, will not come until all Indo-Pakistan disputes have been resolved and Indo-Pakistan relations have been placed firmly on a friendly and cooperative basis, free from the suspicions, the antagonisms and the bitterness that now cloud the atmosphere between the two countries. On the other hand, even the alternative proposal of the Indian Delegation that a passport holder anywhere in India or in Pakistan could visit the other country for two months without obtaining a visa amounted virtually to the abolition of the visa system and was, as pointed out by the Pakistan Delegation, administratively impracticable. The Delegation was right in taking the line that since the passport scheme had been only recently introduced and had been already revised and liberalized twice during its short existence and seemed to be working well, it would be better to watch its operation for some time before considering any major modifications. In the meantime, however, they were prepared to consider further liberalization of the existing system so as to facilitate travel between the two countries. Accordingly they did in fact agree to a number of suggestions put forward by the Indian Delegation designed to achieve that end. On the other hand, I am sorry to note that in cases where relief is urgently needed and could be given without prejudice to any security considerations involved e.g. grant of category ‘A’ visas by the Border Indian District Magistrates (instead of the Indian High Commission) as is being done in Pakistan, and seamen’s visas – matters which have been raised time and again at the Passport Conference with India, the Pakistan Delegation was able to obtain no more than an agreement that India would examine the suggestions made. It seemed to me that even without altering the very basis of that existing scheme which the Indian Delegation sought to do, there is considerable scope for improving it and provided this is done and
the scheme is worked with a determination to promote rather than obstruct legitimate traffic, there should be no reason why any serious inconvenience should be felt by bona fide visitors from either country. I suggest that the operation of the scheme should be kept under close review by both Governments with a view to improving and liberalizing it in the light of experience as and when conditions warrant it.

3. I was greatly disappointed at the attitude of the Indian Delegation towards Dispute No. IV concerning the Bagge Award. The award in this case is absolutely clear, intelligible and unambiguous. Under the Inter-Dominion Agreement of December 1948 both the Governments of India and Pakistan bound themselves to accept it and carry it out. Nevertheless, a dispute has arisen simply because the Government of India are not willing to accept this award and have decided to repudiate it by arguing, I gather, that in giving this award the Bagge Tribunal had exceeded its terms of reference. A dispassionate study of the terms of reference and of the award itself will show how wholly untenable the Government of India’s stand is and it was my hope that now that both countries were determined to resolve their disputes it would be possible for our Delegation to persuade yours in Calcutta to agree that the Bagge Award be implemented. Our Delegation met with stubborn and unreasoning opposition to this suggestion from the Indian side. They were eventually left with no alternative but to agree that the dispute concerning the implementation of the Bagge Award be submitted to another tribunal, although under the Inter-Dominion Agreement of 1948 which I have above quoted this award was to be “final”, and its implementation by both Governments was mandatory. An attitude such as this is I consider most unhelpful and makes your task and mine in resolving Indo-Pakistan differences only the more difficult.

4. If the general propositions I have set out above are acceptable to you, I should be agreeable to another meeting of the representatives of the two Governments to consider questions of exchange of enclaves, border trade, and any other matters left over from the Calcutta Conference which you consider need further examination.

Yours sincerely,

Sd. Mohammed Ali

The Hon’ble Pandit Jawaharlal Nehru,
Prime Minister of India, New Delhi.
Secret

Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Mohammad Ali.

New Delhi, March 6, 1954.

My dear Prime Minister

Thank you for your letter of the 3rd February, regarding the subjects discussed at the officials’ Conference in Calcutta in September-October 1953.

2. I confess I do not know how to deal with these problems when you suggest that you are agreeable to another meeting of the officials only if the general propositions you have set out in your letter are acceptable to me, particularly when I find that the general propositions you have now set out are so completely at variance with our previous agreements and the positive cooperative approach in Indo-Pakistan discussions laboriously built up during the last year.

3. I do not propose to repeat here what I had written in my letter of the 8th October 1953. I may, however, invite your attention to the concluding part of my letter where I had said that unless we are able to cut away the dead wood which has been hampering the growth of normal friendly relations of our two countries, our future negotiations will be bogged down in the same way as those of the past. Unfortunately, what we wished to avoid is exactly what is happening on these problems.

4. I am attaching herewith a detailed note which deals with the various points mentioned in your letter. No meeting of officials can make any progress unless we both agree on the main objective in dealing with these matters, viz., the restoration of normality in the Eastern Zone and give specific directives to the officials to implement this objective in their discussions and recommendations.

Yours sincerely

Sd/- Jawaharlal Nehru

The Hcn’ble Mr. Mohammed Ali,
Prime Minister of Pakistan, Karachi.

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Note attached to the above letter setting out Indian position on various issues.

1. Exchange of Enclaves: On this issue, instead of making any progress, the latest proposal takes matters a step backward.

This question has been under the consideration of the two Central Governments as well as the two Bengal for a long time. The 14th Chief Secretaries’ Conference in the Eastern Zone held in 1950 had recommended that the Governments of East Bengal and West Bengal should consider exchanging these Enclaves. There was then some correspondence between the two Central Governments, when the Government of India accepted the proposal in principle and the Government of Pakistan stated that they would first like to know the terms and conditions which India would suggest for the proposed exchange.

It was in this context that the two Prime Ministers met in Karachi. The intention was to have done with this cautious jockeying for positions and non-committal arguing in circles. Immediately after the talks in Karachi, the Indian Prime Minister wrote on the 29th July 1953, in continuation of the discussion between the two Prime Ministers and referred to Pakistan Prime Minister’s ideas on the question of compensation for the excess area of West Bengal enclaves and his own suggestion regarding the desirability of considering minor rectifications of the border in this connection.

There never was any question of a straight exchange either before or after the Karachi meeting. The Pakistan delegation in Calcutta formally put forward such a plea for the first time in the long history of Indo-Pakistan discussions on the subject, summarily rejected the proposals regarding minor rectifications of the border handed over to the Pakistan Prime Minister by Dr. B.C. Roy in May 1953, which our delegation put forward for consideration and declined to consider or put forward any alternative proposals. They refused to consider the question of compensation or of rectification of the border, despite the two Prime Ministers’ agreement to consider these.

The latest proposal for a straight exchange of enclaves not only ignores completely the discussions between the two Prime Ministers on the subject and the tentative principles agreed to but is more retrograde than any position taken up by the Pakistan Government in the past and seems obviously intended to sabotage all efforts at solution. Nor do the arguments advanced in defence of this new proposition have any validity.

The objection that the Indian proposal involves not merely the handing over to India of eight square miles of territory which has since partition constituted part
of Pakistan but also of Pakistan nationals living in such territory, without the justification that might be urged for such a transfer in the case of an enclave, can hardly be sustained in the light of the agreed item on the agenda, exchange of enclaves. i.e. transfer of territories which had since partition constituted part of Pakistan and India. No objection could be raised on the general principle of transfer of sovereignty only in respect of these additional eight square miles. Abundant justification for such a transfer also exists and is equally valid both in regard to the enclaves themselves as well as in regard to the rectification of the border and equalization of exchange between India and Pakistan.

Secondly, straight exchange of enclaves is advocated as it would involve exchange of an approximately equal number of nationals of both countries. It is true that the discrepancy in population in the enclaves is proportionately smaller than that in area. The Indian enclaves are about 27 square miles; the Pakistani enclaves are about 19 square miles. The population in Indian enclaves is about 12,600; that in Pakistani enclaves is about 11,000. This, however, is not the main point. As far as the population in the two areas is concerned, an agreement was reached at the Calcutta Conference and it was that the nationals of these enclaves must not be persecuted, harassed or forced to migrate. Further, they must be given the option to acquire the citizenship of the country to which the enclave will fall after the exchange and that those remaining on in the enclaves should suffer no disability in the matter of acquisition of citizenship rights. Thus, it was decided that the citizens of the enclaves were the masters of their fate. They could stay on or migrate and in either case, they should get the rights they want.

The argument that the exchanges will be fair because the populations in the two groups of enclaves are equal has neither any force nor relevance as it refers to populations before the exchange.

2. Border Trade; The Karachi communiqué of the Prime Ministers’ Conference recorded their agreement that the restriction on travel and trade should, as far as possible, be removed or minimized, the whole approach to the problem being to bring back normality. The latest proposal is that the nationals of the two countries should not be allowed to carry even limited quantities of goods in the border zone without being subject to export, import and foreign exchange regulations as well as customs control.

The frontier is 1700 miles long. There are only a limited number of check-posts on this border and even with the imposition of the Passport Scheme, it has been agreed that people can move about freely in the border zone with ‘A’
visas and cross the border wherever they like without passing through a check
post or without any formality of registration or reporting to the police. Nevertheless, it is suggested that for the purpose of carrying a basketful of
local produce, these people must come within the rigours of our respective
export control, import control and exchange control laws and be subjected to
customs examination at the small number of check posts established on this
long border.

There is a misunderstanding in the Pakistan Prime Minister’s letter which
requires clearing. It is stated with reference to the Delhi Agreement that “since
it had been decided that this subject should be discussed again at the Calcutta
Conference, it was considered unnecessary to convey our inability to accept
those principles to the Government of India”.

The chronology of events is all wrong. The Delhi Agreement was reached in
March 1953. The plenary session of that particular Indo-Pakistan Conference
recorded the agreement that “on approval by the respective Governments of
the principles recommended in the report, a conference to implement them
and to work out the details should be convened not later than the 30th April
1953”. India duly communicated her approval of the principles recommended
in the Border Trade Committee’s report and requested the approval of the
Government of Pakistan. To this a reply was received on the 16th April to the
effect that the matter was receiving attention. Nothing further was since heard
on this subject from the Government of Pakistan and no conference was held
before the 30th April 1953 as agreed to at the Delhi Conference.

The Calcutta Conference was conceived only during the end of July 1953. As
a matter of fact, a formal proposal for a conference was sent from us only on
the 4th August 1953 and no reply had been received from the Government of
Pakistan even to this proposal till the 5th September 1953.

There was no idea of a Calcutta Conference till the end of July and there could
be no question of the Government of Pakistan postponing the communication
of their decisions on the principles recommended by the Delhi Border Trade
Conference of March 1953 as the same subject was going to be discussed at
the Calcutta Conference.

The main point, of course, is that the proposition now put forward is entirely
contrary to what the two Prime Ministers had in mind and what the Indo-Pakistan
Conference held in Delhi had in mind. What is now proposed is not a return to
normality but a complete negation of border trade.

3. **Freedom of Movement**; Apart from misunderstandings on the two points
discussed below, the proposition new put forward is contrary to the agreed and express desire of the two Prime Ministers to minimize restrictions and to restore normality as far as possible.

(i) ‘A’ Visas: It is proposed that the border district magistrates should be authorized to grant them. This is not new. Before the introduction of the passport system, when an agreed scheme was being worked out by representatives of the two countries, this suggestion was made and considered very carefully by the Indian representatives and found impracticable. Since then the Government of India had reiterated their considered findings in the matter several times. The main difficulty is in regard to the presentation of applications and payment of visa fees. A Pakistani national, applying to the Indian District Magistrate, cannot reach the magistrate unless he has a visa. He can only apply to the Indian visa offices which are situated in his own country. Even if it is arranged that the Pakistani District Magistrate should collect all such applications from Pakistani nationals and pass them on to the Indian District Magistrate across the border and even if the difficulty of letting the courier cross the border with application forms and substantial amount of currency is surmounted, there will be question of currency difficulties as the fees would be in Pakistani currency. The Indian District Magistrate cannot accept this currency. The Indian Visa Offices in Pakistan can, of course, accept it. The Government of India therefore suggested that the most practical method of dealing with this problem was for the Indian Visa Officers in Pakistan to grant ‘A’ visas. If the applicants need any assistance, there could be no objection to the Pakistani District Magistrates collecting the applications and the fees and forwarding them to the Indian Missions, as we do not insist on personal presentation of applications.

In this connection, it may be relevant to point out that till the 31st August 1953; Indian Visa Offices had issued 19,462 ‘A’ Visas to Pakistani nationals, while according to the information so far supplied to us by the Government of Pakistan, only 36 ‘A’ visas have been issued by Pakistan to Indian nationals.

Indian authorities have always adopted a liberal attitude in regard to travel restrictions in theory as well as in practice and Pakistan practices have been the other way as illustrated by these figures.

(ii) Transit Visas for Pakistani Seamen; Even through the minutes of the Conference state that the Indian delegation promised to examine the suggestions put forward in this regard by the Pakistani delegation, just after the Conference broke up, the Pakistan delegation was informed
that the position had been verified from the Shipping Master in Calcutta and that the Pakistani proposals had already been implemented by India. The Pakistan Foreign Office is aware of the position and has already confirmed it in a letter written by them to our High Commission in Karachi.

4. **Boundary Demarcation:** It is surprising that this particular item has been mentioned in the Prime Minister's correspondence. The facts are different from those stated in the Pakistan Prime Minister's letter. The correct position in respect of Dispute No. IV is as follows:

   The dispute referred to the Bagge Tribunal was regarding the course of the river Kusiyara mentioned in the Radcliffe Award. The Government of Pakistan described some other river as the Kusiyara. The Bagge Tribunal settled that dispute and confirmed that the river Kusiyara was the one that India maintained to be the Kusiyara. That was the only point of dispute in this region as is abundantly clear from the Agreement reached at the Indo-Pakistan Conference held in New Delhi in December 1948 referring this and three other boundary disputes on the Eastern Zone to an independent tribunal.

   The misunderstanding has arisen because the Tribunal, while giving the Award on the point in dispute mentioned, by way of recital, the boundary in other places near the river. That part of the border, namely, from the river Sonai to the river Kusiyara was never in dispute and was not referred to the Bagge Tribunal. The question of implementing the Bagge Award in this matter therefore does not arise.

   The Pakistan Delegation at the Calcutta Conference had themselves apparently accepted the Indian point of view. It was because of this view that the Calcutta Agreement states that this dispute should be referred to a Tribunal other than the Bagge Tribunal. The Indo-Pakistan agreement of 1948, referred to above, dealing with the Bagge Tribunal provides that, if there is any disagreement between the two countries on actual demarcation after the Tribunal has adjudicated upon the disputes, such disagreement should be referred to the Bagge Tribunal itself. The Calcutta Conference agreed to refer this particular issue, namely, the boundary from the river Sonai to the river Kusiyara, to a new Tribunal. It is therefore admittedly a new dispute of interpretation of the Radcliffe Award and has nothing to do with the Bagge Award.

5. **Ratification of the Calcutta Agreement:** The Calcutta Conference took place from the 30th September to the 3rd October 1953. The Government of India communicated their ratification soon thereafter. We have not yet received the ratification of the Government of Pakistan. All that has been received is a recent letter going back on the Agreement on boundary demarcation.

   ✽ ✽ ✽ ✽ ✽
My dear Ray,

Please refer to your D.O.No.1718-CR/2B-11/54, dated the 5th April, 1954, regarding boundary demarcation and exchange of territory.

The position regarding formal exchange of territory immediately after demarcation in any particular area is completed has never been in doubt. The West Bengal Govt., had conveyed their formal confirmation of this position vide their letter No.6029-CH, dated the 26th June, 1951. That the Govt., of West Bengal suggested in their letter No. 587U-CU, dated the 4th September, 1952, was, I am afraid, not quite consistent with the agreed decision, and the position as understood and accepted by both East Bengal and West Bengal. Mr. Altaf Gauhar has already sent a detailed reply to that letter with his letter No.3370-ComreJ, dated the 1st July, 1954, of which I enclose a copy herewith.

The introduction of an entirely new meaning and interpretation of the word ‘sector’ by West Bengal is clearly beyond the accepted meaning and definition. In this connection, I would like to invite your attention to three successive Chief Secretaries’ Conferences held in 1951 (21st, 22nd and 23rd). In the 21st Conference the Chief Secretary, West Bengal, agreed to the change-over of territory, as soon as the pillars were finally checked by the two Directors of Land Records, “as agreed to at the previous conference.

In the 22nd Chief Secretaries’ Conference it was decided that as soon as fixing of the pillars was completed “the change-over of any territory involved would then be carried out under joint supervision of the District Magistrates and the Superintendents of Police simultaneously on a date to be mutually agreed upon”. The area to be exchanged was not co-extensive with the area of the ‘sector’ as now defined by West Bengal. Hence the interpretation now given is not consistent with the previous understanding, and the distinction which is being made between ‘popular sense’ and ‘correct sense’ is really stretching the point and putting on an entirely different, construction to the one already accepted.
It was in the 26th Chief Secretaries’ Conference held in November, 1952, that a difference of opinion arose regarding the change-over of territory as the entire sector according to West Bengal could not be taken to have been demarcated because of the two chit lands of Cooch Behar which intervened. This, as you would appreciate, was at best a more technical objection. The area agreed upon to be demarcated between East Bengal and West Bengal had, in fact been demarcated. The chit lands were not a part of West Bengal at the time the two directors of Land Records were directed to undertake the demarcation of the boundary between West Bengal and East Bengal in the Dinajpur-Jalpaiguri sector. They could not be originally included in the demarcation because Cooch Behar had not till then merged with West Bengal, and was therefore, not a party to the agreement on the demarcation of its boundary with East Bengal. In any case, it would be seen that the word ‘sector’ in the context meant the boundary between East Bengal and West Bengal from one given point to the other between Dinajpur and Jalpaiguri and not sector or sectors in which the entire boundary between the two States has been divided by the two D.L.Rs. merely for the convenience of their work. The agreement related to West Bengal territory at the time the demarcation, was agreed upon; and as such any subsequent accretion to West Bengal territory could not reasonably justify the postponement of change-over of an area which was agreed to be demarcated and had been finally demarcated. Chief Secretary, West Bengal, did, however, agree to examine the matter further but it is regretted no further progress has been made. I am, therefore, directed to request that the matter may kindly be examined quickly, if indeed it has not already been done, and the area in Dinajpur-Jalpaiguri sector should be exchanged as early as possible. If the Govt., of Bengal still insist that the change-over in this area should take place after the chit lands are also demarcated, I would request that instructions should issue so that the work may be taken up in the next cold whether. The area of the two chit lands intervening is quite small and can be easily demarcated in a short time.

Now in regard to demarcation of boundary between Jibannagar in Kushita District and Krishnaganj in Nadia, I am to inform you that we have already issued instructions for the maintenance of status quo until territories involved are exchanged on a date to be agreed upon soon after the demarcation in the area is completed. The District Magistrate, Kustia, has already informed his opposite number of the instructions issued by him.

Finally, I would urge that the Govt. of West Bengal may kindly be moved to have the areas exchanged as early as possible. It does no good to delay exchange of areas which have been demarcated and found to lie in the other country. The delay in exchange creates unnecessary friction and bitterness.
I shall be grateful to have an early reply.

Yours sincerely
Sd/- I. Khan

C.K. Ray, Esq.,
Jt. Secy. to the Govt. of West Bengal,
Home (Poll C.R.) Section, Writers’ Buildings, Calcutta.

2774. Joint Communiqué announcing the ratification of the decisions of the India – Pakistan Eastern Zone Conference held in Calcutta from September 30 to October 3, 1953 in pursuance of the agreement reached between the Prime Ministers of India and Pakistan during their meeting in August 1953.

March 11, 1955.

The Governments of India and Pakistan have ratified the decisions reached at the Indo-Pakistan (Eastern Zone) Conference held at Calcutta from the 30th September to the 3rd October 1953 in pursuance of the Agreement reached between the two Prime Ministers at New Delhi in August 1953.

The two Governments agreed on the following matters; they are taking steps to give immediate effect to the decisions:

(1) Boundary disputes

(a) Dispute No.1 before the Bagge Tribunal.

The method of connecting the river boundary and the land boundary in the Kaliachak (W. Bengal)- Shibganj (East Bengal) sector and on the method of connecting the river boundary at both ends of the fixed land boundary en the char opposite Rajshahi.

(b) Dispute No. II before the Bagge Tribunal.

The boundary along the river Mathabhanga, referred to in this Dispute.

(c) Dispute No. III before the Bagge Tribunal — Patharia Hill Reserve Forest

The demarcation of the boundary in this sector.
(d) Dispute No.IV before the Bagge Tribunal— The course of the river Kusiyara.

To refer this dispute to another impartial Tribunal consisting of one Indian judge, one Pakistani judge and one independent Chairman jointly agreed upon by the two Governments.

(e) Beriberi and Hili Disputes.

The dispute over the boundary in Beribaru

I. L.No.23 of P.S. Jalpaiguri of undivided Bengal and the dispute over the boundary in Hili were discussed, and left over for further discussion at a later date.

(f) Bholaganj and the River Surma Disputes.

Both sides to endeavour to settle these disputes by correspondence or Conference, failing which to they refer them to the Tribunal set up for settling Dispute No.IV referred to above.

(g) That where areas belonging to one country which have so far remained in the possession of the other are delivered to the country to which they belong, the inhabitants of those areas should not be persecuted, harassed or forced to migrate. They should be given the option to acquire the citizenship of the country to which the area is transferred. Those who choose to migrate should be given the right to dispose of their property by sale, exchange or otherwise.

Further, that deliberate destruction of property within the area to be transferred should not be permitted,

(h) Every effort should be made by both countries to implement the decisions of this Conference regarding the Bagge Disputes, I, II and III before the 5th February, 1954.

(2) Liberalisation of travel facilities.

(a) ‘A’ Category visas.

Instructions to be issued to visas-issuing authorities that medical practitioners lawyers and other professional men resident in the border zone were eligible to receive Category “A” visas, if they practiced their professions within that area.

(b) “B” Category visas.

Nephews and nieces of the first degree should be included in the list of near relations for the purposes of the grant of “B” visas.

The present regulation requiring visa-holders of “B” category to leave at
The end of two months should be liberalised. They should be allowed the facility available to holders of visas of their categories to obtain extensions of stay, if required, during the validity of their visas. The visa-holders would, however, have to apply for the extension of the period of stay during a single visit at the expiry of every two months.

It was explained that the Deputy High Commissioner for Pakistan at Calcutta insisted only when in doubt that Indian nationals having an interest in immovable property in West Bengal should produce some kind of satisfaction evidence in support of their claim for “B” visas.

Indian visa-issuing authorities would not insist on bona fide applicants desirous of applying for forest permits producing forest permits before visas were granted to them.

(c) “D” Category visas.

“D” (Diplomatic) and “D”(Official) visas should, on application, be made valid for a maximum period of one year and for repeated journeys during that period.

(d) Photographs for renewal of applications.

It would not be necessary to affix photographs on the application forms for the renewal of any category of visa during the validity of the passport, if the renewal application was made to the original visa issuing authority.

(e) Reports of arrivals and departures to the Police.

It should be re-emphasised by both the Governments by the issue of fresh instructions and publicity that holders of categories “C”, “F” and “E” visas (except transport workers), are required to report their arrivals and departures to the Police, could do so by letter, and that there was no need for them to make these reports in person.

(f) Multi-journey transit visas.

The Government of Pakistan would issue detailed instructions for the grant of multi-journey transit visas in accordance with the previous agreement between the two Governments, if their present instructions were inadequate.

(g) Excessive references.

Both the Governments should instructions emphasising that there should not be unnecessary or excessive reference to them by their visa-issuing authorities.
(h) Registration with Intelligence, Branch of Police.

The Government of Pakistan would instruct the check post officials that, as long as the visas on the passports of Indian nationals were issued by authorities within East Bengal to the time of the departure of Indian nationals from Pakistan, they should not insist on their registering themselves with the Police or on their producing duplicate copies of their application forms to verify the legality of their original entry into Pakistan.

(i) Exchange of information.

A decided at the last Indo-Pakistan Passport Conference in January-February 1953, information of the issue of visas by the two Governments should now be exchanged, and that, as the dates specified in the passport agreement had expired the information to be exchanged should be for the following two periods and should be done by the 31st October, 1953:-

(a) From the introduction of the passport scheme till the 31st January 1953; end

(b) from the 1st February 1953, to the 31st August 1953.

The two Governments may later exchange this information on a quarterly basis. Before the end of each quarter the two Governments would fix the date for such exchange.

(j) Repatriation of nationals belonging to the other country.

The following procedure will be followed in lieu of the No. 5 agreed to at the Indo-Pakistan Passport Conference held in February 1953:

(1) If a person is convicted and sentenced from imprisonment by a court of law for the contra-vention of the Passport Regulations, and his passport expires during the period of the sentence, then within the shortest possible time, not exceeding ten days, of his release he should be allowed by this check posts of both the countries exist and entry on the production of his expired passport, and the release order issued by the Superintendent of the Jail (in which he served his sentence) together with a certificate by the latter to the effect that he had been in jail undergoing imprisonment on conviction for a contravention of the passport regulations.

(2) If a person, having entered one country from the other, without any passport or any other equivalent travel document is convicted and sentenced by a Court of Law for Illegal entry, all the relevant facts will, immediately on such conviction, be communicated to the nearest Diplomatic Mission of the country from which the person had entered in
the country where he is convicted, together with a certified copy of the judgment of the Court convicting him of illegal entry. If the Diplomatic Mission to which the reference is made does not within a fortnight refuse in writing to acknowledge the convicted person as its national, on expiry of the sentence such person shall be allowed exist and entry. (If the refusal is communicated within the fortnight stipulated above, the convicted person will not be repatriated until the matter is settled between the two Governments).

(i) If a sentence of imprisonment has been imposed, he shall be allowed exit and entry within the shortest period not exceeding thirty days of his release on production of the release order issued by the Superintendent of the Jail (in which he has served his sentence) together with a certificate by the latter to the effect that the person had been in Jail undergoing Imprisonment on conviction for contravention of the Passport Regulations; and,

(ii) If the sentence is of fine, or discharge or acquittal, he shall be allowed exit and entry within the shortest period not exceeding thirty days of the payment of the fine or other of the Court which will be supplied to the convicted person free of charge.

(3) There will be no bar to the prevention of illegal entry or the expulsion of illegal entrants while attempting to enter illegally other country.

(k) Re-union of divided families.

The grant of the following facilities for the re-union of divided families:—

(a) If the persons concerned are, under the law of the country from which they wish to migrate, its nationals and as such are eligible for being issued with passports of that country, they will be required to produce such passports with appropriate visas for admission into the other country.

(b) If, however, the persons affected are not, under the law of the country from which they wish to migrate, eligible for the grant of passports of that country, the Government of the country giving re-union facilities will admit them on the strength of appropriate visas given on Emergency Certificates issued by the other country which will, for this purpose, be recognised as valid travel documents by both the countries. For the above purposes, visas will be issue for a period of one year, and extended from time to time until the holder has acquired the citizenship of the country to which he or she has come to rejoin his or her family.
(1) Lapse of visa for non-utilisation within six months.

If a visa expires because of its non-utilisation by the holder within six months of its issue, the visa holder will be allowed to only for its extension on payment of the visa fee only, without having to submit an application for extension in the usual form with photographs. The duplicate copy of the original application returned to him will, however, have to be produced for revalidation.

(3) Liberalisation of restrictions, regarding customs.

The Government of Pakistan would give wide, publicity to their baggage rules and migrants’ concessions. The customs representatives of the two countries shall get together as early as possible to work out a revised set of common baggage rules based upon reciprocity, and considerations of public convenience, for implementation simultaneously by the two Governments December 1953. It was emphasised that as it was the policy of both Governments to ensure the utmost free-flow of traffic between the two countries these revised rules should provide as liberal a treatment as possible to the passengers.

The customs representatives of the two countries will consider the concrete proposals made by the Government of India for the opening of parallel land customs stations on the Pakistan side, corresponding to the land customs stations on the Indian side in accordance with para 3(1.1) of the Indo-Pakistan Agreement of April 1948, as modified by the Agreement of December 1948. The Government of Pakistan will issue instructions to the customs authorities in that Eastern Zone that they should not insist the sealing certain in-transit goods, like bamboo and bamboo kanchis, and that so long as the quantity declared in the in-transit documents accompanying the goods agree with the quantity and goods in transit, the movement of such goods should not be interfered with.

4. **Review of some of the items from the Prime Ministers Agreement of April 1950 and its August Annexure.**

(a) Legislation regarding, forcible conversion and search and custody of abducted, women.

This matter should be considered by the Ministers for Minorities of the two countries.

(b) Minority Commissions and District and sub-Divisional Minority Boards. The Minority Commissions and Beards should meet regularly. In regard to the Minority Boards, the monthly meetings should be held even if there was no formal agenda for the meeting. The proceedings of the meetings of the Boards should be maintained, and the practice
of confirming the proceedings of a meeting at the subsequent meeting should be adopted.

(c) Requisitioning of rural properties.

It was explained that the Government of Pakistan requisitioned only fallow land, when required.

The two Minority Ministers should discuss the suggestion that blocks of land in which minority interests was more than 50% should not be requisitioned.

The suggestion that when requisitioning, a minimum area for the actual subsistence of the owner should be exempted, would be considered.

5. Financial Issues.

The procedure for the finalization of the balance-sheet for undivided Bengal. In regard to the financial settlement between East Bengal and Assam, the balance-sheet with their recommendation should be prepared by the Governments of East Bengal and Assam and forwarded to their respective Central Governments by the 31st December 1953.

On the question of wrong debits against undivided Bengal, the Application Committee should complete the scrutiny of the debits in dispute and submit a final report to the two Governments by the 31st December 1953.

In regard to the question of transfer by Assam of Provident Funds of East Bengal optees, the matter should be progressed further on the basis of the payments due on this account being set off against payments due to Assam from East Bengal for certain supplies of foodstuffs and irregular debits, and a report made to the respective Governments by the 31st December 1953.


The general question of the exchange should be discussed further at a later date.

If the exchanges were affected, the nationals of those enclaves must not be persecuted harassed or forced to migrate. They should also be given the option to acquire the citizenship of the country to which the enclave would fall after the exchange and those continuing to remain in the enclaves should suffer no disabilities in the matter of acquiring citizenship rights. Government servants working in the enclaves should be withdrawn by their parent country the exchange.

My dear Trivedi,

Please refer to your d.o. No: P(III)/53/19335/1 dated the 19th August, 1954, regarding ratification of the decision reached at the Indo - Pakistan (Eastern Zone) Conference held at Calcutta from 30th September to 3rd October, 1953.

2. The Government of Pakistan are prepared to ratify the decision taken at the Calcutta Conference subject to the reservation that what is being referred to the new Tribunal is not the original Dispute No. IV for de novo adjudication but the subsequent dispute concerning the implementation of the Bagge Award in respect of Dispute No. IV.

3. The Government of India have declined to implement the Bagge Award in respect of BC on the ground that in giving this Award the Bagge Tribunal had exceeded its terms of reference. Pakistan’s contention, on the other hand is that the Bagge Tribunal having been set up for the adjudication and final settlement of boundary disputes arising out of the interpretation of the Radcliffe Award and for demarcating the boundary accordingly, where the decision of the Chairman was to be final in all matters, and the challenge to the jurisdiction of the Tribunal which was raised before the Tribunal itself by the Indian side having been overruled by the Indian Judge and by the Tribunal itself, and the Tribunal thereafter having come to a decision both as regards its terms of reference and on the matters in dispute, its decision became final under the Indo-Pakistan agreement or 1949 and cannot be questioned. The challenge, therefore, to the Bagge Tribunal’s jurisdiction cannot now be raised again and the Bagge Award must be implemented. It is this dispute that is being referred to the new Tribunal.

If, however, the new Tribunal should hold that the Indian contention is justified, and that of Pakistan is not, the Tribunal may proceed to determine where the Indian boundary in Sector B-C should be.

Yours sincerely

(M.S.A.BAIG)

V.C. Trivedi, Esquire,
Deputy Secretary,
Ministry of External Affairs,
Government of India, New Delhi.
2776. Letter from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs.

New Delhi, June 18, 1955.

D.O.No.F.4(II)Pak-III/55. 18th June, 1955

Ministry of External Affairs
New Delhi

My dear Baig

Will you please refer to your letter dated the 11th March 1955, regarding the ratification of the decisions reached at the Indo-Pakistan (Eastern Zone) Conference held in Calcutta from the 30th September to the 3rd October 1953?

2. We have considered the matter carefully and regret to note that the Government of Pakistan wish to introduce certain reservations in the decisions reached at the Conference, before they signify their ratification of these decisions. The Conference was held in September - October 1953 and the ratification of the Government of India of the decisions reached at the Conference was communicated to the Government of Pakistan on the 31st October 1953. It is now nearly two years since the representatives of the two Governments reached an agreement on the boundary dispute in question, and it would obviously not be correct to introduce, at the time of ratification, any reservations in the agreement. The merits of the case have been gone into in great detail during the discussions at the Conference and the only action now pending is for the Government of Pakistan to ratify the decisions reached at the Conference. You will no doubt appreciate that it is not possible for the Government of India to accept any reservation at this stage as proposed by you.

3. We shall be grateful if you please have the matter re-examined and communicate to us the ratification of the Government of Pakistan without any reservations.

4. An early reply is requested.

Yours sincerely

(V.C. Trivedi)

M.S. A. Baig, Esquire,
Joint Secretary,
Ministry of Foreign Affairs & Commonwealth Relations,
Government of Pakistan, Karachi.
Letter from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs regarding ratification of the decisions of the India – Pakistan (East Zone) Conference held in Calcutta from 30th September to 3rd October 1953.


Ministry of Foreign Affairs and Commonwealth Relations, Karachi

No. I (I) 12/20/53 September 21st, 1955

My dear Trivedi,

Please refer to your demi-official letter No.F.4(ll)Pak-III/55, dated the 18th June, 1955, regarding the ratification of the decisions reached at the Indo-Pakistan (Eastern Zone) Conference held at Calcutta from the 30th September to 3rd October, 1953.

2. As already explained in my letter of 11th March, 1955, the decision of the Bagge Tribunal cannot be questioned by either party and has to be implemented. That being the case let us consider what was the point at issue that was discussed at the Calcutta Conference. Surely it was not and could not be the Dispute No.IV itself because that Dispute had already been adjudicated upon by a competent tribunal, which gave its award in unambiguous terms after taking fully into consideration the view points of both the parties. Under the Indo-Pakistan Agreement of 1949, the tribunal’s award is final and binding on both parties; Dispute No.IV could be reopened only if that Agreement was revised, and this clearly the Calcutta Conference had no authority to do. Thus the point in issue at the Conference was and could only be, the difference of opinion which had arisen between the two Governments over the implementation of the Bagge Award in respect of Dispute No.IV. It is the dispute and not the original dispute No. IV, which the parties agreed to refer to a new tribunal. Thus you will agree that there can be no question of referring the original dispute No.IV to the proposed tribunal for de novo adjudication and all that we wanted was to clarify the position with a view to eliminating the possibility of any mis-understanding on this issue in future.

There is no intention on our part to delay the ratification of the Calcutta decisions; the delay that has occurred is due largely to the unreasonable, attitude adopted by the Government of India in trying to read into those decisions what was not and could not be discussed or agreed to at the Conference.

3. I hope the Government of India will reconsider the matter in its true
perspective and agree to our point of view so that the Calcutta decisions can be ratified without further delay.

Yours sincerely

(M.S.A.Baig)

V.C.Trivedi, Esquire
Ministry of External Affairs
Government of India, New Delhi.

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2778. Letter from Foreign Secretary Ministry of External Affairs C.S. Jha to Foreign Secretary Pakistan Ministry of Foreign Affairs M.S.A. Baig.

New Delhi, October 24/28, 1955.

D.O.No.F.4(II)-Pak III/55. 24th October, 1955

My dear Baig,

Will you please refer to your letter No.I(I)12/20/53 dated the 21st September 1955, to Trivedi, regarding the Kusiyara dispute in connection with the question of ratification of the decisions of the Indo Pakistan (Eastern Zone) Conference held in Calcutta in September-October 1953?

2. We agree with you that Dispute No.IV before the Bagge Tribunal was not the point at issue at the Calcutta Conference. This dispute, namely, the course of the river Kusiyara, has already been adjudicated by the Bagge Tribunal. As far as that question is, the Bagge Tribunal has stated that the river Kusiyara is the river which India maintained was the river given in the Radcliffe Award. It is that part of the Bagge Award which is to be implemented. What Justice Bagge stated about other matters in this area is not a part of the Award as the other matters were not referred to the Tribunal for adjudication. For disputes other than “the course of the Kusiyara river”, we have to depend only on the Radcliffe Award. In order to avoid any confusion in the matter, it is essential to separate the question of that portion of the boundary which was referred to the Bagge Tribunal from that of other portions which were not referred to that Tribunal and were clearly decided upon by the Radcliffe Tribunal. We do not, therefore, agree with you that
the point at issue at the Calcutta Conference was the difference of opinion
between the two Governments over the implementation of the Bagge Award.
This would be quite clear if the agreement reached at the Calcutta
Conference as well as the Indo-Pakistan Agreement of April (December)
1948 setting up the Bagge Tribunal are studied carefully. The 1948
Agreement stated quite clearly as under.

“(3) After the Tribunal has adjudicated upon the disputes, the boundaries
shall be demarcated jointly by the experts of both Dominions. If there is
any disagreement between the experts regarding the actual demarcation
of the boundary in situ, such disagreement shall be referred to the
Tribunal for decision and the boundary shall be demarcated finally in
accordance with such decision.”

If there was any difference of opinion on the demarcation of the boundary
arising out of the interpretation of the Bagge Award regarding the course of
the Kusiyara, the two countries were bound to refer the matter to the Bagge
Tribunal itself for decision. There was nothing else that either Government
can do. That was, however, not the position. What was discussed at the
Calcutta Conference was, different. This is evident from the fact that it was
agreed by the representatives of the countries that the issue in question be
referred to a new Tribunal. As a matter of fact, the signed minutes even
emphasise the fact that this Tribunal should not be the Bagge Tribunal.
There should, therefore, be no scope for any doubt on this point.

3. If the issue before the Calcutta Conference was not that of
interpretation of the Bagge Award as regards the course of the river Kusiyara,
which was the issue referred to that Tribunal, the question to determine is
what was then the issue. Obviously, the issue was in regard to the difference
of opinion between the two Governments regarding another portion of the
boundary, namely the sector from near Gobindpur to the point where the
line meets the river Kusiyara, as finally determined by the Bagge Award.
This is the only other dispute in this area, and the Indo-Pakistan Conference
reached an agreement on that issue.

4. I think that the exposition made above makes the position clear. In
any case, the issue at the moment is simple, namely, that of ratifying the
decisions of the Calcutta Conference. The decisions are embodied in the
minutes, which have been signed by the representatives of the two
Governments. It is the normal expectation that the two Governments will
ratify them. If the matter has to go to a new Tribunal, let it go in the form in
which the decision has been recorded in these minutes.
5. As the matter has now been delayed for over two years, I shall be grateful if the ratification of the Government of Pakistan is now communicated to us and without any reservations. We have ourselves ratified the decisions of the Calcutta Conference without any reservations.

Yours Sincerely
(C.S. Jha)

M.S.A. Baig Esq.,
Foreign Secretary,
Government of Pakistan
Karachi.

2779. Letter from Pakistan Foreign Secretary to Commonwealth Secretary, Ministry of External Affairs.

Ministry of Foreign Affairs &
Commonwealth Relations
Karachi

No. I (I)/20/53 20th December, 1955

My dear Jha,

Will you please refer to your D.O letter No. F.4(11) Pak-III/55 dated October the 28th, 1955 regarding ratification of the decisions reached at the Indo – Pakistan (Eastern Zone) Conference held in Calcutta in September - October 1953. The Government of Pakistan’s point of view in the matter has already been explained in my D. O. letter to Trivedi No. I (I) 12/20/55 dated September 21sr, 1955, and we adhere to it.

3. The Government of Pakistan regret to note that the Government of India instead of viewing the position in its correct perspective have put on it an interpretation which we never mooted at the Calcutta Conference. The Government of Pakistan would, therefore, urge upon the Government of India once again, to accept the proposal with regard to ratification of the
decisions conveyed to the Government of India vide our letter of even number dated February 18th, 1954.

Yours sincerely,
Sd/-
(M.S. A. Baig)

C. S. Jha, Esquire,
Commonwealth Secretary,
Ministry of External Affairs,
Government of India
New Delhi, (India)

2780. Letter from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs.
Karachi, January 9, 1956.

Ministry of Foreign Affairs and Commonwealth Relations
Karachi

No. I(I)-3/22/55. 9 January, 1956
From : The Secretary to the Government of Pakistan,
Ministry of Foreign Affairs & Commonwealth Relations.
To : The Secretary to the Government of India,
Ministry of External Affairs,
New Delhi.

Subject: Chit lands of Cooch Behar State touching the Radcliffe line between Dinajpur (East Bengal) and Jalpaiguri (West Bengal).

Sir,

I am directed to say that in the course of demarcation of the boundary between East Bengal and West Bengal, a dispute has arisen between the authorities of the two Provincial Governments about the chit lands of Cooch Behar State touching the boundary line delineated by Sir Cyril Radcliffe in the Award Map. These chit lands, it may be pointed out, are included in the thana map of Pachaghar, district Dinajpur, and according to Radcliffe Award, fall on Pakistan
side of the boundary. These chit lands should, therefore, be rightly included in Pakistan for the purpose of demarcation.

2. I am directed to add that the Government of West Bengal are also in wrongful possession of two hamlets viz, Singhpara and Khudipara in mouza Shikarpur Arazii, J.L. No. 9, P.S. Pachagarh, district Dinajpur, East Bengal. The boundary of the hamlet Khudipara has already been demarcated by erecting boundary pillars as a result of which it has been found to be falling on the Pakistan side of the border. As regards Singhpara, this hamlet is surrounded on three sides by the chit lands of Cooch Behar State. The boundary between the chit lands of Cooch Behar and mauza Shikarpur Arazii was, however, demarcated in 1937-38 jointly by the Survey Officers of Undivided India and Cooch Behar by fixing boundary pillars. According to the demarcation of 1937-38, which still holds good, the entire mouza Shikarpur Arazii, including the hamlets Singhpara and Khudipara, falls on East Bengal side.

3. In the circumstances, I am to request the Government of India kindly to issue necessary instructions to the authorities concerned to agree to the inclusion of the chit lands in question in Pakistan territory as also to instruct the State Government concerned to hand over the two hamlets Khudipara and Singhpara to East Bengal authorities since these hamlets, as explained above, are included in East Bengal territory.

Your obedient servant

(R. S. Chhatari)

for Secretary to the Government of Pakistan

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2781.

SECRET

Letter from Pakistan High Commissioner Ghazanfar Ali Khan to Prime Minister Jawaharlal Nehru conveying his Prime Minister’s message.

New Delhi, March 18, 1956

Office of the High Commission for Pakistan in India
New Delhi

18th March, 1956

My dear Prime Minister,

I have been desired by my Government to convey the following message to you:

Begins “Mohammad Ali for Pandit Jawaharlal Nehru.

As you are aware, in the last few weeks a series of incidents, of a potentially serious nature, involving (except in the case of Bela) shooting, have occurred in quick succession along the Indo-Pakistan border in the following specific places:

Chhad Bet
Surma River
Ferozepore Bet
Rohiwal
Nagar Aimanpur
Khem Karan and Muthianwala

2. In my view none of these incidents need have taken place. Unless we act immediately to stop the recurrence of such incidents and ensure that the status quo is maintained until the boundary is delimited, they are bound to result in serious deterioration in the relations between our two countries. I am most anxious to prevent this and I am sure it is your desire also to see that Indo-Pakistan relations should remain friendly.

3. In the interest of good relations between the two countries, I would therefore ask you to be good enough immediately to issue instructions to authorities concerned that no resort to force should, in any circumstances, take place along the frontier. Any dispute(s), if and when they arise, must be
settled by peaceful negotiations, and in accordance with the procedure already accented by the two Govern-ments. I would further urge that the position existing before these clashes occurred in each case be restored which would enable negotiations for the resolution of any disputes to proceed in a calm and friendly atmosphere. We are, of course, prepared to issue similar instructions simultaneously.

4. As you will readily understand, the basic cause of all such incidents is the fact that the boundary between the two countries in the West Pakistan sector still remain un-demarcated in spite of the decision of the Joint Steering Committee meeting of the 11th and 12th March, 1955 where it was agreed that the demarcation of the Indo-Pakistan border should be taken up with the utmost despatch and completed within one year. This decision, though ratified by both Governments, has yet to be implemented. On March 15 my Foreign Office has instructed our High Commissioner in New Delhi to take up this matter of demarcating the boundary with the Government of India and I trust that you will direct your foreign Office to take necessary measures with all possible speed. To ensure that this work does go forward with the necessary despatch, I suggest that we entrust it to a Boundary Delimitation Commission composed of high powered technical experts of both Governments.

Regarding particular areas where a dispute exists about the exact location of the boundary line, I suggest that an Indo-Pakistan meeting at Ministerial level should quickly take place. Ends.

Yours sincerely,
Sd/- Ghazanfar Ali Khan

The Hon'ble
Pandit Jawaharlal Nehru,
Prime Minister of India,
New Delhi.

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Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Mohammad Ali.

New Delhi, March 21, 1956.

No.604-PMH/55

My dear Prime Minister,

Thank you for your message regarding border incidents, which I received, through your High Commissioner, late on the night of the 18th March.

2. I have since read reports of the statement made by you in your Parliament on the 19th March. Yesterday I made a statement in our Parliament and referred to your letter to me as well as to your speech in Parliament. I am asking our High Commissioner in Karachi to give relevant extracts from my statement to your Ministry of External Affairs and Commonwealth Relations.

3. It has been our misfortune to have these border incidents from time to time and I have been greatly distressed about them. During the past few weeks, however, the frequency of these incidents has increased, involving tragic loss of human life and, I have no doubt, much distress and apprehension both in India and Pakistan. I know that in India there has been great concern and repeated expression to it has been given in our Parliament. Inevitably these incidents on the Indo-Pakistani border impose a severe strain on the relations between India and Pakistan. Since your message was received by me, a fresh clash has occurred this time at Firozpur Bet and this appears to have been a serious one.

4. I agree with you that none of these incidents need have taken place. I cannot imagine how, even from the narrowest point of view, either Pakistan or India can profit by such clashes. Only a very foolish or mischievous person can welcome them. It is obvious that neither of our countries is going to be frightened by petty border affrays or to give up any principle or policy because of them. It is our misfortune that there are controversies and unsolved problems between India and Pakistan. Let us, by all means, try to solve them. In any event, our countries should function with decency and propriety even though we may disagree.

5. This state of tension on our border produces, I suppose, a state of nerves when guns go off at the slightest provocation. This is obviously bad for both sides. I am not, for the present, referring to the merits of any such border clash. According to our thinking, such clashes have been largely due to aggressive behaviour from the Pakistan side. You have said in public that India is responsible for them. From all the evidence we have had, your statement is
not based on facts. But, however that might be, these clashes are patently bad and we should cooperate fully in putting a stop to them completely. They solve no problem.

6. I agree with you, therefore, that the first step we should take is to make every effort to prevent a recurrence of such incidents and, further, to punish any subordinate authority of either country for a violation of our instructions. I think it is necessary that these minor officials should clearly understand that their Government will look with strong disfavour at a breach of the peace on the border and will take stern action against the guilty party.

7. You have suggested that where clashes have occurred, the position existing before the clashes should be restored, in order to enable negotiations for a peaceful settlement to be held in a calm and friendly atmosphere. In most areas where clashes have taken place, agreements have been reached between the local authorities concerned, providing for the steps to be taken by each side, pending a settlement of the dispute by peaceful methods and by a detailed demarcation of the international boundary. Such local agreements must necessarily remain till some variation is considered necessary after enquiry. Even in regard to other areas, which may not be covered by such agreements, the only feasible course is to accept the present status quo. Any other course would involve an argument and an agreement between the two countries.

8. In paragraph 4 of your message to me, you have referred to the decisions of the Joint Steering Committee of the 11th and 12th March 1955. The question of avoiding border incidents was subsequently dealt with in the discussions between your Home Minister and our Home Minister in May 1955, and they arrived at an agreement referred to as the Pant-Mirza Agreement. Your Government took no action to ratify this Agreement till the end of December 1955 and then suggested certain amendments to the agreement which, in effect, largely modified it. I would suggest that we should immediately, and without further delay, proceed to implement this Pant-Mirza Agreement in regard to the demarcation of the border. This process of demarcation should proceed and cover ultimately the entire frontier.

9. You have suggested that a Boundary Delimitation Commission composed of high powered technical experts of both Governments should be appointed for this purpose. We may give any name to such a Commission. The most practical approach appears to me to be to ask the Surveyors-General of the two countries to meet and work out a programme of demarcation. Naturally they will be assisted by their technical experts.

10. It is possible that in some cases the two Surveyors-General might not agree, but it is highly likely that there will be no dispute at all in regard to a very
great portion of the border. The Surveyors-General should immediately start actual demarcation of the agreed area without waiting for any further reference. At the same time they should refer to their respective Governments those particular areas in regard to which they have failed to agree. The two Governments will take these matters in dispute and deal with them at Governmental level and, where necessary, at Ministerial level, and arrive at early decisions.

11. What I have said above appears to me in full consonance with what you have yourself proposed. We are, therefore, immediately asking our Surveyor-General to keep in readiness for this work and I hope that you will do likewise. As soon as I hear from you, we shall go ahead with this matter.

12. I suggest that both our Governments should issue immediate instructions to all concerned to avoid any kind of clash or conflict on the border. In these instructions it should be made clear that Government views such conflicts with extreme disfavour and considers them harmful. Further that person responsible for taking the initiative in any such conflict will have to be punished. Even without waiting for your reply, we are issuing general instructions to this effect on our side. Naturally this cannot be a one-sided affair and peace on the border can only be maintained by joint effort on both sides.

13. You have suggested in the statement made by you in your Parliament on the 19th March that India and Pakistan should declare that they will never go to war with each other. I warmly welcome this proposal. You are no doubt aware that I made a similar proposal over six years ago, as early as the beginning of 1950, and there was some correspondence with your predecessors in regard to it. Our views were given very fully at the time in my letters.

Yours sincerely
Jawaharlal Nehru

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Letter from the Pakistan High Commissioner Ghazanfar Ali Khan to Prime Minister Jawaharlal Nehru conveying a message from his Prime Minister.

New Delhi, March 29, 1956.

Office of the High Commissioner for Pakistan in India

New Delhi

No. F. 62(7)/55

29th March, 1956

My dear Prime Minister,

I have been asked by my Prime Minister to convey the following message to you:-

BEGINNS: “Thank you very much for your letter No.604 PMH/46 dated March 21st, 1956 in reply to my personal message to you.

2. As you have observed it has been our misfortune to have these border incidents from time to time which have far too often involved tragic loss of human life and have imposed a severe strain on the relations between Pakistan and India. Though it is not my intention of indulge in an apportionment of blame let me assure you that evidence supplied to me points unmistakably to the conclusion that Pakistan Border Police have acted in self defence throughout and have scrupulously avoided taking offensive in any way. Indeed they were given specific orders not to resort to firing except in self defence and to spare no efforts to maintain peace and tranquility at the border. The fact that your forces are today in occupation of Chhad Bet and that they were able to occupy Ferozapore Bela without any opposition, clearly shows that, as far as we were concerned, we wanted to avoid armed clashes. I would not wish to go into details of what happened in Bela but cannot help mentioning the fact that your forces moved into the area in disregard of a solemn undertaking given by your Commanding Officer to our authorities that no Indian military personnel would move into that sector. However I agree with you that instead of raking up past, we should now look to the future and see how best to prevent such regrettable incidents from recurring.

3. I am glad that you have accepted my proposal with regard to instructions that should be issued to all concerned to avoid any future clash or conflict on the border. I am also issuing instructions in line with suggestions made in paragraph 12 of your letter.

4. As regards the question of status quo I regret I am unable to agree with you that only feasible course for us is to accept “the present status quo.” This will mean that although in the case of Ferozepore Headworks your forces will
withdraw from the Bela as soon as repairs have been completed, they will continue to remain in occupation, for instance, of Chhad Bet. In other words it will amount to putting a premium on use of force and encouraging an impression that violence after all proves profitable. The only correct course in my view as I have already said in my message is to restore conditions as they were before these incidents took place and I accordingly commend it to you for your reconsideration.

5. As I have already said a most important measure necessary for maintenance of peace at the border is the immediate demarcation of entire boundary. I agree with you that Surveyors-General of two countries should meet immediately and work out a programme of demarcation. Obviously this should cover entire boundary as envisaged in Joint Steering Committee’s decision of the 11th and 12th March, 1955 which was ratified by both Governments. “The Pant-Mirza Agreement” to which you refer was not found acceptable to my Government in its entirety and we have suggested amendments which are still subject of correspondence between the two Governments. I am myself unable to understand why demarcation proceedings should be limited to land boundary whereas in our view and as recent incidents have demonstrated demarcation of riverain boundary is equally urgent. I should therefore be grateful if you would agree to demarcation of whole boundary being taken up as a matter of utmost urgency and importance as recommended by Steering Committee and agreed to by both Governments, within one year. In areas where the two Surveyors-General fail to agree, the procedure set out, in paragraph 10 of your letter may be followed.

6. I am glad that you welcome my proposal for a “No war declaration”. As you may not have seen full text, what I proposed was as follows:

Begins: “Let both countries sign an agreement that they will not go to war against each other and will settle all their disputes by negotiation and mediation and failing these by arbitration.” Ends.

I should be grateful for your further views on this proposal.”

Yours sincerely,

SD/- (Ghazanfar Ali Khan)

Hon’ble Pandit Jawaharlal Nehru,
Prime Minister of India,
New Delhi.
Message from Prime Minister Jawaharlal Nehru sent through the Indian High Commissioner in Karachi to Pakistan Prime Minister.

New Delhi, April 3, 1956.

Thank you for your message conveyed through your High Commissioner on the 29th March in reply to my letter of the 21st March.

2. I am glad to learn that you have issued instructions in terms of the suggestions in paragraph 12 of my letter of 21st March.

3. I had not suggested that only a part of the boundary should be demarcated. What I had said was that a beginning might be made on the lines suggested in the "Pant-Mirza Agreement". I entirely agree with you that the work of demarcation should cover the entire frontier between West Pakistan and India. As this frontier is a very long one, work will naturally have to be undertaken to begin with on a selected sector. I suggest that the frontier of West Pakistan with Punjab (India) should be first dealt with. The Radcliffe Award will naturally be the basis of this demarcation but adjustments might be made, by agreement of the two Governments, so as to avoid as far as possible the international frontier being unnatural and arbitrary, such as when a village might be divided. It is desirable in the interest of both countries that their frontier should be as firm and natural as possible. Any such minor variation would necessarily be by agreement of the two countries.

4. I am anxious, as you are that this work of demarcation should be taken up as a matter of the utmost urgency. I doubt, however, if we can fix a rigid timetable for it as I understand that it is a complicated business which will involve preliminary triangulation work to bring control points nearer the border on each side so that the final demarcation can later be fixed by a traverse with reference to those control points. The Directors of Land Records of the State Governments concerned will also have to undertake, with reference to their revenue records and maps, the fixing of the boundary and putting up of boundary pillars*. 

* M.J. Desai Commonwealth Secretary noted on 2 April that, on the most optimistic estimate, the work of demarcation on the entire 1,503 miles of West Pakistan-India border would take 4 1/2 to 6 years, and the 345 miles of West Pakistan-Punjab (India) boundary would itself take about 1 1/2 to 2 years. He further noted that it would have to be made clear to Pakistan that the exchange of territories in accordance with the demarcation could only take place after the demarcation was completed. Nehru, however, stated in his note of 2 April that it was not necessary to mention this in the message. He added, "This matter can be separately dealt with. If the demarcation takes years, as you indicate, it may not be feasible to wait till the end of that period to make such changes as we may consider necessary from time to time."
5. I suggest that a preliminary meeting of the Surveyors-General of India and Pakistan or their representatives should take place at an early date to settle all these preliminaries and prepare the programme of demarcation. If it is convenient to you, we can have this meeting on 11th April in Delhi. Our Surveyor-General will be represented at this meeting by Colonel Gambhir Singh, Deputy Surveyor-General, assisted by his technical staff and an Under Secretary from our External Affairs Ministry. We would like to have the earliest possible intimation whether the date and place of meeting are acceptable to you and also the composition of your Surveyor-General's party. They will, of course, be our guests during this meeting in Delhi.

6. You have referred in paragraphs 2 and 4 of your message to some of the border incidents and to the question of the status quo. It would serve little purpose for us to continue a controversy over a question when obviously we hold contrary opinions. Thus, the Chhad Bet incident to which you refer was in our view a clear violation of our border by Pakistani forces. According to us, Chhad Bet has always been Indian territory and there was not even a border dispute in relation to it. I agree with you, therefore, that it is better for us not to argue about the past but to look to the future and see how best to prevent such regrettable incidents from recurring.

7. As regards the proposal for a "No-War declaration" our views were given fully in the correspondence I referred in paragraph 13 of my letter of the 21st March.

8. I shall await your reply in regard to the time and place of the Surveyors' meeting.

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Message of Pakistan Prime Minister Mohammad Ali sent through Pakistan Deputy High Commissioner in New Delhi for Prime Minister Jawaharlal Nehru.

New Delhi, April 8, 1956.

Office of the High Commissioner for Pakistan in India, New Delhi

No. F. 62(7)/55 April 8, 1956

Dear Mr. Prime Minister,

I have the honour to forward a message addressed to you by the Prime Minister of Pakistan.

 Begins:  "Thank you for your message conveyed to me through your High Commissioner on April 5th in reply to my message of March 29th. I have no objection to work of demarcation starting from the north first with frontier of West Pakistan with Punjab (India). Naturally Radcliffe Award would be the basis of demarcation but minor variations may be made by agreement as proposed by you. I would however invite your attention to the decision of Steering Committee already ratified by the two Governments which provides machinery for adjudication of differences which arise in the course of demarcation. This in my view is fairest and most practical way of dealing with the problem and will enable work of demarcation to be completed with minimum of delay.

2. I should like to add here that any exchange of territory that may be necessary as a result of demarcation on the ground should however take place on an agreed date after the entire boundary with West Pakistan has been demarcated,

3. I agree that preliminary meeting of Surveyors-General of India and Pakistan may be held at Delhi on April 11th. Our team for this meeting would consist of Surveyor-General of Pakistan assisted by an officer of his Department and two officers of West Pakistan Government and an Under Secretary of the Ministry of Foreign Affairs,

4. I regret I am still unable to agree with you that Chhad Bet incident was violation of Indian Territory. I maintain on the basis of reliable documentary evidence in our possession that Chhad Bet is and has been a part of Tharparkar District of Sind and thus part of Pakistan territory. I shall send you through my High Commissioner a copy of my Government's letter to your High Commission at Karachi which is self-explanatory. I would again urge that here as also
elsewhere the status quo existing prior to the incident restored pending a decision in the matter.

5. As regards your reply on my "No War" proposal I shall write to you separately." Ends.

Yours sincerely

Sd. I Athar
Deputy High Commissioner

Mr. Jawaharlal Nehru.
Prime Minister of India,
Prime Minister's House, New Delhi.

2786.
SECRET

Letter from Deputy Minister for External Affairs Anil K. Chanda to the Chief Minister of the State of Assam Bishnu Ram Mehdi regarding migration from East Pakistan.

New Delhi, April 10, 1956.

My dear Chief Minister,

Today, there was a question in the Lok Sabha about Muslims’ illicit immigration into Cachar. I am sending you a copy of today’s proceedings with regard to the question. In course of a supplementary question, Shri Debeswar Sarmah made an allegation that we are doing nothing to protect our borders in the eastern sector. Later on privately, Shri Sarmah told me that in his district of Jorhat, there are innumerable Muslim immigrants who have come into India without any legal documents. He further told me that he had discussed this matter with the local Government officials, but nothing seems to have been done. Similarly, Shrimati Khaongmen also said that in Khasia and Jaintia district, in many places Pakistanis have encroached on our territories and the local people are living in fear because of these violations of our territories and zulum on them. She further alleged that the border outpost police people keep themselves busily engaged in drinking and they do not seem to do anything else. I told her if that is her information, she should personally bring these matters to your notice.
Anyway, I think it is desirable that I should tell you frankly what these two important Members of our party in the Lok Sabha from Assam feel about this matter.

With kindest regards.

Yours sincerely

Sd/- Anil K. Chanda

Shri Bishnu Ram Mehdi,
Chief Minister of Assam,
Shillong. (Assam).

2787. Letter from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs.

New Delhi, July 31, 1956.

Government of India
Ministry of External Affairs
New Delhi

No. F. 4 (7) – Pak-. III/56 31st July, 1956

To: The Secretary to the Government of Pakistan,
Ministry of Foreign Affairs and Commonwealth Relations,
Karachi

Subject: Chit lands of Cooch Behar State adjacent to the Radcliffe line between West and East Bengal.

Sir,

I am directed to refer to your letter No. I (I)-3/22/55, dated the 9th January, 1956, and to say that the Government of India do not quite understand your proposal that, the chit lands of the former Cooch Behar State touching the Radcliffe line should, for the purpose of demarcation of boundary between India and Pakistan, be included in Pakistan. They formed part of the former Cooch Behar State and after the accession of that State to India, became part of the West Bengal State. When these chit lands are contiguous to the other areas of the West Bengal and there is no area of East Pakistan lying between
them and other areas of West Bengal, your proposal would mean drawing an inter-national boundary across wholly Indian territory. There can be no question of drawing an international boundary line in this manner. The international boundary line must show these chit lands falling within India and demarcation of the boundary between East Pakistan and West Bengal should be made accordingly.

As regard the question of handing over the two hamlets of Singpara and Khudipara, which are in possession of India, the position is that according to the agreed procedure about transfer of areas of one country in the possession of the other, status quo has to be maintained till the boundary in the sector concerned has been finally demarcated. As the boundary in the Sector containing these hamlets has not as yet been finally demarcated the question of their transfer does not arise. The Government of Pakistan has made a mention of demarcation done in 1937-38 in case of Singpara. The boundary has to be re-demarcated as an International boundary according to the procedure agreed to by the Two Governments. When demarcation according to this procedure has completed the Government of Pakistan may raise the question of transfer of the hamlets.

Yours faithfully
(J.L. Malhautra)
for Secretary to the Government of India

2788. Statement made in the Lok Sabha by Deputy Minister for External Affairs with reference to Calling Attention Notice No. 70 under Rule 97 by Shrimati Renu Chakravartty.

New Delhi, September 22, 1956.

The boundary between East Pakistan and West Bengal, in the region of Indian Police stations Sarupnagar and Baduria, runs along the district boundary between Khulna in East Pakistan and 24 Pargnas in West Bengal. The boundary along these two Police Stations is a land boundary. The river Ichamati does not form the boundary between India and Pakistan so far as Police stations Sarupnagar and Baduria are concerned.

A misunderstanding appears to have arisen in regard to the settlement arrived at during the recent meeting of the Prime Ministers of India and Pakistan about some minor points of dispute on the West Bengal - East Pakistan border, along
the 24 Parganas - Jessor and 24 Parganas - Khulna district boundaries. This
settlement refers to a portion of the boundary along the Ichamati river running
on the east of the Police Station Galghata. In regard to this portion of the
boundary a dispute had arisen between the Survey authorities of India and
Pakistan as to the basis of demarcation. The total area involved is about 550
acres. According to the agreement reached, the mean of the respective claims
of India and Pakistan in this portion of the boundary would be adopted taking
the river as a guide, as far as possible.

The misunderstanding with regard to this agreement appears to have arisen
from a belief that the Ichamati river throughout its stretch in the 24 Parganas
has been made the Indo - Pakistan boundary. This Interpretation is incorrect.
The agreement in no way affects the boundaries of the Police Stations
Sarupnagar and Baduria which will continue to remain within India in their
entirety.

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2789. Note from High Commission of India in Pakistan to
Pakistan Ministry of Foreign Affairs.
Karachi, December 18, 1956.

High Commission of India
Karachi
No. F. 113 (13)-56 – General December 18, 1956

The High Commission of India presents its compliments to the Ministry of
Foreign Affairs and Commonwealth Relations, Government of Pakistan, and
has the honour to state that the Government of India have received reports
about heavy concentrations of Pakistan police and troops in the areas adjacent
to Char Tarapur in Samsheganj Police Station, Char Hasanpore in Suti Police
Station and Baniarchar in Mouza Bagdanga in Raghunathganj Police Station
- all in Murshidabad District. These concentrations of Pakistani forces are
reported to have been made with the intention of taking forcible possession of
the above mentioned areas. At 10.45 hours on the 2nd December 1956, a
large number of Pakistani nationals, including armed police and military
personnel came in boats with the object of occupying a new char accreted to
Char Hasanpore in Suti Police Station, but were unsuccessful because of the
presence of the Indian police.
2. According to the latest report received from West Bengal Government, Pakistan police and nationals have actually trespassed into Indian territory and constructed a camp at Baidyanathpur under Char Tarapur, Police station Samsherganj, at a distance of about half a mile from the Indian Char Tarapur Camp, in violation of agreements about maintenance of the status quo.

3. The Government of India take a very serious view of the forcible occupation of the Indian territory under Char Tarapur and the concentration of Pakistani forces in the various areas adjacent to the Murshidabad District and has instructed the High Commission to lodge a strong protest with the Government of Pakistan.

4. The High Commission is to point out that with a view to avoiding disputes about “char” lands which appear almost every year during the cold weather, on the bed of the river Ganges (Padma) between Murshidabad District (West Bengal) and the Rajshahi District (East Pakistan), the Government of West Bengal and East Pakistan came to an agreement for seasonal demarcation in these areas. The proper course to follow, in case a dispute arises about any “char” land in areas where demarcation has been finalised completely, is to carry out the seasonal demarcation according to this agreement. In those sectors of the boundary where areas in adverse possession have still to be exchanged, the status quo must be maintained according to existing agreements. The High Commission therefore requests that the East Pakistan Government may be asked immediately to restore the status quo by removing their camp from Baidyanathpur and withdrawing the forces concentrated in the border area in the Murshidabad - Rajshahi sector.

The High Commission will be grateful if the action taken by the Government of Pakistan is intimated to it very early.

The High Commission avails itself of the opportunity to renew to the Ministry of Foreign Affairs and Commonwealth Relations the assurances of its highest consideration.


Editor’s Note: On December 31, 1956, in continuation of the above note, the High Commission presented another note to Pakistan Ministry of Foreign Affairs pointing out that according to further reports received by the Government of India, “the Pakistani police had established a new camp within the Indian territory at Mouza Ramanathpur on the patrol line of the Indian police and that they endeavoured by threats to secure withdrawal of the Indian police from the Char Tarapur Camp bad actually challenged them while they were patrolling Ramanathpur mouza within Indian territory.” While lodging another protest, the High Commission sought the “withdrawal of Pakistani
forces from the area in question and restoration of the status quo in the interest of maintaining peaceful conditions on the border."

In yet another Note No. F. 113 (13) /56- General dated the 25th January the High Commission in Karachi drew the attention of the Pakistan Ministry of Foreign Affairs to another encroachment by Pakistan on the Indian territory in Char Tarapur, in which about 600 Pakistan nationals, including some armed policemen, had trespassed at Char Tarapur and forcibly cut Amla Jute, lifted 12 heads of cattle and, after causing serious injuries to two Indian nationals kidnapped an Indian national, named Harimohan Sarkar, to Pakistan territory. The High Commission said that “it noted with regret that, despite its protests, acts of illegal trespass into Indian territory and high handiness on the part of Pakistan Police and nationals do not only continue but have been intensified.” The High Commission again protesting strongly against the latest incident, urged on the Government of Pakistan “to issue instructions to the authorities concerned in East Pakistan to put a stop to these activities and return the kidnapped Indian national and the cattle taken away by Pakistanis”.

2790. Note from the High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.
Karachi, February 12, 1957.

High Commission of India
Karachi

No.F113(13)/56-Genl. Dated the 12th February, 1957

The High Commission of India presents its compliments to the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, and, in continuation of the High Commission’s Note No. F.113(13)/56-Genl. Dated the 25th January, 1957 regarding trespass by Pakistan, regarding trespass by Pakistan nationals into Indian territory at Char Tarapur and kidnapping of an Indian national, named Harimohan Sarkar, to Pakistan territory, has the honour to state that according to a recent report received by the Government of India, Shri Harimohan Sarkar has been murdered by Pakistan nationals and police. The High Commission would be grateful if the Government of Pakistan will cause an immediate enquiry to be held into this matter, and intimate the result thereof, together with the details of the incident, at an early date. The Government of India also reserves the right to claim compensation for the murder of Shri Harimohan Sarkar.

2. The Government of India have also received a report that on the 15th January, 1957 at 13.30 hours, three Pakistan armed policemen along with a
Pakistani boatman trespassed into Indian territory at Nirmal Char Police Station Lalgola and caught hold of three Indian nationals who were working in the field. They were, however, later let off. Pakistan police has also been violating the status quo and disturbing the peace in Char Tarapur. On 4th January, 1957 they trespassed twice into Indian territory at Char Tarapur and stopped an Indian national from ploughing his field. They left on the appearance of the Indian police patrol.

3. The Government of India have also received further reports of heavy reinforcements of Pakistan forces at Baidyanathpur and Tarapur in Samsherganj Police Station and digging of trenches there. At Char Hasanpur in Suti Police Station, Pakistan forces were seen patrolling by boat in river Padma and at Char Naushera in Police Station Lalgola, a few rounds of gun shots were fired from Premtali side of Pakistan on the midnight of 28th January 1957.

4. The Government of India take a very serious view of these activities of Pakistan police and nationals which tend to create tension on the border. They have instructed the High Commission to lodge a strong protest with the Government of Pakistan and to request the Government Pakistan to give instructions to the authorities concerned not to disturb the status quo pending demarcation and exchange of areas in adverse occupation.

5. The High Commission will be grateful if the action taken by the Government of Pakistan is intimated to it at an early date.

6. The High Commission avails itself of the opportunity to renew to the Ministry of Foreign Affairs and Commonwealth Relations the assurances of its highest consideration.

The Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, Karachi.

Editor’s Note: On the contrary the Pakistan Government in its Note No. 1 (1)-3/22/56 dated the 16th February 1957 accused the Indian police of District Murshidabad to have trespassed into Pakistan territory. Indian High Commission replying in its Note No.F.113(13)/56-Genl. Dated the 27th May 1957 reminded the Pakistan Foreign Ministry that while it did not spelled out the action taken by it on the protests of the High Commission, the latter, however, felt gratified that “as a result of approaches made by the West Bengal Government to the East Pakistan Government, local officers met and eventually there was a meeting between District Magistrates of Murshidabad and Rajshahi on the 21st February 1957 at Bairampur at which an agreement was reached regarding maintenance of the status quo pending demarcation of the boundary and exchange of the areas in adverse possession.”

Reminding the Pakistan Foreign Ministry of its note No.F 113(13)/56-Genl. dated the
12th February, 1957 wherein the kidnapping and the murder of an Indian National, Harimohan Sarkar, by Pakistani nationals and Police was reported, it said it was still awaiting to know “whether an enquiry had been held into the matter and the culprits dealt with”.

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2791. TOP SECRET

Letter from the Chief Minister of Assam B. P. Chaliha to Prime Minister Jawaharlal Nehru regarding situation on the Assam — East Pakistan border

No. CMS 112/58 1st Feb 1958

My dear Prime Minister,

You are doubtless aware that the Pakistan Government has deployed a large number of troops all along the East Pakistan border from the night of the 17th December last for so-called anti-smuggling operations. According to information trickling to us from across the border, it appears that a veritable reign of terror has been established throughout East Pakistan, particularly on a six-mile deep belt along the border. Persons are being indiscriminately arrested, wholesale searches and seizures are taking place accompanied by occasional whipping and shooting. Perhaps the minority community is coming in for more attention at the hands of the Pak military. You are in a better position to judge the real political and other motives and objectives of this move and decide whether any action on the diplomatic and trade fronts are to be taken. My object in writing to you is to give you a picture of the situation that has developed in our border areas as a consequence of Pak action.

2. All trade, particularly border trade, has come to an absolute standstill which is a flagrant violation of the Indo-Pakistan Trade Agreement. The population on the border, particularly on the hill borders whose living depends on the sale of their agricultural commodities across the border and receiving in exchange certain foodstuffs and essential commodities, has been put to great hardship. We are doing our best to send food grains and also to arrange transport of their produce but, as you may well realize, we can meet only a fringe of the problem. Communications are extremely difficult and the produce grown by them are perishable. Therefore, in spite of our best efforts, we cannot make good to any appreciable extent their total loss of means of livelihood.
3. Apart from the economic problem, the Pak military and other armed formations are indulging in various aggressive acts. I enclose a brief statement of incidents so far reported. The pressure on the K & J Hills border is particularly intense and apart from arrest of our nationals crossing the border with valid travel documents, fire was opened on a boat on the Pyain river on 4th January, 1958, and a particularly bad raid has taken place on 27th January, 1958, in a village well within the Indian Union. In all these cases, protests have been lodged both at district and State level and copies forwarded to your Ministry, but the Pak Government has not had even the courtesy of sending a reply.

4. Our border police which is good for routine border security is not equipped or trained to take effective counteraction against superiorly-armed and trained personnel on the Pakistan side. On top of the economic distress caused, the acts of aggression and raids are creating panic and will lead to wholesale demoralization particularly of the tribal population and their loss of faith in the Government to protect them.

5. In the Cachar border we have two active disputes over the Surma river and Patharia Reserve and acts of trespass are periodically reported from that area of which your Ministry is informed.

6. We have sent some reinforcements of police to both the K & J Hills and Cachar borders, but as I pointed out earlier, our police are not able to take effective counter-action against superior forces and even minor incidents may cause a general flare-up on the borders in which our police is likely to be worsted. In my opinion, the only possible solution is to reinforce our borders, particularly along the K & J Hills and Cachar with strong contingents of the Assam Rifles. In the past also, deployment of the Assam Rifles has always had the necessary deterrent effect. As you are fully aware, the Assam Rifles are committed in the Naga Hills, but as the emergency in the borders is serious, I consider that arrangements should be made by making necessary adjustments between regular troops, police and Assam Rifles in the Naga Hills to make available about ten platoons of the Assam Rifles to mount guard over the East Pakistan border as a temporary measure. I hope this will meet with your general approval on principle. I shall have the details discussed with the G.O.C., Assam, who is expected to visit Shillong very shortly and make necessary arrangements.

7. Apart from the measures which have become necessary to give protection to our people the consequences of the sustained economic hardship of our people on the border areas of Pakistan are frightful. The measures we have adopted so far have not been able to meet the situation. So more positive steps have become necessary. For that purpose I propose to form a Committee to go into the matter and suggest remedies.
8. There was also an incident of dacoity and murder at Dhansiri by Naga rebels on 29.1.58. I have drawn the attention of the Governor to the matter.

9. I had a talk with the Governor who is proceeding to Delhi tomorrow. He will be in a position to discuss with you in detail.

Yours sincerely,
(B.P. Chaliha)

Shri Jawaharlal Nehru,
Prime Minister of India,
New Delhi.

2792. Letter from High Commissioner for India in Pakistan C. C. Desai to Commonwealth Secretary M. J. Desai.

Karachi, March 5, 1958.

High Commission of India
Karachi.

No. D. O. HC/212/58 March 5, 1958

My dear M. J.,

Please refer to Kakar’s letter No.F.4(27)-Pak.III/55 dated the 28th February, 1958. While we shall do our best to take up with the Pakistan Government the question of solution of difficulties of residents of Indian enclaves in East Pakistan, I am almost sure that our efforts would prove to be unavailing. Why should they be interested in removing our difficulties and coming to our assistance? In all these matters reciprocity and corresponding advantages and disadvantages are naturally examined and action determined accordingly. It is clear from our own note that the difficulties are entirely our own and that Pakistanis are more fortunately placed in respect of their enclaves. They must be knowing this as well as we do. In the circumstances, they have nothing to gain and everything to lose by being reasonable and by agreeing to reciprocal facilities.

2. This brings me on to the main question. Although I have been here for over three years, this is the first time that the matter really comes officially to my notice. Once or twice Anil Chanda, when he was Deputy Minister in our Ministry, had spoken to me about the difficulties of the enclaves but there was nothing concrete and I did not send for the papers and look into the case. Now that I have
seen the detailed note I am of the opinion that the correct solution in the case is the exchange of enclaves without any claim for compensation or territory. Actually the disparity between the two enclaves is not much. It is the human element which is important and that happens to be more or less equal. The population of our enclaves is 12,000 whereas the population of their enclaves is 11,000 and exchange would, therefore, mean a loss of only 1,000 people which is a drop in the ocean. As regards area, we would be losing 17,157 acres whereas they would be losing 11,725 acres. We would thus be losing 5432 acres. By itself, this is substantial but again in the context of the Indo-Pakistan partition, this is completely insignificant. Our area must be more jungle as in spite of the larger area, the disparity in population has been of the order of only 1,000. It seems to me, therefore, that it would be fair to hold that the totality of the two enclaves is more or less the same. The exchange should, therefore, be equitable and fair and it should not be necessary for us to claim compensation for the additional 1,000 people or for the additional 6,000 acres which Pakistan would be getting under the exchange. This is purely on statistical basis. We must look at the case from other points of view. We know from experience now that our enclaves are as good as lost to us. We cannot have schools there nor can we run police in our enclaves. We are not in a position to discharge our responsibility for law and order. Our people cannot go there and we have no postal or transport facilities. Sooner or later we would lose these enclaves and the people would disappear. On the other hand, if we face the actual position and agree to the exchange, we would get back at least 11,000 people and 11725 acres. Thus, in my opinion, we have everything to gain and nothing to lose by the proposed exchange on the lines already approved by the Pakistan Government. I am not sure that the approval conveyed in April 1950 would still be regarded as binding by the Pakistan Government. If they do it, we should accept it and settle this problem once and for all on a human basis on the only practical basis that I can think of. I would, therefore, advise that we should review the subject and agree to the proposal made by the Pakistan Government when there was correspondence between the two Prime Ministers.

I submit these views for consideration by the Prime Minister.

With kindest regards,

Yours ever

(C.C. Desai)

Shri M.J. Desai, I.C.S.,
Commonwealth Secretary, Ministry of External Affairs,
New Delhi

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Aide memoire from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.

Karachi, March 27, 1958.

High Commission of India
Karachi
Aide Memoire

Difficulties of residents of Indian enclaves in East Pakistan.

The question of solution of the difficulties of the residents of the Indian enclaves in East Pakistan and of the Pakistani enclaves in West Bengal was discussed in April, 1950 at a Conference of the Chief Secretaries of East Pakistan and West Bengal. There are 119 Indian enclaves with an area of 17,157 acres and a population of about 12,000 in East Pakistan; and there are 71 Pakistani enclaves with an area of 11,725 acres in West Bengal and a population of about 11,000.

2. The Chief Secretaries of East Pakistan and West Bengal respectively agreed to recommend to their respective Governments that in the interests of administrative convenience the question of exchange of these enclaves should be considered at an early date. This question of exchange of enclaves is under consideration between the Governments of India and Pakistan but in the meantime, some interim arrangements have become necessary to alleviate the suffering of the residents of the Indian enclaves as, unlike the Pakistani enclaves, the Indian enclaves in East Pakistan are small islands completely surrounded by Pakistani territory. The only means of communication for the residents of these enclaves with the Indian mainland is through the village pathways which pass through Pakistani territory. In the Chief Secretaries Conference of 1950 referred to above a certain procedure was laid down for the grant of permission, on a reciprocal basis, to officials of one country to visit its enclaves in the other country, but this procedure has turned out to be cumbersome and unsatisfactory. The main difficulties of the residents are (1) the lack of facilities to travel through the surrounding Pakistani territory, (2) the law and order question (3) the lack of educational and medical facilities.

3. At another Conference of the Chief Secretaries of West Bengal and East Pakistan respectively, held in July, 1956, it was agreed that the Central Excise Officers of both the countries who had to visit the enclaves in the other country should be granted ‘A’ category visas to enable them to travel freely. The West Bengal Government proposed to the East Pakistan Government that this facility should be extended to the remaining Government officials to enable them to
visit the enclaves on duty, but the East Pakistan Government have not replied to that request as yet.

4. The Government of India therefore request that the grant of transit facilities both to the residents of the Indian enclaves in Pakistan as well as to the Government of India officials intending to visit those enclaves on duty may be agreed to by the Government of Pakistan and necessary instructions issued to the East Pakistan Government to afford these facilities with immediate effect.

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2794. Statement by Prime Minister Jawaharlal Nehru in Lok Sabha on border incidents on the Assam – East Pakistan border.

New Delhi, March 31, 1958.

A number of Calling Attention notices and Short Notice questions have been tabled in the last few days in connection with the Indo-Pakistan border incident along the Surma river between Cachar district of Assam and Sylhet district of East Pakistan. There was also a motion for Adjournment in regard to this incident on 27th to which you, Sir, after some discussion, declined to give your consent. I fully appreciate the concern felt by the House and I am glad to have this opportunity to make a statement on the nature of the border problem involved, the recent firing and the action taken by the Indian authorities.

The Indo-Pakistan boundary, according to the Radcliffe Award, runs along the left high bank of the river Surma for a length of about 13 miles between Cachar district of Assam and Sylhet district of East Pakistan. The entire breadth of the river in this region has been under our control since partition. It was in January 1950 that the Government of Pakistan, while dealing with the request from the Government of India to give necessary facilities to the Assam survey and settlement staff to go across to the left bank of the river in connection with settlement operations in the Cachar district, raised the question that the mid-stream of the river should be the Indo-Pakistan boundary. There have been exchange of notes in this connection and there has been no reply from the Government of Pakistan to our last note dated 3rd March 1956, which established beyond doubt that, under the Radcliffe award, the Indo-Pakistan boundary in this region runs along the left high bank of the river Surma.

Throughout the last few years, Pakistani citizens, encouraged and, in some
cases, assisted by Pakistani local authorities in the area, have been attempting to contest Government of India’s sovereignty over the entire breadth of the river up to the left bank, particularly by attempting cultivation of Char lands alongside the left bank of the river. Indian authorities have in each case protested against these attempted violations of Indian territory and, when necessary, fired in self-defence. Incidents similar to the recent one occurred in November - December 1954, February 1956, November 1956 and October 1957. In all these incidents, Indian authorities acted promptly to protect our sovereign rights in the area. Pakistani cultivators encouraged or supported by local Pakistani authorities take advantage of the continuous land connection with Pakistani territory and attempt to raise crops on the char lands in the river bed. Our local authorities, therefore, have to take necessary remedial action by protests and, when necessary, by firing in self-defence to contain these attempted violations of our territory.

The recent incident started on 11th March when Pakistani nationals supported by Pakistani armed forces personnel attempted to harvest crops planted illegally by them in the Char lands in the Surma river. When the Indian police patrol protested, they were fired upon and had to return the fire in self-defence. The unprovoked firing later spread from the Rangpur - Leverputa area to Harinagar, Bhangar, Mahisasur, Barpuna, Latu and Madanpur areas between 11th and 27th March despite a cease-fire agreement arrived at on 21st March. Throughout this period, the District Magistrate of Cachar who had kept in constant touch with his Pakistani counterpart, the District Magistrate of Sylhet, sent several protests against the firing and gave strict instructions to our police personnel not to fire except strictly in self-defence. The Assam Government also sent five protests to the East Pakistan Government at Dacca on 12th, 19th, 20th, 21st and 26th March. Our latest information is that a second cease-fire has been arrived at on 27th and firing has completely stopped in this region since the afternoon of 27th March.

Demarcation of the Indo-East Pakistan boundary of 2480 miles has been going on since 1950. 1017 miles out of a total of 1350 miles of the West Bengal—East Pakistan bor-der have been demarcated. 200 miles out of a total of 609 miles of the boundary between Assam and East Pakistan have been demarcated. Little progress has been made on the demarcation of the boundary between East Pakistan and Tripura. The House will appreciate that demarcation of land boundaries is a complex and laborious process involving agreement on each yard of the boundary, which is determined from revenue records, maps and ground surveys. This process is difficult even in normal disputes between villages regarding their land boundaries. It is more difficult when inter-state boundaries even within Indian territory are involved. It is still more complicated
by the nature of the terrain between Assam and East Pakistan, particularly when it is realised that this is a joint operation between the two sovereign Governments of India and Pakistan, relations between whom, for various reasons, have, throughout the last 11 years, been extremely difficult. We are going ahead with the demarcation of the boundary as best as we can but the pace of demarcation is not a matter entirely within our control.

Incidents of this type are unavoidable while the frontier remains undemarcated. We have always been anxious to settle all differences, including differences regarding boundary between India and Pakistan, by negotiation but we cannot surrender rightful territorial claims merely because the other side makes a show of force. At the same time, we are averse to taking any hasty or ill-considered action which would unnecessarily worsen Indo-Pakistan relations further and give rise to graver problems. Our local authorities have acted with firmness and circumspection and there has been no loss of life despite repeated firing between the 11th and 27th of March.

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2795. **Press Handout issued by the Press Information Department of the Government of Pakistan on Finance Minister Syed Amjad Ali’s statement on the India-Pakistan border disputes.**

Karachi, August 8, 1958.

E. No. 4240 Karachi, August 8, 1958

“We would like nothing better than the complete elimination of Indo-Pakistan border disputes. We have always worked towards that end but however peaceful our policies may be, we will not be bullied by India or anyone else’, said Syed Amjad Ali, Finance Minister of Pakistan, in a statement to the Press.

“Invariably and always aggression comes from the Indian side, said Syed Amjad Ali. “Take the case of Hussainiwala. In 1956, there was a working arrangement. Everything was going well. There was no dispute, no quarrel. Suddenly on Wednesday night, Bharati forces broke the agreement.

Similarly, said Syed Amjad Ali, “the status quo was contravened by Bharatis in Lakshmipur, which is undisputedly Pakistani territory. And it is they who initiated the firing at Maulvi Chowk, Munshibari, Atgram, Patharia Reserve Forest, and on the Surma River sector.”
Continuing Syed Amjad Ali said, “Pakistan is and has always been willing to settle all border disputes on the East Pakistan - West Bengal - Assam border in a peaceful and reasonable way, and in accordance with the Bagge Award.

Referring to a statement made by Mr. Nehru in his last press conference at New Delhi, Syed Amjad Ali said that the closing down of the East Pakistan - Tripura border “had no sinister implications”, nor was it intended “to create trouble” or “provide upsets” for passengers or cargo. “But, if the border is used for the purpose of infiltrating a part, of India’s ‘armed might’ into Pakistani territory, no alternative is left to us but that of sealing the border. The responsibility for the stoppage of passengers and cargo rests entirely on those who abused the privilege of entry and exit by utilising it for their aggressive purposes”.

Referring to Mr. Nehru’s reported remarks on Indo-Pak- border, disputes – ‘they happen from time to time; what can we do?’ —Syed Amjad Ali said,- “May I say that the answer is very simple. Mr. Nehru himself agreed to call a conference at Secretaries’ level. This Conference is scheduled to be held, on the 23rd of August. He should let this conference take place in an atmosphere of goodwill and amity. I have no doubt that given a proper atmosphere a satisfactory settlement will be arrived at.”

Syed Amjad Ali added that Mr. Nehru’s allegation that Pakistan had violated any agreement about the timing of the exchange of areas after the demarcation of boundaries was “wholly devoid of substance”. Pakistan had never been guilty of any such thing. “In fact, it was decided to exchange the areas on the West Bengal border in 1957 but presumably because such exchange, would have resulted in some territorial loss to India, she refrained from implementing the agreement. It is surprising that, Mr. Nehru should blame Pakistan for what is really Indians own fault.”

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2796. Letter from the Pakistan Deputy High Commissioner in India to Prime Minister Jawaharlal Nehru conveying a message from the Pakistan Prime Minister.

New Delhi, August 9, 1958.

Office of the High Commissioner for Pakistan in India
New Delhi

No. 2(53)P/58 Dated, August 9, 1958

Dear Mr. Prime Minister,

In the absence of my High Commissioner, I have been instructed to convey to you the following message of August 8, from the Prime Minister of Pakistan:-

BEGIN:

"In March this year Indian forces opened fire on Pakistan nationals on Surma river. Trouble there had hardly subsided when Indian border forces started shooting in Piyan river and Patharia forest sector. A baseless claim was also improvised to the right bank of Amruka Minor and resulted in serious trouble. More recently heavy concentrations of Indian troops have been taking place on Assm - East Pakistan borders and protests have been made by my Government about this troop activity.

2. I am now unhappy to learn that Indian armed forces occupied Lakshmipur village and the following three points besides some other, in Patharia forest:-

- Madhabchera 480378 map 83-D/2
- Langlichera 477414, and
- Point 482417 map 83-D/2

after July 25th. As a result of this forcible occupation of Pakistan territory, preceded by heavy concentration of Indian troops along its border and your Home Minister's hostile statement of August 1, Government of East Pakistan, fearing further trouble, closed its border with Tripura State early this week. I am sorry further to learn that a clash between your police post which was established at Lakshmipur on July 30th and a Pakistan police patrol took place yesterday, resulting in casualties on both sides.

3. I am trying my utmost to ensure that we should settle all disputes peacefully and live as good neighbours. Please give orders to your men to
withdraw immediately from the vicinity of Lakshmipur and not to make any further incursions into Pakistan territory. I shall simultaneously ask the Government of East Pakistan to re-open its border with Tripura State. ENDS.

Yours sincerely,
(Sajjad Hyder)

Shri Pandit Jawaharlal Nehru,
Prime Minister of India,
Prime Minister’s House, New Delhi.

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2797. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Firoz Khan Noon.

August 10, 1958.

NO. 1914. PMS/58 August 10, 1958

My dear Prime Minister,

Thank you for your message of the 8th August, which your Acting High Commissioner in New Delhi delivered to our Commonwealth Secretary on the morning of the 9th. I was away from Delhi then.

As you have been away in London, from where presumably your message has been sent, I presume that you have not been fully aware of the facts of the various incidents that have occurred on the eastern border during the last week. These facts have been mentioned in detail in various notes presented by us to your Acting High Commissioner, and have also been stated at length in the discussions between your Acting High Commissioner and our Commonwealth Secretary. I shall not, therefore, repeat them here. But, should you so wish it, I am prepared to send you another account of them.

These incidents have pained me greatly, not only because of their nature, but also because of the unfortunate affect they must necessarily have on the India-Pakistan relations. Indeed they have aroused strong feelings in our country. A new session of Parliament is meeting tomorrow, and I have already received a large number of questions and notices under various rules for statements or
for a discussion in Parliament on these border incidents. I have been anxious, as I had thought you were also, to settle all border problems so as to avoid anything in the nature of an incident. Unfortunately, instead of going towards a settlement, there has been continuous trouble there and, according to my information and belief, the authorities in East Pakistan have behaved repeatedly in an aggressive manner and, indeed, are continuing to do so from day to day. Daily, we receive reports of aggressive activities from the Pakistan side resulting in loss of life of our people as well as considerable damage to property on our side. We have issued instructions to our local authorities on that border to behave with restraint and to try to settle these border problems as they arise. But you will appreciate that it is not possible for our people there to be silent witnesses to this aggression. They have therefore, sometimes had to take measure in self-defence. These have been on a very small and restricted scale because we are anxious to avoid continuation and an intensification of these border conflicts. To add to all this extraordinary and aggressive behaviour on the part of East Pakistan authorities, the border between East Pakistan and Tripura State has been sealed in violation of the existing agreement regarding in-transit arrangements between the Governments of India and Pakistan. This step, as you will no doubt appreciate, is a serious matter, not only involving a violation of an agreement, but causing great harm to our people and our trade.

In your message, reference is made to some speeches made by our Home Minister, and indeed it is stated that partly because of the Home Minister's statements, this border between Tripura State and East Pakistan was closed. Whatever the Home Minister might have said, this action of the East Pakistan Government appears to me to be wholly without justification. As a matter of fact, I had seen relevant extracts from our Home Minister's speeches. These were taken from the verbatim reports of these speeches which were in English. I am enclosing these verbatim extracts for your information (not included here). The Home Minister, as you will no doubt observe, spoke with considerable restraint and made repeated appeals for a peaceful and neighbourly approach to these problems. He was addressing a meeting of our Eastern Zonal Council held at Shilling, and the members of the Zonal Council had been seriously perturbed and concerned at these repeated border incursions on the part of Pakistan.

You have asked me to issue orders to our people to withdraw immediately from the vicinity of Lakshmipur. The various notes sent by our Ministry of External Affairs to your Government will show how your local authoritative have taken forcible possession of the area of Lakshmipur in violation of the 1949 Agreement between the Governments of Tripura and East Pakistan that exchange of areas should take place after demarcation of the sector is completed.
Our people have been observing this agreement scrupulously and have never made any incursion into Pakistan territory.

It is for your Government to take action to stop this aggressive action on the part of the East Pakistan authorities and, more particularly and immediately, to restore the in-transit arrangements for traffic to Tripura across East Pakistan in accordance with the existing agreement between our two Governments.

I must confess that I am much disturbed at this continuing border trouble. I am writing to you in sorrow and some distress that in spite of our repeated assurances to each other to maintain peaceful and cordial relations, these disturbances and upsets should take place. It is obviously that this kind of thing does not solve any problem; it only embitters our relations and makes solutions more difficult. Neither India nor Pakistan can react favourably to threats, or be coerced by them into any action. Their only consequence is to bedevil our relations still further and to cause suffering to the unhappy people who live on the border. In this atmosphere, it is difficult to conceive that the meeting of our Secretaries will achieve any substantial result.

I would, therefore request you with all earnestness to order the stoppage of this aggressive action on the part of East Pakistan and to have the border between Tripura and East Pakistan opened.

With kind regards.

Yours sincerely

Honourable Malik Firoz Khan Noon
Prime Minister of Pakistan
Karachi
Dear Mr. Prime Minister,

I have been instructed to request you to be so kind as to substitute the following for the message contained in my letter dated the 14th of August 1958 (Message of 14th August not available)

*Begins:

*I am grateful for your message of August 10th. The frequency with which border incidents have taken place in the last few weeks has also greatly perturbed me. I agree that these incidents are having a most unfortunate effect on Indo-Pakistan relations. Although I have been away from Karachi, my Foreign Office has kept me fully informed throughout this period. The notes sent by your Government are under study but I regret to say that they present a singularly one sided picture.

2. The origin of the most recent firings is due to extensive deployment of Indian forces on East Pakistan - Assam borders in respect of which I have already sent you a communication and representations have been made to the Government of India.

3. It was hoped that despite these troop movements the Indian authorities would endeavour to maintain an atmosphere of amity and friendliness in its relations with Pakistan so that this conference between the Secretaries of two Governments could be held in a favourable atmosphere. Unfortunately the Government of India has perpetrated a series of aggressive moves exactly at a time when every effort should have been made to bring an improvement in Indo-Pakistan relations.

4. On July 30th 1958, the Indian border forces made a surprise attack on Lakshmipur village in Brahmanbaria and occupied it by force, thereby seriously disrupting peace on the East Pakistan - Tripura border. So far as I can see there was no justification whatsoever for this action. Lakshmipur has always been in Pakistan territory as records will show that its inhabitants participated in the last provincial election.
5. On 1st of August 1958 came the provocative speech of Pandit G. B. Pant at Gauhati.

6. On August 2nd, 1958 Indian forces were responsible for creating a threatening situation at Hussainiwala on the border of West Pakistan and an armed conflict on that spot was averted only due to the extreme restraint and patience on the part of officials of Pakistan border police.

7. On August 3rd, 1958 the Indian border forces occupied three points in Patharia forest specified in my earlier message, which had been hitherto in possession of Pakistan. Repeated representations in this behalf have been made by the Government of Pakistan to the Government of India requesting withdrawal of Indian troops from these points but the unhappy situation continues to exist. I should be most grateful if you would instruct Indian border forces to withdraw from these points immediately and help to restore the status quo prevailing before that date.

8. Again on August 5th, 1958 another explosive situation created by Indian border forces at Hussainiwala, with considerable show of force, on the plea of sending technical men across the Pakistan side in order to measure stones on right guide bund, was saved through exercise of spirit of accommodation on the part of Pakistan authorities. In this connection I would invite your attention to following remarks of Sir Cyril Radcliffe:

"but I must call attention to the fact that Dipalpur canal, which serves area in West Punjab, takes off from Ferozpore Headworks and I find it difficult to envisage a satisfactory demarcation of boundary at this point that is not accompanied by some arrangement for joint control in the take off of different canals dependent on these headworks."

All attempts, therefore, to dislodge Pakistan from headworks are against the basic principles of Award in this area. The entire Headworks were clearly intended to be jointly controlled by India and Pakistan. As Dipalpur canal serves vast areas of West Pakistan, naturally we would like to be associated with their control.

9. In so far as sealing of the East Pakistan - Tripura border is concerned, I entirely agree with you that border incidents should not normally affect the interest of common-man. But as you know beginning with the forcible occupation of Lakshmipur on July 30th followed by the unfortunate speech of Pandit Pant of August 1st and the Indian occupation of three points in Patharia forest, the East Pakistan Government had no choice but to take certain measures to ensure the security of its borders. Normal relationship or operation of agreement between two countries would naturally be disturbed in such extra-
ordinary circumstances. Now that status quo has been restored at Lakshmipur, I have ordered unsealing of East Pakistan - Tripura border.

10. Let me once again assure you that my Government is very keen to maintain peace on the borders. All our endeavours have been set in that direction. But whenever our nationals or our border troops are attacked or territory of Pakistan is encroached upon, we have to resort inevitably to measures of self defence.

11. I would again urge upon you to instruct the local officials and border forces on the East Pakistan - Assam border to desist from such activities which undermine the interest of peace between the two countries and to withdraw immediately from the three points in Patharia forest pending the settlement of border disputes and orderly exchange of areas on a mutually agreed date. According to latest reports received Indian border troops have been shelling Pakistan with 3-inch mortars, a weapon intended for use in regular warfare, causing loss of life and property among civilian population.

12. You might perhaps recall that in 1957 it was decided by both Governments that certain areas on East Pakistan - West Bengal boundary (Disputes I and II of Bagge Award) would be simultaneously exchanged on a mutually agreed date but unfortunately difficulties were created by officials on your side and they decided subsequently not to carry out the agreement, presumably because such exchange of areas was on the whole slightly beneficial to Pakistan.

13. I have since seen in newspapers your statement made in Lok Sabha on August 11th, 1958 expressing your readiness to discuss border disputes with me. I will be most happy to meet you to discuss border problems at a time and place mutually convenient. The Secretaries meeting which was scheduled to be held in Karachi on August 23rd, 1958 could be held after our meeting in order to consider details." Ends.

Yours sincerely

(Sajjad Hder)

The Honourable
Pandit Jawaharlal Nehru,
Prime Minister of India,
Prime Minister's House, New Delhi.
Pakistan and India to Discuss Border Problem:
Malik Firoz Khan Noon offers to meet Pandit Nehru:
East Pakistan/Tripura Border Unsealed

Karachi, August 16, 1958

On the 8th August 1958, Prime Minister of Pakistan, Malik Firoz Khan Noon, sent a message to Mr. Nehru about the recent border incidents, in which he recounted the encroachments by the Indians in Patharia forest and Lakshmipur village on Tripura Assam border. It also drew the attention of the Indian Prime Minister to the firings on the border which had been incessantly taking place on the Indian initiative beginning from March this year. Malik Firoz Khan Noon made a request for the withdrawal of Indian forces from these areas.

Mr. Nehru replied on the 10th of August and stated that these incidents had pained him greatly not only because of their nature but also because of the unfortunate effect on Indo-Pakistan relations. He expressed himself ready to settle the border problems so as to avoid anything in the nature of an incident. He however, placed the responsibility for these incidents on the East Pakistan authorities. He referred to the sealing of the East Pakistan-Tripura border as causing an interruption of the transit trade and traffic thereby causing hardships to Indian nationals and therefore asked for the unsealing of the border.

Reply to Mr. Nehru’s communication was embodied in a note which was handed over at New Delhi on Saturday the 16th of August 1958. In this note the Pakistan Prime Minister has categorically denied that the East Pakistan Government was responsible for the origin of those incidents. Rather, these were the results of deployment of large scale Indian forces on East Pakistan/Assam borders and of the occupation of points in Patharia forests belonging to Pakistan. In the case of Lakshmipur, where status quo has since been restored, Malik Firoz Khan stated that it had always belonged to Pakistan and in fact its inhabitants had voted in the last Provincial elections. He also referred to the provocative speech of Pandit Pant, Indian Home Minister, on 1st August 1958 at Gauhati in which the latter is reported to have said that India would teach Pakistan a lesson.

On the West Pakistan borders, too, the note states, the Indian border forces attempted to force their way into Pakistan territory on the 5th of August in order to install themselves on Hussainiwala Headworks which is in Pakistan’s possession ever since independence.
The West Pakistan/Tripura border was sealed because of the extraordinary circumstances resulting from the illegal seizure by the Indians of Lakshmipur village. Now that the status quo has been restored, the Government of East Pakistan had been asked to unseal the borders.

The Prime Minister of Pakistan has also drawn the attention of Mr. Nehru to the use of three inch mortars by Indian forces against the civilian population of Pakistan, causing loss of life and property. This weapon in fact used in a regular war only.

The Prime Minister has stressed that Pakistan's endeavour had always been to maintain peace on the borders. He however, pointed out that whenever Pakistan nationals or border troops were attacked or territory encroached upon, steps had to be taken in self-defence.

The Prime Minister has made a reference to an Indo-Pakistan decision (May 1957), according to which certain areas on East Pakistan - West Bengal boundary (dispute I and II of Bagge Award) were to be simultaneously exchanged on a mutually agreed date. Unfortunately, however, difficulties were created by the Indian officials who decided not to honour the agreement as the exchange was likely to result in Pakistan's favour.

Welcoming Mr. Nehru's willingness to discuss the border disputes, Malik Firoz Khan Noon has said that he would be glad to meet the Indian Prime Minister at a time and place mutually agreed. Secretaries' conference could be held later to discuss the details, he added.

Government of Pakistan are now awaiting reply from the Indian Government about the proposed Prime Minister's conference on the border disputes.
Letter from Prime Minister Jawaharlal Nehru to Chief Minister of West Bengal Dr. Bidhan Chandra Roy.

New Delhi, August 16, 1958.

My dear Bidhan,

You will have seen that there is a possibility of my meeting the Prime Minister of Pakistan in Delhi some time this month. The object of our meeting is to consider border problems.

It has struck me that we might take some further step in regard to the enclaves of Indian territory in Pakistan and Pakistani territory in India. This question has been discussed many times but no decision was arrived at. As far as I remember, the area of our enclaves in Pakistan is somewhat greater than that of Pakistan enclaves in India. Therefore, when a proposal for an exchange was made, the West Bengal Government said that they should be compensated for this extra acreage some-where else. The Pakistan Government did not agree, and there the matter stands.

While we may have some justification for demanding this extra area, which is not very great, I should like you to consider whether the present situation is at all desirable from our point of view. So far as Pakistan enclaves in India are concerned, your Government does not profit by them at all. I suppose they pay no taxes to anybody and they may well be a source of annoyance to your Government from various points of view.

So far as Indian enclaves in Pakistan are concerned, I am told that most of the Hindus there have migrated to West Bengal. There also we cannot collect any taxes. What Pakistan does there, I do not know.

Does it do us any good to hold out on this issue for the sake of a few thousand acres of land? We do not profit by it at all. I think it will be desirable for us to agree to exchange these enclaves with Pakistan as they are, that is, without any farther demand of territory. I do not at all like these little bits of Pakistan territory in the heart of India. To put an end to them would be a greater gain for us than some tiny patch of territory.

Please consider this matter and let me know your views soon.

Yours affectionately

Signed. Jawaharlal Nehru

Dr. B.C. Roy,
Chief Minister of West Bengal, Calcutta.
2801. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Firoz Khan Noon.

New Delhi, August 17, 1958.

No. 1990 - PMH/58

August 17, 1958

My dear Prime Minister,

Your Acting High Commissioner in New Delhi delivered your message addressed to me yesterday afternoon. This, I was informed, was to be substituted for your previous message which had been delivered to us on the 14th August.

I do not think it will serve my useful purpose for me to reply in any detail to the various points you have raised in your letter. The version of occurrences on our Eastern border which has been supplied to you is different from the information at our disposal. We have already sent full accounts about these regrettable incidents to your Government, and I have also ventured to draw your attention to them. I regret that I have failed to convince you even in regard to some facts which appear to me self-evident.

I shall gladly meet you to discuss these border problems. I would have thought, however, that the better course would be for the Secretaries to meet first and discuss these matters in some detail and then, somewhat later, for us to meet. I would, therefore, recommend this course to you, which appears to me more likely to yield results. If, however, you feel that we should meet even before the Secretaries do so, I shall agree to that also.

I shall be grateful if you will take the trouble to come to Delhi for this meeting. Our Parliament is sitting here from day to day, considering matters of importance which require my presence. It is difficult, therefore, for me to go away from Delhi in the near future. I shall remain in Delhi except for the next week-end.

You will be welcome whenever you choose to come here, and I hope you will honour us by being our guest.

Yours sincerely,

Jawaharlal Nehru

Honourable Firoz Khan Noon,
Prime Minister of Pakistan.
Karachi.

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Statement by Prime Minister Jawaharlal Nehru in the Rajya Sabha on Border Incident on the India – East Pakistan border.

New Delhi, August 18, 1958.

Mr. Chairman, Members of this House have been much concerned about recent happenings on our eastern border with Pakistan and many questions have been addressed to me on the subject. This anxiety is natural. Continuous firing across the border should not be a normal occurrence; indeed it should not be even an abnormal occurrence between the countries concerned. Even if there are some border disputes, it is the usual practice of civilised countries to settle them in a peaceful way by negotiation. Aggressive action and repeated firings across the border cannot settle the dispute; these can only create bitterness and upset the life of the people living in the border areas. Occasionally people are hit and killed or get wounded, villages on the border have to be evacuated and economic life in the area is completely disorganised. Apart from the actual damage caused, such action naturally leads to apprehensions as to what the aim of the action is.

So far as the Government of India are concerned, we are anxious to settle all these disputes by peaceful negotiation. These are not what might be called major political disputes and usually the argument is about small areas. If the approach is co-operative, there should be no difficulty in settling them and in having the border clearly demarcated to avoid any controversy in the future. A part of this border has been demarcated but there has been delay in continuing this process. We have not been responsible for this delay.

When this process of demarcation started, it was agreed that whatever changes of territory have to be made, as a result of the demarcation, these exchanges should take place on an agreed date. Till then the status quo should continue. Pakistan has repeatedly violated this agreement.

While we are anxious and eager to settle the border disputes peacefully, it is obvious that we cannot permit forcible attempts on the part of Pakistan to change the status quo. Where, therefore, there has been any aggression or firing across the border, we have had to give orders for that place to be defended.

There are four areas in this eastern border where there has been trouble:

**The Surma Sector.** This extends twelve to thirteen miles between the Cachar District of Assam and the Sylhet District of East Pakistan. On the night of 6/7 August, Pakistani forces began firing towards Indian posts and villages across the Surma river on a fairly wide scale. At first, our police forces stationed there did not retaliate, but, as the firing continued, they returned the fire. Ever since
then, there has been inter-mittent firing over this stretch of the Surma Sector. The casualties on our side, to the best of our knowledge, have been two killed and some persons wounded. We do not know what the casualties on the Pakistan side have been. The people living over this stretch of territory on our side of the border have not only suffered damage, but have had their life disorganised. Some villages have had to be evacuated.

According to our understanding, the boundary falls on the left bank of the river Surma, the whole river lying within India. Pakistan disputes this. Pending a settlement of the dispute, certain de facto arrangements were agreed to by the Deputy Commissioners of Cachar and Sylhet in 1954. Under these arrangements, Pakistani civilians, but not officials or armed personnel, were allowed certain transit facilities on the river, which, according to us, is Indian territory. Pakistan has repudiated these arrangements.

In this sector there is a village called Tukergram or Harigram belonging to India in the loop of the Kushiyara river. On the night of 6/7 August, Pakistani forces, taking advantage of their over-land connection, entered this village and occupied it. There has never been any dispute about this village in the past.

**Tripura Border.** On the same night, that is, 6/7 August, Pakistani forces surprised a small Indian police picket situated in the Indian part of the Lakhimpur village on the border and killed two, injured two and captured three of our police-men. This part of the Lakhimpur village has been in Indian possession, although, as a result of recent demarcation of the boundary in the area, it will ultimately go to Pakistan.

It will be noticed that the action taken both in the Surma Sector and on the Tripura border was coordinated and took place in the course of the same night, 6/7 August.

Two days earlier, on 4 August, the East Pakistan Government sealed the Tripura-East Pakistan border without consulting Indian authorities. This was a breach of the agreement made by Pakistan with India according to which Pakistan agreed to allow goods and passengers to proceed from India to Tripura. This sudden closure, without previous intimation, led to great inconvenience and loss to the people of Tripura. We consider this a serious violation of the agreement between India and Pakistan.

**Khasi Jainti Hills Border.** A few days ago I made a statement in the Lok Sabha giving an account of these eastern border troubles. Since then a fresh development has taken place. From 11 August onwards, we received information that Pakistani forces were being moved towards our border opposite our small town of Dawki. On 12 August, Pakistan closed the Khasi Jainti Hills
border with Sylhet, presumably to cover these troop movements. We drew the attention of the Pakistan Government to these developments and hoped that they were not part of any aggressive design. On 13 August, Pakistani forces started firing on Dawki town. This was entirely unprovoked and, it must be remembered, that there has been no dispute about Dawki. The *status quo* in this area is governed by agreements concluded in November 1951 and January 1952.

According to these agreements, forces on one side could not go across the river to the other side, but both sides could ply freely on the river. The Pakistan Government have recently repudiated these agreements and Pakistani forces have been from time to time firing on Indian boats plying on the river.

Our Government have been in correspondence with the Pakistan Government about these border troubles. I have also been in correspondence directly with the Prime Minister of Pakistan. I am afraid this correspondence has not thus far led to any helpful result. What appears to me self-evident, is not accepted by the Prime Minister of Pakistan, and his version of what took place seems to me incorrect.

It had been proposed to have a meeting at Secretaries' level in Karachi on 23 August to consider these border problems. We have now been informed that this meeting will have to be postponed for about a week as the Foreign Secretary of Pakistan is still in New York.

Day before yesterday I received a letter from the Prime Minister of Pakistan, who has been in London and is expected to reach Karachi today. In this letter, the Prime Minister informed me that he had issued orders to open the East Pakistan-Tripura border.

I had said in the Lok Sabha last week that I would be prepared to meet the Prime Minister of Pakistan to discuss the border disputes, should he so wish. He has now informed me that he would like to meet me at a time and place mutually convenient, in order to discuss these border problems. He has suggested that this meeting should precede the meeting of the Secretaries.

I have sent him a reply expressing my readiness to meet him for this purpose and suggesting Delhi as the venue of such a meeting. I have, however, pointed out that it would be more helpful if the Secretaries met at the first instance and discussed these problems thoroughly. Later the Prime Minister could meet. But I have added that, should he still wish that the Prime Ministers' meeting takes place before the Secretaries meeting, I would agree to that also.

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2803. **Letter from Pakistan Prime Minister Firoz Khan Noon to Prime Minister Jawaharlal Nehru.**

**August 19, 1958.**

My dear Prime Minister,

I have just received the text of your communication dated 17th August 1958, which was handed over by your Commonwealth Secretary to Acting High Commissioner for Pakistan in New Delhi on 18th August 1958.

I accept with great pleasure your kind invitation to come to Delhi and to be guest of your Government.

My own idea also was that Secretaries should meet first although a suggestion was made from here that Secretaries might meet after we have had our discussions. I agree with you that Secretaries should meet in the first instance and cover as much ground as they can and a message to that effect has been conveyed to your Commonwealth Secretary.

Our Parliament is meeting on first of September 1958. The session is likely to last for about one week. Any date between 10th and 15th of September 1958 would suit me for our meeting in Delhi if it is convenient for you. I would leave it to you to fix exact date.

With regards,

Yours sincerely

Sd. (Firoz Khan Noon)

The Honourable Pandit Jawaharlal Nehru,
Prime Minister of India,
New Delhi.

My dear Prime Minister,

Thank you for your message of 23rd August 1958 delivered to me by the Acting High Commissioner for India.

My reply to the points mentioned in your message are as follows:-

(1) I will follow any programme that suits you and which you make.

(2) I am grateful to you and we shall be happy to be your guests. The exact number and names will be communicated a little later but the number will not exceed one dozen.

(3) I agree with you what you have said in this paragraph - there is the Radcliffe Award and the Bagge Award and I hope that we will pay due regard to both, and any other consideration that may be mutually acceptable regarding the boundary.

(4) I agree with what you say in principle. With goodwill on both sides I hope we shall settle all disputed points and if there are any which are unsettled we can lay down principles which will be followed by officers of both the countries.

(5) I could not agree with you more that intermittent firing must stop at once. If you wish to issue any orders before we meet, I am willing to do the same. Any portion of each other's territory which has not been forcibly occupied within the last 12 months should be left as it is to be settled by negotiations. Any territory which has been forcibly occupied during the last 12 months must be vacated immediately.

(6) I agree with you and I will issue orders immediately, and you may also do the same.

I am looking forward to meeting you,

Yours sincerely

(Firoz Khan Noon)

The Honourable Pandit Jawaharlal Nehru,
Prime Minister of India,
New Delhi.

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Joint Communiqué issued at the end of the India – Pakistan Secretaries’ Conference to discuss the border disputes on the India – East Pakistan border.


The Indo-Pakistan Conference on border problems was held at Karachi from 30 August to 2 September 1958. The delegations were led respectively by Shri M.J. Desai, Commonwealth Secretary, Ministry of External Affairs (India), and Mr. M.S.A. Baig, Foreign Secretary, Ministry of Foreign Affairs and Commonwealth Relations (Pakistan).

The discussions during the conference were free, frank and cordial and the entire range of border problems were reviewed by the two delegations.

Both the delegations deplored the recent border incidents involving as they did the loss of valuable and gallant lives and the disruption of the social and economic life of the border populations. Both delegations emphasized the full determination of their Governments to maintain peaceful conditions on the border and to issue necessary instructions to take steps that there was no tension or conflict on the border either by attempts at forcible disturbance of the status quo pending completion of demarcation and exchange of areas.

It was decided that prisoners taken by either side during the course of border incidents should be released. Lists of such prisoners were exchanged and it was agreed that prisoners whose names appeared in both the lists should be released at specified places at 11.30 a.m. (local time) on 9 September 1958. With regard to names of prisoners not common to the lists exchanged it was agreed that verification and release should be effected as early as possible. The two delegations were unanimous that this was a human problem and further cases of this type, if any, should be dealt with on the basis of expeditious releases, if possible within 24 hours.

Both delegations agreed that border tension and conflict have a serious deleterious effect on public opinion in both countries and prejudicial to the relations between the two Governments. A clearly defined and clearly recognisable international boundary was a primary requirement of establishing peaceful conditions in the border regions. To this end it was decided that instructions should be issued to the State Governments and the Survey Authorities concerned to take all steps that would help in expediting demarcation.

The following principles were accepted with a view to expediting demarcation and early settlement of disputes:

(a) The entire boundary between India and Pakistan has been divided into
(b) Survey Authorities should select the sectors to be taken up each field season and start demarcating simultaneously from both ends of the sector.

(c) If any disputes arise these should be presented cartographically as far as possible and in writing to the two Central Governments for settlement and decision. The demarcation work should be carried on uninterruptedly from the agreed point, the disputed areas being demarcated later in accordance with the settlement or decision reached.

Several proposals for the settlement of a number of existing territorial disputes were examined during the discussions and some progress has been made. The delegations will in the light of these discussions put up their respective Prime Ministers’ constructive proposals for settlement of the various disputes. The delegations hope that as many border disputes as possible will be resolved during the meeting of the two Prime Ministers next week. Unsolved disputes will be settled in accordance with the procedure accepted by the two Governments viz. by reference to impartial tribunal in terms of the decision of the Indo-Pakistan Steering Committee of March 1955.

Decisions taken at the Secretaries Conference referred to above:

Bagge Disputes I & II.

It was agreed that the areas covered by these disputes should be exchanged as early as possible. Pakistan suggested that the date of exchange should be 31st December, 1958 at the latest. India agreed that they would consult their technical officers and will inform Pakistan whether the date suggested would be practicable.

REPORT OF THE SUB-COMMITTEE ON EASTERN BORDERS

Following the discussion at the morning session of the Indo-Pakistan Secretaries’ Conference on August 30, 1958, and in the background of the points discussed there, Sub-Committees were asked to examine various disputes relating to the border between Pakistan and India. The following officers met to consider the East Pakistan-India borders:-

INDIA

(1) Mr. M.N.Goswami, I.A.S., Commissioner, Plains Division, Assam.
Bagge Disputes I & II

(As above)

Bagge Disputes III & IV

India wanted that the territory covered by Bagge dispute III should be demarcated while Bagge Dispute IV should be referred to a Tribunal in terms of decision of 1953 Conference. Pakistan’s view point was that the disputes should be taken up together for demarcation at once as they were both covered by Bagge Award which also contained a ruling on the terms of reference and that there has been no agreed decision with regard to reference of Dispute IV to another Tribunal.

No agreed decision could be arrived at.

The Indian side proposed that Tukergram should be vacated as in their view Tukergram was undisputedly Indian territory. Pakistan's view point was that Tukergarm was part of Dispute IV.

Other Disputes.

The following disputes were discussed in detail but no agreed decision could be arrived at:-

(i) 24 Parganas/Khulna.
(ii) Ichhamati.
(iii) Hilli.
(iv) Berubari Union.
(v) 2 Chitlands astride the boundary.
(vi) Bholaganj.
(vii) Piyian river.
(viii) Surma river.
(ix) Dispute III.
(x) Dispute IV.
(xi) Railway lines in Tripura/Tippera.

Demarcation and Exchange of territories other than those covered by disputes I & II.

India’s view point is that the exchange of territory should take place when a sector is finally demarcated. Pakistan’s view point is that exchange of territory should take place in all the places as soon as that place is demarcated irrespective of sectors adopted for convenience of demarcation by the Directors of Land Records and Surveys.

Exchange of Prisoners.

India gave a list of 23 Pakistani nationals held in detention in India and of 29 Indian nationals held in detention in Pakistan and proposed straight exchange subject to exchange of further lists to be disposed of on the same basis, viz., that this is a human problem and the normal principle should be expeditious exchange, if possible within 24 hours.

Pakistan gave a list of 42 Pakistani nationals held in detention in India and stated that of 29 Indians they had knowledge of 15 and that they would verify the others.

India stated that out of 42 they had knowledge of 23 Pakistani nationals but would verify the others including eight whose names were not given in the Pakistan list.

It was agreed that the 15 Indian nationals included in the list furnished by Pakistan and 23 Pakistani nationals included in the list furnished by India be released immediately and for the remainder verification and release carried out forthwith. Farther lists to be exchanged may also be dealt with on the same basis.

Sd. M.N. Goswami  
Commissioner, Plains Division, Assam.  

Sd. M. Hamid Ali  
Chief Secretary to the Government of East Pakistan.  
INDIA- EAST PAKISTAN BORDER

Sd. S. K. Sarkar
Chief Secretary, Tripura.

Sd. S. M. Hasan
Member, Board of Revenue, East Pakistan

Sd. J. C. Kakar
Deputy Secretary, Ministry of External Affairs, Government of India.

Sd. H. T. Ali
Commissioner Chittagong Division.
31.8.1958

Sd. N. N. Chatterjee
Joint Secretary to the Government of West Bengal, Home Department.

Sd. S. M. Koreshi
Under Secretary, Ministry of Foreign Affairs and Commonwealth Relations,

Sd. M. J. Desai
Commonwealth Secretary, Ministry of External Affairs
New Delhi
2.9.58

Sd. M. S. A. Baig
Foreign Secretary
2.9.58

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Agreement between India and Pakistan on Border Disputes in the Eastern Region.

New Delhi, September 10, 1958.

In accordance with the directives issued by the Two Prime Ministers, the Secretaries discussed this morning the following disputes.

West Bengal - East Pakistan

1. Bagge Awards in disputes I and II.
2. Hili.
4. Demarcation of Indo-Pakistan frontier so as to include the two Chitlands of old Cooch Behar State adjacent to Radcliffe Line in West Bengal.
5. 24-Parganas-Khulna -Jessore 24-Parganas Boundary disputes

Assam-East Pakistan

6. Pakistan claim to Bholaganj.
7. Piyain and Surma-Boundary disputes.

Tripura-East Pakistan

8. Tripura land under Pakistan railway and Tripura land to the west of the railway line at Bhagalpur.

West Bengal-East Pakistan

10. Exchange of enclaves of the old Cooch Behar State- in Pakistan and Pakistan enclaves in India. Claim to territorial compensation for extra area going to Pakistan.

As a result of the discussions, the following agreements were arrived at:

1. Bagge Awards on disputes I and II.

It was agreed that the exchange of territories as a result of demarcation should take place by 15 January, 1959.

2. Hili.

Pakistan Government agrees to drop this dispute. The position will remain
as it is at present in accordance with the Award made by Sir Cyril Radcliffe and in accordance with the line drawn by him on the map.

(3) **Berubari Union No. 12.**

This will be so divided as to give half the area to Pakistan, the other half adjacent to India being retained by India. The division of Berubari Union No. 12 will be horizontal starting from the north-east corner of Debiganj thana. The division should be made in such a manner that the Cooch Behar enclaves between Pachgar thana of East Pakistan and Berubari Union No. 12 of Jalpaiguri thana of West Bengal will remain connected as at present with Indian territory and will remain in India. The Cooch Behar enclaves lower down between Beda thana of East Pakistan and Berubari No. 12 will be exchanged along with the general exchange of enclaves and will go to Pakistan.

(4) Pakistan Government agree that the two **Chitlands** of the old Cooch Behar State adjacent to Radcliffe Line should be included in West Bengal and the Radcliffe Line should be adjusted accordingly.

(5) **24-Parganas-Khulna; 24-Parganas—Jessore** Boundary disputes

It is agreed that the mean of the two respective claims of India and Pakistan should be adopted, taking the river as a guide, as far as possible, in the case of the latter dispute. (Ichamati river).

(6) Pakistan Government agrees to drop their claim on **Bholaganj**.

(7) **Piyain & Surma** river regions to be demarcated in accordance with the relevant notifications, cadastral survey maps and, if necessary, record of rights. Whatever the result of this demarcation might be, the nationals of both the Governments to have the facility of navigation on both of these rivers.

(8) Government of India agrees to give in perpetual right to Pakistan the land belonging to Tripura State to the **west of the railway line** as well as the land appurtenant to the railway line at Bhagalpur.

(9) The question of the **Feni river** to be dealt with separately after further study.

(10) Exchange of old **Cooch Behar enclaves** in Pakistan and Pakistan enclaves in India without claim to compensation for extra area going to Pakistan, is agreed to.
3. The Secretaries also agreed that the question of giving effect to the exchange of territory as a result of the demarcation already carried out, should be given early consideration.

M.S.A. BAIG, M. J. DESAI
Foreign Secretary Commonwealth Secretary
Ministry of Foreign Affairs Ministry of External Affairs
and Commonwealth Relations, Government of India
Government of Pakistan.

New Delhi, 10th September, 1958

2807. Joint Communiqué issued by the Prime Ministers of India and Pakistan after their Conference on Border Problems.

New Delhi, September 11, 1958.

On the invitation of the Prime Minister of India, the Prime Minister of Pakistan visited New Delhi from 9 to 11 September, 1958. During this Visit, the Prime Ministers of Pakistan and India discussed various Indo-Pakistan border problems with a view to removing causes of tension and establishing peaceful conditions along the Indo-Pakistan border areas.

The Prime Ministers had frank and friendly discussions about these border problems. They arrived at agreed settlements in regard to most of the border disputes in the eastern region. They also agreed to an exchange of enclaves of the former Cooch Behar State in Pakistan and Pakistan enclaves in India.

Some of the border disputes, namely, two regarding the Radcliffe and Bagge Awards in the eastern region, and five in the western region, require further consideration.

The Prime Ministers agreed to issue necessary instructions to their survey staff to expedite demarcation in the light of the settlements arrived at and to consider further methods of settling the disputes that are still unresolved. In regard to the Hussainiwala and Suleimanke disputes, the Foreign Secretary of the Government of Pakistan and the Commonwealth Secretary of the Government of India will, in consultation with their engineers, submit proposals to the Prime Ministers.
The Prime Ministers agreed that when areas are exchanged, on agreed dates, as a result of settlement and demarcation of these disputed areas, an appeal should be made to the people in the areas exchanged to continue staying in their present homes as nationals of the State to which the areas are transferred. The Prime Ministers further agreed that, pending the settlement of unresolved disputes and the demarcation and exchange of territory by mutual agreement, there should be no disturbance of the status quo by force and peaceful conditions must be maintained in the border regions. Necessary instructions in this regard will be issued to the respective States and to the local authorities on the border.

The Prime Ministers agreed to keep in touch with each other with a view to considering various steps to be taken to further their common objective of maintaining and developing friendly and co-operative relations between their two countries.

2808. Statement by Pakistan Prime Minister Malik Firoz Khan Noon on return to Karachi after his talks on border disputes with Prime Minister Jawaharlal Nehru in New Delhi.

Karachi, September 11, 1958.

The Prime Minister of India invited me to New Delhi to discuss various Indo-Pakistan border disputes. I gladly accepted the invitation and I am happy that our meeting has yielded results. I must thank Pundit Jawaharlal Nehru and the Government of India for the courtesy and hospitality which was accorded to our Delegation during our stay in Delhi.

I had three meetings with Pundit Nehru at which we were able to discuss in detail all border disputes in a spirit of understanding and goodwill. We did not have much time at our disposal but we were able to come to agreed settlements in regard to most of the border disputes in the Eastern region where there has been considerable tension during the last few months.

We agreed that territories covered by the Bagge Award in West Bengal - East Pakistan sector where demarcation has already been completed should be exchanged by the 15th of January 1959.

The dispute relating to the Beriberi Union in this sector has also been resolved and it has been agreed that the Union will be so divided as to give half the area
to Pakistan, the other half adjacent to India being retained by India. This union has been in the possession of India since independence.

In the 24 Parganas - Khulna and 24 Parganas - Jessore Sectors, it was agreed that the mean of the two respective claims of Pakistan and India should be adopted. This should give us the use of the Ichhamati River.

The difficulty regarding the position of the East Bengal Railway which passes through a part of Tripura State has been removed. India has now agreed to give this piece of land in perpetual right to Pakistan.

We have agreed to the exchange of old Cooch Bihar enclaves in Pakistan with Pakistan enclaves in India. This will give us about 11 square miles of extra territory without our having to pay any compensation to India.

The dispute regarding Hili had arisen on account of certain divergence in the description of the boundary in the Radcliffe Award and the delineation of the boundary on the map adopted by Sir Cyril Radcliffe. This dispute has been settled in accordance with the description in the Radcliffe Award. We also settled the Bholagang dispute by adopting the latest district boundary notifications.

It became quite obvious in the course of our discussions that the only effective way to reduce tension in border areas was to complete the demarcation of the boundary without any delay. I am glad the Prime Minister of India agreed with me that we should proceed with the demarcation of the boundary excluding, wherever necessary, disputed areas. It will be recalled that non-demarcation of the boundary recently led to exchange of firing on the Surma and Piyain Rivers. We have agreed that demarcation in this region should proceed in accordance with the Radcliffe Award and the relevant notifications, cadastral survey maps, and, if necessary, the record of rights. Whatever the result of this demarcation might be, the nationals of India and Pakistan will have the facility of navigation in Piyain and Surma Rivers.

As a result of our discussions in Delhi the field of controversy has been narrowed down and the need for immediate demarcation of the boundary and exchange of territory after demarcation has been fully recognised. The total boundary in the Eastern Region is 2489 miles, of which 1514 miles have been demarcated, in the Western Region 162 miles have been demarcated out of a total boundary of 325 miles covered by the Radcliffe Award. I expect that it should now be possible to complete the demarcation of the remaining portion without delay.

We discussed 11 disputes relating to the Eastern region. We were able to settle nine of the disputes. The dispute relating to the Feni River was left over for further consideration. The other unresolved dispute relates to the Kushyara
River which was finally settled by the Bagge Tribunal but the Award has not been implemented so far.

This was the one issue on which we were not able to come to an agreement. There has never been any disagreement on the question that border disputes which the two countries are not able to resolve by negotiation should be referred to an impartial Tribunal for adjudication and final settlement. I conveyed it to the Prime Minister of India that the remaining unresolved disputes could be referred for final settlement to a Tribunal only if India agreed to implement in toto the Award given by the Bagge Tribunal. The Indian Prime Minister did not find it possible to agree to this and suggested that the Indian point of view in regard to the findings given by the Bagge Tribunal should also be specifically referred to the Tribunal which may be set up for deciding unresolved border disputes. I endeavored to convince the Prime Minister of India that there was no justification for referring the decision given by a final adjudicating authority to any other Tribunal. The sanctity and finality of an Award given by an impartial Tribunal must be accepted and honoured. If any compromise were made in this matter, no one would have any confidence in any Tribunal which may be set up by us in the future to go into other disputes.

It was on account of this difficulty that we would not agree to constitute an impartial Tribunal to which unresolved disputes of the Western region may be referred for adjudication and final settlement. There are five disputes in this area which require adjudication. Of these, the two major ones apart from the Rann of Kutch, relate to Hussainiwala and Sulemanki Headwords. We have asked our Foreign Secretaries to formulate proposals, in consultation with their engineers, for the settlement of these two disputes.

The Prime Minister of India and I have agreed to keep in touch with each other with a view to considering steps which should be taken for maintaining and developing friendly and cooperative relations between the two countries.
Mr. Speaker, Sir, the House knows the Prime Minister of Pakistan visited Delhi at our invitation. He came here on the 9th of this month and left yesterday morning.

In the course of his stay here, we had talks with each other in regard to border problems principally. At the end of his stay here, a statement, a brief statement, was issued which has already appeared in the daily press, this morning. If you wish I can lay a copy of that statement on the table.

That statement states that a number of border problems relating to the eastern region have been solved, or agreements have been arrived at. Some other matters still remain for further consideration, and some procedures have been laid down.

I am not quite sure if it will be easy for me to explain, and for the House to understand, the specific border problems of villages here and there. Nevertheless, I shall endeavour to refer to them.

In the eastern region there was a boundary dispute between West Bengal and Pakistan, between the districts of Murshidabad and the districts of Rajshahi including the thanas of Nawabganj, Pakistan, Shivganj, which was earlier, in the pre-partition days, in Malda District. This was No. I of the Bagge Award.

I might mention here that just before the actual partition took place, Mr. Justice Radcliffe was appointed to determine the exact line of partition of the frontier. He did so, and that was very largely accepted, but some disputes arose as to the interpretation of the Radcliffe Award. Some time thereafter, another tribunal was appointed presided over by Mr. Justice Bagge and having a Judge from India and a Judge from Pakistan. This Bagge Tribunal considered the disputes in the eastern region, and made certain recommendations or awards rather. Again, most of these were accepted and acted upon. But, unfortunately, some doubts still persisted, and some arguments and controversies went on in regard to some areas, and that has continued all these years. So, on this occasion, we considered some of these disputes still persisting. And one of the decisions arrived at was in regard to this, what is called Bagge Award No. I, which I have just related, and another one, Bagge Award No. 2 between West Bengal and Pakistan, concerning the common boundary between a point on the River Ganges where the channel of the river Matabhanga takes off according to the
Radcliffe Award and the northernmost point where the channel meets the boundary between the thanas of Daulatpur and Karimpur; this has been decided previously; it has been settled that exchange of these territories should take place by the 15th January.

Then, there was a dispute called the Hilli dispute, also between West Bengal and Pakistan. Pakistan gave up or dropped this dispute, and, therefore, the position has been decided and remains in favour of India.

The fourth was the Barubari Union No. 12. That is also between West Bengal and Pakistan. It was decided to divide the area under dispute by half and half, half going to India and half going to Pakistan.

The next one is about two Cooch-Behar chitlands, on the border of West Bengal which, it has been decided, should go to West Bengal.

The next was some disputes about that border between the 24-Parganas in Khulna and the 24-Parganas in Jessore. It was decided again here that the mean position should be adopted in both these, taking the river Ichhamati as a guide, that is, as far as possible, pursuing this river. These are in regard to the border disputes between West Bengal and Eastern Pakistan.

Then comes the dispute between Assam and Eastern Pakistan. There was the Bholaganj dispute. In regard to this, Pakistan gave up its claim. Then, there are the two rivers, the Piyain river and the Surma river. It has been decided to have a demarcation made according to notifications made, that is, previous notifications; therefore, we cannot be sure where this demarcation will be, but it has been decided that wherever the demarcation may be, full facility of navigation should be given to both sides. That is in regard to navigation in these rivers.

Then, we go to the Tripura-Pakistan border. There was a small bit of territory, a few acres, near the railway, where the railway passes. We have agreed to give this small territory to Pakistan because it is near their railway.

Another Tripura dispute is about the Feny river. This has been decided to be dealt with separately. The course is being laid down.

There is one thing more, which has been long causing us, and I believe, Pakistan, a great deal of trouble. These are the Cooch-Behar enclaves. The Cooch-Behar State had little bits of territory all over, and some of those fell in Pakistan and some in India on partition, as Cooch-Behar State itself. Therefore, the result is that we have some territory in Pakistan, little enclaves, little islands, and they have some here, which is very awkward. They cannot deal with their territory inside India, and we cannot deal with our territory inside
Pakistan. In fact, nobody deals with those territories. In law, we cannot, in practice, we cannot, and they are just odd bits, usually the home of smugglers and other fugitives from the law. So, it has been decided ultimately that we should just exchange them, that is, our Cooch-Behar territory in Pakistan goes to Pakistan, and their enclaves in India come to India.

All these changes involve some exchanges of territory; in some cases, India gains a little territory, and in others, they gain it. These are more or less the decisions arrived at.

Then I might mention those problems that are left over for decision. One is the Patharia hill reserve forest in the eastern region. According to us, of course, that belongs to us. But there has, nevertheless, been some dispute there. We have decided that we should ask the two conservators of forests, that is, of Assam and of East Pakistan, together with the two Chief Secretaries, to meet to draw up provisionally some line there, even previous to a settlement of that dispute, so that there might not be friction. As a matter of fact, nobody lives in this forest.

Disputes arise because of timber; people go over and cut timber in the other area. So, in order to avoid this overlapping, some temporary line may be drawn till such time as we can settle that matter.

Then, there is another matter, and probably one of the more important ones in Assam, on the Assam-East Pakistan border. This was also referred like Patharia reserve forest to the Bagge Tribunal. This is in regard to the course of the Kushiyara river. The Bagge Tribunal decided about the course of the Kushiyara river, but, according to us, some points have not been cleared up and they were due to some confusion about maps etc. and this point has remained. It is an area, containing I believe, or consisting of, about 30 villages. That is in our possession at present, and has been, in fact, all along in our possession. These will have to be decided, that is, both these matters which pertain to the eastern region. In fact, these are the only matters pertaining to the eastern region that have to be decided still, apart from one of the small ones.

* * *

In regard to one—which might be called somewhat—bigger matter, of Assam, that is, following from the course of the river Kushiyara, that is yet to be considered by us. The Patharia Forest question is really not a difficult one, but because the one to which I have just referred, the ‘Kushiyara’ has not yet been settled, Pakistan wanted to attach that also for consideration in future. On the western side, there are these head-works etc. and some bits of land.

We thought, and we still think, that the best course to decide any remaining
matter, which cannot be decided by talks between ourselves, is to refer it to some independent party—tribunal—to decide, because there is no other way. Either we come to an agreement ourselves or ask somebody else to advise and we will accept whatever decision is arrived at, whether it is in our favour or against us. For the present the Pakistan Prime Minister was not agreeable to this being done in regard to one particular matter. But the matter is open for consideration. In our statement that has appeared in the Press, it is said that these matters are reserved for future consideration between us.

There are two other things. One is that we have said in regard to the exchange of small territories that we do not want migration from them, as far as possible, and we advise the people to continue living there . . . *(interruption)*

An Hon. Member: It is impossible.

Shri Jawaharlal Nehru: ... and accept the country to which they will now belong. In any event, it is not a question of large numbers. But we see no reason why this idea of people migrating should be encouraged there.

Further, we have said that we hope to keep in touch with each other and try to reduce the areas of difference in this way and find out some way of deciding the points that remain.

On the whole, therefore, I think that the result of our meeting has been satisfactory.
Letter from the Ministry of External Affairs to Heads of Indian Mission abroad conveying them the results of the India – Pakistan talks on the borders.

New Delhi, September 13, 1958.

D.O. No. 541-CS/58 the 13th September, 1958

Ministry of External Affairs
New Delhi

My dear

You must have seen the Joint Communiqué of 3rd September issued after the discussions on Indo-Pakistan border problems between the Secretaries of the Governments of Pakistan and India and the Joint Communiqué of 11th September after the meeting in New Delhi between the two Prime Ministers.

2. The enclosed copies of the minutes of the meeting of the Sub-Committees on the eastern and western border disputes which give the position of the two Governments on the various disputes, will give you some background of the details of these disputes. Preparatory work in resolving some of the minor disputes started at the Karachi Conference and was finalised during the Delhi meeting of the Prime Ministers. The settlements arrived at in respect of some nine disputes are recorded in the agreement between the two Secretaries signed at Delhi on 10th September 1958.

3. The statement made by Prime Minister in the Lok Sabha on 12th September gives the results of the meeting between the two Prime Ministers and also details of the settlements arrived at. Seven major disputes are still unresolved. Fuller notes giving the details of these seven disputes will be forwarded separately a week or two later. Meanwhile the enclosed copy of a note recorded on 13th September 1958, which explains in some detail the existing differences between India and Pakistan on the question of settling the outstanding disputes by reference to an impartial Tribunal, will, I hope, be useful in explaining why the meeting between the two Prime Ministers could not produce more substantial results.

4. I might add for your personal information that the discussions at Karachi and Delhi left one with the impression that the Pakistan Prime Minister, though desirous, for reasons of domestic politics, of negotiating settlements with India on these border matters, was completely tied down to the views of his official
advisers and did not have freedom to negotiate any settlements beyond those agreed to by the officials. The officials, on the other hand, particularly those who have been dealing with these various disputes at the State-level, were rigid and totally opposed to make any adjustments. This small disputes settled involved hard and arduous bargaining and though some progress has been made, it is clear that conflicts on border issues will continue to occur in future, as these are the result generally of aggressiveness of local officials.

5. It is likely that Pakistan will try to make a propaganda point out of India’s refusal to carry out Bagge Award IV in toto and try to put us in the wrong with the international community and the press. I hope the note of 13th September 1958, which deals with this point would be useful to you in countering this propaganda. I would request you to ask your officers and P.R.O. to study these papers and explain quietly and unobtrusively the correct position both to the Foreign Office officials and the local press so that Pakistan propaganda, if any, on this point is countered in advance.

With kind regards.

Yours Sincerely

(M.J. Desai)

To Heads of Indian Mission Abroad

Background to Indo-Pakistan Differences in respect of Interpretation of Radcliffe and Bagge Awards in respect of Dispute III & IV in the Eastern Sector.

The Radcliffe Award on the division of the former district of Sylhet between Assam and East Bengal (East Pakistan) was stated in terms of Thana boundaries and the course of the river Kusiyara. A dispute having arisen between India and Pakistan regarding the identity of the river Kusiyara it was decided at the Indo-Pakistan Conference held at Delhi in December, 1948, to refer this as well as three other disputes arising out of the Radcliffe Award to an impartial Tribunal which came to be known as the Bagge Tribunal.

The terms of reference for the Bagge Tribunal, as decided at the Indo-Pakistan Conference of December, 1948, were as follows:

“A Tribunal should be set up at as early a date as possible and not later than 31st January, 1949 for the adjudication and final settlement of the following boundary disputes arising out of the interpretation of the Radcliffe Award and for demarcating the boundary accordingly:-
(A) East-West Bengal disputes concerning:

(i) The boundary between the district of Murshidabad (West Bengal) and the district of Rajshahi including the thanas of Nawabganj and Shibganj of pre-partition Malda District (East Bengal); and

(ii) that portion of the common boundary between the two Dominions which lies between the point on in river Ganges where the channel of the river Mathabhanga takes off according to Sir Cyril Radcliffe’s Award and the northern-most point where the channel meets the boundary between the thanas of Daulatpur and Karimpur according to that Award.

(B) East Bengal - Assam disputes concerning:

(i) The Patharia Hill Reserve Forest; and

(ii) The course of the river Kusiyara.

(2) In the event of disagreement between the members, the decision of the Chairman shall be final in all matters.

(3) After the Tribunal has adjudicated upon the disputes, the boundaries shall be demarcated jointly by the experts of both Dominions. If there is any disagreement between the experts regarding the actual demarcation of the boundary in situ, such disagreement shall be referred to the Tribunal for decision and the boundary shall be demarcated finally in accordance with such decision.

(4) The Tribunal shall prescribe the procedure to be followed for adjudicating upon the disputes as well as for deciding the point or points of disagreement, if any, arising from the demarcation of boundary.

The two Bengal disputes (Disputes I & II) have been settled; demarcation on the ground has been completed and it has been agreed that transfer of areas should take place by January 15th, 1959. By agreeing to this transfer of areas, we will be giving Pakistan a net excess area of 131/2 sq. miles.

The dispute concerning Patharia Forest (Dispute No. III) was discussed at the Indo-Pakistan Conference of 1953 and agreement was reached with regard to the alignment of the boundary on the ground. In pursuance of this agreement, demarcation was begun in January 1955 and proceeded smoothly till January 1956 when the Pakistanis dis-continued operations because it transpired that certain Tea Estates in the area would fall in India. The Government of Pakistan have now linked up demarcation this area with Dispute No. IV stating that demarcation in the Patharia Hill Reserve Forest area cannot proceed till India agrees to demarcation in accordance with map ‘A’ attached to Radcliffe Award which was confirmed by Bagge in his award in Dispute IV.
The Bagge Awards Concerning Disputes No.III and IV are as follows:-

DISPUTE-III
The Patharia Hill Reserve Forest:

“The line indicated in the map marked ‘A’ attached to the award (Radcliffe Award) is the boundary between India and Pakistan”.

DISPUTE - IV
The Course of the Kusiyara river:

“But all my colleagues came to the conclusion that we were intended to divide the Sylhet and adjoining districts of Assam between East Bengal and the Province of Assam on the basis of contiguous majority areas of Muslims and non-Muslims but taking into account other factors, I am glad to adopt this view.

8. The members of the Commission were however unable to arrive at an agreed view as to how the boundary lines should be drawn, and after discussion of their differences, they invited me to give my decision. This I now proceed to do.

9. In my view, the question is limited to the districts of Sylhet and Cachar, since of the other districts of Assam that can be said to adjoin Sylhet neither the Garo Hills nor the Khasi and Jaintia Hills nor the Lushai Hills have anything approaching a Muslim majority of population in respect of which a claim could be made.

12. But a study of the map shows, in my judgment, that a division on these lines would present problems of administra-tion that might gravely affect the
future welfare and happiness of the whole District. Not only would the six non-Muslim thanas of Sylhet be completely divorced from the rest of Assam if the Muslim claim to Hailakandi were recognised, but they form a strip running east and west whereas the natural division of the land is north and south, and they effect an awkward severance of the railway line through Sylhet, so that, for instance, the junction for the town of Sylhet itself, the capital of the district, would lie in Assam, not in East Bengal.

13. In those circumstances I think that some exchange of territories must be effected if a workable division is to result. Some of the non-Muslim thanas must go to East Bengal and some Muslim territory and Hailakandi must be retained by Assam. Accordingly I decide and award as follows:-

A line shall be drawn from the point where the boundary between the thanas of Patharkandi and Kulaura meets the frontier of Tripura State and shall run north along the boundary between those thanas, then along the boundary between the thanas of Patharkandi and Barlekha, then along the boundary between the thanas of Karimganj and Barlekha, and then along the boundary between the thanas of Karimganj and Beani Bazar to the point where that boundary meets the River Kusiyara. The line shall then turn to the east taking the River Kusiyara as the boundary and run to the point where that river meets the boundary between the Districts of Sylhet and Cachar. The centre line of the main stream or channel shall constitute the boundary. So much of the District of Sylhet as lies to the west and north of this line shall be detached from the Province of Assam and transferred to the Province of East Bengal. No other part of the Province of Assam shall be transferred.

14. For purposes of illustration a map marked A is attached on which the line is delineated. In the event of any divergence between the line as delineated on the map and as described in paragraph 13, the written description is to prevail."

It will be seen that in the interest of drawing rational boundaries Radcliffe decided that the Muslim majority thanas of Karimganj and Hailakandi must go to Assam, corresponding non-Muslim areas being assigned to East Bengal. Ever since this award was made Pakistan has been trying to undo this part of the Award though local authorities on both sides who knew the limits of the thanas, adjusted the possession in accordance with the written descriptions given in the Radcliffe Award. The following extract from the Dawn dated 10.9.58 will indicate what great pressure is being put on the Pakistan Government by local public opinion to undo this part of the Radcliffe Award:-

“Delhi Talks: PM asked to raise Karimganj issue.
Mr. Nurur Rahman, MP, in a Press statement issued in Karachi yesterday appealed to Prime Minister Malik Firoz Khan Noon to raise the issue of Karimganj district of Sylhet in the current Delhi talks. This district, he said, was given to Bharat under the Radcliffe Award despite the fact that in the referendum the entire Sylhet, division, including this district, voted for Pakistan.

He asked the Prime Minister to get at least an inter-national tribunal set up to examine the scope of the Radcliffe Award — whether the said award was contrary to the clear doctrine of the charter of human rights in the case of giving away a portion of Sylhet to Bharat against the expressed will of the people.

He said: “I would appeal to the Government to utilise the UN for freeing one million Muslims living in the Bharati sector of Sylhet, who are treated by the Government of Bharat virtually as alien and on slight pretext the wrath of the Government of Bharat falls on the poor Muslims of Karimganj.

PROPAGANDA

“Of late the life of the Muslims of that part of Sylhet which is in Bharat has been made miserable by the unchecked propaganda made by the Hindu Mahasabha leaders during the border clashes at the Pakistan-Bharat border in Sylhet district.

“It was fomented and nurtured by the Government of Assam. The Chief Minister of Assam Mr. Chillha, the Opposition Leader, Mf. Hareshwar, and even the sole Communist member of the Assam State Assembly, Mr. Bhattacharjee, made strong plea to arm the Hindu population of the border against the so-called Muslim alien residing in the Bharati part of the Sylhet district.

“Why the integrity and loyalty of the Muslims of Bharati-held portion of Sylhet is in question? Is it not due to the fact that once they chose to be in Pakistan when the referendum was held? Is it not according to “Akhand Bharat” phraseology a crime committed by them when they used their fundamental right of self-determination which is being guaranteed to every human being by the Charter of Human Rights?” — APP.

Radcliffe, while illustrating his award on the Assam – East Pakistan border on the map used a 1937 map which was incorrect and out of date. He had specifically provided for this sort of mistake by laying down the principle in para 14 of his Award quoted above. Actual territorial possession between East Pakistan and Assam in this region has been in accordance with the description given in the Radcliffe Award ever since 14th August, 1947. This was only recently disturbed by Pakistan occupying the village of Tukergram marked ‘X’ by force last month.
Pakistanis first attempted to undo this part of the Radcliffe Award by contesting that the river Kusiyara was the one lower down and not along the line B - C shown in the Radcliffe map. This matter was referred to the Bagge Tribunal who decided that B - C was the course of Kusiyara. In their anxiety to make the decision quite clear they said that A to B and B to C in the Radcliffe map was the correct boundary between Assam and East Pakistan.

Having lost their case regarding the course of the Kusiyara driver, Pakistanis began in interpreting the Bagge Award to their advantage and insisted that Bagge Tribunal, having said that A, B, C on the map was the correct boundary; the principle laid down by Radcliffe in para 14 that description should prevail when the line in the map and description did not tally, was set aside by the Bagge Award. Obviously, this interpretation is far-fetched as the reference to the Bagge Tribunal was only on one point, the course of the Kusiyara river. The decision given on this reference clarifies this point. As regards A, B, C on the Radcliffe map the Bagge Tribunal’s observations regarding this could not, in any way, supersede the principle laid down by Radcliffe in para 14 that the map was only illustrative and that the description of the boundary given in para 13 of the Award should prevail in case of divergence between the line delineated on the map and the written description. It is difficult to say whether the incorrect copy of the map of 1937 was deliberately supplied by some local authorities at the time. This is quite possible as Bengal was, in 1947, under the Muslim League Government and the local authorities in parts of Assam were also heavily biased in favour of the Muslim League and the new State of Pakistan.

The actual boundary between the Thanas of Karimganj and Beani Bazar is as notified in Assam Governments notification No.5133-H, dated May 28, 1940, The map of Beani Bazar thana corresponding to this notification clearly shows that the villages in the disputed area, e.g. Sutarkandi and others do not form part of this thana. Pakistanis do not dispute this factual position but stretch the observations regarding line AB and BC in the Bagge Award to get part of the Thana of Karimganj. Bagge was dealing with the specific reference -- the course of the Kusiyara river and he had no reason for departing from the thana boundaries laid down by Radcliffe in this sector. Since the red line and the thana boundary in the incorrect map of 1937 appeared to coincide on the map referred to by him as well as by Radcliffe, he thought that by confirming the red line, he was confirming the thana boundary as awarded by Radcliffe.

As stated above, Pakistan has linked up this dispute with dispute No.III and has made demarcation of the latter conditional on India, accepting Pakistan’s interpretation of the Bagge Award concerning Dispute No. IV. India has proposed
that the deadlock should be resolved by reference to an impartial Tribunal which would take into account the difference of opinion with regard to the interpretation of the Radcliffe and Bagge Awards for this sector. Pakistan, however, does not agree to any form of reference to a Tribunal and insists on demarcation being carried out on the basis of the red line ABC referred to in the Bagge Award.

In brief, Pakistanis want Karimganj Thana, whole or in part, and the previous effort over the course of the Kusiyara having failed, are trying something else. Their whole object is to squeeze India and either get this small area of about 9 sq. miles or give India a bad name for allegedly not accepting the Bagge forward. As pointed out above, we have been in possession of this area in accordance with the Radcliffe Award ever since partition, we have a clear case and yet we are prepared to refer the differences between us and Pakistan to an impartial tribunal but Pakistan does not agree because it wants to get [territory by blackmail or by pinching it forcibly (Tukergram). We have always approached this question of border settlements in a broad and constructive spirit. The minor disputes settled this week have given a net excess area of about 30 sq. miles to Pakistan and we have readily agreed to this but we cannot sacrifice the principle involved in this particular dispute and submit to Pakistan blackmail and threats of force.

(M.J. Desai)
13.9.58.
2811. **Statement made in the Lok Sabha by Deputy Minister for External Affairs with reference to Calling Attention Notice No. 70 under Rule 97 by Shrimati Renu Chakravartty.**

New Delhi, September 22, 1958.

The boundary between East Pakistan and West Bengal, in the region of Indian Police stations Sarupnagar and Baduria, runs along the district boundary between Khulna in East Pakistan and 24 Pargnas in West Bengal. The boundary along these two Police Stations is a land boundary. The river Ichamati does not form the boundary between India and Pakistan so far as Police stations Sarupnagar and Baduria are concerned.

A misunderstanding appears to have arisen in regard to the settlement arrived at during the recent meeting of the Prime Ministers of India and Pakistan about some minor points of dispute on the West Bengal - East Pakistan border, along the 24 Parganas - Jessor and 24 Parganas - Khulna district boundaries. This settlement refers to a portion of the boundary along the Ichamati river running on the east of the Police Station Galghata. In regard to this portion of the boundary a dispute had arisen between the Survey authorities of India and Pakistan as to the basis of demarcation. The total area involved is about 550 acres. According to the agreement reached, the mean of the respective claims of India and Pakistan in this portion of the boundary would be adopted taking the river as a guide, as far as possible.

The misunderstanding with regard to this agreement appears to have arisen from a belief that the Ichamati river throughout its stretch in the 24 Parganas has been made the Indo-Pakistan boundary. This Interpretation is incorrect. The agreement in no way affects the boundaries of the Police Stations Sarupnagar and Baduria which will continue to remain within India in their entirety.

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A number of questions have been tabled by Hon'ble Members in regard to the implementation of the Agreement reached at the meeting of the Prime Ministers of India and Pakistan held from 9th to 11th September, 1958. One Hon'ble Member has also tabled a notice under Rule 197 asking for a statement to be made in this regard. In view of the interest evinced by Hon'ble Members, I take this opportunity to explain the present position.

2. The Agreement between the Prime Ministers dealt with the following problems and the lines of settlement to be adopted in each case:

(i) Demarcation of boundaries held up because of differences between India and Pakistan over the interpretation of boundaries as fixed by the Radcliffe and Bagge Awards, or because of differences over the basis of demarcation.

(ii) Exchange of territories consequent on demarcation carried out in accordance with the Radcliffe and Bagge Awards along certain sectors of the boundary between East Pakistan and West Bengal.

(iii) Difficulties created by the existence of Indian enclaves (old Cooch Behar State enclaves) in Pakistan and Pakistan enclaves in India.

3. Agreement was reached on the settlement of the problems of the first type which were holding up demarcation in the following regions:

(i) Hillys.

(ii) Berubari Union No. 12.

(iii) Two Chit lands of old Cooch-Behar State adjacent to the Radcliffe line.

(iv) 24 Parganas district of West Bengal and Khulna and Jessore districts of East Pakistan.

(v) Bholaganj in Assam; and

(vi) Bhagalpur village in Tripura State:

To implement these arrangements, boundaries have to be demarcated on the ground, and boundary pillars erected. The field season for boundary demarcation starts in November.

The State Governments are taking steps for demarcation of boundaries in accordance with these agreements. There have been meetings between the
Directors of Land Records of the two sides for drawing up programmes of de-marcation.

The above also applies to disputes regarding basis of demarcation settled at the meeting in respect of the Assam - East Pakistan boundary along stretches of the Surma river and the Piyain river.

Date of exchange of wrongly held areas, if any, will be fixed in consultation with the State Governments concerned after the demarcation work is completed.

No agreement was reached on differences in interpretation of the Radcliffe and Bagge Awards in case of two areas along the Assam - East Pakistan boundary and on differences in interpretation of the Radcliffe Award in case of four areas along the Punjab - West Pakistan boundary. In addition, there was a difference of view regarding the basis of demarcation along the Indian - West Pakistan border in the Cutch - Sind region. The Prime Ministers agreed to consider further methods of settling these disputes about areas in the vicinity of Hussainiwala and Suleimanke Headworks of the Punjab - West Pakistan border, the Foreign Secretary of the Government of Pakistan and the Common-wealth Secretary of the Government of India should in consultation with their engineers, submit necessary proposals to the Prime Ministers. No date for this meeting of the Secretaries of the two Governments has been fixed so far.

4. Agreement was reached on the second problem mentioned above and 15-1-59 was fixed as the date of exchange of territories in certain sectors of the East Pakistan - West Bengal boundary, where demarcation has been completed in accordance with the Radcliffe and Bagge Awards. The Government of West Bengal have been advised to take necessary steps for the exchange of the areas in question by the due date. Necessary action is being taken by them.

5. Lastly there was the question of enclaves. There are 123 Indian enclaves which are completely surrounded by Pakistani territory, and 74 Pakistani enclaves similarly completely surrounded by Indian territory. It is not possible for the local Governments concerned to have direct access to these territories. As this led to serious difficulties in administering these areas, this problem was settled by an agreement to exchange these enclaves. Implementation of this agreement requires legislation as exchange of territory is involved. Necessary steps to that end are being taken by the Government of India. No date for the exchange of enclaves can be fixed till the legislation has been enacted and the State Governments concerned have completed necessary preliminary arrangements to carry out the exchange.
6. The question of vacation by the Pakistani forces of their illegal occupation of Tukergram was taken up during the discussions. The Pakistan Prime Minister suggested that this should go hand in hand with the solution of the difficulties that had recently arisen in the Patharia Hill Forest area where he alleged Indian authorities had made similar encroachments and changed the status quo. It was finally agreed that the two Conservators of Forests and the two Chief Secretaries of Assam and East Pakistan should meet and decide the area to be exploited by each party in the Patharia Hill Forest area without overlapping on each other's areas. This will involve a temporary demarcation and will take into account de facto possession. Since the meeting of Prime Ministers, the Government of India have requested the Government of Pakistan to implement this part of the agreement. Correspondence has also taken place between the Governments of Assam and East Pakistan regarding the meeting of the officials to resolve the difficulties in the Patharia Hills Reserve Forest Area. So far, no definite date for the meeting has been agreed to by the Pakistan authorities.

2813. Extract from the Statement of Prime Minister Jawaharlal Nehru in the Lok Sabha on the border problem with Pakistan while replying to the debate on Foreign Policy.

New Delhi, December 9, 1958.

In regard to our neighbour country, Pakistan, I have tried to be fair. In this attempt to be fair, I have acknowledged often enough what I thought was wrong on our part. But it is a matter of grief to me that in spite of all this effort not too much change is visible on the other side.

Hon. Members sometimes ask me why we do not act with strength, especially in regard to these border troubles. Mr. Jaipal Singh referred to the Chittagong Hill Tracts. I must confess that when I first went through the Radcliffe Award, in which the Chittagong hill tracts have been awarded to Pakistan, I was considerably surprised, because, according to any approach or principle, I saw no reason for doing that. But it was a clear decision and not a question of interpretation. What were we to do? Soon after partition we had accepted him as arbitrator. However much his award went against my thinking, against our interests and against India's interests, we could not break our word.

There is a “calling attention” notice from Mr. Premji Assar. In that notice, he has
said that a spokesman of the West Bengal Government had said that it would be physically impossible to prevent the exchange of enclaves by the target date. There is some misapprehension about this matter. So far as the Cooch Behar enclaves are concerned, there is no target date at all. There can be none, because their exchange can only take place after legislation has been passed by this Parliament. The target date was fixed for the other exchanges.

A great deal was said yesterday from both sides of the House about the Berubari Union becoming a matter of dispute. In the Radcliffe Award, the boundary of the Berubari Union was not very clearly described. The matter at that time was not referred to Mr. Justice Bagge. Mr. Bagge finished his work in 1950. But in considering the second Bagge Award, fresh problems arose, there being two interpretations. It was in 1952 that the question of the Berubari Union became a matter of dispute and discussion between India and Pakistan. It is true that the Berubari Union has been in our possession since independence. The House may remember that although possession has been ours, Pakistan claimed a large part of the area around Sylhet - Karimganj as an interpretation of the Radcliffe Award. It is amazing how many difficulties this Radcliffe Award has caused us in interpretation. They claimed huge areas and Mr. Justice Bagge had to deal with this matter together with an Indian judge and a Pakistan judge. The decision of Mr. Justice Bagge in regard to a large piece of territory in Karimganj was in our favour. That part was disposed of. Nevertheless, after the Bagge Award difficulties arose again in interpretation of what Mr. Bagge had said and what Mr. Radcliffe had said. The difficulties arose chiefly because first of all they laid down a rule that we should accept, broadly speaking, the boundaries of districts or ‘talukas’, or administrative areas. When the internal administrative boundaries also become international frontiers, it makes a difference. One side of a river is sometimes described as the other side. Maps are attached to the description, but they do not tally. Sometimes a river is named and there is doubt as to which river is meant.

After the Bagge Award several matters arose in regard to interpretation. We have been holding to certain interpretations of our own and Pakistan to some others. It was after the Bagge Award, after 1952, that Pakistan raised this question about the Berubari Union. We contested their claim and said that in our opinion the whole Union had been awarded to India. It is not a new dispute. It was finally considered at the Prime Ministers’ meeting with secretaries and revenue authorities advising us. The whole agreement between the Prime Ministers of India and Pakistan was really arrived at on the official level by secretaries and revenue officials. It was accepted by us after close examination. One of the parts of the agreement was that the Berubari Union, which both claimed in its entirety, should be broadly divided into two parts, northern and southern, the northern remaining with India and the southern going to Pakistan. I cannot obviously enter into the merits of the case. Large maps, charts and revenue records have been studied. I
am placing before the House the procedure that was adopted. We accepted the advice chiefly of the revenue authorities and others of West Bengal. I should like to point out that in these various matters of interpretation, there were some in which our case was strong. In some others we felt our case was not very strong. We had to take all these matters into consideration in coming to a give-and-take agreement.

Mr. Jaipal Singh and other Members said we showed weakness in dealing with such matters and that our case had gone by default and we accepted everything that Pakistan said. That is not correct. It might interest the House to know that as a result of the so-called “Nehru-Noon Agreement” the total area that comes to India is 42.4 square miles and the total area that goes to Pakistan is 4.8 square miles. The total area of the Berubari Union is 8.74 square miles, and the agreement is that about half of it should go to them and about half of it should come to us. The total population of the Berubari Union is ten to twelve thousand. I do not know the density of population in each part.

Reference was made to Hilli. As a matter of fact, the whole area of 34.86 square miles comes to India. Pakistan has admitted that it should go to India.

I might now refer to Tukergram. Tukergram has been in India’s possession ever since independence. The dispute about Tukergram arose only this year. Tukergram is part of a larger area about which there has been some dispute. But there is no dispute about Tukergram by itself. It is undoubtedly our territory.

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Statement made by Chief Minister of West Bengal Dr. B.C. Roy in the West Bengal Legislative Assembly on the agreement arrived at between the Prime Ministers of India and Pakistan regarding East and West Bengal.


The Prime Ministers of India and Pakistan had arrived at an agreement regarding the dispute of Berubari Union No. 12, which is at present included in the Jalpaiguri District and has been entirely under our control.

2. In terms of the Radcliffe Award, Berubari Union No.12 goes almost entirely to Pakistan. But there is a divergence between the map and description of Radcliffe. The description is as follows:-

“A line shall be drawn along the boundaries between Pachagar P.S. and Jalpaiguri and shall then continue along the northern corner of the thana Debiganj to the boundary of the State of Cooch Behar.”

The description is very defective, because a line cannot be drawn “along the northern corner of the thana Debiganj”. How a line can be drawn along the corner is a matter which is puzzling everybody.

3. The Government of West Bengal has been claiming the whole of Berubari Union No. 12 on the following grounds:-

(a) According to Radcliffe Award, whenever there is a divergence in the map and the description, the description should be followed. In the case of Berubari, the description is followed. As I have indicated above, no line can be drawn along the corner of the thana Debiganj to be boundary of Cooch Behar. And, secondly, because between the police station Pachagar and the thana Debiganj, there is another police station called Boda P.S. You cannot possibly draw a line between Jalpaiguri thana and Pachagar thana to come over the corner of Debiganj thana and Cooch Behar without going through the police station Boda, which lies in between.

(b) In the Radcliffe Award, it was usual for a boundary line to be drawn between the boundaries of the two thanas and there is no reason why Radcliffe should cut off one union of Jalpaiguri thana and give it to East Bengal. We, therefore, claim that we should follow the boundary line between Pachagar and Jalpaiguri police stations and in between
Jalpaiguri police station and Boda police station until we reach the North-east corner of Debiganj and where it meets Cooch Behar.

4. As against our argument, Pakistan’s arguments are as follows:-

(a) The intention of Radcliffe was clearly indicated in the map drawn by him according to which Berubari Union No. 12 is enclaved in East Bengal.

(b) If Radcliffe wanted the boundary here the thana boundary alone, he should have mentioned Boda P.S. also which he did not. His intention, obviously, was to stop where the boundary line between Jalpaiguri and Pachagar ends and to connect that point with the northern corner of Debiganj P.S. and continue it to the boundary line of Cooch Behar.

(N.B.-The Radcliffe award could not possibly go from the point where the boundary line between Jalpaiguri-Pachagar police stations end and connect that point with the northern corner of Debiganj police station. One must go through Boda thana to do so.)

Radcliffe was shown that the thana boundary maps also and the old map of 1923 of this area erroneously showed Debiganj P.S. as coming in between Pachagar and Jalpaiguri police stations. Radcliffe, obviously, had this map in his mind when he drew the line on the map.

5. The Prime Ministers of India and Pakistan had settled this dispute by agreeing to divide the Berubari Union into two halves. The division will be horizontal, starting from the north-east corner of Debiganj thana, and in such a manner that the group of Cooch Behar enclaves which are contiguous to this union and lies between it and Pachagar thana will remain connected as at present with the Indian territory. The area of Berubari Union No. 12 is 8.75 sq. miles. By this decision, we will have to part with 4.37 sq. miles. The enclaves lying adjacent to Berubari Union No.12 would be the subject matter of discussion at a later stage.

6. How the line dividing the Berubari Union No. 12 will be actually drawn will be decided by the experts of the two countries. No date for the demarcation and change-over of territories has yet been fixed. The horizontal line agreed to need not mean that the demarcation should take place along a straight horizontal line regardless of effects of such division on the existing systems of communication, etc., which should be kept intact as far as possible.

7. The population of Berubari Union is about 12,000, of which the number of Muslims is about 100 only. Of the 11,900 Hindus, about 3,000 are displaced persons.
2815. Letter from Chief Minister of West Bengal B. C. Roy to Prime Minister Jawaharlal Nehru.


Chief Minister
Government of West Bengal
Calcutta.

No.11—C.M  3rd January, 1959

My dear Jawahar,

I have received your letter of the 30th December, 1958, in which you have asked for a verbatim report of the speeches made in the State Legislature regarding Berubari Union. You have also said “So far as I am aware, the State Government had all along been kept in the picture and been consulted. On the occasion of the two Prime Ministers’ meeting, the Chief Secretary of the West Bengal Government and other officials were present here and it is only when we were assured of their agreement that we took any step in this matter.”

Let me give you in seriatim the whole matter regarding Berubari as it was discussed in the Legislature. Three questions were raised regarding the disputes between Pakistan and the Indian Union:-

(1) The incidents that have happened in Murshidabad where persons have been kidnapped and animals and paddy forcibly taken away.

(2) The adjustment of boundaries.

(3) The question of exchange of territories.

I explained to the House that with regard to the disturbances in Murshidabad district, the West Bengal Government were aware of the incidents that had happened and had taken necessary steps and had also informed the Central Government about the incidents. The Central Government had also taken steps to require the Pakistan Government to release those persons who had been kidnapped and restore the animals and paddy forcibly carried away.

As regards the second point, viz., adjustment of boundaries, the matter was discussed by the Prime Ministers of India and Pakistan and decisions were arrived at. In this connection, a statement was made by me in the Assembly and in the Council. This statement was made on the 29th in the Lower House and on the 30th in the Upper House.

Previous to the above incident, a point was raised in the Assembly on the 15th December on the day when the Assembly met in this session by Shri Jyoti
Basu enquiring whether in the matter of agreement with the Pakistan, the Prime Minister of India had accepted the advice of the Revenue Officers of West Bengal, as had been declared by the Prime Minister in the Rajya Sabha. Shri Jyoti Basu in his question had confused the two issues, viz., the issue of adjustment of boundaries and exchange of territories.

I explained to them that the exchange of territories was only possible by the Parliament bringing in a Bill, but before such a Bill was brought before Parliament, the President has to take the opinion of the State Legislatures and the Bill would be placed before them for discussion at the appropriate time.

As regards the adjustment of boundaries, I had sent you the following telegram on December 15:

“Notice of adjournment motion in our Legislature refers to your reported statement in Parliament on 9th December last that the decision to transfer parts of Berubari Union in West Bengal to Pakistan was arrived at on the basis of the opinion of the Revenue Officers of West Bengal. Kindly let me know the exact text of your statement in Parliament.”

Before receiving any reply to my wire, I found on enquiry that our Revenue Officers gave no opinion regarding Berubari, nor were they authorised to do so. On the 16th of December, I received the following reply:

“I was referring to the boundary problems and said that we considered those at the official level first with Secretaries and Revenue Authorities advising us. Then the Prime Ministers of India and Pakistan met and considered the matter. Among the matters was that of the Berubari Union which both sides claimed as a whole. Thereafter I am reported to have said, “We accepted the advice chiefly of the Revenue Authorities and others of West Bengal that this might be done.” As reported, this might create some misapprehension. I used this phrase broadly in the sense that, we were consulting those people for all those problems. I was not thinking at the time of the Berubari Union only. It is certainly not true to say that we took the decision to transfer parts of Berubari Union only. It is certainly not true to say that we took the decision to transfer parts of Berubari Union on the basis of the opinion of Revenue Officers of West Bengal. Revenue Officers had nothing to do with this particular matter. This was an ad hoc decision taken after consultation between our officers and West Bengal officers. Responsibility was on us, not on the Revenue officers. I am speaking in Rajya Sabha today (16th) and shall try to clear this up.”

This reply is quite categorical and you yourself said, “It is certainly not true to say that we took the decision to transfer parts of Berubari Union on the basis of the opinion of Revenue Officers of West Bengal. Revenue Officers had nothing to do with this particular matter.”
You will see, therefore, that I was quite protected by your telegram and I was quite clear that neither the West Bengal Government nor the Revenue Officers of West Bengal had anything to do with regard to the solution of Berubari Union problem. Every time adjustment of boundary had taken place, whether under Radcliffe or under Bagge, the matter was dealt with by the Centre.

I made a statement in the Lower House on the 29th and in the Upper House on the 30th (copy enclosed—Document No.2814).

You will, therefore, see that the West Bengal Government was not kept in the picture or were consulted regarding division of Berubari and you will also see that the Chief Secretary of the West Bengal Government and other officials, who were present there at the time when the two Prime Ministers met, were not asked for any opinion regarding the proposal to divide Berubari and, therefore, the question of their agreeing to the solution does not arise. I am informed that when the question was being discussed between Desai and Baig, no other person was present in the room and when the two had decided to partition Berubari, the nature of the partition was discussed between them and our officers. It was only with reference to the nature of the partition that their opinion was asked and not as to whether there should be a partition at all.

In the course of the discussion, a point was raised, which, to my mind, is very pertinent. The question is whether in adjusting a boundary between the Indian Union and Pakistan, you can raise the question of transferring a portion of territory which was then and even now being administered as part of West Bengal. One of the members of the Assembly referred to Schedule I in which it is stated under West Bengal that “the territories which immediately before the commencement of this Constitution were either comprised in the Province of West Bengal or were being administered as if they formed part of that Province.” The Legislator argued that you could not alter Schedule I of the Constitution without a formal amendment of the Schedule. It is true that under Article 3, any action taken by the Parliament regarding the transfer of territories or increasing the area of a State or diminishing the area of a State, the matter need not be dealt with by an amendment of the Constitution. But this question that has been raised by the Legislator requires serious thinking as to whether we can transfer any part of a territory which was being administered as part of West Bengal having formed part of the Province before the Constitution came into force, i.e., from 1947 to 1948, could be transferred without alteration of the Constitution. As you will appreciate, this raises a very difficult issue and requires further investigation.
Most of the speeches in the Assembly and in the Legislative Council were delivered in Bengali. I am getting the speeches translated and will send them in proper time. Meanwhile, I thought I should clear up the difficulties mentioned in your letter of the 30th December.

Yours
(Bidhan)

Shri Jawaharlal Nehru,
Prime Minister, New Delhi

2816.  SECRET
Letter from Prime Minister Jawaharlal Nehru to Chief Minister of West Bengal B. C. Roy.
New Delhi, January 13, 1959.

No. 55-PMH/59 January 13, 1959

My dear Bidhan,

Your letter of the 5th January reached me when I was at Nagpur. Today I received the West Bengal Assembly and Council proceedings which you have been good enough to send me.

There is not much point in our entering into an argument over this issue. Some of the statements made in the West Bengal Assembly surprise me. What surprises me still more is the whole tone of the debate and some of the speeches made on behalf of Government.

So far as the legal and constitutional requirements are concerned, we have been consulting our Law authorities and we are consulting them again. In regard to the Cooch-Behar enclaves, we have had long correspondence with the West Bengal Government as you know.

As for certain boundary disputes resulting from rival interpretations of the previous Awards, I give below a note prepared by the Commonwealth Secretary:

“P.M. will remember that at the end of the Secretaries’ meeting in Karachi I made certain proposals for settlement of some of the minor disputes to the Pakistan Foreign Secretary. He said that he would consider them in
consultation with his colleagues and give the reactions of the Government of Pakistan during the Prime Ministers' meeting at Delhi. The two Prime Ministers directed, after their discussions on the morning of 10th September, 1958, that the two Secretaries should get together and discuss various proposals for settlement. I asked Baig, the Pakistan Foreign Secretary, whether he would like to meet me with his colleagues. He said that he would like to have a meeting between just the two of us and that our colleagues could be called in later. When I met him in my room on the 10th, the Pakistan Foreign Secretary referred to the proposals I had left with him and made counter-proposals which included division of the Berubari Union. After listening to his proposals I told him that I must get the representatives of the State Governments, who had already assembled in the Committee Room, and get their reactions to the counter-proposals. The Chief Secretary, West Bengal, Chief Secretary, Assam, and the Chief Secretary, Tripura, were called in from our side and the Pakistan Foreign Secretary called in the Chief Secretary, East Pakistan. When the counter-proposals made by Pakistan were explained to the Chief Secretaries, the West Bengal and the Assam Chief Secretaries said that they would like to consult their Directors of Land Records and other officials. The Chief Secretary, West Bengal, said that the proposals regarding the West Bengal - East Pakistan boundary were practical but he would consult his colleagues. I told him that there were two Cooch Behar enclaves shown on the map as adjoining the Berubari Union No. 12 and any decision regarding Berubari Union required careful consideration because of the question of access to these enclaves. Shri Ray, Chief Secretary, West Bengal, consulted his colleagues and on return stated that the division of the Berubari Union should be so made as to allow for communications to be maintained with one of the Cooch Behar enclaves to be retained by West Bengal, the other enclave along with half of the Berubari Union going to East Pakistan. This was agreed to by the Pakistan Foreign Secretary and a formula for division of the Berubari Union was worked out in consultation with the West Bengal officials and incorporated in the recommendations of the Secretaries.

While it is perfectly true that the constitutional position was and is as you mention it, that is, that the adjustment of international boundaries is a matter for the Centre, it is obviously desirable and necessary to confer with the State Governments concerned in all such matters. It was never my intention to come to any decision in regard to these matters without the fullest consultation and, as far as possible, the agreement of the West Bengal Government. You will remember the long correspondence we have had with the West Bengal
Government about the Cooch- Behar enclaves. We did not wish to take any step unless the West Bengal Government agreed.

I have naturally looked at the maps and charts concerning these boundary disputes on many occasions. But I do not pretend to be an expert on them and I have to rely on the advice given to me. As the Chief Secretary of West Bengal was here throughout our talks with the Pakistan people, I naturally thought that every action that we had taken was with his approval. In fact I enquired on several occasions whether he and other Bengal officials were being consulted or not. I am quite sure that I would not have come to an agreement on any subject with the Pakistan people if objections were raised in regard to it on behalf of the West Bengal Government.

It must be remembered that all these points of dispute stem from the Awards. The question is not, therefore, one of transferring territory, but of interpreting an Award and then adjusting the boundaries accordingly. In regard to the Berubari Union, I was told that our case was by no means clear and it was conceivable that an impartial authority might decide against us. It was because of this that we thought it advisable to accept the proposal made to us.

As a matter of fact, I offered to the Pakistan Prime Minister to refer every undecided point to an impartial authority. I was not very keen on doing so as I was by no means sure of the strength of our case in regard to some matters. When Firoz Khan Noon refused to accept this kind of arbitration, I was on the whole relieved.

In particular, the point to remember is that an adjustment resulting from an interpretation of Radcliffe or Bagge Award is not to be considered a transfer of territory from one country to another. It is only after this interpretation that one can say to what country it should belong. However, the law points will be considered by the proper authorities.

We have been advised that in accordance with this viewpoint the question of the Berubari Union need not be brought up before Parliament as it is one of interpretation. But, in view of what has happened, I propose to bring it before Parliament when we consider the question of the Cooch- Behar enclaves.

Yours affectionately
(Sd) Jawaharlal Nehru

Dr. B. C. Roy,
Chief Minister of West Bengal.

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Letter from Commonwealth Secretary, Ministry of External Affairs M. J. Desai to Chief Secretary, West Bengal Government S. N. Ray.

New Delhi, January 15, 1959.

D.O.No.42-CS/59                           January 15, 1959/Pausa 25, 1880 (Saka).

My dear Ray,

P.M. has seat a reply to Dr. Roy’s letter No. 11-CM dated 5th January, 1959 about the controversy over the Berubari Union settlement. P.M. has, in his letter, quoted a portion of my Note. I am reproducing below the further portion to complete the way in which I have presented the case in my Note so that there will be no misunderstanding between you and me in this matter.

“The above represents the facts of the discussions on the 10th September at the official level so far as the question of Berubari Union is concerned. It will be correct to say that the West Bengal officials did not recommend the division of the Berubari Union. As a matter of fact, neither did the officials of the Government of India. The division of the Berubari Union was part of the counter-proposals made by the Pakistan Government and the question was whether we should accept these counter-proposals. The West Bengal officials did not object to the acceptance of the counter-proposals and worked out a formula for the division of the Berubari Union which will retain the area through which the essential communications passed in West Bengal. As mentioned by P.M., this was an ad hoc decision taken after consultation between the officials of the Government of India and the Government of West Bengal, and the responsibility for the decision is that of the Government of India. It is, however, incorrect to say that the Chief Secretary of the West Bengal Government and other officials were not asked for any opinion regarding the Pakistan counter-proposals in respect of Berubari Union.”

2. I am glad the business about the exchange of territory consequent on demarcation in accordance with Bagge Awards I & II has been completed. We were rather anxious about this as we had given a date by which this was to be completed and we did not want Pakistanis, though they put several obstacles themselves, to have a propaganda weapon against us in their
international campaign of calumny.

With kind regards,

Yours sincerely

(M.J. Desai)

Shri S.N. Ray,
Chief Secretary to the Govt., of West Bengal,
Calcutta.

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2818. SECRET

Letter from Chief Minister of West Bengal Dr. B. C. Roy to Prime Minister Jawaharlal Nehru.

Calcutta, January 20, 1959.

Chief Minister
West Bengal

D.O. No. 84/CM. January 20/21, 1959

My dear Jawaharlal,

Your letter No.55-PMH/59 dated the 13th January,1959.

Members of the opposition very often use impolite language, In fact in the course of the discussion, they suggested that this Government should, if necessary, resign in order to restore Berubari to India, But I can assure you that all members of the Assembly belonging to different parties were equally emphatic because they felt that an injustice was being done to West Bengal by the Government of India in agreeing to divide the Berubari Union. As a matter of fact, Berubari Union was being administered by us since partition and as this area had been included in Schedule I as part of the Indian Territory; it was difficult for the members to understand how any proposal for partition of this Union could be made without a Bill being passed by parliament.

I remember very well about the correspondence regarding Cooch Behar enclaves. As you are aware, we were very unwilling to part with any territory which is larger in extent than the territory which Pakistan would have to give
us. We also suggested that if we were to part with an area larger than that we would be getting, we should claim compensation from Pakistan but at your instance our Cabinet revised their previous decision and agreed to part with larger territories without compensation. There has, however, been no correspondence, nor any reference, formal or informal, about Berubari before the decision was taken at the Centre.

You have quoted a note prepared by the Commonwealth Secretary. I am sending you a note prepared by my Chief Secretary which gives the actual position of the case so far as he is concerned. From this you will realise that at no stage was any reference made to the State Government regarding Berubari. The part which my Chief Secretary took in the discussion is fully described by him in his note. At the conference at Secretaries level, there was a reference as to the “direction in which partition” of Berubari could take place. No approval of my officers as to whether partition should at all be made was asked for or given. As a matter of fact they could not give such approval without reference to Government. When you held the meeting with the Prime Minister of Pakistan at your house, the West Bengal officers were sitting downstairs all the time and never had any discussion with any of the officers or with you regarding the Berubari question.

I have already written to you and I repeat again that as Berubari was being administered by the province of West Bengal as if it formed part of that province and as in pursuance of this fact the boundary of West Bengal included Berubari within it under Schedule I of the Constitution, it would be difficult for you to avoid discussing Berubari in parliament when the Bill on the issue of Enclaves is discussed there under Article 3 of the Constitution.

I met Asok Sen the other day and I explained to him the position and he agreed that this particular aspect had a great deal of force behind it. Therefore, Berubari will have to be included in the Bill that you propose to bring before parliament.

Yours
Bidhan

Shri Jawaharlal Nehru
Prime Minister

(Note by the Editor: On January 24, Prime Minister in reply described the misunderstanding regarding Berubari Union as “unfortunate” and said that it had been decided to include the question of the transfer of Berubari to Pakistan in the Bill that “will be placed before Parliament”).

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Note by Chief Secretary, Government West Bengal.

The day when the two Commonwealth Secretaries of India and Pakistan met at the External Affairs Ministry, the West Bengal contingent consisting of myself, Shri N.N. Chatterjee and Shri Banerjee, were sitting in a waiting room. I was called in to the conference and asked where the line would run if Berubari was divided so as to give half the area to Pakistan and half retained in the Indian Union. I said that I would consult the D.L.R. who was the only person who could give a very rough idea as to how the line would run, but I stated that, if any division was made, then, unless the line ran more or less horizontally, both the Cooch Behar enclaves adjoining Berubari on the west would automatically go to Pakistan which must be avoided. I had no authority to agree to any proposal of division, nor did I give any consent on behalf of the State Government since the division was never referred to either to the Chief Minister or to Cabinet. CM will remember that even in regard to Cooch Behar enclaves, Cabinet twice decided to ask for the excess territory and only at a meeting held just before the conference, on receipt of a letter from Prime Minister, that Cabinet decided to agree to an out and out exchange if that was the only way in which the difficulty of the enclaves could be solved with Pakistan. The State Government officers for years had discussed Berubari with Pakistan officers but could come to no agreement and the Government of India were fully apprised of our case for retaining the whole of Berubari. Our case was made out in printed briefs, dated February, 1951, and which were circulated to the Government of India when the Indian officers met on 14.8.1958 at Delhi before proceeding to Karachi, and long before the Delhi meeting (copy enclosed (not included here)). The West Bengal position regarding Berubari was discussed in detail in this note.

The Commonwealth Secretary has apparently given the impression to the Prime Minister that I, on behalf of the West Bengal Government agreed to the decision to divide Berubari and that it was only after my consent was given that the decision to divide was taken. To this I must answer with an emphatic “no”. Having spent so many years in service and having had innumerable conferences with East Pakistan over many matters, I was fully aware that the State Government would be loath to part with any further chunk of territory, having already lost several square miles as a result of exchange of enclaves and that I was not authorised to speak on behalf of the State Government on a point never referred to them previously. I do not know what proposal was made by the Commonwealth Secretary to the Foreign Secretary to which Pakistan’s counter proposal was apparently to divide the Berubari disputed area half and half. I accept full responsibility for having asked the Commonwealth Secretary to keep the wording of the agreement regarding the line somewhat flexible so that our corridor with the northern enclave on the west remained in tact.
The consultation with West Bengal officials was in regard to how the division line should run, not as to whether the disputed area should be divided. Any consultation in regard to the latter would have been referred to the West Bengal Government and not to our Director of Land Records by me, and no decision was or could be given by me in regard to this major step.

On the day that the two Prime Ministers met, I along with other West Bengal officers was sitting downstairs in the Prime Minister’s House and had no contact either with the Prime Minister or with the Commonwealth Secretary throughout the discussions.

Sd/ S. N. Ray
Chief Secretary
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2819.

Summary of the proceedings of the Secretary-level Conference held in Karachi from February 23 to 25, 1959.

First Session: 23rd February, 1959 at 11 a.m.

Mr. Iqbal Athar, Joint Secretary in the Pakistan Ministry of Foreign Affairs and Commonwealth Relations welcomed the Indian Delegation and stated that Mr. M.S.A. Baig, Foreign Secretary, who was to have conducted this conference, was suddenly taken ill last night with gastritis. He stated that Mr. Baig’s illness was not a diplomatic illness but was genuinely so and they hoped that Mr. Baig would be present at future sessions, possibly tomorrow morning. In Mr. Baig’s absence, the Pakistan Delegation will be led by Mr. Fida Husain, Chief Secretary of West Pakistan.

Mr. Athar further stated that the relations between our two neighbouring countries had been bedeviled by our inability to solve many of the problems which we had inherited from partition. He expressed the hope that in the discussion a fruitful measure of agreement will be found, taking forward the agreement reached at the last meeting, in a spirit of give and take which was always necessary.

Commonwealth Secretary thanked the Government of Pakistan and the Ministry of Foreign Affairs and Commonwealth Relations for their hospitality on behalf
of the Indian Delegation, and expressed his concern at Mr. Baig’s illness. He
hoped that Mr. Baig will recover soon and asked Mr. Athar to convey the best
wishes of the Indian Delegation for his speedy recovery.

Fida Husain opened the discussion and said that they would pick up the threads
from the point where the Prime Ministers left off the two disputes about
Suleimanke and Hussainiwala.

What they had to decide was the definition of head-works. After consulting
their experts and engineers they had arrived at their concept of what constitutes
head-works, and handed over a paper containing their definition to C.S. C.S.
said that the definition of head-works was not relevant to these territorial disputes
except perhaps in the Suleimanke region. The main thing was to define the
boundary as awarded by Radcliffe and to demarcate this boundary. He was
quite clear that Radcliffe had laid down the district boundary as the Indo-Pakistan
boundary as clearly stated in paras 4 and 5 of Annexure A of the Award.

After these preliminary exchanges, the meeting took up the Hussainiwala
dispute. C.S. reiterated that so far as Hussainiwala is concerned, it is the
boundary of the district that is relevant and not the actual course of the river
Sutlej.

Fida Hussain stated that there was some discussion of this item during the
meeting in August last year that the case was dependent on the last sentence
in para 10 of Annexure A – “But I must call attention to the fact that the Dipalpur
Canal, which serves areas in the West Punjab, takes off from the Ferozepore
head-works and I find it difficult to envisage a satisfactory demarcation of
boundary at this point that is not accompanied by some arrangement for joint
control of the intake of the different canals dependent on these head-works”,
and that they could not proceed to demarcate the boundary at Hussainiwala
unless they were sure of some sort of joint control of head-works, which Radcliffe
had envisaged and that was why they had started with a definition of head-
works.

C.S. said that if they referred to the minutes of the Sub-Committee which
considered the disputes on the western border during the meeting in August
last year, they would find that the Government of India’s position had been
made quite clear. The boundary demarcated by Radcliffe is final as stated in
para 9 – A & B - of his report. Para 10 on which Pakistan based their claim, did
not detract from the Award of the boundary as given in the Annexure A. Radcliffe
did suggest in paras 10, 11 and 12 arrangements to be made between the two
Governments to run things smoothly but these are matters for the two
Governments to deal with in their sovereign competence and have no relevance
to the boundary which was clear and unambiguous.
Fida Hussain stated that their point was that the boundary line could not be demarcated till there was some sort of joint control at Husainiwala as they were very concerned with the water supply to the Dipalpur Canal and other canals taking off from Hussainiwala.

C.S. asked Mr. Fida Husain to define what they meant by some sort of joint control.

Fida Husain however said that they meant first to consider as to what constituted head-works before they could define what they meant by joint control.

C.S. said that Government of India's position was that Radcliffe had awarded the district boundary at Hussainiwala and there was no question of joint control of the head-works. As he understood it the position of Government of Pakistan was that though Radcliffe had awarded the district boundary at Hussainiwala as the boundary and not the midstream of the river, yet because of what Radcliffe had said about joint control of intake in para 10 of Annexure A to his Award the Government of Pakistan today claimed the river as the boundary and wanted a modification of the boundary awarded by Radcliffe.

I.U. Khan said that joint control had to come first, demarcation can follow thereafter and they would know what the position was.

C.S. reiterated that the position of the Government of India, so far as this boundary dispute was concerned, was that the boundary awarded by Radcliffe in paras 4 and 5 of Annexure A was firm and final. As to what Radcliffe said in para 10 about hopes for a joint control of the intake etc. was a separate matter to be considered by the two Governments in their sovereign right. That had nothing to do with the boundary.

I. U. Khan wanted to know what was the definition of head-works which will apply at Suleimanke and Hussainiwala.

C.S. said that definition of Head-works had no relevance so far as the dispute at Hussainiwala was concerned. Government of India’s stand on this point was quite clear. Apart from the fact that “some arrangements for joint control of the intake of the different canals” in para 10 of Radcliffe’s report had no relevance to the clear boundary awarded by him and did not in any way detract from the firm award given as stated in para 9. Joint control of intake did not mean joint control of head-works. Since Pakistan had a different view on the joint control of intakes etc., they should define it in terms of territory so that he could report it to his Prime Minister.

I. U. Khan said the meeting could define as to what constituted the head-works at Suleimanke and then they could go on to define what the Pakistan Government meant by joint control of the head-works at Hussainiwala.
C.S. replied that the definition of what constituted head-works at Suleimanke had no relevance at Hussainiwala, since Suleimanke Head-works was entirely under the control of Pakistan. So far as Hussainiwala was concerned, joint control did not come in but since the Pakistan Delegation chose to bring it in, would they define what they meant by such joint control in terms of territory in the light of their definition of head-works.

Mian Ziaud Din stated that their point was to have a satisfactory demarcation of boundary, and unless they knew what they were going to demarcate, they could not proceed, so they had to define first as to what constituted the head-works.

C.S. again reiterated that the joint control of intakes did not mean joint control of head-works in any way. Joint control of intakes has been going on for the last 11 years by exchange of various data etc. That was quite separate from the question of the boundary. There was no basis for Pakistan Government’s demand for joint control of Hussainiwala head-works. Radcliffe’s Award of district boundary in this region was clear and unambiguous. Since the Pakistan Government wanted a variation in the Radcliffe Award by bringing in joint control of head-works, they must define as to what they mean in territorial terms.

Fida Hussain stated that they did not say variation of the Radcliffe Award. Radcliffe had given the joint control of the Ferozepur head-works to them in para 10 of his Award.

C.S. again reiterated Government of India’s position that the boundary was fixed and clear but as Radcliffe realised that there may be difficulties, he had suggested some sort of joint control of intakes, which did not mean joint control of head-works. Government of Pakistan’s position was that demarcation could not take place till joint control had taken place. Government of India’s position was that Radcliffe had been asked to award the boundary, he had done so, and his suggestion about the joint control of intakes had nothing to do with the boundary in this area — nor did it mean joint control of head-works as now alleged by Pakistan.

Fida Hussain stated that there could be no joint control of intakes unless there was joint control of the head-works as well.

C.S. said that joint control of intakes had been going on for all these years. India had been supplying data etc., to Pakistan and that is what was meant by joint control of intakes.

The Pakistan delegation did not agree with this interpretation.

C.S. said that the demand of Pakistan Government was for physical control of
Ferozepur head-works by them along with Government of India while the Government of India’s position was that the joint control related only to intakes of the canals. Since the Pakistan Government wanted the joint control of head-works, surely they knew what they meant by such joint control. C.S. summarised the position of the Government of India as follows:-

1. that the boundary as awarded in para 9 of the Award and defined in para 4 of Annexure A was firm and clear
2. that the joint control of the intake etc. referred to in para 10 had nothing to do with the boundary;
3. that the joint control of intakes referred to by Radcliffe meant supply of data etc. to Pakistan, which had been done during the last 11 years.
4. Since the Government of Pakistan had not agreed with this interpretation of the joint control of intakes, they should state what their definition of joint control of intakes was in terms of territory.

I.U. Khan stated that Radcliffe laid down the boundary in the annexure but that was subject to para 10 of the Award, that the views of Pakistan Government on this point were stated in the minutes of the Sub-Committee which considered the Western border disputes in August last year, that the supply of data by India to Pakistan did not mean joint control of intakes, that there was no boundary at this point, and there could not be any unless there was joint control of the head-works and further they would not be able to give a definition of joint control of head-works until the Indian Delegation agreed to define the head-works.

C.S. asked if it meant that the Pakistan Delegation could not define the joint control of head-works in terms of territory.

Fida Hussain replied that this definition was dependent on the definition of what constituted the head-works.

C.S. wanted to know whether Pakistan Delegation by demanding joint control of head-works at Kussainiwala, claimed modification of Radcliffe’s Award giving the district boundary.

Fida Hussain replied that they would not say modification but would say that their interpretation of the boundary at this point in the light of para 10 of the report was different and that they did not agree that the Award as given in para 9 and defined in the annexure was final as claimed by India.

Coming on to Suleimanke, Fida Hussain stated that their stand was quite clear that the whole of head-works including the left marginal bund, which was in India’s possession, should come to Pakistan as given in para 5 of Radcliffe’s Award in Annexure A.
C.S. said that this raised the question as to what constituted the head-works. The respective stands in this regard of the two Governments were stated in the minutes of the Sub—Committee on western disputes which met in August 1958. Fida Hussain stated that though the position was stated in the minutes, it was not in much detail.

C. S. read out various definitions of what constituted head-works, which made it clear the head-works, which made it clear that the handworks did not include Marginal bunds and that no adjustment of the boundary awarded by Radcliffe was necessary except perhaps regarding a short spur of the left guide bund. In this connection, Pakistan delegation quoted some other definitions as to what constituted headwork’s from some other Irrigation Manuals. These definitions included marginal bunds.

At this point Pakistan Delegation wanted to discuss in a working party of engineers what the definition of head-works should be.

C.S. said that the definition of head-works did not concern Hussainiwala but he had no objection to a working party of engineers of both sides going into it with reference to the boundary at Suleimanke.

Pakistan Delegation, however, insisted that they would like to arrive at a general definition of what constituted head-works to which C.S. did not agree as definition of head-works was relevant only at Suleimanke for boundary demarcation. It was then agreed that a working party of engineers will meet to define as to what constituted the head-works at Suleimanke in pursuance of para 5 of Annexure A of the Radcliffe’s Award.

The meeting then dispersed to meet again on 24th February at 11 a.m.

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Second Session: 24th February, 1959 at 11 a.m.

Mr. M.S.A. Baig Foreign Secretary to the Government of Pakistan expressed his profound regret at his inability to be present at the previous session owing to a severe attack of gastritis and said that he wished to extend a very warm welcome to the Indian Delegation. Mr. Baig had studied the material given to him by his Delegation on the previous day’s proceedings. Dealing with the report of the sub-Committee of Engineers (Annexure I) of the previous day he stated that the Pakistan Engineers had defined by reference to Irrigation Manuals and text-book as to what was meant by Head-works. Their definition was a comprehensive one. He stated that the definition given by the Indian
engineers was a restricted one. They had confined their definition to “head-
works proper” whereas Radcliffe’s award mentioned only Head-works.

C.S. said that the Indian Delegation were happy to find Mr. Baig restored to
health and welcomed him to the deliberations. He pointed out that the report of
the Indian Engineers had also been fully based on reference works and manuals
on Irrigation, and that the Indian Government’s stand was that in the
circumstances there was no case for the view that a loose interpretation of
Head-works had to be given effect to in this case.

Mr. Fida Hussain stated that the definition of the Pakistan Engineers included
the Marginal Bund, and he asked whether there could be Head-works without
Marginal Bunds. Shri Jaini stated that there was no doubt that Marginal Bunds
were not essential for Head-works and pointed to the example of the Madhopur
Head-works, Mr. I.U. Khan said that the question was whether the Head-works
at Suleimanke could function without Marginal Bunds. C.S., stated that for the
last 11 years Pakistan had not put forward the view that the maintenance of
the Suleimanke Head-works had been vitiated by the fact that the Left Marginal
Bund had not been in their possession. The conclusion could only be that the
Left Marginal Bund at Suleimanke was not essential for the maintenance of the
Head-works. Mr. I.U. Khan said that the question had to be considered in the
light of the language used in the Award, and not in the light of the conditions
which obtained several years later, as a result of modern engineering
techniques.

C.S. stated that it appeared from the Engineers’ Sub-Committee Report that
the definition of Head-works given by the two sides were not similar. He,
therefore, wished to state the Indian position on the Suleimanke Head-works
Dispute which was that the Government of India would be prepared to discuss
some adjustment according to the terms of para, 5 of the Annexure ‘A’ of
Radcliffe Award and the definition of head-works given by the Indian Engineers
in para. 5 on condition that a settlement of the Hussainiwala dispute was arrived
at. Mr. Baig said that Annexure ‘A’ of the Award gave to Pakistan so much of
the territory concerned as covered the Head-works and that it was important to
know what exactly was the kind of adjustment of boundary that Government of
India had in view, C.S. replied that by the phrase “so much of the territory as
covered the Head-works”, all that was meant was the territory on which the
Head-works stood, and that the Government of India’s position was that, subject
to the conditions mentioned above, the Government of India would be prepared
to discuss an adjustment of boundary covering that part of the Left Guide Bund
which fell in Ferozepur District. Mr. Fida Hussain said that the Pakistan position
was that the territory in question covered the area represented by a straight
line joining the extreme ends of the two Marginal Bunds.
Shri Jaini said that the object of Marginal Bunds was to prevent the inundation of areas lying behind the Bunds. If international boundaries were fixed with reference to existing alignments of Marginal Bunds, there would be no finality in the matter, since with possible changes in the course of the River, Marginal Bunds may have to be retired at a future date.

Mr. Baig said that the primary purpose of Marginal Bunds was to prevent the midstream meandering and bye-passing the Head-works and that the protection of lands lying behind the Bunds was only incidental. C.S. pointed out the case of Mauza Minor where reinforcement was carried out for the sole purpose of protection of the lands lying behind.

C.S. reiterated that the Government of India’s position was that implementation of para 5 of Annexure ‘A’ could be discussed, subject to an agreement being reached in respect of the Hussainiwala Dispute, that the phrase “territory concerned as covers the Head-works” referred only to the territory on which the Head-works stood. The Pakistan Delegation thereupon suggested that the stands of both the sides might be put down in writing and signed by the leaders. This was proceeded with and the respective stands were defined as in Annexure II.

2. The Conference thereafter considered further the dispute over the Hussainiwala Head-works.

C.S. reiterated the Government of India’s position in the following terms:

(i) Radcliffe in para 9 of his forwarding letter to Government pointed out the difficulties of delimiting the boundary in the Punjab, particularly in view of the existence of canal systems developed under the conception of a single Administration. He had made it clear that it was after full consideration of these difficulties that he made his Award. Radcliffe had also been clear that criticism could be made of it, but he had pointed out that any other decision would also have been open to criticism. The Award described in para 4 of Annexure “A” was, therefore, a final and definite one. The remarks made in Para 10 of the forwarding letter regarding some arrangement for joint control of the intake of different canals were no different from those in paras 11 and 12 and had no relevance to the boundary awarded but could only be regarded as a matter for separate arrangement between two sovereign states in the interests of keeping things working smoothly.

Koreshi said that paragraph 9 of the forwarding letter referred only to the area between Beas and the Sutlej rivers on the one hand, and the river Ravi on the other, and that the Ferozepore Head-works area was not covered. C.S. replied that it could not be understood how one can argue with any validity that, if the Ferozepore Head-works were on the Sutlej River where Radcliffe gave the
district and not the river as the boundary, Radcliffe had not awarded the boundary in the Hussainiwala region.

(ii) The Pakistan Delegation had raised the question as to how there could be joint control of the intake of the canals without joint control of the Head-works. The fact to be borne in mind was that some arrangement had been in existence for the last 11 years and there was no evidence to show that this arrangement was working unsatisfactorily.

(iii) The Indian Delegation asked the Pakistan Delegation for a definition in terms of territory of their position on joint control of the Head-works, since that position really amounted to a modification of the Radcliffe’s Boundary Award.

Mr. Baig stated that the Pakistan Government’s stand was that para 9 of the forwarding letter was incomplete without para 10, that para 4 of the Annexure ‘A’ was not applicable to the Hussainiwala Headworks area. He cited the Oxford dictionary definition of “control”.

C.S. intervened and requested the Pakistan Delegation to refer to the Dictionary definition of “decision” and “Award” and convince themselves of the finality of these terms. The Pakistan Delegation stated that their stand was that para 4 of the Annexure had to be viewed as excepting the Hussainiwala Headworks area. They then produced their statement on what constituted joint control in the area of the Ferozepore Head-works. This is reproduced on page 4 of Annexure III on Hussainiwala. This indicated that the midstream of the river should generally be the boundary. C.S. asked how the Pakistan Government could reconcile this with para 4 of the Annexure which awarded “district boundary and not the course of the Sutlaj as the boundary between East and West Punjab”. The reply was that para 4 of the Annexure just did not apply to this area. Mr. I.U. Khan asked as to what was the Indian view of the joint control. C.S. replied that according to the Indian view, the question of joint control did not arise in considering the settlement of the boundary, and reiterated the position that para 9 of the forwarding letter was decisive and that para 10, 11 and 12 were only suggestions for consideration of the two Governments. A sub-Committee consisting of Shri Mangat Rai, Shri Mukarji and Shri Jaini on the Indian side and Mr. I.U. Khan Mr. Koreshi and others on the Pakistan side will meet in the afternoon to define the position of the two Governments.
Summary of proceedings: 25th February, 1959

Mr. Baig read out the report of the Sub-Committee constituted the previous day to define the positions of both Governments on paras 9 to 12 of the Radcliffe Award (Annexure III). This over, C.S. stated that he had two observations to make on the report. Firstly, that since the Pakistan members of the committee had made a reference to the Oxford Dictionary definition of the word “control” he would like to bring to notice the dictionary definition of the words “decision” and “award”. These definitions may be seen in Annexure IV. Secondly, the statement by the Pakistan members of the committee that the letter dated 27.10.50 from the Pakistan High Commission in New Delhi admitting that there was no boundary dispute in the region of Hussainiwala Head Works had not been brought to the notice of the Pak. authorities was not correct since the Pakistan Foreign Ministry had been informed about it in the High Commission of India letter No.F.80 (7)/55-Genl. dated 19.10.1956. C.S. asked that the latter matter might be added to the report of the Sub-Committee as an observation of the Leader of the Indian Delegation, Mr. Baig said that he would also like to add the observation that the Pak. High Commission’s letter dated 27.10.50 was written or the understanding that there was no boundary dispute at that time in that particular area. This was agreed to and the necessary endorsement made on the Sub-committee’s report and signed by the leaders of the two delegations. The report may be seen at Annexure III.

C.S. said that it would be desirable to have an agreed statement for the press on the Secretaries’ Conference. A draft, which C.S. suggested as a joint communiqué, (Annexure V), was agreed to by the Pakistan side. Mr. I. U. Khan suggested that it should specifically be stated in the communiqué that the two Secretaries had visited the site of the Head Works separately, but this was overruled by the Leader of the Pak. Delegation as being unnecessary. The joint communiqué was then initialed by the leaders of the delegations. It was agreed that joint communiqué should be released only subject to an embargo until the midnight of February 25-26.

C.S. said that he would like to be clear as to whether the report of the Sub-Committee on paras 9 -12 of the Radcliffe Award should be regarded as a confidential document for the time being, or not. He explained that in Parliament demands would be made for a fuller statement on the Conference than what was contained in the joint communiqué, and that if for any reason the details of the Sub-Committee Report were not to be stated publicly he would want to be sure that the Pakistan Government would also view the matter in the same light on their side. Mr. Baig said that the Secretaries were to report to their governments, and further consideration was to be given by the two governments to the matters in dispute. Therefore, until the governments came to a contrary
decision, the Sub-Committee’s Report should be regarded as a confidential one. C.S. however pointed out that our P.M. will have to tell Parliament that no agreed proposals were possible and that the differing stands of the two Governments reported by the Secretary are under consideration.

Before bringing the proceedings to a close Mr. Baig expressed the satisfaction of the Government of Pakistan that a free and frank exchange of views had taken place at the Secretaries conference. He said that although the two sides had not come to agreed conclusions, this was not to be taken as the final word, and that it was the hope of the Pakistan Government that further consideration of the matter would enable the governments to come to an agreement at a later stage. C.S. replied that these discussions had led to a clarification of the respective stands, and that he wished to thank once again the Government of Pakistan and the Pakistan Delegation for their kind hospitality and for the consideration shown to the Indian Delegation.

Mr. Baig then brought the proceedings to a close.

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ANNEXURE - I

In the meeting held on the morning of the 23rd February 1959, between the delegations of India and Pakistan, it was decided that the definition of ‘head-works’ was necessary with reference to para 5 of Annexure A of the Radcliffe Award relating to Suleimanke Head-works. The engineers of the two sides were asked to meet and give their views as to what constituted a ‘head-works’

2. A meeting was accordingly held on the 23rd February, 1959, at 3 p.m. which was attended by the followings-

INDIA:
Mr. D.D. Jaini,  
Mr. S.N. Ravikant

PAKISTAN:
Mr. S.I. Mahbub  
Dr. M.S. Quraishy  
Mr. Z.H. Jafri

3. Mr. Mahbub stated that ‘head-works’ consists of the followings-

“(a)– Barrage or weir, canal head, regulators, under sluices, fish ladders, navigation locks, and divide walls.
(b) – The guide bunds to guide the flow of the river to the barrage or weir.

(c) – The marginal bunds, the retired marginal bunds, spurs etc. which are meant to control the flow of river and to prevent the out flanking of the works at (a) and (b).

(d) – The railway lines which are constructed to feed material like stone for the maintenance of the head-works.

(e) – Other ancillary works like the head-works colony containing maintenance workshops, power-house, telephone, telegraph and wireless offices, silt analysis laboratory, stores, material dumps, canal railway yards, station buildings, approach roads, canal dispensary, buildings for housing the administrative and operational staff, their offices, and inspection bungalows.

(f) – The areas occupied and bounded by the above works, the area under the head reaches of the off-taking canals included in the area acquired for the head-works, along with the area marked for annual river surveys upstream and downstream of a weir or barrage so as to enable a close watch of the river behaviour for some miles upstream (generally 10 to 15 miles) and some distance downstream (generally 7 to 10 miles) of the barrage or weir. A sufficient width of land is also necessary along the marginal bunds and railway line for proper, maintenance and operation of these works.

4. He explained his concept under each of the six sub-paras (a) to (f) above, and indicated that all these items constituted essential parts of head-works. In support of his explanation regarding the marginal bunds forming an integral part of the head-works, he quoted relevant extracts (copy enclosed as annexure I) from the following:

(i) Roorkee Treatise on Civil Engineering, Irrigation Work in India.


(iii) Irrigation Engineering, by Sharma.


(v) Irrigation Works in India, by Bukley.

(vi) Annual histories of various head-works.

5. This was followed by a discussion, and the Indian representatives explained that ‘head-works’ proper constitute the barrage of weir across the
river, head regulators of off taking channels, under-sluices, fish ladders, navigational locks, silt excluders, etc., which form part of the structure of the barrage or the weir and the guide bunds on the upstream and the downstream sides which guide the flow of the river over the barrage or the weir.

6. In support of their views, the Indian representative quoted extracts as given in Annexure II.

Sd/- D.D. Jaini.  
23.2.59.

Sd/- S.I. Mahbub 23.2.59

Sd/- S.N. Ravikant.  
23.2.59.

Sd/- M.S. Quraishy 23.2.59

2820.  
SECRET

Letter from Chief Minister West Bengal Dr. B. C. Roy to Prime Minister Jawaharlal Nehru.

Calcutta, March 1, 1959.

Chief Minister
Government of West Bengal,

Calcutta the 1st Mach, 1959

My Dear Jawaharlal Nehru,

You know that according to the Bagge Award, the demarcation on site has been completed indicating the midstream boundary between, Murshidabad and Rajshahi districts. The fishermen, mostly refugees of the Indian Union, who used to fish in the waters of Padma and Bhagirathi before, have now been deprived of their livelihood because they cannot fish in those waters any more due to the implementation of the Bagge Award. Large tracts of the Padma River have now fallen to Pakistan and the fishermen of the upper reaches of the Padma which fully fall within the Indian Union, also find it very insecure to fish in the river because during fishing they easily may run into Pakistan waters and get their boats, costly nets and themselves also seized by the Pakistani Police or nationals. In short all along the Padma river, Indian fishermen, mostly refugees, of the district of Murshidabad have stopped fishing and have been facing acute distress verging on starvation.
Many of the fishermen who lived so long under the jurisdiction of West Bengal have now been transferred to Pakistan as a result of the Bagge Award. It is therefore necessary to take early steps to relieve the distress of these people. There are about 14,500 families or about 60,000 people involved—probably more. We have given them some temporary relief but they are in such acute distress that they are selling their household goods and utensils in order to meet the pangs of hunger. Some of them stated that their boats had been stolen by Pakistanis in this melee. At the present moment they are being employed on test relief work and also gratuitous relief is being given to those who are not able to do any work.

One way to solve this might be for the Government of India to approach the Pakistan Government to allow these fishermen to continue to fish in that area and to bring their catch for sale in India. I doubt very much whether Pakistan would agree but even if they agree in principle, in actual practice they will not allow the fishermen to take away their catch. The other alternative is to try and put them in some other fishing areas. There are a few Government fisheries in that area which have not yet been settled with others and these may be given to the Bagge Award affected fishermen. If all of them cannot be employed in such Government fisheries, it may perhaps be found out if they cannot be taken to Dandakaranya for the purpose of continuing their vocation. There are not many sweet water fisheries in West Bengal and therefore the only way to relieve them is to take them to some places where they can catch fish. Thirdly, a question has been raised as to whether those persons who were living in this area but now on account of the Bagge Award have to migrate to India could not be given refugee rehabilitation benefits.

I am sending a copy of this letter to Shri Mehr Chand Khanna.

An early decision in the matter is necessary.

Yours affectionately

Bidhan

Shri Jawaharlal Nehru,
Prime Minister,
New Delhi.
Statement by Deputy Minister of External Affairs Shrimati Lakshmi Menon in the Lok Sabha on the Conference of Secretaries of India and Pakistan on border dispute in the Hussainiwala and Suleimanke area on the India – West Pakistan border.

New Delhi, March 3, 1959.

A meeting at the level of Secretaries was held in Karachi from the 23rd to the 25th February, 1959. This meeting was held as a consequence of the meeting of the Prime Ministers of India and Pakistan in Delhi in September 1958. At this Prime Ministers’ meeting, a reference to the unsettled disputes and their further consideration was made in the following terms:

“Some of the border disputes, namely, two regarding the Radcliffe and Bagge Awards in the eastern region, and five in the western region, require further consideration.

The Prime Ministers agreed to issue necessary instructions to their survey staff to expedite demarcation in the light of the settlements arrived at and to consider further methods of settling the disputes that are still unresolved. In regard to the Hussainiwala and Suleimanke disputes, the Foreign Secretary of the Government of Pakistan and the Commonwealth Secretary of the Government of India will, in consultation with their engineers, submit proposals to the Prime Ministers.”

Our Commonwealth Secretary had visited the Hussainiwala and Suleimanke areas in November 1958 and had then discussed technical and other details with the engineers and the local officers on the spot. The Karachi meeting in February 1959 discussed these two disputes relating to Hussainiwala and Suleimanke areas. The Indian Delegation consisted of engineers and other experts and was headed by our Commonwealth Secretary.

The discussions at Karachi disclosed a divergence of views between the two Delegations.

Both sides stated the position of their Governments regarding these disputes, and no agreed proposals for settlement emerged as a result of these discussions.

During his talks with the Pakistan Foreign Minister in Karachi, the Commonwealth Secretary referred to the serious increase in the number of incidents on the eastern border which have been caused by irresponsible and aggressive firing by Pakistan authorities. Representations in this connection
have been made repeatedly to the Government of Pakistan at various levels through our High Commissioner in Karachi.

It is our policy to endeavour to settle border disputes peacefully and to restore normal conditions in border areas. At the same time, any aggressive action or pressure on the part of Pakistan authorities and any violation of our territory has to be resisted. Measures necessary for the protection of the life and property of our citizens living in the border areas have been taken.

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2822. SECRET

Letter from Prime Minister Jawaharlal Nehru to Chief Minister of West Bengal Dr. B. C. Roy.

New Delhi, March 7, 1959.

No. 558-PMH/59. March 7, 1959

My dear Bidhan,

Your letter of the 1st March about demarcation of the mid-stream boundary between Murshidabad and Rajshahi districts according to the Bagge Award.

In this, as in like cases I think it will not be desirable for us to make any statement undertaking the responsibility for rehabilitation of all those persons who might be displaced. Nor should we open any relief camps for the purpose as we used to do previously in connection with displaced persons from East Pakistan. If we do that we shall get entangled in difficult operations which may go on indefinitely. We should however, give relief where it is considered absolutely necessary.

We can certainly approach the Pakistan Government to allow these fishermen to continue to fish in that area. But I agree with you that it is unlikely that Pakistan will agree to any such proposal. The question of fishermen is more difficult than others. The only real way to help them is to find some sites where they can fish. Where there are any Government fisheries, we might try to put these people there. I do not see how they can be accommodated at Dandakaranya. So far as I know, there are no fisheries there.

My anxiety is that we should not do anything which encourages people to
migrate to India because of the consequences of the Bagge Award. If we proclaim that they will be given the normal refugee rehabilitation benefits, this will be an immediate inducement to them to migrate and they will suffer a great deal by this. I realise that many of them may migrate and we shall not be able to leave them un-helped.

(Sd) Jawaharlal Nehru

Dr. B.C. Roy,
Chief Minister of West Bengal,
Calcutta,

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2823. SECRET

Letter from Chief Minister of West Bengal Dr. B. C. Roy to Prime Minister Jawaharlal Nehru.


Chief Minister
Government of West Bengal
Calcutta


My dear Jawaharlal

I have received your secret letter No.558-PMH/59 of the 7th March.

The present problem so far as I can see is that over 60,000 fishermen, the majority of whom are refugees, now find it quite insecure to fish in the waters of the Padma and Bhagirathi. They apprehend that as a result of this adjustment of midstream boundary, there is a great risk of their fishing implements and boats being seized if they cross the Indian boundary into Pakistan water and this they have to do to get a good catch. The only answer to the problem is to approach the Pakistan Government to allow these fishermen to continue to fish in these waters undisturbed.

As there is little likelihood of Pakistan agreeing to this arrangement, the only other alternative is to settle them in areas where there is scope and possibility
of fishing, but such areas are very rare in this State. Therefore, I would strongly urge that the Government of India should draw up schemes to re-settle these people in areas outside this State where they can continue their avocations.

In the meanwhile, the State Government have already arranged for employing over 5,000 people in relief works, but it is reported that these people are not suited for earth work. Doles have also been given to the vulnerable section of those people. We, however, intend to find work for these people temporarily till they are settled properly. We, expect that the entire expenditure on this account should be borne by the Central Government. We have not publicly made any statement undertaking any responsibility for rehabilitation of people affected by adjustment of boundaries.

Yours affectionately
Bidhan

Shri Jawaharlal Nehru
Prime Minister,
New Delhi

2824. Statement by Prime Minister Jawaharlal Nehru in the Lok Sabha while replying to an Adjournment Motion on the reported firing by the Pakistani troops across the West Bengal – East Pakistan border on March 11, 1959.

New Delhi, March 12, 1959.

Mr. Speaker, Sir, you were pleased to admit this motion on a specific issue, but it has tended to be discussed on much broader lines. Even in regard to the border issues reference has been made to a large number of past issues on the Assam border etc. and some other border considerations have been brought in also.

It is true of course, that every issue involves a background, involves considerations that bring it about. Obviously, a border issue between India and Pakistan involves the fact that Pakistani was partitioned from India and certain consequences followed, consequences which, in spite of every effort, seem to pursue us still and create not only insecurity on the border regions but a great deal of ill-will and bitterness.
You know, Sir, and the House knows, that we have tried our utmost, keeping in
view the security of India, to deal with these matters so as to put an end to
to these troubles, to solve these problems as they arise, and not to do anything
which was likely to create bitterness. I have often spoken about this in this
House. And yet, it has been our misfortune to see these big and small issues
going on day to day and year after year. I must confess to a feeling, a sense, of
great disappointment. I do not mean the big issues now, for the big issues
could hardly be dealt with when the two Prime Ministers met, and they are in a
different category. But we thought, and I thought that the smaller border issues
at any rate could be tackled and if all of them cannot be settled immediately we
can at least settle them one by one or in certain groups. But I confess to a
feeling of grievous disappointment that it has not led to that peace in the border
which I hoped for.

I can very well understand the concern and the anxiety of all the Members in
this House about this continuous situation. This is not a matter which can be
considered from a party point of view because we are all concerned with the
security of our border and the security of our fellow-citizens in that border.

Now, I can, in so far as this narrow issue is concerned, read out a statement of
the facts which have been supplied to me by the authorities in West Bengal, in
fact by the District Magistrate of Murshidabad who was concerned with this
and who was enquiring into it. I shall do so if the House so wishes. I gave
some broad idea about it this morning.

There are two other matters to which I would like to refer; although perhaps
they are slightly outside the scope of the motion before the House there has
been some indirect reference to them. There are many Members in this House
or some of them who connect these borders issues or border troubles, firing,
etc., in some way or other, with the recent military aid pact between the United
States and Pakistan and some other countries. Now, on the last occasion when
I spoke about this matter, I said that we would enquire further into this. We
have had some further enquiries made. In fact, we are still continuing it. By
enquiries I mean explanations. I hope tomorrow morning to place a paper before
this House on this subject, giving the text of the assurances and the other
matters connected with that. Perhaps even that may have to be followed up,
because we are pursuing this line of action. So, I shall not say anything more
about that except to say that paper will be placed before the House, which
will contain, if I may say so, nothing very new but it will, in a connected form,
give the text of these pacts as well as the other papers which may help Hon.
Members to see the whole thing in the right perspective.

I can only say this now in regard to it that on further enquiry from the United
States Government we have been given categorical assurances that the aid
pact has absolutely nothing to do with any idea of Pakistan attacking India. In fact, the assurances in that respect are as categorical as they can be. Of course, as the Hon. Member pointed out, the assurances, though satisfactory to the extent as they may be, cannot be wholly satisfactory, because the other party concerned, instead of giving any assurances, makes statements to the contrary statements made by Pakistan repeatedly. However, I shall not deal with the matter any more.

Secondly, reference has been made once by me in a general way and subsequently by some other Members, about the military equipment from the United States which is said to have been used by Pakistani forces.

I think that I should place the exact facts as we know them, before the House, so as to prevent misapprehensions from arising. I have nothing to say about the item of news appearing in the Statesman newspaper, which was quoted this morning. I have no particular information. But when I previously said about this equipment I was referring to certain types of equipment which came into our possession on the Cease-Fire line in Jammu and Kashmir State and which undoubtedly were of American manufacture. In fact, they could not have come from anywhere else. Again, I cannot say of course, that they formed part of the Aid Programme or were bought in the open market. We have no evidence of American arms being used in border incidents in the East. But some equipment of American manufacture has been found in cases of attempted sabotage across the Cease-Fire line in Jammu and Kashmir. The details are.

Radiosonde transmitters have been recovered. On the 6th of October, 1958, one apparatus marked “U. S. Army Signal Corps, Radiosonde Modulator”, number so-and-so, Johnson service—full particulars.

On the 9th October, another apparatus marked “U. S. Army Singal Corps, Radiosonde transmitter and Radiosonde modulator”.—I might add. Sir, that I do not know what these things are. That is to say, I do not know exactly what they are, in detail; I know broadly what they are.

Then, two plastic explosive charges with American fuse, recovered from the premises of the Panchayatgarh in village Banwat, P. S. Poonch on 21st December, 1958.

Then again, one U. S. A. made wireless set recovered from a place about 9 miles south-west of Rajouri and about 5 miles on our side on the Cease-Fire line on the 16th February 1959.

Now, this American equipment cannot necessarily be related to the Defence Aid pro-gramme, as they could have been easily bought by the Pakistanis. A large number of such recoveries, if made, of course, would put a somewhat
different complexion. On many earlier occasions this matter had been taken up with the United States Ambassador as to the question of the plastic bombs used by the Pakistani saboteurs in Kashmir. The Ambassador had categorically denied that they were of USA manufacture and had suggested that the Pakistanis must have bought them from the United Kingdom. This was on the 7th June, 1958.

That is, Sir, in so far as U. S. equipment is concerned.

Then there is one small matter. An Hon. Member referred to our Area Commander in that region being a foreign national, a UK national. I am sorry he made that reference, because he is a gallant and loyal officer. He is an Englishman, but he is not a UK national. He became an Indian national a long time ago and as such has been serving our Army for a long time. He served in Delhi and various places. As a matter of fact, quite apart from all these recent happenings, in the normal course, he is being transferred to another area.

An Hon. Member: I think, Sir, about a couple of months ago, when he was given four years’ extension, the question whether he was an Indian national or not yet an Indian national was talked about here, and I think he has not yet opted for Indian nationality.

The Prime Minister: Sir, the Defence Minis-ter tells me that he is an Indian national.

An Hon. Member: He is an Anglo-Indian gentleman who holds office in the Indian Army, but he has not opted for Indian nationality. About that I am definite. If the Government has any papers, then, of course, I shall stand corrected.

The Prime Minister: That is a matter where if I am incorrect I shall be glad to correct myself. But normally speaking, every Anglo-Indian is considered automatically an Indian national unless he does something to opt out. His home is India; he has no other home, hut.

Another matter. The overall ultimate re-sponsibility for international border protection lies with the army. But, it depends how a particular border is dealt with. If a border situation supposed to be potentially a war situation, then, it is dealt with more from the military point of view. Otherwise, it is dealt with from the police point of view, the military, of course, being in the back-ground which could be summoned by the civil authorities whenever needed. On a great many occasions, mention has been made in this House of border troubles between East Pakistan and India. The House will remember that a great majority of these incidents took place on the Assam border. Generally speaking, West Bengal-Pakistan border was quieter. I say generally speaking, not wholly. The incidents there consist-ed chiefly of cattle lifting and a little trouble in charlands
occasionally. Lately there has been a change and there has been much greater activity on the West Bengal side. Because of the recurrence of many of these instances on the Assam-East Pakistan border, it was arranged to put the army more definitely in charge of that area. That was not so in the West Bengal-Pakistan border although the army was, as I said, in overall responsibility and could be summoned when necessary. But, actually, in the normal way it was the armed police that dealt with it. That has been the position. But, certainly in view of these developments this matter has to be reviewed and we are going to discuss this matter with the West Bengal Government as to how to take more effective measures to give security to our people there.

The difficulty has been that, normally, the army is not brought in petty cases of assault however bad they may be. It may be distressing. But, if there is a case of theft or dacoity or kidnapping, it is bad, we should protect him, of course, but the whole army movement is normally not indulged in on such occasions. However, this matter is recurring and the incidents do require a reconsideration of the manner in which we should give such more effective protection in future.

In regard to this particular incident about which this motion was originally moved, on the 6th March, at about 11.00 hours, one Rati Kanta Mondal along with four of his employees (all Chaimandals) of Char Rajanagar and adjoining areas under Raninagar p.s. J.L. No. 91, while harvesting linseeds from their field at Char Rajanagar bordering Pakistan were challenged by the E.P.R. men of Diar Khidirpur Pak B.O.P who fired two rounds from their rifles from a distance of about 200 yards. None was injured. Three Pak nationals armed with followed by 4 Pak E.P.R. armed personnel came there and claimed the plot of land in question to be in Pakistan. The Pak nationals caught hold of one Makhan Mondal of Char Rajanagar passing by that way on a charge of harvesting linseed from the Pak territory “and took him away to Pak B.O.P. at Diar Khidirpur and severely assaulted him on the way. Rati Kanta Mondal was also assaulted by the E.P.R. personnel who trespassed into the Indian territory. He sustained swelling injury on his arm. Necessary steps were taken to guard the border and the police force in the area was reinforced.

On 9th March, our District Magistrate at Murshidabad lodged a protest with the Pakistan District Magistrate of Rajshahi against this trespass and firing into Indian territory. He suggested a joint enquiry on the spot by the two District Magistrates and also asked for stern action against the Pakistan border police and Pakistan nationals responsible for this incident and for immediate return of Shri Makham Mondal, who had been kidnapped and for compensation for assaulting Indian nationals.

On 10th March, heavy and incessant firing by Pakistani border forces continued and our border police returned the fire in self-defence. Two Indian nationals of
Char Rajapur were injured by the Pakistan firing.

Our District Magistrate of Murshidabad got into contact with the Pakistan District Magistrate of Rajshahi on the telephone and the latter agreed to stop firing and to a meeting of the two District Magistrates.

Our District Magistrate of Murshidabad went to the place fixed on the border at 4 p.m. to meet the Pakistani District Magistrate, Rajshahi. The Rajshahi District Magistrate, however, did not turn up at the appointed place and the Pakistanis continued to fire and even fired at the messenger sent across to tell the Pakistan District Magistrate of Rajshahi that the District Magistrate of Murshidabad was waiting for him.

On 11th March, Pakistanis stopped firing at 06.00 hours but resumed heavy and intermittent firing on Char Rajanagar later in the day. Adequate measures have been taken to deal with the situation.

I have nothing further to say on this matter, except that we are very much concerned about these developments, not only the incidents in themselves, but the whole background behind them, and we certainly hope to take effective measures.

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2825.  

SECRET  

Letter from Prime Minister Jawaharlal Nehru to Chief Minister of West Bengal Dr. B. C. Roy.  

New Delhi, March 16, 1959.

No. 617-PMH/59, March 16, 1959

My dear Bidhan,

Your letter of the 12th March about the fishermen who are said to have been displaced in the Murshidabad District. We shall certainly write to Pakistan on this subject, but, as you say, there is little hope of their being helpful.

Meanwhile I learn from your Chief Secretary that the figure of displaced fisher-men is greatly exaggerated. In your letter you mention that there are 60,000 fishermen who have been displaced. In other accounts, it has been stated that 14,000 fishermen families have been displaced. Your Chief Secretary
told us on the telephone that these figures are greatly exaggerated and that the entire region does not have so many fishermen families.

I am waiting for further information from your Government.

Yours affectionately

Jawaharlal Nehru

Dr. B.C. Roy,
Chief Minister of West Bengal,
Calcutta.

2826. Note from the High Commission of India in Pakistan to Ministry of Foreign Affairs.


The High Commission for India in Pakistan presents its compliments to the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, and has the honour to invite the attention of the Ministry to a statement alleged to have been made by an official of the Ministry in respect of Tukergram, which was reported in the *Dawn*, Karachi of 19th March, 1959, in the following terms:

**TUKARGRAM VILLAGE**

“A big agitation was being carried on in connection with the Tukergram village which has a majority of Muslim population and belongs to Pakistan because it was on the Pakistan side of the Kusiyara river.”

2. As the Ministry are aware, Tukergram, which falls within the district of Cachar, has been awarded to India under the Radcliffe Award and had been continuously in possession of India till it was forcibly occupied by Pakistan Armed Forces in August 1958. The Prime Ministers of Pakistan and India, during their meeting in September, 1958, in Delhi, considered the question of withdrawal of the Pakistani forces from Tukergram and accepted the suggestion made by the Pakistan Prime Minister that this should go hand in hand with the resolving of the difficulties that have recently arisen in the Patharia Hills forest area. Further action to be taken in pursuance of this Agreement between the Prime Ministers was indicated in letter No, 534-CS/58 dated 10th September,
1958, from Shri M. J. Desai, Commonwealth Secretary to the Government of India, to Mr. Baig, Foreign Secretary, Ministry of Foreign Affairs & Commonwealth Relations of the Government of Pakistan.

3. This matter has since been taken up several times with various officials of the Ministry by the High Commission, by Shri Maitra with Mr. Ikbal Athar, Acting Foreign Secretary, in October and November, 1958, and by Shri Padmanabhan with Mr., Itaat Hussain in February, 1959. As the Prime Ministers had decided that the withdrawal of the Pakistan Forces from Tukergram should go hand in hand with the resolving of difficulties in the Patharia Hills forest area and as the Conservators of Forests of East Pakistan and Assam were not able to come to an agreed solution of the difficulties in the latter area, the Chief Secretary of Assam approached the Chief Secretary, East Pakistan, on 9th December, 1958, to fix a suitable date for the meeting of Chief Secretaries. As no reply was received from the Chief Secretary, East Pakistan, the High Commission in its Note No. F.10(7)/59-P dated 6th March, 1959, requested the Ministry to issue urgent instructions to the Government of East Pakistan to arrange an early meeting between the Chief Secretaries of Assam and East Pakistan and the High Commission was informed in the Ministry’s Note No. I(1).3/24/59 dated 13th March, 1959, that the matter is receiving attention.

4. It will be seen from the background given in paragraphs 2 and 3 above that, apart from any other arguments that can be advanced, the basic facts that Tukergram being a part of Cachar District had been in possession of the Government of India right up to August, 1958, when it was forcibly occupied by Pakistan Armed Forces, and that the two Prime Ministers during their meeting in September, 1958, agreed that Pakistan Forces should withdraw from Tukergram and restore the status quo, are quite clear. The Prime Ministers had agreed that the withdrawal of Pakistan Forces from Tukergram should go hand in hand with the resolving of difficulties in the Patharia Hills forest area. Action to resolve these difficulties is being delayed by the East Pakistan authorities and the High Commission has requested for the intervention of the Government of Pakistan in this matter,

5. In the light of the above, this High Commission has been instructed to express the deep concern of the Government of India at the attempted repudiation of the agreement between the Prime Ministers of Pakistan and India by the official of the Ministry in respect of Tukergram. The Ministry will appreciate that unilateral repudiation of the agreement between the two Prime Ministers in respect of the withdrawal of Pakistan Armed Forces from Tukergram will undermine confidence in the value of such agreements. The High Commission has been instructed by the Government of India to request the Government of Pakistan to take very early action for withdrawal of the Pakistan
Forces from Tukergram and implement the Agreement between the two Prime Ministers in connection with this case.

The High Commission of India avails of this opportunity to renew to the Ministry of Foreign Affairs and Commonwealth Relations the assurances of its highest consideration.

Ministry of Foreign Affairs & Commonwealth Relations,
Government of Pakistan
Karachi

2827. Note from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.

The High Commission for India in Pakistan presents its compliments to the Ministry of Foreign Affairs and Commonwealth Relations Government of Pakistan, and has the honour, in continuation of the High Commission's note No. F-9(22)/59, dated the 19-3-59 to state that the Government of India are of the view that a large number of incidents in the river areas of West Bengal and East Pakistan border can easily be avoided in future by working out mutually satisfactory arrangements for the regulation of boat traffic and fishing in the river Ganga where midstream of river forms the boundary between West Bengal and East Pakistan.

2. It will be seen that in the list of incidents on the West Bengal-East Pakistan border attached to the High Commission’s note referred to above, as many as 11 out of 26 incidents pertain to interference with boat traffic and fishing in the river. The length of the river Ganga where the East Pakistan authorities were in control of one bank and the West Bengal authorities were in control of the other bank, was only 13.4 miles up to 15.1.1959 when exchange of areas between the two Governments took place in accordance with the demarcation following the Bagge Awards I and II. Since 15.1.59, the length of the river, on a bank of which is in control of West Bengal and the other in control of the East Pakistan authorities, has increased to 23.1 miles and the chances of incidents connected with boat traffic and fishing in the river midstream of which is the boundary between the two States, have increased further. It is in the common interest of the two Governments of West Bengal and East Pakistan to arrive at
mutually satisfactory arrangements for the regulation of the boat traffic and the fishing activity in this portion of the river midstream of which constitutes the boundary between the two States. The High Commission has been instructed by the Government of India to make the following suggestions for the consideration of the Government of Pakistan to deal with this problem:

(i) Fishing on the Ganga between Rajshahi and Murshidabad districts, where the boundary between the two States is formed by the line of midstream channel of the Ganga, should be open and unrestricted for fishermen from both sides on payment of appropriate dues.

(ii) Traffic by country-boats for the nationals of both the States on the river in this sector should also be uninterrupted, provided such boats starting from the Indian side have a destination on the Indian side of the river bank and boats starting from the Pakistan side have a destination on the Pakistan side of the river and, further provided that they do not carry anything contraband like arms etc.

If necessary, some kind of authorisation by local police officials with certificate as to the number of men and type of goods and merchandise carried in such boats may be introduced so that border authorities on either side might have a normal check over the traffic.

3. The Government of India are anxious to do all they can to remove the causes of tension and conflict and establish peaceful conditions along the Indo-Pakistan border regions and are confident that the Government of Pakistan are equally anxious to achieve this objective and will give prompt and sympathetic consideration to the suggestions made in para 2 above.

3. The Government of India propose to request the Government of West Bengal to work out mutually satisfactory detailed arrangements with the Government of East Pakistan in pursuance of these suggestions and will issue necessary instructions as soon as the High Commission is informed that the Government of Pakistan are also issuing similar instructions to the Government of East Pakistan.

The High Commission of India avails of this opportunity to renew to the Ministry of Foreign Affairs and Commonwealth Relations the assurances of its highest consideration.

Ministry of Foreign Affairs & Commonwealth Relations,
Government of Pakistan,
Karachi.
2828. Note from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.


High Commission of India
Karachi

No.9(22)/59-P the 25th March, 1959 4th Caitra, 1881(S).

The High Commission of India in Pakistan presents its compliments to the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, and, in continuation of the High Commission’s note No.9(22)/59-P, dated the 23rd March, 1959, has the honour to state that it has come to the notice of the Government of India that a very large number of Indian fishermen (involving about 4000 families numbering over 20,000 persons) has been very seriously affected by certain restrictive measures introduced recently by the East Pakistan authorities in regard to facilities for fishing in the river Padma. Previously, these fishermen were fishing in the river continuously from Nimtita to Lalgola, although a stretch of 7 miles of the river fell entirely within Pakistan. They were allowed to ply their boats without any let or hindrance in this part of the river, even though it was exclusively in Pakistan territory. Now these fishermen are not being allowed to proceed beyond the Indian borders. They are also not being allowed to navigate the entire width of the river, where one bank falls within Indian and the other in Pakistan, in order to draw their nets, some of which are one to two miles in length.

2. The High Commission would like to bring to the notice of the Ministry that as a result of the action taken by the East Pakistan authorities, the Indian fishermen cannot carry on their trade and are facing great hardship. The High Commission would, therefore, request the Government of Pakistan that considering the human problem involved and in the spirit of good neighbourlines, they may kindly issue immediate instructions to the Government of East Pakistan to:

(i) allow Indian fishermen, as in the past, to take their boats along the river Padma, where both banks are in the possession of Pakistan, Subject to the condition that the Indian fishermen will not anchor or fish in these waters; and

(ii) allow Indian fishermen to use the entire width of the river for navigation, where one bank of the river falls within India and the other bank falls in Pakistan, subject to the condition that fishing is resorted to only on that stretch of the river which falls within the Indian side.
3. The High Commission would be grateful to be informed of the action taken in the matter.

4. The High Commission of Indian avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Commonwealth Relations, the assurance of its highest consideration.

The Ministry of Foreign Affairs
And Commonwealth Relations,
Government of Pakistan,
Karachi.

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2829. Aide Memoire presented by High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.


AIDE MEMOIRE

At their meeting held in New Delhi from the 9th to 11th September 1958, the Prime Ministers of India and Pakistan discussed among others the question of Bholagang Post Office astride the border between Khasi-Janitia District of Assam and Sylhet District of East Pakistan. At this meeting, the Pakistan Government agreed to drop their claim on Bholaganj vide para 2(6) of the decisions of the Conference.

In pursuance of the decisions taken by the Prime Ministers, it is requested that the Government of Pakistan may issue necessary instructions to the authorities concerned in East Pakistan for the return of the Post Office building to the Indian Postal authorities and for the withdrawal of the Pakistani caretaker.

Karachi
Dated 30th March, 1959.

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2830.  Aide Memoire presented by the High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.

Karachi, April 6, 1959.

AIDE MEMOIRE

In the Aide Memoire dated the 30th March, 1959, the Government of Pakistan were requested, in pursuance of the decision taken by the Prime Ministers of India and Pakistan at their Conference held in New Delhi in September 1958, to issue instructions to the authorities concerned in East Pakistan for the return of the Bholagang Post Office building to the Indian Postal authorities and for the withdrawal of the Pakistani caretaker.

2. Information has since been received that on the 3rd March, 1959, the Pakistani caretaker of the Bholanganj Post Office building, without authority, sent one boy Sorindra Namsudra, an Indian national of village Chakilabasti, Cherrapunji (India), to Pakistan Camp at Purana Bholaganj with some oranges. They boy on arrival at Purana Bholaganj was arrested by men of the East Pakistan Rifles and sent to Chhatak (Pakistan). The caretaker admitted in his statement that the boy was sent to the Pakistan Camp by him. The Government of Assam has already lodged a protest against this incident with the Government of East Pakistan and has asked for the immediate release of the arrested boy.

As the Pakistani caretaker of Bholaganj Post Office building has become the object of local sensitivity, it would be in the interest of all concerned that he is removed without any further delay. The Government of India therefore repeat their request for the return of the building to the Indian Postal authorities and for the immediate withdrawal of the caretaker.

Karachi, April 6, 1959.

Note: The Pakistan Ministry of Foreign Affairs while replying to the aide memoire on April 13 while stating that the incident was being enquired into, did not feel it justified to remove the Pakistani caretaker and instead requested the Government of India to “ensure the safety of the caretaker’s person and property”.

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2831. Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.

Karachi, April 13, 1959.

Ministry of Foreign Affairs & Commonwealth Relations
Karachi


The Ministry of Foreign Affairs and Commonwealth Relations, presents its compliments to the High Commission for India in Pakistan and with reference to their Aide Memoire dated the 30th March, 1959 has the honour to enquire whether the Government of India have since ratified the Prime Minister's Agreement of September, 1958. If not, this Ministry will be grateful if early steps are taken to ratify that agreement so that all the decisions arrived at in the Prime Ministers' Conference may be implemented at an early date.

The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

The High Commission for India in Pakistan
Karachi.

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2832. Note from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.

Karachi, April 25, 1959.

The High Commission of India in Pakistan presents its compliments to the Ministry of Foreign Affairs and Commonwealth Relations and has the honour to refer to the note No. I (I) - 3/37/59 dated the 13th April 1959 regarding vacation of the Bholaganj Post Office by the Pakistani caretaker. The High Commission has been instructed to convey to the Ministry the Government of India's surprise that a question should have been raised at this late stage regarding ratification of the Agreement between the Prime Ministers of India and Pakistan of September 1958. As the Ministry are well aware, the Agreement was reached at the highest executive level. No question was raised by either side at the time of the discussions leading to the Agreement that ratification would be necessary. Moreover, implementation of the Agreement has already been
effected in regard to the one matter in the Agreement concerning which a definite date was set, namely, the exchange on January 15, 1959 of areas held wrongfully according to the Bagge Award in Disputes No.I and II. This was implemented without question by the Indian authorities on the appointed date notwithstanding the fact that India was to hand over to Pakistan about double the area that Pakistan was to hand over to India. The High Commission would point out that, at the time of this mutual handing over of territory, the Pakistan authorities did not think it fit to raise any question of ratification of the Agreement.

So far as concerns other decisions forming part of the Agreement, the Government of India have taken necessary preliminary and procedural measures with a view to early implementation of the Agreement from their side. In particular, the President of India has made a reference to the Supreme Court regarding certain Constitutional issues involved.

The Govt. of India regret to note that the Pakistan Government are, on the other hand, inclined to repudiate the Agreement. Attention in this connection is invited to the High Commission's Note No.F.9 (75)/58-P dated the 23rd March 1959 conveying the deep concern of the Government of India in respect of a statement by an official of the Ministry claiming that Tukergram belongs to Pakistan. It was pointed out in that Note that—

(a) Tukergram fell within the district of Cachar and had been awarded to India under the Radcliffe Award,

(b) Tukergram had continuously been in Indian possession till it was forcefully occupied by Pakistan Armed Forces in August 1958, and

(c) the Prime Ministers of Pakistan and India during their meeting in September 1958 accepted the suggestion made by the Pakistan Prime Minister that withdrawal of Pakistan Forces from Tukergram should go hand in hand with the settling of a line of de facto possession in the Patharia Forest Hills area.

It was further pointed out to the Ministry that unilateral repudiation of the Agreement between the two Prime Ministers in respect of withdrawal of Pakistan Armed forces from Tukergram would undermine confidence in the value of such agreements, and the Government of Pakistan were requested to take early action for the withdrawal of Pakistani Forces from Tukergram.

4. The High Commission have not yet received a reply to their Note No. F. 9(75)/58-P dated the 23rd March 1959 but have noted that official spokesmen of the Pakistan Government continue to make the claim that Tuckrgram belongs to Pakistan.
5. The decision of the Prime Ministers of India and Pakistan in September 1958 in respect of Bholaganj was unambiguous and to the effect that the Pakistan Government agreed to drop their claim on Bholaganj. So far as implementation of the Agreement on this matter is concerned, no preliminary action is necessary and all that remains to be done is for the Pakistan Government to withdraw their caretaker from the Bholaganj Post Office.

6. The High Commission have the honour to request that in the light of the above the Government of Pakistan desist from raising issues which are not relevant, and withdraw at an early date their caretaker from the Bholaganj Post Office. The issue in question constitutes a second instance of unwillingness of the Pakistan authorities to implement the Agreement, and the High Commission have been instructed to state that if these situations are not rectified, the Government of India may be compelled to draw its own conclusions as to the present attitude of the Pakistan Government towards the Prime Ministers' Agreement of September 1958.

The High Commission avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Commonwealth Relations the assurances of its highest consideration.

The Ministry of Foreign Affairs and Commonwealth Relations,
Government of Pakistan,
Karachi.

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2833. Note from Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, April 27, 1959.

Office of the High Commission for Pakistan in India,
New Delhi

No. 11 (8) P/59 the 27th April, 1959.

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs and has the honour to invite their attention to the Prime Ministers’ Agreement of September 1958 relating to the exchange of enclaves. The High Commission should be grateful if the Ministry would kindly take early steps to ratify the Prime Ministers’ Agreement and handover the
Barubari Union and the enclaves to Pakistan in accordance with the aforesaid Agreement. The favour of an early reply is requested.

The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi.

2834. Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.

Islamabad, July 22, 1959.

The Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, presents its compliments to the High Commission for India in Pakistan and with reference; to their Note No.F.10(8)/59-P, dated the 25th April, 1959, has the honour to say that in this Ministry's letter. I No.I(l)-3/57/59, dated the 13th April, 1959, a question was asked whether the Government of India had ratified the Prime Ministers' Agreement of September, 1958, and, if not they were requested to do so in order that all the decisions embodied in the Agreement may be implemented at an early date. The Government of Pakistan regret to note that this simple query has been misunderstood by the Government of India as an indication of an inclination on the part of the Government of Pakistan to repudiate the agreement. This inference is not correct and the Ministry wishes to assure the Government of India that the Government of Pakistan are, and have always been, willing and anxious to implement in toto the decisions of the Indo-Pakistan Agreement, dated the 10th September, 1958, reached during the Prime Ministers’ Conference and are ready to implement them all immediately and simultaneously.

2. The question about the ratification of the Agreement was asked because the press reports quoting official sources in India showed that the authority of the Prime Minister of India to commit his Government in regard of certain important decisions in the Agreement was being questioned. It was also being contended that the Agreement could not be implemented unless it was ratified by the Indian Parliament.
3. The High Commission in their Aide Memoirs, dated the 30th April, 1959, had asked for the implementation only of the item relating to Bholaganj, one of the eleven items listed in the Agreement (copy enclosed for reference). Nothing was said about other and more important decisions relating, for instance, to the exchange of Enclaves and the Berubari Union. The Government of India will appreciate that the negotiated settlement reached during the Prime Ministers Conference, and signed by both the delegations was based on compromise. These decisions were made possible by both sides having agreed to modify their stand on the various issues in a spirit of give and take. All the decisions in the Agreement must, therefore, be considered as interrelated and be implemented in full simultaneously.

4. The High Commission have stated that the Government of India have not been able to complete their “preliminary and procedural measures” necessary for the implementation of some of the important decisions of the Agreement and are not yet in a position to implement them. About a year has already elapsed since the Agreement was signed. The Government of Pakistan would like to know when these “preliminary and procedural measures” will be completed.

5. In view of what has been stated above, it is surprising that the Government of India should choose to blame the Government of Pakistan for being unwilling to implement the Agreement. The Government of Pakistan take exception to this unfounded charge and wish to reiterate that they are willing and ready to implement the Agreement and in its entirety, and request the Government of India to take urgent steps to complete all their necessary “preliminary and procedural measures”, if they have not already done so.

6. As regards the reference made in the High Commission’s Note to the implementation of the decision regarding the exchange of territories in adverse possession in Disputes I & II areas, the Ministry wishes to point out that the entire sector in this area had already been jointly demarcated and there was no dispute about the juridical status of the territory held in adverse possession by either country. In fact as early as in 1957 the two Central Governments and the two Provincial Governments had agreed to exchange the adverse possession on a specified date, namely, May 10, 1957. This exchange however, could not be effected because the D.L.R. & S. of the West Bengal Government was reluctant to do so. (In this connection a copy of letter No.3046-Comrel, dated the 29th May, 1959, from Joint Secretary to the East Pakistan Government to the Secretary to the Government of West Bengal is enclosed for reference). The question of the exchange of adverse possessions in Disputes I & II was again taken up during the Indo-Pakistan Conference on the Border Disputes held in Karachi in August/September, 1958. It will be observed from the Minutes
of the Sub-Committee on the Eastern Borders, dated the 31st August, 1958, that "the areas covered by these disputes" i.e., Disputes I & II of the Bagge Award "should be exchanged as early as possible. Pakistan suggested that the date of exchange should be 31st December, 1959, at the latest. India agreed that they would consult their technical officers and will inform Pakistan whether the date will be practicable". During the Prime Ministers’ Meeting the Government of India merely fixed the date as promised at the Karachi Conference.

7. It will, therefore, be observed that in this case no dispute was involved and the Prime Ministers agreed just to fix a date for the exchange of territories in adverse possession which was already agreed to by both the Governments. This decision had no bearing on the other items of the Agreement which are all interrelated in so far as both the Governments had agreed to modify their stand in respect of them in order to arrive at the overall agreement, and it is this Agreement which is required to be implemented in toto simultaneously.

8. The reference to Tukergram in the High Commission’s Note is quite irrelevant in this context. The Government of Pakistan’s position in respect of Tukergram is being conveyed separately.

The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

The High Commission for India in Pakistan,

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Letter from the Deputy High Commissioner of India in East Pakistan to Commonwealth Secretary M. J. Desai.

Dacca, August 21/22, 1959.

Deputy High Commissioner For India In Eastern Pakistan Dacca

No. F. 19 – 1/POL/59

August 21/22, 1959.

My dear Commonwealth Secretary,

I attended the 33rd Conference of the Chief Secretaries of the Eastern Zone on 17th and 18th August in Calcutta. Chief Secretaries of West Bengal & Assam and Chief Commissioner of Tripura represented the Indian States and Chief Secretary Azfar represented East Pakistan. Besides a Deputy Secretary and two officers from the Survey Department, Azfar’s principal Adviser was S.M. Hasan, Member East Pakistan Board of Revenue. Both Azfar and Hasan joined the I.C.S. in 1933, the former in Bihar-Orissa and the latter in Madras. In fact Hasan is senior to Azfar in the gradation list.

2. You must have received by now copies of the minutes and the Joint Press Communiqué. Azfar wanted to go to Banares to see his relations, - I believe his mother is there -, and could not therefore sign the minutes in Calcutta on the 18th evening. He will sign them in Dacca. He also left the drafting of the joint communiqué to S.N.Ray. As you would notice, Chief Secretary, West Bengal, decided to issue an exhaustive communiqué, partly in order, I presume, not to make it short and hence platitudinous.

3. The principal topic of discussion was border problems, both political and economic. S.K. Datta also discussed Patharia Reserve Forest and Tukergram. There was also some discussion on difficulties experienced by travellers, both executive as well as statutory.

4. Azfar gave a great performance, reminding me of Aziz Ahmed during the meeting of the Experts’ Committee on Kashmir in December 1953. You will recollect how Aziz Ahmed talked of non-violence and of following Mahatma Gandhi. Azfar assumed the aspect of sweet reasonableness during more or less the entire proceedings and that also more successfully than Aziz Ahmed, as in most matters he was able to offer conciliatory comments and general promises. Whenever he was faced with cases of Pakistani harassment and violations, he readily agreed to look into them and on numerous occasions suggested that the Indian Chief Secretaries should write to him or telephone
him so that he could put things right straightway. For example, on the question of joint enquiries on incidents by District Magistrates, Patnaik pointed out that since he took over administration of Tripura, he had suggested such joint enquiries in ten cases and that the Government of East Pakistan had not replied to any of them. Azfar was nobly condemnatory of his officers and said that all that Patnaik need do in future was to pick up the telephone and talk to Azfar. In fact, on all kinds of issues, Azfar gave liberal promises to everybody to visit places with him or discuss difficulties with him. He accepted the Indian agenda and did not put forward any item from his side. The only matter he raised was the question of the behaviour of the Calcutta press and that too only in sorrow and not in anger. In fact he said it pained him even to refer to it and he realised that the Press in India was free. He even offered to take the relevant paragraph out of the minutes or to tone it down.

5. There is no doubt that Azfar had clear instructions from his superiors in Rawalpindi - he does not feel that he has any superiors in Dacca - for he was piping a different tune from the one played by him when he had talked to Shri Humayun Kabir only a few days earlier. On that occasion, he had castigated India for her specific iniquities and for her general attitude of non-acceptance of Pakistan. But at the conference in Calcutta, he was all respect and cooperation. He said he had great regard for S.N. Ray and for all that was said on the Indian side. Repeatedly, he would scold his Deputy Secretary, sitting next to him, for showing him the Pakistani brief or for pointing out to him the Pakistani side of the argument. He would even tell Hasan to forget the Pakistani case and take into consideration only what S.N. Ray (whom he invariably called “Dada”) had to say. On several occasions, he dramatically offered to tear up his briefs or to give them to me in Dacca.

6. Except on a couple of items, he never shed off this cloak of sweet reasonableness. And yet, beyond promises of rectitude and protestations of friendship, he did not yield on any material issue.

7. The Conference discussed the question of petty violations of the border. The Indian side pointed out that very often Indian nationals crossed the border by a few yards through inadvertence. Again, where the boundary was reverine, boats crossed the midstream either because of the force of wind or because the navigable channel was somewhat beyond the midstream. In such cases, Pakistani authorities apprehended the innocent offenders and sentenced them to imprisonment for violation of passport laws. It was therefore suggested that such people should not be punished but should be sent back to India. Azfar said he agreed but when he was given instances of such people still confined in Pakistani jails, he stated that his hands were tied as far as the Martial law authorities were concerned. Martial law operated in regard to offences of
smuggling. When S.N. Ray pointed out that in such cases, the persons concerned should not be considered *prima facie* to be smugglers but only inadvertent offenders against the passport laws, Azfar was unwilling to pursue the discussion further except to say that his writ did not run in matters connected with Martial law.

8. Azfar was equally evasive regarding the issues of navigation and fishing in the rivers on the frontier. S.N. Ray suggested that in cases where boats had to go from one stretch of an Indian river to another stretch which was also in India and had to transit through, a portion of the river which was in Pakistan, these boats should be allowed the right of transit without any hindrance. Azfar said that as this matter had been taken up by the Indian High Commission with the Central Government of Pakistan, he would like it to be settled at the central level. He even refused to agree to a joint recommendation to the two Central Governments.

9. Then there was the question of the unreasonable restrictions imposed by the Government of Pakistan on travel. As long as Azfar could give promises in these matters, there was no difficulty. On one issue, however, promises would not suffice. S.N. Ray pointed out that recently, Pakistani authorities had cancelled the concession of the meager basic quota of foreign exchange granted to travellers. A traveler from Pakistan could take with him Rs.50 (Indian) and Rs.50 (Pakistani). Now he was not allowed to take the Indian money and if he took the Pakistani money, he was asked to bring it back on his return in its entirety, which meant that the traveller had no money even to purchase his ticket in India, much less to use during his stay there. Azfar said this was done to conserve foreign exchange and applied equally to travellers to all countries, who should approach the State Bank for permission in each case. Ray replied that this was impossible for the tens of thousands of persons who normally visited India, particularly as they came from villages in the interior of East Bengal. Moreover, these restrictions were a clear violation of the Nehru-Liaquat Pact. Azfar was sad but unwilling to give satisfaction.

10. These were, however, minor matters compared to the difficult issues of the Assam border including the question of Patharia and Tukergram. Here, Pakistanis were unbending and Azfar wisely left the exposition of the Pakistani case to Hasan, who showed no compunction in going back on all agreements, culminating in the Nehru-Noon agreement, in relation to demarcation of the boundary.

11. S.K. Datta pointed out that the Indo-Pakistan agreement of December 1948 laid down that demarcation of the border should take place as mutually agreed upon by the Directors of Land Records. In regard to East Bengal and Assam, the D.L.R.s had agreed to demarcate in five-sectors. This agreement
was re-affirmed at the Foreign Secretary — Commonwealth Secretary meeting in August-September 58, which you attended and which preceded the meeting of the two Prime Ministers. The Prime Ministers had also approved the decision of the Secretaries. Under these agreements, territory in adverse possession was to be surrendered to the rightful owner after the mechanical work of demarcation had been completed in a sector. Datta said that out of the five agreed sectors on the Assam-East Bengal border, the work of physical demarcation had been completed in two, namely, the Goalpara - Rangpura and the Garo Hills - Mymensingham sectors. The first sector was finished over four years ago and yet Pakistan had continued to occupy the Indian village of Bosoibari despite repeated requests from Assam to vacate it.

12. Azfar was not adequately briefed on this issue. He seemed to think that the agreement to demarcate the Assam-East Bengal border in five sectors was arrived at only by the Directors of Land Records on the two sides and had no higher sanction. He, therefore, stated that this could not be described as an “agreement” as it was not ratified by the Government of East Pakistan. When he was pressed further on this point, he even went so far as to say that the Provincial Government was at liberty to repudiate the agreement of the D.L.Rs. Subsequently, when he was confronted with further agreements including the one signed by you with Baig in September 1958, he said that he was not quite clear on the subject and would refer the matter to his Central Government. Incidentally, Hasan who was the principal spokesman on this issue on the Pakistani side propounded the thesis that exchange of territory should take place only after the entire border between Assam and East Bengal was physically demarcated.

13. It was on the issues of the Patharia Reserve Forest and Tukergram, however, that Azfar completely dropped the veneer of sweetness and light. He said that he would not hear even the mention of the Radcliffe line and asked S.K. Datta not to refer to it. Pakistan was in possession of considerable areas in the Patharia Reserve Forest and she insisted on the implementation of the Nehru-Noon Agreement, as interpreted by her, irrespective of the Radcliffe line. He, therefore, wanted, the Government of Assam to vacate positions in the Patharia Reserve Forest occupied by its forces. For the purpose of determining *de facto* possession, he wanted to take June 1958 as the crucial date and not September 1958 when the two Prime Ministers met. If Assam agreed to this, Pakistan would consider the question of evacuation of Tukergram. When Datta pointed out that under the 1948 Agreement, subsequently reinforced by other recent agreements, Pakistan had been prohibited from exploiting the Reserve Forest, Azfar stated that he would not take any heed of agreements prior to the Nehru-Noon meeting.
14. Similarly, on another occasion, Azfar stated unabashedly that Pakistan moved into Tukergram when Assam attempted to occupy areas in the Reserve Forest. This was Azfar in his true colours, and even S.N. Ray who did not know much of the Patharia and Tukergram background said subsequently that he felt extremely humiliated to hear the Chief Secretary of East Pakistan talk without compunction of Pakistan’s occupation of Indian territories at her sweet will.

15. There was thus no agreement on the questions of the Patharia Reserve Forest and Tukergram. Eventually, Azfar suggested that the two sides should prepare maps showing their _de facto_ possession in the Patharia Reserve Forest, supported by necessary evidence, so that the matter could be gone into further. The Pakistani line is unambiguous. Azfar is going to produce a map as of June 1958. His contention is that the Prime Ministers have given their blessing to all Pakistani encroachments on the Indian side of the Radcliffe line irrespective of the fact whether these encroachments were in violation of earlier agreements. He wants therefore that Assam should now withdraw from the positions that she is manning now for over a year.

16. There is thus no doubt that the Pakistan delegation was disinclined to be conciliatory in matters of importance. Whatever may be Azfar’s directive from the top, and it is obvious that this directive certainly enjoined him to be co-operative and friendly, he interpreted his instructions to relate only to general, and inconsequential issues except in regard to Dawki where he agreed to evacuate forward positions.

17. At the same time, it would be obvious from the minutes that there were a number of points on which Azfar gave liberal promises, and I think the value of the conference would be judged on the actual performance by the Pakistanis on those promises. For example, there was wide agreement on the question of border disputes. On disputes arising out of attempts at cattle-lifting, kidnapping, etc., it was agreed that the Armed Forces on the two sides should not espouse the claims of their nations and that the disputes should be settled amicably by the civil or police officials concerned. It was further agreed that there should be periodic meetings of these officials besides specific meetings between them to investigate actual incidents. There was also agreement on peaceful solution of disputes relating to cultivation of _Chars_ which were formed in the winter after the floods had receded. The conference finally reiterated the principle that even on serious disputes, _status quo_ should not be disturbed by force.

18. In the past, Chief Secretaries’ Conferences used to confine themselves to financial and administrative issues like pensions, provident funds, trusts, properties, rents, remittances, etc. There was hardly any discussion on these issues at the present conference, as they all await settlement of financial differences between two Central Governments.
19. There was much discussion on travel and petty trade. Azfar gave many promises in regard to removal of harassment to travellers at the Customs check posts, e.g., seizures of jewellery and personal searches by E.P.R. personnel. He also promised to ensure liberal grant of A, B, E and F visas and to examine any cases of hardship brought to his notice. He even agreed to periodic exchange of information regarding the numbers of visas issued by each side. The Communique could thus record full agreement on these matters.

20. It is presently somewhat unrealistic to hope that the East Pakistan authorities will fulfill all these promises. But even if redress is obtained in some matters, there would be considerable improvement in the situation. Azfar has appended his signature to the minutes, and that would assist our State Governments as well as ourselves in this Mission to pursue cases of violation, etc., with greater authority. Moreover, this is not the end of the Chief Secretaries’ Conferences.

21. Now that the institution has been revised, there will be more conferences in future and our Chief Secretaries would no doubt then review Azfar’s promises against his Government’s performances.

With kind regards,

Yours sincerely,

(V.C.Trivedi)

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

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2836. **Agreed Decisions and Procedures to end disputes and incidents along the Indo-East Pakistan border areas.**

**New Delhi, October 23, 1959**

The Governments of India and Pakistan reaffirm their determination to implement the Nehru-Noon Agreement in full, the legal and other procedures necessary for implementation being devised as expeditiously as possible. It was agreed that all preliminary work, short of actual work in the field should be undertaken now by both sides so that demarcation to implement the Nehru-Noon Agreement can be carried out expeditiously as soon as the requisite legal procedures are devised. It was also agreed that India, while framing the legislation, if required, to effect transfer of territorial jurisdiction consequent on demarcation, will make a provision in the said legislation which will give government necessary authority to effect such transfers in connection with boundary disputes that may be settled.

2. **Detailed Ground Rules for the guidance of the Border Security forces along the Indo-East Pakistan frontier prepared as a result of the deliberations of the Conference—copy attached, Appendix I**—will be put into force by both sides immediately. The decisions taken at the Conference of Chief Secretaries in August 1959 for constant contact between the border authorities on both sides with a view to maintaining peaceful conditions, which have been further elaborated at the Conference (Appendix II) should also be implemented by issue of detailed instructions by the Government concerned. It was also agreed that the Chief Secretaries will jointly review the progress of demarcation every quarter.

3. **Detailed programmes for demarcation work for the field season should be prepared as usual. Provisions made in the Ground Rules for speeding up demarcation work and for consequential exchange of territorial jurisdiction should be strictly observed. Exchange of all areas already demarcated along the Indo-East Pakistan boundary should take place before 30th June, 1960 subject to the necessary legal and constitutional procedure being worked out.**

4. **West Bengal-East Pakistan Boundary—Over 1,200 miles of this boundary have already been demarcated. As regards the boundary between West Bengal and East Pakistan in the areas of Mahananda, Burung and Karatoa rivers, it was agreed that demarcation will be made in accordance with the latest cadastral survey maps supported by relevant notifications and record-of-rights.**

5. **Tripura-East Pakistan Boundary. Exploratory discussions revealed that the problem had not been carefully studied as all the material on each side had**
not been examined and there was divergence of opinion as to whether the Kar-Creed maps or the revenue survey maps should be taken as the basis of demarcation. It was agreed that copies of the relevant records available with both sides should be supplied to each other and facilities given to see the originals and the experts on both sides should, within a period of two months, be ready with their appreciation of the records and indicate;

(i) the difference in the area involved if either the Kar-Creed or revenue survey maps were adopted as the basis of demarcation;

(ii) their respective positions as to how the boundary should run in the upper and lower reaches of the Feni river with necessary evidence in support of their view.

The two Governments or their representatives will, on receipt of this material, discuss the matter further and decide what should be adopted as the basis of demarcation in these various regions of the Tripura-East Pakistan border.

6. Assam-East Pakistan Boundary. The three pending disputes have been settled along the lines given below in a spirit of accommodation:

(i) The dispute concerning Bagge Award III has been settled by adopting the following rational boundary in the Patharia Forest Reserve region:

From a point marked X (H522558) along the Radcliffe Line BA on the old Patharia Reserve Boundary as shown in the topographical map sheet No. 83D/5, the boundary line shall run in close proximity and parallel to the cart road to its south to a point A (H531554); thence in a southerly direction up the spur and along the ridge to a hill top marked B (H523529); thence in a south-easterly direction along the ridge down the spur across a stream to a hill top marked C (H532523); thence in a southerly direction to a point D (H530517); thence in a south-westerly direction to a flat top E (H523507); thence in a southerly direction to a point F (H524500); thence in a south-eastery direction in a straight line to the midstream point of the Gandhai Nala marked G (H540494); thence in south-westerly direction up the midstream of Gandhai Nala to a point H (H533482); thence in a south-westerly direction up a spur and along the ridge to a point I (H517460); thence in a southerly direction to a point on the ridge marked J (H 518455); thence in a south-westerly direction along the ridge to a point height 364 then continues along the same direction along the same ridge to a point marked K (H500428); thence in a south and south-westerly direction along the same ridge to a point marked L (H496420); thence in a south-easterly direction along the same ridge to a point marked M (H499417);
thence in a south-westerly direction along the ridge to a point on the bridle path with a height 587; then up the spur to the hill top marked N (H487393); then in a south-easterly and southerly direction along the ridge to the hill top with height 692; thence in a southerly direction down the spur to a point on Buracherra marked O (H484344); thence in a south-westerly direction up the spur along the ridge to the trigonometrical survey station with height 690; thence in a southerly direction along the ridge to a point height 490 (H473292); thence in a straight line due south to a point on the eastern boundary of the Patharia Reserve Forest marked Y (H473263); along the Radcliffe Line BA.

The line described above has been plotted on two copies of topographical map sheets Nos. 83 D/5, 83 D/6 and 83 D/2.

The technical experts responsible for the ground demarcation will have the authority to make minor adjustments in order to make the boundary alignment agree with the physical features as described.

The losses and gains to either country as a result to these adjustments with respect to the line marked on the map will be balanced by the technical experts.

(ii) The dispute concerning Bagge Award IV in the Kushiyara river region has been settled by adopting the thana boundaries of Beani Bazar and Karimganj as given in Assam Government Notification No. 5133-H dated 28 May, 1940, as the India-East Pakistan boundary in this region, relevant portion of line BA given in the Radcliffe map being varied accordingly.

(iii) Tukergram—The East Pakistan-India boundary in this region given by the Cyril Radcliffe as the boundary between the districts of Sylhet and Cachar is confirmed. India’s territorial jurisdictions in the whole of Tukergram village will be immediately restored.

7. **Use of Common Rivers**—The need for evolving some procedures for the purpose of mutual consultations in regard to utilisation of water resources of common rivers was recognized by both sides.

The Indian delegation assured that India will raise no objection to the development activities in connection with the Karnafuli dam project in East Pakistan on consideration of submergence of some area in India. It was agreed that immediate steps should be taken for the demarcation of that portion of the boundary where some area might be permanently flooded when the Karnafuli dam in East Pakistan is raised to its full height so that the Governments of Pakistan and India can, in the light of the resulting area flooded, discuss how
the claims of the Government of India regarding the loss, if any, caused by the flooding of the Indian territory should be settled.

8. **Impartial Tribunals**—It was agreed that all outstanding boundary disputes on the East Pakistan-India and West Pakistan-India border raised so far by either country should be referred to an impartial tribunal consisting of three members, for settlement and implementation of that settlement by demarcation on the ground and by exchange of territorial jurisdiction, if any. Any dispute which may have been referred to the tribunal can be withdrawn by mutual agreement.

9. It was also agreed that the decision of the tribunal shall be by majority and final and binding on both the parties.

9. It was agreed that neither country will train its border rivers as to cut into the territory of the other.

10. **Press**—It was agreed that efforts should be made by both countries to advise their press from time to time to exercise restraint and assist in the maintenance and promotion of friendly relations between India and Pakistan. It was also agreed that false or exaggerated reports in the press which are likely to worsen Indo-Pakistan relations, should be contradicted by the Government concerned.

_Sdl- Sd/-_
(J.G. Kharas) (M.J. Desai)
Acting Foreign Secretary, Commonwealth Secretary,
Ministry of Foreign Affairs & Ministry of External Affairs,
Commonwealth Relations, New Delhi
Karachi.

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2837. Joint communique issued at the end of the discussions between Swaran Singh and K.M. Shaikh in New Delhi and Dacca on the question of border settlement and other related matters on the India-East Pakistan border.

New Delhi, October 24, 1959

At their meeting on 1st September, 1959, the President of Pakistan and the Prime Minister of India agreed, in pursuance of their desire to promote good neighbourly relations between their two countries on a rational basis, to an Indo-Pakistan conference at Ministerial level to devise measures to end disputes and incidents on the Indo-East Pakistan border.

This Minister-level Conference, with Sardar Swaran Singh and Lt General K.M. Shaikh leading their respective delegations, started in Delhi on 15th October, 1959, continued its deliberations at Dacca from 18th to 20th and had its concluding session at Delhi on 21st and 22nd October.

The Delegations approached the various questions discussed in a positive and constructive spirit and, while they had full and frank exchange of views, the objectives of arriving at agreed decisions and procedures to end disputes and incidents and establishing and maintaining peaceful conditions on the Indo-East Pakistan border regions throughout guided the deliberations of the Conference.

The fact that there has been no settlement of the respective claims of India and Pakistan in the areas of the Patharia Forest Reserve and the Kushiyara river in accordance with, the Radcliffe Award in spite of these disputes having been referred to an international tribunal which gave awards in 1950 has been one of the principal causes of conflict and tension along these Indo-East Pakistan border areas. The leaders of the two Delegations agreed that these and other disputes between the two countries should be resolved in a spirit of give and take in the larger interest of both countries. With a view to avoiding dislocation in the life of the population of these border areas and promoting friendly relations, the following agreed decisions have been reached in respect of these disputes:

(i) The dispute concerning Bagge Award No. III should be settled by adopting a rational boundary in the Patharia Forest Reserve region.

(ii) The dispute concerning Bagge Award No. IV in the Kushiyara river region should be settled by adopting the thana boundaries of Beani Bazar and Karimganj as per notification No. 5133-H dated the 28th May, 1940 as the India-East Pakistan boundary.
(iii) The *status-quo* should be restored in Tukergram. It was also agreed that detailed procedures should be worked out to maintain peace on the Indo-East Pakistan border and to bring immediately under control any incident that may occur. Detailed ground rules to be observed by the border security forces of both sides, which among other things, provide that no border outpost will be located within 150 yards of the border, on either side, and other procedures laid down in the ground rules regarding frequent contacts between those in charge of border security forces and other officials of the Governments concerned at various levels, will secure maintenance of peaceful conditions on the Indo-East Pakistan border and ensure that immediate action is taken to re-establish peace should any incident unfortunately occur.

Detailed procedures for expediting progress of demarcation work and for orderly adjustment of territorial jurisdiction, due regard being had to local agricultural practices and the interests of the local border population, have been worked out. It was also agreed that, in their quarterly review, the Governments of East Pakistan, West Bengal, Assam and Tripura will ensure that the target dates for progressing demarcation work are observed.

Both Governments re-affirmed their determination to resolve border disputes by negotiation and agreed that all outstanding boundary disputes on the East Pakistan-India border and the West Pakistan-India border, raised so far by either country, should, if not settled by negotiation, be referred to an impartial tribunal for settlement and implementation of that settlement by demarcation on the ground and by exchange of territorial jurisdiction if any.

Both Governments agreed to appeal to the press to exercise restraint and assist in the maintenance and promotion of friendly relations between India and Pakistan. In furtherance of this objective, both Governments agreed to take early action for a meeting of the Indo-Pakistan Information Consultative Committee which is being revived.

Both Governments are resolved to implement, in full and as expeditiously as possible, the Noon-Nehru Agreement and the present agreement on Indo-East Pakistan border settlements and to that end to devise expeditiously the legal and constitutional procedures necessary for implementation. Both Governments agreed to maintain contact with each other continuously on the progress of implementation of these agreements and to carry out periodical reviews of the working of the procedures adopted to maintain peaceful and friendly relations in the border regions.
EXCHANGE OF LETTERS BETWEEN THE COMMONWEALTH SECRETARY, GOVERNMENT OF INDIA AND THE ACTING FOREIGN SECRETARY, GOVERNMENT OF PAKISTAN, NEW DELHI, OCTOBER 22, 1959

My Dear Kharas,

During the discussions between the Indian and Pakistan delegations in the last few days we agreed on further action to be taken in certain matters to promote friendly relations on the Indo-East Pakistan border. I enclose herewith a statement indicating action to be taken, as mutually agreed.

2. I shall be obliged if you will kindly intimate your confirmation of the above,

With kind regards,

Yours sincerely,

Sdl-

(M.J. Desai)

J.G. Kharas, Esq.,
Acting Foreign Secretary,
Government of Pakistan,
Camp: Rashtrapati Bhavan,
New Delhi.

Enclosure to Commonwealth Secretary, Government of India, Letter No. 679-CS/59 dated October 22, 1959, to J.G. Kharas, Acting Foreign Secretary, Government of Pakistan.

(a) Tripura transit and visa facilities—Chief Commissioner, Tripura, will arrange a meeting with Chief Secretary, East Pakistan, regarding facilities to be given by railway and customs authorities to make the transit facilities more effective. Chief Secretary, East Pakistan, said that he saw no difficulty in giving adequate number of visas to officers of the Tripura Administration who deal with these transit arrangements. He also agreed to consider giving visas to two reliable businessmen of Tripura in connection with the same matter.

(b) Liberalization of visa policies and promotion of trade in fish, poultry, eggs, etc., between West Bengal and East Pakistan—These items will be followed up further through the Indian High Commissioner at Karachi, who will take up this matter with the Pakistan Ministry of Foreign Affairs and Commonwealth Relations and the Pakistan Ministries of Commerce and Industry.
(c) The possibilities of granting transit facilities for local country craft in specified areas in respect of specified commodities will be examined by East Pakistan on receipt of detailed proposals from West Bengal.

Office of the High Commissioner for Pakistan in India
New Delhi,

22nd October, 1959

My Dear Desai,

This is to acknowledge receipt of your letter No. 679-CS/59 dated the 22nd October, 1959, which I have just received.

The matters mentioned in the note attached to your letter will be dealt with in the manner indicated therein.

With kind regards,

Yours sincerely

(J.G. Kharas)

M.J. Desai, Esqr;
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

APPENDIX—I

GROUND RULES
formulated
by
The Military Sub-Committee of The Indian and Pakistan Delegations
As instructed by the leaders of the two delegations the Military sub-committee met on the 17th October, 1959. In pursuance of the directive, this joint paper was written by Major General Umrao Khan, S. Pk., G.O.C., 14th Division, East Pakistan, and Lt. General S.P.P. Thorat, DSO G-0-C.-in-Chief, Eastern Command, India. From the Pakistan side Mr. S.M. Koreishi, P.F.S., Under
Secretary, Ministry of Foreign Affairs, and from the Indian side Brigadier Ghasi Ram, Commander 181 Inf. Bde. also attended the meeting.

For the sake of clarity the paper is divided into two parts—Part I deals with the basic requirements which will have direct bearing on the implementation of the “Ground Rules” which are outlined in Part II. We earnestly feel that unless the basic requirements are fulfilled, the implementation of the Ground Rules will not be as effective as we would like them to be.

The Ground Rules formulated in this paper deal with the Indo-East Pakistan border.

PART—I

2. During the general discussions between the two delegations held from the 15th to 19th October, 1959, it was agreed:

(a) That legal provision must be made for effecting the exchange of territories after demarcation has taken place, wherever it becomes necessary.

(b) That the boundary should be demarcated as early as administratively possible. The progress of demarcation should be reviewed every quarter by the Governments of Pakistan and India with reference to the field programmes settled by the D.L.Rs and necessary action taken to resolve difficulties, if any, and to expedite progress of demarcation work. In case of a dispute, the disputed portion may be left out, the dispute being reported cartographically and in writing to the Chief Secretaries of the Governments concerned who would resolve the dispute or refer to the Central Government concerned and the demarcation should proceed from where the disputed area ends.

(c) That following demarcation, exchange of territories in sizeable stretches of the border should by agreement take place without waiting for the entire length of the border to be demarcated.

To implement this it was agreed that the transfer of territorial jurisdiction should take place on an agreed date which shall not be later than the 31st of December of the year in which demarcation has been completed by the 31st of May. The State Government shall make every attempt to speedily transfer the territorial jurisdiction of these areas in respect of which the following processes have been completed:

(i) The mechanical part of the process of demarcation would be deemed to be completed when the final traverse has been done after construction of pillars and the position of the pillars has been jointly checked and approved by the D.L.Rs concerned;
(ii) Necessary time should be allowed to the farmers to harvest their crops before the transfer of territorial jurisdiction; and

(iii) Before the transfer of territorial jurisdiction, the authorities on the two sides should collect data on the populated and farm areas and on properties held by individuals. This will enable the Governments concerned to exchange these data and ensure that special responsibility is placed on the local commanders and/or police and other officials to provide full protection to the person and property of the people so that their interests are not prejudiced by the transfer of jurisdiction on the agreed date.

PART— II

3. On the Indo-East Pakistan border the security forces of both the countries are located in close proximity of each other. Owing to a variety of reasons there have been occasional firings across the border. The causes which usually lead to firing are:

(a) Often, border security forces on both sides do not know where the International Boundary lies on the ground. Therefore, when nationals of the other country cross into what they think is their territory, fire is opened to prevent the ingress.

(b) Where the boundary in the riverine area is criss-cross and portions of land on the home side of the river are owned by the other country, fire is opened when these lands are cultivated or attempts are made to dispossess their rightful owners.

(c) When a char land is formed after the floods, whether in the bed of the river or as an accretion of the mainland, attempt is made by nationals of both countries to seize the newly formed char lands. This leads to claims and counter-claims as to which side owns the char lands. Firing is resorted to support claims of the respective sides.

(d) When the river falls on the international boundary, fishing and navigational disputes occur and fire is opened to stop cattle lifting or other raids by local inhabitants on either side.

(e) Occasionally fire is opened because of suspected movement in the vicinity of border security posts—this happens usually at night.

(f) Sometimes a build-up of border security forces leads to a race between the two countries and tempers are frayed. A “trigger happy” person lets off a round and this develops into a shooting match.
4. The problem is how to prevent such firings. Most of the causes for the firing can be eliminated or at least considerably lessened if the security forces on either side ‘keep out’ of each others way. (This does not apply in the case of commanders as stated in para 6 to 8 below).

5. We think that the possibility of fire being opened will be considerably reduced if border security forces on both sides observe the following simple rules:

(a) Where the international boundary is not properly demarcated by pillars, a “working boundary” which can be easily identified on the ground should be decided between the commanders of the border security forces of both sides. The working boundary will be decided upon as under:


(b) The working military boundary may or may not coincide with the International boundary and its acceptance by both sides will not commit the two Governments in any manner in respect of their *de jure* claims. The working military boundary should, if necessary, be marked in some simple manner and the demarcations should be shown jointly and recorded on one inch maps.

(c) After an identifiable boundary line whether real or working has been demarcated, neither side will have any permanent or temporary border security forces or any other armed personnel within 150 yards on either side of this line. Also no permanent posts will be constructed till the final demarcation has been done.

(d) This will not prevent either side from patrolling up to the ‘real’ or ‘working’ boundary provided:

(i) Where possible adequate warning is given to the other side;
(ii) Patrols are small in numbers, *i.e.* not exceeding a section (1 and 10); Patrols will invariably move with flags.
(iii) Nothing but non-automatic small arms are carried by the patrol.

(e) If defensive works of any nature including trenches exist in the stretch of 300 yards (150 yards on each side of the working boundary) they must be destroyed or filled up.
(f) It will be the duty of the border security forces on either side to prevent armed civilian entering the 300 yards stretch of the border (150 yards on either side of the working boundary).

(g) Border security forces of both sides are charged with the responsibility of preventing smuggling in their respective areas. Therefore it is incumbent upon them to arrest smugglers of any nationality, whether armed or unarmed, and to deal with them under the law of the land.

(h) Wherever the boundary “real” or “working” runs through mid-stream of a river, the facilities to use the main channel will be provided by both sides. The following procedure will be adopted to regulate traffic and ensure that the nationals of both the countries are not harassed:

(i) Joint check-posts will be established on the bank if possible or in the main channel where it leaves or enters the mid-stream boundary.

(ii) A check will be made and manifests of commodities will be prepared at the Joint Check-post. Manifests signed by Joint Check-posts will be accepted as the permit to use the main channel for navigation purpose only.

(iii) The boats using the main channel in the other country will not be allowed to touch the bank or exchange goods or engage in any other transaction with the nationals of other side.

(i) Border forces on both sides shall on no account participate in any quarrels between nationals of the two countries living on the border. If nationals of one country ingress the working boundary and enter illegally and commit or attempt to commit an offense, the border security forces would be at liberty to take appropriate action in the exercise of the “right of private defence” preferably without resorting to fire. In case fire has been opened the local commander will intimate his action to opposite commander and to his own higher authorities.

(j) In case of inadvertant crossings, after satisfying themselves that the crossing was done inadvertently, the border security forces shall immediately return the persons concerned to the opposite commanders at the officers’ level. Similarly, the cattle straying across the border will be handed over to the authorities on the border side.

(k) Certain bona fide governmental bodies, e.g. survey parties, forest guards etc. will be operating in the near vicinity of the international borders. Border security forces shall not interfere with their working—in fact they are expected to help. The existence of such parties will be notified to both sides, by the department concerned.
6. For the practical implementation of the above, the border on both sides shall be divided into Sectors/Sub-sectors. The existence of the Headquarters of these sub-sectors will be intimated to each other and attempt should be made to link the Headquarters of both sides with telephone.

7. The sub-sector commanders should be of the rank of Capt / Major or of equivalent ranks in the police.

8. The duties of the Sector / Sub-sector / Post Commanders in their respective areas of responsibility shall be as under:

(a) They will maintain close liaison with their opposite numbers;

(b) They will pay frequent visits, make themselves known both to the border security forces of the opposite side and to own local populations.

(c) They shall receive all complaints regarding territorial disputes referring to title to any land, immovable property lying on the other side of the border, char lands, navigation facilities and difficulty of harvesting. They will immediately hold a joint enquiry not later than 24 hours of the information report.

(d) They will immediately enforce a status-quo e.g. if a national of one country lays a fresh claim to land and takes any step in furtherance of that claim which is objected to by the other side, then the two commanders will hold a joint enquiry on the spot and restrain the person from enforcing his claim until the matter is settled at the appropriate level;

(e) The two commanders shall be responsible for referring disputes to the appropriate authorities and for seeing that they are progressed with a view to bringing the disputes to a final settlement;

(f) Similarly the military commanders on both sides will keep close in touch with the progress of survey parties working in their areas. Where in their opinion the progress is not according to the programme or work is stopped on account of difference of opinion or for any other reason, immediate reports by quickest means will be submitted to the G.O.C.-in-C. / G.O.C. concerned who will report the matter to their respective Governments with a copy to the Chief Secretary concerned.

9. We suggest that the tension on the borders will be greatly minimized if there is close personal touch between commanders of the two border security forces particularly military commanders on either side. We recommend that they should meet periodically to discuss matters of mutual interest. Sector Commanders or their senior representatives will normally meet each other at the time of routine DMs/DGs' meetings. The brigade commanders shall also meet as and when the situation demands and whenever they consider it necessary.
In any case when it is apprehended that trouble is likely to occur they must meet. We further recommend that in case the situation is likely to become serious, the G.O.C. 14th Div, East Pakistan and G.O.C.-in-C., Eastern Command or their representatives of sufficiently high rank should meet to discuss the situation and evolve means of eliminating the tension.

10. We attach great importance to such contacts for we feel that they will contribute substantially towards the good relations between the two forces, and help in removing misunderstanding about moves by both sides.

11. If in spite of this, unfortunately firing does start, the other side shall refrain from replying. The local commanders will get in touch with each other by telephone and will meet with a view to implementing the cease-fire forthwith. After every firing incident, it is necessary for both sides to carry out an investigation, fix the responsibility and submit the report for information of their higher authorities.

12. Communications: In order to maintain close liaison between the border forces of the two countries, it is essential that adequate telephone and other communications are provided at various levels.

13. Telephone: G.O.C.-in-C., Eastern Command and G.O.C. 14th Div. East Pakistan, should be able to talk to each other directly without any formality. Similarly, D.G., E.P.R. and Comdr. 181 Inf. Bde, I.G.P., West Bengal and I.G.P., Tripura, should be able to talk to each other whenever necessary. Telephones between the two opposing Coy/Wing Headquarters and between important border posts of either side should also be installed, which will be done as early as possible, in any case, not later than January 1960.

14. Communication by Flags: In the absence of telephone conversation/contact whenever any comdr. on either side wishes to meet his counterpart, he will wave a flag, of the specifications given below and will proceed to the border unarmed without any escort to a prearranged place. The opposite Comdr. or the Senior Officer present on seeing the flag hoisted, will acknowledge the signal and proceed to the place of meeting, also unarmed and without escort. The use of flags shall be introduced by 15 November, 1959.

15. All pickets and patrols on both sides will have flags of the following description:

<table>
<thead>
<tr>
<th>Pickets</th>
<th>Patros</th>
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<tbody>
<tr>
<td>Pole</td>
<td>Cloth</td>
</tr>
<tr>
<td>Size</td>
<td>7 ft. 3 ft.</td>
</tr>
<tr>
<td>Colours:</td>
<td>Indian: Orange</td>
</tr>
</tbody>
</table>

Colours: Indian: Orange.
Pakistan: Blue.
16. At night flags will be substituted by light signals (two red vary lights) or signal by torches as arranged between the two commanders.

17. In the past, tension has mounted on false rumours and exaggerated reports to such a pitch that the movement of extra forces and reinforcements to the affected areas was undertaken. Repetition of such moves in future is inadvisable from all points of view. To prevent such contingencies in the future, it is necessary that whenever there are reports of concentration and build up of forces on either side, Military Commanders of all levels, including the G.O.C.-in-C. Eastern Command and G.O.C. 14 Div., East Pakistan should meet and ascertain the authenticity of the reports if necessary even by a visit to the affected area. Similarly joint inspection will also be applicable to any fresh digging which is likely to create unnecessary misunderstandings.

18. Whenever there is a joint enquiry by D. Ms or Commissioners on the two sides, the respective overall commanders of security forces shall also attend the meeting and submit for the information of the higher respective military commanders their assessment of the situation created by the particular incident.

19. Finally, we think that much harm is caused by alarming reports which are occasionally published in the press. We recommend that the press on both sides be persuaded to exercise restraint and not to publish material which is likely to inflame the feelings of the population on both sides. Should incorrect reports be published we recommend that contradiction on a governmental level be issued at the earliest opportunity.

Sd/-

Lt. Gen. S.P.P. Thorat
D.S.O.,

Major-Gan. Umrao Khan
S.Pk.,
G.O.C.,14Div.,
East Pakistan.
APPENDIX—II

MONTHLY MEETINGS

It was agreed that with regard to the meetings of D.M.s./S.Ps. with their opposite numbers in the two countries the following additional provision should be made:

(a) Monthly meetings should be held in the second week of every month;

(b) Invitations for the meetings should issue alternatively from each side, beginning with India;

(c) In case a date in the second week cannot be fixed due to unavoidable reasons it must be fixed within the following week on a mutually agreed date;

(d) When a border incident occurs and it becomes necessary for the two D.M.s/SPs. to meet, either of them can ask his counterpart to meet him at a particular place. Immediately on receipt of the request for a meeting the invited D.M. should proceed to the appointed place within 24 hours. If he cannot present himself personally due to unavoidable circumstance, he may send his S.D.O./S.P. or the local Magistrate/ A.S.P. as may be appropriate under the circumstances;

(e) If for any reason a move cannot be made within 24 hours the matter should be reported by both sides to their Chief Secretaries. The Governments of West Bengal, Assam, Tripura and East Pakistan should issue instructions to their officers that these instructions should be scrupulously followed;

(f) It was agreed that so far as Tripura and the bordering Pakistan districts are concerned, the monthly meeting should be held between the S.P., Tripura, and the D.I.G. of Chittagong Range.

DAWKI

As regards Dawki, Sonatilla/ Latangtilla the decision taken at the Chief Secretaries’ Conference was reviewed. It was decided that this should be dealt with under the Ground Rules which provide for withdrawal of BOPs from within 150 yards of the “real” or “working” boundary.

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Extracts relevant to India – East Pakistan boundary from the Proceedings of the 34th Chief Secretaries’ Conference.

Dacca, 1st & 2nd April, 1960.

Present

**East Pakistan**

1. Mr. M. Azfar, C.S.P., Chief Secretary to the Government of East Pakistan.
2. Mr. S.M. Hasan, C.S.P., Member, Board of Revenue.
3. Mr. A. Q. Ansari, Secretary, Home Department.
4. Brig. Sahib Dad, Director-General, E.P.R.
5. Khan Bahadur S.A. Majid, Adviser, Board of Revenue.
6. Mr. S.M. Nasim, C.S.P., Deputy Secretary, Home Department.
7. Mr. M.A. Faruquie, Deputy Director of Surveys.

**West Bengal** –

1. Shri S.N. Ray, I.C.S., Chief Secretary to the Government of West Bengal.
2. Shri R. Banerjee, I.A.S., Director of Land Records & Survey.
3. Shri R. N. Sen Gupta, I.A.S., Deputy Secretary, Home Department,
4. Shri B.N. Chatterjee, Deputy Director of Land Records and Surveys.

**Assam**

1. Shri S.K. Datta, I.C.S., Chief Secretary to the Government of Assam.
3. Shri A.P. Datta, Deputy Director of Survey, Assam.
4. Shri A. Senapati, Assistant Secretary, Political Department.

**Tripura**

1. Shri H.M. Patnaik, I.A.S., Chief Commissioner, Tripura,
2. Shri Harbans Singh, I.A.S., Chief Secretary, Tripura,

Shri V.C. Trivedi, Deputy High Commissioner for India in Dacca and Mr. Ahmed Ali, Deputy High Commissioner for Pakistan in Calcutta, were also present.
1. A review of the progress made in the implementation of the Indo-Pak agreement of October, 1959, particularly with regard to demarcation of boundaries between the two countries, was taken up first.

II. East Pakistan - West Bengal Boundary

2. Member, Board of Revenue, East Pakistan stated that the proceedings of the joint conference of the Directors of Land Records & Surveys showed that West Bengal had raised a new dispute. He referred to the fact that although nearly half the length of the boundary along Hanker Khal was demarcated without difficulty in 1952, the remaining half was held up because West Bengal desired that the principle of the mean of two claims agreed upon in the case of Ichamati river in the Noon-Nehru Agreement should also be adopted in the case of Hanker Khal boundary. He pointed out that the case of West Bengal was that the boundary should be demarcated according to latest Cadastral Survey. East Pakistan accepted this principle in as much as the Revenue Survey description tallied with the Cadastral Survey boundary. He pressed for the boundary demarcation being completed on the same basis on which the first half of this Khal was demarcated in 1952 and said that the principle of mean of the two claims was not applicable to Hanker Khal. Chief Secretary, West Bengal stated that the D.L.R., West Bengal had not as yet referred the dispute to the Government of West Bengal and that he could not make any suggestion without getting the full facts of the dispute and the relevant maps.

3. The D.L.R. & S., West Bengal raised the question of demarcation of boundary along Baikery Khal in Khulna – 24 Parganas sector and said that demarcation strictly in accordance with Noon-Nehru Agreement would result in some homesteads, gardens and tanks adjoining home-steads being cut across. He desired that the two Directors of Survey should be authorised to shift the boundary in such a way as to avoid this. Chief Secretary, East Pakistan was inclined to agree if readjustment was done in such a manner that on the whole it did not result in loss of country to either side. Chief Secretary, West Bengal suggested that this matter should be reviewed by the two Governments and that he will send up his proposal to East Pakistan after the dispute was referred to him by his D.L.R. along with relevant maps.

4. The Conference noted with satisfaction that the survey experts of the two provinces had a firm programme for completing demarcation of the boundary along the three rivers of the Mahananda, the Karatoa and the Buruang during this working season and hope that the demarcation would be satisfactorily completed.

5. During discussion it was brought out that in some sectors particularly along East Pakistan-West Bengal boundary, there were a number of places
where the boundary did not consist of straight segments but was either curved or had far too many bends at short distances. In these regions for reasons of economy boundary pillars had not been erected at every bend. Instead they were planted at reasonable intervals. This caused confusion to border security forces and resulted in mistaken arrests of persons who were within their own territory under the misconception that they had crossed the border. It was considered desirable that small subsidiary pillars should be put in between the two adjacent main pillars so as to remove any doubt as to the correct position of the boundary. It was accordingly resolved that along with the demarcation and erection of main pillars subsidiary 'T' shaped pillars embedded in masonry base should be planted on minor bends. Similarly where the boundary was a curved line it should be demarcated by small pillars at short intervals. The extra cost involved in this pillar construction shall be shared by the two Governments on a fifty- fifty basis. Where the boundary has already been demarcated, minor pillars should be erected as early as possible according to programme.

III. East - Pakistan – Tripura State

6. Chief Secretary, East Pakistan, stated that the original Kar-Creed maps which were at Shillong should as agreed to in 1953 between Assam and East Pakistan be handed over in original to East Pakistan. Chief Commissioner, Tripura, stated that this was the copy which belonged to the Tripura State. Without conceding this claim of Tripura State, it was agreed by East Pakistan that D.L.R., East Pakistan, will arrange to send his men to Calcutta next week to take copies.

Feni Dispute

7. The Chief Commissioner, Tripura State then took up the question of the boundary demarcation of the Feni river. Chief Secretary, East Pakistan, accepted the proposal that East Pakistan officers should go to Agartala between 23rd and 30th April, 1960 to examine the papers regarding the Feni river and have a preliminary discussion.

Old Pillars

8. Mr. Patnaik stated that it had been brought to his notice that old pillars were being uprooted soon after the erection of new boundary pillars but before the completion of the subsequent stages of demarcation. He added that he felt unhappy about this. The D.L.R. & S. West Bengal stated that the newly erected pillars did not have any legal validity before the strip maps were signed by the survey experts of the two countries and that till then the old pillars continued to indicate the international boundary and should not therefore be interfered with. The Chief Secretary of East Pakistan stated that the existence of two sets of
boundary pillars side by side, one of which was old and the other of which was new, was bound to cause confusion and that as was done in the case of Assam-East Pakistan border, it was desirable to obliterate the old pillars so that the border security forces may not make any mistakes. In deference to the wishes of Tripura State it was resolved that as soon as the new boundary pillars had been erected the old pillars should be marked with a cross in black paint and should be covered up with earth and allowed to remain there until the strip maps had been jointly signed, after which, the old pillars could be removed.

**Railway Line Dispute**

9. Mr. Patnaik pointed out that transfer of area covered by this dispute was governed by the recent ruling of the Supreme Court of India and they had to wait for appropriate parliamentary action before the question of transfer could be taken up. Member, Board of Revenue, East Pakistan, stated that before that stage came the question to be decided was as to how much area should be transferred and that the E. B. Railway authorities were of opinion that all the land that had been acquired under the Land Acquisition Act for the Railway Company was so acquired because it was actually needed for the maintenance of the railway line and that none of the area was acquired in excess of the actual requirements. He said that all such area plus the area which was to be the west of the Railway line should be transferred.

**Mohuri River Dispute**

10. Mr. Patnaik stated that there was some dispute in connection with the Mohuri river. The survey experts of East Pakistan were not even aware of the nature of the dispute. It was decided that the matter should be referred in writing by Tripura to East Pakistan.

**Demarcation of the Assam – East Pakistan Border**

11. The progress of demarcation on the Assam-East Pakistan border on all sectors was discussed. It was decided that where demarcation had been held up due to difference of opinion arising between the two D.L.Rs. those instances would be discussed at a meeting between the Chief Secretary, East Pakistan and Chief Secretary, Assam, at Shillong on the 9th April, 1960.

12. Instructions will be issued by the Governments concerned to the Customs authorities to –

(a) avoid indiscriminate body search,

(b) arrange for complete privacy while searching women travellers by women officials, and
6844

(c) ensure that every check post should display prominently the Customs and Currency Regulations.

13. Instructions should also be issued by all Governments to their officers that lenient view should be taken of minor violations in respect of currency regulations, baggage rules and violation of passport and visa regulations. Whenever the Customs authorities are satisfied that minor breaches were caused under circumstances beyond the control of the travellers, such minor violations may be condoned.

14. Instructions should be issued by Governments on the following lines:

(a) At the joint meeting of District Officers, the S.P. and the E.P.R, Sector Commanders will meet their counterparts;

(b) Joint meetings between the E.P.R. officers and border Commanders of adjoining Indian districts shall be held as provided in the Ground Rules;

(c) Border incidents and violations of the border, crime situation and all other outstanding matters, including matters of importance concerning the border, should be discussed in the monthly meetings of the District Officers which should ordinarily be held in the second week of every month;

(d) Border crime, action against local bad characters and release of persons who deliberately violate the border are matters with which the police are concerned. These should also be discussed in the monthly meetings of District Officers. Superintendents of Police should attend these meetings and no separate meetings for this purpose need be held between the Superintendents of Police;

(e) Border incidents as well as the safeguarding of territorial integrity, ad hoc decisions regarding territorial disputes subject to subsequent settlement of appropriate Government authorities, maintenance of peace between nationals of the two countries at the border, prevention of conflict between the armed forces of the two sides, prevention of smuggling and illegal trespass may be discussed in the joint meetings between E.P.R. Officers and the border Commanders of adjoining Indian districts;

(f) The question of release of persons who might have crossed the border inadvertently and of cattle straying across the border may also be discussed in the meeting of the E.P.R. Commander and his opposite number. All cases which have not been disposed of as provided in the
Ground Rules may be discussed and settled at monthly meetings between the District Officers;

(g) At the monthly meetings of the District Magistrate, information about detention, arrest, prosecution, conviction of persons belonging to the districts concerned will be exchanged by the District Magistrates in whose area the detention, prosecution, etc. have taken place;

(h) Joint meetings shall be arranged wherever one District Officer of either country has to meet more than one District Officer on the other side. Joint meetings should be arranged between D.M. Tripura, D.C. Sylhet, D.M. Comilla and D.M., Noakhali, and another meeting may be arranged between D.M., Tripura, D.C. Chittagong Hill Tract and D.C. Chittagong. D.C. Chittagong Hill Tracts and D.C Lushai Hills will, however, meet once a quarter. There is no need for D.I.G., Chittagong Range to meet S.P. Tripura.

* * * *

GROUND RULES

24. In order to remove the present suspension of boundary demarcation work due to interference of border staff with the survey teams, it was agreed that instructions should be issued to border staff that facilities and protection should be provided to survey staff of both sides so as to expedite demarcation work. The Chief Commissioner, Tripura State, mentioned that there were instances where the Indian Survey staff had been man-handled by East Pakistan policemen. The Chief Secretary, East Pakistan said that only one such instance had been brought to his notice and that in that case the person responsible had been promptly suspended and departmental proceedings were drawn up against him.

25. On the whole, the ground rules were working satisfactorily. Reference was made by Assam representatives to a case in which 59 heads of Indian cattle had been seized by E.P.R. D.G., E.P.R. stated that he will look into this case and deal with it expeditiously. It was agreed that requests for meetings should be complied with expeditiously.

26. In order to establish quicker contact between the border officers on both sides it was considered desirable that the provisions under the ground rules for establishing telephone contacts in the border areas should be quickly implemented.
27. The Chief commissioner, Tripura, raised the question of demarcation of working boundaries and he mentioned that in all sectors except the Feni sector, the working boundary had been more or less settled. The Sector commanders in the Feni area had not been deputed by D.G., E.P.R. The working boundaries in other sectors had not been ratified by the I.G.P. of Tripura, and D.G., E.P.R., as the D.G., E.P.R., was not available.

28. D.G., E.P.R., raised the question of level of the officers who should meet him in Tripura. He pointed out that though the Chief Secretary was the I.G., the S.P., Tripura was discussing matters with him. He wanted that the meetings should be held between him and the I.G.P., and not the S.P., Tripura.

It was agreed that the meetings in future with D.G., E.P.R., will be held by the Chief Secretary, Tripura, who will, of course, be assisted by the S.P., Tripura. It was also agreed that the working boundaries wherever settled among Sector Commanders would soon be ratified by the D.G., E.P.R. and I.G.P., Tripura. D.G., E.P.R. also agreed to depute his Sector Commander to the Fein sector to settle a working boundary there.

29. The question of in transit goods was raised by the Chief Commissioner. He pointed out that the matter was pending for quite some time, causing some hardship to traders in Tripura. Chief Secretary, East Pakistan repeated his earlier suggestion that the Chief Commissioner may visit Dacca when a meeting would be held wherein the representatives of the Railway would also be present. The points raised by Tripura would be considered at that meeting. It was tentatively decided that the Chief Commissioner would visit Dacca again in the first week of May, 1960.

30. The Chief Secretary, East Pakistan raised the question of difficulties being faced by the Ziratia tenants in going to Tripura and in cultivating their lands. The Chief Commissioner, Tripura said that if he is given a note on those difficulties he will look into them. East Pakistan agreed to do so.

31. The Chief Secretary, Assam, also raised the question of a footpath between Bagmara and Maheshkhola in Garo Hills on the Mymensingh border which went through a small strip of Pak territory and was used by Indian nationals. Recently there had been instances of persons being arrested for using the footpath. He stated that a new road was being built through Indian territory and the footpath was being realigned. In the meantime he requested that status quo might be maintained and Indian nationals allowed to use the footpath as before until alternative arrangements were made. He understood that similar arrangement existed in Tripura State where Pakistanis used a road through Indian territory. Chief
Secretary, East Pakistan, stated that he had no objection but let this matter be decided between the border Commanders of both sides who could make the necessary working arrangements in this behalf.

Sd/- M. Azfar  
2-4-60  
C.S. East Pak.

Sd/- S. N. Ray  
2-4-60  
C. S. W. B

Sd/- S.K. Datta  
2.4-60.  
C.S. Assam

Sd/- N.M. Patnaik  
Chief Comr., Tripura  
2.4.60.

2839. Statement of Prime Minister Jawaharlal Nehru in the Lok Sabha on Berubari.

New Delhi, December 5, 1960.

Mr. Speaker, two or three days ago when the House was meeting last, the question of Berubari came up, and I promised to make a statement in regard to the various matters which had been referred to. The way this question came up here and the way it has been brought up by the West Bengal Government and the West Bengal Assembly has been in regard primarily to certain legal approaches and legal issues. I shall endeavour to deal with those matters. I fear I may have to seek your indulgence and the indulgence of the House for some time in order to do so.

When a State Government and a State Assembly express their opinion challenging the legality of some step that we have taken, it is only right that we should give full thought to it and give a considered reply. Therefore, I have to deal with this matter at some slight length.

The issue of Berubari, apart from the pure merits, has various questions of legality involved—how far we have acted in pursuance of the Supreme Court’s advice, and further, how far the reference made by the President in this matter to West Bengal was the correct method or not. The West Bengal Assembly and the Government have challenged that reference and I shall come to that later.
As regards the pure legality of it, the West Bengal Legislative Assembly has passed a resolution moved by the Chief Minister of the State expressing the opinion that the Acquired Territories Merger Bill 1960, which was referred by the President to the State Legislature under the proviso to Article 3 of the Constitution for expressing its opinion thereon is invalid and unconstitutional. The resolution sets out the grounds on which the State Legislative Assembly has formed its opinion. I shall deal with those grounds.

May I add that as I thought that many Hon. Members might like to refresh their memory about the Supreme Court’s advice on this matter, I have had it printed and sent this morning enough copies for supply to all the Members so that, when the House would be considering it right here, it is available to all the Members (Some Hon. Members : We have not got it). I know that, The House had begun sitting when it arrived. But it is available to all the Members.

In order to examine the points raised by the West Bengal State Legislative Assembly regarding the validity and the constitutionality of the aforesaid Bill, it would be helpful to recapitulate, at the outset, the events leading to the proposed legislation. With a view to remove causes of tension and establish peaceful conditions along the Indo-Pakistan border areas, the Prime Ministers of Pakistan and India discussed various Indo-Pakistan border problems in September, 1958, as a result of which an agreement was arrived at between India and Pakistan on the 10th September, 1958 relating to 10 items. Certain other outstanding disputes and doubts were also settled later by two other agreements, one dated 23rd October, 1959 and the other dated 11th January, 1960. The agreements dated the 10th September, 1958 and the 23rd October, 1959 dealt with border problems with both East Pakistan and West Pakistan while the agreement dated the 11th January, 1960 related to border problems with West Pakistan only. All the settlements made under the three agreements involve transfer by India of certain areas in India to Pakistan and the acquisition by India of certain territories in Pakistan as well as certain minor border adjustments.

West Bengal is concerned with the first two agreements only. The items in the first agreement respecting West Bengal are:

1. equal division of Berubari Union No. 12 between India and Pakistan;
2. exchange of all Cooch-Behar enclaves in Pakistan and Pakistan enclaves in India;
3. adjustment of boundaries between Khulna in 24 Parganas and Jessore.

The items in the second agreement affecting West Bengal relate to the
demarcation of the boundary between West Bengal and East Pakistan in the areas of Mahananda, Bruhum and Karkatua rivers.

A doubt having arisen regarding the method of implementation of the agreement relating to Berubari Union and the exchange of Cooch-Behar enclaves, the advice of the Supreme Court under Article 143 of the Constitution was sought on the question, *inter alia* whether if any legislative action was necessary for the implementation of the agreement relating to these items, a law of Parliament relatable to Article 3 of the Constitution was sufficient for the purpose or whether an amendment of the Constitution was necessary in accordance with Article 368 of the Constitution.

It may be mentioned that when the reference was heard by the Supreme Court, the State of West Bengal was given an opportunity to place its views on the reference, and the Advocate-General of that State appeared at the hearing for the State of West Bengal. Several political parties also intervened in the matter and were represented by Shri N.C. Chatterjee, Senior Advocate. The opinion of the Supreme Court was reported in the Supreme Court Journal 1960. For the purposes of this the following views, as expressed by the Supreme Court are relevant:

1. There can be no doubt that under international law, the essential attributes of sovereignty are the power to acquire foreign territory as well as power to cede national territory in favour of a foreign State;

2. Acquisition of a foreign territory by India in exercise of its inherent right as a sovereign State automatically makes the said territories part of the territory of India. After such territory is thus acquired and factually made part of the territory of India, the process of law may assimilate it either under Article 2 or under Article 3 (a) or (b);

3. As an illustration of the procedure which can be adopted by Parliament in making a law for absorbing newly acquired territory, reference may be made to the Chandernagore Merger Act, 1954;

4. Article 3 deals with the internal adjustment *inter se* of the territories of the constituent States of India. The power to cede national territory cannot be read in Article 3 (a) by implication;

5. Agreement in respect of Berubari Union involves the cession of the territory of India. *A fortiori* the agreement in respect of the exchange of Cooch-Behar enclaves also involves the cession of Indian territory;

6. Accordingly, acting under Article 368, Parliament might make law to give effect to and implement the agreement covering the cession of part of
Berubari Union No. 12 as well as some of the Cooch-Behar enclaves which by exchange are given to Pakistan. Its implementation would naturally involve the alteration of the content of and the consequent amendment of Article 1 and of the relevant part of the First Schedule to the Constitution.

(7) Parliament may, however, if it so chooses, pass a law amending Article 3 of the Constitution so as to cover cases of cession of the territory of India in favour of a foreign State. If such a law is passed, then, Parliament may be competent to make a law under the amended Article 3 to implement the agreement in question. On the other hand, if the necessary law—is passed under article 368 itself, that alone would be sufficient to implement the agreement.

I have given you a summary of the various points referred to in the Supreme Court’s opinion. It will be observed that according to the opinion of the Supreme Court, India has the power to acquire foreign territory as well as power to cede part of its territory, within the framework of the present Constitution. The cession of territory has to be implemented by an amendment of Article 1 of the Constitution and the First Schedule under Article 368, while the territory acquired automatically becomes part of the territory of India and can be assimilated by law under Article 2 or 3 (a) or (b).

The Supreme Court also suggested that Article 3 might be so amended as to cover cases of cession of the territory of India and after such amendment the cession of territory could be implemented by ordinary law passed by a simple majority in Parliament.

Government was not in favour of this suggestion of amending Article 3, as suggested by the Supreme Court, because this would make it easy in future to enable cession of territories. We wanted this to be difficult and that it should not be done by a bare majority of Parliament because if that amendment suggested by the Supreme Court is adopted, then, the Parliament, by a bare majority, could cede territory. We thought that the cession of territory should be made a difficult operation and not easy. The only course open then was to give effect to a cession of territory by an amendment of Article 1 of the Constitution and the First Schedule in accordance with Article 368 and to assimilate the acquired territory by an order relating to Article 3, as pointed out by the Supreme Court. This procedure necessarily involves two Bills, one for amendment of Article 1 of the Constitution and the First Schedule and the other appropriating the added areas of the States, namely Pakistan Enclaves, under Article 3. The Supreme Court itself has indicated the necessity of two Bills, one necessitating the amendment of Article 1 and the First Schedule and the other involving an ordinary Bill only. The two Bills cannot be rolled up into one as the procedure for the two and the conditions for passing are different.
I am saying this because the West Bengal Government has laid stress that there ought to have been one Bill and not two. According to the advice given to me and my own views, this could not have been done and if we had tried to do that, it would not have been in conformity with the Supreme Court’s advice in the matter. The Attorney General of India was also consulted in the matter and he too advised that two separate Bills should be prepared.

The Bill relating to article 3, the Acquired Territories Merger Bill, 1960, was required to be referred to the State Legislatures concerned under the proviso to article 3. The order of reference was accordingly made by the President and was transmitted to the Chief Secretary to the Government of West Bengal with a covering letter in which he was requested to bring the matter to the notice of the Chief Minister and make arrangements for the reference to be considered by the State Legislature. 400 copies of the Bill were sent to the State Government for circulation among the Members of the State Legislature. 400 copies of the other Bill—Constitution Amendment Bill—were also sent to the State Government. Both the Bills were examined by the State Government and they submitted certain comments.

As regards the Acquired Territories Merger Bill, 1960, they stated that no comment is called for except that there was no provision relating to the citizenship of the residents of the territories acquired. The question of validity or constitutionality of the Bill was not at all raised. The grounds on which the West Bengal Assembly had passed the Resolution that the Bill is invalid and unconstitutional may now be examined.

The first ground is a statement of fact and calls for no comment.

The second ground is also a statement of fact but it describes the agreement as one and indivisible. The agreement cannot be aptly described as indivisible as it cedes certain territories and acquires certain other territories. The provision regarding the cession of territories is separable from the provision regarding the acquisition of territories. By advising two separate methods of legislation to implement cession and acquisition of territories, the Supreme Court itself has indicated that the agreement is not indivisible and the opinion of the Supreme Court necessarily involves two separate Bills, one for cession of territory and the other for absorption of the acquired territories.

The third ground is not in conformity with the opinion of the Supreme Court, the third ground of the West Bengal Assembly Resolution. As stated above, the Supreme Court has held that Parliament can make a law relatable to article 3 for the purpose of implementing the agreement in so far as it relates to acquisition of territories. It in only in respect of cession of territories, that the Supreme Court has held that the law relating to article 3 is not competent.
As regards the fourth ground, the Supreme Court has suggested two ways for implementing the agreement: one by amending article 1 and the First Schedule of the Constitution in accordance with article 368 to implement the agreement for cession of territory and a law under article 3 to absorb acquired territories. While passing, they mentioned another way, namely amendment of article 3 itself so as to cover cases of cession of territory and enabling after such amendment cession of territory by an ordinary Act under the amended article 3. The latter method has not been accepted by Government who have, therefore, adopted the former. It has not been accepted, as I have said before, as we do not wish to make it easy to concede territory by a law by a simple majority. It is, therefore, not correct to say that none of the methods indicated by the Supreme Court had been adopted in drafting the Bill.

With reference to the fifth ground, it is true that the provisions of article 3 are being utilised to give effect to part of the agreement only in so far as it relates to the acquisition of territories and this method is in accordance with the opinion of the Supreme Court.

It is said that the acquisition of territories is nothing but the result of an exchange involving cession of territories and that to give effect to the agreement by piecemeal legislation relating to matters which are inseparable is unconstitutional. It is not wholly correct to say that the acquisition of territory is the result of exchange involving cession of territory. The exchange of territories is in respect of Cooch-Behar enclaves only. The other items of cession of territory and acquisition of territory are decided on merits. It necessarily follows from the opinion of the Supreme Court that there are to be two separate laws and the two Bills drafted in accordance with that opinion are not therefore unconstitutional. Whether the agreement can or cannot be said to be inseparable is unimportant, in view of the Supreme Court opinion necessitating the passing of two separate Bills.

The sixth and the last ground states that the method of implementing the agreement by two Bills is objectionable since the State Legislature is deprived of the right to express its opinion in respect of the cession of a part of its territory. Such a result flows from the provisions of the Constitution itself. While a Bill under article 368 does not require reference to the State Legislature, the Bill under article 3 alone requires such a reference. The Constitution does not give the State Legislature an opportunity to express its opinion in respect of cession of territory. Dealing with this aspect, the Supreme Court has observed that this incidental consequence cannot be avoided. In defence of such a position, the Supreme Court adds:

“The Bill has to be passed in each House by a majority of the total membership of the House”
That is the Central Legislature.

“………and by a majority of not less than two thirds present and voting.”

That is to say, it should obtain the concur-rence of a substantial number of the House which may normally mean the consent of all the major parties of the House and that is the safeguard provided by the article in matters of this kind.

It may be mentioned that with a view to enabling the State Legislature to have an idea of the complete picture, sufficient number of copies of the Constitution (Ninth) Amendment Bill were also sent to the State Government. It is not known if these copies were circulated to the Members of the West Bengal Legislative Assembly. It is thus submitted that the Acquired Territories Merger Bill, 1960 has been framed in accordance with the opinion of the Supreme Court and cannot be regarded as invalid or unconstitutional.

Sir, I have taken so much time over this point because they have said in the West Bengal Assembly that this is unconstitutional and I have to point out that we have acted in strict accor-dance with the advice given by the Supreme Court.

Now, there is another point viz. the procedure adopted by the President was not correct: that is what they say. At the end of the Resolution of the West Bengal Legislative Assembly, there is an objection to the effect that the procedure that had been adopted in referring the Bill to the Legisla-ture through the State Government is not in accor-dance with the provisions of the proviso to article 3 read with article 168. This proviso to article 3 states that the President shall refer the Bill to the Legislature of the State for expressing its views thereon within such period as may be specified in the reference. In the present case, the order-of the President stated :

“Now, therefore, in pursuance of the proviso to article 3 of the Constitu-tion of India, I hereby refer the Bill to the Legislature of each of the States for expressing its views thereon within a period of one month from the date of this reference.”

The House will remember that there were several legislatures concerned—Assam, Punjab, as well as West Bengal. The President’s reference to the legislature was dated 23rd October. As he gave a month, the period of reference expired on the 23rd November last. There is no doubt that the reference was made to the legislature. It said so, and in fact, it is recognised in the preamble of the resolution of the West Bengal Legislative Assembly which says:

“Whereas the Acquired Territories Merger Bill 1960 has been referred by the President through the State Govern-ment to the Legislature of the State for expressing its views thereon” etc.
The objection taken apparently is that the reference to the legislature by the President was made through the State Government. The requirements of the introduction of such a Bill are two: namely, (a) there must be a recommendation of the President; and (b) the President must refer the Bill to the State Legislatures concerned for their views where the Bill proposes to alter the boundaries, etc. This latter requirement does not specify the procedure by which the President has to refer the Bill for the views of the legislature concerned. It is a settled principle of law that where the principle for the exercise of the statutory power is not laid down, the authority exercising the power can follow its own procedure so long as it is not contrary, arbitrary or capricious.

The procedure followed in the present case for sending the reference through the State Government for obtaining the views of the State legislature concerned was followed throughout, ever since the Constitution came into being, namely, in the case of the formation of the State of Andhra; in the case of the States Reorganization Act; in the case of the alteration of the Bengal and Bihar boundaries; and in the case of Assam and Bhutan boundaries and so on. The same procedure was also followed when the President sent his recommendation to the Lok Sabha under article 117 which he does frequently. The recommendation is sent to the appropriate Ministry for being conveyed to the Lok Sabha, the procedure for sending the recommendation to the Lok Sabha directly not being laid down in the Constitution. There is, therefore, nothing of substance in the objection on this point.

Apart from this, how else is the President to function? Has he to write to the Speaker directly on the subject and in such a case who is to move the motion in the House? Or, has the President to send it to the Governor? If so, the Governor will have to send it to the State Government. It is only the State Government that can take action in the Assembly on such a matter. Thus, from the legal point of view as well as from the common sense point of view and the practice hitherto consistently followed, the sending of the reference by the President to the State Government to be placed before the legislature was correct, and cannot be objected to.

I might add that the rules of business of the West Bengal Legislature even do not provide for any procedure for obtaining its views under article 3.

Thus far, on these legal matters which have been raised, I am sorry I have taken up so much time in a rather dry dissertation on the subject. But I wanted to make it dear that we have throughout taken the greatest care in taking the steps. Originally, when this matter came up, that is, after the agreement, we considered how we have to give effect to it. The House will remember that most of these things—not the Cooch-Behar enclave—were interpretations of
the Radcliffe Award. That is, the view of Pakistan and the view of India differed as to the interpretation. In other words, if the interpretation was one, that interpretation was right from the very beginning of the Radcliffe Award. It is not that any step was taken, that is to say, as if an arbitrator or some judicial authority made it clear that this is the interpretation. According to us, that interpretation really applied from the very day of the Partition. It was not a cession of territory as such. Though it resulted in a session, it was recognition of something which Radcliffe had stated.

Replying to an Hon'ble Member, the Prime Minister said: Berubari Union was one of the matters in dispute in regard to the interpretation of the Radcliffe Award. But the interpretation of Pakistan and India differed and this has been before us for a number of years.

I was merely saying how we proceeded with it legally. So, technically, if it was not a cession in that sense, but a clarification of what Radcliffe had decided, the question about cession normally does not arise. Nevertheless, we attached value to this and we decided that this was such an important point that it should be brought before Parliament for Parliament's decision. Later, subsequently,—it was I think on the 1st of April, 1959 or later—on the question of how best to do it, what was the best method to do it, there was some argument. So, we advised the President to refer it to the Supreme Court, and so it was referred and the Supreme Court gave its opinion after about a year.

Then again naturally the question arose. Obviously we had to follow the advice of the Supreme Court. And the Supreme Court gave two or three alternatives how to follow it. As I have already stated, one proposal was that we should change the whole Constitution so as to enable future cases of cession to be decided by a simple majority of Parliament. They did not approve of it but they said this can be done. We did not approve of it, as I said, because we did not want to make this a simple affair.

I want to refer to one fact which has been repeatedly referred to namely, the question how far the West Bengal Government or their representatives were consulted in this matter. As a matter of fact, a year and a half ago nearly, I made a statement in this House. Perhaps Hon. Members have forgotten what I said then about this very matter. So, I would like to go into some detail as to the process of consultation that took place. This dispute about Beriberi as raised by Pakistan in 1952. It had since been the subject of much correspondence, as well as discussion between the Governments of India and Pakistan. Both India and Pakistan claim the whole of the Berubari Union according to their interpretation of the Radcliffe Award. I do not wish to go into every years' correspondence and all that. The West Bengal Government of course was, as other State Governments, often partícipated in this
correspondence. There was no two opinion between the West Bengal Government and the Government of India, because our interpretation was that the whole of Berubari Union should come to India. So were theirs in fact. We were following their advice in this matter. Then, ultimately, matters arrived at a stage when all these various disputes between Pakistan and India in regard to the frontier came to a head and we tried to solve them to the best of our ability. Even in Pakistan there was that feeling because, as the House well knows, there were almost daily troubles in the frontier, questions here, motions for adjournment and all that. We thought we should try to settle where the frontiers were, because most of the trouble arose on account of disputed frontiers.

There was a conference in August 1958 at the level of Secretaries. No agreement was reached then, though a number of proposals and counter-proposals were made. In September 1938 the then Prime Minister of Pakistan and the Prime Minister of India met in Delhi. They asked their Secretaries to consider the remaining matters which had not been agreed to and discuss the various proposals made for settlement. The two Secretaries met. Now, when this argument arose with the West Bengal Government, soon after that, that is, a year and a half ago or so, the Commonwealth Secretary, who is most intimately associated with the talks right from the beginning, put down a long note and I am quoting from that.

"The two Secretaries met" that is, Pakistan and Government of India Secretaries.

"After some discussion of the various proposals, the Commonwealth Secretary suggested that the representatives of the State Governments concerned in India (that is, Bengal, Assam and Punjab) should be invited so that their reactions may be taken to these proposals. The Chief Secretary of West Bengal as well as the Chief Secretaries of Assam and Tripura were called in from the India side and the Pakistan Foreign Secretary called in the Chief Secretary of the East Pakistan. The State Chief Secretaries of India said that they would like to consult their Directors of Land Records and other officials. The Chief Secretary of West Bengal stated that the proposals regarding West Bengal-East Pakistan boundary were practical but he would consult his colleagues."

May I say that they were considering a number of proposals, a package proposal, not merely this? This was not the only one but it was a package proposal both in regard to western and eastern sides. Bengal, of course, is concerned only with the eastern one. But there were several matters.

**Shri Tyagi:** Berubari inclusive?
Shri Jawaharlal Nehru: Oh yes, of course. So, the Chief Secretary of Bengal said—it is not a question of liking or disliking but taking a matter ‘in all its aspects and approving of the ‘deal’ if I may use that word or not.

“The Chief Secretary of West Bengal said that the proposals regarding West Bengal-East Pakistan boundary were practical but be would consult his colleagues. The Commonwealth Secretary pointed out that there were two Cooch-Bihar enclaves shown in the maps as adjoining Berubari Union No. 12 and any decision regarding the Berubari Union required careful consideration, because of the question of access to these enclaves. The Chief Secretary of West Bengal consulted his colleagues and on return stated that the division of Berubari Union should be so made as to allow for communications to be main-tained with one of the Cooch-Bihar en-claves to be retained by West Bengal, the other enclave along with half of the Berubari Union going to East Pakistan. This was agreed to by the Pakistan Foreign Secretary and the formula for the division of the Berubari Union was worked out in consultation with the West Bengal officials and incorporated in the recommendations of the Secretaries.

“The above represents the facts of the case and the discussion on the 10th September at the officials level. So far as the question of Berubari is concerned, according to this it is correct to say that the West Bengal officials did not recommend the division of the Berubari Union; neither did the officials of the Government of India. But the division of the Berubari Union was a part of a number of counter-proposals made by the Pakistan Government and the question at issue was whether we should accept these proposals as a whole. The West Bengal officials did not object to the acceptance of the counter-proposals and worked out a formula for the division of the Berubari Union which would retain the area through which the essential communications passed in West Bengal. That is to say, as stated by the Prime Minister, an ad hoc decision was taken after consultation between the officials of the Government of India and the Government of West Bengal. The responsibility, of course, for the decision is that of the Government of India. It would not, however, be correct to say that the Chief Secretary of the West Bengal Government and other, officials were not asked for any opinion in regard to Pakistan’s counter-proposals in res-pect of Berubari Union.”

I should like the House to remember that these two Chief Secretaries had come here for this pur-pose. They were constantly discussing these matters with them and the Government of India and, naturally their opinions we have been asking for. But Berubari does not stand out; it is a whole scheme of things that we discussed.
Now, it may be, as I said on another occasion, that certain misunderstandings may have taken place; it is very difficult to say. But one thing is quite clear that they were consulted throughout and that they gave the impression, actively or passively; or maybe they have done so because they thought this is the only way, what-ever it may be, even without approving of it. But that is the impression that was given and that is what was conveyed to me. There is no doubt as to what was conveyed to me because I asked a straightforward question on Bengal as to who represented their Government, whether they were senior officials and so on. I was told that there was the Chief Secretary, the Joint Secretary of the Home Department and the Director of Land Records.

Soon after the conference with Pakistan was over, a meeting was held with the Ministry of External Affairs the very next day, 11th September, to consider the implementation of the agreement arrived at. At that time the Chief Secretary of the West Bengal Government had left but the other officials were still there. The following is taken from the minutes of the meeting in regard to Berubari Union:

“With regard to the division of the Berubari Union the Commonwealth Secretary explained that the horizontal division agreed to did not mean that the demarcation should take place along a straight horizontal line regardless of the effect of such a division on the existing system of communications etc. which should be kept intact as far as possible.”

After that, it is noted: “Action to be taken by West Bengal”! Usually there is a note as to who has got to take action. The minutes of the meeting were sent to the State Government on the 18th September 1958, that is, within a week of that conference, together with the documents regarding the agreement reached with Pakistan with the request that necessary action might be taken. Subsequently, a letter was received from the West Bengal Government dated October 10, 1958, from the Chief Secretary. The only question raised in this letter was whether the change in Government in Pakistan—the change had taken place just a little before—whether that changes had made any difference to the implementation of the decisions reached between the two Prime Ministers. The Commonwealth Secretary replied that the new regime in Pakistan had intimated that it will stand by all commitments made by the previous government, and therefore, the implementation of these matters should not be held up. On the 30th October 1958 a request was made to the West Bengal Government for population and other local data regarding the Beriberi Union in answering questions in Parliament. On the 14th November the West Bengal Government supplied the information and added that the Deputy Commissioner at Jalpaiguri had been asked to furnish further information. This further information was supplied with the letter of the 24th November 1958. On the 15th November the West Bengal Government went so far as to propose certain amendments to
the schedule to be attached to the draft Bill regarding the exchange of Cooch-Behar enclaves on the basis of the accepted division of the Berubari Union.

I cannot go on taking too much time but I have got a number of letters, long letters, my letters and our Secretary’s letters to the West Bengal Government Chief Minister dealing with this matter. On this basis this has got to be done. It would thus be seen from all this correspondence which followed soon after the decision taken at the conference that the West Bengal Government did not give any indication that the decisions were not acceptable. In fact, the indications were exactly to the contrary.

On the 9th December, 1958, the Prime Minister dealt with the statement on the Berubari Union in the course of a debate here in Parliament on the international situation. On the 15th December a question was put in the West Bengal Assembly by Shri Jyoti Basu about the Prime Minister’s statement. The Chief Minister of West Bengal replied to it to the effect that the Director of Land Records had not suggested a division. He asked me for the text of my statement and I sent it to him. I said, “I take the responsibility for this decision; it is not the Director’s.” I did not wish to drag the poor Director in taking such a big decision.

Then I made a statement in the Rajya Sabha on the 16th December. All that is on the record. On the 29th and 30th December the West Bengal Assembly and Council debated the transfer of Berubari Union and passed resolutions to the effect that the Berubari Union should remain part of India. Subsequently there was a good deal of further correspondence between the Prime Minister and the Chief Minister of West Bengal.

I should like to repeat that throughout this period of our talks with Pakistan, the senior State officials were present in Delhi and obviously in touch with the negotiations. There was no indication at any time from them that the decisions were not acceptable to them. So also in subsequent correspondence even though the West Bengal legislature had passed resolutions disapproving of this. But I accept entirely, of course, that the major responsibility was the Government of India’s and more particularly mine. The point is that I do not think it is at all right to say that people were not consulted. I can understand that as regards giving approval or not, some misunderstanding arose and the parties were not quite clear as to what they agreed to and what they did not. But even so tacit approval was shown throughout—then and in subsequent proceedings.

Legal interpretation of the Radcliffe Award made the position of Berubari rather doubtful. If no settlement was arrived at, not only the question of Berubari but any other questions included in the settlement would have been left over. The matter would have been referred to a new tribunal. We definitely thought that
the settlement as a whole was to the advantage of India and West Bengal. I should like to say frankly that we thought that it was advantageous for West Bengal and for India, of course, that this agreement should be arrived at not merely as a whole, but I would like to say even in regard to Berubari itself, that is the division of Berubari. The other alternative was of sending it to a tribunal which may have decided either way, either in favour of Pakistan or in favour of India. If it decided in favour of Pakistan, we would have lost the whole of the Berubari Union. So we thought that it was fair both in the larger context and in regard to this. Naturally, we knew, we did not like it but things which one does not like have to be agreed sometimes. So in the balance we thought that that was right.

This was then. Later, as I said, on the 1st April, 1959, it was referred to the Supreme Court and they gave their opinion on the 14th March—almost exactly a year later. Looking at this matter one has to keep in view that for eight years this was a pending matter on which there was a great deal of correspondence and discussion previously. Later the discussions became rather more pointed because it so happened that both parties, that is, we of course, but even Pakistan, had arrived at the decision to come to a settlement. Many of our conferences, this House knows, have not been productive because the attitudes taken up by Pakistan have not been helpful. In this matter they were definitely helpful. They wanted things to be done and we certainly wanted things to be done to get a peaceful frontier and put an end to it.

I should like the House to look at it in that context. This meeting takes place, each person desiring settlement—West Pakistan, East Pakistan and all that—and as regards Berubari naturally we would prefer the whole of Berubari to remain with us. But it was a question not only of the larger context but of coming to a commonsense decision, which we did not like, in order to avoid something which we liked still less. I still feel, therefore, that the agreement was a right one and a worth-while one both from the point of view of West Bengal and India.

It is unhappily true that, may be, a number of people who might be affected by this would have to leave their homes. The population of Berubari Union is a little over 12,000. Half of whole of Berubari would be about 6,000. There are some Muslims. I do not know the exact figures; in fact, the exact line is not drawn—there are not many Muslims. They may be some hundreds. About two-thirds of that population of this half are refugees from East Pakistan. It certainly is a most unfortunate thing, namely, that persons who have been uprooted once should have to face a contingency which might lead to their being uprooted again. I think all of us anyhow—whatever our views may be—
must sympathise with them and consider it our duty to help them if any need arises to the extent possible for us.

All the history that I have placed before the House indicates not some sudden decision suddenly arrived at but after giving consideration to it repeatedly and fairly. I must say that at this conference the discussion was a fair and just one and there were no pressures from Pakistan which would compel us to do something. We agreed to it, to each thing individually and severally and having regard to it we gave our word to Pakistan. We signed that document. Later it came up before Parliament in various ways. All this history I have related.

I need not remind the House that if I functioned there it was not in an individual capacity. Obviously I functioned in the capacity this Parliament has given me, that is, of the Prime Minister of India. Every matter, obviously, cannot come to Parliament as many things are being done daily in that capacity. The word of the Prime Minister of India, apart from being the individual concerned, is not a light thing. An agreement arrived at on behalf of the Government of India also has a certain not only importance but sacredness about it. It is the word of a Government and the word of a country. I do not want anyone in the wide world to say that we do not honour our pledges and our undertakings. I have no doubt in my mind that we must hold to our pledge. I do not like, as has recently been said not in very happy terms, that we do not hold to our pledges. We have been accused that we did not hold to our pledges. So we have to face that issue. Of course, when there is an agreement between two parties, that agreement has to be fulfilled. The only possible way might be some agreement to vary the other agreement. There is no other way to that. Whether that is possible or not, I cannot say at the moment. I do not understand how at this stage we can just say that for this or that reason we resile from that agreement.
2840. The Constitution (Ninth Amendment) Act, 1960

New Delhi, December 28, 1960

An Act further to amend the Constitution of India to give effect to the transfer of certain territories to Pakistan in pursuance of the agreements entered into between the Governments of India and Pakistan.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:

Short title

1. This Act may be called the Constitution (Ninth Amendment) Act, 1960.

Definitions

2. In this Act—

(a) “appointed day” means such date as the Central Government may, by notification in the Official Gazette, appoint as the date for the transfer of territories to Pakistan in pursuance of the Indo-Pakistan agreements, after causing the territories to be so transferred and referred to in the First Schedule demarcated for the purpose, and different dates may be appointed for the transfer of such territories from different States and from the Union territory of Tripura;

(b) “Indo-Pakistan agreements” mean the Agreements dated the 10th day of September, 1958, the 23rd day of October, 1959 and the 11th day of January, 1960 entered into between the Governments of India and Pakistan, the relevant extracts of which are set out in the Second Schedule;

(c) “transferred territory” means so much of the territories comprised in the Indo-Pakistan agreements and referred to in the First Schedule as are demarcated for the purpose of being transferred to Pakistan in pursuance of the said agreements.

Amendment of the First Schedule to the Constitution,—

3. As from the appointed day, in the First Schedule to the Constitution,

(a) in the paragraph relating to the territories of the State of Assam, the words, brackets and figures “and the territories referred to in Part I of the First Schedule to the Constitution (Ninth Amendment) Act, 1960” shall be added at the end;
(b) in the paragraph relating to the territories of the State of Punjab, the words, brackets and figures “but excluding the territories referred to in Part II of the First Schedule to the Constitution (Ninth Amendment) Act, 1960” shall be added at the end;

(c) in the paragraph relating to the territories of the State of West Bengal, the words, brackets and figures “but excluding the territories referred to in Part III of the First Schedule to the Constitution (Ninth Amendment) Act, 1960” shall be added at the end;

(d) in the paragraph relating to the extent of the Union territory of Tripura, the words, brackets and figures “but excluding the territories referred to in Part IV of the First Schedule to the Constitution (Ninth Amendment) Act, 1960” shall be added at the end.

THE FIRST SCHEDULE
[See sections 2(a), 2(c) and 3]

PART I

The transferred territory in relation to item (7) of paragraph 2 of the Agreement dated the 10th day of September, 1958, and item (i) of paragraph 6 of the Agreement dated the 23rd day of October, 1959.

PART II

The transferred territory in relation to item (i) and item (iv) of paragraph 1 of the Agreement dated the 11th day of January, 1960.

PART III

The transferred territory in relation to item (3), item (5) and item (10) of paragraph 2 of the Agreement dated the 10th day of September, 1958, and paragraph 4 of the Agreement dated the 23rd day of October, 1959.

PART IV

The transferred territory in relation to item (8) of paragraph 2 of the Agreement dated the 10th day of September, 1958.
THE SECOND SCHEDULE
[See section 2(b)]

1. Extracts from the Note containing the Agreement Dated the 10th day of September, 1958.

2. As a result of the discussions, the following agreements were arrived at:

(3) Berubari Union No. 12

This will be so divided as to give half the area to Pakistan, the other half adjacent to India being retained by India. The division of Berubari Union No. 12 will be horizontal, starting from the north-east corner of Debiganj thana.

The division should be made in such a manner that the Cooch Behar enclaves between Pachagar thana of East Pakistan and Berubari Union No. 12 of Jalpaiguri thana of West Bengal will remain connected as at present with Indian territory and will remain with India. The Cooch Behar enclaves lower down between Boda thana of East Pakistan and Berubari Union No. 12 will be exchanged along with the general exchange of enclaves and will go to Pakistan.

(5) 24Parganas-Khulna

Boundary disputes.

24 parganas—Jessore

It is agreed that the mean of the two respective claims of India and Pakistan should be adopted, taking the river as a guide, as far as possible, in the case of the latter dispute (Ichhamati river).

(7) Piyain and Surma river regions to be demarcated in accordance with the relevant notifications, cadastral survey maps and, if necessary, record of rights. Whatever the result of this demarcation might be, the nationals of both the Governments to have the facility of navigation to both these rivers.

(8) Government of India agree to give in perpetual right to Pakistan the
land belonging to Tripura State to the west of the railway line as well as the land appurtenant to the railway line at Bhagalpur.

* * * * * * *

(10) Exchange of old Cooch Behar enclaves in Pakistan and Pakistan enclaves in India without claim to compensation for extra area going to Pakistan is agreed to.

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Sd/-

M.S.A.BAIG, M.J.DESAI
Foreign Secretary, Commonwealth Secretary
Ministry of Foreign Affairs and Ministry of External Affairs
Commonwealth Relations, Government of India
Government of Pakistan.

New Delhi, the September 10, 1958.

2. Extracts from Agreement entitled “Agreed Decisions and Procedures to end Disputes and Incidents along the Indo-East Pakistan Border Areas” dated the 23rd day of October, 1959.

4. West Bengal—East Pakistan Boundary

Over 1,200 miles of this boundary have already been demarcated. As regards the boundary between West Bengal and East Pakistan in the areas of Mahananda, Burung and Karatoa rivers, it was agreed that demarcation will be made in accordance with the latest cadastral survey maps supported by relevant notifications and record-of-rights.

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6. Assam—East Pakistan Boundary.

* * * * * * *

(i) The dispute concerning Bagge Award III has been settled by adopting the following rational boundary in the Patharia Forest Reserve region:

From a point marked X (H522558) along the Radcliffe Line BA on the old Patharia Reserve Boundary as shown in the topographical map sheet No. 83D/5, the boundary line shall run in close proximity and parallel to the cart road to its south to a point A (H531554); thence in a southerly direction up the spur
and along the ridge to a hill top marked B (H523529); thence in a south-easterly direction along the ridge down the spur across a stream to a hill top marked C (H532523); thence in a southerly direction to a point D (H530517); thence in a south-westerly direction to a flat top E (H529507); thence in a southerly direction to a point F (H524500); thence in a south-easterly direction in a straight line to the midstream point of the Gandhai Nala marked G (H540494); thence in south-westerly direction up the midstream of Gandhai Nala to a point H (H533482); thence in a south-westerly direction up a spur and along the ridge to a point I (H517460); thence in a southerly direction to a point on the ridge marked J (H518455); thence in a south-westerly direction along the ridge to a point height 364, then continues along the same direction along the same ridge to a point marked K (H500428); thence in a south and south-westerly direction along the same ridge, to a point marked L (H496420); thence in a south-easterly direction along the same ridge to a point marked M (H499417); thence in a south-westerly direction along the ridge to a point on the bridle path with a height 587; then up the spur to the hill top marked N (H487393); then in a south-easterly and southerly direction along the ridge to the hill top with height 692; thence in a southerly direction down the spur to a point on Buracherra marked O (H484344); thence in a south-westerly direction up the spur along the ridge to the trigonometrical survey station with height 690; thence in a southerly direction along the ridge to a point height 490 (H473292); thence in a straight line due south to a point on the eastern boundary of the Patharia Reserve Forest marked Y (H473263); along the Radcliffe Line BA.

The line described above has been plotted on two copies of topographical map sheets Nos. 83D/5, 83D/6, and 83D/2.

The technical experts responsible for the ground demarcation will have the authority to make minor adjustments in order to make the boundary alignment agree with the physical features as described.

The losses and gains to either country as a result of these adjustments with respect to the line marked on the map will be balanced by the technical experts.

(Sd.) J.G. Kharas,  
Acting Foreign Secretary,  
Ministry of Foreign Affairs and Commonwealth Relations,  
Karachi.

(Sd.) M.J. Desai,  
Commonwealth Secretary,  
Ministry of External Affairs,  
New Delhi.

New Delhi, October 23, 1959.
3. Extracts from the Agreement entitled “Agreed decisions and procedures to end disputes and incidents along the Indo-West Pakistan border areas”, dated the 11th day of January, 1960.

“1. West Pakistan—Punjab border—Of the total of 325 miles of the border in the sector, demarcation has been completed along about 252 miles. About 73 miles of the border has not yet been demarcated due to differences between the Governments of India and Pakistan regarding interpretation of the decision and Award of the Punjab Boundary Commission presented by Sir Cyril Radcliffe as Chairman of the Commission. These differences have been settled along the lines given below in a spirit of accommodation:

(i) Theh Sarja Marja, Rakh Hardit Singh and Pathanke (Amritsar-Lahore border)—The Governments of India and Pakistan agree that the boundary between West Pakistan and India in this region should follow the boundary between the Tehsils of Lahore and Kasur as laid down under Punjab Government Notification No. 2183-E dated 2nd June, 1939. These three villages will in consequence fall within the territorial jurisdiction of the Government of Pakistan.

(iv) Suleimanke (Ferozepur-Montgomery border)—The Governments of India and Pakistan agree to adjust the district boundaries in this region as specified in the attached Schedule and as shown in the map appended thereto as Annexure I.

(Sd.) M.J. Desai, Commonwealth Secretary, Ministry of External Affairs, Government of India.
(Sd.) J.G. Kharas, Joint Secretary, Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan.

New Delhi, January 11, 1960
2841. **The Acquired Territories (Merger) Act, 1960.**

New Delhi, December 28, 1960

An Act to provide for the merger into the States of Assam, Punjab and West Bengal of certain territories acquired in pursuance of the agreements entered into between the Governments of India and Pakistan and for matters connected therewith.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:

**Short title**

1. This Act may be called the Acquired Territories (Merger) Act, 1960.

**Definitions**

2. In this Act, unless the context otherwise requires,—

(a) “acquired territories” mean so much of the territories comprised in the Indo-Pakistan agreements and referred to in the First Schedule as are demarcated for the purpose of being acquired by India in pursuance of the said agreements;

(b) “appointed day” means such date as the Central Government may, by notification in the Official Gazette, appoint for the merger of the acquired territories under section 3, after causing the territories to be so acquired demarcated for the purpose, and different dates may be appointed for the merger of such territories into different States;

(c) “assembly constituency”, “council constituency” and “parliamentary constituency” have the same meanings as in the Representation of the People Act, 1950;

(d) “Indo-Pakistan agreements” mean the Agreements dated the 10th day of September 1958, the 23rd day of October, 1959 and the 11th day of January, 1960 entered into between the Governments of India and Pakistan, the relevant extracts of which are set out in the Second Schedule;

(e) “law” includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or in any part of the acquired territory;

(f) “sitting member”, in relation to either House of Parliament or of the Legislature of a State, means a person who, immediately before the appointed day, is a member of that House;
(g) “State concerned”, in relation to the acquired territories referred to in Part I, Part II and Part III of the First Schedule, means, respectively, the State of Assam, the State of Punjab and the State of West Bengal; and “State Government concerned” shall be construed accordingly;

(h) “Union purposes” mean the purposes of Government relatable to any of the matters mentioned in List I of the Seventh Schedule to the Constitution,

Merger of acquired territories

3.(1) As from the appointed day, the acquired territories referred to in Part I, Part II and Part III of the First Schedule shall, respectively be included in, and form part of, the States of Assam, Punjab and West Bengal.

(2) As from the appointed day, the State Government concerned shall, by order in the Official Gazette, provide for the administration of the acquired territories included in that State by including them or any part of them in such district, sub-division, police station or other administrative unit as may be specified in the order.

Amendment of the First Schedule to the Constitution

4. As from the appointed day, in the First Schedule to the Constitution—

(a) in the paragraph relating to the territories of the State of Assam, after the words “the Assam Tribal Areas”, the words, figures and brackets “and the territories referred to in Part I of the First Schedule to the Acquired Territories (Merger) Act, 1960” shall be inserted;

(b) in the paragraph relating to the territories of the State of Punjab, after the words and figures “the States Reorganization Act, 1956,” the words, figures and brackets “and the territories referred to in Part II of the First Schedule to the Acquired Territories (Merger) Act, 1960” shall be inserted;

(c) in the paragraph relating to the territories of the State of West Bengal, after the words, brackets and figures “the Bihar and West Bengal (Transfer of Territories) Act, 1956,” the words, figures and brackets “and the territories referred to in Part III of the First Schedule to the Acquired Territories (Merger) Act, 1960” shall be inserted.

Construction of references to existing constituencies

5. As from the appointed day,—

(a) any reference in the Delimitation of Parliamentary and Assembly
Constituencies Order, 1956,—
(i) to the State of Assam or Punjab or West Bengal, shall be construed as including that part of the acquired territory which is included in that State;
(ii) to any district, sub-division, police station or other administrative unit, shall be construed as including that part of the acquired territory, if any, which is included in that district, sub-division, police station or other administrative unit, by order made under sub-section (2) of section 3;

(b) any reference in the Delimitation of Council Constituencies (Punjab) Order, 1951—
(i) to the State of Punjab, shall be construed as including that part of the acquired territory which is included in that State;
(ii) to any district, shall be construed as including that part of the acquired territory, if any, which is included in that district, by order made under sub-section (2) of section 3;

(c) any reference in the Delimitation of Council Constituencies (West Bengal) Order, 1951—
(i) to the State of West Bengal, shall be construed as including that part of the acquired territory which is included in that State;
(ii) to any division or district, shall be construed as including the acquired territory, if any, which is included in that division or district by order made under sub-section (2) of section 3.

Provision as to sitting members

6.(1) Every sitting member of the House of the People representing any parliamentary constituency the extent of which has been altered by virtue of the provisions of this Act shall, notwithstanding such alteration, be deemed to have been elected as from the appointed day to that House by that constituency as so altered.

(2) Every sitting member of the Legislative Assembly of the State of Assam or Punjab or West Bengal representing any assembly constituency the extent of which has been altered by virtue of the provisions of this Act shall, notwithstanding such alteration, be deemed to have been elected as from the appointed day to the said Legislative Assembly by that constituency as so altered.

(3) Every sitting member of the Legislative Council of Punjab or West Bengal representing any council constituency the extent of which has been
altered by virtue of the provisions of this Act, shall, notwithstanding such alteration, be deemed to have been elected as from the appointed day to the said Legislative Council by that constituency as so altered.

**Property and Assets**

7.(1) All property and assets within the acquired territories which, immediately before the appointed day, are vested in Pakistan or in the Province of East Pakistan or the Province of West Pakistan shall, as from that day,—

(a) where such property and assets are relatable to Union purposes, vest in the Union;

(b) in any other case, vest in the State concerned in which the acquired territories are included.

(2) A certificate of the Central Government signed by a Secretary to that Government shall be conclusive as to whether the purposes for which any property or assets are held, immediately before the appointed day, are Union purposes.

**Appropriation of moneys for expenditure in acquired territories**

8.(1) As from the appointed day, any Act passed by the Legislature of the State of Assam or Punjab or West Bengal before that day or the appropriation of any moneys out of the Consolidated Fund of that State to meet any expenditure in respect of any part of the Financial year 1960-61, shall have effect also in relation to the acquired territories included in that State and it shall be lawful for the State Government concerned to spend any amount in respect of those territories out of the amount authorised by such Act to be expenditure for any service in that State.

(2) The Governor of the State concerned may, after the appointed day, authorize such expenditure from the Consolidated Fund of that State as he deems necessary for any purpose or service in the acquired territories included in that State for a period of not more than three months beginning with the appointed day pending the sanction of such expenditure by the Legislature of that State.

**Extention of Laws**

9. All laws in force in the acquired territories immediately before the appointed day shall, as from that day, cease to be in force in those territories and all laws in force generally in the State concerned in which the acquired territories are included shall, as from that day, extend to or as the case may
be, come into force in, those territories: Provided that anything done or any action taken before the appointed day under any law in force in the acquired territories shall be deemed to have been done or taken, as from the appointed day, under the corresponding law extended to, and in force in, those territories.

**Power to name authorities for exercising statutory functions**

10. The State Government concerned, as respects the acquired territories included in that State, may, by notification in the Official Gazette, specify the authority, officer or person who, on or after the appointed day, shall be competent to exercise such functions exercisable under any law in force on that day in those territories, as may be mentioned in that notification and such law shall have effect accordingly.

**Power to remove difficulties**

11. (1) If any difficulty arises in relation to the transition from any corresponding law to any law which by virtue of section 9 shall, as from the appointed day, extend to, or come into force in, the acquired territories, the Central Government may, by order notified in the Official Gazette, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

(2) If any difficulty arises in giving effect to the provisions of this Act (otherwise than in relation to the transition from any corresponding law) or in connection with the administration of the acquired territories as a part of the State in which they are included, the State Government concerned may, by order in the Official Gazette, make such provisions not inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty.

(3) No power under sub-section (1) or sub-section (2) shall be exercised by the Central Government or, as the case may be, the State Government after the expiry of three years from the appointed day.

(4) Any order made under sub-section (1) or sub-section (2) may be so made as to be retrospective to any date not earlier than the appointed day.
THE FIRST SCHEDULE
[See sections 2(a), 2(g), 3 and 4]

PART I
The acquired territory in relation to item (7) of paragraph 2 of the Agreement dated the 10th day of September, 1958.

PART II
The acquired territory in relation to item (ii) and item (iii) of paragraph 1 of the Agreement dated the 11th day of January, 1960.

PART III
The acquired territory in relation to item (5) and item (10) of paragraph 2 of the Agreement dated the 10th day of September, 1958 and paragraph 4 of the Agreement dated the 23rd day of October, 1959.

THE SECOND SCHEDULE
[See section 2(d)]

1. Extracts from the Note containing the Agreement dated the 10th day of September, 1958.
   * * * * *

2. As a result of the discussions, the following agreements were arrived at:
   * * * *

(5) 24Parganas-Khulna
Boundary disputes.

24 Parganas—Jessore
It is agreed that the mean of the two respective claims of India and Pakistan should be adopted, taking the river as a guide, as far as possible, in the case of the latter dispute (Ichhamati river)
   * * * *

(7) Piyain and Surma river regions to be demarcated in accordance with the relevant notifications, cadastral survey maps and, if necessary, record of rights. Whatever the result of this demarcation might be, the nationals of both the Governments to have the facility of navigation on both these rivers.
   * * * *
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INDIA-PAKISTAN RELATIONS

(10) Exchange of old Cooch Behar enclaves in Pakistan and Pakistan enclaves in India without claim to compensation for extra area going to Pakistan, is agreed to.

Signed. (M.S.A. BAIG) 
Foreign Secretary, 
Ministry of Foreign Affairs and Commonwealth Relations, 
Government of India.

Signed. (M.J. DESAI) 
Foreign Secretary, Commonwealth Secretary, 
Ministry of External Affairs, 
Government of Pakistan.

New Delhi, September 10, 1958.

2. Extracts from the Agreement entitled “Agreed Decisions and Procedures to end disputes and incidents along the Indo-East Pakistan border areas,” dated the 23rd day of October 1959.

4. West Bengal—East Pakistan Boundary

Over 1,200 miles of this boundary have already been demarcated. As regards the boundary between West Bengal and East Pakistan in the areas of Mahananda, Burung and Karatoa rivers, it was agreed that demarcation will be made in accordance with the latest cadastral survey maps supported by relevant notifications and record of rights.

(Sd.) (J.G. Kharas) 
Acting Foreign Secretary, Ministry of Foreign Affairs & Commonwealth Relations, 
Karachi.

(Sd.) (M.J. Desai) 
Commonwealth Secretary, Ministry of External Affairs, New Delhi.

New Delhi, October 23, 1959.

3. Extracts from the Agreement entitled “Agreed Decisions and Procedures to end disputes and incidents along the Indo-West Pakistan border areas” dated the 11th day of January, 1960.

1. West Pakistan-Punjab border—Of the total of 325 miles of the border in this sector, demarcation has been completed along about 252 miles. About 73 miles of the border has not yet been demarcated due to differences between the Governments of India and Pakistan regarding interpretation of the decision and Award of the Punjab Boundary Commission presented by Sir Cyril Radcliffe
as Chairman of the Commission. These differences have been settled along the lines given below in a spirit of accommodation:

(ii) **Chak Ladheke (Amritsar-Lahore border)—** The Governments of India and Pakistan agree that the delineation of the boundary will be as shown in the map of the Kasur Tehsil by Sir Cyril Radcliffe and Chak Ladheke will in consequence fall within the territorial jurisdiction of the Government of India.

(iii) **Ferozepur (Lahore-Ferozpur border)—** The Governments of India and Pakistan agree that the West Pakistan—Punjab (India) boundary in this region is along the district boundaries of these districts and not along the actual course of the river Sutlej.

(Sd.) M.J. Desai, (Sd.) J.G. Kharas,
Commonwealth Secretary, Joint Secretary,
Ministry of External Affairs, Ministry of Foreign Affairs and
Government of India, Commonwealth Relations,
Government of Pakistan

New Delhi, January 11, 1960.

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2842. Proceedings of the meeting held between the District Magistrate, Tripura and the Deputy Commissioners, Chittagong and Chittagong Hill Tracts, on 15th October, 1962, at Chittagong.

Pakistan India.

1. Mr. H.D. Chowdhury, C.S.P., Deputy Commissioner, Chittagong Hill Tracts.
2. Mr. W.A. Khan, C.S.P., Deputy Commissioner, Chittagong
3. Major Syed Shirazie, E.P.R., Sylhet Sector.

Mr. L.B. Thanga, I.F.A.S., District Magistrate, Tripura.
Mr. H.N. Sarker, I.P.S., Superintendent of Police, Tripura.
Lt. Col. B.S. Dalvi, Sector Commander.
Mr. R. Sankaranarayanan, Superintendent of Surveys, Tripura.

Deputy Commissioner, Chittagong, welcomed the members of the Tripura Delegation and expressed the hope that the deliberations they are now going to commence would help evolve an understanding in order to eliminate growing tension in the upper reaches of the Feni river. He further expected that the Tripura Delegation would make a sincere joint effort to resolve all differences through a frank and friendly discussion.

The District Magistrate, Tripura also expressed similar sentiments and thanked the Deputy Commissioners, Chittagong and Chittagong Hill Tracts and other members of the Delegation for their sentiments and cordial welcome.

2. PAK DWIP (Brajendranagar Taluk According To District Magistrate, Tripura).

The issue was discussed at length. The Deputy Commissioner, Chittagong, stated that Pak Dwip (Brajendranagar Taluk according to District Magistrate, Tripura) is an integral part of Mouza Ramgarh (vide Sheet No.3) under Fatikchari P.S. of the district of Chittagong. The District Magistrate, Tripura, however, maintained that the entire area is a part of Brajendranagar Taluk of Sabroom Sub-Division. It was, however, agreed, in order to ease the present tension to
take the following steps:—

(a) The defence works put up by both sides in and around this Islet (area) and those on both flanks of the old and the new course of Feni river be filled up and removed. The border forces of both sides shall revert to their original B.O.P., as existed prior to 16th August, 1962.

(b) Local Commanders of both sides shall meet and fix up the detailed procedure, on morning of the 18th October, 1962, at 9.00 hrs. (9 A.M. East Pakistan Time) i.e. 8.30 hrs. (8.30 a.m. Indian Standard Time) at Pakistan Dwip (Brajendranagar Taluk according to District Magistrate, Tripura). The process of reversion to original position and filling up of defence works put up by both sides will be completed by 12.00 hrs (12 noon) on 21st October, 1962 (East Pakistan Time) i.e. 11.30 hrs. (11.30a.m. on 21st October 1962 (Indian Standard Time). The local Commanders will once again meet at 12.30 hrs. (12.30 p.m.) on 21st October 1962 (East Pakistan Time ) i.e. 12.00 hrs. (12 noon) on 21st October 1962 (Indian Standard Time) and carry out a joint inspection of the ground, of the above agreement, under sub para (a) above.

(c) Rehabilitation, of Wahidur Rahman (a Pakistani National) who is now in Indian custody and the claims of some Indian nationals of possession for cultivation, as well as similar claims of the Pakistanis in the same area, will be enquired into by the District Magistrate, Tripura and the Deputy Commissioner, Chittagong. The Deputy Commissioner, Chittagong stated that the agreed enquiries cannot be initiated unless Wahidur Rahman is released at the first instance and returned to Pakistan.

(d) It would be ensured by both sides the no one enters into the Islet (Area pending enquiry and an agreed decision in respect of matter, as detailed in immediate preceding paragraph 2 sub-para (c) above.

3. Assalong Mouza In Chittagong Hill Tracts (Disputed Area Ghorakapa Tehsil, According to District Magistrate, Tripura

All the aspects of the situation in this area were discussed. According to the Deputy Commissioner, Chittagong Hill Tracts, establishing of the Jalaya B.O.P. on or about 23rd May, 1962, has led to the present situation. Therefore, he suggested that the B.O.P. at Jalaya should be withdrawn thereby restoring the position existing before 23rd May, 1962, in that area. The District Magistrate, Agartala, stated that the B.O.P. at Jalaya is not a new B.O.P. though the site of the B.O.P. was changed to its present site. The District Magistrate, Tripura, however agreed as a gesture of good-will that the site of the present B.O.P. would be shifted to a new location.
It was, therefore, agreed that immediate cease-fire and simultaneous withdrawal of all the border forces of both sides from the Assalong Mouza (Disputed Area in Ghorakapa Tehsil, according to District Magistrate, Tripura) and the shifting of Jalaya B.O.P. from its present site to a new location will be carried out. It was agreed that pending further decision, no patrolling would be done by either side in the Mouza Assalong (Disputed Area in Ghorakapa Tehsil, according to District Magistrate, Tripura). The details of the sequence of withdrawal and shifting area as per Annexure ‘A’.

Both the delegation expressed their sincere appreciation on the frank and forthright manner in which the entire discussion had proceeded and also expressed their satisfaction over the results achieved.

Sd/- (W.A. Khan) CSP
Deputy Commissioner, Chittagong.

Sd/- (H.D. Chowdhury) CSP
Deputy Commissioner Chittagong Hill Tracts

Sd/- (L.B. Thanga) IFAS
District Magistrate Tripura.

2843.  Note from Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, July 17, 1963.

Office of the High Commissioner for Pakistan in India
New Delhi

No.1 (6)P/63. 17th July, 1963

The High Commission for Pakistan presents its compliments to the Ministry of External Affairs, Government of India, and has the honour to state as follows:-

According to a decision by the 35th Conference of Chief Secretaries at Dacca, held in August 1962, the demarcation of Berubari was to commence in November 1962, to be completed by the end of May 1963. Unfortunately the work has made very little progress owing to the tactics adopted by the concerned officials of the West Bengal Government as the following will show.

At the 71st Conference of the Directors of Land Records and Surveyors of
Pakistan and West Bengal, held in Calcutta on 26th and 27th September 1962, it was decided that the next conference would be held at Dacca from 17th to 19th December 1962. When requested to confirm these dates, the Director of Land Records and Surveys, West Bengal replied that the conference should be deferred till considerable progress had been made in field work. The field work itself was started in Berubari in the first week of November 1962 but remained suspended off and on sometimes due to local agitation and at other times owing, the High Commission regrets to say, to the non-cooperative attitude of the Indian Survey party. The preliminary tracers, which were scheduled to be completed in about a month, took more than two months. Thereafter the holding of the conference of the Directors was further delayed as the Director of Land Records, West Bengal wanted to have the conference at Jalpaiguri, although, according to the accepted convention, the conferences were to be held alternately in Calcutta and Dacca and therefore the next meeting was to be held at Dacca. The correspondence entailed by this served to delay the conference further thereby deferring the demarcation work in Berubari. When a date was finally settled (17th April, 1963) the Director of Land Records and Surveys, West Bengal, cancelled his visit merely because there was a slight delay of an hour in the departure of the PIA plane from Calcutta owing to some engine trouble. The ensuing correspondence also indicated that the West Bengal authorities were in no hurry and it was only on May 20, 1963 that the conference was held. As the advent of the monsoon was imminent, there was no alternative but to postpone the work till November 1963, which means it cannot be completed by the end of this year and will have to be carried into the next year.

2. In these circumstances the Government of Pakistan feel they must once again request the Government of India to take such action as they consider suitable to bring about the early demarcation of the boundary in Berubari in implementation of the agreement already reached between the two countries. In particular, they would appreciate if the concerned authorities in West Bengal can be persuaded to give priority to this work and to deal with it expeditiously.

3. The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India, New Delhi.

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2844. Note from Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, August 18, 1964.

Office of the High Commissioner
For Pakistan in India
New Delhi

No. F. 1 (6) P/63 18th August 1964.

The High Commission for Pakistan in India presents their compliments to the Ministry of External Affairs, Government of India, and has the honour to state that in spite of the categorical assurance contained in para 3 of the Ministry's Note No.4(39)-Pate.III/60, dated the 23rd August, 1963, that the Government of India were very keen to complete demarcation of the entire eastern border with Pakistan, including Berubari and Hilli, as early as possible, the West Bengal authorities have persisted in using one excuse after another for frustrating all moves towards the implementation of Indo-Pakistan decision on Berubari Union.

2. One of the recent excuses preferred by the Director of Land Records, West Bengal, at the 76th Conference of Survey officials of East Pakistan and West Bengal, was that a writ petition was pending before ten Calcutta High Court which debarred the Director of Land Records and Surveys from taking any steps towards construction of boundary pillars in the area. It was also stated that there was an injunction against the Governments of India and of West Bengal directing them not to finalise demarcation till disposal of the petition. It was, however, agreed that construction of pillars would be undertaken by East Pakistan and that necessary protection to the personnel employed by East Pakistan in the construction of boundary pillars would be given by the West Bengal authorities. In spite of this agreement the West Bengal authorities have been obstructing the implementation of the above decision by the Government of East Pakistan on one pretext or the other.

3. The Government of Pakistan are anxious to complete the boundary demarcation in Berubari Union. The next field season begins in November and it is necessary that work parties should be given assurance of protection and facilities necessary well in advance. The High Commission, therefore, requests the Ministry of External Affairs to issue necessary instructions to the Government of West Bengal to extend such assistance as may be necessary to the personnel of the Government of East Pakistan for work connected with demarcation of boundary.
The High Commission of Pakistan avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs, Government of India, New Delhi

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2845. Aide Memoire handed over by the Government of India to the Government of Pakistan.

New Delhi, August 21, 1964.

AIDE MEMOIRE

At the 1959 Minister level Conference on problems regarding the border between India and East Pakistan, the Governments of India and Pakistan approved a set of Ground Rules according to which, “following demarcation, exchange of territories in sizeable stretches of the border should by agreement take place without waiting for the entire length of the border to be demarcated,” (vide para.2(c) of Part I of the Rules). The Indian authorities have accordingly been pressing for the transfer to India by Pakistan of BORIABARI village in Golpara District, the demarcation relating to which was completed in 1956.

2. The Government of Pakistan have advanced the argument that “unless the maps relating to the international boundary between Pakistan and India are countersigned by the representatives of the two Governments, the demarcation of the boundary cannot be deemed to be final and authoritative. The exchange of adversely held territories has, therefore, to pend till such time the boundary maps are countersigned by the representatives of the two Governments,” (vide Note No. POL.II(a)-I/6/62-III dated 18.4.63 from the Ministry of External Affairs, Karachi). However, there is no provision in the Ground Rules requiring the countersignature of the maps to be a condition precedent to the transfer of the adversely held territories. On the contrary, the Ground Rules specify that such territories should be handed over without waiting for completion of demarcation of the border.

3. The condition stipulated by the Government of Pakistan that
countersigned maps should be exchanged finds no place in the agreement and, is therefore, untenable in terms of the agreement. The Government of India would, therefore, be obliged if the Government of Pakistan could urgently agree to a date for the transfer of BORIABARI village to Indian jurisdiction.

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2846. Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, August 31, 1964.

The Ministry of External Affairs present their compliments to the High Commission of Pakistan in India and with reference to their note No.F.1 (6)P/63 dated the 18th August, 1964 have the honour to enclose a copy of a letter from the Chief Secretary to the Government of West Bengal, No.2121-CR dated 4th July, 1964, to the Chief Secretary to the Government of East Pakistan, wherein the temporary legal difficulties in the way of delineation of the line of demarcation in Berubari Union No.XII, in terms of the Nehru-Noon Agreement of 1959, have been clearly stated and an assurance given that, as soon as these legal difficulties are removed, the Director of Land Records and Surveys, West Bengal, will proceed with the work of demarcation in this area. In view of the facts given in the letter from the Chief Secretary to West Bengal Government to his counterpart in East Pakistan, it is surprising that the Pakistan High Commission should have stated that the ‘West Bengal authorities have persisted in using one excuse after another for frustrating all moves towards the implementation of the Indo-Pakistan decision on Berubari Union.”

2. The RULE issued by the Calcutta High Court, details of which are available in the letter sent by the Chief Secretary to West Bengal to his counterpart in East Pakistan, may appear an “excuse” to the Pakistan High Commission. The High Commission are aware of the high regard paid in India to the supremacy of the judiciary. It is therefore to be regretted that the Government of Pakistan have failed to appreciate the position explained in the letter from the Chief Secretary to West Bengal Government, setting out the temporary legal difficulties that have intervened in the way of further survey and demarcation in Berubari Union No.XII. The Ministry of External Affairs further regret that publicity was given by the Pakistan High Commission and
the Government of Pakistan to the note referred to in paragraph 1 above on the very day the note was left with the Ministry of External Affairs.

The Ministry of External Affairs avails itself of the opportunity to renew to the High Commission of Pakistan the assurances of the highest consideration.

The High Commission of Pakistan in India, New Delhi.

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2847. Note from Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, November 25, 1964.

Office of the High Commissioner For Pakistan In India
New Delhi

No. F. 1(6) – P/63 November 25, 1964

The High Commission for Pakistan presents its compliments to the Ministry of External Affairs, Government of India, and with reference to the Ministry’s Note wo.P.1/107/24/64, dated the 31st August, 1964, has been instructed to state the following:-

The demarcation of the Indo-Pakistan boundary is governed by various agreements negotiated between the two Governments. In the Noon-Nehru Agreement of 1958 it was agreed between the Governments of India and Pakistan that the Berubari Union No.XII would be divided so as to give half the area to Pakistan. This Agreement was re-affirmed by the Shaikh - Swaran Singh Agreement of 1959, which furthermore laid down the procedure for the rapid implementation of the Noon-Nehru Agreement. Five years have since gone by and the demarcation and transfer of half of the Berubari Union does not appear to be any nearer. It appears from Indian Press reports that a great deal of hysteria has been whipped up in West Bengal in connection with the Agreement on Berubari and that judicial obstacles, exemplified by the Writ Petition filed in the West Bengal High Court, in the way of the implementation of the Treaty can be expected to multiply. This is contrary to the spirit of the Noon-Nehru Agreement of 1958 and the letter of the Shaikh-Swaran Singh Agreement of 1959, in which it is laid down as under:-
“It was also agreed that India, while framing the legislation, if required, to effect transfer of territorial jurisdiction consequent on demarcation, will make a provision in the said legislation which, will give government necessary authority to effect such transfers in connection with boundary disputes that may be settled.”

The High Commission for Pakistan has been instructed to remind the Government of its duty under the afore-mentioned Agreements to take immediately all such legislative and other measures as would enable it promptly and effectively to fulfil its part of the Noon-Nehru Agreement relating to the demarcation and transfer of Berubari Union No.XII.

The Government of Pakistan wish to recall the fundamental principle of International Law, upon which rests the sanctity of international agreements, that treaties and agreements solemnly entered upon among nations must take precedence over the exigencies of their respective municipal laws and that the implementation of such agreements cannot be made subject to the judicial processes of one of the parties to the agreement.

The High Commission for Pakistan has been instructed, therefore, once again to request the Government of India to take all necessary measures to enable the demarcation to be carried out speedily and the transfer of the territory in question effected at the earliest possible date.

The High Commission for Pakistan avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India, New Delhi.
2848. Note from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.

Islamabad, January 20, 1965.

No.F.10(11)/60-P. January 20, 1965

The High Commission of India in Pakistan presents its compliment to the Ministry of Foreign Affairs, Government of Pakistan, and has the honour to refer to the High Commission of Pakistan in India’s Note No. F.1(6)-P/63, dated the 5th November, 1964, addressed to the Ministry of External Affairs, New Delhi.

The Government of India have consistently acted in the letter and spirit of the Nehru-Noon Agreement of 1958 regarding the division of the Berubari Union No.XII. This is evident from the enactment of the Constitution (Ninth amendment) Act, 1960, whereby the Government of India sought to be enabled to give effect to the provisions of the Agreement. Again, when the validity of any transfer of territory was challenged before a Court of Law, the Government of India urged that the Agreement was binding on India and the Calcutta High Court upheld their contention. In short, the Government of India are fully aware of their obligations; they have already acted to meet them and need no reminder.

The observation in the High Commission of Pakistan’s Note that “treaties and agreements solemnly entered upon among nations must take precedence over the exigencies of their respective municipal laws and that the implementation of such agreements cannot be made subject to the judicial processes of one of the parties to the agreement is also otiose. The argument would be relevant only if a party pleaded it to justify non-implementation of its treaty obligations. India has not done so; on the contrary it has amended its highest national law, the Constitution, in order to honour its international commitment. However, the Government of India cannot ignore legal requirements. One of the conditions implicit in any international agreement is that the parties to it shall carry out their respective obligations in accordance with their respective constitutional processes. This practice has also been specifically recognised in the Agreement of 1959, an excerpt from which has been cited in the Pakistan High Commission’s note. In India, a citizen has the right to challenge the legal validity of any Government action, and the completion of the action must inevitably await disposal of the case by the Court. This position is common the world over and should require no explanation.

The Government of India regret that the Government of Pakistan should have considered an imagined “hysteria” in India about the transfer of the territory to be an adequate justification for the insinuations contained in the note of the
Pakistan High Commission. As the Ministry of Foreign Affairs are aware, further work to demarcate the boundary in the Berubari Sector has been held up because a Civil Revision case has been filed in the Calcutta High Court by certain residents of the area involved. The Government of India have every intention of proceeding with this work as soon as the case is disposed of by the Court.

The High Commission avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

The Ministry of Foreign Affairs,  
Government of Pakistan.

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2849. Note from Ministry of External Affairs to Pakistan High Commission in India.  

New Delhi, March 17, 1965.

The Ministry of External Affairs present their compliments to the High Commission of Pakistan in New Delhi and with reference to the Note handed over by the Ministry of Foreign Affairs of the Government of Pakistan to the High Commission of India in Karachi on 14th March, 1965, have the honour to state that enquiries have been made by the Government of India into the allegations contained in the said Note. The facts ascertained by the Government of India show that the allegation of forcible occupation of the Pakistani enclave of Dahagram by “Indian forces in the area” is entirely without foundation. The Ministry of External Affairs regret that the Government of Pakistan should have rushed to make serious allegations without any basis in fact.

2. The Note from the Ministry of Foreign Affairs of the Government of Pakistan States that the so-called occupation of Dahagram follows the alleged provocative and threatening activities of Indian forces, about which the Government of East Pakistan have already protested to the Government of West Bengal. The Government of Pakistan cannot be unaware that the exaggeration and misrepresentation indulged in the communications received from the Government of East Pakistan, have been shown to be such in the replies sent by the Government of West Bengal. The Government of India would like to invite the attention of the Government of Pakistan to telegrams dated 23rd February, 12th March and 14th March, 1965, from the Government
of West Bengal to the Government of East Pakistan. The Government of Pakistan seem to have ignored the facts relating to the situation in and around Dahagram, as stated in the telegrams sent by the Government of West Bengal to the Government of East Pakistan.

3. There is no truth whatsoever in the allegation of the occupation of Dahagram by the so-called Indian forces or their concentration around this enclave. The allegation that Indian forces have pushed out the Pakistan Police from Dahagram or that the residents of the enclave have been dispossessed of their homes and made to seek refuge in East Pakistan, is wholly incorrect. In rejecting the protest made by the Ministry of Foreign Affairs, the Government of India hope that the Government of Pakistan would exert their Influence with the Government of East Pakistan and persuade them to agree to an early meeting between the Chief Secretaries of West Bengal and East Pakistan, proposal regarding which has been transmitted by Calcutta to Dacca.

4. The Government of India have received reports of mounting propaganda in East Pakistan calculated to rouse communal passions. The Government of East Pakistan has apparently done nothing to curb such propaganda in the press and on the Government radio. As the Government of Pakistan is well aware, such propaganda can have unfortunate repercussions on the minorities. The Government of India trust that the Government of Pakistan will do everything in their power to put a stop to such anti-Indian and communal propaganda and agree to a meeting between the Chief Secretaries of East Pakistan and West Bengal immediately.

5. The Ministry of External Affairs take this opportunity to renew to the High Commission of Pakistan in New Delhi the assurances of their highest consideration.

The High Commission of Pakistan,
New Delhi.
2850. **Telegram dated 18th March, 1965 from Chief Secretary, Government of East Pakistan, Dacca addressed to Chief Secretary, Government of West Bengal, Calcutta.**

Begins:

Report received that Indian forces are engaged in digging trenches within 150 yards of the Indo – Pakistan border to the South Barang Nullah Police Station Tetulia District Dinajpur near Indian border outpost Soladangi. These trenches are reported to be manned by Indian armed forces with Medium Machine Guns. Most strongly protest against such warlike preparations by the Indian armed forces. Request immediate steps be taken to stop such activities by the Indian armed forces in the interest of peace and security in the border area. Shall be grateful for an early intimation of action taken in the matter if no objection. **Ends**

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2851. **Note from High Commission of Pakistan in India to Ministry of External Affairs.**

**New Delhi, March 19, 1965.**

*High Commission for Pakistan in India*

8-B, Tilak Marg, New Delhi,

19th March 1965

Four thousand Muslims have taken shelter in Rangpur district after their forcible eviction from Dahagram and its occupation by Indian police and other military personnel. This is almost the entire Muslim population of Dahagram. There is no truth in allegation that Pakistani forces have fired on Indian position. On the contrary Indian troops opened fire on 17th March 1965 which East Pakistani Rifles were forced to return.

2. The Government of Pakistan accept the proposal for a meeting of the Chief Secretaries, but this meeting can only take place after the Dahagram enclave has been vacated and handed over to Pakistan authorities. Restoration of *status quo ante* is necessary for establishment of a favourable atmosphere.
3. In order to enable refugees to return to Dahagram Government of India is requested to ensure their safe transit through intervening Indian territory. The refugees would be accompanied by a small contingent of Pakistani police and other officials required for local administration. Transit facilities for them are also requested.

4. After the return of the refugees accompanied by Pakistani police and officials the Chief Secretaries can fix a date for a meeting in Dacca to discuss measures for further easing of tension.

Ministry of External Affairs
Government of India,
New Delhi

2852. Note from Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, March 20, 1965.

High Commisioner for Pakistan
8-8. Tilak Marg
New Delhi

20th March 1965

In view of the Indian contention that there is no takeover of Dahagram and that Indian police or armed personnel have not entered the territory, the Government of East Pakistan have requested the Government of West Bengal to permit transit of Pakistani officials to verify the statement. They have also asked the West Bengal authorities to withdraw restrictions on the return of some four thousand Muslims, who had left Dahagram in the last few days, to their original homes. This request was made on March 17, but no reply has been received.

Pakistani officials would be going to Dahagram on March 21 for the above mentioned purpose and also to make necessary arrangement for the safe return of Muslim refugees from Dahagram to their homes. The High Commission trusts that no restrictions will be placed to the way of these officials by Indian authorities. Ascertaining of true facts on the spot should
help both sides to arrive at a correct appraisal of the latest position and contribute to an early and amicable settlement of the issue which has arisen.

Ministry of External Affairs
Government of India
New Delhi

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2853. Note Verbale from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, March 22, 1965.

In their Note dated 19th March, 1965 the High Commission of Pakistan while conveying their acceptance to the proposal made by the Government of India for a meeting between the Chief Secretaries of East Bengal and East Pakistan, had stated that such a meeting could only take place after the Dahagram enclave has been vacated (by India) and handed over to the Pakistan authorities. This conditional acceptance of the Government of India’s proposal for the Chief Secretaries meeting was accompanied with the request for the return of the so-called refugees to Dahagram for transit facilities through Indian territory. The Note states that it was only after the return of the so-called refugees, accompanied by Pakistan police and officials, that the Chief Secretaries could fix the date for a meeting at Dacca.

2. The Pakistan High Commission followed their Note dated 19th March with another Note Verbale dated 20th March in which request was made for the transit of a party of Pakistan officials through Indian territory so that these officials could proceed to Dahagram ’to verify’ the Indian contention that the Indian police or Armed personnel had not entered the territory of Dahagram. The Government of India were informed that Pakistani officials would proceed to Dahagram on 21st March for “ascertaining the true facts on-the-spot” relating to the so-called Indian aggression in Dahagram.

3. The reactions of the Government of India to these the Notes from the Pakistan High Commission were conveyed to the Pakistan High Commissioner by the Foreign Secretary on telephone on 20th March. The Pakistan High Commissioner was informed that since there had been no Indian aggression against Dahagram, the imposition of the pre-conditions by the Pakistan Government for a meeting between the Chief Secretaries of West Bengal and
East Pakistan, amounted to a rejection of this proposal. Surprise was also expressed that despite categorical denial of any aggression against or occupation of Dahagram by Indian forces, the Government of Pakistan should persist in making allegations of aggression against Dahagram and should wish to hold an enquiry into this. The Foreign Secretary made the following concrete suggestion to the Pakistan High Commissioner for urgent consideration of the Government of Pakistan:

(i) Immediate stoppage of firing for which orders should be given by both East Pakistan and West Bengal Governments.

(ii) Residents of Dahagram, who have come away to East Pakistan, and Pakistan officials, may apply for permits to the local authorities for transiting through Indian territory.

(iii) Simultaneously, the East Pakistan and West Bengal Governments should specifically agree to a meeting of the Chief Secretaries at a very early date.

(iv) The grant of permits to Pakistani residents and officials under (ii) would be without prejudice to the procedures to be actually agreed upon by the Governments East Pakistan and West Bengal in regard to transit facilities to each other’s enclaves.

4. In regard to the procedures referred to above, the Government of India wish to reproduce extracts from the proceedings of the 17th Chief Secretaries Conference held at Dacca on 29th and 30th August, 1960, and the 35th Conference of the Chief Secretaries, also held at Dacca, on 1st and 2nd August, 1962;

Extracts from Proceedings of 17th Chief Secretaries’ Conference

"1.(i) 1(a) East Bengal Main Agenda- Difficulties regarding enclaves (Cooch Behar- Rangpur).- As regards visits by officers of Cooch Behar, Dinajpur and Rangpur to their respective enclaves, it was agreed as follows :-

(1) That officers likely to pay such visits should be given identity cards (bearing the photo of the holder) by their respective District Officers.

(2) That whenever any such officer wants to visits an enclave situated in the territory of the other Government, the District Magistrate concerned or the Deputy Commissioner will telegraph to his opposite number stating the name and designation of the officer who wants to visit the enclave, the name of the enclave and the route which the officer will follow, at least 15 days before the projected visit. The District Magistrate or Deputy Commissioner, as the case may be, will thereupon arrange for such
officer to be escorted to the enclave in question through his own territory. Similar arrangements will be made for the return journey.”

* * * * *

Extracts from the proceedings of 25th Chief Secretaries Conference

“Visits to Enclaves.

Chief Secretary, West Bengal, requested that Indian officers including police officers should be allowed to visit Indian enclaves in Pakistan and vice versa on the strength of identity cards issued to them as agreed upon at the 17th Chief Secretaries’ Conference. It was pointed out by Chief Secretary, East Pakistan, that such visits were allowed under the Chief Secretaries Agreement of 1950, but this stands superseded by Indo-Pak Passport Agreement of 1933 and all persons under the law must furnish valid travel documents and no executive orders can go against the requirements of law.”

5. The Government of India would strongly urge the Pakistan Government to respond, in a constructive spirit, to the suggestions made by the Foreign Secretary to the Pakistan High Commissioner on 20th March and to issue instructions forthwith to the East Pakistan Rifles and to their other armed personnel, to stop firing into Indian territory and to desist from aiding or abetting Ansars and other organizations in East Pakistan and Pakistan nationals from illegally crossing over into Indian territory which they have been doing and as a result of which there have been a number of cases of looting and arson by Pakistan nationals in villages and houses situated on Indian territory. The Government of Pakistan would appreciate that the West Bengal Border Police must discharge their responsibility of maintaining law and order on Indian territory and deal firmly and effectively with any attempts by Pakistan nationals, supported by the East Pakistan Rifles, to create conditions of disorder and chaos on Indian territory.

The High Commission of Pakistan,
New Delhi

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2854. **Statement of External Affairs Minister Swaran Singh in the Rajya Sabha on Dahagram Enclave.**

**New Delhi, March 22, 1965.**

From time to time there have been reports of concentration of Pakistani forces within Pakistan territory near Dahagram enclave. Taking advantage of the narrowness of the strip of Indian territory separating the Pakistan mainland from this enclave, illegal movement of Pakistani nationals has been taking place between the enclave and the Pakistan mainland. Patrolling in the adjacent Indian area of Tin-Bigha was intensified to prevent unauthorised passage of goods and movement of Pakistani nationals over Indian territory from the Pakistan mainland to the Dahagram enclave. With the intensification of patrolling in Tin-Bigha by our border police for ensuring that Pakistani infiltration across the Indian border does not take place, the East Pakistan Rifle Units came in strength on the Pakistani side of the border and dug themselves in opposite to the West Bengal outpost of Jhirsingheswar.

Patrolling by the West Bengal police in the area to prevent unlawful movement of Pakistani nationals between the Pakistan mainland and the Dahagram enclave, was given the colour of an economic blockade of the enclave by the East Pakistan Government. Pakistan concentrated its forces all along the border in this sector which gave rise to tension. On the 18th February, 1965, the Deputy Commissioner of Cooch-Behar met his counterpart, the Deputy Commissioner of Rangpur, in order to review the cause of tension prevailing in this border area. Both agreed that all possible steps should be taken to ease the situation.

The Pakistani press, however, came out with baseless stories of India having imposed an economic blockade of Dahagram. The allegations of the East Pakistan Government were denied by the Government of West Bengal, who in their telegram dated the 12th March, 1965, drew the attention of the Government of East Pakistan to the concentration of Pakistani forces on the border. On the 13th March, at about 5 p.m. some residents of Dahagram tried to lift cattle belonging to Indian nationals at a place called Phulkabahri. They were backed by armed personnel of the East Pakistan Rifles from this enclave. The West Bengal police rushed to the scene and prevented the Pakistani nationals from lifting the cattle. There was a brief exchange of fire. Shortly afterwards, a large number of Hindu houses in Dahagram were set on fire and there were reports of some gun shots inside Dahagram. This was followed by Hindu exodus from the Dahagram enclave to the adjoining Indian territory; about 150 Hindus fled Dahagram and came to Cooch-Behar in search of shelter and security. At about midnight on the 13th/14th March, 1965, some residents...
of the Pakistan en-clave assembled around the Tin-Bigha area and tried to break through across Indian territory to the Pakistan mainland. Pakistan policemen from the enclave started firing to give cover to these Pakistani nationals, and one Indian policeman was injured. In self-defence, fire was opened by West Bengal police also.

On the basis of interrogation of the Hindu refugees from Dahagram who had come away to the Indian territory, it was learnt that they had been subjected to oppression and harassment. This was taken up with the Government of East Pakistan in a telegraphic protest by the Government of West Bengal where it was mentioned that unless effective steps were taken by the Government of East Pakistan to ease tension in this area, there was likelihood of serious repercussions. There has been no reply to this telegram dated 14-3-1965.

The Chief Secretary, West Bengal Government, sent an immediate telegram on the 16th March evening, to his counterpart in East Pakistan drawing his attention to the baseless accusations that were being made against Indian authorities for alleged atrocities perpetrated in the area and also to the false and highly provocative and inflammatory version of the Dahagram incidents which were appearing in East Pakistan newspapers. The Chief Secretary, West Bengal, suggested that the two Chief Secretaries should meet immediately and discuss the situation. To this a conditional acceptance was received from the Chief Secretary, East Pakistan, on the 18th night. The conditions informed by the Pakistan Government were the vacation of the so-called aggression and occupation of Dahagram by Indian forces and assurance to the residents of Dahagram who had crossed over into East Pakistan to return to Dahagram.

The situation took a turn for the worse with commencement of continuous firing from across Pakistan territory by Pakistani forces from 3.30 a.m. on 17-3-65 in the following areas of the district of Cooch-Behar: Phulkabahri, Tin-Bigha, Bagdokra and Kharkharia.

Heavy and intensive firing by Pakistan forces is continuing in this area. Indian border police has had to return fire when it was indispensably necessary to maintain its posts. Pakistani forces are using mortars and hand grenades.

The Chief Secretary and inspector-General of Police, West Bengal, have visited the area for an on-the-spot inspection of the situation. The Chief Secretary has reported after this visit that there is not the slightest basis for the Pakistani allegation that Indian forces have aggressed against Dahagram or that they have occupied the Pakistani enclave. The Chief Secretary has further reported that firing in the area was started by personnel of East Pakistan Rifles and that the West Bengal border police returned the fire in self-defence.
A strong telegraphic protest was lodged with the Government of East Pakistan by the Government of West Bengal on the 17th March, urging upon that Government to issue instructions to its forces to stop firing forthwith and to desist from further aggressive activities. On the 17th March, a note was also handed over to the Pakistan High Commission in New Delhi, refuting allegations of alleged occupation of Dahagram by Indian forces. The note urged the Pakistan Government to instruct the Chief Secretary of East Pakistan to agree to meet the Chief Secretary, West Bengal, immediately to discuss the situation. It was further stated in the note that the Government of Pakistan should curb anti-Indian and communal propaganda in the press and over the Government radio, since this propaganda could have serious repercussions on the minorities in East Pakistan. On 19th March, 1965 the Pakistan High Commission in New Delhi left a note verbale with the Foreign Secretary, repeating the conditional acceptance of the proposal made by the Chief Secretary, West Bengal, for a conference with his counterpart in East Pakistan to discuss the situation on the Cooch-Behar border. On the afternoon of the 20th March, the Pakistan High Commission left another note verbale with the Foreign Secretary, suggesting that a party of Pakistan officials should be allowed transit facilities over Indian territory so that they can proceed to Dahagram to verify India’s assertion that their forces have not committed any aggression on the Pakistani enclave of Dahagram.

In this note verbale our proposal for a meeting between the Chief Secretaries of West Bengal and East Pakistan was side-tracked. Our reaction to this note was conveyed to Pakistan High Commissioner within two hours. We informed him that there could be no question of the Government of India agreeing to an investigation by Pakistani officials into the alleged aggression which had, in fact, never taken place. The Government of India made the following concrete suggestions:

(i) Immediate stoppage of firing for which orders should be given by both East Pakistan and West-Bengal Governments.

(ii) Residents of Dahagram, who have come away to East Pakistan, and Pakistan officials, may apply for permits to the local authorities for transiting through Indian territory.

(iii) Simultaneously, the East Pakistan and West Bengal Governments should specifically agree to a meeting of the Chief Secretaries at a very early date.

(iv) The grant of permits to Pakistani residents and officials would be without prejudice to the procedures to be mutually agreed upon by the Governments of East Pakistan and West Bengal in regard to transit facilities to each other’s enclaves.
Late last night a message was received from the Government of West Bengal saying that Pakistan Ansars—who are really a para-military organisation trained by Pak Army officials-backed by personnel of the East Pakistan Rifles, made raids on Indian territory in the Bagdokra and other areas and began looting and burning the houses of Indian nationals in these areas. The Pakistani raid was met by the West Bengal Border Police and some of the raiders who were indulging in arson and other such nefarious activities on Indian territory were killed. We are watching further developments. I can assure the House that such lawlessness and brigandage on the part of Pakistani personnel will be suitably and adequately dealt with.

There is no truth whatsoever in the wild Pakistani allegation that Indian troops have committed aggression by marching into the Pakistani enclave of Dahagram. There are no Indian troops in the area. Only personnel belonging to the West Bengal Police are patrolling the Indian mainland in Tin-Bigha, and they have never entered the Pakistan enclave of Dahagram.

It is extremely regrettable that the Pakistan Government should whip up wild and irresponsible propaganda in the Pakistan press and over the Pakistan Government Radio, both in East and West Pakistan, calculated to rouse communal passions. The Government of India have urged the Pakistan Government to do everything in their power to see that such false propaganda is stopped, as otherwise there are likely to be serious repercussions on the minorities in East Pakistan. The Government of India have also impressed upon the Government of Pakistan the need for immediate stoppage of firing, on both sides, so that the matter could be considered in a calm atmosphere between the Governments of West Bengal and East Pakistan. The Government of India are surprised that Pakistan Government should persist in their accusation of Indian occupation of Dahagram enclave in spite of our categorical denial.

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Note recorded by Foreign Secretary C. S. Jha after his meeting with the Pakistan High Commissioner in India.

New Delhi, March 25, 1965

Ministry of External Affairs

The Pakistan High Commissioner saw me this morning in connection with Dahagram. I complained to him that until 10.30 this morning firing was still going on by Pakistan border forces and that the Commandant of the Pakistan border forces had not contacted that Commandant of the Indian border police. I said that this was against the agreement reached between us and requested him to see to it that there was no further delay in the implementation of that agreement, the first essential step towards which was the cease fire. The Pakistan High Commissioner said that evidently there has been some delay in transmission of cables to Dacca but he hoped that when that Chief Secretary, East Pakistan, returned to Dacca today or tomorrow, he will give that necessary orders. Meanwhile, he would again send a telegram.

2. The Pakistan High Commissioner also requested that visas should be given promptly by the Deputy High Commissioner, Dacca, to the civil and police officials for whom applications for Visas had been made to him. I told him that we had already instructed our Deputy High Commissioner, but that first thing in our agreement was to bring about cease fire. Until this had been done, the other three points of that four-point plan could not be implemented. The four-point proposal hung together. The Pakistan High Commissioner accepted that validity of this. I said that as soon as cease fire was effected, that Deputy High Commissioner will grant that visas.

3. The Pakistan High Commissioner read out from a telegram received from his Government, in which allegations had been made that thousands of rounds of ammunition had been fired by our border police in the Lathitilla-Dumabari area and that the Indian border police had been adopting an aggressive attitude. I told him that this was not correct. Our information was just the opposite. It was the Pakistan border force who was firing away thousands of rounds of ammunition merrily. I added jocularly that Pakistan was much richer in ammunition than we were! The High Commissioner suggested that there should be cease fire all along the border; that is to say, not only in the Dahagram area but in the Lathitilla-Dumabari area also. I asked him whether he was connecting the cease fire in the Dhahgram area, to which we had already agreed to, with the cease fire in the Lathitilla-Dumbari area. I said that I could say that we would be very glad to issue instructions to the
Commandant of the border police in the Lathitilla-Dumabari area to meet and arrange a cease fire and restoration of the status quo. The Pakistan High Commissioner said this would be satisfactory. I told him that I would speak to F.M. and confirm this.

4. I also told the Pakistan High Commissioner that it was senseless to have these shooting bouts in the Lathitilla-Dumabari area. This was a relatively small dispute and we should be able to settle it by mutual discussion. We would welcome a very early meeting between the two Governments as Pakistan Government may desire. The Pak H.C. seemed to concur in this.

5. F. M. may see the above and confirm ‘A’ above.

(C.S. Jha)
25.3.1965

(‘A’ - stands for the portion italicized)

It may be pointed out for record that External Affairs Minister made several statements in Parliament in connection with the firing in the Dahagram. These were on March 19, 22 and on 31st March 1965.

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2856. Statement of External Affairs Minister Swaran Singh in Rajya Sabha on Developments on Cooch-Behar Border.

New Delhi, March 31, 1965.

On 22nd March a report was received from the West Bengal Government that personnel of the East Pakistan Rifles were massed opposite South Berubari in Jalpaiguri District. It was reported that there had been rumours in the area that the East Pakistan Rifles were about to organise raids on South Berubari since its transfer to Pakistan was being delayed by India. It was further reported that on 3rd March some members of the East Pakistan Rifles had crossed the Sui River in Jalpaiguri and had trespassed into the adjacent Indian territory. The East Pakistan Rifles threatened some Indian nationals who were cultivating land there and claimed that the territory was Pakistan's. When the West Bengal Border Police reached the area, the East Pakistani Rifles men fled and crossed over in to Pakistan territory. Although the intrusion was easily vacated, the East Pakistan Rifles were reported in some strength on Pakistan territory, opposite South Berubari. At one time it was even feared that they would make an attempt at sustained intrusion into Indian territory in that area.

A message received from the West Bengal Government on 30th March stated that they had received no report that any portion of Indian territory in that area, was under Pakistan's occupation. The West Bengal report further stated that there was some tension at Kajaldigi/Paranigam on the Berubari border but no Indian land had been encroached on or occupied by Pakistan.

I will now report to the House the developments on the Cooch-Behar border, further to what I had stated here on 22nd March.

On 20th March the Pakistan High Commissioner had sent a Note suggesting that a party of Pakistan officials should be allowed transit facilities over Indian territory so that they could proceed to Dahagram to verify India's assertion that their forces had not committed aggression on the Pakistani enclave. As I had stated, our reaction to this Note from the Pakistan High Commission was given out within 2 hours. We made 4 concrete suggestions to end the firing on the Cooch-Behar border, conclude an effective cease-fire there and arrange for a meeting between the Chief Secretaries of East Pakistan and West Bengal.

The acceptance of the Government of Pakistan of our 4-point proposal, was conveyed to the Foreign Secretary by the Pakistan High Commissioner on the afternoon of 22nd March. Our first proposal to which effect was to be given immediately, was that there should be stoppage of firing on the border without any loss of time. It was made clear that once firing had stopped and the cease-fire had become effective, an announcement would be made for a conference
between the Chief Secretaries of West Bengal and East Pakistan, at which
details for main-taining tranquility on the border and for ensur-ing the return of
such residents of Dahagram as had left the enclave, would be worked out. It
had been agreed that the Commandant of the East Pakistan Rifles would
approach the Com-mandant of the West Bengal Border Police immediately, to
effect a cease-fire, on which action would be taken by our Deputy High
Com-mission at Dacca to issue visas etc. to a party Of Pakistan officials who
intended to transit through Indian territory to proceed to Daha-gram.

From our side there was no ambiguity about this understanding. Unfortunately,
the Govern-ment of Pakistan delayed giving instructions to the Commandant
of the East Pakistan Rifles to make contact with the Commandant of the West
Bengal Border Police, to effect a cease-fire. As the House is aware, firing has
continued on the Cooch-Behar border since 17th March and the agreement of
22nd March did not put an end to the firing as it should have done. Indeed,
later day reports from the West Bengal Govern-ment indicated that not only
had the firing not stopped but that its intensity and extent had increased.

Intermittent firing by Pak forces con-tinued on the 22nd and 23rd March in
Jikabari, Tinbigha, Bagdokra, Kharkharia and Permekli-ganj. The East Pakistan
Rifles made, use of light machine guns, mortars and grenades. For some time
thereafter, firing was subdued but from the night of 24th March, it again became
more intense in the Tinbigha area. There was again some relief on the 25th
March but on the 26th Tinbigha, Bagdokra and Kharkharia sec-tors were again
scenes of firing by the East Paki stan Rifles, who later extended their activities
to Satirpul and -Phulkabahri. On the 27th March, the Pakistan forces continued
to fire and up to the 28th March firing was intense and conti-nuous at Kharkharia,
Bagdokra, Jikabari and Tinbigha.

The West Bengal Border Police naturally returned the fire in self-defence and
thus foiled all attempts by the East Pakistan Rifles to dis-lodge our border
posts. Encroachment on Indian territory by personnel of the East Pakistan
Rifles was effectively prevented through the action of the West Bengal Border
Police who gave a good account of themselves in a trying situation.

The intensification of firing surprised the Gov-ernment of India as much as the
Government of West Bengal. We had been led to believe that the delay in the
non-implementation of the agreement of 22nd March, was not due to any
substantive decision by the Government of Paki stan not to honour this
agreement, but to the temporary absence from Dacca of high officials of the
East Pakistan Government who, we were told, were away to Rawalpindi to
attend the inauguration ceremonies of the Pakistan Presi-dent. The impression
was conveyed to us that as soon as senior officials of the East Pakistan
Government returned to Dacca, there would be no difficulty in implementing
the agreement of 22nd March and an immediate cease-fire would be ordered. As an earnest of their intention to abide by the agreement of 22nd March, a group of East Pakistan officials put in visa applications with our Deputy High Commission at Dacca on 24th March. Our Deputy High Commissioner stressed that before facilitating the transit of a party of East Pakistan officials through Indian territory by granting them visas etc., an announcement about the cease-fire should be made and indication given of the date of a conference between the Chief Secretaries of West Bengal and East Pakistan. The question of granting visas and of working out arrangements for the return of such inhabitants of Dahagram as had left the enclave, could only be taken up after the cease-fire had become effective and an announcement of an agreed date for the conference between the Chief Secretaries of West Bengal and East Pakistan had been made.

By 25th March it had become clear that difficulties were being created in Dacca due to which implementation of the agreement of 22nd March was being impeded. From what we could make out here of the local difficulties in Dacca, we came to the conclusion that an argument had developed in Dacca as to whether visas could be given to Pakistani officials desirous of proceeding to Dahagram, even before a cease-fire had been fixed or announced.

To break the deadlock and to put an end to the wanton firing which is causing unnecessary tension and harassment to the civilian population, discussions have taken place with the Pakistan High Commissioner here. It has been agreed that the important thing is for the cease-fire to come into operation at the earliest possible time. Steps would accordingly immediately be taken to fix a time by mutual agreement. Transit visas would be issued by that time, and they would of course become effective from a practical point of view, only when the firing stopped. It was also agreed that negotiations should take place without delay to fix an early date and time for the Chief Secretaries’ Conference. That conference would consider the question of future transit facilities to enclave residents on both sides of the border as well as other matters connected with reducing tension.

It is essential, in order to put an end to the unfortunate situation which has been thrust upon us, and to pave the way for the restoration of normal conditions in the area, for an early announcement to be made of the coming into force of the cease-fire and of the Chief Secretaries’ Conference. It was mutually agreed that this could be facilitated by the two High Commissioners themselves proceeding to Dacca to work out the arrangements after necessary consultation.

Members of this House must have read in the Press this morning that the presence in Dacca of the two High Commissioners has helped to bring about
implementation of the decisions taken here on 22nd and 29th March, to end firing on the Cooch-Behar border and to arrange for a conference of the Chief Secretaries of West Bengal and East Pakistan. We have not so far received a report on the discussions that took place in Dacca on the 30th evening, but it is clear that the cease-fire will become effective as from today afternoon, and the two Chief Secretaries will meet on 9th April to discuss wider questions such as future transit facilities for residents of Indian enclaves in East Pakistan and Pakistani enclaves in West Bengal; the ending of tension all along the border; and the establishment of tranquility there. We have agreed to give facilities to officials of the East Pakistan Government to transit through Indian territory on their way to Dahagram. It is obvious that the movement of Pakistan officials over Indian territory will take place only after the cease-fire has become effective.

We hope that with these arrangements, the extremely regrettable and wholly unnecessary conflict on the border will come to an end. I would like to say, in conclusion, that there is no reason at all for such situations to arise, given the minimum of goodwill and good faith and the modicum of restraint. These are matters which can and should be settled around the conference table and not by resort to force, as that only exacerbates the situation and creates tension and excitement, and causes much harm and suffering to the inhabitants of the area.

2857. Decisions taken at the Chief Secretaries’ Conference held at the East Pakistan Secretariat to consider the issues arising out of the Dahagram problem.

Dacca, April 9/10, 1965.

The Chief Secretaries of East Pakistan and West Bengal met in Dacca on 9th and 10th April, 1965, to discuss the following agenda:-

1) Transit facilities for residents of enclaves to mainland and vice versa;
2) Travel facilities to officials of either countries to visit enclaves;
3) Measures for eliminating tension in the border.

The following decision were reached:—
ITEM NO.I : Visits by Residents:

For the facility of the residents of enclaves it was decided that ‘A’ category visa on proper passports would be issued to them on application as envisaged in Paragraph I of Item 2 of the agreed decisions of the Indo-Pak Passport Conference of February, 1953. In other words such visas will be valid for an unlimited number of journeys from the enclave to the mainland and vice versa and would dispense with the procedure for entry through checkpost.

This arrangement will come into force with effect from the 1st May, 1965.

In the meantime working arrangements as set forth in sub-paras (i),(ii) & (iii) of paragraph 2 of Item 2 of the Indo-Pak Passport Agreement of 1953, shall be made. For this purpose the Deputy Commissioner of Cooch Behar and Rangpur should meet on the 17th April, 1965, at Tin Bigha to work out the details of the interim arrangement.

For the ensuing Eid celebrations travel facilities to and from the mainland shall be accorded to the residents of Dahagram on 12th and 13th April in the same manner as was agreed upon on 30th March, 1965, for their entry into Dahagram in the first week of April, 1965.

The returning residents would also be allowed to carry with them cattle, seeds, building materials and Pakistani currency etc. as required by them up to 30.4.1965.

It was agreed that necessary recommendations will be made to the appropriate authorities by both the Governments that residents of enclaves moving to and from the mainland will be given all facilities for carrying with them currency, produce of land etc.

ITEM NO.II; VISITS BY OFFICIALS:

It was decided that officials of both countries should travel to and from enclaves on regular passports and double transit visas. It was agreed that such visas will be issued promptly.

The movement of the personnel of the police camp described as anti-dacoity patrol camp, located at Dahagram, by the Government of East Pakistan, who were allowed to return to Dahagram as per agreement reached on 30th March, 1965, will also be subject to the procedure for movement of officials to and from enclaves agreed upon and mentioned above.

Both the Governments should examine the possibility of granting multiple transit visas to officials required to visit the enclaves.
ITEM NO. III: MEASURES FOR ELIMINATING TENSION IN THE BORDER:

The Chief Secretary, East Pakistan explained that the root cause of tension in most of the places along the border was the fact that the boundary has not been demarcated. In particular he referred to the delay in demarcation of Berubari division line. Further he pointed out that there were numerous gaps along the Pakistan/India boundary in Dinajpur and Rangpur districts. He felt that completion of demarcation work and transfer of jurisdiction would have the effect of obviating tension.

The Chief Secretary, West Bengal, stated that they had certain legal difficulties with regard to demarcation in Berubari area. As regards the remaining portions still left incomplete he felt that the work could be resumed if a programme were jointly made by the Directors of Land Records, West Bengal and East Pakistan, and adhered to. He agreed that the work of demarcation of incomplete portions of the boundary between West Bengal and East Pakistan would be taken up during the forthcoming field seasons commencing from 15th October, 1965, onwards. The entire work of demarcation including transfer of jurisdiction as provided in the Ground Rule 2 shall be com-pleted before the end of May, 1966.

The Chief Secretaries also agreed that want of strip maps for areas where demarcation has been completed long ago gives rise to administrative and local complications. They feel that strip maps, already prepared for areas previously demarcated, should be checked, signed and finally printed by the two Directors of Land Record without delay; and after finalisation and printing, such strip maps should be sent immediately to the respective Central Governments for ratifi-cation.

It was agreed that from Cooch Behar/Rangpur as well as Cooch Behar/Jalpaiguri/Dinajpur border all forces on either side will pull out from forward positions and return to BOPs and resume normal border patrolling. Defensive works will be demolished. Extra force will be pulled out of the BOPs.

In area Squares 5636/5637 map sheet 78 –B/II 1" to a mile map of Survey of India 1931 Edition, forces of either side will pull out from their present positions and return to their BOPs. Deputy Commissioners of Dinajpur/Jalpaiguri with their respective Sector Commanders will mark the present forward positions on ground and on 16 inches-to-a-mile map. This will be the patrolling limits of either side and the land in between will not be cultivated until the demarcation of un-demarcated border in this area referred to above. On the rest of the East Pakistan - West Bengal borders, the border forces will withdraw to their original border outposts.
This agreement shall be reviewed every three months in the light of experience gained regarding the working of the agreement in practice.

Sd/- Ali Asghar.  
10.4.65.  
Chief Secretary, East Pakistan.

Sd/- R.Gupta  
10.4.65.  
Chief Secretary, West Bengal

2858. Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, May 14, 1965.

Ministry of External Affairs  
New Delhi

No. P.1/ 342 (i)/65  
14 May, 1965

The Ministry of External Affairs presents its compliments to the High Commission for Pakistan in India and has the honour to say that reports have been received that Pakistani armed forces have concentrated in large numbers along the border between East Pakistan and India and in particular in the area of Dahagram and that they have been indulging in highly provocative and aggressive activities causing tension on the border, in flagrant violation of the recent agreement between the Chief Secretary of West Bengal and the Chief Secretary of East Pakistan at their conference held in Decca on the 9th and 10th of April, 1965. The Government of India take a serious view of this concentration of Pakistani troops and request the Government of Pakistan immediately to withdraw their forces from the border areas in the interest of maintaining peaceful conditions.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for Pakistan the assurances of its highest consideration.

The High Commission for Pakistan in India,  
Chanakyapuri, New Delhi.
Note from Pakistan High Commissioner in India to Ministry of External Affairs.

New Delhi, May 15, 1965.

Office of the High Commissioner for Pakistan in India
New Delhi

No. 1 ((5)P/64 the 15th May, 1965

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs Government of India, and has the honour to express its surprise at the fact that the Government of India should have considered fit to address their Note No.FI/342(I)/65, dated the 14th of May, 1965 on the alleged concentration of Pakistani troops in the area of Dahagram completely disregarding the strong protest lodged by this High Commission with the Ministry on the 10th of May in its Note No. I (5)P/64 against the heavy concentration of Indian troops around the Pakistani enclave Dahagram. The Government of East Pakistan had earlier, on May 8, protested to the Government of West Bengal against the concentration of Indian troops around Dahagram. Two protests were made on May 10 against the extension of this concentration to other areas around Dahagram. Two more protests were lodged again with the Government of West Bengal on May 13.

2. In this connection the attention of the Ministry is drawn to the conversation of the High Commissioner of Pakistan with the Commonwealth Secretary on the morning of May 14 when the attention of Mr. Rajeshwar Dayal was drawn to the increasing activities of the Indian armed forces along the border in the area of Dahagram where new camps were being opened and a wall has been erected. The High Commissioner of Pakistan in a communication addressed the same day (May 14) to the Commonwealth Secretary requested him to take immediate steps to ensure that the Agreement arrived at between the Chief Secretaries of East Pakistan and West Bengal in their meeting in Dacca on April 9-10 is duly honoured.

3. It would be seen that this High Commission, in its communications on the subject, has made it clear to the Ministry where the responsibility for violating the recent Agreement between the Chief Secretaries of East Pakistan and West Bengal lies. The Ministry’s Note of May 14, as the sequence of events outlined above would show, is clearly an after-thought and a feeble attempt at covering up the increasing concentration of Indian armed forces along the border in the area of Dahagram. Under the circumstances, therefore, the High Commission of Pakistan is constrained to reject the Note of the Ministry of External Affairs. In doing so, however, it reiterates its earlier request for
immediate action to arrest further deterioration of the situation on the border along Dahagram.

The High Commission avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs, 
Government of India, 
New Delhi

2860. Note from the Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, May 21, 1965.

Ministry of External Affairs 
New Delhi

PAK – I Registry
No. D. 4178/P.I/65 May 21, 1965 Vaisakha 31, 1887

The Ministry of External Affairs, Government of India, presents its compliments to the High Commission of Pakistan in India and has the honour to bring to the High Commission’s notice, reports of systematic arrangement and torture of the Hindu residents of Dahagram enclave by the Pakistani police who have entered this enclave for making the so-called anti-dacoity camp. It is reported that the cattle of the Hindus are being forcibly taken away and punitive fines are also being imposed on the Hindu residents. These incidents have created tension in the border areas. The Deputy Commissioner, Cooch Behar has also drawn the attention of the Deputy Commissioner, Rangpur to this most deplorable situation created by the action of the Pakistani Police.

The High Commission would recall that as recently as on 9th and 10th April, 1965, the Chief Secretaries of West Bengal and East Pakistan had discussed measures for eliminating tension in the border. It is, therefore, surprising and disappointing that these incidents should be allowed to occur, violating the spirit of the Agreement between the two Chief Secretaries.
The Ministry trust that suitable steps would be taken to extend equal treatment to the Hindu residents of the Dahagram enclave and to restore confidence in the minds of Hindu by prevention of these incidents.

The Ministry of External Affairs avail itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

High Commission of Pakistan in India,
Chanakayapuri,
New Delhi.

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2861. Note from Pakistan High Commissioner in India to Ministry of External Affairs.

New Delhi, June 25, 1965.

Office of the High Commissioner for Pakistan in India
New Delhi

No. 1. (5) P/64 the 25th June, 1965.

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs and with reference to the Aide-Memoire left by His Excellency the High Commissioner of Pakistan with the Foreign Secretary on the 12th June, 1965, has the honour to state that reports have been received that on the 16th of June, 1965, five members of the Indian border forces trespassed into Angarpota, a Dahagram village adjoining Indian territory and while they were in the house of one Mr. B. Barman of Angarpota, Mr. Kafiluddin Pradhan of the same village went to Mr. Barman’s house where the Indian border personnel seized him. He was carried away from Pakistan territory to the Indian police camp at Bhotbari. On the 18th June, four members of the Indian border forces of the Bhotbari camp again trespassed into Dahagram enclave and forcibly took away one Mr. Abdus Sobhan from there. On the same day some Indian nationals backed by Indian border forces trespassed into Dahagram and forcibly cultivated lands belonging to one Mr. Omar Ali of Dahagram. A regular police camp has now been opened at Tinbigha and the camp personnel are harassing ‘A’ category visa holders from Dahagram who move between Dahagram and Pakistan main-land. The visa holders in transit are compelld to go to the Police
camp where they are searched and questioned. It has also been reported that new Indian police camps have been set up around the Dahagram enclave at Dhuliarbari, Chaurbagan and Chotakuchilbari under police station Mekliganj of District Cooch Behar. This has created a sense of insecurity among the residents of Dahagram and tension on the border area.

2. The High Commission for Pakistan strongly protests against the activities of the Indian border personnel who trespassed into Pakistan territory and requests the Ministry to take effective deterrent action against the culprits with a view to preventing the recurrence of such incidents and to arrange the return of Pakistan nationals forcibly taken by the Indian border forces.

3. The High Commission also protests against the setting up of new Indian police camps around the Dahagram enclave in flagrant violation of the Ground Rules and the decisions of the Conference of the Chief Secretaries of East Pakistan and West Bengal at Dacca on April 9 and 10, 1965.

The High Commission, therefore, requests the Government of India to take immediate steps to disband these police camps so that peaceful conditions in the border areas may be main-tained.

The High Commission avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India, New Delhi

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Note from Deputy High Commissioner of India in East Pakistan to the Government of East Pakistan.


The Office of the Deputy High Commissioner for India in East Pakistan at Dacca presents its compliments to the Government of East Pakistan and has the honour to state that distressing reports have been received about the persecution and harassment of members of the Minority Community in the Pakistan enclave of Dahagram by the members of the Pakistan police force who are stationed there to man the anti-dacoity camp.

2. It is learnt that cattle belonging to members of the Minority Community are being seized for ploughing the lands belonging to the Muslims and punitive taxes are being imposed upon the Hindu residents by these policemen. Cases of lifting of cattle belonging to Indian nationals living in Indian territory around Dahagram have also been reported. These incidents have created considerable tension in the border areas.

3. The Office of the Deputy High Commissioner for India views with grave concern these acts of oppression and high-handedness of Pakistani police in Dahagram and lodges its most emphatic protest with the Government of East Pakistan against such cruel harassment and persecution of innocent members of the Minority Community.

4. The Office of the Deputy High Commissioner for India would request the Government of East Pakistan to institute an immediate enquiry into the matter and to take stern measures against the delinquent police personnel so that such incidents do not recur and a peaceful atmosphere is maintained in the border areas.

5. The result of the action taken in the matter may please be communicated to the Office of the Deputy High Commissioner for India as soon as possible, if there be no objection.

The Office of the Deputy High Commissioner for India avails itself of this opportunity to renew to the Government of East Pakistan the assurances of its highest consideration.

The Chief Secretary to the Government of East Pakistan,
Dacca.
No. DAC(POL)/08/11/65-C, the 3rd July, 1965.

The Office of the Deputy High Commissioner for India at Dacca presents its compliments to the Government of East Pakistan and in inviting reference to its Note Verbale of even number of June 25, 1965 has the honour to state that further reports of highly provocative activities of Major Khawaja of the E.P.R. have been received by this Office.

2. It is learnt that on June 11, 1965 at about 1345 hours, Major Khawaja, Wing Commander of the E.P.R. along with one E.P.R. Jamadar and two other persons in civil dress came to the extreme point of the border at Tinbigha, P.S. Mekliganj, District Cooch Behar near Indo-Pak border pillar No. 812 and rudely asked a Naik of the Indian B.O.P. why and under whose orders the thatched shed for the Indian checkpost staff at Tinbigha was being constructed. It was also noticed that before indulging in this provocative act Major Khawaja had deployed a section of armed E.P.R. personnel in a bamboo clump situated very near the border.

3. The Office of the Deputy High Commissioner for India cannot but take a serious view of this incident and lodges its most emphatic protest with the Government of East Pakistan against these highly provocative activities repeatedly indulged in by Major Kawaka and his men. The Office of the Deputy High Commissioner for India would be grateful if the Government of East Pakistan would kindly cause an immediate enquiry to be instituted in the matter and take firm steps to put a stop to all such irresponsible, highhanded and provocative acts in the interest of peace and amity in the border.

4. The results of the action taken in the matter may please be communicated to the Office of the Deputy High Commissioner for India as soon as possible, if there be no objection.

5. The Office of the Deputy High Commissioner for India avails itself of this opportunity to renew to the Government of East Pakistan the assurances of its highest consideration.

The Chief Secretary to the Government of East Pakistan,
DACCA.
2864. Note from Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, August 21, 1965.

Office of the High Commissioner for Pakistan in India
New Delhi

No. F. I (6)P/63 the 21st August, 1965

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs and has the honour to refer to the correspondence resting with this High Commission’s Note No. F.I(6)-P/63, dated the 9th June, 1965, relating to the Berubari Union.

Since the appeal challenging the validity of the transfer of certain areas of Berubari to Pakistan has been dismissed by the Supreme Court of India, the High Commission for Pakistan requests the Ministry of External Affairs to issue necessary instructions to competent authorities to co-operate with Pakistan officials, so that the work of survey and demarcation of boundary in Berubari is taken in hand without delay, with a view to effecting the transfer at an early date of the territory in question to Pakistan, as per agreement of 1958.

The High Commission avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs
Government of India
New Delhi

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Note from Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, August 28, 1965.

Office of the High Commissioner for Pakistan in India
New Delhi

No. 1(5) P/64. the 28th August, 1965

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs and with reference to their Note No. D - 4178/P. 1/65, dated May 21, 1965, has the honour to state that the enquiries made about the alleged harassment and torture of the Hindu residents of Dahagram by Pakistan police personnel posted there have revealed that the allegation is entirely without foundation. The report that the cattle of the Hindus were forcibly taken away and punitive taxes were imposed on the Hindu residents of Dahagram has also been found to be completely baseless.

2. The High Commission has the honour to state further that tension in this area was, on the contrary, created by the activities of the Indian border forces in the area who harassed and tortured Muslims of Dahagram in various ways in collusion with the Indian Hindus of the border villages. In this connection the attention of the Ministry of External Affairs is invited to the High Commission’s Note No. 1(5) P/64, dated 25th June, 1965, regarding the trespass by members of the Indian border forces into Angarpotta village in Dahagram, kidnapping of two Pakistan nationals, and the forcible cultivation of lands belonging to a resident of Dahagram by Indian nationals who were backed by Indian border forces in this regard.

The High Commission avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs
Government of India
New Delhi

The Ministry of External Affairs replying in its Note No. PI/108/57/65 dated the September 8, 1965 rejected the contention of the Pakistan High Commission that its facts were baseless and insisted that its protest was lodged after due verification of facts. The Indian note emphatically denied that the activities of the Indian Border Force or of the residents of Indian villages had created tension in and around Dahagram.
Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, September 8, 1965.

Government of India
Ministry of External Affairs
New Delhi

No. PI/108/57/65 September 8, 1965

The Ministry of External Affairs presents its compliments to the High Commission for Pakistan in India and, with reference to the High Commission’s Note No.1 (5)P/64 dated August 28, 1965, has the honour to state that the Government of India cannot accept the contention of the High Commission that the facts mentioned in the Ministry’s Note No.D4178/PI/65, dated May 21, 1965, are baseless. The High Commission’s attention was drawn to these facts after they had been verified and found correct.

The allegations made in the High Commission’s Note No.1(5)P64, dated June 25, 1965 have, on enquiry, been found to be without any foundation. The High Commission will find the correct facts in the enclosed copy of the Government of West Bengal’s letter No.2056-CR/IB-282/65, dated July 28, 1965, to the Government of East Pakistan who had made the same allegations in a series of communications to the West Bengal Government. The Ministry emphatically denies that the activities of the Indian Border Forces or the residents of Indian villages have created tension in and around Dahagram.

The Ministry avails itself of this opportunity to renew to the High Commission of Pakistan in India the assurances of its highest consideration.

High Commission of Pakistan in India,
New Delhi.
2867. **Statement made by External Affairs Minister M. C. Chagla in the Lok Sabha regarding forcible occupation by Pakistan of Indian territory in the Lathitilla – Dumabari area.**

New Delhi, July 13, 1967.

The Chief Minister of Assam while answering a question in the State Assembly on 6-7-1967 had stated that approximately 748 bighas of land in the Lathitilla – Dumabari area of Assam had been occupied by Pakistan. The Chief Minister was referring to a working arrangement which had been arrived at between India and Pakistan in the Lathitilla – Dumabari area. The circumstances under which this working arrangement was arrived at are given below:

The dispute concerns the interpretation of the Radcliff Award in respect of five villages known as Putnigoan, Karkhana Putnigaon, Borputnigoan, Lathitilla and Dumabari in the Cachar – Sylhet sector of the Assam – East Pakistan border. The total area of these five villages is 1.84 sq. miles. The dispute arose due to divergence between the description of the boundary line in the Radcliff Award and the map showing the line in the accompanying description. Pakistan considers that the description and the map agree *inter se* whereas India holds that the description in the Award does not tally with the line drawn on the map and consequently that the line is not acceptable in terms of the specific proviso made by Sir Radcliff himself that “in the event of any divergence between the line as delineated on the map and as described, the written description is to prevail”.

As a result of this difference of interpretation of the Radcliff Award, this area became the scene of border firings on quite a few occasions in the past. After some negotiations a military working boundary was agreed upon by the two countries in this region in 1959. It was agreed that until the demarcation has been completed, civilian jurisdiction in the area will vest in the Assam Government. However, Pakistan started violating the status quo through intrusions and encroachments into the villages in question since January 1962. By November 1962, Pakistan had occupied the entire Lathitilla village and by July 1963, she had extended her forcible occupation to part of Dumabari village as well.

Efforts made to bring peace to this area did not succeed and Pakistan maintained the tension by resorting to periodic firings.

In an effort to reduce tension in this area, the offer was made to the Government of Pakistan through diplomatic channels in August 1963 for a crash demarcation of this area by the Central Surveys of India and Pakistan. Two meetings were held between the Surveyors General of India and Pakistan at Dacca and New
Delhi in December 1963 and January 1964. The meetings, however, proved
infructuous and Pakistanis did not even agree to sign the minutes of the
meetings.

No further progress in regard to the settlement of this dispute could be made
despite our efforts. The intermittent firings continued. The September 1965
criff intervened meanwhile.

After the signing of the Tashkent Declaration the General Officer Commanding
–in –Chief, Eastern Command of India and the General Officer Commanding
the 14th Infantry Division of Pakistan met on February 1, 1966 with the object
of finding ways and means of reducing tension on the Eastern Border with
Pakistan. In pursuance of the agreement reached at this meeting, the Sector
Commanders of India and Pakistan held a meeting at Lathitilla on February 8,
1966 at which a military working boundary in respect of these five villages was
agreed upon. According to this working arrangement, Pakistan retained
possession of about 249 acres (approximately 748 bighas) of various types of
land belonging to 4 out of 5 villages referred to earlier. The Village Putnigaon
was not affected by this working boundary.

The above working boundary agreement between the Sector Commanders is
only a temporary arrangement, and does not bestow any permanent rights on
either side. This fact has been clearly mentioned in the agreement itself. It will
hold good only as long as the border in this area is not permanently demarcated
by the Survey officials of the two sides.

I may state here that the Directors of Land Records and Surveys of Assam and
East Pakistan are meeting periodically to draw up programmes for demarcation
of the Assam – East Pakistan border. The demarcation in this area is yet to be
jointly carried out and that it would finally settle the matter and possession duly
transferred to the concerned States.
2868. Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.


The Ministry of Foreign Affairs, presents its compliments to the High Commission for India in Pakistan and has the honour to draw the High Commission’s attention to the following report in the Indian Express of 14th July 1967 of the Statement made by the Indian Foreign Minister in the Lok Sabha on 13th July 1967 regarding the boundary dispute in the Assam-East Pakistan border.

2 “He said the area had not been transferred to Pakistan....Pakistan unlawfully and violently occupied part of our territory”. If the present efforts to demarcate the border fail other methods would be tried. Towards the end he said, “When it comes to it we will push out Pakistanis”.

3. The Government of Pakistan lodges a strong protest against this threat of use of force and considers it highly regrettable that such a threatening statement should have come from no less a person than the Indian Foreign Minister.

4. Pakistan has not occupied any territory by force. In accordance with the RADCLIFFE award and the map forming annexure to this award the entire area of 1.7 square miles west of the boundary line between East Pakistan and Assam from the point OOY in the north (adopted by mutual agreement at the Indo-Pakistan Ministerial level meeting in October 1959) to the THAL post in the south, rightfully belongs to Pakistan, but the major part of this area has been in adverse possession of India. The area was not in dispute till December 1959 when in the meeting of Survey officials of East Pakistan and Assam the Indian representative raised a dispute over it for the first time. There was unprovoked firing by Indian border forces on the Pakistani positions in the area in June 1963 and firing incidents have taken place periodically since then, creating unnecessary tension and causing suffering to the inhabitants of the area which rightfully belongs to Pakistan. The Government of Pakistan remain prepared to resolve the dispute through any mutually acceptable and universally recognized methods of peaceful settlement.

The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

The High Commission of India in Pakistan, Islamabad.
2869. Statement by the Spokesman of the Pakistan Ministry of Foreign Affairs on Lathitilla – Dumabari.


A Foreign Office Spokesman on 28.7.1967 stated that the Indian Foreign Minister’s statement in the Lok Sabha on July 13, 1967 regarding Lathitilla, Dumabari and other villages near the East Pakistan - Assam border had grossly distorted the facts in alleging that Pakistan had unlawfully and violently occupied Indian territory. The spokesman deplored Mr. Chagla’s threat that if the present efforts to demarcate the border failed, ‘India would try other methods and when it comes to it will push out Pakistan’. He said that a protest had been lodged.

The facts of the case are that the territory in question measuring 1.7 sq. miles, belongs to Pakistan but the major part of this area is in adverse possession of India. The boundary in Lathitilla sector on the Assam-East Pakistan border was never disputed and has to be demarcated in accordance with the Radcliffe Award and the map forming the annexure to the Award. A dispute concerning this territory was raised by India for the first time at the 29th Conference of the Directors of Land Records and Surveys, East Pakistan and Assam, held at Dacca in December, 1959.

According to the Radcliffe Award, the boundary in this sector should be the boundary between thanas of Patharkandi and Kulaura.

The notification No.I76-G/J dated the 10th January, 1922, of the Assam Government was the latest notification available at the time of Independence, describing the boundaries of the thanas concerned. The relevant thana maps of Patharkandi and Kulaura are also available on which the boundary as described in the thana notification was shown. The district map of Shylet prepared by Assam in 1937 and used by Radcliffe shows the thana boundary between the thanas of Kulaura and Patharkandi and also the configuration of the Patharia Hills Reserve Forest. The Radcliffe line is based on the above mentioned notification and maps. The boundary between the Sub-divisions of Karimganj and South Sylhet on the Survey of India maps 1911 and 1946 editions also show the boundary in this sector as running in a straight line from Thal post to point ‘Y’ (the southern most point of the boundary agreed in the Ministerial level conference of October, 1959).

Assam Government’s claim put forward for the first time in 1959 to an area to the west of the Radcliffe line, is based on the Patharkandi circle map and Ilam (revenue) maps. These maps are not relevant to the demarcation of the boundary in this area in accordance with the Radcliffe Award. The Patharkandi
Circle map was produced before the Bagge Tribunal in 1950 in connection with another dispute relating to the Patharia Hills Reserve Forest adjacent to the Lathitilla area but was not accepted by the Tribunal as a basis for the determination of the thana boundaries.

It is significant that after the Radcliffe Award was given, the Government of Assam vide their notification No.AAP.72/4, dated the 15th September, 1947 which described the boundary of the Karimganj sub-division, excluded this area from Assam. Moreover, the district map of Cachar, prepared by Assam Government after partition (in 1950) excludes the area (now claimed by Assam) from Cachar district.

The territory in question thus clearly belongs to Pakistan and the boundary in this sector should be demarcated according to the Radcliffe Award. Pakistan remains prepared to resolve this dispute through any mutually acceptable and universally recognised method of peaceful settlement.

2870. Statement by External Affairs Minister M. C. Chagla in the Rajya Sabha on the incident involving the Deputy High Commissioner of Pakistan in Calcutta.

New Delhi, August 14, 1967.

On 18th July, 1967, the West Bengal Government reported to the Ministry of External Affairs that Mr. Hussain Imam, the Deputy High Commissioner for Pakistan in India at Calcutta, drove in his car, No. CD. 2136, on 4th July, 1967, followed by another car and stopped at some distance from the checkpost of the Customs Office at Jessore Road. Some three or four persons got down from the second car and after taking out something from the boot of the car which could not be distinguished from a distance crossed the un-demarcated part of the border across the fields instead of passing through the checkpost.

The Ministry of External Affairs on 9th August asked the West Bengal Government to furnish immediate a full report on this incident and also to intimate the reasons how these three or four persons who crossed the border were allowed by the Customs and Police authorities to cross the border in such an irregular manner. They were also requested to furnish information re-garding the second car accompanying the Pakis-tan Deputy High Commissioner's car and as to whether it was a diplomatic or a private car and also whether the
Deputy High Commissioner’s car flew the Pakistan flag.

According to the latest report received from the West Bengal Government on the afternoon of 4th July, 1967, Mr. Hussain Imam, the Deputy High Commissioner of Pakistan in Calcutta, proceeded to Haridaspur border check-post in his car bearing No. CD—2136. He gave no prior intimation regarding this trip and his car did not fly the Mission’s flag. Another car bearing WBE registration mark joined the Deputy High Commissioner’s car near Gaighata and followed his car on the road to the border check-post. The second car had four passengers. About half a mile before the border check-post, both the cars slowed down and the passengers of the second car slipped out and ran away to the adjoining fields. The Deputy High Commissioner of Pakistan in Calcutta then proceeded to the check-post with his car. His car was identified there and he was asked whether he would like to cross the border. He replied that he had come for a sight-seeing trip only and proceeded back to Calcutta. The check-post staff were caught by surprise and the passengers of the second car slipped away before they could be intercepted. Subsequent investigation reveals that the second car belongs to Hindustan Iron and Steel Co. Of the four passengers in the second car, one was an unidentified Indian tout and the remaining three came from Asian Hotel in Calcutta where they had been registered as three Muslim gentlemen from Bombay.

It was evident that the Pakistan Deputy High Commissioner did not visit the border for sight-seeing purpose but that his visit was to escort the second car which carried the persons who crossed the border and to shield them against scrutiny by the Police. Customs or the public.

The visit was an unscheduled tour of the Deputy High Commissioner as he had not given the usual advance notice of it either orally or in writing to the West Bengal authorities.

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The High Commission of India in Pakistan presents its compliments to the Ministry of Foreign Affairs, Government of Pakistan and with reference to their Note No. In (I)-I/9/67, dated July 28, 1967, in regard to the boundary dispute in Lathitilla-Dumabari area in Assam, has the honour to state that it is regrettable that the Government of Pakistan should have chosen to interpret the statement of the Minister of External Affairs without reference to the context in which it was made. In the course of an interpellation to a statement on the subject on 13th July, 1967, in the Lok Sabha, the Minister for External Affairs, while explaining in detail India's viewpoint in regard to the dispute, was asked by a member: “Why don’t you push out Pakistan from there?” and the Minister stated: “When it comes to it we will push them out, but at present .... we are trying to see with the assistance of the Surveyor General and the Land Records people whether we can draw the line according to the Radcliffe Award. If we fail then the question will come: What is the next step we should take". The Ministry will, therefore, appreciate that the reply given by the Indian Minister of External Affairs was not couched in threatening language: it has in fact re-emphasized India's policy of solving all disputes with Pakistan amicably through negotiations.

The High Commission has been authorised again to reassure the Ministry that this policy of the Government of India, which accords with that of the Government of Pakistan as expressed in the Tashkent Declaration, remains unchanged. The Government of India, therefore, reject the protest of the Pakistan Government.

2. The High Commission does not accept the statement of the Ministry of Foreign Affairs that the entire area of 1.7 square miles west of the boundary line between East Pakistan and Assam from the point 00Y in the north (adopted by mutual agreement at the Indo-Pakistan Ministerial level meeting in October 1959) to the THAL post in the south, rightfully belongs to Pakistan. It has repeatedly been made clear to the Government of Pakistan at various levels that the five villages of Lathitilla, Dumabari, Karkhana Putnigaon, Putnigaon and Borputnigaon belong to India in terms of the description in para 13 of the Radcliffe Award. There are ample records to prove that these villages have been in existence since 1919, if not earlier, when the cadastral maps of these villages were prepared and they have been administered by the Patharkandi
Police Station (Assam, India) since long before partition. Sir Cyril Radcliffe drew his line on the Sylhet map of 1937 which, being based on a notification of 1893, does not bear the location of these villages and thus does not tally with the description or the actual position on the ground as it existed immediately before partition. The line on the Sylhet map of 1937 literally cuts across three Mouzas. Such a division, besides being irrational, could never have been intended by Radcliffe for whom the smallest unit which could not be further split was the Mouza. Hence these villages, which form part of Patharkandi Police Station, undisputably belong to India. This view is also supported by para 14 of the Radcliffe Award which says that “in the event of any divergence between the line as delineated on the map and as described in paragraph 13, the written description is to prevail”.

3. The High Commission appreciates the assurance of the Government of Pakistan that they are prepared to resolve the dispute through peaceful methods. As far as the Government of India are concerned, the High Commission would draw the attention of the Government of Pakistan to a meeting of the Foreign Secretary of the Government of India with the Pakistan High Commissioner on the 25th March, 1965, when the Government of India’s readiness to discuss the question of Lathitilla at any level acceptable to the Government of Pakistan was stressed. In an Aide Memoire dated the 9th April, 1965, the High Commissioner for Pakistan conveyed the agreement of the Government of Pakistan to the proposal and suggested that the matter be taken up at the next regular meeting of the Chief Secretaries of Assam and East Pakistan. Such a meeting did not take place in spite of the fact that suitable instructions were immediately issued to the Chief Secretary to the Government of Assam to hold a meeting with the Chief Secretary, East Pakistan. The High Commission would take this opportunity again to propose that the Pakistan Government arrange for a meeting to discuss this matter at any level acceptable to them.

The High Commission of India avails itself of this opportunity to renew to the Ministry of Foreign Affairs, Government of Pakistan the assurances of its highest consideration.

The Ministry of Foreign Affairs,
Government of Pakistan,
Islamabad.
Statement of Prime Minister Mrs. Indira Gandhi in the Rajya Sabha regarding the distress of the Indian citizens in Indian Enclaves within the Territory of Pakistan.

New Delhi, November 28, 1967.

There are 123 Indian enclaves in East Pakistan with an area of some 29.4 square miles against 74 Pakistani enclaves with an area of about 18.4 square miles in West Bengal. Under the Nehru-Noon Agreement of 1958, these enclaves are to be exchanged. The Constitution Amendment Act of 1960 and Acquired Territories Merger Act of 1960 provided for the exchange of the enclaves after demarcation. But no exchange has so far taken place owing to Pakistan's insistence that demarcation on the East Pakistan/West Bengal border should take place simultaneously with the demarcation of Berubari, which is itself pending the result of a petition before the Calcutta High Court whose judgment is awaited.

Subsequent to the Indo-Pak conflict of 1965, the Government of India have suggested to the Pakistan Government, the reciprocal grant of facilities for the sending of police parties to these enclaves. A reply from the Pakistan Government is awaited.

According to a report of the Government of West Bengal in August 1967, the condition of our nationals in the Indian enclaves is insecure owing to the activities of certain Pakistani elements in the areas surrounding the enclaves.

The Government of India are continuing their efforts to persuade the Pakistan Government to agree to the sending of police parties to the enclaves on a reciprocal basis.

★★★★★
Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.

Islamabad, July 9, 1968.

Ministry of Foreign Affairs
Islamabad

No. IN (I) – 1/9/67

The Ministry of Foreign Affairs presents its compliment to the High Commission of India in Pakistan and with reference to the High Commission’s Note No. ISL (Pol) -117/66, dated the 6th November, 1967, has the honour to state as follows.

2. The Ministry does not accept the High Commission’s interpretation of the statement made on the 13th July, 1967, by the Minister for External Affairs, Government of India, in the Lok Sabha, on the boundary dispute in the Lathitilla area. The position stated in Para 2 of the High Commission’s note regarding; the Government of India’s claim on certain areas is also unacceptable as it is not supported by facts.

3. However, in order to avoid further controversy the Government of Pakistan is prepared, as they have always been, to resolve the dispute through peaceful methods. In this connection it will be recalled that the Chief Secretaries of East Pakistan and Assam discussed the difficulties in the boundary demarcation in Lathitilla area at Shillong on 9th April, 1960 when it was decided to refer the case to the two Central Governments. The case was then discussed at the level of Surveyors-General of India and Pakistan at Dacca on 19th and 20th December, 1963 and at New Delhi on 8th and 9th January, 1964. The Ministry would suggest that the Surveyors General of Pakistan and India should again meet at an early date to pick up the threads of their discussions. If the above proposal is acceptable to the Government of India, the Surveyor-General of Pakistan will be requested to get in touch with his counterpart in India and settle the date and venue of the proposed meeting.

The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

The High Commission of India in Pakistan,
Islamabad.
Statement by the External Affairs Minister in the Lok Sabha in reply to a Calling Attention Notice regarding the entry of Indian policemen to the Indian Enclaves in East Pakistan.

New Delhi, August 14, 1968.

At a Conference of the Chief Secretaries of West Bengal and East Pakistan held in Dacca on the 9th and 10th April, 1965, it was decided inter-alia that officials of both countries should travel to and from the enclaves on regular passports and that visas for such visits would be issue. In pursuance of this decision, an Indian Police party was posted at Kotabhajni, one of the Indian enclaves in East Pakistan in August, 1965. Similarly, the East Pakistan Government posted a police party in their enclave of Dahagram.

In the days following the 1965-conflict, the Indian party returned to the Indian side, but the Pakistani party was not able to do likewise and continues to remain in Dahagram.

In August, 1965, the Pakistan Government requested transit facilities for the replacement of their police party in Dahagram. After consulting the State Government of West Bengal, this request was agreed to on condition that the West Bengal Government would be allowed similar transit facilities for a police party to be posted in the Indian enclave of Salbari. The Pakistan Government have agreed to this, but the details have yet to be worked out between the Governments of West Bengal and East Pakistan.

As police parties of either country have to transit the territory of the other in order to gain access to their enclaves, any arrangement for posting police parties can come about only on the basis of reciprocity, This, as already explained, has been accepted by the Government of Pakistan.
The dispute over interpretation of the Radcliffe Award relating to the Lathitella area of the Sylhet-Cachar border was last discussed at the level of Surveyors General of India and Pakistan at Dacca on the 19th and the 20th December, 1963 and at New Delhi on the 8th and the 9th January, 1964.

2. The Governments of India and Pakistan agreed in principle in 1967 to further discuss the dispute with a view to settling it peacefully. In an exchange of notes an agreement was arrived at in 1968 that the Surveyors General of the two countries should meet at an early date with that objective in view. Subsequently, the Surveyor General of Pakistan wrote to his Indian counterpart on the 18th January 1969 inviting him for a meeting at Islamabad in February 1969. He subsequently sent reminders to the Surveyor General of India on the 1st of March and one 3rd April, 1969. Meanwhile the Surveyor General of India in his communication of the 2nd April, 1969, has stated that due to “pressing commitments” it would not be possible for him to have a meeting with his counterpart in Pakistan “in the near future.”

3. It would be appreciated that early demarcation of the border near Lathitella on Assam-East Pakistan border will contribute to a great extent to the lessening of the tension in the border areas. The Government of Pakistan have, therefore, instructed the Pakistan High Commission in New Delhi to approach the Government of India with a view to expediting a meeting of the two Surveyors General at an early date in Islamabad A note verbale No.In(I)-I/4/69 dated the 25th April, 1969, has already been addressed to the Indian High Commission in Islamabad to this effect.

New Delhi, May 8, 1969.
Note from High Commission of Pakistan in India to Ministry of External Affairs.

New Delhi, September 1, 1969.

Pakistan High Commission
New Delhi

No. 1 (8) – CS.VI/68 September 1, 1969.

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs, Government of India, and with reference to the discussions between officials of the High Commission and the Ministry of External Affairs has the honour to state as follows.

2. An agreement between Secretary, Ministry of External Affairs, Government of India, Mr. Kewal Singh and Secretary, Ministry of Foreign Affairs, Government of Pakistan Mr. S. M. Yusuf was reached during the former’s recent visit to Pakistan about the demarcation of borders on the Eastern and Western Sectors. According to the agreement the two Surveyors General were to take up demarcation of boundaries in both sectors.

3. The Ministry of External Affairs had suggested that the Officers In-charge of the two Survey Teams should meet at Islamabad from September 8 to 10, 1969 to discuss outstanding work on the Western Sector. The Government of Pakistan have no objection to this arrangement and will be glad to receive Col. Bedi, Officer In-charge of the Indian Survey Team in Islamabad on the said dates. Col. Bedi and Mr. Rafique should prepare for a subsequent meeting between the two Surveyors General, as already agreed upon. The full composition of Col. Bedi’s party may kindly be communicated to the High Commission as soon as possible.

4. Meanwhile, the Government of Pakistan hopes that an early date will be fixed for a meeting of the two Surveyors General about the demarcation of (a) Lathitilla Dumabari Sector and (b) Chittagong Hill Track and Mizo Sector. In this connection, the High Commission has been instructed to emphasise the need for agreeing upon such a date at the Government of India’s earliest convenience.

The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi
INDIA-PAKISTAN RELATIONS

SECTION - XII

INDIA-WEST PAKISTAN BORDER
INDIA-WEST PAKISTAN BORDER


New Delhi, August 12, 1947.

L/P&J/10/117:ff 30-39 12 August 1947

REPORT

To: His Excellency the Governor-General.

1. I have the honour to present the decision and award of the Punjab Boundary Commission which, by virtue of section 4 of the Indian Independence Act, 1947, is represented by my decision as Chairman of that Commission.

2. The Punjab Boundary Commission was constituted by the announcement of the Governor-General dated the 30th of June 1947, Reference No.D50/7/47R. The members of the Commission thereby appointed were Mr. Justice Din Muhammad, Mr. Justice Muhammad Munir, Mr. Justice Mehr Chand Mahajan, and Mr. Justice Teja Singh.

I was subsequently appointed Chairman of this Commission.

3. The terms of reference of the Commission, as set out in the announcement, were as follows:

“The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors.” We were desired to arrive at a decision as soon as possible before the 15th of August.

4. After preliminary meetings, the Commission invited the submission of memoranda and representations by interested parties. Numerous memoranda and representations were received.

5. The public sittings of the Commission took place at Lahore, and extended from Monday the 21st of July 1947, to Thursday the 31st of July 1947, inclusive, with the exception of Sunday, the 27th of July. The main arguments were conducted by counsel on behalf of the Indian National Congress, the Muslim League, and the Sikh members of the Punjab Legislative Assembly: but a number of other interested parties appeared and argued before the Commission. In view of the fact that I was acting also as Chairman of the Bengal Boundary Commission, whose proceedings were taking place simultaneously with the proceedings of the Punjab Boundary Commission, I did not attend the public
sittings in person, but made arrangements to study daily the record of the proceedings and of all material sub-mitted for our consideration.

6. After the close of the public sittings, the Commission adjourned to Simla where I joined my colleagues, and we entered upon discussions in the hope of being able to present an agreed decision as to the demarcation of the boundaries. I am greatly indebted to my colleagues for indispensable assistance in the clarification of the issues and the marshalling of the arguments for different views, but it became evident in the course of our discussions that the divergence of opinion between my colleagues was so wide that an agreed solution of the boundary problem was not to be obtained. I do not intend to convey by this that there were not large areas of the Punjab on the west and on the east respectively which provoked no controversy as to which State they should be assigned to; but when it came to the extensive but disputed areas in which the boundary must be drawn, differences of opinion as to the significance of the term “other factors”, which we were directed by our terms of reference to take into account, and as to the weight and value to be attached to those factors, made it impossible to arrive at any agreed line. In those circumstances my colleagues, at the close of our discussions, assented to the conclusion that I must proceed to give my own decision.

7. This I now proceed to do. The demarcation of the boundary line is described in detail in the schedule which forms Annexure A to this award, and in the map attached thereto, Annexure B*. The map is annexed for purposes of illustration, and if there should be any divergence between the boundary as described in Annexure A and as delineated on the map in Annexure B, the description in Annexure A is to prevail.

8. Certain representations were addressed to the Commission on behalf of the States of Bikaner and Bahawalpur, both of which States were interested in canals whose headworks were situate in the Punjab Province. I have taken the view that an interest of this sort can not weigh directly in the question before us as to the division of the Punjab between the Indian Union and Pakistan since the territorial division of the province does not affect rights of private property, and I think that I am entitled to assume with confidence that any agreements that either of those States has made with the Provincial Government as to the sharing of water from these canals or otherwise will be respected by whatever Government hereafter assumes jurisdiction over the headworks concerned. I wish also to make it plain that no decision that is made by this Commission is intended to affect whatever territorial claim the State of Bahawalpur may have in respect of a number of villages lying between Sulemanke Weir and Gurka Ferry.

* The original maps attached to the Report of the Boundary Commission not traceable.
9. The task of delimiting a boundary in the Punjab is a difficult one. The claims of the respective parties ranged over a wide field of territory, but in my judgment the truly debatable ground in the end proved to lie in and around the area between the Beas and Sutlej rivers on the one hand, and the river Ravi on the other. The fixing of a boundary in this area was further complicated by the existence of canal systems, so vital to the life of the Punjab but developed only under the conception of a single administration, and of systems of road and rail communication, which have been planned in the same way. There was also the stubborn geographical fact of the respective situations of Lahore and Amritsar, and the claims to each or both of those cities which each side vigorously maintained. After weighing to the best of my ability such other factors as appeared to be relevant as affecting the fundamental basis of contiguous majority areas, I have come to the decision set out in the Schedule which thus becomes the award of the Commission. I am conscious that there are legitimate criticisms to be made of it: as there are, I think, of any other line that might be chosen.

10. I have hesitated long over those not inconsiderable areas east of the Sutlej River and in the angle of the Beas and Sutlej Rivers in which Muslim majorities are found. But on the whole I have come to the conclusion that it would be in the true interests of neither State to extend the territories of the West Punjab to a strip on the far side of the Sutlej and that there are factors such as the disruption of railway communications and water systems that ought in this instance to displace the primary claims of contiguous majorities. But I must call attention to the fact that the Dipalpur Canal, which serves areas in the West Punjab, takes off from the Ferozepore headworks and I find it difficult to envisage a satisfactory demarcation of boundary at this point that is not accompanied by some arrangement for joint control of the intake of the different canals dependent on these headworks.

11. I have not found it possible to preserve undivided the irrigation system of the Upper Bari Doab Canal, which extends from Madhopur in the Pathankot Tahsil to the western border of the district of Lahore, although I have made small adjustments of the Lahore-Amritsar district boundary to mitigate some of the consequences of this severance; nor can I see any means of preserving under one territorial jurisdiction the Mandi Hydro-electric Scheme which supplies power in the districts of Kangra, Gurdaspur, Amritsar, Lahore, Jullundur, Ludhiana, Ferozepore, Sheikhpura, and Lyallpur. I think it only right to express the hope that, where the drawing of a boundary line cannot avoid disrupting such unitary services as canal irrigation, railways, and electric power transmission, a solution may be found by agreement between the two States for some joint control of what has hitherto been a valuable common service.
12. I am conscious too that the award cannot go far towards satisfying sentiments and aspirations deeply held on either side but directly in conflict as to their bearing on the placing of the boundary. If means are to be found to gratify to the full those sentiments and aspirations, I think that they must be found in political arrangements with which I am not concerned, and not in the decision of a boundary line drawn under the terms of reference of this Commission.

CYRIL RADCLIFFE

Annexure A to Appendix 1

1. The boundary between the East and West Punjab shall commence on the north at the point where the west branch of the Ujh river enters the Punjab Province from the State of Kashmir. The boundary shall follow the line of that river down the western boundary of the Pathankot Tahsil to the point where the Pathankot, Shakargarh and Gurdaspur tahsils meet. The tahsil boundary and not the actual course of the Ujh river shall constitute the boundary between the East and West Punjab.

2. From the point of meeting of the three tahsils above mentioned, the boundary between the East and West Punjab shall follow the line of the Ujh river to its junction with the river Ravi and thereafter the line of the river Ravi along the boundary between the tahsils of Gurdaspur and Shakargarh, the boundary between the tahsils of Batala and Shakargarh, the boundary between the tahsils of Batala and Narowal, the boundary between the tahsils of Ajnala and Narowal, and the boundary between the tahsils of Ajnala and Shadara, to the point on the river Ravi where the district of Amritsar is divided from the district of Lahore. The tahsil boundaries referred to, and not the actual course of the river Ujh or the river Ravi, shall constitute the boundary between the East and West Punjab.

3. From the point on the river Ravi where the district of Amritsar is divided from the district of Lahore, the boundary between the East and West Punjab shall turn southwards following the boundary between the tahsils of Ajnala and Lahore and then the tahsils of Tarn Taran and Lahore, to the point where the tahsils of Kasur, Lahore and Taran Taran meet. The line will then turn southwestward along the boundary between the tahsils of Lahore and Kasur to the point where that boundary meets the north-east corner of village Theh Jharolian. It will then run along the eastern boundary of that village to its junction with village Chathianwala, turn along the northern boundary of that village, and then run down its eastern boundary to its junction with village Waigal. It will then run along the eastern boundary of village Waigal to its junction with village Kalia, and then along the southern boundary of village Waigal to its junction with village Panhuwan. The line will then run down the eastern boundary of village Panhuwan.
to its junction with village Gaddoke. The line will then run down the eastern border of village Gaddoke to its junction with village Nurwala. It will then turn along the southern boundary of village Gaddoke to its junction with village Katluni Kalan. The line will then run down the eastern boundary of village Katluni Kalan to its junction with villages Kals and Mastgarh. It will then run along the southern boundary of village Katluni Kalan to the north-west corner of village Kals. It will then run along the western boundary of village Kals to its junction with village Khem Kahan. The line will then run along the western and southern boundaries of village Khem Kahan to its junction with village Maewala. It will then run down the western and southern boundaries of village Maewala, proceeding eastward along the boundaries between village Mahadeipur on the north and villages Sheikhupura Kuhna, Kamalpur, Fatehwala and Mahewala. The line will then turn northward along the western boundary of village Sahjra to its junction with villages Mahadeipur and Machhike. It will then turn north-eastward along the boundaries between villages Machhike and Sahjra and then proceed along the boundary between village Rattoke and Sahjra to the junction between villages Rattoke, Sahjra and Mabuoke. The line will then run north-east between the villages Rattoke and Mabuoke to the junction of villages Rattoke, Mabuoke, and Gajjal. From that point the line will run along the boundary between villages Mabuoke and Gajjal, and then turn south along the eastern boundary of village Mabuoke to its junction with village Nagar Aimanpur. It will then turn along the north-eastern boundary of village Nagar Aimanpur, and run along its eastern boundary to its junction with village Mastke. From there it will run along the eastern boundary of village Mastke to where it meets the boundary between the tahsils of Kasur and Ferozepore.

For the purpose of identifying the villages referred to in this paragraph, I attach a map of the Kasur tahsil authorized by the then Settlement Officer, Lahore District, which was supplied to the Commission by the Provincial Government.

4. The line will then run in a south-westerly direction down the Sutlej River on the boundary between the Districts of Lahore and Ferozepore to the point where the districts of Ferozepore, Lahore and Montgomery meet. It will continue along the boundary between the districts of Ferozepore and Montgomery to the point where this boundary meets the border of Bahawalpur State. The district boundaries, and not the actual course of the Sutlej River, shall in each case constitute the boundary between the East and West Punjab.

5. It is my intention that this boundary line should ensure that the canal headworks at Sulemanke will fall within the territorial jurisdiction of the West Punjab. If the existing delimitation of the boundaries of Montgomery District does not ensure this, I award to the West Punjab so much of the territory concerned as covers the headworks, and the boundary shall be adjusted accordingly.
6. So much of the Punjab Province as lies to the west of the line demarcated in the preceding paragraphs shall be the territory of the West Punjab. So much of the territory of the Punjab Province as lies to the east of that line shall be the territory of the East Punjab.

2878. Agreement on boundary disputes and incidents reached at the Indo-Pakistan Conference held at New Delhi from 6th to 14th December, 1948.

Committee for boundary Disputes And Border Incidents

Members.

India
(1) Mr. S. Dutt,
(2) Mr. S. Sen,
(3) Mr. J. N. Talukdar,
(4) Mr. M.R. Sachdev,
(5) Mr. S.K. Dutta,
(6) Mr. B.K. Acharya,
(7) Mr. A.K. Mukherji.

Pakistan
(1) Mr. Aziz Ahmed,
(2) Mr. Fida Hussain,
(3) Mr. M.W. Abbasi,
(4) Mr. S.M. Burke,
(5) Mr. Mahbuddin Ahmed.

Terms of Reference.

To discuss the boundary disputes and incidents on the East - West Bengal,
East Bengal - Assam and East Bengal - Tripura borders and the border incidents on the East - West Punjab border and suggest the machinery necessary for -

(a) Settlement of disputes; and
(b) Prevention of such incidents.

1. The Committee met on the 6th, 9th, 10th, 11th and 12th December, 1948. On the last two days it was assisted in its deliberations by the members of the Steering Committee, Messrs. H.M. Patel and G.A. Faruque.

**Boundary Disputes and Border Incidents**

The report of the Committee for Boundary Disputes and Border Incidents between East Bengal and West Bengal, between East Bengal and Assam, and between East Punjab and West Punjab was considered by the Conference and approved with certain amendments which have been incorporated in the report at Appendix V.

9. **Border Incidents on the East Punjab-West Punjab border** - The following arrangement was agreed upon by the Chief Secretaries of West and East Punjab and recommended by the Committee.

(2) (a) It was agreed that the Inspectors General of Police of East and West Punjab should meet at least once a month to review the situation arising out of border incidents on both sides, assisted by the local Districts Magistrates and the Superintendents of Police. They will discuss the individual incidents and devise measures to ensure that such incidents are not repeated.

(b) For this purpose the two Inspectors General of Police must take steps to institute immediately enquiries into all serious incidents which will be reviewed by them in their monthly conferences, and

(c) The two Inspectors General of Police will submit a monthly report of the progress of their work to their respective Governments for their onward submission to the Dominion Governments.

(3) A warning shall be issued by the two Provincial Governments to the local border police, home guards and national guards, etc., asking them to desist from giving any direct or indirect assistance to the raiders on both sides. Similar warning should be issued to the military along the border by the two dominion Governments. Where as a result of the monthly conferences between the two Inspectors-Generals it appears that military or police personnel are involved in the raids, immediate and effective disciplinary
action shall be instituted by the Provincial or the Dominion Governments concerned.

(4) Where the residents of a village are proved to have been involved in such raids, apart from other action, the question of levying collective fine on the village shall be immediately considered by the Provincial Government concerned, and

(5) The two Provincial Governments shall take steps to publicize these decisions along the border areas so that the miscreants and raiders on either side know that effective action shall be taken against them in the event of their participation in such activities.

AGREEMENT


* * *

Section V(ii) - Border incidents on the East Punjab, West Punjab borders - (Paragraph 9 of Appendix V of Delhi (December, 1948) Agreement) - The Conference accepted the recommendations of the official Committee contained in their report which is at Appendix 'B'.

(sd) N. Gopala Swami (sd) Ghulam Mohammad
5th April, 1949. 5th April, 1949

* * *

APPENDIX 'B'

Report of the official Committee on the subject of border incidents between East and West Punjab.

The Committee consisted of:-
Mr. Fida Hussain - Pakistan.
Mr. Sachdev - India.

(1) The position regarding border incidents between East and West Punjab was again reviewed and it was agreed that the decisions already arrived at in the Inter-Dominion Conference of 6/14th December, 1948 in regard to border incidents between East and West Punjab should be implemented forthwith in letter and in spirit.

(2) To achieve this end, detailed instructions shall be issued by the two
Governments of East and West Punjab by the 15th April at the latest emphasizing the need for frequent meetings between the Inspectors General of Police of East and West Punjab accompanied by District Magistrates and Superintendents of Police concerned, institution of joint enquiries into all serious incidents and their review at the monthly conferences and in particular, instructions shall be issued:

(a) That F.I.Rs. of all border incidents shall be exchanged between the two I.Gs., these being sent by name. The I.G. of the other province would also be entitled to call for any case diaries and make any suggestions or remarks which would receive full and personal consideration of the other I.G.

(b) When a border raid or incidents occurs, the Superintendent of Police shall inform his opposite number by wireless signal immediately. This will enable the opposite Superintendent of Police to take immediate steps to have the particular incident investigated properly and to take any preventive measures he may consider expedient in those areas where such raids showed an increase.

Each district will nominate one official who would receive all such signals from the opposite side, keep a proper record and bring it to the notice of the Superintendent of Police for necessary action.

(c) Station House Officers, Inspectors and Gazetted Officers posted to border police stations or in supervisory charge of them should as far as possible be officers who have the confidence of the other side. If a Superintendent of Police loses confidence in a border Station House Officer on the other side or has any complaint or lack of cooperation from him he will forward his complaint to the Superintendent of Police of the district concerned and the Station House Officer should then be transferred away from the border.

(d) Strenuous and effective efforts shall be made to restore property stolen or persons abducted in such border incidents. This is imperative in the case of abducted persons particularly women.

(e) When a raider has been definitely named or identified in any particular incident, strong and effective action shall be taken against him.

(f) List of persons who are notorious for committing border raids should be exchanged between the Superintendents of Police of the border districts concerned and strong and effective action shall be taken by the home police against the persons complained against.

(g) Collective penal action in the shape of collective fines or otherwise shall be taken against such villages as are found to have organized or connived at the commission of border raids.
(h) Every effort shall be made by the S.Ps. of border districts and the gazetted officers under them to establish cordial relations with their opposite numbers in these districts.

(i) Facilities shall be provided in the form of permanent permits, etc., to S.Ps. and gazetted officers of border districts to enable them to meet their opposite number frequently and at a short notice.

(j) The Inspectors General of Police will submit a monthly report of their work to their respective Governments for their onward submission to the Dominion Governments.

(k) Copies of these instructions shall be exchanged between East and West Punjab Governments immediately after issue.

(3) A warning shall be repeated by the two Provincial Governments to the local border police, Home Guards and National Guards, etc., asking them to stop giving any direct or indirect assistance to the raiders on both sides. Similar warning should be issued to the military along the border by the two Dominion Governments. Where, as a result of the monthly conferences of the two I.Gs., it appears that the military and police personnel are involved in the raid, immediate disciplinary action shall be instituted by the Provincial or the Dominion Governments concerned; and

(4) The two Provincial Governments shall again take steps to publicise these decisions along the border areas so that miscreants and raiders on either side know that effective steps shall be taken against them in the event of their participation in such activities.
Letter from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs.

New Delhi, April 21/26, 1949.


Government of India
Ministry of External Affairs
New Delhi

From: Jagat Singh, Esq.,
Under Secretary to the Govt. of India

To: The Secretary to the Govt. of Pakistan
Ministry of Foreign Affairs and Commonwealth Relations
Karachi.

Subject: Raids on Bikaner- Proposal for periodical meetings of I.G.P. Bikaner and the Commissioner of Police, Bahawalpur.

Sir,

I am directed to say that incidents on the Bikaner-Bahawalpur border have of late increased and in view of the seriousness of the more recent raids the situation has, on the whole, deteriorated. The Government of India consider that periodical meetings and closer cooperation between the Heads of Bikaner and Bahawalpur Police Departments is likely to be of immense value in putting a stop to border raids and improving the situation. They therefore request that the Inspector General of the Bikaner State and the Commissioner of Police of the Bahawalpur State should be authorised to meet periodically in just the same way as the Inspector General of Police of East and West Punjab have been authorised to meet under Inter-Dominion Agreement of December, 1948 for the purpose of devising measures to avoid border incidents.

2. The Government of India further considers it desirable that both these officers should be invited, whenever necessary, to the meetings of the Inspector General of Police of the West and East Punjab.

3. I am to request that if the Government of Pakistan agree with the views of the Government of India, necessary instructions may kindly be issued to the Bahawalpur State and to the Government of West Punjab to put the proposals into effect. On hearing from the Government of Pakistan, the Government of India will issue similar instructions to be Bikaner State
2880. Minutes of the meeting held at Circuit House, Amritsar, on the 30th May, 1949, at 11 a.m. to consider measures to stabilize the boundary between East and West Punjab.


The following officers attended:-

**West Punjab Government**

1. Mr. Akhtar Hussain, OBE, PAS, Financial Commissioner, Colonies and Resettlement, West Punjab.

2. Mr. Nasrullah Khan, Revenue Secretary to F.C., West Punjab.


**East Punjab Government**


3. Rai Bahadur Gita Ram Garg, Chief Engineer, I.B. (Irrigation Branch)

4. Mr. B.S. Talwani, Under Secretary, I.B.

2. The following decisions were reached subject to the limitations mentioned below :-
(1) Unless where it is specifically so recommended, we do not suggest any permanent change in the boundary as fixed by the Radcliffe Award.

(2) Where the boundary runs near a river, the area of the Indian Dominion, which may be for the time being on the Pakistan side of the river, should be made over for management to the Pakistan Government. Similarly, the area of the Pakistan Dominion, which may be for the time being on the Indian side of a river, should be made over the management to the Indian Government. This arrangement will be subject to the following conditions:-

(a) The arrangement may be in the first instance for a period of five years renewable thereafter, if necessary, for a further period to be then determined.

(b) Each Dominion may exclude any portion of its area across a river from the operation of this arrangement before it is finalized.

(c) Land revenue in respect of the area on the other side of a river made over to a Dominion for management should be adjusted at the end of each year, and credited in favour of the Dominion to which the area belongs under the Radcliffe Award. Cesses should, however, be appropriated by the Dominion in temporary occupation of the area.

(d) Legislation will have to be enacted by each Dominion giving effect to the above arrangement after it is finalized. Both criminal and civil jurisdiction of the area concerned shall vest in the Dominion charged with its management. A copy of the revenue records of the areas made over shall be exchanged. These will include the latest Jamabandi, Khasra Girdawari and the village maps of all the estates involved.

(e) No compensation will be claimed by either Dominion for any works constructed or other developments undertaken in the area in its temporary occupation or on any grounds whatsoever.

(f) A list showing the areas of the East Punjab villages across a river on the Pakistan side (similar to the list attached supplied by the F.C., West Punjab) should be supplied to F.C., R.C., (Financial Commissioner, Resettlement and Colonies) West Punjab should be supplied to F.C., R.C., West Punjab, with as little delay as possible and in any case before the next meeting.

(g) **Explanation**: The word "river" used in sub-para 2(2) means the Sutlej, Ravi, Ujh, Tarnah or Masto, whichever of these is nearest the boundary fixed by Radcliffe Award.
(h) Detailed statements and plans showing areas to be made over by a Dominion will be prepared by that Dominion as soon as possible and in any case before the next meeting, and sent to the other Dominion.

(i) This arrangement is subject to the confirmation at the next meeting.

(3) The East Punjab Government will propose at the next meeting certain permanent changes in the boundary. These changes will be proposed in the interests of Irrigation arrangements. An advance copy of proposals should be sent to the F.C.R.C., West Punjab.

(4) The F.C.R.C., West Punjab, pointed out that, according to the Radcliffe Award, they were entitled to the area covered by the Sulemanke head-works, and that, according to their interpretation of the word "Head-works", they were entitled to the following:

(a) the two marginal Bunds according to the retired alignments as existing on the 15th August 1947, as well as the weir;
(b) the land situated between the Bunds where their open ends are joined by a straight line;
(c) the land near the weir situated in the old Ferozepore district and originally acquired for use at the time of construction of the Head-works and for the head reaches of the two Bahawalpur State Canals. This land is contiguous to but outside the left marginal bund; and
(d) the head-works, railway land from Sulemanke to Chananwala. The proposition that "Head-works" include all works connected with the "Weir" is one which cannot be denied, especially as the "Weir" is ineffective in the absence of the two marginal embankments, the cost of which has been debited to the Head-works. A reference to technical books and the Project Estimate will clearly support this proposition.

The Chief Engineer, I.B., West Punjab, objects to this interpretation. It is understood that the dispute has been referred to the Government of India through the Pakistan Government, and, therefore, F.C.R., East Punjab thought that he would await the instructions of the Government of India in the matter.

(5) The F.C.R.C., West Punjab, mentioned certain disputes relating to the:

(i) incorrect inclusion of Chak Ladho Ke in the Indian Dominion; and
(ii) boundary near Wagha and Khem Karan.

It was considered that the F.C.R.C., West Punjab, should send papers and plans on each of these disputes before the next meeting to the F.C.R., East
Punjab, so that these could be considered by East Punjab Govt., and decisions arrived at the next meeting.

(6) It was agreed that schadas and boundary pillars required to be maintained under the Land Revenue Act along the Indo-Pakistan border between East and West Punjab should be supplied and maintained in a state of proper repair. F.C.R., East Punjab, however, explained that so far as the nationals of the Indian Dominion were concerned the boundary between East and West Punjab was very clear, and there was no need for the erection of any additional boundary pillars. F.C.R.C., West Punjab, however, thought that from the point of view of Pakistan Government additional pillars were required between two consecutive boundary pillars maintained under the Land Revenue Act where the distance between them was considerable. It was decided that Tahsildars of the Tehsils concerned should meet and report the number of additional boundary pillars required at prominent corners along the land boundary where the distance between two consecutive boundary pillars maintained under the Land Revenue Act was considerable. The Tehsildars should also report the sum required for the repairs of the boundary pillars and schadas maintained under the Land Revenue Act, so that cost of maintenance of these repairs may be provided and shared equally between the Governments of India and Pakistan.

Sd/ Akhtar Husain, Sd/ P.K. Kaul
Financial Commissioner, Financial Commissioner,
Resettlement and Colonies, Revenue and Development
West Punjab. East Punjab
Camp Amritsar
30th May, 1949.
Letter from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs.


No. IC/13/4/49 Karachi, the 26th November, 1949

From: The Secretary to the Government of Pakistan
Ministry of Foreign Affairs and Commonwealth Relations,
Karachi

To: The Secretary to the Government of India,
Ministry of External Affairs,
New Delhi.

Subject: Border incidents.

Sir,

I am directed to refer to your express letter No. F.12-5/49-Pak.1, dated the 26th April, 1949, and to state that the Government of Pakistan agree that it will be of great advantage if periodic meetings are held between the Inspector-General of Police, Bikaner State, and the Commissioner of Police, Bahawalpur State, with a view to devise ways and means for preventing border incidents and improving the situation. They suggest that such meetings should be held between either bordering Provinces and States also, i.e. between Sind, Bahawalpur and Khairpur and Bikaner, Jodhpur, Jaisalmer and Kutch. The military authorities should also be represented at these conferences, but in order to restrict the number of participants and bring about speedy settlement of incidents locally it is suggest that the meetings should be confined to respective bordering States and Provinces only. In the beginning, joint meetings of all Provinces and States concerned may, however, if desired be held to work out details and to evolve as far as possible a uniform procedure.

2. It is suggested that the meetings should be held quarterly or more frequently, if necessary, and the general procedure at present in force for the prevention of border incidents on the East Punjab - West Punjab border vide paragraph 9, sub paragraphs (2) - (5) of Appendix V of the Delhi Agreement of the 4th April, 1949, should also be made applicable to all the borders in the above cases.

3. I am to request that, if the Government of India agree to the above proposals, necessary instructions may please be issued to the appropriate authorities concerned in India and a copy sent to the Government of Pakistan.
so that similar instructions may be issued by them also.

I have the honour to be

Sir

Your most obedient servant

Sd/- A.A. Shah

for Secretary to the Government of Pakistan.

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2882. Note from Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, April 24, 1950.

Office of the High Commissioner for Pakistan in India

New Delhi

No. F. 62(6)P/50/1161 24th April, 1950

The High Commission for Pakistan in India present their compliments to the Ministry of External Affairs of the Government of India, New Delhi, and have the honour to say that a reference to the correspondence exchanged between the Governments of India and Pakistan regarding the Suleimanki Headworks will show that the matter has three aspects. The first is the question of applying the Radcliffe award and marking the definitive demarcation of the boundary. The second is the question of withdrawal of police and military pickets from the disputed area pending agreement on the exact line of the boundary. The third is the question of inspection and maintenance of the left marginal bund of the headworks pending withdrawal of the pickets and pending demarcation of the boundary.

The Government of Pakistan have deferred replying to express letter from Foreign, New Delhi, to Foreign, Karachi, No. F.37-2/49-Pak.III, dated the 19th January, 1950, dealing with the first aspect of this matter. A reply on this aspect will be sent shortly. This note deals only with the last aspect which is one of continuing urgency.

It has been appreciated by the Government of India from the very outset that it is of vital importance that the left marginal bund of the Suleimanki Headworks should be urgently inspected and maintained. In Mr. Dutt's letter No. F.12-9/48-Pak.I, dated the 30th May, 1949, it was stated *inter alia* "However, we are writing to the East Punjab Government drawing their attention to the previous
agreement that necessary facilities will be given to the West Punjab staff for attending to the repairs of the left marginal bund and asking for confirmation that no interference is in practice being made." Letters from the Deputy High Commissioner for India in Pakistan to the Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations, No. IHC-1-Poll/49-XXIII, dated the 1st June, 1949, also said "The Government of India have, however, drawn the attention of the East Punjab Government to the matter and asked them to ensure that West Punjab officials concerned are given the necessary facilities for attending to repairs of the bund and that there is no interference with them." Again Mr. Dutt’s letter No. F.12-9/48-Pak-I, dated the 21st June, 1949, stated "As regards repairs to the bund, however, we have already instructed the East Punjab Government to give necessary facilities to the West Punjab staff and we are not aware that this instruction is not being carried out..................However, no obstruction has been placed in the way of the West Punjab irrigation staff coming over for the maintenance of the bund." Notwithstanding these assurances, the appropriate Pakistan officials have been stopped when they have sought to inspect and repair the left marginal bund of the Suleimanki Headworks.

With the recent happy improvement in the handling of questions between the two countries, the Government of Pakistan are confident that arrangements will now quickly be made by the Government of India to ensure that the necessary inspection and repair may be carried on by Pakistan on the left marginal bund of the Suleimanki Headworks. Such arrangements will, of course, be entirely without prejudice to the contentions of the respective Governments as to the demarcation of the boundary.

It will accordingly be appreciated if assurance can be given that the necessary instructions have been issued so that inspection may be resumed promptly by the appropriate Pakistan officials and repairs, wherever necessary, carried out.

The High Commission take this opportunity to renew to the Ministry of External Affairs the assurances of their highest consideration.

The Ministry of External Affairs,
Government of India, New Delhi.
2883. **Note from Pakistan High Commission in India to Ministry of External Affairs.**

**New Delhi, October 27, 1950.**

**Office of the High Commissioner for Pakistan in India**

**New Delhi**

No. F. 62(6)P/50/3101 27th October, 1950

The Pakistan High Commission in India present their compliments to the Government of India, Ministry of External Affairs and with reference to their No. No. 6-3/50-Pak.III, dated the 9th June, 1950, have the honour to state as follows :

2. The Government of Pakistan maintain that the land under the left marginal bund, lying between the two bunds, acquired in connection with the headworks, under the head reaches of the canals and under the railway line from Suleimanki to Chananwala are essential parts of the headworks and have consequently been awarded to Pakistan by Sir Cyril Radcliffe. The Government of India on the other hand maintain that the award is to be interpreted as having given certain of these lands to India. The Government of India have set up in the disputed areas military pickets which have prevented inspection and repair by Pakistan of parts of the left marginal bund essential for the safety of the headworks. Whatever the merits of respective contentions it is clear that there exists a boundary dispute at Suleimanki and that within the disputed area are marginal bunds essential to the safety of the headworks and to irrigation that is exclusively in Pakistan.

3. A suggestion of the Government of Pakistan that this boundary dispute be referred to the Commission already considering other boundary questions was not accepted by the Government of India.

4. There is no similarity between the problem giving rise to the arrangements made at Ferozepore headworks and that at Suleimanki. The arrangements at Ferozepore headworks were made after the boundary was delimited and there is no boundary dispute with respect to the area around Ferozepore.

5. The arrangements made at Ferozepore take into account that the canals taking off from that headworks irrigate areas in both India and Pakistan. At Suleimanki, in contrast, all the canals taking off from headworks irrigate only in Pakistan.

6. The questions first to be settled are, as explained in High Commission's note No. F.62(6)P/50-1161, dated the 24th April, 1950:
(i) The delimitation of the boundary between the two Governments at Suleimanki headworks.

(ii) The question of withdrawal of police and military pickets from the disputed area pending agreement on the exact line of the boundary.

(iii) The question of inspection and maintenance of the left marginal bund of the headworks pending withdrawal of the pickets and pending demarcation of the boundary.

To these the Government of India have suggested there be added the question of the arrangements of a permanent character to be arrived at for the maintenance of the bunds.

Discussions as to the eventual permanent arrangements can only be undertaken after the settlement of the first, second, and third questions. The Government of Pakistan are prepared to take part in a conference with the Government of India for the purpose of settling all questions in dispute.

7. The Government of Pakistan hope that in the present atmosphere of goodwill between the two countries, it will be possible to reach an ultimate settlement of the question at the proposed conference. In case, however, no settlement is reached at the conference, the Government of Pakistan would request the Government of India to agree to refer the matter for arbitration. Prior agreement to such an arrangement is, in the opinion of the Government of Pakistan, bound to enhance the chances of the success of the conferences.

8. The High Commission take this opportunity to renew to the Government of India the assurances of their highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi.
Note from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.


No.Poll.30/50-II. Dated the 22nd/23rd November, 1950

The Indian High Commission in Pakistan present their compliments to the Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations and have the honour to state that the Government of India have seen the new map of Pakistan on the scale of 1"-50 miles, issued recently by the Surveyor General of Pakistan. This map according to the Government of India is inaccurate in several essential particulars so far as the delineation of the boundaries between India and Pakistan is concerned. Some of the inaccuracies are detailed below for the purpose of illustrations:-

1. The boundary is taken through the middle of the Rann of Cutch and not along its northern edge which has always been the accepted boundary.

2. The boundary is inaccurate in the neighbourhood of the Sulaimanki headworks at the north-east corner of the Bahawalpur.

3. Jammu and Kashmir and Junagadh are shown as belonging to Pakistan.

4. The boundary immediately west of that which formed the subject of dispute No.IV between India and Pakistan in the Karimganj area has been drawn as Pakistan would like it to be and not as it should be in accordance with the Bagge Tribunal award.

5. The boundary in the vicinity of the junction or the Mathabhanga and the Ganges is slightly inaccurate.

6. Just north of Ferozepore the boundary is inaccurately shown.

The inaccuracies listed above are by no means exhaustive.

2. In the Pakistan map referred to above is the small scale inset map showing Hyderabad as a foreign country. Hyderabad is a constituent state of India.

The High Commission avail themselves of this opportunity to renew to the Government of Pakistan the assurances of their highest consideration.

The Ministry of Foreign Affairs &Commonwealth Relations,
Government of Pakistan, Karachi
2885.  Note from the Ministry of External Affairs to Pakistan High
Commission in India.

New Delhi, December 13, 1950.

Ministry of External Affairs
New Delhi

No. F. 6 - 3/50 - Pak. III
The 13th December, 1950.

The Ministry of External Affairs present their compliments to the High Commission
for Pakistan in India and with reference to their Note No. F.62(6)/P/50-3101,
dated the 27th October, 1950, have the honour to state as follows:

2. The Government of India are glad to note that the Government of Pakistan
are prepared to take part in a conference for the purpose of discussing the
several questions mentioned in para 6 of that note.

3. With reference to paragraphs 4 and 5 of the note, however, the Government
of India would invite attention to para 2 of express letter No. F.37-2/49-Pak.III,
dated 19th January, 1950, from Foreign, New Delhi, to Foreign, Karachi, and
reiterate their view that the exact significance of the terms of the Radcliffe
Award with regard to the delimitation of boundary in the vicinity of Suleimanki
Headworks cannot be appreciated without reference to the delimitation of the
boundary near Ferozepur Headworks made in that award. They consider it
essential, therefore, that arrangements for the maintenance of the left marginal
bund near Suleimanki should be discussed in the context of the arrangements
for the maintenance of the right marginal bund near Ferozepur.

4. The Government of India reciprocate the hope that in the present
atmosphere of goodwill between the two countries, it will be possible to reach by
negotiation a satisfactory settlement of the questions referred to above. They
consider it unnecessary, therefore, to discuss, at this stage, the procedure that
may have to be adopted in case the proposed conferences does not unfortunately
lead to an amicable settlement of the question involved.

5. The Government of India would be glad if the Government of Pakistan
would now intimate the name of their representatives to the proposed conferences
and suggest a time and place for the meeting.

6. The Ministry take this opportunity to renew to the High Commission the
assurances of their highest consideration.

The Pakistan High Commission in India,
Shershah Road Mess,
New Delhi.

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Note from Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, February 23, 1951.

Office of the High Commissioner
For Pakistan in India
New Delhi

No. F.62(4)P/51-480 23rd February, 1951

The Pakistan High Commission in India present their compliments to the Government of India, Ministry of External Affairs, New Delhi, and with reference to their Note No. F.6-3/50-Pak.III, dated the 13th December, 1950, have the honour to state as follows:

2. The Government of Pakistan are pleased to note that the two Governments are agreed to take part in a conference for the purpose of discussing the several questions mentioned in paragraph 6 of the High Commission’s note No.F.62(6)P/50-3101, dated the 27th October, 1950.

3. With respect to paragraph 3 of the note of the Government of India dated the 13th December, 1950, the Government of Pakistan consider it appropriate that each side should be free to put forward in the conference such matters as it considers to be relevant to the proper delimitation of the boundary at SULEIMANKI pursuant to the Radcliffe Award and to the solution of other questions affecting the safety of the headworks and the irrigation systems they serve. It would not, however, be appropriate for either side to seek to commit the other before the conference as to the significance of any particular matter or the context in which the discussion should take place. It must be understood therefore that each side enters the conference free of any commitment beyond the determination to achieve a proper solution. If this cannot be reached by agreement on the merits, it is to be hoped that the representatives of the two Governments will work out an agreed procedure settling this dispute by prompt and impartial arbitration.

4. The Government of India have asked that a time and place be suggested for the conference. The Government of Pakistan suggest that the conference be held at Karachi. The exact date of the conference and the composition of the Pakistan delegation will be intimated later.

5. The Pakistan High Commission take this opportunity to renew to the Government of India the assurances of their highest consideration.
Ministry of External Affairs in their Note No. F.6(3)/Pak/50 dated the 8th May, 1951 "reiterated" to the Pakistan High Commission "their readiness to discuss the several questions mentioned in paragraph 6 of the High Commission's " above note. New Delhi also expressed "every hope that an amicable settlement will be reached on the various questions to be discussed."]

2887. Excerpts from the Note from Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, February 24, 1951.

Office of the High Commissioner For Pakistan in India
New Delhi

February 24, 1951

3. The factual position of Chak Ladheke was not realised until October, 1948, when, on close examination of the description of the Award and actual delineation on the map, it was discovered that there is only one point on the western and southern boundaries of village Khem Karan where the lines meets its junction with village Maewala and that this point is situated on the north-eastern boundary of Chak Ladheke which clearly means that it is part and parcel of village Ladheke. The Government of Punjab (Pakistan) informed the Government of Punjab (India) accordingly and requested them to make over the possession of the area. Later on this claim was taken up, amongst others, in the meeting of the Financial Commissioners of the Punjab (Pakistan) and India, held on the 30th May, 1949, in pursuance of the Inter-Dominion Agreement of December, 1948. The Financial Commissioner Revenue, Punjab (India), however, declined to discuss the question and suggested a reference to the Government of the Punjab (India). It was decided that this dispute would be considered at the next meeting between the two Financial Commissioners.

4. Neither the two Financial Commissioners have met so far nor has any reply been received from the Government of the Punjab (India) to the Note sent
by the Financial Commissioner Punjab (Pakistan) on the 26th August, 1949, despite repeated reminders. The Financial Commissioner, Resettlement and Colonies, Punjab (Pakistan), at last proposed a meeting with the Financial Commissioner Revenue, Punjab (India), early in 1950 at Jullundur to resume discussions, but the latter intimated his inability to do so. On the other hand, a notification NO.922-H-50/1/1375, dated the 24th March, 1950, has in the meantime been received from the Punjab (India) Government, wherein Chak Ladheke is shown as part of the Kasargarh Zail. Particular attention, in this connection, is invited to the report dated the 4th January, 1950, (enclosure to the above notification), made by the Superintendent of Police (Border), Amritsar, wherein it is stated *inter alia* that "Village Chak Ladheke before partition was in Zail Kasargarh (Kasur) and was in Sadr Kasur Police Station." The actual position is that there was no Kasargarh Zail in the pre-partition period. There were only two villages named Kasargarh A and Kasargarh B in the Kasur Zail of Tehsil Kasur, District Lahore. Both these villages are now included in Pakistan.

5. Thus, it will be seen that there is no justification whatever for the Government of the Punjab (India) to retain possession of Chak Ladheke, and their reluctance to discuss the matter between the two Financial Commissioners and their continued silence to the Note by the Government of the Punjab(Pakistan) is an unneighbourly act designed to delay matters. The Government of Pakistan should be grateful if instructions are issued to the Government of the Punjab(Pakistan) to make over the area in question to the Government of the Punjab(India) without any further delay.

6. The High Commission for Pakistan take this opportunity to renew to the Government of India the assurance of their highest consideration.

The Ministry of External Affairs
Government of India
New Delhi

On May 22nd 1951 the Pakistan High Commission further informed the Ministry of External Affairs that while they welcome the decision of New Delhi that the Financial Commissioners of East and West Punjab meet to discuss the question of village Chak Ladheke, added that the Financial Commissioner East Punjab had not responded to the efforts of West Punjab's Financial Commissioner to arrange the required meeting and requested the Ministry of External Affairs to issue instructions to him to respond to the Pakistan's efforts in this regard.

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2888. 

SECRET

Letter from Chief Secretary, Government of Punjab (India) 
M. R. Sachdev to Secretary in the Ministry of External 
Affairs S. Dutt. 

Simla, May 7, 1951.

D. O. No. 975 - PA/51. May 7, 1951

Punjab Civil Secretariat
Simla-2

My dear Dutt,

Will you kindly refer to correspondence ending with my Secret Code Telegram of the 5th regarding the Bund on the Ujh River on our side of the Indo-Pakistan Border in the Gurdaspur District?

2. I had invited our Gurdaspur District officers and the irrigation Engineers responsible for the construction of the Bund to meet me at Amritsar on the morning of the 1st of May, and I discussed the matter with them at considerable length. Our local revenue officials had recently had the measurements carried out on the spot. I enclose a rough plan (not included here) which will show the position. The Bund at A to D, which our Irrigation Engineers had constructed, was designed with the sole object of preventing the flooding of villages on our side of the border, and making the torrent here adhere to its normal course in the River. Last year also, we constructed a somewhat similar Bund, but this was more inwards on our side of the border. We found that this was ineffective, and this year, after surveying the position in conjunction with the local military authorities, our Engineers decided, both in the interests of economy and effective protection, to have the Bund at the present site. Along with the Bund our Engineers had to dig the cunnettes at EF, GH and LH to take the water to its original course. The river-bed here had silted up and without the construction of these cunnettes the water could not flow in the course of the river. The Engineers constructed these cunnettes in the belief - and this was then apparent from the Survey of India Maps - that this area of the river at the site was in our territory.

3. The measurements by the local revenue officials mentioned in the earlier part of paragraph 2 above, however, indicated that while the Bund was entirely in our territory, parts of the cunnettes were not. On the 26th of April, the Deputy Commissioner, Sialkot, rang up the Deputy Commissioner, Gurdaspur, and told him that as a counter-measure, and to prevent flooding on their side caused by our Bund, they had started constructing a similar Bund in their territory. This
Bund, which was completed by Punjab (P) Authorities in two to three days’ time is indicated in the enclosed plan at OQP. According to our measurements, a part of this Bund lies in our territory. This Bund, although a very temporary and kacha sort of structure, was intended to prevent water going to its main course of the river, so that the object we had in mind of preventing flooding of our villages stands entirely defeated. There is now a big gap in our Bund at B C on account of the rush of the torrent here and so long as the Pakistan Bund stood at its present site, there was no point in our wasting effort and money on our Bund. The work had, therefore, to be suspended by our Engineers at the end of the last month. The present position on our side is that while the parts of the Bund at A B and C D are intact, the water is flowing through the gap on to our side.

4. I had a discussion with Mr. Majid, Chief Secretary, Punjab (P), at Lahore on the 2nd of May. The Deputy Commissioner, Sialkot, also happened to be there, and I had a talk with him also in the presence of Mr. Majid. The contention of Punjab (P) Authorities is that a part of our Bund, close to D, and the cunnettes were in their territory and the construction of these works had the inevitable effect of directing waters on to their villages, as the old river-bed here had silted up and the water of the river had found another course into our territory even before the partition of the province. They had to put up the Bund at OQP as a measure of self-protection. I told Mr. Majid that our measurements showed that a part of their Bund (particularly the portion at P) was in our territory. Mr. Majid said that they had also had measurements carried out by their revenue staff, and they had found that the whole of this Bund was in their own territory, and actually a part of our Bund and the cunnettes were in their territory also.

5. After some discussion, we agreed that the only solution was for us to have a joint measurement and demarcation of the site carried out at the site in the presence of senior revenue officers. It was agreed that the Commissioners, Jullundur and Lahore, should be deputed to have the joint measurements carried out with the help of their revenue experts. We further agreed that whoever had constructed works in the territory of the other will take immediate steps to dismantle the "Encroachments", unless we could agree on a plan acceptable to both, so that flooding on both sides, if any, could be avoided. In the event of the two Commissioners not agreeing on a common boundary at the site, Mr. Majid and I shall meet again to discuss the situation. Mr. Majid promised to convey this recommendation to the Pakistan Government and I, on my part, promised to convey it to the Government of India, so that their agreement is obtained to our carrying out joint demarcation of about two miles of the border on each side of the gap at B C. I trust you have since heard from the Pakistan Government and will accept this recommendation.
6. The further progress on our Bund, as you will see, is held up. There are now two courses open to us, depending on the actual boundary on the spot, which will be determined by the two Commissioners after carrying out joint measurements. We should either retain the Bunds at A B and C D and leave the gap at B C unfilled and, meanwhile, take steps to "train" this channel in our territory by further diggings. The suggestion has the obvious advantage that we have a source of water supply available to us within our own territory. We should see that the water in this channel is prevented from causing flooding in the neighbouring villages, although this will not be very easy to secure during the monsoons. The other course is to dig a channel along our Bund somewhat as indicated at X Y on the plan right up to the main course of the river in our territory and thereby prevent pressure on the Bund which could then be completed, should, of course, the whole of it, as our own measurements at present indicate, lie in our territory. We have instructed our Engineers to carry out a survey on the lines indicated above.

Yours sincerely
(M.R. Sachdev)

S. Dutt, Esquire, I.C.S.
Secretary to the Government of India,
Ministry of External Affairs,
New Delhi.
(1) It is not a fact that the Northern edge of the Rann of Kutch has always been the accepted boundary. The High Commission will be aware that this boundary is under dispute which is borne out not only by the relevant correspondence but also by the 70 mile India First Edition Map, printed at the Survey of India’s Office, in which the word “disputed” is added to this boundary. The map under reference is thus showing the correct position.

(2) The High Commission have used the rather vague term “Inaccurate” and unless details are given the Ministry regret they can offer no comments.

(3) As the High Commission are aware, the State of Jammu and Kashmir and the State of Junagadh are forming the subjects of disputes pending before the U.N., and the Government of Pakistan do not acknowledge their occupation by India. The High Commission are, therefore, wrong in claiming that these states are forming part of India.

(4) The boundary immediately West of that which forms the subject of dispute No.IV between India and Pakistan in the Karimganj area has been drawn in accordance with the Bagge decision as accepted and published by both, the Governments of India and Pakistan.

(5) As the High Commission are aware, the boundary in the vicinity of the junction of the Mathabhanga and the Ganges is being demarcated jointly by both the Governments in accordance with the Award of the Inter-Dominion Boundary Dispute Tribunal.

2. The Government of Pakistan do not recognize the occupation of Hyderabad by India and it is, therefore, correct to show her on the map separately.

3. The Ministry avail themselves of this opportunity to renew to the High Commission the assurances of their highest consideration.

The High Commission for India in Pakistan,
Karachi.

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2890. Letter from Acting High Commissioner of India to the Ministry of External Affairs.

Karachi, July 13, 1951.

High Commissioner for India
Jahangir Sethna Road
New Town, Karachi

D.O. No.IHC/1/Poll.49/XXII, Dated the July 13, 1951

Subject: Suleimanki Headworks

My dear Puri

Will you please refer to your official Note No.F.6-3/50-Pak III dated 11th July, 1951, to the High Commission for Pakistan in India?

2. The Pakistan contention that “the proposal to go to arbitration was also canvassed with the representatives of the Government of India at the Conference, but they stated that they had instructions from their Government not to discuss this point” is not quite correct. What was stated on our side was that it was not an item on the agenda and that we had no instructions from our Government to discuss it.

3. You are in possession of my views. I feel that we should take a strong line and tell the Pakistan Government that the boundary between the Montgomery and the Ferozpur districts is well-defined and that the Radcliffe Award on the subject is completely unambiguous. There is, therefore, no boundary dispute as such and nothing to go to arbitration for, but we are always willing to meet the representatives of the Pakistan Government if they wish to discuss the position. We should also immediately or after a few days make a formal request for the withdrawal of the Pakistan pickets which have encroached on the geographical limits of the district of Ferozepur.

Yours Sincerely
(Khub Chand)
High Commissioner for India in Pakistan (Acting)

Shri Y.K. Puri, ICS,
Deputy Secretary to the Government of India,
Ministry of External Affairs,
New Delhi.

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2891.

SECRET

Letter from the Surveyor General of India to the Surveyor General of Pakistan.

Mussoorie, August 13, 1951.

Survey of India
Surveyor General's Office
Mussoorie (U.P.)-India

No.C./208/603/2 the 13 August, 1951

From : Colonel I.H.R. Wilson, M.I.S. (Ind),
Surveyor General of India

To : The Surveyor General of Pakistan,
Karachi. (Through the Ministry of External Affairs,
Government of India)

Sub : Demarcation of the Indo-Pakistan Boundary along the Ujh River

Ref : Minutes of discussion held at Lahore on 29th June, 1951 between the Commissioners, Jullundur & Lahore Divisions.

The question of demarcating this small portion of the Indo-Pakistan boundary has been further discussed with the Commissioner, Jullundur Division and the Deputy Commissioner, Gurdaspur.

2. The position is that there is no indication whatever on the ground of the location of the Tahsil boundary, which now forms the International boundary. The Tahsil boundary, as shown on the Survey of India sheet No. 43 P/8 1st Edition 1919 (surveyed 1916-17) is, therefore, to be accepted as correct and re-laid on the ground in the areas under dispute.

3. The existing trigonometrical data in the vicinity of that portion of the boundary consists of traverse carried out by No.22(Riverain) Party (late Punjab Riverain Detachment) during season 1908-09 in connection with settlement operations. The traverse stations consisted, in the main, of village trijunction pillars but it is not known how many of these village trijunction pillars actually now exist on the ground and if they do exist, the fact that they are actually in the same position as when fixed by traverse has to be established. It is doubtful whether many of these villages trijunction pillars in the vicinity of the Ujh River can be established.
4. The Deputy Commissioner, Gurdaspur is letting us know what village trijunction pillars in this area exist and on receipt of this information, an officer of this Department will be sent out to carry out a reconnaissance of the area on the India side of the boundary to ascertain what existing trigonometrical data can be established.

5. If you are not in possession of the existing trigonometrical data extracts relating to the Pakistan side of the boundary can be supplied to you and it is presumed that you will have a reconnaissance of the area carried out as well.

6. On completion of the reconnaissance on both sides of the boundary I suggest that a meeting of Survey representatives be held to decide on the technical procedure to be followed for the demarcation of this portion of the boundary.

7. We hold the F.D.O. of sheet 43 P/S and the trigonometrical data, but we do not hold the original planetable section and connected records. These are presumably with you. Please confirm.

8. It will not be possible for any field work to be carried out during the present monsoon period and for some time after. It is not likely, therefore, that any work can be done until the end of October or beginning of November.

( I.H.R. Wilson)
Colonel
Surveyor General of India

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Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, October 4, 1951.


Ministry of External Affairs

The Ministry of External Affairs present their compliments to the Pakistan High Commission in India and with reference to the correspondence resting with this Ministry's note No.F.22(4)-Pak.III/51, dated the 17th August, 1951 regarding the interpretation of Radcliffe Award in respect of Chak Ladheke in Punjab (I) and the meeting of the Financial Commissioners of Punjab (I) and Punjab (P) therefore, have the honour to say that the Government of Punjab (I) are as anxious to settle the dispute with regard to Chak Ladheke and other boundary areas as the Pakistan Government. The facts are the Financial Commissioner, Punjab (I), had called for certain information and document from the Financial Commissioner, Punjab (P), his letter dated the 23rd June, 1950. In spite of four reminders sent to the Financial Commissioner, Punjab (P) and his promise in May last that a reply will be sent in due course, no reply has been received so far. Besides, the Financial Commissioner, Punjab (I) had asked Punjab (P) Government to supply him a list of Punjab (P) areas falling on the Indian side of the rivers which they wanted to exclude from the management of Punjab (I) Government and this list has also not been supplied so far. In the last reply received by Punjab (I) Government in December, 1950, the Revenue Secretary to the Financial Commissioner, Punjab (P), had intimated that the information was still being collected and would be communicated in due course. In this connection, he was last reminded on the 14th August, 1951 by Punjab (I) Government.

2. In view of what has been stated above, it is apparent that the Punjab (P) Government themselves seem to be reluctant to move quickly and there is hardly any justification for the complaint that there has been delay on the part of the Financial Commissioner, Punjab (I) in meeting his opposite number in Punjab (P). The Pakistan High Commission will appreciate that it would have been futile to hold the proposed meeting between the two Financial Commissioners unless the information called for from the Punjab (P) Government was first made available. But in spite of this a meeting was, however, arranged at Lahore on the 9th August, 1951 but it was postponed as the two Financial Commissioners agreed that this was not the opportune time to meet in view of the prevailing circumstances. A fresh date will now be fixed for the meeting between the two Financial Commissioners shortly and will be communicated to the Pakistan High Commission in due course.
The Ministry of External Affairs present their compliments to the Pakistan High Commission in India and with reference to the High Commission's Note No.F.62(4)P/51-2021, dated the 9th July, 1951, have the honour to state as follows:

As the Government of Pakistan are aware, the question of demarcation of the boundary between Punjab(I) and Punjab(P) is being considered by the two Financial Commissioners under the Indo-Pakistan Agreement of 1948. It is possible that in the course of further discussions other disputes on the boundary between the two states may come to light. The Government of India consider that all the boundary disputes should be taken up together with a view to deciding on a suitable procedure for settling them and that further consideration of the particular dispute at Suleimanke should wait till then.

The Ministry take the opportunity to renew to the Pakistan High Commission in India the assurances of their highest consideration.

The Pakistan High Commission in India.
New Delhi.

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3. The Ministry take the opportunity to renew to the Pakistan High Commission in India the assurances of their highest consideration.

Pakistan High Commission in India.
New Delhi.

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2893. Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, January 10, 1952.


Ministry of External Affairs
New Delhi

The Ministry of External Affairs present their compliments to the Pakistan High Commission in India, New Delhi, and with reference to the High Commission's Note No.F.62(4)P/51-2021, dated the 9th July, 1951, have the honour to state as follows:

As the Government of Pakistan are aware, the question of demarcation of the boundary between Punjab(I) and Punjab(P) is being considered by the two Financial Commissioners under the Indo-Pakistan Agreement of 1948. It is possible that in the course of further discussions other disputes on the boundary between the two states may come to light. The Government of India consider that all the boundary disputes should be taken up together with a view to deciding on a suitable procedure for settling them and that further consideration of the particular dispute at Suleimanke should wait till then.

The Ministry take the opportunity to renew to the Pakistan High Commission in India the assurances of their highest consideration.

The Pakistan High Commission in India.
New Delhi.

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2894. Note from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.

Karachi, January 18, 1952.

No. Poll.30/50-II Dated the 18th January, 1952

Office of the High Commissioner for India in Pakistan
Karachi

Sub: New map of Pakistan-Indo-Pakistan boundary-inaccuracies regarding.

The High Commission for India in Pakistan presents its compliments to the Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations and with reference to the correspondence resting with its note* of even number dated the 31st May, 1951, has the honour to state that the Government of India have re-examined the matter in the light of the observations made in the Pakistan Govt. note No.IA.3/2/50 dated the 29th May, 1951, and they are of the view that the assertions made in the Pakistan Govt. note referred to above are misconceived and not acceptable to the Government of India and they further reserve to themselves the right to object to them or to revert to the subject at a later date.

The High Commission avails itself of this opportunity to renew to the Government of Pakistan the assurances of its highest consideration.

The Ministry of Foreign Affairs and Commonwealth Relations,
Government of Pakistan, Karachi.

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* This note was a simple acknowledgement of the receipt of the Pakistan Note of 29th May, 1951 regarding inaccuracies in the map published by the Surveyor General of Pakistan and pointed out in the Indian Note of 23/23rd November, 1950. (Please see Document No.2884.)
2895. Gazette Notification regarding administration of certain border areas.

New Delhi, February 26, 1952.

Ministry of External Affairs
New Delhi

the 26th February, 1952

S.R.O. 369.- Whereas the Central Government has civil, criminal and revenue jurisdiction in, and in relation to the areas specified in the Schedule to this Order, and has had that jurisdiction from a date prior to the first day of April, 1951;

Now, THEREFORE, in exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act, 1947 (XLVII of 1947), and of all other powers enabling it in that behalf, the Central Government is pleased to provide as follows for the administration of justice and the collection of revenue in the said areas:

1. All laws for the time being in force in the Amritsar, Ferozepur and Gurdaspur districts of Punjab shall be, and shall, as from the first day of April, 1951, be deemed to have been, in force, respectively in the Amritsar border areas, Ferozepur border areas and Gurdaspur border areas as specified in the Schedule to this Order:

Provided that in the laws so applied any reference to India or a State shall be construed as a reference to, or as including a reference to the said areas:

Provided further that for the purpose of facilitating the application of the said laws, any court having jurisdiction in, or in relation to the said areas may construe the provisions thereof with such alterations not affecting the substance as may be necessary or proper in the circumstances.

2. The Central Government and the Government of Punjab and all officers and authorities subordinate to either Government for the time being exercising executive authority within the said districts of Punjab shall, respectively, exercise the like authority within the said areas.

3. All courts having for the time being jurisdiction in, or in relation to the said districts of Punjab shall, respectively, have the like jurisdiction in, or in relation to, the said areas.

4. If any question arises as to whether a particular place is within any of the said areas, and if so, within which of them, a certificate of the Central Government shall be conclusive proof on the point.
5. In this Order, “law” means any Act or Ordinance, and includes any rule, order, notification or bye-law made under an Act or Ordinance.

THE SCHEDULE

Amritsar border areas:

All areas not within the district of Amritsar which lie -

(a) to the south-east of the left bank of the river Ravi and to the north-west of Ajnala Tahsil, or

(b) to the south-east of the Upper Bari Doab Canal and to the north-west of the villages Narli (in Patti Tahsil) and Chhina Bidhi Chand (in Tarn Taran Tahsil).

Ferozepur border areas:

All areas not within the district of Ferozepur which lie to the south-east of the left bank of the river Sutlej and to the north-west of the district.

Gurdaspur border areas:

All areas not within the district of Gurdaspur which lie to the east of the left bank of the river Phag, Tarnah, Ujh or Ravi or south of the left bank of the River Ravi and to the west or as the case may be, north of the district.

(No. 78/Pak.III)

K.P.S. Menon, Secy.
2896. Proceedings of meetings between the Financial Commissioner, Resettlement and Colonies, Punjab (Pakistan) and the Financial Commissioner, Revenue, Punjab(India) held in the Committee Room of the Punjab Civil Secretariat, Lahore, from the 11th to 13th April, 1952.

Lahore, April, 13, 1952.

This meeting was held in pursuance of paragraph 2(2)(i) of the proceedings of the meeting held at Amritsar on the 30th May, 1949*. The agenda for this meeting forms annexure ‘A’ to these minutes.

2. Mr. Akhter Hussain, C.S.P., Financial Commissioner, Resettlement and Colonies, Punjab (Pakistan) was assisted by the following officers:

(1) Mr. S. Fida Hassan, C.S.P., Commissioner, Lahore Division,
(2) Mr. M.A. Hamid, I.S.E., Chief Engineer, Irrigation Works, Punjab (Pakistan),
(3) Khawaja Abdul Ghafur, I.S.E., Chief Engineer, Irrigation Works, Punjab (Pakistan),
(4) Syed Sarfraz Hussain, P.C.S., Revenue Secretary to the Financial Commissioner, Punjab (Pakistan),
(5) Syed Ijaz Hussain Shah, P.C.S., Deputy Commissioner, Lahore,
(6) Mr. H.J. Asar, P.S.E., Under Secretary to Government Punjab, (Pakistan) P.W.D., Irrigation Branch,
(7) Khan Niaz Muhammad Khan, P.C.S., Additional Deputy Commissioner (Revenue), Lahore,
(8) Malik Haq Nawaz, Commandant, Border Police, Punjab (Pakistan), and
(9) Mian Muhammad Sadullah, P.C.S., Keeper of Records, Punjab (Pakistan).

Mr. P.K. Kaul, I.C.S., Financial Commissioner, Revenue Punjab(India) was assisted by the following officers:

(1) Mr. A.L. Fletcher, I.C.S., Commissioner, Jullundur Division,
(2) Mr. K.R. Sharma, Superintending Engineer, Punjab (India), P.W.D., Irrigation Branch.

* Document No.2880.
The results of the discussions are given below:-

3. **Item of the agenda** - In the preliminary meeting held on the 11th April, 1952, the Financial Commissioner, Revenue, Punjab (India) suggested certain amendments (Annexure 'B') in paragraph 2(2) of the proceedings of the meeting held on the 30th May, 1949. He proposed that the meaning of the word ‘river’ given in paragraph 2(2) (g) should be so amended as to denote the main flowing stream (i.e. carrying biggest volume of water) and that the ‘main stream’ of the river should be determined every year. The Financial Commissioner, Resettlement and Colonies, Punjab (Pakistan) explained that the determination of the main stream every year would only increase the number of disputes. He felt that the difficulties which existed just after partition in regard to some villages belonging to one State being on the wrong side of the river did not now exist to the same extent and that there was no need for any arrangement to make over such areas for management to the other State as contemplated in the meeting at Amritsar on 30th May, 1949. Arrangements should, therefore, be made to facilitate each State taking over possession of such areas. This would avoid day to day difficulties. He mentioned, however, that if, after obtaining possession of such areas, either State felt that it was difficult for it to administer any particular area, it could offer it for management to the other State. The Financial Commissioner, Punjab (India) felt that immediate execution of an agreement of the kind contemplated in the Amritsar meeting on the 30th May, 1949 would be conducive to the prevention of border incidents in certain portions of the border. Both agreed, however, that till the talks continue and the matter is finally settled between the two countries, neither side should disturb the *status quo*.

4. **Item 9 of the agenda** - Both the Financial Commissioners agreed that it would facilitate the resolving of disputes if the whole of the boundary between Punjab (Pakistan) and Punjab (India) is demarcated by boundary pillars at appropriate points and intervals. The cost should be equally shared between the two States. The Commissioner, Lahore Division, and the Commissioner, Jullundur Division, were asked to make necessary suggestions for the implementation of this recommendation especially in respect of the following matters, i.e.

i) the total cost involved,

ii) the specification of the pillars to be set up,

iii) the staff required, and
iv) the procedure for resolving such boundary disputes as may arise during the course of demarcation.

They were also asked to submit a joint report by the 15th May, 1952.

5. **Item 11 of the agenda** - With this item the dispute regarding the occupation of Gatti No.9 (Kamaliwala) referred to the two Financial Commissioners by the two Central Governments, was also considered. The Commissioners of Lahore and Jullundur Divisions were asked to make a joint report regarding both after such enquiries as they may consider necessary, by the 30th April, 1952, to enable the Financial Commissioners to make their recommendations.

6. **Items 4, 10, 12 & 13 of the agenda** - It was decided that the Deputy Commissioners, Lahore and Amritsar, should meet at the spot and send a joint report to their respective Commissioners before the 15th May, 1952. It was further decided that if there is any difference of opinion among them, the two Commissioners should resolve the dispute and send a joint report by the 15th June, 1952. Meanwhile the two sides should ensure that *status quo* is not disturbed.

7. **Item 1 and 7 of the agenda** - The Financial Commissioner, Revenue, Punjab (India) mentioned that this item reached him late for consideration in this meeting and he had no time to ascertain whether any reference from the Chief Secretary or the Government of India had reached him on the subject, although a copy of the Government of India communication available with the Financial Commissioner, Punjab (Pakistan) showed that this reference should have reached him. The Financial Commissioner, Revenue, Punjab (India) promised to write to the Financial Commissioner, Resettlement and Colonies, Punjab (Pakistan) within ten days after seeing the correspondence on the subject whether the title of Pakistan to the area in question is admitted.

8. **Item 5 of the agenda** - The Financial Commissioner, Revenue, Punjab (India) explained that he had intended to verify the Pakistan claim from certain papers with the Deputy Commissioner, Amritsar, who unfortunately, due to illness, had not been able to attend this meeting. He promised to send his recommendation to the Financial Commissioner, Resettlement & Colonies, Punjab (Pakistan) in ten days.

9. **Item 6 of the agenda** - The Financial Commissioner, Revenue, Punjab (India) promised to look further into this matter.

10. **Item 2 of the agenda** - This matter was not considered as it does not concern the Financial Commissioners.

11. **Item 3 of the agenda** - This question was dropped for the present.
12. With reference to para 2 (3) of the proceedings of the meeting held on the 30th May, 1949, the Financial Commissioner, Revenue, Punjab (India) proposed four permanent changes in the boundary between Punjab (India) and Punjab (Pakistan). The Financial Commissioner, Resettlement and Colonies, Punjab (Pakistan) agreed to consider these proposals provided detailed proposals accompanied by maps were sent to him.

13. The next meeting was fixed for the 15th May, 1952, at 8.30 a.m. (Indian Standard Time) in the Canal Rest House at Ferozepur. The agenda for the next meeting should be exchanged so as to reach the Financial Commissioners by the 5th May, 1952.

Sd/- P.K. Kaul, Sd/- Akhtar Hussain,
Financial Commissioner, Financial Commissioner,
Revenue (Punjab) India. Resettlement and Colonies,
13.4.1952 Punjab (Pak) 13.4.1952

ANNEXURE “A”

Agenda for the meeting to be held in the Committee Room between the Financial Commissioner, Resettlement and Colonies, Punjab (Pakistan), and the Financial Commissioner, Revenue, Punjab(India), in connection with the various boundary disputes from 11th April, 1952, to 14th April, 1952.

1. Occupation of 217 acres of Pakistan land by India in village Theh Sarja Marja, Tehsil and District Lahore.

2. Question of the inspection and maintenance of the railway track across the Ravi on Amritsar Narowal Railway line.

3. Supply of copies of the relevant revenue records of the villages belonging to Punjab(India) lying wholly or partly on the Punjab(Pakistan) side of the rivers.


5. Occupation of Chak Ladheke by the Punjab (India) Government.

6. Return of the Mussavi of 1892 by the Punjab (India) Government.

8. The various clauses of the proceedings of the meeting dated the 30th May, 1949, between the Financial Commissioner, Revenue, Punjab (India), and the Financial Commissioner, Resettlement and Colonies, Punjab (Pakistan).

9. Estimate of the staff required to implement the decisions regarding demarcation of the Indo-Pakistan boundary including details as regards the time and expenditure, which is likely to be involved.

10. Alleged cutting of seven sheesham trees by Pakistan nationals from the left bank of the Lahore Branch distributary between R.D. 196 and 197.

11. Alleged forced occupation of Gatti Dhandi Qadim in the Ferozepore district by Pakistan nationals.

12. Gate at the Joint Check Post at Wagha.

13. Post on the Railway line between Attari and Wagha.

Sd/- P.K. Kaul, Sd/- Akhtar Hussain,
Financial Commissioner, Financial Commissioner,
Revenue, Punjab (India)Resettlement and Colonies,
13.4.1952 13.4.1952
Punjab (Pakistan)

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ANNEXURE B.

(1) In clause 2(2)(g) of the proceedings of the meeting held on the 30th May, 1949, for "Sutlej, Ravi, Ujh, Tarnah or Masto" we should substitute "Sutlej or Ravi below the point where the boundary of the Gurdaspur Tahsil crosses the Ravi near village Chauntra."

(2) The words "Sutlej, Ravi, etc., used in clause 2(2)(g) of the proceedings, should denote the main flowing(i.e. carrying biggest volume of water) streams of Sutlej and Ravi.

(3) The 'main stream' of the "river" should be determined each year in a particular month say October, by representatives of the Canal Departments of the two Governments. The 'main stream' so determined will then be considered to be the main flowing stream up to the end of September in the following year irrespective of the fact whether during this period it carries the maximum volume of water or not.
Other points proposed for consideration

(1) In the case of areas in respect of which either the interpretation of the Radcliffe boundary award is disputed, or an encroachment is alleged, or there is any other dispute, between the Governments of India and Pakistan this agreement under consideration will not operate to interfere with the existing possession of any Government (Pakistan or India), and the disputes must be settled separately. A list of such disputed areas shall be prepared before an agreement is finalized.

(2) A portion of the area between the changed course of River Ujh and the district boundaries of Gurdaspur and Sialkot districts is offered to Pakistan on a permanent basis in exchange for the Pakistan loop in Indian territory between Husainiwala and Khem Karan.

(3) It was considered that before an agreement is finalised, the Revenue staffs of India and Pakistan should meet at the border (Wagha) and exchange copies of relevant Revenue records in order that areas may be handed over correctly. These records shall include the latest jamabandis, Khasra Girdawari and village maps and also the jamabandi, Khasra Girdawari and village maps for the period ending 15th August, 1947.

Financial Commissioner, Revenue, Punjab (India) mentioned that Revenue staffs of Gurdaspur District had pointed out that villages Sadhial, Daulat Chak, Khanpur Mamin, Khan Lawari, Chanial, Ramwal, Nawanpind etc., which lie on the Indian side or the rivers, had not been included in the statement sent to India by Pakistan.

Sd/- P.K. Kaul, Sd/- Akhtar Hussain,
Financial Commissioner, Financial Commissioner,
Revenue, Punjab (India). Resettlement and Colonies,
13.4.1952 Punjab (Pak)
13-4-1952

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2897. Extract from the fortnightly letter No. 9-CMP dated the 5th July, 1952 from the Chief Minister of Punjab to the Prime Minister.

Simla, July 5, 1952.

* * *

2. I wish to bring to your notice two questions on which a dispute with Pakistan is apprehended. In the first case, an island called ‘Gatti Kamalewala’ in the Sutlej river, opposite Hussaniwala Headworks, is partly in our possession and partly in possession of the Pakistan forces. The possession of a part of this island is vital to our interests on account of proximity of the Headworks. However, it is feared that we shall have to evacuate our forces because our part of the island is lower and will probably get submerged in water during the floods. This will enable the Pakistan forces to occupy the whole of this island after the floods are over. In this connection, my Chief Secretary, Shri Nawab Singh, has written a D.O. letter No. 3668-Ptn.-52/4873, dated June, 28, 1952, to Shri R.K. Nehru, Secretary to the Ministry of External Affairs. I hope that the Government of India will issue suitable instructions in the matter as early as possible.

The second case relates to the demarcation of the boundary in accordance with an agreement drawn up in the Inter-Dominion Conference held at New Delhi on the 6th December, 1948. Our Financial Commissioner, Revenue, has held some meetings with his opposite number in Punjab (P) and, at first, it was agreed upon by them that the small bits of land belonging to one Dominion, which lay on the other side of the river, should be managed by the Government of the other Dominion on behalf of the first. This would have minimized border incidents. However, later on the Punjab (P) Government has been insisting that these bits of land, which lay on the wrong side of the river, should be managed by the Government to which they belonged. The real object behind this insistence is to get access to the Dera Baba Nanak Bridge which our military officers do not want to concede in any case. In this connection, an official communication will follow shortly.

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Letter from the Chief Secretary, Punjab (India) Nawab Singh to Deputy Secretary in the Ministry of External Affairs Y. K. Puri.

Simla, July 15, 1952.

D.O. No. 3833-PM-52/5319 Dated the 15th July, 1952

Punjab Civil Secretariat
Simla

Subject:- Demarcation of the boundary between Punjab (I) and Punjab (P).

My dear puri,

Will you kindly refer to the correspondence resting with Sachdev's D.O. letter No. 3261-P&M-51/III-1887 dated the 21st July, 1951, on the subject noted above? A further report received from Shri Kaul, Financial Commissioner, Revenue, Punjab State shows that action regarding the setting up of boundary pillars in terms of the agreement drawn up at the Indo-Pakistan Conference of 6th December, 1948, with regard to boundary disputes is being taken separately. With regard to the difficulties that arise on account of some villages belonging to one country being on the wrong side of the river in the other country it has been reported that it has not been possible to arrive at an agreement with the Financial Commissioner, Punjab (P). In this connection copies of paragraph 3 of the proceedings of the meeting held at Lahore from the 11th to 13th April, 1952, and of paragraph 3 of the proceedings of the meeting held at Ferozepur on the 15th May, 1952 are enclosed.

2. From a perusal of these documents it will be seen that in the Amritsar meeting (copy of the proceedings already supplied to you with Sachdev’s D.O. under reference) Shri Kaul and his counterpart in the Punjab (P) had, subject to certain conditions, agreed that where the boundary runs near a river, the areas falling on the wrong side of it should be handed over for management to the Government on whose side they actually lay though not belonging to that Government under the Radcliffe Award. However, in the last two meetings the Financial Commissioner Punjab (P), has changed his attitude on the issue involved. He now feels that the difficulties which existed just after partition in regard to some villages belonging to one State being on the wrong side of the river do not now exist to the same extent and that there is no need for any arrangement to make over such areas for the management to the other State as contemplated in the meeting at Amritsar on the 30th May, 1949. According to him arrangements should, therefore, be made to facilitate each State taking over possession of such areas belonging to it according to the Radcliffe Award, but lying on the
wrong side of the river. He feels that this would avoid day to day difficulties. He mentioned, however, that if after obtaining possession of such areas, either State felt that it was difficult for it to administer any particular area, it could offer it for management to the other State.

3. Kaul, however, felt that immediate execution of the agreement of 30th May, 1949, would have been conducive to the prevention of border incidents in certain portions of the border. Our local officers of the Civil, Police and irrigation Departments are also of the same opinion. The General Officer Commanding, H.Q. East Punjab Area, Jullundur Cantt., also favours Kaul's point of view. He is of the opinion that the changed attitude of the Financial Commissioner, Punjab (P), is a move by Pakistan to get access to Dera Baba Nanak Bridge, which General Officer Commanding does not want to lose. A copy of his demi-official letter No. 215/11/G (OPS), dated the 14th June, 1952, to Kaul, is enclosed for perusal. (Not included here).

4. I am, therefore, desired to request you kindly to obtain the orders of the Government of India on the issue involved in view of the resolution of the Inter-Dominion Conference dated the 6th December, 1948*. The State Government suggest that the Government of India may approach the Government of Pakistan and impress upon them the desirability of entering into an agreement of the type contemplated in the meeting held at Amritsar on the 30th May, 1949.

Yours sincerely

(Nawab Singh)

Shri Y.K. Puri, I.C.S.,
Deputy Secretary to the Government of India, Ministry of External Affairs, New Delhi.

* Document No. 2878.
2899. Letter from the Commonwealth Secretary, Ministry of External Affairs B.F.H.B. Tyabji to Pakistan High Commissioner in India Mohammad Shoaib Qureshi.

New Delhi, December 11, 1952.

D.O. No. D. 6481-P.III/52

Ministry of External Affairs
New Delhi

My dear High Commissioner,

I enclose a copy of an item that appeared in the Tribune of Ambala on the 23rd October, 1952.

I should like to draw your attention in particular to the following statements attributed to your Deputy High Commissioner in Jullundur:

(i) "that 52 border villages at present occupied by the Indian police are a part of our territory" and

(ii) "Pakistan had a claim on this 14 acres of land (in Ranian) and that was why they had occupied the territory."

2. The first statement presumably refers to regions in the Punjab where the river crosses the Radcliffe Boundary at successive points, thus placing Pakistani territory on the Indian side of the river and, conversely, Indian territory on the Pakistani side. As you are aware, both countries found it inconvenient to administer many of these areas; and consequently in 1949 the Financial Commissioners of the two Punjabs entered into an understanding that such areas would remain in the possession and management of the country on whose side of the river they lay, until the final demarcation of the boundary was completed.

3. In view of this position, we cannot but regard your Deputy High Commissioner's statement as misleading. It seems to have been phrased so as to suggest that Indian forces are wrongfully occupying Pakistani territory. In fact, however, these areas, many of which are uncultivated and uninhabited, are in our possession according to a mutual understanding, and there is no question of their being "occupied by the Indian police". Similar areas of ours are in Pakistani possession on the same basis, but I do not recall our Deputy High Commissioner in Lahore ever giving out to the Pakistani Press that Indian territory was being "occupied" by the Pakistani police.

4. The second statement of your Deputy High Commissioner surprises us
no less. As far as we know, it is not the policy of your Government to disturb the 
status quo on the border. In fact, in a recent communication to us your 
Government referred expressly to "the spirit of the understanding reached 
between the Financial Commissioners of the two Provinces that pending final 
demarcation of the Boundary line the status quo should not be disturbed."

5. I regret to have to point out that the Deputy High Commissioner of Pakistan 
by making such a statement to the Press has exceeded the limits which normally 
should apply to the utterances of foreign diplomatic Agents in a friendly country. 
It is indeed unfortunate that he should have thought it fit, on the eve of a meeting 
of the Financial Commissioners, to make such a statement.

Yours sincerely,

(B.F.H.B. Tyabji)
Commonwealth Secretary

His Excellency Mr. Mohammed Shoaib Qureshi,
High Commissioner for Pakistan in India,
New Delhi.

2900. Letter from Pakistan High Commissioner in India Shuaib 
Qureshi to Commonwealth Secretary in the Ministry of 
External Affairs B.F.H.B Tyabji.

New Delhi, March 9, 1953.

No.F.13(5)/P/53-667 Dated the 9th March, 1953
Office of the High Commissioner for Pakistan in India 
New Delhi

My dear Tyabji,

Please refer to the correspondence resting with my d.o. letter No. F. 13(7)P/52- 
3302, dated the 23rd December, 1952, regarding Press Statements attributed to 
our Deputy High Commissioner of Jullundur.

2. The position as ascertained from the Deputy High Commissioner, Jullundur,
is that some-time back the Press in the Punjab (I) started regular propaganda against Pakistan on what they called forcible occupation of Ranian by the Punjab (P) Police. Comments were published almost every day suggesting that the Indian Forces should expel the Punjab (P) Police. One day a local representative of the Tribune approached the Assistant information Officer attached to our Sub-Mission at Jullundur with a view to finding out our reactions to the criticism being leveled against us in regard to the Ranian dispute. The representative was conducted to the Deputy High Commissioner who told him that the matter was being given unnecessary publicity and prominence in the Indian Press and that the criticism against Pakistan was not justified because the final demarcation of the boundary in accordance with the Radcliffe Award was not yet complete. The Deputy High Commissioner further stated that so far as he was aware, there were several villages belonging to Pakistan which were on the Indian side of the river and similarly certain villages belonging to India were on the Pakistan side of the river. The Financial Commissioners of both the Punjabs meet periodically to discuss boundary disputes and a meeting in this connection was to be held in the middle of November 1952 and he hoped that all the disputes including that of Ranian would be settled in a cordial manner.

It will thus be seen that the Deputy High Commissioner, Jullundur, only indicated the correct position existing at that time, and that there was nothing misleading in his statement. The Deputy High Commissioner did neither suggest that Indian Forces were occupying Pakistan territory wrongfully nor refer to any disturbance of the status quo on the border.

Yours sincerely

(Shuaib Qureshi)

B.F.H.B. Tyabji Esquire, I.C.S.,
Commonwealth Secretary to the Government of India,
Ministry of External Affairs, New Delhi.
SECRET

Note of the Ministry of External Affairs on the Evacuation of Troops of India and Pakistan from Gatti Kamalewala, an Island in the River Sutlej, near the Ferozepur Headworks.

Not dated

Gatti Kamalewala is a long island of an irregular shape in the river Sutlej upstream of the Ferozepur Headworks. This Gatti is divided into two portions by the Radcliffe Line; the northern portion belongs to Pakistan and the southern portion belongs to India. Pakistan and India were in occupation of the respective portions belonging to them ever since the Partition.

2. Attempts had been made by Pakistanis to take possession of the southern portion of the Gatti by force before the 25th March, 1952. A Punjab (I) Armed Police Picket was, therefore, established in the Gatti on the 25th March, 1952. On the 26th March, 1952, a patrol of the Punjab (I) Armed Police was fired upon from the Pakistani side. The Punjab (I) Armed Police were there upon reinforced by a Brigade of Border Scouts. On the 28th March, 1952, Pakistanis renewed their attempt to take forcible occupation of the Indian portion of the Gatti and this resulted in an armed clash between the forces of the two countries. The exchange of firing continued till the 30th March, 1952, when a cease-fire was agreed to and the positions occupied by the forces of the two sides were frozen on the ground as they existed on the 31st March, 1952. As a result of these arrangements, Pakistani forces have been in occupation of about half of the Indian portion of the Gatti and the troops of the two countries are entrenched on the Gatti facing each other at a distance of 400 yards since the end of March, 1952.

3. In the ensuring correspondence between the Governments of India and Pakistan and the conferences held between the Punjab (I) and Punjab (P) authorities, Pakistanis were adamant in their assertion that they had been in possession of the entire Gatti ever since the Partition and that the aggression was initiated by the Indian forces. It was, therefore, not possible to reach any agreement with Pakistan for the restoration of the status quo ante in the Gatti. It was, however, eventually decided that the question of possession and control of the Gatti before the incident in the last week of March, 1952, should be referred to the Financial Commissioners of Punjab (I) and Punjab (P). The two Financial Commissioners have not been able to arrive at any agreed conclusions so far and the negotiations between them are still going on.

4. The position of the troops of the two countries in the Gatti, facing each other at a distance of 400 yards, caused a certain amount of anxiety and in order to avoid any untoward incident, the Army Headquarters of India and Pakistan
in an exchange of signals between them agreed that the Gatti should be vacated by the troops as well as the civil armed forces of the two countries, that no patrolling should be undertaken by either side in this area till the question of boundary in the Gatti was finalised and that the two Army authorities should ensure that no civilians are permitted to enter this area. It was, however, not possible to make any progress in the matter as the Pakistan Army Headquarters did not agree to the suggestion made by the Indian Army Headquarters that the Punjab (I) Irrigation personnel, for whom it was essential to take soundings of the channels of the river encompassing the Gatti in connection with the maintenance of the Ferozepore Headworks, should be permitted to enter the area of the Gatti occasionally for the purpose.

5. The Government of Pakistan renewed the proposal in their letter of the 1st April, 1953, without making any reference to the question of permitting the Punjab (I) Irrigation personnel for occasional visits to the Gatti for the purpose of taking soundings of the river in connection with the maintenance of the Ferozepore Headworks. The proposal framed by the Government of Pakistan was a reiteration of the proposal made earlier by their Army Headquarters and is recapitulated below:

i) The area bounded by the two channels commencing at their junction at point 840393 up to a line 875443 - 886433 (map sheet Punjab 22 1/12) should be vacated by all troops and civil armed forces of both sides immediately.

ii) No patrolling of the area should be undertaken by either side.

iii) The military authorities of both sides should ensure that no civilians are permitted to enter the area prescribed in (i) above.

The Government of India accepted the proposal in their letter of the 3rd June, 1953, subject to the exception that the Irrigation authorities of Punjab (I) for whom it may be essential to visit the Gatti and channels of the river encompassing it in connection with the proper maintenance of the Ferozepore Headworks, should be permitted to undertake such visits. The Indian military authorities would give adequate notice of such visits to the Pakistani military authorities and should the latter desire it, a joint patrol may accompany the Punjab (I) Irrigation staff.

This exception was considered necessary as the proper maintenance of the Ferozepore Headworks was of essential importance not only to the canals in Indian territory taking off from the Headworks but also to the Dipalpur Canal in Pakistani territory. If damage occurred to the Headworks on account of the inability of the Punjab (I) Irrigation authorities to carry out proper surveys of the river, the Dipalpur Canal as well as the Indian canals would be seriously affected.
6. The Indian Steering Committee discussed this matter with the Pakistani Steering Committee in the meeting held between them in July, 1953, in Karachi. The Pakistani representatives seemed to be agreeable to the solution suggested by India and they promised to give an early reply to the letter from the Government of India. No reply was, however, received and this matter was again taken up informally with the Pakistani representative (Mr. Hilaly) on the 2nd October, 1953, at the time of the Indo-Pakistan Eastern Zone Conference in Calcutta, who promised to expedite the reply of the Government of Pakistan. No reply was, however, forthcoming from the Government of Pakistan in spite of assurances given by their representatives and the reminders sent to them.

7. Since the settlement of the problem of evacuation for troops from Gatti Kamalewala was being delayed presumably because of some misapprehension on the part of the Government of Pakistan in regard to the necessity of permitting the Irrigation authorities of Punjab (I) to visit the Gatti and channels of the river encompassing it, a fresh approach was made to the Government of Pakistan in a letter dated the 15th January, 1955. The Government of India pointed out in this letter that it was imperative for the Irrigation authorities of Punjab (I) to carry out an annual survey of the river above the Ferozepore Headworks after the monsoons in the interest of proper maintenance of the Headworks, particularly for the purpose of regulating water supplies into the Dipalpur Canal and that if this highly essential facility was not allowed, serious damages might occur to the Headworks, jeopardizing the supplies to the Dipalpur Canal as well as the Indian canals taking off from it. It was emphasised that the proposal was made by the Government of India in a spirit of goodwill and cooperation with a view to further the good-neighbourly relations between the two countries and to safeguard their mutual interests. The Government of Pakistan were, therefore, requested to agree to the adoption of measures, already accepted by the two Governments, for an early evacuation of Gatti Kamalewala by the troops of both the countries. The Government of Pakistan have not, however, conveyed their agreement to this proposal so far.

8. Another important factor which underlines the urgency of reaching an early settlement of this problem with Pakistan is that the positions occupied by the Indian troops on the Gatti are vulnerable to floods. Last year these positions were submerged in two feet of water and it was with great difficulty that the Indian troops were able to maintain their positions. Should the floods prove to be more serious in future, it will not only be impossible to maintain the position on the Gatti but the problem of withdrawing the troops to the safety of territory on the Indian side of the river will also present considerable hazards.
2902. Note containing views of the Punjab Government, on the effects, territorial and strategic, on the Indian border, resulting from the enforcement of the Radcliffe Award.

Not Dated

It has not been possible to get detailed information in regard to Gurdaspur District. A broad view of the effect of such a change-over is only stated on the basis of record up to February, 1953.

(i) Territorial gains and losses.

If Radcliffe Award is enforced, we lose 6041 acres and gain 4356 acres. We will suffer a net loss of 1685 acres, but this area consists almost entirely of banjar (barren) land which has to be reclaimed. The area, which we will gain, consists of two large chunks, one covering two villages of Sakol and Simbal at the uppermost reach of the river and the other covering some villages at the down-most end of river below Dera Baba Nanak Bridge. These areas do not have any approach particularly those below Dera Baba Nanak and during rainy season even boats cannot operate. These areas will remain cut off during Monsoon and it will be rather impossible to keep them under cultivation. The change-over will not only result in loss of 1685 acres of territory, but will also not bring us any benefits from areas which are at present on the 'wrong' side. We will also have to incur additional expenditure on maintaining Border Police for the protection of such areas.

(ii) Strategic value.

It is very important to note that with this change-over, some strategic advantages will be lost to us:-

(1) The Indian forces are holding southern end of Dera Baba Nanak Bridge which is situated in village Khokharke which belongs to Pakistan according to Radcliffe Award. The army consider our hold of this end of the bridge to be of great strategic advantage.

(2) (a) Apart from Dera Baba Nanak Bridge going completely into the hands of Pakistan, Pak Government will also get at least 4 big pockets of area on our side of the river, which are close to largely populated areas in Gurdaspur District. With these pockets going to Pakistan our defensive capacity will be seriously crippled.

(b) The defence of Kashmir entirely depends upon Pathankot. With these pockets falling into Pakistan's hands, it will be easier for
hostile forces to cross into Gurdaspur District and thus cut off Pathankot from the rest of India.

(c) In another 10 years, a Dam will be ready at Thayen on river Ravi. The Headworks at Madhopur being in our hands, if and when need arises, this river and the proposed Dam could be turned into an effective natural obstruction against invading tanks and armoured vehicles. If pockets mentioned at (i) above are handed over to Pakistan, this advantage will be lost to us.

The Brigade Commander, who was consulted by our local officers, agrees that the enforcing of the Radcliffe Award will be a loss to India from the strategic point of view so far as Gurdaspur District is concerned.

2. As regards Amritsar District, an area of 18455 acres belonging to India, according to the Radcliffe Award (26 villages with an area of 10651 acres and 29 villages with an area of 7804 acres) which, in fact, belongs to Ajnala Tehsil, is in possession of Pakistan, as it is on the Pakistan side of river Ravi. Similarly, 11 villages of Pakistan with an area of 3442 acres which are on the Indian side of the river are in possession of India since partition. If the Radcliffe Award is enforced, we are entitled to 18455 acres as against 3442 acres which we lose to Pakistan. Strategically however, it would not be safe to part with these 3442 acres of land. It is, therefore, considered that this area should be exchanged with 3442 acres of land on the other side of the river and the balance of the area should be taken from Pakistan.

In case of enforcement of the Radcliffe Award, India is entitled to get villages Pathanke, Rakh S. Hardit Singh, Theh Sarja Marja except 217 acres already in possession of India, 12.60 acres in village Ranian, 60 acres in village Daoke, as Pakistan is in unauthorised possession of them. Pakistan claims these villages and a dispute regarding interpretation of the Radcliffe Award is pending before the Financial Commissioners of the two Punjabs. Similarly, Indian nationals are in possession of about 19 acres of land in village Jharolian belonging to Pakistan which adjoins our village Wan. This area does not have any special strategical importance and may be given to Pakistan if they restore the areas mentioned above.

Ninety-eight acres of land belonging to India are surrounded on all sides by Pakistan territory and it has been in possession of Pakistan since partition. Similarly, 148 acres of land of Pakistan is surrounded on all sides by Indian villages. Strategically, it will not be safe to part with this land belonging to Pakistan which is in possession of India since partition. It is, therefore, considered that we should not claim the 98 acres of Indian land in possession of Pakistan since partition.
3. According to the Radcliffe Award, the boundary line of Ferozepore District with Pakistan should be according to this District boundary before partition, except for adjustment in respect of the Canal Headworks at Sulemanki, which should fall within the territorial jurisdiction of the West Punjab. In actual effect, however, large areas of the District lie on the other side of the river and, similarly, areas of Montgomery and Lahore Districts lie on our side of the river. These areas are in possession of Pakistan and ourselves respectively. Information was collected in early 1955 and, according to this, a total area of 23274 acres of this District was in Pak possession and a total area of 22,631 acres belonging to Lahore and Montgomery Districts of Pakistan was in our possession. A detailed list of such villages is given in the statement enclosed. We are entitled to get 643 acres more of Pak territory if Radcliffe Award is enforced.

In the case of this District, the enforcement of the Radcliffe Award will be of considerable strategic gain to us. At present, at both the Headworks, namely Hussainiwala and Sulemanki, the only two tracts of strategic importance, Pakistanis are better off than warranted by the Radcliffe Award. At Hussainiwala, they are not on the bridge itself but are very near it and have their check-post on the Dipalpur Canal Bridge. At Sulemanki Headworks, they are even better off being right across the bridge. Except for our areas near these two canal headworks in possession of Pakistan, the other area in adverse possession of Pakistan is not of much strategic importance.

The area beyond Hussainiwala Headworks, extending up to about Gandasinghwala Railway Station, now in adverse possession of Pakistan, is of utmost importance for effective protection of Hussainiwala Headworks by our forces. It is, therefore, considered that, in view of its strategic importance, we should make an effort to get it back in full or as much as possible.

Note: In 1956 High Commissioner in Pakistan C.P.N. Singh had taken a similar position that the implementation of the Radcliffe award would from the defence angle, be disadvantageous to India. Prime Minister Nehru agreed with him particularly with reference to the award in Gurdaspur district. But he did not wish to renounce the award in any manner. In his letter dated the 10th May 1956 informed the High Commissioner: “But we cannot advance an argument of this kind in order to retain possession of a particular area. Whether the result is advantageous or disadvantageous to us, we have to abide by some principle. We have accepted the Radcliffe line as the basic approach to this problem and we have to abide by it. We have added, however, that we can vary this Radcliffe line by agreement between the two countries. This is the only straightforward position we can take up, whatever the results might be.”

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Circular letter from the Ministry of External Affairs to border States in India.

New Delhi, February 26, 1954.

To:
1. The Chief Secretary to Government, West Bengal, Calcutta.
2. The Chief Secretary to Government, Assam, Shillong.
3. The Chief Secretary to Government, Bihar, Patna.
4. The Chief Secretary to Government, Punjab (I), Chandigarh.
5. The Chief Secretary to Government, Rajasthan, Jaipur.
6. The Chief Commissioner, Tripura, Agartala.
7. The Chief Commissioner, Kutch, Bhuj.

Subject: Incidents on the Indo-Pakistan Border.

Sir,

In a recent incident on the Indo-Pakistan border, the Pakistan Border Police attempted to occupy by force a stretch of territory under Indian control in a series of aggressive moves which were resisted by the Indian police forces; negotiations were then started between the local Indian and Pakistani civil authorities and while the negotiations were in progress, the Pakistani police forces tried to consolidate their occupation; and finally the compromise arrived at between the two local civil authorities established the Pakistani police forces well in advance of positions held by them before the commencement of the
incident. This state of affairs which had continued for some time was not reported to the Government of India who came to know about it after about three months when a protest had been received from the Government of Pakistan which not only made the matter still worse but also put this Government unnecessarily on the defensive.

2. In order to avoid a repetition of such a situation in the future, the Government of India would request the border State Governments to instruct their civil and police border authorities to be on the alert and not to allow any encroachment by the Pakistanis taking place initially, because once that happens, the resulting position is very often worse than before. The State Governments should further ensure that in the case of any aggressive action on the part of Pakistani nationals, police or armed forces on the Indo-Pakistan border, full particulars of such incidents should be immediately reported to the Government of India by an Express letter or in more serious cases by a telegram to enable them to be the first to lodge a protest with the Government of Pakistan whenever considered suitable.

3. The Government of India agree that attempted aggression on Indian territory by Pakistani nationals, police or armed forces should be resisted. At the same time, this Government are anxious to prevent minor disputes developing into serious incidents involving the risk of major conflict with Pakistani forces. The Government of India, therefore, feel that the higher civil authorities should be brought into the picture sufficiently early to ensure that unnecessarily extreme action is not taken by the local forces in the initial stages and that the dispute is resolved by negotiation as early as possible.

4. The receipt of this circular letter may kindly be acknowledged and the instructions issued by the State Governments to their respective civil and police border authorities may also be endorsed to this Government for information.

Yours faithfully

(V.C. Trivedi )
Deputy Secretary
Ministry of External Affairs,
New Delhi.

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Letter from Ministry of External Affairs to State Governments bordering Pakistan.

New Delhi, August 27, 1954.

No. P.III/54/19334/2. dated the 27th August, 1954

Government of India
Ministry of External Affairs
New Delhi

To: 1. The Chief Secretary to the Govt. of West Bengal, CALCUTTA.
    2. The Chief Secretary to the Govt. of Assam, SHILLONG.
    3. The Chief Secretary to the Govt. of Bihar, PATNA.
    4. The Chief Secretary to the Govt. of Punjab (I), CHANDIGARH.
    5. The Chief Secretary to the Govt. of Rajasthan, JAIPUR.
    6. The Chief Commissioner, Tripura, AGARTALA.
    7. The Chief Commissioner, Kutch, BHUJ.

Subject: Indo-Pakistan Border-Incidents and raids involving loss of life and property of Indian nationals--Question of claiming payment of compensation from Pakistan.

Sir,

The question of claiming payment of compensation from the Government of Pakistan in respect of loss of life and property of Indian nationals as a result of raids on Indian Territory by Pakistani nationals, police and armed forces, from across the border, has been receiving the attention of the Government of India for some time past. The data available for the period from after the Partition to the end of 1953 in respect of the entire Indo-Pakistan border, which is by no means complete or exhaustive, shows that the total number of raids by Pakistanis on Indian territory was about 3,531 which resulted in loss of life to 195, injuries to 313 and kidnapping or arrest of 238 Indian nationals, 20,028 heads of cattle were lifted from Indian territory and damage to Indian property amounted to Rs.1,45,44,336.
The policy of the Government of India so far has been to claim payment of compensation only in serious cases from the Government of Pakistan while lodging protests with them. It has, however, not been possible to secure the consent of the Government of Pakistan to any suitable procedure for the settlement of such claims as they pleaded that the question of setting up machinery acceptable to both the Governments was beset with serious practical difficulties. The Government of India also felt that in the present atmosphere it would not serve any useful purpose to pursue the matter further with the Government of Pakistan and that the question of entering into an agreement with them regarding the settlement of claims for payment of compensation should wait till the relations between the two countries became normal.

2. In the meanwhile, State Governments having a common frontier with Pakistan will be interested in the following analysis of the position according to International law:

(1) It is well recognised that the State bears a wide and unlimited vicarious responsibility for internationally injurious acts committed by its police or military personnel. Since such persons are always under the disciplinary control of the State, the acts done by them, even if they are in excess of the authority given to them, are *prima facie* acts of the State. According to Oppenheim:

"A State bears a wide, unlimited and unrestricted vicarious responsibility for such acts because its Administrative officials and Military and Naval forces are under its disciplinary control, and because all acts of such officials and forces in the exercise of their official functions are *prima facie* acts of the State. Therefore, a State has, first of all, to disown and disapprove of such acts by expressing its regret or even apologizing to the Government of the injured State; secondly, damages must be paid where required; and lastly, the offenders must be punished according to the merits of the special case."

(2) Where the injurious acts are committed by groups of private persons, the State from which the groups operate can, in the first instance, be charged only with a limited vicarious responsibility. International law impose the duty upon every State to prevent, as far as possible, its subjects or aliens temporarily resident on its territory from committing injurious acts against a neighbouring State. Again according to Oppenheim:

"Whereas the vicarious responsibility of States for official acts of Administrative officials and Military and Naval forces is unlimited and unrestricted, their vicarious responsibility for acts of private
persons is only relative. For their sole duty is to exercise due diligence to prevent internationally injurious acts on the parts of private persons, and in case such acts have nevertheless been committed, to procure satisfaction and reparation for the wronged State, as far as possible by punishing the offenders and compelling them to pay damages where required. Beyond this limit a State is not responsible for acts of private persons; there is in particular no duty for a State itself to pay damages for such acts if the offenders are not able to do it. If, however, a State has not exercised due diligence, it can be made responsible and held liable to pay damages."

In practice, however, such negligence or lack of diligence on the part of a State is difficult to establish. If it could be established that the private raiders were being helped by police or military or civil personnel in the service of the State that would certainly be evidence of culpable negligence, or even culpable connivance, on the part of the State. The frequency and intensity of the armed raids may also be a very relevant factor for the purpose of demonstrating the culpable negligence of the State.

3. In the light of the analysis made above, the Government of India are of the view that protests to the Provincial Governments in Pakistan, where they are lodged direct with them by the State Governments, should conform to certain uniform standards. In the case of incidents and raids by the Pakistani Civil, Police or Military personnel, they should be asked to discover and punish the offenders and take necessary steps to prevent the recurrence of such incidents and raids. The right to claim payment of compensation for the loss to Indian life and property should be reserved only in serious cases. In the case of raids by Pakistani Nationals on Indian territory, they should be asked to discover and punish the offenders and take necessary steps to prevent the recurrence of such raids. If the Pakistani raiders are assisted or their activities are connived at in any way by the Pakistani Civil Police or Military personnel, it should be brought to the notice of Provincial Governments concerned in Pakistan who should be asked to take suitable action against their personnel for such culpable negligence. The Provincial Governments in Pakistan should also be asked to compel the offenders to pay damages for the loss of Indian life and property inflicted by them in serious cases.

4. The Government of India also consider it very important to maintain a complete record of all incidents and raids perpetrated by Pakistanis on Indian territory involving loss of life and property to Indian nationals for the purpose of compiling accurate data which would be very useful whenever the question of settling claims for payment of compensation is re-opened with the Government.
of Pakistan. It is, therefore, essential that we should have a neat, accurate and succinct account in regard to each incident and raid with such particulars of time, place, identity of raiders, description of victims and damages which may be verifiable. It would be advisable in this connection if the State Governments ensure that there are no material discrepancies in their reports about incidents and reports about the same incidents which might emanate from private agencies from time to time.

The Government of India, would, therefore, be grateful if the State Governments would furnish a detailed report of each incident or raid as early as possible as they are doing at present. These reports should be as detailed as possible so as to enable the Government of India to lodge suitable protests with the Government of Pakistan. It is noticed that in many cases Pakistani commit the aggression and they follow it up with a protest making it out that aggression was from India. It is, therefore, essential that the reports from the State Government should be sent to the Government of India promptly. Attention of the State Governments is invited in this connection to the Ministry's Circular letter No. P.III/54/1938/2 dated the 26th February, 1954. In addition to these reports the State Governments should also send reports in the enclosed proforma every fortnight of all border incidents. The State Governments are requested to adhere strictly to the prescribed form with a view to achieving uniformity of procedure and ensuring that adequate information in regard to each incident or raid is available to the Government of India at the shortest notice.

5. The Government of India also consider that it is desirable to have a uniform method of enquiring into the incidents which should be followed by State Governments in their respective regions. The State Governments are, therefore, requested to send us full details of their present methods of investigating border incidents and raids so that the question of evolving a uniform method for adoption in future may be considered by the Government of India.

6. The State Governments are also requested to offer their comments on the advisability of forming joint committees, consisting of officers of both the countries at the District or State level, to investigate from time to time the incidents and raids on the Indo-Pakistan border. The Government of India would be grateful if these comments are furnished at an early date with such information about the procedure for joint investigation, if any, which already exists on the border with which they are concerned.

7. The receipt of this Circular letter may kindly be acknowledged.

Yours faithfully,

(V.C. Trivedi)
Deputy Secretary

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2905. Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, October 28, 1954.

Ministry of External Affairs
New Delhi

No. P.III/54/1936/2. Dated the 28th October, 1954

The Ministry of External Affairs present their compliments to the High Commission for Pakistan in India and with reference to their Note No. F.26(19)P/54-2506, dated the 24th July, 1954, protesting against the alleged violation of the Pakistan border in the Suleimanke area by Indian troops in March, 1954, have the honour to state categorically that although an exercise was conducted by Indian troops in this area in March, 1954, there was no violation of the Pakistan border. The entire exercise was carried out well within Indian territory. The allegations made in the High Commission's Note are, therefore, absolutely baseless.

2. The Government of India note with considerable surprise that the High Commission should have deemed it fit to lodge the protest referred to above against an alleged violation of the Suleimanke Agreement of September, 1949, which has not been substantiated in any way, when the Pakistani forces have themselves been guilty of committing aggression in the Suleimanke area by advancing one of their pickets well within Indian territory about four years ago and which is still in illegal occupation of Indian territory despite emphatic protest lodged with the Government of Pakistan in the past. The attention of the High Commission is invited to the correspondence resting with the Note No. I(I)3/4/54, dated the 29/30th July, 1954, from the Ministry of Foreign Affairs and Commonwealth Relations of the Government of Pakistan to the High Commission for India in Pakistan in this connection.

The Suleimanke Agreement of the 15th September, 1949, was a local arrangement recommended by the two Commissioners of Punjab (I) and Punjab (P) providing for the withdrawal of troops from their forward positions and for the maintenance of the status quo with regard to the territory in the possession of either country in the Suleimanke area on that date. In utter disregard of this arrangement and in gross violation of Indian territory, Pakistani forces have made encroachment in India territory. The Government of India note with regret that the Government of Pakistan have not only not withdrawn their forces from the Indian territory illegally occupied by them but even attempt to justify their aggression and illegal occupation of Indian territory on unwarranted and in any case, irrelevant arguments based on the above mentioned recommendation of
the two Commissioners regarding arrangements for the maintenance of the status quo in this area. The Government of India deeply regret this unreasonable attitude on the part of the Government of Pakistan, which apart from condoning aggression, is hardly conducive to the maintenance of peaceful conditions on the border and good-neighbourly relations between the two countries.

3. The Government of India are also constrained to point out that the Pakistan forces have been indulging for some years past in aggressive activities in the neighbourhood of the Ferozepore Headworks and occupying territory indisputably belonging to India. From time to time, Pakistani authorities have made several illegal encroachments on the left and right banks of the Dipalpur Canal in Indian territory. These aggressive and illegal acts on the part of Pakistani forces have created a highly inflammable situation on the border and have led to all sorts of difficulties for the proper maintenance of the Headworks as well as for taking discharge observations in the interest of the two countries. Besides, cases of trespass into Indian territory in this area by Pakistani forces and interference with the performance of their lawful duties by Indian personnel even in the area still under the occupation of Indian authorities, have of late become a recurring feature. The Government of India take a serious view of these developments which have led to a grave situation on the border in the vicinity of the Ferozepore Headworks.

4. The Government of India would, therefore, request the High Commission to impress upon the Government of Pakistan the desirability of withdrawing their forces from various areas of Indian territory in the vicinity of the Suleimanke Headworks and the Ferozepore Headworks and thus removing their unauthorised encroachments on Indian territory in the interests of maintaining the peace on the border and the friendly relations between the two countries. The Government of India would further request that necessary instructions may also be issued by the Government of Pakistan to their appropriate authorities who should also be told to put a stop to such aggressive acts in future.

5. The Government of India would also like to draw the High Commission's attention in this connection to a recent letter from the Chief Engineer and Secretary to Government, Punjab (I), P.W.D. Irrigation Branch, to the Chief Engineer, Irrigation Works, Punjab (P) (No.1785/Part/Sub/351/53, dated the 8th October, 1954) regarding the Pakistani occupation of large areas of Indian territory extending from beyond the Right Marginal Bund of the Ferozepore Headworks up to the river Sutlej. The Government of India trust that these areas of Indian territory will also soon be vacated by Pakistani forces.
6. The Government of India would be grateful if the High Commission would inform them of the action taken by the Government of Pakistan in the matter. The Ministry take the opportunity to renew to the High Commission the assurances of their highest consideration.

The High Commission for Pakistan in India
New Delhi

2906. Letter from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs.

New Delhi, January 14/15, 1955.

No. P. III/54/1931/2 the 14/15th January, 1955

Government of India
Ministry of External Affairs
New Delhi

To: The Secretary to the Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations, Karachi.

Subject: Gatti Kamalewala.

Sir,

I am directed to refer to your letter No. I (1)/3/3/53, dated the 1st April, 1953, and our letter No. P.III/52/19312/1-Vol.II, dated the 3rd June, 1953, regarding the proposal for the evacuation of troops of both the countries from Gatti Kamalewala, and to state that the Government of Pakistan have not sent any reply so far. The Government of India have, therefore, felt it necessary to approach the Government of Pakistan once again with a view to arriving at an early settlement of the problem of the evacuation of troops from the Gatti in the interests of peaceful and friendly relations on the border in this region.

2. The Government of Pakistan are aware that although the Army Headquarters of the two countries as well as the two Governments had agreed
on the measures to be adopted for the simultaneous withdrawal of troops and
civil armed forces of the two sides from the Gatti more than a year and a half
ago, no progress could be made towards the actual evacuation of the Gatti. The
Government of India feel that the settlement of this problem is being unduly
delayed presumably because of some misapprehension on the part of the
Government of Pakistan in regard to the necessity of permitting the Irrigation
authorities of Punjab (I) to visit the Gatti and the channels of the river
encompassing it periodically for the purpose of taking soundings essential for
the proper upkeep of the Ferzoepore Headworks and the regulation of water
supplies into the Dipalpur Canal, which had been urged by the Government of
India in the mutual interests of the two countries. The Government of India
would, therefore, like to amplify the position once again.

The Government of Pakistan would no doubt appreciate that it is imperative for
the Irrigation authorities of Punjab (I) to carry out an annual survey of the river
above the Ferozepore Headworks after the monsoons in the interest of proper
maintenance of the Headworks, particularly for the purpose of regulating water
supplies into the Dipalpur Canal. If the Irrigation authorities of Punjab (I) are not
afforded this highly essential facility of a periodic survey of the river, which
would necessitate their visiting the Gatti and the channels of the river
encompassing it, the Government of India are afraid that this may result in
serious damage to the Ferzoepore Headworks which may in turn gravely affect
supplies to the Dipalpur Canal and the Indian Canals taking off from it.

The Government of Pakistan would no doubt appreciate that this proposal was
made by the Government of India in a spirit of goodwill and cooperation and was
meant only to further the good neighbourly relations between the two countries
and to safeguard their mutual interests. The Government of India are also willing
that such visits of the Irrigation authorities of Punjab (I) should take place if so
desired by the Government of Pakistan, under a joint Indo-Pakistan military
escort after the Gatti has been vacated by the forces of the two countries so
that there should not be any chance of misunderstanding on the part of Pakistani
authorities.

In view of the considerations urged above, the Government of India hope that
the Government of Pakistan will now have no objection to the acceptances of
Indian proposal for permitting the Irrigation authorities of Punjab (I) to visit the
Gatti and the channels of the river encompassing it for the purpose outlined
above which is essential as much for Pakistan as for India.

3. The Government of India would therefore be grateful if the Government of
Pakistan will agree to the adoption of measures, already accepted by the two
Governments, for an early evacuation of Gatti Kamalewala by the forces of the
two countries. The details regarding the periodic visits of the Irrigation authorities
of Punjab (I) to the Gatti and the channels of the river encompassing it under a joint Indo-Pakistan military escort, can be worked out in mutual consultation by the local authorities of the two Punjabs.

The Government of India would very much appreciate if the agreement of the Government of Pakistan is communicated at an early date so that this long standing problem may be resolved to the mutual satisfaction of the two countries.

Yours faithfully,

Sd/-

(V.C. Trivedi)
Deputy Secretary to the Govt. of India

2907. **AIDE MEMOIRE delivered by the Ministry of External Affairs to Pakistan High Commissioner in India M. R. Arshad on 4th February 1955.**

**AIDE MEMOIRE**

The border raids and incidents, which have been taking place, both in the western and the eastern zone, form a recurring cause of friction between the two countries, leading to ill will and discord.

2. The Indo-Pakistan Conference of December 1948 had gone into this question and special committee was appointed to consider the method of dealing with incidents on the border and of eradicating them. A procedure was prescribed in this regard under which appropriate authorities on the two sides were to discuss such incidents and take suitable preventive and deterrent measures. This procedure is being adopted on the border of India and Pakistan but unfortunately it has degenerated more into that of satisfying the letter of the agreement rather than its spirit. Joint enquiries are being held in various incidents without any agreed conclusions. People are being kidnapped and often killed in these incidents with hardly any action taken either to compensate the victims or to release them quickly or to prevent the recurrence of such incidents. No effort is also being made to apprehend and punish the criminals who sometimes happen to be police officials themselves or are sided and abetted by police officials.

3. Scores of such incidents take place with a distressing frequency and protests are being lodged by the Indian authorities including the Indian High
Commission in Karachi. These protests are being ignored and in one case the Government of Pakistan even came out with a statement that the particular raid, which had led to the cold-blooded murder of Indian nationals, were motivated by a desire for revenge on the part of the West Punjab Border Police. The incident referred to here took place in February 1953 and January 1954 and resulted in the killing of Indian workers on an agricultural farm. Even if there were any such “reason” for these murders, it was most surprising that such an excuse should have been given in a formal note of the Government of Pakistan justifying them. (The latest communication from the Indian High Commissioner to the Government of Pakistan in this regard is in a note. No. F.26(10)/54-Genl., dated 13/15 November 1954, to which, as far as the Ministry of External Affairs is aware, no reply has yet been received.)

4. The latest incident, which has been reported to us, comes from the Bikaner Bahawalpur border which took place in the beginning of this month. Certain Pathans from across the Pakistan border raided on Indian village and while they were being chased by the Indian Police the next morning, killed three Indian policemen from a prepared ambush in Indian territory. (The Indian High Commissioner's note of protest on this incident is No. F.26(1)/55-Genl./521, dated 21.1.1955) This is not a solitary incident on that border. Some time ago, there was a similar ambush as a result of which 12 policemen and 2 civilians, who were in pursuit of some camel thieves, were ambushed and captured. The distressing part of this incident was that these Indian nationals were given savage sentences after their capture, totaling 7 years R.I. and heavy fines. It was after considerable correspondence and lapse of about two years that the Indian authorities were able to secure the release of the policemen. The two civilians are still in a Pakistani jail.

5. The law and order position on the Rajasthan border indeed presents a sorry tale not so much because of the frequency of raids taking place across the border resulting in lifting of camels and cattle, kidnapping of harmless civilians for the purpose of extorting huge ransoms, etc., but because of the operation of trans-border dacoit gangs who are being harboured on the Pakistan side of the border, apparently aided and abetted by Pakistani authorities, and, in any case, undeterred by Pakistani Police authorities. Several times in our protests on such incidents we have even identified the dacoit concerned and yet there has been no action taken by the Pakistani authorities. The instance of Bhupat, the notorious outlaw of Saurashtra, who has been given sanctuary in Pakistan, is a case in point.

6. There was another serious incident on the Rajasthan - West Pakistan border in the end of November 1954 when some raiders from Pakistan killed an Indian National and fled to Pakistan taking away the camel belonging to the
victims. The protest was lodged by our high Commissioner in this case under his
Note No.F.26(24)/54-Genl., dated 27/28.12.1954, but no reply has yet been
received from the Government of Pakistan.

7. As a matter of fact, we have been receiving monthly statements of such
raids from the Government of Rajasthan, which includes frequent raids,
kidnappings and murders taking place on that border.

8. The main problem, as far as the Rajasthan border is concerned, is that of
taking strong and deterrent action in a co-operative manner by the Police forces
on the two sides to eradicate once and for all the menace of the trans-border
dacoit gangs and of criminals indulging at will in such kidnappings and murders.

9. There are also raids on the Punjab border. Here the culprits are mainly the
Punjab Border Police. There are a few cases of raids by Pakistani civilians for
cattle theft etc., but these raids do not present the same problem as those on
the Rajasthan border. Unfortunately, however, the raids and encroachments
leading to firing and killing of Indian nationals perpetrated by the Pakistan border
Police on the Punjab border pose a very serious threat to the maintenance of
peaceful relations between the two neighbours. There have been several
consistent and calculated attempts made recently by the Pakistan Border Police
to encroach on Indian territory resorting to force of arms and frequent firings.
These encroachments are in utter disregard of several solemn agreements
reached between competent authorities on the two sides for maintaining the
status quo on the border in the interest of peaceful relations between the two
countries. As a matter of fact, the Superintendent of Border Police of Punjab (P)
at one of the meetings held between the Police Officers on the two sides to
investigate a very serious incident, which had taken place in June 1954 near the
village of Pulakanjri in Amritsar district, refused to withdraw from the Pakistani
encroachment in violation of an earlier agreement and threatened that he "would
flare up trouble all along the border." There was no settlement and during the
series of incidents which followed, one Indian constable was killed and two
Indian constables were wounded. The Indian High Commissioner protested to
the Pakistan Government (in a note, No.F.26(14)/54-Genl., dated 23.6.1954)
but no reply has yet been received from Pakistan.

10. The Police Officers on the Punjab border seem to be taking the most
unreasonable attitude, indulging in unabashed aggression, and recently the
Deputy Commissioner of Amritsar was held captive a few yards within Pakistani
territory when he went across the border to greet two Pakistani sentries who
were stationed there. The surprising part of this unfortunate incident was that
the Pakistan Deputy Superintendent of Police was stationed only a few yards
away from the place where the Deputy Commissioner was detained and despite
repeated requests refused to come over to this place or to release the Indian Officer.

11. The Government of India have been considerably distressed to note that there is a definite pattern of aggression and encroachment indulged in by the Pakistan Border Police at certain specified sectors of the Punjab border. Numerous notes of protest have been sent in vain by the Indian High Commissioner to the Government of Pakistan pointing out that these calculated moves on behalf of the Punjab Police are creating tension and ill-will on the border to be detriment of peaceful relations between the two countries. The aggressive acts of the Pakistani Police, however, continue unchecked.

12. The position is not much better in the eastern zone. The Bihar-East Bengal border, which was comparatively free from such crimes, has recently witnessed some shocking incidents leading to the murder of defenceless Indian nationals. In one incident, five Santhal women, who were collecting shells in a border-river, were beaten and killed mercilessly because one of these women, a young girl of 16, would not respond to the advances made by four Pakistani constables. Considerable correspondence took place on this deplorable incident and eventually a joint enquiry was held by the representatives of the Governments of India and Pakistan in the end of December, 1954. Even though earlier joint enquiries had clearly established the guilt of the Pakistani constables, hardly any action was taken against them. Fortunately, the joint enquiry held by the representatives of the two Central Governments has cleared the matter and it is hoped that as soon as the reports of these officers have been received by the respective Governments, prompt and exemplary punishment would be meted out to the perpetrators of this dastardly crime.

In another incident on the Bihar-East Bengal border, a Muslim national of India was also killed in a cold-blooded manner by Pakistan Border policemen when he objected to the latter fishing in a private tank belonging to an Indian nationals in Indian territory. The incident also formed the subject matter of the joint enquiry referred to above and it is hoped that here again the murderer will be punished.

13. There have been several cases of trespass and commission of crimes by Pakistani policemen and nationals on certain sectors of the Assam East Bengal border as well. On a stretch of the river Surma, the Pakistani authorities have been indulging in periodic firing and trespass despite the restraint shown by Indian authorities and despite the correct boundary position being patiently and repeatedly explained both to Dacca and to Karachi. There have been numerous incidents of cattle lifting, illegal harvesting of crops, kidnapping etc., on the Khasi Jantia Hills border. There have also been several cases of unprovoked firing on defenceless Assamese villagers. Here again Indian protests have evoked no satisfactory response either from the East Bengal authorities or from the
14. The following recent incidents are typical of the scores of such incidents taking place on this border:-

On the 2nd of November 1954, some Pakistani nationals, led by one Havildar and one constable, trespassed into a village in district Goalpara and took away two boats loaded with jute and rice.

On the 4th November, 1954, about 20 to 30 Pakistani nationals, armed with guns and other lethal weapons, raided a Khasi village and took away cash and ornaments belonging to the villagers. Three Indian nationals were wounded in this raid.

On the 21st November, 1954, more than 200 Pakistani nationals, led by some members of the Pakistani Armed Police, trespassed in a village in the Khasi Jantia Hills and harvested the standing paddy belonging to Indian nationals. The raiders also took away the cattle belonging to these villagers.

15. There have also been numerous incidents on the East Bengal-West Bengal border, the latest of which involves the establishment of fortified camps by Pakistani Border Police on several Chars (islands) in the river Gangas (Padma) on the Indian side of the border. The series of encroachment indulged in by the Pakistani Border Police in this region is reminiscent of similar activities by the Punjab (P) Border Police referred to in the earlier paragraphs.

16. There are also scores of incidents of cattle lifting, kidnapping, dacoities and other criminal acts on the various sectors of the East Bengal-West Bengal border. The latest incidents reported to us took place on the Cooch-Bihar border when an Indian Excise Inspector and an Indian constable were kidnapped by Pakistani nationals.

17. All these incidents and raids indicate that the Indo-Pakistan agreement of December 1948 is not functioning and that in spite of the adoption of the procedure established at this Conference, there has been no real attempt at eradicating the evil represented by these criminal acts. It is, therefore, essential that some effective machinery should be adopted not only for prompt disposal of complaints relating to such incidents but also for the establishment of peaceful friendly regime on the border in co-operation between the Police and other authorities of the two countries.

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Note of the Ministry of External Affairs to the Pakistan High Commission in India.

New Delhi, April 5, 1955.

Ministry of External Affairs

No. P. III/54/19362/2 New Delhi, the 5th April, 1955

The Ministry of External Affairs present their compliments to the High Commission for Pakistan in India and with reference to their Note No. F. 62(21) P/54 – 3577, dated the 5th November, 1954, regarding the construction of works along the river Ravi and other rivers near the Punjab (I) – Punjab (P) boundary, have the honour to state as follows.

2. The Government of India agree that the arrangements proposed in the High Commission’s Note referred to above in regard to the construction of works along the rivers near the Punjab (I) – Punjab (P) boundary by either country should be adopted on a reciprocal basis without prejudice to the inherent right of either country to construct any works on its own territory and that these arrangements would last as long as the Indo – Pakistan boundary between Punjab (I) and Punjab (P) is not properly demarcated.

3. The Government of Punjab (I) have accordingly instructed their Deputy Commissioner in the border districts to explain the object of construction of works undertaken along the rivers near the boundary to their Punjab (P) counterparts, if asked to do so, on a reciprocal basis. Where the works like the construction of protective bunds to save villages, etc., are undertaken by the Public Works Department, the Deputy Commissioners have been asked to encourage the Executive Engineers concerned to meet and discuss the plans with a view to causing the least inconvenience to the residents of villages on the other side.

4. The Government of India trust that these arrangements would be worked in a spirit of co-operation in order to promote friendly relations between that two countries and to safeguard their mutual interests.

5. The Government of India would be grateful if they are supplied with a copy of the instructions issued by the Government of Punjab (P) to their Deputy Commissioners concerned. A copy of the instructions issued by the Government of Punjab (I) to their Deputy Commissioners concerned would be furnished to the High Commission at an early date.

The Ministry take the opportunity to renew to the High Commission the assurances of their highest consideration.
The High Commission for Pakistan in India,  
New Delhi.  

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SECRET/IMMEDIATE

No. P. III/54/19362/2.

Copy forwarded to Sardar Nawab Singh, I.C.S., Chief Secretary, to the  
Government of Punjab (I), Chandigarh, with reference to their letter No. 1579 –  

2. It is requested that necessary instructions may kindly be issued  
immediately to the Deputy Commissioner in the border districts and that a copy  
of the instructions may be forwarded to this Ministry at an early date.

3. As regards the proposal made in the Punjab (I) Government’s letter No.  
1820 – Ptn – 55/9143, dated the 30th March, 1955, it is felt that it would be more  
appropriate if the Deputy Commissioner concerned raised the matter in the first  
instance with his Punjab (P) counterpart in accordance with the arrangements  
accepted between the two Central Governments in regard to the construction of  
works by either country along the rivers near the Punjab (I) – Punjab (P) boundary.  
If the negotiations between the two Deputy Commissioners do not yield any  
tangible results, this Ministry may be informed in order to enable them to take  
the matter up with the Government of Pakistan.

Developments in the matter may please be reported urgently.

By order etc.,

Sd/-  
(S.K. Chowdhry)  
Under Secretary (P)

◆ ◆ ◆ ◆ ◆
NEKOWAL INCIDENT

A. Telegram from the Indian Ministry of External Affairs to the Pakistan Ministry of Foreign Affairs regarding firing from within Pakistan border on the personnel of the Central Tractor Organization in the area of Nekowal village in Jammu.

New Delhi, May 9, 1955.

From: Foreign, New Delhi
To: Foreign, Karachi
Info: Hicomind, Karachi

IMMEDIATE

No. 30524 May 9, 1955

The Government of India strongly protest against the firing from within Pakistan border on a party belonging to the Central Tractor Organisation of the Government of India on May 7 in the area of Nekowal village in Jammu*. The firing has resulted in the death of 12 persons in all and injury to another. The attack was premeditated and was most unjustified since the party was well within the border of Jammu and Kashmir. It is deplorable that a serious incident like this should have taken place at a time when the relations between our two countries have

* The incident referred to above occurred near the village Nekowal on the Jammu-West Pakistan border, where nine civilian employees of the Central Tractor Organisation under a military escort, and command of Major S. R. Budhwar were charged with the responsibility of ploughing a farm. The farm was located 500 yards from the Neokwal village on the Indian side of the border. The military escort and the tractor operators on May 7, 1955 suddenly came under firing from the Pakistan side killing Major Budhwar and one of the workers of the Central Tractor Organisation. In the ensuing exchange of fire, five army personnel besides Major Budhwar and six civilians were killed. The UN Observers who conducted the investigation on May 9, held that the incident was pre-conceived and pre-designed by the Pakistan Border Police and that the small Indian Party was attacked by a large and well-armed Pakistan force. Besides the protest lodged with the Pakistan Government, the matter was taken up with the Pakistan Prime Minister, who was in New Delhi soon after the incident, who expressed his regrets when he called on the Indian President on May 14. While expressing his profound regrets, he promised if the UN observers held the Pakistani border personnel guilty, he would take the severest action against them. The report of the UN Observers was received in New Delhi, when the Pakistan Prime Minister Mohammad Ali was still in town. The Government of India approached the Pakistan Government drawing attention to the statement of Mohammad Ali as well as to the UN Observers’ report and asked for the punishment of the guilty as well as compensation for the casualties suffered by the Indian nationals.
greatly improved. The Government of India would urge on the Pakistan Government to take severe action against the offenders and all necessary measures to prevent repetition of similar incidents. They also reserve the right to ask for compensation for the loss inflicted.

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B. **SECRET**

**Telegram from Commonwealth Secretary Subimal Dutt to the Indian High Commissioner CC Desai regarding Nekowal Incident.**

New Delhi, May 23, 1955.

TELEGRAM

From : Foreign, New Delhi

To : Hicomind, Karachi.

IMMEDIATE


Desai from Dutt.

Nekowal Incidents.

In a meeting between General Thapar of the Indian Army and General Sheikh of the Pakistan Army held at Suchet Garh on 21st May, Pakistan Commander took a surprisingly rigid attitude. He stated that Pakistan do not recognize Indian authority in Jammu and Kashmir and that the whole territory of the State and its boundary with West Pakistan is disputed. He resisted the right of the Indian Army patrols going to Nekowal village and for this purpose the boundary of Nekowal village must be revenue limits of the village.

2. We cannot recognize Pakistan's right to interfere in our exercise of authority over a village which has always been part of the Jammu Province. We have therefore, told our Army that they will be free to send patrols or post a picket in the Nekowal village as may be considered necessary. Prime Minister would like you to meet General Mirza and explain position to him so that Pakistan would not create any trouble. We have also asked General Thapar, our Corps Commander, to inform his opposite number of our decision.

3. We shall not wait indefinitely for Pakistan's reply and would like to know Mirza's reaction, if any, within the next two or three days. I am sending you by
air copies of the discussions between Thapar and Sheikh and of a letter from General Nimmo to Thapar.

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C.  

SECRET  

Telegram from Commonwealth Secretary Subimal Dutt to High Commissioner CC Desai regarding Nekowal Incident.  

TELEGRAM  

From:  Foreign, New Delhi  
To:  Hicomind Karachi.  

IMMEDIATE  

No. 30547.  
May 25, 1955  

Desai from Dutt.  

Nekowal. Continuation my telegram No.30544 of May 21. A message received by our 15th Corps from General Nimmo through the UN Team states Quote explain quite clearly to Commanders with my compliments that my decision must always be against the side which violates border line irrespective of any actions or moves of persons in opposite territory provided these do not themselves violate the border. By border is meant the old established division between Jammu Province and Sialkot District of West Punjab which separates Nekowal and Umranwali. The above is stated after full knowledge of points raised at recent meeting of Commanders at Suchetgarh on 21st May Unquote. This confirms our right to patrol or put a picket in Nekowal.  

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TELEGRAM
From: Foreign, New Delhi
To: Hicomind Karachi.
IMMEDIATE

Desai from Dutt

Your telegram 439 of May 28. I have just received your letter of May 26. Your letter to Baig explains position correctly. In view, however, of recent incidents we no longer regard ourselves bound by old agreements between Military Commanders of both sides regarding Nekowal village. Our right to exercise full authority over the village has also received support from the U.N. Observers. We feel therefore that we should not delay establishing full control over Nekowal. We shall, however, wait there or four days for Pakistan’s reply if any. Meantime our Military Command has informed the U.N. observers of our intention. The last discussion between General Thapar and General Sheikh shows clearly that Pakistan has adopted a very unreasonable attitude.

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E. SECRET

Telegram from Prime Minister Jawaharlal Nehru to the High Commissioner CC Desai asking him to convey his letter to the Prime Minister of Pakistan.

New Delhi, June 2, 1955.

From: Foreign, New Delhi
To: Hicomind Karachi.

IMMEDIATE


Desai from Prime Minister.

Please convey following message to Prime Minister Mohammed Ali.

Begins.

My dear Prime Minister, you will remember the talks we had when you were here about the unfortunate Nekowal incident on the Jammu border. You were good enough to express your regret and to say that when the enquiry was finished, those who were judged guilty will be punished. The U.N. Observers’ enquiry clearly laid the guilt on the side of people from Pakistan. I trust that your government will now take adequate action, as promised.

2. In view of this incident, it has become incumbent on us to take adequate measures to give protection to Nekowal village and surrounding fields. We directed our army, therefore, that they should send patrols or post a picket as may be considered necessary. We sent this information also through our General Thapar to General Sheikh of the Pakistan Army. General Sheikh took up the extraordinary attitude that Pakistan did not recognize Indian authority in the Jammu and Kashmir State and that the whole territory of the State and its boundary with West Pakistan was disputed. He refused to acknowledge the right of the Indian army patrols going to Nekowal village.

3. Such an attitude is surprising and so contrary to all that has happened even during the last seven abnormal years that I could hardly believe that it could be advanced by any responsible person. Even for the Cease Fire line, this would have been an improper attitude. But for General Sheikh to object about a part of the old border which has nothing to do with the Cease Fire line appears to me to be most irresponsible. I cannot conceive that the Pakistan Government are of this opinion. Instead of punishing the guilty persons in the Nekowal incident,
we are now told that even acknowledged rights we possess on the border are to be resisted.

4. It is clear that our Government cannot possibly accept this contention of General Sheikh and we shall have to exercise our right to patrol or post a picket on that or any border on the Cease Fire line. This is in accordance with the United Nations observers report also.

5. I shall be grateful if you will be good enough to remove this misapprehension from General Sheikh’s mind and issue order that there should be no interference with the exercise of our rights on our side of the border and more particularly in Nekowal village.

Yours sincerely

Jawaharlal Nehru

Ends

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F. SECRET

Telegram from Indian Home Minister Govind Ballabh Pant to the Indian High Commissioner with a letter for Pakistan Interior Minister Iskander Mirza regarding Nekowal.

New Delhi, June 3, 1955.

From: Foreign, New Delhi
To: Hicomind Karachi

MOST IMMEDIATE


For High Commissioner.

Please convey following message to General Iskander Mirza from Govind Ballabh Pant.

Begins.

Thank you for your message about Nekowal which I have just received through our High Commissioner in Karachi. Any suggestion from you must necessarily receive our earnest consideration.

We have been giving much thought to this question of Nekowal for the last
many days and indeed since the unfortunate incident to which you refer. You will remember the talk we had about this incident when you were here and your assurance that persons held to be guilty would be adequately punished. While you were here, we received the report of the United Nations Military Observer Group. In this report it was clearly established that the fault lay with the Pakistan border police which had crossed over on the Indian side of the border as seen by the UN Observers themselves. This incident created an entirely new situation. You say in your message that as long as these agreements were honoured no untoward incident took place. As a matter of fact many incidents have taken place there previously and the recent incident was the last one which took place on the 7th May. As you know, we are very anxious to have good neighbourly relations but it has become obvious that the old gentleman’s agreements to which you refer are not adequate for this purpose and difficulties repeatedly occur; and more especially after recent unfortunate incident it is not desirable to leave matters in the air. This will lead to constant disputes. As a matter of fact, we have been approached by large numbers of villagers living in Nekowal asking us to give them protection. We cannot deny them this protection and there should be no question of any dispute arising when it is admitted, as you have yourself said in your message, that Government of India has a right to do this. There is no question of military measures but only of a patrol giving protection to the villagers.

General Nimmo of the UN Observers Team has clearly recognized this also.

We were amazed to learn of the astounding attitude of General Sheikh in this matter when he stated on 21st May that Pakistan does not recognise Indian authority in Jammu and Kashmir and that the whole territory of the State and its boundary with West Pakistan is disputed.

If, therefore even after the bitter experience that we have had, matters, are left where they are pending for some overall agreement in the future, this will lead to continuing controversy and dispute and possibly to similar incidents. The villagers of Nekowal will be afforded no protection which they rightly demand from us. You will appreciate that the situation will instead of improving deteriorate.

There is no reason why there should be any excitement about a normal step taken in our territory on our behalf. We have made all arrangements to this end and on 5th June patrols of the Indian Army will go along this border. We understand UN Observers are also present on the spot to see that nothing untoward is done. It is difficult to upset all these arrangements at this stage.

I hope you will appreciate this position which I have placed before you and agree that it is reasonable.
Our prime Minister sent a message to Prime Minister Mohammed Ali on this subject on the 1st June.

With kind regards,

Govind Ballabh Pant

Ends

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G. SECRET

Telegram from Commonwealth Secretary Subimal Dutt to Indian Permanent Representative at the United Nations Arthur Lall.

New Delhi, June 7, 1955.

TELEGRAM

From : Foreign, New Delhi

To : Indiadel, New York

IMMEDIATE


Arthur Lall from Dutt.

On 7th May 1955 our personnel with five tractors and military escort were fired at near Nekowal village in Jammu Province on Indian side of the International border by Pakistan armed police. The Indian party returned fire in self-defence. From the Indian side one military officer, five other ranks and six civilians were killed and one other rank wounded. On Pakistan side two foot constables and one civilian were killed and three constables were wounded. The matter was reported to UN Observer Group who after investigation declared it a border violation by Pakistan border police. UN Observers report was sent to us in General Nimmo's DO. No. CMO/289, dated 14th May 1955. With the concurrence of General Nimmo, we issued a brief Press release giving the decision of the UN Observers but did not enter into the reasoning or arguments given in UN Observers report. On 1st June the Dawn and other Pakistan papers published an Associated Press of Pakistan report which was obviously inspired by Pakistan government. The report contained certain phrases and sentences which have been quoted from the UN Observers' report. These have been taken out of context and make the press report tendentious and misleading. It gives quite a contrary impression to what is written in the UN Observers' report.
Para 2  Hitherto we have not been anxious to publicise the UN Observers’ report but in view of the misleading press reports appearing in Pakistan we feel compelled to suggest that the whole of the UN Observers’ report should be released to the press. We would like you mention this to the Secretary General or to Cordier who we understand deals with this case.

Para 3  An early reply is requested confirming that there is no objection to release of the full report to the press. If the mischief resulting from Pakistani reports is to be undone the release should take place within a day or two.

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H.  

SECRET  

Letter from Pakistan High Commissioner in India Ghazanfar Ali Khan to Commonwealth Secretary S. Dutt conveying a message from Pakistan Prime Minister to Prime Minister Jawaharlal Nehru.

New Delhi, June 29, 1955.

Office of the High Commissioner for Pakistan in India  
New Delhi  

MOST IMMEDIATE

No. F. 2 (74)/55  

29th June, 1955.

Dear Mr. Dutt,

I have been asked by my Government to request the Government of India to be good enough to immediately transmit the following message from my Prime Minister to the Prime Minister of India:

"My dear Prime Minister,

I have received your message of June 2 and have also seen Pandit Pant’s message to General Iskander Mirza. I regret to note that despite latter’s personal appeal to Pandit Pant that no action should be taken which might cause excitement in Nekowal area and prejudice the establishment of a friendly atmosphere between India and Pakistan, the Government of India should have decided to despatch Army patrols into Nekowal village.

This action further has been taken in unilateral disregard of agreements between Area Commanders of Pakistan and India reached in December 1950 and reaffirmed in June 1951 and again as recently as April 1954 in the presence of United Nations Observers that in the interest of maintaining peace in this area,
no Indian military post would be established at Nekowal nor would Indian patrols enter Nekowal village. These agreements had worked extremely well until the recent unfortunate incident.

Pandit Pant has mentioned that incident as a reason for repudiating these agreements. On the contrary the position is that had those agreements been observed in other words had Indian military patrols not entered Nekowal village in contravention of those agreements and had civil authorities in charge of tractor unit given prior intimation to Pakistan military/civil authorities and gone into Nekowal village accompanied by United Nations Observers and laid down in 1950 agreement, the unfortunate incident of May 7 would not have occurred at all. The despatch of Indian Military patrols into Nekowal village by Government of India in unilateral repudiation of these agreements has created excitement in that area led to an exodus of Nekowal villagers into adjoining Pakistan villages and has produced a most unpleasant impression on public opinion in Pakistan. To those anxious to foster friendly relations between Pakistan and India this would seem too high a price to pay for almost nominal advantages accruing to India as a result of your Government's decision. I would, therefore, strongly urge you kindly to reconsider it and restore status quo ante.

Other matters mentioned in your message are receiving consideration."

Ends.

Yours sincerely

(Ghazanfar Ali Khan)

S. Dutt, Esq.,
Commonwealth Secretary,
Government of India, New Delhi
I. Press Release issued by the Ministry of External Affairs on the Nekowal incident.

New Delhi, July 2, 1955.

Since the receipt of the U.N. Observer’s report declaring the Nekowal incident as a border violation, preconceived and pre-designed by the Pakistan Border Police, reports have been appearing in the Pakistan press from time to time belittling and even questioning these findings. Recently attempts are also being made to justify the wanton aggression resorted to by the Pakistan Police by seeking to mislead the public by unfounded statements of an alleged violation by India of some agreements reached into in the past between the local Army Commanders.

2. Nekowal is an Indian village and this fact has been affirmed not only by the U.N. Observers but also by the Pakistan army commanders. Agreements were reached between the Army Commanders on the two sides since 1950, with a view to avoidance of incidents and ensuring that Pakistani forces did not interfere with the exercise of Indian authority over the village and its surrounding area. The first of such agreements was reached in December 1950 when the Pakistani Commander agreed that the enforcement of law and order in the village would be the concern of the Government of Jammu and Kashmir and that the Nekowalias must pay their dues to that Government. The second meeting of the Army Commanders took place in January 1951, when it was agreed that Indian patrols should not enter the village of Nekowal. This position was clarified in the agreement which was reached subsequently in April 1954, which is the last Agreement on the subject, when it was agreed, inter alia, that the Indian forces would patrol the area in the vicinity of Nekowal right up to the border to points within approximately 300 yards of Nekowal, but that those patrols would not enter the village of Nekowal.

3. This was the position on the 7th May 1955 when the Pakistan border police suddenly attacked a party of Indian nationals including a military escort, which was 500 yards away from the village. The Indian authorities had scrupulously observed the agreement and at no time the Indian forces went within 300 yards of the village. The April 1954 agreement also stipulated that the Pakistan border police would not interfere with the Indian patrols in any way. Unfortunately, however, on the 7th May 1955, the Pakistan Border Police made a pre-planned attack on the Indian party which was 500 yards away from the village.

4. It is deplorable that the responsibility for the wanton killing of 12 innocent Indian nationals which have been placed by U.N. Observers squarely on the
Pakistan authorities should be sought to be defended and even justified by misreading these local arrangements and confusing the principal issue.

External Affairs,
New Delhi.
2.7.1955

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J. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Mohammad Ali regarding Nekowal.

New Delhi, July 18, 1955.

My dear Prime Minister,

Please refer to your letter relating to the Nekowal incident. This was forwarded by your High Commissioner in Delhi on the 29th June 1955 to our Foreign Office. I was then away in Europe. The letter reached me duly, but I was unable to send an answer because I was constantly travelling about from one country to another. I returned to Delhi on the 12th July and gave immediate consideration to your message. You will, I hope, appreciate the reasons for the delay in my not sending an answer to your letter earlier.

I have read your letter with some surprise and great regret. You will remember that when you came to Delhi, together with General Iskander Mirza, reference was made to the Nekowal incident on several occasions. You were good enough to inform our President on the 14th May 1955 of your profound regret at this incident and to assure him that if, on the receipt of the UN Observers’ report, it was found that any one in Pakistan was guilty, the severest possible action would be taken against such person. A press note issued by the High Commission of Pakistan in India referred to what you had said to our President.

Subsequently, when we met you and General Iskander Mirza, both of you again referred to this incident and assured us that on receipt of the UN Observers’ report, necessary action would be taken. Thus the matter rested on the report of the UN Observers. This report was received by us while you and General Iskander Mirza were still in Delhi and a copy of it was placed by our Home Minister before General Iskander Mirza. I presume that the UN Observers themselves must have sent a copy of their report to your Government.

I need not refer to this report in any detail here because you must have a copy of it. But briefly, the report declared that the incident was a border violation committed by the Pakistan border police. Also that “The state of the killing area,
as subsequently observed, in which the Indians were caught; its tactical
disadvantage to them; and the damage to the tractors, indicates preconceived
design in which preparation by the Pakistan border police was an essential
preliminary to a plan”. This was a clear enough verdict on this issue. Further it
was stated that nine of the Indians dead and wounded were near the scene of
the tractors and were killed by an overwhelming superiority of small arms fire. It
is hardly necessary to point out that people engaged in the peaceful occupation
of ploughing with a tractor can hardly be said to be aggressive. Apart from the
evidence in the case, the UN Observers recorded that they themselves saw the
Pakistan Border Police on the Indian side of the border, both in the garden
copse and Nekowal village.

After this clear report and its conclusion, there was no room left for argument
and the only question that arose was what steps the Pakistan Government
would take, in accordance with normal international procedure and the assurance
they had given to our President. The steps would naturally be to punish those
who were guilty and to compensate those who had suffered.

I am, therefore, greatly surprised to read your letter which completely ignores
these findings of the UN Observers as well as your assurances to us. You have
referred to certain agreements between Area Commanders of Pakistan and India
arrived at in December 1950, June 1951 and April 1954. These agreements, in
the context of this incident and the UN Observers' report, have no relevance at
all. But apart from this obvious fact, it is completely wrong to say that any one
on the Indian side has contravened these agreements. I am afraid that you have
been completely misinformed about these agreements, both in regard to their
terms as well as their background.

As you must be aware, they were not formal agreements between the two
countries, but were working arrangements between the military authorities of
Pakistan and India and were calculated to help the civil administrations. This
was specifically stated in the minutes prepared by the UN authorities of the
meeting of the 26th December 1950.

The background of these agreements was as follows: In March 1950 our Army
authorities had received a report that armed Pakistan irregulars had infiltrated
into Nekowal and that there was a concentration of Pakistan forces just across
the border. This report was communicated to the Chief Military Observer and
several meetings were held by the UN authorities with Army Commanders of
both sides. In accordance with the understanding then arrived at, our Army
Commander sent a message to the Pakistan Army Commander in December
1950 informing him of the intention of the Jammu and Kashmir Government to
exercise effective control over Nekowal. The Pakistan Commander replied to
this message stating that the Jammu and Kashmir Government had every right
to enforce direct control as proposed, but expressed anxiety regarding its repercussions. The meeting of the 26th December 1950 took place in this context. At this meeting it was agreed that the Jammu and Kashmir authorities would visit the village of Nekowal for collecting their dues and exercising their administrative control after informing the UN and Pakistan authorities. It was also agreed that the Indian Army would not establish any military forces at Nekowal.

This agreement was reviewed in another meeting on the 26th June 1951 when it was agreed that no troops would enter the village of Nekowal plus the tilled area belonging to the village. The last review of these arrangements took place on the 30th April 1954 when the agreement was further revised. This was the agreement which was operative on the 7th May 1955 when the Pakistani forces attacked the Indian party. I give below a relevant extract of the minutes of this meeting in full so as not to leave any doubt about the terms of the agreement:

(1) “The Indian Army would patrol this area right up to the border, to points within approximately 300 yards of Nekowal. The patrols would not enter Nekowal village.

(2) The Pak Area Commander undertook to instruct the Pak Border Police not to interfere with the patrols in any way.

(3) The Pak Area Commander undertook to investigate the local position further and to tell the Nekowalis that it was in their interests, as regards water supply from canals and general civil services, to foster good relations with the Jammu and Kashmir State.”

The UN Observers were associated with all the three agreements. They gave the following interpretation regarding the village of Nekowal in this context:

“Inform Commander with my compliments and regards that my interpretation of meaning of Nekowal in this context is village itself, that is to say, the built up area. My decision based on understanding of Observer present at meeting on 30th April 1954 and common military parlance and customs when briefing patrols using one inch ordnance maps. Have never regarded it in any other way.”

This agreement, as finally revised on the 30th April 1954, has been scrupulously observed by our authorities. Our Army patrols did not enter the village of Nekowal; they had not even gone up to 300 yards of the village which they were entitled to do. Even on the day of the Pakistani attack, they were 500 yards away from the village. Therefore, quite apart from the irrelevance of this agreement in connection with this incident, as a matter of fact there was no breach of it by the Indian side as alleged. Your information to this effect is thus not correct.
I should like to point out here further that the agreement of April 1954 had specifically stipulated that the Pakistan Border Police should not interfere with the Indian patrols in any way. It is clear from the report of the UN Observers that they did interfere and thereby committed a breach of that agreement. The Indian party on the 7th May was 500 yards away from the village. Even if it is argued that it had gone within the 300 yards limit by some error of judgment, surely that did not give any right to the Pakistani Border Police to attack them and open fire on them. All through the prolonged discussions in regard to Nekowal, there never has been any question of Pakistan armed personnel using force on Indian nationals to ensure observance of a working arrangement regarding a village in Indian territory.

I am therefore totally unable to understand the argument you have advanced in your letter. After the UN Observers’ report on the Nekowal incident, there was no room left for further argument. That establishes beyond any possibility of controversy that the Pakistan Border Police were guilty. Apart from and in addition to this basic fact, it is also clear that there was no breach by the Indian party of the previous working agreements. In fact, the breach was on the part of the Pakistan Border Police. Again it is clear that the Indian party was engaged peacefully in working a tractor. It is very far-fetched to imagine that this peaceful occupation was meant to be any kind of an attack.

I cannot imagine a clearer case and I earnestly hope that you will now give effect to the assurance that you were good enough to give us when you were here and punish the parties that were guilty. Further that due compensation will be given to those who have suffered on our side by this unwarranted attack.

You have referred in your letter to our decision to exercise authority over a part of our territory and send patrols to the village in the normal manner. I confess that I do not understand the logic of this argument. In the interest of peace and good relations between the two countries, which we value so much, it became essential for us to exercise this authority and thereby prevent further incidents based on any misunderstanding.

I trust you will be good enough now to take further steps in this matter as requested by us. These steps would be to punish those who were guilty and to provide compensation to the victims of this tragic occurrence or the dependents of those who had lost their lives.

Yours sincerely

Jawaharlal Nehru

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K. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Mohammad Ali.

New Delhi, September 30, 1955.

My dear Prime Minister,

Please refer to your letter of the 12th September, 1955, in regard to the Nekowal incident. Your letter is in reply to my letter of July 18, 1955. In my letter I had dealt fully with the various aspects of this incident, and had quoted from the report of the UN Observers after an enquiry they had made. I had hoped that the established facts that I had brought to your notice, would put an end to any argument on this subject. Hence, my great surprise at reading your letter of the 12th September, 1955. In your letter, you have not even referred to the major points I had mentioned and which were established beyond doubt. I can only conclude that you have not paid full attention to what I wrote on the 18th July as well as to the UN Observers' report on the Nekowal incident. May I beg of you to read these two papers again?

2. I had not said in my previous letter, as you indicate, that the agreement between the Commanders dated the 26th December, 1950, had been superseded by subsequent agreements. It is obvious that you have misunderstood what I said in my letter. What was said by me was that the previous agreements were reviewed and revised subsequently, and that the working arrangements, as finally revised on the 30th April 1954, were operative in May, 1955.

3. You refer to what Nekowal village was supposed to mean. May I again draw your attention to the fact that the UN Observers had defined the village of Nekowal in the earlier agreements of June 1951 as the village plus the tilled area belonging to the village. The April 1954 agreement clearly states that Indians could patrol this area right up to the border to points within approximately three hundred yards of Nekowal but that this patrol will not enter Nekowal village. The UN Observers, who were associated with these three agreements, again gave their interpretation of the village Nekowal for the purposes of the April 1954 agreement. They said as follows:

"Inform Commander with my compliments and regards that my interpretation of meaning of Nekowal in this context is village itself, that is to say, the built-up area. My decision based on understanding of Observer present at meeting on 30th April 1954 and common military parlance and customs when briefing patrols using one inch ordnance maps. Have never regarded it in any other way."

4. This is, therefore, no matter of argument between your Government and ours. We have to accept the interpretation of the UN Observers who, I might
again point out, were associated with all the three agreements. These agreements, as finally revised and interpreted by the UN Observers, have been scrupulously observed on our side throughout. In any matter of controversy of this kind, both Pakistan and Indian Governments must necessarily accept the interpretation given by the UN Observers.

5. You have given some extracts from the UN Observers' enquiry report. May I suggest to you that the extracts you have given out of their context, do not fairly represent that report and, indeed, give a completely distorted version of it. Thus, you say as follows:

"These facts are in the main borne out by the UN Observers' report: the fact that the girl might have been shot accidentally by the Indian soldiers, as is suggested in the report, would not render the killing any the less provocative."

Actually, what the UN Observers have written is as follows:

"She could have been accidentally shot by the firing from the Pak patrol when she was running towards Jindar. It is hardly likely that the Indian soldiers would have cause to shoot her, although it could have been accidental."

Thus, what the UN Observers have said, in guarded language, is almost the opposite of what you have suggested in your letter.

6. You have given further quotations from the Observers' report but you appear to have ignored the clear finding of the UN Observers. I quote this again:

"The state of the killing area, as subsequently observed, in which the Indians were caught; its tactical disadvantage to them; and the damage to the tractors, indicates preconceived design in which preparation by the Pakistan Border Police was an essential preliminary to a plan."

This is a clear verdict by the UN Observers that the incident was a border violation committed by the Pakistan Border Police. This incident resulted in twelve dead (including an officer) and one wounded on the Indian side and three dead and three wounded on the Pakistan side. I need not point out to you the other circumstances and the fact that tractors were peacefully ploughing when they were attacked.

7. I would also draw your attention to the fact that the UN Observers have stated in their report that the statements made by the Pakistan witnesses were found to be unreliable and unreasonable.

8. If you wish to state that you reject the UN Observers' report and to ignore
all the facts, then I have little further to say. I would, however remind you again of what your predecessor and General Iskandar Mirza, now your Governor General, told us when they were here. They gave us clearly to understand, both privately and publicly, that they would abide by the UN Observers' report. I have no doubt that you can verify what I say by reference to the present Governor General of Pakistan. You will appreciate that it is no small matter for the word of a Prime Minister and a distinguished Minister who is now Governor General, to be set aside casually in this way. It will be difficult for any two governments to deal with each other if assurances and undertakings were ignored.

9. In paragraph 4 of your letter, there are some quotations which are completely new to me and I do not know where they come from.

10. In regard to the question of compensation, surely there are certain international conventions which every Government should follow. The fact that this was not mentioned in the Ceasefire Agreement has no relevance. Further, it is important to note that this incident did not take place on the ceasefire boundary which cuts across the State of Jammu and Kashmir but on the pre-partition Jammu-Punjab boundary.

11. I would also remind you that, on previous occasions, the Government of Pakistan itself have asked for compensation and the Government of India have formally informed the Government of Pakistan that they on their part would be prepared to pay compensation in respect of established incidents on the border involving any death. In this present Nekowal case, it is clearly established by the UN Observers that there was a violation of the border on the part of Pakistan and that an official agency of Pakistan was responsible for this wanton attack on and killing of Indian nationals. There can be no doubt that under International Law, the Government of Pakistan is liable to pay compensation.

12. You refer to our decision to exercise authority over Nekowal after this incident. I have already explained to you how this became inevitable after the Nekowal incident. This was not only the sovereign right of India to exercise control over her territory but the wanton attack by the Pakistan Border Police had made it incumbent on us to protect our territory and our nationals.

13. This Nekowal incident has, I am sure you will appreciate a vital significance because it involves the honour of two countries and the faith they are to attach to each other's professions and assurances. It is because of this that I have ventured to write to you again at some length. If even such a flagrant case is sought to be bypassed and explained away, then it will not be easy for any respect to be attached to any decision which ignores assurances, facts, and impartial reports by third parties.
14. You say in paragraph 9 of your letter that you "have taken such action as was appropriate in this case in the light of what has been stated above to ensure, as far as possible, that incidents of this nature do not occur again". It does not appear from this what action you have taken in punishing those who were guilty of this wanton aggression. I shall be grateful if you will let me know what has been done in this respect.

15. I still hope that your Government will reconsider this matter and give effect to the assurances that were given to us and punish those who were guilty. I hope also that you will appreciate the correctness of our asking for compensation.

Yours sincerely

Jawaharlal Nehru

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L. Letter from Pakistan Prime Minister Mohamad Ali to Prime Minister Jawaharlal Nehru.

Karachi, April 14, 1956.

No. 9(2)-Sec./55 April 14, 1956.

My dear Prime Minister

Please refer to your letter No. 1801-PMH/55 dated September 30th, 1955, on the subject of the Nekowal incident. I must apologize for the delay in writing to you. My preoccupation with constitutional matters had prevented me from attending to this matter earlier.

1. I have carefully considered this matter again. I regret that you should have come to the conclusion that we were not honouring the assurances given to your President by Major General Iskander Mirza and my predecessor. There is no such intention and I hope it shall never be said of Pakistan that it failed to honour any of its commitments.

2. There is also no question of our not accepting the U.N. Observers' report on this incident.

3. When however we come to decide what action should be taken on this report, we are bound to take certain factors into consideration.

4. We have first to consider how this incident originated? Who was initially to blame for it? It is our considered view that if the working arrangements agreed to between the Indian and Pakistani Army Commander's in regard to Nekowal had not been violated by the Indian Army patrol on the day of the occurrence, this incident would not have occurred at all.

5. You hold that the entry of the Indian military patrol in the Nekowal area on that day did not contravene those arrangements. From Para 9 of your letter it seems to me that perhaps all the facts relevant to this issue have not been placed before you. I would, therefore, request you to consider this matter again in the light of the facts I mention below.

6. In the Conference between the Area Commanders which was held on the 27th June, 1951, it was specifically agreed that because the inhabitants of Nekowal were very sensitive to entry of Indian troops in their village and were likely to resist such attempts, Indian troops should avoid going into Nekowal and the land belonging to this village. In their agreement of the same date, which was signed by U.N. Observers, they had, therefore, specifically defined Nekowal village as inclusive of the lands belonging to its inhabitants whom it was intended not to offend.
7. In their subsequent agreement dated 30th April, 1954 which was admittedly in force on the day of the occurrence, it was again stated that Indian patrols would not enter “Nekowal village”. You contend that “Nekowal village” meant merely the built-up area of the village. Our view is that it was always understood to imply the village and the lands belonging to it as the term normally means in official parlance in both India and Pakistan. That officials on your side also took the same view is evident from the fact that, until 7th May, 1955 when the Indian tractor team and army patrol suddenly appeared on the scene and the incident took place, Indian patrols had never entered Nekowal village or the lands belonging to Nekowalis. In support of your view you have quoted the interpretation given by U.N. Observers. This interpretation was, however, given after the Nekowal incident had taken place and I find nothing to show that before the incident either of the parties had held this view.

8. Generally speaking, it may be that in military parlance a village means only the built-up area. But here the Area Commanders were not concerned with a military situation. Their intention was rather to avoid creating a situation which might unnecessarily provoke the local population and result, as in this case it in fact did, in undesirable consequences. Indeed this intention is made clear in the agreement of April 1954 itself. Note (iii) of clause 6 of this agreement reads as follows:-

"The Indian Brigadier also made it clear that there was no intention that the mechanized farm units should interfere with Nekowalis in the areas they have been cultivating”.

9. I quoted this clause in my last letter. You say that these quotations are completely new to you. Apparently, the full text of this agreement has not been placed before you. I enclose a copy, the original of which bears the signatures of U.N. Observers. I am sure you will agree that this entirely alters the picture and that you will revise your opinion as to who was initially responsible for this incident.

10. The decision of the Area, Commanders that the Indian military patrols or the mechanized farm units should not enter the lands belonging to Nekowalis was a prudent precaution. It is comparatively immaterial whether or not by going to within 300 yards of the built-up area of Nekowal on May 7, 1955, the Indian army patrol had committed a technical breach of the arrangements agreed to by the Area Commanders which were in force on that day. What matters is that the Area Commander were clearly of the view that it would be unwise for Indian army patrols and the Indian Mechanized Farm Unit to enter on the land belonging to Nekowalis because it was feared that such action might lead to undesirable developments. This precaution was not observed on the date of the occurrence; from the U.N. Observers’ report it is clear that the Indian Mechanized Farm Unit
and an Indian Military patrol did enter the land belonging to Nekowalis and started cultivating it with the result that the very consequences which the Area Commanders had feared unfortunately followed.

11. The next point and I think this is crucial we have to consider is: who started the shooting? The U.N. report concludes specifically that the evidence has failed to prove who fired the first shot. It also holds that the Border Police did not cross the border in a provocative manner at the time the firing commenced. It is true that after the incident had commenced and during its course two members of the Pakistan Border Police were found in the garden copse on the Indian side of the border. But that in itself could not be treated as a grave offence. Once the firing had commenced, it would be natural for both parties to endeavour to take up the most advantageous defensive positions.

12. It is clear from a perusal of the report that both sides failed to establish their respective cases in full. The Indian version is that the Pakistan Border Police opened fire on the Indian tractor workers and Indian army patrol without warning and it seems without provocation. Not only, in the absence of any provocation, would this story appear to be unreasonable; it has also not been proved, because the UN Observers’ enquiries failed to establish that the Pakistan Border Police started the firing.

13. On the other hand, the version of the Border Police is that when a party of Indian farm employees working on tractors, accompanied by a strong Indian patrol, started ploughing the land of Nekowalis, an argument ensued between the Indian party and Nekowal villagers, the army patrol chased and threatened these civilians, firing shots across the border and killed a Pakistani girl. Thereafter, an engagement followed between the Indian army and the Pakistan Border Police. This is not an entirely unreasonable story and it would seem to derive support from the U.N. Observers’ report. The report says:

"It is noted that the Indian witness denied seeing the alleged NEKOWAL civilians that PAKISTAN evidence states were near the tractors when the firing started. It is reasonable to suppose that these civilians could have been there and were protesting about their land being cultivated, (it had recently been harvested, but not as part of the Government Farm). The leading tractor was making the first furrow in that area and the civilians would have had plenty of time to see the tractors coming across the open ground from the NE.

The girl was shot from her front as the wound on her breast was the point of entry of a bullet and she could have been accidentally shot by the firing from the Pakistan patrol when she was running towards JINDAR. It
is hardly likely that the INDIAN soldiers would have cause to shoot her, although it could have been accidental."

14. I said in my last letter that the fact that the Pakistani girl might have been shot accidentally by the Indian soldiers would not render the killing any the less provocative. You hold that the language used by the U.N. Observers does not permit of the interpretation that the girl might have been accidentally shot by the Indian soldiers. To me it seems it does. In any case, the mere fact that a Pakistani girl had been shot dead was bound to inflame passions and, it may be reasonably inferred, provoked the subsequent encounter between the Pakistan and Indian forces. In that agitated and confused hour nobody would stop to enquire who killed the girl and the Pakistani party must have at once assumed that the Indians were responsible.

15. It is most unfortunate that 15 persons on both sides lost their lives in this incident but, you will appreciate, that once an engagement between armed units starts, each unit would naturally take whatever action it considers necessary in self-defence, and in the heat of the encounter this may sometimes result in heavy casualties.

16. You have drawn my attention to the finding in the report that "the state of the killing area, as subsequently observed in which the Indians were caught, its tactical advantage to them; and the damage to the tractors indicates pre-conceived design in which preparation by the Pakistan Border Police was an essential preliminary to a plan". The circumstances that the U.N. Observers have enumerated are, on their own report, capable of a different interpretation also. However that may be, it is when we come to examine this finding with a view to fixing responsibility that our difficulties begin. What was this plan? Who conceived it? Who was responsible for its direction or execution? The report is silent on these points and all our enquiries have failed to throw any light on this subject.

17. You will, I am sure, appreciate that under this circumstance no punishment could be meted out to individual members of the Border Police on the basis of the above finding. Nor could Government in deciding this question possibly ignore the other factors I have set out above. It is quite clear that whatever action was taken by the Border Police was originally provoked by the Indian military patrol. The action of the Border Police may have amounted to a "border violation" or even to a "pre-conceived design" but the Government of Pakistan was bound to determine the guilt or innocence of the Border Police on the basis of established facts only. You are doubtless aware that in matters of disciplinary action, Government servants have certain statutory rights. In proceeding against the members of the Border Police those findings could not serve as estoppels.
In spite of the fact that the guilt of the Border Police could not be established, we took whatever action we appropriately could in this matter. The entire unit was reprimanded, transferred from Nekowal and the Unit that replaced it was warned to exercise the greatest restraint and care in the matter of Border disputes. I trust you will now agree that under the circumstances we have sufficiently complied with the assurances given by Major General Iskander Mirza and my predecessor to your President.

18. I regret I am unable to agree with you on the question of compensation. It is true that the U.N. Observers have declared this to be a case of border violation by the Border Police. But that in itself would not render us liable to pay any compensation. In the past on a number of occasions the U.N. verdict has been against Indian forces but in no case was compensation paid by the Government of India in respect of the loss of lives involved. The fact that this incident did not take place along the cease-fire line is immaterial. For no compensation has ever been paid by either Government in respect of any losses inflicted by it along any part of the Indo-Pakistan border.

19. You are right in saying that our Government has in the past asked for compensation in respect of certain border incidents. In fact both Governments have, in the past claimed compensation for the loss of lives and property in border clashes, but in no case was any compensation paid by either Government. It is also true that in 1950, while asking the Government of Pakistan to pay compensation in respect of an incident on the Jaisalmer border, your Government said that they would also be prepared to pay compensation for established incidents of a similar serious character on the Pakistan side of the border in which Indian nationals were concerned. The Government of Pakistan were, however, unable to agree to such a proposition in view of the difficulties that would inevitably arise in implementing it, and there the matter ended.

20. Finally, I am unable to accept the view that this was a case of a wanton attack on and killing of India nationals. It has not been proved that the Pakistan Border Police started the fighting and, from what I have said above, it is clear that the provocation for this attack did not come from their side. In fact, had certain obvious precautions set out in the agreements between the Area Commanders been taken by the Indian party, the incident would never have occurred.

21. I regret to note that you have not accepted my view that the best way of preserving peace and promoting good relations in the Nekowal area is for the forces in that area to continue to cooperate in the manner agreed to between the Pakistan and Indian Area Commanders. I do not agree with the reasons you have given in support of your decision to send Indian forces into Nekowal in
disregard of these agreements. But I have no wish to start a controversy on this issue.

Yours sincerely

(Mohamad Ali)

The Honourable Pandit Jawaharlal Nehru,
Prime Minister of India,
New Delhi.

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M. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Chaudhrui Mohamad Ali.

New Delhi, April 28, 1956

D. O. No. 232 - PMO/56

April 28, 1956

My dear Prime Minister,

Please refer to your D.O.No.9 (2)-Sec/55 dated the 14th April, 1956, regarding the Nekowal incident. This occurred on 9th May 1955. The UN Military Observers Group gave their findings on 14th May 1955. Though almost a year has passed since the date of the incident and we have exchanged several letters, it is regrettable that it has not been possible for the Government of Pakistan to carry out the assurances given by your predecessor* and General Iskander Mirza** during their visit to Delhi in May 1955 that if, on the receipt of the UN Observers' report, it was found that anyone in Pakistan was guilty, the severest possible action will be taken against such person.

In para of your letter you have mentioned that there is no question of your not accepting the UN Observers' report on this incident, but the rest of the letter contains arguments, the sole purpose of which appears to be to discredit the UN Observers' findings. I do not at this late stage intend to go into the details of the reasons given by you for your inability to take action against those responsible

* Mohammad Ali Bogra was his predecessor and the new President of the newly proclaimed Islamic Republic of Pakistan Mirza was the Pakistani Interior Minister, when he visited India in May 1955.

** Nehru stated in a note to Commonwealth Secretary, MEA, on 25 April, "In your draft you have said nothing about the question of compensation. Of course there is no chance of our getting compensation. But I do not think that it would be right for us to give up this point... The payment of compensation would be a salutary check on such border incidents in future."
for this serious incident involving the killing of 12 Indian personnel. I am, however, referring below to some of the points mentioned in your letter.

You have emphasized that under the agreement, dated the 30th April 1954, the Indian patrols could not enter Nekowal village, which, in your view, included not only the built-up area of the village but also the lands belonging to it. In the agreement it has been laid down that "the Indians would patrol this area, right up to the border, to points within approximately 300 yards of Nekowal. Patrols would not enter Nekowal Village". This way of putting it clearly shows that the intention was that "village" stands for the built-up area only. It is for this reason that it was emphasized that even though patrols might go within a distance of about 300 yards and therefore even less than 300 yards, they would under no circumstances enter Nekowal village. On the following ruling of the UN Observers on this point you have said that this interpretation had been given after the incident:

"Inform Commander with my compliments and regards that my interpretation of meaning of Nekowal on this context is village itself, that is to say, the built-up area. My decision based on understanding of Observer present at meeting on 30th April 1954 and common military parlance and customs when briefing patrols using one inch ordnance maps. Have never regarded it in any other way."

It may be noted that the above view is based "on understanding of Observer present at meeting on 30th April 1954". Our patrols have, in fact, on several occasions prior to this incident gone within about 500 yards of the Nekowal village. On the day of the incident also they were within about 500 yards of the village. It is, therefore, inconceivable for me to think of any other interpretation of "Nekowal Village".

While on the subject of the 1954 agreement, I should like to invite your attention to the following extract from this agreement:

"The Pak Area Commander undertook to instruct the Pak Border Police not to interfere with these (Indian) patrols in any way."

You have suggested that provocation for the shooting was provided by a Pakistani girl having been shot by the Indian soldiers. This was also the basis of the Pakistan Border Police case before the UN Observers. In the UN Observers' report, however, there is nothing to show that the girl was shot in the beginning of the incident or that this was in any way the provocation for the incident.

As regards the evidence produced by Pakistan before the UN Observers, the following extracts from the Chief Military Observers' report are relevant.

"The first Pak witness is an important one because he was the only Border Policeman left at the tractors according to the Pakistani evidence,
the other two with him having been killed by earlier shots. He was an unreliable witness.... Either this witness or the patrol commander lied concerning their movements and the recovery of the two BPs that were lying dead near the witness. According to the witness’ story, he went back to the patrol commander, but the patrol commander said he went up to the witness in the hole. The story of the seventh Pak witness (BP wounded near Jindar) regarding 15 trucks on the Indian side is completely discounted by UN Observers in the area."

The evidence Pak witnesses could not be taken before the second day of the investigation and the Pak representatives had knowledge of the Indian evidence, and were in a position to brief their witnesses. All Pak witnesses in the vicinity had the same story about the argument and they mentioned words of conversation irrespective of their position at the time and over the noise of the diesel tractors with engines running."

"All Pak witnesses in the area saw the girl shot. The first Pak witness said that the girl was shot, then they shouted to the Indians not to cross the border, and it was not until they were alleged to have done so and shot the 2 BP while they were standing that the Pak Border Police opened fire. The evidence from Pak hospital states that the two BPs were shot in the head. The whole story appears unreasonable."

After considering the evidence produced by both sides, the Chief Military Observer came to certain conclusions. One of these conclusions was -

"The state of the killing area, as subsequently observed, in which the Indians were caught; its tactical disadvantage to them; and the damage to the tractors indicate preconceived design in which preparation by the Pakistan Border Police was an essential preliminary to a plan."

From this conclusion it is obvious that the firing by Pakistan Border Police was a part of a “preconceived design in which preparation by the Pakistan Border Police was an essential preliminary to a plan”. To my mind it is a clear verdict and is not capable of "a different interpretation."

You have mentioned in paragraphs 18 and 19 of your letter that no compensation has ever been paid by either Government in respect of any losses inflicted by them along any part of the Indo-Pakistan border and that the Government of Pakistan had not agreed to the proposition put forward by the Government of India that they would be prepared to pay compensation for established incidents of a similar serious character on the Pakistan side of the border in which Indian nationals were concerned. The fact that on previous occasions, no compensation was paid by either party is no ground for persisting in a wrong practice. There are international conventions on this question of compensation which both our Governments should follow. We on our part are prepared to pay compensation if
we are adjudged the guilty party in any incident of this type. The payment of such compensation would be a salutary check on such border incidents in future. This Nekowal incident has naturally, as you must be aware, attracted a great deal of anxious interest in India. Frequent questions have been put to me in Parliament. I would suggest, therefore, that our correspondence on this subject should be published or placed on the table of Parliament here. This publication could take place on an agreed date in Delhi and Karachi. If you agree, we might do so on Monday, 7th May 1956.

Yours sincerely,

Jawaharlal Nehru

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SECRET

Letter from Pakistan Prime Minister Chaudhuri Mohamad Ali to Prime Minister Jawaharlal Nehru.

Karachi, May 19, 1956.

D.O. No. 403/MA/56 May 19, 1956.

My dear Prime Minister,

Please refer to your d. o. No. 232-PMO/56, dated April 28, 1956, regarding the Nekowal incident.

1. I regret to find that you should still hold the view that we have not carried out the assurances given by Major General Iskander Mirza and my predecessor during their visit to Delhi in May 1955 in regard to this incident. I had gone into this matter very thoroughly and in my last letter to you given full reasons to show that the action that we have taken against the border police unit concerned did under the circumstances of this case sufficiently comply with those assurances and that no severer action was possible.

2. In setting out those circumstances it was farthest from my intention to try to discredit the U. N. Observers' findings. What I had said was that while we did not question the U. N. Observers' findings in respect of this incident, when it came to deciding what action should be taken in respect of those findings and to what extent the border police unit had rendered itself liable to action, we were bound to take certain factors into consideration. In matters of disciplinary action, as you doubtless know, Government servants enjoy certain statutory rights. Before they can be punished, specific charges have to be framed, evidence
taken and punishment meted out only if they are found guilty on the basis of facts established by that evidence. The finding of the U. N. Observers that certain factors, enumerated in the report, indicated "pre-conceived design in which preparation by the Pakistan Border Police was an essential preliminary to a plan" would not by itself constitute sufficient evidence to warrant any punishment. Evidence has to be produced to establish the existence of such a plan and the responsibility of individual members of the Border Police in the matter. No evidence to that effect is available. The U.N. Observers' Report itself is silent on these points and our own enquiries have failed to throw any light on this subject.

3. On the other hand, there are several important factors which are positively in favour of the members of this unit and could not possibly be ignored by my Government in considering whether they were liable to any punishment.

4. The first is that the incident arose primarily because the Indian Army unit had violated the 1954 Agreement between the Indian and Pakistan Army Commanders in regard to Nekowal.

5. In your letter you have again put forward the view that by entering the lands belonging to Nekowalis on that day the Indian Army patrol had no violated that agreement. You have reiterated your view that "Nekowal village" which the Indian patrols undertook not to enter meant only the built-up area of the village. For the reasons I have already given, I am unable to accept this view.

6. However, I think it is quite unnecessary to labour the point whether "village" in the agreement meant only the built-up area or also included the lands belonging to Nekowalis. What is quite clear is that the agreement specifically stated that Indian mechanised farm units would not interfere with Nekowalis in the areas they had been cultivating, whereas on the day of the occurrence, as the U. N. Observes report shows, an Indian mechanised farm unit, accompanied by a strong military escort, did in fact enter upon the land belonging to Nekowalis and started cultivating it. Here was a clear breach of the 1954 Agreement, which led to an altercation between the members of the Indian party and the Nekowalis, which in its turn precipitated the incident in question.

7. You have drawn my attention to a clause in the agreement to the effect that "the Pak Area Commander undertook to instruct the Pak Border Police not to interfere with these (Indian) patrols in any way". I should like to point out that a civilian party with five tractors from the Nundpur Central mechanized farm, accompanied by a strong Indian military escort, could hardly be termed a "patrol" within the meaning of the agreement. Nor did the incident occur because the Pakistan Border Police had tried to interfere within the meaning of the agreement. Nor did the incident occur because the Pakistan Border Police had tried to
interfere with any such patrol. Here quite clearly the Indian military party had come not to patrol that area but to enable the mechanized unit forcibly to cultivate the land belonging to Nekowalis, apprehending obviously that such action would be resisted by the owners of the land. And this is precisely what in actual fact happened. This patently high-handed action of the Indian party led to an altercation which was followed by shooting in the course of which a Pakistani girl was killed and the encounter between the Pakistan Border Police and the Indian military patrol followed. I repeat that these basic facts of the Border Police version have been established by the U.N. Observers' report.

8. In assessing the conduct of the members of the Border Police unit we could not possibly ignore the above facts. We could not ignore either the specific finding of the U. N. Observers that there was no proof that the first shot, which must have started the shooting incident, was fired by the Border Police and their further finding that the Border Police did not cross the border in a provocative manner at the time the firing commenced. Nor could we overlook the further fact that while the U.N. Observers considered some of the Pakistan evidence unreliable, the Indian version was also in several important particulars found untrustworthy. In particular the gravamen of the Indian charge that the incident arose because the Pakistan Border Police started the firing without any warning has been rejected by the U.N. Observers.

9. In view of the foregoing facts, I do not see what severer action could have been justifiably taken against the members of the Border Police unit concerned in this incident in order to comply with the assurances given by Major General Iskander Mirza and by my predecessor to your President. I am satisfied that, considering the circumstances of this case, we have gone to the farthest extent possible in this matter.

10. For the same reasons I do not consider that my Government is at all liable to pay any compensation. The Indian party which violated the agreement between the Area Commanders who had laid down certain specific safeguards to prevent such incidents is initially responsible for whatever happened on that day. The existence of a "preconceived design", such as has been proved while it is clear from the report that the provocation for the incident was, if anything, provided by the Indian tractor unit and its military escort which forcibly entered the land of Nekowalis in contravention of that agreement and not by the Pakistan Border Police.

11. Another reason given in my last letter why the question of compensation did not arise in this case was that in none of the incidents of this nature in the past has compensation been paid by either Government. In a number of instances, before this incident occurred, the U.N. verdict has been against India. Even since May 7, 1955, when this incident took place, we have brought 19 cases of cease-
fire violation by Indian forces to the notice of U.N. observers. In 5 of these cases, a clear verdict of cease-fire violation has been given: 4 against Indian, 1 against Pakistan. In none of these cases, although they involved loss of Pakistan lives and property, has any compensation been paid by India and I see no reason why the Nekowal incident should be picked out for treatment as an exception to this practice. I must also make it quite clear that we do not consider residents of Jammu and Kashmir to be “Indian nationals” or that that part of the State territory which is in Indian occupation is “Indian territory”.

12. I agree with you however that we should not persist in this past practice and that payment of compensation in border clashes might act as a salutary check on such incidents in future. The reason why we could not agree to your Government’s proposal for payment of compensation by both sides in such cases was not that we were opposed to such a proposal but that its implementation would present serious difficulties. There is first the question of how the guilt of either party would be established. There would also be difficulties in assessing the amount of compensation due in each case. Nevertheless, I think this matter deserves further consideration. I therefore suggest that a committee of Indian and Pakistani officials should go into this matter and devise a rough and ready formula which would meet these difficulties. Any decision that we might take in regard to payment of compensation on the recommendations of this committee can obviously apply only to future incidents.

13. For the reasons given above I do not consider that my Government is at all liable to pay any compensation in respect of the Nekowal incident, I am personally conscious of the human suffering involved in an incident where a number of lives have been lost. Having regard to this aspect of the matter, we would be prepared to make an ex-gratia contribution of Rs. 100,000 towards the rehabilitation of the relatives of those who lost their lives on the Jammu side of the border as a result of this incident. Although the assurances given to your President by Major General Iskander Mirza and my predecessor in respect of this incident do not require us to do this, I consider that such action would be further proof that we are always prepared to do everything possible to fulfill not only the letter but also the spirit of our assurances. To prevent any misrepresentation of our action, however, a joint statement by us would be necessary that this contribution does not imply admission of any liability on Pakistan’s part on account of this incident. I trust you will find this a satisfactory conclusion to this regrettable incident.

14. You have suggested that we publish our correspondence on this subject. I should have no objection to agreeing to your proposal. There is one difficulty however. Our correspondence contains excerpts from the U.N. Observers’ report which is a secret document. Indeed if the correspondence is to be published, it
will be necessary to publish the U. N. Observers' report as well. Before the correspondence can be published, we will have to obtain the concurrence of the Secretary General of the United Nations because publication will not only mean that a secret U.N. document will be divulged but also that the report itself might come under adverse public criticism which may prejudice the position of the U.N. Observers. Perhaps we ought to avoid such a situation.

Yours sincerely,

(Mohamad Ali)

The Hon'ble Pandit Jawaharlal Nehru,
Prime Minister of India, New Delhi.

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O. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Chaudhury Mohamad Ali.

New Delhi, May 30, 1956.


My dear Prime Minister,

Thank you for your D.O. letter No. 403/M A/56 dated 19th May 1956 regarding the Nekowal incident.

2. In the greater part of your letter you have again stated your reasons for your inability to take severe action against your Border Police responsible for the incident. We have argued this matter at great length in our previous correspondence on this subject and I do not think it would serve any useful purpose for me to repeat the arguments I have already placed before you. It is understandable that your views on the merits of an incident of this kind may differ from our views. In the present case, however, it was not a question of your views or our views. We have the independent findings of the UN Observers who cannot be said to be partial to either party in this matter. All I had asked for was that the findings of the UN Observers should be accepted and action taken to punish those who had been found responsible for the incident by the UN Observers.

3. The Nekowal incident was, as you know, a very serious one, involving the killing of twelve Indian personnel. This can hardly be compared to relatively minor incidents. I do not understand the relevance of the statement in the concluding part of paragraph 11 of your letter. The question of the sovereignty
of India over the territory of Jammu and Kashmir has no direct bearing on this question, which is covered by the ceasefire agreement between our two commands. As, however, you have raised this question, I would like to make it clear that, in so far as the Government of India are concerned, they have consistently maintained that the entire territory of Jammu and Kashmir State is legally and constitutionally a part of the Indian Union. The acceptance by us of the ceasefire agreement, in the interests of furthering a peaceful settlement, does not in any way detract from that position.

4. In your letter you have indicated your acceptance of my proposal that, in accordance with international conventions and in order to impose a salutary check on such border incidents in the future, we should agree to payment of compensation by the side adjudged as the guilty party in a serious incident of this nature. You have suggested that a committee of Indian and Pakistani officials might go into this matter and devise a rough and ready formula which would meet these difficulties. I do not quite understand what you have in mind. There are international conventions governing such matters. For the rest, it is a question of fact. If you have anything special in mind, I shall be glad to know what it is.

5. I appreciate the offer made in paragraph 13 of your letter to make an ex-gratia contribution of Rs. 100,000/- towards the rehabilitation of the relatives of those who lost their lives in the Nekowal border incident, and I accept it. You have added, however, that there should be a joint statement to the effect that this contribution does not imply admission of any liability on Pakistan's part on account of this incident.

6. You are aware that in this matter, as our lengthy correspondence has shown, there is a difference of opinion between the Government of India and the Government of Pakistan. While it is open to the Pakistan Government to state their viewpoint, this will not be in keeping with our approach to the question. We could not, therefore, be parties to a joint statement which gives expression to the Pakistan Government's point of view only. If, however, you wish some joint statement to be made, it might be on the following lines:

"While the Pakistan Government do not accept entire responsibility for this sad incident, they have accepted the findings of the UN Observers in this case, and guided by a desire to relieve human suffering, they have offered, and the Government of India have accepted, a contribution of Rs. 100,000/- towards the rehabilitation of the relatives of those who lost their lives on the Indian side of the ceasefire line as a result of this incident."

7. I note that you have no objection to publishing our correspondence on the Nekowal incident. As regards the difficulties mentioned in paragraph 14 of your
letter, we consulted the office of the UN Secretary General through our Permanent Representative in New York, and were informed that there would be no reason at all for the UN Secretary General to raise any objection if the two Prime Ministers mutually agreed to release their correspondence. As we are not publishing the whole of the UN Observers' report but only excerpts quoted in our correspondence as part of the correspondence, the other difficulties mentioned in your letter will not arise. I shall, therefore, be grateful if you will indicate an agreed date for the simultaneous publication of our correspondence, in this case in Delhi and Karachi.

Yours sincerely,

Jawaharlal Nehru

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P.  Letter from Pakistan Prime Minister Mohamad Ali to Prime Minister Jawaharlal Nehru.

Karachi, August 9, 1956.

My dear Prime Minister,

Thank you for your d.o. No. 1365-PMH/56, dated May 30, 1956, regarding the Nekowal incident. I regret the delay in replying to it.

2. It is not my wish to prolong the controversy over the merits of this incident, but there is one point with which I find I must deal. The statement made in the concluding part of paragraph 11 of my last letter was necessary because in your earlier correspondence you had claimed sovereign rights over Nekowal territory and had referred to Nekowalis as Indian nationals. As you know, we have never accepted and do not accept the claim that the State of Jammu and Kashmir is Indian territory or that its residents are Indian nationals. That remains our position.

3. In paragraph 4 of your letter you enquire the reason why I had suggested that a Committee of Indian and Pakistani officials should go into the question of payment of compensation in respect of border incidents in future. In my last letter I had mentioned two difficulties that would arise in this connection. First was the question of how the guilt of either party would be established. Even if in respect of the ceasefire line we agreed to act in accordance with the findings of the U.N. Observers, we should still have to agree upon some mechanism for establishing the guilt of either party in respect of incidents occurring elsewhere along the Indo-Pakistan border. Secondly, there would be difficulties also in assessing the amount of compensation due in each case. For this purpose too
some body may have to be set up whose findings would be automatically accepted by both governments. When the question is closely examined other problems which would require to be considered in this connection might also crop up. It seemed to me therefore that perhaps the best way of devising a rough and ready formula which would meet all these difficulties was to require a committee of Indian and Pakistani officials to discuss this matter. They would doubtless take into consideration whatever international conventions govern such matters.

4. As regards our offer of an ex-gratia contribution of Rs. 1,00,000/-, I would suggest the following joint statement:

"While the Government of Pakistan has accepted the findings of the U.N. Observers in regard to the Nekowal incident, they disclaim responsibility for this incident or any liability to pay compensation on its account. However, guided by a desire to relieve human suffering, they have offered, and the Government of India have accepted, a contribution of Rs. 1,00,000/- towards the rehabilitation of the relatives of those who lost their lives on the Jammu side of the ceasefire line as a result of this incident. So far as the two governments are concerned, they regard this subject now closed."

5. In my last letter I stated that I should have no objection to publication of our correspondence but that, if the correspondence was published, it would be necessary to publish the U.N. Observers' report as well. Clearly it would not be fair to either party if only those excerpts from the report as suited one party or the other and formed part of the correspondence were published. On receipt of your last letter, therefore, we approached the Secretary General for permission to publish the U.N. Observers' report along with the correspondence. We have been informed that both the Secretary General and General Nimmo are against such publication as a matter of principle. Under the circumstances, it seems to me that we have to abandon the proposal to publish our correspondence.

Yours sincerely,

(Mohamad Ali)

The Hon’ble Pandit Jawaharlal Nehru,
Prime Minister of India,
New Delhi.

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Q. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Mohammad Ali regarding Nekowal.

New Delhi August 13, 1956.

My dear Prime Minister,

Thank you for your letter of the 9th August which reached me on the 11th August. A day before the receipt of your letter that is on the 10th August, I had received your telegram on the subject of a statement I was reported to have made in the Lok Sabha. The same day I sent you a reply.

2. On the 10th of August, as I mentioned in my telegram to you, an urgent motion was made in our Parliament and I was asked for a statement in regard to the handout issued by the Pakistan Government. I had to reply to this. I enclose a copy of the statement made by me in Parliament on that occasion.

3. You will no doubt appreciate that, in the circumstances, it was impossible for me to refuse to reply or to give an evasive reply. Hence I was compelled to quote a part of your previous letter.

4. Now that I have made the statement in Parliament and made it quite clear in your own language, that you do not consider your Government as liable to pay any compensation, I see no advantage whatever in any kind of a joint statement issued by us. So far as I am concerned, I have made a statement. If you wish to say something more in order to make your position clear, you can certainly say so. A joint statement, when we differ in our approach to this question, has little value. It can only give the two different viewpoints which have already been stated or can be stated separately where necessary. For my part, I wish to say nothing more on this subject. It is obvious, however, that if questions are asked in Parliament, I have to reply to them.

5. You will appreciate, therefore, that the question of a joint statement does not now arise. Apart from this, the draft joint statement that you have sent is not one with which I could agree without much modification. I need not, however, go into this matter now.

6. I am sorry that you do not want our correspondence on this subject to be published. You say that the Secretary-General of the UN and General Nimmo are against the publication as a matter of principle. I do not know what principle is involved when a subject has been so fully discussed in public. My own information has been that the Secretary-General had no objection to its publication provided you and I agreed.

7. You refer in paragraph 2 of your letter about our claiming “sovereign rights over Nekowal territory”. I did not wish them and do not wish now to enter into this
controversy. The whole point related to the ceasefire line which is obviously known and an established fact. Any persons on our side of the ceasefire line have to be treated as Indian nationals.

8. In paragraph 3 of your letter you have again referred to a committee of Indian and Pakistani officials being constituted to consider the question of compensation in respect of future border incidents. If necessity arises in the future, we may consider this. But, so far as the ceasefire line is concerned, it is obvious that the findings of UN Observers will have to be accepted by us. There appears to me no necessity for setting up a permanent committee for the future. I hope there will be no incident in future. In any event every incident will have to require special consideration between our Governments and the necessary machinery can be evolved.

Yours sincerely
Jawaharlal Nehru

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R. Letter from Pakistan Prime Minister Mohamad Ali to Prime Minister Jawaharlal Nehru.

Karachi, August 22, 1956

My dear Prime Minister,

Thank you for your letter No. I818-PMH/56, dated the 13th August, 1956, on the subject of the Nekowal incident.

2. I agree that, in view of the statement you have made in the Indian Parliament, a joint statement need not be issued. Since the substance of your statement has also appeared in the Pakistan press, I do not propose to make any statement either. I note that you do not wish to say anything more on the subject. Nor do we.

3. I am instructing our High Commissioner in Delhi to hand over to you immediately a cheque for Rs.100,000/- representing our ex-gratia contribution towards the rehabilitation of the relatives of those who have lost their lives on the Jammu side of the border as a result of the incident. How this amount is to be disbursed among the persons affected is a matter I propose to leave to your discretion.

4. As regards my proposal to require a Committee of Indian and Pakistani officials to go into the question of payment of compensation in respect of border
incidents, I agree that we may consider this when necessity arises in the future.

5. As already stated by me, I should certainly have no objection to the publication of our correspondence provided the report of the U.N. Observers was also published at the same time. On this subject I enclose for your information a copy of a communication that we received from the Secretary General of the United Nations on June 19th, 1956. I see considerable force in the considerations set out therein and suggest that we drop this matter.

Yours sincerely,
Sd/-Mohamad Ali

Hon’ble Pandit Jawaharlal Nehru,
Prime Minister of India,
New Delhi.

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Copy of a communication received from the Secretary-General of the United Nations on the 19th of June, 1956, re: publication of the report of the U.N. Observers.


It is the considered opinion, both of General Nimmo and Secretary General, that such publication is not desirable as a matter of principle. The Nekowal incident was one of many since 1950 involving deaths and the publication of the secret report on this one incident is likely to lead to requests for publication of similar reports on other incidents This in turn would lead to press controversies and an increase in tension.

It has been the consistent policy of the United Nations Military Observer Group in India and Pakistan to Safeguard confidential character of its investigations and reports on incidents. These reports are, of course, made available in full to Commanders-in-Chief of both Governments. The procedure outlined above has made it possible for Military Observer Group to render maximum assistance to all Governments and authorities concerned in maintaining compliance of the Cease-Fire Agreements and in many cases in quietly correcting the causes of incidents.”

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S. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Mohamad Ali.

New Delhi, August 26, 1955.

My dear Prime Minister,

Thank you for your letter of August 22.

In view of your agreeing with what I had suggested that no Joint Statement need be issued about the Nekowal incident, there is nothing more to be said about it. I do not propose to refer to this matter again. But, as I said previously, if a question is asked in Parliament, I shall have to answer it. In answering it, I do not wish to make any answer controversial if I can help it.

I note that you are instructing your High Commissioner in Delhi to hand over to us a cheque for Rs.100,000/- representing your ex-gratia contribution towards the rehabilitation of the relatives of those who lost their lives on the Jammu side of the border.

Yours sincerely,

Sd/- Jawaharlal Nehru

The Hon'ble Mr. Mohammad Ali,
Prime Minister of Pakistan,
Karachi.

◆ ◆ ◆ ◆ ◆
2910. Minutes of the meeting held between the Home Minister of India Govind Ballabh Pant and Interior Minister of Pakistan Major General Iskander Mirza.

New Delhi, May 15, 1955.

The following were present:-

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<tr>
<th>INDIA</th>
<th>PAKISTAN</th>
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<tbody>
<tr>
<td>1. Shri Govind Ballabh Pant,</td>
<td>1. The Hon'ble Maj. Gen. Iskander</td>
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<tr>
<td>Minister for Home Affairs.</td>
<td>Mirza, Minister for the Interior.</td>
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<tr>
<td>2. Shri C.C. Desai, High</td>
<td>2. H.E. Raja Ghazanfar Ali Khan,</td>
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<tr>
<td>Commissioner for</td>
<td>High Commissioner for Pakistan</td>
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<td>India in Pakistan.</td>
<td>in India.</td>
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<td>3. Shri A.V. Pai, Secretary,</td>
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<td>Ministry of Home Affairs,</td>
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<td>4. Shri S. Dutt, Commonwealth</td>
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<td>Secretary</td>
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<td>5. Shri V.C. Trivedi, Director</td>
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<tr>
<td>Pakistan Division, Ministry</td>
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<td>of External Affairs.</td>
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1. **Prevention of border incidents**: It was agreed that all possible steps should be taken to prevent border incidents. A joint committee of representatives of the Government of India and Pakistan, assisted by representatives of the Government of the two Punjabs, should evolve a plan indicating the measures to be adopted for preventing recurrence of such incidents. The Committee should submit immediately a report for the consideration of the Ministers.

2. **Shrines and Holy Places**: The Ministers referred to the Agreement reached between the two Governments on this issue in July-August, 1953, and decided that a joint committee of the representatives of the two Governments should be formed to work out the details of implementation of the terms of this Agreement. The Committee should, inter alia prepare a list of important shrines in West Pakistan and certain selected areas in India, the protection and preservation of which should be the special responsibility of the Government concerned. The Committee should also consider the question of properties attached to the shrines and the income derived there from in accordance with the
July-August, 1953, Agreement. The Committee should submit its report to the Ministers as early as possible and, in any case, within three months of its formation. If necessary, the Committee might visit the shrines concerned in the two countries.

The two Ministers agreed that all facilities and assistance should be given to pilgrims visiting shrines and holy places in the other country either as individual pilgrims or as pilgrim parties. In accordance with the Indo-Pakistan Agreement of the 9th April, 1955, on liberalisation of travel facilities between the two countries, a revised passport and visa scheme was being worked out by the two Governments. Provision should be made in the scheme for free and liberal grant of travel facilities to pilgrims.

**Report of the Committee on border incidents**

In pursuance of the agreement reached at a meeting of the Minister for Home Affairs, Government of India, and the Minister for the Interior, Government of Pakistan, held in New Delhi on the 15th of May, 1955 the Committee of representatives of the two Governments, assisted by representatives of the Governments of Punjab(P) and Punjab(I) met, at 3 P.M. on Monday the 16th May, 1955, in the Conference Room of the Ministry of External Affairs, New

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* The Government of India ratified the Agreement of the 15th May, 1955, soon after its conclusion and also nominated the Indian component of the Committee as under:-

1. Shri V. Viswanathan  
   Joint Secretary,  
   Ministry of Home Affairs,  
   Chairman

2. Shri P.G. Zachariah,  
   Deputy Secretary  
   Ministry of Rehabilitation  
   Member

3. Shri A.R. Malhotra,  
   Deputy Secretary (Political)  
   Government of Punjab(I)  
   Member

4. An Under Secretary to the  
   Ministry of External Affairs.  
   Member-Secretary

It was also proposed that when the Committee toured in Pakistan, the Indian Deputy High Commissioner at Lahore may be associated with the work of the Committee.

The Government of Pakistan ratified the Agreement only at the end of December, 1955 and nominated the following as their representatives on the Joint Committee.

1. Secretary  
   the Ministry of the Interior  
   Chairman.

2. Home Secretary  
   West Pakistan  
   Member

3. Deputy Secretary  
   Ministry of Refugees and Rehabilitation  
   Member

4. Assistant/Under Secretary  
   Ministry of the Interior  
   Member-Secretary
Delhi, to evolve a plan indicating the measures to be adopted for preventing border incidents.

2. The Committee agreed as under:-

(1) The Indo-Pakistan Agreements of December 1948 and April 1949 were reviewed. These Agreements should be implemented in letter as well as in spirit. It was agreed that in future officers conducting joint enquiries should make joint reports of their findings.

(2) The Committee felt that the greatest single factor for incidents on the Punjab border was the absence of a properly-demarcated boundary. The two Governments were already considering separately the question of expediting the demarcation of the entire border between the two countries. Meanwhile, pending final demarcation in accordance with the decisions arrived at by the Steering Committee of the two countries at their meetings held in New Delhi on the 11th and 12th March, 1955, in respect of item No. 56 in the Pakistan list, the following practical suggestions were agreed upon in respect of Punjab (P) and Punjab (I).

(a) River boundary - As far as the border in the vicinity of the rivers was concerned the existing river boundaries would be considered as the *de facto* boundaries without prejudice to the territorial rights of either country. This agreement would not however, entitle any evacuation of any of the existing positions of possessions. If, in future, the rivers changed their courses, the Inspectors-General of Police of the two Punjabs would meet and make recommendations to the two Central Governments regarding the cultivation of the land which might be thrown on the wrong side of the river as a result of the shifting of the river's course. Until an agreement is reached on this issue, no attempt should be made by nationals of either side, including their armed forces, to exercise or establish control or possession of the areas in question.

In regard to the Ghattis, where they were under dispute, the Inspectors-General of Police of the two Punjabs would consider the question of interim arrangements for them pending final demarcation and make their recommendations to the two Central Governments.

(b) Land boundary - It was agreed that demarcation of the land boundary between Punjab(I) and Punjab (P) must be given the highest priority and every effort should be made to finalise the demarcation within a period of three months from the date of the ratification of this Agreement by the two Governments. To this end, special and adequate whole-time staff should be provided by the authorities on the two sides.
(3) The Deputy Commissioners of the border districts of Punjab (P) and Punjab(I) should be fully associated with the implementation of the December, 1948 and April, 1949 Agreements in accordance with the provisions of those Agreements. Directives should be issued to the Deputy Commissioners of these districts to act promptly in collaboration with their opposite numbers to decide territorial disputes immediately, such disputes were referred to them by the border police officers concerned.

(4) It was agreed that to ensure harmonious relations on the border, there should be an equal number of police post and pickets on the two sides. The number of these posts should be kept to the minimum. The strength and armaments of the posts and pickets should also be the same on the two sides. As far as the armaments were concerned, they should be restricted only to 303 rifles. The Inspectors-General of Police of the two Punjabs would work out details jointly in this behalf.

There should be no supporting reserve of any kind on the two sides in addition to the agreed number of posts and pickets. The maintenance of a Headquarters of the Border Police will not by itself constitute a supporting reserve. This prohibition will not apply to Army units stationed or that may be stationed in normal locations or exercises. This arrangement is also without prejudice to such areas where the border police in one country faces armed units other than the police in the other country.

Residents of the border area within a belt of three miles would not be allowed to possess rifles. Every endeavour should be made to recover unlicensed firearms from the civilians in this belt.

(5) The Ministry for the Interior of the Government of Pakistan and the Ministry of Home Affairs of the Government of India would each appoint a high powered officer representing the Central Government concerned to co-ordinate the implementation of this Agreement. The two high-powered officers would meet from time to time.

(6) The Committee felt that in order to avoid deterioration of relations between the two countries consequent on any incidents which might unfortunately take place on the border, steps should be taken to ensure that exaggerated and provocative reports were not published in the press. Wherever possible, the authorities on the two sides should issue factual communiqués on the incidents in order to avoid misunderstandings among the public. The two Governments might also issue a joint communiqué as early as possible after the facts of the incidents had been ascertained.

The Committee recommended that similar arrangements should be worked out by the two Governments in respect of other borders between India and
Pakistan for the prevention of border incidents. In the case of Rajasthan-West Pakistan border the Committee felt that the police authorities on both sides of the border should co-operate with each other and render all possible assistance in respect of proclaimed offenders and absconders by way of exchange of information and such other assistance as would lead to suppression of crime.

Sd/- (I. Athar)  
Deputy High Commissioner for Pakistan in India, New Delhi  
17th May, 1955

Sd/- (V.C. Trivedi)  
Director, Pakistan Division, Ministry of External Affairs, Govt. of India, New Delhi  
17th May, 1955

Sd/- (Iskander Mirza) 17-5-1955.  
Sd/- (G.B. Pant) 17-5-1955.

2911.  
SECRET

Letter from High Commissioner of India in Pakistan C. C. Desai to Commonwealth Secretary Subimal Dutt.

Karachi, September 14, 1955.

High Commissioner of India  
Karachi

No.F.80(7)/55-Genl.  
September 14, 1955

My dear Subimal,

According to the agreement between Dr. Khan Sahib, Minister for Communication & Railway in Pakistan and Shri Mehr Chand Khanna, railway traffic for passengers was to reopen at three points, namely, Lahore-Amritsar, Kasur Ferozepore and Khokhrapar-Munabo. Out of these three routes, the first and the third routes have been opened while the second has not been opened, because of some dispute over a fraction of territory. The technical side is complete and it should be possible for the two railways to resume traffic as soon as the word is given from the political side.

2. The total length of the disputed territory is I believe, 45 yards. Just because of this, the whole railway traffic has been held up. We do not seem to have taken into account the great inconvenience caused to the people by the denial of this facility. I have gone into the dispute with some care. I may be forgiven for
saying that the attitude adopted by us is unjustifiable, unreasonable and untenable. Rightly or wrongly the territory in dispute is in their possession. I do not understand how we can refuse to let them look after the track while the possession is still with them. Looking after the track does not confer sovereignty any more than actual possession which is in their favour. To demand that we should have rights over the track is to demand that the territory should be transferred to us and surely resumption of railway traffic cannot be used as a lever to bring about this change. The territorial possession is part of a long dispute over the interpretation of the Radcliffe Award and I see no justification for raising a big issue with a minor incident. It is like an attempt to wag the dog with the tail. I think we should accept the present position of actual possession without prejudice to final decision and allow the Pakistan Railways to run and look after the track situated in the territory actually in their physical possession, regardless of our claim under the Radcliffe Award. If this is agreed to, we can resume the traffic on this line without any further difficulty or delay.

3. Isar has already written to Trivedi explaining how untenable our stand is and I am now writing to point out that we are coming in the way of implementation of the agreement to which we are a signatory. Even, I as an Indian, feel that our attitude is wrong. Sometimes we do not realise that by petty-mindedness, we sacrifice much larger interests. The difficulty created in this case is an incident in point.

With kindest regards,

Yours ever

(C.C. Desai)

Shri S. Dutt, I.C.S.,
Commonwealth Secretary
Ministry of External Affairs,
New Delhi.

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SECRET

Letter from High Commissioner of India in Pakistan C. C. Desai to Commonwealth Secretary Subimal Duttt.

Karachi, September 27, 1955.

High Commissioner for India
Karachi, 5

D.O. No. F.80(7)/55-Genl

September 27, 1955

My dear Subimal,

Please refer to my letter No. F.80(7)/55-Genl, dated September 14, in which I had pointed out that the responsibility for non-implementation of the Railway Agreement with Dr. Khan Sahib about the resumption of traffic on the Ferozepore-Kasur route must be laid at our doors and not on Pakistan. Since then I have seen Trivedi's letter No. P.III/54/1936/2 dated September 19 on the same subject. Isar has examined the point of view of Trivedi in a note, a copy of which is herewith enclosed. With due respect to Mr. Trivedi, I see no reason to change the view previously held by me that in this particular case the fault is ours and not that of Pakistan. It is no use our always taking up an attitude of injured innocence. I know that in nine cases out of ten the fault lies with Pakistan, but to say that they are always in the wrong and we are always in the right is equally wrong and I, who have occasion to see these points of difference, cannot certainly subscribe to that view. On the other hand, my view is that where we are in the wrong we must take all steps to do the right thing regardless of what Pakistan does. That way we have progressed so far and that way alone we shall go forward.

2. Coming to the merits of the case it is obvious that we cannot seek to alter possession taking advantage of later agreement of a minor character. We must accept existing possession and proceed accordingly. If and when we ever succeed in altering that fact of possession so as to bring it into conformity with our legal rights, even the present position could be rectified and, therefore, we are none the worse by proceeding on the basis of existing possession. We know that this particular strips of land was in the possession of Pakistan and so if we were honest at the time of the agreement, we should not have asked for resumption of rail movement on this particular route. Trivedi was himself present when this agreement was concluded. I have, therefore, a feeling that our raising the question of possession now is in the nature of a sly device, which should have no place in international relations, especially between two countries which must exist as brothers despite all difficulties and differences. We all know that the Prime Minister's approach to Indo-Pakistan problems is on these lines and it is,
therefore, in the light of that foreign policy that I ask that our attitude should be reviewed and that we should be prepared to accept existing possession for the purpose of rail resumption, without, of course, committing ourselves to the final acceptance of possession once and for ever.

With Kindest regards,

Yours ever

(C.C. Desai)

Shri S. Dutt, I.C.S.,
Commonwealth Secretary
Ministry of External Affairs,
New Delhi.

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Mr. R.F. Isar's Note

Reference Mr. Trivedi's letter No. P.III/54/1936/2 dated September 19

He does me less than justice in saying (in para 9) that my conclusion is based on something stated by Chhatari. But it is based on the stand we had taken in the past about de facto possession of "wrong side" areas. In the 18 months I did the Pakistan work in the Ministry, I remember only the case of the Ghatti Kamalewala encroachment by Pakistan (a Ghatti is an island in the river; this one is a mile or less upstream of the Headworks). The incident took place in March 1952. But I do not recall any other encroachment in the area or if there were any, any action by us. My impression at any rate up to January 1954 - was not of the "progressive and continuing encroachments" Mr. Trivedi speaks about, but of a situation lasting from the de facto arrangements between the Generals in 1948. Even if some encroachments took place after 1948, the vital point is whether we protested in order to preserve and reserve our rights. Presumably we did, but I do not recall any reiteration of our rights in the period June 1952 to January 1954. But I cannot be categorical about it.

2. It seems now from Mr. Trivedi's letter that the Ministry has shifted our position in the context of the new Pakistani argument that on the basis of Radcliffe's incidental remarks no one can say where the border lies in some areas until joint control of the Headworks has been established. Pakistan took similar advantage of other incidental remarks in the Bagge Award in Bengal to create difficulties when the question of demarcation arose there I believe the problems so created are still unsettled. I can, therefore, understand the Ministry's increased sensitiveness to Pakistan's manoeuvres, especially if there are likely to be repercussions on the World Bank Plan for sharing the river waters.
3. If the 40 yards of track lies in territory legally ours under the Radcliffe Award and if it has been in our possession all along, then there is clearly no case for our giving it up. But if the other 1 1/4 miles of track has been in Pakistani possession (as distinct from ownership), then we cannot press for its return. If we intend to maintain the status quo. In my time, our position was that we must do so, as the balance of advantage lay in our continuing to retain possession of certain strategic positions further north in territory which was legally Pakistan’s. If the Ministry have now a different idea of the balance of advantage, it means that the question of the disputed track cannot now be resolved on the basis of the de facto arrangements.

4. In October, 1953, I went to Simla and Jullunder with a view to then inspecting all the disputed areas on the border from Amritsar to Fazilka Sub-Division in Ferozepore District. Unfortunately, I fell ill at Jullunder and had to abandon the visit. I was now thinking of going to Lahore and from there seeing the Amritsar area where there are still some disputes and then going to Ferozepore. After that, I wanted to go to Delhi for private reasons, for which I intended asking for 3 days' casual leave. But if H.C. thinks that this case is worth my going to Delhi for a discussion with reference to maps and in consultation with the Irrigation and Power people as well, I could go directly from here on duty and then go on to Ferozepore where I could meet Rao and see the Punjab Government’s engineers on the spot. After considering Mr. Trivedi’s letter, my view is that if there is a real danger to our control of the Ferozepore Headworks or to the success of the World Bank’s plan, we will have to surrender the lesser interest of opening the rail link.

Marginal Remarks of Mr. Trivedi in the Ministry of External Affairs on para 1 of Isar’s above Note.

I am afraid Mr. Isar is mistaken. The Key - Thimayya agreement was in 1947 soon after partition. The various encroachments made by Pakistanis around Ferozepur headworks have been from 1948 to 1950. After that also Pakistanis attempted several intrusions but they were spiked. The status quo arrangement do not apply to the these aggressions/encroachments made with a view to maintaining a stranglehold around Ferozepur H.W. We have lodged protests from time to time and asked for the return of our territory.

Initialed/ V. C. Trivedi

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2913. Note from Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, October 6, 1955.

No.F.62(19)P/54. 6th October, 1955

Office of the High Commissioner for Pakistan in India
New Delhi.

The High Commission for Pakistan in India present their compliments to the Ministry of External Affairs, Government of India and with reference to their Note No. P. III/54/1936/2, dated the 28th October, 1954*, have the honour to state that the allegations made in para 2 of the Note are entirely without foundations. The correct position on the other hand is as stated in the Government of Pakistan, Ministry of External Affairs and Commonwealth Relations Note No.1(I).3/4/54, dated the 30th July 1954, to the High Commission for India in Pakistan. The High Commission add that Pakistan's pickets are posted across the Sulaimanki weir in the old Ferozepur District as the Government of Pakistan claim that that forms part of the Suleimanki Headworks under the Radcliffe Award and has been in their possession since partition. The Government of Pakistan regret that all efforts made by them so far to settle this dispute by peaceful means, including its reference to arbitration, have failed due to the unreasonable attitude adopted by the Government of India in this behalf.

2. The correct position in regard to the Ferozepur Headworks, is that, in accordance with the Key-Thimayya agreement, Pakistan has been in possession of the area situated towards the Pakistan side of the river Sutlej, since 1947. The Punjab(I) irrigation authorities handed over the control and management of the Right Marginal Bund as well to the Irrigation authorities of Punjab (P) in 1948 until such time as the boundary line in this sector was demarcated. In this connection attention of the Government of India is invited to letter No. 3430-Pt/52736/474/48, dated the 28th October, 1954, from the Chief Engineer, Irrigation Works, Punjab (P) to the Chief Engineer, Irrigation Works, Punjab (I) in reply to the letter's communication of 8th October, 1954, referred to in para 5 of the Note under reply. After handing over the control and management of the Right Marginal Bund to Punjab (P) the Indian authorities however repeatedly tried to gain control over as much territory on the Pakistan side of the river Sutlej as possible. The position in regard to this dispute was explained clearly in a d.o. letter No.I(I).3/11/55, dated the 8th September 1955, from Mr. R.S. Chhtari of the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, to Mr. B.C. Mishra, Third Secretary to the Indian High Commission in Pakistan.

* Document No..................
3. In the circumstances, the Government of Pakistan regret that they cannot withdraw their pickets from the area mentioned above and would request the Government of India to respect the status quo pending the final settlement of the boundary disputes involving interpretation of the Radcliffe Award, in accordance with the agreement reached in the Joint Meeting of the Indo-Pakistan Steering Committee held in New Delhi on 11th and 12th March, 1955.

4. The High Commission take the opportunity to renew to the Government of India the assurances of their highest consideration.

The Ministry of External Affairs,
Government of India, New Delhi.

2914. Note from Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, October 28, 1955.

Office of the High Commissioner for Pakistan in India
New Delhi.

No. F. 62 (21) P/54. 28th October, 1955

The High Commission for Pakistan in India present their compliments to the Ministry of External Affairs, Government of India and, with reference to the Ministry’s communication No. P.III/54/19362/2, dated the 13th July, 1955, regarding the construction of works along the river Ravi and other rivers near the Punjab (I) – Punjab (P) boundary, have the honour to forward herewith a copy of instructions issued by the Government of Punjab (P) to the Deputy Commissioners concerned.

The High Commission take the opportunity to renew to the Government of India the assurances of their highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi.

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Copy of paras 1, 3 and 4 of Memorandum No. 73 – 54/ B & BD, dated the 8th July, 1954, from the Chief Secretary to the Government, Punjab to the Deputy Commissioners, 1) Sialkot, 2) Sheikhupura, 3) Lahore, and 4) Montgomery.

A copy of paragraph 3 of the proceedings of a meeting held at Amritsar between the Commissioner, Lahore Division, and the Commissioner(s), Ambala and Jullundur Division on the 19th May, 1954, enclosed.

Government agree that the construction of such works along the border line may raise misapprehensions on the other side in some cases and create tension, especially as the object of construction is not known across the border.

It is requested, therefore, that whenever any such works are proposed to be constructed along the border line, you should explain the object of construction to the Deputy Commissioner of the District on the other side, if asked to do so, and similarly ask him to explain the object of similar works being executed in his District, if necessary. In border disputes of this nature, the discussion of such matters at meetings held near the border should lead to a better atmosphere of co-operation and dispel suspicion. When the works relate to the P.W.D., in cases such as the construction of protective bunds to save village abadis, etc., the Executive Engineers concerned should also be encouraged to meet and discuss plans so as to cause the least damage to the residents of villages on the other side.

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D.O. No. P.III/54/1936/2
11/16th November 1955

Dear Mr. C.C.,

Will you please refer to your d.o. letter No. F.80/7/55Genl. dated the 27th September 1955, address to Dutt about opening of the Ferozepur-Kasur rail link?

2. You seem to be under the impression that the issue involved in the dispute about the area across the Ferozepur bridge containing 1¼ mile of rail track is that of mere recognition of the \textit{de facto} possession by Pakistan. The position is not so simple. Pakistan appears to have certain deep designs in this area which are becoming clearer to us as time goes on. She has made several encroachments in the area since 1947. All these encroachments were made after the Key-Thimayya Agreement reached soon after partition in 1947 and therefore cannot be given any recognition.

3. The first encroachment was made by Pakistan early in 1948 when the Pakistan authorities established a post on the right bank of the Dipalpur Canal near Ferozepur Headworks. This resulted in the cutting of the only road running from the bridge to the Right Marginal Bund. Discussion held between the two Punjabs about this encroachment proved unsuccessful. Meanwhile, the Punjab irrigation authorities were concerned about the maintenance of the Right Marginal Bund in the interest of the Ferozepur Headworks. The Chief Engineer, East Punjab, asked the Chief Engineer, West Punjab, to maintain the lower reach of the Right Marginal Bund at India's cost as a temporary arrangement. This led to a series of encroachments by the Pakistan authorities on a large area of Indian territory which eventually extended from the right bank of the Dipalpur Canal to the lower reach of the Right Marginal Bund. The Ferozepur - Kasur rail link lies in this area. The Chief Engineer, East Punjab, later asked his opposite number to return the control of the Right Marginal Bund, but all efforts to persuade him to do so have failed so far. The matter was even raised at the last meeting of the Steering Committees but the Pakistan delegation was unwilling to settle the issue. The other large area of Indian territory which was occupied by Pakistan forces was Ghatti Kamalewala, 2/3rds of which is still under Pakistan occupation. There have been other attempts for encroachment by Pakistan authorities even as late as December 1954. But they have been thwarted by timely action by the Indian border forces. If we have not tried to dislodge Pakistani authorities from
the encroachments in the Indian territory in this region, it is not because we recognize any rights accruing to Pakistan from the fact that they have taken illegal possession but because use of forces might have serious repercussions.

4. Originally, Pakistan recognised that the area in dispute across the Ferozepur bridge had been awarded to India. Subsequent success in making encroachment in this area seems to have encouraged her to lay claim to this area. They have not only asserted that 1¼ mile track in their possession was in Pakistan territory but also demand that the 40 yards of the rail track in India's possession should be handed over to them before they could agree to restoration of the rail link. Your own reaction then, as conveyed in your d.o. letter No. F.80(7)/55-Genl. dated the 30th June 1955, was that we should exercise our possession even if this meant that the rail link could not be restored.

5. The Pakistan authorities not only want to retain possession of the rail track and to maintain it but also to exercise the right to charge freight etc., in respect of it. It is one thing for Pakistan to be in illegal possession of Indian territory and for India not to use force to regain possession of that territory, but it is quite another thing for India to recognise Pakistan's control over Indian territory and to Pakistan's Railway charging freight etc., for traffic over the railway track in that territory.

6. A rational method to settle the dispute about the territory in question would be that the revenue authorities of the two sides should jointly examine the records and ascertain in whose territory the area fell according to the Radcliffe Award. When we made such a suggestion to the Government of Pakistan they were not prepared to accept it and instead argued that no demarcation of the boundary line could take place in the area of the Ferozepur Headworks unless a joint control over the intake of water of the different canals defendant on the Headworks had been agreed upon between the Governments of India and Pakistan. This argument is based on a hope expressed by Sir Cyril Radcliffe in para 10 of his Award. We can never accept this contention of Pakistan. Firstly, the railway track in question has nothing to do with the canal system. Secondly, the World Bank which is assisting the two countries in settling the Canal Water Dispute in its proposal of February 1955, considered and rejected the idea of a unitary control of the canal system of the Indus Basin and clearly stipulated that after the transitional period Pakistan would not receive any waters from the three eastern rivers including the Sutlej. Under the Bank's proposal the Sutlej, the Ravi and the Beas would be allocated entirely for Indian canals and the Ferozepur Headworks would serve only the Indian canals except for a transitional period estimated at about 5 years. Both India and Pakistan have agreed to prepare a comprehensive plan on this basis and negotiations are at present going on in Washington for that purpose. Accepting a territorial position based on Pakistan's interest in the Ferozepur Headworks, would be contrary to all that
has been agreed to and to all that is being done at present in relation to the settlement of the Canal Waters Dispute. I may also add that the issue has some defence considerations as well.

7. We have considered the matter very carefully in the light of the calculated moves of Pakistan in respect of this area. We are not so interested in the restoration of Ferozepur-Kasur rail link as to jeopardize our interests in the area by making the concessions demanded by Pakistan. Prime Minister has seen this case and he agrees that we should adhere to our right to maintain the railway track in the disputed territory and to charge the fare for its use.

8. We shall be grateful if you will now send a reply to Pakistan Ministry of Foreign Affairs and Commonwealth Relations letter No.1 (1)3/11/55 dated the 6th September 1955. You may inform them that the hope expressed by Sir Cyril Radcliffe in para 10 of his Report that some arrangement might be made for the joint control of the intake of the different canals dependent on the Ferozepur Headworks, has nothing to do with the boundary actually laid down by him in his Award and can in no way affect its demarcation. The issue of the distribution of canal waters is a separate one and is already under discussion between the Governments of India and Pakistan. Pakistan has made encroachments in the Indian territory across the Ferozepur bridge after the Key-Thimayya Agreement and is in illegal possession of it. The Government of India cannot agree to Pakistan maintaining and exercising control over the railway track about 1 1/4 mile long in this territory. They are also not prepared to hand over to Pakistan 40 yards long railway track in their possession in this area.

With kindest regards

Yours sincerely

(C.S.Jha)

Shri C.C. Desai, ICS.,
High Commissioner for India in Pakistan,
Karachi.
2916. **Letter from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.**

**Karachi, December 8, 1955.**

No.F.80(7)/55-Genl./9748 8th December, 1955

High Commission of India
Karachi-5

My dear Chhatari,

Kindly refer to your letter No. I(I).3/11/55 dated the 8th September 1955 regarding the restoration of the Hussainiwala Rail Link. We have considered the points raised in your letter but find it impossible to accept the position the Government of Pakistan have now taken.

2. You have quoted as extract from para 10 of the Award of Sir Cyril Radcliffe in regard to the partition of the Punjab. The hope expressed by Sir Cyril Radcliffe in that extract relates to a separate issue and not to the boundary actually laid down by him in his Award. That separate issue is in regard to the desirability of some arrangement for joint control of the intake of the different canals dependent on the Ferozepore Headworks. The railway track in question has nothing to do with the canal system. The issue of the distribution of the canal waters, as you know, is a separate one and is already under discussion between the Governments of Pakistan and India. We consider, therefore, that the two separate issues, namely, the demarcation of boundaries and the distribution of canal waters should not be confused in this context.

3. We regret to have to say that Pakistan has definitely made encroachments in the Indian territory across the Ferozepore Bridge after the Key - Thimaya Agreement and is, therefore, in illegal possession of it. The Government of India, as you can appreciate, can neither agree to the Government of Pakistan maintaining and exercising control over the railway track about 1 1/4 mile long in this part of the territory, nor are they prepared to hand over to Pakistan the further 40 yards which now your Government is demanding and which is in the possession of India.

4. I should suggest that the proposals contained in para 2 of Thadani's letter No.F.80(7)/55-Genl. dated the 25th July, 1955 to Kaiser may be earnestly considered by you.

With kind regards

Yours sincerely

(B.C. Mishra)

R.S. Chhatari, Esq.,
Ministry of Foreign Affairs and Commonwealth Relations, Karachi.

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2917. **Note of the Pakistan Ministry of Foreign Affairs to the High Commission for India in Pakistan.**

**Karachi, December 29/30, 1955.**

No. Neg. 4/6/55–II December 29/30, 1955

**Subject:** Ratification of the minutes of the meeting held in New Delhi on Sunday the 15th May 1955 between the Hon’ble Minister for Interior (Pakistan) and the Hon’ble Minister for Home Affairs (India)*.

The Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, presents its compliments to the High Commission for India in Pakistan and, with reference to the correspondence resting with Mr. M.S.A. Baig’s letter No. D. 1803 – Neg/55 dated September 17, 1955 to H.E. Mr. C.C. Desai has the honour to say that the Government of Pakistan approve the minutes of the meeting held between the Hon’ble Minister for Interior, Government of Pakistan and the Hon’ble Minister for Home Affairs, Government of India, at New Delhi on May the 15th 1955 relating to Shrines and Holy Places.

2. As regards minutes relating to prevention of Border incidents the position is that the Government of Pakistan are prepared to ratify the minutes subject to amendments suggested below:-

**Para 2 (2) (a) – River boundary:**

As far as the Border in the vicinity of the rivers was concerned demarcation should be finalized on the basis of the Radcliffe award within one year as provided for in the Steering Committee decision of the 11th and 12th March, 1955, pending demarcation, unless otherwise agreed to by the two Central Governments, the existing arrangements in regard riverain estates shall continue without prejudice to the territorial rights of either country. This agreement will not entail the evacuation of the existing positions or possession. As for the future a mere change in the course of a river would not deprive the nationals of either country from using or cultivating land thrown on the other side. The nationals of that country on the side of which the land has been thrown by the river shall not attempt to occupy or interfere with the hitherto existing rights of the other country, unless there has been an agreement between the two Central Governments to the contrary.

Where any dispute occurs in regard to the Gattis, the Inspectors General of Police of Punjab (I) and West Pakistan would consider the question of interim arrangements for them pending final demarcation and make their recommendations to the two Central Governments. They will not, however, be

* Document No.173
applicable to those disputes about the Gattis which are already pending before the Financial Commissioners of Punjab (I) and West Pakistan.

Para 2 (2) (c) to be added as follows:-

The arrangements envisaged in sub – paras (a) and (b) above will continue to be in force for a period of one year or until the date of completion of the Demarcation of the entire boundary, whichever is earlier.

Para 2 (4)

The Government of Pakistan agree that every endeavour should be made to recover unlicensed fire–arms from the residents of the border area within a belt of 3 miles, but do not consider it necessary to disallow the residents from possessing firearms on valid licenses. On a reconsideration of the matter, it has been found that the residents of the area concerned in possession of licensed firearms have not been involved in any border incident. Indeed, it is apprehended that withdrawal of the arms would cause resentment and scare in that area. The following may, therefore, be deleted: -

“Residents of the border area within a belt of 3 miles would not be allowed to possess rifles”.

3. The Government of Pakistan, however, consider that the best way to prevent border incidents is to implement the existing decision namely to demarcate both the land and river boundary simultaneously between the two countries on a final and permanent basis with the least possible delay and shall be grateful if the Government of India would extend their co – operation in the matter. Till such time as the boundaries are finally demarcated, the status quo should, however, be strictly maintained.

4. The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

The High Commission for India
in Pakistan, Karachi.
Statement by Prime Minister Jawaharlal Nehru in the Lok Sabha on border violations by Pakistan.

New Delhi, February 22, 1956.

"It is true that there was this incursion into Indian territory at this place called Chhad "bet". The facts so far reported by the Chief Commissioner of Kutch are more or less simple and as follows:

I might mention that this places Chhad is an area which is for part of the year under water. It is not an inhabited area and during the monsoon season for about four months, it is under water and, for the rest of the year it is an uninhabited grazing area surrounded by sand. This is a place where there is some grass; so that the question of possession really means the question of grazing rights there. There is no doubt about it, that it is a part of India, and possession has been exercised by India and we have been giving the grazing rights to contractors who take their animals there for grazing purposes. Some attempt was made on behalf of Pakistan in the close of last year or so, to state that this was a disputed area and belonged to them. We pointed out to them that this was an absolutely unjustifiable and baseless claim. Since then the practice has been for a police or sometimes military patrol of ours to go there about once a week. This time a police patrol went there in the ordinary course on 17th of this month. They seemed to have just observed from activity on the other side and they reported it on their return. A day or two later a military patrol went there. It went on the 18th evening and it camped at some distance away and next morning on the 19th at about 11 hours 400 yards from Chhad "Bet" the Pakistanis, who apparently occupied positions on the other side and were equipped with automatic weapons, opened fire - with machine gun fires. One sepoy was wounded in the stomach and as he was being taken away, two others were wounded by this fire and three camels were killed in this action. The patrol returned to Khavda and the casualties there were taken to the hospital. Two of them are serious and have been removed to Bombay for further treatment. It is not known - naturally we do not quite know - what the casualties on the other side were.

These are the facts reported to us. It certainly is a serious matter, not serious in the sense of any big scale military action, but the seriousness is the incursion into our territory by Pakistan, and naturally the Government of India will take necessary action in the matter.
Letter from Foreign Secretary S. Dutt to Chief Minister of Punjab Pratap Singh Kairon.

New Delhi, March 22, 1956.

My dear Chief Minister,

The Prime Minister has asked me to send you copies of a message received from the Prime Minister of Pakistan and his reply*. I also reproduce below extract from a minute which he has recorded on March 21, 1956.

"We should inform (1) our Army authorities and (2) the Punjab Government and, through them, their police, that the Pakistan Prime Minister has suggested that we must stop a recurrence of border clashes. We have agreed, and we are likely to begin demarcation of the border through the Surveyors-General of the two countries. Meanwhile, we want to lay special stress that every effort should be made to avoid border clashes. Naturally, if we are attacked, we have to defend, but we on our part should function defensively only and not take the initiative anywhere on the border."

Yours sincerely

( S. Dutt )
Foreign Secretary

Sardar Pratap Singh Kairon,
Chief Minister of the Punjab,
Chandigarh

* Not available
Consideration of the India - Pakistan Border situation by the Indian Cabinet.

New Delhi, April 7, 1956.

Case No. 64/15/56.

Meeting of the Cabinet held on Saturday, the 7th April, 1956 at 11.30 a.m.
Indo-Pakistan Relations.

PRESENT
Shri Jawaharlal Nehru, Prime Minister.
Maulana Abul Kalam Azad, Minister of Education and Natural Resources & Scientific Research.
Shri Govind Ballabh Pant, Minister of Home Affairs.
Shri Jagjivan Ram, Minister of Communication.
Rajkumari Amrit Kaur, Minister of Health.
Shri C.D. Deshmukh, Minister of Finance.
Dr. Kailas Nath Katju, Minister of Defence.
Shri T.T. Krishnamachari, Minister of Commerce & Industry and Iron & Steel.
Shri C.C. Biswas, Minister of Law & Minority Affairs.
Shri Lal Bahadur Shastri, Minister of Railways & Transport.
Sardar Swaran Singh, Minister of Works, Housing & Supply.
Shri Ajit Prasad Jain, Minister of Food & Agriculture.
Shri Khandubhai K. Desai, Minister of Labour.

ALSO PRESENT
Shri K.C. Neogy, Member (Industries), Planning Commission.

Secretariat
Shri Y.N. Sukthankar.
Shri P.A. Gopalkrishnan.

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The Prime Minister referred to Indo-Pakistan situation, as it had developed in recent months, with particular reference to the meeting of SEATO Powers at Karachi, the border raids from West Pakistan and the exodus from East Pakistan, and stressed the desirability of avoiding any statements likely to aggravate the situation or mislead the people in India about the course of action contemplated by the Government.

2. With regard to the border disputes, the Prime Minister informed the Cabinet that the Government had approached the Pakistan Government with a proposal to send a survey team with a view to hold preliminary talks with their counterparts in Delhi. The best way of settling these disputes was for the two survey teams to visit the border areas and demarcate the boundary, putting up boundary marks to indicate the border where agreement was reached, and report those cases in which no agreement could be arrived at to the respective Governments. The Prime Minister was of the view that, generally speaking, the Radcliffe Award should be adhered to, except where it could be altered by consent of the two Governments.

3. As regards the exodus of people from East Pakistan, the Prime Minister referred to a suggestion made to him about the visit of a few non-officials of East Pakistan, now resident in India, to contact the East Bengal Ministry and the local leaders with a view to finding out ways and means of stopping the exodus. Such visits, he thought, might produce some good results, although these should not be exaggerated. Even to-day there were a certain number of people in East Bengal and some in West Pakistan who had political affiliations with Congress workers in the old days and nothing should be done to antagonize these elements among the political workers, or the general public in Pakistan.

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2921. **Joint Standing Order for the guidance of Officers and Jawans of Pakistan Border Police and those of the Punjab Armed Police.**

April 13/15, 1956.

Pakistan and Indian Border Police forces are meant for maintenance of peace and order at the border of the two countries so that people living there may peaceably pursue their daily avocations of life. Officers and Jawans of the two forces shall act intelligently and sagaciously in the discharge of their duty and shall not indulge in any activity likely to endanger peace at the border.

2(a). For maintaining permanent peace at the border it is most essential that Picket Commanders on either side should honestly guard their respective borders and in case of their transfers should give correct charge of their beats to their successors. Whenever Picket Commander of any Pakistani or Indian Picket is transferred, his successor shall be given charge in the presence of Picket Commander, Sector Commander or Platoon Commander of the opposite Picket of the other country so that the transferred officer may not give his successor wrong charge which may prove a source of trouble later. Picket, Sector and Platoon Commanders of both sides shall sign a duplicate certificate, one copy of which shall remain with the Picket Commander of each side.

2(b) The Pakistan and Indian Border Police shall maintain peace and order at the border by means of patrolling and shall ensure integrity of their respective territories by maintaining *status-quo*. Care shall be taken not to trespass into each other's territory while patrolling along the border.

3. Trenches shall not be dug out within 400 yards of the Border. Should any such trenches be found, officers of the two forces deputed for the purpose shall have them destroyed lest there should be disturbance of the peace.

4. The patrol parties of the border police forces of each country shall carry with them white furled flags so that in the event of apprehension of dispute over any pathway, possession of land, or any other matter, the flags may be immediately unfurled and the need for firing or stand-off obviated. They shall then report the matter to their respective Picket Commanders. Under no circumstances recourse shall be had to the use of force before the arrival of the Picket Commanders.

5. A white flag shall be kept at every post. In case of any dispute, Picket Commanders of both sides shall immediately reach the spot with their white
flags and shall pitch the same there. After jointly settling the matter in dispute
they shall send intimation to their senior officers.

6. If it becomes necessary to settle any dispute at night, two green cartridges
shall be fired from Very Light pistol. Two cartridges shall be fired at an interval
of one minute. If there is no Vary Light pistol two green Matabis (fire-works)
shall be fired. This process shall be repeated at the opposite picket. Matters
likely to create misunderstanding should be strictly avoided at night so that
need for holding any meeting or deciding any matter at night may not arise.

7. In case the Picket Commanders are unable to mutually settle the dispute,
they shall immediately inform their senior officers (e.g. DSP's and Inspectors)
so that the latter may immediately reach the spot and settle the matter.

8. If even DSP's are unable to settle the dispute they shall send immediate
intimation to their Asstt. Commandants so that the latter may immediately reach
the spot and settle the matter.

9. In case the Assistant Commandants, also fail to settle the dispute,
Commandants of both sides shall reach the spot without delay, settle the matter
and inform the D.Is’ G. Border Police who shall pass appropriate orders.

10. The minutes of every meeting shall be recorded at the spot and Gazetted
Officers of both sides shall sign the same. They shall send a joint report to their
respective senior officers, irrespective of the fact whether they agree or differ
on any matter.

11. The problem of riverian tracts at the Indo-Pak Border is a constant head-
ache to both the countries and is under consideration of the Central Government
of the two countries. For immediate prevention of border disputes regarding
these tracts, it is necessary to maintain status quo and keep present possession
undisturbed. In future if, due to the change of course of any river, a piece of land
of one country goes to the other side of the river, residents of the other country
or its armed force shall not occupy the land in question. In such cases, immediate
intimation shall be sent to both the Inspector General’s of Police who will
immediately arrange a meeting, settle the matter, inform their respective
Governments and take requisite steps for maintenance of peace at the Border.

12. Loud-speakers shall not be used within one mile of either border. In case
it becomes necessary to use loud-speaker in connection with marriage or other
social function, no speech etc., likely to injure the feelings of inhabitants of the
border, shall be made through it.

13. The patrol parties of the two countries shall behave politely while passing
near or addressing each other and shall refrain from any act likely to injure the feelings of the opposite party.

14. If any resident of the border or any member of the Border Police, by mistake, enters the border of the other country, the Picket Commander of the latter country shall, after satisfying himself, arrange for his immediate return. The same procedure shall apply to cattle straying into the border of the other country.

15. Strict vigilance shall be kept over thieves and cattle lifters on either sides of the border and necessary preventive measures shall be taken against them. Both the Border Police Forces shall show the tracks of thieves, cattle-lifters and cattle to each other and each force shall, after tracing out the tracks, inform the concerned District Police. The Border Police shall preserve the tracks till the arrival of the District Police. This will facilitate the tracing out of culprits, recovery of stolen property and cattle and their return at monthly meetings.

16. Prevention of smuggling is also among the main duties of the Border Police. At monthly meetings, it shall be the duty of the officers of the Border & Distt. Police of the two countries to exchange useful information about smugglers with a view to preventing this anti social evil. On receipt of authentic information in this connection, surprise *Nakabandies* (blockades) shall be held on both sides of the border.

17. It shall be the duty of officers and their subordinates working on either side of the Border to promote feelings of love and sympathy among the inhabitants of the two countries and to restrain them from indulging in any activity which is likely to stand in the way of happy relations. Tact & intelligence are required for carrying out this duty.

18. In future D.I.G's & Commandants of the Border Police shall twice a year address meetings of Gazetted Officers and Picket Commanders with a view to maintaining normal conditions and friendly relations at the border and preventing disturbance of happy atmosphere by incompetent employees.

19. Inspector General of Police, West Pakistan & Inspector General of Police, Punjab (India) have again emphasised that peace and order should be maintained at the border and every effort should be made to avoid border skirmishes. Only in peaceful conditions residents of the border can pursue their daily avocations of life without fear. It is the most important duty of the Border Police to work honestly and diligently for achieving this great object. Any officer or man who works against this object or is responsible for creating trouble shall be severely dealt with.
20. This order shall be neatly copied out and hung to each Picket. It shall be
the duty of the Picket Commander to read it out to the Jawans at parade on
every Monday and to record an entry in the Daily Diary in this connection.

Sd/- Mohd. Farid Khan, Sd/- Ram Singh
DIG/BP/West Pakistan Dy. Inspector General of Police
Lahore, 13.4.56 Punjab Armed Police
15.4.56

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2922. Message of Prime Minister Jawaharlal Nehru sent through
the Indian High Commissioner in Karachi to Pakistan
Prime Minister Chaudhuri Mohamad Ali.

New Delhi, April 16, 1956.

Thank you for your message sent to me through your High Commissioner on 8th
April. I was on tour then and saw your message on my return to Delhi some
days later. I have also since learnt about the results of discussions at the
Surveyors-General's meeting on the 11th April.

2. The Surveyors-General's meeting has settled the general procedure, and
we accept this. Each side will now take necessary preparatory action to start
actual demarcation after the monsoon season from 1st October.

3. I do not understand why the Surveyors-General asked for fresh instructions
regarding the Firozpur District - Bahawalpur State boundary. We have agreed to
demarcate the entire West Pakistan-India boundary. As however we have been
asked, I hope you will agree that they should be told that demarcation of the
Bahawalpur State-Firozpur District boundary is included in their terms of reference.
There should be no difficulty in this demarcation as the Surveyors-General and
the local Revenue officials will be familiar with previous maps and records of
demarcation of the Bahawalpur State boundary.

4. We have instructed our Surveyor-General that he should, in consultation
with the Government of Punjab (India), work out details of assistance required
from Revenue and other Departments to deal with demarcation work, and we
have also requested the Punjab (India) Government to deal with provision of
staff for demarcation of boundary as a priority matter. I hope your Government
2923. Letter from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.


Ministry of Foreign Affairs & Commonwealth Relations
Karachi


My dear Mishra,

Kindly refer to your letter No. F.60(7)/55-Genl/9748, dated December 8, 1955, regarding the restoration of the Hussainiwala rail link. You have stated that the extract from para. 10 of the Radcliffe Award, quoted in my previous letter, relates to the question of the distribution of canal waters and not to the boundary actually delineated in it. This view is obviously incorrect. Sir Cyril Radcliffe has clearly stated in para 10 of the Award that he finds it difficult to envisage a satisfactory
demarcation of the boundary at this point that is not accompanied by some arrangement for joint control of the intake of the different canals dependent on these Headworks. It follows therefore that the demarcation of the boundary line in the area covering the Ferozpur Headworks must be accompanied by a joint control of the intake of water. As no system of joint control has yet been evolved by the two countries, the boundary line at this point has not been defined and consequently not demarcated so far.

2. We are surprised at the statement in para 3 of your letter under reference that Pakistan has made encroachment on the Indian territory across the Ferozpur Bridge after the Key-Thimaya agreement. The correct position is that Pakistan has made no encroachment whatsoever on any territory which was not in her possession immediately after the partition. Such a charge could be levelled only if we had crossed the weir and occupied territory on the other side of the Sutlej. Under the Key-Thimaya agreement to which you have referred, the river was to be taken as the boundary line for all practical purposes till actual demarcation had taken place. Judged by this agreement itself, it is your Government who have made encroachments and are thus in illegal occupation of the territory on the Pakistan side of the river, in clear violation of not only the Key-Thimaya agreement but also of the Financial Comissioners' agreement of April 1950 which provides for the maintenance of status quo pending the actual demarcation of the boundary.

3. We are also surprised at your statement that the strip of 40 yards of the railway track between the Joint Check Post at Hussainiwala and the western end of the wair has been in the possession of India. Had this been the case, there would have been no difficulty for India, in getting the rail track in question cleared by their own labour. In this connection a reference is invited to para.2 of Mr. Thadani's letter No. F.80(7)/55-Genl, dated July 25, 1955 wherein we were requested to allow Indian Railway officials to repair and maintain the disputed track, which means by implication that Pakistan and not India is in possession of it. The fact is that the Railway tract is separated from the main road by a railing and has been in the possession of Pakistan ever since partition.

4. In the circumstances we regret that we cannot accept India's right to repair and maintain the rail track in question, even jointly with the Pakistan labour.

Yours sincerely

Sd. R.S. Chhtari

B.C. Mishra, Esq. I.F.S.
Third Secretary
High Commission for India in Pakistan,
Karachi.

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2924. Letter from the Pakistan High Commissioner in New Delhi Ghazanfar Ali Khan forwarding a message from Pakistan Prime Minister to Prime Minister Jawaharlal Nehru.

New Delhi, June 6, 1956.
Office of the High Commissioner for Pakistan in India
New Delhi

6th June, 1956

My dear Prime Minister

I am desired by the Prime Minister of Pakistan to convey the following message to you:

2. Begins.

I thank you for your message conveyed to me through your High Commissioner on April 17th and regret the delay in replying to it. I am glad that the Surveyors-General's Meeting at Delhi concluded successfully and that a general procedure for demarcation has been amicably worked out. We have instructed our Surveyor-General that he should finalize details of assistance required by him from the Revenue and other departments of the Government of West Pakistan and have also requested that, Government to give top priority to this matter.

3. The reason why the Surveyors-General have asked for fresh instructions regarding Ferozepore District-Bhawalpur Division boundary is that they were initially asked to proceed with the demarcation of boundary between two Punjab's only, i.e. the Indo-Pakistan boundary between Punjab (I) and former Punjab (P) to which the Radcliffe Award applies and about which agreements was reached in meetings of the Steering Committee held in March 1955. As we have agreed to the demarcation of the entire boundary between West Pakistan and India, we shall issue instruction to include in the demarcation the Ferozepore District - Bhawalpur Division's boundary.

4. My reference to the Steering Committee's decision dealing with differences which may arise in the course of demarcation is not at variance with your proposal contained in paragraph 10 of your letter dated March 21 which I had accepted in paragraph 5 of my letter of March 29. The Steering Committee decision which envisages an Indo-Pakistan Conference to resolve unsettled boundary disputes does not preclude settlement where possible at Governmental level. But where these matters fail to get resolved at that level and the dispute is in connection with the interpretation of the Radcliffe Award, it should under the decision of the Steering Committee be referred to an impartial tribunal, whose award will be
binding on both the Government. I am glad to note that this course of action is acceptable to you.

5. Regarding Chhad Bet, I am still unable to agree with you and would again urge you to agree to the restoration of the status quo which existed prior to the incidents that took place in that area. When I said that I did not wish to rake up the past, I only meant that it was not my desire to enter into an argument over the apportionment of blame. I have not suggested or implied that the party which has forcibly occupied the Bet should retain its possession. I have no doubt that our note of April the 9th, on the subject, will substantiate our claim that Chhad Bet is in fact part of Nagarparkar Taluqa in the Tharparkar district of the Hyderabad Division and therefore, belongs to Pakistan. *Ends.*

Yours sincerely,

Sd/- Ghazanfar Ali Khan

The Ho’ble Pandit Jawaharlal Nehru,
Prime Minister of India,
New Delhi.

2925. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Mohamad Ali.

New Delhi, June 10, 1956.

My dear Prime Minister,

Thank you for your message conveyed through your High Commissioner on 6 June in reply to my message conveyed by our High Commissioner on 17th April.

I am glad to learn that you are issuing instructions to include the demarcation of the Ferozepur District - Bahawalpur State boundary in the demarcation work that the Surveyors-General will be undertaking along the Punjab (I) and former Punjab (P) boundary from 1st October. We are informing our Surveyor-General of this decision.

As you state, I have agreed, in paragraph 5 of my message sent to you through our High Commissioner on 17th April, to consider the reference of any disputes that may remain unresolved, so far as the interpretation of the Radcliffe Award is concerned, to an impartial tribunal in terms of the Steering Committee’s
decision. I hope, however, that with goodwill on both sides points of dispute will be settled in a simpler way by discussions at governmental level.

I am surprised that in para 5 of your message you have again raised the question of the restoration of status quo in the case of Chhad Bet. We have since examined Pakistan Government's note of April 9 on the subject of Chhad Bet and a full reply to this note is being sent through our High Commissioner in Karachi. Our previous communications on the subject and the latest reply to Pakistan Government's note of 9th April establish beyond dispute that Chhad Bet has always been Indian territory, that there has been no border dispute of any kind in relation to it and that the incident which occurred in February was a clear violation of our border by Pakistani forces. This violation has been terminated by the withdrawal of the Pakistani forces and status quo has been restored. I am enclosing herewith a copy of my Government's reply to Pakistan Government's note of 9th April which fully explains the position. I would, in this connection, repeat the suggestion in the concluding portion of paragraph 7 of my last message to you "that, as stated by you, we do not argue about the past but look to the future and concentrate on completing demarcation of the frontier as expeditiously as possible".

Yours sincerely

Jawaharlal Nehru

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2926. Note from Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, July 27, 1956.

Office of the High Commissioner for Pakistan in India
New Delhi

NO. 62(21)P/54

27th July, 1956

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs and has the honour to state that the Government of Pakistan have received reports to the effect that the Indian authorities are again extending the left flank Bund on the river Ravi downstream of Jassar bridge. The present extension has an incline of about 30 degrees, which will take it into the midstream of the river. The Indian authorities are reported to have completed about 150 feet of the embankment and considerable labour
and transport have been employed on the construction work. Stone is being dumped into the river at the nose of the Bund, a fact which indicates that the Indian authorities intend to extend the Bund further into the river. This work may have the effect of diverting the mainstream towards Pakistan.

In this connection, the Deputy Commissioner, Sialkot contacted the Deputy Commissioner of Gurdaspur on the telephone on the 19th May, 1956 to find out the object of the extension of this Bund, in accordance with the Agreement of the 19th May, 1954 between the Commissioner of Lahore Division and the Commissioner of Ambala and Jullundur Divisions. The Deputy Commissioner of Gurdaspur, however, not only failed to explain the object of the extension but also evaded a meeting between the Executive Engineers of the two sides, as suggested by the Deputy Commissioner of Sialkot. The Government of Pakistan feel that this non-cooperative attitude of the Deputy Commissioner, Gurdaspur, was in clear contravention of the provisions of the Agreement of the 19th May, 1954, and this officer seems to have acted with the intention of evading the issue till the construction of the Bund was completed.

The High Commission would like to point out that the entire Jassar bridge and a tract of land adjoining it away from the Pakistan side of the border is Pakistan territory, and the Indian authorities are in wrongful possession of this area. No construction should, therefore, be undertaken in this area until the whole question of the boundary is finally settled.

It is unfortunate that, notwithstanding the disputed nature of the boundary and its proposed demarcation in the near future, the Indian authorities have attempted to disturb the status quo by undertaking these constructions. The Ministry will perhaps recall that the Government of Pakistan had protested against construction in this area by the Indian authorities. This protest was conveyed to the Ministry in the High Commission’s note No. F.82(21)P/54, dated the 20th July, 1954. The Government of Pakistan are constrained to protest once more against this unauthorised and unwarranted construction by the Indian authorities on Pakistan territory which is wrongfully in their possession, without prior consultation with the Pakistan authorities and in contravention of a solemn agreement. The High Commission has been instructed to request the Government of India that they may kindly take immediate steps to stop further extension of the bund, which is likely to divert the mainstream of the river towards Pakistan and to flood the villages on the Pakistan side. The action taken by the Government of India may kindly be intimated to the High Commission, as early as possible, for communication to the Government's Pakistan.
The High Commission avails itself of this opportunity to renew to the Ministry of External Affairs the assurance of its highest consideration.

The Ministry of External Affairs  
Government of India  
New Delhi.

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2927. Note from Ministry of External Affairs to Pakistan High Commission in India.  

New Delhi, August 4, 1956.  
No.F.4(41)-Pak.III/95.  

August 4, 1956

The Ministry of External Affairs present their compliments to the High Commission of Pakistan and with reference to the High Commission's Note No.F.62(19)P/54 dated the 6th October, 1955, have the honour to state that the Government of India are unable to agree that the Pakistan Ministry of Foreign Affairs, and Commonwealth Relations Note No.1(1)-3/4/54, dated the 30th July, 1954 to the High Commission of India in Pakistan gives the correct position. The arguments given in that note have already been refuted in this Ministry's Note No. P.III/54/1936/2 dated the 28th October, 1954 addressed to the High Commission and facts given to establish that Pakistan forces had engaged in aggressive activity and illegally occupied Indian territory in the Ferozepur District across the Sulaimanke Headworks.

2. The High Commission has stated that Pakistan's pickets are posted across the Sulaimanke weir in the Ferozepur District and that this area has been in Pakistan's possession since Partition. The Government of India are surprised at this statement of the High Commission. After Partition, Pakistan came to hold a very small area on the Indian side of the Sulaimanke weir. But thereafter Pakistan made deliberate attempts, in violation of the status quo, to encroach upon Indian territory. It was because of this that it became necessary to arrange a meeting on

* On October 3, the Pakistan High Commission wrote to the Ministry of External Affairs suggesting that while it was waiting a reply to its communication of July 27, 1956, the Indian authorities were going ahead with the construction of the Bund and desired immediate instructions to be issued to the local authorities to stop further work on the Bund.
the 15th September 1949 between the Commissioner, Julludur Division and the Financial Commissioner, West Punjab, accompanied by the military representatives of the two countries. Even after the agreement arrived at in this meeting, Pakistan forces made further encroachments on Indian territory by advancing their pickets. There is a clear admission by Pakistan Government in their Note No.1(1)3/4/54, dated the 30th July, 1954 of their having made encroachments though Pakistan Government sought to justify these encroachment, not on the ground of possession since partition but on certain other irrelevant arguments. The claim of possession of the area in question since partition is absolutely baseless and totally contrary to facts and the Government of India must reject this unwarranted claim.

3. The High Commission has referred to the status quo being respected. The Government of India would like to state once again in this connection that the status quo can only be the position frozen by the Sulaimanke Agreement of 1949. The Government of India have respected the position established by this Agreement and it is the Government of Pakistan that have disturbed that position. The Government of India note with regret that the Government of Pakistan still refuse to withdraw their armed forces from the area encroached upon and thus maintain a point of friction and conflict.

4. The Government of India are also surprised at the allegations made by the Government of Pakistan that all efforts made by them to settle the dispute have failed due to the unreasonable attitude adopted by the Government of India in this behalf. The Government of India are unable to agree that the Government of Pakistan have adopted peaceful means in this matter. The successive Pakistani violations of Indian territory in flagrant violation of the Sulaimanke Agreement clearly show the consistent aggressiveness of the Pakistan authorities. The Government of India have protested against these violations and asked for restoration of the status quo established by the Sulaimanke Agreement and it would be a travesty of facts to describe this as an unreasonable attitude. As regards the question of arbitration, the High Commission has itself referred to the agreement reached at the meeting of the Indo-Pakistan Steering Committee held on the 11th and 12th March, 1955 and the Government of India would invite the attention of the High Commission to the following decision of the Steering Committees :-

"All unsettled boundary disputes should be reviewed at an Indo-Pakistan Conference with a view to reaching a settlement. Any disputes involving interpretation of the Radcliffe Award, which may still remain unresolved, should be referred to an impartial tribunal (not the Bagge Tribunal) consisting of one Indian Judge, one Pakistani Judge and one Independent Chairman jointly agreed upon by the two Governments, for their adjudication and final settlement."
The Government of India, therefore, consider the High Commission's insinuation, that settlement of the dispute by reference to arbitration has failed because of the attitude of the Government of India, as entirely misconceived.

5. As regards para 2 of the High Commission's note relating to the dispute about the Ferozepur Headworks, a reply to D.O. letter No.1(1).3(11)/55, dated the 8th September 1955 from Mr. R.S. Chhatari of the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan to Shri B.C. Mishra, Third Secretary, Indian High Commission in Pakistan was sent under Shri Mishra's D.O. letter No.80(7)/55-Genl/9748, dated the 8th December, 1955. Since then a further communication in that connection has recently been received from the Government of Pakistan vide Mr. R.S. Chhatari's D.O. letter No.F.1(1).3/11/55, dated the 3rd/4th May, 1956 and is under examination. A reply to that communication would be sent shortly.

6. The Ministry of External Affairs take this opportunity to renew to the High Commission of Pakistan the assurances of their highest consideration.

The High Commission of Pakistan,
New Delhi.

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2928. Note from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.

Karachi, October 19, 1956

No.F.80(7)/55-Genl. Dated 19th October, 1956

The High Commission of India presents its compliments to the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, and with reference to the correspondence resting with d.o. letter No. I(I)3/11/55, dated the 3/4the May, 1956 from Mr. R.S. Chhatari of the Ministry to Mr. B.C. Mishra of the High Commission, has the honour to state that the contention of the Pakistan Government that the boundary line in the area around the Ferozepur Headworks has not been defined by the Radcliffe Award, as no system of joint control of the intake of the different canals dependent on those headworks has been evolved, is totally misconceived and in direct contradiction of the detailed boundary award made by Sir Cyril Radcliffe.

2. Sir Cyril Radcliffe in his boundary Award recognised that the task of
delimiting the boundary in the Punjab was a difficult one and was complicated "by the existence of canal system, so vital to the life of the Punjab but developed only under the conception of a single administration and of systems of road and rail communication, which have been planned in the same way". It is for this reason that he commented in paragraph 11 of the Award that "I think it only right to express the hope that, where the drawing of a boundary line cannot avoid disrupting such unitary services as canal irrigation, railways and electric power transmission, a solution may be found by agreement between the two States for some joint control of what has hitherto been a valuable common service." Sir Cyril Radcliffe, however, considered all the complications and difficulties and made his Award. This has been stated clearly in paragraph 9 of the Award in the following terms :-

"After weighing to the best of my ability such other factors as appear to me relevant as affecting the fundamental basis of contiguous majority areas, I have come to the decision set out in the Schedule which becomes the Award of the Commission."

The boundary as defined by him in the Award is thus final and binding, both on the Government of Pakistan and the Government of India.

The hope expressed by Sir Cyril Radcliffe that the difficulty created by the disruption of the valuable common services by the drawing of this boundary line may be solved by agreement between the two States on some form of joint control, could not, in any way, involve physical control of any territory in violation of the boundary line laid down in the Award. It could only be some sort of agreed political arrangement for regulation of the services. The two Governments have already entered into ad hoc transitional agreements for the regulation of supply of canal water to Pakistan from the Ferozepore Headworks and the general question of distribution of water of the rivers of the Indus basin is under negotiation under the aegis of the World Bank.

The boundary in the area of the Ferozepore Headworks has been clearly delimited by the Radcliffe Award and the Government of Pakistan has already admitted that there is no boundary dispute in respect of this area vide paragraph 4 of the letter No.F.62(6)P/50-3101 dated the 27th October, 1950 from the High Commission of Pakistan, New Delhi, to the Ministry of External Affairs, Government of India.

3. The statement made in paragraph 2 of Mr. Chhatari's d.o. letter referred to above that the Government of India have made encroachments on and are in illegal occupation of territory on the Pakistan side of the river in the area of Ferozepore Headworks in violation of not only the key-Thimayya Agreement but also of the Financial Commissioners' Agreement of April 1950, is incorrect. The
Pakistan Government are well aware that according to the Key-Thimayya Agreement the rivers were to be treated as working boundaries except in the cases of the bridged area of Ferozepore Headworks and the Suleimanki Headworks. It was because of this that the Pakistan Government was allowed to establish a post on the Indian side of the Suleimanki Headworks and India allowed to establish a post on the Pakistan side of the Ferozepore Headworks. If the Pakistan Government's contention were true then they could not have had a post on the Indian side of the Sulemanki Headworks. The correct position is as follows:-

According to the Key-Thimayya Agreement, India established a post on the Pakistan side of the Ferozepore Headworks and began to exercise control over the Indian territory across the river up to the awarded border which is clearly established by river unchallengeable fact that the Punjab Irrigation authorities maintained the lower reach of the Right Marginal Bund and used for that purpose the portion of the Ferozepore - Kasur Road in the Indian area, up to June 1948. The status quo that came into existence immediately after partition according to the Key-Thimayya agreement was that the Indian territory across the Ferozepore Headworks up to the awarded border, was recognized to be in India's control. The Pakistan authorities violated the status quo by first establishing a check post on the right bank of the Dipalpur canal early in 1948 instead of placing it at the awarded border. Thereafter the unauthorised encroachment upon Indian territory was extended to the area situated between the right bank of the Dipalpur canal and the Right Marginal Bund, including about 1 1/4 mile long portion of the Ferozepore-Kasur Road and rail tracks. Subsequently in March 1952 Pakistani forces made an attempt at forcible occupation of Gatti Kamalewala, which belongs to India and a portion of it is still in Pakistan's illegal possession. Again in October, 1953 Pakistan forces made an unauthorised encroachment on the left bank of the Dipalpur canal from RD 960 to RD 3800 and subsequently widened the area of encroachment between the left bank of the canal and the awarded border.

The Government of India are therefore constrained to state that the occupation by Pakistan of Indian territory across the river in the vicinity of the Ferozepore Headworks is definitely illegal and has been continued in flagrant violation of the status quo arrangements arrived at in the Kye-Thimayya Agreement and the agreement between the Financial Commissioners of the two Punjabs arrived at in April 1950.
4. With reference to paragraph 3 of the d.o. letter referred to above, the High Commission wishes to point out that the Government of Pakistan have misunderstood the contents of paragraph 2 of d.o. letter No.F.80(7)/55-Genl, dated the 25th July, 1955 from Mr. A.B. Thadani of the High Commission to Mr. K.M. Kaiser of the Ministry. The suggestion that the Indian Railway officers should be allowed to repair and maintain the rail track refers to the track about 1 1/4 miles long in Indian territory at present in the illegal occupation of Pakistan and not to the 40 yards of the railway track which lies in the area in possession of the Government of India.

The High Commission of India take the opportunity to renew to the Ministry of Foreign Affairs and Commonwealth Relations the assurances of its highest considerations.

Ministry of Foreign Affairs & Commonwealth Relations
Karachi

2929. Note from Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, November 6, 1956.

No.62(21)P/54. 6th November, 1956

Office of the High Commissioner for Pakistan In India
New Delhi

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs and with reference to the Ministry's Note No. F.4(5)P.III/56, dated the 4th October, 1956, regarding the construction of a bund in Pakistan territory by the Indian authorities downstream from Jassar Bridge on the river Ravi, has the honour to state that in spite of the High Commission's repeated requests to the Government of India to stop further construction work on the bund until the question of demarcation of the boundary is settled, the Indian authorities, as reported to the Government of Pakistan, continue to dig new trenches/bunkers in the bund area. The Government of Pakistan consider that in view of the demarcation of the boundary between West Pakistan and Punjab (I), which is now in progress, no construction work on the bund should be undertaken.
While bringing this situation to the notice of the Government of India the High Commission requests the Ministry once again to instruct the authorities concerned immediately to stop further construction work on the bund until the question of demarcation of the boundary is settled.

The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs  
Government of India  
New Delhi.

2930. Note from Pakistan High Commission in India to Ministry of External Affairs.  
New Delhi, March 19, 1957.  
No.62(21)P/54  
19 March 1957

Office of the High Commissioner for Pakistan in India  
New Delhi

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs and, with reference to the correspondence resting with the Ministry’s Note No.F.4(5)-P.III/56, dated the 6th March, 1957, regarding the construction of bund down-stream from Jassar bridge on the river Ravi, has the honour to state that, in spite of the High Commission’s repeated requests to the Government of India to stop further construction work on the bund until the question of demarcation of the boundary is settled, the Indian authorities are still continuing with the construction work. It has now been reported to the Government of Pakistan that the spur on the down-stream side of the river Ravi is still being extended by Indian authorities and that the length of the spur has now been increased to about 700 feet, of which about 300 feet has already been constructed in the river bed.

The High Commission would reiterate its earlier request that further construction work on the bound may be stopped pending the demarcation of the boundary, and would be grateful if the Ministry would kindly instruct the authorities concerned accordingly.
The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs, 
Government of India, New Delhi.

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2931. Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, August 22, 1957.

No.F-4(5)P.II56. 22nd August, 1957

The Ministry of External Affairs present their compliments to the High Commission of Pakistan in India and with reference to the correspondence resting with the High Commission's Note No.62(21)P/54, dated the 16th July 1957, regarding construction of works on the Ravi in the vicinity of the Dera Baba Nanak bridge, have the honour to state as follows.

The allegations made by the High Commission in its Note No.62(21)P/54, dated the 27th July, 1956 and repeated in the Note dated the 19th March 1957 that the left Guide Bund down-stream of the Dera Baba Nanak bridge was being further extended to take it into the mid-stream of the river, is not based on facts. The correct position is that during the floods of October 1955 the down-stream Right Guide Bund was completely overtopped and the portion beyond RD 330 was washed away, and deep scour was caused beyond the nose of the surviving bund. Consequently, in carrying out the repairs and restoration work, it was not possible to follow the alignment of the original bund. Some amount of deflection had to be given. But the reconstructed bund is somewhat shorter than the original bund which was 750 feet long. It would therefore be seen that the works carried out were designed to restore the previously existing works which had been washed away during the floods of 1955.

The Government of India have received information that the Pakistan authorities have further extended, during 1956, the spur on their side above the Dera Baba Nanak bridge. The Government of India are surprised that when the Pakistan Government continue to construct works on the Ravi which are liable to divert water to the Indian side and which may result in the
erosion of the left bank of the river and endanger life and property of Indian nationals, they should raise objection to Indian authorities maintaining protective works which have become necessary as a direct result of the works constructed by Pakistan authorities.

The allegations made by the High Commission that the Deputy Commissioner, Gurdaspur, when contacted on telephone by the Deputy Commissioner, Sialkot, in May 1956, failed to explain the object of the works being constructed on the Indian side, has been enquired into and found to be baseless. On the other hand, it might be pointed out with reference to the High Commission’s Note No. 62(21)P/54, dated the 22nd December, 1956, that the Deputy Commissioner, Gurdaspur, first wrote to the Deputy Commissioner Sialkot in April 1955 requesting information about the object of the works being carried out by the Pakistan authorities on the Ravi in the vicinity of Dera Baba Nanak bridge. In spite of his several reminders and the request made by the Ministry in their Note No.P.III/54/19362/2, dated the 4th October, 1955, it was not until February 1956 that the required information was given on telephone by the Deputy Commissioner, Sialkot, to the Deputy Commissioner, Gurdaspur. It would be appreciated that a little more cooperation on the part of the Deputy Commissioner, Sialkot could have been expected under the arrangements entered into by the two Governments for exchange of information about works proposed to be constructed on the Ravi.

The Ministry of External Affairs take this opportunity to renew to the High Commission the assurances of their highest consideration.

The High Commission of Pakistan in India
New Delhi.
2932. Aide Memoire from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.
Karachi, June 6, 1958.

AIDE MEMOIRE

Since the first protest note, handed over to the Pakistan High Commissioner by the Commonwealth Secretary, Ministry of External Affairs, on June 4, the Government of India have received the detailed report about the incident along Amruka Minor. It is now abundantly clear that the firing by the Pakistan border police, while a Flag meeting was going on, was an act of calculated treachery.

2. For some time past, the Pakistani border police have been attempting to alter the status quo in violation of the solemn agreement between the Prime Ministers of India and Pakistan in 1956 that the exchange of areas on the wrong side should take place on an agreed date after the entire boundary is demarcated and the incident of June 3 was the climax of a series of moves aimed at taking forcible possession of the right bank of Amruka Minor.

3. The right bank of Amruka Minor has been in Indian possession and was regularly patrolled by Indian Police parties from Dhab Sarqi bridge to Sirianwala Head. However the Pakistani border police have sought to undermine the status quo, and, since the middle of April, 1958, there is unmistakable evidence that they have been working in accordance with a premeditated design. Thus, on April 14, a Pakistani Survey Party crossed over to the Indian side but returned on being challenged by an Indian Patrol; but the Pakistani border police advanced the claim that since the right bank lay in Pakistani territory they had the right to disregard the status quo and patrol it with their own men. Subsequently, there were other occasions on which Pakistanis trespassed into territory under Indian possession and control but withdraw on being challenged. Two days before the incident, on June 1, the Indian patrol on the right bank sighted a Pakistani patrol coming along the right bank; on seeing the Indian patrol the Pakistanis dispersed and withdraw. In reply to a verbal protest from the Indian Sector Commander, the Acting Assistant Commandant, Bhawalnagar, argued, falsely, that Pakistanis had been patrolling the right bank since long but suggested a meeting between S.S.P., Ferozepur and the Commandant, Pakistan Border Police, Bhawalpur. This suggestion was accepted and the meeting was scheduled to take place on June 10 at Sirianwala Head.

4. Thus, on the evening of June 1, the position was that a meeting was to be held on June 10 to settle the matter by peaceful negotiations. The atmosphere, however, remained tense and it was agreed that a meeting between Commandants
should be held at 5 p.m. on June 5. Meanwhile, two meetings between Police officials had taken place at a lower level at both of which the Indian officers were assured that no force would be used and that there would be no interference with normal movements. Normal patrolling of the right bank was, therefore, carried out by Indian patrol party on the morning of June 3, the date on which the murderous assault was staged resulting in the death of seven Indian police personnel.

5. There had been no interference with Indian patrols on the right bank between 6.20 a.m. and 9.00 a.m. The first sign of Pakistani activity was observed at 9.00 a.m. when it was reported that some Pakistani police constables had taken up positions in the bed of the Minor and that a Pakistani Police Officer was standing on the bridge. The Indian Assistant Sub-Inspector, Bishambar Nath, accompanied by eight constables went towards the bridge and after hoisting the white Flag on the Indian side went on to the bridge, his Pakistani counterpart approached from the other side and the two began a Flag meeting of the type that takes place frequently at various levels all along the border. At that time the unsuspecting Indians could not imagine that the Flag meeting would become a death-trap. At 9.10 a.m. a Constable of the Punjab Police ascertained by a visit to the spot that the talk between the two Assistant Superintendents of Police on the bridge was still in progress and that the arrival of the Pakistani Assistant Commandant, who was to join in the discussion, was awaited. The Constable recorded these findings in the diary kept at the picket at 9.30 A.M. Soon after, the two negotiators were joined by Sub-Inspector, Sunder Singh and it seemed a normal Flag meeting was going on.

6. At about 10 A.M. a single shot was fired from the Pakistan side. This was the signal for the carefully arranged assault which resulted in the murder of seven Indian police personnel. At the sound of the shot, the Pakistani negotiator on the bridge took cover; the Indian negotiators and their Guards attempted to do likewise, but as they were dispersing they were caught by bursts of fire from Bren Guns which had already been fixed in position and directed to them. As stated above, seven Indians were murdered in this manner, the remainder, who scattered in unprotected positions at different points of the neighbouring area, were kept under Pakistani fire until the Cease-fire at 6.30 p.m. when 15 of them were taken into illegal custody by the Pakistan border police.

7. The post-mortem reports on the seven Indians who died states that the injuries were "ante-mortem and sufficient to cause death in the ordinary course of nature."

8. The Government of India consider that this incident can only be described
as cold blooded and brutal murder. Serious tension continues in the area, and there is grave danger of the situation deteriorating unless the Government of Pakistan take prompt action in terms of para 3 of the Note handed over to the Pakistan High Commission by the Commonwealth Secretary on June 3.


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2933. Letter from Pakistan Prime Minister Firoz Khan Noon to Prime Minister Jawaharlal Nehru.

Karachi, July 18, 1958.

My dear Prime Minister,

I am attaching herewith a copy of the note, which the Pakistan High Commissioner in New Delhi has been instructed to deliver to the Ministry of External Affairs in reply to the aide memoires delivered by the High Commission for India in Karachi, to the Ministry of Foreign Affairs, Pakistan.

2. The Note is based on the findings of the Commissioner, Bahawalpur and Multan Divisions, who carried out a joint enquiry into the Amruka Minor incident of June 3rd in collaboration with the Commissioner of Jullundur Division, appointed by your Government.

3. Although, both the Commissioners agreed on the issues to be enquired into yet, it is a pity that they did not reach agreed decisions and failed to submit a joint report. The Commissioner, Multan & Bahawalpur Divisions, as well as other senior officials of the Governments of Pakistan, who have enquired into the Amruka Minor incident, cannot help feeling that the ‘ex parte’ statements made by the Government of India, particularly, the very strong and categorical terms used by them immediately after the event-for instance, those contained in the aide memoires mentioned in the first paragraph of this letter—possibly made the position of the Commissioner of Jullundur Division somewhat difficult, for he could hardly have adopted a position which might have been at variance with the statements made by some of the highest authorities of his Government.

4. Although, I deeply regret that a joint report has not been made possible, I would, nonetheless, assure you that the people and the Government of Pakistan are most anxious to maintain peaceful and cordial relations with the Government and the people of India. We would, therefore, do everything possible on our side
to ensure that there is no recurrence of such incidents in future. I hope that the forthcoming meeting between the Commonwealth Secretary of the Ministry of External Affairs of India and the Foreign Secretary of the Government of Pakistan will produce fruitful results and settle all the outstanding border disputes between India and Pakistan. You can be sure of full cooperation on our side.

Kind regards

Yours sincerely

(Firoz Khan Noon)

The Honourable Pandit Jawaharlal Nehru
Prime Minister of India
New Delhi

2934. Note of Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, July 22, 1958.

No. 2(34)P/58 July 22, 1958.

Office of the High Commissioner for Pakistan in India
New Delhi

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs of the Government of India and has the honour to refer to their aide memoire dated the 5th and 7th of June 1958, delivered by the Deputy High Commissioner of India at Karachi to the Ministry of Foreign Affairs and Commonwealth Relations of the Government of Pakistan.

2. As the Ministry of External Affairs is aware, the incident at Amruka Minor on the 3rd June 1958, was jointly enquired into by the Commissioners of Bahawalpur and Multan (Pakistan), and Jullunder (India) from 9th to 11th of June. At this enquiry the aide memoire of 7th June 1958 stated the Indian case. Having given due consideration to the evidence produced before the two Commissioners and to the Report of the Commissioner, Bahawalpur and Multan Divisions, the Government of Pakistan are convinced that the Indian allegations against the Pakistan border forces are incorrect. The enquiry clearly shows that the death of seven persons of the P.A.P. (India) was due to defensive firing by the Pakistan border police in reply to fire opened on them by the Indian P.A.P.
3. The Government of India are, no doubt, aware that the nature of the boundary in this area is entirely different from that of the former Punjab (Pak) and Punjab (I) Provinces, where a new boundary had to be fixed following the division of the old Punjab Province between India and Pakistan. The Amruka Minor area has always been part of the Bahawalpur State, and the \textit{de jure} position of the boundary here was clearly defined by the Survey of India which in 1928 erected pillars along the Ferozepure - Bahawalpur boundary. The pillars are still on the site, and the demarcation in 1957 by the two Surveyors-General has only confirmed the previous boundary. Therefore the \textit{de jure} position of Pakistan territory here is that it extends some distance to the east of the right (Eastern) bank of the Amruka Minor.

4. The next point to be considered is whether it were India or Pakistan that had been in \textit{de facto} possession of the right bank of the Amruka Minor.

5. At the outset it must be admitted that since the boundary in this sector had already been defined, the \textit{de jure} status of which was undisputedly in favour of Bahawalpur State, and there has been no change in the position as a result of independence, the \textit{de facto} possession must follow the \textit{de jure} title. The Commissioner of Bahawalpur and Multan has rightly observed:

   "If any party desired to establish anything to the contrary they have a heavy responsibility to discharge as the burden of proof is heavily on them."

6. The Indian representative produced before the Enquiry three Daily Diary Reports for the week ending 11th June 1953 which claimed that three Indian Head Constables patrolled a certain area in Sirianwala Head to Sowana Post every morning. However, the words of the report do not establish that their beat was the right bank, particularly as the entries relate to a period which was a few months after the first P.A.P.(India) claim to the patrolling of the right bank of Amruka Minor had been conclusively decided in favour of Pakistan by the two Deputy Commissioners concerned. (The relevant portion of the minutes is quoted below). Nonetheless, Pakistani authorities showed the two Commissioners their Daily Diaries for 23.2.54, 28.11.57 and 26.2.56, and produced further entries as required by the Indian authorities to show that their border police have always been patrolling the right bank.

7. At the Monthly Border Meeting at Dab Sharqi on 19th November 1952, the Assistant Commandant, Border Police, Bahawalpur, proved that the Survey Boundary Pillars marked the boundary line between Bahawalnagar and Ferozepure, and he in fact showed two of these pillars to the D.S.P., Ferozepure, 94 paces apart to the East of the Amruka Minor. The D.S.P., Ferozepure at that time claimed that P.A.P. parties patrolled along the right bank as this Minor was the boundary between Bahawalnagar and Ferozepure. Subsequently this contention was
examined by the two Deputy Commissioners (Ferozepure and Bahawalnagar) on
the spot with the aid of the members of their respective revenue staff, Mussavis
and Survey pillars, etc., on 7.2.53. Their finding was:

"The boundary between India and Pakistan (Bahawalpur State) at this
place i.e. between the railway line and Amruka Minor bridge opposite
village Dab Sharqi was thus verified to be the line running along the
above mentioned pillars and this was confirmed to be the actual boundary
line. The contention of the P.A.P. (Indian Border Police) was thus found
to be erroneous."

8. It is important at this stage to underline the fact that the two Deputy
Commissioners verified the actual boundary to be the same as claimed by the
Pakistan Border Police.

9. The fact that attempts by the Indian Border Police to disturb the
\textit{de jure} and the \textit{de facto} possession of the Pakistan authorities have been unsuccessful,
will be substantiated by the report of the two D.S.P.s, Abdullah Khan (Pak) and
Roshan Lal (India), who under para 2 of the I.G.s Agreement of 1956 toured the
border areas in July 1956, and made a joint inspection of Dab Sharqi, Sirianwala
(Pak), Churiwala and Sowana (India). The material paragraph of the report states:

"No disputes about patrolling beats, paths, Khals, and the like were brought
to our notice...Picket Commanders on both sides were told.....they should
stick to their side of the border and should not allow any trees to be cut
from the actual border dividing the two countries."

This clearly proves that both the countries were in \textit{de facto} possession of their
respective territories.

10. The Commissioner of Multan and Bahawalpur has further observed that
the spot inspection on 9th June, when the Indian authorities accompanied him,
"revealed a very important factual piece of evidence, which unlike human
processes, cannot lie. During this entire length we noticed that cultivation by
Indian nationalists during the last crop was up to the line of the boundary pillars
and did not extend up to the foot of the Right Bank, except in one spot which
was brought to our notice by the Deputy Commissioner Ferozepure." Had India
been in \textit{de facto} possession of the territory under question, the cultivation would
have been continuous to the right bank in the area.

11. \textit{De facto} possession can be proved only with reference to the exercise of
user rights, such as patrolling, cultivation, cutting of trees, shrubs and reeds.
Where the party claiming possession is without the title of ownership, as is the
case with India in this sector, the burden of proof lies heavily on it. Evidence of
the villagers of Dab Sharqi was taken by the two Commissioners and these
villagers unanimously claimed that they had been exercising all these rights.
Therefore, while the Indian P.A.P. claimed occasional patrolling, and that too
not exclusively, Pakistani police and villagers exercised all the user's rights,
including constant patrolling.

12. The above facts will clearly establish that the Indian aide memoire of 7th
June is erroneous in asserting that the right bank of Amruka Minor was being
regularly patrolled by the Indian border police from Dab Sharqi to Sirianwala. A
few instances during these years of illegal and surreptitious trespass by the
Indian Border Police into Pakistan territory on the right bank of the Minor would
not constitute de facto possession. On the occasion of the incident of 3rd June
1958, however, the Indian authorities not only challenged Pakistan's right to
patrol the right bank of the Minor, but after having reinforced their position went
so far as to claim that they i.e. the Indian Border Police, had been patrolling the
right bank of the Minor and that they had been in de facto possession of it.
Having assumed this astonishing position, the Indian aide memoire of 7th June
1958, characterized as "false" the claim of the Assistant Commandant of
Pakistan Border Police that this area had been patrolled by them during the past
several years. In fact the evidence has proved that not only has the patrolling
on the right bank of Amruka Minor, but also all the usual user's rights in that
area have been exercised by Pakistan.

13. In view of the facts stated above, the agreement of 1956 between the two
Prime Ministers to the effect that exchange of areas under adverse possession
will take place on an agreed date after the demarcation of the boundary, is
irrelevant so far as the boundary of Pakistan and India on the right bank of
Amruka Minor is concerned.

14. The Indian aide memoire of 7th June 1958 seems to regard the visit of the
Survey Party in April 1958 as an attempt to disturb the status quo.

15. However, the telegram dated the 15th April 1958, produced by the Indian
representative inter alia reads as follows:

"There Manzur Ahmed Khan, Pak, Overseer told that they are surveying
Amruka Minor and claimed it their own land."

This again shows that Pakistan was in possession of this territory on this occasion
and nothing else.

16. The background of the most recent incident is as follows:-

On 14th April an Overseer of Pakistan Irrigation Department uninterruptedly
carried out the repairs to Amruka Minor from RD 1300 up to RD 9000. At
this point, he was prevented from continuing his work by Bishamber
Nath, Post Commander, P.A.P. Sowana. There upon, the Pakistan Post Commander pointed out to him the boundary pillars on the site. A.S.I. Bishambar Nath then accepted the position asserted by the Pakistan Post Commander and the work was carried up to RD 12000. After this, a few meetings between the two Inspectors of the border police took place. It was agreed that any doubts with regard to the rights of the two sides would be cleared up at the next monthly meeting, which, for one reason or the other, was postponed a number of times. However, the meeting was fixed for June 10, 1958. The situation in the Sector, in the meanwhile, became increasingly tense.

17. On 1st June 1958, the Pakistan Patrol Party was challenged by Karnail Singh, Head Constable, P.A.P. Post Sowana, who with 13 constables armed with rifles and bren guns took positions and asked the Pakistan Patrol Party to leave the right bank of the Minor. On 2nd June, several similar altercations and challenges between P.A.P (India) and Pak. Patrol Parties continued. On that evening six lorry loads of reinforcements were observed in Indian territory at each of their posts in this sector.

Meanwhile Harbans Singh, D.S.P., P.A.P. and Bashir Hussain, Assistant Commandant (Pak) met at 7 a.m. on 3rd June and confirmed that the meeting of the two Commandants was to be held at 5 p.m. on 3rd June.

18. While referring to the events on 3rd June 1956, the Indian aide memoire says that "normal patrolling of the right bank was carried out by Indian patrol party...." From the account which has been given in the preceding paragraphs, it is quite clear that the situation on the Amruka Minor had become extremely tense and highly explosive during the preceding few days. It is a misrepresentation of facts to call any patrolling in such a situation as "normal". According to the Commissioner's report:

"It must be held that the patrolling was intensified and was definitely above normal and must have been known to be likely to result in clashes, unless a no-man's-land of 75 yards on either side of the Minor was enforced as was done on a previous occasion."

19. The facts are that during the Flag meeting Pakistani officers noticed that every 20 minutes a messenger would come from the post, take A.S.I. Bishamber Nath aside, say something and withdraw. While the flag meeting was in progress, three parties of half a platoon strength each, left the Sowana post and moved to the left and right flanks and the third party came in front of the bridge and sat down in an extended line from where they could move under cover immediately.

20. All this activity was most unusual for a flag meeting. It was clear that the Indian forces were making preparations for some sort of an offensive. In these
circumstances, all that the Pakistani Border Police could do was to wait and watch.

21. Meanwhile, a Pakistan Patrol Party, under H.C. Wali Dad came across a P.A.P. Patrol Party under A.S.I. Ram Saroop between RD 6000 and RD 7000. Both the parties challenged each other. A.S.I. Ram Saroop and his party were asked to get off the right bank and walk along the boundary on the Indian side beyond the boundary pillars. A.S.I. Ram Saroop complied with the direction but, after a short distance, he and his party re-entered Pakistan territory. Here he was met by S.I. Shaukat Ali Khan in command of Pakistan Patrol Party. The latter asked A.S.I. Ram Saroop to go back to the Indian side of the border and advocated restraint and patience, since the whole matter was under consideration of the superior officers. While this conversation was going on a shot was fired from the Indian side at S.I. Shaukat Ali Khan's patrol party which was some distance up the Minor.

22. This shot surprised and interrupted the flag meeting. A.S.I. Rafique Ahmed ran towards the bank of the Minor, while 4 or 5 members of the Indian party ran for shelter of a date tree and some shrubs a few yards away. A second shot from the Indian side was fired at A.S.I. Rafique Ahmad as he was trying to scramble up the outer slope of the right bank of the Minor. Evidence shows that this shot was fired by Harbhajan Singh of the Indian party who was at a distance of some 80 yards from the flag meeting. When the Pakistan Border Police saw that one of their officers was being fired at, they fired a short volley in self defence. It was this volley which resulted in all the casualties.

23. Evidence has also revealed that the first shot was fired from a Tila (sand dune) about 300 yards within the Indian territory. Although, during the enquiry, D.I.G. (India) maintained that none of their bren gun or rifle morchas were located on the sand dune, subsequent spot inspection by both the representatives confirmed as pointed out by Commissioner, Multan and Bahawalpur Divisions that :-

"We.........and found a definite dug out for the bren gun position with foot marks also and a pitcher of water. The Sarkanda reeds have also been knotted to keep them away from interfering with the use of bren guns. A couple of paces to the north.....there was another small dug out, also sheltered by a bunch of sarkanda reeds, which must have been used as rifle morcha."

Further more, medical evidence has revealed that Daulat Ram and Harbhajan Singh received injuries from both sides. Both these injuries in each case were sufficient in themselves to have caused death instantaneously.
24. All evidence goes to prove that the firing was started by the Indian forces on
the 3rd June, in an attempt to seize Pakistan territory. The Pakistani Patrol returned
the fire in self defence after their Patrol Commander had been shot at. The enquiry
fully disproves the allegation that the firing was due to any “pre-meditated design”
or “calculated treachery.” The responsibility for the firing therefore fully rests on the
Indian police. Accordingly the Government of Pakistan rejects the Indian claim for
compensation.

25. The Government of Pakistan are further constrained to add that they
deprecate the tone and the language used in the aide memoires of 5th and 7th
June 1958. Phrases such as “barbarous, uncivilised behaviour”, “gangsterism
without parallel” are expressions not generally found in the language of diplomatic
intercourse and are not conducive to the promotion of better relations between
the two countries.

26. In conclusion, the Government of Pakistan wish to reiterate that the de
facto as well as de jure possession of Pakistan has, right from the time of the
Independence of both the countries, extended up to the boundary, pillars beyond
the right bank of the Amruka Minor. In their meeting held on the 3rd June 1958,
the Deputy Inspector General of Police (Border), West Pakistan, and the Deputy
Inspector General of Police (PAP) Jullunder, agreed, in order to lessen the
tension prevailing at that time, that the two sides should not patrol at or beyond
100 yards of their side of the Minor. The Government of Pakistan would, therefore,
request the Government of India to issue firm instructions to the P.A.P. (India)
to desist, in future, from interfering with the right of the Pakistan Border Police
to patrol up to the boundary pillars which are situated beyond the right bank of
the Amruka Minor.

The High Commission avails itself of this opportunity to renew to the Ministry
the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India, New Delhi.
Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Malik Firoz Khan Noon.

New Delhi, July 26, 1958.

My dear Prime Minister,

Thank you for your letter of the 18th July, 1958, which was delivered by your High Commissioner in New Delhi on the 22nd July.

I appreciate the assurance you have given in your letter that the people and the Government of Pakistan are most anxious to maintain peaceful and cordial relations with the Government and the people of India. Further, that you would do everything possible on your side to ensure that there is no recurrence of undesirable incidents in the future. That indeed is the only attitude that either Pakistan or India can adopt to the other country. Any other attitude would be foolish in the extreme and harmful to both. So far as we are concerned, we have stated, times without number, publicly in Parliament and elsewhere, and privately in our communications to the Pakistan Government, that we are anxious to maintain peaceful and cooperative relations with Pakistan. It is true that there are differences between our two Governments in regard to a number of matters, and that all our efforts to settle these questions peacefully have met thus far with little success. Nevertheless, I am convinced that insofar as the people of Pakistan and the people of India are concerned, there is no basic hostility between them, and the unfortunate memories of the tragic incidents which followed partition, have almost faded away. There is a natural and understandable desire in both countries to put an end to the tensions and apprehensions that unfortunately exist and embitter our relations. In spite of this, however, incidents occur. Whether these are due to encouragement from higher officers or merely to trigger-happy men on the frontier, I do not know. Whatever they may be due to, the consequences are most unfortunate. It is obvious that we cannot settle any of our problems in this way, and that indeed those problems become more difficult of solution if approached in this manner. It is absurd for either country to try to gain a few yards of territory on the border by trying to frighten the border guards or police on the other side. It is, therefore, a matter of high importance that both our Governments should issue the most stringent instructions that this kind of thing will not be tolerated and that anyone found guilty of doing this will be punished.

While I appreciate what you have written about your desire to maintain peaceful relational with India, I confess I have a feeling that the rest of your letter, dealing with the Fazilka incident, does not bear out that wish. Of the many unfortunate
incidents that have happened on our frontier, this Fazilka incident was a particularly glaring one, and I should have thought that there could be no doubt as to what happened.

I do not wish to argue this matter in this letter. Separately, we are sending a note to your Ministry of External Affairs and Commonwealth Relations, wherein this question is dealt with at some length. A copy of this note is attached to this letter also. This note gives long extracts from the report of the Commissioner, Jullundur Division, who participated in the Joint Enquiry.

I would only add here that it is not only extraordinary, but beyond human credibility, that a number of our persons should be shot down and then we should be accused of having started the firing. To my knowledge, no one has stated that anyone was injured on the Pakistan side.

I earnestly trust that you will be good enough to consider this matter more fully. I am sure that if you do so, you will find that there is truth and justice in what we have said, and that this will lead you to take the necessary action, suggested by us, in this matter.

I hope with you that the forthcoming meeting between the Secretaries will produce fruitful results. But I confess that the attitude that your Government has taken about the Fazilka incident disheartens and distresses me and diminishes the hope I have that the meeting of the Secretaries will be helpful.

I may add that we are not accusing the Pakistan Government of having ordered firing at Fazilka. This is an incident in which people at the border, according to us, misbehaved.

With kind regards

Yours sincerely

Signed/- Jawaharlal Nehru

Honourable Malik Firoz Khan Noon,
Prime Minister of Pakistan
Karachi.

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Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, July 29, 1958.


The Ministry of External Affairs present their compliments to the High Commission of Pakistan in India and have the honour to state that the Ministry have carefully examined the various points raised in the High Commission's note No.2(34)P/58, dated 22nd July, 1958. The contentions raised in the High Commission's note have, on examination, been found to have been based on entirely false premises. The Ministry, therefore, reiterate their view of the incident given in para.3 of the aide memoire handed over in New Delhi to the Pakistan High Commissioner on 23rd June, and to the Ministry of External Affairs and Commonwealth Relations, Karachi, by the Indian Deputy High Commissioner on 25th June, that "the seven members of the Indian Border Police were shot down by the Pakistan Border Police opening fire without notice when they were engaged in the usual white flag negotiations and that this cold-blooded action was the result of a calculated plan by the Pakistan Border Police who have been attempting to take forcible possession of the right bank of the Amruka Minor in violation of the Agreement of 1956 between the Prime Ministers of India and Pakistan that exchange of areas following joint demarcation was to take place on an agreed date after the entire boundary was jointly demarcated."

2. The High Commission in its note of 22nd July, has raised the following main contentions:

(i) The Agreement of 1956 between the two Prime Ministers is irrelevant because the nature of the boundary in this area is entirely different.

(ii) Pakistan was in *de facto* possession of the right bank of the Amruka Minor where this incident occurred.

(iii) The firing was started by the Indian forces on the 3rd June in an attempt to seize Pakistan territory; the Pakistani Patrol returned the fire in self-defence after their Patrol Commander had been shot at, and that the enquiry fully disproves the allegation that the firing was due to any "pre-meditated design or calculated treachery."

3. The above contentions in Pakistan High Commission's note are erroneous and based on entirely false premises as will be seen from the following:

(i) That the *de facto* position along the entire Punjab-West Pakistan boundary, including Bahawalpur, has to be maintained till the demarcation of the
entire boundary is completed and an agreed date has been fixed for the exchange of territory as a result of this demarcation has been known to and accepted by the authorities on both sides. This is clear from the relevant portion of the minutes of the meeting of the West Pakistan and the Punjab D.I.Gs of Police on 1st February, 1956, reproduced below:

"All the existing policy decisions between the Inspectors General and the two Commandants will continue to be honoured by both sides in all good faith and will now also be applicable to the Ferozepore - Bahawalpur border. It was emphasized that the two border forces will continue to stick to the de facto positions and that the status quo shall not be disturbed by operational forces at any cost."

The same position is clear from the following extracts from the messages sent by the Prime Minister of Pakistan to the Prime Minister of India in 1956:

"I should like to add here that any exchange of territory that may be necessary as a result of demarcation on the ground should, however, take place on an agreed date after the entire boundary with West Pakistan has been demarcated." (Para.2 of the message from the Pakistan Prime Minister to the Prime Minister of India, delivered by the Pakistan High Commissioner in Delhi on 8th April).

"As we have agreed to the demarcation of the entire boundary between West Pakistan and India, we shall issue instructions to include in the demarcation the Ferozepore District - Bahawalpur Divisions boundary." (Para.3 of the message from Prime Minister of Pakistan to the Prime Minister of India conveyed by the Pakistan High Commissioner in Delhi on 6th June).

It will be seen from the above that the contention of the Pakistan High Commission that "the Agreement of 1956 between the two Prime Ministers is irrelevant because the nature of the boundary in this area is entirely different", is based on entirely erroneous premises.

(ii) (a) The High Commission has, in support of its contention that "Pakistan was in de facto possession of the right bank of the Amruka Minor where this incident occurred," cited the finding on 7th February 1953, of the Deputy Commissioners of Ferozepore and Bahawalpur, but omitted to mention that it referred to an entirely different part of the boundary. The finding, as reproduced by the High Commission in para.7 of the note under reference, reads:

"The boundary between India and Pakistan (Bahawalpur State) at this place, i.e. between the railway line and Amruka Minor bridge opposite
village Dab Sharqi was thus verified to be the line running along the above mentioned pillars and this was confirmed to be the actual boundary line. The contention of the P.A.P. (Indian Border Police) was thus found to be erroneous.

The boundary under consideration was that "between the railway line and Amruka Minor bridge opposite village Dab Sharqi" and the finding has no bearing on the Indian contention that India has been in possession of the right bank of Amruka Minor between Dab Sharqi bridge and Head Sirianwala, i.e. in the Sowana area. The Sowana Bridge where this incident occurred is two miles away from the Dab Sharqi bridge and it is surprising that the High Commission should attempt to confuse the issues by citing as evidence something which is entirely irrelevant.

(b) The High Commission has referred to the report of the two D.S.Ps. Roshanlal (India) and Abdullah Khan (Pakistan) of July 10, 1956, and claimed that this report establishes de facto possession of the right bank by Pakistan. Quite apart from the fact that the extract quoted by the High Commission affords no basis for the conclusion actually drawn. It is significant that the High Commission has, in this instance also, attempted to confuse the issues by omitting the other statements made by the two negotiators in the same report, which have particular relevance in the present case. The paragraphs immediately after the one quoted by the High Commission read:

"A minor point of dispute was referred to us near Indian Picket Sowana. The Picket Commander of the opposite Pak Border Picket Serianwala had objected to the installation of barbed-wire enclosure around some fields on the Indian side of the Amruka Minor. We visited the spot and, after necessary probing into, decided that there should be no objection to the installation of the fencing as it was meant purely to protect the crop from wild animals......Similarly, Picket Commander Siriwanwali (Pak) made a mention of some objection having been raised by his counterpart, of clearing the path on the Pak side of the Amruka Minor, of shrubs etc. As obviously the path exists on the Pak side, we agreed that there should not be any objection to its being cleared of bushes where the same existed."

The words "Indian side of the Amruka Minor" and "Pakistan side of the Amruka Minor" would clearly show that the claim now made that Pakistan has exercised possession beyond the right bank of the Minor up to the de jure boundary line, is entirely untenable.

(c) In paragraph 10 of its note the High Commission has stated that if India had been in de facto possession of the territory under question "the cultivation would have been continuous to the right bank in the area." The High Commission
will no doubt agree that cultivation up to the right bank would have been possible only if the latter had been patrolled by the Indian Police and would have been impossible if the patrolling had been done by the Pakistani Police. In this connection the High Commission will recall that a meeting took place at Sulemanki on June 3rd, 1958, between the D.I.Gs. of Police. An extract from the minutes of the meeting reads:

"The above decisions will in no way effect the cultivation of the Indian nationals who are cultivating their land up to and touching the right or Eastern Bank of the Amruka Minor."

The Indian cultivators are in fact cultivating land right up to the bank and that India was, on the day of the incident, in *de facto* possession of the right bank from Dab Sharqi bridge to Sirianwala Head, is clearly established. The Commissioner, Jullundur Division, who participated in the joint enquiry, has reported that this was also noticed at the time of the inspection of the spot by the two Commissioners and stated that "the de facto position of the boundary at present is that the Indian side have been in possession of the right bank in this Sowana area since partition."

The unimpeachable evidence cited above clearly shows that the High Commission's contention that "Pakistan was in *de facto* possession of the right bank of the Amruka Minor where this incident occurred" is erroneous and based on entirely false premises.

(iii) When the two Commissioners visited the scene of the incident, the first allegation made by the Pakistani officers was that the Indians had taken position in trenches on the Indian side; when an inspection on the spot revealed that there were no trenches anywhere in the area, this line of argument was quietly dropped. It was argued at one stage that the seven Indian policemen had been killed by cross-firing from their own police post. This contention has also been modified now and it is argued that the Pakistani Police had to fire a short volley in self-defence and that this was the volley which resulted in all the casualties. Again at one stage, it was claimed that the prelude to the fatal volley was a single shot fired from the Indian side; now it is argued that there were two shots both fired by the Indians. The Ministry are constrained to state that these shifting arguments are entirely unconvincing. The Commissioner, Jullunder Division, who participated in the joint enquiry, has, after carefully weighing all the evidence produced in the joint enquiry, came to the conclusion that the first shot fired came from the Pakistan side and the seven Indian policemen were killed by the fire from the Pakistan Border Police. The Pakistan and the Indian contentions in this regard have been objectively and fairly analysed by the Commissioner, Jullundur Division in his report.
The following extract from the report of the Commissioner, Jullundur Division, will show how the contentions in paragraph 21, 22 and 23 of the High Commission's report are based on erroneous appreciation of the evidence produced before the Commissioners in the joint enquiry in this regard:

"The Indian version right from the first messages sent out from the Sowana Picket has been that when the white flag meeting was going on near the Sowana bridge (which meeting between the late A.S.I. Bishamber Nath and the Pakistan A.S.I. Siddiqui has been admitted by Saddiqi himself and by the other Pakistan Officers), the first shot was heard to come from the Pakistan side. The Pakistan officers, however, have contended that they were first fired upon by the Indians from an entrenched position on a sand dune where there was cover also, and that the fire consisted of a bren gun burst.

When we visited the spot, we enquired personally from the Pakistan and Indian officers about it. On the Indian side, it was categorically stated that there was no bren gun at all in the area in which it was alleged by the Pakistan people that there was one. The Pakistan officers, however, took us up to the top of this sand mound and there was a depression with reeds around it, which they said was an entrenched position. There was an earthen ghara (big pot) there also, which the Pakistanis said was substantial evidence of the fact, because any P.A.P. men on this job there would need water during the day. However, after examining the whole place carefully and enquiring from the local villagers, it was found that the local people were using this mound as a cremation ground, and just near this top location of alleged entrenchment, a dead body had obviously been burnt only very recently. The villagers confirmed this. I examined the ghara myself and found that it was full of filth and could not possible have been used for drinking water. There are high reeds all around this place, which would seriously obstruct the field of vision for using a bren gun. The Pakistan Officers pointed out some foot marks on this mound, but along with those were noticed the marks of goat hooves as well as goat droppings; therefore, the foot marks shown could be of herdsmen or other villagers coming to this burning place. The Indian officers categorically stated during the enquiry that when this firing started from the Pakistan side, they also put up their bren guns, but only at three positions; and they clearly indicated these positions at (1) the Picket itself (one bren gun), and (2) at strategic positions in the
village (two bren-guns). During the enquiry the P.A.P. officers were quite prepared to take both the Commissioners to the actual spots and show them where their bren guns had been located. The mound from where the Pakistanis allege that the bren gun fire of the Indians came first is quite some distance from the village, and in fact a long way from the Picket. The Pakistan Sub Inspector, Shaukat Ali, stated during the enquiry that the Indian A.S.I. Sarup Singh, with his party of ten, had met S.I. Shaukat Ali opposite this mound on the right bank of the Minor, and that the Pakistan Sub Inspector had objected to the Indian A.S.I.'s patrolling, and that while they were having the argument, the Indian side from this sand dune covered with reeds (*tilla*) opened a bren gun burst on them and so both side immediately got down from the bank. Sarup Singh, however, while admitting that he did actually meet S.I. Shaukat Ali, categorically denied that there was any burst of fire from the Indian side at that spot. The *tilla* is only about 200 yards from this meeting place between the two parties, and it is quite unbelievable that even if there had been an Indian bren gun located on this *tilla*, the Indian should have fired at this place where their own men were standing exposed while the others were mostly in the Minor bed, because the result would have been moving down their own Indian people.

Therefore, as will be seen from the discussion above, not only is it factually incorrect that there was any Indian bren gun on this *tilla*, but the firing of a burst from there, in the circumstances as alleged by Pakistan, is quite improbable and unbelievable."

It is clear from the above that the contention in the High Commission's note mentioned at (iii) of para. 2 above, is entirely erroneous and the facts of the incident are as stated in paragraph 5-7 of the aide memoire handed over by the Indian High Commission in Pakistan to the Ministry of External Affairs and Commonwealth Relations, Karachi, on 7th June, 1958.

4. The Ministry are, in the light of the above, constrained to observe that the High Commission's note, far from reflecting an objective attitude, displays a determination to defend Pakistani offenders at all costs and to white-wash their conduct. No improvement in Indo-Pakistan relations is possible if the Pakistani authorities continue to repeat baseless and ill-founded allegations against the Indian authorities and continue to condone the lapses of Pakistani local officials despite clear established facts to the contrary.

5. The Ministry sincerely hope that the High Commission will, in the interest of maintaining peace on the border and improving Indo-Pakistan relations, move
the Government of Pakistan to reconsider their attitude in what is essentially the cold-blooded killing of seven Indian policemen by their Pakistani brethren of the same profession, and to take necessary steps for the punishment of those responsible for the incident and for payment of compensation to the bereaved families of the seven Indian policemen who were shot down while they were engaged in the usual white flag negotiations with their Pakistani counterparts.

The Ministry of External Affairs avail themselves of this opportunity to renew to the High Commission of Pakistan the assurances of their highest consideration.

The High Commission of Pakistan,
New Delhi.

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2937. Minutes of the Indo-Pakistan Secretary level conference on border problems.

Karachi, August 30, 1958.

Mr. Baig opened the discussion by welcoming the Indian delegation to Karachi. He said that he must apologize as he was responsible for the postponement of the meeting by a week and he was grateful to the Commonwealth Secretary for having agreed to his suggestion readily.

Mr. Baig stated that since partition, the relations between the two countries had been constantly bedeviled by a state of border warfare and during the 11 years many brave and valuable lives had been lost. A procedure for the settlement of these disputes had been laid down by the Steering Committee. He said that we should do our best to resolve the differences and if we and the Prime Ministers cannot do it, we will have to go to the Arbitral Tribunal. He said that they had drawn up a provisional agenda. The Indian delegation could suggest changes if they so desired. He suggested that the delegations could form committees to discuss individual disputes.

Commonwealth Secretary thanked the Government of Pakistan on behalf of his colleagues and himself for the excellent arrangements for their reception and their stay in Karachi.

He said that though 11 years have passed since India and Pakistan became sovereign independent states, people are still having hazy ideas about the frontiers. We share your views that we should do our best to limit the areas of
conflict by applying not a negative or agitational approach but a positive and constructive approach to help settle the problems. He said that he was thinking of a slight re-arrangement of the agenda because it will help to come to certain arrangements and decisions. He was suggesting that we might change the order of items on the agenda slightly so that after item 1, we could go on to item 4, and after that we could take up item 2 and then items 5, 3 and 6.

Commonwealth Secretary said that during the last 10 years, local officials have discussed these disputes extensively, but Mr. Baig agreed with this as being reasonable and essential.

**Item (4):- Discussion of individual border disputes.**

As regards individual disputes, Commonwealth Secretary suggested and it was agreed that these should first be discussed in the Working Committee where the two sides could advance their viewpoints, and in case of disagreement, the points of disagreement could be taken up at the Secretary level meeting on Monday on 1st September.

Two Working Committees, - one to deal with disputes on the Western border and the other to deal with disputes on the Eastern border - were then formed and it was agreed that the Committees should meet in the afternoon.

The meeting then adjourned in a cordial atmosphere to meet again on Monday morning.

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**SECRET**

2938.

Telegram from High Commission in Karachi to Ministry of External Affairs.

Karachi, August 31, 1958.

TELEGRAM

From : Hicomind, Karachi.
To : Foreign, New Delhi.

IMMEDIATE


Prime Minister from Commonwealth Secretary
The meeting at Secretary's level began on 30th morning when Pakistan Foreign Secretary readily accepted various changes in the agenda and various suggestions made by the Indian Delegation. These included measures to be taken to avoid border incidents in future, exchange of areas to take place after entire demarcation including demarcation of disputed areas after settlement of dispute, if completed, strict maintenance of status quo pending exchange of areas and issue of detailed instructions to local authorities to maintain peace in the border regions and to Survey authorities to expedite demarcation in various ways.

2. NOON appeared to be anxious to settle these border problems before coming to Delhi so that he could during his Delhi visit talk about other matters like Canal Waters and perhaps Kashmir. NOON's colleague, Commerce Minister RASHID, who was present at his lunch also stressed the importance of settling our differences and promoting larger cooperation between India and Pakistan in economic and other spheres in the interests of the welfare of the people of the sub continent. It was obvious that their canal waters expert MOINUDDIN who appeared at a dinner where I was asked by IKRAM, an ex-Bombay ICS Officer, on Saturday and their Kashmir Affairs Secretary FARUQI who called on me, met me by design and not by accident. They did not raise either Kashmir or Canal Waters issue though they expressed a desire to see me again before I left. I merely told them that I was fully occupied with these discussions on border problems and I was happy to meet them.

3. All this points to NOON's keenness to consolidate his position in Pakistan politics by meeting the Indian Prime Minister and having talks with him.

4. During the weekend when we broke up into committees and worked on various disputes on the Eastern and Western borders the Pakistani teams were recalcitrant and obstructive and went back completely on the general understanding including immediate exchange of prisoners that BAIG had accepted in the first meeting. We have been firm with them and BAIG has now expressed a desire after an open meeting tomorrow to have private talks between just the two of us to discuss about these disputes and see what can be done. I have told him that I am at his disposal and agreed to meet him. This meeting will probably come off on the 2nd morning as BAIG is anxious to be fully briefed by his advisers before he meets me along.

5. All indications are that the bulk of the disputes will remain to be settled at the Prime Ministers' meeting though NOON's anxiety to get these out of the way may lead to Pakistan delegation changing their rigid and obstructive attitude.

◆ ◆ ◆ ◆ ◆
2939. Report of the India-Pakistan Sub-Committee on Western Borders.

Karachi, August 31, 1958.

Following the discussion at the morning session of the India-Pakistan Secretaries' Conference on August 30, 1958, and in the background of the points discussed there, Sub-Committee were asked to examine various disputes relating to the border between Pakistan and India. The following officers met to consider the West Pakistan India Border:-

**INDIA**

(1) Mr. E.N. Mangat Rai, I.C.S., Chief Secretary, Punjab (India)

(2) Sardar G.S. Kahlon, I.C.S., Financial Commissioner, Punjab (India).

(3) Mr. J.L. Malhautra, I.F.S., Under Secretary, Ministry of External Affairs, Government of India.

**PAKISTAN**

(1) Mr. I.U. Khan, C.S.P., Member I, Board of Revenue, West Pakistan

(2) Mr. A.M. Khan Leghari, C.S.P., Commissioner, Multan Division.

(3) Malik Khuds Bakhsh, P.C.S., Secretary, Revenue, Board of Revenue, West Pakistan.

2. The following agenda was agreed on -

(1) Determination of sectors for exchange of possession after demarcation of the boundary;

(2) Listing, definition and recommended solutions regarding disputes where an interpretation of the Award is involved; and

(3) Any other matters.

3. Item (1):

The following sectors are jointly recommended:-

(a) West Pakistan – Punjab (India) i.e. the whole of the boundary of Punjab (India) with West Pakistan;

(b) West Pakistan – Rajasthan; and

(c) West Pakistan – Bombay.
There was no agreement as to when exchange of territories held in adverse possession should take place. The Pakistan representatives suggested that the boundary in the various sectors should be demarcated after excluding disputed areas relating to title, and after this boundary had been demarcated the exchange of possession should take place as was clear from the fact that in the Secretaries' Conference item No. 1 and No. 4 of the Agenda were considered together and item 4 expressly related to the exchange of territories in undisputed areas where the boundary of the two countries had been jointly demarcated.

The Indian views was that the matter had to be considered in the background of the existing agreement between the Prime Ministers to the effect that physical exchange of territories should take place after the entire West Pakistan border had been demarcated. At the meeting of Secretaries on the morning of August 30, it was suggested that in order to expedite matters a recommendation to the effect that the West Pakistan boundary with India should be divided into suitable sectors, might be considered and we were asked to make recommendations on the point. It was also indicated that actual exchange of territories could only take place after a particular sector had been demarcated in its entirety, including disputed areas. In regard to such areas the view taken was that the nature of the disputes should be defined, and clearly stated; and an attempt made to resolve them, failing which they would have to be considered at higher level. In these circumstances it is not possible to agree to exchange of territory except when the entire border in the particular sector including disputed points has, in fact, been demarcated. Whether items I and 4 of the Secretaries Agenda were considered together or not, did not seem relevant, the important point being the content of the discussion in regard to the problem. Moreover Item 4 which relates to exchange of territories does not mention the exclusion of any areas.

**Item No. 2**

The following disputes were regarded as those relating to title involving the interpretation of the Radcliffe Award:

(i) Sulemanki Headworks.
(ii) Hussainiwala (Ferozepur) Headworks and area.
(iii) Chak Ladheke.
(iv) Theh Sarja Marja, Rakh Sardar Hardit Singh and Pathanke.

The Pakistan representatives contended that the dispute about the Rann of Cutch is a dispute relating to title and should be regarded as such because there is a dispute regarding the boundaries of the former province of Sind and the former Cutch State, but the Indian representatives did not agree as, according to them, the alignment of the boundary in this region is a settled fact.
4. We then went on to consider the definition of each of these disputes and possible solutions. These were discussed in detail. The following paragraphs gives the substance of the discussion. The arguments of each side on each case are not exhaustive nor has an attempt been made to necessarily meet each point raised.

(1) **Sulemanki Headworks**

The Indian representatives desired to know from Pakistan representatives what area exactly was claimed by Pakistan. The Pakistan representatives stated that their claim was that the land covered by the Headworks includes the following:

(a) The two marginal bunds according to the retired alignments as existing on 15.8.47, as well as the weir;

(b) The land situated between the bunds when their open ends are joined by a straight line;

(c) The land near the weir situated in the old Ferozepur District and originally acquired for use at the time of the construction of the Headworks and for the head reaches of the two Bhawalpur canals. This land is contiguous to but outside the left marginal bunds;

(d) the Headworks railway land from Sulemanki to Chanawala including the Railway track and the Chanawala Railway station.

It was added that this was the area which stands awarded to Pakistan under paragraph 5 of Annexure 'A' to the Radcliffe Award.

The Indian representatives claimed that the boundary in the Sulemanki Headworks area should be the boundary between the two districts of Ferozepur and Montgomery which is also the Radcliffe line. Paragraph 5 of Annexure 'A' of the Award was not attracted to the benefit of any territory adjustment in favour of Pakistan as all that paragraph required was that if the line, as drawn, did not give Pakistan the Headworks the boundary of Ferozepur District at this point should be suitably adjusted. It was, therefore, most important from the point of view of a settlement and analysis of this dispute that the nature of Pakistan's case for the Headworks as including the additional area of the Ferozepur District demanded by them should be specified. It was also pointed out that the left marginal bund particularly was required as a protective work for Indian villages, which was its primary purpose. Practical evidence of this exists in the fact that during the last eleven years it has been in the management of India and there has been no complaint from Pakistan regarding any difficulties at the Headworks resulting from this Indian management. There is, thus, no real or vital interest of Pakistan involved in the retention of the left marginal bund.
In regard to the railway line even though the cost of this may have been debited to the headworks it is quite a common practice for costs of a specific work to be debited to a major work and later, when no longer required, diverted to some other purpose. This railway line in no way now forms part of the Headworks and there was no necessary connection between effective ownership of the Headworks and the railway line.

The contentions of one side were not acceptable to the other and it was not, therefore, possible to recommend any agreed solution for the settlement of this dispute.

(ii) Hussainiwala (Ferozepur) Headworks and Area.

The Indian representatives urged for a precise definition of:

(a) The territorial claim of Pakistan in regard to this Headworks and area; and

(b) what Pakistan desired in regard to joint control of the intake of the different canals dependent on the Headworks.

The Pakistan representatives pointed out that the first step was to agree to "an arrangement for joint control of the intake of the different canals dependent on those Headworks", an envisaged by Radcliffe in Para 10 of his main Report. After this agreement had been reached, the Governments of India and Pakistan should direct their Chief Engineers (Irrigation) to put up concrete proposals for an effective joint control. It was explained that this dispute arose in respect of Gatti No.9 and the recommendations of the two Financial Commissioners are already with the Governments of India and Pakistan. According to Pakistan representatives no demarcation of the boundary was possible in this area unless an agreement about joint control was first arrived at. The Indian representatives mentioned the following points:

(1) It was a matter of concern in the background of the desire for a settlement between the two countries that no precise definition of the exact claim of Pakistan in this matter should be available even 11 years after partition.

(2) The two countries were concerned at present in getting the border demarcated as speedily as possible. As far as the Radcliffe Award demarcated this area, it was clear in its terms. The suggestion in regard to joint control of intake of canals made in Paragraph 10 of the Radcliffe Award had no bearing on territorial adjustment. In fact this position is further confirmed in paragraphs 11 and 12 of the Award where it is made clear that unitary services are not matters of demarcating a boundary but of adjustment in other ways between the two Governments. It, therefore,
did not seem correct to relate the question of joint control of intake to that of a territorial boundary the position in regard to which is clear.

(3) The Indian representatives would be willing to recommend to the Government of India for the setting up of joint arrangements regarding the intake of water into the Dipalpur Canal at the point where this canal enters Pakistan territory.

(4) Mention has been made by Pakistan of consultations between the Financial Commissioners, Punjab (I) and (P) in regard to Gatti No.9. It is pointed out that the views of the Government of India on the whole subject of the Headworks area has been conveyed subsequent to this in Indian High Commission letter No.F.80(7)/55-Genl., dated 19th October, 1956*, addressed to the Pakistan Ministry of External Affairs and Commonwealth Relations.

(5) In these circumstances the claim of India in regard to this dispute is that the boundary should be demarcated according to Annexure 'A' and 'B' of the Radcliffe Award.

The Pakistan representatives maintained that as the Government of India has not so far agreed to the principle of joint control no concrete proposals could be worked out as this task had to be done jointly by the Chief Engineers of the two Governments. In their opinion they suggested setting up of joint arrangements regarding the intake of water into the Dipalpur Canal will not provide effective control. It was not also clear as to whether this suggestion could be taken as an agreement by the Government of India for the joint control of the intake of the different canals dependent on these Headworks. In these circumstances no further progress could be made in this behalf.

The Committee, therefore, could not make any agreed recommendation in respect of this dispute either.

**Item (iii) Chak Ladheke.**

The Pakistan representatives contended that according to Annexure 'A', appended to the Award, the boundary line has to "run along the Western and Southern boundaries of village Khem Karan to its junction with village Maewala." If the Western and Southern boundary of village Khem Karan is followed up to its junction with village Maowala, Chak Ladeheke is clearly left on the Pakistan side of the boundary line. It was added that this description should prevail over the Kasur Tahsil map, which was erroneous and had been appended by Sir Cyril Radcliffe for identifying the villages mentioned in Annexure 'A' and not for any other purpose.

* Document No.2928.
The Indian representatives claimed that Chak Ladeheko, which is a Chak Kharjoe (an isolated and separate part of a revenue estate) belongs to India. In this connection it is clear that the map specially provided by Sir Cyril Radcliffe in Annexure ‘A’ itself was put in to show clearly the demarcation of the boundary line dividing the Kasur Tehsil. In this map the boundary line runs so that this Chak is included in India, and the Chak is specifically mentioned by name in the map itself, and shown within the Indian boundary. The map which is included in Annexure ‘A’ does not attract the limitation specified by Radcliffe in regard to the map at Annexure ‘B’ which he has specifically stated is only illustrative. Two similar Chak Kharjeos of the Indian villages of Daoke and Naushehra Dalla, which are isolated from the main villages are included within the Pakistan boundary and their possession could, on the analogy of Pakistan’s claim to Chak Ladehke, be claimed by India.

The Pakistan representatives pointed out that there was no comparison between the case of Chak Ladheke and that of village Daoke and Naushohra Dalla because in the case of Chak Ladheke there was a difference between the description and the map while in the case of Daoke and Naushohra Dalla the description and the map tallied in entirety.

In the circumstances it was not possible for the Sub-Committee to make any joint recommendation in respect of this dispute.

(iv) The Saraja Marja, Rakh Sardar Hardit Singh and Pathanke.

The Indian representatives claimed that these three villages belonged to India. This claim is substantiated by paragraph 11 of the Radcliffe Award which refers to small adjustments of the Lahore-Amritsar district boundary in order to mitigate some of the consequences of the severance of the irrigation system of the Upper Bari Doab Canal. The only explanation of this statement is the allotment of these three villages to India as otherwise no such small adjustment was required or has been made elsewhere. This position is also confirmed by the map at Annexure ‘B’ of the Radcliffe Award.

The Pakistan representatives pointed out that originally there was a dispute about the exchange of Jhuggian Noor Mohammad with 217 acres of Theh Sarja Marja. This was Pakistan territory in the adverse possession of India. Jhuggian Noor Mohammad, which was Indian territory, was in the adverse possession of Pakistan. The two Deputy Commissioners of Amritsar and Lahore Districts arrived at an agreement on the 20th of December, 1948, that Jhuggian Noor Mohammad should be returned to India and those 217 acres of Theh Sarja Marja should be restored to Pakistan. The Deputy Commissioner, Lahore, honoured the agreement
and handed over Jhuggian Noor Mohammad to India. The 217 acres of Theh Sarja Marja were not, however, restored to Pakistan. The Pakistan Government asked for the implementation of the Agreement between the two Deputy Commissioners and the matter was subsequently referred to the two Financial Commissioners. In their meeting the position taken up by the Financial Commissioner, Punjab (Pak) was that:

(a) If there was an agreement then 217 acres of Theh Sarja Marja should be restored to Pakistan; and

(b) If there was no agreement, Jhuggian Noor Mohammad should be given back to Pakistan which was admittedly handed over to India in 1949 by Pakistan.

It was added that it was only after the Pakistan claim had been preferred that the Government of India first raised the question of adjustment of this Pakistan area with some other area and then of title and claimed that the three villages of Theh Sarja Marja, Rakh Sardar Hardit Singh and Pathanke had been given over to India by Sir Cyril Radcliffe.

As regards India’s claim to these villages it was pointed out by Pakistan representatives that under paragraph 3 of the Radcliffe Award the whole of the Lahore Tehsil had been awarded to Pakistan and these three villages are revenue estates of the Lahore Tehsil and as such are Pakistan territory. Paragraph 11 of Radcliffe’s Report relied upon by India relates to specific adjustments made by Sir Cyril Radcliffe himself in respect of villages of the Tehsil of the Lahore District and has no relevance so far as the villages of the Lahore Tahsil are concerned.

The Indian representatives’ comments on some of the points of detail mentioned by Pakistan are:

(1) There was no agreement between the Deputy Commissioners regarding the exchange of territory at Jhuggian Noor Mohammad for that at Theh Sarja Marja. The Pakistan Government have, in spite of a long opportunity to do so, not produced any evidence with regard to the alleged agreement between the two Deputy Commissioners of Lahore and Amritsar. No documents or exchange of letters between the two officers have been produced by the Pakistan Government nor do any exist with the Indian Government. It is difficult to conceive that a decision involving exchange of territory could have been taken by District Officers, and it is impossible to believe that such an agreement should not have been reduced to writing.
(2) The argument that the Indian Government took up the claim for these three villages after Pakistan claimed 217 acres of land in Theh Sarja Marja is also factually incorrect. The Pakistan version of the Teheh Sarja Marja claim was brought to the notice of the Government of India for the first time on 11th May, 1951 by the Pakistan High Commission vide their letter No. 62(6)/51-1361 of this date addressed to the Ministry of External Affairs, Government of India, New Delhi, whereas India's claim in respect of these three villages was brought to the notice of the Government of India by the Government of Punjab on the 29th of January, 1951.

In the circumstances no agreement on this point was reached.


With regard to the remaining disputes of which the two Governments are already seized the Pakistan representatives maintained that all except that relating to Ramwal and Kahan Lewari would be resolved after the boundary has been demarcated and exchange of possession has taken place. In respect of Ramwal and Kahan Lewari the Pakistan representatives emphasized the need of the immediate implementation of the joint recommendations of the Financial Commissioners, Punjab (India) and former Punjab (Pak), which according to the then Financial Commissioner, Punjab (India) had already been accepted by the Government of India.

The Indian representatives pointed out that the disputes referred to in this paragraph, including Kahan Lewari and Ramwal, were not disputes regarding an interpretation of the Award or of title but were disputes regarding possession. They are covered by the Prime Ministers Agreement of 1956, regarding the maintenance of the status quo and the exchange of territories taking place after the boundary line has been demarcated in its entirety. This position, with particular reference to Kahan Lewari and Ramwal, has already been brought to the notice of the Pakistan Government by the Government of India. It is also to be noted that the Prime Ministers' Agreement was reached in correspondence exchanged in 1956 whereas discussions in regard to Kahan Lewari - Ramwal between the Financial Commissioners preceded this. It was also mentioned that there are similar areas of Indian territory in the possession of Pakistan.

The Pakistan representatives pointed out that the Prime Ministers' Agreement of 1956 relates to exchange of possession after demarcation and not to status quo. Moreover, the dispute about Ramwal and Kahan Lewari is the
removal of the objection of the Indian P.A.P. to the cultivation of "admittedly Pakistan territory" by Pakistan nationals.

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<td>I.U. Khan</td>
<td>Member, I, Board of Revenue, West Pakistan</td>
<td>August 31, 1958</td>
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<td>E.N. Mangat Rai</td>
<td>Chief Secretary to the Government of Punjab</td>
<td>August 31, 1958</td>
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<td>A.M. Khan Loghari</td>
<td>Commissioner, Multan Division</td>
<td>August 31, 1958</td>
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<td>G.S. Kahlon</td>
<td>Financial Commissioner, Revenue, of the Govt. of Punjab</td>
<td>August 31, 1958</td>
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<td>Khuda Bakhsh</td>
<td>Secretary, Revenue, Board of Revenue, West Pakistan</td>
<td>August 31, 1958</td>
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<td>J.L. Malhautra</td>
<td>Under Secretary to the Govt. of India, Ministry of External Affairs</td>
<td>August 31, 1958</td>
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<td>M.S.A. Baig</td>
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<td>M.J. Desai</td>
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2940. Record of the Proceedings of the dispute relating to Sulaimankie Head-works.

February 24, 1959.

In the light of the report of the Sub-Committee of the Engineers of both sides and the views of Indian Engineers given in para 5 of the report the Government of India's position is that, subject to the settlement of the dispute at Hussainiwala, the only adjustment to the District boundary awarded by Radcliffe at Sulaimankie that deserves consideration in view of the remarks in para 5 of Annexure 'A' is an adjustment with reference to the left upstream guide bund that falls in the Ferozepur District limits.

Pakistan's contention is that the entire Headworks has been awarded to Pakistan by Sir Cyril Radcliffe and that the District boundary should be adjusted so as to include in West Pakistan so much of the territory concerned as covers the Headworks as defined by the Pakistan Engineers in para 3 of the report of the Sub-Committee of Engineers, dated February, 23, 1959.

Sd/- M.J. Desai, Sd/- M.S.A. Baig,
Commonwealth Secretary Foreign Secretary,
Government of India, Government of Pakistan.
Karachi
Report of the Sub-Committee on Hussainiwala Headworks Region.


Following the discussion at the India-Pakistan Secretaries’ Conference on the 23rd and 24th of February, 1959, a Sub-Committee was asked to examine the above subject with the following terms of reference:

“To define the position of the two Governments in regard to their respective stands in respect of the boundary at Hussainiwala Headworks Region as awarded by Radcliffe with reference to paragraph 9 to 12 of his Report.”

The following officers met for his purpose on the 24th February 1959, afternoon:-

**India**

1. Mr. E.N. Mangat Rai, ICS
   Chief Secretary, Punjab (India)
2. Mr. D.D. Jaini,
   Special Commissioner, Canal Waters, Government of India.
3. Mr. N.K. Mukarji, ICS,
   Secretary, Irrigation & Power, Punjab (India)
4. Mr. S.N. Ravikant,
   Superintending Engineer, Irrigation, Ferozepur, Punjab (India).

**Pakistan**

1. Mr. I.U.Khan, CSP,
   Member, Board of Revenue, West Pakistan
2. Mr. S.I. Mahbub,
   Chief Engineer, Irrigation, West Pakistan
3. Dr. M.S. Quraishy,
   Chief Engineer and Pakistan Irrigation Commissioner,
4. Mr. Z.A. Jafri,
   Superintending Engineer, Irrigation Commissioner,
5. Malik Khuda Bakhsh, PCS.,
   Secretary (Revenue), Board of Revenue, West Pakistan.
2. It was not possible to arrive at agreed conclusions in regard to the subject referred to the Sub-Committee. The points of view of the representatives of both Governments are, therefore, briefly recorded separately below.

3. The Indian representatives took the following view:

(1) The boundary in this region has been clearly and unambiguously defined by Sir Cyril Radcliffe, as the following references from his award show:

(a) At paragraph 7 of his Report Sir Cyril Radcliffe lays down the boundary for the West and East Punjab in the following clearly defined statement.

"...The demarcation of the boundary is described in detail in the schedule which forms Annexure A to this Award, and in the map attached thereto Annexure B. The map is annexed for purposes of illustration and if there should be any divergence between the boundary as described in Annexure A and as delineated on the map in Annexure B, the description in Annexure A is to prevail."

(b) At paragraph 9 of his Report after mentioning various difficulties he nevertheless against states "After weighing to the best of my ability such other factors as appear to me relevant as affecting the fundamental basis of contiguous majority areas, I have come to the decision set out in the Schedule which thus becomes the award of the Commission. I am conscious that there are legitimate criticisms to be made of it; as there are, I think of any other line that might be chosen."

(c) The relevant decision set out in the Schedule mentioned above is at para 4 of Annexure A of the Award which provides as follows:

"the line will then run in a south-westerly direction down the Sutlej River on the boundary between the districts of Lahore and Ferozepure, to the point where the districts of Ferozepure, Lahore and Montgomery meet....The district boundaries and not the actual course of the Sultej river, shall in each case constitute the boundary between the East and West Punjab."

(d) Nor in this case is there any difference between Annexure A, the description and Annexure B, the map attached to the Award, so that the difficulty of a divergence between the two, mentioned at para 7, quoted at (a) above, is not attracted.

(2) The contention of the Government of Pakistan that the boundary in the Hussainiwala Region has been left undermined by Sir Cyril Radcliffe based on the reference to the remarks in Para 10 of the Report to the effect "I find it difficult to envisage a satisfactory demarcation of boundary at this
point that is not accompanied by some arrangement for joint control of the intake of the different canals dependent on these headworks," is definitely incorrect. As a matter of fact, Radcliffe knew all these difficulties as he stated in paragraph 9 of his Report under which he gave his decision and his observations in subsequent Paragraphs 10, 11 and 12 do not, in any way, detract from the decision given as an Award. These observations in para 10, 11 and 12 are only meant for the consideration of the two sovereign and independent Governments;

(3) The district boundaries and not the actual course of the Sutlej River, being the international boundary in the Hussainiwala Headworks Region, the maintenance and control of these Headworks is entirely the responsibility of the Government of India and there is no case for any joint management in the terms suggested by the Government of Pakistan. Pakistan's proposal implies dual jurisdiction over the headworks which is not only opposed to normal and universal practice, but is also against what Radcliffe himself visualized as is also evident from para 8 of his Report.

(4) The Pakistan representatives have claimed joint control of the Headworks at Hussainiwala on the basis of the observations in para 10 of Sir Cyril Radcliffe's Report and claim that "the international boundary would be a line drawn from the centre of the Barrage or weir at right angles to it up to the point it intercepts the line joining the extreme boundaries of the Headworks above and below the Barrage." This claim is totally arbitrary, unwarranted and untenable and is a demand for modification of the boundary awarded by Sir Radcliffe in clear and final terms. The representatives of India must express their surprise to this demand for modification of an Award solemnly accepted by both the Governments of India and Pakistan. A demand of this nature put forth nearly twelve years after the Award was made, and accepted by both the Government, cannot be entertained. The fact that the Award had been accepted by both the Governments and there was no dispute regarding the boundary in this region, is clear from paragraph 4 of letter No. 62(6)P/50-3101 dated the 27th October, 1950, from the High Commissioner for Pakistan*, New Delhi, to the Ministry of External Affairs, Government of India.

(5) According to India, the observations made by Sir Cyril Radcliffe at para 10 quoted above and in para 11 and 12 point out difficulties and make suggestions regarding political arrangements between the two Independent Governments in regard to them. Such arrangements must depend on the needs and circumstances of the situation and the general arrangements made between the two Governments in regard to various mutual problems. The Indian representatives also point out that in spite of very grave difficulties and pressure from Pakistan

* Document No.2883.
in this area during the last almost ten years, the views of the Pakistan Government and their needs have been given the highest priority in regulating supplies at the headworks. This has been done in various ways including the services performed by the two irrigation commissioners, the supply of data, in some matters daily, etc. Such arrangements, however, have nothing to do with the decision regarding the international boundary line, which has been firmly and clearly laid down by Sir Cyril Radcliffe as the district boundary and not the actual course of the Sutlej River.

Pakistan's case is that Sir Cyril Radcliffe did not determine the boundary at Hussainiwala Headworks. In fact, he found it difficult to envisage a satisfactory demarcation of the boundary at this point that was not accompanied by some arrangement for joint control of the intake of different canals dependent on these headworks. The description of the boundary between Punjab (Pak) and Punjab (India) is given in Annexure A and this description is to prevail unless there is a special mention about any portion of the boundary in the body of the Report. The concluding portion of Para 10 of the Report which is relevant to the case runs as follows:

"But I must call attention to the fact that the Dipalpur Canal, which serves areas in the West Punjab, takes off from the Ferozepore Headworks and I find it difficult to envisage a satisfactory demarcation of boundary at this point that is not accompanied by some arrangement for joint control of the intake of the different canals dependent on these headworks."

There is, thus, a special mention of the area comprising Hussainiwala (Ferozepur) Headworks in Sir Cyril Radcliffe's Report, and the qualifying clause mentioned above clearly shows that the boundary line at the Ferozepur Headworks was not determined by Sir Cyril Radcliffe. To that extent, therefore, the description given in Annexure A stands modified.

In the absence of any boundary in this region, the demarcation cannot be taken in hand unless there is an agreement about joint control. The first step would, therefore, be to arrive at an arrangement regarding effective joint control; and, the second, the demarcation of the boundary in what is now the disputed area at Hussainiwala. this disputed area has been excluded from demarcation operations.

Before giving a proposal for joint control, it is necessary to determine the exact import of the word 'control'. The Oxford Dictionary (Vol.II C) 1933 Edition defines it as below:

"To exercise restraint or direction upon the free action of: to hold sway over, exercise power or authority for: to dominate, command."
Another important factor in this respect is the fact that, apart from the Dipalpur Canal, there are other canals dependent on the Hussainiwala (Ferozepore) Headworks and it is essential that the control should be such as will ensure proper supplies to all these canals.

In regard to Pakistan's concept of joint control, the Foreign Secretary, Pakistan, has already handed over to the Commonwealth Secretary, India, a note which is reproduced below:

"The joint control of a Headworks by two countries for purposes of its proper maintenance and operation, or for the regulation of supplies in the river, and off-taking canals means physical control of the Headworks by both parties.

Accordingly, the international boundary would be a line drawn from the centre of the barrage or weir and at right angles to it up to the point it intercepts the lines joining the extreme boundaries of the Headworks above and below the barrage.

(a) Each side will regulate the intake of supplies of its off-taking canals. To ensure withdrawal of proper share by each side, discharge data of off-takes will be exchanged daily, and if necessary, even frequent inspections of the gauges on the other side will be carried out on reciprocal basis.

(b) Daily discharge observation of the river upstream and downstream of the barrage or weir shall be carried out jointly by the discharge observers of the two sides. In case the river has more than one channel, the country in whose territorial control the river creek under observation lies will provide the guard.

(c) Annual river survey for the conventional distances upstream and downstream of the barrage or weir will be carried out jointly by mixed parties of the two countries, so that each side is fully conversant with the over-all river behaviour for the joint planning of river control, and training works considered necessary for the safety of the Headworks. Alternatively, the Engineers of the two sides may mutually decide to carry out the river survey on their respective sides with their own staff independently, but keeping an observer only from the other side. They may subsequently evolve some other practical arrangement for this important item so as to ensure that each side has the knowledge of the river behaviour in entire Headworks boundaries, the river for such purposes being considered as one unit. Execution of the works planned jointly will be done by the country in whose territorial control it happens to be situated subject to the condition that the Engineers of the other country will have the facilities to inspect the work as constructed to ensure that it is in accordance with the joint planning."
Pakistan representatives were surprised at the assertion made by the Indian representatives that it was for the first time after nearly twelve years that Pakistan was now making a demand of this nature. Pakistan's stand has throughout been that on this point no boundary has been determined, and it was not, therefore, possible for any country to say which portion of the Headworks, or the area lying there under, belongs to it. Pakistan's claim that joint control would involve territorial adjustment has been known to the Government of India for the last five years. In this connection, attention is invited to Paragraph III(5) of Part V of the joint note of the Financial Commissioner of the two Punjabs relating to Gatti No.9(Kamalewala), where Pakistan's view-point was expressed in the following words :-

"It is possible that the final demarcation of the boundary here may not follow the old tahsil boundaries given in Annexure 'A' to the Report as the two countries may have to make some adjustments to facilitate the execution of joint control."

The representatives of the two countries on the Sub-Committee, which was appointed in September 1958, to examine various disputes relating to West Pakistan - India border, also decided to include the dispute at Hussainiwala (Ferozepore) Headworks as a dispute relating to title involving the interpretation of the Radcliffe Award. The representatives of the Government of India then expressed their willingness to recommend to their Government the setting up of joint arrangement regarding the intake of water into Dipalpur canal, where it enters Pakistan, although the representatives of the Government of Pakistan did not consider that such arrangements could provide any control. It was in pursuance of further discussions in the same connection that the Prime Ministers of the two countries desired that the Foreign Secretary, Pakistan, and the Commonwealth Secretary, should submit necessary proposals in consultation with their Engineers.

The arrangement referred to by the Indian representatives such as exchange of data between the two countries through the Irrigation Commissioners does not amount to an "arrangement for joint control of the intake of the different canals dependent on these Headworks" as envisaged in Para 10 of the Report of Sir Cyril Radcliffe. The appointment of the Special Commissioner for Canal Waters by the Government of India was made to discharge their obligations voluntarily assumed under President Black's letter of March 13, 1952. Pakistan later created a similar post. Subsequently, these posts have been maintained by the two countries to implement provisions of the ad hoc agreements concluded between the two countries under the aegis of the World Bank without effecting their
respective legal rights and claims. Under these agreements, data has been exchanged not only for the canals taking off at Ferozepore but at numerous other Headworks. Pakistan's representatives, therefore, failed to appreciate the untenable suggestions made by Indian representatives that this exchange of data amounted to such joint control as was envisaged by Sir Cyril Radcliffe. As a matter of fact, no attempt has yet been made for any joint control, and if it is considered that better relations should prevail between the two countries, such an arrangement is absolutely essential.

India's representatives have made a reference to paragraph 4 of the Pakistan High Commissioner's letter No.F.62(6)(P)/50/3101 dated the 27th October 1950. Pakistan's case in respect of Hussainiwala Headworks had been made abundantly clear in Para III(5) of Part V of the joint note recorded by the Financial Commissioners of the two Punjabs with regard to the dispute relating to Gatti No.9 (Kamalewala). As a matter of fact, during all these five years when discussions have been going on in respect of Gatti No.9 and Hussainiwala Headworks, this letter was never quoted, and the Pakistan's representatives were, therefore, quite justified in presuming that the Indian Government had realised that no useful purpose could be served by referring to it. In any case, Paragraph 4 of this letter is to be read with Paragraph 5 of the same communication. Since Annexure 'A' read with Paragraph 10 of the main report provided joint control of Hussainiwala Headworks as distinct from exclusive control by Pakistan at Sulemanki Headworks, in which context this matter was mentioned, the Government of Pakistan could not anticipate that the Government of India would, at the time of the actual demarcation of the boundary line, take a different view.

For making arrangements for the joint control and the demarcation of the boundary at Hussainiwala (Ferozepore) Headworks, it is only the concluding portion of Para 10 of the Report of Sir Cyril Radcliffe which has to be referred to. Any attempt to bring in other Paragraphs merely confuses the issue and does not help in arriving at a solution of this question.

(E.N. MANGAT RAI)  
Chief Secretary to  
Government Punjab (India)
25.2.59

(I.U. KHAN)  
Member, Board of Revenue,  
West Pakistan
25.2.59

The leaders of the Indian and Pakistan delegation endorse the above report subject to the comment by the Leader of the Indian delegation,
"That para 4 of Pakistan High Commission's letter No.F.62(6)(P)/50/3101 dated 27th October, 1950* was brought to the notice of the Pakistan Ministry of Foreign Affairs and Commonwealth Relations in the Indian High Commission's letter No.F.80(7)/55-Genl** dated 19th October, 1956."

and the comments of the Leader of Pakistan delegation on the observation made by the Leader of Indian delegation that:

"What was said in the Pakistan High Commission's letter No.F.62(6)(P)/50/3101 dated 27th October 1950, was based on the assumption that at the time there was no dispute of that particular nature relating to the boundary in that particular area."

(M.J. Desai) (M.S.A. Baig)
Commonwealth Secretary, Foreign Secretary,
Government of India Government of Pakistan.

Karachi,
Dated the 25th February 1959.

◆◆◆◆◆

2942. Joint Communiqué issued at the end of talks on the border disputes in the Western region.


At the meeting between the two Prime Ministers of Pakistan and India held in New Delhi from the 9th to the 11th September, 1958, it was decided that, in regard to Hussainiwala and Suleimanke disputes, the Foreign Secretary of the Government of Pakistan and the Commonwealth Secretary of the Government of India, will, in consultation with their engineers, submit proposals to the Prime Ministers.

In accordance with this decision, a further Conference on Indo-Pakistan border problems was held at Karachi from the 23rd to the 25th February, 1959. The Delegations were led respectively by Mr. M.S.A. Baig, Foreign Secretary, Ministry of Foreign Affairs and Commonwealth Relations (Pakistan) and Shri M.J. Desai, Commonwealth Secretary of the Ministry of External Affairs (India). Prior to their meeting, the leaders of the two Delegations had visited the sites of the disputes.

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* Document No.2883.
** Document No.2928
The discussions, which were frank and friendly, resulted in a free exchange of views regarding the respective positions of the two Delegations on these disputes. The two Secretaries will now report to their respective Governments.

2943. Notes Exchanged between the Leaders of the Indian and Pakistan delegations on the SULEIMANKI HEADWORKS.


Note presented by Leader of Pakistan Delegation to the Leader of the Indian Delegation Swaran Singh on January 7, 1960.

In Annexure A*, after giving the description of the boundary between Pakistan and India along the River Sutlej in paragraph 4, the following special rider has been added with reference to that portion of the territory which lies under Suleimanki Headworks in paragraph 5:-

"It is my intention that this boundary line should assure that the canal Headworks at Soleimanki will fall within the territorial jurisdiction of the West Punjab. If the existing delimitation of the boundaries of Montgomery District does not ensure this, I award to West Punjab so much of the territory concerned as covers the Headworks, and the boundary shall be adjusted accordingly."

The boundary has therefore to be placed in such a manner as to ensure that no part of the "Headworks" lies outside the territory of Pakistan.

Radcliffe evidently was conscious of the fact that "Headwork's" was something more than the weir. It seems that on the material available to him, he was not in a position to decide how much more. He therefore left it to be determined by experts.

The purpose of the "Headworks" is to make it possible for the canals to take off from a river. All the works that are necessary for this purpose i.e., all those engineering devices and constructions without which this purpose would not be fulfilled and in the absence of any of which this purpose will be defeated, would thus form part of a "Headworks". These engineering devices may be different in

* Radcliffe Award
different cases. These constructions may be different in different places depending upon the need. At one place nature itself may provide some features which are essential for the fulfillment of the purpose in view. At another place man may have to make up what nature has not provided. No comprehensive definition, therefore, of the kind of works that are necessary for the effective operation of a "Headworks" can be given and none indeed has been attempted by any of the experts. In a very early authority on irrigation under the title "the irrigation Works of India," the learned author R.B. Buckley has said this about Headworks:

"These include the weir across the river, the under sluices in the weir, the head sluices of the canal and if the canal is to be navigable the head lock from the river to the canal........The height of the weir above the bed of the river should next be determined ..........Then the affect of weirs of various heights on the flood levels of the rivers should be worked out........and hence the afflux of height by which the flood will be increased by the weir (should be ascertained). This point is of extreme importance as it defines the necessity for constructing embankments to control the river above the weir. If the afflux is great the country above the weir may be inundated and there may be a danger of the flank of the weir being turned by the river. In light sandy soils this might result in the river cutting another course for itself and leaving the weir at a distance from the new channel of the river."

(1906 edition, pages 107-108)

In another authoritative work under the title of "College of Engineering Manual - Irrigation" by the learned author M.W. Alice, when describing the component parts of the Headworks gives the following list:-

(a) A weir across the river of sufficient height to maintain a water level above the works suitable for the supply of the canal system, i.e. a level which will give command of the area to be irrigated and which will give sufficient depth of flow for the canal to carry the required supply.

(b) *

(c) *

(d) *

(e) Flood banks or other protective works sufficient to secure the weir from being outflanked by floods in the river.

(1931 edition, page 81)

The learned author further describes in a little more detail the kind of need that
might make the construction of flood bank indispensable. He explains, "the effect of building a sound weir blocking a portion of the waterway of the river is to raise the high flood levels above the work and it is necessary when designing a weir to compute the height of the maximum flood level. If the natural level of the country to which the bank connections of the weir on either side of the river are joined are not at such a height above flood level as to prevent any spill passing from the upstream to the downstream side of the weirs round the flanks of the works it is necessary to prevent this by flood banks connecting the weir flanks with high ground ......................... A spill round the flanks of a weir generally entails serious risk of a deep channel being cut round the flank through which all or a large part of the river flow may be diverted.

This is one of the causes of failure of weirs and instances of weirs being out flanked by omission to properly maintain the protective bunds are by no means uncommon. The adequacy and proper maintenance of such banks is a matter to be specially attended to as breaches in these are likely to entail serious failures..........

In the Roorkee's authority on civil engineering "Irrigation Works in India," the learned author J. Clibbon when dealing with works has put in a chart under the title "Classification of Canal Works." "Marginal Bunds" appear under the sub-heading "Training Works" under the main heading "Headworks."

In another work on "Irrigation Engineering" the learned author K.R. Sharma when describing the components of Headworks has listed river control works as item No.(6) in his list.

The notification by which land for the construction of marginal bunds was acquired, are worded as follows:


"Whereas it appears to the Governor of the Punjab that land is required by Government for a public purposes, namely, for Headworks at Suleimanki, Ferozepore District, it is hereby declared that the under-mentioned Land is acquired for the said purpose."


"Whereas it appears to the Governor in Council that land is required by Government for a public purpose, namely, for Suleimanki Headworks upstream Left Marginal Bund, it is hereby declared that the under mentioned land is acquired for the said purpose."
Pakistan is interested only in the effective operation of the canal system taking off from Suleimani Headworks. Since Pakistan is the only beneficiary of these canals, Sir, Cyril Radcliffe expressed his unequivocal intention that the territory under the Headworks which is necessary to enable Pakistan to maintain control and operate the Headworks, should go to Pakistan. The determination of the boundary at this point is dependent upon how much territory is needed for the effective control of these works. On the 19th of December 1947, two Chief Engineers from India and two Chief Engineers from Pakistan sat down to consider this point. The agreed conclusion was expressed in recorded minutes signed by all, in the following words:

"Both sides agree that in the interest of safety and maintenance of the Headworks, it is essential that the marginal bunds should be under the authority responsible for the maintenance and control of the weir, Head Regulator of canals and the distribution of supplies."

The 4 Engineers were, however, not agreed about the entirety of Radcliffe Award and therefore, put in a recommendation that certain other things be done in order that the party responsible for managing and controlling the weir should be enabled to look after the marginal bunds as well.

Some time about the year 1941 the river attacked the left marginal bund and made a breach affecting some 4 miles of the uppermost reach of the Left Marginal Bund. It then became necessary to retire the Left Marginal Bund by a further area. The first notification in this connection is notification No. 4582-S.W./1151/38, dated 12th August, 1941, published in the Punjab Gazette of 22nd August 1941 which runs as follows:

"Whereas.........................land is required................................................ for retiring Left Marginal Bund at the Suleimanki Head from R.D. 19,520 to R.D. 37,135 and from R.D. 42,385 to RD 49,316, it is hereby declared that the land described in the specifications below is acquired for the above purpose."

Again in the year 1946 the river seems to have made further assault and it became necessary to retire the Left Marginal Bund still further. The relevant notification is No. 8723-S/97/36, dated 17th January 1947, published in the Punjab Gazette of 24th January which is as follows:

"Whereas.........................., land is required for retiring Left Marginal Bund from R.D. 48,500 to R.D. 69,320 along Moazim Minor and Link from R.D. 69320 to RD 5,410 up to Left Marginal Bund and from R.D. 5,500 to R.D. 6,100 between Left Marginal Bund and new Hasta Bund, it is hereby declared that the land in the locality described below is likely to be acquired for the above purpose."
It seems that when the Left Marginal Bund in this portion was retired to the right bank of a canal which now serves some territory in India was utilised as the embankment. It, therefore, came to serve two purposes. Irrespective of its second purpose, it continues to be the Left Marginal Bund of the Suleimanki Headworks. If at any time India has no further need for the canal and chooses not to maintain this embankment intact, effective operation of Suleimanki Headworks would be prevented.

The conclusion, therefore is -

(i) That Headworks must include all the engineering devices, constructions and structures without which the purpose of the Headworks would be defeated. Each one of them would be an integral part of Headworks.

(ii) In the case of Suleimanki the Project Report and the Completion Report show that the Marginal Bunds were found to be necessary with regard to the nature of the terrain.

(iii) The acquisition of these areas was expressly made for the purpose of the Headworks.

(iv) In order to operate them today control of the marginal bunds is essential. This was conceded by the Chief Engineers of East Punjab in 1947.

(v) That the breach which was first caused in 1941 and later on in 1947 has been compensated for by retiring the marginal bund to another place. The embankment which exists today although serves two purposes, irrespective of the purpose which is in fulfilment of a need of India, it serves as indispensable need of Pakistan.

(vi) That without any portion of the existing Marginal Bund, Suleimanki Headworks would be rendered less effective or ineffective.

_reply_to_the_note_of_the_leader_of_Pakistan_Delelegation_of_7.1.60_Given_by_the_Indian_Leader_on_9.1.60_

It is agreed that the boundary at Suleimanke Headworks should be demarcated in accordance with para 5 of Sir Cyril Radcliffe’s Award reproduced below:-

"5. It is my intention that this boundary line should ensure that the canal headworks at Suleimanke will fall within the territorial jurisdiction of the West Punjab. If the existing delimitation of the boundaries of Montgomery District does not ensure this, I award to the West Punjab so much of the
territory concerned as covers the headworks, and the boundary shall be adjusted accordingly."

2. In the paper handed over by the Leader of the Pakistan Delegation, Lieut. General K.M. Shaikh, Minister for the Interior, Government of Pakistan, to the Leader of the Indian Delegation, Sardar Swaran Singh, Minister for Steel, Mines and Fuel, Government of India, it has been stated that "No Comprehensive definition, therefore, of the kind of works that are necessary for the effective operation of a "Head work" can be given and none indeed has been attempted by any of the experts", and yet the matter has been argued on the basis of definitions from various authorities. Our engineers have given another series of definitions (Annexure) from experts and this approach is not likely to result in settlement of the dispute to the mutual satisfaction of the Governments of India and Pakistan.

3. Another approach to arrive at a settlement would be to consider how the position, that has existed on the ground at Suleimanke during the past 12 years since partition has worked. It cannot be denied by either side that the existing de facto position has led to no operational difficulties and that the Suleimanke Headworks which, under the existing de facto position, are entirely in the control of Pakistan, have functioned satisfactorily. This approach would mean the confirmation of the status quo position and demarcation of the boundary accordingly.

4. One of the definitions, quoted in the paper handed over to the Minister, states: "If the afflux is great the country above and weir may be inundated and there may be danger of the flank of the weir being turned by the river." This clearly points out the sequence of the essentiality of the marginal bunds. The maintenance of these bunds to technically requisite specifications is essential for the prevention of inundation of the country above the weir. Incidentally, such effective maintenance also prevents the danger of the flank of the weir being turned by the river. The maintenance of the marginal bund to the required specifications should, therefore, be the responsibility of the Government in control of the country above the weir which is likely to be inundated by ineffective maintenance of the marginal bund. Both Governments should co-operate in securing their respective objectives so far as the marginal bund is concerned, but the Radcliffe Award, which merely refers to the headworks, does not require any territorial adjustment in respect of the marginal bunds. This is also confirmed by the various notifications cited in the paper handed over to the Minister. The land, acquired under notification No.O-3724/CI, dated the 6th October, 1922, was declared to be required for a public purpose, namely, for Headworks at Suleimanke, Ferozepore District, whereas in the marginally noted notifications* for the acquisition of the strip of land in respect of the left marginal bund, it has been specifically stated that the land is required for a public purpose, namely, for Left Marginal Bund or for retiring Left Marginal Bund etc.
5. The reference made in the paper handed over to Minister to the report of the two Chief Engineers from India and two Chief Engineers from Pakistan, dated 19th December, 1947, is not relevant for the interpretation of Sir Cyril Radcliffe's Award in the Suleimanke region, as para 1 of this report starts off on the basis of modification of the boundary at both Headworks namely, those at Ferozepore and Suleimanke. The report would be relevant if the boundary awarded by Sir Cyril Radcliffe in the region of both these Headworks was being modified by the Governments of India and Pakistan.

6. Adherence to the strict terms of the Radcliffe Award would not give to Pakistan control over the head reaches of the Fordwah and Sadiqia Canals. This has been admitted by the Pakistan Chief Engineer himself. It is better in the interest of both countries not to follow the Radcliffe Award too rigidly but to treat the problem as a practical one. If this approach is followed, a portion of the area acquired by the then Government of India in the immediate vicinity of the headworks for the headworks at Suleimanke under Notification No.O-3724/CI, dated 6th October, 1922, could be made available to the Government of Pakistan under settlement of this dispute.

7. This broad approach given in para 6 above is the only satisfactory way of settling the dispute to mutual satisfaction. It also gives a very generous interpretation of Sir Cyril Radcliffe's intention. As both the Governments of India and Pakistan are aware, Sir Cyril Radcliffe dealt with the question of the difficulties likely to be created in the running of the canal systems and also made small adjustments of the Lahore-Amritsar District boundary to mitigate some of the consequence of this severance by awarding the boundary in meticulous details village by village in parts of the Lahore-Amritsar District boundary and he could never have intended that several square miles of territory should be transferred from the Ferozepore District to the Montgomery District under para 5 of his Award. If any substantial area had to be transferred, he would naturally have gone into greater detail over the matter.

(1). No. 3447/C1 dt. the 6th April, 1923. (2) No. 4562-S.W./1151/38 dt. 12th August 1941.

**ANNEXURE**

Reference in support of the definition of the term "Headworks" according to Indian representatives.

<table>
<thead>
<tr>
<th>Source</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Webster's New International Dictionary.</td>
<td>'A structure to control the quantity of water entering a channel.'</td>
</tr>
<tr>
<td>(2) Manual of Irrigation Practice-1st edition 1943 - Chapter I.</td>
<td>'The works constructed at the off-take of a main canal. It includes the weir on the river, the dam at the storage site etc.'</td>
</tr>
<tr>
<td>(3) Engineering Terminology by V.J. Brown and D.G. Runne page 177.</td>
<td>'The diversion structures at the head of a conduit; an intake heading. The diversions structure at the head of a canal intake.'</td>
</tr>
<tr>
<td>(4) American Society of Civil Engineers Manual of Engineering Practice - Letter Symbols and Glossary for Hydraulics with special reference to Irrigation.</td>
<td>The diversion structure at the head of a conduit; an intake heading.</td>
</tr>
<tr>
<td>(5) The Irrigation Works of India by R.B. Buckley, 2nd edition 935, pages 160-61</td>
<td>One of the most important matters matters to be settled in connection with any irrigation project is the proper site and the nature of the Headworks. These include the weir across the river, the end sluices in the weir, the head sluices of the canal and if the canal is to be navigable, the head lock from the river to the canal.</td>
</tr>
<tr>
<td>(6) River and Canal Engineering by E.S. Bellasis, 3rd Edition, 1931,</td>
<td>The Headworks of a large irrigation irrigation canal generally consist of a weir which may be provided with sluices across the river and a head regulator provided with gates for the canal. There are, however, some canals which</td>
</tr>
</tbody>
</table>
have no works in the river. If a canal is fed from a reservoir, the headworks consist simply of sluices.

(7) Irrigation Canals and other irrigation works, by P.J. Flynn, pages 79 and 80.

The works at the head of a canal, for regulating and controlling the quantity of water required to be admitted to it, consist of a weir across the river by which the water is checked and diverted into it and a regulator across the head of a canal, by which proper quantity of water is admitted.

(8) Oxford dictionary.

Apparatus for controlling the flow of water in a river or canal.

Sd/- D.D. Jaini. 24.2.59.  

Sd/- S.I. Mahbub 24.2.59
JOINT COMMUNIQUE

In pursuance of the decision taken at the India-Pakistan Minister-level Conference in October, 1959, where a number of East Pakistan-India border questions were amicably settled, a Minister-level Conference was held at Lahore, Rawalpindi and Delhi from 4th to 11th January, 1960, to discuss West Pakistan-India border questions. The Pakistan Delegation was led by Lt. General K.M. Shaikh and the Indian Delegation by Sardar Swaran Singh.

There were in all five areas of dispute in this region viz. (1) Chak Ladheke (2) Theh Sarja Marja (3) Hussainiwala and (4) Suleimanke Headworks (5) Kutch-Sind Border. Of these, the first four disputes arose out of differences between the Governments of India and Pakistan regarding interpretation of the Radcliffe Award. These were settled in a spirit of mutual accommodation as detailed in para 3 below.

Pakistan gave up their claim to Chak Ladheke and India gave up their claim to the three villages of Theh Sarja Marja, Rakh Hardit Singh and Pathanke. In respect of Hussainiwala Headworks it was decided that the boundary would be the district boundary between Ferozepur and Lahore Districts. A settlement was also effected in respect of Suleimanke Headworks and an agreement about the adjustment in the district boundary was arrived at.

Both countries agreed to collect further data in respect of the dispute regarding the Kutch-Sind boundary and discussions will be held later with a view to arriving at a settlement of this dispute.

Agreement was also reached in respect of the Ground Rules which would be operative on the West Pakistan-India border.

So far as the demarcation of the boundary between West Pakistan and Punjab (India) was concerned, it was decided that top priority should be given to this work which should be completed by the end of April, 1960. It was agreed that
the return of the areas in adverse possession of either country in this sector will be completed by the 15th October, 1960.

With the settlement of a large number of border questions both on East Pakistan-India and West Pakistan-India borders, yet another step has been taken by the two Governments for bringing about better and amicable neighbourly relations which the two leaders, the President of Pakistan and the Prime Minister of India, had welcomed in their meeting on 1st September, 1959.

2945. Agreement between Governments of India and Pakistan regarding procedures to end disputes and incidents along the Indo-West Pakistan Border Areas.

New Delhi, 11 January 1960

1. West Pakistan - Punjab border - Of the total of 325 miles of the border in this sector, demarcation has been completed along about 252 miles. About 73 miles of the border has not yet, been demarcated due to differences between the Governments of India and Pakistan regarding interpretation of the decision and Award of the Punjab Boundary Commission presented by Sir Cyril Radcliffe as Chairman of the Commission. These differences have been settled along the lines given below in a spirit of accommodation

(i) The Sarja Marja, Rakh Hardit Singh and Pathanke (Amritsar-Lahore border) The Governments of India and Pakistan agree that the boundary between West Pakistan and India in this region should follow the boundary between the Tehsils of Lahore and Kasur as laid down under Punjab Government Notification No. 2183-E, dated 2nd June 1939. These three villages will in consequence fall within the territorial jurisdiction of the Government of Pakistan.

(ii) Chak Ladheke (Amritsar-Lahore border) The Governments of India and Pakistan agree that the delineation of the boundary will be as shown in the map of the Kasur Tehsil by Sir Cyril Radcliffe and Chak Ladheke will in consequence fall within the territorial jurisdiction of the Government of India.

(iii) Ferozepur (Lahore-Ferozepore border) The Governments of India and Pakistan agree that the West Pakistan Punjab (India) boundary in this
region is along the district boundaries of these districts and not along the actual course of the river Sutlej.

iv) Suleimanke, (Ferozepur-Montgomery border) The Governments of India and Pakistan agree to adjust the district boundaries in this region as specified in the attached schedule and as shown in the map appended thereto as Annexure-I.

2. West Pakistan-Bombay border Exploratory discussions regarding the boundary dispute in the Kutch-Sind region showed that the differences between the Governments of India and Pakistan could not be settled. Both Governments have decided to study the relevant material and hold discussions later with a view to arriving at a settlement of this dispute.

3. Detailed Ground Rules for the guidance of the Border Security forces along the Indo-West Pakistan frontier, prepared as a result of the deliberations of the Conference (Annexure II) will be put into force by both sides immediately. These Rules will be reviewed and brought up-to-date after the boundary has been finally demarcated and the return of areas in adverse possession of either country has been effected in the West Pakistan-Punjab (India) sector. Similar action will be taken in respect of the other two sectors in due course.

4. The Governments of India and Pakistan agree to give top priority to completion of demarcation along the West Pakistan-Punjab (India) sector in accordance with the settlements arrived at during this conference. Both Governments will direct their Surveyors General to complete the demarcation and the fixing of pillars in this sector by the end of April, 1960. Return of areas held in adverse possession by either country in this sector will be completed by 15th October, 1960. Necessary preparatory work to this end should be undertaken immediately by all concerned.

(Sd.) M.J. DESAI,  (Sd) J.G. KHARAS,
Commonwealth Secretary   Joint Secretary
Ministry of External Affairs,
Government of India.  Ministry of Foreign Affairs
and Commonwealth Relations,
Government of Pakistan.

New Delhi:
SCHEDULE: REFERRED TO IN PARA 1 (iv)

1. The boundary between Pakistan and India in the vicinity of Suleimanke headworks will be along the line marked ABC D E F G H I J K L M in the map at Annexure 1. The points A and M represent the junction of this section of the boundary with the boundary between Ferozepur and Montgomery districts. The portion ABC D E F will follow the boundary of the original area acquired for the Suleimanke Headworks subject to the modification in respect of the reach D to F as specified in para 2. From F to G it will follow the alignment of the existing Left Marginal Bund. From G to H it will follow the dotted straight line shown in the map as closely as practicable subject to such adjustments in alignment at site as may be required from technical considerations to be decided mutually after carrying out necessary surveys. From H to K viz. RD 47,500, the boundary will follow the alignment of the existing marginal bund. From K to L it will follow the alignment of the existing new Hasta bund. From L it will run in a straight line to the apex point of the bulge in the district boundary, as shown on the map.

2. The boundary will run at a distance of 50 feet from the outer toe of the existing Left Marginal Bund in all the reaches where the boundary as defined in para 1 above runs along it, i.e. from D to G and from H to K. In the reach from G to H it would similarly be placed 50 feet from the outer toe of the proposed bund. In the reach K to L, the boundary will run at a distance of 100 feet from the eastern toe of the existing new Hasta bund.

3. The two parties recognise that they have common and mutual interest in the proper upkeep and maintenance of the Left Marginal Bund at Suleimanke, and to that end, they declare their intention to co-operate by mutual agreement to the fullest possible extent. In particular,

(1) Each party will maintain in its territory according to the following specifications the portion of the Left Marginal Bund that will lie in Pakistan or continue to be in India.

   (i) Top width - 25 feet
   (ii) Side slope on the River side - 3 to 1
   (iii) Outer slope - 2 to 1
   (iv) Free Board above the highest flood level on record as on 10-1-1960 –5 feet minimum

(2) Each party will carry out annual river survey in its own territory upto the conventional distance upstream of the Barrage at Suleimanke, and exchange it with the other party.
(3) The representatives of either party will be allowed to inspect the Left Marginal Bund in the territory of the other party at regular intervals that may be mutually fixed or at any time when either party makes a special request. Such inspections will be made jointly by the representatives of both parties, and each party will afford all necessary facilities to the other party.

(Sd.) S.N. Ravikant,  
C.E. Irrigation,  
Punjab (India)  
10-1-1960

(Sd.) M. Mahboob,  
Chief Engineer, Irrigation  
West Pakistan  
10-1-1960

(Sd.) M.J. Desai.  
(Sd.) J.G. Kharas

ANNEXURE -II

GROUND RULES FOR BORDER GUARDS

In pursuance of the directive given to the sub-committee these ground rules were formulated by Lt. Gen. P.N. Thapar, GOC-in-C, Western Command (India) and Lt. Gen. Bakhtiar Rana, SQA, MC Corps, Commander, Pakistan. In their deliberations they were assisted from the Pakistan side by Brig. Said-ud-Din, Director-General, West Pakistan Rangers, Brig. Tikka Khan and Mr. M.S. Koreishi, PFS, Under Secretary, Ministry of Foreign Affairs, and on the Indian side by Shri Bhagwan Singh Rosha, IPS, DIG, PAP., Brig. Gurbakhsh Singh, Shri Govardhan, IPS, IG. Rajasthan, Shri V.G. Kanetkar, IP., DIG., Bombay and Shri M.M. Sen, I.C.S., Deputy Secretary, Ministry of Defence. The ground rules formulated in this paper are applicable to the West Pakistan-Punjab (India), West Pakistan-Rajasthan and West Pakistan-Bombay border.

On this border the security forces of both the countries are located at some places in close proximity to each other, and to avoid any untoward incident and resulting tension, it is necessary that pending the determination of the final boundary and the exchange of the territories, in adverse possession of the two Governments, the security forces of the two respective countries should observe the ground rules as laid down hereinafter.

On this frontier the de facto boundary is generally known to the security forces of both sides and the local population. In case of disputes arising in any sector, regarding the de facto boundary the status quo will be maintained by the local
post commanders and a working boundary in the areas under dispute, should be decided upon by the officers mentioned in paragraph 4 below and jointly recorded in a descriptive manner and clearly identified on the ground.

This working boundary will be decided upon by the undermentioned assisted by appropriate Civil Officers:

(i) West Pakistan/Punjab (I) Border between the Director-General, West Pakistan Rangers/rep. and the D.I.G., P.A.P, Punjab (India)/rep.

(ii) West Pakistan/Rajasthan Border between the Director-General, West Pakistan Rangers/rep. and D.I.G., RAC/rep.

(iii) West Pakistan/Bombay Border between the Director-General, West Pakistan Rangers/rep. DIG., (HQ)/rep.

The de facto boundary may or may not coincide with the de jure international boundary and the observance of the de facto boundary by both sides will not commit the two Governments in any manner in respect of their de jure claim.

Neither side will have any permanent or temporary border security forces or any other armed personnel within 150 yards on either side of this de facto boundary and no picket forward posts or observation posts will be established within this area.

Notwithstanding the provisions of paragraph 6 above, both sides may

(a) go right up to the de facto boundary in hot pursuit of an offender;

(b) send patrols within the zone specified above upto the de facto boundary, provided:

(i) each side will inform the other about the actual patrol beat or any changes thereto if it falls within 50 yards of the boundary

(ii) patrols are small in numbers, i.e. not exceeding a section of one and ten;

(iii) patrols invariably move with flags; and

(iv) only personal weapons are carried by the patrols (no L.M.Gs. will be carried);

(c) retain such pickets, forward posts and observation posts as are already established until the de jure boundary is finalised and return of territories under adverse possession takes place. A list of such posts on both sides will be exchanged by 1-2-60. New posts within the 150 yards belt on either side will only be established by mutual agreement.
Defensive works existing within 150 yards on either side of the *de facto* working boundary not included in the list mentioned in para 7(c) above must be destroyed or filled up by 15-3-1960 and reports to this effect will be exchanged by both sides.

Notwithstanding the provisions of paragraph 6 to 8 above, in areas regarding which disputes of title are already pending with the respective Governments for a decision, the *status quo* inclusive of defence and security measures will be strictly maintained until such time as the *de jure* boundary is finalised and the return of territories in adverse possession of the two countries takes place.

It will be the duty of the border security forces on either side to prevent armed civilians entering the 300 yards stretch of the border (150 yards on either side of the working boundary).

Border security forces of both sides are charged with the responsibility of preventing smuggling in their respective areas. Therefore, it is incumbent upon them to arrest smugglers of any nationality, whether armed or unarmed, and to deal with them under the law of the land.

In the case of local population, inadvertent crossings are likely to take place alongwith border. The border security forces, after satisfying themselves that the crossing was done inadvertently, shall immediately return the persons concerned to the opposite commanders at officers level.

Whenever the personnel of the border forces of either country inadvertently stray across the border line information about it should be immediately conveyed to the nearest post of the other side and the personnel must be handed back without delay to their nearest post along with their arms and ammunition etc. if any, through Gazetted Officers/Upper Subordinates of both sides.

*Bona fide* governmental bodies *e.g.* survey parties, etc., whilst operating in the border area shall not be interfered with. The programme of such parties will be notified to both sides by the Government concerned–at least a month ahead. Such parties will report to the nearest post of their own country before starting the work.

Whenever any cattle are alleged to have been lifted across the border a report, to be lodged with the opposite border post commander to whom the details such as the tracks of the cattle and of the criminals involved will be handed over. The Border Post Commanders concerned will acknowledge receipt of the report and then inform the nearest Police Station in their own country who will make all efforts to recover the cattle. After recovery the cattle must be handed back immediately to the Police Officers on the opposite side.
Grazing of unattended cattle on the border shall be discouraged. In the case of stray cattle these will be returned immediately by the Border Post Commanders to their opposite numbers after having satisfied themselves that the cattle have in actual fact strayed from across the border.

The S.Ps of Border Districts will also attend where necessary the monthly border meetings for the purpose of exchange of cattle and discussing border crimes.

The duties of the Sub-centres/Wing Commanders/S.Ps and lower Commanders in their respective areas of responsibility shall be as under:

(a) They will maintain close liaison with their opposite numbers.

(b) They will, by frequent visits, make themselves known to the Border Security Forces of the opposite side.

(c) They will receive all complaints regarding border violation/tension. They will immediately hold a joint enquiry not later than 24 hours of the information report. Where this is not possible due to long distances and difficulties of communications, the joint enquiry should be held as soon as possible.

(d) Where two border posts are situated in close proximity to each other and it is possible for them to communicate by flags, any commander who wishes to meet his counterpart, will wave a flag of the specifications given in paragraph 23 below and will proceed to the border unarmed without any escort to a pre-arranged place. The opposite commander or the senior officer on seeing the flag, will acknowledge the signal and proceed to the place of meeting also with a flag unarmed and without escort. The use of flags shall be introduced by 15-2-1960.

Where the posts are separated by a long distance, contact will be established in the following manner:

A party consisting of 1 and 6 armed with their personal weapons for their own protection and carrying the appropriate flag will proceed to the post of the other side. On arrival within 300 yards of this post, they will establish a temporary base and send forward two men unarmed with the appropriate flags to make necessary contact.

(e) Nationals of both the countries, while cultivating land up to the de facto boundary of the country concerned shall not be interfered with by the border security forces of the other side.

(f) If a national of one country lays a fresh claim to land across the de facto border and takes any step in furtherance of that claim which is objected
to by the other side, the two commanders will hold a joint enquiry on the
spot and restrain the person from enforcing his claim until the matter is
settled.

Where, due to the change in the course of a river, territory of one country is
thrown on the other side, such change will NOT affect either the de jure or de
facto position of the territory.

It is felt that the tension on the borders will be greatly minimised if there is close
personal touch between commanders of the two border security forces and
therefore the following periodic meetings are recommended:

(a) Wing ComdRs Rangers (Pak)/
S.Ps of PAP/RAC (India)
Special Reserve Police,
Bombay, (India).

(b) Officers mentioned in para 4
above or their representatives
shall also meet. These officers
will be authorised by their
respective Governments to settle
the disputes on the spot as far
as possible.

The military commanders shall also meet as and when the situation demands
and whenever they consider it necessary.

If unfortunately, in spite of this, firing occurs, the other side shall refrain from
replying. The local commanders will get in touch with each other by telephone
and will meet with a view to bringing about a cease-fire forthwith. After every
firing incident, it is necessary for both sides to carry out a joint investigation, fix
responsibility and submit their respective reports for information of their higher
authorities.

In order to maintain close liaison between the border forces of the two countries,
it is essential that adequate telephone and other communications are provided
at various levels.

All pickets and patrols on both sides will have flags of the following description:

<table>
<thead>
<tr>
<th>Pickets</th>
<th>Patrois</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pole</td>
<td>Cloth</td>
</tr>
<tr>
<td>Size</td>
<td>Colour</td>
</tr>
<tr>
<td>7 ft</td>
<td>India</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pole</th>
<th>Cloth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>Colour</td>
</tr>
<tr>
<td>3 ft</td>
<td>Pakistan</td>
</tr>
<tr>
<td>2x2½ ft</td>
<td>Blue</td>
</tr>
</tbody>
</table>
At night flags will be substituted by light signals (two red/verey lights) or signal by torches as mutually arranged between the post commanders.

Whenever there is a joint enquiry by D.Cs. or Commissioners on the two sides, the respective commanders of security forces of these areas shall also attend the meeting and submit for the information of the respective higher commanders their assessment of the situation created by the particular incident.

Finally, we recommend

(a) that the press on both sides should be persuaded to exercise restraint and not to publish exaggerated reports or material which is likely to inflame the feelings of the population on both sides. Should incorrect reports be published, contradictions at a governmental level should be issued at the earliest opportunity;

(b) that after the *de jure* boundary has been finalised and the return of territories in adverse possession has been effected these ground rules should be reviewed in order to bring them up-to-date.

Sd/-
Lt. Gen. Bakhtiar Rana
S.Q.A. , M.C., Corps Commander
West Pakistan

Sd/-
Lt. Gen. P.N. Thapar
G.O.C.-in-C
Western Command
India

New Delhi

New Delhi

❖ ❖ ❖ ❖ ❖
2946. Minutes of the India - Pakistan meeting to consider the procedure for implementing the settlement reached at the Ministerial India - Pakistan Conference.

Lahore, 14/15 March, 1960.

Meeting were held in the Committee Room of the West Pakistan Secretariat at Lahore, on Monday, the 14th March and Tuesday, the 15th March, 1960, between Sardar Gian Singh Kahlon, I.C.S., Financial Commissioner, Revenue, Punjab (India) and Pir Ahsanuddin C.S.P., Member, Board of Revenue (Land Reforms), West Pakistan, to consider the procedure and manner of implementing the settlement reached at the Minister-level Indo-Pakistan Conference on West Pakistan-India border disputes held in January, 1960, in respect of the return of areas in the adverse possession of either country.

2. The Financial Commissioner, Revenue, Punjab (India) was assisted by the following officers:

1. Shri S. N. Ravi Kant, P.S.E.I., Chief Engineer, Punjab (India).
2. Shri R.S. Randhawa, I.A.S., Commissioner, Jullundur Division.
3. S. Balwant Singh, I.A.S., Deputy Commissioner, Amritsar,
5. S. Avtar Singh, P.C.S., Deputy Commissioner, Ferozepur
7. Shri O.G. Adya, P.C.S., Under Secretary Revenue, Punjab (India).
8. Mr. H.K. Chopra, Camp Officer, Survey of India, Ferozepur.

3. The Member, Board of Revenue (Land Reforms), West Pakistan was assisted by the following officers:-
1. Mr. S.I. Haque, C.S.P., Commissioner-designate, Lahore Division.
2. Mr. A.M. Khan Leghari, C.S.P., Commissioner, Multan Division.
3. Mr. S.I. Mahbub, I.S.E., Chief Engineer, Irrigation.
4. Mr. Ghulam Sarwar Khan, P.C.S., Commissioner, Bahawalpur Division
5. Brig. Saeed-ud-Din Khan, Director-General, West Pakistan Rangers.
6. Malik Khuda Bakhsh, P.C.S., Secretary to Government, West Pakistan, Revenue Department.
7. Mr. Rifatpasha Sheikh, C.S.P., Officiating Commissioner, Lahore Division.
11. Mr. Fazal-ur-Rehman, C.S.P., Deputy Commissioner, Sialkot.
14. Mr. S.M.H. Rizavi, C.S.P., Deputy Commissioner, Bahawalnagar.
15. Mr. Z.H. Jaffari, P.S.E.I.,
   Deputy Chief Engineer (Irrigation)

16. Mr. M.A. Khan,
   Director Field, Survey of Pakistan.

17. Mr. S.Q. Hassan,
   Officer Incharge, No.5 Survey Party,
   Survey of Pakistan.

18. Mian Muhammad Sadullah, P.C.S.,
   Keeper of Records, Government of West Pakistan.

4. The relevant clause of the Indo-Pakistan Agreement is reproduced below :-

   "4. The Government of India and Pakistan agree to give top priority to
   completion of demarcation along the West Pakistan, Punjab (India) sector
   in accordance with the settlements arrived at during this conference.
   Both Governments will direct their Surveyors General to complete the
   demarcation and that fixing of pillars in this sector by the end of April,
   1960. Return of areas held in adverse possession by either country in
   this sector will be completed by 15th October, 1960. Necessary
   preparatory work to this end should be undertaken immediately by all
   concerned."

5. The over-all figures of areas in the adverse possession of either country
   as furnished by the Deputy Commissioners on either side were as follows :-

   (1) Punjab (India's) figures.
       Indian area in Pakistan's adverse possession......................51,375 acres. = 80.275 sq miles.
       Pakistani area in India's adverse possession......................24,949 acres. = 39.989 sq. miles.

   (2) West Pakistan's figures.
       Indian area in the adverse possession of Pakistan..33,039 acres 5 Kanals 7 marlas.
       = 51.62 sq. miles approx.
       Pakistan areas in the adverse possession of India.......80,809 acres 3 Kanals 11 marlas.
       = 135.6 sq. miles. approx.
It was felt that these discrepancies had arisen as the figures of the areas held in adverse possession appeared to have been calculated by the revenue staff on an approximate basis. This was so as the revenue records of the area held in adverse possession were not available with the side in possession. Moreover, it appeared that while showing its areas in the adverse possession of the other, each side had listed its areas under the bed of river as under other's possession, whereas at the time of furnishing figures of the areas of the other country in its own possession, it did not take the area of that country under the bed of the river into account.

It was felt that in order to settle the right holders on their land, as well as to rehabilitate others, it was necessary to ascertain the correct figures of the areas in adverse possession and the condition and categories of the land concerned. For this purpose it was decided that the Deputy Commissioners of the neighbouring districts should liaise with each other and set up immediately joint parties for surveying the areas, classifying and categorising the land as well as for demarcating the fields as far as possible.

Since the Deputy Commissioners reported that some boundary pillars already put up had been washed away or were missing, it was decided to recommend the following procedure for the care and future maintenance of boundary pillars on the West Pakistan-Punjab (India) borders:

(a) The Collectors of the neighbouring districts of West Pakistan and India should be jointly responsible for looking after the boundary pillars after their erection.

(b) The entire boundary line should be inspected biannually in November-December and March-April; each sector being jointly inspected by or on behalf of the Collectors of the districts on either side of the sector.

(c) Since the process of carrying out repairs to pillars jointly might entail lengthy correspondence between the two countries or their Collectors, this work should be divided equally between Pakistan and India on a sector-wise basis. If, for instance, the whole border had 2000 pillars, Pakistan should maintain pillars from serial No.1 to serial No.1000 and India from Serial No.1001 to serial No.2000. The cost involved should be borne equally by the two Governments. The maintenance of the pillars on each sector should alternate after every three years.

(d) Where any pillars is found missing, the representatives of the Surveyors-General of Pakistan and India should jointly locate the position of the missing pillars and it should be re-erected on the point located by these
officers, by any agency appointed by the two Governments; the cost involved being borne equally by the two Governments.

7. It was intimated that the Punjab (India) authorities had already issued instructions to their Collectors to ensure the safety and proper maintenance of the boundary pillars. It was agreed that similar instructions will also be issued immediately by the West Pakistan authorities to their Collectors. It was also agreed that the attention of the district authorities should be particularly drawn for suitable action under the provisions of the Panel Code whereby persons causing damage to such pillars are liable to prosecution.

8. The representatives of the Survey Departments of both countries explained that all preliminary steps for the completion of the demarcation of the 72 miles portion of the un-demarcated frontier had been taken. The boundary line in the sector above Wagah-Attari had already been fully demarcated and most of the pillars had been erected thereon. It was reported that some pillars in this sector had been washed away or had not actually been put up yet but were represented by stones or trees. The representatives of the two Survey Departments reported that first priority was being accorded to the work of demarcating the under-demarcated portion by the 30th April, 1960. Further that the work of putting up boundary pillars at places where they had not been put up or had been washed away could be undertaken earlier only if additional survey parties were provided. The representative of the Survey General of Pakistan stated that his Department would be willing to provide special party for the purpose. Since the work of handing over each other's areas was to be completed by the 15th October, 1960, the Financial Commissioner, Revenue, Punjab (India) asked the representative of the Survey of India to request the Surveyor-General to post an additional party from the Indian side also immediately.

In the sector below Wagah-Attari there was a length of 72 miles which had to be demarcated in the regions of Suleimanki, Hussainiwala (up to Khem Karian) and Sarja Marja. The representatives of the Survey of India explained that some time had been lost as there had been delay in providing vehicles, drivers and adequate revenue staff on the Pakistan side. Since these had now been provided the representatives of the two Survey Departments stated that with the special efforts now being made the demarcation would be completed by the 30th April, 1960, in accordance with the Indo-Pakistan Agreement of the 11th January, 1960. The Deputy Commissioners of Lahore and Ferzepur and the representatives of the two Survey Departments were requested to meet at Kasur on the 17th March, 1960, at 11 a.m. (P.S.T.) to ensure that the work proceeded expeditiously and effectively now. They were asked to send a joint report to the Financial Commissioner/Member Board of Revenue in this behalf.
9. The Chief Engineer, West Pakistan, and the Chief Engineer (Central), Punjab, India, have discussed and finalised the adjustment of the left marginal bund at Suleimanki in the reach G to H as specified in Annexure I of the Agreed decisions and procedures contained in Appendix I of the Indo-Pakistan Agreement dated the 11th January, 1960 vide Plan enclosed - Enclosure A. This would enable the boundary pillars being fixed in this reach also by the 30th April, 1960. The design of the boundary pillars in the riverine area was also finalised by the two Chief Engineers vide Enclosures B. It was considered that subject to the overall provisions of the Canal Water treaty being negotiated between Pakistan and India in Washington the existing irrigation arrangements for the areas to be transferred to either side should continue till such time as alternative arrangements are made. For the purpose of joint discharge observations, inspections, survey and maintenance operations, the Irrigations staff and workmen of either country should be given full facilities for visiting the channels, bunds and areas concerned in the interim period under temporary permits to be issued by the Deputy Commissioners of the districts concerned.

It was agreed that arrangements proposed above in this para be recommended to the two Governments for their approval.

10. The following special points in respect of the exchange of the areas in adverse possession were agreed upon to be recommended for the approval of two Governments:

(i) Steps should be taken to ensure that public property situated in the areas in adverse possession of either country should not be damaged or removed. It was, however agreed that the question of the removal or mutual adjustment of the Rangers/P.A.P. Posts should be gone into by Director General, West Pakistan Rangers and D.I.G. Border (P.A.P.) India, together.

(ii) The nationals of either country may be permitted to remove their private property.

(iii) Since trees are a part of the land and both the Governments are anxious to promote schemes of afforestation in the riverine areas in the interest of agriculture and for preventing erosion, Collectors on either side should take appropriate steps to ensure that trees are not cut or removed.

(iv) All available original revenue records in respect of the lands in the adverse possession of either country should be mutually exchanged on district wise basis.
(v) wherever possible the sarkanda in the riverine area should be burnt for facilitating the location of boundary pillars and clearing the boundary line, but arrangements to this end should be taken in hand by the Collectors of the neighbouring districts, in consultations with the West Pakistan Rangers/P.A.P. (India).

11. To ensure that all arrangements are completed before the 15th October, 1960, the following time schedule was agreed upon :-

(a) The work of classification and categorisation of land and the demarcation of village and field boundaries for purpose of ascertaining the area to be exchanged should be completed by the 15th May, 1960.

(b) Each side will endeavour to complete paper allotments by 15th June, 1960.

(c) Thereafter, actual movement of land owners/ allottees of land should take place by the 15th July, 1960, and final adjustment, if any, be completed by the 15th October, 1960.

12. The Chief Engineer, Irrigation, Punjab (India) explained that the Punjab(India) Government was making arrangements for retiring portions of the Dussi Flood Protection Bund in Gurdaspur and Amritsar districts from areas which would go over to Pakistan. It is therefore, desired that these portions of the Dussi Bund remain in India till the 15th October, 1960. After discussion, it was decided this matter may be taken up in the next meeting.

13. For the expeditious implementation of the Indo-Pakistan Agreement, dated the 11th January 1960, the revenue and irrigation staff of either side would be required to move constantly from one side to the other. It was considered that the only feasible method of completing the arrangements by the scheduled date was to authorize Deputy Commissioners to issue permits to enable such staff to go over and work on the other side. The West Pakistan Rangers/P.A.P. (India) should be informed of these arrangements.

14. All work connected with the exchange of areas required close collaboration between Deputy Commissioners on both sides of the border. The Deputy Commissioners were, therefore, instructed to remain personally in touch with each other and with the representatives of the Survey Departments, to review the progress of work from time to time, remove difficulties and keep their Commissioners and the Financial Commissioner/Member, Board of Revenue, informed.
15. It was decided to hold the next meeting at Chandigarh on the 27th to 28th March, 1960.

Sd/-
(Ahsanuddin)
Member, Board of Revenue
(Land reforms)
West Pakistan
16 - 3- 60

sd/-
(Gian Singh Kalhon)
Financial Commissioner,
Revenue
Punjab (India).
16 - 3- 60

2947. Letter from Commonwealth Secretary M. J. Desai to Pakistan Foreign Secretary M. Ikramullah.

New Delhi, October 7, 1960.

D.O. No.502-CS/60  7th October, 1960/Asvina 15, 1882 (Saka)
My dear Ikramullah,

During our discussion in Lahore on 23rd September, I promised to get the question of the date by which the exchange of areas on the Punjab - West Pakistan border held adversely by India or Pakistan examined in consultation with our Law Ministry so that an agreed date which will not raise any legal or constitutional difficulties could be fixed for this purpose. This has now been done.

2. The legislative processes that have been found necessary in the light of the opinion of the Supreme Court for the implementation of the specified items of the Indo-Pakistan Agreement of January, 1960, are as follows:

a) For areas that are to be ceded to Pakistan, legislation under Article 368 of the Constitution of India has to be enacted.

b) For areas that are to come to India from Pakistan a law relatable to Article 3 of the Constitution of India has to be passed in Parliament. According to the proviso to Article 3 of the Constitution of India, the President of India is required to obtain the views of the legislature of the State in question before such a Bill can be introduced in either House of Parliament.

3. In view of the legal and legislative requirements mentioned in para 2 above, the law officers of the Government of India are of the view that there is no prospect of these processes being completed before the end of December, 1960.
4. In the circumstances, I hope you would agree that it would be prudent to fix December 31, 1960, as the date for the exchange of these territories so that we may not come across any legal snags is carrying out these exchanges.

With kind regards

Yours sincerely

(M.J. Desai)

M. Ikramullah, Esq.
Foreign Secretary,
Government of Pakistan, Karachi.

2948. Gazette Notification to give effect to areas transferred/acquired to and from Pakistan as a result of the demarcation of the India-Pakistan Boundary Agreement.

The Gazette of India
EXTRAORDINARY
PART II- Section - 3 - Sub Section (1)
PUBLISHED BY AUTHORITY

No.7 New Delhi, Saturday, January 14, 1961/PAUSA 24 1882

Ministry of External Affairs
NOTIFICATIONS

New Delhi, the 14th January 1961

G.S.R., 73- In exercise of the powers conferred by Clause (a) of Section 2 of the Constitution (Ninth Amendment) Act, 1960, the Central Government hereby appoints the 17th (seventeenth) day of January, 1961, as the date for the transfer from the State of Punjab to Pakistan of the territories referred to in Part II of the First Schedule to that Act.

[No.4(5)-Pak.III/60(i).]

G.S.R., 74- In exercise of the powers conferred by Clause (b) of Section 2 of the Acquired Territories (Merger) Act, 1960 (64 of 1960), the Central Government hereby appoints the 17th (seventeenth) day of January, 1961, as the date for
the merger in the State of Punjab of the acquired territories referred to in Part II of the First Schedule to that Act.

[No.4(5)-Pak.III/60(ii).]

Y.D. Gundevia
Secy.

**********


(1) Yes. The exchange of territories took place on the 17th January, 1961.

(2) The total of territory that has been transferred to Pakistan and vice versa as a result of Indo-Pakistan Agreement of January 1960, is as under:-

(a) **Territory transferred to Pakistan**

<table>
<thead>
<tr>
<th>Name of District</th>
<th>Cultivable land (acres)</th>
<th>Banjar land (acres)</th>
<th>Total (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gurdaspur</td>
<td>1281</td>
<td>5257</td>
<td>6538</td>
</tr>
<tr>
<td>Amritsar</td>
<td>316</td>
<td>7881</td>
<td>8197</td>
</tr>
<tr>
<td>Ferozepur</td>
<td>18682</td>
<td>7002</td>
<td>25684</td>
</tr>
</tbody>
</table>

---------

(b) **Territory gained by India from Pakistan**

<table>
<thead>
<tr>
<th>Name of District</th>
<th>Cultivable land (acres)</th>
<th>Banjar land (acres)</th>
<th>Total (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gurdaspur</td>
<td>6295</td>
<td>999</td>
<td>5296</td>
</tr>
<tr>
<td>Amritsar</td>
<td>22009</td>
<td>577</td>
<td>21432</td>
</tr>
<tr>
<td>Ferozepur</td>
<td>13143</td>
<td>15826</td>
<td>28969</td>
</tr>
</tbody>
</table>

---------

The above figures are approximate.
1693 Indian families have been uprooted from the land which has been transferred to Pakistan. Steps have been taken to rehabilitate them. The benefits which have been sanctioned by the State Government for their resettlement are given in the enclosed statement.

Government of Punjab
Revenue Department
Notification
Chandigarh dated 15-1-1961

No.144-JN(II)-610306. In exercise of the powers conferred by the provisions of the Acts noted in the margin*, read with sub-section (2) of section 3 of the Acquired Territories (Merger) Act, 1960, the Governor of Punjab is pleased to vary the limits of the following Districts and tehsils in the manner indicated below:

[*1. Section 5 of the Land Revenue Act, 1887.
2. Section 5 of the Indian Registration Act, 1908.]

<table>
<thead>
<tr>
<th>District</th>
<th>Tehsil</th>
<th>Variation of limits.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amritsar</td>
<td>Patti</td>
<td>The limits of Amritsar District and Tehsil Patti shall be inclusive of village Chak Ladheke.</td>
</tr>
<tr>
<td>Ferozepur</td>
<td>Ferozepur</td>
<td>The limits of District and Tehsil Ferozepur shall be inclusive of the following villages.</td>
</tr>
<tr>
<td>10. Fattewala Uttar.</td>
<td>27. Lambochar.</td>
<td></td>
</tr>
</tbody>
</table>
11. Fattewala Hithar.  
15. Kalu wara.  
16. Bareke.  
17. Machhiwara.  
21. Dona Sikendari  
22. Mahtam Nagar.  
23. Hasta Kalan  
24. Lakheke Hithar  
25. Ghoorka.  
27. Ganjuana  
28. Muazzam  
29. Gatti Mattar.  
30. Ghulam Hussainiwal.  
32. Dona Mattar.  
33. Habibke.  
34. Kendawali.  
35. Gangan Ke.  
36. Mahar Jamsher.  
37. Mahar Kheewa.  
38. Chak Kheewa.  
40. Chak Sarkar Mahazi, Prabhat Singhwala.
41. Santokh Singhwala.  
42. Prabhat Singhwala.  
43. Dhandi Khurd.  
44. Dhandi Qadim.  
45. Chak Sarkar No.1  
46. Chak Sarkar No.2

Ferozepur Fazilka  
The limits of Ferozepur District and Fazilka Tehsil shall be inclusive of the following villages :-

1. Walle Shah Hithar.  
2. Rohela Tejeka.  
3. Chak Rohela.  
4. Dona Sikendari  
5. Mahtam Nagar.  
6. Hasta Kalan  
7. Lakheke Hithar  
8. Ghoorka.  
10. Ganjuana  
12. Muazzam  
15. Mahar Kheewa.  
17. Bagheka Hithar.  
19. Santokh Singhwala.  
20. Prabhat Singhwala.  
22. Dhandi Qadim.  
23. Chak Sarkar No.1  
24. Chak Sarkar No.2
REVENUE DEPARTMENT
NOTIFICATION
Chandigarh,
dated the 20th July, 1961.29th Asadha, 1883 (Saka).

No.144-JN(11)-61/6426. In exercise of the powers conferred by the provisions of the Acts noted in the margin*, read with Section 2(a) of the Constitution (Ninth Amendment) Act, 1960, the Governor of Punjab is pleased to vary the limits of the following Districts and Tehsils in the manner indicated below :-

[*1. Section 8 of the Land Revenue Act, 1887.
2. Section 5 of the Indian Registration Act, 1908]

<table>
<thead>
<tr>
<th>District</th>
<th>Tahsil</th>
<th>Variation of limits.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amristar</td>
<td>Patti</td>
<td>The limits of Amritsar District and Tahsil Patti shall be exclusive of village Theh Sarja Marja.</td>
</tr>
<tr>
<td>Ferozepore</td>
<td>Fazilka</td>
<td>The limits of Ferozepore District and Fazilka Tahsil shall be exclusive of villages Mohammad Yar Chishti and and Chak Mohd Usman.</td>
</tr>
</tbody>
</table>

G. S. Kahlon
Secretary to Government, Punjab
Revenue Department
Consequent upon the exchange of areas in adverse possession on the West Pakistan-Punjab (India) border in January, 1961, and in pursuance of the decisions taken at the Indo-Pakistan Conference on India-West Pakistan border problems held in January, 1960, it was necessary to review the existing Ground Rules. Accordingly an Indo-Pakistan Conference was held in New Delhi from the 22nd August to the 26th August, 1961.

The Pakistan delegation was led by Mr. S. K. Dehlavi, Foreign Secretary, and the Indian delegation by Shri Y.D. Gundevia, Commonwealth Secretary. The discussions were held in a friendly and cordial atmosphere. Complete agreement was reached in respect of the necessary modifications in the Ground Rules which would become immediately operative on the West Pakistan-Punjab (India) border.

Since the demarcation of the West Pakistan-Rajasthan-Gujarat border has not yet been completed, it was agreed that the question of the revision of the Ground Rules in respect of this border shall be pursued by the two Governments separately.
August 26, 1961.

In pursuance of Rule 26(b) of the West Pakistan/India Border Ground Rules dated 9th January 1960 and with reference to paragraph 3 of the Indo-Pakistan Agreement dated 11th January 1960, the following delegations from Pakistan and India met in New Delhi from 22nd August 1961 to 26th August 1961 and agreed to the Ground Rules as stated below:

<table>
<thead>
<tr>
<th>Pakistani delegation</th>
<th>Indian delegation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. S.K. Dehlavi, Foreign Secretary, Leader</td>
<td>Shri Y.D. Gundevia, Commonwealth Secretary Leader.</td>
</tr>
<tr>
<td>Brig. Saeed-ud-Din Khan.</td>
<td>Shri M.M. Sen, Joint Secretary, Ministry of Defence</td>
</tr>
<tr>
<td>Mr. M.M. Khurshid, Chief Secretary</td>
<td>Brig. Umrao Singh.</td>
</tr>
<tr>
<td>Mr. Ahsan-ud-Din, Member, Board of Revenue,</td>
<td>Shri Narendra Singh, Deputy Secretary, Ministry of External Affairs,</td>
</tr>
<tr>
<td>Brig. H.M. El-Effendi, Survey of Pakistan</td>
<td>Shri B.N. Mangat Rai, Chief Secretary Govt. of Punjab</td>
</tr>
<tr>
<td>Mr. M.N.A. Hashmi, Surveyor-General</td>
<td>Shri G.S. Kahlon, Financial Commissioner, Revenue.</td>
</tr>
</tbody>
</table>
Pakistan High Commissione in India.

9. Mr. M. Shafqat  
   Acting High Commissioner

9. Shri Gurdial Singh  
   Inspector-General, Police.

10. Mr. M. Shafqat,  
    Ag. High Commissioner,

10. Shri Ashwini Kumar  
    Deputy Inspector-General,  
    P.A.P.

11. Shri S.N. Ravikant, O.S.D.,  
    Irrigation Department.  
    Survey of India

12. Lt.-Col. K.L. Khosla,  
    Deputy Director, G&RB.

2. These Rules will be known as West Pakistan/Punjab (India) Border Ground Rules 1961 and shall come into force forthwith.

3. These rules will apply to the border between West Pakistan/Punjab (India) and will be applicable to all Security Forces, Civil or Military, operating along the border.

In so far as the West Pakistan/Rajasthan and West Pakistan/Gujarat borders are concerned, the Ground Rules of 1960 will continue to be in force until they are revised after the de jure boundary in these sectors is finally demarcated.

4. In case of any differences of opinion regarding the interpretation or application of these Ground Rules, the Director General, West Pakistan Rangers/Representative and the Deputy Inspector General of Police, Punjab (India)/Representative will report the matter to the respective Governments. If any amendment to these rules is considered necessary, the Director General, West Pakistan Rangers and the Deputy Inspector General, Punjab (India) will submit their proposals to their respective Governments after mutual consultation.

In these rules.

(a) Boundary means the de jure boundary jointly surveyed and demarcated with numbered pillars, indicating the fixed territorial limits of the countries.

(b) Working Boundary means any mutually agreed upon limit fixed temporarily for the maintenance of status quo in a disputed area.

(c) Border Security Forces mean Armed military or civil personnel working along the border for safeguarding civil or military interests of the respective country and its nationals.
(d) Joint investigation means an investigation held jointly by the representatives deputed by respective Commanders/Governments to enquire into an incident/dispute.

(e) Offender means a person who has committed a crime or is about to commit a crime or who is wanted in connection with a crime.

(f) Patrol means a body of Border Security personnel employed for duty on the border.

5. The boundary on the Punjab (India)/West Pakistan border is now clearly demarcated by pillars erected by the representatives of the Survey Departments of the two countries. The following procedure for the care and future maintenance of these boundary pillars shall be strictly followed:

(a) The maintenance and repairs to alternate main and subsidiary pillars shall be the responsibility of the two countries and conducted under their joint supervision. Serially odd pillars shall be the responsibility of Pakistan and even pillars that of India.

(b) The entire boundary line shall be inspected bi-annually in March-April and October-November each year. Such pillars being jointly inspected by or on behalf of the Deputy Commissioners concerned of the two countries.

(c) The missing pillars (main or subsidiary) shall be replaced under the joint supervision of the revenue authorities of the two Governments, who shall, in case of difficulty in the location of a particular pillar, seek the help of the Survey authorities of both sides. The labour and material and supervisory staff for repairs or replacement of a missing pillar shall be provided by the Government concerned with that pillar under (a) above.

6. In case any boundary pillar is washed away, destroyed or removed and a dispute arises in respect of the same, the status quo shall be maintained by the local commanders. A working boundary for any area under dispute shall be decided upon, clearly identified on the ground and jointly recorded in a clear descriptive manner by the under-mentioned officers, assisted by appropriate civil officers, till the dispute is settled:

   Between the Director-General, West Pakistan Rangers or his representative and the Deputy Inspector-General of Police, Punjab (India) or his representative.

7.(a) Neither side shall have any permanent or temporary Border Security Forces or any other armed personnel within 150 yards on either side of the boundary.
(b) Within the 150 yards belt on either side of the boundary, all towers, pickets, forward posts and observations posts in existence shall be demolished and no new construction of the aforesaid description erected.

Provided that pickets, forward posts and observation posts on either side of the boundary which were retained under the provisions of Rule 7 (c) of the Ground Rules of 1960, may continue to be retained in their original locations if they are still in the possession of the side which constructed them, on condition that their height above ground level shall not exceed 12 feet.

(c) Within a zone extending beyond 150 yards from the boundary and up to a limit of 250 yards there from, on either side of the boundary, there shall be no pickets, forward posts or observation posts more than 12 feet in height above ground level and no existing construction above this height shall be used for this purpose.

(d) Within a zone extending beyond 250 yards from the boundary and up to a limit of 1000 yards there from, on either side of the boundary, there shall be no pickets, forward posts or observation posts more than 30 feet in height above ground level and no existing construction above this height shall be used for this purpose.

(e) Notwithstanding the foregoing, the following tower pickets on the Indian side of the border shall be retained on the conditions stated below:-

(1) Three tower pickets nearest to the boundary, viz.,
   (i) Made Ke
   (ii) Bhaini Dilawar on their being scaled down to a height not exceeding 30 feet from ground level.
   (iii) Ghatti Ghurka No.1 alias Baqi Sikandarwali

(2) Seven tower pickets, viz.,
   (i) Mahar Sona
   (ii) Khokkar
   (iii) Jhuge Fauja Singh At their present height stated to be of about 39 feet
   (iv) Ghatti Kamlewala No.1
   (v) Jhuge Maubehram
   (vi) Done Telu Mal Wala
   (vii) Ghatti Yaru
A list of the tower pickets in (1) and (2) above giving their correct heights and locations shall be furnished to the Director General, West Pakistan Rangers as soon as possible.

(f) All demolitions and scaling down of existing constructions as required under these rules shall be completed by 31st December, 1961.

8.(a) All tower sites, pickets, forward posts and observation posts on either side within 1,000 yards of the boundary shall be inspected jointly as soon as possible after 31st December 1961 by the Member, Board of Revenue, West Pakistan, and the Financial Commissioner (Revenue), Punjab (India), assisted by the Director-General, West Pakistan Rangers and the Deputy Inspector-General, Punjab Armed Police, respectively.

(b) To ensure that no further constructions against the provisions of these rules take place, joint inspection teams consisting of the following officers, shall carry out inspection of these regions from 1st September 1961 onwards as and when required by either side.

West Pakistan

(i) Commandant/Wing Commander, Rangers.

(ii) Deputy Commissioners of Districts concerned.

Punjab (India).

(i) Commandant, Punjab Armed Police/Superintendent of Police, Border concerned.

(ii) Deputy Commissioners of District concerned.

9. Notwithstanding the provisions of Rule 7 above, border security forces on both sides may:

(a) Go right up to the boundary and not beyond, is hot pursuit of an offender.

(b) Send patrols within the 150 yards of the boundary provided:

(i) Each side will inform the other about the actual patrol beat or any changes thereto if it falls within 50 yards of the boundary line.

(ii) Patrols are small in number i.e. not exceeding a section of one and ten.

(iii) Patrols invariably move with flags as specified in Rule 25 below.

(iv) Only personal weapons are carried by the patrol.

(No LMGs or similar weapons will be carried).

(c) Retain Joint Check Posts as mutually agreed upon but no defensive
works of any nature including observation towers will be constructed at those Joint Check Posts.

10. It will be the duty of the border security forces on either side to prevent armed civilians entering the 150 yards belt on the respective sides of the boundary.

11. In the case of any inadvertent crossing of the border by the local population or civil officials of either side, the border security forces, after satisfying themselves that the crossing was inadvertent, shall immediately return the persons concerned to the opposite Commanders at officers level. The word 'officer' includes Gazetted or Non-Gazetted officers of the rank of Jamadar and above of West Pakistan Rangers and A.S.I. and above of Police.

12. If the personnel of the border security forces of either country inadvertently stray across the border, information should be immediately conveyed to the nearest posts of the other side and such personnel must be handed back without delay to their nearest posts, along with their arms and ammunition, etc., if any, through Gazetted Officers/Upper Subordinates of both sides.

13. Grazing of unattended cattle on the border shall be discourage. In the case of cattle straying across the border, such cattle shall be returned immediately by the Border Post Commanders to their opposite numbers, after having satisfied themselves that the cattle have in actual fact strayed from across the border, and a receipt obtained. Proper record of such cases will be maintained by the Post Commanders.

14. Whenever any cattle are alleged to have been lifted across the border, a report will be lodged with the opposite border Post Commander to whom the details, such as the tracks of the cattle and of the criminals involved, etc. will be handed over. The border post commander concerned will acknowledge receipt of the report and then inform the nearest Police Station in his own country who will make all efforts to recover the cattle and apprehend the criminals. After recovery, the cattle must be handed back to the Post Commanders concerned who will arrange to hand them over immediately to his opposite number on a proper receipt.

15. When it is desired to clear an area of Sarkanda and wild growth by setting fire to the same, within the 150 yards belt on either side of the boundary, it will be the responsibility of the Picket Commander in whose jurisdiction the area lies to inform his counterpart of the intention to do so at least 48 hours in advance.

16. *Bona fide* Government bodies, whilst operating in the border belt of 150 yards on their respective sides in the normal course of duty shall not be interfered with. The programme of such parties will be notified to the Unit Commanders of
border security forces concerned at least 24 hours in advance. Such parties will report to the nearest post of their own country before starting the work. The post commander will inform his opposite number.

17. The duties of Commanders of Border Security Forces of both countries at various levels in their respective areas of responsibility shall, *inter alia*, be as under:

(a) Maintenance of close liaison with their opposite numbers down to Junior Commissioned Officer/Upper Subordinate level.

(b) Making themselves known to the Border Security Forces of the opposite side by frequent border meetings.

(c) Receiving all complaints regarding border violation/tensions. They will hold a joint investigation immediately on receipt of the First Information Report, in any case within 24 hours of the receipt thereof, unless this is not possible due to long distances or difficulties of communications, in which case the joint investigation should be held as soon as possible.

18. (a) Where two border Posts are situated in close proximity of each other and it is possible for them to communicate by flags, any commander who wishes to meet his counterpart will wave a flag of the specifications given in Rule 25 below and will proceed to the border, unarmed, without any escort, to a pre-arranged place. The opposite commander or the senior officer present on seeing the flag, will acknowledge the signal and proceed to the place of meeting also with a flag, unarmed and without escort.

(b) Where the posts are separated by a long distance, contact shall be established in the following manner.

A party consisting of 1 and 6 men, armed with their personal weapons for their own protection, and carrying the appropriate flag will proceed to the post of the other side. On arrival within 300 yards of this post, they will establish a temporary base and send forward two men, unarmed, with the appropriate flags, to make necessary contact.

19. If, owing to the removal or dislocation of a boundary pillar, etc., a national of one country lays claim and takes any steps in furtherance of that claim, which is objected to by the other side, the two commanders shall hold a joint investigation on the spot and restrain the person from enforcing his claim, until the matter is settled.

20. The boundary shall not be affected by any change in the course of a river.
21. In order to ensure due implementation of these Ground Rules, there shall be close personal touch and the following periodic meetings shall be held.

(a) Wing Commanders Rangers (Pak)/S.P.s of PAP, Punjab(India)......Monthly at the border.
(b) Director-General, West Pakistan Rangers and the D.I.G., PAP, Punjab (India) or their representatives.............as required.

These officers will be authorised by their respective Governments to settle disputes on the spot, as far as possible.

The military commanders shall also meet as and when the situation demands, and whenever they consider such meetings necessary.

22. The S.Ps of the Border Districts or their representatives will also attend the monthly border meetings referred to in rule 21 above.

23. In order to maintain close liaison between the border forces of the two countries, it is essential that adequate telephone and other possible communication facilities are provided by the respective Governments at various levels.

24. Should firing occur anywhere along the border, the other side shall refrain from returning the fire. In every case where firing occurs, the local commanders on both sides shall get in touch with each others by telephone, or failing this by the quickest means available, and shall meet with a view to bringing about a cease-fire forthwith. After every firing incident, a joint investigation shall be carried out, as soon as possible, to fix the responsibility. Investigating officers will submit their respective reports for information to their higher authorities for further action.

25. All pickets and patrols on both sides shall have flags of the following description for purposes of establishing contact and communications with each other:

<table>
<thead>
<tr>
<th>POLE</th>
<th>CLOTH</th>
<th>POLE</th>
<th>CLOTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>(b)</td>
<td>(c)</td>
<td>(d)</td>
</tr>
<tr>
<td>Size...</td>
<td>7 feet</td>
<td>4 x 5 feet</td>
<td>3 feet</td>
</tr>
<tr>
<td>colours...</td>
<td>India</td>
<td>.........</td>
<td>Orange</td>
</tr>
<tr>
<td>Pakistan</td>
<td>.........</td>
<td>Blue</td>
<td></td>
</tr>
</tbody>
</table>

(c) At night, flags shall be substituted by light/signals (two red veery lights) or signal by torches as mutually arranged between the Post Commanders.
26. Whenever there is a joint enquiry by Deputy Commissioners or Commissioners of the two sides, the respective commanders of security forces of the areas shall also attend the meetings and submit for the information of the respective higher commanders their assessment of the situation created by the particular incidents.

27. The press on both sides should be persuaded to exercise restraint and not to publish exaggerated reports or material which is likely to influence the feelings of the population on both sides. Should incorrect reports be published, contradictions at Government level should be issued at the earliest opportunity.

Sd/-
(S.K. Dehlavi )
Foreign Secretary
Government of Pakistan
26-8-1961

Sd/-
(Y.D. Gundevia )
Commonwealth Secretary
Government of India
26-8-61

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INDIA-PAKISTAN RELATIONS
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VOL - IX

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AVTAR SINGH BHASIN

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</thead>
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<tr>
<td>Section – XV</td>
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<td>Section – XVI</td>
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<tr>
<td>Section – XVII</td>
</tr>
</tbody>
</table>
TO

My Late Wife
Mandip Kaur

Mother of
Puneet and Mantosh

Mother-in-Law of
Gurpreet & Kamaljeet

Grandmother of
Arjan,
Geetika
Amitoj
Zorawar
<table>
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<td>Zafrulla Khan regarding mistreatment of minorities in India.</td>
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<td>2952.</td>
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<td></td>
<td>harmony in the two Dominions.</td>
<td></td>
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<tr>
<td></td>
<td>New Delhi, September 19, 1947.</td>
<td></td>
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<td>2953.</td>
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<td>7170</td>
</tr>
<tr>
<td></td>
<td>New Delhi, October 7, 1947.</td>
<td></td>
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<td>Speech of Pakistan Governor General Mohammad Ali Jinnah on the protection of minorities.</td>
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<tr>
<td></td>
<td>Lahore, October 30, 1947.</td>
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<td>2955.</td>
<td>Telegram from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan regarding the position of</td>
<td>7173</td>
</tr>
<tr>
<td></td>
<td>minorities in Sind.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>New Delhi, January 23, 1948.</td>
<td></td>
</tr>
<tr>
<td>2956.</td>
<td>Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan about the minorities in East</td>
<td>7174</td>
</tr>
<tr>
<td></td>
<td>Bengal.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>New Delhi, March 6, 1948.</td>
<td></td>
</tr>
<tr>
<td>2957.</td>
<td>Joint Statement issued by the Prime Ministers of India and Pakistan on minorities.</td>
<td>7175</td>
</tr>
<tr>
<td></td>
<td>March 23, 1948.</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Description</td>
<td>Date</td>
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<td>New Delhi, May 5, 1948.</td>
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3264. Government of West Pakistan, Revenue Department, Lahore April 8, 1968.
3265. Letter from Deputy Commissioner Jacobabad (Pakistan) to Tehsildar etc regarding stopping of transfer of funds representing sale proceeds of immoveable properties of non-Muslims.
Jacobabad (Pakistan), April 27, 1968.

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New Delhi, June 23, 1977.
INDIA – PAKISTAN RELATIONS

SECTION-XIII
MINORITIES

SECTION-XIV
EVACUEE PROPERTY
INDIA-PAKISTAN RELATIONS

SECTION - XIII

MINORITIES
2951. Press Note issued by the Government of India refuting the allegations of the Leader of Pakistan’s Delegation to the UN Zafrulla Khan regarding mistreatment of minorities in India.

New Delhi, September 18, 1947.

The attention of the Government of India has been drawn to a Statement which Mr. Zafrulla Khan is reported to have made in New York. Mr. Zafrulla Khan is reported to have said that the killings of Muslims has been going on for more than a month in the Province of East Punjab and lately in the Province of Delhi. He has made no reference to the killing of non-Muslims which has been going on in West Punjab, with, perhaps a slight intermission, since March, in numbers which cannot be estimated with accuracy but which considering the vast migration of non-Muslims to various parts of India now in progress, must be very large. People do not uproot themselves from their homes by the million except when impelled by unbearable suffering and unspeakable terror.

“Responsibility for this”, presumably the killings, continued Mr. Zafrulla Khan “rests entirely on the Government of India which so far has utterly failed to discharge its responsibility or even face it squarely.” Both the allegations are completely devoid of foundation. The Government of India never incited and have never countenanced any form of violence by one community against another. Events in East Punjab and, more recently, in New Delhi, are the direct result of earlier events in West Punjab, which Mr. Zafrulla Khan has preferred to ignore. The Government of India have no desire to indulge in recrimination, but if baseless charges are made against them, they have no option but to make public the truth.

The origin of the trouble in East Punjab and in New Delhi is to be traced to events, earlier this year, in West Punjab of which non-Muslims were the victims. More remotely the point of time but equally as effect in relation to cause, they are due to the hatred and the two-nation theory which the advocates of Pakistan have been preaching for years. Authoritative Muslim newspapers in Pakistan are, even now, writing articles full of communal venom and incitement to violence. The suggestion that the Government of India have so far utterly failed to discharge their responsibility or even to face it squarely is contrary to all known facts. The Government of India have done everything possible to put down disorder, to protect refugees and care for them, to provide adequate escort for evacuees wishing to move to Pakistan.

An Emergency Committee of the Cabinet meets daily to consider these problems which have the same priority as the problem of handling non-Muslim refugees who have moved from West Punjab and who already number well over a million.
They have, in addition, set up a Sub-Committee, presided over by a Cabinet Minister to handle the situation in Delhi. Both in East Punjab and in Delhi the forces of law and order are now in control.

The Government of India have succeeded in this task in a large measure, in spite of the suddenness of the impact of events. This cannot be said of the Pakistan Government. The Government of India are continually receiving reports of attacks on non-Muslim evacuees in West Punjab.

Only on Wednesday a ministry spokesman revealed that a non-Muslim refugee caravan was attacked on September 14 by a large Muslim mob, that a train carrying non-Muslims was fired at on September 13 by the Muslim escort of another train, that considerable killing and looting by Pakistan troops was reported from across the border in West Punjab.

East Punjab Normal

The same spokesman, referring to East Punjab, said that no incident was reported from one district: that 20,000 refugees had been moved under protective escort from another, where only two minor attacks on refugees were made and Indian troops fired on the assailants; that the evacuation of Muslims from two other districts was in progress.

Mr. Zafrulla Khan is also reported to have uttered warning that unless the Government of India take steps “to end the slaughter of Muslims a formal complaint will be filed with the United Nations.” This is obviously a matter for Mr. Zafrulla Khan and his Government. The Government of India are prepared to leave the verdict on Mr. Zafrulla Khan’s allegations to any impartial authority.

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Conference of the Prime Ministers of India and Pakistan to consider measures for the preservation of communal harmony in the two Dominions.

New Delhi, September 19, 1947.

A conference was held in New Delhi on 19.9.1947 between representatives of the Dominion Governments of India and Pakistan at which the following were present:-

**Government of India:** Prime Minister: Pandit Jawaharlal Nehru. Deputy Prime Minister, Sardar Patel.

Sardar Baldev Singh.

Dr. John Matthai.

Mr. C.H. Bhabha.

Mr. K.C. Neogy.

**Government of Pakistan:** Prime Minister: Mr. Laiquat Ali Khan.

Mr. Ghulam Mohammad.

2. The accompanying Aide Memoire of which copies had been circulated to the Ministers attending the conference was discussed and the following conclusions were reached:-

(1) Any conception of a war between Pakistan and India is abhorrent not merely on moral grounds but for the reason that any such conflict would spell ruin to both of them. The representatives of the Pakistan Government stated that they would investigate the statement reported to have been made by Sir Mohammad Safrullah (Zafrullah) Khan in New York and in particular his reference to direct action.

(2) It is the policy of both Governments to create and maintain conditions in which the minorities will live in security.

(3) Both Governments should work together with the object of reducing, as rapidly as possible, both the area and intensity of the communal conflict. In particular, statements by responsible persons which are either bellicose or one-sided as to lead to irritation to the either side should be avoided.

(4) There is no issue between the two Governments as to the necessity of speeding up the convoys of evacuees from East to West Punjab and
from West to East Punjab. Both Governments are agreed that top priority should be given to the safe and speedy movement of evacuees convoys.

(5) Regrettable incidents have taken place on both sides. Details of these should be communicated by one Government to the other and it is agreed that these should be investigated and those who are found guilty should be drastically punished.

(6) Places which are regarded as sacred by any community will not be allowed to be occupied by members of any other community and particular care will be taken to preserve such places intact even if they remain empty. The two Governments will communicate with each other and make concrete suggestions.

* * *

2953. Record of Meeting of the Emergency Committee* of the Indian Cabinet.

New Delhi, October 7, 1947.

K. C. Neogy said that, at the conference on 5 October, Liaquat Ali Khan took exception to the “dumping” of Meos across the Pakistan border and according to Pakistan Government’s understanding of the situation all members of minority community who wished to leave East and West Punjab, the Punjab States and the North West Frontier Province would be given facilities to do so but this arrangement should not be extended to include other places.

Vallabhbhai Patel saw no reason why Delhi should not also be included if N.W.F.P. was.

The Prime Minister asked what Mr. Liaquat Ali Khan’s view on the matter would be if he knew that Muslim refugees wished to leave Delhi. Neogy replied that he had asked Mr. Liaquat Ali Khan whether he would make a public announcement to the effect that Pakistan was not prepared to receive Muslims who wanted to go there, other than from East Punjab. Mr. Liaquat Ali Khan had parried to the effect that there would be time enough to consider this if the Indian Government declared their inability to protect Muslims.

* * *

* Those present at the meeting were: Mountbatten, Nehru, Patel and Neogy.
Speech of Pakistan Governor General Mohammad Ali Jinnah on the protection of minorities.

Lahore, October 30, 1947.

A SACRED UNDERTAKING

(Broadcast Speech from the Pakistan Radio, Lahore on 30th October, 1947)

A few days ago, I received harrowing accounts of the terrible happenings in the Punjab and the situation, from all accounts, appeared to be so grave that I decided to come to Lahore. On my arrival here, I immediately got in touch with various sources that were available to me and I was deeply grieved to realize that unfortunately, there was a great deal of truth in what had been told to me. I am speaking to you under deep distress and with a heavy heart. We have, undoubtedly achieved Pakistan and that too without bloody war and practically peacefully by moral and intellectual force and with the power of pen which is no less mighty than the sword and so our righteous cause has triumphed. Are we now going to besmear and tarnish this greatest achievement for which there is no parallel in the whole history of the world by resorting to frenzy, savagery and butchery? And, will this lead us anywhere?

Pakistan is now a fait accompli and it can never be undone, besides, it was the only just, honorable and practical solution of the most complex constitutional problem of this great sub-continent.

The division of India is now finally and irrevocably effected. No doubt, we feel that the carving out of this great independent, sovereign Muslim State has suffered injustice. We have been squeezed inasmuch as it was possible and the latest blow that we have received was the Award of the Boundary Commission. It is an unjust, incomprehensible and even perverse Award. It may be wrong, unjust and perverse and it may not be a judicial award, but political award but we had agreed to abide by it and it is binding upon us. As honorable people we must abide by it. It may be our misfortune, but we must bear up this one more blow with fortitude, courage and hope.

Let us now plan to build and reconstruct and regenerate our great nation and our sovereign State of Pakistan which, you know, is not only the biggest Muslim State in the world but the fifth biggest sovereign State in the world. Now is the time, chance and opportunity for every Mussalman to make his or her fullest and best contribution and make the greatest sacrifice and work ceaselessly and selflessly in the service of our nation and make Pakistan one of the greatest nations of the world. It is in your hands; we have undoubtedly talents; Pakistan is blessed with enormous resources and potentialities; Providence has endowed us with all the wealth of nature and now it lies with man to make best of it.
It is agreed on all hands that peace should be restored without delay and that law and order must be established and maintained at any cost. Now it is up to leaders and the rank and file of the communities to leave no stone unturned in fulfilling the sacred and honorable undertaking that was given at the Special Conference on the 29th August, to protect the minorities and work in everywhere for the welfare and safety of the refugees. The Lahore Conference of 29th has further laid down categorically certain ways and means to be adopted to implement its decisions and such further measures will be taken which have the solemn, firm and determined sanction of the Pakistan and the Dominion of India Government. Henceforth they will be naturally responsible, as the Punjab Boundary Force which was limited only to certain areas, could not deal with entire Punjab --both West and East, especially now as the rural areas have also been affected and, therefore, it has been abolished.

These decisions and measures adopted by the Special Conference should reassure the people of all communities that the Pakistan and India Governments are determined to put down ruthlessly these orgies and their far-reaching consequences. But it requires the communities concerned to realize the folly and futility of indulging in this savagery which has already taken a colossal toll of human life and especially of the innocent ones and has displaced hundreds of thousands of innocent people rendered homeless and delivered them to starvation who are wandering about in the countryside for their lives --besides resulting in destruction of property on an extensive scale.

This is not the moment for me to go into the origin or cause of all that is happening or to apportion blame as to which community has disgraced itself more. It will be for the historians to give their verdict. Humanity cries loud against this shameful conduct and the deeds that have been committed. Those who are responsible for this holocaust must be dealt with an iron hand and put down ruthlessly. The civilized world is looking upon these doings and happenings with horror and the fair name of the communities concerned stands blackened in the eyes of the world.

It is now up to the leaders and those responsible and in charge of the Governments to make their supreme effort to make amends for this indelible stigma. While the horizon is beset with dark clouds, let me appeal to you and give this message to the people of Pakistan. Create enthusiasm and spirit and go forward with your task, with courage and hope and we shall do it. Are we downhearted? Certainly not. This history of Islam is replete with instances of valour, grit and determination. So march on notwithstanding obstruction, obstacles and interference; and I feel confident that a united nation of 70 million people with a grim determination and with a great civilization and history need fear nothing. It is now up to you to work, work and more work; and we are bound to succeed. And never forget our motto: “Unity, Discipline and Faith”.

I have so far spoken to you in English as you know that the eyes of the world are upon Pakistan and we are watched by the various nations of the world with keenest interest since the establishment of Pakistan as an independent, sovereign State which has been a great and historical event. I, therefore, used the medium of English so as to be able to reach the world-wide audience, which exhibited great interest in Pakistan.

Pakistan Zindabad

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2955. Telegram from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan regarding the position of minorities in Sind.

New Delhi, January 23, 1948.

I am receiving information that the position on non-Muslims in Sind has become increasingly difficult and at many places grave immediate danger is apprehended. The position has been aggravated by steps taken to prevent the movement of non-Muslims into Karachi from where they have to be evacuated by sea. I understand that over 1000 Hindus traveling by train from Sukkur to Karachi were forcibly detained at Nawabshah and that Sukkur Magistrate has promulgated order that no Hindu can leave for a fortnight. I have no desire to add to the difficulties of the Sind Government but position must be frankly faced that non-Muslims in Sind have lost confidence in the ability of Pakistan authorities to give them adequate protection and are anxious to leave. I hope you will agree that it is the duty of the Sind Government to give facilities for those who want to leave and I trust they will do so.

2. The position of Sikhs in interior of Sind is, I am informed, particularly precarious. They have as a community done no harm to anybody in Sind and are in special need of protection. I hope you will take every possible step to see that they are brought from the interior to evacuation points and treated well.

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Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan about the minorities in East Bengal.
New Delhi, March 6, 1948.

My dear Nawabzada,

Thank you for your letter of February 28th enclosing copy of letter from Khwaja Nazimuddin, Premier, East Bengal dated the 27th February.

I have no doubt that Khwayja Nazimuddin and his Government are trying to look after the interests of non-Muslims in East Bengal but I can assure you that the number of complaints from East Bengal about the kind of protection they receive is very great. It is hardly possible for the non Muslims there to carry on their normal vocations. They are being squeezed out. The fact that about a million of them have gradually migrated to West Bengal during the past few months is evidence of the fear and apprehension that surround them. We have tried our utmost to prevent them from migrating and in fact we have even avoided giving any publicity to this. Yet in spite of this the migration continues.

You will remember that our respective Governments had agreed about the appointment of a Deputy High Commissioner for India in Dacca. Nevertheless, I have postponed this appointment because I did not wish to give any impression in East Bengal that conditions were very abnormal. Nor did I want our Deputy High Commissioner to become a focus of complaints. The pressure on me, however, is very great for such an appointment and I may have to request you later to agree to our giving effect to the previous arrangement. I am not for the present doing so. Even in the event of our sending a Deputy High Commissioner there, our instructions to him would be to advise people not to migrate and not encourage complaints as far as possible.

We have to face one other difficulty. Many people living in West Bengal have considerable property in East Bengal. They have certainly lost touch with them and cannot look after them or get rent etc. from them. They come to us and want our help. I understand from the West Bengal Government that references made to the East Bengal Government on such matters do not yield results and often do not elicit a reply. Perhaps the appointment of a Deputy High Commissioner in Dacca would facilitate consideration of matters of mutual interest between East and West Bengal. I am considering this matter and balancing the pros and cons. I have not yet come to any decisions but I thought I might as well inform you of the urgent demands being made upon me in this respect.

Khwaja Nazimuddin says in his letter to you that Hindus in East Bengal are much better off than the Muslims any where in India. I am afraid I cannot agree to this statement at all. Muslims all over India and as you know there are large numbers of them continue to live a normal life and pursue their normal vocation.
In fact, during these troubled times they have not been disturbed except in certain localities in northern India. The fact that there is no marked desire for them to leave India is evidence of the fact that conditions are more or less normal. We have passed through difficult times and it is possible that there is feeling of uncertainty in the minds of some people. That is gradually disappearing.

About the arrests of members of the Muslim National Guards, it is possible that the original arrests might have been somewhat indiscriminate in some places but I understand that soon after cases were examined and release were made. Exactly the same process was adopted on much larger scale in regard to the R.S.S. We have impressed on our provincial authorities to take special care in such matters and not to arrest or keep in prison or detention any person against whom there is not sufficient cause. In the event of any mistake being made, we shall welcome our attention being drawn to particular cases which can be considered separately.

I am sending a copy of this letter to Khwaja Nazimuddin.

Yours sincerely,

Jawaharlal Nehru

2957. Joint Statement issued by the Prime Ministers of India and Pakistan on minorities.

March 23, 1948.

“The Prime Ministers of India and Pakistan wish to take the opportunity of their meeting on March 19 to reiterate simply and clearly the policies of their respective Governments, towards minority communities in their respective territories”, says a joint statement issued by the Prime Ministers of India and Pakistan.

The official communiqué giving the joint statement adds. “Both Governments hope and trust that minority communities will remain in their homes. Indeed, they are anxious that they should do so. They intend to do their utmost to help members of minority communities to stay where they are. They are convinced that this is in the best interests all concerned.

“This does not mean that the Governments intend to put any obstacle in the way of those who, of their own will, decide to migrate from one Dominion to the other.”
2958. Agreement reached at the Inter-Dominion Conference on the treatment of minorities.

Calcutta, 15-18 April, 1948.

Whereas the Governments of the two Dominions agree that mass exodus of minorities is not in the interest of either Dominion and they are determined to take every possible step to discourage such exodus and to create such conditions as would check mass exodus to either direction and would encourage and facilitate, as far as possible, return of Evacuees to their ancestral homes, the two Dominions agree as follows:

Section I.

(1) The responsibility for protecting the lives and properties of the minority communities and for ensuring that they receive justice and that their civic rights are fully safeguarded rests on the Government of the Dominion in which the minorities reside.

(2) In Pakistan and in India citizen shall have equal rights, opportunities, privileges and obligation; and there shall be no discrimination against the minorities whose cultural religious rights shall be fully safeguarded.

N.B. "Cultural' rights include 'educations' rights.

(3) Any propaganda for the amalgamation of Pakistan and India or of portions thereof including East Bengal on the one hand and West Bengal or Assam or Cooch Behar or Tripura on the other shall be discouraged.

N.B. The word 'propaganda' shall be taken as including any organization which might be set up for the purpose.

(4) Both Governments recognize that the wholehearted co-operation of the Press is essential for creating a better atmosphere and therefore agree that every effort should be made, in consultation with the representative of the Press, wherever possible, to ensure that the Press in each Dominion does not.

(a) indulge in propaganda against the other Dominion;

(b) publish exaggerated versions of the news of a character likely to inflame, or cause fear or alarm to the population or a section of the populations in either Dominion;

(c) publish material likely to be construed as advocating a declaration of war by one Dominion against the other Dominion or suggesting the inevitability of war between the two Dominions.
(5) Complaints from minorities in both the Dominions that action is not
taken on their reports against oppression or unfair treatment, should
be promptly and fairly looked into and early remedial measures
taken.

(6) Both in East Bengal and in West Bengal there shall be set up a
Provincial Minorities Board and under the Provincial Board, District
Minorities Boards for the express object of protecting the interests
of the minorities, removing fear from their minds and inspiring
confidence in them. These Boards shall ensure that the grievances
of the minorities are promptly brought to the notice of the authorities
and that they are satisfactorily and promptly dealt with.

It is suggested that the Provincial Minorities Board should be
composed of the members, three of whom at least belonging to the
major minority community to be selected by the members of the
Provincial Legislature belonging to the minority communities. The
remaining two shall be persons of influence and shall be nominated
by the Provincial Government. The District Magistrate shall be the
Chairman of the District Minorities Board and a Minister to be
nominated by the Provincial Government shall be the Chairman of
the Provincial Board.

(7) The two Dominions and their Provincial Government shall declare
and make it widely known to their officers and other employees that
any Government servant proved to have been guilty either of
dereliction of duty in protecting the lives and properties of the
members of the minority community or of directly or indirectly ill-
treating the members of the minority community or showing prejudice
against the minority community in the discharge of his duties, shall
receive exemplary and deterrent punishment.

(8) Severe action shall be taken against any person or group of persons
creating or attempting to create any apprehension or fear or
insecurity or alarm in the minds of the minority communities.

(9) (i) The two Dominions shall take adequate steps to remove complaints
regarding

(a) Discrimination in the grant of export and import licences
and railway priorities to members of the minority community as such,

(b) To curb all tendencies towards an economic boycott of
minorities or strangulation of their normal economic life.

(ii) The two Dominion Governments shall request their respective
Provincial Governments to observe the same principal in their own sphere.

(10) The Governments of East Bengal and West Bengal will promote legislation providing for the setting up of Evacuees Property Management Boards in districts or areas from where a substantial exodus has taken place. These Boards will be set up only when it is established that there is a demand for their establishment. These Boards will assume management of properties only on the definite request of their owners. Their functions will be of managerial character and they will not have the power to alienate the property entrusted to them for management. These Boards shall be composed of members of the Minority Community.

N.B. For this purpose 'Evacuee' shall be defined as a person who has left the Province in question on or after 1st June 1947 and who declares his intention to return as soon as normal conditions are restored.

A committee of officers will be appointed immediately by the two Governments to draw up detailed proposals for the necessary legislation.

Section 2.

To ensure the implementation of this Agreement, the representatives of the two Dominions shall meet at least once in two months so as to bring to the notice of each other any instances of the non-observance of the above principles in either Dominion. In the case of East Bengal and West Bengal, where the situation requires more urgent measures, the Premiers of the two Provinces shall meet once every month for the same purpose; and in addition to begin with, the Chief Secretaries of the two Provinces shall meet once a fortnight. Whenever matters concerning Assam, Cooch Behar and Tripura are likely to be discussed the Chief Secretary, West Bengal, shall arrange for their representatives to be present.

Section 3.

(1) This Conference recommends that another Inter-Dominion Conference should be called at a very early date to which representatives of other Provinces and States (except East and West Punjab and N.W.F.P. from which exodus has taken place on a large scale, or is likely to take place should be invited to consider action on lines similar to those proposed above or on any other suitable lines in respect of:

(a) Protection and other safeguards for the property of refugees who have gone out from one Dominion to the other temporarily or otherwise, and
(b) Creation of conditions in any affected area which will reassure the minorities that their interest and rights are fully safeguarded and will prevent exodus or will induce evacuees to return to their homes.

(2) It is further understood that a separate conference as already agreed to is to be held to consider the special problems relating to East and West Punjab and N.W.F.P. It is recommended that this Conference should also be held at a very early date.

(3) It is further recommended that a separate Inter-Dominion Conference should be called at an early date, and discuss the question of migration of Muslims from East Bengal to Assam and the migration of Muslims who have been in Assam prior to partition into East Bengal. Pending this Conference, both sides agree not to take any action to force or precipitate migration from one Province to the other on a mass scale. While both the Dominion Governments agree to this arrangement, Mr. Bardoloi wished to place the matter before his Cabinet.

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2959. Press conference of Leaders of the Indian and Pakistan delegations at the Inter-Dominion Conference on minorities.

Calcutta, April 19, 1948.

The agreement reached by the Dominions of India and Pakistan at the five-day session of the Inter Dominion Conference held in Calcutta, was announced at a Press Conference by the leaders of the two delegations, Mr. K.C. Neogy and Mr. Ghulam Mohammad.

The agreement lays down that the responsibility for the protection of the minorities rests with the Government of the Dominion in which the minorities reside. It adds that in Pakistan and in India every citizen shall have equal rights, opportunities, privileges and obligations, and there shall be no discriminations against the minority whose cultural and religious rights shall be fully safeguarded.

The agreement proposes the creations both in East and West Bengal of a Provincial Minorities' Board and district minorities boards under them, for protecting the interests of the minorities, removing fears from their minds and inspiring confidence in them. Management boards for evacuees' properties will be set up in districts or areas from which a substantial exodus had taken place.
The recommendations of the Expert Committee accepted by the conference *inter alia* suggested that in order to ensure the avoidance of undue hardship resulting from the switchover from the standstill to the new situation, the two Dominions will consider sympathetically applications for the issue of export licenses for goods which were imported from overseas specially to meet orders placed by customers in the other dominion. This is only for a short period of transition and will apply generally to shipments made and paid for before December 31, 1947.

Commodities specifically ordered by dealers in one Dominion through the ports of the other Dominion should be covered by the standstill agreement or the transit arrangements as the case may be and should not be denied to the persons who have already paid or will pay for the goods.

**Food Restrictions**

The committee also recommended that the restrictions whether imposed by Central or Provincial Governments on the movement between the two Dominions of commodities such as fresh fruits, vegetables, fresh milk and its products and any customs thereon must be removed.

The Indian Government have agreed to discuss the supply of mustard oil to East Bengal as a meeting to be arranged within the next three weeks. Until then the Pakistan Government will continue to allow the free movement of fish fresh and dry without any duty.

As regards postal, telegraphic and telephone rates, it was agreed that his question as well as the question of simplifying the movement of letters and postcards so as to reduce the delays which now arise by passing them through the exchanges should be examined urgently by experts of both the Dominions and arrangements were already being made for these discussions.

The agreements states that any propaganda for the amalgamation of Pakistan and India or of portions thereof including East Bengal on the one hand, and West Bengal or Assam or Cooch Behar or Tripura on the other, shall be discouraged.

To ensure the implementation of the agreement the representatives of the two Dominions shall meet at least once in two months: and the representatives of East and West Bengal shall meet once every months for the same purposes. In addition, to begin with, the Chief Secretaries of the two provinces shall have fortnightly meetings.

The conference has also recommended that another inter-dominion conference shall be called at a very early date to which representatives of other provinces
and states except the East and West Punjab and NWFP, from which exodus has taken place on a large scale, or is likely to take place, shall be invited.

The special problems of the East and West Punjab and NWFP will be considered at a separate conference.

The migration of Hindus from East Bengal to Assam and the migration of Muslims who have been in Assam prior to partition into East Bengal will also be the subject of a separate inter-Dominion conference.

Mass Exodus

In the interest of either Dominion they are determined to take every possible step to discourage such exodus and to treat such conditions as would check mass exodus in their direction and would encourage and facilitate, as far as possible the return of evacuees to their ancestral homes. The two dominions agree as follows:

(1) The responsibility for protecting the lives and property of the minority communities and for ensuring that they receive justice, that their civic rights are fully safeguarded rests on the Government of the Dominion in which the minorities reside.

(2) In Pakistan and in India every citizen shall have equal rights opportunities, privileges and obligations and there shall be no discrimination against the minorities whose cultural and religious rights shall be fully safeguarded. "Cultural." rights includes "educational" rights.

(3) Reunion: Any propaganda for the amalgamation of Pakistan and India or of portions thereof including East Bengal on the one hand and West Bengal and or Assam or Coach Behar or Tripura on the other shall be discouraged.

The word propaganda shall be taken as including any organization which might be set up for the purpose.

(4) Both Governments recognize that the whole-hearted co-operation of the Press is essential for creating a better atmosphere and, therefore, agree that every effort should be made in consultation with the representatives of the Press wherever possible to ensure that the press in each Dominion does not (a) indulge in propaganda against the other Dominion, (b) publish exaggerated versions of the news of a character likely to inflame communal passions or cause fear or alarm to the population or a section of the population in either dominion, (c) publish material likely to be construed as advocating a declaration of war by one Dominion against the other Dominion or suggesting the inevitability of war between the two Dominions.
Unfair Treatment

(5) Complaint from minorities in both the Dominions that action is not taken on their reports against oppression or unfair treatment, should be promptly and fairly looked into and early remedial measures taken.

(6) Both in East Bengal and in West Bengal there shall be set up a Provincial Minorities Board and under the provincial board, district minorities boards for the express object of protecting the interest of the minorities removing fear from their minds and inspiring confidence in them.

These boards shall ensure that the grievances of the minorities are promptly brought to the notice of the authorities and they are satisfactorily and promptly dealt with.

Minorities Board

It is suggested that the Provincial Minorities Board should be composed of five members, three of whom should at least belong to the minority communities. The remaining two shall be persons of influence and a shall be nominated by the Provincial government.

The District Magistrate shall be the chairman of the district minorities boards and a Minister to be nominated by the Provincial government shall be the chairman of the provincial board.

(7) The two dominions and their Provincial governments shall declare and make it widely known to their officers and other employees that any government servant proved to have been guilty either of dereliction of duty in protecting the lives and properties of the members of the minority community or of directly or indirectly ill treating the members of the minority community or showing prejudice against the minority community in the discharge of his duties, shall receive exemplary and deterrent punishment.

(8) Severe action shall be taken against any person or group of persons creating or attempting to create any apprehension or fear insecurity or alarm in the minds of the minority communities.

(9) The two Dominions shall take adequate steps to remove complaints regarding:

(a) discrimination in the grant of export licences and railway priorities to members of the minority community as such.

(b) to curb all tendencies towards an economic boycott of minorities or strangulation of their normal economic life.
The two Dominion Governments shall request their respective Provincial Governments to observe the same principles in their own sphere.

Governments of East Bengal and West Bengal will provide legislation providing for the setting up of evacuee property management boards in districts or areas from where a substantial exodus has taken place.

These boards will be set up only when it is established that there is a demand for their establishment. These boards will assume management of properties only on the definite request of their owners.

Their functions will be of a managerial character and they will not have the power to alienate the property entrusted to them for management. These boards shall be composed of members of the minority community.

**Evacuee Defined**

(2) "evacuee" shall be defined as a person who has left the province in question on or after January 1, 1947, and who declares his intention to return as soon as normal conditions are restored.

A committee of officers will be appointed immediately by the two Governments to draw up detailed proposals for the necessary legislation.

To ensure the implementation of this agreement, the representatives of the two Dominions shall meet at least once in two months so as to bring to the notice of each other any instances of the non-observance of the above principles in either Dominion.

In the case of East Bengal and West Bengal, where the situation requires more urgent measures, the Premier of the two provinces shall meet every month for the same purpose, and

To begin with, the Chief Secretaries of the two provinces shall meet once a fortnight. Whenever matters concerning Assam, Cooch Behar, and Tripura are likely to be discussed, the Chief Secretary, West Bengal shall arrange for their representatives to be present.

**Another Conference.**

(1) This conference recommends that another Inter dominion Conference should be called at a very early date to which representatives of other provinces and states (except East and West Punjab and the NWFP) from which exodus has taken place on a large scale, or is likely to take place, should be invited to consider action on lines similar to those proposed above or on any other suitable lines in the respect of (a).
(A) Protection and other safeguards for the property of refugees who have come out from one dominion to the other temporarily or otherwise, be provided.

(B) Creation of conditions in any affected area which will reassure the minorities that their interests and rights are fully safeguarded and will prevent exodus or will induce evacuees to return to their homes.

(2) It is further understood that a separate conference already agreed to is to be held to consider the special problems relating to the East and the West Punjab and the NWFP; it is recommended that this conference should also be held at a very early date.

Assam and East Bengal

(3) It is further recommended that separate Inter-Dominion conference should be called at an early date, in which representatives of East Bengal and Assam are present, and look into the question of persons who have been in Assam prior to partition into East Bengal.

2960. Press Note issued by the Government of West Bengal regarding measures for the protection of minorities.

Calcutta, April 30, 1948

Pursuant to the Agreement arrived at between the representatives of the two Dominions at the Inter-Dominion Conference held recently in Calcutta the Chief Secretaries to the Governments of West Bengal and East Bengal met at Dacca on the 26th April, 1948, and prepared drafts of certain instructions to their local officers for the successful implementation in spirit as well as in letter, of the decisions reached at the Conference. As a result, orders have been issued by the Government of West Bengal on the District Officers and other local officers as well as on the various Departments to take immediate steps in order that the broad objectives of the Agreement may be effectively fulfilled. The provisions of some of the principal directions are indicated below for the information of the general public.

2. The importance of living up to their responsibility for protecting the lives and property of the minority community has been impressed on Government servants of all grades. They have been asked in particular to ensure that the minority community receives justice and that their civic rights are fully safeguarded, that
every citizen feels that he has equal rights, opportunities, privileges and obligations, that there is no discrimination against the minorities whose cultural, including educational, and religious rights are to be fully safeguarded and that complaints from minorities against oppression or unfair treatment are promptly and fairly looked into and early remedial measures taken. The various Departments of Government which deal with economic control in any form or with distribution of Government contracts, grants or any other patronage have been requested to issue necessary directives to ensure the implementation of the provision of the Agreement that steps should be taken to remove complaints regarding discrimination in the grant of export and import licences and railway priorities and for giving up all tendencies towards an economic boycott of the minorities or strangulation of their normal economic life.

3. In a separate communication local officers have been asked to give the widest publicity amongst all ranks of Government servants to the decisions that Government are determined not to tolerate on the part of any of their servants conduct prejudicial to the interests of the minority community. Any government servant found guilty either of dereliction of duty in protecting the lives and properties of the members of minority community or directly or indirectly ill-treating the members of that community or showing prejudice against that community in the discharge of their duties will be awarded exemplary and deterrent punishment. Local officers have also been asked to take effective steps to ensure that mischief-makers and rumour-mongers amongst the general public who attempt to create panic in the minds of the minority community are effectively prevented from indulging in such activities.

4. In a special communication the attention of local officers have been drawn to the provisions of the Agreement that searches of the person or of bona-fide personal luggage for contraband articles will be made only by duly authorized customs staff. They have been directed to take immediate steps to ensure that such searches as used to be made previously by the police, volunteer organizations or any other unofficial agency are discontinued forthwith. A check other than one involving the search of the person or personal luggage may, however, be made by the Police to prevent smuggling in bulk and the Police will continue to exercise their normal legal powers to search a person or his belongings when an offence has been committed or is reasonably suspected to have been committed.

5. Very early steps are being taken to implement other terms of the Agreement including that for the setting up of Provincial and District Minorities Boards.

6. The Government of East Bengal are issuing similar instructions to their local officers.
Office Memorandum issued by the Ministry of Home Affairs to the Provincial Governments regarding decisions of the Inter-Dominion Conference relating to minorities.

New Delhi, May 5, 1948.

No. 57/14/48-Political Government of India Ministry of Home Affairs

New Delhi the 5th May, 1948

Office Memorandum

Subject: Inter-Dominion Conference held at Calcutta in April 1948 - implementation of the recommendations of -

The Governments of India and Pakistan have agreed that mass exodus of minorities is not in the interest of either Dominion and the Governments are determined to take every possible step to discourage such exodus and to create such conditions as would check mass exodus in either direction and facilitate as far as possible the return of evacuees to their ancestral homes. In order to implement certain terms of the Agreement reached between India and Pakistan at the Inter-Dominion Conference held at Calcutta in April 1948 the undersigned is directed to bring to the notice of all Provincial Governments and Chief Commissioners the following decisions reached in the Conference and to request that suitable action may be taken to carry out these decisions, both in letter and in spirit:-

(1) The responsibility for protecting the lives and properties of the minorities and for ensuring that they receive justice and that their civic rights are fully safeguarded rests on the Government of Dominion in which the minorities reside.

It is suggested that this decision may be brought to the notice of all Government Servants specially Magistrates, Police officers and village officers.

(2) Every citizen shall have equal right, opportunities, privileges and obligations and there shall be no discrimination against minorities whose culture and rights shall be fully safeguarded (‘cultural’ rights include ‘educational’ rights).

It is suggested that this may be brought to the notice of local bodies and Heads of Department.
(3) Propaganda for the amalgamation of India and Pakistan or portions thereof should be discouraged.

It is suggested that this decision may be brought to the notice of the higher officers of Government and also given publicity through a Press note.

(4) It should be made known to Government servants that any Government servant proved to have been guilty of dereliction of duty towards minorities shall receive exemplary punishment.

It is suggested that this decision like decision No. (1) above may be brought to the notice of all Government Servants.

(5) Severe action should be taken against any person creating apprehension, fear, etc. in the minds of minorities.

It is suggested that this decision may be brought to the notice of all Government servants and also given publicity through a press note.

(6) All tendencies towards an economic boycott of minorities or strangulation of their normal life should be curbed.

It is suggested that same action as in the case of decision No. (5) above may be taken in this case.

2. I am to enclose for information copy of relevant extracts* from the Inter-Dominion Agreement.

(G.V. Bedekar)
Deputy Secretary to the Govt. of India

To All provincial governments and Chief Commissioners.

* As per Document No. 2958.
2962. Letter from the Premier of Assam to Home Minister Sardar Patel for checking immigration of Pakistani Muslims.
May 5, 1948.

CAMP : Mangaldai  
5 May 1948

Respected Sardarji,

As regards the main question of the Inter-Dominion Conference, I have already written to you in some detail, but the situation is getting more complex every day. A large number of Muslims and Hindus are entering Assam - Hindus generally to town areas which, as you known, are very small in dimension. The result is that the towns are getting completely overcrowded and being rendered insanitary, with shortage of water supply and other major inconveniences. The Muslims, on the other hand, have entered into the Muslim Villages occupied by immigrants migrating to Assam during the last 35 years and are living in the houses of the old immigrants - some as agricultural labour, and others having money are purchasing holdings from the old immigrants.

The subject of migration and immigration is a Central one and the Government of Assam have to look with callousness and even with dismay at the on-rush of these people. The ingress of Hindu immigrants has been mainly due to fear complex on the one hand and the discriminatory treatment by the Pakistan Government against the richer section of the people. The exercise of option by officers, against which I protested so strongly, has been another very important reason (for) this immigration. This immigration of Hindus into India can therefore be understood. But the immigration of large numbers of Muslims is indeed very difficult to explain unless we read it in the perspective of what Pakistan is doing in Hyderabad and Kashmir and what Pakistan aspired after, in respect of Assam before the partition of India. We have therefore come to the conclusion that if Assam is to continue as part of India it must be allowed to exercise the power of restricting the ingress of people, not only for avoiding an economic breakdown of the province but also for maintaining communal harmony which has so long been maintained in spite of Hindus and Muslims from outside trying to create a communal war. My Secretary has accordingly requested your Secretariat to give us powers to take appropriate action to prevent immigration of undesirable people into Assam.

Yours sincerely
Gopinath Bardoloi

The Hon'ble Sardar Vallabhbhai Patel,  
New Delhi.
2663. Letter from Cabinet Secretariat, Pakistan Government to Pakistan Ministry of Foreign Affairs regarding implementation of the decisions of the Inter Dominion Conference relating to the minorities.


Government of Pakistan
Cabinet Secretariat
Karachi

NO. 315 - Cord/48 the 25th of May, 1948

From : The Secretary General to the Government of Pakistan

To : The Secretary,

Sub: Implementation of the Calcutta Inter Dominion Agreement of 19-4-48 Paragraphs 5 and 7 of Section I and Last paragraph of Section IV.

Sir,

I am directed to invite your attention to the Agreement reached at the Inter-Dominion Conference held at Calcutta from 15th April to 19th April 1948, copy of which has been forwarded to you under Cabinet Secretariat No. 55/CF/48 dated 15-5-48, requesting you to give effect in letter and spirit to the measures contemplated therein, outlined in brief in the "Note for Cabinet" attached thereto.

2. While the responsibility to watch the over-all implementation of the Agreement is that of the Ministry of Foreign Affairs and Commonwealth Relations as indicated in Section II of the "Note for Cabinet", and all the Ministries would no doubt keep that Ministry in touch with all developments Cabinet Secretariat is particularly concerned with paragraphs 5 and 7 of Section I and last paragraph of Section IV. The following action should be taken in regard to the matters mentioned in these paragraphs:


All complaints received from the minority communities in Pakistan against oppression or unfair treatment should be promptly and carefully investigated and full effort made to redress their grievances. Adequate measures should be taken in each case to instill confidence and give the assurances of justice and fair play to the minorities. Each individual case can be the basis of adverse
propaganda or the proof of our goodwill towards the minority communities and
Pakistan officials should see that it becomes the latter. It is requested that the
Ministries should send reports to the Cabinet Secretariat in the beginning of
each month covering all actions taken by them or the Departments under their
control in this connection. The information Division are requested in particular to
bring to the notice of individual Ministries/Departments concerned any case of
oppression or maltreatment of minorities that may come to their notice through
the Press. As regards complaints of minorities in India the Ministry of Foreign
Affairs & Commonwealth Relations would be the coordinating agency as indicated
in the "Note for Cabinet" and reports in this connection should be sent to them.

4. Paragraph 7 of Section I: Action against Govt. servants guilty of
discrimination against minorities.

The Ministries are requested to impress both on their own official and the officials
of the Department under their control that the actions of any Government Servant
found guilty of discrimination against minorities will be very seriously viewed
and may involve severe punishment. The Government servants are expected
to treat the members of the minorities justly and even generously and must not
harass or ill-treat them directly or indirectly. In accordance with the Islamic
principles and traditions they should give protection to their lives and properties
and instill confidence in them by giving proper consideration and sympathy.
Any inclination or attempt at discrimination should be effectively curbed.
Government servants must become models of toleration and understanding so
that the Government which they represent remains beyond blemish. The Ministries
and Departmental heads should duly announce and enforce these principles.

5. Last paragraph of Section IV: Liaison & Co-ordination

While the preceding paragraph relates to the attitude of Pakistan officials towards
the members of the public especially those of the minority communities, this
paragraph relates to their dealings with officials of the Government of India. It is
considered that unless there is mutual goodwill and coordination and cooperation
at all levels between the officers of the two Dominions, it is well-nigh impossible
to carry out the provisions of Agreements reached and to ensure the good
results aimed at in them. Officers of the Pakistan Government should try to
maintain personal contact with their counterparts in the Government of India and
smoothen out small differences and petty obstacles by personal reference
and where possible joint meetings. Minor difficulties and avoidable delays are
easily eliminated in this way. Secretaries and Heads of Department are requested
to impress upon their officers and subordinates the great need for and immense
advantages in mutual goodwill and personal contacts. It is urged upon all that in
order to honour our part of the Agreement and not to allow any occasion for
complaint, it is the duty of all Government Servants to constantly bear in mind
the principles indicated in this and the preceding paragraphs and to abide faithfully
by them.

6. The above instructions are supplementary to and amplify the measures
asked for in the Agreement and constant reference to the provisions of the
original Agreement is requested to ensure that all that is required to be done is
actually done.

7. The Ministry of Foreign Affairs & Commonwealth Relations are requested
to have these instructions forwarded to the acceding States.

I have etc

Sd/-A. Rashid Ibrahim
Under Secretary to the Cabinet

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2664. Letter from The Government of Pakistan to the Chief
Secretaries of the Provincial Governments in Pakistan
regarding implementation of the Inter-Dominion
Conference on minorities.


Government of Pakistan
Ministry of Interior
Information and Broadcasting Division

No.5/23/48 IP dated 26/27th May, 1948

I am directed to say that at the Inter-Dominion Conference, held at Calcutta in
April last both Governments recognized that the wholehearted co-operation of
the Press was essential for creating a better atmosphere and accordingly agreed
that every effort should be made, in consultation with the representatives of the
Press wherever possible, to ensure that the Press in each Dominion did not:

(a) Indulge in propaganda against the other Dominion,

(b) publish exaggerated versions of the news of character likely to inflame,
or cause fear or alarm to, the population or a section of the population in
either Dominion,

(c) publish material likely to be construed as advocating a declaration of war
by one Dominion against the other Dominion or suggesting the inevitability of war between the two Dominions.

The Government of Pakistan are keen to see the implementation of this decision. I am therefore, to request that necessary action may kindly be taken to ensure that your Publicity Department watch the press, especially the vernacular press, for compliance with the decision referred to. The cases of non-compliance if any may be reported to this Division as and when necessary.

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2665. Telegram from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, September 14, 1948.

No. PRIMIN. 1591.

Please refer to your telegram No 3445 dated 10th September. I regret that owing to heavy pressure of business requiring immediate attention I could not answer it earlier.

2. I am sorry to say that there is much in your telegram which is highly controversial*. I do not, however, intend that relations between the two Dominions should be exacerbated by indulgence in charges and counter charges or angry dialectics. I have more than once told you of the vital importance that we attach to the protection of the life, property and honour of all minorities, including Muslims, in India. The pity of it is that incidents, which are not of our making and which we regret and deplore as much as anybody, are misunderstood and greatly exaggerated in order to throw doubts upon our good faith. I think you will agree that, so long as responsible persons in Pakistan think and speak on these lines, there cannot be that measure of understanding between the two Governments on this problem that you and, I assure you, all of us here desire. Tolerance towards all minorities and full rights of citizenship for Muslims as well as impartial enforcement of law and order are our watchwords.

3. I do not quite know what measures you have in mind for devising ways and means for preserving the interests of minorities in each Dominion. If you have any suggestions to make, I shall be happy to consider them most carefully.

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* Liaquat Ali had claimed that Pakistan alone had been extending its hand of friendship to India.
Please refer to your telegram No 3609 dated the 21st September 1948*. I deeply appreciate your friendly response to my telegram Primin 1591 dated September 14th. I particularly welcome the essentially human approach which you have indicated in your telegram to the solution of the problems that confront us. I agree entirely that only by reasoned and dispassionate discussion between representatives of the two Dominions of the problems that remain for solution would we reach a proper understanding by each of the other's point of view and the establishment of real peace between India and Pakistan.

2. There is no doubt that among the most important of these problems is the creation in the minds of the minorities in each Dominion of the feeling that, irrespective of their numbers and the religion they profess, every one of them will have the same full rights and protection as any person belonging to the majority. The time has come for us to forget once for all the horrors that were perpetrated in the two Dominions before and after partition. I am glad you consider that the position now has greatly improved and that we should set about taking steps to ensure that peace is not disturbed again.

3. I would only add this; while any deviation in one Dominion from just treatment of minorities cannot altogether fail to have repercussions in the other, I and my Government are determined to use all our resources in preventing any such repercussions in India on account of happenings to minorities in Pakistan and to ensure that no member of any minority in India shall be allowed to suffer in life, honour or property merely because minorities in the other Dominion are suffering in these respects.

4. I welcome the idea of an inter-Dominion conference for this purpose as soon as we are able to arrange for one. It will however be necessary, in the meanwhile, for each of us to evolve some concrete suggestions for achieving what both of us have in mind and to see from now that all the agreements that we have already entered into are implemented to the full.

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*Liaquat Ali Khan said that “It is only by a reasonable and dispassionate discussion of various problems… that we can hope to promote peace and understanding between our two countries… Regrettable events took place before and after partition resulting in large movements of population. The position has now largely stabilized itself and it should be our aim to see that minorities are completely safeguarded…’”. He assured Nehru that he and his Government wanted “to do everything to protect life, honour and property of non-Muslim as fully as that of Muslims…’*. 
2967. Extract from the Speech of Deputy Prime Minister Sardar Vallabhbhai Patel warning Pakistan if Hindus were driven out of East Bengal, it must part with sufficient land for their rehabilitation.

Nagpur, November 4, 1948.

* * *

One problem alone is a sources of great worry to us. Lakhs of men are coming from East Bengal to West Bengal. What are we to do about it? When the Punjab was partitioned, Hindus and Sikhs came here and we are still shouldering the burden that has been thrown on us. They drove out Sindhis from the Sindh and Hindus and Sikhs from the North-West Frontier Province. The position in Frontier is such that those who sacrificed themselves for the sake of freedom have been clapped in jail. Patriots of the status of the Khan Brothers are imprisoned. There are 125 lakhs of Hindus in East Bengal. In the Punjab we could put the Hindus and Sikhs in place of Muslims who had left. What are we going to do about the Hindus from East Bengal? Think of the vast problem that has presented itself to us by this question. Do you feel we have any time to get involved in narrow provincialism, while this problem is increasing in its dimensions? How can we solve this problem? We have to tell Pakistan plainly that the problem should either be solved amicably or it is likely to prove a source of trouble between the two Dominions. We are ready for all eventualities. If you are determined to turn out Hindus, you must part with sufficient land to enable us to settle them. We cannot take things lying down.

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IMMEDIATE

Following for Pandit Jawaharlal Nehru repeated Sardar Patel (Foreign please pass copy). Form Dr. B.C. Roy (Premier of West Bengal)

Just received another telegram from Sri Prakasa in continuation of telegram of 10th to me and repeated to you.

"If I remember aright I told you and other friends at Delhi that I fear Hindus will not stay in East Bengal as general mass of Muslims do not want them and so create situations inducing Hindus to leave. I also said strong action may be needed against PAKISTAN. I referred both in talk at GOPALSWAMI's and in my statement here to SERAJGUNJ and JESSORE incidents. I also referred to circular of Provincial Government to its officers to treat minorities justly and generously which I deliberately interpreted charitably for reasons mentioned in my earlier telegram and put SERAJGUNJ ad JESSORE incidents to local officers inability to withstand public opinion which desires Hindus to go.

I still feel that it is necessary for responsible Indian authorities in public statements to credit Government at the top with good intentions on the basis of their public statements even if we are convinced to the contrary so that Hindus may be encouraged to stay and not to leave in panic till Govt. of India is able finally to decide to take strong action. If we attack Govt., Hindus will be encouraged to leave. To my mind it is best to counter "immediately" what is a fact namely the dislike of Muslims for Hindus whom they want to leave, than blaming local officers who unable to do justice in face of public anti-Hindu opinion. Lastly comes stage for attacking Govt. at top for inability to control mass hysteria also injustice and improper conduct on part of local officers. That will properly justify our ultimate strong action."

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**2969.**

**SECRET**

**TELEGRAM**

From: Foreign New Delhi
To: West Bengal Calcutta

No. PRIMIN-1756 23rd November, 1948.

IMMEDIATE

From Jawaharlal Nehru for Bidhan Roy.

Thank you for your letter of 20th November. Fully appreciate what you say, but I am still definitely of opinion that larger interests of West Bengal and India require us to take long distance dispassionate view and not be pushed about by Pakistan’s misbehaviour. Any claim for territory is completely unreal. It only means, not only in eyes of Pakistan but of the world, that we are thinking in terms of war with Pakistan. This must necessarily add to the exodus greatly apart from other unfortunate consequences. I known something about foreign opinion on this issue as I have discussed it abroad. I have no objection to some military being stationed in occupied chars provided there is no great show of force anywhere and strict injunctions are given to military and police to avoid incidents.

In regard to Pakistan’s proposal for status quo pending amicable settlement after joint survey, it is clear so far as we are concerned that status quo must be based on present possession and occupation. This can be stated to Pakistan in accepting their proposal. You will be seeing Liaquat Ali Khan soon. It is desirable that you should talk to him on these lines other wise situation will deteriorate.

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**2970.** Extract from the speech of Deputy Prime Minister Sardar Patel at the Jaipur session of the All India Congress Committee on the problem of East Bengal Hindus.

Jaipur, December 17, 1948.

* * * * *

The problem of East Bengal is difficult. There are about 15 million Hindus there. They are weak and soft. The people of the Punjab were different. They were strong they could assert themselves and fight.

The people of East Bengal are in a sad plight. Nobody wants to leave his own hearth and home without any reason. After all in India they would have to starve.
It is because conditions in which they live there are bad that they migrate to India. This was one of the important questions that was recently discussed at the Inter-Dominion Conference, and let us hope that a satisfactory agreement will be reached. The issue is undoubtedly serious, and its seriousness has been made clear to Pakistan. The Hindus who have left East Bengal and are now in India as refugees must return there. India cannot undertake that burden and will be faced with serious problems if they were to remain here and others were to follow.

The Pakistan Government must create conditions for the peaceful stay of these persons in their own homes. They must protect them from harassment or persecution. They must be assured that their lives would not be in danger in Pakistan. I suggested some time ago that if the Hindus in very large numbers were made to leave East Bengal on account of unsatisfactory conditions created there, the Pakistan Government should provide additional space for their settlements. This suggestion was made as one of the methods of solution at this difficult problem by mutual discussions and agreement. It was not intended as a challenge or as an imposition by force.

I have no aggressive intentions against Pakistan, and I believe that the two Dominions must settle this problem amicably and by mutual discussions. I always desire peace. If I did not, I could not have spent a life with Gandhiji. I do not hesitate in saying that I feel, whether it displeases Hindus, Muslims or anybody else. I admit that I do so in blunt language, but to learn the proper language, I shall have to spend next birth also with Gandhiji. It is possible there may be other methods by which this problem can be solved, but if Pakistan has any alternative solution, she must put it down, so that we can discuss it amicably together. Whatever I am saying is not merely in the interests of the refugee, but also for the good of Pakistan. It is for Pakistan now to take concrete steps to solve the problem otherwise India cannot undertake the burden of these refugees and will be crushed under its weight.
Office Memorandum from the Ministry of Home Affairs to the Provincial Governments in India.

New Delhi, December 31, 1948.

No.51/248/IV/48-Public. the 31st December 1948

Government of India
Ministry of Home Affairs

From: E.C. Gaynor, Esquire, Deputy Secretary to the Government of India

To: All Provincial Governments and the Chief Commissioners New Delhi-3.

Subject: Inter Dominion Conference between India and Pakistan held at New Delhi in December, 1948.

Sir,

I am directed to invite the attention of the Government of Madras/etc. to this Ministry's Circular Office Memorandum No.57/14/48 Political, dated 5th May 1948, on the subject of implementation of the recommendations of the Inter Dominion Conference at Calcutta in April 1948 and to state that inasmuch as the Calcutta Agreement has not succeeded in checking the exodus of the Minorities, the Government of both the Dominions have, in the recent Inter-Dominion Conference, held at New Delhi, reaffirmed that such mass exodus is not in the interest of either Dominion and that they are determined to take every possible step to discourage the exodus and create such conditions as would check it in either direction. To achieve these objects and with a view to encouraging and facilitating as far as possible the return of evacuees to their ancestral homes, the two Government have reached a new Agreement during the Inter-Dominion conference held at New Delhi from 6th of 14th December 1948 containing among other the following important decisions concerning the Minorities and for the protection of their lives and properties and safeguarding the civic rights and liberties:-

(1) The responsibility for protecting the lives and property of the minority communities and for ensuring that they receive justice and that their civic rights are fully safeguarded rests on the Government of Dominion in which the minorities reside. The allegiance and loyalty of the minorities is to the State of which they are citizens and it is therefore their right and duty to have their grievances redressed by the Government of their own State. Leaders in each Dominion should make public declaration to this effect at every suitable opportunity as part of the implementation of the provisions of the Agreement.
(2) (i) In Pakistan and in India every citizen shall have equal rights, opportunities, privileges and obligations; and there shall be no discriminations against the minorities whose cultural and religious rights shall be fully safeguarded.

N.B. "Cultural" rights include "education" rights.

(ii) Where direct recruitment is made otherwise than by open competition, minorities shall be given fair representation in the services.

(3) Any propaganda for the amalgamation of Pakistan and India or of portions there of including East Bengal on the one hand and West Bengal or Assam or Cooch Bihar or Tripura on the other, shall be discouraged.

N.B. The word "propaganda" shall be taken as including any organization which might be set up for the purpose.

(4) Complaints from minorities in both the Dominions, that action is not taken on their reports against oppression or unfair treatment, should be promptly and fairly looked into and early remedial measures taken.

(5) The two Dominions and their Provincial Government shall declare and make it widely known to their officers and other employees that any Government servant proved to have been guilty either of dereliction of duty in protecting the lives and properties of the members of the minority community or of directly or indirectly ill-treating the members of the minority community or showing prejudice against the minority community in the discharge of his duties, shall receive exemplary and deterrent punishment and such punishment shall be given full publicity in each Dominion.

(6) Sever action shall be taken against any person or group of persons creating or attempting to create any apprehension or fear of insecurity or alarm in the minds of the minority communities.

2. The new Delhi Agreement includes all the terms of the Calcutta Agreement on which necessary instructions have been issued but as that Agreement has not been implemented, I am to request that the Government of Madras/etc. should bring to the notice of all concerned the terms of this Agreement and the earlier instructions issued in this behalf and also issue such fresh instructions as appear necessary. Copies of any fresh instructions issued may be forwarded to the Government of India in the Ministries of Home Affairs and External Affairs & Commonwealth Relations (C.R. Wing).

Yours faithfully
(E.C. Gaynor)
Deputy Secretary to the Government of India

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New Delhi, June 5, 1949

My dear Premier,

Thanks you for your letter of the 1st June. There is little doubt that the East Bengal Government and officials have no intention of settling down in friendship with West Bengal or with the minorities in their own province. I had a long talk with Col Jiwan Singh of the Noakhali Gandhi Ashram. The impression I got was that their attempt to squeeze him and his co-workers out in continuous. At the same time I felt that, for some reason or other, the East Bengal Government did not wish to take any extreme steps. They were quite nervous of other consequences ensuing. Anyhow, I have advised Jiwan Singh to remain at Noakhali whatever happens. If he and his co-workers leave, then the minority in Noakhali will be frightened and will tend to move themselves. In fact the effect on progress will be bad. I have asked Jiwan Singh to carry on there in spite of every difficulty. On the whole he should concentrate on the Noakhali area and not tour about East Bengal. He should of course come from time to time to West Bengal to meet you and others.

The whole question of East Bengal is tagged on to larger issues concerning India and Pakistan. I do not myself see any swift solution of these issues, though I have little doubt they will be solved some time or other. Till then we have to hold on in East Bengal and try to prevent minorities from coming away. It is obvious that any further emigration of minorities to West Bengal will be a calamity for all of us.

Jiwan Singh spoke to me about a proposal of his to take back some middle class families to East Bengal from West Bengal. He told me that he had discussed this matter with you fully and that you had agreed with the proposal. This amounts to utilizing a part of the money which would be spent on relief or rehabilitation of these families going back. No further expenditure in involved. I think it will be a very good idea if this could be done, but to begin with it must be done on a small scale only and without any fuss or publicity…

Yours sincerely

Jawaharlal Nehru
2973. Press Note issued by the Government of East Bengal on the minorities in that province.


Government have in recent weeks remarked a tendency on the part of Indian leaders in their statements, to revive the exploded myth of persecution and exodus of the Hindu minority in East Bengal. Non-official organizations, such as the Council for the Protection of Rights of Minorities, have also with the tacit backing of the Indian authorities, joined in the chorus of anti-Pakistan propaganda and have not scrupled to distort even the East Bengal Government's census of evacuee property in the province, carried out with a view to implementing the Inter-Dominion agreement on Evacuee Property Management Boards, into an alleged diabolical plan to force a mass exodus of the minority community.

The Government are confident that this revival of an already discredited bogey will completely fail to impress the outside world. The patent absurdity of this propaganda and the glibness with which false figures are quoted may be illustrated by a recent statement of the Indian Prime Minister that although (according to him) 15 Lakhs of Hindus had migrated to India, the number still in this Province was 1 crore 50 lakhs, whereas the total Hindu population of East Bengal according to the last census is only 1 crore 17 lakhs, and when it is common knowledge that, owing to the lull earlier this year in war hysteria in India and in Indian propaganda against the East Bengal administration, all the Hindus, barring a few thousand, who had migrated to West Bengal have returned to their homes in this province. Nor have the Government any doubt that the propaganda will not in any way unsettle the East Bengal minority, who remain perfectly confident in the provincial administration and conscious of the security in which they are conducting their lives.

The deeper and more sinister move behind this renewed propaganda campaign, which this Government must regard with some concern, is clearly to prepare the ground for the mass expulsion of Muslims from Assam, which is foreshadowed in a Bill shortly to be introduced in the Indian Legislature. Justification for this proposed measure is sought in allegation that during recent months there has been a large scale and continuous immigration of Muslim settlers from East Bengal into Assam. From information at their disposal this Government are in a position most emphatically to deny that any such movement has taken place, and they are constrained to conclude that the intention of the Government of Assam is to redouble the rigours of the notorious "line system", by which Muslim settlers on reserved land who cannot prove occupation before 1938 are liable to summary eviction, so as to force a mass exodus of Muslims into East Bengal in an effort to disrupt this province's economy. It needs to be emphasized that
these settlers, who were all in possession of their lands in Assam before August 1947, are indisputably Indian nationals, and their expulsion to the neighbouring Dominion is therefore a completely unjustifiable and at the same time extremely momentous step fraught with unpredictable consequences. Moreover, it was agreed in the New Delhi Inter-Dominion Conference of December, 1948 that this problem should be discussed at Ministerial level, but an attempt has been made by the Indian Union to invoke this provision of the Agreement before embarking on its unilateral policy of expulsion of Muslims from Assam which cannot but have the most undesirable repercussions.

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2974. Note from Pakistan High Commission in India to the Ministry of External Affairs.

New Delhi, January 23, 1950.

Office of the High Commissioner for Pakistan in India

New Delhi


The Pakistan High Commission in India present their compliments to the Government of India, Ministry of External Affairs, New Delhi, and have the honour to say that of late the Government of Pakistan have been watching with concern a tendency on the part of the Indian leaders in their statements to revive the incredible myth of the persecution of the Hindu Minority in East Bengal and their exodus from the province. Non-official organizations such as the Council for the Protection of the Rights of Minorities have also, apparently with the tacit support of the Indian authorities joined in the chorus of this anti-Pakistan propaganda and have even unscrupulously distorted the East Bengal Government's Census of Evacuee Property in the Province, which was carried out with the singular object of implementing the Inter-Dominion Agreement on Evacuee Property Management Boards, into an alleged sinister plan on the part of the Government of East Bengal to force a mass exodus of the Hindu minority from East Bengal. To illustrate an example, the Hon'ble Prime Minister of India in a recent statement, is reported to have declared that although (according to him) 15 lakhs of Hindus from Pakistan have migrated to India, there were still 1 crore and 50 lakhs Hindus in East Bengal, whereas according to the last census the total number of Hindus in that province was 1 crore and 17 lakhs only.
The Government of Pakistan feel that the only motive behind this renewed propaganda campaigns is clearly to prepare the ground for mass expulsion of Muslims from Assam, which is foreshadowed in a Bill shortly to be introduced in the Indian Legislature, justification for which is sought in the false allegations that during recent months there has been continuous immigration on a large scale, of Muslim settlers from East Bengal into Assam. The Government of Pakistan most emphatically deny that any such movement has taken place. They have reason to conclude that by making such baseless allegation the intention of the Assam Government is to redouble the rigors of the notorious Line System by which the Government of Assam seek to make Muslim settlers on reserved lands, who cannot prove their occupation of the lands before 1938, liable to summary eviction and thus to force a mass exodus of Assam Muslims into East Bengal with a view to disrupt the economy of that Province. It need hardly be emphasized that these Muslim settlers, who were all in possession of their lands in Assam before August, 1947, are indisputably nationals of the Indian Dominion, and their expulsion to the neighbouring Dominion is, therefore, wholly unjustifiable. Moreover, it was agreed in the Inter-Dominion Conference held in New Delhi in December, 1948 that this problem should be discussed at ministerial level. The Government of Pakistan regret to observe that no attempt has been made by the Governments of India to invoke this provision of the Inter-Dominion Agreement before embarking on their arbitrary policy of expulsion of Muslims from Assam, which cannot but have most undesirable repercussions in Pakistan.

The Government of Pakistan, therefore, feel constrained to lodge a protest with the Government of India against the renewed anti-Pakistan propaganda campaign espoused by the Indian leaders and against the discriminative policy of the Government of Assam against the Muslim minority of that province.

The Pakistan High Commission take the opportunity to renew to the Government of India the assurances of their highest consideration.

The Ministry of External Affairs,
Government of India, New Delhi.

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Letter from Chief Minister of West Bengal to Premier of East Pakistan.

Calcutta, February 3, 1950.

D.O.No.880/C.

Dear Janab Nurul Amin,

I am constrained to address you about the deplorable state of lawlessness which has been prevailing in the Bagerhat Sub-Division, District Khulna, East Bengal for the past few weeks, reports about which are daily reaching this Government through eye-witnesses and destitute and panic-stricken men and women moving out of the disturbed area in increasing numbers. I presume that you too have received reports about these happenings but, for the sake of convenience, the incidents narrated by the eyewitnesses and sufferers and as reported in the Press here are summarized below. These reports are corroborated by other materials reaching this Government from reliable sources.

2. It is reported that the Police, along with Ansars, went to the house of a member of the minority community in village Kalshira at dead of night on the 20th December, 1949, in search of an alleged communist suspect. Being unable to trace the man the Police began to assault mercilessly the inmates, including the women, plundered their belongings and set fire to the house. The wife of the suspected man was then brutally assaulted and ravished. Attracted by the piteous cries of the inmates of the house, the neighbours rushed to their help and in order to save the women resisted the assailants as a result of which one of the policemen is reported to have died. On receipt of this news the Senior Inspector of Police visited the village with a large police force on 22nd December, 1949, and ordered the looting of villages Kalshira and Kharia. Thereafter a violent Muslim mob, supported by the police, began to loot and plunder, assault and murder the Hindu men, ravish the Hindu women, forcibly convert or kidnap Hindu men and women and otherwise oppress them. Village after village was thus ravaged including Bennyabari, Ruiya, Dumuria, Rayerkul, Sonakhali and Chithalmari. In some cases the entire village has been looted and ransacked and the Hindus forced to evacuate en masse as a result of oppression. A statement showing some of the many reports of atrocities, including rape, forcible conversion, murder, extortion loot, arson, assault, desecration of places of worship etc. that have reached this Government is enclosed (Not included here) for your information. Additional gruesome details have come to notice after the statements had been prepared.

3. For over three weeks no news of what had happened could go outside the troubled areas as the local Muslims and the Ansars prevented people from going in or coming out of the group of villages which they had effectively cordoned
off. Muslim boatmen refused to carry Hindus passengers and even the railway station was closely guarded by the Ansars lest any Hindu could get into the trains. Afflicted men and women, however, ultimately managed to trickle through the cordon and cross into West Bengal. During the month of January, 1950, over 12,000 refugees, mostly agriculturists and belonging to the scheduled castes entered the Bongaon area of the 24 Parganas district alone. There is no sign of any slowing down of the exodus and more refugees are pouring in at the rate of about 500 per day. Their reposts show that the reign of terror still continues in the area. It appears that those who have ventured to make complaints to the authorities are being arrested by the Police and while in their custody being assaulted by the lawless elements but the known culprits are moving about freely. The incidents were reported to your Chief Secretary by my Chief Secretary in telegram No. 186 I.D., as early as on the 19th January, 1950, with the request to take steps to allay panic and stop exodus. You will be surprised to know that no action appears to have been taken in the matter by your Government as yet. Not even an acknowledgement of the telegram has yet been received.

4. I am to observe that the situation in the area has been allowed to become such that unless immediate steps are taken by your Government to allay the panic of the minority community, there will be a fresh mass exodus on a large scale from this as well as other parts of East Bengal. In spite of our best efforts, there is a risk of possible repercussions on this side of the border unless your Government take drastic steps to punish all evil-doers. In the common interests of both the States and the well-being of the minorities of either state, I request you to look into this serious matter personally. I shall be grateful to have from you an up-to-date correct version of the incidents and information as to what measures your Government have taken so far or propose to take to meet the situation. As already suggested in this Government letter No. 311 CR dated the 1st February, 1950, it is imperative that the matter be discussed at an early session of the Chief Secretaries’ Conference.

5. Reports of serious occurrences in other parts of East Bengal also have reached this Government and I propose to write to you shortly on these also.

6. I shall be grateful for a very early reply.

Yours sincerely,
Sd/- B.C. Roy

The Hon’ble Mr. Nurul Amin,
Prime Minister, East Bengal,
Dacca, Pakistan

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2976. **Telegram from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.**

**New Delhi, February 17, 1950.**

No 22099 17th February, 1950

Having seen your statement* published in *Dawn* of February fourteenth on the recent happening in the two Bengals, I am surprised that the happenings in East Bengal should have been minimized and the happenings in West Bengal should have been exaggerated out of all proportion. The picture conveyed by this statement is a distorted one. According to reports received by us, the incidents in Khulna sometime ago, and in Dacca, Barisal and other places more recently have been of a very serious character. We have received most harrowing accounts of suffering undergone by non-Muslims in different parts of East Bengal. We greatly deplore the recent incidents in Calcutta. These were due to the working up of communal feelings, but they cannot be compared in gravity and extent with the happenings in East Bengal. We believe that they were the repercussions of the large scale suppression and humiliations to which the minority community have been subjected during the last three months over large areas in East Bengal. The situation in Calcutta has been quiet for the last three days and I have every reason to believe that it is under complete control now. For months preceding the incidents in Khulna district, the communal situation in East and West Bengal was normal. In our view the incidents in Calcutta were precipitated by the cruel treatment of large numbers of non-Muslims in Bagerhat sub-division of Khulna district resulting in large scale migration to West Bengal and the failure of the East Bengal Government to deal with the situation quickly and effectively. Even now reports are reaching us of alleged attacks on minorities in various parts of East Bengal and also of the serious condition of a large number of refugees who are now in camps.

There are no means of our ascertaining the magnitude of the happenings in East Bengal today. In the absence of such information the issue of non-committal official statements serves no useful purpose. Perhaps, on your side also unauthorized and exaggerated reports may be creating difficulties. There can be no doubt that communal passions have been roused and, I hope, you will agree that immediate steps should be taken to restore confidence in the minds of the minorities in both Bengals. It seems to me that the immediate thing to do would

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* Liaquat Ali Khan issued a statement on February 13 that communal riots in Calcutta and other parts of West Bengal had led to exodus to East Bengal. These outbreaks had repercussions in Dhaka. The Khulna incident was said to be non-communal in character and an attempt by the communists to create trouble, but it was given wide publicity and a communal colour by the Calcutta press.
be for each Government to give facilities to the Deputy High Commissioner of the other Government to freely visiting areas alleged to be affected and ascertaining the facts. In addition, with a view to inspire confidence in the public mind, I suggest that joint commission be appointed for touring round the affected areas and collecting reliable information on the basis of which the two Governments might evolve a plan for the restoration and maintenance of communal peace. I would earnestly ask you to agree to these suggestions. Two fact-finding commissions may be appointed one for East Bengal and the other for West Bengal. Each commission may consist of two representatives each, nominated by East and West Bengal Governments, of whom one should be a minister. East commission should ascertain facts about the happenings that have taken place since the 1st December 1949 as well as assess the existing situation and prospects of its improving. The particular incidents which should form the subjects of fact finding in either province should be left to be indicated by the Government of the other province. I attach, however, the greatest importance to getting the commissions appointed at once and to their starting work without loss of time if possible, within a week at the latest. They should be instructed to complete their work and submit their reports at the earliest possible date.

I feel most strongly that you and I must jointly guide the handling of the situation and unless the governments of the two countries take immediate action on the lines suggested, we shall be failing in the duty that we owe to the minorities in our respective countries, the restoration of confidence amongst whom is vital to the maintenance of friendly relations between us. Request immediate reply.

I am sending a copy of this telegram to the Premier, East Bengal Government and another copy to the Chief Minister, West Bengal.

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My dear Nawabzada,

I have sent you a telegram this evening suggesting that two joint commissions should be appointed to visit East and West Bengal to ascertain the facts. My proposal does not mean that we should have elaborate enquiries, but rather that a fairly quick overall survey might be made by representatives of East and West Bengal. The advantage of this is obvious. Both our Governments as well as both the Provincial Governments will be in possession of a more or less reliable report of recent events and the existing situation. In addition to this the mere visit of such a joint commission would help in lessening the apprehension of many people and thus lessen the abnormalities of the present situation.

I have made this proposal with a feeling of great urgency and I earnestly trust that you will agree to it, so that we may take the steps proposed immediately. This is of course an essential preliminary step. It does not take us far. I am greatly exercised in mind over recent developments. It is not my desire to enter into an argument with you about what happened. But I want to tell you quite frankly that the accounts and the stories that have reached us about recent happenings in East Bengal have shocked me greatly. I am terribly sorry for what took place in Calcutta. But all the information at my disposal indicates that there is no comparison between Calcutta happenings and East Bengal happenings. It is little comfort, however, for either of us to measure and balance evil. Something has happened, which was not merely intensely evil in itself but it might be a portent of much greater evil.

It is patent that we cannot wait and watch supinely for tragedy to descend upon us, without making every effort to avert it. Both of us, in our respective spheres of activity, have to bear a terrible responsibility. The weight of this oppresses me and I have to question myself repeatedly as to whether I am discharging it adequately or not. We have tried repeatedly to meet in Inter-Dominion Conferences and sometimes it has appeared that things are on the mend. We thought that the situation as between East and West Bengal had stabilized itself and improved. Recent events have shown that we were mistaken and were deluding ourselves. For the moment it is immaterial as to where the fault lay, though I have my own clear views on this subject. The fact is, as I see it that conditions have arisen in East Bengal which made it exceedingly difficult for non-Muslims to live there with security. There will be an inevitable tendency on their part to migrate beyond the borders of Pakistan. It may be that there are a number of Muslims in West
Bengal, who also desire to migrate. My own impression is that the latter number will be far smaller than the former.

The populations involved are enormous. It seems to me fantastic and totally impracticable to think in terms of these large migrations. It is equally impossible for us to look on, when millions of people live in a state of fear and apprehension and lack security, and there is constant danger of an eruption such as we have seen. Life is not worth living under these conditions and there cannot be any stability or normality.

That is the problem and I wish to place it before you frankly, because we seem to have explored many avenues of settling it without success. We have to face that problem in all its grim reality. That problem, in its wider aspects, takes many shapes. But for the moment I am confining it to East and West Bengal. We may carry on an argument in the press or platform, but that will not solve the problem. It will only make it worse. It has thus become absolutely imperative for us to come to clear conclusions as to how we can give complete security of person and property and mind and work to people who live either in East or West Bengal. If we cannot give that security, then critical conditions continue demanding other action.

I am writing this personal letter to you, because my mind is greatly troubled and is trying to seek some remedy for this evil that has descended upon us. The lives of millions of people are involved in it. It is no small matter and it will be a shame and tragedy of the worst kind, if we prove incapable of dealing with this situation.

Whatever else we may have to do, it seems to me incumbent that immediate steps should be taken to find out the facts. Any decision that we may have to take will have to be based on reality and not on surmise. Therefore, I earnestly trust that you will agree to the proposal to have joint commissions*.

Yours sincerely

Jawaharlal Nehru

Hon'ble Liaquat Ali Khan
Prime Minister of Pakistan
Karachi.

* Liaquat Ali Khan in his reply of 18 February turned down the proposal of two joint fact-finding commissions and suggested that a declaration of both Governments that they discouraged migrations from one part of Bengal to another be issued at once. The declaration should also assure that the two Governments would rehabilitate the minorities in their homes and protect their life and property.
Letter from Premier of East Bengal to the Chief Minister of West Bengal in reply to his letter of 4th February, 1950.

Dacca, February 18, 1950.

Dear Dr Roy,

Would you please refer to your D.O. No 880/C of the 4th February 1950, regarding the Bagerhat situation? I am bound to express regret that you should have chosen uncritically to retail the maliciously false reports that have been circulated with evil motive by certain interested parties in West Bengal. The true facts about the Bagerhat situation have been stated briefly in my Government press note on February 3rd but as in your letter you have asked for an up dated corrected version of the incidents, it may not be out of place to recapitulate the full story here.

On the 20th December 1949, a police party consisting of one Assistant Sub-Inspector and three constables, of whom only one was armed, while searching the house of one Joydeb Brahua of village Kalshira in Bagerhat Police Station recovered some incriminating material. This Joydeb Brahua was an accused in a case registered in Bagerhat Police Station on the 18th of December. While the Assistant Sub-Inspector was engaged in preparing the search list of the seized articles, a large mob of Namasudras armed with deadly weapons suddenly appeared on the scene and surrounded the police party. The armed constable was murdered on the spot and the other members of the party were assaulted and chased. If it had not been for the timely intervention of Ansars and other villagers from neighbouring village who rescued the police party, they would all have been murdered. As it was, they all received serious injuries. The dead body of the constable was put in a sack and removed by the miscreants. It has not been recovered. It should be added that for some time previous to this incident many processions of a definitely communist character had been taken out in Jhalordanga Bazar in which non-Muslims of Kalshira and other neighbouring villages had participated in large number shouting subversive slogans. After this attack on the police party, rumours were immediately spread by communists and other interested parties regarding the likelihood of police reprisals, and in consequence a large number of people from both Kalshira and Jhalordanga and neighbouring areas, which are inhabited almost exclusively by non-Muslims, immediately deserted their villages for West Bengal, taking with them whatever property they could. Since there was nobody to look after these deserted houses, some bad characters in the neighbourhood took advantage of this situation and helped themselves to some of the property that had been left behind in a number of houses. The District Magistrate, Khulna, accompanied by Hindu and Muslim non-officials inspected all the houses in Jhalordanga and Kalshira villages. In
Jhalordanga no outward sign of looting could be found. The sheds and other structures in the Bazar were intact. Most of the houses were freshly mud-washed, the vegetables grown on the homestead land had not been touched and all the bedding, clothing and earthen utensils were there. The owners of some houses, however, did complain that their bedding and brass utensils had been taken away by some bad characters and enquiries were immediately instituted to trace these bad characters. In one house alone, the heads of two out of three images were found severed from the bodies, though images themselves bore no mark of violence and desecration. The non-Muslims themselves contradicted the story that deliberate damage to the images was caused and explained that according to the manner in which these images were made it was usual for the head itself to come apart from the body after a lapse of time. Articles belonging to some people in Jhalordanga Bazar were said to have been taken away by bad characters from the neighbouring villages. The members of the minority community there themselves stated that through the good offices of Muslims of the neighbouring villages some of them have got back their stolen property and that recovery of the articles was still going on. From the evidence of the members of the Scheduled Castes themselves it is clear that the story of desecration of images and organized locating and attacks on villages was a concoction. The District Magistrate assured the people that complaints lodged at the thana would be vigorously enquired into and that bad characters would be rounded up and severely punished. Action on these lines has in fact been since taken.

In Kalshira, the cattle and properties from some deserted homesteads had been stolen by bad characters, who according to the residents of the village included also non-Muslims from the neighbouring areas. After the murder of the police constable in the village many villagers immediately ran away in panic. The inhabitants are returning gradually, and some of them have found what they left behind has been pillaged. In those houses where the inmates refused to be panicky and stuck to their hearths and homes, nothing happened at all. There were no complaints of any high handedness on the part of the police. As a matter of fact, the members of the Scheduled Castes who remained behind definitely stated to the District Magistrate that the police showed unexpected restraint and sympathy. Many villagers have already recovered their lost cattle through the efforts of the police. Only two cases of criminal assault on women were reported and these have been registered and are being investigated.

A number of arrests have been made and police investigation is vigorously proceeding. Nowhere any allegation whatsoever was made about abduction or conversion. The District Magistrate visited also a large number of villages near Jhalordanga and Kalshira. Nothing at all had happened in any of these villages which are almost exclusively inhabited by members of the scheduled Castes.
2. I hope that this unvarnished recital of the true facts will serve effectively
to dispel the wrong impression about the situation in Khulna which has been
created in your mind by evil intentioned propaganda in West Bengal. For my
part, I feel constrained to draw your urgent attention to certain extremely
disquieting features of this episode, so far as reactions in West Bengal are
concerned and of subsequent developments, which would seem to call for an
immediate remedy in the interest of harmonious relations between East Bengal
and West Bengal, as well as between the communities in both places. It is quite
obvious, and has been for some time past, that certain organizations in India,
notably the Hindu Mahasabha with its "storm toppers" the R.S.S. and the Council
for the Protection of Rights of Minorities, who I am reliably informed, are now
training their own "irregular army" apparently without interference from
Government, have been engaged in deliberately whipping up communal passions
with the clear intention of fishing in troubled waters. My Chief Secretary has
during the past few months on more than one occasion drawn the attention of
your Chief Secretary to the objectionable activities of the Hindu Mahasabha and
the Council for the Protection of Rights of Minorities, and has underlined the
dangerous possibilities inherent in the continuance of their violently anti-Muslim
propaganda.

3. At the Chief Secretaries' Conference held in September last and
subsequently he pressed for action against the Council under the West Bengal
Security Ordinance. Despite the fact that the activities of this Council and its
leaders are clearly actionable under that Ordinance, your Government have so
far declined to take any action although they are bound to do so not only under
their own Ordinance but also under the Delhi Inter-Dominion Agreement of 1948.
Similarly, under that Agreement both the Government of India and your
Government are bound, as indeed they are also in accordance with their repeatedly
declared policy of suppressing communal organizations in a Secular States, to
suppress the Mahasabha and the R.S.S.; but not only has no action been taken
against the Mahasabha but it was given the fullest freedom to organize violently
anti-Pakistan and anti Muslim meetings in Calcutta and its proceedings were
allowed to receive the widest publicity in West Bengal and other parts of India.

4. I now come to the genesis of the trouble in West Bengal. I am convinced
that it is solely because of the notorious activities of the Mahasabha, the Council
for the Protection of Minorities and other communal bodies and mischief-mongers,
who found encouragement in certain unfortunate official pronouncements that
widespread riots have occurred in West Bengal. What has obviously happened
is that after its conference in Calcutta of December 24th and subsequent
speeches of Dr Khare preaching the doctrines of hate against Pakistan and
Muslims generally, the Mahasabha proceeded to work up to heightened pitch
anti-Muslim feelings in West Bengal and to look about for an excuse to put its threats into action. That Bagerhat was not the real cause of this anti-Muslim venom is clearly proved by the fact that although the Bagerhat incident took place on December 20th there was no mention of it at any time during the Mahasabha conference in Calcutta or indeed until almost one month later. It was, in fact, not until after some unhappy references to the Muslim League "Direct Action Day," Noakhali and the "Irony" of Partition by India's Deputy Prime Minister in his Calcutta speech (January 15th) that the Mahasabha and other communal organizations and the West Bengal press saw their golden opportunity and decided to resurrect the Bagarhat incident.

5. The time lag between the Bagerhat incident and the reactions in West Bengal is sought to be explained away in your letter by the allegation that the affected area was cordoned off by local Muslims and Ansars in such a way as to prevent all contact with the outside world. I must frankly express surprise that you should have given credence to such a patently fantastic story. I would request you to consider the implications of this story quite dispassionately, and I am sure that you, with your intimate knowledge of East Bengal topography will agree that in such open country, inter-laced with numerous creeks and khals, a cordon of the nature alleged to have been imposed could never by any stretch of the imagination be affective. Even if some very small areas had been thus enclosed, the neighbouring villages outside the cordon - all predominantly Namasudra - would certainly have been able to send out news of what was going on and they would not have taken one month to reach West Bengal.

6. It was thus for the first time after Sardar Patel's speech that these communal organizations concocted and came out into the press with the story of mass looting, rape, conversion, murder and arson in Bagerhat and it was only then that the Bagerhat incident began to appear prominently in the West Bengal Press (Cf. Editorials in Ananda Bazar Patrika and Jugantar data 18th January 1950 and in Hindustan Standard as late as 2nd February 1950). Simultaneously, pamphlets and posters began to appear in Calcutta and other places in West Bengal demanding that the "atrocities" of Bagerhat be avenged. In this game the Mahasabha and the Council for the Protection of Minorities played the leading part. From January 19th incidents, including, desecration of mosques, began to occur in Bongaon. J.P. Mitter himself addressed a joint Mahasabha Council meeting at Bongaon on January 21st on January 24th a big meeting sponsored by the Hindu Mahasabha was held in Berhampore. Immediately thereafter Hindu mobs attacked the Muslim areas at Gorabazar and many other places in the district of Murshidabad. On January 24th the Muslims quarter at Dum Dum Cantonment was attacked and a mosque desecrated. From the 26th January similar incidents began to occur in Ultadanga, Maniktola and Beligaha. Of February 3rd a meeting was organized by the Council for the Protection of Rights of Minorities at Batanagar. At this meeting
J.P. Mitter stated, "There is no possibility of the Hindus getting any protection from theocratic Government of East Bengal and the only way to save minorities there is to divide East Bengal and set up a separate state for the minorities and the secular minded Muslims." He also referred to "atrocities committed on defenceless Hindu women and children in the village in Bagerhat Subdivision and in Barisal". One Benode Chakravarty also referred to abduction of women and forcible conversion in Khulna. On February 4th the following telegram purporting to have been sent by J.P. Mittar to President Truman was published in the West Bengal press:

"East Pakistan Government enraged at complaint against them to United Nations for oppression on Hindus have now inaugurated unparalleled reign of terror and ruthless persecution of minorities. Pakistan armed and police forces recently burnt, destroyed and looted several Hindu villages in Khulna; Barisal and Rajshahi rendering 50,000 unarmed men, women and children destitute and homeless. Many were killed and enceinte women raped in presence of husbands. Young Girls ravished in presence of parents. There has been large scale abduction of women and forcible conversion. Month-old babies snatched away from panic-stricken fleeing mothers and thrown in the river. Army and civil officials openly threatening complete annihilation of Hindus. Immediate intervention of civilized Government imperative, else peace in this region will be jeopardized."

On February 5th a communal riot broke out in Batanagar.

7. It was not until the end of January that my Government found, to their astonishment, how the Bagerhat incident was being twisted and that mischief was being done in West Bengal and realized the necessity of issuing a press note about what was until then only a minor domestic incident involving the police and a communist-inspired mob. A press note dealing with Begerhat was accordingly issued on February 3rd. Unfortunately, you immediately came out with a destructive statement, dubbed the press note as design to "delude the unwary or the uninformed" and by impugning the veracity of this Government and excusing the dangerous propaganda that was being carried on in the West Bengal Press (on the ground that the East Bengal Press was equally blame worthy) destroyed whatever value for peace this press note could have had in West Bengal. Subsequently you Government issued a press note on February 6th admitting, for the first time, the occurrence of communal riots in Murshidabad district and other parts of West Bengal. This press note, however, laid stress on provocation given by alleged events in East Bengal. It began: "Recent event in certain districts of East Bengal, for instances in Barisal, Jessore, Rajshahi and particularly Khulna have naturally caused a certain amount of excitement amongst the public in this State.... Certain designing persons have not been slow to take
advantage of this excitement and attempted in isolated areas to create ill-feeling between the communities. Thus, not only did the Government of West Bengal disbelieve the statement by the Government of East Bengal, they allowed themselves to be made a party to the lying, inflammatory propaganda that was being carried on in West Bengal by communal organizations and the Calcutta Press. By implication they also excused communal riots in West Bengal on the plea or provocation given by mythical communal events in East Bengal, although until that day not a single communal incident worthy of note had taken place anywhere in East Bengal. The result of all the propaganda and the encouragement that evildoers thus indirectly received from official pronouncements was that large-scale anti-Muslim riots flared up in Calcutta and its industrial suburbs two days later, i.e. from February 8th.

8. On that day in your statement, although there was a welcome, though belated, pronouncement of your Government’s determination to put lawlessness, there was again the same underlying strain of excusing communal riots in West Bengal on the pleas of what was alleged to be happening in East Bengal. You said: "The difficulty was that they (West Bengal) did not known what the communal situation was in East Bengal… But certain happenings there not only caused an exodus from East to West Bengal - already 13,000 had arrived in Bongaon, but also fear was created in the minds of the minority in India" - statements which read in conjunction with your previous pronouncements and the press note could only suggest that some terrible things were happening in this province although again, until then, not a single communal riot had in actual fact taken place in this province. Even after very serious riots had broken out over large areas in Calcutta you continued unfortunately to follow the same line. Thus in your press note issued on February 9th your Government said: "News from East Bengal has come saying that the East Bengal Government will issue a statement regarding affairs in East Bengal. It is hoped that very soon peace and order will be restored in East Bengal. There is no need for any panic" -- an astounding statement to make for a responsible Governments in the midst of widespread communal riots in its own province when actually even until then there had not taken place the single case of disorder or breach of communal peace in this province. As pointed out in my telegram to you dated 14th the same line is again taken in your statement dated February 13th despite agreement at the Chief Secretaries’ Conference that nothing should be published which is likely to incite communal passions: "It seems clear that the two Bengals are so closely linked that events in Khulna provoked mob excesses in this city and its suburbs". This continual harping on the fact that the riots in West Bengal had been provoked solely by oppression on the minority community in East Bengal could only have, as apparently it did have, the effect of condoning and thereby encouraging the actions of those anti-Muslim forces who were out to wreck vengeance for imaginary wrongs on Muslims in West Bengal.
9. It was not until as late as February 10th that communal rioting broke out in this province for the first time since the partition. This, as you know happened in Dacca, and was directly the result of an almost continuous series of widespread riots that had been taking place in West Bengal according to your own Government's admission, since January 24th the rumours that followed in their wake and the arrival in Dacca of refugees bringing stories of atrocities committed on Muslims in West Bengal.

10. I hope the above will make it clear to you, chronologically and otherwise where exactly the blame for the widespread riots in West Bengal and the subsequent riots in Dacca lay.

11. However, that may be, the most urgent necessity of the hour is to prevent any further trouble on both sides of the border, to restore confidence and to rehabilitate those who have had temporarily to leave their homes as a result of these riots in their own homes again. For this purpose it is imperative that, although facilities may be granted on a limited scale to enable panic-stricken sufferers from these riots temporarily to move out of West Bengal to East Bengal and vice versa, there should be no mass transfer of refugees from riot-affected areas from your State to this province or in the reverse direction. In particular, I am anxious that refugees from Batanagar (most of whom come from Noakhali), Calcutta and other industrial areas should not be allowed to come to this province on any considerable scale as such persons would inevitably go to their homes throughout the province and with their tales may create further trouble in this province.

Yours sincerely,
Sd/-Nural Amin
Prime Minister, East Bengal

The Hon'ble Dr B.C. Roy
Chief Minister, West Bengal
Calcutta.
2979. SECRET

TELEGRAM

From : Foreign, Karachi
To : Foreign, New Delhi.

MOST IMMEDIATE

No 868. February 18, 1950

Liquat Ali Khan for Pandit Jawaharlal Nehru.

2. Thank you for your telegram No. 22099 dated 17th February 1950. I observe that you have taken exception to my press statement but it is based on information available to me the accuracy of which I have NO reason to doubt. Neither can I accept that non-Muslims In East Bengal have bee humiliated or ill-treated in the past. When I was In East Bengal last October I myself found that non-Muslims had NO cause to complain against discourteous treatment by the majority community and relations between the two communities were friendly. I shall however let all controversy pass at this time and come straight to the solution of the problem.

3. I agree that we must concentrate above all on immediate steps to restore confidence in minority Communities on either side. I suggest the very first steps for this purpose should be to prevent the influx of refugees from both sides. It is clear that as previous experience has shown the presence of refugees is a potent source of trouble and stopping their arrival is of utmost Importance.

4. I suggest therefore that highest priority should be given to immediate rehabilitation of refugees particularly in Calcutta wherefrom a large scale exodus should be stopped at all cost. As you are aware the population of Calcutta contains a large element of people who have come from all districts of East and West Bengal and if they go back to their homes it is certain that mischief would spread all over a very wide area. I do hope you will impress upon West Bengal Government the need for keeping this in mind while checking exodus from Calcutta. I may mention that in spite of West Bengal Government’s appeal thousands of refugees are pouring into Dacca moreover large numbers of refugees from KARIMGANJ and Assam have also reached District of Sylhet. This is creating a very grave situation there.

5. I suggest that a declaration by both Governments that they do NOT favour and will do everything possible to discourage any movement of refugees should be issued at once. The declarations should also contain an assurance from the
two Governments that all possible steps will be taken to rehabilitate the minorities in their homes and to see that they are given full protection of life and property.

6. I entirely agree that both Governments should give facilities to Deputy High Commissioners to visit freely areas alleged to be affected and to ascertain facts and am asking East Bengal Government accordingly. With regard to your proposal for a joint commission I would like of the fact of which you must be aware that this particular proposal was considered at Chief Secretaries’ Conference at Dacca on February 9th and that both Governments agreed that proposal was NOT likely to produce desired result and might conceivably have opposite result.

7. In the end I fully agree that restoration of confidence amongst minorities in both Countries is vital to maintenance of friendly relations between them. My Government and I are determined to do our utmost to bring about restoration of peaceful conditions in East Bengal and I trust that Government of India and you personally would do same in West Bengal and in other areas. The responsibility which is thrown on both of us is indeed great and we must jointly find a practical and lasting solution of this problem as early as possible.

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2980. SECRET & PERSONAL

Letter from Pakistan Prime Minister Liaquat Ali Khan to Prime Minister Jawaharlal Nehru.


Prime Minister
Pakistan
Karachi

February 23, 1950

My dear Pandit Nehru,

I am very happy that you have written to me in the manner that you have. There is no doubt of the extreme urgency of the situation in East and West Bengal and of the need to put all our energies into resolving it. I fully agree with you that no goodwill come out of measuring the extent of the evil on either side, or to apportion blame. Recent events merely go to show, as did the events in the Punjab in
1947, to what low depths humanity can fall; and this realization is a frightening one. It needs something more than mere Governmental decrees to check this tendency. Nevertheless, we as heads of the two Governments concerned must take the steps best calculated to help.

It is because I am profoundly convinced that, administratively and politically, such a measure would hinder and not help the restoration of public confidence that I do not favour the formation of a fact-finding commission on the lines you have indicated. However summary the procedure, such Commissions drag on and, as we have seen from past experience, keep resentment and feelings of recrimination alive long after such feelings would, in the ordinary course, have died down of their own. The danger is real that a fact-finding commission will inevitably degenerate into a fault-finding commission; and this is a contingency that we are both agreed should be avoided at all costs. I notice that the Chief Secretaries of both East and West Bengal, who are experienced administrators, considered and rejected the proposal as unsound and undesirable on administrative grounds. I feel we should accept their recommendation.

To my mind, the fundamental principle is that we should create in the minds of the minority communities on either side the conviction that it is to their own Government that they should look for the redress of their wrongs and not to the Government across the border. The Government of Pakistan is prepared to make itself publicly responsible for the rehabilitation and resettlement of those Hindus who have suffered in recent rioting and I suggest that, for your part, your may also announce that the Government of India will do the same for the Muslims who have been rendered homeless and destitute as a result of the recent happenings in West Bengal. I consider that this alone will check the flow of refugees to either Dominion. Neither of us wants a repetition of what happened during and after the disturbances in the Punjab and elsewhere. We must make all attempts to check large-scale emigration. It must be brought home to the majority community that by reducing the minority community to destitution, it makes that minority into a burden on its own Government. So long as the Hindus in India feel that, by rendering Muslims destitute, they can force them to migrate to Pakistan, or the Muslims in Pakistan feel that by rendering Hindus destitute they can force them to migrate to India, the temptation to do so will persist.

Exchange of population was no part of the agreement under which Pakistan and India came into being. There has been unfortunately far too much of that already. It has created, as you know for yourself, a great many problems that have today placed the resources of Pakistan and India under a server strain. These periodic outbursts against a neighbouring community in either Dominion will end only when Hindus in India cease to regard the Muslim, just because he is a Muslim, as a potential citizen of Pakistan. Nor should it be impossible to convince
the Hindu in Pakistan that his future lies in Pakistan where Providence has cast his lot. A great deal in this direction has already been achieved, as the numerous spontaneous declarations by prominent Hindus in East Bengal go to show. Conditions in East Bengal have returned to normal and I do not accept the view that the situation there is such as to make it difficult for Hindus to live in East Bengal peacefully. I for my part am doing my best, and will continue to do my best, to create a feeling of security among the minority communities in Pakistan. The responsibility, as you rightly say, is overwhelming. It is my earnest endeavour, as I am sure it is yours, to understand and help one another in carrying out our onerous tasks.

In order to achieve permanent results, it will be necessary for you to put a curb on the activities of all such organizations as have been advocating the reunion of India or Pakistan or have been demanding a separate homeland for Hindus in Pakistan. More prominent among such organizations are the Hindu Mahasabha, the Rashtriya Swayam Sevak Sangh, and the self-styled Council for Protection of Rights of Minorities. When the Hindu Mahasabha met in Calcutta in December last under Dr. N.B. Khare's Presidentship and passed its provocative anti-Pakistan resolutions, I knew, as did most other sober thinkers, that the Muslims of India were in for serious trouble. The violent and malicious and anti-Pakistan propaganda in the Calcutta press just before the recent outburst must also be fully known to you. I was glad to see that you promptly denounced the speech of Dr. Kahre and the resolution of the Mahasabha; but, as will now be apparent to you, mere denunciation in such matters has not proved enough; and it is possible that had drastic executive action been taken to deal with the situation, we may not have witnessed what we have seen recently.

I would close by asking to read with an open mind the letter of February 18th from the Premier of East Bengal to the Premier of West Bengal of which I am sending you a copy. As I have said, I want no more than you to enter into an argument over what have happened; and I am not therefore passing this letter on to you in any spirit of controversy. But I feel that the matter is important that you should receive a full and sober statement of the situation as it is seen by the Government of East Bengal in order that you may be able to judge whether you may not have been misinformed regarding the genesis of the recent disturbances.

Yours sincerely

Sd. Liaquat Ali Khan

The Hon’ble
Pandit Jawaharlal Nehru.
Prime Minister of India
New Delhi
TELEGRAM

From : Foreign, New Delhi.
To : Foreign, Karachi.

MOST IMMEDIATE

No. 24033 February 24, 1950

From Jawaharlal Nehru for Mr. Liaquat Ali Khan.

Your telegram No 916 dated 22nd February reached me on 23rd morning. I must confess to a sense of deep disappointment of and great surprises that you should regard appointment of joint commissions as suggested by me likely to create complications for administration, interfere with work of rehabilitation and revive bitterness which is subsiding. In the first place, the Commissions were NOT meant to make detailed enquiries but only to attempt a general assessment of situation with a view to overall and effective preventive action. Even more important was the objective of restoration of confidence. Surely Commission functioning in East Bengal which included representatives of East Bengal Government, including Minister, could hardly hurt susceptibilities either of Government of Pakistan or East Bengal or of majority community in East Bengal. Seeing that we were prepared to reciprocate by allowing similar Commission to function in West Bengal, any inference that either Government was surrendering its sovereignty or permitting interference with its internal affairs should have given way to realization most vital to restoration of confidence as well as to return of normal conditions on both sides, that purely legalistic considerations had been abandoned for cooperation in solving what is common problem of far-reaching importance.

Your reminder that our tour of East and West Punjab had proved futile does NOT coincide with my impression of effect of that tour. If that tour did NOT fulfil, expectations, this was due primarily to fact that tide of passion and human movement on both sides was already running too high. I should have thought that joint visit by us now when, whatever future might hold, large-scale migrations through panic are only a probability, would have been fruitful of result that we both have in view. I still feel that both suggestions, namely for joint commission and for our joint visit to East and West Bengal deserve immediate acceptance in larger interest of India and Pakistan. I can only repeat that present situation is pregnant with even greater tragedy than overtook the two Punjabs in 1947. If owing to other preoccupations you CANNOT undertake brief tour with me in Bengal, I would in any event like to go there myself. Any Minister of the Pakistan
Government or East Bengal Government could accompany me. Visit to affected areas by High Commissioners and their Deputies, although useful, CANNOT in my opinion meet the exigencies of the situation.

I understand that Pakistan Red Cross have advised postponing action on suggestion by Indian Red to send India - Pakistan joint Red Cross delegation of six members, with an International Red Cross Committee's Representative as observer if available, to report to respective Governments the real situation. I should have thought that visit by group representing humanitarian organization would have been welcomed and would urge that Pakistan Red Cross reconsider its decision. In any case, there should be NO objection to International Red Cross sending representatives to both Bengals who could be accompanied by Ministers and/or officials of two Governments. I am approaching Chairman of Organisation in Geneva with request to undertake this work.

I am sorry that you should think that I have consciously introduced any recrimination in this correspondence. I have kept it on as friendly level as I could because my purpose is NOT recrimination but cooperation. What I said regarding Government of East Bengal was based on the best information available to me. If opportunities for ascertaining facts by a body which would inspire confidence on both sides is denied, it seems impossible to avoid situation in which each party considers the reports received by the other from its own sources as exaggerated.

I made a statement on Bengal situation yesterday in Parliament here. I am sending you copy of this separately. My immediately following telegram deals with Karimganj situation.

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2982. SECRET

TELEGRAM

From : Foreign, New Delhi
To : Foreign, Karachi.

IMMEDIATE

PRIMIN-21023

February 24, 1950.

From Jawaharlal Nehru for Mr. Liaquat Ali Khan

This is in continuation of my telegram 24033 dated 24th February. We had called for a full report from the Assam Government with regard to the happenings
at Karimganj as soon as we saw references to them in the press. The following facts have been reported to us by the Assam Government:-

Passengers of the Dacca Mail who reached Karimganj on the night of Sunday the 12th February gave out that on the way Muslims had looted the train and murdered several Hindu Passengers and threw them into the river at the Bhairab Bridge. These statements caused some excitement in Karimganj town. The following morning an armed Muslim mob of about 200 faced a similar Hindu mob near the Karimganj railway station. The Sub Divisional Officer of Karimganj hurried to the spot and tried to pacify the mobs. A fight ensued in the course of which one Hindu and the town Head Constable were injured. The Police then opened fire. One dead and one injured persons were picked up on the spot and ten more injured persons were subsequently recovered from different parts of the town and removed to the hospital. Three of these persons died later. There was some looting and burning of shops. Extensive patrolling was immediately ordered in the disturbed area and orders under Section 144 were promulgated. 43 Hindus and 12 Muslims had been arrested and property worth Rs.20,000/- had been recovered. Since the 13th there has been No serious incident and the situation is fully under control. All precautionary measures against any further outbreak of violence have also been taken. You will thus see that the situations reported by the local authorities is entirely different from what has been communicated to you by persons who have apparently sent the reports from outside the disturbed areas. It is exactly with a view of getting an assessment of the true situation from persons whose words will carry conviction to both sides, that I have suggested joint surveys. However, I have communicated the details received from you to the Assam Government and asked for their comments. I would add that the incidents at Karimganj have nothing to do with the recent legislation enacted by us to expel undesirable immigrants from Assam. Karimganj is an area where there are few Muslim settlers from East Bengal.

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2983.

TELEGRAM

From : Foreign, New Delhi.
To : Foreign, Karachi

IMMEDIATE

No. PRIMIN-22104 February 24, 1950.

From Jawaharlal Nehru to Liaquat Ali Khan.

News continues to reach us of grave situation in East Bengal and of persistent efforts to drive out Hindus. On the other hand Pakistan radio and newspapers state that ten thousand Muslims were killed in West Bengal and property worth one crore looted. This is amazing falsehood. I have given exact figures of persons killed in Calcutta and other parts of West Bengal in my statement on 23 February before Parliament. Your High Commissioner has been in Calcutta and it is easy to make enquiries there. We have asked you to send your Ministers there to cooperate with us in investigation. I must protest very strongly against this utterly false propaganda by official radio, which must incite people in Pakistan and lead to worsening of very grave situation. It is difficult for us to give any figures or exact information about East Bengal. But we are in a position to known exactly what happened in West Bengal. Your Government has NOT published any figures of casualties or damage in East Bengal. Instead of this, fantastic information is given about events in West Bengal. I invite you again to have joint enquiry in both West and East Bengal.

2. You have expressed your wish that migrations from one part of Bengal to another should be sternly discouraged. I entirely agree with you. But mere expression of wish by either of us is not enough. Unless we supplement it by positive action which produces confidence and security in minds of minorities. I suggest that both our Governments should announce publicly that:

(1) They will punish those who have been guilty of disturbances, killing, arson, looting, etc.

(2) That they will give compensation to those who have suffered from these disturbances and help in rehabilitating in their former places people who have been rendered homeless or who have migrated.

(3) There should be intense search for looted property and those in possession of it should be asked to return it immediately or else they will be presumed to have participated in looting or receiving stolen property.

(4) People spreading wild rumours and preaching communal hatred should be arrested. Newspapers doing this should be proceeded against.
(5) Governments concerned will appoint committees of enquiry to enquire into disturbances and punish those guilty.

3. These are some suggestions for immediate action. If this is done, we may be able to stop further deterioration and help in producing some sense of security in minorities without which there can be no normality and exodus will continue.

4. I would request you to contradict statements made by Pakistan radio and press about casualties in West Bengal.

2984. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, February 25, 1950.

Prime Minister
India
New Delhi, February 25, 1950

My dear Nawabzada,

I have just received your letter of February 23rd, for which I thanks you. Last night I sent you a telegram making certain suggestions. Some of these suggestions appear to be in line with what you have written to me and I do hope that you will the able to agree to them. It will serve little purpose for me to enter into a controversy at this critical stage. It is, I am sure, your purpose, as it is mine, to face this great problem and this great responsibility with all the strength and wisdom that we possess. We have not only to meet the immediate emergency, but we have to do so, so as to lay the foundations of a real settlement for the future in East and West Bengal. You known that in both these Bengals, innumerable Hindus and Muslims live, who have relations in the other Bengal. This should help in creating friendly and cooperative relations. In fact, when trouble arises, this very fact creates greater passion and excitement, because there is far more personal interest in the fate of one’s friends and relatives across the border.

It is clear that passions have been roused and there is an atmosphere of fear all round. It is clear also that it is quite impossible to think of exchange of populations or large migrations. Therefore, the only possible way is to create that sense of security and confidence, both in East and West Bengal in the minds of minorities.
It is true that after what has happened, this cannot be done suddenly or completely. But steps can be taken, which help in bringing this about. It is some of these steps that I suggested in my last telegram to you.

While it may be true that fact-finding commissions tend to become fault-finding commissions, it is also true that it is difficult to grip the situations or to satisfy people, unless broad facts are placed before them in some authoritative manner which convinces them. My own idea was not to send any commission of enquiry as such, but rather a mission, which would look at the broad facts and report, and which would also be in the nature of a goodwill mission. The mere fact of these people going round would help in many ways. We can give them any name you like.

Personally I feel that I could be of service if I could go to West and East Bengal in any capacity. I intend going to West Bengal in a few days' time.

May I repeat here what I said in my telegram to you that both Governments should publicly announce that they will punish the guilty and compensate the sufferers and take upon themselves the task of rehabilitating, in their former places, all those who have been rendered homeless or who have recently migrated. Punishing the guilty means a search for looted property and a warning to those, who posses it, that they will be liable to punishment unless they return it within a brief period. People spreading wild rumours and preaching communal hatred should be proceeded against, as also newspapers.

There are two other matters which I think important and which should be included in some announcement. One of these is the abduction of women wherever this has occurred. It must be made clear that Governments will try their utmost to recover these women. The other matter is forcible conversion. As you known, this excites people's passions greatly and so we must not only fully express ourselves strongly against it, but clearly say that this cannot be recognized.

These are some ideas which occurred to me. They are by no means, exhaustive. But if some such thing is said by both Governments and earnestly acted upon I have little doubt that we would go a long way towards controlling the present drift towards catastrophe.

I entirely agree with you that minorities should look to their own Governments for protection. But what is to be done, when they lose confidence in it completely? It is that confidence that we have to create.

There are many other matters which I should like to place before you, but for the moment I wish to avoid controversial topics and to concentrate on the immediate steps to be taken.

I have not sent you any detailed reply to your previous letter about a joint 'no war declaration' by India and Pakistan. This is partly due to my being overwhelmed with urgent and immediate problems relating to the Bengal situation. Also you
MINORITIES

will appreciate that we have to get hold of this present situation in Bengal before we can effectively proceed with other matters. I hope however, to send a reply to you fairly soon.

Your sincerely,

Jawaharlal Nehru

Hon'ble Liaquat Ali Khan,
Prime Minister of Pakistan,
Karachi.

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2985.

TELEGRAM

From: Foreign, New Delhi.
To: Foreign, Karachi.

February 27, 1950

I have just read a report of your address to a press conference in Karachi* today. This has greatly distressed me. It is of course open to you to hold your own opinions and to draw any inferences from any facts and while I differ from you in these opinions and inferences, I do not wish to enter into controversy in regard to them. But I must express my surprise that you should have referred to our Deputy Prime Minister's speech in the way you have done. That speech, if read as a whole, would have conveyed an entirely different impression to you. Your quotations are completely incorrect and give a distorted version of what he said.

Liaquat Ali Khan told a press conference in Karachi on 27 February 1950 that his Government’s policy towards India was "live and let live", "but if India wants war she will find us fully prepared... I certainly think it is a threat." In his letter of March 1 he had described objectively the genesis and course of disturbances in the two Bengals and had said that during his visit to Calcutta on 15 January Patel referred to the communal disturbances of 1946 in terms which could not but encourage irresponsible elements among Hindus in their antagonism to Pakistan. [In fact, Patel went to Calcutta in connection with communist agitation where he condemned lawlessness and appealed for cooperation with the police in the restoration of peace.] Justifying his statements he said: "My quotations were taken verbatim from un-contradicted version of his (Patel) speech published in . . . Calcutta edition of Amrita Bazar Painika dated January 16th." Liaquat had written that Nehru’s observation that "India shall have to adopt other methods could have only one implication in this context. While friendly discussions were taking place, Nehru’s statement in Parliament could only be interpreted as a threat. His justification therefore at his press conference of the statement he made.
2. I am particularly surprised at your reference to my statement before Parliament here. That statement was restrained and there was no element of threat. As I have written to you repeatedly, I am earnestly exploring all methods of lessening the tension in two Bengals and of giving some feeling of security to the minorities there. I have made several proposals to you, none of which has thus far been accepted. Meanwhile, the situation worsens. Do you think that your press conference address helps the cause of peace and brings confidence in the minds of the people most concerned in East or West Bengal? Do you think that the change of heart to which you refer is evidenced by what you have said at the press conference?

3. I am writing to you with no desire to carry on controversy, but with a deep feeling of grief that when the fate of millions is involved, we should treat the matter in the way you have done.

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2986.

SECRET

TELEGRAM

From: Foreign, Karachi
To: Foreign, New Delhi

No 1077 March 1, 1950

MOST IMMEDIATE

Liaquat Ali Khan To Jawaharlal Nehru.

Your telegram PRIMIN 24033 dated February 24th has crossed with my letter dated February 23rd. I have dealt with question of fact finding commissions and Joint tours fully in my letter and I trust you will now agree that these proposals, though superficially attractive, will NOT in practice produce the desired result and may well produce the opposite effect. You have also suggested that you would like to tour East Bengal on your own. I am sure that on reflection you will agree that this is an impracticable proposition and likely to embarrass you as much as East Bengal Government. Three of my Ministers have already toured East Bengal and Governor General is scheduled to visit the Province on March 5th in another connection. You High Commissioner has already visited affected areas and I notice from reports appearing in Indian press that he is satisfied that situation there is now peaceful and NO recrudescence of trouble has occurred.
This confirms what I have been telling you all along. Any SPECTACULAR action that may prevent emotional temperature from returning to normal should be avoided.

2. I have NO objection to Representatives of International Red Cross visiting East Bengal. I presume that object of visit would be to assist the two Governments in devising ways and means of alleviating the distress amongst victims of disturbances.

3. In your telegram PRIMIN 22104 dated February 24th you have complained against a news item broadcast by PAKISTAN Radio and newspapers to the effect that 10,000 Muslims were killed in West Bengal. I have made enquiries into matter and find that news was based on information supplied by a Correspondent of Associated Press of Pakistan who based it on information received from refugees from West Bengal. The attention of Associated Press of Pakistan has been drawn to the impropriety of publishing HEARSAY figures of casualties and Agency is taking Correspondent to task. Radio PAKISTAN has been instructed to broadcast the casualty figures given by you in your statement before Indian Parliament.

4. The figures of casualties in East Bengal were given by me at my Press Conference on February 27th. I now hope that the All India Radio and Indian Press will refrain from putting out exaggerated accounts of what happened in East Bengal. The news that has reached you that position in East Bengal is still grave and that persistent efforts are being made to drive out Hindus is wholly incorrect. I can assure you that the situation in East Bengal is new normal and majority of displaced persons have been rehabilitated in their homes.

5. The suggestion made in paragraph No. 2 of your telegram under reference has my general support. My comments on various points raised are:

   (1) I agree that we should immediately announce that we shall punish those who have been guilty of killings, arson, looting etc. You will see that at my Press Conference I categorically stated that protection of all nationals of PAKISTAN was first duty of my Governments and that we shall continue of discharge this duty unflinchingly and with utmost vigour.

   (2) The East Bengal Government have already announced that financial help will be given in rehabilitating those who have suffered during the disturbances. A special Relief Commissioner invested with wide financial and executive powers, has been appointed to deal with refugees and relief problems. At my Press Conference I stressed need for two Governments making themselves publicly responsible for rehabilitation and resettlement of victims of disturbances, I should like to add announcement should include a clear declaration that two Governments will make every effort to check large scale migration.
(3) and (4) I agrees that recovery of looted property should be undertaken on humane lines and that persons and newspapers responsible for mischievous rumours and propaganda should be proceeded against unsparingly.

(5) I am NOT quite clear about your proposal that each Government should appoint a Committee of Enquiry to enquire into disturbances and punish those guilty. A Committee of Enquiry may be able to ascertain causes and course of disturbances and examine measure taken to check them but it will hardly be possible for such a Committee to discover who the guilty persons were and to recommend their punishment. Before appointing Enquiry Committees we should I think bear in our own minds what Committees would be required to do and I shall be glad to have your further views on this point. We can then decide what line to take.

6. As regards your telegram PRIMIN 22109 of February 26th we are both agreed that we should do our utmost to control publication of exaggerated reports ever though as you are aware both in India and PAKISTAN press enjoys a considerable amount of freedom. Unfortunately there have been bad instances of false news and objectionable comment appearing in Press in both countries. I would for instance draw your attention to leading articles appearing in Hindustan Times from time to time. I have occasionally asked my colleague Minister in charge of Information to impress upon Press need for utmost restraint and moderation and to make it clear if limits of legitimate comment are exceeded action will be taken freely against offenders according to law.

7. Finally I come to your telegram PRIMIN 22112 of February 27th which refers to my Press conference. I am sorry that you should have been distressed by what I have said in statement but if you will read full text you will see that I have described GENESIS and course of disturbances in a strictly objective manner and have confined myself to clearly demonstrable facts. I am surprised that you should think that I have misquoted from speech of your Deputy Prime Minister. My quotations were taken verbatim from un-contradicted version of his speech published in your Press namely in Calcutta edition of AMRITA BAZAR PATRIKA dated January 16th. NOR have these quotations been torn from text to give a distorted expression. I have reread text of Deputy Prime Minister's speech and am satisfied that import of speech was correctly indicated by me at press conference.

8. Your observation in India Parliament that India shall have "to adopt other methods" can have only one implication in the context of your statement. Neutral Observers have placed the same interpretation on your statement which I did in my address at Press Conference. I was much grieved to find that while both of us had condemned aggression against others and while useful and friendly
discussions as to ways and means of lessening tension were taking place between us you should have chosen to make a statement in Parliament which could only be interpreted as a threat. I am sure that peace loving people in our two countries and outside would be glad to have your assurance that NO threat was implied and I hope that you will find it possible to make a public statement clearing position.

9. My object at Press Conference was to place before all concerned FACTUAL story of origin and development of disturbances in East and West Bengal. I was constrained to do so in view of one sided and erroneous picture given by you in your speech in Parliament. Observations were made in that speech, which were in my opinion most damaging to us. I was therefore forced most reluctantly to make a public statement refuting incorrect and exaggerated allegations and putting whole case in its proper perspective. After your speech in Parliament you could hardly have expected me to leave your charges unanswered or to refrain from stating full position as I see it.

10. My desire for friendly and full cooperation with you in promotion of mutual harmony remains unchanged. I am convinced that all that right minded people in both countries desire is to be allowed to live in peace. I am determined to see that nothing is done that may prevent fulfillment of this desire. In this solemn task let us support each other unstintingly and without reservation.

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SECRET

TELEGRAM

From : Foreign, New Delhi
To : Foreign, Karachi

MOST IMMEDIATE

No. PRIMIN. 21027 March 1, 1950
Personal

For Mr. Liaquat Ali Khan from Jawaharlal Nehru.

In my telegram to you on February 24th I made certain suggestions. I repeated these more fully in my letter to you of February 25th. I feel that it is urgently necessary that both Governments should make some declaration in regard to the Bengal situation. Whatever our future policy may be the present policy must be clearly enunciated. My suggestions were that both Governments should announce publicly that they will compensate the sufferers among the minorities and take the responsibility of rehabilitating fully in their former places all those who have been rendered homeless or who have recently migrated. Further that they will make every effort to punish the guilty and for the recovery and return of looted property. A warning should be issued that those who possess such looted property should return it within a few days otherwise they will be liable to punishment. People spreading wild rumours and preaching communal hatred should be proceeded against. This will apply to newspapers also. Governments will make every effort to recover abducted women. They will NOT recognize forcible conversions.

These were some of the suggestions I made to you for both Governments to declare and act upon immediately. This is by no means enough and we shall have to consider other steps also. But the definite assurance contained in some such announcement would steady the situation and prevent large scale migrations. The responsibility for giving full protection to minorities must be of Governments concerned.

I shall be grateful if you will kindly let me have your reply to these proposals. I should like to make a statement in Parliament here on this subject soon. May I also have your permission to quote in Parliament from letters and telegrams exchanged between us.

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MINORITIES

2988.

TELEGRAM

From : Foreign, Karachi
To : Foreign, New Delhi
No.1075

March 1, 1950

MOST IMMEDIATE

For Pandit Jawaharlal Nehru from Liaquat Ali Khan.

I have received following information about recrudescence of trouble in Calcutta. I do not known what truth there is in the information but I am passing this on to you.

Begins.

On February 25th leaflets were distributed to observe hartal on February 26th and inciting Hindus to force their Government to take immediate action against atrocities committed on Hindus in East Bengal. In response to this appeal complete hartal was observed and any shop seen open was forcibly complete hartal was observed and any shop seen open was forcibly closed down. Business of city was brought to a complete standstill. Traffic was suspended and two tram cars were set on fire. HOOLIGANS roamed about in the city in groups with the intention to created disturbance. A few Moslem shops and houses were attacked and set on fire and there were a few deaths from stabbing and looting among passengers who came by Assam Mail. Two lorry loads of passengers were evacuated from there to Park CIRCUS Refugees Camp. Crowds at SEALDAH were cordonning off station and preventing Muslims from leaving for East Bengal. Some Moslems who came by BARISAL Express were attacked and four are reported killed. One HACKNEY carriage was set on fire and one Moslem dragged through street with a rope round his neck. Many Moslems were injured and some of them are NOT traceable. On February 22nd a Moslem with his wife and child was stabbed to death in station compound in the presence of local Police. On February 23rd night a few bombs were thrown in AMHERST Street and HOLLWELL Lane areas. At BALLYGUNJ four people have been killed and several injured.

Moslems are panic stricken and are making every possible attempt to leave for Ease Bengal. On February 25th mob said to have forced Oriental Airways to suspend their air services. Buses of all Airways are NOT allowed to ply in between town and air port.

Ends.

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SECRET

TELEGRAM

From: Foreign, New Delhi.
To: Foreign, Karachi

No. PRIMIN-21028  March 2, 1950

MOST IMMEDIATE

From Jawaharlal Nehru for Mr. Liaquat Ali Khan.

Your telegram No.1077 dated 1st March. This has crossed my No. 21027 of same date.

I entirely agree that we should try our utmost and without reservation to promote harmony between our two countries. In order to do this it has become essential that minorities on both sides should be rid of fear and should have a full sense of security. In subsequent telegram I am suggesting declaration which both Governments should issue. As I have already suggested to you this declaration should specifically mention recovery of adducted women and non-recognition of forced conversions.

You refer to our High Commissioner's report about conditions in East Bengal. As a matter of fact our High commissioner's reports about these conditions are very disturbing and indicate that minority (minorities) in East Bengal are panic-stricken and are anxious to migrate. As you must be aware, frequent attacks on trains carrying Hindu refugees to West Bengal are continuing. One such attack took place on the Dacca Mail on the 26th and another on the Assam Mail on the 28th. Our information is that all passengers of the Down Dacca Mail were detrained at Rajbari yesterday. We are also informed that on 27th morning the steamer bound for Goalundo from Naraingunge carrying 1500 evacuee passengers was forced by some Muslim volunteers to disembark all evacuee passengers on a Char named KAZIRKHOLA in district Faridpore. This was NOT a halting station and the steamer left Goalundo leaving passengers stranded but carrying part of their luggage. After some time they were attacked by local hooligans.

Number of people proceeding to Calcutta are marooned in various places in East Bengal and it is urgently necessary to make arrangements for completing their journey under adequate protection.

I am telegraphing to our Minister in Switzerland to request International Red-Cross to send representatives to East and West Bengal and informing him that you agree to this suggestion. It will expedite action by International Red-Cross if you were also to telegraph to them directly your agreements to this suggestion.

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TELEGRAM

From: Foreign, New Delhi
To: Foreign, Karachi

March 2, 1950.

From Jawaharlal Nehru to Liaquat Ali Khan.

I suggest that following declaration might be made immediately by both Governments.

BEGINS.

The Governments of India and Pakistan consider it their duty and responsibility to give full protection and security to minority communities in their respective countries. In order to restore confidence among minority communities in East and West Bengal, which has been greatly shaken by recent unfortunate events, the Governments of India and Pakistan wish to announce:

(1) That they will punish all those who have been found guilty of murder, arson, loot and other heinous offence, for instance rape and abduction of women.

(2) That they will help in every way those who have suffered by loss of life or otherwise and give adequate financial assistance to them for purposes of rehabilitation. This will include those who have temporarily evacuated to the other country.

(3) Both the Governments will make every effort to recover any women who may have been abducted and restore them to their families.

(4) There shall be an intensive search for looted property and those in possession of it shall be asked to return it immediately. Failing such return within a stated period, those found in possession of looted property will be presumed to have participated in looting or receiving stolen property.

(5) Persons and newspapers responsible for mischievous rumours and propaganda shall be rigorously deal with.

(6) Each Governments will appoint a committee, presided over by a person of the standing of a judge of High Court, and including a representative of the minority, preferably a member of the provincial minority board, to enquire into the origin, cause and extent of the disturbances and to make
recommendations with a view to preventing recrudescence of similar trouble in future.

The Governments of India and Pakistan earnestly hope that as a result of the measures indicated above, which will apply to the present and future, as well as other steps which the two Governments might take, a feeling of confidence and security will grow in the minds of the minorities and normal life will be restored. **Ends.**

The steps indicated above are necessary preliminaries to any further action that Governments might take. The first step in to bring about some sense of security. I agree with you that large scale migrations should be discouraged. But the right time to say that would be after we have brought about some normality. Otherwise anything in the nature of a ban on migrations might itself produce a sense of insecurity and add to panic*.

* On March 5 in his telegram No. 1144 Liaquat Ali Khan proposed the following amendments to the above declaration which he said would make it comprehensive:

1. The scope of Clause (1) should be widened by omission of specific offences by way of illustration. All offences against person and property and other criminal offences whether heinous or NOT, should come within clause.

2. I still think clause (2) should include a declaration that two Governments will make every effort to check large scale migration. Such a declaration would have a most salutary effect. Many Hindus in East PAKISTAN seem to be under the impression that Indian Government wish them to migrate to India. No ban need be placed on migrations but a declaration that large scale exodus in NOT to be encouraged seem essential.

3. There is No objection in principle to appointment of an Enquiry Committee for the purposes stated in Clause (6) but it seems unnecessary to restrict its composition to suggested membership. I am myself inclined to favour the setting up of a censorship Judicial Body, but am still considering the matter in consultation with all concerned on this subject.
SECRET

TELEGRAM

From: Foreign New Delhi
To: Foreign, Karachi

No. PRIMIN - 22122 March 3, 1950

For Mr. Liaquat Ali Khan from Jawahalal Nehru.

I have just learnt that fifteen hundred passengers coming from Barisal to Calcutta via Khulna were stopped and detrained at Benapole, near the border. Apparently the plea was that they did NOT have income tax relief certificates or Indian Domicile Certificates. They were then taken away from there to some surrounding areas.

2. I also understand that airlines from Calcutta have been informed that they CANNOT book any people or carry them unless these people have these income-tax relief or Indian Domicile certificates.

3. I have previously drawn your attention to large numbers of people coming to Calcutta from East Bengal being detained and marooned in various places. Every time crowds of relatives go to receive them at station and are NOT only disappointed but greatly excited at the nonappearance of the people they were waiting for. I would suggest to you that this is the surest way of creating panic and excitement, which might lead to untoward incidents. Our immediate object is to stop panic and fear and produce a sense of security. This CANNOT be done by forcible measures which only add to panic. Still less can it be done by stopping people en route and leaving them high and dry where they might be attacked and looted.

4. To expect these unfortunate people to carry about income-tax certificates is rather extraordinary. So far as Indian domicile certificates are concerned, I am NOT aware of any having been issued. It seems to me NOT only very unwise but rather cruel to treat people in this way. We are passing through a period of great tension which requires great tact, courtesy and imagination and NOT rigid adherence to some rules which have NO application in the present. I would earnestly request you to arrange for the relief and transport under proper protection of all these marooned passengers in various places.

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SECRET

TELEGRAM

From: Foreign, Karachi.
To: Foreign, New Delhi

No. 1113

MARCH 3, 1950.

MOST IMMEDIATE

Your telegram No 16 March 3rd. Our 1108 dated 2.3.50 repeated.

Liaquat Ali Khan for Pandit Jawaharlal Nehru

Begins:

I have received following further information about trouble in Calcutta which I am passing on to you.

Begins:

Disturbances* continued on February 26th. Mob collected at SEALDAH yard station attacked killed incoming Muslims as a result of which two persons were killed and several injured. Mob then attacked a number of shops of Upper Circular Road in font of Sealdah station. It is alleged that when train reached SEALDAH Station it was empty and contained blood marks and luggage STREWN all over. Four PAKISTAN Muslims on the way to JESSORE were taken out at SEALDAH railway station and severely beaten and three of them were taken to Bow Bazar and are still missing. A public bus No. 11 was stopped near SEALDAH station. Muslim passengers were taken out and were severely beaten. Minor attacks were also made in Mirzapur Street, AMHERST Street, PATWAR BAGAN and KESHAB CHANDRA SEN STREET areas. As a result of bomb throwing a number of Muslims were injured in KIDDERPUR area. Twelve houses were set on fire in TOLLYGUNJ. About five thousand refugees have arrived in PARK CIRCUS from these areas. A number of incidents of bomb throwing and arson took place in BOW BAZAR and RAJA BAZAR areas. Four Muslim girls were abducted from HAYAT KHAN LANE and taken to BOW BAZAR. It has been stated that as soon as trains from PAKISTAN cross border Hindu young men enter compartments and assault Muslim passengers. About eighteen Muslims were killed as a result of assault at HOWRAH station on February 27th.

Ends.

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* On the next day Prime Minister Nehru in his telegram No. 30596 informed Liaquat Ali Khan that his account of the disturbances in Calcutta was grossly exaggerated but he was referring his telegram to the Chief Minister of West Bengal for his comments.
2993.  SECRET

TELEGRAM

From:  Foreign, New Delhi
To:    Foreign, Karachi

Primin No. 22124.  March 4, 1950

IMMEDIATE

For Mr. Liaquat Ali Khan From Jawaharlal Nehru

I have received a report that the Government of East Bengal have threatened to close down all refugee camps in Dacca except one at Sadhana Oushadhalya and another at Ram Krishna Mission and have warned that NO Government rations will be supplied to any other camps from March 3rd. One camp at Nawabganj to which Government have threatened to stop supply of rations contains more than 1000 refugees who are afraid of going back either to their houses which have been completely looted or to other camps which are far away.

I am sure you will agree that it would be cruel to stop the supply of rations and starve the refugees till normal conditions return and the refugees feel safe enough to go to their homes many of which are at present occupied by trespassers. I would therefore request that the camps at Dacca and elsewhere may be kept open and the refugees therein continue to be supplied with rations.

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2994.  SECRET

TELEGRAM

From:  Foreign, New Delhi
To:    Foreign, Karachi

No. PRIMIN - 22123  March 4, 1950.

For Liaquat Ali Khan from Jawaharlal Nehru.

IMMEDIATE

I would like to draw your attention to the following report regarding abductions in Barisal.
Begins.

On the 13th February several Hindu families who had assembled in the Lakutia Zemindar’s house were mercilessly beaten. Six young ladies who were hiding in Lakutia house were forcibly taken out by Goondas who also set fire to adjoining thatched house while leaving the place uninterrupted. The steamer services between Barisal and Khulna were suspended on 14th and 15th February and the Hindus who were eager to send back their female members could NOT do that for want of conveyance. As a result a few families from the suburbs who came to avail the steamer were sheltered by Muslims in their boats and subsequently kidnapped from there.

According to the information received from the affected places the total number of deaths exceeded 125 where as about 100 young girls are reported to be still un-traced. Several Hindus who are willing to leave the district are NOT allowed by the district authorities to do so. Only a few Hindu families could avail of the only steamer which left Barisal on the 16th February.

Ends.

Our Deputy High Commissioner in a report dated the 28th February states that reports have been received by him that abduction of women took place on a considerable scale in some villages in Sodar Sub-Division of District Bakerganj and that a large number of refugees who have collected at Nalchhiti and Jhalakati in the same Sub-Division are suffering from want of rations.

I would request that these reports be investigated earliest possible and vigorous measures taken for the recovery of the women and their restoration to their relations. I also suggest that where refugees are collected and suffering without food steps should be taken to provide them with free rations.

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2995. **Press note issue by the East Bengal Government regarding accreditation of Indian news correspondents posted in East Pakistan.**

**Dacca, March 5, 1950.**

In answer to a question in India Parliament on March the 2nd the Indian Prime Minister is reported to have said that (1) all correspondents of P.T.I. in East Pakistan had been disaccredited and fresh accreditation had been demanded from certain P.T.I., United Press and newspaper correspondents while two P.T.I. correspondents had been ordered not to function till accredited with the Government of East Bengal. *Amrita Bazar Patrika* and *Jugantar* correspondents were supplying news only after approval by officials. (2) *Hindustan Standard* and *Anande Bazar Patrika* were refused permission to the East Bengal Assembly., (3) A P.T.I. correspondent was arrested on November 25th 1949 in Dacca and another at Rajashani was arrested in January this year. The first statement is entirely inaccurate.

The facts are that ever since the partition all P.T.I., U.P. or newspaper correspondents have been operating freely in this province without being accredited to this Government at all. This resulted in many abuses and in early December Government asked District Magistrates to advise all such correspondents to get themselves formally accredited to this Government. With the exception of one correspondent on whose behalf an application for accreditation was received in the last week of January none of the other correspondents or their principals have so far applied for accreditation. The question of disaccreditation or fresh accreditation therefore does not arise and in fact no such orders have been passed. Further although not one of these correspondents has so far been accredited they are all being allowed every facility to which foreign correspondents are normally entitled. The second allegation is also completely baseless. The third statement is correct.

The circulation of these two papers has had to be banned in the public interest for their rapidly communal and anti Pakistani propaganda and although their correspondents are continuing to operate in this province they are not being given special facilities such as invitations to assembly meetings etc. The last statement is also correct. The P.T.I. correspondent at Dacca arrested for prejudicial activities in respect of which a specific criminal case has been filed against him. Similarly the P.T.I. correspondent at Rajashahi was arrested for activities which had nothing whatever to do with his duties as a correspondent. He was however released three days later. Both these persons are Pakistani citizens. They cannot claim immunity from the operation of the laws of the country merely by virtue of being press correspondents. As a further instance of
the veracity of Pandit Nehru's informants may be mentioned a New Delhi P.T.I. report of the same date ascribing certain statement to the District Magistrate Dinajpur and alleging that in consequence thereof disturbances broke out in that district in the second week of February. In fact the Magistrate never made any such statements and up to date there have been no disturbances whatever in that district. The nature of the above statements and reports throws interesting light on the kind of propaganda that is being carried on in India about conditions in the province.

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2996. SECRET

TELEGRAM

From : Foreign, Karachi
To : Foreign, New Delhi
No. 1145 March 6, 1950

IMMEDIATE

From Liaquat Ali Khan for Pandit Jawaharlal Nehru.

Kindly refer to your telegram No. PRIMIN 21028 dated March 2nd and your telegram No. PRIMIN 22122 DATED March 4th. I have repeated these two telegrams to East Bengal Government and as soon as I have received their reply will wire you again. Meanwhile I have been receiving rather alarming reports of disturbances in JALPAIGURU where heavy casualties and arson and loot on a considerable scale are said to have occurred. Reports of looting and arson in Burdwan are also reaching here. From JALPAIGURU and Assam large number of refugees continue to arrive in DINAJPUR and RANGPUR Districts. Reports have also been coming for some time of troop carrier concentrations on borders of East Bengal. A whispering campaign originating from Calcutta is afoot that India would soon invade East Bengal and that the Hindus should clear out of that place before invasion comes. This appears to be direct result of your statement in Parliament that India will have to adopt "other methods." I have just seen Press report of your broadcast* on March 3rd and I must confess that

* He recalled his address to Parliament on February 23, when he mentioned that "if present methods and proposals fail, we shall have to adopt other methods" and went on to clarify his statement stating that "I have been criticized for hinting at the possibility of war. Anyone who knows me should known that I hate war and will go to the farthest limit
my reaction is one of disappointment. Although you stated you would go fullest limit to avoid war I wish that you had categorically declared under No circumstances would "Other methods" include war. I am distressed to see that you referred to religious character of PAKISTAN and asserted that its policy must inevitably produce sense of lack of fulfillment of citizenship and continuous insecurity among minorities. I can only infer that your observation is made from an incomplete understanding of basic conception of our State, which guarantees equal citizenship and other rights to all nationals, including minorities in PAKISTAN.

Your remark can only have effect of misleading minorities about the basic conception of our state and of encouraging them to believe that citizenship and security must continue to be denied to them in PAKISTAN: I fear your statement CANNOT but have a most unfortunate and unsettling effect.

In your broadcast speech I have vainly looked for condemnation of killing arson and looting that have been committed in West Bengal and elsewhere in India and your determination to uphold the law and to punish the evil-doers. I am certainly NOT surprised to read in this morning's newspapers that despite your appeal for restraint serious rioting involving loss of life and property took place on 3rd and 4th March in a number of towns in India including MORADABAD, BAREILLY, ALIGARH, PILIBHIT and there was renewed rioting in Calcutta.

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to avoid it. But to talk complacently of peace, when there is no peace and when something worse than war is possible and people are rattling back to barbarism, is to be blind to facts. Hence I said that we must explore every avenue and every method to avoid this great catastrophe."

He said: "The lives of tens of millions of people are involved in this and human considerations apart from others, compel us, whether we live in India or Pakistan to strive to our utmost to find a way out. I claim no superior virtue in myself or my Government or my people. But I do claim that, however imperfectly, we have tried to follow the right path, the path of peace and the path of equality and unity among the various communities that live in this great country. The people of Pakistan are of the same stock as we are and have the same virtues and failings. But the basic difficulty of the situation is that the policy of a religious and communal State followed by the Pakistan Government inevitably produces a sense of lack of full citizenship and a continuous insecurity among those who do not belong to the majority community. That policy leads to hatred and violence and produces conflict."
Draft Declaration after including amendments suggested by Pakistan Prime Minister Liaquat Ali Khan.

March 6, 1950.

[The draft was sent by Prime Minister Jawaharlal Nehru to Liaquat Ali Khan on March 6, 1950]

"The Governments of India and Pakistan consider it their duty and responsibility to give full protection and security to minority communities in their respective countries. In order to restore confidence among minority communities in two countries in general and in East PAKISTAN, West Bengal and Assam in particular which has been greatly shaken by recent unfortunate events which two Governments strongly condemn, the Government of India and PAKISTAN wish to announce:-

(1) That they will punish all those who have been found guilty of offences against persons and property and other criminal offences;

(2) That they will help in every way those who have suffered by loss of life or otherwise and give adequate financial assistance to them for the purposes of rehabilitation. This will include those who have been temporarily evacuated to the other country, provided they return to their own country, for which full facilities will be provided. The two Governments will at the same time make all reasonable efforts to discourage large scale exodus;

(3) That they will make every effort to recover any women who have been abducted and restore them to their families;

(4) That there shall be an intensive search of looted property and those in possession of it shall be asked to return it immediately. Failing such return within a stated period, those found in possession of looted property will be presumed to have participated in looting or receiving stolen property and will be dealt with accordingly;

(5) That persons and newspapers responsible for mischievous rumours and propaganda shall be rigorously dealt with;

(6) That each Government will appoint a committee to enquire into the original cause and extent of disturbances and to make recommendations with a view to preventing recrudescence of similar trouble in future.

The Governments of India and PAKISTAN earnestly hope that a a result of measures indicated above which will apply to present and future as well as
other steps which the two Governments might take, the feeling of confidence and security will grow in mind of minorities and normal life will be fully restored."

3. On receiving your agreement, a date for simultaneous publication of Declaration will be fixed.

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2998. SECRET

TELEGRAM

From : Foreign, Karachi
To : Foreign, New Delhi

No.1185, March 7, 1950

IMMEDIATE

From Liaquat Ali Khan for Pandit Jawaharlal Nehru

Reports now received of disturbances in JALPAIGURI from 24th to 26th February are most serious. Practically all MUSLIM houses and shops in town and adjoining areas are said to have been looted and those which could be destroyed without harms to Hindu property have been burnt. Estimated loss of Muslim property runs into crores of rupees. Damage to mosque in KHENPARA is reported. Heavy loss of life has occurred and surviving Moslems of JALPAIGURI town totaling over 5000 are said to be living in 6 refugee camps in miserable condition.

The entire Moslem community in Hooghly, CHINSURAH and CHANDERNAGORE and adjoining areas is reported to have been uprooted from homes. Incidents of killing, loot and arson began on February 28th and ended in a furious attack on March 3rd. All Moslem inhabitants including West Bengal Government employees have been removed to HOOGHLY IMAM BARA where refugees number 2,000 and large number of Moslems of CHANDERNAGORE, PAIKPARA, GONDAL PARA and TELINI PARA have all been driven into open fields opposite Victoria Jute Mill where about 10,000 refugees have taken shelter. Women and children have also been attacked and stabbed. Several villages have been devastated by loot and arson.

In Calcutta itself disturbances are reported to have continued throughout night of March 4th with bomb explosions in Park CIRCS area. About 1000 refugees
reached Park CIRCUS on March 3rd. Living conditions of Moslem refugees are fast deteriorating. Our Deputy High Commissioner’s staff car No. BLC 8517 was attacked with BRICKBATS while returning from staff quarters at 10p.m. on March 4th.

2999.

SECRET

TELEGRAM

From : Foreign, New Delhi
To : Foreign, Karachi
No. 6-G.S March 8, 1950

From Jawaharlal Nehru for Liaquat Ali Khan

I have received three telegrams from you here in Calcutta forwarded from Delhi Nos.1141 and 1144 dated 5th March and 1145 dated 6th March. I am answering some points raised in them separately. I shall send a fuller reply from Delhi where I return tomorrow. Meanwhile, I should like to draw your attention specially to certain matters.

3. Regarding proposed declaration I think it is important that we should mention in declaration that forced conversions cannot be recognized. This is common ground. There is a great deal of feeling on this subject and many cases have been brought to my notice.

4. Regarding migrations. I should very much like to discourage large scale transfers of population. Migrations cannot however be prevented until a feeling of full security grows amongst minorities. That feeling is singularly absent at the present moment and idea that migration is prevented and traveling is dangerous actually increases panic, lessens feeling of security and produces feeling of being trapped in a dangerous place. The only way to produce a sense of security and desire not to migrate is to give freedom to do so for those who are so inclined. In addition, full arrangements for protection during journey must always be provided. If both these are done, a number of people will no doubt migrate, but very soon this freedom of movement will help in producing a sense of security and the desire to migrate will greatly lessen. Hence I suggest that we should clearly state in the proposed declaration or separately that while we have no
desire to encourage large-scale migration, we wish to provide facilities and full protection for traveling from one country to another.

5. I have already brought to your notice cases of attacks on trains and forcible disembarkation of passengers from trains and steamers. I am told that some of these attacks took place despite the presence of armed guards. Even now train services have not been fully restored and travel by train and steamer in East Pakistan seems very insecure. If you have any difficulties in providing full protection to trains and steamers, some arrangement similar to what existed for some time in the Punjab, might be arrived at for a relatively brief period of a few weeks. This would mean permission to either country to arrange for protection during traveling from certain specified railway and river stations in the other country. Some such arrangement for a brief period would immediately produce a sense of confidence which will lead to a feeling of security.

6. Demand for production of certificates of domicile and exemption from income tax proving very harassing to those who wish to come away from East Bengal. I have already drawn your attention to this. In existing circumstances it has little meaning and I trust that for some weeks at least it will not be followed.

7. I should like to inform you that my investigation here from a large variety of sources had led me to the conclusion that conditions in some parts of East Bengal have been even worse than I had imagined. Attacks on railways trains and steamers and taking of passengers out have led to great excitement here. I am convinced that mere declaration of good intentions for the future will not meet the situation. One immediate step which should follow is to make it easy for those people who wish to come to do so. I might mention that there are considerable number of persons in East Pakistan who is terms of our Constitution are or may become Indian national. For the present of course no clear demarcation has taken place and no certificates of citizenship have been issued by us and no register of citizens has been prepared. It is not my intention to enter upon a legal discussion of citizenship. In any view of the matter it seems to me desirable that there should be freedom of movement with protection and I hope you will give serious and immediate consideration to my proposal.

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SECRET

IMMEDIATE

From Liaquat Ali Khan for Pandit Jawaharlal Nehru

Indian Press continues to publish false and exaggerated accounts of disturbances in East Bengal. An item in Sunday News of India dated March 5th speaks of no less than 200 persons having lost their lives during first three days of disturbances in Chittagong Town. Publication of this false report is particularly objectionable in view of my clear statement at Press Conference on February 27th that total casualties in East Bengal excluding Dacca were 23 dead. Again the Times of India in leading article dated March 6th accuses high officials of PAKISTAN of having publicly incited Moslems in East Bengal to wipe out minority in that Province. Propagation of mischievous lies of this kind unless severely dealt with can have nothing but harmful repercussions.

My attention has also been drawn to text of Press Note issued by Assam Government as reported in Bombay Chronicle dated March 2nd. Among other things the Press Note contains following:

"The Government of Assam has received further material which enables it to trace roots of trouble at KARIMGANJ further back. The fundamental cause seems to be reported plight of minority community in East PAKISTAN which finds itself without security of life honour and property and without a ray of hope of any betterment of conditions or prospects. It finds that all ills, real and imaginary, from which people in PAKISTAN suffer, Hindus are made or held responsible. If there be a fire accidental or otherwise the Hindu is the culprit. The Hindus must NOT even protest. Protests if made are suppressed. Moslem mobs are, it is alleged, incited or encouraged to deal in their own way with Hindu life and property. The incessant singing or hymns of hate, the constant talk of war, raising of boundary disputes without sufficient cause, mobilization of armed and other forces, holding of meetings in which popular mind is shaped and directed to look upon a Hindu as cause of its troubles add various other matters of a similar kind have deepened anxiety of Hindu mind in East PAKISTAN."

You will agree that statements like these can only inflame communal passion and must act as an encouragement to unruly elements in India.

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3001.  

TOP SECRET  

TELEGRAM  

From : Foreign, Karachi  
To : Foreign, New Delhi  

MOST IMMEDIATE  

No. 1198  

March 8, 1950.  

Liaquat Ali Khan for Pandit Jawaharlal Nehru  

I feel constrained to draw your attention to entirely false allegation which was  
made according to Reuters by Mr. ROHINI KUMAR CHAUDHRY in his speech  
in India Parliament on March 7th to the effect that PAKISTAN Government  
were busy making preparations for war and had already occupied some portions  
of West Bengal and a police station in Assam. This is a absolutely incorrect. I  
would also like to bring to your notice that Mr. CHAUDHARY in the same speech  
openly advocated that India should declare war on PAKISTAN. Such irresponsible  
and mischievous utterances must do incalculable harm to relations between  
two countries.

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3002.  

TOP SECRET  

From : Foreign, New Delhi  
To : Foreign, Karachi  

MOST IMMEDIATE  

No. PRIMIN 22128  

March 9, 1950.  

From Jawaharlal Nehru for Mr. Liaquat Ali Khan.  

I have seen your telegram 1198 of 8th March just now after my return from  
Calcutta. Mr. Rohini Kumar Chaudhury's utterance is an extreme example of  
the sentiment engendered by the unfortunate happenings in East Bengal. I agree,  
however, that speeches of this kind made from either side are most unfortunate  
and may do incalculable harm to relations between our two counties.

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From Liaquat Ali Khan for Pandit Jawaharlal Nehru.

Reports continue to reach me of very unsatisfactory situation in West Bengal and Assam.

Number of registered refugees from Karimganj and other part of CACHAR now in Sylhet District is 14215. Number including those NOT registered is well over 20,000. In addition over 6,000 refugees have up to date come into Rangpur District from GOALPARA, KAMRUP and DARRANG Districts. Majority of them are victims of very serious communal disturbances which have occurred in GOALPARA district and in which mass violence and extensive damage have taken place. Many of these refugees have injuries and practically all of them had their belongings looted on the way. Wide spread killing and looting of Muslims in GOALPARA District and inability of local administration to protect them have completely shaken the confidence of minority community and a situation of extreme tension and insecurity has developed.

On 3rd March there was recurrence of trouble in Karimganj. Number 266 Down train was attacked at MAHISASHAN and property of Muslim passengers looted. There are allegations of female passengers being tortured. No action was taken by military or railway staff to protect passengers.

In Calcutta situation has apparently deteriorated further. Between BELGACHIA and TANGRA all Muslim BUSTEES are said to have been practically wiped out. On night of 6th March Muslim BUSTEES were attacked by Hindu mobs with bombs. When Muslims tried to defend themselves armed police appeared on the scene and charged them with bayonets and arrested some 80 persons.

Our Deputy High Commissioner in Calcutta has received telegrams from Midnapore Muslims regarding wide spread disturbances in that District. Alarming reports are also being received of communal trouble in other MOFUSSIL areas. Alarming reports are reaching from Central Provinces. KATNI has been scene of serious rioting. A number of other towns have been affected. Trouble is also spreading to MOFUSSIL areas.

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TELEGRAM

From: Foreign, Karachi
To: Foreign, New Delhi

No. 1239 March 10, 1950

MOST IMMEDIATE

From Liaquat Ali Khan for Pandit Jawaharlal Nehru.

Please refer to your telegram No. PRIMIN 22127 dated 9th March. The suggestions that you have made with regard to additions to draft declaration are under consideration and I shall reply to you in detail in a day or two. I wish however to take opportunity at once of telling you that suggestion made in paragraph No. 5 of your telegram that traveling conditions in East Pakistan are very insecure, is wholly incorrect. There has been No incident of any kind whatsoever for several days in East Bengal except for two unfortunate attacks on trains on 1st March. The situation is fully under control. There is No difficulty whatsoever in providing full protection where necessary to traveling public. Your proposal that we may follow Punjab precedent has such grave implications that a mere mention of it might create a most unfortunate situation throughout the country and produce an effect entirely contrary to what you envisage. I would therefore earnestly suggest to you that No indication that you ever made proposal should be made public at any stage. Any public mention of this proposal may lead to gravest consequence and must be avoided at all cost.

1. From reports that I have been receiving and which I have been passing on to you from time to time communal trouble of gravest character is prevalent in several parts of India particularly in Assam and West Bengal and Central Provinces. In a number of places attacks on passengers in trains have occurred. There are also indications that trouble is brewing in East Punjab. The situation in India demands far more effective and energetic action by your civil and armed forces than has hitherto been taken for protection of minority community.

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3005.            SECRET

TELEGRAM

From : Foreign, New Delhi
To : Foreign, Karachi

MOST IMMEDIATE

No PRIMIN 210311.            March 10, 1950.

From Jawaharlal Nehru to Mr. Liaquat Ali Khan

I have already dealt with various matters contained in your telegrams of March 5th and 6th.

2. There has been NO troop concentration on our part of East Bengal Border. Some normal pickets and patrols are functioning on that border. We are informed however that on Pakistan side of Border, Ansars and others are being collected and there are reports of their infiltration on Indian side at some points. You will appreciate that any infiltration or occupation of India territory CANNOT be tolerated by us. More particularly, in existing circumstances, this is likely to lead to dangerous consequences.

3. You refer to my broadcast. I might inform you that we have repeatedly condemned killing, arson and looting committed anywhere in India and have taken stringent steps to punish evil-doers.

4. It is true that I did NOT state in my broadcast that under NO circumstances would war NOT take place. I stated that I would do my utmost to avoid war. It would have been unrealistic in the circumstances for me to say more because conflict does NOT depend on one party alone and we have seen things happening which may be said to be worse than war. For several months past the Pakistan Press has openly talked about war. Many statements have also been made by prominent people in Pakistan advocating war in regard to Kashmir. It is for us to remove these dangerous trends and in particular to give sense of security to minorities.

5. I am sorry if you feel that I have NOT correctly represented character of Pakistan State. After a close study of that State and of statements of its leaders and, more particularly, of the atmosphere that prevails in that state, I have been convinced that non-Muslims CANNOT have that equality of citizenship and of functioning which modern democratic states lay down and practice. There can be little doubt that in fact this is the belief of minorities in Pakistan. Many people who had firmly decided to stay in Pakistan and give their full cooperation
and allegiance to it feel now that their position is intolerable. That fact alone is significant.

The theory of religious State inevitably leads to the conclusion that persons belonging to another religion have an inferior status and do not have normal opportunities in practice. This has become evident.

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3006.

SECRET

TELEGRAM

From : Foreign, New Delhi
To   : Foreign, Karachi

No. 1646 March 10, 1950

IMMEDIATE

From Jawaharlal Nehru to Mr. Liqauat Ali Khan

Reference your telegrams 1141 of 5th March, 1145 of 6th March and 1185 of 7th March. I am giving some factual information below. Other matters being dealt with separately.

2. Your information that disturbances continue in Calcutta is NOT correct. Except for a few stray incidents there has been NO disturbance worth mentioning in Calcutta since 12th February. Such incidents in a big city like Calcutta are NOT uncommon even in normal times. There was great excitement in Calcutta when reports reached the City of recent attacks on trains and steamers in East Bengal and removal of large number of passengers at wayside stations. Authorities however took effective steps immediately.

3. I am surprised to read about allegation in your telegram that Hindu young men enter railway compartments on frontier and assault Muslim passengers. The story of bangles and torn blouses being throw about in compartments is fantastic. There is plenty of evidence about attacks on these trains in Pakistan and we would welcome a full enquiry into the matter. Indeed East Bengal Government have themselves admitted these attacks on trains near Rajbari and Santahar, although they have sought to make out that these have NO communal complexion.
4. No serious disturbance has taken place in Howrah since 15th February. Some days ago there was some disturbance in mill area in Hoogly district including Chinsurah. Casualties were: dead three Hindus, twelve Muslims and nineteen unidentified and injured twelve Hindus and twenty-eight Muslims. Incidents at Telinipara and Chandernagore partly due to labour communist trouble. NO further incidents in Hoogly district since 4th March. Number of refugees in Hoogly Imambara is 1200, near Victoria Jute Mills about 5000. Shelter, food, sanitary arrangements and light provided for them. Four women and no children attacked. No village damaged by loot or arson.

5. No incident occurred in Burdwan in March and none in Murshidabad in February or March.

6. Jalpaiguri. There was some disturbance but the account supplied to you is very great exaggeration of what occurred. In all 35 small Muslim huts were burnt and 20 small shops looted. Loss of property estimated in thousands of rupees and NOT in crores. Top wall of a mosque slightly damaged by fire from neighbouring house. Number of dead in Jalpaiguri town 16 Muslims, one Hindu. Most stringent measures were taken by the District officer. Refugees being looked after.

7. Your information about condition of Muslim refugees in Calcutta in unfounded. I have visited their main camp in Park Circus. Adequate relief is given to them consisting of free ration according to normal scale together with four annas in cash to each refugee. In addition milk supplied free to children. Blankets distributed to those in need. It is hoped that most of these refugees will return soon to their homes.

8. Goalpara district in Assam. Trouble occurred there consisting chiefly of arson resulting in considerable number of refugees going chiefly to Cooch Behar and East Bengal. I have discussed situation with Chief Minister Assam and his Government had taken very strict measures including firing by police and military, and a large number of arrests were made. Understand that large number of non-Muslim refugees have crossed into Assam from Rangpur district.

9. I have NOT seen reports except in newspapers about happenings in certain U.P. towns. All these apparently occurred in connection with Holi festival. I have called for full reports from the State Government.

10. I am deeply grieved at any such occurrences in any part of India regardless of what happens elsewhere, and have expressed myself strongly about them. But you will appreciate that accounts of occurrences in East Bengal have deeply stirred feelings all over India. I shall deal separately with your reference to my broadcast and some other matters.

❖ ❖ ❖ ❖ ❖
3007.  

TOP SECRET  

TELEGRAM  

From : Foreign, Karachi  
To : Foreign, New Delhi  

No. 1239  

March 10, 1950  

MOST IMMEDIATE  

From Liaquat Ali Khan for Pandit Jawaharlal Nehru  

Please refer to your telegram No. Primin 22127 dated 9th March. The suggestions that you have made with regard to additions to draft declaration are under consideration and I shall reply to you in detail in a day or two. I wish however to take opportunity at once of telling you that suggestion made in paragraph No. 5 of your telegram that traveling condition in East Pakistan are very insecure is wholly incorrect. There has been NO incident of any kind whatsoever for several days in East Bengal except for two unfortunate attacks on trains on 1st March. The situation is fully under control. There is No difficulty whatsoever in providing full protection where necessary to traveling public. Your proposal that we may follow Punjab precedent has such grave implications that a more mention of it might create a most unfortunate situation throughout the country and produce an effect entirely contrary to what you envisage. I would therefore earnestly suggest to you that NO indication that you ever made proposal should be made public at any stage. Any public mention of this proposal may lead to gravest consequences and must be avoid at all cost.

1. From reports that I have been receiving and which I have been passing on to you from time to time communal trouble of gravest character is prevalent in West Bengal and Central Provinces. In a number of places attacks on passengers in trains have occurred. There are also indications that trouble is brewing in East Punjab. The situation in India demands far more effective and energetic action by your civil and armed forces than has hitherto been taken for protection of minority community.

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From Jawaharlal Nehru for Mr. Liaquat Ali Khan.

In my telegram No. 22127 dated 9th March from Calcutta, I suggested some changes in the proposed declaration. In my immediately following telegram I give the text of the declaration which in our opinion, we should now make without delay. By way of explanation I make the following comments:

A. I have explained to you previously why I consider it necessary for facilities and full protection for traveling from one country to the other should be provided now as a measure designed to create confidence and allay panic. I would, therefore, strongly urge you to agree to the insertion in the declaration of 3 as proposed. I have also suggested to you separately arrangements for a limited period of a few weeks, such as were made in the Punjab in 1947, for armed guards to be provided at certain specified railway and river stations, by the other country, to accompany trains and steamers for protection. I have NOT included this in the declaration, as it would be out of place there. Nevertheless immediate introduction of this arrangement is important and it might be provided for by an exchange of letters or telegrams.

B. 5 of the draft declaration is of vital importance and should be included. From the many talks that I have made in Calcutta, I have discovered that NOT only have cases of forcible conversion occurred, but that there is very strong feeling that it should be authoritatively declared that forcible conversion will NOT be recognized.

C. 8. From the standpoint of the public effect of the declaration, it is important that the judicial character of the presiding officer of the proposed committees and the inclusion in it of representatives of minorities should be explicitly mentioned. Failing that, confidence in the findings of the proposed committees will NOT be assured.

I have given considerable thought to the question of some provision which would act as an effective deterrent to communal violence and crime. You will remember that, in case of widespread communal disturbance in the past, it was
usual to impose collective fines. I feel strongly that resort to that procedure will be extremely helpful in present situation and hope that you will agree. To produce maximum effect, it would be desirable to mention this specifically in the declaration. However, if you are NOT agreeable to such inclusion, I should be content if we were to agree between ourselves that this would be done.

In view of the urgency of this matter, I shall be grateful to have an early reply.

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3009. CONFIDENTIAL

TELEGRAM

From : Foreign, New Delhi
To : Foreign, Karachi
No. PRIMIN - 22130 MARCH 10, 1950

MOST IMMEDIATE

From Jawaharlal Nehru for Mr. Liaquat Ali Khan

Reference my immediately preceding telegram. Following is proposed text of declaration.

Begins.

*The Governments of India and Pakistan consider it their duty and responsibility to give full protection and security to minority communities in their respective countries and are determined to take all necessary measures to that end. In order to restore confidence among minority communities in both countries and more especially, in East Pakistan, West Bengal, and Assam, which has been greatly shaken by recent unfortunate events, which the two Governments strongly condemn, the Governments of India and Pakistan wish to announce:

1. That they will punish all those who have been found guilty of offences against person and property and other criminal offences.

2. That they will help in every way those who have suffered by loss of life or otherwise and give adequate financial assistance to them for purposes of rehabilitation. This will include those who have temporarily evacuated to the other country, provided they return to their own country, for which full facilities will be provided.
3. That, while the two Governments have NO desire to encourage large-scale migrations, they will provide facilities and full protection for traveling from one country to the other to those who may wish to do so.

4. That both Governments will make every effort to recover any women who have been abducted and restore them to their families.

5. That forcible conversions will NOT be recognised.

6. That there will be an intensive search for looted property and those in possession of it shall be asked to return it immediately. Failing such return within stated period, those found in possession of looted property will be presumed to have participated in looting or receiving stolen property and will be dealt with accordingly.

7. That persons and newspapers responsible for mischievous rumours and propaganda shall be rigorously dealt with.

8. That each Government will appoint a committee, president over by a person of the standing of High Court Judge and including representatives of the minorities, to enquire into the origin, cause and extent of the disturbances, and to make recommendations with a view to preventing recrudescence of similar troubles in future.

9. The Governments of India and Pakistan earnestly hope that as a result of the measures indicated above, as other steps which the two Governments might take, a feeling of confidence and security will grow in the minds of the minority and normal life will be fully restored." **Ends**

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TELEGRAM

From : Foreign, New Delhi
To : Foreign, Karachi

MOST IMMEDIATE

No. PRIMIN 21032

March 10, 1950

From Jawaharlal Nehru to Mr. Liaquat Ali Khan.

During my four day stay in Calcutta, I was inundated with evidence from reliable sources of events in East Bengal during the past month or more. I have been powerfully impressed as well as distressed by this evidence. I am NOT passing all this on to you, but the basic fact came out repeatedly that non-Muslims in East Bengal live in a state of continuous fear and apprehension and all sense of security has gone. More particularly, they feel that officials, who are very largely of one community do NOT function impartially. In this connection I should like to remind you of the fact that the Dacca trouble started on February 10th by a procession and a meeting of Secretariat employees, fiery speeches were delivered and immediately after, arson looting and killing commenced. It is significant that Government servants should have taken the lead and organized this.

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My dear Nawabzada,

I returned from Calcutta last night after four days stay there. These four days were very exhausting, not physically so, for I am used to physical exertion. They were exhausting for other reasons. As more and more facts came to my knowledge and the effect that those facts and occurrences had produced on people's minds, I was greatly depressed.

It is not much good from any long-term point of view for us to go on accusing each other or other people. The burden of grappling with this difficult problem, which grows more difficult and complicated, is upon us. The consequences of not solving it are terrible to contemplate for both our countries.

I have sent you from here today two telegrams. I enclose copies of them. I earnestly hope that the declaration that I suggest, and to which you have largely agreed, will be issued by both our Governments very soon. Every day's delay may make some difference.

One fact has impressed itself upon me and that is the widespread fear among the Hindus in East Bengal and their conviction that they have no part or lot in Pakistan, no self-respect or security. Hence their desire to get away. Whether facts justify this conviction of theirs or not, may be arguable. But their feeling this way is itself a fact to be reckoned with. It is because of this that I have become convinced, against my will that full facilities for them to come away, under adequate protection, to West Bengal should be provided. I do not wish in the slightest to encourage a mass migration. I have fought against this for a long time past and I still believe that this would be bad for the people concerned as well as for India and Pakistan. But, in the circumstances, to talk too much about their remaining where they are and preventing them from coming away, is to irritate and frighten them all the more and to increase the panicky condition. Therefore the situation has to be tackled in another way and that is to permit them to come, if they so want to and make them feel that they can go under sufficient protection. This declaration and feeling will itself improve the conditions and lessen the state of panic. No doubt a considerable number will come away.
But I feel sure that the exodus will lessen and almost stop fairly soon. The mere knowledge that one can come away removes the sense of fear and takes away from the urgency of the desire to come. If conditions improve, as we hope they will, then the exodus will stop, and it may be, that those who had come over would think of going back. This applies to both countries. I hope, therefore, that you will agree to this. I would also like you to agree to the other proposal about exchange of guards that I have made.

I am glad that your Government has ordered that no certificates either of income tax or domicile should be demanded from these people, who are traveling from one country to another in these circumstances. I am grateful to you for this.

The more I think of it, the more I feel that these arrangements and declarations that we may make, good as they may be, are not enough to grapple with this situation. Some kind of a psychological approach affecting people's minds has to be made. If Gandhiji was here, he would undoubtedly have known what to do in the circumstances. Unfortunately we have not got him with us. Nevertheless, we have to do something to stop this rot.

I had suggested to you that you and I should visit East and West Bengal. I had done so with no political motive and with no desire to make some kind of capital out of this tour. My sole object was to help in soothing people and in bringing back some normality. You did not agree to this proposal for the reasons you gave and thought that it would produce a very great impression both in East and West Bengal.

I am so anxious to do something in my individual capacity that I have been thinking repeatedly of visiting some of those places, not as Prime Minister but as a private individual. It is just possible that my visit might shake people up. I attach so much importance to this that I would gladly give up my Prime Ministership and go to East and West Bengal entirely as a private citizen and stay for a while there. I would not do so with the object of carrying on an enquiry and of casting blame, but just to give some heart and confidence to the people I meet, whether Hindus or Muslims. I think I have some capacity to do so. I wish you would agree to my doing so, that is my going to Pakistan as a private individual for a stay of a few weeks.

When I was in Calcutta, I had a message from Basanti Devi (Mrs. C.R. Das) saying that she would like to go to Dacca, if her visit could do any good. She is an old lady and not too well in health, but she was anxious to be of some service in soothing ruffled feelings. Perhaps you know that her family originally came from Dacca. Her suggestion was that she might go there with her daughter (Mrs. Aparna Roy) and one or two companions and stay quietly in Dacca for a while hoping that her presence itself and meeting a few old friends might be
helpful. I sent word to her that I rather like the idea of her going, but if she did so, it should be entirely in a private capacity and with no official interference on our part. I refrained therefore from bringing this matter rather officially before you.

Yours sincerely,
Jawaharlal Nehru

Hon 'ble Liaquat Ali Khan
Prime Minister of Pakistan
Karachi

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3012. Press Note issued by the Government of East Pakistan that no request was received from India for safe travel of non-Muslims to India.

Dacca, March 10, 1950.

The report dated March 8, published in the "Statesman" and originating from their special representatives in New Delhi, to the effect that the Government of Bharat have sent a Note to the Government of East Pakistan requesting the latter to arrange for the safe travel, including special trains and steamers, of Bharat citizens and Pakistani Hindus, who wished to leave for Bharat temporarily, is not correct. No such Note has been received by this Government from the Government of Bharat.

The truth of the matter is that this Government have received from time to time both from the West Bengal Government and from the Government of Bharat through the Government of Pakistan, requests that people proceeding to Bharat from this province, who are alleged to have been held up at various points in East Pakistan should be provided with facilities for unrestricted and safe travel to Bharat.

In most cases the allegation was found to be based on incorrect information; in other cases the necessary action was immediately taken.

Bharati Propaganda

The report published in the Statesman is obviously part of the Bharati propaganda campaign designed to convey to the outside world the completely erroneous impression that conditions in this province continue to be so seriously disturbed
that the minority community in East Pakistan desires to evacuate en mass to Bharat and that travel throughout this province is being restricted and interfered with and is otherwise unsafe.

As has been made clear in the statement of the Premier in the Provincial Assembly today that conditions in the province are uniformly peaceful throughout and although there is some tension owing to irresponsible war talk and continued riots across the border of this province, the situation remains quiet and fully under control.

The leaders of minority community themselves have in several districts in this province already issued public statements declaring that they are living in peace and security and that their main desire is that disturbances in West Bengal and Assam should, in the interest of the minorities on both sides of the border come to an end forthwith.

As regards train travel, there has not been a single incident or any attempt to attack or interfere with traffic since the robbery in Hindu and Muslim passengers in the Dacca Mail near Rajbari on February 26, and the attack on the Assam mail near Santaharub on February 28, full details of which were immediately published by this Government in Press notes and effective action taken against those who were responsible.

As part of Government’s normal policy to prevent railway crime, armed guards are posted on all passenger and goods trains and steamers since the disturbances, and in particular to allay any apprehensions that might be aroused in the minds of intending travelers by this mischevous propaganda in Bharat regarding the perils of travel in East Pakistan, there guards have been considerably strengthened.

Stories of interference with railway passengers on trains in West Bengal and in particular with the would be travelers at Sealdah and Howrah stations, combined with the arrival of empty trains from West Bengal to East Pakistan, have in their turn led to some unrest and disquietening rumours in this province. But as a result of measures taken on both sides, movement in both directions is now freer.

As it was found that the number of through passengers dropped considerably by the East Pakistan Railway, but full compliment is being progressively restored as the demand justifies it. As far as this Government are concerned there is no question of their tolerating any interference by any person with free movement of travelers from East Pakistan and in the opposite direction. In fact, the normal requirements regarding income tax and domicile certificates from persons leaving the Province have been waived for the time being.
At the same time, this Government deprecate any suggestion to provide excessively abnormal travel facilities out of the Province of such a nature as to unsettle or attract persons who would otherwise not consider leaving their homes, since they believe that on both sides of the border the emphasis at the moment must be on relief and rehabilitation of all who have suffered in the recent wholesale evacuation, either temporary or permanent, which can only have the effect of creating problems than it solved.

3013.  

**TELEGRAM**

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**IMMEDIATE**

No. 21033 March 11, 1950.

Your telegram No 1239 dated 10th March has crossed mine Nos. 22129 and 22130 of same date. I have in earlier telegrams given you full reasons for suggestions I have made. I trust that the declaration suggested by me will be acceptable to you so that we can jointly issue it at an early date.

Every report of communal trouble that you have sent to me has been and is being promptly attended to and State Governments concerned issue official reports of true facts with necessary promptitude and frequency. I devote personal attention to this matter constantly and I am satisfied that our civil and armed forces, both Central and Provincial, are doing everything possible to protect minorities. In the circumstances, I can only express my profound regret that you should give credence to reports that whatever can be done is not being done. It was because I felt mistrust could best be avoided by joint survey of facts that I had suggested appointment of commissions including Ministers and the joint visit by both of us to the affected areas.
3014.  

SECRET

TELEGRAM

From : Foreign Karachi
To : Foreign, New Delhi

No. 1291  March 13, 1950

MOST IMMEDIATE


This is with reference to incidents mentioned in your telegrams RIMIN 21028 dated March 2nd and PRIMIN 22122 dated March 4th. Press notes giving details of attack on Assam Mail and a Passenger train on February 28th have been issued by East Bengal Government. The casualties in these attacks were 28 killed and 22 wounded. I deeply deplore these incidents. No other case of attacks on non-Muslims has since occurred anywhere in East Bengal. Regarding allegation of compelling passengers to disembark on morning of February 27th from GOALUNDO steamer the actual facts as ascertained from passengers themselves are that at RAJKHARA steamer station some Musalmans and Hindus approached passengers and requested them NOT to leave their homes unnecessarily for West Bengal where they were bound to be put to extreme discomfort as refugees. Being persuaded of bona fides of these people about 200 passengers disembarked and later took CHITTAGONG mail steamer and returned to their respective homes via CHANDPUR. The allegations that they were attacked by local HOOLIGANS are entirely false. There was NO molestation of any description.

2. As regards people proceeding to Calcutta being MAROONED all such allegations are part of propaganda STUNT to create the impression that conditions in East Bengal are very grave and steamer and rail traffic are NOT safe. Steamers on main route and passenger trains are being provided with strong armed guards where necessary and travel both within or from East Bengal is quite safe. East Bengal Governments are issuing a press not on the subject.

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3015.  

SECRET  

TELEGRAM  

From : Foreign, Karachi  

To : Foreign, New Delhi  

MOST IMMEDIATE  

No. 1292  

March 13, 1950.  

From Liaquat Ali Khan for Pandit Jawaharlal Nehru  

2. Your telegram PRIMIN 21033 dated March 11th relating to reports of communal trouble in West Bengal and elsewhere which I have telegraphed to you from time to time.  

3. You will observe that the first statement dealing with these reports was received from you on March 10th, vide your telegram 1646, after the dispatch of my several telegrams to you on the subject. Even in that telegram there is nothing to show that my reports about happenings in India were BASICALLY incorrect. You have given me your version but it contains statements such as NO serious disturbance has taken place in Howrah etc. and that casualties were 3 Hindus, 12 Muslims and 19 unidentified. With regard to incidents in TELIMPARA and Chandernagore you have stated that they were partly due to labour troubles. You still have NOT described the full extent of disturbances in GOALPARA district, nor have you stated anything about the incidents in Central Provinces and with regard to the incidents in United Provinces you say that all these apparently occurred in connection with HOLI festival which to my mind all the more deplorable. Till the receipt of your present telegram NO authoritative statement of happenings in India since the February 26th was received by me from you. NO information of what was being done by your Government was vouchsafed to me till your telegram arrived here.

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3016.

TELEGRAM

From : Foreign, Karachi.
To : Foreign, New Delhi.

MOST IMMEDIATE

No. 1293. March 13, 1950

From Liaquat Ali Khan for Pandit Jawaharlal Nehru.

Reference your two telegrams PRIMIN 21031 and PRIMIN 21032 dated March 10th.

2. I am glad to have your assurance that there have been No troop concentrations in areas around East Bengal. I should however greatly appreciate a similar assurance that No armed members of RSS or the private force organized by the League for protection of rights of minorities are concentrated around East Bengal.

3. Reports of ANSAR infiltrations on Indian side are entirely without foundation.

4. I still think it was unfortunate that you did NOT specifically exclude war from definition of "other methods" in your broadcast. I hope that in larger interest of peace you will take the opportunity of publicly repudiating possibility of war in clear terms. The impression continues to persist that India contemplates aggressive action against East Bengal and way to remove that impression which can only have the effect of unsettling the mind of minority community in particular is to say it publicly in so many words that India has NO such intentions.

5. I am most disappointed to see that despite my clear statements that in PAKISTAN the minority enjoys citizenship and other rights equally with other nationals you should persist in repeating that that is NOT the case. I will NOT make the retort that despite your protestations that India is a secular state Muslims in India find themselves excluded and in an almost unbearable position of inferiority. As for your telegram PRIMIN 21032 dated March 10th I have told you repeatedly that conditions in East Bengal are normal. But unfortunately you continue to assert the contrary and to accept the wild STORIES of excited or mischievous persons in preference to my clear statements. This can result only in endless controversy and can lead us nowhere. It is only by trusting each other's words that we can actually hope to check this deplorable development.

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3017. SECRET

TELEGRAM

From : Foreign, Karachi
To : Foreign, New Delhi

No.1294 March 13, 1950.

MOST IMMEDIATE

From Liaquat Ali Khan for Pandit Jawaharlal Nehru.

Reference your two telegrams Nos. PRIMINE 22127 dated March 9th and March 11th. I have already dealt with part of your first telegram No. 1239 dated March 10th.

2. As regards the other points raised by you I have NO information about forced conversions in East Bengal but it is clear that if any such conversions have taken place here or in India they cannot by recognised. I have therefore No objection to a mention of matter in Draft Declaration.

3. I am satisfied that travel within Ease Bengal is quite safe and traveling public is receiving full protection where necessary. The provision of any special facilities for travel such as police or military escorts provided by the other country, will have only the effect of convincing the minorities in both countries that the two Governments are unable to give them protection in their homes and have therefore agreed to virtual exchange of population. This will certainly NOT allay panic or stimulate a feeling of security. On the other hand the result will be to encourage panic and start a movement which will quickly and inevitably develop into a stampede. You will agree that such a development cannot be in the interests of either the minorities of the two countries.

4. The point raised in para 6 of your telegram dated March 9th 1950 has already been disposed of vide your telegram 1650 dated March 10th.

5. You raise the question of Indian Nationals in East Pakistan. If it is your desire that the few Indian Nationals should be evacuated with local official assistance from East Bengal, I can have NO Objection although I should be very sorry if you took that stand. I do not understand what you mean when you say that there are persons in East Pakistan who in terms of your Constitution may become Indian nationals. I have studied your Constitution and do NOT find any provision in it where any persons later on residing in Pakistan can be described or may become at any rate nationals
after the commencement of the Constitution of India. The questions granting special treatment to such persons therefore does NOT arise.

6. My comments on revised draft declaration received with your telegram PRIMIN 22130 dated March 11th are as follows:

(1) For reasons stated in para No. 3 above and in my previous telegrams clause 3 should be redrafted thus: "the two Governments will make all reasonable efforts to discourage large scale migrations but will provide facilities and full protection for traveling from one country to other for those who may wish to do so." I attach importance to this matter.

(2) clause 5 may be amended to read; "that forcible conversions if any will NOT be recognized."

(3) I still consider that committee should consist of persons of the standing of a High Court Judge. The great regard in which the higher JUDICIARY is held in both countries should ensure full confidence in the investigations and also ensure that enquiry is held by completely impartial persons who are NOT afraid of expressing their views. In view however of your keen desire that a member of minority community should be on the Committee, I am prepared to accept the suggestion. Clause 8 will read as follows: "that each Government will appoint a Committee presided over by a person of the standing of a High Court Judge and including a representative of minorities to enquire into the origin, cause and extent of disturbances and to make recommendations with a view to preventing RECRUDESCENCE of similar troubles in future".

7. The remainder of revised declaration is in accord with views I have already communicated to you. If you agree to above amendments I suggest that declaration should be released to press on morning of March 16th from Delhi and Karachi.

◆◆◆◆◆
Prime Minister
India

My dear Nawabzada,

I have had no answer from you to my latest telegrams as well as my letter. I am writing this letter late at night and very early tomorrow morning, I am going to Calcutta again.

2. I have taken the liberty to write these rather personal letters, although there is nothing personal in them, because it is easier to write frankly in this way than if one follows the official method. I have felt as I have told you previously, that the issues before us are so serious and so dangerous in their possible consequences, that no effort should be spared to solve them. Events have occurred repeatedly which have stirred the public mind and roused it to a pitch of excitement and passion. I have myself felt the impact of these events deeply, but I have tried to the best of my ability, not to allow myself to be swept away by emotions. It is no small matter for me to see something happening which might well mean the ruin of all that one has lived for and worked for. I would do an ill service to such ideals as I have possessed, if I forgot them in this hour of crisis.

3. For the last two years and a half, there has been a continuing crisis in Indo-Pakistan relations. Sometimes it appeared to tone down a little and we hoped that some kind of an equilibrium would be established. But again it blazed up and now we face it in all its intensity. Ever since this Bengal affairs started, I have been convinced that the time has gone by for patchwork remedies. We might not be able to cure the disease suddenly, but we have to think and apply measures to root it out, and not merely rely on some cooling ointment. Cooling ointments are good enough in their own way, because they relieve pain for a moment but something else has got to be done to cure the patient. As a temporary measure, to relive tension and to enable people who were struck down by fear and panic, to regain their composure and to travel from one country to another if they chose to, I suggested a joint statement to be issued by both our Governments. That was a very small thing, which hardly scratched the surface of the problem. Even that has not been agreed to by so far. Meanwhile, time pass and the value of it, such as it was, fades away and we have to face the big problem.
4. One of the objects of the proposed declaration was to put some fear in the minds of evil-doers and to make them realize that they would have to pay for their evil deeds. That I felt was quite essential. What has happened in the past is that people who have been notorious for murder and worse have gloriéd in it and profited by it and posed as heroes of the people. If that is so, then we put premium on murder and pillage. Unless we make the burden of the ill-deed follow the evil doer, we will not stop him from a repetition of it. I suggested to you punitive fines or collective fines, as has been the practice in the past. In addition to this, the individual concerned must be made to suffer heavy penalty and some financial burden should fall on him. On the other hand those who suffer must be helped and compensated. This would not only be rough justice but also a deterrent.

5. I have been reading Pakistan newspaper as well as statements made by various persons in Pakistan. I am not much of an admirer of the press anywhere, when it comes to moments of crisis or excitement. I have disapproved strongly of the writings in some of the Indian newspapers recently. But I must confess that the way the Pakistan press has dealt with the Bengal situation has taken my breath away. Falsehood has been piled on falsehood and the most amazing inventions have been made. The Dawn as usual, carries the palm for its inventive genius and vitriolic and malicious attacks. How can there be peace between India and Pakistan, if this kind of campaign is carried on? If facts are disputed and these wild allegations are made, it is better to have them investigated properly and thoroughly and let the truth come out, whether we like it or not. I think it is time we dealt with this matter effectively. I am prepared to face the truth, whatever it is, and take the consequences. It is an impossible situation for these charges and calumnies to be hurled at one and no opportunity for sifting them or establishing or disproving them given.

6. Much evil has happened in East and West Bengal and in Assam. It may be that I have not got all the facts. Indeed it is difficult to get all the facts. But I think we have enough to form a general judgment. I am deeply grieved at the evil deeds that have taken place in any part of Indian territory and, to the best of my ability, I want to punish those who have done them. But I am astonished when a comparison is made between what has happened during the last six weeks in India and in Pakistan. There has been a good deal of arson and looting on both sides. I believe, from such facts as I have that much more of this has happened in East Bengal than in any part of India. Then as regards killings, I would welcome a correct estimate based on investigation. Our own information is that killings in East Bengal were very heavy indeed and ten or twenty times as much as in India.

7. I am not trying to measure or balance evil. It is bad enough wherever it
occurs and it serves little purpose to justify one act by another. But when these amazing charges are made in the public press and repeated by responsible public men, then one has to think of this.

8. Perhaps you know that while killing and arson and looting are very bad, nothing moves people's passions so much as assault on the abduction of women. Also that forcible conversions stir people's minds and passions. If person wants to change his religion, so far as I am concerned, he is perfectly free to do so. That should be the right of very man. But compulsion in such matters is humiliation and destruction of the spirit of man.

9. I would like you to find out if there has been a single authenticated case of assault or abduction of a woman or rape in West Bengal during these past six weeks. Or if there has been any attempt at forcible conversion. To my knowledge, there has been none. But to my knowledge again, there have been a considerable number of such cases, both of assault on and abduction of women and forcible conversion under fear of death in East Pakistan.

10. There is one other important aspect to which attention must be drawn. It is well-known that the troubles in Dacca were started on the 10th February by the Secretariat employees there. These people nearly mobbed the Chief Secretary of the East Bengal Government and then went in procession and had a meeting. Immediately after the meeting, looting and arson and killing started. Not much investigation is necessary to prove that these Government servants were the investigators and perpetrators of all this. Individual Government servants may have misbehaved elsewhere, but I do not known of any other instance when a large group of them, functioning together, started a major disturbances and killing. If Government servants are to behave like this, what then of others and who are the people to look to for protection. How can those people continue to live in a place where the very people who are supposed to protect them, have indulged in an orgy of killing and arson and looting.

11. I am sorry to enter into this business of making charges, but I could not help if after reading all that is being written in the Pakistan press. Also because if we have to root out this evil, we must understand it and deal with it thoroughly. I honestly believe that the root of this evil was the intense communal policy which led to Pakistan and which Pakistan has followed since. There is enough of communalism in India also today. But, at any rate, it is not the policy we pursue and we combat it. In Pakistan it is the State policy and this nurtures the feeling of hatred, violence and religious bigotry. I have no feeling against Islam. I have honoured it as one of the great religions of the world and some of my most intimate friends have been Muslims. But this conversion of the State into a citadel of communalism inevitably leads to far-reaching evil consequences. It makes the lives of all those in that State who do not accept the predominant
religion, unhappy and insecure. It makes conflict with other States where other religions may prevail. It makes for continuing conflict between Pakistan and India till we exterminate each other or survive in some wretched form.

12. I have no business to interfere with your State policy or anything else that you may consider desirable in your country. But if that policy creates continuous conflict and leads us to the verge of complete break, then obviously I am much interested in it, as it concerns me and my country. Also if it leads to frequent killing, arson and looting and abduction of women and all the rest of it, and demoralization of vast numbers of human beings who have been and are intimately connected with us, then I am affected.

13. I have written to you frankly, because the utmost frankness is necessary when dealing with these tremendous issues affecting vast populations. We must face them and try to solve them instead of trying to injure each other all the time and drifting to major conflict. There has been an extraordinarily unintelligent charge brought against India that we seek to put an end of Pakistan or to compel it to join India. Some foolish persons may have said so. But if anything is certain, it is this: that no intelligent Indian wants that to happen for the simple reason that it would be bad for India. We want to live at peace with Pakistan and we would rejoice in having normal friendly relations with it so that both countries may cooperate and prosper. We are on the brink of grave dangers and, as I have said above, any patchwork remedies are of little use now. I am prepared to meet you to discuss these matters in all seriousness before it becomes too late to discuss them.

14. I trust you will appreciate the spirit in which I have written this letter and forgive me for my frankness. I would not be true to myself or to you, if I did not tell you how I felt.

Yours sincerely,

Jawaharlal Nehru

Hon’ble Liaquat Ali Khan
Prime Minister of Pakistan
Karachi, Pakistan.
3019.  

SECRET

TELEGRAM

From : Foreign Karachi  
To : Foreign New Dehi  

No. 1302  

March 14, 1950

MOST IMMEDIATE

From Liaquat Ali Khan for Padit Jawaharlal Nehru

I have received your letter of March 10th for which I thank you.

2. I telegraphed to you yesterday agreeing to draft declaration with slight modifications and suggesting that it should be issued simultaneously on March 16th. I trust there will be NO further delay in the matter.

3. I fully share your anxiety about consequences of failure to resolve problem that faces both of us. You may depend on my whole-hearted cooperation in dealing with the situation. It has throughout been my earnest endeavour to maintain conditions of full security in East Bengal and I am determined to see that nothing is allowed to disturb peace on my side of the border. I have NO doubt that you will help me in this task by speedy restoration of normal conditions in your country and prevention of further trouble in India. I have all along stated that we must ESCHEW blame and must trust each other. Only then can real progress be made in ensuring confidence and amity between ourselves and our people. I am glad to see that you agree with me in this respect.

4. I am visiting East Bengal on March 17th for three or four days and shall write to you on my return.

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Telegram from Prime Minister Jawaharlal Nehru to Pakistan
Prime Minister Liaquat Ali Khan.


TELEGRAM

From : Govsecwesben (Governor Secretariat West Bengal), Calcutta

To : Foreign, New Delhi

IMMEDIATE

No.8GS. (Please forward immediately following telegram to Foreign Karachi).

Begins.

From Jawaharlal Nehru for Mr. Liaquat Ali Khan.

I have just received in Calcutta your 2 telegrams No. 1292 and 1293 13th March. Authoritative accounts of happenings in India have been appearing in Press. I have gladly sent you information when you have asked for it. Surely you do NOT expect me to supply information generally or specifically about conditions in India or what our Government does.

2. You have got mixed up between Howrah and Hoogly. If you refer to my previous telegrams you will see casualties were at Hooghly.

3. I informed you that there were NO troop concentrations on East Bengal border. We shall of course take necessary precautions to protect our borders from any untoward happening. We do NOT permit or tolerate any private armed forces. I might inform you that we have had reports of ANSARS coming across our borders occasionally. One of our small relief centres at JAYNAGAR near BANPUR border manned by women workers was visited by ANSARS recently.

4. As I have written you in my letter dated 13th March it has become essential for us to deal with this entire problem which CANNOT be solved by partial and patchwork remedies. In view of developing situation and widespread fear mere assurances do NOT go far more especially when little faith is put on them. I am anxious to avoid by every means possible to me any further deterioration but this CANNOT be done by mere expression of wish.

5. I impressed on you that while I do NOT want to encourage large scale MIGRATION facilities and protection for travel has become essential to prevent greater panic and greater desire to MIGRATE. I am glad that there has been
improvement in this respect. I am sure that if proper facilities are given large scale migrations will NOT take place after the first rush is over.

6. In this connection I should like to point to you that refugees coming from East Bengal are greatly harassed at border stations in Pakistan. They have NOT only to pass through customs which can be understood but they have then to pass a barrage of 3 separate groups -- police, ANSARS and miscellaneous crowd who call themselves JANA GANA. In course of this they are relieved of their money and belongings. I trust arrangements will be made to prevent this happening and refugees will be permitted to bring personal belongings and some money; otherwise they produce unsettling effect and create discontent.

7. We shall have to consider later question of compensation for those who have suffered on either side. Immediately steps should be taken to protect their properties so that they might NOT be seized by unauthorized persons.

Ends

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3021. Letter from Prime Minister Jawaharlal Nehru to Indian High Commissioner in the United Kingdom Krishna Menon.

New Delhi, March 16, 1950.

My dear Krishna,

I have just returned from my second visit to Calcutta There are a number of letters from you which demand a reply. I shall deal with them as soon as I can.

This is just brief note. You will realize that this Bengal situation is absorbing a good deal of my time and energy. There is a concerted effort, backed by strong forces, to drive us into war with Pakistan. The most amazing exaggerations and hysterical statements and writing are taking place both in Pakistan and India. The problem is extraordinarily difficult. At present practically every Hindu in Eastern Pakistan is in a state of utter demoralization and fright and wants to come away. To a slightly lesser extent that applies to the Muslims in West Bengal and Assam. Already large numbers have traveled from one country to another under pressure of circumstances. Probably this process may continue till another half million come over and then it may lessen. That of course depends on circumstances and what happens in between. But the major problem remains. The basic policy of Pakistan makes it very difficult for non-Muslims to carry on
there and I believe there is a definite attempt to push out the upper layers of the population and try to convert many of the other. The reactions in India to this are equally bad.

Yours sincerely,
Jawaharlal Nehru

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3022.

TELEGRAM

From : Foreign, Karachi
To : Foreign, New Delhi
No. 1350 March 17, 1950

MOST IMMEDIATE

From Liaquat Ali Khan for Pandit Jawaharlal Nehru.

The Times of India dated 14th March and Statesman dated 15th March have published a report ascribed to official sources in New Delhi, giving widely exaggerated estimates of loss of person and property in East Bengal. It is, for instance stated that number of persons killed and wounded in East Bengal is about 3500 during recent disturbances. At my press conference on 27th February I stated clearly that total casualties throughout East Bengal were 222 killed and 276 wounded. In attack on trains on 28th February, 28 were killed and 22 wounded. I think it most unfortunate that Indian Press presumably under official inspiration should continue to give false and highly exaggerated accounts of loss of life and property in East Bengal. Such reports can only increase alarm and foster panic. I trust that it will be possible for you to contradict press report in question and to prevent reappearance of such reports in future.

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3023.

SECRET

TELEGRAM

From : Foreign, New Delhi
To : Foreign, Karachi

No. F.3 (16) BL/50 the 18th March, 1950.

Reference the Pakistan Prime Minister’s telegram No 1075 dated the 1st March, we have now received a report from West Bengal and the facts are as follows:

2. Hartal was observed in Calcutta on Saturday 25th Feb. and not on 26th February. Some leaflets were distributed on 24th February but number was very small. Public transport services were suspended and there was some interference with private cars. No tram car was set on fire. Hartal was peaceful despite considerable excitement and resentment arising out of details of incidents in East Bengal which filtered through. Towards evening there were a few small incidents in Sealdah: one case of stabbing leading to death occurred in Calcutta on border of Sealdah. Two other cases of stabbing reported from Lower Circular Road. One shop at Sealdah was attempted to be looted by menacing crowd which was dispersed by tear gas. Some arrests were made. It is not repeat not fact that crowds at Sealdah were cordonning off station and preventing Muslims going to East Bengal. Muslims coming by Barisal Express were neither attacked nor killed. No Muslim dragged through streets with ropes as alleged. Two Muslims were alleged untraced but were subsequently found to have been arrested by police for criminal charge. Other incidents reported are baseless. Calcutta was on the whole peaceful on the 23rd February and no bomb was thrown in Amherst Street. No incident occurred at Ballygunge on 23rd February. There was some panic amongst Muslims in West Bengal but confidence returned soon. It is not true that Orient Airways were forced on 25th February to suspend air services. All vehicles including buses of every air company were stopped for hartal. When this came to notice these were escorted to Dum Dum airport.

Sd/- S. Dutt.
Additional Secretary
MINORITIES

3024.

SECRET

TELEGRAM

From: Foreign, Karachi
To: Foreign, New Delhi

No. 30308 March 18, 1950

MOST IMMEDIATE

From Liaquat Ali Khan for Pandit Jawaharlal Nehru.

Your telegram 1350 dated March 17th. I regret I am NOT able to accept the figures of person killed in East Bengal which is given by you. We have a number of lists compiled on the spot of persons killed in some important places. According to our information in Barisal alone those killed far exceeded the number given by you. Besides the attack on the two trains on 28th February which you mention many trains were attacked during the height of the disturbances between BRAHMANBARIA and Bhairab Bayar in TIPPERAH district and at and near SITAKUND in CHITTAGONG district. The number of casualties in these attacks is believed to have been very heavy. A number of persons were also killed in the attack on the Dacca mail near RAJBARI on 25th February. In view of the persistent reports current in Were Bengal and other parts of India that the number killed during the disturbances in East Bengal could be counted in many thousand, many unofficial enquiries were made of us about authentic information regarding casualties. To withhold such information as we possessed would have led to a worsening of the situation.

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3025.

SECRET

TELEGRAM

From: Foreign, New Delhi
To: Foreign, Karachi

March 18, 1950

Reference Foreign, Karachi's telegram No. 1226, dated 9th March, 1950. We have now received replies from the State Governments concerned regarding the incidents mentioned in the telegram. The position is as follows:

2. The trouble in Goalpara district was mainly confined to arson. Fortunately not many persons were killed and injured and there was little looting. Local Administration very quickly took steps with the aid of police and military to bring situation under control and all has been quiet for several days now. There was no recrudescence of trouble in Karimganj on 3rd March.

3. The position regarding Calcutta has been explained in previous telegrams to you. As regards Midnapore, two unoccupied Muslim houses were set on fire and one bomb incident resulting in injuries to two Hindus and one Muslim took place on 28th February night. Minor cases of arson and one case of stabbing occurred on 1st March. Two Muslim houses at Mahtabpur were set on fire on 5th March. Five or six Muslims were assaulted and two shops and two Muslim houses looted. There was also some arson and here Muslims were killed and two injured in Sutahata Police station, Tamluk Sub-Division. Small cases of arson are also reported from Barkola near Kharagpur Town. Energetic steps were taken and many arrests made. Situation was brought quickly under control.

4. In Katni a small riot occurred on 5th March after one Sindhi refugee was killed and other wounded by firearms by a Muslim shopkeeper after coloured water, which sweepers in intoxicated condition were throwing on each other, fell accidentally on a Muslim. Later in the day another Muslim fired on a Sindhi boy. Total casualties were 20 Muslims killed and 36 injured. There was also some looting but prompt action was taken and situation controlled. On house searches, collections of stones, brickbats, spears, etc. were recovered from Muslim houses from which it appears that preparations for trouble had been made.

Sd/- Prem Krishna,
Deputy Secretary

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3026. Letter from President Dr. Rajendra Prasad to Prime Minister Jawaharlal Nehru giving suggestions for securing the life and honour of the minorities in India and Pakistan.

New Delhi, March 18, 1950.

Governments House
New Delhi

18th March 1950

My dear Jawaharlal Ji.

Enclosed herewith I am sending to you a note containing a suggestion for securing the life and honour of the minorities in India and Pakistan for your consideration.

Yours sincerely
Sd/- Rajendra Prasad

The Honourable
Pandit Jawaharlal Nehru
Prime Minister
New Delhi

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A SUGGESTION FOR SECURING THE LIFE AND HONOUR OF MINORITIES IN INDIA AND PAKISTAN

In any negotiation that we may have with Pakistan we must try to avoid a repetition of what has happened on our western border. There has been an exchange of population there and we have more or less the same number of Hindus and Sikhs coming to us as Musalamans emigrating from our side to Pakistan. Both India and Pakistan had to deal with more or less the same number of displaced persons, but with this difference. Whereas we had to deal with a population which was well to do, had a great deal of land of good quality with irrigation facilities and possessed a large quantity of house and other property all of which it had to leave behind. Pakistan had to deal with a comparatively less well to do population which had much less property to leave behind. The result has been that, apart from the initial difficulty which lasted for a short time of having to deal with a large population which was unsettled for the time being, Pakistan had practically no problems of rehabilitation and settlement to tackle, and it has been able to declare as it has done that all immigrants have been rehabilitated and settled. It could do so because it settled them on the lands and houses left behind by the Hindus and Sikhs, and apart from what was grabbed out of it by the local Muslim inhabitants, the rest has all been taken up by the
displaced persons. On the other hand, we have spent 70 crores or more on relief and have not been able to rehabilitate vast numbers of our immigrants and even those that have somehow been settled have had to content themselves with whatever we have been able to provide them with. That has not been anything like what they possessed. The result is great discontent and bitterness among the displaced persons, and we may have to face a serious situation on that account at any time in the future.

We have, therefore, to avoid a repetition of this at all costs. I suggest that we should not agree to any unplanned exodus of population from either side. It should be the duty of Governments on both sides to give protection to their minorities and it should be made not only the duty but also the interest of both Governments to give them fullest security so that failure on their part to do so should expose the Governments concerned and not the minorities to penalties. It is true that it is not possible for us to throw those back those Hindu who come to us or to prevent their coming to us. Nor should it be left to Pakistan to allow its Muslim population or officers to misbehave with them and at the same time to prevent their exodus. Pakistan should be made to agree to conditions which will make it difficult, if not impossible to allow a situation to be created, in which Hindus will be squeezed out from there as has happened with the Hindus in Sind. Apart from the large and initial exodus that took place in 1947 which all happened before our Governments or perhaps even the Pakistan Government could realize the immensity of the exodus from both sides, Pakistan has followed a deliberate policy of squeezing Hindus out of Sind, as against our deliberate policy of not only conciliating our Muslim nationals but also for creating conditions for the return of those who had migrated. The result has been that while nearly one or two lakhs of Muslims, including the Meos, who had migrated to Pakistan, have returned to India, an equal number of Hindus have after the big exodus of 1947 has been found to migrate to India from Sind, and not a single Hindu or Sikh who had migrated to India during the great exodus or after has found it possible to return to Pakistan. My fear is that Pakistan is trying the same policy in Eastern Bengal and just as in Sind it forced the Hindus to come away in several batches at intervals of months, it has tried more than once already to force lakhs of Hindus to come to us. On this occasion it has sent to us some two lakhs and if what has been reported to the Prime Minister comes to pass, probably the present exodus may cease after another couple of lakhs have migrated. But we may expect another exodus after some time unless something effective is done. We must therefore try to secure conditions by agreement with Pakistan to prevent a repetition of this which is practically the same thing that happened in Sind. I have said this can be secured only if the Pakistan Government finds it to its interest not to allow this.

It will not be to the interest of Pakistan to allow exodus of Hindus if it has also
to deal with the problem of rehabilitation in the same way and to the same extent as we have to do in case of exodus. We cannot contemplate forcing our Muslim nationals to move to Pakistan nor can we contemplate leaving Hindu nationals of Pakistan to their fate and disavow all concern with them. The agreement should therefore insist on the following terms:

(1) India and Pakistan should give protection to the minorities. It should be the right of the minorities to judge whether they are getting the protection that they should have. The criterion for judging this should be the willingness of the minorities to remain where they are and not to think of migrating to the other side of the border. It is reasonable to fix this criterion as no one will leave his hearth and home unless he finds his life and honour unsafe.

(2) Any one who wishes to migrate should be allowed to do so. But the country to which the emigrant belongs should agree to compensate him for the property that he has to leave behind. This is reasonable because Pakistan or India will get the property that is left behind by the emigrant. It will thus become the interest of India and Pakistan to prevent conditions from arising which will force its Muslim or Hindu population to emigrate. In other words, migration of population must be linked with compensation for the property left behind.

(3) This compensation should be fixed on Governmental level between the two Governments and should be paid by Government to Government.

(4) If any exchange of population is agreed upon -- and it is possible to contemplate small scale exchange of populations - it must be on the basis of man for man and property for property. Without some such arrangement of linking population with property for purposes of migration we shall have to face the same problems of rehabilitation as we have had to do from Western Pakistan without the latter having to do it. It must be borne in mind that in Eastern Bengal also it is the Hindus who are better off than the Muslims who are likely to migrate from our side, and Pakistan will not have any difficulty in rehabilitating them with the property left behind by the Hindus. It will be impossible for us to rehabilitate any large population coming from East Bengal, not to speak of rehabilitating the 12 millions or more, if they all emigrate to us. At present large scale exodus it going on form both sides. But the character of the population that is emigrating is worth considering. Apart from the fact that large number of those who are emigrating from West Bengal and even perhaps from Assam are those who have their roots, if not their houses and property in East Bengal, they are very largely labourers employed in the factories in and around Calcutta or otherwise earning
their living here and recent immigrants into Assam in search of land and have practically no landed or house property which they leave behind. On the other hand the Hindus who are emigrating from East Bengal are all residents of East Bengal and have at least their houses and many of them other landed property there. We must therefore link population and property for purposes of migration, whether it is one voluntary basis or by exchange or forced by conditions arising or created in either territory.

(5) There should be sanctions created for enforcing the agreement. One sanction by agreement may be that in case of any considerable exodus it should be open to India or Pakistan as the case may be, to occupy part of territory of the other which may be demarcated beforehand in proportion to the migrating population without exposing itself to the charges of aggression. Such territory will be restored if the migrating population can be induced to return and gets back its previous property and positions in tact.

(6) It should be agreed that in any case of large scale migration third party should be invited by agreement of India and Pakistan to investigate and judge if conditions had arisen for the application of the sanction contemplated in (5) above, and if it finds that the application of the sanction has been without justification then the territory occupied should be restored otherwise it should be allowed to become the territory of the occupying Governments.

If such an agreement is reached, it will become necessary for both Governments to keep the minorities well secured against oppression. We on our part have been trying to do that and it is evidenced by the fact that there has been no sign or indication of any desire on the part of our nationals to migrate. Even the migration that is taking place now is mostly of Pakistan nationals to Pakistan and not of our nationals. I do not anticipate that if we continue to pursue our present policy there will be any emigration from our side. On the other hand it will act as an effective check on Pakistan to play the game it has been doing. I have my grave doubts if Pakistan will agree to any such thing. But anything short of this will not give security to the Hindus of East Bengal and will not prevent Pakistan -- whether the Government of Pakistan wishes it or not - from following the policy of squeezing out Hindus.

We must do our best to avoid armed intervention. Even if it is forced on us its objective cannot be anything more than securing such an agreement. In our own interest we cannot afford to have large territories with sullen and hostile majority ever anxious to revolt and ever plotting against our Government. Conquest is thus out of the question, whether we look at it from the point of view of international repercussions or our own interest involved in effecting it which will not be any
easy affair on the whole, and then even if we succeed, in maintaining our position and getting anything out of it. Our experience of Hyderabad should rule out any idea of conquest. There we had the bulk of the population that felt oppressed either directly by the Government or on account of its inefficiency and inability to control its unruly elements. Yet we had to keep our military Government functioning for about a year and a half and even when we have a civil Government things cannot be said to have settled down and become normal even now. We have so far failed in our effort to tackle the communist problem there. We shall have our difficulties hundredfold in conquered Pakistan, assuming we have succeeded in conquering it, and we shall find it impossible to tackle the problems that will arise. Our resources in men and material will be unable to bear the strain and chaos and confusion with consequent misery and suffering to both our people and Pakistanis will be the only result of any such enterprise aiming at conquest. It will also be opposed to all our professions and protestations that we have no territorial ambitions and that we have accepted the partition as a settled fact.

Our objective should therefore be clearly understood to secure conditions of security and honourable life for the Hindus in Pakistan assuring on our side the same conditions for our Muslim nationals. We should avoid armed intervention as far as it is humanly possible consistently with the objective of security of life and honour of Hindus in Pakistan. In case armed intervention is forced on us by Pakistan refusing to be a party to any agreement on the lines suggested above or on any other line which is equally effective and continuing in its game of squeezing out Hindus, our objective of armed intervention as stated above should be clearly understood, defined and made public and when it is once achieved we should withdraw to own territory.

Our policy should be directed towards achieving the objective of security and honourable life of Hindus in Pakistan and Muslims in India. Our own people should be instructed on this line, Pakistan should be approached for an agreement and foreign opinions should be cultivated in its favour. A mere agreement that minorities will be protected couched in precise language and expressed in the most effusive form possible will not solve the problem unless sanctions are provided for enforcing it. We have had so many agreements in the past without being able to get the benefit hoped for or at any rate benefit to the extent hoped for. Another agreement as contemplated or derivable from the proposed joint declaration to tide over the present difficulty will share the same fate. It may be that as a result of this agreement, if achieved, previous agreements also may become more effective. As our proposals are reasonable and will be equally applicable to both sides, it is possible we may in course of time win international opinion also on our side. In any case our own conscience will be clear in case any action is forced on us by Pakistan's recalcitrance and intransigence. In considering the problem which has arisen and which may arise in future I have
tried to be as detached and as objective and realistic as possible. I would not like the chances of an agreement to be jeopardized either by insisting on an investigation of the past and allocation of blame for it or by encumbering it with anything else which does not immediately and intimately concern the present. I should proceed on the basis of what is happening without exaggerating or minimizing it on either side and insist on guarantees for the future and an automatic arrangement for their enforcement, that is, an arrangement which will not depend upon the will of the defaulting party to enforce it but will be enforceable at the will of the other party. The mere fact that the objective in enforcing the agreement will be limited and that neither India nor Pakistan will lightly undertake an enterprise involving armed intervention with all its uncertainties and risks will by itself be a sufficient and effective check on the enterprise degenerating into an aggression, for conquest of territory. If we fail in our effort to achieve the agreement which is quite reasonable, we can with confidence depend upon all fair-minded persons and countries to take a just view of whatever actions we may be forced to take. In any case even if we find others judging us wrongly we shall have the satisfaction that we did everything that was humanly possible to avoid it and as I have said our own conscience will be clear. That by itself will give us strength to face the future with courage and if there are any spiritual laws operating in nature, will lead us to success.

Sd/-
Rajendra Prasad

3027. Letter from Prime Minister Jawaharlal Nehru to President Rajendra Prasad.

New Delhi, March 20, 1950.

My dear Mr. President,

As you know, I have been greatly troubled in my mind during recent weeks. Even before the Bengal occurrences, various events and developments made me wonder if my continuing as Prime Minister was serving any worthwhile purpose. I mentioned this to you and confided to you that it was my desire not to continue as Prime Minister. This feeling has grown upon me even more since the tragedy in Bengal.

Very soon after the disturbances in East and West Bengal last month, the idea struck me forcibly that I could serve the cause better by going in a personal
capacity to East Bengal, if I was permitted to do so, and, in any event, for me to devote myself largely in some way or other to the Bengal problem. In the first statement I made in Parliament regarding Bengal, I said that I wished to devote myself particularly to the Bengal and Kashmir problems. I had in mind then my retirement from the Prime Ministership.

It seemed to me that while necessary governmental action of course had to be taken to meet this situation, what was even more necessary was a psychological and personal approach to this problem. I am not vain enough to think that any such approach on my part would make a very great difference. Nevertheless, I felt it was worth trying, as every other course seemed to lead to a further complication of an already intricate and difficult problem.

I had long felt disturbed and distressed at the trend of events in India and the way people's minds were turning to thoughts and courses of action which were entirely opposed to all the ideals many of us had held dear. For thirty years or more we had worked for these ideals and objectives and now one by one they faded away under stress of uncontrollable events. We became passive agents of an evil destiny and the light that had thus far illumined our hearts became dimmer and dimmer.

I felt also that I was not truly representing the wishes of a large number of members of Parliament and perhaps of the people outside. Some kind of a hiatus existed between them and me. Our objectives even seemed to be different. They liked me well enough and honoured me with their affection. But they thought and felt differently from me. I seemed to come in their way and they, to some extent, came in my way. This was not a happy state of affairs and it produced a measure of frustration on both sides.

Ever since the Republic came into being, and even before, I have been thinking of the formation of new Council of Ministers as required by the Constitution. At first I hoped that this would take place very soon after your assumption of office. Then came the Budget session of Parliament and it seemed to me that any change just then would be rather upsetting. So we carried on in the old way and I decided that the time to make the change would be soon after the Budget was passed. That time is coming now and in any event a new Council of Ministers has to be formed. That new Council may of course contain the old Ministers, or many of them.

This impending change has given me an opportunity, without any fuss or trouble, to give effect to the powerful urge which has been moving me for some time. I feel that I have practically exhausted my utility in my present high office and that I can serve my country and my people better in other ways. My heart is elsewhere and I long to go to the people and to tell them how I feel. If they
accept what I say, well and good. If not, then also I shall have done what I felt like doing. In particular, I would like to devote myself for some time at least to the Bengal problem in its many aspects.

I have discussed with you some of these aspects and some of the far-reaching consequences that must inevitably flow from the course of events. Our whole future is at stake and each one of us has to think, as earnestly and deeply as he can, about his present duty. I have given much thought to this matter and the conclusion I have arrived at is that I should function in some other capacity for some time at least.

At this evening’s Cabinet meeting, I gave expression to some of these ideas. While I had discussed them with one or two members previously, most of my other colleagues had not been taken into my confidence. I thought it only fair to them and to myself that I should let them have a glimpse into my mind.

It is my intention, soon after the Budget is passed, to offer you my resignation and together with it, the resignation of the present Cabinet. Thereupon a new Council of Ministers will have to be formed. I would beg of you then not to charge me with this responsibility.

Yours sincerely
Jawaharlal Nehru

3028.  
SECRET

Letter from Prime Minister Jawaharlal Nehru to Prime Minister of the United Kingdom Clement Attlee.

New Delhi, March 20, 1950.

You have enough burdens to carry and I have no desire to add to them. And yet I feel that I should write to you and put you intouch with recent happenings in India in regard to Indo-Pakistan relations. A great deal of importance has been attached in the past two years or more to the Kashmir affair, and undoubtedly, it was and is important. From our point of view, it could have been settled long ago and much more easily, if it had been dealt with properly, but unfortunately, some of the basic facts of the situation were repeatedly ignored and we managed to get more and more entangled in details.
2. However, it is not about Kashmir that I am writing, but about something which is far more important and dangerous in its consequences. This is the Bengal situation, as it has arisen in the course of the past three months. I am writing to you not with the object of asking you to do anything in this matter, but rather to keep you informed of the background and the present state of affairs. I feel I owe this to you.

3. We accepted Pakistan and the Partition of India with great reluctance, but nevertheless firmly, in the hope that this would give us peace and an opportunity of devoting ourselves peacefully to the many problems that we had to face. We hoped that Pakistan would do likewise and, as old-time passions cooled, there would progressively be more and more cooperation between India and Pakistan. Immediately after Partition came the terrible killings and the huge migrations in the Punjab. More than ten million people were uprooted from Pakistan and India and a legacy of passion and hatred was left by these terrible happenings. That was a time of great trial for us. Fortunately for us we had Gandhiji with us then and, largely because of him, we stopped this madness from spreading much beyond the Punjab. And then we set ourselves to find another equilibrium and to heal the deep wounds that had been caused.

4. Partition left huge minorities on either side, though larger in India than Pakistan. It was assumed, as the very basis of Partition, and assurances to this effect were freely given, that the minorities on both sides would be given full protection. We hoped that after the tremendous upheaval in the Punjab to which I have referred, the minorities would find a secure and honourable place in both countries. We tried our utmost in India, both in theory and practice, to give the Muslim minority the same position and opportunity as others had. Muslims occupied and occupy the highest places in the State, memberships of the Central and Provincial Cabinets, Governorships, Ambassadorships, Federal Court Judgeship, High Court Judgeships, high executive offices and the like. They were and are members of our political parties like the Congress. In Pakistan the Hindus did not and do not occupy any important place and cannot even be members of the Muslim League Party which controlled the Government. That party itself is communal and thus there is not even a chance for a non-Muslim to influence its work or decisions.

5. As a result of the migrations after the Partition, the Frontier Province and West Punjab were almost completely cleared of Hindus and Sikhs. East Punjab was also almost completely cleared of Muslims. But we made a great effort and brought back many Muslims to the East Punjab and I believe there are over 100,000 of them there now. Many thousands of Muslims, who had gone away from Delhi, also returned. It was Gandhiji’s policy that we should try to bring back as many people as possible.
6. The Province of Sind and East Bengal were not affected, to any great extent, by those early migrations. But conditions in both these provinces continued to be such that non-Muslims felt unhappy there and saw no chance of fitting in to the new order. About 27% of the population of Sind was Hindus, who were largely professional and business people - lawyers, doctors, teachers, engineers, merchants, etc. In East Bengal about a third of the population numbering 16 millions, were Hindus. Many people believe that the Pakistan Government deliberately followed a policy in both Sind and East Bengal of squeezing out the Hindus. Whether they did so or not, many of their minor officials functioned in that way, and there was the continuous pressure from the Muslim refugees who had come from India, mainly from the East Punjab. Even apart from this, the whole conception of the State in Pakistan, that is a theocratic Islamic State, was such that non-Muslims could only have some kind of inferior position in it. The atmosphere was oppressive and religious bigotry and hatred of the Hindus were the prevailing sentiments.

7. And so, a gradual migration of the Hindus started from Sind and East Bengal. Occasionally some incidents took place, which accelerated this process. This went on till Sind had practically no Hindu population left, except for the sweepers who were not permitted to leave by the Government there, as their services were required. Sind was thus added to West Punjab and the Frontier Province as an area where the minority problem had practically been solved by the elimination of the minority.

8. Meanwhile, the gradual migration of Hindus from East Bengal also continued, in spite of our attempts to stop it. We discouraged it in every way, because the prospect of over 10 million people coming over was frightening. Any such migration would have involved terrible misery for vast numbers of human beings and would have created almost insoluble problems. It would have upset the whole economy and social set-up of India and it would have created difficulties in the way of the nearly 40 million Muslims who are our countrymen in India. In spite of our efforts, people came over. Ultimately, about the middle of 1949, this stream lessened and almost stopped for a while. By then nearly two million non-Muslims had come over from East to West Bengal.

9. During this period, there was no major migration from India to Pakistan. Some Muslims undoubtedly went over. But a very much larger number came back to India, because they found conditions here secure and satisfactory. Hardly any Hindu who came over from Pakistan went back.

10. This was the state of affairs, when sometime last December certain incidents happened in Khulna District in East Bengal which led to an influx of refugees into Calcutta. The stories that these refugees brought led to trouble in Calcutta, and a kind of chain reaction was started. Immediately after, widespread
trouble took place in Dacca, Barisal, Bakarganj, Feni, Chittagong and many other places in East Bengal. It was rather extraordinary how this trouble took place more or less at the same time in a number of widely separated areas of East Bengal. There was heavy killing, arson and looting and abductions of women and forcible conversion. Bengal is peculiarly susceptible to any attacks on women and forced conversions. Tension increased greatly and incidents occurred in some parts of the U.P. and Bombay also. Early in March, tribal people in some parts of Assam, incited by some refugees from East Bengal, swept down over the Muslim population of that area and committed widespread arson and drove about 40,000 Muslims across the border into East Pakistan. Since then there has been no major incident either in Pakistan or India. But minor incidents, such as occasional stabbing or arson, have occurred.

11. I do not wish to draw a balance-sheet of evil deeds, as it serves little purpose to do so and the information at our disposal is still far from complete. But my own belief is, from such facts as we possess, that the killing in East Pakistan, was far greater. Also that there was no rape or abduction of women or forced conversions in West Bengal. On both sides passions have been roused and there is a sense of insecurity both in East and West Bengal. In East Bengal it may be said with some assurance that hardly a single Hindu wants to remain there. For some time after the disturbances, travel was limited and obstructions were placed in the way of people coming from East to West Bengal. The result of this was to increase panic and a feeling of being in a trap. Much as we dislike big migrations, we felt that it was essential to open the door to these people coming over and to ask the Pakistan Government to give full protection during travel. This protection was necessary, because some horrible train outrages had occurred, when large numbers of people were killed in railway trains. As soon as train services and steamers were resumed, though on a restricted scale, the migrations started. Over 200,000 Hindus have come over from East Bengal, usually with little or nothing even in the shape of personal belongings. At the same time over 100,000 Muslims have left West Bengal for East. Probably most of these are permanent residents of East Bengal who worked in Calcutta and the neighbourhood. Some of the Muslims left Calcutta for other parts of India, like the U.P. and Bihar. These migrations continue and are limited only by the transport available.

12. I have recently visited Calcutta twice, and seen the stream of refugees collecting in camps and other places. I have also seen, at close quarters, the intense emotion and anger of the people in Calcutta. It must be remembered that a very large number of people in East and West Bengal are related to each other and thus any tragic happening has an intimate significance for people on either side. We are trying to do our best for the refugees and to lessen the panic and the anger. We have felt that it is better to allow people to come to West
Bengal or to go away from it without let or hindrance, in order to remove a feeling of being shut in, as if in a trap. I do not know how long this migration will continue. We have controlled the situation wherever any trouble has occurred and punished the trouble-makers. We are trying to help Muslims who have suffered. Meanwhile reports reach us of petty-incidents happening and of people traveling from East Pakistan to India being harassed in many ways and deprived of their belongings. Large numbers of Hindus in camps in East Bengal are in great distress because adequate food is not supplied.

13. I made various proposals to the Prime Minister of Pakistan, including one for a joint visit by him and me to both East and West Bengal, also about joint commissions of the Governments of East and West Bengal, inclusive of Ministers, visiting the affected areas. Neither of these proposals was accepted. We then discussed the desirability of issuing some kind of a joint declaration. On the whole we agreed to most of its terms; the most important part of these was free movement of people from one country to another. But such a declaration has no great importance now, because people have lost all faith in declarations and assurances.

14. We have to face today a problem of colossal magnitude and complexity. We can hardly think in terms of vast transfers of population which may last years before they are completed and which would upset completely the economy of both countries. It would be a continuing evil, with refugees spreading all over the country carrying their tales of woe and becoming sources of further infection. At the same time we cannot think of preventing people, who find it impossible to remain in Pakistan, seeking succor from us. The problem has many aspects, but perhaps the most important is the psychological one. That derives, I think, from that unfortunate conception of an Islamic theocratic State which Pakistan professes. That in itself prevents minorities in Pakistan from settling down and tension and trouble continue. We cannot spend the rest of our lives in facing this and in meeting year after year huge migrations of people. We cannot also just ignore what happens to our kith and kin on the other side. There can be no peace or equilibrium in India till the fullest protection and opportunity are given to the minorities both in Pakistan and India. We have set ourselves to do that and I think, by and large, we have succeeded, though occasionally we have failed. At any rate our policy is clear. On the Pakistan side, their policy, influenced by the idea of a theocratic State, itself tends to push out the non-conformists. As these people come to India, they create difficulties for our Muslim countrymen.

15. My colleagues and I have done our utmost to face this difficult situation and to stand our ground against heavy pressure for some kind of direct action aimed at protecting the non-Muslim minority in East Bengal. How long we can stand that pressure will depend on happenings in East Pakistan. So long as the
mentality that led to the creation of Pakistan, namely the hatred of the Hindus and India lasts and expresses itself in violence or in continued pressure on the Hindu minority, so long will there be not only no easing of the tension between the two countries but an ever-present risk of sudden conflict. It is my considered opinion that the fair and just treatment of the minorities in both Pakistan and India is far more important for the maintenance of peace than the settlement of the Kashmir dispute. Unlike Kashmir, this problem of the minorities involves no dispute over territory. And yet, as large numbers go over from one side to another, questions of having additional territory for them are put to us.

16. What we need for a satisfactory solution is to put our conceptions of the State on a right basis and to put an end to distrust and hate. India, as I have repeatedly said, has no designs upon the territorial Integrity or the independence of Pakistan. We seek nothing more than to be left free to develop in our own way and to do so in friendship and peace with Pakistan. But Pakistan continues to be influenced by that communal spirit which led to its creation and which influences still its policy even towards its non-Muslim minority. If there is to be real peace between us, this mentality must come to an end.

17. This has become a long letter and I must apologies for having taken up so much of your time. I have written with no desire to blame Pakistan or to throw upon other shoulders the responsibility which, in the last resort, only the two Governments directly concerned must bear. The purpose of this letter is to give you, as objectively as I can, an account of recent happenings and their effect on Indo-Pakistan relations. We are thoroughly alive to the perils that face us and are anxious to avert them. But success in this extremely difficult task cannot be achieved by our efforts alone.

Yours sincerely,
Sd/- Jawaharlal Nehru.

The Right Honourable C. R. Atlee,
Prime Minister of the United Kingdom,
10 Downing Street, London, S.W.1.
I venture to make the following suggestions for Prime Minister's considerations:

2. P.M. has announced that the Government of India will receive and look after all those who seek refuge in India from East Bengal. In fact, Government's immediate policy is directed to securing conditions of safe travel in East Bengal so as to facilitate the movement of all those, whose number is reported to be thousands, who are waiting to evacuate to India. The Hindus of West Bengal, particularly those who have during recent times come out of East Bengal, are in a very angry mood. They demand immediate action against the Government of Pakistan and are talking of armed intervention. Quite a large number of persons are also openly discussing forced exchange of population between India and East Bengal. The saner sections, however, are convinced of the difficulties, if not the inequity, of immediate armed intervention and of exchange of population. Public feelings will be mollified to a great extent and the reputation of Government correspondingly enhanced if the assurance which the P.M. has given in regard to the relief and rehabilitation of refugees is implemented in letter as well as in spirit. If that is not done, the *bona fide* of Government will be called in question, and the refugees will fall easy victims to the propaganda of communists and other anti-social elements. Oppression of the Muslims in India, in big ways and small, is likely to continue and mass migration of Muslims may be forced by the pace of events. All accounts tend to show that while the West Bengal Government, are facing a Herculean task with zeal and vigour, the same spirit of cooperation and sense of urgency are lacking in the neighbouring states. At a time like this difficulties are bound to arise and there is an easy tendency to talk of these difficulties and discuss means of settling them. The situation, however, cannot brook of any delay. My own feeling is - I speak without full knowledge of facts - that the existing machinery in Bihar, Orissa and Assam are inadequate to the task ahead, even for administration of relief. The question of rehabilitation will present still greater difficulties, but this in any case is bound to take time to solve. In Assam, frankly speaking, the local government seem more worried about the Muslims who have been dislodged from their homes than about refugees who are seeking shelter in Assam from East Bengal. One task is as important as the other, but the existence of one should not be made an excuse for the neglect of the other.

3. My own specific suggestion is that the P.M. take up the matter as one of
the utmost priority and call again a conference with H.M.(Relief), Chief Ministers, West Bengal, Assam, Bihar and Orissa, Chief Commissioner, Tripura, and Administrator of Cooch-Behar. This conference should take place preferably in Calcutta. Adequate machinery should be devised and detailed instructions be given on the spot to all concerned as to the reception, accommodation and relief of the refugees. Immediately three high level officers with sufficient authority to speak direct to the Chief Ministers of Assam, Bihar and Orissa, should be appointed at the headquarters of these three states. These officers will be responsible for seeing that the Government of India's policy is being fully implemented and that any local difficulties are got over immediately. The officer to be posted in Assam should not be a Bengali.

(S. Dutt)
Additional Secretary
25.3.1950

P.S. to P.M.

oram 26, 1950

IMMEDIATE

From Jawaharlal Nehru to Liaquat Ali Khan

In your telegram No. 1302 dated 14th March you said that you would write to me on your return to Karachi from East Bengal. I have not heard from you so far.

I need not tell you of the urgency of the East Bengal problem. You have been there and must now have a personal appreciation of the gravity of the situation. Refugees from there continue to pour in; during the last three days the numbers have averaged fifteen thousand daily. Nearly half a million have come over since the recent trouble started, and there are no signs of the flood stopping. That is evidence of the persistence of a sense of insecurity among non-Muslims
there. Apart from the misery that refugees suffer from this uprooting from their ancestral homes and all that that involves the economic burden and the psychological strain upon our people both Hindu and Muslim have become intolerable.

A flow of Muslim refugees in the opposite direction, though smaller in volume, is also in progress. That must create a similar economic and psychological problem for you.

This process cannot go on without disastrous consequences to both our countries and we have to make all out efforts to solve it.

I think that quickest and most effective way to attempt a solution is for us to meet. Correspondence is a poor substitution for personal discussions. The urgency and gravity of the task will not brook the unavoidable delays that correspondence involves.

I would therefore urge you to come to Delhi at the earliest possible convenient date. So far as we are concerned we are prepared to meet you here and any colleagues that you may wish to bring on any date and to put aside every other engagement. As I pointed out in my telegram No.9GS from Calcutta dated 16th March the stage for a mere declaration on the lines that we have been discussing is past. Practically everything that was to be included in that statement has already been said by both of us publicly. It is imperative that we go to the very root of the problem and devise solutions which will put an end to the present situation that threatens catastrophes.

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Letter from Pakistan Prime Minister Liaquat Ali Khan to Prime Minister Jawaharlal Nehru.  
Karachi, March 26, 1950.

My dear Pandit Nehru,

I am writing in reply to your letters dated the 10th and 13th March and in continuation of my telegrams Nos.1302 and 1357, dated the 14th and 17th March respectively.

2. I have just returned from a fairly extensive tour of East Bengal where I met representatives of Muslims, caste Hindus, Scheduled Castes, Europeans and refugees, Government officials and others, and also addressed a number of public meetings which was attended by, among others, the members of the minority community. From personal observation and enquiry I found that my earlier information about the origin and extent of the disturbances was substantially correct, namely, that the trouble in East Bengal broke out after, and as a direct reaction of, the attacks on Muslims in West Bengal; and that wherever the trouble took place in East Bengal it was suppressed rigorously and as speedily as possible. Wherever I went, all my interviewers, and particularly the members of the minority community, were unanimous in praising the energy, zeal and impartiality with which the district officers worked to bring the situation under control. Now that the reports of trouble in remote areas have come to hand, I regret to find that the loss of life has been greater than was known earlier: the number of killed and wounded in Dacca is 225 and 235 and in the rest of East Bengal 203 and 351 respectively. The causalities, though serious and most deplorable, are however, nowhere near the fantastic exaggerations that have been appearing in the Indian Press. In fact, there has been no trouble of any kind anywhere in East Bengal for nearly a month and normal conditions now prevail throughout the Province.

3. As regards Dacca, it is not correct that the trouble was started on the 10th February by the Secretariat employees or that they had themselves taken part in it at any stage. The actual facts are as follows:

A large number of the Secretariat employees, whose homes and relatives are in West Bengal, were greatly agitated, as were other people in the
town generally, over the widespread communal disturbances that had been taking place in that State almost continuously, on West Bengal Government's own admission, since the 24th January. Towards the end of January refugees from West Bengal also started reaching Dacca in considerable numbers. Apart from the tales of horror brought by these refugees, the relatives of many of these employees had either come personally or written to them informing them of the seriousness of these disturbances and urging them to remove their families to East Bengal for safety. Their anxiety naturally grew; as did the tension in the town, with the news that on the 8th February large-scale anti-Muslim riots had flared up in Calcutta. On the 10th morning about 250 of these employees gathered inside the Secretariat compound awaiting the arrival of the Chief Secretary, West Bengal, and the Indian Deputy High Commissioner with a view to making a personal representation to them regarding the safety of their relatives in West Bengal. When the car carrying West Bengal's Chief Secretary and India's Deputy High Commissioner arrived, these employees placed their fears as to the safety of their relatives etc. before the Chief Secretary, West Bengal. It is not correct that he was "mobbed". The entire proceedings were peaceful though many of those present were evidently agitated. The Chief Secretary and the Deputy High Commissioner invited a deputation of five of the employees, to meet them immediately. While the deputation was being interviewed about 100 of these employees, mostly clerks of the Accountant General's Office, withdrew to an open space within the Secretariat compound to await the return of the deputation. It was while this group was awaiting the return of the deputation that one of the clerks addressed it about the happenings in West Bengal. It was the presence of Muslim refugees from West Bengal in Dacca, the injuries on their persons and the stories of the happenings in Calcutta and other parts of West Bengal that they brought with them, coming as they did on top of a fortnight's almost continuous anti-Muslim rioting in that State, that actually provoked the trouble in the town and not the peaceful protest by the Secretariat employees or their going out in a procession. The clerk who addressed the employees was arrested under the Special Powers Ordinance under orders of Government and is still in custody.

4. In your letter of the 10th March you said that Mrs. C.R. Das wanted to go to the Dacca with her daughter and one or two companions on a goodwill mission. If she has not already visited Dacca by now, I have no objection at all to her and her party going there. Indeed there is no restriction on any person who may wish to go to East Bengal in a private capacity. The East Bengal Government have told all who have asked to visit the Province that they are welcome. I understand that Miss Mridula Sarabhai, Mrs. Agatha Harrison, Mr Horace Alexander and
others have already been to East Bengal and have been given every facility to go where they please.

5. In one important respect conditions in East Bengal are far from normal. A steadily increasing stream of refugees from India is pouring into East Bengal, and the exodus of Hindus from parts of East Bengal continues. The refugees have many a woeful tale to tell but I will not enter into all that in this letter to you. The leaders of the Hindus told me that they wished for nothing better than to continue to stay in their homes in Pakistan, but that there were two main reasons why several Hindus were going away even though peaceful conditions now prevailed in East Bengal. First, that as communal violence was continuing in varying degree in West Bengal, Assam that they might once again become the victims of reprisals. Secondly, that the Indian Press and several Indian leaders were urging that India should invade Pakistan and that they were being told by friends and relations across the border that in the circumstances, for Hindus to stay in Pakistan would be to commit suicide.

6. That in brief is the present situation in East Bengal. I now turn to the remedies that may be applied to put an end to communal disorder in your country and to prevent its recurrence in mine.

7. I have already agreed to the joint declaration and before I left for East Bengal on the 18th March. I telegraphed to you urging you to agree to its simultaneous publication at once. I have not as yet had a reply from you but I still hope that even though the joint declaration may not be enough and may be ever due, you will agree that it is still worth making, if only as an earnest of the desire of the two Governments to march in line in so far as certain immediate measures for the enforcement of public order and the rehabilitation of displaced persons are concerned.

8. I have, during my tour of East Bengal, emphasized on all concerned the need for providing facilities and full protection for those who wish to leave for India. No hindrances are to be placed in the way of such persons. I have done all this in the hope, which you share, that if peace can be maintained in both the countries, most of them who are now leaving will before long return to their homes. Neither you nor I can contemplate the major calamity of an exchange of population with equanimity, and we must therefore continue to do all we can to discourage large scale migrations.

9. The Press in both the countries requires our immediate attention. I do not wish to measure blame but in barefaced and malicious lying the Indian Press, particularly the Calcutta Press, would take a lot of beating. In saying this I do not exculpate the lapses of Dawn. But as a specimen of abusive journalism I will ask you to study the leading article on my speech at Barlisal which appeared
in Amrita Bazar Patrika of the 22nd March. The opening lines of the article were: "Is Mr. Liaquat Ali Khan a fool or a knave? A close study of his Barisal address of March 19 would convince anybody with ordinary intelligence that he is more a knave than a fool". It is not the personal aspect of this article, however unseemly that may be, to which I take objection. What I most deplore is the vicious attempt made by the writer, by dishonest and shameless attribution of false motives, to destroy the effect of my Barisal speech, which was a forthright condemnation of evil-doers and a firm assurance to the minorities of full protection. If any effort to promote harmony and concord is ever to succeed, we will have to keep the Press in both countries under the strictest control.

10. Another feature of many Indian newspapers which has appalled me is their blatant and unchecked advocacy of war against Pakistan. I do not ordinarily see Calcutta papers in Karachi but some of the headlines and articles in such Calcutta papers as I read during my tour of East Bengal made me wonder if indeed it was the official policy to allow newspapers to carry license to the point of dangerous madness. Nor has advocacy of war been confined to the Press: the invasion of Pakistan has been publicly demanded by several Hindu leaders. I have already touched upon the unsettling effect of war hysteria in India on the minorities in East Bengal. I have only to add that the iniquity of advocating war against a friendly neighbour will no doubt be fully apparent to you. Trust that you will take immediate and vigorous action to put a stop to this war propaganda.

11. I entirely agree that there has been a most deplorable resurgence of evil forces in both the countries. This is a development which all right thinking person must unreservedly condemn; and I have taken every private and public opportunity to do so. But if one must pass a general judgment as to the extent of the evil, one must take into account its sequence, duration and amount. Looking at the position from any or all of these aspects, I would be constrained to say that what has happened in India has been far worse than what has happened in Pakistan. Unfortunately the forces of evil are still active in India, although, due largely to your efforts, they are no longer altogether uncontrolled.

12. I must confess that I am profoundly disappointed to read your observations on the Islamic concept of the State. I have been at considerable pains to explain to you that in an Islamic State the minorities are fully assured of equal rights and citizenship, but it seems to me that an inadequate understanding of the principles of Islam has unfortunately led to the misconception that a State which is guided in its policy by these principles in not governed by high moral purpose. The suggestion in your letter that the State policy of Pakistan produces discrimination and conflict is entirely unwarranted. I am afraid frequent repetition of this baseless suggestion cannot but do enormous harm to the peace of mind of the Hindu minority in Pakistan, and to relations, present and future, between
India and Pakistan. Nor must anything be said or done to encourage the minority in a country to look for protection to the other Government. There are grave inherent dangers to the stability of Pakistan and India in the assumption by either Government of the role of the protector of the minorities in the other country. Ultimately, whether we call ours an Islamic State and you call yours a Secular State, the world will judge us by the practical effect of our policies. I am very sorry to have to make comparisons, but I think that on the record, say, of communal troubles since the partition, a neutral observer will probably agree that the Islamic State of Pakistan has provided far greater security to all its nationals than the secular State of India. In the larger field of international relations, no conflict need ever arise between two countries because of the differences in the religion of their majority communities.

13. But I must desist from prolonging this discussion. What I have said all along and I notice from your last letter that you appreciate the point is that if we do not trust each other and keep on blaming each other we will get nowhere. It is on the basis of trust alone that we can build lasting harmony. I am always ready to meet you and discuss with you the present matters and, if you like, the whole question of relations between Pakistan and India. You have never been to Karachi, and it will give me very great pleasure indeed if you will pay us a visit as the guest of my Government.

14. I must, however, be frank with you. I have been greatly pained to hear, on my return to Karachi, that heavy concentration by India of troops and military stores has taken place in forward areas on the frontiers of Western Pakistan. This concentration, in the view security of Pakistan, and coming as it does on the top of a systematic campaign in the Indian Press and by some Indian leaders that India should declare war on Pakistan, has created an extremely grave situation. I have repeatedly requested you for a categorical assurance that when you spoke of "other methods" you did not mean joint declaration to which we have agreed has not yet been issued, nor have I received a reply to my proposals with regard to the "no war" declaration. Pakistan has no aggressive designs on India and I still believe that the difficulties between us can be resolved by the peaceful methods of negotiation and arbitration. But the unwarranted forward moves of the Indian army have created a situation which I cannot but treat as extremely serious.

15. You have written to me with great frankness and sincerity, which I much appreciate. I too have written in the same spirit. And if in the course of this letter I have said a hard thing, it is only because the issues before us are grave and must be faced squarely. History has placed a heavy responsibility on your shoulders and mine. On the way we discharge this responsibility depends not only the peace of this subcontinent but also perhaps the peace of Asia. I abhor
all violence, no matter what its shape or dimension, and so, I have no doubt, do you. In the world torn by insane dissensions and conflict, if you and I can get together and help in some small measure in the eradication of these dissensions and conflicts, we will indeed have done a service to humanity.

With kind regards,

Yours sincerely,

Sd/- Liaquat Ali Khan.

The Hon'ble Pandit Jawaharlal Nehru,
Prime Minister of India,
New Delhi.

3032.

TOP SECRET

TELEGRAM

From : Hicomind, London.
To : Foreign, New Delhi
No.3536. March 27, 1950.

STRICTLY PERSONAL

For Jawaharlal Nehru from Krishna Menon.

I saw Attlee today at 6 o'clock and was with him for an hour. He had both the copy of your telegram to Liaquat Ali and the letter which you sent me by registered air mail to be delivered to him.

The discussion was entirely informal and on a personal basis. Mr. Attlee displayed unusual friendliness and concern. He was deeply impressed by your letter and I think also by the fact that the invitation to Liaquat Ali has NO strings at all attached to it. He also appreciates the gravity of the situation.

Our talks were about what could be done. I told him that I could only speak at a personal level and that was the idea of seeing him without other Ministers. He expressed anxiety to help but equal anxiety NOT to interfere.

What is communicated to you in the immediately succeeding telegram was discussed. The initiative came from me but there was a ready response. He
proposed to call his Colleagues immediately into consultation and to call me back before 10 o’clock. The others had also apparently seen your letter by then and were impressed and they all agreed to the suggestion. The 9 o’Clock meeting was the result at which I had to say very little. I had also made the suggestion at the 6 o’clock meeting that he should call us both. I give this background to the proposal in the immediately following telegram which I feel will enable you better to appreciate it.

I also now understand from my own sources that Lord Addison has agreed to go if asked. He has been most helpful recently as already reported to you and is highly respected and has great wisdom.

Attlee is seeing me again tomorrow for further talks. I take the liberty of hoping I shall have a favourable reply to the proposal in the succeeding telegram by then. I feel strongly that its acceptance will make a useful contribution in the present situation.

I want you to feel assured that I have made NO suggestion or proposal this or other on your behalf or committed you.

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3033. Statement of Prime Minister Jawaharlal Nehru in Parliament on the situation in East and West Bengal.

New Delhi, March 29, 1950.

Sir, as the House knows, I have been for some time past in correspondence with the Prime Minister of Pakistan in regard to recent happenings in East and West Bengal. In view of the grave developments that have taken place, I felt that correspondence, by telegram or letter, was not an adequate or satisfactory method of dealing with this problem. I invited Mr. Liaquat Ali Khan therefore to come to Delhi, with such colleagues as he might consider necessary to discuss these matters, not only with a view to meeting the present crisis, but also to find an enduring solution of the problems that face us. Soon after I had sent him my invitation, I received an invitation from him to go to Karachi for the same purpose. Our invitations crossed each other. On my further pressing him to come to Delhi, he was good enough to agree and we shall expect him and his colleagues here on April 2nd.

I have also to inform the House that the situation in the Howrah area and in some other parts of West Bengal became serious and, day before yesterday,
the West Bengal Government asked the military to take charge, from the law and order point of view, of the Howrah area. Rather inaccurately, this has been described as the promulgation of martial law. No such actual promulgation has taken place and therefore technically there is no martial law. But we have given the largest powers to the military and they are more or less in control of the Howrah area. We have assured the West Bengal Government of our fullest support in any action they may take to deal with the situation in any part of the State. If necessity arises, martial law will be proclaimed. We are determined to meet this menace with the full resources of the State and to punish all evil-doers as well as those who incite others to evil deeds.

These new arrangements in Howrah and elsewhere have resulted in an immediate improvement of the situation. The Howrah area has been quiet and in the rest of Calcutta also there has been practically no incident. The jute mill area is also quiet. There has been an improvement also in other parts of West Bengal.

As the House knows, the country has been shocked and pained by events that took place in East Bengal. Recent happenings in West Bengal, and more particularly in Calcutta and Howrah areas, have been a matter of the deepest shame and sorrow for us. It is the responsibility of our Governments, Central and State, as well as of our people, to preserve law and order and to give full security to every individual. More especially it is our duty and responsibility to give that full sense of security to the minorities who dwell in this country. Every failure to give it as a failure of Government to that extent and no excuse is sufficient to justify it. A distinguished Englishman, Mr. Cameron, President of the Bengal Chamber of Commerce, met his death at the hands of a mob, in trying to protect his servant. Many citizens and nationals of our country have also met their death at the hands of evil-doers and others who have been led away by passion and prejudice into committing deeds which cannot possibly be excused. I should like to express our Government's deep sorrow for these unhappy and deplorable occurrences which bring discredit upon us.

The fact that an excited and impassioned crowd misbehaves is bad enough, but it is far worse for some people, by speech or writing or otherwise, to excite and inflame the multitude and thus induce them to commit evil deeds. The responsibility of these people is very great, far greater often than that of the crowd or the individual who actually commits the deed. I should like everyone to realise this, and to realise even more how the whole future of our country and our people is being injured by the madness or fanaticism of a few. There has been far too much wild talk and wild writing without thought given to what all this means and what the consequences might be. Our country will progress or will perish because of what we do ourselves, not because of what others may or may not do.
No Government, worthy of its name, can tolerate public disorder and incitement to disorder which we have seen recently. The Government, of which I have the honour to be Prime Minister, is determined not to tolerate this, and I am sure that this House and the country will give their full support and cooperation to the Government in this task.

3034. Radio Broadcast of Pakistan Prime Minister Liaquat Ali Khan on the eve of his departure for New Delhi to discuss with the Indian Prime Minister the question of minorities.

Karachi, April 1, 1950.

As you all know, I am proceeding to Delhi tomorrow morning to discuss with Mr. Jawaharlal Nehru and his colleagues the difficulties facing the minorities of Bharat and Pakistan. We shall try to devise proposals, the implementation of which would result in the removal of these difficulties, so that the minorities in both countries may not only be relieved of their present troubles but may live for the rest of their lives in peace and with honour. We shall also strive to settle those issues which are responsible for the existing tension between the two countries.

On learning of my proposed visit to Delhi the people of Pakistan have sent me innumerable letters, telegrams and messages. In several places they have held meetings and have expressed not only feelings of affection and regard for me but have also shown anxiety for my personal safety. These sentiments of affection and devotion, which have been expressed alike by young and old and men and women, have greatly touched me.

I repeat what I have often said before, that I have dedicated my life to the cause of Pakistan and Islam. Everything which is so dedicated to a cause is in the special protection of Almighty God. He is the Master of his and hope of resolving our present difficulties. I am convinced that it is the right step.

INHUMAN BARBARTIES

I am going to Delhi because for quite a considerable time now humanity has been suffering greatly in this sub-continent. Human values which emerged from ceaseless striving continued over centuries are being destroyed by inhuman barbarities. The edifice of civilization which was built on the principles of justice and peace is being demolished by hatred and malice.
Crores of men, women and children are spending a life of misery and woe. For large numbers of them the future holds nothing but perpetual fear and misery. When the day dawns they do not know what their fate would be at its end; when the sun sets they do not know whether they will live to see another day.

In this state of terror they have lost their self-respect and sense of honour. In their daily lives they hardly see any ray of hope.

It is the duty of every human being to strive to improve this sad state of affairs. I have said many a time before that a clash between Pakistan and Bharat will not only ruin both countries, but would also endanger world peace. In the circumstances, if I fail to do my very best to ease the situation, I feel I would be guilty of dereliction of duty.

I am aware that the plight in which the Muslims of Pakistan or Bharat finds themselves greatly grieves the Muslims of Pakistan. Nevertheless, we should not do anything which would tend to make the situation worse. Instead, we should remain calm and patient and do our best so that light may replace the existing darkness. By the Grace of God, there is complete peace prevailing in Pakistan. Eastern Pakistan, where conditions were disturbed for some time, has now been enjoying perfect peace for over a month.

**Remarkable Discipline**

The speed with which peace was restored in Eastern Pakistan deserves special mention, and I congratulate the Government and the people of Eastern Pakistan on their sense of discipline.

We should always follow the path of truth and justice, for the path of injustice and falsehood leads to destruction. Our progress, success and salvation can only be ensured when we stick fast to the principles of truth and righteousness. Under no circumstances should we allow injustice to take root in our hearts.

I am proceeding to New Delhi, in the hope that we shall, with our united efforts, create peaceful conditions in Bharat and Pakistan and remove all misunderstandings which have created tension between the two countries.

I appeal to every Pakistani to pray for the success of this Conference, so that the minorities of both countries may live a peaceful and honourable life, and relations between Pakistan and Bharat may so improve that they become real friends by understanding each other and thus make it possible for all the inhabitants of this subcontinent to live that life of happiness which they so well deserve. —Pakistan Zindabad.

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Telegram from Prime Minister Jawaharlal Nehru to the Indian Ambassadors in London, Washington and Moscow.

New Delhi, April 3, 1950.

Liaquat and I had long preliminary conversation yesterday primarily about situation in two Bengals and Assam and protection and rights of minorities. Our Secretariat and his are now working out plan of agreement which, apart from providing for recovery of looted property and abducted women, punishment of wrong-doers, prevention of inflammatory propaganda, adequate protection of migrants in transit and freedom to them to take away moveable property without harassment by customs authorities and compensation to those that may not return to their homes, will include affirmation by both Governments of determination to ensure effective equality of rights and opportunity to all citizens, irrespective of religion, freedom of movement, speech, occupation and worship and provision for appointment of joint minority commission to watch over implementation of agreement and report to two Governments who will be responsible for action thereon. Possibility of conversations on other disputes, e.g., trade war, evacuee property and Kashmir not excluded but we shall concentrate first on securing agreement to deal with urgent Bengal situation. I shall keep you informed of developments.

Letter from Prime Minister Jawaharlal Nehru to Chief Minister of West Bengal Bidhan Chandra Roy.

New Delhi, April 4, 1950.

My dear Bidhan,

For the last three days we have been having talks with Liaquat Ali Khan and those he brought with him. Apart from my talks with Liaquat Ali, there have been talks on secretarial level. Liaquat Ali has met nearly all our Ministers at or after dinner. He has had a separate talk this afternoon with Maulana Azad. Tomorrow he is meeting Sardar Patel.

One thing I think is quite clear and that is the earnest desire of Liaquat Ali to come to some agreement. Our talks have been very frank. I believe that considerable pressure also has been brought to bear upon him by the U.K. Government. We are discussing this matter with the full realisation on each side
that we are on the brink of a terrible catastrophe. This makes one think furiously and does not leave much room for round about talks or manoeuvring for position.

We have discussed this business of an Islamic State at great length. Maulana Azad has laid considerable stress upon it and asked Liaquat Ali to clear this up publicly. Liaquat Ali was at pains to point out that all that was meant by the Islamic State was that Muslims should have their personal law etc. In no sense should they or could they have special privileges. His State was an ordinary democratic State like England. He was prepared to make this perfectly clear at any time. In any joint agreement he was prepared to accept any common language which he and we could use. But he could not denounce the Islamic State phrase for obvious reasons, as this would give a handle to the reactionary elements in Pakistan. But apart from this, he was perfectly prepared and intended to make this fully clear.

About the machinery for implementation, we pressed for a joint commission for East and West Bengal and Assam. In practice he was not opposed to joint consideration of these problems, but he has pressed very much for separate commissions which could meet jointly, whenever so desired. His main fear appears to be that in view of the agitation for the joining together of East and West Bengal, which has thoroughly frightened Pakistanis, any such joint commission might give rise to the impression that this is a first step to that end. He has no objection to the work being joined, whenever necessary.

It is proposed that each Province should have a commission of its own, consisting of a representative each of the minority and the majority and a Provincial Minister plus the two Central Ministers from India and Pakistan. The commissions of two Provinces to meet together, whenever so desired by either of the Central Ministers. This would ensure joint working, whenever necessary.

Maulana Azad, as you know, has been very anxious to introduce minority ministers in East and West Bengal. Liaquat Ali Khan at first said that this principle should be accepted for the whole of India and Pakistan. But it was pointed out to him that it was difficult for us to make any such commitment about the whole of India, which had varied problems to face in different States. We had all along tried to give the fullest representation to the minorities. At last Liaquat Ali appears to have agreed to this principle being applied to East and West Bengal only for the time being. I presume you have no objection.

I am not going into other matters in this letter. On the whole they are proceeding on the lines we had indicated, with some variations. One new addition however is the decision to have departments for the welfare of minorities in both the Central Governments. These departments to be in charge of a Minister. These departments might introduce some machinery in their respective Provinces for
the welfare of minorities. As a matter of fact, we have been thinking of this for some time past independently of the present talks. The demand for this has come to us from Christians and others also.

I think it is likely that we shall come to an agreement. This agreement will necessarily include a strong attempt to stop propaganda against the integrity of either India and Pakistan and against war.

I have no doubt in my mind that such an agreement, as we hope to arrive at, will be a good thing for us and will not only avert a major catastrophe but will tend to better conditions. How fast this process of improvement may be, I do not know. But having decided to go one way, we should throw all our weight in that direction. We may have to contend against intransigent groups and factions. Well, we shall just have to face them. There is no other or half-hearted course to adopt.

It is doubtful if many of the refugees in either countries will go back to their original homes. I hope however that a fair number might do so. I think they are likely to be much better off if they go back. We do not wish to force them to go back in any way, but we do hope to create conditions when they might feel inclined to go back.

In view of these probable developments, we should try to steer our course from now onwards so as to fit in with them. I hope that Muslims in Calcutta and West Bengal will not be encouraged in any way to go to Pakistan. Every move in either direction adds to the complication of the problem and the difficulties of ultimately solving it.

It seems to me that we have to contend against two factors in West Bengal, and to a much lesser extent, in other States. One is the popular passion and resentment against Pakistan, which develops into an anti-Muslim feeling. Secondly, the organised attempts of groups to exploit the present situation for political purposes. These groups may not be big, but they can take advantage of the present excitement. I do not suppose that these particular groups, whose aim is political, will be satisfied with any settlement, however good. Their aim is unsettlement and war. Therefore they are likely to give trouble. But I think that it should certainly be possible for us to allay popular passions somewhat and at the same time to deal with intransigent groups sternly.

We have to face and you especially in Bengal, a situation, which is of the greatest peril to the whole country and which is looked upon by a large part of the world as dangerous for world peace. It is a heavy responsibility and the consequences are staggering. I think we have a chance to stop this rot, control it and give a different direction to events. It is a difficult job, but we can do it and I feel sure that we will do it. In spite of the loud shouting of certain newspapers and others, I am quite sure that there is a passionate desire in the country to
have a satisfactory settlement. I have received quite enough indications of this from odd quarters. Even the refugees from West Pakistan are anxious about it. A move in the right direction, therefore, will certainly be welcomed by vast numbers of people in India and even in Bengal. We should take it with faith and confidence and not be frightened into taking a false step.

About your message regarding the military, I am asking Baldev Singh (Defence Minister) to send proper instructions.

Yours

Jawaharlal


New Delhi, April 8, 1950

A. The Governments of India and Pakistan solemnly agree that each shall ensure to the minorities throughout its territory, complete equality of citizenship, irrespective of religion, a full sense of security in respect of life, culture, property and personal honour, freedom of movement within each country and freedom of occupation, speech and worship, subject to law and morality. Members of the minorities shall have equal opportunity with members of the majority community to participate in the public life of their country, to hold political or other office, and to serve in their country’s civil and armed forces. Both Governments declare these rights to be fundamental and undertake to enforce them effectively. The Prime Minister of India has drawn attention to the fact that these rights are guaranteed to all minorities in India by its Constitution. The Prime Minister of Pakistan has pointed out that similar provision exists in the Objectives Resolution adopted by the Constituent Assembly of Pakistan. It is the policy of both Governments that the enjoyment of these democratic rights shall be assured to all their nationals without distinction. Both Governments wish to emphasise that the allegiance and loyalty of the minorities is to the State of which they are citizens, and that it is to the Government of their own State that they should look for the redress of their grievances.

B. In respect of migrants from East Bengal, West Bengal, Assam and Tripura, where communal disturbances have recently occurred, it is agreed between the
two Governments:

(i) That there shall be freedom of movement and protection in transit;

(ii) That there shall be freedom to remove as much of his moveable personal effects and household goods as a migrant may wish to take with him. Moveable property shall include personal jewellery. The maximum cash allowed to each adult migrant will be Rs.150/- and to each migrant child Rs.75/-

(iii) that a migrant may deposit such of his personal jewellery or cash as he does not wish to take with him with a bank. A proper receipt shall be furnished to him by the bank for cash or jewellery thus deposited and facilities shall be provided, as and when required, for their transfer to him, subject, as regards cash to the exchange regulations of the Government concerned;

(iv) That there shall be no harassment by the Customs authorities. At each Customs post agreed upon by the Governments concerned, liaison officers of the other Government shall be posted to ensure this in practice;

(v) Rights of ownership in or occupancy of the immoveable property of a migrant shall not be disturbed, if, during his absence, such property is occupied by another person, it shall be returned to him, provided that he comes back by the 31st December, 1950. Where the migrant was a cultivating owner or tenant, the land shall be restored to him, provided that he returns not later than the 31st December, 1950. In exceptional cases, if a Government considers that a migrant’s immoveable property cannot be returned to him, the matter shall be referred to the appropriate Minority Commission for advice. Where restoration of immoveable property to the migrant who returns within the specified period is found not possible the Government concerned shall take steps to rehabilitate him.

(vi) That in the case of a migrant who decides not to return, ownership of all his immoveable property shall continue to vest in him and he shall have unrestricted right to dispose of it by sale, by exchange with an evacuee in the other country, or otherwise. A Committee consisting of three representatives of the minority and presided over by a representative of Government shall act as trustees of the owner. The Committee shall be empowered to recover rent for such immoveable property according to law.

The Governments of East Bengal, West Bengal, Assam and Tripura shall enact the necessary legislation to set up these Committees.

The Provincial or State Government, as the case may be, will instruct the District
or other appropriate authority to give all possible assistance for the discharge of the Committee’s functions.

The provisions of this sub-paragraph shall also apply to migrants who may have left East Bengal for any part of India, or West Bengal, Assam or Tripura for any part of Pakistan, prior to the recent disturbances but after the 15th August, 1947. The arrangement in this sub-paragraph will apply also to migrants who have left Bihar for East Bengal owing to communal disturbances or fear thereof.

C. As regards the Province of East Bengal and each of the States of West Bengal, Assam and Tripura respectively, the two Governments further agree that they shall:

1. Continue their efforts to restore normal conditions and shall take suitable measures to prevent recurrence of disorder.

2. Punish all those who are found guilty of offences against persons and property and of other criminal offences. In view of their deterrent effect, collective fines shall be imposed, where necessary. Special Courts will, where necessary, be appointed to ensure that wrong doers are promptly punished.

3. Make every possible effort to recover looted property.

4. Set up immediately an agency, with which representatives of the minority shall be associated, to assist in the recovery of abducted women.

5. NOT recognise forced conversions. Any conversion effected during a period of communal disturbance shall be deemed to be a forced conversion. Those found guilty of converting people forcibly shall be punished.

6. Set up a Commission of Enquiry at once to enquire into and report on the causes and extent of the recent disturbances and make recommendations with a view to preventing recrudescence of similar trouble in future. The personnel of the Commission, which shall be presided over by a Judge of the High Court, shall be such as to inspire confidence among the minority.

7. Take prompt and effective steps to prevent the dissemination of news and mischievous opinion calculated to rouse communal passion by press or radio or by any individual organisation. Those guilty of such activity shall be rigorously dealt with.

8. Not permit propaganda in their country directed against the territorial integrity of the other or purporting to incite war between them and shall
take prompt and effective action against any individual or organisation guilty of such propaganda.

D. Sub-paragraphs (1), (2), (3), (4), (5), (7) and (8) of C of the Agreement are of general scope and applicable, according to exigency, to any part of India or Pakistan.

E. In order to help restore confidence, so that refugees may return to their homes, the two Governments have decided (1) to depute two Ministers, one from each Government to remain in the affected areas for such period as may be necessary; (ii) to include in the Cabinets of East Bengal, West Bengal and Assam a representative of the minority community. In Assam the minority community is already represented in the Cabinet. Appointments to the Cabinets of East Bengal and West Bengal shall be made immediately.

F. In order to assist in the implementation of this Agreement, the two Governments have decided, apart from the deputation of their Ministers referred to in ‘E’ to set up Minority Commissions, one for East Bengal, one for West Bengal and one for Assam. These Commissions will be constituted and will have the functions described below:

(i) Each Commission will consist of one Minister of the Provincial or State Government concerned, who will be Chairman and one representative each of the majority and minority communities from East Bengal, West Bengal and Assam, chosen by and from among their respective representatives in the Provincial or State Legislatures, as the case may be.

(ii) The two Ministers of the Governments of India and Pakistan may attend and participate in any meeting of any Commission. A Minority Commission or any two Minority Commissions jointly shall meet when so required by either Central Minister for the satisfactory implementation of this Agreement.

(iii) Each Commission shall appoint such staff as it deems necessary for the proper discharge of its functions and shall determine its own procedure.

(iv) Each Commission shall maintain contact with the minorities in Districts and small administrative headquarters through Minority Boards formed in accordance with the Inter Dominion Agreement of December, 1948.

(v) The Minority Commissions in East Bengal and West Bengal shall replace the Provincial Minorities Boards set up under the Inter Dominion Agreement of December, 1948.

(vi) The two Ministers of the Central Governments will from time to time consult such persons or organisations as they may consider necessary.
(vii) The functions of the Minority Commission shall be:

(a) To observe and to report on the implementation of this Agreement and, for this purpose, to take cognizance of breaches or neglect.

(b) To advise on action to be taken on their recommendations.

(viii) Each Commission shall submit reports, as and when necessary, to the Provincial and State Governments concerned. Copies of such reports will be submitted simultaneously to the two Central Ministers during the period referred to in E.

(ix) The Governments of India and Pakistan, and the State and Provincial Governments, will normally give effect to recommendations that concern them when such recommendations are supported by both the Central Ministers. In the event of disagreement between the two Central Ministers, the matter shall be referred to the Prime Ministers of India and Pakistan who shall either resolve it themselves or determine the agency and procedure by which it will be resolved.

(x) In respect of Tripura, the two Central Ministers shall constitute a Commission and shall discharge the functions that are assigned under the Agreement to the Minority Commission for, East Bengal, West Bengal and Assam. Before the expiration of the period referred to in E, the two Central Ministers shall make recommendations for the establishment in Tripura of appropriate machinery to discharge the functions of the Minority Commissions envisaged in respect of East Bengal, West Bengal and Assam.

G. Except where modified by this Agreement, the Inter-Dominion Agreement of December 1948, shall remain in force.

Jawaharlal Nehru
Prime Minister of India

Liaquat Ali Khan
Prime Minister of Pakistan

New Delhi
April 8th, 1950
SECRET

Letter from Prime Minister Jawaharlal Nehru to the Chief Ministers of the Indian States on the Agreement signed with Pakistan on the question of Minorities.

New Delhi, April 8, 1950.

My dear Chief Minister,

You have been sent separately copy of the Agreement that was signed today by me and the Prime Minister of Pakistan. This agreement deals principally with East Bengal, West Bengal, Assam and Tripura. But generally it concerns itself with the entire minority problem in Pakistan and India.

We met to consider these vital problems at a most critical moment in our country's history. We were, it might be said, hovering on the verge of a precipice. The significance of recent events and the terrible possibilities of the future, gave great importance to this meeting. Very great interest has been taken in it in the principal countries of the world. This was so, not because people abroad are interested very much in the fate of millions in India or Pakistan, but because they realised that this was a matter which had the widest international significance.

After seven days of continuous and exhausting discussions we have arrived at an agreement. It is possible to criticise some items in this agreement or to suggest that there might have been an improvement here and there. But, it is clear, what counts is not any detail in the agreement but rather the spirit underlying it and the future possibilities. We have crossed a very big hurdle, many hurdles remain. Although we discussed at length recent occurrences in East and West Bengal and Assam, we had all the time before us the basic problem of Indo-Pakistan relations. These have poisoned the air for us for these two years and a half and they had arrived at a stage, when a measure of disaster had already overwhelmed us and a far greater disaster seemed imminent. It was the parting of the ways. We went either to this greater disaster or we took a turn in the opposite direction. The agreement indicates a turn in that opposite direction. I wish to be neither optimistic nor pessimistic about this agreement and the future will show what its consequences are. But I am quite sure that the mere fact of agreement and this determined and sincere effort to turn the tide of events in a more hopeful direction is a good thing. It will bring immediate relief to millions of people who have lived or passed through disastrous happenings and for whom the future was terribly dark. That relief itself is something to be grateful for. We get time to consolidate this position and perhaps go some way in the right direction towards solving this most difficult problem.
Whatever the views of any person may be about the merits of particular clauses of the agreement, the position we have to face, after the agreement is signed, is clear. Personally I think that the agreement is definitely a good one from every point of view and that it lays down the foundations of a future settlement. But in any event it is something which gives us a handle to work for better ends and it would be unfortunate in the extreme if we do not take full advantage of this. Having come to an agreement, it should be accepted by all of us in the best of spirit and with a view to making it a living thing. There is no other way and no other alternative, except deliberately to aim at a big scale conflict with whatever it may bring. There is no halfway house. I take it that almost everyone is agreed that we should avoid that conflict in so far as we can. If so, then we must of necessity give full support to this agreement and implement it in letter and spirit.

There are many aspects of this communal problem. But perhaps the most important aspect is the psychological one, the prevalence of fear and hatred and passion. From no point of view can these emotions be justified, for they are weakening and disabling. This agreement helps us to fight the psychology of fear. Let us take full advantage of it and let us do so with goodwill and not in a half-hearted way.

It is often said that we cannot trust the faith of the Government or people of Pakistan. That may have some justification, though I think it is always wrong to treat a people in this way. Personally I am convinced that Mr. Liaquat Ali Khan is sincerely desirous of implementing this agreement and trying to solve all the other problems between India and Pakistan. It is also well-known that the Prime Minister of Pakistan occupies a commanding position in that country and his word counts. We should accept that word of his and help him and help ourselves to implement it.

But quite apart from what Pakistan may or may not do, it appears to me incumbent on us to go ahead with this matter with all our strength and energy and good-will. We are playing for very large stakes in which the future of our country and the well-being of millions of common folk are involved. We would be guilty of a gross betrayal if we temporized at this moment and allowed evil forces to have their way and merely looked on.

I earnestly trust therefore that your Government will do its utmost to implement this agreement in every way and to make it perfectly clear that we stand by it to the full. We must try to capture the minds of the people and to influence them in this direction. We cannot do so by an attitude of caviling and throwing the blame on others. Others may be to blame and if so, they will necessarily suffer the consequences of wrongdoing. But even that wrong-doing can be limited and controlled by us by our actions, if they are right. It has been a great sorrow to us to learn of the sufferings of the minorities in East Bengal and elsewhere. But
what has happened in some parts of our territory in India has been not only a sorrow but a failure of responsibility. We must stop this.

The whole approach to this question must be a friendly one and not of blaming people. Only thus can we create an atmosphere that will help. We have to isolate the actual evil-doers, who are not many. They flourish because they get a friendly atmosphere to work in.

I commend this agreement to you and earnestly trust that you will seize hold of this opportunity which history offers us to stop the rot that was setting in and to turn the tide of events in a better direction.

Yours sincerely,
Sd/- Jawaharlal Nehru.

To All the Chief Ministers of States.

3039.

SECRET/PERSONAL

Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, April 14,1950.

My dear Nawabzada,

We have been thinking of how to give proper publicity to the agreement arrived at between us. We are trying to use the press and radio to this end. I have no doubt that you will do so in Pakistan also. We hope to produce a film about the agreement. It will be a short one and we shall send you a copy.

Apart from some leaflets and pamphlets it is proposed to issue a four-page leaflet in Bengali, Hindi and Urdu (that is separately in each) for wide distribution in West Bengal, Assam, U.P., etc. This leaflet will give some relevant parts of the agreement which are of particular interest to the people concerned and brief extracts from your statements and speeches as well as mine. We want to distribute this on a big scale. We hope the pamphlet as produced will be such that you would consider it suitable for distribution in East Pakistan also. In any event I shall send you a copy of it in English, so that you might judge. We should like some such pamphlet to reach the Hindu minority in East Bengal and of course, the majority also. Probably the easiest way to distribute it is by air. I
have no doubt that the East Pakistan Government could make necessary arrangement. If any cooperation from us is desired in this respect, we shall gladly offer it.

There is one matter to which I should like to draw your special attention. We have about 2000 officers and men serving in our Defence Forces whose families are in East Pakistan. Naturally these people are very anxious about their families. It is possible that some of them may have come over or might be in the process of coming over. It would be greatly appreciated if you would allow us to send a small mission consisting of six persons, two commissioned officers, two J.C.Os., and two Other Ranks, who might go to East Bengal to make enquiries about these families and bring back news about them. This will create satisfaction to the people concerned.

While you were here, I mentioned to you the question of exchange of prisoners of war taken in Kashmir. This has been pending for a long time. We nearly came to an agreement about an exchange about a year ago. This agreement however did no finally materialize, because your Government and ours did not agree in regard to one matter. Pakistan suggested that the exchange should be on the basis of man for man. We suggested that all of them should be exchanged. The number involved is, I believe, about 600 prisoners in the Pakistan and about 150 prisoners with us. I hope that in the altered circumstances of today, this exchange can take place, in accordance with international conventions regarding such exchanges.

I can assure you that we are doing and shall do our utmost to give full effect to the agreement arrived at. Sardar Patel is going to Calcutta day after tomorrow morning. West Bengal, as you know, is in a highly emotional state of mind after the experiences it has gone through. Sardar Patel has, however, in spite of his ill-health, decided to go there to explain the situation to the people and to get their full cooperation in implementing our agreement.

There has been some delay both on our part and your part in appointing the Central Ministers. I hope, however, that we shall be in a position to inform you of our choice soon. Meanwhile, if necessary, we are prepared to send one of our existing Ministers to Bengal till such time as the new appointment is made.

Apart from this, I might inform you that we are considering the appointment of Shri C. Rajagopalachari as Ambassador-at-large. The first duty we might assign to him would be to go to Bengal etc. He will have no special business allotted to him. He would simply advise our Central Minister, our Provincial Ministries and others. He can stay there as long as he likes. He is not well at present and has had serious trouble with his eyes. But he is recovering and may be able to come to Delhi within ten days or so.
I sent you a telegram about my sending my Deputy Minister, Dr. B.K. Keskar, to Dacca. I have had no reply from you yet. The object of sending him was that he might personally explain to our Deputy High Commissioner there and his staff the full implications of our agreement. He might also perhaps visit some of the camps and collections of Hindus there and explain this agreement to them in the hope that this would bring some satisfaction and they might be induced to stay in East Bengal.

Yours sincerely,
Sd/- Jawaharlal Nehru.

The Hon'ble Mr. Liaquat Ali Khan,
Prime Minister of Pakistan, Karachi.

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3040.  
SECRET

Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, April 15, 1950.

My dear Nawabzada,

Thank you for your telegram inviting me to Karachi.

I have sent you a telegraphic reply. I have every intention of going to Karachi, but I confess that it is not easy to fit in dates which are suitable both to you and me. Normally the proper time for me to visit you would have been sometime in May. But that is out of question, as you are leaving for the U.S. I have to go to Bihar for three big functions from the 21st April to the 24th. We are having the opening ceremony by the President of one of our large scientific institutes - the Fuel Research Institute at Dhanbad. I am also visiting the Sindri Fertiliser Factory and the Damodar Valley works. I return to Delhi about mid-day on the 24th. On the 25 there is an important conference here, which I must attend. This is a Planning Conference and people will be coming from all over India for it. The Conference will indeed last at least two days. I must attend at least one day.

This means that I cannot leave Delhi before the 26th morning at the earliest. As you are leaving Karachi on the 28th, there is not much time left. At the most I could go on the 26th morning for two days.
I should have preferred going somewhat later from various points of view. The agreement we have arrived at would have had some little time to function and I hope would have yielded satisfactory results. That would have created a suitable atmosphere. However, I leave it to you as to when I should come to Karachi. If you desire me to come on the 26th for a couple of days, I shall do so.

You will no doubt realise that while our agreement has been largely welcomed in India, we are having a difficult time in West Bengal. People in West Bengal have suffered a serious nervous shock during the last few months and it is not easy to get over it. We have to proceed with care and gentleness to deal with this situation and to show results as rapidly as possible. It is these results that will ultimately soothe the people's wounded feelings. Sardar Patel is going early tomorrow morning to Calcutta to meet people there and to help in getting their cooperation.

Results can be measured in various ways. The immediate test is freedom from harassment and trouble at Customs posts and at the border. This kind of thing is a continuous irritant and if we put an end to it there will be a feeling of relief all round. Ultimately, however, the test of success of our agreement is the stoppage of the migrations and, later, a reverse process setting in. I am glad to notice that the departure of Muslims from Calcutta and West Bengal has greatly lessened. This is also very noticeable in the U.P. I am told that the atmosphere in the U.P. has shown a marked improvement since our agreement.

The exodus of Hindus from East Bengal, however, continues and we are informed that large number of them are collected at various river stations and other places.

I watch the daily figures anxiously to find out how far this exodus is being affected. I do not expect a sudden change. But some change should be noticeable.

It is clear that if we are to expect the Hindus to remain in East Bengal, or for those who had come away to go back, it is necessary that leading and prominent Hindu citizens of East Bengal to go back. Only then can a feeling of confidence be created in the rank and file. Sardar Patel is firmly of this opinion and it is his intention to suggest this in Calcutta.

A complaint often made by prominent Hindu migrants is that their houses have been requisitioned and they had nowhere to go to. This is a fairly old complaint. Even when they had several houses, all of these were requisitioned and none was left for them to live in. They were thus compelled to leave. If it is possible to derequisition houses of people who go back, it would help greatly in this process of people returning to their old homes. If anyone has several houses, at least one of them should be left for him to live in. Probably, to begin with, he will go back by himself and a little later he may bring his family. I suggest, therefore,
for your consideration that houses of people returning might be made available to them to live in. It is hardly possible to expect them to return if they have no living room.

Another matter, to which I drew your attention when you were here, is the arrest of a number of prominent citizens in East Bengal. Naturally I cannot say what, if any, evidence there is against them. But we all know that in times of trouble and upheaval, not such evidence is required for arrest and often enough, the vital elements of a community are arrested. There is little doubt that these arrests have gone a long way to make Hindus in East Bengal feel that there is no room left for them there, when the tallest of them can be so removed. I mentioned one particular case to you, that of Satin Sen, who is known to all of us. I hope you will consider these matters and I have no doubt that the release of some of these people will have a powerful effect on public opinion in West Bengal.

I received your telegram about Keskar. Unfortunately there was some error in transmission and I could not quite make out what you said. But, in any event, I have decided not to send him just yet, as Sardar Patel is going to Calcutta and it is likely that our Deputy High Commissioner in Dacca will pay a visit to Calcutta.

I wrote to you yesterday about a leaflet which we propose to issue in large numbers in Bengali, Urdu and Hindi. I enclose a copy of this leaflet. You will see at the top an indication that there should be a half-tone block of you and me shaking hands. I do not like this, as this business of shaking hands in pictures is rather cheap. I am suggesting that they might give two pictures at the top, separately, one of you and one of me.

Yours sincerely,

Sd/- Jawaharlal Nehru.

Hon’ble Liaquat Ali Khan
Prime Minister of Pakisatan
Karachi

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3041. **Note from the High Commissioner of Pakistan in India to the Ministry of External Affairs.**

**New Delhi, April 24, 1950.**

**Office of the High Commissioner for Pakistan in India**

**New Delhi**


The Pakistan High Commission in India present their compliments to the Government of India; Ministry of External Affairs, New Delhi, and have the honour to refer to their note No.F.13(58)-P/50, dated the 23rd January 1950, on the subject of the policy adopted towards Muslim residents of Assam. As no reply has yet been received and as this subject was raised informally at Secretariat level during the recent Delhi discussions, the Government of Pakistan think that it may be useful to elaborate their views on this subject for the consideration of the Government of India.

2. **With the passage by the Indian Parliament of the Immigrants (Expulsion from Assam) Act in February 1950, the Pakistan Province of East Bengal is threatened with a mass influx of five lakhs of Muslims from Assam. The Government of Pakistan cannot but view with great concern an influx of such dimensions which must have great repercussions on the problem of law and order in East Bengal, and which will inevitably produce the gravest discontent amongst Muslims in that Province. The Government of India will no doubt also appreciate that such an influx, following that which has already taken place as a result of the recent disturbances in West Bengal and Assam, will have the most unhappy repercussions on the economy of East Bengal. The Government of Pakistan have already in their note, referred to above, drawn the attention of the Government of India, to the injustice and hardship involved in such a policy of eviction, especially where the persons who are likely to suffer from the operation of such a policy, are and have been, since August 1947, Indian nationals. That this is so, is unmistakably clear from the fact that nowhere in the Act has the term "settler" been clearly defined, and its operative clauses extend to all those persons who entered Assam before the passage of the Act.**

3. **The Government of Pakistan believe that the Government of India are seriously misinformed about the number of persons who are alleged to have migrated to Assam from East Bengal since August 1947, and find it incredible that the figure could approach five lakhs. Their information is that no such migration has taken place. The Honourable Mr. Gopalaswami Iyengan in his statement before the Indian Parliament while piloting the Bill stated: "At first when the Assam Government reported to us above the middle of 1949 their
opinion was that only about 1,50,000 to 2,00,000 persons had migrated into Assam from the neighbouring Pakistan Province of East Bengal. Later on when I went to Shillong and had discussions with the Assam Government on this question, the numbers they estimated that had come into Assam were of the order of 5 ,00,000. * This suggests how much uncertainty is felt even in Assam about the correct figure. The increase in the figures could not possibly be accounted for by increased migration during the six months between June 1949 and January 1950, for the Assam Government had already intensified their eviction policy, against which the Government of East Bengal had protested on several occasions.

4. As this High Commission has already pointed out, this legislation is a breach of the paragraph 3 of Section II of the Delhi Agreement, under which this question was to have been discussed between the two Governments at Ministerial level. No such discussion was held before the legislation was enacted.

5. Finally, the Government of Pakistan would draw the attention of the Government of India to the humanitarian aspect of the problem, and would ask the Government of India to consider the extreme hardship and suffering that is likely to be inflicted on a large number of its own nationals. It was reported some time ago that immediately after the passage of the Act, the Government of Assam had directed its local officers immediately to put into operation the policy of eviction.

6. The Government of Pakistan propose, therefore, that the whole question may be discussed between the two Governments immediately with a view to annulling this legislation. Meanwhile, they sincerely hope that the instructions issued by the Government of India to the Government of Assam to defer action under the legislation will be continued.

7. The Pakistan High Commission take the opportunity to renew to the Government of India the assurances of their highest consideration.

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Prime Minister of Pakistan referred to the request made by the Defence Ministry of India for a small mission to visit East Pakistan to see families of soldiers serving in the Defence Forces of India. He said that he was agreeable to this, provided they went in plain clothes. Also that similar facilities should be given to a small Pakistan mission to visit families of their soldiers in India. Arrangements for protection etc. should be made. It would be desirable for someone to accompany them.

2. **Derequisitioning of houses in East Bengal:**

Recent comers will, of course, get back their houses. In regard to old migrants too Pakistan Government was anxious to help to the best of their ability, but they have had to face great difficulties owing to lack of accommodation, more especially in Dacca and Chittagong. They were prepared, however, to say that where a person owned more than one house, and all these have been requisitioned, he would be given back one house to live in. Other cases of hardship will also be enquired into. Houses so provided would be for personal use. The matter will be enquired into further, and every effort would be made to provide for people who may be going back to East Pakistan. But at this stage no definite promises can be given.

3. **Exchange of war prisoners:**

Prime Minister of Pakistan said that he was agreeable to a full exchange. It was understood that prisoners from the "Azad" forces and tribesmen would also be included in this exchange.

4. **Unattached women and children:**

There were at present about 150 at the Gurukul Camp in Pakistan and 159 at the Ambore Camp in Pakistan. There was no objection to their transfer to India. About 130 women and children from Poonch and Baltistan have already been sent to Lahore on their way to India.

Prime Minister of Pakistan said that apparently some Muslim women and children were detained in Amritsar Camp on the ground that they would be kept there till their relatives were discovered. This was not sufficient reason for their being kept and they should be sent to Lahore.
5. **Trade Agreement:**

Prime Minister of Pakistan said that he felt that our delegation had been unreasonable about coal. This had previously been tied up with jute. Now, it was tied up with cotton. Pakistan had asked that if full supply could not be given now at least enough coal should be given for East Bengal for running of trains etc. This will improve conditions there and facilitate trade and help in refugee traffic.

He said that India had insisted on their internal price for cotton. Pakistan was prepared to agree to this, provided the cloth supplied to them was also at India's internal price. Nevertheless, the Indian delegation did not agree.

He realised that there was a dispute about the exchange ratio and, therefore, the trade arrangements had been on a barter basis. We should avoid doing anything which resulted in commitments about exchange. It was possible, however, otherwise to come to an agreement.

6. It was agreed that strict injunctions should be issued to officials to prevent harassment of migrants or any members of minority communities. Prime Minister of Pakistan said that he had made it clear to officials that in future their work will be judged not so much by their administrative duties, but by their treatment of minorities and the extent to which they could implement the Agreement.

7. **Exodus:**

The continuation of this exodus from East Bengal was discussed and latest figures were given by Prime Minister, India, to Prime Minister, Pakistan. Telegrams from the Deputy High Commissioner for India in Dacca were read out showing that there were considerable numbers of intending migrants collected at various places. Prime Minister, Pakistan, expressed his surprise at this information, as he had been informed that there were none or very few people left in camps of this kind.

Prime Minister of Pakistan expressed his concern at the continuing exodus from U.P. etc., to West Pakistan. Prime Minister of India pointed out a report that invitations were being issued to artisans and others to come to Pakistan. Prime Minister of Pakistan said that individuals may have done so, but the Government certainly did not encourage this. In any event, it was agreed that every effort should be made to discourage exodus or migration from any part of Pakistan or India to the other country.

8. Prime Minister of Pakistan expressed his regret and concern at the continuing attitude of the press in West Bengal which was not favourable to Agreement, while the press in Pakistan had behaved very well.
9. Section B (v) and (vi) of Agreement was discussed. In regard to this separate paper will be prepared.

10. The problem of evacuee property in West Pakistan and India (that is apart from Bengal) was also discussed. Prime Minister of India said that they should try to apply, in so far as possible, principles laid down in the Agreement regarding Bengal and Assam to other parts of India and Pakistan. It may not be possible to apply these fully, but much could be done. Prime Minister of Pakistan agreed generally, but felt that there would be considerable difficulties, more especially in regard to land in West Pakistan. In any event, it should be possible to arrange for the exchange and sale of urban property.

It would be desirable to hold a conference of representatives of the two countries to consider these matters fully. The evacuee property laws ought to be changed and, in any event, a date fixed beyond which they should not be applied. The present position was unnatural. This matter is further being discussed by the Secretaries.

11. Various Sind matters were discussed. It was decided to have a separate note prepared in regard to them.

II
Further points discussed between the Prime Ministers

Various matters relating to the position of the minorities in Sind were discussed. Prime Minister of India pointed out that in effect a vast majority of the Hindus in Sind had left Sind and only about forty or fifty thousand now remained, apart from a certain number of Scheduled Castes people. There was a widespread impression in India that these Hindus had been squeezed out of Sind by governmental policy, and their properties had been taken possession of. Now, only a relatively small number remained, but even they had the feeling that they were not welcome here and that they were being pushed out.

The first question that arose was as to whether the Pakistan Government wanted the Hindus to stay on here or not, and secondly whether they were prepared to have some Hindus to return here. If it was their definite policy to have the Hindus stay on here, then conditions should be created here to enable them to do so. They must feel that these conditions had been created. If the Pakistan Government wished to do so, he had no doubt that necessary steps would be taken to produce that feeling in the minds of the minorities here. This question was important enough before, but since the Agreement of April 8th it has become even more important. We have turned a corner and we were trying to retrace our steps somewhat. It appeared essential, therefore, that minorities in Sind should also have a feeling of this change having taken place.
There were many complaints, general and individual. Among these the important general ones were as follows:-

(1) The Custodian had passed orders in about 300 cases that the people concerned were not evacuees. The matter was then referred, under the rules, to the Pakistan Government, and had been pending there for several months. No 77 final orders had been passed and apparently fresh enquiries had been instituted. This procedure and delay, even after the decision of the Custodian, was highly undesirable and productive of uncertainty.

(2) Hindus wanting to go to India on temporary visits in order to visit relatives or attend marriage and like ceremonies cannot get the "no-objection" certificate. They have to wait for months till the occasion for their going disappears. Or if they go without a "no-objection" certificate, they automatically become evacuees. This action is a kind of pressure to deprive these Hindus of their property here. There is no reason why "no-objection" certificates should not be granted with speed in such cases.

(3) Documents for transfer of property, that is sale etc., were not even accepted for registration pending the production of income tax clearance certificate. It often takes months for such a certificate to be obtained. In India such documents can be executed without waiting, although effect may not be given to them till later. Indefinite waiting even before acceptance for registration is exceedingly inconvenient and harmful.

(4) The question of the Swami Narayan Temple and property adjoining it was considered. It was pointed out that full facts had been given in a recent letter sent by Shri Gopalaswami Ayyangar to the Pakistan Government. This temple and property is not only important in itself, but has become symbolic as something representing the minorities here and their properties. If anything is done to this temple and property, it means that no member of the minority community or his property or any religious endowment is safe. This will have a very bad effect.

It had been stated that a committee of Hindus had been appointed to look after this, but they had not taken too much interest in this. This statement was contradicted. The committee was never consulted and ultimately it was wound up by the Administrator.

Even now encroachments on the temple are taking place. Walls are broken down and shops extended inside. In a very recent case a man occupying a flat in the temple building for eleven years, which he used partly for business and partly for residence, was suddenly given three days' notice to quit. This notice expires today. It is evident that this kind of thing produces a great deal of consternation in the minds of the minorities.
The first step that is suggested is that no further encroachment of any kind be made on the temple property. Even if some flat or room there is vacant, it should remain so in charge of a committee of the minority community and should not be given or rented out to anyone else. The present position should therefore be for the moment stabilised. The next thing will be to deal with past encroachments.

(5) Prime Minister of India mentioned the case of the closed districts in West Punjab and the Frontier Province. He suggested that these should be opened out for the purpose of recovering abducted women. According to our information these districts being closed had been utilised for the purpose of keeping abducted women there. Prime Minister of Pakistan said that he would enquire into this matter and wanted to know the procedure and the details of recovery work.

(6) The notes on evacuee property prepared by India's Rehabilitation Minister were given to Prime Minister of Pakistan.

(7) In regard to various questions, specially relating to property and other matters affecting minorities, it was suggested that some kind of machinery should be set up to deal with complaints with speed and efficiency. At the present moment, there was not only delay, but even the Custodian's orders were not carried out. The High Commissioner in India should not directly and normally concern himself with such matters. But in the peculiar circumstances now prevailing, he had drawn the attention of the Pakistan Government to some of them. It would facilitate matters if some special officer was appointed for Sind by the Pakistan Government, or a small committee, to deal with such matters, so that there would be no delay in disposing of them. India's High Commissioner would, of course, give such help as he could.

The question of temples or religious endowments in Sind was also referred to. It appeared that a large number of these temples had been sealed or taken possession of either by the Government or the refugees.

III

Among other matters discussed between the Prime Ministers were:-

(1) Prime Minister of Pakistan expressed his apprehension in regard to the appointment of Shri C.C. Biswas as Minister. He said he did not know him himself, but he had Hindu Mahasabha background and his son is also connected with either the Hindu Mahasabha or the Minority Rights Committee. His appointment would not be welcomed by many people and would not produce the effect of serious implementation of the
Agreement which we so much desired to produce. In selecting Dr Malik, as Minister, the Pakistan Prime Minister said that he had consulted Hindu members of the Constituent Assembly and it was on their recommendation that he chose him. He thought that he was a good man who will get on well with the minority;

(2) Prime Minister of India mentioned to Prime Minister of Pakistan the possibility of appointing Dr. Sen of Dacca as Deputy High Commissioner. Dr Sen's name was also mentioned to the Governor-General. The initials could not be remembered. But if the same person was discussed, the Governor-General thought that he was a very good man. Prime Minister of India pointed out that it was unusual to appoint a person, who was thus far a Pakistani citizen, to this office, but there had been exceptions of course. Prime Minister of Pakistan said that if the man was good, he would have no objection.

(3) Prime Minister of Pakistan referred to people in the Pakistan Defence Forces who have opted for Pakistan, although their families continued to remain in India. Some of these had been demobilised now and they wanted to go back to India and settle down there permanently. Apparently, this matter was referred to India, but India Government did not agree. Prime Minister of India said that he knew nothing about this, but would enquire.

(4) The question of Kashmir was discussed, without any progress being made.

(5) Prime Minister of Pakistan laid stress on the concentration of Indian Army formations near the Pakistan frontier in the West. He said that it would be highly desirable if some of these troops could be removed, as otherwise there was a constant feeling of apprehension, and a concentration of Pakistan troops on the other side.

(6) Prime Minister of India saw some leading newspapers' editors. They complained that sections of the Indian press had not yet changed their tone to any noticeable extent in regard to the Agreement. There was a certain danger of an adverse reaction on the irresponsible sections of the Pakistan press, if this continued. So far as they were concerned, they were going all out to create a better atmosphere between India and Pakistan towards implementation of the Agreement. They would welcome any criticism or any lapses on their part to be pointed out to them.

They pointed out that several Pakistan newspapers, including Dawn and Civil & Military Gazette were under ban by Provincial Governments of India, although the Central Government in Delhi had lifted some of the old bans. They suggested that these bans should be lifted now. Among the papers they mentioned were
This note was recorded by Prime Minister Nehru while commenting on the letter that Mohammad Ali had written to Commonwealth Secretary S. Dutt and had been put up to him. Mohammad Ali referring to Nehru’s notes of conversation with Liaquat Ali Khan had suggested on Liaquat Ali’s behalf that these notes of Nehru were not minutes of the meetings; they neither covered all the subjects nor were complete.
fact numerous personal invitations were received. It was widely believed, with what truth I do not know, that the Pakistan Radio had issued this invitation. I mentioned this matter to the Prime Minister of Pakistan and he promised to have a contradiction issued by Radio and in the press.

3. The question of Kashmir was also discussed.

4. Regarding the sending of several missions to contact families of Pakistan soldiers in India, I stated that I would convey this to our Defence Ministry. There could be no objection to this, but several missions at the same time might be difficult to organise, and I think it will be better for the two Defence Ministries to contact each other on this subject.

5. Regarding the repatriation of members of Pakistan armed forces who had opted for Pakistan but who wished on release to settle in India, I said that the matter will be referred to our Defence Ministry. I knew nothing about it.

6. It is certainly correct to assume that the same facilities for derequisitioning and return of houses would be extended to migrants who returned to West Bengal, Assam and Tripura. I do not understand what "old migrants" means. The clause in the Agreement will be applied.

7. It is true that I agreed that many Muslim women and children from Kashmir who were detained in Amritsar and other camps in India would be sent to Pakistan. Only Amritsar was mentioned to me. We shall be glad to have any particulars so that we can take action.

8. While it may not be possible to apply the provisions of the Delhi Agreement in their entirety to other parts of India and Pakistan, I suggested that the general principle might be applied as far as possible. In regard to this matter the Pakistan Government will be addressed soon by the Government of India and it would be desirable to hold a conference soon after.

9. The canal waters question was not discussed by me with the Prime Minister of Pakistan, but I entirely agree that it is a question which should be settled as early as possible. I do not myself see any particular bearing of this question on evacuee property. Even the bearing that it might have would be on agricultural land, but even that need not come in the way of a settlement of either of these questions.

10. I think you might reply to Mr. Mohammad Ali on the above lines, if you like you can even send him a copy of this note.

I hope you are proceeding with the preparation of the note on evacuee property. I hope also that you have taken action about the Amritsar camp of Muslim women and referred some of the matters mentioned above to the Defence Ministry.
One thing I did not mention in my note yesterday. “Mr. Mohammad Ali has said that I referred to the concentration of Indian forces on the border of West Pakistan and added that I had said that they included certain extra forces which we proposed to withdraw as soon as arrangements for their transport could be made. This statement is not quite correct. What I said was that we had decided on new dispositions of forces long before the recent crisis had risen in Bengal and for general reasons. Their departure had undoubtedly been expedited a little because of recent events. Now that they had gone there it was difficult to shift them about suddenly. But gradually as occasions arise, a part of them may be shifted for the sake of convenience.

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3044. Note of the Government of Pakistan to the Government of India regarding influx of Muslims from India to Pakistan and proposal to seal the Sind border.

Karachi, May 12, 1950.

Inquiries in official circles reveal that the Government of India are not in favour of the immediate sealing of the West Pakistan frontier by the Government of Pakistan against the influx of refugees from India. The Government of India recognize that this is a matter for decision by Pakistan but they are of the view that migration of Muslims from India into West Pakistan is rapidly on the decline and that any artificial sealing of the frontier will have an effect opposite of what is desired. It is pointed out that for similar reasons it was decided by the Prime Ministers of India and Pakistan in their recent Agreement to guarantee free movement of populations between East Bengal and West Bengal.

2. The Government of India are understood also to have pointed out to the Government of Pakistan that they are taking all possible steps through official and non–official channels to persuade intending evacuees to return to their homes. They intend to further intensify their effort in this regard. Not only those refugees who are on their way to Pakistan but even those who migrated to Pakistan after March 1 will be given back their properties if they return to their homes.

3. The Government of Pakistan have declared that they do not want any fresh evacuees to enter West Pakistan and it is understood that the Government of India have offered to give wide publicity to any views on the subject which Pakistan leaders may express.

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SECRET

TELEGRAM

From: Foreign, Karachi.
To: Foreign, New Delhi.

No. 2262

IMMEDIATE

Addressed: Foreign New Delhi

repeated: Pakistan High Commissioner New Delhi (foreign please pass).

For Dutt Form Mohammed Ali

We have decided to seal up Sind border to stop influx of refugees via Jodhpur State with effect from May 20th (repeat May 20th) 1950 and would request your cooperation as follows:-

First. Muslim refugees should Not be allowed to proceed beyond your Customs outpost at BARMER from May 20th until further consultation with us.

Second. Kindly send your official and non official spokesmen to persuade the Muslim refugees who have collected at BARMER PHULERA Ajmer Agra Delhi and other Railway Junctions to return to their homes. Given a certain amount of persuasion and assurances regarding their safety and restoration of their property and provision of necessary transport facilities we believe they would return to their homes.

Third. We would like to send some of our staff to supplement your efforts at these places to stop the exodus. If you have No objection please instruct your High Commissioner to issue permits and local authorities to provide them necessary facilities to undertake this tour.

The policy of both the Governments is to discourage the exodus and we trust we would have your full by cooperation in this matter. We would be grateful for immediate action on above lines.

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Reply to Above Telegrame

SECRET

TELEGRAM

From: Foreign, New Delhi.
To: Foreign, Karachi.
No. 30324 12, May, 1950

IMMEDIATE

For Mohammed Ali from Dutt.

Your telegram 2262 of May 12th. In U.P. every effort is being made by officials and non–officials to persuade intending evacuees to return to their homes. Latest information shows that there has been a gradual decrease in the number of persons collected at Phulera and Agra, the two stations where the assembly of evacuees was the largest. We are NOT aware of concentration at other places. We are hoping that the concentration will be cleared off within the next few days. As we have informed you separately our intention is NOT only to restore their properties to persons who have temporarily left their homes but have NOT yet reached Pakistan but even to those who have recently migrated to Pakistan but who come back to India by December 31. We will also provide other facilities to refugees to return to their homes. In the circumstances we do NOT think that it is really necessary for any of your staff to come over to India to persuade the refugees NOT to proceed to Pakistan. Our information was that a large number of letters were being received from Pakistan inviting artisans to go to Pakistan. We have given full publicity to the recent statements of your Ministers that they do NOT want any fresh influx into West Pakistan. We suggest that these views be repeated by leaders in Pakistan and we will give every publicity to them in India.

2. We have NO objection to your trying to check influx into Pakistan by enforcement of the permit system. We shall also make such additional effort as may be possible to dissuade persons collected in Barmer, Phulera and elsewhere from proceeding to Pakistan. We apprehend, however, that any artificial sealing of the border on a fixed date might have the effect opposite to that intended by you. You will recall that for this reason the two Governments have guaranteed free movement between East Bengal and West Bengal. However, if on further consideration, you decide to close the Sind border please let us know as much in advance as possible so that we can give decision necessary publicity.

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The Pakistan High Commission in India present their compliments to the Government of India in the Ministry of External Affairs, New Delhi, and with reference to the Secret telegram No. 2262, dated the 12th May 1950, from Foreign, Karachi, to Foreign, New Delhi, regarding sealing up of Sind border by the Government of Pakistan, have the honour to say that the Government of Pakistan have decided to postpone the date of sealing Sind border from 20th May to 1st June 1950. Between 20th and 31st May, only permit holders would be allowed to cross the border and thereafter nobody, whether he holds a permit or not, would be allowed to enter Pakistan by this route. The agreed policy of both Governments being to discourage further exodus of minorities from one country to the other, the Government of Pakistan seek Government of India’s cooperation in this task and request that from 20th May to 31st May, the Government of India should not allow Muslim refugees to proceed beyond Barmar without our permits and nobody, whether holding permit or not, should be allowed to proceed towards Pakistan beyond Barmer after 31st May 1950.

The Pakistan High Commission takes the opportunity to renew to the Government of India the assurances of their highest consideration.

The Ministry of External Affairs
Government of India
New Delhi.
3047.

SECRET

Letter from Ministry of External Affairs to the Pakistan High Commissioner in India regarding sealing of Sind border to stop the refugee influx.

New Delhi, May 16, 1950.

No.F.10(5)–BL/50 Date 16 May, 1950

Dear Mr. Ismail,

Will you kindly refer to the High Commission's Memorandum No. F. 13 (88) P/50 – 1351 of the 15th May 1950 to the Ministry of External Affairs, Government of India, regarding the sealing up of the Sind border by the Government of Pakistan against further influx of refugees from India? Your Government have suggested that nobody intending to enter Pakistan across this border should be allowed to proceed beyond Barmer without permit from the 20th May to the 31st May, and with or without permit after the 31st May. There is no law in India under which we could prevent a person from proceeding beyond Barmer if he wished to do so. You will, therefore, appreciate that it would not be possible for us to comply with the Pakistan Government's wishes in this regard. The Pakistan Government are, of course, competent to prevent the entry of any person into their territory, but you will, I am sure, agree that if large numbers of people reach the frontier or congregate at places near the frontier and are physically prevented from entering Pakistan territory, a grave law and order problem will arise which may have undesirable consequences and seriously embarrass the Government of India. We have already expressed the view that the best means of preventing exodus is to restore confidence among the minorities. The U.P. Government are doing all they can through their officials and also with the assistance of non–official agencies, such as office bearers of the District Congress Committees, to induce minorities to stay where they are. We have even offered to restore properties to those who have migrated to Pakistan during recent months. Every publicity is being given to the statements made by Pakistan leaders that they do not want further influx into their country. Latest figures show that the rate of exodus is gradually falling. In the circumstances I am desired to reiterate our earlier view that the professed sealing of the border would create more panic and result in quicker tempo of movement among those who have already left their homes and would not really attain the objective which the Pakistan

* On May 18 the Revenue Department of the Ministry of Finance informed the Ministry of External Affairs that as per the report received from the Collector of Customs and Central Excise the possibility of sealing of the frontier had led to aggravation of the problem and there was the possibility of people congregating in very large numbers at the frontier station and there was the apprehension of law and order problem.
Government have in view. We think that the frontier should be kept open until the exodus peter out, as, we hope, it will at no distant future.

Yours sincerely
Sd/- S.Dutt
Addl. Secretary

H.E. Khan Bahadur Mohammad Ismail, Bar – at – Law, High Commissioner for Pakistan in India, 8 – B, Hardinge Avenue, New Delhi.
SECRET

TELEGRAM

From : Foreign, Karachi.
To : Foreign, New Delhi.

No. 2345 May 17, 1950

IMMEDIATE

Addressed: Foreign repeated Pakistan High Commission New Delhi (Foreign please pass).

For Dutt from Muhammad Ali.

Your telegram No. 30324 12th May 2950. We appreciate your efforts to persuade MIGRANTS to return to their homes. In particular by your decision to restore properties to persons who have recently migrated or are migrating to PAKISTAN but come back to India by December by 31st repeat December 31st will greatly help the return movement. We trust you will continue your efforts to dissuade by person collected in BARMER, PHULERA and elsewhere from proceeding to PAKISTAN. We are giving full publicity to view that by Moslems should NOT leave India and that we do NOT want any influx into West Pakistan.

We gave careful thought to best method of checking influx into West Pakistan before arriving at decision to seal border temporarily. The analogy of East Bengal and West Bengal is NOT applicable because there has never been any restriction of movement between the two Bengals. On the other hand the permit system had been in force on this border for last sixteen months but became inoperative under pressure migration. Our aim still is to restore permit system as early as possible and sealing border with effect from 1st June is only a temporary device intended to restore conditions which would enable permit system to function. Under these circumstances, I hope we will have your full cooperation in giving effect to these arrangements.

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MINORITIES

SECRET

3049.

Telegram from High Commissioner of India in Pakistan to Ministry of External Affairs.

Karachi, May 19, 1950.

TELEGRAM

From: Hicomind, Karachi.

To: Foreign, New Delhi.

IMMEDIATE

No. 161. May 19, 1950

Your telegram 30323 of 12th May. Pakistan Government request further consideration of your suggestion regarding submission of list of persons arranged district wise for verification that they are new migrants. They point out that this procedure is likely to defeat very purpose of enabling refugees to return to their homes. It will cause delay and it is doubtful if it will be possible for District Magistrates to verify facts of domicile and date of departure of refugees. Accordingly they suggest that on verification from their camp officers who have maintained daily record of all persons arriving with full details of their place of residence or from district officers in respect of some few who did Not enter through camps Pak Government may give certificate on which permits for permanent return may be issued by us at Karachi. They assure that they will take utmost precaution in seeing that certificates are issued to bona fide persons. Pak Government further suggest that as these refugees are no destitute they will bear expenses of their transport up to Indian border and that from India border up to their destination transport expense may be borne by Government of India.

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3050. **Press Note issued by the Government of Pakistan regarding the sealing of the Sind border.**


E. No. 1681. 21.5.1950

**PRESS NOTE**

The continuous influx of refugees into Sind from the Jodhpur border has been causing anxiety to the Government of Pakistan for some time. When conditions were disturbed in the Western U.P., the Government did not think it proper to stop refugees coming without permits. The Delhi Agreement of the 8th April 1950*, has however, brought about better conditions. Efforts are being made to create an atmosphere of friendly and cordial relations between the two countries. As part of this peace campaign leading official and non—official spokesmen of India have been trying to allay the fear and suspicion of the minority community and instill in them feelings of security and confidence. They have also been endeavoring to persuade the intending evacuees to return to their homes. Further, they have offered various concessions to the intending evacuees as well as those persons who have migrated to Pakistan during these months. They have promised them restoration of their properties if they decided to go back. In view of these developments the Government do not find any justification for continuing the suspension of the permit system The Government have, therefore, decided to reimpose it shortly.

In the meanwhile it has been decided to cancel all special facilities of transport which were provided as an emergency measure to meet the influx. The Government have given sufficient indications of their intention to re–impose the permit system and, therefore, hope that all persons concerned have now had sufficient warning.

On account of the unprecedented influx of refugees from the Sind – Jodhpur border it was necessary to provide special facilities for the conveyance of the refugees from the border to Khokhrapar and from Khokhrapar to Pitharo. These special arrangements strained the already inadequate resources of the metre gauge section to the utmost and reacted on the transportation of essential goods. From May 27, 1950, it has been decided to withdraw the special transport facilities and revert to normal working. As some trains have yet to be run to disperse the refugees from Pitharo Camp, which is being closed down by Government there will be no passenger traffic between Chhor and Khokhrapar from that date for the present.

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* Nehru-Liaquat pact on minorities.
During the harvest season, the Railways are not the only carriers of food – grains from one place to another. For the purpose of feeding its desert population, Sind has to use a large number of camels for the purpose of transporting grain. These camels are now being used for the purpose and it would no longer be possible for passengers to get camel transport on the border.

Intending evacuees from India are, therefore, advised in their own interest not to try to enter West Pakistan by the Jodhpur route. A journey on this border at this time of the year when it is extremely hot, means traversing 40 miles of barren, sandy desert without shade, shelter or drinking water. When refugees were transported by trains, even then it was exceedingly difficult to provide them with water which had to be carried across this distance of 40 miles. With the train services having been withdrawn, water tanks cannot be moved to any place along this route and any person who crosses the border at this place will have to face indescribable hardships.

During the hot weather the Sind desert cannot be crossed on foot. The railway was the only link between the border and the habitable interior of Sind and its closure means that this distance cannot be negotiated. There are no roads and no means of transport, and even camels will not be available. Permit holders are also advised to choose some other route for which their permits will be revalidated on application to the issuing authorities.

Ministry of Interior,
Government of Pakistan.
3051. Letter from the Pakistan Ministry of Interior to the Ministry of External Affairs.


Government of Pakistan,
Ministry of the interior,
Home Division.

D. O. No. 5/9/50-PMT Karachi, the 22nd May, 1950

My dear Dutt,

Many thanks for your D.O. No. D.O. 10(5)/50 – BL dated the 17th May 1950 which I have received through our High Commissioner.

We fully appreciate your Government’s point of view on the general question of closure of the border, and let me assure you that we are most anxious to avoid taking any measure which may embarrass your Government or create a serious law and order problem on your side. For that reason and in view of the fact that the figures are now definitely showing a downward tendency we are putting the date back. In the meantime we are taking other preparatory measures, and I enclose a copy of our Press Note which is issuing immediately. (See Document No.3050.)

Our side of the border is topographically and climatically most difficult to negotiate at this time of the year, and as you will see we have in this Press Note quite candidly told the people what great risks and hardships they would have to face in crossing the desert after the withdrawal of the special facilities which were provided as an emergency measure. But merely issuing a Press Note will not be sufficient to drive home this warning to the people. Hence we would once again request your Government to give us the necessary facilities to enable some of our men to explain the situation to the intending migrants at important Railway junctions where they are collecting.

We are most grateful for all the efforts which the public leaders as well as officers are making in the United Provinces to create confidence among the minority community and discourage their exodus. But one important aspect of this propaganda is to appraise the Indian Muslims of Pakistan’s various difficulties in permitting uncontrolled immigration to continue any longer. Khwaja Shahabuddin made some statements drawing attention to the fact that West Pakistan was not now in a position to accept any further burden of refugee influx. These statements have received some publicity on your side, but the subject is of such vital importance that it needs to be stressed and explained over and over again. If your Government do not like the idea of our officials
coming to India for this purpose, we could send a small goodwill mission of
known non – officials to try to remove the ignorance of the people on this subject.
The mission may even include one or two persons from among the recent arrivals
who would be able to give an eye – witness account of the conditions on the
border. They will come for the limited object of putting the intending migrants
wise, and their itinerary will be settled with your Government’s approval.

We understand that your Government have not provided any special train services
or facilities for migration, but I have no doubt you will appreciate that it is, in the
present circumstances, not merely a question of providing no special train
services but also of reducing the normal services on this route as we are doing
on our side of the border. This measure, synchronizing with action on our side,
is bound to have a discouraging effect on migration and I do hope your
Government would accept this suggestion and pass necessary instructions to
the Jodhpur Railway to cut down the number of train services to the bare
minimum.

Yours sincerely
(M.W. Abbasi)
Joint Secretary to the Govt. of Pakistan

S. Dutt, Esqr.,
Additional Secretary to the Govt. of India,
Ministry of External Affairs,
New Delhi.
SECRET

Telegram from Ministry of External Affairs to the Indian High Commissioner in Pakistan.

From: Foreign New Delhi

To: Hicomind, Karachi.

IMMEDIATE


Your telegram 161 of May 19. New Migrants from U.P.

We have carefully considered this matter afresh and are prepared to meet Pakistan Government’s wishes as far as possible. It must be remembered that unless return of migrants is carefully checked and organized, there will be difficulties both for them and for Government. Therefore we should proceed cautiously and experimentally at first and adapt our procedure to circumstances. We propose that to begin with, 5000 migrants should be sent in accordance with procedure suggested by Pakistan. We would like however that such persons should be distributed in such a way that NOT more than 500 or 600 in the batch of 5000 should belong to any one district in U.P. This would facilitate dispersal and return to original homes. You should issue permits to number mentioned only on certificates from authorized officers of Pakistan Government to the effect that persons concerned migrated to Pakistan from U.P. after February 1st, 1950. It should be made clear to Pakistan that at this end there will have to be enquiries by district officers to ensure that returned persons are in fact new migrants before their properties are restored to them. If old migrants return under cover of this procedure, they CANNOT profit by present arrangement which may have to be revised.

It would cause serious practical difficulties if Pakistan were to issue railway tickets only up to their frontier stations and we were to issue fresh tickets from there to destination of migrants in India. We would like you to issue a pass along with permit from the frontier station to destination. On strength of this pass the holder will be allowed to continue his journey without interruption at the border. If Pakistan agreeable, details will be fixed up by our Railway Ministry in direct consultation with you.
3053. Note by Prime Minister Jawaharlal Nehru on his talks with Pakistan Finance Minister Ghulam Mohammad.

New Delhi, May 24, 1950.

Mr. Ghulam Mohammad, Finance Minister of Pakistan, came to lunch with me today and stayed for about an hour and three quarters. I did not mention any political subject and for a considerable time we talked about other matters, chiefly related to old times in the U.P. He then mentioned that he was going to Dacca in order to see the implementation of the Indo-Pak Agreement. He said that he was surprised that neither the East Bengal Government nor the West Bengal Government had yet appointed the Minorities Minister provided for by the Agreement. I was myself a little surprised to hear this because I was under the impression that the West Bengal Government had already appointed him. Dr Roy (Chief Minister of West Bengal) had told me some weeks ago that he had chosen the man to be appointed.

Mr. Ghulam Mohammad asked me if I had anything special to say to him in regard to Bengal. I said that numerous incidents were still happening in East Bengal and the Ansars were often involved in them. This was creating a bad impression and a check must be put on the Ansars. Further that requisitioning of houses had taken place on a large scale in East Bengal and it was difficult for the owners of these houses to stay there or to return unless the houses were derequisitioned! This was a matter to which considerable importance was attached.

He then referred to the West Bengal Government suggesting that there should be an enquiry by the Minorities Commission before possession was given to the returning migrants. He said this was not contemplated by the Agreement and would rather defeat the purpose of it by delaying matters. I said that I would myself prefer a more summary method of enquiry.

He referred to refugees having been settled temporarily on the land and cultivating it. How were the returning migrants to be restored their lands? I replied that it was clear that a person who had actually cultivated the land and worked upon it could not be thrown out till harvest time. That would be unfair and would give rise to trouble. He seemed to agree with me, but asked what about people who had themselves cultivated the land and sown, etc. and then had gone away who were now returning. It would then be a question of timing as to what the old cultivator had done and what the new man had done.

We referred to the rigidity of officials when they meet in conferences and mentioned the recent Railway Conference which failed to achieve any substantial results because of the difficulty of adjusting the exchange ratio. He said that
they had gone very far to meet our viewpoint, but unfortunately our people had not agreed. I said I was a little surprised to learn this as my own impression was that the Pakistan officials were agreeable to accept one of our proposals but their Government vetoed it. Mr. Ghulam Mohammad immediately said that it would be far better for some informal talks between Ministers before a formal official conference took place. That would yield more fruitful results and the possibility of failure, which was bad, would be avoided. I agreed with him.

He said that this exchange ratio business was creating difficulties all over the place, and till this was settled some of our other problems would also be held up. I agreed with him and asked him when he expected it to be settled. He said that it is in the hands of the International Monetary Fund and they were taking their own time over it. They should decide by August next or perhaps even in July. Anyhow Pakistan did not wish to delay matters.

He referred to defence expenditure which was very heavy, and which could be greatly reduced on both sides if we came to common agreements about various matters. At present there was no doubt that the people of Pakistan were full of fear of an invasion or aggression from India. Possibly there was a slight fear in India. Anyway there was this fear which resulted in continuous arming. I referred to the recent arms explosion in the United States and pointed out that this constant effort to buy arms, etc. abroad was not conducive to the removal of the fear he had mentioned or to peaceful relations. Further that Mr. Liaquat Ali Khan's speeches had often referred to this purchase of arms. He did not say much about Mr. Liaquat Ali Khan's speeches except to say that he had made many friendly references to me. As a matter of fact I said that there was an embargo on the purchase of arms in the United States, and their munitions, etc. which had recently blown up had been purchased thirteen months ago before the embargo was announced. I then referred to the evacuee property question and said that probably this was an issue which affected public opinion almost more than any other. Large numbers of people were personally involved in it. And if this was even partly settled, this could make a great difference. He agreed and said that he saw no reason why we should not go a long way to settle it in regard to urban property. Rural property was a little more complicated and could be taken up later.

He referred to the canal waters dispute also and said that Mohammad Ali was coming here soon and would like to have a brief talk with me about it. I said I was agreeable to this. Further I said that I really did not see any great difficulty in solving this canal waters dispute if we proceeded on reasonable lines.

As is usual with Mr. Ghulam Mohammad, immediately he criticised strongly minor officials in Pakistan who did not carry out the Government's policy and thus created trouble. He criticised some more important persons by name. Then
he said that it was amazing what a change had been brought about in the outlook of two old sinners, Shahabuddin, the Minister for Rehabilitation and Altaf Hussain, the Editor of Dawn, both of whom from being troublemakers in the past had now become great advocates of friendly relations between India and Pakistan. As for Mr. Liaquat Ali Khan, his mental approach to problems and to everything in life was that of an Oudh taluqdar (official). He was cautious in his approach and suspicious but having come to a conclusion he stuck to it. There was no doubt that he was anxious to carry through fully the Agreement that we have arrived at. And not only that but to follow it up in, other ways also.

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3054. Letter of Indian Minister of Rehabilitation K. C. Neogy to Pakistan Minister of Refugees and Rehabilitation.


Dear Khwaja Shahabuddin,

Will you kindly refer to your D.O. letter No. F. 62(3)/50 – P of the 13th May 1950, regarding the new evacuees to West Pakistan from the U.P.? Since the issue of Dutt's telegram No. 30316 of 6th May 1950 to Mohammed Ali we have informed our High Commissioner that we have no objection to persons, who migrated to West Pakistan from the U.P., between February 1 and May 31, 1950, being given permits for permanent return to India by December 31, 1950. Such persons will also have the privilege, on return, of claiming back the properties in India. By now our High Commissioner must have passed on this information to your Government. This was also stated in Dutt's telegram to Mohammed Ali No. 30324 of May 12. You will, therefore, see that in effect the concession provided in clause (v) of Section B of the Agreement has also been extended to the new evacuees from the U.P. to West Pakistan.

As regards your suggestion that permits for permanent return to India should be given automatically by our High Commissioner in Karachi on a certificate from officers authorized by your Government, you must be aware of the arrangement which has recently been agreed upon between our two Governments. I hope that as a result of our experience in dealing with the first 5,000 evacuees, it will be possible for us to extend the concession to subsequent batches also. I am sure you will agree that every precaution has to be taken at your end in screening
the returning evacuees so as to prevent the return of persons who are not entitled to the benefit of the new scheme.

Your sincerely

(K.C. Neogy)

The Hon'ble
Khwaja Shahabuddin,
Minister of Refugees & Rehabilitation
Government of Pakistan
Karachi.

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3055. Letter from the High Commission for India in Pakistan to the Ministry of External Affairs.

Karachi, June 3, 1950.

Office of the High Commissioner for India
Damodar Mahal, Karachi-5.

D.O. No. C.V. Poll 8/XLIIX-50. 2

2nd June, 1950

Dear Department,

Please refer to correspondence resting with your telegram No. 30853, dated the 31st May, 1950, regarding return to India of refugees who entered West Pakistan between the 1st February, 1950. With the concurrence of the Government of Pakistan, the normal procedure for the receipt of applications and issue of permits has been somewhat simplified.

Refugees will apply to the Ministry of Refugees, Government of Pakistan, on form 'A'. From the information provided therein, the Ministry of Refugees will compile form ‘B’. This will be sent to our permit officer and will constitute authority for the issue of a permit and a railway pass. The permit issued will, of course, be the usual permit for permanent return.

Form ‘B’ will be accompanied by three photographs of the person (s) concerned; also three specimen signatures/ thumb impressions. The Signatures/thumb impressions will be executed on detachable slip of paper pasted on to the last column of form 'A'. The slip of paper will be detached by the Ministry of Refugees and passed on to the Permit officer along with the
photographs and form ‘B’. The permit office will then paste one signature/thumb impression and one photograph on to each copy of the permit.

The completed permit and railway pass will then be dispatched to the Ministry of Refugees for distribution to the applicants.

Arrangements for dispatching refugees to the border will be made by the Government of Pakistan. The latter are instructing their own railway authorities to get in touch with Indian counterparts with a view to ensuring that arrival at the border from Pakistan is synchronized with departure to the destination in India. The permit office will be given prior information as to the probable date of arrival of the refugees at the Indian border.

The number of refugees to be admitted into India under this phase of the rehabilitation scheme has been limited by the Government of India to 5,000 persons. Allowing for the fact that many of these persons will travel in families, and will, therefore, not require separate permits, we have estimated that approximately 2,000 permits will have to be issued. The Pakistan Government have intimated that they will not be able to send us more than 100 forms ‘B’ per day, and we propose to issue permits and railway passes at the same rate, i.e., 100 per day. This will be impossible of achievement with our existing staff. We have calculated that six more clerks will be required – five for writing out permits and railway passes (at the rate of 20 per man, per day) and one for supervision and check. Obviously, it will be impracticable for staff to be sent from India. It is proposed, therefore, to have recourse to local recruitment for such period as may be necessary, at a consolidated pay of Rs. 100/- per menses. Recruitment is being started forthwith in anticipation of sanction. It is presumed that the expenditure will be debitable to the Ministry of Rehabilitation. Please confirm.

Your’s ever,
High Commission

The Ministry of External Affairs,
Government of India,
New Delhi.

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Letter from High Commissioner for India in Pakistan to the Ministry of External Affairs.

Karachi, June 3, 1950.

High Commissioner for India
Damodar Mahal, Karachi

Dear Mr. Dutt,

The Press of India and Pakistan and the Radio Pakistan are responsible for the news that Pakistan has agreed to take back 5,000 Hindu refugees who had left Sind between the 1st of February and 31st May, 1950.

We have no other information about this nor is it known who took the initiative in this respect and what correspondence if any, ensued about it between India and Pakistan? When the matter of Muslim refugees was initiated by the Pakistan Government they did it through us and the subsequent correspondence in this connection passed through us, but I regret that so far we have received no intimation whatever about Hindu refugees.

My first reaction is one of surprise at this. It has added a feather in the cap of Pakistan and has practically dimmed the grace from India's generosity in having agreed to take back a lakh or so of Muslim refugees. Now Pakistan is displaying its sweet reasonableness by taking Hindu refugees, although the number of Hindu refugees is only 5,000 as against a lakh or more of Muslim refugees and if the Hindu refugees do not come back, the kudos still remain with Pakistan for having made a noble gesture!

If India wanted to accept a sort of reciprocal arrangement, I don't see why the period of 1st February to 31st May was preferred for Hindu refugees. Pakistan suggested this period because of the large number of Muslim refugees coming over from India. During the period from August 1949 to January 1950 more than 14,000 Hindus migrated from this place. So, perhaps it would have been better if India had asked for the return of these. That would have been an acid test for Pakistan also. It was during this period in recent years that a sufficient number of Hindu house-owners, factory owners and zamindars left, followed by other people. Their houses, lands and factories were considered evacuee or allotted. Some of the other class of people who left did so because of the fear of molestation of the women, some because of social and economic pressure, some because of lack of opportunities in the absence of the richer section and
others because of their belongings having been forcibly taken over. It is clear, therefore, that unless the upper class Hindus are allowed to come here and are securely resettled even in a part of their holdings, there seems absolutely no chance of the other section coming back. During the period Feb. to May, it was the smaller people who left — hawkers, petty shopkeepers and manual workers. It would be absolutely futile, even risky perhaps, for them to come back. Where will they live? What will they do? How would they withstand the economic and the social boycott, or to resist the molestation of their women or arrange for the schooling of their children?

Leave aside the pre–pact period in which a lot of things happened, even during the post–pact period here are a few instances taken at random which show the mentality prevailing here and the conditions which would make it impossible for members of a demoralized community to come back.

1. Here is an extract from a Confidential letter No. C – 784 dated 22nd April 1950 addressed to me by the Sind Governor in response to a complaint made by me in March.

   “As regards para 2 of Your Excellency’s letter, the facts, as reported to me, are that some of the refugees driven out of Bharat with all kinds of atrocities perpetrated on them raised a serious objection to some of the individual Hindus of Mirpurkhas occupying palatial houses all by themselves. The refugees became desperate, but the District Magistrate intervened and with the consent of both the parties the seven or eight Hindus in question were allotted three or four houses in which they could live comfortably and the remaining three or four houses were placed at the disposal of the refugees. The assertion that, “the District authorities are rather unwilling or unable to give protection to the minorities” is seriously challenged. In fact, District authorities had made every kind of effort to protect these aggressive Hindus for full one year. Perhaps you would agree that as loyal citizens of Pakistan Hindus as well as Muslims are expected to cooperate with the District authorities in the rehabilitation of refugees”.

2. In a District in Sind a grandson took the bones and ashes of his deceased grandfather to Hardwar. During his absence and in spite of the presence of another grandson (the son having died much earlier), a serious threat has been given of his garden and some land being taken. In fact, some is said to have been taken already.

3. In Karachi, a widow was living in a house and had let out some flats in her house to some Hindus. These tenants have been turned out. They took refuge in the Swaminarayan Temple. The Custodian’s office referred the widow to the
Judge, Small Causes Court, who declared that as the tenants had taken shelter in the Swaminarayan Temple, he could do nothing to turn out the Muslim who had been allotted the main portion of the house. Now this allottee is not living in it himself but is said to have let it out to other tenants.

4. We have received a telegram that an old Hindu lady occupying a house in the interior of Sind has been murdered, obviously with the intention of her house being taken possession of.

5. A Hindu officer of the Port Trust, Karachi went to India on 4 months' leave after officially securing a written assurance that his flat will not be allotted in his absence. On the written undertaking he let in a Muslim employee of the Port Trust temporarily, after having a regular agreement drawn up. On his return the temporary occupant is in defiant possession and the Hindu officer finds himself in great trouble. He is still making representations.

Thus, a lot of things are being done here still – all in the name of rehabilitation of refugees. Aggrieved persons get no redress or get one occasionally after persistent efforts. To expect that when such a mentality prevails, our Hindu refugees will be able to lead a life of security in the interior of Sind is doubtful, even if they do come back by the pressure of circumstances and even though, in some districts, Govt. officers may try to help them in right earnest.

To sum up, my position is that when we show generosity, as an act of statesmanship, let us do it without striking a bargain. That is Gandhian philosophy. But if we strike a bargain, let it be substantial and not one which without being of advantage to us, serves only as a point for propaganda in favour of Pakistan. In this case the period between February and May suited Pakistan. The principle being that refugees on either side who have come away owing to fear or disturbed conditions should be given freedom to go back, such a condition prevailed recently in Sind between August – January when more than 14,000 Hindus migrated. Pak. Government has been proclaiming that Hindu refugees are welcome to return to Sind. Thus, we might take Pakistan at their face value and see if even now we can do something for the return of Hindu refugees to Sind, assuming, of course, that we do ask for reciprocity. As against a lakh of Muslims, India would only ask for $14,000 + 5,000 = 19,000$ for the present.

Yours sincerely

Sita Ram
(High Commissioner)
Secret

Letter from Ministry of External Affairs to the Ministry of Interior of the Government of Pakistan.

New Delhi, June 6, 1950.

Government of India
Ministry of External Affairs
New Delhi

No. F 10 (5)-BL/50

June 6th, 1950

My dear,

Will you kindly refer to your D.O. No. 5/9/50 – PMT, dated the 22nd May, 1950 to Dutt regarding the migration of Indian Muslims to Western Pakistan through Barmer?

2. Our information is that as a result of your strict enforcement of the permit system and of our efforts both official and non official to dissuade Indian Muslims from migrating to Pakistan, the exodus has completely stopped. There are also no concentrations at Barmer, Phulera or other railway stations. It would appear, therefore, that the situation has returned to normal and I hope you will agree that it is not now necessary for any special steps to be taken by you or by us as mentioned in your letter. I may mention, however, that our efforts to do everything possible to restore and maintain confidence amongst the minorities are being continued and all facilities will be given, as already intimated, to the returning migrants.

Yours Sincerely

(Prem Krishan)
Deputy Secretary

M.W. Abbasi, Esq.,
Joint Secretary to the Government of Pakistan,
Ministry of Interior (Home Division),
Karachi.
Letter from Secretary Ministry of External Affairs S. Dutt to High Commissioner for India in Pakistan Sita Ram.

New Delhi, June 12, 1950.


Dear Dr. Sita Ram,

Will you please refer to your Top Secret D.O. letter of June 3 regarding the reported offer of Pakistan Government to take back 5,000 Hindu refugees who left Sind between the 1st February and the 31st May 1950? I am afraid you are under a complete misapprehension as to the Government of India’s attitude in this matter. You will notice that Section B of the Prime Minister’s Agreement* are to apply only to recent migrants from East Bengal, West Bengal, Assam and Tripura. Although there is no definition of a “recent migrant” in the Agreement, it was understood that people who left East Bengal, West Bengal, Assam and Tripura as a result of the disturbances which began in February, would be entitled to the benefits provided by Section B. The question whether similar benefits should be insisted on in respect of earlier migrants was discussed while the talks between the two Prime Ministers were in progress but it was decided for various reasons not to pursue it.

2. The disturbances in U.P. were supposed to be, in the main, an echo of the troubles in East Bengal. It was hoped that following the Prime Minister’s Agreement, exodus of Muslims from U.P. would cease. This hope was not, however, fulfilled for weeks the daily exodus of Muslims to Pakistan across the Jodhpur – Sind border was on an average 3,000. The Government of Pakistan drew our attention to this continued exodus from U.P. and the matter was discussed by the two Prime Ministers in Karachi. The Pakistan Government alleged that the Muslim exodus was due to the pressure from the non – Muslims and disturbed conditions in U.P. We contended that this exodus was continuing because large numbers of Muslims, who had already migrated from U.P., were sending letters to their relatives in India to the effect that Pakistan offered an attractive field of employment for artisans and others. However, the fact that large numbers of our nationals were leaving U.P., in spite of the Prime Minister’s Agreement, was proving embarrassing to us. As an earnest of our anxiety to disprove the allegation of pressure on the Muslims and to ensure safe conditions of life for the minority, we decided not only to dissuade those who had not already left, but also to take back those who had migrated from northern India as a result of the recent disturbances and to restore their properties to them. As

*Nehru – Liaquat Pact on Minorities.
in the case of East and West Bengal, we proceeded on the assumption that the recent migration had started from the 1st of February; and we put the limiting date as the 31st May as we hoped that by that date further exodus from U.P. would cease. At no stage was it our intention to couple our offer to take back the Muslims with a demand that Pakistan must also take back the Hindus who had recently left Sind. In fact we have no official intimation of Pakistan's intention to that effect. All that we have seen are press reports which appeared about the end of May. As I have already stated, the Prime Minister's Agreement and its subsequent extension, in certain respects, to the U.P. covers only recent migrants and we could not, therefore, in any case object to Pakistan's giving reciprocal benefits only to those Hindus who had left Sind after the 1st February. If we propose to bring within the scope of the Agreement earlier migrants, that can only be done as a result of further negotiations between the two countries. Personally, I have no doubt as to the likely results of such negotiations. They would not lead to any agreement.

3. As regards the instances you quote of the unfair dealings which the Pakistan Government are meeting out to Hindus in Sind even now, you will remember that this matter was discussed at Karachi between the two Prime Ministers and between me and Mohd. Ali. I have recently sent you Mohd. Ali's reply to a note which I had sent him on our conversation. Mohd. Ali denies the allegation of forcible dispossession of Hindu property. I have asked you for material for reply to his letter. The instances that you give are telling rebuttals of his statement and I suggest that you take them up immediately with the Pakistan Government.

Yours sincerely

Sd- (S. Dutt)
Secretary

Dr. Sita Ram,
High Commissioner for India in Pakistan,
Karachi.
Letter from High Commissioner for India in Pakistan Sita Ram to S. Dutt Secretary in the Ministry of External Affairs.

Karachi, June 17, 1950.

D.O. No. HC - 742

High Commissioner for India
Damodar Mahal, Karachi

Dear Mr. Dutt,

Thanks for your D.O. No. 407/50 – S, dated 12th June 1950. Let me assure you that the policy of the Government of India is well – understood by me. This will be clear from what I said in my D.O. letter of 3rd June that it was an act of statesmanship and generosity. But what led me and other officers of the Mission into confusion was the reports which had appeared in the Press of India and Pakistan and by the news and talks broadcast day to day by the Pakistan Radio. They were not contradicted. In fact, one of the news items was that India was ascertaining the wishes of the Hindu refugees about their return. What we felt was that Pakistan would not and could not give real and full support to the return of Hindu refugees to Sind. About 100 Hindu refugees or so are even now migrating from here every week. We have brought it to the notice of the Pakistan authorities. The conditions in the interior of Sind and Karachi are still not very favourable for their return. Only the other day a big businessman, a Hindu, went on a permit to India but was refused return permit to Karachi; this would mean grabbing of property worth about 8 lakhs! This talk of Hindu’s return was started perhaps by Pakistan to take away the grace of India’s action. That is what led me to write to you, so that in case we struck a bargain, we might ask for a great deal more. However, I am glad to have had a misapprehension removed by your informing me that there has been no such agreement.

You will be interested to learn that there is a concerted move to send away as many Muslims as possible from this place and that there is a very great rush on us here for granting permits to Muslims for India, apart from the 5, 000 (or is it 1,00,000?) who are to be repatriated under the new understanding. Only yesterday some members of the ‘Phir Bassao Committee’ (Resettlement Committee) asked me to give facilities for the repatriation of about 30, 000 Muslims who had migrated from various Districts of the U.P. long ago but who are said to be nationalists. You will have to think over the whole question about West Pakistan.

P.S. You will find the enclosure rather interesting.

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Enclosure to the Above Letter

The following is the operative part of the Custodian's judgment in the appeal made under Section 36 of the ‘Pakistan Evacuee Property Ordinance' by Lalchand Nenumal of Nawabshah (Sind):-

'I allow appeal and direct that the appellant's property shall all be restored to him except what may have been allotted by the Rehabilitation Commissioner to any refugee. For property which has already been allotted, the appellant may, if he is so advised, apply to the Rehabilitation authorities for cancellation of the allotment.'

Lalchand Nenumal wired to the Hon'ble Minister for Rehabilitation on 31st May 1950 that he was declared 'non evacuee' by Custodian six months ago but his Cotton Ginning Factory at Nawabshah was not yet restored. He has also applied in writing under a registered cover.

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3060. Note of the Ministry of External Affairs to the Pakistan High Commission in India.

New Delhi, July 5, 1950.

No.F.23-4/50-pak.III.

The Ministry of External Affairs of the Government of India present their compliments to the Pakistan High Commission in India and, with reference to the High Commission's note No.F.8(11)P/50/1159 dated the 24th April, 1950, (Document No.3041.) have the honour to say that the views of the Government of Pakistan have been carefully considered.

2. As the Government of Pakistan are aware, the Government of Assam have, for many years prior to partition, had to deal with a serious problem arising from the entry of a large number of East Bengal residents into their Province and occupying lands reserved for grazing and other purposes in accordance with settled policy and thereby upsetting the economy of Assam. All such occupations were in contravention, and, indeed, in defiance, of the Revenue Laws of the State. The Government of Assam have been dealing with such occupations strictly in accordance with the policy formulated before partition which had also the approval of the one time Muslim League Government of Assam. Immigration into Assam from East Bengal continued even after partition
and to control this immigration which was rapidly creating a serious law and order situation in the State, the Government of India were compelled to issue an Ordinance and later to enact legislation by an Act of Parliament in February, 1950 for the expulsion from Assam of all undesirable immigrants.

3. No request was received from the Government of Pakistan under the Indo-Pakistan Agreement of December, 1948 for a discussion of this problem, at Minister level. Nor was it possible, in view of the suspension of Indo-Pakistan conferences and the political climate prevailing at the time, for the Government of India to consider discussion of the matter with the Government of Pakistan at Minister level. The law and order aspect of the problem was so urgent that no delay could be tolerated.

4. The Government of India cannot accept the view of the Government of Pakistan that the passage of the Immigrants (Expulsion from Assam) Act is likely to result in an influx of large dimensions from Assam to East Bengal. The experience of the months since the Act was passed shows that the fear of the Government of Pakistan is unfounded. Such movement of Muslims as there has been from Assam to East Bengal has been the result of communal disturbances which unfortunately took place in February and March, 1950 and even so the magnitude of the movement has nowhere been so great as imagined by the Government of Pakistan.

5. The Government of India fully appreciate the humanitarian aspects of the matter and have taken steps to ensure that the Act will be enforced only against persons who are clearly established to be new and undesirable immigrants. They have taken steps to ensure that cases of earlier immigrants, as well as doubtful cases are carefully considered at the highest level before action is taken under the Act for their expulsion. They have directed that necessary opportunity should be given to persons against whom action is contemplated to be heard in defence and that a reasonable time should be allowed for an undesirable immigrant, against whom an order of expulsion is passed, to leave the State. Action has also been taken to ensure that there is no harassment of those against whom orders of expulsion are passed. In spite of the fact that several months have elapsed since the Act was placed on the Statute Book, the number of persons expelled from Assam under its provisions has been very small, (not exceeding seventy five cases) showing that very great care is being taken in the application of the Act, and this will continue to be so.

6. The immigrants (Expulsion from Assam) Act has been passed by the Parliament of India and can be annulled only by parliament. In the circumstances adverted to above, the Government of India do not feel that there is a case for moving Parliament to do so. Nor do they consider that any useful purpose will be served by holding a conference now at Minister level to consider this matter.
The Ministry take the opportunity to renew the assurance of their highest consideration.

To
The High Commission of Pakistan in India,
New Delhi.

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3061. Note of the High Commission for India in Pakistan to the Pakistan Ministry of Foreign Affairs.


Office of the High Commissioner for India in Pakistan
New Town, Karachi-5


The Indian High Commission presents its compliments to the Government of Pakistan, Ministry of Foreign Affairs & Commonwealth Relations, Karachi, and has the honour to state that, as the Government of Pakistan are aware, the Government of India agreed recently to take back 5,000 persons out of those who migrated to Pakistan between 1st February 1950 and 31st May 1950 as a first step towards repatriation. The movement of these 5,000 persons was to take place under a special procedure, and it was agreed that until the Government of India had an opportunity to examine the working of this procedure, further batches of migrants should not be allowed to return to India. It has now been learnt that about 254 persons have entered Jodhpur border without permits, thereby contravening the agreed procedure under which the movement was to take place. These persons are being placed in a camp and they will not be allowed to proceed further into India until the Government of India are satisfied that they are recent migrants.

2. It is reported that another 1,000 persons are endeavouring to enter Jodhpur territory without permits or other authorization. If this movement takes place, it will be a further violation of the agreed procedure. It is requested, therefore, that suitable measures be taken to prevent such irregular movement from Pakistan into India. Immediate action, under intimation to this Mission, would be appreciated.
3. The High Commission avails itself of this opportunity to renew to the Government of Pakistan assurances of its highest consideration.

Ministry of Foreign Affairs & Commonwealth Relations,
Government of Pakistan,
Karachi.

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3062. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, August 5, 1950

New Delhi August 5, 1950.

My dear Nawabzada,

I have had several meetings with the two Central Ministers, Dr Malik and Mr Biswas, and have also met the Chairmen of the Minority Commissions and the Chief Secretaries of East Bengal and West Bengal. We have discussed various matters with them. My colleague, Mr. Gopalaswami Ayyangar, has also had long discussions with them. I do not propose to write about these discussions, as you will no doubt be informed about them. But there are some matters to which I should like to draw your attention.

2. I find that there is some vagueness about the functions of the Central Ministers. When we appointed them, I thought that our intention was for them to be in responsible charge, on behalf of their respective Governments, and to deal with matters arising out of the Agreement of April 8th. The position was undoubtedly rather novel. I find that on our side there has been some overlapping and consequent delay by the fact that provincial Governments often deal directly on this subject with our Government here. Our Central Ministers have largely devoted themselves to touring in both West Bengal and East Bengal and have no doubt done a great deal of good work in this way. But apart from this, they appear to have functioned merely as a post office.

3. I think it would be desirable for them to deal a little more directly with the problems that come up before them. First of all, I would suggest that all papers should normally go to them. That is to say that the West Bengal Government, in dealing with problems relating to the Agreement, should deal with our Central Minister as representative of the Government of India. He can either dispose of
the matter himself or, if he thinks it necessary, refer it to us here. The provincial Government should, at the same time, send copies of communications, etc., to us here to keep us informed. But the normal channel should be through the Central Minister. This would be a much more expeditious and effective way of dealing with day-to-day problems. In the same way, I would imagine that your Central Minister, Dr Malik, would function as your Government's representative there dealing with the problems on the spot and making references to you whenever necessary.

4. There is to be of course constant touch between each Central Minister and his provincial Government and full coordination between them. Each should be kept informed of what the other is doing in regard to these matters.

5. The Central Ministers should give their advice or suggestions to the provincial Governments, or whenever they tour, many small matters can be disposed of on the spot without long correspondence, etc.

6. The Central Ministers should send frequent reports containing their own analysis of the situation as well as their recommendations. Where possible, it will be a good thing if they send joint reports and joint recommendations. Where they disagree, they can easily note their disagreement. These reports could be sent direct to the Central Governments as well as to the provincial Governments concerned. Of course it is always open to each Central Minister to send his separate report to his own Government.

7. You will remember that I have often spoken and written to you about the question of requisitioning of urban houses. I mentioned this during our talks early in April 1950 and later, at Karachi. I wrote to you about this also, because this matter of requisitioning houses belonging to the minority community in East Pakistan had given rise to a great deal of feeling. It was an important reason for people to think that they were not wanted in Pakistan and were being pushed out. Indeed it became difficult for some persons to stay on when their house was requisitioned. It was equally difficult for people to go back when they had no house to go back to. I suggested, therefore, that every attempt should be made to derequisition some of the houses that had previously been requisitioned.

8. You were good enough to say that you would look into this matter and that you agreed that houses should not be requisitioned, unless there were special reasons for it. In particular, occupied houses should not be requisitioned and where a person had more than one house, he should always be left with at least one house.

9. To our surprise, we found sometime later that many more houses were being requisitioned. Last month, in July especially, information came to us repeatedly about a large number of houses being requisitioned all over Eastern
Pakistan. This had a powerful effect in making people feel that members of the minority community were not welcomed in East Pakistan and the migrants should not return. In particular, complaints poured in the month of July. We communicated immediately with the Pakistan Government and I believe the West Bengal Government communicated with the East Bengal Government. To our great surprise, we were told by Pakistan that this was being done in agreement with the Government of India. Nothing could have astonished me more, because right from the beginning we have been pressing you for derequisitioning and it was exceedingly difficult for us to be told that we had agreed to large-scale requisitioning of houses.

10. It has now transpired in the course of our talks that something that I had written to Chaudhuri Zafrullah Khan about land and cultivation thereon had been applied to urban houses. I have referred back to what I wrote and it is perfectly clear. This misunderstanding has thus been removed.

11. On enquiry, we were told that the East Pakistan Government issued an order on the 7th July for large-scale requisitioning and in fact, in the three weeks that followed in July, 8, eleven houses were requisitioned in East Bengal. This figure was given to us by the Chief Secretary of East Pakistan. I was taken aback to learn this and I realised how powerful must have been the effect of this large-scale requisitioning on the mind of the minority community. We were told that this requisitioning has been done of empty houses only. That may have been the intention. But I have little doubt that there were many cases, when houses occupied by some relative or someone else were also requisitioned. To our knowledge, people were asked to vacate their houses at very short notice, causing great inconvenience, and some alarm. We were told that altogether 4,000 to 5,000 houses had been requisitioned in East Bengal in the course of the last year or two. Of these, some were Muslim houses; but the great majority belonged to Hindus.

12. Apart from the fact that houses which were empty were requisitioned, there was the other fact that these houses contained furniture, goods and chattels of the owner and there was grave risk of these disappearing. In West Bengal I am given to understand that altogether forty-six Muslim houses were requisitioned since February 1950, and out of these, twenty-four were derequisitioned. Thus ultimately only twenty-two Muslim houses were requisitioned and this was done for governmental purposes and not for refugees. I might mention that hundreds of Hindu houses were requisitioned by the West Bengal Government.

13. It is true that a large number of houses were forcibly occupied by refugees in West Bengal. The Government there forcibly ejected these refugees from two
hundred and eighty-five such houses, in spite of a great deal of agitation against
this kind of thing. After that, they toned down a little, but it is their policy to get
these houses vacated.

14. The news of the large-scale requisitioning in East Bengal has had most
unfortunate consequences in West Bengal, more especially when it is known
that the requisitioning was for refugees. The refugees in West Bengal are agitating
for a like procedure to be adopted in West Bengal and those who have forcibly
occupied houses now find an argument not to leave them. All this of course
powerfully affects the return of the migrants and generally creates difficulties all
round. You will appreciate the importance of this matter from the point of view of
giving effect to the letter and spirit of our Agreement.

15. I would earnestly request you to have early steps taken about this matter.
I would suggest for your consideration the following:

(i) There should be no further requisitioning of houses, except for very
exceptional purposes and when Government itself requires them (not for
refugees),

(ii) The procedure for derequisitioning, after the owner comes back, should
be very easy and swift,

(iii) No houses should be requisitioned by Government, even for its own
purposes, if the house is occupied by the owner or any member of his
family or any other representative,

(iv) There should be a careful enquiry before a house is requisitioned as to
whether it is in fact vacant. The house should not be considered
unoccupied if the owner has gone away for a few days,

(v) A careful scrutiny should be made of the houses already requisitioned to
find out if they were really empty or not at the time of requisitioning. The
scrutiny should extend to the moveable property belonging to the owner
that was in the house,

(vi) The rent realised from houses that have been requisitioned should be
paid to the owners.

16. I was told that in practice in East Bengal blank and signed forms were
supplied for requisitioning houses to the inferior staff. These forms were pasted
on houses which, for the moment, looked empty. Thus, whatever the policy of
the East Bengal Government, the implementation of it was left to the judgement
or pleasure of some very petty local officials. At any time this would have
produced undesirable results. In existing circumstances, this was bound to lead
to injustice and consternation.
17. There is one other matter to which I should like to refer and that is about educational institutions in East Bengal. Both practically and psychologically, the policy to be adopted in regard to such institutions has far-reaching effects and I would suggest to you that great care should be taken not to interfere in any way with such institutions.

18. We have to deal with difficult problems, but the greatest difficulty is how to produce the right impression on the minds of people. If we do not produce that right impression, then our efforts fail. It is because I think that this requisitioning of houses and the treatment accorded to educational institutions particularly affects the people concerned and makes them think in a special way that I have laid some stress on these two matters. There are other matters of course, but I do not wish to lengthen this letter. You will no doubt discuss them with the Central Ministers.

19. I have suggested to the Central Ministers that I would like them to spend a day here in Delhi on their way back from Karachi. They need not stay long here and the others accompanying them need not trouble to come back to Delhi. It would be helpful to us if we had a brief talk with the two Central Ministers after they had seen you.

Yours sincerely

Jawaharlal Nehru
3063. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, August 12, 1950.

New Delhi, August 12, 1950

My dear Nawabzada,

Dr. Malik gave me your letter* of the 10th August today. Thank you for it.

We have today accepted the various agreements arrived at after the discussions of the two Central Ministers with us here and with you in Karachi. We have suggested two or three very minor changes in the drafts. These embody points which have been separately agreed to. I hope that these agreements will be published, as arranged, on the 15th, and that they will help somewhat in easing the situation.

I do not know if you have read the speech** I delivered in Parliament here in the debate on the Bengal situation. In the course of this speech, I dealt fully and frankly with Dr. Shyama Prasad Mookerjee's proposals and general attitude. In case you would care to have a copy of this speech, we are asking our High Commissioner in Karachi to supply it to you.

I agree with you that there should be a certain flexibility in the work of our Central Ministers. We have felt, however, as I wrote to you previously, that some directions from the Central Government would be helpful in enabling our Central Ministers to decide many points on the spot. Also that the procedure should be normally for the provincial Government concerned to deal with the Central Minister directly on the subjects concerning him. He would represent the Central Government for this purpose. Of course, he can make any reference. To make this clear, our Cabinet has passed a resolution empowering the Central Minister to act in this manner.

Yours sincerely,

Jawaharlal Nehru

* Liaquat Ali promised immediate action on an agreement relating to requisitioning of houses in East Bengal and into complaints of interference in the activities of a minority educational institution in Chittagong and wanted India to check propaganda by the West Bengal press and the activities of certain leaders like Shyama Prasad Mookerjee.

** Speech in the Lok Sabha on August 9, 1950 while replying to the debate on Bengal.
Press Note Issued by the Ministry of External Affairs about the agreements arrived at between the Ministers of Minorities of the Governments of India and Pakistan.

New Delhi, August 16, 1950

The two Central Ministers of India and Pakistan, Mr. Biswas and Dr. Malik, and the Chairmen of the Minority Commissions of East Bengal and West Bengal held discussions with the Prime Minister and representatives of the Government of India from August 3rd to 5th and with the Prime Minister and representatives of the Government of Pakistan on August 9th and 10th. At these meetings, the working of the Indo Pakistan Minorities Agreement of April 8th was brought under close review. In particular, difficulties that have been experienced in practice in the implementation of some clauses of Agreement and the further measures necessary to speed up the restoration of confidence in the minds of the minority community in West Bengal, East Bengal and Assam were fully discussed. The decisions taken have been embodied in the annexure.

These decisions provide in particular for measures for dealing with communal incidents and their prevention, the restoration to the returning migrant owner or migrant occupier of his property and the tightening up of the procedure for the recovery and restoration of abducted women and the punishment of offenders.

COMMUNAL INCIDENTS

As regards communal incidents, it has been agreed that every communal incident brought to the notice of the authorities shall be promptly investigated and effective and deterrent action taken against the miscreants, including Government servants, if any, who may have been guilty of dereliction of duty; that the widest publicity should be given to action taken to deal with the offenders and that in each case the causes underlying the incident shall be investigated in order that remedial measures may be taken to prevent the recurrence of such incidents. The Presidents and Members of Union Boards will be charged with the special responsibility of preventing communal incidents in rural areas and of actively promoting goodwill between the two communities. In areas where communal incidents are of frequent occurrence, influential persons, particularly those belonging to the majority community, should be appointed Special Constables and charged with the responsibility for preventing such incidents. In addition in such areas, or whenever in any area a serious communal disturbance takes place and the inhabitants are found to have been either responsible for such crimes or have not been diligent in preventing them, a collective fine shall be imposed or a punitive Police force stationed. Action shall also be taken against Government officers who are found to have acted against the spirit of the
Returning Migrants

As regards returning migrants, the following principal decisions have been taken:-

Firstly, the Governments of West Bengal, East Bengal and Assam will persuade employers of industrial labour and other private employers to reinstate returning migrants in their old jobs.

Secondly, all migrants shall be entitled to the restoration of their immovable property as stated below:

A. Urban Property:

Third parties occupying migrants' houses without lawful authority shall be ejected by the Government and the possession of such houses shall be restored to the migrant owner or migrant occupier immediately he returns. As regards houses requisitioned by Government those requisitioned after the Agreement shall be de-requisitioned if at the time they were requisitioned they were in occupation of the owner or his relations or tenants. Every attempt will also be made to de-requisition such of the recently requisitioned houses as are periodically visited by their owners and remain for the rest of the year in the occupation of their employees. As far as practicable the same principles should apply to houses requisitioned before the disturbances. In future houses occupied by the owners or their relatives or tenants in a bonafide manner will not be requisitioned except for urgent Governmental requirements. Rent or compensation for a requisitioned house shall be promptly assessed and regularly paid. In the event of the migrant owner or migrant occupier returning before 31st December, 1950, the house shall be de-requisitioned.

B. Rural Property:

Migrants lands which are under the Aus and Jute crops shall be restored to returning migrants whenever they return after the end of the Aus or jute harvest and third parties now in occupation shall be ejected. Where, according to this arrangement the entire holding, including the homestead, cannot be restored to the migrant, he shall be provided with alternative accommodation.

As regards lands under the Aman crop, it shall be open to the migrant to return at any time after the 15th of January and before the 31st March, 1951 when such lands shall be restored to him on return.

Vacant homesteads and lands on which no crops have so far been grown shall not be allotted to third parties. It shall be open to the migrant owner or migrant
tenant or occupier to return and occupy such lands and houses at any time before 31st March, 1951 and the State/Provincial Government shall assist him in obtaining possession of such lands and houses immediately on return.

**Recovery and Restoration of Abducted Women**

As regards the recovery and restoration of abducted women, it has been agreed that recovery should be quick, that during the investigation and trial the abducted woman should be kept in neutral custody, that the trial should be speedy and the punishment to the offender deterrent and that such women must eventually be restored to their relations. For this purpose it was agreed that police officers should be given powers to search without a warrant houses and places where an abducted woman is suspected to have been kept and that the two Central Ministers should examine the question whether any other additional legal power are necessary to facilitate and punish offenders.

**Ministry of External Affairs**

**New Delhi, August 16, 1950.**

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**Annexure**

I. **Communal Incidents:**

1. It was agreed:

   (i) that whenever a communal incident is brought to the notice of the authorities, it should be promptly investigated and effective action should be taken against the miscreants, including Government servants, if any, who may have been guilty of dereliction of duty;
   
   (ii) that the widest publicity should be given by Government to action taken to deal with the offenders;
   
   (iii) that investigation should be directed to determine the causes of the particular incident in order that remedial measures might be devised and taken to prevent the recurrence of such incidents.

2. It was agreed that each and every incident reported by one Government to the other should be inquired into promptly and, if the facts are established, action taken to bring the wrong-doers to book. The result of the enquiry and the action taken should be communicated to the other Government. Priority in the matter of inquiry and action should be given to the more serious incidents including cases involving offences against women. Wherever necessary, the State/Provincial Government should set up a special machinery or place officers on Special Duty so that those inquiries could be undertaken quickly.
3. It was agreed that the Presidents and Members of Union Boards should be charged with special responsibility for the prevention of communal incidents in their areas, the protection and the welfare of the minorities and the promotion of goodwill between the two communities. Instructions to this effect should be issued to the Union Boards by each State/Provincial Government.

It was also agreed that the legal implications of this should be further examined as also the possibilities of penal or disciplinary action against the Presidents and Members of Union Boards in the event of their failure to discharge this responsibility.

4. It was agreed that in areas where communal incidents are of frequent occurrence influential persons, particularly those belonging to the majority community should be appointed as special constables and charged with responsibility for the prevention of such incidents, in particular abduction or molestation of, or insults to women and for the apprehension of offenders.

5. It was agreed that an area where a serious communal disturbance takes place, or where there is a succession of incidents involving oppression or harassment of the minorities, and where the inhabitants have either themselves been responsible for the crimes or have not been diligent in preventing the commission of such crimes should be penalized by the levy of a collective fine or the imposition of a punitive police force.

6. It was agreed that a deterrent sentence should be awarded on an offender convicted of communal crime, particularly in cases involving offences against women.

II Recovery and Restoration of Abducted Women:

1. It was agreed that the procedure to be adopted in East Bengal, West Bengal and Assam should be such as to ensure (a) speedy recovery of abducted women, (b) during investigation and trial her interim custody in a neutral institution where she can be free from extraneous influence (c) speedy trial and punishment of the offenders, and (d) the ultimate restoration of the recovered woman to her relations.

2. So far as trial and punishment of the offenders were concerned it was agreed that the normal penal law and procedure should continue to be followed; but that steps should be taken to ensure that investigation and trial were prompt and a deterrent sentence was awarded in case of conviction.

3. It was agreed that police officers of a stated rank should be given the powers to search without warrant houses and places where according to information received by them, an abducted woman might be found.
4. It was further agreed that the two Central Ministers should examine the question whether any other additional powers were necessary to deal with such cases and in particular whether for the purpose of recovery and custody the definition of an abducted woman should be framed on the model of the Punjab Acts.

5. It was agreed that upon the recovery of an abducted woman, it should be obligatory for the Police and the Court to remit her to the custody of a Home to be established by the Provincial/State Government, and that this should be done irrespective of the age of the recovered woman, her statement before the Magistrate or the Police or the defence case.

6. Such Homes for the custody of recovered women should be established by the Provincial/State Government at such places as may be considered necessary. With the management of such Homes should be associated and Advisory Committee consisting of an Official Chairman and non-official women members, a majority of whom shall belong to the minority community.

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III. Deliquent Government Officers:

1. Attention of Officers of both Governments should be drawn to the provisions of para 7 of the Delhi Agreement of December, 1948.

2. It was agreed that disciplinary action should be taken against officers who are found to be acting against the spirit of the Agreement or in any way fail to implement it, or who directly or indirectly lend support to persons who are against the Agreement.

3. The Governments of East Bengal and of West Bengal have already taken steps to appoint a Focal Officer and who would be kept informed of the progress of the Departmental Proceedings. It will be the responsibility of the Focal Officer to ensure that these cases are dealt with promptly and properly and that the punishment awarded is adequate. It was agreed that the Government of Assam should also be asked to appoint a similar Focal Officer.

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IV Restoration of Houses and Lands to Migrants:

It was agreed that the Governments of West Bengal, East Bengal and Assam should immediately assume powers necessary to eject unauthorized occupants of migrants' property and to restore the possession of such property to the migrant owner or occupier on his return.
In this connection following decisions should be given the widest publicity:-

(A) **Urban Property**

As regards migrants' houses occupied by third parties without lawful authority, the Provincial/State Governments concerned undertake to eject such persons from those houses immediately on the return of migrant owners or migrant occupiers and to restore possession of such houses to them.

As regards houses belonging to the minority community which have been requisitioned by Government, it is agreed follows: -

a) That with regard to houses requisitioned after the April Agreement all houses belonging to the minority community which were in the occupation of Owners or their relations or tenants shall, if requisitioned, be de-requisitioned and possession shall be restored to those who occupied such houses at the time of requisitioning. Every attempt will also be made to derequisition such requisitioned houses as are periodically visited by their owners and for the rest of the year remain in the occupation of their employees. As far as practicable, the same principles should apply to houses requisitioned before the disturbances;

b) That in future, houses which are occupied by the owners or their relations or by their tenants will not be requisitioned, provided, however, that houses which are occupied in *bona fide* manner by the members of the minority community may be requisitioned in future only for urgent governmental requirements, and orders of requisition should be issued only after a careful examination of the case by a responsible Government Officer of high status;

Note:- Urgent governmental requirements shall not include finding accommodation for individual refugee families but may include the establishment of refugee camps by Government.

c) That the procedure for de-requisitioning should be made as simple as possible;

d) That in the event of requisition, adequate time should be allowed to the owners for the removal of their furniture and other movable property;

e) That rent or compensation will be promptly assessed, and in the case of rent, shall be paid regularly; any arrears of rent that may have accumulated shall be cleared off as quickly as possible;

f) That in the event of a migrant owner or migrant occupier of a requisitioned house returning to his home before the 31st December, 1950 the house shall be de-requisitioned.
(B) Rural Property:

1. It was agreed that migrants’ lands which are under the Aus and Jute crops shall be restored to returning migrants whenever they return after the end of the Aus or jute harvest and the third parties (whether authorized allottees or trespassers) now in occupation shall be ejected.

b) In the event of the migrant not returning such lands shall not be reallocated to third parties before the 31st March, 1951.

c) Where according to these arrangements, the entire holding, along with the homestead, cannot be restored to the migrant, he shall be provided with alternative accommodation.

d) In all such cases the over-riding consideration should be the restoration of all the immovable property of the migrant to him at the earliest possible date.

2. As regards lands under the Aman crop it shall be open to the migrants to return at any time after the 15th of January 1951 and before the 31st March, 1951, when such lands shall be restored to him on return.

3. Vacant homesteads and lands on which no crops have so far been grown shall not be allotted to third parties. It shall be open to the migrant owner or migrant tenant or occupier to return and occupy such lands and houses at any time before 31st March, 1951, and the Provincial/State Government shall assist him in obtaining possession of such lands and houses immediately on return.

V. Jurisdiction of Trust Committees:

With regard to the difference of opinion which has been arisen between East Bengal and West Bengal as to whether the Trust Committees under Clause (VI), Section B of the Agreement, could assume management of the property of a migrant who applies in writing asking for such arrangement without formally declaring his intention not to return, it was decided that the two central Ministers will give their final decision in the matter on return to Calcutta.

VI. Customs:

1. It was agreed that Customs Officers on both sides should be asked to give liberal interpretation to the term ‘migrant’ and that elaborate examination of a traveler to ascertain whether he is a migrant or not should be avoided.

2. It was agreed that it should be impressed upon the Customs authorities on both sides of the border that ‘certificate of status’ was not necessary in order to enable a migrant to bring his personal jewellery.
3. It was agreed that the question of the detention of cattle at beanpole and other border points in East Bengal should receive the highest priority of consideration at the next Chief Secretaries' Conference.

4. It was also agreed that the procedure for the speedy return of articles seized by Customs before the Agreement should be resolved at the next Chief Secretaries' Conference. In the meantime the time limit of three months after which seized articles are due to be sold by auction should be extended.

VII. Displaced Industrial Labour:

The Governments of West Bengal, East Bengal and Assam agree to persuade employers of industrial labour and other private employers to reinstate returning migrants in their old jobs.

VIII. Publication of figures of migration between West Bengal and East Bengal:

It was decided that only agreed figures of migrant traffic at checking stations in East Bengal and West Bengal should in future be published. The mechanism necessary for obtaining such figures should be worked out at the next Chief Secretaries' Conference.

IX. District Minorities Boards:

1. In view of the fact that some members of District Minorities Boards had migrated to the other country it was agreed that district Minorities Boards in either country should be reconstituted immediately, wherever necessary.

2. It is understood that rules relating to the grant of transport facilities and traveling allowances to members of Minorities Boards in respect of journeys authorized by the Boards already exist. These rules should be brought to the notice of the members of the boards by the district Officers.

3. It was agreed that Sub-Divisional Minorities Boards should be established both in East Bengal and in West Bengal and Assam.

X. Publicity and Propaganda:

1. It was agreed that pamphlets and literature regarding the Indo-Pakistan Agreement should be circulated more widely particularly in the rural areas.

2. It was agreed that a Communal harmony Week should be celebrated in East Bengal, West Bengal and Assam in the near future.

3. It was also agreed that such propaganda, in order to be effective, should be sustained.

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3065. Comments by Prime Minister Jawaharlal Nehru on the Note for the Cabinet Committee on "Displaced Persons from East Bengal" prepared by the Ministry of Rehabilitation.

New Delhi, August 30, 1950.

1. The note of the Rehabilitation Ministry, prepared for the Cabinet Committee, deals with the problem of the displaced persons from East Bengal. The rehabilitation of the displaced persons from Western Pakistan is itself a very big problem. But it is static in the sense that the numbers are not growing. In regard to the D.Ps from East Bengal, however, the situation is fluid and more people are coming through. It is difficult, therefore, to have a precise picture of the future. The future will depend on many factors, some of which are uncertain.

2. Nevertheless, in spite of the influx from East Bengal continuing, there is a certain measure of uniformity about it and we can form some picture, provided nothing unforeseen happens.

3. The First thing to be clear about is the position now, that is, the number of people who have come over from East Bengal and who require looking after. In the first paragraph of the Rehabilitation Ministry’s note, it is stated that fifteen lakhs of D.Ps came over from East Bengal to India up to the end of December 1949. From the 1st January, 1950, it is stated that another 26.5 lakh D.Ps came to India from East Bengal. Separate figures are given of arrivals in West Bengal, Assam, Tripura and Bihar and Orissa. It seems to me that these figures are not correct and certain facts have not been taken into consideration. The figures are more or less correct in so far as they give the number of people who have come over. But, as is stated later in the note, there has been also a considerable movement in the reverse direction. In order, therefore, to get a correct picture of the total number of D.Ps from East Bengal, one has to deduct those of them who have gone back, and that makes a considerable difference. I have had a careful check-up made in the External Affairs Ministry of all the figures of migrations at our disposal I am giving these figures separately.

4. From this it would appear that the total influx of non-Muslims from East Bengal from 1947 onwards to the 6th February, 1950, is estimated to be a little over thirteen lakhs. (The census was taken in December, 1949, and this figure is based on the census. The census include D.Ps in West Bengal, Assam, Bihar, Manipur and Tripura).

5. From 7th February, 1950, up to the date of the Agreement of April 8th, 1950, the net influx was 7,90,365. After the Agreement the net influx has been 8,36,967.

6. This totals up to 29, 34,065. This does not include those who came on
foot across the land frontier. Only an approximate estimate of these can be made. The figure given for this is three lakhs. The total thus becomes 32,34,065 (This total has been arrived at after deducting the number of non-Muslims who have returned to East Bengal in 1950, chiefly after the Agreement. The figure is 7,61,603).

7. The figure for the total influx given in the Rehabilitation Committee's note is 41½ lakhs. This should be corrected therefore, the actual figure being 32,34,000 or so.

8. The Total net Muslim exodus from India to East Bengal has been calculated as about 5½ lakhs. Again, this figure is arrived at after deducting the number of Muslims who have come back to India from East Bengal.

9. Balancing the influx in and exodus from India in so far as East Pakistan is concerned, the net influx into India since the Partition (both Hindus and Muslims included) is thus about 26,84,000.

10. In understanding the present position, we see that since the Agreement the net influx into India from East Bengal of non-Muslims has been 8,36,967. The net exodus of Muslims from India to East Bengal after the Agreement has been 4,21,908. This means that taking Hindus and Muslims together, the net influx into India from East Pakistan has been 3,81,092.

11. Again, examining recent figures of migrations for the last thirteen days from the 14th August to 26th August, we get the following figures:

   Hindu exodus from East to West Bengal .... 82,102
   Hindus returning from West to East Bengal .... 73,842

There was thus an excess, during these thirteen days, of 8,260 Hindus coming to West Bengal. This means roughly an excess of 650 a day.

12. During the same period of thirteen days, Muslims coming from East Bengal to West Bengal number 35,184, and Muslims going in the reverse direction number 27,798. This gives an excess of 7,386 Muslims coming to India. This works out at the rate of about 560 a day.

13. Looking at the figures of migrations of the Hindus, it appears that this excess of those coming to India from East Bengal is greatly lessening. The figures on both sides, that is, those coming and those going are still large. A check up was recently made of these people and it was found that a considerable number of them were not migrants in the real sense of the word, but were ordinary passengers or smugglers. This, no doubt, applies to the Muslim figures also. We are trying to get more exact figures and have made arrangement of
proper statistics to be obtained. But the fact has to be borne in mind that the figures we give are of total passengers and not of displaced persons only.

14. When, however, we deduct the number of those going back to East Bengal from the number of those coming from East Bengal, this normal factor of non-migrant passengers does not make much difference as it is common to both sides.

15. As a result of the examination of these figures, more especially of the Hindu exodus from East Bengal to West Bengal, etc., it appear that the problem of future migration is not quite so big as we had feared. Even if the present rate continues, it means about 650 a day net excess, that is, about 20,000 a month. It is legitimate to assume that this figure will gradually go down. Therefore, the forecast made in paragraph 2 of the Rehabilitation Committee's note about the future exodus is exaggerated.

16. All this means that we should have careful statistics and only then can we have a true picture of the state of affairs in regard to these migrations, and can plan accordingly.

3066. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, September 12, 1950.

My dear Nawabzada,

I am writing to you about the situation in the two Bengals. I have had a number of reports from the Central Minister, Shri C.C. Biswas, as well as from our Chief Minister in West Bengal. They have pointed out a number of difficulties which are coming in their way and more particularly in the way of the Central Ministers.

As you know, the two Central Ministers have been undertaking joint tours in the affected areas of East Bengal, West Bengal and Assam, and I believe that these tours have done some good. The real difficulty that arises is in regard to the implementation of the India - Pakistan Agreement and in giving relief in individual cases which come within scope of that Agreement. Our Central Minister tells me that he has drawn attention to many such cases where relief is, according to him, necessary, but no result follows. Normally he sends these cases to Dr.
Malik who no doubt, forwards them to his Provincial Government.

Unfortunately, Dr. Malik is not always available for joint consultation, which are so necessary. Apparently, he has no office at Dacca such as our Minister has at Calcutta and is frequently away at Karachi. Another major difficulty appears to be that in East Bengal the provincial minority commission and the district minority boards do not appear to be functioning satisfactorily or some time at all. It is of the essence of the machinery devised for the implementation of the Agreement that these commissions and board should function satisfactorily. I hope you will kindly look into this matter.

In terms of the Agreement, any joint recommendation of the two Central Ministers should be normally accepted by the government concerned. I think that the two Central Ministers should make somewhat larger use of these powers and the Provincial Government concerned should give effect to their recommendations. This would lead to quicker results. Of course, such recommendations will normally be in regard to important matters or cases.

Apart from this each Central Minister would communicate with his own Government, but where information is required or some enquiry suggested, a Central Minister might suggest this to the provincial Government of the other State. I make this suggestion so as to make the machinery more speedy in its work and in cases the two Central Ministers are not together at the time.

I want to make it clear that I do not envisage that the two central ministers should lose themselves in a morass of individual cases. If they do so they would be overwhelmed by this and might be able to give less time to certain other general and more important matters. Normally speaking, the individual cases should be dealt with by the provincial minority commissions and the district minority boards. My difficulty is that apparently such commissions and such boards are not functioning properly in East Bengal.

Our Central Minister, Shri C.C. Biswas, has sent me a copy of a letter he has addressed to Dr. Malik. In this he has drawn attention to a number of steps that he considers the East Bengal Government should take. As you know, Bakarganj was the worst affected district in East Bengal. Though there is some improvement, the conditions there still appear to be bad. I must confess to you that I am distressed at receiving daily reports not only about Bakarganj but about other districts of East Bengal giving instances of widespread lawlessness, dacoities, molestation of women, etc. Our Central Minister suggests that the Government of East Bengal might adopt a more liberal policy for the relief of those who have suffered during the disturbances. He found, in the course of the joint tour, acute distress among the Hindus who have stayed on in the affected areas. He has suggested, therefore, that grants and loans might be given to people for rebuilding
houses and godowns or for setting up work. Also some maintenance grant until the harvest and accommodation in suitable camps or homes for unattached women and children, old persons and invalids.

A relief and rehabilitation organization is now being set up in the Bakarganj District, but according to Mr. Biswas they have very little resources at their disposal and hence the relief given is totally insufficient as well as late.

Any improvement of the law and order situation in Bakarganj will go a long way towards restoring confidence. If people who have taken part in any lawless activities or encouraged them are proceeded against, as envisaged in the Agreement, this would help greatly. Also a re-examination of the cases of members of the minority community who have been detained without trial or whose cases are still pending.

The disturbances in the Bakarganj District were on such a wide scale that there can be little doubt that they were well-planned and organized. If some stringent penal action is taken there against those who organized those disturbances, this will produce a feeling of confidence. Any such action taken, if given due publicity, would bring about an improvement in the situation.

I have ventured to write to you at some length as I know that you are greatly interested in the successful implementation of our Agreement

Yours sincerely,
Jawaharlal Nehru

3067. Note of the Pakistan High Commission in India to the Ministry of External Affairs.

New Delhi, September 13, 1950.

Office of the High Commissioner for Pakistan in India
New Delhi

The Pakistan High Commission in India present their compliments to the Government of India, Ministry of External Affairs, New Delhi, and with reference to their Note No.F.23.4/50-Pak. III, dated the 5th July, 1950, have the honour to communicate the views of the Government of Pakistan regarding the policy
adopted by the Government of Assam in respect of expulsion of "undesirable" Muslim immigrants.

Even though no request was received from the Government of Pakistan for a discussion of this problem at Minister level, in view of Clause (3) of Section II of the Indo-Pakistan Agreement of December, 1948 read with the assurances contained in para 3 of Section III of the Calcutta Agreement of April, 1948, which the former Agreement did not specifically abrogate, it was, in the opinion of the Government of Pakistan, incumbent upon the Government of India to consult the Government of Pakistan before legislation was passed empowering the Government of Assam to expel Muslim immigrants from the State.

The Government of Pakistan greatly appreciate the assurances contained in para 5 of the Government of India's Note, in particular that the Act would be enforced only against persons who were clearly established to be new and undesirable immigrants and that as regards other cases the matter would be carefully considered at the highest level before any action was taken under the Act and that the persons affected would be given the fullest opportunity to defend themselves.

The Government of Pakistan regret, however, to note that the Government of India consider that no useful purpose would be served by holding a conference now at Minister level to discuss this matter. The Government of Pakistan, on the other hand, feel that even if the Government of India should find themselves unable to annul the Immigrants (Expulsion from Assam) Act, such a conference would be highly desirable inasmuch as it would enable the Governments of India and Pakistan to evolve, with the consent of the Governments of Assam and East Bengal, a mutually satisfactory procedure to ensure that the application of this discriminatory piece of legislation is confined to cases of only such Muslims in Assam whose stay in that state is proved to be "detrimental to the interests of India" and not misused to enforce the "Line System" or keep out of Assam any of the unfortunate Muslim victims of the recent disturbances or against those Muslims who entered that state prior to Partition but whom the Assam Government regard as merely "squatters", although they are clearly Indian citizens under the Indian Constitution.

The Pakistan High Commission take the opportunity to renew to the Government of India the assurances of their highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi.
Letter from Prime Minister Jawaharlal Nehru to Deputy Prime Minister Sardar Vallabhbhai Patel.

New Delhi October 1, 1950

My dear Vallabhbhai,

You wrote to me about new Muslim immigrants going to Assam from East Bengal*. I mentioned this matter in Cabinet Yesterday. We have, I believe, drawn the attention of the East Bengal Government to this and we should endeavour to discourage this entry. It is not clear, however, how we can do so effectively. There is no permit system and people can travel freely either way. Of course, any such persons who come to Assam have to be considered quite separately form returning migrants. The Assam Government has no responsibility for them of any type and there are not many ways that they can adopt to discourage them. The number involved thus far does not appear to be very big, and, according to the papers you sent me, the actual figure was one hundred twenty on a certain day. Normally, there are these movements of people searching for employment.

I have been informed that on an average two hundred Muslims are going back to Western Pakistan from India daily via the Sind border. These people are going without permits and without any facilities being given to them.

Yours

Jawaharlal

On 29th September, Patel sent a report based on a sample checking undertaken at the main entry points into Assam which showed that 1,428 Muslims had entered Assam from East Bengal on 13 September. The percentage of new entrants was between fifteen and twenty, less than half of which represented permanent settlers. Patel suggested that either Pakistan be asked to stop the migration or the Assam Government be advised to send back the new immigrants.
Letter from Pakistan Prime Minister Liaquat Ali Khan to Prime Minister Jawaharlal Nehru.

New Delhi, October 3, 1950.

No. 41 (30) CORD/50 Karachi, October 3, 1950.

My dear Pandit Nehru,

I received your letter no.1329-PM dated 12th September, 1950 (Document No.3066.) while on tour and could not therefore reply to it earlier. I deal below with the points raised in the various Paragraphs of the letter.

PARA 2

The joint tours of the two Central Ministers have undoubtedly done a great deal of good. They have helped to restore courage and confidence in the minority communities and have brought I believe consciousness of their duty towards the minorities among the majority communities. Unfortunately, due to the hostility of a large section of West Bengal Hindus to the Delhi Agreement and the difficulties which this has created for the West Bengal Government, the joint tours have not been as beneficial in West Bengal as they have been in East Bengal, where there is great public support for the policy and principles embodied in the Agreement. To give you an idea of the conditions prevailing in parts of West Bengal, I enclosed a copy of letter (annexure I (not enclosed here)) received by me from Dr. Malik a few days ago regarding the joint tour of Bankura Distt., by the two Central Ministers during the last month. I am informed that a copy of the letter has been sent to Mr. Biswas. As regards the treatment of individual cases, I shall deal with this in my remarks under para 6, where you have reverted to it again.

PARA 3

I regret to find that Mr. Biswas has given you an erroneous impression regarding Dr. Malik’s availability for joint consultations. In the first place, it is not correct that Dr. Malik has no office at Dacca. He set up an office immediately after reaching there in May, 1950, but the accommodation was not adequate. The lack of accommodation in Dacca is exceedingly acute and it is not surprising, that suitable accommodation could only be found after some time. Secondly, the impression about Dr. Malik’s frequent visits to Karachi is also not correct. Since he left Karachi on 16th May for his new duties, he has visited Karachi on three occasions (not, of course, including the four- day visit made by him in the company of Mr. Biswar). On the other hand, he has visited Calcutta on fourteen
occasions. In the circumstances, it is not fair to say that he has not been available for joint consultation with Mr. Biswas whenever wanted. Dr. Malik does not recollect any occasion which Mr. Biswas had expressed a desire for a joint consultations which he has not been able to fulfil.

Again, the statement that Provincial Minority Commissions and District Minority Boards do not appear to be functioning satisfactorily in East Bengal is not supported by facts. Dr. Malik has sent to Mr. Biswas a statement showing the number of meetings held in various districts in East Bengal. The Provincial Minority Commission has held 7 meetings since the Agreement and although the number of meetings of each District Minority Board is not as high as this, I am informed that in addition to the formal meetings, a considerable number of informal meetings were held. The real difficulty has been the non-attendance of the members of the minority community. Some members who persistently failed to attend meetings have had to be replaced by others. On the other hand, Dr. Malik is still awaiting a list of meetings in West Bengal and Assam. He is not aware of any District Minority Boards having been set up in Assam and even the Provincial Minority Commission in Assam was appointed only recently. According to his information, no meetings have been held in some districts in West Bengal. My instructions to the East Bengal Government are that the Commission and Boards should be made to function as effective instruments for the implementation of the agreement and I have again emphasized this. I hope you will issue similar instructions to West Bengal and Assam. I am particularly worried about West Bengal in parts of which according to my information the minority community is so demoralized that it does not dare even to make complaints for fear of the consequences which usually follow such action on their part.

**PARA 4**

I agree with you that the two Central Ministers should make larger use of their powers of making joint recommendations and the Provincial Governments concerned should normally give effect to these recommendations. I have asked Dr. Malik to act accordingly. I hope you will ask Mr. Biswas in similar terms. At the time when there were differences over the interpretation of clauses B (v) and B (vi) of the Agreement relating to restoration of properties and establishment of Trust Committees, Mr. Biswas agreed with Dr. Malik as to the correct interpretation of on a number of occasions, but could not see his way to make a written joint recommendation, perhaps in view of the known opposition of the West Bengal Government to that interpretation. Recently, however a joint recommendation affecting proposed legislation for the establishment of Trust Committees has been made by the two Central Ministers. I hope the West Bengal Government will accept it.
I am afraid the suggestion that the Central Ministers might communicate direct with the Provincial Government of the other State would create complications and would not help to expedite matters. The Provincial Governments concerned communicate direct with each other both at the Secretariat level and at the Ministerial level. The two Central Ministers also correspond with each other and with the Governments of their own Provinces or States. In fact, some confusion is already being caused by the same case being referred through different channels e.g. from your office in Delhi to mine in Karachi, from Mr. Biswas to Dr. Malik and from the West Bengal Government to East Bengal Government. To mind the really important thing is that the machinery of the Provincial Governments should function effectively and we should avoid cluttering it up with too much paper work.

I agree with you that Central Ministers should not lose themselves in a morass of individual cases. Unless they leave themselves free to deal with the general aspects of the situation, they would lose their usefulness a great deal. Occasionally and in exceptional circumstances, they might attend to individual cases. Unfortunately, Mr. Biswas has ignored this and has referred a very large number of individual cases to Dr. Malik - sometimes at the rate of 15 to 27 separate letters per day each dealing with an individual case. The investigation of these cases has necessarily to be done in the districts by the authorities concerned and this process inevitably takes time. I am assured, however, that each individual case is being attended to. Although the well-known difficulties of communication in East Bengal might mean some delay in a reply reaching Mr. Biswas, it does not mean that no attention has been paid to the case.

Dr. Malik is replying direct to the letter which Mr. Biswas has written to him. There are, however, one or two aspects to which I should like to draw your attention.

I think it was unfortunate that Mr. Biswas did not discuss his proposed press statement on the Bakarganj visit with Dr. Malik before he issued it for publication. Dr. Malik tells me that Mr. Biswas did not thrash out his doubts and apprehensions with him after the tour, nor did he put forward and discuss any proposals he might have had in his mind. Instead he went and made certain very controversial points in the statement issued by him to the press in Calcutta. Dr. Malik informs me that though he took Mr. Biswas to every place he desired to visit in the District and arranged for him private interviews with everyone of the minority
leaders he wanted to see and what is more put before him for cross-examination or questioning every administrative officer available in the district. Mr. Biswas not only did not reveal his impressions frankly to him during the visit but left him to read them for the first time in the newspapers. As might have been expected, Mr. Biswas's statement was at once seized upon by the hostile West Bengal press. Dr. Malik was therefore left with no course but to issue a statement to the press to correct the wrong impression created by Mr. Biswas's statement. You will no doubt have got a copy of Mr. Biswa's Press statement. I enclose a copy of Dr. Malik's Press statement (Annexure II- (not included here)).

You have referred to the reports you are getting not only about Bakarganj but about other districts of East Bengal giving instances of widespread lawlessness, decoities, molestation of women, etc. If these reports were correct, I would myself be greatly distressed. The first concern of any Government is to see that law and order is maintained and it would be utterly failing in its duty if it allowed a state of general lawlessness to arise and continue. But the truth is far from what the reports you have received have led you to imagine. The real trouble is that a powerful and unscrupulous Press fed and supported by a large section of West Bengal Hindus who are determined to create and exploit communal unrest in this area have so maligned East Bengal that people are inclined to believe anything about it. Speaking with a full sense of responsibility I can say that in the maintenance of law and order, East Bengal compares favourable with West Bengal, Assam and any other States in India. To give you an Idea of the highly exaggerated and wrong reports circulated about East Bengal, I enclose a summary (Annexure III- (not included here)) of the enquiries recently made by the East Bengal Government in to allegations made by the West Bengal Government. You will see that only about 5% of the complaints have been found to be true.

I have personally looked into this question of crime in East Bengal and the extent to which Hindus are its victims. I find that in comparison with pre-partition days there has been some increase in crime in a number of districts. In other districts, on the other hand, the position has either remained stationary or has improved. Both Hindus and Muslims continue to be victims of crime and the proportion of crime against Muslims has gone up, in others that against Hindus has increased. One feature which stands out is that the stories about molestation of women are wild exaggerations of the actual facts. The crimes against women show no perceptible increase during the last three year in so far as Hindus are concerned. In fact the number of crimes against Muslim women is much higher than the population ratio would warrant. As you would yourself realize there is a certain level of crime in every society depending upon a number of social economic and cultural factors. This does not, however, mean that we should be content with the position as it is. We are determined to put down crime with a
firm hand although it would be unrealistic to expect that we would succeed in extirpating it entirely.

I have the deepest sympathy with those unfortunate people who have suffered during the disturbances and I have asked the East Bengal Government to give them all the relief that is possible either as grants or as loans for re-building houses and setting up work. Unfortunately, the very limited financial resources of East Bengal which have been further severely stained by those migrations are not adequate for giving relief on the scale we would like to give. We are supplementing these resources by assistance from the Centre and I have exhorted the East Bengal Government to pay particular attention to relief for the minority community. Maintenance grants will also be given where necessary.

PARA 8

I am informed that a bigger grant is being given for the Relief and Rehabilitation Organization in Bakarganj district. If it is found to be inadequate, I shall have it augmented further.

PARA 9 & 10

I have already referred to the great importance I attach to the maintenance of law and order not only in Bakarganj but every other district. Bakarganj district does present some special problems. The incidence of crime in this district has always been high. Due to lack of communications it is not very easy to reach each part of the district quickly and therefore control of law and order presents unusual difficulties. The disturbances in this district arose as a result of the passions aroused by news of communal riots in Calcutta and Howrah. Great mischief was done by rumour that Maulvi Fazlul Haq and his son had been murdered. However, the district authorities acted with great energy and soon brought the situation under control. You will see from the press statement issued by Dr. Malik (Annexure II) what action has already been taken and is being taken. In addition to what is stated in Dr. Malik’s Press statement, I am told by the East Bengal Government that contrary to the belief in West Bengal, bail was refused in the first few months in a great majority of cases arising out of the disturbances even though normally bail would have been admissible. A large number of arrests including one of the most important political figures in the districts have been made. Enquiries are still going on and so is the search for sufficient evidence to enable action to be taken against those guilty. All who are found guilty will be duly punished. I have asked the East Bengal Government to give publicity to the punishments inflicted.

As regards cases of detention, I am informed that excluding 10 confirmed communists twelve Hindus were arrested under the Bengal Special Power Ordinance since the disturbances in Bakarganj district in February 1950. Three
were released and in two cases conditional release orders have been issued already. The other cases will also come for quarterly review shortly. I understand that the detention of these persons have nothing to do with communal affairs. They have been detained on account of activities subversive to the State and in such matters security of the State as you will agree, is the guiding consideration.

PARA 11

I am convinced that in spite of the difficulties and disappointments that may be felt in both our countries, the course that we have set for ourselves in entering upon this agreement is the right course in which we must persist. On the whole, I feel encouraged by the measure of success we have had so far.

Your sincerely,

Sd/- Liaqual Ali Khan

The Hon’ble Pandit Jawaharlal Nehru,
Prime Minister of India.
New Delhi.

3070. Letter of Prime Minister Jawaharlal Nehru to President Dr. Rajendra Prasad.

New Delhi, October 23, 1950.

My dear Rajendra Babu,

As you are going to Assam, I might mention one matter which might be raised there. The Chief Minister has been writing to us about Muslims, other than returning migrants, coming to Assam from East Bengal. He is greatly worried about it and wanted us to introduce the permit system. We have deliberately avoided having this system in the East because we have all along felt that this would be harmful to our interests and to the interests of the large numbers of Hindus in East Pakistan. At the present moment more especially, the flow of returning Hindu migrants to East Pakistan is great. You might be interested in a week's figures of the movements of Hindus and Muslims between East and West Bengal. They are as follows:
We cannot and should not do anything to interfere with this gradual return to normality. The West Bengal Government would be strongly opposed to it. It is clear that we cannot have a permit system just for Assam only. It will have to spread to West Bengal also. It would mean a complete upsetting of all the processes that are going on now, which are, on the whole, to our advantage. It would mean also a charge by Pakistan that we are violating our Agreement, and that there would be some justification for that charge.

A Cabinet Committee considered this matter today and was very definitely and strongly of opinion that we should not have this permit system in the East. They were further of opinion that action should not be taken under the Undesirable Immigrants Act.

As a matter of fact, the Chief Minister of Assam is some what needlessly alarmed. The actual figures that he himself gives, or that our Intelligence supplies, are relatively small in numbers. Some kind of movement always takes place between two countries. In any event it is better to watch developments than to do anything to impede them at present.

I am writing to you, as it is quite possible that the Chief Minister might mention this matter to you. I enclose a copy of my letter to him. (not included here)

Yours sincerely,

Jawaharlal Nehru

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3071. Summary of the Reports of the Commissions of Enquiry set up in (1) West Bengal and (2) Assam, to enquire into the communal disturbances which took place early in 1950.

The Commission of Inquiry of West Bengal set up under the Indo-Pakistan Agreement in its report published today rejects compulsory or forced exchange of population as a means of solving the minority problem and make positive recommendations for a lasting solution of the communal problem based on wholehearted cooperation between India and Pakistan.

The Commission has recommended the setting up of a permanent organization, called the Indo-Pakistan Commonwealth, to deal with problems of common concern between the two States in respect of (a) trade and commerce, (b) customs, (c) currency, (d) human relations, and providing for an arbitral organization for settling disputes relating to any of these subjects. The Commission is of the opinion that Indo-Pakistan cooperation in mutual trade and commerce is essential for peace and order in both the States. A political partition, it says cannot sever all economic relations which have grown through a period of centuries and any attempt to create economic separation is bound to cause, as it has done, great discontent and bitterness of feelings between Hindus and Muslims, both in India and Pakistan.

The organization envisaged by the Commission will ensure a well regulated and uniform control and direction of trade between the two countries. The subsidiary suggestions in this connection are:

(a) Formation of a customs union between India and Pakistan which will formulate customs policies and regulate their execution for mutual benefit.
(b) A rupee block for the Indo-Pakistan Commonwealth with stable and dependable parity of rates of exchange on which could be built economic peace and stability;
(c) Provision for travel and transit, intellectual and cultural cooperation, including scientific research and system of education in either country, so that citizen may be trained not in the way of hatred and rivalry as against one state or the other;
(d) High power machinery, for prevention and control of riots and disturbances; and
(e) Setting up an arbitral organization with a permanent panel of members in either State to which may be referred any Indo-Pakistan disputes.

The Commission points out that the Indian Constitution secures for the minorities
in India: (i) linguistic guarantee; (ii) religious guarantee; (iii) educational guarantee, and (iv) cultural guarantee.

The Objective Resolution adopted by the Pakistan Constitution Assembly, however, the Commission adds, has given the impression to the Hindus of West Bengal that Pakistan is an Islamic theocracy where Hindus or non-Islamic people have no guarantee of the human rights. Confidence can be restored, panic allayed, and a constant irritation and the cause of ill-feeling between Hindus and Muslims can be removed by a proper modification of the Objectives Resolution.

The Commission rejects the suggestion for communal representation in public services and recommends that growth of communal parties should be avoided. It adds that education should have the overall objective of highlighting common interests and that every attempt to play off one community against another should be discouraged.

Referring to the actual incidents which took place during the recent disturbances, the commission recommends that those who are found guilty of offences against persons and property especially those who are guilty of any crimes towards women and children, should be given the most exemplary and deterrent punishments. All the cases arising out the disturbances should be speedily tried in special courts as contemplated in the Indo-Pakistan Agreement. Where police officers or others in the services have failed to discharge their duties, they should be adequately dealt with and those who had done good work should receive public recognition. While the Commission is opposed to the imposition of collective fines, they strongly urge that those who suffered in the disturbance should be given compensation.

The Commission, it may be recalled, was set up under the Indo-Pakistan Agreement of April 8, 1950 to inquire into the causes and extent of disturbances in West Bengal and to make recommendations with a view to preventing recrudescence of similar trouble in future. The Hon'ble Mr. Justice Prasanta Bihari Mukherji, Judge of the Calcutta High Court was the President of the Commission and Sri Abany C. Bannerjee and Janeb M.A. Haque, were the members. The Commission held its inaugural sitting on June 3, 1950. It received altogether 45,325 representations from different sources including thousands of representations from the Muslim Relief Society, Khilafat Committee and Jamiat-ul-Ulema and a number of individuals from the minority community. They examined 394 witnesses. The Commission, in addition to oral evidence, also inspected some of the areas in West Bengal affected by the disturbances. The Commission has recorded that the best presentation of the Muslim minority case, whether written or oral, came from the Hindus. The Commission has also recorded its appreciation of the numerous incidents brought to its notice where
members of the majority community protected, gave shelter or otherwise helped the Muslim minority in distress and in certain cases even at the risk of their lives.

The Commission has recorded that no case of abduction, rape or conversion during the recent disturbances was proved before the Commission. Allegations were made in the representations, submitted to the Commission of four such cases but none of them was substantiated.

The Commission, in another chapter, goes into the causes of the disturbances and points out that the immediate cause of the recent disturbances in West Bengal was the report of atrocities on the Hindu minority in Eastern Pakistan at Bagerhat and Khulna. Among the historic causes the Commission refers to the communal policy followed by the British, including communal electorates, representation in services and encouragement to communal parties. It further refers to the economic political and psychological problems arising out of the partition as having contributed to the disturbances. There was no evidence of any single incident of a communal nature throughout West Bengal in 1949, even though there were economic difficulties between India and Eastern Pakistan in respect of jute, coal, customs restrictions and devaluation of currency. "It was only after the refugees started coming in from Eastern Pakistan, it was only after the people in West Bengal heard from such refugees the tales of oppression and persecution, and it was only after sections of the press had given unrestrained publicity in respect of such atrocities in Eastern Pakistan that the disturbances broke out in West Bengal."

A large section of the people in West Bengal, according to the Commission seemed to discern a design and pattern to drive away Hindus from Pakistan. It says: "People in the State felt that the whole policy of Pakistan has been one of gradually squeezing out of all Hindu minority in Eastern Pakistan: the First phase was the creation of psychological insecurity which drove out the intellectual and middleclass Hindus and when that did not succeed in eliminating the lower middle classes and those who depended on soil, physical oppression was resorted to and its first experiment was in the border areas of Bagerhat and Khulna".

In coming to the conclusion that the causes of the recent disturbances were political and not religious, the Commission says that the disturbances were caused by the consideration in the minds of the people of West Bengal that the Hindus in East Bengal were denied human rights by the Eastern Pakistan Government. Most Hindus of East Bengal have many of their closest kinsmen by marriage among the Hindus of West Bengal. For any proper assessment of the situation, that fact of the close interdependence, family social and economic, between the two Bengals cannot be ignored.
Assam Report

A separate Commission of Enquiry presided over by Mr. Justice Prasants Bihari Mukhorji, which was set up to enquire into the disturbances in Assam also ascribes the causes of the riots in that State to political economic, cultural, ethnological and historical factors and discounts any religious motives. Mr. Justice Mukherji was assisted by Maulvi Faiznur Ali, M.P. and Shri Kamakhya Ram Barooah. The Commission started work on July 14, 1950, and completed hearing of evidence and tours of inspection by November 21, 1950.

The total number of representations made before the commission was 2,484. In the whole State of Assam 125 Muslims and 22 Hindus were killed during the disturbances, the Commission observes in the course of its report. More than 90 per cent of the Muslims who evacuated have already returned to Assam. Except in a few places in Goalpara District, the victims of the disturbances in the whole State were mostly immigrant Muslims. The main drive of the disturbances, it is noticed, was against the Muslim immigrants and not against the indigenous Muslims of the State.

In fact it was reported to the Commission that in some cases indigenous Muslims combined with non-Muslim against the Muslim immigrants, especially at Gaikhnow within Goalakganj Police Station.

Referring to the causes of the disturbances, the Commission says that the most important event in the Assam during the last 45 years has been the invasion by a vast horde of Muslim immigrants from the Districts of East Pakistan, in particular from the District of Mymensingh. This "Invasion" which began some time before 1911, continued even after the partition of India and Muslim immigrants were coming even in 1948 and 1949. Naturally such a vast migration of Muslim population from East Pakistan led to many conflicts and struggles in the economic sphere. This antipathy has been a powerful cause of the disturbances in Assam.

The arrival of a large number of refugees from East Pakistan to Assam and the accounts narrated by them of the atrocities committed against them, the Commission adds, crated a feeling of resentment in the minds of the people of Assam against the Muslims.

The recommendations of the Commission "to prevent recrudescence of similar trouble in future" are on identical lines with those suggested by the Commission of Enquiry for West Bengal.
Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Khwaja Nazimuddin.

New Delhi, January 12, 1952.

Prime Minister India

New Delhi, January 12, 1952

My dear Prime Minister,

I have been thinking for some time of writing to you on one or two points arising out of the Prime Ministers' Agreement of April 1950 and the Annexure to the Agreement of August 1950. Since I have been extremely preoccupied with the general elections in India, I could not do so earlier.

Section C(5) of the April Agreement provides that our two Governments shall not recognize forced conversions. Paragraph 4 in Section II of the August Annexure provides "that the two Central Ministers should examine the question of whether any additional powers were necessary to deal with such cases (cases of abducted women with a view to their recovery and restoration) and in particular whether for the purpose of recovery and custody the definition of an 'abducted woman' should be farmed on the model of the "Punjab Acts". I regret to have to say that more than two years have elapsed but the two Central Ministers have not yet been able to come to an agreement on these two important points or even to finish their discussions. I have asked our Central Minister Shri C. C. Biswas to conclude discussions without delay and I shall be grateful if you will also be good enough to write to your Central Minister emphasizing the necessity of expedition in this matter. It is matter of particular regret to me that in the absence of special legislation, efforts to recover abducted women and to allow them to return to their relatives have been considerably handicapped.

Yours Sincerely

Jawaharlal Nehru
3073. **Minutes of the discussion of Prime Minister Jawaharlal Nehru with the Editors of newspapers in Calcutta.**

Calcutta, October 18, 1952.

**N.K. Ghosh:** Newspaper in Calcutta are greatly handicapped by the joint press code. They cannot publish full accounts of oppressions of the Hindus in East Pakistan; whereas the press in East Pakistan carry all sorts of fabricated stories of wholesale massacre of Muslims in India, Particularly in West Bengal.

**Jawaharlal Nehru:** The impression that I have gathered is that the Calcutta newspapers are not following any particular code. In fact, they are only inciting the people. I do not ask you to suppress the truth, but even facts should be presented in a way that they assuage and not incite feelings. I have also noticed with some dismay a tendency of describing the entire population of a country as evil-doers and of condemning particular countries en bloc. For instance, Newspapers in USA regard Russians and Chinese as embodiment of evil. Similarly, communist countries consider Britain or the US as a devil incarnate. Because some people in Pakistan are behaving badly, it is all wrong to condemn the country as a whole.

**C.K. Bhattacharya:** This renewed exodus of the Hindus from East Pakistan is the outcome of the policy of denuding Pakistan of the Hindus. This policy is being persistently followed by Pakistan ever since she came into being.

**J.N.:** I do not know what is Pakistan's Policy, but it is a fact that the Hindus are migrating in large numbers from East Pakistan. That is not disputed. The point is - what is the solution? Some people say that war is the only solution, I do not think so. A responsible person cannot think of a war without thinking of the consequences which follow a war. War does not solve a problem. We have seen in our life-time that only after a few years of the First World War, a second World war had to be fought, and today when the scars of the Second World War still remain to be healed up there is again talk of an impending third world war. If war is thrust on us by Pakistan, for example, if she attacks in Kashmir or any other part of India, we must fight that out and we are ready for it. But India will not go to war of her own volition, because she does not believe that any problem can be solved by war. Leaving principles apart, even from a commonsense point of view, India should not go to war with Pakistan. India is no doubt stronger than Pakistan - her industrial resources are larger and military strength greater. But she is not so overwhelmingly strong as to finish Pakistan as if by one single stroke or in a trice. In a war between India and Pakistan, India will win - I have not the slightest doubt on that point, but it will not be anything like the Hyderabad operation. Victory will be achieved after a lot of destruction and misery, and
then new problems will arise out of them. Any sensible person must dismiss the idea of declaring war with Pakistan, or for that matter with any other country.

Two other alternatives have been suggested to me. One is exchange of population between East Bengal and West Bengal. Assuming that it was possible, I fail to see how that will solve the problem. West Bengal, even after driving all the Muslims away, will not have enough space to absorb all the Hindus coming from across the border. We shall then have to throw out the Muslims from Bihar and possibly from UP and other States also. If the entire Muslim population of India, nearly forty millions, are sent out, Pakistan will raise a claim for adequate territory to rehabilitate these Muslims.

Another suggestion has been made that India should ask for more territory from Pakistan for the Hindus who are now being squeezed out from there. Many of you are, perhaps, not aware that a constant migration of Muslims from India to West Pakistan through Rajasthan has been taking place for the last two years. On average, nearly five hundred Muslims are leaving India every day through various routes on the western border without any permit, passport or visa. Once we ask for more territory from Pakistan for resettling the Hindus, she, in her turn, will also put forward similar claim for territory from India for these Muslim migrants to West Pakistan.

M.N. Roy: Can we not apply economic sanctions against Pakistan? That course has been suggested by the united organization* of all political parties, excepting the Communists, in West Bengal.

J.N.: Yes. A copy of a resolution adopted in their meeting has been forwarded to me. Of course we can apply economic sanctions. Any nation is entitled to do so without a reference to the UNO. But before applying these sanctions, we must make ourselves sure that these sanctions are going to achieve the desired results. The trade between India and Pakistan is not of such dimension as to justify any hope of putting Pakistan into trouble by the imposition of sanctions. Each country is in a position to carry on without depending on the other. The main items of import, as far as India is concerned, are jute and cotton. We are now almost self-sufficient in jute and as for cotton, though we may have to pay a little more, we can keep our mills running by resorting to imports from Egypt and other places. Pakistan depends on India mainly for coal and cotton textiles.

* Jogendra Nath Mandal and Ganendra Chandra Bhattacharjee of the United Peoples' Organisation, in a statement on 15 October, 1952, urged the Government of India to apply economic sanctions against Pakistan to bring "her into senses in relation to her treatment of minorities in East Bengal." S.P. Mookerjee, addressing, a public meeting on 16 October 1952, said that Pakistan's attitude towards her minorities entitled India to "examine afresh the whole problem of partition and act as any self-respecting nation would." He demanded that the "policy of appeasement" of the Government of India be reversed. Meghnad Saha said that if the enforcement of economic sanctions against Pakistan failed to have any effect then "stronger remedies" would have to be applied.
By refusing to export these commodities to Pakistan, in the first instance, we will create some problems for ourselves because there will be accumulation at pit-heads and factory godowns. Withholding our exports will not bring a collapse of Pakistan, for she will be able to get these commodities from outside - textiles from UK and probably from Japan; fuel from Australia and South Africa - although she may have to pay, comparatively, the highest prices. Economic sanctions therefore will not solve the problem of the Hindus in East Pakistan.

**B. Sen Gupta:** when the country was divided, we hoped that there would be no cause of further friction between Hindus and Muslims. But it now seems that Pakistan will continue to be inimical towards India.

**JN:** I think Pakistan is disintegrating. There is not one single personality there who commands respect and support from all sections. There are intrigues and all sorts of internal dissensions and squabbles. Her economic difficulties are also becoming increasingly acute. A section of the mass has already become critical of the Government. One of the tactics of the leaders of Pakistan is to divert the discontent within the country towards India by raising all sorts of false cries. Sometimes they talk of jihad in Kashmir, at another time, they complain of India having stopped their canal waters, etc. We must not play into their hands. If we apply economic sanctions, for example, Pakistan leaders will immediately attribute all the sufferings and miseries of the People in Pakistan to India's hostile action. The wrath of the people which otherwise could have fallen on the Government there would then be directed against us.

**M. N. Roy:** Sir, to whom will the East Bengal Hindus look forward to? Whose responsibility are they?

**J N:** Technically, it is obvious that they must look forward to the Government of Pakistan. They are citizens of Pakistan and, legally speaking, their welfare cannot be the responsibility of the Government of India. But we do not take that legalistic view. Until recently they had been part and parcel of the India nation and we do feel for them and will certainly do whatever we can to help them in their hour of distress.

**G. Chakravart:** You must have seen a news item appearing in the newspaper yesterday that a Hindu woman was molested under the pretext of carrying out a search by the Pakistan military personnel. What steps have the Government of West Bengal and the Government of India taken to ensure that similar unfortunate incidents do not recur?

**J N:** I could not tell you that. In fact, I have not seen any news item to that effect. I do not read all the newspapers. If there has been any incident like that, I am sure the Government of West Bengal would have taken due note of that.
**M.N. Roy:** We would like to know from the Prime Minister, if we may, what steps does the Government of India propose to take to solve this problem? Has the Government of India any plan?

**J.N.:** To think of a remedy, one must have patience. The matter is complicated and cannot be solved by any easy methods. By being impatient and trying to think of a quick and easy solution, we will probably complicate it further and make it beyond redemption. If I may use a metaphor, when the patient is suffering from a serious illness, the wisest course is to go through the scientific system of medical treatment which may be a dilatory process. In their anxiety for quick results if the relations of the patient go to a quack, chances are that the disease will take a more serious turn and the patient will die.

**Vivekananda Mukherjee:** The general impression in the public mind is that the Government of India always bows down before Pakistan and follows a policy of appeasement.

**J.N.:** These are mere strong words which do not signify anything in substance. If you read the newspapers published from West Pakistan, you will see that they accuse their Government of weakness and timidity. They complain that the Pakistan Government yields to the Government of India in every matter.

**N.K. Ghosh:** Newspapers in Pakistan are on warpath.

**J.N.:** I do not know much about the newspapers in East Pakistan. But I see some of the newspapers in West Pakistan and they do really keep on inciting violence.

**C.K. Bhattacharya:** We are sorry spectators of a grim tragedy in which the Hindus of East Bengal, who have been in the vanguard of all progressive movements, are being gradually exterminated.

**J.N.:** I do agree with you that the Hindus of East Bengal have taken prominent part in all progressive movements of their country not only in the political but also in educational and social spheres. Every Indian is proud of them. It is a pity that Pakistan is wasting this valuable material. By squeezing out the Hindus, Pakistani leaders are making their own country poorer. But I do not agree with you that the East Bengal Hindus are being exterminated. Spirit is indestructible. Although individuals may suffer or even die, the outlook and spirit of the people can never perish. As you know, the Industrial Revolution in England was possible mainly because of the refugees from France. I am sure the displaced persons from East Bengal who are coming over to India will also prove an asset to this country.

**B.Sen Gupta:** Will you be visiting again on your way back from Assam?

**J.N.:** I am afraid, not possible. I was too much tied on to my desk in Delhi and immediately after Parliament rose, I decided to go round as many states as
possible. My programme at the moment is very tight. On my return from Assam, I will be able to spend only a few days in Delhi after which I will be visiting Madhya Pradesh. With the next session of Parliament almost round the corner, I am afraid it will not be possible for me to be in Calcutta again although I would have loved to do so. But I can assure you, if any emergency arises, I will not hesitate to cancel all other engagements and rush to Calcutta.

C.K. Bhattacharya: It would have been a good thing if you had visited the refugees at Sealdah and other border stations.

J.N.: I had hardly any time. As you know, the whole of this afternoon, I have been meeting officials, Ministers and prominent political leaders. But I sent my daughter to the Sealdah station. I know the refugees are having a very tough time. I am sorry for them. My sympathies are always with them. I am trying to do whatever I can for them. My friend and colleague, Ajit Prasad Jain, is here and you can depend on him. He will do all that is possible for helping the migrants.

3074. Letter from Prime Minister Jawaharlal Nehru to Chief Minister of West Bengal Bidhan Chandra Roy.

New Delhi, October 25, 1952.

My dear Bidhan,

… Apart from the general and continuing situation in East Pakistan, which is obviously unfavorable for the Hindus there, I do not see any special development. The proposed introduction of the passport system naturally rather frightened people who thought that they might not be able so come later. There was an influx. Pakistan asked for a postponement for a month. We did not agree, unless the whole system was given up. The continuation of a feeling of uncertainly was bad.

The economic conditions in Pakistan are bad and deteriorating and probably are the chief cause now for people trying to come over. It must be remembered, however, that throughout the past year and up to the middle of September, there was a large number of Hindus going to East Pakistan than was coming away. In fact, the total number of Hindus who have returned there during the past two years is very considerable indeed and greatly in excess of those who have come. I believe it was this large flow back that was one reason for Pakistan to ask for the passport system
On the introduction of passports there was immediately a stoppage of this influx. Many people got rather stranded. They are allowed to come over after due checking and I do not see any difficulty about it.

Meanwhile Shyama Prasad Mookerjee and others continue shouting at first because people were coming and now because they are not coming or have been stopped. I think it is a good thing that this check has been instituted. It is easy enough for people to come who want to, whether as migrants or temporarily. But the check prevents them from coming in large numbers suddenly and on the spur of the moment.

I wonder if you will be coming to Delhi early next month for the Planning Commission meeting.

Yours affectionately
Jawahar

3075. Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Khwaja Nazimuddin.

New Delhi, November 19, 1952.

I have received your telegram No. 4970 dated November 17th.

2. I do not know to what recent reports regarding the communal situation in West Bengal, Assam and Tripura you refer. We have constantly pointed out to your Government that reports in the Pakistan Press are tendentious and sometimes completely baseless. One of these recent reports referred to alleged Malda disturbances. These reports are a significant example of the dissemination of falsehood without any attempt to find out real facts. Nothing of the kind, as reported in the Pakistan Press, happened at Malda.

3. You refer in your telegram to the suggestion made by your Minorities Minister to Mr. Biswas for a joint visit to Malda and that this was not accepted by Mr. Biswas. I am sorry to find that your information is not correct. The proposal for a joint tour to Malda was accepted by Mr. Biswas. It was subsequently pointed out that the condition of the motor roads in the district was not suitable and it was suggested that a Pakistan amphibious plane might be used. Mr. Biswas authorized application for a permit to be obtained from the Delhi civil aviation authorities to allow the Pakistani plane to land in the river
Malda. Subsequent information showed that the channel was not deep enough to enable the plane to land. This information was communicated to the Pakistan officials and Mr. Ahmad appreciating the difficulties did not further press for this joint tour to Malda.

4. At Mr. Biswas's instance the West Bengal Minority Commission paid a visit to the areas in question in Malda and they found that the reports of communal disturbances there were unfounded. Mr. Ahmad stated to Mr. Biswas that the source of his information was some member of the local Muslim League at Malda. On the basis of this vague and tenuous information, without further enquiry or attempt being made to verify it, serious charges were made and widely published. I trust you will agree with me that this dose not indicate responsible behavior on the part of those concerned. This kind of publicity creates the very situation that you and I deprecate.

5. You refer also to Mr. Ahmed's request to Mr. Biswas for both of them to go to Calcutta when the proposed protest day was going to be observed. It is not clear to me what Mr. Ahmad or Mr. Biswas, singly or jointly, could do in regard to this protest day by visiting Calcutta. The West Bengal Government is charged with this business and, under our instruction, will take all necessary steps. No one in Calcutta or elsewhere need have apprehensions on this score.

6. Your attention might have been drawn to what I stated in our parliament on the 15th November in regard to the proposed East Bengal protest Day. I condemned in strong language this attempt of some opposition groups in India to try to take party advantage and excite public feelings in regard to a subject which must be dealt with calmly and peacefully. It is not our practice normally to ban public demonstrations. That is against the spirit of our Constitution and we have found that it leads to unfortunate results. Only in very special and limited cases do we ban demonstrations. We have in fact banned the proposed demonstration in Tripura.

7. You must have been informed that certain recent events in Pakistan have powerfully moved Indian feeling. The recent mass exodus from Pakistan to West Bengal and Tripura was undoubtedly partly due to fears connected with the introduction of the passport system. But that was only a temporary cause and it is obvious that the real reason was much deeper. No one leaves his home and lands unless he is obsessed with apprehension and fear. That exodus demonstrated forcibly again that large number of the minority community in Eastern Pakistan live in fear and insecurity. The prospect of not being able to go away after the passport system was introduced suddenly made them rush across the border.

8. We have repeatedly pointed out to your Government that some of the
essential provisions laid down in the Prime Ministers’ Agreement of April 1950 were not being acted upon in Eastern Pakistan. The Minority Boards and Commissions have not functioned here at all for a long time. A Member of the East Pakistan Minority Commission has been in prison for about a year and no one has even been appointed to replace him. If even a member of that commission, which was appointed to protect the rights of minorities, cannot protect himself, you will appreciate how others feel about it. The nonfunctioning of Minority Boards and Commissions has had a serious effect on the minorities in Eastern Pakistan. It appears that any member of the minority community who speaks freely of their disabilities is likely to get into trouble. If any variation in the procedure laid down in the 1950 Agreement is to be made this should be done after joint consultation. We are prepared for such consideration.

9. For a considerable time past the Pakistan press as well as some noted personalities in Pakistan have spoken in terms of war with India. Their writings obviously excite passions and create powerful reactions both in Pakistan and in India. Recently I was surprised and distressed to follow the proceeding of the Punjab Provincial Muslim League Conference held at Lyallpur at which you were present. This Conference called upon the Pakistan Government to take direct action on the Kashmir issue. I am unable to understand what direct action means in this context.

10. At the East Pakistan Muslim League Conference you are reported to have said:

   We seek a solution of this (Kashmir) dispute through peaceful means through the United Nations. If this course should fail, we shall have to consider other courses of action that may be open to us.

   You are further reported to have said: "It is the Muslim League which avenged the downfall of the Muslim empire in the Indo-Pakistan sub-continent."

11. Such statement can have only one meaning and that is war. I was not aware till now that it was the purpose of the Muslim League to avenge the downfall of the Muslim Empire. I shall be glad to know if it is a further purpose of the League to establish another Muslim empire in the Indo-Pakistan sub-continent.

12. It is with the deepest regret that I have to bring these instances to your notice. They are only some selected instances of the continuous propaganda that has gone on and is going on in Pakistan against India and in favor of war with India. I would beg you to give thought to the reactions of these statements and this propaganda on the minorities in Pakistan and on all the people in India to whatever religion or other persuasions they might belong. In spite of this, the situation in India has remained surprisingly normal.
13. It is true that some individuals and groups in India express themselves in objectionable and improper language, but the whole force of our Government as well as of our great national organization, the Congress, is used to combat this objectionable propaganda of some groups in India. We have done so with success and we propose to continue to deal with any such propaganda in India adequately both on the governmental and the non-official plane.

14. I would not complain if some opposition groups or individuals misbehaved occasionally. But it is a different matter when the leaders of Pakistan, including the head of the Government, as well as the Muslim League organization, which is the Government party in Pakistan, themselves indulge in exciting communal passion and issuing threats of war. There is a vast difference between irresponsible individuals saying something and responsible leaders and representatives of Government saying the same thing.

15. I recognize that the relations of India and Pakistan are not good. It is because of this that those who are in charge of the destinies of either of these countries have a very special responsibility to discharge. I claim that my Government have endeavored to discharge that responsibility and have not been afraid of saying and doing things which might make them unpopular. But I deeply regret to find a lack of that responsibility in the leaders of Pakistan. Fate and circumstance have placed us in these high positions of responsibility and what we say or do might have far-reaching effect on millions of people. It is a heavy burden we carry.

16. It has seemed to me tragic that anyone should ever talk of war between India and Pakistan. I ventured to suggest to your predecessor, Mr. Liaquat Ali Khan that both countries should declare unequivocally that on no account and for no reason will they go to war with each other for the solution of any problem or any matter in dispute between them. War solves no problems. It is a confession of defeat and surrender to disaster. Unfortunately Mr. Liaquat Ali Khan was not prepared to give that undertaking on behalf of his Government. Even so we have solemnly stated that India will not go to war with Pakistan whatever happens, unless she is attacked. We shall abide by that declaration. I invite you, as I invited your predecessor, to make a similar declaration. If both our countries make it clear that our problems would be solved by peaceful methods alone and that on no account would we go to war with each other, a great burden would be lifted from the minds of millions of people in Pakistan and India. A situation would be created when it would be far easier to solve those problems and to develop the normal friendly cooperative relations between India and Pakistan, which, I am sure, the vast majority of people in both these countries desire. History, geography and many a common heritage dictate this. We should be wise enough to understand this lesson of the past and the present and thus
build a future for India and Pakistan which is free from fear and hatred and conflict and in which we cooperate to our mutual advantage.

17. If you share with me the sentiments and objective referred to above, as I very much hope that you do, then it should not be difficult for us to find some way of approach which would lead to a solution of our problems. So far as we are concerned we shall gladly welcome this.

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3076.  
SECRET
Letter from The Deputy High Commissioner in East Pakistan to Commonwealth Secretary B. F. H. B. Tyabji.

Dacca, November 20, 1952.
Office of the Deputy High Commissioner for India In Pakistan
11 Rankin Sr. Dacca.

No. 589/DHC November 20, 1952.

My dear Tyab ji,

You will, no doubt, be interested to know the reactions in East Bengal of the debate on East Bengal in Parliament and also the proposal of some opposition parties, to observe an All-India East Bengal Day on Sunday, the 23rd instant. In my secret D.O.No.570/DEC dated the 14th November 1952 addressed to Issar, I have already referred to the mischievous line taken by the Dacca press during the first week of this month as a counter blast to the proposal for observing East Bengal Day in India. As you know, fantastic stories about the oppression and massacre of Muslims in India were being prominently displayed by the Morning News and also by some other organs of the local press. We have reason to believe that some of the stories put out were officially inspired. A series of "protest" meetings were also being held in different wards of Dacca town as well as in mofussil districts of East Bengal. In spite of this propaganda in the press and from the platform, sections of the people really wanted a communal flare up in East Bengal. I feel that the reason why Government tolerated, and to a certain extent, encouraged this propaganda was because of its obvious political value to themselves, hard-
pressed as they were on the economic front. They probably also wanted to keep people psychologically prepared for any outbreak of communal violence during the East Bengal Day in India which was originally proposed to be held on the 16th.

For the last ten days or so, however, we have been noticing some improvement in the tone of the press, and even the big conference recently held at Dacca for supporting an Islamic constitution and laws for Pakistan refrained from indulging in any unbalanced attacks against India or the local Hindus. Another interesting information in that the Muslim refugees from India wished to stage a *Sahidi Bharat* Day in East Bengal as a counterpoise to the East Bengal Day to be held in India. I am told, however, that the Government discouraged the idea and are, in fact, taking precautionary measures for maintenance of peace at Dacca and elsewhere on the 23rd. Further on the 14th instant Aziz-ud-din Ahmed, Pakistan Minister of State for minority affairs, delivered a speech at Rajshahi where he made the some what unwonted appeal to his listeners to “keep cool even if peace was disturbed and communal riots broke out in West Bengal following the observance of the East Bengal Day”.

I am inclined to believe that this improvement in the attitude of the press and the government is primarily attributable to the Prime Minister’s statement in Parliament which has been very well received here, both in official and non-official circles. There is an under-current of feeling that it should be the duty of all responsible Pakistanis to strengthen the hands of Shri Nehru as against the communalists in India. The second important reason is that both Government and the people in East Bengal are both to receive a fresh batch of Muslim refugees from India as a result of large scale communal disturbances on both sides. Thirdly, it is also possible that as a result of the recent Chief Secretaries Conference at Shillong at which NM Khan, the Acting Chief Secretary of East Bengal was pressed to stop propaganda against India and the minorities in East Bengal, Khan may have discouraged such propaganda.

I need hardly add that the situation is certainly not free from anxiety. Apart from the constant irritation caused by “appeals” to hold East Bengal Day in India and “resolutions” demanding the application of economic sanctions against East Bengal, the effects on the public mind of “horror” stories of atrocities against Indian Muslims, only recently put out by the Dacca press cannot be wiped off in so short a time. The position in effect is that though we are hoping that no untoward incident will happen at Dacca or elsewhere in East Bengal on the 23rd the tension is certainly high, and a few stray incidents of communal nature occurring in India on or after the ‘East Bengal Day’ may
well tilt the balance and start "retaliatory" communal disturbances here. Considerable nervousness among the minorities certainly exists.

Yours sincerely,
(B.K. Acharya)

B.F.H.B. Tyabji Esq. I.C. S.,
Commonwealth Secretary to the Government of India,
Ministry of External Affairs, New Delhi.

3077. Extract from a Note by Prime Minister Jawaharlal Nehru on improving relations with Pakistan.

New Delhi, April 26, 1953.

5. The future of the Hindu minority in East Bengal is dependent upon the larger issue of Indo-Pakistan relations. There is a possibility now, more than at any time in the recent past, of these relations improving. I think this is largely due to the shock that people in Pakistan have received from the realisation that conditions in Pakistan, both political and economic, have deteriorated greatly. In fact fear of some kind of disaster began to grip the people. The reasons for this deterioration were largely of course internal, though sometimes India was blamed. On the whole, however, people in Pakistan realise that these reasons were internal. They also compared regretfully the stable politics of India and her improving economic condition as well as the advance made by us in many directions. Gradually a feeling spread that Pakistan’s leadership was gravely at fault and comparisons were made with India’s leadership to the disadvantage of Pakistan. A vague regret spreads among many people at the fact of partition and its consequences. This must not be taken to mean that anyone really thought of reversing the Partition. History cannot be reversed in this way. But all

* This note was based upon a detailed report by the Indian High Commissioner Mohan Sinha Mehta submitted after a tour of East Pakistan. While spelling out the major disabilities of the Hindu minorities in East Pakistan, Mehta concluded that the allegation that there was a deliberate policy on the part of the East Pakistan Government to squeeze out Hindus was unfounded. He felt that the Hindu political leaders painted an "unduly and unfairly dark picture of the situation" and that their "distrust and condemnation" of the Pakistan Government was only "partially justified."
this did mean a reversal of the old habit of mind of blaming India for everything
and a toning down of the ill-feeling against India. Probably, at no time during the
last five or six years, has the public of Pakistan been more friendly, or to put it
better in a negative way, less unfriendly to India than now. There is a genuine
desire both in the public and among the leadership for some way to be found to
settle the issues between India and Pakistan, which have created so much
trouble and ill will. Whether they can be settled soon or not, it is difficult to say.
But the atmosphere is certainly more favourable for their settlement....

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3078. Letter from the High Commissioner C. C. Desai to Pakistan
Foreign Secretary J. A. Rahim.

High Commissioner For India
Karachi

No. HC/54/13 March 21, 1955

My dear Foreign secretary,

Will you kindly refer to your letter No. I (II)-11/1/54 dated the 29th October,
1954, regarding the entry of Muslims into West Pakistan through Khokhrapar,
addressed to Dr. Mohan Sinha Mehta.

2. The Government of India do not agree that this movement via Khokhrapar
is attributable to any feeling of insecurity among the Muslims in India.

3. In the first place, the incidents referred to, which are freely ventilated in
the Indian Press, were minor and sporadic, involving members of the two
communities and originating from causes like molestation or abduction of Hindu
girls, long standing disputes over land, petty quarrels between vendors and
customers over the price of articles, slaughtering of cows, etc. Wherever such
incidents occur, the local authorities take prompt and effective action to check
the mischief and to bring the miscreants to book.

4. Secondly, the position with regard to the Shuddi (purification) movement
has been set out fully in our Note No. F.30 (21)/54-Genl dated the 19th August,
1954. As stated therein, the so called Shuddi movement exists more in the
imagination of a few reactionaries and of persons interested in maligning India
and not in actual fact.
5. It should be added that the blame for whatever little anxiety and uncertainty there may be among the Muslims of India rests squarely with Pakistan. Pakistan newspapers and political leaders, including, we regret to say responsible members of Government, have been continually abusing India and publishing imaginary and exaggerated stories of communal incidents. For instance, in the Ghaziabad riot, mentioned in your letter of the 15th February, all that had happened was that a Muslims Butcher stole a cow belonging to a Jan Sangh Leader and slaughtered it. The incident led to a small fracas in which half a dozen people received minor injuries and property worth Rs.5,000/- was damaged. The police reached the spot immediately and restored order. In Pakistan, however, this incident was magnified into communal riot in which Muslims were killed and their property looted indiscriminately. Further, the Pakistan Press even made out that this riot was the result of a campaign launched by Hindu Leaders against the US Arms Aid to Pakistan. Unfortunately, the power of propaganda is such that no matter how incorrect it is, there are some people somewhere who will believe it sometimes. The principal reason for any sense of insecurity that may prevail amongst any sections of our Muslims is, therefore, the deliberate attempt at such mis-representation, exaggeration and scare-mongering indulged in by Pakistan.

6. With regard to the movement of Muslims from India via Khokhrapar, it is incorrect to say that all of them are actual migrants. As this route has not been accepted by the Pakistan Government as an authorized route under the Indo-Pakistan Passport Scheme, such people do not possess any travel documents (use it). Some of them are Pakistani nationals who came to India without travel documents before the introduction of the Passport scheme or Pakistani passport subsequently and are leaving the country without travel documents, as their stay in India was unauthorized. Many of them are relations of people who had migrated to Pakistan in the earlier days of the partition; they are now leaving India either because they are Pakistani nationals and always wanted to be Pakistani nationals but had stayed behind temporarily for various reasons. It is possible that they are apprehensive that if they apply for emergency certificates to Pakistani Missions in India in the normal manner, they would not get them. Further most of these travelers also find this route more convenient and do not wish to undertake the trouble and expense of traveling via Amritsar Lahore route.

7. In this connection I may also refer you to the editorial comments in Nawa-i-waqt (Lahore) in its issue of the 18th November, 1954, which contain the following passage:

"it is not correct to say that the Muslims who came via Khokhrapar are being forced out of India or that riots have taken place in India which
make the stay of Muslims impossible. A large number of persons come to Pakistan under the wrong nation that there are large opportunities of employment in Pakistan. On reaching Pakistan, they got disillusioned, begin accusing the Government of Pakistan and spread discontent among the people."

The paper quotes a Muslim refugee from Rampur in India as having said "My business in Rampur became somewhat dull. I thought I would get better opportunity in Pakistan" and observed "this is not the only example of this kind. There are lakhs of persons who have come like that". These comments in the Pakistan press will serve to refute the suggestions that the movement via Khokhrapar is the result of communal riots in India. The information available to Indian authorities fully corroborates these statements.

8. The Government of Pakistan have not accepted any authorised route for travel between India and Pakistan on the long Rajasthan - West Pakistan border, compelling genuine travelers to adopt either the cumbersome route via Amritsar or to travel illegally via Khokhrapar. The solution lies in the Government of Pakistan's agreeing to a suitable number of check posts on the Rajasthan-West Pakistan Border as well as additional check posts on the Punjab Border.

9. According to figures available with us, the number of non-Muslims who migrated from West Bengal to India (West Bengal, Assam and Tripura) during 1953 on migration certificates issued by India Visa Office in East Bengal was 70,123. Statistics regarding the number of Hindus from East Bengal who migrated to India in 1954 show that during the first 11 months of the year over 80,279 Hindus came in to India (as against 69,367 Muslims leave via Khokhrapar). The Influx of Hindus from East Bengal has steadily been increasing since May, 1954, and was over 10,000 in September and October, 1954, rising to 11,000 and even more in subsequent months. It should be added that we have no figures regarding persons coming to India without migration certifications and crossing the border at places other than authorized check posts. This number is believed to be considerable since large number of Hindus are leaving East Bengal without travel documents.

10. It is somewhat surprising that you should say that since the prime ministers' Agreement of April 1950, there has not been a single communal riot in East Bengal. The numerous cases of dacoity, arson and looting of the houses of Hindus, of rape, abduction and molestation of Hindu women and of forcible conversion of Hindus by members of the majority community which occur almost daily in East Bengal, tell a different story. The incident on the 13th May 1954, at Chilmabazar, P.S. Gopalganj, Distt, Faridpur, in which 5 Hindus were seriously injured; the incidents at Jalirparhat, P.S. Muksudpore, Distt. Faridpur on the 14th May, 1954, and the incident on the 8th May, 1954 at Mijiara, P.S. Tala
Khulna, in which over 100 armed Muslims set fire to the house of a Hindu and attacked the local Hindus are specific instances to show that the communal situation in East Bengal gives continuing ground for the feeling of insecurity among the minority community in East Bengal. In this connection, the High Commission's Note No.F.6/(1)/55-Genl. dated the 28th January 1955, bringing to the notice of the Pakistan Government the oppression of Hindus by members of the majority community in Khulna Distt may also be referred to.

11. As regards Mr. Ahmad's letter of the 26th November 1953, to Mr. Mathrani about India taking steps to check the entry of Indian nationals via Khokhrapar, it is clearly for the Government of Pakistan to take steps to prevent such illegal entry into Pakistan territory. The Government of India have repeatedly suggested that the Khokhrapar route should be made an authorized route since there is no other convenient route on the long frontier in this area. The suggestion has been consistently rejected by Government of Pakistan who have declined to open check posts at Khokharpar. We also pressed for the reopening of the rail connection in the route which has also not been accepted by the Government of Pakistan. The Government of India have always given the assurance that they would do all in their power to maintain confidence and sense of security among the Indian minorities at the same time, it is not possible for them to use force on the people who desire to migrate; indeed the assurance of such freedom of movement in itself contributes to the feeling of security. Freedom of movement and protection in transit have been the two cardinal principles that have regulated Government of India's policy in the matter.

12. I have written at some length in view of the specific points raised in your earlier communication. At the same time it is my conviction that the movement of Muslims via Khokhrapar and the contrary movement of Hindus from East Bengal are not matters which can in same way be set off one against the other. Each problem has to be tackled on its own merits and independently of others. Also making allegations against each other or finding fault with each other is not the best of effective way of controlling this evil of migration which no doubts causes grave problems for both of us. You can count upon my whole hearted support in devising practical ways and means to control unwanted movement on both sides, East and West, and I am sure I can count upon similar cooperation from you. It is in this sprit that I would urge you to agree to the proposal set out in paragraph 8 above namely the opening of authorised routes with check posts on the Rajasthan, West Pakistan Border at an yearly date. I am hopeful that this solution will now commend itself to your Government since Sardar Amir Azam Khan has recently declared himself in favor of the proposal. According to the report in Dawn of the 10th March, the Minister of Refugees and Rehabilitation
has said that Pakistan had been trying to reach an understanding with India for declaring Khokhrapar as a regular route.

With kind regards,

Your sincerely
sd/-C.C. Desai

J.A. Rahim Esq.,
Foreign Secretary
Ministry of Foreign Affairs & Common Wealth relations,
Government of Pakistan, Karachi

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Annexure 'B'

Statement showing efflux of Muslims via Jodhpur - Sind route (Munabao - Khokhrapar) between the 1st April 1950 and the 24th March, 1955 ……………..

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<td>-do-</td>
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<td>April</td>
<td>1,22,374</td>
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<td>October</td>
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<td>12,513</td>
<td>8,055*</td>
<td>4,078</td>
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<td>November</td>
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*6,808(1-14th)
1,247 (15th-31st)
3079. Extract from Telegram No.224. dated April 8, 1955 from High Commissioner C. C. Desai to the Commonwealth Secretary S. Dutt.

2. As regards migration, Mohammad Ali did not deny increase in exodus although his information was that about eight thousand monthly against real figure of 25 thousand last month. Mohd. Ali mentioned the reported desire of West Bengal to oust Beharis by inviting labor and agriculturists from East Bengal and was eloquent about Bengali nation language unity and culture as against request to abolition of zamindari and said that this caused certain amount of pressure on Namasudras who might be leaving on that account. Ultimately he ended up by saying that GHYASUDDIN PATHAN was going East Bengal and would study situation and take necessary steps. MEHR CHAND pointed out that there had been no liberalization of benefits or concession to refugees and that East Bengal Hindu was definitely unwelcome to West Bengal Hindu and therefore cause for migration must be traced to insecurity and difficulties in East Bengal.

3080. Minutes of the Ministerial meeting between the Pakistan Interior Minister Iskander Mirza and Indian Rehabilitation Minister Mehr Chand Khanna.

Karachi, April 9, 1955.

Minutes of the meeting held in the room of the Hon'ble Minister for the Interior, Government of Pakistan, on the 9th April 1955, at 3.30 P.M.

The following were present:

PAKISTAN
1. The Hon'ble General Iskander Mirza, Minister for the Interior.
2. Mr. M.W. Abbasi, Secretary, Ministry of Refugees & Rehabilitation.
3. Mr. M.S.A. Baig, Secretary, Ministry of F.A. & C.R.
4. Mr. S.N. Hasan, Director General, Pakistan Railways.
5. Mr. Hameed–ud–din Ahmed, Deputy Secretary Ministry of Interior.
6. Mr. K.M. Kaiser, Deputy Secretary, Ministry of F.A. & C.R.
7. Mr. A.A. Shah, Deputy Secretary, Ministry of F.A. & C.R.

INDIA
1. The Hon'ble Mr. Mehr Chand Khanna, Minister of Rehabilitation.
2. H. E. Mr. C. C. Desai, High Commissioner for India in Pakistan
3. Mr. K. P. Mathrani, Joint Secretary, Ministry of Rehabilitation
4. Mr. R. T. Chari, Deputy High Commissioner for India in Pakistan
5. Mr. V. C. Trivedi, Director, Pakistan Division, Ministry of Ext. Affairs.
6. Mr. D. M. Gupta, Government of West Bengal.

1. Unauthorized entry of persons from India via Khokhrapar: The question of preventing unauthorized entry of persons from India through Khokhrapar into West Pakistan was discussed. It was agreed that the Khokhrapar – Munabao route should be declared as an authorized route and that check–posts should be established at the border by the Governments of Pakistan and India. The Indian authorities would co–operate with the Pakistan authorities in ensuring that unauthorized traffic did not take place on this route. It was also agreed that the Gandasinghwala – Husainiwala route with corresponding check posts for travel between India and Pakistan should be re–established. The two Governments would also take early steps to re–establish rail connection on both these routes.

2. Improvement of Railway communications between India and Pakistan. Officials of the Railway administrations of India and Pakistan would be meeting shortly in Karachi to work out details for the re–establishment of communications between the two countries.

3. Liberalization of travel facilities between India and Pakistan. It was agreed that the present restrictive system should be liberalized and replaced by a simpler system based on the normal international pattern. Mr. M.S.A. Baig and Mr. V.C. Trivedi were asked to prepare a detailed scheme for the consideration of the Hon’ble Ministers.

The two Ministers agreed that the travelers should not be required to report to the Police either in writing or in person.

4. Hindu exodus from East Bengal: The next item discussed was the rise
in the migration of the members of the minority community from East Bengal which was viewed with increasing concern by both Governments. The Hon'ble Minister, General Iskander Mirza, said that his Government was anxious that this movement should stop and that the real causes should be discovered and remedied. For this purpose, the Minority Minister of Pakistan would shortly be touring East Bengal. It was considered that a statement to reassure the minority community in East Bengal that their rights and privileges would be fully safeguarded and further assuring those migrants who wished to return, of a welcome back to their home, would have a beneficial effect. A draft statement for the consideration of the ministers in this connection is appended. This statement when issued would be given full publicity in Pakistan as well as in India (Document No.3081). The Government of India would co-operate with the Government of Pakistan in the efforts being made by the latter to re-assure the minorities.

The two Ministers were of the opinion that increasing contacts at all levels (both official and non-official) in the Eastern Zone were desirable.

The Hon'ble General Iskander Mirza also gave an assurance that complaints from the minority community regarding ill-treatment and discrimination in trade and service would be promptly looked into and redress provided and such additional measures, as might be necessary, would be taken to reassure the minority community.

It was agreed that border trade between the two countries should be facilitated and that restrictions on this traffic should be avoided. In this connection it was suggested that the principles of border trade agreed to at the Border Trade Sub-Committee of the Delhi Conference held in March 1953 should be considered for implementation.

5. **Release of Government servants in custody of the two countries:** It was agreed that all Government Servants belonging to one country who are in detention in the other country for non-political offences should be released and repatriated to their own country by an agreed date.
3081. **Press note issued by the Pakistan Government expressing concern on the rise of migration of members of the minority community from East Bengal.**

**Dacca, April 11, 1955.**

The Government of Pakistan have viewed with increasing concern the rise in the migration of members of the minority community from East Bengal.

Members of the minority community are reminded that the Government of Pakistan regards them as much citizens of the States as Members of the majority community. They are consequently assured all the rights and privileges of citizenship.

Special machinery has been established for providing early redress of grievances of the members of the minority community.

Whatever might be the reason for the large scale movement of members of the minority community, the Government of Pakistan would be prepared to take back in their original homes all migrants who wish to return. They may rest assured that all measures will be taken to safeguard their interests and security so that they should continue to live in Pakistan with honor and dignity.

With a view to assist in the creation of favorable conditions for the safety and comfort of the minority community the Hon'ble Mr. Pathan, Minority Minister, Pakistan, accompanied by Mr. A.K. Chanda, Deputy Minister, External Affairs, India, will shortly be making a joint tour of East Bengal.

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3082. **Joint Communiqué issued after the joint tour by the Deputy Minister for External Affairs A. K. Chanda and Pakistan Minister of Minority Affairs of some of the areas of East Bengal affected by increased migration of members of the minority community.**

**Dacca, April 21, 1955.**

[Shri Anil Kumar Chanda, Deputy Minister for External Affairs, Government of India, and Mr. Ghayasuddin Pathan, Minister for Minority Affairs, Government of Pakistan jointly toured some of the areas reported to be affected by increased exodus of Hindus from East Bengal to West Bengal. After
After completing their joint tour of some of the areas reported to be affected by increased exodus of Hindus from East Bengal to West Bengal in recent months, Mr. Ghyasuddin Patha, Pakistan Minister for Minority Affairs, and Shri Anil Kumar Chanda, Indian Deputy Minister for External Affairs, today left Dacca for Agartala. In Tripura the Ministers who are accompanied by officials of the two Governments will jointly study progress of implementation of the Delhi Agreement, particularly restoration of property to the Muslims who had migrated to Pakistan in 1950, but have since returned to their homes.

Earlier, in West Bengal the Ministers looked into the problems of members of the minority community in Howrah, particularly about restoration of the property to the Muslims who have returned to their homes after the 1950 disturbances.

In East Bengal the joint tour of the Ministers covered some of the affected areas in Jessore, Khulna, Faridpur and Barisal districts and Dacca.

In all places the Ministers visited they met representatives of minority and majority communities and heard their views on problems of minorities, with a view to ascertaining causes of increased exodus of the Hindus from East Bengal in recent months, and discussed ways and means of removing these causes.

Everywhere Mr. Ghyasuddin Pathan reiterated the solemn guarantee of the Pakistan Government to protect life and property of the minorities and to ensure equal rights and privileges for them. He said it was the approved and earnest wish of the Pakistan Government that migration of members of the minority community should stop. Mr. Pathan appealed to the members of the majority community to consider it their sacred duty to protect members of the minority communities who were as much nationals of Pakistan as the members of the majority community.

Shri Chanda appealed to the members of the Hindu community not to leave their ancestral homes in view of the assurance given by the Government of Pakistan and described as "completely baseless" reports that the Hindus of East Bengal were being allured or induced to migrate to India by liberal advances of money and grants of land on arrival in West Bengal. India and Pakistan, he said, were both desirous that migration which was harmful for both countries should stop and that the minority community should continue to live with honour and security in both countries.
3083. Notes of discussion between Pakistan Minister for Minority Affairs Ghyasuddin Pathan and High Commissioner C.C. Desai.  

Karachi, May 9, 1955.

On the invitation of Mr. Ghyasuddin Pathan, the High Commissioner met him at his residence on the 9th May. Mr. Kaiser, Deputy Secretary, Ministry of Foreign Affairs and Commonwealth Relations, and Mr. R.T. Chari, Deputy High Commissioner for India, were also present. The discussion related to the recent joint tour of Mr. Pathan and Shri A.K. Chanda in East Bengal and the problem of migration of Hindus from East Bengal.

2. Mr. Pathan said that he hoped to meet Shri Mehr Chand Khanna (Minister of Rehabilitation) at Calcutta on his return journey, but had unfortunately not been able to do so as he received information in Dacca that his wife was ill at Karachi and had to return urgently. In fact his wife was still ill in hospital. He proposed to resume his tour of East Bengal and was leaving for Dacca in 2 or 3 days. He would then visit some more districts and hoped to stop over at Calcutta on the return journey and have discussions with Shri Mehr Chand Khanna and others.

3. The High Commissioner said that he had received copies of Shri A.K. Chanda's report on the joint tour. He was sorry to note that the conditions were very gloomy and that unless something effective was done, the migration would continue at a high rate. The High Commissioner summarized the findings of Shri A.K. Chanda briefly for the information of Mr. Pathan and added that there seemed to be a lot of tyranny by petty officials in East Bengal. It was clear that the minority community in East Bengal was feeling very insecure, that there were incidents of abduction of women and insults to their honour and that no redress was available from the Governmental authorities. It was clear that, if this condition continues, the entire Hindu population from East Bengal would migrate to India. The High Commissioner said the Government of India were as anxious as the Government of Pakistan that such migration should not take place, but, at the same time, in view of the Prime Ministers' agreement and in view of the circumstances relating to Partition, the Government of India could not close the doors to such migration as long as they felt that the minority community could not continue in East Pakistan in security and honor. The remedy, therefore, was in the hands of the Pakistan Government. He was very distressed to read the detailed report of Shri A.K. Chanda. The High Commissioner also referred to some incidents narrated in this report to show the unsatisfactory conditions in East Bengal.
4. Mr. Ghyasuddin Pathan listened patiently and said that he appreciated the frankness with which the High Commissioner had indicated the Government of India’s views on the subject. On his part he would be equally frank. With regard to the Muslims in Howrah, he said that the conditions were satisfactory and there was nothing wrong and he had no hesitation in saying so frankly.

5. With regard to the minority community in East Bengal, he appreciated the feeling of despondency and gloom voiced by Shri A.K. Chanda. Being an older man, he himself did not take such a gloomy view of the matter. Conditions were certainly not satisfactory. He had fully agreed that the petty officials were behaving in an unsatisfactory way and that the position had to be corrected. In his report to the cabinet, he had not minced words and had used very strong language. He had also spoken equally frankly and bluntly during the tour and told the majority community leaders in East Bengal that he could not believe that the Hindus would be leaving East Bengal where they had resided for many generations merely because some inducements by way of rehabilitation grants were available in India. He had told them frankly that there must be harassment and it was the duty of the majority community to infuse confidence in the minority community by behaving justly and honorably towards them.

6. He agreed that the harassment by petty officials and inferiority complex felt by the minority community as a result of minor incidents were contributory causes to the migration. At the same time, he was convinced that the basic cause was the economic difficulties felt to a greater extent by the minority community. He had found that in the concerned districts, although crops had been poor, no relief measures had been extended by the East Bengal Government because of certain narrow definitions for the conditions of relief. This was equally true of Muslims in the area. In fact, Major General Atal had told him that there were large numbers of Muslims also who were migrating to Tripura owing to economic difficulties in East Bengal. While the Muslims in the affected area had no place to go and had to stick on, it was natural for the Hindus to seek relief by way of migration, particularly because of the pin-pricks, harassment and inferiority complex induced thereby. The rehabilitation grant of Rs. 12/- per person would amount to something like Rs. 50/- per month for a family and was certainly an attraction in such economic distress when compared with the high level of prices in East Bengal and the conditions of distress caused by crop failures. He therefore considered that the primary cause of migration was economic. He had asked in his letter to his Prime Minister that adequate funds should be placed at his disposal for immediate relief work in this area and he hoped to get a favorable reply to this request; once the relief was extended impartially to the Muslims and the Hindus in the affected area, he felt that the migration would die away. He, however, felt that this would take sometime and
he beseeched the Government of India to give him 2 or 3 months in which the measures proposed by him could take effect.

7. The High Commissioner said that already the Government of India had issued instructions to slow down the rate of issue of migration certificates. Already thousands of such applications were awaiting issue. It would not be possible for the Government of India to take any action either by announcing the withdrawal of relief measures to migrants or by stopping to any considerable extent the issue of migration certificates in the present circumstances. The High Commissioner felt that, when the Pakistan Government's action remedy the difficulties showed some signs of slowing down the migration, the Government of India could examine such steps.

8. Mr. Pathan said that he would only make one change in that and that is, action on the part of the Government of India to slow down migration should not wait for Pakistan Government's action but should be taken simultaneously with it. This would give him some time in which to bring remedies into effect.

9. Mr. Pathan mentioned that migration certificates took only few days to issue, while people had to wait much longer for visas. He found that the Indian Deputy High Commissioner, Dacca, was very cautious in extending co-operation. The same was true of the West Bengal Government. He had requested the Deputy High Commissioner, Dacca, to give him a list of the villages and taluks from which the largest number of applications for migration certificates were being received. His object was merely to do intensive work in those areas to restore confidence. The Deputy High Commissioner was, however, diffident and said that the matter had to be referred to the Government of India first. The High Commissioner said that he had already written to the Government of India suggesting full co-operation in this matter.

10. Mr. Pathan then mentioned that he wanted the communiqué issued by the Pakistan Government (assuring Hindu migrants in West Bengal that they would be welcome back to their homes and their properties restored) should be publicized by means of Bengali pamphlets. The West Bengal Government was also hesitant in doing this. The High Commissioner informed Mr. Pathan that he had also asked the Government of India to extend their co-operation in this matter.

11. Mr. Pathan said that, apart from the immediate relief he had proposed for economic distress, he had also in mind the long-term remedies. In the first place, the attitudes of the subordinate officials and the constabulary were thoroughly unsatisfactory. At the time of Partition, the educated Hindu Officers had all left for West Bengal with the result that the lower ranks of officials, civil and police, now consisted of persons who are both inefficient and unqualified.
Persons who were not fit ever to be constables had now been promoted to be in charge of Police Stations. There was also a lack of adequate police staff. He had stressed in his report that this position should be remedied and there should be an expansion of qualified and suitable personnel among the lower ranks.

12. He also realized the difficulties caused by the retrenchment of Hindus employed in the zamindari administration. It certainly had affected their economic position and he was examining the possibility of reinstating as many of them as possible. The same applied also to the cancellation of licenses for cloth dealers and oil distributors. He also found that Hindus were not appointed in services up to the quota reserved for them. The East Bengal argument that suitable persons among the minority community were not available did not convince him. He himself knew of 6 Hindu graduates who had sent applications to him for jobs and it would not be correct, therefore, to say that such qualified Hindus were not available. He was taking up this matter also for examination.

13. Mr. Pathan said that the higher officials, the District Magistrate and the Deputy Superintendent of Police, appeared to him to be quite impartial. In fact, the minority leaders had nothing but praise for them. The High Commissioner said that this had also been pointed out by Shri A.K. Chanda. What was necessary was to improve the lower officials and their attitude. If the Government made it known to them that harassment of the minority communities would not be tolerated there was bound to be improvement in the position. It was necessary that disciplinary action for punishment for bad behavior in a few instances should be taken. The High Commissioner referred to the case of Shrimati Mukul Rani who had been abducted about two years ago. The Magistrate had handed her over to the custody of the abductor when she was produced after a long time before the Court. The Magistrate had also made some remarks of an objectionable character like asking the girl whether she did not prefer to stay with the abductor, whom he described as a handsome man. Mr. Pathan agreed readily that the conduct of the Magistrate in that case had been worthy and he was sending for the papers and that some action would be taken against the Magistrate and the others concerned. It was a very sad case which he himself knew personally. He had seen the Hindu husband and was satisfied that he was in love with his wife who had been abducted and was willing to take her back with the children born after abduction. He was convinced of the man's sincerity and had, therefore, made attempts to restore the abducted woman to him but she had refused to go back, and since then the abductor had written to say that he would be willing to produce Mukul Rani before the High Commissioner for India or the Deputy High Commissioner at Dacca, who could persuade her and find out what she really wanted.
14. Mr. Pathan said that many of the Hindu leaders had expressed their anxiety for early restoration of parliamentary government. The High Commissioner said that this was a matter for the Pakistan Government. Mr. Pathan said that there was every chance for early restoration of parliamentary Government and he hoped that this would be conducive to better confidence on the part of the minority community. He also stated that the minority community felt that joint electorates could contribute greatly to their security and integration in the Body Politic and in fact the Cabinet decided to have joint electorates introduced in the new Constitution. He felt that this would also improve the overall position of the minority community and give them the means of redress when anything went wrong.

15. Mr. Pathan said that he was shortly going back to Dacca for a further tour in some of the affected areas and he would be glad if the High Commissioner would also come and see for himself the conditions there during that time. The High Commissioner said that he would certainly be glad to avail himself of this invitation.

16. Mr. Pathan said that, on his way back from this tour, he would stop at Calcutta and have a discussion with Mr. Mehr Chand Khanna and others. In the meantime, he wanted the co-operation of the Government of India in slowing down the migration so that he may have the chance of putting matters right in the meantime. He himself had written a strong report to the Cabinet suggesting various remedies, both short-term and long-term, and if the Cabinet does not accept these proposals, he would no longer be there.

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6. As regards minorities, MOHAMMAD ALI desired that both countries should gradually take diminishing interest in other's minorities thus encouraging both confidence in and reliance on Government of one's own country*. He referred to DUTTA being made Minister and said that he would be as soon as possible take further action for encouraging confidence amongst Hindus in East Bengal. He told me to advise such Hindu friends from East Bengal as may seem not to be frightened of the world Islamic which he would occasionally have to use to carry his own people. I told him that our primary interest in matter was to see that exodus was checked. Subject to this we believed in each country looking after its own minorities without let or hindrance from other country, although because of repercussion we could never wholly divest ourselves of interest in what happens in other country.

7. I then told him of agreements made out but not ratified, of agreements ratified but not implemented and of the general atmosphere in Foreign Office here that unless Kashmir problem is settled every other problem must remain hanging. He said that was wrong attitude and as soon as he settles down, he would bring about change of attitude. If he means what he says he should prove successful where his predecessor was a miserable failure. Though anti-Indian he is realistic and firm and far more preferable from our point of view than the previous Prime Minister.

* Relying on the 22nd August Nehru told the High Commissioner to convey to Mohammad Ali that while he agreed with him that "each country should look after its own minorities and produce confidence in them", yet the fact remained that "we continue to have large inflow amounting to about 20,000 per month from East Pakistan to West Bengal."
3085. Statement by Minister of Rehabilitation Mehr Chand Khanna laid on the Table of the Lok Sabha on the large scale migration of Hindus from East Bengal.

New Delhi, March 29, 1956.

The House is aware of the great increase in migration of the Hindu minority in East Bengal to India. The statistical tables show that in the first half of 1954 an average of 6,600 persons migrated to India. This monthly average increased to 13,500 in the second half of 1954. In 1955 the increase continued, the monthly average for the whole year being over 20,000. In January 1956, 19,206 persons migrated and in February the number increased to 45,534.

In the past year or so, we have made several approaches to the Pakistan Government for the purpose of finding ways and means of reducing the exodus.

In April 1955, I visited Karachi and held discussions with General Iskander Mirza, who was then Minister for the Interior, and his colleagues. I also had talks with Mr. Ghulam Mohammad, the then Governor General. I was assured by all that the Pakistan Government did not look with favor at the migration of members of the minority community from Pakistan and that they would take all possible steps to restore confidence among them. The Pakistan Government also gave assurances that there would be no discrimination against the minority community in the matter of trade and of employment in the services. After the meeting, the Pakistan Government issued a statement* assuring members of the minority community that all measures would be taken to safeguard their interests and security so that they could continue to live in Pakistan with honor and dignity. The Pakistan Government also declared that they would be prepared to take back in their original homes all migrants who wished to return and to restore their properties.

As a result of these talks, it was also arranged that the Pakistan Minister of Minorities and the Indian Deputy Minister for External Affairs, deputizing for the Indian Minister for Minorities, would conduct a joint tour of certain districts in West and East Bengal to ascertain the grievances of the minorities. This joint tour took place in April 1955. It was hoped that as a result of this and of the assurances given by the Pakistan Government, effective measures would be taken to remedy the grievances of the minorities and there would be a decrease in the rate of migration.

Unfortunately, our hopes were belied and there was no substantial decrease in the flow of migrants.

* Please See Document Nos.3081 & 3082
In November 1955, I wrote a personal letter to the Governor-General of Pakistan, General Iskander Mirza, drawing his attention to the alarming proportions that the exodus had attained and suggesting that I should go to Karachi once again to discuss the whole problem and particularly certain specific measures, which, if adopted, were likely to improve considerably the situation. The Governor-General's reply was to the effect that his Government felt that they had done all they could to stop the exodus. He referred to the fact that there were then members of the minority community holding Cabinet office, both at the Centre and in East Bengal.

On 6 December, 1954, I moved my headquarters from Delhi to Calcutta. I have been visiting the border stations and talking to the migrants proceeding to West Bengal, Assam and Tripura. From all that they say and from all that I have been able to learn of this problem, I have no doubt in my mind that the main reason for this continually increasing migration is the feeling of insecurity and economic discrimination under which the minority community lives. Economic distress is certainly a factor, but the primary reason which is making these persons leave their hearths and homes, where they have manfully coped with all difficulties for over eight years, is the insecurity and discrimination in their daily lives.

We also feel that a contributing factor has been the recent statement by the Pakistani High Commissioner in India suggesting that the only effective way to stop the migration was to seal the border. I have already described this as a negative approach to the problem. The result of these statements has been to create a feeling of panic among the minority community and to increase the rate of migration.

In this dismal picture there has recently been a relieving feature. Recently the Chief Minister of East Bengal convened a conference which was attended by the leaders of the minority community. The latter submitted a memorandum detailing their grievances and setting out measures which were considered necessary to remedy them and to bring the situation under control. At the conclusion of the conference, the leaders of both the majority and the minority communities issued a joint appeal intended to restore some measure of confidence among the minority community pending the implementation of positive measures to remedy their grievances. The question appears also to be engaging the attention of the Central Government of Pakistan. Their Foreign Minister has recently expressed a desire to discuss the matter further and take necessary action.

This migration of nearly a quarter of a million people in 1955 has added tremendously to the heavy problem of migrants who had come to India previously and whose relief and rehabilitation is one of our most difficult tasks. The increased flow of migration has made the position of West Bengal very nearly intolerable.
Efforts are being made to locate lands in States other than West Bengal where these displaced persons might be rehabilitated. Some states have offered blocks of land, but these will require considerable reclamation and development.

It is obvious that the continued migration in alarming proportions is a matter of the greatest concern to the Government of India. Essentially, it is for the Pakistan Government to take such steps as are necessary to create conditions in which this migration will cease. The Government of India will do all that is within their power to persuade the Pakistan Government to create such conditions.

3086. **Joint Communiqué issued by Pakistan and India Delegations at the conclusion of the Minorities Conference.**

Dacca, May 6, 1956.

The two-day Indo-Pakistan Conference convened at Dacca to consider the question of Hindu minority exodus from East Pakistan came to end today. Discussions were conducted in an atmosphere of cordiality and, there was a full and frank exchange of views. It was agreed that minorities are the responsibility of the government of the country to which they belong and it is as much the duty of minorities themselves to owe unreserved loyalty to their country and look up to their government for redress of their legitimate grievances as it is that of the government concerned to ensure that they remain happy and contented on terms of perfect equality in all walks of life with the rest of citizens of the country. The proper place for Hindus of East Pakistan is East Pakistan.

It has been further agreed that some positive steps should be taken to eliminate as far as possible the factors that tend to encourage exodus and to achieve this end both the delegations undertook to co-operate wholeheartedly. On behalf of their government the delegation of Pakistan reiterated their firm determination that minorities were their trust and that their right to live honorably as full citizens of Pakistan as guaranteed by Pakistan Constitution would be fully and effectively safeguarded.

In the view of both the delegations, the causes for exodus are many and varied. Broadly speaking they come under categories of psychological factors, economic conditions, social requirements, grievances, the latent gravitational pull of leaders, relations and friends who have already migrated to India, free facilities of crossing
Anil K. Chanda, Deputy Minister for External Affairs, who was part of the Indian Delegation headed by the Minister for Minority Affairs C.C. Biswas attending the Conference reported to the Prime Minister that Pakistan blamed the Indian Migration Officer stationed in Dacca for indiscriminate issue of migration certificates which encouraged migration to India. He added that B.C. Roy, Chief Minister West Bengal had also bitterly complained to Mehr Chand Khanna, Union Rehabilitation Minister, that migration certificates have been indiscriminately issued and had suggested the setting up of an efficient organization to ensure the granting of certificates only in deserving cases. After considering the report, the Prime Minister in a note on May 11 to the Commonwealth Secretary M. J. Desai observed that it was clear from the accounts furnished to him that "the person responsible for grant of migration certificates in East Bengal has done his work most

over to other side in expectation of rehabilitation among persons of their own culture, religion and ceremonial observances, and propaganda carried on by some persons with the sole object of misleading Hindus into quitting their hearths and homes and migrating to the adjoining Indian states of West Bengal, Assam and Tripura. All the possible factors were exhaustively reviewed and it was agreed that both Governments would lend their unstinted cooperation to the solution of this problem. Steps already taken by Government of East Pakistan to ensure that minorities are not induced to migrate were also brought to the notice of the Conference. Following among others are the measures which had already been taken: an Advisory Board consisting of MLA's of all political parties of the Minority community and some MLA's from the majority community has been appointed with the Chief Minister as President to supervise the implementation of measures considered necessary to counteract inducement for migration. Government have appointed a Hindu C.S.P. officer as Special Officer for Minority Affairs to look after the interest of the members of the minority community. He has been given power to take up any grievance of the members of the minority communities with the District Authorities and all Government Departments.

A circular has been issued to all officers of the Government reiterating once again their duty towards the minorities.

The age limit and academic qualifications for minority community candidates have been ordered to be relaxed as matter of general rule for the purpose of recruitment in suitable cases.

The Special Officer (Minorities) has been directed to examine new recruitment figures to ensure that Hindus get adequate representation.

Under Government instructions the Revenue Department have employed members of the minority communities to the extent of 23 percent of the vacancies in the Estate Acquisition Department.

The Government of India will take early steps to tighten up the machinery for the issue of migration certificates* so as to prevent indiscriminate issue of certificates

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* Anil K. Chanda, Deputy Minister for External Affairs, who was part of the Indian Delegation headed by the Minister for Minority Affairs C.C. Biswas attending the Conference reported to the Prime Minister that Pakistan blamed the Indian Migration Officer stationed in Dacca for indiscriminate issue of migration certificates which encouraged migration to India. He added that B.C. Roy, Chief Minister West Bengal had also bitterly complained to Mehr Chand Khanna, Union Rehabilitation Minister, that migration certificates have been indiscriminately issued and had suggested the setting up of an efficient organization to ensure the granting of certificates only in deserving cases. After considering the report, the Prime Minister in a note on May 11 to the Commonwealth Secretary M. J. Desai observed that it was clear from the accounts furnished to him that "the person responsible for grant of migration certificates in East Bengal has done his work most
and any abuse or exploitation of this facility by anti-social elements. While making it clear that migration certificates shall be issued only in deserving cases the Government of India agree that proper and detailed scrutiny of each application for migration certificate shall be made and all suggestions by the Government of Pakistan in this behalf would be given full consideration. Both the Governments hope that the steps which the Government of Pakistan propose to take to restore confidence in the minds of the members of the minority community so as to lessen their urge for migration would, together with the steps taken by India for proper scrutiny of migration certificates, progressively result in considerable reduction of minority migration which is the basis of the Nehru-Liaquat Agreement.

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inadequately and perfunctorily. For the last many months we have been laying stress on restricting the number of migrants. If, in spite of this, no proper examination of applications was made, it does not speak well for our office at Dacca." He directed that "efficient arrangements should be made for through scrutiny and checking in each case before a migration certificate was issued". He even suggested the replacement of the present Migration Officer if there were doubts about his competence.

The Pakistan delegation at the conference had suggested that the Nehru-Liaquat Ali Pact owed its origin to very peculiar circumstances prevailing in 1950, and could be scrapped altogether. The Indian side, however, maintained that so long as the pact stood, India was morally bound to permit migration if Hindus in East Pakistan genuinely felt that they could not remain there. The Prime Minister too felt that the Nehru-Liaquat Pact as originally framed had since lost its relevance "under the existing conditions" but he was keen that it should be replaced by something else.

It may be recalled that on May 4 in answering a parliamentary question in the Lok Sabha Sadath Ali Khan, Parliamentary Secretary to the Prime Minister has said:

"Migration Certificates are not refused where, after proper examination of each case, the grant of these facilities comes within the rooms. The Policy of Government has, however always be to not to encourage the exodus of the minority community from East Pakistan to India. "Efforts have been repeatedly made urging the Government of Pakistan to create conditions in the East Pakistan to prevent this exodus. The Deputing High Commissioner for India in Dacca has also instructions to endeavor to convince the members of Minority Committee of community to remain in East Pakistan. But when any member of the Minority Committee insist on coming to India, certificates are issued to them after proper examination of each case."
SECRET

Letter from High Commissioner in Pakistan C. C. Desai to Commonwealth Secretary in the Ministry of External Affairs M. J. Desai.

Karachi, January 23, 1958
High Commissioner for India
Karachi

D.O.No.HC/58/58 23rd January 1958

My dear M.J.,

1. Malik Firoz Khan Noon, Prime Minister of the Islamic Republic of Pakistan, addressed a press conference in Karachi on 11th January 1958. This conference was not for any specific purpose but was his 1st conference after assuming office as Prime Minister. So, he touched on a number of points -- Muslim League, smuggling in East Pakistan, Sheikh Abdullah's release, Macmillan's visit, Pakistan National Assembly proceedings, Baghdad Pact and N.A.T.O. etc.

2. One of the questions put to him by a correspondent related to the remarks made by Mian Mumtaz Daultana in the National Assembly during the course of his speech on the debate on measures to check smuggling in East Pakistan on 8th January 1958. The questioner asked whether Noons attention was drawn to the statement by Daultana that nearly 2 lakh Indian citizens were roaming in East Pakistan. It was in reply to this question that Firoz Khan Noon said that he had made "verbal enquiries". He added, in typical Noon style, (according to the report in the DAWN of 12 January) "nobody can deny or accept the figure but there is no doubt that a very large numbers of Bharati citizens are roaming about the province without passports and without visas. I have asked that inquiries should be made. We are going to arrest the whole damn lot of them, and going to put them in concentration camps to build mud roads".

3. The subject was not pursued by the correspondent and Firoz Khan Noon did not elaborate on his statement.

4. The report of the press conference published in the Indian newspapers did not specifically referred to "Indians without passports and without visas" but to Indians only but really that does not make much difference. The Indian press had also played up the story to draw pointed attention to Firoz Khan Noon's remarks. This naturally created a sense of uneasiness. The exact context in which Firoz Khan Noon made the statement was clarified in a Press Trust of India report from Karachi which was also published in the Indian press.

5. No official handout of the press conference has been issued or could be had even though specially approached. The Foreign Office has also stated that
there is no authentic version of Firoz Khan Noon’s statement adding that he gave off-the-record replies to pressmen on the spot and that they were not intended to refer to changing the laws of the country or to affect agreements already existing between India and Pakistan. This clarification by the Foreign Office has to be accepted for what it is worth. The original statement was reproduced in all the Pakistani papers and so there is no doubt about the correctness of its having being made. Also knowing Noon as we do, he must have made the statement.

6. I would be prepared to give the benefit of doubt and say what Noon had in mind was Indians staying in East Pakistan without proper passport and visas. But even so, it is a serious statement to make and requires further consideration. Is the Pakistan Government within its rights to arrest Indians in East Pakistan without travel documents, to put them in concentration camps and to treat them as slaves by making them build their mud roads? Would not such a treatment be a violation of Indo-Pakistan agreement or for that matter of general international practice? That such a statement should have been made by the Prime Minister of a neighbouring country is itself a matter both for concern in India and for examination of its implications both in practice and in law. No civilized country or Government or Prime Minister would today talk of concentration camps for foreign nationals or speak of them disparagingly in the way that Malik Firoz Khan Noon has done. We must take strong exception to this statement even after we make allowance for the fact that Malik Firoz Khan Noon is not known for common sense or good sense or responsibility in the use of language. We must take him as the Prime Minister of Pakistan and not as an irresponsible minister in the nature of a buffoon, which he real is. Malik Sahib forgets that there are still large number of Pakistanis roaming about in India without valid passports and visas but nobody in India has, however, spoken of our intension to put them in concentration camps or to use them to make our mud roads. Infect, judging from a report which appeared in the STATESMAN dated 22-1-1958, there is a racket going on in Calcutta under which false and forged passports are issued to these Pakistani nationals to enable them to stay on in India as Indian nationals. Also the effect of such a statement on the minorities in East Pakistan has to be considered. They would pickup any Hindu even though he may be a genuine Pakistani citizens and treat him as an Indian without passport and visa and put him in a concentration camp and use him to make a mud road or their bamboo houses. I, therefore, suggest that a formal and strong protest should be made against the statement of Noon and that such a protest should be handed over to the Pakistan High Commissioner in Delhi personally. Everybody to whom I speak about this statement is apologetic and ashamed and says what else can you expect from Noon. He was speaking not to an individual newspaper man but a full-fledged regular press conference where a large number of Pressmen were present. It is true that only Noon could have
made such a statement but that is no reason we should condone or forget it.

With kind regards,

Yours ever,

C.C. Desai

Shri M.J. Desai, ICS, Commonwealth Secretary, Minister of External Affairs, New Delhi.

3088. Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, February 1, 1958.

The Ministry of External Affairs presents its compliments to the High Commission of Pakistan in India and has the honour to refer to reports published in newspapers in Pakistan and in India of a statement made by the Prime Minister of Pakistan at a Press conference on 11th January, 1958. The report in the DAWN (Karachi) of 12th January, 1958 read:

"When his attention was drawn to Mian Mumtaz Mohammad Khan Daulatana's statement that nearly two lakhs Bharati citizens were roaming in East Pakistan, Malik Firoz Khan Noon said that he had made 'verbal enquiries'. "Nobody can deny or accept the figure, but there is no doubt that a very large number of Bharatiya citizens are roaming about the province without passports and without visas. We are going to arrest the whole damn lot and going to put them in concentrations camps to build mud roads".

2. The Pakistan Prime Minister's statement has caused widespread concern amongst the public and the Press in India. The Government of India took immediate action to get an authorized version of the statement through their High Commission in Pakistan. The Ministry of Foreign Affairs & Commonwealth Relations of the Government of Pakistan did not, however, issue any amendment or clarification but merely informed the Indian High Commission that no authentic version of the Prime Minister's statement was available and that the statement was not intended to refer to changing the laws of the country or to affect agreements already existing between India and Pakistan.

3. The Ministry views with serious concern the announcement made by the Prime Minister of Pakistan in an official press conference that all Indians in
East Pakistan without passports and without visas will be arrested and put in concentration camps to build mud roads. The Policy announced by the Pakistan Prime Minister is not only against all international practice but is in direct violation of the spirit of all Indo-Pakistan Agreements on Passports & Visas.

4. The Government of India have, since the Pakistan Prime Minister’s statement, received disturbing reports of harassment and arrest of Pakistan nationals of the Minority community and bona fide Indian travelers in East Pakistan. A number of Hindus who had returned to East Pakistan in accordance with the Prime Ministers’ Agreement of 1950 and settled down as Pakistan nationals are reported to have been arrested. Also bona fide Indian travelers who had applied for extension of visas which were expiring have been arrested and sentenced, sometimes to months of rigorous imprisonment, though their overstay was due to reasons beyond their control.

5. The Ministry of External Affairs is gravely concerned at these developments and lodges an emphatic protest against the threat of concentration camps and forced labour made in Pakistan Prime Minister’s statement, the harsh and repressive measures being taken against bona fide Indian travelers in East Pakistan in violation of all normal international practice and the terms of the Indo-Pakistan Passport and Visa Agreement and against Pakistani nationals of the Minority community in violation of the Prime Ministers Agreement of 1950.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of Pakistan in India the assurances of its highest consideration.

The High Commission of Pakistan in India,
New Delhi

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3089. SECRET

TELEGRAM

From : Hicomind, Karachi
To : Foreign, New Delhi

IMMEDIATE

No.68. February 2, 1958.

M.J. From C.C.

Saw NOON this morning and spoke to him about (1) his famous statement regarding concentration camps and mud roads and (2) Agartala Visa Office.
2. He said that he did make the statement attributed to him but there was no question or intention of opening concentration camps or sending Indians there. His object he said was first to frighten Indians without valid passports and visas now staying in Pakistan so that they might themselves leave the country for fear of dire consequences of illegal stay in Pakistan. He said that concentration camps meant construction and feeding and naturally they had no intention of spending any money on this but he would not like, he added, this clarification being made public by our Prime Minister. He then stressed that he was well known for his desire to accord equal treatment to both Muslims and Hindus in Pakistan. He said that he was the first Prime Minister to offer a seat in Cabinet to B.K. Das a Congress leader from East Bengal. In other words he confessed to the statement attributed to him but conveyed that he made it lightheartedly and not in any communal spirit or in violation of accepted international standards.

3. As regards Agartala he said that he took action under pressure from East Pakistan Government which advised that Indians with Pakistani visas entered from Tripura side and indulged in large scale smuggling for prevention of which this step was necessary. Secondly East Pakistan Government told him that Pakistanis possessing lands in Tripura were not being permitted to bring any grains to Pakistan and so Pakistan Visa Office in Agartala served no useful purpose whatever. He can only reopen Agartala Office if requested to do so by East Pakistan Government. My interpretation of this is that they probably wish to use the lever of Agartala Visa Office to press us in regard to Ziratia tenants where we have now taken a certain definite line. My advice is to stand firm as regards Ziratia tenants and if it comes to that to accept Agartala closure despite its inconvenience to our Tripura people. If however we are prepared to revise our attitude about Ziratia tenants matter should be tackled by MAITRA in Dacca with East Pakistan Government and get them to advise NOON differently.

4. NOON then spoke to me about relations between our two countries and asked me to proceed to Delhi and convey even personally to our Prime Minister NOON's earnest wish to settle both Kashmir and Canal Water disputes amicably and by direct negotiation. He said that United Nations or third parties were of no help and were on other hand laughing at us for our quarrels and disputes. He said that if we were prepared to go out one step towards settlement they would take ten steps to meet us when we are not going to fight why beg for armaments and pile up weapons thus denying funds for development and for improvement of lot of our people. He said "We get these things free and you pay for them. We desire that neither should we get them free nor should you waste your resources over armament. You buy something and we press our friends to give us same things and this goes on all the time. It is ruining both of us. I am all for peace and amicable settlement of disputes and my President is aware of my views on this subject."
ENNIS.

3090. Statement by Prime Minister Jawaharlal Nehru in the Lok Sabha commenting on the Statement of Pakistan Prime Minister Firoz Khan Noon at his press conference.

New Delhi, February 10, 1958.

Newspapers of 12 January 1958, in India and Pakistan, carried reports of a statement made by the Prime Minister of Pakistan at a press conference in Karachi the previous day wherein he referred to arresting Indian citizens in East Pakistan and putting them in concentration camps. The following appeared in the Dawn of Karachi dated 12 January:

There was no doubt in his mind that "a very large numbers of Bharati citizens are roaming about the province without passports and visas." The Prime Minister declared that "we are going to arrest the whole damn lot of them, and going to put them in concentration camps to build mud roads."

The Statement of the Prime Minister of Pakistan naturally caused concern amongst the Indian public. Our High Commissioner in Karachi was therefore telegraphically asked to request the Government of Pakistan for an authentic version of their Prime Minister's statement. The Prime Minister of Pakistan was on a foreign tour and the Pakistan Ministry of Foreign Affairs and Commonwealth Relations informed our High Commissioner that no authentic version of Prime Minister Noon's statement was available. They added that what he said to some pressmen was off-the-record and that he did not intend to refer to changing any law or to vary any agreements existing between India and Pakistan.

In view of the unsatisfactory nature of the clarification and the threat of putting Indian citizens in concentration camps and using them as forced labour to build mud roads made in the statement, Government of India protested against this statement of the Prime Minister of Pakistan which was in violation of normal international practice in these matters and also violated the terms of the Indo-Pakistan Passport and Visa Agreement.

Since his return to Karachi, the Pakistan Prime Minister has clarified his earlier statement in an interview given to the press. The following report of the clarification appeared in the DAWN of Karachi dated 3 February:

Malik Firoz Khan Noon pointed out that it was stated by an Opposition member of Parliament during the last session in Dacca that there were 2,00,000 Bharati citizens roaming about in East Pakistan without Passports or visas of any kind.

"I stated in an answer to him the Prime Minister recalled, "that if there
were any foreigners without passports or permits they would be arrested and put into concentration camps - since they would be too many for our few jails, and made to build roads, since it would be difficult to provide other labour for them."

"Since there have been no arrests of such persons, it is clear that either there were no such unauthorized persons or if there were any, they must have cleared out of East Pakistan as a salutary result of my statement," he said, and remarked: "Both conclusions are to be welcomed."

I do not wish to add any comments to the various statements made by the Prime Minister of Pakistan.

Movement of persons from India into East Pakistan and from East Pakistan into India is not barred provided the persons concerned carry appropriate travel documents. The so-called operation "Closed Door" conducted on East Pakistan-Indian border is an intensive anti-smuggling drive conducted by the Pakistan authorities and is not meant to be a sealing of borders between India and East Pakistan.

The Government of India have received reports that Pakistan Border Police and the Pakistan Army who are operating on the India-East Pakistan border in connection with this anti-smuggling drive have, in some cases, been responsible for border incidents involving trespass into Indian territory, kidnapping and harassment of Indian nationals, forcible removal of property belonging to Indians and to some extent disorganizing the border trade arrangements between East Pakistan and India. These incidents have been taken up with the Pakistan authorities both at the level of the State and Central Governments. We have also lodged a general protest about these incidents and asked the Pakistan Government to apprehend and punish those responsible for the incidents and to issue clear instructions to the Pakistan Police and Pakistan Army personnel operating on the border not to harass those engaged in border trade in pursuance of the Indo-Pakistan Agreement in this matter.

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3091. Statement by Deputy Minister for External Affairs Mrs. Lakshmi Menon in the Lok Sabha on "Passport Restriction on Minority Community in East Pakistan" while replying to a Calling Attention Notice.

New Delhi, December 12, 1959.

Government of India have during the last few months, seen reports in the press that no fresh passports were being issued to the minority community in East Pakistan, that the passports presented for renewal were being seized and that the applicants for India - Pakistan passports were being asked to pay a security deposit of Rs. 100/-.

From enquiries, it has been ascertained that the Government of East Pakistan have:

i. undertaken a rigorous check of the antecedents of passport holders, particularly those belonging to the minority community, as a part of the drive against smuggling and large number of passports are held up with the district authorities pending the conclusion of necessary enquiries;

ii. directed that those applying for new India-Pakistan passport should deposit Rs. 100/- before issue of the passports and those who already hold a passport should deposit Rs. 100/- before undertaking travel to India; and

iii. issued instructions that the members of the minority community should be asked to give detailed information about their income, taxes paid, the members of their family living outside Pakistan, remittances made etc.

These measures taken by the Government of East Pakistan and the consequent delays in the renewal of old passports and the issue of new passports have been causing serious hardship to the members of the minority community in East Pakistan. This, in some measure, explains the monthly average figures of migration which have gone up from 411 in 1958 to 609 during the first ten months of 1959.

Our representatives at Dacca and Karachi had taken up this matter with the Pakistan authorities concerned. The Government of East Pakistan have told our representative that scrutiny of antecedents of passport holders has been undertaken with a view to check smuggling and to detect forged passports, large numbers of which have been in circulation. As regards the deposit, the Pakistan authorities have stated that deposits have been asked for to enable the East Pakistan Government, in case of need, to arrange for repatriation of their nationals who have traveled to India and the larger deposits have been asked from those applying for passport facilities to travel to countries other than
India. As regards the detailed information about income, taxes paid etc., the East Pakistan authorities have stated that these enquiries are being made with a view to check illicit transfer of funds in violation of the foreign exchange regulations. The Pakistan authorities also informed our High Commissioner in Karachi that the measures taken by them apply to all Pakistan nationals and that there is no basis for the allegation that there is any discrimination against members of the minority community in East Pakistan.

When this matter was raised informally at the last meeting of the Chief Secretaries of the Eastern Zone held in Calcutta in August, 1959, the East Pakistan authorities promised to issue instructions to expedite the enquiries and relieve the hardship caused by the delay in the renewal or issue of passports. Our representatives at Dacca and Karachi are following up this matter with the authorities concerned in pursuance of this assurance given at the conference of Chief Secretaries.

3092. Note recorded by Foreign Secretary M. J. Desai on the call made on him by the Acting High Commissioner of Pakistan.

New Delhi, June 6, 1961.

Ministry of External Affairs

The acting High Commissioner of Pakistan saw me this morning at his request. He said that he had nothing specific but he had come to take counsel on the subject of Indo-Pakistan relations and the present deterioration particularly in newspaper publicity.

2. He talked about Laos to begin with and I told him briefly the latest development both between the three princes of Laos who head the various parties to the conflict in Laos and the position reached in the Geneva Conference. I broadly told him that in view of the Vienna meeting and the decision of the three princes to meet in Nice to hammer out compromise arrangements for a coalition government, the trends offered to the hopeful.

3. On the question of Indo-Pakistan relations, I told the High Commissioner about the cloak of secrecy surrounding the serious disturbances that had occurred
in East Pakistan. I mentioned to the High Commissioner that according to our information over 500 members of the minority community had been killed in these riots and considerable damage to property had occurred. Several villages had been more or less burnt out. I told the High Commissioner that unfortunate incidents of this sort may occur but the attitude of Government should be frank and direct. I related to the High Commissioner that the attitude we had adopted and the measures we had adopted and are still taking to avoid disturbances of the type that occurred in Jabalpur; by contrast the Pakistan attitude in the case of riots in East Pakistan appeared to be not only secretive and malicious and discriminatory against their own citizens of the minority community. I added that the reference in Pakistan newspapers to the incidents at Jabalpur in India as a justification for what has happened in East Pakistan made matters worse.

The High Commissioner said that he had no information about the facts of these incidents but he appreciated the directness and frankness of the Government of India. I told him that in cases of this sort the main point was the attitude of the government and whether government takes all necessary measures to deal with incompetent or prejudiced officials in-charge and establishes a machinery of administration which makes recurrence of incidents of this sort absolutely impossible. The Acting High Commissioner said that he hoped the Governor of East Pakistan was taking all necessary measures to protect the life and property of citizens in East Pakistan regardless of the community to which they belonged.

4. I mentioned to the Acting High Commissioner the damage being done by rabid and unrestrained propaganda in the Pakistan press particularly the *Dawn*. I said that the printed word does carry a lot of weight with the masses of our people both in India and Pakistan because they are not well informed particularly in the rural areas. The Pakistan Acting High Commissioner agreed and said that he had been bringing this matter to his Government's notice and asking them to restrain the Pakistan press particularly the *Dawn*. He added that it may be a good idea for India to take initiative in arranging the six-monthly meeting of the Information Consultative Committee which is due now and which it is India's turn to invite. I told the Acting High Commissioner that I will bring this matter to the notice of the Ministry of Information & Broadcasting and will let him know how the matter is being processed.

5. I mentioned another matter to the Pakistan Acting High Commissioner, namely, our repeated requests for the meeting of the Joint Committee on Shrines and Holy Places. I said that we have been pursuing this matter since some time in 1958, that I had myself talked to successive Foreign Secretaries of Pakistan and also to General Shaikh but nothing seems to have been done. I said that it is a regrettable feature of Indo-Pakistan relations that cooperation in the common interest at functional level is always made dependent upon what might be virtually
called political surrender on questions like Kashmir. I said that this game has been played for over 14 years with no advantage to either country and those in authority in both countries should realize that sovereign independent countries will not surrender to political blackmail of this sort. It is best, therefore, to adopt a constructive attitude on various matters of common functional interest. This cooperation may ultimately create a climate between the people and the governments of the two countries which will make settlement of Kashmir question a practical proposition. The best thing is to live with the Kashmir question in its present form without surrendering any vital principle and go on increasing the cooperation in various spheres to the maximum extent possible.

6. I told the Pakistan Acting High Commissioner that I had put these ideas of mine purely on a personal level because he asked for advice and suggestions. He said that he was extremely grateful to me for sparing this time and giving him this opportunity of exchanging ideas on improvement of Indo-Pakistan relations. He mentioned in this connection that a meeting of the Rehabilitation Ministers of both sides is scheduled to take place sometime towards the end of this month and he will, meanwhile, ask his Foreign Office to expedite the question of meeting of the joint Committee on shrines and holy places.

7. CS may see this note for information of his return.

(M.J. Desai)
6-6-1961

3093. Note from the Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, October 10, 1961.

Office of the High Commissioner for Pakistan in India
New Delhi

No.15(12)P/61 October 10, 1961

The High Commission for Pakistan presents its compliments to the Ministry of External Affairs, Government of India, and has the honor to state that the Government and the people of Pakistan have in the last few days watched with deep anxiety and concern the continuously spreading anti-Muslim riots in certain
MINORITIES

districts of Uttar Pradesh which have already resulted in loss of life and injuries to a large number of Muslims and to the destruction of their properties.

2. While it may not be necessary to recapitulate the various reports of these anti-Muslim riots as published in the Indian press itself, it might, for the present, suffice to say that, in referring to the atrocities perpetrated on the Muslim minority in Aligarh and other places, the Chief Minister of Uttar Pradesh is reported to have said that “the whole thing was engineered by an organized force from outside the student community” (The Statesman dated October 9, 1961). While confirming this observation of his Chief Minister, the Home Minister of U.P. is also reported to have said that the communal disturbances were due to “an organized attempt by certain political parties” (Times of India dated October 9, 1961). The Home Minister is reported to have further observed that in the current wave of communal frenzy in U.P., one party had nearly all the time been on the offensive and the other on the defensive. He is also stated to have observed that nearly all the casualties in all the cities where the wave of disturbances had spread had been on one side (The Statesman dated October 9, 1961). About the very genesis of these troubles itself, the Link, (October 8, 1961) While narrating the facts, has stated that since Hindu candidates were defeated in the Aligarh University Union elections, and since they could not tolerate the defeat, the supporters of the defeated group from outside the University Union elections, and since they could not tolerate the defeat, the supporters of the defeated group from outside the University raided a hostel and assaulted sympathizers of the victorious group. This statement is also generally in accordance with the sequence of events as related by Colonel B.H. Zaidi, the Vice-Chancellor of the University in his statement to the press on October 5, 1961.

3. The above statement together with the tragic events of the recent past like the Jabalpur riots leads to the alarming conclusion that the current oppression and persecution of the unfortunate Muslims of Uttar Pradesh is the result of a sinister campaign organized by certain well known militant and fanatical sections of the Hindu community which have made no secret of their objective to bring about the complete elimination of the Muslim minority community in India.

4. Although the Government of Pakistan would, ordinarily, wish to avoid any implication of interference in matters which would seem to be the internal affairs of India, the harrowing accounts of the current anti-Muslim riots in Uttar Pradesh have compelled the Government of Pakistan to remind the Government of India of the solemn pledges made in the Prime Ministers’ Agreement of April 1950 by which both the Governments had undertaken to maintain fully the sense of security in respect of life, culture, property and personal honour of the minorities. The people of Pakistan cannot help feeling extremely concerned over the fate of the Muslim minority in India when it is recalled that since April 1950 more
than 500 anti-Muslim riots have already taken place in India. The agonizing memories, only a few months ago, of the sufferings of Muslims in Jabalpur and its neighbouring areas are unhappily still fresh in their minds. The wave of anti-Muslim riots which began in the city of Aligarh this time, has, therefore, deeply shocked both the people and the Government of Pakistan again.

5. The Government of Pakistan have instructed this Mission to convey to the Government of India their earnest hope that prompt and adequate steps will be taken by the Government of India, in the true spirit of the Prime Ministers' Agreement of April, 1950, to curb ruthlessly the criminal activities of the many anti-Muslim elements in India which, in their intolerance and fanaticism seek, among their other objectives, to finally destroy such historical and famous Muslim educational and cultural institutions like the Aligarh University. The Government of Pakistan will also request the Government of India to resort to all available resources to stop the present widespread anti-Muslim riots and to take rigorous punitive action against those persons who are responsible for organizing and perpetrating these heinous crimes against a completely helpless minority community.

6. While the Government of Pakistan appreciate that some steps have already been taken by the authorities to restore law and order in the affected areas, news is still being received of fresh attacks on Muslim life and property. Not only does the communal tension continue to persist in such a wide-spread area, but also its extension to further areas like Dehra Dun, etc., cannot fail to leave an impression of inadequacy in regard to administrative measures adopted thus far to cope with the existing serious communal situation. The present inability of the Provincial authorities to localize or contain these riots, unfortunately, does not encourage the hope that the feeling of security and confidence amongst the Muslim minority might be restored for a considerable time to come. In this context, the Government of Pakistan wish to convey to the Ministry their deep regret over the Government of India's unilateral decision to abolish the portfolio of Minister of Minority Affairs established under the Prime Ministers' Agreement of 1950.

7. The reports which have appeared in the India press from day to day seem to be sketchy and very often conflicting. Figures given of casualties amongst Muslims appear deliberately minimized as in certain cases entire Muslim families appear to have been murdered. The Picture obtained thus far, therefore, appears inadequate and unconvincing. With a view to making more objective and reliable assessment of the situation, this Mission has been directed by the Government of Pakistan to seek the ministry's cooperation in affording appropriate facilities to one or more of its officers to visit Aligarh and other affected areas. It is
earnestly hoped that the Ministry will be kind enough to give early and favorable consideration to this request.

8. The High Commission for Pakistan avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi.

3094. Note from the Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, October 19, 1961.

Ministry of External Affairs
New Delhi


The Ministry of External Affairs, Government of India presents its compliments to the High Commission for Pakistan, and in acknowledging the latter's Note No. 15(12)P/61 dated October 10, 1961 on the subject of recent disturbances in Uttar Pradesh, notes with regret that the Government of Pakistan thought it fit to give advance publicity in the newspapers to their note on the very day on which it was intended to be presented by the High Commission on behalf of the Government of Pakistan. This unfortunate procedure adopted by the Government of Pakistan is not only inconsistent with normal diplomatic practice but defeats the very purpose of the presentation of the note as it inflames communal passions and creates unnecessary tension.

2. The Government of India have been pained to observe that the Pakistan Government's note has also been preceded by several statements by responsible Pakistan leaders who have indiscriminately leveled charges of inefficiency and victimization against the Government of India, without taking cognizance of the strong condemnation of the disturbances by the leaders of the Republic of India whose responsibility it is to direct the activities of the Government of India and immediate steps initiated under their direction to establish law and order and conditions of peace in the affected area. The leaders of Pakistan have by their own statements and by encouraging uncontrolled and irresponsible outbursts in
the Pakistan press only added to the tension and inflamed communal passions still further.

3. The Government of India are always prepared to give the fullest possible information to the Pakistan High Commission in New Delhi on matters of concern to the Government of Pakistan on the basis of friendly cooperation. Despite the unfriendly and provocative statements made by leaders of Pakistan and the premature publication in the press of their note, Government of India have promptly responded on 11th October to the High Commission's request for a team of its officers to visit the area of disturbances and accorded through the State Government all necessary facilities for this visit.

4. Attempt has been made in the High Commission's Note on the basis of odd press reports taken out of their context to establish the genesis of the trouble and put the blame on a particular community. Even the statement made by Col. B.H. Zaidi, Vice-Chancellor of the University of Aligarh, on October 5, has been deliberately misconstrued to support this particular thesis. Colonel Zaidi had while regretting the incident, stated that the practice of communal basis for elections in the University which is highly objectionable was brought in this year. The trouble arose thereafter. All successful candidates took out effigies of the defeated candidates. This led to hot words and squabbles between two groups of students leading to injuries to eight - six Hindus and two Muslims. It was this incident on 2nd October that sparked off the recent disturbances.

5. The Ministry has given these facts and genesis of the disturbances only to correct the misleading presentation in the High Commission's note. Regardless of the genesis of the incidents the State Government has taken prompt action to apprehend the wrong-doers and to establish law and order. The anti-social elements who caused these disturbances will be dealt with according to law regardless of their caste or creed.

6. Reference has been made in the High Commission's note to the abolition of the Portfolio of the Minister of Minority Affairs established under the Prime Ministers' Agreement of 1950. As the High Commission is aware, it was the Government of Pakistan who unilaterally closed down the Minority Affairs Office in Dacca and thus left India with no alternative but to close down the Minority Affairs Office in Calcutta and to abolish the Minority Affairs Department. The Indian Minister for Minority Affairs had already addressed a communication on this subject to the Pakistan Minister for Minority Affairs protesting against Pakistan's earlier unilateral decision to close down the Minority Affairs Office in Dacca and conveying the subsequent consequential action taken by the Government of India.

7. The Government of India, in the full consciousness of their responsibilities,
wish to assure the Government of Pakistan that they have been taking and will continue to take, when necessary, all such full and complete measures that may be required to protect the person, property and the honour of the citizens of India without any discrimination whatever. The Government of India would be grateful if the Pakistan authorities and the press will cooperate and be good enough to desist from making provocative pronouncements and statements which unnecessarily cause bad blood between various communities.

8. The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for Pakistan the assurances of its highest consideration.

High Commission of Pakistan in India,
Sher Shah Road, New Delhi.

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3095. Extract from the Statement of Pakistan Foreign Minister Mohammed Ali Bogra in the Pakistan National Assembly relevant to the Muslims' eviction from Tripura.


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(At this stage the External Affairs Minister Mr. Mohammed Ali took the floor.)

He said there were militant organizations in India which indulge in a ceaseless smear campaign against minorities and the situation has been further aggravated by responsible Indian newspapers.

He also accused the Government of West Bengal of trying to encourage migration from East Pakistan to West Bengal in order to uproot minorities from West Bengal.

This, he said, had created serious tensions.

The External Affairs Minister pointed out that there had been many riots in India and according to figures available with him the total now exceeded 540.

He said communal disturbances broke out not only in Jabalpur, Malda, Murshidabad but also in New Delhi, the seat of the Government, and Agra very near to the Capital.

A large number of refugees, he added, had been pouring in from the riot-torn parts of West Bengal recently into the districts of Rajshahi and Bogra.
He said it was to the credit of the people of Pakistan that in spite of most grave provocations they behaved with dignity and restraint and did not victimize the minorities.

He said it was to the credit of the people of Pakistan to take extra special measures to ensure safety and protection to the minorities. So much so that in their anxiety to protect minorities some authorities went to the extent of arresting even some innocent persons on mere suspicions recently in the district of Bogra.

He said Pakistan did not expect India to measure up to the former's standard of justice and fair treatment to minorities. We would have been satisfied if she (India) would emulate even one-tenth of what Pakistan had done to protect minorities in this country.

The Minister said the Pakistan Government had been trying to do all it could do to afford comfort to those Muslims who had been uprooted from their hearth and homes in India and who had sought refuge in Pakistan. But there were limits on the country's resources, particularly of land.

Mr. Ali said Pakistan would have been prepared to accept all the Muslims from India but unfortunately the subcontinent was not partitioned on the basis of population.

He said let there be another partition of India on the basis of population and Pakistan would not hesitate in rehabilitating all the Muslim refugees from India.

He said Indian Premier Nehru was fond of saying "I hang down my head in shame", while referring to communal riots in India. But he (Nehru) was in a position to prevent Indian Eichmanns from committing genocide of Muslims in India.

Proceeding, the External Affairs Minister recalled how India had been shamelessly "back-tracking her agreement and obligations with Pakistan".

He said there was a going-back on Liaquat-Nehru pact on protection of minorities and then there was a going-back in regard to the transfer of Berubari. The Minister said a member had remarked that "Berubari is the road to Tiperari (East Pakistan)".

But he (Mr. Ali) would go to the extent of saying that "Berubari is the road to Timbakttoo".

Mr. Ali said India had also been guilty of violating her international commitment on the right of self-determination for the people of Kashmir. She was not only refusing to fulfill commitments with Pakistan but also with the United Nations.

The Minister said the Government side had every sympathy with the motivations
of the mover of the adjournment motion, Mr. Hasan Imam, on the influx of
refugees from Indian State of Tripura.

Muslins of India, he said, were "our brothers" sharing a common culture, historical
background and a common ethnic background.

"In a way they are fleshe of our flesh and blood of our blood and our hearts
go out to them in sympathy."

Referring to Mr. Farid Ahmad's comparison of secular India with Nazi Germany.
Mr. Ali said Hindus in India not only shared with the latter a common symbol of
"Swastike" but also the Nazi philosophy of racial superiority. Nazi Germany had
one Eichmann but India had the distinction of possessing several hundreds like

Mr. Ali then referred to the fact that many in Pakistan, including President Ayub
himself, had repeatedly offered to India to sit around a table and negotiate "on a
realistic reasonable and equitable basis" (but not on Indian terms) but he
regretted it was never accepted.

The Minister then referred to some Indian Press reports regarding alleged large-
scale migrations of Hindus from East Pakistan to West Bengal and strongly
refuted them. These he said, were "fabrications, incorrect and baseless." He
said even Pandit Nehru had admitted that there had been no abnormal traffic
between East Pakistan and West Bengal.

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Thereafter, some thousands of people, Hindus there wanted and expressed their wish to come over to India. They asked for migration certificates. But for some reason they did not pursue this matter further. Some hundreds came and they went back. We did not refuse them facilities to come. I think the Pakistan Government tried to induce them and succeeded in keeping them back. They did some rehabilitation there too. Many of their huts that had been burnt were rebuilt and some help was given to them. Anyhow, they did not come, except a few hundreds that came. There is always some traffic coming and going. I gave here too, I think, and in the other house figures of people coming from East Bengal to West Bengal and from West Bengal to East Bengal. It was extraordinary that during all this period of high tension, the traffic was more or less normal. I forget what the figures were, five thousand or six thousand either way. It may vary by a few hundreds. Now, when the Muslims were supposed to be, according to the Pakistan press, leaving India in their thousands to go to Pakistan, actually according to our figures, thousands of Muslims in the ordinary course were coming to India from there. In the same way, thousands of Hindus were going actually to Pakistan at the time these occurrences took place or after. Since then, a new development has taken place and that is what occurred in Rajshahi district. I do not know what happened there, but one night a large number, five hundred or six hundred Santhals at 3 a.m. tried to come across the river into the Malda district. That is the Pakistan version and they say of this crowd going at night. The police were naturally concerned and alarmed. They came up, they challenged them, whereupon these people shot arrows from their bows and used spears. And the police fired at them, with the result - the accounts vary - that one or two persons or seven persons were killed about a number came across, may be 100 or 150 and the others went back.

Now, the present position is - I heard it today that about five thousand of these Santhals have come to Malda district from Rajshahi. Apparently, they are coming without any obstruction from the Pakistani authorities.

They have come this time with their animals too. They have come with their animals, bulls, cows, etc., and the Pakistanis have allowed them. Five thousand have come. We do not know how many more may come. It has affected specially the Santhals and there are round about 20,000 Santhals on the other side. More may come. Now, this raises difficult questions for us. For the moment, naturally, we have to give relief to those who come over, but permanent settlement is a difficult question. It was suggested that we should send them to Dandakarnya. Well, we can send some to Dandakaranya. We cannot send any unlimited number. For the moment, it has been decided by the Chief Minister of West Bengal - he has informed us of this - in consultation with our Government here to send a special train carrying about 1,000 of these Santhal refugees to Dandakaranya. And to choose agriculturists from them to go there, because
there are many fishermen. Fishermen have no particular place there. There is no fish to be had in Dandakaranya.

An Hon. Member: Have you made any enquiries as to why the Santhals are coming in such numbers? Does it mean that everything is not quite peaceful in East Pakistan?

The Prime Minister: I have said that originally the difficulties arose because of some conflict between Santhals and Muslims. The very first thing was that a Santhal woman was selling some fruit and they had an argument about the price. The woman was slapped on the face. This was in Malda district. This resulted in the Santhals there too later attacking the Muslims, burning some of their huts and killing two or three persons. Then on the ‘Holi’ day, which came soon after, there was another attack by Santhals on Muslims. The Santhals were roused by this incident. On the other side in the major incidents that happened in Rajshahi district Santhals were also sufferers. But I cannot make out one thing, because nothing has been reported to us for the last month or more or six weeks. We thought that was over and we saw this traffic becoming normal.

An Hon. Member: How is it that it has not been reported, because in the Bengal papers also some Pakistan papers come to West Bengal - we did see reports appearing? How is it that Government has not received reports from its Mission in Dacca?

The Prime Minister: We have received full reports. I am saying that in the last month or six weeks nothing has happened not only to our knowledge but apparently to Pakistan Government’s knowledge or Bengal Government’s knowledge. I do not understand why this time particularly Snathals had come out. They had reason to come six weeks ago. May be they were thinking about it and they came to a decision, because they function in more or less in a tribal fashion, in a group fashion.

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3097. Joint Communiqué issued at the end of the Chief Secretaries’ Conference.

Dacca, August 2, 1962.

The 35th conference of Chief Secretaries of East Pakistan, Assam and West Bengal and the Chief Commissioner of Tripura was held at Dacca on August 1st and 2nd 1962. The discussions at the Conference reviewed the progress of work of demarcation of international boundary between East Pakistan and Assam,
West Bengal and Tripura and considered ways and means of expediting the completion of this work by removing procedural and other difficulties. It was agreed that the work on demarcation on all outstanding sectors should begin on the 1st of November, 1962. The Conference considered the situation arising from the deportation of persons from Tripura and Assam and the influx of refugees from West Bengal to East Pakistan and vice versa. The Chief Secretaries of East Pakistan and West Bengal agreed to facilitate the return of the refugees to their home districts and their rehabilitation therein. The two Chief Secretaries reaffirmed the determination of their respective Governments to maintain peace and communal harmony. In this connection the Chief Secretaries noted with concern that during the recent communal disturbances a section of the press on both sides had published highly objectionable and exaggerated stories which tended to result in inflammation of communal passions and aggravation of tension. The Chief Secretaries decided to appeal to the Press to desist from publishing such material and, instead actively assist in the speedy restoration of normal and peaceful conditions and amity on both sides of the border.

The Chief Secretaries agreed to hold their next meeting at Shillong (Assam) by the middle of November, 1962.

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3098. Question in Lok Sabha; "Hindus in East Bengal".
New Delhi, August 18, 1962.

Question
Will the Prime Minister be pleased to state:
(a) whether it is a fact that most of the Hindus, Harijans in particular who had settled in Pakistan after the partition, were converted in to Muslims;
(b) if so, whether Government have any statistics about them; and
(c) whether it is a fact that for such persons as have now remained there, conditions have been so created that either they may change their religion or leave Pakistan?

Answer
The Prime Minister & Minister of External Affairs (Shri Jawaharlal Nehru):
(a), (b), & (c): No, Sir, the Honourable Member’s contention regarding
conversion of Hindus and in particular of Harijans to Islam in Pakistan is not correct, nor is that the reason for their migration to India. This is indicated by East Pakistan population census figures for 1951 and 1961:-

<table>
<thead>
<tr>
<th></th>
<th>1951 Census</th>
<th>1961 Census</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Population:</td>
<td>4,19,32,329</td>
<td>5,08,40,235</td>
</tr>
<tr>
<td>Caste Hindus:</td>
<td>41,87,353</td>
<td>43,86,623</td>
</tr>
<tr>
<td>Scheduled Caste Hindu:</td>
<td>50,52,250</td>
<td>49,93,046</td>
</tr>
</tbody>
</table>

The continuing migration of the minority community from Pakistan to India is due to sense of insecurity and discrimination in the spheres of business, employment, travel and remittance facilities and ownership of private property.

3099. Note from Pakistan Ministry of Foreign Affairs to the Indian High Commission in Pakistan.
Karachi, August 8, 1963.

Ministry of External Affairs
Karachi

August 8th, 1963

The Ministry of External Affairs* presents its compliments to the High Commission for India in Pakistan and have the honour to state that during the fourth round of the Ministerial talks on the Kashmir dispute at Calcutta, it was agreed that a separate Ministerial level conference would be held in order to resolve the question of the eviction of Indian Muslims from Tripura and Assam. It was also agreed that the proposed Ministerial meeting would also take up a few border problems which were continuing to exacerbate relations between the two countries. As the Foreign Minister of Pakistan and His Excellency Sardar Swaran Singh, the Indian Minister of Railways, were pre-occupied with the series of talks on Kashmir, it was suggested by the Foreign Minister of Pakistan that the two Governments might nominate other Cabinet Ministers to deal with the question of evictions and border disputes so that these matters could receive early attention of the two Governments.

* For some time the Pakistan Foreign Ministry was renamed "Ministry of External Affairs".
2. Unfortunately, however, the Government of India were unable to agree to the Government of Pakistan’s proposal and indicated that, on their side, the Indian Delegation to the proposed talks would be led by His Excellency Sardar Swaran Singh. Since the distinguished Minister was busy with the Kashmir talks, no Ministerial meetings on these subjects could be arranged before the conclusion of these talks. After the end of the Kashmir talks, the Government of Pakistan hoped that the Government of India would find itself able to suggest an early date for the Ministerial meeting with a view to resolving the problem of evictions and border disputes.

3. In response to enquiries by the Government of Pakistan and much to their surprise, the Government of India have now expressed the view that, instead of holding Ministerial level talks, it would be preferable to pursue these matters through the diplomatic channels.

It will be recalled that past efforts made by the Government of Pakistan to seek some *modus vivendi* for a settlement of this problem through normal diplomatic channels failed to achieve any progress, and it was for that reason that Ministerial level talks were proposed. The High Commissioner for Pakistan in Delhi had, throughout the last year, made several efforts at different levels with the Government of India in order to persuade them to stop these evictions and to find a mutually agreed solution of this human problem. In spite of the Government of India’s assurances from time to time that these evictions would be stopped, the expulsion of these helpless persons across the border into Pakistan continues unabated.

The Government of Pakistan consider that real progress on the settlement of this problem can only be made at a Ministerial level meeting between the two countries.

4. Continued reports of a sustained campaign of eviction of Indian Muslims from Assam and Tripura are causing great anxiety to the Government and the people of Pakistan. Large numbers of helpless men, women and children are still being relentlessly expelled from their homes. They are crossing into East Pakistan thereby creating a progressively more difficult situation for the Government of Pakistan.

Since this grave situation is imposing an increasing strain on the relations between the two countries, it is earnestly requested that a Ministerial level meeting might be held as early as possible and an amicable solution of this problem be found.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for India in Pakistan the assurances of its highest consideration.

**The High Commission for India in Pakistan, Karachi.**
3100. **Note from the Ministry of External Affairs to Pakistan High Commission in India.**

New Delhi, September 2, 1963.


The Ministry of External Affairs presents their compliments to the High Commission of Pakistan in India and have the honour to state that the Note dated 8th August, 1963, from the Ministry of External Affairs, Government of Pakistan, which was delivered to the High Commission of India in Pakistan, has received the careful consideration of the Government of India.

2. In recent weeks, various accounts have appeared from official Pakistani sources attributing to the Government of India views and actions regarding, both, the substance of the problem of the large-scale infiltration of Pakistani citizens into Assam, West Bengal and Tripura, as well as the possible methods of discussing it, which bear no relation to the actual position. The Government of India have so far refrained from taking formal note of these astonishing misrepresentations; they regret to find these reflected in the Ministry of External Affairs, Government of Pakistan, Note under reference, and are constrained to indicate briefly the correct facts.

3. The Note from the Government of Pakistan alleges that India is evicting her Muslim citizens that she is doing so in breach of official assurances that she would stop the evictions, and that she has avoided discussions towards a settlement of this issue which have been suggested by Pakistan. The Government of India must state categorically that there is no basis in fact for any of these allegations.

4. Having patiently endured, for many years, the continued and heavy influx of Pakistani citizens who left their homes, under whatever compulsions, and settled in areas of Assam, West Bengal and Tripura, in some of which even Indian citizens from outside are not allowed to settle, the Indian authorities were, last year, compelled to deal with a certain number of infiltrators, in accordance with the duly prescribed procedure of the Foreigners Act, similar to that under which Pakistan has in the past evicted Indian citizens from her territory. The Government of India would like to emphasis that the action taken by the Indian authorities against infiltrators has not only been under due process of law, but it has been tempered by humanitarian considerations. Elaborate precautions, including the right of appeal to courts of law, have been taken, to ensure that those who are served with notices to quit Indian territory are in fact unauthorized Pakistani infiltrators and that needless hardship is not caused to
them. Out of consideration for the representations made by the Government of Pakistan against this action of the Indian authorities, the Government of India ordered the suspension of these deportations, last year, even though these were fully justified in the circumstances and strictly in accordance with the law. Thereafter, the Government of India must emphasize, there have been no further deportations, except in a few cases where action had to be taken in implementation of judgements given by competent courts of law.

5. Many Pakistan nationals, however, left Assam and Tripura voluntarily, when faced with the overwhelming evidence of their foreign nationality. The movement of infiltrators into Pakistan territory, in recent months, is thus due to their awareness that their presence in India is unauthorized; some of them leave when quit notices are served on them, and others in the realization that similar notices will be served on them.

6. The Government of India are unable to understand how there can be any imputation that initiatives to settle the issue have come from Pakistan and met with no response from India. In point of fact, the record suggests the contrary. It will be recalled that from the very outset of the recent Indo-Pakistan talks on Kashmir and other related matters, India pointed out the need to take up, in addition to Kashmir, other problems which were spoiling relations between the two countries. The leader of the Indian delegation specifically listed, in his opening statement, the questions of infiltration and border disputes among the major problems which should be discussed and resolved. However, it was not until March, 1963, that the Government of Pakistan suggested, during the fourth round of inter-Ministerial talks, at Calcutta, that the question of "evictions" might be taken up. India readily agreed on the advisability of discussions, on this issue as well as on border disputes, but when the Government of India decided that Sardar Swaran Singh would represent them on these discussions also, the Government of Pakistan demurred and stated that they would prefer to await the conclusion of the Kashmir talks before taking up these other matters for consideration. Though the inter-Ministerial talks were intended to deal with other matters also, the Pakistani authorities took the stand that a discussion of these other matters would adversely affect the deliberations on Kashmir. The Government of India were unable to appreciate this stand, which was at variance from the declared purpose of the Joint Statement of November 29, 1962. Nevertheless, when the Pakistan delegation proposed at Calcutta that entirely separate meetings on other matters should be held, India readily agreed, but Pakistan laid down a further condition, that these meetings should have different participants. The question of dealing with foreign infiltrators is the exclusive responsibility of the Government of India; nevertheless, for the sake of improving
Indo-Pakistan relations, the Government of India were prepared to discuss this matter with the Government of Pakistan, but they were unable to agree that Pakistan had the right to decide who should or should not be India's representative at these discussions.

7. It is thus clear that during the recent Indo-Pakistan Ministerial talks, which lasted nearly six months, India showed her willingness to discuss all outstanding problems between the two countries, including the question of infiltration, while Pakistan steadfastly declined to take up any other matter, except Kashmir. And when she did suggest a discussion of the one issue which interested her, Pakistan laid down a condition regarding the choice of the Indian representative, which no government would accept. It is, therefore, a matter for regret and surprise that the Government of Pakistan Note under reference should suggest that it is the Government of India which has shown unwillingness to hold Ministerial talks on infiltration and border disputes.

8. The Government of India have been consistently anxious to hold discussions with Pakistan to deal with the major irritants coming in the way of good relations between the two countries. They regret to say that the response from Pakistan has been most discouraging. In regard to the problem of infiltration, the only initiatives taken by Pakistan so far have been to accuse the Indian authorities of excesses of which they are not guilty and to put forward proposals and demands to which no sovereign government can agree. They are well aware of the representations made by Pakistan, through diplomatic channels in the past, but venture to suggest that these can hardly be equated with serious attempts to discuss the details of this intricate problem with a view to reaching mutual understanding. The Government of India note that the Government of Pakistan have expressed a preference for initiating discussions at Ministerial level, but it is their considered view that it would be appropriate to discuss these issues, first, at the diplomatic level; they would be prepared to start discussions as soon as possible in Karachi, where the Indian High Commissioner would be assisted by experts from India, so as to deal with the problems exhaustively. The Government of India feel that only after giving detailed consideration to the issues involved at the proposed diplomatic level meeting and earnestly exploring the possibilities of reaching an understanding, could Ministerial level talks prove fruitful.

9. In their Note under reference, the Ministry of External Affairs of the Government of Pakistan have only mentioned, in passing, the border disputes, which the Pakistan delegation at Calcutta agreed should also be discussed at the projected inter Ministerial meeting. The Government of India must point out that the continuing and, indeed, increasing tension in various parts of East
Pakistan border with India is causing serious concern to them. They trust that action to redress the situation is being taken urgently; to avoid further aggravation of tensions they would urge that the importance of these problems should also be recognized and taken up for discussion at the proposed meetings.

The Ministry of External Affairs take this opportunity to renew to the High Commission of Pakistan in India the assurances of their highest consideration.

The High Commission of Pakistan in India,
New Delhi.

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3101. Note of the Pakistan Ministry of Foreign Affairs to the Indian High Commission in Pakistan.

Karachi, October 9, 1963.

Ministry of External Affairs
Government of Pakistan
Karachi


This Ministry of External Affairs presents its compliments to the High Commission for India in Pakistan and after a careful study of the Note No. 7652-PI/63, dated the 2nd September 1963, from the Ministry of External Affairs, Government of India, regret to say that the Government of India have once again grossly misrepresented facts and sought to distort the truth.

2. The Government of Pakistan reiterates that there is absolutely no basis for the allegation that the Muslims being evicted from India are Pakistani “infiltrators”. In fact the evidence in the possession of a vast majority of these persons leaves no room for doubt that they are bona fide Indian nationals, in accordance with the relevant provisions of the Indian Constitution and the Indian Citizenship Act.

3. The statement of the Government of India that the cases of the “infiltrators” had been pursued according to the due process of law, tampered by “humanitarian consideration” is again not substantiated by facts. The arbitrary and heartless manner in which the evictions have been and are being carried out by brutal force leaves no room for the helpless victims to seek the protection of courts of
law. It is beyond human comprehension that any person would “voluntarily” leave his hearth and home with young children, and leave all personal belongings behind in order to embark on a long and a perilous journey across the borders into another country where they possess nothing and have no vocation awaiting them. The fact that the movement of Indian Muslims into Pakistan is not “voluntary” but caused by terror and harassment is already well known and needs no emphasis.

The Ministry takes this opportunity to point out that the statement made by the Government of India that in the past Pakistan has employed its Foreigners’ Act for the eviction of Indian citizens from her territory is baseless. On the other hand it is most disquieting to note that the Government of India has employed the Indian Foreigners’ Act for the persecution of their minorities particularly the Indian Muslims.

4. As already pointed out earlier in this Ministry’s Note dated 8th August 1963, it was agreed at Calcutta that a separate Ministerial level conference would be held in order to resolve the question of the eviction of Indian Muslims. It was further agreed that the proposed Ministerial meeting might also discuss Indo-Pakistan border problems.

The Government of Pakistan wish to make it clear that they never objected to the appointment of Sardar Swaran Singh as leader of the delegation to conduct the Ministerial level talks nor did they seek to decide who the Indian representative might be. All that the Foreign Minister of Pakistan had suggested was that in view of his own and His Excellency Sardar Swaran Singh’s preoccupation with negotiations on Kashmir, the two Governments might nominate Cabinet Ministers other than those engaged in negotiations on Kashmir. This suggestion was motivated by a desire on the part of the Government of Pakistan not to side track the Kashmir dispute and at the same time to give early attention to the pressing problems created by evictions and the border disputes.

5. The Ministry of External Affairs is glad to note that the Government of India is “consistently anxious to hold discussions with Pakistan to deal with the major irritants coming in the way of good-neighhourly relations”. It is in pursuance of the same objective that the Government of Pakistan wishes to initiate immediately Ministerial level discussions on the question of evictions. The Government of Pakistan is of the view that owing to the importance of the issue it is essential that negotiations on the substance of the problem should be conducted at the Ministerial level so that these could be fully discussed and workable agreements reached. The Government of Pakistan would be glad to renew discussions of the procedural aspects of this problem through the diplomatic channels so that air could be cleared and necessary ground prepared for the Ministerial level talks. If the Government of India genuinely wish to
promote good neighbourly relations, they would no doubt consider the entire problem in its factual perspective and, in pursuance of their earlier agreements, review the present situation through diplomatic channels with a view to preparing for early Ministerial level talks on the question of evictions, so that the continuing misery of innumerable helpless men, women and children might come to an end.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for India the assurances of its highest consideration.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for India the assurances of its highest consideration.

The High Commission for India in Pakistan
Karachi

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3102. Note of the Indian High Commission in Pakistan to the Pakistan Ministry of External Affairs.


The High Commission of India presents its compliments to the Ministry of External Affairs of the Government of Pakistan and has the honour to state that the Ministry's Note No. PIB-3/3/62 dated October 8, 1963, has received the careful consideration of the Government of India.

2. The Government of India regret that the Ministry's Note under reply repeats the allegations regarding the action taken by the Indian authorities to deal with the sustained and large scale infiltration of Pakistan citizens into Assam, West Bengal and Tripura, which they had refuted in their Note addressed to the Pakistan High Commission in New Delhi on September 2, 1963, and which they again categorically repudiate as wholly baseless. They feel compelled to point out that such misrepresentations of their views and actions are not a happy prelude to constructive discussions on which the two Governments may soon embark. They, however, remain hopeful that the Government of Pakistan may be interested in seeking a genuine improvement of relations between the two countries, and, being themselves anxious to achieve such improvement, they would welcome an agreement with the Government of Pakistan on the opening of discussions on the question of infiltration from Pakistan and on the two pressing problems that have currently caused avoidable tension on the eastern borders, namely, demarcation in the areas of the Lathitilla group of villages and the upper reaches of the Feni River.
3. The repetition of their earlier charges by the Government of Pakistan, in spite of the clear explanations of the true facts given by the Government of India, makes it evident that considerable efforts will be necessary to establish a basis for constructive discussion on the problems raised by the influx of Pakistani citizens into India. The situation in regard to the status quo Areas on the Feni River and in the Lathitilla group of villages, also remains disturbing and requires further attention unless, in the meantime, the demarcation problem in the Lathitilla group of villages is solved on the basis of the proposals pending with the government of Pakistan, for a “crash demarcation” programme in this area, at the level of the Central Surveys of India and Pakistan. The Government of India entirely agree with the Government of Pakistan that the air should be cleared and the ground prepared for inter-ministerial talks, on the above-mentioned problems. They, therefore, propose that preliminary discussions to this end should be held as soon as may be mutually convenient. They would be glad to depute appropriate officers from India to assist their High Commissioner in Pakistan to undertake, in cooperation with nominees of the Government of Pakistan, these preliminary talks and to frame issues for subsequent consideration at Ministerial talks.

The High Commission of India takes this opportunity to renew to the Ministry of External Affairs of the Government of Pakistan the assurances of its highest consideration.

Ministry of External Affairs
Government of Pakistan
Karachi

3103. Message from Pakistan President Field Marshal Mahmmad Ayub Khan to President of India.


My Government has been receiving very disturbing reports about the communal situation in Calcutta in particular and in the neighbouring districts of 24 Parganas, Hooghly, Howrah, Bardwan and certain other areas of West Bengal. According to our Information, the situation in Calcutta is virtually out of control. The Chief Ministry (Minister) of West Bengal Mr. P.C. Sen, in a public statement issued yesterday, appears to have admitted as much and has taken a grave view of the situation. According to him, the Indian Army was immediately taking over
administration of five areas in the city and "military rule" would be imposed in six more areas when more troops had flown in. There are reports of wide-spread killing of Muslims and numerous cases of arson involving Muslims' property both in Calcutta as well as other areas already referred to. A foreign news agency report today puts the number of dead so far at 200 and the number of cases of arson reported from Calcutta yesterday alone at 200. Unofficial estimates put Muslim casualties and damage to Muslim property in Calcutta and outside at very much higher figures.

Some indication of the extent to which the Muslim community has been terrorized by those senseless acts of killing, looting and destruction may be had from the fact that yesterday alone fourteen thousand Muslim refugees crossed from the neighbouring West Bengal into East Pakistan and number has since risen to over twenty thousand.

The East Pakistan Government has taken and is determined to continue to take every measure possible to maintain order but you will appreciate that a mass influx of terror-stricken Muslim refugees spreading out into various districts of East Pakistan with their tales of woe could precipitate a very serious law and order situation for the East Pakistan Government. I have issued an appeal to the people of Pakistan emphasizing the supreme need for maintaining communal peace in spite of anxiety and provocation that recent events in West Bengal may have caused in East Pakistan.

I cannot help feeling that in thus taking law into their own hands with a view to driving Muslims out of West Bengal into East Pakistan certain elements in the majority community in West Bengal have drawn encouragement from the policy that the Government of India has been following over two years, despite our protests and appeals, to drive out Indian Muslims living in districts bordering East Pakistan. The number of such refugees who have registered themselves with East Pakistan authorities had by the end of December already reached 95,613. To this number have now been added 20,000 terror stricken Muslims who have crossed over into East Pakistan from riot affected areas in West Bengal.

I am sure you will recognize the gravity of the situation which has been creating anxiety for my Government and I trust that your Government will take effective action immediately to restore order and peace in West Bengal such as would create a sense of security in the minds of the Muslim minority and enable these refugees to return to their homes. I have no doubt you will agree that this will be in the larger interest of both India and Pakistan.

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My dear Commonwealth Secretary,

After I had sent my telegram No.11 of January 11, 1964, I thought that I must write to you and give you some of the nuances of my interview with the East Pakistan Chief Secretary, Ali Asghar, on that day. Before I do this, may I give you a little pen-picture of this gentleman. Ali Asghar belongs to the old Indian I.C.S. (now is C.S.P.), Bengal Cadre. He is a handsome man with an amiable and attractive approach but, on closer acquaintance gives one the impression of a certain amount of shiftiness. His original home is Ferozepur in East Punjab and he has been embittered although he does not show it outwardly, because of the killings on the border in 1947. He is a also former Pakistan Foreign Secretary Dehlavi's brother-in-law.

2. I received your telegram No.26400 of January 10 the same night round about 10.30. The first thing next morning, I tried to contact the Governor but was told from Government House that Governor was away in Karachi and would not return till the 16th January. I next tried the Chief Secretary. Our experience of him on previous occasions has been that he is somewhat reluctant to meet us and it does take some time to fix up an interview with him, unlike his predecessor Kazi Anwar-ul-Huq and Hashim Raza, who at least saw one without any fuss, even if they were not very helpful or effective. Ali Asghar is, however, somewhat exclusive and even on this occasion, there was a certain amount of stalling by him. Late in the morning, however, with surprising alacrity, the interview was clinched. That should have made me suspicious as it could have meant that he had by that time also received a message from Karachi from his Foreign Office instructing him to call me in to express their concern etc., over the Calcutta incidents. What appeared on the following day in the morning newspapers here seems to confirm this suspicion; I had sent you later a telegram No.13 about this matter on January 12.

3. I would not like to burden you with what transpired between the Chief Secretary and myself and I had put down all the details in my telegram of January 11. I would however like to mention one or two points which would give an idea of
what the Chief Secretary was aiming at. The Chief Secretary made much ado about
the entire East Pakistan administration and its "top brass" descending on Khulna,
as soon as the news of the disturbances came to be known. He mentioned not
only about the Governor and other dignitaries but also that the Helicopter service
between Dacca and Khulna/Chalna was taken off its normal schedule of
conveying civil passengers and placed at the disposal of the Military. He also
made much of the fact that the Governor had himself gone to Bagarhat, which was
one of the troubled areas. As it is, that was only hindsight as the governor had
really gone there to address a political meeting and the schedule for his Bagerhat
visit was drawn long before the troubles had broken out.

4. I knew that the Chief Secretary was going to bring in the incidents in the
Calcutta area and the district of 24 Parganas. Here, fortunately, our All India
Radio broadcasts came in very handy because they detailed the measures
taken by the Government of West Bengal to keep the situation under control. I,
therefore emphasized that only a few stray incidents had taken place and these
were repercussions of the serious disturbances which had happened in Khulna
and its adjoining areas. He then made the surprising statement of 10,000
refugees having spilled over from Bongaon etc. into Jessore. As a matter of
fact, I learnt later that originally the Pakistan Radio had announced 5,000 refugees
and a member of the National Assembly had mentioned 8,000 refugees. Only
today, I saw in one of the papers that 35,000 refugees were mentioned. That is
why, when I disclaimed all knowledge of this influx, I mentioned to the Chief
Secretary that we could look into it even though the figures seemed excessive.

5. The Chief Secretary talked a lot about the sensational headlines etc. in
the India Press and there, fortunately, I had the lurid examples of the Pakistani
papers to confront him with.

6. Regarding my request for visiting Khulna and its adjoining areas where
disturbances had taken place, the Chief Secretary at first gave no reply and
then a little later, said that he would look into it and let me know after his return
from Karachi, mentioning at the same time that he hoped that their Deputy High
Commissioner in Calcutta would be permitted to visit the disturbed areas. I said
that there was no Deputy High Commissioner in Calcutta these days when the
Chief Secretary replied that his Government would have to consider sending
someone else, he did, however, agree to consider my request on its own merits.

7. I got the impression from the Chief Secretary's reactions to my request
for visiting the disturbed areas that he was not at all happy about it and even
though he had said that he would consider my request on its own merits, the
question of reciprocity seemed to loom large in his mind. However, he has
promised to let me know the outcome on his return from Karachi, when I shall
meet him again and send you a telegram.
8. I enclose a translation of an article by 'Musafir' which is the pen name of the Editor of the *Ittefaq*, Mr. Tafazzal Hussain (Manik Mian), who is not only an Editor of repute but a political personality in his own right; the *Ittefaq* is pursuing a sane and progressive attitude in the present difficult and disturbing situation here.

9. I am also sending a copy of this letter to High Commissioner.

With Best regards

Yours sincerely,

Sd/-

(S. K. Chowdhry)

Shri C.S. Jha,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi

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3105. Message of the President S. Radha Krishnan in reply to the message of Pakistan President of January 13, 1964.

New Delhi, January 16, 1964.

I have received your message of the 13th January through our High Commissioner in Pakistan. My Government deplores that riots have taken place in West Bengal as well as those that took place earlier in Khulna district and elsewhere in East Pakistan in which there was widespread lawlessness, causing arson, loot and much loss of life and property to the minority community. According to our information, nearly 200 lives were lost in the Khulna riots and the disturbances are still continuing in many places in East Pakistan, the latest being those at Narayanganj and Dacca.

2. My Government is fully conscious of its responsibility for maintaining law and order and for affording protection to all sections of its population on the basis of equality and has taken the most energetic measures to bring the situation in West Bengal under control. The situation in Calcutta, certain parts of which are affected and elsewhere, has how returned to normal as a result of firm measures taken which will not be relaxed till complete normalcy is restores.
3. The figures of casualties as reported to you are obviously exaggerated, it is also not correct to say that military rule has been imposed in certain areas of Calcutta. The military were called in, in substantial number as a precautionary measure in the first instance, and when the situation worsened in certain parts of Calcutta, they were given the responsibility of restoring order without any diminution of civil authority. My Home Minister, who has just returned from Calcutta has made a statement which you may have seen and which I am asking our High Commissioner in Karachi to transmit to you. A hundred and fifty persons including large numbers of non-Muslims lost their lives, the latter during police firing. The sternest measures have been taken. The police and troops are unhesitatingly using force against those trying to disrupt peace. Several thousand arrests have been made by way of preventive action. At several places collective fines are being imposed as a punitive measure. The response to the appeal made by the Home Minister in Calcutta for cooperation by men of goodwill among all communities has been good and peace brigades are functioning. The Home Minister has reaffirmed the determination of the Government to take the strongest possible measures and to afford the fullest protection to all citizens. Many people who had left their homes are already returning and many leaders of the minority community met the Home Minister and conveyed to him their sense of reassurance.

4. I welcome your statement appealing to the people of Pakistan to maintain calm. I am glad to learn of the East Pakistan Government's determination to maintain order. I also understand your concern caused by the influx of refugees from West Bengal, though here again the figures reported to you are grossly exaggerated.

5. I must confess to you our disappointment at your own statements on the unfortunate theft of the Holy Relic from the Hazratbal Mosque in Kashmir, which was a matter of sorrow for the entire people of India, and was severely condemned by my Prime Minister and myself. Your Foreign Minister's statement in this context was particularly unfortunate. Without a shred of evidence, the theft of the relic was attributed to Hindus and a communal turn to the Hazratbal incident was thus given in Pakistan from the beginning. The Pakistani Press started the most virulent tirade against India and did everything to rouse communal passions to an uncontrollable pitch. While the emotions of the people in Pakistan over the theft of the relic were understandable, I am constrained to observe that irresponsible and unrestrained statements and accusations against India, the false cry of Islam in danger had inevitable effect of inciting the Muslim population of East Pakistan to take revenge on the Hindus still living in Pakistan. A mob of 20,000 which was allowed to form a procession and indulge in violent demonstration, broke loose and started a reign of terror in Khulna and neighbouring areas lasting for several
days in which the minority community in East Pakistan from all accounts suffered grievously. It is the serious incidents in Khulna which led to the influx of refugees from East Pakistan and started the vicious circle and resulted in the disturbances in West Bengal.

6. My Government rejects in emphatic terms the thesis advanced that the disturbances in West Bengal are a part of the plot to drive out Indian Muslim living in West Bengal into East Pakistan. India is a secular State and the home of over fifty million Muslims as well as of several million citizens professing other faiths. The policy of the Government of India has always been directed to the fullest realization of the secular ideal and to the creation of a society in which all its citizens enjoy equal rights and equal protection of the law. Despite difficulties, and those too not of our making, my Government have relentlessly pursued this objective.

7. You have, in your message, mentioned specific figures of refugees who have allegedly gone from West Bengal into East Pakistan. These evidently must include in large part Pakistan nationals returning to Pakistan in recent months, who had illegally entered into areas of India bordering East Pakistan without visas or permits from the Indian Government who, under well established international law and practice, had to return to Pakistan. The Pakistan Government in spite of repeated requests by the Government of India have done little to prevent the illegal entry of Pakistan nationals into India. The population of our border districts in Assam and Tripura and West Bengal has been abnormally inflated as a result of the influx of such persons. As you are aware, this matter is separately under discussion between our two Governments. On the other hand, the influx into West Bengal of members of the minority community from East Pakistan, which has continued unabated ever since the partition of India, is a matter of history. The number of such refugees, who have been obliged to flee their ancestral homes in distress because of fear and lack of a sense of security is well over four million.

8. My Government has observed with deep regret and dismay the virulent campaign against India that has been carried on in the Pakistan Press and on the Pakistan Radio in recent weeks. Even yesterday's newspapers in West Pakistan had the most irresponsible and mischievous headlines disseminating entirely false accounts of the Calcutta disturbances. I hope that Your Excellency and your Government will do their utmost to end the tension and disturbances in East Pakistan and to instill into the minority community a sense of security and well-being. In particular, I hope that Pakistan leaders and the Pakistan Press would exercise restraint in their utterances and would do or say nothing to incite communal passions. This is of the utmost importance to both our peoples.

9. It is my sincere belief that the time has come when our Governments
should put their heads together and devise ways and means of bringing to an end the recurring cycle of such incidents and disturbances in both countries. These not only poison the relations between our countries but affect the lives of millions of persons who seek nothing but to live as good citizens in their respective countries. I suggest to you, Mr. President, in all earnestness, that we direct ourselves immediately to this task. As a first step I propose that you and I join in an immediate appeal to the people of our two countries for communal peace and harmony. If you are agreeable, my High Commissioner will submit to you a draft of such a joint appeal for Your Excellency’s consideration.

New Delhi
16th January, 1964.

3106. Message of Pakistan President in reply to the Indian President’s message of January 16, 1964.


"Thank you for your message of January 17th which reached me on 18th morning while I was on tour.

You have questioned a number of statements contained in my message of January 13, I regret I am unable to accept information supplied to you or contentions based on those premises. However, I do not wish to enter into a controversy at this unfortunate stage of our relationship. It would I think be most unfortunate if you and I should get involved in an exchange of recriminations. This would deflect attention from our real purpose.

This purpose is that lives and property of minority community must be fully protected, that communal peace must be maintained and that minority community must not be looked upon as a hostage. By blaming, and thus impliedly condoning communal killings and destruction in one country on similar instances in the other, we might unwittingly lend encouragement precisely to those evil forces which it is Government’s duty to curb. Most of Mr. Nanda's (Home Minister of India) public statements of 11th and 14th January to which you have referred are unfortunately marred by this blemish and I was hoping that you will take a more objective and dispassionate view.

What is really needed is that whatever steps are necessary should be most urgently taken to restore law and order and meet out deterrent punishment to criminals who have been responsible for killing innocent men, women and children.
We are Mr. President faced with a grave human problem. It will not be solved by shutting our eyes to it as far example Mr. Nanda’s statement that on January 14th “absolute communal harmony prevailed in Calcutta”. Nor can we solve this problem by blaming others for creating it. Let leaders in each country look into their own hearts and resolve to put their own house in order.

You suggest that you and I join in an appeal to the peoples of both India and Pakistan for communal peace and harmony. As you know I have already issued an appeal to my people. I took the earliest opportunity to do this. I do not see how a second appeal by me would have any greater effect. What is required is that stern measures are taken against those miscreants who are responsible for recent incidents and prevent trouble from spreading. This is what Government of East Pakistan are doing with full backing and support of my Government.

I do not presume to advise you on whether or not you should issue a similar appeal to your own people. That is a matter for you to decide. I may however reiterate my hope that your Government will ensure that law and order is quickly restored in all riot affected areas and that those who have been driven out will be enabled to return to their homes and live with a full sense of security. I reiterate that this would be in the best interest of both India and Pakistan”.

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Karachi, January 24, 1964.

The Government of Pakistan have carefully considered the proposal as indicated in the message from the President of Pakistan to the President of India. What is needed most at the present time is that stern measures should be taken to restore law and order and meet out deterrent punishment to the criminals who have been responsible for killing innocent men, women and children and destroying property belonging to the minority community in West Bengal. Such action has been and is being taken in East Pakistan.

Once law and order have been fully restored, Ministers of two Governments may meet initially in Rawalpindi/Delhi to discuss measures necessary to ensure that the refugees of recent disturbances as also those evicted from Assam, Tripura and West Bengal during some two years prior to these disturbances, return to their homes.
The proposed Ministerial meeting could only be convened after law and order have been fully restored, for any suggestion or advice to the refugees that they return to their homes, so long as conditions continued to remain disturbed, would prove infructuous. They would refuse to go back to their homes until peaceful conditions return and they regained the sense of security.

3107A. Statement by Home Minister Gulzarilal Nanda suggesting easing of issue of Migration Certificates to the members of the minority community in East Pakistan in view of the prevailing conditions there.


It is being represented that in the conditions which have arisen at present in East Pakistan, migration in to India of the members of the minority community has become almost inevitable. While re-emphasising the responsibility of Pakistan for guaranteeing to its minority complete security of the life and property, for providing full protection when any risks arise and for rehabilitation those who may have suffered, it is true that we in India cannot ignore the human considerations which are involved in the present situation. It is our hope that notwithstanding the unreasonable and unhelpful attitude of the Government of Pakistan, that Government may be persuaded to accept this responsibility and to create condition in East Pakistan which would help to restore the confidence of the minority community in East Pakistan. Nevertheless, in the circumstances which have arisen, the condition for the grant of the migration certificates on compassionate grounds would have to be eased in the case of the members of the minority community in East Pakistan who seek to come to India because they are living in conditions of extreme peril and insecurity and in the existing conditions, it has become impossible for them to stay on in East Pakistan. The problem of refugees is undoubtedly a national problem, but the practical limitations in these respect will of course have to be always kept in view.
3108. Oral message from the Government of India in reply to the orally communicated message of the Government of Pakistan conveyed through the High Commissioner of Pakistan in India.

New Delhi, January 30, 1964.

The Government of India consider that the starting point of the process of consultation and discussion between the Governments of India and Pakistan should be a meeting of Ministers, without delay, to consider way and means of restoring communal harmony and confidence and sense of security among peoples of different communities in both countries.

2. The Government of India have carefully considered the reply given by the Pakistan Foreign Office to our High Commissioner, on January 24th, to the Government of India's proposal for immediate meeting of Ministers. The Government of India regret that Pakistan has chosen to confuse issues, by bringing in, at this stage, the questions of infiltration of Muslims from East Pakistan into Assam, Tripura and Bengal, when the primary need today, is to restore, communal harmony and confidence and create a sense of a security among the peoples of the different communities, in both countries.

3. Thanks to the stern measures, with firm determination, taken by authorities in West Bengal, the disturbances in Calcutta and environs were quickly put an end to. Large area in East Pakistan, including Dacca and Narayanganj in particular, however, continued to be the scene of serious communal disturbances, resulting in large scale destruction of life and property of the minority community.

4. High level Ministerial talks and earnest search for positive and constructive measures are essential for the creation of a favourable atmosphere for the discussion for various Indo-Pakistan differences with a view to their resolutions. The Government of India had agreed to official level talks between the two Governments to be followed by a Ministerial meeting on the question of the movements of people across the border between East Pakistan and Assam, and Tripura. These official level discussions did not take place, as the atmosphere of tension created in the last few months by Pakistan was not conducive to a clam consideration of such a major issue. The Government of India will be willing to begin talks on this problem, as soon as the ministerial meeting they have proposed for restoring communal harmony, has been convened and has made progress. The Ministers themselves can discuss the timing and modalities of the talks between the two Governments on the question of movement of persons across the Eastern borders.

5. The Government of India, therefore, reiterate their suggestion that the
Home Ministers of India and Pakistan should meet in Calcutta/Dacca, immediately, to restore confidence and communal harmony, and they are firmly of the opinion that this cannot be done if these meetings are not held immediately at Dacca/Calcutta and scheduled at some distance date and that too at Delhi and Rawalpindi.

3109. Note of the Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, February 1, 1964.

The Ministry of External Affairs, Government of India, presents its compliments to the High Commission for Pakistan in India and has the honour to draw the attention of the Pakistan High Commissioner to Press report stating that Mr. Habibullah Khan, Minister of Home Affairs in Pakistan, has stated that “it is very unfortunate step on the part of the Government of India” if it had decided, as had been reported, to facilitate the grant of migration certificates on a liberal scale to minorities in East Pakistan who wish to migrate to India. This reported statement gives the false impression that the Government of India are encouraging the minority community to migrate from Pakistan.

2. The Government of Pakistan is aware that widespread and serious communal rioting had recently taken place not only in Khulna and the adjoining areas but also in Dacca, Narayanganj and in the surrounding areas. In the Dacca area nearly 25 camps were set up where about 80, thousand members of the minority community took shelter. The Deputy High Commissioner of India in his letter no. D.119-PS/64 dated January 21st, 1964, addressed to the Chief Secretary, Government of East Pakistan, had named these 25 camps and requested that immediate measures may be taken to meet their basic necessities of food, clothing and medical assistance. The Bengali language daily Azad of Dacca in its issue of January 20, 1964, carried a news items entitled “improvement in Dacca’s situation; firm resistance against riots from the general public: Continued shortage of food and other necessities in the refugee camps”, named 19 Refugee camps containing over 30,000 persons and went on to state that “apart from this there are 30,000 refugees in the Dhakeshwari and Lakhsmi Narayan Mills in Narayanganj”. It is therefore, clear that, apart from the serious loss of life and property, a vast number of East Pakistan citizens of the minority community have been displaced from their homes due to communal frenzy in
Dacca, Narayanganj, etc. and also in other affected areas in East Pakistan. These persons have gone through a frightful ordeal of arson and looting and are naturally in need not only of immediate relief and rehabilitation but also of the maximum possible reassurance regarding their security.

3. The Government of India has already had an unabated flow of migrants and refugees who continued to cross over into India from East Pakistan due to the continuing lack of sense of security of life and property. India has, since August 1947, been compelled to receive 4.5 million refugees and migrants of the Minority community from East Pakistan due to the discriminatory and harsh policies followed by the Pakistan authorities in respect of their own Pakistani citizens of the Minority Community. The Government of India, had, on human and compassionate grounds, to make provision to assist these unfortunate migrants and bear a heavy burden of their resettlement in India.

4. The Government of Pakistan is aware of the full details of the wide-spread and serious disturbances that occurred at various places in East Pakistan during January involving serious loss of life and wholesale destruction of the habitations and property of the Minority Community which rendered 80,000 people homeless and destitute and made them seek refuge in camps started all over East Pakistan. In the light of the unfortunate experience of similar situations in the past having led to large scale migrations into India, the Government in India, had on human and compassionate grounds, to make necessary preparations to receive and to assist to the extent possible in their resettlement in India, such of these terror-stricken destitute migrants as may come over to India because of the failure of their own government to take energetic measures for their rehabilitation and resettlement and to give them confidence about the security of their life and their hearths and homes in East Pakistan. There is no question of the Government of India encouraging any migration whatever from East Pakistan into India. The attached copy of a statement made by Home Minister in Calcutta* will clearly indicate that all that the Government of India intended to do is to carry out their normal human duty to assist those destitute citizens of the East Pakistan Minority Community who decide, because of their recent gruesome experience, to leave their hearths and homes. The prompter and more effective the measures taken by the Government of Pakistan for re-establishing confidence and for rehabilitation and resettlement of these unfortunate victims of arson and looting, the less will be the need for the Government of India to consider any measures for rehabilitation and resettlement in India of these unfortunate East Pakistan citizens who have been victims of terror, loot and arson.

5. The responsibility for taking necessary measures to reassure the members

* Please see Document No.3107A.
of the Minority Community in Pakistan about their security and for rehabilitation and resettlement of the unfortunate thousands who are in the camps mentioned in para 2 above is that of the Government of Pakistan. The Government of India hopes that quick and energetic measures will be taken by the Government of Pakistan to discharge this responsibility in respect of these Pakistani citizens.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for Pakistan the assurances of its highest consideration.

The High Commission of Pakistan,
Sher Shah Road Mess,
New Delhi.

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3110. Oral Reply of Pakistan Government delivered to the Indian High Commissioner in Pakistan in reply to the Government of India's oral message of 30th January delivered to their High Commissioner in India in New Delhi.

Karachi, February 1, 1964.

The Government of Pakistan have carefully examined the proposal made by the Government of India to the Pakistan High Commission in New Delhi on January 30, 1964.

The Government of Pakistan have consistently believed that the duty of maintaining internal law and order rests with the Government of the country concerned. In his message dated January 20, 1964, to the President of India, the President of Pakistan had unequivocally stated that stern measures were being taken against those miscreants who were responsible for the recent disturbances in East Pakistan. The local Government took prompt and effective action to restore law and order and the situation in East Pakistan was, thus, restored to normal. Since it is the duty of the Government concerned to maintain peace and order and establish communal harmony, and a sense of security amongst its minorities, the Government of Pakistan earnestly hopes that the Government of India would take firm steps to restore peace and order in West Bengal and devise ways and means of giving a sense of security to the Muslim minority in West Bengal.

In his massage dated 13th January 1964, to the President of India, the President
of Pakistan had stated unequivocally with regard to the genesis of the recent disturbances in West Bengal, that in his view, in taking the law into their hands with a view to driving out Muslims, certain elements in the majority community had drawn encouragement from the policy that the Government of India had been following over the last two years, despite protests and appeals from Pakistan, to drive out Indian Muslims living in districts bordering East Pakistan. It is therefore a matter of utmost importance that in dealing with the communal situation in Pakistan and India the root cause of the problem should be tackled and that as soon as law and order is restored, Ministers of the of the two Governments should meet to discuss measures necessary to ensure that all refugees of the recent disturbances as well as all those who have been evicted in the past two years from Assam, Tripura and West Bengal should be enabled to return to their homes. Far from confusing issues, as alleged by the Government of India, the Government of Pakistan have sought to deal realistically with the basic problem which has arisen on account of the unfortunates policies that the Government of India has followed during the last 8 years, which have inevitably resulted in the present tragedy involving the killing of innocent men, women, and children and driving away many thousands of human beings from their homes in India.

The Government of Pakistan further consider that should the Government of India agree with their proposals, the appropriate avenue for a meeting of the two central ministers would be either Rawalpindi or Delhi.

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Ordinance No. 1 of 1964

The East Pakistan Disturbed persons (Rehabilitation) Ordinance, 1964

An Ordinance

To Provide for the speedy rehabilitation of persons affected by the civil disturbance in East Pakistan in January, 1964, and for the protection of the immovable property of the minority communities.

Whereas it is expedient to provide for the speedy rehabilitation of persons affected by the civil disturbance in East Pakistan in January, 1964, and for the protection of the immovable properties of the minority communities in the manner hereinafter appearing;

And whereas the Provincial Assembly of East Pakistan is not in session and the Governor is satisfied that circumstances exist which render immediate legislation necessary;

Now, therefore, in exercise of the powers conferred by Article 79 of the Constitution of the Islamic Republic of Pakistan and all other powers enabling him in that behalf, the Governor is pleased to make and promulgate the following Ordinance, namely:-

(1) This Ordinance may be called the East Pakistan Disturbed Persons (Rehabilitation) Ordinance, 1964.

(2) It extends to the whole of East Pakistan.

(3) It shall come into force at once.

(4) It shall remain in force up to the 31st day of December 1964.

2.(1) Any Magistrate or other officer specially empowered in this behalf by the Provincial Government by general or special order may, after such local enquiry and with such police or other help as he may consider necessary, evict summarily any person who may have occupied or taken possession
in any manner whatsoever of any house, hut, structure or land which any other person has had to leave or has left on account of or in apprehension of, the civil disturbance in January, 1964.

(2) The Magistrate or other officer referred to in sub-section (1) shall, as early as possible, restore possession of such house, hut, structure or land to the person who as proved to his satisfaction to have been in possession thereof and has left it in the circumstances referred to in sub-section (1).

(3) When the person found to be in possession of any such property before the civil disturbances of January, 1964, is not traceable, the magistrate or the other officer referred to in sub-section (1), may order the property to be put under the management of the Evacuee Property Management Committee under section 3 of the East Bengal Evacuees (Administration of Immovable Property) Act, 1951.

3. (1) Any person aggrieved by summary eviction of himself from, or by restoration of possession to any other persons of, any house, hut, structure or land, may appeal to the District Judge having jurisdiction, within thirty days of such eviction or restoration and the District Judge may, if he allows the appeal, cause such person to be put back in possession with such police or other help as he may consider necessary.

(2) The decision of the District Judge referred to in sub-section (1) shall be final.

(3) It shall not be competent for a District Judge to grant any interim injunction or stay order in respect of any eviction or restoration under the provisions of section 2.

4.(1) Notwithstanding anything contained in any other law for the time being in force, no transfer of any immovable property belonging to a member of a minority community shall be deemed to be valid and legal unless it has been made with prior permission of the Deputy Commissioner of the District concerned in accordance with the provisions of sub-section (2).

(2) On receipt of the application, the Deputy Commissioner shall cause an inquiry to be made to ascertain whether the proposed sale has been brought about, --

(i) by coercion, threat, intimidation, undue influence, misrepresentation or fraud; or

(ii) in due course of business of the transferor.

He will refuse permission in cases falling under clues (i) and may grant permission in cases falling under clause (ii).

(3) No instrument for transfer of immovable property of person who is a
member of the minority community shall be admitted to registration unless it has been accompanied by the permission of the Deputy Commissioner under sub-section (2).

5. (1) If, on any enquiry under section 2, any Magistrate or other officer specially empowered under that section is satisfied that any person is in possession of any house, hut, structure or land under an instrument registered under the Registration Act, 1908, within a period from the 1st January, 1964, to the date of commencement of this Ordinance, obtained under coercion, threat, intimidation, undue influence, misrepresentation or fraud, he shall refer, or the transferor may apply, to the District Judge within thirty days of the completion of the enquiry, for cancellation of the instrument.

(2) The District Judge shall, after notice to the transferee and hearing the parties, pass an order within a month of the receipt of reference or application canceling the instrument and ordering restoration of possession to the person who is proved to his satisfaction to have been in possession thereof before the civil disturbance of January, 1964; provided that the District Judge may extend the time for good and valid reason to be recorded in writing.

(3) when the person found to be in possession of any such property before the civil disturbances of January, 1964, is not traceable, the District Judge may order the property to be put under the management of the Evacuee Property Management Committee under section 3 of the East Bengal Evacuees (Administration of Immovable Property) Act; 1951.

6. Save as provided in sections 2 and 5, no action taken, no decision given and no order passed under this Act shall be called in question in any civil or criminal court or Tribunal.

7. No proceedings shall lie in any civil or criminal court for anything done, any action taken or any decision given in good faith by any District Judge, Magistrate or Officer or other person in pursuance of the provisions of this Ordinance.

DACCA;
The 11th February, 1964

Abdul Monem Khan
Governor of East Pakistan

By order of the Governor,
B. Ahmed,
Deputy Secretary to the Govt. of East Pakistan

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3112. Press note issued by the Deputy High Commissioner of India in East Pakistan clarifying the position regarding issue of Migration Certificates.


It is being alleged that Deputy High Commissioner of India in Dacca is giving unrestricted migration to minority community. This is not true. Owing to unprecedented demand application forms are being supplied to those who ask for them. But each application will be carefully scrutinized and applicant interviewed in accordance with current procedure. Only in real hardship cases, migration certificates will th be granted in accordance with the rules after production of the necessary certificates.

Those who are approaching Migration Office for forms merely because of rumours that migration has become unrestricted are advised not to believe such rumours.

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3113. Note from the Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.


Ministry of Foreign Affairs
Karachi

No.PIB.I.1(5)/64. 19th February, 1964.

The Ministry of Foreign Affairs presents its compliments to the High Commission for India in Pakistan and with reference to the Ministry of External Affairs, Government of India’s Note dated February 1, 1964, has the honour to observe that the statement made by the Minister of Home Affairs, Government of India (appended to the Note under reference) does not seem to bear the meaning or interpretation ascribed to it in the Note. The Minister of Home Affairs of the Government of India in his statement has made the Government of India’s policy unequivocally clear when he says: "Nevertheless, in the circumstances which have arisen, the conditions for the grant of the migration certificates on compassionate grounds would have to be eased in the case of members of the minority community in East Pakistan who seek to come to India...". In their editorials on 31st January 1964, the leading news papers of India, such as the
Hindustan Times, the Times of India, the Indian Express etc. have welcomed this change of policy on the part of the Government of India and appear to have recognized its obvious meaning.

2. It was with reference to this turn in the Government of India’s policy that the Home Minister of Pakistan in his statement of January 30, 1964 was constrained to observe unequivocally that such a change in policy would unsettle the minorities in East Pakistan and the decision of this nature amounted also to an unwarranted interference in the internal affairs of Pakistan.

3. It is needless to remind the Government of India that major anti-Muslim riots broke out in West Bengal and Calcutta after their Minister of Home Affairs made a most unfortunate statement on 9th January 1964, in which he threatened to take proper action to deal with the situation created by the "communal riots" in Khulna and Jessore in East Pakistan. Within hours of this and other inflammatory speeches delivered by responsible Indian leaders, violence and killing directed against the Muslim minority community in Calcutta and other West Bengal districts, was let loose. Even according to modest estimates the death toll on January 12 is reported to be over 500. In one day alone 14,000 terror stricken Muslim refugees crossed into Pakistan and by the following day the figure had mounted the over 20,000. In Calcutta alone there were over 500 cases of arson and as many as 75,000 Muslims were rendered homeless. The number of Muslim refugees who have since entered East Pakistan so far exceeds 50,000.

4. On their part, the Government of Pakistan took the sternest measures to contain and keep under control the communal situation in Pakistan. The President of Pakistan issued an appeal to the people of Pakistan on 13th January 1964 when the entire nation was intensely agitated by the reports of atrocities in Calcutta and West Bengal and urged upon his countrymen to remember that it was their duty to protect the minority community and called upon them to maintain complete law and order, the hallmark of any civilized nation. The President of Pakistan again appealed to the people in his broadcast to the nation on February 1, 1964, and counselled them not to let their emotions get the better of their good sense and added: "But the real solution of the problem is that law and order and complete security to the minority community must be ensured in both countries so that refugees can go back to their hearths and homes, to their lands and trades. We are resolved to do that on our side and would like to assure the minority communities in Pakistan that we will use all the resources of the State to provide them complete security and freedom to pursue their normal avocations and their faith".

5. The Ministry of Foreign Affairs wishes to draw the attention of the High Commission for India in Pakistan that during the tragic days of anti-Muslim rioting
in West Bengal, over 70,000 terror stricken Indian Muslims approached the Office of the Deputy High Commissioner for Pakistan in Calcutta to issue them with Emergency Certificates so that they could migrate to Pakistan. This pressure still continues. In accordance, however, with their settled policy not to encourage such migration the Government of Pakistan advised its Mission in Calcutta not to issue permits to these applicants for migrating to Pakistan. They were instead advised to return to their homes. The Government of Pakistan propose to continue to maintain this policy so as not to complicate an already difficult situation.

6. While the figures mentioned in Para. 2 of Government of India’s Note under reference are grossly exaggerated, the Government of Pakistan on its part, has no intention to minimize the seriousness of incidents which occurred recently in East Pakistan. They did not consider that they should engage in propaganda exercises with the Government of India on this human question but they regard it essential that each Government must face realities of the situation and ruthlessly deal with those who disturbed communal peace. In accordance with this policy, the authorities in East Pakistan took the sterner measures to put down disorders, meted out severe punishment to miscreants, and firm steps were taken to protect the life and property of the members of the minority community in spite of the provocation caused by the news of anti-Muslim atrocities in West Bengal.

7. The Government of Pakistan on its part, is greatly concerned with what seems to be the confluence of the persons in authority in India and those Indian militant groups who are determined to drive Indian Muslims out of India and more particularly in recent times from areas bordering East Pakistan. Recent events in West Bengal have disclosed a disturbing pattern of this nature. About two years ago the Government of India embarked upon their policy of ruthlessly evicting Indian Muslims from their homes in Assam and Tripura. By the end of 1963, the number of victims of this policy had already exceeded 100,000.

8. The recent out break of communal fury in Calcutta and West Bengal is the outcome of a deep rooted malady, namely the denial of human rights to Muslims minority in India. It may be recalled that the President of Pakistan, in his message to His Excellency the President of India on 13th January 1964, also pointed out that, in taking the law into their own hands with a view to driving the Muslims out of West Bengal into East Pakistan, certain elements in the majority community in West Bengal had drawn encouragement from the policy that the Government of India has been following over the two years, despite the protests and appeals from the Government of Pakistan, to drive out Indian Muslims living in districts bordering East Pakistan. The Indian Home Minister’s statement dated 14th November, 1963, according to which the Government of India have "discovered" nearly a million persons whom they propose to brand as infiltrators and would seek to drive them out of their homes into Pakistan was not only not based on facts, but it also aggravated
the anti-Muslim passions of the Hindu majority in India. This statement taken together with the unfortunate statement of the Indian Home Minister referred to in Para. 3 above, helped only to set the stage for violent anti-Muslim riots which occurred in Calcutta and West Bengal in January. It is significant that these anti-Muslim riots in Calcutta and West Bengal last month were not a spontaneous or involuntary affair, but were highly well planned and well organized. The principal target of the organizers of anti-Muslim atrocities in West Bengal was to destroy homes, shelter, and the means of livelihood of Indian Muslims. After organizing and executing large scale riots against the Muslim minority as a result of which thousands of helpless victims were forced to move across into East Pakistan, these same Indian leaders and representatives of militant groups with the assistance of the Indian press started to demand exchange of population on the plea that the Hindu minority in East Pakistan was being persecuted and was suffering from insecurity.

9. In connection with foregoing observations, the Ministry wishes to refer to reports (Ananda Bazar Patrika of February 4, 1964) that "Forward Block" and "PSP" have decided to agitate openly in favour of total migration of all Pakistani Hindus to India at the expense of the Government of India in order to step up their drive to push the Indian Muslims out of India. The aims and objectives of Jan Sangh regarding the future of Indian Muslims are well-known, well proclaimed and need no mention here. It is disturbing to note that such Indian newspapers as the Hindustan Standard apparently held in high esteem in India, have carried articles under the caption: "Population Exchange as Permanent Solution", and "In the Steps of Nazis". (Hindustan Standard of February 1 and 2 1964)

10. Since the Government of Pakistan is convinced that the shift of policy embodied in the recent statement of the Indian Home Minister is bound to create very serious complications, it would once again urge upon the Government of India to review their decision and to refrain from extending encouragement to the Hindu minority in East Pakistan to leave their homes and migrate to India. It is possible that the Government of India is not yet fully aware of the tragic and far reaching consequences of their unfortunate decision. The Government of Pakistan sincerely hopes that the Government of India will adopt a constructive policy, namely, take firm steps to restore law and order in the affected areas, restore a sense of security, and arrange for the return of all the refugees, including those who had been driven out during the last two years or so from their homes in Assam, Tripura, and West Bengal.

11. The Ministry of Foreign Affairs avails itself of this opportunity to renew to the High Commission for India in Pakistan the assurances of its highest consideration.

The High Commission for India in Pakistan, Karachi.

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3114. Note of the Ministry of External Affairs to the Pakistan High Commission in India.

New Delhi, February 29, 1964.

Ministry of External Affairs
New Delhi


The Ministry of External Affairs, Government of India, presents its compliments to the High Commission for Pakistan in India, and with reference to the Ministry of Foreign Affairs, Government of Pakistan's Note No. PIB.I. 1 (5)/64, dated February 19th, 1964, has the honour to state that the Government of India has no desire, whatsoever, to enter into polemics with the Government of Pakistan in regard to the intensely human problem of minorities with which the two Governments are now faced with in East Pakistan.

2. The Government of Pakistan is aware that vast crowds are continuing to besiege the Office of the Deputy High Commission in Dacca for Migration Certificates since the serious communal riots in East Pakistan. These members of the Minority Community are applying for migration in spite of the Press Note issued by the Deputy High Commissioner for India in Dacca to the effect that migration to India has not become unrestricted. He is also making daily announcements to this effect over the loudspeakers and issuing hundreds of printed hand-bills to these oppressed persons. The text of the Press Note, daily announcements and hand-bills is as follows:-

"It is being alleged that Deputy High Commissioner of India in Dacca is giving unrestricted migration to Minority Community. This is not true. Owing to unprecedented demand, application forms are being supplied to those who ask for them. But each application will be carefully scrutinized and applicant interviewed in accordance with current procedure. Only in real hardship cases, Migration Certificates will be granted in accordance with the rules, after production of the necessary certificates.

Those who are approaching Migration Office for forms merely because of rumours that migration has become unrestricted, are advised not to believe such rumours."

Surely, the Government of Pakistan must realise that men, women and children would not voluntarily elect to abandon their hearths and homes if they were enjoining security of their lives and properties in East Pakistan. The Government of Pakistan is also aware that not only are there these hoards of applicants each day outside The Deputy High Commission for India in Dacca, but that about 50,000 Hindus and Christians have, during the past 4 or 5 weeks, crossed
over into Assam from the Mymensingh district of East Pakistan without either travel documents or Migration Certificates. What is the explanation for this mass exodus by the Minority Communities into India? The Pakistan Government would like it to be believed that the Government of India is encouraging migration by issuing Migration Certificates but the influx into India of these 50,000 Hindus and Christians does not prove Pakistan’s contention. These 50,000 men, women and children have been driven out of their country of domicile, which is Pakistan, by their fellow-citizens of the majority community, while the Government of Pakistan remains a disinterested spectator of this inhuman spectacle. These helpless minorities are being left with no alternative but to seek refuge on the soil of India. If the leaders and the Government of Pakistan would effectively ensure communal harmony in East Pakistan, there would be no need for the Deputy High Commission for India in Dacca to issue a single migration certificate or for the Hindus and Christians to flee into Assam from the Mymensingh district of East Pakistan. All that is needed is to assure the minorities in East Pakistan of security of their lives and property. It is even now not too late for the Government of Pakistan to take these simple measures in the name of humanity.

3. The Government of India is quite confident that if the Government of Pakistan would make an earnest endeavour to restore communal harmony and rehabilitate the riot-stricken minorities in East Pakistan, these Pakistan nationals would not be compelled to give up their domicile in East Pakistan. The Government of Pakistan can take as their example the completely successful measures adopted by the Government of West Bengal to restore communal peace and harmony which fully rehabilitated all persons affected by the recent disturbances. The proof of the degree of success achieved by these earnest steps taken by the Government of West Bengal with the willing co-operation of the Government of India, is that the Pakistan nationals and others who had applied for migration facilities at the Deputy High Commission for Pakistan in Calcutta, referred to by the Government of Pakistan in para 5 of their note, have not continued to crowd the Pakistan Mission's office in Calcutta, because they have been fully rehabilitated in an atmosphere of communal harmony. In contrast, there is a pathetic situation prevailing outside the office of the Deputy High Commission for India in Dacca, and mass exodus of Hindus and Christians fleeing persecution in East Pakistan, continues. The Pakistan Foreign Minister has had to admit that "some exodus" of Christians from Mymensingh district of East Pakistan into Assam has taken place and regretted on behalf of his Government that this "unfortunate exodus" is due to "acts of highhandedness" by Muslims. Further-more, an Article in the Ittefaq of Dacca, dated February 24th, 1964 has also spelled-out the motivation which is prompting the minorities in East Pakistan to flee to safety in India. The Article has stated that "The riots have stopped in both countries, but what is going on now is in a way more dangerous. There is an increasing stream of migrants from both countries.... We are aware that as a result of the riots in West
and East Bengal, the minorities in both countries have lost their sense of security. Therefore, the minorities of this country will unthinkingly go across the borders in search of security…… we admit that it is the majority community which is responsible by its failure to ensure security of life and property. Those of us who are in a position to think clearly about these migrations realise that they are not only promoting the ruin of the minorities, but must inevitably lead to deterioration in the relations between the two countries and severely affect their economy. …….. We know of course that merely by appeals from the minority leaders, this migration will not stop. The leaders of the majority community also, particularly the educated sections, the social workers and the political leaders must go to the villages and towns, hold meetings and talk to the minorities to give an assurance of security……. In fact the East Pakistani newspapers, students, teachers, writers and political leaders had started their movement here during the riots without waiting to point a finger at Calcutta or West Bengal. It is unfortunate that because of the short-sighted policy of some officials, their progress was checked after sometime. As a result of official curbs on non-official activities and newspapers, the initiative of such institutions was curbed. This restriction has been removed only yesterday......... The people in power should have known that what can be achieved by the friendly assurances of neighbors cannot be done by the police or the military. We must employ all our strength to prevent migrations and ensure the return of confidence among the minorities; ensure through the local members of the majority community the security of their life and property, otherwise the refugees problem will bring us ruin……."

4. The Government of India sincerely hopes that the Government of Pakistan will have compassion on the plight of these helpless men, women and children, who, though they are nationals of Pakistan, are not being accorded their birth right of domicile in Pakistan, only, because they do not profess Islam as their religious faith.

5. The Government of Pakistan must now fulfill its responsibilities as a mature nation by accepting its minorities as equal citizens of its country.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for Pakistan the assurances of its highest consideration.

The High Commission of Pakistan,
Sher Shah Road Mess, New Delhi.

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The Ministry of Foreign Affairs presents its compliments to the High Commission for India in Pakistan and with reference to the Note No. P.(P.IV) 283 (II)/64, dated 13 February 1964, of the Ministry of External Affairs, Government of India, has the honour to state that the allegations contained therein are baseless and constitute a malicious distortion of facts.

2. The facts pertaining to this particular incident, as already communicated to the Government of Assam by the Government of East Pakistan are that some members of Garo tribes had been lured by inducement from across the border to migrate to India. A Peace Mission consisting of local villagers and escorted by a few personnel of East Pakistan Rifles tried to persuade these tribesmen to return to their homes. The armed tribesmen suddenly attacked the members of the Peace Mission, injured several persons and killed a civilian Ansar on the spot. The escorting party of East Pakistan Rifles was compelled to open fire in self-defence and as a result it would appear they injured some tribesmen.

3. It is quite obvious that the Government of India had not taken the trouble to ascertain the facts of the incident at all when leveling accusations against the Government of Pakistan. It is evident from the text of their aforementioned Note in which they remind the Government of Pakistan of their responsibility towards "the Minority Community" in East Pakistan. It is well-known and understood that by "the Minority Community" in East Pakistan the Government of India have always meant the Hindu nationals of East Pakistan.

4. It may, however, be again stated for the Government of India's information that the Government of Pakistan have taken adequate measures to safeguard the security and well being of all its minorities. It is, on the other hand, the Government of India which has been offering open inducements to minority communities in Pakistan with a view to encouraging them to migrate to India. This unfortunate fact has already been brought to the notice of the Government of India at some length in the Ministry's Note No. PIB.I-I (5)/64, dated 19th February 1964. Since then reports that a very large number of persons have been and are being given migration certificates by Indian officials have only confirmed the fears of the Government of Pakistan. The Government of India
have unfortunately paid no heed to all the protests and warnings of the Government of Pakistan in this regard and have persisted in pursing their ill-advised policies which have had the effect of unsettling the minority communities in India as well as Pakistan. Nevertheless, the Government of Pakistan would continue to urge upon the Government of India to refrain from following their misguided policies and desist from encouraging the Minority Community from leaving their homes in Pakistan and migrating to India.

5. The Ministry of Foreign Affairs avails itself of this opportunity to renew to the High Commission for India in Pakistan the assurances of its highest consideration.

The High Commission for India in Pakistan, Karachi.

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3116. Letter of Prime Minister Jawaharlal Nehru to Pakistan President Mohammad Ayub Khan.

New Delhi, March 19, 1964.


Dear Mr. President,

For the last two months there has been an increasing influx of refugees from East Pakistan into India. This is causing us great concern not only because of the tremendous burdens thrown on us in the reception and rehabilitation of the thousands who are coming to India but because it presents a tragic human problem.

I know that these movements of refugees across the border are causing concern both to the Government of East Pakistan and to your Government.

There are many problems between our two countries. It is our wish to resolve them peacefully and in a spirit of cooperation and understanding. I feel however that the problem presented by the recent movements of the refugees is of the highest importance and priority, which, if not resolved, will further embitter our relations and add to the unhappiness of our peoples.

We have asked our High Commissioner to present to you a memorandum containing certain proposals of the Government of India for a Minister-level
meeting. I will be glad if you can receive him personally and give earnest consideration to the proposals contained in the memorandum which our High Commissioner has been asked to clarify and elaborate, if necessary.

With kinds regards,

Yours sincerely

Jawaharlal Nehru

His Excellency Mr. Mohammed Ayub Khan,
President of Pakistan,
Rawalpindi.

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MEMORANDUM

The recent communal disturbances have resulted in a mass exodus of minorities from East Pakistan into India. Over 3,000 destitute refugees are coming into India every day. Already over 125,000 refugees belonging to the minority communities have come into India and many more thousands are expected to come in the near future. Already the resources of the Government of India are taxed to the utmost and the prospect of being swamped by such a large number of refugees from East Pakistan is one which, apart from the enormous burden of relief and rehabilitation of these vast numbers which Government of India must shoulder, is bound to have and is having serious repercussions on the already strained relations between India and Pakistan.

2. Since the persons coming into India as refugees are Pakistan nationals, it is evident that, whatever the causes, they are doing so because of fear and a sense of insecurity in East Pakistan. The problem has assumed a magnitude and character which deeply involves future relations between India and Pakistan and is making future settlement of outstanding differences between the two countries more difficult.

3. There was, following the disturbances, some movement of members of the minority community from West Bengal into East Pakistan in January last. This movement ended within a few days due to prompt measures taken for restoration of law and order and establishment of full sense of confidence for the security of the minorities in West Bengal.

4. It is necessary that earnest efforts should be made to prevent the situation from assuming more dangerous proportions, and to tackle urgently the political and economic problems created by this intensely human problem. It is in the interests of India and Pakistan to cooperate with each other in solving this serious problem.
5. That there is a mutuality of interest between India, and Pakistan in this matter is obvious. This has been recognized in the past when, in a similar though somewhat less serious situation, the Prime Ministers of India and Pakistan met and concluded the Nehru-Liaquat Agreement on the 8th April, 1950. In that Agreement the two Governments committed themselves to admirable principles in regard to the treatment of minorities in their respective countries. To quote from the Agreement:

"The Governments of India and Pakistan solemnly agree that each shall ensure to the minorities throughout its territory, complete equality of citizenship, irrespective of religion, a full sense of security in respect of life, culture, property and personal honour, freedom of movement within each country and freedom of occupation, speech and worship, subject to law and morality. Members of the minorities shall have equal opportunity with members of the majority community to participate in the public life of their country, to hold political or other office, and to serve in their country's civil and armed forces. Both Governments declare these rights to be fundamental and undertake to enforce them effectively."

Then followed an agreement on a number of points relating to the treatment of, and facilities available to the migrants going from one country to the other. The Agreement was subsequently ratified by both Governments.

6. On 16th January 1964, the Government of India made a proposal to the Government of Pakistan, for a meeting of the Home Ministers. This proposal was conveyed orally by the Indian High Commissioner in Karachi when delivering the President of India's message in reply to President of Pakistan's message of 13th January. In their oral reply dated January 24, 1964, the Government of Pakistan did not consider such a meeting necessary. They, however, said that once law and order had been fully restored, the Ministers of the two Governments may meet initially in Rawalpindi/Delhi to discuss measures necessary to ensure that refugees of recent disturbances as also those evicted from Assam, Tripura, and West Bengal should be enabled to return to their homes. In their reply dated January 30, 1964, the Government of India pointed out that they had already agreed to official level talks between the two Govern-ments to be followed by a Minister-level meeting on the question of the infiltrators into Assam and Tripura from East Pakistan. These official level discussions did not take place as the atmosphere tension created in the last few months was not conducive to a calm consideration of this issue. The Government of India reiterated their willingness to begin talks on this problem as soon as the Minister-level meeting they had proposed for restoring communal harmony had been convened and had made progress. They further suggested that the Ministers themselves could discuss
the timing and modalities of the talks between the two Governments on the 
question of movement of persons across the eastern borders.

7. The Government of India are convinced that the present situation makes it imperative that representatives of the Governments of India and Pakistan should confer together in the spirit of the declaration and agreement made by the two Prime Ministers on the 8th April 1950, and devise ways and means for dealing with the most urgent and indeed, the most vital question of restoring complete harmony amongst the different communities of their citizens and restoring in full confidence as regards their security and welfare in their homelands. This is necessary not only in the interest of the human problems created by panicky migrations across the border but also in the interest of good relations between India and Pakistan. No time should, therefore, be lost in tackling this urgent and vital problem. They, therefore, propose again that the Home Ministers of the Governments of India and Pakistan, assisted by their advisers, meet immediately as did the Prime Ministers in 1950, to consider the question. Every aspect of the problem of minorities and movements of refugees both ways can be discussed with a view to reaching mutually satisfactory arrangements.

8. Equal treatment and the fullest guarantee and protection of the rights of the minorities is the fundamental principle of India’s Constitution. This principle is one which has governed and will continue to govern the policies and actions of the Government of India. The President of Pakistan, in the course of his broadcast from Radio Pakistan on March 1, 1964, also said:

“We regard the minority communities as a sacred trust entitled to equal rights and privileges. Anyone who has been disturbed is welcome to return where he belongs and in this he will have all the support and assistance from us. We expect the same from India.”

9. In view of this common ground of intentions and objectives, the Government of India trust that the Pakistan Government will promptly respond to the proposal of the Government of India. The Home Minister of the Government of India is ready and willing to meet the Home Minister of Pakistan at any time and place of the latter’s choosing, and as soon as possible.

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Dear Mr. Prime Minister,

I thank you for your letter No.125-PMH/64, dated March 19, 1964 which your High Commissioner handed over to me on March 20th.

2. I have read your letter and the enclosed memorandum with care. I am glad that the Government of India have found it possible to accept the suggestion we made on January 24, namely, that once law and order have been fully restored, Ministers of the two Governments should meet to discuss measures necessary to ensure that refugees from the recent communal disturbances as also those evicted from Assam and Tripura prior to those disturbances return to their original homes.

3. On the other hand, I regret to note that, while you express concern about the refugees from East Pakistan, you have expressed no concern or even a word of sympathy for the thousands of Indian Muslims who have suffered in the recent riots in India and have fled in panic to East Pakistan, and those who have been forcibly evicted from their homes in Assam and Tripura. Only a few days before you wrote, an entirely unprovoked and obviously pre-planned attack on Muslims in Calcutta resulted, according to official statements, in 21 deaths. Since then, again according to Indian press reports, riots have taken place in places as far apart as Jamshedpur (55 persons killed), Rourukela (53 persons killed by March 21) where according to a PTI report the situation was described as “critical”, Jharpada, Raigarh (9 persons killed), Kharsia, Jamgaoon, Jharsuguda and Samalpur, I doubt whether the figures of casualties published by the Indian press portray anything like the actual loss of innocent lives or the suffering of the Muslim community in the affected areas. I cannot help feeling that if the suggestion of my Government of January 24 for a Ministerial meeting, which you have now accepted, had been accepted earlier; perhaps this latest series of communal disturbances might have been averted.

4. However, it is not my purpose to start a controversy on this subject. The important thing is that the Government of India recognizes, as we do, the dangers inherent in the present situation and is aware of the urgent need to re-establish
conditions which would enable the up-rooted members of the minority community to live in their original homes with a full sense of security.

5. I therefore agree that Ministers of the two Governments meet at an early date to discuss the measures necessary for this purpose. We would be agreeable also to the meeting being held in Delhi. Further details in connection with the proposed meeting will be settled in consultation with your High Commissioner in Karachi.

Yours sincerely
Sd/-
(Mohammad Ayub Khan)
Field Marshal

His Excellency Mr. Jawaharlal Nehru,
Prime Minister of India,
New Delhi.

3118. Note of the High Commission for Pakistan in India to the Ministry of External Affairs.

New Delhi, March 24, 1964.

Office Of The High Commission For Pakistan In India
New Delhi

No.F.13 (I)P/64: 24th March 1964

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs, Government of India, and has the honour to draw the Ministry’s attention to a report by the Press Trust of India from Bhubneshwar dated 23rd March 1964 in the course of which Mr. B. Patnaik, former Chief Minister of Orissa, now Chairman. State Planning Board, undertaking an official assessment of communal riots during last week in Rourkela and other places is reported to have laid the blame for the riots on the so-called agent provocateurs of Pakistan. This report has been published in the Hindustan Times, Delhi of 24th instant and in other Indian papers.

2. Mr. Patnaik is reported, inter alia, to have said the following:

“Pakistani agent provocateur methods are clear. They spread various
kinds of rumours which will incite local population against the Muslims. They concentrate in major industrial areas in India so that the nation's production is badly affected. They also know that the troops are to be called out wherever such commotions take place thereby depleting the strength of the army in border areas and then make our frontier more vulnerable to enemy attacks”.

3. The Government and the people of Pakistan have been deeply distressed by the inhuman atrocities committed on the Muslim minority community in various parts of India during last week beginning with the gruesome tragedy on the 16th March at Belgoria in the 24-Parganas district in West Bengal where a group of Muslim workers of a local Mill were attacked and brutally murdered by masked swordsmen under cover of darkness created by switching off the street lights. This ghastly killing was followed soon after by arson, loot and murders in Raigarh, Rourkela, Jamshedpur, Sundergarh, Rajangpur, Bisra, Bir Nitapur. Longa, Kansabhal, Kalunga, Balangir, Kiriburur, Jharsuguds, Belpahar in the States of Madhya Pradesh, Bihar and Orissa. According to Indian press reports (Indian Express, Delhi, dated 23rd March) it has been stated by Mr. Patnaik himself that thousands of adivasis - local tribals- "were at large with their bows and arrows, pillaging and killing". The dimension of the communal riots assumed such alarming proportions as to compel the clamping of curfew and air lifting of armed personnel from far off places. In a statement before the Lok Sabha on 23rd March Mr. G.L. Nanda, Home Minister, gave the figure of 200 deaths in the communal violence during the week. Reliable, though unofficial, sources put the figure of causalities far higher than the official one. Following, as these riots of last week did, the communal carnage in Calcutta during January 1964, the current wave of anti-Muslim violence in so many places spread over a vast area demonstrated once again a woeful lack of vigilance on the part of the authorities and an incredible apathy towards the safety of life, property and honour of the minority community in the so-called secular State of India. Whereas the need of the hour was to devote all energies and resources, both political and administrative, to maintaining communal harmony, challenged with relative impunity and in such agonizing frequency by well-organised anti-Muslim elements in the majority community. It is most regrettable to observe that a leader of the standing and influence of Mr. Patnaik should be indulging in such utterly baseless accusations as have been done against the so-called Pakistani agents.

4. The attempt on the part of the Indian leaders and of the press to pin responsibility on Pakistani agents for communal disturbances in India seems to have become a matter of continuing recurrence. As is no doubt well known, there have been many references, during and after the Calcutta riots of January 1964, by persons in responsible position in the Government and in the political life of the country, to the so-called Pakistani conspiracy or instigation in bringing
about communal killings in India. The press in India, particularly in West Bengal seems to have persuaded itself almost as an article of faith to discharge what it considers to be a public duty to blame Pakistan agents, including the Pakistan Deputy High Commissioner in Calcutta and his officials for communal riots in India. All evidence proving the baselessness of such charges presented time and again by the Pakistan authorities have been totally ignored. The Calcutta press have refrained, no doubt deliberately from publishing the fact that at the time of the Calcutta riots, the Pakistan office there was in charge of only one junior officer and that during the riots, a large number of Pakistani staff families were in distress. The serious situation faced by the Pakistan office in Calcutta, the enormity of suffering undergone by the Muslims, and such significant fact as the part played by the thousands of tribals would demonstrate to all sober-minded people the utter absurdity of the charge that the Pakistani agents were responsible for organizing them.

5. The High Commission, taking a serious view of these baseless and mischievous charges, - made apparently with a view to misleading the world opinion - against a neighbouring State, lodges a protest with the Ministry.

6. In the interest of promoting better Indo - Pakistan relations and also of communal harmony in the two countries, the High Commission would urge the Ministry to take prompt and effective steps to counteract the mischief being created by such statements as that made by Mr. Patnaik.

7. The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs
Government of India,
New Delhi.
The Government and the people of Pakistan are greatly concerned over the outbreak of widespread anti-Muslim rioting in India. According to Indian press reports, riots directed against the Muslim minority had flared up on a large scale during the last fortnight in the Indian States of West Bengal, Madhya Pradesh, Orissa, and Bihar. The latest figures reported by Reuter to be officially admitted by the Government of India mount up to 277 people killed in organized attacks on Muslims in these States.

The Chief Minister of Bihar was reported to have told the State Assembly in Patna on 25th March that 164 Muslims were killed in Jamshedpur alone. Earlier official estimates in India had put the death toll of Muslims in Rourkela at 70. It may, however, be pointed out that according to the information based on the reports received from western residents in Rourkela, the number of Muslims killed at Rourkela alone may be as high as 200. A reference was made to these estimates by the High Commissioner for Pakistan in India when the called on the Indian Prime Minister on March 25, 1964. Similarly the western observers resident in Jamshedpur estimated the number of Muslims killed at Jamshedpur at over 500 and as late as 25th March killing was still reported to be going on. Many of the Muslims were killed inside the plant while on their job. The most horrifying aspect of the carnage for these foreign observers was the abominable way in which women and children were killed. According the these reports, the authorities were not in full grip of the situation as yet. It is believed by these observers that if instead of taking action in various places after the outbreaks, a determined efforts had been made to maintain law and order, the riots could have been brought under control and even avoided altogether in many places. The facts that certain Western diplomatic mission in India were compelled to undertake evacuation of their nationals from the riot-torn areas and that the Indian army had to be called to deal with the critical situation underline the gravity of the deterioration of the situation at Rourkela and Jamshedpur.

Reports have also been received about widespread anti-Muslim riots in Raigargh in Madhya Pradesh, and in Ranchi and Singbhum districts of Bihar and in other parts of India.

What causes Government of Pakistan the greatest concern is that while rioting, looting, and arson against the lives and property of Muslims in India has gone on unchecked, the Indian press, the Indian political leadership and even the highest spokesmen of the Government of India have tried not only to hide or
minimize these happenings but have sought to find excuses and justification for these riots by blaming them on the alleged ill-treatment of the Hindu minority in East Pakistan where, in actual fact, complete communal peace and calm prevails.

It is a matter of great regret that even the Indian Prime Minister, in his broadcast on March 26, blamed Pakistan for the existence of all evils in India went on to say that Pakistan had come into being on the basis of hatred and intolerance. When communal peace and calm prevails in Pakistan it is most ironical that Mr. Nehru should engage himself in blaming Pakistan while anti-Muslim rioting in India is taking a heavy toll of the lives of the helpless minority.

Less than a fortnight ago, Mr. Meharchand Khanna, the Union Minister of Housing and Rehabilitation, chose to make a statement at Ambala, characterizing Pakistan as India's Enemy Number One. Such a statement could only help to further inflame passions in India against Pakistan which unhappily have recently been turned against the Muslim minority in India. The Indian Home Minister, who would be expected, when faced with such a situation, to be devoting all his energies to the restoration of law and order in the riot-torn areas, chose merely to minimize the gravity of the situation. According to a report published in the Statesmen of 25th March 1964, the Indian Home Minister, with some casualness, observed that it was a matter of "shame" that a small number of hooligans should be able to cause so much suffering. It is inconceivable that thousands of people could have been killed by a "small number of hooligans".

During a recent visit to Assam, the Indian Home Minister is reported to have told a delegation of the State Congress Committee at Gauhati that "deportation" of "infiltrators" was going to be expedited under a "multi-pronged" programme. He is reported to have expressed his dissatisfaction over the present rate of evictions and assured the press that administrative arrangements had been tightened up to carry out his new plans. Again, this statement has been made at a time when the Home Minister might well have been engaged in restoring law and order in the riot torn areas of Bihar and Orissa.

As another instance of cynicism on the part of the Indian leaders, it may be mentioned that the Chief Minister of Orissa, Mr. Patnaik, blamed the recent Killings of Muslims in Rourkela on Pakistan. At Bhubaneshwar on March 22, 1964 Mr. Patnaik is reported to have made an astonishing claim. He is reported to have said that it was obvious from an on the spot study that these disturbances were totally inspired by an "outside agency" and that it was "a concerted game for advancing Pakistan's case in the Security Council."

It is an extraordinary spectacle that in the extensive debates in the Union and State legislatures in India in recent weeks, the burden of the speeches of Indian leaders has been to find excuses for the communal frenzy in India by accusing
Pakistan of mistreatment of Hindu minority and thereby lending further encouragement to those who have been responsible for crimes of bloodshed and arson against the Indian Muslims.

It is a cruel irony that, whereas the Muslim minority in India has been made a victim of inhuman and callous atrocities, some political organizations in India should be holding demonstrations to "save" the minority community in East Pakistan where complete communal peace prevails. It would be recalled that it was as a result of some highly inflammatory pronouncements by the "Save Pakistan Minority Committee" in Calcutta that 29 innocent Muslim mill workers were put to death in a matter of hours.

Unfortunately, Indian leaders and press are still busy expressing great "concern" on account of the "exodus" which has taken place recently from East Pakistan. As the Indian Government may well realise, this migration was not due as much to any ill-treatment of the minority community as to the encouragement offered by the policies of the Government of India itself who according to an earlier statement of the Indian Home Minister, decided some time ago to "ease" the grant of migration certificates to the member of Hindu minority in East Pakistan. It will be recalled that when this policy was announced, the Government of Pakistan advised the Government of India to reconsider it because it was bound to have serious repercussions by unsettling members of the minority community and encouraging them to migrate to India which would give impetus to further exodus of peoples in both directions.

The Government of Pakistan have watched these developments with great distress and concern. It is their earnest hope that the Government of India would, instead of minimizing the seriousness of the communal situation in India and instead of blaming the situation in India on Pakistan, would take the most urgent measures to restore law and order and punish the culprits who have been responsible for such senseless and indiscriminate killings of innocent Muslims and wanton destruction of their property. Such events as are taking place in India appear to be a prelude to open and organized genocide of the Muslim minority in India.

Karachi,
3120. **AIDE MEMOIRE of the Ministry of External Affairs of the Government of India to the Ministry of Foreign Affairs, Government of Pakistan.**

New Delhi, April 3, 1964.

The Government of India are surprised at the story woven out in the Pakistan Government's Aide Memoire handed to the High Commissioner for India in Karachi on March 28, on the basis of frigments of information and specious reasoning and inferences. The Government of India deeply regret that at a time when every effort should be made by the Government of Pakistan to calm the situation and restore the sense of security, lack of which has led to thousands of persons fleeing East Pakistan into India, with the grimmer prospect of many thousands more leaving East Pakistan, that Government should indulge in exaggerated statements and incorrect allegations which they must know would inevitably have the effect of further inflaming the majority community in East Pakistan against the Hindu, Christian and Buddhist minorities.

2. From Pakistan newspapers it appears that, not content with presenting an Aide Memoire to the Indian High Commissioner, the Pakistan Government have taken steps to ensure that the contents of the Aide Memoire are widely published in the Pakistan press. This is in striking contrast with the policy adopted by the Government of India not to emphasize the killings, carnage, arson and wholesale destruction of life and property committed throughout East Pakistan in January 1964,. It is a matter of regret that the Pakistan Government have chosen quite the contrary course. Already nearly 200,000 Pakistan citizens have poured into India as terror-stricken refugees among whom are included nearly 35,000 Christians and some thousands of Buddhist Faith. The Pakistan Government's campaign as reflected in the publicity given to the highly exaggerated figures of those killed in the recent riots in certain parts of India, can only serve to accelerate this mass movement of East Pakistan refugees by causing in them apprehension of reprisals by the majority community in East Pakistan.

3. A week ago there were communal disturbances in certain areas of Bihar and Orissa but these were sternly dealt with. Police and at some places military forces were called in to assist the civil authorities, as precautionary and preventive measures. Law and order have been restored and the situation has now returned to normal. The Government of India deeply regret these riots and the loss of life that has occurred. The figures of casualties have been freely reported in the Indian Press which unlike the press in Pakistan is not officially controlled nor subjected to censorship. It is, however, a pity that the Government of Pakistan should have relied on un-verified reports.
4. The Government of India do not minimize the gravity of the loss of a single life of the minority community as a result of communal frenzy but deplore the exaggeration indulged in by Pakistan Government.

5. On per with the exaggerations contained in the Pakistan Note in regard to the recent incidents in India, are the repeated assertions that complete peace and calm prevails in East Pakistan. Such a claim is patently falsified by the mass exodus of minorities from East Pakistan into India. Between three and four thousand refugees from East Pakistan are arriving in India every day. It is absurd to suggest that these large numbers of people are coming into India because of the complete communal peace and calm prevailing in East Pakistan as asserted by the Pakistan Government. It is unnatural for persons to abandon their properties and their homes, where they and their forefathers have lived for generations, and migrate to India. According to all reports, including numerous reports from incoming refugees, there is no security of life and property for the minorities in East Pakistan. Not only have thousands of them been killed and hundreds of villages inhabited by the minority communities burnt down but hundreds of women belonging to the minority communities have been molested or abducted, forcibly converted and passed off in marriage. The Government of Pakistan have by an ordinance prohibited the sale of property by members of the minority communities except with the permission of the Deputy Commissioners.

6. The contention of the Pakistan Government that the migrations are taking place because India is encouraging and inviting the members of the minority community to come away from East Pakistan is entirely groundless. It is a specious idea designed to hide the true nature and causes of these migrations. It is not the invitation of the Government of India but the compulsion of the situation in which the minorities find themselves in East Pakistan which forces thousands of them to leave their hearths and homes and seek refuge in India. On compassionate and humanitarian grounds, the Government of India are obliged to receive them. An intending migrant not only has to fulfil certain criteria already laid down by the Government, but he has to present himself for a personal interview. The normal processes laid down many years ago, which have been known to the Government of Pakistan, are followed. It is the privilege of all States - and one they value and cherish - to give asylum to those who are fleeing persecution. The Government of India are doing on more than what any civilized State would do in such circumstances. The Government of India would be happy if conditions were created in Pakistan which will lead to abatement and cessation of migrations into India.

7. The Government of Pakistan have complained of the statements by the Ministers of the Government of India attributing recent communal disturbance
in India to the happenings in East Pakistan. The Ministers have only given expression to the conviction of Government of India that it is the ill treatment and persecution which the minority communities in Pakistan are suffering and the sufferings of the refugees who are coming into India in such large numbers which are, unfortunately, inflaming the minds of the people of India. This would not have happened if the Pakistan Government had taken adequate measures to maintain law and order, to suppress the *goonda* elements in East Pakistan, to prevent the abduction of females belonging to the minority communities, and generally to create conditions of security and confidence among the minorities in East Pakistan. The Government of India urge the Pakistan Government to discharge their responsibility towards the minorities, a responsibility which the President of Pakistan in his broadcast of the 1st March has characterized as a 'sacred trust', but which they have failed to discharge. The Government of India, on their part, are doing everything possible to maintain law and order. They have taken the sternest measures to put an end to communal disturbances which have unfortunately taken place in India as a reaction to the outrages against the minorities in East Pakistan. They have succeeded in restoring calm and order in the disturbed areas. It is a source of satisfaction to them that, barring a few areas where trouble has taken place, communal harmony prevails between the various communities in India.

8. It is a small wonder, when the minority communities in East Pakistan have been victims of genocide on such a large scale, that they would, in a state of panic, seek to migrate to the safety and security of the soil of India.

9. Rev. Lawrence Graner, Archbishop of Dacca, in his Easter massage of March 29, which appeared in the *Protibeshi* dated the 29th March, 1964, published by the Roman Catholics of Dacca, has given the following picture of the current conditions in East Pakistan:

"Perhaps never has there been so much real physical and mental suffering in this Archdiocese as during the past month or two. As you know, the Catholic and other Christian communities in the District of Mymensingh have suffered very much. They have been the victims of harassment, of mental affliction, of physical mistreatment. Their homes have been violated, their security of body and peace of mind lost. Conditions were so bad that the Christians, almost 30,000 of them, fled from their homes into India, leaving behind all their earthly possessions. Some lost their lives; others were wounded; some are still under treatment in hospitals and camps.....

"It has been a sad experience for these refugees, a time of real sorrow. Likewise, it has been difficult for those who have remained behind. The sorrow of the Priests, Brothers, Sisters, and of myself is hard to put into
words. Not all of you are aware of these happenings. But I was aware of the danger long ago, and I warned the Government of what was likely to happen if strict measures were not taken to stop these injustices. Unfortunately, my warnings were not heeded. I have spent a great deal of time during these months in the border area, trying to keep our people from going away. You would not believe that such things could happen in such a short time."

Furthermore, the thousands who daily besiege the Indian Deputy High Commissioner's Office in Dacca for migration applications are eloquent refutation of the Pakistan Government's claim that perfect calm and communal peace prevail in East Pakistan.

New Delhi, April 3, 1964.

3121. Joint Communiqué issued on the conclusion of Talks between the Home Ministers of India and Pakistan.

New Delhi, April 11, 1964.

The Home Ministers of India and Pakistan, assisted by their advisers met in New Delhi from April 7 to April 11, 1964, and discussed the problems of minorities and communal harmony in India and Pakistan.

During the course of his visit the Home Minister of Pakistan laid a wreath on the Samadhi of Mahatma Gandhi. He also took the opportunity of calling on the President of India, the Vice-President of India, the Prime Minister of India and the Minister without Portfolio, Shri Lal Bahadur Shastri.

The discussions between the two delegations were held in a frank and cordial atmosphere and a free exchange of views took place.

The Home Minister of Pakistan impressed upon the Home Minister of India the view that eviction of a large number of persons from Assam and Tripura and other States had led to tensions as a consequence thereof. The Home Minister of India, on the other hand, explained his Government's position regarding the problems relating to the migration of minority communities from Pakistan into India and the consequences arising there from.

Efforts were made by the two delegations to arrive at a mutually satisfactory
solution of these questions. The two delegations were in full agreement over the necessity of promoting urgently communal harmony between various communities in each country and then need to establish a sense of security and confidence in the minds of the minorities.

The two delegations were agreed that the responsibility for the protection and well-being of the minority communities and the redress of their grievances lay with their respective Governments. They felt that there was imperative need to ensure that the minorities throughout their territories enjoyed complete equality of citizenship, irrespective of religion, a full sense of security in respect of life, culture, property and personal honour and all other rights which have been guaranteed to the citizens of each country under its Constitution.

A number of proposals for the promotion of communal harmony, restoration of law and order in affected areas and for taking prompt and effective action against those responsible for crimes against the minority communities and the rehabilitation of the persons affected by the disturbances were considered. The two delegations reaffirmed their respective Government's determination to adopt all measures for the early attainment of these objectives.

In view of the great importance of the issues involved and the complex nature of the problems, it was agreed that discussions between the two Home Ministers will be resumed at Karachi/Rawalpindi in the near future.

The Home Ministers expressed their firm determination to take all measures to maintain communal peace in their respective countries and appealed for cooperation in preserving communal harmony.

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Proposals made by India and Pakistan for Consideration of the Conference.

Indian Proposals

PART I

(i) Ways and means of promoting communal harmony should be considered keeping in view that the minorities must look to their own Government for their protection and the preservation of their fundamental rights. Each Government should take all necessary steps to instill a sense of confidence in the minority community and to make them feel that they are in an integral part of the entire community of the State.

(ii) All factors which cause distrust and suspicion between different communities should be eliminated from the social fabric.
(iii) The good offices of local leaders and local bodies should be fully utilised for promotion of communal harmony.

(iv) Vigilance and timely intelligence are of great importance. All agencies of Government should, therefore, be used for collection of intelligence regarding apprehension of any trouble.

(v) Citizens' Committees should be set up utilising, as far as possible, the existing institutions such as union councils, municipal committees and gram panchayats, and where the minorities are not adequately represented on such bodies, members of minority communities should be associated with them.

(vi) The industrial areas pose a special problem. Adequate security arrangements should be made in these areas, and in addition committees consisting of trade union leaders and the representatives of management and Government set up.

(vii) The administrative machinery should be used to put down promptly and sternly all disturbances. Any failure on the part of officers to take prompt and effective action should be treated as grave dereliction of duty and should be punished as such.

(viii) Anti-social elements and those who instigate or finance them should be put under preventive detention.

(ix) There should be quick investigation, speedy trial and deterrent sentence in case arising out of communal disturbances. Special procedure should be provided for by legislation, if necessary, if the existing machinery and procedure are found inadequate.

(x) Wherever necessary, quartering of punitive police, imposition of collective fines and enrolment of special constables should be resorted to.

(xi) It is imperative expeditiously to rehabilitate affected persons. Rehabilitation should in every case include restoration of immovable properties; and the legal provisions and procedures should be simple and expeditious. Grants, loans and other assistance for rehabilitation should be adequate. These should check migration to the other country.

(xii) The Radio should be used to promote communal harmony through special programmes. Care should be exercised in presentation of news and views.

(xiii) The cooperation of the Press should be secured in the cause of communal peace and harmony. A common code of conduct for the guidance of the
Press should be evolved, and a Committee set up in each country to ensure its observance.

(xiv) There should be freer circulation of newspapers between the two countries.

(xv) Text books in use in schools should be examined from the point of view of promotion of communal harmony, and any distortion of history or any material which might lead to communal discord excluded. There should also be positive elements in the curricula designed to promote communal harmony.

(xvi) There should be exchange of cultural delegations, scholars, sports teams, etc. These are likely to help improve the relations between the two countries and promote communal harmony. Even (where) there are difficulties in joint observance of festivals, endeavour should be made by each country to promote social and cultural contacts between members of various communities by every possible means.

(xvii) The observance of a common Communal Harmony Week/Day in the two countries would be beneficial.

(xviii) Minority Commissions on the lines provided for in the Nehru-Liaquat Agreement should be revived, as this is likely to have a particularly reassuring effect on the minority community.

(xix) The restrictions imposed by Pakistan in 1960 on the category ‘B’ visas should be removed. This is likely to check tendency to migrate.

(xx) Meetings of Chief Secretaries should take place as often as necessary and whenever required by either side and to start with, there should at least be one meeting in every three months, and later once in six months.

(xxi) There should be meetings between the two Central Home Secretaries whenever necessary.

(xxii) Occasional meetings of the two Home Ministers would be desirable.

(xxiii) Ministers should undertake joint tours of an area in either country where communal harmony and peace are disturbed. The objective of these tours would be not the encouragement of the growth of extra-territorial loyalties but to enable the visiting Minister to re-pressure his own people by giving them a correct picture and thus check the dissemination of wrong or exaggerated facts which inflame communal passions.

(xxiv) Quick, effective and deterrent action in cases of crimes against the persons or honour of women is imperative. Use should be made of the relevant provisions of the Nehru-Liaquat Pact and the annexure thereto.
In addition, a high powered committee, including the members of the minority community, should be appointed in each country to examine the magnitude of the problem, and consider whether any further legislation, etc. is necessary.

(xxv) The protection and welfare of the minority communities in each country should be the special responsibility of the Home Minister.

PART II

1. There shall be freedom of movement for intending migrants from East Pakistan to India.
2. Adequate protection shall be provided for such intending migrants during transit.
3. Intending migrants shall not be required to produce income-tax clearance certificate and other similar certificates before migration.
4. There shall be no harassment of intending migrants. They shall not be subjected to check by customs or other authorities. They shall not be deprived of their belongings in transit or at customs posts or otherwise subjected to vexatious procedures.
5. There shall be liaison officers of the other Government posted at the customs posts to ensure that there is no harassment of migrants.
6. The Indian Government should be permitted as a temporary measure to establish more visa offices in East Pakistan to deal with the increased number of applicants for migration.
7. Every intending migrant shall be permitted to remove as much of his movable properties and personal household effects as he may wish to take with him. This shall include personal jewellery. The maximum cash allowance to each adult migrant shall be Rs.150 and to each migrant child Rs.75.
8. A migrant may deposit such of his personal jewellery or cash as he does not wish to take with him with a bank. A proper receipt shall be furnished to him by the bank for cash or jewellery thus deposited and facilities shall be provided as and when required for their transfer to him subject as regards cash to the exchange regulations of the Government concerned.
9. Rights of ownership in or occupancy of the immovable property of a migrant shall not be disturbed. If during his absence such property is
occupied by another persons it shall be returned to him provided that he comes back by 1st May 1965. Where the migrant was a cultivating owner or tenant, the land shall be restored to him provided that the returns not later than 1st May 1965.

10. In the case of a migrant who decides not to return, ownership of all his immovable property shall continue to vest in him and he shall have unrestricted right to dispose of it by sale, by exchange with an evacuee in the other country or otherwise.

11. A Committee consisting of three representatives of the minority and presided over by a representative of Government shall act as trustees of the owner. The Committee shall be empowered to recover rent for such immovable property according to law. Necessary legislation shall be enacted to set up these committees.

12. The East Pakistan Disturbed Persons (Rehabilitation) Ordinance, 1964 and its amendments issued on 4th April, 1964 restricting the right of members of the minority community of transferring their immovable properties by sale, exchange, mortgage, etc. should be abrogated.

13. Employees of Government, local bodies, private firms, etc., who may be intending migrants shall be permitted to draw their provident fund and their pension according to their conditions of service or employment and to remit money out of their provident fund and pension to the other country subject to the foreign exchange regulations in force.

PART III

1. The Indian Delegation explained to the Pakistan Delegation in detail the procedures adopted to scrutinize individual cases for ensuring that quit notices are served only on foreigners. They also explained the legal remedies open to any person aggrieved by service of such quit notices.

2. The Government of India, however, are prepared to review the existing procedures in Assam and Tripura preceding the service of quit notice, with Pakistan. They will be glad to consider any modifications or improvements of the procedures which may be necessary.

3. In consideration of the Government of India’s earnest desire to help in the restoration of communal harmony and establishment of conditions of security and confidence for the minorities in both countries, the Government of India will be prepared to agree not to serve quit notices for a period of two months. This is without prejudice to their legal rights and without suspension of the normal legal processes. Notwithstanding
the above, persons physically detected crossing the frontier illegally from Pakistan to India will be deported. The same will apply to persons who have come with passports and visas from Pakistan into India and the period of the validity of whose visas has expired.

4. The Government of India will be prepared to review and re-examine the cases of any persons who have gone away to Pakistan under quit notices but who claim to be Indian citizens, on application made by the individual concerned to the Indian Deputy High Commissioner at Dacca.

PAKISTAN’S PROPOSAL

In consideration of the earnest desire on the part of the Governments to help in the restoration of communal harmony and establishment of conditions of security and confidence for the minorities in both countries, the two Governments agree to the establishment of an impartial tribunal consisting of one Pakistani Judge of the rank of Supreme Court Judge, one Indian Judge of the same status and a mutually agreed impartial Judge from another country. The tribunal will examine the general claim of the Indian authorities that all evictees deported from Assam and Tripura and other parts of India were Pakistani infiltrators.

If the aforementioned tribunal finds that the view of the Government of India that the evictees are Pakistani nationals is not valid then the two Governments will set up a joint machinery in the form of a number of subsidiary tribunals each consisting of a Pakistani Judge of the rank of a High Court Judge and an Indian Judge of the similar status with a chairman from a third country to examine the cases of all the persons who have been evicted on the ground that they are Pakistani infiltrators. These tribunals will also devise means of repatriation of such of the above persons as are not Pakistani infiltrators to their homes in India. The tribunal proposed in the sub-para above should also handle the cases of any persons who have been or may be declared by Indian authorities as Pakistani infiltrators and thus face a threat of eviction.

Till the result of the enquiries made by the first tribunal are made available and subsidiary tribunals have started functioning the eviction of any person on the ground that he is a Pakistani infiltrator should remain suspended.

The Indian authorities in Assam, Tripura and elsewhere would also take adequate steps to ensure that no private person or organization, by physical violence, threat or intimidation, is permitted to evict Muslims from their homes.

MIGRATION

The two Governments agree---------

(i) that there shall be freedom of movement and protection in transits though authorized routes, subject to possession of valid travel documents
(ii) Rights of ownership in or occupancy of the immovable property of a migrant shall not be disturbed. If during his absence, such property is occupied by another person, it shall be returned to him, provided that he comes back by 31st July 1964. Where the migrant was cultivating owner or tenant, the land shall be restored to him, provided that he returns not later than the 31st July 1964.

The two Governments further agree that they shall---------

(i) Continue their efforts to restore normal conditions and shall take whatever measures are necessary to prevent recurrence of disorder.

(ii) Take prompt and effective steps to prevent the dissemination of news and mischievous opinion calculated to rouse communal passion by Press or Radio or by an individual or by an organization. Those guilty of such activity shall be rigorously dealt with.

(iii) Not permit propaganda in either country directed against the territorial integrity of the other or purporting to incite war between them and shall take prompt and effective action against any individual or organization guilty of such propaganda.

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3122. Statement by Home Minister Gulzarilal Nanda in the Lok Sabha on the India-Pakistan Home Ministers Conference.

New Delhi, April 13, 1964.

In the middle of January 1964 the Government of India felt gravely concerned at the wave of communal disturbances which swept across East Pakistan and parts of West Bengal. On the 16th of January 1964 the President of India communicated a message to the President of Pakistan through our High Commissioner in which he said "It is my sincere belief that the time has come when our Governments should put their heads together and devise ways and means of bringing to an end the recurring cycle of such incidents and disturbances in both countries......As a first step I propose that you and I join in an immediate appeal to the people of our two countries for communal peace and harmony. If you are agreeable, my High Commissioner will submit to you a draft of such a joint appeal for Your Excellency's consideration." The High Commissioner of India in Pakistan was also instructed while handing over the President's message to say that he had been instructed by the Government of India to make a further
suggestion for the consideration of the President of Pakistan that the Home Ministers of India and Pakistan accompanied by the Chief Ministers of West Bengal and East Pakistan meet urgently to impress upon the people of both countries the earnest desire of the Governments of India and Pakistan to establish harmony and peace amongst all communities in their respective territories and to take all measures necessary to that end. He was further instructed to say that such a high level meeting following an appeal by the two Presidents would be most effective in securing communal harmony and peace amongst all communities in both countries. The Home Minister of India and the Chief Minister of West Bengal would be prepared to participate in this high level meeting at Dacca or Calcutta, at short notice. On the 24th of January the Pakistan Foreign Office communicated their reply verbally to the Indian High Commissioner rejecting the proposal for a joint appeal by the Presidents of the two countries, but stating “Once law and order have been fully restored, Ministers of two Governments may meet initially in Rawalpindi/Delhi to discuss measures necessary to ensure that the refugees of recent disturbances as also those evicted from Assam, Tripura, and West Bengal during some two years prior to these disturbances, return to their homes.” On the 19th of March the Prime Minister of India wrote to the President of Pakistan reviving the proposal for a Minister-level meeting between the two countries. The President of Pakistan replied to the Prime Minister of India on March 23 agreeing to a meeting of the Ministers of the two countries and suggesting that the meeting might be held in Delhi.

A Conference between a Delegation from Pakistan led by the Home Minister Khan Habibullah Khan and including Mr. Hafiz-ur-Rahman, Finance Minister of East Pakistan, and an Indian Delegation led by me including the Chief Ministers of Assam and West Bengal met in Delhi from the 7th April to the 11th April, 1964. At an early stage of the Conference it became clear that the problems confronting the two countries which called for discussion fell under three heads:

(i) Restoration of communal harmony and the establishment of conditions of security and confidence for the minorities of the two countries;

(ii) The problems of migration and the movement of refugees from one country to another;

(iii) Eviction of persons from Assam and Tripura, described by Pakistan as Indian Muslims and regarded by India as illegal infiltrators from Pakistan.

A preliminary discussion of the problems as viewed by India and as viewed by Pakistan took place on the opening day at a plenary session. Later the three issues were remitted for examination to two committees of officials. Finally discussions were carried on in a more informal atmosphere between the Home
Minister of Pakistan and the Finance Minister of East Bengal on the one side and myself and the Chief Ministers of Assam and West Bengal on the other. A number of proposals for the promotion of communal harmony and the establishment of conditions of security and confidence for the minorities in the two countries including the problem of rehabilitation of persons affected by disturbances in each country were considered.

A measure of agreement was reached on a number of these points. There were also discussions on the question of the facilities to be afforded to the refugees migrating from one country to another. On this subject, too, a fair measure of agreement was reached on a few points. A considerable part of the discussions was devoted to the problem of evictions. The Pakistan Delegation proposed that the Government of India should immediately suspend all further evictions and that they should set up a Tribunal consisting of an Indian Judge and a Pakistani Judge and a Judge from a neutral country to go into the general question of the propriety of the action taken by the Government of India so far. They further proposed that similar Tribunals should be established later to deal with cases of individual persons already evicted or those who may have to be evicted in the future. The proposal of the Pakistan Delegation for the establishment of these Tribunals was found totally unacceptable. The Indian Delegation, however, offered to consider any suggestions which Pakistan may have to make with regard to modifications and improvements in the procedures preceding the issue of quit notices. In order to enable such a review of the procedures to be made and further if the Pakistan Government would be prepared to agree to the grant of certain facilities to refugees coming from East Pakistan to India and if they would further agree to certain other measures proposed for the establishment of communal peace and harmony, the Indian Delegation indicated that the Government of India would be prepared not to issue quit notices on any persons for a period of two months. During this period of two months however, the other legal processes would continue. The Pakistan Delegation, however, laid great insistence on their proposal for the establishment of joint Tribunals for examining the whole question of evictions. As this proposal was not acceptable to the Indian Delegation and as the discussions of the many other outstanding matters raised at the Conference would require still further time, it was agreed that discussions between the two Home Ministers would be resumed either at Karachi or at Rawalpindi in the near future.

I lay on the table of the House brief heads of the proposals made by us to the Pakistan Delegation relating to the three issues which were the subject matter of discussion. I also place on the table of the House the proposals of Government of Pakistan on the two issues of the facilities to be granted to refugees from one country to another and on the question of evictions.
3123. Note from Indian Deputy High Commissioner in East Pakistan to the Government of East Pakistan.

Dacca, June 2, 1964.

Deputy High Commissioner for India In East Pakistan
6/3 Topkhana Road Dacca.

No. DHC (Pol)/115/4/64 the 2nd June, 1964.

The Deputy High Commission of India presents its compliments to the Government of East Pakistan and has the honour to state that gruesome accounts of assault and rape on Hindu women fleeing across the Pakistan border, are being continuously received by this Mission from the areas near Benapole in Jessore District.

2. It is distressing to note that the sad tales narrated by these refugees who often bear marks on their bodies of torture inflicted by their oppressors, reveal that these cases of rape and assault are neither sporadic nor committed by an insignificant group of Muslims. They fit into pattern of a deliberate, vicious and ruthless plan adopted by the Majority Community in the border area in collusion with the local Pakistan Police to rob the refugees of all their belongings and rape their women-folk.

3. The modus operandi of these miscreants who pose as dalals (touts) and who operate in collusion with the local police is to hover at or near about Benapole Railway Station and spy on the refugees, travelling without documents. These dalals then approach and cajole these bewildered people and assure them that they would safely take them across the border for payment of a 'reasonable amount'. If any family refuses to fall in for the reasonable offer of the dalals, the Police steps in and makes the family get down from the train/bus and force them to accompany the dalals, but not without openly snatching away whatever valuables they can lay their hands upon and chance permitting, molesting their ladies also.

4. The helpless families under the charge of these dalals are then taken by them generally to a Muslim house in village Asra (near Benapole International Check Post), where they are detained sometimes for days together according to the caprice of their tormentors.

5. In their detention, armed gangs of these sadists fall on their preys like wolves and torture their captives in most inhuman and indescribable ways. Men are assaulted mercilessly. Women are raped successively by dozens of these brutes in front of their husbands. All are then stripped of their belongings except for the clothes barely sufficient to cover their bodies. In these barbaric orgies
local Police also fulfill their own quota of brutality. The destitute are then herded like cattle and driven across the border at pleasure of these anti-social elements.

6. Sometimes a slight change occurs in this usual pattern, when the refugees, instead of being detained, are mercilessly assaulted at some lonely spot on the uninhabited foot paths across the border and their women-folk ravished by dragging them to nearby bamboo groves.

7. The Deputy High Commission strongly protests to the Government of East Pakistan against these barbarities being perpetrated on the refugees and would request the Government of East Pakistan to institute immediate enquiries into the matter, apprehend these sadistic criminals who are a menace to the civilised society and bring them to justice. Positive steps may also be taken to remove immediately the delinquent policemen from the border and award deterrent punishment to them for their misdeeds and depravity.

8. The result of the action taken in the matter may please be communicated to the Deputy High Commission as soon as possible.

The Deputy High Commission avails itself of this opportunity to renew to the Government of East Pakistan the assurances of its highest consideration.

The Chief Secretary to the Government of East Pakistan,
Dacca.

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3124. Letter from Home Minister of Pakistan Khan Habibullah Khan to Home Minister Gulzarilal Nanda.

Rawalpindi, June 24, 1964.

Minister for Home and Kashmir Affairs
Government of Pakistan
Rawalpindi

the 24th June 1964

My dear Nandaji,

You may have seen reports of my recent tour of certain districts of East Pakistan. Wherever I went, I met leaders of the minority community separately and, in majority of cases, local officials were not allowed to be present. I also addressed
MINORITIES

important local officers. At some places, I jointly addressed members of both the communities. After visiting these districts and addressing meetings of the leaders of the minority community, I am glad to inform you that I am convinced that the members of the minority community have been reassured. I have also taken administrative steps to ensure that local officers at the lower level do not neglect the duty that has been imposed upon them by Government policy that they must protect the life, property and honour of the minority community. I have also taken steps to ensure that local leaders, both Muslim and Hindu, by appropriate means, restore and maintain a full sense of security and confidence in the minds of the minority community. At the conclusion of my tour of East Pakistan, I also broadcast a message to the people of East Pakistan making an appeal to them to live in peace and harmony with each other. And I also appeal to you as the Home Minister of India to tour the riot-affected areas of Eastern India so that the minority community in that part of your country is reassured. I am sure you will agree with me that as long as influx of Muslims from India into East Pakistan continues, the Hindus in East Pakistan will feel apprehensive. Similarly as long as exodus of Hindus continues from East Pakistan, Muslims in India are likely to feel panicky. I said in my broadcast: "if India and Pakistan fail to protect their respective Minorities, their Governments cannot be said to be civilized Governments. Leaders of both the countries will then have to hang their heads in shame before the world".

2. If my work in East Pakistan is to have a lasting effect, I would appeal to you to tour the riot-affected areas of Eastern India and take suitable steps to reassure the Muslim minority there so that a sense of confidence and security is restored in them.

With kind regards.

Yours sincerely

(Khan Habibullah Khan)

His Excellency Mr. Gulzarilal Nanda,
Minister for Home Affairs,
Government of India,
New Delhi

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Letter from Home Minister Gulzarilal Nanda to Pakistan Home Minister Khan Habibullah Khan.

New Delhi, July 13, 1964.

My dear,

I thank you for your letter dated June 24, 1964, which your High Commissioner Arshad Hussain handed over to me personally. I am glad to learn that your tour of East Pakistan has been helpful in restoring confidence in the minds of members of the minority community. I fully share your feeling that our Governments to deserve being called civilized Governments, must be able to protect their respective minorities.

Arshad Hussain gave me a note on "Muslim Evictees and Refugees from India to Pakistan". In our conference, we have fully discussed the question of Assam evictees. You are aware of our views in the matter. We would like to perfect our procedures to ensure that not a single Indian citizen is thrown out or even put to any harassment. Our Constitution guarantees equal rights to all without distinction of race, religion, etc. We are anxious that these guarantees are effective. Some fifty million Muslims enjoy, with the rest of the population, equal rights as citizens of India. You will appreciate, therefore, that the sole reason why some persons are being evicted from Assam is because they are foreigners who have entered the country without permission.

I am surprised at the figures of the number of persons entering East Pakistan from West Bengal as given in the note handed over to me by Arshad Hussain. After the unfortunate disturbances at Jamshedpur and Rourkela, which were dealt with firmly, there has been complete peace and tranquility throughout India. I requested Arshad Hussain to give me some more information, namely, to indicate the parts of our country from which persons have migrated to East Pakistan. If we could have more precise information about the approximate number and districts of origin, we could check up the information at our end to verify if there has been any migration due to a feeling of insecurity, and if there is any such feeling we shall take steps to remove it. I would be very willing to visit such areas myself. But I feel that my visit would be purposeful if I had in my possession some definite information about the matter.

Yours sincerely,

Sd/-

(G.L. Nanda)

Khan Habibullah Khan,
Minister of Home Affairs,
Pakistan, Rawalpindi
Note on the meeting of Pakistan Foreign Minister Zulfikar Ali Bhutto with members of the Minority Communities in Dacca during his visit to East Pakistan.

Dacca, September 2, 1964.

On 29.8.1964, at a very short notice, about 15 members of the Minority communities from Dacca, were asked to see the Foreign Minister, Z. A. Bhutto, to discuss their problems. Bhutto wanted to know the reasons as to why the Hindus were still leaving Pakistan for India as also Muslims were coming to Pakistan from India. The following members of the Minority communities met Bhutto:-

1. Rai Bahadur Khagen Mitra, ex-Public Prosecutor.
2. Rai Bahadur Prafulla Ghosh, Member, Evacuee Custodian Board.
4. Bepin Sana, Advocate.
5. Dr. Sailen Sen, ex-M.P.
6. Gour Das Muktear,
8. Devapiya Barua, Buddhist (Publicity Officer, EPIDC),
9. Dr. C.M.Bamik, Pathologist.
10. Rasharaj Mandal, ex-Minister of Central Govt.
13. Poddar, a goldsmith.
14. and another.

2. Bhabesh Chandra Nandy, an old Congress worker, complained to Bhutto that Hindus in East Pakistan who were full-fledged citizens of Pakistan and who still constitute about a crore of the total population of East Pakistan, have been denied the right to sell or dispose off their properties. He criticised the Ordinance concerned as bereft of any moral or even legal sanctity, and requested the
Foreign Minister to justify how the Ordinance depriving Hindus of the right to sell property, was beneficial to them. Bhabesh Nandy also complained to Bhutto about the harassment the Hindus have to undergo in obtaining passports. He appealed for withdrawal of the security deposit of Rs. 100/- and easing out of restrictions on issuing passports to the Hindus. Bhabesh Nandy further complained against the lack of any representation of the Hindus in the Assemblies, both Central and Provincial, and in the Administration of the country.

3. President Ayub, on 27.8.64, at a Reception given to him by the Conventionist Muslim League, had reiterated a two nation theory and said that there was nothing common between the Muslims and the Hindus. Their ways of life, philosophy and culture were entirely different. Bhabesh Nandy pointed out that if the President meant what he said, then in all fairness, arrangements should be made to separate educational and cultural institutions for the Hindus, who are full-fledged citizens of Pakistan and have a right to exist. Bhabesh Nandy complained against the campaign of vilification carried on against the Hindus by a certain section of the Press in East Pakistan as well as the Radio Pakistan.

4. The next to speak was Shri Devapriya Barua, the Buddhist leader. He spoke of the harassment of the Buddhists in Chittagong and elsewhere. He supported Shri Nandy on all his points.

5. The last to speak was Dr. Sailen Sen, a Hindu Surgeon of Dacca, who firmly supported all the points raised by Shri Nandy.

6. Bhutto replying to the discussion said that he would issue orders for relaxation of restrictions imposed against the sale of property by Hindus, by authorising D. Cs and S. D. Os to accord such permission and thereby dispensing away with the cumbersome procedure of having to take permission from the Relief Commissioner. While discussing travel restrictions, Bhutto mentioned that a second journey to India within a year has been permitted to all. He, however, hinted that Pakistan would not much like the citizens of Pakistan to maintain links with India in the long run, in the same way that Palestine is gradually severing all links even on personal planes! with those in the Arab world.

7. The Minority leaders wanted to see the President. Bhutto hinted that the Minorities should waste no time in meeting the President and representing their grievances 'to him personally.

8. Ayub's visit to East Pakistan was with an eye on the next elections. Ayub probably realises that the Hindus in East Pakistan are likely to play an important role during the elections. It is likely that he might have asked Bhutto to meet the Minority leaders to win their support.

9. The Foreign Minister's reference to Palestine and the Arab world vis-a-vis East Pakistan and India was considered to be quite significant by the Minority
leaders. During the meeting, Alam, Director, in the Liaison Office of the Ministry of Foreign Affairs in Dacca, was present. At the end he sought permission of Bhutto to say a few words. He mentioned that he had been to Khulne and Jessore recently where he had met many members of the Minority community who were returning “disillusioned” from India. Alam mentioned that according to them the Ordinance which prohibits sale of property by the Hindus was a boon since it was this Ordinance which would help them to get back their properties and he concluded by saying that the Ordinance on sale of properties was really meant to be of benefit to the Hindus.

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3127. Notification of the Government of India setting up an Enquiry Commission to enquire into the exodus of minorities of East Pakistan into India.

New Delhi, January 8, 1965.

No.9/28/64-1 the 8th January,1965.

Ministry of Home Affairs
New Delhi

NOTIFICATION

S.O..........WHEREAS the Central Government is of opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an inquiry into a definite matter of public importance, to wit, the exodus of the minorities of East Pakistan into India, particularly since the first day of January, 1964,

NOW, THEREFORE, in exercise of the powers conferred by section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby appoints a Commission of Inquiry consisting of the following persons, namely

1. Shri Jivan Lai Kapur, Retired Judge, Supreme Court of India.- Chairman.
2. Shri Renupada Mukherji, Retired Judge, Calcutta High Court.-Member
3. Shri Justice Abdul Hakim Khan, Judge, Madhya Pradesh High Court.-Member

(i) The terms of reference to the Commission shall be as follows:-
(a) to inquire into the circumstances which brought about the exodus of the minorities of East Pakistan into India, the nature and
magnitude of the exodus and the problems created thereby-

(b) to suggest the measures which may be adopted for preventing the recurrence of such an exodus;

(c) to consider such other matters relating to the exodus as the Commission may think fit.

(ii) The Commission shall complete its enquiry and submit its report to the Central Government by the 15th April, 1965.

2. AND, WHEREAS the Central Government is of opinion having regard to the nature of the inquiry to be made by the Commission and other circumstances of the case, that all the provisions of sub-section (2), sub-section (3), sub-section (4) and sub-section (5) of section 5 of the Commissions of Inquiry Act, 1952 (60 of 1952), should be made applicable to the Commission, the Central Government hereby directs, in exercise of the powers conferred by sub-section (l) of the said section 5, that all the provisions of sub-section (2), sub-section (3), sub-section (4) and sub-section (5) of that section shall apply to the Commission.

Sd/-
( L.P. Singh)
Secretary

3128. SECRET

Memorandum from the Ministry of Home Affairs to the State Governments of Assam, West Bengal and Tripura regarding enforcement of entry requirements for persons from East Pakistan into the States.

New Delhi, April 6, 1965.

Ministry of Home Affairs
Government of India
New Delhi

No.1/20/65-F.III April 6, 1965

To : The Chief Secretary to the Govt. of Assam, Shillong,
    The Chief Secretary to the Govt. of West Bengal, Calcutta,
    The Chief Secretary to the Govt. of Tripura, Agartala.
Subject: Restrictions on the entry into India of migrants from East Pakistan without travel documents.

Reference this Ministry's Wireless message No. 44/31/64-Poll(l), dated the 16th March, 1965, in which the State Governments were informed that from 1st April 1965 the entry into India of persons from East Pakistan will be restricted to those holding valid travel documents, such as migration certificates and passports. This may give rise to certain practical difficulties. In the first place, it would not be possible to seal the border against illegal immigrants without a very large increase in the number of check posts and of policemen to patrol the border, and if this is not done, the likelihood of continued entry of illegal migrants would still be there. Secondly, when an illegal immigrant is detected, he may have to be prosecuted under the Indian Passport Act, 1920, and the Foreigners Act, 1946. The question of deporting an illegal immigrant either after he has undergone his sentence or even without prosecution, would also arise. If any physical force has to be used in deporting an immigrant, there may be a great deal of public resentment in the country, apart from possible incidents involving Pakistan border forces.

2. Even though there are difficulties as mentioned above, the Central Government have come to the conclusion that on the whole it would be desirable to impose a ban on illegal entry. At the same time, they consider that the ban may not be enforced rigorously but with caution and discretion. The point at which the entry of illegal migrants can be prevented effectively or controlled is at the border check-post. The check-post officers should explain to those seeking asylum that conditions for their rehabilitation in India are difficult and try to persuade them to go back to their homes in East Pakistan. Those who still manage to enter India may be screened to find out whether they are genuine refugees and can stay in India under their own arrangements with their relatives or friends, without expecting any assistance from Government. Such persons, may at the discretion of the State Government be allowed to continue to stay in India without being prosecuted for illegal entry. As regards others, it may be necessary to prosecute them under the Indian Passport Act, 1920, and the, Foreigners Act, 1946, and to make them return to their homes in East Pakistan.

Sd/-
Fateh Singh
Joint Secretary to the Govt. of India
Letter from the External Publicity Division of the Ministry of External Affairs to Indian Missions abroad regarding Pakistani propaganda about illegal migrants from East Pakistan.

New Delhi, April 24, 1965.

No.XPP/3070/25/65 April 24, 1965

Dear Mission,

Pakistan has been carrying on propaganda that the number of Indian Muslims entering East Pakistan from Indian States of West Bengal, Tripura and Assam has crossed the figure of 5 lakhs and that over 35,000 Hindus who had earlier migrated to India have returnee to East Pakistan. The figures put out by Pakistan are not only incorrect and misleading but have no relation to facts.

2. A total of 1,43,857 Pakistani nationals who entered India without valid documents have been deported to Pakistan from January 1961 to January 1965. The movement of Hindu migrants to East Pakistan during the years 1961, 1962 and 1963 has been negligible. During the year 1964, about 9,000 Hindu refugees who had earlier migrated to India returned to East Pakistan. On the other hand, a total of 8,96,311 Hindus entered India from East Pakistan from January 1961 to December 1964, out of which 8,55,000 entered India in 1964 alone.

3. A comparative study of 1961 Census shows that during the decade 1951-61 there has been a considerable out-migration of Muslims from East Pakistan to the Indian States bordering East Pakistan. It also shows that had there been no out-migration, the decadal rate of growth among Muslims in East Pakistan would have been higher than 30% for the same period (1951-61). This is borne out by fact that the Muslim population in East Pakistan on the basis of 30% decadal increase in 1961 should have been 4,18,94,631 as against 4,08,90,481 showing a decrease of 10,04,150. There has been a corresponding increase in the Muslim population of Indian States (Assam, West Bengal, Tripura, and Purnea District of Bihar) bordering East Pakistan. On the basis of 27.5% decadal increase of Muslim population in these areas, the Muslim population in 1961 should have been 91,11,202 as against 1,11,44,732; thus showing an excess of 10,33,440 during the same period.
4. It is not known what is the effectiveness of Pakistani propaganda on this account in the country of your accreditation. But if and when exaggerated reports inspired or put out by Pakistan appear in the local press, you may contradict the same with the help of the figures given above. It may be mentioned that the year 1964 saw a big influx of refugees from East Pakistan as a result of large scale communal violence and persecution of Hindus which was officially incited.

Yours ever

To All Indian Missions & Posts abroad.

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3130. Note of Pakistan High Commission in India to the Ministry of External Affairs.

New Delhi, May 11, 1965.

Office of the High Commission for Pakistan in India
New Delhi


The High Commission for Pakistan In India presents its compliments to the Ministry of External Affairs, Government of India and has the honour to refer to their Note No. P(PIV)290(46)/64, dated the 21st April, 1965, with which letter No.3(19)/65-Commn, dated the 20th April, 1965 from the Commission of Enquiry (Exodus of minorities from East Pakistan), New Delhi, addressed to His Excellency the High Commissioner for Pakistan in India, was forwarded to the High Commission.

2. The High Commission has to point out that the Government of India have no right to set up a Commission to enquire into the conditions of a section of the people of Pakistan. In doing so however, the Government of India appear to aim at propaganda gains but seems to lose sight of the fact that such a step will only help create communal tension. This is borne out by the Government of India refusal to accept an impartial and independent enquiry into the question of eviction of Indian Muslims from India, which is the root cause of continuing communal tension.

The High Commission avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India, New Delhi.

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Note from the Pakistan High Commission in India to the Ministry of External Affairs.


Office of High Commissioner of Pakistan in India
New Delhi

No. F. 3/4-1/65. 28/29 July, 1965

The High Commission for Pakistan is India presents its compliments to the Ministry of External Affairs, Government of India, and has the honour to state that stories of atrocities alleged to have been perpetrated on the minorities in Pakistan continue to the given wide and un-checked publicity in India as a result of the activities of the so-called Minorities Exodus Commission. The High Commission in its Note of even number dated the 7th July, 1965, had pointed out to the Ministry that such irresponsible and baseless allegations were likely to have the undesirable effect of inflaming communal elements in India and creating further communal tension.

2. Since then another P.T.I, report dated June 21, has appeared in the Indian newspapers. A clipping from the *Patriot* dated June 22, is enclosed for ready reference. This report again speaks of alleged abduction, rape and forcible conversion to Islam as reasons compelling members of the minority community to leave East Pakistan and seek refuge in the Indian Union. Witnesses are reported to have narrated to the Minority Exodus Commission at Goalpara Town on June 20, their "agonizing experience" at the hands of Muslims in Pakistan where they were not allowed to perform religions ceremonies and had their properties, cattle and crops looted.

3. The High Commission notes with regret that in spite of its having drawn the Ministry’s attention to the false character of such allegations, they continue to appear in the Press. The unfortunate repercussions such reports can have in inflaming communal passions cannot be over-emphasised. Already several communal riots have taken place in India in the past few months at Gorakhpur, Barrely, and elsewhere which have been separately brought to the notice of the Ministry.

4. The dangerous consequences of such inflammatory reports have been noticed and commented upon even by the Indian press. The daily *Dawn* in its issue of June 8th, 1965 while referring to the statements of the refugees before the Commission has said that "when such reports are carried by the press those inevitably have a disastrous effect on conditions in the country and nobody can say how strong a reaction in the majority community it would produce." Similarly the weekly *Awami Daur* in its issue of June 13, 1965, while referring to
the A.I.R. broadcasts in which allegations were made that in Pakistan the Buddhists and Hindus were subjected to inhuman treatment and cruelty, asks the pertinent questions: ‘Will not such broadcasts prove extremely baneful to communal harmony?’ Copies of the clippings from the two newspapers referred to above are enclosed for the Ministry’s ready reference.

5. The High Commission reiterates Its protests to the Ministry against the continued circulation of false and baseless reports in violation of the Liaquat-Nehru Pact and requests the Ministry to ensure that this campaign of propaganda against Pakistan is discontinued.

The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs, Government of India, New Delhi.

3132. Note from the Ministry of External Affairs to the Pakistan High Commission in India.

New Delhi, August 5, 1965.

No. P (PIV)290 (46)/64 August 5, 1965.

The Ministry of External Affairs, Government of India, presents its compliments to the High Commission for Pakistan in India, and with reference to the High Commissions note No. P3/4-P/65 dated the 25/29th July, 1965, has the hounour to state that the allegations contained in the High Commission’s Note are totally unfounded.

The experiences of these persons who have been forced to migrate to India by persecution and oppression in East Pakistan not only by the majority community but also by the acts of the authorities themselves are harrowing in the extreme. Since January 1964 over a million members of the minority communities including a large number of Christians and Buddhists have been compelled to migrate to India from East Pakistan.

The Government of India was subjected to an unabated flow of migrants and refugees who crossed over into India from East Pakistan due to the continuing lack of sense of security of life and property there. India has, since August
1947, been compelled to receive over 4.5 million refugees and migrants of the Minority Communities from East Pakistan due to the discriminatory and harsh policies followed against them in East Pakistan. The Government of India, had, on human and compassionate grounds to make provisions to assist these unfortunate migrants and bear the heavy burden of their resettlement in India.

The large scale communal rioting, incited and pre-planned, which broke out in Khulna and Jessore from January the 3rd, 1964, onwards and later in Dacca and Naryanganj, caused considerable concern to the Government of India. These riots were un-precedented in their violence; large number of persons were killed while the Police and local authorities apparently stood by and took no action. The looting of property, abduction of women and arson on a large scale remained unchecked. The responsibility for the exodus from East Pakistan to India which followed this calculated outburst of violence must rest squarely with the authorities of Pakistan.

Since then though conditions have eased somewhat, cases are reportedly being brought to the notice of the Government of India by members of the minority communities who are the victims of incidents, where their wives are abducted or raped and they and their families forcibly made to change their religion on pains of their lives. Numerous occasions these cases were taken up with the Government of Pakistan but no satisfactory reply is ever received to such representations, in spite of the fact that the responsibility for taking necessary measures to reassure the mentors of the minority communities in Pakistan about their security is that of the Government of Pakistan.

It will be evident, therefore, that the stories recounted by those personas who have had to flee in fear of their lives from Pakistan arise from the personal experience of those who are afflicted. The Government of India hope sincerely that conditions will be assured in East Pakistan by the authorities there so that the local inhabitant can continue to stay on peacefully in their own country.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for Pakistan the assurances of its highest consideration.

The High Commission of Pakistan,
Chanakyapuri,
New Delhi
Note of Pakistan High Commission in India to the Ministry of External Affairs.

New Delhi, December 6, 1965.

Office of the High Commissioner For Pakistan in India
New Delhi

No. 4 (11) - CSVI/65 December 6, 1965

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs and has the honour to state that according to press reports published in the Madras edition of the Indian Express of November 24, 1965, and in the Al jamiat of November 25, 1965, communal riots took place on November 22 and November 23 in the Malavali Taluka of Mandya District of Mysore State. A mob of about 200 persons is reported to have attacked two passenger buses near Itanhali, pulled out Muslim passengers and looted and manhandled them. A communalist mob is also reported to have looted several shops in Malavali, and to have set fire to some houses. In another village Dhangoor, about 2,000 communalists are reported to have had a free hand in attacking Muslim houses and shops.

2. The High Commission requests the Ministry to institute urgent enquiries into these communal incidents which have resulted in the death of three persons. The result of these enquiries may kindly be intimated to this High Commission.

The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi.
3134.  Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, December 24, 1965.


The Ministry of External Affairs, Government of India, presents its compliments to the High Commission for Pakistan in India and with reference to the High Commission's Note No. 4(11)-CSV1/65 dated the 6th December, 1965, has the honour to state that the incident in Malavalli which was originated with an explosion in the house of a Muslim of village Kirugavvalu on November the 13th had nothing of communal nature about it. The explosion caused some agitation among the population of the area and some incidents of attack on property in Malavalli town occurred. The agitation heightened somewhat by a rumour that the over-head tank in Malavelli had been poisoned and a mob set fire to some tongas and looted a shop in the neighbourhood. There was also a incident in which some 13 passengers were dragged out of a Bus at Ittanahally and robbed of their belongings. Situation was swiftly brought under control and was quiet by November the 22nd. The version of the incident given by the High Commission for Pakistan has been greatly exaggerated.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for Pakistan the assurances of its highest consideration.

The High Commission of Pakistan,
Chanakyapuri, New Delhi.

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3135.  Note of Pakistan High Commission in India to the Ministry of External Affairs.

New Delhi, February 17, 1967.

Pakistan High Commission
New Delhi

No.4(8)-CSV1/66 February 17, 1967.

The High Commission for Pakistan presents its compliments to the Ministry of External Affairs and with reference to their Note No. P(PIV)307(1)/66, dated November 24, 1966 and has the honour to state that the fear of the Government of India that the reporting of these events by the Pakistan press may inflame
communal passions is misplaced. Complete communal harmony has prevailed within Pakistan and there is no hint of communal violence in any part of the country. Reports published in the Pakistan press about the events in India were generally international agency reports carried by the world press at large. It is not understood how their publication in Pakistan can amount to violation of the Tashkent Declaration.

2. Any political agitation in India, whether by the name of anti-cow slaughter or otherwise, which brings about loss of life and property to Muslims cannot pass unnoticed in Pakistan. The fact that anti-Muslim riots have occurred in India in several places as sequel to the anti-cow slaughter movement is well-known; nor can the seriousness of such riots be diminished by calling them "isolated Incidents". The Pakistan High Commission in its note of 16th November, 1966, has cited the Chief Minister of Rajasthan himself, as stating that the communal riot which took place in Udaipur on November 14, 1966, had been carefully planned in advance and those who indulged in arson and rioting had been given special training in sabotage and such activities. With regard to the riots in Calcutta, it is particularly regretted that during the police firing chiefly Muslims were killed and the loss of property was mainly borne by Muslims.

3. It is for the Indian Government to bear responsibility for the maintenance of calm and communal harmony in India and thus prevent the inflammation of communal feelings and tension between the two countries.

4. On the other hand there is a virulent and increasing campaign in the Indian press against Pakistan and Muslims in general.

The High Commission for Pakistan avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs
Government of India
New Delhi
3136. Note of Pakistan High Commission in India to the Ministry of External Affairs.

New Delhi, March 12, 1968.

No. 4 (12)-CSVI/6S. March 12, 1968

The High Commission for Pakistan presents its compliments to Ministry of External Affairs, Government of India, and with reference to the statement of a member of the Parliament on February 12, 1968 that during last 20 years 7,500 communal riots took place in India, 29 during the last two months, has the honour to state that the Government of Pakistan views this fast deteriorating communal situation in India, resulting from the inability of the Government of India to take adequate measures in accordance with its obligation under the Liaquat-Nehru Agreement, with serious concern. Attention of the Government of India is particular drawn to communal riot in Karimganj (Assam) on March 2, 1968 in which according to the Chief Minister, Mr. Bimla Prasad Chaliha, 7 persons were killed and 43 injured. In his statement in the State Assembly Mr. Chaliha is reported to have said that rioters also set fire to about 30 houses and a few shops causing fairly heavy loss.

Coming in the wake of the Meerut riots, the Karimganj episode is bound to create a feeling of unrest and harassment amongst the Muslims in India and may result in serious public repercussions in Pakistan.

While attention of the Government of India has already been drawn to the Meerut riots vide note No.4(11)-CSVI/68 dated the 20th February 1968, an earlier riot at Chak Manglore (Mysore) which started on January 6th, needs also to be mentioned. According to the Indian press reports the riot started with the desecration of Muslim graveyard by some member of the majority community. It soon spread to the town where, no less than 100 Muslim houses and shops were ransacked or burnt. The loss is roughly estimated to be about 75 lakh rupees. The communal tension in Chak Manglore, it is understood, had been building up for some time past. Despite several representations from leaders of the minority community, little was done to ease the situation. In view of the indifference shown by the law and order authorities, it appears that the riot was pre-meditated and pre-planned.

The High Commission would, therefore, urge the Government of India to conduct an immediate enquiry into the riots at Chak Manglore and Karimganj and by justly punishing the culprits to prevent reoccurrence of such deplorable incidents. The High Commission would be grateful to be informed of the measures taken regarding compensation for the loss of life and property.

It may be mentioned that the High Commission has been, from time to time, bringing various incidents of communal riots to the notice of the Government of
India, whose response has been regrettably very poor. Some of the Notes, which have remained un-anwered, are mentioned:-

(i) Note No. 4(40) CSVI/67 dated 24.10.67. regarding riot at Sitamarhi.
(ii) Note No. 4(44)-CSVI/67 dated 26.10.67. regarding riots in Amina Bazar, Murshidabad District.
(iii) Note No. 4(47)-CSVI/67 dated 28.11.68 regarding at V. Mansa, Madhya Pradesh.
(iv) Note No. 4(50)-CSVI/67 dated 12.12.67 regarding riots in Village Bankura (West Bengal).
(vi) Note No. 4(52)-CSVI/67 dated 22.12.67 regarding riots in Village Rampur P.S. Bulsand.

It is earnestly hoped that the Government of India would take expeditious measures of enquiry, as requested in the above mentioned Notes and let the High Commission be kindly informed of the results thereof.

The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs
Government of India
New Delhi.
Note from Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, April 8, 1968.

No. 4 (16) - CSVI/68

April 8, 1968.

The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs and has the honour to express its deep concern at the progressive deterioration of the communal situation in India. According to the annual review of the Ministry of Home Affairs, Government of India, as reported in the press, the number of anti-Muslim riots showed a marked increase from 133 in 1966 to 209 in 1967. Nearly eight months have elapsed since the devastating riots in Ranchi, but no action has yet been taken against those responsible for killing, looting and arson, although their names are well known. This apathetic attitude of the Government cannot but create the impression that the perpetrators of communal crimes are above the law, and, thus, contribute to unstrained indulgence in communal violence.

2. The riots in Ranchi were closely followed by Sursand riots, details of which had already been communicated in the Note No. IN(2) - I-I (17)/67 dated October 25, 1967 from the Ministry of Foreign Affairs. A fresh wave of large-scale rioting has broken out since the beginning of this year.

3. On January 6, 1968 a communal riot broke out in Chak Manglore in Mysore in which 50 shops and 100 houses belonging to the Muslim community were looted and a number of Muslims injured. The total loss of property and cash is estimated to be about Rs.20/- lakhs. The hooligans also forcibly entered and desecrated a mosque and damaged minarets of the Eid Gah.

4. On January 28, 1968 serious riots broke out in Meerut in Uttar Pradesh on the occasion of the visit of Sheikh Abdullah. In these riots at least 16 Muslims were killed and 80 injured.

5. On March 2, 1968 widespread communal riots took place in and around Karimganj in Assam. In these riots 17 Muslims were killed and about 90 injured. Similarly 30 houses in Karimganj, 20 shops in Tilabazar, 2 houses in Faqirabazar, 1 house in Badrpur, 1 house in Nalarpur, 8 houses in Karimganj and 20 houses in Mirgram and a whole row of houses near Ratabari Railway Station all belonging to the Muslims were burnt down by the members of the majority community.

6. On March 14, 1968 a violent communal riot broke out in Narkeldanga, Rajabazar, Mirzapur, Kalabagan, Tollygunj, Jorasanko, and other areas in Calcutta as well as in Uttarpara, Chinsura, Rishra and Magra in the District of
Hooghly. It is reported that at least 20 Muslims were killed and 70 injured in these riots.

7. On March 16, 1968 a serious riot broke out in Allahabad in Uttar Pradesh. According to reports reaching the High Commission, 11 Muslims were killed, the number of injured being unknown. Six shops owned by Muslims in Chowk Gadheri, Sarai and Thaleri Bazar were burnt and several other looted. A copy of the Holy Quran was torn to pieces and burnt at Zero Road. A large number of shops belonging to Muslims at Roshan Bagh, Johnson Ganj, Zero Road, G.T.Road, and other parts of the city were looted and burnt. This was done in the presence of the police, who led the rioters and opened fire on the Muslims who tried to defend themselves. Similarly arson and looting of Muslim shops took place in Muthiganj, Kotwali Mirkhanj, Bahadur Ganj, Ghas Ki Satti and Khuldabad. A mosque was set on fire in Onnch Mandi area. The connivance of the police is evident from the fact that most of the killings and arsons were committed during the curfew. The police also arrested all the leading Muslims and encircled some of the Muslim localities preventing escape to safer areas while the rioters were allowed a free hand.

8. On the 31st March, 1968, a communal riot broke out in Tinshukia in Assam, involving arson, looting and attack on the members of the minority community. The details of this riot are still awaited.

9. A consolidated list of major communal riots, including those mentioned, above, which took place after the Ranchi riots is attached (not included here).

10. The High Commission would once again draw the attention of the Ministry of External Affairs to the solemn obligations of the Government of India, under Liaquat-Nehru Agreement of April 8, 1950, to ensure the security of the lives, personal honour and properties of the Muslims and in terms of this agreement the High Commission urges the Government of India to take prompt measures for punishing the culprits as well as for compensating and rehabilitating those affected by the riots.

11. The Ministry is well aware that these riots are not always spontaneous, and that these are more often than not carefully organised by political parties, which are openly anti-Muslim, that in some instances authorities have connived at these disturbances or failed to take prompt action and that instead of abating, these riots continue to spread from state to state. The High Commission, in recalling the Liaquat-Nehru Agreement earnestly hopes that no time would be lost in dealing with this regrettable situation and that full protection of every type would be afforded to the Muslim minority.
12. The High Commission would be grateful to be informed of the action taken by the Government of India in this regard as early as possible.

13. The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India, New Delhi.

3138. Note of the Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, July 3, 1968.


The Ministry of External Affairs, Government of India, presents its compliments to the High Commission for Pakistan in India and with reference to the High Commission's Note No.4(l2) CSVI/68 dated the 12th March and 4(16)CSVI/68 dated the 8th April,1968, has the honour to state that the High Commission has exaggerated the recent disturbances in India beyond all proportion, and seems to base its reactions rather on the distorted accounts that have appeared in the Pakistani press than on actual facts. In most of the cases and particularly at Karimganj, Calcutta and Allahabad the troubles had their origin in local petty squabbles which resulted in group clashes involving different communities. The allegations that these riots were carefully organised and that in certain cases even the authorities had connived at them, are unfounded, malicious and far from the truth. Nor is it correct to say that the incidents were organised against any particular community. The victims of these unfortunate incidents belonged not only to the minority communities but also to the majority community.

It should be obvious to any objective and impartial observer that the authorities have invariably taken prompt measures to deal firmly with such law and order situations whenever and wherever they have occurred. Mischievous elements and those found guilty of disturbing the peace have been dealt with severely. A large number of arrests have taken place of those involved, collective fines have been imposed and additional police stationed at the places of disturbance set up. The Home Minister of India in a statement in the Lok Sabha on the 8th March and in the Rajya Sabha on the 13th March categorically reiterated the
resolve of the Government to protect the right of citizens irrespective of their religion and to enable them to live and work in peace and honour. The High Commission has already been informed of the Commission that has been set up to enquire into some of the major incidents.

Although the Government of India have taken essential steps, both preventive and corrective, in the matter, the Ministry would like to point out that Pakistani information media have made an orchestrated attempt to exacerbate feelings between different communities in this country. These media have put out exaggerated accounts of the incidents and given a communal twist to even minor problems of law and order, with the evident desire of creating disaffection among various communities in India. The Government of India have repeatedly drawn the attention of the Government of Pakistan towards such insidious propaganda which is in complete violation of Article IV of the Tashkent Declaration. The Ministry would like to reiterate that by permitting or encouraging propaganda aimed at creating communal ill-will in India, the Government of Pakistan are not only violating the Tashkent Declaration but also the Nehru-Liaquat Pact, under Article C (7) of which the two Governments agreed to "take prompt and effective steps to prevent dissemination of news and mischievous opinion calculated to rouse communal passion by press or radio or by any individual or organisation. Those guilty of such activity shall be rigorously dealt with. The Ministry hopes that the Government of Pakistan would, for their part, refrain from encouraging or countenancing the Pakistani press or radio from trying to exacerbate the situation or otherwise interfering in this country's internal affairs.

The Ministry avails itself of the opportunity to renew to the High Commission the assurances of its highest consideration.

High Commission for Pakistan in India, New Delhi.

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3139. **Note of Ministry of External Affairs to Pakistan High Commission in India.**

New Delhi, June 13, 1969.

Ministry of External Affairs
New Delhi

No. PII/284/23/88

June 13, 1969

The Ministry of External Affairs of the Government of India, presents its compliments to the High Commission of Pakistan in India and with reference to High Commission's note No.1 (31)-CS.VI/68 dated April 22, 1969, has the honour to state that the Government of India totally reject the allegation made by the High Commission of Pakistan that there is "resurgence of communal frenzy in India against the Muslim minority." The charge is not only baseless but malicious and has been made in line with the Government of Pakistan's policy to create Hindu-Muslim disunity in India, weaken India and place Pakistan in a better position to realize its territorial ambitions against India. The fact that Pakistan has been doing its best to excite communal frenzy in India is clear from the Pakistani broadcasts beamed to India. A random selection from the broadcasts beamed to India are attached (not included here) and make the Pakistani design quite clear.

2. Another objective of this propaganda is to instill into the minds of the people of Pakistan a false picture of conditions in India and to excite Muslim religious feelings against India. This policy to deliberately foment hatred against India among the people of Pakistan is not only a violation of Article. IV of the Tashkent Declaration but seeks to prevent the improvement of relations between the two countries.

3. The Ministry of External Affairs would, once again, urge the High Commission of Pakistan in India to move the Government of Pakistan to bring a stop to anti-Indian propaganda.

4. The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of Pakistan in India the assurances of its highest consideration.

The High Commission of Pakistan,
New Delhi.

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3140. Letter from Ministry of External Affairs to the Government of West Bengal.

New Delhi, June 27, 1969

To : Shri K.G. Basu, IAS,
Joint Secretary to the Govt. of West Bengal
Home Department (Political),
Commonwealth Relations Section, Calcutta.

Subject: Return of Muslim evacuees to India to claim their exchanged properties

Sir,

I am directed to refer to your letter No. 258-CRS, dated the 28th April, 1969, on the above subject,

2. On a similar reference from the West Bengal Govt. in 1964, this issue was got examined in the Ministries of External Affairs, Home Affairs and Rehabilitation. The Government of India were of the view that the claims of the Indian Muslim evacuees returning to India and re-claiming possession of their exchanged properties from Hindu refugees should not be made an official concern. Should any person returning from East Pakistan desire to re-claim his previous properties, he should do so either by mutual arrangement with the present occupant/owner or through a competent Court of Law. So far, there has been no change in this position and these instructions should apply.

3. Regarding the citizenship issue, the Ministry of Home Affairs are of the opinion that the cases in which Migration had taken place prior to the commencement of the Constitution on 26th January, 1950, but after the first day of March, 1947, will fall within the mischief of the provisions of Article 7 of the Constitution and the persons concerned will have to be treated as having migrated to Pakistan and as having not become Indian citizens under the provisions of the Constitution. As regards those who migrated after the 26th January, 1950, the position is that they will continue to retain Indian citizenship acquired by them earlier till the Central Government, acting under section 9(2) of the Citizenship Act, 1955, read with rule 30 of the Citizenship Rules, 1956, and the rules of evidence contained in Schedule III thereto, and after going through the prescribed procedure, hold that the persons concerned have voluntarily acquired the citizenship of another country.

4. This position may kindly be explained to the District Authorities concerned.

Yours faithfully
(R.N. Malhotra)
Under Secretary to the Govt. of India.
3141. Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, April 30, 1970.

Government of India
Ministry of External Affairs
New Delhi

No. PII/282/10/70 April 30, 1970.

The Ministry of External Affairs, Government of India, presents its compliments to the High Commission for Pakistan in India and has the honour to state that the Government of India have received disquieting reports about large-scale influx of refugees from East Pakistan to India of late.

2. It has been ascertained that since January 1970, about 28,000 persons have been forced by circumstances within East Pakistan to enter India through unauthorised routes and without travel documents. On interrogation of these migrants, it has been learnt that they had entered India through unauthorized 'routes' by walking across the border with the help of touts operating within East Pakistan. According to them, while they were crossing the border the members of the East Pakistan Rifles forcibly took away all their belongings. The bulk of refugees so crossing the border belong to Khulna District of East Pakistan. They hail from villages within the jurisdiction of police stations Dumuria, Rampal and Baithaghata.

3. It has also been learnt from these refugees after careful interrogation that they left East Pakistan on account of the generally insecure conditions facing the minorities in Pakistan, namely, thefts, robberies, deoities and, in particular, offences against women, like rape, molestation, abduction and forcible marriages of Hindu girls to Muslims. It is universally complained that the Pakistan police take no action on complaints from the Hindus. The general feeling of insecurity is stated to have been further accentuated by the recent election campaign during which some communal parties have been making sinister insinuations questioning the minority community's very loyalty to Pakistan.

4. The Government of India have noted with concern that this influx of refugees is continuing unabated. The Government of Pakistan will no doubt realise that men, women and children in East Pakistan would not voluntarily elect to abandon their hearths and homes if they were enjoying security of life, property and honour. The Government of Pakistan will also appreciate that such large-scale illegal migration from Pakistan tends to create a totally undesirable and sensitive situation. The Government of India are also faced with the immediate problem of giving relief and rehabilitation assistance to these innocent refugees, on humanitarian considerations, as they are unwilling to return to their hearths.
and homes in Pakistan, apart from the problem of maintaining law and order in circumstances exciting the feelings of the people where the migrants tend to collect.

5. The Government of India protest against the failure of the Government of Pakistan to ameliorate the continuing unhappy plight of the minority community in Pakistan and are constrained once again to urge the Government of Pakistan to take effective measures to assure the security of the life, property and honour, and to enable them to live in peace and honour as equal citizens of Pakistan. The Government of India also request the Pakistan Government to punish the persons causing harassment to the members of the minority community and to restore confidence amongst them so that further illegal migration of these Pakistan nationals of the minority community does not take place. Attention of the Government of Pakistan is once again drawn to the Nehru-Liaquat Pact of 1950, which requires them, inter alia, to guarantee to their minorities, security, full freedom and equality of rights,

6. The Government of India would appreciate being informed of the action taken in this regard, if there is no objection.

7. The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for Pakistan the assurances of its highest consideration.

The High Commission for Pakistan,
Chanakyapuri, New Delhi.

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3142. Note from Pakistan High Commission in India to Ministry of External Affairs.


Pakistan High Commission
New Delhi


The High Commission for Pakistan in India presents its compliments to the Ministry of External Affairs, Government of India, and has the honour to draw the Ministry's attention to the following provisions of the Agreement between the Governments of India and Pakistan signed by the two Prime Ministers on April 8, 1950, popularly known as the Liaquat-Nehru Pact:-
a) Para 2 of Annexure (Communal Incidents) to the Pact provides that "each and every incident reported by one Government to the other should be enquired into promptly and if facts are established, action to bring the wrong-doers to book. The result of the enquiry and the action taken should be communicated to the other Government".

b) Para 5 of the above Annexure provides that "an area where serious communal disturbances takes place or where there is a succession of incidents involving oppression or harassment of the minorities and where the inhabitants have either themselves been responsible for the crimes or have not been diligent in preventing the commission of such crimes should be penalized by the levy of a collective fine or the imposition of a Punitive Police Force."

c) Para 8 of the above Annexure provides that "only agreed figures of migrant traffic at checking stations in East Pakistan and West Bengal should in future be published".

2. The High Commission regrets to note that the Government of India has been consistently failing to observe the above provisions of the agreement. Over the last few years the High Commission has brought to their notice several hundred communal riots and disturbances and has requested for appropriate action, under the terms of the above-mentioned agreement, to enquire into the incidents, bring the guilty parties to book and inform the High Commission of the action taken. Despite repeated reminders, extending over several months and in some cases several years, no substantive reply has been forthcoming from the Government of India in these cases. The Government of India's failure to observe the relevant provisions of the agreement in these cases tends to confirm the worse suspicions about the magnitude of the riots and disturbances and the inaction of the authorities concerned. It also enhances the feeling of insecurity among the minority community which would be mitigated if prompt and effective action was taken to identify the guilty parties and award appropriate punishment to them.

Pakistan has always been willing to fulfil its obligations under this clause, but the necessity has fortunately not arisen, as there has not been any communal incident in Pakistan since 1964.

3. With regard to the provision in the Pact for imposition of a collective fine or a Punitive Police Force, the Government of India would no doubt agree that if this had been enforced as provided for, communal tragedies in India involving extreme human suffering for the minority community could, at least to some extent, have been minimised.

4. It has also been noticed with regret and apprehension that various agencies
and representatives of the Government of India, including Honourable Ministers in Parliament, have been giving one-sided and highly inflated figures of the alleged exodus from East Pakistan, in contravention of the very clear provision in Section 8 of the Annexure to the above Pact that only agreed figures of migrant traffic at checking stations in East and West Bengal should be published. Needless to say, such propaganda is fraught with dangerous possibilities as it gives a handle to communal elements among the majority community to engineer and incite violence against the minority community. It also makes it still more difficult for the minority community to feel the full sense of security in respect of life, culture, property and personal honour which Para A of the Agreement enjoins on both governments to provide and which unfortunately continues to elude the Muslim minority in India.

5. The Government of India would no doubt agree that solemn agreements between sovereign nations constitute an indispensable pillar of international life and that it is imperative for such agreements to be observed scrupulously by the parties concerned. Failure to observe them not only vitiates the general atmosphere in relations between two countries but also, in circumstances such as these, leads to tragedies and human suffering which could be prevented if the pledged word of the parties was respected in practice. It is sincerely hoped, therefore, that the Government of India will ensure observance by all their agencies of the provisions of the “Liaquat-Nehru Pact” to which the High Commission has had the honour to draw their attention.

6. The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

The Ministry of External Affairs of India
New Delhi

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3143. **Statement by the Spokesman of Pakistan Ministry of Foreign Affairs commenting on the reported statement of Indian External Affairs Minister Dinesh Singh that the so-called recent anti-Muslim riots in Maharashtra were an internal affair of India.**

**Islamabad, June 12, 1970.**

A spokesman of the Foreign Office said that the Foreign Office had not yet seen the text of Dinesh Singh’s statement broadcast, by All India Radio in which the Indian External Affairs Minister was reported to have described the recent anti-Muslim riots in Maharashtra as an internal affair of India and had warned other countries against taking notice of the plight of Indian Muslims.

The Foreign Office spokesman expressed surprise at the reported statement by the Indian External Affairs Minister which had wide-ranging implications. How can a responsible leader of the Indian Government claim that the massacre of Muslims in India was an internal matter of India? If this was accepted, then it would mean that the Afro-Asian community and liberal forces of the world would be precluded from taking note of the denial of human rights in Rhodesia, of the fate of people of Indo-Pakistan origin in South Africa and the sufferings of Arabs under Israeli occupation. How can the rest of the World watch silently when Indian Muslims were being denied human rights and subjected to organised brutalities? He asked.

The spokesman said the Government of India was mistaken if it believed that by issuing threatening statements it could suppress world conscience or force others to close their eyes to what is happening to Muslims in India, Dinesh Singh’s tirade against Pakistan for exposing the hollowness of India’s claim to secularism was also not understandable in view of the fact that the Liaquat-Nehru Agreement placed a solemn responsibility on both countries for the safety and welfare of their respective minorities.

Dinesh Singh is further reported to have mentioned that 76,000 non-Muslims had left East Pakistan. This figure was a figment of the imagination and had no doubt been mentioned to conceal the organised massacre of Indian Muslims, the spokesman said.

The Government of Pakistan had repeatedly stated that perfect communal harmony exists in East Pakistan. The Indian High Commissioner in Pakistan recently visited the Eastern Wing and publicly confirmed this. The Government of Pakistan provided him with all facilities to visit various places because there was no need to hide anything from him. On the other hand the Pakistan High Commission in India has, despite repeated requests, not yet been permitted to
visit any place in Maharashtra or Gujarat where serious anti-Muslim riots took place.

The Foreign Office spokesman concluded by appealing to the Indian Government to take effective steps to safeguard the life and property of Muslims in India. If this was done and the Indian Government sincerely implemented the provisions of the Liaquat-Nehru Agreement, there would be no need for them to threaten other countries which expressed sympathy and support for the unfortunate Muslim minority in India.

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3144. Aide Memoire from the Pakistan Ministry of Foreign Affairs to the Ministry of External Affairs received through the Swiss Embassy.

Islamabad, March 7, 1972

The Ministry of External Affairs of the Government of Pakistan submitted to the Swiss Embassy in Islamabad the following Note dated 7th March 1972, with the request to communicate its contents to the Ministry of External Affairs of the Government of India:

"According to agency reports anti Muslim riots have taken place in the town of Gulbarga, Mysore State, in India a few days ago. The rioters are reported to have indulged in widespread arson and looting. About 100 persons have reportedly been injured and one person has died in these riots. Under the Liaquat - Nehru Agreement of 1950, the Indian Government is under obligation to take all necessary measures to safeguard the lives, personal honour, and properties of the Muslim community living in India, The Ministry would be grateful if the incidence of these riots is brought to the attention of the Indian Government and they are requested to institute necessary investigations and to punish the culprits responsible for these riots. The Indian Government may kindly also be requested to take suitable measures to prevent recurrence of such incidents in future. The action taken in this regard by the Indian Government may also kindly be intimated to this Ministry."

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3145. Note of the Pakistan Ministry of Foreign Affairs to Ministry of External Affairs through the Swiss Embassy.

Islamabad, March 24, 1972.

Ministry of Foreign Affairs
Islamabad

No. SA(III)-1/1/72. March 24, 1972

The Ministry of Foreign Affairs, Government of Pakistan, presents its compliments to the Embassy of Switzerland, Indian Interests, and with reference to the Embassy's note No.828.11, dated March 16, 1972, regarding the anti-Muslim riots in the town of Gulbarga, has the honour to state the following:

According to paras C & D of the agreement between the Government of India and the Government of Pakistan dated 8th April, 1950, it is obligatory on both the Governments to safeguard the lives, personal honour and properties of the minority communities living not only in the States of West Bengal, Assam, Tripura and East Pakistan, but in any part of India and Pakistan. Paras 1 & 2 of the Annexure to this agreement, dated 16th August, 1950, make this obligation absolutely clear in the following terms:

"(i) It was agreed that whenever a communal incident is brought to the notice of the authorities, it should be promptly investigated and effective action should be taken against the miscreants, including Government servants, if any, who may have been guilty of dereliction of duty.

(ii) It was agreed that each and every incident reported by one Government to the other should be inquired into promptly and, if the facts are established, action taken to bring the wrong-doers to book. The result of the inquiry and the action taken should be communicated to the other Government."

2. The Government of Pakistan, therefore, rejects the contention of the Indian Government that the Liaquat-Nehru Agreement of 1950 is restricted to the States of West Bengal, Assam and Tripura and the Province of East Pakistan only.

3. The Indian Government may therefore, be requested to institute necessary investigations into the communal riots in the town of Gulbarga, and results of these investigations as well as the action taken by the Indian Government to punish the culprits and to prevent the recurrence of such incidents in future be communicated to this Ministry.
3146. Note of Pakistan Ministry of Foreign Affairs to the Ministry of External Affairs transmitted through the Swiss Embassy.

New Delhi, August 8, 1974.

The Embassy of Switzerland, Pakistan Affairs Division, transmits the following message, dated July 26, 1974, from the Government of Pakistan:

Begins:

The Ministry of Foreign Affairs, Government of Pakistan, presents its compliments to the Ministry of External Affairs, Government of India, and has the honour to state that an Adjournment was moved in the National Assembly of Pakistan to discuss the communal riots that took place in Delhi in April/May 1974. The Minister of State for Defence and Foreign Affairs opposed the proposal for lodging a protest to the Government of India, stating that according to reports the Government of India had taken cognizance of the seriousness of the riots and had instituted a high level inquiry into the riots. A minority has to look for the redress of its grievances to the Government of its own State. Considering, however, that such communal riots are bound to cause public concern and resentment in Pakistan, the Minister agreed to convey the feelings of the National Assembly to the Government of India.

The Ministry of Foreign affairs avails itself of this opportunity to renew to the Ministry of External Affairs, Government of India the assurances of its highest consideration.

Ends

New Delhi, August 8, 1974.

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3147. Note of the Ministry of External Affairs to Pakistan Ministry of Foreign Affairs through the Swiss Embassy.

New Delhi, July 26, 1974.

The following message may kindly be transmitted to the Government of Pakistan:

BEGIN

"The Ministry of External Affairs presents its compliments to the Ministry of Foreign Affairs, Government of Pakistan and has the honour to refer to their note dated July 26, 1974 conveyed through Swiss diplomatic channels.

2. The Government of India are unable to agree that Pakistan has any right to raise officially a matter which falls entirely within India's domestic jurisdiction. It is all the more surprising that the Ministry of Foreign Affairs should have thought it fit to communicate the so-called concern expressed in Pakistan's National Assembly about the incidents in the Sadar Bazar area of New Delhi when His Excellency the Minister of State for Defence and Foreign Affairs had quite rightly clarified on the floor of the National Assembly that the Liaquat-Nehru Pact was no longer applicable and under the Simla Agreement this matter would be treated as an internal issue. This Ministry would like to point out that in the last two months it has received numerous representations from the leaders of the Ahmadiya community in India asking that the 'repression' to which the Ahmadiya Community in Pakistan is being subjected should be brought to the notice of the Pakistan Government and that this matter should be raised at international forums. However, the Government of India did not consider it appropriate to raise this matter with the Pakistan Government as it was felt that the matter fell clearly within the domestic jurisdiction of Pakistan.

3. The Government of India is of the view that whatever concern there has been in Pakistan regarding the incidents in the Sadar Bazar in quite misplaced and is largely due to the distorted and exaggerated publicity given by Radio Pakistan and the press to this subject. The attention of the Government of Pakistan has already been drawn to this matter vide Government of India's Message dated June 22.

The Ministry of External Affairs avails itself of the opportunity to renew to the Ministry of Foreign Affairs, Government of Pakistan the assurances of its highest consideration."

ENDS

New Delhi, the 16th August 1974.

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INDIA-PAKISTAN RELATIONS

SECTION - XIV

EVACUEE PROPERTY
Ordinance issued by the Government of Pakistan regarding taxes on transfer of property belonging to the evacuees.


Government of Pakistan
Ministry of Law and Labour
Karachi

Ordinance No. IV of 1947.

10 December 1947

An ORDINANCE to provide for the payment of taxes before the recognition of transfer of property.

WHEREAS an emergency has arisen which makes it necessary to provide for the payment of taxes before the recognition of transfer of property.

NOW THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c, 2) as adapted by the Pakistan (Provisional Constitution) Order 1947, the Governor–General is pleased to make and promulgate the following Ordinance:

1. **Short title, extent, application and commencement.** (1) This Ordinance may be called the Transfer of Property (Pakistan) Ordinance, 1947.

   (2) It extends to all the provinces of Pakistan.

   (3) It shall come into force at once in the Provinces of Sind, West Punjab, North West Frontier and Baluchistan, and in other areas as and when the Government of Pakistan may direct.

2. **Effect of Provisions with other laws.** Notwithstanding any other law for the time being in force the provisions of this ordinance shall have effect throughout the areas to which it applies.

3. **Registration of documents.** No registering Officer, Revenue Officer, Custodian or other officer appointed to deal with property shall register any document, relating to property other than agricultural land, which is required to be registered under the provisions of clause (a),(b),(c) or (e) of sub–section (1) of section 17 of the Indian Registration Act, 1908 (XVI of 1908), unless it is certified by an Inspecting Assistant Commissioner of Income tax, in respect of every person whose right, title or interest in the property is or will be transferred, assigned, limited or extinguished under the terms of the document, either that such person is not liable to taxation under the Income – tax Act, 1922 (XI of
1922), the Excess Profits Tax Act, 1940 (XV of 1940) or the Business Profits Tax Act, 1947 (XXI of 1947), or that he has either paid or made satisfactory provision for the payment of all existing or anticipated liabilities under any of the said acts.

4. **Recovery Proceedings.** If any right, title or interest in any property whether moveable or immoveable other than agricultural land, is, or has been transferred, assigned, limited or extinguished after the 14th day of August 1947, and Income–tax Officer may at any time issue a notice to all or any of the parties to the transaction requiring them to produce within one month the certificate prescribed by section 3; and if such certificate is not produced he may forward a statement to the Collector showing the existing and anticipated tax liabilities of each or any of the said parties. The collector shall then proceed to recover the total amount shown in the statement as if it were an arrear of land revenue, and for the purpose of the recovery proceedings he may treat the said property as if it belonged to all or any of the persons named in the statement.

5. **Proceedings of suits.** No suit, Prosecution or other legal proceeding shall lie against the Dominion Government, any Provincial Government, any Income Tax Officer or any other person or authority acting under his directions or in pursuance of any claim shown in the statement forwarded to the Collector under the preceding section, for anything which is in good faith done or intended to be done under this Ordinance.

M. A. Jinnah
Governor-General

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3149. Secretariat Level Meeting of Inter-Dominion Representatives (AGREEMENT No.I)

December 18 – 20, 1947

ITEM No.I – Insurance Companies.

It is agreed that Companies which have moved their Head Offices to India will advise the Reserve Bank through the Government of India that 15 per cent of the statutory deposits made by them with the Reserve Bank shall be deemed to be held on account of the policy holders now resident in Pakistan until the Superintendent of Insurance has determined the appropriate percentage of policy liability pertaining to persons at present resident in Pakistan.

(2) The Superintendent of Insurance is to be requested to report the appropriate percentage figure by the 15th of January, if possible.

(3) On behalf of the Companies which have moved their Head Offices to India, an undertaking is given that their assets, other than statutory deposits with the Reserve Bank of India, will not be reduced or withdrawn from Pakistan to the detriment of Pakistani policy holders.

(4) Insurance Companies, in particular General Insurance Companies, will be accorded all reasonable facilities by the Pakistani Government in respect of protection and investigation of claims for their representatives who must go to investigate and appraise claims which have already arisen or may arise hereafter. The Government of India will accord reciprocal facilities. Agents of such companies should report to the Home Secretary, Government of West Punjab; and similarly agents of companies in Pakistan should report to the Home Secretary, East Punjab, Jullundur. Both Governments will advise the companies concerned to send out agents and investigators, as far as possible, belonging to communities which prima facie would not require protection.

(5) In respect of investigation of claims in N.W.F.P. and Sind, the procedure agreed upon in respect of West Punjab will apply and the agents of companies concerned will report to the Chief Secretary to the N.W.F.P. and Home Secretary, Sind, for grant of necessary facilities. It is understood that reciprocal facilities will be accorded in the Delhi Province. Agents of Companies concerned will approach the Deputy Commissioner, Delhi, for grant of necessary facilities.

(6) Complaints in regard to delay in settlement of claims will be referred by Pakistan to Mr. Ranganathan, Joint Secretary, Ministry of Commerce, Government of India and complaints from India will be referred to Mr.
Karamatullah, Joint Secretary, Ministry of Commerce, Pakistan, Karachi. It is recognized, however, that settlement of claims can be expedited only after the companies concerned get their records, equipment, furniture, etc.

(7) It is agreed that as soon as the provisional allocation under para. I has been made, the companies concerned may remove their Head Office records, equipment, furniture fittings, etc., and for this purpose they should make application to the Custodian of Evacuee Property, West Punjab, Lahore.

(8) The same procedure should apply in respect of any insurance companies in other parts of Pakistan, who may have removed their Head Offices to India.

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Sub Item (I) Under Item III – Articles Held in safe custody, safe deposit in banks or safe deposit accounts

It is agreed that

(a) The depositor must be deemed to be the person entitled to claim such property and take possession thereof; and

(b) If any person other than the depositor claims the whole or part of the contents standing to the account of a depositor, either as a pawner or a bailor, such claim must be lodged by a prescribed date.

In regard to Lahore it is understood that the District Magistrate fixed 15th December 1947 as the last date on which such claims must be lodged. It is agreed that the last date for lodging of such claims in respect of other places in West Punjab shall be the 10th of January 1948.

(2) In respect of deposits against which no claim is lodged by the prescribed date, depositors concerned will be allowed full facilities to operate the deposits or to withdraw them partly or completely. The procedure in this behalf will be that the depositor or his duly accredited agent will present an application to the Custodian of Evacuee Property, West Punjab, who will grant the necessary permission as a matter of course. In districts of West Punjab, other than Lahore, such application will be made to the Deputy Custodian concerned, who again will grant permission as a matter of course. In the N.W.F.P. such application will be made to the Controller appointed under Section 3 of Ordinance X of 1947 promulgated in that province.
(3) As for deposits in respect of which a claim has been lodged, it is agreed that, when the depositor or his duly accredited agent presents an application to the Custodian of Evacuee Property or to the Deputy Custodian concerned in the West Punjab, or to the Controller concerned in N.W.F.P. this officer will immediately release such part of the deposit as is not in dispute and against which there is no claim. In regard to the balance, a final decision shall be made as speedily as possible. The same procedure will apply in Baluchistan and applications will be made to the Custodian of Evacuee Property in that Province.

(4) So far as the Custodian, Deputy, Custodian, or Controller is concerned, a permit to operate a deposit will be issued in the name of the depositor and not his accredited agent. It will be for the bank etc. to satisfy itself that the person presenting the permit is the depositor himself or his duly accredited agent.

(5) No restrictions on operation of vaults, bank deposits etc. have been imposed by India so far; but in the spirit of the agreement reached with Pakistan in this matter, if any person now resident in Pakistan has any difficulty whatsoever in regard to deposits of this nature, he or his accredited agent should apply to the Custodian of Evacuee Property, East Punjab or Delhi Province, as the case may be, who will give such assistance as may be necessary.

(6) In regard to States in either Dominion, the Dominion Governments agree to endeavour to have the same procedure implemented.

(7) If at any time hereafter restrictions on operation of safe deposit vaults etc. are imposed in the Indian Union, the Government of India agree to implement the same procedure as has now been agreed upon in respect of West Punjab, N.W.F.P. and Baluchistan.

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Reported By Joint Sub – Committee.

Immovable Property

General Plan Regarding Treatment Of Property Left Behind By Evacuees:

(1) It is agreed and re-affirmed that ownership of all immovable property left by an evacuee in either Dominion remains undisturbed and continues to vest in that evacuee.

(2) (a) It is agreed that out of the immovable property left by evacuees and vested in the Custodian, the Rehabilitation authorities of the
Dominion concerned may take over for temporary use for a fixed period of years such property as is required by them *bona fide* for purposes of rehabilitation of refugees from the other Dominion, but not for other or collated purposes.

(b) The maximum period for which the Rehabilitation authorities may take over immovable evacuee property should not exceed the following:

(i) Residential property – 3 years.
(ii) Commercial and Industrial undertaking – 4 years.
(iii) Agricultural property – 3 years.
(iv) The question of properties owned by Institutions and Trusts would be considered later separately.

(c) In respect of property taken over by Rehabilitation authorities, from the Custodian, the rentals payable by the Rehabilitation authorities to the Custodian should be determined by the Custodian, with reference to fair value and not with reference to the rents at which the Rehabilitation authorities decide to make available the use of those properties to refugees. It is the intention that concessions given to refugees should be at the cost of the Rehabilitation authorities and not of the evacuee owners.

(3) Where the property is not required by the Rehabilitation authorities, and if the owner makes his own arrangements for the proper management of such property on his application to the Custodian such property shall be restored to him for management and/or disposal as the owner may deem fit. Where the management has not yet been taken over by the Custodian, he may on the owner’s application allow him to retain the management.

(4) Where property is taken over by the Rehabilitation authorities the owner shall have full right and facilities to transfer, by sale, exchange or otherwise, such property subject to the retention of the property by the Rehabilitation authorities for the period of years mentioned in para. 2 (b).

(5) Where property has been returned to the owner for management or is not required by the Rehabilitation authorities, the owner shall be given full facilities for transfer of the property whether by sale, exchange or otherwise. These facilities will include the employment of private dealers and brokers to arrange exchanges or sales.

(6) Where the owner, in spite of the freedom and facilities to transfer his property, considers or finds himself unable to do so he may proceed in the following manner:
(i) **Urban Property**

(a) He may at any time apply to the Government of the Dominion to which he has moved for transfer of the property through official agency.

(b) For dealing with such applications the two Dominions will set up a joint agency for the purpose of joint valuation of the property in question by means of assessors acting under the joint agency.

(c) The joint Inter – Dominion agency will take all possible steps to arrange for disposal of the property at or above the value arrived at by assessment by the joint agency. In this respect the joint Inter – Dominion agency will act merely as agents of the owner on each side. Urban property at the price assessed by joint evaluation.

(ii) **Agricultural Property**

(a) any owner of agricultural property who considers or finds himself unable to arrange transfer of it, by sale, exchange or otherwise, by private means may apply to the Government of his Dominion requesting disposal through official agency.

(b) The two Dominions will set up a joint agency which will draw up a schedule of prices for agricultural property in both Dominions with reference to, firstly classification of different types of land such as homestead, chahi, nahri, barani, banjar, etc. and secondly with reference to territorial divisions which may be districts, sub – divisions, tahsils or in any particular case other convenient territorial division.

(c) When the schedule of prices has been decided upon by the joint agency, all agricultural property in respect of which transfer through official channels has been applied for. Will be valued and assessed with reference to such schedule. The particulars of holdings and rights therein will be determined from the preparation of village record.

(d) Each Dominion undertakes to take over at the value assessed in the above manner all agricultural property lying in its territory and to make payment to the other Dominion of the said assessed value, the Dominion concerned will be free to dispose of it in any manner it chooses and any profit or loss arising there from will not concern the other Dominion.

(e) Each Dominion, after taking over agricultural property in its territory in accordance with above will arrange to pay to evacuee owners for
their territory the assessed value of their holdings in the other Dominion. Such payment may be by way of allotment of land or in cash or both.

(7) It is agreed that the basis for valuations as also for fixation of rentals will be “fair-value”.

(8) It is agreed that no restrictions will be placed by either Dominion on remittances of sale proceeds of property or of cash differences in value in cases of exchanges of property.

(9) It is recognized that in respect of the Dominion to Dominion liability arising out of the taking over by each Dominion of agricultural property jointly valued, the Dominion owing a net amount after evaluation and adjustment may require time for payment. The period and method of payment may be determined by a further agreement between the Dominions after the amount payable have been estimated or determined.

**Moveable Property.**

It was agreed that the right of ownership of any moveable’s continues to vest in the owner and that the owner should be given the right either to remove them or to dispose of them himself or to receive reasonable compensation therefor subject to the following:

(a) Moveables required by Government for Governmental purposes *i.e.* in respect of administration: the acquiring authority will acquire from the Custodian on payment of fair value.

(b) Moveables required by the rehabilitation authorities for purposes of rehabilitation of refugees may be acquired from the Custodian on payment of fair value.

(c) Moveables of a commercial or industrial undertaking where the owner at any time before disposal of such moveables applies to the Custodian for return of the undertaking to him for the purpose of his running it at its original site, may be restored to the owner by the Custodian on such conditions as he thinks fit. This permission may or may not include the permission to operate through agents.

(d) Moveables not comprised in (a), (b) and (c) above which nonetheless considered essential to the life of the community and cannot, therefore, be allowed to go outside the Dominion – In this category will fall those moveable’s the export of which has been prohibited by a prohibitory order by the Dominion or the Provincial Government. In such cases on application from the owner the Custodian will allow the owner to make his own arrangements for the disposal of the moveables within the Dominion.
(e) As regards the balance the owner will be given the right and full facilities to deal with or dispose of as he thinks fit including permission to remove outside the Dominion.

(2) Para. II (i) is subject to any agreements subsisting or to be made between the Dominions with regard either to export or import of articles or on other matter affecting moveables.

(3) In respect of moveables comprised in commercial or industrial undertakings the following facilities will be given to owners in respect of inventories and valuation:

(a) Within a period of one month of a date to be prescribed for the purposes, the owner may apply to the Custodian informing him that he will either appear personally or through a specified agent for the purpose of being present at the time of preparation of inventories or for being heard with regard to valuation of the moveables by the Custodian. During this period of one month no action to the prejudice of the owner will be taken.

(b) Each Dominion may appoint Liaison Officers at such places as it may desire for the purpose of assisting evacuees who have moved to that Dominion in regard to preparation of inventories and valuation. It shall be open to the owner to appoint such Liaison Officer as his agent.

(c) In regard to any undertaking in respect of which the owner has signified his desire to appear personally or be represented by his agent, the Custodian will arrange that freedom and facilities are given to the owner or his agent to be present at the time of preparation of inventories and at the time when the valuation is decided by the Custodian.

(d) Where the orders passed by any officer under the Custodian require confirmation by the Custodian, the owner or his agent shall be given an opportunity to be heard by the Custodian before the order confirming or varying valuation is passed.

(e) Where an order of valuation has been passed by an authority subordinate to the Custodian himself, and the order does not require confirmation by the Custodian, the owner shall have the right to appeal to the Custodian.

(4) (a) With regard to household effects, under the subsisting agreement between the Dominions the evacuee has a right to remove all his
household effects. This right when exercised in relation to household effects in the meantime allotted to or taken possession of by a refugee tends to create a condition of insecurity for the refugee and hinders rehabilitation. Therefore, it is proposed that a list be drawn of articles of household goods which are required for rehabilitation and which the Rehabilitation department may ask the Custodian to retain for use of the refugee on full compensation in cash being paid. This cash value will be payable to the evacuee and he will be allowed to remove outside the Dominions.

(b) It is agreed that in regard to the household effects owners on both sides should be expected to remove them as early as possible and should be required to do so within three months from the date of operation of arrangements to be made in that behalf. It was agreed that arrangements facilitating the removal of such goods should be made by the two Dominions.

(c) The household goods belonging to evacuees which, are not removed by the evacuee by the end of the said three months may be disposed of by the Custodian to the best advantage and the money credited to the account of the evacuee.

(5) Moveables which are known to be property of evacuees but which are not identifiable to particular evacuees will be sold by the Custodian to the best advantage and the amount kept under a separate account. The disposal of such monies will be discussed by the Dominions at a subsequent date.

(6) The above principles will generally apply to moveable property. It is recognized that special categories or special articles will require special treatment, and each Dominion agrees at the suggestion of the other Dominion, to hold discussions to consider the establishment of special arrangements with regard to particular commodities or categories of articles.

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RESOLUTION

The Conference considered the joint plan regarding treatment of property left behind by evacuees, produced by the Sub–Committee consisting of:

(1) Mr. Justice A. Rehman, Custodian of Evacuee Property, West Punjab,
(2) Mr. Mueen–ud–din, Commissioner of Rehabilitation, West Punjab,
(3) Mr. Y.K. Puri, Deputy Secretary, Ministry Without Portfolio,
(4) Mr. K.B. Lall, Deputy Secretary, Partition Office.
EVACUEE PROPERTY

It was agreed that this paper be considered by Government on both sides and each Dominion furnish its own scheme for treatment of property both moveable and immovable to a Joint Committee not later than 5th January 1948.

It was further agreed that the Joint Committee should report on the two schemes not later than the 12th January. This would probably give one week to the two Dominions to consider the report of the Joint Committee before the Inter – Dominion Ministers Conference which should meet as soon as possible after the 20th of January.

The Conference felt that the membership of the Joint Committee may well be increased. The consensus of opinion was that the membership should not exceed eight i.e., four representatives from each Dominion.

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INTERIM ARRANGEMENTS REGARDING PROPERTY

(1) Sec. 4(3) (b) of the West Punjab Ordinance No. VII of 1947 will not be brought into operation until final decision in an Inter – Dominion agreements have been reached.

(2) Sec. 5(2). The intention is that the Custodian will scrutinize the terms and conditions in arrangements made by the Rehabilitation Authorities and revise them where necessary with a view to bring them into conformity with the principles now agreed upon.

(3) Sec. 9. A press note is to be issued to the effect that in regard to Sec. 9 of the W.P. Ordinance VII of 1947, the question of permitting transfers etc. is under discussion between the two Dominions and it is the intention of the Government of Pakistan that until the conclusion of such discussions, no action will be taken under the provisions of this section to the prejudice of parties to the transfer of persons claiming under such transfers of property or rights. But such persons should nonetheless within the prescribed period apply to the Custodian for registration of such transfers.

(4) Sec. 12(d) (ii). In the interim period action under this clause will not be taken and applications made will be kept pending.

(5) Sec. 12 (e). It was explained by the Custodian that it was not intended to make refugees a charge on evacuee property. Mr. Puri suggested that in order to avoid mixing up funds held for evacuees and funds disbursed for rehabilitation purposes the normal procedure of separate account heads
for the two items – one of receipts and other of expenditure – should be adopted. Mr. Rehman and Mr. Mueen–ud–din promised to examine the matter.

(6) Sec. 12 (i). Refer to Note under Sec. 4(3) (b).

(7) In the interim period, action regarding sales, allotments etc., of moveable’s forming part of commercial or industrial undertakings will be suspended, except in regard to essential industries and businesses. A list of such essential industries and business will be supplied by each Government immediately. Instructions will be issued that in regard to such a clear week’s notice will be given in certain predetermined papers. The Rehabilitation Department will not proceed to allot or make inventories till the week’s notice has expired. Owners will in the interim period enjoy the right of representation at the time of making inventories and valuations.

INTERIM ARRANGEMENTS REGARDING PROPERTY

The Conference considered the question of interim arrangements to be made regarding property until a long term settlement could be reached. The paper produced by the Sub–Committee ‘Interim arrangements regarding property’ was adopted with the following modification:

In paragraph 3 pertaining to Section 9 of West Punjab Ordinance No. VII of 1947 the clause ‘No action will be taken under the provisions of this Section to the prejudice of persons claiming under such transfer of property rights’ was amended to read ‘No action will be taken under the provisions of this Section to the prejudice of parties to the transaction or of persons claiming under them’.

In regard to paragraph 7, the Commissioner of Rehabilitation, West Punjab explained that the list of essential industries and businesses may not be quite small because the procedure contemplated in paragraph 7 and the procedure contemplated in regard to the long term settlement would mean that the process of rehabilitation would probably be held up for quite two months; which in his opinion, would be unfortunate. The representatives of India pointed out that the procedure contemplated under paragraph 7 was intended to make immediate satisfactory arrangements for the interim period which period it was hoped would be a short one, and therefore pressed that the lists of essential industries and businesses should be kept down to the minimum. After some discussion it was agreed that the lists would be made as short as possible.

The Pakistan representatives agreed that action contemplated in various paragraphs of this paper would be taken immediately.

The Government of India representatives drew attention of the Pakistan Government representatives to Ordinance No. IV of 1947 issued by the Governor
General of Pakistan from Karachi on 10th December 1947 in regard to registration of documents pertaining to transfer of property. It was pointed out that the effect of this Ordinance was, practically, to stop all transfer of property and that this Ordinance operated very harshly against such non-Moslems as may be wishing to liquidate their properties in order to come over to India. The Pakistan representatives said that they had not been briefed on this point and that therefore they would like to receive a memorandum so that the matter may be examined on their side. It was agreed that this paragraph would be treated as the memorandum of India on the subject. The Pakistan Representative agreed to have the matter examined quickly and to send a reply as soon as possible.

**ITEM III – TREATMENT OF PROPERTY LEFT BEHIND BY EVACUEES**

The Pakistan representatives suggested that the scope of agreements pertaining to the West Punjab and North-West Frontier Provinces on the one side and the East Punjab Province on the other regarding evacuee property and other connected matters, should be extended to State within East Punjab Province which have acceded to the Indian Union, and the States of Bharatpur and Alwar. The representatives of India thought that this request was reasonable and agreed to have the matter brought to the notice of Ministry of States, India. The representatives of India expressed the hope that there would be full reciprocity in this matter in regard to Bahawalpur, Khairpur and other States which had acceded to the Dominion of Pakistan.

**ITEM IV – SAVING BANK DEPOSITS, POSTAL CASH CERTIFICATES AND OTHER CERTIFICATES, e.g., NATIONAL SAVINGS**

(a)(1) In regard to Post Office Saving Bank Accounts it is recognized that there are two categories:

(i) Where the pass-books are available;
(ii) Where the pass-books have been lost or misplaced.

In regard to (i) it is understood that the Director – General, Posts and Telegraphs, Pakistan has been in correspondence with his opposite number in India and that a satisfactory procedure had been devised. It is agreed that the proper procedure should be for persons resident in Pakistan to hand over pass – books at Pakistani Post Offices and that the D.G., Posts and Telegraphs, Pakistan, should consolidate such cases and forward a list to the D.G., P. & T., in India who would arrange transfer of accounts without insisting on production of pass – books or on verification of signatures.
As to (ii), where pass—books have been lost or misplaced, persons resident in either Dominion should apply to the D.G., P. & T. concerned giving particulars of post offices where they had savings bank accounts. Consolidated lists of such cases could be exchanged between the D.Gs. of the two Dominions, who would make the necessary investigations and have the accounts transferred. Once the accounts have been transferred, the responsibility of a particular Dominion towards the depositor will cease. The two D.Gs. should clear legal and procedural difficulties between themselves.

(2) It is agreed that the same procedure will apply to Post Office Five Year Cash Certificates, Defence Savings Certificates and National Savings Certificates.

It is agreed that consolidated lists on both these items, separately, should be exchanged by the two D.Gs. at regular intervals weekly or fortnightly. This is a matter for the two D.Gs. to arrange between themselves.

(b) Deposits with Co-operative Societies, Central Co-Operative Banks, Unions etc.—The Conference is of opinion that the question of Deposits with these various Societies, Banks and Unions and of loans owing to these concerns is a complicated matter. It is, therefore, agreed that the Registrars of Co-operative Societies, East and West Punjab, should discuss the matter and submit joint recommendations to their own Governments as soon as possible. The Conference trusts that the two Registrars will make joint recommendations not later than the 29th January, 1948.

ITEM V – PENSIONS

It is agreed that all Provincial Governments in either Dominion should take definite measures to facilitate transfer of pension papers with the least possible delay. It is further agreed that all complaints of pensioners in either Dominion should be made to the Auditor General of the Dominion in which the pensioner is now residing and all such complaints will be cleared between the two Auditors General. Pending transfer of pension papers the Conference agrees to accept the suggestion made in Pakistan’s Memorandum on this item. The agreement is as follows:

(1) When a pensioner presents his half of the Pension Payment Order, the A.G. concerned will, after obtaining the following documents authorize a Treasury Officer or Post Master to make provisional payment:

(a) A certificate from a Magistrate or a Gazetted Officer certifying the pensioner’s identity.
(b) An Indemnity bond from the pensioner, with two sureties who should either be permanent Government servants or persons certified to be solvent by an Officer not below the rank of Tehsildar, agreeing to refund any amount wrongly paid.

(2) Such payment should be authorized for pensions due for the period ending 31st March, 1948.'

(3) In regard to pensioners who have lost their halves of the Pension Payment Order, the Conference agrees that following procedure be observed until the Treasury half of the Pension Order can be transferred from one Dominion to the other. It is understood that on receipt of the treasury part of the Pension Payment Order the A.G. concerned will issue a fresh Order. Meanwhile pensions should be paid for the period ending 31st March, 1948 on production of the following:

(a) Certificate from a Magistrate or a Gazetted Officer certifying the pensioner's identity;

(b) An Indemnity bond from the pensioner with two sureties, who should either be permanent Government servants or persons certified to be solvent by an Officer not below the rank of Tehsildar, agreeing to refund any amount wrongly paid;

(c) Other corroborative evidence to show that he was in fact a pensioner and the Department and office from which he retired;

(d) A declaration stating the amount of his monthly pension, the month up to which he had received payment and the name of the Treasury or Post Office from which he received payment;

(e) The number of Pension Payment Order, if possible.

(4) Under this procedure, pensions will be payable for the months of August 1947 to March 1948 inclusive.

(5) In order that fresh permanent Payment Orders may be issued, the Auditors General of the two Dominions will collect all cases in which P.P.Os. have been lost by persons now resident in their territories and refer such lists to each other so that Treasury Halves of the P.P.Os. may be quickly transferred.

(6) The Procedure agreed upon above will apply to all Provinces of either Dominion.
ITEM No. VII – REMOVAL OF ASSETS OF TRUSTS, EDUCATIONAL, CULTURAL, AND RELIGIOUS INSTITUTIONS

(1) The assets of the institutions concerned may be divided into two categories – (a) Moveable and (b) Immoveable.

(2) In regard to Moveable assets, it is agreed that on application being presented to the Custodian of Evacuee Property, West Punjab a quick decision shall be made in regard to equipment etc. which the Provincial Government wish to retain for their own purposes. In regard to the rest of the assets, the Custodian will grant a permit authorizing removal by the party concerned. In making the decision for retention of a part of the Moveable assets, due regard will be paid to mutual needs of equipment, furniture, fittings, etc. Above all special consideration will be given to articles to which the institution attaches special cultural, sentimental, or religious importance and as far as possible such articles will be released.

(3) In regard to immoveable assets India requested that this category of property be taken up for special consideration apart from the general case of treatment of immoveable property of non-Muslim evacuees and proposed that the Pakistani Government and Provincial Governments concerned consider the question of taking a quick decision in regard to acquisition of such property or its release so that the trustees or managers could liquidate it otherwise. The Pakistani representatives said that as India’s original memorandum did not raise this issue, there had been no occasion to consult the Governments concerned but agreed to put up India’s suggestion and communicate a decision at an early date.

(4) In regard to Nankana Sahib, at the request of Pakistani representatives, the representatives of India agreed to furnish a detailed memorandum. The Pakistani representatives agreed that they would endeavour to obtain a decision on the case before the Ministers’ meeting sometime in January. The Pakistani representatives raised the question of Qadian and, while India’s representatives maintained that the case of Qadian was not quite comparable to the case of Nankana Sahib, they agreed that if a memorandum containing definite suggestions regarding Qadian was furnished, a decision would be obtained and communicated as soon as possible.


(a) The statement of fact made in the Pakistani Dominion Memorandum was noted and the East Punjab representatives agree to make necessary
enquiries and take up the matter directly with the West Punjab Government.

(b) The Finance Secretary, East Punjab Government, stated that the rules which are now under consideration by the East Punjab cabinet will be shortly forwarded to the West Punjab Government. It is understood that whatever rules are mutually agreed upon, will be implemented in due course by both sides.

(Note 1). – The Conference agreed that the Dominion Governments should recommend to their Provincial Governments that the arrangements made in respect of Government servants in this paragraph should apply to similar cases in their territories.

(Note 2). – The Conference agreed that the Dominion Governments themselves should sympathetically consider cases of Government servants who were killed or injured in similar circumstances between the 1st and the 15th of August 1947.

(c) The East Punjab representatives have taken note of the comments in the Pakistani Memorandum.

(d) The matter has been settled.

(e) This is covered by the agreement on pensions.

ITEM IX – EXCHANGE OF UNDER – TRIAL PRISONERS

The Pakistani representatives furnished copies of West Punjab Notification No. 507 – Legislative, dated the 15th December 1947, which promulgates West Punjab Ordinance No. VIII of 1947.

(2) In regard to Part II which covers transfer of persons in custody between the Provinces of West and East Punjab, it was agreed that the Home Secretaries of the two Governments should work out the mechanics. It was felt that the most convenient practice would be for the persons in custody to be collected at convenient centers from which they could be cleared. On the request of the representatives of India regarding clarification of the definition of ‘Hindu’ in Section 19 (c) the Pakistani representatives stated that the word includes members of the scheduled castes.

The representatives of India requested that the same arrangement may well be extended to the N.W.F.P. The Pakistani representatives promised to consider the request and give a reply at an early date.

(3) With regard to Part III of the Ordinance and the schedule under Section 19 pertaining to Pakistani employees of all Provinces of the Dominion of
India and of States that have acceded to the Dominion of India and Moslem prisoners in the States of Alwar, Bharatpur and the States previously known as the Punjab States excluding Malerkotla, Bahawalpur and Khairpur, the representatives of India pointed out that the Government of India could not at this stage speak for the various Provinces and States, and at the request of the Pakistani representatives agreed that the Government of India will ascertain the views of the Provinces and States concerned in this matter. It was suggested that this matter would obviously have to be discussed and decided at a level higher than that of the present Conference and it was proposed that this matter should be placed on the Agenda of the Inter – Dominion Ministers’ Conference to be held in January 1948.

ITEM XI – FACILITIES FOR REMOVAL OF RECORDS AND EQUIPMENT BY EAST PUNJAB GOVERNMENT

(a) It was agreed that East and West Punjab Provinces should respectively nominate an officer who can clear outstanding matters between themselves.

(b) The Dominion Governments will likewise appoint officers to investigate the present position and have necessary records, etc., transferred to Pakistan.

Item No. 1 of the Supplementary Agenda. – Companies (other than Insurance Companies and Banks) incorporated under the Indian Companies Act.

With regard to Companies (other than Insurance Companies and Banks) incorporated under the Indian Companies Act, the Dominion representatives agree to recommend to their respective Governments, the modification by Ordinance of the provisions of Section 76 and 131 of the Indian Companies Act to enable the Companies incorporated under the Act, which had their registered offices in their territories, but whose management has been mainly in the hands of persons who have now left those territories, to compile their accounts, file their balance sheets and profit and loss accounts and convene their General Body meeting up to 31st March 1948 or within a period of six months from the termination of the period permissible to each such company under the Act, whichever is later.

(2) A draft of the Ordinance to be issued is attached for consideration by each Dominion Government.

(VIDE SUPPLEMENTARY ITEM I)

AN ORDINANCE further to amend the Indian Companies Act, 1913.
WHEREAS an emergency has arisen which makes it necessary further to amend the Indian Companies Act 1913 (VII of 1913), for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by Section 42 of the Government of India Act, 1935 (26 Geo. 5f, c.2), as adapted by the Pakistan/India (Provisional Constitution) Order, 1947, the Governor – General is pleased to make and promulgate the following ordinance:

1. Short title and commencement.

(1) This Ordinance may be called the Indian Companies (Amendment) Ordinance, 1947.

(2) It shall come into force at once.

2. Amendment of Section 76, Act VII of 1913. To subsection (1) of Section 76 of the Indian Companies Act, 1913, the following proviso shall be added, namely:

‘Provided that, in the case of a company whose directors, or the majority of whose directors, have during the year 1947 left for places in India/Pakistan on account of civil disturbances or the fear of such disturbances, the period shall be deemed to have been extended by six months or up to the 31st day of March, 1948, whichever is later.’

4. Effect of expiry of Ordinance. On the expiry of this Ordinance, Section 6 of the General Clauses Act, 1897 (X of 1897), shall apply as if this Ordinance were an enactment then repealed by a Central Act.

ITEM IV OF THE SUPPLEMENTARY AGENDA

Taxation of all property to be paid by Custodian of Evacuee Property in respect of properties left behind in Pakistan.

The representatives of India put forward the following proposals:

(1) That all tax demands against evacuees which remain unsatisfied should be paid by the Custodian of Evacuee Property, either from the income of the property of the evacuee or, if there is no income, from his pool, provided that the total charge so raised does not exceed 50 per cent of the Custodian’s own evaluation of that property. It is suggested that if this proposal were accepted the Custodian would be amply covered for the charge so raised against the property. The Pakistani representatives agreed that their request was not unreasonable and that they would be prepared to recommend it to their Government.
(2) The representatives of India also proposed that the provision in the Income Tax Act for the levy of penalty in the event of an assessed tax not being paid should be waived up to the end of the year 1948 in the case of non-Moslem evacuees.

SUPPLEMENTARY ITEM No. IX – UNPAID BILLS OF CONTRACTORS

The Finance Secretary East Punjab explained that an agreement had already been reached between the Governments of East and West Punjab and a satisfactory procedure devised. A claimant puts in a claim in duplicate to the Chief Secretary of the Province where he is resident. The Chief Secretary forwards one copy of the claim to his opposite number who after having the necessary verification made replies whether payment may be made. Action is then taken accordingly. The principle is clear that authority to pay the claim must be given by the Government in whose territory the service or supply in respect of which the claim arises, was rendered or made. The Conference agrees that this principle and practice are satisfactory and should be extended to all Provinces of either Dominion. In all Provinces the Officer to whom correspondence should be addressed is the Chief Secretary, unless the Provincial Government nominates someone else.

ITEM No. XI – SUPPLEMENTARY – TREATMENT OF NON-MOSLEMS IN WEST PUNJAB AND N.W.F.P.

It was agreed that item XI should not be discussed in detail. But it was recognized on both sides that if there were any individual cases of maltreatment and they are brought to notice, suitable action will be taken.

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1. Recovery of Abducted Women.

(1) The working of the agreement of the 6th December 1947 on the recovery of abducted women was reviewed. It was agreed that results had fallen short of expectations. India claimed that this was due to the limited role assigned to the troops in the recovery work and pressed that, under the agreement, the recovery parties visiting the villages should also include troops of both the Dominions. Pakistan did not agree with this interpretation of the agreement and in fact considered that the hostile feeling engendered in villages of one Dominion by the visit of troops of the other Dominion, militated against success in recovery. In their view, troops of one Dominion were, under the agreement, to be employed only as guards on transit camps and for escort duty. The difference of opinion remained unresolved.

(2) In Pakistan's view it was not therefore possible in any circumstances to permit troops of one Dominion to form part of village recovery parties in the other Dominion; they would however continue the present arrangements for recovering abducted women, namely recovery parties consisting of Police, social workers and D.L.Os. of the two Dominions. The function of the troops would, as at present, be confined to guarding Transit Camps to which recovered women are brought and to escorting parties of recovered women from one Dominion to the other or from one camp to another.

(3) A the suggestion of the Inspector – General of Police, West Punjab, it was agreed between the two Dominion that the Police Officers of West Punjab deputed for recovery work will nominate as colleagues for operations in East Punjab those officers of the East Punjab Police who in their opinion will be most effective for this type of work. A similar right or nomination of West Punjab Police officers will be accorded to the East Punjab Police officers deputed for recovery work in West Punjab of abducted women will be nominated by the Inspector General of Police, East Punjab, and vice versa. It was agreed that this arrangement for selection of Police staff in East Punjab and West Punjab would not apply to States.

(4) Pakistan pressed that it was high time that the East Punjab States and the States of Alwar and Bharatpur should arrange to set up an organization for the recovery of women on the same lines as had been working in East Punjab and should agree to receive detachments of Pakistan troops (for guard and escort duty) accompanied by Pakistani Police parties,
Liaison Officers and social workers. Transit camps should be set up, though the location of each camp will be left to the States’ discretion. If for any reason it was not possible to do so, Pakistan felt that they had no alternative but to withdraw all troops from East Punjab and to ask that all Indian troops should be withdrawn forthwith from Pakistani territory. Pakistan added that the States that had acceded to Pakistan would adopt the arrangements now in force in the districts of West Punjab.

(5) India said that they would consult their States immediately and send a reply on this point but pointed out that as already intimated, the Pakistani troops going into the States would be under the command of the Commander of the State forces and that the Police parties would work under the direction of the Inspector – General of Police of the States concerned.

(6) In Pakistan’s opinion further consultation with Indian States was unnecessary as their assent had been obtained and communicated in the Prime Minister of India’s telegram No. 947, dated the 8th March 1948. India could not accept the view that the proposition put forward in that telegram was the same as the arrangement now proposed. Therefore, consultation with Indian States was essential, but every effort would be made to get an immediate decision.

(7) Pakistan felt that the stage had been reached when troops could be gradually withdrawn from this work and said that they had decided in any case that no more Pakistan troops should operate with the M.E.O. in the districts of East Punjab after 31st March, all being withdrawn on 1st April, and in the States of East Punjab, after 15th April, all being withdrawn on 16th April. The reason for the later withdrawal from the States was that the work had been started there at a much later date. The corollary of this decision would be that no Indian troops should remain in Western Pakistan after the 16th April. Pakistan also intended to limit their troops employed for this purpose in the States to 2 companies, and asked that the strength of the Indian troops should be reduced proportionately.

(8) Pakistan made it clear that even after the withdrawal of the troops, the work of recovery of abducted women and clearance of pockets would continue through joint parties of police, liaison officer and social workers. The M.E.O. Headquarters would continue for liaison work but would have no troops under its control. The troops of the Dominion in which the recovery work and clearance of pockets was to be continued would replace the troops withdrawn by the other Dominion.

(9) India considered that for inspiring confidence among the women to be recovered and converted persons to be evacuated, it was desirable to
retain the present arrangements whereby the troops of the Dominion to which the persons belonged participated in this work. They were, therefore, of opinion that the proposed withdrawal dates were premature and would adversely affect the work of recovery. Pakistan said that these dates were final; India took note of this statement.

(10) It was agreed as under

(a) Civil road transport (together with drivers) required for actual recovery operations in West Punjab will be furnished by the East Punjab Government and vice versa. Those vehicles will be provided on payment with petrol, etc., by the Dominion in which they operate.

(b) For movement from district to district or from one Dominion to another civil or military transport may be employed as convenient.

(c) In no case will customs duty be charged by either Dominion in respect of vehicles used for rescue, district liaison or other evacuation work. In order to avoid disputes such vehicles will be specially listed and the drivers will be furnished with special permits.

(d) Existing arrangements will continue until the new arrangements be implemented.

(11) The Conference considered the question of recovered women who are unwilling to be restored to their people in the other Dominion. It was agreed that special camps should be established for such women, one in West Punjab and one in East Punjab. Non-Moslem women recovered in Pakistan who are unwilling to be transferred to India will be taken to the special camp in East Punjab. Similarly Muslim women recovered in India will be taken to the special West Punjab Camp. After a period not exceeding a fortnight the wishes of these recovered women will be ascertained by social workers of both Dominions acting jointly and action will be taken in accordance with their wishes. Pakistan urged that such camps should be managed by a neutral organization. India agreed to the scheme except to management of the camps by a neutral organization. Pakistan attached considerable importance to this and intimated that they would pursue the matter further, but meanwhile agreed to the special camp being set up in India in the manner desired by India.

(12) It was agreed that any dispute as to whether a woman or child was abducted or forcibly converted before or after 1\st March 1947 shall be determined by joint enquiry held in Lahore or Jullundur, as the case may be, by the two senior most police officers of the special recovery staff of the two Dominions.
(13) It was felt that the decision now taken would improve the present arrangements for recovery. It was realized that the basis of all efforts so far made for recovering abducted women had been voluntary in character. Both Governments agreed that if despite the improvements in arrangements effected by the decision recorded above quicker and better results were not achieved, stern legislation might have to be enacted to deal with offenders.

2. Exchange of Prisoners.

(14) India pointed out that the delay in implementing the agreement reached in the December 18th – 20th, 1947 Conference at Delhi and later rectified by both Governments was due only to Pakistan having informed India of their inability to implement the agreement because of a legal defect in the West Punjab Legislation. Pakistan had been advised that central legislation was essential. The Pakistani representatives stated that a Central Ordinance was under issue and that the text when received, would at once be communicated to India; it was hoped to implement exchange on the basis of that Ordinance, provided that agreement was reached in respect of Delhi Province, as to which Pakistan awaited a reply to their proposal that exchange of prisoners from Delhi Province should be limited to persons under trial or convicted on or after 15th August 1947, and to their request for information as to the number of prisoners in each State and in Delhi Province. India suggested immediate start of exchange of prisoners between East and West Punjab, as agreed in December last; Pakistan did not agree in the absence of a reply to their proposal about Delhi. India said that the Delhi question was under consideration and enquired whether Sind prisoners would be transferable under the Pakistan Ordinance. The Pakistani reply was that this, if desired, was unlikely to present any difficulty as it would be possible to extend the Ordinance to Sind.

(15) Both Dominions desired that actual exchange of prisoners should start in the near future. Meanwhile it was agreed that the Provincial and State Governments concerned should issue instructions to ensure that the prisoners affected should be given adequate food and clothing and proper treatment.

3. Evacuation of Moslem ex–Servicemen from Patiala State.

(16) Pakistan pressed for early decision as to the evacuation of discharged Muslim soldiers of the Patiala State Forces and their families. India agreed to use their good offices to secure that these persons should be removed from Patiala State at a very early date and given the option of
staying in India or going to Pakistan. The Hon’ble Mr. Neogy assured the Hon’ble Raja Ghazanfar Ali Khan that he would have this matter treated as one of the top priority.

4. Joint Enquiry into Incidents.

(17) Certain Instances were discussed in which one Dominion was dissatisfied with finding of fact by the other Dominion on complaints arising out of incidents involving hardship and injustice to individuals. It was agreed that in future, wherever possible, such matters could best be resolved by speedy joint enquiry. The Dominion in whose territory the cause of action had arisen would hold an enquiry and request the other Dominion to nominate a representative to assist in the enquiry. It was agreed that drastic and exemplary action must be taken against offenders, particularly those guilty of offences against women.

5. Possible effect of currency and exchange regulations, etc., on transfer of evacuee property.

(18) India suggested that an assurance should be given by both Dominions that no legislative or administrative action would be taken to prejudice transfer of property or proceeds of the property of evacuees from one Dominion to the other; this was particularly necessary in view of possible developments in regard to currency exchange and restriction of movement of precious metals.

(19) The Minister for Refugees, Pakistan, expressed his inability to deal with this matter, but promised to refer it for urgent consideration to the Finance Minister of Pakistan.

(20) India requested that a very early decision should be taken on this matter, if possible within a week or so.

6. Vaults and Safe Deposits with Banks.

(21) India pointed out that in previous discussion emphasis had been laid on clearing the vaults and deposits in Lahore in Pakistan, and in Delhi, Jullundur and Amritsar in India. It was suggested that arrangements should be made by Lahore Banks with their outlying branches in Pakistan for the contents of local vaults and safe deposits belonging to non-Moslems now resident in India to be transferred to Lahore, Similar arrangements should be made on the other side at Jullundur, Delhi or any other convenient place.

(22) Secondly India suggested that instead of all individual evacuees having to come to Lahore, Pakistan should agree to hand over safe deposits
and contents of vaults to an India governmental agency holding powers of attorney from evacuee depositors in India. Individuals would still be free to come themselves if they did not wish to use this agency. India assured Pakistan of complete reciprocity. Both Dominions accepted these suggestions. Pakistan suggested that Indian States should be brought within the scope of the proposed arrangement. India agreed to advise the India States to accept this arrangement and promised to use their good offices to secure their early consent.

(23) India pointed out that there were over 4,000 lockers and safe deposits still to be cleared in West Punjab and pressed that the numbers of permits to be granted should be substantially increased to a minimum of 250 permits per day. The Minister for Refugees, Pakistan, was of the opinion that this was not practicable, but promised to use his good offices with the Custodian to increase substantially the number of permits to be granted. Pakistan requested that permits be issued freely by the East Punjab Custodian, and India agreed that results in West Punjab in regard to the two suggestion made would be influenced by the measure of reciprocity in East Punjab. The Chief Secretary, East Punjab Government, stated that he undertook to secure that no application were left unattended to and that every application for a permit would be promptly dealt with.

7. Restoration of licensed arms.

(24) It was agreed that licensed arms of evacuees held by each Dominion will be restored to licensees on their application, or to such governmental agencies as the other Dominion may appoint.

(25) For the purpose of this agreement every license that was valid on 14th August, 1947 shall be deemed to be still valid.

(26) Pakistan suggested that this agreement should be applied to States also, and both Dominions agreed to use their good offices to secure the consent of their States.

8. Personal belongings of evacuees seized during Evacuation, for which receipts have been given.

(27) It was agreed that such property should be restored by both Dominions on presentation of the receipts. Property may be claimed by individual owners or by a Government agency on production of receipts issued by Government officials. Where personal belongings cannot be restored in conformity with any inter – Dominion Agreement, compensation will be paid for them directly to the owners or to the Government agency acting on their behalf.
Both Dominions agreed to use their good offices to secure the consent of their States to similar arrangements.


The Conference considered the Joint report of Mr. K.J.Headington (Pakistan) and Mr. Sachdeva (India), embodying Mr. Headington’s note regarding transfer of Government Securities between the two Dominions dated the 9th March, 1948, and their joint addendum to the note in substitution for its original final paragraph (see Appendix A).

Both Dominions accepted the proposals contained therein and agreed to implement them with immediate effect. They also agreed to use their good offices to secure the consent of their States to similar arrangements.

10. Funds of Co-operative Societies etc.

The Registrars of Co-operative Societies West and East Punjab, presented their joint report in pursuance of the decision IV (b) of the Delhi Inter-Dominion Conference of December 19 – 20, 1947, endorsed also by Mr. Headington (Pakistan), Mr. M. R. Sachdeva (India) and Mr. P.K. Kaul (India) (See Appendix B).

The Conference approved the recommendations made in the joint report, subject to the concurrence of the Government of West Punjab; the concurrence of the Government of East Punjab was conveyed to the Conference by the Chief Secretary (Mr. Sachdeva).

11. Treatment of Property as abandoned which has never been abandoned.

It was agreed that such cases in Pakistan should be brought to the notice of the Refugees Ministry of Pakistan by the High Commissioner. The Refugees Minister of Pakistan stated that he would take up these cases personally and see that immediate orders were issued. India agreed to take similar action.

12. Miscellaneous.

The questions of transfer of securities and other assets of the Trusts etc., and the restoration of property to evacuees who wish to return to their homes were postponed for consideration by the Inter-Dominions Sub-committee which is to meet on the 22nd March.

The agreed Press Statement signed by both Ministers and released after the Conference is appended (Appendix C).

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APPENDIX A
(See para. 29 of the Minutes)

Note Regarding Transfer of Government Securities between the Two Dominions

The ownership of Government securities and Provincial loans can, in the majority of cases, be ascertained from a scrutiny of the endorsements on the reverse of the notes, and I am of an opinion that a large proportion of such securities held by Banks can be released without endangering the rights of the proper owner who might have pledged his securities to some other person. The transfer of Government securities between the two Dominions has been withheld to ensure that the interests of nationals of both Dominions are fully protected but as a result much inconvenience has been caused to the rightful owners of such securities due to this ban, and the matter has now become of great urgency by reason of the fact that, after the 31st March, 1948, restrictions will be placed by each Dominion on the enfacement of such securities for the payment of interest at treasuries in the other Dominion.

(2) The following classes of Government securities and Provincial loans could, in my opinion, be released at once:

(a) **Clean Government Securities** (i.e. securities which bear no endorsements on the reverse) – Government securities falling in the above category usually stand in the name of the holding bank to facilitate the collection of interest and the question of a pledge does not, therefore, arise. Even where such securities stand in the name of an individual, there can also be no question of a pledge in the absence of an endorsement on the reverse. Such Government securities, could, therefore, be released at once.

(b) **Government Securities bearing a last endorsement from a recognized firm of brokers in favour of the holding bank or an individual.** – Government Securities falling under the above category have obviously been purchased through a firm of brokers and represent a genuine purchase in the open market. The question of a pledge cannot arise in such cases, as it is obvious that the selling broker has endorsed the securities to the genuine buyer. These securities could, therefore, be released at once.

(c) **Government securities held by a Branch of a Bank on behalf of another Branch of the same bank**: - Government securities falling under the above category have been transferred from one Branch of a bank to another Branch to facilitate the collection of interest as, for example, in the case of Punjab Government Loans, a large
number of which are held in the West Punjab. There can be no question of a pledge in such cases, as the last endorsement has been made by one Branch of the Bank in favour of another. These securities should, therefore, be released at once.

(3) There remains for consideration those securities which have been endorsed by one individual to another individual, and it is in such cases that doubt regarding the actual ownership has been established after a reference to the Custodian.

(4) To summaries my proposals, I would recommend that, as regards securities, including Provincial Loans, in the first three categories mentioned above, banks should be allowed to transfer them in the ordinary course of business, if necessary, under the supervision of a Government official. As regards those securities endorsed by one individual to another, these should not be transferred but should be set aside pending receipt of further instructions from the Custodian.

After securities in the first three categories have been released, lists of those securities which have not been transferred should be prepared by the Banks and submitted to the Custodian for his scrutiny and further orders. Such securities should from a very small portion of the whole, and my proposals, if approved, will relieve the Custodian of a great deal of work which would arise if he is called upon to examine all securities now in the possession of Banks.

Suitable instructions will be issued to the banks on the lines indicated above, and it is recommended that similar action be taken by the Indian Dominion.

(5) It is suggested that Government securities should also include Post Office Cash Certificates, which are not transferable and in connection with which the question of ownership is undisputed.

Addendum to the note of Mr. Headington dated 9 – 3 – 48. To be substituted for the deleted paragraph 6.

There is no objection to the removal from either Dominion of Joint Stock Company shares and debentures or of bonds issued by individual banks or of National or War Savings Certificates.

The reason for this decision is that in the case of Joint Stock Cos.’ Shares, the holder only derives his title by the express consent in writing of both parties – so that if the owner has not received full value of his shares, he can refuse to sign this transfer deed; in which case the holder cannot get any benefit out of the transfer.
In the case of bonds issued by individual banks or National or War Savings Certificates, and there is no point in their removal being disallowed.

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APPENDIX B
(See paragraph 31 of the Minutes)

A conference between the representatives of the Co–operative Departments of the West Punjab and the East Punjab was held at 10 a.m. on the 15th March 1948.

The following decisions were agreed to:

(1) All government Securities belonging to East Punjab Co–operative institutions and lodged with the Punjab Provincial Co–operative Bank Ltd., Lahore, either for safe custody or for purposes of overdraft or collection of interest, will be transferred by the Punjab Provincial Co–operative Bank Ltd., Lahore, before 31st March 1948, to the Ambala Central Co–operative Bank, which has been declared by the East Punjab Government as their Provincial Co–operative Bank, provided that the East Punjab Central Co–operative Bank Ltd., Lahore, and provided also that such institutions repay the deposits of their evacuee individual depositors, the evacuee individual depositors of their constituent societies and societies whose membership consist entirely of Moslems and have evacuated.

The Central Banks in the West Punjab will also repay the deposits of their individual evacuees depositors, the deposits of the evacuee individuals of their constituent societies and of the societies which consisted wholly of non–Moslem evacuees.

The East Punjab Co–operative institutions owning Government securities will send to the Punjab Provincial Co–operative Bank Ltd., Lahore, their authority for getting their securities transferred to the Ambala Central Co–operative Bank.

(2) In order to execute the above decision, the two Registrars should immediately exchange lists of deposits and have the balance adjusted before 31st March 1948.

(3) In the case of primary societies of which the membership is mixed, no division of assets will be undertaken but it is understood that deposits of individuals of such societies who have evacuated will be repaid before 31st March 1948.
(4) In the case of societies whose membership consisted entirely of evacuees, all assets will be transferred to the dominion to which the evacuees have migrated and the Registrar concerned will register necessary amendments in their bye – laws making such change of address permissible.

(5) The debts owned by the societies which, as a result of partition, have now gone over to the other Dominion will be paid to the creditor Central Bank by the Provincial Bank of the Dominion concerned by adjustment or otherwise as may be agreed to by both the Registrars.

(6) The amounts paid by the Industrial Societies in the advertisement fund of the Amritsar Industrial Bank will be paid back by the Industrial Bank to the Punjab Provincial Bank, Lahore.

(7) All amounts received by the Industrial Co–operative Bank, Amritsar, on account of war supply orders will be adjusted or paid by the Industrial Bank to the societies concerned, as may be settled by the two Registrars.

(8) All amounts belonging to employees of co–operative institutions by way of salary, provident fund, security deposits, etc., will be repaid by institutions of both the dominions through their respective Provincial Bank before 31st March 1948.

(9) The question of the division of assets of
(i) Punjab Provincial Co–operative Bank Ltd., Lahore,
(ii) Punjab Co–operative Union, Lahore,
(iii) N.W.R. Co–operative Society, Lahore,
(iv) Industrial Co–operative bank Ltd., Amritsar, was considered, but it was pointed out that since the matter was before the Arbitration Tribunal, it could not be discussed, being sub–judice.

(10) All decision arrived at will be implemented by the Governments of the West Punjab and the East Punjab.

(11) It is recommended that the date 31st March 1948 may be extended to 30th April 1948.

(12) Shares and interest of members of Transport Societies and Ex–Soldiers Goods Transport Societies will be transferred to the Dominion concerned. The Registrars will arrange this.

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APPENDIX C
Agreed Press Statement

The Refugee Ministers for Pakistan and India have been holding discussions at Lahore for three days and have examined a great many matters outstanding between the two Dominions, with the assistance of administrative officers concerned.

(2) Three important considerations have influenced the discussions and the decisions taken. The first is that there should be reciprocity on both sides in full and generous measure so that an atmosphere of lasting goodwill may be created. The second is that, in so far as possible, both Dominions will use their good offices to persuade States that have acceded to either Dominion to fall in line with the decisions taken during this meeting. The third is that from time to time, complaints have been made by one Dominion to the other in regard to incidents involving hardship and injustice to individuals. It has been agreed that in future, whenever there is a complaint, the Dominion concerned will promptly make arrangements to investigate the incident and ask for association with the enquiry of a representative of the other Dominion. The two Ministers have agreed that drastic and exemplary action will be taken against offenders.

(3) The Ministers feel that one of the most important matters which must be dealt with very quickly, concerns the recovery and restoration of abducted women. The machinery that exists for the purpose and results achieved so far have been reviewed and it is recognized that results have fallen short of expectations. An improved machinery is being set up and an all–out effort is called for and will be made. The basis of all efforts hitherto made for the recovery of abducted women has been voluntary in character. If despite the improved new machinery, quick and satisfactory results are not achieved, stern legislation may have to be enacted to deal with the situation.

(4) Exchange of prisoners has been delayed owing to certain legal technicalities. The Pakistani Government is enacting almost immediately a Central Ordinance and it is expected that India will enact similar legislation as soon as the text of the Pakistan Ordinance is available. The Pakistani Government have emphasized the importance of bringing the Delhi Province within the scope of the scheme for exchange of prisoners in respect of cases arising after the 15th of August 1947. The Government of India are examining the question in relation to Delhi Province and a decision may be expected shortly. It is hoped that actual exchange of prisoners will be started in the near future. Meanwhile, instructions are
being issued to ensure that the prisoners concerned will be treated well and taken care of in the jails of the two Dominions.

(5) The Government of Pakistan have specially raised the question of discharged Moslem soldiers of the Patiala forces and their families. The Government of India agreed to use their good offices to secure that these persons are removed from Patiala at a very early date and given the option of staying in India or going to Pakistan. The Hon'ble Mr. Neogy has assured the Hon'ble Raja Ghazanfar Ali Khan that he will have this matter treated as one of top priority.

(6) The decision regarding recovery of contents of vaults and safe deposits with banks has been reviewed. It is felt that the work should be expedited and steps are being taken to secure this.

(7) A satisfactory agreement has been reached in regard to transfer of Government securities, certificates, bonds, debentures and shares of Joint Stock Companies held by evacuees in the two Dominions. It is expected that the work of transfer will be expedited.

(8) It has been agreed that licensed arms detained by either Dominion during the process of evacuation will be restored to owners. Machinery has been set up to expedite the restoration and it has been decided that arms licenses of evacuees which were valid on 14th August 1947 will be deemed to be valid for this purpose.

(9) It has been agreed that property of evacuees which has been detained in either Dominion during searches or otherwise and for which receipts have been issued by Government officials will be restored to the owners on production of such receipts.

(10) As regards funds of co–operative banks in East and West Punjab Province, the Registrars of Co–operative Societies of the two Governments have evolved an agreed scheme in pursuance of a decision taken at the Conference held in December, 1947. It is hoped that the scheme will be implemented immediately. Although the matter is not directly concerned with the agreement between East Punjab and West Punjab Provinces, both Dominions have agreed to use their good offices to secure substantial application of principles of the scheme to States on either side.

(11) Among other matters discussed were Provident Fund of Government and non–Government employees, including teachers, settlement of contractors dues, extension period of validity of cheques issued to such contractors and exemption from Customs search and duty of personal
belongings of evacuees. For most of these matters, satisfactory solutions have been reached and it is expected that others will be settled shortly.

(12) Three important questions pertaining to property will be discussed by a Committee of Administrative Officers of the two Dominions on the 22nd March. These are:

(i) Transfer of movable property of evacuees,

(ii) Restoration of property to evacuees who wish to return to their homes, and

(iii) An Inter – Dominion settlement in regard to immovable property.

K.C. Neogy Ghazanfar Ali Khan
16th March 1948 16th March 1948

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3151. Decisions of the Rehabilitation Ministers of India and Pakistan at their Meetings.

Lahore March 16, 1948.

The Refugee Ministers for Pakistan and India have been holding discussions as Lahore for three days and have examined a great many matters outstanding between the two Dominions with the assistance of the administration in a joint communiqué issued today.

The Communiqué says three important considerations have influenced the discussions and the decisions taken. It has been agreed find that there should be reciprocation both sides in full and generous measure so that an atmosphere of lasting goodwill may be created.

Second, that in so far as possible both Dominions will use their good offices to persuade states that have acceded to either Dominion to fall in line with the decisions taken during this meeting.

Third, that whenever a complaint is made by one Dominion to the other in regard to incidents involving hardship and injustice to individuals, the Dominions concerned with promptly make arrangements to investigate the incident and ask for association with, the enquiry of a representative of the other Dominion.
The two Ministers have agreed that drastic and exemplary action will be taken against offenders.

**ABDUCTED WOMEN**

The Ministers feel that one of the most important matters which must be investigated very quickly concerns the recovery and restoration of abducted women. The mainstay that exists for the purpose and results achieved so far have been reviewed and it is recognized that results have fallen short of expectations.

As improved machinery is being set up and an all-out effort is called for. The basis of all efforts hitherto made for the recovery of abducted women has been voluntary in character. If despite the improved machinery, quick and satisfactory results are not achieved; stern legislation may have to be enacted to deal with the situation.

Exchange of prisoners has been delayed owing to certain legal technicalities. The Pakistan Government is enacting almost immediately a central ordinance and it is expected that India will enact similar legislation as soon as the text of the Pakistan ordinance is available.

**DELHI PROVINCE**

The Pakistan Government have emphasized the importance of bringing Delhi Province within the scope of the scheme for exchange of prisoners in respect of cases arising after August 15, 1947. The Government of India are examining the question in relation to Delhi Province and a decision may be expected shortly.

It is hoped that actual exchange of prisoners will be started in the near future. Meanwhile, instructions are being issued to ensure that the prisoners concerned will be treated well and taken care of in the jails of the two Dominions.

The Government of Pakistan has specially raised the question of discharged soldiers of Patiala forces and their families. The Government of India agreed to use their good offices to secure that these persons are removed from Patiala at a very early date and given the option of staying in India or going to Pakistan.

Mr. Neogy has assured Mr. Ghazanfar Ali Khan that he will have this matter treated as one of top priority.

**DEPOSITS**

The decision regarding recovery of contents of vaults and safe deposits with banks has been reviewed. It is felt that the work should be expedited and steps are being taken to secure this.
As satisfactory agreement has been reached in regard to transfer of Government securities, certificates, bonds, debentures and shares of joint stock companies held by evacuees in the two Dominions, it is expected that the work of transfer will be expedited.

It has been agreed that licensed arms detained by other Dominion during the process of evacuation will be restored to owners. Machinery has been set up to expedite the restoration and it has been decided that arms licenses of evacuees should be valid for this purpose.

It has been agreed that property of evacuees which has been detained in either Dominion during searches or otherwise and for which receipts have been issued by Government officials will be re-stored to their owners on production of such receipts.

As regards funds of cooperative banks in the East and West Punjab Province, the registrars of co-operative societies of the two Governments have evolved an agreed scheme in pursuance of a decision taken at the conference held in December 1947. It is hoped that the scheme will be implemented immediately.

**STATES**

Although the matter is not directly concerned with the agreement between the East Punjab and West Punjab provinces, both Dominions have agreed to use their good offices to secure substantial application of the principles of the scheme to States on either side.

Among other matters discussed were provident fund of Government and non-Government employees including teachers, settlement of contractors dues, extension of the period of validity of cheques issued to such contractors and exemption from custom search and duty of personal belongings of evacuees.

For most of these matters satisfactory solutions have been reached and it is expected that others will be settled shortly.

Three important questions pertaining to property will be discussed by a committee of administrative officers of the two Dominions on March 22. These are transfer of moveable property of evacuees; restoration of property to evacuees who wish to return to their homes; and an inter-Dominion settlement in regard to immovable property.

Including the two Ministers; Mr. K.C. Neogy and Mr. Ghazanfar Ali Khan other officials who attended the conferences were:

**Pakistan:** Sir Wilfred Grigson, Mr. E.D.V. Moss, Maj Gen Abdur Rehman,
Maj Gen Iftikhar Khan, Khan Qurban Ali Khan, Malik Mohammad and Yar Khan.

India: Mr. S.K. Kirplani, Mr. K. L. Punjabi, Dewan Chaman Lal, Mr. Aftab Rai, Mr. Mohandra and Mr. Sachdev.

3152. Note by India - Pakistan Joint Committee appointed to consider Schemes for treatment of Evacuee Property.

March 25, 1948.

The Joint Committee consisting of representatives of both the Dominions appointed on the 19th December 1947 to consider the schemes referred to it for the treatment of evacuee property has considered these schemes and on their basis prepared the attached scheme. This scheme is now submitted for being considered by an Inter-Dominion Ministers’ Conference. It is suggested that this conference be held as soon as possible in the first half of April 1948.

2. The Committee also considered the question of special treatment to be accorded to the property of Trusts, cultural, educational and religious institutions. In view of the complex legal aspects of the matter, it is agreed that:—

(1) a note on the subject be exchanged between the two Dominions by the 3rd April, 1948;

(2) a committee of two legal experts from each Dominion should be set up to examine this question. This committee should meet at Delhi on the 5th April 1948 and will endeavour to frame the principles on which trusts and trust property should be treated. This committee should also be assisted by an officer—each of the Rehabilitation Ministries of the two Dominions so that it may consider what supplemental facilities should be accorded to trust property both movable and immovable.

3. During the discussion, India’s proposals:—

a) to remit stamp duties on exchanges made in accordance with the Inter-Dominion agreement on the treatment of immovable property, and

(b) to include in the agreement a provision to the effect that taxes payable by owner or occupier shall, as a rule be paid by occupants and not by the
Custodian on behalf of the evacuee owner, were considered but it was felt that these were matters of detail and should be remitted to the Inter-Dominion Commission proposed to be set up in the attached scheme.

W.V. Grigson  
25.3.1948

K.L. Punjabi  
25.3.1948

Draft Scheme For Inter-Dominion Evacuee Property Agreement  
(Prepared by Joint Official Committee at Lahore, March 22nd-25th, 1948).

Part I.—General

1. **Areas to which Applicable.**— This scheme shall apply in the first instance in Pakistan to West Punjab, Sind, N.W.F.P. and Baluchistan and the States of Bahawalpur and Khairpur, hereinafter referred to collectively as Western Pakistan, (N.W.F.P. and Baluchistan should be taken to include States which have acceded to Pakistan but to exclude un-Administered Agency Areas), and in India to the Provinces of East Punjab and Delhi, and to all the States formerly known as the Punjab States except Malerkotla, Bahawalpur and Khairpur, and to the States of Bharatpur, Alwar and Bikaner; these areas are hereinafter referred to as agreed areas of the Indian Dominion.

2. **General Principles:**—

   (1) Except in accordance with the terms of this agreement the evacuee's rights in his immovable property shall not be affected by reason of the vesting of his property in the Custodian.

   (2) In the evacuee's absence, the duty of preserving his property and safeguarding his rights and interests therein shall devolve upon the Government of the Province in which the property is situated.

   (3) “Evacuee Property” shall be so defined as to exclude from its operation property belonging to Joint Stock Companies with Head Offices in India, maintaining branches in Pakistan, and *vice versa*:

   **Provided** that where the Custodian or the Rehabilitation Authorities have already taken over the property, which owing to the disturbances was wholly or partially abandoned, such occupation shall continue, if so desired by the Government of the Province, for the period laid down in section 9 of Part II and Section 2 of Part III.

   **Note:**— the position of Joint Stock Companies which claim to have transferred their head offices from one Dominion to the other after the 15th August 1947 may have to be examined separately.
3. **Administration of Evacuee Property.** —

(1) The Provincial Government concerned shall appoint a Custodian of Evacuee Property.

(2) Evacuee property situated in a Province shall, for purposes of management, be vested in the Custodian.

(3) It shall be the duty of the Provincial Government to take all necessary action for the preservation of evacuee property and for safeguarding all the evacuee’s rights and interests therein. In particular the Provincial Government shall require its Custodian of Evacuee Property to:

   (a) compile and maintain full and complete record of all evacuee immovable property, separately for each town and village;

   (b) make arrangements to be in a position as soon as possible to furnish to the evacuee (on demand by him) information in respect of administration of his property;

   (c) take into consideration such information as the evacuee may furnish to him regarding his property while dealing with matters connected with the administration of the concerned property;

   (d) keep the interests of the evacuees paramount save in accordance with the provision of any law for the time being in force;

   (e) provide full facilities to the other Dominion or its representatives to represent to the Custodian the viewpoint and interests of any evacuee.

**Part II**

**Agricultural Property**

1. **Definitions:** —

   1) **“Agricultural Property”** means:

   (a) land which is not occupied as the site of any building in a town or notified area and is occupied or has been let for agricultural purposes or for purposes subservient to agriculture or for pasture and includes the sites of building and other structures (including wells) on such land;

   (b) other rights and interests, therein e.g. rights of lessees, grantees, mortgagees, etc., but not including assignments of land revenue.

   Notes —
(i) Land occupied or let for agricultural purposes and the like within or in the immediate vicinity of a built-up area in a town or notified area will be treated as urban immovable property.

(ii) Houses, shops and industrial and business premises in villages are dealt with in part IV.

(2) “Evacuee owner”— in this Part means an owner of evacuee agricultural property or a holder of any rights or interest therein.

(3) “Fair Value”— will mean the value determined according to the average of the prices prevailing for similar land between June 1927 and June 1947.

This formula will not apply to those lands, the character of classification of which has been changed by special development schemes, such as extension of irrigation facilities and colonization or by other special causes during the last 20 years. For such lands the Valuation Board set up under Section 3 below should vary the formula suitably.

2. General Principles.—

(1) The Dominion in which the evacuee agricultural property is situated, shall acquire it on payment of fair value, except that part thereof in respect of which the Government concerned has accorded permission to exchange, or sell by private treaty, or has allowed restoration.

(2) Where permission to sell or exchange is granted by the Government concerned, the owner shall be free to —

(i) exchange or sell his property privately; or

(ii) claim restoration of his property for management either directly or by agents appointed by him in his behalf.

3. Valuation Board. — To implement section 2 of this Part, the two Dominion Governments will take the following steps:—

(a) They will exchange the Tehsil copies of the Jamabandis brought up to date till the 15th August 1947 in East and West Punjab, or such dates as may be agreed upon for other areas. Extracts of relevant entries from these Jamabandis will be taken by the Dominion to which the Jamabandis have been temporarily transferred and the Jamabandis will be returned to the original Dominion within six months.

(b) A Board will be set up for the purpose of drawing up a Schedule of prices, based on fair value of agricultural property, in the agreed areas of both Dominions with reference to, firstly, classification of different types of
land such as Chahi, Nohri, Barani, Banjar etc. and, secondly, with reference to territorial divisions which may be districts, sub-divisions, tehsils, assessment circles or, in any particular case, any other convenient territorial division.

(c) This Board shall consist of one officer each, not below the rank of a Commissioner, if possible with settlement experience, nominated by each Dominion.

(d) This Board will have the entire responsibility for fixing prices based on fair value and dividing the Provinces into such sub-areas as they deem fit.

(e) This Board will have the right to set up as many joint committees of officers and others of the two Dominions as they think fit. These committees will work in local areas designated by the Board. The reports of these committees will be checked and finalized by the Board before being issued.

(f) In case of disagreement between the two members of the Board the matter, shall be referred to an Arbitrator, acceptable to the two Dominions, who will be appointed at the forthcoming Ministerial Level Conference.

(g) The Board's decision or the Arbitrator's award, as the case may be, shall be forthwith published for general information.

4. Publication of lists of evacuee owners and the value of their holdings— After the Schedule of Prices and the list of right owners has been prepared the two Governments will publish lists declaring the money-value of the holding of each owner. These lists may be objected to on the basis of rights, but not on the basis of values. The decision on any question of rights will be given exclusively by the Dominion in which the evacuee owner is settled. The manner in which these disputes are to be decided will be prescribed by the Dominion itself. If the parties to the dispute are nationals of different Dominions, the matter will be referred to a Joint Tribunal to be set up in agreement between the two Dominions.

5. Private transfers and sales.— (1) Any evacuee owner, who desires that his land should be excluded from exchange through government Agency, shall within two months of the publication of the schedule of prices take one of the following steps:—

(a) apply to the Custodian of Evacuee Property asking him to continue to manage his property, or

(b) ask for permission to sell, exchange or transfer his rights in his evacuee property, or
apply to the Custodian for restoration of his property to him for management directly or through agents appointed by him in this behalf.

(2) It will be open to the Government or the Custodian concerned to accept or reject applications under clauses (a), (b) or (c) of sub-section (1) or in accepting any such application to impose such conditions as they think fit.

6. Taking over of other property by Dominion Governments. — All property with regard to which no application has been received or permission for private sale, exchange or restoration has been refused, shall be taken over by the Dominion in which it is situated at the fair value.

7. Payment of value — To facilitate payment, the two Dominions shall mutually transfer their respective liabilities towards their evacuee owners and adjust any difference between the totals of these liabilities by payment in the form of Bearer Bonds of a general issue, current at the time, open to the nationals of both Dominions, and not specifically raised for this purpose alone, bearing 1½ per cent interest, free of income-tax, and of not more than 20 years' maturity. Such bonds shall be freely transferable between the two Dominions.

8. Payment to Evacuees. — Both Pakistan and India shall be free to determine the method and procedure for discharging their respective liabilities to evacuee owners in their respective Dominions.

9. Applicability of certain provisions of Part III to this part.— Till any agricultural property is taken over under section 6 of this part the following provisions shall apply to such property:

(a) Section 2 of Part III (mutatis mutandis), provided that the maximum period for which agricultural property may be requisitioned shall be three years;

(b) Clause (a) of Sub-section (1) of Section 8 of part III,

(c) Sections 9 and 10 of Part III (mutatis mutandis).

PART III

URBAN IMMOVABLE PROPERTY

1. Definitions.—(i) “Urban Immovable Property” means:

(a) land or building or other permanent structures fixed to the earth

(b) other rights or interests therein, e.g. rights of lessees or mortgagees;

(c) Commercial and industrial undertakings including shops, factories, workshops and businesses; wholesale or other, and the goodwill of such undertakings;
(d) land as in notes to Part II Agricultural Property, Section 1.

Note.— Houses and shops in villages are dealt with in Part IV (2) “Evacuee Owner” means an owner of evacuee urban immovable property or a holder of any rights or interests therein.

2. Rights of Provincial Government.— The Government of the Province in which evacuee urban immovable property is situated shall have the right to:

(a) acquire such property as it may need for a public purpose, which may include the rehabilitation of refugees or the economic rehabilitation of the Province, on payment of fair compensation to be determined by a Joint Government Agency for Sales and Exchanges;

(b) requisition such property as it may need for a public purpose, which may include the rehabilitation of refugees or the economic rehabilitation of the Province, on payment of fair compensation to be determined by a Joint Urban Assessment Board. The maximum period for which the Provincial Government will be entitled to requisition shall be limited in the case of

(i) residential property to 3 years;

(ii) commercial property to 3 years;

(iii) industrial establishments to 5 years;

Explanation— The term “requisition” shall include taking over and assuming control of evacuee property for the purpose of rehabilitation under any law for the time being in force.

Note.— Property owned by institutions and trusts will also be governed by this paragraph unless and until a separate agreement is arrived at regarding such property.

3. Conditions of leases. — (1) The conditions on which such requisitioned property is leased out shall be such as to cast upon the lessee an obligation to:

(a) safeguard and preserve the leased property;

(b) give full facilities to the proprietor or his duly authorized agent to arrange for inspection and to take all such action as may be necessary for canvassing buyers and for effecting sales or exchanges.

(2) In the case of industrial and commercial undertakings the lease conditions may also provide for depositing security against loss or damage.
(3) The conditions shall provide for the imposition of a penalty for any breach thereof.

4. Responsibility of Dominion Government.—

(1) The Government of the Dominion in which the evacuee immovable property is situated shall provide facilities to evacuees (as also to private agencies working on their behalf) to enable transfers to be effected by sale, exchange or otherwise.

(2) To supplement the efforts of evacuees and private agencies, the two Dominion Governments shall set up a Joint Government Agency for Sales and Exchanges. The two Governments shall enjoy equal representation on this Agency. The Agency shall have the right to appoint assistants and assessors in any local area where these may be needed for purposes of valuation or facilitating transfers. The functions of the Agency in respect of transactions handled by it will be:—

(i) to assess, on application from evacuees, the value of their property (The value shall be assessed on the basis of “fair value”. For this purpose “fair value” shall be the price which the property would fetch in the open market under the present conditions, provided that no organized attempt is made to keep the price unduly low by forming a ring, syndicate or by boycott, or otherwise);

(ii) to find purchasers, on request by an evacuee owner, for his property at or above its assessed value;

(iii) to arrange for exchange of evacuee urban immovable property; and

(iv) to ensure the grant of facilities for;

(a) legal formalities in regard to transfers and exchanges being completed;

(b) disposal of sale-proceeds.

(3) The Agency shall have the right to charge a commission which shall not exceed 2 per cent of the value of the property transferred, payment being made in equal shares by the transferer and the transferee. Any surplus left over with the Agency after meeting its expenses shall be divided equally between the two Dominions.

5. Rights of Evacuees.—

(1) The evacuee owner shall have the right to transfer his property by sale, exchange or otherwise, subject to such right as may have been acquired
by the Provincial Government (or by other persons claiming through the Provincial Government) as a result of the exercise of the powers referred to under Section 2 above, provided that no transfer will be permitted till the agency mentioned in Subsection (2) of section 4 of this part has come into existence. In case the setting up of the agency is delayed by more than six weeks after the coming into effect of the agreement, transfer will be permitted, notwithstanding the fact that the agency has not yet been set up.

(2) All such transfers shall be registered with the Custodian of the area concerned, who shall register the transfer unless

(a) the transferer fails to produce a certificate signed by the prescribed Income-tax Authority certifying that the transferer has paid all taxes due from him to the Income-tax Department in respect of his property, business or undertaking or has made satisfactory arrangements for the payment thereof; or

(b) he has failed to pay any other dues outstanding against him in the Custodian’s registers, in respect of (i) his own property; (ii) third party claims recognized ex parte by the Custodian:

Provided that provision is made for review by the Custodian of third party claims thus recognized.

Note:— the representatives of India were prepared to accept Clause (a) above as it stands if the interpretation placed upon the word “due from him” was “income-tax assessed but not paid”. If, however, the interpretation of these words was to be such as to make it possible for the prescribed income-tax authorities legally to delay the issue of a certificate for a number of years on the ground that income-tax payable for some years has not been assessed, the representatives of India suggested that the transferer should be allowed registration of his transfer provided that he deposited with the Custodian an amount equal to the average of the income tax assessed in the previous three years. In the alternative they suggested that a certificate from the income-tax authorities might be dispensed with in cases where one Dominion undertakes on behalf of the assessee to pay the amount that may be assessed in accordance with the law on the subject.

The Pakistan representatives considered that this matter required careful separate examination.

6. **Responsibility of Provincial Government.**—

(1) The Provincial Government shall manage, through the Custodian
appointed by it for the purpose, such evacuee urban immovable property as has not been acquired or requisitioned by it.

(2) The Custodian shall be free to take such action as he may deem fit in the interest of efficient management of such property subject, in so far as maybe practicable, to the following limitations:—

(i) The period of lease in the case of residential property shall not exceed one year (the lease being terminable at one month’s notice on either side) and in the case of commercial and industrial undertakings, shall not exceed one year or one season, save in cases in which, for reasons to be recorded in writing, the Custodian considers that in the interest of efficient management it is essential to give a longer lease;

Note:— No commercial establishments shall be leased out for more than two years and no industrial establishment for more than three years without obtaining the consent of the evacuee concerned.

(ii) the provisions of section 3 of this Part will also apply mutatis mutandis to the leases given by the Custodian;

(iii) the Custodian shall fix the lease-money in accordance with such procedure as may be prescribed by the Provincial Government in this behalf and such directions as may be received therefrom, and on the basis prescribed by the Joint Urban Assessment Board in accordance with Section 7 of this Part.

7. **Joint Urban Assessment Board.**— The two Dominions shall forthwith establish a Joint Urban Assessment Board, on which each will enjoy equal representation. It shall be the duty of this Board to:

(i) prescribe the basis for assessing the lease money for various categories of urban immovable property;

(ii) have prepared a list in duplicate (one copy for each Dominion) for each locality giving particulars of the evacuee urban immovable property situated therein, the names of the evacuee owners and the lease money assessed in accordance with (i) above;

(iii) tour the areas concerned either themselves or through agents appointed by them for this purpose, in order to ascertain if rents have been fixed and lists prepared in accordance with the instructions given by them.
8. **Deductions from lease money.**—

(1) From the lease money fixed in accordance with Section 7 of this Part, the Custodian will have the right to make the following deductions:

   (a) 10 per cent of the realized rents for management, and

   (b) 10 per cent of the assessed rents for normal repairs

(2) In the case of special repairs the Custodian will have the right to incur expenditure against the capital value of the property.

9. **Returns of rental collection information** — The Custodian shall prepare for the six monthly periods ending 30th June and 31st of December each year, lists of evacuee property prescribed in clause (ii) of Section 7 of this Part, with additional columns showing the rents collected, the deductions made and the balance payable to each evacuee owner.

10. **Inter-Dominion Adjustment.**—The Custodian of each Province, State or region will send the lists thus prepared in duplicate to the Auditor-General of his Dominion Government. That officer will forthwith forward one copy of each list to the Auditor-General of the other Dominion and proceed to consolidate the amounts in these lists. The two Auditors-General will adjust the net amount payable by one Dominion to the other through the Exchange Accounts of the two Dominions. If all the lists are not received within two months of the prescribed dates, namely, 30th June and 31st December, by the Auditor-General of the other Dominion, adjustment shall be made to the extent of 50 per cent. of the total amount in the lists received at the expiry of the said two months, the balance being credited to the account of the Dominion to which it is due as soon as the outstanding lists from that Dominion are received.

   Note:—This procedure is provisional and will be reviewed as soon as possible after the first adjustment.

11. **Restoration.**—Where the owner of any evacuee urban immovable property produces a certificate from the Rehabilitation Commissioner or an authority empowered by the Rehabilitation Department in this behalf that the property is not required for the purpose of rehabilitation of refugees or the economic rehabilitation of the owner, restore the property to the owner or his agent for management or disposal. Where the management has not been taken over by the Custodian, and the owner produces the above certificate, the Custodian may, on the owner’s request, allow him to retain or assume management of such property.

12. **Cess for compensating damage during the disturbances.**— Each Dominion shall levy a cess at the rate of 2 per cent *ad valorem* on transfers of
urban property within its territory. The proceeds of this cess shall be funded and shared equally by the two Dominions at 6 monthly intervals. Each Dominion will utilize its share of the cess for paying compensation to persons whose property has been damaged or destroyed in the other Dominion in the disturbances.

13. **Liabilities and functions of Dominion Governments.**— Neither Dominion will be bound to take over urban property at the price assessed by the Agency set up under sub-section (2) of Section 4 of this Part, and both Dominions will act merely as agents of evacuee owners in facilitating the sale or exchange of their properties.

14. **Prevention of Attempts to prevent unfair fall of prices.**—The Dominion and the Provincial Governments in whose area the property is situated will do everything in their power to see that no organized attempts are made to keep the prices of evacuee property below the market level by forming rings, syndicate, boycotting or otherwise.

**PART IV**

**HOUSES AND SHOPS IN RURAL AREA**

1. Substantial houses (if the owner so desires) and substantial shops, and industrial and business premises other than *Kachcha* sheds will be treated as urban property, and governed by Part III.

2. Other houses, shops and premises will be treated as Agricultural property in accordance with Part II, with the following special provisions:
   
   (a) The price of premises in villages treated as Agricultural property will be fixed according to a schedule prepared by the Valuation Board on the basis of area, locality and type of structure.

   (b) The account of house property treated as agricultural land will be kept separately from the account of other land and it will be open to the Government of the Dominion concerned to refuse to give land in lieu of the amount standing to the credit of an owner on account of this house property.

**PART V**

**MOVEABLE PROPERTY**

1. **General Provisions.—**

   (1) Except in accordance with the terms of this agreement, the evacuee’s right in his movable property shall not be affected by reason of the vesting of his property in the Custodian.

   (2) In the evacuee’s absence, the duty of preserving his property and
safeguarding his rights and interests therein shall be entrusted by the Government concerned to the Custodian of the Province in which the property is situated.

(3) It shall be the duty of the custodian to:

(a) take all possible precautions for the proper and safe keeping of evacuee movable property;

(b) ensure that full compensation is recovered for movables requisitioned by the Provincial Government or their officers for a public purpose, which may include the rehabilitation of refugees or of the economic life of the Province;

Explanation.—the term “requisitioning” includes taking over for purposes of the rehabilitation of refugees or the economic life of the Province.

(c) make arrangements for the disposal of such movables as cannot be preserved to the best advantage of the evacuee owner;

(d) restore on application to the evacuee owners their movables and to give facilities to them to dispose of or remove the movables so restored;

(e) on application by an evacuee owner, arrange for the disposal of his movables at the best possible price.

2. Rights of Government.—

(1) Provincial Government.—The Government of the Province in which evacuee movable property is situated, shall have the right to acquire or requisition such movable property as it may need for a public purpose, which may include rehabilitation of refugees or the economic life of the Province, on payment of a fair compensation to be determined in accordance with Sub-section (6) of Section 4.

(2) Dominion Government.—The Government of one Dominion shall have the right to prohibit or restrict the export of items of evacuee movable property which may be essential for the life of the community after giving notice to the other Dominion of their intention to do so.

3. Procedure for Acquisition or Requisition or Sale.—

(1) A record will be kept of the goods acquired, requisitioned or sold by the Provincial Government or its officers, including the Custodian and officers subordinate to him. The record shall include separately for each evacuee
owner an inventory of the items and quantities acquired, requisitioned or
sold, the name and designation of the officers making the order and the
price payable or paid.

(2) Reasonable facilities shall be given to evacuee owners and their
representatives to inspect the entries concerning them in this record.

(3) The general procedure for preparation of inventories and fixation of prices
shall be in accordance with the provisions of Section 4 of this Part.

(4) A nominal roll giving the name of the each evacuee owner and the total
amount due to him on account of goods acquired, requisitioned or sold,
shall be compiled and furnished every six months by the Custodian to
the Auditor-General of his Dominion. The Inter-Dominion settlement will
be made in the manner prescribed in Section 10 of Part III.

(5) Opportunity shall be given to evacuee owners or their authorized agents
to bring to the notice of the Provincial Government or the Custodian
concerned instances of :

(i) deliberate misdescription of goods sold;

(ii) gross undervaluation.

(6) The Custodian may effect the sale of evacuee movable property:—

(i) On application by the evacuee himself;

(ii) after adequate notice (note less than a month) to the evacuee owner
individually or to a general class of evacuee owners;

N.B.—If in response to the notice the evacuee owner desires to
make arrangements to dispose of his property himself or through
his agent, the Custodian will normally accord permission to do so.

(iii) without notice, in case in which, for reasons to be recorded in writing,
he holds :

(a) the interest of the evacuee owner is best served by the sale, or

(b) the sale is necessitated by requirements of rehabilitation.

N.B. — The sale of movable property shall, as far as possible, be by
auction. The evacuee owner or the representative of the Dominion
to which he has evacuated will be given an opportunity to be present
at the sale.

(7) Abandoned movables which cannot be assigned to any particular evacuee
shall be disposed of according to the law for the time being in force for the disposal of unclaimed property.

4. Procedure for Preparation of Inventories and Valuation.— Evacuee owners of moveables, especially those forming assets of commercial or industrial undertakings, will be given the following facilities in respect of inventories and valuation:

(1) Each Government will have the right to appoint representatives acceptable to the other Dominion in such local areas of the other Dominion as they deem fit. The rehabilitation authorities will inform those representatives whenever possession of a commercial or industrial undertaking is to be taken over by them giving not less than a week’s notice. The representatives will have the right to be present either personally or by an authorized agent at the time of the preparation of the inventory.

(2) If the owner wishes to be present either personally or by an authorized agent at the time of the preparation of the inventory, his presence will not be objected to, provided that the preparation of the inventory shall not be delayed merely to ensure his presence.

(3) After preparation of the inventory a date shall be fixed for the valuation of the property and the representative or owner or agent who has been present at the preparation of the inventory shall be informed of that date by the office preparing the inventory. On the date fixed, the representative of the Dominion, the owner or his agent shall have the right to be heard.

(4) Where an order of valuation has been passed by an authority subordinate to the Custodian and the order requires confirmation by the Custodian, the representative of the Dominion or the owner may signify his desire to be heard before the order is confirmed, and the Custodian will give him an opportunity to be so heard.

(5) Where an order of valuation has been passed by an authority subordinate to the Custodian himself, and the order does not require confirmation by the Custodian, the owner shall have the right to appeal to the Custodian within 10 days of the passing of the order by the subordinate officer. It shall not be necessary to give any notice to the representatives of the dominion or the owner regarding the fixation of value by the subordinate authority.

(6) The rate of compensation will be on the basis of fair value, that is, the price which the property would fetch in the open market under the present conditions provided that no organized attempt is made to keep it low by forming a ring or syndicate, or by boycott or otherwise,
5. Rights of Evacuees.—

(1) The evacuee owner shall have the right to apply for restoration of his movable property. This application shall be normally granted except in cases in which the property in question has been acquired or requisitioned by the Provincial Government or taken over by the Rehabilitation authorities.

(2) The evacuee shall have the right to apply to the Custodian requesting him to sell or dispose of his movable property in accordance with the procedure outlined in section 3 and 4.

(3) On restoration, the evacuee shall have the right to manage or dispose of his movable property by himself or through his agent, which term may include Liaison Officers appointed by the Dominion to which he has been compelled to migrate, in any manner he deems fit, including export to any destination in the other Dominion, subject to any export restrictions that may be imposed under sub-section (2) of section 2 of this Part.

(4) The evacuee shall on application be given permission and facilities to inspect his movables held in the charge of the Custodian or persons claiming through him or any other person.

(5) Evacuee owners who before the evacuation were engaged in organized trades, such as timber, grain, cotton, sugar, iron and steel, non-ferrous metals, etc. shall have the right to form syndicates and to depute small representative committees, on behalf of the owners, to various localities to arrange for the restoration and, subject to the permission of the Custodian, for the disposal or management of the stock in trade belonging to the members of such syndicates.

6. Responsibility of Governments.—

(1) The Provincial Government shall extend the fullest co-operation to the Inter-Dominion Agency set up for the disposal of evacuee movable property set up under Sub-Section 5 of this Section.

(2) The Provincial Government shall be responsible for taking all steps necessary to ensure the safety of the evacuee owners and their agents engaged in managing, disposing of or removing their movables.

(3) The Provincial Government shall also give to evacuee owners and their agents all possible assistance, including, wherever necessary, police protection, to dispose of their movables or to dispatch them by rail or road to any destination in the other Dominion.
The Dominion Governments shall also give all possible transport facilities, including provision of petrol on payment, and grant, wherever necessary, of sufficiently high priority for transport by rail.

The two Dominion Governments shall set up a Joint Government Agency for removal and disposal of movable evacuee property subject to availability of transport. The two Governments shall enjoy equally representation on this Agency. It will, subject to availability of transport and police protection, be the function of this Agency.

(a) to supervise the working of the agreed arrangements in regard to evacuee movable property and in particular, to assist evacuee owners in the expeditious disposal of their requests for help for police protection or special transport facilities;

(b) to set up an organization for facilitating movement by rail or road. (This organization will run its own trucks and secure special booking facilities and whenever possible and necessary run special goods-trains for the movement of evacuee movable property);

(c) to receive complaints and arrange for the redress of grievances of evacuees in the disposal or transport of their movables.

The Agency will pay particular attention to facilities being provided for the disposal, recovery, restoration and movement of:

(a) goods lying pledged with banks;

(b) goods lying at railway stations;

(c) goods lying at docks;

(d) parcels and money orders lying undelivered or unremitted at the Post Offices.

The Agency will also pay special attention to assisting evacuee owners in the recovery and removal of movables and buried underground.

Special Categories of Movable Property.

The previous sections of this Part will apply generally to all movable property.

Without prejudice to this generality, both Dominions recognize that certain special categories or special articles may require special additional treatment and each Dominion will, if requested by the other Dominion, refer to the Inter-Dominion Secretariat Level Commission proposed in
Section 1 of Part VII of this Scheme or, if necessary, to an *ad hoc* meeting, any case requiring such treatment.

(3) The following special additional treatment is hereby agreed upon in respect of the special categories hereinunder specified:—

(a) **House hold goods.**

(i) The evacuee owner shall be given permission and facilities to remove all items of sentimental, literary and professional value and such personal effects as beddings, personal clothing, radio sets, gramophones, musical instruments, sewing machines, refrigerators, carpets and rugs etc.

(ii) Refugees at present residing in the houses vacated by evacuees will have the first claim for the purchase or hiring of all items which are not covered by (a) above, on payment of fair price.

(iii) A list of the items required by the refugees at present residing in the evacuee’s house shall be prepared. This list shall so far as is possible be prepared in the presence of the evacuee or his authorized representative and as far as possible in the manner laid down in Section 4 of this part.

(iv) For the items required by him, the refugee shall pay to the evacuee fair compensation calculated in accordance with the provisions of sub-section (6) of Section 4 of this part.

(v) The evacuee shall be given permission and facilities to remove all items which are not required by the refugee or for which he is not prepared to pay or does not pay fair compensation.

(vi) Facilities will be made available to the evacuee or the representative of the Dominion to which he has evacuated, to represent to the Custodian cases of misappropriation of the evacuee’s house-hold goods.

(b) **Goods buried underground.**

(i) The evacuee owner wishing to recover buried valuables shall apply for facilities to the Liaison Officer of the Dominion to which he has evacuated.

(ii) It will be the duty of the Liaison Officer to arrange in consultation with the local Custodian and Police Officers for
the search of buried valuables being conducted under conditions of secrecy and security.

(iii) Police protection will be provided by the local authorities.

(iv) Supervision of the arrangements in this connection will be a special responsibility of the Joint Inter-Dominion Agency set up under sub-section (5) of Section 6 of this Part.

(c) Motor Vehicles.

As soon as possible after this agreement is concluded, the Governments concerned on both sides must implement the provisions of Sections 2 and 3, sub-Sections(4), (5) and (6) of Section 4 and Section 6 of this Part in regard to acquisition, requisitioning, sale, valuation, payment of compensation and release of motor vehicles. If either Dominion considers any further special arrangements to be necessary, it shall without delay refer its proposals to the Inter-Dominion Secretariat Level Commission proposed in Section I of Part VII.

PART VI

REMITTANCE FACILITIES —CUSTOMS AND EXPORT AND IMPORT CONTROL

Both Dominions will provide reasonable exchange facilities for remittance arising out of this agreement if and when foreign exchange control between India and Pakistan is instituted.

2. The Pakistan representatives expressed the view that such facilities would be governed by the separate agreement which is at present under negotiation between the two dominions regarding the terminating of the Reserve Bank of India’s functions as the exchange and currency authority in Pakistan.

3. The representatives of India, however, were of the view that some special provision would have to be made whether in the agreement referred to by the Pakistan representatives or in an agreement ancilliary thereto, in view of the special character and magnitude of remittances arising out of this agreement.

4. In regard to Customs and Export and Import Controls, the Sub-committee drew up a separate draft Agreement (Appendix A). A copy of this has been taken by the representatives of the Ministry of Commerce (India) and the Ministry of Finance (Pakistan) to Delhi and Karachi respectively for further immediate action, it being recognized that this matter cannot pend till the Dominions Ministerial level Conference which is to decide the Evacuee Property question.

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APPENDIX A
(PART VI)

Draft Agreement Regarding Customs and Export and Import Controls

1. It is agreed that goods which are allowed to be moved by evacuees from one Dominion to the other in pursuance of the arrangements arrived at between the two Dominions shall be exempt from export and import trade regulations, as well as from export and import duties. Such goods will cover the following:

   (i) Goods carried in evacuee special trains;

   (ii) personal and household effects intended for personal and house hold use, including articles like motor cars, cycles, gramophones, radios and radiograms, electrical goods, musical instruments, sewing machines, typewriters, private libraries, professional instruments, apparatus and equipment, cattle and other animals, jewellery, gold and silver currency notes, shares, bond, securities, and licensed arms and ammunition. This exemption will cover accompanied as well as unaccompanied goods, provided that such goods shall be covered by a permit granted by an authority to be designated in this behalf by each Dominion;

   (iii) goods carried by evacuees proceeding by motor convoys straight from district camps in one Dominion to the other. This exemption will also cover vehicles forming such convoys; and

   (iv) trade goods and merchandise including stock in trade belonging to an evacuee, provided that they are covered by a permit granted by an authority to be designated in this behalf by each Dominion.

2. It is agreed that military stores consigned by one Dominion Government to the other or carried by the M.E.O. or vehicles under the command of the M.E.O. whether carrying such stores or not, shall be exempt from export and import trade regulations as well as from export and import duties if any, on production of a certificate from the Ministry of Defence of the Dominion from which they are being exported, or from an officer authorised by such Ministry in this behalf that they are such stores or vehicles.

3. It is agreed that all Government stores other than those covered by para. 2 above, e.g., Railway and P.&T. stores allocated to each of the two Dominions as a result of partition shall be exempt from export and import trade regulations as well as from export and import duties, if any, on production of a certificate from the Ministry concerned of the Dominion from which they are being exported,
or from an officer authorized by such Ministry in this behalf that they are such stores. This exemption will also cover vehicles carrying such stores.

4. It is agreed that all vehicles crossing the border if covered by Movement Orders issued by the Joint M.E.O. shall be exempt from export and import trade regulations as well as from export and import duties. This exemption does not apply to the goods carried in such vehicles.

5. It is agreed that all vehicles used by officers of either Dominion in the discharge of their duties and crossing the border shall be exempt from export and import trade regulations as well as from export and import duties on production of a certificate from the High Commissioner or the Deputy High Commissioners of the Dominion to which the officer belongs, or from an officer authorized by them in this behalf that the vehicle is so employed.

6. It is agreed that the Customs authorities will conduct a search on the border only in case where the import or export of goods is, under the aforesaid provisions, required to be covered by a certificate or a permit from an appropriate authority.

7. It is agreed that if, for any reason, any articles are detained by the Customs authorities, a receipt giving details of the articles detained shall be furnished by these authorities to the owner of the articles.

PART VII

1. Inter-Dominion Commission. —

(1) A permanent Inter-Dominion Commission shall be set up at Secretariat level, which will meet at regular intervals, or according to the urgency of the work before it, in each Dominion in turn.

(2) The functions of the Commission will, inter alia, include:—

(a) Review and supervision of the working of the agreed arrangements in regard to:—

(i) the administration, sale and transfer of evacuee property in both Dominions, and

(ii) the payment and remission of moneys etc. connected therewith.

(b) Consideration of matters other than important questions of policy, that may arise in regard to refugees and evacuees between the two Dominions.
(c) Consideration of other matters referred to it by the Government of either Dominion.

(3) The Commission shall consist of the Secretary and one other officer of the two Dominions dealing with refugees, with the addition of such officers as it may be necessary to include for the purposes of any meeting.

2. Inter-Dominion refugees and Evacuees Council. — In addition an Inter-Dominion Refugees and Evacuees Council shall be set up, composed ordinarily of two Ministers each from India and Pakistan. This Council will meet, whenever necessary, to resolve matters on which the Inter-Dominion Commission is unable to agree or to consider questions of policy which require settlement at Ministerial level.

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3153. Minutes of the meeting of India – Pakistan Legal Experts and Representatives to draft Agreement on Property of Trusts and Institutions.

Lahore, April 6, 1948

F-26-190/48 Pak-I 6th April, 1948

With reference to paragraph 2(2) of the Agreement reached by the Joint Committee at Lahore on the 25th March, 1948, the Committee of Legal Experts and Representatives of the two Dominions consisting of the following met today:—

Pakistan.

(1) Mr. Justice S. A. Rahman.
(2) Mr. Mueen-ud-Din.
(3) Mr. S.M. Sharif.
(4) Mr. Khurshid Zaman.

India

(1) Kanwar Sir Dalip Singh.
(2) Mr. Justice Achhru Ram.
The main difficulties in arriving at a solution of the points involved were:

1. The weight to be attached to the history of the Institution or Trust where there was an actual Trust Deed or a document of Incorporation;
2. The question of the jurisdiction of the court involving:
   a) the location of the controlling body,
   b) the location of the Trust property, and
   c) the location of the activity of the Trust.

With regard to the ascertainment of the intention of the Trust or Institution, it was agreed that:

1. Where there was no written deed or document the practical working of the Trust, the character of the management, the actual beneficiaries from the beginning of the Trust to the present day, the activity and mode of activity and other circumstances would be relevant in determining the intention; and
2. Where there was ambiguity in the Trust Deed or document governing the Trust or Institution, the factors enumerated in (i) above would be relevant in resolving that ambiguity; but
3. Where there was no ambiguity, there was difference of view as to how far the court could take in to consideration the above mentioned factors in construing the written words. The Pakistan view was that where the word were clear the above factors would be irrelevant; the Indian view was that these factors would still be relevant.
3. **Location**

The present position, it is agreed, is that where the Trust or Institution was from its very nature attached to a particular location, that location could not be shifted under the existing law. But in cases where the location of the place prescribed in the Trust Deed was not conditioned by the previous factor, *i.e.* no special attachment to the location, then the view of the Pakistan representatives was that the court might in certain circumstances allow the location to be shifted e.g. in a case where the site had become uninhabitable for natural or sanitary causes. They did not agree, however that a change in the composition of the population would be a ground for allowing the shifting of location. The view of the Indian representatives was, however, that in the case of a Trust which, in its inception was meant for a composite population, a considerable change in the composition of the population would be also a justification for allowing the shift of location.

4. **Classification of Trust Property.** As regards the distinction drawn by the Indian representatives between property which may be styled income producing and property which maybe styled as Trust implementing or activity implementing, it was agreed that a distinction did exist. As regards income producing property, it was agreed that ordinarily speaking, subject to the terms of the Trust Deed and any restrictions imposed by statute or personal law, the discretion of the trustees to deal with such property was unfettered.

As regards the origin of the Trust funds, it was agreed that the general principles above stated would also govern the matter whether the origin was single or multiple.

5. **As regards the procedure to be adopted for enabling Trust and Institutions to recommence their activities, it was agreed that if the matter was to be decided by existing courts in accordance with existing practice or law.**

i) delay would result;

ii) Multiplicity of legal proceedings would result involving clashes of decision in particular cases;

iii) Courts having necessarily limited jurisdiction may experience difficulties in giving or implementing directions for apportionment etc. where such directions are deemed equitable; and

iv) Difficulties might be experienced in ordering or securing implementation of the orders for shifting the location of the Trust or Institution.

6. **Suggestion on Procedure.** In order to overcome these difficulties, the Pakistan Delegation suggested that each Dominion should establish a special court with exclusive jurisdiction to deal with Trusts, Institutions and their property.
7. Such a Court may also have to be given powers to deal with problems mentioned in the above para.

8. The Indian representatives, however suggested that the two Dominions should set up an Inter-Dominion tribunal with exclusive jurisdiction, to deal with such Trusts, Institutions and their property. In cases of difference of opinion between the members of the Tribunal, the matter might be referred to an Arbitrator agreed to between the two Dominions at the forthcoming Ministerial Conference.

9. To resolve the difference in views on the question of procedure, the following compromise suggestions were considered.

i) To avoid clashes of jurisdiction and consequent clashes of decision in particular cases, it was suggested that where two/thirds or more of the property of a Trust or Institution was located in one Dominion, the courts of that Dominion alone should have jurisdiction to deal with that Trust or Institution. In other cases the matter would be referred to a Joint Board of the Two Dominions who would decide the question of jurisdiction in accordance with the considerations mentioned in para 2(i) of this Note.

ii) Cases in which courts of either Dominion have jurisdiction over one and the same Trust or Institution, should be dealt with and decided by an Inter-Dominion Tribunal to be set up for the purpose.

iii) Governments of the two Dominions should prepare lists of Trusts and Institutions which, in their opinion, should function exclusively within one Dominion or the other. These lists would be examined by the two Governments and cases where there is agreement on particular items, should be dealt with according to agreement. The remaining cases should be referred to a Joint Tribunal which should deal with those lists.

The two Delegations undertook to place those suggestions before their respective Governments for their consideration.

10. Administration. It was agreed that the general scheme with regard to property would be applicable to Trusts and Institutions except in the following matters:

i) The cess of 2% chargeable under Sub-Section 3 of Section IV of part III of the Draft Scheme shall not be charged with regard to Trust property; and

ii) The income from Trust property should be remitted to Trustees quarterly in the case of Trusts which have secured the permission of competent authority to shift the Trust instead of six monthly as visualized in Section X of Part III of the Draft Scheme.

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3154. Communiqué issued by the Indian Ministry of Relief and Rehabilitation protesting breach of Agreement on Payment of share dividends to non-Muslims.

New Delhi, May 13, 1948.

The Relief Ministry's Communiqué states: “The Pakistan Government have issued a Press note asking all companies incorporated under the Indian Companies Act of 1913 with their registered offices in West Punjab to give a detailed statement of shares held by non-Muslims in such companies.

“It has also been stated that these shares are evacuee property and vest in the Custodian and dividends accruing thereon should not be paid. This is contrary to the Inter-Dominion Agreement arrived at in the conference of March 13-15 under which shares of joint stock companies are freely transferable form one Dominion to the other.

“The Government of India are protesting to the Pakistan Government against this breach of the agreement.

In India there has been no bar to the removal of such shares nor do they vest in the Custodian. If in Pakistan they vest in the Custodian, obviously they cannot be removed from there to India without his permission and the proceeds of dividends also go to the Custodian. But the March agreement clearly lays down that shares as well as dividends are not evacuee property.

This is evident from the operative clause of the agreement which is as follows: “There is no objection to the removal from either Dominion of joint stock company shares and debentures or of bonds issued by individual banks or of National or War Savings Certificates”.

Non-Muslims’ shares involved add up to a considerable sum. It is hoped that the Pakistan Government will revise their decision and it will not be necessary for the Government of India to take reciprocal action.

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EVACUEE PROPERTY

3155. Minutes of the Inter-Dominion Conference held in Lahore on July 22nd, 1948.

Item I of the Agenda.

(1) The draft scheme for Inter-Dominion Evacuee Property Agreement prepared by the Joint Official Committee at Lahore (March 22nd to 25th, 1948) was considered by the Conference, and the following decisions were reached:—

PART I — General

I. Area to which Applicable

(2) It was agreed that the areas should be extended to include in India, Ajmer-Merwara, Malerkotla State, the Matsya and Rajasthan Unions, Saurashtra, Jaipur State, Jodhpur State, and Western Districts of the United Provinces (which shall in any case include the districts of Saharanpur, Dehra Dun, Meerut and Muzaffarnagar). Pakistan was to forward a list of any further areas which they might wish to be included, for India’s consideration.

II. General Principles

(3) The following new sub-section (4) should be added to section 2 as follows:—

“Throughout this agreement whatever has been laid down as applicable to any Province or to its Government shall be applicable to any States or to the Government of any such States as have acceded to either Dominion and are included in the area to which this agreement now becomes or hereafter becomes applicable”.

(4) India said that evacuees had been moving from all parts of one Dominion to all parts of the other and in so far as India was concerned, they were prepared to extend the agreed area to cover the whole of both Dominions. Pakistan agreed to consider this proposal.

PART II — Agricultural Property

(5) The main question to be decided in this part was whether the settlement should be as between the Governments of the two Dominions or as between individual evacuees. Pakistan were of the view that no definite decision could be taken on this point until more data were available. For this purpose special Revenue Officers were to be appointed by both Dominions. Copying of revenue records should start forthwith. A special
Joint Committee should be set up to supervise and expedite the whole work.

(6) It was further agreed that with a view to ensuring more equitable management of evacuee properties and the early payment of rents due to evacuee owners during the interim period, an officer of the other Dominion should be associated with the Custodians of Evacuee Property of each Dominion.

**PART III- Urban Immovable Property**

(7) Here again the main question to be decided was whether the settlement of this type of property should be on a Governmental or an individual basis. India felt that it might be advantageous to pool for purposes of exchange on a Governmental basis all properties valued below a certain figure to be agreed upon between the two Dominions, property above that value would be open to unrestricted private sale and exchange. With this end in view it would be necessary to collect more data in regard to urban property.

(8) Pakistan's view was that while the suggestion might prove practicable, it certainly presented enormous difficulties and would probably take an unduly long period to put into operation.

(9) It was finally agreed that the Joint Urban Assessment Board contemplated in section 7 of this part should be set up and its functions enlarged to include assessment of the value of property. It was further agreed that an officer of the other Dominion should be associated with the Custodians of Evacuee Property of each Dominion with a view to ensuring equitable management and early payment of rents due to evacuee owners. India suggested that pending a final settlement it might be advisable to allow freely exchanges of Urban Immovable Property, Pakistan agreed to consider this proposal.

**Part IV — Houses and Shops in Rural Areas**

(10) It was decided that whatever decisions were finally taken in regard to Parts II and III should be made to apply to Part IV also, according to the category of property concerned.

**Part V— Movable Property**

(11) The proposals were accepted by both Dominions subject to the following modifications:

The Joint Government Agency to be set up under sub-section (5) of
section 6 should deal with all matters and complaints arising out of the working of this part.

Part VI — Customs, Export and Import Controls

(12) The proposals as contained in the Pakistan’s redraft of this part dated 21st July, 1948, were accepted by both Dominions.

Part VII—Inter-Dominion Commission

(13) The proposals as contained in the draft agreement were accepted.

Item 2 of the Agenda — Trust Property

(14) It was decided to postpone consideration of this item.

Item 3 of Agenda — Damaged Urban Immovable Property

(15) India was unable to accept Pakistan’s proposals as they stood. They had no objection to demolitions or repairs necessary for ensuring safety, protecting health and the life but they could not agree to sales by the Custodians of Evacuee Property. Pakistan undertook to consider India’s counter-proposals.

Additional Item 3-A — Not on the Agenda — Income–tax Assessment

(16) There was at present an agreement between the two Dominions under which no ex parte assessment of income-tax could take place in the West Punjab until 31st July, 1948.

(17) In view of the postponement of Evacuee Property settlement it was suggested by India that the agreement should be further extended up to 31st December, 1948, and should include the N.W.F.P. and Sind.

(18) Pakistan agreed to extend the present date up to 31st August, 1948, and pointed out that its present scope already covered the N.W.F.P. Pakistan was not prepared to extend the agreement to Sind. They would, however, consider the definite proposals from India as contained in Appendix A.

(19) Pakistan stated that no sales against realization of income-tax had taken places either in the West Punjab or the N.W.F.P. so far and they undertook that no such sales would take place at least until 31st August, 1948, in any part of West Pakistan.

Item 4 of the Agenda — Exchange of Prisoners

(20) The question of resuming the exchange of prisoners between the two Dominions which has stood suspended from the 27th April, 1948, was
discussed. Pakistan handed over the following draft of what they desired in this connection:

“The exchange of Prisoners between the Dominion of Pakistan and the Dominion of India, which was suspended on the 27th April, will be resumed as soon as a satisfactory agreement has been arrived at with regard to Muslim prisoners of Delhi, whose families have migrated to Pakistan, on the same terms and under the same conditions as applied to the exchange of prisoners from East— and West Punjab.”

Indian undertook to consider this and send a reply as early as possible.

**Item 5 of the Agenda — India’s “Permit” System**

(21) India explained their reasons for introducing a system of permits, but were prepared to consider its withdrawal if the two Dominions could evolve some system of regulating a two-way, as opposed to one-way, traffic. Pakistan was not satisfied that there was a case for introducing a permit system nor for any form of traffic regulation in either direction and stated that in deference to public opinion they would be obliged to introduce a similar permit system in West Pakistan, which would have to be extended to cover also, movement between East and West Bengal, if India could not see their way to withdrawing their “permit” system forthwith.

V.D. Dantyagi, E. de V. Moss
Joint Secy., Secretary
Ministry without portfolio, Ministry of Refugees
Govt. of India, Govt. of Pakistan
23rd July 1948. 23rd July, 1948

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**Note dated 22nd July 1948 by India on Income-tax Assessment**

Appendix A. Referred in Paragraph (18) of the Minutes

There is at present an agreement between the two Dominion Governments governing the East and West Punjab under which no *ex parte* assessment of Income-Tax can take place. This agreement which expired on the 30th June, 1948, has been extended up to the 31st July, 1948.

We suggest that this agreement should be extended further up to 31st December, 1948, in regard to time and should be covered to include Sind and N.W.F.P. in addition to West Punjab.
Meanwhile the work of assessment can be done either by deputing Pakistan officials to the Indian Dominion and vice versa under the guard and protection of the Dominion concerned; or notice in regard to all evacuees should be served on the High Commissioner of the Dominion concerned who should arrange for the defence of the case in consultation with the evacuee.

Once the assessment is made the Dominion to which the evacuee has gone may collect the Income-Tax and remit it to the originating Dominion or intimate its inability to do so. In the latter event, or at the option of the assessee the originating Dominion will have the right to dispose of the evacuee’s property in fulfillment of the Income –Tax demand.

Pending consideration of this proposal we suggest that no sale of evacuee property should take place in either Dominion in fulfillment of the Income-Tax demands.

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3156. **Press Note issued by the Government of Pakistan on agreement between India and Pakistan on exchange of Prisoners and evaluation of Property.**

**Karachi, August 19, 1948**

A complete agreement on the exchange of prisoners, setting up of a joint organization for the evaluation of urban property and for the preparation of revenue records and the evacuation of movable property, was reached in Karachi between representatives of the Government of Pakistan and India.

A Press note issued by the Ministry of Refugees and Rehabilitation, Government of Pakistan says: “Informal discussions between Messrs M.K. Kirpalani, L.Punjabi, and Khwaja Shahabuddin, and the Secretary for the Ministry of Refugees and Rehabilitation. Government of Pakistan, were held on August 18 and 19 in a cordial atmosphere. These discussions concerned three points:

**URBAN PROPERTY**

Firstly, it was agreed that a joint organization for valuation of urban property left behind by the evacuees both in Pakistan and in India, and for, the preparation of revenue records and arrangements for evacuation of movable property should be undertaken as early as possible. A joint set up for this purpose was discussed in detail, and it is hoped to establish a nucleus of the machinery by about first week of September.
EXCHANGE OF PRISONERS

The communiqué added: “The procedure for implementing the exchange of prisoners which has been agreed to lay down that by August 30, complete lists of prisoners would be exchanged, and thereafter the actual exchange simultaneously at the border.

“Thirdly, the permits system for entering India was discussed. It is hoped to have a further meeting at a ministerial level in the near future, when a satisfactory solution will be found.”

3157. Press Note issued by the Ministry without Portfolio on the Agreement reached with Pakistan on Moveable Evacuee Property.

New Delhi, August 25, 1948.

Press Note

Agreement has been reached between the Governments of India and Pakistan over the removal and disposal of evacuee movable property. Immediate steps are being taken to set up the necessary machinery for this purpose.

The agreement envisages the setting up of a Joint Government Agency on which the two Dominions will enjoy equal representation. Subject to availability of transport and police protection, it will be the function of this Agency:

(a) to supervise the working of the agreed arrangements in regard to movable evacuee property and in particular to assist evacuee owners in the expeditious disposal of their application to the Custodian of Evacuee Property in each Dominion or their requests for help for police protection or special transport facilities;

(b) to set up an organization for facilitating movement by rail or road (this organization will run its own trucks and secure special booking facilities and, wherever possible and necessary, run special goods trains for the movement of movable evacuee property);

(c) to receive complaints and arrange for the redress of grievances of evacuee in the disposal or transport of their movables.
The area covered by the agreement will be:

**In Pakistan**: West Punjab, Sind, North-West Frontier Province and Baluchistan and the States of Bahawalpur and Khairpur (N.W.F.P., and Baluchistan will include States which have acceded to Pakistan, but will exclude Unadministered Agency Areas).

**India**: East Punjab, Delhi, all the States formerly known as the East Punjab States, Bikaner, Ajmer-Marwara, the Matsya Union, the Rajastahn Union, Saurashtra, Jaipur, Jodhpur and the Western districts of the United Provinces (which shall in any case include the districts of Saharanpur, Dehra Dun, Meerut and Muzaffarnagar).

As soon as the necessary organization comes into existence the details of the procedure to be adopted by evacuees for submitting their applications will be announced.

Ministry without Portfolio
New Delhi, August, 25 1948.

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3158. Record of the Discussions of the Evacuee Property Committee of the Inter-Dominion Conference held in New Delhi on 6 — 9 December 1948, in the Room of Secretary, Ministry of Relief and Rehabilitation.

Present

Representatives of the Government of India

(1) Mr. C. N. Chandra.
(2) Mr. V.D. Dantyagi.
(3) Mr. P.N. Thapar
(4) Mr. Y.K. Puri

Representatives of the Government of Pakistan

(5) Mr. E. de. V. Moss.
(6) Mr. Abdul Qadir.
Introductory

1. The representatives of the Government of Pakistan stated that they were not in a position to give their considered views on certain important items in the Minutes of the Inter-Dominion Conference of July 22, 1948, such as the areas to which the agreement should be extended or the treatment of urban immovable property. The Government of Pakistan had been actively examining the important points involved and as they had not been able to collect all the important data which was necessary to enable them to come to a decision, it was impossible for their representatives to put forward any definite proposals in this Conference. It was for this reason that they had requested India not to include this item in the agenda but had finally agreed only after India had insisted on its inclusion.

The Government of Pakistan representatives also said that their Government was under the impression that these minutes were subject to ratification by both Governments and that the Government of Pakistan for the reasons given above, had not yet ratified them.

They further stated that, in their opinion, another conference should be held shortly, in, say, a month’s time and by then they would be able to come to a final decision on the outstanding points and be in a position to put before the Conference definite proposals.

2. The Indian Dominion representatives, on the other hand, were of the opinion that certain agreements had already been reached at the Minister-Level Conference of 22nd July 1948, and there could be no question of re-opening the agreements already arrived at. Agreements in the past had invariably been acted upon without any formal ratification by either Government. They were rather disappointed at the protracted negotiations, as, in their opinion, very little had been achieved since the Inter-Dominion negotiations in March 1948. Refugees in either Dominion had been led to believe that they would be able to dispose of their property before long and in the meanwhile secure the income accrued to them from their property. These hopes had, unfortunately been deferred too long. It was the firm conviction of the Indian representatives that a very early and expeditious settlement of the property question would go a long way towards the rehabilitation of refugees in either Dominion thus removing a very potent cause of friction which exists at present between the two Dominions.

3. Pakistan representatives regretted that a misunderstanding had occurred but they fully agreed with India that an early settlement of the property question was of vital importance and that Pakistan would do everything in its power to expedite the settlement.
Minutes Of The Conference of 22nd July 1948

Part I— General

I. Areas To Which Agreement Will Apply

4. The representatives of Pakistan Government said that they regretted they were unable to accept at present the proposals contained in the minutes of the Conference of 22nd July 1948 for the extended areas as these have not been approved by their Government. They would prefer to leave the matter open for consideration at the next Conference and in the meantime they would like to work on the old areas as agreed to in the Conference in March 1948, viz., the whole of Western Pakistan, and, in India, the Province of East Punjab, East Punjab States less Maler Kotla State, the States of Alwar, Bharatpur and Bikaner, and the Province of Delhi. The India Government representatives stated that the areas had already been agreed upon on 22nd July 1948 and there was no justification for re-opening the question.

II. General Principles

5. Paragraph (3) of the 22nd July 1948 minutes was accepted by representatives of both India and Pakistan.

6. Paragraph (4) of the 22nd July 1948 minutes — The representatives of Pakistan stated that they would prefer to keep this open till the next Conference.

PART- II Agricultural Property

7. Paragraph (5) of the minutes of 22nd July 1948 Conference — It was agreed that considerable progress had been made in the preparation and exchange of copies of revenue records of Wet Punjab and East Punjab districts and the East Punjab States. In regard to the other States in India, namely Alwar, Baharathpur and Bikaner, and for the Province of Delhi the records were being prepared, but exchange had not yet taken place. In Pakistan similarly, the revenue records of the Provinces of North West Frontier and Sind and the administered area of Baluchistan and the other States in West Pakistan, particularly, Bahawalpur and Khairpur, were being prepared but had not yet been exchanged. It was agreed that the following procedure should be adopted for the exchange of the remaining copies of the revenue records and that every effort should be made to complete the work by the 15th January 1949.

Copies of all the revenue records of the remaining areas in Pakistan should be handed over to the Deputy High Commissioner for India in Lahore.

Copies of the revenue records for the remaining areas in India should be handed over to the Deputy High Commissioner for Pakistan at Jullundur.

It was agreed that the Joint Committee of the two Deputy High Commissioners...
at Jullundur and Lahore should be set up to see to the work of procurement of the copies of the revenue records and for their expeditious transfer to the representatives of the other Dominion.

8. Paragraph (6) of the minutes of Inter-Dominion Conference of 22\textsuperscript{nd} July 1948—

(a) Representatives of both Dominions agreed that a Liaison Officer of the other Dominion should be appointed to be in close touch with the Custodian of Evacuee Property, for the purpose of —

(i) obtaining information on general principles being followed with regard to management of evacuee property;

(ii) making representations—general or in respect of cases of particular evacuees or properties — for the consideration of the Custodian;

(iii) obtaining information regarding demand statements and account statements regarding properties of evacuees, and generally to expedite by references to the Custodian the implementation of paragraphs 9 and 10 of Part II of the draft scheme of the Joint Official Committee of March 22\textsuperscript{nd} —25\textsuperscript{th}

(b) The Liaison Officer will be attached to the High or Deputy High Commissioner of the Dominion to which he belongs, but will have office accommodation in the office of the Custodian to which he is attached;

(c) The Pakistan representatives agreed to the above on the condition that the office of the Custodian of Evacuee Property, East Punjab, was and would remain at Jullundur.

PART III— Urban Immoveable Property

9. Paragraph (7) of the minutes of the Inter-Dominion Conference of 22\textsuperscript{nd} July 1948.—The Pakistan representative said that they were not prepared at the present moment to consider the question of settlement of urban immovable property. They would like this question to be held over for consideration at the next Inter-Dominion Conference.

10. Paragraph (9) of the minutes of 22\textsuperscript{nd} July 1948. — the Pakistan representative stated that Pakistan was not prepared at the present moment to agree to any proposal for the unrestricted private exchange of urban property. They would like this proposal to be held over and considered at the next Inter-Dominion Conference.

In regard to the proposal for the Joint Urban Assessment Board made in paragraph (9) of the minutes of 22\textsuperscript{nd} July, 1948, the Pakistan representatives
stated that in the present circumstances it was impossible for Pakistan to agree to such an elaborate organization being set up.

It was, however, agreed by the representatives of both the Dominions that it was desirable that steps should be taken for early collection of rents for evacuee property and settlement of accounts in accordance with the provisions contained in paragraphs 9—10 of Part III of the Inter-Dominion Draft Scheme dated 22nd — 25th March 1948.

**Part V— Movable Property**

11. Paragraph (11) of the minutes of 22nd July, 1948.— The Pakistan representatives stated that the Joint Government Agency proposed in the July Agreement was not acceptable at the present moment and suggested that a Joint Committee of the Deputy High Commissioners at Jullundur and Lahore should go into the question and suggest alternative measures for the evacuation of movable property.

The representatives of India stressed the need of a Joint Government Agency, but they had no objection to the two Deputy High Commissioners meeting together to make proposals for consideration.

12. Paragraph (12) of the minutes of 22nd July 1948.— The proposals in this paragraph have been agreed to and are being acted upon.

13. Paragraph (13) of the minutes of 22nd July 1948.— It was agreed that the Inter-Dominion Commission should now start functioning.

14. Paragraph (14) of the minutes of 22nd July 1948.— As the question was not specifically referred to the Pakistan Government before this meeting, their representatives would prefer to postpone a discussion of this item to the next Inter-Dominion Conference.

15. Paragraph (15) of the minutes of 22nd July 1948.— May be referred to the Inter-Dominion Commission.

16. Paragraphs (16) to (19) of the minutes of 22nd July 1948:

**Assessment of Income –Tax on Refugee Assesses**

Proposals agreed to by the C.B.R. India and Pakistan for the consideration of the Committee.

Government of India will appoint special officers at Delhi and Bombay to whom the refuge assesses in India who have come from West Punjab, N.W.F.P., Sind and Baluchistan will furnish (in duplicate) particulars of their addresses etc. as given in
the letter dated 28th October 1948 to the Central Board of Revenue, Pakistan. The Press Note will be modified accordingly.

The special officer in India will forward a copy of these particulars to his counterpart in Pakistan who will distribute them among the Income Tax Officers having jurisdiction to deal with the cases.

The Income-tax Officer concerned will then send the notices calling for returns or evidence through the special officer of Pakistan who will forward them in batches each week to the special officer in India and he will send them to the assesses concerned.

The Income-tax Officer in Pakistan should make an *ex parte* assessment only after he hears from the special officer in India, that the notice could not be served on the assessee as his whereabouts are not known or that the assessee without valid cause has failed to comply with the notice. In cases where assessments would otherwise become time-barred, an *ex parte* assessment may be made after the due date for the receipt of return but full facilities should be given for reopening the assessment on valid cause being shown in appeal.

Each Government will arrange for Assesses being represented before the Income-tax Officer, if they so desire by authorized agents to whom the accounts etc. will be sent through the respective High Commissioners.

As soon as an assessment is completed in Pakistan one copy of the demand notice should be sent to the special officer in Pakistan and he will forward it to his counterpart in India who will pass it on to the assessee. Another copy will be sent to the Custodian of Evacuee Property in Pakistan.

The Custodian will adjust against the demand any amount to the credit of the assessee and if the full demand could not be met, the balance shall be communicated to the assessee through the special officer.

Property of the assessee may be attached for the balance of the tax if any due, but shall not be sold in auction except with the consent of the assessee within one year after they are permitted to sell or exchange the properties.

Any *ex parte* assessments made before the introduction of this procedure on evacuee assesses to whom the “stand-still” agreement applied will be cancelled by the Commissioner and revised assessments made in accordance with the procedure contained herein. As regards other evacuees, appeals against *ex parte* assessments already made shall be entertained, irrespective of the time-limit, provided the appeals are filed before the 15th January 1949.

The notices intended for assesses in India shall be sent to the special officer in India in special bags through the respective High Commissioners, and the special
officer shall send them to the assesses at the addresses given in the statement, and shall after service of the notices, forward the acknowledgments to his opposite number in Pakistan.

Arrangements in Pakistan shall be exactly similar to those in India, and special officers will be appointed at Karachi and Lahore.

When owners of properties are permitted to sell or exchange their properties, such sale or exchange shall be subject to the claim for arrears of tax if any and shall not become final till tax is paid.

The proposals contained in the Central Board of Revenue India's letter to the Central Board of Revenue, Pakistan, mentioned above shall be acted upon except to the extent modified above.

This new procedure shall be announced in the Press simultaneously by both Dominions on the 17th December 1948.

**Other Subjects Discussed by the Representatives of the Two Governments**

**A. Sale and Transfer of Shares**

Pakistan representatives mentioned that correspondence was going on between the Governments of India and Pakistan regarding the existing restrictions on transfer and sale of shares in West Punjab. Pakistan representatives stated that if restrictions on such sale and transfer of shares in East Punjab and Centrally Administered areas were removed, restrictions in West Punjab and other areas wherever they exist will be withdrawn by Pakistan Government.

The Indian representatives stated that the restrictions in India were imposed only because they existed in Pakistan and they would be prepared to withdraw the restrictions on a reciprocal basis.

It was agreed that restrictions shall be withdrawn by both the Governments immediately.

**B. Money due to Evacuees from Government and Quasi Government Bodies**

It was represented by the Pakistan representatives that restrictions existed in West Punjab, East Punjab and Delhi regarding the payment of money due to contractors who have now become evacuees and to Government servants, to servants of Universities and local funds and other local bodies. It was mentioned by the Pakistan representative that at present money payable to contractors was deposited with the Custodian and not paid to the contractor concerned by the Governments on either side. India also pointed out that in the case of the
Punjab University employees who had migrated to India, the Provident Fund money had not been paid to the employees for lack of Custodian's permission. Similarly restrictions have been imposed in Delhi. Court deposits and Provident Funds of teachers employed by local bodies were similarly being held up in either Dominion. It was decided that all money due from Government or quasi Government bodies like the University, the District and Municipal Boards and other local bodies, should be payable by them direct to the evacuee concerned without the intervention of the Custodian and should be subject only to any agreements regarding exchange control between the two Governments.

Examples of such payments were sums due to the contractors for work done or goods supplied or otherwise under the contract, pay, leave salary and provident fund amounts of Government servants and servants of Universities, local bodies and quasi-Government institutions, security deposits of contractors and public servants, court deposits and scholarships due to students. These items are illustrative only and not exhaustive.

To enable this agreement to be implemented, immediate amendment of the Custodian of Evacuee Property Ordinance will be necessary in both the Dominions. In the meantime instructions should be issued not later than the 15th January, 1949, to the Custodian to grant general permission for the free movement of money relating to such items.

The Indian representatives pointed out that on both sides a large number of claims from Government and semi-Government departments and institutions are outstanding and evacuees entitled to moneys are not being paid. It was agreed by both the representatives that effective measures should be taken to have all such claims considered and paid as early as possible. It was decided that both Governments should issue instructions to Government departments, semi-Government institutions and to local bodies to expedite payment of claims of evacuees.

Teachers other than those included in B above:— It was agreed that teachers other than those employed by Government and quasi-Government bodies will also be given the benefit of the arrangements agreed to in B above.

**C. Changes in Evacuee Property Law in Pakistan**

The Indian representatives pointed out that the latest Pakistan Ordinance appeared to be stricter in certain respects than the older law, and contrary to the spirit of the negotiations between the two dominions. The Pakistan Representatives agreed to examine the points raised by the Indian representatives. A detailed note on the subject is to be given to the Pakistan Government representatives and the matter will be discussed at the next Conference.
D. Jagirs and Muafis

The question of Muafi, land grants, assignment of land revenue and jagir grants etc. was raised by the Pakistan representatives and it was decided that both the Governments should examine the position and discuss the matter further in the next Inter-Dominion Conference.

E. Estates under Court of Wards

It was agreed that whether the estates were still under the Court of Wards or had been released and handed over to the Custodian after partition, the wards or ex-wards and dependents or ex-dependents may continue to be paid a suitable allowance direct by the Court of Wards or the Custodian as the case may be, as a special case.

F. Improvement Trust Plots

It was agreed that the rights of the evacuee owner should not be forfeited. The sale of Improvement Trust Plots generally include a condition that the failure to build within a specified period, or to pay the necessary number of instalments, would mean forfeiture of the plot of land by the Improvement Trust. It was agreed that such penal conditions should be held in abeyance. This does not preclude the state from acquiring or requisitioning the land for the purpose of rehabilitation of refugees.

G. Government servants who have migrated from one Dominion to another and who were in pensionable service but had not earned their pension.

The consensus of opinion was that something must be done for these persons, but the question must pend the settlement of an agreement between the two Dominions of the bigger issue of the pensions already earned.

H. Exchange of Undertrial Prisoners on Bail

It was agreed by the representatives of both the Dominions that since the persons who were in prison have already been transferred, there is no reason why those who were on bail should not be considered eligible for transfer. Pakistan representatives pointed out that this matter was under consideration of their Government; but pending a final decision, it was agreed that no action should be taken to forfeit the bail-bonds or personal securities.

I. Transfer of Cases in Mental Hospitals

It was agreed that non-Muslim patients in the mental hospitals in Pakistan and Muslim patients in similar hospitals in India whose relatives have gone over to
the other Dominion may be transferred to India and Pakistan respectively subject to the adjustment of any amounts that may be due on their accounts. This will be applicable only to persons already in hospitals on 1st December, 1948.

Dalawari, 10th December 1948.

E. de. V. Moss, Secretary
Ministry of Refugees and Rehabilitation,
Govt. of Pakistan, 11th December, 1948.

C. N. Chandra, Secretary
Ministry of Relief and Rehabilitation,
Govt. of India 11th December, 1948

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Record of the Discussions held in the Room of Defence Secretary on Friday, 10th December 1948 at 12 Noon in Regard to the Evacuee Property.

The first point of difference between the representatives of India and Pakistan in the Evacuee Property Committee was the question of areas to which the scheme of evacuee property should apply. In the Secretariat level conference held in March, 1948, the agreed areas were confined to Western Pakistan on the one hand and East Punjab, East Punjab States, the States of Alwar, Bharatpur and Bikaner in India. At the request of Pakistan, this area was extended in the Minister level conference held on 22nd July, 1948, in India to include Ajmer Merwara, Malerkotla State, the Matsya and Rajasthan Unions, Saurashtra, the States of Jaipur and Jodhpur, and Western districts of United Provinces, which were in any case to include the districts of Saharanpur, Dehra Dun, Meerut and Muzaffarnagar. The Pakistan representatives stated that the Pakistan Government had not yet ratified the agreement to this area and that they would like to keep the matter open for the present.

2. At the meeting of July 22nd, the Pakistan representatives reserved to themselves the right to suggest any further area which they liked to be included in the property scheme. The India Government representatives were prepared to consider their proposals and to extend the agreed area to the whole of India and Pakistan if necessary. Pakistan representatives wished to keep this question also open for the present.

3. **Agricultural property.**— The scheme submitted by the Secretariat level committee, which met on 22nd /25th March, 1948, envisaged both the Governments taking over the agricultural land left behind in either Dominion. The land was to be valued by a Joint Valuation Board to be set up for the purpose of valuing land
on the basis of certain principles which were accepted by this official committee. At the conference of 22nd July, 1948, the Pakistan Government wished to collect more information before they could agree to this scheme. Meanwhile the revenue records in both Dominions over the agreed area were to be copied and exchanged. To expedite this work, a special Joint Committee was to be set up. The Pakistan Government representatives stated that it is not possible to accept this official Joint Committee for the present but there was no objection to both Governments proceeding with the valuation of the land left behind in their respective areas. It was pointed out by the Pakistan representatives that the principles accepted by the Joint Official Committee had yet to be formally accepted by their Government.

4. **Urban immovable property.** — The main hitches in this case were the question of agreed area and whether exchanges should be allowed in regard to urban immovable property. Here again a Joint Urban Assessment Board was contemplated by the official committee of the 22nd/25th March with a view to helping persons who could not exchange their property otherwise. The Pakistan Government representatives were of the opinion that a Joint Urban Assessment Board was impossible at present. While the Indian Government representatives were of the opinion that exchanges may be freely allowed in all cases, the Pakistan Government representatives were not prepared to give an answer till the question of agreed areas was settled.

5. **Movable property.** — The official committee of 22nd/25th March 1948, contemplated a joint Government agency for the purpose of moving movable property from one Dominion to the other, unless it was taken over or requisitioned by the Government concerned or the export thereof was forbidden under a general order of that Dominion. The Joint Agency was accepted by the Minister level conference of 22nd July, 1948. The Pakistan Government representatives stated that they could not receive at the moment a vast organisation like this agency, but that the two Deputy High Commissioners should meet together and work in effect as the joint agency for the purpose of facilitating the movement of such property. It was agreed that the High Commissioners will be suitably assisted by sanction of extra staff by the two Dominions Governments and that facilities including protection will be accorded by the Dominion in which that staff would be operating with a view to transferring movable property.

V. D. Dantyagi,
Joint Secretary.

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Report of the Committee on Evacuee Property—
Recommendations of the Steering Committee.

The Evacuee Property Committee has submitted a report in which there is disagreement between the representatives of India and Pakistan on the following principal points:—

(1) area to which the Agreement would be applicable;
(2) transfer and sale of agricultural property;
(3) transfer and sale of urban immovable property; and
(4) disposal or transfer of movable property.

The Steering Committee had a prolonged discussion with the representatives of the two Dominions and agreement was reached on point No.4. It was agreed that the two Deputy High Commissioners should work as a joint committee for facilitating the movement of movable property from one Dominion to the other.

With regard to the other points, the Pakistan delegation maintained that they were not in a position to express any opinion or proceed further with implementation until the agreement reached at the Minister level conference held on the 22nd July, 1948, at Lahore was ratified by their Government. Indian representatives on the other hand stated that they had all along proceeded on the assumption that there will be no question of the agreement being subject to any ratification.

Having regard to the time that has elapsed since the Lahore Agreement was signed by the representatives of the two Governments, the Steering Committee would recommend to the Conference that where there were actual agreements in substance between the two Governments in Lahore they should stand and should be implemented. This is a matter to which considerable importance is attached by the private individuals whose property lies in one or the other Dominion. The Steering Committee would further recommend that the implementation of the points on which agreement had been reached should be completed with the utmost expedition.

Where at Lahore certain points were left over for further consideration, the Steering Committee would recommend that the two Governments should make up their minds within a month and intimate their considered views on those points to each other. If a further conference is necessary to settle these points, it should be held within six weeks.
3159. **Telegram from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.**

**New Delhi, January 8, 1949.**

Practically no progress has been made in the settlement of the question of evacuee property since the official level conference of March 1948. This has caused a considerable amount of unrest among the refugees and during the December Conference we did our best to settle the question. Your Delegation however wanted some more time for consideration and a conference was accordingly fixed at Karachi on the tenth January. The question of evacuee property is now the only source of constant friction between the people of two Dominions and I would earnestly request you to help in the taking of final decisions at the forthcoming conference. The machinery for implementation of the decisions taken should also be devised at this conference so that quick disposal of property and speedy permanent rehabilitation of refugees is ensured. The decisions taken have to be essentially just and fair if this chronic cause of discontent is to be removed. I am instructing my delegation to help your Government in every way possible way.

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3160. **Inter-Dominion Conference on matters relating to evacuees’ property.**

**January 10 – 13, 1949.**

**Part-I—General**

1. **Areas to which applicable.**

   (a) In regard to agricultural property, the areas in Pakistan would be West Punjab, Sind, N.W.F.P. and Baluchistan, and the States of Bahawalpur and Khairpur (N.W.F.P. and Baluchistan should be taken to include States which have acceded to Pakistan and to exclude un-Administered Agency Areas). In India, the areas would be the Provinces of East Punjab and Delhi, Province of Himachal Pradesh, the Patiala and the East Punjab States Union and the States of Bharatpur, Alwar and Bikaner.

   (b) In regard to urban immovable property the areas in Pakistan would be the same as for agricultural property but in regard to India, the areas would be extended to include Ajmer Merwara, Dholpur and Karauli States (now
included in the Matsya Union), the Rajasthan Union, Saurashtra (as both these Unions stood on 22nd July 1948) and the States of Jaipur and Jodhpur, and the districts of Saharanpur, Dehra Dun, Meerut and Muzaffarnagar in the United Provinces.

N.B. Pakistan further suggested that while it was not agreeable to the area in India being extended to the whole of the country, it was prepared to agree to the area being so extended in regard to Government servants and persons holding office under the Crown in either Dominion. India thought it would not be justifiable to make this distinction and suggested that the areas might well be extended to cover the whole of the Dominion. India further suggested that in addition to the 4 districts of the U.P. mentioned above, namely Saharanpur, Dehra Dun, Meerut and Muzaffarnagar, 8 more districts should be added, namely: Aligarh, Mathura, Agra, Mainpuri, Etaha, Bareily, Morabadabad and Budaun, all of which are ordinarily described as Western Districts of the U.P. Pakistan after consideration stated that it was not prepared to accept the extension to these 8 districts.

2. **General Principles.**

(1) Except in accordance with the terms of this agreement the evacuee’s rights in his immovable property shall not be affected by reason of the vesting of his property in the Custodian.

(2) In the evacuee’s absence, the duty of preserving his property and safeguarding his rights and interests therein shall devolve upon the Government concerned.

(3) ‘Evacuee Property’ shall be so defined as to exclude from its operation property belonging to Joint Stock Companies with Head Offices in India, maintaining branches in Pakistan and vice versa.

Provided that where the Custodian or the Rehabilitation Authorities have already taken over the property, which owing to the disturbances was wholly or partially abandoned, such occupation shall continue, if so desired by the Government concerned for the following periods:

(a) agricultural, commercial and residential property, 3 years and
(b) industrial property, 5 years.

Note. The position of Joint Stock Companies which claim to have transferred their head offices from one Dominion to the other after the 15th August 1947 may have to be examined separately.
Throughout this agreement whatever has been laid down as applicable to a Dominion or to its Government shall be applicable to any States or to the Government of any such States as have acceded to the Dominion and are included in the area to which this agreement now becomes or hereafter becomes applicable.

3. Administration of Evacuee Property.

(1) There shall be appointed one or more Custodians of Evacuee Property in each Dominion.

(2) Evacuee property situated within the jurisdiction of a Custodian shall, for purposes of Management, be vested in him.

(3) It shall be the duty of the Government concerned to take all necessary action for the preservation of evacuee property and for safeguarding all the evacuee’s rights and interest therein. In particular the Government concerned shall require its Custodian or Custodians of Evacuee Property to:

(a) compile and maintain full and complete record of all evacuee immovable property, separately for each town and village;

(b) make arrangements to be in a position as soon as possible to furnish to the evacuee (on demand by him) information in respect of administration of his property;

(c) take into consideration such information as the evacuee may give him regarding his property while dealing with matters connected with the administration of the property concerned;

(d) keep the interests of the evacuees paramount save in accordance with the provision of any law for the time being in force;

(e) provide full facilities to the other Dominion or its representatives to represent to the Custodian the viewpoint and interests of any evacuee.

4.(a) A Liaison Officer of one Dominion should be appointed to be in close touch with the Custodian of the Evacuee Property of the other Dominion for the purpose of

(i) obtaining information on general principles being followed with regard to management of evacuee property;

(ii) making representations—general or in respect of cases of particular evacuees or properties—for the consideration of the Custodian;
obtaining information regarding demand statements and account statements regarding properties of evacuees, and generally to expedite by references to the Custodian the implementation of sections (8) and (9) of Part III.

(b) The Liaison Officer will be attached to the High or Deputy High Commissioner of the Dominion to which he belongs; but will have office accommodation in the office of the Custodian to which he is attached;

c) Pakistan agreed to the above on the condition that the office of the Custodian of Evacuee Property, East Punjab, was and would remain at Jullundur.

Part II—Agricultural Property

1. Definitions.

(1) ‘Agricultural Property’ means:

(a) all land not included within the limits of a Corporation, Municipal Committee, Notified Area Committee, Town area, Small Town Committee and Cantonment as those limits stood on the 15th Augusts 1947.

(b) buildings and other structure (including wells) erected on such land (excluding industrial and commercial buildings, such as factories, workshops and the sites thereof);

(c) other rights and interests in lands, buildings and structures referred to in (a) and (b) above, e.g. rights of a lessee, grantee, mortgagee, etc., but not including assignments of land revenue.

Note. The problem of substantial houses and shops in rural areas has been dealt with in Part IV.

(2) ‘Evacuee owner’ in this part means an owner of evacuee agricultural property or a holder of any rights or interests therein.

2. The consideration of section 1(3), 2, 3, 4, 5, 6, 7 and 8 of the Draft Scheme was deferred. With a view, however, to collecting data which would enable an early decision to be reached regarding the disposal of agricultural property, it was agreed to exchange copies of revenue records and of existing records bearing on the question of land price. It was also agreed that for expediting this work, three joint committees should be appointed. One of these three committees will be composed of the Deputy High Commissioner (Pakistan) at Jullundur and the Deputy High Commissioner (India) at Lahore, who will be concerned with the agreed areas of Western Pakistan less Sind, Baluchistan and Kahirpur and with the agreed
EVACUEE PROPERTY

areas in India less Delhi and the States of Bharatpur, Alwar and Bikaner. The second Committee will be composed of the High Commissioner for Pakistan in Delhi or an officer nominated by him and an officer of the Ministry of Relief and Rehabilitation (India) for areas of Delhi and the States of Bharatpur, Alwar and Bikaner; and the third committee will be composed of the High Commissioner for India in Pakistan at Karachi or an officer nominated by him and an officer of the Ministry of Refugees and Rehabilitation (Pakistan) for Sind and Baluchistan and the State of Khairpur.

3. Section 9. Applicability of certain provisions of Part III to This Part.— Until a scheme is agreed to for the disposal of agricultural property, the following provisions shall apply to such property:

(a) Section 2 of Part III, mutatis mutandis, provided that the maximum period for which agricultural property may be requisitioned shall be three years;

(b) Clause (a) of sub-section (1) of section 7 of Part III;

(c) Section 8 and 9 Part III (mutatis mutandis).

Part III — Urban Immovable Property

1. Definition

(1) ‘Urban Immovable Property’ means

(a) all immovable property situated within the limits of a Corporation, a Municipal Committee, a Notified Area Committee, a Town Area, a Small Town Committee and a Cantonment as those limits existed on the 15th August 1947;

(b) other rights or interests in such property, e.g., rights of a lessee or a mortgagee;

(c) commercial and industrial structures, such as factories, workshops outside the limits referred to in (a) above and sites thereof;

(d) commercial and industrial undertakings including goodwill of such undertakings.

Note 1. The township known as Model Town in the vicinity of Lahore is an urban area and shall be deemed to be included within the municipal limits of Lahore.

Note 2. The question of including ‘substantial’ houses and shops in rural areas as urban immovable property was deferred.
(2) ‘Evacuee Owner’ means an owner of evacuee urban immovable property or a holder of any rights and interests therein.

(N.B. Pakistan suggested that ‘evacuee’ should be defined as a person who has moved over from one Dominion to the other before 30th September 1948 and the property belonging to such a person should be defined as ‘evacuee property’. India was of the view that the fixation of a date in this way, particularly one which would have to be given effect to retrospectively, would be unfair to persons who will have left one or the other Dominion after the fixed date; the position would be different if some suitable date in the future were to be fixed. Pakistan stated that they would consider this point further and see what action on their own side would be feasible).

2. Rights of Provincial Government.

(a) The Government of the Province in which evacuee urban immovable property is situated shall have the right to acquire such property as it may need for a public purpose, which may include the rehabilitation of refugees or the economic rehabilitation of the Province, on payment of fair compensation to be determined in accordance with the principles laid down in the Land Acquisition Act or any other law which is applicable as it stood on August 15, 1947. The amount of compensation would be determined in the following way:

The Administrative Officer who would ordinarily be charged with the duty of making an award himself shall submit a report to the Court of the District Judge which for this purpose will consist of two members, one from each Dominion. If the two members are agreed they will make an award which will be final. If they disagree, a reference shall be made to the High Court of the Dominion in which the property in question is situated. The decision of the High Court shall be final.

(b) The Government of the Province in which evacuee urban immovable property is situated shall have the right to requisition such property as it may need for a public purpose which may include rehabilitation of refugees or the economic rehabilitation of the Province on payment of a fair compensation. The Maximum period for which the Provincial Government is entitled to requisition shall be limited in the case of —

(i) residential property to 3 years;
(ii) commercial Property to 3 Years; and
(iii) industrial establishments to 5 years.
The fair compensation shall be assessed in accordance with the principles laid down in the law in force at the time of requisitioning or in accordance with any modification or amendment of that law or any substitution of it, or promulgation of an new law. The draft of any law, or any new rule shall, however be communicated to the Inter-Dominion Commission (Part VII) and any recommendation made by that Commission shall be taken into consideration.

Note 1. The term 'requisition' shall include taking over and assuming control of evacuee property for the purpose of rehabilitation under any law for the time being in force.

Note 2. Property owned by institutions and trusts will also be governed by this paragraph unless and until a separate agreement is arrived at regarding such property.

Note 3. Copies of all orders passed requisitioning any property and fixing compensation therefor shall be furnished by the officer requisitioning the property to the Liaison Officer attached to the Custodian.

3. Conditions of Leases.

(1) The conditions on which such requisitioned property is leased out shall be such as to cast upon the lessee an obligation to:

(a) safeguard and preserve the leased property;

(b) give full facilities to the proprietor or his duly authorized agent to arrange for inspection and to take all such action as may be necessary for canvassing buyers and for effecting sales or exchanges.

(2) In the case of industrial and commercial undertakings the lease conditions may also provide for depositing security against loss or damage.

(3) conditions shall provide for the imposition of a penalty for any breach thereof.


(1) The Government of the Dominion in which the evacuee immovable property is situated shall provide facilities (i) to evacuees (as also to private agencies working on their behalf) to enable transfers to be effected by sale, exchange, or otherwise, (ii) for the registration of the exchange; and sales of evacuee property, as well as for special concessions relating to registration fees and stamp duties. It was agreed that the details of these concessions and facilities should be worked out by the Inter-Dominion Commission.
(2) It shall be the duty of the Custodian plus the Liaison Officer attached to him to give property owners such information as might assist them in the disposal of their property. Such staff as the Custodian and the Liaison Officer may require for this purpose shall be provided.

5. Rights of Evacuees.

(1) The evacuee owner shall have the right to transfer his property by sale, exchange or otherwise, subject to such right as may have been acquired by the Provincial or the Dominion Government as the case may be (or by other persons claiming through the Provincial or the Dominion Government as the case may be) as a result of the exercise of powers referred to in section (2) above.

(2) All such transfers shall be registered with the Custodian of the area concerned, who shall register the transfer unless:

(a) the transferer fails to produce a certificate signed by the prescribed income-tax authority certifying that the transferer has paid all taxes due from him to the Income Tax Department in respect of his property, business or undertaking, or has made satisfactory arrangements for the payment thereof; or

(b) he has failed to pay any other dues outstanding against him in the custodian's registers in respect of (i) his own property; (ii) third party claims recognized ex parte by the Custodian:

Provided that provision is made for review by the custodian of third party claims thus recognized.

Note. Taxes due from him in (a) means ‘taxes assessed but not paid’ and also ‘taxes not yet assessed’ provided that in the latter case the transferer shall be permitted to obtain registration of his transfer if he deposits with the Custodian in respect of each year for which assessment is pending an amount equal to the average of the tax assessed for the last three years for which assessment has been made.

In considering the question of satisfactory arrangements for payment as in clause (a) the income-tax authorities shall consider the value of other immovable property owned by the transferer in that Dominion.


(1) The Government shall manage, through the Custodian appointed by it for the purpose, such evacuee urban immovable property as has not been acquired or requisitioned by it.
(2) The Custodian shall be free to take such action as he may deem fit in the interest of efficient management of such property.

(3) The provisions of Section (2) and (3) of this Part apply, mutatis mutandis, to the leases given by the Custodian.

7. **Deductions from lease money.**

(1) From the lease money, assessed and realized in accordance with the provisions of this part, the Custodian will be entitled to make the following deductions:

   (a) 10 per cent of the realized rents for management, and

   (b) 10 per cent of the assessed rents for normal repairs.

(2) In the case of special repairs, the Custodian will be entitled to incur expenditure against the capital value of the property.

8. **Returns of rental collection information.** The Custodian shall prepare for the six monthly periods ending 30th June and 31st December each year, lists in duplicate for each locality, giving particulars of evacuee urban immovable property situated therein, the names of evacuee owners, and the lease money assessed, with additional columns showing the rents collected, deductions made there from and the balance payable to each evacuee owner.

9. **Inter-Dominion Adjustment.** The Custodians in each Dominion will send the lists thus prepared in duplicate to the Auditor General of their Dominion government. That officer will forthwith forward one copy of each list to the Auditor General of the other Dominion and proceed to consolidate the amounts in these lists. The two Auditors General will adjust the net amount payable by one Dominion to the other through the Exchange Accounts of the two Dominions. If all the lists are not received within two months of the prescribed dates namely, 30th June and 31st December, by the Auditor General of the other Dominion, adjustment shall be made to the extent of 50 per cent of the total amounts in the lists received at the expiry of the said two months, the balance being credited to the account of the Dominion to which it is due as soon as the outstanding lists from that Dominion are received.

   **Note.** This procedure is provisional and will be reviewed as soon as after the 1st adjustment.

10. **Restoration.** Where the owner of any evacuee urban immovable property produces a certificate from the Rehabilitation Commissioner or an authority empowered by the Rehabilitation Department in this behalf that the property is not required for the purpose of rehabilitation of refugees or the economic
rehabilitation of the Province, the Custodian shall restore the property to the owner or his agent for management or disposal where the management has not been taken over by the Custodian, and the owner produces the above certificate, the Custodian may, on the owner’s request, allow him to retain or assume management of such property.

11. Prevention of Attempts to prevent unfair fall of prices. The Dominion and the Provincial Governments in whose area the property is situated will do everything in their power to see that no organized attempts are made to keep the price of evacuee property below the market level by forming rings, syndicates, boycotting or otherwise.

Part IV. Houses And Substantial shops in Rural Areas

The question of whether Substantial Houses and substantial Shops in rural areas should be treated as urban immovable property or otherwise should be examined by the Inter-Dominion Commission.

Part V. Movable Property


(1) Except in accordance with the terms of this agreement the evacuee’s right in his movable property shall not be affected by reason of the vesting of his property in the Custodian.

(2) In the evacuee’s absence, the duty of preserving his property as safeguarding his rights and interest therein shall be entrusted by the Government concerned to Custodian of the Province in which the property is situated.

(3) It shall be the duty of the Custodian to:

(a) take all possible precautions for the proper and safe keeping of evacuee movable property;

(b) ensure that full compensation is recovered for movable property requisitioned by the Provincial Government or their officers for a public purpose, which may include the rehabilitation of refugees or of the economic life of the Province;

Explanation.— The term ‘requisitioning’ includes taking over for purposes of the rehabilitation of refugees or the economic life of the Province.

(c) make arrangements for the disposal of such movables as cannot be preserved to the best advantage of the evacuee owner;
(d) restore on application to the evacuee owners their movables and to give facilities to them to dispose of or remove the movables so restored;

(e) on application by an evacuee owner, arrange for the disposal of his movable at the best possible price.

2. Rights of Government.

(1) Provincial Government— The Government of the Province in which evacuee movable property is situated shall have the right to acquire or requisition such movable property as it may need for a public purpose, which may include rehabilitation of refugees or the economic life of the Province, on payment of a fair compensation to be determined in accordance with Sub-Section (6) of Section 4.

(2) Dominion Government. The Government of one Dominion shall have the right to prohibit or restrict the export of items of evacuee movable property which may be essential for the life of the community after giving notice to the other Dominion of their intention to do so.

3. Procedure for Acquisition or Requisition or Sale.

(1) A record will be kept of the goods acquired, requisitioned or sold by the Provincial Government or its officers, including the Custodian and officers subordinate to him. The record shall include separately for each evacuee owner an inventory of the items and quantities acquired, requisitioned or sold, the name and designation of the officers making the order and the price payable or paid.

(2) Reasonable facilities shall be given to evacuee owners and their representatives to inspect the entries concerning them in this record.

(3) The general procedure for preparation of inventories and fixation of prices shall be in accordance with the provisions of Section 4 of this Part.

(4) A nominal roll giving the name of each evacuee owner and the total amount due to him on account of goods acquired, requisitioned or sold, shall be compiled and furnished every six months by the Custodian to the Auditor General of his Dominion. The Inter-Dominion Settlement will be made in the manner prescribed in Section 10 of Part II.

(5) Opportunity shall be given to evacuee owners or their authorized agents to bring to the notice of the Provincial Government or the Custodian concerned instances of:

(i) deliberate misdescription of goods sold;

(ii) gross undervaluation.
The Custodian may effect the sale of evacuee movable property:

(i) on application by the evacuee himself;

(ii) after adequate notice (not less than a month) to the evacuee owner individually or to a general class of evacuee owners.

**N. B.** If in response to the notice the evacuee owner desires to make arrangements to dispose of his property himself or through his agent, the Custodian will normally accord permission to do so.

(iii) without notice, in cases in which, for reasons to be recorded in writing he holds:

(a) the interest of the evacuee owner is best served by the sale, or the sale is necessitated by requirements of rehabilitation.

**N. B.** The sale of movable property shall, as far as possible, be by auction. The evacuee owner or the representative of the Dominion to which he has evacuated will be given an opportunity to be present at the sale.

Abandoned movable which cannot be assigned to any particular evacuee shall be disposed of according to the law for the time being in force for the disposal of unclaimed property.

4. **Procedure for preparation of Inventories and Valuation.** Evacuee owners of moveables especially those forming assets of commercial or industrial undertakings, will be given the following facilities in respect of inventories and valuation.

(1) Each Government will have the right to appoint representatives acceptable to the other Dominion in such local areas of the other dominion as they deem fit. The rehabilitation authorities will inform those representatives whenever possession of a commercial or industrial undertaking is to be taken over by them giving not less than a week’s notice. The representatives will have the right to be present either personally or by an authorized agent at the time of the preparation of the inventory.

(2) If the owner wishes to be present either personally or by an authorised agent at the time of the preparation of the inventory, his presence will not be objected to, provided that the preparation of the inventory shall not be delayed merely to ensure his presence.

(3) After the preparation of the inventory a date shall be fixed for the valuation of the property and the representative or owner or agent who has been present at the preparation of the inventory shall be informed of that date.
by the officer preparing the inventory. On the date fixed, the representative of the dominion, the owner or his agent shall have the right to be heard.

(4) Where an order of valuation has been passed by an authority subordinate to the Custodian and the order required confirmation by the Custodian, the representative of the Dominion or the owner may signify his desire to be heard before the order is confirmed, and the Custodian give him an opportunity to be so heard.

The Custodian shall not pass an order of confirmation until 10 days have elapsed from the decision of the subordinate officer.

(5) Where an order of valuation has been passed by an authority subordinate to the Custodian himself, and the order does not require confirmation by the Custodian, the owner shall have the right to appeal to the Custodian within 10 days of the passing of the order by the subordinate officer. It shall not be necessary to give any notice to the representatives of the Dominion or the owner regarding the fixation of value by the subordinate authority.

(6) The rate of compensation will be on the basis of fair value, that is, the price which the property would fetch in the open market under the present conditions provided that no organized attempt is made to keep it low by forming a ring or syndicate, or by boycott or otherwise.

5. Rights of Evacuees.

(1) The evacuee owner shall have the right to apply for restoration of his movable property. This application shall be normally granted except in cases in which the property in question has been acquired or requisitioned by the Provincial Government or taken over by the Rehabilitation authorities.

(2) The evacuee shall have the right to apply to the Custodian requesting him to sell or dispose of his movable property in accordance with the procedure outlined in section 3 and 4.

(3) On restoration, the evacuee shall have the right to manage or dispose of his movable property by himself or through his agent, which term may include Liaison Officers appointed by the Dominion to which he has been compelled to migrate, in any manner he deems fit, including export to any destination in the other Dominion, subject to any export restrictions that may be imposed under sub-section (2) of section 2 of this part.

(4) The evacuee shall on application be given permission and facilities to inspect his movables held in the charge of the Custodian or persons claiming through him or any other person.
Evacuee owners who before the evacuation were engaged in organized trades, such as timber, grain, cotton, sugar, iron and steel, non-ferrous metals, etc., shall have the right to form syndicates and to depute small representative committees, on behalf of the owners to various localities to arrange for the restoration and, subject to the permission of the Custodian, for the disposal or management of the stock in trade belonging to the members of such syndicates.

6. **Responsibility of Governments.**

(1) The Government concerned shall be responsible for taking all steps necessary to ensure the safety of the evacuee owners and their agents engaged in managing, disposing of or removing their movables.

(2) The Government concerned shall also give to evacuee owners and their agents all possible assistance, including, wherever necessary police protection, to dispose of their movables or to dispatch them by rail or road to any destination in the other Dominion.

(3) The dominion government shall also give all possible transport facilities, including provision of petrol on payment, and grant, wherever necessary, a sufficiently high priority for transport by rail.

(4) There should be set up joint committees as for the exchange of revenue and other records in para. 3 of Part II, for the purpose of removal and disposal of evacuee property. It will be the function of these committees:

   (a) to supervise the working of the agreed arrangements in regard to evacuee movable property and in particular, to assist evacuee owners in the expeditious disposal of their requests for help for police protection or special transport facilities;

   (b) to set up an organization for facilitating movement by rail or road (This Committee will run its own trucks and secure special booking facilities and, whenever possible and necessary, run special goods-trains for the movement of evacuee movable property);

   (c) to receive complains and arrange for the redress of grievances of evacuees in the disposal or transport of their movables.

**Note:** The two Dominion governments shall make available all reasonable facilities to these joint committees to enable them to discharge their functions effectively.

(5) The Committees will pay particular attention to facilities being provided for the disposal, recovery, restoration and movement of: (a) goods lying
pledged with banks; (b) parcels and money orders lying undelivered or unremitted at the post offices.

(6) The Committees will also pay special attention to assisting evacuee owners in the recovery and removal of movables buried underground.

7. **Special Categories of Movable Property.**

(1) The previous sections of this Part will apply generally to all movable property.

(2) Without prejudice to this generality, both Dominions recognize that certain special categories or special articles may require special additional treatment and each Dominion will, if requested by the other Dominion, refer to the Inter-Dominion Secretariat Level Commission proposed in Section I of Part VII of this Scheme or, if necessary, to an ad hoc meeting, any case requiring such treatment.

(3) The following special additional treatment is hereby agreed upon in respect of the special categories herein under specified:

(a) **Household goods.**

  (i) The evacuee owner shall be given permission and facilities to remove all items of sentimental, literary and professional value and such personal effects as beddings, personal clothing, radio sets, gramophones, musical instruments, sewing machines, refrigerators, carpets and rugs, etc.

  (ii) Refugees at present residing in the houses vacated by evacuees will have the first claim for the purchase or hiring of all items which are not covered by (a) above, on payment of fair price.

  (iii) A list of the items required by the refugees at present residing in the evacuee’s house shall be prepared. This list shall so far as is possible be prepared in the presence of the evacuee or his authorized representative and as far as possible in the manner laid down in Section 4 of this part.

  (iv) For the items required by him, the refugee shall pay to the evacuee fair compensation calculated in accordance with the provisions of sub-section (6) of Section 4 of this part.

  (v) The evacuee shall be given permission and facilities to remove all items which are not required by the refugee or for which he is not prepared to pay or does not pay fair compensation.

  (vi) Facilities will be made available to the evacuee or the representative of the Dominion to which he has evacuated,
to represent to the Custodian cases of misappropriation of the evacuee’s household goods.

(b) **Goods buried underground.**

(i) The evacuee owner wishing to recover buried valuables shall apply for facilities to the Liaison Officer of the Dominion to which he has evacuated.

(ii) It will be the duty of Liaison Officer to arrange in consultation with the local Custodian and Police Officers for the search of buried valuables being conducted under conditions of secrecy and security.

(iii) Police protection will be provided by the local authorities.

(iv) Supervision of the arrangements in this connection will be a special responsibility of the Joint Committees set up under sub-section (4) of Section 6 of this Part.

(c) **Motor Vehicles.** As soon as possible after this agreement is concluded, the Governments concerned on both sides must implement the provisions of Section 2 and 3, sub-sections (4), (5) and (6) of Section 4 and Section 6 of this Part in regard to acquisition, requisitioning, sale, valuation, payment of compensation and release of motor vehicles. If either Dominion considers any further special arrangements to be necessary, it shall without delay refer its proposals to the Inter-Dominion Secretariat Level Commission mentioned in Section I of Part VII.
3161. Letter from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs.

New Delhi, August 22, 1949.

No. II(89)/49 IDC

To : The Secretary, Ministry of Foreign Affairs & Commonwealth Relations, Government of Pakistan, Karachi.

Subject: Repudiation by the Pakistan Government of the Karachi Agreement of January 1949 regarding Evacuee property.

Sir,

The Government of India had been seeing press reports about the Pakistan Ordinance banning transactions in evacuee property, but as they had not received any copies of the Ordinance from the Pakistan Government they were so far unable to formulate their views. A copy of the Ordinance (No.XI of July 1949) has now been obtained informally and the views of the Government of India on the Ordinance are summarised in the following paragraphs.

2. The Karachi Agreement which was entered into between the two Dominions in January, 1949, had the following important provisions:—

(a) In regard to agricultural property, rent was to be collected on behalf of evacuee owners and transmitted to the other Dominion pending a final decision about the disposal of this type of property.

(b) Free exchanges and sales of urban immovable property were to be allowed.

(c) Rents of urban immovable evacuee property were to be collected on behalf of the owners and remitted to the other Dominion six monthly.

(d) Moveable property was to be restored to the original owner on application, unless it was requisitioned by the Government concerned.

3. Very soon after the Karachi Agreement the Pakistan Government proceeded to reduce the rent of urban evacuee immovable property. In letter No.F.19(2)/48-P, dated the 16th February, 1949, orders were issued by the Ministry of Refugee, Pakistan Government, under which rents due upto 15th August 1948, were remitted to the extent of 80%. Thereafter a reduction of 33.1/3% was allowed. In addition other reductions like 10 per cent for prompt payment were also to be allowed. All these orders were issued without prior consultation with the Government of India, and their effect was only to depress the value of the property. This was a clear breach to paragraph 11 of Part II of the Karachi
Agreement under which the Governments were to resist any action which may lead to fall in prices.

4. In regard to agricultural immovable property the two Dominions had been working on a formula under which six times the land revenue was to be recovered as rent from the allottees of agricultural land. Half yearly lists of rents collected were to be exchanged under para 3 of Part II of the Karachi Agreement. When the Government of India suggested to the Pakistan Government in telegram No. 57303, dated the 25th March 1949, from the Hon'ble Minister, Rehabilitation, India, to the Hon'ble Minister, Refugees, Pakistan, that instead of exchanging half-yearly detailed lists, the sum due to one dominion by the other may be calculated on the basis of land revenue payable by evacuees from either Dominion, the Pakistan Government in their telegram No. nil, dated the 11.4.1949, replied that they could not collect more than the land revenue from the allottees. This meant the virtual temporary confiscation of all agricultural evacuee land in Pakistan. The owners could neither sell their property nor receive rent therefrom. This was a flagrant violation of the Karachi Agreement both in letter and spirit.

5. The position reached before the Karachi Conference of June, 1949, therefore, was that all agricultural property belonging to evacuees had been virtually sequestered in Pakistan, and great efforts were also being made to reduce the value of urban immovable evacuee property. All this was in complete violation of the Karachi Agreement. The only operative clause that still remained was the permission to sell urban immovable property. The latest Ordinance which bans all transactions in evacuee immovable property completes the series of violations and makes the Karachi Agreement of January 1949, a dead letter, in so far as immovable property is concerned. The Government of India very much regret that the Pakistan Government should have adopted this course. They now regard themselves free to take suitable action in regard to evacuee property in India.

6. The Government of India would also enquire whether the Pakistan Government intend to honour the agreements about movable property reached from time to time between the two Dominions. Complaints are being received indicating that the work on movables is almost at a standstill.

7. One of the results of the action taken by the Pakistan Government is to make it impossible for the displaced persons to sell their property in Pakistan. It had been agreed at the Delhi Conference of December, 1948, that while the property of an assessee might be attached for the income-tax due from him, it could not be sold except with the consent of the assessee within one year after sales or exchanges of property were permitted. Since the Pakistan Government has now forbidden the sales and exchange of property, it would be impossible for the evacuee owners to pay the tax, and it is hoped that Pakistan Government will not permit the sale of any property in satisfaction of their demand for income-
It would not be possible for the Government of India to recognize any sales that may be made in contravention of the Agreement of December, 1948, in any final settlement about evacuee property that may be ultimately negotiated between the two Dominions.

8. The Government of India would also like to make it clear that they do not recognize the drastic reduction in rents of agricultural and urban immovable property made by the Pakistan Government, and that in any settlement of accounts of rents between the two dominions payments due from one Dominion to the other must necessarily be calculated upon the full rental value of the property left in the other dominion.

9. The Government of India would like to emphasize that without a just and fair solution of the vexed question of evacuee property, the great bitterness that now exists between the people of the two dominions is bound to continue indefinitely. In their opinion the satisfactory solution of this problem could only be on the basis of both Governments assuming responsibility for the evacuee property left behind in their territories, a just and fair valuation of property in either Dominion being made by joint machinery and the net liability resulting from such calculation being liquidated by agreed arrangements. The Government of India trust that the Pakistan Government will see eye to eye with them in this matter. For their part, the Government of India are always ready to give their active cooperation in implementing a solution based upon these principles and hope that the Pakistan Government will act similarly.

10. While the above paras were in type, the Government of India have seen press reports of a notification issued by the Pakistan Government inviting applications up to 31st August from those wishing to seek an exemption from the operation of Pakistan Ordinance No.XI of 1949. If there is no objection, the Government of India will be glad to know the intention underlying this notification.

11. The Government of India have also seen press reports according to which the moveable and immoveable property of about a dozen of the most important non-Muslim firms like Herman &Mohatta, and John Fleming & Co. has been seized in Karachi on the plea that they are intending to evacuate from Pakistan. If the press reports are correct, it would seem as if the Pakistan Government have decided to take over all non-Muslim property in West Pakistan regardless of what a fair interpretation of Pakistan’s own laws would justify. This kind of action on the part of Pakistan Government may compel the Govt. of India to tighten further the evacuee property law in India.

Yours faithfully

Sd/ S. Dutt

Additional Secretary to the Govt. of India

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3162.  Letter from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs.


Ministry of Foreign Affairs and Commonwealth Relations
Karachi

No.D.7182-IB/49 7th September 1949

To : The Secretary to the Government of India,
Ministry of External Affairs,
New Delhi.

Subject: Repudiation of the Inter Dominion Agreement of January, 1949, in regard to evacuee property.

Sir,

I am directed to refer to letter No.11(89)/49-IDC, dated the 22nd August, 1949 from the Government of India, Ministry of External Affairs, which was delivered on the 24th August.

2. The Inter-Dominion Agreement of January 1949, provided for the introduction of measures for the management of evacuee property in certain specified areas, known as the “agreed areas”. At the Inter-Dominion Conference held at Karachi in June, 1949, to discuss evacuee property problems, the Government of Pakistan protested against the promulgation by India of legislation in the Provinces outside the “agreed areas”. Without regard to this protest, legislation in respect of evacuee property has been enforced throughout India, except West Bengal. The introduction of this legislation, without the consent of the Government of Pakistan, is a clear violation of the Inter-Dominion Agreement by the Government of India, who have now thought it fit to accuse Pakistan of repudiation of the same agreement.

3. In the letter under reply which is dated the 22nd August, the Government of India stated that they have not received any copies of Pakistan Ordinance No.XI of July 26, 1949. In point of fact, copies of this Ordinance were supplied to their Liaison Officer at Karachi on the 1st August, 1949, and dispatched to their Ministry of Rehabilitation on the 6th August. In contrast, the Government of India have omitted to supply the Government of Pakistan with copies of any of their legislation in regard to evacuee property. The draft of their Ordinance XIII of 1949, applicable to Chief Commissioner Provinces, was received on the 18th June, five days after the Ordinance had been published in the Gazette of India.
4. As regards the alleged reduction in rents of immovable property, the Government of Pakistan have made no attempt to reduce values. The concessions in rents were necessitated by the change in the economic conditions in West Pakistan, after the influx of large numbers of practically destitute refugees who did not have the capacity to pay rents previously in force.

The fact that the Government of Pakistan did not fix low rents and only granted concessions in view of the altered circumstances, show that they were anxious not to lower the rental or other value of the property. The Government of Pakistan feel bound to observe that, while they are accused of defaulting in their obligations under the agreement, evacuee properties have in India in numerous instances been rented at purely nominal figures: for example, a ten roomed house in Ferozepur is known to have been rented for a sum of Rs.3 only per mensem.

5. The Government of Pakistan denies that agricultural land abandoned by evacuees has been temporarily confiscated. There has never been any agreement whereby agricultural land could be sold, nor has there been any understanding that rents should be fixed at six times the land revenue. The fact is that Pakistan has never committed herself to any definite policy in this respect. Indeed, she considered it essential to wait for the receipt and scrutiny of copies of the revenue records before formulating her policy. Meanwhile, on the 11th April, 1949, the Government of India were informed “that on a preliminary examination of revenue records exchanged and looking to actual existing circumstances, it may be impracticable to recover anything beyond revenue dues from refugee allottees”. It seems that the Government of India have misunderstood the substance of that letter. The preliminary forecast of the Government of Pakistan was based solely on practical economic considerations, namely the ability of impoverished refugees to pay rent after the allotment of lands to them and following the loss of all their possessions in India.

6. As regards movable property, it has for a considerable time been urged upon by the Government of Pakistan that India has consistently failed to implement the Inter-Dominion Agreement in this respect and that only a microscopic amount of movable property belonging to Muslim evacuees has been protected and traced in India and allowed to be exported to Pakistan. The attitude adopted towards Muslim evacuees is vividly illustrated by the following summary from a report dated April, 1949, from an officer of the Government of Pakistan;

“Experience of actual recovery of property covered by restoration permits has amply proved that articles like refrigerators, sewing machines, electric fans, carpets, rings, bicycles, musical instruments, radios, gold and silver ornaments have disappeared altogether. Out of the considerable property covered by the permits only two sewing machines, a like number of fans
and other household effects of very small value have been recovered by this office. Attempts to recover buried treasure in six cases have borne no fruit".

A search party which operated in the Karnal district for 24 days, searching for Muslim property for which permits had been obtained, returned without the possessions of a single individual being recovered. The position since then has shown no improvement. The latest report is that in the East Punjab States no less than 25 restoration permits were issued but not one evacuee’s possessions could be recovered. Yet another illustration of the extraordinary manner in which the property of Muslim evacuees is treated in India is afforded by the following report. The X-Ray and electro therapeutic apparatus of a well-known medical practitioner, whose property in Dehra Dun and Mussoorie had been looted, was released by the Deputy Custodian at Mussoorie, which is situated within the agreed area covered by the Inter-Dominion Agreement. On its arrival at Bombay in July last, en-route to Pakistan, it was seized by the Custodian of Evacuee Property. Thus, while India accused Pakistan of a failure to adhere to an agreement which permits the free transfer of movable property from one Dominion to another, she nullifies an attempt to implement the agreement in one area of India by action under a law operating in another area which has been promulgated in direct contravention of the agreement, and in respect of which the Government of Pakistan have already protested. On the contrary, Pakistan placed no difficulties in the way of the removal of movable property. Although Pakistan is also accused of freezing cash and shares in Karachi, which she has officially denied, there is incontestable evidence of the freezing in India of cash, shares, saving bank accounts, and securities belonging to Muslim evacuees, and indeed of even Muslims who are not evacuees but Indian nationals. The following are typical instances, of which further particulars can be supplied immediately on request.

(1) A senior officer of the Government of Pakistan received notice in August 1949 from a Bank in the United Provinces that the Deputy Custodian of the District in which the bank was situated had “attached” all his assets, which included current, fixed and savings accounts, besides shares and securities in safe custody, under section 6 of the Evacuee Property Ordinance No.1 of 1949.

(2) A firm of Muslim merchants, whose headquarters are in the United Provinces and who opened a Branch in Karachi, recently endeavoured to transfer some funds to their Karachi Branch, through the Central Bank of India. They were informed that the transfer of money to Pakistan was prohibited.

(3) A Muslim lady along with her husband came to Pakistan from India on a visit to their son. The husband was taken seriously ill and ultimately
EVACUEE PROPERTY

Over two months ago the lady applied for a permit to go back to her house in India. The permit has not yet been issued on the plea that enquiries are being made from the Government of the United Provinces. Meanwhile, her residential house has been taken over as evacuee property and her share certificates in the custody of a bank in the United Provinces have been frozen under the orders of the Custodian.

Pakistan was forced to forbid further sales and transfers of evacuee immovable property, because whereas evacuees were selling their property in Pakistan at high prices, Muslims from Pakistan were not able to get proper prices for their property in India, where rings were formed boycotting the purchase of Muslim property and ridiculous prices were offered. There are instances when nominal prices of Rs.3/- or Rs.4/- were offered to Pakistan nationals in India for properties worth thousands of rupees. There have been numerous complaints that even where some isolated individuals did succeed in finding purchasers for their property, obstacles were placed in their way in India when they wanted to register the transactions. Under these circumstances it was absolutely necessary to take some measures to protect the interests of Pakistan nationals. This legislation was also necessary to give the Government of Pakistan time to check the validity of the transfers of evacuee property which have already taken place; and because a large number of cases were pending, it was found necessary to stop fresh transactions, at least temporarily.

It will be observed that the Ordinance provides for an exemption clause, and some exemptions have already been notified.

7. In paragraph 7 of the Government of India’s letter a request is made that the sales of property in satisfaction of a demand for income-tax should not be permitted because, owing to the existing ban on sales, it would be impossible for the evacuee owners to pay the tax. No such instances have come to the notice of the Government of Pakistan; and individual cases of hardship, if any, can always be examined.

8. The final paragraph of the letter under reply relates to allegations in the Press of the seizure of property of firms in Karachi on the plea that they are “intending to evacuate from Pakistan”. These reports have been officially denied by the Government of Pakistan. The property of evacuees from Karachi and Sind has hitherto been subjected to very nominal control, in spite of the powers vested in the administration by law, merely because of delay in the completion of a Custodian’s organization, and much remains to be detected. Now that this organization is functioning normally, all evacuee property will naturally be dealt with according to the appropriate law. Any person aggrieved at steps taken by an official of the Custodian’s organization is at liberty to appeal to the Custodian, but it is to be noted that not a single appeal has so far been filed by the parties mentioned in the Press.
9. In conclusion, the Government of Pakistan feel obliged to protest at the manner in which the Government of India has sought to arrive at a settlement of the controversy in regard to evacuee property. Even before the communication to which this letter forms a reply was received, its contents had been given the widest publicity by Press and Radio. The nature and substance of other communications to the Government of Pakistan have been given similar publicity. The object of this campaign is evidently either one of pure propaganda to draw attention away from India’s own repudiation of the Inter-Dominion agreement, or an attempt to intimidate Pakistan into a settlement, on India’s terms; it is certainly not conducive to the achievement of harmonious relations between the two Dominions or to the progress of further negotiations. The Government of Pakistan have repeatedly stressed their inability to agree to a settlement of evacuee property claims on a Governmental basis. When this same question was discussed between the leaders of the two delegations at the Inter-Dominion Conference in June last at Karachi, it was stated that if India agreed to withdraw the extension of evacuee legislation beyond the agreed areas, the Government of Pakistan would be prepared to consider what difficulties had arisen in the actual implementation of the January agreement and to deal with those difficulties effectively, so that the agreement could be given a fair chance of working in actual practice. The Government of Pakistan readily agree that a fair and just solution of the problem is most necessary and urgent, but they cannot see any prospects of such a solution so long as discriminatory laws affecting Muslims are enforced in areas in India in contravention of an Inter-Dominion agreement and in a spirit of revenge.

I have the honour to be
Sir
Your most obedient servant
Sd/- T.B. Creagh Coen
for Secretary to the Government of Pakistan

[On the margin of para 3 above the Ministry of External Affairs noted: “If this is correct, Ministry of Rehabilitation should not have let External Affairs down in this way.”]
3163. **Letter from Pakistan Ministry of Refugees and Rehabilitation to the Ministry of Rehabilitation.**

*Karachi, November 13, 1949.*

**Ministry of Refugees and Rehabilitation**

**Government of Pakistan**

**Karachi**

No. F. 11(W)/49 - P the 13th November 1949

My Dear Dantyagi,

It has recently come to my notice that in the course of discussion with the Liaison Officer for Pakistan in India (extract from note of discussion enclosed) you observed that,

1. there was nothing left of the Karachi Agreement in regard to evacuee immovable property in view of the Pakistan Government Ordinance of the 20th July, 1949 (No.XI of 1949) forbidding all sales and exchanges of evacuee property,

2. India wanted to know whether the Pakistan Government intended to honour the agreement relating to evacuee movable property, as it was reported that Pakistan had stopped the issue of all permits for such property, and

3. India addressed an enquiry on the subject to the Pakistan Government, but had not received any reply.

2. It seems that there has been considerable misunderstanding. I may mention here that the communication referred to in (3) above was not received by the Government of Pakistan and so no reply could be sent.

3. The Karachi Agreement was concluded only in January, 1949. It was decided at the Inter-Dominion Commission meeting held on the 12th January, 1949, that “the law regarding evacuee property should be amended by both sides as quickly as possible in conformity with the agreements reached in Inter-Dominion Conferences”. It was therefore, a surprise to us when stringent evacuee property legislation not in conformity with the agreements was introduced by India in the agreed and the non-agreed areas only a few months later. A copy of the Bombay legislation was received by us through private sources. There was a wide-spread feeling that the new Pakistan evacuee property legislation may go far beyond the new Indian legislation just as the Indian legislation was much more severe than the previous legislation in the two Dominions. It was apprehended that large blocks of property which may be evacuee property under
such legislation may be disposed of before such legislation was enacted. The drafting of legislation takes time. In the intervening period it was necessary for Government to have powers to control the alienation of evacuee immovable property so that transfers may be in accordance with the Inter – Dominion agreement. Ordinance XI of 1949 was designed to meet that contingency. It was not intended to violate the Inter-Dominion agreement regarding sales and exchanges of evacuee immovable property, as Section 6 of that Ordinance empowers the Central Government to exempt any immovable evacuee property from its operation. This was explained in para 6 of letter No.D.7182-IB/49, dated the 7th September, 1949, to the Secretary to the Government of India, Ministry of External Affairs. In one week exemptions have been granted under section 6 of the ordinance in 20 cases of sales of immovable evacuee property. Now that Ordinance No.XV of 1949 has been promulgated the question of allowing Ordinance No.XI of 1949 to lapse is under consideration. I trust that the position has now been clarified.

4. As it was reported that the movable property of Muslims was frozen in India on a large scale, the Custodians in Pakistan stopped the issue of permits for movable property pending clarification of the position. Such action was never contemplated by the Government of Pakistan and would never have been taken but for the measures adopted in India. Even then no restriction was placed on the movement of cash deposits, share scrips and Government securities in the custody of banks, as has already been reported to the Government of India, although we have documentary evidence to show that these have also been frozen in India and their transfer is not allowed. The note of discussion suggests that India are willing to honour the agreement relating to movable property. If that is so, I am desired to say that the Government of Pakistan will be quite willing to the transfer of movable property on a reciprocal basis.

Yours sincerely

Sd/- (M.Z. Khan)
Joint Secretary

Shri V.D. Dantyagi
Joint Secretary
Ministry of Rehabilitation
Government of India,
New Delhi
NO. D.O. II(89) I. D. C.

December 1, 1949

Ministry of Rehabilitation
Government of India
New Delhi

My dear Khan,

I am in receipt of your letter dated the 13th November, 1949. I deal with the points raised seriatim:

2. Our view that the Karachi Agreement of January 1949, after the Pakistan Ordinance of 26th July, 1949, has become a dead letter was fully explained in our letter No.II (89)/49 I.D.C. dated the 22nd August, 1949 from the Secretary, Ministry of External Affairs, Government of India, to the Secretary to Ministry of Foreign Affairs and Commonwealth Relations, Pakistan Government, in which we pointed out a series of violations of the agreement by the Pakistan Government.

3. The enquiry whether the Pakistan Government would continue to honour the agreement regarding 'Moveables' was also made in para 6 of the letter referred to above. While we did not receive any direct answer to our enquiry, we came to know from our Liaison Officer on the 24th August that the Pakistan Government has stopped the issue of all fresh permits for moveable property. The Pakistan Government in their letter No.D-7182-IB/49 dated 7th September, 1949, from their Ministry of Foreign Affairs and Commonwealth Relations, to the Secretary to the Government of India, Ministry of External Affairs, only complained about the unsuccessful pursuit of moveable property in Eastern Punjab. From these facts, it became obvious that the Government of Pakistan had no intention of honouring even the part of the Agreement relating to moveable property.

4. The Government of Pakistan has refused to collect agricultural rents and have remitted, without reference to us, 85% of urban rents.

5. You have now raised the question of implementing portions of the Karachi Agreement. Our view has been that there can be no satisfactory solution of the evacuee property (unless?) agricultural immoveable property, urban immoveable property and moveable property is covered. The experiment we made in regard to sale/exchange of urban immoveable property under the Karachi Agreement of January 1949, has led us to the conclusion that the problem cannot be solved
that way. There was only one sale of urban immovable property in Pakistan as against 30 such sales in India. At this rate the problem cannot be solved within any measureable time. The Government of India, therefore, feel that there is no possible alternative except to arrange for the exchange of all immovable evacuee property on a Government to Government basis. This would incidentally stop any tendency on the part of any Government to extend the rigour and extent of the evacuee property law and make for a fair eventual settlement of the whole question.

6. If the Government of Pakistan, however, have any equally satisfactory solution to offer, we shall be only too glad to consider it. But we cannot be expected to go back to an agreement which has already been repudiated by your Government, and which according to our experience, is incapable of resolving the problem.

7. In the end I would like to emphasise once again, the urgency of settling this problem which is responsible for so much bitterness and ill-will between the nationals of the two dominions.

Yours sincerely

Sd/-
V.D. Dantyagi

M.Z. Khan Esquire,
Secretary to Government of Pakistan,
Ministry of Refugee and Rehabilitation.

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Letter from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs.

New Delhi, December 17, 1949.

Government of India
Ministry of External Affairs
New Delhi

No. D.O.5079-Pak.III/49. the 17th December, 1949

From: Prem Krishen Esq., I.C.S.,
Deputy Secretary to the Government of India.

To: The Secretary to the Government of Pakistan,
Ministry of Foreign Affairs and Commonwealth Relations,
Karachi.

Subject: Repudiation by the Pakistan Government of the Inter-Dominion Agreement of January, 1949 in regard to Evacuee property.

Sir,

I am directed to invite a reference to your letters No. D.7182-IB/49 dated the 7th September 1949 on the subject mentioned above.

2. The Government of India are surprised that in spite of their repeated explanation of the circumstances in which legislation on evacuee property applicable to all the Provinces was undertaken in India, the Government of Pakistan have considered it appropriate to repeat their charge that the action of the Government of India is an instance of the violation of the Inter-Dominion Agreement on evacuee property. The Inter-Dominion Agreement of January, 1949 is based in its essentials on the draft scheme prepared by the Joint Official Committee of the two Dominions which met at Lahore in March, 1948. The term “agreed areas” was used in that scheme only to mean those areas to which the detailed scheme formulated by the official committee would apply. It will be recalled that the scheme related to the proper maintenance of evacuee property, payment of fair rents to evacuee owners, facilitating the sale and exchange of such property etc. It was in this context that the term “agreed areas” was also used in the inter-Dominion Agreement of January, 1949. It was at no time the intention, either implied or expressed, that either of the two Governments would not enforce any pre-existing legislation about evacuee property or would not undertake any new legislation in that behalf, in the areas outside the “agreed areas”, where in fact evacuee property existed. This point was made clear at the time of the Inter-Dominion Conference on Evacuee property held at Karachi in June, 1949, when the Government of Pakistan protested against the
promulgation by India of Evacuee property legislation in the provinces outside the “agreed areas”. The Government of India are convinced that their action in enacting evacuee property legislation in areas other than the “agreed areas” does not amount to a violation of the Inter-Dominion Agreement of January, 1949.

3. On the other hand, the action of the Government of Pakistan in banning all kinds of transactions in evacuee immovable property soon after the inter-Dominion Conference held at Karachi in June 1949, without giving any prior indication to the Government of India of their contemplated move, clearly ran counter to the decisions agreed to by the Government of Pakistan in January 1949 to facilitate the free private sale and exchange of immovable property by evacuees. Whatever the circumstances such as those mentioned in para 6 of the Pakistan Government’s letter under reply, this unilateral action by Pakistan without notice to India amounted to a violation of the Inter-Dominion Agreement of January, 1949.

4. The views of the Government of India in regard to the rents of agricultural and urban property have already been made clear in the memorandum forwarded to the Government of Pakistan with this Ministry’s letter No. D.590/49 Pak. A, dated the 19th April, 1949. If in most of the cases the refugee tenants are not in a position to pay the fair rents in full for the property allotted to them, to the extent that the Government of Pakistan have allowed such refugees remission of rents by way of concession to that extent the Government of Pakistan have been relieved of expenditure on the rehabilitation of the refugees. It is therefore reasonable to expect that the difference between the fair rents and the rents actually charged by the Government of Pakistan should be made available from Government funds for payment to the evacuee owners. The Government of India hope that the Government of Pakistan will appreciate that the value of evacuee property, as of any other property, is bound up with the income that such property fetches and any reduced income from such property at this stage is bound to affect prejudicially the sale price which an evacuee will ultimately be able to obtain for his property. The Government of India would reiterate that for this reason they do not recognize the reduction in rents of evacuee agricultural and urban property made by the Government of Pakistan and that in any settlement between the two Dominions payment due from one Dominion to the other must necessarily be calculated upon the full rental value of the property left in either Dominion.

5. As regards evacuee movable property, the information of the Government of India is that although the Karachi Agreement of January 1949 provided for the return of such property as a matter of course, the Government of Pakistan started requisitioning such property even after the presentation
of an application for its restoration by the evacuee owner. The Liaison Officer of the Government of India drew the attention of the Rehabilitation Commissioner, West Punjab, on the 20th May, 1949 to this practice on the part of the Pakistan officials and lodged an emphatic protest but without any effect. As for the Government of Pakistan's allegation that the treatment of evacuee immovable property in India has also not been satisfactory in several cases, the Government of India wish to assure the Government of Pakistan that they are always willing to look into such individual cases provided full details are furnished.

6. The Government of India have noted with satisfaction that in paragraph 7 of your letter the Government of Pakistan have stated that there were no instances of evacuee property having been sold in satisfaction of a demand for Income-tax. They hope that no such cases will arise in future also. If any such sale nevertheless takes place the Government of India would make it clear that they would not recognize it in the final Inter-Dominion settlement of evacuee property.

7. The Government of Pakistan deny in para 8 of your letter under reply that there has been any case of seizure of the property of persons or firms who have not yet evacuated from Pakistan. This denial is not borne out by several complaints which have reached the Government of India. A few of these complaints have already been brought to the notice of the Government of Pakistan in the demi-official letter No.193/H.M.-T/49 dated the 19th September, 1949 from the Hon'ble Shri N. Gopalaswami Ayyangar to the Hon'ble Choudhry Zafarullah Khan. The large scale evacuation of non-Muslims from Sind which is in progress even now also lends support to the contention that the Government of Pakistan have not been playing fair in regard to the property of non-Muslims in Sind. It is not surprising that the non-Muslims in Sind whose property had been seized as evacuee property have not found it possible to file appeals, as they have lost all that they had and have not the necessary wherewithal to meet the expenditure on appeals.

8. In conclusion, the Government of India would like to impress upon the Government of Pakistan once again their firm opinion that the only method of satisfactorily settling this vexed question of evacuee property between the two Dominions and removing the increasing bitterness between their peoples is to set up a joint Agency of the two Governments to assess the total value of evacuee property in both Dominions on the understanding that the difference in the value of the properties in the two Dominions is paid to the creditor Dominion by the debtor Dominion. This will then leave both the Dominions free to use evacuee property for the benefit of the displaced persons in their respective areas. The Government of India trust that the Government of
Pakistan will, after careful consideration, be in a position to see the reasonableness of the proposal and agree to negotiate with the Government of India on the basis of this proposal.

Yours faithfully

Sd/-
Deputy Secretary

3166.

Letter from Rehabilitation Minister Mehr Chand Khanna to Prime Minister Jawaharlal Nehru.

New Delhi, April 24, 1950.

Government of India,
Ministry of Rehabilitation
New Delhi

D.O. No. ADV/MRH/50/CONF 24th April, 1950

My Dear Pandit Ji,

I have for some time past studied and given thought to the recent Agreement* arrived at between yourself and the Prime Minister of Pakistan. It is hardly necessary for me to say that I whole heartedly agree with and support the Agreement which has been arrived at after mature thought and deliberation. In fact it embodies the true Gandhian approach to the very difficult situation that had been created as a result of happenings in the two Bengals. My own study of the matter has, however, been directed to the effect of the Agreement on the other large body of displaced persons from West Pakistan with whom the Agreement is not directly concerned. I have considered it my duty to convey to you my own feelings as also the feelings of the average displaced person from West Pakistan.

2. We have been straining ourselves and our resources for about 2½ years now to rehabilitate the displaced persons from West Pakistan. We had come to certain agreements with the Government of Pakistan which might enable the displaced persons to obtain value for their immovable property left behind in

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West Pakistan, retrieve such portion of their movable assets as had escaped loot or damage, collect their valuables with banks, and receive their dues like pensions, provident funds etc. These agreements, however, have, for various reasons, not been fulfilled with the result that whatever success has been achieved in rehabilitation has been in a large measure as a result of the efforts of displaced persons themselves assisted by Government aid. The latter has been substantial considering the financial position of the Government of India, but, in spite of the fact that we have spent some thing of the order of Rs.50 to 60 crores, the effect of this expenditure on rehabilitating displaced persons has not been very considerable. The expenditure includes a substantial portion spent on relief, thus leaving a still smaller amount of money which has been actually spent for rehabilitation purposes. Even there, the bulk of the money has gone into schemes for housing wherein the ownership of the townships or buildings remains with the Government and the displaced persons merely obtain accommodation on rent or lease. Other rehabilitation schemes such as the grant of loans also are framed on the basis of the return of the Government capital invested. The average displaced person fully understands these implications of our rehabilitation expenditure and though he may acknowledge that something has been done for him, he feels that his ultimate rehabilitation is largely dependent upon the liquidation of his own assets in West Pakistan.

3. Often a comparison is drawn between the measure of Government assistance to displaced persons from West Pakistan and East Pakistan. There is no doubt that for the best part Government attention has been focused on West Pakistan refugees, and rightly now the emphasis is, on account of the stress of circumstances, on measures for the rehabilitation of refugees from Eastern Pakistan. In the very process of comparison, however, the displaced person from West Pakistan feels that there is no reason why he should not be able to return to his home in West Pakistan or, in the alternative, be able to liquidate his assets in the same manner as has been made possible for migrants from Eastern Pakistan under the recent Agreement of the two Prime Ministers. He feels all the more when he realizes that Government assistance has been meager and, in the meanwhile, he has seen through a major portion of the money or valuables that he may have brought with him from Pakistan.

4. I agree that, wherever possible, displaced persons should be encouraged to return to their homes and where this is not possible, they should at least be in a position to sell or exchange their property without let or hindrance. The urgency of the same principles being applied to the displaced person from West Pakistan is no less than in the case of migrants from East Pakistan. It may be that displaced persons from West Pakistan will not be able to return to their homes anywhere near the numbers that might be expected to return to their homes in Eastern Pakistan. Their salvation, however, does lie in their being able to obtain
value for their assets left in West Pakistan in one way or another.

5. There has been a stalemate for some time over the evacuee property question with Pakistan, but I understand that your discussions with the Pakistan Prime Minister have envisaged a settlement of this question also. If the problem is touched at your forthcoming meeting with the Prime Minister of Pakistan at Karachi, it would once again revive the hopes of the unfortunate displaced persons of West Pakistan and in the spirit of the present Indo-Pakistan amity, most probably also make a solution possible.

Yours sincerely

(Mehr Chand Khanna)

Hon’ble Pandit Jawaharlal Nehru,
Prime Minister,
New Delhi.

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3167. Minutes of the meeting between the Representatives of Pakistan and India to discuss the difficulties that have arisen in the payment of pensions, provident funds, leave salaries etc. of displaced persons in India and Pakistan.

New Delhi, May 4, 1950.

Present

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<td>Mr. Anwar Ali,</td>
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<td>Ministry of Rehabilitation.</td>
<td>Pakistan Government</td>
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<td>2. Shri M. V. Rangachari,</td>
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<td>Deputy Secretary,</td>
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<td>Ministry of Finance.</td>
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<td>3. Shri Prem Krishen,</td>
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<td>Deputy Secretary,</td>
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4. Shri D.R. Kohli, O.S.D.,
   Ministry of Rehabilitation.

5. Shri M.L. Puri,
   Under Secretary,
   Ministry of Rehabilitation.

6. Shri B.S. Bhatnagar,
   Partition Secretariat.

7. Shri S.P. Advani,
   Assistant Custodian General.

G. P. Fund Claims:

It was agreed that so far as General Provident Fund claims were concerned, it
would be possible to verify those relating to Provincial Government servants in
the office of the Accountant General of the Province. A special staff may be
appointed in those offices to deal with these claims and finish the verification in
the next three months. Progress reports may be obtained every fortnight and
communicated to the other Government.

The same procedure should apply to the claims of the State employees.

Provident Fund claims of the employees of Local Bodies in Provinces &
States

Claims for provident funds of employees of local bodies in Provinces may be
verified through the Examiner of Local Funds of the Province concerned.
Fortnightly report on the progress of verification should be obtained by the Central
Government. The verification should be completed within three months.

In the case of former Indian States, and States in Pakistan, the verification may
be arranged through the Accountant General of the State concerned who should
depute a special officer for this purpose and complete the verification in the
next three months. Progress reports should be obtained every fortnight in this
case also.

Pay, Leave Salary, Security Deposits etc.

It was agreed that the Provincial and State Governments concerned should be
asked to create a small organization which will expedite the verification of these
claims. They should send touring parties to collect the verified claims. When
the party visits a place for this purpose, it should make every effort to bring
back all the claims duly verified. When the claim is prima-facie a correct one, it
should be normally admitted, unless proof exists that the claim is not genuine.
Where there is a doubt, the benefit of it should as far as possible be given to the claimant. Every effort should be made to complete verifications of these cases within the next six months.

The same machinery should be used for verification of sanctioned pension claims of employees of Local Bodies.

This machinery should also be responsible for verifying claims for unsanctioned pensions. Where delay is anticipated in verification of the claim, an anticipatory pension may be recommended and orders issued by the Government concerned.

**Policies assigned to Government**

The transfer of these policies is being progressed by the Auditors General of the two countries. Transfers should be completed within the next three months.

**Pension to Provincial and State Government employees- Provisional payment of**

It was agreed that the concession of provisional payment should be extended to all those who had migrated to the other country up to April 30, 1950, subject to a suitable machinery being devised for concurrent clearance of the transactions between the two countries. The final verification of these cases should be completed within six months.

This concession should also be extended to pensioners of the former Indian States, Pakistan States, and local bodies.

The monetary adjustment will be between the two countries and each country will recover the money due from its Province/State or local body concerned.

**Payment of Provident Fund Claims**

Provisional payment up to 50 per cent of the balance in the person’s account may be paid subject to production of suitable documentary evidence such as a statement of account given (to) him by an accounts officer of the amount due. Any wrong or over-payment will be the responsibility of the paying Government.

The provisional payment will have to be concurrently adjusted on a provisional basis.

**Exemption of refugees’ claims from the operation of the Evacuee Property Ordinance**

As the arrangements for payment in respect of claims processed through the Claims Organisations will be that the claims will be paid by the Government of
the country to which they have migrated the payments will not be subject to the Evacuee Property Law.

**Contractors’ claims against the Central Government**

The Pakistan representative desired that (a) settlement of claims should be facilitated through the Claims Organizations on both sides and (b) that payments should be expedited.

India’s representatives stated regarding (a) that the Partition Secretariat was the Central organization for this purpose and should be addressed by any corresponding organization that may be set up in Pakistan. Regarding (b) they pointed out that the matter should not be dealt with in isolation but it should be taken in conjunction with the claims of contractors from the divided provinces like Punjab and Bengal and contractors from N.W.F.P. and Baluchistan who may have migrated to India. There may be contractors from the other parts of India who have gone to Pakistan. The problem should therefore be dealt with as a whole and a further meeting may be held to discuss this question in all its aspects.

The Pakistan representative desired the question of Central payment to be kept separate from claims against Provincial Governments.

**Recovery of Government Dues—**

The Pakistan Government will address the Government of India separately.

**Removal of restrictions on sale of shares of Joint Stock Companies**

The Pakistan representative desired that all restrictions on sale, removal or transfer of shares or securities should be removed by amendment of the Evacuee Law, if necessary.

India’s representatives pointed out that there are at present no restrictions on the sale of shares in the possession of the owners. Restrictions apply only in the case of shares held in deposit by a Bank. These can be returned with the permission of the Custodian. This issue was in their view linked up with the larger question of moveable evacuee property and should be discussed along with the latter.

**Transfer of records of Postal Insurance Policies—**

The transfer of records relating to life insurance policies for which under the partition settlement the liability will be that of the Pakistan Government was discussed. It was understood that a number of lists of people who had opted for Pakistan and whose policies became the liability of the Pakistan Government
had already been received. It was suggested that it will expedite matters if an
officer of the Pakistan Government could be deputed to the office of the D.A.G.
Posts and Telegraphs to take over these records from the Deputy Accountant
General. The problem had been somewhat complicated by the fact that a number
of officers who had opted for service in Pakistan or India had crossed the border
after the partition. There might also be cases of non-Muslim officers in the
Provincial Governments in Pakistan who had after the partition migrated to
India. It was suggested that as a first step in the solution of this problem it will
be best to confine the transfer to the records of Muslim Government servants in
Pakistan including those who had opted for Pakistan, leaving the others to be
sorted out later. It was agreed that these proposals should be examined in
consultation with the D.A.G. P&T. As regards Circle Office records in India and
Pakistan, the two Directors General, Posts & Telegraphs will make arrangements
for this transfer on a reciprocal basis.

Claims in respect of Co-operative Societies outside the two Punjabs:-
It was decided that this matter should be taken up separately.

Claims of Government Servants who have migrated from one country to
another and have been treated as absconders on that account—
The question whether the claims of Government servants who had been treated
as absconders or dismissed from service or treated as having resigned because
of their migration to the other country, should be affected because of that action,
was considered. The Pakistan representative desired to consult the Provincial
Governments concerned before giving a final answer in this matter.

Method of Settlement of Provisional Payments—
The detailed procedure for the adjustment of these payments will have to be
settled between the Finance Ministries of the two Governments. It was suggested
that these provisional payments could be cleared by canalizing them through
the Central Claims Organizations. Thus each organization could obtain from the
Accounts Officer of its Government the amount actually paid and the basis of
the certified payments claim reimbursement from the other side. This
reimbursement will be provisional but will be arranged immediately on receipt of
the claim. The paying Government indemnifying the other Government against
any excess or overpayment. As the Auditor General of India will have to be
consulted about this suggestion the Finance Ministry, India promised to send a
final communication in this matter within a fortnight.

The decisions in this record note, so far as they relate to claims for pension,
provident fund, arrears of leave salary etc., of employees of Provincial
Governments and local Bodies, do not apply to claims arising in the divided provinces of Bengal and Punjab.

The decisions in this record note are subject to ratification by the respective Governments.

Sd/- Anwar Ali
5-5-1950

Sd/- V. D. Dantyagi
5-5-1950


Karachi, May 9, 1950.

Minister for Refugees and Rehabilitation & Interior
Information & Broadcasting
Government of Pakistan

Karachi, the 9th May, 1950

My Dear Mr. Gopalaswami,

While in New Delhi I had a general discussion with you and Mr. Mohanlal Saksena on the questions of evacuee property in India and Pakistan. We are perfectly willing to hold a conference on this subject. But we are most anxious to ensure that whatever formal meetings or conferences are held at this time they should succeed, otherwise they will do more harm than good by causing a set-back to the valuable progress made in establishing friendly relations between the two countries. I am sure you will agree with me that it is most desirable that any such unfortunate contingency must be avoided. Before therefore, we hold this conference we should, I think, informally agree on a few matters so that definite and substantial results are assured for the conference. It is not necessary that the whole range of the vexed issues relating to evacuee property should be settled at the very first conference. As Pandit Jawaharlal Nehru suggested in the course of our talk at New Delhi we may tackle this difficult subject piecemeal or in several stages if all the issues involved cannot be settled immediately.

2. As was recognized during the conversations between the two Prime Ministers in Karachi on the 27th April, there are considerable difficulties in regard
to land and this subject might well be left out at this stage. On the other hand, the question of sale, exchange or management of urban evacuee property by the evacuee, his agents or an organization would form a suitable subject of discussion at this conference. Our views on this issue largely correspond to those which you expressed during our informal talk at New Delhi and I think we should be able to reach a wide measure of agreement on this subject.

3. What is most important, however, is that we should agree on fixing a date after which the evacuee property laws should not be applied by the two countries. This suggestion was regarded with favour by the two Prime Ministers in their discussion in Karachi on the 27th April. Without such a step the evacuee property problem would remain a running sore with continuing ill-effects on the relations between the two countries. In the new conditions which both Governments are endeavouring to foster, people should be able to move from one country to the other without fear of any disability; and there is no reason why the ordinary law of the land which applies to movement to any other country should not apply to movement between India and Pakistan. I am sure you would appreciate the great psychological value of this step in restoring confidence among the minorities in either country and creating a proper atmosphere for the consideration and settlement of the various evacuee property problems which have so far proved intractable. The appropriate date for this purpose would be the 8th April, 1950, the date of signing of the Delhi Agreement which has ushered a new era in the relations between our two countries. Frankly, our feeling is that the conference is not likely to achieve the desired object without the adoption of this measure.

4. I should like to repeat that our whole object behind this informal consultation with you is to ensure that our first conference on the subject after the Delhi Agreement of April 8, 1950, does not prove infructuous, and positively contributes to the fund of goodwill and friendliness which the Delhi Agreement has produced.

5. As regards the dates for this conference we would like to suggest the 22nd and 23rd May. If these dates suit you, we would be most happy to welcome you in Karachi for the Conference.

Yours sincerely

Sd/- Khwaja Shahabuddin

The Hon’ble Mr. Gopalaswami Ayyanagar,
Minister for Transport,
Government of India,
New Delhi

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My dear Mr. Ayyengar,

You will remember that during my recent visit to Delhi I informed you that some of the new evacuees wanted to return to their homes in India. You and Mr. Mohanlal Saxena assured me that India are willing to take them back. On return to Karachi I found from Mr. Dutt’s telegram No. 30316, dated the 6th May, 1950 to Mr. Mohammed Ali, that facilities provided by clause (v) of Section ‘B’ of the Agreement have not been extended to West Pakistan. The extension of facilities under Clauses (i), (ii) and (iv) of Section ‘B’ cannot induce the new evacuees to return to their homes in the absence of an assurance that all their property will be restored to them. I would request that facilities provided by clause (v) of Section ‘B’ of the Agreement may be extended to West Pakistan. The Government of Pakistan are agreeable to extend similar facilities to new evacuees from West Pakistan.

2. Those who moved from one country to the other after the 1st February, 1950, when the fresh exodus to Sind began, may be treated as new evacuees.

3. I have thought over your suggestion that lists of new evacuees desiring to return to their homes may be sent to you. I feel that this may involve considerable delay in the issue of permits. Speed is of the utmost importance if full advantage is to be taken of the atmosphere created by the recent agreement inducing new evacuees to return to their homes. If they do not return quickly, they are not likely to return at all. In order to expedite the issue of return permits I would suggest that on an application by the new evacuee giving the necessary particulars regarding the date of departure from India, property left behind etc., accompanied by a certificate issued by an officer specified by the Government of Pakistan that the applicant is a new evacuee the High Commissioner for India in Pakistan at Karachi may be instructed to issue permits as a matter of course. We will ensure that no such certificate is issued to a person who is not a new evacuee. We are prepared to take similar action in respect of new evacuees who wish to return to West Pakistan.
4. We have issued instructions extending the facilities provided by Clause (i), (ii) and (iv) of Section ‘B’ of the recent agreement to new evacuees whether returning to or leaving West Pakistan.

Yours Sincerely

Sd/-
(Khwaja Shahabuddin)

The Hon’ble Mr. Gopalaswami Ayyengar,
Minister for Transport, Government of India,
New Delhi

3170. Letter from Minister for Transport Gopalaswami Ayyangar to Pakistan Minister for Refugees and Rehabilitation Khwaja Shahabuddin.

New Delhi, May 20, 1950.

D.O. NO.61/PSMR/50,

My Dear Khwaja Shahabuddin,

I am very sorry that it has not been possible for us to meet this month for talks on evacuee property. Considerations of health prevented my accepting your invitation to me to visit Karachi on the 22nd and 23rd and I find that a previously programmed tour has prevented you from responding to my invitation to you to come over to Delhi for a day or two before the 21st. As I have informed you, I am going to Octoacmond on the 21st and do not expect to be back in Delhi till after the 10th June. Our meeting has therefore to be postponed to some date about the middle of June. Tentatively I would suggest 16th and 17th of June or 19th and 20th of June for this meeting.

2. Meanwhile it would be desirable for us on both sides to initiate such action regarding evacuee property as would tend to restore the confidence of evacuees in the determination of both Governments to solve this problem to their best advantage. Action of this kind would create the necessary atmosphere for agreed decisions being reached at the conference when it comes to be held.

3. Your letter makes no reference to moveable property. You will remember that during our conversation here you told me you were expecting to take action
almost immediately on the suggestions made by Mr. Mohan Lal Seksena in a note which he had given to you. I understood that you have written to him in the matter. On the question of moveables, therefore, I am sure that suitable steps will be agreed on and commenced to be given effect to as quickly as possible.

4. I agree that the consideration of problems relating to the disposal of ownership rights in agricultural land may for the present, be postponed, but with a view to put heart into evacuee owners of such land who have migrated to the other country, it is important that we should at the coming conference agree upon machinery and procedure for the collection of rents on such land in each country and their remittance to their owners now in the other country. There have been, as you know, previous agreements on this subject, which, however have not been implemented. In the changed atmosphere it should be easy for us to agree on a method of effective implementation.

5. The question of sale, exchange and management of urban evacuee property by the evacuees, or their agents, or by an organization specially set up for the purpose, should, I agree, be the subject of discussion at the coming conference and I am glad that you consider we should be able to reach a wide measure of agreement on this subject. During the interval between now and the conference, the main issues in this connection could be studied by both of us and I am sure that in the new atmosphere we should be able to arrive at satisfactory agreed decisions between the two countries. You have naturally stressed the importance of our agreeing on fixing a date after which the evacuee property laws should not be applied by the two countries. I take it that what you have in mind is that for anything done after a prescribed date no person may be liable to be declared an evacuee and no property will be liable to be treated as evacuee property with all the consequences that will attach to them under the existing evacuee property laws of the two countries; in other words, that persons who are not already evacuees on the prescribed date would be free to migrate from one country to the other and to deal with their property in any way they like without attracting the provisions of the evacuee property laws.

As I have already informed you, I am in general agreement with this proposition. The Prime Ministers have also given their general blessing to it.

6. The date to be prescribed for this purpose has, however, to be fixed with particular care and special provision will have to be made for completing even after that date such proceedings under the evacuee property laws as may have been started before that date. The 8th of April 1950, would no doubt have a psychological significance as the date which was a turning point in the relations between the two countries. We can discuss the fixing of this or any other date with due regard to all relevant considerations.
7. The question of persons who were evacuees, or whose properties were evacuee properties on the prescribed date should, presumably, have to be dealt with separately. Before a date is prescribed in the manner suggested, it would be necessary for us to reach agreement on all the major issues relating to the persons and properties which, before that date, had been declared to be evacuees, intending evacuees, or evacuee properties. The ownership rights of evacuees in their respective properties should be recognized. Their rights to the disposal only with their consent of such properties, the provision of suitable machinery for management of their properties and the assessment of fair rents thereon so long as their ownership continues and the remittance of such rents, after deducting expenses of management, to them by regular agreed procedure — all these will have to be settled and evidence of implementation given, before the date either for the abrogation or the suspension of evacuee property laws after such date is decided on. I am pointing all these out to you only to indicate the amount of study that we have to give to this problem before we proceed to take action for giving effect to the general principle on which there is agreement between us. I, for one, am quite confident that if we act in the spirit of the 8th of April Agreement, it should be quite easy to reach conclusions on these and other matters relating to evacuee property, which will be acceptable to every interest affected.

8. Besides the evacuee property law, the manner in which the provisions of the Pakistan Rehabilitation ordinance have been applied has been responsible for the exodus of a large number of persons from Pakistan to India. You have already agreed to the provisions of this Ordinance and their working being scrutinized and discussed at our next conference, and I hope we shall reach conclusions which will remove all hardship and harassment.

9. You will remember, there were two suggestions I made to you during our talk on the 6th instant. The first was that we should make a beginning on both sides at once to make remittances of rents at least to some individual owners of urban property on the other side and that an attempt should be made to inform such owners of the state of the account relating to their properties kept in the office of Custodian of Evacuee Property. As you know, a considerable number of evacuee properties have been requisitioned by Government either for the location of public offices or for the accommodation of Government Officers. The rents of these properties should have been or could easily be collected. The beginning as regards remittances of rents to owners could be made with such and similar evacuee properties. The second of my suggestions was that batches of owners of immovable urban property might be given the opportunity under proper security arrangements to visit important urban areas in the other country for the purpose of having look at their properties there and finding out, what use they have been put to and the way they are maintained. You agreed
that both these suggestions would have a great moral effects and their implementation should be easy to arrange. May we not at once start action on these lines even before we meet next month?

10. I shall be grateful for an early reply from you to this letter.

Yours Sincerely

Sd/- N. Gopalaswami

The Hon'ble Khwaja Shahabuddin,
Minister for Refugees and Rehabilitation,
Government of Pakistan,
Karachi.

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3171. Note on discussions that took place between the Representatives of India and Pakistan, on Tuesday, June 27, 1950, at 3.30 p.m.

Present

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<th>Pakistan</th>
<th>India</th>
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<td>1. The Hon’ble Khwaja Shahabuddin,</td>
<td>1. The Hon’ble Shri Gopallaswamy</td>
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<tr>
<td>Minister for Refugees &amp; Rehabilitation</td>
<td>Ayyangar Minister for Transport &amp; Railway</td>
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<td>Government of Pakistan</td>
<td>Government of India</td>
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<td>2. Mr. Mohammad Ali, Secretory General</td>
<td>2. The Hon’ble Shri Ajit Prasad Jain</td>
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<td>Pakistan Government</td>
<td>Minister for Rehabilitation</td>
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<td>3. Mr. M. Z. Khan, Joint Secretary</td>
<td>3. Shri V. D. Dantyagi, Joint Secretary</td>
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<td>Ministry of Refugees &amp; Rahab.</td>
<td>Ministry of Rehabilitation,</td>
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<td>Pakistan Government</td>
<td>Govt. of India</td>
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<td>4. Shri Prem Krishan, ICS., Deputy</td>
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<td>Secretary, Ministry of Commonwealth</td>
<td>Deputy Secretary, Ministry of</td>
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<td>Relations, Govt. of India</td>
<td>Commonwealth Relations, Govt. of India</td>
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1. India pointed out that in certain cases persons who were staying on in Pakistan and had been declared non-evacuees were not being restored their property. Mr. Mohammad Ali stated that property would be restored in such cases. Although Muslim refugees who might have settled on the land as tenants will continue as such, they will pay the rent to the owners direct. It was stated that the particular case India had in mind was that of the owner of a factory whose property was not restored to him although he was declared a non-evacuee. Mr. Mohammad Ali said that it would be difficult to restore possession in case a lease had already been given. It was pointed out by India that it will not be possible for a person to stay in Pakistan if his property was not restored to him. In such cases lease could be terminated and property restored to the owner. Mr. Mohammad Ali asked for a note on the facts of the case, which was promised to be given.

It was pointed out on behalf of India that under the present law of Evacuee Property in Pakistan a national division of the Joint Hindu Family was carried out, and, if the share of a migrant exceeded 1/8/- in the rupee, the whole Property was taken over by the Custodian for management. The Pakistan representatives stated that in such cases the non-evacuees received their share of the income. It was suggested by India that in case of non-Muslims who have migrated from Sind between 1st February 1950 and 31st May, 1950, and who wished to return, the whole property may be restored to the returning person if he was the Karta (head) of the family. In any case the portion of the property pertaining to the returning person should be given back to him for management so that it may be possible for him to stay on in Pakistan. The Pakistan Government representatives wanted a note to consider the point further. An early decision is necessary to enable India to sponsor a movement of certain refugees back to Pakistan.

**Movable Property:** The points raised in Mr. Mohanlal Saksena’s letter dated 20th May were considered in detail.

**Access to and removal of movable property:** It was agreed that the general proposal that a refugee should be able to remove, sell or dispose of his movable property without any permit from the Custodian should be accepted, subject to the following reservations:

(a) Machinery and machine parts fixed to the earth as part of the factories will not be permitted to be removed.
(b) Machinery or parts forming stock in trade etc. will be permitted to be disposed of in Pakistan and vice-versa, but not permitted to be exported to the other country.

(c) Personal household machinery like typewriters, sewing machines, bicycles, radios, etc., will be permitted to be taken into the other country not withstanding any restrictions on export.

(d) Articles the export of which is prohibited or regulated by general law, like bullion or cash, will be permitted to be disposed of in the country itself.

(e) Moveable property other than household and personal effects may be sold, but not permitted to be removed to the other country.

Articles deposited in banks, etc. :- Such articles will be divided into two categories –

(1) those which may include pawned articles against which a claim is raised by the pawner; and

(2) others against which there is no claim.

Note: The claim must be against the articles and not the owners thereof, and must be of a person who has not migrated to the other country.

There was no difficulty in regard to the second category. They may be removed by the banks to the other country without any restrictions. The exact arrangements may be worked out by the two Deputy High Commissioners. In regard to the first category, claims had already been invited in the Punjab and perhaps in the N.W.F.P. It would be verified if this has been done already, and wherever claims had been invited earlier, no further claims will be invited. In other cases claims will be invited speedily, and after they have been received, the banks will be informed of the deposits against which claims existed. These deposits will not be permitted to be transferred to the other country till the matter had been settled by a Joint Committee of one officer from each country, who will examine all cases and decide upon the action to be taken.

Shares and Securities & Insurance Policies:- It was made clear on behalf of India that they never intended to place any restriction on insurance policies in any way. If any case, in which any restriction is placed on an insurance policy, is brought to notice, suitable action will be taken by the Government of India, to remove the restriction forthwith. Mr. Mohammad Ali made it clear on behalf of Pakistan that it was the intention to restore the property to joint stock companies which under the present Evacuee Property Law are not evacuee property. Where a lease had already been given, the lease will continue in operations but the lessee will be placed in direct touch with the company and will be asked to pay
the lease money direct to the owner company, and not through the Custodian. If any property has been acquired by the Government compensation will be paid to the company. After the period of the present lease has expired, the company would resume possession of the property. Reciprocal action was promised by India. On this understanding, India agreed to withdraw the restrictions on the transfer of shares and securities, national savings certificates, debentures etc., in the custody of banks. Pakistan agreed that it will be ensured on their side that no restrictions will be placed on the movement or transfer of shares, securities, etc. It was noted that there was no restriction on the transfer of shares etc., not in the custody of banks. It was promised on behalf of India that instructions will be issued to stock exchanges and banks and insurance companies in India to ensure that the agreement is honoured.

Postal Parcels:— It was agreed that postal parcels, wherever they are still in deposit in the post offices, should be restored to the owners.

Compensation for property allotted or acquired for rehabilitation purposes:— The compensation should be assessed in such cases jointly by representatives of the two Governments and the value paid to the evacuee owners.

Sale proceeds of moveable property already deposited with Custodians: It was agreed that sale proceeds should be paid either to the evacuee owners or the Government of the other country for disbursement to evacuee owners, immediately.

Seized movable property of evacuees: Seized property including fire arms and money should be restored to the evacuee owner or compensation paid in the alternative. All district officers should transmit the property or the amounts, as the case may be, to the diplomatic representatives of the other country along with a list of owners of the property. The property should then be allowed to be removed to the other country, the Government of which will be responsible for distributing it to the owners concerned. A date should be specified for the completion of this operation. If after the completion of the operation any evacuee finds that his property has not been so transferred, he can make an application in this regard, which should be transmitted to the district officer concerned in the other country for prompt enquiry and restoration, if the property is traced. In case of bulky property like furniture, it was agreed that physical transport need not be undertaken, but it may be sold locally and sale proceeds paid.

Buried treasure: It was agreed that no escort charges should be levied by either Government.

Court deposits: It was agreed that in the case of districts from where wholesale migration has taken place the court deposits would be transferred en bloc provided both the parties to the claim were non-Muslims in the case of Pakistan and Muslims in case of India. In other cases action should be taken through the
Claims Organisation, on a claim being filed by the applicant for the transfer of his deposit. Necessary legislation would be undertaken by the two Governments to give effect to this agreement.

Minors and others under the guardianship of courts (like District Judges): In cases where the minor or ward and the guardian have both migrated from districts from which mass migration has taken place, the court deposits may be transferred to the other country. If necessary, legislation may have to be undertaken to give effect to this. In other cases, transfer can take place on an application through the Claims organization.

Wards under the Court of Wards Act: It was agreed that the moveable property including cash and jewellery, of wards under the Courts of Wards Act, accumulated before 15.8.1947 should be automatically transferred to the other country if the ward had moved to the other country from the districts from which mass migration has taken place. The question whether a suitable allowance should be paid after August 15, 1947 till such time as any settlement of evacuee property is finally agreed upon will be examined.

Security Deposits of Contractors: The question of non-forfeiture of Security deposits of contractors where they failed to fulfil their obligations because of forcible migration, was raised by India. It was suggested that no penalty should be levied in either country where fulfillment of an agreement was made impossible on account of mass migration from one country to the other. A note was promised by India for further consideration.

Post Office Savings Bank Accounts etc.: It was agreed that though differences existed in regard to the method of payment of balances of Savings Bank Accounts, National Certificates etc., on account of exchange difficulties obtaining at present, the verification of claims should not be held up but should be proceeded with.

Fraudulent and irregular transfers: India pointed out that they had noticed long lists of confirmation of sales in Pakistani Press and reproduced the same in some of the newspapers of Bombay. As a result, they have received representations from many stating that they had never entered into any transaction for the sale of their property, or that the transactions had not been completed, India promised to send those representations to Pakistan Government for examination. The Pakistan Government suggested that evacuee should conduct such cases in Pakistan. India promised to examine this suggestion in regard to future cases and to make proposals.

Trust Properties: It was decided that the Committee should be asked to meet as soon as possible to examine this question. The Pakistan Government promised to take further action to expedite the meeting.
It was agreed that no ratification of these decisions was necessary. Action may be taken by both governments in accordance with these decisions.

Sd/-
(M.Z. Khan) (V.D. Dantyagi)
Joint Secretary, Govt. Of Joint Secretary, Govt. of
Pakistan, Ministry of India, Ministry of
Refugees and Rehabilitation Rehabilitation.

3172. PERSONAL and SECRET
Letter from Minister of Transport Gopalaswamy Ayyangar to Prime Minister Jawaharlal Nehru.

New Delhi, July 19, 1950.

New Delhi, 19th July 1950

My dear Jawaharlal ji,

I wonder if, during the present visit of the Pakistan Prime Minister to Delhi, time could be found for a discussion on the evacuee property problem on the west. It would be desirable to have at least an exploratory talk.

I mentioned to you some time ago the lines of the solution of this problem which I put to Shahabuddin and Mohammed Ali when they were here last. On the first day I thought these had made a good impression on them and they would be prepared to consider them on the merits. On the second day they were less forthcoming, but still expressed the view that perhaps it would be best to have this scheme considered preliminarily at the highest level before it could be examined in detail. I have no doubt that after getting back to Karachi they have given thought to the general principles embodied in the scheme.

I enclose for your information copy of a note which describes what I asked Shahabuddin and Mohammed Ali to consider.

I would, however, ask that the note as it stands should not be passed on in entirety to Liaquat Ali Khan, particularly paragraph 4 to 7. The figures that I have given there are very rough, but you will be interested to know that representatives of the displaced persons including Choithram Gidwani, Bakshi Tek Chand. And
Mehr Chand Khanna told me at the discussion that estimated the difference in values to be not more than about 500 crores, and that they quite realized that the displaced persons could not expect to be paid the whole of this amount. I told them whatever was decided to be paid to them would come out of a pool which will include the amount that Pakistan might pay to us and the amount which Government of India could contribute to it in addition to what they have been spending for rehabilitation till now and what they will be spending in the future.

The figure of 300 crores as representing Pakistan’s capacity to pay was estimated by Deshmukh at my request, but it will be too much to expect that we could, for squaring the amount relating to evacuee property, ask Pakistan to shoulder the whole of this amount as a debt she would owe to India on account of evacuee property alone. We should be prepared, if there is going to be an ad hoc arrangement to accept much less. I think it will be worthwhile to do so in order to end all the trouble we are going through in this connection. I would personally be content with Pakistan accepting liability for a hundred crores, but this is matter for bargaining. If you propose to have a talk with Liaquat Ali Khan on this question, I would suggest your discussing with him the main principles of the scheme without committing yourself to any definite figures. If they are prepared to discuss figures also, we can give some vague indications of the figures that we have in mind.

Yours sincerely
Sd/- Gopalaswamy

The Hon’ble
Pandit Jawaharlal Nehru,
Prime Minister,
New Delhi.

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Note on Evacuee Immoveable Property

During the last meeting with Khwaja Shahabuddin (Pakistan Minister of Rehabilitation) on June 27 and 28, 1950, Honourable Minister (Transport) suggested that it was necessary to think about the whole question of evacuee property in a big way, so that this potent cause of friction between the two countries was removed once for all. The scheme suggested by H.M. (Transport) is summarized in the following paragraphs :-

2. Properties of Joint Stock Companies with headquarters in the other country and public Trust properties may be declared non-evacuee and restored to the owners. For the rest, it was necessary to arrive at some
agreement which would end the present unnatural situation in which persons living in one country owned property in the other on a very large scale. It was necessary for the good of displaced persons and the healthy relationship of both countries that displaced persons settled down in the country of their choice with full title to the property on which they were being, at present, temporarily resettled. There were two possible solutions:-

(a) full freedom may be given to individuals to dispose of their property, or

(b) there may be some machinery or authority that could take over the property on each side, and distribute it to the displaced persons.

The first alternative may take several years to work out, and even then, at the end, there was bound to be a hard core left for which some solution will have to be found. Meanwhile, this cause of tension between the two countries will continue. It was necessary, therefore, to think of an alternative which would settle things finally quickly. It was not necessary to fix the value of each individual property left in either country. It would be sufficient if the value of the entire property on either side could be approximately estimated. It was not contemplated that the debtor country should pay the difference to the last rupee. Payment will have, necessarily, to be related to the capacity of the debtor country to pay. Perhaps, the best course would be to settle the amount by negotiation on a purely ad hoc basis. Once that had been done, the two Governments may agree to extinguish the title of the evacuee owners who had migrated to the other country to the property in their own country, and may proceed to settle permanently the displaced persons who had come over to their own country on the erstwhile evacuee property in any way they considered suitable and equitable and pass full title in such property to such persons. The distribution of evacuee property in this way as part of the compensation to displaced persons will have, however, to be related in some way to the property the displaced persons had owned in the other country, and for that purpose it would be necessary for each Government to agree to give facilities to the other Government for the verification of the claims of displaced persons settled in that country. India would, for example give facilities to the Pakistan Government to verify whether a certain displaced person who claims to have left two houses in Delhi did actually leave them here. The Pakistan Government will be free to assign their own valuation to those houses and the Indian Government will in no way be committed to it, but India will make available all the municipal and other records to Pakistan officers wishing to check up the claims.

3. A settlement of the type contemplated above would automatically mean
that the pool of Evacuee property on either side should be well defined. For this purpose both Governments may agree to fix a limiting date after which no person would be liable to be declared an evacuee for any act of his done after that date.

Anything which was done before the limiting date and which is the subject of pending proceedings under the Evacuee Property Law would be taken into account, but even in regard to this it may be prescribed that the issue should be governed by the decision in the legal proceedings.

4. No figures were given by H.M. (Transport) at the time, as he wished to consider the matter further. The figures for Land can be roughly assessed. Leaving aside the uncultivated area in West Punjab on the one side, and East Punjab and PEPSU on the other, the difference in cultivated area alone is nearly 10 lakhs of acres. While the Hindus and Sikhs have left behind about 48, 21, 570 cultivated acres, the Muslims in East Punjab and PEPSU have left behind only 38, 39, 550 cultivated acres. But of the land left behind in West Punjab 23, 88,422 acres was under perennial irrigation, as against which only 4,88, 969 acres in East Punjab and PEPSU is so irrigated. Similar discrepancies exist in other Nahri, Chahi and Abi lands. One the whole, therefore, the difference in value between the value of lands left behind in West Punjab on one side and East Punjab and PEPSU on the other may be about 150 crores. The land left behind by non-Muslims in N.W.F.P. Khairpur and Baluchistan may be set off roughly against land left behind by Muslims in Alwar, Bharatpur and Bikaner. The value of the land left behind by non-Muslims in Sind and Bhawalpur may be roughly 150 crores. In all, it would seem reasonable to suggest that the difference in the value of land alone may be about 300 crores.

5. It is more difficult to estimate even roughly the value of urban property left behind in Pakistan, but very valuable properties have been left behind in Karachi, Hyderabad, Lahore, Rawalpindi, Peshawar, Quetta, Murree and other places. The properties left behind by Muslims in India are not so valuable. Even in Delhi the total evacuee property may not exceed a few crores. Besides, the non-Muslims have left behind valuable factories and equipment. Taking a very broad view, however, it will not be unreasonable to suggest that the difference in the value of urban evacuee immovable property may be in the neighbourhood of 400 crores.

6. An overall assessment of the amount payable to India by Pakistan would thus be about 700 crores. It is realised, however, an infant State like Pakistan cannot be asked to take on such a heavy debt. It would perhaps be reasonable to suggest that about half the difference may be paid by Pakistan to India. That would mean about 350 crores. Having regard to the capacity of Pakistan to pay, this amount may be further reduced by a hundred crores to 250 crores. It would perhaps suffice if for purposes of discussion with Pakistan we simply state that
our estimate of the difference in value of evacuee property in the two countries is roughly about 700 crores due from Pakistan to India and we consider that about half of that figure should at least be paid by Pakistan, but that as an earnest of our desire for settlement we would suggest a figure well within Pakistan's capacity to pay – Rs.250 crores. We may, of course, be willing to negotiate even a lower ad hoc figure, if Pakistan is prepared to bite.

7. If an ad hoc amount is thus negotiated, and a settlement is reached, legislation will have to be undertaken by each Government acquiring all Evacuee Property situated within its territories without payment of compensation. Compensation to the evacuee owners will really be payable by the Government of the country to which they have migrated in accordance with any scheme of resettlement that that country may adopt as regards evacuee property there.

8. H.M. (Transport) also suggested at the discussion that, should Pakistan be unwilling to accept a rough and ready ad hoc settlement of the kind indicated above, he would be prepared to agree to referring to a single Arbitrator or to a Board of three Arbitrators the following questions: -

(a) Making a rough estimate of the value of the entire urban and agricultural property on each side and of the amount which the debtor country could be said to owe to the other;

(b) the amount which, in relation to the financial capacity of the debtor country, its resources and its needs both for current purposes and provision for reasonable development, it could be called upon to pay; and

(c) the period of years over which the payment of the amount so determined should be spread and the annual installment payable. Both Governments should agree to abide by whatever the decision of the Arbitrator or the Arbitral Tribunal may be.

Sd/- V.D. Dantyagi
19.7.1950.

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Based on the above letter, Mr. S. Dutt, Additional Secretary in the Ministry of External Affairs discussed the problem of evacuee property with Mr. Mohammad Ali who was accompanying Pakistan Prime Minister Liaquat Ali Khan and recorded the following note on July 22, 1950 of his discussions for Prime Minister's information.

I place below the letter which H.M. (T) has written to P.M. on the problem of evacuee property I asked Mr. Mohammed Ali whether the Pakistan Government had considered the scheme put forward by Mr. Gopalaswami Ayyangar. He said
that the Pakistan Government would prefer a settlement of the problem on the lines which were discussed between the two Prime Minister in Karachi, viz:

(i) Sale and exchange of urban immovable property would be freely permitted.
(ii) There would be a limiting date beyond which Evacuee property Law would not be applied either in India or Pakistan.
(iii) After as much as possible of the urban evacuee property had been disposed of in the way indicated in (i) above, the two Governments would consider how the balance of the property could be settled.

Mr. Mohammed Ali added that the question of agricultural property presented special difficulties as the valuation of such property depended on a solution of the canal water dispute, and on such solution must depend a settlement of the evacuee agricultural lands.

2. As regards Mr. Gopalaswami Ayyangar’s scheme, Pakistan Government really had no basis on which they could consider it. The Pakistan Government must have some indication of the liability which they would be called upon to bear in the event of a settlement at Government level; and in the absence of any such indication from the Government of India, the Pakistan Government were not in a position to express any opinion on the scheme. Mr. Mohammed Ali felt that, in any case, valuation of the property by a neutral agency such as was contemplated in the scheme would take a long time and a quick solution of the problem would not be achieved as desired by India under the proposed scheme.

3. I did not pursue the matter further as I felt, in the light of my discussion with Mr. Mohammed Ali that it would be better for the Prime Minister himself to mention to Mr. Liaquat Ali Khan the figure given by H.M. (T) in his letter on the basis of which settlement of the evacuee property problem at Government level could be made.

(S.Dutt)
22.7.1950
I have no recollection of any talk with Khwaja Shahabuddin. I think I did meet him and I must have had some rather casual talk, in the course of which we might have mentioned that it was desirable to put an end to the issue of fresh notices under the evacuee property provisions.

2. This matter was first discussed by me with the Prime Minister of Pakistan in April 1950, at the time of the Indo-Pakistan Agreement. He suggested then that we should fix a date, and the date suggested was April 8th, after which no property should be declared evacuee property. At the most, pending cases should continue. I said I liked the idea and we might consider it further and work it out. I then further discussed it with him during my visit to Karachi at the end of April. We did not make any great progress except that the idea was again approved in principle. I think something was said then, or perhaps later, that pending further discussions we might tone down our activities in regard to evacuee property. As a matter of fact, I wrote to the Rehabilitation Ministry at the time and told them of this and even suggested, I think, that they might go very slow, as it was probable that we might put an end to this whole business soon. I might have given some such idea to Khwaja Shahabuddin. I could not have told him that I had issued any orders not to issue any fresh notices. Undoubtedly, there was some intention of keeping matters pending, as some kind of an agreement on the subject was expected soon.

3. The record of the meeting of June 27th, which says that the proposal of fixing a date, etc., had already received the blessings of the two Prime Ministers and was acceptable in principle, is correct.

4. What I am interested to know is this: Is it true that in West Pakistan Khwaja Shahabuddin issued an order that no fresh notice should be issued and that orders should be kept pending? If this is a fact, then it has some effect on us, whatever we may or may not have said. It is true that there is not much room left for issuing notices in West Pakistan.

5. The position thus is that while all of us agreed that something should be done and accepted the principle of stopping these declarations of evacuee property in future, nothing definite was decided and it was hoped to have an overall agreement.

6. That is so, but in the circumstances, it does follow that we must take action only in rather especial and obvious cases. That has been stressed by me on several occasions. I find, however, that the practice followed by the
Custodians has not varied much and highly legal arguments are advanced and considered as to whether a person should be declared an evacuee or not. Indeed I was surprised to read a very long judgment of the Custodian General recently. Personally, I entirely disagree with that judgment on the merits. Apart from the law, the intention of Government was perfectly clear and indeed because of that, Government varied the law. It must always be remembered that the evacuee property law is a very peculiar, unusual and abnormal law, which indeed is entirely outside the scope of normal legislation. Therefore, it cannot be interpreted and acted upon with the same strictness as ordinary laws are dealt with. The human aspect must always be considered, as also the obvious intention of the Government and the Legislature.

7. The fact that in our application of evacuee property laws and rules we have to be exceedingly careful in future and only take up very special cases, must be borne in mind by all Custodians. Justice has to be done and where there is the slightest doubt, it is to be interpreted in favour of the person concerned. Legal arguments should not be allowed to come in the way of broad justice.

8. If it is true that Pakistan has definitely ordered that no further notices should be issued, then this casts a special burden upon us.

9. A copy of this note might be sent to Shri Gopalaswami Ayyangar.

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Note from the High Commissioner for India in Pakistan to the Pakistan Ministry of Foreign Affairs.


Office of the High Commissioner for India in Pakistan,
Jahangir Sethna Road
New town, Karachi-5

No.13(4)/52 - Genl. the 29th May, 1952

The High Commission for India in Pakistan presents its compliments to the Government Pakistan, Ministry of Foreign Affairs and Commonwealth Relations and has the honour to state that at the Inter – Dominion Conference held at New Delhi in September, 1947, it was agreed that all places which are regarded as sacred by any community will not be allowed to be occupied by members of any other community, and particular care will be taken to preserve such places intact even if they remain empty and that the two Governments will communicate with each other and make concrete suggestions.

As a result of further correspondence, the two Governments agreed that all shrines, temples, mosques and other religious places which were damaged during the communal disturbances should be repaired, and the hosting of any emblem or flag other than that of the religious concerned, on any religious building or edifice, should be prohibited.

The Government of India have noted with concern & deep regret that the Government of Pakistan have not been implementing the above decision strictly. The enclosed annexure gives a few cases of neglect in the up–keep of shrines and other sacred places abandoned by the minority communities in Pakistan. These complaints are based on reports reaching the Government of India from pilgrim parties and other observers who have had occasion to visit the Shrines etc. recently. The fate of other shrines and holy places to which pilgrim parties have not been allowed to make visits, is not known to the Government of India but they have reasons to apprehend that they too may not be properly preserved according to the Inter – Dominion agreement of 1947.

The Government of India trust that the Government of Pakistan will ensure that the agreements relating to the maintenance of the sanctity of religious shrines and sacred places and repair and proper up – keep thereof, are implemented.

It is requested that this High Commission may kindly be informed of the action taken in the matter by the Pakistan Government.
The High Commission avails itself of this opportunity to renew to the Government of Pakistan the assurances of its highest consideration.

The Ministry of Foreign Affairs and Commonwealth Relations,
Government of Pakistan,
Karachi.

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3175. Note of the High Commissioner for India in Pakistan to the Ministry of Foreign Affairs.

Karachi, June 1952.

Office of the High Commissioner for India in Pakistan
Jahangir Sethna Road,
New Town, Karachi-5

No. 13(4)/52 – Genl. June, 1952

Subject: Reports on the condition of Gurdwaras, temples etc. in Punjab (P)

The High Commission for India in Pakistan presents its compliments to the Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations and in continuation of this High Commission note of even Humber dated the 29th May, 1952, on the subject mentioned above, has the honour to state that it has further been reported to the Government of India by the pilgrim party which recently returned from Pakistan after visiting Gurdwaras at Shri Nankana Sahib and Shri Sacha Sauda:

(1) That these Gurdwaras stand badly in need of repairs. The Upper portion of the building of Gurdwara Saucha Sauda, they say, may come down if it is not promptly attended to. They have expressed grave concern over the fast deteriorating condition of these Gurdwaras and indicated that even the repairs promised by the Pakistan Officials last year had not been carried out so far. The marble sill of door in Gudwara Shri Kaira Sahib at Shri Nankana Sahib has been badly cut up with a chisel.

(2) That the water in the tank at Gurdwara Shri Janam Asthan, Shri Nankana Sahib has not been changed for a long time with the result that it emits foul smells which is injurious to the health of the inhabitants of the
Gurdwara. They fear that if the water is not changed immediately, there is every likelihood of some epidemic spreading.

(3) That the refugees have been allowed to occupy two Gurdwaras at Shri Nankana Sahib where they cook and take meat.

It would be greatly appreciated if in accordance with the Indo – Pakistan agreements relating to the maintenance of the sanctity of religious shrines and sacred places and repair and proper up – keep thereof, necessary action is taken to have the necessary repairs carried out in these Gurdwaras, which have great historical significance for members of the Sikh community. It is further requested that enquiries may kindly be made in regard to allegation (3) above and necessary action taken to preserve the sanctity of the sacred places.

It is requested that this High Commission may kindly be informed of the action taken in the matter by the Govt. of Pakistan.

The High Commission avails themselves of this opportunity to renew to the Government of Pakistan the assurances of their highest consideration.

The Ministry of Foreign Affairs and Commonwealth Relations,
Government of Pakistan,
Karachi.

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3176. Letter from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs.

New Delhi, October 13, 1952.

Government of India
Ministry of External Affairs

No. CS(T)/8 13th October, 1952

From : B.F.H.B. Tyabji, Esquire, I.C.S., Secretary to the Government of India.

To : The Secretary to the Government of Pakistan, Ministry of Foreign Affairs & Commonwealth Relation, Karachi.
Subject: Immovable evacuee property in India and Pakistan.

Sir,

I am directed to state that the Government of India have been greatly exercised over the question of immovable evacuee property left behind in the two countries. This property falls broadly under two categories — rural and urban.

2. The owners of rural property have neither been receiving the rents due to them, nor have they been allowed to sell or exchange property, as the intention of the Government of Pakistan seems to have been to settle this question on a Governmental level. Five years have now expired, and so far as we know, the Government of Pakistan has already allotted all the agricultural land and rural houses left behind in Pakistan to evacuee from India. The Government of India have done likewise in India. As such, it cannot now be contemplated that any lands or rural houses can be sold or disposed of by individual owners. For all those reasons, the Government of India feel that the problem of settlement of rural property can no longer be delayed in the interest of the evacuees or refugees of the two countries. I am, therefore, to suggest that the two Governments should assume responsibilities for all the rural property left behind in their territories. A valuation of the property on either side can be carried out either by a joint commission of the two countries, or by an impartial body, according to certain principles which can be agreed upon between them, the debtor country then paying to the creditor country the difference in value according to certain agreed arrangements. If there is any difference of opinion about the principles on which valuation is to be carried out, the question should be referred to an arbitrator.

3. There has been a deadlock in regard to urban property. The Government of India do not wish to go over past history, but the result is that, at present, urban displaced persons in either country are in great distress. They can neither receive any income from the property left behind by them in their country of origin, nor can they start business in the new country as they have no means of obtaining any credit. At the same time, the evacuee properties left in both countries are fast deteriorating. Although the two Governments have created a Custodian’s organisation, mainly for the preservation of the property of evacuees, the plain fact is that such property is being occupied mostly by displaced persons who have no interest in it. Even minor repairs which an occupier of a house is normally expected to execute are not carried out by them. The result is that properties are deteriorating, and deteriorating very fast. The recovery of rent is also unsatisfactory. The present state of uncertainty, and the continued deterioration of property is not in the interests of the displaced parsons, nor of the evacuees, or of the Government concerned.
4. The return of evacuees from either country to their country of origin no longer being within the bounds of possibility, the Government of India feel that it is the moral responsibility of both countries to take over the evacuee property left behind and to compensate the evacuee owners. The Government of India, accordingly, propose that the two Governments should take over the urban evacuee immovable property left behind in their respective territories, and compensate the evacuee owners according to principles which may be decided upon by negotiation between the two Governments. If direct negotiations prove unfruitful, the Government of India are prepared to refer the question of the method of valuation to Arbitration or an impartial tribunal, agreed upon between the two countries. If it is so desired, the matter might be referred to an International Court or to any Ad Hoc Court consisting of nominees of the two Governments. The Government of India are prepared to refer the dispute in regard to evacuees property to such arbitration or impartial tribunal.

5. Once the method of valuation is decided upon, it should be possible for a joint Commission of the two countries to evaluate evacuee property in either country. It is of course, to be understood that the decision by arbitration or through an impartial tribunal will be considered final and binding on the two countries. As soon as such a decision is obtained, the two countries will proceed to give effect to it.

6. To avoid further deterioration of evacuee property, and in fairness to the evacuee owners, the Government of India invite the Government of Pakistan to take over the evacuee property in Pakistan. They also intend to proceed to take over the property in India on the basis of the proposal made above. An early reply will be greatly appreciated.

Yours faithfully

Sd/-

(B.F.H.B. Tyabji)
Commonwealth Secretary
My Dear Prime Minister,

I should like to draw your attention to a letter sent from the Ministry of External Affairs, Government of India to the Secretary, Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan. This letter is dated 13th October and it deals with the question of immovable evacuee property left behind in both India and Pakistan. This letter was an important one and made certain proposals. We have had no reply to this letter, although nearly three months have passed. I enclose a copy of this letter for ready reference.

In view of the fact that there is no possibility of the return of the evacuees from either country to their original country of origin, and the evacuee properties are deteriorating rapidly, the Government of India made certain proposals. These were to the effect that the two Governments should take over the urban evacuee immovable property left behind in their respective territories and compensate the evacuee owners according to the principle which may be decided upon by negotiations between the two Governments. It was hoped that these negotiations would yield satisfactory results. In the event of lack of agreement between the two Governments as regards method of valuation etc, it was suggested that this matter be referred to arbitration or to an impartial tribunal agreed upon between the two parties.

This was a proposal which, it seems to me, was fair to both Governments and the large number of individuals concerned. If we adopt it, it will put an end to a very long standing dispute which has affected the lives of millions of evacuees and refugees.

I shall be grateful if you could kindly look into this matter and let us have a very early reply.

Yours sincerely

Jawaharlal Nehru
Letter from Pakistan Minister of Refugees and Rehabilitation to Minister of Rehabilitation Ajit Prasad Jain.

Karachi, February 24, 1953.

D. O. No. F. 11(5)/52-P

Dated the 24th Feb., 1953

My dear Mr. Jain,

Sometime ago I said in course of replying to a debate in the Constituent Assembly that I would be willing to withdraw the evacuee property legislation if India also agreed to do the same. Your Prime Minister is reported to have said in the Indian Parliament that if an offer came from Pakistan he would be willing to examine it. It is in that connection that I am writing this letter to you.

2. An essential preliminary to any such solution of the evacuee property question would however, be a restoration of the position to that obtaining under the Indo-Pak Agreement of January 1949. Under this Agreement, evacuee laws were to operate only in the “Agreed Areas” specified in it. A first step, therefore, should be for the Government of India to withdraw the evacuee property legislation from non-agreed areas. The way would then be paved for a consideration of the question of withdrawing evacuee property legislation from “Agreed Areas” in both countries. I shall be grateful to know your reaction to this proposal.

With kind regards.

Yours Sincerely

Sd/- I.H. Qureshi

Hon’ble Mr. Ajit Prasad Jain,
Minister for Rehabilitation,
Government of India
New Delhi.

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Letter from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs.

Karachi, March 5, 1953.

Ministry of Foreign Affairs
and Commonwealth Relations
Karachi

No. 3(II) 8/8/52

5th March 1953

From: The Secretary to the Government of Pakistan,
Ministry of Foreign Affairs & Commonwealth Relations,
Karachi.

To: The Secretary to the Government of India,
Ministry of External Affairs,
New Delhi.

Subject: Immovable Evacuee Property in Pakistan and India.

Sir,

I am directed to refer to the Government of India’s letter No. CS (T) 8, dated the 13th October 1952, and to say that the Government of Pakistan fully share the Government of India’s concern over the deadlock existing between the two countries on the question of immovable evacuee property, and reiterate their desire to resolve the deadlock as speedily as possible in cooperation with the Government of India. But they are surprised the Government of India, while expressing their concern for a settlement of this question, have already decided to acquire the properties of Muslim evacuees for distribution to their refugees. It seems desirable that certain patient facts of the historical background leading to the present deadlock should be re-stated as one more effort to remind the Government of India of their obligations under the existing Agreements and the unfortunate consequences which their policy of expropriation is bound to cause.

2. It will be remembered that as a result of discussion between the Prime Ministers of our two countries in August 1947 it was decided to create the machinery of Custodians’ Departments in either country to prevent illegal seizure of the property for its administration and management in their interests. Suitable legislation was brought out both in the East and West Punjab to give effect to these subjects. At the same time a series of discussions were held between the representatives of the two countries in 1947 and 1948 with a view to devising a comprehensive solution of the entire problem of evacuee property. This
comprehensive solution was embodied in the Karachi Agreement of January 1949 which is the only international agreement on the subject.

3. This Agreement was signed on the 13th January, 1949. It defined "agreed areas" in either country to which evacuee property legislation was to be confined. These agreed areas in India were:

**For agricultural Property** — The Provinces of East Punjab and Delhi, Province of Himachal Pradesh, the Patiala and the East Punjab States Union, and the States of Bharatpur, Alwar and Bikaner.

**For urban immovable Property** — The areas would be extended to include Ajmer-Merwara, Dholpur and Karauli States (now included in the Matsya Union) the Rajasthan Union, Saurashtra.(as both these Unions stood on 22-7-48), and the States of Jaipur and Jodhpur, and the districts of Saharanpur, Dehra Dun, Meerut and Muzaffarnagar in the United Provinces.

Within a few months, however, legislation was passed in India which had the effect of extending evacuee property laws to all the other Provinces except West Bengal, Assam and Tripura. It was apparent that the object of this evacuee property legislation was not to protect the interests of evacuee but to take over the property of as many Muslims as possible and thus to add to the pool of evacuee property in India.

4. It appears that the Government of India had decided not to allow the January Agreement to have a full trial. In June, 1949 they asked for the scheme of private transfers to be shelved and proposed instead the utilisation of Government agency for the liquidation of evacuee property and the awarding of compensation to the refugees on a governmental basis. The Government of Pakistan replied that they were not prepared to accept a formula which ran counter to the Agreement of January 1949. They also protested against the Government of India allowing their Provincial Governments to extend the evacuee property law to areas other than those agreed upon under the January Agreement.

At the Conference held in Karachi in June, 1949, the Pakistan Government asked that the legislation passed in India should be withdrawn from non-agreed areas and suggested that any difficulties that were experienced or apprehended in the working of the January 1949 Agreement should be resolved by mutual discussion. The Government of India, however, took no notice of this suggestion and persisted in the course of action already determined by them in contravention of the January 1949 Agreement.

5. It seemed incredible that a formal Agreement signed by the two countries could become a useless instrument within a few months when the two Governments were yet taking preparatory action to implement it in a systematic
manner. The Government of India's objects and intentions on this question were made public by their Custodian-General, Mr. Achhru Ram who in passing a Judgment in September 1951 made the following observations:

“The Government of India had also taken a firm decision that the problem of evacuee properties in the two countries should be settled by the Government of each country acquiring all evacuee property lying within its territories on a fair valuation, the value of evacuee property in one country being set off against the value of a similar property in the other, and the difference between the two values, if any, should be paid by the debtor country to the creditor country.

As a result of this decision, all private transactions in respect of evacuee property were banned. The above mentioned two Ordinances were promulgated in furtherance of these decisions and legislative provisions on the same lines were also put into force in all the Indian provinces excepting Assam and West Bengal.”

6. The Government of Pakistan have no reason to discredit the disclosure made by the Custodian-General of India of the Government of India's policy decision taken in the earlier part of 1949, and are surprised that a decision unilaterally taken more than three and a half years ago should now be sought to be justified and imposed on Pakistan despite the Government of Pakistan's persistent warning to the Government of India that they were acting in violation of the international Agreement of January, 1949 to the detriment of the interests of the evacuees in either country.

7. The Government of Pakistan have never accepted the solution proposed by the Government of India for a Government to Government settlement in regard to evacuee property whether agricultural or urban. It is true that the Government of Pakistan exchanged with the Government of India certain revenue records relating to evacuee agricultural property and have introduced a limited scheme for the resettlement of these people on land; but this scheme is, as the name implies, a Rehabilitation Settlement Scheme. Neither of these actions implies in any way agreement to a Government to Government settlement. In the case of urban evacuee property also the Government of Pakistan have more than once made it clear that the best solution of the problem is to allow this property to be disposed of by the evacuee themselves through private sales, exchanges etc. and that they cannot assume responsibility for acquiring it for disposal.

8. The Government of India have suggested that any differences in regard to the evaluation of evacuee property in a Government to Government settlement should be resolved by arbitration. This suggestion is based on the incorrect
assumption that there is agreement on the proposal for a Government to
Government settlement. It may be added that the Government of Pakistan have
always been willing that all outstanding issues between the two countries should
be settled through arbitration if negotiation and mediation fail. Their offer stands
and they are willing to submit the question of evacuee property to arbitration
provided all the other major issues between the two countries are settled
simultaneously on the same basis.

9. In conclusion the Government of Pakistan would like to reiterate that the
proposal of the Government of India made in their letter under reply will amount
to a violation of the existing Agreements and in effect will mean expropriation of
the Property of the Muslims of India. Instead of helping to solve the problem
further difficulties will be created, the responsibility for which, this Government
would like to make it clear, rests entirely on the Governments of India.

I have the honour to be
Sir
Your most obedient servant

(Akhtar Husain)
Secretary to the Government of Pakistan

3180. Letter from Pakistan Prime Minister Khwaja Nazimuddin
to Prime Minister Jawaharlal Nehru.

Karachi, March 12, 1953.

Prime Minister
Pakistan

Karachi, 12th March 1953

My dear Prime Minister,

Thank you for your letter of the 8th January, 1953 regarding the proposal of your
Government as contained in Mr. Tyabji’s letter No. CS(T)/8, dated the 13th
October '52, on the subject of immovable evacuee property in both countries. I
greatly regret the considerable delay that has ensued in sending our official
reply which I understand has just issued from the Foreign Office.
EVACUEE PROPERTY

Please also accept my apologies for the delay in acknowledging your kind letter of the 8th January '53, which was due to an oversight on the part of my office.

With best regards,

Yours Sincerely

(K. Nazimuddin)

The Hon’ble
Pandit Jawaharlal Nehru,
Prime Minister of India,
New Delhi.

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3181. Letter from Rehabilitation Minister Ajit Prasad Jain to Pakistan Minister for Rehabilitation Shuaib Qureshi.

Simla, May 7, 1953.

D. O. No. PA/PSMR/Camp. (Camp) Shimla. 7th May 1953

My dear Mr. Shuaib Qureshi,

Knowing your keen desire to arrive at an amicable settlement of all Indo-Pakistani differences, I am taking the earliest opportunity on your assuming charge of the Pakistani Ministry of Refugees and Rehabilitation to acquaint you with our views on the various items relating to evacuee property which are pending settlement between the two countries.

2. I am further encouraged in doing this by the belief that you fully share with me the feeling that the differences relating to movable and immovable properties left behind by persons who have migrated from one country to another, have caused and continue to cause a great deal of hardship and misery to large numbers of persons and that their solution will do a great deal to restore mutual trust and amity not only between our two Governments but between our two peoples.

3. The accompanying note gives a brief summary of the present position of the main issues. The items mentioned in the note can be classified into two categories those on which there is a difference in principle between the two Governments, and those on which there question is of implementation only. In the first category there is only one item that of immovable property, including
agricultural land, houses and other properties about which our approach is different. This may raise basic issues and call for somewhat prolonged consideration. Even so with goodwill and desire to settle the points of difference, such as now seem happily to prevail between our two Governments, it should be possible for us to find an amicable solution.

4. The second category of subjects includes issues on which there is no basic difference in principle between us. Nevertheless, their implementation has been held up for one reason or another for all these years. The result has been that they have become a source of irritation and hardship to refugees both in India and Pakistan. It would be pointless to enter into a discussion here on the reasons which have led to this impasse. It is clear, however, that having arrived at an agreement on them in principle, the question of how that agreement should be implemented should not present serious difficulty.

5. I myself would like to take up both kinds of issues together and resolve them by friendly discussion: but should you find any difficulty or hesitation in taking up the first issue immediately, I am perfectly agreeable to holding a Secretarial Conference to settle first the differences that exist between our two Governments in regard to the items that fall in the second category. On your acceptance of this suggestion, details regarding the venue, date, and agenda of the conference can be decided upon. I need hardly add that any suggestion that you may have to make in this matter, or items for discussion, will be gladly considered by me.

With kind regards,

Yours sincerely

Sd/- Ajit Prasad Jain

Hon’ble Mr. Shuaib Qureshi,
Minister for Refugees & Rehabilitation,
Government of Pakistan, Karachi.

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Note on the Present Position Regarding Negotiations in respect of Evacuee Property

I. **Immovable Property**:- The Government of India’s proposal is that the two Governments should take over the evacuee immovable property left behind in their respective territories and compensate the evacuee owners according to principles which may be decided upon by negotiation between the two Govts. In the event of the direct negotiation proving unfruitful, the Government of India
would be prepared to refer the question of method of evaluation to arbitration or to an impartial tribunal agreed upon between the two countries. Further, if so desired, the matter may be referred to an International Court or any Ad Hoc Court consisting of nominees of the two Governments. These proposals have not been agreed to by the Pakistan Government. A reference is invited to the Government of India, Ministry of External Affairs, letter No. C.S. (T)/8, dated the 13th October, 1952, and the Government of Pakistan, Ministry of Foreign Affairs & Commonwealth Relations, letter No.3(II) 8/80/52 dated the 5th March, 1953.

II. **Movable Property:** Both the Governments agreed in the Conference held on the 27th June, 1950 that the right of ownership of movables left by the evacuees in the other country continues to vest in the owner, and that the owner should be given the right either to remove them or to dispose of them or, if they were allotted or acquired by Government for rehabilitation purposes, he should be paid full compensation in cash. The Agreement covers a very large number of items, such as, household and personal effects, articles deposited in Banks, shares, securities and insurance policies, the property of Joint Stock Companies; sale proceeds of movable properties already deposited with the Custodians, seized movable properties, including fire-arms, buried treasures, court deposits etc. India was to benefit mainly by the wholesale release of lockers and safe deposits, the restoration of properties of Joint Stock Companies taken over by various Governments in Pakistan; and Pakistan was to benefit largely by the release of securities and shares and removal of restrictions on the transfer of household effects. Not a single locker has been released so far in Pakistan; nor has the property of single Joint Stock Company has been restored or compensation given. On the other hand the Government of India have at least released some shares and securities and considerable amounts of household and personal effects. As early as August, 1951, it was, therefore, suggested that the whole question may be discussed afresh at a Secretariat or Minister’s conference, but no decision has yet been reached regarding the holding of such a conference. A reference is invited to letters No.PA/RES/PSMR and No.PA/PSMR dated 20th September, 1952 and 13th March, 1953, respectively, to the Minister for Refugees and Rehabilitation, Pakistan.

III. **Maintenance and protection of the sanctity of holy places and shrines:** It was agreed between the two Governments at the Indo-Pakistan Conference held on 19th September, 1947, that the sanctity of holy places should be maintained and particular care would be taken to preserve such places intact even if they remained empty. Subsequently it was also agreed that all shrines, religious places etc. which were damaged during the disturbances should be repaired. Nevertheless, there have been many complaints regarding the desecration etc. of such place, details of which have been exchanged between
the two Governments. In order to sort out the difficulties that had arisen in the implementation of this agreement, it was suggested by the Government of India in October, 1949, that an Inter-Dominion Conference might be held. This proposal was accepted by the Government of Pakistan in principle and as desired by them; a draft agenda was prepared and supplied to them, in June, 1951. But the proposed conference has not so far materialised. A reference is invited to the Government of India, Ministry of External Affairs Note No. F.22-II/51-Pak I, dated the 26th April 1952.

IV. **Trust Property:** - After discussions at a series of conferences it was decided by the two Governments in January, 1949 that a Joint Trust Property Committee consisting of members from each country should be appointed to consider:

(a) the report of the Inter-Dominion Trust Property Committee submitted on the 6th April, 1949; and

(b) any other suggestion that might be raised in this connection and to make recommendations.

This Committee has so far met only once on the 18th November 1950. It was unable to make any specific recommendations but it desired that deeds of dedication might be collected and exchanged in order to ascertain the founders’ intentions. Following this suggestion, the Government of India have collected as many deeds as possible, but so far no deeds have been exchanged. As the collection of deeds was proceeding, the Pakistan Government intimated that the question of treatment of immovable property relating to trusts could not entirely be detached from the general question of evacuee immovable properties, and might, therefore, be considered along with the latter.

V. **Payment of pensions to displaced persons from East Bengal:** It was suggested in the Government of India, Ministry of Rehabilitation, letter No.3(55)/51-N, dated the 13th September, 1952 to the Government of Pakistan, Ministry of Refugees and Rehabilitation, that facilities may be granted to pensioners of East Bengal, West Bengal, Assam and Tripura to draw their pensions by Money Order from the Governments under whom they served. The arrangements were to be reciprocal. The views of the Government of Pakistan are still awaited. Meanwhile displaced persons from East Bengal are undergoing considerable hardship for want of satisfactory arrangements for the payment of their pensions. The Government of India have, therefore, re-examined the whole position recently, and should like to devise a scheme whereby easy payment of pensions is made possible to refugees on either side in the East.

VI. **Part earned pensions:** - The question of part earned pensions of displaced Government servants of Sind and N.W.F.P. has been the subject matter of discussion and correspondence between the two Governments since February
1948. The matter was further considered at the Inter-Dominion Conference held in December 1948 and “the consensus of opinion was that something must be done for these persons but the question must pend the settlement of an agreement between the two Dominions on the bigger issue of the pensions already earned”. On the conclusion of an already earned, the question of part earned pensions was again taken up. India has agreed to accept liability for part earned pensions, but Pakistan, we are told, is still considering the matter.

VII. **Expansion of Central Claims Organisation:** This Organisation has already done useful work, and the two Governments have agreed in principle that its activities should be expanded to that miscellaneous claims such as contractors’ dues, security and revenue deposits etc. may also be processed through it. Certain suggestions, and observations made by the Government of Pakistan, Ministry of Refugees and Rehabilitation, in this regard have been examined and the Government of India’s views sent to them in the Ministry of Rehabilitation’s letter No.3(82) 52-N, dated the 20th October, 1952. There has been no progress since then.

VIII. **Need for expeditious verification of claims by the Central Claims Organisation:** At the Indo-Pakistan Conference held in New Delhi from 18th to 21st December 1950, it was decided that:—

(i) the work of the Central Claims Organisations in the two countries should be expedited and there should be frequent meetings of officers of the countries (once a month if possible) to review the progress made in verification and payments.

(ii) the working of the provisional payment arrangements should be reviewed within 3 months’ time.

So far there has been no meeting between the representatives of the two countries to review the progress of work done by the Central Claims Organisations or to review the working of the arrangements made for the provisional payment of pensions and provident funds due to the displaced Government servants etc. The suggestion made in February, 1952, that a meeting of the officers of the two countries might be held has been accepted by the Government of Pakistan’s Ministry of Refugees and Rehabilitation, but no proposals regarding the date and venue of the meeting have so far been received; 13,300 claims have been verified by the C.C.O. of India till the 31.3.1953, and it is believed that its counterpart in Pakistan has verified about 5,800 claims.

IX. **Exchange of Revenue Records:** It was agreed at the Karachi Conference held in January, 1949, that copies of revenue records of certain agreed areas in India and Pakistan should be exchanged between the two countries. India has supplied a major portion of the records. A few records in respect of certain areas
in Rajasthan and Delhi only remain to be supplied and these are being collected. India has yet to receive a large number of revenue records relating to areas in Bahawalpur, N.W.F.P, Sind, Karachi, Baluchistan and Khairpur. These records are urgently required for the verification of the claims of displaced persons from these areas.

X. **Security deposit of Contractors, etc. with Govt. and Quasi Govt., Bodies:** The question of non-forfeiture of security deposits of contractors where they failed to fulfill their obligations due to migration was raised by the Government of India at the Moveable Property Conference held in June, 1950, and as agreed, a detailed note on the subject was sent to the Government of Pakistan in August 1950. This matter was again considered at the December, 1950 Conference, but no decisions were reached. Subsequently, the Government of India was informed in the Government of Pakistan, Ministry of Refugees and Rehabilitation letter No.F.41(13)/50-P, dated the 17th October, 1952, that the matter had better be discussed at the proposed conference on Movable Evacuee Property. No conference has taken place yet and this matter is still pending.

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3182. **Letter from Minister of Rehabilitation to Pakistan Minister of Refugees and Rehabilitation.**

New Delhi, May 20, 1953.

D.O. No. 1201/PSMR.  20th May, 1953

My dear Mr. Qureshi,

Please refer to your D.O. No.910/53 H.M. dated the 23rd May, 1953. I am thankful to your for the assurance that you will give all help that you can in resolving that disputes outstanding between the two countries on the question of evacuee property. I can assure you that I am equally anxious for a settlement.

2. I shall await your detailed reply.

3. Regarding para 3, sometime ago our Custodians prepared lists of the properties, which were in imminent danger of collapse. These properties are very old and dilapidated, being in the process of tumbling down and the cost of repairs which would have been almost in the nature of reconstruction would have been disproportionately heavy. It was, therefore, considered proper in the interest of the evacuee owner that the value of such properties may be
cashed in good time. As you know the rains are approaching and the monsoon especially in Bombay in fairly heavy. If those properties are not disposed of most of them may become valueless after the rains. Any sums received in auctions which are being held after the widest advertisement are credited to the account of the evacuee owner. These sales are being held in discharge of the statutory obligation of the Custodian and with the object of ministering, preserving and managing the evacuee properties. No sale is held except with the prior approval of the Custodian General who examines the cases on merit under Section 10(2) (O) of the Administration of the Evacuee Property Act.

4. You will appreciate our anxiety not to do anything to prejudice the forthcoming negotiations by the fact that we decided to postpone our decision on the question of taking over the evacuee property for distributing compensation in respect of properties left by the refugees in West Pakistan until our negotiations with your Government are concluded. In the circumstances I hope you will appreciate the motive behind the disposal of some of the properties of the nature mentioned above and also agree that what we are doing is in the interest of the evacuees.

Yours Sincerely
Sd/- Ajit Prasad Jain

The Hon’ble
Mr. Shoaib Qureshi,
Minister of Refugees and Rehabilitation,
Government of Pakistan
Karachi

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Karachi, May 23, 1953.

Minister for Refugees and Rehabilitation,
Government of Pakistan
Karachi

No.1910/53-H.M.  23rd May, 1953

My Dear Mr. Jain,

I acknowledge with thanks the receipt of your Letter No. PA/PSMR/Camp dated the 7th May 1953 on the question of evacuee property. I have no doubt that it should be possible, with good-will and a sense of realism on either side, to resolve the various disputes outstanding between our two countries, and it is my earnest desire to do all I can do in this process.

2. The questions raised in the note received with your letter cover a wide range and require a careful examination and I hope to write to you in details in due course.

3. In the meantime, however, I should like to bring to your notice that I have received some complaints both from individuals and through the press that the Custodian for Bombay in putting up evacuee house property to auction on various dates between the 1st and 10th June 1953. I find it difficult to believe that while it is proposed to reopen negotiations for an amicable solution of the question of evacuee property, your Custodian for Bombay should try to force a decision on what in after all the most important part of the whole dispute. I very much hope that this news is not correct; but if (it) is so, I am sure you will appreciate that action of this kind cannot be conducive to smooth tenor of the talks which we are both anxious to hold on the entire subject of evacuee property.

With Kind Regards,

Yours Sincerely

Sd/- Shoaib Qureshi

Hon’ble Mr. A.P. Jain
Minister for Rehabilitation,
Government of India
New Delhi.
Minutes of the Meeting held at 28, Victoria Road, Karachi, Between the Advisers to The Ministries of Rehabilitation Government of India and Refugees and Rehabilitation, Government of Pakistan, at 12 noon on July 27, 1953 on Evacuee Property Issue.

Present

India

1. Mr. Mehr Chand Khanna, Adviser to the Ministry of Rehabilitation, Govt. of India
2. Mr. K.P. Mathrani, ICS. Joint Secretary
   Ministry of Rehabilitation
3. Mr. P. G. Zachariah, Deputy Secretary
   Ministry of Rehabilitation

Pakistan

1. Mr. E.H. Jaffar, Advisor, to the Ministry of Refugees and Rehabilitation,
   Government of Pakistan
2. Mr. M. W. Abbasi, C.S.P., Secretary, Minister of Refugees & Rehabilitation.
3. Mr. A.R. Qureshi, Deputy Secretary
   Ministry of Refugees Rehabilitation,
4. Mr. Abdur Rahman, Deputy Secretary, Ministry of Finance
5. Mr. Siddiq Hussain, Under Secretary., Minister of Finance.
6. Mr. S. Ali Raza, Assistant, Secretary
   Ministry of Refugees and Rehabilitation.

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At the outset, Mr. Mehr Chand Khanna, the leader of the Indian Delegation briefly recapitulated the discussions which took place between the Prime Ministers of India and Pakistan on Sunday, the 26th July when Mr. Mehr Chand Khanna and Mr. Jaffar were also present. He mentioned that after a general discussion on the question of immovable and movable evacuee property, the two Prime Ministers
directed that the two Advisers and the Officers of the Government of India and the Government of Pakistan should meet and discuss all the outstanding issues relating to evacuee claims and evacuee property and should try to find a solution of the problems. The present meeting, he said, had been convened as a result of this directive.

2. It was agreed that items falling under category ‘C’ of the Agenda approved by the Steering Committee should be taken up first. The items relating to, (i) “payment of pensions to displaced persons from East Bengal,”, (ii) “Part earned pensions of displaced Govt. Servants”, (iii) “settlement of claims of contractors and others through the Central Claims Organisations” and (iv) “slow verification of claims by the Central Claims Organisations” were postponed for later discussion as the representatives of the Ministry of Finance (Pakistan) were not ready for it.

3. **Exchange of revenue records.** The question of exchange of revenue records in respect of agricultural property was then discussed. It was stated that the Government of India had not received a large number of revenue records relating to Sind, Bahawalpur, the N.W.F.P and other areas and that some of the records supplied were not complete, specially in respect of the classification of the soil and the irrigation facilities of the lands in Sind and that in some cases the Government of Pakistan had indicated that they were not able to trace the names of the villages given in the lists transmitted by the Government of India. On behalf of the Government of Pakistan it was stated that more than 1,000 *Jamabandis* of various parts of India had not been received by them and that many of the *Jamabandis* supplied were lacking in important details. Furthermore, the Government of Pakistan thought that it was necessary that the revenue records of all the areas in India, to which the evacuee property law had been extended, should be supplied by India. The Indian delegates stated that they were prepared to consider the request and promised to give their final reply in the afternoon as to whether they would be prepared to furnish the revenue records in respect of the evacuee agricultural property in all the areas of India. On behalf of India the need for a visit of Indian officers to procure the details of outstanding revenue records, where the details were lacking, was stressed. It was agreed that while no village-to-village inspection could be contemplated, Pakistan would have no objection to their visit to settle any outstanding matters arising in this connection with the Ministry of Refugees and Rehabilitation.

4. **Security Deposits of Contractors.** It was agreed that there were two types of cases under this category:—

(i) Cash securities deposited by contractors and others.

(ii) (a) Leases of open plots granted in urban areas by Municipalities, Improvement Trusts, Cantonment Boards etc. and
(b) Leases of agricultural land granted by Provincial Governments, such as the barrage lands in Sind or the Colony lands in the Punjab.

So far as cash securities are concerned, it was agreed that the depositors should not be penalized for non-fulfilment of conditions of the contract due to migration. The Pakistan representatives suggested that all Government dues should be deducted out of the Cash Securities before they are refunded. The Indian delegates, however, desired that Government dues pertaining to the particular contract only should be recovered and that all such claims should be examined by a Joint Committee consisting of the representatives of the two Governments. The Pakistan representatives agreed to examine this proposal.

On behalf of Pakistan it was stated that the position in regard to item (ii) (b) was that agricultural land in the colony and barrages areas had generally been resumed by the Provincial Governments in default of the terms and conditions of the grants and disposed of as non-evacuee property. The Indian delegates suggested that where it was not possible to cancel the new grants or assignments in respect of such land, the sale proceeds should be credited to the evacuee owners’ accounts with the Custodians. The Pakistan Representatives agreed to examine the suggestion.

5. **Amendments to the Succession Act.** The representatives of the Government of India stated that this subject was being dealt with by their Ministry of External Affairs. They would, however, consider whether they could discuss it during the period of their stay at Karachi.

6. The Pakistan delegation stated that according to the directions received from the Steering Committee the decisions taken at any of these meetings were to be considered final only after their approval by the two Governments concerned.
3185. Minutes of the Meeting held at 28, Victoria Road, Karachi, between the Advisers to the Ministries of Rehabilitation Government of India and Refugees and Rehabilitation, Government of Pakistan, at 3 P.M. on the 27th July 1953 on Evacuee Property Issue.

Present

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<th>India</th>
<th>Pakistan</th>
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<td>1. Mr. Mehr Chand Khanna, Adviser</td>
<td>1. Mr. E.H. Jaffar, Advisor,</td>
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<td>Ministry of Rehabilitation, Govt. of India</td>
<td>Ministry of Refugees and Rehabilitation,</td>
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<td>Government of Pakistan</td>
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<td>2. Mr. K.P. Mathrani, ICS. Joint Secretary</td>
<td>2. Mr. M. W. Abbasi, C.S.P., Secretary,</td>
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<td>Minister for Rehabilitation</td>
<td>Minister of Refugees &amp; Rehabilitation.</td>
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<td>3. Mr. P. G. Zachariah, Deputy Secretary,</td>
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<td>Ministry of Rehabilitation</td>
<td>3. Mr. A.R. Qureshi, Deputy Sec. Ministry</td>
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<td>4. Mr. Abdur Rahman, Deputy Secretary,</td>
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<td>5. Mr. S. Ali Raza, Assistant, Secretary</td>
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The Pakistan representatives enquired whether the Indian delegates had come to a decision regarding the supply of copies of revenue records of agricultural land declared evacuee in all the areas in India to which the Indian evacuee property law had been applied. Mr. Khanna, Adviser to the Ministry of Rehabilitation, India, stated that India would supply copies of revenue records of all agricultural property treated as evacuee property in all the areas to which the Indian evacuee property law had been applied.

2. In connection with the non-forfeiture of security deposits the Indian representatives referred to the case of the Punjab National Bank Ltd., whose assets were being attached and put to auction in execution of Court decrees relating to the earnest money in connection with Crown lands in Nilibar. It was
suggested on behalf of India that these proceedings may be stayed in view of the general decision taken in this behalf. The Pakistan delegates mentioned that their Government had already requested the Punjab Government not to proceed with the matter and proposed to write to them again. They would also send a formal communication to this effect to the Ministry of Rehabilitation, Government of India.

3. **Movable Property Agreement.** Discussing the working of the movable property Agreement, the Indian representatives raised the question of *en bloc* transfer of safe deposits and lockers from West Pakistan. On behalf of Pakistan it was pointed out that the question of *en-bloc* transfer of such deposits and lockers was linked with the question of *en bloc* transfer of evacuee bank accounts under the Banking Agreement of 1949. While bulk transfer of evacuee bank accounts was specifically provided for in the Banking Agreement, bulk transfer of lockers was not provided for in the Movable Property Agreement. The Government of Pakistan had been advised by competent legal authority that there was no difference between cash deposits and articles held in lockers in so far as the question of their bulk transfer was concerned. In their letter No.4(173)-F.I/49 dated the 16th October 1950, the Ministry of Finance of the Government of India had themselves pointed out that *en bloc* transfer of bank accounts was not legally possible. The same difficulty arose in the *en bloc* transfer of lockers. The Ministry of Finance of the Government of India had further stated that unless the difficulties in regard to the realisation of banks’ assets in Pakistan were resolved, it was not possible to make any progress with the transfer of evacuee bank accounts. The banks’ assets in Pakistan largely consisted of advances against movable evacuee property. As a matter of fact, paragraph 8 of the Banking Agreement deals with the satisfaction of bank’s claims in respect of evacuee property through the Custodian. In this way the implementation of the two Agreements became linked. It was, therefore, suggested by Pakistan that the two items should be discussed at a joint meeting on the Movable Property Agreement and the Banking Agreement.

The Indian representatives considered that this linking was not desirable as the two Agreements were entirely separate. It was also stated that the bank accounts and the lockers did not fall into the same category of deposits. They were essentially different items whatever the legal opinion may be; and in this case banks did not have to realize their assets in order to return or transfer the deposits and the contents of the lockers. Furthermore, the Movable Property Agreement under the paragraph relating to articles deposited in banks etc., contemplated by implication the *en bloc* transfer of lockers and the Deputy High Commissioners of the two countries had also proceeded on this assumption while drawing up the detailed procedure in this behalf. The Indian delegates also pointed out that there was a similarity between the safe deposits and lockers on
the one hand and the shares, securities and insurance policies deposited with the banks on the other and that general release orders were envisaged in both the cases. Moreover, since the Pakistan Government were apparently agreeable to the release of the deposits and the contents of the lockers on individual applications, there should be no objection to their *en bloc* transfer specially as in the present circumstances it would be difficult for the large number of depositors scattered all over the two countries to make their own arrangement for taking charge of the deposits and lockers. The Indian representatives therefore suggested that the items covered by the Movable Property Agreement should be taken up separately from those in the Banking Agreement.

The Pakistan delegates pointed out in reply that under para 2 of Implementation Instruction No.(3) the Deputy High Commissioners were only authorised “to work out exact arrangements for facilities to be given to banks and evacuees to remove to the other country articles against which no claims from local persons had been received.” This direction did not envisage *en masse* removal and in making the “assumption” that *en masse* removal could be carried out they went beyond their jurisdiction. For this reason the Government of Pakistan declined, as far back as June 1951, to accord approval to the proposal. The Pakistan representatives also observed that shares, securities, debentures and insurance policies deposited in Banks were to be free of all restrictions, legal and otherwise, under a specific provision of the Agreement, that they required no further release orders of the Custodian, and that all restrictions should be withdrawn forthwith. The Indian delegates did not accept these contentions.

The Pakistan delegates further stressed the need for a discussion of the two items (lockers and evacuee Bank accounts) at a joint meeting on the Movable Property Agreement and the Banking Agreement.

4. **Household and Personal Effects.** The item regarding restoration of personal and household property under the Movable Property Agreement was then discussed. It was agreed that all restrictions on through railway booking of personal and household effect should be removed. It was also agreed that fresh instructions should be issued to allow removal of this category of property to the other country in accordance with the terms of Implementation Instruction (2). It was suggested by India that lists of personal and household property lying in the custody of the Custodians should be exchanged between the diplomatic representatives of the two Governments within a period of two months from a date to be fixed later. The evacuee owners should be given a fixed period of six months in which to claim their restoration or disposal. Where no such claim is made the property, at the discretion of the Deputy High Commissioner concerned, may be removed to his headquarters for further action. The transportation charges for the removal of such property should be borne by the Government of the country within whose jurisdiction the property lies. Pakistan objected to this
recommendation of free transport of property to the headquarters of the Deputy High Commissioner concerned, but on India's insistence promised to consider it further.

The properties not taken over by the evacuee owners for removal or sale or not required to be sent to his headquarters by the Deputy High Commissioner would be disposed of by the Custodians concerned by auction in the presence of the diplomatic representative of the evacuee's country and the sale proceeds handed over to the Diplomatic Representative concerned.

5. It was suggested on behalf of India that there should be no restriction on removal by evacuees of cash or bullion to the other country. It was pointed out by Pakistan that this was contrary to the Moveable Property Agreement and could not be accepted as all, such transfers must be subject to the normal Exchange Control. Indian representatives, however, desired this matter to be considered further.

6. With regard to the personal and household property left with relations and friends, it was agreed that evacuees should be allowed a further period of six months within which they must remove their property. As regards fresh evacuees, this period should count from the date of their becoming evacuees.

In this connection Pakistan representatives pointed out that the discrimination made by India against the so-called “first migrants” was untenable, and they are eligible to the benefits admissible to evacuees under the Moveable Property Agreement. The Indian representatives promised to look into the matter.

7. The question of income tax clearance certificates was raised by India and it was suggested that such certificates should not be demanded from an evacuee coming from the other country to seek restoration of his personal and household property. Pakistan representatives promised to consider this suggestion.

8. In connection with the sale of personal and household effects, it was suggested by India that only 10% of the sale proceeds should be deducted as the Custodian's fee and that no deduction should be made in case of articles physically taken over by the evacuee owner. It was pointed out by Pakistan that these proposals amounted to a modification of the relevant Implementation Instruction which allowed deduction of all the expenditure incurred on the administration of Moveable Property. They, however, agreed to examine the proposals further.

9. It was agreed that third party claims against only trade goods and merchandise and not against personal and household effects should be entertained. Such claims should be against the particular business only and not
in respect of other dealings of the evacuee unconnected with the business. But payments already made by Custodians in respect of third party claims against moveable Property shall not be reopened.

According to India the forum for consideration of these claims should be a Joint Committee of one Officer each from India and Pakistan. In case of dis-agreement between the members of the Joint Committee, the matter would be referred to the Custodian whose order will be final. It was also agreed that no new third party claim should be invited or entertained against trade goods, excepting charges for storage or those created by courts, or those of the Banks in respect of such goods as are pledged or hypothecated with them. Such claims of the banks must be registered with the Custodian within three months. Pakistan delegates agreed to examine the proposal regarding adjudication of third party claims by the Joint Committee.

Ahmed E.H. Jaffar, Adviser, Ministry of Refugees and Rehabilitation, Pakistan
Mehrd Chand Khanna, Adviser, Ministry of Rehabilitation, Government of India


Present

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<td>1. Mr. Ahmed E.H. Jaffar, Advisor Ministry of Refugees and Rehabilitation, Government of Pakistan</td>
</tr>
<tr>
<td>2. Mr. K.P. Mathrani, ICS. Joint Secretary Minister for Rehabilitation</td>
<td>2. Mr. M. W. Abbasi, C.S.P., Secretary, Ministry of Refugees and Rehabilitation</td>
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The discussion on the Moveable Property Agreement was resumed and the following items were discussed:

1. **Restoration and revalidation of Bank drafts, Cheques etc. of Evacuees under the Moveable Property Agreement**

Reference was made by Pakistan to a case of Patiala in which an evacuee lost his bank draft in transit in 1947 and, on applying for its duplicate copy, was informed by the bank that the matter was within the cognizance of the Custodian who did not permit issue of the copy. It was pointed out on behalf of Pakistan that such bank drafts, cheques etc., constituted movable property and should be free from the Custodian’s control under Implementation Instruction (2). After some discussion it was found that a few other isolated cases of this nature had come to the notice of the Ministry of Finance of the Government of Pakistan and that they had addressed the Ministry of Finance, Government of India, in this behalf. It was, however, decided that a full note on these cases might be furnished to the Indian Ministry of Rehabilitation to enable them to see what can be done about them.

2. **Implementation Instruction (4)-Compensation for movable property allotted or acquired for rehabilitation purposes.**

It was found that the Joint Committees had not yet been appointed and it was agreed that the jurisdiction and personnel of the Joint Committees initially required (two or three in number), should be decided by the two Governments in mutual consultation within a period of one month so that the Committees may start
functioning. As provided in paragraph 8 of the Implementation Instruction, the moneys recovered by the Custodians will be paid to the diplomatic representative of the country concerned along with Lists showing full particulars.

3. **Implementation Instruction (5)-Seized movable Property.** It was agreed that lists of seized property, including seized fire arms should be exchanged between the diplomatic representatives of the two Governments within three months and that copies of the lists should simultaneously be forwarded to the Central Government of either country.

The procedure agreed to regarding personal and household effects will apply mutatis mutandis to seized moveable property as regards the removal, disposal and handing over of sale proceeds.

4. **Implementation Instruction (6)-Buried treasures.**

The procedure evolved for the recovery of buried treasures by the two Deputy High Commissioners in their meeting held on 4th January 1951 at Jullundur in accordance with the provisions of this instruction was approved by the representatives of both the Governments. It was also agreed that the implementation of this item should start within two months. As regards cash and bullion forming part of the buried treasures, it was agreed that the existing procedure for its disposal within the country must apply unless otherwise decided by the Government of Pakistan in the light of the proposal made by India vide paragraph 5 of the proceedings dated the 27th July 1953 (afternoon).

5. **Implementation Instruction (7) – Sale proceeds of movable Property already deposited with Custodians.**

It was agreed that the lists prepared in accordance with the existing Implementation Instruction should be exchanged between the diplomatic officers of the two Governments within two months, and that the net total amount due to evacuee owners should also be simultaneously paid to the diplomatic officers concerned.

As regards the deduction on account of the expenses incurred by the Custodians and in respect of third party claims etc. the principles to be decided on the proposals made in para 8 & 9 minutes of the meeting held on 27th July 1953 (afternoon) would apply.

6. **Implementation Instruction (8)-Court Deposits, deposits of minors and others under the guardianship of courts, and deposits of wards under the Court of Wards Act.**

The drafts legislation contemplated under this Instruction was referred to the Government of India and received back very recently. It was noted that the
Government of India have suggested expansion of the definition of the word ‘deposits’ to include other valuables’. The Pakistan representatives thought that the definition should be absolutely precise, but that the word “valuables” was vague and might lead to varying interpretations. The Indian representatives felt that this wider definition would be more advantageous. It was decided that the matter would be discussed further between Mr. Abbasi and Mr. Mathrani.

The Pakistan representatives proposed that the legislation in question should straightaway be extended to the non-agreed areas also. The Indian representatives promised that the legislation in question should straightaway be extended to the non-agreed areas also. The Indian representatives promised to consider this proposal separately. It was further agreed that the legislation will not be held up on account of this issue.

7. Implementation Instructions (9) and (10)- Post office Savings Bank accounts and Postal Parcels.

It was agreed that these items should be postponed for consideration till the next day when a representative of the Posts & Telegraphs Department of the Government of Pakistan should be invited to attend.


The Indian representatives stated that no action had yet been taken by the Government of Pakistan to release non-evacuee joint stock companies and to pay compensation for such property of the Joint Stock Companies as had been acquired by the Government. Pakistan representatives explained that these companies were scattered over a wide area in West Pakistan and the individual enquiries have to be made, which takes time. Furthermore, the question of release of these Joint Stock Companies was under the Agreement specifically linked to the release of shares, securities, debentures and insurance policies lying in the custody of the banks. The paragraph of the Agreement dealing with “Shares and Securities, and Insurance Policies” clearly mentioned that India had “agreed to withdraw the restrictions on the transfer of shares and securities, Postal Savings Certificates, debentures, etc. in the custody of banks.” Further the opening paragraph of implementation Instruction (11)’ provides that the shares of non-evacuee Joint Stock Companies will be made free of all restrictions. Thus both under the main Agreement and the Implementation Instructions it was contemplated that shares, securities, debentures, insurance policies etc. lying in the custody of the banks would be released simultaneously with the non-evacuee Joint stock Companies.
The Indian representatives, however took the view that shares, securities, insurance policies etc., deposited with banks were in fact “bank deposits” and as such they could only be dealt with according to the procedure outlined in Implementation Instruction No. (3) along with lockers and other deposits. The paragraph of the Agreement dealing with “shares, securities and insurance policies” only laid down the principle that would withdraw restrictions on the transfer of shares, securities etc., in the custody of banks provided the question of properties of Joint Stock Companies was satisfactorily settled. The procedure for the release of such charges, securities, etc. was, however, governed by Implementation Instruction No.(3) which dealt with all bank deposits and there was nothing inconsistent between the paragraph of the agreement referred to above and the Implementation Instruction No.(3). There was every intention on the part of the Government of India to issue orders for the release of such securities simultaneously with the release by the Pakistan Govt. of the non-evacuee Joint Stock Companies or payment of compensation for properties acquired by Government. The Pakistan Government had, however linked up the procedure for bulk release of bank deposits with the Banking Agreement which in the view of the Indian delegation was totally unwarranted. The Indian delegation, therefore, again requested the Pakistan representatives to reconsider their stand and to deal with the Moveable Property Agreement separately on merits. If, however, the question regarding release of bank deposits under Implementation Instruction No.(3) was to be further postponed as suggested by the Pakistan delegation, the same decision would have to apply to release of shares, securities, etc., deposited in Banks.

The Indian delegation, further mentioned that the heading of this Instruction referred to “articles deposited with banks” and further in the body of the Instruction itself reference was to “articles, other than stock-in-trade deposited with banks, safe deposit vaults”. This would show that the Instruction did not refer only to safe deposit vaults and lockers but also to other articles deposited in banks.

The Pakistan representatives pointed out in reply that Implementation Instruction No.(3) did not even refer to “shares, debentures insurance policies etc.,” and could not be applied to them. The procedure for release of shares whether deposited in banks or otherwise, was specifically prescribed in Implementation Instruction (11) which deals with this whole subject. Likewise the procedure for release of “securities, debentures and insurance policies “whether deposited in banks or otherwise, is prescribed in Implementation Instruction (12). In other words while Pakistan depends for the release procedure for shares, securities, debentures and insurance policies on Implementation Instruction (11) and (12) dealing with them specifically, India depends for it in Implementations (3) dealing with the bank deposits generally. The common rule of interpretation is that specific provisions would prevail against general provisions, and so the
Government of India were not justified in withholding the release of shares, securities, debentures and insurance policies deposited in banks.

The Indian delegation did not accept this point of view and no agreement could be reached on the implementation of these Instructions.

Mehr Chand Khanna, Adviser, Ministry of Rehabilitation, India.

Ahmed E.H. Jaffar, Adviser, Ministry of Refugees & Rehabilitation, Pakistan

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3187. Minutes of the Meeting held at 28, Victoria Road, Karachi, between the Advisers to the Ministries of Rehabilitation, Government of India, and Refugees & Rehabilitation, Government of Pakistan, from At 10 A.M. to 1.30 P.M. on the 28th July, 1953 on Evacuee Property Issue.

Present

India

1. Mr. Mehr Chand Khanna, Adviser to the Ministry Rehabilitation

2. Mr. K.P. Mathrani, ICS. Joint Secretary Minister for Rehabilitation

3. Mr. P. G. Zachariah, Deputy Secretary Ministry of Rehabilitation.

Pakistan

1. Mr. Ahmed E.H. Jaffar, Advisor Ministry of Refugees and Rehabilitation, Government of Pakistan

2. Mr. M. W. Abbasi, C.S.P., Secretary, Ministry of Refugees and Rehabilitation.

3. Mr. A.R. Qureshi, Deputy Secretary Ministry of Refugees Rehabilitation.

4. Mr. Abdur Rahman, Deputy Secretary, Ministry of Finance

5. Mr. S.M. A Ghani, Deputy Director General Posts & Telegraphs.
6. Mr. Siddiq Hussain, 
Under Secretary., 
Ministry of Finance.

7. Mr. S. Ali Raza, 
Assistant, Secretary 
Ministry of Refugees and 
Rehabilitation.

1. Implementation Instruction(9)-Post Office Savings Bank accounts, etc. The Indian delegates referred to the Government of India Ministry of Communication letter No.Ref.7-19/52, dated the 26th June/1st July 1953 and its enclosures and pointed out that particulars in respect of some accounts were available, these had been verified and could be exchanged with similarly verified accounts from Pakistan without waiting for the appointment of Liaison Officers. The remaining accounts could be left over for verification and exchange by the Liaison Officers when appointed. The Pakistan representatives explained, that there had been difficulties in actual transfer, and the appointment of Liaison Officers was considered essential for effective exchange of accounts in a smooth manner, otherwise complications were bound to arise again and implementation may be seriously delayed. In any case action was being taken to expedite the appointment of Liaison Officers and it was hoped that they would be appointed within the next two weeks or so. It was agreed that the appointment of Liaison Officers of the two countries may be awaited but that attempt should be made to start the actual work of exchange by 1st September 1953.

It was agreed that the foregoing arrangement would not apply to the following types of accounts, which at present formed a subject of correspondence between the Finance Ministers of two Governments:-

(i) Conjoint Accounts.
(ii) Public accounts.
(iii) Security deposit accounts of contractors.
(iv) Postal certificates pledged as security by contractors.

2. Implementation Instruction (10)-Postal Parcels.

It was pointed out that parcels had been held up for want of Customs clearance. Since the Implementation Instructions on this subject is quite clear that these Postal parcels would be allowed to be redirected without any export restrictions whatsoever and without any charge of custom duties, it was agreed that these instructions should be issued once again on both sides, and that the parcels withheld for want of customs clearance should be released to the officers who have already been nominated in the two countries for internal distribution.
In this connection it was pointed out on behalf of Pakistan that the implementation of the Instruction was being held up in Delhi and Ajmer Merwara. The Indian representatives stated that they were not seized of the full facts and they would suggest that the matter be discussed between the Directors General, Posts and Telegraphs, India and Pakistan.

(At this stage the representative of the Pakistan Posts and Telegraphs Department left).

3. The Pakistan Adviser desired to know whether this meeting could make a recommendation to the effect that the operation of evacuee property legislation should be suspended for future in both the countries. The Indian Adviser explained that this question was generally discussed between the two Prime Minister at Karachi on the 26th July and that though the Prime Minister of India felt that the legislation was of an unusual nature, which had been enacted on account of abnormal conditions created by partition be considered that the operation of the law could not be suspended until an overall settlement of the problem of evacuee property had been reached. Further, he thought that legal difficulties were also likely to arise.

Ahmed E.H. Jaffar, Adviser, Ministry of Refugees and Rehabilitation, Government of Pakistan

Mehr Chand Khanna, Adviser, Ministry of Refugees and Rehabilitation, India


Present

India

Pakistan

1. Mr. Mehr Chand Khanna, Adviser to the Ministry of Rehabilitation, Govt. of India

1. Mr. Ahmed E.H. Jaffar, Advisor Ministry of Refugees and Rehabilitation, Government of Pakistan
The Adviser for Pakistan raised the question of refund of unclaimed interest on deposit made by Muslim in the Post Office Saving Bank Accounts. He stated that the question had been raised by his father, the late Sir Ebrehim Haroon Jaffer, in the Council of State, India as late as 1925-26. The proposal was that since some Muslims did not claim interest on their deposits in Post Office Saving Banks and a large unclaimed amount had thus accumulated, it should be released and earmarked for the education of Muslim children. The Government of India had agreed to refund this amount. The matter was again taken up by him personally in 1935 in the Central Assembly.

2. In 1945, the then Finance Minister intimated that the Government of India were collecting data relating to this amount. Latter in the same year, the Government intimated that they could release Rs. 1,50,000/- in this behalf. This was not acceptable to him. In 1947, the late Mr. Liaquat Ali Khan, the then Finance Minister of the Government of India, said that the Government would be prepared to release Rs. 2, 50,000/- and no more. This latter figure was accepted but arrangement for its refund could not be finalized up to the time of Partition.
Since then he had been trying without success to pursue the Government of India to distribute this sum of Rs.2,50,00/- between India and Pakistan in the ratio of their Muslim population, so that the amount could be spent on the education of Muslim children in both the countries.

3. The India Adviser stated that he was prepared to have this matter examined in the Government of India if a note containing full details was sent to him.

Ahmed E.H. Jaffar. Mehr Chand Khanna
Adviser, Ministry of Refugees & Adviser of Rehabilitation Ministry of Rehabilitation
Pakistan India

Note

The question of the evacuee agricultural lands and evacuee urban immovable property was discussed informally on the 30th July 1953 and on the 1st August 1953 between Messrs. Mehr Chand Khanna and K.P.Metrani representing India and Merssrs. Ahmad Jaffer and M.W. Abbasi representing Pakistan. No agreement could be reached.

Ahmed E.H. Jaffar Mehr Chand Khanna


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</tbody>
</table>
3. Mr. Abdur Rahman,  
Deputy Secretary,  
Ministry of Finance

(1) Disposal of uneconomic urban properties.

Mr. Khanna stated that some of the urban properties were in such a bad condition that it was no more an economic proposition for the Custodians to administer them and the Government of India wanted to dispose of them by public auction. He added that the proceeds would be credited to evacuee owners’ accounts. In this connection he mentioned that notices have been received by the Custodians from Municipalities in certain cases. Some of the properties had fallen down in Delhi, Lucknow and Bombay even during the recent rains. The size of the problem was a very small and the number of such properties, recently proposed to be auctioned, was only in hundreds. The matter had already been a subject of correspondence between the ministries of the two countries. He felt that there should be no objection on the part of Pakistan Government to the suggestion. The Indian representatives also mentioned that the Custodians were empowered to sell or dispose of the property under the Evacuee Property Law for the purpose of its proper administration and management.

The Pakistan representatives replied that their Government could not agree to this proposal as it involved the extinguishment of evacuees’ rights in urban immovable property and its disposal on the basis of Governmental responsibility.

(2) Approval by the two Governments of proposals made or agreed upon

All the proposals that have been agreed to will be subject to confirmation by both the Governments. Attempt should be made to obtain this confirmation within one month. The matters left open for further consideration may also be disposed of during this period.

(3) Issue of supplementary instructions.

After the finalization of those proposals supplementary instructions will be issued by the two Governments on an agreed basis for the guidance of Custodians, Liaison Officers, Rehabilitation authorities, etc.

(4) The question of appointment of Liaison Officer for the implementation of the Moveable Property Agreement would be taken up by the two Governments in consultation with each other.

Sd/- Ahmed E.H. Jaffar,  
Adviser  
Ministry of Refugees and Rehabilitation,  
Government of Pakistan

Sd/- Mehr Chand Khanna,  
Adviser  
Ministry of Rehabilitation,  
Government of India

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Minutes of the Meeting held at 28, Victoria Road, Karachi, between the Advisers to the Ministry of Rehabilitation, Government of India, and Ministry of Refugees & Rehabilitation, Government of Pakistan, at 11 A. M. on the 3rd August, 1953.

Present

India

1. Mr. Mehr Chand Khanna, Adviser to the Ministry of Rehabilitation, Govt. of India

2. Mr. K.P. Mathrani, I.C.S. Joint Secretary Ministry for Rehabilitation Govt. of India

Pakistan

1. Mr. Ahmed E.H. Jaffar, Advisor to the Ministry of Refugees and Rehabilitation, Government of Pakistan

2. Mr. M. W. Abbasi, C.S.P., Secretary, Ministry of Refugees and Rehabilitation. (Present during part of the meeting

3. Mr. Abdur Rahman, Deputy Secretary, Ministry of Finance

4. Mr. Siddiq Husain, Under Secretary, Government of Pakistan, Ministry of Finance.

Item ‘C’ (27) of India’s list

Payment of Pensions to Displaced Persons from East Bengal.

The Indian representatives proposed that the facilities for transfer of pensions between the two Bengals, which existed up to the 31st December, 1949 should be restored to negate the hardship to the displaced pensioners and pending final transfer of pension papers, a scheme should be devised whereby provisional payment of pensions may be made to displaced pensioners on either side. The Pakistan representatives stated that they agreed to the revival of the facilities for transfer of pensions in principle, but the questions of detail such as the date up to which the transfers should be permitted, the arrangement for provisional payment etc., and all other consequential matters should be settled between the two Provincial Governments. If there was any difference of opinion between the Provincial Governments, the matter should be discussed again at the level of the Central Governments. Efforts should be made to finalise the arrangements within a month.
2. The Pakistan representatives stated that the arrangement would apply to the pensioners of undivided Bengal only. The Indian representatives stated that it should not only cover the pensioners of undivided Bengal but also those pensioners who retired in the two Bengals after partition. The Pakistan representatives promised to consider the suggestion in consultation with the East Bengal Government.

3. The Pakistan representatives suggested that arrangements would apply to the pensioners of undivided Bengal only. The Indian Representative stated that it should not only cover the pensioners of undivided Bengal but also those who retired in the two Bengals after partition. The Pakistan representative promised to consider the suggestion in consultation with the East Bengal Government.

4. The Pakistan representative suggested that similar arrangements should be made for transfer of pensions between Assam and East Bengal. The India representatives had no objection to this proposal.

Item ‘C’ (28) of India’s list.

Part – Earned Pensions of Displaced Government Servants

The Government of India had proposed that the employees of the undivided Provinces, States and centrally-administered areas who had no right of option and had migrated from one country to the other should be allowed the benefit of pension for the period of service rendered by them prior to migration. It was suggested by India that the most equitable arrangement would be for the Government concerned in other country to assume responsibility for the payment of that portion of the pension which pertained to the period of pensionable service rendered under it and that the liability may be liquidated by the Government concerned either by a lump sum payment or in any other manner considered suitable and convenient. The Pakistan representatives stated that the matter was under consideration of the Pakistan Government in consultation with the Provincial Governments, etc. and that a decision would be expedited. The Indian representatives suggested that efforts should be made to take a decision within three months.

Item ‘C’ (29)

Statement of claims of contractors and others Through The central Claims Organization.

It was agreed at the Indo-Pakistan Conference held in December, 1950 that the question of expanding the existing Central Claims Organisation for progressing the verification and settlement of claims of contractors and other evacuees
EVACUEE PROPERTY

should be examined. Since then the matter has been under correspondence between the two Central Governments. Both the Governments have agreed to the expansion of the Central Claims Organisation for this purpose.

2. As regards the items to be brought within the purview of the Central Claims Organisation there is no disagreement in regard to the following items.

i. claims of contractors of all types (including claims against States and Local Bodies) for supplies and services rendered; for refund of earnest money, securities etc., and refund of deposits on account of sale of surplus stores.

ii. Securities deposited by evacuees on account of Ration Shops, Food Grain Syndicates, liquor shops, etc.

iii. Securities deposited by treasury contractors.

iv. Dues of evacuees in respect of Court of Wards, Encumbered Estates etc. In other than mass migration areas as indicated in the Moveable Property Agreement of June, 1950, and Implementation Instruction No.8.

v. Determined deposits of evacuees in courts and decree claims in favour of evacuees where the money is payable by or lying with Government or quasi Government bodies.

vi. Dues of evacuees payable by Cooperative Institutions including Railway Cooperative Societies and also Societies in undivided Bengal and Assam, if they were catering for Central Government employees only.

Note: Claims against cooperative societies in undivided Bengal and Assam and in areas covered by the Banking Agreement of April, 1949 (except those mentioned above) will be settled separately under existing arrangements between the divided provinces of Bengal and Punjab.

vii. Dues of teachers and examiners etc. payable by Universities including pay, leave-salary, provident Fund etc.

viii. Refund of examination fees due to evacuees from Universities.

ix. Revenue deposits payable to evacuees.

x. Scholarships due to evacuee students.

xi. Dues of evacuees in respect of Postal Life Insurance Policies (Policies which have become payable plus capitalized value of un-matured policies).
xii. Provident fund dues and pension claims of ex-employees of the Reserve Bank of India.

3. The Indian Representatives suggested that dues of the displaced employees of the Punjab University and Punjab Public Library should also be included. The Pakistan representatives replied that not only the dues of displaced employees of the Punjab University and the Punjab Public Library, Lahore, should be added to the list but this item should cover all Universities and all Public Libraries in the two countries including Jamia Millia, Delhi, and the Anglo Arabic College, Delhi. After some discussion it was agreed that claims against the Public Libraries would be considered separately and that item (vii) above should be reworded as follows:

"Dues (including pay, leave salary and Provident Fund etc.) of University employees and dues of Examiners payable by Universities including the Punjab University, Lahore and Jamia Millia, Delhi."

4. As regards Anglo-Arabic College it was agreed, after some discussion, that reference should be made separately by Pakistan if the item was not covered by the Banking Agreement of April, 1949.

5. In their letter dated 21st October, 1952, India had agreed to include the claims for compensation to shareholders of the Reserve Bank of India on the condition that claims for compensation for Joint Stock Company property acquired by Government and quasi-Government Bodies in Pakistan should also be included. The Pakistan representatives pointed out that the question of payment of compensation to shareholders of the Reserve Bank of India should not be linked with that of compensation claims for Joint Stock Company Property. India did not agree. As compromise it was agreed that (i) compensation claims of shareholders of Reserve Bank of India and (ii) claims for compensation on account of Joint Stock Company Property may be included in that list of items, subject to the condition that while applications regarding (i) may be entertained forthwith payment in this behalf would be made only after decision had been taken in regard to the payment in respect of (ii).

6. In regard to item (vi) of the list, India raised the question of recovery of dues of Cooperative Societies from evacuee members and suggested that in the case of Government servants who are still in service, the two Governments should take the responsibility for effecting recoveries and that in the case of those who had retired from service, the two Governments should use their good offices. Similarly, in the case of private persons, Governments may use their good offices to recover the dues. The Pakistan representatives point out that there being no legal authority to affect recoveries, the Government of Pakistan cannot take any responsibility in the matter but they will use their good offices
for effecting recoveries from Government servants who are still in service. After some discussion it was agreed that there was no objection to the Claims Organisations processing the claims for recovery of dues of Cooperative Societies from their migrant members. Such claims will be passed on to the parties concerned. In the case of Government servants, the Heads of Department would be requested to persuade the employees concerned to honour their obligation.

7. The Pakistan representatives referred to the correspondence resting with Government of India, Ministry of Finance, letter No.2(69).F.I./51, dated the 24th April, 1952 in regard to claims for refund of the value of defective and damaged India notes and suggested that this item may also be processed through the Central Claims Organisation. The Indian representatives promised to consider the matter.

8. The Pakistan representatives pointed out with reference to Section (i) of the list that claims for services rendered and supplies made to the undivided Government of India have already been submitted by the contractors in Pakistan to the authorities concerned, in India in accordance with the Government of India Press Communiqué of 22nd/23rd May, 1948. The bulk of these claims must have been verified by now and it would cause hardship and involve practical difficulties if the contractors were asked to put in fresh claims after a period of 5 years. It was, therefore, necessary that in the case of the claims of Pakistan contractors against the undivided Government of India payment authorities should be issued forthwith by the Indian Accounts Officer through the Central Claims Organisation. The Indian representatives agreed that no fresh claims would be invited where the claims had already been submitted and in cases where verification had already been completed, payment authorities would be issued forthwith through the Central Claims Organisation. In cases where any information was lacking further enquiries would be made through the Central Claims Organisation.

9. It was decided that an agreed Press Communiqué should be issued on the same date in India and Pakistan, inviting claims.

Item ‘C’ (30)

Slow Verification of claims by the Pakistan Central Claims Organisation.

The Indian representatives stated that the Claims Organisations were doing very useful work but the progress was slow on both sides which was not due to any fault of the Organisations but was caused by the delay on the part of verifying authorities. They also suggested that a target should be fixed by which all the claims should be cleared. The Pakistan representatives stated that instructions had already been issued by the Government of Pakistan to all the authorities concerned to give highest priority to the verification of those claims and suggested
that both the Governments should issue fresh instructions in the matter. Further, it was suggested that as already agreed, the officers of the two Governments should meet and devise ways and means to speed up the work. They should also reconcile the figures given by the two sides. It appeared that the figures of outstanding claims from Pakistan against PEPSU numbering about 5,000 had not been included by India. It was agreed that the officers should meet within one month, if possible, and submit a joint report to the Central Governments. The feeling was shared by the representatives of both the countries that those claims should be cleared by the end of this year.

Mehr Chand Khanna
Advisor, Ministry of Rehabilitation, India.

Ahmed E.H. Jaffar
Advisor, Ministry of Refugees and Rehabilitation, Pakistan

3191. Minutes of the meeting held in the Room of Mr. M.W. Abbasi, Secretary, Ministry of Refugees & Rehabilitation, between the Advisers to the Ministry of Rehabilitation, Government of India, and Ministry of Refugees & Rehabilitation, Pakistan at 10.00 A.M. on Tuesday the 4th August 1953 on Evacuee Property issue.

Present

India

1. Mr. Mehr Chand Khanna, Adviser to the Ministry of Rehabilitation.

2. Mr. K.P. Mathrani, I.C.S., Joint Secretary, Ministry of Rehabilitation.

3. Mr. P.G. Zachariah, Deputy Secretary, Ministry of Rehabilitation.

Pakistan

1. Mr. Ahmad E.H. Jaffar, Advisor to the Ministry of Refugees and Rehabilitation.

2. Mr. M.W. Abbasi, C.S.P., Secretary, Ministry of Refugees and Rehabilitation.

3. Mr. A.R. Qureshi, Deputy Secretary Ministry of Refugees and Rehabilitation.
4. Mr. S. Ali Raza,
Assistant Secretary,
Ministry of Refugees and Rehabilitation.

Trust Property: The question of trusts and trust properties was generally discussed between the two delegations. It was agreed that the Trust Property Committee of 1949 should be revived. Its personnel may be changed or terms of reference revised, if necessary, by the two Governments in mutual consultation. The committee should be required to submit its report within three months from the date of its appointment.

2. It was also agreed that the question of management of the properties attached to religious and holy places in the two countries may be taken out of the purview of the Trust Property Committee and taken up by the two Governments direct for discussion in order to expedite decisions thereon. For this purpose the Indian delegates promised to provide the Government of Pakistan with a detailed note on the subject together with the lists of such religious or holy places in West Pakistan, the properties of which are not to be dealt with by the Trust Property Committee. The Pakistan delegates also promised to furnish a similar list in respect of the religious or holy places in India.

Mehr Chand Khanna, Advisor, Ministry of Rehabilitation, India.

Ahmad E.H. Jaffar, Advisor, Ministry of Refugees and Rehabilitation, Pakistan
Minutes of the meeting held at Karachi in the room of Mr. G. Ahmed, Secretary, Ministry of the Interior Government of Pakistan on the 1st and 4th August 1953 to discuss the question of Protection, Preservation and Maintenance of places of religious worship in India and Pakistan.

Present

India
1. Mr. Mehr Chand Khanna, Adviser, Ministry of Rehabilitation, Government of India.
2. Mr. K.P. Mathrani, I.C.S., Joint Secretary, Ministry of Rehabilitation.
3. Mr. P.G. Zachariah, Deputy Secretary, Ministry of Rehabilitation.

Pakistan

The question of places of religious worship was discussed. It was felt that
(i) every effort should be made to ensure that places of religious worship in both countries are properly protected and maintained and their sanctity preserved, particularly in the case of buildings of historical importance; buildings which have been damaged should be repaired;
(ii) Increased facilities for visits to places of worship in both countries should be granted to pilgrims on their auspicious days; the Sewadars and Khadims at such places of worship should be granted facilities for residence and adequate protection; and
(iii) The question of properties attached to these shrines should be dealt with separately from the general question of Trust Properties. It was suggested by Secretary of the Ministry of the Interior that the matter should be discussed further with the Ministry of Refugee & Rehabilitation, Government of Pakistan, who are concerned with it.

2. The proposal regarding the appointment of a joint commission of the representatives of the two Governments for enquiring into matters referred to (in paragraph 1) above, and for making a factual survey about the condition of the important shrines and holy places after visiting them and making
recommendations in the light of such enquiries and survey, was considered and it was felt that its further consideration should be deferred to a later stage.

(G. Ahmed)  
Secretary,  
Ministry of Interior  
Government of Pakistan.

(K.P. Mathrani)  
Joint Secretary,  
Ministry of Rehabilitation  
Government of India

Karachi,  
The 4th August, 1953.

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Slow Verification of Claims by the Pakistan Central Claims Organisation.

The Indian representatives stated that the Claims Organization were doing very useful work but the progress was slow on both sides which was not due to any fault of the Organizations but was caused by the delay on the part of verifying authorities. They also suggested that a target should be fixed by which all the claims should be cleared. The Pakistan representatives stated that instructions had already been issued by the Government of Pakistan to all the authorities concerned to give highest priority to the verification of these claims and suggested that both the Governments should issue fresh instructions in the matter. Further, it was suggested that as already agreed, the officers of the two Governments should meet and devise ways and means to speed up the work. They should also reconcile the figures of outstanding claims as there is a disparity between the figures given by the two sides. It appeared that the figures of outstanding claims from Pakistan against PEPSU numbering about 5,000 had not been included by the India. It was agreed that the officers should meet within one month, if possible, and submit a job report to the Central Governments. The feeling was shared by the representatives of both the countries that these claims should be cleared by the end of this year.

Mehr Chand Khanna.  
Advisor, Ministry of Rehabilitation  
India.

Ahmad E.H. Jaffar  
Advisor, Ministry of Refugees and Rehabilitation  
Pakistan

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Letter from Adviser, Ministry of Rehabilitation, Mehr Chand Khanna to Pakistan Prime Minister Mohammed Ali.

Karachi, August 6, 1953.

Ministry of Rehabilitation
Camp, Hotel Metropole
Karachi

D.O. No. ADV/53. 6th August, 1953

Dear Mr. Prime Minister,

As desired by you during the course of the talk that I had with you on the afternoon of 5th August 1953, I enclose herewith a note on the present position of negotiations on the various issues relating to evacuee property.

Yours sincerely
Sd/-
Mehr Chand Khanna

The Hon’ble Mr. Mohammed Ali,
Prime Minister of Pakistan,
Prime Minister’s House,
Karachi.

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Note Regarding The Present Position Of Negotiations on the Various Issues Relating to Evacuee Property.

The Indian delegation came to Karachi on Sunday, the 26th July 1953 in order to discuss the problems relating to evacuee property – both movable and immovable – as also certain other items included in the list prepared by the Indian Steering Committee.

These items are :-

(1) Shrines and holy places,
(2) Trust properties,
(3) Payment of pensions to displaced persons from East Bengal,
(4) Part earned pensions of displaced Government servants,
(5) Settlement of claims of contractors and others through the Central Claims Organization,
2. In regard to the items enumerated above, discussions have taken place and decisions reached in respect of most of them.

3. The principal question, however, for discussion was in respect of evacuee property which falls into three categories, namely:

   (i) **Agricultural property**.

   (ii) **Urban immovable property**.

   (iii) **Movable property**.

   **(i) Agricultural property.** - The bulk of the agricultural property on both sides has been allotted to displaced persons on “Quasi permanent” or “provisional permanent” basis and lakhs of refugees have been settled thereon by the grant of loans and other financial assistance. There can, therefore, be no questions of uprooting them after a lapse of four/five years. The Indian representatives suggested “Government to Government” settlement. The Pakistan representatives stated that at the present juncture, they could not agree to “Government to Government” settlement and that the manner in which the problem may be settled can only be discussed by them after copies of the land records have been obtained in respect of non-agreed areas also and after claims have been invited and scrutinized. As these operations are likely to take a year or two, it would seem that we will not be in a position to discuss this very important question till then. The exchange of land records is hardly relevant to a settlement as this information is required merely for settling individual claims.

   The land revenue records in respect of agreed areas which constitute a bulk of the problem, have already been exchanged between the two Governments. The agricultural lands in the non-agreed areas represent only a fraction of the total area. The magnitude of the problem is, therefore, known to both the Governments.

   **(ii) Urban immovable property.** - Lakhs of families on both the sides have left their houses and other buildings behind and are not likely to be in a position to enjoy or make use of the property. As almost six years have elapsed since the partition, the question of the ultimate disposal of the property has become more pressing. In this case too, India has suggested ‘Government to Government’ settlement as the only solution to the problem.
The Pakistan representatives, however, favour private sales and exchanges. The proposal is fraught with several difficulties. In the mass – migration areas on both sides – NWFP, Punjab (P), Baluchistan and Bahawalpur in Pakistan and Punjab (I), PEPSU, and Himachal Pradesh in India – the minority population is practically non – existent. The properties are generally occupied by refugees on both the sides and it is obvious that they will not fetch a reasonable price as there will be no fair competition. The scope for sale of evacuee properties, is therefore, very limited.

For the matter of exchanges too, we are doubtful whether we shall achieve any substantial results. More than 60 to 70% of the property is owned by small owners who will find it very difficult to exchange their properties. The exchanges may help some bigger landlords.

Another important factor is the disparity in the quantum of property left on the two sides. For this reason too, a large number of properties may not be covered by exchanges.

The experiment of private sales and exchanges was tried earlier without any appreciable results. As the number of properties involved runs into lacs, it will take years to tackle the bulk of the problem. A displaced person has already waited for 6 years; he wants immediate help.

The India delegation enquired of the Pakistan representatives as to for what period this method was proposed to be tried again and further whether the Pakistan Government had any suggestion to make regarding house and buildings on either side which remained un–disposed of. The Pakistan representatives were, however, not prepared to discuss the implications of this proposal. In our view, the solution of this problem should be a comprehensive one.

(iii) Movable Property. – In regard to movable property, decisions have been taken only on minor points, such as the sale and transfer of household and personal effects, seized movable property, undelivered postal parcels, etc. Hardly any new decisions in respect of these items have been taken and what has been done is to reiterate the earlier decisions. The question has been one of implementation and some of the difficulties in the matter of implementation still remain unresolved. These are:-

(1) Free transport of these articles to the headquarters of the Deputy High Commissioner of the country concerned for restoration or sale of goods.

(2) Removal of restrictions on remittances of sale proceeds of goods to the other country.

(3) Waiving of income tax clearance certificates in respect of evacuees coming from the other country to seek restoration of their personal effects.
(4) Administration charges being restricted to 10% of the sale proceeds and the waiving of the administration charges where property in question is made over physically to the evacuee owners.

(5) The appointment of Joint Committees for adjudication of third party claims. Unless a decision on these points is taken, the decisions cannot be fully implemented.

The only important items in the Movable Property Agreement are:–

(a) The bulk transfer of lockers and safe deposits;

(b) The restoration of property of non–evacuee joint stock companies and the payment of compensation for properties of joint stock companies acquired; and

(c) Release of shares, securities, debentures and insurance policies deposited in Banks.

No settlement has so far been reached on any of these items.

Item (a) has been linked with the Banking Agreement by the Pakistan representatives. A decision was taken in June 1950 by both the Governments that lockers and safe deposits will be released. With a view to see that least inconvenience was caused to evacuees and to avoid harassment which necessarily accompanies the issue of permits, income tax clearance certificates etc., it was all along contemplated that these lockers and safe deposits would be transferred *en bloc* from one country to another. Pakistan has not implemented this decision so far but has suggested it’s linking up with the Banking Agreement. These are two separate Agreements, *i.e.*, the Banking Agreement and Movable Property Agreement. Even according to the items classified by the Pakistani Steering Committee, implementation of the Banking Agreement has been put down as item (23) to be dealt with by the Ministry of Finance. It is, therefore, outside the purview of our present negotiations. The Movable Property Agreement should be treated as distinct from the Banking Agreement and dealt with on its own merits. Once having agreed upon the release of these lockers, there should be no objection to their bulk transfer.

As regards (b), we have suggested that the properties of non–evacuee joint stock companies should be released by Pakistan and compensation paid for properties acquired. Pakistan accepts this potion.

Regarding (c), Pakistan has proposed that all shares securities, debentures and insurance policies deposited in banks should be released. There is no difference in principle in respect of (b) and (c) between the two Governments, except that the release of shares and securities deposited in banks has to be done in the
same manner as safe deposits and lockers which are also deposited with banks. Thus items (a), (b) and (c) should be implemented together as part of the Movable Property Agreement.

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DRAFT NOTE

It was agreed that simultaneous action should be taken by India and Pakistan in respect of the following items:-

(1) Bulk transfer of Muslim bank accounts under the Banking Agreement of 1949.

(2) Bulk release and transfer of articles deposited in banks, including lockers and safe deposits.

(3) Restoration of property of non-evacuee joint stock companies.

(4) Payment of compensation for properties of joint stock companies acquired by Government.

(5) Release of non-evacuee shares and of debentures, securities and insurance policies deposited in banks.

2. In regard to (1), India agrees to authorize the bulk transfer of Muslim bank accounts under the Banking Agreement, 1949. As regards the other items covered by the Banking Agreement, it was agreed that a meeting should be held within one month between the Finance Ministries of India and Pakistan for discussing the implementation of the Banking Agreement.

3. As regards (2), it was agreed that the articles deposited in banks, including safe deposits and lockers, should be released and transferred *en bloc*. In the case of Punjab (P), N.W.F.P. and Bahawalpur, third party claims of pawns have already been invited and no fresh third party claims will be invited. In regard to the other areas in Pakistan as also all the areas in India to which the evacuee property law applies, third party claims of pawns will be invited on an agreed date (tentatively 15th September 1953) in accordance with the procedure laid down in the Implementation Instruction No. (3) and one month’s time given for filing of such claims. These claims will be settled by Joint Committees as provided in the Implementation Instruction No. (3) and its enclosure. The *en bloc* transfer of these deposits and lockers will, however, not be held up pending the settlement of third party claims. The two Governments will take the responsibility for all such third party claims in respect of articles released to that Government and to implement the finding of the Joint Committees.
4. As regards (3), the two Governments will exchange within one month of the ratification of these decisions the lists of properties of Non-evacuee joint stock companies which have to be restored by them. The lists to be furnished by each Government should clearly indicate the important conditions of the existing leases or allotments, the period for which they have been given and the date on which they are likely to expire. The properties of these companies will be restored to them.

5. As regards (4), lists of properties of joint stock companies acquired by both Governments with their approximate values should be exchanged within one month of ratification. These should indicate cases in which compensation has already been assessed and the amounts of compensation so assessed. Where compensation has already been assessed, the amount should be paid to the diplomatic representative of the other Government. Where compensation has not been assessed, it should be assessed in accordance with the provision laid down in Implementation Instruction No. (4) and provisional payment equal to the approximate value shown in the statement made to the diplomatic representative of the country concerned.

6. As regards (5), release orders should be issued in respect of non-evacuee shares, securities, debentures and insurance policies deposited in banks, after inviting third party claims on an agreed date (provisionally 15th September 1953) and giving one month’s notice to the parties concerned to file their claims. These claims will be examined by Joint Committees as in the case of lockers and safe deposits. The release of these shares, Securities, debentures and insurance policies will, however, not be held up pending the settlement of third party claims. The two Governments will take the responsibility for all such third party claims in respect of such shares, securities etc., released and to implement the findings of the Joint Committees.

7. Simultaneous action will be taken for release, restoration, transfer or payment in respect of the items mentioned above on an agreed date, provisionally 1st November, 1953.

Karachi.
10.08.1953.

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3194. Letter from Indian Rehabilitation Advisor Mehr Chand Khanna to the Secretary of the Pakistan Ministry of Interior.

Karachi, August 7, 1953.

D.O. No. ADV/53, 7th August, 1953

Camp. Hotel Metropole,
Karachi,

Dear Mr. Ahmed,

When we met on the 1st of August 1953 in connection with the question of the preservation, maintenance and care of places of worship, I mentioned to you that we had received information that three important Gurdwaras of Sikhs in Lahore, viz., Bawli Sahib, Shahid Gunj and Chaudvha (Mozang) had been very seriously damaged. In fact, according to our information, Gurdwara Bawli Sahib had been razed to the ground. This was causing us some anxiety and we would like to have detailed information in that connection. You told us that you will get the necessary information from the Punjab Government and convey to us at our next meeting on the 4th of August 1953. At the subsequent meeting, you mentioned that the information had not been received so far and that you will obtain it by the next day. I shall be grateful if you would let me know whether any reply has been received from your Provincial Government.

Yours sincerely

Sd/- Mehr Chand Khanna

Mr. G. Ahmed, B.S.P.,
Secretary, Ministry of interior,
Government of Pakistan,
Karachi.

Copy to the Private Secretary to the Hon'ble Prime Minister of Pakistan, Karachi, for the information of the Hon'ble Prime Minister.

Sd/- Mehr Chand Khanna.
3195. Letter from Advisor, Ministry of Rehabilitation Mehr Chand Khanna to Secretary to Pakistan Ministry of Refugees W. K. Abbasi.

Camp: Karachi, August 8, 1953.

No. ADV/53/Kar 8th August, 1953

I met the Hon'ble Prime Minister of Pakistan yesterday and discussed with him certain important matters relating to evacuee property. I learnt from him that Pakistan Government had agreed to our suggestion regarding free transport, the Custodian’s charges being limited to ten percent, and the removal of restrictions on remittances of sale proceeds. Regarding the last item, it was suggested that a start may be made by remitting equal amounts on both sides. As regards the waiving of income tax clearance certifications, it was felt that the matter may be examined by the Central Boards of Revenue of the two Governments. In regard to the appointment of Joint Committees for adjudication of third party claims, I was told that the matter was still under examination and that a decision would be taken within the next day or two. I think it will be better if we hold a meeting tomorrow, the 10th August 1953, and record our decisions.

I will come round to your office at 10.00 A.M. In case, it is not convenient to you, please give me a ring and suggest a suitable time.

2. There are certain other outstanding matters like (a) the definition of the word ‘deposits’ in the draft legislation relating to the transfer of Court deposits etc., (b) our suggestion that the Custodian should not divest himself of the movable property at the time of its restoration to evacuee owners, and (c) the bulk transfer of lockers and allied questions, which we may also discuss at the same time.

3. I hope it will be possible to issue our first joint communiqué tomorrow evening.

Yours sincerely

Mehr Chand Khanna

Mr. W. K. Abbasi,
Secretary, Ministry of Refugees and Rehabilitation,
Government of Pakistan
Karachi.
Letter from Adviser, Ministry of Rehabilitation Mehr Chand Khanna to Pakistan Prime Minister.

Camp: Karachi, August 11, 1953.

D.O.No. ADV/53/KAR. 11th August, 1953

Ministry of Rehabilitation
India. (Camp) Hotel Metropole,
Karachi

Dear Mr. Prime Minister,

When I met you on the afternoon of Saturday, the 8th August 1953, you were of the view that the three items mentioned in my note regarding the bulk transfer of lockers and safe deposits; release of securities, shares, debentures and insurance policies; and the restoration of the property of Joint Stock Companies and payment of compensation for such properties acquired should be taken up along with the bulk transfer of Muslim bank accounts. You felt that the Movable Property Agreement would thus be implemented in toto and we would have crossed one major hurdle. This would also cause great satisfaction amongst refugees. I told you that though the release of Muslim bank accounts had nothing to do with the Movable Property Agreement; I would convey your wishes to my Government.

2. Thereafter I contacted Mr. Abbasi, and we met yesterday when I gave Messrs Jaffar and Abbasi the gist of the talk that I had with you. I suggested to them that we might proceed on the assumption that the Government of India may accept the suggestion of the Hon'ble Prime Minister of Pakistan and gave them a draft note (copy enclosed) which I felt might form the basis of discussion. Mr. Abbasi stated that he would like to examine the note in consultation with the Ministry of Finance and that we should meet again this morning. At our today's meeting, I was informed that though Pakistan would insist on the bulk transfer of Muslim bank accounts and the general release of shares, securities, debentures and insurance policies, they would agree to the immediate release of only those lockers against which there were no third party claims.

3. As you would remember, on the very first day, when discussions were held between yourself and the Prime Minister of India regarding evacuee property, I mentioned that India would like all lockers and safe deposits to be transferred en bloc and that she would take full responsibility for any claims in respect of such deposits. During our discussions too with the Pakistani delegation, we made this point amply clear. On our part, we had assured them that in case Pakistan accepted similar responsibility in the case of shares, securities, debentures and insurance policies, India would agree to their general release. This position has been reiterated in paragraphs 3 and 6 of the accompanying
draft note. It will be appreciated that we had suggested a hundred per cent reciprocal arrangement.

4. It came to us as a great surprise when it was suggested by the Pakistan delegation that whereas in the case of Muslim bank accounts and shares, securities, debentures and insurance policies, these should be transferred and released *en bloc* without inviting and meeting third party claims, they would agree to the transfer of only those lockers and safe deposits against which no third party claims had been received. As regards the Provinces of Sind, Karachi and Baluchistan, claims were to be invited and no lockers and safe deposits would be released till then. Our suggestion that all lockers should be transferred *en bloc* and that the Government of India would take full responsibility for meeting third party claims after they have been adjudicated by joint committees is not acceptable to them. I even made it clear that the contents of the lockers against which third party claims were pending would not be handed over by us to the owners concerned till such claims had been settled.

5. The question of payment of compensation for the properties of Joint Stock Companies acquired by the Central and Provincial Governments in Pakistan is also of great importance to us. Some of the companies were acquired years back. The impression that we gathered from the talks this morning was that compensation had been assessed only in a few cases. If the agreement is to be implemented simultaneously which we have all along intended with a view to relieve distress and hardship, it is essential that a time limit should be fixed for assessment and payment of compensation. We could not get a definite reply from the Pakistani delegation in this respect. To meet this difficulty, I suggested approximate valuation and payment on a provisional basis; even this was not accepted.

6. I now await your further wishes in the matter.

7. Two other major points that I had mentioned in my note related to agricultural lands and urban houses. You said that you were having the matter examined and may have a discussion with me either on Monday or Tuesday. I shall be grateful if you would let me know when I may see you in that connection.

Yours sincerely

Sd/-
(Mehr Chand Khanna)

The Hon'ble Mr. Mohammed Ali,
Prime Minister of Pakistan,
Karachi.

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Note on the Discussions held with Pakistan Delegation on the question of Moveable Properties

Under the instructions of the two Prime Ministers, Mr. Mehr Chand Khanna, Adviser, Ministry of Rehabilitation, India, and Mr. Ahmed E.H. Jaffer, Adviser, Ministry of Refugees and Rehabilitation, Pakistan, assisted by the officers of their respective Governments held a series of discussions in Karachi from the 27th July to the 13th August, 1953, on the subject of evacuee property.

2. Every important problem concerning evacuee property and evacuee claims was examined. The working of the Movable Property Agreement in particular came in for a detailed review with a view to provide greater facilities to evacuees for removal, disposal, etc., of their movables. Agreement was reached on various matters like the refund of cash security deposits of contractors without imposition of penalties for non-fulfillment of contracts due to migration, removal or disposal by evacuees of their personal and household effects, appointment within one month of Joint Committees for assessment of compensation where it has not already been determined for movable property allotted or acquired for rehabilitation purposes, restoration of seized articles, including fire – arms, and exchange of lists of sale proceeds and payment of such sale proceeds to the diplomatic representatives of the two Governments within two months. The procedure for the recovery of buried treasures has been approved by the two delegations. It has also been agreed that the appointment of Liaison Officers should be expedited so as to enable the actual work of exchange of postal accounts to start by the 1st September 1953. With regard to Postal parcels, it was agreed that these should be released to the officers nominated by the two Governments for internal distribution without any customs restrictions.

3. It was contemplated under the Movable Property Agreement that legislation should be undertaken by both the Governments to facilitate the transfer of court deposits, deposits of minors and others under the guardianship of courts, and the deposits of wards under the Court of Wards Act from one country to the other. The draft legislation was discussed and approved.

4. The questions relating to the bulk transfer of lockers, restoration of properties of Joint Stock Companies and payment of compensation where such properties have been acquired by Government, release of shares, securities, debentures and insurance policies held in banks were examined and discussions will be resumed in the near future.

5. The problem of urban and agricultural evacuee properties was discussed between the two delegations but no decisions were arrived at. It was, however, agreed that the exchange of revenue records between the two countries should be expedited. These matters will also be further discussed.
6. The desirability of expediting the verification of claims of employees of Provincial Governments, States and Local Bodies regarding pensions and provident fund, and arrears of pay and leave salary through the Central Claims Organization was recognized and it was agreed that all possible steps should be taken to this end. It was further decided that the functions of the Organization should be expanded so as to deal with other claims of evacuees against Governments and quasi—Government bodies in the two countries, such as claims of contractors, dues of evacuees in respect of Court of Wards etc. in other than mass—migration areas, dues of evacuees against cooperative institutions, claims of staff of Universities etc.

The question relating to the transfer of pensions of displaced pensioners from the two Bengals and Assam was also discussed. While agreement was reached in principle, matters of detail were left over for settlement between the Provincial Governments concerned. In regard to the question of treatment of pensionable service of displaced Government servants of undivided Provinces, rendered by them before migration, no decision was taken.

7. The Advisers also discussed the question regarding the maintenance, care and protection of places of worship, especially of historical importance, facilities for Sewadars and Khadims, visits of pilgrims to those places and the management and utilization of property attached to them with the officers of the Ministry of the Interior and the Ministry of Refugees & Rehabilitation. There was general agreement that the two Governments should take necessary steps in this behalf. It was felt that the question of management of properties attached to places of worship may be taken up separately from the general question of trust properties in order to expedite a decision thereon. The question of other trusts and trust properties was also discussed and it was agreed that the Trust Property Committee should be revived to go into the various issues involved and submit its report within three months.

8. The proposals agreed to by the delegates of the two countries are subject to final approval by the two Governments.

Karachi,
13th August, 1953.

New Delhi, August 19, 1953

Introduction

On the 9th of July 1953, a telegram was sent by the Prime Minister of India to the Prime Minister of Pakistan reading as under:-

“I am glad that the Steering Committees appointed by our two governments will meet from the 14th July onwards at Karachi to consider various pending problems between us. This will NO doubt help our subsequent talks.

We have also decided that separate meetings of Ministries concerned of both countries should take place to consider problems affecting them. This will expedite consideration and make it easier later for us to deal with.

I would suggest that this procedure might be expedited particularly in regard to the Evacuee Property problem which has been pending for a long time and about which my Government has addressed your Government some time ago. It would facilitate matters greatly if instead of long distance correspondence personal discussion took place. For this purpose, if you and your Rehabilitation Ministry are agreeable, we could send our Adviser on Rehabilitation, Mehr Chand Khanna, who is well acquainted with all aspects of this question. He could go about the same time as the Steering Committee, though he would discuss Evacuee Property problem separately. I hope this will be convenient. I shall be grateful if you will indicate your approval of this procedure.”

The Prime Minister of Pakistan, on the 12th of July 1953, informed the Prime Minister of India that he shared his anxiety for an early discussion of the evacuee property problem but regretted that both his Refugee Rehabilitation Minister and the Secretary of the Ministry were out on tour and would not be in Karachi on the 14th of July. He added that he was asking his Ministry of Refugees & Rehabilitation to contact our Rehabilitation Ministry and fix a date on which our Adviser on Rehabilitation may visit Karachi to discuss the evacuee property problem with his Ministry. On the 20th of July 1953, a communication was received from the Minister, Refugees & Rehabilitation, Pakistan, agreeing that Mr. Mehr Chand Khanna could come to Karachi at any time and discuss evacuee property problem with their Adviser, Mr. Ahmed E.H. Jaffer.
2. Mr. F.B.H.B. Tyabji, Commonwealth Secretary, informed me that the Prime Minister would discuss the matter with the Prime Minister of Pakistan when he went to Karachi on the 25th of July, and that I should hold myself in readiness. On the evening of the 25th of July, we received instructions to proceed to Karachi and we accordingly left for Karachi the next morning. The Indian delegation comprised Mr. Mehr Chand Khanna, Adviser, Ministry of Rehabilitation, Mr. K.P. Mathrani, ICS., Joint Secretary, Ministry of Rehabilitation, and Mr. P.G. Zachariah, Deputy Secretary, Ministry of Rehabilitation.

3. At the preliminary meeting held between the Prime Ministers of India and Pakistan on the same day, when Mr. Mehr Chand Khanna and Mr. Ahmed E.H. Jaffer, Advisers to the Ministries of Rehabilitation, India, and Refugees & Rehabilitation, Pakistan, were also present, the question of movable and immovable evacuee property was generally discussed. The two Prime Ministers directed that the two Advisers and the officers of the Governments of India and Pakistan should meet and discuss all the outstanding issues relating to evacuee property and evacuee claims and try to find out a solution of the various problems.

4. At that meeting, the question of the suspension of the operation of the evacuee property legislation was raised by the Cabinet Secretary, Pakistan. The Prime Minister of India felt that though the legislation was of an unusual nature which had been enacted on account of abnormal conditions created by partition, the operation of the law could not be suspended until an overall settlement of the problem of evacuee property had been reached. Further, he thought that legal difficulties were also likely to arise.

First Phase of Negotiations

5. Discussions between the Advisers and Officers of the Governments of India and Pakistan were held daily from 27th July to 1st August and on 3rd and 4th of August, 1953. Two meetings were also held with the Ministry of Interior, Pakistan, on the 1st and 4th August 1953, for discussing the question of protection, preservation and maintenance of places of religious worship in India and Pakistan.

6. The Movable Property Agreement came in for a detailed discussion at these meetings and some decisions were taken. A summary of these decisions will be found in Annexure ‘A’. No decisions could be reached on the important items of the bulk transfer of lockers and safe deposits, the release of shares, securities, debentures and insurance policies; and the restoration of properties of joint stock companies and the payment of compensation for properties of such companies acquired by the Government of Pakistan. Though there was agreement in principle regarding these items, Pakistan desired to link the question of the bulk transfer of Muslim bank accounts with the bulk release of lockers. The question of transfer of Muslim bank accounts from India to Pakistan is a
part of the Banking Agreement of 1949. The Banking Agreement and the Movable Property Agreement are two separate Agreements. Even according to the items classified by the Pakistani Steering Committee, “Implementation of the Banking Agreement” has been put down as Item No. (23) to be dealt with by the Ministries of Finance of the two Governments. At that stage, therefore, we did not agree to the suggestion of Pakistan to link this item with the release of bulk transfer of safe deposits and lockers and suggested that the Movable Property Agreement should be dealt with separately.

7. The other two principal questions for discussion related to agricultural property and urban immovable property. The settlement in respect of the agricultural property was taken up first. We suggested Government – to – Government settlement. We emphasized that the bulk of the agricultural property on both sides had been allotted to displaced persons on a “quasi – permanent” or “provisional permanent basis” and lakhs of refugees had been settled thereon by the grant of loans and other financial assistance. There could, therefore, be no question of uprooting them after a lapse of four/five years.

8. The Pakistan representatives stated that, at the present juncture, they could not agree to Government – to – Government settlement and that the manner in which the problem may be settled could only be discussed by them after copies of the land revenue records had been obtained in respect of non – agreed areas and after claims had been invited and scrutinized.

9. The land revenue records in respect of agreed areas, which account for the bulk of the agricultural evacuee land, have already been exchanged between the two Governments. The agricultural lands in the non – agreed areas represent only a small proportion of the total evacuee agricultural lands in India. We, therefore, observed that the magnitude of the problem was generally known to both the Governments and that the exchange of land records was hardly relevant to the issue of settlement as the information would be useful merely for verifying individual claims. The exchange of land revenue records in respect of the non – agreed areas and the invitation and verification of claims were likely to take a year or two. We pointed out that under these circumstances, it would appear that the problem could not be discussed till then. They did not, however, resile from this position and no decision could, therefore, be reached.

10. In regard to urban immovable property, we observed that lakhs of families on both sides had left their houses and other building behind and were not in a position to enjoy or make use of that property. Further, many of these properties were falling into disrepair due to lack of proper maintenance by the occupants who are mostly refugees. We emphasized that almost six years had elapsed since partition and the question of the ultimate disposal of the property had
become all the more pressing. In this case too, we suggested Government – to – Government settlement as the only solution to the problem.

11. The Pakistan representatives, however, favoured private sales and exchanges which, according to them, had been provided for in January 1949 Agreement. They felt that the system of private sales and exchanges had not been adequately tried and even the past experience was not so unsatisfactory as in Pakistan, according to them, 136 sales and exchanges had been confirmed in respect of the period from January 1949 to July 1949 and further 1099 sales and exchanges had been confirmed from the date of partition to May 1952.

12. We pointed out several difficulties in the implementation of this proposal. In the mass –migration areas on both sides, N.W.F.P., Punjab (P), Baluchistan and Bahawalpur in Pakistan and Punjab (I), PEPSU and Himachal Pradesh in India – the minority population was practically non – existent. The properties were generally occupied by refugees and, therefore, it was obvious that they would not fetch a reasonable price as there would be no fair competition. The scope for the sale of evacuee properties was, therefore, very limited.

13. In the matter of exchanges too, we mentioned that we were doubtful whether any substantial results would be achieved as more than 60 to 70 per cent of the property was owned by small owners who would find it very difficult to exchange their properties. The exchanges might help some bigger landlords, but the majority of the refugees would get no benefit from it. Another important factor was the disparity in the quantum of property left on the two sides. For this reason too, a large number of properties would not be covered by exchanges.

14. In regard to our earlier experience of private sales and exchanges, we emphasized that if the figures given by the Pakistani representatives were any criterion, it would take years to tackle the bulk of the problem as the properties involved ran into lacs. The displaced person had already waited for six years and he wanted immediate help.

15. Lastly, we enquired of the Pakistan representatives as to for what period this method was proposed to be tried again and further whether the Pakistan Government had any suggestion to make regarding houses and buildings which would remain indisposed of. The Pakistan representatives were, however, not prepared to discuss the implications of their proposal and thus no agreement could be reached.

Second Phase of Negotiations

16. Thus ended the first phase of discussions and negotiations with the Pakistani delegation. As we did not feel very happy about the results of our negotiations, I sought an interview with the Prime Minister of Pakistan with a
to apprise him of the latest position. I met him on the 5th August and told him that apart from decisions on some minor matters, we had not even come to grips with major problems like agricultural lands, and urban immovable property. No decisions had also been reached on the transfer of lockers and safe deposits, the release of shares, debentures, securities and insurance policies; and the restoration of properties of joint stock companies and payment of compensation for such properties acquired. I mentioned to him that unless these items were properly thrashed out and substantial spade work done; there would be hardly anything for the two Prime Ministers to discuss in respect of the evacuee property question when they met in Delhi. Besides, I also stressed that, if some important decisions were not taken during these negotiations, disappointment would be caused amongst displaced persons in both the countries as hopes had been raised on account of our talks.

17. The Prime Minister of Pakistan stated that he had not been apprised of the position and that he would look into the matter as he was keen that the various problems should be properly examined and some solution found. He desired me to give him a note on the points at issue and further suggested that our delegations might stay on in Karachi for some time more.

18. A note on the latest position of negotiations on the various issues relating to evacuee property was accordingly sent to Mr. Mohammed Ali on the next day (6th August 1953). A copy of the note will be found at Annexure ‘B’ (see Document No.3193).

19. The Prime Minister of Pakistan called me for discussion again on the 8th of August 1953. He suggested that India might agree to the bulk transfer of Muslim bank accounts and the release of shares, securities, debentures and insurance policies and that Pakistan on its part would agree to the bulk transfer of lockers and safe deposits and the restoration of properties of non-evacuee joint stock companies and payment of compensation for such properties acquired. In his opinion, the Movable Property Agreement would thus be implemented in toto and this would cause great satisfaction amongst the refugees. He further added that we would have crossed at least one major hurdle. I told him that we fully shared his sentiments for alleviating the distress of refugees and that I would convey his wishes to the Prime Minister of India.

20. As regards the settlement of agricultural lands, Mr. Mohammed Ali felt that it should not present much difficulty. He observed that there was a considerable force in what we had said regarding the rehabilitation of lakhs of families on lands and that there could be no question of uprooting them after all these years. He thought that his officers were perhaps more worried over the question of payment of difference in values as the Hindus and Sikhs had left more lands in Pakistan than the Muslims in India.
21. I told Mr. Mohammed Ali that the question of method of valuation and the payment of difference by the Government of Pakistan was a very big question which could perhaps be appropriately discussed at the level of the two Prime Ministers. India had already suggested that the method of valuation may be settled between both the Governments, and if direct negotiations prove unfruitful, the question could be referred to arbitration or an impartial Tribunal agreed upon by the two countries.

22. During the course of the talk, Mr. Mohammad Ali also made a passing reference to the large areas of lands left by Muslims in the non–agreed areas, particularly in U.P. I told him that the area of land left in the non–agreed areas was very small as compared to the total evacuee lands in India. Though the evacuee lands in U.P. might form the biggest chunk in the non–agreed areas, this would not materially affect the overall position.

23. After examining the position further, I informed the Prime Minister of Pakistan on 8th August 1953 that the evacuee lands in non–agreed areas constituted only about eight percent of the total evacuee lands in India. And though it was correct that evacuee lands in U.P. formed the biggest block in the non–agreed areas, over eighty per cent of this land was held by non–evacuee tenants of evacuee zamindars.

24. The question of urban immovable property, he felt, was more difficult, but he saw the force of our argument regarding the difficulties involved in private sales and exchanges. Finally, he said that he would have the question examined further and would discuss it with me again on the 11th August 1953. In the meanwhile it was, however, felt that I should contact the Pakistani delegation in order to settle the details relating to the implementation of the three important items under the Movable Property Agreement referred to above.

25. As instructions had been received from Delhi that we might agree to the bulk transfer of Muslim accounts and release of shares, securities, debentures and insurance policies on Pakistan agreeing to the bulk transfer of lockers and safe deposits and the release of properties of non–evacuee joint stock companies and payment of compensative for such properties acquired, I contacted the Secretary of the Ministry of Refugees and Rehabilitation for arranging a meeting of the delegations on 10th August 1953. I suggested at that meeting that we might proceed on the assumption that the Government of India would accept the suggestion of the Hon'ble Prime Minister of Pakistan and handed over a "draft note" (Annexure 'C' (attached to Doc. No.3196)) containing our proposals for the simultaneous implementation of these items, which might form the basis of discussion.
26. The main features of these proposals are:-

(i) Two Governments should undertake the responsibility for meeting third party claims in respect of safe deposits and lockers; and shares, securities, debentures and insurance policies after adjudication of these claims by Joint Committees.

(ii) Where compensation of joint stock companies had not been finally assessed, approximate valuation may be made, and

(iii) Implementation should be effected in respect of all these items simultaneously on an agreed date.

27. On the next day, i.e., the 11th August 1953, when we met again for discussion, we were informed that Pakistan would agree to the immediate release of only those lockers against which there are no third party claims. As regards Sind, Karachi and Baluchistan, third party claims would be invited and no lockers and safe deposits released till then. Our suggestion that all lockers should be released en bloc and that we would take the responsibility for meeting third party claims after adjudication by joint committees was not acceptable to them. On the other hand, they suggested that shares, securities, debentures and insurance policies should be released without inviting any third party claims and the Muslim bank accounts should also be transferred immediately. Further, they did not agree to our suggestion to make provisional payment of joint stock companies and stated that payment could only be made after compensation had been finally assessed. As the arrangement suggested by Pakistan was not very fair to us, we expressed that it would be difficult for us to accept the Pakistan suggestion.

Third Phase of Negotiations

28. Since these negotiations had been resumed at the intervention of the Prime Minister of Pakistan, I thought it necessary to apprise him again of the position. Accordingly, I addressed a letter to him on the 11th August 1953, (Annexure ‘D’ (see Doc. No.3196), explaining that the proposals made by the delegation were not in conformity with the hundred percent reciprocal arrangements that he had suggested. In that letter, I also reminded him of his desire to discuss further with me the question of agricultural lands and urban immovable property.

29. I contacted the Private Secretary to the Prime Minister of Pakistan on the morning of 13th August 1953, and requested him to ascertain from Mr. Mohammed Ali whether in view of his present preoccupations, it would be possible to settle these matters before he left for Delhi on the 16th August and, if not, what his wishes were in the matter. On the same afternoon the Adviser to the Ministry of
Refugees & Rehabilitation along with the Secretary, Ministry of Refugees & Rehabilitation, Pakistan, came to see us and told us that as some essential information had to be collected from Punjab (P) regarding lockers and safe deposits and the properties of joint stock companies, their Prime Minister felt that discussions may be postponed for about three weeks and resumed later. They also stated that he (Prime Minister, Pakistan) was busy with other important matters and had not been able to apply his mind to this question. The talks were accordingly adjourned and a joint communiqué (Annexurfe 'E') was issued late in the evening of 13\textsuperscript{th} August 1953.

30. This is only an interim report and discussions are likely to be resumed next month. In concluding it would not be out of place to mention that the refugee problem is not viewed with the same sense of urgency in Pakistan as in India. The Pakistani delegation and other officials with whom we have had discussions did not appear to attach much significance to the settlement of the question of evacuee property, probably because they considered other issues more important. Initiative had, therefore, to be taken by us at every stage. Whatever little we have been able to achieve is due mainly to the good offices of the Prime Minister of Pakistan who has been taking keen interest in the matter.

Sd/-
(Mehr Chand Khanna)

New Delhi
19\textsuperscript{th} Aug. 1953.

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Annexure ‘A’

Brief note relating to the position regarding the negotiations between the Indian delegation and the representatives of the Government of Pakistan.

Category ‘C’ Items.

1. Item No. (27): Payment of pensions to displaced persons from East Bengal.

It has been agreed in principle that facilities for the transfer of pensions from the two Bengals and Assam which existed up to the 31\textsuperscript{st} December 1949 should be restored. The question of details, such as the date up to which the transfers should be permitted, the arrangements for provisional payment of pensions etc., should be settled between the two Bengal Governments within a month.
2. **Item No. (28): Part earned pensions of displaced Government servants.**

The Government of India had proposed that the employees of the undivided Province, States and centrally – administered areas who had no right of option and had migrated from one country to the other should be allowed the benefit of pension for the period of service rendered by them prior to migration. The Pakistan representatives stated that the matter was under consideration of the Pakistan Government in consultation with the Provincial Governments and that a decision would be expedited.

3. **Item No. (29): Settlement of claims of contractors and others through the Central Claims Organization.**

It has been agreed that the functions of the Central Claims Organization in both the countries should be expanded. Accordingly, claims of contractors, dues of evacuees in respect of Court of Wards etc. encumbered estates, deposits of evacuees in Courts, dues of evacuees from cooperative Societies, dues of teachers and examiners payable by Universities, revenue deposits payable to evacuees, dues of evacuees in respect of postal life insurance policies etc. will be processed through the Central Claims Organization.

4. **Item No. (30): Slow verification of claims by the Central Claims Organization.**

The verification of claims of employees of the Provincial Governments, States, and local bodies regarding pensions and provident fund and arrears of pay and leave salary by the Central Claims Organization should be expedited and every effort made to complete the work by 31st March 1954. The Officers – in – Charge of the Central Claims Organization in either country should meet within a month, if possible, to finalize the procedural details.

5. **Item No. (31): Exchange of revenue records.**

Supply of copies of revenue records outstanding on both sides should be expedited. Further, India would supply copies of revenue records relating to non – agreed areas though this was not provided for in any of the previous agreements. Pakistan has agreed to the visit of a team of officials from India for reconciling any discrepancies relating to revenue records.

6. **Item No. (32): Non – forfeiture of security deposits of contractors etc. who migrated from one country to the other.**

So far as cash securities are concerned, it was agreed that the depositors should not be penalized for non – fulfillment of conditions of the contract due to migration. As regards the Government dues to be deducted from such deposits
the Indian delegates suggested that the dues pertaining to the particular contract only should be recovered and that all such claims should be examined by a Joint Committee consisting of the representatives of the two Governments. The Pakistan representatives agreed to examine this proposal.

In regard to the agricultural land in the colony and barrage areas which had been resumed by the Provincial Governments in default of the terms and conditions of the grants disposed of as non-evacuee property, the Indian delegates suggested that where it was not possible to cancel the new grants or assignments in respect of such land, the sale proceeds should be credited to the evacuee owners’ accounts with the Custodians. The Pakistan representatives agreed to examine the suggestion.

Category ‘B’ Items.


(a) **Household and personal effects.** It has been decided that these should be restored to evacuee owners and all restrictions on through railway booking should be removed. Lists of all such goods lying with Custodians will be exchanged within two months and the owners given the option of removal or sale of such goods. Where such goods are not taken over by the owners within six months, they may be handed over to the diplomatic representatives of the country concerned or sold by auction in his presence and the sale proceeds handed over to him. The third party claims will be restricted only to trade goods and merchandise and should pertain only to the particular business. No fresh third party claims would be invited or entertained excepting charges for storage, charges created by Courts or those of the Banks.

With regard to the personal and household property left with relations and friends, it was agreed that evacuees should be allowed further period of six months within which they must remove their property. As regards fresh evacuees, this period should count from the date of their becoming evacuees.

(i) We suggested that the transportation charges for the removal of the property to the headquarters of the Deputy High Commissioner concerned should be borne by the respective Governments. Pakistan has agreed to consider this suggestion.

(ii) We also suggested that there should be no restriction on removal by evacuees of cash or bullion which forms part of the personal and household effects to the other country. Pakistan representatives stated that it was contrary to the Movable Property Agreement,
transfers could only be made subject to Exchange Control restrictions. They however, agreed to consider the matter further.

(iii) The question of income tax clearance certifications was raised by India and it was suggested that such certificates should not be demanded from an evacuee coming from the other country to seek restoration of his personal and household property. Pakistan representatives promised to consider this suggestion.

(iv) In connection with the sale of personal and household effects, it was suggested by India that only 10% of the sale proceeds should be deducted as the Custodian’s fee and that no deduction should be made in case of articles physically taken over by the evacuee owner. It was pointed out by Pakistan that these proposals amounted to a modification of the relevant Implementation Instruction which allowed deduction of all the expenditure incurred on the administration of movable property. They, however, agreed to examine the proposal further.

(v) It was suggested by India that third party claims should be examined by a joint committee consisting of representatives of both the countries. In case of disagreement, the matter should be referred to the Custodian concerned whose decision would be final. Pakistan delegates agreed to examine the proposal.

(vi) The Indian delegates suggested that the Custodian should not formally divest himself of the movable property at the time of restoration of the property to evacuee owners so that they may take away the property to the other country or dispose of it without any interference by third parties. The Pakistan Government are considering the suggestion.

(b) **Compensation for movable property allotted or acquired for rehabilitation purposes.**

Joint Committees (initially two or three in number) should be appointed within one month for determining the compensation payable for movable property allotted or acquired by Government. The moneys recovered by the Custodians will be paid to the diplomatic representative of the country concerned along with lists showing full particulars.

(c) **Seized movable property.** Lists of seized property including firearms, should be exchanged between the diplomatic representatives of the two Governments within three months. The procedure agreed to regarding
personal and household effects will apply mutatis mutandis as regards removal, disposal and handing over of sale proceeds of such properties.

(d) **Buried treasures:** The procedure for the recovery of buried treasures evolved by the Deputy High Commissioners of the two countries in January 1951 has been approved, and it has been agreed that the implementation of this item should commence within two months.

(e) **Sale proceeds of movable property with the Custodians.** Lists of sale proceeds of movable property lying with the Custodians should be exchanged within two months and the net total amount due to evacuee owners paid simultaneously to the diplomatic representatives concerned.

(f) **Court deposits, deposits of minors and others under the guardianship of Courts, and deposits of wards under the Court of Wards Act.** Regarding the question of the enactment of legislations by both the countries the draft of the legislation sent by us was approved with a minor modification of the word “deposits” and it was agreed that its enactment should be expedited.

(g) **Savings Bank Accounts.** It has been agreed that Liaison Officers will be appointed within the next two weeks or so and that the exchange of post office savings bank accounts would be undertaken by 1st September.

(h) **Undelivered postal parcels.** All postal parcels which have been held up should be released to the officers nominated by the two Governments for internal distribution without any customs restrictions.

(i) **Lockers and safe deposits, restoration of properties of Joint Stock Companies and payment of compensation etc.** The questions relating to the bulk transfer of lockers and safe deposits, restoration of properties of Joint Stock Companies and payment of compensation where such properties have been acquired by Government, release of shares, securities debentures and insurance policies held in Banks were examined and discussions will be resumed in the near future.

8. **Item No. (25): Places of religious worship.**

It was agreed that every effort should be made to ensure that the places of religious worship in both the countries, particularly those of historical importance, should be properly protected and maintained and their sanctity preserved. Increased facilities for visits of pilgrims to these places on their auspicious days should be granted, and Sewadars and Khadims given necessary protection and facilities for residence. The question of properties attached to shrines should be separated from the general question of Trust Properties and dealt with expeditiously.
The proposal regarding the appointment of a joint commission of the representatives of the two Governments, for enquiring into matters referred to above and making a factual survey about the condition of the important shrines and holy places after visiting them and making recommendations in the light of such enquiries and survey, was considered and it was felt that its further consideration should be deferred to a later stage.

Category ‘A’

Item No. 23. **Government to Government settlement on immovable property – both urban and rural.**

The problem of urban and agricultural evacuee properties was discussed between the two delegations, but no decisions were arrived at. These matters will be further discussed.

Item No. 26. **Trust Property.** It was agreed that the Trust Property Committee of 1949 should be revived. Its personnel may be changed or terms of reference revised, if necessary, by the two Governments in mutual consultation. The Committee should be required to submit its report within three months from the date of its appointment.

It was also agreed that the question of management of the properties attached to religious and holy places in the two countries may be taken out of the purview of the Trust Property Committee and taken up by the two Governments direct for discussion in order to expedite decisions thereon. For this purpose we promised to supply to the Pakistan Government a detailed note together with the lists of such religious or holy places in West Pakistan, the properties of which are not to be dealt with by the Trust Property Committee. The Pakistan representatives promised to furnish a similar list in respect of such places in India.

**Miscellaneous items.**

I. **Raised by the Pakistani delegation.**

(a) **Amendment to the Succession Act:**

We pointed out that this subject was being dealt with by the Ministry of External Affairs and that, that Ministry will be requested to expedite the matter.

(b) **Restoration and re–validation of Bank drafts. Cheques etc. of evacuees under the Movable Property Agreement:**

The Pakistan Government would send us a full note on this subject when the matter will be examined.

(c) **Unclaimed interest on deposits made by Muslims in Post Office Savings Banks:**
The Adviser for Pakistan raised the question and stated that the Government of India had agreed to refund this amount. He also mentioned that in 1947, the late Mr. Liaqat Ali Khan, the then Finance Minister, Government of India, had said that the Government would be prepared to release a sum of Rs. 2,50,000 on this account, but arrangement for its refund, could not be finalized up to the time of partition. The suggestion is that the Government of India should distribute a sum of Rs. 2,50,000 between India and Pakistan in the ratio of their Muslim population, so that the amount could be spent on the education of the Muslim children in both the countries.

II. Proposed by the Indian delegation.

(a) Postponement of execution of court decrees against Punjab National Bank.

In regard to the Punjab National Bank whose assets were being attached and put to auction in execution of Court decrees relating to the earnest money in connection with Crown lands in Nilbar, the Pakistan Government have, in view of the general decision taken in connection with non – forfeiture of security deposits, issued orders to the Punjab (P) Government asking them not to proceed with the matter.

(b) Disposal of uneconomic properties:

The Pakistan representatives stated that their Government would not agree to India’s proposal that uneconomic urban evacuee properties may be disposed of and the sale proceeds credited to the evacuees accounts, as it involved the extinguishment of evacuees rights in urban immovable property, and its disposal on the basis of Governmental responsibility.

III. General: - The proposals that have been agreed to between the two delegations will be subject to confirmation by both the Governments and it was agreed that attempts should be made to obtain this confirmation within one month. It was further agreed that the matters left for further consideration, may also be disposed of during this period.

After the finalization of these proposals, supplementary instructions will be issued by the two Governments on an agreed basis for the guidance of Custodians, Liaison Officers, Rehabilitation authorities etc. It was also agreed that the question of appointment of Liaison Officers for the implementation of the Movable Property Agreement, would be taken up by the two Governments in consultation with each other.
SECRET

Letter from Adviser, Ministry of Rehabilitation Mehr Chand Khanna to Pakistan High Commissioner in India Raja Ghaznavar Ali Khan.

New Delhi, September 21, 1953.


My dear Raja Sahib,

During your telephone conversation with me this morning you enquired about the position regarding the confirmation of the decisions taken by the representatives of our two Governments during the recent discussions at Karachi from the 27th July 1953 to 13th August 1953, in respect of evacuee property in which I took part. As I mentioned to you, we have already written to your Government on the 4th September 1953 intimating to them our acceptance of the decisions arrived at during the discussions. Further we suggested to your Government that as contemplated during the negotiations, the discussions may be resumed during the third week of the current month for settling the other outstanding issues relating to evacuee property, and invited them to Delhi for the purpose of the discussions. At the same time I also wrote to Mr. Ali Asghar, P.S. to your Prime Minister, informing him about the position. I enclose herewith a copy of our official communication No. 60(5) / 53 – N dated 4th September 1953 to Secretary to the Government of Pakistan, Ministry of Refugees and Rehabilitation, and my D.O. No. Conf/ADV/53 dated 8th September 1953 to Mr. Ali Asghar in this behalf for your information. We are awaiting reply to these communications from your Government.(Both letters not reproduced here)

2. During the course of the telephone conversation, you expressed your anxiety about the early implementation of the decisions already taken by us at Karachi and mentioned that you propose to have a decision on the matter by your Government expedited. I need hardly assure you that we are equally anxious for expeditious implementation of the decisions already taken by us, which is naturally dependent on the Government of Pakistan confirming the draft of the decisions sent to them, and on the resumption of the discussions in the near future to settle the remaining issues relating to evacuee property.

Yours sincerely

Sd/–

(Mehr Chand Khanna)

H.E. Raja Ghaznavar Ali Khan,
High Commissioner for Pakistan in India,
New Delhi.
Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Mohammad Ali.

New Delhi, October 8, 1953.

My dear Prime Minister,

The decisions taken by the representatives of the Governments of Pakistan and Indian during their discussions in Karachi on evacuee property from the 27th July to the 13th August, 1953, were to be confirmed by both the Governments and it was agreed during the discussions that efforts would be made to confirm the decisions within one month. The Government of India has already accepted the decisions and the fact of their acceptance were communicated to your Ministry of Refugee and Rehabilitation as early as the 4th September, 1953. Confirmation of the decisions by your Government has not been received so far and so implementation of the agreement is being delayed. Another letter requesting your Ministry of Refugee and Rehabilitation for early confirmation of the decisions has been sent by my Ministry of Rehabilitation on the 2nd October. I wonder whether it would not be possible to expedite confirmation.

2. You will remember that when we met in Delhi last time, it was agreed that further discussions on evacuee property should be resumed within one month and this was mentioned in our joint press communiqué of the 20th August. While intimating acceptance of the decisions, our Ministry of Rehabilitation had also suggested to its counterpart in Pakistan that the discussions may be resumed in Delhi sometime in the third week of September. I am told that views of your Government in the matter are still awaited. I feel that further discussions should be resumed as soon as possible. I shall be obliged if you will look into this question and let me know the date and venue considered suitable to your representatives.

3. Incidentally, I might also draw your attention to the statement of Mr. Shuaib Qureshi in your Parliament on the 25th September accusing India of having systematically violated the Karachi Agreement of 1949 and of having placed obstacles in the way of implementation of the Movable Property Agreement of 1950*. Apart from the fact that these allegations are incorrect, I feel it is unfortunate that such accusations should have been made when we are seeking

* Shuaib Qureshi, said that soon after the conclusion of the Karachi Agreement of 1949 on evacuee property, India went back on it and had since violated its important provisions, and that the Government of India’s attention had been drawn to these breaches but no result. The January 1949 Karachi agreement permitted displaced persons in each country to dispose of property in the other country by sale or exchange basis. The Movable Property Agreement, signed in Calcutta in June 1950, allowed the migrants of East and West Bengal to remove or dispose of their gold and household and personal effects.
the settlement of various differences between the two countries by direct
negotiations and are endeavouring to create a proper atmosphere for the purpose.

Yours sincerely
Jawaharlal Nehru

3199. Minutes of the meetings held in Karachi from the 12th to
14th October, 1953, to discuss the question of slow
verification of claims relating to pensions, provident funds
etc., by the Central Claims Organisations of Pakistan and
India.

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<th>Present</th>
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<tr>
<td>India</td>
<td>Pakistan</td>
</tr>
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</table>
| 1. Mr. P.G. Zachariah, 1. Mr. Abdur Rahman,  
  Deputy Secretary,  Deputy Secretary,  
  Ministry of Rehabilitation.  Ministry of Finance.  
| 2. Mr. Mayaram G.D., 2. Mr. S.M. Suleiman,  
  Officer – in – Charge,  Deputy Secretary,  
  Ministry of Finance.  C.C.O., India.  
| 3. Mr. Nasir – ud – Din, 3. Mr. Bahadur Ali,  
  Deputy Secretary,  Assistant Secretary,  
| 4. Mr. Ahmad Ali, Officer–in–Charge, 4. Mr. Ahmad Ali,  
  C.C.O. Pakistan.  Officer–in–Charge,  

In the course of the discussion between the representatives of the Governments of India and Pakistan held at Karachi during July – August, 1953, it was agreed that the Officers in charge of the Central Claims Organizations in the two countries should meet and devise ways and means to speed up the work. It was also
agreed that the figures relating to the outstanding claims on either side which did not tally should be reconciled.

2. At present the C.C.Os. in the two countries deal with the claims of displaced Government servants, and employees of States and local bodies (excluding Government servants of the divided Provinces of Punjab and Bengal and those of the local bodies in those Provinces) in respect of pensions, provident fund, pay and allowances, leave salary and security deposits.

3. An examination of the figures showed that on 1st October, 1953 the following number of claims (other than those relating to State Military personnel) were outstanding:

<table>
<thead>
<tr>
<th>No. reported by India</th>
<th>No. reported by Pakistan</th>
<th>Difference</th>
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</thead>
<tbody>
<tr>
<td>India’s claims against Pakistan</td>
<td>14,431</td>
<td>14,328</td>
</tr>
<tr>
<td>Pakistan’s claims against India</td>
<td>14,858</td>
<td>14,920</td>
</tr>
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</table>

It was agreed that the two Officers in charge of the Claims Organizations should further look into these small discrepancies and try to reconcile the figures.

4. The two C.C.Os. should prepare lists of outstanding claims originating with them as on 1st October, 1953 separately for each type of claim which should be serially numbered Province-wise. In all future correspondence between the two C.C.Os., the serial number allotted to the claim by the originating country should be quoted. These lists should be exchanged in the approved pro-forma (Annexure I) as early as possible and this work should be completed by the 15th December, 1953.

5. The representatives of the two Governments examined the objections that had been generally raised by either side for rejecting various types of claims. Brief particulars of these objections and the agreed recommendations in this behalf have been set forth in Annexure II against each type of objection.

6. After a detailed examination of the factors responsible for the holdup at various stages, it was felt that the adoption of the following measures would help to speed up the verification of these claims:

(i) Before exchanging claims, the C.C.O. of each country should satisfy that all the relevant particulars have been furnished by the claimant in respect of each claim and then the claim should be dealt with by the recipient C.C.Os. for obtaining further information regarding those claims.
The two C.C.Os. should be strengthened by the appointment of additional staff in order that they may be in a position to complete the work within the prescribed date. Similarly, where necessary, additional staff should be appointed in offices of the verifying agencies.

The C.C.Os. should ensure that the verifying authority check the claims and return them without undue delay. For this purpose an officer or officers of the C.C.O or Provincial/State Government should visits the verifying officers periodically and, if necessary, assist the verifying officers in speeding up the verification of claims. Necessary instructions in the matter should also be issued by the two Central Governments to the verifying authorities etc.

In the case of claims relating to Provident Fund accounts of Government servants, it was felt that it should be possible for the Accounts Officers, concerned to verify the claims without reference to the head of the department concerned under whom the subscriber was last employed. The Accounts Officers might have by now finally made up the accounts of the displaced Government servants. This might, however, require relaxation of the rules for which the Auditors General in the two countries should be approached.

It was also agreed that payment authorities in respect of Provident Fund claims should invariably indicate, besides the name of the subscriber, the names of nominees, if any. If there are no nominees, the fact should be stated.

Monthly progress reports should be exchanged between the two Claims Organizations, as in the Performa (Annexure III). The first report should relate to the month of November, 1953. The report for a month should be dispatched to the other country by the 10th of the following month.

In the case of retired Government servants, anticipatory pensions should be sanctioned if any delay is likely to occur in the issue of final sanction.

It was suggested during the discussions between the representatives of the Governments of the India and Pakistan held in July – August, 1953 that both the countries should make efforts to clear the outstanding claims by the end of this year. In view of the large number of claims and the difficulties involved in their verification, it was felt that it would not be possible to adhere to the time limit referred to above. It was, however, considered that with the proposed strengthening of the C.C.Os. as also the verifying agencies, it should be possible to clear the outstanding claims by about the 30th June, 1954.

The two Officers in charge of the Claims Organizations should meet again after three months to review the progress of verification of claims.
9. Till recently the pension claims of late employees of the former Indian State forces were forwarded by the Pakistan Claims Organization to the Central Claims Organization in India. The Indian representatives stated that as already suggested by them, the pension claims of State forces personnel in India should in future be forwarded to the Controller of Defence Accounts (Pensions), Allahabad, and claims other than pensions of all military personnel to the Controller General of Defence Accounts, New Delhi. The Pakistan representatives desired that a copy of these minutes may be forwarded by C.C.O. India to the above mentioned officers with a view to ensure uniformity of procedure.

10. Lists of outstanding insurance policies financed out of the Provident Fund should be exchanged between the two claims organizations within one month so that the physical transfer of the policies is expedited.

11. The decisions in this record note are subject to ratification by the two Central Governments.

(S.M. Suleiman)    (P.G. Zachariah)
Deputy Secretary to the Deputy Secretary to the
Govt. of Pakistan.    Govt. of India.
Ministry of Finance.

Karachi,
15th October, 1953.

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3200. Extract from the Minute by Prime Minister Jawaharlal Nehru on the question of evacuee property for the Ministry of States.

New Delhi, October 18, 1953.

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2. Reference is made to what was said to me in Karachi in 1950. I have absolutely no recollection of this; but my answer to the proposal could only have been that such matters should be discussed with Mr. Gopalaswami Ayyangar. I have never been able to understand how, in existing circumstances, the Pakistan Government goes on insisting on private exchange of property. An analysis of the property will show that, apart from a very small percentage, the
vast extent of their property belongs to very petty people who cannot possibly exchange with anybody. The Pakistan proposal is advantageous to a small handful of rich people and all the others go by the board. It is wrong in equity but, apart from this, we could not possibly put it through because of the furore this would have caused among the evacuee population here, leaving out a handful of the well-to-do. At present all this property is in a common pool and every evacuee presumes that he has a share in it. If the pool is emptied of its valuable assets, then the average evacuee suffers.

3. There is no possible way out for the large number of evacuees but to have some government-to-government arrangement, whatever that might be. To say that Mr. Gopalaswami Ayyangar’s attitude was rigid has no meaning in this context. The fact is that the Pakistan Government is influenced much more than India by the richer element of the evacuees who want to profit by this transaction. Even their leaders have done well out of it. Chaudhri Khaliquzzaman has done particularly well out of it and so have others.

4. No one suggested that Pakistan should take a leap in the dark and to accept any liabilities which they cannot possibly meet. But even in small matters like the transfer of funds in banks and personal assets, there has hardly been any advance from the Pakistan side.

5. What the decision might ultimately be about our approach to this question need not worry us at this stage. But the first approach has to be to find out what these properties are. The Pakistan Government has refused to cooperate in this. A large number of small houses have fallen or are collapsing. I doubt if many of them will survive for long. In Bombay and in Delhi, the municipalities have ordered destruction of many of them. When we tried to sell these houses last year without in any way infringing on the rights of the original owners, Mr. Shoaib Qureshi objected very strongly and we stopped the auctions. Some of these houses are no more now.

6. The persons living in these houses are not interested in repairs because they have no rights on the house.

7. There are many methods of approach to this problem which would keep in view any possible burden on the Pakistan Government. None of these has been accepted and the Pakistan Government goes on saying that there must be private exchange. That we cannot accept.

8. Some agreements were definitely arrived at in Karachi when I went there. The Pakistan Prime Minister referred to them here and confirmed them. Even so, nothing has been done about them.

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Letter from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Mohammad Ali.

New Delhi, October 28, 1953.

Prime Minister’s Secretariat
New Delhi

October 28, 1953

My dear Prime Minister,

You will recollect that in the discussions at Delhi during the course of your last visit you and I had agreed that the discussions on the question regarding evacuee property might be resumed within a month. More than two months have elapsed since, but even the decisions in respect of movable evacuee properties reached in Karachi between the representatives of the two Governments have not yet been ratified by Pakistan.

2. Our Custodian General has recently returned from a visit of Allahabad, Banaras and Gorakhpur in U.P., and Patna, Gaya, and Bhagalpur in Bihar. He found that there are a large number of evacuee houses which are old and in a wretched condition. These houses have been seriously affected by the heavy rains in recent months. As a result, several of these properties have become not only uneconomic but sources of public danger. Similarly my Ministry for Rehabilitation has recently toured PEPSU and there too he was informed that the uneconomic evacuee property, of which there is a very large number, is rapidly deteriorating. It is not easy to keep the large number of properties, of all types and distributed all over India in proper repair, and more so when a fair proportion of them are old, and need heavy repairs.

3. In Bombay, the Custodian has been placed in a very embarrassing position, as in respect of some of the dilapidated evacuee properties which are in a dangerous condition, he has been served with notices by the Municipal Authorities. He has either to carry out the extensive repairs, which would amount almost to reconstruction of the buildings at disproportionately heavy cost, or face prosecution for the breach of Municipal laws. In Delhi the Municipal committee has declared a number of buildings as dangerous and served notices of demolition. I have mentioned only a few instances, but according to reports pouring in from other states the position is the same.

4. In view of this situation, which we have had to face for a long time past and especially during the past few months, we had decided to dispose of old
and dilapidated evacuee property by public auction, crediting the proceeds thereof to the evacuees' account. This was objected to by your Refugees and Rehabilitation minister. I confess that I could not understand the justification for that objection. It was in the interests of all concerned and more especially the evacuees, that we should realize as much money as possible from these houses before they became completely useless and valueless. No legal position was affected thereby. You may remember that when we were in London in June last, I drew your attention to this matter and showed you some telegrams that we had received. Naturally, you were not in possession of all the facts from your side and you suggested to us that it would be better to postpone those auctions pending further examination. In view of my desire to help in creating and maintaining a good atmosphere for our talks, I agreed to postpone the disposal of these properties and advised my Rehabilitation Minister accordingly by cable. The public auctions were, therefore, cancelled at the last moment.

5. This was nearly five months ago. I had hoped that soon after your return from England this matter at least would be decided because of its urgency. Delay simply means loss all round and no gain to anybody, apart from creating legal difficulties for us as has been pointed out above in this letter. Municipal Corporations threatening proceedings against our Rehabilitation Ministry for not demolishing dilapidated buildings which are considered dangerous.

6. During this period we have met twice and discussed many matters. In Karachi I left our Rehabilitation Adviser for full talks about various matters affecting evacuee property. These talks, though not final, did promise some results. Unfortunately, even those results have not materialized and time passes. The important issues concerning agricultural and urban immovable properties are nowhere near solution. Apart from the suffering caused to millions of displaced persons on either side, there is the danger of a large number of uneconomic properties on both sides becoming a dead loss, unless a decision is reached soon.

7. Your Minister of Rehabilitation delivers public speeches from time to time making charges against the Government of India for not falling in with his wishes. In particular, there is repetition of the suggestion that these properties should be privately exchanged. We have pointed out repeatedly that this means weighting the scales tremendously in favour of a handful of rich people at the cost of the innumerable poor on both sides. On merits this is highly undesirable. Apart from merits, there is such a thing as public feeling in a democracy and anything that we do which will be interpreted as an exploitation of the unfortunate poor by a handful of the well-to-do will be bitterly resented not only in India, but, I am sure, in Pakistan also. Therefore, we have frequently pointed out this aspect to your Rehabilitation Minister and your Government. But the same proposal continues
to be repeated. I do not quite know how to deal with this matter. Meanwhile, while we do not deal with it effectively, millions suffer. That brings no credit to either Government.

8. I would, therefore, once more emphasize the urgency of our settling the issue in regard to evacuee properties and beg of you to expedite this matter. If it is to be discussed afresh by representatives of the two governments, the sooner a date is fixed, the better.

Yours sincerely

Sd/- Jawaharlal Nehru

3202. Letter from Prime Minister Jawaharlal Nehru to Minister of Rehabilitation Ajit Prasad Jain.

New Delhi, November 27, 1953.

My dear Ajit,

...I agree with you that we cannot expect much from Pakistan. Indeed, Pakistan or rather the Government of Pakistan, appears to be in such a bad way that it is difficult to get any answer from them. I have written any number of letters to Mohammad Ali and few of them have been acknowledged. It is true that Mohammad Ali has been rather ill with typhoid. But it is also true that the Government of Pakistan is at sixes and sevens. With Mohammad Ali unwell, the situation has deteriorated still more, and nobody appears to be responsible. Our old friend, Shoaib Qureshi, is probably one of the greatest obstructions to anything being done. It is quite possible that changes may take place in Pakistan at any time.

Because of all this, little can be expected from them on the evacuee property question and after a little while we shall have to decide what to do ourselves.

You will remember that I wrote to you some time ago to have a paper prepared for the Cabinet’s consideration in regard to the evacuee property laws and like matters. I have been giving a good deal of thought to this matter and I consulted some of my colleagues in the Cabinet also. We have a strong feeling that the time has come, in our own interest, to deal with these laws in a big way. I am not talking about the past or what has been done thus far, or
of the property under the Custodians now. That is a separate matter which can be dealt with Pakistan or by ourselves. I am considering the future.

These laws, as we all know, are unique and I doubt if you will find a parallel to them at any time anywhere, except, of course, in Pakistan. They were the result of very special circumstances. We have endured them for all these years. But, undoubtedly, they come in the way of our economic life generally, and more especially of the economic life of the Muslims in India. It is not that much is done, but there is this sword hanging over large numbers of people which prevents normal business and other transactions. Psychologically it is bad.

We should, therefore, revert, as soon as possible, to normal behaviour. At the most what will happen is that some money is taken away to Pakistan. We can control exchange to some extent. But in the final analysis it just does not matter from the larger point of view. Other foreign countries can do so. Why not Pakistan?

I am, therefore, thinking now that we must take a big step and just put an end to the further application of these evacuee property laws in so far as the future is concerned. And this regardless of what Pakistan does. I feel sure that this will be the right step producing the right reactions both in India and Pakistan. It may be that the refugee element or some of them might dislike it. But we cannot ignore the larger considerations because of this.

I would suggest to you, therefore, to have a relatively brief paper prepared on this subject. It need not be detailed to being with. Only certain principles can be laid down for our consideration. We should first consider it in the Cabinet Committee and later in the full Cabinet, because it is important enough for that. Probably the actual legislation will have to be a little delayed as the preparation will take some time. If, however, our Cabinet decides definitely what we should do, we can even state it publicly that this is our intention.

We should also examine how far we can, by executive action, stop the further application of these evacuee property laws till such time as new legislation is passed.

I should like the Cabinet Committee and the full Cabinet to consider these matters in the course of the next fortnight, that is, certainly before Christmas. It might be desirable to make a brief statement in the House itself.

Yours sincerely
Jawaharlal Nehru

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Letter from Pakistan Prime Minister Mohammad Ali to Prime Minister Jawaharlal Nehru.


My dear Prime Minister,

You must forgive me for the delay in answering your letters dated the 8th October, 28th October and 27th November, 1953, on the subject of evacuee property. You are already aware of the reasons for this delay. The heavy pressure of inescapable engagements, I am afraid, still continues. I have just returned from my second long tour of East Bengal and will be leaving shortly again for another extended tour of that province.

2. In your letters dated the 8th and 28th October, you have complained of delay in ratifying the decisions reached between our Advisers in July-August last. A record of minutes of the discussions held by them in Karachi was prepared here. Subsequently the Indian Rehabilitation Ministry prepared a draft containing the agreed conclusion reached during these discussions and asked for their ratification. On examining this draft we found that there were certain deviations from the agreed decisions, one of which in any case was of sufficient importance to require fresh examination. Hence the delay. If the Government of India's draft had adhered strictly to the decisions reached in Karachi, this delay would not have occurred. However, as intimated in our letter dated November 2nd, 1953, to your Ministry of Rehabilitation, my Government have since ratified all these agreed decisions except for the item relating to preservation of sanctity of shrines and holy places.

3. As regards shrines and holy places my Government welcome the decisions reached during discussions with your officials in Karachi last August, but consider that an undecided matter included in the proposed agreement should be disposed of before it is ratified. This question has been dealt with fully in a demi-official communication dated the 7th December, 1953, addressed by our Ministry of the Interior to the Ministry of Rehabilitation, Government of India. Further progress in the matter awaits your Government's reply to that communication.

4. You have stated that without a decision on matters such as transportation charges, remittance facilities, income tax clearance certificates, deduction of custodian fees etc., which are reserved by my Government for further consideration, implementation of conclusions already reached will not be possible. Decisions on all these matters have since been taken and were communicated to your Rehabilitation Ministry in our letter No. F. 11(7)/53-P,
dated the 11th December, 1953. I trust that early action will similarly be taken at your and in regard to items reserved for further consideration by your Government.

5. You ask for an early decision on your Government's suggestions in regard to lockers and safe deposits under the custody of banks, restoration of or the payment of compensation for the properties of Joint Stock Companies allotted or acquired by Government, shares, securities, debentures etc., and bank accounts. My impression, which I conveyed to you in Delhi in August, that the Cabinet had already accepted those suggestions, was I fear incorrect. On return to Karachi I found that the matter had not been placed before the Cabinet. Those suggestions are however under our active consideration.

6. You have taken exception to the statement made in Parliament by Mr. Shuaib Qureshi on the 25th September to the effect that India had violated the Karachi Agreement of 1949 and had placed obstacles in the way of implementation of the movable property Agreement of 1950. This statement had to be made in answer to a question in Parliament. In doing so, Mr. Shuaib Qureshi had said nothing new; similar statements were made by his predecessors in the past and what he stated represents the considered views of the Government of Pakistan, which have been conveyed to the Government of India on more than one occasion. As explained by Mr. Shuaib Qureshi in his letter dated October 30th, 1953, to Mr. Jain, there is no question of this statement prejudicing the negotiation on evacuee property now in progress between our two countries. It is unfortunate that the Indian press should have made this statement an occasion for personal attacks on Mr. Qureshi.

7. You ask for my views on your Government's decision to dispose of old and dilapidated evacuee property by public auction, crediting the proceeds thereof to the evacuees' account. Such a course of action would in my view be tantamount to expropriation. Nor do I think it would be in the interest of the evacuees concerned. Some time ago your Rehabilitation Minister made an announcement to the effect that out of the rents received from evacuee property and the sale proceeds of movables some Rs. 8 to 10 crores had been credited to the "Compensation Pool" for the benefit of Indian refugees. It would be no consolation to the evacuees now in Pakistan to be told that the sale proceeds of the buildings to which you refer would also be credited to the Custodian, only to be transferred subsequently to this compensation pool.

8. You have objected to Mr. Shuaib Qureshi's statement that urban immovable property should be allowed to be sold or exchanged privately as required under the Agreement of January 1949. You fear that this would mean weighting the scales in favour of a handful of rich people at the cost of the innumerable poor on both sides. As explained to you and your Adviser during discussions in Karachi, we do not consider that this would be the case. This fear is based on
the view that the poorer refugees will not be able to come to Pakistan to sell or exchange their properties. We do not consider it at all necessary for the evacuees of one country, whether rich or poor, to go to the other to arrange private sales and exchanges. While those wishing to do so would be given every facility, it should be possible to entrust this work on behalf of the others to approved land and estate agents in both countries. So far as Pakistan is concerned, there is no dearth of such agents. Further, if necessary, Indian citizens could also come to Pakistan and set up exchange and sale organizations here if they so desired.

9. Anyhow, these were matters which needed further discussion among our representatives and if necessary, later by you and me personally. In the meantime, however, I find to my embarrassment and regret, that the Government of India have decided unilaterally to put into effect what they call the “Interim Compensation Scheme” in regard to urban immovable property, which is bound to prejudice and imperil our efforts at finding a solution of this problem. According to your Rehabilitation Minister, this scheme is conceived in the interests of more than 95% of the total number of urban claimants and a sum of about Rs.200 crores is to be distributed among 3, 90,000 persons, half of which represents the estimated value of Muslim evacuee property left in India and the balance the Government of India's contribution towards this compensation. He has further stated that a formula for giving final compensation to all displaced persons will be evolved before the interim compensation payment programme ends. This clearly means that the Government of India has decided once for all to take over all Muslim evacuee property in India and appropriate it for the purpose of compensating the refugees. Not only does this decision constitute a flagrant repudiation of the 1949 Agreement, it involves also a cruel paradox. The Custodians of evacuee property in India who had hither to claimed to act as the custodians of the owners' interest had now become frankly the instruments of expropriation.

10. Further, this decision rules out any alternative method of settling the evacuee property dispute, such as by private sales and exchanges by the owners on both sides, which I had suggested to you. As you are aware, during the last five years the evacuee property dispute has revolved almost entirely round this one central issue, namely, whether the evacuee owners should be allowed their inherent right to dispose of their property through private sales or exchanges as they wish or whether the two Governments should assume the responsibility for disposing of this property and compensating the owners. It was my hope that you and I may be able to find a solution of this problem. Before however we could carry our discussions further on this issue, I find myself presented with a fait accompli. By deciding to go ahead with the Interim Compensation Scheme, your Government has summarily debarred any further consideration of private exchanges and sales as a way of solving this problem.
11. I must confess to a feeling of profound dismay at this turn of events. I do not quite know how to deal with this matter now. Our negotiations have been gravely prejudiced. The alternative of private sales and exchanges which I had put to you and which is envisaged in the 1949 Agreement has been unilaterally and decisively ruled out. Nor is this all. By their decision, the Government of India has virtually extinguished the proprietary rights of Muslim refugees in the evacuee property left by them in India. As a result Muslim refugees have begun putting increasing pressure on my Government to make good their losses and compensate them in the same manner as India has decided to compensate the refugees out of Muslim evacuee property in India. I doubt whether my Government will now be able to resist this pressure for long.

12. I should welcome an early meeting of the representatives of the two Governments at which any matter still unresolved concerning movable evacuee property may be discussed. I suggest that they meet in Delhi by the Middle of March. As regards immovable property, however, I am at a loss to suggest how we should proceed in view of the entirely new situation created by your Government's unfortunate action, and I await your advice in the matter.

Yours sincerely

Sd/- Mohd. Ali
4.2.1954.

The Honourable Pandit Jawaharlal Nehru,
New Delhi (India).
My dear Prime Minister,

Thank you for your letter of the 4th February dealing with various questions relating to evacuee property, outstanding between our two Governments.

2. I understand from our Ministry of Rehabilitation that they have, in the interest of expediting the ratification of the decisions reached between our two Advisers* in July/August last, agreed to exclude the decisions on shrines and holy places, and that your Government have ratified the rest of the decisions, and also, given decisions on most of the outstanding matters which had been reserved for consideration. Though I cannot accept your Government’s version of the causes of delay in the ratification of the Agreement, I do not propose to enter into an argument about this question. I hope, however, that the decisions on shrines and holy places, which are the subject of a separate demi-official reference to your Ministry of the Interior; will soon be formally ratified by your Government, and that the new agreements will be implemented both in the spirit and the letter, and with all possible speed.

3. You say that the impression which you gave me during the course of our meeting in Delhi in August last, that your Government had accepted our proposals in regard to lockers and safe deposits, properties of joint stock companies, shares, securities, debentures, etc., and evacuee bank accounts, is not correct and that your suggestions are now under the active consideration of your Government. As a considerable time has elapsed since we met in August last and as you had accepted the principles underlying our suggestions, I feel that there should be no difficulty in persuading your Cabinet to accept them. You will agree with me that a decision on these matters would afford relief to a large number of refugees on both side and I trust that you will convey early acceptance of these decisions.

* Mehr Chand Khanna, and Ahmed E.B. Jaffer, Advisers to India and Pakistan Governments respectively discussed the evacuee property question in Karachi between 27 July—13 August 1953. Agreement was reached on: refund of cash securities and deposits of contractors; on Joint Committees to assess compensation where it had not been determined for immovable property allocated or acquired; release of postal articles; restoration of seized articles etc. It was decided that questions about bulk transfer of lockers, restoration of properties of joint-stock companies were to be discussed later. It was agreed that question of properties allotted to places of worship should be taken up apart from trust properties and a report on the trust properties, by Joint Committees was to be prepared within three months.
4. I must confess I have been unable to appreciate your stand with regard to the disposal of old and dilapidated evacuee property by public auction. We cannot afford to be helpless witnesses to the destruction of these properties, in many cases endangering human lives. Only recently two evacuee houses collapsed resulting in the death of seven or eight persons. These dilapidated properties cannot be saved except at a disproportionately heavy cost which is not warranted by the condition and nature of the buildings and for which funds are not available in the evacuees’ accounts. It is, I reiterate, in the interest of evacuees and it will be conducive to proper administration of evacuee property if such properties are sold and sale-proceeds thereof credited to the evacuees’ accounts. The last rainy season, as I had foreseen, has resulted in further deterioration and destruction of a number of such properties. The next rainy season is not far off and it will be necessary for us to take suitable action this time to prevent avoidable losses.

5. In para 7 of your letter, you say that my Rehabilitation Minister made an announcement to the effect that out of the rents received from evacuee property and the sale proceeds of movables, some 8 or 10 crores have been credited to the “Compensation Pool” for the benefit of Indian refugees. This is not a fact. All the money recovered as rents or sale-proceeds are lying to the credit of the Custodians in the name of evacuee owners. I wish you had first ascertained the correct facts from us before drawing inferences.

6. I now come to the most important question of immovable evacuee property. You are probably aware that prior to January 1949, i.e., in March 1948, the Joint Official Committee had recommended the settlement of agricultural evacuee property on Government to Government level, the difference between the value of such properties in the two countries being paid by one country to the other. The Inter-Dominion Conference of January 1949 had, however, deferred the consideration of this recommendation. Meanwhile, it was agreed that the two countries should exchange revenue records in respect of agricultural evacuee lands and that the six-monthly statements of rent collections of agricultural lands in the two countries should be exchanged and accounts adjusted through the Auditors-General of the two-countries. In respect of urban immovable evacuee property, it was agreed that private sales and exchanges should be permitted and also adjustments should be made in respect of rent collections from the urban property as in the case of agricultural lands. Shortly after this Agreement, however, difficulties arose in the implementation of certain provisions of the Agreement. A Conference of the representatives of the two countries was, accordingly, held in June 1949, but it failed to come to any decision. Thereafter, on the 26th July 1949, the Government of Pakistan promulgated an Ordinance banning sales and exchanges of evacuee properties and on the 30th July, 1949, we were compelled to take similar steps.
7. Since then only revenue records have been exchanged, but no rental statements in respect of agricultural or urban properties have been exchanged nor have any adjustments of rents taken place. The January 1949 Agreement has thus become a dead letter since the middle of 1949.

8. After the exchange of some correspondence, my Ministry of Rehabilitation addressed a letter to your Government in respect of evacuee property on the 15th December 1949, but this remained un-replied for almost three years. Thereafter, with a view to resolve these deadlock, my Ministry of External Affairs sent comprehensive proposals to your Government in their letter No. CS (T)/8 dated the 13th October, 1952 for the settlement of these issues. We suggested that the two Governments should take over the evacuee immovable properties left behind in their respective countries and compensate the evacuee owners according to the principles which might be decided by negotiation between the two countries. We also intimated that, if direct negotiations proved unfruitful, we would be prepared to refer the question of the method of valuation to arbitration or to an impartial tribunal agreed upon between the two countries or, if it was so desired, the matter might be referred to an international court or an ad hoc court consisting of the nominees of the two Governments. In reply, under your letter No. 3(II)8/8/52 dated the 5th March, 1953, you rejected our offer not only of Government to Government settlement but also of reference of the matter to an impartial body.

9. At this stage your predecessor, Khwaja Nazimuddin, suggested settlement of all outstanding issues between our two Governments by negotiation and personal discussion and on your coming to office, you also supported this move. As a result, you and I had a general discussion about this question in London and in Karachi and our officers discussed this question at Karachi in July/August last. In spite of these discussions, no progress has, however, been made with regard to a solution of this important issue.

10. It is against this background that you have to view our Interim Compensation Scheme. Ever since Partition, all our efforts to come to a satisfactory solution in regard to immovable evacuee property have met with failure. In the meanwhile, discontent and a sense of frustration amongst displaced persons have been mounting. Even the pending negotiations did not hold out much hope of solution and, therefore, with a view to afford some relief to a section of displaced persons, we decided in November 1953 to sanction the Interim Compensation Scheme. As its name implies, it is of an interim nature and is, for the time being, limited to certain categories of displaced persons who are in great distress. In formulating the scheme, we took care to see that it did not affect the rights of evacuees in the properties left behind.
11. The quasi-permanent allotment of evacuee property provided for in the Interim Compensation Scheme is not new in principle. Your Government have settled evacuee agricultural lands in West Pakistan on a provisionally permanent basis and we have done likewise. A temporary occupant of a house has no interest in its proper upkeep. We, therefore, felt that if a greater personal interest is created in the allottee, the properties would be better maintained and preserved. Under the Interim Compensation Scheme, the proprietary rights of the evacuee owner remains intact and I fail to understand how the scheme can be construed as having presented you with *fait accompli*.

12. You have referred to my Rehabilitation Minister’s statement to the effect that a sum of Rs. 200 crores is to be distributed as compensation amongst 3,90,000 displaced persons, half of which represents the estimated value of Muslim evacuee property left in India and the balance the Government of India’s contribution towards this compensation. This has nothing to do with the Interim Compensation Scheme but relates to the ultimate compensation scheme envisaged by us according to which the assets available for compensation will consist of the evacuee property in India, the Government of India’s contribution and such sums as we may receive from your Government on account of the difference in values of evacuee properties in the two countries. A final decision on this has, however, been deferred pending negotiations with Pakistan. We had anticipated that, in view of my personal appeals to you, it would be possible to arrive at a settlement on the evacuee property issue before the end of the present Interim Compensation programme. Therefore, your statement that the Interim Compensation Scheme constitutes a “flagrant repudiation” of the 1949 Agreement is unwarranted. This Agreement has, in any case, as I have already mentioned, remained a dead letter and the provisions regarding private sales and exchanges were rendered inoperative by the ban placed by the Pakistan Government in July 1949. The implementation of the Interim Compensation Scheme should, therefore, in my view, not come in the way of our efforts to find a solution of the evacuee property issue and I suggest that this question should also be discussed at the proposed talks in April next.

13. You have again repeated the suggestion that the urban evacuee properties might be privately sold or exchanged. We have the experience of private sales and exchanges during the few months that the Agreement of 1949 was operative. This is not encouraging. I have no doubt that the position would not be much different if the experiment is tried again. I regret to say that I do not share your faith in the effectiveness of the private agencies, but, even assuming that they function satisfactorily, in my view, this method can never constitute a complete or satisfactory solution of the whole problem.

14. We have, during the course of lengthy correspondence and negotiations,
detailed our manifold objections to private sales and exchanges and it is not necessary for me to reiterate all of them here. You will, however, agree that the sale value of property is determined largely by the rental income there from. You would be aware that soon after the January 1949 Agreement, your Government reduced the rents of evacuee urban properties payable by refugees by 80% and by other tenants by 33%. When Shri Mohanlal Saksena, the then Rehabilitation Minister, protested against this arbitrary reduction, your Government declined to consider the matter. Thus, by this action your Government have effectively depressed the value of evacuee property to the detriment of the evacuees here.

15. Apart from this, the properties are mostly occupied by refugees who cannot now be displaced and unless vacant possession of properties is given it will be difficult to find a buyer, especially in small towns. Further, if lakhs of properties are suddenly put on the market for sale, there is bound to be a fall in prices. On account of these factors, the evacuee owners will never get a fair and reasonable return by private sales.

16. According to our estimate, the value of the evacuee properties left by the Muslim migrants in India is about one-fifth of the value of the properties abandoned by the non-Muslim migrants in Pakistan. I do not expect you to accept this estimate. But I do not think that it can be seriously challenged that the value of the non-Muslim evacuee property in Pakistan is substantially higher than the value of the evacuee property in India. Private sales and exchanges, even if they were successful, could therefore, only touch a small fraction of the evacuee property in Pakistan, and it is obvious that in a scramble between private persons to sell or exchange their properties the small man will suffer the most. Your Government have not, during the course of lengthy negotiations and correspondence extending over years, even once suggested as to how the question of the large number of evacuee properties which will remain indisposed of by private, sales and exchanges will be tackled.

17. Your letter does not give any indication as to how your Government wishes to solve the problem in respect of evacuee agricultural lands. I do not think it can be seriously suggested that these can be privately sold and exchanged at this stage after a lapse of about seven years during which lakhs of refugees on both sides have been settled thereon.

18. Under the circumstances, I would request you once again to consider our proposal that the problem of evacuee immovable property should be settled on a Government to Government basis. This suggestion is not without precedent in international affairs. In our own times when a large-scale movement of population from one country to the other has taken place,—though not on anything like what happened in this continent after Partition—settlement of their properties has been reached on Government to Government level. I would, therefore, repeat
our earlier offer, namely:

(i) the two Governments should take over evacuee immovable property in their respective countries and compensate the evacuee owners;

(ii) the properties in the two countries may be valued according to agreed principles, debtor country paying to the creditor country the difference in the value of the properties left in the two countries. If direct negotiations fail, the question of the method of valuation may be referred for arbitration to an international tribunal agreed upon between the two Governments. If so desired, the matter may be referred to an international court or an ad hoc court consisting of nominees of the two Governments;

(iii) on the question of the payment of difference in value of the properties on the two sides, we feel it should be possible to arrive at a workable agreement after taking into account the paying capacity of the debtor country; and

(iv) concurrently, with the decision to settle this question at governmental level, operation of the evacuee property law may be suspended in both the countries in respect of future cases.

19. Lastly, we agree to your suggestion that the talks between the representatives of the two governments should be resumed. As this is the first week of March, I would suggest a meeting in the beginning of April or earlier as you decide. We shall be glad to receive your delegation here. I hope it will be possible then to discuss not only the outstanding matters relating to movable but also the major issue of the immovable evacuee property.—both urban and rural—and to reach a final settlement thereon. At the same time, discussions may also be held in regard to the working of the Banking Agreement of 1949 which has been inked by your Government with the question of bulk transfer of lockers. Your Finance Ministry have, I understand, already agreed to the holding of discussions in respect of the Banking Agreement at the same time as the talks in respect of the moveable evacuee property.

Yours sincerely

Jawaharlal Nehru

Hon’ble Mohammad Ali
Prime Minister
Government of Pakistan
Karachi
My dear Prime Minister,

I am writing to you about the evacuee property question, about which I have so often addressed you. It is almost a year since the officials of our two countries discussed this question. At various times during this year I have had talks with you on this subject and I have written to you a number of letters also; the last one dealing with evacuee property was on March 6, 1954.

2. A further meeting of our officers was to have been held in August 1953. It has not taken place yet, and I do not know how long we shall have to wait for it and with what prospects. After I met you in Karachi in July last, I had great hopes that it would be possible for our two Governments to agree to a realistic and workable solution of the problem. Those hopes have not been fulfilled. Indeed, apart from no effective decisions having been taken, we have not even been able to agree to a definite date for the resumption of the talks.

3. This problem is more than six years old now and my colleagues and I have given it repeated and anxious consideration, as you and your colleagues must also have done. It is unfortunate that a question involving the well-being of millions of people, both in India and Pakistan, should have remained pending all this time and that our respective Governments could not have solved it by agreement. I do not give up hope that some time or other we shall be able to agree. But meanwhile, it is becoming increasingly difficult to allow matters to drift. That is harmful to all concerned both in India and Pakistan. Both our Governments have done something for the refugees. On our part, we have also had an Interim Compensation Scheme, but this benefits only a small section of the displaced persons and others are in urgent need of succour and help.

4. Then, there is the problem of the rapid deterioration of many of these evacuee properties. Both in the interests of the evacuee owners of these properties and from the point of view of preventing the gradual collapse of these houses etc., it has become an urgent matter to deal with them in some manner. You will remember my talking to you about this in London in June last year. At your request, we postponed action then and, since then, we have been continually postponing it. Now another rainy season is near and further postponement would mean considerable loss to all concerned and, more especially, to the owners of the properties. As I pointed out to you then and later, this does not mean our affecting the rights of owners in so far as the value of those properties that are disposed of, are concerned. That right remains, and whatever is realized from
them will be held on their account till some settlement is arrived at between the two Governments.

5. Another question that has been troubling me for a long time has been the evacuee property laws which, both in India and Pakistan, are exceedingly unusual and abnormal and which have caused a great deal of harm to large numbers of people. It was my hope that we could put an end to these laws by agreement in both our countries. But as any agreement on this question of evacuee property seems to be a very long time in coming, we have decided to take action ourselves. We have come to the decision that in future these evacuee property laws should have no application. Naturally they will continue to apply to such evacuee properties as are already in control of the Custodian of Evacuee Properties or such as are being considered by him. But we shall not apply it in future. That is to say that there will be no restriction in future on anyone owning property here, whether he goes to Pakistan or anywhere else. This decision, I hope, will be appreciated by you, because it puts an end to this abnormal legislation which has affected so many people.

6. In regard to the evacuee immovable properties in India, especially the large number of petty houses etc., we have decided to take action to acquire the rights and title of the evacuee owners in these properties and to utilize these properties for giving part compensation to displaced persons. The final settlement of this problem, including that of compensation, must await the ultimate settlement between our two countries. As I have said above, this will be in the interests of the evacuee owners themselves, because it will prevent further deterioration. Evacuee owners will get credit for the values of these properties. We shall naturally proceed in this matter carefully so as to realize as high a value as possible. We intend to introduce legislation soon on both the subjects mentioned above. The legislation will necessarily take some time to pass, but it will be introduced in Parliament, we hope, fairly soon. In so far as the abrogation of the evacuee property law for the future is concerned, we shall take executive action to prevent any future application from now onwards without waiting for the passage of the legislation. In so far as the other matter is concerned, the proposed legislation will make a provision for the payment of compensation to evacuee owners in accordance with the terms of settlement that may be reached with Pakistan on a reciprocal basis. This decision on our part should not, therefore, prejudice any negotiations between our two countries in regard to the settlement of the evacuee property issue.

7. I would again suggest to you that it will be desirable for a meeting to take place of the officers of the two Governments in the near future to consider and settle the problems relating to evacuee immovable property as also the outstanding items relating to the movable property. At this conference the
progress of implementation of the agreement already reached in respect of movable property may also be reviewed and the working of the Banking Agreement of 1949 discussed. If you so prefer, we might only consider for the moment the question of moveable property and the Banking Agreement of 1949. We can consider the question of immoveable property later.

Yours sincerely,
Jawaharlal Nehru

3206. Letter from Pakistan Prime Minister Mohammad Ali to Prime Minister Jawaharlal Nehru.

Karachi, September 22, 1954.

My dear Prime Minister,

I thank you for your letters dated 6th March and 7th May, 1954, regarding evacuee property. I apologies for the delay in dealing with these letters. As you are aware, during recent months I have had to go through a usually heavy programme of engagements, with the result that disposal of some of the matters requiring my personal attention have had to be held over until I was able to find time to deal with them.

2. This question of shrines and holy places has since the receipt of your first letter been disposed on. The agreement reached between the two Advisers formally ratified by my Government last April and your Government was informed accordingly.

3. Your proposals regarding certain outstanding items of the Movable Property Agreement have been examined. I gather however, that it was agreed between the two Governments that those items should be discussed in conjunction with a meeting of the Implementation Committee of the Banking Agreement, Your Government have represented that the claims of certain Banks with regard to pledged and hypothecated goods have not been satisfied by the Custodian. These complaints cover a wide area and are being examined in consultation with the Custodian of Evacuee Property of the Punjab, As soon as this examination is complete, our Finance Ministry will be in a position to discuss the Banking Agreement when a conference could be held to deal with other outstanding items of the Movable Property Agreement as well.
4. You have reiterated your view that old and dilapidated evacuee property should be disposed of by public auction and I gather that action to that effect is already being taken by your Government. This is a clear violation of the Agreement of January 1949, which guaranteed to the evacuees their right to sell or exchange their properties. I regret I do not find the considerations advanced by you in support of this procedure as furnishing adequate justification for it, nor, I fear, would they carry conviction with the unfortunate evacuee owners thus affected. In fact we have already received a number of protests from our refugees against notices issued by Indian authorities for auctioning their properties. If the Government of India had implemented the 1949 Agreement, these properties would have been disposed of by the owners and there would have been no question of their being reduced to their present position. The Government of India have neither permitted the owners to dispose of these properties nor apparently discharged their responsibility for looking after them properly. Under the circumstances, the responsibility for the present state of these properties must rest with your Government. To make the present deplorable condition of these properties the ground now for disposing of them against the wishes of the owners seems to me to be scarcely justified.

5. In this context I had occasion to refer to an announcement reported to have been made by your Government to the effect that out of the rents received from the evacuee property and the sale proceeds of movables a sum of Rs 8 to 10 crores had been credited to the "compensation pool". On this basis I remarked that it could be no consolation to our refugees to know that the sale now proceeds of the property you were now auctioning would also be credited with the Custodians, only to be transferred subsequently to this "compensation pool", for the benefit of Indian refugees. In your letter of March 6th you have challenged this assumption and have stated that all moneys thus recovered were lying to the credit of the Custodians in the name of evacuee owners. I need not explain why I had made that assumption since in your subsequent letter of May 7 you go on to say that your Government have decided to acquire the rights and titles of the evacuee owners in those properties and to utilize these properties for giving part compensation to displaced persons. In substance therefore my fears were justified. It is true that the evacuee owners would get a book credit for the value of these properties but the persons who would immediately benefit from the proceeds of these properties would be not the owners who were being dispossessed but Indian refugees.

6. You have given reasons why urban evacuee properties should not be privately sold or exchanged, as I had suggested, but, as has been the Government of India's stand, should be disposed of on a Government-to-Government basis. I am unable to accept the validity of your contention. It seems to me, however, that further, discussion of this subject is now academic and would be fruitless
because by your decision unilaterally to acquire the rights and titles of evacuee owners in these properties you have ruled out any question of private sales and exchanges. In your letter of March 6 you assure me that the proprietary rights of the evacuee owners will remain intact under the Interim Compensation Scheme and that therefore I was wrong in construing this scheme as presenting Pakistan with a *fait accompli*. If there was any doubt that the Government of India’s policy or actions in the matter amounted to a *fait accompli*, this has been set at rest by your subsequent letter of May 7 in which you inform me that your Government has decided to acquire the rights and titles of owners in evacuee immovable property. A Bill to that effect is, I gather, already before your Parliament.

7. Your Government’s conduct in this matter has greatly perplexed and distressed me. When we met in Karachi we discussed at some length the question of disposal of urban immovable property of evacuees through private sales and exchanges as against a Government-to-Government settlement of this problem. We stated our different points of view and it was my understanding that this question would be further discussed with a view to resolving our differences. Before this could be done your Government has proceeded to expropriate the owners and has taken action which has ruled out once for all any settlement on the basis of private sales and exchanges. We have thus been presented now with only one alternative, namely, settlement on a Government-to-Government basis as demanded by your Government. To me this can hardly be called resolving differences by negotiation. Here quite frankly is an attempt to force us to settle this issue only in accordance with the Government of India’s wishes in the matter. I fail to understand how further negotiations between our two Governments can succeed if one of the parties chooses to adopt such a course.

8. I am constrained to repeat that your Government’s latest action constitutes a flagrant breach of the Agreement of January 1949. You concede that the principle of private sales and exchanges of urban immovable property was accepted in that Agreement but consider that that Agreement has become a dead letter since the middle of 1949. You also suggest that it was the Government of Pakistan who first promulgated an Ordinance banning sales and exchanges of evacuee property and that it was only later that India was compelled to take similar steps. This is not so. Let me recall the actual facts.

9. In August, 1947 the two Governments decided that a Custodian’s Department should be set up in each country to prevent illegal seizure of the property left by the evacuees and to manage it in the evacuees’ interests; suitable legislation was brought out in the Punjab (Pakistan) and the Punjab (India) to secure those objects. At the same time a series of discussions were held between the representatives of the two countries in 1947 and 1948 with a
view to devising a solution of the entire problem of evacuee property. The outcome of these negotiations was the well-known Agreement of January 1949. India had wanted that evacuee property legislation should apply to the whole of India, barring West Bengal, Assam and Tripura, but this was not agreed to by Pakistan. The Agreement defined the “prescribed areas” and “non-prescribed areas” in both countries. When the Indian representatives signed the Agreement accepting this area distinction, it was naturally expected that their Government would honour the basic understanding underlying the Agreement that the operation of evacuee property laws would be limited to the “prescribed areas” as defined therein. But within a few months of signing the Agreement, legislation was promulgated than (for) the “prescribed areas”. This was a grave violation of the Agreement and it soon became evident that the object, of evacuee property legislation in India was not to protect the interests of evacuees but to expropriate the property of as many Muslims as possible. With this radical change in India’s objective the chances of the Agreement of January, 1949 working smoothly were seriously jeopardized.

10. The conference leading to the Agreement of January 1949 had recommended the appointment of an Inter-Dominion Commission to supervise the working of the agreed arrangements. This Commission held three meetings. At its second meeting held in New Delhi in March, 1949 the Commission made certain recommendations in respect of facilities to be accorded to the owners of urban immovable evacuee property to assist them in its disposal in accordance with the provisions of the Agreement. The Commission contemplated, inter alia, centralized registration of deeds of transfer. The recommendations of the Commission were still under examination both in India and Pakistan when suddenly the Government of India demanded a complete reversal of the Agreement and proposed a settlement on a Government-to-Government basis. The Government of Pakistan protested against what appeared to them an attempt on the part of the Government of India to go back upon an Agreement which had been signed only 4 months back and which had just begun to be implemented.

11. About the middle of June, 1949, the Government of Pakistan received from India what was called “an advance copy of a draft Ordinance which is shortly likely to be enacted, for the administration of evacuee property in the Chief Commissioners’ Provinces”. This “advance” copy was actually received by Pakistan after it had become law. At about the same time it came to notice that a new Evacuee Property law had been promulgated by the Government of Bombay for their Province under the title of the Bombay Evacuees (Administration, of Property) Act 1949. The Central Ordinance and the Bombay Act contained drastic provisions for the expropriation of the properties of both
evacuee and non-evacuee Muslims. The Government of Pakistan lodged a strong protest against the introduction of these new laws in India, and in their telegram No. 2775 dated the 23rd June, 1949, pointed out that under the Ordinance a person became an evacuee even if he continued to reside in India on the mere pretext that he had acquired benefit from any evacuee property in Pakistan and Government could prohibit, transfers by evacuees or non-evacuees of property in any locality while under the Act a Muslim became an evacuee if he moved out of the Province even though he continued to reside in India, Pakistan nationals were deprived of control over property in that Province, the right of evacuees and non-evacuees to transfer their property was almost extinguished, and business had been made impossible for those who had connections outside that Province.

12. At the conference held in Karachi in June, 1949, the representatives of the Government of Pakistan urged that the new legislation promulgated in India be withdrawn, offering, simultaneously to examine and resolve by mutual discussion any difficulties that might have been experienced in the working of the Agreement of 1949, even though its implementation had only just started. But India took no notice of Pakistan's protest or her conciliatory offer, and instead went ahead with her new legislation not only in the Province of Bombay but also in the other Provinces. Quite clearly, the Government of India were not thinking of any difficulties in the working of the Agreement of January, 1949; they were anxious rather to discard it completely. According to the well-known Ayengar X-Y-Z formula, Indian refugees were to be compensated out of a pool comprising (1) value of Muslim evacuee property in India (X), (2) Pakistan's contribution (Y),& (3) Government of India's contribu-tion (Z). In its attitude to the January 1949 Agreement, therefore, India was motivated, in the first place, by a desire to seize as much property of her Muslim nationals as possible, (“X” in the Ayengar formula for compensation), and, in the second place, to obtain the maximum amount of compensation from the Government of Pakistan, (“Y” in the Ayengar formula). Mr. Ayengar, accordingly, made it plain at a conference in New Delhi on the 21st July, 1949: our object must be to obtain as large a compensation for the evacuee property in Pakistan as possible in the course of what might be protracted negotiations spread ever several years. With “Y” in the formula, as explained by its author, India could not work the Agreement of 1949 or allow it to be worked; she had to go back upon it and demand a Government-to-Government settlement. She could not restrict the operation of evacuee property legislation only to “prescribed” areas, or allow private sales and exchanges to “continue because “X” in the formula required that the evacuee property pool in India must expand as much as possible, and not contract by private sales or exchanges. No wonder the Custodian-General of India, Mr.
Achhru Ram, subsequently interpreted his Government’s policy in a judicial pronouncement as follows:

“The Government of India had also taken a firm decision that the problem of evacuee properties in the two countries should be settled by the Government of each country acquiring all evacuee property lying within its territories on a fair valuation, the value of evacuee property in one country being set off against the value of similar property in the other, and the difference between the two values if any, should be paid by the debtor country to the creditor country.”

As a result of this decision, all private transactions in respect of evacuee property were banned. The above mentioned two Ordinances were promulgated in furtherance of these decisions, and legislative provisions on the same lines were also put into force in all the Indian provinces excepting Assam and West Bengal.

13. The two Ordinances referred to by Mr. Achhru Ram were the East Punjab Ordinance IX of 1949 dated the 10th July 1949 and the Central Ordinance XII of 1949 dated the 13th June, 1949. The Bombay Act, which prohibited transfers of evacuee property under section 8(1) read with sub-section (4) (b), was perhaps the earliest in this series dated 17-5-1949. The Pakistan Ordinance banning private transactions was brought out on the 26th July, 1949.

14. In the face of these facts the suggestion that the provisions regarding private sales and exchanges were rendered inoperative by the ban placed by the Pakistan Government in July 1949 is not justified. The background of this prohibitory legislation given by India’s own Custodian-General and reproduced above makes it clear that the initiative in banning private sales and exchanges had been taken by India. It was only when she was forced to do so by Indian action that Pakistan promulgated legislation prohibiting such transfers, much against her own wishes.

15. Having fixed their objective irrevocably the Government of India had to find reasons to justify their violation of the Agreement of January 1949. The Union Rehabilitation Minister came out with an allegation on the 4th June 1951 that private sales and exchanges were not being permitted so that during the months when this method was tried only one sale took place in Pakistan, whereas in India the Agreement was being fully implemented although there were not more than 49 sales and exchanges during that period. The Pakistan Minister for Rehabilitation gave the following reply:

“From the information received from the Custodians of Evacuee Property
it appears that not less than 27 exchanges and 207 sales of evacuee urban immovable property had been confirmed in Pakistan up to the 31st July, 1949. In Karachi and Sind, however, there was some delay in the appointment of the Custodian of Evacuee property, but when he was appointed, he was flooded with applications for confirmation of transfers. Thus, up to the 31st May, 1951, he had confirmed 1,999 sales in addition to many cases of exchange. All these transfers took place before the end of July, 1949, and were allowed to be confirmed subsequently in pursuance of the terms of the Agreement”.

The relative figures quoted above regarding sales and exchanges which took place in India and Pakistan show that while private sales and exchanges were freely allowed in Pakistan they were not in India and it was there that this formula was not even given a fair trial.

16. You have mentioned that prior to the January 1949 Agreement, i.e. in March, 1948, the Joint Official Committee had recommended the settlement of agricultural evacuee property on Government-to-Government level. This recommendation was however not unqualified. Actually what the Committee recommended was:

“(1) The Dominion in which the evacuee agricultural property is situated shall acquire it on payment of fair value except that part thereof in respect of which the Government concerned has accorded permission for exchange or sale by treaty or has allowed restoration.

(2) Whenever permission to sell or exchange is granted by Government concerned, the owner shall be free to (i) exchange or sell his property privately; or (ii) claim restoration of his property for management either directly or by agents appointed by him in his behalf.

It would appear that the Joint Official Committee contemplated a mixed formula for agricultural property: (a) acquisition by Government, (b) liquidation by private sale and exchange or (c) management by the evacuee owners or their agents. The “draft scheme” it was called was not adopted or even discussed at the Inter Dominion Conference held in January, 1949 and was deferred for further consideration. The opportunity for further consideration did not arise because the Government of India almost simultaneously started violating the agreed provisions of the Agreement of January 1949.

17. You have complained that since Partition all your efforts to come to a satisfactory solution in regard to immovable evacuee property have met with failure. But what have these efforts been? I regret to say that they all boil down to
one and only one thing, namely, that Pakistan must agree to a settlement of this issue on a Government—to-Government basis so that Government of India could, in conformity with their objective, “obtain as large a compensation from Pakistan as possible. In other words a “satisfactory solution”, according to your Government, seems to me to be a solution only on their own terms. Your Government’s latest decision to acquire all rights and titles in evacuee property is in line with this same settled policy. Apart from the fact that this action constitutes a breach of faith with the evacuee owners and a contravention of the January 1949 Agreement, it impose a wholly unnecessary administrative and financial responsibility on the Government which would be compelled to take over and dispose of thousands of properties scattered over the entire length and breadth of the country. It is a responsibility which Government’s machinery is ill-fitted to discharge. It is most unfortunate that since that Agreement was signed nearly 5 1/2 years have been wasted on account of the uncooperative attitude of the Government of India. If during this period the Agreement had been given a fair trial, the whole corpus of immovable evacuee property would probably by now have been liquidated by the evacuees themselves to their own satisfaction.

18. There is one other matter arising out of your letter to which I feel I must advert. I notice that your Government claims that the value of evacuee property in Pakistan is substantially higher than the value of evacuee property in India. It was perhaps on this assumption that the Government of India decided to ignore the provisions concerning “prescribed areas” in the Agreement of January 1949 and have since then been acquiring Muslin property on various pretexts all over India so that the value of evacuee property in Pakistan should equal the value of evacuee property in India. My Government do not accept your estimate of the present value of evacuee property in India and Pakistan. They consider that it is based on wholly unreliable data. After entering into the Agreement of January 1949 my Government have not interested themselves in the question of over-all valuation, of evacuee property, but they have watched with interest the efforts made by your Government to evaluate Muslin evacuee property in India and Hindu and Sikh evacuee property in Pakistan. Where, however, the avowed object was “to obtain as large a compensation from Pakistan as possible” these evaluations were bound to be vitiated.

19. I am anxious that the evacuee property dispute should be settled as indeed I am most eager and anxious that all major disputes between India and Pakistan should be resolved as early as possible. But the policy hitherto pursued by your Government in respect of this dispute in utter disregard of agreements and our views fills me with despair. The latest decision of your Government to dispossess evacuee owners of all rights and titles in their property has completely
altered the whole situation. It has destroyed the very basis on which our discussions were being conducted and I find myself at a loss to suggest how we should proceed further in this matter.

Yours sincerely

Sd/- Md. Ali
(Mohammed Ali)
21.9.1954

The Honourable Pandit Jawaharlal Nehru,
Prime Minister of India,
New Delhi (INDIA)
only express the hope once again that the Government of Pakistan will agree to meet the representatives of the Government of India to settle the principles according to which compensation should be paid to those who have lost their properties as a result of forced migration from one country to another. I have no doubt that with goodwill on both sides a solution will be found.

Yours sincerely

Jawaharlal Nehru

3208. SECRET

Telegram from High Commissioner of India in Pakistan
C. C. Desai to S. Dutt Foreign Secretary.

Karachi, April 7, 1955.

TELEGRAM

From : Hicomind, Karachi
To : Foreign, New Delhi

Dutt From Desai.

MEHR CHAND KHANNA accompanied by me met GHULAM MOHD just before lunch this morning. MEHR CHAND referred to GHULAM MOHD's spectacular visit to Delhi on the Republic Day despite weak health and said a new hope had been created which should be availed of to settle outstanding issues and particularly to redress grievances causing hardships to individuals in both countries. MEHR CHAND mentioned about the difficulty of release of lockers created on this side when there was general desire in both countries for earliest possible release of shares, securities, lockers, safe deposits and money and articles withheld by the two governments. GHULAM MOHD said that he had already sent for Rehabilitation Minister AMIR AZAM and that there should be no difficulty in settling this point thus paving way for ratification of agreement recently reached between the two official teams in March.

2. As regards exodus from East Bengal MEHR CHAND pointed out that there must be some definite and compelling reason forcing people to migrate
Telegram from Indian High Commissioner C.C. Desai to Commonwealth Secretary S. Dutt regarding meeting of Rehabilitation Minister Mehr Chand Khanna with Pakistan Prime Minister Mohammad Ali.

Karachi, April 8, 1955.

From: Hicomind, Karachi
To: Foreign, New Delhi

IMMEDIATE

No. 224 April 8, 1955

Dutt from Desai

Mehr Chand Khanna met P.M. this morning for half an hour. I was present. Talk related to two matters namely Moveable Property Agreement and Migration from East Bengal. As regards Moveable Property Agreement Mehr Chand pointed out that practically everything has been settled except question of lockers about which Pakistan attitude understandable. There is no nexus between release of lockers and Muslim accounts in India and in any case we had agreed release of accounts, but we desired similar treatment of lockers.
7784 INDIA-PAKISTAN RELATIONS

on both sides. We have retified Agreement by 31st March as stipulated but not yet done by Pakistan. Mohamad Ali said that he did not understand why there should be any difficulty about release of lockers and would speak about it to his Rehabilitation Minister who has just returned. Mehr Chand said that if matters still remain unresolved he would come and bother Mohamad Ali so that final decision reached while he is still here.

2. As regards migration, Mohamad Ali did not deny increase in exodus although his information was that about eight thousand monthly against real figure of 25 thousand last month. Mohd. Ali mentioned the reported desire of West Bengal to oust Biharis by inviting labour and agriculturists from East Bengal and was eloquent about Bengali nation language unity and culture as against request of India and even Moghuls in old days. Mohd Ali also referred to abolition of zamindaris and said that this caused certain amount of pressure on Namasudras who might be leaving on that account. Ultimately he ended up by saying that Ghyasuddin Pathan was going East Bengal and would study situation and take necessary steps. Mehr Chand pointed out that there had been no liberalization of benefits or concession to refugees and that East Bengal Hindu was definitely unwelcome to West Bengal Hindu and therefore cause for migration must be traced to insecurity and difficulties in East Bengal.

3. Mehr Chand meeting Rehabilitation Minister AMIR AZAM before lunch today. There will also be full meeting under auspices of Interior Ministry tomorrow afternoon which would be presided over by Iskander Mirza and where communications, migration and khokhrapar and other subjects might come up for general consideration.

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Karachi, April 12, 1955.

The Pakistan Minister for the Interior, Major General Iskander Mirza, and India’s Minister for Rehabilitation, Mr. Mehr Chand Khanna, held discussions in Karachi on the 9th April, 1955, and subsequent days, in regard to migration from one country to another, improvement in rail communications, improvement of travel facilities between the two countries, and exodus of members of the minority community from East Pakistan. The Ministers were assisted by official Advisers.
2. Complete agreement was reached in regard to all matters discussed. The Ministers agreed that travel between the two countries should be facilitated by the provision of a less cumbersome system of visas and establishment of additional checkposts and authorized routes between the two countries. It was agreed to establish two authorized routes on the West Pakistan border, one at Khokhrapar and the other at Gandasinghwala. It is expected that establishment of the authorized route via Khokhrapar with railway facilities and checkposts will lead to bona fide travelers using this route with valid travel documents and that the movement of unauthorized persons without travel documents will cease.

3. Restoration of Railway communications between West Pakistan and India and through running of railways between West Bengal and Assam through East Pakistan was also discussed.

4. On the question of the exodus of members of the minority community from East Pakistan, the Ministers agreed that confidence should be restored as rapidly as possible among the minority community in East Pakistan. The Government of Pakistan has assured the minority community that their interests and security would be fully guarded and that returning migrants would be taken back to their homes and their properties restored to them.

3211. SECRET

Record of decisions of the meeting held on April 17, 1955 on the transfer of evacuee accounts under Banking Agreement 1949 and release of lockers and safe deposits under the Moveable Property Agreement of 1950.

The question of transfer of evacuee accounts under the Banking Agreement of April, 1949, and release of lockers and safe deposits under the Moveable Property Agreement of 1950 was discussed between the Hon’ble Minister for Finance and the Hon’ble Minister for Refugees & Rehabilitation, Pakistan and the Hon’ble Minister for Rehabilitation, Government of India, assisted by their respective officers.

2. As a result of these discussions, it was agreed that

(i) & (ii) the banks functioning in India and Pakistan will transfer en bloc, irrespective of the question of realization of assets, all the Muslim accounts
mentioned in paragraph 1(a) and (b) of the Banking Agreement of April 1949 and non-Muslim evacuee accounts of individuals in Punjab (P) and Bahawalpur, together with funds for payment to depositors: the banks functioning in India and not in Pakistan and having no realizable assets in Pakistan will also transfer en bloc all the Muslim accounts mentioned in para 1(a) and (b) of the Banking Agreement of April 1949 together with funds for payment to depositors in Pakistan: similar facilities will be accorded to non-Muslim evacuee accounts of individuals in Punjab (P) and Bahawalpur in the case of banks functioning in Pakistan but not functioning in India and having no realizable assets in India;

(iii) the banks which are functioning in India and not in Pakistan but have realizable assets in Pakistan will transfer en bloc, irrespective of the question of realization of assets, accounts equal in value to half the amount of each Muslim account mentioned in para 1(a) and (b) of the Banking Agreement of April, 1949. Simultaneously, they will transfer funds equal to the amounts in the accounts transferred less any cash lying with the banks and the amounts payable under (iv) below. The balance of the accounts will be transferred and the funds provided by the realization of the assets, and if necessary, by a further transfer of funds, as provided for in para 6 (f) of Part II of the Conclusions of the Indo-Pakistan Conference of March, 1955. Similar facilities will be accorded to non-Muslim evacuee accounts of individuals in Punjab (P) and Bahawalpur in the case of banks functioning in Pakistan but not functioning in India and having realizable assets in India. (N.B. the provisions of (i), (ii) & (iii) above will also apply to minors’ accounts)

(iv) the Governments concerned will ensure that all amounts standing to the credit of the banks with the custodian or lying with Government Departments or with courts for payment to the banks, are credited to the accounts of the banks concerned by 31-7-55. The Governments concerned will also ensure that payments are made to the banks in respect of moveable properties belonging to or pledged or hypothecated with the banks and taken over by the custodian or Government Departments, by 30.9.1955; and

(v) the accounts and funds, as contemplated under (i) to (iii) above will be transferred by 30.11.1955; by the same date, lockers and safe deposits in both the countries against which there are no third-party claims will be released en bloc; lockers against which there are third party claims should also be released at the same time after the settlement of third party claims.
3. The Pakistan Government will give facilities for effecting sales of evacuee immovable property mortgaged or chargeable in favour of banks, with a view to effecting recovery of the dues of the banks concerned from the evacuee borrowers. Both Governments will use their good offices and give every facility for the realization of the debt due to the banks including debts from evacuee borrowers.

4. An Implementation Committee, consisting of 2 or 3 representatives of each country, will be set up forthwith for overall supervision of the implementation of the decisions taken in respect of moveable property, evacuee claims and the Banking Agreement. The Committee will meet alternately in each country once a month. Any difficulties which cannot be resolved by the Committee will be reported by the members of the two countries to their Governments forthwith.

5. The relevant portions of Part II of the “Conclusions” of the Indo-Pakistan Conference held in March 1955, will be suitably modified in the light of the above-mentioned decisions.

6. The Hon'ble Minister for Rehabilitation, India, mentioned that, as the Ministry of Finance, Government of India, was concerned with the Banking Agreement, his agreement to these decisions was subject to the concurrence of the Hon'ble Minister for Finance, India.

7. The above arrangements would be subject to ratification by the two Governments.

Sd/- M.A. Mozaffar  Sd/- K.P. Mathrani
17.4.1955 17.4.1955

3212. Press Communiqué issued after talks between Minister of Rehabilitation Mehr Chand Khanna and Pakistan Minister of Refugees and Rehabilitation Sardar Amir Azam.

Karachi, April 17, 1955.

The Indian and Pakistan Delegations, consisting of Hon’ble Mr. Mehr Chand Khana, the Union Minister for Rehabilitation India, and the Hon’ble Sardar Amir Azam, Pakistan Minister for Refugees & Rehabilitation met in Karachi and held a series of discussions on the outstanding questions of transfer of bank accounts under the Banking Agreement of 1949 and the bulk release of lockers and safe deposits under the Movable Property Agreement of 1950.
2. As a result of these discussions, an agreed procedure for the transfer of such accounts and the release of lockers and safe deposits has been evolved which it is hoped will give early relief to displaced persons in either country. The decisions are subject to ratification by the two Governments.

3. Thus all the outstanding problems between the two countries relating to the movable property of evacuees and the bank accounts have been resolved.

4. It has also been decided to set up an Implementation Committee consisting of 2 or 3 representatives of each country for overall supervision of the implementation of the decisions taken in respect of movable evacuee property, evacuee claims and the Banking Agreement. This Committee will meet once a month, alternately in each country.

3213. Letter from Pakistan Ministry of Rehabilitation to Ministry of Rehabilitation.


Government of Pakistan
Ministry of Refugees and Rehabilitation
Karachi

No. F. 12(2)/55 – P.

From: A.R. Qureshi, Esq.,
Deputy Secretary to the Government of Pakistan.

To: The Secretary to the government of India,
Ministry of Rehabilitation,
New Delhi.

Subject: Ratification of the conclusions of the Indo–Pakistan Conference held at Karachi from 1st to 12th March, 1955 and the proposals agreed upon in April, 1955 at the Ministerial level.

Sir,

With reference to the correspondence ending with your letter No. 8(2)/55 – N, dated the 1st April, 1955, I am directed to convey the ratification by the Government of Pakistan of the agreed conclusions of the Indo – Pakistan Conference held at Karachi from the 1st to the 12th March, 1955.
2. As the Government of India are aware the Review of the Banking Agreement incorporated in Part II of the “Conclusions” was further considered in April, 1955 in a series of discussions between the Hon’ble Ministers for Refugees and Rehabilitation and Finance, Pakistan on the one side and the Hon’ble the Minister for Rehabilitation, India, on the other and an agreed formula was drawn up embodying the principles governing the transfer of bank accounts, safe deposits and bank lockers. The Government of Pakistan has since considered this agreed formula also and are pleased to ratify the same. After this agreed formula has been ratified by the Government of India it will be necessary to revise the detailed arrangements included in Parts II (Review of the Banking Agreement) and IV (Articles deposited with Banks – Lockers and safe deposits.) of the “Conclusions” in the light of this formula. I am to request that the ratification by the Government of India of this agreed formula may kindly be communicated to this Government at an early date.

3. The Government of Pakistan has noted the decisions of the Government of India on the items which the Indian Delegation had promised to consider further and have the following observations to make:-

(1) **Part I of the Conclusions. Revised Implementation Instructions (1) and (2). Export of personal jewellery - Para (7).**

The Government of India has agreed that the limit of Rs. 2,000/- on export of personal jewellery of evacuees may be withdrawn on a reciprocal basic subject to suitable checks being devised to ensure that the case is bona fide. It is not clear what kind of checks the Government of India propose to introduce. This Government would suggest that the diplomatic certificate [vide Para 3, Annexure I to the Revised Implementation Instruction (2)] issued by the Liaison Officer should be accepted for purposes of establishing the bona fides of a particular case. Any other arrangement which leaves the matter to the discretion of the Customs authorities at the border may be misused and may bring the implementation of this part of the Agreement to a standstill. If the Government of India accept this view, suitable provision will be made in the fresh implementation instructions to be issued.

A detailed note on the specific cases in which personal jewellery of evacuees was withheld or confiscated by the Customs authorities in India is being prepared and will be furnished to the Government of India soon.

(2) **Property of migrants detained by Customs authorities – Para (8).**

The Government of Pakistan note that the Government of India agree that the movable property of migrants detained at the border stations by the Customs authorities should be restored by the two Governments on a reciprocal basis without payment of any storage and demurrage charges. The position with
regard to such property said to be held by the Customs authorities in Pakistan is being ascertained from the authorities concerned and will be intimated to the Government of India in due course.

(3) **Settlement of claims in respect of provident fund and pensions of Punjab Government servants who have migrated from one country to the other. (Part VIII of the Conclusions – Miscellaneous items – Financial item 9).**

The Government of India have stated that they would furnish a detailed note on the subject for the consideration of this Government. In the meantime they suggest that both the countries should remove the Custodian's ban on the payment of such claims. As the Agreement already provides for the removal of the Custodian's ban on the payment of such claims it is not clear what further action is required other than making the necessary provision for this decision in the fresh implementation instructions that are to be issued under this Agreement.

4. The Government of India's decisions on the under mentioned items are still awaited and I am to request that these may kindly be expedited:-

(i) Restoration of cash of individuals and commercial concerns taken over by the Custodians or the movable assets of the latter converted into cash by the Custodians (Part I – Revised Implementations (1) and (2) – Para 21).

(ii) The removal of restrictions on the export, exchange and transfer of shares and debentures held by the evacuees on the 27th February, 1951, in Joint Stock Companies of the other Country (Part VI – Para (1) of the Conclusions).

(iii) The removal of restrictions on export of securities and other investments falling to the share of Defence Units (Regimental Funds), and ex – all India institutions such as Red Cross, St. John Ambulance, Lady Defferin Fund etc. (Part VI – Para (3)).

(iv) Facility for payment of Life Insurance Accounts – (Part VIII – item 1).

(v) Transfer of postal certificates and saving banks accounts applications which were not registered by the prescribed dates and payment of the value of postal life insurance policies (Part VIII – item 13).

5. The decisions of the Government of Pakistan on some of the items which the Pakistan delegation promised to consider further are given below:-

(i) **Part I – Revised Implementation Instructions (1) and (2) – Para (6).**

The question of deduction of 50% on account of Custodian’s charges in the lists
of sale proceeds of movable property received from the N.W.F.P. has been examined by this Government. It transpires that the Government of the N.W.F.P. had deducted 50% on account of Custodian’s charges by virtue of the provisions of the North West Frontier Province Property (Temporary Acquisition) Ordinance, 1947 and the North West Frontier Province Protection of Evacuee Property and Rehabilitation of Refugees Ordinance, 1948. As these ordinances had been issued by the N.W.F.P. Government prior to the Central Ordinance XVIII of 1948 and much before the Movable Property Agreement of 1950 was concluded, there are certain legal difficulties involved in the case. However the matter has been referred to the Government of N.W.F.P. and a further communication will be sent to the Government of India.

(ii) Revised Implementation Instruction (5) Seized Movable Property.

The Government of Pakistan agree to the suggestions made by the Government of India that in the case of fire – arms left with friends and not declared so far, both the Governments may simultaneously issue a Press note in their respective countries to the effect that such persons were at liberty to declare such fire – arms in their possession and that this possession would be condoned by the Government concerned. The Government of Pakistan also agree that a period of three months may be given for the declaration of such fire – arms. I am to request that a draft Press note may kindly be furnished to this Government which may be issued simultaneously by the two Governments on an agreed date.


The Government of Pakistan have, considered the proposal of the Indian delegation that a retired High Court Judge of the undivided India may be nominated to function as an umpire in cases of disagreement between the members of the Implementation Committee. This Government are of the opinion that, apart from the practical difficulty of obtaining the services of an umpire who would be acceptable to both the Governments the object underlying the suggestion would not be served, as the Implementation Committee under the Banking Agreement would be called upon to settle problems of a practical nature requiring practical solutions. These problems would not involve legal issues requiring the assistance of a highly placed judicial authority. I am, accordingly to suggest that cases of disagreement should be referred to the two Governments for decision in consultation with each other.

The point raised in Para 7 (a) of Part II of the “Conclusions” that the provisions in respect of evacuee immovable property mortgaged or chargeable in favour of banks as referred to in clauses (iv) and (v) of Para 8 of the Banking Agreement should be implemented by the Pakistan authorities is now covered by Para 3 of
the agreed formula relating to the transfer of Bank Accounts which is being ratified by this Government. It is presumed that no further action on this point on the part of this Government is required.

As regards India’s proposal for en bloc transfer of accounts of Companies, Private Firms, Partnerships, Institutions and Clubs, it is suggested that this question may be discussed when the general question of transfer of accounts of Clubs, Institutions, etc., is taken up.

(iv) Part IX Para 2.

With regard to the proposal made by the Indian delegation that cases of disagreement among the members of the Joint Committees to be set up under the Revised Implementation Instructions (2), (4) and (6) should be referred to a retired High Court Judge of the undivided India this Government would suggest that the other alternative of referring such cases of disagreement to a High Court Judge of the country where the Joint committee is functioning, which is more practical, may be finally adopted.

The remaining outstanding points are still under the consideration of this Government and a further communication will be sent to the Government of India in due course.

6. With regard to the question of setting up an Implementation Committee to watch the overall progress of implementation of the agreed decisions, I am to observe that the intention was that this Committee should meet once a quarter and that the first meeting should be held in July, 1955 vide Para 1 of part IX of the “Conclusions”.

Para 4 of the agreed formula drawn up as a result of discussions at the Ministerial level in April, 1955, however, provides that the Implementation Committee should meet once a month. It seems that at the time of drafting this paragraph, the decision taken at the Secretariat Conference was overlooked. Since the Implementation Committee has to watch the progress of implementation of the decisions relating to the movable property, evacuees’ claims and the Banking Agreement as a whole, it would have to contact the Liaison Organizations and the Field Officers scattered all over the country and to prepare the agenda on the basis of the difficulties experienced in the actual working of the Agreements. It would be impracticable for the Committee to collect sufficient material to hold a meeting every month. Monthly meetings would be too frequent and unnecessary. If in course of time it is felt that monthly meetings should be held, the Implementation Committee could always do so. The Government would, therefore, suggest that the provision in Para (1) of part IX of the
“Conclusions” for the Implementation Committee to meet once a quarter should stand and the subsequent proposal of the Committee meeting every month dropped.

7. As the Government of India are aware, the displaced persons in both the countries have been looking forward to these Agreements with anxious hopes and it is believed that the implementation of the Agreements would render considerable relief to them. It is desirable therefore, that the Agreements should be released in extenso for the information of the displaced persons in both the countries. I am accordingly to suggest that both the Agreements may be released to the public on an agreed date. If the Government of India accept this proposal, they may kindly indicate the date on which the Agreements may be released to the public simultaneously in both the countries.

8. Para 1 of part IX of the “Conclusions” provides that the implementation Instructions would be revised or fresh instructions issued in the light of the agreed decisions taken at the Conference. This Government would suggest that fresh consolidated instructions may be issued to all concerned on the basis of the two Agreements now signed. A draft of consolidated instructions may be prepared by each Government and exchanged between the two Governments. The draft instructions may then be finalized at a meeting between the representatives of the two Governments.

9. In conclusion I am to invite a reference to Para 3 of part IX – General – of the “Conclusions” and to say that in view of the fact that fresh implementation instructions have still to be drafted, the target dates for the implementation of the various items of the agreed conclusions would have to be suitably revised. As the issue of fresh Implementation Instructions may still take a month or so, the Government of Pakistan would suggest that the target dates be put back by three months in each case. The Government of India’s concurrence to this proposal is requested.

Your obedient servant

Sd/- A.R. Qureshi
Deputy Secretary
1. In order to expedite verification and payment of claims of contractors and other dues from Government departments, semi – Government and other Local Bodies in the two countries, it has (in pursuance of the decisions of Indo – Pakistan Conference held on 18 -20 December 1950) been decided that the amounts due from Government and quasi – Government bodies should not be deposited with the Custodians of Evacuee Property but such payments should be made to the evacuees after verification of the claims through the Central Claims Organization of either country and on issue of payment authorities by it. Evacuee’s dues already deposited with the Custodians will also be payable against authorization issued by the Central Claims Organization.

2. The two Governments have decided that besides claims in respect of salary pension, provident fund, security deposits etc. of Government servants and servants of states and Local Bodies now being processed by the Central Claims Organization, the Organization will hereafter process the following claims also outstanding against Government and quasi – Government bodies in the other country :-

(i) Claims of contractors of all types (including claims against States and Local bodies) for supplies and services rendered; for refund of earnest money, securities etc., and refund of deposits on account of sale of surplus stores.

(ii) Securities deposited by claimants on account of Ration shops, Food Grain Syndicates, liquor shops etc.

(iii) Securities deposited by treasury contractors.

(iv) Claims of evacuees in respect of court deposits of minor and others under the guardianship of courts and deposits lying with the Courts of Wards and the Manager, Encumbered Estates, in ‘non – mass migration’ areas and also in ‘mass migration’ areas where one of more parties interested in such deposits is / are non – evacuee / s.

(v) Determined deposits of claimants in Courts and decree claims in favour of claimants where the money is payable by or lying with Govt. or quasi – Government bodies.

(vi) Dues of claimants payable by Cooperative institutions including Railway Cooperative societies and also societies in undivided Bengal and Assam, if they were catering for Central Government employees only.
NOTE: Claims against cooperative societies in undivided Bengal and Assam and in areas covered by the Banking Agreement of April, 1949 (except those mentioned above) will be settled separately under existing arrangements between the divided Provinces of Bengal and Punjab.

(vii) Dues (including pay, leave salary and Provident Fund etc.) of University employees and dues of examiners payable by Universities including the Punjab University Lahore and Jamia Millia, Delhi.

(viii) Refund of examination fees due to claimants from Universities.

(ix) Revenue deposits payable to claimants.

(x) Scholarship due to students.

(xi) Provident Fund dues and pension claims of ex – employees of the Reserve Bank of India.

(xii) Claims for compensation to shareholders of the Reserve Bank of India.


(xiv) Claims for refund of the value of defective and damaged India Notes.

3. In regard to claims of contractors of all types (against the undivided Government of India for supplies and services rendered, for refund of earnest money, securities etc., and refund of deposits on account of sale of surplus stores) it is not necessary to file fresh claims where such claims have already been submitted by the contractors to the authorities concerned in India in accordance with the Government of India Press Communiqué of May 22/23, 1948. In cases where verification has already been committed, payment authorities will be issued forthwith through the Central Claims Organization. In cases where information is lacking further enquiries will be made by the Central Claims organization from individual applicants.

4. As regards security deposits, whether made in the form of cash, Government securities, insurance policies, postal saving certificates, savings bank accounts, deposit and receipts of books etc., the Governments of India and Pakistan have decided that the depositors should not be penalized for non – fulfillment of conditions of the contract due to migration.

5. Claims against Assam and the divided provinces of Punjab and Bengal, falling within the categories (i), (ii) and (iii) in Para 2 above, will not be processed through the Central Claims Organization. There are separate arrangements for the settlement of such claims. Payments in such cases will be made
against the payment orders issued by authority appointed by the Government concerned in this behalf without the interference of the Custodians of Evacuee Property.

6. All concerned are requested to forward their claims in duplicate to the Officer – in – charge (Claims) Central Claims Organization ‘P’ Block, New Delhi by 30th, September, 1955. Application form prescribed for the purpose can be obtained from the Central Claims Organization. As there is a separate form for each item, applications for forms should clearly state the item or items in respect of which a claim or claims have to be filed. A separate application should be submitted for each individual claims.

Ministry of Rehabilitation.
New Delhi, dated 15th May, 1955.

3215. Letter from Ministry of Rehabilitation to Pakistan Ministry of Refugees and Rehabilitation.

New Delhi, July 9, 1955.

Government of India
Ministry of Rehabilitation
New Delhi

No. 8 (2)/55 – N the 9th July, 1955

From : Shri P.G. Zachariah,
Deputy Secretary to the Government of India.

To : The Secretary to the Government of Pakistan,
Ministry of Refugees & Rehabilitation,
Karachi.

Subject: Ratification of the conclusions of the Indo – Pakistan Conference held at Karachi from 1st to 12th March, 1955 and the proposals agreed upon in April, 1955, at the Minister level.
Sir,

I am directed to invite a reference to the correspondence resting with Mr. Qureshi’s letter No. F. 12 (2)/55 – P, dated the 15th May, 1955, on the subject mentioned above and to communicate the views of the Government of India on the various points raised therein.

2. Government of India have already ratified the decision reached in April, 1955, between their Rehabilitation Minister and the Pakistan Ministers for Finance, and Refugees & Rehabilitation regarding the transfer of evacuee bank accounts and release of lockers and safe deposits of evacuees. While conveying the ratification it was stated that Parts II and IV of the Conclusions of the Conference of March, 1955, would be revised in mutual consultation in the light of those decisions. A draft of the revised parts II and IV of the conclusions will be sent separately for the concurrence of the government of Pakistan.

3. As regards the export of personal jewellery of evacuees, you have suggested that the diplomatic certificate issued by the Liaison Officer should be accepted for purposes of establishing the *bona fides* of a particular case and any other arrangement which leaves the matter to the discretion of the Customs authorities at the border may be misused and may bring the implementation of this part of the Agreement to a standstill. Personal jewellery of evacuees would fall under the following four categories, namely:

(i) Those recovered from buried treasures;

(ii) Those restored by Custodians and Government Departments;

(iii) Those in safe deposit with banks or kept in lockers; and

(iv) Those left with friends and relations.

In the case of (i), in addition to the luggage certificate granted by the Liaison officer, the articles should be accompanied by a copy of the inventory duly signed by the officers conducting the buried treasure operations. In the case of jewellery restored by the Custodian or a Government Department, there will be the certificate of the restoring authority. A copy of the same should also be enclosed with the luggage certificate granted by the Liaison Officer. Jewellery forming part of safe deposit articles or the contents of lockers will be transferred *en bloc* in accordance with the Agreement on the subject and no special certificate is, therefore, necessary. In the case of jewellery lying with friends and relations, it will be appreciated that it is desirable to have some sort of a check with a view to ensure that the concession is not abused as the Liaison Officer may not in every case be able to satisfy himself about the *bona fides* of the applicant.
evacuee. In such cases the customs authorities will have to exercise a certain amount of discretion, particularly where the value of jewellery is very substantial as compared to the status of the evacuee.

4. It is presumed that the position with regard to property of migrants detained by Customs authorities in Pakistan has since been ascertained from the authorities, and I am to request that necessary information may kindly be communicated to this Ministry as early as possible.

5. As regards the settlement of claims in respect of the provident fund and pension of Punjab Government servants who have migrated from one country to the other, the Central Governments of both the countries have agreed that the Custodians’ ban on the payment of such claims should be removed. The Government of India are of the view that suitable instructions in this behalf should issue to Custodians etc. straightaway; and that the same need not wait for the issue of the Consolidated Implementation Instructions under the Movable Property Agreement.

6. Regarding the items on which Government of India’s decisions have yet to be communicated, which have been referred to in paragraph 4 of Mr. Qureshi’s letter cited above, I am to say that items (ii), (iv) and (v) are still under examination and the final views of the Government of India will be communicated as soon as possible. As regards item (i), namely restoration of cash of individuals and commercial concerns taken over by the Custodians or the movable assets of the latter converted into cash by the Custodians, the Government of India would be glad to know what action is being taken by the Pakistan Government to separate the evacuee and non-evacuee interests in commercial concerns where all the partners are not evacuees. In India, a statutory machinery has been set up for the purpose in accordance with the provisions of the Evacuee Interest Separation Act, 1951.

In regard to the removal of restrictions on export of securities and other investments falling to the shares of the Defence Units (Regimental Funds) and ex – All India Institutions such as Red Cross, St. John Ambulance, Lady Duffrin Fund etc., the Government of India agree to the suggestion, subject to the clarification that the removal of restrictions on export would apply only to the agreed shares of the two countries in such funds etc. after the division of funds has been effected.

7. As regards the items on which the decisions of the Government of Pakistan are awaited and referred to in paragraph 5 of Mr. Qureshi’s letter under reply, I am to observe as follows:-
(i) **Part I – Revised Implementation Instructions (1) and (2) – Para (6).**

The Government of India would be glad if the decision in the matter is expedited. As regards legal difficulties, I may point out that in order to implement the decision taken under the Movable Property Agreement that the custodian’s fee wherever chargeable should be limited to 10 per cent, the Government of India have had to amend the Administration of Evacuee Property (Central) Rulers, 1950. It is presumed that the Government of Pakistan would for this purpose similarly consider the desirability of amending their Evacuee Property Law and Rules there under, if necessary.

(ii) **Revised Implementation Instruction (5) Seized Movable Property.**

A draft Press Note has been attached to the Consolidated Implementation Instruction No. 5 sent to you with Shri K.P. Mahtrani's D.O. letter No. 8 (2)/55 – N, dated the 8th July, 1955.

(iii) **Part II – Review of the Banking Agreement – Para 5.**

The Government of India acquiesce in the suggestion of the Pakistan Government that cases of disagreement should be referred to the two Governments for decision in consultation with each other.

It is confirmed that in view of paragraph 3 of the agreed formula relating to the transfer of bank accounts which has since been ratified by both the Governments, further action is required on the part of the Pakistan Government in respect of immovable evacuee property mortgaged or chargeable in favour of banks.

As regards India’s proposal for *en bloc* transfer of accounts of companies, private firms, partnerships, institutions and clubs, you have suggested that the question may be discussed when the general question of transfer of accounts of clubs, institutions etc. is taken up. There appears to be some misapprehension in the matter. The proposal of Indian Delegation in this behalf was that in regard to accounts of companies, private firms, partnerships, institutions and clubs with the accounts in the areas covered by the *en bloc* arrangements should be allowed the benefit of *en bloc* transfer; while those in the other areas should be transferred on the basis of individual applications as provided in Para 8(a), part II of the conclusions of the Karachi Conference of March, 1955. This proposal is separate from the question of the transfer of accounts of clubs, institutions, societies, trusts and statutory bodies referred to in the last sub paragraph.
of Para 9(c) of part II of the conclusions of the Karachi Conference of March, 1955. It will be observed that it related specifically to the accounts of clubs, institutions, societies, trusts, statutory bodies in which both the countries are interested involving a division of their assets. I am accordingly to request that India’s proposals relating to the accounts of companies etc. referred to in the first sub Para of Para 9(c) of the conclusions of the Karachi Conference of March, 1955, may be considered independently of the question of transfer of accounts of clubs, societies etc. in which both the countries are interested.

(iv) **Part IX Para 8 – Appointment of an Umpire.**

In deference to the views of the Government of Pakistan, the Government of India agree that cases of disagreement among the members of the Joint Committee, to be set up under the Revised Implementation Instructions (2), (4) and (6), may be referred to a High Court Judge of the country where the Joint Committee is functioning.

8. The Government of India are still awaiting the further communication promised by you in regard to the remaining outstanding points, and I am to request that the decisions of your Government on these points may kindly be expedited and communicated to this Ministry as early as possible.

9. As regards your suggestion that the provision in Para I of part IX of the conclusions for the implementation Committee to meet once a quarter should stand and the subsequent proposal that the Committee should meet every month should be dropped. I am to invite your attention to **D.O. No. 890/PSMR** dated the 23rd May, 1955, from the Union Minister for Rehabilitation, India, to the Hon’ble Chaudhari Mohammad Ali, Minister for Finance, Pakistan and latter’s reply **No.H.M.F. – 162/55** dated the 15th June, 1955. Accordingly the Implementation Committee would meet once every two months alternately in each country.

10. The Government of India accept your suggestion that the agreement should be released *in extenso* for the information of the displaced persons in both the countries simultaneously on an agreed date. A draft of the agreement revised suitably in the light of the further decisions taken by the two Governments and the altered target dates will be sent for the concurrence of the Government of Pakistan shortly.

11. A draft of the consolidated Implementation instructions relating to the Movable Property Agreement has already been sent to you with Shri. K.P. Mathrani’s **D.O. letter No. 8(2)/55 – N** dated the 8th July, 1955. Draft Instructions relating to the implementation of the Banking Agreement will follow.
12. As regards the target dates for the implementation of the various items in the draft Implementation Instructions, we have put them back by two months with the suggestion that they may be extended by another month, if you consider it necessary.

Yours faithfully

P.G. Zachariah
Deputy Secretary to the Government of India

3216. Letter from Minister of Rehabilitation Mehr Chand Khanna to Pakistan Minister of Refugees and Rehabilitation Sardar Amir Azam Khan.

Calcutta, October 10, 1955.


My Dear Sardar Sahib,

During our talks in Karachi in April last, we were able to resolve the difference between the two Governments in respect of the outstanding items relating to movable property, viz., the bulk release of lockers and safe deposit and the transfer of evacuee bank accounts. I hope the implementation of these decisions will commence soon.

2. I am writing this with regard to the major issue relating to immovable property — both urban and rural — which still remains unresolved. As you know the question of settlement of immovable evacuee property between the two Governments has been pending for over 6 years. The last discussions on the subject were held during my visit to Karachi in July-August, 1953 when I raised the question with your delegation and also discussed it with your ex-Prime Minister, Mr. Mohammed Ali. Unfortunately, we did not make any progress, and it was decided that the talks should be resumed shortly. But nothing has happened so far except for the exchange of a few communications between our two Prime Ministers with a view to reopening the negotiations.

3. All the outstanding matters relating to the movable evacuee property having been settled, I would suggest that we should now hold discussions in order to
find a solution in respect of immovable evacuee property. The happiness of lakhs of people on either side depends very largely on the solution of this vexed problem. Having enjoyed the hospitality of your Government on more than one occasion, I would welcome the opportunity of receiving you and your delegation in New Delhi on any date convenient to you. I shall be grateful for an early reply.

With kind regards.

Yours sincerely

Sd/- (Mehr Chand Khanna)

The Hon'ble Sardar Amir Azam Khan,
Minister for Refugees & Rehabilitation,
Government of Pakistan, Karachi.

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3217. Letter from Ministry of Rehabilitation to various State Governments in India.

New Delhi, November 1, 1955.

Government of India
Ministry of Rehabilitation
New Delhi

No. 8(2)/55 – N

the 1st November, 1955

From : Shri. P.G. Zachariah.
Deputy Secretary to the Government of India.

To : ALL STATE GOVERNMENTS
(Except West Bengal, Assam, Manipur, Tripura And Jammu & Kashmir).
All Custodians of Evacuee Property.

Subject: Indo – Pakistan Agreement on movable property of evacuees, June 1950 – Consolidate Implementation Instructions.

Sir,

I am directed to say that a conference between the representatives of the Governments of India and Pakistan was held in Karachi from the 1st to the 12th March, 1955 to review the Indo – Pakistan
Agreement of June, 1950 relating to the movable property of evacuees. The agreed conclusions reached at this conference having been ratified by the two Governments, agreed Consolidated Implementation Instructions have now been drawn up for the guidance and compliance by the authorities concerned. A copy of these instructions is enclosed. The authorities who are required to take action on the various provisions of the Agreement have been indicated in the margin of these instructions.

2. I am to request that action as provided for in these instructions may now be taken by the appropriate authorities.

Yours faithfully

P.G. Zachariah
Deputy Secretary to the Government of India

Copy forwarded for information and action, wherever necessary to:-
All Ministries of the Government of India.
Cabinet Secretariat.
Partition Secretariat.
Planning Commission.
Custodian General of Evacuee Property.
Comptroller & Auditor General of India, New Delhi.
Pay and Accounts Officer, Ministry of Rehabilitation, New Delhi.
High Commissioner for India in Pakistan, Karachi.
Deputy High Commissioner for India in Pakistan, Lahore.

Kanwar Basadur
Under Secretary to the Government of India

CONSOLIDATED IMPLEMENTATION INSTRUCTIONS

CONSOLIDATED IMPLEMENTATION INSTRUCTION No. I –
STOPPAGE OF SALE AND DISPOSAL OF MOVABLE PROPERTY.

No sale or disposal otherwise of evacuee movable property should be made except in cases where this is required under the appropriate Implementation Instruction. This is necessary in order to enable the evacuee owners to exercise their rights under the Movable Property Agreement.
2. The stoppage of sale and disposal is applicable to all movable property whether in the custody of the Custodians or other authorities also to seized property of evacuees.

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CONSOLIDATED IMPLEMENTATION INSTRUCTION No. 2 –

RESTORATION, REMOVAL AND DISPOSAL OF PERSONAL AND
HOUSEHOLD MOVABLE PROPERTY AND TRADE GOODS AND
MERCHANDISE.

A - EXPORT FACILITIES

Evacuees were hitherto allowed to remove their movable property to the other country without export or import restrictions and without customs duties except in the case of the following types of movables:

(a) Machinery and machine parts other than bona fide personal and household machinery like typewriters, sewing machines, bicycles, refrigerators, radios, motor cars, gramophones, electrical goods, musical instruments and professional instruments, apparatus and equipment.

(b) Merchandise and trade goods.

(c) Unsewn cloth in excess of what a family may reasonably be deemed to have acquired for normal personal and household use.

(d) Cattle.

(e) Cash.

(f) Bullion.

The movables falling under the categories, (a) to (f) above, will also now be allowed to be removed to the other country without export or import restrictions and without customs duties in cases where they are restored by the Custodians, or form part of seized movables, or are recovered from buried treasures or released under the Transfer of Evacuee Deposits Act, 1954.

2. To ensure that facilities for export of movable property are not claimed by persons other than evacuees, the following criteria shall be used to determine whether the property sought to be taken to the other country belongs to an evacuee or not:

(a) In the case of accompanied luggage, the evacuee character of the owner can be determined from the Visa for visit to the country granted by the diplomatic representative of the country visited.
(b) In the above case and in other cases, such as luggage which is unaccompanied or is accompanied by an authorized agent, a certificate granted by the diplomatic representative of the evacuee’s country to the effect that to the best of his knowledge the luggage is the property of the evacuee and that he has no reason to believe to the contrary, may be taken as proof of the fact.

3. In the case of luggage certified by the diplomatic representative, a list of the luggage certified by that authority should also accompany the luggage. In the case of accompanied luggage unsupported by a certificate from the diplomatic representative, the Customs authorities should use their discretion in determining whether the luggage is of a character and quantity which can reasonably be deemed to belong to that evacuee or his family, discretion being exercised in spirit of liberality.

4. The movables falling under the categories (a) to (f) mentioned in paragraph 1 above which are restored by the Custodian of Evacuee Property or released under the Transfer of Evacuee Deposits Act or form part of the seized movables should be accompanied by a list thereof signed by the Custodian of Evacuee Property or the officer restoring the seized movables or “the transferable deposits” in addition to the luggage certificate of the Liaison Officer provided for in Para. 2 above.

5. Notes and coins restored by the Custodians or forming part of the seized movables or recovered from buried treasures in Pakistan should be permitted to be exported to India after being sealed in parcels in the presence of the officers of the two countries.

6. In the case of India coins and notes restored by Custodians or forming part of the seized movables or recovered from buried treasures in India the Government of India will, on production of a certificate from the Custodian of Evacuee Property or the officer restoring the seized movables or the officers conducting buried treasure operations, permit remittance to Pakistan of equivalent amounts at the official rate of exchange.

7. Bullion, similarly restored or recovered, would be permitted to be exported by either Government under a certificate of the Liaison Officer mentioned in clauses (a) and (b) of Para 2 above after it has been sealed in parcels in the presence of the representatives of the two countries.

8. The restrictions on the export of jewellery in excess of Rs. 2,000 in value will not be applied in respect of personal jewellery of evacuees. This jewellery will fall under the following four categories:-

(i) Jewellery recovered from buried treasures,
(ii) Jewellery restored by Custodians, and Government Departments,
(iii) Jewellery in safe deposits with banks or kept in lockers of banks, and
(iv) Jewellery left with friends and relations.

In the case of (i), the jewellery should in addition to the Luggage Certificate granted
by the Liaison Officer, be accompanied by a copy of the inventory of the jewellery
signed by the officers conducting the buried treasure operations.

In the case of (ii), the jewellery should, in addition to the Luggage Certificate
granted by the Liaison Officer, be accompanied by a list thereof signed by the
Custodian of Evacuee Property or the officer restoring the jewellery.

In the case of (iii), where the lockers and safe deposits are transferred under the
Governmental arrangements, no further formalities will be necessary. Where
the contents of lockers or safe deposits are removed by the evacuee owners or
their agents, they should be sealed in packages with the seals of the Custodians
or the Officer authorized by him and the Manager of the Bank concerned.

In the case of (iv), the articles should be accompanied by the Luggage Certificate
which should be granted by the Liaison Officer after making full enquiries and
after satisfying himself that the jewellery is the personal property of the evacuee
concerned left with a friend or relation prior to his migration.

9. The Customs officials should note that the Agreement is to be implemented
in spirit of friendship and co-operation and that no petty harassment is inflicted
upon evacuees or their agents.

B. HOUSEHOLD AND PERSONAL PROPERTY AND
TRADE GOODS AND MERCHANDISE

10. Six copies of the lists of household and personal property of evacuees in
the custody of Custodians should be prepared in Statement No. I (Performa
attached) if not already done. Four copies of the lists should be sent to the
Ministry of Rehabilitation by the 30th November, 1955, for en bloc exchange
between the diplomatic representatives of India and Pakistan by the 31st
December, 1955, and two retained by the Custodians for record and future use.

11. Six copies of the lists of trade goods and merchandise, lying with Custodians,
Port Trusts, Clearing agents, private firms etc. against which there are third party
claims, should similarly be prepared in Statement II (Performa attached) and four
copies of such lists should be furnished to the Ministry of Rehabilitation by the
30th November, 1955, for en bloc exchange by the 31st December, 1955, through
the diplomatic representatives of the two countries.
12. Six copies of the lists of trade goods and merchandise lying with Custodians, Port Trusts, clearing agents, private firms etc. against which there are no third party claims should also be prepared in Statement No. IIA (Performa Attached). Four copies of such lists should be furnished to the Ministry of Rehabilitation by the 30th November, 1955, for en bloc exchange by the 31st December, 1955, through the diplomatic representatives of the two countries.

13. The Deputy High Commissioners of the two countries should intimate to each other by the 15th December, 1955, their readiness to exchange the complete lists (Statements I, II and IIA) in respect of all the districts in their respective countries.

14. After the lists have been exchanged, the owners would be notified by the respective Governments to claim restoration or disposal of the property included in the lists by the 30th September, 1956, or six months from the date of the exchange of lists whichever is later.

15. Where no such claim is made or where the owners are not in a position to make arrangements for their removal or disposal, the property may, at the discretion of the High Commissioner/Dy. High Commissioner of the other country, be allowed to be removed to his headquarters for such action as may be considered necessary by him.

16. The properties not taken over by the evacuee owners for removal or sale and not required to be sent to the headquarters of the High Commissioner/Deputy High Commissioner may be disposed of by the Custodian concerned by auction in the presence of the representative nominated for this purpose by the High Commissioner/Deputy High Commissioner. At least one month’s notice should be given to the diplomatic representative of the other country and the dates and places of auction communicated to him. Where the diplomatic representative objects to the auction being held, further action, in this behalf, shall be stayed. In this connection, Custodians of Punjab (I), PEPSU and Himachal Pradesh should deal with the Deputy High Commissioner for Pakistan at Jullundur; while the Custodians of other States should deal with the High Commissioner for Pakistan in India, New Delhi.

17. After the lists (Statement Nos. I, II and II – A) have been exchanged, the articles which are deteriorating may be disposed of by the Custodians in accordance with the procedure laid down in paragraph 16 above.

18. In the case of property disposed of under paragraphs 16 and 17 above, the sale proceeds should be passed on to the High Commissioner/Deputy High Commissioner concerned after deducting the Custodian’s fee at 10 per cent.,
besides storage and other charges in the case of trade-goods and merchandise, together with a list of the articles sold, the names of the evacuee owners, the amount realized and the net amount payable to the evacuee in each case. A copy of each of such lists should be sent to the Ministry of Rehabilitation.

19. The evacuees should be allowed to put forward their claims in respect of the items not included in the lists (Statements I, II and II – A) by the 30th April, 1956. Thereafter no claims would be entertained. Claims in respect of outstanding items of the value of Rs 500 or above only will be entertained and duly processed. Where the evacuees have already put forward their claims or the Government or the diplomatic representative concerned has already initiated action, it will not be necessary for the evacuees to put forward their claims again.

20. A consolidated list of all claims not included in the exchanged lists will be prepared and the Liaison officers of the two countries would meet once a month to review the progress of the disposal of such cases.

22. Individual cases where difficulties arise in such restoration may be brought to the notice of the Ministry of Rehabilitation by the Liaison Officer of the other country.

23. Lists of cases where difficulties have arisen in actual implementation of these provisions may be exchanged between the two countries, and their Liaison Officers might meet once a month to review such cases in order to facilitate the restoration of the articles with the assistance of the authorities concerned.

24. At the time of restoration of the property to the evacuee owners under these arrangements, the Custodians should not formally divest themselves of the control over the property, whether personal and household effects or trade-goods, so that the evacuee owners may take away the property to the other country or dispose it of within the same country without any interference by third parties.

25. Personal and household property left with friends and relations may be allowed to be removed to the other country by the 29th February, 1956, and no extension should be given after that date.

26. The household and personal property of bank employees left with the employer – bank should be treated as that left with friends and relations and restored accordingly, provided that the articles in question should not include anything of the nature of bank deposits or lockers etc.

27. Where a complaint is made to the Custodian that the friend or relation with whom the property was deposited, had refused to restore it, the Custodian
shall make a summery inquiry into the complaint and, if he is satisfied that
the property in question is evacuee property, take steps to restore such
property to owner or the diplomatic representatives.

28. In respect of movable properties other than trade – goods and
merchandise where articles are physically taken over by the evacuee owner
or by the High Commissioner/Deputy High Commissioner, neither the
Custodian’s fee nor the storage charges should be levied.

29. Third party claims should be admitted only against trade – goods and
merchandise. Such claims should be against the particular business only
and not in respect of other dealings of the evacuee unconnected with the
business.

30. Payments already made by the Custodians before February, 1954, in
respect of third party claims against movable property will not be reopened.

31. No new third party claim will be invited or entertained after the 22nd
January, 1954 against trade goods and merchandise, excepting charges for
storage or those created by Courts or those of banks in respect of pledged or
hypothe cated goods. Such claims of the banks must have been registered
with the Custodian concerned by the 31st March, 1954.

32. Trade – goods and merchandise against which there are third party
claims will be restored only after such claims have been settled. The forum
for adjudication of third party claims would be a Joint Committee composed
of one officer of the status of a senior civil Judge or an Additional District
Judge each from India and Pakistan.

33. Where the Custodian’s assessment of the third party claim, as shown
in Statement II, is accepted by the evacuee owner, the case will not be
referred to the Joint Committee.

34. Movable properties consisting of trade – goods and merchandise which
have not been restored and are required by the Government for public purposes
may be acquired on payment of their estimated value. The value shall be
estimated and the amount paid to the diplomatic representative of the other
country before the property is taken over by the Government. Where the
evacuee owner does not accept the estimated valuation already made, the
case will be referred to the Joint Committee appointed under Consolidated
Implementation Instruction No.4 for assessment of compensation. In case
the property acquired is already held by the Provincial Government, the value
should be assessed and the amounts paid to the diplomatic representative
as soon after the acquisition as possible. The Custodian should send and list of the properties acquired under these arrangements to the Ministry of Rehabilitation.

C. PERSONAL KIT OF THE NON–MUSLIM GOVERNMENT SERVANTS OF N.W.F.P.

35. The personal effects of the displaced non–Muslim Government servants of North West Frontier Province which they deposited with some Government officials in Peshawar and other places at the time of migration should be handed over to the Property Field Officer of the Government of India at Lahore who will make arrangements for the taking over of the kit and its transport to India.

D. MOVABLE PROPERTY OF DEFENCE PERSONNEL LEFT IN DEPOTS/UNITS/CENTRES IN INDIA AND PAKISTAN AT THE TIME OF PARTITION.

36. The procedure already evolved by the Indian General Headquarters as in Annexure ‘A’ of which the first two stages had been completed in both the countries should be followed by the Ministry of Defence in consultation with their Pakistani counterpart and the movables exchanged en bloc between the nominees of the Defence Headquarters of the two countries by the 31st December, 1955. The relaxation agreed to in regard to the export of the movables referred to in paragraph I above will apply in these cases. Personal fire – arms the possession of which is not banned under the normal regulations will be exchanged en bloc at the same time.

E. MOVABLE PROPERTY OF THE EVACUEE STAFF OF THE SURVEY DEPARTMENT OF INDIA.

37. The household and personal effects other than those pledged with the U.P. Union Bank Ltd., of the employees of the Survey Department of India who opted for Pakistan should be restored to the Liaison Officer of the Government of Pakistan, New Delhi. The Liaison Officer will take charge of these movables and make arrangements for their transport to Pakistan. As regards the movables pledged with U.P. Union Bank Ltd., these should be released and restored to the Liaison Officer of the Government of Pakistan after the Bank’s claims are satisfied by the evacuees.

F. GENRAL

38. The Liaison Officer of the other country may correspond with the Assistant Custodian or the Deputy Custodian concerned, as the case may be, regarding the objections made by the evacuee owners.
39. A copy of the Press Note issued for the benefit of the evacuees for claiming restoration of their movables is enclosed (Annexure B).

STATEMENT I

List of personal and household movables lying with the Custodian of Evacuee Property.

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of the evacuee owner with his last known address</th>
<th>Particulars of articles lying with the Custodian</th>
<th>The place where the articles are lying with the know name of the nearest Railway Station</th>
<th>Remarks if any</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
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<td>2.</td>
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<td>3.</td>
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<td>5.</td>
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CONSOLIDATED IMPLEMENTATION INSTRUCTION No.3

ARTICLES DEPOSITED IN BANKS – LOCKERS AND SAFE DEPOSITS.

The following procedure should be observed for the release of lockers and safe deposits:-

(1) Third party claims against articles in lockers and safe – deposits in the custody of banks in areas where they have not been invited so far should be invited by the Ministry of Rehabilitation before 31st October, 1955, and one month’s time should be allowed for the filing of the claims. Accordingly in the case of Punjab (P), N.W.F.P., and Bahawalpur where third party claims have already been invited, no fresh claims will be invited.

The claims should be in respect of articles actually deposited or pawned with an evacuee by persons who have not migrated and they should not be in respect of other dealings of the evacuee. The last date for the submission of these claims should be 30th November, 1955 and thereafter no third party claims should be entertained. A copy of the press note issued in this connection is enclosed (Annexure C.)

Six copies of the claims received should be compiled by the Custodians and four of them supplied to the Ministry of Rehabilitation by 31st December, 1955 for exchange between the diplomatic representatives of the two countries by 31st January, 1956.

(2) Simultaneously with the exchange of the lists of third party claims, the diplomatic representatives of the two countries will also exchange lists
of lockers and safe deposits in the custody of banks to be transferred
to the other country, details being given separately for different
branches of the bank. For this purpose six copies of such lists should
also be prepared, four copies being supplied to the Ministry of
Rehabilitation by 30th November, 1955 positively.

(3) The safe deposits and lockers of evacuees against which third – party
claims have been received will be opened by an Officer of the bank in
the presence of the Custodian or an officer nominated by him and the
evacuee owner, or in his absence the diplomatic representative of the
other country. If necessary legal sanction for such opening of the
lockers and for the holding of redemption money would be provided in
favour of the Bank concerned by the Government of the country. If on
opening a locker or safe deposit the specific article in respect of which
there is a third party claim is found it will be kept aside in the custody
of the bank pending the settlement of the claim. The remaining articles
of the evacuee owner against which there is no third party claim would
be re – deposited in the bank, and will be handed over to the diplomatic
representative of the other country at the time of general release of
lockers and safe deposits.

(4) The third party claims in respect of articles in safe deposits or lockers
would be adjudicated upon by a Joint Committee consisting of one
officer of each country. In deciding the claims the Joint Committee
would be guided, among other things, by the reasonable accuracy of
the particulars supplied by the claimant.

(5) After a claim has been adjudicated upon in the manner provided in (4)
above, the claimant would be given the choice to redeem his articles
by payment of the amount adjudicated upon by the Joint Committee.
If he fails to redeem the article within three months of the intimation to
him of the amount due from him the article would be sold by the
Custodian in the presence of the diplomatic representative of the other
country and the representative of the bank, and the surplus amount, if
any, after meeting the dues of the evacuee pawnee would be paid to
the pawner. The redemption money due to the evacuee pawnee would
be deposited with the bank and will be handed over to the diplomatic
representative; of the other country at the time of the general release
of lockers and safe – deposits.

(6) Where any lockers and safe deposits were opened under the authority
of the Custodian and their contents removed, these should be restored
at the time of the release of lockers and safe deposits after making deductions for storage charges or third party claims etc. admissible under these arrangements. If the contents of such lockers and safe deposits were disposed of in whole or in part their sale – proceeds should be handed over to the diplomatic representative of the other country at the time of the release. A list of such lockers and safe deposits opened by the Custodian together with the particulars of their sale proceeds, if any, should be prepared in statement II – B (Performa attached) and furnished to the Ministry of Rehabilitation by the 30th November, 1955 for exchange along with other lists by 31st December, 1955.

(7) The banks’ claims for storage charges including those already paid by the Custodians of Evacuee Property on behalf of the evacuee owner should be cleared before the lockers and safe deposits are released. The banks should be called upon immediately to prepare and submit by 30th November, 1955 statements of such dues for being handed over to the diplomatic representative of the other country at the time of exchange of lists under (2) above. That Officer would arrange payment of the dues before the lockers and safe deposits are handed over to him.

(8) The lockers and safe deposits of evacuees including those of jewelers and bullion dealers released under these arrangements would be allowed to be exported to the other country without any export or import restrictions and without any customs duties.

(9) The general release of lockers and safe deposits in the custody of banks should be effected by the 31st May 1956, by which date the bank accounts and funds (in the manner and to the extent provided for) are to be transferred under the arrangements agreed upon in connection with the review of Banking Agreement.

(10) At the time of bulk release of lockers the banks’ cabinets of which 70 per cent or more are evacuee lockers may be transported bodily to the other country if desired by the Bank concerned. In such cases the contents of the non – evacuee lockers, if any, would be transferred to some other cabinet of the same bank or some other bank nominated by the central bank of the country concerned before the cabinets are transported. For this purpose the banks should give sufficient notice to the non – evacuee owners and the contents of such lockers should be transferred in their presence or in the presence of their nominees.
STATEMENT II – B

Statement showing particulars of lockers and safe deposits opened under the authority of the Custodians.

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of evacuee owner</th>
<th>Name and Branch of the holding</th>
<th>Particular of contents of safe Deposite or Locker Opened</th>
<th>Sale Proceed Realized if any</th>
<th>bank charge paid by custodian</th>
<th>Net account col.5 minus col.6</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2.</td>
<td>3.</td>
<td>4.</td>
<td>5.</td>
<td>6.</td>
<td>7.</td>
<td>8.</td>
</tr>
</tbody>
</table>

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CONSOLIDATED IMPLEMENTATION INSTRUCTION NO. 4

ASSESSMENT AND PAYMENT OF COMPENSATION FOR MOVABLE PROPERTY ALLOTTED OR ACQUIRED.

1. The compensation for movable property allotted or acquired by Government will be assessed by Joint Committees consisting of one officer from each Government of the status of a senior civil judge or additional district judge, appointed for the purpose. One such Committee should be set up immediately in each country and additional Committees should be set up as and when necessary.

2. It will be the duty of the Committee/Committees to assess compensation payable in respect of such property and to arrange for the payment of such compensations as quickly as possible. The Committee/Committees will in addition be required to adjudicate third party claims under Consolidated Implementation Instruction No. 2 (Para 32), third party claims in respect of articles in safe deposits or lockers in the custody of banks under Consolidated Implementation Instruction No. 3 (Para 4), third party claims in respect of buried treasures under Consolidated Implementation Instruction No. 6 (Para 6), third party claims in respect of sale proceeds of movable property under Consolidated Implementation Instruction No. 7 (Para 8) and to assess compensation for the property of non-evacuee joint stock companies acquired or allotted by Government under Consolidated Implementation Instruction No. II (Para 6).

3. In order to facilitate the work of the Joint Committees, the Custodians should, where necessary, in consultation with the State Governments, prepare six copies of each of the following statements as Performa enclosed [Statements No. III, III (a), IV and IV (a)]:-

(i) Cases of movable property (other than property of evacuee joint stock companies) in which compensation has already been assessed and
amount recovered by the Custodian in whole or in part (Statement No. III).

(ii) Cases of movable property of evacuee joint stock companies in which compensation has already been assessed and the amount has also been recovered by the Custodian in whole or in part [Statement No. III (a)].

(iii) Cases of movable property (other than property of evacuee joint stock companies) in which compensation has not been assessed (Statement No. IV).

(iv) Cases of movable property of evacuee joint stock companies in which compensation has not been assessed [Statement No. IV (a)].

The Custodian should ensure that approximate value of the movable property acquired or allotted is invariably shown in statement Nos. IV and IV (a).

4. Four copies of each list mentioned in paragraph 3 above should be furnished to the Ministry of Rehabilitation by 30 - 11 - 1955.

5. These lists should be exchanged between the diplomatic representatives of the two countries by 31 - 12 - 1955.

6. After the lists have been exchanged and notified, the evacuee owners will be allowed a period of one month for informing their respective Governments whether the approximate valuation of property as shown in column No. 4 of statements No. IV and IV (a) is acceptable to them. Where the assessment is acceptable to the parties concerned, the case would not be referred to the Joint Committee and payment would be made on the basis of the approximate valuation.

7. In cases where compensation has already been assessed and the amount has also been recovered by the Custodian, the Joint committee is only to see that the recovered amount is paid to the diplomatic representative within one month.

8. In cases where assessments have already been made, but the amounts have either not been recovered or have been partially recovered, the Joint Committee will lay down the manner in which the amounts due should be recovered. It should be ensured that the amounts are recovered and payments made within three months.

9. In cases where no assessment has been made, the Joint Committee will proceed to make the necessary assessment and lay down the manner of its recovery.
10. In the case of personal and household effects as defined in section 7(3) of the Agreement of January 1949 the evacuee owner will have the right to restoration of these effects if he has exercised this right before 30 – 4 – 1956. In case he has not exercised this option for restoration by that date the Joint Committee will proceed to make assessment etc.

11. To help the Joint Committee in their work, the Rehabilitation Departments, District Officers or Police, as the case may be, who have records of earlier inventories or assessment etc. should give full facilities to the Committees for examination of such records.

12. After the Joint Committee has either ascertained or prescribed the amounts recoverable, the Custodians will give all cooperation in recovering such amounts by the exercise of their powers to recover the dues as arrears of land revenue.

13. The above principles are laid down for the guidance of the Joint Committee who may adopt such other principles in addition to these as may be found necessary and equitable.

14. The money recovered by the Custodians will be paid to the diplomatic representative of the other country together with a list showing:-

(a) Particulars of evacuee owners;
(b) Brief particulars of the property;
(c) The amounts payable in each case.

15. The assessment and payment of compensation should be completed by the 31–3–1956; where this is not possible, the compensation should be paid on the basis of approximate value shown in Statements IV and IV (a) by the 30 – 6 – 1956.

STATEMENT No. III.

Cases of movable property (other than property of evacuee joint stock companies) in respect of which compensation has already been assessed and amount recovered by the Custodian in whole or in part.

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of evacuee owner with known Address</th>
<th>Detail of Movable property acquired by Govt.</th>
<th>Amount of compensation assessed</th>
<th>Deduction on account custodian’s charges.</th>
<th>Net amount payable to the evacuee owner</th>
<th>Amount recovered</th>
<th>Amount to be recovered</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2.</td>
<td>3.</td>
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EVACUEE PROPERTY

CONSOLIDATED IMPLEMENTATION INSTRUCTION No. 5
SEIZED MOVABLE PROPERTY.

The following procedure is prescribed for the preparation of the lists of seized movable property including seized fire – arms:-

(i) District lists of moneys seized from evacuees should be prepared in Statement No. IV A (Performa attached) giving the name and last known address, if any, of the evacuee owner and the amount seized.

(ii) In the case of other seized articles such as jewellery, bullion, etc. except fire–arms, lists should be prepared in Statement No. V (Performa attached).

(iii) In the case of seized fire – arms, including those deposited by evacuees with a Government Officer or otherwise detained under the orders of courts, separate lists should be prepared in Statement No. VI (Performa attached).

(iv) In cases where seized articles have already been disposed of, lists should be prepared in Statement No. VII (Performa attached) showing the particulars of the articles disposed of, the name of the evacuee owner and the amount realized.

2. For the purposes of this instruction, the cash and valuables deposited or held in treasuries of the Provinces/former Indian States (including the cash and valuables of Pawnees deposited or held in the Khairpur treasuries) will be dealt with in the same manner as seized movables and details of these should accordingly be included in the appropriate statements.

Where district lists have already been forwarded but details of such movables have not been included in original lists, supplementary lists should now be furnished in respect of these items.

3. Six copies of the list relating to the items referred to above should be prepared. Four copies of each list should be sent to the Ministry of Rehabilitation by the 30th November, 1955, positively. Where the property was seized by an authority other than the Custodian, one copy of the list should be sent to the Custodian of Province/State concerned. Action to exchange the lists through the diplomatic representatives of the two countries would be taken by the Ministry of Rehabilitation. The lists should be exchanged en bloc by the 31st December, 1955.

4. Individual complaints in respect of articles seized or deposited, which are not included in the lists exchanged between the diplomatic representatives of the two countries, would be entertained up to the 30th April, 1956. Action on these complaints should be taken in the manner provided for in Para 20 of Consolidated Implementation Instruction No.2.
5. The procedure for restoration etc. laid down in the Consolidated Implementation Instruction No. 2 will apply *mutatis mutandis* to the seized movable property (other than fire arms) as regards removal, disposal and handing over of the sale proceeds. Articles included in Statement No. V should accordingly be delivered to the evacuee owners or the diplomatic representatives, as the case may be, on receipt of a request for restoration, without any further formality.

6. In regard to the moneys seized, deposited or held (Statement IV A), action should be taken on the following lines:-

(i) Where the cash seized is lying in its original form, it should be dealt with in the manner laid down in paragraphs 5 – 6 of Consolidated Implementation Instruction No. 2.

(ii) Sale proceeds of seized movables (Statement VII) and seized cash which has merged in the general balances of the treasury concerned should be treated in the same manner as the sale proceeds of movable property lying with the Custodians under Consolidated Implementation Instruction No. 7. Where Statements have already been exchanged, action on these lines should be completed by 31 – 12 – 1955.

7. The seized fire arms included in the list (Statement No. VI) should be collected together and exchanged between the diplomatic representatives of the two countries at a place to be mutually agreed upon. The procedure and formalities for this purpose should be finalized by the two Dy. High Commissioners by the 30th November, 1955. Those fire arms which are included in the lists already exchanged should be exchanged *en bloc* by the 31st December, 1955. The fire arms included in the outstanding lists which would be exchanged by the 31st December, 1955, vide Para 3 above, should similarly be exchanged *en bloc* between the diplomatic representatives of the two countries by the 31st March, 1956.

8. As regards the fire arms left by evacuees with friends and which have not been declared so far, both the Governments have issued a Press Note (Annexure D) to the effect that such persons are at liberty to declare within three months of the issue of Press Note, the fire arms in their possession. The possession of such fire arms would be condoned by the Governments concerned provided the fire arms are declared and deposited with the District Magistrates of the district concerned in accordance with the procedure laid down in the Press Note. The State Governments are requested to compile lists in the form of Statement No. VI A of fire arms deposited with District Magistrates.

9. Six copies of the lists in the form Statement No. VI – A of fire arms deposited with the District Magistrates in pursuance of Para 8 should be prepared. Four
copies of the lists should be forwarded to the Ministry of Rehabilitation by the 29th February, 1956. The fire arms included in the lists thereafter should be exchanged at Government level through the diplomatic representatives and restored to the evacuee owners in accordance with the procedure to be prescribed in pursuance of Para 7 above.

STATEMENT IV – A

List showing details of moneys seized from evacuees.

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of evacuee owner.</th>
<th>Last known Address in India</th>
<th>Total amount seized.</th>
<th>Place where money is deposited</th>
<th>Remarks.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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CONSOLIDATED IMPLEMENTATION INSTRUCTION NO. 6

BURIED TREASURES OF EVACUEES

The procedure for the recovery of buried treasures evolved by the Deputy High Commissioners for Pakistan and India and approved by the two Governments is contained in the Annexure ‘E’. A copy of the Press Note mentioned in the Annexure inviting third party claims against articles in the buried treasures issued by the Government on the 22nd January, 1954, is also attached (Annexure F.)

2. The third party claims not filed within one month of the issue of the Press Note, i.e. by 21 – 2 – 54 should not be entertained.

3. The list of the third party claims received by the Custodians should be forwarded in duplicate to the diplomatic representative of the other country and copy furnished to the Ministry of Rehabilitation.

4. A copy of the list of claims in so far as it concerns a district should also be sent simultaneously to the Superintendent of Police of that district.

5. Buried treasures against which no claim is shown in the list should be allowed to be disposed of or removed to the other country according to the provision of Para 5, 6 and 7 of Consolidated Implementation Instruction 2.

6. If one or more articles recovered from a buried treasure are claimed by a third party the remaining articles should be allowed to be removed and only the claimed articles detained for decision by the Joint Committee.

7. In deciding cases, the Joint Committee will be guided among other things by the reasonably expected accuracy of particulars supplied by the third party claimants.
8. When a claim is accepted the depositor or pawner should be required to pay the amount due to the person with whom the article was kept. In the alternative the article would be sold to meet the dues and the surplus proceeds paid to the claimant.

9. The Provincial/State Governments may kindly give necessary facilities for armed protection and such other facilities as the diplomatic representative of the other country may require in this behalf.

10. The present owner or occupier of the house, from which a buried treasure is to be excavated, should not be allowed to obstruct the operation.

11. Where excavation has necessitated repairs to a building, the expenditure thereof shall be met by the Custodian.

CONSOLIDATED IMPLEMENTATION INSTRUCTION NO. 7
SALE PROCEEDS OF MOVABLE EVACUEE PROPERTY ALREADY DEPOSITED WITH CUSTODIANS.

1. Lists of sale proceeds of movable property of evacuees already deposited with Custodians should be prepared for exchange through the diplomatic representatives of either country.

2. Separate lists should be prepared in respect of:-

(a) Movable property other than traded goods and merchandise, in Statement VIII (Performa attached).

(b) Trade goods and merchandise where there are no third party claims in Statement IX – A (Performa attached) and

(c) Trade goods and merchandise against which there are third party claims or which are pledged or hypothecated with banks in Statement No. IX – B (Performa attached.)

3. Six copies of each list should be prepared; four of them should be furnished to the Ministry of Rehabilitation for purposes of exchange.

4. In the case of movable property other than trade goods and merchandise from the gross sale proceeds, Custodians' fee should be deducted at the rate of 10 per cent and no other charge for administration, storage or on account of third party claims should be deducted but any payments already made before February 1954 in respect of third party claims should not be re – opened.
5. In the case of trade goods and merchandise no fresh third party claims should be invited, nor should any such claims lodged after the 22nd January, 1954 be entertained, except in respect of trade goods and merchandise which were pledged or hypothecated with banks. Such claims of the banks must have been registered with the Custodians concerned by the 31st March, 1955.

6. The third party claims against trade goods and merchandise should be against the particular business of the evacuee concerned and not in respect of the other dealings of the evacuee unconnected with the business.

7. The third party claims already lodged against trade goods and merchandise should be met after they have been adjudicated upon by the Joint Committee referred to in paragraph 31 of Consolidated Implementation Instruction No. 2. Where the Custodians assessment is accepted by the party, the case need not be referred to the Joint Committee.

8. Bank’s claims in respect of pledged or hypothecated trade goods and merchandise registered with the appropriate Custodians by the 31st March, 1954 only should be entertained and necessary deductions made from the sale proceeds.

9. All the lists to be prepared under this instruction should be exchanged en bloc by 31st December, 1955.

10. The outstanding lists should, therefore, be prepared immediately and furnished to the Ministry of Rehabilitation by 30th November, 1955 positively.

11. After that complains in regard to items not included in the lists should be entertained up to the 30th April, 1956.

12. Where lists have already been exchanged the cheques in respect of the amounts included therein should be forwarded to the Ministry of Rehabilitation by 30th November, 1955 for exchange through the diplomatic representatives. The exchange should be completed by the 31st December, 1955.

13. Cheques for the amounts included in the lists to be exchanged en bloc on 31st December, 1955 should also be forwarded to the Ministry of Rehabilitation for exchange between the diplomatic representatives. The exchange should be completed by the 31st March, 1956.

14. Surplus amounts due to the evacuees which are handed over to or deposited with the Custodian in respect of the goods pledged or hypothecated with the banks should be treated in the same manner as sale proceeds under this instruction. Where such amounts have not been included in the statements already prepared, supplementary statements should be prepared and exchanged in the manner provided in paragraph 10 above.
STATEMENT VIII

Statement showing sale proceeds of movable property (other than trade goods and merchandise) of evacuees lying with the Custodian of E.P.

<table>
<thead>
<tr>
<th>Name of evacuee owner</th>
<th>Last known address in hindi</th>
<th>Brief description of property sold</th>
<th>Amount of sale proceeds</th>
<th>Deductions on account of 3rd party claims already paid</th>
<th>Deduction on account of custodian fee at 10%</th>
<th>Net amount payable</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
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CONSOLIDATED IMPLEMENTATION INSTRUCTION 8

TRANSFER OF COURT DEPOSITS, DEPOSITS OF MINORS AND OTHERS UNDER THE GUARDIANSHIP OF COURTS, DEPOSITS OF WARDS UNDER THE COURT OF WARDS ACT AND ENCUMBERED ESTATES.

(1) An extract from the Indo – Pakistan Movable Property Agreement of June, 1950, relating to these items is enclosed (Annexure G). The terms “mass migration areas” or “wholesale migration areas” occurring in the extract from the Agreement shall be deemed to mean as follows:-

(i) In the case of Pakistan West Pakistan.

(ii) In the case of India.

Punjab (I), PEPSU, Himachal Pradesh, Alwar, Bharatpur and Bikaner, Districts of Rajasthan; Sharanpur, Dehra Dun, Meerut and Muzaffarnagar, Districts of Uttar Pradesh, Delhi and Ajmer.

These areas may be further added to for the purposes of these instructions as may be considered necessary hereafter.

(2) As a result of discussions in July/August, 1953 it was further agreed that:-
(i) The legislation in India for the transfer of deposits may be extended to all States where Evacuee Property Law is in force and not confined to the mass migration areas referred to in the June 1950 Agreement,

(ii) The legislation should also cover deposits of evacuees in the custody or under the control of the Managers Encumbered Estates.

(3) Legislation has been passed in both the countries taking legal powers to enable transfer of records and deposits of the nature covered by the provisions of the agreement, to the Government of the other country and to enable either Government to receive similarly records and deposits from the other country for entrusting them to appropriate courts for further disposal in accordance with the normal law as if the deposits had originally been made in the receiving country.

(4) The Provincial/State Governments concerned should take the following action for the preparation of lists of deposits covered by Section 4 of the Transfer of Evacuee Deposits Act 1954:-

(i) In the case of court deposits and deposits of minors and others under the guardianship of courts the Hon'ble High Court/Chief Court/Judicial Commissioner may be moved to give directions to subordinate courts, where such directions have not already been given, to make lists of deposits transferable under the agreement and also give directions for consolidation of records pertaining to such deposits, if this has already not been done;

(ii) In the case of deposits of Wards under the Court of Wards Act, the Provincial/State Governments will kindly give necessary directions for preparation of lists of deposits, transferable under the agreement and collection of records pertaining thereto, if this has already not been done;

(iii) In the case of deposits with the Managers Encumbered Estates, the Provincial/State Government will kindly give necessary directions for the preparation of lists of deposits transferable under the agreement and collection of records pertaining thereto.

5. The preparation of the outstanding lists should be completed by the 31st December, 1955.
CONSOLIDATED IMPLEMENTATION INSTRUCTION NO. 9
POST OFFICE, SAVINGS BANK ACCOUNTS,
POSTAL CERTIFICATES, CASH CERTIFICATES.

With the object of completing the work of transfer of postal certificates and savings bank accounts on either side as expeditiously as possible, the claims for the transfer of which had been registered with the appropriate authorities within the dates prescribed for the purpose, fresh lists in respect of outstanding accounts and certificates should be prepared in quadruplicate and exchanged between the two countries in batches through the Liaison Officers. The exchange of the quadruplicate lists in respect of the outstanding claims should be completed by the 29th February, 1956.

2. The respective Directors General of Posts and Telegraphs will arrange verification of the fresh quadruplicate verification lists received through the Liaison Officers. Steps should be taken to complete the verification work very expeditiously and, in any case, not later than the 31st May 1956.

3. The verified lists should then be exchanged en bloc at the office of the High Commissioner for India at Karachi. This en bloc transfer should be completed by the 30th June, 1956.

4. Any claims included in the lists forwarded by one country to the other which cannot be verified, should be included in a separate statement indicating therein briefly the reasons for non-verification. This statement should also be exchanged simultaneously with the exchange of en bloc lists.

5. After the en bloc exchange of verified lists (Para 3 above), cases of individual complaints and of errors and omissions, if any, should be enquired into and dealt with promptly on either side.

6. The above arrangements and the procedure for financial settlement connected therewith would also apply to the Post Officer Savings Bank Accounts and postal certificates relating to ex-Convention States (viz. Chamba, Patiala, Jind, Nabha & Gwalior.)

7. Suitable instructions should be issued immediately to the Heads of Circles for the compilation and dispatch before the due date of fresh lists in respect of the outstanding accounts and certificates which have to be sent to Pakistan. Instructions should also be issued for the verification of the lists received from Pakistan and the exchange of verified lists en bloc by the target dates. A copy of the instructions should be endorsed to the Ministry of Communications, and the Ministry of Rehabilitation.

8. In the meantime the exchange of verified lists through the Liaison Officers will continue.
9. The following procedure should be adopted for the transfer of conjoint accounts held in post office savings bank accounts:-

(i) The Director General Posts and Telegraphs and Telegraphs should call upon the account holders by issue of a Press Note to submit claims by the 29th February, 1956, for the transfer of conjoint accounts. The account holder will be required to intimate whether-

(a) All the beneficiaries have migrated to the other country, or
(b) Only some of the beneficiaries have migrated to the other country and others are still living in their parent country.

In the case of accounts falling under category (b) above, the account holders will prepare lists of the evacuee and non-evacuee beneficiaries of the accounts together with the amounts due to each. Such lists will be verified by Postal authorities in the country in which the account holder reside. A copy of the Press Note issued should be endorsed to the Ministry of Communications and the Ministry of Rehabilitation.

(ii) In respect of those conjoint accounts where all the beneficiaries have migrated to the other country the accounts should be transferred to the other country.

(iii) In the case of conjoint accounts where the beneficiaries are at present residing in both the countries the amount due to the beneficiaries should be separated.

(a) For this purpose the lists of beneficiaries received from the account holders will be verified by the postal authority in the country where the account lies after making such enquiries as may be agreed upon between the two Directors General, Posts and Telegraphs, before transferring the accounts.

(b) The provident fund accounts of teachers in conjoint accounts as also in individual accounts will be transferred to the other country without the intervention of Educational Inspector or any other authority.

POST OFFICE SAVINGS BANK ACCOUNTS AND POSTAL CERTIFICATES PLEDGED OR HYPOTHECATED AS SECURITY DEPOSITS BY CONTRACTORS ETC.

10. Claims for the release of Post Office Savings Bank Pass Books and Savings Certificates pledged or hypothecated as security should continue to be processed
through the Central Claims Organization. These accounts and certificates would be transferred after they are released by the pledgees. The fact of the release of the accounts and certificates should be communicated forthwith by the Central Claims Organization to the claimant and the respective Director – General, Posts and Telegraphs. The procedure for actual transfer of postal certificates by pledgee to pledger will be determined by the two Directors – General in consultation with each other.

11. Since in these cases the security deposit holders could not apply for transfer within the prescribed dates, fresh applications for transfer would be accepted by the Director – General, Posts and Telegraphs in relaxation of those dates provided the applications are filed within six months of the date of their release or from the date of announcement of this order whichever falls later.

12. Claims for the release of such securities should be called for by the Central Claims Organization by the issue of a Press Note for registration of such claims by the 29th February, 1956, stating therein that fresh applications for registration of such claims be made within six months of the date of release of the securities with the respective Directors General of Posts and Telegraphs.

PUBLIC ACCOUNTS

13. The procedure in the preceding paragraphs does not apply to Public Accounts regarding which separate instructions will be issued in due course.

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CONSOLIDATED IMPLEMENTATION INSTRUCTION No. 10

POSTAL PARCELS

(1) Postal Parcels of evacuees (i.e. sent by or addressed to evacuees) both foreign and inland lying in either country including those lying in Ajmer, Merwara and Delhi in India should be redirected to an officer nominated by the Director – General, Posts and Telegraphs of the receiving country for delivery to the evacuee owners.

(2) Along with redirection of the parcels a list showing the dues of the Postal Department will also be forwarded and debit raised in bulk against the other country for such dues.

(3) In the case of parcels of evacuees on which banks have lien and which have not yet been delivered the redirection would be under instructions from the bank so that it may arrange recovery of its dues in the other country. Such arrangement may either provide for collection of bank’s
(4) All postal parcels of evacuees will be allowed to be redirected to the other country without any export restrictions whatsoever and without any charge of customs duties.

(5) To expedite the transfer of postal parcels under these arrangements, six copies of the lists of such parcels lying in the two countries should be prepared in Statement X (Performa enclosed) and three copies thereof sent to the Deputy High Commissioner for Pakistan at Jullundur/ Ministry of Rehabilitation by the 30th November, 1955 for exchange with/through the High Commissioner for India at Karachi.

(6) The exchange of lists should be completed by the 31st December, 1955 and the actual exchange of the parcels completed by the 29th February, 1956, by redirection of the parcels in suitable batches under the arrangements already agreed upon between the two Directors – General, Posts and Telegraphs. One copy of the list should be furnished to the Ministry of Rehabilitation for record.

CONSOLIDATED IMPLEMENTATION INSTRUCTION No. 11

RESTORATION OF PROPERTY OF JOINT STOCK COMPANIES.

The property, both movable and immovable, of joint stock companies, should be treated as evacuee or non – evacuee according as follows:–

(i) Property of joint stock companies with headquarters in the other country prior to 15th August, 1947, will be treated as non – evacuee property.

(ii) Property of joint stock companies with headquarters in the same country, if the persons holding the majority of shares have migrated to the other country, will be treated as evacuee property.

(iii) Property of joint stock companies which have transferred their headquarters to the other country after 15th August, 1947, will be treated as evacuee property.

(iv) Property of joint stock companies not covered by (ii) and (iii) above will be treated as non – evacuee property.

2. Property both movable and immovable of joint stock companies leased or allotted by the Custodians which is to be treated as non – evacuee property [categories (i) and (iv) above], should be restored to the owner companies.
3. The release of the property which is to be treated as non-evacuee property will be subject to the condition that leases or allotments already granted by a Custodian or a Rehabilitation authority under the Evacuee Property or Rehabilitation laws of the country concerned and current on the 12th March, 1955, will be allowed to run their course, provided that the lessee or allottee observes the conditions of such leases or allotments. In other words, the lessees or allottees will be put into direct touch with the owner companies and the rights of the Custodian etc. to terminate the leases/allotments for default of conditions of the leases/allotments, such as nonpayment of rent will be transferred to, and exercised by the owner companies with the reservation that if in terms of the lease or allotment the Custodian has powers of interpreting the leases and allotments finally these powers shall not be transferred to the lessee/allot – tee but will be the subject of adjudication and enforcement under the ordinary law. Notwithstanding the terms of the lease or allotment or vary or modify its terms except with the consent of the lessee or allot – tee or after adjudication under the normal law. The conditions mentioned above would be superimposed on the existing leases/allotments before transfer, in accordance with these instructions. After the expiry of the leases or allotments, the companies concerned will have unrestricted rights to resume possession of their property. After the 12th March, 1955, no leases or allotments of property of companies to be treated as non-evacuee in accordance with these instructions, should be entered into, and if any such commitment has been made, it should be terminated forthwith.

4. If necessary, notifications releasing the property, in accordance with the arrangements detailed above, would be issued by the Government concerned.

5. The restoration of properties under these arrangements should be completed by the 30th June, 1956. The accounts of these companies should also be simultaneously settled by the Custodians concerned, but the restoration of the properties involved should not be held up on this account beyond the 30th June, 1956, by which date all such properties should be restored.

6. Where the property of a joint stock company which is to be treated as non-evacuee property under causes (i) and (iv) of paragraph 1 above, has been acquired by Government or if allotted, is not actually restored, compensation for it would be assessed and paid to the owner companies in accordance with the procedure laid down in Consolidated Implementation Instruction No. 4 for the assessment and payment of compensation for evacuee property allotted or acquired. This action should be completed by the 31st March, 1956.

7. Six copies of the lists of the companies whose property is to be restored under these arrangements as non-evacuee property together with the particulars of their property, the terms and conditions of the existing leases or allotments, the periods for which they have been leased or allotted and the dates on which
the leases or allotments are due to expire should be prepared in Statement XI (Performa attached) for exchange between the diplomatic representatives of the two countries. Similarly, six copies of lists of joint stock companies whose property was acquired or allotted and cannot now be released should be prepared in Statements XII and XII – A (Performa attached) according as the compensation payable for the property involved has or has not been assessed. These statements should invariably show the approximate value of the properties, compensation for which has to be assessed.

8. Four copies of the lists in Performa XII and XII – A should be sent to the Ministry of Rehabilitation by theKeyDate, 1955, and the remaining two copies retained by the Custodians or the Rehabilitation authorities concerned for their own record. Three copies of these lists should be passed on by the Ministry of Rehabilitation to the Deputy High Commissioner for India in Pakistan at Lahore for exchange to be effected not later than theKeyDate, 1956.

9. If the assessment of compensation for the property is not completed by the KeyDate, 1956, the compensation will be paid on the basis of an approximate valuation of the properties by the KeyDate, 1956, pending final assessment to be made by the Joint Committee in the manner provided in paragraph 6.

CONSOLIDATED IMPLEMENTATION INSTRUCTION NO. 12
SHARES, SECURITIES, DEBENTURES AND INSURANCE POLICIES

I. General
Shares of joint stock companies, the head officers of which have remained in the same country, will, if, the holders of the majority of the shares have migrated to the other country, continue to be treated as evacuee property and will not be restored to the evacuee owners.

2. All other shares shall be treated as non – evacuee property and if, any of them are held by the Custodians, they will be restored.

II. Shares, securities, debentures and insurance policies in the custody of banks.

3. Simultaneously with the release of the properties of Joint Stock Companies and payment of compensation (final or provisional) for their movable property under the Consolidated Implementation Instruction No. II, the securities, shares which are to be treated as non – evacuee property, debentures and insurance policies deposited in banks shall be restored to the evacuee owners or their heirs through the agency of the diplomatic representatives of the two countries.
4. The evacuee owners of such shares, securities, debentures and insurance policies have been called upon by issue of a press note (Annexure H) to send in triplicate to the Ministry of Rehabilitation of the country where they now reside, applications addressed to the banks concerned in the other country by 31st December, 1955 with request to re-endorse these shares, securities, debentures and insurance policies in their favour and deliver them to the Government of the other country.

5. On receipt of these applications, quadruplicate lists showing the names of such applicants, the particulars of the shares, securities etc. and the banks holding them would be prepared in statement XIII (Performa attached). Two copies of this statement along with two copies of the applications would then be exchanged through the diplomatic representatives of the two countries by the 31st January 1956 who would pass them on to the Ministry concerned of their Governments.

6. One copy of the applications received would be forwarded to the banks concerned for necessary re-endorsement and return to the Ministry of Rehabilitation by the 30th April 1956.

7. In the case of shares, securities, debentures and insurance policies against which the holding banks have claims, unless the claims are settled in cash, the shares, securities etc. may be sold by the banks concerned to the minimum extent necessary for the purpose of meeting their claims. If, any surplus amount is left as a result of such sale, facilities for its remittance to the other country shall be provided. The remaining shares, securities etc. will be re-endorsed by the banks concerned in favour of the evacuee owners or their heirs and forwarded to the Ministry of Rehabilitation by 30 – 04 – 1956 for exchange through the diplomatic representatives of the two countries.

8. Where securities, shares, etc. are sold for satisfaction of bank’s claims and there is surplus amount payable to the evacuee owners, triplicate lists of such amounts shall at the same time, be furnished by the banks concerned to the Ministry of Rehabilitation for exchange through the diplomatic representatives of India and Pakistan.

9. In the case of insurance policies against which there are bank’s claims, remittance facilities will be provided for the transfer of amounts from one country to the other if necessary, to meet such claims.

10. In the case of shares, securities etc. against which the holding banks have no claim or the bank’s claims have been met, the bank’s would re-endorse them in favour of the evacuee owners, and forward them to the Ministry of Rehabilitation by the 31st March 1956, for exchange through the diplomatic representatives of the two countries by the 31st May 1956.
11. A copy of the press note issued in this connection is attached (Annexure H).

III. Shares, Securities, Debentures And Insurance Policies Not Deposited In Banks

No restrictions either under the Evacuee Property Law or the exchange control should be placed on the payment of dividends on shares treated as non-evacuee property under these arrangements or payment of interest on debentures and securities or on claims in respect of insurance policies. It is, therefore, reiterated that the Custodians concerned and the Reserve Bank of India/State Bank of Pakistan should ensure that no restrictions are placed on the payment of dividends on shares and interest on securities and debentures and claims in respect of insurance policies. Any individual complaints in this behalf should be dealt with promptly. Custodian’s restrictions, if any, on the transfer of such shares, securities and debentures will similarly be removed. Such restrictions on transfer as are prescribed by the exchange control regulations of either country will, however, remain.

2. A copy of the Press Note issued in this connection is appended (Annexure I).

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Annexure ‘A’

1. At the 4th meeting of the Inter–Dominion Defence Secretaries Committee held on the 17th June, 1948, it was agreed that a scheme be worked out whereby the property left in units/depots/centers of either country i.e. India and Pakistan of Army personnel be exchanged. It was further agreed that the Adjutants General of the respective Armies should work out the plan between them.

2. In accordance with this decision the Adjutant General of the Indian Army produced a scheme for making reciprocal arrangements to recover movable property of serving Army personnel of either Dominion deposited with their former units/depots/centers in the other Dominion.

3. The proposed Plan briefly was as follows:-

   Phase I. – Collection of Information.

   Claims from the individuals concerned giving detailed particulars of the property deposited with units/depots/centers in each country to be exchanged.

   Phase II. – Scrutiny

   A Station Board of officers to be constituted to check articles with lists submitted
by each Army. The Board after ensuring that there are no contraband articles in
the baggage, to prepare final lists. Packages correctly packed and labeled.

Phase III. – Transportation of the Property
Property to be collected at the Command Collecting Centers.

Phase IV.
Transportation of property to Indo – Pakistan border.
Army headquarters of either Dominion to arrange rolling stock and dispatch of
the property to Attari/ Wagha border.

Phase V.
Handing over of the property to the representatives of the respective
Dominion for onward dispatch to the owners concerned.
Each Army to establish a check post Attari/Wagha for final checking and handing
over the property to the Dominion’s representatives.

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Annexure ‘E’

PROCEDURE FOR RECOVERY AND REMOVAL BURIED TREASURES AS
DECIDED UPON BY THE TWO DEPUTY HIGH COMMISSIONERS AT
JULLUNDUR AND LAHORE.

(1) Unless action has already been taken to that effect, a press note as laid
down in Implementation Instruction (3), is to be issued and claims invited
and registered within one month. A list of the claims is to be forwarded to
the diplomatic representative of the other country. A copy of this list, in
so far as it relates to any district, should also be sent to the
Superintendent of Police of that district.

(2) Applications for removal of buried treasures will be called for by each
diplomatic representative concerned. The question whether the applicant
is the person entitled to remove the treasure is one entirely for the
diplomatic representative to satisfy himself about.

(3) The diplomatic representative will lay down the programmed for operation
and will indent for escorts accordingly. Escorts will be provided according
to indent. Size of the escort will be such as is satisfactory to the diplomatic
representative indenting for it. Transport for the escort will be provided
by the diplomatic representative.

(4) The operation party, together with the escort obtained from the head
quarters, will then proceed to the headquarters of the district of operation and contact the Superintendent of Police of the district.

(5) The Superintendent of Police will at this stage consult the list of registered claims sent to him vide sub – Para (1). If the operation is one in regard to which there is no registered claim, he will simply issue an order to the Police Station concerned or to the District Reserve for the provision of additional escort of local police of that district. A Police officer will accompany this additional escort. This Officer and the additional escort of local Police will be responsible for the provision of necessary facilities and security during the course of operation.

(6) If the operation is one, in regard to which there is a registered claim, the Superintendent of Police will depute some senior Officer not below the rank of Deputy Superintendent of Police to accompany the party. In that case when the operation has been completed and if any valuables are recovered, the senior Police Officer and the Officer of the diplomatic representative accompanying the party, will jointly decided on the spot whether the article about which the claim has been registered is present among those valuables. If any such article is present, it will be sealed by the senior Police Officer and then made over to the officer of the diplomatic representative against a receipt signed by him. The Officer of the diplomatic representative will take the claimed article to the headquarters of his Mission. The senior Police Officer will submit the receipt obtained by him and his report to the Superintendent of Police, who will subsequently forward it to the Custodian or the Rehabilitation Commissioner at the headquarters where the Mission is located. On demand by the Custodian or the Rehabilitation Commissioner, the diplomatic representative will produce the claimed article for decision by the Joint Committee in accordance with the procedure laid down separately.

(7) The other articles (i.e., after taking out the claimed article) will be allowed to be taken by the evacuee owner. If these articles contain any bullion or cash, they are not to be detained and should be handed over to the evacuee owner for being disposed of in the country itself.

(8) In order not to delay or impede the operations regarding the buried valuables, Provincial or State Government concerned must issue strict instructions to the Superintendents of Police that when an operation party comes to them necessary orders for the additional escorts of local police should be issued immediately and escort provided without any delay. It should also be made clear to the Superintendent of Police that in case of his absence on leave or on tour or for other reasons, arrangements should exist for the Additional Superintendent of Police or for the senior most
Deputy Superintendent of Police to discharge his functions under these arrangements in his absence.

(9) For the buried treasure operations to be spaced, it is agreed that diplomatic representative will issue a letter to the evacuee owner asking him to come to the other country for the operation. It is only on production of this letter that permit to visit that country will be issued by the diplomatic representative of that country.

(10) When an evacuee owner applies for a permit to visit the other country for operation of buried valuables, he will not be required to state in his application the exact village or town or tehsil, which he wishes to visit, but should state only the district to be visited. Permit will be made valid for stay at Lahore or Jullundur (or similar headquarters of diplomatic Missions) and the district to be visited (under escort). This permit will be deemed valid for the purpose of the holder travelling to the headquarter station of the diplomatic Mission of his country and from there visiting the district concerned under escort.

III. ADJUDICATION OF CLAIMS AGAINST RECOVERED BURIED VALUABLES

(1) Such claims will be decided at the headquarter stations where the diplomatic Mission of the other country is situated. Thus, in case of N.W.F.P., Punjab (Pakistan) and Bahawalpur, the claims will be adjudicated at Lahore and in case of Punjab (India) Pepsu, Himachal Pradesh and Bilaspur, the claims will be adjudicated at Jullundur. Similar arrangements will apply in respect of areas within the orbit of the Indian high Commission at Karachi and the Pakistan High Commissioner at Delhi.

(2) The claims will be adjudicated by a Joint Committee having two representatives, one representing each country. At Karachi and Lahore, the members representing India will be nominated respectively by the High Commissioner for India at Lahore. At Delhi and Jullundur the Pakistan representative will be nominated by the High Commissioner for Pakistan at Delhi and Deputy High Commissioner for Pakistan at Jullundur.

(Sd.) (Sd.)
(Abdul Rehman) (Y.K. Puri)
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Note. – Wherever the word “permit” occurs it should be substituted by word “visa”.

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Court deposits. – It was agreed that in the case of districts from where wholesale migration has taken place the court deposits would be transferred en bloc, provided both the parties to the claim were non–Muslims in the case of Pakistan and Muslims in case of India. In other cases action should be taken through the Claims Organization, on a claim being filed by the applicant for the transfer by the two Governments to give effect to this agreement.

Minors and others under the guardianship of courts (like District Judges). – In cases where the minor or ward and the guardian have both migrated from districts from which mass migration has taken place, the court deposits may be transferred to the other country. If necessary, legislation may have to be undertaken to give effect to this. In other cases, transfer can take place on an application through the Claims Organization.

Wards under the Court of Wards Act. – It was agreed that the movable property including cash and jewellery, of wards under the Courts of Wards Act, accumulated before 15th August, 1947, should be automatically transferred to the other country if the ward had moved to the other country from the districts from which mass migration has taken place. The question whether a suitable allowance should be paid after August 15, 1947, till such time as any settlement of evacuee property is finally agreed upon will be examined.

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3218. Press Note issue by the Ministry of Rehabilitation regarding Right of Access to Removal and Disposal of Moveable Property by Evacuees.

New Delhi, November 1, 1955.

The working of the Movable Property Agreement was reviewed at the Indo – Pakistan Conference held at Karachi from 1st to 12th March, 1955, and as a result, the Governments of India and Pakistan have taken the following decisions in regard to the implementation of the Agreement.

(1) The outstanding lists of personal and household effects including trade goods and merchandise belonging to the evacuees and lying with the Custodians in each country would be exchanged en bloc by the two Governments by the 31st December, 1955.

(2) After the lists have been exchanged, the Custodians would be free to dispose of such of the articles included therein as are deteriorating after giving one month's notice to the Diplomatic Representative of the other country unless the latter objects to this course. Where auction is held, sale proceeds will be passed on to the Diplomatic representative of the other country after deducting 10 per cent from the amount towards Custodian's fee.

(3) Evacuee owners will be permitted to claim restoration or disposal of their movable properties which are lying with the Custodians and are included in the lists by the 30th September, 1956, or before the expiry of six months from the date of exchange of lists, whichever is later.

(4) Where no claim is received from the evacuee owners for restoration or where owners are not in a position to make arrangements for their removal or disposal, the property may, at the discretion of the Diplomatic Representative in either country, be allowed to be removed to the headquarters for such action as may be considered necessary by him. The properties not taken over by the evacuee owners, and not required to be sent to the headquarters of the Diplomatic Mission, may be disposed of by the Custodians by auction in the presence of the representatives of the Diplomatic Mission of the other country. In such cases, sale proceeds will be passed on to the Diplomatic representative after deducting 10 per cent from the amount towards Custodian's fee.

(5) As difficulties are being experienced by the Liaison Officers and the evacuee owners in securing restoration of movable properties included in the lists that have been exchanged by the two countries, the Custodians
are being instructed that they should restore possession of the movables without further formalities to owners or the Liaison Officer on receipt of requests for restoration.

(6) Evacuees are allowed to remove their personal and household effects without export or import restrictions and without customs duties. Machinery and machine parts, merchandise and trade goods, unsewn cloth, cash in excess of normally permitted quantities, bullion etc., the export of which was hitherto prohibited, would also now be allowed to be removed to the other country in cases where they are restored by the Custodians, or form part of the seized movables, or are recovered from buried treasures.

(7) With regard to the India notes and coins restored in India by the Custodians, or forming part of the seized movables or recovered from buried treasures in India, the Government of India will on production of a certificate from the Custodian or the Officer restoring the seized movables or from the Officer conducting the buried treasure operations permit remittance to Pakistan of equivalent amounts at the official rate of exchange. India notes and coins restored by Custodians or forming part of seized movables or recovered from buried treasures in Pakistan will be permitted to be exported to India after being sealed in parcels in the presence of officers of the two countries. Bullion similarly restored or recovered will be permitted to be exported from one country to the other under a certificate of the Liaison Officer after it has been sealed in parcels with the official seal of the Custodian or the officer restoring the seized movables or in the case of buried treasures with the seals of the representatives of the two countries.

(8) Evacuee owners would be allowed to forward their claims in respect of items which are not included in the lists exchanged between the two countries by the 30th April, 1956, after which date no claim will be entertained. In respect of movables lying with the Custodians, claims relating to movables of the value of Rs. 500/- or more only will be entertained and duly processed. Where the evacuee owners have already put forward their claims or the Government concerned or their Diplomatic Representatives have already initiated action, it is not necessary for the evacuee owners to put forward their claims again.

(9) Third party claims will be admitted only against traded goods and merchandise. Such claims should, however, be against the particular business only and not in respect of other dealings of the evacuees unconnected with business. No new third party claim will be invited or entertained against trade goods and merchandise against which third
party claims remain to be settled will be restored after the outstanding claims against the movables in question have been adjudicated by a Joint Committee consisting of one officer each from India and Pakistan. Where, however, the third party claim is accepted by the evacuee owner, the case will not be referred to the Joint Committee.

(10) Movable properties of the nature of trade goods and merchandise which have not been restored and are required by the Government for public purpose may be acquired on payment of their value estimated by the Government concerned. In all such cases the amount shall be paid to the Diplomatic Representative of the other country before the property is taken over by the Government. Where the evacuee owner does not accept the estimated valuation already made, the case will be referred to the Joint Committee appointed for the adjudication of claims. In case the property claimed is already held by the State Government its value will be assessed and the amount paid to the Diplomatic Representative of India or Pakistan as the case may be as soon as possible after the acquisition.

(11) The prescribed time limit for removal of personal and household properties by evacuees which were left with friends and relations has been extended to 20th February, 1956. No further extension will be given after that date. Where a complaint is made to the Custodian that the person with whom the property was deposited refuses to restore it, the Custodian will make a summary enquiry into the complaint and if he is satisfied that the property in question is evacuee property, he will take steps to restore it to the evacuee owner.

Ministry of Rehabilitation
New Delhi, The 1st November 1955.

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3219. Press Note issued by the Ministry of Rehabilitation Regarding Indo – Pakistan Agreement on Movable Property of evacuees — June, 1950 — Articles in deposit with banks, lockers and safe deposits – applications for third party claims.

November 1, 1955.

The Governments of India and Pakistan have evolved a procedure for inviting and settling third party claims against articles belonging to evacuees kept in lockers, or left in the custody of Banks for safe deposit and the bulk release of such lockers and safe deposits. Persons who have claims in respect of the articles in lockers and safe deposits, which they had deposited or pawned with an evacuee, should apply within one month of the date of this Press Note to the local Custodian of Evacuee Property (unless they have already filed such claims). The following particulars should be given:-

(i) Name and address of the person with whom the article was pawned or deposited;
(ii) The bank with which the article is deposited;
(iii) Detailed description of the articles, for example, gold, cash etc. to enable its identification;
(iv) Weight of the article (approximate weight to be indicated if exact weight is not known);
(v) Value of the article;
(vi) Reasons for which the article was pawned or deposited;
(vii) Date and terms of conditions of deposit or pawning;
(viii) Money owed by the person to the person with whom the articles were deposited/pawned, along with the rate of interest, if any, and total amount owed up to date;

2. The claims should be in respect of articles actually deposited or pawned with an evacuee by persons who have not migrated and claims should be addressed to the Custodians of the State concerned. The last date of submission of these claims is the 30th November, 1955 and thereafter no third party claims will be entertained.

3. The safe deposits and lockers of evacuees against whom third party claims have been received, will be opened by an officer of the bank concerned in the presence of the Custodian or an Officer nominated by him and the evacuee owner or his agent or in their absence the diplomatic representative of the other
country. After opening the locker or safe deposit, the specific article, if any, against which there is a third party claim, will be kept aside in the custody of the bank pending the settlement of the claim and the remaining articles of the evacuee owner will be re-deposited, and will be handed over to the diplomatic representative at the time of general release.

4. The third party claims in respect of articles in safe deposits or lockers in the custody of banks will be adjudicated by a Joint Committee consisting of one officer of each country. After adjudication of the claim, the claimant will be given a choice to redeem his article and will be allowed to take back the claimed article on payment of the amount adjudicated by the Joint Committee. If he fails to redeem the article within one month, the article will be sold by the Custodians in the presence of the diplomatic representative of the other country and the representative of the bank, and the surplus amount, if any, after meeting the dues of the evacuee pawnee, paid to the pawner. The redemption money will be handed over to the diplomatic representative of the other country at the time of the general release of lockers and safe deposits.

5. The lockers and safe deposits in respect of which there are no third-party claims will be released en bloc by the 31st May, 1956. Simultaneously, all articles of evacuees against whom there are third party claims of pawners, with the exception of the pawned articles, will be released to the evacuee owners. At the same time, the redemption money in respect of the pawned articles will, on settlement of third party claims, be handed over to the diplomatic representative of the other country.

6. Where lockers and safe deposits have already been opened under the authority of the Custodian and contents removed these will be restored or their sale proceeds, if the articles have already been sold, handed over to the diplomatic representative of the other country at the time of the general release of lockers.

7. The banks’ claims for storage charges including those already paid by the Custodian of Evacuee Property on behalf of the evacuee owner should be cleared by the evacuee owners before the lockers and safe deposits are released.

8. There will be no export and import restrictions on lockers and safe deposits or their contents released under this arrangement and no customs duty will be payable.

Ministry of Rehabilitation.
1st November, 1955.

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3220. **Press Note issued by Ministry of Rehabilitation regarding fire-arms of evacuees.**

New Delhi, November 1, 1955.

The Governments of India and Pakistan have decided that firearms left by evacuees with their friends in the other country which have not been declared so far would be restored to the evacuee owners. It is accordingly notified for the information of all concerned that persons holding fire – arms of evacuees are at liberty to deposit such fire – arms with the local District Magistrate. The depositor should submit to the District Magistrate at the time of the deposit of the fire – arms a list, in duplicate, showing:

(i) Name of the evacuee owner, his last known address in India and his present address in Pakistan, if known.

(ii) Particulars of fire – arms deposited, e.g., Pistol, Double Barrel Gun, maker's name, etc.

(iii) Licence No., if known.

2. The unauthorized possession of fire – arms which are so declared and deposited, will be condoned by the Governments concerned. The concession will be available for three months from the date of issue of this Press Note.

**Ministry of Rehabilitation.**

New Delhi, The 1st November, 1955.

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3221. **Press Note issued by Ministry of Rehabilitation regarding removal of buried treasures by evacuees in the two countries.**

New Delhi, November 1, 1955.

In accordance with the provisions of the recent Movable Property Agreement between the Governments of India and Pakistan, evacuees from either country will be given facilities for removal of their treasures buried under – ground, from one country to the other.

Applications for removal of buried treasures should be addressed to the diplomatic representatives of the country to which the applicant now belongs. Accordingly, for removal of buried treasures from Karachi, Sind, Baluchistan
and Khairpur, applications should be addressed to the High Commissioner for India, Karachi. Similarly, the Deputy High Commissioner for India, Lahore will receive applications for removal of such treasures from West Punjab and N.W.F.P., Bahawalpur and other areas of West Pakistan.

The necessary arrangements for unearthing and removing treasures will be worked out by the diplomatic representatives of the two countries and the applicants will be informed about these in due course. Armed escorts will be provided free of charge by the country in which the valuables lie buried.

Nationals of either country who have claims in respect of buried articles which they had deposited or pawned with an evacuee may also apply within one month from the date of publication of this Press Note to the local Custodian of Evacuee Property (unless they have already filed such claims). The following particulars may be given:

(i) Name and address of the person with whom the article was pawned or deposited;
(ii) Detailed description of the article, e.g., gold, cash, etc., to enable its identification;
(iii) Weight of the articles (approximate weight to be indicated if exact weight is not known);
(iv) Value of the article;
(v) Reasons for which the articles were pawned or deposited;
(vi) The date and terms and conditions of deposit or pawning;
(vii) Money owed by the person to the person with whom the articles were deposited/pawned, along with the rate of interest, if any, and total amount owned up – to date; and
(viii) Documentary or other proof in support of the claim.

While operations for the unearthing of buried treasures will commence by 1st March, 1954, permission for the removal of buried articles by evacuees, in respect of which claims are filed within the prescribed period, or have already been filed, will be held up pending the determination of the claims by Joint Committee of Officers nominated by the diplomatic representatives of India and Pakistan, and the claimants will be given reasonable facilities for establishing their claims before the Joint Committee. Where such articles have been unearthed they will be kept in safe custody with the diplomatic representatives of the country to which the owner now belongs.
Claims should be sent only in respect of articles pawned or deposited with an evacuee, and not in respect of other dealings.

Ministry of Rehabilitation
New Delhi, the 1st November, 1955.

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3222. Press Note issued by Ministry of Rehabilitation regarding release of securities, shares, debentures etc of the evacuees.

New Delhi, November 1, 1955.

The Governments of India and Pakistan have decided that simultaneously with the release of properties of non-evacuee Joint Stock Companies and payment of compensation for their movable property, the securities, shares, debentures and insurance policies of displaced persons deposited in banks in the other country shall be restored to the owners or their heirs through the agency of the diplomatic representatives of the two countries. As regards the securities, shares etc. against which the holding banks in Pakistan have claims, unless these claims are settled in cash, the shares, securities, etc., will be sold by the banks to the minimum extent necessary for the purpose of meeting their claims, and if any surplus amount is left as a result of such sales remittance facilities for the same shall be provided. In such cases, remaining securities, shares, etc., will be forwarded by the banks in Pakistan to the Pakistan Government for transmission to India. In the case of insurance policies against which there are bank’s claims, remittance facilities will be provided, if necessary, by the Reserve Bank of India, to meet such claims.

2. The displaced owners or their heirs whose shares, securities, etc., have been left in deposit with banks in Pakistan are accordingly requested to send applications in triplicate to the Ministry of Rehabilitation, New Delhi, by the 31st December, 1955. The application should be addressed to the banks concerns in Pakistan requesting them to re-arrange the shares securities, etc., in favour of the applicants and deliver them to the Government of Pakistan for transmission to the Government of India. The following information should inter alia, be given in the letter addressed to the banks:-

(1) Name of the holder and/or his heir.
(2) Banks in which shares etc., are in deposit.
(3) No., Serial Number and Value of shares, etc.

(4) Particulars of shares, securities, etc., e.g., the Company in which shares are held, or the nature of shares or the authority responsible for making payment and the date of maturity.

(5) Other relevant particulars.

 Copies of application forms may be obtained from the Ministry of Rehabilitation (Negotiations Section), Government of India, New Delhi.

As soon as shares, securities etc., of displaced persons are received from the Government of Pakistan, displaced owners thereof or their heirs will be duly advised.

Ministry of Rehabilitation.
New Delhi, the 1st November, 1955.

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3223. Press Note issued by Ministry of Rehabilitation regarding treatment of certain categories of securities, shares, debentures, Insurance Policies etc as Non-Evacuee Property.

New Delhi, November 1, 1955.

Restrictions imposed by the Custodians in their country on the payment of dividends on shares and interest on securities and debentures were considered at the Indo – Pakistan Conference held in March, 1955, at Karachi. It was decided that shares of Joint Stock Companies other than those companies whose head offices have remained in the same country but the holders of majority shares have migrated to the other country, will be treated as non – evacuee property. Thus the shares of joint stock companies, the head offices of which have remained in the same country but the holders of majority shares have migrated to the other country, will be treated as evacuee property. In all other cases, shares of joint stock companies will not be treated as evacuee property, and if they have been so treated already, will now be made free of Custodian’s restrictions. Accordingly, restrictions, if any imposed by Custodians on payment of dividends on shares which are to be treated as non – evacuee property or interest on securities and debentures will be removed. Custodians’ restrictions, if any, on the transfer of such shares and debentures will similarly be removed.
Such restrictions on transfers as are prescribed by the exchange regulations of either country will, however, remain. There will also be no restrictions of the Custodians on the payment of claim in respect of insurance policies.

2. In this connection, it is reiterated that there are no restrictions whatsoever either from the point of view of Evacuee Property Law or exchange control, to the payment of dividend in such cases.

3. Necessary instructions have been issued in the two countries and the Custodians and the Reserve Bank of India and the State bank of Pakistan have been requested to ensure that complaints, if any, received are investigated promptly.

4. Displaced persons in India who experience any difficulty in this behalf in respect of shares etc., held in concerns in Karachi, Sind, Baluchistan and Khairpur, despite the references made by them to the concerns and/or authorities concerned in Pakistan may approach the High Commissioner for India in Pakistan, Karachi, for taking up their cases. Similarly, displaced persons who held shares in concerns in Punjab (P), N.W.F.P. and Bahawalpur may write to the Deputy High Commissioner for India in Pakistan, Lahore.

Ministry of Rehabilitation.
New Delhi, the 1st November, 1955.

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3224. Letter from Pakistan Minister of Refugees and Rehabilitation Sardar Amir Azam Khan to Minister of Rehabilitation Mehr Chand Khanna.

Minister For Refugees and Rehabilitation,
Government of Pakistan
Karachi

D.O. No. F. 11(8)/54/-P the 3rd/4th November 1955.

My Dear Mr. Khanna,

Please refer to your D.O.letter No.Conf/342/PSMR, dated the 10th October, 1955. It is most gratifying that our two Governments have reached complete agreement on the subject of moveable evacuee property and I have no doubt that a large
number of displaced persons in either country would greatly benefit from the new arrangements to be made under the Agreement. The draft implementation instructions which were to be issued by the two Governments on a joint basis have since been issued.

As regards immovable evacuee property, the whole question was discussed thread-bare in our Prime Minister’s letter dated the 22nd September, 1954. Your Prime Minister sent his reply dated the 9th November, 1954, enclosing with it a note prepared by your Ministry. My Ministry have prepared a detailed note in reply, and I am attaching a copy of it for your perusal in the hope that it would materially contribute to a better understanding and appreciation of the point of view of our Government on the subject.

In your present letter you have suggested that we may hold further discussions to find a solution of the immovable evacuee property issue. The position is that the Government of India have chosen to take unilateral action contrary to the existing Agreement between the two Governments and abolished the titles and rights of Muslim evacuees in their properties. The Government of Pakistan are, therefore, now forced to devise their own solution. The result of the Government of India’s action is that no common basis for a solution of the problem has been left. I am always happy to meet you and talk about this or any other connected matter outstanding between the two Governments. But I am sure you would appreciate that unless we find a common basis for discussion, it would be no use holding a meeting and reporting failure and causing further disappointment to the people in either country. I shall be glad if you would indeed enlighten me on this aspect of the matter before we fix up the next meeting.

As you are no doubt aware, recent floods have caused considerable suffering to our refugees in West Pakistan and I have to do some touring in this connection; but as soon as I hear from you, I would let you have my precise reactions.

With kind regards,

Yours sincerely

Sd/- Amir Azam

The Hon’ble Mr. Mehr Chand Khanna,
Minister for Rehabilitation,
Government of India, New Delhi.
Letter from Minister of Rehabilitation Mehr Chand Khanna to Pakistan Governor-General Major General Iskander Mirza.

New Delhi, December 7, 1955.

D.O. No. Conf/1903/PSMR

My Dear Iskander,

As a result of our talks in Karachi in April last, we were able to resolve the differences between the two Governments in respect of all outstanding matters relating to the movable property of evacuees and their bank accounts. I regret that the problem relating to immovable property, which was really the major item for settlement, was not discussed. I was told by Sardar Amir Azam Khan that he was not authorised to discuss this issue.

2. The immovable property issue has now been pending for over six years. It was last discussed during my visit to Karachi in July-August, 1953 but to my disappointment, no agreement could then be reached. It was however, decided that the talks should be resumed within a few weeks. Since then, more than two years have elapsed, and yet the representatives of the two Governments have not so far met.

3. Recently I suggested to Sardar Amir Azam Khan that the discussions might be resumed with a view to reaching a settlement. I am enclosing a copy of my letter and a copy of his letter in reply. While I am grateful to him for his prompt response, I am afraid it does not hold out any hope of a settlement being reached in respect of immovable evacuee property. He has observed that he would be happy to meet me and talk about this and other connected matters, but in view of the steps taken by the Government of India to abolish the titles and rights of Muslim evacuees in their properties in India, there is now no common basis for a solution of the problem. In his opinion, without such a basis for discussion, it would be no use holding a meeting which would only end in failure, causing further disappointment to the people of either country.

4. Sardar Amir Azam Khan has enclosed with his letter a long note. It contains no fresh points on which we need say anything which has so far not been said, and I do not propose to send a counter-note.

5. Even conceding that there is no common basis for these talks at present, I fail to see how such a basis can be found without the representatives of the two Governments, talking the matters over around a conference table.
circumstances leading to the decision of the Government of India to acquire the
titles and rights of evacuee in their property in India for payment of compensation
to displaced persons from West Pakistan are already known to your Government.
I need not, therefore, repeat them here. The Pakistan Government is also now
taking similar action with respect to the vast properties of Hindus and Sikhs left
behind by them in Pakistan. They have already invited claims from Muslim
evacuees from India with a view to permanently settling them on evacuee property
in Pakistan on the basis of their claims for property left in India. Muslim evacuees
from India have already been allotted agricultural lands in Pakistan on a
"provisional permanent" basis. Thus both the Governments are utilising evacuee
properties in their respective countries for the displaced persons. This in my
view provides a sufficient common basis for further discussions.

6. It is my earnest desire that there should be an overall settlement between
the two Governments in respect of the immovable property of evacuees. All
possible avenues should, therefore, be thoroughly explored. I would accordingly
very much like to discuss this matter also with you during my visit to Karachi. I
shall be grateful if you would kindly let me know if such discussion would be
possible.

With kindly regards.

Yours sincerely

(Mehr Chand Khanna)

His Excellency Major General Iskander Mirza
Governor-General, Pakistan.
Karachi.
3226. **Press Note issued by the Government of India on the agreement between India and Pakistan for the transfer of Post Office Savings Account.**

New Delhi, January 31, 1956.

The Governments of India and Pakistan have agreed on the procedure for the transfer from Pakistan to India and vice versa of the Post Office Savings Bank Conjoint Accounts opened in either country under Rule 44 of the Savings Bank Rules before partition. Where all the beneficiaries of an account have migrated from one country to the other, the entire account would be transferred. Where, however, some beneficiaries are in one country and some in the other, the accounts would be split up accordingly.

Claims for the transfer of these accounts from Pakistan to India may be registered at any post office in India doing Savings Bank work. The last date for registering such claims is 29 February 1956. Claim forms will be available on application at all post offices free of charge. Those who may already have registered claims with post offices for transfer of such accounts from Pakistan to India in accordance with any previous notification are also required to submit fresh applications on or before the prescribed date in accordance with the procedure now laid down.

Individuals or authorities who were operating on such accounts in Pakistan or any other beneficiary or beneficiaries interested in such accounts may, therefore, prefer their claims within the specified period, after which no claim will be entertained. Particular care should be taken at the time of submission of applications to notify to the postal authorities whether all the beneficiaries of the account have migrated to India or some are still in Pakistan, for on this will depend the apportionment of the amount at the credit of the account. Claimants should also produce the necessary documents in support of their claims for verification by the postal authorities on the spot. Only one registration will be permitted at a post office.

Claims for the Provident Fund Account of teachers in Post Office Savings Bank conjoint accounts may be registered by the head of the institution or the individual teacher having a share in the account.

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Letter from Pakistan Governor General Major General Iskander Mirza to Minister of Rehabilitation Mehr Chand Khanna.


Governor-General’s House
Karachi

My Dear Mehr Chand,


You have raised in this letter the question of immovable evacuee property and asked whether I would be agreeable to discussing this question with you during your visit to Karachi. I am always willing to talk about this or any other matter outstanding between India and Pakistan, and shall be most happy if I can help to create a friendly understanding between the two Governments for the settlement of all the major disputes. But I am sure you will appreciate that any such talk between you and me can only be in the nature of a general, informal exchange of ideas and cannot be anything like a full or formal discussion between the representatives of the two Governments. In fact, you have acted rightly in getting in touch with Sardar Amir Azam for the purpose of resuming negotiations and holding a conference. I have shown him your letter and understand from him that he is going to write to you again to clarify what exactly he wants to find out from you before fixing up another conference on the subject.

With kind regards,

Yours sincerely

Sd/- (Iskander Mirza)

The Hon’ble Mr. Mehr Chand Khanna,
Minister for Rehabilitation,
Government of India,
New Delhi.
My Dear Khanna,

Will you kindly refer to your d.o.No.Conf /1903/PSMR, dated the 7th December, 1955 to H.E. the Governor-General?

2. You have referred in this letter to my letter to you dated the 4th November, 1955 in which, while considering your suggestion for a fresh conference on the subject of immovable evacuee property, I had expressed the opinion that before this conference is fixed up it would be better to find some common basis for discussion so as to avoid Public disappointment, consequent on repeated failures to reach an amicable settlement on the problem. Commenting on my suggestion you have stated in your above-mentioned d.o.to H.E. that it is precisely to find this basis that you want a fresh conference to be held. As I observed in my last d.o. I am always happy to meet you and talk about this subject; but perhaps I could not make myself quite clear to you when I asked for a common basis for discussion to be agreed upon between the two Governments as a preliminary to a fresh conference on the subject. It seems, therefore, necessary to touch upon the background of this dispute briefly.

3. You will remember that this problem has been discussed threadbare between the representatives of the two Governments at almost all possible levels without any result. In October 1952 the Government of India, completely ignoring the Agreement of January, 1949 put forward the suggestion that the Govt. of Pakistan should take over all immovable evacuee property in their country and settle the dispute on the basis of Govt.-to-Govt. liability. The Govt. of Pakistan sent their considered reply in March, 1953 in the concluding paragraph of which they summarized their position as follows:

“In conclusion the Government of Pakistan would like to reiterate that the proposal of the Government of India made in their letter under reply is yet another instance of the violation of the existing Agreement and amounts to nothing less than expropriation of the Muslims of India and that instead
of helping to solve the problem it would create further difficulties, the responsibility for which would rest entirely on the Government of India.”

4. Between 1953 and 1954 (for almost one full year) the subject was discussed at Prime Minister-level by exchange of several long letters and voluminous notes. In the letter of the Prime Minister of Pakistan dated the 22nd September, 1954, the position was again clarified as follows:

“But the policy hitherto pursued by your Govt. in respect of this dispute in utter disregard of agreements and our views fills me with despair. The latest decision of your Govt. to dispossess evacuee owners of all rights and titles in their property has completely altered the situation. It has destroyed the very basis on which our discussions were being conducted and I find myself at loss to suggest how we should proceed further in this matter.”

In November, 1954 the Prime Minister of India sent with his d.o. a long note containing an elaborate presentation of India’s case. When I sent you my last d.o. reply dated the 4th November, 1955 I provided you with a detailed counter note setting forth once again the case of the Government of Pakistan.

5. In these letters, notes, etc. every conceivable aspect of the immovable evacuee property dispute has been discussed over and over again, with the only result that the Government of India have every time shown their inability to agree to anything except a settlement on the basis of Government-to-Government liability. In fact, their last note received with their Prime Minister’s letter has emphatically stated that the representatives of the two Governments should again meet “with a view to settling the principles on which and the manner in which compensation for the properties of evacuees may be paid.” The Government of Pakistan in their note sent with my d.o. dated the 4th Nov., 1955 replied as follows:

“The announcement made by the late Mr. Gopalaswami Ayyangar in July, 1949 and quoted elsewhere in this note has, through these six long years, continued to in spite India’s attitude vis-a-vis Pakistan on the evacuee property dispute. It is only a historical fact that almost every conference or discussion since held on the subject has broken down on account of the Government of India’s insistence to settle the problem only on one basis—the basis of Govt.-to-Govt. Government liability. This uncompromising policy could only be explained by the avowed desire “to obtain as large a compensation for the evacuee properties in Pakistan as possible in the course of what may be protracted negotiations spread over several years”. It is also significant in this connection that while carrying on negotiations, the Govt. of India have simultaneously (since 1949) been taking action towards this objective; and now that they have completed their preparatory
action they are pleased to invite Pakistan to settle “the principles on which and the manner in which compensation for the properties of evacuees may be paid as if the Govt. of Pakistan have been party to or had approved the expropriatory action taken by the Government of India in utter violation of the Agreement of January, 1949.”

6. Going back a little further, it would be recalled that the demand for the settlement of this issue on the basis of Government-to-Government liability was made by the Government of India in 1948, but this was positively rejected by the Government of Pakistan, on which the Agreement of January, 1949 was arrived at between the parties. This Agreement clearly left the matter of immovable evacuee property to be settled by the private efforts of the evacuee. Unfortunately the Government of India while entering into this Agreement made every effort to side track it in actual practice with a view to renewing their pre-1949 demand for a settlement on a Government-to-Government liability. While reiterating their anxiety from time to time for an amicable settlement and asking for discussions and conferences on this issue, the Government of India saw to it that every discussion held and every conference convened failed until the Government of Pakistan agreed to assume the responsibility for paying a fantastic compensation for a supposed difference in the value of the properties in the two countries. This has been the only proposal the Government of India have considered or put forward over all these years.

7. I am glad to notice that you are anxious to explore all possible avenues to settle this problem, and so am I; but I am sure you will appreciate that after these intensive discussions lasting over several years no useful purpose would be served by any fresh conference or discussion on the same basis for the settlement of the immovable evacuee property. On the other hand if you have some proposal other than this one, I would certainly be glad to have a further conference. But in order to avoid disappointment it is only fair if you would kindly take me into confidence about your new approach before we fix up a conference. As soon as I receive your concrete proposal in this behalf, I shall let you know that date when it would be possible for us to meet and make a fresh effort to resolve the deadlock.

With best regards,

Yours sincerely

Sd/- Amir Azam

The Hon’ble Mr. Mehr Chand Khanna,
Minister for Rehabilitation,
Government of India,
New Delhi.
Letter from Secretary in the Pakistan Ministry of Refugees and Rehabilitation N.M. Khan to High Commissioner for India in Pakistan C.C Desai

Karachi, April 25, 1956.

Government of Pakistan
Ministry of Refugees and Rehabilitation
Karachi

No.F.2 (10)/56-R.S. 25th April, 1956

My dear Desai,

We have now started the work of verification of claims put in by the refugees from India. We are anxious that the work of verification should be as accurate as possible. Some of the refugees have complained that they were not able to bring with them documents pertaining to their immovable property. We have felt that it would be a good thing if we could send our Deputy Claims Commissioners to India to conduct verification on the spot in respect of claims of the value of Rs.50 lakhs and above. Would it be possible for the Government of India to permit the claimants as well as the official representatives of our Claims Organisation to go to various places in India for verification? We should want facilities to be granted for such visits to the claimants and the officials concerned. We hope that the Government of India will agree to our proposal. I would be able to give you a list of the officers and men who have to go to India for local verification as soon as you tell us that the Government of India have agreed to our proposal.

Yours sincerely

(Sd/-) N.M. Khan.

His Excellency C.C. Desai, I.C. S.,
High Commissioner for India in Pakistan,
Valika Mahal, Jehangir Road,
Karachi.
3230. **Letter from Rehabilitation Minister Mehr Chand Khanna to Pakistan Minister for Refugees and Rehabilitation Sardar Amir Azam Khan.**

*New Delhi, April 26, 1956.*

D. O. No./516/PSMR.

My Dear Sardar Sahib,

During the discussions between the Prime Ministers of Pakistan and India held in Karachi in 1953, a suggestion was made from the Pakistan side that the operation of the Evacuee Property Law in the two countries should be suspended. We have always regarded this as an abnormal law, enactment of which became necessary to meet an extraordinary situation. We at that time felt that the law could not be suspended until an over-all settlement of the problem of evacuee property had been reached. As, however, such a settlement could not be arrived at, we decided not to wait any longer and relaxed several provisions of the Evacuee Property Law in May 1954. An early opportunity was subsequently taken to amend the law by an enactment of the Legislature in October 1954. Thus in India the position for nearly two years has been that anybody who had not attracted the provisions of the Evacuee Property Law prior to May 1954, is free to dispose of his property without let or hindrance.

Our Prime Minister wrote to the Prime Minister of Pakistan on the 7th May 1954, informing him of these important changes. I had hoped that since the suggestion regarding abrogation of Evacuee Property Law had originated from Pakistan, your Government would welcome our action and take similar steps. Nothing has, however, happened so far and in Pakistan the Evacuee Property Law continues to operate as before.

I had intended to write about this matter to you earlier. But I noticed from the concluding portion of para 21 of the note enclosed with your D.O. letter No. F.11(8) 54-P, dated 4th November 1955, that the question was under your examination and that all the pending cases had been stayed for the time being. Now that five months have passed since, I am writing to draw your attention to this matter which is of vital importance to the remaining member of the minority communities in West Pakistan.

In Punjab, N.W.F.P., Baluchistan and Bahawalpur, hardly any Hindus and Sikhs are now left. The enforcement of the law in those areas would not, therefore, result in any fresh assets being added to those already taken over
by the Custodian. In Sind, however, a small number of Hindus is still left. I do not think it could be the intention to retain the provisions of the evacuee Property Law in order to deprive even these few persons of their properties in Pakistan.

In the circumstances I would earnestly request you to give this matter your serious attention. I trust that the Pakistan Government would now find it possible to repeal the law at an early date with kind regards,

Yours sincerely

Sd/-

(Mehr Chand Khanna)

Hon’ble Sardar Amir Azam Khan,
Minister of Refugees and Rehabilitation,
Government of Pakistan,
Karachi

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3231. TOP SECRET

Letter from High Commissioner for India in Pakistan C.C. Desai to Rehabilitation Secretary Dharma Vira.

Karachi, April 26, 1956.

No. HC/56/5-476 26th April , 1956

My dear Dharma Vira,

The other day at a party, N.M. Khan, Secretary to the Ministry of Refugees and Rehabilitation in the Government of Pakistan, met me and told me if the Government of India would be good enough to co-operate with the Government of Pakistan in the matter of information for verification of the claims put in by their refugees. I told him that we did not encourage supply of such information to private individuals, but that request at governmental level may be viewed differently and that I would be prepared to support that proposal to my Government. He has accordingly now submitted the proposal, vide copy of his letter dated the 25th April 1956 herewith enclosed. I hope it will be possible for us to extend our co-operation to them in the matter. It should be on a reciprocal basis. I have no doubt that many of our people have left properties worth more than Rs.50
lakhs, and it may be useful for us to send similar teams to Pakistan and to verify claims on the spot. If this would help us to send our teams in the interior of Pakistan, and particularly in places like Rawalpindi and Peshawar, it should be helpful even from other points of view as ordinarily these areas are closed to us and very few of our people can go there and see things for themselves. Under cover of verification of our claims in those areas, it should be possible for us to send our own teams and claimants to those places and, while they verify the claims, they might also be able to bring useful information. I hope that this point of view would be borne in mind while examining the request of the Government of Pakistan. So far as India is concerned, our country is more or less an open book and therefore there is not much risk in similar facilities being made available to Pakistanis. In view of these political considerations, I would request that this matter should be treated as ‘Top Secret’

With kindest regards,

Yours ever

Sd/- (C.C. Desai)

Shri Dharma Vira, I.C.S.,
Secretary,
Ministry of Rehabilitation,
New Delhi.

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3232.  TOP SECRET
Letter from Commonwealth Secretary M.J. Desai to Rehabilitation Secretary Dharma Vira.
New Delhi, April 28, 1956.

Ministry of External Affairs
New Delhi

D.O. No. 466-CS/56 28th April 1956

My dear Dharma Vira,

Please refer to C.C. Desai’s Top Secret letter of 26th April regarding the proposal from the Secretary, Ministry of Refugees and Rehabilitation in the Pakistan Government that claimants as well as official representatives of the Claims Organization be permitted to go to various places in India for verification on the spot of claims of the value of Rs.50 lakhs and above.
2. You will naturally be examining this proposal from the advantage of reciprocity so far as the Rehabilitation Ministry's interest in the matter is concerned. I am however not sure what the reciprocal security risks involved are. Our security measures are not as strict as those of Pakistan and with no Hindu population in West Pakistan any of our claimants or officers who may be allowed to go there under reciprocal arrangements would hardly have that freedom of movement which the Pakistani claimants and officers would have here if they came over under reciprocal arrangements.

3. I will be grateful if you will, after you have examined the proposal from the Rehabilitation Ministry's angle, consult Home and Defence Ministries and also show the papers to us before finally accepting the proposal. If on the other hand, you are turning down the proposal from your own angle, there is no need to consult Home, Defence and External Affairs.

with regards.

Yours sincerely

(M.J. Desai)

Shri Dharma Vira,
Secretary,
Ministry of Rehabilitation.
New Delhi.

3233. Letter from High Commissioner C. C. Desai to Minister for Rehabilitation Mehr Chand Khanna.

Karachi, May 1, 1956.

C.C. Desai, ICS.,
High Commissioner For India
Karachi

Camp : New Delhi, 1st May, 1956

My dear Mehr Chand,

I have just seen your letter No.516/PSMR dated the 28th April 1956 to Amir Azam Khan about the withdrawal of the Evacuee Law in Pakistan. I should really have reported to you that a few days ago I happened to call on Amir Azam Khan and I asked him this very question and his reply was that the
case was ready for the withdrawal of the Evacuee Law and that the papers were pending with the Cabinet. He gave the usual excuses of preoccupation with Constitution making and Republic celebrations and hoped that there would be no further delay in the implementation of their decision. There is of course in this country a big gap between intention and execution but this is the present position of the matter raised by you in your letter to him. Let us however see what reply he gives you.

With kindest regards,

Yours sincerely

(C.C. Desai)

Hon’ble Shri Mehr Chand Khanna,
Minister for Rehabilitation,
New Delhi,

TOP SECRET

Note from Ministry of Rehabilitation to Ministry of External Affairs.

New Delhi, May 16, 1956.

The Ministry of Rehabilitation has received a proposal from the Secretary, Ministry of Refugees and Rehabilitation in the Pakistan Government, that refugees from India who have put in claims in Pakistan for their immovable properties in India as well as representatives of the Claims Organisation, Pakistan, be permitted to visit various places in India for verification on the spot of claims of the value of Rs. 50 lakhs and over. In this connection, a copy each of the under-mentioned correspondence is placed below.

(i) Copy of D.O. No. F. 2.(10) 56-R.S., dated the 25th April, 1956, from Mr. N.M. Khan, Secretary Ministry of Refugees and Rehabilitation, Pakistan, Karachi, to Shri C.C. Desai.

(ii) Shri C. C. Desai’s D.O. letter No. HC/56/S-476, dated the 26th April, 1956, to Shri Dharma Vira.

(iii) Shri M.J. Desai’s D.O. letter No. 466-CS/56, dated the 28th April, 1956, to Shri Dharma Vira.
2. One of the major items of dispute between India and Pakistan is with respect to the settlement of the problem of evacuee immovable property. Ever since partition, the Ministry of Rehabilitation have tried their utmost to find a solution which is mutually acceptable to the two countries. A series of conferences have been held and discussions and correspondence at the Prime Ministers level have also taken place, but owing to the intransigence of Pakistan the problem has remained unresolved. The approach of the two countries in this matter has been basically different. According to Pakistan, it should be left to the individual refugees to find a solution, i.e., they should be left free to sell or exchange their properties by mutual negotiations. On the other hand, the Government of India have all along held the view that the problem should be settled on a Government to Government level. Having failed to reach an agreement during all these years, we were compelled to take independent action with a view to resettling the displaced persons. Claims were, therefore, invited as early as 1950 and after their verification, the Displaced Persons (Compensation and Rehabilitation) Act was passed in October 1954. This Act empowers the Government to acquire evacuee properties in India and utilize the same for compensating the displaced persons for their properties left behind in West Pakistan.

3. When we undertook the work of verification of claims and the valuation of evacuee properties in India, Pakistan Government was duly invited by us to join in this work, but they did not even reply to the invitation.

4. Pakistan is now taking similar action and is obviously finding it difficult to verify the claims without our cooperation; hence the present proposal. Although we have already verified the claims of displaced persons, some of the claims could be re-verified on the spot in West Pakistan with advantage. Any arrangements entered into in this behalf should, therefore, be on a reciprocal basis. That apart, we are of the view that the present Pakistan's proposal could be utilized as a steppingstone to break the present deadlock and pave the way for a Government to Government settlement of this problem. At present they are avoiding further discussions on the ground that India having decided to acquire the right, title and interest of the evacuees in their properties in India, there is now no common basis for discussions.

5. Shri M.J. Desai has observed that he is not sure whether the reciprocal security risks involved in the suggestion of the Pakistan Government are the same. He has further observed that our security measures are not as strict as those of Pakistan and with particularly no Hindu population in West Pakistan any of our claimants or officers who may be allowed to go there under the reciprocal arrangements would hardly have that freedom of movement which the Pakistani claimants and officers would have here if they came over under
reciprocal arrangements. He has accordingly suggested that in case the Ministry of Rehabilitation is inclined to accept the suggestion of the Pakistan Government, the Ministries of Home and Defence should be consulted.

6. For the reasons already stated above, the Ministry of Rehabilitation are of the view that the Pakistan Government’s suggestion should not be rejected outright and should be utilized for making counter proposals to pave the way for a Government to Government settlement of the problem of urban immovable property. It is accordingly proposed to send to Pakistan a reply at Minister level as in the attached draft. As, however, this is a very important matter, the Minister for Rehabilitation feels that it should first be discussed at a meeting of the Secretaries of the Ministry of Rehabilitation, Ministry of Home affairs, Ministry of Defence and the Ministry of External Affairs. In the light of their views, the Minister for Rehabilitation will consult both the Home Minister and the Prime Minister. It is accordingly proposed to discuss this matter at a meeting to be held in the room of Shri Dharma Vira, Secretary, Ministry of Rehabilitation, Jaiselmer House, on May 19, 1956 at 10 a.m. The Ministry of Rehabilitation would be grateful if the Secretaries of the Ministry of Home Affairs and Defence and the Commonwealth Secretary would kindly make it convenient to attend.

(N.C. Shrivastava)
Joint Secretary

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Note recorded by Commonwealth Secretary M. J. Desai on the copy of the letter received by him:

“D.S.(P) will attend the meeting on my behalf. We have no objection to the draft proposals of the Rehabilitation Ministry. We are of the view that Pakistan will not bite. But there is no harm in making this effort. I have informed Shri Dharma Vira.

Sd. M.J. Desai
16.5.56.”

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Draft letter addressed to Pakistan Minister for Refugees and Rehabilitation and enclosed with the above Note of the Ministry of Rehabilitation
My dear

May thank for your D.O. letter No.25/S/56, dated the 9th March, 1956, on the question of immovable evacuee property. I had hoped that an opportunity might arise for an informal talk between us when I visited Karachi for the inauguration of the Republic, but that was a busy time for everybody.

2. This problem has been discussed threadbare for more than half a decade between the representatives of the two Governments at almost all possible levels, but so far without any success. I am glad to note that you are anxious to explore all possible avenues to find a mutually satisfactory solution of the problem, and that for this purpose you would always be happy to meet me. I agree entirely that efforts should continue to be made to seek a solution and I consider that our approach now should be based on the identical developments which have taken place in the two countries during the last eight years in regard to the rehabilitation of refugees.

3. I will recapitulate very briefly the course of the events. The principle that evacuee properties should be utilised only for the rehabilitation of displaced persons or for the economic rehabilitation of the country, was recognized and approved by the Karachi Agreement of 1949. The note enclosed with your letter of 4th November 1955, reiterates that these properties could not have been put to any better use than for the rehabilitation of refugees. Proceeding on the principle agreed upon, Pakistan and India took identical steps for the allotment of both rural and urban evacuee properties. The evacuee agricultural lands in PEPSU and two Punjabs were allotted to the refugees on quasi permanent or provisionally permanent basis. The two Governments exchanged the revenue records to facilitate such allotment. The arrangement for the distribution of agricultural lands through Governmental rather than individual effort, has proved very successful. It has immensely benefited lakhs of refugee families and facilitated the speedy and orderly restoration of the economy of the rural areas. Neither Government can contemplate retracing the steps already taken in this regard and thereby take the risk of retarding the progress of rehabilitation of these refugees.

4. Similarly, the urban properties have been allotted by the respective Governments, by and large, to the refugees. As in the case of agricultural lands, any large scale dislocation of the occupants after all these years is unthinkable. A way had, however, to be found to rationalise these allotments on the basis of the properties owned by the allottees before the migration. In order to make such rationalisation possible, we invited and registered claims in respect of the immovable property in 1951. Pakistan has also found it necessary for the same
reasons, to enact a law and has taken up the registration of claims. We completed the verification of claims a couple of years ago then proceeded with the formulation of a Compensation Scheme, and we have gone ahead with its implementation. The Scheme contemplates the utilization of the evacuee property in urban areas to compensate those who left urban property in West Pakistan and in view of its comparative inadequacy, Government have made a very large contribution amounting to nearly Rs.90 crores to augment the Compensation pool from their own funds.

5. Having registered the claims, Pakistan is about to begin their verification. I have seen a letter addressed recently by the Secretary of your Ministry to our High Commissioner at Karachi in regard to this matter. He has suggested in this letter that as some of the refugees have complained that they were not able to bring with them the documents pertaining to their immovable property, Deputy Claims Commissioners of your Government together with the claimants should visit India to verify on the spot the claim of the value of rupees fifty lakhs and over. We appreciate the anxiety of your Government to complete the verification of claims accurately and as early as possible. The displaced persons are looking up to their respective Government for the early settlement of their claims and are understandably getting more and more restive as time passes. We were compelled for the same reasons to adopt, a couple of years ago, the very measures which your Government has how rightly decided to take.

6. You will see from what I have stated above that from the very beginning the two Governments have assumed the responsibility for rehabilitating the displaced persons and utilized the evacuee properties at Government levels, for this purpose. At no stage could our Governments have shirked the responsibility and left the displaced persons to fend for themselves. The responsibilities of our respective Governments towards the displaced persons will not end until their claims for the property left behind in the other country are satisfactorily settled. This is possible only when an agreement is arrived at between the two countries about the value of the properties left behind by the displaced persons in each country and the mode of payment for the same. To facilitate this arrangement it was stated by me that in settling the amount payable towards the difference in the value of the property in the two countries, the paying capacity of the debtor country will be taken into account.

7. We would be glad to provide facilities for the verification and valuation of the claims relating to the immovable properties left in India, as proposed by the Secretary of your Ministry in his letter to our High Commissioner. The officers who have been dealing with these problems in India would be asked to cooperate and give all possible assistance to your officers in accurately assessing and verifying the claims registered in your country. The limit of Rs.50 lakhs or over
suggested by your Secretary for such verification, however, is likely to cover only a very small fraction of the claims filed by your displaced persons and would, therefore, serve hardly any purpose. In my view the process of verification on the spot in India should be extended to all claims of the value of say, Rs. one lakh or more. There may be many other matters which may have to be considered before the work can be taken in hand. It is, therefore, desirable that the necessary details and the arrangements which should be made for the verification and valuation of the properties in the two countries, which would naturally be on the basis of reciprocity, should be thrashed out first at officers’ level. This we hope would also pave the way for further talks leading to the final settlement of this long standing problem of immovable property.

8. The discussions by the officers could be held immediately, either at Delhi or Karachi, as may be convenient to your Government. As we were privileged to enjoy your hospitality on the last few occasions, we shall be happy to have an opportunity of welcoming the representatives of your Government to India.

With best regards.

Yours sincerely

(Mehr Chand Khanna)

Hon’ble Sardar Azam Khan,
Minister for Refugees and Rehabilitation,
Government of Pakistan,
Karachi.

3235. Press Note issued by the Government of India on the second meeting of the Joint Implementation Committee of the Banking Agreement.

New Delhi, September 18, 1956.

The second meeting of the Joint Implementation Committee of the Indo-Pakistan Banking Agreement was held at New Delhi from 14 September to 18 September 1956. Besides reviewing the progress of implementation of the agreed decisions of March-April 1955, the committee considered the difficulties which had come to light with regard to realization of assets of banks and recommended steps that should be taken for the removal of those difficulties.
It was agreed, *inter alia*, that apart from giving the banks every facility for disposal of immovable property owned by them, the Government concerned would expedite the sale of evacuee immovable property mortgaged or chargeable in favour of banks in satisfaction of their dues.

In order to minimise procedural delays, it was also agreed that normally the Custodian of Evacuee Property would himself adjudicate upon banks’ claims without insisting upon the banks obtaining decrees from civil courts.

To expedite adjudication of claims, it was recommended that the work should be entrusted to one or more officers of appropriate status who would devote themselves exclusively to the task. It was agreed that in cases where the banks were directed by the Custodian to obtain decree of a civil court, the Custodian would admit the claim on production of such decree without any further enquiry. Where claims were dismissed by the Custodian on technical grounds, the banks’ applications for revival of such claims would be favourably considered.

In cases where the banks have already cleared their liabilities, they would be permitted to remove the surplus funds and records to the other country on fulfilling the usual requirements such as production of income-tax clearance certificate. It was also agreed that wherever banks have not yet filed their claims before the Custodian, they should do so immediately and the Custodian would give priority to the settlement of such claims.

To allow further time for individuals from certain specified areas in either country, who failed to apply for transfer of their accounts within the prescribed date, it was recommended that applications which might be received from them up to 31 October 1956 would be eligible for transfer to the other country.

In the case of jewellery and other valuables pledged with banks by evacuees, it was recommended that they should be given the option to redeem the articles within a specified date. If they failed to do so, the articles would be sold to meet the banks’ claims, the remaining articles if any being permitted to be exported to the other country.

Having regard to the volume of work and procedural requirements involved, the committee recommended that the programme as laid down in the agreed decisions of March-April 1955 for the realisation of assets, transfer of accounts and funds, etc., should be extended by a period of four months.

It was proposed to hold the next meeting of the committee at Karachi from 19 to 21 November 1956.
Letter from Secretary, Pakistan Ministry of Refugees and Rehabilitation A. Khaleeli to Secretary Ministry of Rehabilitation Dharma Vira.


D.No.2(10)/56-RS

My Dear Dharam Vira

My predecessor, Niaz Muhumad Khan, wrote to C.C. Desai, Indian High Commissioner in Karachi, enquiring whether it will be possible for the Government of India to permit claimants as well as officials of the claims organization to go to India for local verification of the claims of the value of Rs.5 million and above. Your Minister for Rehabilitation wrote to Sardar Amir Azam Khan in reply. He accepted the proposal in principle and suggested that claims of the value of Rs.100,000 or more should be considered on the basis of reciprocity. He also desired that the necessary details regarding arrangements to be made for the verification and valuation of the properties in the two countries should be worked out at officers’ level.

2. Both Governments are now following an identical procedure to compensate displaced persons. The verification of claims received from such persons is an essential part of their schemes. The desire to eliminate bogus and exaggerated claims and thus enable honest and deserving claimants to get a fair deal has promoted the Government of Pakistan to undertake verification of some of the doubtful claims on the spot. I have no doubt that the same desire is responsible for the acceptance of our proposal by your Government. The question of verification is a problem by itself and I suggest that it be not linked up with any other problem in any way whatsoever. In the expectation and hope that this approach is acceptable to the Government of India I am making the following proposals.

3. For the present we should confine on the spot verification to claims worth Rs.1 million and over. The number of persons claiming to have left property worth this amount is one thousand two hundred and odd. Those who claim that they left property worth 1 million and over — the figure suggested in your Minister’s letter runs to twenty one thousand and odd. We would in the first instance like to tackle sizable numbers and on the basis of experiences gained consider the extension of the scheme to lower claims. We propose to depute some six teams to India each consisting of 2 officers and subordinate staff who will collect copies of relevant records and take photographs of properties claimed showing their location, condition, size etc. We will be happy if the Government of India could attach a Liaison Officer to each team in order to assist it in the
expeditious disposal of business and obtain maximum cooperation of the local authorities.

4. We would welcome similar on the spot verification in Pakistan by the Government of India of claims of Rs.1 million and over.

5. I shall be glad to hear early from you in this matter.

Yours sincerely
Sd/- (A. Kealeeli)

Dharma Vira, Esq-, ICS
Secretary to the Government of India,
Ministry of Rehabilitation, New Delhi.
In the hope, therefore, that the field of verification will be widened at a later stage according to our previous proposal, we accept your proposal to make a start on reciprocal basis with the verifications of claims of the value of Rs.10 lakhs and more both in India as well as in Pakistan.

During our personal discussion, it was agreed that if the two Governments approve of verification as proposed, you would send to us a list of claims in Pakistan of Rs. ten lakhs and more, so that we could collect the records etc. for a preliminary discussion when a party from Pakistan consisting of your officers would come here to discuss the details of the working of the agreement on verification of the claims. We would send a similar list from our side to you for necessary action. In the course of the discussion with you, it was agreed that the verification teams would include some representatives of the host country, e.g. valuation officers and others.

I would now be glad to have a confirmation from you of the above arrangement so that we might be able to make a start.

Yours sincerely

Sd/-
Dharm Vira

A. Khaleeli, Esq. C.S.P.,
Secretary to the Government of Pakistan,
Ministry of Refugees & Rehabilitation,
Karachi.

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3238. Movable Property Agreement. Minutes of the third meeting of the Implementation Committee held at Karachi on the 22nd and 23rd January, 1958.

PRESENT

Pakistan                   India
Members                    Members
1. Mr. Abbas Khaleeli      1. Dharm Vira,
Secretary                  Secretary
Ministry of Rehabilitation  Ministry of Rehabilitation
2. Mr. Abdul Rahman, Dy. High Commissioner
   Ministry of Rehabilitation

3. Mr. M.H. Rahman, Deputy Secretary, Ministry of Finance

Advisers
1. Mr. A. R. Qureshi, Dy. Secretary, Ministry of Rehabilitation
2. Mr. Mohd Yaqub Khan, Secretary (Urban) to the Rehab. Commissioner, West Pakistan
3. Mr. S. A. Latif, Secretary (Rural) to the Rehab, Commissioner, West Pakistan
4. Mr. S. Ali Raza, Assistant Secretary, Ministry of Rehabilitation
5. Mr. Nusrat Beg, Assistant Secretary, Ministry of Finance
6. Mr. K. Z. Shaikh, Senior Assistant Chief Controller, State Bank of Pakistan
7. Mr. S.N. Ahmed, Assistant Director General Posts and Telegraphs
8. Mr. Major M Akbar, Assistant Director General Posts and Telegraphs
9. Mr. Wilayat Husain, Liaison Officer, New Delhi

Advisers
1. P.G. Zachariah, Dy. Secretary, Ministry of Rehabilitation
2. Mr. Kanwar Bahadur, Under Secretary, Ministry of Rehabilitation
3. K. Lalit, Custodian of Deposits
4. Mr. Balwant Singh, Assistant Director General Posts & Telegraphs
5. MR. G.P. Bakhru, Property Field Officer, Lahore.
6. Mr. C.S.Sethi, Property Field Officer, Karachi.
7. Mr. R.N. Dhody, Assistant Property Field Officer, Lahore.
10. Mr. Sultan Mohd,  
Officer in Charge  
Central Record Office,  
Lahore  

1. **Restoration of Movable Property Included in Exchanged Lists.**  

The Indian delegation stated that in certain cases the officers of the Custodian’s Organisation or the Rehabilitation Organisation in West Pakistan had declined to restore property included in the exchanged lists. Some of them had written official letters to the Indian Property Field Officer direct stating that the matter should be referred to the Government of Pakistan. It was agreed that fresh instructions would be issued to all the officers concerned to ensure that the property shown in the exchanged lists is restored immediately without further formality.

2. **Restoration of Movable Property not included in the exchanged Lists.**  

It was pointed out by the Indian delegation that in pursuance of the earlier decisions, the Property Attaché of India had referred to the Pakistan Liaison Officer 3,109 cases of shortages. With a view to enabling the Pakistan Ministry of Rehabilitation to expedite enquiries in these cases, the Ministry of Rehabilitation, India, had already furnished to them full particulars for the remaining 2640 such cases. It was also stated that similar particulars for the remaining cases would be supplied shortly.

3. In this connection, the Indian delegation further pointed out that out of the cases of shortages referred to above they had prepared two further lists. The first lists would show the cases in which the authorities in Pakistan had intimated that the properties or the sale proceeds, as the case may be, would be included in the appropriate lists, but had not so far been included in the lists already exchanged by them. In regard to these cases it was agreed that it was not necessary to prepare any supplementary lists. It was also agreed that the property wherever available would be restored forthwith and where such property had already been sold, bank drafts for the sale proceeds would be obtained and furnished within a period of three months.

4. The second list comprising about 550 cases shows the claims preferred by displaced persons for movable property in respect of which they have furnished documentary evidence. It was agreed that the Pakistan Government would complete enquiries into these cases as expeditiously as possible. Pakistan Government would likewise supply to Government of India similar list of cases which will be enquired into by the Government of India.

5. It was also agreed that the Pakistan Government would expedite enquiries into claims for restoration of property left with Clearing Agents, and replies
would be given in the first instance to the cases which had already been specifically brought to their notice.

6. It was also decided that both the Governments would take steps to expedite enquiries relating to the claims for Railway consignment in respect of which lists have already been exchanged.

7. The Pakistan delegation promised to complete enquiries into 80 cases referred to Pakistan by India with regard to movable property allotted or acquired by Government, but not included in the lists so far handed over by them.

8. With regard to jewellery and other valuables taken over from evacuees by the former Khairpur State, it was pointed out by the Indian delegation that although some progress had been made at the last exchange of lists, much yet remains to be done. It was stated by the Pakistan delegation that lists of articles which had so far been redeemed by the owners had been furnished and a bank draft for the amount involved would be handed over at the next exchange. The Indian delegation pointed out that sufficient time had already been allowed to the pawners to redeem their articles. They, therefore, suggested that the jewellery and other valuables not redeemed so far should be handed over or in the alternative the money due to the pawners should be given. In this connection they also stated that they would supply a detailed list of persons who had claimed that they had deposited jewellery and valuables with the Khairpur State Authorities in pursuance of their ordinance. The Pakistan Government agreed to examine the matter in the light of the correspondence between the two Governments, in this matter, and to take further action.

9. As regards insured letters, it was pointed out by the Indian delegation that wherever such letters had been passed on to the Custodian, the amounts recovered by them had already been included in the statements relating to seized cash handed over to Pakistan at the various exchanges. They, however, promised that enquiries would be made into individual cases, if any, brought to their notices.

10. **Movable property lying with friends and relations.**

It was agreed that both the Governments would complete the enquiries in outstanding cases. In this connection it was appreciated that both the Governments could use their good offices only in recovering the property.

11. It was also agreed that as regards extension of time limit for removal of personal and household effects left with friends and relations, instructions may be issued by both the countries on the lines suggested by the Minister of Rehabilitation, India, to the Pakistan High Commissioner in India in his letter No.142/M(R)/63-S dated 4.1.1958.
12. Procedure for payment of Dividends of shares of Joint Stock Companies and the amount due on account of insurance policies.

The Pakistan delegation stated that the State Bank of Pakistan had already issued instructions simplifying the procedure in this behalf. A copy of the instructions was handed over to the Indian delegation.

13. Removal of Restrictions on Payment of Accumulated Dividends on shares and securities in deposit with banks in India.

The Pakistan delegation stated that since there was an agreement that there should be no restrictions on payment of dividends and since accumulated dividends did not acquire the characteristics of capital these should be allowed. The Indian delegation agreed to examine the question.


It was decided that further supplementary lists and bank drafts should be exchanged at Delhi on the 25th and 26th March, 1958. It was also decided that Fire Arms already included in the lists or in respect of which commitments had been made by either Government should be exchanged on the 24th February 1958 at Lahore and Jullundur respectively.

15. Joint Committee.

After reviewing the progress of the work of the Committee, it was decided that a full time Committee should be appointed for a period of six months. The Committee would meet for a period of six weeks at a time alternately in Delhi and Lahore. It was decided that the Deputy Secretaries in the Ministries of Rehabilitation in India and Pakistan should evolve a simplified procedure for the Committee to follow.

16. Deduction of 50% as Custodian Charges on Sale Proceeds of Evacuee Property by the Former NWFP Government.

The leader of the Pakistan delegation repeated the assurance given at the last meeting and stated that a bank draft for the amount involved would be made available shortly.

17. Transfer of Lockers and Safe Deposits.

The Indian delegation reiterated the Government of India’s views that the release of lockers and safe-deposits should be delinked from the question of transfer of bank accounts. The two issues were the subject matter of two separate agreements. The Pakistan representatives pointed out that the Banking Agreement provided for the simultaneous release of lockers and safe-deposits with the transfer of bank accounts. In this connection, the Pakistan representatives
also referred to the provisions of the Banking Agreement regarding the en bloc transfer of bank accounts irrespective of question of realization of assets of the banks in Pakistan and also the transfer of funds from India to Pakistan in certain cases to satisfy these liabilities as provided in the Banking Agreement. The Indian representatives explained that so long as the liabilities of the banks towards the Pakistan nationals could be met from the assets of the banks in Pakistan, there was no need for transferring any further funds from India to Pakistan for this purpose. The Pakistan delegation agreed with this view on the assurance given by the Indian delegation that no restrictions would be imposed on the transfer of funds from India to Pakistan, to the extent necessary, in cases where sufficient liquid assets were not available in Pakistan to enable to banks to discharge the liabilities in question. The Pakistan representatives also agreed that likewise they would permit the banks which have no liability to discharge to Pakistan nationals to take away their assets and records from Pakistan without delay.

18. Referring to the difficulties in implementing the decisions on the Banking Agreement, the Indian delegation particularly emphasized the following:—

(a) Arrange for credit to the Indian Banks of all the cash and liquid resources which may have been admitted to be creditable to them;

(b) amend the evacuee property law or issue a notification to make it clear that banks are to be treated as non-evacuees for purposes of enforcement of their claims and realization of their assets in Pakistan;

(c) issue instructions to their Custodian of Evacuee Property to speed up his decisions on pending claims of the banks, to stop further verification of claims which have already been admitted and not to reopen claims which have once and finally been admitted;

(d) give permission without delay for effecting sale of immovable property owned by banks;

(e) admit without further enquiry claims in respect of which banks have obtained decrees from civil courts; and

(f) permit banks with admitted claims to sell immovable properties mortgaged or chargeable in their favour.

19. Pakistan delegation stated that these points were already covered by the decisions under the Banking Agreement. They would however, review the action so far taken to implement these decisions and ensure that no special restrictions are imposed on those banks who wish to continue to function normally in Pakistan, while the liquidation of other banks would be subject to the normal procedures.
20. In regard to the release of lockers and safe-deposits and the transfer of bank accounts, the following agreed decisions were taken:—

(i) On 1\textsuperscript{st} March 1958, India would supply bank-wise totals of Muslim deposits and the number of accounts to be transferred to Pakistan, while Pakistan would give to India the number of safe-deposits and lockers in respect of the 15 banks for which the lists have not so far been supplied. Similar information will be given by Government of India of lockers and safe deposits from India.

(ii) On the 25\textsuperscript{th} March 1958, the two delegations will meet to exchange the detailed lists of bank accounts and of lockers and safe deposits.

(iii) Meanwhile, Pakistan and India will arrange to collect all lockers and safe-deposits at Lahore and Delhi respectively.

(iv) The leader of the Pakistan delegation gave an assurance on behalf of the Pakistan Government that once the lists of bank accounts and lockers and safe-deposits are exchanged on the 25\textsuperscript{th} March 1958 the two issues would stand delinked. In other words, reconciliation of the discrepancies if any, between the claims made by Pakistan nationals with the accounts received from India and the deficiencies or otherwise of the assets of the banks in Pakistan would be processed independently and would not interfere in any manner with the release and transfer of lockers and safe deposits.

(v) On the 31\textsuperscript{st} March, 1958, the lockers and safe deposits would be handed over to the diplomatic representative of India at Lahore. The Pakistan Government would make suitable arrangements for the safe transport of the lockers and safe deposits from Lahore to the India border. Similar action will be taken by India in respect of lockers and safe deposits to be transferred from Delhi to Pakistan.

(vi) The Deputy Secretaries, Ministries of Rehabilitation of India and Pakistan will meet soon to finalise the detailed arrangements required for the collection, handing over and transport of lockers and safe deposits.

21. \textbf{Issue of Payment Authorities for Contractors' Claims.}

The Indian delegation re-iterated their view that the pre-partition claims of contractors against the Central Government should be paid by either country on a territorial basis. However, in deference to Pakistan's wishes in the matter and to avoid further hardship to the claimants in both the countries, they stated that the Government of Indian would be prepared to issue payment authorities
in respect of pre-partition claims of contractors against the Central Government. This would be on the clear understanding that the claims of Indian nationals pending in Pakistan would be settled expeditiously and verification reports, security documents or the payment authorities, as the case may be, would be furnished to the Government of India. In this connection, the Indian delegation further pointed out that according to their information a large number of cases in which security documents have to be released have already been finalized by the various authorities in Pakistan and kept pending at their end. It was urged that in such cases the documents should be released forthwith. This was agreed to by the Pakistan delegation.

22. Payment of Compensation for Reserve Bank of India Shares

The Indian delegation stated that the Government of India had examined the suggestions made by the Pakistan Govt. in their letter of 4th September 1956 and had decided that the promissory notes issued by the Reserve Bank of India as compensation for the shares of the banks held by the Pakistan nationals would be enfaced for payment of principal and interest in Pakistan and payment authorities for the cash amounts would be through the Central Claims Organisation. The Indian delegation also pointed out that under the 1953 agreement it was provided that the question of payment of compensation for Reserve Bank of India shares held by Pakistan nationals would be considered only after the Government of Pakistan had settled the claims of joint stock companies for their properties acquired or allotted by Government or quasi-Government bodies in Pakistan. The Government of India have decided to allow the payment of compensation through the Central Claims Organisation in the expectation that on their side the Pakistan Government would settle the claims of joint stock companies as early as possible. The Pakistan delegation appreciated this position.

23. The Pakistan delegation further stated that out of the lists of about 170 joint stock companies furnished by the Government of India, 78 cases have already been examined by R.C. West Pakistan and the position regarding these and the remaining companies would be intimated to the Government of India early.

24. Claims for Defective and Damaged Currency Notes

The Pakistan delegation stated that the assurance asked for by the Government of India in this matter had just been communicated to them.

25. Buried Treasures

It was agreed to extend the date for buried treasure operations till March 31, 1958.
26. **Procedure for the Transfer of Savings Bank Accounts, Postal Certificates etc.**

With regards to have verification of the remaining unverified accounts and certificates it was agreed that the verification of further lists should be expedited and that the verified lists should be exchanged at the Directorate level at Delhi from 1st March 1958 onwards.

27. As regards unregistered accounts and postal certificates the Pakistan delegation stated that they just issued a reply to the suggestion made by the D.G. P&T India. The Indian delegation stated that he matter would be examined.

28. For procedure for payment of postal life insurance, the Pakistan delegation stated that the communication containing the views of the Government of India in the matter had been received only a few days ago and that they would expedite the examination of the proposals.

29. **Transfer of Govt. of India Securities Purchased Through Post Office Savings Bank Accounts now lying with the Deputy Account General Posts and Telegraph Calcutta.**

The Pakistan delegation stated that their Government had already received the Government of India’s reply in the matter. The Government of India had agreed in their letter to:

(a) payment of matured values of Indian securities to the Pakistan depositors

(b) payment of accumulated interest on securities already matured and on current Indian securities and

(c) payment of current interest on current Indian securities

The Pakistan delegation however pointed out that the Government of India’s reply did not cover the question of transfer of current Indian securities. The Indian delegation pointed out that a large number of displaced persons had substantial interest in these securities in as much as their contribution to provident fund was invested by the District Boards etc. in these securities. The Pakistan delegation agreed that they would have no objection to the Government of India retaining in India securities to the extent necessary to meet the claims of such displaced persons, and for this purpose they would supply to the Government of India full particulars of amounts standing to the credit of evacuees from Pakistan and invested in these securities. The Government of India would, on their part, transfer the balance of the securities duly encased for payment of interest and principal in Pakistan.

30. **Gold Loan Accounts**

The Indian delegation pointed out that in pursuance of the agreement arrived at between the two countries, a press note was issued in August, 1957 in both the countries inviting claimants concerned to approach the banks. They were to exercise the options given to them within a period of three months. It was now
necessary to proceed in the matter further and accordingly it was suggested that action may be taken on the following lines:

(i) The lists in respect of each bank showing the full particulars of each account should be supplied. The lists should be classified into:

(a) cases in which the banks concerned had already sold the jewelry.

(b) cases in which the claimants concerned had asked for return of the jewelry, and

(c) cases in which no claims had been filed for redemption.

They also desired that pending preparation of the lists, if they had not already been compiled, instructions may be issued for handing over all the surplus sale proceeds to the Deputy High Commissioner of India at Lahore in cases where jewelry had already been sold and for the sale of jewellery in the manner already agreed upon in cases where claimants had not exercised the option of redemption. These suggestions were accepted by the Pakistan delegation.


It was pointed out on behalf of India that they are still to receive nearly 6,300 revenue records from Pakistan; while they had handed over all the revenue records so far asked for by Pakistan. Pakistan promised to hand over the remaining records at an early date. It was decided that the records which were ready should be handed over at Lahore on 8th March, 1958. As regards the settlement reports of Bahawalpur, Pakistan representatives stated that spare copies of the reports were not available. They would, however, make further attempts to obtain printed copies and hand them over to India. It was also suggested by them that an Indian representative should visit Lahore to look into the settlement reports available there so that Pakistan could supply the relevant extracts needed by India.

32. The Pakistan delegation stated that they wanted revenue records of another, 4,700 villages of which a list was supplied by them. They also stated that they were experiencing difficulty in verifying claims relating to certain areas about which India had stated that no records were available. India also promised to supply revenue records wherever available. They also promised to help Pakistan by making local enquiries from areas of which no record was available, if Pakistan furnished a list showing the detailed information wanted by them. They suggested that it would be better if a Pakistan representative visited Delhi and discussed the requirements further. He could also visit the local areas to see what information could be collected. Pakistan accepted the suggestion. They also accepted the suggestion that a comparison of the records relating to undivided provinces should be made at Wagha as is being done in the case of revenue records exchanged between the two Punjabs.
33. **Court Deposits**

Press notes had been issued by both the countries inviting claims for deposits left in Criminal Courts. It was decided that the claims received by each Government should be forwarded to the other immediately for verification etc.

34. It was also decided that further lists of court deposits covered by the Transfer of Evacuee Deposits Act and extract of records relating to the deposits should be exchanged at Delhi on the 25th & 26th March 1958.

35. As to the transfer of such deposits it was decided that in the case of cash deposits with the courts in the Centrally administered areas each country should make necessary payment to its own nationals for cash deposits in the courts in the undivided provinces, payment authority should be issued by the Government concerned and passed on to the other in accordance with the arrangements applicable to claims process through the Central Claims Organisation. As for cash deposits in the courts in undivided Punjab, it was suggested by the Indian delegation that as the existing arrangements between the Punjab (Pakistan) and Punjab (India) for the settlement of pre-partition claims were not functioning satisfactorily, payment authorities should be issued as in the case of such deposits made in the undivided provinces. The Pakistan delegation was of the view that in such cases payment authorities should not be issued and payment should be made in accordance with the existing arrangements between the two Punjabs. They, however, promised to examine the matter in consultation with the West Pakistan Government.

36. Where the deposits are in the form of postal certificates and Savings Bank accounts and Govt. securities, it was decided that they should be endorsed either by the courts concerned or the Custodian of Deposits in favour of their opposite number in the other country and physically transferred. This will apply to such deposits in court in all areas. In this connection the India delegation pointed out that out of the list of claims so far handed over by the Pakistan Government, securities of the value of 8.76 lakhs were in the form of Government of Pakistan securities. It was agreed that Pakistan would re-convert these into Government of India securities and transfer them to India. The Indian delegation made it clear that they agreed to this as a very special case on the distinct understanding that this arrangement would not become a precedent for the settlement of other financial issues between the two countries. It was also agreed that the question of transfer of deposits which are now in the form of Pakistan postal certificates will be examined separately.

37. Court deposits in the form of bank accounts will be dealt with in terms of the Banking Agreement after their release by the Courts or the Custodians of Deposits as the case may be.
38. It was further decided that the physical exchange of security documents, postal certificates, valuables, payment authorities etc. should take place on the 15th of April, 1958.

39. Pakistan promised to furnish a statement showing the cash amounts in the 63 cases relating to courts of wards and the Manager Encumbered Estates, Hyderabad (Sind) a list of which was handed over at Lahore, at the next exchange of lists which is to take place on the 25th and 26th March in Delhi.

40. **Decrees Obtained by the Collector, Montgomery Against the Punjab National Bank Ltd. And the Status of the Bank**

The Indian delegation stated that it has been brought to their notice that despite the provision in the Banking Agreement and the agreed decisions relating thereto that displaced banks should not be treated as evacuee concerns, su moto proceedings have again been instituted against the Punjab National Bank by the Custodian at Lahore. As a result of these proceedings the bank has been handicapped in a number of ways e.g. recovery of loan and advances to Pakistan nationals. The Pakistan delegation assured the Indian delegation that there was no intention whatsoever to take evacuee property proceedings against the displaced banks. This intention of the Pakistan Government has been made amply clear in the Press Note issued by them in 1957. They further stated that the proceedings referred to do not obviously relate to the question of the status of the bank, but may be in connection with other matters. The leader of the Pakistan delegation stated that the Deputy Secretary of this Ministry would be directed to look into this matter personally at Lahore. Thereafter, such action, as is necessary, would be taken.

41. The Pakistan delegation observed that the trouble with the Punjab National Bank has been that it has not been cooperating with the Custodians and other authorities concerned. They suggested that Government of India might advise the bank to be more cooperative. The Indian delegation states that necessary action in the matter would be taken.

42. As for decrees obtained by the Collector, Montgomery against the Punjab National Bank, the Indian delegation pointed out that the bank was not in a position to satisfy the decrees pending realization of its assets in Pakistan. The Pakistan representatives mentioned that assets amounting to nearly 16 lakhs of the bank had been realized and were lying with the State Bank of Pakistan and they were willing to release this for the satisfaction of the decrees of the Collector, Montgomery. They further pointed out that the decrees in question amounted to about Rs.17 lakhs out of which Rs.8 lakhs belong to non-evacuees. It was decided that the Pakistan Government would look into the procedure for refund of the money by the Collector, Montgomery to the depositors and let the Government of India know of the action proposed to be taken.
43. In cases where no specific dates have been prescribed enquiries agreed to by both the Governments would be completed within a period of three months.

44. Next meeting of the Implementation Committee will be held at Delhi on 25\textsuperscript{th} and 26\textsuperscript{th} of March, 1958.

Sd/ Abbas Khaleeli 
Secretary 
Ministry of Rehabilitation, 
Pakistan

Sd/ Dharma Vira 
Secretary 
Ministry of Rehabilitation, 
India

3239. Minutes of the Indo – Pakistan Joint Committee meeting held at Karachi on the 24\textsuperscript{th} and 25\textsuperscript{th} January 1958 on Holy places and shrines

PRESENT

Pakistan
1. Mr. A.T. Naqvi, CSP., Secretary, Ministry of Interior – Chairman
2. Mr. Z.A. Hashmi, Deputy Secretary, Ministry of the Interior
3. Mr. S.A. Nabi, Under Secretary, Ministry of F.A. & C.R.
4. Mr. A.R. Qureshi, Deputy Secretary, Ministry of Rehabilitation.
5. Mr. M.S. Siddiqi, Assistant Secretary, Ministry of the Interior.

India
6. Mr. V. Viswanathan, I.C.S., Joint Secretary, Ministry of Home Affairs.
7. Mr. Gurbakhsh Singh, Deputy Secretary, (Representative of the Punjab Government – India)
8. Mr. P.G. Zacharia, Deputy Secretary, Ministry of Rehabilitation.
9. Mr. M.L. Batra, Under Secretary, Ministry of External Affairs.
10. Mr. H.N. Vibhakar,
First Secretary, Indian High Commission in Pakistan.

There was some discussion with regard to the definition of the term “selected areas” in the Pant – Mirza Agreement. The Indian Delegation urged that the “selected areas” should refer only to those parts of India from which there has been a large scale migration of Muslims to Pakistan. It was for this reason that they had suggested that “selected areas” should be only Punjab, Bharatpur and Alwar. The Pakistan Delegation pressed that the term should cover also in addition to Punjab, Alwar and Bharatpur, U.P., Bihar and Delhi in view of the fact that there has been large scale exodus from Delhi to the extent of about 80 per cent and that the Muslims left in U.P. and Bihar are not in a position to look after their shrines there. To resolve this difficulty, the Indian Delegation suggested that the number of important shrines, which should be made the special responsibility of the respective Governments, should be limited to an agreed figure. After further discussion it was agreed that the tentative figure for this purpose may be about 200 shrines in each country. It was clearly understood that this number of 200 was not a fixed one but only a tentative one which may have to be revised at the time of the finalization of the lists of the two countries.

2. In view of the above decision, it was not considered necessary to pursue further the interpretation of the term “selected areas” used in the Pant – Mirza Agreement of 1955.

3. It was agreed that each Government will be responsible for the preparation of the final list of the holy places in the other country which would be placed under the special care of the other Government. Each country would, however, furnish the other country with lists of shrines in its own territory for purposes of check and comparison. The final list of the holy places in the two countries will be agreed to by the Governments of the two countries for purposes of this agreement.

4. It was agreed that the preparation of the list should be completed without undue delay. For this purpose a time – limit of 3 months was considered feasible.

5. The Indian Delegation then suggested certain other problems arising out of the Agreement which will have to be considered at subsequent meetings of the Joint Committee. These points were:-

(a) It was suggested that all income of the shrines in each country should be pooled together and kept in a separate account. The funds in this account should be devoted for the purpose of maintenance and repairs of the holy places;

(b) Each country would agree to the other country sending Khadims, Sewadars, Pujaris, etc. in required numbers at the holy places in other country to look after the shrines. Their pay and other costs will also have to be met from the pooled account mentioned above.
(c) The funds of the account will also have to be devoted for the purpose of feeding and looking after sponsored pilgrim parties which may visit the holy places and shrines at the time of customary occasions of pilgrimages.

(d) The Committee would also have to devote its attention to the consideration of liberalization of travel and other facilities to pilgrims and pilgrim parties to the holy places in the two countries.

The Indian delegation extended a cordial invitation to the Pakistan Delegation to come to Delhi as soon as it may be possible and convenient to them to continue discussions on the points still outstanding. The Indian Delegation hoped that the Pakistan Delegation would be able to come to Delhi for the next meeting in March, 1958.

Sd/- A.T. Naqvi
25-1-58

Sd/- V. Vishwanathan
25-1-58

3240. Minutes of the Fourth Meeting of the Implementation Committee set up under the Movable Property Agreement held at New Delhi on the 16th and 17th April, 1958.

PRESENT

Pakistan Member
1. Mr. Nasir Ahmed
   Secretary
   Ministry of Rehabilitation

2. M. H. Rahman
   Deputy Secretary
   Ministry of Finance

Advisers
1. Mr. A. R. Qureshi
   Dy. Secretary
   Ministry of Rehabilitation

India Members
1. Dharma Vira,
   Secretary
   Ministry of Rehabilitation

2. Mr. Shiv Naubh Singh
   Additional Budget Officer,
   Ministry of Finance.

3. Mr. D. N. Chaterjee
   Deputy High Commissioner

Advisers
1. P. G. Zachariah,
   Ministry of Home Affairs
2. Mr. Bashir Ahmed
   Deputy Secretary
   Ministry of Rehabilitation

3. Mr. Mohd Yaqub Khan
   Secretary (Urban) to the Rehab.
   Commissioner, West Pakistan

4. Mr. S. Ali Raza
   Assistant Secretary,
   Ministry of Rehabilitation

5. Mr. K. Z. Shaikh
   Deputy Chief Officer
   State Bank of Pakistan

6. Mr. S.N. Ahmed
   Deputy Director General
   Posts and Telegraphs

7. Mr. Fida Hussain
   Second Secretary
   Pakistan High Commission.

8. Mr. Wilayat Hussain
   Liaison Officer, New Delhi

9. Mr. Sultan Mohd.
   Officer – in-Charge
   Central Record Office
   Lahore

10. Mr. C. S. Sethie.
    Property Field Officer
    Karachi

11. Mr. R. N. Dhody,
    Assistant Property Field Officer
    Lahore

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Restoration of Property Included in Exchanged Lists

1. The Indian delegation pointed out that no movables had been restored since the last meeting of the Implementation Committee and their Property Field officers were still experiencing difficulty in obtaining release of these movables. They specifically pointed out that, property included in lists IV and V was not being released by the Rehabilitation or Custodian authorities in West Pakistan. They stated that the Additional Custodian of Evacuee Property at Peshawar and the D.R.O. Multan had informed them that they had not received any instructions from the Pakistan Ministry of Rehabilitation for release of property included in the aforesaid lists. The Pakistan delegation stated that they had issued necessary instructions in the matter. They suggested that specific cases in which there had been difficulty in obtaining release should be brought to the notice of the Secretary, Pakistan Ministry of Rehabilitation who would look into them. It was agreed that Secretary, Urban to the Rehabilitation Commissioner West Pakistan, and the Additional Custodian, Karachi would prepare a programme by the 5th May, 1958 in consultation with the Property Field Officers of India at Lahore and Karachi respectively for the handing over of property not released so far. The Property Field Officers would then contact the District authorities on the dates laid down for obtaining the property. It was decided that the whole work should be completed within a period of three months.

Restoration of Moveable Property not included in the Exchanged Lists.

2. India pointed out that though they had already given a list of 3,040 cases replies had only been received in 128 cases. They stated that in 768 cases documentary evidence had been supplied in support of the claims. The Pakistan delegation promised to give priority and to complete enquiries in these 768 cases, within a period of four months. Enquiries in the remaining cases would also be expedited. On their side India promised to complete enquiries in all the cases referred to them by the Pakistan Government within four months.

3. It was pointed out by Pakistan delegation that certain third party claims had been shown against trade goods and merchandise and these claims related to income-tax. They felt that income-tax should not be deducted from sale proceeds of evacuee’s movable properties. The Indian delegation pointed out that actually it was the Pakistan Government who had insisted on the recovery of income-tax as third party claims from the sale proceeds of such properties and if they were prepared to reconsider their earlier views, India would be willing to reciprocate in the matter. The Pakistan delegation agreed to examine the matter.

4. The Indian delegation pointed out that the Government of Pakistan had not so far restored property or handed over cheques in any of the 37 cases a list
of which has already been provided in which the Pakistan authorities had
intimated that the properties or sale proceeds would be included in the appropriate
lists. It was further pointed out that it was agreed at the last meeting that in such
cases, property wherever available, would be restored forthwith and where such
property, had been sold, bank drafts for the sale proceeds would be furnished
within a period of three months. Pakistan delegation agreed to take necessary
action in this behalf expeditiously and to hand over the property/sale proceeds
to the Deputy High Commissioner for India at Lahore.

5. As regards goods lying with the Clearing Agents, Pakistan delegation
stated that the matter was still under enquiry. It was mentioned that in some
cases the Clearing Agents had admitted that the goods were available with
them and though the matter had been taken up by the Property Field Officer,
Karachi, with the Custodian, the goods had not been released. The leader of the
Pakistan delegation desired that such cases should be brought to his notice
and he would see that necessary action is taken.

6. India promised to furnish a reply within fortnight, about the 42 cases of
Railway consignments referred to them. Pakistan delegation stated that they
had completed enquiries in 99 out of 1352 cases referred to them and had sent
a reply to the Government of India. They stated that in 8 cases they had been
able to ascertain that the property had been taken over by the Provincial
authorities from whom compensation had been asked for. It will be passed on to
India when received. They promised to complete enquiries in the remaining
cases within a period of 3 months.

7. Pakistan delegation promised to complete enquiries by the end of July,
1958 in the 329 cases referred to them in March 1950, regarding jewellery and
other valuables taken over from evacuees by the former Khairpur State. They
also stated that some persons formerly belonging to PEPSU had approached
them about their jewelry left there but whose names had not been included in
the lists given by India. The Indian delegation requested then to furnish a list of
such cases and promised to enquire into them.

8. Regarding the cases of insured letters referred to them, India promised to
send a reply by the end of May 1958.

9. As regards removal of personal and household effects left with friends
and relations, it was agreed that export of only those properties may be allowed
(a) Which had been retrieved before 31.12.1957 and in respect of which
luggage certificates had been issued but which had not been dispatched
by that date, and
(b) Cases in respect of which lists had been exchanged by the Liaison Officers
or in respect of which the two Governments were in correspondence.
Procedure for Payment of Dividends on Shares of Joint Stock Companies and the Amount due on Account of Insurance Policies.

10. India pointed out that the procedure for the remittance of dividends adopted by the State Bank-of Pakistan was not as simple and automatic as that laid down by the Reserve Bank of India in that permission of the State Bank of Pakistan has still to be obtained in Pakistan by every company every time it has to remit dividends to non-resident share-holders. The Pakistan delegation observed that the foreign exchange position of Pakistan was not quite comfortable and a certain measure of control with a view to having a proper estimate of foreign exchange requirements was necessary. Nevertheless they would examine the position further to see if the procedure in this respect in both the countries could not be made uniform.

11. The Indian delegation referred to the case of Sind Provincial Cooperative Bank Ltd. which had amended its bye-laws whereby members living outside the area of its operation censed to be members of the bank; and were not entitled to any dividends. They also raised the case of Australasia Bank of Lahore, which had laid down in its bye-laws that the Dividends which remained undrawn for more than a year would be forfeited. The Pakistan delegation agreed to examine these cases. They also agreed to furnish a reply in the case of Shri Sunder Singh Dhir, whose shares in Transport Co. Ltd. Rawalpindi had been allotted to refugees in Pakistan, although the Company was a non-evacuee concern.

12. The Pakistan delegation stated that insurance claims were not being paid to the successors of deceased insurants in Pakistan as the Indian Companies insisted that they should produce succession certificates from courts in India. They wanted that whatever facilities were available to evacuees under the Moveable Property Agreement should be extended to their heirs after the death of the evacuees. It was decided that both the Governments should examine the matter again with a view to evolving a suitable procedure for getting over this difficulty on a reciprocal basis.

Removal of Restrictions on Payment of Accumulated Dividends on Shares and Securities in Deposit with Banks in India.

13. The Indian delegation stated that this matter was still under examination and a reply would be sent shortly,

Joint Committee

14. It was agreed that the Joint Committee should start functioning from the 1st June, 1958 and hold its first meeting at Lahore. Each Government would inform the other Government about the name of its representative on the Committee by 15th May, 1958,
Deduction of 50% as Custodian Charges on Sale Proceeds of ‘Evacuee Movable Property by the former. N.W. F.P. Government.

15. The Pakistan delegation stated that the West Pakistan Government had agreed to give a cheque for this amount which would be handed over to the Deputy High Commissioner for India in Pakistan at Lahore, by the 15th May, 1950.

Issue of Payment Authorities for Contractors’ Claims and Payment of Compensation for Reserve Bank of India Shares.

16. The Indian delegation stated that necessary instructions would be issued within a fortnight.

Claims for Damaged and Defective Currency Notes.

17. The Indian delegation stated that necessary instructions would be issued to the Reserve Bank of India within fortnight.

Buried Treasure

18. It was agreed to extend the date for buried treasure operations till the 31st May, 1958, whereafter no further extension would be made. It was, however, decided that full facilities would be given for export to the other country of all properties retrieved by that date.

Procedure for the Transfer of Saving Bank Accounts, Postal Certificates etc.

19. With regard to the verification of the remaining accounts and certificates, the Indian delegation stated that necessary instructions had already been issued to the Postal authorities in India incorporating the suggestions made by the Director General, Posts and Telegraphs Pakistan in his letter No.F2-7/56 dated 10th January, 1958. A copy of the instructions which, had already been sent to Pakistan was again handed over to the Pakistan delegation for necessary action. It was also decided that the Pakistan Government will depute an officer to start the exchange of verified lists at Delhi from the 1st of July, 1958.

20. As regards unregistered accounts and postal certificates, the Indian delegation stated that the problem could be divided into two parts:-

(a) Accounts opened and certificates purchased before 15th August 1947, and

(b) those relating to post-partition periods. With regard to (a), it was agreed that a further period of six months may be allowed from 15th May, to 14th November, 1958 for the registration of such claims. The two Governments
would issue a Press Note to this effect on 1st May, 1958. These accounts will be adjusted through the Settlement Accounts.

Regarding (b), it was agreed in principle that these accounts and certificates should also be allowed to be transferred to the country in which the owner is now residing. The transfer will however, take place up to an agreed date. The Pakistan delegation suggested that adjustment of those accounts and certificates should be made through the Settlement Account. The Indian delegation, however, was of the view, that the settlement of these accounts and certificates should be made on a cash basis. It was agreed that this question might be taken up after the general question of the scope of the Indo-Pakistan Settlement Account in regard to post-partition transactions has been considered at the Finance Ministers’ Conference to be held shortly.

21. As regards Postal Life Insurance Policies, the procedure suggested by the Government of India in their letter No, F.78-4/55-LI, dated the 10th October, 1957, was agreed to subject to the following amendments:—

(a) policies assigned to corporate bodies will be re-assigned through the agency of the Director General Posts & Telegraphs instead of the Central Claims Organisation.

(b) with regard to policies which may lapse hereafter due to the default of the insurant to pay the premium on the specified dates and which the insurant wishes to revive, India will recover penal interest @ 6% in the case of policies which are the liability of Pakistan and Pakistan will recover penal interest @ 8% in the case of policies which are the liability of India.

(c) The settlement of accounts to between the two countries would be made through the Indo-Pakistan Settlement Accounts as and when payments are made or credits are received.

These arrangements would apply only to policies whose holders had migrated to the other country by 30.6.1955.

Transfer of Government of India Securities Purchased through Post Office Saving Bank Account now lying with the Deputy Accountant General, Posts & Telegraphs, Calcutta.

22. The Pakistan delegation agreed to supply full particulars of amounts standing to the credit of evacuees from Pakistan and invested in these securities within a period of two months. It was agreed that the credit for interest, if any, already realized by the Deputy Accountant General, Posts & Telegraphs, on these securities would be afforded to Pakistan through the Settlement Account.
Court Deposits

23. It was agreed that the Ministry of Rehabilitation on either side would take steps to have claims in respect of deposits made by the evacuee in criminal courts verified at an early date.

24. It was also agreed that further lists of court deposits covered by the Transfer of Evacuee Deposits Act may be exchanged at Lahore on the 10th June, 1958. As for the records pertaining to deposits included in the exchanged lists, it was agreed that in cases where courts had passed final orders, copies thereof will be passed on to the Custodian of Deposits of the other country and where such orders had not been passed, the entire record relating to the case would be transferred. Regarding cases covered by section 5 of the Transfer of Evacuee Deposits Act, the Indian delegation pointed out that the records were in various regional languages. The Custodian of Deposits (India) therefore called for a summary of the case from the court concerned and it should meet the requirements of the other country if a duly attested summary is passed on to it. It was agreed that in such cases an authenticated copy of the summary may be sent instead of the entire record of the case.

25. The Indian delegation again pressed that in regard to the transfer of court deposits made in undivided Punjab, the same procedure for payment should be followed as in the case of deposits made in undivided Provinces. The Pakistan delegation stated that the proposal would be considered by the Implementation Committee of the two Punjabs at their forth-coming meeting. The Pakistan Government would communicate their final decision in the matter after this meeting.

26. It was agreed that physical exchange of security documents, postal certificates, valuables, payment authorities, etc, by the Custodians of Deposits should take place on 15th May, 1958, at Lahore.

27. As for the statement showing the each amounts in the 63 cases relating to Courts of Wards and the Manager, Encumbered Estates, Hyderabad (Sind), the Pakistan delegation stated that they had not been able to bring this statement with them but would furnish it at Lahore on 15th May, 1958.

28. It was also agreed that a Press Note should be issued by the 1st of May, 1958, fixing 31st July, 1958, as the date for the filing of claims under the Transfer of Evacuee Deposits Act. No claims will be entertained thereafter. All claims received up to that date would be transmitted to the other country by the end of September, 1958.

Declaration of Displaced Banks as Non Evacuee Concerns

29. The Indian delegation stated that according to paragraph 40 of the minutes of the last Meeting, the Pakistan delegation had given an assurance that there
was no intention whatsoever to take evacuee property proceedings against displaced banks and that this had been made clear in the Press Note issued by them in 1957. It appeared, however, that the displaced banks had not so far been given non evacuee status by the Custodians and were consequently experiencing considerable difficulties in releasing their dues. The Pakistan Delegation stated that the Banking Agreement and the agreed decisions referred only to the grant of facilities of non-evacuees for purposes of realization of the displaced banks assets in Pakistan and not to the conferment of non-evacuee status on these displaced banks.

30. The Indian delegation stated that the aforesaid Agreement and the subsequent assurances given by Pakistan Government left no room for any doubt that the displaced banks would be declared as non-evacuees. The Indian delegation accordingly reiterated the suggestion made in paragraph 18(b) of the minutes of the January 1958 meeting asking the Pakistan Government to amend the evacuee property law or issue a notification to make it clear that the displaced banks are to be treated as non-evacuees for purposes of enforcement of their claims and realisation of their assets in Pakistan. Unless this is done, the Indian delegation felt, the implementation of the Banking Agreement would become impossible. The Pakistan delegation stated that they would put the point of view of the Indian delegation to their Government.

Decrees obtained by the Collector, Montgomery against the Punjab National Bank Ltd.

31. The Pakistan delegation stated that the difficulties being experienced by the Punjab National Bank in the recovery of loans and advances to Pakistan nationals were examined by the Deputy Secretary of their Rehabilitation Ministry and found to be greatly exaggerated. In their view, the difficulties cropped up because of the non-cooperative attitude of the Bank and devious methods adopted by it. The Indian delegation suggested that the Pakistan Government should inform the Bank of the lapses on its part and the remedial measures which the Bank should adopt. They also pointed out that the Bank had already addressed a letter to the Pakistan Government in February, 1958 stating that the Bank was complying with all the directions given to it and was prepared to carry out whatever further directions are issued by the Pakistan Government. The Pakistan delegation agreed to appraise the Bank of the action required to be taken by it.

32. As for the decrees obtained by the Collector, Montgomery against this Bank, the Pakistan delegation stated that the West Pakistan Government were examining the question of refund of the money deposited by the Collectors to the evacuees and on hearing from then, the Pakistan Government would advise the Government of India.
Transfer of Lockers and Safe Deposits.

33. The Indian delegation stated that they had already collected at Delhi all the evacuee lockers and safe deposits transferable to Pakistan. The progress of sealing and collection at Lahore of safe deposits/lockers in West Pakistan, was, however, far behind Schedule. The work of opening the lockers had not yet been started. It was agreed that Pakistan Govt. would expedite the sealing of safe deposits and lockers by putting one or more officers on the job, so that the entire work is finished by 15th May, 1958. The sealed safe deposits and lockers lying at outstations would also be brought to Lahore by that date.

34. The Indian delegation also stated that a number of objections had been raised by the Custodian’s representative during the course of the sealing of the safe deposits at Lahore. It was agreed that a list of the objections would be given to the Deputy Secretary, Rehabilitation Ministry, Pakistan, who would look into the matter on his return to Lahore. Thereafter a meeting will be held between the Deputy Secretaries of the Ministries of Rehabilitation of the two countries towards the end of April to discuss the outstanding points.

35. As regards third party claims against safe deposits/lockers, the Pakistan delegation agreed to supply the lists of such claims by 31st May, 1958. It was reiterated that only those claims would be included in these lists which were directly related to the contents of the safe deposits and lockers and which had been filed by the end of November, 1955. It was also agreed that if no lists were supplied by 31st May 1958, it would be presumed that there are no third party claim against safe deposits and lockers.

36. The Indian delegation stated that they had to issue a Press Note and advertisements inviting the lockers holders to send to the Ministry of Rehabilitation keys or intimations whether they would like to have their lockers opened. So far about 300 locker-holders have sent keys or intimations. They therefore proposed to open only those lockers for which keys or intimations had been received.

37. The Pakistan delegation stated that this was a new situation and raised the question of bank charges in regard to safe deposits and lockers. The Indian delegation stated that they could be called upon to pay only the charges in respect of safe deposits and lockers which they actually opened. Further, since the owners of safe deposits and lockers were denied access to their safe deposits/lockers for reasons beyond their control, they would like the banks to waive the rental charges for the post-partition period. The Pakistan delegation stated that the banks may demand the charges for the lockers, which are not required to be opened, from the Custodian under whose orders these lockers remained sealed for all this period; and in any case they were not likely to agree to waive any portion of the charges for the safe deposits and lockers actually opened. It was
agreed that the two Governments would try to persuade the banks concerned to
forego their charges for the unopened lockers and not to levy any rental charges
for the post-partition period in respect of safe deposits and lockers which are
opened. It was further agreed that the Deputy Secretaries of the Ministries of
Rehabilitation of the two countries would meet at Lahore on 15th May, 1958 and
discuss the question of charges in the light of the replies of the Banks and
report to their respective Governments.

38. It was agreed that safe deposits and lockers would be handed over to the
diplomatic representative of the other country at Lahore & Delhi respectively, on
5th June, 1958.

39. In view of the discrepancies and omissions noticed by Pakistan in the lists
of Bank accounts of en bloc areas received from India and the difficulties they
apprehended in the banks capacity to meet these liabilities without transfer of
funds from India, the Pakistan delegation suggested that the delinking of the two
issues provided in paragraph 20(iv) of the minutes of the last meeting should be re-
considered. The Indian delegation pointed out that in the last meeting the Pakistan
delegation had given an assurance on, behalf of the Pakistan Government that
once the lists of bank accounts and lockers and safe deposits are exchanged the
two issues would stand delinked. It was on the basis of this assurance that the
Indian Government had supplied the lists of bank accounts in en bloc areas to the
Pakistan Government, which had not been previously supplied.

40. In regard to the discrepancies and omissions in accounts, the Indian
delegation assured that they would examine the position on receipt of the
necessary particulars from the Pakistan Government. Similarly, the Pakistan
Government would also examine the discrepancies and omissions in the accounts
received from Pakistan for which necessary particulars will be made available
by India to them. The Indian delegation also reiterated the assurance, given at
the last meeting, that no restrictions would be imposed on the transfer of funds
from India to Pakistan, to the extent necessary, in cases where sufficient liquid
assets were not available in Pakistan to enable the banks to discharge the
liabilities created by the transfer of bank accounts in the en bloc areas. In this
regard the Indian delegation gave a further assurance on behalf of the Government
of India that funds would be transferred to the extent required. They also clarified
that this assurance would apply to both the displaced banks and the Indian
banks functioning in Pakistan.

41. In view of the clarifications given above, the two delegations agreed that
the position as provided in paragraph 20(iv) of the minutes of the last meeting of
the Implementation Committee stands and action as agreed will continue for
the transfer of bank accounts, lockers and safe deposits from one country to
the other.
Gold Loan Accounts

42. The Indian delegation stated that in accordance with the decisions taken at the last meeting of the Implementation Committee, Pakistan is to supply lists in respect of each bank showing full particular is of each gold loan account. The lists were to be classified into:-

(a) cases in which the banks concerned had already sold the jewellery;
(b) cases in which the claimant concerned had asked for the return of the jewellery end
(c) cases in which no claims had been filed for redemption

The Pakistan delegation promised to furnish the lists by 15th July, 1958. A list of 165 people who had approached the Indian Ministry of Rehabilitation regarding their gold loan accounts left in banks in West Pakistan was also handed over to the Pakistan delegation for necessary enquiries.

43. The Indian delegation also pointed out that a list of 21 cases, in which the gold-loan accounts had been adjusted by the State Bank of India and there was surplus jewellery in the accounts, was handed over by the Pakistan representatives to the Indian representatives at Lahore in March, 1958. They suggested that the surplus jewellery in these cases should be handed over to the Deputy High Commissioner for India at Lahore immediately. The Pakistan Government agreed to issue necessary instructions in the matter.

Exchange of Revenue Records

44. The Indian delegation pointed out that as against the 4944 jamabandis that were outstanding from Pakistan at the time of the last meeting of the Implementation Committee only 289 had been supplied in March, 1958. The Pakistan delegation stated that they were making efforts to secure the rest of the jamabandis at the earliest and they would be handed over to India as soon as they were received for the various provincial authorities. On their side, the Indian delegation agreed to supply the jamabandis or other records required by Pakistan, wherever available, in respect of villages in Bharatpur, Alwar, Bikaner, Delhi and the non-agreed areas. They requested the Pakistan Government to send their representative to Delhi so that he could look into these records and get copies.

45. The Pakistan delegation stated that enquiries into the cases of 170 Joint Stock Companies referred, by the Government of India were still in progress. The Indian delegation pointed out that they were told at the first meeting of the Implementation Committee that 78 cases had already been examined by the Rehabilitation Commissioner, West Pakistan and the position regarding those
cases would be intimated to the Government of India shortly. They stated that no information had been supplied to them so far. The Pakistan delegation stated that certain discrepancies were found even in those cases and they were being looked into. They promised to have these cases examined expeditiously and to communicate the results to the Government of India. It was suggested that as soon as some cases were finalized, the results would be communicated to the Government of India instead of waiting for the finalization of all the cases. This suggestion was accepted by the Pakistan delegation.

Exchange of Supplementary Lists, Bank Drafts and Fire Arms

46. It was decided that further supplementary lists and bank drafts should be exchanged at Lahore on 18th June, 1958. It was also decided that fire arms already included in the lists or in respect of which commitments had been made by their Governments should be exchanged on 17th June, 1958 at Lahore and Jullundur respectively.

47. The next meeting of the Implementation Committee would be held at Lahore on 16th and 17th July, 1958.

(Dharma Vira) (Nasir Ahmad)
Secretary Secretary
Ministry of Rehabilitation Ministry of Rehabilitation
India Pakistan

3241. Joint Press Communiqué issued by the Governments of India and Pakistan on the Implementation of the Moveable Properties Agreement.

New Delhi, April 21, 1958.

The fourth meeting of the Implementation Committee, set up under the Moveable Property Agreement between India and Pakistan, was held at New Delhi on 16 and 17 April 1958.

The Committee reviewed the progress made in the implementation of the Agreement and discussed measures to expedite completion of the remaining work, so that relief could be afforded to the affected persons on both sides.

Both the governments would ensure immediate restoration of moveable property in respect of which lists have already been exchanged.
They would also complete, within a period of four months, enquiries into cases, in which documentary evidence has been supplied by the displaced persons in support of their claims.

Further exchange of fire arms of displaced persons will be held on 17 June 1958.

Supplementary lists of moveable property, bank drafts for sale proceeds and further lists of evacuee court deposits will be exchanged at Lahore on 18 June 1958.

The exchange of security documents, postal certificates, valuables and payment authorities, etc. relating to court deposits, whose lists have already been exchanged, will take place at Lahore on 15 May 1958.

It has been decided to fix 31 July 1958 as the final date for the filing of claims under the Transfer of Evacuee Deposits Act. No claims will be entertained thereafter.

The Joint Committee which will look into the third party claims against moveable property and assess the compensation payable for moveable properties allotted or acquired will start functioning from 1 June 1958.

This committee would meet alternately in India and Pakistan and is expected to complete its work within a period of six months.

The date for the buried treasure operations has been extended up to 31 May 1958.

There would be no further extension after this date.

Displaced persons who had opened postal accounts or purchased certificates before 15 August 1947, but did not register their claims by the prescribed dates, will be allowed to register their claims.

For this purpose, a period of six months will be given from 15 May onwards.

Arrangements for settlement of postal life insurance claims have also been agreed upon.

The sealing of safe deposits and lockers belonging to displaced persons which has already been started by the two Governments will be completed by 15 May 1958.

Lockers and safe deposits would be handed over to the diplomatic representative of the other country at Lahore and Delhi, respectively on 5 June 1958.
It has also been agreed that funds will be transferred from India to Pakistan, to the extent necessary, in cases where sufficient liquid assets are not available in Pakistan to enable the banks to discharge the liabilities created by the transfer of Muslim bank accounts in the en bloc areas.

The other decisions cover arrangements for the exchange of revenue records, gold loan accounts and claims of joint stock companies for payment of compensation.

3242. Letter from Pakistan Prime Minister Firoz Khan Noon to Prime Minister Jawaharlal Nehru.
Karachi (May 1958. The letter is not dated)
No. F. 8(3)/58 - PI.
My dear Prime Minister,

The Pakistan delegation to the Implementation Committee set up under the Movable property Agreement has submitted to me its report of the deliberations of the meeting held at Delhi on the 16th and 17th April, 1958. I am glad to find that substantial progress has been made in the matter of implementing the various decisions under the Agreement. The most important item as you know is the release of lockers and safe deposits from one side and transfer of bank accounts from the other. I believe this matter must have been brought to your personal notice by Mian Ziauddin. The two issues were previously linked, but they were de-linked at the 3rd meeting of the Implementation Committee held in January, 1958, in deference to the wishes of the Indian delegation.

2. You would readily agree the matter is essentially one which concerns the displaced persons on both sides. The two Governments are no more than an agency to help the displaced persons to get what is due to them and of which they have been deprived for no fault of theirs for the last ten years. I can give you my assurance on behalf of the Government of Pakistan that there is no intention whatsoever of retaining the lockers and safe deposits which belong to the displaced persons in India. I have no doubt in my mind that you have full sympathy for the displaced persons on this side and that you will be able to give me a similar assurance in respect of the release of bank accounts of Muslims in India, It is possible that you may have to consult the banks before giving the assurance. I shall be grateful if you could take steps to make certain that the banks will transfer the accounts with necessary funds from India to Pakistan.
and that this issue will not be linked with any outstanding financial adjustments between the two countries.

3. This matter has been pending for quite some time and the officials who have been negotiating in this matter have not so far been able to resolve it satisfactorily. I therefore thought that it might be more profitable to take up this matter directly with you so that relief may be provided to people on both sides. It may perhaps be possible for Government of India to pay this amount and then recover it from the banks.

4. As soon as I hear from you that there will be no difficulty in the transfer of batik accounts of Muslims from India to Pakistan, I shall issue instructions to my officers to go ahead with the release of lockers and safe deposits.

Yours sincerely

(Firoz Khan Noon)

The Hon'ble Pandit Jawahar Lal Nehru,
Prime Minister of India,
New Delhi.

3243. Letter from Rehabilitation Minister Mehr Chand Khanna to Pakistan Prime Minister Firoz Khan Noon.


My dear Prime Minister,

My Prime Minister has forwarded to me your letter No. F.8(3)/58-PI without date regarding the transfer of lockers, safe deposits and bank accounts between India and Pakistan, for sending a reply as he was going out of Delhi for some time.

2. I appreciate your assurance that the Pakistan Government has no intention whatsoever of retaining the lockers and safe deposits which belong to the displaced persons in India. I have no hesitation in reciprocating this assurance in regard to the transfer of lockers and safe deposit and the bank accounts of evacuee from India. This assurance was given by the Indian delegation at the last meeting of the Implementation Committee in the following terms:-

The Indian delegation also reiterated the assurance given at the last meeting that no restrictions would be imposed on the transfer of funds
from India to Pakistan, to the extent necessary, in cases where sufficient liquid assets were not available in Pakistan to enable the banks to discharge the liabilities created by the transfer of bank accounts in the en bloc areas. In this regard the Indian delegation gave a further assurance on behalf of the Government of India that funds would be transferred to the extent required. They also clarified that this assurance would apply to both the displaced banks and the Indian banks functioning in Pakistan.

We stand by that assurance.

3. In the light of the assurance given at the last meeting of the Implementation Committee which was accepted by the Pakistan delegation as satisfactory after consulting you on the telephone, I have not been able to understand the difficulty in regard to the matter. If there is anything in which we have not observed the assurance in letter and spirit, kindly let me know and we will certainly take remedial steps.

Yours sincerely

(Mehr Chand Khanna)

The Hon’ble
Mr. Firoz Khan Noon,
Prime Minister of Pakistan,
Karachi.
to meet an extraordinary situation should be suspended in the two countries. We were then hoping for an overall settlement of the problem of evacuee property but no agreement could be reached on the question of immovable property. We, however, decided to do away with the Evacuee Property Law and relaxed several of its provisions in May, 1954. Thereafter the Law was abrogated by enactment of necessary legislation in October 1954 and it ceased to operate in regard to cases where the cause of action arose on or after the 7th May, 1954. It was further provided that no proceedings for declaring any property as evacuee property would be initiated after April 7, 1955.

2. The changes in our legislation were brought to the notice of the Government of Pakistan; we expected that since the idea originated from them, they would also abrogate their Law. No action was, however, taken by them for a long time. In November 1956, they issued an Ordinance (later converted into an Act) which provided *inter alia* that no person or property not treated as evacuee or evacuee property immediately before the 1st day of January 1957, shall be treated as evacuee or evacuee property, as the case may be, on or after that date. The word “treated”, it appears, was purposely left vague and rendered the objective of the amendment rather illusory as there was no provision in the Pakistan Laws for a formal order of declaration of property as an evacuee property and it was left open to the Custodians to demand possession of any property on the pretext that it had all along been treated as evacuee property. Besides, in anticipation of the contemplated changes in their Law, the Pakistan Government had issued a large number of notices asking the few remaining Hindus residing in that country to show cause why their properties should not be declared as evacuee. The so called abrogation of their Law did not prevent the Custodians from taking action in all these cases. However, those persons whose properties had been held to be non-evacuee by the Custodians/Central Government got some relief as no fresh proceedings could be started against them.

3. We have been informed by our Mission at Karachi that the Government of Pakistan found that despite the issue of the large number of notices, some 25 properties owned by Hindus each worth Rs.10 lacs and over, were still left over and action for declaring them as evacuee property could not be taken in view of the changes made by them in their Law. Besides, they felt that in some previous cases evacuee properties had been declared as non-evacuee without sufficient justification. They, therefore, passed on September 8, 1958, an Amending Act (copy attached) which, as shown in the statement of 'Objects and Reasons' to their Bill, imposes a ban on declaration of evacuee
property as non-evacuee in future and provides for a review of doubtful cases by the High Court.

4. We understand that the Amending Act was passed by the National Assembly of Pakistan in great haste and the entire legislative process took only a few minutes. Mr. Dingomal N. Ram Chandani, who was chosen by the Noon Government to represent the Hindu Community in the National Assembly, was not even consulted when the Bill was drafted. The Amending Act is a short one. Section 2 of this Act provides that no person or property treated as evacuee or evacuee property before September 23, 1858, shall be declared to be non-evacuee or as the case may be, non-evacuee property after that date. This would mean that members of the minority community will not in the future be able to get their wrongs redressed even if their properties have been declared evacuee on the most flimsy grounds.

5. A still more drastic provision which has been inserted in the Amending Act empowers the High Court to revise an order passed by a Custodian in a case in which he has on or after the first day of January 1953 declared any person as non-evacuee or any property as non-evacuee property. Such a revision can be made on an application made in this behalf either by the Central Government or by the Government of West Pakistan or by any person. This provision constitutes a serious encroachment on the rights of minorities and has given the authorities in Pakistan a long handle to harass the already suffering minority communities, particularly the Hindus. They would be subjected to costly legal proceedings before the High Court which usually take a long time to conclude. The effect would be that once the proceedings are started, their properties would remain frozen. As such revision applications before the High Court can also be filed by any person, there is unlimited scope for the harassment of Hindus by persons who may be interested in squeezing them out of Pakistan or in acquiring their property. It is feared that almost all the decided cases will be re-opened on flimsy grounds and the properties declared as evacuee properties.

6. The issues in this case are clear. The provisions of the Amending Act are against the principles in furtherance of which the Evacuee Property Laws were abrogated in the two countries. The object apparently is to get hold of the few remaining properties of the members of the minority community which are now left in Pakistan. As this affects the lives of minorities in Pakistan and may also have repercussions in India in normal times we would have been fully justified in lodging a strong and vigorous protest with Pakistan. The conditions in that country today, however, are very abnormal, there being a one man military dictatorship. A protest at this stage might even worsen
the existing bad situation. My Secretary, Dharma Vira, discussed the case with M. J. Desai and Rajeshwar Dayal. It was considered that Rajeshwar Dayal should study the position at Karachi and ascertain the reactions of the leaders of the minority community before any action is taken in the matter.

With regards,

Yours sincerely

(Mehr Chand Khanna)

Shri Jawaharlal Nehru,
Prime Minister,
New Delhi.

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3245. Letter from Minister for Rehabilitation Mehr Chand Khanna to Pakistan Minister for Rehabilitation Lt. Gen. Azam Khan.

Minister for Rehabilitation and Minority Affairs
8, Theatre Road, Calcutta-16
India

D.O.No.12/M. R/16 - S 28th May, 1959

My dear General,

Kindly refer to your letter No.425/59-PH, dated the 16th January, 1959, regarding the Evacuee Property Law in Pakistan.

2. We have since been informed that your Government has issued an Ordinance No. XXII of 1959, which has repealed the Pakistan Administration of Evacuee Property (Amendment) Act, 1958, about which I had written to you earlier. Though this Ordinance is a slight improvement in certain respects on the Amendment Act of 1958, the basic provisions of the latter Act have been retained. Cases in which a person or property was declared non-evacuee after the 1st of January, 1953, can still be reopened and such person or property can be declared as evacuee or evacuee property by a Tribunal to be set up under the Ordinance. As pointed out in my letter dated the 16th December, 1958, in India, no person or property can be declared as evacuee or evacuee property
after 7th May, 1954. This step was taken to restore confidence amongst the members of the minority community, even though we were fully aware that a good number of properties had escaped the attention of the Custodian and had not been brought within the purview of the Evacuee Property Law. However, it is for you to decide whether similar action should not be taken on your side to assure the minority community in your country.

3. I would, however, like to refer to one important matter. We understand that ownership of properties of non-evacuee owners in Pakistan, who have died after 1st January, 1957, and whose heirs are residing in India, is not being passed on to the heirs and such properties are being treated as evacuee property. In India, there is no such restriction and heirs of non-evacuee owners, even though they are residing in Pakistan, are entitled to inherit the property. But under your Law such properties can be declared as evacuee property on the ground that their owners are residing in India. Such action, apart from depriving a number of Indians from inheriting property in Pakistan, will cause great resentment on this side. I, therefore, sincerely hope that you would be able to reconsider the matter and take suitable action.

With best wishes

Yours sincerely

(Sd)/-

(Mehr Chand Khanna)

Lt. Genl. Azam Khan,
Minister for Rehabilitation,
Government of Pakistan,
Karachi

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3246. Letter from Pakistan Minister for Rehabilitation Mohammad Azam Khan to Minister for Rehabilitation Mehr Chand Khanna.

Karachi, June 17, 1959.

Government of Pakistan
Ministry of Rehabilitation
Karachi

D.O.No.21(1)/59 the 17th June, 1959

My dear Mehr Chand,

Kindly refer to your D.O. letter No.124/M(R)/16-S dated the 28th May, 1959, regarding the Evacuee Property Law in Pakistan. I received your letter on my return from tour abroad.

I am glad, you have appreciated the improve-ment made by Ordinance No. XXII of 1959. It is our earnest desire that in the interest of evacuees themselves, evacuee property in Pakistan should be listed as such, whether it is in the hands of Muslims or non-Muslims.

As to the question of the disposal of the property after the death of a non-evacuee owner, I cannot envisage any difficulty in respect of its devolution, on the demise of the owner, except in cases where the non-evacuee is a joint owner along with evacuee, and the interests of the joint evacuee owner in the property had remained concealed.

With best wishes,

Yours sincerely

Sd/- Mohammad Azam Khan
Lt. General

Mehr Chand Khanna, Esq.,
Minister for Rehabilitation & Minority Affairs,
Government of India,
8, Theatre Road, Calcutta-16.
Letter from Minister for Rehabilitation Mehr Chand Khanna to Pakistan Minister for Rehabilitation Lt. Gen. Azam Khan.

New Delhi, July 11, 1959

D.O.No.960/M(R)16-S.

July 11th, 1959

My dear Azam Khan,

Thank you for your letter No.21 (1)/59-Pl dated 17.6.1959 in reply to my letter of 28th May, 1959, regarding the Evacuee Property Law in Pakistan.

2. There is one other important matter to which I would like to invite your attention, via the Movable Property Agreement which was entered into between Pakistan and India in 1950. In 1953 and then in 1955, high-level conferences were held at Karachi to iron out the differences which had arisen over the interpretation of this Agreement and agreed decisions were reached on all outstanding points. A high-level Implementation Committee was also set up to supervise the implementation of the Agreement and it was to meet alternately at Karachi and Delhi every two months. However, only four meetings of the Committee have so far been held during the last four years and no meeting has been held for the last 15 months.

3. This Agreement was designed to restore the movable property left by evacuees in either country, such as personal and house-hold effects, trade goods and merchandise, seized cash and jewellery, sale-proceeds of movable property, buried treasures, lockers and safe-deposits, property of joint stock companies, etc. The Intention was that the unfortunate people who were forced to leave the country of their origin for reasons beyond their control should at least be restored their movable assets, wherever possible, so as to facilitate their rehabilitation in the country of their migration. The Agreement, therefore, had a distinctly humanitarian aspect. Unfortunately, however, barring a few items such as restoration of personal and house-hold effects, trade goods and merchandise, buried treasures, etc., no progress worth the name has been achieved in respect of other items, though agreed decisions for their speedy restoration were reached on more than one occasion between the two countries.

4. The more important of the unresolved items relate to lockers and safe-deposits of evacuees lying with banks, assets of Joint Stock Companies and status of displaced banks. I give below the factual position regarding these items for your information:-

i) **Lockers and safe-deposits**

An agreement in regard to the transfer of lockers and safe deposits of evacuee was entered into in March-April 1955 along with the general agreement on movable property. This matter, however, was linked at Pakistan’s request with the transfer of bank accounts of evacuees in the
en bloc areas. It was agreed in January, 1956 that the bank accounts of evacuees from Punjab (India) and PEPSU would be transferred to Pakistan along with the funds in certain cases, by 31st October 1956, and by that date the lockers and safe-deposit article would be released. This date was later extended to 30th June, 1957, but the actual transfer could not take place even by that date. At the third meeting of the Implementation Committee held in January 1958, it was explained to the Pakistan representatives that so long as the liabilities of the banks towards Pakistan nationals could be met from the assets of these banks in that country, there was no need for transferring any funds from India to Pakistan for this purpose. This was accepted by the Pakistan delegation on the assurance given by India that no restrictions would be imposed on the transfer of funds from India to Pakistan to the extent necessary, where sufficient liquid assets were not available in Pakistan to enable the banks to discharge the liabilities in question. It was further agreed that detailed lists of Muslim Bank accounts transferable to Pakistan and evacuee lockers and safe-deposits transferable to India should be exchanged in March 1958. We were assured on behalf of the Pakistan Government that once these lists had been exchanged, the two issues, viz. transfer of lockers and safe-deposits and transfer of bank account would stand delinked and the lockers and safe deposits would be handed over to the diplomatic representative of the other country on 31st March, 1958. The lists were duly exchanged as programmed in March 1958, and we also collected in Delhi all the evacuee lockers and safe deposits for handing over to Pakistan authorities on 31st March, 1958. Pakistan, however, did not take similar action on their side with the result that the transfer of lockers and safe deposits could not take place on the date fixed. At the fourth meeting of the Implementation Committee held in Delhi in April 1958, the Pakistan representatives again re-opened the question of the delinking of the two issues on the plea that they feared that the assets of the displaced banks in Pakistan may not be sufficient to meet the liabilities created by the transfer of Muslim accounts from India and, therefore, it was necessary that funds should be transferred from India to Pakistan along with the bank accounts before the agreement on the transfer of lockers and safe deposits was implemented. However, after discussion and consulting the then Prime Minister of Pakistan, Chaudhuri Nasir Ahmed, Leader of the Pakistan Delegation, again agreed to the two issues remaining delinked on getting an assurance on behalf of the Government of India that funds to the extent required by the banks to meet their liabilities arising from the transfer of Muslim bank accounts would be transferred from India to Pakistan. It was further agreed that the exchange of lockers and safe deposits would take place on the 5th June, 1958.
The Pakistan Government, however, again failed to implement this agreement and raised the question of third-party claims against lockers and safe deposits. There was a specific agreement in 1955 to which the then Finance Minister of Pakistani, Chaudhuri Mohamad Ali, was a party, that third-party claims against lockers and safe deposits would be satisfied only if they related to particular articles lying in the safe deposits and lockers. In spite of this specific agreement, the Pakistan Government took the view that even general third-party claims could be satisfied from the articles lying in the lockers and safe deposits. On our representation that the view taken by them was not in keeping with the earlier agreement, the Pakistan Government agreed to examine the matter further, but no final reply has so far been received in spite of repeated reminders with the result that the matter stands where it was at the time of the Movable Property Agreement.

ii) Assets of Joint Stock Companies

Under the Movable Property Agreement, the Joint Stock Companies with headquarters in the other country prior to 15th August, 1947, were to be treated as non-evacuee companies and their property was to be restored to the owners or compensation given it the property had been acquired or allotted by the Government. Movable property of the evacuee joint stock companies, i.e. companies which had transferred their headquarters to the other country after 15th August 1947 or the majority of whose shareholders had migrated to the other country, although, its headquarters remained in the same country, was also to be restored. We forwarded to Pakistan Government lists of 176 Joint stock companies claiming restoration of their property or compensation in lieu thereof. In spite of the fact that the matter had been taken up at a number of meetings of the Implementation Committee and the representatives of Pakistan repeatedly assured our representatives that the lists furnished by us were being examined, so far not a single claim of any joint stock company has been accepted nor has information been supplied regarding the property of any such company. We were informed as far back as January 1958 that the cases of 78 companies had been examined by the West Pakistan Government and that the information about them would be intimated to us shortly. This has, however, not been done so far, though a number of reminders have been sent.

iii) Status of Displaced Banks

Under the Indo-Pakistan Banking Agreement and the agreed decisions relating thereto, the displaced banks were to be given all facilities for functioning normally as non-evacuee concerns. To enable them to function as non-evacuee concerns, it was essential to give them free control over
their assets and properties in Pakistan and facilities to realise their dues in that country. This could be done by declaring them as non-evacuees. We have been pressing the Pakistan Government to issue a notification that these banks are non-evacuees and had suggested that, if necessary, they should amend their Evacuee Property Law for the purpose. At the third meeting of the Implementation Committee held in January 1958, it was brought to the notice of the representatives of Pakistan Government that Custodians in Pakistan were not treating those banks as non-evacuees and that considerable impediments were being placed in the way of their normal functioning. We were assured by the representatives of the Pakistan Government that there was no intention on their part to take evacuee property proceedings against the displaced banks and that this had been made clear in a Press Note issued by them in 1957. In April 1958, at the 4th meeting of the Implementation Committee this matter was again raised because complaints of discriminatory treatment from the displaced banks in Pakistan continued to be received. At that meeting the representatives of the Pakistan Government took a novel plea. They stated that the Banking Agreement did not provide that the displaced banks in Pakistan were to be conferred non-evacuee status. It only provided for their being given non-evacuee treatment. As this was a new interpretation, the Indian delegation had no alternative but to disagree with it and to request the Pakistan Government to implement the Banking Agreement in the light and spirit of the Agreement itself and subsequent assurances. This seems to have had no effect as subsequently the Custodian at Lahore ordered the Punjab National Bank and some other banks to centralise their assets with the State Bank of Pakistan, thereby denying to them the free use of their liquid assets in Pakistan.

5. I have given the above facts to apprise you of the position generally and not to apportion any blame for the non-implementation of the Agreement. My intention is to seek your co-operation in removing the bottle-necks which are impeding the progress of the Agreement. For this purpose, I would suggest that outstanding matters may be discussed either at Karachi or Delhi by the Implementation Committee set up by the two countries under the Agreement or by the Secretaries of the Rehabilitation Ministries of the two countries. Should you consider it necessary, we can have a meeting at our level and discuss the various problems and I cordially invite you to Delhi for this purpose. If you find it difficult to come to Delhi, if you so desire I would be willing to go to Karachi, for the purpose. We should take early decisions on the outstanding problems, because here in India we are winding up the Western Wing of the Rehabilitation Ministry by March 1960 and from press reports it appears that you are also contemplating to complete your work by the end of the year.
6. If, however, for any reason, you are of the view that these meetings will not serve any useful purpose or that further implementation of the Agreement is not possible, then it would be only fair to those concerned that the correct position is made known to them and they are no longer left in false state of expectations. The displaced persons in the two countries have already waited for 12 long years and it would be cruel to make them wait any more if no material results are to be achieved thereby. I should be grateful to have your reactions in this matter soon.

With regards,

Yours Sincerely

(Mehr Chand Khanna)

Lt. General Azam Khan.
Minister for Rehabilitation,
Government of Pakistan
Karachi.

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3248. SECRET

Letter from Minister for Rehabilitation Mehr Chand Khanna to Pakistan Minister for Rehabilitation Lt. Gen. Azam Khan.

Calcutta, August 3, 1959.

D. O. No. Conf/133/M/16-S. August 3, 1959

My dear Azam Khan,

I hope you have received my letter No.960/M(R)/16 of July 11th, 1959, in connection with the Movable Property Agreement between India and Pakistan.

2. I am now writing in regard to a proposal which was initiated by the Pakistan Government in April, 1956, in regard to the verification of claims.

3. On the 25th of April, 1956, the Secretary in the Ministry of Refugees and Rehabilitation of the Pakistan Government addressed a letter to our High Commissioner at Karachi saying that the Pakistan Government had started the work of verifying claims put in by refugees from India and was anxious that the work of verification should be as accurate as possible. He suggested that it might be a good thing if the Pakistan Government could send their Deputy Claims Commissioners to India to conduct an on-the-spot verification in respect
of claims valued at Rs.50 lakhs and above. The Secretary wanted to know if the Government of India would agree to allow these Deputy Claims Commissioners to go to various places in India for such verification. On the 18th June, 1956, I wrote to Sardar Amir Azam Khan, the then Minister for Refugees and Rehabilitation, to say that we would be glad to provide facilities for the verification and valuation of claims relating to immovable properties left in India and that my officers would give all possible assistance to the Pakistan officers in this matter. I suggested, however, in that letter that in my view the process of verification on the spot should be extended to all claims of the value of, say, one lakh or more. Subsequently, Mr. Khaleeli, who had taken over as Secretary wrote to my Secretary, Dharma Vira, on January 28, 1957 suggesting that, for the present, on-the-spot verification should be confined to claims worth one million rupees and over. He proposed to depute some six teams to India, each consisting of two officers and subordinate staff who would collect copies of relevant records and take photographs of properties claimed, showing their location, condition, size, etc. Mr. Khaleeli ended his letter by saying that the Pakistan Government would welcome a similar on-the-spot verification in Pakistan by the Government of India if claims valued at Rs. one million and over. Although we would have been happier to have the scope of the verification widened so as to cover all claims of over Rs. one lakh, our agreement to the proposal made by Mr. Khaleeli was conveyed in a letter from Dharma Vira, on the 22nd February, 1957. Subsequently on the 11th March, 1957, a team of Pakistan officers led by Mr. M. Khurahid Zaman, Claims Commissioner, came to Delhi and had discussions with our Chief Settlement Commissioner here. Matters relating to the principles on which the on-the-spot verification could be done were discussed at a meeting. The question of the formula to be applied in assessing the value of properties was also discussed and the Pakistan delegation said that the formula suggested by my Chief Settlement Commissioner would be considered. Matters did not proceed further until a meeting was held in Karachi in January, 1958, when an agreement was reached between the Rehabilitation Ministers of Pakistan and India that with a view to eliminate bogus and exaggerated claims put in by displaced persons for urban immovable properties left by them to each country, the two Governments would exchange information in regard to such properties and the arrangement would, in the first place, apply to claims valued at Rs.5 lakhs and above. Subsequently in April, 1958, after discussions between my Chief Settlement Commissioner and the Deputy Secretary, Rehabilitation, Pakistan Government a proforma was agreed upon for supplying information about such claims. In May, 1958, the Rehabilitation Secretary of the Pakistan Government wrote a letter to my Secretary saying that they had prepared lists of claims valued at Rs.50 lakhs and above and would be sending them through their High Commissioner at New Delhi for verification. These lists were duly handed over to us in the beginning of July, 1958.
4. An examination of the lists, however, showed that with a few exceptions, the properties mentioned were so vaguely described as to make it virtually impossible to locate them. We, therefore requested the Pakistan Government in our letter dated the 24th July, 1958, to give us more precise particulars of the properties in question, i.e. their municipal numbers or if such particulars were not available, the exact situation, so that the properties could be located. To indicate the type of information required, we sent a short list of 30 claims with particulars of municipal numbers and/or location in Pakistan. The Deputy High Commissioner for Pakistan in India, however, informed us in his letter dated the 23rd September, 1958, that his Government had advised that the claimants were not able to give the municipal numbers of their properties as they did not know how their properties were re-numbered after Partition, and were not able to give the old number since most of them had not brought their records. Be added that in their view sufficient information had been given in the applications to enable the Government of India to locate the properties and that no useful purpose would be served by calling upon the claimant to furnish further particulars.

5. Since, in our view, the particulars were quite inadequate to locate the properties, no further progress could be made. Meanwhile, on the 22nd July, 1958, the Rehabilitation Secretary, Pakistan Government, informed us that his Government had decided that only a certain category of claims valued between Rs.2 lakhs and Rs.50 lakhs should be verified by reference to each Government. Since this appeared to be a deviation from what had been agreed upon, we pointed this out to the Pakistan Government in our letter of 28th August, 1958, and suggested that the matter could perhaps be discussed at the next meeting of the Implementation Committee and subsequently between the Ministers concerned. The Rehabilitation Secretary, however, in his letter dated 20th November, 1958, did not agree that the Pakistan Governments proposal constituted any departure from the agreement and said that it was open to the two Governments to seek information only in respect of those claims which were suspected to be bogus and exaggerated. It was not clear how the Pakistan Government or, for that matter, the Government of India, were in a position to decide which claims were bogus and exaggerated in relation to the properties situated in the other country without a verification on the spot or without an exchange of information. With regard to our suggestion that the matter should be discussed at the next meeting of the Implementation Committee, the Pakistan Secretary felt that the implementation could not be brought into the picture at all.

6. Since we did not feel that further correspondence on this question would help matters, we had intended to take up the question at the next meeting of the Implementation Committee. But unfortunately, no such meetings took place after April, 1958, although we made several requests to your Government in this connection.
7. I would, therefore, request you to look into the matter and let me know if the Pakistan Government is still interested in this exchange of information. As I have pointed out in the beginning of this letter, the initiative came from the Pakistan Government at a time when we had progressed more than half way through our scheme of compensation. In consideration of the Pakistan Government's difficulties in assessing the genuineness of claims we had been prepared to give them whatever assistance they might require in the matter. If you are still interested, the best course would be for the Chief Settlement Commissioners or the Rehabilitation Secretaries of the two countries to discuss the issue. We are coming to the end of our work and will start disbanding our Settlement Organisation before long. It would be necessary, therefore, for us to know very early if the Pakistan Government is still interested in getting information in regard to properties left by displaced persons in India. If, however, you are no longer interested you would, perhaps, let us know so that the matter may be treated as closed.

With regards,

Yours sincerely

Sd/- Mehr Chand Khanna

Lt. Genl. Azam Khan,
Minister for Rehabilitation,
Government of Pakistan,
Karachi


Karachi, August 22, 1959.

Minister of Rehabilitation
Government of Pakistan
Karachi

D. O. No. F.2(1)/59 –PI. August 22, 1959

My dear Khanna,

I acknowledge with thanks your letter No. 960/M(R)/16-S of July 11, 1959, in connection with the Movable Property Agreement between India and Pakistan.
I entirely agree with you that the satisfaction of claims of movable properties abandoned by displaced persons has a humanitarian aspect and will contribute to the welfare and contentment of the people concerned. I am having the matter thoroughly looked into and obtain the latest information on every item included in this problem. Being completely pre-occupied with the urgent and very heavy task of settlement of claims, I may take a little longer than is necessary in formulating my views on this question and communicating them to you. I hope you would not mind this unavoidable delay, but assure you that I will deal with the problem with the sympathy and consideration that it deserves.

Coming now to your demi-official letter No. Conf/133/M(R)/16-S, dated the 3rd August, 1959, I find that the circumstances, in which the proposal for on the spot verification of claims of displaced persons from the two countries was originally mooted have radically changed so far as Pakistan is concerned. As you may probably be aware, we issued a Martial Law Regulation to afford an opportunity to those who had preferred wrong and exaggerated claims to withdraw or modify them within a prescribed period. This Regulation has had a very salutary effect and we are confident that the element of exaggeration in the claims has been almost entirely eliminated. This development has obviated the need for on the spot verification as contemplated previously. As a matter of fact, we have now fairly advanced in our operations for the settlement of claims and transfer of property to the claimants a task which we expect to complete by the end of the year.

In view of these circumstances, I feel that no useful purpose will be served by any further action in implementation of the old proposal for physical verification through visiting teams and we agree with you that the matter should be considered as closed.

With regards,

Yours Sincerely,

Mohammad Azam Khan

Mehr Chand Khanna, Esq.,
Minister for Rehabilitation and Minority Affairs,
Government of India,
8, Theatre Road, Calcutta-16.
3250. Note from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.


High Commission of India

Karachi

DNo.F.37(5)/60-Genl. 12th March, 1960/ 22nd Phalguna 1881 Saka

Subject: Settlement of outstanding issues relating to ‘the Movable Property Agreement - Proposal for early meeting of the Implementation Committee.

The High Commission of India in Pakistan presents its compliments to the Ministry of Foreign Affairs & Commonwealth Relations, Government of Pakistan, and has the honour to invite the Ministry’s attention to the Movable Property Agreement which was entered into between Pakistan and India in 1950. In 1953 and again in 1955, high level conferences were held at Karachi to iron out the differences which had arisen over the interpretation of this Agreement and agreed decisions were reached on all outstanding points. A high-level Implementation Committee was also set up to supervise the implementation of the agreement and this committee was to meet alternatively at Karachi and Delhi every two months. However, only four meetings of the Committee have so far been held during the last four years and no meeting has been held for the last two years.

2. On 11th July 1959, the Rehabilitation Minister of the Government of India addressed a letter to Lt. Gen. Azam Khan, Rehabilitation Minister of the Government of Pakistan, raising various matters connected with the Movable Property Agreement and requested inter alia that an early meeting of the Implementation Committee be arranged. In his reply dated the 22nd August, 1959, the Rehabilitation Minister of Pakistan intimated that he would get the various matters examined and would communicate his views in due course as he was then pre-occupied with the urgent and heavy task of settlement of claims. The High Commission hopes now that the main task of the settlement of claims and rehabilitation of displaced persons has been completed, that the Government of Pakistan will be in a position to consider the proposal of the Government of India for the holding of the next meeting of the Implementation Committee at an early date so that all outstanding issues arising out to the Agreement can be settled.

3. This Mission would like to bring to the notice of the Ministry that the matter was recently discussed by the High Commissioner with the Foreign Secretary to the Government of Pakistan, who kindly agreed to look into the
matter. The High Commission would be grateful if the proposal of the Government of India for the early meeting of the Implementation Committee is considered and a reply given at an early date.

4. The High Commission to India avails itself to this opportunity to renew to the Ministry of Foreign Affairs & Commonwealth Relations the assurances of its highest consideration.

The Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, Karachi.

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3251. Minutes of the Fifth Meeting of the Implementation Committee Setup Under the Movable property Agreement.
New Delhi, November 29 and 30, 1960.

PRESENT

India Members
1. Shri Dharma Vira, Secretary, Ministry of Rehabilitation,
2. Shri A.R. Shirali, Additional Budget Officer, Ministry of Finance.
3. Shri A.N. Mehta, Deputy High Commissioner for India in Pakistan.

Advisers
1. Shri S. Prasada, Deputy Secretary, Ministry of Rehabilitation.
2. Shri R.K. Seshadri, Deputy Secretary, Ministry of Finance,

Pakistan Members
1. Mr. M. H. Sufi, Secretary, Ministry of Rehabilitation,
2. Mr. E. A. Naik, Deputy Secretary, Ministry of Finance
3. Mr. M. Shafqat, Deputy High Commissioner for Pakistan in India

Advisers
1. Mr. K. A. Rahman, Deputy Director General Post and Telegraphs
2. Mr. K. Z. Sheikh, Deputy Chief Officer, State Bank of Pakistan
Welcoming the Pakistan delegation, the leader of the Indian delegation expressed the hope that the deliberations of this meeting of the Implementation Committee, which was taking place after an interval of 2 1/2 years, would yield fruitful results and that the displaced persons in, either country who had been waiting for 13 long years would be able to salvage their movable assets. The leader of the Pakistan delegation fully reciprocated these sentiments.

1. **Payments due in respect of lists of sale-proceeds already exchanged**

   (i) It was agreed that the outstanding amounts in respect of lists of sale-proceeds already exchanged would be paid by either Government at the time of the next meeting of the Implementation Committee.

   The disputed cases mentioned below which were included in the exchanged lists but could not be settled by correspondence, were discussed.

   (a) **Payment, to Messrs. E.M. Elahi, Maqbool Elahi and Reaz Ahmed representing sale-proceeds of trade goods of Hazari Bagh district.**
In this case, an amount of about Rs. 78,000/- was shown in the exchanged lists by India, but the list was subsequently modified as third-party claims exceeding the amount payable were found to be outstanding against the party. Pakistan pointed out that the amount had already been disbursed and it was not possible to recover it. India's contention was that, the cheque for the amount had not been given, whereas Pakistan claimed that according to their calculations the amount had been included in the total payments received by them. There were also some cases in which India had also made payments prior to revision of statements by Pakistan. It was agreed that in cases where payments, had wrongly been made and could not be recovered, the party responsible for the initial mistake would bear the loss.

(b) Statement No. IV-A. for Sukkur and Montgomery Districts.

India pointed out that in the lists of Sukkur and Montgomery districts handed over by Pakistan in October 1954, an amount of about Rs. 78,000/- was shown as payable. Pakistan stated that no such lists relating to these amounts were exchanged through the recognised channels and no amount was payable in respect of these districts. The lists officially handed over by Pakistan were nil statements. India stated that Photostat copies of the earlier statements had already been supplied to Pakistan. The original statements handed over by the Pakistan Custodian of Deposits, were shown to the Pakistan delegation at the meeting. Pakistan agreed to examine the matter further.

(c) Payment of about Rs. 28,000/- to Messrs. Bharat Carbon & Ribbon Manufacturing Co. Ltd., India.

India pointed out that this case was examined by the Joint Committee and it was agreed that a cheque for the amount payable to the firm would be given to the diplomatic representative of India at Lahore. Subsequently, the payment of the amount was withheld by the Pakistan Government on the ground that the case of this firm, which was a joint stock company, was under separate correspondence between the two Governments. India suggested that in regard to this payment also the same principle as had been agreed to under (a) above should be followed, Pakistan agreed to examine the matter.

(ii) Deduction of over Rs.3 lakhs as Custodian’s charges by the former N.W.F.P. Government from the sale proceeds of evacuee, properties.

The leader of the Pakistan delegation gave an assurance, that payment of this amount would be made at the next meeting of the Implementation Committee.
(iii) **Proceeds of properties sold in respect of which commitments had been made that the sale-proceed would be included in the exchanged lists.**

India stated that a sum of about Rs.18,000/- was payable by them to Pakistan on this account and they undertook to remit this amount shortly. A list of cases in which, commitments had been made by Pakistan was supplied to the Pakistan delegation, and they agreed to examine it and make payments expeditiously where due.

(iv) **Sale-proceeds of movable property auctioned in the presence of Property Field Officer Karachi, where such payments had not already been made.**

India stated that an amount of about Rs.22,000/- was due from Pakistan on this account Pakistan promised to examine the matter and to make payment shortly, if found due.

II. **Transfer of lockers and safe deposits**

**Transfer of bank accounts and funds of Muslims from Punjab (I) and allied areas.**

**Declaration of displaced banks as non-evacuee concerns.**

It was agreed that all these issues were closely allied to each other and should be settled together. Pakistan said that while they would not press for the re-linking of the issues of lockers and safe deposits and bank accounts in the *en bloc* areas, they would like the Muslim bank accounts of the *en-bloc* area to be transferred to Pakistan along with their funds. India agreed to consider this proposal, if Pakistan on their side agreed to consider the following proposals:—

(a) Only such third party claims would be entertained against lockers and safe-deposits lying with banks as are directly related to the contents of lockers and safe-deposits;

(b) the transfer of lockers and safe-deposits would take place simultaneously with the transfer of bank accounts and funds; and

(c) a notification would be issued by the Pakistan Government under the Evacuee Property Law declaring the displaced Indian banks in Pakistan as non-evacuee concerns.

In connection with the transfers of Muslim bank accounts in the *en-bloc* areas along with their funds, India suggested that only the difference between the total amounts of Muslim and non-Muslim bank accounts in the *en-bloc* areas in the two countries may be transferred to Pakistan along with the Muslim bank accounts
in case the above proposals were accepted. India also hoped that the Indian banks in Pakistan, once they were declared non-evacuee, would in accordance, with the Banking Agreement, be enabled to realize their frozen assets and, if they, so desired, to repatriate their surplus assets from Pakistan to India. It was also suggested that the banks may be asked to forego their charges in respect of lockers and safe deposits for the period after partition because the lockers and safe deposits remained with the banks for reasons beyond the control of the depositors.

It was agreed that both Governments would consider these proposal and be ready for taking decisions at the next meeting of the Implementation Committee.

III. Restoration of properties of Joint Stock Companies or payment of compensation therefore where properties have been allotted or acquired.

Release and restoration of shares securities, etc. deposited in banks.

Payment of accumulated, dividends on shares or interest on securities deposited in banks.

India stated that the Joint Stock Companies fell into two categories, namely, non-evacuee and evacuee concerns. Those companies which had their registered offices in the other country before 15th, August, 1947, had to be treated as non-evacuee concerns and in their case both their immovable and movable property was restorable. In the case of other companies, which were treated as evacuees, only the movable property was restorable. It was further stated that India had given a list of 176 Joint Stock Companies to Pakistan for verification of their assets; but the assets of not even a single company had so far been verified. Pakistan stated that Joint Stock Companies could be divided into four categories, namely, banking companies, electric supply companies, transport companies and others. The ease of banking companies fell within the purview of the Banking Agreement and would be dealt with in terms thereof. As regards the electric supply companies, they had mostly been acquired by the Provincial Governments or local bodies and the Custodians had been asked to indicate the compensation payable to these companies and the third-party claims outstanding against them. Pakistan would give full information about these companies at the next meeting of the Implementation Committee. As regards the transport companies, it was stated that information about their assets was not available. Efforts were, however, being made to get all possible information about the assets of transport companies as well as of other companies and would be given to India at the next meeting of the Implementation Committee. Pakistan desired that further particulars, if any, of the assets of such Transport companies may be supplied to facilitate verification.

As regards the release and restoration of shares, securities, etc. of Pakistan nationals deposited in banks, India stated that this question was linked up with
the restoration of properties of Joint Stock Companies. India had already collected the shares and securities in question and would release them as soon as Pakistan was in a position to restore the properties of the Joint Stock Companies.

As regards payment of accumulated dividends or interest on these shares and securities, India stated that dividends or interest on shares and securities deposited in banks were not on par with dividends or interest on share/securities in the possession of the nationals of the other country. Whereas there was an agreement for the remittance of dividends/interest on shares and securities in the possession of the nationals of the other country, there was no agreement between the two countries for the payment of dividends/interest on shares, and securities deposited in banks. It was agreed that this question would be further considered at the next meeting of the Implementation Committee.

IV. Postal Life Insurance Policies.

The Committee noted with satisfaction the progress of exchange of Valuation Certificates in respect of Postal Life Insurance policies between the two countries during the last few months and hoped that the exchange would be completed by April, 1961, or even earlier. The discrepancies in the number of pending claims would be reconciled between the representatives of the two countries.

In view of the speed at which exchange was taking place, it was not considered necessary to fix target date for completion of exchange. Similarly as fresh claims on policies were expected to be rare, it was agreed that no target date be fixed for the registration of claims.

V. Transfer of Post Office Savings Bank Accounts and Certificates.

Representatives of India and Pakistan informed the Committee of the number and value of the verification lists pertaining to Savings Bank accounts and certificates pending verification with either country and said that the Indian Liaison Officer was in Karachi for exchanging the lists.

It was agreed that action should be taken by the both the Governments to exchange as many lists as possible. The discrepancies that may be pointed out after initial examination of the lists should be got verified by the Post Offices of the respective Governments expeditiously, so that the lists could be exchanged finally during the stay of the Liaison Officer. The remaining lists may be exchanged by post and need not await the next meeting of Liaison Officers.

The procedure for exchange of conjoint accounts is under examination by the D.Gs. P.&T. the Pakistan’s representative promised to expedite his reply so that action to transfer these accounts may be taken.

The Indian delegate suggested that public accounts in Post Office Savings Bank which had hitherto been linked with the Banking Agreement, may also be
transferred like ordinary S.B. accounts. The Pakistan delegate promised to consider the proposal. It was agreed that this matter would be discussed at the next meeting of the Implementation Committee.

VI. Restoration of jewellery and other valuables seized from, or deposited by, migrants from PEPSU (Patiala and East Punjab States Union).

India pointed out that it had verified the claims received from evacuees in Pakistan in respect, of their valuables left in Pepsu and were able to locate property of above 160 evacuees out of the list of 1552 cases referred by Pakistan Those, valuables will be restored. It was further pointed out by them that a list of 329 evacuees who had left their pawned ornaments in Khairpur State before their migration to India had been sent to Pakistan for verification but not a single claim has so far been verified. It was also stated that Pakistan had also not released the seized cash and ornaments and jewellery and bullion which were included in the exchanged lists pertaining to Bahawalpura and other places. The Pakistan delegation promised that the jewellery etc. would be released shortly.

VII. Recognition of succession certificates granted by the courts in Pakistan for recovery of assets in India.

It was agreed that the problem of succession certificates may be confined to the payment of claims of insurance policies as other claims such as those relating to lockers, shares and securities in deposit with Banks and Bank accounts etc were covered under the various provisions of the Movable Property Agreement. Since the heirs of insurers would be put to considerable inconvenience if they were asked to produce succession certificates from courts in the other country, it was agreed that the High Commissioners in the two countries may be empowered to issue succession certificates to the heirs of the insurers provided they obtained such certificates from the courts of their country. It was further agreed that before making payment of the insurance claims, the two Governments would obtain indemnity bonds from the payees that they would indemnify the insurance company against all losses if there were any subsequent claims from the undisclosed heirs of the insurers.

VIII. Issue of payment authorities for contractors' claims.

Pakistan stated that India had accepted the initial liability for claims of contractors for works executed before partition for undivided India. They were, however, not entertaining the claims of certain contractors, whose cases were not covered under para 8 of the Indian Independence (Rights, Properties and Liabilities) Order, 1947, and who did not register their claims under the Press Note of May, 1948. Pakistan pressed that the claims of these contractors should also be paid by India, as they had accepted initial liability for all such claims. India pointed out that Pakistan had not verified a large number of claims of Indian contractors
amounting to about Rs.172 lakhs for supplies made and services rendered in Pakistan before partition; nor had they released the security deposits of the contractors to the extent promised. Pakistanis representative stated that the progress of verification of these claims was slow for various reasons and undertook to verify them and send payment authorities expeditiously and also to release the security deposits of contractors without any further delay. On this assurance, India agreed to issue payment authorities in respect of pre-partition claims of Pakistan contractors registered under the 1955 Press Note.

IX. Transfer of Post Office Securities deposited with the Deputy Accountant General, P&T Calcutta.

India stated that it had been agree between the two countries that the, securities of local bodies in East and West Pakistan which were lying with the D.A.G., P.& T., Calcutta would be released after retaining securities to the extent required for meeting the claims of ex-employees of these local bodies, who have migrated to India. According to the claims received by India Government, an amount of Rs.4.97 lakhs was payable to migrant employees of the above local bodies. Accordingly, after retaining securities of this value, India would be transferring securities of about Rs.9.0 lakhs to Pakistan. The question of balance securities, if any, would be examined further.

X. Exchange of revenue records.

India stated that they had already supplied to Pakistan most of the revenue records in respect of evacuee agricultural land in the agreed areas in India, but Pakistan had still to supply about 4,000 revenue records in respect of similar areas in West Pakistan. A detailed list of the villages in the “agreed areas” in West Pakistan, the revenue records of which were due from Pakistan, was supplied to them. Pakistan stated that they had to supply the revenue records only in respect of 1679 villages of the “agreed areas” in West Pakistan. They also stated that 4,981 Jamabandis of “agreed areas” were still due from India, whereas according to India almost all of them had been supplied. It was agree that discrepancies in figures would be reconciled by the officers of both countries. After reconciliation of figures, both countries would try to supply the balance of revenue records expeditiously. Pakistan promised to supply about 300 Jamabandis which were lying ready with them at Lahore in the course of the next few days.

India had also asked for records of payments by individuals in respect of colony rights for about 16,000 individuals of Bahawalpur and Sind, out of which about 5,500 had been received. Pakistan promised to supply the balance by a very early date. Pakistan had also supplied to India village directories of Bahawalpur and N.W.F.P., but similar directories regarding Sind were not available. They agreed to give a list of the villages in the districts of Sind.
As a gesture of good-will, India had agreed to supply Jamabandis in respect of “non-agreed areas” as well. They had already sent to Pakistan 1994; revenue records pertaining to “non-agreed areas” in India. Pakistan furnished a further list of villages of “non-agreed, areas” for which they required revenue records. India agreed to supply immediately 1,700 records of “agree areas” which were readily available with them and to collect and supply the remaining records as soon as possible.

As regards the printed list of gardens in U.P, and other questions about Zamindari rights etc. in that State, India suggested that an officer of Pakistan Government should proceed to Lucknow to personally make the inquiries desired by Pakistan. For this inquiry, India offered to make available to the officer concerned of Pakistan every possible facility. This was agreed to.

In addition, India gave to Pakistan lists of the following 4,380 villages in the “agreed areas” in India which either did not exist or where they were no evacuee lands or where the villages were Jagir, Muafi or Malkiyat Sarkar villages etc. along with necessary certificates:

i) Villages which do not exist. 242.00
ii) Villages where there are no evacuee lands. 3,817.00
iii) Jagir and Muafi villages. 237.00
iv) Villages which are Malkiyat Sarkar. 53.00
v) Villages where the evacuees owned only houses and not land. 31.00

Total 4,380.00

XI Gold Loan Accounts.

India stated that at the third meeting of the Implementation Committee it was agreed that the two Governments would exchange lists of gold loan accounts in the different banks after classifying them as under:—

(a) Cases in which the banks concerned had already sold the jewellery:
(b) Cases in which the claimants concerned had asked for return of the jewellery; and
(c) Cases in which no claims had been filed for redemption.

At India’s suggestion, Pakistan also agreed to issue instructions for handing overall the surplus sale proceeds to the Deputy High Commissioner for India in Lahore in cases where jewellery had already been sold and for the sale of
jewellery in cases where claimants had not exercised the option of redemption. Subsequently at the meeting of the Liaison Officers of India and Pakistan held at Lahore in March, 1958, Pakistan handed, over a list, of surplus gold ornaments held by the State Bank of India in Pakistan in respect of certain adjusted gold loan accounts. In terms of the Agreement, these surplus gold ornaments were to be handed over to the Indian Deputy High Commissioner at Lahore. This had, however, not been done so far, nor had other lists in respect of gold loan accounts been handed over to India. A list of 165 such accounts left in banks in West Pakistan had already been handed over to Pakistan.

Pakistan stated that they had written to the Reserve Bank of India to supply the list of gold loan accounts left by Muslims in banks in India, but they had not so far received any reply.

India explained that the Reserve Bank had sent circular letter to all the scheduled and non-scheduled, banks numbering more than 500 and the replies, received from them indicated that there was only one evacuee gold loan account with the State Bank of Hyderabad in which the bank charges exceeded the value of the evacuee’s deposit. The reply from the Reserve Bank of India indicating the steps which had been taken on the Indian side to obtain particulars, relating to Muslim gold loan accounts was handed over to the representative of the State Bank of Pakistan at the meeting.

It was agreed, that Pakistan would hand over the lists of gold loan-accounts left in banks in West Pakistan, at the next meetings India would also hand over a similar list of gold loan accounts if any, with their banks. It was further agreed that Pakistan would, hand over at the next meeting the surplus jewellery in respect of adjusted gold loan accounts, the list of which was given to India in March 1958.

XII. Restoration of Property Included in Exchanged Lists.

India pointed out that there were 56 cases of movables included in exchanged lists, which have not so far been restored. Pakistan promised to look into the matter.

XIII. Restoration of Movables not included in Exchanged Lists.

India state that in 768 cases documentary evidence had been supplied in support of the claims and replies had been received from Pakistan only in a very few cases. Pakistan delegation promised to look into the matter and expedite verification of these cases. India on its part promised to look into similar cases.

XIV. Recovery of Income-Tax dues as third party claims from sale proceeds of Trade Goods and Merchandise.
It was agreed that the present arrangements of deduction of income-tax dues from the sale proceeds of trade goods and merchandise should continue.

XV. Insured Letters.

Pakistan complained that a number of cases of un-delivered insured V. P. and ordinary registered parcels totalling 844 items were pending with Indian authorities for verification. India promised to hand over cheques for amounts already verified at the next meeting of the Implementation Committee and to report progress made in the verification of the remaining claims.

XVI. Non-payment of dividends to share-holders.

Pakistan stated that the case of Sind Provincial Co-operative Bank was not covered by the Agreement because Co-operative Banks were not Joint Stock Companies. However, as the matter was specifically brought to the notice of Pakistan delegation, they would look into it as a special case. They also agreed to supply information regarding the case of Shri Sunder Singh Dhir whose shares in a non-evacuee concern in Pakistan had been allotted to refugees. Pakistan promised to supply the required information at the next meeting of the Implementation Committee.

A list of cases in which Indian nationals were not getting dividends from Pakistan, on shares and interest on debentures was handed over to the Pakistan delegation. A similar list of Pakistan nationals was handed over to India. The two delegations promised to look into the matter.

XVII. Joint Committee.

It was agreed that the setting up of the Joint Committee was necessary for the adjudication of third-party claims, if any, against the articles in lockers and safe-deposits and for assessment of compensation payable to Joint Stock Companies whose properties had been acquired/allotted. It was agreed that both India and Pakistan would shortly nominate their representatives on the Joint Committee and the date from which the Joint Committee will start functioning will be decided at the next meeting of the Implementation Committee. It was agree that the Committee would work part time but, if necessary, it would have prolonged sessions.

XVIII. Payment of Compensation for Reserve Bank of India Shares.

Pakistan complained that payment authorities and G.P. notes were not being released to Pakistani holders of Reserve Bank of India shares. India pointed out that this question was linked with the question of payment of compensation for the properties of Joint Stock Companies in terms of the 1953 Agreement. It was agreed that consideration of this question be deferred to the next meeting.
XIX. Defective and Damaged Currency Notes.

It was stated by India that out of 67 claims received from Pakistan, payment authorities in 50 cases had already been issued and the remaining cases were being verified.

XX. Cash Amount Relating to Court of Wards and Manager, Encumbered Estate, Hyderabad (Sind).

Pakistan promised to expedite the verification of the 63 cases referred to them, and, to report, progress at the next meeting of Implementation Committee.

XXI. Finalisation of Claims under the Transfer of Evacuee Deposits Act

It was agreed that both countries would expedite verification of claims with a view to early completion of the work.

Pakistan pointed out that the definition of the term ‘evacuee’ in the Evacuee Property Act was different from that appearing under the Transfer of Evacuee Deposits Act, with the result that the deposits of certain evacuees were not treated as transferable deposits under the Transfer of Evacuee Deposits Act. India pointed out that for removing the anomaly two alternatives had been suggested by them to the Government of Pakistan in September, 1958. The first alternative was to widen the definition of “evacuee” under the “Transfer of Evacuee Deposits Act” so that it may have the same definition in the two Acts. The second alternative was to agree to the transfer of such deposits in the same way as had been decided in the case of Evacuee Deposits held in Criminal Courts. India preferred the second alternative as this would avoid delay which was inevitable if the “Transfer of Evacuee Deposits Act” in the two countries was to be amended, Pakistan promised to examine the matter and to give their definite views at the next meeting of the Implementation Committee.

XXII. Claims of Indian Nationals for Amounts Advanced against Deposits to Courts of Wards and Manager, Encumbered Estates.

Pakistan stated that this item was not covered by the Agreement, but they promised to examine the matter and to intimate their views at the next meeting.

XXIII. Decrees obtained by the Collector, Montgomery, against Punjab National Bank.

Pakistan stated that enquiries were still being made and the progress would be intimated at the next meeting.

XXIV. Payment of Compensation to Sialkot Electric Supply Company deposited in a Blocked Account with a Bank in Pakistan.
The Indian delegation raised the question of payment of about Rs.9, lakhs placed in the Company blocked account with the Grindley Bank Ltd., Lahore. The remittance of the amount was not allowed in this case as Pakistan held that the compensation had been paid prior to the issue of consolidated implementation instructions in 1955. India pointed out that this was taking a technical view of the matter and was against the spirit of the Agreement. Pakistan stated that this was a closed case but in deference to India’s wishes they agreed to examine the matter and to intimate their views at the next meeting.

XXV. Next meeting of the Implementation-Committee.

It was agreed that the next meeting of the Implementation Committee would be held at Rawalpindi on the 17th and 18th January, 1961. It was also agreed that the meeting of the Implementation Committee under the Banking Agreement would also be held simultaneously.

Sd/- DharmaVira
Secretary
Ministry of Rehabilitation
India

Sd/- M. H. Sufi
Secretary
Ministry of Rehabilitation
Pakistan

3252. Minutes of the Sixth Meeting of the Implementation Committee setup under the Moveable Property Agreement.


PRESENT

Pakistan

<table>
<thead>
<tr>
<th>Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Mr. M.H. Sufi, C.S.P., Secretary, Ministry of Rehabilitation and Works.</td>
</tr>
<tr>
<td>2. Mr. Vaqar Ahmad, Joint Secretary, Ministry of Finance.</td>
</tr>
</tbody>
</table>

India

<table>
<thead>
<tr>
<th>Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Shri Dharma Vira, I.C.S., Secretary, Ministry of Rehabilitation</td>
</tr>
<tr>
<td>2. Shri A. Baksi, Joint Secretary, Ministry of Finance.</td>
</tr>
</tbody>
</table>
3. Mr. M. Shafqat, Deputy High Commissioner for Pakistan in India.

Advisers

1. Mr. E. A. Naik, C.S.P., Deputy Secretary, Ministry of Finance.

2. Mr. Abbas Ali Khan, Deputy Secretary, Ministry of Rehabilitation and Works.

3. Mr. Khair Din, Deputy Secretary, Ministry of Finance.

4. Mr. K. A. Rehman, Deputy Director General, Posts & Telegraphs.

5. Mr. K. Z. Shaikh, Deputy Chief Officer, State Bank of Pakistan.

6. Mr. S. Ali Raza, Section Officer, Ministry of Rehabilitation and Works.

7. Mr. M.A. Quraishi, Section Officer, Ministry of Rehabilitation and Works.

8. Mr. S.A. Latif, Settlement Commissioner.

9. Mr. Aslam Hayat, O.S.D. Central Record Office.

3. Shri A.N. Mehta, Deputy High Commissioner

Advisers

1. Shri. B.S. Grewal, Financial Commissioner.

2. Shri. S. Prasada, Deputy Secretary, Ministry of Rehabilitation.

3. Shri R.K. Seshadri, Deputy Secretary, Minister of Finance

4. Shri. W.T. Korke, Deputy Chief Officer, Reserve Bank of India

5. Shri I.N. Chib, Deputy Chief Settlement Commissioner

6. Shri S.C. Jain, Deputy Director General, Posts & Telegraphs

7. Shri K.B. Mathur, Under Secretary, Ministry of Rehabilitation

8. Shri N.G. Sen, Officer-in-Charge, Central Claims Organisation and Custodian of Deposits.

***************
The leader of the Pakistan delegation welcomed the Indian delegation to the sixth meeting of the Implementation Committee under the Movable Property Agreement at Rawalpindi, and expressed the hope that the deliberations of the committee would result in expeditious implementation of the various provisions of the Agreement in their true spirit.

The leader, of the Indian delegation thanked the Leader of the Pakistan delegation on behalf of his delegation and himself and reciprocated the desire of the Indian delegation to expedite implementation of the Agreement.

### I. Payments due in respect of lists of sale proceeds already exchanged

The leader of the Indian delegation stated that they, had brought cheques in respect of the following items:

- **i)** Sale proceeds included in the lists already exchanged Rs.1,09,258/8/11.

- **ii)** Sale proceeds included in the statement No.: IX-B of Hazari Bagh District, payable to Messrs. E.M.Elahi, Maqbool Elahi and Reaz Ahmed: Rs.78,402/-.

- **iii)** Proceeds of property sold in respect of which commitments had been made that the sale proceeds would be included in the exchanged lists by Central Government as well as subordinate offices Rs.17,564/-.

The leader of the Pakistan delegation pointed-out that, there were certain discrepancies in the figures mentioned by India. However subject to further verification, these cheques amounting to Rs.2,05,224.57 np will be accepted.

Pakistan, stated that they had brought cheques in respect of following Items:-

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Statement No. etc.</th>
<th>Payable by Pakistan</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>50%, deduction by former N.W.F.P. Government.</td>
<td>Rs. 3,44,979 1-7</td>
</tr>
<tr>
<td>2.</td>
<td>IX-A Hazara (i.e. balance on 16.4.58)</td>
<td>Rs. 1,230 5-4</td>
</tr>
<tr>
<td>3.</td>
<td>VIII Shikarpur (Supplementary exchanged on 16.4.58)</td>
<td>Rs. 464 10-0</td>
</tr>
<tr>
<td>4.</td>
<td>IX-A Kohat (Supplementary exchanged on 16.4.58.)</td>
<td>Rs. 1,024 13-0</td>
</tr>
<tr>
<td>5.</td>
<td>Amount of time-barred Bank Drafts returned by India.</td>
<td>Rs. 2,525 12-0</td>
</tr>
</tbody>
</table>

343 13-0)
6. VIII Multan supplied on 24.2.1961. Rs. 2,565 4-0
7. IV-A Montgomery. Rs. 420 0-0

(Editor's Note=currency expressed is rupees, annas and pies = 16 annas made a rupee and 12 pies made an anna)

Cases of Commitment

1. Mr. J.G.Sethi Rs. 3,420 0-0
2. Mr. Parasram Gordhan Das Rs. 630 0-0
3. Dr. H. Lal. Lahore Rs. 646 3-0
4. Dr. Govind Singh (Ram Lal) Rs. 151 8-0
5. Dr. Charanjit Taryoon Rs. 1,800 0-0
6. Mr. C. L. Sikka Rs. 57 10-0
7. Mehla Singh (Bahadurnagar Dairy Farm, Montgomery) Rs. 39,662 13-0.

Total Amount Payable Rs. 3,99,921-11.
OR Rs. 3,99,921 81 np.

Pakistan handed over bank drafts amounting to Rs. 4,03,227-17 naya paisa i.e. Rs.3,305-36 nayapaisa in excess of the above amount.

The leader of the Pakistan delegation further stated that enquiries, regarding other cases were being made from the officials concerned. It was clarified by Pakistan that the list relating to Sukkur was actually in respect of court deposits for which payment authority will be issued in due course.

It was agreed that cheques in respect of the remaining items will be passed on by either country as soon as the amounts were realised, without waiting for the next meeting.

The leader of the Indian delegation desired that as the items included in the list of commitments and items relating to properties sold in the presence of Field Officers were quite old, the process of further verification and payment should be speeded up.

About, the case of M/s Bharat Carbon, & Ribbon Manufacturing Co., Pakistan stated that, a third party claim amounting to Rs.36,495/4/- against this company had been reported within the prescribed period. The amount of compensation due to this Co. was Rs.31,856/8/10, from which administrative charges at the
rate of 10% had to be deducted. This being the position, the third party claim exceeded the amount of compensation, payable to the Co. The leader of the Indian delegation stated that after this case had been dealt with by the Joint Committee, India had paid a net amount of Rs.28,666/8/11 to the Co. in good faith. It was decided at the last meeting that in such cases the loss would be borne by the party which was responsible for the initial mistake. As Pakistan had not pressed the third party claim in this case before the Joint Committee, earlier, India wanted that this amount should be paid by Pakistan. Thereupon, Pakistan agreed to pay Rs.28,666/8/11.

The leader of the Indian delegation referred to the case of Ganesh Khopra Mills, Karachi, regarding which Pakistan, had initially paid a sum of Rs.3.07 lakhs on account of sale proceeds of its goods, but later, on cancelled the payment saying that the amount; actually related to the security deposit of the allottee of the Mills. Pakistan agreed to look into this case and intimate the result at the next meeting. Another case mentioned by him was of R.B.Mela Ram of Lahore who had left considerable stocks in his cotton Mill at Lahore. Pakistan said that this was a new case, but they agreed to examine it.

He also suggested that in the case of statements No.VIII and No.IX-A, relating to Kohat it may be checked up whether administrative charges had been deducted at the rate of 50% by the former N.W.F.P. Government. Pakistan agreed to do so.

II. (i) Transfer of lockers and safe deposits.

(ii) Transfer of bank accounts, and funds of Muslims from Punjab and allied areas.

(iii) Declaration of displaced banks as non-evacuee concerns.

It was agreed that the consideration of these items may be postponed to the next meeting.

III. Restoration of properties of Joint Stock Companies or payment of compensation therefore where properties have been acquired or allotted. Release and restoration of shares, securities, etc. deposited in banks. Payment of accumulated dividends on shares or interest in securities deposited in banks.

Pakistan pointed out that the value of the assets of 18 electric companies, mostly located in the former West Punjab, had been assessed by the Custodian. It came to Rs.10,23,137/- as against Rs.3,38,12,600/- claimed by India. Besides, there were third party claims against these companies. The leader of the Pakistan delegation explained that this huge discrepancy could be ascribed to the fact that whereas the companies had claimed compensation for both movable and
immovable assets, they were actually entitled to claim compensation only in respect of their movable assets as they were evacuees. India was of the view that these companies had shifted their headquarters to India before the due date and therefore they could not be treated as evacuees.

Pakistan agreed to examine the position further on the production of evidence by the companies to the effect that they had shifted their headquarters to India before 15.8.1947 in accordance with the provisions of the Companies Law. Pakistan further agreed to supply a list of these 18 electric companies showing the details of the claims made by them, the amount of compensation accepted by the Custodian in each case and the amount of third party claims pending against these companies.

As regards the transport companies, it was pointed out that the list giving details in respect of their assets had been received from India only recently and action was being taken to verify the value of their assets, based on the information contained in the list. The leader of the Indian delegation pointed out that out of 176 joint stock companies a list of which was furnished to Pakistan a few years back, verification of assets had been made only, in, respect of 18 companies so far. He hoped that action in respect of the remaining companies would be expedited. Pakistan agreed to expedite the verification in respect of the remaining companies. Pakistan stated that accumulated dividends on shares or interest on securities deposited in banks was not being paid to the Pakistani nationals. This point had been raised in the last meeting when India had agreed to examine it. The leader of Indian delegation stated that they had not come to any conclusion in regard to this point and that at the next meeting of the Implementation Committee they would be in a position to give a more definite reply.

IV. Postal Life Insurance Policies.

The Committee noted that the progress of exchange valuation certificates continued to be satisfactory.

V. Transfer of Post Office Savings Bank Accounts and Certificates

It was noted that the progress made regarding the verification of Post Office Savings Bank accounts and Certificates claims was satisfactory. The procedure regarding transfer of conjoint accounts had been under correspondence between the two D.Gs. P&T, and it was hoped that it would be finalized very soon.

As regards public accounts, in post Offices Savings Bank, Pakistan reiterated its stand that this item should follow a decision on the disposal of public accounts in the commercial banks.

VI. Restoration of jewellery and other valuables seized from or deposited by migrants from Pepsu, Khairpur and Bahawalpur.
It was agreed that a programme would be chalked out for the restoration of money or valuables including jewellery seized from or deposited by evacuees from Bahawalpur etc. in Pakistan and Pepsu in India, which had already been included in the exchanged lists. The valuable or the money will be handed over to the representative of the other country on 25.3.1961. Enquires will be processed expeditiously regarding the outstanding cases relating to Pepsu and Khairpur.

VIII. Issue of payment authorities for Contractors’ claims

The Pakistan delegation noted that revised instructions had been issued by the Government of India, for the payment of claims of Pakistan contractors who had executed works before partition for undivided India and had registered their claims under the Press Note of 1955. The leader of the Indian delegation pointed out that the progress in regard to the issue of payment authorities in respect of pre-partition claims of Indian contractors and the release of their security deposits had not been satisfactory. He requested that steps might be taken to dispose of their claims speedily. The Pakistan delegation agreed to take suitable steps and at the same time pointed out that the verification of claims had been slow on both sides. They, therefore, hoped that the Indian authorities would also expedite the work.

IX. Transfer of Post Office Securities deposited with the Deputy Accountant General, P&T, Calcutta.

Pakistan made two points:

i) That the securities of the value of Rs.9 lakhs which were to be returned to Pakistan as a result of the decisions taken at the last meeting of the Implementation Committee had not been returned so far. The leader of the Indian delegation promised to expedite action in this respect.

ii) Pakistan stated that apart from the securities belonging to local bodies, securities purchased through the Post Office Saving Bank deposits of individuals had also to be returned. In this connection they referred to the minutes of the previous meetings. The Indian delegation had some doubt whether securities of individuals were covered by the agreement. They wanted to consult the previous correspondence before expressing any views on this point. It was agreed that this matter would be considered further at the next meeting

X. Exchange of Revenue Records

The demand, of India for the balance of records i.e. Jamabandis, colony right statements, list of villages etc. was analysed. As decided in the last meeting, India
had prepared a firm demand giving a list of 2843 villages for which the Revenue Records have yet to be supplied. This list and its break-up has now been supplied to Pakistan. Pakistan agreed to supply the records given in this list.

**Colony Right Statements**

India needed colony right statements in respect of about 10,500 individuals in Sind. Lists of these statements, giving some particulars in a tabular form were supplied by Pakistan in two instalments. India stated that on examination these lists have been found to be incomplete and inaccurate as indicated below:-

1) Survey numbers of the fields with areas have not been given

2) The total amount due, paid and outstanding on 15.8.1947 has not been shown;

3) In most cases total amount recoverable does not tally with the amount paid and the amount due.

India has returned these lists for correction and completion.

For Bahawalpur, out of the total demand of 5500 colony rights statements, India has received only 700 so far. Pakistan agreed to supply the rest at an early date and stated that about 2000 statements were ready for delivery.

**Village Lists:**

Lists of villages for Bahawalpur were supplied but they seemed to be incomplete as the number of Jamabandis supplied already exceeds the number of villages given in these lists. Pakistan agreed to supply a complete list and a copy of the list already supplied will be returned to them,

For the N.W.F.P., lists have been received only for Kohat and Peshawar and D.I. Khan Districts in complete form. List for Mardan district is incomplete in the sense that hadbast numbers have not been supplied, while lists for Hazara and Bannu Districts have not been supplied so far. A copy of the incomplete list will be sent to Pakistan for supplying the requisite information.

Village lists of Sind did not exist in any printed form and Pakistan had promised to get lists of villages from the various districts. They stated that out of 9 dis-tricts they have received lists of 6 districts only. These may be supplied while for the remaining three districts lists can be supplied at a later date.

**Comparison of Records at Wagah Border:**

It was agreed that instead of asking for original jamabandis for comparison at Wagah Border both sides would normally ask for verification through fardat-i-badar. In contested cases original record would also be seen at the Border.
Revenue Records of agreed areas due from India: Pakistan stated that the following records were still due from India.

i) Jamabandis (agreed area) 947;
ii) Fardat-i-badar-do- 8373;
iii) Village directories of Alwar and Bharatpur States and Himachal Pradesh and Delhi Provinces;
iv) Details of evacuee agricultural land in 30 villages of Delhi stated to be in the Delhi Improvement Trust;
v) Information regarding evacuee agricultural assets of 237 jagirs and muafi estates of Alwar and Bikaner.

Since the replies received from States about the non-existence of evacuee land were somewhat vague, India suggested that, in respect of the outstanding jamabandis, instead of repeating a numerical demand it would be of advantage if Pakistan supplied to them a list of the estates concerned arranged alphabetically tahsilwise. Pakistan agreed to do so. India promised, to expedite the supply of information relating to the remaining items referred to above.

Non-Agreed Areas: Pakistan had made a request for the supply of revenue records of 23457 villages of non-agreed areas. Out of these records for 1994 + 1773 + 890 totaling 4660 have been supplied so far. Pakistan stated that on checking this number was found to be 4424. This discrepancy should be reconciled, after mutual checking of the records already supplied. It was stated that records of another 718 villages were lying ready for delivery at Delhi and may be collected by Pakistan.

Pakistan requested that India may arrange for the early supply of the remaining records. They further desired that in the case of records already supplied India would, when so requested in particular cases:

a) provide information regarding zamindari areas abandoned by evacuees and affected by the U.P. Abolition of Zamindari and Land Reforms Act and their details where such areas do not appear in the records supplied;

b) furnish clarification and supply omissions, if any, in the records supplied.

India promised to extend full cooperation and give all possible facilities for the procurement of outstanding records. In order to expedite the work it was agreed that Pakistan will send teams of officers to various district/tahsil headquarters for the speedy collection of the required information and records. The Leader of the Indian Delegation agreed to write to the State Governments concerned to give full assistance to these teams for the completion of their task.
Revenue Groves and Gardens in U.P:
At the request of Pakistan India had recently supplied printed lists of evacuee groves and gardens published in 1953. Pakistan pointed out that these lists related to only nineteen districts and enquired whether it implied that there were no evacuee groves and gardens in the remaining districts. Enquiry to this effect will be made from State Governments and information will be supplied to the Pakistan Government.

On a suggestion made by Pakistan, India agreed to appoint one of their officer’s for co-ordination with the Officer on Special Duty (Central Record Office), Pakistan, so far as the exchange of revenue records and collection of information relating thereto was concerned.

XI. Gold Loan Accounts.
The Pakistan delegation stated that the State Bank of India had revised their previous lists and had added a few new items in respect of which further verification will be necessary. Pakistan, however, agreed to hand over the surplus jewellery in respect of 18 cases of adjusted gold loan accounts. Action on remaining cases would be expedited. The State Bank of India, Lahore, will be instructed to transfer the jewellery to the State Bank of India, Karachi, from where it will be handed over to the Deputy High Commissioner for India.

It was also agreed that Pakistan would have the remaining 165 gold loan accounts settled early. A list of these accounts was supplied to them in April, 1958. They would intimate the result at the next meeting of the Committee.

XII. Restoration of Property included in Exchanged Lists
The Indian delegation stated that they had already requested Pakistan that this property may be disposed of. India hoped that this would be done soon and the sale proceeds remitted to them.

XIII. Restoration of Moveables not Included in Exchanged Lists
India pointed out that a list of 768 cases was handed, over at the fourth meeting of the Implementation Committee. So far the result had not been reported in any case. The leader of the Pakistan delegation promised to look into the matter and to have the disposal of the cases.

India desired, that instead of restoring the recovered properties in these cases, it would be better if the properties were sold and sale proceeds were remitted to India.

XIV. Recovery of Income-Tax Dues as Third Party Claims from Sale Proceeds of Trade Goods and Merchandise
The item is closed.

XV. **Insured Letters**

India stated that out of the 8 insured letters, 6 had been traced. They had brought a cheque for Rs.10,838/11 N.P. being the amount of these letters. Rs.3,240/- being the amount of the remaining 3 letters, would be remitted as soon as received from the Custodians concerned in India.

Regarding the VP and other parcels, India stated that the total number of cases referred was 744. Out of this only 26 could be traced. The claims in respect of 23 had been settled, whereas in 3 cases the claims will have to be settled by Pakistan by re-issuing the money orders as they were not forwarded to India on account of the suspension of money order service. Pakistan requested that the details of the cases disposed of maybe supplied to the D.G.P. & T., Pakistan.

XVI. **Non-Payment of Dividends to Share-Holders**

Pakistan stated that a reply had already been sent to India after ascertaining the position from the Sind Provincial Cooperative Bank. The leader of the Indian Delegation suggested that the Government of Pakistan might use their good offices and persuade the Sind Provincial Cooperative Bank to pay these dividends to the share-holders who could not claim the dues within three years, due to circumstances, beyond their control.

Regarding the case of Shri Sunder Singh Dhir, whose shares in a non-evacuee concern in Pakistan were allotted to refugees, Pakistan stated that the matter was being looked into and the outcome would be reported to India within a month. Regarding the lists exchanged in respect of the nationals of either country, who were not getting dividends on shares and interest on debentures, the Committee noted that no remittance had actually been made so far. The leaders of both delegations promised that they would have the matter finalised within a month.

XVII. **Joint Committee**

Pakistan suggested the name of Mr. Irshad Ali Khan, Additional Custodian of Evacuee Property, Lahore, as a member of the Joint Committee. India proposed the name of Mr. Tara Chand Agarwal, Retired District and Sessions Judge, to be a member of the Joint Committee. It was decided that the Joint Committee would meet from 27th March, 1961 onwards to decide pending cases. The first meeting will be held in Delhi.

XVIII. **Payment of Compensation for Reserve Bank of India Shares**

India pointed out that as this question was linked with the payment of compensation for the properties of Joint Stock Companies, it would not be
possible to pay compensation for the Reserve Bank of India shares or to release the other shares and securities of evacuee lying with banks at this stage. The consideration of the question was therefore postponed to the next meeting.

XIX. Defective and Damaged Currency Notes

India stated that out of a total of 67 cases, payment authorities had already been sent to the Government of Pakistan in 50 cases. In 3 cases, the payment authorities contained discrepancies which were being corrected, 4 cases had been rejected and 10 were pending with the Reserve Bank of India on which action will be expedited.

XX. Cash Amount Relating to Court of Wards and Manager, Encumbered Estate; Hyderabad (Sind).

Pakistan reported that all the 63 cases had been verified. The net cash balances excluding the deficit cases, as on 14.8.1947, amounted to Rs.90,342/15/-. Payment authority will be issued in respect of this amount. A list of these cash balances in respect of the 63 cases was handed over to the Custodian of Deposits, India, at the meeting.

XXI. Finalisation of Claims under the Transfer of Evacuee Deposits Act.

It was agreed that verification of claims pending under this Act would be expedited by both the countries.

It was further agreed that transfer of deposits or payment authorities would be exchanged or issued at Delhi on 27th March, 1961, in respect of the following cases:

By Pakistan
1. Begumbari Devi.
2. Deposits made by residents of East Punjab and Delhi in the Punjab High Court for printing fees, etc.

By India
4. Mr. Z.A. Bhutto.

It was agreed that deposits at Nos. 2 & 4 above though not strictly covered by the definition of 'evacuee' under the Transfer of Deposits Act, would be dealt with under this Act by two Governments. It was further agreed that in the case of Begumbari Devi, Pakistan will give Government of India securities after cancelling their Pakistan enfacement with the requisite clearance.
certificate from the Controller of Exchange, Pakistan, and for 4, India will issue payment authority. In the case of 2 & 3, payment authorities will be issued after consulting the West Pakistan Government and the Punjab (India) Government.

XXII. Claims of Indian Nationals for Amounts Advanced to Courts of Wards, Managers, Encumbered Estate or the Wards of Courts before they came under the Superintendence of the Courts of Wards or Managers, Encumbered Estates.

Pakistan stated that these loans were not covered by the Evacuee Deposits Act. India stated that it would be in the interest of nationals of both the countries if a more liberal interpretation were to be placed on the Evacuee Deposits Act, so as to cover these cases. Pakistan, however, did not agree to this suggestion. India then pointed out that in a good number of cases, the persons who gave loans to courts of wards, etc. have obtained decrees from courts or the courts of wards or Manager, Encumbered Estates in Pakistan and these being decree claims against Government or quasi-Government bodies, could be entertained under sub-clause (v) of the Press Note issued on 15th May, 1955, in respect of contractors’ claims etc. Pakistan suggested that a reference be made to them in this connection, when they would examine the matter.

XXIII. Decrees Obtained by the Collector Montgomery against Punjab National Bank.

Pakistan stated that there was no intention to penalise the evacuee leaseholders on account of their failure to fulfill the conditions of the lease by reason of their migration to India. The intention was to realize the amounts which were due to the West Pakistan Government up to the date of migration. But the case will have to be processed by the Implementation Committee of the two Punjabs.

XXIV. Payment of Compensation of Sialkot Electric Supply Company Deposited in a Blocked Account with a Bank in Pakistan.

Pakistan said that the matter had been reconsidered as desired by India but it was not possible to modify the decision already conveyed.

India suggested that Pakistan might consider converting this blocked account into a non-resident account. Pakistan agreed to consider this suggestion in consultation with the State Bank of Pakistan.

XXV. Next Meeting

The dates for the next meetings of the Implementation Committees under the
Movable Property and the Banking Agreements would be fixed later by the two Governments.

Sd/- Dharma Vira, I.C.S.,
Secretary,
Ministry of Rehabilitation,
Government of India,

Sd/- M.H. Sufi, C.S.P.,
Secretary
Ministry of Rehabilitation Works,
Government of Pakistan

3253. Minutes of the Meeting held between N. G. Sen, Officer-in-Charge, ‘Claims’-cum-Custodian of Deposits and Mr. Ali Raza. Custodian of Deposits, Pakistan in connection with Item on Sale Proceeds Under the Moveable Property Agreement.

New Delhi, July 3, 1961.

Paragraph - I

Regarding discrepancies in relation to payments made by India at the last Meeting of the Implementation Committee held at Rawalpindi in February, 1961, the Pakistan representative stated that the discrepancies would be intimated to India as and when discovered. India promised to take prompt action for reconciliation on receiving intimation about the discrepancies.

As regards the exchanged list relating to Sukkur, according to the clarification given by Pakistan at the last meeting these were amounts relating to Court Deposits pertaining to the District Judge, Sukkur. The Pakistan representative stated that the payment authority for the amounts would be handed over along with the other payment authorities for Court Deposits under the Transfer of Evacuee Deposits Act.

The Pakistan representative stated that the results of enquiry into the cases of other commitments, including amounts of sale proceeds for property sold in the presence of the Property Field Officer, could not yet be finalised. The representative of India also reminded Pakistan for the refund of sale proceeds wrongly passed on to Pakistan in respect of two persons viz: Ch. Umrao Khan of Bharatpur and Mohd. Raffi. Pakistan agreed to make enquiries into the matter and expedite action.

In addition the Indian representative mentioned in particular the case of M/S Calcutta Tanneries and that of M/S Durga Datt Jaigopal for sale proceeds of
amount of Rs. 1,94,367/10/3 and Rs.1,60,631/15/- respectively for which Pakistan representative agreed to take steps for early finalization. The Indian representative also drew special attention to the hard case of Shri Ram Dass, Jeweller of Rawalpindi, who left 335 statues and sculptures etc, of various dimensions for which a photostat copy of the receipt issued by the Taxila Museum was sent under letter of June, 1957. Pakistan promised to investigate into the matter and intimate the results, at an early date.

A statement in proforma No. III (a) relating to Bharat Carbon & Ribbon Manufacturing. Co. Ltd. Lahore was handed over by Pakistan along with a Bank Draft for Rs.28,666.50 N.P. as agreed to in the previous meeting.

Regarding the cases of Ganesh Khopra Mills and R.B. Mela Ram of Lahore, the Pakistan representative stated that enquiries were still in progress and the results would be intimated shortly and the cheque for the amounts due, if any, would be passed on to India without waiting for the next meeting. With regard to Statement No.VIII and No.IX-A, relating to Kohat, Pakistan representative stated that they had already sent a reply to the effect that the deduction made on account of administrative charges in these statements were at the rate of 10% and no share of the Provincial Govt. at 50% was deducted from either of them.

**Paragraph - XII**

Pakistan representative stated that instructions for the disposal of the property involved in 56 cases under this item had already been issued. The Bank Drafts for sale proceeds of such property will be passed on to India as soon as they are received from the local officers.

**Paragraph - XIII :** Restoration of Moveables not Included in the Exchanged List. Enquiries were finalised by Pakistan in the following two cases:-

1. Wholesale Cloth Association, Bhalwal, District Sargodha,
2. Ram Dass Jewellers of Rawalpindi.

The Bank Drafts for the amounts of Rs.21,551.09 N.P. in respect of item (1) and Rs.768.94 N.P. in respect of item (2) respectively were handed Over to the Indian representative. Out of these two cheques, the one for Rs.21,551.09 N.P is dated 20th January, 1961. The Indian representative accepted this cheque on the assurance of the Pakistan representative that this cheque would be revalidated, if it was found time-barred. Pakistan representative assured that special steps would be taken to expedite enquiries into all the remaining cases referred to by India. Pakistan representative also drew attention to the cases of enquiries from their side pending with India. He promised to supply a consolidated list of all these cases for further action by India. India promised to look into each individual case after this list is received.
Item No. XV

The following two cheques and one Bank Draft were handed over by India to Pakistan together with a statement showing the particulars of the senders and the payees:

<table>
<thead>
<tr>
<th>Cheque No.</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 275096 issued by the P &amp; A Officer, Ministry of Rehabilitation on Reserve Bank of India.</td>
<td>Rs. 2,700/-/- of 27-5-61</td>
</tr>
<tr>
<td>2. 273144 issued by the P&amp;A Officer, Ministry of Rehabilitation on Reserve Bank of India.</td>
<td>Rs. 450/-/- of 16-3-61</td>
</tr>
<tr>
<td>3. Bank Draft No.361954 ) Issued by the Reserve Bank of India, Bombay.</td>
<td>Rs. 90/-/- of 22-3-61</td>
</tr>
</tbody>
</table>

Sd/- S. Ali Raza
Custodian of Deposits
Government of Pakistan.

Sd/- N. G. Sen
Officer - in- Charge, Claims cum
Custodian of Deposits
Government of India
3254. Minutes of the Seventh Meeting of the Implementation Committee set up Under the Movable Property Agreement.

Calcutta July 5 & 6, 1961.

India Pakistan

1. Shri Dharma Vira, I.C.S., Secretary, Ministry of Rehabilitation. 1. Mr. M. H. Sufi, C.S.P., Secretary, Ministry of Rehabilitation & Works.

2. Shri A. Baksi, Joint Secretary, Ministry of Finance. 2. Mr. Zahir-ud-din, Joint Secretary, Ministry of Finance. (joined the discussion on 6-7-61)

3. Shri A. N. Mehta, Deputy High Commissioner for India in Pakistan, 3. Mr. M. Shafqat, Acting High Commissioner for Pakistan in India.

Advisers

1. Shri S. Prasada, Deputy Secretary, Ministry of Rehabilitation. 1. Mr. M A. Naik, C.S.P., Deputy Secretary, Ministry of Finance.

2. Shri R.K,Seshadri, Deputy Secretary, Ministry of Finance. 2. Mr. K. Z. Shaikh, Deputy Chief Officer, State Bank of Pakistan

3. Shri K.B.Mathur, Under Secretary, Ministry of Rehabilitation.


I. Declaration of Displaced Banks as Non-Evacuee Concerns

The leader of the Indian delegation recapitulated the discussions formal as well as informal, held in this connection between the two delegations at the last meeting of the Committee at Rawalpindi in February, 1961. At that meeting Pakistan’s stand was that only the functioning banks or banks which desired to function in Pakistan should be exempted from the operation of the Evacuee Property Act and the non-functioning banks should not be so exempted. The
point of view of India was that according’ to the Banking Agreement, all banks whether functioning or non-functioning, were entitled to exemption from the operation of the Evacuee Property Law. Thereafter, it was for the Pakistan Government to allow them to function or not to function and those which functioned in Pakistan would naturally not repatriate their funds out of Pakistan and if they subsequently wanted to do so, they would be governed by the regulations normally applicable to foreign banks in that country. The non-functioning banks should, however, be enabled to realise their assets, discharge their liabilities and thereafter to take their surplus assets, if any, to India. It was added that so far as the actual repatriation of the assets of the non-functioning banks was concerned, if so convenient to Pakistan, the process could be staggered over a limited period to be agreed upon between the two countries.

The head of the Pakistan delegation stated that his Government had considered the matter further and had decided to exempt all displaced Indian banks from the operation of the Evacuee Property Law and to declare them, as non-evacuee concerns. This was, of course, subject to the right of the Pakistan Government after this declaration to permit or not to permit a bank to operate in Pakistan. He added that the mode of repatriation of the surplus assets of the non-functioning banks from Pakistan to India would be a matter for discussion between the two Ministers.

2. Transfer of Bank Accounts and Funds of Evacuees from the En-Block Areas

It was agreed that after the Pakistan Government had issued the notification exempting the displaced banks from the operation of the Evacuee Property Law in Pakistan and declaring them as non-evacuee concerns, the transfer of bank accounts and funds from the en-block areas would take place along with the funds as decided under the Banking Agreement. It was also agreed in principle that joint accounts of individuals and accounts of sole proprietary concerns will be treated like individual accounts. It was hoped that the process of transfer of bank accounts and funds will be completed within a period of three months.

3. Transfer of Lockers and Safe Deposits

It was agreed that the transfer of lockers and safe deposits will take place simultaneously with the transfer of bank accounts and funds from the en-block areas. Only such third party claims would be entertained against lockers and safe deposits lying with banks as were, directly, related to the contents of lockers and safe deposits. The two Governments would also use their good offices to persuade the banks not to charge any rent for the safe custody of lockers and safe deposits for the period subsequent to independence. It was further agreed that the list of third party claims received against the contents of
lockers and safe deposits before the 30th November, 1955 (after which date no such third-party claims could be entertained) would be exchanged with the list of lockers in which India was interested on 1st August, 1961 at Lahore.

The date for the exchange of lockers and safe deposits and bank accounts and funds was tentatively fixed as 30th September, 1961. The mechanics of transfer would be worked out at Delhi on 7th July 1961.

4. Restoration of Properties of Joint Stock Companies and Payment of Compensation Therefore Where Properties have been Acquired or Allotted.

5. Release and Restoration of Shares, Securities etc. Deposited in Banks.

6. Payment of Accumulated Dividends on Shares and Securities in Deposit with Banks.

It was agreed that these matters would be further discussed at Delhi on 7th July, 1961.

7. Exchange of Revenue Records.

The leader of the Indian Delegation intimated the present position in regard to the supply of these records particularly from the U.P. He also made an alternative suggestion to expedite the supply of the information required by Pakistan. The leader of the Pakistan Delegation suggested that the matter be further discussed between the two Ministers. This was agreed to.

Sd/- Dharma Vira,  
Secretary, Ministry of Rehabilitation, Government of India  

Sd/- M.H. Sufi  
Secretary, Ministry of Rehabilitation & Works, Government of Pakistan  

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EVACUEE PROPERTY

3255. Minutes of discussions between the P. & T. Members of the Implementation Committee of the Indo-Pakistan Movable Property Agreement.

Calcutta, 3 – 6 July, 1961

Item No, IV- Postal Life Insurance policies

So far 372 claims have been sent by India to Pakistan. Uptil 15.6.1951(?) (1961), 264 claims and 2 refund cases had been settled by issue of valuation certificates; 108 claims are pending, India has settled so far 101 claims and 42 are pending with them. It was stated that settlement of most of the pending cases had been delayed due to certain difficulties. It was agreed that action should be taken to expedite their settlement and in that connection it was further agreed that both the Administrations would try to persuade the claimants to restrict their demands, as agreed to by the Deputy Director-General, Postal Savings Bank, Pakistan, and Deputy Director-General, Savings Bank, New Delhi, in a meeting held at Karachi on 27.2.1961.

Item V(i) - Transfer of Post Office Savings Bank Accounts and Savings Certificates

It was stated by the Pakistan representative that a review of the work done so far showed the position regarding verification of claims as below:-

<table>
<thead>
<tr>
<th>No. of lists</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pakistan claims</td>
<td>Rs.60,09,403/-</td>
</tr>
<tr>
<td>Indian claims</td>
<td>Rs.1,85,09,557/-</td>
</tr>
</tbody>
</table>

It was agreed that the work regarding exchange of verified lists should be resumed as soon as the two Administrations have sufficient number of verified lists to exchange.

Item V(ii)- Conjoint Accounts

Final concurrence to the procedure by the D.G.P.&T New Delhi is awaited by the Pakistan Administration. The former stated that this would be sent very shortly.

Item V(iii)-Court deposits held as P. O. Savings Bank accounts or Savings Certificates

In this case, Indian representative stated that they had sent their concurrence in the draft procedure in respect of the transfer to Director General, P &T. Karachi on the 4th July, 1961.
Item IX- Transfer of Government of India Securities held by Pakistan nationals and deposited with the D.A.G. P&T Calcutta.

The Pakistan representative stated that so far no progress seems to have been made as regards the transfer of securities held by local bodies or by individuals. The Indian representative stated that his Government had agreed to the transfer of these securities and action is being taken to finalise the procedure in that regard. Both the representatives believed that this should expedite settlement of Savings Bank and Postal Certificates work generally, and agreed that the exchange of verified-lists in respect of S. B. & Postal Certificates would be taken up again and completed expeditiously.

Item XV (i)- Parcels

The Pakistan representative stated that his Administration had furnished to the Indian Administration a list of 884 parcels in respect of which claims had been received by that Administration from their nationals. The Indian Representative pointed out that in one of the lists received by the Ministry of Rehabilitation, India, from the Ministry of Rehabilitation, Pakistan, there was a difference of 100 due to omission of serial numbers 281 to 380. This difference was also pointed out by the Ministry of Rehabilitation, India to the Ministry of Rehabilitation, Pakistan on the 15th July, 1958.

Attempts were made by the Indian Administration to trace the disposal of these articles, but some information could be had only in respect of 26 of them. A statement showing full particulars of these 26 articles and information which could be collected as regards their disposal has been furnished to the Pakistan Representative. Three of these articles were sent to Pakistan and there is no record either of their return to the office of posting or of receipt of V.P. Money Orders in lieu thereof. Information is also available that three other V.P. articles were delivered in Pakistan but V. P. money orders had not been forwarded to India owing to suspension of money order service. In view of the lapse of time and the fact that relevant records are not available, the India Representative stated that it was not possible to collect any more information in respect of these 26 parcels or the remaining ones and further attempts have to be abandoned.

Item XV (ii)-

Insured letters

Out of the 9 insured letters regarding which claims had been preferred by the Pakistan Administration, the Indian Representative had handed over, at the last meeting a cheque for Rs.10,838.11np to the Pakistan Administration regarding 6 letters. A cheque for Rs.3,240/- being the amount of the remaining letters,
was also handed over by the Indian Representative to the Pakistan Custodian of Deposits on 4th July, 1961.

Sd/- K.A.Rehman  
Deputy Director General (SB)  
Pakistan Posts & Telegraphs

Sd/- S. C. Sen Gupta  
Member (Banking & Insurance)  
P&T Board, India

3256. Minutes of the meeting of the Rehabilitation Ministers of Pakistan and India held at Calcutta on Thursday, the 6th July, 1961.

1. Declaration of displaced Indian banks as non-evacuee concern:

The Ministers of Rehabilitation, Pakistan and India, considered further the question of declaration of displaced Indian banks as non-evacuee concerns in Pakistan. The two Ministers confirmed the decision taken at the Secretaries meeting on 5th July, 1961, that Pakistan Government will issue a notification to exempt all displaced Indian Banks from the operation of the Evacuee Property Laws and to declare them as non-evacuee concerns.

As for the mode of repatriation of the surplus assets of the Indian Banks which either do not wish to function in Pakistan or are not permitted by the Pakistan Government to operate in that country, it was agreed by the Ministers that this matter should be left for decision between the Finance Ministers of the two countries.

2. Exchange of revenue records:

The present position in regard to supply of revenue records in respect of non-agreed areas was explained to the Rehabilitation Minister, Pakistan. After discussion between the two Ministers it was agreed that the various alternatives to ensure the speedy supply of these records would be discussed further at the official level at Delhi on 7th July and a decision taken. The Rehabilitation Minister of India assured the Rehabilitation Minister, Pakistan that every effort will be made by India to supply the information required by Pakistan as expeditiously as possible.

3. Preservation and maintenance of Religious Shrines of the Minority Communities:
The two Ministers also discussed the question of preservation and maintenance of the religious shrines of the minority communities in either country. The Minister of Rehabilitation, India, stressed the desirability of convening an early meeting of the Joint Committee of the representatives of the two Governments, which had last met at Karachi in January, 1958. The Minister of Rehabilitation, Pakistan, informed the Minister of Rehabilitation, India, that his Government agreed to the holding of the meeting of the Joint Committee in September or October, 1961.

Sd/- Mehr Chand Khanna,  
Minister of Rehabilitation, India

Sd/- K.M. Sheikh  
Minister of Rehabilitation, Pakistan

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3257. Minutes of the Meeting of the Implementation Committee setup under the Moveable Property Agreement.

New Delhi, July 7 – 8, 1961.

India Members
1. Shri Dharma Vira, Secretary, Ministry of Rehabilitation,
2. Shri A.N. Mehta, Deputy High Commissioner for India in Pakistan.
3. Shri A.K. Baksi, Joint Secretary, Ministry of Finance

Advisers
1. Shri B. S. Grewal, Financial Commissioner
2. Shri S. Prasada, Deputy Secretary, Ministry of Rehabilitation

Pakistan Members
1. Mr. M. H. Sufi, C.S.P, Secretary, Ministry of Rehab. & Work
2. Mr. M. Shafqat, Deputy High Commissioner for Pakistan in India
3. Mr. E.A. Naik, C.S.P., Deputy Secretary, Ministry of Finance

Advisers
1. Mr. K. A. Rahman, Deputy Director General Post and Telegraphs
2. Mr. K. Z. Sheikh, Deputy Chief Officer, State Bank of Pakistan
Item I.

(i)  Payment due in respect of lists of sale proceeds already exchanged.
(ii) Restoration of property included in the exchanged lists
(iii) Restoration of movables not included in the exchanged lists
(iv) Insured letters

(paragraphs 1, 12, 13, 14, and 15 of the sixth meeting)

The minutes of the discussion held between Mr. Ali Raza and Mr. Sen given in Annexure I were considered. (see Document No.………..) It was agreed that Rs.9,528-8-9 remitted to Pakistan wrongly in respect of sale proceeds of the property of Choudhary Umarao Khan of Bharatpur and Mr. Mohammed Rafi of Delhi would be refunded by Pakistan after verifying, that these amounts had been received by Pakistan.
The leader of the Indian delegation referred to cases in which assurances had been given by the authorities in Pakistan that the details would be included in the supplementary lists, or in which property had been admitted to have been sold or, lying undisposed of with the Custodian. The leader of the Pakistan delegation said that he would take steps to expedite the finalisation of these cases and on going back to Pakistan he would look into the matter with a view to providing a machinery to have these cases expedited. Similar action will be taken by India in regard to any list supplied by Pakistan of such cases.

It was also agreed that Pakistan would take early steps for the payment of sale proceeds of the movable property sold in the presence of the Indian Property Field Officer amounting to Rs.19,926-4-0.

In regard to the court deposit of Rs.77,413-13-9 pertaining to the District Judge, Sukkur, the Pakistan representative stated that the delay in the payment of this amount had been caused as a copy of the verified list had not been passed on by the Court concerned to its Accounts Officer who would prepare the payment authority on its basis. This difficulty was being experienced in other cases of court deposits as well. It was agreed that special efforts would be made on both sides to overcome these procedural difficulties and to expedite the process of payments. However, it was agreed that whatever securities and other valuable documents were lying in courts and which had already been verified may be exchanged as soon as possible and the process of such exchange will not be held up for meetings of the Implementation Committee but will be continuous. Pakistan gave three lists comprising 130 cases of seized fire-arms, 57 cases of household effects and trade goods and 101 cases of payment of sale proceeds which have not been included in the exchanged lists by India. India agreed to make enquiries about these cases and to communicate the results to Pakistan.

**Item II.**

(i) **Transfer of lockers and safe deposits**

(ii) **Transfer of bank accounts and funds of Muslims from Punjab and allied areas**

(iii) **Declaration of displaced banks as non-evacuee concerns**

These items had already been discussed and decided upon at Calcutta. The only point to be considered in Delhi was the mechanics of the transfer of lockers and safe deposits and bank accounts between the two countries. So far as the transfer of lockers and safe deposits is concerned, the mechanics for their transfer had been settled between representatives of the two countries in February, 1958. Those arrangements were considered again and the following decisions were taken:-
(i) Safe deposits:

All evacuee safe deposit articles in the custody of banks at stations other than Lahore would be brought to Lahore by the end of August, 1961. Before they are shifted from out-stations to Lahore, they would be inspected by a representative each of the Custodian and the diplomatic representative of India in Pakistan in the presence of the representative of the bank concerned. In cases where the original packing is considered to be unsafe for transport to Lahore and from there to India, the box or packets in question would be repacked in fresh containers without disturbing the original seals and marks and the new packages or boxes will be sealed jointly with the seals of the aforesaid three representatives. India would take similar action with regard to inspection and re-packing wherever necessary and removal of safe deposit articles to Delhi.

In order to facilitate inspection, sealing and removal of safe deposit articles, both the Governments would draw up a programme for the purpose, keeping in view the target date of 30th September, 1961, for their handing over, and communicate it to the diplomatic representative of the other country and the banks concerned immediately and in any case, before the middle of August, 1961.

The safe deposit articles so collected in Lahore and in Delhi will be handed over to the diplomatic representative of the country concerned on 30th September, 1961 at Lahore and Delhi.

At the time of taking over, small packets would be put into bigger containers by the diplomatic representative in the presence of the representative of the Ministry of Rehabilitation/Custodian of the country handing over such containers. Such containers would again be locked and sealed with the seals of the Ministry of Rehabilitation/Custodian and the diplomatic representative.

Both the Governments would ensure that the safe deposit articles handed over to the diplomatic representative of the country are allowed to cross its border without Customs check or other formalities.

These articles may be transported from Lahore/Delhi either by rail or by road, whichever is found more convenient by the diplomatic representative concerned. In either case, the Government concerned would provide adequate armed escort up to its border to ensure safe transport of the movables in question.

(ii) Lockers,

The lists of lockers in which either country is interested and the third-party claims against the contents of those lockers and safe deposits received by either country before the 30th November, 1955, would be exchanged between
the two countries on 1st August, 1961 at Lahore. Steps will also be taken to invite the parties who have lodged claims against the lockers, and safe deposits, to appear before the Joint Committee on a date not later than 31st August, 1961. The Joint Committee will consider and adjudicate these claims in accordance with the Consolidated Implementation Instruction No.3.

All lockers, the list of which has been received from the other country, will be opened by the banks concerned in the presence of the Custodian and the diplomatic representative of the other country and their contents will be repacked and sealed jointly with the seals of the aforesaid three representatives. Thereafter, the sealed packages from stations outside Lahore and Delhi will be brought to Lahore, and Delhi by the end of August 1961.

The arrangements for repacking and removal etc. of contents of lockers which are opened will be the same as those laid down for the safe deposit articles.

In order to facilitate the sealing and removal of the contents of lockers, both the Governments would draw up a programme for the purpose, keeping in view the target date of 30th September, 1961 for their handing over and communicate it to the diplomatic representative of the other country and the bank concerned immediately and in any case, before the middle of August, 1961.

The contents of the lockers so collected in Lahore and Delhi will be handed over to the diplomatic representative of the other country on 30th September, 1961, at Lahore and Delhi.

For the handling and safe transport of the contents of the lockers between India and Pakistan, the facilities provided for the handling and safe transport of safe deposits between the two countries will be provided for the contents of lockers also. The mechanics of the transfer of bank accounts with funds from en bloc areas has been worked out by the Implementation Committee of the Banking Agreement,-

Item III.

(i) **Restoration of properties of Joint Stock Companies or payment of compensation therefor where properties have been acquired or allotted.**

This matter was considered further. The leader of the Indian delegation suggested that the cases of companies which can produce evidence of having shifted their headquarters outside Pakistan before 15th August, 1947, should be considered by the Government of Pakistan for the restoration of their immovable property also. The leader of the Pakistan delegation stated that the agreement in regard to the status of joint stock companies had already been incorporated in the
Evacuee Property Law of their country, and therefore, any representation or appeals in regard to the status of Joint stock companies could be considered only by the Custodian and not by any other authority. According to him, this was clearly a case in which the Government of Pakistan could not interest themselves directly. He, therefore, suggested that the joint stock companies concerned should, if they so desired, approach the Custodian and get their status determined in accordance with the law.

Pakistan supplied a further list of 15 joint stock companies showing details relating to their evacuee status, assets and liabilities etc.

Item III

(ii) Release and restoration of shares, securities, etc. deposited in banks

It was agreed that this item was linked with the restoration of the properties of Joint Stock Companies or payment of compensation therefor where properties had been acquired or allotted. This item might pend further progress in respect of the restoration where due, of the properties of Joint Stock Companies.

(iii) Payment of accumulated dividends on shares or interest in securities deposited in brinks.

The leader of the Indian delegation stated that his Government had decided to release these accumulated dividends and to allow their remittance to Pakistan,

Item IV.

(i) Postal Life Insurance Policies

(ii) Transfer of Post Office Savings Bank Accounts and Certificates

(iii) Conjoint Accounts

(iv) Court deposits held in the form of Post Office Savings Bank Accounts or Certificates

(v) Transfer of Government of India Securities deposited with the Deputy: Accountant General P&T., Calcutta.

(vi) Parcels

(Paragraphs IV, V, IX and XV of the minutes the sixth meeting).

The minutes of the discussion held on, 6th July between the P.& T. Members of the Implementation Committee of the Indo-Pakistan Movable property Agreement given in Annexure II were considered and confirmed. (see Document No.3255)
It was further agreed that items relating to postal parcels and insured letters the work of which had nearly completed, should be taken off the list of items discussed at the meetings of the Implementation Committee.

**Item V. Restoration of jewellery and other valuables seized from or deposited by migrants from Pepsu, Khairpur and Bahawalpur.**

*(Para VI of the minutes of the Sixth Meeting).*

Pakistan explained the steps taken by them to locate the cash and jewellery in respect of Sadiqabad, Rahimyarkhan and Ahmadpur East tehsils of Bahawalpur. These will be handed over to India through the diplomatic representative as soon as possible without waiting for the next meeting of the Implementation Committee.

As for Khairpur, Pakistan stated that an officer had been specially deputed to finalise the cases of redemption of jewellery deposited in the Khairpur treasury which had been pawned with the evacuees by the Muslim local residents. The list of these persons will be prepared shortly.

As for PEPSU, India said that they will take steps to get the process of verification of cash and jewellery seized in this State expedited.

It was agreed that the exchange of verified lists relating to Khairpur and PEPSU will take place at Delhi on the 22nd August and the actual restoration of property and cash in respect of all the three areas, viz., Khairpur, Bahawalpur and PEPSU will take place on Tuesday, the 5th September through that diplomatic representatives of the respective countries.

**Item VI. Issue of - payment authorities for contractors claims**

*(Para VIII of the minutes of the Sixth Meeting).*

The Committee noted that some progress regarding verification of these claims had been made since January, 1961 and hoped that the speed of verification and issue of payment authorities and release of security documents would be accelerated.

**Item VII. Gold Loan Accounts**

*(Para XI of the minutes of the Sixth Meeting)*

The lists in regard to gold loan accounts under the three categories specified in the minutes of the meeting held on 22nd/23rd January, 1958, were, exchanged. India said that they would ascertain the wishes of the pawners whether they would redeem the valuables by remitting money from India to Pakistan, or would like the valuables to be sold by the banks in Pakistan and the balance amount, if any, to be remitted to them. They would send this information to the Pakistan Government by the 15th August, 1961.
Pakistan stated that the three gold loan accounts out of the list of 21 previously given had since been cleared with the State Bank of India, Lahore, and the surplus jewellery relating to these accounts would be handed over to the diplomatic representative of India shortly.

**Item VIII. Non-payment of dividends to shareholders**
*(Para XVI of the minutes of the sixth meeting)*.

Pakistan gave a list of cases in which the shareholders were experiencing some difficulty in the receipt of dividends from the Indian companies. India promised to look into the matter. India also referred to similar cases on their side which were brought to the notice of Pakistan at previous meetings. Pakistan promised to expedite these cases.

**Item IX. Joint Committee**
*(Para XVII of the minutes of the sixth meeting)*.

It was noted that the Joint Committee will be meeting shortly at Lahore to resume its work. It was agreed that the committee will so fix its programme as to be able to decide the third-party claims against the contents of lockers and safe deposits in accordance with the programme laid down by the Implementation Committee.

**Item X. Payment of compensation for Reserve Bank of India shares**
*(Para XVIII of the minutes of the sixth meeting)*.

Pakistan urged that these claims related to payment of compensation to individuals who were under-going unnecessary hardships because of the delay in payment. India agreed to examine the matter and communicate the result as soon as possible.

**Item XI. Defective and damaged currency notes**
*(Para XIX of the minutes of the sixth meeting)*.

As indicated by the present position, this item has nearly been exhausted. It was agreed that this might in future be discussed between the two Central Claims Organisations and not appear on the agenda of the Implementation Committee.

**Item XII. Cash amount relating to Court of Wards and Manager, Encumbered Estate, Hyderabad (Sind).**
*(Para XX of the minutes of the sixth meeting)*.

The Pakistan Government has handed over payment authority for Rs.90,342-15-0 and this might now be treated as a closed item.
Item XIII. Finalisation of claims under the Transfer of Evacuee Deposits Act  
(Para XXI of the minutes of the sixth meeting).

Pakistan stated that in regard to the cash court deposits of Begumbari Devi and Khan Moinuddin Khan Lodhi of Sirsa and the cash deposits made by residents of East Punjab and Delhi in the Punjab High Court for printing fees, etc. there were difficulties in transferring these cash deposits because of an agreement between the two Punjabs about such payments. Whilst the Pakistan Government were agreeable to the transfer of the deposits being made in these cases, they felt that the actual transfer should be made in accordance with the procedure already laid down and not under a new procedure, India pointed out that at the last meeting of the Implementation Committee it was decided to treat these cases on a separate footing, and it was for this reason that India in respect of the deposit of Mr. Z. A. Bhutto even though his case was not strictly covered by the transfer of Evacuee Deposits Act. However in view of the insistence of the Pakistan Government that the procedure previously agreed in regard to such payments should be followed, it was decided that exchange in regard to the securities of Begunbari Devi and Khan Moin-ud-Din Khan Lodhi of Sirsa and payment of Mr. Z.A. Bhutto would take place on 22nd August, 1961, at Delhi.

Pakistan also agreed to supply on 22nd August, 1961, a verified list of the deposits made by the residents of East Punjab and Delhi in the Punjab. High Court for Printing fee; etc.

Item XIV. Claims of Indian nationals for amounts advanced to courts of wards, Manager, Encumbered Estates, or the Wards of Courts before they came under the superintendence of the Courts of Wards or Manager, Encumbered Estates.  
(Para. XXII of the minutes of the sixth meeting).

A reference in regard to cases where decrees had been obtained by Indian nationals against the courts of wards or Manager, Encumbered Estates, but the decrees could not be executed so far, has already been made, to the Pakistan Government. Pakistan agreed to have the examination of this reference expedited. India also added that there were certain cases of Indian nationals in which though the decrees had not been obtained, the Courts of Wards or the Manager, Encumbered Estates, had admitted the liability. Even so, such persons were not able to realize the money. He urged that in equity such persons should also be enabled to realize their dues in Pakistan. For
instance, in the shape of non-resident accounts. Pakistan promised to examine a specific case of this nature if it was referred to them.

**Item XV. Decrees obtained by the Collector. Montgomery against the Punjab National Bank**

*(Para XXIII of the minutes of the meeting).*

This is a closed item and should be taken out of the agenda. It will be processed between the two Punjabs.

**Item XVI. Payment of compensation of Sialkot Electric Supply Company deposited in a blocked account with a bank in Pakistan**

*(Para XXIV of the minutes of the sixth meeting).*

Pakistan informed India that it had now been decided that this account would be treated as a non-resident account in Pakistan, This item will now be treated as closed.

**Item XVII. Exchange of Revenue Records**

*(Para X of the minutes of the sixth meeting).*

(1) **Non-agreed areas**

Pakistan stated that in view of the delay that had occurred in the supply of revenue records in regard to non-agreed areas they had decided to review their approach to the problem which they wanted to solve on the basis of these records. The alternative suggestion made in this connection, viz, supply of extracts from the Custodian’s records was then considered, and Pakistan enquired if the extracts would include the position of the migrants or the d.ps. before the enforcement of the U.P. Zamindari Abolition & Land Preforms Act came into force. India explained that these extracts would reflect that position. It was clarified by India that the record supplied would include all rights in agricultural lands (including groves and gardens) that had been taken over as evacuee property by the custodian. These records could be authenticated by a certificate that the Custodian’s ‘records’ were based on revenue records and other evidence and would contain particulars of all rights in agricultural lands taken over by the Custodian as evacuee property on the date of migration of the evacuee. India promised to make special arrangements for the supply of these extracts within a period of two months.

(2) **Agreed areas**

(i) Since the last meeting of the Implementation Committee, Pakistan has supplied 624 Jamabandis and certificates regarding evacuee
interests. These include 49 not mentioned among 2843 villages referred to in the minutes of the last meeting. The unsatisfied demand of India now stands at 2268 and Pakistan has agreed to supply the same expeditiously

(ii) Colony Rights statements India asked for about 10500 colony rights statements at the time of the last meeting. Pakistan promised to return the lists to India expeditiously complete in all respects. Pakistan stated that colony right statements covering a break up of 2700 Asamis had been delivered to India.

(iii) Village Lists 65 Directories have been given by Pakistan. According to India, directories of 18 Tehsils of Sindh including Khairpur and 7 of N.W.F.P. and Baluchistan were still due. Pakistan promised to supply the same after checking up the demand.

Pakistan has supplied lists of Hazara, Bannu, and Mardan Districts as demanded by India.

(iv) Comparison of Records at Wagah Border Representatives of both countries agreed that work of comparison at Wagah border was progressing smoothly and satisfactorily.

(v) Revenue Records of agreed Areas due from India
   (a) India promised to expedite supply of 947 special Jamabandis.
   (b) Officer on Special Duty (Pakistan) would get in touch with Financial Commissioner, Punjab, (India) and the latter would get the 8676 outstanding Fardat-i-badar cleared.
   (c) India handed over directories of Delhi State. Directories of Alwar, Bharatpur and Himachal Pradesh would be supplied when received from the States. India promised to remind these States.
   (d) India handed over the information asked for regarding 30 villages of Delhi State,
   (e) India has received information regarding 237 Jagirs and Muafi estates of Alwar and Bikaner from the Rajasthan Government, and after checking it up, the same would be supplied to Pakistan.

It was agreed that Shri Y.L.Taneja, Deputy Chief Settlement Commissioner, Government of India, Ministry of Rehabilitation, on behalf of India and Mr. Sutan Mohammad, Settlement Commissioner on behalf of Pakistan would
collect and exchange the necessary information in respect of lands.

XVIII. Next meeting

It was agreed that the next meetings of the Implementation Committees under the Movable Property and Banking Agreements will be held from 24th to 27th October, 1961, at Rawalpindi.

Sd/- Dharma Vira, Secretary,
Ministry of Rehabilitation, India

Sd/- M.H. Sufi, Secretary,
Ministry of Rehabilitation & Works, Pakistan

3258. Joint communiqué issued on the detailed procedure for the transfer of Bank Accounts of evacuees and the collection of the contents of lockers and safe-deposits from India and Pakistan.

New Delhi, July 10, 1961.

Further meetings of the Implementation Committees set up under the Movable Property and Banking Agreements were held at New Delhi on July 7 and 8, 1961.

In pursuance of the decision taken by the Rehabilitation Ministers of Pakistan and India at Calcutta, the mechanics for transfer of bank accounts of evacuees together with funds from the en-bloc areas were worked out. All the accounts along with the funds will be transferred on September 30, 1961. Regarding non-en-bloc areas, it was agreed that verified lists of accounts will be exchanged and the procedure for payment will be examined further.

It was also agreed that facilities for the realization of the assets of the Indian displaced banks in Pakistan would be provided in accordance with the provisions of the agreements already arrived at between the two countries.

A detailed procedure was also drawn up for the collection of the contents of lockers and safe deposits at Lahore and Delhi and their handing over to the diplomatic representative of the other country.

It was decided that the lists of lockers in which the two countries are interested and of third party claim against lockers and safe deposits received up to November
30, 1955, would be exchanged at Lahore on August 1, 1961. The contents of lockers and safe deposits will be brought to Lahore and Delhi by the end of August 1961. Simultaneously, the Joint Committee consisting of the representatives of the two countries would examine and decide the third party claims against the lockers and safe deposits. The contents of lockers and safe deposits collected at Lahore and Delhi would be handed over to the diplomatic representative of the other country on September 30, 1961.

India agreed to release securities worth about Rs.9 Lakh belonging to the local bodies in Pakistan and lying with the D.A.G., P&T, Calcutta. They also agreed to release the accumulated dividends or interest on the shares and securities of Pakistani nationals, lying with the banks in India.

There were further exchanges of cheques for sale proceeds of movable property and of securities and payment authorities in respect of court deposits.

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3259. Minutes of the 5th Meeting of the Implementation Committee on the Banking Agreement held at Karachi on the 12th December, 1961.

PRESENT

PAKISTAN
1. Mr. M. H. Sufi, Secretary, Ministry of Rehabilitation and Works.
2. Mr. E. A. Naik, Joint Secretary, Ministry of Finance, Department of Economic Affairs.
3. Mr. S. Azhar Ali, Deputy Chief Officer, Banking Control Deptt, State Bank of Pakistan.
4. Mr. Khair Din, Section Officer, Ministry of Finance.

INDIA
1. Shri Dharma Vira, Secretary, Ministry of Rehabilitation.
2. Shri R. K. Seshadri, Deputy Secretary, Ministry of Finance.
3. Shri S. Prasada, Deputy Secretary, Ministry of Rehabilitation.
4. Shri W. T. Korke, Deputy Chief Officer, Department of Banking, Reserve Bank of India, New Delhi.
I. Cancellation of the orders freezing the assets of Indian displaced banks

The Pakistan representatives stated that the orders issued by the Custodian of Evacuee property, Pakistan in 1958, freezing the assets of Indian banks had been withdrawn. Copies of the cancellation orders were furnished to the Indian representatives in the meeting.

The Indian representatives pointed out that the Punjab National Bank had been required to deposit securities or the realised sale proceeds of the movable property pledged or hypothecated to them with the State Bank of Pakistan. The Indian representatives desired that those restrictions, unless they were imposed under the normal banking laws of Pakistan, might also be withdrawn. The Pakistan representatives promised to look into this matter and to send a communication to the Ministry of Finance, Government of India, by the end of January, 1962.

II. Procedure for the transfer of accounts and funds to and from the en bloc transfer areas;

The Committee noted that on the 30th November, 1961, bank drafts of Rs.8.71 lakhs were furnished by India to Pakistan and of Rs.2.25 lakhs by Pakistan to India in respect of the verified accounts.

The Pakistan representatives pointed out that verified accounts of Muslim individuals of the value of Rs.35,652/- had not been transferred by India on the 30th November, 1961. The Indian representatives stated that the matter was under correspondence with the bank concerned and that they would get these accounts, along with funds transferred to Pakistan as early as possible.

The Indian representatives pointed out that against their claims amounting to Rs.5.82 lakhs, Pakistan finally admitted accounts of the value of Rs.5.13 lakhs. The Pakistan representatives stated that against the accounts of Rs.12.63 lakhs due to be transferred from India to Pakistan, India admitted accounts of the value of Rs.11.67 lakhs, fit was agreed that the two Central Banks would exchange detailed statements explaining the discrepancies by the 15th January, 1962.

The Indian representatives pointed out that in addition to the accounts of Rs.5.13 lakhs already transferred from Pakistan to India on the 30th November, 1961, two accounts of the value of Rs.11,700/- held by the National City Bank were also eligible for transfer to India. The Pakistan representatives explained that in the case of one of these accounts, funds had already been transferred to India, while in the other case, the head office of the bank in India had stated that the
transfer of funds was not necessary. The Indian representatives stated that they would check up from the bank in India whether the funds had actually been transferred in the first case and would also find out from the bank the reasons why it was not considered necessary to transfer the funds to India in the latter case. It was agreed that, if the funds had not previously been transferred to India and if the bank desired to have them transferred, the necessary transfer would be permitted.

The Indian representatives mentioned that certain accounts of non-Muslim individuals not included in the figure of Rs.5.82 lakhs mentioned above were pending verification in Pakistan. The Pakistan representatives agreed to get these accounts verified by the 15th January, 1962.

As regards the joint accounts of individuals and the accounts of sole proprietary firms, the Indian representatives pointed out that such accounts of the value of 35,656 held by the Punjab National Bank and the State Bank of Patiala had been transferred from India to Pakistan on the 30th November, 1961 along with the necessary funds. No account in this category was, however, transferred from Pakistan to India on that date. It was agreed that the two Central Banks would verify all the joint accounts of individuals and the accounts of sole proprietary firms eligible for transfer on en bloc basis, and would exchange the verified lists by the 15th January, 1962.

The Indian representatives referred to paragraph 8(c) of the agreed decisions incorporated in the Review of the Banking Agreement, 1956, and stated that they would like the accounts of partnership firms and companies, clubs, institutions, societies, trusts and statutory bodies to be transferred and paid in accordance with the general arrangements agreed upon between the two countries in regard to the accounts located in the agreed and the non-agreed areas. They would also like the accounts operated upon after the 31st December, 1947, joint accounts of provident funds of evacuee teachers of private educational institutions and accounts of contractors whose security deposits had been released by the pledgee Government departments to be transferred and paid in both the countries on the same basis.

The Pakistan representatives agreed that the shares of evacuee teachers of private educational institutions in the conjoint accounts of provident funds kept with commercial banks and the accounts of contractors (other than companies and partnership firms) the documents relating to which had been previously pledged with Government departments but had been released by the latter subsequently, would be eligible for transfer from one country to the other on an en bloc on matching basis according as these accounts were located in the agreed or the non-agreed areas. They pointed out that the released security deposits of contractors, who were companies or partnership firms, would be
transferable on the same basis as would be applicable to the accounts of companies and partnership firms. They further pointed out that the accounts of companies and partnership firms falling in the agreed areas had been excluded from the benefit of en-bloc transfer. Consequently such accounts, whether they were located in the agreed areas or the non-agreed areas, would be transferable on a matching basis only.

As regards the accounts of clubs, institutions, societies, trusts and statutory bodies, the Pakistan representatives stated that no agreement had been reached between the two countries with respect to their exemption from the evacuee property laws or with respect to their eligibility for transfer from one country to the other. Since the segregation of the interests of evacuees and non-evacuees in such accounts involved practical difficulties, which could not be easily resolved, the Government of Pakistan did not find it feasible to bring these accounts within the purview of the Banking Agreement.

The Pakistan representatives agreed that the accounts of evacuee depositors which were operated upon after the 31st December, 1947 should be eligible for transfer from one country to the other provided the depositors concerned had made specific requests for their transfer, and provided also that such accounts falling in the agreed areas were in existence on the 31st December, 1947.

III. Procedure for the transfer and payment of accounts transferable on a matching basis:

The Indian representatives referred to paragraph III (3) of the minutes of the fourth meeting of the Implementation Committee held at New Delhi and stated that they had prepared a classified list of undisputed accounts eligible for transfer from India to Pakistan on a matching basis, showing separately the value of the accounts up to Rs.250, Rs500, Rs.750, Rs.1000 and more, than Rs.1,000. They said that if a similar list of undisputed verified accounts transferable from Pakistan to India was also ready, the question whether payments could be made immediately on the bank-wise matching basis could be examined at the next meeting. The Indian representatives added that after some progress had been made in this direction, they would be prepared to consider if payments could be undertaken on the basis of overall matching between the two countries.

It was agreed that the State Bank of Pakistan would prepare a list similar to the one prepared by the Reserve Bank of India in respect of undisputed accounts eligible for transfer to India on a matching basis. The statements would show under separate headings (a) Individual accounts, joint accounts of individuals and accounts of sale proprietary firms in the non-agreed areas and (b) accounts of partnership firms and companies in the non-agreed areas. The two Central Banks would exchange such lists by the 11th January, 1962. The Pakistan
representatives reiterated their stand that the transfer of accounts on a matching basis was intended to involve matching on country-to-country basis and not on bank-to-bank basis. In their view, this was the only practical method of settling this issue expeditiously. The bank-wise matching basis would be more complicated and would involve inordinate delay in the transfer of accounts and should, therefore, be discarded in favor of the overall matching basis which would be much simpler.

IV. Grant of facilities to the banks for realization of their assets.

The Indian representatives referred to paragraph 6(a) of the agreed decisions incorporated in the Review of Banking Agreement, 1956, and pointed out that Indian banks were experiencing certain difficulties in realising the amounts due to them against the mortgage of Immovable property, in view of the provisions of the Satisfaction of Charges (Evacuee Property) Rules, 1961, issued by the Government of Pakistan in March, 1961 and the notification issued by the Chief Settlement Commissioner in July, 1961, supplementing the provisions of these Rules. The Indian representatives stated that in particular the provisions of Rules 4 of the said Rules, which limited the total amount receivable by a bank, and the requirement that the charges would have to be proved before the Chief Settlement Commissioner were somewhat onerous from the point of view, of the Indian banks. The Indian delegation suggested that the question of liberalising the provisions of these Rules might, if possible, be considered;

The Pakistan representatives stated that the Satisfaction of Charges (Evacuee Property) Rules, 1961 applied to every individual whether the individual was a Pakistani or a non-Pakistani. The Indian banks were not being discriminated against so far as the provisions of these Rules were concerned. It would not, therefore, be possible for the Government of Pakistan to make an exemption in favor of the Indian banks.

The Indian representatives then referred to paragraph 1(c) and 2(vii) of the agreed decisions incorporated in the Review of the Banking Agreement, 1956, regarding the realisation of the amounts due to the banks in respect of movable properties pledged or hypothecated to them and suggested that appropriate general instructions might be issued by the Pakistan Government to the various Government departments and also to the Custodian of Evacuee Property for restoring to the banks the amounts due to them on account of admitted or verified claims and granting other necessary facilities to the Indian banks as envisaged in these paragraphs. The Pakistan representatives, agreed to issue the necessary instructions and to furnish copies thereof to the Government of India by the end of January, 1962. They however made it clear that it would be for the banks themselves to pursue their claims with the appropriate authorities in Pakistan.
V. Inclusion of banks working under both schemes or in liquidation within the scope of the Banking Agreement.

The Indian representatives stated, that a statement showing the particulars relating to the banks which were in liquidation or which were working under schemes of arrangement had been supplied by the Reserve Bank of India to the State Bank of Pakistan. The representative of the State Bank of Pakistan stated that this statement was received by the Bank only a few days ago and that they would take some time to analyze it.

It was agreed that the State Bank of Pakistan would examine this list and would prepare a similar list in respect of banks working under schemes of arrangement or in liquidation in Pakistan for supply to the Reserve Bank of India as soon as possible. In the light of the information furnished by the State Bank of Pakistan, the Government of India would direct the banks which were in liquidation or were working under schemes in India but had taken no steps for the payment of their liabilities in Pakistan to apply to the appropriate authorities in Pakistan for getting’s schemes sanctioned for their Pakistani branches or for making arrangements for the liquidation of their affairs in Pakistan as early as possible.

As regards the suggestion made by Pakistan delegation in the last meeting that the funds for the payment of accounts at these banks, should be allowed to be remitted from one country to the other irrespective of the area in which these accounts were located, the Indian representatives stated that their Government was unable to agree to this suggestion. The Pakistan representatives pointed out that if their suggestion regarding remittance of funds was not accepted, then the decisions already taken in the last meeting of the Implementation Committee with respect to the accounts of evacuees at these banks would be of no avail.

It was agreed that the position in regard to this item would be considered further in the next meeting of the Implementation Committee.

Sd/- M.H. Sufi, Secretary to the Government of Pakistan, Ministry of Rehabilitation and Works, Pakistan.

Sd/- Dharma Vira, Secretary to the Government of India, Ministry of Rehabilitation.
Joint Press note issued after the end of talks between the implementation committees.


Joint Press Note

December 13, 1961

The Implementation Committees set up under the Movable Property and the Banking Agreements, met at Karachi from 11th to 13th December, 1961. The Committees reviewed the progress made in the implementation of the decisions taken at their previous meetings held at New Delhi in July 1961. It was noted that as agreed at the last meeting the Pakistan Government has issued a notification declaring the displaced Indian banks as non-evacuee concerns and has also issued, instructions for de-freezing their assets in Pakistan. It was further noted that bulk of the lockers, safe deposits and bank accounts of evacuees in the en-bloc areas had been exchanged on 30th November, 1961. It was decided that the exchange of the remaining lockers, safe deposits should take place on 15th January 1962, and that the transfer of the remaining bank accounts in the en-bloc areas should be expedited. It was further agreed that early steps should be taken to start the exchange of the bank accounts in the non-agreed areas on a matching basis.

2. It was also noted with satisfaction that the work relating to the exchange of revenue records had almost been completed and it was decided that the residual work should be finished expeditiously

3. The other items discussed at the meeting were the release of gold loan accounts and shares and securities of evacuees lying with banks and the accumulated dividends thereon, payment of compensation for assets of Indian Joint Stock Companies in West Pakistan and the Reserve Bank of India shares belonging to evacuees. With regard to the gold loan accounts, it was decided that in cases where the banks have sold the jewellery and gold deposited by the evacuees for recovery of their dues, the surplus sale proceeds and or jewellery and gold should be handed over on 15.2.1962. In cases where the loanees have expressed their desire to redeem their valuables the jewellery and gold should be released on 15.2.1962 provided the bank charges are paid prior to that date. Regarding release of accumulated dividends on shares and securities of evacuees lying with banks it was decided that instructions would be issued expeditiously for the payment of these dividends to the holders of shares and securities in either country. As for Joint Stock Companies, it was agreed that where the company was held to be non-evacuee, both its movable and immovable property would be restored or compensation paid in lieu thereof and in cases
where the company was an evacuee its movable assets would be restored or compensation paid in lieu thereof. In both cases, the third party claims would first be satisfied. Simultaneously with the payment of compensation for the assets of Joint Stock of companies the shares and securities of evacuees lying with banks would be released and compensation paid for the Reserve Bank of India shares held by the evacuees.

India has agreed to release the Government of India securities purchased by Pakistan nationals through the P. O. Saving Bank and held in the custody of the DAG P & T, Calcutta.

Sd/- M. H. Sufi, Secretary, Ministry of Rehabilitation & Works, Government of Pakistan,

Sd/- Dharma Vira, Secretary, Ministry of Rehabilitation, Government of India

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March 30, 1962.

Item - IV. Postal Items

(i) Postal Life Insurance

The exchange of valuation certificates in case of Postal Life Insurance policies continues to make satisfactory progress. Lists of pending items have been exchanged and verified by each side.

(ii) Transfer of Post Office Savings Bank accounts and Savings Certificates;

The exchange of verified lists was resumed at Karachi with effect from the 15th February, 1962. It was agreed that the progress of exchange of lists during the last six weeks had been rather slow and that it should be accelerated.

(iii) Conjoint Accounts

(iv) Court deposits held as Post Office Savings Bank accounts or Savings Certificates.
The final remarks have been sent by the Indian Administration to the Director General of Pakistan Post Office. The Pakistan representative stated that they are under check with Audit and that orders would be issued in the matter very soon.

(v) **Transfer of Government of India securities held by Pakistan Nationals and deposited with the Deputy Accountant General Posts and Telegraphs, Calcutta.**

(a) **Securities of Local bodies:** The Indian representative undertook to expedite action in accordance with item IV(v)(a) of the minutes of the 8th meeting and promised that the Director-General of Posts and Telegraphs, New Delhi, will supply the Director-General of Pakistan Post Office, Karachi, information in the form of following statement by the 30th April, 1962.

(a) Name of the Local body.

(b) Particulars of the securities held.

(c) Amount of claim as made out by the ex-employee.

(d) Amount of claim of ex-employees of local bodies who are now Indian nationals as verified by the local body.

(e) Particulars of securities proposed to be held back after taking into consideration the interest accrued thereon.

(f) Particulars and amount of the securities proposed to be released to the local body.

Thereafter the Director General Pakistan Post Office will arrange collection of the safe custody receipts in respect of these securities which are proposed to be enfaced for payment in Pakistan from the local bodies concerned and depute an officer to collect those securities from the Senior Deputy Accountant General, Posts and Telegraphs, Calcutta. Director-General Pakistan Post Office, will intimate the date on which his officer will visit Calcutta.

(b) **Individual Securities:** It was noted that the Government of India, Ministry of Finance (Communications Division) had issued instructions to the Senior Deputy Accountant-General, Posts and Telegraphs, Calcutta, in their communication No.1838 (A)-PTI/62, dated the 24th March, 1962 for the transfer of securities held by individuals to the Deputy Controller, P&T., Dacca, duly enfaced for payment in Pakistan.

(vi) **Post partition accounts and certificates:**
It was agreed at the 4th meeting of the Implementation Committee that post-partition accounts would also be transferable, but the decision could not be implemented for want of an agreement on the method of settlement. It has now been agreed that post partition Savings Bank Accounts and Certificates transferred by 31st March; 1948, will be recognised as regular and the initial liability in respect thereof will be assumed by the country to which these accounts were transferred and adjusted through Indo-Pakistan Settlement Account as a special case.

Sd/- K.A.Rahman,  
30th March,1962,  
Deputy Director General,  
Pakistan Post Office,  
Karachi

Sd/- S.C.Jain  
30th March,1962,  
Member (Banking & Insurance) P&T  
Board and Joint Secretary  
Ministry of Transport & Communications  
New Delhi

3262. Minutes of the 9th Meeting of the Implementation Committee under the Moveable Property Agreement held on the 29th to 31st March, 1962 at New Delhi

Present

India

1. Shri Dharma Vira, I.C.S., Secretary, Ministry of Rehabilitation.
2. Shri A. N. Mehta, Deputy High Commissioner for India in Pakistan.
3. Shri R. K. Seshadri, Deputy Secretary, Ministry of Finance,
4. Shri S. Prasada, Deputy Secretary, Ministry of Rehabilitation.

Pakistan

1. Mr. M. K. Sufi, C.S.P., Secretary, Ministry of Rehabilitation & Works,
2. Mr. E. A. Naik, C.S.P., Joint Secretary, Ministry of Finance
3. Mr. M. Rahman, Deputy High Commissioner, for Pakistan in India
4. Mr. K. A. Rehman, Deputy Director General, P.&T.
Welcoming the Pakistan delegation to the ninth meeting of the Implementation Committee, Shri Dharma Vira expressed satisfaction at the good progress made in the last two meetings with the cooperation of the leader of the Pakistan delegation. He also assured that India would make an intensive drive to completely liquidate as many cases as possible in the near future so that the next meeting should see the end of the labours in regard to this agreement.

Mr. Sufi thanked the leader of the Indian delegation for the welcome accorded to his delegation and reciprocated the assurance that Pakistan would try to settle all outstanding items in a spirit of accommodation and understanding.

The Committee then took up the agenda and reviewed the position regarding the progress made in the implementation of the decisions taken at the last meeting.
ITEM I. Exchange of sale proceeds of movable property

(i) Cases of “Commitments” made by Pakistan.
Out of 32 cases 9 had been finalized and their cheques delivered to India. The Pakistan representative promised to get the disposal of the remaining 23 cases expedited.

(ii) Cases of sale proceeds of movable property auctioned in the presence of Diplomatic representatives.
Out of the 13 cases, sale proceeds in regard to four cases had already been passed on to India. In one case, the return was nil because there were third party claims exceeding the amount of the sale proceeds. In another case payment had already been made in 1958. The Pakistan representative handed over bank drafts for Rs.3,398.37 nP. representing sale proceeds of four cases of Karachi and for Rs.333.25 nP for three cases of Larkana. All the cases under this head have thus been finalised and the item would be treated as closed.

(iii) Cases of movable property in which India had asked Pakistan to auction the movable property and to pay the sale proceeds to India.
Out of 56 cases, the sale proceeds of 9 cases amounting to Rs.702.50 had been handed over to India. The Pakistan representative handed over further bank draft for Rs.994.10 nP. representing the sale proceeds of 10 more cases. He added that efforts would be made to finalise the remaining 37 cases also expeditiously.

Pakistan also handed over a bank draft for Rs.999.50 nP. in respect of the sale proceeds of the seized property of Shri D.C. Sharma of Rawalpindi.

(iv) Cases of property allotted or acquired
The position in regard to these cases was stated by the Pakistan representative to be as follows:

(a) Calcutta Tanneries: A cheque for Rs.59,437.30 nP was handed over to India.

(b) Durgadutt Jai Gopal: This case was still under enquiry.

(c) Ramdas Jeweller: The Pakistan representative on the Joint Committee would fix an early date for a Joint inspection of the statues at the places where they were located.

(d) Rai Bahadur Mela Ram Mills: This case might be treated as closed as there were third party claims in excess of the sale proceeds.

(e) Ganesh Khopra Mills: The case was still under enquiry. The Pakistan representative promised to get the enquiry expedited.
(v) Cases referred by Pakistan to India

At the last meeting, India had stated that 4 cases had been finalised. Of these, cheques in respect of two cases relating to Mr. Yusuf Adam of Flex Boot House of Indore and Mr. Manzur Ilahi of English Electric Store at Meerut, amounting to Rs.29,867.72 nP had been given to Pakistan. The cheque regarding the case of Messrs. Shahabuddih Mohd. Ibrahim amounting to Rs.1,800/- was handed over to Pakistan. The cheque pertaining to the case of Mr. Manzoor Hussain had, however, not yet been received from the Custodian of Evacuee Property, Punjab. He had been directed to expedite the remittance. As soon as it was received, it would be handed over to Pakistan.

The Pakistan Government had handed over for enquiry a list of 238 cases in July, 1961 and a further list of 225 cases in December, 1961 in all 513 cases. Out of these, 385 cases related to fire-arms and 323 to movable property. In 37 cases, India had already informed Pakistan that the property was not traceable. The remaining cases were being pursued with the State Governments/Custodians of Evacuee Property.

(vi) Cases referred by India to Pakistan.

India had handed over a list of 291 new cases to Pakistan in December, 1961. The Pakistan representative stated that these cases were under enquiry.

(vii) New lists handed over at this meeting

Pakistan handed over a list of 235 cases while India gave a list of 404 cases. Pakistan handed over another list of 16 cases which they wanted to be enquired into specially. Similarly, India handed over a list of 7 such cases. Both the Governments would try to finalise these cases before the next meeting of the Implementation Committee.

It was agreed that special efforts will be made to finalise the cases at (v), (vi) and (vii) above either way before the next meeting of the Implementation Committee and if by then no progress could be made in any of these cases, they should be treated as untraceable and dropped. This would, however, not apply to cases referred to in sub-paras (i) to (iv) above, where documentary evidence already existed and enquiries were being made on the basis of the available evidence.

ITEM II. Transfer of lockers and safe deposits

(i) Lockers/safe deposits to be transferred from India to Pakistan

The Indian representative stated that contents of all the four outstanding lockers of M/s Sayed Mohd. Zaki Hussain, Sarvatullah Kirmani and Mussamat Kaniz Bai lying with the Bank of India Ahmedabad and Central Bank of India Lucknow
were, handed over to the representative of the Pakistan Government on 30.1.1962. Sale proceeds of the contents of one other locker amounting to Rs.3,735.56 were also handed over to him on that date. The cheque for the sale proceeds of another locker for Rs.484.50 nP. was handed over to Pakistan.

Regarding the locker of Haji Vali Mohd. S/o Abba Khanoo in the State Bank of Saurashtra, it was explained that this locker actually belonged to Marium Bai Trust and this fact was borne out by the *waqf* deed, an affidavit of Haji Vali Mohd. made on 30th April 1952 and the payment of hire charges of the locker by the Trust. The Pakistan representative suggested that the question of this locker might be further examined by the Joint Committee. This was agreed to.

As for the supplementary list of 11 lockers sent by the Pakistan Government, it was stated that the locker belonging to Hakim Abdus Samad Khan had already been handed over to Pakistan on 30.11.1961. As regards the locker shown in the name of Mr. Laloo S/o Mr. Gathi, it had been found that there was no branch of Central Bank of India at Barnala in Patiala State. As for the safe deposit of Mr. Salamat Ali Shah, in the Patiala Treasury, it was not a safe deposit with a bank and was therefore not covered by the agreement. It was agreed that the Pakistan Government would give further clarification in regard to this locker. Further enquiries regarding the remaining 8 lockers would be completed within a period of two months.

(ii) **Lockers to be handed over by Pakistan to India**

The Indian representative enquired about the position of 14 lockers and two safe deposits in the National Savings Bank Ltd., Multan which is under liquidation. The Pakistan representative stated, that the liquidator had informed them that these lockers and safe deposits were not traceable in their records.

The Indian representative pointed out that one of the above safe deposits belonging to Shri Ram Ditta Mal, opened under the authority of the Custodian, Pakistan, was included in Statement No. II-B handed over to India. The contents of this safe deposit should be handed over to India. The Pakistan representative requested that a reference may be made to the Pakistan Government about this safe deposit.

The Indian representative then referred to the case of 12 lockers with the National Bank of Lahore, in which the ledger sheets relating to these lockers were not traceable. There was, however, other sufficient collateral evidence to establish that these lockers belonged to non-Muslim evacuees. This evidence included, permits granted by the Additional Custodian, Lahore, decree of a court in Lahore and original receipts granted by the bank to the depositors. The Indian representative suggested that as an additional safeguard, the Pakistan
Government might put in a press advertisement inviting claims against these lockers from their nationals and asking them to indicate the contents of the lockers. These claims should be filed, within, two months from the date of advertisement. In cases where no claims are received, the contents of lockers might be handed over to India while in those where claims are received, the matter might be examined by the Joint Committee. The Pakistan representative agreed to this proposal.

Regarding the two cases, one lying in the Traders Bank Ltd. and the other in the Lahore Safe Deposit Vault, in which certain ornaments had been found bearing chits showing that they were pledged by Muslims, it was agreed that the Joint Committee would determine the amounts payable by the pawners, including principal and interest which would be calculated at 3% per annum after 15.8.1947. For the period prior to 15.8.1947, interest would be calculated at the rate mentioned in the chit and if there is no such recital at 3% per annum.

As regards, the locker of the Frontier Bank with the Central Bank of India, Lahore, it was agreed that since the valuables deposited by the Frontier Bank belonged to individual evacuees, they should be treated on the same lines as gold loan accounts. These valuables would be handed over to the owners on payment of the bank’s dues in Pakistan. The valuables belonging to Pakistani nationals would be left with the bank.

The Indian representative pointed out that the contents of one locker and one safe deposit had been detained in Pakistan, because they consisted of fire-arms. As there was already an agreement regarding the exchange of fire arms between India and Pakistan, it was suggested that these fire-arms might be handed over to India. The Pakistan representative agreed to this proposal.

(iii) Rental charges of lockers and safe deposits of Muslim evacuees

The Indian representative stated that the Indian banks, viz., the State Bank of India, Central Bank of India, Punjab National Bank, United Commercial Bank and the Punjab & Sind Bank had agreed to levy the same charges in regard to the above lockers/safe deposits as they had levied in the case of lockers/safe deposits; of non-Muslim evacuees with their branches in Pakistan. On this basis, a revised bill would be sent to the Pakistan Government, for payment. This was agreed to.

ITEM III. B

(i) Restoration of properties of Joint Stock Companies or payment of compensation therefor where properties have been acquired or allotted.

The Pakistan representative handed over a copy of the Gazette notification regarding the Kamani Electric Company, Lahore; Chicago Radio & Telephone
Company, Lahore and the Sardar Carbonic Gas Co., Rawalpindi, divesting the Custodian of Evacuee Property or any other person authorised by him, of the properties belonging to these Joint Stock Companies.

As regards the other four companies, namely, Punjab Electric Power Company Ltd. Gujrat & Montgomery, Gojra Electric Supply Co. Ltd., Fazilka Electric Supply Co. Ltd. and the Okara Electric Supply Co. Ltd. the Pakistan representative stated that while the first three companies had given notices to the Registrar, Joint Stock Companies under section 72(2) of the Indian Companies Act, the fourth company had not given any such notice. He added that mere giving of notice u/s. 72(2) regarding the transfer of their registered offices from one place to another was not sufficient evidence of the transfer. In addition, there should also be evidence about the physical transfer of the office to the new place.

This view was borne out by the judgment of the East Punjab High Court in the case of Batala Engineering Co. The Indian representative felt that the facts of the case of the Batala Engineering Co, were different from those of the case’s of the above 4 companies.

The Indian representative further stated/that In addition to the Companies, whose list was furnished at the last meeting, there were ten other companies whose cases had to be considered. A list of such companies was handed over to the representative of Pakistan. One of these Companies namely the Mukand Iron & Steel Company had its registered office in India from the very beginning. This company should be treated on the same lines as the three companies in respect of which divesting orders were proposed to be issued by Pakistan. Regarding the other nine companies, their cases were similar to those of the four companies referred to in the preceding paragraph. He said that this was the last and final list of cases of Joint Stock Companies, which could be regarded as non-evacuee concerns. He urged that the cases of all those companies should be examined in a spirit of accommodation without undue emphasis on technicalities because a number of other items under the agreement were held up for wants of agreement on this particular item.

The Pakistan representative agreed to consider these cases in that spirit. It was further agreed that the Joint Committee would prepare a report on these cases within a month after which the leaders of the two delegations would meet together to finalise them.

(ii) Release and restoration of shares, securities etc. deposited in banks

Some lists of shares, securities, etc. have already been exchanged between the two countries. It was agreed that an exchange of further lists would take place at the end of April, 1962.

The Indian representative pointed out that there were a few cases where the
banks had sold the shares and securities of the evacuees lying with them under instruction of the owners. The latter had been asking for repatriation of the sale proceeds to them. There were only a few cases of this kind, but the hardship involved was considerable. He, therefore, suggested that if the Pakistan Government were willing to consider the repatriation of these sale proceeds on a reciprocal basis, he would be prepared to consider the matter. The Pakistan representative agreed to consider this proposal and to intimate his views soon.

(iii) Payment of accumulated dividends on shares and interest on securities deposited in banks.

The Pakistan representative pointed out that instructions for the release of the accumulated dividends and interest on shares and securities lying with banks had not been issued, so far. The Indian representative promised to look into the matter with a view to expediting the issue of these instructions.

ITEM IV: Postal Items.

Please see Appendix I.

ITEM V: Restoration of jewellery and other valuables seized from or deposited by migrants from Pepsu, Khairpur and Bahawaluur.

Pepsu Jewellery;

The representative of India stated that all the jewellery that could be traced had been handed over to Pakistan on the 15th January, 1962 and no other jewellery was traceable. The representative of Pakistan said that efforts to trace the remaining jewellery would be continued, because jewellery had been restored only in 248 out of 1552 cases referred to India by Pakistan. The representative of India said that efforts would be made to trace the jewellery in the remaining cases, as far as possible, but the matter was not free from difficulties in view of the conditions prevailing in Pepsu at the time of the partition. In this context the representative of Pakistan mentioned the case of the jewellery, of Begum Jamil Hassan Razvi and desired that special efforts might be made to trace this jewellery. The Indian representative said that efforts had been made in the past to trace this jewellery but without success. However, another attempt would be made to trace this jewellery.

Jewellery pawned with evacuees from Khairpur State.

The representative of Pakistan, handed over a bank draft for Rs.13,877.35 nP. in respect of the redemption proceeds of 101 cases out of 151 outstanding cases. He added that efforts would be made to trace the proceeds of the remaining 50 cases. The Indian representative handed over a further list of 39 fresh claims of Khairpur Pawnees, which the Pakistan, representative agreed to investigate.
Bahawalpur jewellery.

The representative of Pakistan stated that efforts to trace the jewellery seized from the evacuees from Ahmedpur East and Sadiqabad Tehsils of Bahawalpur; had not succeeded so far. An officer had specially been deputed, to trace this jewellery and he was already working with the local officials in Bahawalpur.

ITEM VI. Issue of payment authorities for contractors claims.

It was noted by the Committee that a large number of claims of contractors were lying unsettled on both sides. Both the delegations agreed that the settlement of such claims should be expedited as much as possible. The Indian representative particularly referred to the slow progress in the verification of Indian contractors claims against Provincial Governments. The Pakistan representative promised to take up the matter with the Provincial Governments with a view to expediting the issue of payment authorities.

ITEM VII. Gold Loan Accounts

The accounts fall under three categories:

i) Cases in which banks have already disposed of the jewellery, and the sale proceeds are to be restored after adjusting the amount of the bank’s dues.

ii) Cases in which the jewellery and gold is still with the banks and the account holders have informed the banks that they will redeem their jewellery and gold and pay the banks dues.

iii) Cases in which no claims have been filed for redemption.

The number of accounts in category (i) is 123. After adjusting the bank’s dues, there is surplus jewellery in 29 accounts and there, are surplus cash sale proceeds amounting to Rs.84,523/-/8. Out of the above 29 cases, surplus jewellery in 21 cases has been handed over to India. Jewellery in the remaining 8 cases is stated to be with the Deputy Custodian, Bahawalpur from whom enquiries are being made. The surplus cash sale proceeds of Rs.84,523/-/8 were transferred by the banks to the Deputy Rehabilitation Commissioners and by the latter to the Settlement Organisation, and the corresponding credits and debits are being traced. It was agreed that efforts would be made to trace the surplus jewellery of the said 8 accounts and the surplus cash sale proceeds of Rs.84,523/-/8 during the next one month and thereafter they would be handed over to India after deducting the bank’s dues in respect of category (ii) accounts.

The number of category (ii) accounts is 87. The Pakistan Government intimated the bank dues of only 25 accounts amounting to Rs.51,402.34 nP, India, informed Pakistan that this amount might be deducted from the surplus cash sale proceeds of the accounts of category (1) and the balance amount along with the surplus
jewellery of category (i) and the jewellery of category (ii) be handed over to India. The Custodian-Pakistan made parcels of jewellery of the above 25 accounts in the beginning of March 1962, but did not hand over these parcels to India, because payment of the bank dues relating to these accounts had not been made. He also did not adjust them against the surplus sale proceeds of the accounts of category (i) because their credits had not been traced. It was agreed that the amount of Rs.84,523/-/8 would be traced, during the next one month and Rs.51,402.34 nP. adjusted against it on account of the bank dues of the above 25 accounts. Thereafter the jewellery of these accounts would be handed over to India.

The Indian representative enquired whether the bank charges in respect of the other 22 cases in category (ii) where the account holders had opted to redeem their jewelers had been obtained. Pakistan replied that banks were being reminded to give this information and as soon as it was received it would be communicated to India.

Regarding the remaining 40 accounts in category (ii), the Indian representative said that they had already informed Pakistan that the banks, might be asked to dispose of the jewellery and to adjust if their charges against the sale proceeds and to remit the surplus to India. Pakistan agreed, to expedite action in these cases.

As regards category (iii) containing 211 accounts, it was agreed that the Pakistan Government would ask the banks to dispose of the jewellery of all the pawnees except those who have already exercised the option to redeem the jewellery and whose list would be sent by India by the 15th April, 1962. In the former case, the surplus amount after adjustment of the bank’s dues and in the latter case the jewellery would be sent to India.

**ITEM : VIII. Non-payment of dividends to share-holders.**

The Pakistan representative stated that enquiries were being made into the cases of Mr. Sunder Singh Dhir who held shares in the New Rural Transport Company, Rawalpindi and of other evacuees who held shares in Lahore-Harike Transport Co. and a reply would soon be sent. He added that it might not be possible to restore the shares which had already been allotted to others, but the compensation therefore along with the dividends if any would be paid to the evacuee owners.

**Complaints of Pakistan nationals regarding non-payment of dividends**

The Indian representative read out the replies received from the Custodians in 11 cases in which they had been able to make some enquiries. It was felt that this type of enquiry was not likely to yield any fruitful results and in order to facilitate enquiries from the Reserve Bank of India, definite details of cases should be given in which permission to remit the dividend had been applied for but not given by that
bank. The Pakistan representative stated that he would try to furnish a statement giving the above details in respect of the cases referred by Pakistan to India.

Complaints of Indian nationals for non-payment of dividends.
The Indian representative enquired about the result of the enquiries by the Pakistan Government in regard to the 6 cases referred to them at the last meeting. The Pakistan representative promised to examine the position and to send an early reply.

ITEM IX: Joint Committee

Please see Appendix II.

ITEM X. Payment of compensation for the Reserve Bank of India shares

The Indian representative stated that this item was linked with the payment of compensation for the assets of Joint Stock Companies, when a decision was taken about the latter item, there would not be any difficulty in disposing of this item.

ITEM XI. Claims of Court of Wards

The representative of India referred to the reply received from the Pakistan Government in regard to the claims of evacuees who had advanced loans to the Courts of Wards or Manager, Encumbered estates. In that letter, it had been stated that these cases could not be considered to be “Decree claims for money payable by or lying with the Government or quasi Government bodies”, because the claims were not covered by decrees. The representative of India pointed out that he had got these claims checked up again and out of 134 cases registered with the Central Claims Organisation, India, copies of decrees in 84 cases were on the files and in several other cases the claimants had furnished decree numbers. As these were decrees of Courts of Wards or Manager, Encumbered Estates in Pakistan, they fell in the category of Decree claims for money payable by or lying with Government or quasi Government bodies. The Pakistan representative, suggested that a reference on those lines should be made to Pakistan, which would be examined.

ITEM XII. Exchange of Revenue Records. Non-Agreed Areas.

At the time of the last meeting Pakistan-stated that Custodians records supplied by India were being checked. This had been done. The figure of 21,347 given by India has been accepted, Pakistan has now furnished a list of 1839 estates, records of which according to Pakistan have not been received by them. India promised to examine the list and supply records where still found outstanding. If any clarification of the records already supplied is needed by Pakistan, India would clarify the same.

Pakistan asked for extracts from Custodians records for another 5060 estates. India’s representative explained that they had set up special staff for meeting the
original demand of 21,891 estates, which had since been disbanded, after the supply of the available records. It would therefore not be possible to meet the fresh demand as quickly as before. Efforts would, however, be made to supply them as soon as they could be collected.

2. **Agreed Areas.**

739 Jam bandies out of a total of 1247 outstanding against Pakistan, have since been received by India, leaving a balance of 458 including 38 plus 21 mentioned in the minutes of the 8th meeting of the Implementation Committee. These 789 jamabandies are being examined by India, and if there is any duplication etc. the figures would stand correspondingly corrected.

Pakistan stated that 311 jamabandis were ready for delivery and promised to supply the balance as early as possible. Correspondence regarding records of further 152 estates stated to have been supplied by Pakistan, was in progress out of which India had received records of 19 estates. Pakistan promised to look into the matter regarding the rest.

3. **Colony Rights Statements.**

Pakistan's representative stated that the entire demand regarding 2100 Assamis of Bahawalpur State had been met. India stated that actually records of 195 Assamis had been supplied and the letter of the Deputy, Commissioner of Bahawalnagar purporting to cover the balance of records did not meet their requirements. India suggested a certificate in a particular form (copy given) and Pakistan agreed to furnish the same early.

Pakistan's representative stated that information regarding the Colony rights statements of Sind promised by Pakistan at the last meeting was still being collected and would be made available to India shortly.

4. **Village Lists.**

Eight Directories of Sind and four of N.W.F.P. have been supplied by Pakistan since the last meeting. Wine Directories of Sind were said to be lying ready for delivery to India and Pakistan promised to supply the remaining four after collection.

5. **Comparison of record at Wagah Border.**

Progress of comparison of record at Wagah, Border had since improved because of the introduction of the system of issue of Fardat-e-Badar instead of production of original record at the border. This arrangement has been accepted by both sides and would be followed, as far as possible.

6. **Revenue Record of Agreed Areas.**

(a) As a result of premised examination Pakistan has now furnished a revised demand for 40 instead of 126 Janabandis. India promised to examine the list and furnish the outstanding records, if any.
(b) Out of a total of 5126 Fardat-e-Badar mentioned by Pakistan at the last meeting, balance according to Pakistan now was 739 for Rajasthan and 1629 for East Punjab. India promised to dispose of the outstanding Fardat-e-Badar expeditiously and pointed out that 447 Fardat-e-Badar were due from Pakistan and Pakistan promised to dispose of the same expeditiously.

(c) Copies of letters regarding Directories of Alwar and Bharatpur sent by Pakistan have been received recently and the matter is under examination by India.

ITEM XIII. Next meeting.

It was agreed that the next meetings of the Implementation Committees under the Movable Property and the Banking Agreements would be held in Pakistan in early July 1962.

Sd/- Dharma Vira. Sd/- M.H. Sufi
Secretary, Secretary
Ministry of Rehabilitation, Ministry of Rehabilitation & Works
Government of India, Government of Pakistan

3263. Letter from Pakistan Ministry of Finance to Secretary to the Government of West Pakistan regarding stopping of funds representing sale proceeds of immovable properties.

Rawalpindi, September 24, 1965.

Government of Pakistan
Ministry of Finance
(External Finance Wing)

No. 5(4) EF/EXP/63 September 24, 1965

To : The Secretary,
Government of West Pakistan,
Revenue Department, Lahore,

Subject: Stopping transfer of funds representing sale proceeds of immovable properties in West Pakistan by non-Muslims of India through unauthorised channels.
Sir,

I am directed to refer to the correspondence resting with this Ministry’s letter No. 5(4)-EF/EXP/63 dated August 29, 1965 on the above subject, and to say that the sale of urban property by non-residents is already covered by the Executive Instructions issued by Government of West Pakistan vide letter No. 764-65/434-St. dated Feb. 27th 1965. If this is satisfactory then there would be no necessity to seek to affect special registration for the agricultural property. It is considered that what has been done by the West Pakistan Govt. for urban property can and should be done for agricultural property as well. The only difference may be that since agricultural property can also be sold or otherwise disposed off through the agency of the Revenue officers under the Land Alienation Act and not necessarily through registration of the deeds under the Registration Act. Similar instructions will have to be given to the Revenue authorities also in charge of mutations proceedings.

2. The problems of non residents both arising in respect of urban and agricultural property can, in the opinion of this ministry, therefore, be taken care of by executive instructions, under the existing laws. What the law is needed for, and in the country’s present situation that is the major problem is to cover the acts of resident Pakistanis. This can perhaps be done in more unobtrusive manner by amending definition of “Non-resident” in the Foreign Exchange Regulation Act to include also persons who, a registration Officer, Revenue Officer, Custodian or other Officer appointed to deal with property whether urban or rural has reason to believe, intends to leave the country.

3. I am to request that the matter may kindly be considered in the light of above and view of the provisional Govt. communicated to this Ministry of their earliest convenience.

Yours obedient Servant
SD/-
(Mohd Sharif Khan)
Section Officer
3264.

Government of West Pakistan
Revenue Department
Lahore

No.5519-67/984-LRII, dated the 8th April, 68

From: Mr. A.H. Qureshi, S.PK,CSP
Secretary to Govt. West Pakistan, Revenue Department.

To:
   i) All Commissioners of Divisions in West Pakistan.
   ii) All Deputy Commissioners & Settlement Officers in W. Pakistan.
   iii) Colonization Officer, Thal Project Colony, Bhakkar.

Sub: Stopping transfer of funds representing sale proceeds of immovable properties in West Pakistan by non Muslims to India through unauthorised Channels.

Sir,

I am directed to enclose herewith a copy of letter No. 5-3-EF/EX/63 dated the 14th/24th September 1966 from the Government of Pakistan Ministry of Finance (External Finance Wing) Rawalpindi on this subject. It has been decided that no mutations should be sanctioned in respect of the properties (rural as well as urban) of non residents (Hindus, Sikhs and Christians etc.) who have migrated to India unless a certificate is produced from the State Bank of Pakistan certifying that the consideration money had been placed in a blocked Account with a Bank authorised to deal in Foreign Exchange in Pakistan, in the name of beneficiary.

Attention is also invited to Section 5(1) of the Foreign Exchange Regulation Act, 1947, which lays down that no payment can be made to anybody on behalf of any nonresident without the permission of the State Bank of Pakistan and under section 6 of the said Act, such payments can only be made to blocked Account which can be operated upon in accordance with the condition laid down by the State Bank. It should please be ensured that these provisions of the Foreign Exchange Regulations Act, 1947, are rigidly endorsed in all such cases.

These instructions should be carefully complied with by all the Revenue Officers sanctioning mutation. Similar instructions have already been issued to all the Registering Authorities in the West Pakistan vide this Department memorandum No.764-65p434-St. dated the 26th Feb.65 (Copy enclosed for information).

The Government of Pakistan is being requested to amend the definition of ‘non-resident’ in the Foreign Exchange Regulation Act, 1947, so as to include also a person whom a Revenue Officer, Registering Officer, Custodian or any other
Officer appointed to deal with these properties whether urban or rural, has reason to believe, that he intends to leave the country. After this is done the Revenue Officers shall be able to refuse the mutations of resident Pakistanis who intend to sell their properties with a view to leaving the country.

Sd/-
Aslam Hayat
Section Officer(Revenue)
For Secretary to Government of West Pakistan
Revenue Department

TOP PRIORITY/TOP SECRET

Letter from Deputy Commissioner Jacobabad (Pakistan) to Tehsildar etc regarding stopping of transfer of funds representing sale proceeds of immovable properties of non-Muslims.

Jacobabad (Pakistan), April 27, 1968.
Office of the Deputy Commissioner
Jacobabad

No. ST – 332/68 Dated 27th April, 68
To
The Mukhtiarkar,
Kandhkot (By Name).
The Tehsildar, (By Name).

Subject: Stopping transfer of funds representing sale proceeds of immovable properties in West Pakistan by non-Muslims to India through un-authorised channels.

Enclosed herewith please find copies of secret letter No. 5519-67/984-LRII dated 8th April, 68 of the Secretary to Government of West Pakistan, Revenue Department for your strict compliance.

2. You are requested to see that the above orders are very strictly enforced. No mutations should be sanctioned in respect of the properties (rural as well as urban) of non-residents (Hindus, Sikhs and Christians etc) who have migrated to India, unless the required certificate of State Bank of Pakistan is produced.
3. Attested copies of the mutations which have been effected in the names of non-Muslims after the recent war should please be sent to this office along with original. V.Fs: VII through some reliable S.T. within three days without fail for verification so that a consolidated report may be sent to the Govt. accordingly. Beside no mutations (in respect of rural as well as urban property) should be effected in the names of non-Muslims but the detailed facts only should be to this office. If any mutation in any revenue records is changed hereafter that revenue officer will render himself liable to severe disciplinary action. This should be read very carefully and dealt with on personal/top priority basis.

4. The Mukhtiarkars and City Surveyor Officer, Jacobabad should also please send their details in respect of Jacobabad town (i.e. in respect of urban area). Receipt of this letter be please acknowledged.

3266. Statement by the Ministry of External Affairs submitted to the Lok Sabha in fulfillment of the Assurance on Starred Question No.1599.

New Delhi, June 23, 1977.

An agreement was reached between India and Pakistan in July – August, 1953 in terms of which the two Governments decided to ensure that places of religious worship in both the countries are properly protected, maintained and their sanctity preserved, and increased facilities are given for visits of pilgrims to places of worship. In May, 1955, discussions were held between the Home Ministers of India and Pakistan and an Agreement was reached which is popularly known as the Pant – Mirza Agreement. In terms of this Agreement, it was decided, among other things, that a Joint Committee of representatives of the two governments should be formed to work out details of implementation of the 1953 agreement. The Committee was to prepare a list of important shrines in West Pakistan and certain selected areas in India, the protection and preservation of which were to be the special responsibility of the government concerned.

2. The Joint Committee at its first meeting in January, 1958, tentatively decided that the number of important shrines, the preservation and maintenance of which should be made the special responsibility of the concerned government, should be limited to 200 in each country. List prepared were to be furnished to the other country. An invitation was extended to Government of Pakistan in February 1958 for holding the second meeting. Subsequently on a number
occasions, the matter was raised both informally and in writing at various levels with the Government of Pakistan. But, the Government of Pakistan were unable to give a positive response to the request for holding a second meeting of the Joint Committee.

3. No further agreement was reached on the subject until September 14, 1974, when as part of the normalization process, a protocol on visits to religious places was signed at Islamabad by the Foreign Secretaries of India and Pakistan. The Protocol provided for an agreed list of shrines being drawn up for facilitating visits to such shrines. It also provided that “every effort should continue to be made to ensure that places of religious worship mentioned in the agreed list are properly maintained and their sanctity preserved.”

4. The agreed list covers the following shrines:

**Shrines in India**
2. Shrine of Hazrat Nizamuddin Aulia, Delhi.
4. Shrine of Hazrat Mujadid Alaf Sani at Sirhand Sharif.

**Shrine in Pakistan**
1. Nankana Sahib.
2. Gurudwara Panja Sahib, Hasanabdal.
5. Gurudwara Janam Asthan, Lahore.
9. Gurudwara of Sixth Guru, Mozang, Lahore.

5. The maintenance of the shrines in India and Pakistan mentioned in the agreed list is the responsibility of the government of the country where the shrines are located.
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TO

My Late Wife
Mandip Kaur

Mother of
Puneet and Mantosh

Mother- in- Law of
Gurpreet & Kamaljeet

Grandmother of
Arjan,
Geetika
Amitoj
Zorawar
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CHRONOLOGY OF EVENTS
FINANCIAL ISSUES

INDIA-PAKISTAN RELATIONS

SECTION - XV

FINANCIAL ISSUES
Order issued by the Government of Pakistan defining the Monetary System for Pakistan and authorizing the Reserve Bank of India to function as the Reserve Bank for Pakistan.

Karachi, August 14, 1947

14 August 1947

Pakistan (Monetary System and Reserve Bank) Order, 1947

In exercise of the powers conferred by section (9) of the Indian Independence Act, 1947, and of all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order:

PART I

Introductory

(1) (i) This Order may be called the Pakistan (Monetary System and Reserve Bank) Order, 1947.

(ii) It shall come into force on the 15th day of August 1947.

(2) In this Order, unless there is anything repugnant in the subject or context,

(a) ‘the Bank’ means the Reserve Bank of India;

(b) ‘India notes’ means currency notes of the Government of India and bank notes of the Bank, other than Pakistan notes;

(c) ‘Pakistan notes’ means bank notes of the Bank inscribed in the manner provided in sub-section (ii) of section (5) of Part II of this Order;

(d) ‘India rupee coin’ means rupee coin which is for the time being legal tender in India and includes one-rupee notes;

(e) ‘India subsidiary coin’ means coin of a lower denomination than one rupee which is for the time being legal tender in India;

(f) ‘Reserve Bank Act’ means the Reserve Bank of India Act, 1934;

(g) ‘section’ means a section of the Part of this Order in which the word occurs:

and other expressions have the same meaning as in the Reserve Bank Act.

PART II

Provisions to have effect as part of the law of Pakistan

(1) The provisions of this Part shall have effect as part of the law of Pakistan.

(2) Subject to the provisions of this Part, the Bank shall, until the 30th day
of September, 1948, manage the currency of Pakistan and carry on the business of banking in Pakistan.

(3) Until the Pakistan Legislature otherwise provides, the standard monetary unit of Pakistan shall be the India rupee.

(4)(i) Until the 30th day of September, 1948,

(a) the Bank shall accept moneys for account of the Government of Pakistan and the Provincial Governments in Pakistan, make payments up to the amount standing to the credit of their accounts respectively, carry out their exchange, remittance and other banking operations, including the management of the public debt, and generally afford to them similar facilities to those which the Bank affords to the Government of India, or as the case may be, the Provincial Governments in India:

(b) the Government of Pakistan and each Provincial Government in Pakistan shall entrust the Bank with the management of the public debt and with the issue of any new loans:

(c) the Government of Pakistan and the Provincial Governments in Pakistan shall entrust the Bank with all their money, remittance, exchange and banking transactions in Pakistan, and in particular, shall deposit free of interest all their cash balances with the Bank:

Provided that nothing in this sub-section shall prevent the Government of Pakistan or any Provincial Government in Pakistan from carrying on money transactions at places where the Bank has no branches or agencies and from holding at those places such balances as they may require:

Provided further that the provisions of this sub-section, so far as they relate to management of the public debt, the issue of new loans and exchange operations, shall not have effect after the 31st day of March 1948.

(ii) The conditions on which the Bank shall perform the functions mentioned in this section shall be the same as those regulating similar transactions between the Bank and the Government of India, or as the case may be, a Provincial Government in India, subject however to such adaptations and modifications as may be agreed upon between the Government concerned and the Bank, or as may, in default of agreement, be prescribed by the Governor-General of Pakistan.

(5) (i) India notes shall, until the 30th day of September 1948, be legal tender at any place in Pakistan in payment or on account of the amount expressed therein.
(ii) On and after the 1st day of April 1948 the Bank may issue in Pakistan bank notes of the Bank inscribed with the words ‘Government of Pakistan’ in English and Urdu, and such notes shall be legal tender in Pakistan in payment or on account of the amount expressed therein:

Provided that notwithstanding anything contained in any enactment or rule of law to the contrary, the Government of India shall not be deemed to be liable to pay the value of any notes so inscribed; neither after the 30th day of September 1948 shall the Bank be so liable.

(iii) The Bank shall, up to the 30th day of September 1948, have the sole right to issue bank notes in Pakistan, and before the expiry of that day, the Government of Pakistan shall not issue any currency notes.

(iv) No person in Pakistan other than the Bank shall draw, accept, make or issue any bill of exchange, hundi, promissory note or engagement for the payment of money payable to bearer on demand, or borrow, owe or take up any sum or sums of money on the bills, hundis or notes payable to bearer on demand of any such person:

Provided that cheques or drafts, including hundis, payable to bearer on demand or otherwise, may be drawn on a person’s account with a banker, shroff, or agent.

(v) Notwithstanding anything contained in the Negotiable Instruments Act, 1881, no person in Pakistan other than the Bank, shall make or issue any promissory note expressed to be payable to the bearer of the instrument.

(vi) Any person contravening the provisions of sub-section (iv) or sub-section (v) shall be punishable with fine which may extend to the amount of the bill, hundi, note or engagement in respect of which the offence is committed.

(vii) No prosecution under this section shall be instituted except on complaint made by the Bank.

(6)(i) Notwithstanding anything contained in any enactment or rule of law to the contrary, no person shall of right be entitled to recover from the Bank or the Government of Pakistan the value of any lost, stolen, mutilated or imperfect India note or Pakistan note.

(ii) The Bank may with the previous sanction of the Government of Pakistan prescribe the circumstances in which, and the conditions and limitations subject to which, the value of lost, stolen, mutilated or imperfect Pakistan notes may be refunded as of grace.
The value of lost, stolen, mutilated or imperfect India notes may be refunded as of grace in Pakistan in the circumstances and subject to the conditions and limitations prescribed for the time being in that behalf as respects India under section 28 of the Reserve Bank Act.

**Coinage**

(7)(i) India rupee coin and India subsidiary coin shall continue to be legal tender in Pakistan to the like extent and subject to the same conditions as immediately before the 15th day of August 1947 for such period or periods, not expiring, in the case of any coins, sooner than one year from the introduction of corresponding Pakistan coins, as the Government of Pakistan may determine:

Provided that India one-rupee notes shall not be legal tender in Pakistan after the 30th day of September 1948.

(ii) No Pakistan coins shall be issued except in pursuance of a law of Pakistan, and before the 1st day of October 1948, no Pakistan coin shall be issued of a denomination different to that of India coin in circulation at the commencement of this Order.

(8) During the period in which the Bank is managing the currency of Pakistan,

(a) any Pakistan coins issued shall on demand be supplied by the Government of Pakistan to the Bank against payment of their nominal value in such quantities as will, in the opinion of the Bank, be required for circulation in Pakistan, and the Government of Pakistan shall not put any coins in circulation in Pakistan except through the Bank in pursuance of a demand made under this clause;

(b) the Bank may deliver to the Government of Pakistan any Pakistan coins which will not in its opinion be required for circulation in Pakistan against payment of their nominal value, and no Pakistan coins shall be disposed of by the Bank otherwise than for the purposes of circulation or by delivery to the Government of Pakistan under this clause;

(c) the Bank shall on demand issue India or Pakistan rupee coin in exchange for legal tender notes:

Provided that, if any Pakistan coins have been issued, the Bank shall not, after the 31st day of March 1948, issue India coins, except to the extent that Pakistan coins are not, in the opinion of the Bank, available in sufficient quantities for the purposes of circulation;
(d) the Bank shall on demand issue legal tender notes in exchange for legal tender coins;

(e) the Bank shall in exchange for legal tender notes of five rupees or upwards supply legal tender notes of lower value or legal tender coins in such quantities as may in the opinion of the Bank be required for circulation;

(f) if the Government of India or, as the case may be, the Government of Pakistan, at any time fails to supply coins to the Bank, the Bank shall be released from its obligations under clause (c) or clause (e) to supply such coins to the public.

(9) Notwithstanding anything contained in any enactment or rule of law to the contrary, the Government of India shall not be liable to pay the value of any one-rupee note inscribed with the words, ‘Government of Pakistan’ in English and Urdu.

(10) (i) The Indian Coinage Act, 1906, shall, until other provision is made by a law of Pakistan and subject to the provisions of this Order, apply to Pakistan, and in such application

(a) for section 1 there shall be substituted the following section, namely:

‘1. Short title and extent. (1) This Act may be called the Pakistan Coinage Act. (2) It extends to the whole of Pakistan’;

(b) references to the Central Government shall be construed as references to the Government of Pakistan.

(ii) Rules made under the Indian Coinage Act, 1906, and in force immediately before the commencement of this Order shall be in force in Pakistan until they are modified or rescinded under that Act as in force in Pakistan.

Duties of Bank regarding Exchange

(11) Up to the 31st day of March 1948, the Bank shall sell to or buy from any authorized person who makes a demand in that behalf at its office in Karachi foreign exchange at such rates of exchange and on such conditions as the Government or Pakistan, in consultation with the Government of India, may, from time to time by general or special order determine:

Provided that no person shall be entitled to demand to buy or sell foreign exchange of the value of less than two lakhs of rupees.

Explanation. In this section ‘authorized person’ means a person who is entitled to buy or sell foreign exchange under the Foreign Exchange Regulations Act, 1947, to buy or, as the case may be, sell the foreign exchange to which his demand relates.
Control of Scheduled Banks, etc.

[Articles (12, and (13) relate to the balances to be held by the Reserve Bank, the returns to be made by the Pakistan scheduled banks and the Provincial co-operative banks, together with the related penalties. Ed.]

Miscellaneous

(14) (i) The Bank shall not be liable for the payment of any stamp duty in Pakistan in respect of Pakistan notes or India notes.

(ii) The Bank shall not be liable to pay Pakistan income-tax or super-tax on any of its income, profits or gains:

Provided that nothing in this sub-section shall affect the liability of any shareholder in respect of Pakistan income-tax or super-tax.

(iii) For the purposes of any provisions of the Indian Income-t Act, 1922, as in force in Pakistan, which relate to the levy and refund of income-tax, any dividends paid under section 47 of the Reserve Bank Act shall be deemed to be 'Interest on Securities'.

(15)(i) The Reserve Bank Act shall cease to be part of the law of Pakistan, and the status of the Bank in Pakistan shall be that of corporation existing only by virtue of the law of India and capable of suing and being sued as such in Pakistan; and accordingly effect shall be given to the said Act by Courts in Pakistan only in so far under the rules and principles of law determining the cases in which, law other than Pakistan law is to be applied in Pakistan, the proper law to be applied is the law of India.

(ii) Nothing in the Indian Companies Act, 1913, shall apply to the Bank.

(16) (i) If any person in Pakistan makes a false declaration in any declaration furnished by him in pursuance of a requisition under sub section (1) of section 56 of the Reserve Bank Act, he shall be deemed in Pakistan to have committed the offence of giving false evidence defined in section 191 of the Indian Penal Code, and shall be punishable under the second paragraph of section 193 of the said Code.

(ii) Nothing contained in any declaration furnished under the said sub-section (1) shall operate to affect the Bank with notice of any trust, and no notice of any trust express, implied or constructive shall, be receivable by the Bank.

(17) The Banking Companies (Restriction of Branches) Act, 1946, and the Banking Companies (Inspection) Ordinance, 1946, shall until the 30th day
of September 1948 apply also to the whole of Pakis-tan, and in such application references to the Central Government shall be construed as references to the Government of Pakistan and for clause (b) of subsection (1) of section 5 of the said Ordinance, the following shall be substituted, namely:

‘(b) notwithstanding anything contained in sub-section (7) of section 12 of Part II of the Pakistan (Monetary System and Reserve Bank) Order, 1947, the Government of Pakistan shall refuse to declare the banking company to be a Pakistan scheduled bank, or if the banking company has been so declared, shall by notification in the Official Gazette, cancel such declaration.’

**PART III**

Provisions to have effect as part of the law of India

(1) Until the 30th day of September 1948, the Reserve Bank of India Act, 1934, shall have effect [with the following additions, substitutions and omissions]

(2) Until the 30th day of September 1948, the Government of India shall send as soon as may be to the Government of Pakistan notice of any proposal to introduce, or move an amendment to, a Bill in the Indian Legislature which affects the coinage or currency of India or the constitution or functions of the Bank.

**PART IV**

Adjustments between Governments and other miscellaneous Provisions

(1)(i) In this section ‘Government’s Bank profits’ in respect of any period means the sum of

(a) any amounts payable in respect of that period to the Government of India by the Bank under section 47, or sub-section (2) of section 37, of the Reserve Bank Act, and by the Issue Department under sub-section (2) of section 34 of that Act, and

(b) any other profits accruing in that period to the Government of India by reason of any revaluation of the gold held by the Bank, less any amount debited to the Government of India in that period under sub-section (2) of the said section 34:

**Provided** that the Government’s Bank profits in respect of the period commencing
on the 1st day of July 1948 and ending on the 30th day of September 1948 shall be deemed to be one-quarter of the said profits in respect of the year ending on the 30th day of June 1949.

(ii) The Government of India shall pay to the Government of Pakistan that portion of the Government's Bank profits in respect of the period commencing on the 1st day of July 1947 and ending on the 30th day of September 1948 which bears to the total of such profit in respect of the said period the same proportion as the total value of the Pakistan notes in circulation in Pakistan on the 30th day of September 1948 plus the total value of India notes returning from circulation in Pakistan in the period commencing on the 1st day of October 1948 and ending on the 31st day of March 1949 bears to the total value of India and Pakistan notes in circulation in India and Pakistan on the 30th day of September 1948:

Provided that if a declaration is made by or on the authority of the two Governments to the effect that they are agreed that on or about the 1st day of January 1949 India notes are still returning from circulation in Pakistan to a considerable extent, the provisions of this sub-section and of sub-section (2) of section 4 shall be construed and shall have effect as if for the references in those provisions to the 31st day of March 1949 there were substituted references to the 30th day of September 1949.

(2)(i) In respect of the period commencing on the 15th August 1947 and ending on the 30th September 1948 the Government of India shall pay to the Government of Pakistan the profit, as calculated by the Auditor-General of India, on the net amount of India subsidiary coins which are actually passed into circulation in Pakistan during that period less the loss, as calculated by the Auditor-General of India, on the destruction of any India subsidiary coins returned from Pakistan during that period and destroyed as not being fit for reissue.

(ii) If in respect of the period mentioned in sub-section (i), the amount of India subsidiary coins returning from circulation in Pakistan exceeds the amount of India subsidiary coins actually passed into circulation in Pakistan during that period, the Government of Pakistan shall pay to the Government of India the loss attributable to that fact, as calculated by the Auditor-General of India, together with the loss, as calculated by the Auditor-General of India, on the destruction of any India subsidiary coins returned from Pakistan during that period and destroyed as not being fit for reissue.

(3)(i) Any India coins other than one-rupee notes retired from Pakistan (whether
FINANCIAL ISSUES

from circulation, from the Bank’s balances, from Treasury balances, or from small coin depots) by reason of the introduction of corresponding Pakistan coins shall be disposed of as follows:

(a) Coins, other than nickel brass and quaternary silver coins, shall be accepted against payment to the Government of Pakistan of their bullion value. In addition, so long as the issue of such coins continues in India, the cost to India of minting the same amount of coin in the same form shall be paid to the Government of Pakistan.

(b) Nickel brass and quaternary silver coins shall be disposed of by the Government of Pakistan for their bullion contents direct.

(c) The Government of Pakistan shall not dispose of any coins as coin but may dispose of their bullion contents in any other manner desired by them.

(ii) One-rupee notes of the Government of India shall be exchanged into Pakistan notes before the 30th day of September 1948, and the Pakistan Government shall return the notes so exchanged to the Government of India without payment.

(4)(i) As soon after the 30th September 1948 as practicable and subject to the provisions of sub-section (3), there shall be transferred from the Issue Department of the Bank to the Government of Pakistan assets, which, as valued for the purposes of the Reserve Bank Act, have together a value equal to the total liability in respect of the Pakistan notes outstanding on that day.

(ii) India notes which may be legal tender in Pakistan on the 30th September 1948 or in respect of which the rights of encashment in Pakistan exist on that date shall be accepted by the Government of Pakistan at par until the 31st March 1949, and there shall from time to time on the demand of the Government of Pakistan be transferred from the Issue Department of the Bank to the Government of Pakistan assets which as valued for the purposes of the Reserve Bank Act, have together a value equal to the amount of notes accepted by the Government of Pakistan under this sub-section.

(iii) In transferring assets under this section, Pakistan rupee securities and the advances, if any, taken by the Government of Pakistan from the Bank shall first be set off against the liability for Pakistan notes and India notes accepted by the Government of Pakistan, and only in respect of the balance of that liability shall the other assets of the Issue Department, consisting of gold, sterling securities, India rupee coin,
Pakistan rupee coin and Government of India securities be transferred in the proportions in which assets of those classes respectively may be held by the Issue Department on the 30th day of September 1948.

(iv) Any India rupee coin transferred under the foregoing provi-sions of this section shall be disposed of in accordance with the provi-sions of section 3 as if it were retired rupee coin, and any Pakistan rupee coin remaining with the Bank after the transfers under this section shall be made over to the Government of India for disposal otherwise than as coin.

(v) The Government of Pakistan shall, if the Bank so desires, take over from the Bank all or any of the property held by the Bank in Pakistan for the purpose of carrying on its business against payment of the value of that property as shown in the books of the Bank.

(vi) The Government of Pakistan shall be entitled to

(a) the same fraction of the amount of the Reserve Fund of the Bank as on the 30th day of September 1948 which would accrue to the Government of India if the Bank went into liquidation on that date, as the fraction of the uncovered debt of the Government of India for which the Government of Pakistan becomes liable on the 15th day of August 1947;

(b) the same fraction of the other surplus assets of the Bank which would exist on the 30th day of September 1948 if the Bank went into liquidation on that date remaining after deducting there from the sums payable for a proportionate period in respect of the financial year of the Bank current on that date to the Government of India and the shareholders of the Bank, as the fraction of the assets of the Issue Department which. The Government of Pakistan takes over:

Provided that any payment due under this sub-section shall be credited as a capital payment in reduction of the debt, if any, due by the Government of Pakistan to the Government of India.

(5) The agreement made in pursuance of section 45 of the Reserve Bank Act between the Bank and the Imperial Bank of India shall, so far as the context so permits, have effect subject to the following adaptations, namely:

(a) References to India and British India shall be construed as including references to Pakistan;

(b) references to the Governor-General-in-Council in relation to his
general banking business, his accounts, and sums due to or from him, and references to Government in relation to receipts and disbursements dealt with on account of Government shall be construed as including references to the Government of Pakistan and to the Provincial Governments in Pakistan;

(c) References to banks included in the Second Schedule to the Reserve Bank Act shall be construed as including references to Pakistan scheduled banks.

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3268. Telegram from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan

New Delhi, November 8, 1947.

No. 311

I understand that West Punjab Government has passed an order requiring owners and managers of safe deposit vaults to resume work by 20th November failing which that Government will take possession of the vaults. I shall be grateful for urgent information as to whether this report is correct. If it is, I must lodge the strongest possible protest against the order of the West Punjab Government. Conditions in Lahore and other towns where safe deposit vaults are located are so insecure for non-Muslims that the managers and their staff will be incurring grave personal risk in attempting to resume work by 20th November. Moreover, I am reliably informed that number of Muslim depositors is less than 5%. The Managing Director of one of the safe deposit companies went to Lahore some time ago and tried to open the vault but was prevented from doing so. If in these circumstances West Punjab Government take possession of the vaults that would mean expropriation of property worth an immense amount of money.

Our Minister for Refugees has telegraphed to you suggesting an Inter-Dominion Conference on various matters on the 11th of this month. I understand that no reply has yet been received by him. I hope it will be possible for this conference to be held soon and the subject of safe deposit vaults may be included in the agenda. Pending such discussion, I would ask that the order said to have been issued by the West Punjab Government should be withdrawn.

I shall be grateful for a very urgent reply.

❖ ❖ ❖ ❖ ❖
Telegram from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, November 15, 1947.

Please refer to my telegram No. 311 of November 8 about safe deposit vaults to which I have not received a reply. The matter is causing the gravest anxiety to a very large number of depositors who are in India and I trust that you will accept the suggestion to postpone any action in regard to these vaults until the matter has been discussed at the next Inter-Dominion Conference.

2. If you must insist on opening these vaults after the next three or four days I would ask that the vaults be opened in the presence of our Deputy High Commissioner and other officers accompanying him. Depositors now resident in Pakistan may open their lockers, but lockers belonging to persons now resident in India should not be touched. As soon as business of residents in Pakistan has been completed the vaults must be put under double lock, the key of one lock being retained by a representative of the West Punjab Government and the key of the other lock being retained by the Deputy High Commissioner or an officer nominated by him for the purpose. We will be prepared to make available as many officers as may be necessary so that one of our officers will be present at each safe deposit vault to operate the double lock and afford access to persons resident in Pakistan during specified hours. I suggest that this arrangement is absolutely essential until the matter is discussed further at the next Inter-Dominion Conference. I would emphasise that persons resident in Pakistan should be afforded access to lockers only after complete identification and with reference to entries made in safe deposit vault registers. You will appreciate that if the foregoing drill is not observed there is grave danger to the security of property belonging to depositors now resident in India and the Government of India would take a most serious view of any such situation.

3. I shall be grateful for an urgent reply to this telegram.

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3270. Telegram from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan

New Delhi, November 23, 1947.

Your telegram* dated 18th November regarding opening safe deposit vaults in Lahore in which you pointed out that West Punjab Government had promised full protection to these vaults and the workers to the satisfaction of the Managers of the vaults. I have now received report from our Deputy High Commissioner that when vaults were opened a large and unruly crowd of Muslims gathered before premises, shouted provocative slogans and insisted that valuables in vaults should not be allowed to be removed. Local authorities were unable to control crowd and Managers had to stop functioning. I understand also that District Magistrate has issued an order prohibiting removal by any person of any article deposited or lying in safe deposit vaults of any bank without his previous permission in writing. In view of this and of danger of attack from Muslim mobs the vaults have stopped functioning. In view of assurances of West Punjab Government, I can only express surprise at this development. I am sure you will agree that the position is an impossible and I shall be glad to be informed what further steps you propose to take.

* Liaquat Ali Khan informed Nehru that a decision to open the vaults had been taken after promising full protection to the workers and vaults.
3271. Extract from the Minutes of the Partition Council meeting held on 1st December, 1947.

I

Sterling Assets of the Reserve Bank of India

(2) The two Dominions will negotiate separately with H.M.G. for release beyond 1st January 1948. The Reserve Bank will open a separate account or accounts with the Bank of England to which will be transferred from its present Account No. 2 a sum equivalent to the release made by H.M.G. to Pakistan together with the amount fixed as Pakistan’s working balance. Pakistan’s exchange operations will be conducted through these accounts. In assessing the total sterling holdings of the Reserve Bank for purposes of paragraph 1 (a) above the amounts standing in the Reserve Bank’s Accounts Nos. 1 and 2 will be taken into account together with the amount in the ‘Pakistan’ accounts with the Bank of England either through the Reserve Bank or otherwise.

(3) From the 1st January, 1948 onwards, each Dominion will retain separately its own foreign exchange earnings and its own foreign exchange expenditure will be debited against these earnings (By the term ‘its own’ earnings of expenditure is meant the earnings arising out of exports from, and the expenditure due to imports into ports within the territory of each Dominion). Invisible earnings and expenditure will be allocated according to the territory in which the transaction giving rise to them takes place.

(4) The Government of India will transfer from Account No.1 of the Reserve Bank of India to the similar account of Pakistan when established a sum in sterling equivalent to the difference between Rs 6.95 crores and the c.i.f- value of ‘items actually imported into Pakistan ports between the 1st July and the 31st December, 1947.

Provided that if India is not allowed to carry forward the entire sum standing to its credit in Account No.1 on 31st December 1947, the payment above mentioned will be reduced in proportion to the reduction in the amount agreed to be carried forward.

II

Decision of the Partition Council with regard to sharing of the Sterling Assets of the Reserve Bank

It was agreed in the Pakistan Council on 1st December 1947 that in addition to the sterling to which Pakistan would entitled under paragraph 4(3) of Part IV of the Pakistan (Monetary System and Reserve Bank)
Order, 1947, an amount of sterling calculated as below will be made available to Pakistan in the manner stated below:

(a) The total of the Sterling assets in both the Banking and Issue Department on the 30th September 1948 will be taken together.

(b) From this total will be deducted the lump sum payable to H.M.G. at the time of the final settlement of the sterling balances on account of the capitalization of pensionary liability for H.M.G.’s military stores and fixed assets as on 1st April 1947, in India.

(c) Out of the remaining balance a sum in sterling which taken together with the gold held in the Issue Department will be equal to 70 per cent. of the total liabilities of that Department as on 30th September 1948, will be allocated in the manner prescribed in paragraph 1(3) of Part IV of the Pakistan (Monetary System and Reserve Bank) Order, 1947.

(d) Of the remainder, 17 ½ per cent will be allocated to Pakistan.

(e) The difference between the total of what will fall to the share of Pakistan under (c) and (d) and what Pakistan would obtain under Paragraph 4(3) of Part IV of the of Order is the amount of the additional sterling to be made available to Pakistan.

(f) In regard to the amount of this additional sterling, India agrees to sell to Pakistan from its Account No. II of similar Account Sterling for Indian rupees on demand being made by Pakistan up to the 31st December 1967.

Extracts from the minutes of the Partition Council meeting held on 1st December 1947.

Case No.P.C./200/20/47.

(a) Financial settlement between India and Pakistan.

(b) Allocation of a Cash balance to Pakistan.

(c) Pakistan’s share of the excess of liabilities over assets.

The financial settlement with Pakistan will be on the basis set out in paragraph 3 of the paper constituting item 8 of the agenda for the Partition Council, subject to any specific agreement reached on matters affecting the financial settlement.

2. The entire public debt outstanding on the 14th August 1947, including undated debt, will be valued in the manner set out in paragraph 5 of that paper
with the modification that the rate of interest will be rounded off to the nearest one eighth of one per cent.

3. The answers to the questions in paragraph 6 of the paper are—

(a) The rate of interest should be determined on the average yield over a period of two years preceding the date of Partition of the rupee and sterling securities with an unexpired currency of 15 years of over rounded to the nearest one eighth of one per cent.

(b) The instalment would be payable on the 15th of August of each year but no instalment will be payable for the first four years from the date of partition (i.e. in 1948, 1949, 1950, and 1951).

(c) The total debt will be repaid in Indian rupees in 50 annual equated installments for principal and interest combined, the last instalment being payable on the 15th of August, 2001 A.D.

4. Pakistan’s share of the uncovered debt (referred to in para 3 (c) of the agenda) will be 171/2 per cent.

5. The percentage mentioned in para 4 above will apply to all cases, such as the liability for pensions, the allocations of reparations, the allocations of the sale proceeds of surplus stores, etc. in which it has been agreed by the Partition Council that an asset or liability debt should be divided in the ratio of the uncovered debt.

6. In addition to the 20 crores already made over to Pakistan, 55 crores will be allocated to Pakistan in full and final settlement of its claim for a share of the undivided Government’s cash balance and of the cash balance investment account.
3272. **Press Note issued by Pakistan Ministry of Finance on the Indo-Pakistan talks on Sterling balances.**

**Karachi, December 12, 1947.**

The existing financial agreement between the United Kingdom and India for the release of sterling balances during the current year for both the Dominions expires on December 31, 1947.

The question of the further release of the sterling balances for the next half-year for the Dominions of Pakistan and India is to be taken up shortly with His Majesty’s Government.

In order to exchange preliminary ideas between the two Dominions in connection with the further release of sterling from January 1, 1948 the Government of India sent a delegation to Karachi consisting of Mr. V. Narahari Rao, Finance Secretary, and, Mr. B.K. Nehru, Joint Secretary.

The talks that have taken place between the representatives of the two Governments covered a number of matters. The talks were held in a very cordial atmosphere and complete agreement has been reached on all the issues involved.

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* At the end of the talks, the Indian Finance Secretary said in Karachi that the three-day proceedings were conducted in a cordial atmosphere and outstanding issues were settled in a friendly manner. These talks were to be followed with further talks with a delegation from the United Kingdom. This delegation was expected in the second week of January 1948 for preliminary talks first in Karachi and then in New Delhi, where Pakistan delegation was also expected to join in the negotiations. However, since India withheld Pakistan’s release of funds, in view of the Pakistan’s involvement in the Kashmir aggression, Pakistan did not send its delegation. Reacting to Pakistani boycott of the Delhi talks when the British delegation had arrived, New Delhi said that since an agreement had already been reached with Pakistan on their respective shares of the sterling balances, the presence of Pakistani delegation was not considered necessary to conclude negotiations with the British Government. The British before arriving in Delhi, had a round of consultations with Pakistan in Karachi, from where it arrived in New Delhi on January 8, 1948.
3273. Statement issued by the Cabinet Secretariat of the Government of Pakistan giving details of the Financial Settlement between India and Pakistan.

Karachi, December 12, 1947.

As soon as the principle of partition was accepted by the major political parties, the Interim Government appointed a Special Committee of the Cabinet to examine the administrative consequence of partition and to take necessary steps for the transfer of power to the two Dominions. This committee was composed, at the outset, of His Excellency the Governor General Mr. Liaquat Ali Khan, Sardar Patel and Dr. Rajendra Prasad. From July 1 this Special Committee of the Cabinet was replaced by the Partition Council, again with the Governor General the Chairman, and two representatives each of the Indian National Congress and the Muslim league as the parties which would be called upon to form the Dominion governments after partition.

Sardar Patel and Dr. Rajendra Prasad, with Mr. C. Rajagopalachari as alternate, represented the Congress while the Quaid-i-Azam and Mr. Liaquat Ali Khan, with Sardar Abdur Rab Nishtar as alternate, represented the Muslim League. The Cabinet Committee later the Partition Council—worked through a Steering Committee composed of two officers—Mr. H. M. Patel and Mr. Mohammad Ali.

In addition there was appointed 10 Expert Committees which among them covered the whole field of administration and dealt with important and varied subjects, such as division of the armed forces, of the existing administrative organization, of records of personnel, and of assets and liabilities; problems relating to currency and coinage, domicile and nationality, trade and economic controls, central revenues and budget and accounts.

Steering Committee

It was the function of the Steering Committee to ensure that concrete proposals were evolved within the given time by these Expert Committees, adequately dovetailing into each other to form a comprehensive whole and to present these proposals to the Partition Council for decision, and after obtaining these decisions to take steps, wherever necessary, for implementing them.

The Partition Council was continued after August 15 by an order issued by the Governor General under the Indian Independence Act 1917. Its composition was revised, two members being drawn from each of the Dominion Cabinets; India’s representatives continued to be Sardar Patel and Dr. Rajendra Prasad Pakistan being represented by such Ministers as were able to attend the meetings which were held in Delhi.
Expert Committees began investigations in the third week of June and were called upon to submit their reports within a month. Over a considerable area the committees were able to make agreed recommendations, while the Steering Committee which considered the reports in the first instance was successful in reaching agreement on the bulk of the unsettled points. The field of differences was further reduced by the Partition Council leaving over on the August 15 only a few important matters to be settled by the Arbitral Tribunal. The Partition Council had not altogether given up hopes of an agreed solution being found by discussion, and its confidence in this respect has been fully justified.

The first important problem as to reconstitute the personnel of the civil machinery of the undivided Government of India into two cadres to serve the two Dominion Governments. For the purpose, it was decided to give every Government servant an opportunity to select the Government he wished to serve and also to say whether he wished to have opportunity to reconsider his choice within a period of six months from the day of transfer of power. Separate cadres were then drawn up on the basis of replies received, but actual transfers had necessarily to be arranged over a period of time.

To enable the new Government to function effectively, provision was made on an agreed basis for the supply to Pakistan of office equipment, furniture stationary etc. belonging to the old Government of India. It was also decided to make over to the Government of Pakistan records and documents of exclusive concern to them and to duplicate those of common interest.

Division of Assets

It was no easy task to list and divide the assets of the then Government of India, but when the problem was examined in detail by the departmental sub-committee of the Expert Committee on Assets and Liabilities there was found a wide measure of agreement regarding the allocation of the fixed assets on a territorial basis. The division of the railways, telegraph lines, the post offices the mints, etc. was decided in this manner.

Moveable stores obviously could be shared on this basis, and the basis adopted varied with the type of stores. Thus, the railway rolling stock was divided on the basis of mileage-cum-traffic, while other stores were divided on the basis, broadly speaking of maintenance requirements. Before August 15, 1947, agreed decision had been reached on the division of all fixed assets other than ordnance factories and of all movable stores expect army stores and stocks of lease-lend silver.

Disagreement

No agreement could also be reached on the basis for the division of the cash balances of the old Government of India and sterling assets of the Reserve
Bank of India. Nor was agreement reached as to the share of each Dominion of the old Government of India liabilities though, as regards the initial responsibility for the liabilities of the old Government of India, it was agreed that India should assume it, subject to Pakistan contributing its share fixed either by agreement between the two Dominions, or if agreement were not possible, as determined by the Arbitral Tribunal. In regard to the central revenues accruing in the two territories after August 14, 1947. It was decided by the Partition Council, on the report of the Committee on Central Revenues, that each Dominion b would retain the amounts collected in its territory. India agreed, however, to discuss at a later date if Pakistan so desired its proposal for pooling and sharing the revenues collected up to March 31, 1948. Arrangements were also agreed upon for the avoidance of double taxation of income.

As regards contracts, certain principles for the allocation of contracts to one or the other Dominion, or for sharing the rights and liabilities arising from them, or for terminating them were evolved and the contracts of the old Government are being dealt with in accordance with these principles.

Currency and Coinage

Complete agreement was reached in the Partition Council over the issues considered in the Committee on Currency and Coinage except the allocation of the sterling assets held by the Reserve Bank. As Pakistan naturally wished to have its own coinage and currency as soon as possible, end in view undertook to make available for a period of time a portion of the capacity of the Nasik Security Printing Press and of the Mints at Calcutta and Bombay.

Since, however, it would take some time to have the new coins and overprinted notes ready, it was decided that the existing Indian currency and coinage should remain common to both Dominions up to March 31, 1948 and that the Reserve Bank of India should be the common currency authority and the central bank for the two dominions.

Transitional Period

It was realized, however, that it would take some time before the Pakistan over-printed notes could be issued in sufficient numbers to replace adequately the India notes already in circulation. It was agreed, therefore, that the period from April 1, 1948, to Sept 30, 1948 would be treated as a transitional period and during that period India and Pakistan notes and coins would circulate freely in Pakistan, the India notes and coins being gradually withdrawn. The Reserve Bank of India would of course, continue during the transitional period as the common currency authority.
On October 1, 1948, Pakistan would like over the management of its own currency and the currency reserve held by the Reserve Bank will be allocated between the two Dominions under the provisions of the Pakistan (Monetary System and Reserve Bank) Order, 1947.

**Trade And Economic Controls**

When the questions relating to trade and economic controls were examined it was found that the long terms policies to be pursued by the two Dominions could, only be discussed after the new Governments had time to examine their respective problems. Meanwhile, it was agreed that until March 31, 1948, the status quo should be maintained as far as possible and modifications in and removal of controls should not be effected except by consultation between the two Dominions.

It was decided that during the interim period terminating on February 29, 1948, firstly, no customs barriers should be raised between the two Dominions; secondly, existing import and export policies should be continued; thirdly, existing customs tariffs, excise duties and cesses should be left unchanged; fourthly no restrictions should be imposed on free movement of goods and remittances, including capital equipment and capital; and fifty, no transit duties or taxes should be levied on goods passing from one territory to another and the existing trade channels or pattern of trade should not be interfered with.

Pakistan, however, reserved the right to revise her attitude in regard to these matters in view of the fact that her proposal that the Customs Revenue should the pooled and shared during the interim period had not been accepted.

The two Dominions have now agreed to initiate discussions with a view to formulating policy in regard to the trade and economic relations of the two Dominions.

**Nationality and Domicile**

When the jurists examined the question of nationality and domicile they came to the conclusion that as India and Pakistan would both the members of the British Commonwealth their citizens would continue to be regarded as British subjects. No immediate change was, therefore, called for as a result of partition; the two Dominion Governments could be left to formulate their respective nationality laws at their convenience.

The partition council further decided that the passport rules should be amended so that there should be no restrictions on the movement of persons from one Dominion to another. It is, of course, open to either to introduce such restrictions later.
Foreign Relations

The arrangements agreed to in regard to foreign affairs were embodied in the Indian Independence (International Arrangements) Order, 1947. According to this order the membership of all international organizations, together with the rights and obligations attaching to such membership, devolves upon India. It being left to Pakistan to apply for membership of such international organisations as it desires to join.

Rights and obligations under the international agreements to which pre-partition India was a party devolve upon both Dominions and can, if necessary be apportioned between them, such rights and obligations as have exclusive territorial application devolving exclusively upon the Government of the territory to which they relate.

Division of Armed Forces

As for the armed forces, it was agreed to personnel would be divided on a territorial basis with the exception that Muslims from India and non-Muslims from Pakistan would have the option to choose the Dominion which they wished to serve. The division of regimental centres, installations, equipment, stores, etc. raised innumerable complex problems mainly of an administrative nature which were dealt with by the Armed Forces Reconstitutions of the Partition Council.

By August 15, sufficient progress had been made to enable the two new Government to assume operational control over the Army, the Navy and the Air Force. A good deal of work of the re-constitution of forces, however, remained and for this purpose a Joint Defence Council was established, consisting of the Governor General of India as independent Chairman and the Defence Ministers of India and Pakistan as Members. A Supreme Commander was appointed to act as the executive authority of the council.

Ordnance Factories

By November 30, 1947, when the organisation under the Supreme Commander was abolished, virtually all the work of the reconstitution except that of actually dividing and moving the stores had been completed. The Joint Defence Council has been reconstituted with slightly modified functions and is working through an executive committee consisting of the Defence Secretaries of two Dominions and at least one Service Chief from each Dominion.

The Joint Defence Council which dealt with hundreds of complicated military problems was able to reach agreed decisions on all except two issues which at one time it was agreed to refer to the Tribunal, namely, the division of ordnance factories and the division of army stores.
Details of Agreement

A renewed attempt was made in the last fortnight to settle all the outstanding issues. As announced on December 9, 1947, complete agreement has been reached between the two Dominion Governments on all outstanding issues relating to partition and it will no longer be necessary to seek the assistance of the Arbitral Tribunal, so far as the two Dominion Governments are concerned.

The details of agreement reached on the more important of these matters are given below:

Cash Balances

(a) The undivided Government of India’s Cash Balances as on the date of partition are estimated at a little under Rs.400 crores, inclusive of the securities held in the Cash Balances Investment Account. Of these, Pakistan’s share has, by agreement, been fixed at Rs.75 crores, including Rs.20 crores already made available to Pakistan.

Sterling Assets

(b) Under paragraph 4 (3) of Part IV of the Pakistan (Monetary System and Reserve Bank) Order, 1947, Pakistan’s share of sterling assets will be the ration of the notes in circulation after adjusting any expansion against Pakistan securities in that Dominion. It has now been agreed that India should sell to Pakistan, for Indian rupees, additional blocked sterling up to an agreed limit as and when demand is made until December 31, 1947.

Uncovered Debt

(c) The Government of India have assumed initial responsibility for all the liabilities of the old government, subject to an equitable contribution by the Pakistan Government. It was agreed that Pakistan’s share would be made up of the value of assets, physical and financial, which lie in Pakistan or are taken over by the Pakistan Government plus the share allocated to Pakistan of the uncovered debt, namely, the excess of liabilities over assets of the undivided Government, less the liabilities assumed directly. By the Pakistan Government. Pakistan’s share of the uncovered debt has now by agreement been fixed at 17½ per cent.

Valuation of Assets

(d) For the valuation of the assets taken over by the two Dominions it
has been agreed that book values should be adopted; in the case of
the strategic railways, however, the book value by agreement is being
written down by about 50 per cent to a figure of Rs.14.45 crores.

Pakistan Debt

(e) With regard to the payment of debt by Pakistan to India, it has been
agreed that the total amount annual equated instalments for principal
and interest combined. The instalments will be payable on August 15,
each year but no instalments will be payable for the first four years from
the date of partition, the first instalment being due on August 15, 1952.
The rate of Interest adopted will be the same as the average yield
over a period of two years preceding the date of partition of the
rupee and sterling securities of the Government of India with an
unexpired currency of 15 years or over, rounded to the nearest one-
eighth of one per cent.

Pensions

(f) Each Dominion will continue to disburse the pensions now in payment
in its territory, India continuing to pay the overseas pensions. The
value of all pensions, both part-earned pensions and pensions in
issue, will be capitalized and the liability shared in the ration agreed
upon for sharing, the uncovered debt.

To the extent that the capitalized value of the pensions disbursed
by a Dominion is more or less than its share thus determined, an
appropriate adjustment will be made in the financial settlement.

Military Stores

(g) It has been decided that Pakistan’s share of the military stores will be
one-third of the stocks held in India and Pakistan on the date of
partition or one-third of the maintenance and reserve requirements of
the two dominions calculated on an agreed basis, whichever is less.

The balance, if any, will fall to India’s share.

(h) No physical division of ordnance factories will take place the Indian
Dominion taking full liability for their book value. India has agreed
to make available to Pakistan a sum of Rs.6 crores to be drawn as
and when required for the setting up of ordnance factories and some
other essential Institutions like a Security Printing Press. This
amount will be added to Pakistan’s debt to India.

Both India and Pakistan may justifiably take pride in the achievement of a
satisfactory settlement of these issues.
I told Pandit Nehru that he would find Mr. Liaquat Ali Khan in a very chastened mood, since he obviously was frightened at the situation, which appeared to me to be getting out of his control. I thought he would accept any appeal to U.N.O. in order to break the impasse and bring the fighting to an end, although his desire was to link the plebiscite with the appeal to cease fighting. Pandit Nehru said that this was out of the question, that the Government of India would never agree to this, and that he intended to tell Mr. Liaquat Ali Khan so. I begged him to let me explain this in a quiet and tactful manner for I felt I would probably get him to accept it provided it were not done in a provocative way.

I told Pandit Nehru that Mr. Liaquat Ali Khan was most anxious to know whether it was intended to repudiate the payment of the balances due to Pakistan or to delay them until a settlement was reached on Kashmir. Pandit Nehru said that there was no question of repudiation and that India meant to stand by her obligations in this matter, though the date of payment was one which the Cabinet had not yet settled, as they were waiting to find out how matters were going to turn out in Kashmir. I begged him not to mention this latter fact to Mr. Liaquat Ali Khan, since I considered that we could never get any agreement with him under undue pressure, and that, so far from this factor being helpful, I considered it would wreck the prospect of any settlement. He agreed with this.

II

As Recorded by Jawaharlal’s Nehru:

Government House at 10 p.m. to keep an appointment with Mr. Liaquat Ali Khan who had arrived earlier in the evening. I was taken to the Governor-General first as he was anxious to see me before I saw Mr. Liaquat Ali Khan. Although he intended speaking to me for a few minutes only, actually our conversation lasted for nearly an hour, while, presumably, Mr. Liaquat Ali Khan was waiting for me.

2. Lord Mountbatten told me that he had had an hour’s talk already with Liaquat Ali Khan and had found him in a friendly mood, eager to come to some kind of a settlement. In fact he had never found him so chastened. He said that it would be a tragedy if we could not take advantage of these circumstances now and put an end to the fighting in Kashmir, of course on terms advantageous and honourable to India. A continuation of the conflict, whatever the result, would mean a very great deal of trouble to India and even more so to Pakistan and would stop progress for a long time. Lord Mountbatten was greatly worked up and made repeated appeals both on national and personal grounds. He said
that he had never been so exercised about any matter as this one because he felt that so much was at stake. The next day would be vital in the history of India. We were very near a settlement and the highest statesmanship and the good of India demanded that we should take advantage of the present favourable circumstances to bring about such a settlement. Favourable circumstances evidently referred to Liaquat Ali Khan's desire for a settlement. Lord Mountbatten referred to the great increase in the prestige of India all over the world if we could bring about a settlement and to our immediately applying ourselves to the various internal problems which demanded our attention. The settlement of course should essentially be on the lines we have repeatedly laid down, i.e., reference to the U.N.O. to stop the fighting and when this is done and peace and order restored a plebiscite under U.N.O. auspices.

3. Lord Mountbatten also said that Liaquat Ali Khan was greatly exercised at the possibility of the Government of India repudiating or going back on the financial settlements arrived at. These settlements according to Liaquat Ali Khan had taken place nearly a month ago and nothing had been done yet to implement them. Was the matter going back to the Arbitral Tribunal for decision?

4. I stated in reply that there was no question of our challenging or repudiating the financial agreements arrived at. The only question that arose was when to make the payments. We would stand by the agreements and the Arbitral Tribunal would not be concerned with them. Our difficulty was that if we made any payments now, when a kind of undeclared war was going on between us, that money would be used in carrying on that war against us. It would be foolish for us to make those payments until this Kashmir business had been settled.

5. Lord Mountbatten said that the money was really Pakistan's, i.e., it was a joint fund and this part of it therefore belonged to them. He appreciated however our difficulty, but would suggest that we should not emphasize this fact of non-payment in our difficulty, but would suggest that this would raise further difficulties. We might make it clear that so far as the financial agreements were concerned we did not challenge them.

New Delhi, December 22, 1947.

Pandit Nehru recalled that I had, at one of the earliest of the previous series of meetings held at Delhi between the Prime Ministers, read out a note expressing my Government’s policy that all the agreements should hang together. He said that he considered the present situation to be tantamount to undeclared war, in which, in the opinion of the Government of India, Pakistan was encouraging the aggressors. It was not the question to hand over large funds to Pakistan in these circumstances.

Liaquat Ali Khan pointed out that these funds did not in any way belong to India; they were Pakistan’s legal share of the cash balances. It was not a question of a loan or a gift being made. He considered that they should be handed over straightaway.

Mohammad Ali made the point that all the financial agreements had been made on their own merits. With this Mr. Gopalaswami Ayyangar agreed, but gave his view that the whole background in reaching these agreements had been the intention to reach an overall settlement.

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3276. Telegram from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan,

New Delhi, December 30, 1947.

Your letter dated 23rd December regarding payment of Pakistan share of balances on basis of Inter-Dominion Financial Agreements. As I already informed you verbally the Government of India stand fully by these agreements and will implement them. The sole question at issue is the actual time of payment. There is and can be no question of repudiation of agreements. The decision on the financial issue was only one of several major points of controversy between the two Dominion Governments. It was clearly stated on several occasions that an overall settlement upon agreements on all these points should be arrived at and they should be implemented simultaneously. This was stressed in a note given to you on the 26th November, at the meeting the Partition Council on the financial issue. It was repeated on subsequent occasions and a public statement of it was made by Sardar Patel* in the Constituent Assembly.

On the major issue of Kashmir all our attempts to reach a settlement failed because Pakistan has continued in spite of our request not to assist aggression on Indian Dominion territory. On the 22nd December I handed to you a letter on this subject. The situation is becoming graver every day and in these circumstances we feel justified in postponing payment every day for the present. I repeat once again that our intention is merely to suspend implementation and not repudiate agreements.

* On 12 December while presenting the details of the financial settlement between the two Dominions, Sardar Patel hoped “the new State of Pakistan and their government will regard this settlement as a gesture of our friendliness and goodwill. The successful implementation... depends on the continuation of the spirit of accommodation and conciliation on both sides...."
3277. Extract from the press conference of the Indian Prime Minister Jawaharlal Nehru.

New Delhi, January 2, 1948.

Q: Has the Government of India repudiated the financial settlement between the two Dominions?

JN: The Government of India has not repudiated anything. We accept completely that decision arrived at by agreement just as we could have accepted a decision of the Arbitral Tribunal if the matter had gone to it. But having accepted that decision, the question arose of making these large payments. You can well appreciate that when we are charging the Pakistan Government with aiding and abetting an invasion of India, we can hardly make any large payments to carry on or to encourage these military operations and war against India. No State can do it. Normally, a state freezes the credits of the other party in such circumstances. We have not frozen anything in that sense. All that we said was that we accept this agreement but there must be an overall settlement and we shall honour it completely.

Frankly, the Government of India hoped that the fairly generous gesture on its part would help in solving the other difficulties, including the Kashmir problem. It did not and the consequence was, as had been pointed out to the Pakistan Government, in the present circumstances, it was just not possible for us to pour money into their coffers, which might very well be used against us. We are prepared to pay that money just as soon as circumstances permit, and we will pay it undoubtedly.

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* Pakistan Government expressing its resentment said that the agreement arrived at in Karachi on 13th December last year had nothing to do with Kashmir or any other political problem and if the Government of India go back on their word they would be guilty of a gross breach of faith before the bar of world opinion. It was stated that there was a complete agreement during the talks without any ifs and buts. The Representatives of both the Dominions signed the minutes fully conscious of the fact that there were no loopholes which could justify future evasions on the part of either party to the agreement. The Agreement therefore must be honoured and implemented in letter and spirit and if India decides to treat it as a mere scrap of paper it can only do so at the risk of an irretrievable damage to her reputation for honesty and fair play in the eyes of the world. Regarding Kashmir the Pakistani stand was that it never recognized Kashmir’s accession to India and it was therefore a separate issue.

New Delhi, January 7, 1948

Office of the High Commission for Pakistan
New Delhi


The Secretary
Ministry of External Affairs & Commonwealth Relations,
Government of India, New Delhi

Sir,

I have the honour to enclose a copy of an Aide Memoire received from the Ministry of Finance of the Government of Pakistan and to request that the reply may kindly be forwarded as soon as possible. In view of the urgency of the matter a copy of this letter with a copy of the enclosure has been forwarded to the Ministry of Finance Govt. of India direct.

I have the honour to be
Sir
With the highest Consideration
Your Obedient Servant

(A. C. K. Maunsell)
Major, OBE
First Secretary to the
High Commission for Pakistan in India

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AIDE MEMOIRE

The Government of Pakistan much regret to note that the Government of India are avoiding implementation of the terms of the financial agreement to which they recently pledged their word and are endeavouring to make implementation contingent on the settlement of certain extraneous matters unconnected with these financial items of partition. In particular, the Government of India are putting difficulties in the way of the Reserve Bank transferring the further 55 crores of the cash balances of the undivided Government as they stood on the 14th August last, to the credit of the Government of Pakistan although the
Government of India had agreed that 75 crores would be the share of those balances to be allotted to Pakistan.

The view of the cash balances taken by the Government of Pakistan is as follows:

The balances as on the 14th August, 1947 were not the property of the Government of India alone but were to be held on trust by the Reserve Bank of India pending an agreement as to final allocation between the two Dominions. The agreement as to Pakistan’s share was reached last December and the balance of Pakistan’s share should have been allocated to Pakistan’s account with the Reserve Bank of India forthwith. The Government of India has no right to withhold any part of Pakistan’s agreed share and it is the Reserve Bank’s duty to credit now the balance of 55 crores to the account of the Government of Pakistan.

The effects both financial and otherwise, of the action of the Government of India in avoiding implementation of the agreement are likely to be so far reaching that in the opinion of the Government of Pakistan, unless the Government of India change their attitude and implement the financial agreement at once it will be quite pointless to hold the Joint discussions in New Delhi with the representatives of the Government of India and of His Majesty’s Government on the subject of the sterling balances and dollar expenditure which had till now been contemplated. In this case the Government of Pakistan would regretfully have to limit their discussions to bi-lateral talks in Karachi with the representatives of His Majesty’s Government.

His Majesty’s Government have been informed of this decision.

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3279. **Press Conference of Pakistani Finance Minister Ghulam Mohammad regarding implementation of Financial settlement.**

**Karachi, January 8, 1948.**

Pakistan’s Finance Minister, Mr. Ghulam Mohammad, at a Press conference in Karachi categorically asserted that the Government of India had interfered with the Reserve Bank of India, apropos of the latter’s discharge of duties towards the Pakistan Government and said: “The Pakistan Government regard the interference of the Government of India with the Reserve Bank of India not only as an unfriendly act, but as an act of aggression.”

Mr. Ghulam Mohammad said that while the Government of India were operating on their share of the cash balances they had asked the Reserve Bank of India not to credit the Pakistan Government with Rs.55 crores of the cash balances that belong to the Pakistan Government.

“As regards the cash balances in the custody of the Reserve Bank of India,” he said “these cash balances vest in His Majesty for the purpose of the two Dominions. Therefore, one Government or another cannot direct the bank. If the bank refused to credit the Pakistan Government with their share of cash balances, as asked for, the issue will have to be taken at a higher issue”

The Finance Minister Pakistan who was addressing his first Press conference on matters of finance concerning the Government of Pakistan said: “The Reserve Bank of India not only holds Rs.55 crores our share of the cash balances for us but it also holds assets of approximately Rs.125 crores belonging to Pakistan which are a cover for our currency.

Mr. Ghulam Mohammad disclosed “We have called upon the Reserve Bank to forthwith credit our share of the cash balances – Rs.55 crore to us. We do not want to take any hasty step in this matter. We wish to try all means of understanding.

“If the Reserve Bank of India fails to transfer this agreed amount to our account we have urged that the Government of India should not be allowed to operate on the joint cash balances without the approval of the Government of Pakistan. At present the Government of India are operating on their share of the cash balances which they are using for expenditure in Kashmir and on various other anti-Pakistan measures.

**Kashmir Never Mentioned**

“The Reserve Bank should be un-influenced by any political party in power”, said the Pakistani Finance Minister.
"All the faith we have in their impartiality may vanish if they succumbed to the political pressure that is being brought to bear on them."

Of the recently signed Indo-Pakistan financial agreement, Mr. Ghulam Mohammad said: "At no stage of the discussions which led to the signing of the Indo-Pakistan agreement was the question of Kashmir ever mentioned or considered. If it had been, Pakistan would never have been a party to the agreement.

"No one of us had the slightest indication that the Kashmir problem would be dragged in. If this agreement depended on Kashmir, we would not have signed it."

"The India Government, by asking the Reserve Bank not to credit Pakistan with Pakistan's share of the cash balances, are indulging in pure political blackmail. The reason given is that India is not repudiating the agreement but only postponing it till the Kashmir issue is settled. I accuse them of bad faith. The question of Kashmir never came up before the Partition Committee and it was not a part of this agreement. If the India Government think that we will sell Kashmir for this money they are mistaken. I ask the world and international opinion to judge how the big brother, India is treating the infant state of Pakistan. India's attitude regarding stopping of payment of Pakistan's share of cash balances and military stores is nothing but one of pressure polities and blackmail. I fail to understand how the Kashmir issue is now linked with the Indo-Pakistan financial agreement. For when the discussions were held apropos of this and when the agreement was signed the problem of Kashmir was there and yet not a mention of Kashmir was made. I pledge my honour that there is not a word in it—the agreement relating to Kashmir."

Mr. Ghulam Mohammad then quoted from Sardar Patel's speech in the Constituent Assembly of India in which Sardar Patel stated that out of about Rs.400 crores held in India for the old Government of undivided India it had been agreed between the Governments of the two Dominions that Pakistan's share would be Rs.75 crores. Sardar Patel admitted that the issue of Kashmir was not before the Partition Council which approved of the financial settlement.

Mr. Ghulam Mohammad made the point that the Deputy Prime Minister of India in his speech on the agreement in the Constituent Assembly in New Delhi, did not mention the question of Kashmir as linked with the financial agreement at all. "Under the Pakistan Monetary System and Reserve Bank Order, 1947, the Bank till the end of September of this year will manage the currency of Pakistan and carry on the Pakistan's banking business".

He said: "The Reserve Bank of India belonged to both the Dominions. It is not as it is commonly thought the property of the Government of India. Technically it belongs to the shareholders. The Bank will afford similar facilities to Pakistan
which it affords to the Indian Union. It is the responsibility of the Reserve Bank of India under this order to give Pakistan the same treatment as it does to the Union of India. These conditions were clearly understood before partition was finalized.”

“Again, regarding cash balances in the custody of the Reserve Bank of India according to the act mentioned, these cash balances vest in His Majesty for the purpose of the two Dominions. Therefore, one Government or another cannot direct the bank. If the bank refused to credit the Pakistan Government with its share of cash balances, as asked for, the issue will have to be taken at a higher level”.

Mr. Ghulam Mohammad added: “We have received Rs.20 crores, but the Reserve Bank of India has not credited the rest to us under pressure from the Government of India”.

He explained: “The Government of India through unilateral action have stopped the payment of these Rs.55 crores by the Reserve Bank of India to the Government of Pakistan. Sardar Patel in his speech in the Constituent Assembly, had categorically stated that in addition to the Rs.20 crores already made over to Pakistan Rs.55 crores will be allocated to Pakistan in full and final settlement of its claim of its share of the undivided cash balances and cash accounts.

Ways and Means Advance

Referring to the ways and means advances (short loans) Mr. Ghulam Mohamad said: the Reserve Bank of India, which was consulted at every step apropos of financial matters relating to the two Dominions before the partition of the sub-continent, itself gave the following advice that Pakistan must have enough cash till September of this year.

“As long as there are sufficient notes in the banking department of the Reserve Bank—and there the Pakistan Government should agree that their requirements of cash was not covered by cash balances, should be covered by ways and means advances from the bank on which the bank would charge an interest of half per cent.”

“We agreed to this suggestion at the advice of the Reserve Bank authorities. But now though they have notes they are refusing to give us short loans as required by Pakistan. On the expansion of currency it was agreed, on the suggestion of the Reserve Bank, that only when there are no more notes in the banking department and no ways and means advances can be taken, then only can currency be expanded. Now the Reserve Bank of India states that there is no clause of the Act which enables Pakistan to expand its currency.”
“This matter was discussed with the representatives of the India Government in New Delhi on December 2 and it was agreed that the Pakistan Government could settle the removal of any top limits to the expansion of its currency with the Reserve Bank of India. The Government had no objection to this. The Reserve Bank of India is now not giving us ways and means advances while there is no limit to the ways and means advances that it can and does make to the Government of the Indian Union.”

“It was also agreed that the Pakistan Government cold nominate two directors on its behalf on the Board of the Reserve Bank of India and the Indian Union Government would appoint these Directors. At present we have one director on the Board and the other has been nominated by us but has yet to be appointed by the Government of India. The Reserve Bank of India should be uninfluenced by any political party in power.”

Mr. Ghulam Mohammad said that he had been told but how true it was, he could not guarantee, “that some of the Directors of the Reserve Bank of India had opposed the India Government’s directions to withhold the payment of Pakistan’s share of cash balances.”

The Finance Minister then accused the Reserve Bank of “failure to carry out, its obligations justly, fairly and impartially”.

He added: “The Reserve Bank of India is being influenced by the pressure and wishes of the Government of India which desire to put political pressure on us. We find it difficult to believe that the Reserve Bank of India would risk its international reputation if it were not for the Government of India who are determined to strangle Pakistan financially and economically. The Government of India now want to achieve their aim of economically strangling Pakistan through these means as they have failed to achieve this end otherwise.”

“The attitude of the Reserve Bank has been unhelpful and our confidence in its reliability and integrity is being shaken and unless we see symptoms of honest, fair and straightforward dealing in this matter of implementation of their obligations what remains of the confidence will be entirely destroyed. The Reserve Bank of India was a party to all these agreements, as it advised both sides before partition, and it should honour these agreements, as it advised both sides before partition. If the Reserve Bank wants to be impartial and fair why does it not also stop the payment out of cash balances and ways and means advances to the Indian Dominion also?”

He said that recently he had asked the Governor of the Reserve Bank to come to Karachi for discussions with him, but he could not come as he was indisposed. Instead, his deputy came for discussion. The reason that he could gather for the withholding of the cash balances of Pakistan was that under Sections 11
and 30 of the Reserve Bank of India Act, the Government of India have the power to remove Directors or supersede directors of the bank and dismiss its Governor and Deputy Governor and as such the Reserve Bank had to carry out the instructions of the Government of India and could not afford to disregard their wishes.

Finally, Mr. Ghulam Mohammad said: “When before the partition the question of Pakistan’s representation on the Board was under consideration we were assured that Pakistan could till such time they established their own monetary authority rely in the impartiality and integrity of the distinguished members of the Board of Directors of the bank who would not be influenced by any political party in India and who would as honourable men discharge their duties fairly, equitably and honestly towards Pakistan and India.”

“Let us hope that at the very first impact of hard realities these distinguished men would withstand pressure from the Government of India which is fast adopting fascist methods.”

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3280. Mintues of a Meeting convened by Governor General Lord Mountbatten with Prime Ministers of India and Pakistan.

Lahore, January 11, 1948.

Mountbatten explained to Liaquat Ali Khan that the loan of 55 crores was being withheld temporarily because Indian public opinion would see it as the financing of Pakistan’s attack on Kashmir and the Government would lose public support. The prior settlement of the Kashmir issue was therefore necessary.

Pandit Nehru asked Mr. Liaquat Ali Khan whether it was not a fact that the Pakistan expenditure required about 5 crores a month. Mr. Liaquat nodded his head; and Pandit Nehru then pointed out that the ten crores should tie Pakistan over for at least two months, by which time he sincerely hoped that the balance of the 55 crores could be paid since he felt certain that the Kashmir question would have been resolved by then.

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With regard to the recent arrangements between India and Pakistan about the outstanding financial problems between the two Governments the Finance Minister of Pakistan at a Press conference held by him at Karachi has made some astounding statements and has accused the Government of India and the Reserve Bank of breach of faith and improper conduct.

It is very surprising that a responsible Minister of Pakistan should have thought fit to give expression to such wild statements and sentiments. My purpose today will be to give plain and unvarnished account of these negotiations leaving it to the world to judge whether the Government of India has not acted in the most honourable, generous and friendly spirit and to what extent Pakistan has responded to this.

I shall first attempt to give categorical answers to some of the untenable statements read by the Pakistan Finance Minister. Mr. Ghulam Mohammad has stated that "while the Government of India were operating on their share of the cash balances they had asked the Reserve Bank of India not to credit the Pakistan Government with Rs.55 crores of the cash balances that belonged to the Pakistan Government. He then goes on to say that 'these cash balances vest in His Majesty for the purpose of the two Dominions.'"

Having made these two astounding statements he goes on to accuse the Reserve Bank of partiality in having failed in its duty to transfer Rs.55 crores from the cash balance of the Government of India to the credit of the Pakistan Government.

No Instructions To Bank: With regard to the first charge, I can say in the most categorical terms that the Government of India have not given any instructions to the Reserve Bank of India regarding the transfer of any amount from our cash balances to the credit of the Government of Pakistan. The statement of Mr. Ghulam Mohammad has, therefore, no relation to fact or truth. There was no occasion for the Reserve Bank to make any reference to the Government of India about the question of cash balance and consequently no occasion for the Government of India to give any instructions in this matter.

I understand that the Reserve Bank received the first demand in this matter from the Pakistan Government only on the 8th of this month in a memorandum handed over to the Deputy Governor of the Bank at Karachi. I also understand...
that the Governor to whom this memorandum was telegraphed by the Deputy Governor has sent an appropriate reply.

So far as the Government of India are concerned, the only reference that came from the Reserve Bank regarding any transaction between the Bank and the Government of Pakistan was in relation to a request from the Pakistan Government for temporary accommodation from the Bank. The Government of India made it clear to the Bank that it was a matter for the Bank alone to decide.

I understand that the Reserve Bank has already given Rs.5 crores as ways and means advance to the Pakistan Government and that the Bank was also going to give a further advance of Rs.5 crores on this account. From this plain statement of fact, the world can judge the propriety of a responsible Minister of a Government making an unfounded charge against another Government.

With regard to Mr. Ghulam Mohammad's statement that the cash balances vest in His Majesty for the purpose of the two Dominions, I can only express my surprise that an experienced Minister should make such an irresponsible statement without ascertaining the facts.

The position regarding cash balances as follows: Before the partition the cash balances of the then Government of India with the Reserve Bank was Rs.375 crores. On August 14, 1947, after the Partition Council had decided that a working balance of Rs.20 Crores should be allocated to the Pakistan Government the then undivided Government of India issued an order to the Reserve Bank allocating the balance between the two Dominions, as mentioned by the Deputy Prime Minister.

We also made it clear that the allocation was provisional and subject to readjustment when the balance to be transferred to Pakistan had been finally decided. A copy of this order was endorsed to the Pakistan wing of the then Finance Department and so far no objection has been raised to this allocation on the date of partition. It follows from this arrangement that there is no balance of the old undivided Government with the Bank.

The practical issue is who is competent to operate upon the cash balance? It is plain that after transferring 20 crores to Pakistan as Pakistan's opening cash balance on August 15, 1947, the remainder of the cash balance of the undivided Government of India was credited as the opening cash balance of the Dominion of India, and the only party competent to operate upon that cash balance is the Dominion of India and it is not open to the Reserve Bank of India to deal with that balance otherwise than in accordance with the instructions of the Government of India.
The Finance Minister of Pakistan seems to be under the impression that the Reserve Bank has failed in its duty in not transferring Rs.55 crores out of our cash balances to the credit of the Government of Pakistan on the basis of a settlement supposed to have been arrived at between the two Governments on this matter.

Assuming that the settlement between the two Governments is a final and unconditional settlement how is the Reserve Bank to take legal notice of such a settlement? If two clients of a Bank come to an agreement amongst themselves regarding their financial transactions, is the Bank under such circumstances to take notice of the agreement of its own accord and make adjustments in the accounts of its clients without any positive instruction from the client affected by such transfers? Even a novice in financial matters will not expect a Bank to act in such an irregular and illegal manner.

The Government of India has certain cash balances with the Reserve Bank and it is the Government of India alone and not any other authority that can issue instructions to the Reserve Bank about the operation of these balances.

The whole matter to my mind is so ridiculously simple that any further explanation or elaboration is unnecessary. The Reserve Bank would be acting in an illegal manner if it transferred any part of our cash balances to anybody’s credit without a definite instruction from us.

Let me now take this opportunity of explaining the exact legal and constitutional position of the Reserve Bank of India. The Reserve Bank is an independent Corporation created by an Act of the Indian Legislature and is bound only by the Act constituting it. Its relations to the present Government of India are governed by the provisions of the Reserve Bank Act.

The only modification that has been made in this matter as contained in Section 15(i) of the Pakistan (Monetary System and Reserve Bank) Order 1947. The wording of this section is as follows: “The Reserve Bank Act shall cease to be part of the law of Pakistan and the status of the Bank in Pakistan shall be that of a corporation existing only by virtue of the law of India and capable of suing and being sued as such in Pakistan; and accordingly effect shall be given to the said Act by courts in Pakistan only in so far as under the rules and principles of law determining the cases in which law other than Pakistan law is to be applied in Pakistan, the proper law to be applied is the law of India.”

While the Reserve Bank is no doubt acting in its banking side as the common bankers for the two Dominions, the legal and constitutional relations of the Bank with the Pakistan Government is not by any means the same as the Bank’s relation with the Government of India. It is of course no part of the policy of the Indian Government to interfere in any way with the relations of the Bank with
Pakistan so long as the Bank acts in accordance with the provisions of the law governing the activities of the Bank. I can say categorically that in fact there has been no interference.

I hope the statement both of law and fact that I have made will make it clear that the Finance Minister of Pakistan is not sure of the legal position and is very wrong in his statement of facts.

*No Breach of Faith:* I shall now say a few words in connection with his charge that the Government of India have been guilty of a breach of faith in not implementing the terms of the financial settlement recently arrived at.

My colleague, the Deputy Prime Minister who was directly concerned with these negotiations as the representative of India on the Partition Council has already given you a detailed account of the negotiations. So far as I am concerned there was a meeting of the representatives of the two Dominions on 27th November 1947 in which I took part. These discussions related to the allocation of the cash balances, the sharing of the uncovered debt, and other outstanding financial arrangements between the two Dominions.

I found that there was a genuine desire on both sides to settle these matters without the necessity of protracted proceedings before the Arbitral Tribunal. Within a few hours, we reached certain tentative conclusions regarding the allocation of the cash balances and the sharing of the uncovered debt.

On the following day, namely, 28th November 1947, there was a meeting at Government House at which H.E. the Governor-General and the Prime Minister of Pakistan were present. At this meeting a note by Sardar Patel was read out on these negotiations. In this statement it was stated specifically that “the object of our present discussions is to iron out all our differences. We should not therefore regard the settlement on these two issues as final until a settlement is reached on all the outstanding partition and other matters. No announcement should therefore be made until such an overall settlement is reached. I referred to matters other than partition matters. I did so advisedly.”

The meeting naturally took note of Sardar Patel’s caveat and it was with the full knowledge of this statement that the negotiations were resumed. By the 1st of December agreement on all the major financial issues was reached and the agreed conclusions were reported at a meeting of the Partition Council which was held on that day. The Partition Council decided that an agreed record should be prepared by Mr. H. M. Patel and Mr. Mohammad Ali and treated as part of the proceedings of the Council. The agreed note of the conclusions was finalized on 2nd December. In the meantime discussions on Kashmir and evacuee property continued at the Ministerial level.
Request To Arbitral Tribunal: On 3rd December 1947, the Arbitral Tribunal met and the representatives of Pakistan and India made a statement that the prospects of all the references being settled were very good and that a further meeting of the Partition Council was to be held on 8th and 9th December 1947 at Lahore and that thereafter the situation would be clearer.

I would invite you to make a special note of the language used by the representatives of the two Governments before the Arbitral Tribunal. They said that “the prospects of all the references being settled are very good.”

If the details regarding the financial matters were really settled in a final form on December 2, why should the representatives of the two Governments not have stated that the matters have been settled finally? Far from saying that they have stated that the prospects of settlement were very good.

It is obvious from this statement that it was understood by both the Governments that the decisions reached the previous day were only tentative and that something more remained to be done to give them finality. What really held up a final announcement of this settlement was the Kashmir issue on which agreement had not yet been reached. The Kashmir issue was set down for discussion at the Lahore meeting.

Kashmir Issue: The discussions on Kashmir were resumed at Lahore and it looked as if an agreement might still be reached a view which I notice was then shared by Mr. Liaquat Ali Khan also. On 9th December, Sardar Patel briefly mentioned the result of these negotiations on the floor of the Indian Parliament.

He made it clear that these agreements did not stand alone. He said: “I know there is considerable anxiety in the House and outside about the main question that gives us trouble that is the question on Kashmir that question is not before the Partition Committee and it is not part of this conference but the manner and the method and the time by which these will be executed will be decided later. I can only announce this today that we are all anxious that in it is possible all issues should be settled. Including that of Kashmir, so far as possible simultaneously. Every effort will be made to that end. If it is not successful we shall act in a manner which is to the best interest of the Dominion of India.”

On 12th December Sardar Patel made a fuller statement on the financial settlement on the floor of the House. He again, emphasized: “The successful implementation of these conclusion obviously depends on continuation of the spirit of accommodation and conciliation on both sides. Discord and estrangement on any vital issue—we have many vital issues yet to settle—is bound to place the good work which we have achieved in jeopardy.”

It should be noted that the Pakistan High Commissioner was present in the gallery of the House when this statement was made by Sardar Patel.
**Linking of Issues:** On 13th December there was another meeting of the Arbitral Tribunal and the representatives of both the Dominions mentioned before the Tribunal that all references from the Centre to the Tribunal had been settled and that notices of withdrawal would be handed in due course.

It should again be noted that the Pakistan High Commissioner was present when this statement was made before the Arbitral Tribunal. If really the Pakistan government objected to the linking up of the financial issue with that of Kashmir why did they make this statement before the Arbitral Tribunal on the 13th December when they knew that Sardar Patel in both his statements on the subject had made it clear on the floor of the Parliament that the implementation of the financial settlement would depend on the amicable settlement of other issues including that of Kashmir.

The only inference that can be made in the light of this sequence of events is that the Pakistan Government knew from the very outset of the negotiations that the Indian government would implement any financial agreement only if there was a satisfactory settlement on the Kashmir and other issues. It was with the full knowledge of this unambiguous attitude of the Indian government that the representatives of the Pakistan Government made a statement before the Arbitral Tribunal on 13th December.

In the light of what I have stated the world can judge what value should be given to the Statement of the Finance Minister of Pakistan that “none of us had the slightest indication that the Kashmir problem would be dragged in. If this agreement depended on Kashmir we would not have signed it.”

**India’s Generosity:** It is not necessary for me to dwell upon the subsequent correspondence that has passed between the two Prime Ministers on this matter. The Finance Minister of Pakistan has accused us of bad faith and has stated that the Government of India want to achieve their end of economically strangling Pakistan. If we had the slightest intention of economically strangling Pakistan we would not have been so generous in the matter of the financial settlement.

Our generosity in this respect has been appreciated by a journal of the standing of the Economist of London. In its issue of 3rd January 1948, the Economist has observed that “India showed a very generous lead in the recent financial negotiations and it was no doubt expected that Pakistan would reciprocate over jute. But that reciprocity is evidently not forthcoming.”

The Pakistan High Commissioner himself in an interview to the Statesman dated 7th December, 1947 has expressed satisfaction at the financial settlement reached between the two Dominions. Asked what Pakistan’s main gains were he said: “Cash balances and time.” Pakistan’s share of the cash balances was reasonable, he explained. “It would help us to settle down.” It was bound to have
a psychological effect which would restore confidence. Pakistan had also gained
time as the liabilities were to be paid in annual installments over a period of 50
years.

That was the immediate reaction of the Pakistan High Commissioner to the
terms that we had so generously agreed to. Commenting on the settlement Sir
Archibald Rowlands, the Financial Adviser to the Pakistan Government said:
"With the cash balances agreed on in Delhi alone the country could manage for
an indefinite time."

It would appear in the light of subsequent events that our generosity has been
ill-placed. The accusation of political blackmail which Mr. Ghulam Mohammad
has leveled against us is perhaps only a cheap way of gaining sympathy for
Pakistan.

Notwithstanding all these provocations, our position is absolutely clear. There
is no question on our part of repudiation of the agreements which have been
reached between the two Dominions. As we have always made it clear from the
very outset, these agreements are a part of a wider settlement and we shall
implement the agreement as soon as a settlement is made on the other issues.
Meanwhile, we will not be deterred from what we consider to be the right path by
any campaign of hectoring, bullying and scandalizing on the part of responsible
Minister of a neighbouring country.

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New Delhi, January 12, 1948.

Statement of Sardar Patel at the Press Conference:

Friends, I am sure all of you have read the Press Statement of Mr. Ghulam Mohammad, Finance Minister of Pakistan, on the payment of cash balances to
the Pakistan Government. The Finance Minister of Pakistan has had a varied
career of responsibility as a civil servant — Finance Minister of Hyderabad
State—and a participant in “big business.” One would not normally expect in his
statement the defects of suppressio veri and suggestio falsi. But I regret to
observe that not only does his statement abound in these, but in his utter
desperation at seeing financial anticipation wrecked by the sections of his own
Government in regard to Kashmir, he has cast discretion and judgement to the winds and descended down to the familiar arts of a bully and blackmailer.

I use these epithets deliberately, for to anyone reading his statement dispassionately it would be obvious that he has tried to browbeat the Reserve Bank of India into submission, by a liberal use of threats and insinuations, has charged the Government of India with bad faith in the hope that the charge would gain for him his coveted ransom, and has tried to invoke the assistance of international opinion in the expectation that the threatened exposure before the world would make the Government of India bend in its attitude on this subject. I quite concede that the desperate situation in which he finds himself calls for rather drastic remedies but we are entitled to expect of him a balanced approach to this problem rather than these filibustering tactics, the failure of which is, as certain as daylight. Further, in his overzeal to achieve his object by all manner of means, the Pakistan Finance Minister has, as I would presently show, paid little attention to truth and shown little regard for facts.

Let us first deal with his statement that “none of us had the slightest indication that the Kashmir problem would be dragged in” his accusation of bad faith and similar other statements of an accusatory nature. To deal with these I would give in brief a resume of the course of negotiations. The series of meetings held between the representatives of the Pakistan and Indian Governments in the last week of November were intended to iron out all our differences including the question of Kashmir. The discussions held were not confined to mere partition issues, but covered Kashmir, refugees and other important evacuation matters as well. On November 26, talks on Kashmir were held in an atmosphere of hope, goodwill and cordiality and were continued simultaneously with the discussions on financial and other questions on subsequent days. On November 21, informal and provisional agreement was reached on the two issues of division of cash balances and the sharing of the uncovered debt. The Pakistan representatives were in some haste and tried to hustle us into agreeing to announce these agreements. We resisted it. Indeed on the evening of November 27, I issued a statement to the Press asking them not to speculate on the nature of the talks, but to wait until an authoritative statement was issued after talks had concluded. Here is what I said then:

“All-out efforts are being made for a settlement on all outstanding matters, but any speculations on the nature of the talks would do more harm than good. All that I can say at present is that discussions are being held in a friendly and cordial atmosphere and the Prime Minister and the Finance Minister of Pakistan Government are staying on till Saturday.

“A detailed statement will be issued when the talks are concluded. Till then reports about any settlement on any individual item or issue between the two Governments must be regarded as premature and lacking authority.”
The next morning I made it clear in my statement which was read at the meeting at Government House at which both the Prime Minister and the Finance Minister of Pakistan were present that we would not regard the settlement of these issues as final until agreement had been reached on all the outstanding issues. I made it quite clear then that we would not agree to any payment until the Kashmir affair was settled. Accordingly, no announcement of the agreement was made. In the meantime, the Pakistan representatives postponed their departure and talks on Kashmir and other matters were continued with rather varying results on different issues. Working in this somewhat improved atmosphere, we reached a settlement on all other outstanding issues relating to partition, and the informal agreement was reported to the Partition Council at its meeting on December 1, though they were to be reduced to writing later. This was completed, on December 2, but it was agreed even then not to make an announcement on the subject until after the Lahore discussions on Kashmir and other outstanding issues had been, as was then hoped, successfully concluded.

This position was further confirmed by the submission made on December 3, by both parties before the Arbitral Tribunal that the prospects of all the references being settled were very good, that a further meeting was to be held on December 8 and 9 at Lahore and the situation would then be clearer. The discussions were resumed at Lahore on December 8 and 9. But in the meantime it was found that feverish attempts were being made by Pakistan Government to secure the payment of Rs. 55 crores which it had been agreed to allocate to Pakistan out of the cash balances. We resisted these attempts. Nevertheless, evidently in an attempt to isolate the issue and force our hands and contrary to the understanding reached, the Pakistan High Commissioner on December 7 gave a Press interview announcing the agreement reached on the financial issues. We, however, stuck to our previous position and reiterated it during the Lahore discussions though in deference to Pakistan's insistence on the announcement of the agreement on financial issues, we agreed to make a short statement on December 9 in the Legislature which was then sitting in Delhi. Even then, the Pakistan Finance Minister showed such indecent haste in rushing to the press in this matter that he actually gave an interview on the subject on December 7 itself. Pakistan's game then became quite clear. Armed with this understanding on the question of public announcement by use of the agreement on financial issues, their attitude on Kashmir stiffened and the prospect of agreement which seemed so near at Delhi receded. I then felt it necessary in my statement to the Assembly on December 9 to make it quite clear that the implementation of this agreement was to be as far as possible, simultaneous with the settlement of the Kashmir issue. The Pakistan Government did not take any exception to this statement at the time. In the subsequent detailed statement which I made on December 12 in the presence of the Pakistan High Commissioner, I again repeated that the successful implementation of this agreement depended on the continuation
of goodwill, spirit of accommodation and conciliation on many other vital issues. Quite obviously, Kashmir was one such issue. Pakistan still made no protest. To all approaches for payment of the Rs. 55 crores, we returned a negative answer.

Then came the final talks on Kashmir issues on December 22. It was then for the first time during these discussions that the Pakistan Prime Minister took exception to our stand that the financial and Kashmir issues stood together as regards implementation and asked for immediate implementation of the payment of Rs.55 crores. We made it clear to him then and subsequently in our telegram dated December 30 that we stood by the agreement but that in view of the hostile attitude of Pakistan Government in regard to Kashmir the payment of the amount would have to be postponed in accordance with our stand through-out the negotiations.

Thus, it is our case that far from our having done anything unfair to Pakistan or in breach of any agreement, it is the Pakistan representatives who were all the time trying to soft-pedal the Kashmir issue in order to secure concessions from us on the financial issues and to manoeuvre us into making an isolated public announcement on the subject without reference to other vital issues between the two Governments. We consistently and success-fully resisted this despite attempts of the Pakistan High Commissioner and Finance Minister to force our hands. Far from there being bad faith on our part, (we) genuinely and sincerely meant this settlement as part of an overall settlement which would have been conducive to the maintenance of friendly and peaceful relations between the two sister Dominions.

It is also our claim that in agreeing to these terms of the financial settlement, we were actuated by generous sentiments towards Pakistan and a sincere desire, as I made clear in the Partition Council, “to see Pakistan grow into a prosperous neighbour.” We hoped that Pakistan would reciprocate on other issues which unfortunately still divided us. That the financial settlement was attractive to Pakistan and would be a great asset to Pakistan’s economy is clear from the statements issued by the Pakistan High Commissioner and Sir Archibald Rowlands. It is, therefore, quite plain that having secured terms which were essential to hold Pakistan’s finances together, the Pakistan Government failed in their obligation to respond to India’s gesture on other issues.

I would also point out that the Government of India took a more comprehensive view of our obligation to the securing of a just and peaceful settlement than the Pakistan Government. We realized throughout that neighbourly relations between ourselves and Pakistan could be restored and maintained only if the spirit of amity, tolerance and goodwill pervaded throughout the entire field of controversy; the Pakistan Government obviously intended to take undue advantage of our
generous attitude and exhibit these virtues in a narrow, restricted and selfish sphere. The need for a comprehensive view was and still is quite clear. Apart from other factors, India has taken over the entire debt of undivided India and depends on Pakistan's bonafides and goodwill to make equated payment by easy and long term instalments of its debt to India after a four-year moratorium period. We cannot, therefore, afford to let conflicts endanger our credit and security and throw into the melting pot some of the vital points in the financial agreement itself. Obviously, therefore, India must provide against strained relations worsening into open breach and, thereby, as I was careful to point out in my statement of December 12 “placing all the good work achieved in jeopardy.”

We were, therefore, fully justified in providing against Pakistan’s possible continuance of aggressive actions in regard to Kashmir by postponing the implementation of the agreement. We have made it clear to the Pakistan Government more than once that we stand by the agreement which we reached. The agreement does not bind the Government of India to any fixed date for payment and we cannot reasonably be asked to make a payment of cash balances to Pakistan when an armed conflict with its forces is in progress and threatens to assume even a more dangerous character, which would be likely to destroy the whole basis of the financial agreement and would endanger other parts of the agreement, such as arrangements for taking over of debt, division of stores, etc.

The Pakistan Finance Minister claims the amount of Rs.55 crores as belonging to Pakistan. He has apparently overlooked the fact that on August 14, 1947, after the Partition Council had decided to allocate the working balance of Rs. 20 crores to the Pakistan Government, then undivided Government of India issued an order in the following terms to the Reserve Bank.

“Please transfer twenty (half of forty) crores from Central closing cash balance on the 14th instant to Pakistan and balance to Indian Dominion as opening balance on the 15th.”

A copy of this telegram was endorsed to the Pakistan wing of the then Finance Department, and no objection was, or has been since raised to this accounting. It follows from this that so far as the bank accounts are concerned, there is no balance of the old undivided Government to be operated upon the money standing in the name of the Indian Dominion and its is only on the authority of the Indian Dominion that any share can be allocated to the Government of Pakistan. The relevant portion of the Partition Council minutes also runs thus:

“In addition to the Rs.20 crores already made over to Pakistan, Rs.55 crores will be allocated to Pakistan in full and final settlement of its claim for a share of the undivided Government’s cash balance and of the cash balance investment account.”
It is clear therefore, that nothing belongs to Pakistan until the Government of India transfer the amount to its account.

This clear-cut position makes the Pakistan Finance Minister’s outburst against the Reserve Bank appear somewhat hysterical and hectoring. Obviously, the Reserve Bank cannot do anything without the specific instructions of the Government of India who are the only competent authority to operate the account. He has accused the Government of India of interfering in the discharge of its duties towards the Pakistan Government and has characterized this alleged interference not only as an unfriendly act, but as an act of aggression.

I wish to say in the most emphatic terms that this accusation is completely baseless and devoid of any element of truth whatsoever. As I understand that the Reserve Bank of India first received the demand for the payment of Rs.55 crores on January 6 in a memorandum handed over to the Deputy Governor of the Reserve Bank at Karachi. I also understand that the Governor to whom this memorandum was telegraphed, by the Deputy Governor, has sent an appropriate reply. So far as the Government of India are concerned, I would say that when the Reserve Bank mentioned an approach by the Pakistan Government for temporary accommodation from the Bank, the Government of India made it clear to the Bank that it was a matter for the Bank alone to decide. Indeed, the Government of India have made every effort to avoid dragging the Reserve Bank into the controversy. The blame for attempting to force the Reserve Bank into taking sides must rest with the Pakistan Finance Minister. Neither the manner nor the nature of the attempt reflects creditably on the honesty of purpose and motives of the Pakistan Government.

Gentlemen, I think I have said enough to prove how unfounded and insubstantial are the allegations made by the Pakistan Finance Minister against the Government of India. We have also shown how we have held consistently to the position that the settlement of financial issues cannot be isolated from that of other vital issues and has to be implemented simultaneously. There can be no question of our repudiating the agreement reached. We only desire that an appropriate atmosphere conditioned by the agreement must be created for its implementation. If the Pakistan Government press for payment of cash balances in advance, it is obvious that they are motivated by factors wholly opposed to the spirit underlying the agreement. We are thus fully justified in resisting these machinations which, if successful, would vitiate the very basis of the agreement and adversely affect, by facilitating Pakistan’s aggressive designs on India, the implementation of other vital parts of the agreement.
Some Questions and Answers

A correspondent referred to Mr. Ghulam Mohammad’s remark that “Pakistan would not have been a party to sell Kashmir for Rs.55 crores”. Sardar Patel commented: “He thinks Kashmir belongs to Pakistan. It is a part of the Indian territory. Any decision on the Kashmir issue rests neither with Pakistan Government nor with the Government of India, but with the people of Kashmir alone, so that the question of sale or purchase of Kashmir does not arise.”

Mr. Chetty added: “If we wanted to buy anything we wanted to buy the goodwill and friendship of Pakistan.”

The correspondent next drew attention to Mr. Ghulam Mohammad’s remark that “if the agreement depended on Kashmir we would not have signed it” and asked whether any agreement had been signed. Sardar Patel replied: “I have not signed any agreement nor has anybody asked Mr. Ghulam Mohammad to sign any agreement. The signatures of such people have no value.”

Referring to the remarks of Mr. Chetty that India had been generous in the matter of the financial settlement the correspondent asked what made the Government of India feel that generosity was called for. Mr. Chetty replied: “Generosity was occasioned by a desire on both sides to settle down and take to constructive work and, therefore, we wanted to help the Pakistan Government. Naturally, we expected that generosity on our part would have reciprocal response. We were terribly disappointed.

“Strictly on merits, I am sure that the Arbitral Tribunal would not have allocated Rs. 75 crores out of the cash balances to Pakistan that we have done. What are exactly these cash balances? We have borrowed Rs. 2,400 crores from the people of India and a part of that borrowing we keep in cash. Can you expect us to undertake the liability for the entire debt of the undivided India and at the same time hand over a part of the proceeds of the loan to another person? It cannot be done. Really, both the Governments are entitled to get as cash balances the amount normally required as till money.

“The Arbitral Tribunal would have decided that the requirements for till money would be met by about Rs. 20 crores or Rs. 30 Crores, but we generously gave Rs. 75 crores to help Pakistan to make a start. We knew that they had no money market, that they had still to build up their credit as a Government and it was with the utmost friendly feeling that we agreed to give such a large amount of cash balances.”

Question : Did you make this large allocation because you felt that Pakistan had destroyed with its own hands its mechanism of trade, commerce, banking
and insurance, and you thought a large financial help was necessary to put them on their feet again?

Mr. Chetty: We really wanted to help them in their difficulties.

Question: Can the Reserve Bank go on lending money to Pakistan indefinitely?

Answer: It cannot, when there is no security.

Question: Have you taken steps to see that Pakistan does not take possession of the cash lying with the Reserve Bank in Pakistan by force?

Answer: Notwithstanding what I have said I still expect some sanity from the Pakistan Government.

Sardar Patel added: “Such an act will mean Pakistan driving us to war. We shall meet such a contingency.”

Replying to another question, Mr. Chetty made it clear that the sterling balances belonged to the Reserve Bank and an agreement had been reached about the share of India and Pakistan of the balances.

When a correspondent asked information about the Hyderabad loan to Pakistan and another asked for confirmation of the report that 90 aeroplanes belonging to India had been impounded by Pakistan as a retaliatory measure Mr. Chetty replied that these issues were separate. He could not tell the exact position regarding aeroplanes.
3283. Note from Ministry of External Affairs to Pakistan High Commissioner in India replying to the Aide Memoire of Pakistan Government regarding Financial Settlement.

New Delhi, January 13, 1948.

Ministry of External Affairs and Commonwealth Relations
New Delhi

No. D. 208/48-OSV (OSVI). the 13th January 1948

Subject: Visit of Pakistan delegation to Delhi for joint discussions with representatives of India and His Majesty’s Government on Sterling balances.

The Secretary to the Government of India in the Ministry of External Affairs and Commonwealth Relations presents his compliments to the High Commissioner for Pakistan in India and has the honour to forward herewith an Aide Memoire in reply to the Aide Memoire from the Ministry of Finance of the Government of Pakistan received with his First Secretary’s letter No. F. 9(6)-PC/48-6 dated the 7th January, 1948.

The High Commissioner for Pakistan in India,
8-B, Hardinge Avenue, New Delhi.

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AIDE MEMOIRE

The Government of India have considered the Pakistan Government’s aide-memoire regarding the visit of Pakistan Delegation to Delhi for joint discussions with representatives of the Indian and His Majesty’s Government on sterling balances. The Government of India are unable to see the validity of the reasons given by the Pakistan Government and have noted the decision with regret.

12 January, 1948.
Excerpts from the Press Conference of Pakistan Finance Minister Ghulam Mohammad on implementation of the Financial Agreement.

Karachi, January 14, 1948.

The Finance Minister of Pakistan, Mr. Ghulam Mohammad, at a Press Conference at Karachi reiterated that the cash balances held by the Reserve Bank of India vest in His Majesty for the joint purposes of the Dominions of Pakistan and India.

At the Press conference, which was a rejoinder to the position taken by India Mr. Ghulam Mohammad categorically stated that the Kashmir question was never connected at any stage of the discussions which led to the recent financial and military stores agreement between India and Pakistan.

He made the point that the action of the Government of India in ordering the Reserve Bank of India by a letter on August 14, 1947 to transfer twenty crores of Rupees to Pakistan and credit the rest of the cash balances to India was "invalid and illegal".

He stated that the Pakistan Government had never received a copy of this letter from the Government of India. He called the action on the part of the Government of India as “unilateral” and said that the Pakistan Government was never consulted.

He put it down as an “invalid and illegal” order because he maintained that there was no joint undivided Government of India on August 14.

Mr. Ghulam Mohammad contended that on July 19, 1947 two Provisional Governments (one for Pakistan and the other for India) had come into being for the transitional period and thus the then Provisional Government of India had no right to make such an order without the prior agreement of its counterpart.

The Pakistan Finance Minister termed the Indian contention as unacceptable that the only party competent to operate on the cash balances was the Government of India and they alone could issue instructions to the Reserve Bank about the operation of these balances.

“My answer is that these cash balances vest in His Majesty for the joint purposes of the Dominions of India and Pakistan. “They were vested with His Majesty the King for the joint purpose of the two Dominions.”

Referring to the statement in the New Delhi Press Conference that “the undivided Government of India issued an Order In the following terms to the Reserve Bank: “Please transfer twenty half of forty crores from central closing cash
balance on the 14th instant to Pakistan and balance to India Dominion opening balance on the 15th. Mr Ghulam Mohammad said the order was issued on August 14. This is a very significant date.

"The order is alleged to have been issued by the joint undivided Government of India. There was no undivided Government of India functioning on that date. According to the Executive Council Transitional Provisional Order 1947 there were created two provisional Governments on July 19, 1947, so, there were two Finance Members Mr Liaquat Ali Khan for Pakistan and Mr. C. Rajagopalacharia for India. "Each of these Provisional Governments were dealing with its own business and consulting each other on matters of common concern. Mr Liaquat Ali Khan had left New Delhi few days before August 14 and I categorically state that the Pakistan side of the Government was not consulted and therefore never concurred with the issue of the unilateral order contained in the letter of August 14 to the Reserve Bank of India. Moreover the Order was never signed by us. The first time we learned about this Order was when it came to us as an enclosure to a letter from the Reserve Bank of India the day before yesterday (January 12).

"I reiterate that the Pakistan side of the Government was never consulted," he insisted.

Apropos of who was the legal authority to order the Reserve Bank to transfer cash balances, Mr. Ghulam Mohammed said: "These cash balances are today in the custody of the Reserve Bank but they are the property of His Majesty for the joint purposes of the two Dominions and unless an agreement has been reached either by arbitration or otherwise between the two Dominions they still remain vested in His Majesty for the joint purposes of India and Pakistan. "Therefore now the point arises who can order the Bank to transfer the cash balances? We hold that the two Governments as notified in identical terms by the Governments of the two Dominions the Reserve Bank should act in accordance with the agreement. No further communication was necessary. We have however sent the Reserve Bank a formal letter. Legally it must act on this".

"We are justified in asking the Reserve Bank of India not to pay anything to the Government of India out of the cash balances unless it credits us with our share of the cash balances. We have done so, and we hope that the Reserve Bank will act in accordance with the correct position in this matter."

On the responsibilities of the Reserve Bank of India towards Pakistan the Finance Minister said: "According to section four of the Pakistan Monetary System and Reserve Bank Order 1947 the Reserve Bank has to carry out the banking exchange remittance work and afford the same facilities to Pakistan as it extends to the Government of India."
Statement by Prime Minister Jawaharlal Nehru on the question of payment to Pakistan.

New Delhi, January 15, 1948.

The Government’s decision in regard to the payment of the cash balances to Pakistan has been taken after the most careful thought and after consultation with Gandhiji. I should like to make it clear that this does not mean any change in our unanimous view about the strength and validity of the Government’s position as set out in various statements made by distinguished colleagues of mine. Nor do we accept the facts or arguments advanced in the latest statement of the Finance Minister of Pakistan.

We have come to this decision in the hope that this generous gesture, in accord with India’s high ideals and Gandhiji’s noble standards, will convince the world of our earnest desire for peace and goodwill.

We have sought to remove one major cause of dispute and argument between India and Pakistan and we hope that other problems will also be resolved. But let it be remembered that people of Kashmir are suffering from a brutal and unprovoked invasion, and we have pledged ourselves to help them to gain freedom. To that pledge we shall hold and we shall do our utmost to redeem it. We seek their freedom not for any gain to us, but to prevent the ravishing of a fair country and a peaceful people.

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“The conditions on which the Bank shall perform its functions are identical for Pakistan and India subject to modification as may be agreed upon between the Governments concerned and the Bank.”

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3286. Press Communiqué issued by the Prime Minister’s Secretariat on the Implementation of the India – Pakistan Financial Settlement.

New Delhi, January 15, 1948.

Press Information Bureau
Government of India

The Government of India have fully clarified their position in regard to the financial settlement arrived at between them and the Government of Pakistan. They have declared that they abide by that settlement, but that the implementation of it in regard to the cash balances, must be considered as a part of an overall settlement of outstanding question in issue between India and Pakistan. They regret that the Finance Minister of the Pakistan Government should have advanced arguments which are unsupported by facts and which they cannot accept. The factual position has been clearly stated in the statements issued by the Deputy Prime Minister and the Finance Minister of the Government of India. The facts and arguments contained in these statements represent the unanimous opinion of the cabinet. They regret that the Finance Minister of the Pakistan Government should have again challenged the incontrovertible facts which justify the position taken up by the Government of India both on legal and other grounds.

The Government have however shared the world-wide anxiety over the fast undertaken by Gandhi ji, the Father of the Nation. In common with him they have anxiously searched for ways and means to remove ill-will, prejudice and suspicions which have poisoned the relations of India and Pakistan. Impelled by the earnest desire to help in every way open to them in the object which Gandhi ji has at heart, the Government have sought for some tangible and striking contribution to the movement for ending the physical suffering of the Nation’s soul and to turn the nation’s mind from the present distemper, bitterness and suspicion to constructive and creative effort. The Government are anxious to remove as far as possible, without detriment to the national good, every cause which leads to friction between India and Pakistan.

In view of the appeal made by Gandhi ji to the nation, the Government have decided to remove the one cause of suspicion and friction between the two States which, consistently with national honour and interest, it is in their power to remove. They make this spontaneous gesture in the earnest hope that it will be appreciated in the spirit in which it is made and that it will help in producing an atmosphere of goodwill for which Gandhi ji is suffering crucifixion of the flesh and thereby lead this great servant of the nation to end his fast and still further to his unparalleled service to India.
The Government have decided to implement immediately the financial agreement with Pakistan in regard to the cash balances. The amount due to Pakistan on the basis of this agreement, i.e., Rupees fifty-five crores, minus the expenditure incurred by the Government of India since the 15th August on Pakistan account, will therefore be paid to the Government of Pakistan.

This decision is the Government’s contribution, to the best of their ability, to the non-violent and noble effort made by Gandhi ji, in accordance with the glorious traditions of this great country, for peace and goodwill.

Prime Minister’s Secretariat
New Delhi
January 15, 1948.

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3287. Statement by the Government of Pakistan regretting Indian decision to deduct expenses incurred on behalf of Pakistan.


The Government of Pakistan have received from the Government of India a copy of the Communiqué issued by that Government announcing their decision to implement immediately the Financial Agreement with Pakistan in regard to the cash balances.

While the Pakistan Government note this change of attitude on the part of the Government of India with satisfaction they regret that the Government of India should still adhere to the arguments advanced by them to justify their previous attitude.

The Government of Pakistan maintain and re-emphasize that, as their Finance minister has made amply clear, the position formerly taken up by the Deputy Prime Minister and the Finance Minister of India was both factually and legally incorrect and untenable.

The Pakistan Government note with surprise that the Government of India intend to transfer the sum of Rs 55 crores after deducting the expenditure incurred by the Government of India since August 15 on Pakistan account, which position is again untenable and wrong, because the financial agreement does not provide
for any such deductions to be made from Pakistan share of the cash balances before it is transferred. There is no provision in the agreement for deduction of any kind. Further, since August 14, not only has the Government of India met certain expenditure on behalf of Pakistan but the Government of Pakistan have also met some expenditure on behalf of India.

These transactions will be adjusted between the two Governments in accordance with the procedure agreed to by both the authorities in the Partition Council according to which such expenditure will have to be certified and accepted by the Auditors General of Pakistan and India respectively before the question of payment arises.

The deduction of any figure from the cash balances of Pakistan at the present stage by the Government of India would be quite arbitrary and contrary to the agreed procedure, and would consequently be unacceptable to the Pakistan Government.

The Pakistan Government trust that the Government of India will reconsider this new condition introduced by them, for which there is no justification, and transfer the full Rs 55 crores.

The Government of Pakistan will discharge their obligations, if any with regard to expenditure incurred after the August 14, as soon as they have been duly checked and accepted as correct by the two Auditors General.

The Government of Pakistan must point out that the allocation of the cash balances is only one item in the financial agreement and impress that the Government of India should implement the other items without delay, particularly the transfer of Pakistan due share of military stores and equipment. They further hope that all action in the economic field which has been operative for some time against Pakistan shall cease, as such action is not only against existing agreements but constitutes an unfriendly act.

The Government of Pakistan reiterate that they are not only ready and willing but anxious to establish harmonious and friendly relations between the two Dominions and thereby restore peace and goodwill between two neighbouring states, which is bound to help the cause of peace not only in this sub-continent of India but throughout the world at large.
Office Memorandum of the Partition Secretariat on the Financial Settlement between India and Pakistan.

New Delhi, January 26, 1948.

No. B – 2 (39)/47 New Delhi, January 26, 1948

Government of India
Partition Secretariat

OFFICE MEMORANDUM

Subject: (a) Financial Settlement between India and Pakistan
(b) Allocation of a Cash Balance to Pakistan; and
(c) Pakistan’s share of excess of liabilities over assets

A copy of the note by India on (a) above and the Partition Council’s decision on (a), (b) and (c) above are forwarded herewith for information.

Sd/-

(S. Jagananthan)
Deputy Secretary to the Government of India

To : Secretary, Experts Committee No.II
Mr, Rangachari (with two spare copies)

[Editor’s Note: only one note at (a) above is available]

Copy with enclosures forwarded to:
(i) Ministry of Finance (Mr. Rangachari) for necessary action.
(ii) All the Other Ministries of the Government of India
(iii) Zahid Hussain Esqr.

High Commissioner for Pakistan in India,
New Delhi (with 5 spare copies)

Financial Settlement between India and Pakistan

Para 9 of the Indian Independence (Rights, Property & Liabilities) Order, 1947, has placed on the Indian Dominion liability for such loans, guarantees and other financial obligations of the Governor-General-in-Council as were outstanding at the time of the partition subject, under para 13(2) ibid, to Pakistan paying a just and equitable contribution as may be agreed upon and in the absence of agreement determined by the Arhitral Tribunal.
2. The provisions in the order set out above supersedes all the discussions in the Expert Committee and the final settlement with Pakistan will now take the form of an inter-State debt by that Dominion to India. It is now necessary to decide the lines on which this debt should be repaid.

3. Pakistan’s final debt will be made up of –
   (a) the value of physical assets taken over by it because they lie in Pakistan territory or (as in the case of movable stores) their allocation has been agreed on between the two Governments; plus
   (b) the financial assets taken over by it such as the cash balance allocated to it, and the miscellaneous assets such as outstanding loans assigned to it: plus
   (c) its share of the net excess of liabilities including the liability for pensions over assets compendiously described as the “uncovered debt”: less
   (d) the value of liabilities taken over by it such as the liability for Postal Cash Certificates and Postal Savings Bank deposits outstanding in that Dominion on the date of separation, the provident fund balances of Government servants transferred to Pakistan etc.

4. There has been agreement over a fairly wide filed in the allocation of assets and liabilities except that the method of valuing the Railway assets taken over by Pakistan, the cash balance to be allotted to Pakistan and the relative shares of the two Dominions in the uncovered debt are being referred to arbitration. There has also been no agreement on the method of discharging the liability for pensions and this is being put up separately for decision by the Partition Council. A decision on all these points, whether by agreement or by arbitration, will only affect the amount of the debt and will not determine the method by which it will be repaid.

5. There is however one point affecting the quantum of debt on which the decision of the Partition Council is required, viz., the method of valuing the public debt for the purpose of the financial settlement. In the case of Burma the present value of the liability for principal and interest was calculated taking into account the interest payments, discounts, the date of redemption etc. The rate of interest was based on the average yield over the preceding 2 years of loans with a currency of 15 years and over rounded to the nearest quarter per cent. This procedure, it is suggested, should be adopted in the present case. For this valuation, non-dated loans may be taken as repayable on the earliest date on which the option to repay becomes available to Government. As a matter of convenience for all such loans 1986, the date on which option in respect of the bulk of the undated loan becomes available, maybe taken.
8048  INDIA-PAKISTAN RELATIONS

6. It is presumed that Pakistan will repay to India its share of the liability, which is obviously to be discharged in Indian rupees, in a certain number of equated instalments for principal and interest combined. The decision of the Partition Council is now required on the following matters:-

(1) The rate of interest that should be adopted. It is suggested that the rate of interest should be not less than the average rate paid by the Government of India on its present outstanding public debt but should approximate to this.

(2) The date from which the annual instalments of payment should begin.

(3) The number of annual equated instalments. In the case of Burme, on separation, it was decided that repayment should be in 45 instalments. The first payment started in 1937 itself. In the recent Treaty between Burme and U.K. Government, the period of payment is fixed of 20 years.

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The financial discussions between the Pakistan and United Kingdom delegations relating to Pakistan’s Starting balances have concluded and the financial agreement of August 14, 1947, has been extended to June 30, 1948. As a result of this extension, there will be transferred to a new account to be opened by the Reserve Bank of India for the conduct of transactions relating to Pakistan the sum of £ 10 million by way of a working balance.

There will be a further transfer of £6 million for Pakistan from the No. 2 Account (blocked sterling). In addition, there will be currently available to Pakistan a balance carried forward from 1947. This amount has been estimated to be of the order of £4 million.

In view of the world-wide dollar shortage and the strain to which the central reserves of the sterling area are being subjected, the Government of Pakistan have agreed to restrict their net drawings on the central reserves for hard currencies to a total of £3.3 million in the current half year.

Pakistan will of course, have available at her disposal her own earnings of hard currencies in addition to the £3.3 Million.

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Award of the Arbitral Tribunal regarding share of assets and liabilities of the East and West Punjab.

Lahore March 27, 1948.

The Arbitral Tribunal has given its award on all the 33 disputes between the East and West Punjab Governments. The award has fixed East Punjab’s share of the assets and liabilities of the undivided Punjab at 40 per cent.

According to the award, the East Punjab will continue to supply electricity to the West Punjab till the end of March 1949, subject to the provision that during the period from March 1948 to September 1948 the West Punjab will be entitled to 50 per cent of the total amount generated at the Mandi project while this share will be reduced by one-quarter in the period from October 1 to December 31 and by another quarter in the remaining three months of the financial year. The rebate charges will be six pies* per unit. The Tribunal has fixed the value of the canals at twice the amount spent in their construction. According to the 40/60 ratio, the East Punjab will receive about Rs. 16 crores for canals alone. The Tribunal has also ruled that irrigated Crown land in colony areas, including irrigated forest plantations should be evaluated and that the East Punjab should receive its 40 per cent share of the total value, estimated at about Rs. 11,25,00,000.

The Tribunal has upheld the East Punjab Government’s claim for the division of the Lahore Museum and has appointed Mr. S.N. Gupta to supervise the division which will be carried out by representatives of the two provinces. Points of dispute arising during the process of the division will again be reviewed by the Arbitral Tribunal.

There will however, be no division of the Central Workshop Amritsar, the Irrigation Research Institute Lahore, the Government College, Lahore the Central Training College, Lahore, the Agricultural College, Lyallpur, Veterinary College Lahore, the Punjab College of Engineering and Technology, Lahore, the Rasul Engineering and Technology, Lahore the Rasul Engineering School and the Soil Research Laboratories, Lahore.

Media reports said that all but five of the decisions had been unanimous. The five important cases where the chairman had to give an award included the questions of fixing the two provinces’ share of the assets and liabilities of the undivided Punjab, and evaluation of canals and the Crown land in colony areas.

* 12 pies were equal to one anne which was 1/16 of the rupee.
3291. Press Note issued by the Government of Pakistan clarifying the legal position of Pakistan’s currency.

Karachi March 27, 1948.

The Government of Pakistan wish to clarify the position regarding Pakistan currency which will begin to be issued from April 1. According to the arrangements agreed upon between the Dominions of Pakistan and India, at the time of the partition in August last, the Reserve Bank of India will continue to be the Currency and Banking Authority of the Government of Pakistan till September 30, 1948. The management of Exchange Control and Public Debt is, under the same arrangements to be taken over by Pakistan from April 1. The agreed plans also provide for the issue of Pakistan notes and metallic coins from April 1, and to this end arrangements have been made by the Reserve Bank of India. Discussions have recently been held with the Government of India and the Reserve Bank to reconsider the dates from which the Reserve Bank was to be relieved of its functions in Pakistan in respect of currency, exchange control and public debt. The discussions have not been concluded but it is expected that agreement will be reached to enable Pakistan to take over the control of banking and currency from a date earlier than October 1, 1948.

CONTROL OF EXCHANGE

For the sake of convenience it is also contemplated that Pakistan should take over the control of exchange and public debt from the same date as banking and currency, though arrangements exist for taking them over if necessary, from the original date, namely April 1, 1948. From April 1 Pakistan notes and coins will be put into circulation. Pakistan notes are India notes inscribed with “Government of Pakistan” both in English and Urdu. This has been done to avoid further delay which would have occurred if Pakistan notes had from the very beginning been notes of distinctive design. India notes will however, remain legal tender in Pakistan for a specified period which will be announced in due course. Pakistan coins will be in distinctive designs but they will be issued in the same categories as the present India coins.

TRANSFER OF FUNDS

It is not intended, at least for some time to impose any restriction on transfer of funds between India and Pakistan. Similarly it is not proposed to establish exchange control. Fears have been entertained by some uninformed persons regarding possible depreciation of the Pakistan rupee. The Government of Pakistan most emphatically express it as their considered view that there is no ground in theory or in fact for apprehending any depreciation of Pakistan currency.
The fears that have been expressed on this score are obviously due to the propaganda carried by persons who are either totally ignorant or are unfavourably disposed towards our new state. Patriotic citizens of Pakistan should beware of such subtle propaganda the object of which is to undermine the stability of the State. According to all economic and other factors our currency promises to be one of the strongest currencies of the world.

3292. Letter from Pakistan High Commissioner in India to Ministry of Finance.

New Delhi, March 29, 1948.

Office of the High Commissioner for Pakistan in India
New Delhi.

29th March, 1948

Dear Mr. Nehru,

Will you kindly refer to your letter No. J.S.(F) 17/48 dated the 23rd March, 1948 regarding the Pakistan Monetary System and Reserve Bank (Amendment) Order, 1948.

The proposals have been considered by the Govt. of Pakistan and I have been directed to make the comments which are contained in the following paragraphs.

2. In Section 6 it is proposed that before the share of Pakistan in the Sterling securities held in the Issue Dept. is determined provisions will be made for certain liabilities which are specified therein. The excess of such liabilities over the amount of sterling assets available in the Banking Department will be reduced from the amount of sterling assets in the Issue Department, and the balance left

* A Press Note issued by the managers of the Reserve Bank of India at Karachi, Lahore and Dacca on the same day clarified that Pakistan-inscribed note “will be legal tender only in Pakistan while India notes will remain legal tender in Pakistan (also) up to the September 30, 1948”. The Press Note while stating the legal position said that normally “the currency notes of a country are legal tender in that country only and not in any other but India notes have been allowed to continue as legal tender in Pakistan up to a specified date as a transitional arrangement” because if they had been divested of their legal tender character before the process of exchanging them for Pakistan-inscribed notes had been completed, great inconvenience would have been caused to a large number of Pakistanis still in possession of India notes.”
in that Department will be regarded as available for distribution between India and Pakistan on the basis of note circulation.

It will be recalled that the proposal of our delegation was that the division of sterling assets should be made without making any notional reduction and on the basis of actuals. If later it is found in the light of adjustments on account of lump sums payable to H.M.G. that the total amount of sterling assets in the Issue Department should have been less than the amount which was actually divided the share due to each Government can be re-determined and such adjustments as are found necessary can be made.

The provision that has actually been made in the draft amendment order to the affect that an estimated sum of 450 crores will be retained by the Government of India is unnecessary and a little unfair.

It is unfair in another sense also. It is proposed that the entire amount payable to H.M.G. on account of H.M.G. stores, fixed installations etc. should be reduced from the common pool of sterling assets. In making such reduction it is only fair to bear in mind the stores which are actually allocated physically between the two dominions.

Some amendments are necessary to ensure the division of sterling assets on an absolutely fair basis.

3. A definition of ‘Pakistan rupee coin’ has been included in the amendment order for which there was no occasion.

In Section 7 of the amendment order it has been provided that any one rupee notes transferred to the Government of Pakistan under the provisions of Section 4 shall be returned to the Government of India without payment. These rupee notes will be transferred as part of the assets and it is not fair that they should be handed over to Government of India without payment. They should be treated in the same way as rupee notes coming out of circulation.

4. In order to ensure that the division of assets of the Reserve Bank between India and Pakistan is made as fairly as possible, no material change should be made in the composition of the assets of the Issue Department without the consent of both Governments.

5. In transferring gold bars under Section 5 of the amendment order the number of gold bars to be transferred on each occasion shall be determined with due regard to the progressive value of transferable assets and not with reference to the value of each instalment separately.

6. In Section 13 of the Amendment Order it is laid down that there shall be no restrictions on the transfer of securities of funds. In regard to securities it is
presumed that in regard to securities of Government of India now en faced for payment of interest in Pakistan there would be no restriction on their being en faced for payment of interest in India after 31st March, 1948 (sic). This should be clarified by a suitable addition in the draft agreement.

Yours sincerely

Sd/- Zahid Hussain

B.K.Nehru, Esq., MBE, ICS,
Joint Secretary to the Govt. of India,
Ministry of Finance,
New Delhi.

3293. Agreement on Modification in Monetary Arrangements between India and Pakistan.

March 31, 1948.

In modification of the provisions of the Pakistan (Monetary System and Reserve Bank) Order, 1947, and the agreement made in December 1947, regarding the division of sterling balances, the Governments of India and Pakistan agreed as follows:

1. **Date of termination of Reserve Bank’s function in Pakistan.** The Reserve Bank will continue to function in Pakistan up to the 30th June 1948 in all respects as at present, i.e. as the currency authority, the banker of Government, agents for the management of public debt and for the exercise of exchange control.

2. **Reduction of currency chest balances in Pakistan.** The work of destruction or removal to India of India notes and coin held in currency chests in Pakistan will be accelerated so that the balances left over on 30th June 1948 will be reduced to the minimum possible. The Pakistan Government will ensure that all possible facilities are provided to the Reserve Bank for this purpose.

3. **Mode of transfer of assets of the Issue Department.**

(a) If at the close of business on the 30th day of June 1948, the currency chests in Pakistan contain an excess of India notes and India or Pakistan rupee coins over the amount of Pakistan note put into circulation up to
that date, the Pakistan Government undertakes the obligation to return as expeditiously as possible to the Reserve Bank of India such excess unconditionally and shall not be entitled to receive any assets of the Issue Department of the Reserve Bank in respect, thereof. All the currency chests in Pakistan shall be deemed to be transferred from the Reserve Bank to the Pakistan State Bank at the close of business on 30th June 1948 and the State Bank shall give a certificate to the Reserve Bank acknowledging the value of the excess as stated above and the obligation to return it unconditionally.

(b) The Pakistani Government undertakes that no Indian notes shall be put into circulation from the currency chests after the 30th June 1948.

(c) If at the close of business on the 30th day of June 1948, the value of Pakistan notes put into circulation exceeds the value of India notes and India or Pakistani coin held in the currency chests in Pakistan, the Reserve Bank of India will give to the State Bank of Pakistan a certificate acknowledging the value of the deficiency and the obligation to transfer to the Pakistan State Bank equivalent assets of the Issue Department of the Reserve Bank on the surrender of the certificate.

(d) Except in regard to the assets equivalent to the deficiency mentioned in (c) above, which will be transferred as soon after 1st July 1948 as possible the physical transfer of assets of the Reserve Bank to the Pakistan State Bank shall be made only the return to the Reserve Bank of India of the excess specified in the certificate referred to in sub-paragraph (a) and shall be subject to the procedure outlined in the next succeeding sub-paragraphs.

(e) As on the 1st July 1948 the Reserve Bank will issue a certificate recognizing the obligation of the Bank to deliver to the Pakistan State Bank assets equivalent to the Pakistan notes in circulation on 30th June 1948 on discharge by the Government of Pakistan of the liability to return the excess in currency chests as on 30th June 1948 in terms of sub-paragraph (a). The certificate will give particulars of the assets to be delivered.

(f) After the Pakistan State Bank has completed the return of the excess specified in sub-paragraph (a) any further details of the notes and coins from the currency chests as on 30th June 1948, will entitle the Pakistan State Bank to proportionate assets of the Issue Department in respect of the notes. Such delivery shall be made to the Reserve Bank of India at any office in India in multiples of Rs. five crores except in the last instalment, and the Reserve Bank will transfer as early as possible
proportionate assets except that in the case of gold the transfer will take place in not less than a complete bar, any excess being met in subsequent instalment. The certificate issued under (c) above will be modified from time to time as transfer of assets takes place.

(g) After the completion of the delivery of India notes and coins from the currency chests equal to the Pakistan notes in circulation on 30th June 1948, the Pakistan State Bank will deliver to the Reserve Bank in the manner as stated in (f) above, India notes returning from circulation after the 30th day of June 1948. Pending physical transfer of the assets the Reserve Bank will issue a certificate to the State Bank of Pakistan that assets equivalent to the amount so delivered are held by them on behalf of the State Bank and these certificates will be amended or cancelled from time to time on physical transfer of the assets.

(h) The State Bank of Pakistan will transfer India notes to India only by sea. If the State Bank of Pakistan makes a claim that any consignment of notes has been irretrievably lost in transit from Pakistan to India, the Reserve Bank of India shall accept liability for the value of notes which it is satisfied have in fact been irretrievably lost.

4. Return of India notes. India notes withdrawn from circulation in Pakistan up to 30th June 1949 and delivered to the Reserve Bank by the State Bank of Pakistan will count for sharing in the Profits of the Reserve Bank up to 30th June 1948 and the division of the assets of the Issue Department as on 30th June 1948.

5. Cost of remittance. The cost of remittance from Pakistan to India of India notes and coins held in currency chests on 30th June 1948 shall be borne by the Reserve Bank. The cost of remittance of India notes and Government of India one-rupee notes and coins withdrawn from circulation and delivered to the Reserve Bank shall be borne by the State Bank of Pakistan. The cost of transfer of gold and other assets from India to Pakistan shall also be borne by the State Bank of Pakistan.

6. Mode of transfer of Pakistan Government cash balances and bank deposits. The amount standing to the credit of Pakistan’s Central and Provincial Governments at the Reserve Bank on 30th June 1948 and the amounts required for meeting the Reserve Bank’s liabilities to banks in Pakistan on 30th June 1948 shall be paid (a) in Pakistan currency to the extent that such currency is available with the Reserve Bank in the Banking Department on that date; (b) by transfer of the balance in the Reserve Bank’s Pakistan Account with the Bank of England to the credit of the State Bank of Pakistan Account with the Bank of
England; and (c) the balance by transfer from the Reserve Bank’s No. II Account to a similar account of the State Bank of Pakistan with the Bank of England.

7. **Allocation of sterling balances.** (i) For the purpose of determining Pakistan’s share in the assets of the Issue Department, the amount of sterling in the Issue Department will be notionally decreased by an amount which together with the amount of sterling in the Banking Department will be sufficient for the following liabilities:

   (a) The lump sum payable to His Majesty’s Government at the time of the final settlement of the settlement of the sterling balances on account of the capitalization of the pensionary liability, for H.M.G.’s military stores and fixed assets as on 1st April 1947 in India, etc.

   (b) The cash balances of the Central and Provincial Governments of Pakistan to the extent they are payable in sterling as provided in paragraph (6);

   (c) The amounts required by the Reserve Bank to meet its liabilities towards banks in Pakistan; and

   (d) The amount equal to the balance at the credit of the Reserve Bank’s Account No. I with the Bank of England.

   (ii) The deficiency left in the Issue Department by the above notional transfer of sterling to the Banking Department will be notionally filled by an increase in the Government of India’s securities held in the Issue Department. The increase of each kind of security will be proportionate to the amounts of those securities held in the Issue Department on 30th June 1948.

   (iii) To the extent considered necessary by the two Governments His Majesty’s Government will be advised of the above arrangements.

8. **Liability for one-rupee notes.** The Pakistan Government will assume liability for the Pakistan inscribed one-rupee notes issued up to 30th June 1948. In addition, the Pakistan Government will assume liability towards the Government of India in respect of the Government of India one-rupee notes in circulation in Pakistan on 1st July 1948. The latter liability will be taken to be equal to the amount of Pakistan inscribed one-rupee notes put into circulation up to that date and this amount shall be added to Pakistan’s debt to India. The Government of Pakistan shall be entitled to receive abatement of the debt so added equal to the amount of one-rupee Government of India notes returned by them up to 30th June 1949. It will be for the Government of India to impose a ban on the import of such notes into India after 30th June 1948.

9. **Provision for Burma’s claim.** The transfer of profits and assets of the
Reserve Bank to Pakistan will be provisional pending settlement of Burma’s claim to its share of these profits and assets, subject to readjustment when Burma’s claim is settled.

10. **Exchange Control.** Until 30th June 1948 there will be no exchange control as between India and Pakistan, nor will any restrictions be placed on the transfer of funds or securities form one Dominion to the other, whether such transfers are on capital account or current account.

11. **Amendments to Monetary order.** Necessary amendments in the Pakistan (Monetary System and Reserve Bank) Order, 1947 will be made to give legal effect to this agreement.

12. **Pakistan Coinage.** The Government of India will furnish to the Government of Pakistan figures for the production and supply of Pakistan coins by India mints for each category of coin for the period up to the 31st March, 1948. On the basis of these figure the Government of Pakistan will determine their further requirements from India mints and will intimate them to the Government of India. Should the Government of Pakistan decide that India mints should cease to produce Pakistan coins, they will give a notice of one month to the Government of India. If the Government of Pakistan decide not to employ the India mints for Pakistan coinage for the period originally agreed upon, the Government of India will be prepared to consider requests for helping the Lahore Mint in the matter of supply of stores.

V. Narahari Rao  
31st March, 1948  
For the Government of India

Zahid Hussain  
31st March, 1948  
For the Government of Pakistan
Letters Exchanged between Ministry of Finance and Pakistan High Commissioner in India relating to allocation of sterling balances.

New Delhi, March 31, 1948.

Ministry of Finance
New Delhi

31st March 1948

Dear Mr. Zahid Hussain,

In the Agreement signed by us today, in sub-paragraph (i) of paragraph (7) relating to the allocation of sterling balances, it is stated that for the purpose of determining Pakistan's share in the assets of the Issue Department, the amount of sterling in the Issue Department will be notionally decreased inter alia by an amount equal to "the lump sum payable to His Majesty's Government at the time of the final settlement of the sterling balances on account of the capitalization of the pensionary liability, for His Majesty's Government's military stores and fixed assets as on 1st April, 1947 in India, etc." It is the understanding of my Government that, if the lump sum in contemplation has not been paid by the 30 June, 1948, it will be assumed for the purpose of this adjustment that the sum payable to His Majesty's Government is Rs.450 crores. If, in fact, the payment is more or less than this amount, a subsequent adjustment will take place between the Reserve Bank of India and the State Bank of Pakistan.

2. I shall be glad if you will confirm that this is also the understanding of your Government.

Yours Sincerely,

V. Narahari Rao

Zahid Hussain, Esqr., C.I.E.,
High Commissioner for Pakistan in India,
New Delhi.

Office of the High Commissioner for Pakistan in India
New Delhi

the 31st March, 1948.

Dear Mr. Narhari Rao,

I acknowledge receipt of your letter dated the 31st March, 1948 reading as follows:

"In the Agreement signed by us today, in sub-paragraph (i) of paragraph (7) relating to the allocation of sterling balances, it is stated that for the
purpose of determining Pakistan’s share in the assets of the Issue Department, the amount of sterling in the Issue Department will be notionally decreased *inter-alia* by an amount equal to ‘the lump sum payable to His Majesty’s Government at the time of the final settlement of the sterling balances on account of the capitalisation of the pensionary liability, for His Majesty’s Government’s military stores and fixed assets as on 1st April, 1947 in India, etc.’ It is the understanding of my Government that, if the lump sum in contemplation has not been paid by the 30th June, 1948, it will be assumed for the purpose of this adjustment that the sum payable to His Majesty’s Government is Rs.450 crores. If, in fact, the payment is more or less than this amount, a subsequent adjustment will take place between the Reserve Bank of India and the State Bank of Pakistan.

2. I shall be glad if you will confirm that this is also the understanding of your Government.”

3. I have pleasure in confirming that what you have stated is also the understanding of my Government.

Yours sincerely

*Sd/- Zahid Hussain*

V.Narahari Rao, Esq., CIE,
Secretary to the Govt. of India,
Ministry of Finance, New Delhi.

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3295. Joint Order issued by the Governors General of India and Pakistan regarding Pakistan's Monetary System.

New Delhi, March 31, 1948.

Ministry of Law
(Reforms)
NOTIFICATION

New Delhi, the 31st March, 1948

No. G. G. O. 42.-The following Order made jointly by the Governors-General of India and Pakistan is published for general information:—

The Pakistan Monetary System and Reserve Bank (Amendment) Order, 1948

Whereas in the exercise of the powers conferred by section 9 of the Indian Independence Act, 1947, the Governor General of India was pleased to make on the 14th day of August 1947 the Pakistan (Monetary System and Reserve Bank) Order, 1947 (hereinafter referred to as “the principal Order”);

And Whereas an agreement has been reached between the Dominions of India and Pakistan that the provisions of the principal Order should be modified and supplemented in certain respects;

And Whereas sub-section (5) of section 19 of the Indian Independence Act, 1947, provides that any power conferred by that Act to make any Order includes power to revoke or vary any Order previously made in the exercise of that power;

Now, Therefore, in the exercise of the powers aforesaid and of all other powers enabling them in that behalf, the Governor General of India and the Governor General of Pakistan, acting jointly, are pleased to make the following Order:—

1.(1) This Order may be cited as the Pakistan Monetary System and Reserve Bank (Amendment) Order, 1948.

(2) It shall come into force at once.

2. In section 2 of Part I of the principal Order, after clause (ee), the following clause shall be inserted, namely:-

“(ee) ‘Pakistan rupee coin’ means rupee coin which is for the time being legal tender in Pakistan, and not in India, and includes the one rupee notes referred to in section 9 of Part II of this Order.”.

3. In Part II of the principal Order,—
(1) in section 2, sub-section (1) of section-4, sub-sections (2) and (3) of section 5, sub-section (9) of section 12, sub-section (1) of section 13 and section 17, for the word “September” wherever it occurs the word “June” shall be substituted;

(2) in sub-section (1) of section 4, the second proviso shall be omitted;

(3) to section 6, the following sub-section shall be added, namely:

“(4) The provisions of this section shall have effect only up to the 30th day of June, 1948.”;

(4) in sub-section (2) of section 7, for the word “October” the word “July” shall be substituted; and

(5) in section 11 for the figures and words “31st day of March” the figures and words “30th day of June” shall be substituted.

4. In Part III of the principal Order,—

(1) in section 1, in the opening paragraph for the word “September” the word “June” shall be substituted, in clause (13) for the figures and words “31st day of March” the figures and words “30th day of June” shall be substituted, and the proviso shall be omitted; and

(2) in section 2, for the word “September” the word “June” shall be substituted.

5. In Part IV of the principal Order, —

(1) in section 1,—

(a) in sub-section (1), the words “in respect of any period” and the proviso shall be omitted, and for the words “payable in respect of that period” the words and figures “payable in respect of the year ending on the 30th day of June, 1948” shall be substituted;

(b) for sub-section (2) the following sub-section shall be substituted, namely:

“(2) The Government of India shall pay to the Government of Pakistan an amount which bears to the Government’s bank profits the same proportion as the total value of Pakistan notes in circulation in Pakistan on the 30th day of June, 1948 plus the total value of India notes returning from circulation in Pakistan in the year commencing on the 1st day of July, 1948 bears to the total value of India notes and Pakistan notes in circulation in India and Pakistan on the 30th day of June, 1948.”.
(2) in sub-section (1) of section 2 for the word “September” the word “June” shall be substituted;

(3) for sub-section (2) of section 3 the following sub-sections shall be substituted, namely,:

“(2) There shall be added to the debt due by the Government of Pakistan to the Government of India an amount equal to the amount of one-rupee notes of the Government of Pakistan issued up to the 30th day of June, 1948.

(3) The Government of India shall have no liability, whatsoever in respect of the one-rupee notes of that Government circulating in Pakistan after the 30th day of June, 1948.

(4) The Government of Pakistan shall exchange at par all one-rupee notes of the Government of India returning from circulation in Pakistan after the 30th day of June, 1948, and shall return to the Government of India all notes so exchanged.

(5) The debt due to the Government of India by the Government of Pakistan shall be deemed to be reduced by an amount equal to the amount of the notes returned under sub-section (4) of this section before the 1st day of July, 1949, or to the amount mentioned in sub-section (2) of this section, whichever is less.”;

(4) in section 4—

(a) for the word “September,” wherever it occurs, the word “June” shall be substituted;

(b) in sub-section (2), for the words and figures “until the 31st March, 1949, and there shall from time to time on the demand of the Government of Pakistan” the following shall be substituted, namely, :

“until the 30th day of June, 1949, and on the delivery of such notes to the Bank from time to time in instalments of not less than five crores of rupees each, there shall”;

and for the words “amount of notes accepted” the words “amount of notes delivered” shall be substituted;

(c) in sub-section (3), for the word “accepted” the word “delivered” shall be substituted, and after the figures “1948” the words “and in accordance with, following provisions of this Part” shall be added and

(d) sub-section (4) shall be omitted;
sub-sections (5) and (6) of section 4 shall be made a separate section and re-numbered respectively as sub-sections. (1) and (2) of section 14, section 5 shall be renumbered 15.; and before the said sections 14 and 15 as so renumbered, the following sections shall be inserted, namely,

“5. All transfers of gold under the provisions of section 4 shall; except in the last instalment, be in such number of gold bars as do not exceed in value the amount due to be transferred in gold in that instalment.

6. For the purpose of determining Pakistan’s share of sterling securities and Government of India securities under the provisions of sub-section (3) of section 4,—

(a) the amount of sterling securities held in the Issue Department of the Bank on the 30th day of June, 1948, shall be deemed to be reduced, and the amount of Government of India securities so held on that day shall be deemed to be increased by the amount by which the amount of sterling held in the Banking Department of the Bank on that day falls short of the aggregate of—

(i) the amounts payable in sterling to the Government of the United Kingdom in pursuance of any agreement that may be reached as to the final settlement of the sterling balances,

(ii) the amounts payable in sterling to the Government of Pakistan and the Provincial Governments in Pakistan under the provisions of section 11, and

(iii) the amount of the balance at the credit of the Bank’s account No. 1 with the Bank of England; and

(b) the increase in each kind of Government of India securities under clause (a) shall bear the same proportion to the total increase as the amount of that kind of securities held in the Issue Department of the Bank on the 30th day of June, 1948, bears to the total amount of Government of India securities so held on that day.

7. Anyone-rupee notes of the Government of India transferred to the Government of Pakistan under the provisions of section 4 shall be returned by that Government to the Government of India without payment, and any other India rupee coin so transferred shall be disposed of by the Government of Pakistan in accordance with the provisions of sub-section (1) of section 3 as if it were retired rupee coin.
8. Any Pakistan rupee coin remaining with the Bank after the transfers have been effected in accordance with the provisions of section 4 shall be made over to the Government of India for disposal otherwise than as coin.

9.(1) The Government of Pakistan shall as expeditiously as possible, return to the Bank at its office in India all India notes, India rupee coin and Pakistan rupee coin held in the currency chests of the Bank in Pakistan on the 30th day of June, 1948, and no such notes or coins shall be put into circulation from those currency chests in Pakistan after that day.

(2) Notwithstanding anything contained in the preceding sections of this Part,—

(a) no assets of the Issue Department of the Bank shall be transferred to the Government of Pakistan until so much at least of the notes and coins referred to in sub-section (1) of this section has been delivered to the Bank as reduces the value of the remainder held in Pakistan to an amount equal to or less than the value of Pakistan notes in circulation on the 30th day of June, 1948; and

(b) the Bank shall be entitled to withhold from the value of all or any of the assets to be transferred thereafter to the Government of Pakistan from the Issue Department of the Bank an amount equal to the value of the remainder of the said notes and coins which are for the time being held in Pakistan.

10.(1) The cost of remittance from Pakistan to India of any notes or coins under the provisions of section 9 shall be borne by the Bank.

(2) The cost of remittance of any notes, coins, gold and securities under the provisions of sections 3 and 4 shall be borne by the Government of Pakistan.

11.(1) The amounts standing to the credit of the Government of Pakistan, or any Provincial Government in Pakistan, with the Bank on the 30th day of June, 1948, shall be paid by the Bank—

(a) in Pakistan currency, to the extent that such currency is available in the Banking Department of the Bank on that date; and

(b) the remainder, by transfer from the balance in the Bank’s Pakistan account with the Bank of England, and to the extent that such balance is insufficient, by transfer from the Bank’s No. II account with the Bank of England.
Any amount that banks in Pakistan may require the Bank to transfer to the Government of Pakistan out of their deposits with the Bank in order to comply with the requirements of any law for the time being in force in Pakistan shall, if the transfer is to be made after the 30th day of June, 1948, be paid by the Bank by transfer from its No. II account with the Bank of England.

12. The transfer to the Government of Pakistan of the Government's Bank profits under the provisions of section 1 and of the assets of the Issue Department of the Bank under the provisions of section 4 shall be provisional pending the settlement of Burma's claim to a share of the Bank's profits and assets and shall be subject to readjustment when that claim is finally settled.

13. Until the 30th day of June, 1948, there shall be no exchange control as between India and Pakistan, nor shall any restrictions be placed on the transfer of funds or securities from one Dominion to the other, whether such transfers are on capital account or current account; and

(6) in section 15, as renumbered by clause (5) above, after the words "the context so permits" the words and figures "and until the 30th day of June, 1948," shall be inserted.

M. A. Jinnah  Mountbatten of Burma
Governor General, Pakistan  Governor General, India

K. V. K. Sundram
Officer on Special Duty
Press Note issued by the Government of India regarding Tripartite Discussions between the Government of India, Government of Pakistan and Reserve Bank of India fixing June 30th 1948 as the new date for Pakistan to take control of the management of its Exchange Control from the Reserve Bank of India.

New Delhi, April 1, 1948.

The Reserve Bank will manage the currency of Pakistan and carry on banking business in that Dominion until June 30 and not until September 30.

There will be no exchange control between India and Pakistan until June 30. The tripartite talks between the representatives of the Government of India and Pakistan and of the Reserve Bank of India on the currency and exchange problems concerning the two Dominions which commenced in Bombay on March 10 have now been concluded in New and the decisions arrived at are embodied in an Order issued under the joint signatures of the Governors General of India and Pakistan in the Gazette of India Extraordinary dated March 31, 1948. According to this Order the Reserve Bank will manage the currency of Pakistan and carry on the business of banking in the Dominion until June 30 and not until September 30 as contemplated under the original Pakistan Monetary System and Reserve Bank Order of 1947. The Pakistan Government will now assume responsibility in respect of its exchange operations and the management of Public Debt from April 1, and until June 30 the Reserve Bank will continue to function in Pakistan in all respects as at present i.e., as the currency authority, as banker to the Government and as agent for the management of public Debt and for the exercise of Exchange Control. Until June 30, at least there will be no exchange control as between India and Pakistan nor will any restriction be placed on the transfer of funds or securities from one Dominion to the other whether such transfers are on capital account or current account.

A provision has also been made in the Order regarding the withdrawal of Indian Notes from Pakistan, the manner in which the assets of the issue Department of the Reserve Bank will be shared between the two Dominions on the termination of the monetary arrangements and other consequential matters. While Mr. V Narahari Rao Finance Secretary and Mr. B. K. Nehru, Additional Secretary represented the Government of India, Mr. Zahid Hussain Assisted by Mr. St. John Turner, Currency Adviser to the Pakistan Government and Mr. Anwar Ali Deputy Secretary, Pakistan Ministry of Finance, represented Pakistan in the talks.
My dear Zahid Hussain,

With reference to your letter dated the 29th March 1948, I state below the position as it has since emerged as a result of the discussion we had with you on the points made therein. The reference are to paras of your letter.

Para 2. The point raised therein has been disposed of by the agreement which has been concluded.

Para 3. The definition of Pakistan rupee coin was included in the amendment Order to rectify an omission in the original Order in the interest of clarity.

As regards the provision made in section in 7 of the amendment Order for the return of Government of India one rupee notes by the Government of Pakistan without payment, this merely serves to bring out more clearly the provision in section 4(4) of Part IV of the original Order. It will be observed that the Government of India is under a reciprocal obligation to return without payment any Pakistan one rupee notes falling to its share as part of the assets of the Issue Department.

Para 4. It was agreed that no such stipulation was necessary as there was no reason to suppose that the Reserve Bank would during the period of the joint monetary arrangements regulate its operations otherwise than in accordance with central banking principles and its obligations under the Reserve Bank Act and the Pakistan (Monetary System and Reserve Bank) Order.

Para 5. It is confirmed that intention is that the amount to be transferred in gold should take account not only of the amount due in gold in the instalment but also the outstanding balance, if any, remaining to be transferred on account of the previous instalments.

Para 6. The presumption made in this paragraph is confirmed. The Government of India have already issued instructions that there will be no
restrictions on Government of India securities enforced for payment of interest in Pakistan up to 31.3.1948 being re-enforced for payment of interest in India.

Yours Sincerely
(V.Narahari Rao)

Zahid Hussain, Esc., C.I.E
Office of the High Commissioner for Pakistan in India,
Harding Avenue,
New Delhi.

3298. Record Note of the meetings held on 3rd and 4th May 1948 between the Representatives of India and Pakistan.

May 4, 1948.

The Pakistan representatives first raised the question of the payment by India of the sum of Rs.6 crore which India had agreed to make available to Pakistan for the setting up of Ordnance Factories and other unique institution. It was explained by the Indian delegation that the agreement was to make this money available only as and when required and the mere fact that a provision of Rs.6 crores had been included in the Pakistan budget did not mean, particularly in the present difficult supply conditions, that the money was immediately required. The Pakistan representatives pointed out that a part of the expenditure had already been incurred whereas the rest was to be incurred shortly and firm indents had already been placed. In view of the December agreement payment was to be made on the basis of requirements and not after actual disbursement. It was agreed that the necessary funds will be placed at Pakistan's disposal for meeting the expenditure to be incurred by them in the near future including the expenditure already incurred. The Pakistan delegation agreed to review the position once again and intimate their requirements to India.

2. The payment of the balance of Rs.5 crores out of the allocation of Rs.75 crores as Pakistan’s share of the cash balance of the undivided Government was next raised. It was explained by the India representatives that Pakistan’s share of the joint military expenditure after the partition was certain to exceed Rs.5 crores and since Pakistan had provided no finance for meeting this joint expenditure and India had carried this expenditure for months, this amount should
be treated as an on account payment for Pakistan’s share. Pakistan contended that the allocation of the cash balance was a separate transaction and should not be mixed up with the recovery of Pakistan’s share of the joint military expenditure, the adjustment of which should be left to take its course in accordance with the prescribed procedure. The Pakistan representatives suggested that the adjustment of joint military expenditure could be expedited by the Military Financial Advisers or Auditors General of the two Dominions working in consultation in the immediate future. India could not accept this contention for the reasons already mentioned.

3. The payment of the pre-partition liabilities still outstanding was then considered. The Pakistan delegation proposed that the joint account of the undivided Government should be kept open for a further three months. The Indian delegation made it clear that they could not accept this and the viewpoints of the respective Governments in this matter, as set out in the correspondence between them, were restated. The Pakistan delegation contended that as the Government of India would not agree last December to reimburse the payments made on account of the prepartition liabilities Pakistan had actually made no payments between then and the 24th March when they were resumed on India agreeing to accept the debits for payments made till the 31st March and that they only asked to be placed in the same position as if this interruption had not actually occurred. The Indian delegation pointed out that there was an earlier agreement that till 31st March each Government will pay the claims arising in its area pending subsequent adjustment, that Pakistan had no justification for stopping payments and that such stoppage did not by itself confer any right to Pakistan for an extension of the date. The India delegation also pointed out that after the unconditional allocation of the available cash balance of the undivided Government the fact that India agreed to pay from its cash balance the prepartition liabilities up to the 31st March was in itself a concession and that the current sharing of the outstanding liabilities was a the only fair and equitable arrangement. The Pakistan representatives pointed out that the fact that there was an agreement whereby India was to reimburse Pakistan in respect of pre-partition claims, clearly recognized that this was to be done in spite of the allocation of the cash balances. The agreement on proportion liabilities, therefore, stood by itself and required to be fully implemented. In view of the fact that its working had been considerably impaired by India’s attitude, the only way of implementing it now was to extend the period up to which the joint account would remain open by three months from the date of decision by the conference.

Asked about how the liabilities still remaining after the joint account was closed, even on Pakistan’s proposal, would be met; the Pakistan representatives suggested that after the closing of the joint account each Dominion should take final liability for the outstanding claims in its area.
The Pakistan delegation made it clear that they could not discuss the problem further unless an agreement was reached on the question of extending the period of the joint account.

The India Delegation stated that as it had not been possible to reach any settlement, India would meet the legal liability to third parties for supplies and services rendered to the undivided Government before partition and Pakistan’s share of this would be added to its debt. Asked if the Pakistan authorities would be prepared to check the claims arising in their area and pass them on to India for payment the Pakistan representatives replied in the affirmative.

The Indian delegation pointed out that if this position was reached it would follow, as a corollary, that there will be no sharing of any further pre-partition receipts. The Pakistan representatives could not agree to this as in their view any specific decisions already taken must be implemented by themselves.

The point was also made by India that any cash realizations from the disposal of surplus military stores and any receipts from HMG as a result of the final allocation of the defence expenditure would not also be shareable and would be set off against the payment to H.M.G. on account of surplus Stores and installations for which the rupee finance will be found by India. The Pakistan representatives stated that this was a new point and would have to be further considered by them.

4. The payment to the Provinces of the provincial share of the income tax up to the 15th August 1947 and other similar payments that the old Central Government would have been made but for the partition was then raised. The India representatives pointed out that this was in a category different from that of the claims of third parties like contractors. These could reasonably be considered as so many promises by the old Government to the provinces and it was for the Dominion Government concerned to pay (or not to pay) to the provinces now in its area the amount which would have been paid by the old undivided Government. Obviously, the India Dominion could not be expected to pay anything on this account to the provinces in Pakistan after the available cash balance of the undivided Government, from which these payments would have been met by that Government had been allocated between the two Governments and Pakistan had received something like 23% of the available cash balance. The Pakistan representatives strongly refuted this suggestion and maintained that no distinction could possibly be drawn between claims of Provincial Governments and third parties. The legal position in this respect was clear beyond doubt. They also pointed out that this view was being advanced by India for the first time for ever since the question of the payment of the Provincial share of Income Tax to the Provinces was taken up with India in November 1947, India had always pointed out that payment could not be made as the
accounts figures were not yet available and had at no stage questioned the propriety of such payments being made by the Dominion of India. India did not accept this contention.

5. The Pakistan delegation then raised the question of paying the Pakistan opted staff arrears following the implementation by India of the Pay Commission's recommendations. It was argued that the undivided Government had more than once announced its intention to give effect to the Commission's recommendations and that irrespective of what Pakistan did after the partition the employees who had opted for Pakistan should get their arrears as employees, till partition, of the undivided Government of India. The employees had a perfectly valid claim against the Government of India for the period from 1st January 1947 to the 14th August 1947 and this claim was supported by the legal provision. The India delegation could not accept this view. The Indian Dominion alone had decided to implement the Commission's recommendations and foot the entire bill for it. The Pakistan Government had not only not implemented the recommendations of the Pay Commission but had on the other hand objected to the Indian Government implementing the recommendations in respect of their own staff in a joint establishment. The Pakistan delegation held that the non-acceptance by the Pakistan Government of the Indian Pay Commission's recommendations was not very relevant for even if the recommendations had been accepted, the arrear liability for the period from the 1st January 1947 to the 14th August 1947 would have in any case devolved on the Government of India.

6. The question of adjusting the debits raised by the Pakistan Accounts Officers in respect of payments mad up to the 31st March was then discussed. The Pakistan representatives contended that the reversal of these debits was unjustified and said that the correctness of these was under reexamination. They reiterated their offer to withdraw such of the debits as they may find to be unjustified. The Indian delegation pointed out that the amounts involved were of an improbable magnitude and there was clear evidence that substantial amounts had been debited on account of book adjustments for which there was no authority. It also appeared that in East Bengal debits had been raised, not for actual payments, but for lump sum imprests with disbursing officers, like Collectors, for payment of claims. In view of these obvious irregularities India could not, even provisionally, accept these debits but the undertaking that debits for actual payments would be accepted, subject to subsequent verification by audit, would be honoured.

7. The Pakistan representatives then mentioned a number of points about the Railways. Their first complaint was that the East Bengal Railway had not been receiving the share of revenue due to it for cross traffic. It was pointed out that the normal process of adjustment between Railways through the exchange
of Division Sheets had not been functioning properly, and the Indian Railways on their part had also not received their share of the receipts in respect of traffic originating in Pakistan Railways. It was agreed that the Railway Boards of the two Dominions should get together and evolve a suitable procedure for expediting these adjustments. The Pakistan representatives also complained that the Jodhpur State had demanded advance payments before transferring a section of the railway line to Pakistan and that this did not conform to the normal arrangements between the Dominions. It was explained that the assets in question for which payment had been claimed belonged to the Jodhpur State and not to the Indian Dominion and that workable arrangement could best be devised in discussion with the authorities concerned instead of importing the inter-dominion procedure into the matter. It was, however, agreed that Pakistan Railway Board might address the Railway Board India in this matter who would take up this matter with the Jodhpur State through the States Ministry. Similarly with regard to a complaint that the E.I. Railway was asking for an advance payment in respect of supplies of boulders, it was agreed that the system of advance payments was irksome and that the procedure for supplies and payments should be discussed between the Railway Boards and settled.

8. A number of miscellaneous points were then discussed. It was mentioned that a number of employees who had either retired or were on leave pending retirement without opting for either Dominion could not get their dues settled. The problem mainly concerned the Secretary of States services, the Railways and Defence Services and it was agreed that the authorities concerned in both dominions should in mutual consultation evolve a common procedure for the verification and early payment of the claims. It was also agreed that the Auditors General of the two Dominions should discuss and settle the procedure for the settlement of the accounts between the two Dominions at a very early date. The existing procedure had not worked well and the matter was of some urgency as the Reserve Bank would cease to be the common banker from the 1st July 1948. Another outstanding point was also mentioned, viz. the procedure for the transfer of pensions between the Dominions and the financial adjustments between them. This still remained to be discussed and the meeting decided that this should be taken up as early as possible.

The meeting also discussed the question of the audit of Joint Accounts and it was agreed that the audit of these accounts should be expedited and the respective Auditors General should make arrangements to that effect.
The Government of India have been considering for some time the question of arranging for the speedy payment of the outstanding claim in respect of supplies and services rendered to the undivided Government of India up to and before the date of partition.

2. At the time of the partition there was an arrangement between the two Dominions that each Dominion will pay the claims arising in its area subject to subsequent adjustment but a large number of claims, particularly those relating to the areas now included in Pakistan, are still outstanding due partly to disturbances in the Punjab and the large scale movement of populations and partly to the discontinuance of payments by the Pakistan Government from about the middle of last December owing to a difference of opinion between the two Governments about the liability for these payments. In order to avoid hardships to the suppliers and contractors, the Government of India, after careful consideration, have decided that they should undertake the initial liability for these payments, and recover Pakistan's share through the debt settlement. They have accordingly decided to prescribe the following procedure for the collection, check and payments of these claims:

(a) All bills and claims in respect of supplies and services rendered to the late Government of India up to and inclusive of the 14th August 1947, whether in the areas now in India or in Pakistan should be submitted to the Government of India by the 1st of July 1948 at the latest.

(b) The bills or claims should be sent to the officer mentioned below:

<table>
<thead>
<tr>
<th>Claims relating to</th>
<th>Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Departments.</td>
<td>Accountant General, Food, Relief and Supply, Akbar Road, New Delhi.</td>
</tr>
<tr>
<td>Defence Services</td>
<td>Military Accountant General, Hutments, Block 'F', New Delhi.</td>
</tr>
</tbody>
</table>
Railways —

B & A Railway Chief Accounts Officer, E.I.R., Fairlie Place, Calcutta.

Posts and Telegraphs. Deputy Accountant General, Posts and Telegraphs, Old Secretariat, Delhi.

These officers will tabulate the claims and arrange, where necessary, to have them checked before payment by the appropriate authorities in Pakistan.

(c) All uncashed cheques issued by the authorities mentioned in para (b) above should also be sent to the same officer as other claims.

(d) If any bills or claims have already been submitted to the Pakistan Government or the authorities in Pakistan a duplicate copy should be sent with particulars of the authority to whom the bill or claim was preferred and the date on which it was sent.

(e) After the bills have been duly checked, the Government of India will arrange to make payment direct to claimants residing in India. For claimants residing in Pakistan payment will be made either by demand draft or through the Pakistan Government.

3. The Government of India have no doubt that the public will realize that the checking and payment of the outstanding claims is bound to take some time. They propose to expedite the settlement of these claims as much as possible and the public can co-operate in achieving this by sending in their bills and claims as quickly and completely as possible.

Partition Secretariat
New Delhi, May 22, 1948
3300. Telegram from High Commissioner for Pakistan in London to Foreign, Karachi Dated the 10th June.1948.

Following for Ministry of Finance for Zahid Hussain from Ghulam Mohammad.

Your telegram 2391 dated 31st May, Pakistan Payments Agreement. I have discussed matter with Chetty and following are our agreed conclusions.

2. **Evacuee Funds.** — There will be no restrictions on transfer of funds in private hands. Regarding evacuee funds in hands of Custodians of Evacuee Property transfers will be arranged after mutual consultation between Banks in order to ensure orderly transfer without undue strain on exchange resources.

3. **Holding limit will be Rs.15 crores** — Thereafter settlement will be in current sterling to extent of £7½ million. Thereafter settlement in Account No.II Sterling. Both rupee and sterling limits will be the same for both countries.

4. **Transfer of currency.** — There will be no restriction on physical transfer of currency

5. **Gold and Silver** — Both Governments will be free to impose restrictions on transfer of gold and silver. Question of exempting evacuee property from these restrictions separately under consideration.

6. **Revision.** — There will be clause in Payments Agreements that if transfers of funds are assuming such large proportions as to involve undue strain on foreign exchange reserves of one country or the other two Banks shall consult together with a view to modifying Agreement.

7. Please obtain orders of Cabinet and take further action.

8. I have given copy of this to Chetty and Deshmukh. Deshmukh will obtain from Bank of England their agreement to transfers between India and Pakistan No.II Accounts

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3301. Telegram from the High Commissioner for India in London to Ministry of External Affairs and Commonwealth Relations, New Delhi.


No.6811 the 10th June 1948

Following for Ministry of Finance for Ambegaokar from Chetty.

Your telegram 6090 dated 30th May Pakistan Payments Agreement. I have discussed matter with Ghulam Mohammed and following are our agreed conclusions.

2. **Evacuee Funds:** There will be no restrictions on transfer of funds in private hands. Regarding evacuee funds in hands of Custodians of Evacuee Property transfers will be arranged after mutual consultation between Banks in order to ensure orderly transfer without undue strain on exchange resources.

3. **Holding limit will be Rs.15 crores** — Thereafter settlement will be in current sterling to extent of £7½ million Thereafter settlement in Account No. II sterling. Both rupee and sterling limits will be the same for both countries.

4. **Transfer of currency.** — There will be no restriction on physical transfer of currency.

5. **Gold and Silver.** — Both Governments will be free to impose restrictions on transfers of gold and silver. Question of exempting evacuee property from these restrictions separately under consideration.

6. **Revision.** — There will be clause in Payments Agreement that if transfers of funds are assuming such large proportions as to involve undue strain on foreign exchange reserves of one country or the other two Banks shall consult together with a view to modifying Agreement.

7. Please take orders of Cabinet and take further action.

8. I have given copy of this to Ghulam Mohammed and Deshmukh. Deshmukh will obtain from Bank of England their agreement to transfers between India and Pakistan No. II accounts.

❖❖❖❖❖❖❖❖❖❖❖❖


1. Attach hereto draft of a Payments Agreement under consideration by the Governments of India and Pakistan setting out the conditions for the conduct of financial transactions between the two countries. You will notice that the agreement contemplates provision for all payments beyond an agreed amount to be settled through the No.2 Accounts of India and Pakistan. I have advised the two Governments that I foresee no objection to this mode of settlement as soon as No.2 Account is opened in your books in the name of Pakistan which is due to take place with effect from the 1st July 1948 on the establishment of the State Bank of Pakistan. I shall be obliged to receive your confirmation of this. Such transfers do not involve any actual payment by the United Kingdom but merely permit the settlement of certain transactions between two countries holding No.2 Accounts because of the ready availability of these means of payment.

2. I shall very much appreciate it if your reply is sent to me during the course of the day as a decision on this point is necessary before the matter can be finalized between the two Governments and there is very little time left for completing the preliminary arrangements.

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I write to thank you for your letter of today’s date enclosing a draft of a Payments Agreement under consideration by the Governments of India and Pakistan setting out the conditions for the conduct of financial transactions between the two countries. I note that the Agreement provides for certain capital transaction to be settled through the No. 2 Accounts of India and Pakistan. From a brief study, I see no objection to this mode of settlement as soon as the No.1 Account in the name of Pakistan is opened in the Bank’s books, provided always that —

(a) Nothing occurs during the present inter-governmental negotiations in London which would make the suggested arrangements impossible or undesirable.

(b) No current transaction involving either Dominion is to be settled by a transfer through No.2 Account as this would lead to a possible demand for extra releases to No.1 Account by the recipient.

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I write to acknowledge with many thanks the receipt of your letter of the 10th June 1948 conveying your views on the draft Payments Agreement between India and Pakistan enclosed with my letter of the same date. During the currency of this Agreement, which will be for one year from the 1st July, 1948, it is the intention of the two Governments not to distinguish between current and capital transactions. The arrangement under which the deficit of one country with the other will be met is indicated in para.3 of the cable attached to the draft Agreement which states that the holding limit of each other’s currency will be limited to Rs.15 crores. Thereafter, settlement will be made in current sterling to the extent of £7½ million irrespective of the transaction. And that once this limit is reached all further settlement would take place over the No.2 Accounts of the respective countries. The extent of the rupee holding and the limit up to which payment would be made in current sterling has been reached after mutual consultation, bearing in mind the foreign currency resources of each country, and whilst it is anticipated that a large proportion of the transactions will probably be financed within the limits set out above a provision has been made to take care of any overflow that may actually result from the operation of these arrangements. We have no data to project a possible balance of payments position of the two countries. And as the current resources at the disposal of India and Pakistan are limited, it has been mutually agreed that the best course would be to adjust the excess over the agreed amount in No.2 sterling without taking into consideration the fact whether the excess has arisen out of capital or current transactions. It is hoped that the experience gained by the working of this Agreement will enable the countries concerned to have a more complete picture of their individual requirements. I may, however, assure you that it is not the intention of either India or Pakistan to make any additional demand on the U.K. authorities for an extra release of current sterling as a consequence of this arrangement. In view of this explanation, I hope you would have no objection to India and Pakistan utilising their No.2 Accounts for the settlement of transactions, both current and capital, arising out of the Agreement under reference.

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Thank you for your letter of the 14th June regarding the proposed one-year Payments Agreement between India and Pakistan. Mr. Beale has told me of his conversation with you on the subject.

I note from your letter that it is not the intention of either of the Governments to
ask for extra releases of sterling as the result of settlements over No.2 Account for transactions between the two Dominions. However, I feel that, in view of the uncertainty as to the possible course of payments and the lack of data on which to base any forecast, it would be wise to have a clear understanding that the arrangement for settlements over No.2 Account should be reviewed if it should be found that settlements of material amounts in respect of current transactions by this means were producing an unwelcome situation. It may be that the clause in the Payments Agreement to which reference is made in paragraph 6 of the telegram to New Delhi which was enclosed with your letter of the 10th June is intended to cover this contingency, but I feel it would be better to provide for it more specifically.

Subject to an understanding that these arrangements would be open to review in the light of experience, and subject of course to proviso (a) in my letter of the 10th June, I can now say that there will be no objection to transfers between the No.2 Accounts of India and Pakistan for the purposes set out in the enclosures to your letter of that date.

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Draft letter from the State Bank of Pakistan to the Reserve Bank of India.

State Bank of Pakistan

Dear Mr. Governor,

I write to place on record the understandings reached between representatives of our two Banks. In arriving at these understandings our representatives have made the following assumptions:

(1) The Government of Pakistan will become a member of the International Monetary Fund as soon as the necessary arrangements can be made and for that purpose will declare the par value of the Pakistan rupee to be Re.1 = 0.268601 grams of fine gold, and that this parity will be accepted by the authorities of the Fund.

(2) The rate of exchange of Indian rupee 1 = Pakistan rupee 1 (hereinafter referred to as the official rate) will not be varied by either of our two Governments except after due notice and mutual consultation.

(3) Subject to any special arrangements that may be made between our two Governments in respect of the property of evacuees there will be no exchange control nor any restrictions placed on the transfer of funds or securities between India and Pakistan whether such transfers are on capital or current account.
4. Notwithstanding (3) above there may be restrictions placed upon the movement of gold between the two Dominions.

2. The understandings reached are as follows:

1. Our two Banks will collaborate to maintain the Indian and Pakistan rupees at parity with each other and to that end will take steps to enforce the use of the official rate as the basis of all transactions involving a relationship between the two currencies in the markets under their control.

2. The Reserve Bank of India shall sell Indian rupees to the State Bank of Pakistan as may be required —

(a) against Pakistan rupees to be credited at the official rate to the Reserve Bank of India’s account with the State Bank of Pakistan provided the balance standing to the credit of that account is not thereby increased above a maximum of Pakistan Rs.15 cores: and thereafter

(b) against sterling to be credited at the Pakistan official sterling parity to the Reserve Bank of India’s No.1 Account with the Bank of England.

3. The State Bank of Pakistan shall sell Pakistan rupees to the Reserve Bank of India as may be required —

(a) against India rupees to be credited at the official rate to the State Bank of Pakistan’s account with the Reserve Bank of India provided the balance standing to the credit of that account is not thereby increased above a maximum of Rs.15 cores: and thereafter.

(b) Against sterling to be credited at the Indian official sterling parity to the State Bank of Pakistan’s No.1 Account with the Bank of England.

4. The Reserve Bank of India shall have the right at any time to sell to the State Bank of Pakistan against all or part of the Indian rupees held by that Bank; either Pakistan rupees at the official rate or sterling from the Reserve Bank of India’s account No.1 with the Bank of England at the Indian official sterling parity.

5. The State Bank of Pakistan shall have the right at any time to sell to the Reserve Bank of India against all or part of the Pakistan rupees held by that Bank, either Indian rupees at the official rate or sterling from the State Bank of Pakistan’s account No.1 with the Bank of England at the Pakistan official sterling parity.
(6) In the event of either the Government of India or the Government of Pakistan taking action which results in a depreciation of its currency, in terms of the other Indian rupees held by the State Bank of Pakistan or Pakistan rupees held by the Reserve Bank of India shall be revalued on the basis of the new parity and the account of whichever Bank incurs a loss as a result thereof shall be written up by the credit of additional Indian or Pakistan rupees as the case may be.

(7) In carrying out the operations described in sub-para graphs 2 and 3 above no distinction shall be made in the first instance between current and capital transactions. The two banks will agree upon a formula which will indicate roughly the extent of current and capital transactions. Capital transactions as thus determined will be adjusted through the No.2 Accounts of our two banks with the Bank of England, consequential readjustments being made in the other accounts of the banks.

(8) Any Indian rupees held by the State Bank of Pakistan shall be held and invested only as may be agreed by the Reserve Bank of India and any Pakistan rupees held by the Reserve Bank of India shall be held and invested only as may be agreed by the State Bank of Pakistan.

(9) The Reserve Bank of India and the State Bank Pakistan shall maintain close contact on all technical questions arising out of these arrangements.

3. I propose that the provisions of this letter shall constitute an agreement between our two Banks which shall come into force on the 1st July 1948 and shall remain in force for one year, but shall be reviewed three months before the date of its termination. Provided always that in the event of either of our two Dominions ceasing to be a member of the scheduled territories as defined in the United Kingdom Exchange Control Act, 1947, the provisions of this agreement shall cease to have effect pending consultation between our two Banks with the approval of our respective Governments.

4. I shall be grateful if you will signify your agreement with the proposals contained in this letter. Upon receipt of confirmation of your agreement I will write to you again with regard to the technical measures necessary to give effect to these arrangements.

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3303. Agreement on Payments between India and Pakistan.

Karachi, June 30, 1948.

Agreement made this Thirtieth day of June 1948 between the Dominion of India and the Dominion of Pakistan.

Whereas the provision contained in Section 13 of Part IV of the Pakistan (Monetary System and Reserve Bank) Order, 1947, as subsequently amended, which Prohibits exchange control as between India and Pakistan and any restrictions on the transfer of funds or securities from one Dominion to the other, is due to expire on the thirtieth day of June 1948:

And whereas it is to the advantage of both the Dominions that no unnecessary restrictions should be placed on exchange transactions and the transfer of funds and securities between the two Dominions;

It is hereby agreed as follows:—

Article I

The official rate of exchange as between the India rupee and the Pakistan rupee will continue to be at par, and will not be altered by either Government except after due notice and mutual consultation.

Article II

As soon as the necessary arrangements can be made the Government of Pakistan will become a member of the International Monetary Fund, and for that purpose will declare the par value of the Pakistan rupee to be equal to 0.268601 grammas of fine gold.

It is assumed for the purposes of this Agreement that this parity will be accepted by the authorities of the Fund.

Article III

(1) There shall be no exchange control as between India and Pakistan, nor shall any restrictions be placed on the transfer of funds or securities from one Dominion to the other, whether such transfers are on capital account or current account. In particular there shall be no restrictions on transfer of evacuee funds in private hands. The transfer of evacuee funds in the hands of Custodians of Evacuee Property will be arranged after mutual consultations between the Reserve Bank of India and the State Bank of Pakistan (hereinafter referred to as “the Reserve Bank” and “the
State Bank”, respectively) in order to ensure orderly transfer without undue strain on exchange resources.

(2) Nothing contained in the preceding paragraph shall apply in relation to the transfer of gold or silver (in whatever form) between the two Dominions. Either Government may impose restrictions on such transfer, subject to such exemptions in regard to evacuee property as may be agreed upon by the two Governments.

Article IV

(1) The Reserve Bank, acting as agents of the Government of India, shall sell to the State Bank, acting as agents of the Government of Pakistan; India rupees to such extent as may be required for payments which persons in Pakistan are permitted under the exchange regulations in force in Pakistan to make to India: and such sale shall be —

(a) against Pakistan rupees to be credited at the official rate of exchange to the Reserve Bank’s account with the State Bank, provided that the balance standing to the credit of that account is not thereby increased above a maximum of fifteen crores of Pakistan rupees: and thereafter

(b) against sterling to be credited at the official sterling parity to the Reserve Bank’s No. I Account with the Bank of England, provided that the total amount of sterling so transferred shall not exceed seven and a half million pounds: and thereafter

(c) against sterling to be credited at the official sterling parity to the Reserve Bank, No.II Account with the Bank of England.

(2) The State Bank acting as agents of the Government of Pakistan, shall sell to the Reserve Bank, acting as agent of the Government of India, Pakistan rupees to such extent as may be required for payments which persons in India are permitted under the exchange regulations in force in India to make to Pakistan: and such sale shall be—

(a) against India rupees to be credited at the official rate of exchange to the State Bank’s account with the Reserve Bank, provided that the balance standing to the credit of that account is not thereby increased above a maximum of fifteen crores of India rupees: and thereafter

(b) against sterling to be credited at the official sterling parity to the State Bank’s No.I Account with the Bank of England, provided that the total amount of sterling so transferred shall not exceed seven and a half million pounds: and thereafter
against sterling to be credited at the official sterling parity to the State Bank’s No.II Account with the Bank of England.

Article V

(1) The Reserve Bank shall have the right at any time to sell to the State Bank against all or part of the India rupees held by that Bank either India rupees at the official rate of exchange or sterling from the State Bank’s No.I Account with the Bank of England at the official sterling parity.

(2) the State Bank shall have the right at any time to sell to the Reserve Bank against all or part of the Pakistan rupees held by that Bank either Pakistan rupees at the official rate of exchange or sterling from the State Bank’s No.I Account with the Bank of England at the official sterling parity.

Article VI

In the event of either Government taking action which results in a depreciation of its currency in terms of the currency of the other Dominion, India rupees held by the State Bank or, as the case may be, Pakistan rupees held by the Reserve Bank, shall be revalued on the basis of the new parity and the account of whichever Bank incurs a loss as a result of such revaluation shall be written up by the credit of additional India rupees or Pakistan rupees, as the case may be.

Article VII

The Reserve Bank and the State Bank will collaborate to maintain the India and Pakistan rupees at parity with each other and to that end will take steps to enforce the use of the official rate as the basis of all transactions involving a relationship between the two currencies in the markets under their control.

Article VIII

Any India rupees held by the State Bank shall be held and invested only as may be agreed by the Reserve Bank and any Pakistan rupees held by the Reserve Bank shall be held and invested only as may be agreed by the State Bank.

Article IX

The Reserve Bank and the State Bank shall maintain close contact on all technical questions arising out of the present Agreement.

Article X

This Agreement shall come into force on the first day of July 1948 and shall remain in force for a period of one year, but shall be reviewed three months before the date of its termination:
Provided that if during the currency of this Agreement the transfer of funds from one Dominion to the other assumes such large proportions as to involve undue strain on the foreign exchange reserves of that Dominion, the two Governments shall consult together with a view to modifying the Agreement:

And Provided always that in the event of either of the two Dominions ceasing to be a member of “the scheduled territories” as defined in the Exchange Control Act, 1947, of the United Kingdom, the provisions of this agreement shall be in abeyance pending consultations between the two Governments.

In witness whereof the Secretary to the Government of India in the Ministry of Finance and the Secretary to the Government of Pakistan in the Ministry of Finance, having been duly authorized by their respective Governments, have appended their signatures.

Done in duplicate at Karachi this thirtieth day of June 1948

For the Government of India
Sd. V. Narahari Rao,
Secy. To the Govt. of India,
Ministry of Finance.

For the Government of Pakistan
sd/- V.A.C. Turner
Secy. To the Govt. of Pakistan
Ministry of Finance


July 2, 1948.


In connection with the Agreement between the Dominion of India and the Dominion of Pakistan for the avoidance of unnecessary restrictions on exchange transactions and the transfer of funds and securities between the two Dominions, which we have signed today, it is the understanding of my Government that transfer of funds on account of unusual receipts or payments on Government account shall be arranged after mutual consultations between the Reserve Bank of India and the State Bank of Pakistan in order to ensure orderly transfer
without undue strain on exchange resources. I shall be grateful if you will confirm that this is also the understanding of your Government.

Yours sincerely,

(V. Narahari Rao)

Sir Victor Turner Esqr. C.S.I., C.I.E
Secretary, Ministry of Finance
Government of Pakistan

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With reference to your letter No.88-Adl. S/48. Dated the 2nd July 1948. I confirm that in connection with the Agreement between the Dominion of Pakistan and the Dominion of India for the avoidance of unnecessary restrictions on exchange transactions and the transfer of funds and securities between the two Dominions it is the understanding of my Government that transfer of funds on account of unusual receipts or payments on Government account shall be arranged after mutual consultation between the State Bank of Pakistan and the Reserve Bank of India in order to ensure orderly transfer without undue strain on exchange resources.

Yours sincerely

(V. Turner)

V. Narahari Rao, Esqr., C.S.I., C.I.E.
Secretary, Ministry of Finance
Government of India

❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖❖ ❖ ❖ ❖ ❖

The following are the highlights of the agreement between Britain and India on India’s sterling balance signed in London on July 9, and published today:

In view of the current level of the off the balance in India No. 1 account no further transfers from No. 2 to No. 1 account will take place in the 12 months ending July 30, 1949. Maximum transfers from No. 2 to No. 1 account off£ 40 million in each of the two following years. But no transfers unless the balances on the No. 1 account at the end of any month is less than £60 million. India’s net drawings of hard currencies form the central reserves in the twelve months ending July 30, 1949 will not exceed the equivalent of £15,000,000.

FINAL SETTLEMENT

India will pay £100,000,000 for defence, stores and fixed assets taken over by the Government of undivided India on April 1, 1947. This payment will be a full and final settlement for the Governments of both India and Pakistan. Sterling pension obligations of the Dominion of India will be capitalized at £147,605,125 and those of the provinces of India at £20,516,341. Britain will help India to obtain imports, including non-ferrous metals, cotton and plywood.

◆◆◆◆◆
3306. **Letters exchanged between Pakistan and British Governments on Agreement on Sterling Balances.**

**July, 1948.**

**Letter No. 1: From the Chancellor of the Exchequer to the Finance Minister, Pakistan:**

My Dear Minister,

As the result of the consultations provided for in paragraph 9 of Sir Jeremy Raisman’s letter of February 21, 1948 to Mr. Abdul Qadir which extended the agreement signed in London on August 14, 1947, (herein after called the “Principal Agreement”) between the Government of the U.K. and the Government of Pakistan, the following arrangements have been agreed upon between our Governments for the extension of the Principal Agreement:

**PRINCIPAL AGREEMENT**

1. The principal agreement as modified by Sir Jeremy Raisman’s letter to which I have referred above and as further modified by this letter, shall be extended to June 30, 1949. Of the balance available in the Pakistan No. 1 Account on June 30, 1948, the sum of £2 millions shall be regarded as an addition to the working balance referred to in paragraph 4 of Sir Jeremy Raisman’s letter thereby increasing that balance to £12 millions.

2. These shall be transferred from the No. 2 to the No. 1 Account of the State Bank of Pakistan in the period July 1, 1948 to June 30, 1949, (a) the sum of £5 millions forthwith and (b) another sums not exceeding £5 million for the purpose of meeting Pakistan’s expenditure on special requirements for goods and execution of capital projects for the resettlement and rehabilitation of refugees. These special transfers shall be made as and when required by the Government of Pakistan for these purposes.

3. The Government of Pakistan undertake so to limit expenditure in “hard currency” areas that net drawings on the central reserves in the year July 1, 1948 to 30, June 1949 do not exceed the equivalent of £5 millions. This figure for the net drawing on the central reserves has been agreed in the light of Pakistan’s needs for supplies necessary for the development of her economy and in particular of her productive capacity.

**HARD CURRENCY AREA**

4. For the purpose of the preceding paragraph the “hard currency area” means: The whole of the continents of North, Central and South America.
and adjacent islands but excluding Brazil, Chile, Uruguay, and any territories which are part of the Sterling Area, the monetary area of the French Franc area, the Belgian monetary area, Japan, the Philippines, the Portuguese monetary area but excluding Portuguese India the joint U.S.-U.K. Zones of Germany, provided (a) that not more than £750,000 of any surplus earned by Pakistan with Japan shall be taken into account for the purpose of determining Pakistan’s hard currency earning and (b) that this list may be varied by agreement between the two Governments.

TERMINATION

6. Further consultation shall take place before the termination of the principal Agreement as extended by this letter with a view to extending it further or replacing it by another agreement or agreements. Such consultation shall have particular regard to the total transfers of sterling required in the No.2 to the No. 1 Account for the ensuing period or periods, but in order to enable Pakistan to prepare plans in advance the Government of the United Kingdom undertake that in addition to the balances then existing on the No 1 Account a further sum of at least £5 millions shall be transferred in the 12 months July 1, 1949. to June 30, 1950, and a further £5 millions in the ensuing 12 months. Further, any part of the special transfer referred to in paragraph 3 (b) above which remains unspent on June30, 1949 shall be available for the same purpose until June30, 1951. Without prejudice to these agreed arrangement the question of Pakistan’s requirements in respect of refugees may be raised again if desired, in the course of the further consultation envisaged under paragraph G above.

EXECUTION

8. Arrangements shall be made by agreement between the two Governments for consultation to take place from time to time with regard to matters arising out of the execution of the principal Agreement as modified by Sir Jeremy Raisman’s letter of February 21 1948. I should be grateful to have your confirmation that this letter correctly sets out the understanding reached between us that it, together with your reply, constitute an extension in terms of paragraph 1 of this letter of the Principal Agreement.

Yours sincerely
Sd/-

Reply No. 1: From Finance Minister, Pakistan to the Chancellor of the Exchequer:
My Dear Chancellor,

I have to acknowledge receipt of your letter of today’s date reading as follows:

(Here follows the text of letter No. 1)

I have pleasure in confirming that the letter correctly sets out the understanding reached between us and that it, together with my reply, constitutes an extension in the term of paragraph 1 of the letter, of the Principal Agreement.

Yours sincerely

Sd/-

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Letter No. 2: From the Chancellor of the Exchequer to the Finance Minister.

Pakistan:

My Dear Minister.

**BRITISH ASSETS**

I write with reference to the arrangement that have been discussed between our Governments regarding the final settlements of the amount Payable in respect of Defence stores and fixed assets taken over by the Government of undivided India on April 1, 1947.

2. My understanding of the decision reached at the discussions is as follows:

   (a) A sum £ 100 million will be paid by the Government of India in respect of all Defence stores and fixed assets, including surplus stores and equipment with units of the Armed Forces which were the property of the Government of the United Kingdom and which were, taken over by the Government of undivided India on April 1, 1947. This will also cover stores in transit on that date.

**FINAL SETTLEMENT**

   (b) The payment mentioned above will be in full and final settlement between the Government of the United Kingdom on the one hand and the Governments of India and Pakistan on the other in respect of all Defence stores and fixed assets located in undivided India which were the property of the Government of the U.K.

3. I shall be grateful if you would confirm to me and to the Finance Minister of India that this is also the understanding of your Government.
4. I am sending a similar letter to the Finance Minister of India with the request that he should confirm to both of us that this is also the understanding of his Government.

Yours sincerely

Sd/-

Reply No 2- From the Finance Minister Pakistan to the Chancellor of the Exchequer:

My Dear Chancellor,

I have to acknowledge receipt of your letter of today’s date reading as following:

(Here follows the text of letter No.2)

I have pleasure in confirming that the understanding of your Government as set out in that letter, is accepted by my Government. I have also confirmed this to the Finance Minister of India.

Yours Sincerely

Sd/-

Letter No3: From the Chancellor of the Exchequer, to the Finance Minister, Pakistan:

My Dear Minister,

I write with reference to the arrangements that we have discussed regarding the purchase of an annuity by the Government of Pakistan from the Government of the U.K. for the purpose of meeting the Sterling pensionary obligation of the Dominion of Pakistan and of the Provinces of Pakistan.

CAPITAL SUM

2. It is my understanding that the Government of Pakistan will pay to the Government of the U.K. Capital sum of £8,166,848 (which sum shall qualify under article iv. 2 (v) of the Principal Agreements for a transfer from the No 2 Account to the No 1 Account of the State Bank of Pakistan with the Bank of England and that, in consideration of this payment, which will be made not later than August 15, 1948 the U.K. Government will pay to the Government of
Pakistan during each of the financial years 1948-49 to 1997-98 inclusive the amount set out against that year in the annexure to this letter. The amount payable in each year will be paid in twelve equal monthly installments on the first working day in each month. The first six monthly installments in the financial year 1948-49 will, as a special case, be paid on September 1st 1948.

3. If in any year the actual disbursements of pensions excluding payments of the commuted value of pensions and on account of disbursements of Provident funds exceed the amount of the annuity received by the Government of Pakistan the U.K. Government will agree to the transfer of the amount of this excess from the No 2 Account to the No 1 Account. Conversely, should the actual disbursements in a year fall short of the annuity received by the Government of Pakistan the difference will be adjusted by a transfer from the No1 to the No2 Account.

4. Further, the Government of the United Kingdom will agree to the transfer from the No 2 Account to the No 1 Accounts as and when required of such sums as may be necessary to meet the charges arising out of the payment of the commuted value of pensions and disbursements on accounts of provident funds.

5. Subsection (iv) of paragraph 2 of Article IV of the Principal Agreement is modified in accordance with the understanding set out in paragraphs 3 and above.

6. The administrative arrangements for the disbursements of pensions in the U.K. which are now in force will continue for a period of three years commencing with April 1st 1948.

7. I shall be grateful to have your confirmation that this is also the understanding of your Government.

Yours sincerely

Sd/-
Annual amounts to be provided for meeting the Sterling pensionary obligations of the Dominion of Pakistan and of the Provinces of Pakistan.

<table>
<thead>
<tr>
<th>Year of Payment</th>
<th>Amount (£ Sterling)</th>
</tr>
</thead>
<tbody>
<tr>
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<td>172,500</td>
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<td>1976-77</td>
<td>165,000</td>
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1977-78  157,500
1978-79  150,000
1979-80  142,500
1980-81  135,000
1981-82  137,500
1982-83  120,000
1983-84  112,500
1984-85  105,000
1985-86  97,500
1986-87  90,000
1987-88  82,500
1988-89  75,000
1989-90  67,500
1990-91  60,000
1991-92  52,500
1992-93  45,000
1993-94  37,500
1994-95  30,000
1995-96  22,500
1996-97  15,000
1997-98  7,500

Reply No3: From the Finance Minister, Pakistan to the Chancellor of the Exchequer:

My Dear Chancellor,

I have to acknowledge receipt of your letter of today’s date reading as follows:

(Hare follows the text of letter No.3)

I have pleasure in confirming that the understanding of the Government of the U.K. as set out in that letter is accepted by the Government of Pakistan.

Yours sincerely

Sd/-
Letter No 4: From the Chancellor of the Exchequer, to the Finance Minister Pakistan:

My Dear Minister,

I am enclosing a copy of the letter which I sent to the Finance Minister of India concerning the Sterling pension obligations of the Dominion of India. I should be glad if you would confirm that your Government concurs in the amount of the annuity mentioned in paragraph 2 of that letter.

Yours sincerely

Sd/-

Copy of the enclosed letter dated July 9, 1948.

PURCHASE OF ANNUITY

My Dear Minister,

I write with reference to the arrangements that we have discussed regarding the purchase of an annuity by the Government of India from the Government of the United Kingdom for the purpose of meeting the sterling pensionary obligations of the Dominion of India.

2. It is my understanding that the Government of India will pay to the Government of the United Kingdom a capital sum of £147,605,125 (which sum shall qualify under Article IV 2(v) of the Principal Agreement for a transfer from the No 2 Account to the No 1 Account of the Reserve Bank of India with the Bank of England and that in consideration of this payment, which will be made not later than August 15, 1948, the Government of the United Kingdom will pay to the Government of India during each of the Financial years 1948-19 to 2007-2008, inclusive, the amount set out against that year in the annexure to this letter. The amount payable in each year will be paid in twelve equal monthly installments on the first working day in each month. The first six monthly installments in the financial year 1948-49 will, as a special case, be paid on the 1st September 1948.

EXCESS

3. If in any year the actual disbursements of pensions excluding payments of the commuted value of pensions and on account of disbursements of provident funds, exceed the amount of the annuity received by the Government of India, the Government of the U.K. will agree to the transfer of the amount of the excess from the No 2 Account to the No 1 Account. Conversely should the actual disbursements in a year fall short of the annuity received by the Government of
India the difference will be adjusted by a transfer from the No 1 Account to the No 2 Account.

4. Further, the Government of the U.K. will agree to the transfer from the No 2 Account to the No 1 Account as and when required of such sum as may be necessary to meet the charges arising out to the payments of the commuted value of pensions and disbursements on account of provident funds.

5. Subsection (iv) of paragraph 2 of Article IV of the Principal Agreement is modified in accordance with the understandings set out in paragraphs 3 and 4 above.

PERIOD

6. The administrative arrangements for the disbursements of pensions in the U.K. which are now in force will continue for a period of three years commencing with April 1 1948, i.e. U.K. Government will on behalf of the Government of India, continue to disburse military pensions and administer the un-transferred sections of the Family Pension Funds while civil pensions will be disbursed by the High Commissioner for India. The detailed arrangements for implementing this decision so far as it relates to military pensions and Family pension Funds, will be agreed upon between our two Governments.

7. Before the expiry of the period of three years mentioned in paragraph 6 above consultations shall take place between our two Governments as to the arrangements after that period.

8. I shall be grateful to have your confirmation that this is also the understanding of your Government.

9. I am sending a copy of this letter to the Finance Minister of the Government of Pakistan with the request that he should confirm to both of us that his Government concur in the amount of the annuity mentioned in paragraph 2 above.

Yours sincerely

(Sd)
### ANNEXURE

Annual amounts payable by the Government of the UK to the Government of India

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount (£Sterling)</th>
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<tbody>
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<td>1980-81</td>
<td>2,481,129</td>
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</table>
Reply No. 4: From the Finance Minister Pakistan to the Chancellor of the Exchequer:

My dear Chancellor,

I have to acknowledge receipt of your letter of today’s date enclosing a copy of your letter of July 9, to the Finance Minister reading as follows:

(Here follows: the text of letter No.4)

I have pleasure in confirming that my Government concur in the amount of the annuity mentioned in paragraph 2 of that letter.

Yours sincerely
(Sd/-)
Letter No. 5: From the Chancellor of the Exchequer to the Finance Minister
Pakistan:

My Dear Minister,

You have emphasized to me that Pakistan is in a special position in view of her need to develop her economy for the first time as an independent State. I agree that this is so and that the UK should do what it can to help Pakistan in this task. You have also expressed anxiety about Pakistan difficulties in obtaining certain commodities which are essential both for her current need and for her economic development which she is anxious to procure as far as possible from within the sterling area or from soft currency countries. Members of your delegation have had discussions during the past fortnight with our departments’ representatives about the goods in which you are particularly interested and we have done our best to inform you of the extent of the assistance which we can give you in present circumstances. I should like to assure you that the Government of the United Kingdom appreciate your problems and within the limits of what is possible will do its best to help.

Yours sincerely

(Sd/-)

3307. Extract from the Minutes of the Inter Dominion Conference held in New Delhi from 22nd to 25th November, 1948.

The question of payments due to the India High Commissioner at United Kingdom for stores purchased by him on behalf of the Pakistan Government was also discussed. The Indian representatives pointed out that the Pakistan Government had already been addressed suggesting that for payments due up to the 1st January, 1948, reimbursement may be made in rupees and for subsequent purchases reimbursement should be made in sterling or other foreign currency in which the expenditure had been incurred. India had also suggested that Pakistan should pay in advance for stores purchased at U.K. The Pakistan representatives pointed out that so far as payments in U.K. were concerned there was already a revolving credit of £1,00,000/- for financing these payments. They agreed that the necessary funds should be made available for keeping these credits moving so that the necessary funds could always be available at the disposal of the High Commissioner. In regard to the purchases in the United States they were prepared to make similar arrangements. It was agreed that the two Dominions
should instruct their High Commissioners and Embassies in Washington to discuss the matter further and settle the procedure locally.

Pakistan representatives also suggested that the outstanding contracts which were wholly for purposes of the Pakistan Dominion or Provinces should, if possible, be transferred to Pakistan Government. Similarly, the possibility of splitting up contracts so as to isolate supplies relating to Pakistan should also be considered. The Indian representatives had no objection in principle to this, if suppliers had no objection and such transfer was legally possible. They would pursue this further with their High Commissioner in London.

3308. Letter No.S-30(7) dated 3rd January 1949 from Shri A. Khaleeli, Joint Secretary to the Govt. of Pakistan Ministry of Education and Industries, Karachi to the Secretary to the Govt. of India, Ministry of Industry and Supply, New Delhi.

Subject: Transfer of Pakistan contracts for imported stores from India Supply Mission to the Embassy of Pakistan in the United States of America, Washington.

With reference to your telegram No.P-1/56(4), dated the 19th November 1948, on the above Subject, I am directed to say that instructions have been issued to the Embassy of Pakistan in the United States of America to take over Pakistan contracts from the India Supply Mission after signing a letter of assignment for every contract. The Embassy of Pakistan has also been asked to arrange for payments to the India Supply Mission in respect of the contracts in question according to the agreement arrived at in the Inter-Dominion Conference held in New Delhi from the 22nd to 25th of November 1948 (relevant extract from the minutes of the conference is enclosed for convenience of reference).

2. With regard to the departmental charges required to be paid in this connection, I am directed to state as follows.

The departmental charges which, as the Government of India are aware, stated at 3 percent are made up of 1 per centum for inspection and 2 percentum for procurement. In so far as inspection charges are concerned, they become payable in respect of those machines only which are inspected by the India Supply mission. The Mission has separately billed
the Pakistan Embassy in Washington the cost of inspection of these machines. The Embassy will make payment against these bills.

In so far as charges for procurement are concerned, our Embassy from Washington reports that contracts in question had been placed by the India Supply Mission before partition and that very little, if any, processing of these contracts has been done since partition. It follows that the India Supply Mission is not entitled to charge 2 percent for procurement.

3. In the light of what is stated above, I am to request that necessary instructions may kindly be conveyed to the India Supply Mission under advice to this Ministry in so far as departmental charges claimed by that Mission from Pakistan Embassy in Washington are concerned.

◆◆◆◆◆


Lahore, April 23, 1949.

PART I—COMMERCIAL BANKS

SECTION I—COMPLAINTS REGARDING THE TRANSFER AND DELAY IN PAYMENT OF MUSLIM ACCOUNTS

1. It was agreed as follows:—

(a) In the case of banks functioning in both or either of the Dominions, if any Muslim accounts have been transferred from West Pakistan to India without application from the depositors, such accounts should be re-transferred to Western Pakistan to a branch of the same bank or if the bank has no branch, action will be taken as in (c) below.

(b) In the case of banks which are functioning in East Punjab and East Punjab States and have also branches in West Pakistan, the accounts of all Muslim depositors in East Punjab and East Punjab States should be transferred to their branches in West Pakistan, except in the following cases:— (i) Where the accounts have been in operation in East Punjab and East Punjab States after 31.12.47 and no request for the transfer of the account has been received. (ii) Where a specific request for the retention of the account in East Punjab and East Punjab States has
been received. In order to remove the possibility of any objection from depositors against the transfer of their accounts, it was agreed that the bank concerned will immediately advertise the proposed transfer of all Muslim accounts and invite the depositors to inform the banks within a period of one month if they have any objection to the transfer of their accounts to Pakistan. All Muslim accounts to be transferred should be transferred by 30.6.49 as far as possible. (c) Lists of Muslim accounts with banks functioning in East Punjab and East Punjab States, which have no office in West Pakistan, should be kept with a bank in West Pakistan to be specified for the purpose and arrangements should be made with that bank for payment of such deposits in Pakistan on receipt of applications from the depositors. (d) Muslim accounts with banks in India but outside East Punjab and East Punjab States will be transferred to a branch of the bank concerned in Pakistan on simple application from the depositor, leaving the detailed formalities, if any, to be complied with in Pakistan before payment is made. Such applications should preferably be made through the branch of the bank in West Pakistan. (e) The arrangements set out in sub-pares (a), (b), (c) and (d) will not apply to banks under a scheme of arrangement.

2. **Banks under schemes of arrangements** Banks under a scheme of arrangement in one Dominion should also apply to a High Court of the other Dominion for sanction of a scheme of arrangement for creditors in the other Dominion.

3. **Indemnity Bonds** As in the case of succession certificates, the desirability of entering into some mutual arrangement whereby in cases of loss of fixed deposits, cheque books and pass books, indemnity bonds obtained or executed, in one Dominion, are accepted in the other Dominion was recognised and it was agreed that the legal implications will be examined by the two Governments.

4. **Inactive Accounts** It was agreed that it was desirable that the banks in both the Dominion particularly in the “evacuee areas”, should notify the names and addresses of those depositors who have not operated their accounts from 31.12.47 to 31.3.49, to the Central Banks of the respective Dominions. The information so collected by the Central Banks will be exchanged between them to facilitate the tracing of constituents or their successors and the disposal of the balances. The Central Banks of the two Dominions will examine this further and work out a detailed scheme for the exchange of this information.

**SECTION II COMPLAINTS OF BANKS**

5. The Pakistan representatives agreed to examine the complaints of the
banks in regard to orders issued by the West Punjab Government requiring the payment of security deposits of contractors to the C.M.A., Lahore Cantonment.

6. **Grant of permits** to bank staff for a minimum period of one year: It was agreed that the Pakistan Government will consider the grant of permits to bank staff permanently stationed in West Pakistan and certain specified officers of the head office for a period of one year at a time, the permits to cover the whole of West Pakistan wherever necessary.

7. **Removal of bank records and remittance of surplus funds** It was agreed that if banks which are not functioning in Pakistan normally, deposit an amount equal to their outstanding liabilities in West Pakistan, they should be permitted to remove their account books and to remit surplus funds provided certified copies of accounts in respect of outstanding liabilities are kept in Pakistan so long as they are outstanding. Vouchers etc. pertaining wholly to accounts in Pakistan will not be removed if arrangements can be made by the State Bank of Pakistan for their custody. The amount of the deposit to be retained in Pakistan will be verified by the State Bank and the deposit will be made in favour of a bank approved by the State Bank.

**NOTE:** The outstanding liabilities in the case of a bank under a scheme of arrangement, mean liabilities outstanding in terms of the scheme sanctioned by a High Court in Pakistan. It was agreed that similar arrangements will be made in the case of the Indian Branches of the Australasia Bank.

8. (a) Non-payment to banks of sale proceeds of goods hypothecated to them but requisitioned or sold by Provincial Governments in Pakistan.

(b) Requirement that suits should be filed before goods pledged to banks can be sold by them.

(c) Requirement that the sale proceeds of goods mortgaged with banks should on realisation by the banks be handed over to the Custodian of Evacuee Property. The position as it emerged out of the discussions is as follows:

1. In the case of pledged stocks, i.e. stocks pledged with possession with banks functioning in Pakistan (Possession by the bank not necessarily implying that the stocks are in premises belonging to or leased by the bank), the banks can sell the stocks and deposit with the Custodian only the surplus sale proceeds. Functioning banks will include those which have schemes of arrangement sanctioned for Western Pakistan and are actually working there. Indian representatives raised the question that the surplus sale proceeds should be treated as bank deposits and credit directly to the evacuee's account at the banks. It was pointed out by Pakistan
representatives that the question was really of academic interest as in most cases the bank's claims exceed the value of the pledge stocks, but promised to consider the suggestion.

(ii) In the case of hypothecated stocks, although the entire sale proceeds had to be deposited with the Custodian and the banks have to register their claims with him, the Custodian is allowing exemptions from this requirement to banks which have been complying with the orders regarding the submission of returns etc. and the exempted banks enjoy the same facilities as in (i) above. The banks should, therefore, represent their cases individually to the Custodian and on his admitting the claim, they will be entitled to adjust their dues against the sale proceeds as in the case of (i) above.

(iii) No suits are required to be filed in courts in regard to stocks pledged or hypothecated, the Custodian himself finally admitting the claims.

(iv) A recommendation has been made to the two Governments by the Inter-Dominion Commission on Evacuee Property that in the case of mortgages of immovable property also, suits will not be required to be filed in civil courts and that the claims will be registered and admitted by the Custodian on production of mortgage deeds and such other evidence as may be required in any particular case.

(v) As a further concession to scheduled banks the Inter-Dominion Commission on Evacuee Property have recommended that the Custodian should register claims in respect of unsecured debts incurred by the evacuees with the banks on proof of the debts supported by an acknowledgment from the debtor. The Custodian will also be prepared to register claims against other property where the stocks or other pledged security disappeared without requiring acknowledgment from the debtor. Scheduled banks for this purpose will mean all banks included in the Reserve Bank schedule at the date of partition.

(vi) In all cases where the claims have been admitted by the Custodian, banks will not be required by the Custodian to file suits and obtain decrees from the civil courts and no evacuee debtor against whom a claim is admitted by the Custodian will be allowed to sell or exchange property until the admitted claims are first cleared; provided that in the case of those banks which are not functioning in Pakistan though they may have got schemes for payment to their Pakistan constituents sanctioned by competent authority, the
form which clearance of the bank’s claims should take, would be decided by the Custodian. Cases of difficulty may be referred to the Inter-Dominion Commission on Evacuee Property.

(vii) Banks should get their claims admitted by the Custodian in respect of pledged or hypothecated stocks alleged to have been taken over by Government and similarly in respect of factories allotted by Government. The banks will produce such evidence as is available to them about the disposal of such stocks. The Custodian will also make enquiries as to where the goods have gone etc. and will arrange payment when it is found that Government have, in fact, taken over the stocks. It is understood that the Custodian has already asked the West Punjab Government for information about the stocks taken over by them, and will claim sale proceeds or compensation in all such cases from that Government. He explained that he would endeavour to correlate this information with the bank’s claim and where he can link up the information received from the two parties, will not insist on the banks proving that the West Punjab Government had taken over the stocks.

(viii) The posting of the Custodian’s nominees with banks is not at all compulsory and the banks are entirely free to have them withdrawn.

(ix) Goods pledged with the banks which are not saleable in Pakistan will be permitted to be removed by the Custodian after ascertaining from the Rehabilitation Commissioner that he does not want to take over the goods on payment. This would of course be subject to export and import restrictions in force for the time being. After sale the bank will render accounts to the Custodian and it should be understood that this does not absolve the bank from proving its claim before the Custodian.

SECTION III

9. Difficulties of the Imperial Bank regarding transfer of certain categories of accounts.

(a) Teachers Provident Fund Accounts: It was stated that no ban had been imposed on the transfer of provident fund accounts of the evacuee teachers.

(b) Minors’ Accounts: The question was separately under the consideration of the Inter-Dominion Commission in Evacuee Property and its recommendations would cover the points at issue.
(c) **Accounts of Companies, Private Firms and Clubs:** The West Punjab Government will examine the point raised and communicate its decision urgently. There should ordinarily be no difficulty in transferring the accounts of institutions which have wholly evacuated and have no liabilities in Pakistan.

**SECTION IV**

10. **Establishment** of an agency to watch the implementation of decisions: It was agreed that the two Governments should nominate two representatives from each side to watch the implementation of the decisions taken.

(Signed) P.C. Bhattacharyya       (Signed) Abdul Qadir

23.4.49

**PART II—CO-OPERATIVE INSTITUTIONS**

1. **Co-operative institutions** in the East and West Punjab including the Punjab States now merged in the East Punjab and Delhi. In pursuance of the discussions which took place between the representatives of the Government of East Punjab and West Punjab in the three meetings held on 15th March, 1948, 2nd April, 1948 and 27th May 1948, the minutes whereof are attached as Annexures I, II and III to this Agreement, the following agreement was reached:-

(a) **The Government of East Punjab** will take steps for the removal of the “stops” recorded against the securities belonging to the Punjab Provincial Co-operative Bank Ltd. Lahore, or other Co-operative Institutions of West Punjab and N.W.F.P., the orders to take effect on receipt by the Reserve Bank of India, Delhi, of the securities of the face value of Rs. 1,04,65,500 mentioned in (b) below.

(b) **Against the net sum of Rs. 2,26 lakhs** odd arrived at by the Registrars of the two Provinces as payable to East Punjab the Punjab Provincial Co-operative Bank Ltd. Lahore will hand over to the Reserve Bank of India, Delhi, duly endorsed in favour of the Ambala Central Co-operative Bank Ltd. Ambala, securities of the face value of Rs. 1,04,65,500 deposited with them by the co-operative institutions now located in the East Punjab and in addition securities of the face value of Rs. 41,00,000 now agreed to be made available to the East Punjab, and the balance will be kept back by the Punjab Provincial Co-operative Bank Ltd. Lahore, pending the final adjustment of unverified claims and the drawing up of the final balance-sheet as in (e) below. The East Punjab Government will first arrange that the Punjab Provincial Co-operative Bank Ltd. Lahore gets the necessary authority for transferring the securities of the face value.
value of Rs. 1,04,65,500 mentioned above. Securities of the face value of Rs. 41,00,000 mentioned above will be delivered duly endorsed to the Reserve Bank of India, Delhi, within three weeks of the receipt of intimation by the West Punjab Government of the removal of the “stops” as in (a) above and the vacation of the injunctions, whichever is later.

(c) **The East Punjab Government** will immediately on the receipt of securities of the face value of Rs. 1,04,65,500 by the Reserve Bank of India, Delhi, as in (a) above take steps for the withdrawal of the pending suits relating to the title of the securities held by the Punjab Provincial Co-operative Bank Ltd. Lahore.

(d) **The Registrars of Co-operative Societies** of the East and West Punjab will take steps as soon as the transfer of securities mentioned in (b) above has been effected to issue the necessary authority to their respective Provincial Co-operative Banks to make payment of the deposits payable on account of the depositors who have migrated from the other Province.

(e) **In order to facilitate the final settlement** of the matter the two Registrars will immediately take steps to examine the unverified claims and complete the verified claims and complete the verification by the 31st August, 1949, and prepare a final balance-sheet together with a list of claims, if any, on which agreement could not be reached by them.

**NOTE:** Deposits of Muslims who have stayed on in Delhi Province and in the district of Gurgaon will not be transferred for payment in West Punjab.

2. **Co-operative Institutions** in the Patiala and East Punjab States Union, the Alwar and Bharatpur States, Bilaspur, Himachal Pradesh, N.W.F.P., Khairpur and Bhawalpur and Delhi

(a) It was agreed that the two Dominions should invite claims from displaced depositors. Wide publicity should be given in the Press inviting the claims. Claims should be invited to reach the Registrars of Co-operative Societies of West Punjab and East Punjab respectively by the 15th June, the necessary advertisements being issued by the two Dominion Governments by the 15th May 1949. These claims should then be listed by the receiving Registrar and passed on to the Registrar in the other Dominion for verification.

(b) The authorities of the States and Governments in India and Pakistan mentioned above should also prepare lists of Muslim and non-Muslim depositors respectively and these lists will be exchanged between the two said Registrars by the end of June 1949. Reasonable facilities will be
provided for the inspection of records for verification of deposit accounts in both the Dominions.

(c) Steps should be taken to have the claims verified and settled by 31.8.1949, the payment to displaced depositors in both Dominions being arranged through the Registrar of Co-operative Societies, East Punjab, for those in India, and the-Registrar of Co-operative Societies, West Punjab, for those in Pakistan.

3. Shares held in co-operative institutions of all types in the Provinces and States mentioned in Sections 1 and 2 It was agreed that data regarding shares held by displaced persons and institutions should be collected as. in Section 2. Arrangements should then be made for the purchase by the institutions concerned of the shares held by evacuee share-holders, at the face value, after adjusting any outstanding that may be due from the share-holder. It was agreed that necessary legal steps should be taken to enable the institutions to acquire the shares in the above manner. 4. The implementation of this agreement will be progressed by the Inter-Dominion Committee set up by the Inter-Dominion Conference of the 2nd April, 1949, for dealing with the East and West Punjab problems arising from partition matters but not covered by the partition Agreement. This Committee will associate the Registrars of East and West Punjab in the matter.

PART III

The decisions in Parts I and II are subject to ratification by the Dominion Governments. The ratification will be intimated to each other by the 10th May, 1949. The Agreement will be published on the 12th May, 1949.

(Signed) P.C. Bhattacharyya (Signed) Abdul Qadir

ANNEXURE I

A conference between the representatives of the Co-operative Departments of the West Punjab and the East Punjab was held at 10 A.M. on the 15th March, 1948, in the room of Mr. K. Headington and was attended by the following:

2. M.R. Sachdev, Esq., ICS, Chief Secretary, East Punjab.
4. R.S. Ram Rattan, Chief Liaison Officer, East Punjab.
5. Mr. K. Headington, Banking Adviser, West Punjab.
6. K.B. Sh. Fazl-i-Ilahi, Registrar, Cooperative Societies, West Punjab.
2. The following decisions were agreed to:

(1) All Government Securities belonging to East Punjab Cooperative Institutions and lodged with the Punjab Provincial Cooperative Bank Ltd., Lahore, either for safe custody or for purpose of overdraft or for collection of interest will be transferred by the Punjab Provincial Cooperative Bank Ltd., Lahore before 31st March, 1948 to the depositor Banks concerned provided that the East Punjab Central Cooperative Banks concerned owing the Government Securities, pay up their liabilities, if any, to the Punjab Provincial Cooperative Bank Ltd., Lahore and provided also that such institutions repay the deposits of their evacuee individual depositors, the evacuee individual depositors of their constituent societies, and societies whose membership consists entirely of Muslims, who have evacuated. The Central Banks in the West Punjab will also repay the deposits of their individual evacuee depositors, the deposits of the evacuee individuals of their constituent societies and of the societies which consisted wholly of non-Muslim evacuees.

(2) In order to execute the above decisions, two Registrars should immediately exchange lists of deposits and have the balance adjusted before the 31st March, 1948.

(3) In the case of primary societies of which the membership is mixed, no division of assets will be undertaken, but it is understood that deposits of individuals of such societies who have evacuated will be repaid before the 31st March, 1948.

(4) In the case of societies whose membership consisted entirely of evacuees, all assets will be transferred to the dominion to which the evacuees have migrated and the Registrar concerned will register necessary amendment in their bylaws making such change of address permissible.

(5) The debts owed by the societies, which as a result of partition, have now gone over to the other dominion will be paid to the creditor Central Bank by the Provincial Bank of the dominion concerned by adjustment or otherwise as may be agreed to by both the Registrars.

(6) The amounts paid by the Industrial Societies (now in Pakistan) in the advertisement fund of the Amritsar Industrial Bank will be paid back by the Industrial Bank to the Punjab Provincial Bank, Lahore.

(7) All amounts received by the Industrial Cooperative Bank, Amritsar, on account of war supply orders will be adjusted or paid by the Industrial Bank to the Societies concerned as may be settled by the two Registrars.
(8) All amounts belonging to employees of Cooperative institutions by way of salary, provident fund, security deposits, etc., will be repaid by institutions of both the dominions through their respective Provincial Banks before the 31st March, 1948.

(9) The question of the division of assets of:

(i) Punjab Provincial Cooperative Bank Ltd., Lahore,
(ii) Punjab Cooperative Union, Lahore,
(iii) North Western Railway Coop. Society, Lahore,
(iv) Industrial Cooperative Bank, Amritsar was considered, but it was pointed out that since the matter was before the Arbitral Tribunal it could not be discussed being subjudice.

(10) All decisions arrived at will be implemented by the Governments of the West Punjab and the East Punjab.

(11) It is recommended that the date 31 March, 1948 may be extended to 30th April, 1948 in regard to all the decisions referred to above. It is essential that the two dominions extend the date of the enfacement of securities for payment of interest to 30th April, 1948.

(12) Shares and interest of members of Transport Societies and Ex-Soldiers’ Goods Transport Societies will be transferred to the dominion concerned. The Registrars will arrange this.

(Signed) (Signed)
K. Headington P. K. Kaul
Banking Adviser, Financial Commissioner Development
West Punjab Government East Punjab
Fazl-i-Ilahi Ram Sarup
Registrar (West Punjab) Registrar (East Punjab)
J. W. Hearn
Financial Commissioner Development, Registrar (West Punjab)
West Punjab

ANNEXURE II

In order to implement the decisions arrived at between the representatives of the Cooperative Societies Departments of the West Punjab and the East Punjab held on 15th of March 1948, the following action may be taken:

(a) The Ambala Central Cooperative Bank will secure necessary authorities from the institutions in the East Punjab whose securities are lodged with
the Punjab Provincial Coop. Bank Ltd., Lahore in order that the latter institution may transfer those securities which are due to be sent to the East Punjab institutions, to the Ambala Central Cooperative Bank Ltd., which is to serve as Provincial Bank for the East Punjab.

(b) The Central Banks, Unions and other Cooperative Societies in East Punjab will give necessary power to the Ambala Central Cooperative Bank Ltd., to authorise the Punjab Provincial Cooperative Bank Ltd., Lahore to repay the deposits of the Muslims in these institutions. The same kind of power will be obtained by the Punjab Provincial Cooperative Bank from similar institutions in the West Punjab in order to repay the deposits of the non-Muslim depositors with these institutions, through the Ambala Central Cooperative Bank.

(c) In order to verify the deposits, the deposit accounts together with the loan accounts issued on the security of deposits and pronotes will be brought to Lahore for check. Such books of those institutions which have already been checked need not be brought again.

(d) As it will not be possible to bring the books of the primary societies for verification, the Registrars on each side will have lists of Muslim depositors in the East Punjab and of non-Muslim depositors in the West Punjab prepared through their staff and attested under their own signatures after they have satisfied themselves with regard to the accuracy of these lists and bring to Lahore.

(e) All the lists of the depositors and the registers will be brought to Lahore by both the Registrars on 10th of May, 1948.

(f) After the lists have been verified and necessary authorities for their return to the depositors concerned delivered, the balance of the securities and deposits left will be made over by the Punjab Provincial Cooperative Bank to the Registrar, East Punjab for conveying to the Ambala Central Coop. Bank.

(g) By depositors in the above clause is meant the deposits of evacuee individual depositors, the evacuee's deposits of their constituent societies and societies whose membership consists entirely of Muslims or non-Muslims, as the case may be, who have evacuated.

(h) Since it is reciprocal, the Registrars agree that such societies should be considered “entirely” Muslim societies whose membership consists of 90 per cent Muslims or the deposits of which societies in the central institutions are contributed by Muslims to the extent of 90 per cent. The same definition will apply to the “entirely” non-Muslim societies in the
West Punjab. The Registrars will decide and furnish lists of such societies with their deposits under their signatures after satisfying themselves with regard to the accuracy of information supplied with regard to each society. The words “wholly of non-Muslim evacuees” in para 2 of clause (i) will also be considered to have the same meanings as “societies consisting entirely of non-Muslims”.

2. Since the execution of the decisions could not be done up to 31.3.1948, the work involved was heavy and could not be completed during the Easter Holidays for which days only the banks could spare their books, the extension of time has had to be done. The Registrars will get sufficient staff at Lahore on 10th May, 1948 in order that the work gets completed as soon as possible.

3. As suggested under para 1 lists of deposits of individuals in the primary societies will be brought duly attested by the Registrars on 10.5.1948 and the deposits will be repaid after 10.5.1948.

4. The phrase “consisted entirely of evacuees” will be taken in its literal sense in this clause, because this clause deals with the division of assets. The Registrars of each side will have a list prepared of societies which consisted entirely of evacuees together with their assets and attest the same under their signatures after satisfying as to their accuracy. When the lists of societies are prepared they will be transferred from the registers of one Registrar to that of the other and their assets will also be transferred to the other dominion. The Registrars concerned may then undertake necessary amendments of the bylaws of these societies, making a change of address.

5. A list of the societies which as a result of partition have now gone over to the other dominion may be prepared by the Registrar of each dominion concerned together with the amount of loan due by each such society to the Central institutions which will be attested by the Registrars under their signatures after satisfying themselves with regard to the accuracy of each such list. The transfer of the liabilities will be done by adjustment of the balance due by societies in one dominion to the other by transferring the balance due from the dominion from which it is due to the other.

6. A list of the amounts due by the Amritsar Industrial Cooperative Bank received by it in the accounts of the Industrial Cooperative Societies in the advertisement fund now in West Punjab will be prepared and signed by the Registrar, East Punjab, after satisfying himself with regard to the accuracy of this list. The accounts due by the Amritsar Industrial Cooperative Bank will be paid to the Punjab Provincial Cooperative Bank, Limited, Lahore by adjustment. The Amritsar Industrial Cooperative Bank will give necessary powers to the Ambala Central Cooperative Bank to authorise the Provincial Cooperative Bank, Lahore to make necessary adjustment of the balance that is to be transferred from the Provincial Cooperative Bank, Lahore to the Ambala Central Cooperative Bank.
7. A list of amounts received by the Industrial Cooperative Bank, Amritsar on account of War Supply Orders will be prepared and attested by the Registrar with regard to its accuracy. The amounts due by the Industrial Cooperative Bank Amritsar to the societies in West Punjab after recovering its dues will be paid to the Provincial Cooperative Bank, Ltd., Lahore by adjustment. The procedure followed will be as mentioned in clause 6 above.

8. The necessary authority will be obtained by the Registrars concerned for the transfer of the salaries, Provident Fund, Security Deposits, etc., of the employees of the Cooperative Institutions. Lists of all such amounts due will be prepared and attested by the Registrars concerned pertaining to each such institution after satisfying as to the accuracy of such lists. The adjustment of amounts will be done according to the procedure laid down in clause 6.

(9), (10) and (11) require no action by the Registrars.

12. A list of shares and interests of members of Transport Societies and ex-soldiers' transport societies will be prepared and signed by the Registrars concerned after satisfying themselves about the accuracy of such lists. The transfer of such shares and interest will be undertaken through the Provincial Banks of each Dominion according to the procedure laid down in clause 6. All lists mentioned in the above clause will be brought by the Registrars to Lahore on 10.5.48. Interest on all kinds of deposits will be paid up to 29.2.48 at the stipulated rates by the institutions concerned.

(Signed) Fazl-i-Ilahi
Registrar (West Punjab)

(Signed) Ram Sarup
Registrar (East Punjab)

2.4.48.

ANNEXURE III

Proceedings of a Meeting Held in the Office room of the Financial Commissioner, Development, West Punjab, Lahore, on 27th May, 1948

Present:

Mr. J.W. HEARN, CSI., CIE.,
Financial Commissioner, Development, West Punjab.

Mr. P.K. KAUL, ICS.,
Financial Commissioner, Development, East Punjab.

Mr. ZAHUR HUSSAIN,
Deputy Registrar, Cooperative Societies, West Punjab.

Ch. RAM SARUP,
Registrar, Cooperative Societies, East Punjab.
Mr. K. HEADINGTON, CBE.,
Banking Adviser to Govt., West Punjab.

It was decided that the question of the division of assets of the
(i) Punjab Provincial Cooperative Bank Ltd., Lahore;
(ii) Punjab Cooperative Union, Lahore;
(iii) North Western Railway Cooperative Society, Lahore; and
(iv) Industrial Cooperative Bank, Amritsar should be considered by both
departments and both Governments with special reference to the method,
if any, by which the assets of evacuees could be paid to those evacuees.
At the same time the possibility of a division of the assets and owned
funds of these institutions may be investigated. The views of each
Government would be communicated to the other at the earliest possible
time, but not later than the middle of June 1948, and the differences, if
there are any, would be considered at a subsequent meeting to be held in
Simla.

2. The two Registrars would with immediate effect draw a deadline on which
the balance-sheet showing the claims and counter-claims between the East Punjab
and the West Punjab Cooperative Departments should be drawn up in terms of
the agreement arrived at between the two Governments in the first meeting. After
that date it will then be necessary only to consider the outstanding and presumably
comparatively minor items.

3. If, as is probable, the West Punjab Cooperative Department will have to
pay to the East Punjab Cooperative Department after the drawing up of the
balance-sheet, then the West Punjab Cooperative Department will be entitled to
keep sufficient margin to cover outstanding items and the remainder, subject to
orders of Government, will be paid.

(Signed) P.K. Kaul (Signed) J.W. Hearn
Financial Commissioner Financial Commissioner
Development, Development,
East Punjab West Punjab
27.5.1948. 27.5.1948.
3310. **Record of Inter-Dominion discussions on the Renewal of Payments Agreements between India and Pakistan on May 23rd and May 24, 1949.**

Ministry of Finance  
(External Finance Division)

Detailed record of the Inter-Dominion discussions held at Karachi on the 23rd May, 1949 To consider The Renewal of the Payments Agreement Between India and Pakistan.

**Present**

**Indian Delegation**
1. Mr. B.K. Nehru, I.C.S. (Leader)
2. Mr. P.J. Jeejeebhoy.
3. Mr. L.R.S. Singh
4. Mr. N.D. Nangia.
5. Mr. P.S. Narayan Prasad.
6. Mr. K.L. Rathee.

**Pakistan Delegation.**
1. Mr. Abdul Qadir. (Leader)
2. Mr. Anwar Ali.
3. Mr. J.I. Kennan.
4. Mr. N.B. Uqaili.

**First Meeting at 10.30 a.m.**

**Mr. Abdul Qadir.** Welcoming the Indian delegation, expressed the hope that a satisfactory conclusion would be arrived at on the problem of the settlement of payments between India and Pakistan. **Mr. Nehru** thanked the Pakistan delegation for the welcome and reciprocated the hope expressed by Mr. Qadir. Mr. Nehru then suggested that the best course would be to specify the issues involved and thereafter proceed to discuss them. As far as he could see the points for discussion were—

(a) whether existing Payments agreement should be extended: and

(b) if so, whether any changes were considered necessary in its main terms.

**Mr. Qadir** accepted the procedure but suggested that the question of the
settlement of the Indian rupee holdings of the State Bank of Pakistan as on the 30th June 1949 should be considered first. Mr. Qadir proposed that those rupee holdings should be settled in free sterling. He made the points that the current agreement year should be treated as a separate unit and the balance outstanding at the end of that year must therefore be settled first, the agreement for the next year being considered on a altogether new basis. Mr. Nehru replied that this proposal was not acceptable to the Indian delegation as its acceptance would mean the wiping out of the results of the existing Agreement. It was never the intention that the settlement of the rupee balance held by either country would take place at the end of the year, since such settlement would in effect amount merely to the deferment by 12 months of payment in sterling. It might as well have been agreed to settle the accounts in free sterling during the currency of the agreement since none of the parties was short of free sterling at the time the current agreement was signed. The holding by one country of the currency of the other was a *quid pro quo* for not having exchange control. It is a fundamental principle of all such agreements that the accounts outstanding at the end of a year are carried forward to the next year when the agreements are renewed. The settlement of the India rupee balances held by the State Bank of Pakistan on the 30th June 1949 could be achieved only by absorbing it in the new limit to be fixed for the next year for such holdings. Mr. Qadir said that the continuance of the existing agreement should not mean continued accumulation of balances and they must know the results of the working of the existing agreement before they could consider the terms of a new Agreement. Mr. Nehru replied that this was an impossible situation as the balance could not be settled without knowing what arrangements would operate in the next year. He suggested that, though in view of the continued accumulation of India rupee holdings by the State Bank of Pakistan India would prefer the imposition of exchange control, he was willing to continue the existing payments Agreement without exchange control.

### 2. Identifiable Capital Transactions.

Mr. Qadir proposed that identifiable capital transactions, such as, sale proceeds of evacuee property, Government securities, etc., should be separated from the current transactions, the former being settled through Account No.2 and the latter in free sterling. Mr. Nehru accepted the proposal but suggested that current income from evacuee property should be settled in current sterling. He enquired about the position of the remittance of evacuee funds through Custodians of Evacuee Property. Mr. Anwar Ali explained that the present position was that evacuee funds were required to be registered with the Custodians of Evacuee Property which could then be remitted to India without any let or hindrance by the Custodians. Mr. Nangia enquired whether only unusual payments on Government account would be passed through the Account No.2 or whether
other capital transactions would also be settled in this manner. It was agreed that all identifiable capital items whether on Government or private account, which should be listed and specified by mutual consultations, could be passed through the No.2 Account.

3. Limit on Settlement in Current Sterling

Mr. Qadir was of the view that there should be no limit and the whole adverse balance of payments should be settled in current sterling. Mr. Nehru said that this would necessitate imposition of exchange control as India was not in a position to take on unlimited liability for payment in current sterling. If exchange control was not to be established, then the only way to limit the liability to pay in sterling was to provide in the agreement for a rupee holding limit higher than the existing limit of Rs.15 crores and to have a limit on settlements through current sterling. Mr. Qadir complained that the accumulation of Pakistan’s holding of India rupees was the result of India not selling goods to Pakistan although the latter was very anxious to purchase from India goods like cotton textiles, coal, iron and steel, matches, etc. Pakistan was being forced, Mr. Qadir continued, to go to other markets because, apart from export restrictions imposed by India, the prices of Indian goods were high owing to (a) excise duties, (b) export duties and (c) the agents’ commission of 15% on cotton textiles. Moreover, the cloth supplied by India was of a low quality. Mr. Singh replied that the question of the removal of excise and export duties was being considered by the two Governments and it should now be possible to send more goods from India to Pakistan. In fact, things had already begun moving for the last two or three months as a result of the policy of liberal exports to Pakistan. There was some difficulty about the period of validity of letters of credit but that also had been solved as it was agreed to extend the date of letters of credit. There would be a still greater measure of liberalisation of exports from India to Pakistan and the exchange of commodities would, therefore, take place in larger quantities. Mr. Nehru said that India was keen to sell goods to Pakistan but the latter was not anxious to buy. Apart from sugar, the prices of Indian goods sold to Pakistan were comparable to those of other foreign goods. India was doing her best to supply as much coal as possible but, there was the transport difficulty which was standing in the way of even internal movement of coal in India. India was supplying iron and steel which was purchased by her against payment in dollars. Mr. Nehru dispelled the doubt that India was taking any advantage of the Payments Agreement.

If, however, Pakistan insisted on throwing an unlimited liability on India for settlement of accounts in free sterling there would be no alternative but to impose exchange control. Mr. Jeejeebhoy mentioned that under the International Monetary Fund regulations capital transactions were required to be segregated.
from current transactions and for this purpose also it was necessary to have exchange control. Mr. Qadir replied that there was no exchange control between Australia and the United Kingdom and India and Pakistan could likewise do without exchange control. Mr. Nehru said that the analogy of Australia did not apply to India because whereas the former had full use of her entire sterling resources the latter could operate only on a small sector of her sterling balances. Mr. Anwar Ali made the point that Pakistan’s funds were blocked either in India in rupees or in sterling with the result that she could not make purchases from other countries. Mr. Qadir said that Pakistan’s resources were extremely limited as her balance in Account No. 1 was standing at the minimum working balance figure of £12 million against her balance of £20 million in January 1948 and £35 million in July 1948. Pakistan had to depend entirely on imports from foreign countries whereas India herself was a manufacturer of certain goods.

4. Exchange Control.

Asked about Pakistan’s views on the imposition of exchange control between India and Pakistan, Mr. Qadir said that both the Governments wanted to facilitate trade by removing all barriers in the form of export/import restrictions, excise duties, etc. The imposition of exchange control would, therefore, run counter to the policy of both Governments. Moreover, apart from remittances of sale proceeds of evacuee property and Government’s securities, there was no likelihood of any movement of capital from India to Pakistan, particularly because the rate of interest in both the countries was the same. Mr. Nehru said that when trade was running between the two countries in the normal course it was necessary for one to hold the currency of the other up to a reasonable limit for a reasonable time.

5. Proposals.

On being asked by Mr. Qadir, Mr. Nehru made the following proposals:—

(a) Extension of the existing agreement in its present form;

(b) If, however the present holding limit of each other’s currency was not acceptable to Pakistan, fixation of a new holding limit, and, if so,

(c) absorbing the present balance in the new holding limit.

Mr. Nehru made the point that, it was essential for Pakistan to start accumulating India rupee balances to enable her to repay India’s debt. Mr. Qadir replied that in the present state of their economy they were not in a position to do this. Mr. Anwar Ali then examined Mr. Nehru’s proposals and made the following counter-proposals:—

(i) Identifiable capital transactions should be settled in blocked sterling;

(ii) the rest of the transactions should be settled in free sterling;

(iii) there should be no provision for any holding limit of each other’s currency;
(iv) India rupees held by Pakistan on the 30th June 1949 should be settled in free sterling on that date: and

(v) there should be no exchange control between India and Pakistan.

Mr. Nehru said that we could not rule out the likelihood of large scale transfers of capital from India to Pakistan for investment purpose. Mr. Qadir replied that a provision could be made for mutual consultations in the event of such a contingency arising during the currency of the agreement. Mr. Nehru said that Pakistan's proposals were all right if they were accompanied by the imposition of exchange control which would serve as a sort of safety valve to enable India to limit her liability for payment in current sterling. Mr. Anwar Ali suggested that they could fix quantitative limits on Pakistan's exports of Jute and Cotton to India, which would serve the same purpose as exchange control itself. Mr. Nehru replied that, apart from these commodities, there were other items of exports and invisibles also, as for example, remittances, which would have to be cut out if the balance was running heavily against India. Mr. Nehru denied Mr. Qadir's allegation that the existing agreement had been varied in agreeing to settle capital transactions in blocked sterling as it already existed as embodied in the letters exchanged between the two parties. Mr. Anwar Ali said that they were prepared to agree to the settlement of capital transfers through the No.2 Account, the rupee holdings being considered as a sort of compensation for unidentifiable capital transactions. The only item that remained, therefore, was the trade balance which should normally be settled through current sterling. The acceptance of India's proposal would mean part settlement of the trade balance in blocked sterling, which was not desirable. Mr. Nehru replied that the settlement in blocked sterling was really for unidentifiable capital transactions, the rupee holding being considered as a compensation for not having exchange control and, in view of India's extremely difficult sterling position, it was not possible to give up the principle of part settlement in blocked sterling. If the Pakistan delegation accepted this principle the Indian delegation of course, be prepared to consider a reasonable figure for the free sterling payable. Mr. Qadir, then accepted the principal of agreeing to a rupee holding limit to be considered, after which the settlement should be in free sterling without limit. He said that the existing limit of Rs.10 crores for settlement in current sterling was too low and Pakistan should not be forced to export her goods for payment in blocked sterling. Mr. Nehru then promised to consider a reasonable limit for current sterling and it was accordingly decided to continue the discussions on this point in the afternoon.

Second Meeting At 4 p.m.

Mr. Qadir referred to the discussions held in the morning and said that Pakistan was not prepared to consider any limit on settlement in current sterling and put forward the following revised proposals:—
(a) that the balance of Pakistan's India rupee holdings on 30.6.1949 must be settled in free sterling and the new agreement should be considered on an entirely new basis.

(b) indentifiable capital transactions may be settled in blocked sterling.

Mr. Nehru replied that this meant wiping out the current Agreement and therefore creation of an altogether new situation. If Pakistan insisted on the settlement of her existing India rupee balance in current sterling before considering the next Agreement, then we would ask for a moratorium similar to the one granted to Pakistan in the matter of repayment of India's debt. In any case, the existing balances of Indian rupees held by Pakistan could be paid back in current sterling only by convenient instalments to the extent that our sterling exchange position permitted, which could not be predicted till after some months. Mr. Jeejeebhoy said that there was no precedent for such a settlement of existing balances unless Pakistan intended having no fresh Agreement. This demand was a departure from the normal international practice. Mr. Qadir insisted on the settlement of the existing balance and said that the present situation had been created by India herself by imposing (a) export restrictions and (b) excise and export duties. He further stated that India was deliberately avoiding export of goods to Pakistan. For instance, in spite of several requests and reminders no cars had been exported to Pakistan since December, 1947, even against payment in dollars. He mentioned that Mr. Venkataraman, Industry and Supply Secretary of the Government of India, had written to him that there was some difficulty raised by the Central Board of Revenue regarding rebate on customs duties. Messrs. K.R.K. Menon and L.K. Jha were also stated to have agreed, at some Inter-Dominion meeting, to the export of cars to Pakistan. Similarly, India had imposed heavy excise duty on matches with the result that Pakistan was forced to purchase this commodity from other countries. The Agent's commission of 15% charged on Indian exports of cotton textiles to Pakistan was unreasonably high, the result being that Indian textiles could not compete with other foreign textiles in Pakistan. Mr. Qadir made it clear that Pakistan was really anxious to have from India more goods and not free sterling. Mr. Nehru suggested that if Pakistan was not prepared to accept a limit on the payment in free sterling the best course would be to postpone those discussions and resume them along with the talks on the Commodities Agreement next month. Mr. Nehru said that it was impossible for India to take upon herself unlimited liability and that if there was no agreement the settlement of existing rupee balances would have to take place according to international practice. Mr. Qadir suggested that Pakistan would be prepared to agree to a limit of Rs.50 crores up to which settlement could be made in current sterling. Mr. Nehru replied that it was impossible to accept such a high limit because even taking the current year's position, when India could not export goods to the extent she desired, the balance
against India was of the order of Rs.19 crores. Now that the goods had started moving from India to Pakistan the next year’s limit should be of the order of, say Rs.15 crores. Mr. Qadir said that when India was purchasing cotton from Egypt by payment in current sterling there was no reason why she was not agreeable to settlement of trade balance with Pakistan in free sterling. The Pakistan delegation insisted on the current year’s balance being settled in sterling and reiterated that the new agreement could be on the basis of settlement of identifiable capital transactions through blocked sterling, the rest of the transactions being settled in current sterling, without limit. Mr. Nehru replied that the Indian delegation was not prepared to accept the position and suggested that the matter should be considered further along with the Commodities Agreement. It was decided to meet again at 11.30 a.m. on the 24th May 1949 to consider the draft of an agreed record of discussions and of a Press Note on the subject.

Meeting on May 24, 1949.

The following were present:–

India

Mr. B. K. Nehru.
Mr. P.J. JeeJeebhoy.
Mr. L.R.S Singh
Mr. P.S. Narayana Prasad.
Mr. N.D. Nagia.
Mr. K. L. Rathee

Pakistan

Mr. Abdul Qadir
Mr. Anwar Ali.
Mr. J.I. Konnan.
Mr. N.B. Uqaili

India’s View-Point.

India wished the existing payments agreement to continue for another year. The India representatives’ view-point, as it emerged after some discussions, was as follows:-

(a) The existing holding limit of Rs.15 crores in rupees should be carried forward to the next year.
(b) Balances of payments in excess of Rs.15 crores should be settled in free sterling up to Rs.15 crores and thereafter in blocked sterling.

(c) There should be no exchange control.

Pakistan’s View-Point.

(a) The existing balance held in rupees should be eliminated by settlement in free sterling,

(b) Identifiable capital transfers e.g. remittances of sale proceeds of evacuee property, payment on the maturity of Government securities, etc. should be adjusted through the No.2 Account.

(c) All other transactions should be settled in free sterling.

(d) There should be no exchange control.

The Pakistan representatives pointed out that both on a point of principle, as also their own exchange difficulties, payments on account of current transactions must necessarily be settled in free sterling without the imposition of any limit. This was necessary in order to enable Pakistan to go to other markets should India fail to supply goods. The Pakistan representatives emphasised that they were more interested in goods than in free sterling and urged India to liberalise her exports to Pakistan which would automatically reduce the payment to be made in free sterling.

The India representatives could not agree to the existing rupee holding being immediately liquidated in sterling as it was contrary to the normal international practice. They hold that this could only arise if there was no Payments Agreement between the two Doninions in which case the manner in which India would liquidate the rupee holdings would form a subject matter of mutual discussions. India representatives also stated that unless the existing holding limit in rupees was retained and a limit placed on the settlement in free sterling, imposition of exchange control could not be avoided, as India’s exchange position did not permit of her taking on an unlimited exchange liability.

It was felt that it would be advantageous to resume these discussions along with the talks on the Commodities Agreement between India and Pakistan, when the picture regarding the balance of payments on current account would be clearer. It was accordingly agreed that the talks regarding the payments agreement may for the present be deferred and resumed along with the talks regarding the Commodities Agreement.

Anwar Ali. K. L. Rathee
24.5.1949 24.5.1949

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3311. Agreement Supplementary to the Payments Agreement between the Governments of India and Pakistan.


As a result of the review provided for in Article X of the Agreement dated the 30th day of June, 1948 for the avoidance of unnecessary restrictions on exchange transactions and the transfer of funds and securities between the Dominion of India and the Dominion of Pakistan (hereinafter called the Principal Agreement), the Government of India and the Government of Pakistan have agreed as follows:

1. The Principal Agreement is extended for a period of one year terminating on the 30th June, 1950, subject to the modifications contained in the following paragraphs.

2. Article II of the Principal Agreement shall be omitted.

3. For Article III of the Principal Agreement the following Article shall be substituted:

   “(1) There shall be no exchange control as between India and Pakistan, nor shall any restrictions be placed on the transfer of funds or securities from one Dominion to the other, whether such transfers are on capital account or current account.

   (2) Nothing contained in the preceding paragraph shall apply in relation to the transfer of gold or silver (in whatever form) or currency and bank notes or coins between the two Dominions. Either Government may impose restrictions on such transfer, subject to such exemptions in regard to evacuee property as may be agreed upon by the two Governments.”

4. For Article IV of the Principal Agreement, the following article shall be substituted:

   “(1) The Reserve Bank of India (hereinafter referred to as “the Reserve Bank”), acting as agents of the Government of India, shall sell to the State Bank of Pakistan (hereinafter referred to as “the State Bank”), acting as agents of the Government of Pakistan, India rupees to such extent as may be required for payments which persons in Pakistan are permitted under the exchange regulations in force in Pakistan to make to India: and such sale shall be against Pakistan rupees to be credited at the official rate of exchange to the Reserve Bank’s account with the State Bank, provided that if the balance standing to the credit of that account on the last Friday of any month or the previous working day if Friday is a Bank
holiday, exceeds a maximum of fifteen crores of Pakistan rupees, the excess over this amount on the said day shall be settled in the following manner:

(a) in sterling to be credited at the official sterling parity to the Reserve Bank’s No. 1 Account with the Bank of England, provided that if after any transfer in sterling has been made in accordance with this clause, the balance in the Reserve Bank’s Account with the State Bank on the last Friday (or the previous working day if Friday is a Bank holiday) of any month falls below fifteen crores of Pakistan rupees, there shall be re-transferred from the Reserve Bank’s No.1 Account with the Bank of England to the State Bank’s No.1 Account with the Bank of England sterling against payment in Pakistan rupees at the official sterling parity to the extent of such short-fall but the total amount of any such retransfers shall not exceed the total amount of sterling credited to the Reserve Bank’s No.1 Account with the Bank of England in previous settlements under this Agreement; provided further that the net amount of sterling so transferred during the period of the present agreement shall not exceed fifteen million pounds: and

(b) thereafter in sterling to be credited at the official sterling parity to the Reserve Bank’s No.II Account with the Bank of England

(c) Provided always that if there have been any non-transfers of sterling to the Reserve Bank’s No.II Account with the Bank of England in terms of clause (b) of this paragraph (other than transfers under Article IV A) any retransfers of sterling in terms of clause (a) of this paragraph shall first be made from the Reserve Bank’s No.II Account but the amounts so retransferred from the Reserve Bank’s No.II Account shall not exceed the net amount credited to that account under previous settlements in terms of this paragraph.

(2) The State Bank, acting as agents of the Government of Pakistan shall sell to the Reserve Bank, acting as agents of the Government of India, Pakistan rupees to such extent as may be required for payments which persons in India are permitted under the exchange regulations in force in India to make to Pakistan; and such sale shall be against India rupees to be credited at the official rate of exchange to the State Bank’s account with the Reserve Bank, provided that if the balance standing to the credit of that account on the last Friday of any month or the previous working day if Friday is a Bank holiday, exceeds a maximum of fifteen crores of India rupees, the excess over this amount on the said day shall be settled in the following manner:—
(a) in sterling to be credited at the official sterling parity to the State Bank’s No.1 Account with the Bank of England, provided that if after any transfer in sterling has been made in accordance with this clause the balance in the State Bank’s Account with the Reserve Bank on the last Friday (or the previous working day if Friday is a Bank holiday) of any months falls below fifteen cores of India rupees, there shall be retransferred from the State Bank’s No.1 Account with the Bank of England to the Reserve Bank’s No.1 Account with the Bank of England sterling against payment in India rupees at the official sterling parity to the extent of such shortfall but the total amount of any such retransfers shall not exceed the total amount of sterling credited to the State Bank’s No.1 Account with the Bank of England in previous settlements under this Agreement; provided further that the net amount of sterling so transferred during the period of the present agreement shall not exceed fifteen million pounds; and

(b) thereafter in sterling to be credited at the official sterling parity to the State Bank’s No.II Account with the Bank of England.

(c) Provided always that if there have not been any transfers of sterling to the State Bank’s No.II Account with the Bank of England in terms of clause (b) of this paragraph (other than transfers under Article IVA) any retransfers of sterling in terms of clause (a) of this paragraph shall first be made from the State Bank’s No.II Account but the amounts so retransferred from the State Bank’s No.II Account shall not exceed the net amount credited to the account under previous settlements in terms of this paragraph.

(3) Any Pakistan rupees held by the Reserve Bank on the 30th day of June, 1949 shall be carried forward and shall form part of the balance of Pakistan rupees to be held by the Reserve Bank in accordance with paragraph (1) and any India rupees held by the State Bank on the 30th day of June, 1949 shall be carried forward and shall form part of the balance of India rupees to be held by the State Bank in accordance with paragraph (2).

5. The following Article shall be inserted as Article IVA of the Principal Agreement:—

“(1) In effecting the settlement in sterling as required by Article IV, transfers on account of “identifiable capital transactions” between India and Pakistan which have been ascertained by the Reserve Bank and the State Bank in consultation with each other, shall be adjusted as follows:—
(i) If the net movement is an inflow of capital into India, by transfer of
sterling from the State Bank’s No.II Account with the Bank of England
to the Reserve Bank’s No.II Account with the Bank of England
against payment in India rupees at the official sterling parity.

(ii) If the net movement is an inflow of capital into Pakistan, by transfer
of sterling from the Reserve Bank’s No.II Account with the Bank of
England to the State Bank’s No.II Account with the Bank of England
against payment in Pakistan rupees at the official sterling parity.

(2) For the purpose of this Article, the expression “identifiable capital
transactions” shall mean the following:—

(a) transfers of funds arising out of sales of evacuee property in
accordance with the procedure to be agreed between the Reserve
Bank of India and the State Bank of Pakistan:

(b) transfers of Provident Fund balance of evacuees as effected through
the Central Organizations set up by both the Governments;

(c) the amounts paid or realized in the Dominion of India by the
Government of Pakistan, the Provincial Governments in Pakistan
and the State Bank, and the amounts paid or realized in the Dominion
of Pakistan by the Government of India, the Provincial Governments
in India and the Reserve Bank, on account of purchase or sale of
Government securities and treasury bills, provided that this
arrangement shall not apply to investments made in accordance
with Article VIII of the Agreement;

(d) Payments made in one Dominion in respect of the discharge value
of securities enfaced for payment in that Dominion on redemption
of loans of the other Dominion or a Province of the other Dominion;
and

(e) any other special receipts or payments as may be agreed upon
between the Governments of the two Dominions.

6. This agreement shall be deemed to have come into force on the 1st day of
July, 1949, and shall remain in force for a period of one year from that date, but
shall be reviewed within three months before the date of its termination.

In witness Whereof the undersigned having been duly authorized by their
respective Governments have signed the present Agreement and have appended
their signatures.

Government of Pakistan
Ministry of Finance
Karachi

the 10th September, 1949.

My dear Ambegaokar,

In connection with paragraphs 5 of the Agreement supplementary to the Payments Agreement between the Governments of India and Pakistan dated the 30th June, 1948, signed by us today in which provision has been made for adjustment in Account No. II Sterling in respect of identifiable transactions, it is the understanding of my Government that where the same result can be achieved by direct adjustment through the Sterling accounts of the Reserve Bank of India and the State Bank of Pakistan with the Bank of England, the Settlement will be effected by such adjustment without having recourse to payment in rupees.

I shall be grateful if you will confirm that this is also the understanding of your Governments.

Yours Sincerely

Sd/- Abdul Qadir

K.G. Ambegaokar,
Additional Secretary,
Ministry of Finance,
Government of India,
My Dear Abdul Qadir,

I have to acknowledge receipt of your letter of 10th September, 1949, reading as follows:—

“In connection with paragraph 5 of the Agreement supplementary to the Payments Agreement between the Governments of India and Pakistan dated the 30th June, 1948, signed by us today in which provision has been made for adjustment in Account No.II Sterling in respect of identifiable capital transactions, it is the understanding of my Government that where the same result can be achieved by direct adjustment through the Sterling accounts of the Reserve Bank of India and the State Bank of Pakistan with the Bank of England, the settlement will be effected by such adjustment without having recourse to payment in rupees.”

I have pleasure in confirming that your understanding of the matter is the same as mine.

Yours sincerely

Sd/- K. G. Ambegaokar

Abdul Qadir, Esquire,
Joint Secretary,
Ministry of Finance,
Government of Pakistan,
Karachi.
3312. **Letter from Prime Minister Jawaharlal Nehru to Pakistan Finance Minister Ghulam Mohammad.**

*New Delhi February 1, 1950*

My dear Ghulam Mohammed,

You will remember telling me that Ambegaonkar (Secretary Dept. of Economic Affairs, GOI) had said in Colombo that the Government of India might not accept the decision of the International Monetary Fund if this decision maintained the Pakistan value of the rupee at the present level. I have enquired from him as to what happened on that occasion. He tells me that the proposal made at Colombo by Sir Henry Wilson Smith (Additional Treasury Secretary Govt. of the UK) was that India should provisionally accept the rate declared by Pakistan, and Pakistan, on their side, should get a decision on the par value from the International Monetary Fund. To this, Ambegaokar replied that this proposal would not be acceptable to India for various reasons which he indicated.

You further told me that Pakistan’s ban on cloth was really due to the fact that the Government of India refused to permit Pakistan from buying cloth in India with the money they had in India. I am informed that there is no kind of restriction on the withdrawal of the rupee balance held by Pakistan. In fact, out of these balances held by Pakistan at the time of devaluation, they have already withdrawn about four crores for various expenses.

Yours sincerely,

Jawaharlal Nehru

Mr. Ghulam Mohammad,
Finance Minister
Government of Pakistan
Karachi
Letter from Pakistan Ministry of Finance to the Ministry of Finance regarding allocation of Postal Insurance Policies.

Karachi, April 17, 1950.

D.O.No.66-PT/50. the 17th April, 1950.

Government of Pakistan
Ministry of Finance.
Office of the Financial Adviser
(Communications) Karachi,

My Dear Narayanaswami,

Will you kindly refer to your D.O.No.296-CIII(III)/50, dated 17th February 1950, to Shoaib, forwarding a copy of Mr. Rangachari’s D.O. No.5122-B/48, dated the 1st April, 1948; regarding Postal Life Insurance Policies together with its enclosures and your D.O.No.622-CIII(III)/50, dated 23rd/27th March, 1950? I agree with Mr. Rangachari’s proposal of the allocation of Postal Insurance Policies between the two Dominions in respect of Government servants being made according to the final option of the insurants as on 15th February, 1948.

2. As regards other holders of Policies who have migrated to a Dominion other than the one on whom their liability for the policies had devolved on 15th August 1947, according to the Partition Council’s decision it is felt that in view of the large scale migration on both sides even after 15th February 1948, that date will not go far enough to solve the difficulty. It is, therefore, suggested that each Dominion Government may assume liability with effect from 15th August 1947 in respect of Postal Life Insurance Policy holders in accordance with their residence on 31st March, 1949. This proposal is also being communicated to your administration through the Ministry of Foreign Affairs and Commonwealth Relations in reply to Government of India, Ministry of External Affairs letter No.D.8672/49-Pak-II, dated the 25th August, 1949.

3. As a corollary to this arrangement all premia received after Partition by one Dominion will be passed on to the other assuming the final liability, the evaluation of all the policies referred to in paras. 1 and 2 above being made as on 15th August, 1947.

4. If you agree you may kindly instruct the Accountant General Simla to arrange transfer of records regarding the P.L.I. policy holders who opted for or are resident in Pakistan by Deputy Accountant General, Dacca. It may be mentioned that the lists already furnished by the Director General Posta & Telegraphs to the Deputy Accountant General Posts and Telegraphs, Calcutta in this respect will not require any items to be deleted there from and so the
transfer may be affected in accordance with the data in these lists. Supplementary lists required in view of the extension of the date will be complied and forwarded by the Director General, Posts and Telegraphs shortly.

Yours sincerely

Sd/- M. Ahmed

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Note on the above letter in the Ministry of Finance:

Ministry of Finance
(Communications Divisions)

A large number of representations have been and are still being received by the P. & T. Department in connection with the pre-partition Post Office Savings Bank Accounts, Post Office Certificates and Postal Life Insurance Policies of displaced persons who have come away from Pakistan. The main point of these representations is that it is impossible for them to deal direct with the authorities in Pakistan and to recover their legitimate dues and that the Govt. of India should, therefore, take the responsibility of settling these claims and making the necessary adjustments with Pakistan Government subsequently on the basis of agreements between the two countries.

2. In regard to pre-partition Post Office Savings Bank accounts, the arrangement agreed to by the Partition Council in 1947 and subsequently modified at the Inter-Dominion Conference of November, 1948 is that

(a) Each country is liable for the deposits located in its territory, on 14.8.1947.

(b) For transfers, applied for up to 31.3.1948, adjustments to the extent of outstanding balances in the accounts on 14th August 1947 will be made through the debt settlement and

(c) For, transfers applied for between 1.4.1948 and, 31.3.1949 payment will be made in cash by the transferring country to the other, country.

The transfer of an account is regarded as complete once the particulars have been verified by the Post Office at which it stands registered and intimated to the Post office at which the new account is to be opened in the other country. The new accounts having been opened in this manner the depositors are allowed to operate on them independently of the process of settlement of accounts between the accounts officers of the two countries, since otherwise the agreement would not be of any significance so far as the depositors are
concerned.

3. In the case of Post Office Certificates, the arrangement is

(a) that each country is liable for the certificates held in its territory on the date of separation.

(b) For transfers between the date of partition and up to the 31st March, 1948, the necessary adjustments will be made through the debt settlement and

(c) for transfers after 1.4.1948 and in respect of applications received up to 30th June, 1949, the liability will remain with the Government in whose territory the certificate was registered on the date of the partition and the Government to which the certificate may be transferred will recover the discharge value of the certificate as and when the certificates are discharged.

The procedure for the transfer of these certificates is similar to that indicated in respect of Post Office Savings Bank accounts.

4. The verification of these pre-partition Savings Bank accounts and certificates was being carried on by both the countries until recently when following devaluation Pakistan suspended verification and intimated that the verification would be resumed only after an official rate of exchange had been fixed for the two currencies. The present position therefore is that in a large number of cases where this verification has been suspended, the Savings Bank depositors and certificate holders are unable to operate on their accounts or encash their certificates. It has been suggested that in such cases payments may be allowed on the execution of an indemnity bond with two solvent sureties and on the production of the pass books or the relevant cash certifications as the case may be.

As the process of verification by itself does not ensure payment by Pakistan, and as the execution of an indemnity bond will give us sufficient protection against erroneous payment, it is for consideration whether the above suggestion should not be accepted.

5. In case of Postal Life Insurance fund the liability for the policies was taken over by the Government to whose territory the policy holder was transferred or, in whose territory the insurant was residing and paying his premium on 15.8.1947. Here again the position has been complicated by the large scale migration which took place after the Partition. It is desirable that some arrangement should be made which is mutually acceptable to both the countries and which will enable policy holders who migrated after partition to settle their claims with the Government of the country to which they have migrated.
It was suggested recently in one or two cases of this kind that payment might be allowed on the execution of an indemnity bond and the production of the life insurance policies but this suggestion was not accepted as it was thought that it would cause serious repercussions.

6. This question of P.L.I. Fund has been the subject of correspondence with Pakistan Government for some time and as early as April 1948, Mr. Rangachari sent a D.O letter to Mr. Shoaib F.A.C., Pakistan suggesting that the classification of the data for the purpose of the valuation of the fund as on 15.8.1947 should be with reference to the policy holders as on 15th February, 1948, which was the last date for the exercise of the final option. As a corollary, premiums received after 15th August 1947 by the country different from the one which accepted final responsibility for the policy in question will be transferred to the credit of the latter Government.

A reply has now been received from Mr. Mushtaq Ahmed accepting Mr. Rangachari’s proposal to allocate the policies between the two Dominions according to the final option of the insurants as on 15th February 1948. As regards the other policy holders who migrate after the partition, Mr. Mushtaq Ahmed has suggested that in view of the large scale migration even after 15th February 1948 the liability may be assumed in accordance with the residence of the policy holders on 31st March, 1949.

As a corollary to the above arrangements all premia received after partition by one country will be passed on to the other which assumed the final liability; the evaluation of all the policies will however be made as on 15th August 1947.

The proposals of the Pakistan Government are in my view reasonable and may be accepted.

Sd
(R. Narayanaswami)
Joint Secretary to the Government of India

New Delhi, July 20, 1950.

Case No.299/49/50.

[MEETING OF THE CABINET HELD ON THURSDAY, THE 20TH JULY, 1950, AT 10 A.M.]

Settlement of dispute with Pakistan regarding release of assets of the issue Department of the Reserve Bank.

PRESENT

The Prime Minister.
The Deputy Prime Minister.
The Minister without Portfolio.
The Minister for Labour.
The Minister for Health.
The Minister for Works, Mines & Power.
The Minister for Transport & Railways.
The Minister for Industry and Supply.
The Minister for Commerce.
The Minister for Finance.
The Secretary to the Cabinet.
The Joint Secretary to the Cabinet.

The Cabinet agreed that negotiations with the Pakistan Government for the Settlement of Pakistan's Claims in respect of the assets of the Issue Department of the Reserve Bank may be started on the lines suggested in the Finance Minister's summary for the Cabinet.
Ministry of Finance  
(Department of Economic)  

SUMMARY FOR THE CABINET:  

Settlement of dispute with Pakistan regarding the release of the assets of the Issue Dept. of the Reserve Bank.

1. The dispute which has arisen in regard to the sharing of the assets of the Issue Department of the Reserve Bank with Pakistan was reported to Cabinet in the Summaries dated the 1st March 1949 and 16th April, 1949. In brief, India’s case was that Pakistan was entitled, under the Monetary Arrangements Order, to a share of the assets equivalent only to the India and Pakistan notes in circulation in Pakistan on 30.6.48. Pakistan, on the other hand, claimed assets in respect of all the India notes collected by her up to 30.6.49 which included a considerable portion of India notes which found their way into Pakistan after the date of currency separation.

2. Though officially Pakistan has stuck to her contention, she has given indications in informal talks that she would be prepared to settle the matter on an equitable basis. On India’s side, though our stand is legally correct, it is realized that as there is no means of distinguishing between the notes which were in circulation in Pakistan on 30.6.48 and those which went into Pakistan subsequently, the only way of settling the dispute is to accept a reasonable figure as the amount of currency in circulation in Pakistan. The total amount of Pakistan and India notes collected by Pakistan up to 30.6.49 was Rs.176.67 crores, out of which assets in respect of Rs. 127.66 crores have been released up to March 1949. The Proposal which has emerged as a result of informal talks is that out of the outstanding amount of Rs.49.01 crores, half should be held eligible for assets and the remaining half should be treated as foreign exchange by Pakistan. This would mean that out of a total circulation of currency amounting to about Rs. 1,275 crores on 30.6.48, an amount of Rs. 152.27 crores will be treated as currency, in circulation in Pakistan. This comes to about 12% and seems to be a reasonable proportion. As already stated, it is impossible now to assess the exact amount.

3. If India agrees to settlement on the above basis, she will save gold worth about Rs. 80 lacs at statutory price and, in addition, a little over double this amount represented by the difference between the statutory price and the market price of gold. Pakistan’s share in the profits of the Reserve Bank for the year ended June 30, 1948, and the surplus assets of the Reserve Bank of that date will also be reduced by about Rs. 60 lacs since this is also determined on the basis of the note ratio fraction. On the other hand, the possible disadvantage in agreeing to treat the balance of Rs.24.5 crores as foreign exchange is that this
might give Pakistan a ground, under the old payments Agreement, for claiming payment of a portion of this in current sterling. - and this seems to be the main reason, which has induced Pakistan to accept this compromise, - where as if they were treated as counting for assets, Pakistan would get a proportionate share of blocked sterling only. It should be possible however, for India to take the line that the claim for payment can be considered as having arisen only on the date the decision regarding the settlement of assets is taken and since the Payment Agreement is no longer operative, Pakistan is entitled only to get credit for the amount in India rupees.

4. Pakistan has given considerable publicity to the fact that India has withheld the release of the assets against Rs.49 crores of India notes, and she has been urging for an early settlement of this matter. Though we were justified in refusing to give the assets so long as Pakistan claimed assets in respect of all notes collected by her, there is no valid ground for continuing to withhold them after she has accepted our stand and is prepared to settle on that basis. Pakistan’s claim in this respect is based on the provision of the Monetary Arrangements Order and cannot be linked up with other claims we have against Pakistan. Against such claims we shall have the balance under the Payments Agreement amounting to about Rs.20 crores and also the further amount of Rs.24.5 crores which would be treated as foreign exchange collected by Pakistan. In any case, the fact that we have other claims on Pakistan cannot justify our withholding from the state Bank of Pakistan the assets against the currency liability taken over by it and depriving it of the income from such assets.

5. It is therefore proposed that negotiations may be conducted for a settlement on the basis suggested above. It is proposed, however, to take up at the same time the following connected issues:

(i) Under the provisions of the Monetary Order, Pakistan has assumed liability for India one rupee notes in circulation in Pakistan. After the 30th June 1948, the Pakistan State Bank has exchanged India one rupee notes for Rs.3,96,30,750 but it is contended that Pakistan is liable to return to the Government of India, without payment, only Rs.2,70,65,999 on the ground that the liability for India one rupee notes in circulation in Pakistan on the 1st July 1948 is to be assessed finally as equal to the Pakistan one rupee notes in issue on that date. This contention is not valid because under the order Pakistan is required to return all one rupee India notes to us. The Pakistan State Bank is also refusing to deliver to the Government of India, without Payment, India rupee notes for Rs.3,31,92,426 in the Pakistan’s Surplus Stock account which represents merely note from for which no Payment can be made. Furthers, there is evidence to show that considerable amounts of Pakistan one rupee notes
have been passed on into India from Pakistan after the date of currency separation and have thus become the liability of India. It is proposed that as a condition of the settlement of the question of assets of the Issue Department, Pakistan should be asked to hand over all the one rupee India notes in her possession and also to give credit for an amount which would compensate India for the India rupee notes which have come over from Pakistan, and became her liability. This amount cannot be exactly determined and must be a matter of negotiation. India’s representatives should try to get Pakistan to accept liability for Rs.2 crores on this account which seems to be a reasonable amount but they should be permitted to agree to such lower figure as may be necessary during negotiations.

(ii) A payment of £12.28 million is due from Pakistan in respect of Defence Stores. Pakistan has refused to pay this amount on the ground that the price of the stores has not been correctly assessed. If all the sterling to which Pakistan is entitled in respect of the assets of the Reserve Bank is handed over, we shall have no means of recovering this amount. It is, therefore proposed that as condition of settlement we should ask for to set off an amount equal to at least 90 percent of the value of the Defence Stores transferred to her. This will amount to about £11 millions.

(iii) Pakistan is, under the Partition Agreement, entitled to 17 ½ % (£1.31 million) in the outstanding balance of £7.5 million in the silver Redemption Reserve which is at present held in the U.K. It is proposed that we should agree to allow for an adjustment of this amount in the settlement of the Sterling part of the assets.

(iv) There is also a further dispute in regard to the interest on sterling and rupee securities which would fall to the share of Pakistan. Pakistan has contended that she is entitled to the interest from 1.7.48. even though the securities themselves did not become liable to be delivered until Pakistan had delivered the corresponding rupee notes. Though we have not so far agreed to this, Pakistan’s contention is tenable; and it is proposed that as a set off against this amount, we should ask to be reimbursed the incidental charges incurred by the Reserve Bank and certain dues which were left unadjusted when the accounts for the year 1947-48 were rendered.

6. The object of this note is to obtain Cabinet approval for opening talks on the above lines for the settlement of Pakistan’s claims in respect of the Issue Department Assets. It is unlikely that a settlement would be arrived at immediately since some of our demands would not be readily accepted by Pakistan and it may take months before agreement is reached. It is, however, necessary in
view of the pressing demands by Pakistan that the Finance Ministry should be authorized to start negotiation and given directions in regard to the lines on which to conduct them.

7. The Deputy Governor, Reserve Bank, the Partition Secretariat and the External Affairs Ministry are in agreement with these proposals which have been approved by H.M. Finance. Cabinet’s approval is solicited.

(K.G. Ambegaokar)
Secretary

3315. Minutes of the Secretaries’ Committee meeting held on Wednesday the 2nd August, 1950 in the Ministry of External Affairs, under the Chairmanship of S. Dutt, Secretary (Commonwealth Relations) to decide on the agenda items for the next India – Pakistan Conference on Financial Settlement.

New Delhi, August 2, 1950

The following were present:

1) Mr. S. Dutt, Secretary (CR) Ministry of External Affairs, (Chairman).
2) Mr. C.N. Chandra, Secretary, Ministry of Rehabilitation.
3) Mr. C.C. Desai, Secretary, Ministry of Commerce.
4) Mr. B.B. Ghosh, Joint Secretary, Ministry of Defence.
6) Mr. M.V. Rangachari, Joint Secretary, Ministry of Finance.
7) Mr. S.K. Banerji, Deputy Secretary, Ministry of External Affairs.
8) Mr. B.B. Saksena, Deputy Secretary, Ministry of Industry & Supply.
9) Mr. N.C. Deb, Director, Finance (Budget), Ministry of Railways (Railway Board).
10) Mr. B.S. Bhatnagar, Under Secretary, Partition Secretariat.

2. The list of items suggested by Pakistan (List I) and the list of items suggested by ourselves (List II) were scrutinized. It was felt that as both the lists are very long an attempt should be made to select important items out of
both lists which should be given priority for discussion at the next Indo-Pakistan Conference. It was decided that the following items out of the two lists should be selected for this purpose, and Pakistan informed. If Pakistan insists on the discussion of all their items, we shall have to agree.

**List I (Items suggested by Pakistan):**

1. Transfer of divisible assets of the Issue Department of the Reserve Bank of India, to the State Bank of Pakistan.
2. Treatment of Rupee balances held by the State Bank of Pakistan with the Reserve Bank of India.
3. Transfer of interest on the Government of India and sterling securities falling to the share of the State Bank of Pakistan out of the divisible assets of the Issue Department of the Reserve Bank of India.
4. Division of the profits of the Reserve Bank.
4A. Financial settlement and other financial issues outstanding between East and West Bengal.
6. Claims of Provincial Governments and local bodies in Pakistan against the Government of India.
7. Non-receipt of Pakistan's share of warlike stores and equipment.
8. Non-receipt of Jerrican factory.
9. Payment by India for unique institutions.
10. Payment by India of claims of Contractors, etc., in Pakistan relating the pre-Partition period.
11. Division of Silver Redemption Reserve Fund.

**List II. (Items suggested by India).**

1. Financial settlement arising out of the decision reached regarding claims of Provincial Government servants and employees of local bodies and States to provident fund and pensions.
2. Delay in reimbursement of sterling pensions, etc. paid by the High Commissioner for India in London and recoverable from the Pakistan Government.
3. Return of deposits and refund of revenue.
5. Payment for Military Stores.
6. Payment to India of Sale proceeds realised in Pakistan from disposal of Surplus His Majesty's Government Stores.
7. Arrear payment pertaining to the Plan Period -- Payment by Pakistan of the amount received by her from United Kingdom on this account.
8. Claims for stocks of iron and steel abandoned by Iron and Steel stock holders in Punjab (P) at the time of partition.
9. Settlement of pending claims relating to pre-partition sales of surplus stores to persons, who have since migrated to India.
10. Export licenses for machine tools lying at Karachi imported by the Government of India before partition for certain parties of Indian Union against indents placed abroad by the Machine Tool Controller.
11. Delay in making payment by Pakistan authorities of contractors/suppliers’ bills in cases where supplies have been effected to consignees in Pakistan in the post-partition period against pre-partition contracts.
12. Rs. 2.27 crores outstanding against Pakistan on account of imported wheat etc. supplied to Pakistan and supplies made under the scheme for joint procurement of foodstuffs for the armed forces.
14. Non-settlement by the Pakistan Railways of pre-partition claims for refund of fares, freight (including rebates) etc., relating to what is now exclusively the Dominion of Pakistan.
15. Notices issued by the Collectors of Lyallpur and Shahpur Districts calling upon non-Muslim evacuees to show cause why the building sites purchased by them in certain colony districts in Punjab (P) should not be resumed by the Punjab (P) Government and the purchase price forfeited.
16. Payment by Punjab (P) to Punjab (I) of the latter’s share of the amount of purchase price of Crown lands in colonies payable by instalments after partition in accordance with the award of the Arbitral Tribunal.
17. Overall financial settlement between the two Punjabs.
18. Third parties’ claims payable by Punjab (P).
19. Transfer of pre-partition pensions of migrants from one province to the other.
3. It was decided that those ministries which have not already sent their briefs in a form which can be communicated without alteration to the Pakistan Government should immediately amend their briefs and send them to the Ministry of Externals Affairs, as our briefs have to be sent to the Pakistan Government by the 10th August.

4. It was decided that, as far as possible, an attempt should be made at the simultaneous exchange of briefs on both sides on a fixed date.

Sd/-
(S.K. Banerji)
For Secretary Commonwealth Relations
2-8-1950

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ANNEXURE

Note on the financial settlement agreed to between India and Pakistan as a result of the Partition of British India.

Before the partition of India which became effective as from 15th August 1947, all German enemy assets as well as enemy assets other than German which were then held vested in India were vested in a Custodian functioning as the Custodian of Enemy Property for the whole of undivided India. Immediately before the date of the partition, German enemy assets vested in the Custodian within the frontiers of undivided India were accounted for as follows:—

(a) Assets in liquid form held as cash balance of the Custodian with the Reserve Bank of India at Bombay
   Rs. 3,07,79,500

(b) Other assets
   Rs. 8,99,500

2. The assets mentioned at (a) above in fact represented the Sale or disposal proceeds of assets which had already been received by the Custodian from various sources, including sources which are now located in Pakistan. The whole of this amount was held in Bombay with the Reserve Bank of India but the amount had merged in the cash balances of the Government of undivided India. The share of the two successor Governments in this went to them along with their share of the cash balances of the undivided Government when this balance was divided.

3. At the time of partition the following agreements were reached in regard to the allocation of reparation asses between India and Pakistan:—
1. The Government of Pakistan should assume full responsibility for the administration of vested enemy assets in their area as from the date of partition. (Appendix-A)

2. The share of reparations allotted to undivided India should be divided between India and Pakistan in the same proportion as the uncovered debt of the undivided Government of India is allocated. (Appendix-B)

3. Pakistan's share of the uncovered debt will be 17½ per cent. (Appendix-C)

4. By a decision of the Partition Council taken on the 1st December 1947, it was agreed that the cash balances of the undivided Government should be divided as follows:

   “In addition to the 20 crores already made over to Pakistan, 55 crores will be allocated to Pakistan in full and final settlement of its claim for a share of the undivided Government's cash balance and of the cash balance investment account”.

As the cash balances of the Custodian of Enemy Property were held merged in the Cash balance of the Government of undivided India, the whole amount of Rs.3,07,79,500 mentioned at (a) in paragraph 1 above was taken into account in the financial settlement referred to above. The share of the Government of Pakistan in that amount of Rs.3,07,79,500 at the agreed rate of 17½% was Rs.53,86,400 and it was implicit in the financial settlement that the equivalent of the credit due to Pakistan in respect of her share in the amount of Rs.3,07,79,500 was duly adjusted in the various transactions that took place within the framework of that settlement.

5. In regard to assets other than those in liquid form, which have been shown at Rs.8,99,500 at (b) in paragraph 1, the relative decision mentioned in paragraph 3 above required that such assets should be divided according to the test of their actual physical location. It was in due course verified that such of these assets as fell to be taken over by the Custodian of Pakistan accounted for a total of Rs.44,400. These items were accordingly released from the control of the Indian Custodian and vested in the Pakistan Custodian by appropriate notifications issued by the Governments on various dates between August and December 1948.

6. The net position, therefore, was that in the process of the division of the cash balances of the Government of undivided India, the Government of Pakistan had in fact been placed in a position to obtain as her share of the German assets in liquid form credits accounting for a total of Rs.53,86,400. When a pro-forma separation of the relative shares of India and Pakistan in the net chargeable
value of German enemy assets was made on the basis of the valuation details given in the joint replies of the two Governments to the Fifth Annual Questionnaire of the IARA, it was established by a due process of valuation that Pakistan was entitled to receive as her share of those assets only an aggregate amount of Rs. 41,61,040, including an allocation of Rs. 41,46,300 as her share in assets in liquid form. As against this, a scrutiny of the accounts of payments received by the Indian Custodian of undivided India up to the date of the partition revealed that as on that date only an amount of Rs. 6,88,500 could be identified as amount due to funds which had originated from sources which are at present located in Pakistan. This particular situation was mainly due to the fact that practically all the important German enemy firms accounting for the bulk of the German assets in India were located at the two major ports of Bombay and Calcutta, which are now included in the Union of India.

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Appendix A

Extract from the report of Commerce Department Sub-Committee of Expert Committee No.1.

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(2) Office of Controller of Enemy Trading and Enemy Firms and the Custodian of Enemy Property.

We recommend that on the date of separation the Government of Pakistan should assume responsibility for the administration of vested enemy assets in their area. For this purpose they should enact legislation on the lines of the Trading with the Enemy (continuance of the Emergency Provisions) Act, 1947.

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N.B. The above was an agreed recommendation of the Commerce Department sub-Committee and was approved by the Partition Council at its meeting held on the 22nd July 1947.

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Appendix B

Extract from the report of Commerce Department Committee of Expert Committee No. II (Assets and Liabilities)

Provisional allocation between the Dominions of Reparation Assets

Note of the Steering Committee

The Partition Council have approved an agreement between the Commerce Department (Pakistan) and the Commerce Department (India) that the share of reparations allotted to the undivided India should be divided between the Dominions of India and Pakistan in the same proportion as the uncovered debt of the undivided Government of India is allocated.

No decision on the proportion in which the uncovered debt is to be allocated has yet been reached and this is one of the first issues that is being referred to the Arbitral Tribunal. It is reasonable to assume that the decision of the Tribunal will be available in about two months.

3. Pending the decision of the Tribunal, it would be convenient to take a provisional decision on the share of India and Pakistan, leaving the necessary adjustments to be made later when the decision of the Tribunal is available. The Steering Committee recommend that the proportion may be provisionally fixed as 4 to 1 in favour of India, or in other that Pakistan's share will be 20% of the total.

Extract from the Minutes of the meeting of the Partition Council held on Wednesday, the 29th October, 1947

Case No. PC/189/19/47 Proposed provisional allocation between the two Dominions of the share in reparation allotted to India

The Partition Council approved that reparations allotted to India should be shared provisionally by the two Dominions on the basis recommended by the Steering Committee.

Appendix C

Extract from the Minutes of the Partition Council meeting held on 1st December 1947.

Case No.P.C./200/20/47

(a) Financial settlement between India and Pakistan
(b) Allocation of a Cash Balance to Pakistan
(c) Pakistan’s share of the excess of liabilities over assets

The financial settlement with Pakistan will be on the basis set out in paragraph 3 of the paper constituting item 8 of the agenda for the Partition Council, subject to any specific agreement reached on matters affecting the financial settlement.

2. The entire public debt outstanding on the 14th August 1947, including undated debt, will be valued in the manner set out in paragraph 5 of that paper with the modification that the rate of interest will be rounded off to the nearest one eighth of one per cent.

3. The answers to the questions in paragraph 6 of the paper are—

(a) The rate of interest should be determined on the average yield over a period of two years preceding the date of Partition of the rupee and sterling securities with an unexpired currency of 15 years of over rounded to the nearest one eighth of one per cent.

(b) The instalment would be payable on the 15th of August of each year but no instalment will be payable for the first four years from the date of partition (i.e. in 1948, 1949, 1950, and 1951)

(c) The total debt will be repaid in Indian rupees in 50 annual equated instalments for principal and interest combined, the last instalment being payable on the 15th of August 2001 A.D.

4. Pakistan’s share of the uncovered debt (referred to in para 3(c) of the agenda) will be 17½ per cent.

5. The percentage mentioned in para 4 above will apply in all cases, such as the liability for pensions, the allocation of reparations, the allocation of the sale proceeds of surplus stores, etc. in which it has been agreed by the Partition Council that an asset or liability should be divided in the ratio of the uncovered debt.

6. In addition to the 20 crores already made over to Pakistan, 55 crores will be allocated to Pakistan in full and final settlement of its claim for a share of the undivided Government’s cash balance and of the cash balance Investment account.

 ITEM No.8
 Financial Settlement between India and Pakistan
 (Note by India)

Para 9 of the India Independence (Right, Property and Liability) Order 1947, has placed on the Indian Dominion liability for such loans, guarantees and other financial obligations of the Governor-General-in-Council as were outstanding at
the time of the partition subject, under para 13 (2) *ibid*, to Pakistan paying a just and equitable contribution as may be agreed upon and in the absence of agreement determined by the Arbitral Tribunal.

2. The provisions in the order set out above supersedes all the discussions in the Expert Committee and the final settlement with Pakistan will now take the form of an inter-State debt by that Dominion to India. It is now necessary to decide the lines on which this debt should be repaid.

3. Pakistan's final debt will be made up of —

   (a) the value of physical assets taken over by it because they lie in Pakistan territory or (as in the case of movable stores) their allocation has been agreed on between the two Governments; plus

   (b) the financial assets taken over by it such as the cash balance allocated to it, and the miscellaneous assets such as outstanding loans assigned to it; plus

   (c) its share of the net excess of liabilities including the liability for pensions over assets compendiously described as the "uncovered debt"; less

   (d) the value of liabilities taken over by it such as the liability for Postal Cash Certificates and Postal Savings Bank deposits outstanding in that Dominion on the date of separation, the provident fund balances of Government servants transferred to Pakistan etc.

4. There has been agreement over a fairly wide field in the allocation of assets and liabilities except that the method of valuing the railway assets taken over by Pakistan, the cash balance to be allotted to Pakistan and the relative shares of the two Dominions in the uncovered debt are being referred to arbitration. There has also been no agreement on the method of discharging the liability for pensions and this is being put up separately for decision by the Partition Council. A decision on all these points, whether by agreement or by arbitration, will only effect the amount of the debt and will not determine the method by which it will be repaid.

5. There is however one point affecting the quantum of debt on which the decision of the Partition Council is required, *viz.*, the method of valuing the public debt for the purpose of the financial settlement. In the case of Burma the present value of the liability for principal and interest was calculated taking into account the interest payments, discounts, the date of redemption etc. The rate of interest was based on the average yield over the preceding 2 years of loans with a currency of 15 years and over rounded to the nearest quarter per cent. This procedure, it is suggested, should be adopted in the present case. For this
valuation, non-dated loans may be taken as repayable on the earliest date on which the option to repay becomes available to Government. As a matter of convenience for all such loans 1986, the date on which option in respect of the bulk of the undated loan becomes available, may be taken.

6. It is presumed that Pakistan will repay to India its share of the liability, which is obviously to be discharged in Indian rupees, in a certain number of equated instalments for principal and interest combined. The decision of the Partition Council is now required on the following matters:—

1. The rate of interest that should be adopted. It is suggested that the rate of interest should be not less than the average rate paid by the Government of India on its present outstanding public debt but should approximate to this.

2. The date from which the annual Instalments of payment should begin.

3. The number of annual equated instalments. In the case of Burma, on separation, it was decided that repayment should be in 45 instalments. The first payment started in 1937 itself. In the recent Treaty between Burma and U.K. Government, the period of payment is fixed at 20 years.

3316. Letter from Ministry of Rehabilitation to Ministry of Finance and Ministry of External Affairs.

New Delhi, August 27, 1950.

Government of India.
Minister of Rehabilitation


My dear Kamat,

Will you please refer to your letter No.2391-EPVII/50 Dated 24th August, 1950, regarding exchange of Pakistan Currency brought in by refugees from East Bengal. We have given thought to the difficulties mentioned by you in continuing the exchange concession, but, nevertheless, we feel that there is no alternative for us but to continue it so long as the present exodus continues.

2. We are not aware why the Government of Pakistan decline to take over Pakistan notes in excess of Rs.69.87 lakhs. Sub para (ii) of para B of the prime
Ministers agreement provides that a sum of Rs. 150/- may be taken by each adult migrant and Rs. 75/- by each migrant child to the other country as a part of movable personal effects. Though the Agreement does not mention in what currency the amount should be taken and what should be the method of future disposal of that currency, it is quite obvious that under the facilities given to migrants in the Agreement only the currency of the country from which the migration takes place can be taken, and to be of any use to migrant at all, arrangements must be made for the exchange for such currency. For the proper implementation of the Minorities Agreement it is only logical to conclude that each Government will have to help the other Government by taking over its currency accumulated in the territories of the other, as a result of the migration facilities allowed. I would, therefore, suggest that the matter may be taken up once again at high level with the Government of Pakistan. Meanwhile instead of unlimited exchange we may restrict it to the limits proscribed in the Agreement.

Yours sincerely

(C.N. Chandra)

Shri G.R. Kamat, ICS,
Joint Secretary,
Ministry of Finance,
New Delhi.

Copy to Shri S. Dutt, Ministry of External Affairs, for information. (Mr. Dutt noted on the letter that “this is a point of view which did not strike us”.)

3317. TOP SECRET

Letter from Secretary, Ministry of External Affairs S. Dutt to High Commissioner in Pakistan and Deputy High Commissioners in Lahore and Dacca.

New Delhi, September 1, 1950.

Government of India
Ministry of External Affairs.

D.O. No.733/50-S New Delhi, 1st September, 1950

Dear Dr. Sita Ram/, Shri Y. K. Puri /Shri S.K. Basu,

Pakistan currency worth about Rs. 92 lakhs has now accumulated with the Reserve Bank of India. A large part of this currency has been brought by
refugees from East Pakistan who, under the April Agreement, are entitled to bring cash with them into India at the rate of Rs.150/- per adult and Rs. 75/- per child. The Government of Pakistan are now making it difficult for us to transfer to them the accumulated Pakistan currency. They have agreed to take over Rs.25 lakhs unconditionally and 34 lakhs they have offered to accept subject to certain conditions which we find difficult to accept and the balance they have flatly refused to take over. At the same time, some of the Pakistan currency is likely to cease to be legal tender in a short time. The question of the disposal of the currency now held by us is, therefore, a matter of utmost urgency.

2. We have reason to believe that Pakistan authorities use their diplomatic bag service for the transfer of jewellery and currency from India. This is against diplomatic practice, but in order to save themselves from loss and in the process to cause loss to the Government of India, Pakistan has not hesitated to adopt this improper practice. It has been suggested to us that we adopt similar means to transfer Pakistan currency now in our stock to our High Commissioner in Karachi and the Deputy High Commissioners in Dacca and Lahore. They can utilize the money thus remitted for financing their respective offices. Part of the money they can also deposit in their accounts in the local banks. It is appreciated, of course, that if large deposits are made on any particular day, that fact itself may rouse suspicion among the local authorities. At the same time, it might be argued, particularly in respect of the Deputy High Commissioner’s office in Dacca, that members of the minority community intending to migrate to India had deposited their cash reserves with the Deputy High commissioner. Would you kindly let me know (i) how much Pakistan currency you could either utilize for your office or unobtrusively deposit in your account in Pakistan every month, (ii) and how often, and (iii) in how many installments you would like the total amount that you could dispose of in the manner indicated to be transmitted to you. The procedure of transmission will have to be devised carefully. Adequate safeguards will also have to be devised for the safe custody of the money in your office until it is either disbursed or deposited in the Bank. If you have got any suggestions to make in this regard, kindly let me have them.

3. Please treat this matter as urgent. I shall be grateful if this letter is kept in your personal custody.

Yours sincerely

Sd.(S. Dutt)
Letter from Deputy High Commissioner for India in Pakistan Khub Chand to Secretary, Ministry of External Affairs S. Dutt.


High Commissioner for India
Damodar Mahal Karachi-5

D.O. No. 1/DHC/50. 7th September 1950.

My dear Dutt,

Will you please refer to your demi-official letter No.733/50-S dated the 1st September,1950, to the High Commissioner?

2. In view of the attitude adopted by the Pakistan Government over the question of currency brought by Hindu refugees from East Pakistan and the suspicion that the Pakistan authorities use their diplomatic bag service for transfer of jewellery and currency from India, we need have no compunction in transferring at least a part of our surplus Pakistan currency to meet the requirement of this Mission in Karachi.

3. It is clearly impossible, without serious risk of detection by the Pakistan Government, to make deposits, even in installments, with our bankers in Karachi. You will observe from the enclosed copy of letter No. SBP/RET dated the 26th August, 1950, from the Imperial Bank of India, Karachi (with enclosure) (not reproduced here) that the State Bank of Pakistan has, in exercise of powers vested under the Banking Companies (Control) Act of 1948, already been apprised of the position regarding the accounts of Foreign Missions, including the Indian High Commission. Expenditure has, particularly since devaluation, been incurred largely from credits afforded in Pakistan rupees by the Imperial Bank of India. Any deposits, particularly if they happen to be substantial, will not escape the notice of the State Bank of Pakistan and the Pakistan Government will not hesitate to charge India with undiplomatic conduct.

4. We appreciate, however, that ways and means must be found for utilizing the Pakistan currency you hold. We cannot depend on the Pakistan Government coming to an early settlement of the question of deposits of East Pakistan refugees acceptable to India. We suggest, therefore, that, your surplus Pakistan currency be utilized as follows:-

(a) The normal monthly expenditure of the High Commission in Karachi is Rs.45--50,000/-. We can immediately reduce our drawls from the Imperial
Bank to Rs.15—20,000/- a month without arousing suspicion. The balance, representing mainly the pay and allowances of the junior staff and contingent expenditure of the High Commission, can be met out of your cash remittances.

(b) Passage and other expenditure on non-Muslim refugees and other entitled personnel can be met in Pakistan currency as the steam-ship companies concerned have branches in Karachi where payment might be accepted by them.

(c) Whatever the temporary financial difficulties of Government, there is no escape eventually from the provision of suitable residential accommodation for the Deputy High Commissioner and the India-based staff, as also of accommodation for offices of the High Commission. The Deputy High Commissioner has considerable diplomatic and other obligations and a suitable house is available, at a cost of Rs.2½-3 lakhs, in close proximity to the residence recently secured at a cost of Rs. 4,10,000/- for the High Commissioner. We have nine other married officers of whom six can be accommodated in the two other buildings which have recently been purchased at a cost of Rs.5 lakhs. As regards the ministerial staff, it is unsatisfactory for their morale not to provide suitable accommodation. At present barely two Clerks are provided with married accommodation and that too in the Swami Narain Temple, which is mainly used as a transit camp for refugees etc. The other Clerks, most of whom are married, live in the Chidakashi Mandir, which is run as a hostel for them, and have been separated from their families throughout the period of their stay in Karachi. At a cost of Rs.6 — 8 lakhs suitable buildings could be secured to accommodate 20 married and 10 unmarried members of the ministerial staff. Apart from this, this the High Commission requires a permanent office, with scope for future expansion, in keeping with the importance to India of this Mission. Such a building could be provided with lines for the inferior staff at a cost of about Rs.6 lakhs. In this way about Rs. 14½ — 17 lakhs could be utilized. There is reason to doubt that delay in purchasing accommodation in Karachi is false economy as the prevailing rents are uneconomic and the cost of sites and buildings is mounting up rapidly. Direct expenditure by the Mission on Government account is unlikely to arouse suspicion or comment as we can assert that we keep a large reserve with the Mission to meet emergent expenditure.

5. We have considered the possibility of purchasing gold but there are no substantial Hindu dealers while Muslim dealers cannot be relied upon. We gather that Pakistan currency is in demand in Kabul. Perhaps you will consider the
possibility of disposing of a part of your surplus with the help of our Mission in Afghanistan.

6. If you accept the proposals made in paragraph 4 above, we could accept remittance of Rs.15 -- 20 lakhs over next three months to be received in monthly or other convenient installments. The amount will be kept in a separate Mission safe under double lock, the keys being held by the High Commissioner and the First secretary, who normally handles the finances of the Mission. The amount should be sent by diplomatic bag on a reliable Indian operated aircraft. An officer should keep a watchful eye on the bags while in transit although he should not be styled officially as courier.

7. As desired by you, this correspondence is being kept in the personal custody of the High Commissioner.

Yours sincerely

(Khub Chand)

Shri S. Dutt, I.C.S.,
Secretary to the Government of India,
Ministry of External Affairs,
New Delhi.
I give below my replies to your queries under items (i), (ii) and (iii) of para 2 of your letter:

(i) our average monthly expenditure since January 1950 has been Rs. 33,500/-. We can, therefore, expect to utilize this amount per month.

(ii) I suggest that instead of making deposits in instalments, our 12 months’ requirement with some additional margins totaling Rs. 5 lakhs may be deposited in our account at a time. My reason is that making deposits in instalments, may raise questions every time we make such deposits. This may be avoided if our entire 12 months’ requirement amounting roughly to about Rs.5 lakhs be deposited in one instalment in our accounts. Some sort of explanation may be devised and kept ready for any casual questions that may be put. We shall think out a plausible explanation.

(iii) In one single instalment of Rs. 5 lakhs and if that be not possible, in five or six weekly instalments. Safe custody in our office will be ensured pending deposit in our accounts.

As regards transmission to us, with a view to ensuring safety a responsible officer from this Mission may personally bring the bag from Calcutta.

Yours sincerely,

(S.K. Basu)

Shri S. Dutt, ICS.
Secretary to the
Government of India,
Minister of External Affairs,
New Delhi.
Letter from Deputy High Commissioner in Pakistan at Lahore to Secretary, Ministry of External Affairs S. Dutt.

Lahore, September 25, 1950.

Deputy High Commissioner for India in Pakistan
144, Upper Mall, Lahore

No. TS.50/2 September 28, 1950

Dear Mr. Dutt,

Please refer to your D.O. No. 733/50-S of 1st September, 1950 with regard to Pakistan currency accumulated with the Reserve Bank of India. I am sorry that owing to other preoccupations I could not again call on you and resume discussion of this matter.

2. At present we have a loan account with the Imperial Bank of India Lahore and roughly speaking our account with the Bank is over-drawn by about Rs. 2,50,000/-, on which we are paying a considerable amount as interest. The monthly expenditure of the Mission in Pakistan Currency amounts to about Rs. 20,000/- In addition we finance the East Punjab police, the War Pensions Appeal Tribunal, the Organization for Recovery of Abducted Women, and a number of other Government of India and Punjab (India) representatives. The total monthly expenditure on these varies from Rs. 15,000/- to Rs. 20,000/-. A great deal of this expenditure is dispersed in cash which has to be drawn from the Imperial Bank. It would be possible for us to meet the major portion of the expenditure from Pakistan currency held by us in cash. In addition we make into the Bank deposits from various items of receipt such as income from our service, visa fees, amounts realized from evacuee property work and so on. We have found by previous experience that if we deposit a large round sum in the Bank exceeding Rs. 50,000/-, there is some small talk about it among the bank employees, but that if odd sums amounting to as large as Rs. 15, 000 to Rs. 20,000/- are deposited there is no comment. It is true that the Government of Pakistan can at any time call on the Imperial Bank of India to furnish them details of our bank account and can, therefore, come to know that our deposits have been greater than our withdrawals, but I do not see that they can call upon us to explain this fact. They do know that we keep taking money in connection with work of evacuation of property and if need be we can explain that under the recent Indo-Pakistan movable property agreement we have been receiving considerable funds on account of evacuees which we cannot transmit to India because of the exchange deadlock. My advice would, therefore, be, so far as Lahore office is. Concerned that:-
(i) A sum of Rs. 2,00,000/- may be kept here in cash to defray the expenses of this office and of the other Government of India or Punjab (India) offices or agencies.

(ii) A further sum of Rs. 4,00,000/- should be gradually deposited in our account with the Imperial Bank of India so as to wipe out the deficit and to provide a credit balance of Rs. 1,50,000/-

3. You have mentioned certain currency which is no longer legal tender in Pakistan but which is accepted at present by the State Bank of Pakistan which it may cease to do after some time. I take it that these are old Reserve Bank of India notes over-printed with the word “Pakistan”. Such notes are being brought at present to us by evacuees from the Frontier States and from Azad Kashmir and we regularly cashing them at the State Bank of Pakistan without any question being raised. These amounts naturally vary and we shall have no difficulty in increasing these amount to the extent necessary. I would, therefore, suggest that if the Government of India adopt the suggestion under consideration Rs.1,00,000/- worth of such notes may be sent to me which I shall exchange gradually from the State Bank of Pakistan.

4. At present owing to the excess of exports from Pakistan over imports from India Pakistan currency is required by Indian traders in Punjab (India) to finance the excess imports from Pakistan. They are having considerable difficulty in finding this currency. If the Government of India agree to such a course it would be possible for me, unobtrusively to pay out Pakistan currency in cash at Lahore and obtain in exchange India currency at Amritsar. The actual deficit across the borders is of the magnitude of Rs. five to six crores, but so far as I am concerned, the first need is of secrecy and, therefore, the amount I can so dispose of in the manner suggested must be limited to what I can do without any leakage. For the present I think I can manage about Rs.3,00,000/-this way plus the Rs.1,00,000/- I shall have obtained by exchanging non-current Pakistan notes for current Pakistan notes. In all, therefore, I can deal with Rs.10,00,000/-. I need not, of course mention that the amount I have mentioned is that which I hope to be able to deal with the necessary amount of secrecy and discretion.

5. I will now await the decision of the Government of India in this matter. If the decision is to accept these suggestions under consideration, arrangements may be made to transmit the Rs. 10,00,000/-i.e Rs 9,00,000/- in current notes and Rs.1,00,000/- in non-current notes to me. Personally I think that instead of entrusting large amounts to the Diplomatic Bag it would be better if the notes were delivered to me in installments at Delhi or Amritsar and I am allowed to make my own arrangement for bringing them to Lahore.
6. Certain incidental points will arise. The first question is the safety of the cash amount kept at Lahore. While I cannot accept personal responsibility for such large sums of money being kept in my personal custody, I think that the safest plan would be to keep the money in a special safe in my own residence. I can assure the Government that in that case the risks of ordinary theft, fire etc. would be nonexistent. As the matter is top secret the accounts would be kept in my personal office. The cash amounts will be kept with me as in a currency chest in a treasury and as and when any cash amount are taken out for expenditure or as and when they are returned to the Government of India in the shape of Indian money, the A.G.C.R. will be advised accordingly and the amount adjusted as happens in cases of transfer from a currency chest to a treasury.

7. In regard to the question of installments I should like the Rs. 1,00,000/- of non-current notes and Rs. 3,00,000/- of current notes to be sent to me immediately. This should be followed by two installments of Rs. 3,00,000/- each to be sent to me on requisition by me for which I would give roughly one month’s notice.

Yours sincerely
(Y.K.Puri)

Shri S. Dutt, I.C.S.,
Secretary to the Government of India,
Ministry of External Affairs,
New Delhi.

The letter was marked by Shri S. Dutt to Secretary Ministry of Finance, Department of Economic Affairs for his information, who returned the letter to Shri Dutt with the following Note.

Returned with thanks.

2. Out of nearly Rs. 92 lakhs of Pakistan currency accumulated with us, we have already sent Rs. 25 lakhs across to Dacca. The Reserve Bank expects to receive credit for this amount very shortly. It is proposed that as soon as the Reserve Bank’s account is credited, a part of this amount should be utilised for the repayment of the over- drafts taken by High Commissioners offices in Pakistan from the Imperial Bank so as to save on interest charges. The E.A. Ministry are being asked separately to communicate this to the High commissioners’ offices.
3. As for the balance of our accumulations of Pakistan currency, we have written to the State Bank of Pakistan urging on them to accept the entire balance. This letter was issued last week and will be sometime before we get any reply. I agree that no further action need be taken on the attached letter till we get a reply to our letter to the State Bank of Pakistan.

4. While the consignment of Rs. 25 lakhs sent to Dacca included as much as possible of the Pakistan currency which has ceased or which is shortly to cease as legal tender in Pakistan, we still have Rs. 60,000/- in one rupee notes which, it is understood, will shortly cease to be legal tender in Pakistan. We have authorized the Reserve Bank of India to sell this currency at par at not more than Rs.150/- per person going to Pakistan. If is found difficult to dispose of this amount in this way, we may wish to resort to the suggestion made in Mr. Puri’s letter for this amount and will write to E.A Ministry in due course.

Sd/-
5-10-50

E.A. Ministry (Shri S. Dutt).

M. of F. (Economic Affairs Deptt) U.o No 3354-EFVII/50 dated October 6, 1950.

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Letter from Deputy High Commissioner for India in Pakistan, Lahore to Secretary Ministry of External Affairs S. Dutt.

Lahore, October 5, 1950.

Deputy High Commissioner for India in Pakistan
144 Upper Mall, Lahore

Dear Mr. Dutt,

In continuation of my letter No. TS/50/2 dated 28-9-50 I should like to mention two or three further points which have occurred to me in regard to the disposal of the accumulated Pakistan currency notes held by the Reserve Bank of India.

2. In the movable evacuee property agreement between India and Pakistan it has been provided that the safe deposits and lockers belonging to India nationals will be allowed to be brought out wholesale to India. While this general principle has been accepted the details offer considerable difficulty. The Indian nationals have to pay certain charges to the banks. In some cases the charges are small amounting only to hire charges for the lockers of the safe deposits. In other cases considerable amount of Jewellery has been pledged to the bank against a loan and in such cases the entire loan money with interest has to be paid. The amounts due to the banks on these accounts form a part of their assets in Pakistan and as far as is ascertainable at present the State Bank of Pakistan has no intention of allowing these assets to be transferred to India. In other words if the bank transfers the safe deposits and jewellery to India and recovers the charges in India, obviously the bank’s assets in Pakistan will have been reduced by the amounts of these charges. The State Bank of Pakistan will, therefore, either insist that these charges be paid in advance in Pakistan or alternately require a guarantee from the banks that they will charge Indian nationals Indian money at Rs. 144:100 and require a guarantee from the Government of India that this money will be allowed to be retransferred to Pakistan through the Starling Exchange Account in London. This entails that our Indian nationals will per force have to pay these charges at the ratio of 144:100. Government of India will have to countenance the compulsory realization in India at such an exchange rate and will also have to lose some sterling holdings as against the money realized from displaced persons in India in India rupees. All this seems highly unsatisfactory and I may, therefore, suggest to the Ministry of Rehabilitation, Government of India that all these charges should be paid by us in advance in Pakistan money. It is of course a separate issue whether the payment in Pakistan should be against a prior deposit of the equivalent number of rupees in India by the displaced persons or whether the Government of India
should make the Payment straight-away and subsequently recover from the displaced persons in India by instructing the banks to hold the safe deposits or Jewellery till the charges are paid to them on behalf of the Government of India. The main point here is that in either case the accumulated Pakistan notes could to a considerable extent be utilized in making payment of bank charges to the banks in Pakistan. There is considerable merit in this proposal because in the first place the displaced persons will be helped by not having to pay at the ratio of Rs. 144:100 and by paying only at par, secondly the Government of India will avoid the embarrassment of allowing recovery at Rs. 144:100 in Indian territory and thirdly the saving of Sterling. In addition the Government of India would be able to dispose of some of the Pakistan currency accumulated with the Reserve Bank of India and will obtain in return the equivalent number of Indian notes. As the Payments to the banks will be made on behalf of the displaced persons the payments will not pass through our currents with the Imperial Bank of India. They will not, therefore, come under the scrutiny of Pakistan as part of our own accounts and the Pakistan and the Pakistan currency so utilized will, therefore, be outside the Rs.10,00,000/- I had already mentioned in my previous letter.

2. You will recall that I had accepted one deposit of Rs.1,00,000/- from an Indian national. Subsequently at your instance this Rs.1,00,000/- was sent to the High Commissioner for payment for Sopariwala’s property at Karachi. We have not yet paid the Rs.1,00,000/- to this gentleman in Indian money If you finalise the scheme shortly it will be possible to pay this gentlemen back his money in Rs.1,00,000/- worth of Pakistan currency notes which he will now be able to dispose of himself.

3. The general position at the moment is very favourable to the disposal of Pakistan currency notes. I am, therefore, very anxious that if the scheme is to be given effect to, it should be started off at the earliest possible moment rather than coming into operation when the circumstances may have changed. It is not for me to say whether the scheme should or should not be given effect to but if it is to be brought into operation then the sooner the better. My personal views, as expressed to you verbally, were that it would a great pity to lose a large sum like Rs. 40 or 50 lacs especially in the present stringent financial situation and that one way or the other we must take advantage of all possibilities to get back India money for the accumulated Pakistan currency.

Yours sincerely
(Y. K. Puri)

Shri S. Dutt, I.C.S.,
Secretary to the Government of India
Minister of External Affairs

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Note from the Ministry of Finance, Department of Economic Affairs regarding disposal of accumulated Indian currency in Pakistan.

New Delhi, October 9, 1950.

Ministry of Finance
(Economic Affairs Department)

No. 3435 – EF VII/50 the 9th October 1950

My dear Dutt,

In my note on your connected file, I had stated that the Reserve Bank were trying to dispose of over-printed Pakistan notes of one rupee denomination to persons going across to Pakistan. They have accumulated about 60,000 in these notes. A report has just been received from the Reserve Bank that they have not been able to dispose of more than Rs.400/- in this way and it appears therefore that there would be considerable difficulty in disposing of these notes before 1st of November by which date they cease to be legal tender in Pakistan. I am informed that they will not be en-cashed even by the State Bank of Pakistan after 31-10-50. To avoid any loss therefore it seems to be essential that some arrangements should be made to transfer these notes to Lahore well before 31-10-50, so that Puri can get them exchanged at the Lahore office of the State Bank of Pakistan.

I shall be grateful if you would write to Puri and let us know what arrangements can be made for the transfer of these notes most of which is in the Calcutta office of the Reserve Bank.

Yours sincerely

(G.R. Kamat)

Shri S. Dutt, ICS,
Secretary, Ministry of External Affairs,
New Delhi.
Extract from the letter of Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, December 11, 1950.

Pakistan Assets. I think you do me less then justice in saying that I have summarily dismissed the question of release of Pakistan assets. In my very first letter dated 18th January 1950 (paras 7 to 10), I had referred in detail to the disagreement which had arisen between the two Government on this issue and also drawn your attention to the large financial claims by Government of India which have been outstanding for a long time. By way of illustration of these claims I may mention the sums due to us on account of the military stores transferred to Pakistan, the payment of sums realized by the sale of surplus stores, and the share of expenditure incurred by India on the Joint Defence Council. It would not be correct to say that the question of release of Pakistan assets is a matter on which negotiations between the two Government have failed. In fact there have already been informal discussions and correspondence with the Governor of the State Bank of Pakistan and with your Finance Ministry and some progress has been made in clarifying the issues. You are aware that this question along with certain other financial issues in dispute has been placed by your Government on the agenda of the Inter-Dominion Conference at the Secretariat level. On our side too, we have proposed a number of financial issues for discussion at this Conference. I am sure you will agree that it is desirable to treat all these outstanding issues together rather than deal with them piecemeal. This Conference, which was to be held on the 4th September, has to be postponed to suit the mutual convenience of the two governments. I understand that it is going to be held on the 18th of this month.

Yours sincerely

Jawaharlal Nehru
Letter from Prime Minister Jawaharlal Nehru to Finance Minister C. D. Deshmukh regarding payment by Pakistan of Partition debt.

New Delhi, May 25, 1951.

My Dear Deshmukh,

To the other day at a Cabinet meeting, you spoke about the talks you were going to have with Ghulam Mohammad (Finance Minister of Pakistan). Among other things, you mentioned that we held about 50 crores on behalf of Pakistan. Further that Pakistan owed us a large sum of money as a part of the debt settlement, and that this would begin to be paid from June 1952 onwards in annual instalments of about 10 crores a year. This process of repayment was going to last 30 or 40 years.

Normally speaking, according to our commitments, we should pay the 50 crores to Pakistan straightaway and gradually realise the sum due to us on the debt settlement in the course of the next 30 years or more.

It was exceedingly unlikely that we would be able to realize the full sum or any part of the debt settlement from Pakistan. In the circumstances, is it right or desirable for us to part with 50 crores cash now, when we are more or less convinced that we would not get our dues from Pakistan later?

I shall not repeat the argument here. I have given a great deal of thought to this matter since then and I confess that the more I think of it, the less I like the prospect of our breaking our pledged word. This kind of things goes against the grain. But even looking at the strictly practical aspects, I gravely doubt if this will bring any real advantage to us. Pakistan will make a tremendous fuss about it and hold us up before the world as a country which dishonours its solemn agreements. We shall have little to say in answer. This will inevitably affect our trade or other relations that we might have with Pakistan and it will be a continuing and running sore, constantly talked about. It might well affect the political questions between us and Pakistan also. Our reputation in other countries will necessarily suffer and, in a sense, our credit will go down.

So that, quite apart from any moral or suchlike consideration (and I do not wish to ignore these), it is very doubtful how far we shall profit by any such move.

Of course you have to make this proposal to Ghulam Mohammad, but it seems to me quite certain that he will reject it. The utmost he may possibly agree to is to deduct next year’s instalment of the debt settlement, that is about 10 crores. What then are we to do? I feel more and more convinced that if we fail in our attempts to get our proposal accepted, we should not refuse to pay what is due to Pakistan now.
I am conveying my thoughts to you because this matter has troubled me. Of course we must consider it in Cabinet whenever you think that the time has come for it.

Yours sincerely,
Jawaharlal Nehru

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3325. Letter from Ministry of Defence to Pakistan Ministry of Defence.

New Delhi, the 25th August 1953.

Government of India
Ministry of Defence

No. 70837/PS3(e)/1957 – S/D (AG) New Delhi, the August 25, 1953

To
The Secretary,
Government of Pakistan, Ministry of Defence,
Rawalpindi.

Subject: Division of Regimental Private and Personal Funds.

Sir,

In accordance with the decision reached recently by the Steering Committees of India and Pakistan in Karachi, I am directed to forward the following two lists of amounts due to Indian Army units from Pakistan Army units on account of division of regimental private and personal funds:

(a) List of amounts due on account of division of regimental private funds - Appendix ‘A’;

(b) List of amounts due on account of credit balance in personal funds - Appendix ‘B’. (List of amounts due to EME, TD and Category ‘A’ establishments will be sent later) [lists not attached]

The adjustment of these claims has been outstanding for a long time now and it is desirable that a settlement should be effected at an early date. I am to request that early steps may please be taken to verify tile claims and to convey to this Ministry the result of verification.

Lists in respect of amounts due to Pakistan Army units from our Army units on this account may also be forwarded to this Ministry for similar action.
2. It is proposed that the overall balance due as a result of the verification should be refunded by the Government concerned to the other. Allotment of credits due to units by adjustment among the units and from any overall refund received should be regarded as an internal matter of the Government concerned. In this connection I am to state that there should be no difficulty in the matter of rate of exchange as the rate at the time to which the claims pertain was 'at par'.

3. It will be observed from the list of Appendix 'B' that no claim in respect of amounts due on account of deposit and share money left with Military Cooperative Societies in Pakistan has been included therein. These claims are required to be processed through the Registrar, Cooperative Societies in terms of the Indo Pakistan Agreement on Banking of April 1949. Our claims on this account have accordingly been sent through the Registrar and have mostly been accepted by the corresponding Pakistan authorities. The settlement of these claims is however stated to have been held up under instructions issued by the Ministry of Defence, Government of Pakistan, prohibiting the transfer to India of accounts of Military Cooperative Societies. I am to request that the matter may be investigated with a view to allowing settlement of the claims being effected in accordance with the Agreement on Banking of April 1949, at an early date.

4. I am further to add that some of our units left their public funds and regimental (public) funds in Pakistan or irregularly divided the same with Pakistan units. These funds are to remain with the unit in accordance with the decision reached at the Fifth meeting of the Executive Committee of the Joint Defence Council held on 18th March 1948. It is therefore requested that arrangements may be made for

(i) acceptance of debits on account of such funds, left or irregularly divided with Pakistan units, by MAG Pakistan;

(ii) transfer to India of such funds left with Banks in Pakistan.

Yours faithfully

Sd/- Nagendra Singh
Joint Secretary to the Government of India

(with reference to sub paragraph (b) of 1 above it was added at the end: Government Of Pakistan were subsequently intimated that EME, TD and other Category ‘A’ establishments have no claims outstanding on account of division of regimental private and personal funds vide Government of India Ministry Of Defence letter No.70837/PS3(e)/2667-S/D(AG) dated 31 Oct 53.)
3326. Letter from the Government of India, Ministry of Works, Housing and Supply to Secretary Government of Pakistan, Ministry of Industry and Commerce.

New Delhi, October 30, 1953.

Government of India
Ministry of Works, Housing and Supply

No. PII-233(1). New Delhi, dated the 30th October 1953

From : Shri T.C. Puri, I.C.S,
Deputy Secretary to the Govt. of India

To : The Secretary to the Govt. of Pakistan,
Ministry of Industries and Commerce,
(Industries Division), Karachi.

Subject : Transfer of Pakistan contracts for imported stores from India Supply Mission Washington to the Embassy of Pakistan, Washington—Adjustment of payments.

Sir,

I am directed to say that the question of reimbursement to the Government of India of expenditure incurred by the India Supply Mission, Washington, on purchases of stores for Pakistan has been outstanding for a considerable period. The Government of India would feel grateful if this outstanding issue is settled early and in this connection would request that the authorities concerned may be given suitable instructions in the matter, as indicated below:-

(1) The Government of Pakistan in their letter No. S-23(20)/49, dated 17.10.49 (copy enclosed) had instruct the, Accountant General, Pakistan Revenues, Pakistan, to accept debits for the rupee equivalent of an amount of $113,394.89 whenever raised by the Deputy Accountant General (Industry and Supply), New Delhi. The Deputy Accountant General (Industry and Supply) is accordingly being instructed to raise the necessary debits separately.

(2) A sum of $107,735.28 paid as advance by the India Supply Mission, Washington to M/S Harnischefeger Corporation for supply of 4 Dragline Excavators for the Sind Public Works Department, will, as suggested in the Government of Pakistan letter No.S-30(7), dated 15.6.49 (copy enclosed for reference) be treated as an asset taken over by Pakistan and to be adjusted in the overall financial settlement between the two Dominions. No debit is being raised by the Deputy Accountant General (Industry and Supply) at present for this amount.
Besides the above, certain payments were made by the India Supply Mission for miscellaneous supplies on behalf of Pakistan, up to 31.12.47 which are recoverable from Pakistan Government as detailed below:

(i) for supplies paid for by the India Supply Mission up to 31.12.1947 which is recoverable in Rupees in connection with supplies arranged and freight paid in certain cases. (Details of payments will be given in the statement of debits which Deputy Accountant General (Industry and Supply) New Delhi will raise against Accountant General, Pakistan Revenues, Pakistan). 26,014.91

(ii) Recoveries to be made in dollars by India Supply Mission, Washington from Pakistan Embassy, Washington for supplies paid for after 1.1.1948 -

(a) Payments for miscellaneous items and freight charges made from January 1948 to November 1949. $33.92

(b) Another sum of $440.74 is also due on account of stores despatched by the India Supply Mission, Washington to consignees in Pakistan through the Director of Supplies, Bombay in 1948.

This is being investigated and if it is established that the stores were actually supplied to the ultimate consignees in Pakistan, the India Supply Mission will be instructed to recover the amount from the Pakistan Embassy, Washington. $ 440.74

(iii) Recoveries to be made in sterling by the High Commissioner for India, London from the High Commissioner for Pakistan, London on account of ocean freight charges incurred in sterling for shipment of stores arranged by India Supply Mission from U. S to Pakistan. Sterling Equivalent of $ 1,275.76 Plus Pound 95-7-0

With regard to adjustment of payments referred to in (3) (i) above in rupee equivalent, the Pakistan Embassy in Washington was asked by the India Supply Mission to certify the acceptance of these claims before a debit could be raised against Accountant General, Pakistan Revenues, Pakistan. The Pakistan Embassy could not, however, verify the claims as they had no means of checking the details. A copy of the Pakistan Embassy’s letter is enclosed in this connection.

It is requested that the Accountant General, Pakistan Revenues, Pakistan may be instructed to accept these debits also. Instructions may also please be issued to the Pakistan Embassy, Washington, and the High
Commissioner for Pakistan in London, to accept the claims when preferred by their respective counterparts.

(4) Attention is also invited to the Government of Pakistan letter No. S-30 (7) dated 3.1.49 (copy enclosed for ready reference) regarding the levy of departmental charges in connection with the services rendered by the India Supply Mission for procurement of stores for Pakistan. In the circumstances explained therein, the Govt. of India agree to the levy of 1% departmental charges wherever the India Supply Mission have rendered procurement service only in respect of Pakistan contracts.

The India Supply Mission, Washington, who were instructed accordingly claimed, $31,530.00 from the Pakistan Embassy in connection with the following contracts:

<table>
<thead>
<tr>
<th>Contract No.</th>
<th>Company</th>
<th>Value in $</th>
</tr>
</thead>
<tbody>
<tr>
<td>DC 2979</td>
<td>Marion Power and Shovel Co.</td>
<td>1,496,484.00</td>
</tr>
<tr>
<td>DC 3174</td>
<td>Bucyrus Erie Corporation.</td>
<td>1,172,980.00</td>
</tr>
<tr>
<td>DC 3470</td>
<td>Eimco Corporation.</td>
<td>8,502.51</td>
</tr>
<tr>
<td>DC 3468</td>
<td>Koehring Company.</td>
<td>187,806.00</td>
</tr>
<tr>
<td>DC 3137</td>
<td>Harnischfeger Corporation.</td>
<td>287,294.08</td>
</tr>
<tr>
<td><strong>Total value $</strong></td>
<td></td>
<td><strong>3,153,066.59</strong></td>
</tr>
<tr>
<td>Departmental charges @ 1% = $</td>
<td></td>
<td><strong>31,530.00</strong></td>
</tr>
</tbody>
</table>

In addition to the above, contracts covering stores destined to India and Pakistan were procured and shipped by the India Supply Mission and in this connection it is proposed to recover 2% Departmental charges from the Pakistan Embassy, Washington, to cover procurement and shipment in respect of the payments made for these supplies.

The Embassy of Pakistan apparently are awaiting instruction from your Government, vide copy of their letter No. P.1238/48, dated 25.8.1952 to the India Supply Mission, Washington, enclosed. It is requested that necessary instructions may please be issued to the Pakistan Embassy to accept the claim for departmental charges as and when preferred by the India Supply Mission, Washington.

2. I am to request that necessary instructions as indicated above may please be issued early to the authorities concerned under advice to this Government. A very early action will be highly appreciated.

Yours faithfully

(T. C. PURI)

Deputy Secretary to the Govt. of India
Copy forwarded to:-

(1) Deputy Accountant General (Industry and Supply), New Delhi with Reference to his u.o. No.OP/162, dated 17th August 1953. This Ministry agrees to the suggestion contained in his U.O.No.OP/89/Vol.II/3679, dated 28.3.1953, regarding the removal of the amount of advance of $107, 735.53 paid by India Supply Mission to Harnischfege Corporation from the suspense account. This transaction has been noted for taking into account at the time of overall financial settlement with the Government of Pakistan.

Necessary debits may now please be raised against the Accountant General, Pakistan Revenues, Pakistan, for the following amounts which are recoverable in rupees:-

(a) Amount indicated in para 2 of your U.O. dated 30.7.52. $113,394.89

(b) Amount shown in Statement I for supplies made by ISM before 15.8.47 liability for which is that of Pakistan Government. $79.54

(c) Amount shown in Statement II for supplies made upto 31.12.47.

   (i) Net amount arrived at as indicated in para 4 of your U.O. dated 30.7.52. $25,887.40

   (ii) Amount shown in para 4(2) of your U.O. dated 30.7.52 provisionally included, subject to clarification from ISM, Washington. $7.65

   (iii) Ocean freight charges paid by ISM before 31.12.47 and Recoverable in rupees-vide statement sent under your U.O. dated 16.4.53. $5.31

   (iv) Ocean freight charges paid by High Commissioner for India, London for supplies made by ISM before 31.12.47 vide items 2-4 of statement sent under your U.O. dated 16.4.53. $35.01

(2) The Director, India Supply Mission, Washington, by Diplomatic Air Bag, with reference to his letters No.PD-85, dated 24.1.52 and 27.5.52.
After a further careful scrutiny of the statements forwarded by Deputy Accountant General (Industry and Supply), it has been decided that the claims for the following amounts only need be preferred by you against the Pakistan Embassy in Washington for recovery in dollars:

(i) Statement showing payment for miscellaneous items and freight charges incurred by you during January 1948 and November 1949. (Statement sent herewith). $ 33.92

(ii) Departmental charges for services rendered by India Supply Mission claimed from Pakistan Embassy as indicated in your letter No.PD-85, dated 19.9.1949. $31,530.00

Any additional amount to be recovered on account of subsequent supplies for which payments have been made as also the payments made to Pakistan for supplies against common-purpose indents should be levied, according to the nature of services rendered at the rate of 1% for purchase and 1% for shipment. If inspection has been arranged, actual charges incurred should be claimed separately.

The details of amounts claimed from Pakistan Embassy may be furnished to this Ministry in due course.

In your letter No. PD-85, dated 24.1.52, you have indicated that the amount of $7.85 which the Deputy Accountant General (Industry and Supply) originally included in Statement III as recoverable from Pakistan Embassy, cannot be claimed from Pakistan Embassy, as it related to payments before 1.1.48.

The Deputy Accountant General (Industry and Supply), has, however, pointed out that these payments were reported by the India Supply Mission in their statement of payments for February and August 1948. As the statements rendered by the India Supply Mission are a summary of cash transactions which occurred during a particular month, the, Deputy Accountant General is unable to follow the remarks that these payments were made in August and October 1947.

The correct position may please be elucidated, before the Deputy Accountant General (Industry and Supply) is requested to transfer this amount to Statement II.

(3) **The High Commissioner for India, London, by Air Bag.** The Deputy Accountant General (Industry and Supply) New Delhi, has reported that in respect of certain stores supplied to Pakistan by the India Supply Mission against prepartition contracts, ocean freight charges were paid
by the High Commissioner, London, in sterling. The details of these freight charges are contained in the statements received from the Deputy Accountant General (Industry and Supply) which are sent herewith. It is requested that these charges may please be recovered from the High Commissioner for Pakistan, London, as these payments were made after 1.1.1948 and are hence recoverable in foreign currency. The action taken in the matter may please be intimated to this Ministry early.

(4) The Director General, Supplies and Disposals, New Delhi (Shri S.S.Venkatakrishnan). The Director, India Supply Mission has intimated that certain stores shipped from USA through the Mission intended for consignees in Pakistan were despatched to the Director of Supplies, Bombay, in 1948. Details of these consignments are given in the attached statement; it is not clear whether the stores were ultimately passed on to the consignees in Pakistan or delivered to indentors in India. If the former, proof of diversion of stores to and receipt of them by the ultimate consignees in Pakistan may please be obtained from the Director of Supplies and Disposals, Bombay, and furnished to this Ministry to enable the India Supply Mission to effect necessary recoveries of payments from Pakistan Embassy. If, on the other hand, the stores were distributed to indentors in India, full particulars of the names of consignees in India to whom they were despatched, may please be furnished to enable the Deputy Accountant General (Industry and Supply) to effect the necessary recoveries from the parties concerned. An early action is requested.

(5) Ministry of External Affairs, New Delhi.

(6) The High Commissioner for India, Pakistan, Karachi.


(8) Ministry of Finance (Supply Wing) with reference to their U.O.No. C-4802 dated 9.10.53.

(9) P-I Branch of Secretariat.

(T. C. PURI)
Deputy Secretary
to the Govt. of India

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3327. Statement by the Official Spokesman of the Ministry of External Affairs.

New Delhi, January 7, 1954.

The Government of India has noted with regret a statement by Mr. Mohammed Ali, the Pakistan Prime Minister at Dacca on January 2, to the effect that India had denied Pakistan her share of military equipment at the time of Partition.

This statement is not borne out by facts as the Pakistan Government very well knows and it is a matter of regret that this allegation should have been made by the Pakistan Prime Minister without ascertaining the full facts.

The military stores and equipment which happened to be in this sub-continent at the time of partition were obtained during the war and were the property of the Government of the United Kingdom. Neither Pakistan nor India could, therefore, claim these military stores and equipment without payment. After partition, it was agreed between the Governments of the United Kingdom, India and Pakistan that the Government of India would pay to the Government of the United Kingdom the value of the British-owned military stores and equipment left behind in this sub-continent and that the Pakistan Government would pay to the Government of India for the military store and equipment received by the former. The manner of payment was also agreed between the two Governments at Karachi. In accordance with this Agreement, India made the full payment to the Government of the United Kingdom and proceeded to recover from Pakistan, in the first instance, the money for the military stores and equipment sent to Pakistan from the 15th August 1947 up to the end of July 1948.

A formal demand for the payment of a sum of about Rs.15 crores was made in September 1948. Pakistan refused to pay, thereby going back on an agreement solemnly reached. The matter was again discussed at an Inter-Dominion Conference in December 1948 and, at that conference, Pakistan accepted the liability and promised to make payment immediately, but in actual fact went back on this agreement and made no payment. To protect her financial interests India had, therefore, no other alternative but to stop further supplies. India expressed readiness to resume supplies as soon as Pakistan paid for the military stores and equipment already supplied and agreed to pay for future supplies. It is surprising therefore, that an allegation should be made that India had denied Pakistan her share of military stores and equipment at the time of Pakistan.

* Since Pakistan media continued to make official inspired accusations against India for failing to supply the military stores left over by the United Kingdom at the time of Partition, the High Commission of India in Pakistan reissued this press note in Karachi on January 25, 1954.
3328.SECRET

Letter from Commonwealth Secretary M. J. Desai to High Commissioner in Pakistan Mohan Sinha Mehta.

New Delhi, March 1, 1954.

Ministry of External Affairs,
New Delhi

D.O.No.PII/53/679237/ 1 March 1, 1954

Dear Dr. Mehta,

Will you please refer to your secret d.o. letter from Camp Kalabagh dated the 9th February regarding, the Press controversy on the division of military stores bet-ween India and Pakistan? You must have since seen a Press Note by our Ministry of Defence in reply to Pakistan’s Press Note of the 5th February.

2. The Prime Minister desires that you should hand over an Aide Memoire to the Government of Pakistan in this connection, a copy of which is enclosed.

3. You may be aware that a question was asked in the House of the People on the 23rd February 1954 on this issue. Replying to that question, the Prime Minister invited the Member’s attention to the Press note referred to above. He also added that he did not consider that any purpose would be served by lodging a formal protest with the Government of Pakistan but that their attention was being drawn to this matter. A note for supplementaries prepared by the Ministry of Defence regarding this question is also attached herewith for your information. This note gives detailed figures which are for your background informa-tion.

Yours sincerely

(M.J. Desai)

Dr. M.S. Mehta,
High Commissioner for India in Pakistan,
Karachi.

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Aide Memoire.

Of late an unfortunate controversy has been developing in the Pakistan Press over the alleged non-supply by India to Pakistan of the latter’s share of military equipment at the time of partition. To correct the wrong impression that these allegations might create, the Government of India have issued certain press
notes. The Government of Pakistan has also issued similar press notes, reiterating the allegations which are not supported by facts and which appear to be based on some misunderstanding. The correct position in regard to the division of military stores between India and Pakistan is as follow:

2. At the time of partition there were large quantities of stores in depots in India and Pakistan, which had been supplied by the U.K. during the last war. At an Inter-Dominion Conference held at Karachi in May 1948 it was agreed between the two Dominions that all stores which belonged to the U.K. but which that Government were not interested in taking away for their use, would be acquired. India agreed to make the initial payment to the U.K. Government, and the Pakistan Government on their part agreed to reimburse India in cash their share of the payment made to the U.K. Government. It was agreed that payment would be made by Pakistan within a period of 30 days from the date of the Sterling Balances Agreement, for the stores located in Pakistan on the 15th August 1947 and for the stores received by Pakistan up to the 30th June 1948, in accordance with the formula already agreed upon for the division of the stores. Pakistan further agreed that for stores supplied after the 30th June 1948, payment would be made monthly for stores received in the previous month but one. The sterling Balance Agreement was signed on the 9th July 1948, and, according to this agreement, the following payments are due from Pakistan:

(a) In respect of U.K. stores in Pakistan on the 15th August 1947; and Rs. 11.38 Crores
(b) For stores supplied to Pakistan up to the 30th June 1948. Rs. 3.26 Crores

In addition, a sum of Rs. 1.83 crores is also due from Pakistan from stores supplied since the 30th June 1948, for which no formal claim has yet been sent.

3. At the time of partition several Joint Committees were set up to examine in detail the quantities due to India and Pakistan of various kinds of stores lying in depots in the two countries. It may be emphasised that not only was Pakistan entitled to a share of the stores held in India, but India also was entitled to her share of the considerable quantities of various kinds of stores lying in depots in Pakistan. Despatches were, therefore, to be made from either country of the other’s share of those stores. While in accordance with the decisions of the Joint Committee, despatches were going on from India to Pakistan, according to the availability of wagons, there was very little movement from Pakistan to India. Further, when the Government of Pakistan failed to honour the Karachi Agreement to make payment to India for the UK-owned stores already in Pakistan as well as for such stores sent from India, there was no other alternative for the Government of India but to suspend further despatches. It was made clear at
the time, however, that despatches would be resumed as soon as the Government of Pakistan honoured the financial agreements already reached.

4. In the Inter-Dominion Conference held in November 1948, the Pakistan representatives made a suggestion that Pakistan should be given her share of the India owned stocks before making any payment to India for the U.K. stores for which India had already made payment to the U.K. Government. The Indian representatives were unable to agree to this suggestion for the following reasons.

(i) The suggestion amounted to Pakistan’s repudiation of the Agreement of May 1948, which was the basis for the Sterling Balances Agreement with the U.K. Government.

(ii) As there was no segregation of stores as India-owned and U.K.-owned, it was physically impossible to supply first a share of the India-owned stores and then a share of the U.K.-owned shares.

(iii) India had agreed to make payment to the U.K. Government not only in respect of India’s share but so in respect to Pakistan’s share of the U.K. stores, on the distinct understanding that the Government of Pakistan would make certain payments within 30 days from the date of the Sterling Balances Agreement.

(iv) The suggestion in effect amounted to India making an advance to the Pakistan Government to enable them to acquire their share of the U.K. owned stores, for which the Government of India had paid in full.

The Pakistan representatives appreciated the force and the correctness of these considerations and at a conference in December 1948, agreed to make immediate payment for stores lying in Pakistan on the 15th August 1947 as well such stores supplied by India to Pakistan up to the 30th June 1948. They also agreed to make payment in accordance with the Karachi Agreement of May 1948, for stores sent subsequently. In spite of this further agreement, no payment has so far been made by Pakistan.

5. The method of payment which was agreed upon did not mean that Pakistan would be paying for the stores received as if they were all U.K. owned stores. It was assumed that the stores supplied were all U.K.-owned and partly India-owned in the proportion in which the stores were valued as such at the time of the Sterling Balances negotiations. The Government of India billed Pakistan only for that portion of the stores which could be taken to be U.K. owned and evaluated it at the rate at which they made payment to the U.K. Government. According to this arrangement, Pakistan would have got their share of India-owned and U.K.-owned stores gradually and would have paid only for U.K stores as received.

6. In the Press Note issued by the Pakistan Government certain misleading impressions were sought to be given by quoting exaggerated figures and picking
out individual items in respect of which they may or may not have received their due share. There are many similar individual items in respect of which India has not received her share from Pakistan. Nevertheless in their Press Note, the Government of India have replied to such statements only in a general way, as they are convinced that no useful purpose will be served by their doing so and thereby indulging in mutual recriminations on matters, which do not affect the main issue.

7. The Government of India are deeply disappointed that the Government of Pakistan, knowing full well all the facts and the previous history of the case, should now be giving publicity to the suggestions put forward by them in the past, but accepted by themselves as untenable as far back as December 1948. Allegations of this nature are not conducive to friendly and good neighbourly relations between the two countries and the Government of India earnestly hope that the Government of Pakistan would now take all necessary steps to set the unfortunate controversy at rest.

3329. Letter from Pakistan Ministry of Foreign Affairs and Commonwealth Relations to the Indian Partition Secretariat.


Ministry of Foreign Affairs and Commonwealth Relations
Karachi


My Dear Rangachari,

Would you kindly refer to your demi-official letter No.B-12(2)/53, dated the 4th December, 1953, relating to the settlement of outstanding financial issues between the two Punjabs?

2. As already intimated in S.M. Khan's letter to Trivedi, No.Neg.10/1/53, dated the 26th August 1953, we had in fact asked both East Bengal and the Punjab (Pakistan) Governments to contact their counterparts and to take further necessary action in pursuance of the minutes of the joint meeting of the Indo-Pakistan Steering Committees. The Punjab (Pakistan) Govt. have since been in communication with us with regard to certain difficulties which are holding up
further progress in the matter. It is perhaps this uncertain position which created some misunderstanding to which Nawab Singh has referred in terms that no instructions had yet been issued to the Punjab (Pakistan) Government.

3. The points raised by the Punjab (Pakistan) Government together with our comments, where necessary, are stated below:-

(a) **Assets and Liabilities of the Irrigation Branch, and Civil Supplies Department.**

The Punjab (Pakistan) Government intimated that the Sub-Committees of the Chief Engineers and the Civil Supplies Department have not yet completed their task and consequently no further progress can be made until they have submitted their reports. We have asked them to expedite this matter.

(b) **Audit scrutiny of the Punjab Suspense Account.**

No procedure is stated to have so far been finalised for the audit of the Punjab Suspense Account. According to the information given by the Punjab (India)’s representatives to the meetings of the Punjab Implementation Committee held on the 29th and 30th January, 1954, the procedure is said to be under the consideration of the Government of India.

We shall be grateful if the Government of India could expedite the matter and ask their Auditor General to advise the Auditor General of Pakistan of the agreed procedure so that both the Auditors General could undertake audit of the Punjab Suspense Account without further delay.

(c) **Pensionary Liability.**

The Punjab Government have stated that this is another item which is likely to take considerable time as the liability involved is to be determined on actuarial basis. We, however, advised the Punjab Government that on the analogy of the decision taken at the Indo-Pakistan Conference on Eastern Zone Problems held at Calcutta during September 1953, this liability should for the present be excluded from the balance sheet and the two Punjab Governments should endeavour to arrive at some what similar arrangements as agreed to at the aforesaid Conference and, set a definite time limit for the finalisation of the balance sheet.

Yours Sincerely

Sd. Abdur Rehman

M.V. Rangachari, Esquire,
Joint Secretary, Partition Sectt.,
Government of India, New Delhi.

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3330. Letter from Indian Partition Secretariat to Pakistan Ministry of Foreign Affairs and Commonwealth Relations.

New Delhi, May 21, 1954.

Government of India
Partition Secretariat

No.B-12(2)/53 New Delhi, the 21st May, 1954

My Dear Abdur Rehman,

Will you kindly refer to your D.O. No.Neg.10/9/53, dated the 10th May, 1954 regarding the question of financial issues between the two Punjabs?

2. We have written to our Punjab Government to expedite with their counterpart in Pakistan the determination of the assets and liabilities of the Irrigation Branch and Civil Supplies Department. We have also suggested that for the present the pensionary liability may be excluded from the balance sheet of the undivided Punjab.

3. The question of the audit of the Punjab suspense transactions is part of the wider question of the audit of various transactions arising out of the partition which are still outstanding. We are taking this up with the Comptroller & Auditor General and I expect that it will be for him and the Auditor General of Pakistan to arrive some time at a mutual arrangement in this behalf. We are having this in view.

Yours sincerely,

(M.V. Rangachari)

Abdur Rehman, Esq.,
Deputy Secretary,
Ministry of Foreign Affairs
and Commonwealth Relations,
Government of Pakistan,
Karachi.
Office Memorandum from the Ministry of External Affairs to the various Ministries and Departments of the Government of India.

New Delhi, June 25, 1954.

Government of India
Ministry of External Affairs
New Delhi

No.P.III/54/67959/1-2.

OFFICE MEMORANDUM

Subject: Secretaries’ Committee for Pakistan matters — Settlement of Provident Fund dues of employees of the undivided Central Government who had opted for Pakistan provisional at the time of partition and were killed in Pakistan before the 15th February 1948, without revising their option.

The undersigned is directed to refer to this Ministry’s O. M. No.P.II/53/679114 A/1-2, dated the 10th June, 1954, circulating for the approval of the Secretaries’ Committee, a proposal on the subject mentioned above contained in the Partition Secretariat’s Note attached to that Office Memorandum.

2. The proposal has been considered and approved by the Secretaries’ Committee.

(V.C. Trivedi)
Secretary, Secretaries’ Committee

PARTITION SECRETARIAT

Note For The Secretaries Committee

Subject: Settlement of provident fund dues of employees of the undivided Central Government who had opted for Pakistan provisional at the time of partition, and were killed in Pakistan before 15.2.1948 without revising their options.

At the time of partition every Central Government servant was given an opportunity to elect the Government which he wished to serve, after the partition. An employee could, exercise his option finally or provisionally. While the final options were irrevocable, in the case of a provisional option the employee was
permitted to change his option once and that before the 15th February, 1948. The option so exercised was to be treated as final. Any provisional option not revised before the 15th February, 1948, was to be deemed as final on that day.

2. Subsequently, due to communal disturbances following the partition, a number of cases arose in which provisional optees for India/Pakistan migrated to Pakistan/India without notifying a change in their first option. The matter was taken up with the Government of Pakistan and with their concurrence it was decided to treat such persons as having finally opted for the Government of the country to which they migrated provided they reported for duty in that country before the 15th February, 1948.

3. The Ministry of Railways have reported some cases of railway personnel who had provisionally opted for Pakistan at the time of partition but were killed in Pakistan before 15th February, 1948, without revising their option. The families of the deceased employees, who have migrated to India, are experiencing great hardship due to the non-settlement of their claims in respect of the provident fund of the employees concerned.

4. Under the partition arrangements, the liability for the balances in the State Provident funds was taken over by the Government to whose service the Government servant was transferred.

5. Technically the provisional options exercised by Central Government employees at the time of partition are to be treated as final and irrevocable if they were not, revised by the 15th February, 1948. Accordingly the options exercised by the employees under reference became de jure final options for Pakistan and consequently the responsibility for the settlement of their provident fund balances devolves on the Government of Pakistan. In such cases the Railway Board have been informing the families of the deceased employees to claim payments from the Government of Pakistan through the agency of the Central Claim Organisations. However the Pakistan Government do not seem to have settled any claim so far.

6. These cases deserve consideration on compassionate grounds. The individuals were killed in Pakistan within a few weeks after the partition and thus they could not revise their options, which under the rules they were entitled to do up to the 15th February, 1948. The fact that their families have migrated to India may be sufficient ground to assume that the employees would have also revised their options, for India, had death spared them. Further the settlement of these claims by the Government of Pakistan may take a very long time. In some cases they have refused to accept liability alleging that the individuals had revised their options for India final, although the Pakistan authorities have not been able to substantiate this by documentary evidence. The Ministry of
Railways (Railway Board) have suggested that the Government of India may settle these claims. The Minister for Railways has expressed his opinion on one of these cases as under:

“I notice that this employee exercised his option for Pakistan (Provisional) on 27.6.1947 and was killed on 8.9.1947, that is within a few weeks of his option. I wonder how he could have been expected to change his declaration into India (final) within this short period as apparently all employees were given time up to March, 1948 to enable them to change or confirm their original option. In fact a general question arises as to the cases of all those employees who, whatever their option, might have been killed earlier than the last date up to which they were allowed to change their option. In cases like the present one, there is not the least doubt that the employee would have exercised his option to return to India as an Indian optee. I do wish that something positive is done in such hard cases, and there may not be many now at this distant date which are still outstanding....”

7. Incidentally it may be mentioned here that the Government of India have already decided on compassionate grounds, to assume initial liability for the payment of provident fund and pensions in the following categories of hard cases, although according to strict interpretation of the Partition Council’s decisions, the liability therefor devolves on the Government of Pakistan:

(i) those who opted for Pakistan but proceeded on leave preparatory to retirement on or before 15.8.1947, and

(ii) those who opted for Pakistan but refused to go to that country and were consequently discharged from services by authorities in India.

8. Although the proposal now under consideration might mean a modification of the partition arrangement, the Government of Pakistan have nothing to lose by this arrangement and are not, therefore, likely to object to it. There may also be no difficulty in getting the fund accounts from the Pakistan authorities in respect of these claims. The arrangement will be reciprocal and Pakistan will be asked to pay in similar cases, if any, in Pakistan.

9. The exact number of outstanding cases is not available but it is not expected to be large. The Railway Board’s estimate of the number of cases on their side is 15.

There may be some similar cases arising in other departments and the decision taken would apply to all such cases also.
10. As over 6 years have already elapsed and the families of the deceased employees are experiencing great hardship on account of non-payment of their dues, it seems desirable that the Government of India should settle these claims on compassionate grounds and make whatever adjustments may be necessary with Pakistan. This concession will be limited to persons whose families migrate to India. The Ministries of Railways (Railway Board), Finance and Home Affairs have been consulted and they agree with the proposal. The matter is now referred to the Secretaries Committee for a decision.

(M. V. Rangachari)
Joint Secretary to the Government of India

3332. Letter from the Indian Partition Secretariat to the Pakistan Ministry of Finance.

New Delhi, July 3, 1954.

Government of India
Partition Secretariat
New Delhi

From : Shri M.V. Rangachari,
Joint Secretary to the Government of India.

To : The Secretary to the Government of Pakistan,
Ministry of Finance, Karachi.

No. B-2(223)/54 the 3rd July, 1954

Subject: Settlement of provident fund dues of employees of the undivided Central Government who had opted provisionally at the time of partition and were killed in the Dominion of their choice due to communal disturbances before 15.2.1948 without revising their options.

Sir,

I am directed to say that the Government of India have been considering for sometime the question of settlement of provident fund dues of employees of the undivided Central Government who had opted for Pakistan provisional at the
time of partition and were killed in Pakistan before the 15th February, 1948 without revising their options. As the Government of Pakistan are aware under the partition arrangements in such cases the country for which the options was made and in which the employee died is liable for the payment of provident fund balances. A number of such claims in respect of employees killed in Pakistan particularly on the Railways side, are however, reported to be pending settlement by the Government of Pakistan. In order to alleviate the hardship caused to the dependents of the deceased employees by the delay in settling the claims, the Government of India have decided to pay the claims of those who migrated to India soon after the death of the employee initially subject to recovery from the Pakistan Government.

2. I am now to suggest that the Government of Pakistan may also take similar action in regard to claims, if any, of families new in Pakistan of those killed in India, to avoid further delay in their settlement.

3. The Government of Pakistan would appreciate that this step has been taken on purely compassionate grounds and it is hoped that they would agree to the arrangement being reciprocal.

4. An early reply is requested.

Yours faithfully

(M.V. Rangachari)
Joint Secretary to the Govt. of India

Note from Pakistan Ministry of Foreign Affairs and Commonwealth Relations to the Indian High Commission in Pakistan.


Ministry of Foreign Affairs and Commonwealth Relations
Karachi

No. I (I).14/54

the 15th December, 1954.

The Ministry of Foreign Affairs and Commonwealth Relations Government of Pakistan, presents its compliments to the High Commission for India in
Pakistan and with reference to the Aide Memoire handed over by the Deputy High Commissioner for India in Pakistan to the Foreign Secretary on March 6, 1954, has the honour to state that the Government of Pakistan equally regret the unfortunate press controversy regarding the division of military stores and equipment between India and Pakistan. The Government of Pakistan are no less desirous than the Government of India that this controversy should be set at rest and it was with this intention that the Government of Pakistan issued its press note of 15th February 1954, bringing out the correct position of the matter but it is noted with regret that the Government of India continued to publicise incorrect data and inaccurate versions.

2. There is no dispute in regard to the fact that the payment for the U.K. owned stores was made to H.M.G. by the Government of India and that on the basis of the Karachi Agreement of May 1948, payment of the amounts due from Pakistan to India was to start within thirty days from the date of reaching the Sterling Balances Agreement with H.M.G. This latter Agreement was concluded on 14th July 1948 but no claim was received by the Government of Pakistan from the Government of India till about the middle of September 1948, i.e. nearly two months after the Sterling Balances Agreement. Besides, supplies of stores to Pakistan were stopped by India in July, 1948, i.e. before the expiry of the period of thirty days from the date of the Sterling Balances Agreement. This was contrary to clause No.C.II of the Karachi Agreement itself which precedes the payment clause of that Agreement (viz. C.III) and clearly lays down that the previous decision of the Joint Defence Council regarding the physical division of Defence Stores between the two Dominions was to remain unaffected by the payment clause in question. It was thus the Government of India who initiated action contrary to the provisions of the Karachi Agreement. That Government's statement that they discontinued despatches of stores to Pakistan as a result of Pakistan's failure to make payments is, therefore, not correct. While, therefore, having regard to the breach by the Government of India of the “Division of Stores” agreement, the Government of Pakistan were fully justified in withholding payments, nevertheless, payment of Rs.2.35 crores on account of United Kingdom owned installations was made by the Government of Pakistan to the Government of India in February 1949 and an offer was also made to the Government of India of an 'on account' payment of Rs.5 crores as early as March 1949 provided the Government of India was agreeable to dispatching Pakistan's share of Defence stores in fulfillment of the Joint Defence Council's decision and the Inter-Dominion Agreement of May 1948. This, however, was not accepted by the Government of India who continued to ignore the agreements solemnly reached between the two Governments.
3. Adverting now to the allegations made against the Government of Pakistan in the Government of India’s press note of 22nd February 1954, it may be stated that the Government of India’s statement to the effect that the value of stores purchased from the United Kingdom Government was considerably more than that of the stores held to belong to undivided India is not correct. In fact the position was just the reverse. This would be proved by the fact that according to the statistics supplied by the Government of India themselves in their Ministry of Finance (Defence) Letter No. 17-B dated the 17th September 1948, the book value of United Kingdom owned stocks (excluding factory stores and surplus stores which are governed by separate “payments agreement”) held on 14th August 1947 in the Indo-Pakistan sub-continent was Rs.108.03 crores as against India owned stocks of the same category valued at Rs.146.10 crores.

Secondly, the allegation made in the same press note that “while India supplied about 50 to 60 percent of the stores due to Pakistan, Pakistan sent only a negligible portion of what was due from her to India” is also misleading. According to the statistics maintained in Pakistan, out of the stocks held in Pakistan on the date of partition, the total value of all types of stores retained for Defence requirements was Rs.28.39 crores and the balance of corresponding stores held in India at the time of partition was of the value of Rs.225.74 crores. Pakistan transferred to India stores of the book value of Rs.4.38 crores from 15th August 1947 to 30th June 1948 which represents about 15% of the stocks held in Pakistan on 14th August 1947, whereas supplies by India during the same period, as verified, by the Government of Pakistan, amounted to the book value of Rs.4.75 crores only (and not Rs.8.75 crores as given in the claim preferred by India) representing 2% of the stocks held in India on 14th August, 1947. This clearly disproves the Government of India’s allegations.

On the basis of the position of stocks held in Pakistan on the date of partition and the transfers effected between the two Dominions upto 30th June 1948 as indicated above, the book value of stores in Pakistan on 30th June 1948 amounted to Rs.28.76 crores as against Pakistan’s share of Rs.48.70 crores (1/3rd of Rs.146.10 crores) from India owned stocks and Rs.36 crores (1/3rd of Rs.108.03 crores) from United Kingdom owned stores. Thus on that date stores valued at Rs.20 crores and Rs.36 crores from India owned and United Kingdom owned stocks respectively were still due to Pakistan from India. These figures speak for themselves and fully justify the Pakistan Government’s statement that the Government of India failed to supply Pakistan’s share of Defence Stores according to the Partition Agreement.

It will be seen from the above that the Government of India failed to implement
the “Division of Stores” Agreement on which depended implementation of the “Payments Agreement” and therefore the Government of India's allegation that the Government of Pakistan failed to make payments is clearly without foundation.

4. The Government of Pakistan hope that the above statement of facts and figures will set this unfortunate controversy at rest and trust that in the interest of good neighbourhood relations the Government of India would refrain from publicizing incorrect statistics and inaccurate statements about the Government of Pakistan’s refusal to make payments alleged to be due to the Governments of India for defence stores.

5. The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

To
The High Commission for India
In Pakistan, Karachi

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3334. Agreement reached at the meeting of the Steering Committee to discuss outstanding issues.


The Steering Committees appointed by the Governments of India and Pakistan for discussion of outstanding issues met jointly at Karachi on the 26th, 27th and 28th of February 1955.

The Indian Steering Committee consisted of:

1. Mr. S. Dutt.
Secretary, Ministry of External Affairs.

2. Mr. M.V. Rangachari
Secretary, Ministry of Finance.

3. Mr. V.C. Trivedi,
Director, Pakistan Division, Ministry of External Affairs.

The Pakistan Steering Committee consisted of:

1. Mr. M.S.A. Baig,
Joint Secretary, Ministry of F.A., & C.R.
2. Mr. M.A. Mozaffar, 
    Joint Secretary, Ministry of Finance.

Raja Ghazanfar Ali Khan, High Commissioner for Pakistan in India and Mr. R.T. 
Chari, Deputy High Commissioner for India in Pakistan attended by invitation. 
Both the Steering Committees were assisted by Advisors. The meetings of the 
Steering Committees were held in an atmosphere of cordiality and the lists of 
outstanding items prepared by both the Governments were scrutinised and 
classified, the procedure for discussions at the various levels was formulated and 
Ministries and Divisions concerned are being asked by the Steering Committees 
to take up their outstanding items with their counterparts and to report the progress 
of the negotiations by the 15th April. It is expected that there will be discussions 
and meetings at Ministers’ level for resolving some of the items. The Steering 
Committees have agreed to meet again at Delhi on the 11th of March when they 
will attempt to resolve some of the issues which are capable of solution at their 
level.

sd/- 
S. Dutt. 28.2.55

M.S.A. Baig. 28.2.55

3335. Agreement between the Governments of India and 
Pakistan on Certain Outstanding Financial Issues.

Karachi, June 12, 1955.

Record of Discussions at the India – Pakistan Financial Conference at 
Secretariat Level.


PRESENT

INDIA

1. Mr. M.V. Rangachari, 
   Secretary 
   Ministry of Finance, 
   (Department of Revenue 
   and Expenditure 
   Government of India

PAKISTAN

1. Mr. Mumtaz Hasan, 
   Secretary, 
   Ministry of Finance, 
   Government of Pakistan.
2. Mr. H.S. Negi, Joint Secretary, Ministry of Finance, Government of India
2. Mr. M.A. Mozaffar, Joint Secretary, Ministry of Finance, Government of Pakistan

3. Mr. S. Than, Commercial Secretary, Indian High Commission, Karachi.
3. Mr. Nasirud Din, Deputy Secretary, Ministry of Finance, Government of Pakistan

4. Mr. R. Saran, Under-Secretary, Partition Secretariat, Government of India
4. Mr. B. Zaman, Assistant Secretary, Ministry of Finance, Government of Pakistan

Items on Pakistan’s List

16(a). Division of the assets of the Canteen Stores Department: There was no disagreement in regard to the amounts to be allocated between the two countries from the surplus assets of the Canteen Stores Department. The only disagreement was on the limited question of how the share of Pakistan in the sum allocated to the Government of India to cover the expenditure incurred before the Partition should be paid. It was agreed on behalf of India that the liquidators will pay direct to the Government of Pakistan her share as in the past.

16 (c). Division of Prize Money: It was agreed that the one third amount should be divided in the ratio of 82 1/2 : 17 1/2 for India and Pakistan.

16 (d). Division of U.P. Gift for the National War Academy: It was agreed that Pakistan’s share should be credited to her through the debt settlement.

17 (a). Transfer of Defence Welfare Funds: There was no disagreement about the sums due to the respective Governments in the welfare funds. The actual transfer of the balances and/or securities would be effected in the same way as the transfer of any balances held outside Government accounts in either country in respect of regimental funds. It was agreed that the details of the latter should be exchanged at an early date (within a period of 2 months) and thereafter the cash or securities should be transferred simultaneously between the two countries.

27. Payment of pension to Mrs. Annie Sims out of the Securities of the Biddulph Military Trust Fund: It was agreed to divide the assets of the Biddulph Military Trust Fund in the ratio 3 : 1 between India and Pakistan. India would pay the pension initially and recover Pakistan’s share currently in the same ratio.
28. Allocation / apportionment of Central Charitable Endowments between India and Pakistan: It was agreed to divide the assets of the Birdwood Sword of Honour Fund in the ratio of 2:1 and the Indian People’s Famine Trust Fund in the ratio of 82 1/2 : 17 1/2 for India and Pakistan. Pakistan agreed to drop its claim regarding the division of the assets of the Indian Institute of Science.

29. Allocation and settlement between (a) the Central Government and Provinces, and (b) one Province and another, of part liability in respect of divisible pensions for service rendered by Government servants before partition: It was agreed that the proposals made by the Government of Pakistan in their letter No. 7586-B/50 of 19-9-50 should be further examined and reply expedited.

30. Transfer and monetary settlement of the Provident Fund balances of ex-Secretary of State’s officers and other officers who were borne on the Provincial cadres but were transferred from one country to the other as a result of their option at the time of partition: It was agreed that, subject to the exceptions mentioned below, the country for which the officer concerned had opted should assume the liability for the balances in his Provident Fund Account as on the date of partition, the adjustment, if any, between a Central Government and its Provinces/States being left to them. The necessary adjustment between the two Central Governments would be made through the debt settlement. The exceptions were (a) Officers of the former Provinces of the Punjab and Bengal would not be covered by this agreement; and (b) If any balances had already been transferred and monetary settlement effected, these cases would not be re-opened. The two Governments would exchange within a period of 3 months a statement giving the names of officers and the balances in their Provident Fund Account as on the date of partition, which would be settled in this manner.

31. Settlement of liability of Provinces in respect of service under them by Government servants now serving in the other country

AND

109. Allocation and adjustment of the liabilities on account of Provident Fund, Pension, Leave etc. of Provincial Government servants who were on deputation with the Central Government at the time of partition and opted for either country: In view of the practical difficulties in allocating leave and pension liabilities of serving officers, it was suggested that the two Governments should consider if on the analogy followed in the case of separation of Burma, leave and pensionary liabilities should not be taken over without any financial adjustment by the Government for whom the Government servants had opted or by whom they had been re-employed. The liability for unpaid Provident Fund balances would be settled as suggested against item No. 30 above.
32. **Financial adjustment** in respect of prepartition pensions paid in British colonies on behalf of India and Pakistan: It was stated that as consequent on the agreement between India and the U.K. under which the liability for all Sterling pensions payable by the Central and State Governments in India, including those paid in British colonies, had been transferred to the United Kingdom Government with effect from 1st April, 1955, any sums recoverable from States in India by the Government of Pakistan on account of Sterling pensions initially paid by them would be reimbursed to them by the U.K. Government. The representatives of Pakistan Government noted the position.

33. **Settlement of accounts** with the oil companies for supply of P.O.L. received by Defence Services and Civil authorities since the outbreak of the last World War: It was stated on behalf of the Government of India that the accounts with the oil companies had not been finally settled. Only some payments had been received and the amount so far recovered would be intimated to the Government of Pakistan.

34. **Settlement of accounts** relating to prepartition sale of arms and warlike equipment to Afghanistan and Tibet: It was stated that no amount was outstanding from Tibet in respect of arms and warlike equipment. It was also understood that no supplies had been made after partition under the orders of the Joint Defence Council, but this was subject to verification. No recoveries had been made from Afghanistan in respect of the amount outstanding at the time of partition.

48. **Recovery from the Reserve Bank of India** of the loss of Rs. 35,500 incurred as a result of fraudulent payments at the Imperial Bank of India, Karachi, due to the negligence of the Bank’s staff:

Pakistan’s representatives agreed to drop this claim.

49. **Payment due from India** on account of minting charges and metallic value of retired India coins taken over by the Reserve Bank of India up to 30-6-1951: It was agreed that the claim for outstanding minting charges (estimated at about Rs. 4.5 lakhs) should be waived and the Government of India would request the Reserve Bank to pay the charges incurred on the remittance of those coins. The remittance charges were stated to be about Rs. 95,000 and an audit certificate of the actual amount spent would be furnished by the State Bank of Pakistan.

50. **Financial adjustment** for transfers of Postal Certificates between India and Pakistan With reference to the Indo-Pakistan Agreement of April, 1949: it was agreed that for determining the liability of each country in respect of Post Office Certificates transferred on or before the 31st March, 1948, the date of application for transfer should be treated as the date of transfer.
51. **Realization of arrears of taxes on income** due from evacuee assesses: The matter was discussed, but no decision was taken.

52. **Allocation of liability** for refund of revenue and return of deposits relating to the prepartition period

AND

143. **Incidence of liability** for outstanding deposits relating to prepartition Central contracts: It was agreed that the two Governments should examine whether each Government should not initially pay the dues of claimants in its area and adjust such payments through the debt settlement.

104. Audit of the Punjab Government Suspense Account

AND

140. **Test Audit of Joint Account (Central):** It was agreed that the Auditor General of the two countries should be requested to evolve a suitable procedure for the test audit of these transactions and accounts. It was felt that if an arrangement could be made by which each Auditor General conducted an independent test audit of these accounts and transactions in his country and gave a certificate of audit to the other Auditor General, such a certificate should be accepted for the purposes of settlements arising out of partition.

107. **Extra Pakistan remittances:** reimbursement to the State Bank of Pakistan by the Reserve Bank of India in respect of the drawing made under the Reserve Bank of India Remittance Facilities Scheme up to the 30th June, 1948, and paid by the State Bank of Pakistan and its agencies after that date: It was agreed that the two Central Banks should be invited to examine the matter again with a view to fixing the responsibility for any delay that might have occurred in making a claim or in making a reimbursement and take appropriate action under intimation to the two Governments.

108. **Reimbursement by the Reserve Bank of India** to the State Bank of Pakistan on account of remittance charges from Pakistan to India of Reserve Bank’s chest balances of the 30th June, 1948: It was agreed by India that the Reserve Bank of India would be advised to reimburse the cost of moving the chest balances from the mofassil chests to headquarters in Pakistan. It was stated by Pakistan that this amount was estimated to be Rs. 65,000.

110. **Transfer of service** records of certain workmen of the Calcutta Mint who opted for Pakistan: It was agreed that the records of service of the workmen of Lahore, Alipore and Bombay Mints and of those of the India Security Press, Nasik, which had not yet been exchanged, should be expeditiously collected and exchanged within a period of two months.
139. **Adjustment through Debt Settlement** of the miscellaneous receipts realized by either of the successor Government after 31.3.48 but relating to the prepartition period: The item was dropped.

141. **Transfer of pensions**, provident fund accounts and insurance policies of optees and others applied for before the formation of Central Claims Organisation: It was found that there was a large disparity between the figures collected by either side of outstanding Provident Fund accounts, insurance policies and pension cases awaiting transfer. It was agreed to prepare and exchange lists of outstanding cases within a period of two months, if necessary, liaison officers should be sent thereafter to expedite the transfers.

**ITEMS ON THE INDIAN LIST**

53. **Remittances from India to Pakistan** and vice versa on private account for current and capital transactions: This item was generally discussed and it was agreed that individual cases of hardship should be brought to the notice of the State Bank of Pakistan who promised to enquire into them and take appropriate action. A reply to the Government of India letter No. 551-SF/55, dated 22.3.1955 addressed to the Government of Pakistan on this subject would be sent shortly. In regard to the money orders, it was explained that the Pakistan Government had no system of money orders with foreign countries and they were not yet ready to introduce a money order system between the two countries.

54. **Allocation of liability between India and Pakistan** for the return of lend-lease silver to U.S.A.: This item was discussed and it was agreed that it should be left for a decision at ministers’ level in view of the fact that two connected matters viz. items 3500 and (iii) had been classified under category “B”.

55. **Claim against Pakistan** arising out of Pakistan coinage work done by Bombay and Calcutta mints and supplies made by India Security Press: It was agreed that the cost of minting charges of Pakistan coins minted at the Indian mints on or after the 15th August, 1947, should be calculated on the basis of charges made in accordance with the rules in force on the date of partition for coinage executed at Indian mints for foreign Governments, subject to the condition that no element of profit should be added to these charges. The actual minting charges to be claimed from Pakistan would be supported by an audit certificate.

**GENERAL**

The above agreement would be subject to ratification by the two Governments.

(Signed) M.V. Rangachari  
Secretary to the Government of India, Ministry of Finance 12-6-55

Sd/- Mumtaz Hasan  
Secretary to the Government of Pakistan Ministry of Finance 12-6-55
Letter from Pakistn Ministry of Foreign Affairs and Commonwealth Relations to the Ministry of External Affairs.

Karachi, October 20, 1955.

Ministry of Foreign Affairs and Commonwealth Relations

Karachi

No. Neg.10/10/55. October 20, 1955

My dear Trivedi,

Please refer to your letter No.P.II/54/679110/201, dated September 2/3, 1955 regarding discussion of items relating to Hyderabad Funds.

2. The Pakistan Steering Committee had not agreed to discuss items relating to Hyderabad Funds, in the joint meeting of Indo-Pakistan Steering Committees held in Karachi on 26th, 27th and 28th February, 1955. It will be seen from the minutes of this meeting that while Pakistan Steering Committee stated that they were precluded from discussing items relating to Hyderabad, the Indian Steering Committee had stated that no dispute between the two Governments should be excluded from the discussion and that it was only a question of at what level the discussion should take place. They also opined that it should be discussed at the Prime Ministers' level. It will, therefore, be clear that no decision was arrived at in this behalf. The suggestion of the Indian Steering Committee was, however, considered by the Government of Pakistan, who later on informed the Government of India that the matter should be discussed at Ministerial level by the Hon'ble Minister for Finance on our side. No reply was, however, given to this suggestion by the Government of India. In the meanwhile the matter was re-considered by the Government of Pakistan and it was decided that since we do not recognize the forcible occupation of Hyderabad State by India, it is not possible to discuss items relating to Hyderabad Funds and the Government of India were informed accordingly.

3. The question of revision of agreement unilaterally, therefore, does not arise as there existed no agreement on the subject.

Yours sincerely

A. Salim Khan

V.C. Trivedi, Esq.
Director, Pakistan Division,
Ministry of External Affairs,
Government of India, New Delhi.
I called on Syed Amjad Ali, Minister for Finance and until recently Pakistan’s Ambassador to the United Stated on Saturday the 19th November. I have known him for some years and he is good friend of mine. Even so, I thought that I should officially call on him in his capacity as Finance Minister and I did so on Saturday, the 19th November, 1955.

2. First of all, I told him that there was some correspondence between our Minister for Finance, Shri C.D. Deshmukh and his predecessor Chaudhri Mohamad Ali for a meeting between the two Finance Ministers to settle some of the outstanding financial issues, without which further progress could not be made by the Steering Committees of the two countries. The meeting could not be arranged as Ch. Mohamad Ali was rather busy with constitutional and other problems in the country. I told him that it was high time that problems arising out of partition, which was effected more than 8 years ago should be brought to an end, particularly where private parties were concerned. The two governments must meet and on a basis of give and take or mutual accommodation, must bring an end to these perpetual problems so that both sides may know where they stand, false hopes may not be entertained and justice may be done to all private parties, who could not otherwise get their claims settled in the absence of a directive from the Finance Ministers. I told him that at the last visit of Shri M.V. Rangachari, our Finance Secretary, it was intended by Ch. Mohamad Ali that the two Finance Secretaries should meet and settle most of the problems, thus reducing substantially the area of disagreement for which the two Finance Ministers may meet later and on which they may give their findings one way or the other. It was the intention of Mr. Mumtaz Hasan, the Pakistan Finance Secretary to have such a meeting as soon as the agreement reached in April or May this year was ratified by the two governments. That agreement had been ratified, and it was now time for the two Finance Secretaries to meet with a specific direction from the two Finance Ministers that they would have full authority to consider every outstanding matter and to settle them as far as possible. I told Syed Amjad Ali that nothing would come out of the forthcoming meeting of the two Secretaries, if they did not have this authority and if on every issue they pleaded the necessity to make a reference to the Minister.

3. Syed Amjad Ali agreed with me and said that he would ask Mr. Mumtaz Hasan to have a meeting with our Finance Secretary, who would be Mr. H.M.Patel
and that he would give full authority to his Secretary to go as far as possible in writing-off the outstanding problems. We may now expect a move towards a meeting between the two Finance Secretaries in the near future. Whatever may be the other preoccupations, priority should be given to this meeting, and there being no question of prestige as regards the venue of the meeting.

4. The next point I took up with Syed Amjid Ali was the liberalization foreign exchange for visitors between the two countries. I told him that the present system was so absurd and unworkable as to lead to evasion from the very beginning. It was the intention of both governments to facilitate and encourage mutual visits, and for this purpose also liberalization of the foreign exchange allowance was necessary. I told him that on the last occasion when I discussed this with Mr. Mumtaz Hasan he said that he was watching the effects of devaluation and would be ready to take up this matter sometime in January. I was only asking for advance consideration of the problem by a month so that if there is agreement about liberalization, it could come into force with effect from January 1, 1956. The Finance Minister said that he would discuss the position with his Secretary. I told him that, so far as India was concerned, we would be prepared to go to almost any length in the direction of liberalization of the foreign exchange allowance.

5. The next matter taken up was liberalization or grant of facilities for the remittance of funds from one country to the other by workers and employees for the maintenance of their families residing in the other country. I told him that this would be one of the remedies for the reduction of migration of Hindus from East Bengal. Some of these people had families in India, but in the absence of facilities for remittance of funds, they found it difficult to stay on in East Bengal and to maintain their families in West Bengal. The result was that they took out migration certificates and left East Bengal. Similarly, there were people who had come to India for employment but who kept their families in East Bengal. In their case also facilities for remittance would suppress the urge for bringing their families to India on migration certificates. It should not be understood that the proposal for remittance facilities was merely intended to benefit the Hindus. There were better educational facilities in India which were being availed of in large numbers by Muslims of East Bengal, but they had to contend with the difficulty of remittance of funds. We had no objection to such students coming to India, but facilities must be provided to the parents to send regular monthly remittances. I reminded Syed Amjad Ali that liberalization of remittances was also recently advocated by Mr. Hamidul Huq Chowdhry, their Foreign Minister and that it was also one of the measures recommended by the Indian Rehabilitation Ministers (sic) who met recently at Darjeeling. Syed Amjad Ali told me that he would have the matter examined in consultation with the Ministry of Foreign Affairs. He was, however, not sure that the foreign exchange position
of the country would permit any substantial liberalization of the rules, regarding remittance of funds from one country to the other, the benefit of which he thought would go more to India than to Pakistan.

6. I told Syed Amjad Ali that the agreement made in April last between Dr. Khan Sahib and Shri Mehr Chand Khanna regarding improved communication facilities provided that as soon as possible through booking to destinations in either country should be encouraged. So far this was not done because there was a fear that black marketing in the exchange rate might be indulged in, in view of the wide disparity between the official and the non-official rates of exchange. Now that the two rupees had been brought to parity, this particular difficulty was overcome and it should be comparatively more easy to introduce a system of through booking to destinations in the other country. I told Syed Amjad Ali that I had discussed this matter with Mumtaz Hasan last month and that he too was favourably disposed towards it. He was to consult other Ministries and I hoped that a stage had now come when we could push the matter to a definite conclusion. The Finance Minister said that he would ask his Secretary to go ahead with the proposal.

7. I told Syed Amjad Ali that the Indian Rehabilitation Minister, Shri Mehr Chand Khanna had written a letter recently to Ch. Mohamad Ali, when he was Finance Minister, suggesting an early meeting between the two ministers to take up consideration of the question of settlement of immovable evacuee property in the two countries. The problem relating to movable property had now been settled, and the stage had come when the next question of immovable property could be tackled between the two governments. Syed Amjad Ali said that he was new to the Ministry and that he doubted if it would be possible for him to have a meeting with our Rehabilitation Minister for another three months, during which he would be extremely busy with constitutional matters.

8. Finally, I told Syed Amjad Ali that I deplored the recent signs of a deterioration in the relations between the two countries. For instance, the continued demonstrations by riff-raffs in the name of Kashmir served no useful purpose and merely acted as an irritant to the Indian High Commissioner and to the people of India. People in India believed that the Government of Pakistan must be at the back of these demonstrations, as otherwise they would have been withdrawn long ago. Even I felt that way, I added.

9. Then I referred to some of the editorials in papers like Evening Star, which referred to Hindus as idolatrous cow-worshipping primitive Hindus, whose hands were stained with the blood of innocent Muslim women and children and who were responsible for the desecration and defilement of Muslim mosques and places of worship. I told him that there was not an iota of truth in all this and that in fact Muslims were coming to me in numbers wishing to return to India even without
claim to property or restoration of employment. Such writings, I told him, did not create the right atmosphere for the settlement of problems or for the forging of friendship which was desired by the two governments. I then drew his attention to the recent fantastic story about espionage on behalf of the Indian High Commission. He smiled and told me that I should bring these facts to the notice of Ch. Mohamed Ali when I saw him next. He agreed generally that maligning and malicious writings did not help to create the right atmosphere in which the two countries could solve the outstanding issues and could march together towards greater cooperation and better understanding.

10. My relations with Syed Amjid Ali are such that I could tell him anything without being misunderstood. However, I had met him officially and used restraint and guarded language and did not take any liberty because of our personal friendship or relationship. I must add that he is a very fine gentleman, one of the few people in Pakistan who are not reconciled to the fact of Partition and who would not hesitate to say so on suitable occasions. It is a pleasure meeting him and discussing our problems with them. I do not know to what extent, in the atmosphere prevailing in Pakistan, he would be able to have his way and to mould the policy of his department against the pressure of the civil service which still continues to be the main citadel of anti-Indian feeling in this country.

Sd/- (C.C.Desai)
High Commissioner for India in Pakistan

Karachi,
Saturday, 19.11.1955.

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3338. Letter from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs and Commonwealth Relations.

New Delhi, December 12, 1955.

Ministry of External Affairs and Commonwealth Relations
New Delhi


My Dear Dehlavi,

I understand from your High Commission here that you are dealing with Indo-Pakistan matters and accordingly I am writing in connection with Salim Khan’s letter No. Neg.10/10/55 of the 20th October 1955 to Trivedi regarding discussion of items relating to Hyderabad funds.

We are greatly surprised at the argument advanced in Salim Khan’s letter. It is quite correct, as he states, that there was a difference of opinion between the two Steering Committees at their meetings in Karachi in February 1955. But though the Pakistan Steering Committee felt itself at that time precluded from discussing these items, there was subsequently the letter dated the 22nd March 1955 from your Ministry signed by Kaiser intimating your Government’s decision that the items be discussed at ministerial level.

The plain meaning of this communication surely is that the Government of Pakistan agreed to discuss the items and were communicating the level at which they wished them to be discussed. As this was in accordance with the view of the Indian Steering Committee at the February meetings, no further discussion of the matter was required and Kaiser’s letter was acknowledged in Trivedi’s letter No.P.II/54/679110/1-2 of the 24th March 1955. Salim Khan says that no reply was given to the Government of Pakistan’s ‘suggestion’. But if you will refer to Kaiser’s letter, you will see that it intimates a decision of the Government of Pakistan. This decision we naturally accepted because as I have already said it amounted to acceptance of our own views.

Subsequently in reply to our letter P.II/54/67110/201 dated the 5th April ratifying the decisions of the Steering Committees, the Government of Pakistan in your Ministry’s letter No.Neg.16/9/55 dated the 25th May 1955 on their part also ratified the decisions except that regarding the Hyderabad items they reiterated the decisions in Kaiser’s letter of the 22nd March 1955.

If therefore subsequent to their ratification, the Government of Pakistan reconsidered the agreed decision regarding Hyderabad items viz. that they should be discussed at ministerial level, it certainly amounts to unilateral
modification of the ratified decisions and the Government of India are unable to accept the contention which Salim Khan’s letter seems to advance either that Kaiser’s letter of the 22nd March 1955 was not a decision of the Government of Pakistan but only a suggestion or that Trivedi’s reply of the 24th March 1955 was not an acceptance of that decision.

I am therefore, directed to reiterate the position stated by Trivedi in the last sentence of his letter of the 2nd September 1955 to Salim Khan and to request that the Government of Pakistan would be so good as to reconsider the position taken by them.

Yours Sincerely

(S.R. Isar)

S.K. Dehlavi, Esq.,
Joint Secretary,
Ministry of Foreign Affairs & Commonwealth Relations,
Government of Pakistan,
Karachi.

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3339. SECRET

Letter from Finance Secretary H. M. Patel to High Commissioner of India in Pakistan C. C. Desai.

New Delhi, January 12, 1956.

Finance Secretary
Government of India
New Delhi

D. O. No. B-112(11)/56 12th January 1956

My Dear Chandubhai,

I am writing this with reference to your D.O. No.HC/55/3 of November 20th, to the Finance Minister. You had enclosed with that D.O., a copy of the note recorded by you after your call on Syed Amjad Ali, Pakistan Minister of Finance on Saturday the 19th November. As we have not heard anything further since that date, I am assuming that the further developments which you anticipated have not yet taken place. As we see it, if the two Finance Secretaries meet,
their talks are likely to make progress only if they meet “with the specific direction from the two Finance Ministers as they would have full authority to consider all outstanding matters and to settle as far as possible”. Nevertheless, if a proposal for a meeting between the two Finance Secretaries is received from Pakistan, we would agree to it, for obviously we cannot reasonably decline to talk even if we have grave doubts of the talks leading to anything worthwhile. In any event, the earliest such a meeting could take place would be after the Budget Session.

Yours sincerely,

Sd/- (H.M. Patel)

Shri C. C. Desai,
High Commissioner for India in Pakistan,
Karachi.

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3340. Letter from Pakistan Finance Secretary Mumtaz Hasan to Officer on Special Duty in the Ministry of Finance M. V. Rangachari.


Government of Pakistan
Ministry of Finance
Karachi

D.O.No.545- AC/56. the 28th February, 1956

My dear Rangachari,

As your are aware, during the Indo-Pakistan Financial Conference of June 1955, the question regarding the allocation of liability between India and Pakistan for the return of lease-lend silver to the USA was postponed for discussion at the Ministers’ Conference on outstanding financial issues. It looks, however, as though it would take a little more time before the two Finance Ministers can meet. Since the liability in respect of lease-lend silver will become due for discharge in April, 1957, it is desirable to come to an early settlement of this question. I suggest that if a secretariat level meeting could be held either at Karachi or New Delhi, as may be convenient to you, it may help to finalise this matter. What do you feel?
2. Your High Commissioner also recently met our Finance Minister as well as myself and suggested that a Secretariat-level conference may be held to discuss the various financial issues before the two Finance Ministers meet. I, for my part, am agreeable to a preliminary discussion, in which we might try and see to what extent we can prepare the ground for the Finance Ministers’ Conference. If necessary, we could have more than one meeting for this purpose, subject to your convenience.

3. Your preoccupations and mine with the budget and other matters may point to early April as the likely time for the kind of meeting suggested. I should, however, like to know your wishes in the matter.

4. I shall be grateful for an early reply.

Yours sincerely

Sd/-

(Mumtaz Hasan)

Mr. M.V. Rangachari, IAS,
Officer on Special Duty,
Ministry of Finance
New Delhi.

3341. Letter from Officer on Special Duty in the Ministry of Finance M.V. Rangachari to Pakistan Finance Secretary Mumtaz Hasan.

New Delhi, March 5, 1956.

No. OSD-67/56.

Ministry of Finance.
Department of Economic Affairs
New Delhi

5th March, 1956

My dear Mumtaz,

Will you kindly refer to your D.O. letter No.545-AC/56 dated the 28th February 1956?

We shall be glad to have a meeting at secretariat level on the remaining
outstanding financial issues, including the question of liability for the return of lease-lend silver. I suggest that the discussion may be held at Delhi, where all of you will be most welcome, some time about the 20th of April, if it is convenient to you. As soon as the dates are fixed, we could agree on the issues to be discussed. It will assist in expediting a disposal of these items if instead of ranging over the whole field we confine the discussion to a limited number of select and important items.

With kind regards,

Yours Sincerely

Sd/-

(M.V. Rangachari)

Mumtaz Husan, Esq.,
Finance Secretary,
Government of Pakistan.

3342. Letter from Pakistan Ministry of Foreign Affairs and Commonwealth Relations to Ministry of External Affairs.

Karachi, March 27, 1956.

Ministry of Foreign Affairs and Commonwealth Relations
Karachi

D.O.No.Neg.;10/10/55 March 27, 1956

My dear Isar,

Please refer to your D.O. No.P.II/54/679110/201 dated the 12th December, 1955, addressed to Mr. Dehlavi regarding discussion of items relating to Hyderabad Funds.

2. I am sure you will agree that a mere arrangement for a list of subjects for discussion cannot be called an “Agreement” (with a capital A) in the sense in which this word is used to denote an International Agreement. If an item of a programme or agenda is subsequently deleted by one side, the other side may not entirely like it, but I do not think the deletion will bear the language suggesting departure from an International compact formally arrived at.
3. I regret very much that for the reasons already stated, the Government of Pakistan is unable to revise its decision not to discuss item Nos. 51, 93 and 94 of the list relating to Hyderabad Funds.

Yours sincerely,
(M.S. Shaikh)

R.F. Isar, Esqr.,
Ministry of External Affairs,
Government of India,
New Delhi.

3343. Letter from the Finance Secretary H. M. Patel to High Commissioner of India in Pakistan C. C. Desai.

New Delhi, March 31, 1956.

Finance Secretary
Government of India
New Delhi

No. 836/SEA/56 31st March 1956.

My dear Desai,

The Pakistan Government have been suggesting for some time that the outstanding financial issues between the two countries should be discussed at a Secretariat level meeting. We had agreed to this and a meeting was originally suggested for some time at the end of April. Mumtaz Hasan has written to ask if the 25th of April would be convenient to us but as we have a meeting of the National Development Council early in May, we have now proposed that the meeting be held from the 7th of May instead of the 25th of April proposed by him.

The main purpose of the meeting is to discuss at official level the various items reserved by the Steering Committees for consideration at the Ministers’ level. I enclose lists showing the items thus reserved from among those proposed by India and Pakistan (Lists A and B) and of certain other matters which we are interested in (List C). So far as India is concerned, the items thus reserved are not many. We might discuss these and also some of the other general issues in which we are interested. We are asking Mumtaz Hasan to let us know which of
the items in the Pakistan list he wishes to discuss. I shall let you know as soon as we hear from him. Meantime, this is to keep you informed of the developments.

Yours sincerely
(H.M. Patel)

Shri M.J. Desai, ICS.
Secretary, Commonwealth,
Ministry of External Affairs,
New Delhi.

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List ‘A’
India’s Items

Outstanding items classified by the Steering Committees for discussion at Finance Ministers level

1. Hyderabad Government Funds in Pakistan — Transfer to India of-
2. Recovery of the value of shares of the State Bank of Pakistan held by the Hyderabad State Bank.
3. Hyderabad Government 3% Sind Loan 1958 of the face value of Rs.12.25 lakhs.
*4. Allocation of liability between India and Pakistan for the return of Lend/Lease silver to U.S.A.
* As per decision taken at the Indo-Pakistan Financial Conference held at Secretariat level in June, 1955.

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List ‘B’
Pakistan’s Items

Outstanding items classified by the Steering Committees for discussion at Finance Ministers level

Sl. No. Subject
1. Transfer of divisible assets of the Issue Department of the Reserve Bank of India
2. Payment by the Reserve Bank of India of the value of Pakistan one-rupee notes and coins received by it between 1.4.1948 and 30.6.1948

3. Return of quaternary silver coins belonging to the Government of Pakistan but wrongly transferred by the Reserve Bank of India during the time of its control.


5. Share of Pakistan in the profits arising from demonetization of High Denomination notes.


7. Wrong debits against Pakistan Government’s account.

8. Settlement of rupee balances held by the State Bank of Pakistan with the Reserve Bank of India.

9. Resumption of monetary settlement of Inter-Governmental transactions.

10. Payment by India for Unique Institutions.

11. Division of profits of the Reserve Bank of India.

12. Transfer of interest on Government of India and sterling securities falling to the share of the State Bank of Pakistan out of the divisible assets of the Issue Department of the Reserve Bank of India.

13. Pakistan’s claim for payment of her share in the recoveries effected by India which are chargeable under Article 4 of the Schedule to the Indian Independence (International Arrangements) Order, 1947.

14. Claim for compensation due to non-supply to Pakistan of her share of defence stores.

15. Compensation for property requisitioned in East/ West Pakistan during the last world war.

16. Settlement of claims of Provincial Governments, States, Cantonment Boards and other Local Bodies in Pakistan against the undivided Government of India.

17. Settlement of pre-partition claims of Pakistan nationals for supplies and services rendered to the undivided Government of India.

18. Division of the Reserve Fund and the surplus Assets of the Reserve Bank of India between Pakistan and India.
19. Financial Settlement between East and West Bengal - Implementation of awards of Arbitral Tribunals by West Bengal and Assam, and of decisions of Separation Council, Application Committees and Indo-Pakistan Agreement of December, 1950, particularly payment by West Bengal of amount due to East Bengal and transfer by Assam of Provident Fund balances of optee Government servants, together with upto-date interest thereon and payment by both of pre-partition claims against undivided Assam and undivided Bengal.

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List ‘C’

India’s Items

Items other than those mentioned in List ‘A’

1. Overall partition settlement between the two countries.
2. Overall financial settlement between the two Punjabs.
3. Payment for Military Stores.
4. Arrear payments pertaining to the Plan period — payment by Pakistan of part of the amount received from HMG.
5. Payment to India of sale proceeds realized in Pakistan from disposal of surplus HMG (and American stores.)
6. Allocation of J.D.C. expenditure between India and Pakistan
7. Revision of arrangements for the allocation of leave and pensionary liability between the Governments of Bombay and Sind.
8. Outstanding points between the two Punjabs arising out of the implementation of the Banking Agreement of 1949, Part II-Cooperative Institutions.
9. Realisation of arrears of taxes on income due from displaced persons.
10. (a) Settlement of third party claims against undivided Punjab and Bengal.
    (b) Revalidation of time-barred cheques issued by the officers of undivided Punjab.
11. Payment of pensions to displaced persons from East Bengal.
    (Items 10 & 11 are being pursued by the Ministry of Rehabilitation).
12. Remittances from India to Pakistan and vice versa on private account for current and capital transactions.

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SECRET

Letter from Finance Minister C. D. Deshmukh to Pakistan Finance Minister Chaudhri Mohammad Ali.

New Delhi, March 16, 1956.

No. 919/PSF/55

My dear Mohammed Ali,

I understand that the Steering Committees of the two countries have agreed, at their recent meeting in Karachi, that a number of items in the list of outstanding matters between the countries may be discussed at the Minister level. These items, so far as they concern the Finance Ministers, have all been raised by the Pakistan Government. I feel it would be a good thing if we could go over them together and see if as many of them as possible could now be settled. I do not know if you would be free in the near future for this purpose but I shall be very happy if you could accept our invitation and come to New Delhi for a discussion at any time convenient to you. I hope it will be possible for you to accept.

With kind regard,

Yours Sincerely

Sd/- C.D. Deshmukh

Chaudhari Mohammed Ali,
Finance Minister, Pakistan.
Karachi.

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Letter from Indian High Commission in Pakistan to the Pakistan Ministry of Foreign Affairs and Commonwealth Relations.

Karachi, April 18, 1956.

High Commission of India
Karachi

No. F.20 (4)/56 – Genl. The 18th April, 1956.

Subject: Division of Military Stores

The High Commission of India in Karachi present its compliments to the Ministry of Foreign Affairs and Commonwealth Relations and with reference to their Note
No. I (I)/14/54 dated the 15th December, 1954, has the honour to say that the Government of India have in no way failed to honour the agreement regarding the division of military stores; and, they do not therefore accept the reason advanced by the Government of Pakistan for non-payment, in accordance with the agreement reached in May, 1948. Moreover, it was not incumbent on the Government of India to accept “on account” payment of Rs. 5 crores against more than three times the amount outstanding from the Government of Pakistan, since August 1948. In fact, the Government of India had offered to resume the supplies of military stores as soon as the payments agreement was fully honoured.

The High Commission avails itself of this opportunity to renew to the Government of Pakistan the assurance of its highest consideration.

The Ministry of Foreign Affairs
and Commonwealth Relations,
Karachi

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3346. Record of discussions at the Indo-Pakistan Financial Conference at Secretariat level.

New Delhi, May 8, 9 and 10, 1956.

Present

India

1. Shri H.M. Patel,
Secretary,
Ministry of Finance
(Deptt. Of Economic affairs)
Government of India.

2. Shri B.K. Nehru,
Joint Secretary,
Ministry of Finance
(Deptt. Of Economic affairs)
Government of India.

3. Shri M. V. Rangachari,
Officer on Special Duty,
Ministry of Finance
(Deptt. Of Economic affairs)
Government of India.

Pakistan

1. Mr. Mumtaz Hasan,
Secretary
Ministry of Finance
Government of Pakistan

2. Mr. M. A. Mozaffar,
Joint Secretary,
Ministry of Finance
Government of Pakistan

3. Mr. Nasir-ud-Din,
Deputy Secretary
Ministry of Finance
Government of Pakistan
INDIAN ITEMS

Item 1. Allocation of liability between India and Pakistan for the return of Lend/Lease silver to U.S.A.

The matter was discussed and agreement reached as set out in enclosure I to this record.

Items 2-6

(2) Overall partition settlement between the two countries.
(3) Overall financial settlement between the two Punjabs.
(4) Payment for Military Stores.
(5) Arrear payments pertaining to the Plan period -- payment by Pakistan of part of the amount received from HMG.
(6) Payment to India of sale proceeds realized in Pakistan from disposal of surplus HMG and American Stores.

These were informally discussed and the two delegations will report back to their respective governments the trend of the discussions.

Item 7. Allocation of J.D.C. expenditure between India and Pakistan.

It was agreed that the Financial Advisers (Defence) of the two countries should meet at an early date and suggest means of finalising this item.

Item 8. Revision of arrangements for the allocation of leave and pensionary liability between the Governments of Bombay and Sind.

It was agreed that the proposals below should be considered by the two governments:

(a) Subject to the adjustment in para (c) below, the liability for the divisible pensions will fall on the two countries in which the pensions are now being paid and brought to account.
(b) No point will be raised about contributions for leave and pension, passages and grants for horse and saddlery already paid by Sind to Bombay in discharge of its liability. Each side will take over whatever liability remains in respect of officers taken over by it.

(c) The liability of Bombay and Sind in respect of the divisible pensions of pensioners in payment on the date of partition or who might have retired shortly thereafter or moved from one country to the other would be determined and settled as follows:-

(i) The average of the payments brought to account in the two countries on account of these divisible pensions in the three years ending 1950-51 and the share recoverable by the one from the other under the allocation in force immediately before the partition will be ascertained by each country from its Auditor General.

(ii) The annual liability as thus calculated assumed by one country on behalf of the other will be capitalized on the assumption that it tapers off to nil over an agreed period. In ascertaining the present value of this liability an agreed rate of interest will be assumed.

(iii) After the liability has thus been capitalized, the net difference will be added to Pakistan’s partition debt to India if India is found to have assumed a net liability or deducted from Pakistan’s debt to India if Pakistan is found to have assumed a net liability.

(iv) No adjustment will be made between the two countries in respect of these divisible pension paid by either side after the partition.

(d) The Governments of Bombay and Sind or their successors will settle with their respective central Governments how to settle the liability which has been assumed by them on behalf of the other in accordance with the arrangements set out above.

**Item No. 9.** Outstanding points between the two Punjabs arising out of the implementation of the Banking Agreement of 1949, Part II- Cooperative Institutions.

*It was stated that the transfer of the balance of securities due to India in accordance with the agreements between the governments of the two countries was in process of being made.*
Item No.10. Realisation of arrears of taxes on income due from displaced persons.

This was discussed but no conclusion was reached.

Item No.11. Settlement of third party claims against undivided Punjab and Bengal.

It was agreed that the Governments concerned in both countries should be asked to expedite the settlement of these outstandings and refer their difficulties to their Central Governments.

Item No.12. Revalidation of time-barred cheques issued by the officers of undivided Punjab.

It was agreed that the authorities in both countries should implement the latest agreement on the subject.

Item No.13. Payment of pensions to displaced persons from East Bengal.

It was agreed that the representatives of the West Bengal Government and East Pakistan Government should meet and the two Central Governments should assist in progressing the matter.

Item No.14. Remittances from India to Pakistan and vice versa on private account for current and capital transactions.

The matter was discussed at some length and conclusions reached as set out in the enclosure II to this record.

PAKISTAN ITEMS

Item 1. Transfer of divisible assets of the issue Department of the Reserve Bank of India.

Item 2. Payment by the Reserve Bank of India of the value of Pakistan one-rupee notes and coins received by it between 1.4.1948 and 30.6.1948.

Item 5. Share of Pakistan in the profits arising from demonisation of High Denomination notes.


Item 7. Wrong debits against Pakistan Government’s account.

Item 8. Settlement of rupee balances held by the State Bank of Pakistan with the Reserve Bank of India.

Item 10. Payment by India for Unique Institutions.
Item 11. Division of profits of the Reserve Bank of India

Item 12. Transfer of interest on Government of India and sterling securities falling to the share of the State Bank of Pakistan out of the divisible assets of the Issue Department of the Reserve Bank of India.

Item 13. Pakistan's claim for payment of her share in the recoveries effected by India which are chargeable under Article 4 of the Schedule to the Indian Independence (International Arrangements) Order, 1947.

Item 14. Claim for compensation due to non-supply to Pakistan of her share of defence stores.

Item 15. Compensation for property requisitioned in East Pakistan during the last world war.

Item 16. Settlement of claims of Provincial Governments, States, Cantonments Boards and other Local Bodies in Pakistan against the undivided Government of India.

Item 17. Settlement of pre-partition claims of Pakistan nationals for supplies and services rendered to the undivided Government of India.

Item 19. Financial Settlement between East and West Bengal. Implementation of awards of Arbitral Tribunals by West Bengal and Assam, and of decisions of Separation Council, Application Committees and Indo-Pakistan Agreement of December, 1950, particularly payment by West Bengal of amount due to East Bengal and transfer by Assam of Provident Fund balances of opted Government servants, together with up-to-date interest there on and payment by both of pre-partition claims against undivided Assam and undivided Bengal.

These items were informally discussed. The question of bringing them along with similar items in India list into a broad overall settlement was discussed at some length and it was agreed that the two delegations should report to the respective government the trend of these discussions for further action.

Item 3. Return of quaternary silver coins belonging to the Government of Pakistan but wrongly transferred by the Reserve Bank of India during the times of its control.

And

In view of the agreement reached on the allocation of liability for lend/lease silver, these items were dropped.

**Item 9.** Resumption of monetary settlement of Inter-Governmental transactions.

It was agreed that the question of clearing up the past transactions and providing for the current settlement of future transactions should be taken up by the two governments with their respective Auditor General and the latter invited to consult each other and advise on the procedure to be adopted.

**item18.** Division of the Reserve Fund and the surplus Assets of the Reserve Bank of India between Pakistan and India.

It was noted that credit will be given in the debt settlement for Pakistan’s share of the reserve fund and the surplus assets of the Reserve Bank in accordance with the partition arrangements.

These agreements are subject to ratification by the two Governments.

Sd/- H.M. Patel  
Secretary to the,  
Government of India  
Ministry of Finance

Sd/- Mumtaz Hasan  
Secretary to the  
Government of Pakistan  
Ministry of Finance

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**Enclosure – I to the above Record of Discussions:**

**Allocation of liability between India and Pakistan for the return of Lend/Lease silver of USA**

It was agreed that:

(i) The Governments of India and Pakistan will be directly and separately accountable to the United States Government for the return of silver in the following quantities:

Government of India.............172,542,107 fine ozs.


(ii) The two Governments will inform the United States Government of this Agreement and request that Government to hold each of the two Governments directly and separately accountable for the return of silver in the quantities stated above;
(iii) The Government of India will inform the Bank of England that out of the stock of 1,226,916 fine ozs. of silver held on their behalf, 221,710 fine ozs. should be held on behalf of and at the disposal of the Government of Pakistan as their share of 17 ½%.

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Enclosure – II

Remittances from India to Pakistan and Vice Versa on Private Account for Current and Capital Transaction

I. Current Remittances. It was agreed that both Governments would endeavour to review their regulations with a view to removing all discrimination that might be practised against the other country alone. They would further instruct their administrative officers to ensure that remittances to the other country were not discriminated against administratively. Orders removing discriminations will be issued simultaneously by both sides. The Reserve Bank of India and the State Bank of Pakistan will refer to each other cases where discriminations or administrative difficulties practiced by the other party have come to their notice.

2. Individual items were then discussed and the following decisions reached:–

(i) Profits:- The Pakistan representatives agreed to examine the question of removal of the distinction made against the Indian Companies operating in Pakistan requiring them to produce a certificate from the Income-tax Officer that income tax has been paid on the profits earned by them in Pakistan instead of the facility allowed to all other foreign concerns to produce an auditor’s certificate that adequate provision has been made for payment of all taxes before permitting remittance of profits. They have also agreed to examine their policy with regard to the retention of that part of the Funds which are transferred between 31.12.1947 and 27.2.1951 by Indian Companies.

(ii) Dividends and Interest:- The Pakistan Government representatives explained that the State Bank of Pakistan had now obtained a list of non-resident shareholders from most of the Pakistani Companies and individual shareholders in India were no longer required to submit the information which is normally available with the companies themselves. The banks in India could now be informed that there was no difficulty in receiving remittance of dividends from Pakistan to India and any case where such a difficulty is experienced should be brought to the notice of the Central Directorate of the State Bank of Pakistan, Karachi, who will see that such remittances are not held unduly.
(iii) Insurance Premia And Surplus Funds Of Insurance Companies: It was explained that the need for the certificate for the purpose of remitting surplus funds arose because Indian Insurance Companies were not paying claims of insurants in Pakistan. The Pakistan Government have promised to look into the matter and remove this condition regarding the certificate if the need for it has ceased.

(iv) Money Order Remittances: The Pakistan Government have taken a decision to resume money order remittances between the two countries. The D.G., P&T Karachi has already addressed the D.G., P&T New Delhi to work out the procedure in this behalf.

(v) Pensions: The Pakistan representatives have agreed to grant remittance facilities in respect of private pensions on a reciprocal basis. As regards Government pensions, they explained that the item was separately under consideration as a partition arrangement.

(vi) Income From Property: The Pakistan representatives promised to consider the abolition of the distinction made between “migrants” and “permanent residents”. Specific cases where difficulties are experienced in getting remittances from Pakistan are to be brought to the notice of the State Bank of Pakistan, Central Directorate, Karachi.

(vii) Refund of Income Tax: Remittance is now being permitted by Pakistan. Any case where the party may have got the refund but remittance has not been allowed, should be brought to the notice of the State Bank of Pakistan, Central Directorate, Karachi.

(viii) Proceeds of Exports: It was explained that the procedure requiring documentary proof in support of remittances was applied to all countries and was not discriminatory to India.

II. Capital Remittances: The Pakistan representatives stated that their attitude towards the general questions of capital remittances depended on whether or not India would permit debits on their account to be raised against their “Main Account” with the Reserve Bank of India. They had exhausted all their sterling in Account No.2 and this source of financing capital remittances was no longer available to them. It was explained to them that the use of the “Main Account” for this purpose was tantamount to transferring it to Pakistan. This was a ‘B’ question on which no answer could be given at the Secretariat level.

The Pakistan Government representatives, however, agreed, without prejudice to the above, to examine general questions of capital transfers on a reciprocal basis.
(2) **Provident Fund balances, gratuities, bonuses, arrears of pay, etc.**

In view of the hardship involved, the Pakistan representatives agreed to consider the question of the general liberalization of remittances of these items on a reciprocal basis. They also promised to look into hard cases falling under this category which have been or will be referred to them or to the State Bank of Pakistan.

(3) **Compensation for acquired property**

The Pakistan representatives have promised to examine the case of Sialkot Electric Supply Company, Sialkot and any other case of this type as and when it is brought to their notice.

(4) **Blocked funds of Indian businessmen**

The Pakistan representative agreed to look into this provided details are furnished.

**III. Redemption Proceeds of Securities**

The Pakistan representatives complained that redemption proceeds of securities was a current item for which remittance facilities were not allowed by India to Pakistan though such remittance facilities were permitted to other countries. It was explained to them that Pakistan also did not grant such remittance facilities on their side, but the Government of India would look into this question as part of their desire to remove all discriminations.

(2) The Pakistan representatives also complained that in a case of one Lt. Col. Aziz Khan of Karachi, remittance of maturity proceeds of his insurance policy after deduction of a loan taken from a Trust in Bombay was not being permitted though an application was made to the Reserve Bank of India by the Trust. It was agreed that the Reserve Bank should be asked to look into this case and report to the Government of India reasons for not permitting the remittance. It was confirmed by the Indian representatives that maturity proceeds of policies were treated as current payments by India. Remittance of loans against policies and surrender value of policies were also freely allowed by India.

**IV.** It was suggested that the representatives of the Reserve Bank of India, Bombay and the State Bank of Pakistan, Karachi discuss individual cases of hardship or where discrimination or administrative delays might have been noticed, periodically — after say every three months — to facilitate smooth functioning of the exchange control in both the countries. The first such meeting will take place early in September, 1956.
3347. **Press Note issued by the Government of India on Financial Talks between India and Pakistan.**

New Delhi, May 10, 1956.

Representatives of the Governments of India and Pakistan have met each other over the last three days to discuss various financial matters affecting the two countries arising out of the Partition particularly those which are still outstanding.

There was a most useful and cordial exchange of views between the two delegations and the discussions led to a substantial agreement in regard to the facts of each particular matter in dispute so as to enable Ministers of the two countries when they meet to come to a final decision.

The two delegations have agreed that both Governments will examine the possibility of facilitating remittances between the two countries with the object of mitigating as far as possible the hardship caused to individuals.

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3348. **Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.**

Karachi, April 12, 1957.

No.I (I) -14/12/56. 12 April, 1957

**Subject: Division of Military Stores**

The Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, presents its compliments to the High Commission for India in Pakistan and with reference to their Note No .F.20(4)/56- Gen 1/2399, dated the 1st April, 1956, has the honour to say that the provisions in the Karachi Agreement of May, 1948 in regard to the payments for HMG Stores was to come into force 30 days after the conclusion of the Sterling Balance Agreement with U.K. The payments were thus due to commence from the middle of August, 1948 (which date has also been indicated by the High Commission in their note under reply).

On the other hand, supply of stores to Pakistan had been stopped by the Government of India in July, 1948. This clearly indicates that the onus of non-compliance with the agreement does not rest with the Government of Pakistan.

2. The Ministry also wishes to reiterate that the Government of Pakistan paid a sum of Rs.2.35 crores for the U.K. owned installations in Pakistan and
offered to make an on-account payment of Rs. 5 crores provided the Government of India was agreeable to dispatch Pakistan’s share of Defence stores. Even though the offer was not acceptable to the Government of India, it establishes once again that the Government of Pakistan has always abided by the agreements between the two countries.

3. The Government of Pakistan finally consider that this controversy, which arose as a result of reports appearing in the press, may now be treated as closed as the question of division of defense stores has already been classified as item B and will come up for discussion between the Finance Ministers of the two countries along with other financial issues.

4. The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

The High Commission for India in Pakistan, Karachi.

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3349. Statement by the Minister of Finance T. T. Krishnamachari in the Lok Sabha in response to the Calling Attention Notice regarding Financial Settlement between India and Pakistan.

New Delhi, September 5, 1957.

Sir, With your permission I propose to make a short statement on the outstanding financial issues between India and Pakistan in regard to which I answered a question on the floor of this House on the 8th of last month. Since then, certain statements have been made in the Pakistan National Assembly which may convey a wrong impression.

The House will remember that in August last year a statement was laid on the table of the House listing the more important of the outstanding financial issues. These were last discussed in May 1951 between the Finance Ministers of the two countries. They have been the subject matter of a number of subsequent discussions at Secretariat level, but for a variety of reasons into which I do not think it necessary to enter, it has not been possible to arrange a meeting at Ministerial level.
In March 1955 my predecessor invited the then Pakistan Finance Minister for a discussion but owing to his other preoccupations he was unable to come. About a fortnight back I received a suggestion from the Pakistan Finance Minister that we should meet and discuss the outstanding issues. I have accepted his suggestion and I hope that the meeting will take place as soon as possible after I return from my impending visit to the United States and Europe.

The outstanding issues between the two countries fall into three broad categories. The first relates to the determination of partition debt. Our estimate of this debt, so far as it concerned the two Central Governments, is that it will be of the order of Rs.3000 million. If the debt arising out of partition of the provinces is also taken into account it may be higher.

The figure I mentioned gives only the order of the sum involved. The partition debt at the Centre is repayable in 50 equated installments, the first of which fell due on the 15 August 1952. Six installments are today overdue. In the Budget for 1952-53, we took credit for a payment of Rs. 90 million on this account. Even on this very rough and clearly low figure, the amount overdue is over Rs. 500 million.

The second category deals with matters arising out of the separation of the currencies of the two countries. The most important item is the assets remaining to be transferred out of the assets of the Issue Department of the Reserve Bank of India. The value is about Rs. 490 million. Then other items are relatively small and do not involve any substantial amount.

The third category relates to what may be broadly called post-partition transactions. A large volume of payments have been made in each country on behalf of the other which will have to be cleared up. On our side the sum is of the order of Rs.230 million. I do not know what the sum on the Pakistan side is. All this will have to be gone into with the assistance of the Auditors General on both sides.

Then we have a sum of Rs.165 million due to us on account of Defence stores supplied after partition to Pakistan for which under an agreement entered into in May 1948 they are due to pay us. There are also some rupee balances held by Pakistan in India about which there has been some argument. The sum thus held is Rs.130 million.

I do not wish to weary the House with a recital of the less important items. It is our intention to discuss all the items, both major and minor, in a frank and friendly way and strive to reach an overall settlement. I do not, therefore, wish to say anything or take up any position in regard to any individual matter falling to be discussed, whatever the temptation or the provocation for it, which might in any way affect the discussion which we propose to have with the Pakistan
Government. I only wish to emphasise that on the major outstanding issues we should reach an overall settlement fair to both the countries. This will be our approach at the ensuing meeting.

３３５０．Letter from Ministry of External Affairs to Pakistan Ministry of Foreign Affairs and Commonwealth Relations.

New Delhi, 6/7 September, 1957.

Ministry of External Affairs
New Delhi

D.O. No. PII/54/679110-1-2 6th /7th September, 1957

Dear Mr. Nabi,

Please refer to my d.o. letter No.PII/54/679110/1-2 dated the 2nd April, 1957, sent in acknowledgement of your d.o. letter No. Neg: 16/3/55-IV dated the 15th March, 1957, regarding the Supplementary list of outstanding disputes and cases with the Government of India.

2. We have completed examination of your supplementary list of seven outstanding disputes and cases (Items No.145 to 151) and our comments thereon are offered below seriatum:—

Item 145: Miscellaneous pending cases.

(i) Restoration of Fire-arms.

(ii) Transfer of a sum of Rs.3679/- from Gun and Shell factory.

(iii) N.A.A.F.I.Profits.

(iv) Indian fighting services club — Pakistan’s share of fund.

(v) Grant of visas to visit India—

(a) Serving personnel of Defence Services.

(b) Retired/released personnel of Pakistan Defense services.

(vi) (a) Payment of amount on account of Mess bills recovered from RIASC but not transferred to RPASC.
(b) Outstanding Mess bills- RIAF Officers- due to RPAF messes.

(vii) Division of Army and Depot animals

(viii) Recovery of pre-partition outstanding against non-Muslim staff etc. migrated to India.

It has already been agreed to classify this item as ‘C-4’ and to include it in the agenda of the proposed meeting of the Defence Secretaries of India and Pakistan for discussion of ‘C-4’ items. (D.O. letter No. PII/54/679110/1-2 dated the 28th October 1955, from Shri S. Chaudhuri to Mr. Iqbal Athar, formerly Deputy High Commissioner for Pakistan in India, refers).

**Item 146**: Claims for compensation of Rs.1,77,95 in connection with accident to Bharat Airways Skymaster, VT-CYK.

We do not agree to this item being classified as ‘C-4’ and suggest that the matter may be left over for consideration by the Indo-Pakistan Steering Committees as and when they meet next.

**Item 147**: Karachi Port Trust’s claims for fees, wharfage and railway haulage charges, etc., on certain aircrafts imported by India from United Kingdom after partition. (Rs.28,468/9/-).*

We agree to this item being classified as ‘C-4’ and included in the agenda of the proposed meeting of the Defense Secretaries of India and Pakistan for discussion of ‘C-4’ items.

**Item 148**: Pakistan’s claim for payment of her share of Rs.2,63,233/- recovered by India after partition from H.M.G. In connection with the construction of lighters.

This matter has already been disposed of vide letter No.4-M(2)/55 dated the 25th October, 1956 from the Government of India in the former Ministry of Transport to the Government of Pakistan in the Ministry of Communications (Communications and Transport Division). The item may, therefore, be excluded from the Supplementary list.

**Item 149**: Defalcation of money of various insolvent estates by Mr. Parkash Chand Mahanjan as Interim Receiver in Civil cases in the Lahore District.

In the discussions held at Karachi between the representatives of the Ministry of Refugees and Rehabilitation (Pakistan) and the Ministry of Rehabilitation (India), it was agreed that the property under the

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* Rupees twentyeight four hundred sixtyeight and annas 9. (annas nine represent the old coinage and is roughly equal to Re. 56/100)
management of an official assignee, or official liquidator or other officer
appointed by a civil or revenue court should be regarded as property
under the control of that court for purposes of restoration under
Consolidated (Implementation Instruction No.(8). In view of this position,
the West Pakistan Government have only to include the amounts brought
over to India by Shri Parkash Chand Mahajan in their lists of transferable
deposits with the remark that the money has already been transferred to
India.

Item 150: Partition of books of reference

This subject has already been included for discussions, at a Secretariat
level Conference, by the Government of Pakistan in the Ministry of
Education as part of Pakistan item 26, viz., "Division of historical records
between East and West Bengal" vide their letter no.11-5/55-Gen dated
the 6th July, 1955, to the Government of India in the former Ministry of
Education. As the subject is already covered by Pakistan item 26, need
for a separate item is not understood. In this connection, letter No. F.50-
11/55 dated the 7th January, 1956, from the Government of India in the
former Ministry of Education to the Government of Pakistan in the Ministry
of Education also refers.

Item 151: Proposal for the grant of clearance certificate to migrants

We agree to this item being classified as ‘C-1’.

Yours sincerely
(S. Chaudhuri)

S.A. Nabi, Esq.,
Ministry of Foreign Affairs,
and Commonwealth Relations,
Government of Pakistan, Karachi.

Copy forwarded, for information, to:
1. The Ministry of Transport and Communication (Department of Communications), New Delhi, with reference to this Ministry’s U.O. No. F.24-4/50-Pak I dt. August, 1956. That Ministry’s U.O. no. 6136-A/57 dated the 30th August, 1957 also refers. – (Item 146):

2. The Ministry of Defence, New Delhi, with reference to their O.M. No. F. 153/54/D (Coord) dated the 16th January, 156- (Items 145 47). Briefs on the items may kindly the expediated.

3. The ministry of Transport and Communication (Department of Transport), New Delhi, with reference to their O.M. No.6-M(108)/54 Dated the 29th February (1956)- (Item 148).
3351. Letter from Ministry of Finance, Department of Economic Affairs to the Pakistan Ministry of Finance.

New Delhi, November 27, 1957.

Special Secretary
Ministry of Finance
Department of Economic Affairs.

D. O. No. 291 – 55/57 27th November, 1957

My dear Mumtaz,

You have doubtless seen the correspondence between our Finance Ministers about their meeting to discuss the outstanding financial issues between the two countries. From our side we propose that at the meeting of Ministers they should consider the items which, in our official discussions in May 1956, we left over for discussion by the Ministers. We also propose that there should be a meeting of officers a day or two previous to the meeting of Ministers, at which the other items left over from the last official meeting may be discussed.

2. I shall be glad if you will kindly let me know what items you propose to bring forward for the meeting both at Minister and at officer level from the list of
Pakistan items discussed at the last official meeting.

With kind regards,

Yours sincerely

Sd/-

(M.V. Rangachari)

Mumtaz Hasan Esq.,
Finance Secretary,
Ministry of Finance,
Government of Pakistan,
Karachi.

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3352. Statement by the Finance Minister Morarji Desai in the Lok Sabha on the Pakistan’s Partition Debt.

New Delhi, May 7, 1959.

With your permission, Sir, I propose to make a short statement on the partition debt of Pakistan to India, about which I answered a question in this House on the 21st of last month and in the Rajya Sabha on the 28th, with reference to certain comments which have appeared in the Press as from a spokesman of the Pakistan Government which give a misleading impression.

The House will remember that on the 5th September, 1957, Shri T.T. Krishnamachari made a statement on behalf of Government on the financial issues between the two countries and dealt at some length with the various outstanding items. Nothing has since happened necessitating a change in any of the facts or figures given by him.

In regard to the partition debt, it has been suggested that there is no basis for the figure of Rs. 300 crores mentioned by us and that the question of payment arose only after the debt had been determined. In regard to the size of the debt, there is nothing new about the figure of Rs. 300 crore. It was an estimate made as far back as 1948 and has been repeated as such many times. As pointed out by Shri Krishnamachari in his statement, it gave only the order of the sum involved. In our view, it may be actually somewhat higher. But I was surprised to see the statement from the Pakistan Government that this figure of Rs. 300 crores had no basis. I understand that, as far back as 1952, broad details of a
balance sheet, which gave a higher figure of the debt, were supplied to the officers of the Pakistan Government by our officers. There was some correspondence about some of the figures furnished by us but, eventually, this correspondence, like correspondence on many other matters, petered out. In view of this, it is hardly correct to say that there was no basis for this figure.

It is difficult to understand the argument that payments fell due only after the debt is determined. On this pretext, no payment need ever be made simply by refusing to accept any figure as the correct figure of the debt. While the final figure would take some time to work out, the broad dimension of the sum involved is, in our view, quite clear and could easily be settled. We have already seven annual instalments overdue under the partition arrangements and the eighth instalment will fall due next August. When claims are made for other payments as due here and now, the fact that India has already overdue to her a large sum on account of the partition debt cannot be brushed aside on the spacious ground that the debt has not been worked out.

I was equally surprised to see the statement that a sum of Rs 180 crores was due to be paid to Pakistan. We do not have any details of this claim. So far as we know, the highest figure mentioned so far has been about Rs.100 crores. This was a figure which was communicated to us in a letter from the late Mr. Ghulam Mohammed in 1950. This included the sum of Rs.49 crores on account of currency assets which was specifically mentioned in Shri Krishnamachari’s statement also. The balance related to a number of miscellaneous items the exact figure in regard to which still remains to be determined. A figure of Rs.100 crores was also mentioned in the Pakistan National Assembly by the Pakistan Finance Minister on the 28th August, 1957. The figure now put out is much higher but as I said we have no details.

I have mentioned certain figures on both sides. But it is obvious that they only give the broad dimensions of the picture and that the various claims and counter-claims will have to be discussed and accepted before a settlement is reached. For some years, we have tried to work out the figures and reach a settlement at official level but, in view of the large sums involved and the peculiar problems which some of the issues pose, it has not been possible to do so. The major issues have, therefore, to be settled at Government level. My predecessor had invited the Finance Minister of Pakistan for a discussion but for a variety of reasons, it has not been possible to hold meeting. It is my intention to renew the invitation and I hope it will be possible to hold an early meeting, discuss all the outstanding items and claims on both sides and reach a solution fair to both the countries. Meanwhile I venture to suggest that there is no reason to get unduly concerned by the mention of an odd figure or an individual claim, whether in the Press or elsewhere.

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### Record of discussions at the Indo-Pakistan Financial Conference at Secretariat level held on July 28 and 29, 1959.

**New Delhi, August 2, 1959.**

**Present**

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<th>India</th>
<th>Pakistan</th>
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<td>1. Shri A.K. Roy</td>
<td>1. Mr. H.A. Majid</td>
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<td>Finance Secretary, Pakistan</td>
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<td>2. Shri M.V. Rangachari</td>
<td>2. Mr. M.A. Mozaffar</td>
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<td>Special Secretary, Deptt. Of Economic Affairs</td>
<td>Joint Secretary, Ministry of Finance</td>
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<td>Additional Secretary, Department of Economic Affairs</td>
<td>Finance Secretary, Government of East Pakistan.</td>
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<td>4. Shri Shiv Naubh Singh</td>
<td>4. Mr. Aftab Kazi</td>
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<td>5. Shri Narendra Singh</td>
<td>5. Mr. Said Ahmed</td>
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<td>Deputy Secretary, Ministry of External Affairs</td>
<td>Deputy Exchange Controller, State Bank of Pakistan.</td>
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<td>Under Secretary, Department of Economic Affairs</td>
<td>Accountant General, East' Pakistan.</td>
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<td>7. Mr. Nasir-Ud-Din</td>
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<td>Deputy Secretary, Ministry of Finance.</td>
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### PAKISTAN ITEMS

1. Division of the Reserve Fund and the assets of the Reserve Bank of India between Pakistan and India
2. Indian securities en faced for payment in Pakistan - restriction on sale in India.

   (These two items were not discussed see item 7 of the Indian list).

3. Division of Canteen Stores Department’s Assets.

   Pakistan representatives drew attention to their May, 1959 letter in which the share of Pakistan at Rs.49.73 lakhs as worked out by India was confirmed. India’s representatives promised to look into the matter.

4. Transfer of Pakistan’s share of Armed Forces’ Welfare Funds.

   It was pointed out by Pakistan that the assets of Army Welfare Funds had been checked and Pakistan’s share determined but those relating to Regimental Funds on either side were in the process of being verified. Pakistan representatives suggested that Regimental Funds need not be linked with the Welfare Funds. The Indian representatives, however, were of the view that the question of transfer of Pakistan’s share of Defence Welfare Funds could be taken up only after the lists of Regimental Funds had been verified.

5. Refund of wrong debits raised by Punjab (India) against West Pakistan on account of Amritsar Irrigation workshop

   India’s representatives were of the view that this item related to the period when the Accounts Officer of either side were entitled to make financial adjustments against the balances of the other Government and there might be similar items on the other side also. The obvious course in such cases would be to take them into account in the over all settlement between the two Punjab Governments. Pakistan’s view, however, was that as the amount involved was heavy and was the result of a wrong adjustment, the refund should be made currently in cash.

6. Test Audit of Joint accounts of Bengal.

   Pakistan representatives referred to the Agreement of June 1955 and felt that each country should be given an opportunity to examine the accounts certified by the Auditor General of the other country. The Indian representatives were of the view that such an examination after 12 years of Partition would be impracticable. Further, such an examination could not be restricted to the transactions of the two Bengals, but would have to be extended to the other divided Provinces as well as to the two Central Governments. Pakistan representatives stated that the agreements reached on the subject relating to the two Bengals on the one hand and the two Punjabs and the two Central Governments on the other, should be adhered to.
7. Arrangements for payment of Pensions to pensioners of India residing in Pakistan and vice versa who migrated from one country to the other after the 30th June, 1955.

(i) Both the countries’ representatives recognised the human aspect of the question and agreed that in respect of persons who migrated from one country to the other after 30th June, 1955, but before 30th June, 1959, arrangements should be made either through their respective High Commissioners or through the normal banking channels for the Payment of pensions.

(ii) It was further agreed that Provident Fund moneys of Government servants and employees of Local Funds and semi-Government institutions also should be allowed to be transferred likewise.

(iii) These arrangements would also apply to migrants who belong to partitioned provinces. For persons who migrated before the 1st July, 1955, separate arrangements should be worked out by discussion in the Separation Councils of Bengal and Assam and Partition Committee of Punjab. If any difference of opinion persisted, it should be remitted to the Centre.

8. Grant of permission to Indian pensioners for accepting re-employment in Pakistan.

Pakistan representatives stated that instances had occurred where the Accounts Officers in India had asked their counterparts to stop payment of Indian pension to pensioners who had migrated to Pakistan and had been re-employed there. The Indian representatives agreed to look into the matter.

9. Payment of King’s Police Medal Allowance and Indian Police Medal Allowance to pensioners who have migrated from India to Pakistan and vice versa.

It was agreed that payment should be made on either side and adjusted through the Inter-Settlement Account as in the case of pensions.

10. Payment of Wasiqa pensions to Wasiqadars who have migrated from India to Pakistan.

The Indian representatives agreed to look into the matter and inform the Pakistan Government.

11. Claims of Pakistan Provinces and States against Indian Provinces and States on account of supply of foodstuffs.
It was agreed that the statements of dues should be exchanged between the two Governments and the settlement of the account processed by the Ministries concerned.

12. Transfer of Post Office Savings Bank Accounts and Postal Certificates pertaining to the Post-partition period belonging to migrants from one country to the other.

According to the Indian representatives this item was linked up with the deliberations of the Implementation Committee on the Movable Property Agreement and could not, therefore, be settled in isolation.

13. Indian securities held by Junagadh in an Indian Bank at Karachi.

Pakistan representatives stated that because these securities were held by the Nawab in his name and were still in his possession, his right to claim the benefits accruing under those securities should be accepted. India’s representatives pointed out that these securities had been declared to be the property of the state and not of the former Nawab and consequently accrued to the successor State in India in which Junagadh had since been merged.

14. Transfer of money from India to Pakistan in respect of pre-partition compensation claims of Pakistani nationals arising under the Workmen’s Compensation Act, 1923.

India’s representatives agreed to look into this matter.

15. Payment of pensions to Hyderabad state pensioners residing in Pakistan.

India’s representatives pointed out that this item could not be considered in isolation and had necessarily to be examined along with the other items concerning Hyderabad.

16. Division of assets of Indian Red Cross Society.

India’s representatives stated that there were no difficulties about the transfer of interest accruing on these balances. The transfer of balances could be permitted only after an agreement was arrived at between the two Governments on capital transfers.

INDIA’S ITEMS

1. Allocation of J.D.C. expenditure between India and Pakistan.

The Pakistan representatives mentioned at the meeting that the Indian brief on the subject was received from the Indian High Commissioner in
Pakistan on the 23rd of July, 1959. This subject was under examination in the Financial Adviser’s Office. It was agreed that the two Financial advisers should meet and discuss the outstanding points.

2. Revision of arrangements for the allocation of leave and pensionary liability between the Governments of Bombay and Sind.

The Pakistan representatives stated that the amount of the adjustment was declining and the question would resolve itself in the near future. It was accordingly agreed that the existing arrangements should continue.

3. Outstanding points between the two Punjabs arising out of the implementation of the Banking Agreement of 1949, Part II-Cooperative Institutions.

The position in respect of the issues raised by India was explained by the Pakistan Delegation.

4. Settlement of third party claims against Undivided, Punjab and Bengal.

(a) In respect of Punjab,

(i) It was agreed that each side should settle the pre-partition claims of its own nationals and adjust them through the balance sheet.

(ii) In regard to the claims against local bodies it was agreed that payments made by each side to its nationals should be adjusted through the Inter-Governmental Settlement Account.

(b) The question relating to Bengal was discussed and it was agreed that it should be remitted to the Separation Council.

5. Revalidation of time-barred cheques issued by the Officers of Undivided Punjab.

It was agreed that the remaining cheques should be verified and revalidated or re-issued as early as possible, and payment made by each Government to its nationals and adjusted through the balance sheet.

6. Payment of pensions to displaced persons from East Pakistan.

After some discussion, it was decided to defer the consideration of this item. See also item 4(b) above.

7. Remittance from India to Pakistan and vice versa of private account for current and capital transactions.
The Indian representatives brought to notice the difficulties experienced by the Indian companies in Pakistan in remitting their current profits to India. It was also reported that there was a discrimination against the Indian companies in Pakistan in so far as they were required to obtain Income Tax Clearance Certificates before their profits could be remitted to India. Further, the State Bank of Pakistan was insisting on such profits being remitted through the transfer of Government of India securities held in Pakistan. According to Pakistan representatives this was not a case of discrimination and the difference arose from the fact of local conditions. Sometimes difficulties were experienced in the matter of repatriation of profits, but these were not peculiar to the Indian concerns.

As regards the remittance of profits through securities, Pakistan's view was that these were current transfers and not capital transfers. Furthermore, under the partition arrangements, these securities were freely transferable to India and were the liability of the Indian Government. The Indian representatives were, however, of the view that these arrangements came to an end with the imposition of Exchange Control and that unless there was an agreement between the two Governments on capital transfers, the securities could not be transferred. The remittance of current profits had to be allowed separately and should not be linked with capital transfers.


The Indian representatives referred to the hardship experienced by the beneficiaries of the Mohsin Endowment Fund in West Bengal on account of non-transfer of the income of the Fund from East Bengal. It was agreed that this should be remitted for discussion between the representatives of the two Bengals.

2. The agreements recorded above are subject ratification by the Governments of India and Pakistan.

Sd. A. K. Roy,  
Secretary to the Government of India, Ministry of Finance.

Sd. H.A. Majid  
Secretary to the Government of Pakistan, Ministry of Finance.

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New Delhi, August 3, 1959.

The Finance Ministers of India and Pakistan assisted by officials of the two Governments, met in New Delhi, from July 31 to August 2, 1959, to discuss various monetary and financial issues outstanding between the two countries. They went over the whole ground, and, while there was a meeting of minds on many matters, it was realised that for an overall settlement it was necessary to obtain further details, particularly, in regard to the partition debt before the discussions could be carried any further. It was accordingly agreed that representatives of both the countries should meet and discuss details as often as necessary so as to enable them to obtain an agreed picture before the end of this year. The two Finance Ministers would meet shortly thereafter to take final decisions.

The officials took the opportunity of reviewing certain other outstanding matters and it was found possible to clear a number of them. In particular, it was agreed that in respect of persons who migrated from one country to another after June 30, 1955 but before June 30, 1959, arrangements should be made either through the respective High Commissioners or through the normal banking channels for the payment of their pensions. It was further agreed that Provident Fund moneys of such Government servants and employees of Local Funds and semi-Government institutions also should be allowed to be transferred likewise. These arrangements would also apply to migrants who belong to the partitioned Provinces.

There was a full and free exchange of views in a very cordial atmosphere and it is hoped that this will be a prelude to an early and satisfactory settlement between the two countries.

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3355. Statement by Finance Minister Morarji Desai in Lok Sabha on the Financial Talks held between India and Pakistan in New Delhi on Pakistan’s Partition Debt to India

New Delhi, August 6, 1959

The House will remember that I made a statement on the floor of the House on the 7th May, 1959, in which I gave a short account of the various major items in dispute between the two countries and the order of the sums involved in each. At our meeting, we broadly reviewed the various items in an effort to arrive at an over-all settlement. I believe it was common ground between us that these disputes should be settled as soon as possible in the interest of both the countries, that considering the magnitude of the sums involved in some of the claims it would be difficult to take individual items separately for settlement and that our efforts should be directed towards the simultaneous settlement of all the major issues. It was really not a question of holding up one matter because something else was held up. Ultimately, whatever one country has to pay to another has now to be paid in foreign exchange and when claims are outstanding on both sides, a simultaneous settlement of these claims is more or less inescapable.

While on a number of items the sums involved are either easily ascertainable or could be estimated with a fair amount of precision, the real difficulty arises in connection with the partition debt due to India, of which seven annual instalments are already overdue while a further instalment will fall due on the 15th of this month. It is obvious that some agreed estimate, however tentative, of this debt is necessary if an overall settlement of the various items has to be made. Honourable Members will remember that certain figures of how the debt should be worked out were sent to Pakistan some years ago. There was some correspondence on those figures but matter was not further pursued. We both realised that it was essential to get the dimensions of the debt before further progress could be made. At the last meeting, officials of the two Governments got down to the real task of getting the figures originally prepared, checked and agreed. Obviously, in the short time available, it was not possible for them to make more than a good beginning in this essential process. We both agreed that both countries should proceed vigorously with the checking and finalisation of these figures so that in the next few months at least a close approximation of the sum involved would be available on the basis of which a settlement would be reached. It is our intention to see that this is vigorously pursued.

A number of points of detail also arose during the discussions about which further information had to be obtained by either side. This will all be collected so that when we next meet we shall have as full a picture as possible of the various issues.
I do not think that this House or the public outside should feel any sense of
disappointment that the meeting has not produced immediate results. Considering
the long period over which the various claims have been in dispute, I am sure
the House will appreciate that it is not easy to reach conclusions without the
necessary details. The sums involved are also so large that it would be unfair to
both the countries to take snap decision. The real gain of the meeting is that the
ice has been broken and I am looking forward to the various matters requiring
further examination being dealt with expeditiously in both the countries so that
when the next meeting of the Minister is held, it may be possible to reach a
satisfactory settlement. I would in this connection make one appeal. A settlement
will be greatly assisted in my opinion if in both the countries’ exaggerated claims
are not put out and isolated issues given undue prominence.

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3356.  

TOP SECRET

Letter from Special Secretary, Ministry of Finance M. V.
Rangachari to Commonwealth Secretary, Ministry of
External Affairs M. J. Desai.

New Delhi, November 4, 1959.

D.o.No. 0242-SS/59 November 4, 1959

Ministry of Finance
New Delhi

My dear Desai,

During our discussions last month in Karachi, the Pakistan officials raised the
point that on the analogy of the decision taken in respect of Chief Commissioner’s
Provinces, the assets in the tribal areas should also be excluded from the
balance sheet of the Central Government as on the date of the partition. Actually,
at the time of the partition while the Muslim Members wanted the assets and
liabilities of the Chief Commissioner’s Provinces to be treated as though they
were Central assets and liabilities, the India side took a different line which was
upheld by the Law Ministry and endorsed by the Partition Council. Thereafter,
there was some correspondence between the Pakistan Government and us on
the subject of the exclusion of the assets in the tribal areas and we maintained
that they should not be excluded. This correspondence was between the Foreign
Ministries of the two Governments and on our side, the last letter I can trace is No. D.2206/52-PAK-I dated the 3rd June, 1952. While from the strictly technical point of view, the line taken by us is justified, we have to take a further look at the problem in the context of coming to a reasonable settlement in the changing climate of our relations. On merits, there is something to be said for the view that where the Central Government in territory not constituted into a separate province discharges the functions which fall in both the provincial and central lists of subjects, the assets relatable to subjects which fall in the provincial field should be excluded. This is broadly the line we took in the case of Chief Commissioner’s provinces although, except in Coorg, the assets in these provinces were created by the revenues of the Central Government, including the revenue under provincial heads, in precisely the same way as assets in the tribal areas and agencies. We did not reach any decision on this issue at Karachi and we reserved it for further consideration at our next meeting to be held later this month. The total amount involved in these assets appears to be of the order of Rs.7½ crores, the bulk of which would lie in Pakistan, which is obviously the reason why they are asking for the assets to be excluded. Subject to any comments which you may have, I propose to maintain the line already taken by us but to concede the Pakistan point as a concession if we do reach a settlement, which is bound to involve some concessions by both sides. We have also to remember that we shall be getting nowhere by sticking to the letter of the various agreements and that, over a fairly wide field where figures are not available, we may have to reach a settlement by broad approximations. In view of this, I hope you will concur in our view. I shall be glad of your comments at an early date.

With kind regards,

Yours sincerely

(M.V. Rangachari)

Shari M.J. Desai I.C.S.,
Secretary, Commonwealth Relations,
Ministry of External affairs,
New Delhi
Letter from Commonwealth Secretary M. J. Desai to Special Secretary, Ministry of Finance M.V. Rangachari.

New Delhi, November 13, 1959

D.O. No. T. 1119 –CS/59 November 13, 1959/Kartika 22, 1881 (Saka)

My dear Rangachari,

Thank you for your letter No. 0242-SS/59 dated the 4th November, 1959, about the Pakistani contention regarding the assets of Tribal Areas.

2. I enclose for your information our files Nos. 18A-6/48-Pak.I and P.II/679174/201, which contain the previous correspondence between the Governments of India and Pakistan on the subject.

3. I agree with you that you should have freedom of manoeuvre to exclude the assets of the Tribal Areas from the balance sheet of the Central Government in case you find during the negotiations that by making a concession on this point you would be gaining elsewhere in the context of an overall settlement, which must necessarily be reached by broad approximations.

4. Since the earlier decision on these assets was taken by the partition Council, You would no doubt consider whether you should seek the Cabinet’s approval in this matter.

With kind regards,

Yours sincerely

(M.J. Desai)

Shri M.V. Rangachari.
Special Secretary.
Ministry of Finance.
New Delhi.
Notification issued by the Reserve Bank of India.

Bombay, November 18, 1959.

Reserve Bank of India
Exchange Control Department
Central Office
Bombay

Dated the 18th November, 1959.

NOTIFICATION


(i) to send into India-

(a) special bank notes issued by the Reserve Bank (other than the bank Notes referred to in sub clause (b) herein) or special one rupee notes issued by the Government of India, under section 28A of the Reserve Bank of India Act, 1934, without limit, from any place in the following areas, namely the Sheikhdoms of Kuwait, Bahrain, Qatar, Sharjah and Kalba, Ras al Khaimah, Um ul Awain, Ajman, Dubai, Abu Dhabi and Fujairah and the Sultanates of Muscat and Oman;

(b) special bank notes issued by the Reserve Bank of India under section 28A of the Reserve Bank of India Act, 1934, and referred to in Regulation 4 of the Reserve Bank of India (Special Bank Notes and One Rupee Notes) Regulations 1959 as special Haj notes, without limit from Saudi Arabia.

(ii) to bring into India-

(a) from any place outside India currency notes of the Government of India and Reserve Bank of India notes (other than Special Bank Notes and Special One Rupee Notes issued under section 28A of the Reserve Bank of India Act, 1934) up to an amount not exceeding Rs75/- in all per person at any provided that no person shall bring into India

(1) Government of India one rupee notes from any place in Pakistan and Afghanistan or (2) notes other than of “Ashoka Pillar” design.

(b) from any place outside India, other than Pakistan, Afghanistan, Burma and the Portuguese territories adjacent to India, special bank notes and special one rupee notes issued under Section 28A of the Reserve Bank of India Act, 1934, without limit.
(iii) to bring into India from any place outside India, without limit, any coin, currency notes or bank notes (other than unissued notes, currency notes of the Govt. of India and Reserve Bank of India notes) but no person shall bring into India from Pakistan and the Portuguese territories adjacent to India coins which are legal tender in India for an amount exceeding Rs.5/- in all per person at any one time: provided that the permission contained in this Notification to bring notes into India shall apply to any such person only if he makes, on arrival in India, a declaration to the Customs authorities, in such form as may be specified by the Reserve Bank in this behalf, of the particulars of all such notes brought in by him. The Reserve Bank directs that this notification shall take effect from the 10th December, 1959.

Sd/H. V.R. Iyengar
Governor

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3358. Statement by Finance Minister in the Lok Sabha on Financial Talks between India and Pakistan.
New Delhi, November 19, 1959.

Sir,

With your permission, I propose to make a short statement regarding the further progress in the discussions on the outstanding financial issues between India and Pakistan, which were begun when I met the Finance Minister of Pakistan last August.

The House may remember that after the last meeting, I made a statement on the floor of the House in which I mentioned, among other things, that both countries should proceed vigorously with the checking and finalization of the various figures relevant to the drawing up of the debt settlement between the two countries. In accordance with the arrangement than made, officials of the two Governments met in Karachi between the 15th and the 18th of last month to examine the various figures of assets and liabilities. They covered fairly wide ground and agreement was reached on the facts of a number of individual items. Certain points required further clarification or the collection of additional material. This has been taken in hand by both the sides. It is expected that the next round of official discussions will be held early next month and it is hoped that it
will be possible to complete at this meeting most of the examination of the figures required. The results of this examination will then be considered by the Ministers on both sides and a decision taken. The official discussions are largely of the nature of fact-finding and it will obviously not be for the officials to take any decisions. I am hoping that these discussions will be successfully completed and that it will be possible for two Governments to reach a settlement on all the issues together at an early date.

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3359. Statement by Finance Minister in Lok Sabha on Indo – Pakistan talks on Financial Settlement.

New Delhi, December 18, 1959.

Sir

With your permission I propose to make a short statement on the talks held here last week between the officials of the two Government on the Financial Issues outstanding between India and Pakistan. Honourable members will recall the statement I made in the House on the 19th of November regarding the first round of these discussions held in Karachi last October. In the meeting last week these discussions were continued and the bulk of the remaining ground in regard to the outstanding matters was covered. Some items, relating mainly to the balance sheet of the Central Government, still remain to be cleared and it has been tentatively agreed that a further meeting should be held towards the end of this month to clear these up. As I mentioned in my last statement, the official discussions are largely of the nature of fact-finding with reference to the arrangements for evaluation of assets and liabilities and their allocation as settled at the time of partition. I am sure the House will not expect me to mention details of the various points on which the officials have been able to agree or disagree. The proper occasion for this will be when the discussions have been completed and a report made by them to the two Governments and the latter have had an opportunity of considering it. Meanwhile, I would suggest that no credence be given to the rather fanciful accounts of what is alleged to have been discussed at the meeting which have been appearing in the press.

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Statement by Finance Minister in Lok Sabha on Indo-Pakistan talks on Financial Matters.

New Delhi, February 9, 1960.

Sir

With your permission I propose to make a brief statement on the recent talks between the officials on the financial issues outstanding between India and Pakistan. In the statement made by me on the 18th December last, I had indicated that a further meeting would be held towards the close of the month to clear up a few items relating mainly to the balance sheet of the Central Government. The officials of the two Governments accordingly met for four days at Delhi and concluded their discussions on the 3rd January, 1960. This completed the rounds of official level talks for evaluation of the assets and liabilities of the undivided Central Government and divided provinces and their allocation between the two Governments on the lines settled at the time of partition. It was possible to arrive at an agreement on the data relating to most of the items. However, a few items which needed further consideration were left over for discussion at the time of the meeting between the two Ministers. The programme for this meeting will be settled in consultation with the Finance Minister of Pakistan. As I stressed in my earlier statements, these discussions between the officials of the two countries are mainly of a fact finding nature. The Hon’ble members will, therefore, appreciate that it will not be appropriate for me at this stage to indicate the details of these talks until the Ministers have had an opportunity of considering the matter and the whole position is thereafter reviewed by the respective Governments. It is my earnest hope that with good-will on both sides, it would be possible to arrive at a satisfactory settlement on these issues in the near future.
SECRET

Letter from High Commissioner for India in Pakistan
Rajeshwar Dayal to Commonwealth Secretary M. J. Desai.


High Commissioner for India
Karachi


My dear C.S.,

I left Rawalpindi yesterday morning when it was already clear that financial talks had bogged down, and unless there was a belated recognition by the Pakistanis of their moral obligations, there would be a stalemate.

2. Now that the final outcome of the talks is known, there is great interest regarding the nature of the issues on which agreement could not be reached. I have explained the position in a general way to several of my colleagues, but I think we should be prepared to meet a whispering campaign by the Pakistanis, who might not yet come out with an open propaganda barrage in the hope that something may yet be salvaged and to avoid adverse reactions on other aspects of our mutual relations.

3. We should lose no time in informing certain Missions, particularly the Americans, of the trend of the talks and the impossible position adopted by the Pakistanis in accordance with their general maxim: “Surrender what is yours but give me what I claim to be mine”.

4. I would be grateful if Mathrani could be asked to send us urgently a note on the talks, emphasizing the particular matters which should be highlighted in explaining Pakistan’s grasping attitude.

With kind regards,

Yours sincerely

(Rajeshwar Dayal)

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

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Statement by Finance Minister in Lok Sabha on the India–Pakistan Talks on Financial Matters held in Rawalpindi.

New Delhi, March 30, 1960.

Sir

I propose, with your permission, to make a short statement on my recent visit to Pakistan for the discussion of the outstanding financial issues between the two countries with the Finance Minister of Pakistan. As the House is aware, I had a preliminary discussion on these issues with the Pakistan Finance Minister last August, about which I made a statement in the House on the 5th September. At that meeting we agreed that the officials of the two countries should get together and sort out the figures to be entered in the balance sheets of the Centre and the divided States, on which the partition debt would have to be determined. The officials had three meetings, one at Karachi and two in New Delhi, and I am glad to say that they have been able to get down to agreed figures over most of the field. Some major matters have, however, proved rather intractable. These include the valuation and allocation of certain Defence assets, the determination of the amount of income tax arrears at the time of the partition, including the unassessed income on that date which might have come in for subsequent assessment and the valuation of the pensionary liability. The amounts involved in these items are substantial and the material for determining the amounts is neither readily available nor complete. Although the officials did their best to see if agreed figures could be produced, they have been unable to do so and the matter had finally to come before the Ministers. During my stay in Pakistan, I had a number of discussions with the Pakistan Finance Minister on these items and the various other outstanding issues. In regard to most of the latter, the figures involved are either agreed or available and it is largely a question of fitting into an overall settlement. But such a settlement is not possible until the figure of the partition debt is settled and our current dues of the installments in repayment which should have commenced in August 1952, are known. We made an earnest attempt to see if gaps in the balance sheets which the officials could not fill, could be settled on some ad hoc basis, but I regret that we were unable to do so, with the result that the position remains as before. In the last few months, there has been a growing feeling in both the countries that the series of discussions which were initiated last year would result in an early settlement. I have no doubt that there will be some disappointment at the fact that the last round of talks had not resulted in a settlement. None would have been happier than I if this has come to pass. I have not, however, unduly worried about our failure to reach a settlement. As I have said more than once in this House, the issues involve large sums of money about which it is neither safe nor easy to take snap decisions. Our desire to reach a fair, final and overall
settlement is shared by the Pakistan Finance Minister. Our discussions were held in a very cordial and cooperative spirit and the House will realize how anxious we were to reach a settlement from the fact that we continued our discussions till almost the last minute before I had to leave for the airport to catch the plane for my return journey. Both of us feel that we should make a further effort to bridge the gap between us and we have decided to have another meeting at an early date. I would only ask the House and the public to bear with me patiently until these discussions have been completed.

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3363.  

Circular Letter from Commonwealth Secretary M. J. Desai to Heads of Mission abroad.

New Delhi, April 1, 1960.

Ministry of External Affairs. 
New Delhi

D.O. No F. 31/255/NGO, April 1, 1960/Caitra 12, 1882 (Saket)

My dear Ambassador/High Commissioner etc.,

You would have seen the statement made by Finance Minister on the results of the recent financial talks held at Rawalpindi between the Finance Minister of India and the Finance Minister of Pakistan. I enclose a copy for ready reference.

2. I also enclose copy of a top secret note recorded by Shri Rangachari giving the background of the discussions, which indicates clearly that the Pakistanis have not the slightest intention of honouring any of their commitments regarding Partition Debt and that all this elaborate exercise of negotiations has been undertaken only to mislead international opinion about the positive and constructive approach of the present regime as distinguished from the previous regimes in Pakistan.

3. I would particularly invite your attention to para 3 and the opening sentence of para 4 of Shri Rangachari’s note.

4. We will be grateful if you and your colleagues would whenever opportunity occurs explain to the political leaders and the officials of the Government to which you are accredited the impossible position adopted by the Pakistanis
which amounts, in effect, to a complete repudiation of their debt liabilities, to
counter any whispering campaign that the Pakistanis may start against us.

With kind regards,

Yours sincerely

(M.J. Desai)

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TOP SECRET

Note by Special Secretary Ministry of Finance on the India –
Pakistan Financial Talks held in Islamabad in March 23 –

New Delhi, March 28, 1960.

The official Delegation from India reached Rawalpindi on the 22nd evening and
had a series of discussion with the officials of the Pakistan Government on the
three following days. I was present at most of these discussions and, with the
Minister’s approval I also had a separate talk with the Pakistan Finance Minister
lasting over an hour, on the 25th.

2. The official discussions were more or less confined to settling the
outstanding points connected with the balance sheets of the Centre and the
divided provinces. On most of these, agreement was reached: but the issues
on which this was done were relatively minor. On the major issues as to the
valuation and allocation of Defence Works, outstanding arrears of income tax
and pensions, although we had long and involved discussions, no agreement
was possible. Fantastic figures were put out by the Pakistanis, all calculated to
reducing the assets, which they are supposed to have taken over, and inflating
the liabilities, the net effect of both of which is to reduce their partition debt to a
negligible figure. At the official level, we were prepared to consider any reasonable
approximation, even if the figures could not be pegged to anything in the actual
accounts and records. But there was no response from the Pakistan except to
suggest that we launch on further enquiries which would be both time-consuming
and expensive and may not lead to any worthwhile results. At this point, the
official discussions were closed and the outstanding matters submitted to the
Ministers for further directions or decision.

3. My meeting with the Pakistan Finance Minister lasted more than an hour.
He started off with a curious statement that a lot of what he said would be off the
record if quoted would be promptly denied by him. I said that if that was his
position I would take an identical line. In any case I said that there was nothing
wrong in our exchanging ideas on a purely personal basis if this would help in a reasonable settlement, particularly as both of us had the advantage of an intimate acquaintance with the problem. He agreed that at the time the partition arrangements were made the fact that the adjustment would involve problems of foreign exchange was not realized fully. He mentioned some vague idea of first working out the debt and the 50-year installments on the basis of the agreed rate of interest and then working it back-ward to its present value on a six per cent interest basis. I said that this made no sense to me; the partition debt is an amount due on the date of the partition and could not be worked down to a lower figure by this curious device. He did not pursue this further. He came on to a second idea that we should work out the debt and the installments, put down the figures each year against the installment of sums due from us to Pakistan and calculate interest on the outstanding at the rate charged by the World Bank on its loans. I again pointed out that this also made no sense. For one thing, the World Bank’s interest rate was an irrelevant consideration. For another, if the interest on the currency assets were omitted, as they should be, because Pakistan would be getting its share in the ordinary course, India would always be in the position of a creditor after 1952, when the first installment fell due. This curious proposal would really be to his disadvantage. He dropped this also and went on to a rambling series of comments on the major items in dispute mentioned in the previous paragraph. These were mostly in the nature of a repetition of the arguments mentioned at the official level. My only comment on all this was that, at this stage, a solution was possible on an ad hoc basis, that to the extent to which I could claim to know my Minister’s mind. He was always open for a reasonable settlement and that any attempt to start a roving enquiry over the two countries to establish facts about Defence Assets or income tax arrears would be completely impracticable. He said that he appreciated this. But again trailed off into vague statements about the over valuation of Defence Assets at the time of the partition and the colossal amount of income tax arrears. Actual and un-assessed, outstanding at the time of the partition. He also made a cryptic statement that politically he would find it difficult to justify any settlement which involved payment by Pakistan. He did not elaborate this and when I mentioned that from our point of view any debt settlement with a 50-year schedule of payments had to involve payment of installments by Pakistan. He started talking of international debts, what we did to Burma and so on. He seemed a little shocked when I suggested that this was not far removed from repudiation and did not talk about this further. The entire discussion was extremely friendly and before I left, he mentioned how anxious he was to reach a settlement and get this problem out of the way. I reported the gist of these discussions to the Minister immediately on my return.

4. On the last day of the discussions, the Pakistan officials produced a statement which placed the partition debt at Rs. 121 crores. This is almost
equal to the various sums due from us to Pakistan and it was suggested that we should take the two as more or less balancing out. This is a completely absurd position. On any reckoning, taking a most favorable view of the Pakistan claims, the partition debt cannot be less than Rs.250 crores or so. Any settlement on the lines suggested by the Pakistan would mean a writing off half the debt. This would be completely indefensible from the financial point of view. The figure suggested by them does not also make any sense because they themselves have all along thought in terms of an annual repayment of Rs. 7 crores odd to us which give a debt of about Rs. 200 crores. More than once the Pakistan Finance Minister asked me the basis on which we had claimed an annual repayment of Rs. 9 crores some years ago. I explained to him that this figure was purely _ad hoc_ and that all the time we were thinking of an emerging debt of Rs. 250 to 275 crores and we had put in a lump figure of Rs. 9 crores as at that time the rate of interest to be applied to the loan was not finally worked out. At one stage I got the impression that they were thinking of a middle figure between Pakistan’s Rs. 7 crores odd and our Rs. 9 crores but no offer of such a kind was ever made.

5. So far as meetings at official level were concerned. I feel that no useful purpose will be served by them hereafter. The issues have become fundamental and will have to be decided at the political level. For this purpose, a further meeting of the Minister which the Pakistan Finance Minister suggested, would be useful. But at the official level there is no hope of reaching agreed figures on the items still in dispute.

6. This note is for the Minister’s information. A copy of this will be sent to Secretary. Commonwealth Relations after FM has seen.

_Sd/- (M.V. Rangachari)_

SECRET

Letter from High Commissioner for India in Pakistan
Rajeshwar Dayal to Commonwealth Secretary M. J. Desai.

Karachi, April 2, 1960.

High Commissioner India
Karachi

No. HC/100/60 April 2, 1960/ Chaitra 13, 1882 Saka

My dear C.S.,

I had sent you a brief letter (No. HC/90/60 dated 28th March) on the conclusion of Shri Morarji Desai’s visit to Pakistan. I am now sending a more detailed report on the Finance Minister’s trip.

2. Shri Desai was in Pakistan for seven days in all. He arrived in Karachi on the 21st by air from Delhi. I was with him on this flight. Mr. Shoaib was at the airport to receive him. There was a large array of photographers and press correspondents. Some old friends and admirers of Shri Desai were also there to welcome him. The fact that the Pakistan Delegation to the Trade Talks headed by the Commerce Minister arrived by the same plane contributed to make the reception more crowded and tumultuous. There was, however, no one from the Foreign Office to receive our Minister. (Subsequently the Chief of Protocol told me that no offence was meant, as Mr. Shoaib himself was receiving our Minister!)

3. Shri Desai and his private Secretary were lodged at the State Guest House and were well looked after. On the 22nd Shri Desai laid a wreath on Jinnah’s tomb and was taken round the Korangi colony and the industrial area. That evening I gave a reception in his honour which was attended by Messrs. Shoaib, Manzur Qadir and Hafizur Rahman, Heads of Mission in Karachi and prominent citizens. This was followed by a buffet dinner given in his honour by Mr. Shoaib.

4. The next morning, Shri Desai attended the Pakistan Day parade when he was introduced to the President. Later, he made a formal call on the President, at which I was also present. In the evening, he attended the National Day reception at the President’s House and was later entertained to dinner by the president. At the morning meeting the President harped on his familiar theme of the growing pressures from the north, the two giants, the Soviet Union and China, trying to press down towards the Persian Gulf in the west and Bay of Bengal in the east.

5. At this dinner, besides the President himself, Shri Desai and an A.D.C., only Messrs. Shoaib, Manzur Qanzur and Hafizur Rahman were present. It is curious that I was not asked as I should have been when a senior Cabinet Minister was being entertained. The President’s insistence on my presence when he entertained Shri Jai Prakash Narayn was, by contrast, equally strange.
It was rather lamely explained that the dinner was confined to Cabinet Ministers. Apparently, the Pakistanis wanted the President to have a *tete-a-tete* with our Minister. But if they believed that by such tactics they could place Shri Desai in a position of disadvantage – four against one – during the discussions, they must have been sadly mistaken.

6. As it happened, it was Manzur Qadir who did most of the talking at the dinner. He referred to the “fresh difficulties” which had cropped up during the Canal waters’ negotiations at Washington, on which he expatiated at length. Our Finance Minister made it clear that the points now being raised by Pakistan sought to upset the broad agreements which had already been reached. He also took the line that he came to Pakistan mainly to effect a financial settlement and that he was not in a position to discuss other disputes or issues between the two countries.

7. The next day, on the 24th, we took off for Rawalpindi along with Mr. and Mrs. Shoaib. At the Karachi airport, the Minister was assailed by press correspondents and some of the questions related to the statement made by President Ayub Khan the previous night in this message to the Nation, wherein he had stated that “real trust between India and Pakistan can be brought about only if there is a satisfactory solution of the Kashmir problem”. Our Finance Minister’s replies to the press correspondents were, as usual, straightforward and forthright. He maintained that there could be friendship between India and Pakistan even if some of the disputes like Kashmir remained unsolved for some time. In answer to other questions, he said that India had shown trust in Pakistan all along. “It is we who are not trusted”, he added, There were further questions at Lahore and Rawalpindi airports, but our Minister dealt with them in characteristic fashion, friendly but firm.

8. At Karachi the two Finance Ministers did not get round to talking about the financial issues. They got together for serious business as soon as they reached Rawalpindi, but it was soon evident that the gulf between the respective positions in regard to some of the major issues was too wide to be negotiated in a hurry. The following day the two Ministers and their Advisers tried to break the deadlock for about five hours, but in vain.

9. On the 26th our delegation took a day off to visit Peshawar and the Khyber pass. The arrangements were excellent and we were pleasantly surprised when the Pakistan Government agreed to bring Khan Abdul Ghaffar Khan over to Peshawar to meet Shri Desai. Later, the two leaders proceeded by road to Utmanzai so that Shri Desai could visit the tomb of Dr. Khan Sahib. During this visit, Shri Desai had an opportunity to have a free and frank talk with Khan Abdul Ghaffar Khan who openly expressed his repugnance to the present regime, undeterred by the presence of a police officer in the car. Badshah Khan looked well enough for his years and his indomitable spirit seemed unbroken.
10. There was a dinner by the President for our Finance Minister on the 26th which was attended by the various Ministers and other high dignitaries. Some serious political discussion did take place, although there was foreboding in the air about the impending failure of the talks. It was on this occasion that the question of the Supreme Court’s judgment on the Berubari issue was raised.

11. Despite the last minute efforts on the 27th to find a rough and ready solution, the Ministers had to decide regretfully to break off negotiations and to try again after a decent interval. As Shri Desai announced to the press, the two Finance Ministers “agreed to disagree”. He made it clear to Mr. Shoaib that he was not in a position to write off huge sums of money and that unless the Pakistan Government showed a more realistic attitude in regard to their proven obligations, there was no point in carrying on the conversations. Shri Desai however, refused to divulge the specific points on which disagreement had arisen nor the figures involved.

12. Shri Desai left Rawalpindi the same day for Amritsar via Lahore. I had deputed one of our First Secretaries to accompany him to Amritsar.

13. Though the talks ended in failure, our Finance Minister’s visit to Pakistan was indeed worthwhile. The fact that he spent seven valuable days in Pakistan during the Budget Session of the Indian parliament showed to the world the importance which India attached to the settlement of these issues with Pakistan. Everyone who came in contact with the Finance Minister was impressed by his personality, friendliness and sincerity. On the other hand, Pakistan has come in for criticism on the ground that she missed an excellent opportunity to make a deal with India. The impression is gaining ground even among Heads of Mission who had a soft corner for Pakistan that the Pakistanis are becoming too avaricious and that their appetite for free gifts is becoming well-nigh insatiable. The other day, my Australian colleague expressed considerable dissatisfaction about the way in which aid from Australia was being utilised in this country. According to him, only 40% of such funds were put to proper use while the rest was squandered. In order to remedy the situation, he is proposing to bring a special officer from Australia who would supervise the administration of such aid in Pakistan. The Canadian High Commissioner also has expressed to me his regret and disappointment at the failure of the talks. We are explaining our stand to friendly missions, who have shown appreciation of our position.

14. One may wonder why our Finance Minister was invited here at all if the Pakistan attitude on the financial issues was so intractable and unreasonable. Could they have hoped that in order to achieve a settlement, India, would be prepared to write off huge sums clearly owing to her? But Shoaib is too shrewd a man to have so grossly misjudged the situation. As an outsider, with any particular support within the Cabinet except what he can command as a technical expert, he was perhaps not in a position to accept any considerable liabilities. It
may be that he wished to demonstrate that a settlement could be reached only on a basis of give and take, and with a view to getting a fresh mandate from the President. What Shaikh as a military man who heads a powerful clique in the Cabinet and among the Punjabis could do to achieve the border settlements, a mere technician without any political backing like Shoaib, could not accomplish.

15. All the sights here are now fixed on the Kashmir issue and Canal waters question is being openly linked with that Pakistani obsession. The financial problems may have been tied up in the tortuous minds of the Pakistan with the financial settlements flowing from any Canal waters’ settlement. This in a way, all these problems seem to have been mixed up together. When the Canal Waters’ question is sorted out, as it must be sooner rather than later, the process of de-linking could commence. My Australian colleague told me that the World Bank is getting increasingly dissatisfied with the Pakistan tactics and is threatening to pull out unless there is a greater sense of realism. He also noticed the attempt being made to link together issues which are essentially different and susceptible of solution only if taken up separately. He hoped that the Americans and others would adopt an attitude of greater firmness in helping to remove the obstacles which Pakistan is trying to create in order to squeeze out the last possible drop.

16. Pakistan has so far played down the failure of the talks. In fact the news that the two Ministers “agreed to disagree” came as an anti-climax to the hopes engendered by earlier optimistic reports in the Pakistani press. Shoaib himself has made a mild statement in answer to that made by our Finance Minister in Parliament. The Pakistanis will take the cue from this statement and try to emphasise the importance of current payments by India as against the instalments payable by Pakistan on the Partition debt. They are trying to separate the two issues in effort to show that Pakistan is the aggrieved party. We have necessarily to be on guard against such a campaign.

17. You may have seen the special press review which we have prepared on Shri Desai’s visit to Pakistan, a copy of which is enclosed for ready reference (not included).

With kind regards,

Yours sincerely,

(Rajeshwer Dayal)

Shri M.J. Desai ICS,
Commonwealth Secretary
Ministry of External Affairs
New Delhi
Letter from Pakistan Minister of Finance Mohammad Shoaib to Indian Finance Minister Morarji Desai.

Rawalpindi, August 29, 1960.

Minister of Finance
Government of Pakistan

No. 1(48)-FM/60-1406 Rawalpindi the 29th August, 1960

Dear Mr. Desai,

I thank you for your letter No. 1269-FM/60, dated the 9th August, 1960, to which I could not reply earlier as I was unwell for a few days.

I am afraid the controversy referred to in your letter was started by the Indian press. I found that a completely distorted picture was being presented deliberately in the various articles which appeared in a number of Indian papers. I was, therefore, obliged to clarify the position and give the correct facts. I would, however, like to add that what appeared in the press and has been attributed to me was not always a faithful record of what I said in this context, I am sure it must by your own experience that the press reports cannot be relied upon too literally.

I have always been anxious and I repeatedly said so during the course of our last meeting that we wish to arrive at a fair and just overall financial settlement between India and Pakistan. We have no desire to close the doors or to take a position which would rule out the possibility of reaching an agreement satisfactory to both sides.

I am looking forward to meeting you in November so that we could resume our efforts to find a solution for our outstanding differences.

With kind regards,

Yours sincerely

(Mohammed Shoaib)

Mr. Morarji Desai,
Finance Minister of India
New Delhi.
3366. Letter from Indian Finance Minister Morarji Desai to Pakistan Finance Minister Mohammad Shoaib.

New Delhi, September 14, 1960.

Finance Minister, India
New Delhi

D.O.No. 1492 FM.60 September 14, 1960
Dear Mr. Shoaib,

Kindly refer to your letter No. 1(48) FM/60-1406, dated the 29th August 1960. I regret to learn that you were not well for some time: I do hope that you have now fully recovered in health.

2. I note that the Government of Pakistan have not taken an inflexible position which might endanger the success of further negotiations in regard to the financial matters between the two countries. I should like to express the hope that with the successful termination of the negotiations on the Indus Water Treaty, it will be possible for us to solve another vital sector of difference between the two countries.

3. In regard to the question of permitting remittance facilities to Indian industrialists and businessmen in Pakistan, which was the subject matter of the recent press controversy, you might recall that this question was discussed at Delhi but the discussion proved inconclusive. We have refrained from raising this again as we wanted the major issues relating to financial matters to be settled. It would, however, be useful if during our next talks this question could also be considered and settled.

4. As regards the schedule for these further talks, we shall be meeting in Washington in connection with the forthcoming conference of the World Bank and the International Monetary Fund when we will have an opportunity of a general discussion on our further line of approach and the likely programmer of our next meeting. I do hope that during these discussions it will be possible to bring to a successful conclusion these long standing differences.

With kind regards,

Yours sincerely

Sd/-Morarji Desai

M. Shoaib, Esq.,
Minister of Finance.
Government of Pakistan

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New Delhi, December 1, 1960.

Sir,

I propose, with your permission, to make a short statement on my recent discussions with the Finance Minister of Pakistan on the outstanding financial issues between the two countries.

In the statement made by me in the House on the 30th March 1960, I had indicated that there would be further meeting between us to settle the issues on which it had not been possible to arrive at an agreement so far. Later, during the visit of the Prime Minister to Pakistan in September last in connection with the signing of the Indus Water Treaty, 1960, a reference was made by the Finance Minister of Pakistan to some of these outstanding financial issues. I had also a brief meeting with the Finance Minister of Pakistan at Washington and we both decided to discuss these issues further at New Delhi. During the recent meetings between us from the 23rd to 25th November and the series of discussions that the officials had, the outstanding issues were further narrowed down and both sides made aware of each other's point of view. An opportunity was also taken to review the post-partition claims of one country against the other, which had been left pending the determination of the Pakistan's debt to India and which will have to be fitted into the overall financial settlement.

While I share the general disappointment that the last round of talks has not resulted in a final settlement, I am not unduly perturbed by it. These discussions have been useful in clarifying the approach of the two countries in respect of various outstanding issues and have resulted, I believe in greater appreciation of each other's points of view.

Our talks have throughout proceeded in a cordial atmosphere and we have decided to meet again to find an agreed answer to the outstanding problems. This by itself is an indication of the desire on either side to conclude these protracted discussions to the satisfaction of both the countries. The programme for next meeting will be settled in consultation with the Finance Minister of Pakistan. The House will appreciate that I cannot, at this stage go into further details of our discussions. I would only ask Honourable
Office Memorandum from the Ministry of Works, Housing and Supply to the Ministry of External Affairs.

New Delhi, August 26, 1961.

Government of India
Ministry of Works, Housing & Supply
No.PII-233(1)/Vol.III New Delhi the 26th August, 1961

Office Memorandum

Subject: Certain post partition claims of the Govt of India outstanding against the Govt. of Pakistan.

The undersigned is directed to refer to the Ministry of External Affairs O.M. No.F.P.II/54/679110(P)/1-2, dated 21.7.1961, on the above subject, and to say that the Statement of claims as referred to in their endorsement No.PIII/54/679110/1-2, dated 7.11.1956 was subsequently amplified to indicate the description of stores, name of consignees and the data regarding earlier correspondence exchanged between this Ministry and the Pakistan Govt. (as desired by that Govt. in their letter No. Neg. 9/23/55, dated 11/12.12.1956, received under the Ministry of External Affairs O.M.No.PII/54/679110/1-2, dated 20.12.1956) vide this Ministry’s O.M. No. PII-233 (1), dated 6/10th May, 1957, which in turn was communicated by the External Affairs Ministry to that Govt. under their letter No.PII/54/679110/1-2, datd 22.5.1957. It will be seen from the Statement appended to this Ministry’s O.M. dated 6/10th May, 1957 that it contains the particulars of the consignees. As for the names of the Shipping Agents and year in which the stores relating to these claims were supplied, this Ministry have no precise information except that these stores were supplied during the year 1957 that it contains the particulars of the consignees. As for the names of the Shipping Agents and the year in

members to show some further indulgence and patience in the hope that these prolonged negotiations will be completed in a manner which will be acceptable to both the countries, thus constituting another step in cementing the friendship between us and our close neighbour.

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which the stores relating to these claims were supplied, this Ministry have no precise information except that these stores were supplied during the year 1947 to 49 as indicated in the enclosures to this Ministry’s earlier letter No.PII-233(1), dated 30.11.1953 to the Pakistan Govt. copy inter alia sent to the Ministry of External Affairs.

2. It is requested that the Pakistan Govt. may be informed accordingly and they may be requested to process these claims on the basis of their letter No.PII/54/679110/1-23, dated 22.5.1957, which inter alia gives the description of the stores, the names of the consignees and the earlier correspondence exchanged between this Ministry and the Pakistan Govt.

(S. Malhotra)
Under Secretary to the Govt. of India.

To
The Ministry of External Affairs,
New Delhi. (Shri S. J. S. Chhatwal).

3369. Note from High Commission for India in Pakistan to Pakistan Ministry of Foreign Affairs.

New Delhi, October 24, 1989.

No.ISL/COM/215/4/87 24 October 1989

The High Commission of India Presents its Compliments to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan, and has the honour to refer to the various communications sent by it regarding the claims of the Indian Government mints, Bombay and Calcutta, for coins manufactured and supplied to the government of Pakistan during the period January 1948 to September 1949. The details of the amount due to the Government of India are given below:

(A) India Government Mint, Bombay.

(i) Coins manufactured and supplied during the period from January 1948 to September 1949.

Rs. 31,92,500-13-0
(ii) Debit raised against Government of Pakistan for various payments made by the Mint......

Total Rs. 36,15,628-12-5

(B) India Government Mint, Calcutta.

(i) Coins supplied to Government of Pakistan during the period 12.8.48 to 20.10.49.

Rs. 20,33,352-14-0

(ii) Less invoice No. 1189 dated 17.2.49 paid by Pakistan Government ...........

Rs. 1,35,491-4-0

Balance.... Rs. 18,97,861-10-0

(iii) Difference between the estimated cost and actual cost Pending bills relating to medals, tokens, etc.....

Rs. 4,94,097-3-0 639-1-0

Total...... Rs.23,92,597-14-0 Grand total of (A) and (B) = Rs. 60,08,226-10-5

2. The above amount is based on the actual cost of the coins and other materials supplied by Bombay and Calcutta Mints. It takes into account the payments of Rs. 20,00,000 and Rs. 1,35,491-4-0.

3. Letter No. F. 3(66)-If II/49 dated 6 February 1959, from the Government of Pakistan provides the relevant references. A copy is annexed for ready reference. (not included here)

4. This issue was also raised by the representatives of Ministry of Finance’ Government of India, with the Pakistan delegation during the meeting of sub-Commission in New Delhi on 10-12 August 1987.

5. The High Commission would appreciate if the esteemed Ministry settles the outstanding payment at their earliest convenience.

The High Commission of India avails itself of this opportunity to renew to the Minister of Foreign Affairs the assurances of its highest Consideration.
Ministry of Foreign Affairs,
(kind Attention: Mr. Shahid Kamal, Director (India-P)
Government of the Islamic Republic of Pakistan,
Islamabad.

[Editor’s note: the Amounts above are in rupees, annas and paisa, the units of currency in vogue then. One rupee was equal to 16 annas and four paisa made one anna.)

[On November 19, 1997 the High Commission of India in Pakistan once again reminded the Pakistan Government of the outstanding bills and requested for early payment Vide Note No.ISL/COM/201/3/97.

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INDIA-PAKISTAN RELATIONS

SECTION - XVI

PASSPORT & VISA
3370. Ordinance promulgated by the Government of Pakistan to control the entry of persons proceeding from India to Pakistan.

Karachi, September 24, 1948.

The Governor-General of Pakistan promulgated an Ordinance called the Pakistan (Control of Entry) Ordinance, 1948, which controls the entry of persons proceeding from India to Pakistan.

No person proceeding from any place in India shall, unless exempted in accordance with the provisions of this Ordinance or of the Rules made there under enter any part of Pakistan unless (a) being a person domiciled in India or Pakistan he is in possession of a valid permit or: (b) being a person not so domiciled he is in possession of a valid passport.

Whoever contravenes the provisions of section 3 or of any Rule made under this Ordinance shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to Rs1,000 or with both.

Any police officer, any officer of Customs and any other public officer empowered in this behalf by the Central Government may arrest without warrant any person who has contravened, or whom he has reason to suspect of having contravened the provisions of this Ordinance.

The Ordinance has been published in an extraordinary issue of the Gazette of Pakistan date September 24, 1948.

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3371. Influx from Pakistan (Control) Act, 1949. (Act No. XXIII of 1949)

April 22, 1949.

An Act to Control the Admission into, and Regulate the Movements in India of Persons from Pakistan.

Whereas it is expedient to control the admission into, and regulate that movements in India of persons from Pakistan;

It is hereby enacted as follows:

1. Short title and extent.

(1) This Act may be called the Influx from Pakistan (Control) Act, 1949.

(2) It extends to the whole of India.
2. Definitions. In this Act, unless there is anything repugnant in the subject or context, –
   (a) ‘Enter’ means to enter by water, land or air;
   (b) ‘Officer of Government’ means any officer of the Central Government or of a Provincial Government or of the Government of an Acceding State;
   (c) ‘Permit’ means a permit issued or renewed or the period whereof has been extended in accordance with the rules made under this Act.

3. Control of admission into India of persons from Pakistan. No person shall enter India from any place in Pakistan, whether directly or indirectly, unless –
   (a) He is in possession of permit, or
   (b) Being a person not domiciled in India or Pakistan, he is in possession of a valid passport as required by the Indian Passport Act, 1920 (XXXIV of 1920), or
   (c) He is exempted from the requirement of being in possession of a permit by or in accordance with the rules made under this Act.

4. Power to make rules. The Central Government may, by notification in the Official Gazette, make rules
   (a) Prescribing the authorities by which and the conditions subject to which permits may be issued or renewed or the period thereof extended, the conditions to be satisfied by the applicants for such permits and the forms and classes of such permits;
   (b) Regulating the movements in India of any person who is in possession of a permit;
   (c) Providing for the exemption, either absolutely or on conditions, of any person or class of persons from the requirement of being in possession of a permit or from the operation of any rule made under this section; and
   (d) Generally, providing for any other matters ancillary or incidental to the carrying out of the purposes of this Act.

5. Punishment of offences.
   (1) Whoever enters India in contravention of the provision of section 3, or having entered India contravenes the provisions of any rule made under section 4, or commits a breach of any of the conditions of his permit, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.
   (2) Whoever, in any statement made by him in pursuance of any of the provisions of this Act or of any rules made thereunder, furnishes any
information, which is false and which he either knows or believes to be false or does not believe to be true, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

6. **Power of arrest.**

(1) Any officer of police, not below the rank of a sub – inspector, any officer of the customs department of the Central Government or any other officer of Government empowered by a general or special order of the Central Government in this behalf may arrest without warrant any person who has committed or against whom a reasonable suspicion exists that he has committed an offence under this Act.

(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case or to the officer in charge of the nearest police station, and the provisions of section 61 of the Code of Criminal Procedure, 1898 (V of 1898) or of the corresponding law for the time being in force in the Acceding State shall, so far as they may be applicable apply in the case of any such arrest.

7. **Power of removal.** Without prejudice to the provisions contained in section 5, the Central Government may, by general or special order, direct the removal from India of any person who has committed, or against whom a reasonable suspicion exists that he has committed, an offence under this Act, and thereupon any officer of Government shall have all reasonable powers necessary to enforce such direction.

8. **Protection to persons acting in good faith.** No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

9. **Repeal of Ordinance XXXIV of 1948.**

(1) The Influx from Pakistan (Control) Ordinance, 1948, is hereby repealed.

(2) Notwithstanding such repeal, any rules made, action taken or thing done in the exercise of any power conferred by the Influx from Pakistan (Control) Ordinance, 1948, shall for all purposes be deemed to have been made, taken or done in the exercise of the powers conferred by this Act, as if this Act had commenced on the day such order was made or such action was taken or such thing was done.

Gazette, 22 April 1949.

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You have drawn my particular attention to the difficulties created by the entry of Muslim newcomers other than those who are entitled to restoration of land and houses, and in this connection I have read your letter to Sardar Patel also. I quite appreciate your difficulty. It is quite clear of course that these persons are not entitled to any kind of relief.

You suggest a permit system. I am inclined to think that any introduction of the permit system might ultimately injuriously affect your interests. Such a permit system cannot be confined to Assam and East Bengal. It will have to extend to the whole of Eastern Pakistan, West Bengal, Assam, etc. that would create grave difficulties. I would prefer the use of the Undesirable Immigrants Expulsion Act to the introduction of a permit system at this stage. I imagine that even if you introduce a permit system, it would only be partially affected. To make it really effective requires a fairly big organization.

We have been getting accurate figures of the traffic between East Bengal and West Bengal. We have analyzed these figures and it appears that several thousands of persons come and go across the border daily. These are other than migrants. Some such traffic is natural between two bordering countries. It may be that some at least of the so-called newcomers to Assam may be part of this traffic and does not concern people who intend to settle. Have you any figures of Hindus or Muslims going from Assam to East Bengal? If we have the figures on both sides, then it is possible to check up and arrive at some conclusions.

At the present moment large numbers of Hindus are returning to East Bengal from West Bengal. The numbers so doing are remarkable and sometimes the excess of those going to East Bengal amounts to between two thousand and three thousand a day. There is thus a tendency, due to various reasons, for a flow back to East Bengal. If we take any step involving a permit system, this would have a serious effect in stopping these movements. It would also of course be said to be a violation of the Agreement of 8th April, 1950.

The matter is thus a very complicated one and we have to avoid taking a step which react on us injuriously. We shall consider it here more fully and then I shall let you know what our advice is. Meanwhile, please send me figures of migrations on both sides, properly analyzed, if possible.

Your sincerely

Jawaharlal Nehru
3373. Note from High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.

Karachi, October 31, 1951.

Office of the High Commissioner for India in Pakistan
New Town, Karachi - 5

No. C – 26/IHC/51 31st October, 1951

The High Commission for India in Pakistan presents its compliments to the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan and has the honour to state that in view of the action taken by the Punjab (P) Government to close the Wagah Lahore route to Indian nationals with effect from the 17th October, 1951, the Government of India propose to close the Ferozepore route to Pakistani nationals with effect from the 5th November, 1951. The action proposed to be taken by the Government of India arises from the latest restrictions imposed by the Government of Punjab (P) in consequence of which Indian nationals intending to proceed to West Punjab can use neither the Wagah nor the Hussainiwala route and are compelled to fly from Delhi to Lahore. The Government of India would however agree to the continuance of the hitherto existing arrangements under which Pakistan nationals were permitted to proceed to Lahore via Hussainiwala and Indian nationals were allowed to use the Lahore route.

The High Commission avails itself of the opportunity to renew to the Government of Pakistan the assurances of its highest consideration.

The Ministry of Foreign Affairs
& Commonwealth Relations,
Government of Pakistan,
Karachi.

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3374. Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.

Karachi, November 27, 1951.

Ministry of Foreign Affairs and Commonwealth Relations
Karachi

No: I (I).12/24/51 Dated the 27th November, 1951

The Ministry of Foreign Affairs and Commonwealth Relations present their compliments to the High Commission of India in Pakistan and with reference to their notes No. C-26/IHC/51 dated the 31st October, 1951 and 5th November, 1951 have the honour to state that the initiative for closing of the Wagah-Lahore route for the Pakistanis came from the Indian authorities themselves. This route was closed by them in August 1951, without prior notice and resulted in considerable dislocation of movement by the overland route.

2. The Government of Pakistan regret to note that the unilateral action by the Indian authorities was contrary to the spirit of the understanding reached at the Indo-Pakistan Permit Conference, which has since been ratified by both Governments. Article 15 of “agreements and conclusions” reached at that Conference provided that the Government of Pakistan would examine the position in regard to specifying points of entry and exist in Pakistan and if it was considered necessary to specify these points, lists of points suggested by each Government would be exchanged. This Government have not specified any such points and no list of points have been exchanged between the two Governments. The closure of the Wagah route to Pakistanis came to the Government of Pakistan as a complete surprise.

3. It was not till the 17th October 1951 that the Government of Punjab (P) decided to close the Wagah-Lahore route to Indian nationals. In doing so that Government were actuated by considerations of security.

4. As regards the suggestion that the Wagah route should be open to Indians and the Ferozepur route to Pakistanis, the Government of Pakistan feel that if a route is to be kept open, it should be open for the nationals of both countries. Having separate routes for the nationals of each country is inconvenient and unfair, particularly, when the Ferozepur route involves a much longer and circuitous journey.

5. The High Commission’s note No. C-26/IHC-51 dated the 5th November, 1951, has since been received intimating the categories of persons who will be allowed to use the Hussainiwala route. In view of this note, it is presumed that
a restoration of the conditions obtaining before the closure of the Wagah route is no longer desired.

6. The Ministry avails itself of this opportunity to renew to the High Commission the assurance of its highest consideration.

To
the High Commission for India in Pakistan,
Karachi.

3375.
SECRET
Letter from the Ministry of External Affairs to High Commissioner for India in Pakistan Mohan Sinha Mehta.

New Delhi, January 2, 1952.

Ministry of External Affairs
New Delhi

No. F. 32/51 – Pak. I.

To : The High Commissioner for India in Pakistan,
Karachi.

Subject: Closure of the land routes between Punjab (P) and Punjab (l).

Sir,

I have the honour to refer to note No. I (l). 12/24/51 of 27.11.51 from the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, to your address, forwarded to this Ministry with your Secret letter No. C – 26/IHC/51 of the 30th November, 1951 and to state as follows.

2. The statement of the Government of Pakistan that the initiative for closing the land routes between Punjab (India) and Punjab (Pak) came from the Government of India is completely incorrect. As is well known, at the time of partition, a large number of routes between the territories now constituting Punjab (P) and Punjab (l) were open to the travelling public. The main routes were between Lahore and Amritsar, Ferozepore and Lahore, and Suleimanki and Montgomery, and there were a number of lesser routes. Right up to August
1951 the Government of India had never imposed any restrictions whatsoever on the use of any of these routes, subject only to the permit being valid via that route and subject also to passage through a customs post. On the other hand, the Government of Pakistan or the Government of Punjab (Pak) have been gradually restricting the use of many of these routes. Entry by the lesser routes was closed in 1948 and 1949. In 1949 the Government of Pakistan also closed entry across the Suleimanki headworks, thus leaving only two main routes open, viz., Lahore – Amritsar and Lahore – Ferozepore. By a Press note issued by the Government of Punjab (Pak) in May 1951, the Government of Pakistan formally closed all land routes between Punjab (India) and Punjab (Pak) except the Lahore – Amritsar route. A copy of this Press note is enclosed for ready reference.

3. At the Permit Conference held in 1951 the Indian representatives took up with the representatives of Pakistan the question of the closure of all land routes except Lahore – Amritsar. They pointed out that unilateral action of this type was not desirable, since similar unilateral action by India might lead to the closure of all land routes. The Pakistan representatives agreed to reconsider the position and agreed that in case the Govt. of Pakistan felt that it was necessary to specify the point of entry and exit, the Government later would exchange with the Govt. of India lists of such proposed points with a view to coming to an agreement on the points to be specified. The immediate relaxation agreed to by the representatives of Pakistan was that the diplomatic and non-diplomatic staff of the Indian Missions in Pakistan would be allowed to use the Lahore – Ferozepore route. It was confidently (confidently?) expected by the Government of India that the Government of Pakistan would either withdraw the Press note of the Punjab (Pak) Government and thereby again open all the land routes between Punjab (India) and Punjab (Pak) or alternatively suggest to the Government of India the routes which should be specified for purposes of exit and entry. The Government of India are not aware that the Press note issued by the Punjab (Pak) Government in May 1951 has been withdrawn or that any additional route has so far been opened by the Government of Pakistan. Nor have they received from the Government of Pakistan any suggestion as to the points of entry and exit to be specified by both countries. In these circumstances the Government of India are unable to appreciate the attitude taken by the Government of Pakistan in paragraph 2 of their note under reference. It would appear from this note that the Govt. of Pakistan are of the view that while their notification of May 1951 continued to remain in force and even though they had taken no action to come to any agreement with the Government of India with regard to the points of entry and exit, the Government of India was debarred under the “agreements and conclusion” of the Permit Conference to take any reciprocal action. The Government of India are unable to agree with any such construction of the conclusions of the Permit Conference. Even so the
Government of India did not desire to take any unilateral action in this matter, but their hands were forced by the further action taken by the Government of Punjab (P) in July 1951 mentioned below.

4. On 25th July the Chief Secretary to the Government of Punjab (Pak) informed the Deputy High Commissioner for India in Pakistan, Lahore, verbally that the diplomatic and non – diplomatic members of the Mission should not leave the limits of Lahore except after prior intimation to him, and that for the purposes of visits to India, the Lahore – Wagah rout could be used without prior intimation. The virtual effect of this was to close the Lahore – Ferozepore route to our Mission at Lahore in contravention of the assurance given at the Permit Conference. Further on grounds of security precautions, the Government of Punjab (Pak) laid down that Indian nationals, including those holding permits granted to them by Pakistan permit issuing authorities in India for the purpose of visiting various places in Punjab (Pak), would not be allowed to proceed beyond Lahore, except after receipt of special permission from the Permit office of the Punjab (Pak) Government at Lahore. This permission was not forthcoming except in special cases and a large number of Indian nationals were either held up at Lahore or had to return without visiting the places for which they held permits. Since both the above measures had apparently been taken in the interest of security, the Government of India did not consider it a proper case for lodging a protest. On their side, however, they also considered necessary, as a matter of security precautions, to close the Attari – Amritsar route temporarily to Pakistan nationals. This they did therefore early in August 1951 after prior intimation to the Pakistan High Commission at Delhi. For the convenience of the Pakistan High Commission and D.H.C. (Pak) at Jullundur and of Pakistan nationals in general the Government of India however kept open the Hussainiwala – Ferozepore route for entry into and egress from India.

5. The position at this stage therefore was that by unilateral action the Government of Pakistan had closed all land routes into Punjab (P) except the Wagah – Lahore one. So long as this route was kept open, however Indian nationals and diplomatic and non – diplomatic staff of Indian Missions could come and go to India from Lahore, and the Government of India did not consider it useful to protest against the closure of the other routes. On their side the Government of India closed only the Attari – Amritsar route and left the other routes and in particular the Hussainiwala – Ferozepore route open so that no difficulties should be experienced by Pakistan nationals in coming to or leaving India. It was unfortunate that due to the unilateral action of the Government of Pakistan only one route was open for Indian nationals, but due to the fact that at least one route was open to the nationals of both countries (viz. Wagah – Lahore for Indian nationals and Hussainiwala – Ferozepore for Pakistan nationals), their hardships were considerably mitigated.
6. The Government of India were, therefore, surprised when on the 15th October, 1951 the Punjab (Pak) Government decided further to close also the Wagah – Lahore route to Indian nationals. This meant the closure to Indian nationals of all land routes whatsoever. The Government of India drew the attention of the Government of Pakistan to this fact and pending their reply continued to keep open the Hussainiwala – Ferozepore route for Pakistan nationals. Since no reply was received for a considerable time, the Government of India had no option but to close the Hussainiwala – Ferozepore route also to Pakistan nationals, with certain exceptions including the diplomatic and non – diplomatic staff of the Pakistan Missions at Delhi and Jullundur.

7. The Government of India greatly regret the hardship being caused to nationals of both the countries wishing to visit the other country by reason of their inability to use any of the land routes between Punjab (India) and Punjab (Pak). The Government of India would suggest for the consideration of the Government of Pakistan that the latter should open any one route, to be designated by the Government of Pakistan, for the purposes of entry by land of Indian nationals from Punjab (I) into Punjab (P). If the Government of Pakistan are agreeable to this course, the Government of India would be only too glad to reopen the Hussainiwala – Ferozepore route for entry into and departure from India of Pakistan nationals.

8. I am to request that the above may be conveyed to the Government of Pakistan in suitable terms. A copy of the note sent to the Government of Pakistan may be endorsed to this Ministry.

Yours faithfully

Deputy Secretary

High Commission of India,
Karachi.

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3376. Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.

Karachi, March 31, 1952.

Ministry of Foreign Affairs and Commonwealth Relations
Karachi


Subject: Land routes between Punjab (P) and Punjab (I).

The Ministry of Foreign Affairs and Commonwealth Relations Government of Pakistan, presents its compliments to the High Commission for India in Pakistan, and with reference to their Note No. C – 26 – IHC – 51, dated January 11, 1952, has the honour to say that while the Government of Pakistan think that no purpose would be served in continuing the controversy about the genesis of the restrictions resulting in the closure of the overland routes between India and Pakistan, they wish to reiterate that the responsibility for that, as for the introduction of the permit system itself, rests with the Government of India. Following the introduction of a permit system by India, Pakistan had to enforce a similar system. As the introduction of the permit system by India was on a unilateral basis, no understanding was reached between the two Governments on the routes to be followed by permit holders. In consequence the Wagah – Attari, the Ferozepore – Hussainiwala, the Sulemanki – Montgomery and a few lesser routes did exist in the initial stages of the permit system, i.e., the end of 1948 and the beginning of 1949. In actual practice, however, a majority of travelers took to the Wagah – Attari route and asked for permits by that route. A very few of them used the Hussainiwala – Ferozepore or other lesser routes. The number of such persons was so small that it was thought unnecessary to keep the less frequented routes open in view of the substantial cost of maintaining Customs and Immigration checkposts on these routes. In deciding upon the closure of these routes in 1950, Pakistan was in no way contravening any understanding or agreement with India, as no such agreement existed to that date. It was only during the Indo – Pakistan Permit Conference in June 1951, that the subject of routes was mooted by India. The agreement which was ratified on first October, 1951, prescribed the procedure which should govern future changes in the route. The changes effected in the position from that obtaining at the time of the ratification of the agreement were all initiated by the Government of India in disregard of this agreement. The agreement reached at the Conference did not imply the withdrawal of the press note of the Punjab (P) Government closing the routes other than Wagah. No such commitment had been entered into at the time of the agreement, nor was there any commitment...
made for the opening of overland routes which were closed at the time that the agreement was ratified. There was also no occasion for this Government to suggest to the Government of India the routes for the purposes of exit and entry as no change in the status – quo was contemplated by this Government. On the other hand, the closure of the Wagah route was effected by the Government of India without any consultation with the Government of Pakistan who were informed of it by their High Commission in Delhi whose First Secretary was apprised of the decision in an interview by an officer of the Ministry of External Affairs, Government of India. This closure of the Wagah route without any prior notice resulted in serious inconvenience to permit holders who were virtually stranded in India and had later to be evacuated to Pakistan by specially opening the Ferozepore – Hussainiwala route which had been closed for a considerable time to all except members of the staff of the Indian High Commission in Pakistan. Had not the Wagah route been closed all of a sudden by the Government of India, none of the difficulties now encountered would have arisen. The Government of Pakistan, therefore, feel that reversion to the conditions obtaining at the time of the permit agreement would be the right solution of all these difficulties.

They are in accord with the Government of India in appreciating the hardship which the closure of the overland routes must entail for the travelers between the two countries. The Government of Pakistan, therefore, express their willingness to the opening of both the Wagah and Hussainiwala routes to nationals of both the countries. They do not, however, subscribe to the principle that one route should be opened to nationals of one country and the other to those of the other country. This, as already indicated in their Note No. I (I) 12/24/50, dated November 27, 1951, is inconvenient and unfair, particularly when the Ferozepore route involves a much longer and circuitous journey. It is hoped that the Government of India would agree to the above suggestion or, in the least, to the restoration of the conditions obtaining before the closure of the Wagah route.

The restrictions on the movement of the diplomatic and non – diplomatic staff of the Deputy High Commissioner for India in Pakistan at Lahore have no relation to the general closure of routes to permit holders. These restrictions followed the general tightening up of security measures consequent upon the massing of the Indian troops at Pakistan borders.

The Ministry avails itself of this opportunity to renew to the High Commission of India the assurances of their highest consideration.

The High Commission for India in Pakistan, Karachi.

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Note from Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, April 8, 1952.

Office of the High Commissioner for Pakistan in India
New Delhi

No.F.13 (35) P/52- the 8th April 1952

The High Commission for Pakistan in India presents its compliments to the Government of India, Ministry of External Affairs, New Delhi, and has the honour to say that the Government of Pakistan consider that the permit system in force between India and Pakistan is out-moded and experience has shown that it has not worked satisfactorily. In practice, the system has impeded travel rather than facilitate inter-communication between the two countries. The Government of Pakistan have, therefore, decided after very careful consideration to replace the permit system by the internationally recognized system of Passport and visas between the two countries. The introduction of this system will have the effect of regulating travel between India and both East and West Pakistan. The Government of Pakistan further proposes that the passport system should be introduced with effect from 15th May 1952. The permit system now in force in Pakistan will be simultaneously abolished. Under the new system every Pakistani national desirous of going to India and every Indian national will similarly have to be in possession of a passport duly visaed by the appropriate Pakistan authorities before entering Pakistan territory.

2. The Government of Pakistan hope that the Government of India will make the necessary arrangements in respect of their nationals to be brought into force on the same date, viz. 15th May 1952 after which date a passport and a visa will be necessary for Indian nationals to enter Pakistan.

3. In view of the large number of people who are likely to be effected by this system the Government of Pakistan will issue a restricted passport slightly different but distinguishable from the International Passport to enable their nationals to travel between Pakistan and India only. Till such time as these booklets are available in sufficient numbers, Emergency certificates (specimen enclosed) will be issued to three categories of persons:

(1) Category ‘A’ will include only cultivators and their labourers residing in the border Unions of East Pakistan and passports issued to them will be endorsed for movement to a specified border Union in West Bengal. The Border will be crossed at specified check-points.
(2) Category ‘B’ will include only persons residing in areas other than the border Unions of East Pakistan or persons in border Unions other than those mentioned in sub-para (1) above. Passport issued to them will be endorsed for travel to the States of West Bengal, Assam, Tripura and Bihar. The Border will be crossed only at specified check-points.

(3) Category ‘C’ will comprise residents of East and West Pakistan and their passports will be endorsed for travel to the whole of India.

4. Passports or Certificates will be issued on payment of Rs.3/- and will be renewable after 5 years. The Government of Pakistan propose to fix Re.1/- as fee for a visa (including multiple journey visa) valid for Pakistan.

5. The visa endorsement on passports will indicate the places to be visited in Pakistan on the basis of that endorsement.

6. Visas for entry into East Pakistan will have the following validities:-

   (a) One year for residents of the border Unions of West Bengal with no restriction on the number of journeys;

   (b) six months for residents of West Bengal, Assam and Tripura in areas other than border Unions, without restriction on the number of journeys;

   (c) for residents of the rest of India, the visa will be valid for the period stated in the endorsement.

7. Visas for entry into West Pakistan will be issued in the ordinary way and will be valid for the period stated in the endorsement.

8. The Government of Pakistan desire, for the convenience of Indian nationals wishing to enter Pakistan, to set up (subject to the Government of India’s approval) in addition to the existing Passport and Visa offices in their Missions in Calcutta, New Delhi and Jullundur, two more visa offices at Agartala and Goalpara in West Bengal. It may also become necessary, at no distant date, to set up (subject again to the necessary approval) a Visa Office at Jalpaiguri for the convenience of travelers from North Bengal, and at Dawki for travelers from Assam. The Government of Pakistan suggests that the Government of India may set up corresponding offices in East Bengal for the convenience of Pakistan nationals.

9. The Government of Pakistan will designate the District Magistrates and sub-Divisional officers in the Province of East Bengal as Passport and Visa Issuing Authorities to cater for residents in their respective Districts and Sub-Divisions and, in addition, passports for India will be granted by the Passport Officers at Dacca and in all Provincial capitals in West Pakistan.
10. The Government of Pakistan again express the hope that the Government of India will agree to the reciprocal introduction of a passport and visa system between India and Pakistan, designed to regulate the movement of bona fide travelers into both countries and would be grateful if the Government of India would convey their concurrence as soon as possible. Arrangements will then be made for a simultaneous announcement of procedure in Pakistan and India. It would, naturally be in the interests both countries to make the announcement as long as possible in advance of May 15 next, the dead line date for the introduction of the scheme by the Government of Pakistan.

11. The High Commission avails itself of this opportunity to renew to the Government of India the assurances of its highest consideration.

The Ministry of External Affairs,
Government of India,
New Delhi.

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3378. TOP SECRET

TELEGRAM

From : Hicomind, Karachi
To : Foreign, New Delhi.
No. 167. April 9, 1952

Mehta for R.K. Nehru.

I met Foreign Secretary Government of Pakistan at his request this morning. He handed over to me a Note* purported to be the decision of Pakistan to introduce system of passport and visa between India and Pakistan in order to regulate travel between India and both East and West Pakistan. They propose that the new system should come into effect from 15th May 1952 and from that date the present permit system to be simultaneously abolished. I understand that Pakistan High Commissioner at New Delhi will present a copy of that Note to you today. I am therefore NOT reproducing its text in this telegram.

* This was the same note which the Pakistan High Commission in New Delhi had given to the Ministry of External Affairs on the 8th April. Document No.3377.
I told Foreign Secretary that the Government of Pakistan’s action would be regarded by our Government as unfortunate and retrograde so far as the relations between two countries were concerned and I hoped that the memorandum did NOT represent their final decision. Foreign Secretary said that they had come to that decision after full consideration of the case. I also urged on the Foreign Secretary the desirability of preliminary discussion even a meeting between representatives of two countries, including those of the two Bengals before reaching final decision. The view adopted by Pakistan, I stated, would be contrary to the spirit of Prime Ministers Agreement and might deteriorate the position in East Pakistan and West Bengal where things are NOT too good even now.

Please intimate Government’s reactions and advice as to what reply we should give. Before leaving the Foreign Secretary I pressed him to tell his Government that their decision deserved reconsideration.

In view of this unexpected decision of Government of Pakistan I did NOT, as I had intended, talk to the Foreign Secretary about the re-opening of their Permit Office at Bombay. We could now have this done as a part of the new proposals.

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3379.  TOP SECRET

Letter from High Commissioner for India in Pakistan M. S. Mehta to Pakistan Foreign Secretary M. O.A. Baig.

Karachi, April 9, 1952.

My dear Baig,

May I repeat what I urged on you this morning that, the decision of the Government of Pakistan contained in the Note which you gave me will have very unfortunate results? It would produce widespread hardship and even a sense of insecurity. A large section of the population in the two Bengals is poor and ignorant. They are not accustomed to the system of Permits and Passports, and the consequences would be felt as very vexatious.

The introduction of the new proposals would be a serious restriction in the freedom of movement between the two Bengals which was one of the chief objects of the Prime Ministers Agreement of April 1950. According to the present
arrangements, people on both sides are free to go from East Bengal to West Bengal and vice versa. This has helped to establish a sense of security and confidence among the minority communities on both sides of the border. Apart from the violation of the Prime Ministers’ Agreement which, as you are aware, had created a good effect, the new proposals would certainly bring about a deterioration in the present situation, resulting in conditions of panic and instability which it is desirable to avoid. It might also bring about a large scale exodus of minorities from either side, the consequence of which could be serious indeed.

Then the enforcing of the new scheme would result in many practical difficulties. We would be exposing the common people to unnecessary harassment and hardships. The Government of Pakistan contemplates that the people intending to move from East Bengal to West Bengal and vice versa would be allowed to cross the border at specified check points. It would be most difficult to enforce these rules in the present state of things and in view of the numbers of people involved.

I may add that in stressing these obvious practical difficulties to my Government, I do hope that you would be able to persuade your Government to reconsider the whole question. Moreover, this is certainly the least suitable time for bringing about the introduction of Passport system between India and Pakistan.

Yours sincerely

Sd/- M. Mehta
(Mohan Sinha Mehta)

M.O.A. Baig Esq.,
Foreign Secretary,
Ministry of Foreign Affairs and
Commonwealth Relations,
Karachi.

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3380. **TOP SECRET**

**TELEGRAM**

**From:** Foreign, New Delhi

**To:** Hicomind, Karachi

No. 30368. April 10, 1952

For Mehta from R. K. Nehru,

Your telegram No. 167 of 9th April, Introduction of passport system between India and Pakistan, Proposals are under examination and we are consulting Minister of State and West Bengal Government. Meanwhile we would like you to take up this matter immediately with Pakistan Government drawing attention to the following points:-

1. We agree with Pakistan Government that everything possible should be done to reduce impediments to travel, and inter-communication between the two countries. We also recognize merits of passport system, but would strongly urge that local conditions and other factors be considered carefully before such proposals are put into effect.

2. As Pakistan Government are aware freedom of movement between East Pakistan and West Bengal is a vital part of the Prime Ministers Agreement of April 1950. Existence of this provision and its implementation have helped to restore sense of confidence and security among minorities in both East Pakistan and West Bengal. Thousands of persons of both communities have been taking advantage of these facilities. Economic and other ties between East Pakistan and West Bengal are so close that restriction of free movement CANNOT fail to have adverse effect on the normal life of both the countries.

3. Need for maintenance of confidence among minorities regarding freedom of movement between East Pakistan and West Bengal still exists. We should therefore strongly urge that modification of relevant provision of the Prime Ministers Agreement of 1950 should NOT be made without full consultation between two Governments. The Government of India are NOT aware of reasons which have led Government of Pakistan to take decision communicated in aide memoire. They are ready to discuss in fully cooperative spirit any circumstances that, in Pakistan Government’s opinion, justify change of present practice and to find agreed solution of such practical difficulties as may be found to exist. Meanwhile, they most strongly urge that present decision be NOT implemented.

4. We would particularly request that NO announcement may be made about the possibility of freedom of movement being restricted with effect from May
15th since this might create feelings of uncertainty on both sides of the frontier and lead to an immediate exodus with all its hardship, of large numbers of minority community from East Pakistan to West Bengal and vice versa. We would also like you to point out that the practical difficulties in the way of setting up a passport system, even in the modified form suggested by the Pakistan Government, are so great that it would NOT be possible to give effect to any such decision by May 15.

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3381.

TOP SECRET

TELEGRAM

From : Hicomind, Karachi
To : Foreign, New Delhi.

IMMEDIATE

No.169. April 10, 1952

Mehta for R.K. Nehru.

Reference my yesterday's telegram No.167. I am waiting instructions.

In the meantime I heard last night from reliable source that Government of Pakistan NOT likely to alter their decision. They strongly feel that there is steady infiltration from West Bengal into East Bengal of persons with the object of sabotage, creating trouble and working for reuniting two Bengals. 90 per cent of East Bengal people said to be bitterly opposed to reunion and resent these attempts. I was told that Government of Pakistan’s present decision of introducing passport system is NOT based on recent disturbances at Dacca on language controversy. Some important elements in Government of Pakistan feel these disruptive and sabotage elements in West Bengal are NOT under the control of our Central Government and act without its knowledge. This is the ground of Government of Pakistan’s recent decision and for this reason they are I am told not repeat not likely to give up their stand. I am however making earnest efforts in that direction.

If these efforts fail we should urge Government of Pakistan NOT to introduce the system at this time which is most inopportune for bringing such an unpopular and complicated measure into force.

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Letter from High Commissioner for India in Pakistan Mohan Sinha Mehta to Pakistan Foreign Secretary M. O. A. Baig.

No. HC/51/11 12th April, 1952

Introduction of Passport system between India and Pakistan.

My dear Baig,

I had forward to my Government a very brief outline of the note which you gave me on Wednesday last, 9th April, containing the views of the Pakistan Government on the subject noted above. I understand from you that the text of the note was presented to the Ministry of External Affairs at New Delhi by H.E. the Pakistan High Commissioner for India.

2. The proposals are being examined by the Government of India. It will involve consultation between the Ministries of the Central Government concerned and also with the Government of West Bengal. As soon as I receive the considered views of my Government, I shall communicate them to you.

3. In the meantime, I may say that the Government of India fully endorses the views of the Government of Pakistan that everything possible should be done to reduce impediments to and restrictions on travel and intercommunication between the two countries. The merits of the passport system are also recognized. At the same time, as I strongly urged on you at our meeting, local conditions and several other connected matters should be taken fully into consideration before the proposed change is brought into operation.

4. As you and the Government of Pakistan are well aware, freedom of movement between West Bengal and East Pakistan is a vital part of the Prime Ministers’ Agreement of April 1950. That provision had helped to restore a sense of confidence and security amongst the minorities in the two Bengals. Thousands of persons of both communities took advantage of those facilities. As is well known, economic ties between West Bengal and East Pakistan are so close that any restriction of free movement cannot fail to have an adverse effect on the normal economic life in these two parts of India and Pakistan.

5. The need for the maintenance of confidence amongst the minorities regarding freedom of travel and movement between the two Bengals is still clear. On behalf of my Government, I would therefore earnestly request you not to modify the relevant provision of the Prime Ministers’ Agreement of 1950 without full consultation between the two Governments. The Government of India are not aware of the reasons which have led the Government of Pakistan
to take the decision communicated in the Aide Memoire you gave me on the 9th April. I am to assure you that my Government are quite ready to discuss in a fully cooperative spirit the circumstances which, in the opinion of the Government of Pakistan, justify a change in the present practice, and to help in finding an agreed solution of such practical difficulties as may be found to exist. Until such an agreement is reached, the Government of India strongly desire that the proposals received from the Government of Pakistan be not implemented.

6. The Government of India particularly request the Government of Pakistan not to make any announcement at this stage about the restrictions on free movement with effect from the 15th May since it might produce feeling of uncertainty on both sides of the frontier and even lead to an immediate exodus of large numbers of minority communities from East Pakistan to West Bengal and vice versa with all the attendant hardships. It is essential that the representatives of the two Governments jointly examine the practical difficulties and complications which would result in the introduction of the passport system even in the modified form suggested by your Government. It would therefore be obviously impracticable to give effect to this decision by the 15th of May.

7. I feel confident that the Government of Pakistan will again give to this matter full consideration so that nothing is done at this stage to create avoidable difficulties for the two Governments.

Yours sincerely

(Mohan Sinha Mehta)

M.O.A. Baig Esq.,
Foreign Secretary,
Ministry of Foreign Affairs and
Commonwealth Relations,
Karachi.

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TOP SECRET

Letter from High Commissioner for India in Pakistan Mohan Sinha Mehta to Commonwealth Secretary R. K. Nehru.

Karachi, April 12, 1952.

High Commissioner for India
Karachi

No.HC/51/11. 12th April 1952.

Subject: Introduction of modified system of International Passport between India and Pakistan.

My dear R.K.,

Please refer to my Top Secret Telegram No. 167 of the 9th April. I now enclose the Text of the Aide Memoire which the Foreign Secretary of the Government of Pakistan gave me that day. You must have received its copy already from the Pakistan High Commissioner at Delhi.

You may have also received by now my Top Secret Telegram No.169, dated the 10th April.

On the evening of the 9th April, I felt that I should repeat in writing what I had told Baig that morning about the proposals of the Pakistan Government contained in the Aide Memoire which he supplied to me. I enclose herewith a copy of that letter (No.HC/51/11).

Yesterday I received your Top Secret Telegram No.30368 of the 10th April. You will find that in general my letter contained most of the arguments and reasons against the proposals of the Pakistan Government which you have mentioned in this Telegram. I specially emphasized in the concluding portion of my letter that the present time was not at all suitable for the introduction of this big change regulating the movement of people between India and Pakistan.

I have today addressed another letter to the Foreign Secretary of the Pakistan Government embodying the views contained in your telegram of the 10th April. Since then I have also received your Top Secret Telegram NO.24250, dated the 11th April.

Yours sincerely

Sd/-M. S Mehta

Shri R. K. Nehru,
Commonwealth Secretary,
Ministry of External Affairs, New Delhi.
My dear Puri,

I return herewith the papers which you left with me yesterday regarding the Pakistan Government's proposal to introduce a system of passport between India and Pakistan. On the policy aspect of this proposal I have no comments to make beyond those already communicated to our High Commissioner in Karachi in the telegram No. 30368, dated the 10th April, 1952. I confine myself in this letter only to the legal and administrative issues.

2. It will not be necessary to have any legislation passed, if it were decided to accept the proposal. Under the Indian Passport Rules, we have exempted persons domiciled in Pakistan and proceeding from Pakistan to India from the necessity to having passports. As a merely legal matter it will be simple enough to cancel this exception.

3. We could not use the argument that within the Commonwealth there should be no system of visas, which is an arrangement applicable particularly to foreigners. This argument has lost validity because Ceylon has introduced the system of visas.

4. Foreigners coming to India with visas are subjected to a number of restrictions under the Foreigners Act, 1946 and the Foreigners Order, 1948. These restrictions enable the Police to keep track of foreigners. The Foreigners Act, 1946, does not, however, apply to Pakistani citizens. If, therefore, it were proposed that we should have some means of checking the movements of Pakistani citizens coming to India with visas, the Foreigners Act will have to be amended. There is little doubt that the amendment would become necessary as otherwise limited visas would be quite meaningless.

5. The issue of passports and visas and their check at the frontiers is a job that is carried out by the State Governments acting as agents of the Government of India. The cost is borne by the Central Government. It would be necessary to consult the State Governments concerned as to what extra staff would be
necessary and where for the purpose of issuing and checking passports and visas.

6. As I told you yesterday, I think it will be desirable as soon as a reply from Dr. Roy and Mr. Biswas is received to arrange a conference with the Chief Secretaries of West Bengal and Assam who are principally concerned so that both political and administrative implications of what Pakistan proposes to do may be thoroughly thrashed out.

Yours sincerely
(H.V.R. Iengar)

Shri Y.K. Puri, ICS,
Deputy Secretary,
Ministry of External Affairs,
New Delhi.

3385. SECRET
Letter from Deputy High Commissioner for India in (East) Pakistan to Commonwealth Secretary R. K. Nehru.

Dacca, April 15, 1952.
Office of the Deputy High Commissioner
For India in Pakistan
Dacca

201/DHC April 15, 1952
Dear Mr. Nehru,

Please refer to my last two fortnightly reports (dated 16.5.52 and 5.4.52) in which I have kept you informed of a suggestion made by the MORNING NEWS to “seal the border” and to impose the Permit System for travel between East Bengal and the bordering States of India – a suggestion which, according to our information, has already been taken up by the Provincial Government with the Central Government at Karachi. It was decided at the meeting held at Calcutta on 22nd March 1952 that the Hon’ble Mr. Biswas should address the Pakistan Minister of State for Minority Affairs asking for more definite information regarding the intentions of the Pakistan Government in this matter. As you know, the
Hon’ble Mr. Biswas has already written accordingly to the Hon’ble Mr. Azizuddin Ahmed.

I now write to inform you that the MORNING NEWS on the 15th April has published on the front page and with banner headlines a news-item dated the 12th April from its Karachi correspondent stating categorically that the “Pakistan Government have decided to introduce Permit System to regulate traffic between East Pakistan and Bharat” and that “it is likely to take two months’ time to complete the necessary procedure before this system is imposed”. Earlier on the 5th April the same paper devoted an editorial on the “Permit System” criticizing the Hon’ble Mr. Biswas for his reported statement that “Pakistan could not take any unilateral action without consulting Bharat”. According to the paper, such a view amounts to interference with the internal affairs of Pakistan. It, therefore, commented that “we shall bury the Delhi Pact five fathoms deep as indeed Bharat has already buried it, if such attempts at outside interference in our internal affairs continue from Bharat”. The paper stated defiantly that “Pakistan shall not consult Bharat when it decides to impose a Permit System to check the entry of undesirable and hostile elements from Assam, Tripura and West Bengal into our province. The Bharat Government, of course, as a matter of courtesy will be informed of our decision when it is taken”. I enclose for ready reference a cutting of the editorial comments in question which you have probably seen already.

Yours sincerely

(B. K. Acharya)

R. K. Nehru Esq., ICS.
Commonwealth Secretary to the Government of India,
Ministry of External Affairs,
New Delhi.
SECRET

Letter from High Commissioner for India in Pakistan Mohan Sinha Mehta to Pakistan Foreign Secretary M.O.A. Baig.

Karachi, April 17, 1952.

No. HC/52/11 17th April, 1952

Subject: Introduction of modified system of International Passports between India and Pakistan.

My dear Baig,

I am surprised to find that while the subject is still under the consideration of the two Governments news has appeared in the papers this morning that the Pakistan Government intend to introduce the system of passports (and permits) between India and Pakistan. It is obvious from this news item that the source of its publications lay in Pakistan parliamentary circles.

As you know, I had written to you to invite the attention of the Pakistan Government to the serious consequences of introducing this change at this stage. In any case a thorough consideration and full discussion on it was called for before the new system could be introduced. The publication of the news at this stage is rather unfortunate. My Government at Delhi is placed in a very awkward position. They would not know what to do about it. Public opinion is bound to be inquisitive as to the attitude of the Government of India on this question and there would be a certain amount of anxiety in the two Bengals.

I would request you therefore not to let this matter be further discussed in the public and the Press until a meeting is arranged between the representatives of the two Governments to consider it including the officers of the two Bengals.

I am sure you will recognize that the time for the introduction of any change in the present system will have to be thought out very carefully. This would be desirable from the points of view of both the countries.

With kind regards,

Yours sincerely

(Mohan Sinha Mehta)

M.O.A. Baig Esq.,
Foreign Secretary,
Ministry of Foreign Affairs & Commonwealth Relations,
Karachi.

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Letter from Minister of State for Minorities Affairs C.C. Biswas to Commonwealth Secretary R. K. Nehru.

Calcutta, April 17, 1952.

Ministry of External Affairs
Branch Secretariat
Calcutta

D.O. No.402/HM
17th April, 1952

My dear Nehru,

Please refer to the correspondence resting with my Most Immediate, Top Secret D.O. No.402/HM dated the 15th April, 1952, regarding Pakistan's proposal to introduce the Passport System for travel between India and Pakistan. I have examined the matter further and discussed it with the Hon'ble Dr. B.C. Roy and his Chief Secretary. Enclosed is a copy of a Note prepared as a result of this discussion. Dr. Roy, who is going to Delhi today, is taking a copy of the Note for being handed over to you.

2. As has been stated in the Note, the introduction of a passport system for travel, in particular, between East Bengal and the Eastern Indian States of West Bengal, Assam Bihar, and Tripura, is not justified by the reasons given in the Note of the Pakistan High Commissioner. Presumably, Pakistan has other reasons for which she has been insisting on the proposal. The immediate object may be to stop the flow of returning Hindu migrants to East Bengal. Pakistan also does not want that Muslims from India should go and settle in East Bengal. Their long-range objective is, presumably, to isolate East Bengalees (Hindus and Muslims) entirely from India. By such isolation, they intend to stifle any progressive movement among the people of East Bengal generally, and, in particular, to produce a sense of helplessness among the Hindus there, thereby making them prone to be ultimately absorbed in the fold of Islam. I think we should, therefore, oppose the introduction of the proposed Passport cum visa system, so far as the State of West Bengal, Assam, Bihar and Tripura on our side, and East Pakistan on their side are concerned.

3. It is, however, more than likely that Pakistan will force this system on us. In that case, we have to take reciprocal action. Security reasons appear to be Pakistan's main ground for the introduction of the system in the East. If so, I see no reason why we should agree to provide special facilities for cultivators and agricultural labourers of the bordering Unions, as suggested by Pakistan.
under category “A” of their proposed classification. If anything, restrictions on their movements should be made stricter.

4. Assuming that we cannot stop Pakistan from introducing the system, we have to get ready for setting up a suitable organization on our side. This presupposes a lot of action, both legal and administrative. The Rules under the Indian Passport Act have to be amended and adequate powers taken for enforcing the system. Then, again, a large number of offices, both for issuing Passports and Visas and for checking, have to be set up. The Officers and the staff have to be trained in their work. The border between West Bengal and East Bengal alone is over about 800 miles in length. There are also the common boundaries between East Bengal on the one hand, and Bihar, Assam and Tripura on the other. I propose to meet representatives of the State Governments concerned either on next Saturday or early next week for examining the details. It is, therefore, clear that it will be impossible to set up the organization to be ready for work with effect from the 15th May, 1952. I shall let you know the result of the discussions as early as I can. In the meantime, I would suggest that Pakistan be moved at once to put off the introduction of the system, if at all, beyond that date.

Yours sincerely
(C. C. Biswas)

Shri R. K. Nehru, ICS,
Secretary to the Government of India,
Ministry of External Affairs (CR),
New Delhi.

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A Note of the proposal of Pakistan to Introduce passport system for travel between India and Pakistan.

The Note from the Pakistan High Commissioner does not logically make out any case for the introduction of the Passport System for travel between India and Pakistan. It states that the Permit System in force between India and Pakistan is out-moded, has not worked satisfactorily and has impeded rather than facilitated inter-communication between the two countries. The avowed object of substituting the Permit System by the Passport System is, therefore, to rectify the unsatisfactory arrangements and thus to facilitate inter-communication between the two countries. Travel between East Bengal and the Indian States of West Bengal, Assam and Tripura has hitherto been absolutely free and there is no Permit or Passport System in existence there. If, as stated,
the object is to facilitate inter-communication, the local conclusion is that the present free movement should continue in the East and there should be no impediment created by introducing the Passport System. If the Permit System has been unsatisfactory and has retarded communication in the West, either the Permit System may be retained after rectifying the defects or some sort of Passport introduced for travel between Western Pakistan and India, but nothing appears to be necessary on the grounds stated, so far as East Bengal, West Bengal, Assam and Tripura are concerned.

2. The proposal will affect migrants from East Bengal in West Bengal, Assam and Tripura and those from these Indian States now in East Bengal. Under the Prime Ministers Agreement, for those migrants "there shall be freedom of movement and protection in transit" between East Bengal, West Bengal, Assam and Tripura. Many of these migrants are willing to return to their original homes. For that they want to study the conditions prevailing in their former countries and thus to move between the two countries rather frequently. Under the Evacuee Property laws in force in East Bengal, West Bengal, Assam and Tripura, those migrants, who return to their homes within 31-12-53 and want back possession of their property taken over for management by the Evacuee Property Management Committees, are entitled to get back possession. Insurmountable difficulties will be created in the way of those migrants if the proposal comes through. It will, therefore, amount to a unilateral modification of the Pact. So far as East Bengal and the three Indian States in the East are concerned, the proposal should, therefore, be abandoned.

Pakistan’s insistence for introducing the Passport System in spite of what has been stated above, may, therefore, be due to some other reason, namely, the question of security. Curiously, however, they want to make such movement comparatively easy for cultivators and agricultural labourers of the border Unions. From the point of view of security, the need for protection is greater in the border areas than elsewhere. In view, however, of the provisions of the Prime Ministers’ Agreement’ the Government of West Bengal are prepared to overlook this risk and continue the present system of free movement. If, however, Pakistan insists on and introduce restrictions, there should be no special facility for the cultivators, and the agricultural labourers of the border Unions. Perhaps, it may be desirable to make movement along the border stricter.

A distant objective of Pakistan may be to isolate East Bengal (Hindus and Muslims) from India. If isolation is effected, the Hindus in East Bengal will tend gradually to get included in the fold of Islam.

If the system is introduced it will be necessary to set up additional Visa Offices both in the Indian States of West Bengal, Assam, Tripura and Bihar and in East Bengal. Views about the additional stations in India suggested by Pakistan
cannot be given without further consultation, particularly with the representatives of the Governments of Assam, Tripura and Bihar, whom, in addition to West Bengal, the Hon’ble Shri. C.C. Biswas proposes to call up for discussion in the next few days. As regards additional stations in East Bengal, it is suggested initially that there should be Indian Offices in East Bengal at Lalmonirhat for serving northern East Bengal, Kushtia for serving western East Bengal, Khulna for serving south-western East Bengal, Chittagong and Akhura for serving south-eastern East Bengal and Sylhet for serving north-eastern East Bengal.

Many preliminary steps have to be taken, such as setting additional Passport and Visa granting authorities, printing and supplying forms, amending the Indian Passport Rules, 1950, and several other things. It will be impossible after having taken all these steps to get ready for the introduction of the system by the 15th May 1952. It will appear that in eastern India four state Governments, namely those of West Bengal, Assam, Tripura and Bihar, are affected by the proposal. Arrangements have been made by the Hon’ble Shri C.C. Biswas for a conference of these States either towards the end of this week or early next week. We may not be able to get a clear picture of the difficulties involved and the time required for solving them till discussions have taken place in the proposed conference.
Letter from Pakistan Foreign Secretary M. O. A. Baig to High Commissioner for India in Pakistan Mohan Sinha Mehta.

Karachi, April 18, 1952.

No. 3620 – F.S./52

Will you kindly refer to your letter No.HC/52/11, dated the 17th April, 1952?

While I fully appreciate your point of view, I much regret that it is simply not practicable to stop either the public or the press discussions or speculating on such matters. You will be able to understand our difficulties, since you are aware of the unauthorized discussions and comments which are wont to appear in the press of all democratic countries, sometimes to the embarrassment of their own Government.

Yours sincerely

(M.O.A. Baig)

His Excellency Mr. Mohan Sinha Mehta
High Commissioner for India in Pakistan
Karachi.

In another letter of the same date, Pakistan Foreign Secretary also informed the High Commissioner that there was no chance that the scheme can be “modified in substance” and “it was possible, though not probable, that the 15th (May) deadline might be slightly modified”.
Letter from Minister of State for Minorities Affairs C. C. Biswas to Pakistan Minister of State for Minority Affairs.

Calcutta, April 18, 1952.

D.O. No.406/HM 18th April, 1952

My dear Mr. Ahmed,

I think you for your Top Secret D.O. from Dacca No.HM/NGO/1/52 dated 18 April, 1952, in reply to my latter (D.O. No.391/HM) dated the 25th March, 1952. In view of certain unconfirmed reports which had reached us regarding the proposed imposition of a Permit System to regulate travel between East Pakistan and India, I had written to you to ascertain the intentions of the Pakistan Government on the subject. I purposely addressed you at Karachi as you were there at the time, and I naturally expected a much earlier communication in reply. I regret that your reply comes to me more than a week after the Pakistan Government had formally communicated to our Government their “decision” (and not a mere “proposal” as you suggest) to introduce the Passport-cum-Visa system.

2. I agree with you that the matter is now being dealt with between Karachi and New Delhi directly, we need not carry on a parallel correspondence between ourselves on the subject. You will, however, excuse me if I cannot accept the view which you have expressed in the concluding sentence of your letter that “the proposed measure is not intended to militate against the Delhi Agreement of April 8, 1950.” The terms of The Delhi Agreement guaranteeing freedom of movement from one side of the border to the other are so clear and unambiguous that a bare refutation that the introduction of a Passport-cum-Visa system will not militate against the Agreement is hardly convincing, and I must express my complete dissent from your statement.

Yours sincerely

(C. C. Biswas)

The Hon’ble Mr. Asisuddin Ahmed,
Minister of State for Minority Affairs,
Government of Pakistan,
Camp – Dacca.
Letter from High Commissioner for India in Pakistan
Mohan Sinha Mehta to Pakistan Foreign Secretary
M. O. A. Baig.

My dear Baig,

I think you for your letters No. 3834-FS/52* and No. 3620FS/52*, both dated yesterday and on the same subject.

I do not wish to conceal my surprise and disappointment at your reception to my No. HC/52/11, dated the 17th April**. After the free and friendly talks which I recently had with you, I was encouraged to expect a more helpful attitude from you in this matter. After all it was not as though I was pleading for the consideration of purely Indian interests. My request was made from the point of view of both the countries. I do understand that democratic countries cannot prevent unauthorized discussions of and Press comments on public issues when they emanate from pure speculation. At the same time you will recognize the usual practice and the desire on the part of Governments to observe secrecy so long as the particular issues are under discussion at Government level. I understand that on this occasion information on this subject was given out by a member of the Pakistan Government. That was why I made that request to you. My Government has not issued any statement even after the publication of this news in the Press.

However, all this is too late in the day in view of the editorial in the evening paper yesterday and the leading article in another prominent daily this morning!

May I still hope that you will succeed in persuading your Government to arrange for the proper discussion of the whole subject by the representatives of the two Governments before making up their minds one way or the other and also not to fix the date for the introduction of the proposed change until the whole position has been carefully examined.

* Mr. Baig in his letter had told the High Commissioner that he cannot hold any hope to him that the Pakistan scheme of passport/visa would be “modified in substance”, while holding out the hope that it was “possible, though not very probable that the 15th May deadline might be slightly modified”. In his second letter he said that discussion of the subject in the media was inevitable process “of all democratic countries, sometimes to the embarrassment of their own Governments.”

** Document No.3386.
I hope to receive a favourable response from you in due course.

Yours sincerely

(Mohan Sinha Mehta)

M. O. A. Baig Esquire
Foreign Secretary,
Ministry of Foreign Affairs and Commonwealth Relations.
Government of Pakistan
Karachi.

3391.

TOP SECRET

Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, April 21, 1952.

The Ministry of External Affairs, New Delhi, present their compliments to the High Commission for Pakistan in India and with reference to the High Commission’s note No.F.13(35)P/52 of 9th April 1952 regarding the introduction of a passport system between India and Pakistan have the honour to state as follows:-

1. The Government of India through High Commission in Karachi have made a representation on this subject to the Government of Pakistan. The Government of India have urged the Government of Pakistan to refrain from modifying the relevant provisions of the Prime Ministers’ Agreement of 1950 without full consultation between the two Governments. They have also assured the Government of Pakistan that they are ready to discuss with them in a fully co-operative spirit any circumstances which in Pakistan’s opinion justify a change in the present arrangements relating to travel between the two countries, and to find agreed solutions of such practical difficulties as may be found to exist. They have also pointed out that the practical difficulties in the way of setting up a passport system, even in the modified form suggested by the Pakistan Government, are so great that it will not be possible to give effect to any such decision by May 15th.
2. The Government of India have not yet had a reply to the suggestions made by them. Meanwhile they have examined some of the practical implications of the introduction of a passport system on the lines proposed in the Pakistan High Commission’s note. They have come to the conclusion that unless matters of detail are settled in advance in full consultation between the two Governments, many practical difficulties will arise and great inconvenience and hardship will be caused to bona fide travelers. Some of the matters which call for consultation are mentioned below:

   Category ‘A’ traffic, i.e., traffic confined to border unions in the two countries is extremely heavy. It does not follow any well-established routes. The border is crossed at hundreds of points for short visits. The Pakistan Government specified check points. Is this really feasible? If so, where should these check points be established? Obviously on both sides the check points must be on the same route. These routes must be fixed in advance and full publicity given. Should the Certificates carry a photograph of the holder and members of his family? If so, are facilities available to cultivators and others living in remote villages to get themselves photographed?

3. The Ministry of External Affairs have the honour to state that these are some of the points which need to be discussed by representatives of both the Governments before the present arrangements are modified. About the proposed change a representation has already been made by the Indian High Commissioner in Karachi. The Ministry of External Affairs would, however, strongly urge that the Government of Pakistan may be moved to agree to consultations taking place between the two Governments, preferably in Calcutta or Dacca so that matters of detail arising from this proposal may be examined fully and agreed solutions may be reached before any new arrangements are enforced.

4. The Ministry take the opportunity to renew the assurances of their highest consideration.

The Pakistan High Commission in India,
Sher Shah Road Mess, New Delhi.
Letter from High Commissioner for India in Pakistan Mohan Sinha Mehta to Commonwealth Secretary R. K. Nehru.

Karachi, April 21, 1952.

High Commissioner for India
Jahangir Sethna Road,
New Town, Karachi-5

No. HC/52/11 21st April 1952

My dear R.K.,

I have sent you just now an urgent telegram in continuation of our telephone talk this morning. In case you have not already sent by this morning’s Bag the summary of the decisions arrived at in the Conference which the Prime Minister has with the Home Minister and Dr. B.C. Roy, please telegraph the main points considered at the Conference. On receiving your letter or telegram, as the case may be, I shall go and see the Foreign Secretary about it.

As I have already told you in a letter earlier that it is not safe or expedient to talk such matters over the telephone.

As you will see, I have already been urging the general necessity of having a Conference of the Representatives of the two countries including those of the two Bengals before a change is introduced in the existing Permit System, but I need some specific points of unchallengeable force to strengthen my argument in favour of a discussion and the consequent need for postponing the date for introducing the proposed Passport System.

I am enclosing herewith copies of my correspondence with Baig, the Foreign Secretary to the Pakistan Government, for your perusal and for the information of the Prime Minister.

Yours sincerely

(Mohan Sinha Mehta)

Shri R.K. Nehru, I.C.S.,
Commonwealth Secretary,
Ministry of External Affairs, Govt. of India,
New Delhi.

❖ ❖ ❖ ❖ ❖
3393. **Extract from the minutes of a meeting held at Calcutta on the 21st April, 1952.**

It was agreed that the following assurances in writing on a reciprocal basis should be demanded from Pakistan in respect of migrants:

1. Those migrants who are not hit by the amended Pakistan Citizenship Act, 1952, but still retain their Pakistani nationality, and who happen to be present in India on the date of the introduction of the passport system, should be given liberal passport facilities to enable them to return to Pakistan.

2. Those migrants who are still in India and may not qualify for citizenship of Pakistan under the amended law should be treated as Pakistan citizens for the purpose of the passports which should be freely given to them.

3. Similarly, liberal visa facilities should be given to migrants who have acquired Indian citizenship but have properties or other interests in Pakistan, to enable them to make occasional visits for the purpose of managing or disposing of their properties or looking after their other interests.

* The level of participants and their identities could not be ascertained.
My dear

On the 10th April, we received a note from the Pakistan High Commission about introduction of passports between Pakistan and India, a copy of the note is attached. We immediately asked our High Commissioner in Karachi to make a representation about this to the Pakistan Government suggesting –

(a) that this would amount to a modification of the relevant provisions of the Prime Ministers’ Agreement of 1950 and that a modification of these provisions should not be made without full consultation between the two Governments;

(b) that if in the Pakistan Government’s view, there are any circumstances justifying a change of present practice, the Govt. of India would be ready to discuss them, in a fully cooperative spirit, with the Pakistan Government in order to find agreed solutions of such practical difficulties as might be found to exist; and

(c) that the difficulties which are likely to arise if a full-fledged passport system on the lines indicated in the High Commissioner's note is introduced, especially on the East Bengal border, are so great that the Govt. of India do not think it would be possible to give effect to any such decision by May 15th.

2. We have not yet had a reply from the Pakistan Government, but our information is that the decision taken by them will probably not be modified. The Hon'ble Minister of State and the Hon'ble the Chief Minister, West Bengal Government, have been informed by me of the new developments. The Hon'ble Minister of State is discussing this question with representatives of the Governments of States which border East Pakistan. A note containing some comments on Pakistan’s decision has been received from the West Bengal Government and a more detailed reply is expected soon from the Hon'ble Minister.
of State after he has completed his discussions with the State Governments. We have again asked the Pakistan Government (through our High Commissioner in Karachi and also through the Pakistan High Commissioner here) to agree to a meeting between representatives of the two Governments (i.e. India and Pakistan) to discuss matters of detail arising from this decision, so that practical difficulties may be fully thrashed out and agreed solutions may be reached before any new arrangements are made. There is still no reply from the Pakistan Government.

3. Since restrictions on movement between East Pakistan and your State may come into operation at short notice, I am writing to inform you of the developments that have taken place. The views and comments of the State Government on Pakistan’s decision have, no doubt, been placed before the Hon’ble Minister of State. I presume we will have before us, in the next few days, through the Hon’ble Minister, full details of the arrangements to be made in each State if a passport system is brought into operation by the Govt. of Pakistan.

4. Since the existing permit system may have to be substituted by a passport system at short notice, we shall be glad if the East Punjab Government will kindly give their immediate attention to this matter and suggest changes, if any, in existing arrangements on the border and elsewhere which may have to be carried out when the new arrangements come into force.

Yours sincerely

(R.K.Nehru)
Commonwealth Secretary

[Para 3 of the above letter was for States other than East Punjab and para 4 only for East Punjab]
3395. **Consideration of Pakistan proposal for passport system between India and Pakistan in the Ministry of External Affairs.**

**April 23, 1952.**

**Indo-Pakistan Passports**

*Note by the Commonwealth Secretary:*

Dr. Mehta wishes P.M. to see the correspondence below. About ‘A’, the position is that Dr. Mehta had mentioned to me that he was expecting a reply from the Pakistan Foreign Office by the end of the week. Since there was no telegram from him, during the week-end, I asked him on Monday whether some further delay was anticipated. We did not discuss matters of detail on the telephone. From the correspondence attached, it will be seen that on the 18th, Mr. Baig informed the High Commissioner that Pakistan’s decision would probably not be modified in substance and while some change of date bringing the passport system into force was possible, though not very probable, a definite reply could only be given “after watching developments for the next week or two”. If this reply had been telegraphed to us, I would have mentioned it at the meeting in P.M.’s room on the 20th.

2. As regards ‘B’ without detailed information about practical difficulties (which is still awaited from the Hon’ble Mr. Biswas who is meeting State representatives in Calcutta), it is not easy to suggest “specific points” for discussion. A few points were mentioned by me during the meeting in P.M.’s room on Sunday and I have already written about them to Mr. Biswas, Dr. Mehta and the Pakistan High Commissioner who has communicated our request to Karachi for joint consultations between the two Governments. Copies of some relevant papers are placed below. I am keeping all 5 border State Governments (East Punjab, Assam, West Bengal, Tripura and Bihar) informed of the developments that have taken place.

3. Immediately on receipt of Mr. Biswas’ comments on the Pakistan note, an inter-Ministry meeting will be called. Since it is practically certain now that a passport system will come into force, I shall ask Home Ministry to assume responsibility for working out detailed arrangements in consultation with the State Governments. Questions of policy and matters requiring discussion with Pakistan Government or the Minister of State will, of course, be handled by E.A. Ministry.

*(R.K. Nehru)*

23.4.52
Note by Secretary General:
Reference Commonwealth Secretary’s note.

It is quite clear to me now that there is no hope of persuading Pakistan to abandon or modify their decision to introduce a system of passports. If the impression that we expect such modification as a result of the proposed conference is not removed, the chances are that there will be no conference. I suggest, therefore, that we telegraph to Shri Mohan Sinha Mehta that, unless he is satisfied that the principle of introducing the passport system is still open to discussion, he should make it clear to the Government of Pakistan that we need a conference, at an official level, to discuss ways and means of making a passport system workable with the maximum of efficiency and the minimum of hardship to migrants from both sides of the border. The points of detail mentioned in paragraph 2 of the aide memoire handed over by the Commonwealth Relations Secretary to the Pakistan High Commissioner here on the 21st April should be put forward by Shri Mehta as illustrative, not exhaustive, of the points of detail that have to be discussed. This telegram should be repeated to Shri C.C. Biswas and he should at the same time be asked to let us know without delay.

(a) what additional points of detail, if any, he would like included in the agenda and
(b) whether he has any view or suggestions regarding the venue of the conference and who should take part in it from our side.

G. S. Bajpai
23-4-1952

Minute by Prime Minister:

Prime Minister’s Secretariat

Although it does appear that Pakistan is bent on introducing a system of Passports, I do not think we need surrender our position completely. The casual way Pakistan has dealt with us in this matter appears to me to be extraordinary. After their first letter to us, we immediately protested and asked for a conference. They delayed their replies and now they tell us that they will give a definite reply after watching developments for the next week or two. This is a very odd position to take up. I suggest that we telegraph to our High Commissioner in Karachi that as this matter affects a very large number of people in both India and Pakistan it cannot possibly be decided casually in this way and in any event a Conference is necessary even if some kind of a Passport system is to be introduced. Such a system cannot be introduced without discussing innumerable details and ways and means of making it workable without hardship to people from both sides of the border.
2. I do not understand what our High Commissioner means when he says that he needs some specific points of unchallengeable force to strengthen his argument. You may repeat what we have said already and add to it. It is patent to me that such a change requires careful discussion.

3. This telegram should be repeated to Shri C.C. Biswas and he should be asked for his views about the points mentioned above. I should have thought that the venue of the Conference should be Delhi.

4. We should certainly go ahead with our preparations and the Home Ministry as well as the State Governments of East Punjab, Assam, West Bengal, Tripura, and Bihar should be kept fully informed and asked to make their preparations.

Sd/-

(J. Nehru)
23-4-1952

Editor’s Note: It may be observed that the note by Commonwealth Secretary was recorded on 23 April and was seen by the Secretary General and the Prime Minister both on the same day thereby underlying the urgency and the importance that the Government of India attached to this problem.

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3396. TOP SECRET

Letter from High Commissioner for India in Pakistan to Pakistan Foreign Secretary M.O.A. Baig.

Karachi, April 23, 1952.

No.HC/52/11. 23 April 1952.

Subject: Proposal of the Pakistan Government to introduce Passports between India and Pakistan.

My dear Baig,

This is continuation of my To Secret letter No. HC/52/11, dated the 19th of April 1952 on the subject of the Top Secret Memorandum No.D.106/Div.12 (Spl.Sec)/52 dated the 9th of April 1952 which you gave me on that day. It contained the Pakistan Government’s proposals to substitute a modified system of international passports between India and Pakistan. As I told you, the Memorandum came
as a surprise to me and the Government of India too would also have the same feeling about it, because (a) it would be contrary to the spirit of the Prime Ministers’ Agreement of 1950 (vide Clause B (i) of the Agreement) and (b) a change of this type should have been decided upon after mutual consultation. I requested you to bring these points to the notice of the Pakistan Government, particularly because the people of the two countries would be put to serious hardship and inconvenience by the enforcement of the new proposals. In any case, the date proposed in Paragraph 10 of the Memorandum referred to above for the introduction of the new scheme would not be practicable.

It is therefore earnestly hoped that the Government of Pakistan are considering the suggestion made to you by me on the 9th of April and in my letters to you No. HC/51/11, dated the 9th of April, No. HC/51/11, dated the 12th of April and in the concluding portion of my letter No. HC/52/11, dated the 19th April. I am to assure the Government of Pakistan that the Government of India are willing and ready to discuss the whole subject in a cooperative spirit in order to realize the common objective of a rational, suitable and convenient system of regulating the movement of people across the borders from one country to another. It is, however, quite clear that there are numerous difficulties and questions of detail which call for careful examination. These problems affect both sides and it would be in the interests of the peoples and the Governments of both the countries to take all aspects of the case fully into consideration before reaching a final decision and bringing it into operation. For example, the selection of places for the establishment of check points will not be an easy matter. The checking staff will have to be maintained on both sides at each point. The border between East Bengal on the one side and Assam, West Bengal, Bihar and Tripura on the other extends over hundreds of miles and at present people are accustomed to cross without restriction from one country to another for short visits at innumerable points, hundreds in number. The division of intending travelers in the three categories enumerated in Paragraph 3 of the Memorandum of the Pakistan Government particularly in categories A and B will not be mutually exclusive in all cases. This is just illustrative of the complication involved in the proposed change.

It can easily be imagined that the change contemplated by the Pakistan Government would subject the people to many new rules and practices which might cause serious inconvenience to the people. To take another example, it would not at all be easy for the common labourer and cultivator to produce photographs for their Passports. In any case, the implementation of the decision will require the necessity of detailed administrative directions from the Central Government and these directives cannot be issued until the matter is fully examined. The question of staff and the administrative supervision will also need careful consideration before the new scheme is ready for being put into
Then the decisions would have to be announced and explained to people concerned so that a sense of panic and insecurity is avoided and the new system works smoothly and with reasonable efficiency.

It would be desirable, indeed essential, that experienced officers of the two Governments of East Pakistan and the States of India named above, besides the representatives of the two Central Governments, should meet together and examine the practical difficulties involved and how best they would be met so that the common people could be saved from unnecessary hardship. I would therefore strongly urge on the Pakistan Government that they may agree to the proposal of having a conference between the representatives of the two countries to examine the whole question thoroughly in order that an agreed solution may be reached between the two Governments. The Government of India would be glad to arrange for the meeting to take place at Calcutta, but would be willing to send their representatives to Dacca if the Government of Pakistan prefer that place as the venue of the meeting.

It is quite clear that it would be quite impracticable to fix a date at this stage for introducing the new arrangements, not at any rate until the results of the Conference have been submitted to the two Governments. The Government of India fully endorse the view of the Pakistan Government that the announcement of the date for bringing the new system into operation should be made as long in advance as possible.

My Government would greatly appreciate a very early expression of the views of the Pakistan Government on this important subject.

With kindest regards,

Yours sincerely

(Mohan Sinha Mehta)

M. O. A. Baig Esq.,
Foreign Secretary,
Ministry of Foreign Affairs and Commonwealth Relations,
Government of Pakistan,
Karachi.
3397.

TOP SECRET

TELEGRAM

From : Foreign New Delhi
To : Hicomind, Karachi

IMMEDIATE

No. 30382 April 24, 1952

For Mehta from Nehru.

Your letter No. HC/52/11 of 21st, Passports.

P.M. has seen correspondence. In our telegram 30368 of 10th we strongly urged that modification of relevant provisions of Prime Ministers’ Agreement of 1950 should NOT be made without full consultation* between two Governments. Pakistan Government’s reply was awaited for many days. We now gather from Baig’s letter of 18th to you that he cannot give any hope that proposals will be modified in substance and that definite reply about date on which Passport system will come into force will be given after a week or two. We consider that since this matter affects a very large number of people in both India and Pakistan, it cannot possibly be decided casually in this way and that in any event a conference is necessary even if some kind of passport system is to be introduced. Such a system could NOT be introduced without discussing innumerable details and ways and means of making it workable without hardship to people on both sides. Some points mentioned in minutes of meeting held in Delhi on 20th, copy of which was sent to you. These points were repeated in a note sent to you with my letter No. 849/NGO/52 of 21st. List of points for discussion is illustrative and additional points will be mentioned after we have received Minister of State’s report on his discussions with representatives of State Governments.

2. In note referred to above I suggested Calcutta or Dacca as possible venue of conference. On further consideration it is suggested that conference should be held in Delhi.

[This telegram was repeated to the State Governments of East Punjab, West Bengal, Assam, Bihar and Tripura as well as the Deputy High Commissioners at Dacca and Lahore.]

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* On the same day (24-4-52) the High Commissioner telegraphically informed the Commonwealth Secretary that the Pakistan Government had verbally conveyed their agreement to a conference but insisted that “their decision to introduce the scheme is final.”
Letter from Branch Secretariat of the Ministry of External Affairs at Calcutta to Commonwealth Secretary R. K. Nehru.

Calcutta, April 24, 1952.

Ministry of External Affairs
Branch Secretariat
6, Esplanade East,
Calcutta.

D.O. No. 409/HM 24th April, 1952

My dear Nehru,

I am enclosing a Note (not available) summarizing the decisions of the Conference of State representatives and the Deputy High Commissioner, Dacca, which was held at my office on Monday last, the 21st April 1952. I placed before the meeting the note form you of the 20th April, which I had just received through Dr. B.C. Roy.

2. Pakistan’s decision to introduce the Passports cum Visa system without previous consultation with India was deeply deplored. The Conference strongly felt that we should not merely toe the line with Pakistan, or seek for minor modification of a system predominantly based on their proposals. We, on our part, do not wish to scrap the Prime Ministers’ Agreement regarding freedom of movement of migrants, nor to disrupt the close economic and social ties between East Bengal and West Bengal. We are fully conscious of the hardship which any such action will entail, apart from the risk of a fresh large-scale migration from either side which it would involve. If, however, we are forced by Pakistan to introduce restrictions on travel, we would have a system which must take the due account of our requirements and our interests, including the interests of minority of both countries.

3. Pakistan’s Note itself casts doubts on the bona fides of their move so far as travel to and from East Bengal is concerned. The alleged ground that the Permit system is out-moded and requires to be replaced by a Passport-cum-Visa system affording greater facilities of travel might apply as between West Pakistan and India, but could not be made an excuse for imposing restrictions on travel where none existed before. There can be no doubt that Pakistan’s main (if not their only) object is to restrict movement as between East Bengal and the States in India, and the disguise under which it is sought to be covered up is indeed very thin.
4. If Pakistan’s proposals were *bona fide* and intended to be fair to both sides, one would have expected them to introduce the passport system as recognised by international practice and convention. In that case, there should have been no occasion for any classification of Categories A, B, and C, as proposed by them. Category C should have been quite enough. The object of adding Categories A & B seems to be more in the interest of their own nationals, particularly of Muslim, who are to be found in overwhelmingly large numbers almost all along the border and who find it necessary to cross the border frequently for cultivating their lands or otherwise earning their livelihood. Indian Nationals requiring similar facilities for crossing into the border areas of East Bengal are far fewer in number. The economic interests of Indian nationals as well as of migrants from East Bengal take them far into the interior of the province, and under Pakistan’s scheme, visits to such areas will be greatly restricted under Category B. In these circumstances, the Conference saw no reason for providing special facilities under Category A, as the balance of advantage would lie predominantly in favour of Pakistan. If special facilities are at all called for, that should be in favour of minorities for the purpose of maintaining the right of free movement between the two countries, which was guaranteed to them under the Prime Minister’s Agreement.

5. Apart from other objections, Category A would be unworkable unless an elaborate system of check points was maintained to guard the border Unions of all sides, and not merely on the side adjoining Pakistan, in order to ensure that the holders of these special permits could not travel beyond the permitted area.

6. In the opinion of the Conference, about the only valid ground that could be reasonably put forward for introducing the Passport system between East Bengal and India would be security reasons. This ground was in fact suggested by Gurmani in his statement in the Pakistan Constituent Assembly, although no reference could be found in the Note handed over by Pakistan. If security be the reason, it is obvious that the restrictions in the border areas should be all the stricter. The refusal of special border permits would itself operate as a restriction. Further, tightening up can be achieved by greater strictness in the issuing of Passports and Visas to inhabitant of border areas.

7. I wonder if Pakistan would agree to our proposal for a conference even at this stage. In my opinion, a conference is necessary not so much to work out the details, important as this is, but for the purpose of examining the real basis of Pakistan’s proposals and their approach to the whole question, and whether or not it is their intention to scrap fundamental provisions of the Prime Ministers’ Agreement, thereby undermining the very basis of the mutual relations between the two countries.

8. From the enclosed Note you will see that the Conference dealt with the
case of migrants who stand the risk of becoming Stateless, due to the recent amendment of Pakistan Citizenship Act. One or two other matters were also discussed, but are not recorded in the Note. One of these relates to Hindus from East Bengal who would come over to India with valid Passports and Visas and would not want to go back. Should such peoples be repatriated or given asylum? Another question is that relating to the granting of visas to Pakistan Muslims intending to visit Assam, in view of the special problems of that state and their law for the exclusion of undesirable immigrants. As you will appreciate, these are questions which require policy decisions by our Government.

Yours sincerely

Sd/- C.C. Biswas

Shri R.K. Nehru, ICS,
Secretary to the Government of India,
Ministry of External Affairs,
New Delhi.

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3399.  SECRET

Letter from Deputy High Commissioner for India in Pakistan based in Lahore to the Ministry of External Affairs.

Lahore, April 24, 1952

Deputy High Commissioner for India in Pakistan
144, Upper Mall, Lahore

No.Sc.52/1/118 Dated the 24th April, 1952

My dear Puri,

Though I have had no authentic information on the subject from you, newspaper reports show that the Pakistan Government have apparently decided to introduce the permit system between East and West Bengal also. If this news is correct, I think a re-consideration of our entire present policy in the matter of issuing permits would be necessary. As you know, there has never been complete reciprocity on the Pakistan side in the matter of permits almost ever since the permit system came into force. As we have been anxious to prevent the introduction of the
permit system between East and West Bengal, we had considered it inadvisable to take retaliatory measures against Pakistan in the matter of permits since such action might well have accelerated the introduction of the permit system between the two Bengals. We are no longer in that position now.

2. It was decided at the last permit conference held in June, 1951, that information should be exchanged between the Governments of India and Pakistan regarding details of permits granted by the permit issuing authorities of each Government. From copies of correspondence sent to me by the Rehabilitation Ministry so far, it appears that though we have furnished the necessary information, the Pakistan Government has not yet sent us the required statements. A study of the statements furnished by the two Governments alone can show authoritatively to what extent we have been more liberal in this matter of granting permits than Pakistan has been. I have, however, collected certain figures from our records here which throw some light on this point. Thus, since August, 1951, we have issued to Pakistan nationals 1757 temporary permits covering 1976 persons, besides 135 official permits covering 493 persons, total 2469 persons. As against this, during the same period, we have issued permanent return permits only to 1108 Indian nationals (680 Muslims and 428 non-Muslims) to go to India. From this it would appear that Pakistan permit issuing authorities have apparently issued temporary permits approximately to 1108 Indian nationals since August, 1951, to visit West Punjab, against 2469 Pakistan nationals issued temporary permits by us during the same period for visiting India.

3. Since August, 1951, severe restrictions have been placed on Indian nationals against their visiting West Pakistan. Indian nationals are not normally being allowed to visit any other place in West Pakistan except Lahore and Karachi, permits for other places being rendered invalid by a specific endorsement thereon at the point of entry into Pakistan. Until about October or November 1951, special police enquiries were made at Lahore to consider whether an Indian national, with a permit valid for a place outside Lahore, should be allowed to proceed there. Since then, Pakistan permit issuing authorities in India have apparently been instructed to consult the West Punjab authorities (and doubtlessly the other provincial governments in West Pakistan) before giving a permit to an Indian national to visit a place other than Lahore. In spite of many representations made by me to Majid, and also a personal approach made to Daultana, there has been no improvement in this respect. Apparently these instructions, restricting the visit of Indian nationals only to Lahore and Karachi in West Pakistan, are based on orders of the Pakistan Central Government. Very recently, an Indian businessman (a Hindu) was given a permit by the Pakistan High Commission to visit Lahore and Gujranwala. He was, however, not allowed to leave Lahore and had to go back without visiting Gujranwala. I have no doubt that similar instance will occur in future also.
4. Numerous difficulties are being placed on the very few Indian nationals who are living in places other than Lahore in connection with their work. Their permits are renewed only with the greatest difficulty and they are not allowed to leave the towns where they reside. A Parsee lady (an Indian national), whose husband is employed as Manager of a Pakistani-owned textile mill at Lyallpur, is permitted by the local S.P., by a written order, to travel only by a night train and without breaking journey en route, for her visits to Lahore to secure extensions of the Pakistan permits of herself and husband. Road journeys, even in areas so far as not treated as “closed”, are being rarely permitted to Indian nationals in the West Punjab.

5. Numerous difficulties have also been placed, ever since the tension last year, on Indian nationals in transit to Afghanistan through West Pakistan. Lately, these restrictions are also being extended to members of our Embassy staff in Kabul. I have taken up this matter repeatedly with Majid and have also written a letter to him recently. I have an impression that these restrictions, again, have been Centrally imposed and they are unlikely to be removed until the Centre says so.

6. There is a definite attempt to black out the whole of West Pakistan, except Lahore and Karachi, to all Indian nationals irrespective of their religion as the restrictions apply as much to Indian Muslims as to others. It is a matter for serious consideration whether we should continue to accept such one-sided restrictions being placed on Indian nationals while we continue to give permits to Pakistan nationals to visit India freely, without restricting them only to centers such as Delhi and Bombay. Whatever steps we take, careful publicity will have to be arranged in advance so that on the one hand what Pakistan has been doing may be exposed and at the same time the reason for our restrictive action may be made clear. Perhaps it may be useful to call Atal and myself to Delhi for a discussion with you and the officers of the Ministry of Rehabilitation before finalizing our future policy in this respect.

7. I am sending copies of this letter to His Excellency the High Commissioner as well as to Acharya at Dacca.

Yours sincerely

(S.K. Banerji)

Shri Y.K.Puri, I.C.S.,
Deputy Secretary to the
Government of India,
Ministry of External Affairs,
New Delhi.
TOP SECRET

Letter from High Commissioner in Pakistan Mohan Sinha Mehta to Commonwealth Secretary in the Ministry of External Affairs R. K. Nehru.

Karachi, April 24, 1952.

High Commissioner for India
Jahangir Sethna Road,
Karachi-5

No. HC/52/11 24th April 1952

Subject: Proposal of the Pakistan Government to introduce Passports between India and Pakistan.

My dear R.K.,

Your Top Secret Most Immediate letters No. 238/CS/52, reached the 20th April and No.849-NGO/52, dated the 21st April. They came by a Special Bag via Bombay. Yesterday in the morning I tried to contact the Foreign Secretary. It seems he had gone out day before yesterday and returned to his office later in the morning yesterday. His time was so heavily booked that he could not see me the whole of yesterday. In order to avoid delay I sent him a letter marking it immediate. It reached him yesterday afternoon. A copy of my letter is herewith enclosed.

This morning I again rang him up and he received me at 12-30 P.M. In spite of what I had written to him yesterday, he started the conversation in the same strain, namely, the Pakistan Government had made up their mind to introduce the scheme of passports and it was pointless to hold a meeting to discuss the subject. He asked me what were the points which should be discussed at the meeting of the representatives of the two Governments, which I was urging on them. I told him that in my letter of yesterday I had suggested the points for discussion. Luckily I had made out a list of points which I thought should be discussed before the introduction of the new system was announced. I put that paper in his hands (a copy of the same is herewith enclosed). I added however that those were the points which occurred to me, but I was ignorant of the problems relating to the movement of people between East Pakistan and West Bengal, Assam, Bihar and Tripura. The officers serving in those States and East Bengal would probably be able to bring up many points and practical difficulties for discussion. There were numerous matters of details which would have to be examined before the scheme would be ready for enforcement.

Baig sent for the Joint Secretary Itaat Husain who has recently taken over this desk. We had some discussion after which they agreed that a Conference of
the representatives of the two Governments might be held in the East. Itaat Husain was to get in touch telegraphically with East Bengal Government and would let me know whether the meeting should be held at Calcutta or Dacca. I am awaiting their reply on this point.

They would most probably send a man called Latif who is Officer on Special Duty in the Foreign Ministry and deals with this subject. Some of our Officers in the E.A. Ministry must be knowing him. He worked in the Secretariat before partition.

I.send you a telegram today at about 2 P.M. to say that the Pakistan Government have agreed to have a Conference on this subject.

Will you kindly arrange to select our representatives for the proposed meeting. It may perhaps be a good thing to send somebody from the Home Ministry and an Officer of the Ministry of Rehabilitation along with an experienced officer of the External Affairs Ministry. The West Bengal Government should be represented by an experienced officer of their State. If you think it necessary, please arrange for the representation of the State of Assam, Tripura and Bihar.

In the meantime, I understand that Mr. C.C. Biswas has also examined the question and he may have some points ready for consideration at the Conference. These may be obtained from him for the meeting.

This will be dispatched by the Bag tomorrow. If there is any point with regard to the proposed Conference which you would like me to take up with the Pakistan Government, kindly let me have a telegram on Saturday next.

In this connection Baig told me that an announcement should be made at once that it had been decided to introduce the Passport system between the two countries at a date to be announced later. I told him that this announcement had better be made after the meeting. His opinion was that there was no point in delaying the announcement. In fact, it would be an advantage in a way. A lot of steam is bound to be let off. There would be time for feelings to settle down. Besides, the officers who would meet in the Conference would have the public reactions in front of them at the time of discussions.

Yours sincerely
(Mohan Sinha Mehta)

Shri R. K. Nehru
Commonwealth Secretary,
Ministry of External Affairs
New Delhi

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3401. TOP SECRET

TELEGRAM

From : Foreign New Delhi.
To : Extaffairs Calcutta.

No.30357 April 26, 1952

For Hon’ble Mr. Biswas from Nehru.

Passports. Your telegram 1/HM of 25th. Since Pakistan Government has decided finally to go ahead with passport arrangements, there are two alternatives open to us: (a) we can take certain countermeasures without discussing matters of details with Pakistan Government. This may lead to conflict of arrangements in the two countries which is bound to cause hardship to citizens of both countries, (b) alternatively, we could try by means of conference at official level between two Governments to smooth out difficulties by discussing matters of detail, with a view to reducing conflict in passport arrangements to be made on either side. We have suggested the second alternative and Pakistan Government has verbally agreed to the holding of conference “for discussing implementation of the scheme”. We feel that it would be open to officials participating in this conference to discuss all matters of detail relating to the implementation of the decision to introduce passports between Pakistan and India. In our view, therefore, the effort to hold conference should NOT be given up. IENGAR, Home Secretary, with whom I have discussed, concurs. We are communicating our views to P.M. also.

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3402. SECRET

Minutes of a meeting held on 28-4-52 at 12 noon in the room of Commonwealth Secretary to discuss Pakistan’s proposal to introduce Passport System for Travel between India and Pakistan.

New Delhi, April 28, 1952.

Present:-

1) Shri R.K. Nehru, Commonwealth Secretary.
2) Shri H.V.R. Iengar, Home Secretary.
3) Shri C.N. Chandra, Rehabilitation Secretary.
After a general discussion it was decided that:

i) An Inter-Departmental meeting should be called on the 2nd May, 1952 at 11 a.m. to which the Chief Secretaries of the Government of West Bengal, Assam, Bihar and Punjab, the Chief Commissioner, Tripura, the Deputy Secretary, Ministry of E.A., Branch Secretariat, Calcutta and the Deputy High Commissioner for India at Dacca should be invited. This meeting should consider in detail the measures required to be taken by India in connection with the introduction of the Passport System.

ii) Certain detailed questions regarding control of Pakistan nationals visiting India under the new system should be studied by a representative each of the Ministries of Rehabilitation, Home Affairs and External Affairs.

iii) The Press Note to be issued by the Government of India on the 1st of May should be further considered by an Inter-Departmental meeting after the text of the proposed Pakistan Press Note has been received.

April 28, 1952

(Y.K. Puri)
Deputy Secretary
Ministry of External Affairs

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TOP SECRET

Minutes of the Meeting held in the Ministry of External Affairs to consider the matters arising out of Pakistan’s decision to introduce Passport system between India and Pakistan.

New Delhi, May 2, 1952.

Ministry of External Affairs

Minutes of a meeting held in the Committee Room of the Ministry of External Affairs on the 2nd May at 11 a.m. to consider questions relating to introduction of a system of passports and visas between India and Pakistan.

Presents:-

Ministry of External Affairs

1. Shri R.K. Nehru (In the Chair)
2. Shri I.S. Chopra.
4. Shri B.N. Nanda.
5. Shri I.J. Broughton.

Branch Secretariat, Min. of Ext. Aff.

6. Shri D.M. Gupta

Ministry of Home Affairs

7. Shri H.V.R. Iengar.
8. Shri Fateh Singh
9. Shri P.V. Bhaskaran.

Ministry of Defence

10. Shri B. S. Grewal

Ministry of Rehabilitation

12. Shri D.R. Kohli

Ministry of States

13. Shri C. Ganesan,
The Chairman extended a cordial welcome to the participants from out stations. He explained briefly the sequence of events since the receipt of Pakistan’s note of the 9th March, 1952, and stated the general political background of Pakistan’s decision. He initiated general discussion on the effect of the introduction of a system of passport and visas for travel between India and Pakistan, particularly in relation to the problem of minorities in the Eastern region. The general view was that the trend of movements in the last few weeks does not give a correct indication of the probable effect of the decision to introduce passports. Many people on both sides of the border still entertain the hope that after discussion the system may not be imposed or may be in a liberal form. The first reaction to the news of a definite decision to enforce the system is likely to induce Hindus in West Bengal to return to East Bengal before the border is closed in the hope of being able to do something about their property. After some time, however, the restrictions on travel and certain attendant consequences may encourage a further exodus of Hindus from East Bengal.

2. **Category “A” Passports.**

It was decided not to agree to a special and separate category of passports for people of the border Unions. In the first place such a special category of passports, valid only for movement in border Unions, will raise the question of
checking of movement in between border Unions and the rest of the State; it will be obviously impossible to have two lines of check posts one behind the other. Secondly, the States of West Bengal and Bihar have not much to gain if people of their border Unions are given special facilities to visit border Unions in East Bengal. Pakistan, on the other hand, is most anxious to obtain special facilities for its own people in the border Unions because a larger number of Pakistanis work as casual and agricultural labourers on the Indian side of the border Unions and would not be interested in giving special facilities to Indian nationals who are not residents of the Indian border Unions. It was, therefore felt that there should be one single type of passport for all inter-State movements in the eastern region. This would ensure that as against the large number of visas which Pakistan would want for the people of their border Unions, India would be able to obtain a substantial number of visas for Indian nationals, particularly those who have business and property in East Bengal. The Government of Assam are interested in facilities for border people of the Khasi & Jaintia and the Garo Hills. These facilities could be provided for under Category B passports with multi-journey visas. The representatives of Tripura stated that the Indian nationals in the border Tehsils of Tripura were in no particular need of facilities to visit border Unions in East Bengal, but pointed out that about 34,000 acres of land in Tripura are cultivated by Pakistan nationals and many of whom are also required as labour for road projects and therefore for economic reasons, reasonable facilities would have to be given to such Pakistan nationals. It was decided that these facilities would be provided under Category B passports.

3. **Category “B” Passports:**

   (i) It was decided that it was not necessary to provide for visas for the whole of the province or State to be visited and that as in respect of West Pakistan and the rest of India, in the eastern zone also visas should state the place or places to be visited, which should invariably include the capital of the State to be visited. Subject to the above, in the conference with Pakistan, India should try to arrange that all residents of the Eastern Zone should get Category B Passports and the following facilities should be generally made available for holders of Category B passports:

   (1) Period of validity of visa to be one year.

   (2) Multi-journey visas.

   (3) Visas to be issued liberally.

In so far as Pakistan does not agree to these facilities they should be reciprocally refused to Pakistan nationals and not agreed to for any special category of Pakistanis, e.g. border people or seamen, etc.
(ii) The representatives for Bihar stated that traffic between East Bengal and Bihar was not very substantial and therefore Bihar could be excluded from the eastern zone. Equally Bihar would have no objection to inclusion if this was necessary in order to come to an agreement.

4. **Category “C” Passports**

It was decided that Category “C” passports should be distinguishable from both Category “B” passports and the ordinary international passports. Category “C” passports will then be used for:

(i) Visits of Indians to West Pakistan.

(ii) Subjects to Pakistan's agreement, for visits to India of persons not normally resident in East Bengal.

5. **Period of validity of Category “B” & “C” Passports**

It was decided that Category “B” passports should be valid for four years. Category “C” passports should normally be made valid for six months, but the same passport can be renewed from time to time for further visits up to a total of five years. In cases of necessity for longer stay in Pakistan, the Indian diplomatic missions in Pakistan could extend the period of validity of a Category “C” passport for the period necessary.

6. **Issue of Category “B” passports:**

(i) It was decided that these passports should be issued by District Magistrates in the State of West Bengal, Assam and Tripura, and if Bihar is included in the scheme for eastern region, also in Bihar. Initially at least the number of applications for such passports will be enormous and in order to obviate unreasonable delay, it will be necessary to issue a large number of passports without detailed enquiries. Two points arise from this. **Firstly**, persons who are not Indian nationals may try to get their Indian nationality established by obtaining these passports on the strength of false statements in their applications. **Secondly**, the jute, coal and other industries employ a large number of persons who are Pakistan nationals and it will be necessary to take measure to prevent these persons from being given Indian passports, unless as a matter of fact they come within the nationality provisions of the Constitution of India. It was therefore felt that the following precautions should be taken:-

(a) The form of application should include a questionnaire on certain points relating to nationality and domicile and the applicant must fill these up.

(b) The application should contain a solemn affirmation of the
correctness of the particulars filled in.

(c) The application should be attested by a responsible person. The category of those who are authorized to attest an application should be large viz., all gazetted officials, honorary magistrates, chairman of union boards, practicing lawyers at district and sub-divisional courts etc., etc.

(d) In due course, legislative provision will have to be made that if a person is discovered to have made false statements in these applications, any passport granted to him may be confiscated and if the persons is not a national of India, a competent authority may direct his removal or deportation from India.

(ii) It was decided that instructions to district magistrates should be issued on the following lines:

(i) If the form has been duly filled in and attested and if the case appears to be bona fide, the passport may be issued without further enquiry.

(ii) In appropriate cases the district magistrate may insist on a sworn affidavit either by the applicant or by a respectable person known to the district magistrate.

(iii) In cases of real doubt the district magistrate may order an enquiry by the police.

(iv) No district magistrate should issue a category “B” passport to any person who is not normally resident in the district. Such persons must either apply to the district magistrate of the district of normal residence, or to the state govt.

(v) Migrants from east bengal who have, as a matter of fact, settled down in India and have definitely made India their home, may be issued category “B” passports without waiting for the formal acquisition of Indian nationality under the provisions of the Indian citizenship law which has still to be passed.

(vi) Subject to (v) above, in the case of persons who are of Pakistan origin, or who originated from other foreign countries, the passport should not be issued until a police enquiry has been made and it has been ascertained that the person has acquired Indian nationality under the provisions of the constitution.

(vii) Persons originally resident in India who had migrated to East
Pakistan but had returned to India in pursuance of the Prime Minister’s agreement before the imposition of the passport system should be treated as Indian nationals.

7. **Issue of Category “C” Passports.**

Applications for such passports may be made to the District Magistrates, but the passport will only be issued by the State Government after receiving the report of the District Magistrate concerned, and after considering other relevant circumstances. A category “C” passport should invariably be issued after the usual police enquiry.

8. **Forms for applications for passports.**

Special forms of applications for Category “B” and C passports are being drawn up in accordance with the above mentioned decisions and will be forward to State Governments shortly.

9. **Forms of passports:**

(1) It was decided that the form for Category B and Category “C” passports should be the same but they should be distinguished by the following words:-

For Category “C” passports:-

“INDO-PAKISTAN PASSPORT”

For Category “B” passports:-

“INDO-PAKISTAN PASSPORT (EASTERN ZONE)"

(2) In the form devised by Pakistan it is proposed to certify a person not as a national of Pakistan (or of India) but only as a person (domiciled in Pakistan or India). This will lead to a dangerous position in several ways. 

**Firstly**, it is possible that Pakistan nationals who come to India on such Pakistan passports may subsequently be disavowed by Pakistan on the ground that they are not Pakistan nationals under their Nationality Law and that Pakistan passport was only given to them as domiciled in Pakistan. Foreigners may be domiciled in Pakistan and a certificate of domicile therefore does not make it obligatory for the Government issuing the passports to take back the person covered by the passport as its nationals. 

**Secondly**, a very large number of Pakistan nationals are working in various Indian industries or are otherwise at present resident in India. Although not qualifying for nationality under the Constitution of India, they can be regarded as domiciled in India and would thus, under the
Pakistan Scheme become entitled to Category “B” or “C” passports to be issued by India. This must be avoided. **Thirdly**, unless a person is certified as national of Pakistan, there may be difficulty in applying the Indian Foreigners’ Act to such persons. It was therefore decided that we must insist on a certificate of nationality in the passports to be issued by Pakistan.

(3) The Pakistan form also provides for the same passport covering a whole family. This will cause considerable difficulty when a whole family comes to India and only one person or more return to Pakistan with the passport, leaving the others in India without any proof that they are Pakistan nationals. The families themselves will be put to great inconvenience in case like illness, etc., requiring a part to remain in India, while a part of the family returns to Pakistan.

In view of this it was decided that we should insist on a separate passport for each adult, but children under the age of 15 years may be included in the passport of either parent if traveling with them. Where children travel separately, they must have separate passports in accordance with normal international practice.

(4) There should be a column in the passport stating the validity of the passport and providing a page for renewals of validity. Further page should be provided for visas and for remarks of check-posts as to entry and exit.

(5) Specimen passport forms should be prepared on the above basis and discussed with Pakistan.

10. **Photographs:**

   It was decided that photographs should be required on all passports. If Pakistan raises the question of *pardanashin* (veiled) ladies, we should agree to exemption for *Pardanashin* ladies travelling with a male escort, but this should be used as a bargaining point to get some other concession from Pakistan. In no case should we agree to *pardanashin* ladies travelling on a passport without a photograph and without any male escort. It was felt that no special measure were necessary to enable Indian national in the Eastern Zone to obtain photographs.

11. **Fees for passports:**

   It was decided that the fee for a Category “B” passport should be Rs.2/- and that for a “C” passport it should be Rs.3/-. Renewal fee should be Re.1/- in each case.

12. **Indian nationals in Pakistan on date of coming into force of the**
system.

It was estimated that as many as 70 or 80 thousand Indian nationals may be in Pakistan, particularly in East Bengal, on such a date. It was decided that the procedure to enable such persons to return to India should be simple and easy. Our Missions in Pakistan should issue to them not Indian passports (as these will involve detailed enquiries) but emergency certificates, forms of which should be supplied to them well in time.

The emergency certificate will bear the photograph of holder but the rest of his family need not provide photographs and should be entered on the back of the emergency certificate stating the name, age and relationship to holder of the certificate. It should be arranged between India and Pakistan that the holder of this emergency certificate will be allowed to leave the country in which he is without further formalities. The emergency certificate should be valid for one month.

13. **Pakistan nationals in India on date of introduction of the System:**

   It has been estimated that some 60 to 70 thousand Pakistan nationals will be in India on that date. Those who came from West Pakistan with permits under the Permit System, should continue to be dealt with under that system under the charge of the Ministry of Rehabilitation. Residents of East Bengal in India will, if they are Muslims, find no difficulty in obtaining from Pakistan missions in India the requisite emergency certificates for return to Pakistan. It is anticipated that East Bengal Hindus in India on that date may find considerable difficulty in getting these emergency certificates from the Pakistan Missions. It was recommended that as this problem will be short term but extremely urgent, each of the Indian States in the eastern region should appoint a number of officers to look into the complaints of Pakistan Hindus in India and assist them in getting the emergency certificates for returning home.

14. **Liberality of visas in the Eastern Zone.**

   As mentioned in para 3 above, every effort should be made to arrange with Pakistan for the liberal issue of visas by both sides in the eastern zone. The State Governments were in favour of the suggestion that initially each State Government should appoint a number of Passport Liaison Officers to look into complaints of Indian nationals in their States who have properties and interest in East Bengal and who find difficulty in obtaining visas from the Pakistan Missions in India.
15. **Opening of Pakistan visas offices in India:**

Attention of the States Governments was drawn to the fact that they will be responsible for finding accommodation and providing other facilities for such offices. At such places there should also be some accommodation to cope with the large number of Indian nationals who may have to stay there pending grant of visas. Subject to these considerations, we should ask for as many Pakistan offices as would be conducive to liberal grant of visas to our nationals. It was strongly suggested that Pakistan visa offices should be asked for on at least all the important routes leading into East Bengal so that Indian nationals do not have to travel to Calcutta, etc., to go to East Bengal and can do so by a more direct route. We should agree to post our visa officers in East Bengal only to the extent that Pakistan agrees to corresponding visa offices in India for such routes.

16. It was decided that arrangements should exist for persons from distant localities to apply to the Pakistan or Indian missions by post for visas. Whether in India such applications by post should, in case of special localities, be canalized through Liaison officers appointed by the State Governments under paras 11 and 12 above will be examined by the State Governments subsequently. It was decided to ask Pakistan for assurance on the lines of (1) and (3) of the recommendations made by the Calcutta meeting of April 21 against para 3 of the Pakistan note. It was decided not to ask for an assurance on the lines of (ii) of those recommendations, since it will not be possible for India to accept persons who are not Indian nationals under the Indian Constitution or the Indian laws.

17. **Issue of visa to Pakistan nationals.**

(1) It was decided that it was essential to regulate the movement of Pakistan nationals within India, subject only to such relaxations as may be mutually agreed between India and Pakistan. It was therefore considered that the Foreigners Act should be made applicable to Pakistan nationals. It was also felt that no advantage would be gained by making visas valid for journeys anywhere in India or in a particular State and that the visa should therefore state the place or places to be visited, since that is what Pakistan proposes to do. The Pakistan national should be registered as a foreigner at the first place of entry into India. It was suggested that in the case of those who hold multi-journey visas enabling them to come as almost daily for cultivation, etc., the form of registration should be of a separate colour or otherwise distinguishable so that fresh registration need not be necessary for each visit.
(2) It was agreed that initially our visas issuing authorities in Dacca should issue visas freely to Pakistan nationals until experience has been gained of Pakistan’s policy in the matter. In West Pakistan visas should be issued in accordance with considerations hitherto applicable to issue of permits.

(3) It was decided that visas should be valid for entry and exit by a specified route, but arrangements should exit for permission to depart by a route other than the one by which the foreigner entered.

(4) Forms for various types of visas are being devised and will be sent to our Missions in due course.

(5) It was decided that each applicant for a visa should also file with this application two copies of his photographs. The visas issuing authority will affix one copy to the application for visa and send the other to the Superintendent of Police of the district of the first place to be visited by the visa holder.

18. General:

It was decided that nothing could be done at present to help those Hindus from East Bengal whose circumstances made them diffident about deciding finally the question of the nationality they could adopt.

19. It was decided that India should impose her passport system on the same date on which Pakistan impose hers. It was pointed out that Indian nationals in Pakistan on that date, as well as Hindus in East Bengal who wish to migrate to India, could easily be covered by the system of emergency certificates issued under paragraph 12 above; which will not require any large scale arrangements. As regards Indian nationals wishing to visit Pakistan once Pakistan system comes into force they will not be able to visit Pakistan in any case whether or not we impose our system, except by complying with Pakistan’s system. Imposition of the requirement of passports and visas by India will thus prevent only the entry of Pakistan nationals, without holding up the return of Indian nationals or the migration of East Bengal minorities. The representatives from States said that the State Governments would be in a position, at short notice, to enforce the prohibition of entry into India without the prescribed documents. Arrangements could also be made, at short notice, in our missions to deal with (i) Indian Nationals, (ii) persons desirous of migrating to India and (iii) visas for emergent cases of Pakistan officers or nationals. Facilities for other Pakistan Nationals could then be built up as rapidly as possible.

(Y.K. PURI)

3.5.1952.
3404. **Press Note issued by Government of Pakistan for the introduction of Passport/Visa system for travel between India and Pakistan.**

*Karachi, May 5, 1952.*

The Government of Pakistan have, for sometime felt that the permit system now operating between West Pakistan and India is outmoded and unsatisfactory. In practice, the system has impeded travel rather than facilitated inter-communication between the two countries. The Government of Pakistan have therefore, decided after very careful consideration, to replace the permit system by the internationally recognized system of passports and visas between the two countries.

The introduction of this scheme will have the effect of regulating travel between India and both East and West Pakistan. Under the new system Pakistan nationals desirous of going to India, will be granted passports and every Indian national will, similarly, have to be in possession of a passport duly endorsed by the appropriate Pakistan authorities before entering Pakistan territory.

The Government of Pakistan, for this purpose, will issue a special passport, distinguishable from the internationals passport, to their nationals, endorsed for travel between Pakistan and India only. Till such time as these passports are available sufficient numbers of emergency certificates will be exchanged for the special passports.

Special arrangement will be made for the issue of passports to residents of Pakistan who have to pay frequent visits to places across the border for business or other essential purposes.

The Government hope to announce shortly the date on which this scheme will come into force. The permit system now in force will be abolished.

The Government of Pakistan have carefully borne in mind the provisions of the Prime Minister’ Agreement of April 1950, while coming to a decision regarding the introduction of the passport scheme. In their view the scheme does not in any way violate any of its provisions. That Agreement was primarily designed to deal with an altogether exceptional situation arising from the widespread communal riots in West Bengal, Tripura and East Bengal. It provided for “freedom of movement and protection in transit” during communal disturbances.

The conditions which necessitated the adoption of this provision ceased to exist long ago. There is no longer any exodus of minority community from East Bengal. All genuine migrants have already returned to their respective homes and, if there are migrants who have not returned during the last two years they may he assumed to have no intention of returning.
Furthermore it was mandatory under the agreement for the Governments of East Bengal, West Bengal, Assam and Tripura to restore immovable property to the migrants provided they returned to their homes by December 31, 1950, and this period was subsequently extended to March 31, 1951. All migrants, who wished to return and to regain possession of their property, have already done so by that date.

The Government of Pakistan are, therefore, satisfied that no breach of the Prime Minister’s Agreement is involved in the introduction of the passport system. If, however, there are any genuine migrants who have delayed their return for valid reasons and who even now wish to return to Pakistan, facilities for them to do so have been provided in the new scheme.

Conference of representative of two countries will be shortly held at Karachi to consider practical ways of implementing the scheme so that the new arrangement may work and reduce all possible hardship or inconvenience to the people desiring to travel from one country in another to the very minimum.

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3405. TOP SECRET

TELEGRAM

From : Foreign New Delhi
To : Hicomind, Karachi

MOST IMMEDIATE

No.24269. May 6, 1952

For Mehta from R. K. Nehru

Your telegram No.222*, dated 6th May, Passports. Proposal that you should represent us in talks was made after fullest consideration and with approval of Prime Minister who attaches utmost importance to conference because of very

* In his telegram the High Commissioner had said that while he would be available for consultations, it would be inappropriate for him to lead the Indian delegation to the conference. Despite this, the High Commissioner in reply persisted in his view that he should not lead the Indian delegation. He even suggested that while it was not necessary for Puri to come to Karachi, he could stay back in Delhi, the Commonwealth Secretary must himself come over. It needed a strong letter from Prime Minister to the High Commissioner to persuade him to change his mind.
large number of people who will be affected by its results. We see nothing inappropriate in our High Commissioner handling, with the assistance of competent advisors, issue of this importance. In similar situation, any other Government would entrust principal role in negotiation to its Ambassador or High Commissioner. In fact your non-participation is likely to be misunderstood both in India and in Pakistan. The alternative would be for me to come to Karachi. Since PURI is also going, this would mean that there would be nobody here, NOT only for dealing with normal work on Commonwealth Relations side but even to attend to references from Karachi that may become necessary during course of conference. We hope, therefore, that you will represent us, assisted by officers already named as advisers.

Date 12th May is most inconvenient to us because Government here will be changing that day. Possibly you did NOT realize this when you originally suggested this date to Pakistan. Moreover, since much detailed material, e.g. location and number of check posts and fixation of routes, essential for effective coordination of our arrangements with those of Pakistan, has still to be collected, we doubt whether we shall be able to complete our preparation in time for conference to begin on 12th. All that we ask for is a three-day postponement and there is NO reason why we should, in matter of this importance and complexity, be reluctant to press for change of date. Prime Minister is strongly of this view.
exclusively between India and West Pakistan) has become outmoded and is not working satisfactorily.

2. The Government of India made an immediate representation to the Government of Pakistan against this decision. They pointed out that freedom of movement between East Pakistan and West Bengal, in particular, is a vital part of the Prime Ministers’ Agreement of April, 1950, and that the existence of this provision and its implementation has helped to restore a sense of confidence and security among the minorities. They drew attention to the fact that the bulk of the traffic between India and Pakistan takes place in this zone and that the economic and other ties between the two Bengals are so close that any restriction on free movement must have an adverse effect on the normal life of the people on both sides of the border. After stressing the need for the maintenance of confidence among the minorities, they strongly urged that modification of the provisions of the Agreement relating to free movement should NOT be made without full consultation between the two Governments, and that no decision should be taken to change the existing practice until such consultations have taken place.

3. The Government of Pakistan have not accepted this suggestion. They have, however, declared their readiness to discuss methods of implementing the decision at a meeting to be held at official level between the two Governments in Karachi. This meeting was suggested by the Government of India, though the venue proposed was Delhi. Since the decision of the Pakistan Government to introduce a passport system is final, the Government of India have been obliged to take up the question of introduction of suitable arrangements on their own side of the border. For this purpose, a meeting was called on the 2nd and 3rd May by the Ministry of External Affairs, which was attended by representatives of Home, Rehabilitation, States, Defence and E.A. Ministries and of the State Governments of West Bengal, Tripura, Bihar and the Punjab. (The Assam Government could not be represented, but their views were communicated by telegram). At this meeting, the Pakistan Government’s passport scheme was examined. This scheme divides all traffic between India and Pakistan into three categories:-

(A) Border union traffic between E. Pakistan and the adjoining Indian States, particularly W. Bengal;

(B) Traffic between E. Pakistan and the neighbouring Indian States NOT confined to the border unions, and

(C) All other traffic between India and Pakistan.

The Pakistan scheme provides for the grant of varying facilities to each category. Thus, labourers and cultivators included in category (A) are to be given multi-journey visas valid for one year; for category (B), the period is six months; while
for category (C), the period is to be fixed in each case. All traffic, in the Pakistan scheme, is to be canalized through check-posts.

4. The following conclusions were reached at the meeting:-

(i) Border union traffic is largely confined to Muslims living on both sides of the border. Special facilities are justified, but they are equally justified in the case of category (B) traffic, where also visits across the border are frequent, because of the close links existing between E. Pakistan and some of the neighbouring Indian States. Special facilities for category (B) would benefit Hindus also, both in E. Pakistan and W. Bengal, since there are many Hindus living away from the border zone who have to travel frequently from one country to the other. It was decided, therefore, that in the Indian scheme the same facilities should be provided both for category (A) and for category (B) traffic. The two categories should be amalgamated.

(ii) Under the Indian scheme, therefore, there will be only two types of passports: one for Eastern Zone traffic and the other for traffic not confirmed to the Eastern Zone. Both types of passport will be different from the ordinary international passport. The Pakistan Government too has suggested a “modified” passport for Indo-Pakistan travel. “Special facilities” for Eastern Zone travel would consist of the following: (a) District Officer (instead of State Governments) would issue passports; (b) Visas would be given liberally, on a reciprocal basis; (c) Multi-journey visas would be given, etc, etc. all these facilities are matters for discussions with the Pakistan Government. The objective should be to facilitate travel between E. Pakistan and the Indian States in the Eastern Zone.

(iii) States Governments have been asked to prepare lists of routes and check-posts to regulate travel under the new system. The number and location of posts and the routes to be prescribed will have to be discussed with the Pakistan Government, so that arrangements on both sides may be co-coordinated as far as possible. State Governments have been asked to bear in mind that the Government of India’s intention is to reduce hardship as far as possible for people on both sides of the border. This means that a large number of routes will have to be prescribed and the number of check posts and patrol units may have to be increased — subject, however, to what is stated in paragraph 5(c) below.

5. It has been decided that the Government of India should participate in the meeting of officials to be held in Karachi to discuss methods of implementing the decision to introduce a passport system. The meeting is to be held on the 15th May. It has also been decided to ask the Indian High Commissioner in Karachi to
conduct the negotiations with the assistance of the Chief Secretary, W. Bengal, a representative of the E.A. Ministry and a representative of the Assam Government. The High Commissioner will be asked to secure the Pakistan Government's acceptance of the Indian scheme as the basis for the new arrangements to be made on both sides of the border. He will be instructed, further, to make the following suggestions:-

(a) In addition to the special passport to be provided for Indo-Pakistan travel, the international passport should be recognized. This means that a Pakistan or Indian citizen who holds as international passport should be able to utilize this passport for Indo-Pakistan travel: he should not be required to take out one of the special passports if he is traveling between India and Pakistan.

(b) For traffic in the Eastern Zone visas should NOT be required. In case the Pakistan Government insist on visas (as they almost certain will, since their whole object is to restrict free movement between the two Benglas), then every effort should be made to ensure that on both sides visas are given with the utmost liberality, on a reciprocal basis, and reasonable facilities are provided for the obtaining of visas.

(c) An over-elaborate system of check posts and patrols on both sides should be avoided. It is in the interest of both Pakistan and India that cost should be reduced and minimum hardship should be caused to bona fide travelers.

(d) The new arrangements should be brought into force, on both sides, on the 15th July, 1952.

6. The summary is circulated for the information of Cabinet.

(R.K. Nehru)
Commonwealth Secretary
8-5-1952.

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Letter from High Commissioner for India in Pakistan Mohan Sinha Mehta to Commonwealth Secretary R. K. Nehru.

Karachi, May 9, 1952.

High Commissioner for India 'Valika Mahal', Jahangir Sethna Road, New Town Karachi

No.HC/52/11 9th May 1952

My dear R.K.,

1. Since writing my last letter No. HC/52/11, dated the 7th May, I have received your letter No.31/82/NGO, dated the 6th May, with which you sent me the proceedings of the meeting which was held on the 2nd of May to discuss the subject of introduction of Passports between India and Pakistan.

2. That paper was of great help in clearing the position. I am dictating this brief letter just a few minutes before the Bag is to be closed. We have carefully considered the various points which were discussed in the meeting which you held there. We shall again examine them on the afternoon of the 14th instant when our representatives from India are also with us. The meeting with the Officers of the Pakistan Government will begin on the morning of the 15th May.

3. This gives us little more time and I hope you will send us a complete brief on the subject after consulting the Ministries concerned particularly the Defence, Home and Rehabilitation.

4. There are two or three points on which I would like to know the views of our Government, such as,

(a) Will it be preferred by us to insist on the use of international Passports between West Pakistan and East Pakistan for persons other than those covered by Category B on the one side and the whole of India on the other. This is a delicate point. It can be a double edged sword, cutting both ways. In the first place, the Pakistan people may not accept this formula on a basis of reciprocity. Whether they are willing to accept it or not, I shall like to hear as to whether our Government would like to press for such a liberal position. It involved a certain amount of risk from the point of view of security, transfer of property and other general considerations. Secondly, we should also remember that Pakistan is quite capable of accepting a liberal provision on the paper and then not working it in the same spirit in actual practice
(b) The presence in both countries of a certain number of persons, who have not finally accepted the citizenship of that country and would like to return to their original homes (India or Pakistan) will be a difficult problem as soon as the new system comes into force. What should be our policy with regard to such people? It is not free from difficulty and complications. Before accepting the applications for return to India, should they describe themselves as domiciled in Pakistan or nationals of Pakistan? This will cover all kinds of cases, desirable or otherwise. Would you leave them to be dealt with by a system of emergency certificates? Before issuing such certificates and at the time of considering their applications for repatriation, should we insist on their describing themselves or allow them to call themselves merely domiciled in Pakistan. Kindly let me have the views of the Government of India on this subject.

(c) We would like to press for direction to be issued by the Pakistan Government to their officers to be liberal in issuing visas. We know, and we shall tell them at the meeting, that they have not been very liberal in this direction in the past.

(d) I would like to ask them to let us open Visa Offices in at least the Capital of all their Provinces. On our side, we should be willing to let them open offices not only at Bombay, but, if they so desire, at Madras, Lucknow, Patna, Nagpur, Hyderabad etc. Do you think this is conceding too much? I personally do not, particularly because I am on my side very keen that we should have an opportunity of getting one of our officers posted at Peshawar and Quetta. They are not likely to concede this point. But I would like to have in my possession the views of my Government before I go into the Conference, with Pakistan representatives. What date shall we suggest for the enforcement of the new system. We should bear in mind that,

(1) A number of officials will have to be selected, appointed, and trained for this new duty. Their offices will have to be set up at the check posts which means selecting the check posts also and in this matter the two Provincial Governments of West Bengal and East Bengal will have to hold consultations. Then thousands of forms and a number of registers, and emergency certificates, besides passports will have to be printed and supplied to these officials. I would, if you agree, and the Prime Minister approves, like to suggest the date for the introduction of the change to be not earlier then the 1st July. However, if they make it 15th of June, we shall not refer this insignificant little point to you before accepting it. In the meantime,
I would like to have your opinion as to how long it will take the Ministries concerned to have their administrative machinery ready to function. That information should be the basis on which we shall meet the argument of the other side. Atal and I are of the opinion that before the date on which the new system will come into force, the present arrangements should continue. In other words, we do not wish to have for the interim period a third (tried) and modified system to be brought into force. That would involve unnecessary complications, confusion in the public mind and expenditure to the two Governments. On the date to be settled at the Conference, the new system of Passports should be brought into force.

(2) I would also like to put it to the Pakistan representatives that both countries should avoid delay and should not withhold transit visas nor should they impose any conditions in granting them to persons traveling from one part of one country to another, or from one country through a part of another country (India or Pakistan as the case may be) to a third country. We must get them to agree to this, because in the past they always have been putting difficulties in the way of people traveling from India to Afghanistan. This should also cover journeys from some points from West Bengal direct to Darjeeling passing through a corner of Pakistan.

These are the points which have occurred to us. I am pressed for time, but I hope your reply would consider any other matters which have not occurred to me.

I understand from this morning’s papers that Itaat Husain, Joint Secretary of the Ministry of Foreign Affairs and Commonwealth Relations, Pakistan Government, will be the leader of their delegation at the Conference.

In conclusion, may I again request you that all our officers are here by mid-day of Wednesday, 14th May. This is necessary, because I would like to have a full discussion amongst ourselves on that afternoon.

Yours sincerely

(Mohan Sinha Mehta)

Shri R.K. Nehru, I.C.S.,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.
TOP SECRET

Letter from High Commissioner for India in Pakistan Mohan Sinha Mehta to Prime Minister Jawaharlal Nehru.


High Commissioner For India
Karachi

No. HC/52/11 13th May 1952

My dear Panditji,

I am very glad to have your Top Secret letter* No.3849-P.M., dated the 9th May. I received it yesterday.

I fully realize that the proposal of introducing the international practice of Passports between India and Pakistan is very important. Since it will affect millions of people, we have to do our utmost to secure the best possible conditions of its working. I never underestimated the importance or the implications of this matter. I am also aware that when negotiations have to be conducted with another Government, generally the Head of our Mission in that country is entrusted with the duty of conducting those negotiations.

You know, however, that the Pakistan Government have already made up their mind to replace the present Permit System by Passports, and to extend it to East Pakistan also. I strongly put it to them that it was wrong for them to come to that decision without previous consultation with us. They, however, stuck to their view. I then pressed them to hold a Conference with our representatives to consider the implementation of the new proposals. They resisted this suggestion too, but at last relented after renewed pressure from my side. This conference, it has to be clearly remembered, is only to consider procedural matters and administrative arrangements for the introduction of the new system, and not any questions of principles or policy.

One of the reasons advanced by me in favour of the Conference was to bring into discussions officers of West Bengal and East Pakistan who are acquainted with the local conditions. I also urged on the Pakistan Government that their proposal would result in producing a sense of panic and insecurity among vast numbers of people in the two Bengals.

On this and other major aspects of the question we must be prepared to find Pakistan side obstinate. That would not however prevent us from putting our point of view as strongly and as effectively as possible. Taking however the broader aspects of this question and of Indo-Pakistan relations in general, we have also to avoid a complete break-down in the negotiations. That would produce unfortunate repercussions on a wider range. You know what I mean.

I had asked for the Secretary of the Rehabilitation Ministry, because
(a) I understand that Chandra himself is a broad-minded officer and would have been very useful here on personal grounds, and

(b) In working the Permit System (which corresponds to what would in future be visa issuing function) we are constantly dealing with the Ministry of Rehabilitation. It is they who generally do not realize our difficulties. They have often adopted an attitude which is apparently neither feasible nor reasonable. That affects the main objective of this Mission in improving relations between the two countries without sacrificing our essential interests.

I would like to invite your attention to another aspect of this matter. Generally, it is not the principles and decisions which are the cause of hardship and eventually of conflict. The spirit in which they are worked is the main question. This cannot be discussed at this stage. If we do so, we would be open to the charge, however unfair it might be, of imagining and forestalling difficulties before they are actually experienced. On paper the arrangements for the working of the Passport System would be on the usual basis of reciprocity. But we know from experience how they would be worked in actual practice.

It is true that in this peculiar position, the Pakistan side will be surprised that the High Commissioner should represent India, but that need not bother us. My point was the other one which I have explained above and in my letter to Ratan Nehru. We can quite understand your readiness to discuss things yourself when the importance of the subject matter requires it. But, you will pardon my saying so, you will confer with the Prime Minister of Pakistan and not with Joint Secretaries or Deputy Secretaries and secondly, we shall never let our prime Minister go and discuss anything but high questions of policy.

As desired by you, I am going to the Conference tomorrow and shall do my best to work according to the spirit of your instructions. Even before receiving your letter, I knew how you felt on this subject. It now explains your attitude even more clearly for which I am grateful.

Yours very sincerely

(Mohan Sinha Mehta)

The Hon’ble Pandit Jawaharlal Nehru,
Prime Minister,
Government of India,
New Delhi.
Telegram from High Commissioner in Pakistan Mohan Sinha Mehta to Commonwealth Secretary R. K. Nehru and the consideration of the same in the Ministry of External Affairs with the Minute by Prime Minister Jawaharlal Nehru.

Karachi/New Delhi, May 13, 1952.

TELEGRAM

From: Hicomind, Karachi
To: Foreign, New Delhi

IMMEDIATE

No.234. May 13, 1952

R.K. Nehru from Mehta

Passport Conference. I intend to tell Pakistani officers at outset that their proposed passport system violates Prime Ministers’ Agreement. If they desire it let them introduce it for West Pakistan and leave status quo in East West Bengal for the present. They are bound to oppose this but we shall resist.

If we fail to secure their concurrence I would ask for system of simple international passports with visas valid for whole country without restriction of place open to passport holders to visit. Would our Government — Home, Defence, Rehabilitation Ministers agree to this.

I would also ask for proper genuine spirit of implementation of new system. It would be test on number of visas given by them to Hindus. May we press for proportion of 50-50 East Pakistan side and 3 of our visas for their one on West Pakistan side.

Kindly telegraph reply and any other suggestions.

Note recorded in the Ministry of External Affairs on the above telegram of High Commissioner:

Commonwealth Secretary RK Nehru’s Note:

Dr. Mehta’s telegram reached me late last night. The conference is opening tomorrow and full instructions have already been sent to him. He is aware that
these instructions have been framed in close consultation with States’ representatives and other Ministries of the Government of India and that the P.M.’s approval has been taken. It is surprising that at this late stage he should announce his intention of putting forward a scheme which is completely at variance with the proposals he has been instructed to make. We do not wish to introduce a full-fledged passport-cum-visa system between India and Pakistan, although we have suggested that those holding international passports should be able to use them on journeys between the two countries. Our special passports will be very much simpler and we should try to do away with visas altogether.

2. I propose to send the telegram attached to Dr. Mehta. Yesterday he wrote to me to say that he has asked Acharya, our Deputy High Commissioner in Dacca, to come over to Karachi as his adviser. I have said in a letter to him that it was P.M.’s intention that the body of adviser should not be too large since Ray and Puri are completely familiar with every aspect of the problem. I have pointed out that we do not consider Acharya’s presence to be essential, but since he has already been called in, we have noted the fact that he will be one of the advisers.

(R.K. Nehru)
14.5.52.

S. G.

P.M.

Note by the Secretary General
I have somewhat amplified the draft reply. Dr. Mehta’s persistent preference for his own ideas is not particularly helpful at this late stage.

G. S. Bajpai
14-5-52

Minute of Prime Minister Jawaharlal Nehru on the above telegram:
I do not quite understand our High Commissioner’s telegram.

2. He can certainly state that their proposed passport system violates the Prime Ministers’ Agreement specially in so far as Eastern Pakistan and West Bengal, etc., are concerned. If Pakistan repudiates this, as they are bound to do, the matter ends and I do not see how we can go on raising it. Our objection will have to be noted and we shall have to proceed to consider the matter further.

3. International passports may suit the Western area; though even there they would offer some difficulties. But in Eastern Pakistan, West Bengal etc.,
they would be a great burden. We can hardly ask all the thousands of people who travel from one country to another in the East to possess international passports. What we had suggested was some simpler form of passport or identity card. We had further suggested that visas need not be necessary. This is a much better way of putting our viewpoint than the High Commissioner’s.

4. If visas are considered necessary, then they should be liberally given and for longish periods. I do not understand what the High Commissioner means by a proportion of 50:50 and 3 of our visas for their one on West Pakistan. If visas are restricted it is hardly possible to fix proportions in numbers. If Pakistan behaves unreasonably we shall have to take such counter measures as we think proper.

J. Nehru
13 (14).5.1952

3410. TOP SECRET

TELEGRAM

From : Foreign New Delhi
To : Hicomind Karachi

MOST IMMEDIATE

May 14, 1952

For MEHTA from R.K. NEHRU

Your telegram 234 dated May 13th Passports Conference. Our instructions for this conference have been sent after close consultation with representatives of States concerned and Ministries of the Government of India and with the approval of Prime Minister. These instructions should be followed. If any new point arises, you will, of course, refer to us.

You may point out that proposed passport system is against letter and spirit of Prime Ministers’ Agreement. But there is NO need to have long argument on this issue. Our considered view has been that introduction of passport system would restrict freedom of movement between East Pakistan and West Bengal.
which is so essential to confidence among minorities on both sides of border. If Pakistan insists, then inevitably, we have to adjust ourselves to this decision and take necessary steps. We welcome assurance by Pakistan that their intention is NOT to restrict free movement but merely to regulate it. Passport or like arrangements should, therefore, be liberal consistent with the spirit of the agreement which both governments wish to respect. We should now try to work out arrangements on a reciprocal basis so as to minimize evils of new system. Merely to carry on controversy about basic issues is NOT likely to help at this stage.

Your proposal about international passports with visas is contrary to what we have suggested. To expect large numbers of peasants and ordinary folk in East or West Bengal to get international passports is to make it impossible for them to travel. Where there are such international passports, they can, of course, be used. For the rest, we should have some simpler method and, if possible, visas should NOT be necessary as between East Bengal, West Bengal, Assam and Tripura. If Pakistan insists on visas, some easy method should be evolved. We do NOT understand proposal to have a proportion of passports or visas. If Pakistan authorities function strictly in regard to these matters, we shall naturally react and take necessary steps on our side.

Please refer to our brief which PURI is taking today.

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3411. TOP SECRET

TELEGRAM

From: Hicomind Karachi
To: Foreign New Delhi

MOST IMMEDIATE

No. 241 May 17, 1952

From MEHTA for Prime Minster.

Passport Conference. During last two days we have been discussing special facilities necessary for residents of both Bengals, Assam, Tripura and Bihar. Pakistan's first suggestion was to give them only visas valid for six months for
maximum of four journeys. After much discussion they have agreed to make it one year and have conceded also that at discretion of visa issuing authorities number of journeys permissible may be raised but only in special cases. They do NOT agree to any further liberalization for residents of East Zone as a whole.

2. While professing to regulation and NOT restrict movement Pakistan envisages considerable reduction in existing traffic, much of which it regards as spurious or superfluous. Pakistan have informed us that they will NOT now allow Indian visa offices in East Bengal except Dacca though they will if we so desire open a small number of visa offices in neighbouring Indian States. They have objected to our long list of routes to be kept open for travel in East Zone though list is proposed to be finalized in a separate meeting in Dacca or Calcutta next week subject to agreement on main arrangements. On the whole it appears that agreement or NO agreement they intend to curtail traffic substantiality.

3. Their only anxiety is to obtain for (a) cultivators and agricultural labourers and (b) artisans the following facilities viz. (1) visas valid for five years (2) for any number of journeys without limit and (3) free to cross border without going through check post.

4. They also propose special facilities additional to those in para 1 above for Government servants and certain categories of businessmen.

5. They insist on facilities in para 3 above. In accordance with decision of Delhi meeting 2nd/3rd May and our brief we said that we acknowledge need for special facilities for (a) and (b) of Para 3 but instead of limiting liberality to these 2 classes we should adopt general principle of visas without limit on number of journeys for all those classes which require them of which (a) and (b) of Para. 3 will be only 2 classes. This was NOT acceptable to Pakistan. We drew special attention to need of (c) persons having interest or drawing income from immovable property in the other country including pensioners (d) persons having near relations in the other country and (e) transport workers like aircraft or steamer crew. This last was acceptable to Pakistan but on (c) and (d) they have avoided any commitment although we stressed that these two classes already have rights sanctioned by concessions under the Delhi Pact of 1950 which in our view will be rendered nugatory without adequate travel facilities. Their whole effort is to secure the facilities mentioned in para 3 and avoid commitments on classes (c) and (d) above.

6. Although Pakistan profess that their proposals will NOT affect carrying out of the Delhi Pact of 1950 we are convinced that unless multi journey visas for minimum of one year (which Pakistan is willing to concede) but without restriction on number of visits (which Pakistan is not repeat not willing to concede) are specifically arranged for class (c) and (d) of Para. 5 various rights and concessions
granted by that agreement and subsidiary agreement on property etc. will be largely rendered nugatory and a most serious situation will arise in West Bengal, Assam and Tripura. Since Pakistan does NOT agree to the general proposition advanced by us vide para 5 it will be impossible to secure these facilities for classes (c) and (d) later and we must expressly provide for them now. There is a chance that we may secure these by agreeing to Pakistan’s proposals in para 3 above. Equally we feel strongly that unless Pakistan agrees as to classes (c) and (d) of para 5 we should NOT agree to special facilities for classes (a) (b) of para 3.

7. In afternoon session today Pakistan announced the two concessions mentioned in para 1 above and emphasized that these were their final recommendations they can make to the Government of Pakistan and have asked for our reply. We propose giving them on Saturday morning (in anticipation of your approval of this course) a written proposal embodying both facilities in para 3 (for cultivators and artisans) and those asked for by us for classes (c) and (d) of para 5. As to Government officers we will propose visa free of cost and any formality for those traveling on duty with the Government of the other country. Those traveling in private capacity will have same facilities as the general public. We will agree to special facilities for businessmen with bona fide and established business in or with the other country and their employees and agents. We then propose to leave it to them to accept or reject our proposals as a whole.

8. In informal talk with leaders from East Bengal Hindus and Muslims we understand East Bengal Government will be facing serious difficulties if they are unable to secure concessions for cultivators and artisans which they have asked for and only this factor may enable us to obtain concessions for classes (c) and (d) of para 5. We feel therefore that if we adhere firmly to acceptance or rejection of our proposals vide para 7 as a whole where we concede all facilities asked for by Pakistan for their nationals, onus of rejection will be thrown on Pakistan who will find it difficult to justify a rejection and consequent breakdown. If however Pakistan representatives do NOT accept our proposals we shall stick to our stand. All of us including RAY are agreed on this course.

9. Pakistan proposes to conclude negotiations tomorrow and we must therefore make our above proposals soon after 1030 hours Saturday. This unfortunately does NOT give time for prior consultation with you. I will however telephone R.K. NEHRU at 1015 hours Saturday.
From: Hicomind Karachi
To: Foreign New Delhi

IMMEDIATE

No.243. May 18, 1952

From Mehta for R.K. Nehru.

Passport Conference. Saturday morning we handed to Pakistan delegates our proposals for East Zone. Without further talk on East Zone at that stage, meeting proceeded to consider arrangement for Western side, transit facilities and miscellaneous provisions and substantial agreement was reached on most points.

2. Regarding date of introduction of passport system Pakistan Delegation said their Government had already decided on a date which India will be informed. We then took a firm line and told them that if they unilaterally imposed it before we are ready, we would be obliged to take suitable action on our side, for the consequences of which they would be responsible. We also made it clear that we will not repeat not accept issue of visas on “Emergency Certificates” as an intermediate step between existing arrangements and the proposed full-fledged passport system. This gave them a jolt and their attitude at once changed. They asked for our suggestions for date and we suggested 15th September, emphasizing desirability of simultaneous introduction on an agreed date allowing a reasonable period for preparation and finding us firm they asked if our arrangements could be completed by 15th August. We promised to consider it.

3. Our proposals for East Zone were taken up late afternoon. As anticipated Pakistan representatives strongly attacked classes (c) and (d) of para 5 of my telegram No.241 of 17th May. After some discussion they said they could NOT possibly accept inclusion in category A of these two classes and threatened a breakdown on this issue. We firmly told them that while we would deplore a breakdown we considered that the facilities asked for by us for these two classes were as essential as those for cultivators and artisans. While still NOT conceding our point they suggested continuation of discussions on Monday. We agreed.

4. RAY has left. He strongly advised against any compromise regarding the two classes wanted by us. According to him and other sources of information including high officials of Pakistan, Pakistan CANNOT afford to start off their
system without our agreement about cultivators and artisans as season for
Aman crop is now on and over two million East Pakistanis are dependent on
land and employment on our side. This factor will last up to January 1953. Even
some back bench members of Pakistan Delegation appear to regard some of
their own proposals as illiberal. Therefore we feel that firmness on our part
including threats of a possible temporary break is required to secure minimum
liberalities we have been pressing for.

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3413. 

SECRET

TELEGRAM

From : Hicomind Karachi
To : Foreign New Delhi

MOST IMMEDIATE

No. 245. May 19, 1952.

Passport Conference concluded today. We have agreed with Pakistan
Representatives to release simultaneously following agreed Press Note at 11
repeat 11 a.m. Tuesday 20th May. Kindly release accordingly.

Begins. The Representatives of the Government of India and Government of
Pakistan met in a Conference at Karachi from the 15th to the 19th May 1952, to
discuss the details of the procedure to be adopted in regulating traffic between
India and Pakistan under passport-cum-visa system decided on by the
Government of Pakistan. The discussions proceeded throughout in an atmosphere
of cordiality and frankness. Representatives of both Governments reiterated
the desire of their respective Governments that whatever system of passport
was adopted to regulate traffic between the two countries it should be so designed
as to involve the minimum of hardship to bona fide traffic in either direction. In
the light of this common objective the details of the system were fully examined
and discussed. The views of the two Delegations were in accord on a number of
these details, while in respect of others their views differed. Both Delegations
will now report to their respective Governments. Ends.

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Record of Conclusions Reached at Indo-Pakistan Conference at Karachi on May 15-19, 1952 on the Subject of Passports and Visas

A. TRAFFIC OTHER THAN IN EASTERN ZONE:

1. Normally single-journey visas will be issued, valid for specified places and by specified entry and exit points. Period of stay will normally not exceed three months, except in special cases where longer period may be allowed at direction of visa issuing authority.

2. Provision will exist for issue, at discretion of visa issuing authority, for visas to be valid for a specified or an unlimited number of journeys during a specified period.

3. Persons who are employed in the other country by a Government, a Local Body, a company or a firm limited or registered in either country, a reputable industrial or commercial concern, banks or insurance companies, will ordinarily be granted visas valid for one year at a time and valid also for three journeys during this period.

4. Employees of air companies, railways, shipping companies, etc., providing transport links between the two countries who require to cross the border frequently in course of their duties, will be given multiple-journey visas valid for 6 months at a time.

5. Persons having a bona fide business in the other country and their employees and agents will be given multiple-journey visas valid for any number of journeys during a period of six months.

Cases of persons who do not have branches or other established business in the other country, but have only established import or export trade with the other country were reserved by Pakistan for further consideration.

6. Pakistan has decided that Indians entering Pakistan on visas will be registered under the Registration of Foreigners’ Act, 1939 and the rules thereunder. They do not propose to apply, however, the Foreigners’ Act of 1946, and provisions regulating entry, stay and activities, etc. of Indians and penalties for breach thereof will be provided for by a separate Ordinance.

India suggested that application of the Registration of Foreigners’ Act 1939 may be dispensed with. Pakistan agreed that registration may be dispensed with in the Eastern region, but did not agree with regard to West Pakistan. It was therefore agreed to apply the Act of 1939 on both sides, excluding the Eastern region.
India stated that they had not so far taken any decision whether to apply the Act of 1946 or to make separate legislative provision, and reserved their line of action on the point, but in either case facilities conferred by any agreement resulting from this conference would be made available.

7. India suggested abolition of personal attendance at police offices to report arrivals and departures, Pakistan could not agree to this entirely, but agreed that after first report of arrival, which will be made personally at office of S.P. of the district and where the traveler will be registered under Act of 1939, subsequent reports of arrival and departure at other places as also report of final departure from country may be made by a written communication. India suggested that initial registration under Act of 1939 should be done at check-post of entry, since it would be cashier to post specially-trained and extra-courteous staff at the 5 or 6 points of entry and exit between India and West Pakistan than at all S.Ps' Offices or all police-stations. In that case, personal attendance at police offices or police stations will not be necessary even on first arrival. Pakistan agreed to consider the suggestion.

8. (i) It was agreed to exempt from the Passport System (in the same way as at present from the Permit System)
   (a) recovered abducted women;
   (b) evacuees traveling in official convoys from the evacuee camps at Lahore and Jullundur.

(ii) Evacuees travelling otherwise than in (i) (b) above will travel on emergency certificates issued by diplomatic mission of country to which they are traveling.

B. GENERAL PROVISIONS:-

1. Diplomatic Missions in the other country:-

Officers and staff of such missions, their families and personal servants will be issued, free of charge and valid for one year at a time subject to their continuing in the mission concerned, multi-journey visas for any number of journeys valid for entry or exit through any route open to the public. Such visas will not be limited to particular places and the holders will not be subject to registration, reports of arrival and departure to the police and other similar requirements.

2. Government officials:-

(1) Government officials traveling on duty with a Central or State/Provincial Government of the other country or for meetings with officers of such Governments will be granted visas of the appropriate category free of
any charge and free also from the provisions relating to registration, reports to police, etc.

(2) Officers not falling in the above category will get the same facilities on the facts of their cases as other members of the public.

3. **Nationals in other country at the time of introduction of system:-**

   (1) Those who wish to return home will be able to do so-
       (a) on the basis of their permits, if they come on a valid permit;
       (b) if they were not required to take permits on the basis of emergency certificates issued to them by diplomatic mission of country to which they belong.

   (2) All nationals of one country in the other country on date of introduction will be required to register under Act of 1939 within three months, unless they return home within that period.

   (3) Each country will issue to its nationals in the other country, who are there on date of introduction and wish to stay beyond 3 months from date of introduction, national passports within that period. Further stay will be subject to obtaining from the other country a visa or permission for longer stay.

   (4) In special cases where a person has been unable to obtain national passport within 3 months of date of introduction of passports due to reasons beyond his control, extensions of time will be given at discretion of country in which he is.

4. **Pilgrims, parties of sportsmen and other similar parties:-**

   Each person will carry his individual passport, on which visa will be given by other country. All facilities like escorts, special train accommodation, food etc. whenever arranged between the Governments, will continue.

5. **Personnel and employees of Defense Services:-**

   Arrangements made at this conference will not apply and travel by persons of this class will be regulated by such arrangements as may agreed upon separately by the Ministries of Defence of the two countries.

6. **Seamen:-**

   India promised to examine Pakistan’s proposal to treat Continuous Discharge Certificates as documents valid for travel between the two countries.

C. **TRANSIT FACILITIES:**

1. Nationals of one country travelling, thorough the other country, to their own or third country by a **through** aeroplane must have valid passports but will not require a visa.
2. C (1) will also apply if the plane is not through and a connecting plane has to be taken, provided the passenger holds tickets or irrevocable vouchers for the whole journey and the scheduled interval between arrival of one plane and departure of the connecting plane does not exceed 12 hours.

3. Visa will also not be required of a person traveling by a through train commencing and finishing the journey in the same country, provided that he does not detrain or break journey. Change from broad-gauge to meter-gauge at the same station will not count as a break of journey, nor failure to complete journey for causes beyond the traveler's control, e.g. blocked line, train accident, etc.

4. In all other cases of direct transit, a transit visa will be taken.

5. Persons arriving in India or Pakistan from a third country must obtain a visa for a visit or for transit as the case may be, except in cases covered by C (1) and C (2) above.

6. In case of an enforced halt of a ship or aeroplane during a journey not otherwise requiring a visa, a landing permit will be issued on deposit of the passport, to visit the port or city of call during the enforced halt.

D. EASTERN ZONE:-

1. It was agreed that in view of the Delhi Pact of 1950 and other special factors, special facilities for travel in the Eastern Zone must be provided. India proposed that for residents of the Eastern Zone there should be no visa. Pakistan did not agree.

2. The zone will consist of East Bengal on one side and West Bengal, Assam and Tripura on the other. The Delhi Pact of 1950 is not applicable to Bihar; on the other hand there is a common border between Bihar and East Bengal. Whether Bihar should be included wholly or only for traffic in border zone of wholly excluded can be decided after facilities for Eastern Zone have been agreed upon.

3. Pakistan proposed that, apart from border agriculturists, labourers and certain classes of artisans, residents of the Eastern Zone should have visas for one year valid for four journeys. India proposed that while any person considered undesirable may be refused a visa altogether or given a limited visa under conditions, others should be given a multi-journey visa valid for one year without restriction on number of visits. No agreement could be reached on this point.

4. Pakistan proposed that cultivators and agricultural labourers and artisans resident in the border unions should be given visas-

(a) valid for five years;
(b) for unlimited number of journeys;
(c) valid for opposite border Unions;
(d) valid for entry and exit without passing through other routes.

India felt that-
(i) Cultivators should include persons directly interested in cultivation of the land (as against mere receivers of fixed cash rent) e.g. those who cultivated through labourers or co-sharers, etc. (Pakistan agreed);
(ii) this class should not be limited to those resident in border unions only, but all those who had lands or were dependent on employment or exercise of profession in the other country; (Pakistan did not agree).
(iii) It is not feasible to restrict the visa to a border Union as such. It was agreed that area for which visa should be valid should be defined in terms of group of villages;
(iv) the number of journeys necessary would depend on the distance between the home and the place of cultivation or work. India would have no objection however to unlimited number of journeys for all, provided Pakistan agreed to the liberality proposed by India either as in para 3 above or as in para 5 below
(v) it is not possible for India to provide a second line of check posts between the border Unions in India and the rest of India. If people come in without passing through check-posts, it is not possible for India to ensure that the visa-holder will remain within the area near the border. However on this point also India was prepared to accept the risks involved and allow movement otherwise than through check-posts, on same condition as in (iv) above.
(vi) India would prefer visas valid for two years, but was prepared to agree to a five year visa on same condition as in (iv) above.

Pakistan was not agreeable to the proposal either in para 3 or in para 5 and no agreement could therefore be reached.

5. India proposed that multi-journey visas valid for one year and for any number of visits should be granted to residents of the Eastern Zone, who-
(i) had immoveable property in the other country, or
had near relatives in the other country (near relatives were defined as paternal or maternal grandfather or grandmother, parents, brothers, sisters, children and grandchildren of the applicant);

(iii) had to travel frequently to obtain payment of pensions or other periodic payments in the other country.

Pakistan did not agree.

6. In connection with visa offices to be opened in the other country to cope with volume of traffic, Pakistan announced that the only Indian visa office in East Bengal will be at Dacca and their Government did not desire any additional visa offices in that province.

Pakistan offered to consider the opening in India of additional Pakistan visa offices, if India so desired. India will inform Pakistan of their proposals on this point later.

7. Lists of routes between East Bengal and India proposed to be kept available to the general public were exchanged. India wanted a much larger number of routes to be kept open than was proposed in Pakistan list. It was decided that separate meeting should be held at Calcutta or Dacca shortly to produce an agreed list of routes, if possible.

8. Pakistan offered the concession that if India accepted their views regarding paras 3, 4 and 5 above, they would agree to issue visas for four journeys in one year to those who had near relatives in East Bengal but were resident elsewhere than in the Indian States of Assam, West Bengal, Tripura and Bihar. India, while appreciating the offer, said they felt that the concession to travelers proposed by them in para 3, or at least as in para 5, were essential and could not be given up.

9. India proposed that without final commitment Pakistan's proposals in para 4 and India's proposals in para 5 may be tried for an experimental period of 6 months subject to a review thereafter. Pakistan did not agree.

10. India then suggested that for all the classes of persons in paras 4 and 5, the need for extra facilities should be generally acknowledged, but period of visa and number of journeys may be left in all cases to the visa issuing authority for an experimental period of six months. Pakistan did not agree.

11. India then suggested that in respect of all points on which agreement had been reached, minutes should be recorded and it should be recommended to both Governments to adopt these as an agreement. Points on which agreement could not be reached could be tackled again after some experience of actual working of the system. Pakistan did not agree.
12. At the stage of drafting of the minutes, Pakistan proposed that difference between Eastern region and other travel should be eliminated and all agreed points should apply to both. India protested that this had neither been proposed nor discussed earlier and the sole Indian representatives left to assist in drafting minutes could not discuss the merits of the proposal at that stage. It was then decided that it would not be possible to draft agreed minutes of the conference.

(Y.K. Puri)
Deputy Secretary
22.5.1952.

3415. Letter from High Commissioner for India in Pakistan Mohan Sinha Mehta to Pakistan Foreign Minister Mohammad Zafrulla Khan.

Dear Sir Mohammad Zafrulla Khan,

I thank you for letter of the 28th May which I received late in the afternoon yesterday.

You were good enough to tell me when I met you on Sunday last that you would be willing to increase the number of minimum journeys of classes (i), (ii) and (v) of Group II, while I pleaded with you for multiple journey visas for them. I still wish it were possible for you to have accepted my suggestion for this class of travelers in the Eastern Zone, at any rate even on an experimental measure for a couple of years. I had given you my reasons. It seems that you are not willing to go to that extent. If that is your final view, I shall fall in with your wishes, provided, as you promise, the rules are worked in a liberal spirit and genuine cases are readily permitted larger number of visits for meeting their requirements. I understand that for classes (iii) and (iv) of our Group II, you will have no objection for allowing multiple-journey visas. On this there was no difference in the meetings of the two delegations.

We are convinced that the problems of the Eastern Zone are different from those of the rest of India and West Pakistan. This position should be recognized. It would therefore be all right leaving the provisions with regard to India and West Pakistan the same as were originally proposed by you. This should also avoid raising a fresh issue on which further consultation may be necessary causing delay and postponement of decisions.
In this and some other points I shall be glad to meet you tomorrow afternoon, Saturday, the 31st May, at 5-30 P.M., if that is convenient to you. It is obviously most desirable that there should be a spirit of accommodation on both sides in order that the proposed Passport system is inaugurated in an atmosphere of goodwill and understanding. I am sure that you feel the same on this important subject.

With kind regards,

Yours sincerely,

Sd/- M. Mehta

The Hon’ble Sir Mohammed Zafrulla Khan,
Minister for Foreign Affairs and Commonwealth Relations,
Government of Pakistan,
5, Clifton Road, Karachi.

3416. LETTER FROM HIGH COMMISSIONER FOR INDIA IN PAKISTAN

Mohan Sinha Mehta to Prime Minister Jawaharlal Nehru and Prime Minister’s Comments on it.


High Commissioner for India
Karachi

No. HC/52/11. 20th May 1952.

My dear Panditji,

Our talks with the representatives of the Pakistan Government concluded yesterday. For four days we grappled with the problem and made earnest efforts to arrive at an agreement on all issues. Although many of the points were settled satisfactorily after accommodating each other’s views, on a few which we considered essential, the Pakistan Government did not relent. This is much to be regretted, but after what I heard from Ray, it would not have been right for us to yield to Pakistan’s view. I shall not bother you with details in this letter. Puri is returning to Delhi today and he will submit a full report to R.K. (Nehru) soon after his arrival.

There is one point, however, on which I am anxious to convey my felling to you
without the least delay. I must, in fairness, admit that you were quite right in asking me to represent our Government at the talks. As the discussion proceeded, it became more and more clear to me that the Pakistan Government made a great mistake in leaving the Conference in the hands of a week Joint Secretary so far as their team was concerned. It is a relief to me to be able to see and say now that your judgment was right.

The results of the Conference would have been more positive and substantial if,

(a) the Pakistan Delegation had been represented at a higher level, and
(b) the Leader could keep the Chief Secretary of East Bengal (Aziz Ahmed) under control.

Aziz Ahmad was responsible for the inadequate results of the Conference and the long time it took in its discussions. He showed himself to be narrow-opinionated and rather biased. In his stubborn attitude to disregard the feelings, the needs and the hardships of the people on the Indian side, he did not realize how he was going to cause trouble and inconvenience to the people on his side of the border also. Poor Itaat Husain, the Joint Secretary, who led the Pakistan Delegation was utterly unable to keep Aziz in his place. In all matters it was the latter who conducted discussions from their side. I pulled him up often than his Leader, but it made no difference to his basic prejudice.

We had come so near to agreement that on more than one occasion I thought it would be achieved. Yesterday morning, in order to disarm their suspicion, I made an offer at the spur of the moment which, I thought, would close the discussions and resolve our differences. I asked them to accept our suggestion just as we had accepted theirs with the understating on both side that it was as a measure of trial for a period of six months with both side keeping their minds open and meeting again to review the position in the light of actual experience. From the faces of most of the Pakistani Officers, I could see that their reaction was favourable. But again the Chief Secretary of East Bengal remained an obstacle.

It was a great pity that when the distance between the two sides had come to be so narrow, they could not meet. I felt strongly desires of bringing this fact to Zafrulla’s notice. At the same time, it would perhaps have been a mistake to go out specially to meet him for this purpose. If I had done that it might have been possibly exploited to our disadvantage. However, luckily I met Zafrulla last night at a Party to which he and I had been invited by the Indonesian Minister. I utilized that opportunity of putting it across to him. He said he would carefully examine the position. He concluded by saying that all had not been lost, i.e. it was not too late to achieve the good purpose both sides have in view.
Another Minister of Pakistan whom I met at the same party was even more frank. It would amuse you to know – he did actually tell me in so many words – that there was no hope of the Conference succeeding with Aziz in it!

I am very glad that Puri came from Delhi. He knows the whole subject and was very useful. On the first day he proved a match for Aziz in tiring him out, but it is not for that reason that I am commending Puri’s work.

While the Conference did not achieve a full measure of agreement, I am satisfied that we were able to impress our point of view on the Pakistan Government clearly and emphatically, namely, we felt that the Passport system, if it had to be introduced at all, should be worked in the most liberal spirit so that the maximum number of people travelled from one side to the other with the minimum of restriction and hardship. In fact, these were the very words which I used in the concluding stage of the Conference. We may, however, well except that we would be misrepresented in the Pakistan Press as obstructionists in the way of liberal rules or for trying to secure unfair advantages for our people, but nobody who was present in the Conference room on behalf of Pakistan could honestly support that misrepresentation.

Yours sincerely
(Mohan Sinha Mehta)

The Hon’ble Pandit Jawaharlal Nehru,
Prime Minister,
Government of India
New Delhi.

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Minute by Prime Minister on the above letter:

I attach a letter from our High Commissioner in Karachi.

2. These talks have naturally been confined to East-West Bengal border. I suppose Assam was not represented and had little to say. I had a talk today with Shri Neogy, Chairman of the Finance Commission. He has just come back from an extensive tour of Assam including the border areas. He gave me a most distressing report of the state of Assam – Pakistan border in many places specially where the Khasi Hills touch Pakistan. Their whole trade was with Pakistan, chiefly in oranges. They used to receive rice etc., from the other side in exchange. All these people of the Khasi Hills are on the verge of starvation because of the stoppage of this trade. There being no proper communications, they cannot send their oranges or other produce elsewhere.
3. Shri Neogy spoke to me of other aspects of Assam’s present precarious position. He thought that we had not treated Assam liberally at all.

Sd/- J. Nehru

(J. Nehru)

Secretary General itd. GS Bajpai

Commonwealth Secretary

Note by Commonwealth Secretary:

Assam was invited both to Delhi meeting and to the joint meeting in Karachi. Neither meeting was attended by Assam representatives. The conclusions reached at Delhi meeting were, however, agreed to by the Assam Government to whom a record of the meeting was sent. They pointed out that the Pakistan proposals would suit them, since they want a liberal system for their border people, but greater restrictions on traffic into the interior districts of Assam. They do, however, want free movement in the border zones since the people of the Khasi Hills, in particular, are dependent on the Pakistan border area for their livelihood. They decided, however, to accept our proposals for a uniform system for all classes of traffic, in the interests of India as a whole.

2. The difficulties which are being faced by the Khasi Hills people arise from the fact that exchange restrictions have been imposed by the Pakistan Government which prevent the border inhabitants on both sides from carrying on trades freely. There have also been many reports of police exactions and other forms of persecutions of our tribal people in Pakistan. All this has of course nothing to do with the passport system, but I propose to ask Assam to send us a full report on border inhabitants and to suggest methods of improving them.

3. About the passport conference I have had a separate letter from Dr. Mehta, more or less on the lines of his letter to P.M. A report on the Conference was submitted to me yesterday by the Deputy Secretary. I am getting a short summary prepared of the main points of agreement and disagreement. Copies will be sent to Dr. Mehta and I shall also place the report and the summary with my own comments before P.M.

Sd/R.K. Nehru

(R. K. Nehru)

23-5-52

P.M.

A report should be made to the Foreign Affairs Committee meeting tomorrow morning.

Sd/- J. Nehru

23-5-52

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3417.  

SECRET  

Letter from High Commissioner in Pakistan Mohan Sinha Mehta to Commonwealth Secretary R. K. Nehru.  


High Commissioner for India  
Jhangir Sethna Road  
New Town, Karachi- 5  

D. O. No. HC/52/11.  
May 20, 1952  

My dear R.K.,  

Our discussions with the Pakistan representatives on the passport system dragged on for a rather longer time than we had anticipated. From the two telegrams that I sent, and from the third dispatched last night, you know the points of difference. Y.K. Puri is returning today and he will acquaint you with the details of the various points which figured in the discussions.  

I wish, however, to describe to you very briefly the line we took in the discussions. The Prime Minister and you should know this. It is particularly necessary because of the special disadvantage under which we live and labour in Pakistan! Here the extent to which events and opinions can be misrepresented and facts distorted to suit a particular attitude is rather extraordinary. So far as Pakistan Press is concerned, we cannot do much to countenance this kind of deliberate suppression of truth.  

In the opening phase of the Conference, I told the Pakistan Delegation that the Government of India were surprised at the unilateral decision of the Pakistan Government to introduce the Passport System. The Prime Ministers' Agreement was still in force and had not been repudiated. In international affairs an Agreement, a Covenant or a Treaty is not abrogated by one party without previous consultation with the other. On this occasion this usual consideration had not been shown. This was the formal side of the question which was not altogether unimportant. However, our objection related to the substance of the matter also. To introduce a system of passports and visas, where not even permit system was in vogue, did amount to a serious change. It was all very well to say that passports and visas would be available for all legitimate travel. The very fact that people will have to obtain those travel documents before they could cross the border for normal business would result in impediment, expenditure, waste of time and energy and no small amount of hardship. The explanation given by the Pakistan Government remained unconvincing.
Since, however, the Pakistan Government had made up their mind there was nothing left for us except offering them cooperation in working the system in the best possible way for the people in the two countries. It was in that spirit that we had gone to the meeting. It would guide our discussions with them.

I repeated that, in the first place, it would have been much better if the Pakistan Government had started the new system of Passports in West Pakistan to begin with. If they were not agreeable to do that, they should not have required the people to obtain visas as well. The system could have commenced with the introduction of passports only, as is the practice among Commonwealth countries (except South Africa). No serious consequences would have perhaps followed. On the other hand, millions of people most of whom happen to be poor, illiterate, ignorant and still closely related to each other by family ties, socially, economically and otherwise, would have had time to adjust themselves to the changed situation. We appealed to them to reconsider the position and not insist on passport-cum-visa. The volume of additional strain that it would throw on the administration of the States and Provinces concerned, would be indeed enormous, almost unbearable.

Since the Pakistan Government maintained that in their view their decision did not involve the violation of the Prime Ministers’ Agreement – the position which was obviously untenable – we would take them on their word. I hope, I said, that this statement of their attitude would be borne in mind throughout the discussions.

Another general point which we emphasized was that on this subject it was not as though the interests of Indians alone were affected. I felt strongly that the economic wellbeing and the general convenience of the people on both sides of the border called for a very liberal and far-sighted approach to this question. Political differences and administrative prejudices should not be allowed to bring distress and hardship to the people whose welfare the Governments are supposed to promote. For the same reason, it was essential that matters of policy, the rules and the methods of enforcing them, should be uniform for both sides and simultaneously introduced, unless there were compelling reasons to the contrary.

In the discussions, the most prominent person on the Pakistan side was not the Joint Secretary (Itaat Husain) who led their delegation, but the Chief Secretary of East Bengal, a man called, Aziz Ahmed. He was the Villain of the Piece and proved relentless, elusive, rather self-conceited and extremely difficult. He tried all manner of tricks and devices which prevented a complete agreement. Poor Itaat Husain was powerless in controlling him. On several occasions I had to pull him up, which I did in polite language but firmly and emphatically. Aziz at one stage said that if the two sides did not agree, both were free to adopt their own measures. They were determined, he said, to introduce the system without much delay and would not wait for India to fall in line. At that stage I had to pull
him that while we also understood what the power and authorities of independent sovereign countries were, we would adopt a realistic approach to a subject which could not be worked smoothly without mutual consultations and an agreed arrangement. The consequences of one-sided action would be very serious. Every civilized Government would like to avoid such a contingency.

As you would see from the report that Puri would give you, at the final stages the differences between the two sides had narrowed down considerably. It was only, if I may say so, because of the needs of the middle-class people of the two Bengalis, Assam and Tripura, which we were not prepared to sacrifice, that a full settlement was not achieved. It would have meant a betrayal of these people. After conceding their demands with regard to what they called Category ‘A’, we earnestly asked them to accept our proposals with regard to the other classes of people which were listed by us under Group II (i), (ii) and (v). But we found Aziz stiff and unrelenting. At that stage, on Saturday morning, I had to tell this Civilian – which was rather undiplomatic – that if he wanted to squeeze out some people, would it not be tactically wise for him to apply the screw a little more slowly and make the change somewhat imperceptible. What would they lose by accepting our proposals in a region where hitherto people were moving without any permits or travel papers at all? Even this thrust did not produce any result on that man, although we could see from the faces of the other members of the Delegation how desirous they felt or arriving at an understanding with us.

Yesterday (Monday) morning at the concluding stage of the Conference I made, on the spur of the moment, a sporting offer. I thought they would take it not only for the sake of arriving at an agreement but also to save their face. I said that assuming that we had failed to convince them of the strength of our point, they should, for the sake of a good start in a harmonious atmosphere, concede our proposals in the same spirit of accommodation, as we had accepted theirs, and begin the new system on that basis. After six months the position should be reviewed by both sides with an open mind. In the meantime, we would understand that neither side was committed to the continuance of the agreement. This would mean very little risk for them. Even this did not bring about the desired result!!

I am sorry and was disappointed, that Pakistan representatives should have been so indifferently chosen and in particular their leadership should have been so weak and ineffective. I had a chance of speaking to Zafrullah last night. I was very glad to do so because I was almost certain that our point of view would be badly and incorrectly reported. Zafrullah concluded our talk on a slightly optimistic strain. He said he would carefully read the report and see what could still be done.
I hope the Prime Minister and you will agree that we could not have let down the West Bengal Government on a point which was reasonable and on which they felt very strongly. In any case, after having conceded almost all that the Pakistan Government were asking and securing a fairly satisfactory compromise on others, we could not have given up this important point. We should follow this up by correspondence in which we could again explain our position, reiterating our stand.

On the matter of the date of introduction of the new scheme, the issue of provisional certificates, check posts, registration and other arrangements, it is not necessary at all for us to be bullied into toeing their line. After all the consequences of unilateral action on their side will hit them hard too. If they chose to cut their nose to spite their face, we could not oblige them to prevent the direct results of their determination. Although the measure of hope had considerably decreased, I cannot help feeling that there is still a little chance of good sense prevailing at the higher level in Pakistan. We need not, of course, go by that hope. Our own plans should be made and arrangements organized quietly all the same. In the last resort in dealing with Pakistan we should combine firmness with fairness.

I have written a short letter to the Prime Minister which I hope you will see. I need not repeat what I have said there.

I shall await further communication from you on this subject.

Yours sincerely
(Mohan Sinha Mehta)

Shri R.K. Nehru, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi
3418.  

SECRET 

TELEGRAM 

From: Hicomind Karachi 
To: Foreign New Delhi 

IMMEDIATE 

No. 255 May 22, 1952 

From Mehta for R.K. Nehru. 

Passports. It is possible though by NO means certain that Pakistan may show inclination to reach understanding with us. Opinion in some circle appears to like our general attitude. Press too have NOT been critical about our action. 

Kindly send immediately report which PURI must have drafted by now containing gist of proceedings of last week’s meeting here and our proposals. Informal request has already been made for them from Pakistan side with their willingness to send their version in exchange. 

It would also be helpful for us to have them if any conversation takes place at Pakistan’s wish. 

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3419.  

SECRET

TELEGRAM

From : Hicomind Karachi  
To : Foreign New Delhi  

IMMEDIATE

No.261. May 25, 1952

For R.K.Nehru from Mehta

Passports. On ZAFARULLA’s call I met him this morning. He said that the difference between two sides on important grounds had narrowed down considerably namely category of cultivators in border areas and the middle class people in our group two. The needs of the two were surely NOT the same he said.

Speaking informally he asked if we would be satisfied if the minimum number of journeys for that class was raised from four to eight or ten each up to one month’s duration. Please telegraph your views immediately after consulting by telephone West Bengal*. The Minister for Foreign Affairs’ suggestion liberalizes position and makes bilateral cooperative working of the scheme possible.

Kindly also say if we would be ready to start the system by 15th August or 1st September.

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* When consulted West Bengal replied as under:

We will accept for category A, group II, sub-group (1), classes (i) and (ii) visa for one year and normally for ten visits and maximum of three months stay during each visit and passage through check posts. Discretion should NOT be given to make number smaller than ten as the number of journeys normally to be given for a visa of above two classes under guise of any agreement to regard ten visits as "maximum". Ten should be the number to be normally given.

For category A, group II, sub-group (1), classes (iii), (iv) and (v) multi journey visa would be required. These three classes may have visa valid for one year.

For category A, group I, classes (i) and (ii) visa may be valid for three and not repeat not five years.

Earliest date for introduction of passports may be 15th August but 1st September would be more convenient.
SECRET

TELEGRAM

From: Foreign New Delhi
To: Hicomind Karachi

IMMEDIATE

No. 30407. May 27, 1952

For Mehta from R.K. Nehru.

Your telegram 261 of 25th May. Passports. We have considered Pakistan’s proposal. Our conclusions are as follows:

(1) We agree that classes (i), (ii) and (v) of our Group II should have one-year visas valid for NOT less than ten visits. Number may be increased in special cases at discretion of visa issuing authority. Maximum stay during any one visit to be fixed at three months, as against one month proposed by Pakistan.

(2) For classes (iii) and (iv) of our Group II, visas for one year without restriction on number of visits are considered essential.

(3) We agree to facilities asked for by Pakistan for border agriculturists, artisans and labourers: provided that the same facilities are extended to agriculturists of Khari and Jaintia Hills and Garo Hills in Assam whose main crops are fruit and vegetables, particularly orange and potatoes. The main markets for these crops lie across the border in adjoining plain districts of East Pakistan. Visas to those people could be limited to nearest suitable market centers across the border.

(4) For border zone people, we consider that three-year visa should suffice. However, if agreement is reached on other points, we shall agree a five-year visa.

(5) We would prefer introduction of new system on 1st September.

(6) Our understanding is that visa system will be administered liberally on a reciprocal basis. This means that on both sides adequate arrangements will be made for quick disposal of visa applications, that convenience of public will be considered in setting up visa offices, etc. and that NO one entitled to a visa or renewal of a visa will be denied such facilities.

2. Subject to agreement on above, please ascertain whether Pakistan confirms rest of the record of conclusions drawn up by us. Copy has been sent to you. Also please ascertain Pakistan’s views on points left over for further consideration: see paragraphs A5, A7 and D2 of record.

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3421. Letter from Pakistan Foreign Minister Mohammad Zafrullah Khan to High Commissioner for India in Pakistan Mohan Sinha Mehta.
Minister for Foreign Affairs & Commonwealth Relations
Karachi
May 28, 1952

Dear Dr. Mehta,

Many thanks for your letter of 28th May, 1952*. I have given very careful consideration to the points that you mentioned to me during our conversation on 25th May. I am ready to consider some increase in the minimum number of journeys that a holder of category B visa may be permitted to make with a corresponding adjustment in respect of the period of stay during each visit. I am also prepared to give directions that in case of genuine need further journeys may be permitted and that this provision should be liberally construed and implemented. The working of these provisions may be reviewed at the end of a year and if any case of hardship is brought to notice suitable adjustments should be made to meet such cases.

I may point out that all these provisions should be applicable not only between India and East Pakistan but also between India and West Pakistan.

I trust that this might enable an agreement to be reached on the points left outstanding during the recent discussions between the two delegations.

I shall be very glad to discuss the matter with you for the purpose of arriving at concrete conclusions on the above points whenever it may be convenient to you.

With kind regards,

Yours sincerely,

Sd/- Zafrulla Khan.

His Excellency
Dr. Mohan Sinha Mehta,
High Commissioner for India
In Pakistan, Karachi

* In his letter of 28th May to Mr. Zafrullah Khan Mr. Mehta has referred to his meeting with him on 25th May and expressed the hope that the differences between the two which had narrowed down considerably would be sorted out with his intervention.

In his telegram of 29th May to Commonwealth Secretary R. K., Nehru the High Commissioner conveyed Pakistan's willingness to "increase minimum number of journeys for category B visas with corresponding adjustment in period of stay during each visit but adds that those provisions should apply NOT merely to India and East Pakistan but also to West Pakistan". He recommended accepting the new offer. He also added that Pakistan was not "likely to concede unlimited journeys visas to group II (III) and (IV) transport workers and business men".
3422.  

SECRET  

Letter from High Commissioner Mohan Sinha Mehta to Commonwealth Secretary R. K. Nehru.  


High Commissioner for India  
Jahangir Sethna Road, New Town,  
Karachi- 5  

No. HC/52/11 30th May, 1952  

My dear R.K.,  

I enclose herewith copies of the letters* exchanged between Zafrulla and myself. They will explain things to you.  

My telegram of last night have reached you this morning and I shall expect your reply some time this afternoon.  

As you may have noticed, Zaffarulla has now introduced a fresh complication by suggesting to apply the provision for a large number of journeys to the holders of visas in our Group II to West Pakistan also. As I indicated in my letter of this morning to him, I shall resist this. But, if, in exchange for providing larger number of journeys to some people of West Bengal, as suggested by me, he insists on this clause, the scope of disagreement will grow and an agreed solution would be again out of reach. I shall wait for your reply. Now, unfortunately, the tables have turned against us. We had been pleading for a more liberal policy in the matter of visas. That has been our basic stand. It is now for the Prime Minister to consider this situation. While there is a certain amount of risk involved, I do not consider it serious enough to jeopardize the chances of an agreement on the scheme as a whole. After all, if the plan of Passports is brought into force without an agreement, we gain nothing. The Pakistan Government have their way all along and there will be an atmosphere of friction, even bitterness. We have therefore to look at the whole thing from a broader angle and in a far sighted spirit.  

In conclusion I may repeat that I shall do my best to get suitable terms, but it may not be quite easy. During the last four or five days, we have had editorial articles in almost all the English Papers strongly supporting the

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* See Document Nos.3415 & 3421
Pakistan Government’s Passport scheme and condemning us for resisting it. We are being accused for being selfish, one sided and obstructionists.

Yours sincerely,
Sd/-M Mehta

Shri R. K. Nehru
Commonwealth Secretary
Ministry of External Affairs,
New Delhi.

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3423. TOP SECRET

TELEGRAM

From : Foreign New Delhi
To : Hicomind Karachi

MOST IMMEDIATE

No. 3054 May 30, 1952

For Mehta from R.K. Nehru

Passports. Your telegram 265 dated 29\textsuperscript{th} May is NOT clear and requires further elucidation. We are perfectly prepared to liberalise provisions to facilities traffic between India and West Pakistan but it is obvious that these conditions differ from those prevailing in East Zone and it is on basis of special conditions prevailing in East Zone that we have thus far considered this question and come to certain provisional agreements. Thus category ‘A’ in East Zone has NO application whatever to West. Category ‘B’ also can only apply in part. We CANNOT therefore in any event say that identical provisions should apply to East Zone and the West. That would have little meaning and would only produce confusion.

We are perfectly prepared however to extend facilities of traffic between Western Pakistan and India to largest possible extent. We would suggest for this traffic that passports should be issued NOT only for single journeys but for multiple journeys during stated period and that this provision should be liberally construed to facilities traffic. This would apply to all classes of persons without distinction.
If we introduce special classes and groups as between Western Pakistan and India, this would produce numerous complications and would in effect hinder traffic. You can therefore make this proposal to Pakistan Government in regard to Western traffic.

We would like to have the same formula for category ‘C’ in Eastern Zone.

As regards transport workers, that is workers in railway trains, ships, airways, etc., they have to travel constantly between two countries and obviously special provision must be made for them as in carrying out their normal work whether in East or West. This was agreed to about West. It applies at least as much to East. This is NOT a normal case of visas being issued but special permits enabling them to function.

In regard to category ‘A’ border traffic, we would like to include petty traders living on the border such as milkmen, vegetable and fruit sellers, etc., doing petty business on either side of the border. They stand in the same position as agriculturists and the like on the border.

We presume that provisional agreements arrived at in regard to Eastern Zone stand and for category ‘B’ multiple journeys up to ten journeys a year with possible stay of three months is accepted.

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3424.  
SECRET

TELEGRAM

From : Hicomind Karachi
To : Foreign New Delhi

IMMEDIATE

No. 270. May 30, 1952

R.K.Nehru from Mehta.

Met Minister for Foreign Affairs. Have secured agreement for multiple journey visas for our group II(III) and (IV) transport workers and businessmen.

For group II(I), (II) and (V) (property owners, relations and pensioners) Pakistan prepared to concede visas for minimum of eight journeys of two months duration
and valid one year. Even this was obtained with difficulty. I pressed for liberalization to ten visas with three months duration but they were unable to go further. I got them to agree to issue directives for grant of visas for large number of visits in cases of genuine needs. Hope to get this publicly announced too.

Secondly these liberal concessions would apply to similar classes of people in West Pakistan also. For other categories C visa remains.

On other points general agreement reached.

Have obtained Pakistan’s full assurance to working visa system according to your desire expressed in sub-para (6) of your telegram No.30407 of 27th May. This will also form part of the joint announcement. Hope these arrangements will be approved.

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3425.  
SECRET

TELEGRAM

From :   Foreign New Delhi

To :     Hicomind Karachi

IMEDITATE

No.30414.       June 2, 1952

For Mehta from R.K. Nehru

Reference my telegram 3079 of 1st June. Passports. It seems that you had NOT receive my telegram 3054 of 30th May when you met ZAFRULLA on 31st. we have considered your telegram 273 of 31st May. Our conclusions are as follows:-

(1) Under new proposal, property owners, persons with relatives and pensioners in East Zone will have eight journey visas of two months duration each for travel confined to East Zone. All others in East Zone, except border people, will have four journey visas, but in their case duration of each visit will be three months. We are NOT making an issue of this, but we feel that three months concession should apply to property owners, persons with relatives and pensioners also.
Pakistan’s proposal is that “similar classes of people in West Pakistan” should be entitled to the same concession, viz., eight journey visas of two months duration each, presumably for visits to any part of India. As we have pointed out, this attempt to equate concessions in East and West has NO particular meaning. We adhere to our proposal that, apart from special facilities for East Zone traffic, other traffic between the two countries should also have liberal travel facilities. Single or multiple journey visas for stated period should be issued and instructions should be given to visa issuing authorities to construe these provisions liberally. There must of course be complete reciprocity in this matter, which means that the same concessions should be available to our category ‘C’ in Eastern Zone and to any one in India outside the Eastern Zone who wishes to go to any part of Pakistan.

Petty traders, milk sellers and vegetable and fruit sellers in Eastern border zone should be included in border categories. It is NOT clear whether Pakistan has accepted this.

New system should come into force on 1st September and, subject to modifications suggested above, Pakistan’s views should be ascertained on points mentioned in paragraph 2 of my telegram 30407 of 27th May.

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Replying to the above telegram on June 3, the High Commissioner Mehta said that “the substance of our demand has been conceded and Pakistan NOT prepared to go further. I strongly feel that we should now accept the agreement tentatively reached with Minister for Foreign Affairs on Saturday last as a whole. The alternative is breakdown with both Governments going their own way and undertaking arrangements with distrust and friction.” He desired that his suggestion may be placed before the Prime Minister.
To Mehta from Prime Minister.

I have seen your letter dated 2nd June and tabular statement. This statement is in places not clear as to what proposal has been accepted. Nor is it clear whether you put forward to Pakistan some of the proposals we communicated to you and which we considered important. We are going to consider your statement carefully and will let you know our reactions to it. Meanwhile we cannot agree to any final decisions being reached or any joint statement being drafted.

2. So far as category ‘C’ is concerned and more specially traffic between Western Pakistan and India, I am quite clear that proposal made by us is both more liberal and better.

3. Your tabular statement rather mixed up Western Pakistan and Eastern Pakistan though conditions differ between these two.

4. We are anxious to decide this question as early as possible and in a friendly way, but the matter involves large number of people on both sides and we have to be very careful about every detail. From past experience we had found repeatedly that agreements arrived at with Pakistan give rise to various interpretations and interminable argument. We must therefore avoid this by having a precise and clear agreement. If this cannot be reached now, it will have to be postponed and Pakistan representatives can come here to discuss it with us. In any event, we cannot sign any document till we have agreed to every single part of it.
3427.

SECRET

Letter from High Commissioner for India in Pakistan
Mohan Sinha Mehta to Commonwealth Secretary R. K.
Nehru.

Karachi, June 4, 1952.

High Commission of India
Jhangir Sethna Road
New Town, Karachi

No. HC/52/11 4th June 1952

Subject: Passports.

My dear R.K.,

At the end of our talks on Saturday last, 31st May, Zafrulla mentioned one point which they would like to be accepted. It is this: Any person who takes out a Passport for a visit to the other country should not for that action be liable to be declared an intending evacuee under the Evacuee Property Law.

This proposal has two clear aspects:

(a) It is apparently a very innocuous suggestion and so it would be obviously unreasonable for either side to reject it.

(b) At the same time this provision should be more for the benefit of the Muslims in India and of no use to non-Muslims in West Pakistan. Of course in East Bengal it can be a very great safeguard for the Hindus on whom the East Bengal Government have been rather hard.

My own feeling is that we cannot turn down this proposal as it stands. We should accept it in a slightly modified form, namely, that by mere fact that a person takes out a Passport for a temporary visit to the other country for a temporary visit to the other country for a period to be specified and for the purpose to be stated in the visa, he will not for that action alone be deemed to be an intending evacuee under the Law. This will imply that if in addition to taking out a Passport, there is some evidence or activity to show that the intention is to use that temporary visit as a preliminary step towards permanent migration later on, the provision relating to intending evacuees would be brought into action. This could cover his activities in the other country, such as acquiring property, frequent visits for which there is no apparent justification etc. etc.
This is my view. I hope you agree. Please let me have your reply by telegram, if possible.

Yours sincerely

Sd/- M Mehta

Shri R. K. Nehru,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

3428.

Letter from High Commissioner for India in Pakistan
Mohan Sinha Mehta to Prime Minister Jawaharlal Nehru.

Karachi, June 5, 1952.

High Commissioner for India
Karachi

D.O. No. HC/52/11 June 5, 1952

My dear Panditji,

Your telegram No. 30415 of yesterday reached me this morning about two hours ago.

The points contained in paragraph 1 of your telegram would become clear if my letter of even Number dated the 2nd June is read along with the tabular statement which was enclosed with it. Then you will find that no proposals communicated to me from Delhi were omitted. If I am wrong, I would like to know specifically which are such proposals as have been omitted in the statement.

In order that the whole position is clear beyond any doubt or ambiguity, I am now sending herewith enclosed the draft of a Press Note (Not reproduced here) which embodies all the important points which were considered at the Conference and later between Zafrulla and myself. It is only at the draft stage and so far we have not shown it to Pakistan Government. If we receive a reminder from them, I shall send the Deputy High Commissioner to discuss it with them. I do not wish to be open to the charge of unduly delaying the matter. Discussions between the Deputy
High Commissioner and the Joint Secretary in the Ministry of Foreign Affairs & Commonwealth Relations would not be final. It is possible that Pakistan might suggest modification in the language of our draft. In any case, they will have to take the approval of their Government before finally accepting it.

May I now repeat that not only the points urged by Ratan Nehru in his letters and telegrams have been included in this draft, but it also shows points of agreements which have been tentatively reached here between us.

You will find that the provision with regard to Category ‘C’ is embodied in paragraph 10. I may add further that with regard to this category, there was no dispute between the two sides even at the Conference. It is quite true that we must be very careful in the language in which the various points of agreement are described in order that we might avoid the possibility of misinterpretations or misunderstandings later. I have borne this point in mind.

Now it will be convenient for you to send me your views and final instructions, whether of language or of substance, by referring to the enclosed paper in which paragraphs and sub-paragraphs are clearly divided and numbered. I think this will save time and avoid unnecessary correspondence. In the absence of some such paper (until I had sent my tabular statement), there was considerable vagueness and even confusion in the letters and telegrams exchanged between the Ministry and myself.

On another point, which is apparently innocuous, the Pakistan Government have made a suggestion for our consideration and acceptance, namely, that a person in either country who takes out a passport for a temporary visit to the other country should not be, for that reason, declared an intending evacuee. I wrote a letter to R.K. yesterday on this subject which might have been submitted to you by now.

As I have already indicated in my letters and telegrams, the Foreign Minister of Pakistan has gone much further than his advisers wanted. I have come to know through a reliable source that he had to put down this opposition with tact and great firmness. From our side, the only points of difference which now remain are:

(a) A provision for a minimum of eight journeys with each stay allowed up to two months as has been conceded by them after considerable pressure, as against the minimum of ten journeys for the same class of people acceptable to us. I feel that the difference has been reduced almost to nothing and there is no justification for continuing the controversy any longer.

(b) The Government of Pakistan insist on applying the provisions we have secured for our Group II detailed in Paragraphs 6, 7 and 9 in the enclosed draft to West Pakistan also.
I know that we did not ask for it and I did my best to avoid acceptance of this proposal. But quite frankly, their proposal is more in keeping with your policy and the stand we took at the Conference, namely, a more liberal arrangement for the traveling public to go across to the other country for the satisfaction of their personal and domestic needs. With what consistency or justification can we now turn round and reject this proposal? I had made both these points clear in my communication to R.K. you might have seen them already.

Finally may I invite your attention to the concluding paragraph No.24 of the draft Note. We have been stressing these points. It is important to secure an official commitment of the Pakistan Government to the principle of reciprocity and the adoption of a liberal spirit in administering the visa system.

Yours sincerely

(Mohan Sinha Mehta)

Shri Pandit Jawaharlal Nehru,
Prime Minister of India,
New Delhi.

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3429. SECRET

TELEGRAM

From : Foreign New Delhi
To : Hicomind Karachi

MOST IMMEDIATE

No.30417. June 5, 1952

Mehta from R.K. Nehru.

Foreign Affairs Committee of Cabinet, which has been continually kept in touch with passport problem, met today and considered your letter of 2nd June. They agreed with telegram sent by Prime Minister to you yesterday.

2. We would like you to refer to recent telegrams sent by us and to our proposals made therein. We want to know precisely if these have been put to Pakistan Government and which of them have been accepted.

3. In regard to Eastern Zone, Group II (i), (ii) and (v), we are prepared to agree to visas for eight journeys, each visit up to two months. We should like to know clearly whether potty traders, milk sellers, fruit and vegetable sellers have been specifically included in border traffic.
4. Regarding traffic between India and Pakistan outside Eastern Zone, we see NO reason why property owners, etc., should have special facilities such as are given to certain groups in Eastern Zone. We have divided Eastern Zone into groups because of special conditions existing there. To apply these to rest of India and Pakistan is NOT desirable. We still think that we should have a simple clause dealing with this such as single or multiple journey visas which should be liberally granted to all classes of people.

5. Every part of the agreement must be on a reciprocal basis.

6. All agreed points in record of Karachi talks, copy of which has been sent to you, should be confirmed.

7. Before any settlement is finalized, the draft agreement or communiqué should be sent to us.

After receipt of the above telegram, the High Commissioner wrote another letter dated June 6, to Prime Minister which read:

My dear Panditji,

My d.o. letter No. HC/52/11 was dictated yesterday. Unfortunately it could not be dispatched yesterday. On account of bad weather conditions, there has been some irregularities in the coming in and departure of the I.N.A. planes which carry our diplomatic bags to Delhi.

This morning I received another telegram on this subject from Ratan Nehru. I enclose herewith a copy of my letter to him. This letter may kindly be read along with my letter of yesterday which I now see could not be dispatched yesterday.

I am glad that I anticipated the wishes of my friend Ratan Nehru in sending the major points in the form of a draft Note which, if complete agreement is reached, should be issued by the two Governments simultaneously.

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Letter from the High Commissioner to Commonwealth Secretary dated 6th June referred to in the letter to Prime Minister above:

My dear R.K.,

I have just now received your Secret telegram No.30417 date the 5th June. I shall deal with this message of yours paragraph wise:

Para 1. I have no comment except that it is satisfactory to know that my letter of the 2nd June was read to and considered by the Cabinet Committee.
Para 2. You refer to your recent telegrams and wish to know precisely whether your proposals have been put to Pakistan Government and which of them have been accepted. In the first place, your telegrams have been rather vague. So far as I can see, all the proposals received from you have been put before the Pakistan Government. Secondly, this will be quite clear to you by reading the Draft Press Note which was sent with my letter of yesterday to the Prime Minister. In order to make my position clear, I am sending herewith enclosed a statement containing references to your telegrams and the action taken by me along with references to the report sent to you about that action. This should finally dispose of your anxiety on this score.

Para 3. I am glad to know that you agree to visas for eight journeys, each visit for a duration of two months for Group II (i), (ii) and (v) for which we were very keen. May I add that, (1) this number of eight journeys is the minimum, and (2) I have secured Zafrulla's agreement to an undertaking by means of a public announcement that visas for larger number of journeys would be granted to all persons with genuine needs for them.

N.B. This was also included in my tabular statement and the Draft Note which was sent yesterday to the Prime Minister.

I am really surprised that you are still wanting to know whether petty traders, milk sellers, fruit and vegetable vendors have been specially included in the border traffic. Since you, the Prime Minister and the Cabinet Committee have, I have been assured, read my letter of 2nd June, I have only to refer you to the paragraph beginning at the bottom on the 2nd page with the words “with regard to para of your telegram” and ending with the words “the benefit of the liberal arrangement” on page 3 of my letter. This should have been read with the tabular statement, item (1), Colum 3 in which the very words contained in your telegram were reproduced. It refers to this class of people, milk sellers, petty traders, vegetable vendors etc. I have clearly stated in that paragraph of my letter of 2nd June that “the assumption was accepted”. I do not know how I could have made this point clearer. However, you will notice that this is also included in the draft of the Press Note sent along with my letter of yesterday to the Prime Minister. May I now repeat that I succeeded in getting our proposals with regard to milk sellers, vegetable vendors etc. accepted by the Foreign Minister of Pakistan.

Para 4. This is the crux of the whole problem now. When I wrote my letter to the Prime Minister yesterday, there were two major hurdles. Since receiving your telegram this morning, one is definitely out of the way (paragraph 3 of your telegram of yesterday with regard to Group II (i), (ii)
and (v). Regarding the traffic between India and Pakistan, I know that we do not favour the special facilities to be extended to the Western Zone. I have already told you that the Pakistan Government are very keen on it and insist on its acceptance. I tried hard to avoid it, but without success. In any case, may I know what reasons can we advance in support of this position. Do we by taking up this attitude conform to our earlier plan to provide liberal facilities for people who wish to travel between the two countries? In any case, what is the reason which can be put across the table for not accepting the suggestion of the Pakistan Government? Besides, are there very serious risks which would oblige us to throw away the chances of an agreed arrangement for introducing the new system of Passports and visas for this particular point, now that the two sides have come so near to each other and during the two talks that I had with Zafrulla he has come forward appreciable distance to meet our point of view? It is now for the Prime Minister to decide. There is little hope of Pakistan withdrawing or modifying their stand on this issue.

Para 5. I have all along insisted on this principle and have got the Government of Pakistan to agree to the principle of complete reciprocity in the arrangements that would be put into effect with regard to Passports etc. I think this point also would become quite clear from the tabular statement sent to you at the end of the last week.

Para 6. This has been done. Again please see the draft of the Press Note accompanying my letter of yesterday addressed to the Prime Minister. In fact, this was exactly the purpose for which I had drawn up that tabular statement. In that I had not included only such of the points mentioned in Puri’s summary which had already been agreed upon. However, the latest draft Press Note is complete even from this point of view.

Para 7. This is exactly what I have already done. Please see my letter to the Prime Minister with which is enclosed the draft of the Press Note.

2. I hope this makes every point clear. If any other important matter has escaped my attention, kindly let me know.

Yours sincerely,

(Mohan Sinha Mehta)

Shri R. K. Nehru,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.
Letter from Prime Minister Jawaharlal Nehru to High Commissioner for India Mohan Sinha Mehta.

New Delhi, June 8, 1952.

My dear Mohan Sinhaji,

I have your two letter of June 6th.

2. This matter of passports between India and Pakistan has been considered so important by us that at every step we have consulted that Committee of the Cabinet dealing with Foreign Affairs and have also kept in constant touch with Dr. B.C. Roy. Almost every message that has been sent to you from here has been sent after consultation with me or has been drafted by me.

3. This morning I sent you a reply to your telegram about Zafrulla's new proposal. This relates to some reference in our proposed passports agreement to passport holder not being penalized as “intending evacuee”. This is totally unnecessary, as it is obvious that this will not be so, unless there are some other grounds. The mere holding of a passport itself is acknowledgement of the nationality of that person and is a promise of protection. If he is guilty of something else, which brings in the mischief of the evacuee property laws, then it is for that reason that we may take some steps. Apart from this, as we have repeatedly pointed out, there are no evacuee property laws as between Eastern Pakistan and West Bengal, Assam, Tripura, etc. No question of “intending evacuees” can arise there.

4. As a matter of fact, we have decided to do away with “intending evacuees” even elsewhere and have drafted legislation to that end. We want to make the working of that law much simpler and to prevent hardship. I dislike these evacuee property laws intensely and I wish that we could settle this question with Pakistan and resume normal life. But Pakistan has put enormous difficulties in our way, simply because they fear that any solution might bring out the fact that they have got far more property in their possession than we have. If you look back to our previous suggestions to and correspondence with Pakistan on this subject, you will find that we have made numerous efforts. Finally we suggested the reference of the entire problem to a joint tribunal of the highest standing. If that joint tribunal disagreed, then we were prepared to refer matters of disagreement to a third party or to an international court. Pakistan however would not agree.

5. Anyhow we propose to take some action unilaterally to lessen the difficulties caused by the evacuee property law. I doubt if the present session of Parliament can deal with this matter, as it will not have time for that. But we shall certainly bring it up during the next session.
6. Zafrulla’s proposal, therefore, has no bearing on the passport issue. But there is some hidden mischief in it, because if once we agree to it, all kinds of new complications might arise in regard to property which is being controlled by custodians now. We are therefore entirely opposed to bringing in this matter in the passports agreement.

7. It is to avoid this property question from coming into our passports agreement that we have insisted on dealing with the eastern zone separately from the rest of India. There is that basic difference between the two and our trying to slur over it will create great difficulties and friction. We must acknowledge facts as they are.

8. The draft statement that you have sent will be carefully considered here. My first impression is that it could be shortened and made a little more concise. But we shall write to you more about this later. For the present, I shall refer to certain points that struck me on a first reading. This draft statement should not be shown to the Pakistan people till we have ourselves decided about it.

9. One fact that is obvious but still requires stating is that the normal international passports will of course be valid for travel between India and Pakistan. The passports we are talking about now are something in addition to these international passports and will be in a much simpler form. It is obvious that if complicated passports are to be issued in accordance with the proposed arrangement, then it will be difficult for many people to get them. We cannot expect ordinary folk to go about applying for and getting international passports or any other complicated form of passports. Presumably therefore, these will be issued. Some reference to these passports as simple and different from the international passports is therefore desirable.

10. In paragraph 5 or your draft, you refer to border unions. I thought that we had agreed previously that border unions, as such, should not be mentioned because they are not clearly defined. We should describe the area more precisely by mentioning villages etc.

11. In paragraph 11 of the draft, certain places in India and the eastern zone are mentioned where the Pakistan Government will establish their visa offices. These are Agartala, Goalpara and Jalpaiguri in West Bengal and at Dawki in Assam. There is no mention of where we will have our visa offices on the Pakistan side. This one-sided mention should not be made. Indeed we have not agreed to the places where visa offices should be situated. This matter will have to be taken up separately and discussed. The agreement need not be held up because of this. We do not propose to allow Pakistan to have a number of visa offices in our territory, if they deny us equal privileges in their territory.
12. We are agreeable to the Pakistan Government reestablishing their visa offices at Bombay. It is not necessary to mention this in the agreement, as it does not fit in with the text and we are not mentioning other places. But on this particular point, we can exchange letters, if necessary.

13. The main point, which has not yet been settled is referred to in paragraph 9 and 10 of your draft. I do not understand your difficulty in this matter. To us it is perfectly clear. Nor do I understand why you continue to say that we are illiberal and restrictive. The correct statement is that while we are somewhat restrictive in regard to particular groups for the rest of India and Western Pakistan, we are such more liberal in regard to all others, both in Western Pakistan and in Eastern Pakistan as well as the whole of India.

14. Paragraph 9, as drafted, applies to all residents of India and Pakistan, both in the East and West. We have been and are agreeable to this applying, as drafted, to the eastern zone, namely Eastern Pakistan, West Bengal, Assam and Tripura. If this is applied to the rest of India also, then the difficulties I have mentioned above about property owners and the evacuee property law come in. Apart from this, this treatment of the eastern zone on the same basis as the rest of India and Western Pakistan is unrealistic and ignores facts.

15. Paragraph 10 applies to all others, whether in the Eastern Zone or Western Pakistan and the rest of India. This is restrictive for all these people because it says that the visa will be only for a single journey. We say that the visa may be for a single or multiple journey for all these people. Obviously this is a much more liberal provision. Apart from this, it saves people from the trouble of trying to prove that they are in a particular group.

16. The provision of pensioners for the eastern zone has some meaning; it has practically no meaning elsewhere. The provision of relatives in the eastern zone applies to both Hindus and Muslims in East Bengal and West Bengal respectively. To mention relatives in the rest of India and Western Pakistan, in effect, means relatives of Muslims in India, as there are practically no Hindus left in Western Pakistan. We do not object to a liberal issue of passports to these relatives of Muslims of Western Pakistan. We provide for it by our suggesting that there should be single or multiple journey passports. But to lay this down specially for Western Pakistan would be largely a unilateral provision and may create difficulties for us on grounds of security and other. But our real difficulty is to introduce property owners, apart from Eastern Pakistan, as this may well bring us in some conflict with the evacuee property law.

17. Our proposal gets over all these difficulties and is much more liberal, so far as all persons are concerned. It is true that it is somewhat restrictive about a particular class in Western Pakistan or India (apart from the eastern zone).
But that slight restriction is much more counterbalanced by the wider provision we have made for everybody.

18. We attach importance to this matter and I see no reason why we should give in on it, because Zafrulla Khan insists on our doing so. I am perfectly prepared to consider the whole evacuee property question independently and to introduce liberal provisions reciprocally on both sides. But to say anything here, which indirectly affects that issue and possibly produces a confusion, is wrong.

19. These are my initial reactions to your draft statement. As soon as this statement has been examined with greater care, our further views will be communicated to you.

Yours sincerely
Sd/- J. Nehru.

Shri Mohan Sinha Mehta.
High Commissioner
Karachi

Teddy

3431. SECRET

TELEGRAM

From: Foreign New Delhi
To: Hicomind Karachi

IMMEDIATE

No.30420. June 8, 1952

For Mehta from R.K. Nehru.

Your letter of 4th June. Passports.

ZAFARULLA’s new suggestion about passport holder NOT being liable to be declared “Intending evacuee” under Evacuee Property Law.

This has NO application whatsoever to Eastern Zone where there is NO Evacuee Property Law and NO “intending evacuees.” As a matter of fact even in other parts of India we intend amending Evacuee Property Law and doing away with
“intending evacuees”. This legislation may take some months. We have already issued instructions to avoid such declarations as far as possible.

It is clear that a passport holder would be recognized as Indian or Pakistani national and consequently taking a passport for visit to another country could NOT by itself be any offence under Evacuee Property Law. Therefore ZAFARULLA’s proposal has NO meaning as it stands. But it may have some implications and in any event we are strongly opposed to any such proposal being included in Passport Agreement. That might immediately raise all kinds of complicated problems connected with Evacuee Property Law. In fact this proposal makes us suspect his other proposal of including property holders in Western Pakistan for special privileges.

Please therefore do NOT give any countenance to this new proposal.

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3432.  
SECRET  
Letter from High Commissioner for India in Pakistan Mohan Sinha Mehta to Commonwealth Secretary R. K. Nehru.  
Karachi, June 9, 1952.  
High Commissioner for India  
Jahangir Sethna Road,  
New Town, Karachi-5  

No.HC/52/11  
9th June 1952  

Subject: Passports.  
My dear R.K.  
I have just now received both the telegrams, one from the Prime Minister, NO.21230, and the other from you, No.30420.  
2. I shall wait for the “full reactions” from your end to the Draft Note sent by me. In the meantime, may I request you and the Prime Minister to consider the following:  
1) With regard to Zaffrulla’s suggestion that Passport holders as such should not be liable to be declared as intending evacuees, the whole trend of your telegram shows that in view of the action contemplated by us, Zaffrulla’s suggestion becomes superfluous. But you conclude by asking
me not to “give any countenance to this new proposal”. Now this requires elucidation. I can tell Zafrulla that while the Government of India would have the same views on this point as the Pakistan Government, they do not think it necessary to be included in the Draft of the Passport Regulations. This I was going tell him in any case. But do you mean further that you do not like the proposal and will resist even an understanding that the substance of it is unexceptionable. If this latter is your meaning, I am afraid the position becomes extremely difficult and one can only put such a suggestion with some strong reason to support it. That is why I had suggested a little verbal alteration in my letter in order to leave us to act in a spirit of reciprocity and also to safeguard our position when it became essential. It should be realized at your end that when you sit down to discuss a matter you have to find reasons, at least ostensible grounds, for resisting or rejecting a proposal.

It is obvious that this proposal has no reference to the Eastern Zone where Evacuee Law does not operate. Will you therefore consider this position and let me have your views on this point.

(2) With regard to paragraph 9, I am glad to know that the Prime Minister finds it liberal and acceptable. This removes a major hurdle out of the way.

(3) It is difficult for me to understand why we think that the proposals contained in paragraph 10 are more restrictive. When we had the Conference, Puri gave me to understand that so far as Category C (which is now represented in paragraph 10 of my Draft) of the original proposals of Pakistan was concerned, there was no objection. This was never a matter of controversy between the representatives of the two countries at the Conference. It was agreed that for the people other than those falling in Category A of the Pakistan proposals and of Group II of our proposals, the draft proposals which were placed as the basis of discussion before the Conference were acceptable to us. My paragraph 10 is not in any way different from those original proposals. If we have to raise this new controversy, we should (a) have reasons to support it, and (b) say in what definite respect we would like it to be modified.

In support of my impression and my memory with regard to this Category, I would draw your attention to paragraph 5 on page 3 of the Minutes of the Meeting held in the Ministry of External Affairs on the 2nd May 1952, a copy of which was sent to me with Puri’s endorsement of the letter from you to the Chief Secretaries of all Parts A and B States and the Chief Commissioner of Part C States, dated the 6th May 1952.

It will be noticed further that Category C is not mentioned as a point of difference in the record of conclusions of the Conference at Karachi last month drawn up by Puri and sent to me by you. May I further draw your attention to Paragraph 5
(1) on page 2 of the Top Secret Report on Passport Conference. This really corresponds to my paragraph 10 of the Draft Press Note sent to the Prime Minister with my letter of the 5th June. That sub-paragraph almost reproduces the provision in the form in which it is stated in the Draft Press Note. It concludes with these words “we have no particular objection to this.”

Moreover, in the Brief which you sent me with Puri for the Karachi Conference, I do not find anything which would indicate as though the provision stated in paragraph 10 of my Draft Note contains less liberal provisions than we had asked for or expected.

I therefore do not understand why the contents of paragraph 10 should cause any difficulty to us. It is possible that I have failed to grasp some aspect or implications of this particular point which are in your mind or that of the Prime Minister. I shall be glad and grateful if they are clearly explained to me, so that I can act accordingly. In any case, I feel that, taken the Agreement as a whole, we have secured from Pakistan much more than they were originally prepared to concede, also the substance of our demand and requirements has been adequately met. However, I shall be glad to be corrected.

(4) The one point which still remains unacceptable to the Prime Minister is the extension of the provisions of paragraph 9 to the Western Zone also. As I have already explained to you and the Prime Minister, I did my best to resist this demand of the Pakistan side, but they insisted that it should be conceded by us. They would not like to be exposed to criticism in their own country that so far as the needs of relations, property owners, pensioners etc. were concerned, the needs of the different zones were treated in a different way. They have no hope of getting our point of view accepted by their Cabinet. After having done our best to get that provision restricted to Eastern Zone only and failed, it is now for us to decide whether we would let the chances of an overall agreement be thrown away on account of differences on this particular point. The fact that the Pakistan Government have come round to accept our view on several important points which they resisted in the Conference will be clear to you on a perusal of the Draft Note sent by me with my letter of the 5th of June and the proceedings of the conference held at Karachi last month.

Yours sincerely

(Mohan Sinha Mehta)

Shri R. K. Nehru
Commonwealth Secretary
Ministry of External Affairs
New Delhi.
My dear Panditji,

I am grateful for your letter of 8th June which arrived here by the Bag yesterday afternoon which explains your views on some of the points which remain unresolved on the subject of Passports. I eagerly await your further communication promised in your letter. In the meantime, I may briefly mention my own immediate reactions to your letter of yesterday. I shall deal with each subject separately.

2. It is clear to me that we should not introduce in the Passport Regulations references to their effect on the Evacuee Law. But, do we wish to resist Pakistan’s proposal itself on the merits? I hope that is not your intention. If we can tell the Pakistan Government that our own views with regard to the Evacuee Laws are and have been very liberal and that obviously a Passport holder as such would not, by that mere fact, be prejudiced with regard to his property rights, then we would add that this question should not be mixed with discussions on Passport Rules. I hope this is clear. If, we simply oppose their proposals, the suspicion would deepen and agreement may not be possible.

3. I realize that the Draft of the note has become somewhat lengthy. But this could not be avoided if all the important points had to be included. Personally, even with the risk of the statement becoming lengthy, it is desirable to make all the points of discussion clear beyond the possibility of doubt or ambiguity. If you, however, like it to be reduced, the long paragraph on transit visas could be omitted or abridged. It is not so controversial as the others. May I add that after receiving your last letter and one from Puri, I had to make one or two additions in the Draft. I guess you will approve them. For example, I have added the following short sub-paragraph (b) under paragraph 10: (The present (b) will become (c)).

“In case of genuine needs multiple journey visas will also be liberally issued to this category of persons”.

This point is emphasized by you. If this goes through it should be satisfactory.

4. May we also add what you say in paragraph 9 of your letter about normal international passports? But it will require some explanation which might make
it somewhat complicated. Moreover, I hope that even the simple form of passports which we give to our people would not be on a sheet of paper, but a little booklet with hard cardboard covers. The former will be damaged by constant handling. In any case, with the proposed visa system, the difference between the simple passport you have in mind and the ordinary international passport will be very little indeed.

5. Paragraph 10 of year letter: To describe the area by listing the villages would not be feasible. Their number will be in hundreds. We can avoid the expression ‘border Unions’ in favour of another general phrase, “areas”.

6. With regard to the Visa offices, the position is clear. The two Governments will allow the other to open only such Visa Offices within their territory as they like. The Government to East Pakistan are likely to be very restrictive in this matter. They will probably let us have it only at Dacca. But by retaliating on this point, we would only cause hardship to our people. We have to consider this point. So far as they are concerned, they cannot and would not press us on this point and we would be certainly free to do what we liked. I am looking at it from the point of view of the convenience of our own people. For this reason these four names were mentioned. On this point our freedom of action and decision remains unfettered. We can commit these names, but this will not affect Pakistan in the least.

7. I deliberately put in “Bombay” in spite of the fact which I myself realized that it was somewhat out of place. You will remember that Pakistan closed their Permit Office in Bombay at our request. You then wanted me to have it reopened. I did not take action, because at that time the prospect of discussion on the subject of Passports was in sight. Whether we achieve the purpose by including this in the proposed Press Note or by exchange of separate letters, Pakistan Visa Office at Bombay should be opened in the interest our own businessmen who are suffering serious inconvenience on account of the recent change.

8. Now I come to the main point which still remains a major difficulty in the way of settlement. While you consider my remark that our attitude is restrictive and illiberal in this particular respect to be wrong, you yourself concede its correctness later in paragraph 13 and 14. I mean exactly what you have stated, namely, we object to the extension of the liberal provisions made in paragraph 9 (desired by us originally for Eastern Zone only) to the rest of India and West Pakistan. Pakistan Government insists on this. We do not like it for reasons which suit us better, and would very much wish to avoid the extension of these facilities to West Pakistan. It is frankly an advantage to Pakistan and a certain amount of risk for us. But we cannot deny that our stand is less liberal and more restrictive. Secondly, we cannot advance any strong reasons in support of our position. Now I feel at any rate that my point has been clearly understand at your end. Pakistan is adamant on this. We have to make up our mind about it.
9. With regard to the people covered by paragraph 10, I do not quite understand your fears. In the first place, the needs of this type of people, apart from those covered by paragraph 9, will be fully met by the provisions made in paragraph 10. However, I have now added a sub-clause under this paragraph which would more or less meet your point. On this question I do not anticipate much opposition from Pakistan. As I have already told you, we never raised this point of multiple journey visa for this class of people in the past. So far as I remember, we did not even favour it. And finally let us also remember that after the large list of persons framed by us in paragraph 9, the number left to fall under paragraph 10 would be very small indeed.

10. I am sending a slightly revised Draft for your perusal. I have made only the following additions:

1. In paragraph 5(a) I have made two changes, namely, the substitution of the word “Areas” for “Unions”. Secondly after ‘Eastern Zone’, the names of the provinces and States concerned are mentioned.

2. A sub-clause has been added under paragraph 10.

3. A slight addition to paragraph 13 to indicate the need for individual passports even when husbands and wives travel together.

4. An addition has been made under paragraph 20 to apply its provisions to guides, witnesses and relatives in connection with the recovery of abducted women.

5. A new paragraph – now paragraph No.21 – has been added. This is to cover the additional corrigendum received from Puri on Monday last.

11. It makes the draft slightly longer, but the need for these additions is self-evident. It could be made more concise provided the points omitted are clearly understood by both sides.

12. While the presentation of our point of view to Pakistan should not suffer for want of patience or emphasis or strength of argument, I hope at the same time it will be recognized that the advantage of reaching an agreement, if possible, in a matter like this is indeed of great value. If the two countries go their own way and introduce the system of Passports and Visas and enforce their own regulations independently of each other without an agreement and after a breakdown of negotiations, the result would be very unfortunate from the point of view of public convenience on both sides, and further it will prejudicially affect the whole range of relations between the two countries covering all fields of contact, and they are many.

13. In conclusion, may I say we must not lose time. While I am waiting for final instructions from you, the lull in the discussions is not good for us. As I have already reported, we have secured the substance of what we had insisted
on. Now Pakistan insists only on one point, unless they raise fresh troubles after the recent Conference of their departmental officers.

Yours sincerely
(Mohan Sinha Mehta)

Shri Pandit Jawaharlal Nehru,
Prime Minister of India,
New Delhi.

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DRAFT OF THE PRESS COMMUNIQUE

A conference of the representatives of the Governments of India and Pakistan was held at Karachi from the 15th to 19th May 1952 to discuss the introduction of Passport-cum-Visas for travel between India and Pakistan as decided by the Government of Pakistan. The Conference was held in a cordial atmosphere and the various aspects of the system were examined and discussed.

2. Although, as has already been indicated in the Press Note issued by the Governments on the 19th May 1952, agreement was reached on most of the subjects, some important points remained on which further consultation and clarification was found necessary. The Foreign Minister of Pakistan and the High Commissioner for India in Pakistan met twice during the last week of May and considered these matters which could not be finally decided at the Conference.

3. This Note is being issued for public information; so that the conditions on which travel between the two countries will hereafter be regulated are as widely known as possible both in India and Pakistan.

4. From the date to be announced shortly it will be necessary to have passports and appropriate forms of visas for travel between India and Pakistan.

5.(a) It was agreed at Conference that multiple journey visas valid for five years will be issued for travel to place or places to be specified in the visa to cultivators residing in Border areas of the Eastern Zone (that is West Bengal, East Bengal, Assam, Tripura and Bihar) and having land across the border, and their labourers, and others normally working to earn their livelihood in the border Unions of the other country, including such people as milkmen, vegetable and fruit sellers etc. This facility will also extend to similar persons of Khasi, Jaintia and Garo Hills in Assam and to the border areas of Bihar who go to attend to, protect, collect or market their crops of fruits, vegetables or other produce across the border in the adjoining plains districts of East Pakistan.
There will be no regular checks or registration for persons in this category but passports will be liable to be shown on demand by authorized officials.

It is understood that should experience of the working of this special facility necessitate reconsideration, such review will be undertaken and the facility withdrawn or modified, if necessary.

6. Employees of railways, air or shipping companies etc. providing transport links between the two countries, who have to cross the border frequently in course of their duties, will be given multiple journey visas valid for one year at a time.

7. Businessmen who have a bona fide and established business in and with the other country and their agents and employees will also be given unlimited journey visas for place or place to be specified in the visas valid for one year at a time.

8.(a) Registration for these two categories mentioned in paragraphs 6 and 7 above will be at the points of entry and exit. There will be ordinarily no necessity of subsequent personal attendance or report at Police offices.

(b) Should experience of the working of this exception, however, necessitate a reconsideration of the facility, such review will be undertaken and the facility withdrawn or modified, if necessary.

9.(a) The following classes of persons will be entitled to have visas valid for one year for a minimum of eight journeys, the maximum duration of each journey being two months:

(i) Persons or their authorized agents having interests in or deriving income from immovable property etc.

(ii) Persons who have near relations in the Province, State or States in the other country.

(iii) Pensioners or other recipients of periodical monetary payments etc.

(b) These facilities will be available to residents of India and Pakistan who fall within the above categories.

(c) The above proposals are accepted with the understanding that (i) visas will be liberally and promptly granted, (ii) a larger number of visits than the minimum of eight stated above would be allowed to all persons with genuine needs and (iii) the working of the system is reviewed after one year in order further to liberalise this provision if it is found necessary.
10. (a) For persons falling in other categories, the visa would be made valid for a single journey by a specified route and for such period as may be indicated in the visa, with a minimum stay of three months.

(b) In case of genuine needs multiple journeys visas will also be liberally issued to this category of persons.

(c) For persons in these categories, registration will be at the point of entry and exit and subsequent personal attendance at police stations will not be necessary, unless an amendment in the entries made in the visa regarding the places of stay or points of entry or exit are desired.

11. The Government of either country will afford proper facilities to that of the other for opening as many visa offices as possible in their countries for the convenience of the traveling public. The location of these offices will be generally in the provincial capitals. Pakistan Government would re-establish their visa office at Bombay. The Government of Pakistan will establish visa offices at Agartala, Goalpara and Jalpaiguri in West Bengal and at Dawki in Assam.

12. The present arrangements will continue till the proposed passport system is brought into effect. There will be no other kind of interim arrangements.

13. When people travel in parties, such as, athletic teams, pilgrims etc. individual passports for each adult will be necessary. Husbands and wives too will carry separate passports. Children under 15 years old could travel on the passport of either of their parents.

14. The subject of registration of foreign passport holders and the question of penalties for the breach of Passport Regulations are being separately examined, and the rules which will be framed in this connection will, so far as possible, be based on reciprocity.

15. Provisions of Transit facilities:

(i) A person traveling with a valid passport by a through aircraft from either country to another portion of the same country but across the other country or from either country to a third country but across the other country will not need a visa.

(ii) The above will also apply to a person not traveling by a through aircraft but who is a through passenger and has to change aircraft in the other country. During the enforced halt between the arrival of one plane and the departure of the connecting plane, a landing permit would be issued on deposit of the passport.

(iii) A person holding a valid passport traveling by a through train originating
in one country and terminating in the same country but passing through the other, will not require a visa. The passenger must not however detrain or break journey on the way in which case he will expose himself to the risk of traveling without a proper visa. It will not be deemed a break of journey to change from broad gauge to meter gauge and vice versa. Nor will it be regarded a break of journey if the passenger is unable to complete his journey for such reasons as a train accident, blocking of the line and other similar factors affecting the running of the through train.

(iv) Apart from the last three categories stated above, a person traveling through the other country or from or to one country to or from a third country, but through the other country, will need a transit visa.

(v) Persons coming from a third country to either India or Pakistan and wishing either to pass through the other country in transit or to make a visit to the other country in transit or to make a visit to the other country will be required to obtain visas for stay or for transit as the case may be.

(vi) Persons traveling from India or Pakistan to a third country and not requiring transit facilities through the other country, but merely making an enforced halt during the journey of the aircraft or ship by which they are proceeding will, for the duration of the enforced halt, be given a landing permit to visit or stay in the port or the town of call.

16. **SEAMEN**: It has been agreed to examine the cases of (a) signed crew and (b) signed but discharged crew with a view to considering the adoption of general international practice in vogue in most countries. In other cases, seamen will be treated as ordinary travelers.

17. All valid passports should state the holder’s nationality and not merely his or her domicile.

18. Officers and staff of the diplomatic Missions and their families and personal servants will be issued, free of charge, multi journey visas valid for one year at a time, for any number of journeys during the period of validity and free of any restrictions like registration, reports of arrival and departure and so on. Such visas will not be limited to particular places and will also be valid for entry or exit by any of the routes open to the traveling public.

19. Government officials traveling on duty with a Central or State/Provincial Government of the other country or for meetings with officers of such Governments will be granted visas of the appropriate category free of any charge and free also from the provisions relating to registration, reports to police etc. unless amendment of entries in the visa is required.
20. Recovered abducted women and evacuees traveling in official convoys will be exempted from the passport system. Evacuees traveling otherwise than in official convey will travel on Emergency Certificate issued by diplomatic Mission of the country to which they are traveling.

Similarly special facilities will be provided under the new system on a basis of reciprocity, by which guides, witnesses and relatives in connection with the recovery of abducted women could go to the other country at short notice and the minimum of restriction or official formalities.

21. Both the Governments are considering the forms of visa to be adopted in order to see if the same types of forms could be introduced on both sides conforming the principle of reciprocity and spirit of cooperation on the part of the two countries.

22. Other connected and consequent matters of detail; including routes to be kept open in the Eastern Zone, will be settled by correspondence between the two Governments or by holding consultations between their representatives.

23. These regulations will apply to civilian travelers (official or non-official).

24. A Conference of the representatives of the two countries will be convened after a period of one year to review the whole position, to exchange views in the light of the experience gained and to modify the rules and regulations if necessary.

25. Both Governments fully accept the principle that the Passport-cum-visa system will be administered liberally on a reciprocal basis, that on both sides adequate arrangements will be made for quick disposal of visa applications, that convenience of the public will be considered in setting up visa offices etc. and that no one ordinarily entitled to a visa or renewal of a visa will be denied such facilities, unless there are clear and strong grounds in the view of the authorities to refuse to grant or renew a visa.
3434. Note from High Commissioner for India in Pakistan to Pakistan Ministry of Foreign Affairs.

Karachi, July 12, 1952.

Office of the High Commissioner for India in Pakistan
Jahangir Sethna Road,
New Town, Karachi


Subject: Land – routes between Punjab (P) and Punjab (I).

The High Commission for India in Pakistan present their compliments to the Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations, and with reference to their Note No. I/I – 12/2/52, dated the 31st March, 1952, have the honour to state as follows:

2. As stated in the High Commissions Note No. C – 26/IHC – 51 of the 11th January, 1952, the Government of India are unable to agree with any construction of the Indo – Pakistan Permit agreement which would imply that agreement accepted the indefinite continuance of the unilateral closure by the Government of Pakistan of all land – routes between Punjab (I) and Punjab (P) with the exception of the Wagah – Attari route and at the same time cast an obligation on the Government of India of taking no reciprocal action on their side. Apart from the fact that such an arrangement would have been entirely one sided, there is no evidence that any such proposition was even advanced by the Pakistan delegation to the Permit Conference of June, 1951, let alone accepted by the Indian delegation. The Government of India would draw attention to the minutes of that Conference under item 16 of the agenda proposed by the Pakistan delegation. The relevant decision reached reads as follows:

“Both the delegations agreed that every applicant will have a right to indicate the route by which he will enter the other country and the route by which he wanted to return. The latter route may be different from the former. Permits will be granted for the journey accordingly. In addition, reasonable facilities should be provided in both the countries for a change in the route of the return journey”.

The above constitutes the substantive agreement. Obviously choice of the route by the applicant would have no meaning, if one Government had closed all routes except one. It was in this connection and with a view to give effect to the above agreement that the Indian representatives drew attention to the “recent communiqué from Lahore” closing all routes but one. The Pakistan representatives agreed “to reconsider the position and after taking a decision
whether it was necessary to specify these points, lists of points suggested by each Government could be exchanged in case such specification was decided upon”. It is patent that two courses were open to the Government of Pakistan. They could have decided that specification of routes was not necessary, in which case they should have withdrawn the communiqué referred to above. In that event, since the Government of India had not at any stage shown any desire for specification of routes, all routes (and not merely Wagah – Attari and Gandasinghwala – Hussainiwala) would have been open to all travelers, in pursuance of the agreed decision quoted above. Or the Government of Pakistan having taken a decision that specification of routes was necessary, should have informed the Government of India accordingly, so that lists of routes suggested could be exchanged and an agreed list evolved. When the Pakistan Government took no action whatsoever and kept all routes but one unilaterally closed, it became necessary for the Government of India to take appropriate action on their side. The Government of India cannot agree that the Government of Pakistan can validly complain against this.

3. If however the point of the Government of Pakistan is that the obligations accepted by their representatives to the Permit Conference, vide the last two sentences of the minutes under item 16 of the Pakistan agenda, did not become operative till formal ratification by the Government of Pakistan, it should be equally obvious that any action taken by the Government of India before such formal ratification cannot be complained of on the basis of the agreement, as that agreement must become applicable to both parties at the same moment of time. The Government of India would also point out that even after the ratification by both Governments, the Government of Pakistan have taken no action either to withdraw the communiqué’ closing all routes except one or to proceed with the preparation of an agreed list of routes to be specified.

4. It appears from the Government of Pakistan’s Note under reply that closure of routes other than Wagah – Attari was resorted to by the Government of Pakistan with a view to effect economies in regard to staff for immigration and customs check – posts. This would imply that in the opinion of the Government of Pakistan present traffic between Punjab (I) and Punjab (P) does not require more than one convenient route. Without necessarily accepting this view the Government of India consider that even one land – route between Punjab (I) and Punjab (P) would confer great benefit and provide considerable relief to that section of the travelling public which cannot afford to travel by air. In view of this the Government of India suggest that the Ferozepore – Hussainiwala – Gandasinghwala – Kasur – Lahore route may be made available by both Governments for use by the travelling public on both sides. On the Indian side this route is most convenient since the railway runs upto within seven miles of the border. The Government of Pakistan’s point of view regarding economy of
immigration and customs staff will also be met. The Government of India, therefore, hope that the Government of Pakistan will be able to accept this suggestion in the interests of the poorer and larger section of the travelling public.

5. The High Commission avail themselves the opportunity to renew to the Government of Pakistan the assurances of their highest consideration.

The Ministry of Foreign Affairs
and Commonwealth Relations
Government of Pakistan
Karachi.

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3435. **Extract from the letter from Pakistan Foreign Minister Mohammad Zafrulla Khan to High Commissioner for India in Pakistan Mohan Sinha Mehta.**

**MOST IMMEDIATE**


Dear Dr. Mehta,

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3. In the opinion of my Government, it is not necessary that the Governments of India and Pakistan should enter into a formal agreement on this subject. We consider that while wherever possible prior consultation and even agreement would be desirable, both Governments must retain the freedom to regulate the entry of foreign nationals into their respective territories as they might from time to time consider necessary.

4. There are one or two matters of special importance in regard to which a difference of opinion still unfortunately persists between your Government and the Government of Pakistan to which I would like to invite your Government’s attention. The first relates to the discriminatory treatment which your Government propose in the case of Pakistani nationals resident in West Pakistan. My Government have throughout followed the principle that the facilities to be granted to a person wishing to visit Pakistan or India should be determined primarily by his needs and not by his geographical location or domicile. We have, therefore,
decided that Indian nationals falling in category ‘B’ of our scheme shall be granted facilities attaching to a visa of category ‘B’ irrespective of whether they reside in what you term the “Eastern Zone” or in any other part of India. The fact that their number may not be as large as that of persons residing in the “Eastern Zone” does not alter their need and is therefore in the opinion of my Government, not material. If, for instance, special facilities for visiting close relatives in India are to be provided to Pakistani nationals residing in East Pakistan, there can, in the opinion of my Government, be no justification for depriving Pakistani nationals resident in West Pakistan of identical facilities. You will, I am sure, appreciate that any discrimination in this respect will be open to serious public criticism. This is one occasion, it will not be possible for my Government of accept any such discrimination between Pakistani nationals resident in West Pakistan and those resident in East Pakistan.

5. The second matter, in respect of which there is still some difference of opinion between your Government and mine and to which my Government attach great importance, is the danger of applications for passports or holders of passports visiting either country being declared “intending evacuees” or “evacuees” within the meaning of the Evacuee Laws of India or Pakistan. In the view of my Government, unless the Evacuee Law is suitably amended, there would be nothing to prevent those charged with the administration of this law from considering an application for passport or a visit or visits under a valid passport to either country as evidence that such an applicant or holder of passport was an “intending evacuee” or “evacuee” within the mischief of the existing law. My Government, therefore, would be willing to undertake the necessary amendment in the Evacuee Law and I am to express the firm hope of the Government of Pakistan that the Government of India will agree to do likewise. My Government considers this essential, both to allay the possible misgivings of bona fide travelers to either country and to protect them from needless harassment by those charged with the administration of Evacuee Law. We consider this a logical and necessary consequence of the desire of both Governments to encourage and liberalise, to the maximum degree possible, the movement of bona fide travelers from one country to the other.

6. In view of the fact that the Government of India would not be in a position to introduce their own passport system until September next, my Government have agreed to postpone the introduction of their scheme until the 1st September, 1952.

7. We propose to announce this date as well as our scheme on 31st July and presume that the Government of India would wish to do likewise. Our communiqué on this subject will, besides containing full details of the scheme itself, confine itself to a brief statement to the effect that your Government have agreed to extend identical facilities to Pakistani nationals visiting India, provided
that, your Government confirm this assumption. We propose to send a copy of this communiqué to your Government before its publication in the press. Although it may be of advantage from the public standpoint that any communiqué your Government may wish to issue should also issue simultaneously, it is not altogether necessary that the press communiqués to be issued by the two Governments should be identically worded or that they issue on the same date.

Yours sincerely,

Sd/- Zafrullah Khan

His Excellency
Dr. M.S. Mehta,
High Commissioner for
India to Pakistan,
Karachi

3436.

SECRET

TELEGRAM

From : Foreign New Delhi
To : Hicomind Karachi

MOST IMMEDIATE

No. 30445. July 26, 1952

For Mehta from R.K. Nehru

Reference Zafrullah’s letter to you of 22nd July about passports. We are examining the draft rules of the Pakistan Government. Our detailed comments will follow. Meanwhile, we would like you to mention the following matters to Zafrullah:-

(i) Proposed date of introduction of passport system is 1st September. We have agreed to this, but it has been suggested to us that it will be convenient for people on both sides if a further postponement could be made till after Puja holidays. We support this suggestion strongly and shall be glad it Pakistan would agree to a further postponement so that people on both sides may be able to move across the border freely during the holidays.
(ii) We agree that there is NO need for a formal agreement and that each Government should frame its own rules which should be based on agreed principles. There must of course be some understanding that each Government will give prior notice to the other of any changes it proposes to make in its rules.

(iii) Pakistan Government have asked to confirm that facilities to be extended by us to Pakistan nationals visiting India will be identical with those to be extended by them to Indian nationals in the same categories who may be visiting Pakistan. We confirm their assumption, but there are certain points which need to be clarified.

(a) Border traffic:– If ten-mile limit is applied to border people of Assam hill districts, many persons living at a greater distance who normally market their produce in Pakistan may be deprived of this concession. We suggest that only that only restriction in their case should be production of evidence that normal market for their produce is neighbouring Pakistan border area. Similar facilities could be extended to people living on Pakistan side of this border. The term “only market” is too restrictive.

(b) We regret that Pakistan Government have NOT accepted the liberal visa system we proposed for traffic outside E. Zone. We were prepared to give single or multiple journey visas to all persons, depending on needs of each applicant. The three special E. Zone categories have NO meaning outside E. Zone. However, in order to reach an agreement, we are accepting Pakistan’s proposal on the clear understanding that where property is vested in a Custodian, the late owner CANNOT be held, for the propose of the passport rules, to have an interest in the property or to derive income from the property. The whole object of the special concession for property owners is to enable them to pay frequent visits to look after their property or to collect rents, etc. Where property is vested in Custodian, frequent visits for such a purpose are obviously unnecessary. This point will be clarified in our communiqué and also in passport rules.

(c) As regards intending evacuees, we have already explained that amendment of our evacuee law is quite unnecessary. Since the passport holder would be recognized as an Indian national, application for a visa for a visit to Pakistan could NOT by itself lead to the conclusion that the applicant is an evacuee or an intending evacuee.
We shall clarify this point in our communiqué and also in our passport rules. We hope this will meet the point raised by Zafrullah.

(d) As stated above, other points are under examination and we shall be communicating our views later.

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3437. SECRET

Letter from High Commissioner for India in Pakistan Mohan Sinha Mehta to Pakistan Foreign Minister Mohammad Zafrulla Khan.


High Commission for India
Karachi

No. HC/52/11. 28th July 1952

Subject: Introduction of Passports Between India and Pakistan.

My dear Sir Mohammad Zafrulla Khan,

Your letter No. D.377/D12/SS/52, dated the 22nd July 1952, was received in our Chancery before my return to Karachi, and its contents were communicated to the Government of India. The draft Rules drawn up by Pakistan Government are being examined at Delhi. I am afraid they have not yet communicated to me their detailed comments, but I except them soon.

2. Meanwhile, I wish to request you to consider a few important points which have occurred to the Government of India. They are:

(1) The Government of India are willing to accept 1st of September as the date for the introduction of the Passport system. But it has been suggested to them that for people on both sides of the border it would be much more convenient if the date could be postponed till after the Durga Puja holidays which, I understand, occur in September. The Government of India strongly supports this suggestion and would be glad if Pakistan Government would agree to a postponement of the date so that people on both sides might be able to go across freely for the holidays. As you are doubtless aware, Durga Puja is a very important festival in Bengal.
(2) You expressed in paragraph 3 of your letter the opinion of your Government that it was not necessary for the two Governments to enter into a formal agreement on this subject. The Government of India are agreeable to this. Both Governments would retain full freedom to frame their own rules for regulating the entry of foreign nationals into their territories. These rules, however, should be based on agreed principles and further each Government will give prior notice to the other of any changes they propose to make in their own rules.

(3) With regard to the point raised in paragraph 2 of your letter about facilities to Pakistan Nationals wishing to visit India, the Government of India would extend to them the same facilities which the Government of Pakistan would grant to the Indian nationals in the same categories who would be visiting Pakistan. This assumption will be subject to the following considerations which require to be clarified:

(a) Border Traffic (vide paragraph 2(1) Category ‘A’ Visa in your Scheme): A strict application of the ten-mile limit in the case of border people of Assam Hill Districts will defeat its purpose in the case of many persons living at a slightly greater distance than ten miles, but normally marketing their produce in Pakistan. It is hoped that the Government of Pakistan do not intend to deprive them of this concession. I would suggest that the only restriction in their case should be the production of evidence that normal market for their produce lies in the neighbouring Pakistan border area. Similar concession and facilities could be extended to people living on the Pakistan side of the border. The condition “the only markets” used in 2 (1) (c) in your draft Rules is much too restrictive and is likely to fail in its object for an appreciable number of persons.

(b) It is a matter of great regret to us that Pakistan Government have not accepted the liberal system of visas proposed by the Government of India for traffic outside the Eastern Zone. The Government of India proposed to give single or multiple journey visas to all applicants according to the needs of each individual person. The three special categories applicable to the Eastern Zone are meaningless outside that region. However, in order that arrangement could be reached, the Government of India would be willing to accept Pakistan’s proposal on the clear understanding that where property is vested in a Custodian, the late owner would not, for the purpose of the Passport and Visa Rules, be held to have any interest in the property or to any claim to derive income on that property. The whole object of the special concession for
owners of property in Eastern Zone was to enable them to make frequent visits in order to look after their property, to receive rents etc., but it is obvious that when property is vested in a Custodian, such visits are unnecessary, I trust you will accept the soundness of this position. The Government of India will clarify this point in their communiqué. The Passport Rules will also make it clear.

(c) With regard to the subject of “intending evacuees”, it has already been explained that the amendment of the Evacuee law is unnecessary in connection with the Passport Rules, because the holder of an Indian Passport would be considered an Indian National. His application for a visa to visit Pakistan could not, in itself, lead to the conclusion that he was an evacuee or an intending evacuee. This point will also be explained in the communiqué which would be issued by the Government of India and in their Rules. I hope this removes your apprehension on this subject.

3. I trust the views expressed above will be acceptable to the Government of Pakistan.

Yours sincerely

Sd/- Mohan Sinha Mehta

The Hon’ble Sir Mohammad Zafrulla Khan,
Minister for F.A & C.R.,
Government of Pakistan,
Karachi.

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Extracts from the Letter from Ministry of External Affairs to High Commissioner for India in Pakistan.

New Delhi, July 31, 1952.

No.31/82/NGO/52 July 31, 1952

SUBJECT: PASSPORTS

Dear Dr. Mehta,

2. I enclose herewith our comments on the Pakistan scheme. We attach considerable importance to the points raised, particularly the provisions regarding (1) seaman, (2) guides, witness and relatives in connection with recovery work, (3) mechanics of return of Indian nationals in Pakistan to India, (4) mechanics for travel to India of non-Muslims evacuees from Pakistan, (5) elimination of personal attendance at police offices, (6) facilities for non-diplomatic staff of our missions in Pakistan, and (7) travel facilities for importers and exporters of both countries who have no branches in the either country. Such questions as the types of passports to be issued and the period of their validity, the authorities to whom power for issue of passports or visa is given, the passport and visa fees to be charged, etc., are obviously matters for decision by each country, but as a matter of courtesy advance information to the other country may be given. A few points are for clarification only while in a few others we have made suggestions for the consideration of the Government of Pakistan. We would suggest that a copy of the enclosure to this letter may be, formally or informally, passed on the Government of Pakistan for their information. Subject to the comments made by us, we agree to give Pakistan national visiting India facilities identical to those provided for in the Pakistan scheme.

3. A point on which we should like you to let us know Pakistan’s reactions at a very early date is whether they are prepared to open their visa offices at Shillong, Jalpaiguri, Bombay, Karimagnj and Dhubri, irrespective of whether or not they want us to open any additional visa offices in Pakistan.

4. A point of great importance, not dealt with in the enclosures is that of the date on which the Passport System should be introduced. In this connection the following facts may be represented to the Government of Pakistan.

When we mentioned the 15th of September at the Karachi Conference of May, 1952 as the date on which we were likely to be ready, we presumed that the consultation between the two Governments would conclude at an early date and
the final form of the system to be adopted by each country would be available shortly thereafter. As it has actually turned out, the discussions have taken much more time than was expected. In particular the Pakistan reply to your d. o. letter of 16th June, 1952 to Sir Mohd. Zafrullah was not received by us till the 24th July, 1952. In the absence of any finality about the types of visas to be issued and other details of the system to be adopted, it has not been possible for us to finalise and print the various forms, registers, etc., in connection with the issue of passports or visas. It has also not been possible for us to finalise the staff required in our missions in Pakistan, particularly at Dacca. Now that the broad details of the scheme have become available, this work is being taken in hand. It will, however, be impossible for us to print off the hundreds of thousands of forms and registers, to obtain financial sanction for the staff and to select, appoint and place them in position by the 1st September, 1952. Even if we somehow do so, it will mean that passports will begin to be issued on the 1st September and it will take a few days before the applicants obtain the passports. It will then take some more days before the passport holders obtain the visas. It is only then that they will be able to travel. Meanwhile movement will practically cease. This interruption of movement will not only cause immense hardship to large numbers of people but for many days trains, planes, steamers and ships between the two countries will have to run empty, causing considerable financial loss to both Governments and also to the national of each country. Last but not least there is the consideration that the Puja holidays are from the 23rd September to the 3rd October. As the Government of Pakistan must be aware movement between East Bengal and the neighbouring States is at its peak during these holidays. This means that if we start off the system on the 1st September with inadequate preparation, we shall be overwhelmed by the combination of the ordinary traffic and the special traffic during the Pujas. In view of this we suggest that both sides should start the issue of passports on the 1st September; both sides should equally arrange that their visa offices in the other country start functioning on the 15th September. This will give people time to get passports between the 15th September and visa between 15th September and 4th October. The actual prohibition of entry into either country without a passport and visa should come into effect from the midnight between the 4th October and 5th October. This will ensure that there is a smooth changeover from the present position to the new system, without causing interruption of movement and financial loss to the railways and other transport concerns. Also the Puja holidays will be over and we shall avoid the rush of people traveling during these holidays. This minor postponement of about 5 weeks will be greatly appreciated by people in Eastern India. We hope that the Government of Pakistan will appreciate that the difficulties mentioned above are very real. Except for these purely factual difficulties we would have been most glad to commence the system on 1st September. If Pakistan now insists on starting the system on
1st September, we shall no doubt accept that date but subject naturally to the
difficulties which will inevitably crop up by reason of inadequate preparation on
our part, arising from the unanticipated delay in finalization of the passport
scheme itself.

5. This letter and enclosure have been seen by Shri R.K. Nehru.

Yours sincerely
(Y. K. Puri)
Deputy Secretary.

Dr. M.S. Mehta,
High Commr. For India.
In Pakistan, Karachi.

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COMMENTS ON THE PAKISTAN SCHEME.

1. Para 1:-
   (i) The first sentence mentions “a date to be notified” from which the Passport
       System will come into force. The third and fourth sentences however
       refer to “prior to the issue of the ordinance” and “the date of the above
       notification”. It is suggested that the latter two terms should be replaced
       by the words “the notified date”.

   (ii) The reference to “Re-entry permits issued to them at the time of their
       departure” is not understood. It is presumed that in West Pakistan, Indian
       nationals who have entered on the strength of permits issued to them by
       the Pakistan permit issuing authorities in India, will only need to obtain
       the return permit from the Indian diplomatic missions in West Pakistan,
       while in East Pakistan Indian nationals, who will not be in possession of
       any permits or other documents will be able to return to India on the
       strength of the repatriation certificate issued to them by the Indian
       diplomatic mission at Dacca. These presumptions may please be
       confirmed.

2. Para 2 – Category ‘A’ Visas:-
   (i) According to the Pakistan scheme only those Indian nationals will be
       eligible for Category A visas who live in Indian territory within 10 miles of
       the East Bengal border. This condition may be applied to cultivators and
       artisans, but should not be applied to the residents of the Khasi & Jaintia
       Hills, the Garo Hills, and the Lushai Hills of Assam, who have to come to
the border zone of East Bengal to market their produce. There would be no objection if the areas in East Bengal to which they are limited are restricted to a distance not exceeding 10 miles from the borders.

(ii) In sub-para 1(i) (c) the word “only” should be replaced by the word “normal”. The reference should be not merely to agricultural produce but also to horticultural and forest produce.

(iii) Para I (iii) (c):
The exemption mentioned will presumably not apply in those cases where a Pakistan national is already in India on date of introduction of the scheme and who does not leave India within the three months thereafter.

3. Para 2 – Category B visas:

Sub-para (i) (a)
There should be a clear understanding that where property is vested in a Custodian of Evacuee Property, the owner cannot be held, for the purpose of the passport rules to have an interest in the property or to derive income from the property. This will be made clear in the Indian scheme.

Sub-para (i) (b)
The inclusion of the husband and wife in the definition of near relatives is not understood. Normally a husband and wife have the same nationality, particularly under Indian and Pakistan conditions. Of course it is possible that one of the two may already be on a visit to the other country and the other spouse may wish to make a visit to the same place in the other country to meet his wife/her husband and other relatives. In such cases the need of the husband/wife will be met by a single journey visa and there will be no necessity for a visa for one year for 8 journeys. There may be a few cases in which the husband is continuously living in one country and the wife in the other, but such cases are exceptional in which there are special considerations. The Government of India consider that such exceptional cases should be dealt with ad hoc on the merits of each case and that there is no necessity to include husband and wife in the definition of near relatives.

Sub-para (i) (c):
The phrase “or other recognized institution” is ambiguous. It is not clear by whom the institution has to be recognized. It is therefore suggested that this phrase should be replaced by “limited companies or registered firms”.
4. **Para 2 (III) Category ‘C’ Visas:**

It had been agreed at an earlier stage that personal attendance at the office of the Superintendent of Police or at a police station will not be necessary and reports of arrival and departure may be made in writing. The Government of India consider that in order to avoid harassment to travelers, personal attendance at police offices should be dispensed with and in all cases where reports of arrival and departure to the police are necessary, such reports should be made in writing.

5. **Para 2 (IV) Category ‘D’ Visas:**

(i) **Officials:**

“With the concurrence of a Government in Pakistan” is not clear. In their scheme the Government of India propose to use the phrase “traveling on duty with the Government of India or a State Government in India or for meetings with officers of such Governments.”

(ii) **Diplomatic visas:**

The Government of India agree that diplomatic visas should be issued to officers with diplomatic status, while ordinary visas, free of charge, should be issued to the non-diplomatic staff of the diplomatic mission. The Government of India are, however, of the view that in both cases the visa should be valid for any number of journeys during the period of its validity, which should be one year at a time during the posting of the officer in question in that diplomatic mission, and should be valid for travel by any of the routes open to the general public. The visas both for diplomatic officers and non-diplomatic staff should be valid for the whole country or the province or State to which the Head of the mission is accredited, although actual movements of the officers will be subject to such arrangements as may have been made by the country or Province/States of accreditation. The Pakistan scheme does not make it clear what type of visa will be issued to non-diplomatic staff and whether fees will be charged.

6. **Para 2 (V) Category ‘E’ Visas:**

(i) The Pakistan scheme provides only for Indian nationals working in or with a business concern located or having a branch in Pakistan. No provisions have been made for persons engaged in import and export trade without having a branch in the other country. Absence of facilities for importers and exporters to visit the other country frequently will have a deleterious effect on the Import trade of both countries. It is suggested
that on both sides provision should be made for the issue of multi-journey permits to importers and exporters at the decision of the visa issuing authority.

(ii) As mentioned earlier attendance at the office of the Superintendent of Police or a police station should be eliminated and reports of arrival and departure should be permitted to be made in writing.

7. Para 2 (VI) Category ‘F’ Visas:-

(i) As mentioned earlier, cases in which the husband is a citizen of one country and the wife of the other will be most exceptional. The Government of India do not therefore consider it necessary to include them among those eligible for Category ‘F’ Visas. Such cases can be considered ad hoc on merits.

(ii) When a person is eligible for a Category ‘F’ visa of grounds of being employed in the other country, his wife and children should also be eligible for Category ‘F’ visas so that they can stay with him during the course of his employment.

8. (a) Paragraph 4 (ii):-

The implication of this is not clear. So far as the Government of India are concerned, the exemption from the necessity of a transit visa will apply only to those cases in which the passport holder travels by a through aircraft, train, steamer or ship which starts from a place outside India and goes on to another place outside India. The journey would not be regarded as otherwise than “through” simply because there is a change of gauge on the railway or from one plane to another, provided that the scheduled interval between arrival and departure does not exceed 24 hours and provided also that through tickets or irrevocable vouchers for journey by a specific train or plane are in the possession of the traveler. They will not however regard a journey as through journey, exempt from the necessity of a transit visa, if the traveler enters by road or otherwise than by an aircraft, train, steamer or ship. The exemption from visa will also not apply where the journey is to involve a change one mode of transport to another.

(b) Paragraph 4 Note (3):-

It is not clear why this Note should apply only to those coming by sea. A transit visa will be required in all cases other than those specifically exempted.

9. Paragraph 5 (2):-

The route between East Pakistan and the neighbouring Indian States are now under correspondence between the Government of East Bengal and those States.
It is suggested that until an agreed list has been finalized, Appendix B should not be made public. Similarly with regard to West Pakistan the question of the Wagha-Attari and the Gandashingwala-Husainiwala routes is separately under correspondence with the Government of Pakistan.

10. **Paragraph 5(4):**

The Government of India are not in favour of delegating powers to issue visas of Category ‘A’ to District Magistrates of the border districts of West Bengal, Assam and Tripura. All visas for India will be issued by Indian diplomatic missions in Pakistan. If it is necessary, on the ground of numbers, to decentralize the issue of visas, the Government of India would be ready to consider the opening of branch India visa offices in such places in Pakistan as the Government of Pakistan may suggest. The Government of India on their side would like the Government of Pakistan to open their visa offices at Shillong, Jalpaigure, Bombay, Karimganj (Assam) and Dhubri (Assam).

11. **Para 5 (7)**

The Government of India have decided that the fee for a visa to visit India will be Re.1/- (Pak) or Rs 1/7/3 (Indian) for each year or a portion of the year for which the visa will be valid. It will be open to the applicant for an ‘A’ Category visa to have his visa valid for a period of five years or for any period less than five years at his option.

12. **Para 6 (2):**

It is true that in international passports the wife can be included in the passport of the husband. But a large number of travelers between India and Pakistan will be of a type different from those who normally go abroad to other countries. It has been noticed that in many cases a husband who comes to India with his wife and children has to go back alone to Pakistan due to various reasons, such as sickness of one of the children or the wife or by reason of some pressing business in Pakistan. In such cases the wife and children are left in India without any travel document and usually experience great hardship due to that fact. In some cases permits for return to Pakistan have been refused to such stranded families, while in others the permits were obtained after great delay. In view of these facts, the Government of India are of the view that each adult should take a separate passport.

13. **Para 6 (8):**

Application forms for visas for India are to be decided and printed by the Government of India. These forms will be available on payment from the Indian diplomatic missions in Pakistan. It appears therefore that the reference in the
Pakistan scheme to the availability of these forms with passport issuing authorities and post offices in East Pakistan and their price are based on some misapprehension. The Government of India presume that the Government of Pakistan will similarly make available a sufficient number of the forms of application for a visa to Pakistan at their diplomatic missions in India.

14. **Para 7 (3):**

Subject to the C.D.C (Nullie) carrying a photograph and the name, father’s name, permanent address and age of the holder, the Government of India will recognize the Continuous Discharge Certificate (Nullie) as the equivalent of a passport in the following cases:-

(a) When a Pakistani seaman arrives at a port in India as a member of the crew of the ship which bring him. In such cases neither a passport nor a visa will be required and he will be issued a landing permit, on the deposit of his C.D.C. on the same basis as to other foreign seamen.

(b) Where a Pakistani seaman arrives as a member of the crew of the vessel bringing him, and is discharged at an Indian port, he should be issued a landing permit and will be allowed to leave for Pakistan by sea, in which case a passport or a visa will not be required.

(c) Pakistani seamen coming to India to seek employment as seamen will require a visa, but for purposes of the grant of the visa the Nullie or C.D.C. will be treated as equivalent of a passport. Visas on the basis of the C.D.C. will, similarly, be issued to Pakistani seamen who have been serving on Indian articles to enable them to return to their homes in Pakistan or to re-enter into India for further employment.

(d) Where Pakistani seamen signed on Pakistan articles desire to come to India, otherwise than as crew of a ship for which they have signed and propose to join that ship at an Indian port, they will require to be in possession of an Indian visa. This will be issued, on the basis of their C.D.C. only in those cases in which the Director-General of Shipping, Government of India, has given special permission for their joining a ship at an Indian port, without complying with the requirements of the Indian law.

(e) In all other cases a Pakistani seaman must be in possession of a valid passport and an Indian visa at the time of entry into India.

15. **Para 8 (1):**

Attention is invited in this connection to note No. F.95(1)/52-Gen. of July 1st, 1952 from the High Commissioner for India in Pakistan, Karachi, to the Ministry
of Foreign Affairs & Commonwealth Relations, Government of Pakistan. The point raised by the Government of Pakistan is already covered by the existing Evacuee Property Law in India. There would be no objection to clarifying it again in the Government of India’s communiqué on the Passport System or in their Passport Rules.

16. Para 8 (2):-

The Pakistan scheme does not take into account the fact that guides, witnesses and relatives visiting Pakistan or India in connection with recovery of abducted persons have to do so at extremely short notice and it will be extremely difficult to issue them regular passports at such short notice. It is therefore suggested that:

(i) the High Powered Officer for recovery of abducted women of each country or officers to whom he delegates this power, may be authorized to issue emergency certificates to such guides, witness and relatives in lieu of a passport. The emergency certificate will bear the photograph of the holder and other necessary particulars, and will be valid for two months only.

(ii) The emergency certificates will be valid for entry into the other country only after a visa has been obtained from the diplomatic mission of that country.

(iii) The Government of India agree that the visa should be a single journey visa specifying the places to be visited, with a special endorsement authorizing the Superintendents of Police in charge of recovery work to take them out wherever they want to go, accompanied by the police, for the purpose of recovery cases.

(iv) A guide, witness or relative in possession of an emergency certificate issued by one country, duly visaed by the diplomatic mission of the other country, should be exempted from having a passport. In other words the proposal merely is that for guides, witnesses and relatives in connection with recovery work the passport should be replaced by a short-term emergency certificate which can be issued more easily and at less cost.

17. Evacuees:-

(i) When a non-Muslims wishes to evacuate from Pakistan to India, it will be necessary for him to obtain the consent of the Government of India to his entry into India. This consent may be given in a general manner or in specific cases. Mechanics have however to be provided for his journey to India when it has been agreed to by the Govt. of India. At present such
journeys are performed in two ways. Firstly the evacuee may enter the evacuee camp of the Deputy High Commissioner for India at Lahore. It is entirely in the discretion of the Deputy High Commissioner for India at Lahore whether he accepts any non-Muslims for entry into the evacuee camp for subsequent evacuation. The Camp Commandant prepares a list of the evacuees traveling by a particular convoy, which is countersigned by an officer of the Punjab (Pak) police. The evacuees are then allowed to enter India on the basis of a copy of the countersigned list being lodged with the check-post of entry. The Government of India propose to continue this procedure.

(ii) The second case is which an evacuee travels from Pakistan to India under his own arrangements. Hitherto there has been no Permit System for persons coming from East Pakistan, while in respect of persons evacuated from West Pakistan the Indian diplomatic missions in Pakistan have been issuing "a permit for settlement in India" If passports are required, it is not clear which country will issue the passport. In regard to a non-Muslims evacuee desirous of migrating to India, the Government of India cannot issue a passport because until the migration has taken place, he is neither a resident nor a citizen of India. If the Government of Pakistan issue him a passport, he can get on this passport only a visa for a limited stay in India.

It is not the Government of India's intention to suggest that any person should be free to enter either country if he so desires. Obviously he can enter either country only with the consent of that country. But once that consent has been given, the mechanics of permitting him to travel have to be devised. It is with this view that the Indian and Pakistan delegations at Karachi had agreed that:-

(i) those traveling by official convoys of the Deputy High Commissioner for India and Pakistan at Lahore and Jullundur respectively should be exempted altogether, because each Deputy High Commissioner will include in the convoys only those persons whom his Government is willing to allow entry into the country. The existing system of countersigned lists is working well and there seems no reason to disturb it,

(ii) those who travel otherwise than by official convoys will be allowed to enter only if they are in possession of a certificate issued to them by the diplomatic mission of the country to which they wish to migrate.

The Government of India therefore suggest that the arrangements verbally agreed to at Karachi may be allowed to stand. If however the Pakistan Government wish to make no reference to evacuees in their scheme, they may kindly confirm that in respect of persons migrating from Pakistan to India they will not insist on
their being in possession of passports if the Government of India allow them to enter India on the basis of certificates issued to them by the Indian diplomatic missions in Pakistan or on inclusion in the convoy of the Deputy High Commissioner for India in Pakistan at Lahore.

18. **Visa applications:**

The Government of Pakistan have suggested that the applicant for a visa should apply in triplicate, so that one copy of the visa application, presumably attested by the visa officer, can be used for registration at the check post of entry and the other copy sent to the Superintendent of Police of the first district visited in the other country. It is presumed that the purpose of using one copy of the application form for registration and of sending another copy to the Superintendent of Police concerned is to enable the S.P. and other authorities to be in a position to check the movements of the applicant or to trace him out if necessary. The Government of India have no objection to the suggested procedure, but consider that mere copies of visa application form will not be adequate for the purpose for which they are meant unless each copy is accompanied by one copy of the applicant’s photograph. They have therefore decided that each applicant for a visa should furnish as many copies of his photographs as the copies of the visa application form which he is required to submit. The Government of India also do not see any reason why applicants for Category ‘A’ Visas should also not submit their application in triplicate and furnish two copies of their photographs.

19. **Period of validity of transit visas:-**

The Government of India consider that 14 days is too short, considering that persons going abroad to foreign countries often wish to meet their relatives in India/Pakistan on their way to catch planes or ships. It is suggested that the permissible period may be raised to 30 days at the discretion of the visa issuing authority.

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3439.  
SECRET

Letter from High Commissioner for India in Pakistan Mohan Sinha Mehta to Pakistan Foreign Minister Mohammad Zafrulla Khan.

Karachi, August 1, 1952.

High Commissioner for India
Karachi

No. HC/52/11. 1st August 1952

Subject: Introduction of Passports between India and Pakistan.

My dear Sir Mohammad Zafrulla Khan,

In continuation of my Secret letter No. HC/52/11, dated the 30th July, I herewith enclose the comments of the Government of India on the Scheme drawn up by your Government. I had promised to forward them to you today.

2. I trust that when read them, the views of the Government of India will be found acceptable by you and by your Government. In fact, if you will permit me to say so, some of these have already been discussed between us and agreed to by you; for example, (a) the inclusion of residents of the Khasi and Jaintia Hills, the Garo Hills and the Lushai Hills of Assam in Category ‘A’ Visas, (b) the desirability of having separate Passports for husband and wife, and (c) saving the intending travelers from the harassment and delay caused by personal attendance at Police Office.

3. May I draw your attention to paragraph 17 in the Note of the Government of India. This meets the cases which are likely to arise in the future. I presume that your Government will gladly accept the proposals made in the Note. It will not be considered a controversial point. It will be found that the Government of India have met in a liberal spirit the substance of the proposals made by your Government with regard to seamen. Their proposals are well-considered and will meet all legitimate requirements. In other matters also the Note makes liberal provisions and after all they will be worked more or less on a basis of reciprocity.

4. There is one important point which calls for careful consideration, namely, the date on which the new arrangements should be brought into force. It will be recollected by you and the Government of Pakistan that on this question all along we, on our side, have thought of the period of time likely to be taken in preparation for bringing the new scheme into operation. It was on that basis that at the Conference held here in the month of May, the middle of September was
suggested as the suitable date for the commencement of the scheme. As it has however turned out, the discussions have taken much more time than was expected. Your reply to my letter of the 16th June was received by us on the afternoon on the 22nd July and reached the Government of India on the 24th July 1952. In the absence of any finality about the types of visas to be issued and other details of the system to be accepted, it was not possible for us to have the various forms, registers etc. printed in connection with the Passports. Similarly, the question of the necessary staff in our missions in Pakistan, particularly at Dacca, has not been finalized. This work is being taken in hand. But it will be impossible to have the hundreds of thousands of forms and registers ready and select, appoint and place the necessary staff in position by the 1st of September. Even if the staff were there, it will only mean that the Passports will begin to be issued on the 1st of September. But some time will pass before applicants obtain Passports. Some more days will pass before the Passport holders will be able to obtain visas without which they will not be able to travel. In the meantime, movement of people will practically cease. This interruption of normal travel will cause immense hardship to large numbers of people and for many days it is inevitable that trains, planes, ships and steamers between the two countries will run empty. This would cause considerable loss to the nationals of the two countries and both the Governments.

5. Then I would further urge on you the consideration that I have already placed before you, namely, the Puja holidays which, I understand, occur from 23rd September to 3rd October. In connection with this festival, as your Government are fully aware, there is considerable movement between East Bengal and the neighbouring States of India. If we start the system on the 1st of September with presumably inadequate preparation, we shall be overwhelmed by the combination of the ordinary traffic and the special Puja traffic.

6. In view of all these circumstances, I would suggest that both sides could start the issue of Passport on the 1st of September; both the Governments should also arrange with their respective sides that their Visa Offices in the other country start functioning about the 15th September. That would give people time to get Passports in the first half of September, and visas between the 15th of September and the 4th of October. The actual enforcement of the new regulations, namely prohibition of entry into either country without a Passport and a proper Visa should come into effect form the 5th October. This will effect a smooth change-over from the present position to the new system without causing (a) interruption of movement and consequential hardship, (b) financial loss to the railways and other transport concerns, (c) unmanageable pressure of work on the administration and visa offices in both countries, and (d) the extraordinary rush of the traveling public during the Puja holidays will be easily met. If this suggestion is accepted, the introduction of the new system will be
spread over a period of five weeks which should not matter much. There is every advantage in its favour. In any case it is inconceivable that on the date fixed, particularly if it is the first of September, all the arrangements for enforcing the new regulations would be ready.

7. I do hope the Pakistan Government would appreciate this point and the difficulties mentioned above, which are very real, will be avoided. But for these considerations which seem to be insurmountable, the Government of India would have gladly commenced the scheme on the 1st of September.

Yours sincerely

Sd/- Mohan Sinha Mehta

The Hon’ble Sir Mohammad Zafrulla Khan, Minister for Foreign Affairs & Commonwealth Relations, Government of Pakistan, Karachi.

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3440. SECRET

Letter from Pakistan Foreign Minister Mohammad Zafrulla Khan to High Commissioner for India in Pakistan Mohan Sinha Mehta.

Karachi, August 13, 1952.

Ministry of Foreign Affairs & Commonwealth Relations
Karachi


Dear Dr. Mehta,

Will you please refer your demi-official letters No. HC/52/11, dated the 28th and 30th July, and the 1st August, 1952, in regard to the introduction of a passport and visa system between India and Pakistan?

Your request for postponement of date of introduction of the Scheme, for reasons among others of the coincidence of the Durga Puja Festival in Bengal, and your suggestion that the issue of passports and visas may commence from the 1st September, has received my careful consideration.
I agree that both Governments will issue passports and visas from the 1st September. The date proposed by you viz. the 5th October, for the scheme to brought into operations seems to be perhaps an odd date and it would, in my opinion, be better if we start either on the 1st or the 15th October, 1952. Taking all the circumstances into consideration I propose to fix the 15th October as the date on which the scheme will come into full force. This should more than meet the proposal made by the Government of India.

The other points raised in your letters under reference are answered in the comments enclosed herewith. You will observe that we have accepted almost all of your suggestions in our desire to ensure that the least possible inconvenience is caused to genuine travelers who visit Pakistan on business or for other good reasons.

I am disappointed, however, to note that our scheme, which provided the maximum facilities compatible with national security for the citizens of India desiring to enter Pakistan, has not been approved in full by your Government. I note with particular regret that the Government of India do not approve of our suggestion to decentralize the issue of passports and visas by delegating the authority to the District Magistrates and Sub-Divisional Officers in border districts of East Bengal. If serious hardship is not to be caused to persons who have to pay daily visits to either country for earning their livelihood, our proposal deserves to be accepted. In my view the rejection of this proposal will result in much delay in the issue of the travel documents by creating a bottleneck and will by no means be conducive to making travel between our two countries easier. I would, there-fore, strongly urge reconsideration of the matter by your Government.

I am also disappointed that the Government of Pakistan should have no alternative left but to conform to the proposal of the Government of India in regard to the scale of visa fees. We had fixed the fee of Re.1/- only for a visa valid or five years keeping in mind the slender financial resources of the labourers, the cultivators and petty traders residing in the border areas. There is still time to scale down the fees, and I would suggest for the consideration of your Government that our original proposal be accepted.

In the case of facilities for seamen also I am sorry to note the liberal provisions for facilitating movements of seamen have not found favour with your Government and in this case, too, we will have to restrict the facilities originally provided for this class in our scheme.

With kind regards,

Yours sincerely

Sd/- Zafrulla Khan
His Excellency,
Dr. M.S. Mehta,
High Commissioner for India in Pakistan,
Karachi.

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Comments on the enclosure to letter dated the 1st August, 1952, from His Excellency the High Commissioner for India.

1. **Para, 1:**
   (i) The suggestion is accepted.
   (ii) The presumption is confirmed.

2. **Para, 2 Category ‘A’ Visas:**
   (i) It is not considered necessary to alter this clause, but the Pakistan Visa Issuing Authority will be instructed to consider any hard cases, on their merits, of Indian residents who may be living just outside the ten-mile limit.
   (ii) For reasons explained above, the suggestion is unacceptable.
   (iii) Para. (i) (iii) (c):
       The Presumption is not confirmed. The intention is that all visa holders of this category will be exempted from registration.

3. **Para, 2 Category ‘B’ Visas:**
   (a) The Government of Pakistan accept the view of the Government of India in regard to the evacuee property.
   (b) There appears to be no justification for excluding husband and wife from the concession made to those who wish to visit their near relatives in the other country. It is conceivable that the husband and wife may be in different places at a given time and may wish to make use of this concession.
   (c) The suggestion is accepted.

4. **Para. 2(iii) Category ‘C’ Visa:**
   The suggestion is accepted. Reports of arrival and departure to the police will be made in writing.
5. Para. 2(iv) Category ‘D’ Visas:

(i) The suggestion is accepted.

(ii) The diplomatic staff will be granted visas gratis valid for any number of journeys during the period of its validity which should be one year at a time. Non-diplomatic staff will be granted a visa gratis valid for any number of journeys during the period of its validity which should be one year at a time, but such staff will be liable to registration and the visa will be valid only for stay at places specified therein. Diplomatic and non-diplomatic visa holders may travel by any of the routes open to the general public.

6. Para. 2(v) Category ‘E’ Visas:

(i) It is considered that the requirements of the export and import trade will be adequately met by importers and exporters applying for visas of category ‘C’.

(ii) The suggestion is accepted.

7. Para 2(v) (i) Category ‘F’ Visas:

(i) The suggestion is unacceptable for reasons mentioned earlier.

(ii) The suggestion is accepted.

(iii) The suggestion is accepted.

8. (a) Para. 4(2):

The suggestion is accepted.

(b) Para.4 Note (3):

The suggestion is accepted.

9. Para. 5(2):

For the convenience of intending travelers, it is proposed to make public the routes mentioned in appendix ‘B’ but the Government of Pakistan would be prepared to amend the list in the light of any subsequent changes agreed upon by the two Governments. If the scheme is published without specifying the routes, the public would remain in the dark about a most impotent aspect of the scheme.

10. Para. 5(4):

The Government of Pakistan do not propose to set up visa offices in Indian territory at this stage. It is suggested that the Government of India accept the Scheme of delegating powers to District Magistrates because such a scheme
would not only be economical but would also ensure expeditious grant of visas to a category of people in whose case delay may cause much hardship and serious loss.

11. **Para. 5(7):**
The Government of Pakistan are prepared to charge the same fee as the Government of India, although it is considered that for persons belonging to category ‘A’ the charge is excessive.

12. **Para. 6(2):**
The Government of Pakistan have no objection to the Government of India adopting the system of requiring each adult to take out a separate passport. The Government of Pakistan, however, do not feel that any alteration in their scheme, in this respect, is necessary.

13. **Para. 6(8):**
The Government of Pakistan accept the position as stated, but suggest that it should be possible for either Government to buy in bulk visa application forms from the diplomatic missions of the other Government and to distribute them in the manner stated in paragraph 6.

14. **Para. 7(3):**
In clause (b) the words “by sea” should be substituted by words “by sea, land or air”.

In order to prevent any hardship being caused to seamen or disturbance to sea traffic, it is suggested that clause (c) and (d) in para. 14 may be further discussed between the Ministries of Commerce of the two Governments. Meanwhile, the clauses are accepted as they stand.

15. **Para. 8(1):**
It is suggested that in addition to the issuing of communiqué, the Government of India may suitably amend their Notification No. SR/260, dated the 3rd July 1950, so as to make it applicable to holders of Indian passports who are granted a visa to enter Pakistan under any of the specified categories.

16. **Para. 8(2):**
The suggestion is accepted. Short-term Emergency Certificates, valid for a single journey only, will be issued in such cases.

17. **EVACUEES:**
The position is accepted, but it is not proposed to include these provisions specifically in the Pakistan Scheme.
18. **Visa applications:**
   The suggestion is accepted.

19. **Period of validity of transit visas:**
   The suggestion is accepted.

**GENERAL:**
Wherever a visa holder is required to report his arrival, he will also be required to report his departure 24 hours before he is due to leave.

3441. **Note from Prime Minister Jawaharlal Nehru to Home Minister.**

**New Delhi, August 16, 1952.**

I do not know exactly what restrictions Pakistan propose to impose on the movements of Indians going to Pakistan. We have every moral right to impose similar restrictions here. But this competition in imposing disabilities has usually worked to our disadvantage, because Pakistan always goes a few steps further or stricter. We have always to remember that in the Eastern Pakistan the minority community is likely to suffer because of this.

There is no great hurry about this matter. It is quite possible that the new passport regulations will not come into force for another two months or more. Even if they come into force earlier, no harm is likely to result if we delay any particular action for a short time. I should like to know precisely what the Pakistan restrictions are in East and West and how far we can apply some of them, so as not to come in the way of our own people in the Eastern zone.

The Foreigners Act (I write from memory) is an out-of-date and undesirable piece of legislation, which anyhow should be revised. What is necessary is that we should have the power under it to expel any foreigner, whoever he might be, and I would be prepared to include all citizens of Commonwealth countries. This cannot be done in the present Foreigners Act. This Act also imposes all kinds of troublesome restrictions on foreigners. I have often had

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The High Commissioner Mr. Mehta forwarded these comments of the Pakistan Government to the Ministry of External Affairs in his letter of 15th August. The Commonwealth Secretary Mr. R. K. Nehru in his reply dated the 19th August described the Pakistan response satisfactory.

Karachi, August 17, 1952.

PRESS COMMUNIQUE

The Scheme of the Government of Pakistan for the issue of passports and visas for travel between India and Pakistan, in replacement of the present Permit System, is hereby announced for public.

2. For the convenience of intending travelers, the passport and visa issuing authorities in Pakistan, the Pakistan High Commission at Delhi and Deputy High Commissioners at Calcutta and Jullundur will receive applications for passports and visas from the first September, 1952. The system will operate fully from the 15th October. The issue of permits will cease from the latter date.

3. Formalities have been reduced to the minimum and Government have kept in view the actual needs of the different categories of persons wishing to visit Pakistan and made provision accordingly, for granting visas. In particular, the procedure for registration and report to the Police, in case where it is required, has been greatly simplified.

4. Arrangements have been made for the quick disposal of applications of those who derive income from immovable property, receive pensions, and visit relatives. Facilities have also been provided for officials and diplomats, and those entering or staying in Pakistan for service in Government departments, or registered or private concerns and transport workers, businessmen and so on. Special facilities have been provided for cultivators, labourers, and petty traders residing in border areas, who earn their livelihood within ten miles of the border.

5. Pakistan nationals who migrated to West Bengal, Assam and Tripura, owing to communal disturbances of 1950, and are now residing in India will be...
able to return to Pakistan without passports. They will, however, have to obtain Repatriation Certificates from the Pakistan Mission in Calcutta, on production of evidence that they fall within this category. Abducted women and children, now residing in India, will be able to return to Pakistan with Emergency Certificates to be issued by the Deputy High Commissioner of Pakistan, Jullundur.

6. Indian nationals, who came to Pakistan before the introduction of this system, may stay during the currency of their permits but not for more than three months. Should they wish to stay for more than three months they should obtain a passport from their diplomatic mission in Pakistan and a visa from the Pakistan passport authorities.

7. A passport which may be valid for a maximum period of five years will cost Re.3/- and the fee for all types of visas will be Re.1/- for a year or a portion of a year. To expedite business the District Magistrates and Sub-Divisional Officers of the border Sub-Divisions in East Bengal will be authorized to issue passports to Pakistanis residing in border areas.

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3443. Pakistan Scheme for introduction of Passport and Visa regulations for entry of Indians in to Pakistan.

Karachi, August 22, 1952.

Passport System to Regulate the Entry of Indian Nationals into Pakistan

A passport duly visaed for Pakistan by an authorised official of the Government of Pakistan, will under an Ordinance as from a date to be notified, be the only document recognised by the Government of Pakistan for the entry of Indians into this country. The issue of permits by the Government of Pakistan will cease from the 15th October, 1952.

Indian nationals who came to West Pakistan prior to the notified date will, however, be permitted to return to India on the strength of return permits, which will be issued to them by the Indian diplomatic missions. In East Pakistan Indian nationals will be able to return to India on the strength of Repatriation Certificates issued to them by the Indian diplomatic mission in Dacca.

They will be permitted to stay in Pakistan during the currency of their permits, but not longer than three months from the date to be notified.

2. Any one or more of the following six types of visas may be granted to Indian nationals on a passport valid for Pakistan.
I. Category “A” Visas.

(i) This visa may be granted in the case of the following Indian nationals who live in Indian territory within ten miles of the East Bengal border and who normally earn their livelihood by working in Pakistan territory within ten miles of the East Bengal border: -

(a) Cultivators who have to make frequent journeys in order to cultivate or supervise the cultivation of their own lands and their labourers and hired servants;

(b) Small artisans, such as, blacksmiths, woodcutters, carpenters, petty shopkeepers and petty traders; and

(c) Persons the only markets for whose agricultural produce lie in Pakistan territory within ten miles of the East Bengal border.

(ii) The visa may be granted for a period of one year or a portion of a year or a maximum of 5 years at the option of the applicant, or for the duration of the validity of the passport, whichever is less. It shall be valid only for the village in East Bengal, including villages lying en route, within which the applicant’s land is situated, or where he normally earns his livelihood and any adjoining village or villages that the applicant may specify as being necessary for the above purpose.

(iii) The following facilities will be available under this visa: -

(a) Persons holding such visas may cross the border at any place within the villages specified in the visa and will not be required to pass through a Check Post. They must, however, produce the passport for examination whenever demanded by a competent authority.

(b) The visa will be valid for any number of journeys during its validity.

(c) A Visa holder of this category will be exempt from registration. The exemption will also apply in those cases where a person of this category is already in Pakistan on the date of the introduction of the scheme and who does not leave India within the three months thereafter.

II. Category “B” Visa.

(i) This visa may be issued to the following Indian nationals: -

(a) Persons having an interest in or deriving income from immoveable property in Pakistan or their duly authorised agents. (This facility will not apply in cases where property is vested in a Custodian of Evacuee Property.)
(b) Persons who have near relatives in Pakistan: - (Note: Near relatives
mean paternal or maternal grandfather and grandmother, father and
mother, brothers, sisters, husband and wife, children and grand
children.)

(c) Pensioners or other recipients of periodical or monthly payment,
who owing to regulations of a Government, a local body, a
cooperative Society, limited companies or registered firms have to
receive their due monthly or periodically on personal appearance in
Pakistan.

(ii) This visa will be valid for one year.

(iii) The following facilities will be available to holders of this visa: -

(a) This visa will normally entitle the holder to make eight journeys to
Pakistan.

(b) Where the Visa Officer is satisfied that a person in this category is required
to travel more frequently than 8 times during one year, he may
grant a visa for such additional journeys as may be necessary.

(c) A visa holder of this category may stay in Pakistan for a period
upto two months during any one visit.

(iv) This visa is subject to the following conditions: -

(a) The visa holder may enter or leave Pakistan only through a check
post.

(b) The visa will be valid only for the place or places specified therein.

(c) The visa holder will be required to register at the Check Post on
entry.

III. Category “C” Visa.

This visa may be granted to Indian nationals who are not eligible for, or who do
not require, visas of categories ‘A’ and ‘B’ but who wish to visit Pakistan.

This visa will be valid for specified places in Pakistan for a single journey only
which may be performed at any time during the period stated in the visa. The
period of stay in Pakistan will be specified in the visa and will not exceed three
months at any one time.

A holder of this visa will enter Pakistan only through a check post and will
register himself at once at the check post; and within 24 hours of his arrival at
the specified place or places in Pakistan and 24 hours before his departure will
report in writing to the Superintendent of Police or the nearest Police Station in the jurisdiction of which the place or places specified in the visa lie.

IV. Category “D” Visa.

This visa will be issued to:

Government officials travelling on duty and to diplomatic officials:

(a) Official Visas:

Indian Government officials travelling on duty with the Government of Pakistan, or a State Government in Pakistan or for meetings with officers of such Governments, may be granted this visa free of charge. The visa holder will not be required to register himself at a check post or to report his arrival to the Police at destination. The visa will be valid for specified places and for specified number of journeys during the period stated in the visa. Holders of this visa will travel by any of the routes open to the general public.

(b) Diplomatic visas:

Diplomatic visas may be granted gratis to persons falling within the category mentioned in para X of the General Instructions regarding grant of visas for Pakistan (Vide Appendix ‘A’): They will be valid for any number of journeys during the period of their validity (which will be one year at a time) – Holder of this visa will travel by any of the specified routes open to the general public. Non – diplomatic staff will be granted visas gratis and valid for any number of journeys during the period of their validity, which will be one year at a time, or for stay in places specified therein. Holders of this visa will be registered. They will travel by any of the routes open to the general public.

V. Category “E” Visa.

This visa may be granted to Indian nationals who are:

(a) Businessman as defined below, or

(b) Transport workers, who have to cross the border frequently in the course of duty.

Indian nationals working with or in an established and bonafide business in Pakistan, who have to travel frequently between India and Pakistan, on business, may be granted this visa valid for a specified number of journeys during a period not exceeding one year at a time. A holder of this visa will enter Pakistan only through a check post and will register himself at once at the Check Post; and within 24 hours of his arrival at the specified place or places in Pakistan will
report himself at the office of the Superintendent of Police or the nearest Police Station, in the jurisdiction of which the place or places specified in the visa lie.

Indian workers engaged in transport services operating between the two countries *e.g.* aircraft crews operating on scheduled services, steamer crews and railways staff whose duties involve frequent crossing of the border may be granted this visa valid for any number of journeys along the specified route on which the service operates. Such visa holders may be exempted from registration and will not be required to report to the Police.

**VI. Category “F” Visa.**

(a) This visa may be granted to an Indian national who desires to stay in Pakistan for more than three months, in connection with service under Government or a Local body or a company or firm incorporated or registered in Pakistan or any other concern, bank or insurance company, or institution, or who is husband or wife of a citizen of Pakistan. Such a person may be granted visa valid for entry and stay in Pakistan for a period not exceeding one year at a time. Wife and children of an Indian employed in Pakistan will be granted visas valid for the period of his employment.

(b) A holder of this visa will enter Pakistan only through a check post and will register himself at once at the check post; and within 24 hours of his arrival at the specified place or places in Pakistan and will report 24 hours before his departure in writing to the Superintendent of Police or the nearest Police Station in the jurisdiction of which the place or places specified in the visa lie.

(c) The visa will be valid for three journeys during the year.

3. **Extension of stay.**

The Central Government in the Ministry of the Interior/Provincial Government may, on receipt of an application to that effect, extend the period of stay specified in any visa for a further period not exceeding one year at a time.

4. **Transit visa**

This visa will be made valid at the discretion of the Issuing Authorities for a period not exceeding 30 days during which a break of journey at a specified place or places *en route* may be permitted.

No transit visa will be required but a valid passport must be carried in the following cases:

A Transit visa may be granted to a citizen of India who is in transit through Pakistan by sea, river, road, rail, or whose journey in Pakistan
involves a change from one mode of transport to another. It shall be valid for a period not exceeding 30 days, during which a break of journey at a specified place or places _en – route_ shall be permitted.

A citizen of India, provided he holds a valid passport, shall not be deemed to enter Pakistan for the purpose of this rule if he is in direct transit in the course of an unbroken journey between places outside Pakistan by a through aircraft, train, steamer or ship and in possession of a through ticket or an irrevocable voucher for the journey from and to places outside Pakistan.

Such a person may, during the course of an enforced halt, be issued on application a Landing Permit, in exchange of his passport, to stay or visit any place or outside the airport, seaport, railway or steamer station, valid for the period of such enforced halt, which shall not exceed 24 hours.

Passport of all persons in transit through Pakistan shall be stamped and dated at the points of entry and exist.

5. **General provisions regarding visas.**

(1) All visas will be valid for travel to and stay in the place or places specified in the visa.

(2) All Passport holders, who are required to enter and leave only through specified check posts, may do so through any check post of their choice from among those shown in Appendix ‘B’

(3) Visas will be issued liberally in accordance with the above provisions, but in any particular case the Visa Issuing Authority may decline to grant a visa or a visa of a particular category or decline to include a particular place or places in the visa or may grant it under special conditions, without assigning any reason. Every endeavour will be made to keep such cases to the minimum.

(4) Visas will be granted by the nearest diplomatic or Consular Representative or other authority appointed for the purpose by the Government of Pakistan. The power to issue visas of category ‘A’ will be delegated to District Magistrates in charge of border district concerned. To further facilitate the issue of visas of category ‘A’, District Magistrate of border Indian district in which the applicant resides may forward the passport of applicants to the District Magistrate in Pakistan in whose jurisdiction the applicant desire to go for necessary action and return. The two District Magistrates concerned may correspond direct on all routine matters arising out of the obtaining of visas on such passports.
(5) An application for a visa by an Indian national for entry into Pakistan will be addressed to the nearest Pakistan diplomatic or consular representative or in the case of the Category ‘A’ to the District Magistrate concerned.

(6) It shall not ordinarily be necessary for an applicant for a visa to appear personally before the Visa Issuing Authority in order to obtain a visa.

(7) The fee for issue of a visa, including a transit visa, will in all case be Rs. 1/-/- for each year or a portion of the year for which the visa will be valid.

6. **General provision regarding the issue of Passports.**

(1) An Indian national already in Pakistan and not in possession of a valid passport must obtain a valid passport or if in possession of valid passport must obtain a visa within three months of the date on which the Ordinance comes into force provided that the Central or the Provincial Government may extend this period in particular cases or class of cases. The visa in this case may be obtained from the Provincial Government concerned.

(2) Husband and wife may take a joint passport; or separate passports to provide for the contingency of not being able to travel together.

(3) Children below 15 years of age may be included in the passport of either parent if travelling with the parent.

(4) Children above 15 years of age and children not travelling with either parent will require separate passports.

(5) The fee for a passport for India will be Rs. 3/-/-. The passport will be valid for a period of five years and may be renewed for a further period not exceeding 2 years on payment of a fee of Rs. 2/-.

(6) Persons entering or leaving Pakistan except holders of Category ‘A’ visas, will present their passports at a border check post to be examined stamped and dated.

(7) Powers to issue passports for India may be delegated to District Magistrates in East Bengal. Powers to issue passports to persons eligible for category ‘A’ visas may be further delegated to sub divisional officers in charge of border sub – divisions in that Province.

(8) Application forms for passports for India will be available from the Passport Officers of all Provincial Governments and Posts Offices throughout the country as well as from Sub – Divisional Officers in the border areas in East Pakistan. The price of each form will be annas two per copy.
7. **Exceptions.**

The following categories of persons need not obtain passports:

1. Recovered abducted women and children to be repatriated to their country.

2. Pakistani nationals normally resident in East Bengal who migrated to West Bengal, Assam and Tripura, owing to the Communal disturbances of 1950, and who may not have returned to East Bengal so far. Such persons, if they wish to return, may do so within three months of the date of the introduction of the scheme without a passport. They will, however, be required to obtain a certificate of Repatriation which will be issued on the production of evidence to the satisfaction of Pakistan authorities that they have a *bona fide* claim to be classed in this category.

2. Indian Seamen holding valid Continuous Discharge Certificates (Nullies) will be accorded the following facilities:

(a) An Indian seaman visiting a port in Pakistan as a member of the crew of the ship which brings him need not hold a passport or a visa. He will be issued a Landing Permit on his depositing his C.D.C. (Nullies), if he wishes to land;

(b) An Indian seaman arriving at the port in Pakistan as the member of the crew of the ship which brings him and is discharged at a Pakistan port, will not require a passport or a visa. He will be issued a Landing Permit and will be allowed to leave for India by sea, land or air.

(c) An Indian seaman coming to Pakistan to seek employment as a Seamen will require a visa, but for purposes of the grant of a visa, the Continuous Discharge Certificate (Nullie) will be treated as a valid travel document. Visas on the basis of the Nullie will, similarly, be issued to Indian seamen who have been serving on Pakistan articles to re-enter Pakistan for further employment.

(d) Where an Indian seaman signed on Indian articles desires to come to Pakistan, otherwise than as crew of a ship for which he has signed and proposed to joint that ship at a Pakistan port, he will be required to hold a Pakistan visa. This will be issued on the Nullie only in case in which the Controller of Shipping, Government of Pakistan, has given special permission for his joining his ship at a Pakistan port, without complying with the requirement of the Pakistan Law;

In all other cases, Indian seaman must be in a possession of a valid passport duly visaed for Pakistan at the time of entry into Pakistan.

8. **Miscellaneous.**
The officer in charge of recovery of abducted women and children, or his deputy, will issue guides, witnesses and relatives of such abducted persons, visas valid for two months only on Emergency Certificates, which should show a photograph and other necessary particulars. The visa will specify the places to be visited and indicate an authority for the Superintendent of Police, in charge of recovery operations, to take the holder wherever he wants to go, accompanied by the police, for recovery operations or to give evidence in courts of law in recovery cases.

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APPENDIX “A”

X. Diplomatic and official Visas: Diplomatic visas may only be granted to persons falling within the following categories: -

1) Members of reigning houses and ex-aligning houses and Presidential (but not ex-President) families:
2) Members of the diplomatic service and Indian consular officers de carrier;
3) Cabinet Ministries;
4) Regular Indian diplomatic couriers holding passports defining such status and occasional messengers;
5) Wives and families of persons included in 2, and 3, above if traveling with their husbands or proceeding to or from the posts at which the latter are stationed;
6) Servants of persons while traveling with their employers;

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APPENDIX ‘B’

Routes and Check Posts for entry into Pakistan.

LIST OF CHECK POSTS IN EAST BENGAL

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of district.</th>
<th>Name of Check posts</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Rangpur</td>
<td>Chilahati (Rly)</td>
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<td>2.</td>
<td>“</td>
<td>Megalhati “</td>
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<td>3.</td>
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<td>Sonahat “</td>
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<td>4.</td>
<td>“</td>
<td>Patgram “</td>
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<td>5.</td>
<td>“</td>
<td>Raumari (River)</td>
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<td>Location</td>
<td>Details</td>
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<td>6</td>
<td>Nunkhawa</td>
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<td>7</td>
<td>Dinajpur Birole (Rly)</td>
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<td>8</td>
<td>Hilli</td>
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<td>9</td>
<td>Kushtia Kushtia Dar Sana</td>
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<td>10</td>
<td>Kharija Tek (River)</td>
<td>P.S. Daulatpur</td>
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<td>11</td>
<td>Daulatganj (P.S. Jibannagar)</td>
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<td>12</td>
<td>Pragpur (P.S. Daulatpur)</td>
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<td>13</td>
<td>Jessore Benapole (Rly)</td>
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<td>14</td>
<td>Benapole (Road)</td>
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<td>15</td>
<td>Kaleganj-Kotchandpur</td>
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<td>16</td>
<td>Khulna Bhumra (Road)</td>
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<td>17</td>
<td>Raimongal (River)</td>
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<td>18</td>
<td>Sakhra</td>
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<td>19</td>
<td>Sylhet Tamabil (Road)</td>
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<td>20</td>
<td>Latu (Rly.)</td>
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<tr>
<td>21</td>
<td>Balla</td>
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<td>22</td>
<td>Jakiganj (River)</td>
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<td>23</td>
<td>Birasri</td>
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<td>24</td>
<td>Sheola (Road)</td>
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<td>25</td>
<td>Tippera Akhaura</td>
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<td>26</td>
<td>Bibirbazar</td>
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<td>27</td>
<td>Noakhali Belonia</td>
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<tr>
<td>28</td>
<td>Chittagong Sajek (Lushai border)</td>
<td>Hill Tracts.</td>
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<td>29</td>
<td>Taindang (Tripura border)</td>
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<td>30</td>
<td>Gundung (Burma border)</td>
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<tr>
<td>31</td>
<td>Rajshahi Rohanpur (Rly.)</td>
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<tr>
<td>32</td>
<td>Premtali and River</td>
<td></td>
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<tr>
<td>33</td>
<td>Chittagong Teknaf (River)</td>
<td></td>
</tr>
</tbody>
</table>
Check posts at the following Air and Sea ports:

34. Tejgaon (Airport)
35. Patenga  “
36. Chittagong Port

West Pakistan
1. Wagah  2. Lahore Civil Aerodrome
5. Karachi Airport.

3444. Press Communiqué issued by the Government of India consequent on the introduction of passport/visa system by Pakistan.

New Delhi, August 23, 1952.

In April, 1952, the Government of Pakistan decided that free movement between India and Pakistan provided in the Indo – Pakistan Agreement of 1950 and the Permit System which is at present in force between India and West Pakistan should be discontinued and that traffic between the two countries should be regulated by a passport cum visa system. The Pakistan Government were unable to accept the suggestion of the Government of India that, in the interest of the peoples of both the countries, the existing system which ensures relatively free traffic between Pakistan and India should not be disturbed. Discussions then took place between the two Governments on the main features of the new system proposed by the Pakistan Government. Agreement has now been reached on the major points. The Government of Pakistan have already announced the passport rules which they propose to bring into force. The Government of India have also prepared a set of rules for regulating the entry of Pakistan nationals into India and the issue of passports to Indian nationals for travel to Pakistan. These rules are being published for the information of the general public.

The Government of India intend to apply the rules with the maximum possible liberality. They also propose to review the working of the system from time to time to ensure that difficulties and legitimate complaints brought to their notice are removed as far as possible.
The passport scheme comes into force from October 15, 1952. Upto that date permits for visits to India will continue to be issued at Indian missions in Karachi and Lahore, while residents of East – Pakistan will be able to enter or leave India freely.

Liberal facilities for Pakistan nationals to visit India have been provided in the Rules. Special facilities have also been provided to all classes having special needs, such as border residents, persons having near relations in India, transport workers, businessmen, officials, employees of diplomatic missions, seamen and persons in transit through India. These liberal facilities are being provided to Pakistan nationals on the understanding that similar liberal facilities will be available to Indian nationals visiting Pakistan.

The Scheme provides that in addition to Indian passports in international form which will be valid, special passports valid for travel to Pakistan only, will be issued at a cost of Rs. 3/- as compared with the fee of Rs. 10/- for international. The power to issue India – Pakistan passports is being delegated to District Magistrates in areas where the number of applicants is expected to be large, namely Tripura, Assam, West Bengal and the Purnea District of Bihar. Elsewhere in India, India – Pakistan passports will be issued by the State Government concerned, but special arrangements have been made in the Punjab (I) for issue of such passports to pilgrims, sports teams, goodwill missions and Government officials. Special provisions have also been made for recovered abducted persons, guides, witnesses and relatives in connection with the recovery of abducted persons, migrants to India, and Indian nationals already in Pakistan when the scheme comes into force.

The Government of India intend that as far as possible there should be no interruption of movement or avoidable hardship when the new system comes into force. With this object forms of application for India – Pakistan passports are being urgently distributed to all passport issuing authorities in India who will make arrangements to have them made available to the public as widely as possible. The places where forms will be available in each State will be notified by that State. It is hoped that these application forms will be available to the public from the 8th September, 1952 and Passport Issuing Authorities will entertain applications for India – Pakistan passports with effect from the 11th September, 1952. Similarly forms of application for visas to visit India are expected to be available at Indian Diplomatic Missions in Pakistan from the 11th September and those Missions will entertain such applications from the 15th September, 1952. Arrangements are being made to post adequate staff at the Indian missions in Pakistan, particularly Dacca, to ensure quick disposal of applications and early issue of visas. All persons who expect to travel to or from Pakistan in the
second fortnight of October are advised to obtain the necessary passports and visas by the 15th of that month.

Ministry of External Affairs.
New Delhi, August 23, 1952.

3445. Note from Pakistan Ministry of Foreign Affairs to High Commission for India in Pakistan.

New Delhi, October 4, 1952.

Ministry of Foreign Affairs & Commonwealth Relations
Karachi

No. I (I). 12/2/52. Dated, the 4th October, 1952

The Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, presents its compliments to the High Commission for India in Pakistan and, with reference to their not No.C – 26/IHC – 51, dated July 12, 1952, has the honour to state as follows: -

2. As previously stated the Government of Pakistan do not wish to prolong the controversy over the responsibility for the closure of the routes but adhere to the view that the unilateral closure of the Wagah – Attari route by India was contrary to the spirit of the understanding reached at the Permit Conference. Their own reading of the minutes of that Conference does not substantiate the argument that the choice given to a permit holder to indicate the route by which he will enter the other country and the route by which he wants the return, implies the existence of two land routes. The fact that more routes than one were and are available to permit holder, i.e., by air or by sea, adequately covers the right of the permit holder to different routes for entry into and return from the other country. In any case, as no purpose will be served by continuing this controversy it may be considered as closed.

3. It would be in the interests of the nationals of both the countries that both, the Wagah – Attari and the Hussainiwala – Ferozepore land routes, should be opened. The Government of Pakistan therefore, requests the Government of India to open both the Wagah – Attari and the Ferozepore – Hussainiwala routes, for Pakistani nationals. The Government of Pakistan will simultaneously open
the two routes for the nationals of India. If, however, the Government of India wish to have only one route opened, the Government of Pakistan would welcome their opening the Wagah—Attari route. As previously indicted, this is the shorter of the two routes and is normally used for trade between the two countries.

4. The Ministry avails itself of the opportunity to renew to the Indian High Commission the assurances of its highest consideration.

To
The High Commission for India in Pakistan,
Karachi.

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[Passed by the Pakistan Constituent Assembly (Legislature) and received the assent of the Governor-General on the 14th December, 1952.]

Act to make better provision for controlling the entry of Indian citizens into Pakistan.

WHEREAS it is expedient to make better provision for controlling the entry of Indian citizens into Pakistan;

1. (1) This Act may be called the Pakistan (Control of Entry) Act, 1952.
   (2) It extends to the whole of Pakistan.
   (3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,-
   (a) “enter” means enter by water, land or air;
   (b) “passport” means a passport issued or renewed by or under the authority of a person duly empowered to issue or renew it and satisfying the conditions prescribed relating to the class of passports to which it belongs;
   (c) “visa” means a visa duly endorsed by an authority empowered in this behalf by or under the authority of the Central Government on a passport valid and in force;
(d) “permit” means a permit issued or renewed by or under the authority of a person duly empowered to issue or renew it under the Pakistan (Control of Entry) Ordinance, 1948, and satisfying the conditions prescribed relating to the class of permits to which it belongs;

(e) “Indian citizen” means a person who is or is deemed to be a citizen of India under the law for the time being in force in India;

(f) “Pakistan citizen” means a person who is or is deemed to be a citizen of Pakistan under the law for the time being in force in Pakistan;

(g) “officer” means an officer or an employee of the Central Government or of a Provincial Government or of an Acceding State.

3.(1) No Indian citizen shall, unless exempted by a provision made under this Act, enter any part of Pakistan unless he is in the possession of a passport with a visa authorizing the entry.

(2) No Pakistan citizen shall, unless exempted by a general or special order made under this Act, enter from India into any part of Pakistan unless he is in possession of a passport, an emergency certificate, a repatriation certificate or any other travel document provided for under this Act:

Provided that if he has entered India on a permit issued under any law for the time being in force in India he shall be allowed to return to Pakistan before the expiry of-

(a) the period specified in the permit, or

(b) the period of three months beginning on the 14th October, 1952, whichever is the shorter.

(3) No Indian citizen who has entered any part of Pakistan before the 18th October, 1952, without a passport shall, unless exempted under this Act remain in Pakistan beyond the expiry of a period of three months beginning on the 14th October, 1952, or, if he has entered on a permit, the specified therein, whichever is the shorter.

(4) No person shall enter Pakistan except in compliance with the rules governing entry by specified routes or by a check-post through which he is to pass, and unless he has registered himself with such authorities and in such manner as may be prescribed in this behalf.

(5) After the commencement of this Act every Indian citizen shall, during the period of his stay in Pakistan, be governed by and shall comply with the rules made under this Act.
4. Whoever contravenes any of the provisions of section 3 shall, for every such contravention, be punished with imprisonment which may extend to one year, or with a fine which may extend to one thousand rupees, or with both.

5. Any person who for the purpose of obtaining a passport or a visa or of claiming an exemption under any of the provisions of this Act or of the rules made thereunder makes a statement which he knows to be untrue or does not believe to be true, or makes use of a statement which he knows to be untrue or has reason to believe to be untrue shall be punished with imprisonment which may extend to one year or with a fine which may extend to one thousand rupees or with both.

6.(1) Any police officer, customs officer, or other officer empowered in this behalf by a general or special order of the Central Government or of a Provincial Government or of the Government of an Acceding State or under a rule made under this Act, may arrest without a warrant any person whom such officer reasonably suspects of having contravened any of the provisions of section 3.

(2) An officer making an arrest under this section shall, without unnecessary delay, take the person arrested or cause him to be taken before a competent Magistrate having jurisdiction in the place where the arrest is made, or to the officer-in-charge of a police station within whose jurisdiction the arrest is made; and the provisions of the Code of Criminal Procedure, 1898, or, when the arrest is made in a State, of the corresponding law for the time being in force in that State, shall, so far as may be, apply in respect of such arrested person.

7.(1) The Central Government may order any person who is not a citizen of Pakistan convicted under section 4 or section 5 to remove himself from Pakistan within the time specified in the order.

(2) If such person refuses or fails so to remove himself within the specified time,-

(a) he shall be punished with imprisonment which may extend to one year or with a fine which may extend to one thousand rupees or with both, and

(b) he may be removed from Pakistan under the order of the Central Government, who may use all such means as may, in the circumstances, be necessary to effect the removal.

(3) The Central Government may, by a general or special order, direct that the power to make orders under sub-section (1) and clause (2) shall be
exercisable also by a Provincial Government or the Government of an Acceding State, subject to such conditions, if any, as may be specified in the direction.

8.(1) The Central Government may, by notification in the official Gazette, make rules to carry into effect the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, the rules may provide for,-

(a) the different types of visas which may be granted;

(b) the authorization or appointment of persons by whom visas may be generated, varied, extended and cancelled;

(c) the charges and fees payable for obtaining application forms and visas and the extension of visas;

(d) the conditions and restrictions which may be imposed under this Act on the holder of a passport;

(e) the exemptions which may be granted, with or without conditions, to any person or class of persons in respect of any provision of this Act or the rules made there under;

(f) the conditions and restrictions which Indian citizens may be required to comply with during their stay in Pakistan;

(g) the alteration or modification of or exemption from any condition or restriction imposed under a visa on the holder of a passport after his entry into Pakistan;

(h) the fixing and notification of check-posts and routes; and

(i) the procedure for registering and reporting to the police required under the rules for certain categories of visa holders.

9. The Central Government may by order direct that any power conferred on it under such conditions, if any, as may be specified in the order, be exercised by any officer or authority subordinate to it or specified by it.

10. No prosecution, suit or other legal proceeding shall be commenced against any person in respect of anything done or purporting to be done in exercise of the powers conferred by or under this Act, except with the sanction of the Central Government or the Provincial Government or the Government of the State concerned.
11.(1) The Pakistan (Control of Entry) ordinance, 1952, is hereby repealed but the repeal by that Ordinance, subject to the provisions of section 3 thereof, of the Pakistan (Control of Entry) Ordinance 1948, is hereby declared to be subject to the provisions of section 3 of this Act.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of powers conferred by or under this Act, as if this Act had been in force on the day on which such thing was done or such action was taken.

3447. Summary of Agreed Decisions at the Indo - Pakistan Passport Conference

New Delhi, 28 January to 1 February 1953.

As Ratified on 9 July 1953 The Governments of India and Pakistan have ratified the decisions reached at the Indo-Pakistan Passports Conference held at New Delhi from 28th January to 1st February, 1953 and during subsequent discussions. A summary of the agreed decisions is given below. The two Governments are taking steps to give immediate effect to these decisions.

1. Travel facilities for residents of enclaves. Residents of the enclaves in both the countries will on application be granted Category ‘A’ visas valid for an unlimited number of journeys within the thana or thanas contiguous to the enclave, and also for an unlimited number of journeys in transit along one or more specified routes between the enclave and the mainland of the country to which the enclave belongs. The specified route for transit need not be through an established check-post. In addition, the holder of a Category “A” visa may also obtain any other visa to which he may be entitled under the rules.

2. Multi-journey transit visas between two places in the same country across the territory of the other country.

(a) These visas will be issued freely; the position being reviewed after 12 months.

(b) The Government of Pakistan agree to depute a visa officer to Tripura for a period of three months to issue visas of various categories to residents of that State. The Government of India also agree similarly to depute a visa officer to Comilla, if so desired.
3. **Transit visas for non-diplomatic staff.** Transit visas free of cost will also be admissible to non-diplomatic staff, other than those posted in India or Pakistan, when travelling between the home-county and Missions abroad.

4. **Registration of non-diplomatic staff.** The registration of non-diplomatic staff will be effected merely by handing over the duplicate copy of the visa application form at the check-post of entry.

5. **Additional visa offices.** The Government of Pakistan will set up two additional Branch Visa Offices in India, one at Bombay and the other at Shillong; while the Government of India will set up two additional Branch Visa Offices in Pakistan; one at Hyderabad (Sind) and the other at Rajshahi (East Bengal).

6. **Additional Routes.** (i) The Government of Pakistan will open one check-post at or near Chhatak to cover the routes from Assam via Dhalai river, (ii) the bridle path from Bholaganj to Companyganj, (iii) the Shalla river route and (iv) if possible, the route from Barsora. They will also open a second check-post at Hatipagar in Nalitabori opposite Dalu (Assam), a third check-post on route Kurmaghat - Dhalaiight (Tripura), and a fourth check-post on the Sankara - Itindagh (West Bengal) route. The continuance of these additional routes will be reviewed after 12 months. The existing route between Malda and Rajshahi will be diverted; its future location will be mutually agreed upon by the Governments of West and East Bengal.

7. **Land routes and closed districts.** (a) No district in either country will be closed to the nationals of the other country. Applications for visas to all destinations in India or Pakistan will be considered. (b) The Wagah - Attari and the Gandasinghwala - Husseiniwala routes between the two Punjabs will be opened for public travel. (c) Visas will be issued for all valid purposes including tourism. (d) The transport of goods between Akhaura (East Bengal) and Agartala (Tripura) will be facilitated; some provisional arrangements for this purpose have already been made between the Governments of Tripura and East Bengal. (e) Both Governments are considering the possibility of reopening through passenger traffic by rail between West Pakistan and India. The matter will be discussed further between the Railway authorities of the two Governments.

8. **Category ‘A’ Visas.** Border fishermen will be included in the classes of persons eligible to receive category “A” visas.


10. **Ministers of Provincial or State Governments.** (a) Ministers of Provincial or State Governments, when visiting the other country, whether on official or
unofficial business, will be given category “D” (official) visas. On private visits, the usual visa fee will be charged. (b) Chief Commissioners and their families will be given the same facilities as Governors, Rajpramukhs and their families.

11. **Delegates to U.N. Meetings.** Nationals of one country proceeding to the other to attend U.N. meetings will normally be given Category “D” (official) Visas.

12. **Category “E” Visas.** (a) The definition of businessmen will be extended to include any person who has *bona fide* reasons for proceeding to the other country for the promotion of business or trade. Category “E” visas will be issued liberally. (b) For the issue of “E” visas it will be for the businessman concerned to decide at what places he wishes, to transact his business.

13. **Persons earning their livelihood in the other country.** (a) The following classes of persons who are already in the other country will also be eligible for obtaining category “F” visas: (i) Domestic servants; (ii) Resident employees of owners of immoveable property in East Bengal, Assam and Tripura. (iii) Persons earning their livelihood by following independent trades and avocations, or by service other than under limited companies or registered firms etc; (d) Category Y visas will also be given to seasonal labourers formally going to the other country in search of employment. Such visas will be valid for one or more districts and for an appropriate period ranging from six months to one year.

14. **Carriage of goods between check-post.** (a) Porters carrying goods between the check-posts of the two countries will not be required to take out passports and visas. Instead, porters of both sides in equal numbers will be given written authorisations by the two check-posts. The authorisations will be valid for movement only between the two customs check-posts for the carriage of goods. (b) As far as possible, transhipment of goods at the East Bengal-India border from the vehicle of one side to the vehicle of the other side will be permitted to take place at suitable spot agreed upon locally.

15. **Defence Personnel.** (a) Clearance through the Defence Ministry will not be necessary for the following: (i) Minor children (under 15 years of age) of personnel and civilian employees of Defence Organisations (including the Military Accounts Department). (ii) Employees of the Civil Aviation Department and their families. (iii) Class IV employees of the Defence Services (including the Military Accounts Department). The exemption accorded to Class IV employees is for a period of one year in the first instance as an experimental measure. (b) Telegraphic applications for urgent visits by Defence personnel (furnishing the following minimum particulars) (i) Name and rank (ii) Purpose of visit (iii) Duration of visit (iv) Places to be visited (v) Address in the country to be visited — will be dealt with expeditiously, and decisions on them telegraphed simultaneously to the referring authority and to the mission concerned.
16. **Repatriation of Prisoners.** For an offence other than the contravention of the permit or passport regulations, the full particulars of the prisoners, a copy of the judgment by which he was convicted (if possible) and a statement of other relevant circumstances will be forwarded to the relevant diplomatic mission of the other country at least three months before the due date of release of the prisoners from jail. The diplomatic mission will consider the matter and inform the authority making the reference, at least 15 days before the due date of release, whether it acknowledges the prisoner as its national. If the prisoner is so acknowledged, the diplomatic mission will also issue an appropriate travel document valid for his repatriation. Such released prisoners will not be sent across the border by force.

17. **Repatriation after a contravention of the Permit or Passport Regulations.** (i) When a person enters either country on a valid passport and a valid visa and is thereafter sentenced for a contravention of the Permit or Passport Regulations to a term of imprisonment during which his passport or visa expires, the diplomatic mission of the country where the passport was issued will, on production of a certified copy of the Judgment, renew the passport for a further reasonable period, and the country in which he has undergone the imprisonment will issue him an extension of his visa for such reasonable period, as may be necessary for him to leave that country. For this purpose, the expired passport of the prisoner, along with the above-mentioned document, will be forwarded to the diplomatic mission of the other country at least 15 days before the due date of the release of the prisoner. (ii) When a person who enters either country with a valid passport, but without a valid visa, is convicted for illegal entry and sentenced to a term of imprisonment during which the period of his passport expires, the diplomatic mission of the country of origin, on production of a certified copy of the judgement and of the release order, will grant him an extension of the validity of his passport for a sufficient period, and the country visited will grant him an endorsement thereon, to enable the holder to return home after his release. (iii) When a person who is not in possession of a passport or equivalent document is convicted for illegal entry, all the relevant facts will be communicated to the nearest diplomatic mission of the other country concerned, along with a certified copy of the judgment convicting him of illegal entry, a copy of the release order and other particulars. The diplomatic mission will give its decision whether it acknowledges the prisoner concerned as its national, and, if so, will issue a document valid for his repatriation. (iv) Such released prisoners will not be sent across the border by force. There will be no bar, however, to the prevention of illegal entry or the expulsion of entrants while attempting to enter illegally.

18. **Divided Families,** The grant of facilities for the reunion of the following types of families was considered: (i) The head of the family being in one country and his wife and/or minor children in the other. (ii) The head of the family is dead or a divorce has taken place, and the wife and/or minor children have no person
to support them in that country. Both the Governments agreed to give reunion facilities to such persons as soon as procedural details are mutually agreed upon.

19. **Stateless Persons**. Persons who were stateless at the time of partition and, for various reasons, have continued as such, although they are eligible for the acquisition of Pakistani or Indian Nationality, will be issued special Emergency Certificates on which the Mission of the other country will grant a category “C” or a transit visa as required.

20. **Facilities for persons whose needs are not covered by existing provisions**. Where the visa office is satisfied of the need for more journeys than one, and the application is not covered by any existing provision relating to multi-journey visas, the visa office may make the “C” category visa (at present valid only for one journey) valid for a specified number of journeys or for an unlimited number of journeys.

21. **More liberal specification of places of visit**. Permission to visit more places than one will be granted liberally.

22. **Delegation of authority**. All District Magistrates throughout India and Pakistan will be authorised to grant: (1) Extensions of the period of stay for a total period of 30 days; and (2) Permission to visit places other than those mentioned in the visa within the State or Province in which his district lies.

23. **Special emergency arrangements**. (a) To deal with extremely urgent applications, a special section will be set up in the Indian Visa Office at Dacca as well as in the Pakistan Visa Office at Calcutta. It will be the endeavour of this section to grant a visa within 24 hours of the receipt of the application. (b) The Visa Officer may, in his discretion, consider the following as reasonable grounds for treating an application as emergent: (i) Serious illness of a near relation of which news has been received within the last five days. (ii) Appearance in a court or other Government authority, intimation of or summons for which has been received within the last five days. (iii) Travel for the purpose of a commercial transaction, attendance at a Directors meeting, etc., in which the reason for travel has suddenly arisen for causes beyond the control of the applicant. (iv) Any other cause which the Special Section may consider adequate. (c) If a person applies to the Special Section and the latter does not consider his reasons adequate for doing so, it will retain the forms, inform the applicant accordingly and direct him to file fresh application forms in the General Section. (d) Arrangements for dealing with urgent applications will also be made at other visa offices of India and Pakistan.

24. **Expediting issue of visas**. (a) Both sides are agreed on the need to expedite the issue of visas as far as possible. (b) The personal attendance of
the applicant will not be necessary for the grant of visas. (c) (i) The normal maximum period for the issue of C, D and transit visas has been fixed at seven working days; and for other visas at 14 working days from the date of the receipt of the application by the visa-issuing authority. (ii) Applicants presenting applications personally will be asked to call next on pre-determined dates according to the above normal periods. (iii) Within the above normal period, the applicant will either be granted a visa or informed of its refusal. (iv) When an application has to be referred to the home authorities, the applicant will be informed within the above normal period, and told that the visa office will inform him subsequently of the next date on which he should approach it. (v) If in any special circumstances, the normal period cannot be adhered to, the applicant will be informed of it as early as possible and given a definite revised date. Both Governments will, however, take measures to avoid this as far as possible.

25. **Forms defectively filled in.** If the forms filled in by an applicant contain minor defects or defects which can be corrected by the visa office itself, or if the applicant is present in the visa office at the time and available for the purpose of correcting the defects, his application should not be rejected because of such defects, but should be suitably amended.

26. **Uniformity of Forms.** The forms in use on both sides will be uniform as far as practicable.

27. **Disposal of rejected duplicate and triplicate copies of the visa application forms together with photographs.** The duplicate and the triplicate copies of a rejected visa application form together with two copies of the photographs may be returned to the applicant.

28. **Machinery for consultation and investigation and removal of complaints.** For the expeditious disposal of complaints and minor matters arising from the working of the system, each Government will nominate an officer who will correspond directly with his opposite number on such matters.

**Note:** *The ratified decisions were made public in a press communiqué issued simultaneously in New Delhi and Karachi on July 9, 1953.*

◆◆◆◆◆
Circular issued by Ministry of External Affairs determining the status of babies born to a Pakistani family while in India.

New Delhi, May 12, 1953.

Government of India
Ministry of External Affairs
New Delhi

No. F. 44/52/PV(III) the 12th May, 1953

Circular

Subject: Babies born in a Pakistan family, while in India

The following instructions on the above subject may kindly be noted.

(i) If the mother is in India on a permit under the Influx from Pakistan (Control) Act, 1950, the State Government should, on application add the name and particulars of the baby on the permit.

(ii) If the mother is in India on a Pakistan passport, she should apply to a Pakistan Diplomatic Mission in India for addition of the name of the baby to the passport.

(iii) Even if neither of the above actions has been taken, the Indian Immigration check post at point of exit should raise no objection to the exit of the permit or passport holder though accompanied by a new born baby (under one year of age).

(iv) The Indian Immigration check post at point of exit should enter the particulars of the baby in the remarks column of Register Form 2 in all cases, i.e. whether or not the particulars of the baby have been added to the permit or the passport. Such babies will however, not be counted in compiling the fortnightly reports.

2. (Necessary instructions may kindly be issued to the immigration check posts under the control of the State Government)

Sd/- (Jogindra Singh)
Under Secretary

All State Governments.
Press Communiqué issued simultaneously in Karachi and New Delhi specifying the outcome of the India-Pakistan Conference on Passport and Visa issues.

July 9, 1953.

PRESS COMMUNIQUÉ

The Governments of India and Pakistan have ratified the decisions reached at the Indo – Pakistan Passports Conference held at New Delhi from 28th January to 1st February, 1953 and during subsequent discussions.

A summary of the agreed decisions is given below. The two Governments are taking steps to give immediate effect to these decisions.

1. **Travel facilities for residents of enclaves.**

Residents of the enclaves in both the countries will on application be granted Category ‘A’ Visas valid for an unlimited number of journeys within the thana or thanas contiguous to the enclave, and also for an unlimited number or journeys in transit along one or more specified routes between the enclave and the mainland of the country to which the enclave belongs. The specified route for transit need not be through an established checkpost. In addition, the holder of a Category “A” visa may also obtain any other visa to which he may be entitled under the rules.

2. **Multi – journey transit visas between two places in the same country across the territory of the other country.**

(a) These visas will be issued freely; the position being reviewed after 12 months.

(b) The Government of Pakistan agree to depute a visa officer to Tripura for a period of three months to issue visas of various Categories to residents of that State. The Government of India also agree similarly to depute a visa officer to Comilla, if so desired.

3. **Transit Visas for Non – Diplomatic Staff.**

Transit visas free of cost will also be admissible to non – diplomatic staff, other than those posted in India or Pakistan, when travelling between the home – country and Missions abroad.

4. **Registration of Non – Diplomatic Staff.**

The registration of Non – Diplomatic staff will be effected merely by handing over the duplicate copy of the visa application form at the check – post of entry.
5. **Additional visa offices.**

The Government of Pakistan will set up two additional Branch Visa offices in India, one at Bombay and the other at Shillong; while the Government of India will set up two additional Branch Visa Offices in Pakistan; one at Hyderabad (Sind) and the other at Rajshahi (East Bengal).

6. **Additional Routes.**

The Government of Pakistan will open one check – post at or near Chhatak to cover (i) the routes from Assam vis Dhalai river, (ii) the bridle path from Bholaganj to Companyganj (iii) the Shalla river route and (iv) if possible, the route from Barsora. The will also open a second check – post at Hatipagar in Nalitabari opposite Dalu (Assam), a third check – post or route Kurmaghat – Dhalai (Tripura), and a fourth check – post on the Sankara – Itindaghant (West Bengal) route. The continuance of these additional routes will be reviewed after 12 months.

The existing route between Malda and Rajshahi will be diverted; its future location will be mutually agreed upon by the Governments of West and East Bengal.

7. **Land routes and closed districts.**

(a) No district in either country will be closed to the nationals of the other country. Applications for visas to all destinations in India or Pakistan will be considered.

(b) The Wagah – Attari and the Gandasinghwala – Hussainiwala routes between the two Punjab will be opened for public travel.

(c) Visas will be issued for all valid purposes including tourism.

(d) The transport of goods between Akhaura (East Bengal) and Agartala (Tripura) will be facilitated; some provisional arrangements for this purpose have already been made between the Governments of Tripura and East Bengal.

(e) Both Governments are considering the possibility of reopening through passenger traffic by rail between West Pakistan and India. The matter will be discussed further between the Railway authorities of the two Governments.

8. **Category “A” Visas.**

Border fishermen will be included in the classes of persons eligible to receive category “A” visas.

9. **Category “B” Visas.**

Near relations for purposes of the grant of “B” Visas will include
(i) Parents – in – law.
(iv) Uncles and aunts in the first degree.
(v) Step – children and adopted children.

10. **Ministers of Provincial or State Governments.**

(a) Ministers of Provincial or State Governments, when visiting the other country, whether on official or unofficial business, will be given category “D” (official) visas. On private visits, the usual visa fee will be charged.

(b) Chief Commissioner and their families will be given the same facilities as Governors, Rajpramukhs and their families.

11. **Delegates to U.N. Meetings.**

Nationals of one country proceeding to the other to attend U.N. meetings will normally be given Category “D” (official) Visas.

12. **Category “E” Visas.**

(a) The definition of business men will be extended to include any person who has *bona fide* reasons for proceeding to the other country for the promotion of business or trade. Category “E” visas will be issued liberally.

(b) For the issue of “E” visas it will be for the businessman concerned to decide at what places he wishes to transact his business.

13. **Persons earning their livelihood in the other country.**

(a) The following classes of person who are already in the other country will also be eligible for obtaining category ‘F’ visas:

(i) Domestic servants;

(ii) Resident employees of owners of immovable property in East Bengal, West Bengal, Assam and Tripura.

(iii) Persons earning their livelihood by following independent trades and avocations, or by service other than under limited companies or registered firms etc;

(b) Category ‘F’ visas will also be given to seasonal labourers normally going to the other country in search of employment. Such visas will be valid
for one or more district and for an appropriate period ranging from six months to one year.

14. **Carriage of goods between check – posts.**

(a) Porters carrying goods between the check – posts of the two countries will not be required to take out passports and visas. Instead, porters of both sides in equal numbers will be given written authorisations by the two check – posts. The authorisations will be valid for movement on between the two customs check – posts for the carriage of goods.

(b) As far as possible, transshipment of goods on the East Bengal – India border from the vehicle of one side to the vehicle of the other side will be permitted to take place at suitable spot agreed upon locally.

15. **Defence Personnel.**

Clearance through the Defence Ministry will not be necessary for the following:

(i) Minor children (under 15 years of age) of personnel and civilian employees of Defence Organisations (including the Military Accounts Department).

(ii) Employees of the Civil Aviation Department and their families.

(iii) Class IV employees of the Defence Services (including the Military Accounts Department). The exemption accorded to Class IV employees is for a period of one year in the first instance as an experimental measure.

(b) Telegraphic applications for urgent visits by Defence personnel (furnishing the following minimum particulars)

(i) Name and rank

(ii) Purpose of visit

(iii) Duration of visit

(iv) Places to be visited

(v) Address in the country to be visited will be dealt with expeditiously, and decision on them telegraphed simultaneously to the referring authority and to the mission concerned.

16. **Repatriation of Prisoners.**

For an offence other than the contravention of the permit or passport regulations, the full particulars of the prisoners, a copy of the judgment by which he was
convicted (if possible) and a statement of other relevant circumstances will be forwarded to the relevant diplomatic mission of the other country at least three months before the due date of release of the prisoner from jail. The diplomatic mission will consider the matter and inform the authority making the reference, at least 15 days before the due date of release, whether it acknowledges the prisoner as its national. If the prisoner is so acknowledged, the diplomatic mission will also issue an appropriate travel document valid for his repatriation.

Such released prisoners will not be sent across the border by force.

17. Repatriation after a contravention of the Permit or Passport Regulations.

(i) When a person enters either country on a valid passport and a valid visa and is thereafter sentenced for a contravention of the Permit or Passport Regulations to a term of imprisonment during which his passport or visa expires, the diplomatic mission of the country where the passport was issued will, on production of a certified copy of the Judgment, renew the passport for a further reasonable period, and the country in which he has undergone the imprisonment will issue him an extension of his visa for such reasonable period as may be necessary for him to leave that country. For this purpose, the expired passport of the prisoner, along with the above-mentioned document, will be forwarded to the diplomatic mission of the other country at least 15 days before the due date of the release of the prisoner.

(ii) When a person who enters either country with a valid passport, but without a valid visa, is convicted for illegal entry and sentenced to a term of imprisonment during which the period of his passport expires, the diplomatic mission of the country of origin, on production of a certified copy of the judgment and of the release order, will grant him an extension of the validity of his passport for a sufficient period, and the country visited will grant him an endorsement thereon, to enable the holder to return home after his release.

(iii) When a person who is not in possession of a passport or equivalent document is convicted for illegal entry, all the relevant facts will be communicated to the nearest diplomatic mission of the other country concerned, along with a certified copy of the judgment convicting him of illegal entry, a copy of the release order and other particulars. The diplomatic mission will give its decision whether it acknowledges the prisoner concerned as its national, and, if so, will issue a document valid for his repatriation.
(iv) Such released prisoners will not be sent across the border by force. There will be no bar, however, to the prevention of illegal entry or the expulsion of entrants while attempting to enter illegally.

18. **Divided Families.**

The grant of facilities for the reunion of the following types of families was considered:

(i) The head of the family being in one country and his wife and or minor children in the other.

(ii) The head of the family is dead or a divorce has taken place, and the wife and or minor children have no person to support them in that country.

Both the Governments agreed to give reunion facilities to such persons as soon as procedural details are mutually agreed upon.

19. **Stateless Persons.**

Persons who were stateless at the time of partition and, for various reasons, have continued as such, although they are eligible for the acquisition of Pakistan or India Nationality, will be issued special Emergency Certificates on which the Mission of the other country will grant a category “C” or a transit visa as required.

20. **Facilities for person whose needs are not covered by existing provisions.**

Where the visa office is satisfied of the need for more journeys than one, and the application is not covered by any existing provision relating to multi – journey visas, the visa office may make the “C” category visa (at present valid only for one journey) valid for a specified number of journeys or for an unlimited number of journeys.

21. **More liberal specification of places of visit.**

Permission to visit more places than one will be granted liberally.

22. **Delegation of authority.**

All District Magistrates throughout India and Pakistan will be authorised to grant:

1. Extensions of the period of stay for a total period of 30 days; and
2. Permission to visit places other than those mentioned in the visa within the State or Province in which his district lies.

23. **Special emergency arrangements.**

(a) To deal with extremely urgent applications, a special section will be set up in the Indian Visa Office at Dacca as well as in the Pakistan Visa...
Office at Calcutta. It will be the endeavour of this section to grant a visa within 24 hours of the receipt of the application.

(b) The Visa Officer may, in his discretion, consider the following as reasonable grounds for treating an application as emergent:

(i) Serious illness of a near relation of which news has been received within the last five days.

(ii) Appearance in a court or other Government authority, intimation of or summons for which has been received within the last five days.

(iii) Travel for the purpose of a commercial transaction, attendance at a Directors meeting, etc., in which the reason for travel has suddenly arisen for causes beyond the control of the applicant.

(iv) Any other cause which the Special Section may consider adequate.

(c) If a person applies to the Special Section and the latter does not consider his reasons adequate for doing so, it will retain the forms, inform the applicant accordingly and direct him to file fresh application forms in the General Section.

(d) Arrangements for dealing with urgent applications will also be made at other visa offices of India and Pakistan.

24. **Expediting issue of visas.**

(a) Both sides are agreed on the need to expedite the issue of visas as far as possible.

(b) The personal attendance of the applicant will not be necessary for the grant of visas.

(c) (i) The normal maximum period for the issue of C, D and transit visas has been fixed at seven working days; and for other visas 14 working days from the date of the receipt of the application by the visa-issuing authority.

(ii) Applicants presenting applications personally will be asked to call next on pre-determined dates according to the above normal periods.

(iii) Within the above normal period, the applicant will either be granted a visa or informed of its refusal.

(iv) When an application has to be referred to the home authorities, the applicant will be informed within the above normal period, and told
that the visa office will inform him subsequently of the next date on which he should approach it.

(v) If in any special circumstances, the normal period cannot be adhered to, the applicant will be informed of it as early as possible and given a definite revised date. Both Governments will, however, take measures to avoid this as far as possible.

25. **Forms defectively filled in**

If the forms filled in by an applicant contain minor defects or defects which can be corrected by the visa office itself, or if the applicant is present in the visa office at the time and available for the purpose of correcting the defects, his application should not be rejected because of such defects, but should be suitably amended.

26. **Uniformity of Forms.**

The forms in use on both sides will be uniform as far as practicable.

27. **Disposal of rejected duplicate and triplicate copies of the visa application forms together with photographs.**

The duplicate and the triplicate copies of a rejected visa application form together with two copies of the photographs may be returned to the applicant.

28. **Machinery for consultation and investigation and removal of complaints.**

For the expeditious disposal of complaints and minor matters arising from the working of the system, each Government will nominate an officer who will correspond direct with his opposite number on such matters.

**Ministry of External Affairs**

**New Delhi, July 9, 1953.**

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3450. Record note of discussions of the first meeting of the second Sub-Committee of the Indo-Pakistan (Eastern Zone) Conference held at Raj Bhavan, Calcutta, on the 1st October, 1953

Item 3(a): Freedom of movement – Liberalisation of restrictions regarding travel.

In their opening remarks the Indian Delegation stated that as this was an Eastern Zone Conference, their discussions should relate generally to the Eastern Zone. Many of the problems to be discussed would, however, have wider application and, accordingly, might cover both Eastern as well as Western Zones.

2. The Indian Delegation then stated that they were prepared to consider liberalization of the present passport and visa scheme operating between the two countries. As far as the Eastern Zone was concerned, for example, the Indian Delegation were willing to consider the question of the abolition of the visa system as it operated at present. The necessary details would, of course, have to be worked out subsequently. If, however, this proposal were not acceptable to the Pakistani Delegation, the Government of India were prepared to consider a reduction of the existing number of various categories of visas with a view to making the Indo-Pakistan Passport and Visa Scheme conform generally to international, and more particularly to Commonwealth practice. In their opinion such liberalization would be welcomed by the general public in both countries.

3. The Pakistan Delegation stated that they were not prepared to consider any modification in the scheme which did not apply equally to both wings of Pakistan and that further in their opinion any major modification of the main principles of the scheme which had only recently been introduced would be premature. But they were otherwise willing to consider proposals for liberalization.

4. The Indian Delegation explained that they had in mind another concrete suggestion for the liberalization of the existing visa system. For visits for a limited period, say two months, no visa should be necessary, but at the time of entry an endorsement would be made on the passport permitting the passport holder to reside in the country for the prescribed period. This would in effect be an automatic visa given by the officer at the check post. The passport holder would however, be required to give an address in the country which he is visiting where correspondence would reach him. If the person wished to extend his stay beyond the prescribed period, he would have to obtain a regular visa, failing which he would be liable to summary deportation. The Pakistan Delegation
stated that this proposal was impracticable administratively and the facilities proposed were not commensurate with the difficulties involved.

5. The general working of the existing scheme was then reviewed.

(a) **“A” Category Visas:** The Indian Delegation proposed that medical practitioners, lawyers and other professional men resident and practicing in the border zone should be included in the classes of persons eligible to receive Category “A” Visas. The Pakistani Delegation stated that this was already accepted in the scheme provided they practiced their profession within the belt. It was agreed, however, that specific instructions should be issued on both sides to this effect.

The Pakistani Delegation suggested that District Magistrate in India should be authorized to grant “A” Visas. India agreed to examine this suggestion. It was explained that under this scheme, an applicant would have the option of submitting this application either to the District Magistrate concerned or to the Deputy High Commissioner in Dacca or Calcutta. If the applicant wished to apply to a District Magistrate, the following procedure would be followed. In the first instance he would submit his application to his own District Magistrate with the visa fee. This District Magistrate will forward daily, or as often as practical, the applications and the fees received by him to his opposite number in the other country. The authorized messenger who would take these applications would be allowed entry on multi-journey visa or even without any visa if necessary. The Indian Delegation pointed out that the difficulty of sending the visa fees across the border still remained. The Pakistani Delegation stated that the visa fees could be sent by postal order or bank draft in favour of the Pakistan Deputy High Commissioner at Calcutta, or the Indian Deputy High Commissioner at Dacca could be authorized to pay fees for visas granted on the basis of agreed statements from the District Magistrate concerned. The Indian Delegation agreed to examine this suggestion.

(b) **“B” Category Visas.** The Indian Delegation proposed and the Pakistani Delegation accepted that nephews and nieces of the first degree should also be included in the list of near relations for the purposes of the grant of ‘B’ Visas’

On an enquiry from the Indian Delegation, the Pakistani Delegation explained that the Deputy High Commissioner at Calcutta did not insist, as a general rule, that Indian nationals having an interest in immovable properties in East Bengal should produce their original documents in support of their claim for ‘B’ Visas. It was only in doubtful cases that some kind of satisfactory evidence was demanded.
On a suggestion made by the Pakistani Delegation, the Indian Delegation agreed that the Indian visa issuing authorities would not insist on applicants producing a forest permit before the grant of a visa to a bona fide applicant desirous of applying for a forest permit.

The Pakistan Delegation proposed and the Indian Delegation agreed that the present regulation requiring a visa holder of ‘B’ category to leave at the end of two months, should be liberalized. The visa holder should be allowed the facility available to holders of visas of other categories to obtain extension of stay, if required, during the validity of the visa. He would, however, have to apply for the extension of the period of stay during a single visit at the expiry of every two months.

(c) ‘D’ Category Visas. On a suggestion made by the Pakistan Delegation it was agreed that ‘D’ Visas diplomatic as well as official, should be made valid on application for a maximum period of one year and for repeated journeys during that period.

(d) Seamen’s Visa. The Pakistan Delegation suggested that the Indian authorities should allow seamen to have a choice of route for travel in the re-entry visas granted to them. Secondly, in the re-entry visas granted to the seamen, the Indian authorities specified that the seamen could not re-enter India before a specified date. They, therefore, suggested that this requirement should be abolished. The Indian Delegation promised to examine these suggestions and send their reply by a very early date.

(e) Photograph for renewal of applications. On a suggestion made by the Pakistan Delegation, it was agreed that it would not be necessary to affix photographs on the application forms for renewal of all categories of visas during the validity of the passport when the renewal applications were made to the same authority who had issued the original visas.

(f) Reports of arrivals and departures to the Police. The Pakistan Delegation did not agree to the Indian proposal to do away with the requirements of holders of category ‘C’ ‘F’ and ‘E’ and ‘E’ Visas (Except transport workers) to report their arrivals and departures to the Police. It was, however, emphasized that these reports were not required to be made in person, and could be done by letter. This should be re-emphasised on both sides by issue of fresh instructions and publicity.

(g) Multi-journey transit visas. The Indian Delegation stated that the Pakistan visa issuing authorities were not granting multi-journey transit visa as agreed to between the two countries. The Pakistan Delegation stated that they would look into the matter immediately and if instructions were inadequate they would rectify the position by immediate issue of detailed instructions.
(h) **Excessive references.** On a query made by the Indian Delegation, the Pakistan Delegation stated that their visa officers were not making unnecessary or excessive references to the Home Governments before granting visas. It was agreed that both the Governments should issue fresh instructions emphasizing that there should not be unnecessary or excessive references by the visa issuing authorities.

(i) **Registration with the Intelligence Branch of the police.**

The Indian Delegation pointed out that the Pakistan officials at the check posts insisted on compulsory registration of Indians with the Intelligence Branch of the police before exit from Pakistan. The Pakistan Delegation explained that the Government of Pakistan had not issued any instructions to this effect, but that this might have happened in some cases through a misunderstanding. It was understood that the check post officials wished to assure themselves of the legality of the original entry into Pakistan of the holders of Indian passports. The Pakistan Delegation, however, promised to instruct the check post officials that as long as the visas on the passports were issued by authorities within East Bengal, the check posts should not insist on any such registration or production of duplicate copies of application forms.

(j) **Transport between Agartala and Akhaura.**

The Pakistan Delegation stated that progress has been made in making satisfactory transport arrangements between these two places.

7. Items arising out of the last Indo-Pakistan Passport Conference.

(l) **Exchange of information.** The Indian Delegation stated that information in regard to the issue of visas had not yet been exchanged between the two countries as agreed to at the Indo-Pakistan Passport Conference in January-February, 1953. The two Delegations agreed that this information should now be exchanged and that as the dates specified in the Passport Agreement had since expired, information should be exchanged for the following two periods by the 31st October, 1953:—

(a) from the introduction of the passport scheme till the 31st January, 1953; and,

(b) from the 1st February, 1953, to the 31st August, 1953. The two Governments may later exchange this information on a quarterly basis. Before the end of each quarter the two Governments would fix the date for such exchange.
Repatriation of nationals belonging to the other country.
The Indian Delegation stated that the system prescribed for repatriation as a result of the last Passport Conference was not working satisfactorily. The two Delegations, therefore, agreed to simplify the procedure. Messrs. Fateh Singh and Khan would submit a draft for the purpose (Anexure “A”).

Re-Union of divided families. – The Indian Delegation stated that it was agreed at the last Passport Conference that facilities should be given for the re-union of divided families and that the procedure for the purpose should be worked out between the two countries. No procedure had, however, been fixed so far. It was agreed that Messrs. Fateh Singh and Khan should prepare 4 draft for this purpose (Annexure “B”).

Lapse of Visa for non-utilisation within 6 months. The Indian Delegation suggested that the existing regulations under which a visa lapsed if not utilized by the holder within 6 months of its issue should be abolished. The Pakistan Delegation did not agree to this proposal. They stated, however, that the visa holder may be allowed to apply for extension of the visa on payment of the visa fee only but without having to submit an application for extension in the usual form and without photographs. The duplicate copy of the original application returned to him will, however, have to be produced for revalidation. The Indian Delegation agreed.

Item 3(b)- Currency. The Indian Delegation proposed that the present limit of Rs.50/- of both currencies permitted to be carried by a traveler should be increased as it was inadequate. They also proposed that more liberal exchange facilities should be given to persons travelling on business. The Indian delegation explained that under their system a resident of Indian traveling to Pakistan for business was normally given up to Rs.75/- per day. The Pakistan delegation promised to consider the suggestion for the proposed increase of the limits up to which currencies could be carried. In regard to the second proposal, they explained that, under their scheme, members of recognized Chambers of Commerce were given an automatic release of exchange up to Rs.500/- per quarter and this facility was allowed in addition to the release of exchange for business travel on individual applications to the State Bank as was the practice in India.

The Indian delegation also suggested that each country may have a moderate basic travel quote of, say Rs.500/- per annum, for travel to the other country on a reciprocal basis. Such a basic travel quota existed in both countries for travel to other countries but at present it did not cover travel between India and Pakistan. So far as India was concerned the main difficulty in extending the basic quota for travel to Pakistan had been the absence of a system of passports on which the exchange could be noted. Now that a system of passports was in
force between the two countries there was no difficulty in introducing a basic travel quota for travel to Pakistan also on a reciprocal basis. The quota would be available for travel for any purpose whatsoever for business or otherwise. The Pakistan delegation stated that they did have a basic travel quota for India for about a year but this was discontinued as India did not allow the same facility. They would now consider the Indian suggestion for the revival of the basic travel quota on a reciprocal basis.

9. **Item 3(e) - Customs.** The common set of Baggage Rules agreed upon by the two countries in 1948 had been considerably expanded by India from time to time to facilitate passenger traffic. She had also given wide publicity by printing and otherwise to these Baggage rules as well as to migrants' concessions. No up-to-date list of Baggage Rules prevailing in Pakistan was readily available. It was, therefore, agreed that Pakistan will give wide publicity to these Rules and concessions. The customs authorities of the two countries should also get together as early as possible to work out a revised set of common Baggage rules based upon reciprocity and considerations of public convenience for implementation simultaneously by the two Governments by December, 1953.

10. As it is the policy of both Governments to ensure the utmost free flow of traffic between the two countries, the Customs authorities in working out these revised Rules should bear in mind the need for as liberal a treatment as possible to the passengers.

11. The Indian delegation drew attention to paragraph 3(2) of the Agreement of April, 1948, as modified by the Agreement of December of the same year under which the two Governments undertook to establish parallel land customs stations corresponding to each of the land customs stations on the other side within a prescribed period. This undertaking has not been fully implemented by the Government of Pakistan although the matter has been continuously under correspondence with that Government. Pakistan stated that since the introduction of the passport system in October, 1952, a certain number of Passport check posts, which have also been designated as land customs stations have been opened by Pakistan parallel to the land customs stations on the Indian side. India stated that even so there are still a few more parallel stations to be opened on the Pakistan side, corresponding to the stations on the Indian side and the routes connecting these parallel stations to be prescribed. A list of the stations yet to be opened and the routes to be prescribed is annexed (Annexure "C"). The Pakistan delegation agreed that the matter should be considered by Member, C.B.R., India and Member, C.B., R., Pakistan and concrete proposals formulated for the approval of their respective Governments. If no satisfactory agreement was reached before 31st December, 1953, the point of disagreement should be reported to the Steering committee for further action.
12. The Indian delegation stated that considerable difficulty was being experienced on account of Pakistan's insistence upon sealing certain intransit goods like bamboo and bamboo-Kanchis and that it was not practicable to seal such goods.

Pakistan stated that the difficulty arose only in rare cases where the seals of intransit goods had been working satisfactorily. It was however agreed that so long as the quantity declared in the intransit customs documents accompanying the goods agreed with the quantity and goods in transit, the movement of such goods should not be interfered with.

13. **Item 12- Issue of Clearance Certificates to intending migrants.**

The Pakistan Delegation strongly pressed for the acceptance of the proposal made by them at the last Indo-Pakistan Conference that migrants to India should also have a clearance certificate issued by the Government of Pakistan in addition to the usual migration certificate. The Indian Delegation referred to their past discussions and correspondence on this matter and regretted their inability to resile from their past position. Nothing in their view has happened since then to effect this. The Pakistan Delegation did not accept the Indian view and suggested that the matter should be further pursued by correspondence.

14. **Item 9- Agreement regarding river crafts of both East Bengal and West Bengal using the entire width of a navigable river where the midline of the river forms the common boundary between East and West Bengal.**

The Pakistan Delegation agreed to examine the proposals made by the Indian Delegation for an agreement of the type suggested by them (Vide Annexure D).

15. **Item 11(a).** From the Prime Ministers’ Agreement of April, 1950, and its August Annexure- Freedom and facilities for disposal of immovable properties of Members of the Minority Communities (including migrants).

The Indian Delegation stated that the recent modifications of the law in East Bengal according to which the owners were required to accept the original allottees as their tenants with the original rent even after the de-requisitioning led in actual fact to additional hardship to the owners. Under the East Bengal Scheme, the original sub-tenant of the Government in these properties was allowed to continue in occupation even after the de-requisitioning. Apart from the fact, therefore, that the owner did not get any benefit out of the de-requisitioning, he also suffered additional hardship in that it was now difficult for him to realize the rent from the occupant. The Pakistan delegation stated that this matter was already under correspondence. With regard to permission for sale of more than 10 bighas at a time the position is that the law was promulgated before the Prime Ministers’ Agreement and is applicable to all persons irrespective of their
community. Also that District Officers have discretion to permit such sales for reasonable and \textit{bona fide} purpose (District Magistrates having already been informed that “migration” would constitute a reasonable and \textit{bona fide} purpose). The Pakistan Delegation however promised to enquire into the specific cases of refusal reported by the Government of India.

The Indian Delegation stated that it was reported to them that the East Bengal Government had instructed their registration officers not to register sale deed of the properties of Hindu residents without the production of clearance certificate from the local revenue officers showing that all Government loans had been repaid. The Pakistan delegation stated that no such instructions had been issued by the East Bengal Government. Registration officers had, however, been instructed that in regard to all persons whether Hindus or Muslims, to whom Government loans had been made, it should be checked up whether they had repaid their loans before the sales of their property were registered.

16. \textbf{Item 11(b) From the Prime Minister’s Agreement} – Restrictions on the removal of movable properties by migrants.

It was agreed that the publication of uniform Baggage Rules as already agreed to by the two Delegations would solve the difficulties envisaged under this item.

17. \textbf{Item 11(c) From the Prime Minister’s Agreement} – Legislation regarding forcible conversion and search and custody of abducted women.

18. \textbf{Item 11(d) – From the Prime Ministers’ Agreement} – Minority Commissions and District and Sub-Divisional Minority Boards.

The Pakistan delegation stated that the Provincial Minority Commission in East Bengal had now been reconstituted and should be able to meet regularly. They stated that there had been a certain amount of misunderstanding in the past in regard to the supply of information to India about the meetings of the Minority Boards. This had been removed, and information would be supplied in future.

It was agreed that the Minority Boards should meet every month even though there was no formal agenda for such meetings. In regard to the proceedings of the meetings, the Pakistan delegation explained that they maintained registers of complaints in which were entered the complaints made during the meetings, and the action taken on them. These registers were open for inspection to the members of the Board at the subsequent meeting. They, however, agreed to adopt the practice of having the proceedings of one meeting confirmed at the next meeting. India stated that this was being done already in their country.

19. \textbf{Item 11(e) From the Prime Ministers’ Agreement} Requisitioning and payment of rent and compensation for rural properties.
The Pakistan Delegation explained that they requisitioned only fallow land when required and they understood that a similar practice prevailed in the Eastern Zone States of India.

They noted the suggestion made by the Indian Delegation that blocks of land in which minority interests were more than 50% should not be requisitioned, and suggested that the matter should be discussed between the two Minority Ministers. The Indian Delegation further suggested that in every such case of requisitioning a minimum area for the actual subsistence of the owner should be exempted. The Pakistan Delegation promised to consider this Proposal.

20. **Item 4 - Border Trade.** The arrangement for border trade was discussed in the light of the agreement previously reached at Delhi on general principles. While Pakistan Delegation were willing to exempt border trade in specified commodities and quantities from the operation of import and export and foreign exchange regulations, they were unable to exempt it from customs duties. No agreed decision was, therefore, reached.

Sd/- J. A. Rahim. Sd/- B.F.H.B. Tyabji

3451. Record of informal discussion between Commonwealth Secretary Ministry of External Affairs B.F.H.B. Tyabji and Pakistan Foreign Secretary Agha Hilaly on the 2nd October, 1953 at Calcutta.

India would look into the Pakistan complaint that the Indian Defence Ministry were giving visas to Pakistani Defence Personnel generally valid for only a fortnight. In regard to the general question of the validity of the visas both sides will issue fresh instructions that in cases where the period of validity of the particular category of visa was stipulated, the visa issuing authority normally should not reduce this period. In other cases also, as for example, in ‘C’ category visas, the period applied for by the applicant should be granted normally. Both India and Pakistan will issue instructions in this regard.

2. Both India and Pakistan confirmed that they were issuing visas for tourists liberally.

3. In regard to visits to the former closed districts, both sides confirmed that
visas were granted without a compulsory prior reference to the Home Governments.

4. The Pakistan Deputy High Commissioner in Calcutta stated that he was now issuing visas on the receipt of the postal orders without waiting for them to be cleared. He suggested, however, that the applicants should mention in their applications the Nos. of the money orders. He also stated that normally his office was granting the visa within five working days.

5. Both sides stated that there was considerable improvement in checking done at the visa check posts. There was, however, room for improvement and it was suggested in that regard that it would save expenditure and time if both sides checked only the incoming people. For example, the Pakistan check post will check the people entering Pakistan and take down the necessary particulars. A carbon copy of these particulars would be supplied to the Indian check post. This was feasible as both sides had identical forms to be filled in. It was agreed to consider this suggested further.

6. There were report that lepers, cripples, beggars, etc. were being sent by East Bengal authorities to India across the Darsana and Bangaon border by train and that the Indian authorities were sending them back to East Bengal. This was going on for some time. It was agreed that instructions should be issued to stop such practice.

7. Mr. Hilaly agreed to examine cases of Indian nationals who had not been granted 'E' and 'F' category visas and would also issue fresh instructions that such visas should be granted as liberally as possible.

8. As a result of the agreement reached at the Eastern Zone Conference in regard to the grant of multi-journey 'D' (official) visas, the difficulties experienced by P.&.T. staff and Surveyor- General’s staff on the border will disappear. It was also agreed that these P. & T. and S.G. people crossing the border on official business would not be required to enter or depart through check posts.

9. It was agreed that the two sides might issue executive instructions to their staff at the border not to take legal action against people who crossed the border through over-sight or over-stayed the period of their visa by a day or so again through over-sight or other bonafide difficulties.

10. Mr. Hilaly suggested that as the Pakistan Deputy High Commissioner in Calcutta was not accredited to the Government of Assam, their Assistant High Commissioner to be appointed at Shillong would have to be independent and directly accredited to the State Government. Alternatively, the Deputy High Commissioner at Calcutta would have to be accredited to the Government of Assam in which event the Assistant High Commissioner would be working under
him. The Assistant High Commissioner in Bombay will, of course, function under the High Commissioner at Delhi. Mr. Tyabji agreed to consider this proposal and send his reply urgently.

11. It was agreed that there should be increased contact between the Government of India Branch Secretariat and the Deputy High Commissioner in Calcutta and similarly between the Government of India, External Affairs Ministry and the Deputy High Commissioner at Dacca. (sic)

12. It was suggested that in view of the increasing number of protests being received by either side regarding objectionable writings in the press of the other country, unofficial convention might be established that the two sides will protest only against the objectionable writings in certain specified papers which had large circulation and generally considered representative of particular shades of opinion. This suggestion would be considered further.

13. It was agreed that the Government of India should discuss with the Pakistan High Commissioner in Delhi and remove as soon as possible restrictions on the Deputy High Commissioners of the two countries in Lahore and Jullundur on a reciprocal basis.

14. Mr. Hilaly agreed to expedite and inform Mr. Tyabji regarding:

(a) the question of evacuation of Ghatti Kamalewala;
(b) the release of the 12 policemen of Rohidi; and,
(c) the release of the two military officers whose cases had been mentioned at the last meeting of the Steering Committees.

15. He stated that the view of the Pakistan Government was that all Government servants held in the custody of the either side on the West Pakistan and Indian border should be released reciprocally.

16. Mr. Tyabji would write to Mr. Hilaly in connection with the death of the five Santhal women on the Bihar border in accordance with their personal discussions in regard to that case.

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Extract from the letter of Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Mohammad Ali.

New Delhi, October 8, 1953.

(iii) **Freedom of movement:** This matter was also discussed between us at Karachi and at Delhi, and I thought that you completely agreed with me on the desirability of doing everything possible to bring back the conditions in the eastern zone to normality. We had generally discussed the possibility of doing away with the visa system or of making it much simpler than it was at present for this purpose. I was therefore surprised to read in the minutes of the Sub-Committee dealing with this question that the Pakistan delegation were not prepared to consider any modification in the passport and visa scheme which did not apply to both wings of Pakistan; and that further in their opinion any major modification of the main principles of the scheme which had only recently been introduced would be premature, but that they were otherwise willing to consider proposals for its liberalization. Nevertheless, when the Indian delegation put forward a concrete suggestion for the liberalization of the existing visa system which would apply to both wings of Pakistan, namely, a system by which a passport holder anywhere in India or in Pakistan could visit the other country for a limited period, say, two months, without having to obtain a visa, the Pakistan delegation stated that this proposal was impracticable administratively, and the facilities proposed were not commensurate with the difficulties involved. They were also not willing to consider the reduction of the existing number of categories of visas—‘A’, ‘B’, ‘C’, ‘D’, ‘E’ and ‘F’—to bring the Indo-Pakistan passport and visa system more in conformity with international practice, and more particularly with Commonwealth practice.

I suggest that the right attitude of the Pakistan delegation towards a subject which adversely affects the daily lives of thousands of people in India and Pakistan is not in conformity with the principles that we wished our two Governments to keep in mind when dealing with it. There can be no normality established in the relations between our two peoples so long as these abnormal restrictions on their movement are maintained. I hope you will agree with me that the matter requires to be examined with a broader outlook, bearing in mind the larger objectives that you and I had in view, when we agreed on the need for reducing the hardships and inconvenience caused by the present passport and visa system to the minimum necessary, for ensuring the safety and security of our two countries.
[During the talks about the liberalization of travel conditions between East Bengal and the border Indian States, the Indian delegation suggested that there should be free movement based on the system operating between two Commonwealth countries. Statistics showed that about 97 per cent of those who had applied for visas since the enforcement of the existing arrangements had been granted visas by either country. So the Indian delegation suggested the abolition of the visa system. The suggestion was not acceptable to the Pakistan representatives who thought that the “changes should be gradual.”]

3453.

SECRET

Letter from High Commission for India in Pakistan to the Ministry of External Affairs.

Karachi, November 19, 1953.

High Commissioner For India
Karachi

No. D. O. No. DHC/53/PV

November 19, 1953

My Dear Trivedi,

Sub: Opening of Visa Office in Hyderabad, Sind.


I saw Hilaly today. It appears that the Cabinet has not accepted the designation “Assistant High Commissioner” for officers to be appointed in charge of these Visa Offices. Hilaly also now seemed to think that it was not necessary to give diplomatic status to these officers. I am naturally pressing for at least diplomatic status even if the designation is for the present “Passport Officer”. We should succeed in this.

2. I have been shown a letter from the Foreign Office to the Chief Secretary, Sind, to give every facility to us to find suitable accommodation for our Visa Office at Hyderabad, Sind. I know the Chief Secretary well and am confident that he will help us. As we do not want any complications to arise, I suggest that we open the office almost immediately and place Mahindroo in charge. The Cabinet there is quite capable of changing its mind overnight.
3. The Pakistan authorities will be again requesting us for extending the time limit for issuing passports to Pakistan and Indian Nationals who have not so far been given these travel documents. I suppose we will have no objection.

Yours sincerely
Sd/- J. K. Atal

Shri V. C. Trivedi
Deputy Secretary,
Ministry of External Affairs
New Delhi

3454. SECRET

Letter from Pakistan High Commissioner Ghazanfar Ali Khan to Commonwealth Secretary B.F.H.B. Tyabji.

New Delhi, November 26, 1953.

No.F.13(86)P/53.  26th November, 1953

My Dear Trivedi,

You will recall that at the Indo-Pakistan Conference in January 1953, which has since been ratified by both the Governments, the decisions on the subject of closed districts was as follows:-

“7. Land routes and closed districts.
(a) No district in either country will be closed to the nationals of the other country. Applications for visas to all destinations in India or Pakistan will be considered.”

2. We could reasonably have assumed that one of the important consequences of this decision would have been the speedy abolition of all unnecessary restrictions on the movements of our respective Deputy High Commissioners and their diplomatic staff in Jullundur and Lahore.

3. I do not think that any analysis of the reasons as to why this happy result did not immediately follow, will serve any purpose, as what is important is not what has happened in the past, but what can be achieved in the future. I know
that you yourself have been thinking about this subject and I understand that it was discussed by you informally at Calcutta on October the 3rd, with Hilaly.

4. The restrictions on the movements of our diplomats in those regions, are I am sure we are all agreed, unnecessarily vexatious, and besides interfering with the normal diplomatic activities of our respective officials, are not in the least conductive to the promotion of an atmosphere of cordiality which is so highly desirable, between our countries.

5. When I was in Lahore recently, I had occasion to discuss this question with the Pakistan officials there and I was glad to find that they were in complete agreement with me that all existing unnatural restrictions should be withdrawn. I am, therefore, writing to propose that your Government should agree to withdraw all restrictions on our Deputy High Commissioner and his diplomatic staff in Jullundur which do not apply to my diplomatic staff in Delhi. I shall, on my part, request the Government of Pakistan to likewise lift all unnecessary restrictions on the Indian Deputy High Commissioner and his diplomatic staff in Lahore. The net result will be that your officers and our officers in Lahore and Jullundur would have complete freedom of movement within their jurisdictions, and will only be required to give reasonable notice of their movements outside their headquarters to the local authorities concerned.

Yours sincerely

(Ghazanfar Ali Khan)

B.F.H.B.Tyabji Esq., ICS.,
Commonwealth Secretary to the
Government of India,
Ministry of External Affairs,
New Delhi.

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Letter from Ministry of External Affairs to Deputy High Commissioner for India in Pakistan.

New Delhi, December 7, 1953.

Ministry of External Affairs
New Delhi

No. D. O. 12 – PSP/53 7th December, 1953

Subject: Extension of time limit for the issue of passports to Indian and Pakistan nationals in the other country.

My Dear Atal,

Will you please refer to your D.O. letter No.DHC/53/PV dated the 2nd November, enclosing a copy of Hilaly’s letter to you of the 18th November?

2. As you must have observed, this is the fourth time that the Government of Pakistan have approached us with a request for extension of the grace period allowed to their nationals resident in India since before the 15th of October 1952. The Government of Pakistan imposed the passport and visa system despite our protest and it is difficult to understand how, after a year of its working they should come to us for the extension of an arrangement which was, by its very nature, designed to cover a short transitional period. Such extensions make, as it were, a mockery of the scheme. After three extensions and after a period of over 14 months, there is no justification for any national not to have secured a proper passport and an adequate visa. We can therefore, hardly accede to Pakistan’s request.

3. Unfortunately, however, we are faced with an embarrassing problem regarding our Assistant High Commissioners in Hyderabad and Rajshahi. It appears that, despite the fact that it was Hilaly who made the suggestion for this designation to the Commonwealth Secretary and despite the agreement between them, the Pakistan Government are hesitating to accept this designation and, what is worse, even to grant diplomatic status to these officers. You may, therefore, sound Hilaly on the subject whether the Government of Pakistan will be prepared to implement their agreement, namely, that of granting the status of Assistant High Commissioner to the two officers (including the grant of diplomatic status) if, at the same time, we acceded to their request as a very special case and allowed an extension of the grace period for further period of three months, i.e. till the 31st of March, 1954.

4. I may emphasise here that we have not yet made up our minds finally regarding the question of extension. We are consulting Banerji and Acharya and
shall be in position to give our final views after their comments have been received. Meanwhile, we shall be grateful if you would sound Hilaly as proposed, and let us have urgently his reaction.

Yours sincerely

Sd/- V.C. Trivedi

Shri J. K. Atal, I.C.S.
Dy. High Commissioner for India
Karachi.

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3456.  
SECRET

Letter from Ministry of External Affairs to High Commissioner for Pakistan in India Ghazanfar Ali Khan.

New Delhi, December 30, 1953.

Ministry of External Affairs
New Delhi

No. P. I/53/6213/201.

Sub: Restrictions on the Deputy High Commissioners and their staff in Pakistan and India.

My Dear Raja Sahib,

Please refer to my D.O. letter No. CS (T) 695 of the 26th November, 1953

2. We agree that the two Governments should withdraw all restrictions on the movements of the Deputy High Commissioners at Jullundur and Lahore and on their diplomatic staff; in other words that they should have complete freedom of movement within their jurisdiction and should only be required to give reasonable notice of their movements outside their headquarters to the local authorities concerned.

3. I understand that some restrictions are placed on the diplomatic staff of the Deputy High Commissioners at Calcutta and Dacca as well. The diplomatic officers of these sub-Missions are required to obtain special permission from the local authorities for paying visits outside their Headquarters, if they are not
accompanies by their Deputy High Commissioners. I suggest that these restrictions should also be removed. They should have the same freedom of movement within their respective jurisdictions, subject, of course, to reasonable notice being given of their visits, as proposed for their colleagues at Jullundur and Lahore.

4. We shall issue instructions accordingly as soon as I hear from you that this is acceptable to your Govt.

Yours sincerely

Sd/- B.F.H.B Tyabji

H.E. Raja Ghazanfar Ali Khan,
High Commissioner for Pakistan in India,
New Delhi.

3457. Recommendations for a Revised Indo-Pakistan Passport and Visa Scheme.

Karachi, April 12, 1955.

1. The various categories of visas will be abolished, except for ‘A’ and ‘E’ (Transport workers) category visas. Those visas will be issued liberally to those who are eligible.

2. ‘Diplomatic’, ‘Non-diplomatic’ and official visas will be granted as at present.

3. In all other cases, a visa on the international model will be issued, valid for a period of up to one year according to the needs of the traveler. This visa may be either a single journey visa or a multiple journey visa or a transit visa. This visa will be issued freely by the visa-issuing authorities without any reference being made to State and Provincial Governments or the Central Governments of the two countries, except in the case of retired and active Police officials. In the case of Defence personnel, the present system of applying through the Ministry of Defence concerned will continue. The present system for Seamen visas will also continue.

4. Visas will be valid for the whole country proposed to be visited. The traveler will give his address in the country to be visited where correspondence would reach him.
5. Visa holders will not be required to report to the Police either in writing or in person. Any person who over stays the period of his visa will be liable to summary deportation.

6. The present system of travel on emergency certificates and Migration Certificates will continue. The present facilities being granted to Pardanashin (under veil) ladies will also continue.

(M.S.A. Baig)  
Joint Secretary, Ministry of F.A.&C.R  
Government of Pakistan

(V.C. Trivedi)  
Director  
Pakistan Division, Min. of Ext. Aff.  
Government of Pakistan

3458. Joint Communiqué issued on the discussions between Pakistan Interior Minister Major General Iskander Mirza and Indian Minister of Rehabilitation Mehr Chand Khanna.

Karachi, April 12, 1955.

The Pakistan Minister for the Interior, Major General Iskander Mirza, and India’s Minister for Rehabilitation, Mr. Mehr Chand Khanna, held discussions in Karachi on the 9th April, 1955, and subsequent days, in regard to migration from one country to another, improvement in rail communications, improvement of travel facilities between the two countries, and exodus of members of the minority community from East Pakistan. The Ministers were assisted by official Advisers.

2. Complete agreement was reached in regard to all matters discussed. The Ministers agreed that travel between the two countries should be facilitated by the provision of a less cumbersome system of visas and establishment of additional check-posts and authorized routes between the two countries. It was agreed to establish two authorized routes on the West Pakistan border, one at Khokhrapar and the other at Gandasinghwala. It is expected that establishment of the authorized route via Khokhrapar with railway facilities and check-posts will lead to bona fide travelers using this route with valid travel documents and that the movement of unauthorized persons without travel documents will cease.

3. Restoration of Railway communications between West Pakistan and India
and through running of railways between West Bengal and Assam through East Pakistan was also discussed.

4. On the question of the exodus of members of the minority community from East Pakistan, the Ministers agreed that confidence should be restored as rapidly as possible among the minority community in East Pakistan. The Government of Pakistan has assured the minority community that their interest and security would be fully guarded and that returning migrants would be taken back to their homes and their properties restored to them.

3459. Office Memorandum from the Ministry of External Affairs to the Ministry of Home Affairs.

New Delhi, April 13, 1955.

Government of India,
Ministry of External Affairs
New Delhi

No.PII/54/679110/201 13th April, 1955

Office Memorandum

The undersigned is directed to forward herewith a copy of the minutes of a meeting held in Karachi on the 9th April, 1955, between the Minister for Rehabilitation and the Pakistan Minister for the Interior. Attention is particularly invited to paragraphs 1, 3 (with enclosure) and 5 of the minutes. The agreements reached on the issues covered by these paragraphs are in accordance with the decisions already reached by the Government of India on them. As far as the enclosure to paragraph 3 is concerned, a copy has already been sent separately to Shri Fateh Singh of the Ministry of Home Affairs with a suggestion that a detailed scheme based on these recommendations should be worked out by the Ministry of External Affairs in consultation with the Ministry of Home Affairs.

2. The Minister for Rehabilitation has stated that the approval of the Government of Pakistan to the minutes is expected today or tomorrow and has suggested that the approval of the Government of India to the decisions reached in the minutes should also be taken before the Prime Minister’s departure for Bandung. A copy of the Rehabilitation Minister’s telegram to the Prime Minister on the subject has been forwarded separately to the Secretary. Ministry of Home Affairs.
It is, therefore, requested that the Ministry of Home Affairs may please communicate their approval to the decisions reached in the minutes immediately.

The Prime Minister has recorded the following minute in this connection:—

“For my part, I agree with these recommendations for simplification of visas. Presumably Trivedi has arrived here today. There is a Cabinet meeting on the 14th April at 12. This matter might be mentioned at that Cabinet meeting.”

(V.C. Trivedi)
Deputy Secy. to the Government of India.

To
The Ministry of Home Affairs,
(Shri A. V. Pai, I.C.S.)

3460. Letter from High Commissioner for India C. C. Desai to Pakistan Acting Foreign Secretary M. S. A. Baig.

Karachi, April 26, 1955.

High Commissioner for India
Karachi


My dear Baig,

I enclose herewith a copy of a letter which I have just sent to General Iskander Mirza, the Hon’ble Minister for the Interior. Even after ratification, it is possible that some discussions may have to be held to work out the details of the scheme. Our people are working out these details and it is hoped that similar action is being taken at this end so that once the two governments have ratified the Scheme, there is no delay in putting it into force so as to afford relief to the thousands of persons anxiously waiting for this liberalization.

With kind regards,

Yours sincerely

(C.C.Desai)
M.S.A. Baig, Esq.,  
Acting Foreign Secretary,  
Ministry of Foreign Affairs & Commonwealth Relations,  
Government of Pakistan, Karachi.

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Letter from High Commissioner for India in Pakistan C. C. Desai to Pakistan Interior Minister Maj. Gen. Iskander Mirza.

High Commissioner for India  
Karachi.

No. H. C. 55/161  
April 26, 1955.

My dear Iskender,

You could kindly remember that in the recent discussions between your goodself and our Minister for Rehabilitation, Mehr Chand Khanna, certain recommendations were made for a revised Indo-Pakistan Passport and Visa Scheme subject to ratification by the two Governments. A copy of the recommendations in enclosed for facility of reference.

2. I have now been informed by my Government that they have approved the minutes of the meeting held in Karachi on the 9th April, 1955, and that the Government of India agree to the recommendations for the revised Indo-Pakistan Passport and Visa Scheme.

3. We would be grateful to know when ratification by the Government of Pakistan is expected.

With kind regards,

Yours sincerely,

(C.C. Desai)

The Hon’ble Major General Iskender Mirza,  
Minister for Interior,  
Karachi.

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3461.  

SECRET

Letter from Prime Minister’s Secretariat to Home Secretary
A. V. Pai.

New Delhi, May 5, 1955.

Prime Minister’s Secretariat
New Delhi.


My Dear Pai,

You will recall that from time to time, during the last year or two, Prime Minister has written suggesting that the issue of visas to Pakistanis should be made less stringent. Under Prime Minister’s directions, we have on a number of occasions, written on the same lines and have also brought to the notice of the Home Ministry, specific cases in which it was felt that a lenient view is regard to the grant of visas would be justified. As, under the recent agreement reached with the Pakistan Government, this question is being reviewed by the Home Ministry, in consultation with the External Affairs Ministry, I thought, it would be desirable to invite your attention to this matter, so that the views communicated by the Prime Minister may be kept in mind.

2. As regards general indication of Prime Minister’s mind on this subject, I give the following two extracts from minutes recorded by him:

i) From minute dated the 20th December, 1954. Marked to the Commonwealth Secretary—

“Our rules about visas for Pakistan, in spite of liberalization, are still very rigid and very hard. We treat these people much worse than any other foreigner.”

ii) From minute dated the 29th September, 1954, sent to you with my letter No. D/S.11160. dated the 30th September, 1954.

“In regard to Pakistan, special rules were laid down because of special circumstances. These circumstances have gradually ceased to have any relevance, and there is no reason why the average Pakistani should not be allowed to come here unless there is some special reason to the contrary.”

These and many other indications of the Prime Minister’s mind on the subject which are available with the Home Ministry would indicate that the Prime Minister generally feels that for the purpose of granting visas to Pakistanis, the conditions
laid down should, at the least, be as liberal as the conditions subject to which visas are granted to nationals of other Commonwealth countries, and that in granting visas no distinction need be made between Pakistan nationals who originally belonged to the territory now within the Indian Union and other Pakistan nationals, merely on this ground.

3. Apart from this question of general approach, the majority of cases in which we had to intercede with the Home Ministry fall under certain well defined categories. In cases of this kind, the normal rules at present in force seem to lead to greater hardship than in other cases, and therefore, while considering liberalization of the visa system these types of cases should be given special consideration:

i) Cases in which evacuee property issues are involved. As a matter of fact, the question of evacuees property should be completely de-linked from the visa system. We have made this suggestion to the Home Ministry previously, but up to now no decision on it has been reached

ii) Cases of re-union of divided families. Further liberalization of provisions relating to re-union of divided families will be desirable and for this purpose the family should be given a wider meaning than at present.

iii) Cease of recovered abducted women who want to come and live in India after having been sent to Pakistan. No special difficulty in such cases should arise because of the fact that the person concerned is a recovered abducted woman. Cases of this nature should be judged on the same basis as other cases.

4. I am sending a copy of this letter to S. Dutt.

Yours Sincerely
Sd/-

(B. N. Kaul)

Shri A. V. Pai, I.C.S.,
Secretary,
Ministry of Home Affairs, New Delhi.

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SECRET

Letter from Joint Secretary Pakistan Ministry of Foreign Affairs M.S.A. Baig to Deputy High Commissioner of India in Pakistan R.T. Chari.

Karachi, May 12, 1955.

Ministry of Foreign Affairs & Commonwealth Relations
Government of Pakistan
Karachi

No. 1042/JS(E)/55 12th May, 1955.

Kindly refer to our discussions of yesterday regarding liberalization of travel facilities between India and Pakistan. In this connection, please refer to the last sentence of paragraph 3 of the recommendations in regard to the revised Indo-Pakistan Passport and Visa Scheme prepared by Trivedi and myself, which provides for continuance of the existing arrangements of visas for seamen.

2. Our recommendations were intended to bring the Indo-Pakistan Passport and Visa Scheme in line with the normal international pattern, and in one respect it goes even further in that it confines the police check only to the place of entry. We, therefore now feel, on close examination, that it is illogical to continue the existing arrangement for sea-men, which is not in keeping with international practice, and is a cumbersome procedure involving inconvenience. We would, therefore, request you to agree to bring the provision for seamen in line with the normal international practice as is really contemplated in the revised scheme.

3. On receipt of your approval to the above, necessary arrangement will be made to obtain the agreement of the Government of Pakistan to the recommendations for the revised Indo-Pakistan Passport and Visa Scheme.

Yours sincerely,

Sd/-

(M.S.A. Baig)

R. T. Chari, Esq.,
Deputy High Commissioner of India
Karachi.
Letter from Prime Minister’s Secretariat to Secretary
Ministry of Home Affairs A. V. Pai.

New Delhi, May 15, 1955.

Prime Minister’s Secretariat
New Delhi

No. D/S – 4591 May 15, 1955

My Dear Pai,

Will you kindly refer to my letter No. D/S/4379 dated the 6th May, 1955, regarding liberalization of issue of visas to Pakistanis. I also submitted a note on the same lines to the Prime Minister. He has asked me to forward copies of that note (enclosed) to you and to S. Dutt, and to suggest that the points raised in it should be considered before finalizing the new proposals which are at present being worked out. In view of the interest which Prime Minister has taken in this matter, I think, it will be desirable to show to him that final proposals in regard to these points before they are put into force.

2. I am told that in pursuance of a recent Cabinet decision proposals for liberalization of the visa system were discussed some days ago between the External Affairs Ministry and the Home Ministry. I hope, at this meeting the points raised in the attached note, especially the question of de-linking of grant of long-term visas from evacuee property issues, were given consideration. The question of de-linking of grant of long-term visas from evacuee property issues has been raised with the Home Ministry on many occasions during the last year or so.

3. I am sending a copy of this letter to S. Dutt.

Yours Sincerely
Sd/- (B.N. Kaul)

Shri A.V. Pai, I.C.S.
Secretary,
Ministry of Home Affairs, New Delhi.

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Prime Minister’s Secretariat

During the last year or two on various occasions Prime Minister has written to the Home Ministry and to the External Affairs Ministry pointing out that the issue of visas to Pakistanis should be liberalized. We have also on many
occasions, following indications from the Prime Minister, invited the attention of the Ministries concerned to the hardships that are involved under the present visa rules. Up to now, however, no substantial liberalization of the visa system has taken place. Under the recent agreement reached with Pakistan, which has been accepted by the Government of India, the details of the new visa system to be enforced are now being worked out. This is a suitable opportunity therefore for giving effect to the Prime Minister’s wishes in regard to the liberalization of this system.

2. I quote below one or two examples of the indications given by the Prime Minister of the line the liberalization should take:

i) From minute dated the 20th December, 1954, marked to the Commonwealth Secretary—

“Our rules about visas for Pakistan, in spite of liberalization, are still very rigid and very hard. We treat these people much worse than any other foreigner.”

ii) From minute dated the 29th September, 1954.—Copy sent with a letter from me to the Home Secretary—

“In regard to Pakistan, special rules were laid down because of special circumstances. These circumstances have gradually ceased to have any relevance, and there is no reason why the average Pakistani should not be allowed to come here unless there is some special reason to the contrary.”

These and many other indications of the Prime Minister’s mind on the subject which are available to the Ministries concerned would appear to indicate that the Prime Minister generally feels that the conditions subject to which visas are granted to Pakistanis should approximate as far as possible to the conditions subject to which they are granted to nationals of other Commonwealth countries. There are obviously circumstances peculiar to the relationship existing between India and Pakistan. Special types of visas may be necessary to meet particular groups of persons, as for instance, people who have to move across the border in pursuit of their daily avocation or for Defence Personnel and civilian Government servants and for seamen. But in respect of visas for persons who do not fall within any of these special categories, the approach mentioned above would appear to be justified.

3. Apart from this question of general approach, the majority of the cases in which we have had to intercede with the Home Ministry fall under three well defined categories. In cases of this kind, specially where the request is for a long-term visa, which at present means a visa for one year, the normal rules at
present in force lead to hardship. Therefore, while considering reform of the visa system, special attention should be paid to ensure that these categories of persons do not suffer from any disabilities.

(i) **Linking of the grant of long-term visas with evacuee property issues:**

Somehow the question of grant of long-term visas continues to remain linked with issues connected with evacuee property. At the beginning when the system of permanent resettlement permits existed, the grant of such a permit implied that if the person concerned had any evacuee property it would be restored. Later, cases began to occur in which while granting permanent resettlement permit it was made clear that no undertaking was implied about the restoration of the evacuee property. However, when the visa system came into force, the original link with evacuee property issues was not broken. Requests for long-term visas have to be cleared through the Rehabilitation Ministry and the Custodian’s Organisation. I know some cases in which for the last year and a half Prime Minister has taken personal interest, but in which up to now, in spite of our repeated efforts, it has not been possible to secure longer visas because the cases have not yet been cleared through the Rehabilitation Ministry and the Custodian’s Organisation.

By granting a long-term visa no implication is created that if the person has any evacuee property, his claim for its restoration will in any way be strengthened. All that is implied is that the Government of India has no objection to the person’s more or less permanent stay in this country. Therefore, it is a little difficult to understand why this link is being maintained. Recently, the evacuee property law has been abrogated. Continuance of the link will take away something from the grace and the political effect of this abrogation. Moreover, the number of cases in which there is any likelihood of evacuee property being restored has now become very limited and no new property can be declared evacuee property. If the link is maintained then for the purpose of covering a small number of cases in which any question of restoration of property can arise, all requests for long-term visas will have to be cleared through the Rehabilitation Ministry and thus cause delay.

(ii) **Cases of re-union of divided families:**

At the moment the provision in this respect is very restricted. If the head of a family is in India and his wife and minor children are in Pakistan, then the latter are allowed to come and stay in India without difficulty. Also, if the head of the family dies or divorces his wife in Pakistan, and the wife and minor children have no person to support them in Pakistan, they can come and live with their relatives in India. But other types of cases of re-union of families are not treated with any special consideration. I think, further liberalization of provisions relating
to re-union of families will be desirable. Also for this purpose the family should be given a wider meaning than at present.

(iii) **Recovered abducted women:**

Cases have occurred in which recovered abducted women after being sent to Pakistan have expressed a desire to get long-term visas for residence in India with their friends or their relatives. I think, in these cases there should be no difficulty in granting long-term visas. As a matter of fact, if a recovered abducted woman applies for a long-term visa, it shows that after being recovered and sent to her relatives in Pakistan, she as a free agent prefers to come back to India, and therefore such requests should be considered with special sympathy.

4. I understand, recently the details of the passport and visa system were considered at a meeting between the Ministries of External Affairs and Home Affairs. This was done, I believe, in pursuance of the Cabinet decision recently reached following the agreement with Pakistan on this question. I am not sure whether the points mentioned above were considered at this meeting in the light of the general approach indicated by the Prime Minister on earlier occasions. If Prime Minister approves, I shall forward a copy of this note to Shri A.V. Pai and to Shri S. Dutt, suggesting that Prime Minister would like that these aspects of the visa system should be considered before finalizing proposals about liberalization and reform of the system.

Sd/- **B.N. Kaul**
14.5.1955.

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Letter from Deputy High Commissioner of India in Pakistan
R. T. Chari to Joint Secretary, Pakistan Ministry of Foreign Affairs.


No. F. 54/55-Genl. May 25, 1955

High Commissioner For India
“Valika Mahal”, Jehangir Sethna Road,
New Town, Karachi.

My dear Baig,

Will you kindly refer to the correspondence resting with your letter No.1042/JS(E)/55 dated the 12th May, 1955, regarding liberalization of travel facilities between India and Pakistan. The High Commissioner has since discussed the matter with Major-General Iskander Mirza, Minister of Interior. I understand that this matter was also discussed between Major-General Mirza and Shri G.B. Pant(Home Minister of India) recently at Delhi, and that it was agreed that the recommendations as they stand now should be ratified and that further questions like changes in the existing arrangements for seamen should be taken up separately for discussion after ratification. I trust therefore that you will now proceed to obtain the agreement of the Pakistan government to the agreed recommendations for the revised Indo-Pakistan Passport and Visa Scheme.

2. With regard to para.2 of your letter under reply, it is not only the procedure laid down for seamen which deviates from international practice or involves inconvenience. It would be seen from para.3 of the recommendations that retired and active police officials and members of the defence personnel also have to adopt a special procedure. Similarly the present system of emergency and migration certificates and facilities granted to purdah ladies are also retained.

Yours sincerely
Sd/-
(R. T. Chari)

M.S.A. Baig Esquire,
Joint Secretary,
Ministry of Foreign Affairs & Commonwealth Relations,
Karachi.

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3465. SECRET

Letter from Prime Minister’s Secretariat to Home Secretary A. V. Pai.

New Delhi, June 22, 1955.

Prime Minister’s Secretariat
New Delhi.

No. F.29/303-H/54-PMP June 22, 1955

My dear Pai,

Will you kindly refer to your letter No.20/82/54-F.II. dated the 21st May, 1955, regarding liberalization of issue of visas to Pakistan nationals? With regard to the three specific points referred to in this correspondence. I offer the following remarks:—

i) De-linking of the grant of visas from evacuee property issues

In this connection I invite your attention to Chandra’s letter No.231/S. dated the 9th June, 1955, to you, copy of which he also sent to me. The Rehabilitation Ministry have now reconsidered this matter and in paragraph 2 of his letter Chandra says that he has “no objection to the issue of long term visas to Pakistani nationals being entirely de-linked from the evacuee property issue, and reference to this Ministry (Rehabilitation Ministry) in such cases need not be made.” I hope in view of this the Home Ministry now will not have any difficulty in de-linking the question of grant of visas from the evacuee property issue, and in dispensing with clearance from the Rehabilitation Ministry of application before granting of visas.

ii) Cases of re-union of divided families

We note that in issuing visas to cases of divided families the Home Ministry has now considerably liberalized their policy and are interpreting the term “divided family” as widely as possible. We shall be obliged if a copy of the instructions now in force or proposed to be issued for this purpose to the different visa issuing authorities is sent to us for our record.

iii) Recovered abducted Women:

It is true that cases in which recovered abducted women have requested for long-term visas have been very few. This is bound to be so, because the number of recovered abducted women in proportion to the rest of the population is insignificant. While the considerations you have mentioned are relevant, there is another point in cases of this kind which needs being kept in mind. I believe,
the Government of India's policy is that no recovered abducted woman should be sent to Pakistan against her will. If a recovered abducted woman after being sent to Pakistan applies for a long-term visa to enable her to stay in India permanently, it shows that somehow something went wrong and that she as a free agent prefers to stay in India rather than in Pakistan. If this is so, and then in accordance with the policy of the Government of India in regard to restoration of abducted women to Pakistan she should be given a long-term visa for stay in India without difficulty. I hope you will kindly consider this aspect of the matter also and take suitable action.

2. With regard to the revised visa scheme, copy of which has been forwarded to our High Commission in Pakistan, there are one or two points to which I would like to invite your attention.

i) In paragraph 17 of part II of this scheme it is stated that no prior reference by visa issuing authorities to the Central Government, or to the State Government or to their agencies will be necessary, except in cases mentioned in paragraph 16. I am not quite sure whether this wording is quite correct. Is it the intention that long-term visas covered by paragraph 7(a) of Part II of the scheme should also be given by visa issuing authorities without prior reference to Central Government? Paragraph 17 as it is worded at present would suggest that this is the intention.

ii) In regard to the three specific matters referred to in paragraph 1 above, I think, it will be necessary to introduce some change in paragraph 7(a)(3) of Part II of this scheme to ensure complete de-linking of the grant of long-term visas from evacuee property issues. It is possible that this paragraph may have to be omitted because now there is no question of giving re-settlement facilities in India. The form of application prescribed at Appendix 4 will also, I think, require to be omitted. About liberalization of policy in regard to cases of re-union of divided families and about requests for long-term visas from recovered abducted women it is possible that you may wish to issue suitable executive instructions to the visa issuing authorities rather than to incorporate specifically provisions in regard to liberalization of policy in this scheme.

3. You will notice that in regard to the three points mentioned in paragraph 1 above, some action can be taken even now, pending enforcement of the system visualized in the scheme, copy of which has been sent to our High Commissioner in Pakistan. We shall be obliged if you will kindly let us know what action you consider feasible in regard to these points now, and to what extent you propose to incorporate provisions in regard to these points in the new proposed scheme.

4. After these matters have been considered by the Home Ministry and
some decision on them has been reached, I think, it may be desirable to send a
self-contained note for Prime Minister’s information indicating the points which
he has raised from time to time in regard to liberalisation of issue of visas to
Pakistan nationals and the manner in which the Home Ministry has decided to
meet them (1) now under the present system, and (2) under the new scheme
which is at present under consideration.

5. I am sending a copy of this letter to S. Dutt.

Yours sincerely

(B.N. Kaul)

Shri A.V. Pai, I.C.S.
Secretary, Ministry of Home Affairs,
New Delhi.

3466. Letter from High Commissioner for India in Pakistan C. C.
Desai to the Ministry of Railways.

High Commissioner for India,
Karachi

D. O. No. F. 80 (7)/55- Genl. August 12/13 1955

My dear Mathur,

The re-opening of the Khokhrapar - Munaboa route has come as a real blessing
to people on this side. Karachi, as you knew, is full of refugees from U.P.,
Bombay and Rajasthan. They have often to go to the places from where they
came, in order to meet relations, attend functions and perform ceremonies.
Then we have Ajmer Sharif not far from the border and easily accessible via
Hyderabad. Next to Mecca and Medina, Ajmer is the most sacred shrine to the
Mussalmans of the world in general and to the Mussalmans of this sub-continent
in particular. Naturally, they are anxious to go there as often and in as large
numbers as possible. There is no insecurity or uncertainty and there would be
considerable traffic between Ajmer and Hyderabad. At present they have to
change the train at Marwar, which is inconvenient. The object of this letter of
mine is to suggest the running of two or three through-coaches between Hyderabad
and Ajmer every day so that the passengers remain in their seats and do not have to change at the junction. There is plenty of traffic for the through-bogies. May I request that this matter may be given special attention and that the through-bogies may be introduced with effect from September 1, 1955?

2. Similarly, I would like two through-bogies to be started between Hyderabad and Ahmedabad. There will also be sufficient traffic on that line. As you know, this was contemplated when we discussed the resumption of Railways in April this year.

3. A few leading Muslim gentlemen of this place have seen me with this request and I know that this proposal has the personal blessing of the Acting Governor General, Iskander Mirza. He was also the author of the Agreement, although Dr. Khan Sahib, being the Communication Minister, signed the last Agreement. I hope that the operational arrangements on the Railway will not come in the way of the implementation of this proposal, which has been made in the best interest of the two countries. It will attract passengers and thus add to the revenues of our Railway. It would give facilities to the Muslims of Pakistan and thus encourage the desire in their minds to visit India. The more often they go to Ajmer, the more they would be attached to India, thus ruling out the possibility of conflict between the two countries. We are proud and lucky that we have on our soil an Institution like Ajmer Sharif, which is so sacred to the entire Muslim world and let us make it possible for the Muslims to visit the shrine with as great convenience and with as little discomfort as possible. Once you have agreed to start these coaches, I am going to write to the Home Ministry and suggest that people should be allowed to visit the shrine on any day and in any numbers, there being no need for prior intimation or for limitation of numbers or for any special arrangements. There is complete peace and security in our country and any Muslim from Pakistan can come and visit the shrine with an absolute sense of security.

4. I would be grateful for early and personal consideration of this request and for a reply at your earliest convenience.

With kind regards,

Yours Sincerely

Sd/- C.C. Desai

Shri K. B. Mathur,
Member Transportation,
Ministry of Railways,
New Delhi.
Consideration of visa question for Pakistan Nationals in the Prime Minister’s Secretariat.

September 1955.

Prime Minister’s Secretariat

Prime Minister will recall that from time to time he has written over the last two or three years to the Home Ministry regarding the system of issue of visas to Pakistani nationals. The Home Ministry have now sent a self-contained note, (reproduced below) summarizing the various references made by the Prime Minister and the action taken in regard to them. There are three principal points in regard to the system of grant of visas to Pakistani nationals which require attention. The position in regard to these points is summarized below:

I. De-linking of the grant of visas from the evacuee property issue – paragraphs 5 and 9 of Home Ministry’s note:

(a) This question has been raised by us from time to time over a long period, but there has been considerable resistance to agree to the point of view which we have urged. However, after some discussions, which I had with Shri Mehr Chand Khanna and Shri C.N. Chandra, the Rehabilitation Ministry have now recognised that there is no connection whatever between the grant to a Pakistani national of a long-term visa and the question of restoration of evacuee property. However, in order to implement this, it is not sufficient merely to give up the practice of referring applications to the Rehabilitation Ministry. Certain other actions are also necessary. Home Ministry have suggested that at the time of grant of such visas the applicants will be informed in the following terms:

“This decision will not, in any way, prejudice evacuee property proceedings already launched or which may hereafter be launched against him/her.”

I do not think it is correct to give a warning in these terms. The last few words are meaningless. Because under the evacuee property law no proceedings can hereafter be launched. With regard to the first portion of the warning, it is hardly necessary to say this since there is in fact no connection between the grant of a visa and the evacuee property proceedings already launched. It is perhaps not sufficiently realized that a visa can be granted only when the applicant holds a Pakistani passport. By holding a Pakistani passport the applicant admits that he migrated to Pakistan and is now a Pakistani national. So the question of restoration of evacuee property in regard to which proceedings may have been
already started does not in any way get prejudiced by the fact that a long-term visa has been allowed to him in the capacity of a Pakistani national.

(b) In paragraph 9 of their note the Home Ministry have taken the view that there is no need to revise the form of application for long-term visas, consequent on de-linking of this question from evacuee property issue. I do not agree with this view. The form asks for a number of particulars which can have a significance only if the application is to be considered from the point of view of evacuee property.

If this is not to be done then to ask for all those particulars which have a bearing on the evacuee property question appears to be unnecessary. Apart from this, I am afraid, it is not sufficiently realized, either here or in Pakistan, that in fact evacuee property law has been completely abrogated, except in cases in which proceedings have been started before a certain crucial date. Therefore, to continue to ask for all these particulars relating to evacuee property, when they are not in fact necessary for deciding whether visa should be granted or not, will merely help to create the impressions that while we say that the evacuee property law has been abrogated, in fact this has not been done. It is not at all clear to me how information regarding evacuee property is likely to help the Home Ministry in deciding whether visas should be granted or not, when it is admitted that evacuee property considerations are to be de-linked from the visa issue and will have no bearing on the question whether visas should be granted or not.

II. Recovered abducted women sent to Pakistan – paragraph 7 of Home Ministry’s notes.

It is true that requests from recovered abducted women sent to Pakistan for grant of long-term visas for resettlement in India are few. This is to be expected from the very nature of these cases, but the fact that the cases are few does not in any way affect the question how they should be treated. As a matter of fact, a case of this kind which came to our notice could be set right only with the personal intervention of the Prime Minister. We suggested to the Home Ministry that the policy of the Government of India is that no recovered abducted woman should be sent to Pakistan against her will. Therefore, if after going to Pakistan, a recovered abducted woman asks for a long-term visa with a view to permanent settlement in India, something must have gone wrong either when she was sent to Pakistan or her judgment in regard to the reception she was likely to get from her relatives in Pakistan was found to be wrong. Therefore, if she applies for a long-term visa for permanent settlement in India this should normally be given as a matter of course. Home Ministry somehow do not agree with this view. I have not been quite able to understand the line that they take. To my mind, cases of this kind, if security and other such considerations are not involved,
deserve to be given long-term visas almost automatically in pursuance of our policy in regard to recovered abducted women.

III. Re-union of divided families—paragraph 6 of Home Ministry’s note:

Under the Indo-Pakistan Passport Agreement, 1953, Visas on the ground of re-union of families were given to the following categories of persons:—

i) where the head of the family was in one country and his wife and/or minor children were in the other, and

ii) Where the head of the family was dead or divorce had taken place, and the wife and/or minor children had no person to support them in that country.

It is now stated that though no fresh instructions have been issued, the home ministry is allowing re-union facilities to the following categories of Pakistani nationals on compassionate grounds—

i) Old and infirm persons who are unable to earn their livelihood in Pakistan and have their near relatives in India who can look after them.

ii) Young boys who though now major were minor at the time of migration to Pakistan and who have their parents in India and are dependent on them.

iii) Members of the minority community in Pakistan.

I do not see why no instructions have been issued making it clear that visas on grounds of re-union of families will also be granted on the three above-mentioned grounds. I also feel that these need to be further liberalized, for instance, in regard to item (ii) above, even if near relatives other than parents are in India of the boys who are dependent on them, I think, long-term visas should be granted.

2. If Prime Minister approves, I shall write to the Home Ministry on the above lines and suggest that action should be taken to incorporate these proposals in the present system for the issue of visas. I shall also suggest that these points should be kept in mind for incorporation in the new scheme for the issue of passports and visas, which may come into force as result of the talks held some time ago with Pakistan. The draft new scheme, which has been sent to the Pakistan Government, and to which their agreement has not so far been received, does not incorporate these points, and in so far as cases covered by the categories referred to above are concerned, more or less repeats the present situation. It will therefore be desirable to specifically draw the attention of the
Home Ministry to this point. If in regard to any of these points it is considered that they can be given effect to more satisfactorily by executive instructions, without incorporating them in the new scheme, then there should be no objection to this course of action, but we may be informed of the executive instructions, which are proposed to be issued in regard to such points.

Sd/- B.K. Kaul
26.9.1955

P.M.

Prime Minister’s Secretariat

1. I agree with PPS. I think that the form of application is completely out of date, much too detailed and confusing. I have never heard of any such forms being filled except perhaps in the United States of America where there is a long inquisition about a person’s beliefs.

2. I do not understand why evacuee property should be brought into this picture at all. There is nothing to be done about evacuee property, now that the law has been abrogated and no fresh process can be started.

3. Also, I think that, in the case of abducted women, we should adopt a much more lenient attitude than suggested.

4. Further, I agree about the re-union of divided families.

5. Please draw the attention of the Home Ministry to all these matters and let me know what happens.

Sd/- J. Nehru,

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Note of the Ministry of Home Affairs referred to in the Note of Prime Minister’s Office above:

The points raised by Prime Minister from time to time and those raised by P.P.S. to P.M. in his D.O. No.F.29/303-H/54-PMP, dated the 22nd June, 1955, in regard to liberalisation of issue of visas to Pakistani nationals are as follows:—

(i) Whether the practice in regard to the admission from Pakistan of relatives of persons living in India, for permanent resettlement is based on any law or is merely an executive decision;

(ii) Rules about visas for Pakistani nationals in spite of liberalization are still very rigid and very hard. We treat those people much worse than any other foreigner;
(iii) We should treat Pakistan like any other country forgetting the restrictions which had been special reason flowing from the Partition and its consequences. We should consider the case of Pakistanis from the point of view of numerous family contacts that necessarily exist between India and Pakistan. We should be very liberal in giving facilities to near relatives to come to India, unless there is some special reason to the contrary;

(iv) It is wrong to prevent children coming to India where most of their family members may reside. In such cases human consideration must prevail;

(v) The question of the issue of the grant of long term visa for India to Pakistani nationals should be delinked from that of evacuee property considerations;

(vi) Whether instructions have been issued by us to the Visa Issuing Authorities explaining our present liberalized policy regarding the re-union of divided families;

(vii) Liberal facilities should be given to abducted women in Pakistan for their permanent resettlement in India. P.P.S. to P.M. has stated that if the policy of the Government of India is not to send a recovered abducted woman to Pakistan against her will, she should also be given free facilities for resettlement in India if on going over to Pakistan she express a desire to resettle in India;

(viii) Whether it is the intention of para 17 of the revised scheme of travel between India and Pakistan that the prior concurrence of the Central Government need not be obtained before long term visas for India covered by para 7(a) of the Scheme are granted to Pakistani nationals;

(ix) Whether it is necessary to amend the form of application to be filled in by Pakistani nationals for the grant of long term visas for India in view of our delinking property considerations from the question of grant of resettlement facilities in India to Pakistani nationals; and

(x) The lines on which we have decided to meet the points raised above (a) now under the present system, and (b) under the new scheme at present under consideration.

2. **These points are examined below:**

As regards (i) above, with the exception of Indian Passport Act, 1920 and the Indian Passport Rules, 1951, which govern the entry into India of all persons from abroad, there are no other legal provisions to regulate the admission into India of Pakistani nationals. After their entry, their movements and stay in India are regulated by executive instructions which are based on the various provisions
of the Indo-Pakistan Passport Agreement. As in the absence of any legal sanction behind these instructions, it has not been found possible effectively to regulate the movements of the Pakistani nationals and to deal with the breaches of Passport Rules and conditions of visas granted to them, it is now proposed to undertake suitable legislation to take legal powers so as to deal with such matters in an effective manner.

As regards (ii) (iii) above, with the abolition of the permit system in 1952, there has been considerable relaxation of restrictions on travel between India and West Pakistan. Under the passport and visa system, Pakistani nationals desirous of coming to India to visit their relatives can do so freely by obtaining Pakistani passports and Indian visas from our Missions in Pakistan. After their arrival, they can stay in India up to a period of one year by obtaining extensions of their visas, where necessary from the local authorities. Those coming for employment, business or other reasons can also do so by obtaining suitable types of visas which will enable them to stay in India for longer periods. Except for the personnel of the Pakistan Police and Defence Services, in whose case under a reciprocal agreement with Pakistan, pre-verification is required, no prior reference to the Government of India is necessary for the grant of visas to persons coming to visit their relatives or for other casual purposes. Unlike foreigners, Pakistanis are not, after arrival in India, subject to registration or the requirements of reporting their movements to police under the Registration of Foreigners Act. All that they have to do is to hand over a copy of their visa application at the check post of entry (which serves the purpose of ‘registration’) and to send a written report to the police of arrivals and departures. In certain cases, even these formalities are not necessary. Pakistanis are at a slight disadvantage compared with citizens of Commonwealth countries, who can enter India if their passports are endorsed by their own Governments as valid for entry into India, and have not to obtain the visas from the Indian Missions. This is a result of the Indo-Pakistan Agreement according to which Pakistani nationals entering India have to obtain the necessary visa. These visas also specify the places to be visited in India; but this again is a result of the reciprocal agreement reached with Pakistan. An offer to abolish the visa system altogether or at least between India and Pakistan in the Eastern Zone was made on two occasions to the Pakistan Government but was not accepted by them.

It will be seen from the above that full facilities to enter India are being given to Pakistani nationals who are temporary visitors. The cases of Pakistani nationals who wish to return to India for permanent resettlement in India are also being dealt with as liberally as possible.

The Ministry of External Affairs have, in consultation with the Ministry of Home Affairs, also drafted a revised Passport and Visa Scheme as a result of the
decisions taken at the recent Indo-Pakistan Conference. While drafting the scheme, the Prime Minister’s desire that the scheme should conform as far as possible to the visa system obtaining in respect of foreigners coming to India and that it should not be unduly rigid or hard, was kept in view. It is hoped that the scheme, when ratified by the Government of Pakistan, will considerably facilitate the free movement of persons between India and Pakistan. It may however be stated that even under the existing policy, Pakistani nationals desirous of visiting India are given full facilities for the same.

As regards (iv) above, children coming to visit their parents in India are not only being granted full facilities to do so on short-term visas but are also being admitted for permanent resettlement, if they are minor and are dependent on their parents or other close relations in India. This is specifically provided for under the Indo-Pakistan Agreement, 1953. Under our present liberalized policy the cases of persons who were minors at the time of migration to Pakistan but are now majors are also considered favourably if they are dependent on their parents in India.

As regards (v) above, in his d. o. letter No.231/S, dated the 9th June, 1955, to Home Secretary, Shri C.M. Chandra has intimated that the Rehabilitation Ministry would have no objection to the issue of long term visas for India to Pakistani nationals being entirely delinked from the evacuee property issue and that reference to the Rehabilitation Ministry in such cases need not to made. Shri Chandra has also added in his above letter that no consideration will be shown by that Ministry, even on compassionate grounds, to requests of Pakistani nationals who have been or may hereafter be granted long term visas for India for the restoration of their evacuee property, if any, in India, merely on the ground of the grant of long terms visas for India to them nor would it entitle them to exemption from the operation of the Evacuee Property Law. He has also suggested that at the time of granting long term visas for India to Pakistani nationals these conditions should be specifically stipulated by this Ministry in each individual case. In this connection it may be mentioned that at the time of granting long term visas to Pakistani nationals we are already stipulating the property clause, in each individual case, which runs as follows:—

“This decision will not, in any way, prejudice evacuee property proceedings already launched or which may hereafter be launched against him/her.” …’A’

Since as stated above, the Ministry of Rehabilitation have no objection to delinking of evacuee property considerations from the question of grant of long term visas to Pakistani nationals, applications for such visas will not in future be referred to that Ministry but that at the time of the grant of such visas the applicants will be informed in the sense of ‘A’ above.
As regards (vi) above, our present policy provides for a wide measure of liberalization of the term ‘re-union of divided facilities’. Item 18 of the Indo-Pakistan Passport Agreement, 1953, regarding re-union of divided families, refers only to the cases of Pakistani wives and children of Indian nationals, divorced wives and minor children or Pakistani nationals who have nobody to support them in Pakistani, and are dependent on their relations in India. However, under the liberalized policy that we are following, this item is being interpreted to cover also the following categories of Pakistani nationals and they are granted re-union facilities in India on compassionate grounds if they are not otherwise deemed undesirable:—

(a) Old and infirm persons who are unable to earn their livelihood in Pakistan and have their near relatives i.e., sons etc., in India to look after them.

(b) Young boys who, though now major, were minor at the time of their migration to Pakistan and have their near relatives i.e., parents in India and are dependent on them.

(c) Members of minority communities in Pakistan.

We have not issued any specific instructions to the State Governments or our Indian Missions in Pakistan regarding the liberalized policy in dealing with cases of permanent resettlement in India of Pakistani nationals. Since all the applications for the grant of long term visas for purposes of resettlement in India whether submitted to State Governments in India or to our Missions in Pakistan are referred to this Ministry for consideration and orders, it is not necessary to issue any formal instructions in the matter.

As regards (vii) above, in our d.o. letter dated 21st May, 1955, we had informed P.P.S. to P.M. that there have not been many cases of this type but if any lady does not desire to return to Pakistan because of ill-treatment or desertion by her husband or relations, or any other bona fide reason, her case will be covered by the compassionate cases envisaged in para (2) of that letter and she will be eligible for the grant of a long term visa. The cases of the type of persons now mentioned by P.P.S. will also be considered on compassionate grounds, provided there are no impediments from the other side, i.e., either by the Government of Pakistan or the near relatives of the woman concerned in that country.

As regards (viii) above, it has been mentioned in para. 17 of Part II of the revised Scheme of Passport and Visa System for travel between India and Pakistan that in granting visas for India, the visa-issuing authorities will not make prior reference to the Central or the State Governments or their agencies, except in cases mentioned in paragraph 16 of the scheme i.e., cases of grant of short term visas to police and Defence personnel of Pakistan. Exception has not been made specifically in the case of long term visas for resettlement in
India, as this special category of visa has not been specifically mentioned anywhere in Part II of the Scheme. The intention, therefore, is that a prior reference in all such cases is to be made to the Central and State Governments as before. The position will, however, be made quite clear in the executive instructions that will be issued.

As regards (ix) above, para 7(a) (3) of the revised visa scheme mentions that apart from those Pakistani nationals who are granted short term visas for India, long term visas for India will be granted to Pakistani nationals *inter-alia* for their permanent resettlement in India. Columns 18, 19 and 20 of the application form prescribed at appendix 4 of the revised scheme for such visas refer to the property held by the applicants before their migration to Pakistan and whether property held by them in India has been declared as evacuee property. Although as advised by the Ministry of Rehabilitation, the grant of long term visas for India need no longer be linked with evacuee property issue, and that applications for long term visas need not in future be referred to that Ministry, it is felt that the information required in those columns will still be useful in our considering the merits of the case of any particular individual. Those columns may, therefore, be retained in the form at appendix 4 although the information furnished with reference to those columns will not stand in the way of the applicant if he is otherwise eligible for the grant of a long term visa.

As regards (x) above, it may be mentioned that even though the revised scheme has not yet come into force, we are already examining each individual request of Pakistani nationals for permanent resettlement facilities in India in accordance with the liberalized policy as stated above, and are giving each deserving case as sympathetic a consideration as possible.
3468.  

**SECRET**  

Letter from Commonwealth Secretary C. S. Jha to High Commissioner for India in Pakistan C. C. Desai.  

New Delhi, November 16, 1955.  

Commonwealth Secretary  
Ministry of External Affairs  


16th November, 1955  

My dear C.C.  

Will you please refer to your D.O. letter No. F.80/7/55-Genl. dated the 27th September, 1955, addressed to Dutt about opening of the Ferozepore - Kasur rail link?  

2. You seem to be under the impression that the issue involved is the dispute about the area across the Ferozepore bridge containing 1 1/4 mile of rail track is that of mere recognition of the *de facto* possession by Pakistan. The position is not so simple. Pakistan appears to have certain deep designs in this area which are becoming clearer to us as time goes on. She has made several encroachments in the area since 1947. All these encroachments were made after the Key-Thimayya Agreement reached soon after partition in 1947 and therefore cannot be given any recognition.  

3. The first encroachment was made by Pakistan early in 1948 when the Pakistan authorities established a post at the right bank of the Dipalpur Canal near Ferozepore Headworks. This resulted in the cutting of the only road running from the bridge to the Right Marginal Bund. Discussions held between the two Punjab's about this encroachment proved unsuccessful. Meanwhile, the Punjab Irrigation authorities were concerned about the maintenance of the Right Marginal Bund in the interest of the Ferozepore Headworks. The Chief Engineer, East Punjab, asked the Chief Engineer, West Punjab, to maintain the lower reach of the Right Marginal Bund at India's cost as a temporary arrangement. This led to a series of encroachments by the Pakistan authorities on a large area of Indian Territory which eventually extended from the right bank of the Dipalpur Canal to the lower reach of the Right Marginal Bund. The Ferozepore - Kasur rail link lies in this area. The Chief Engineer, East Punjab, later asked his opposite number to return the control of the Right Marginal Bund, but all efforts to persuade him to do so have failed so far. The matter was even raised at the last meeting of the Steering Committees but the Pakistan delegation was unwilling to settle the issue. The other large area of Indian territory which was occupied by Pakistan forces was Gatti Kamalewala, 2/3rd of which is still under Pakistan occupation.
There have been other attempts for encroachment by Pakistan authorities even as late as December 1954. But they have been thwarted by timely action by the Indian border forces. If we have not tried to dislodge Pakistani authorities from the encroachments in the Indian Territory in this region, it is not because we recognize any rights accruing to Pakistan from the fact that they have taken illegal possession but because use of force might have serious repercussions.

4. Originally, Pakistan recognized that the area in dispute across the Ferozepore bridge had been awarded to India. Subsequent success in making encroachments in this area seems to have encouraged her to lay claim to this area. They have not only asserted that 1 1/4 mile track in their possession was in Pakistan territory but also demand that the 40 yards of the rail track in India’s possession should be handed over to them before they could agree to the restoration of the rail link. Your own reaction then, as conveyed in your D.O. letter No. F.80 (7)/55-Genl. Dated the 30th June, 1955, was that we should exercise our possession even if this meant that the rail link could not be restored.

5. The Pakistan authorities not only want to retain possession of the rail track and to maintain it but also to exercise the right to charge freight, etc., in respect of it. It is one thing for Pakistan to be in illegal possession of Indian territory and for India not to use force to regain possession of that territory, but it is quite another thing for India to recognize Pakistan’s control over Indian territory and to Pakistan Railways charging freight, etc., for traffic over the railway track in that territory.

6. A rational method to settle the dispute about the territory in question would be that the revenue authorities of the two sides should jointly examine the records and ascertain in whose territory the area fall according to the Radcliffe Award. When we made such a suggestion to the Government of Pakistan then they were not prepared to accept it and instead argued that no demarcation of the boundary line could take place in the area of the Ferozepore Headwork’s unless a joint control over the intake of water of the different canals dependent on the Headwork’s had been agreed upon between the Governments of India and Pakistan. This argument is based on a hope expressed by Sir Cyril Radcliffe in Para 10 of his Award. We can never accept this contention of Pakistan. Firstly, the railway track in question has nothing to do with the canal system. Secondly, the World Bank which is assisting the two countries in settling the Canal Waters Dispute in its proposal of February 1955, considered and rejected the idea of a unitary control of the canal system of the Indus Basin and clearly stipulated that after the transitional period Pakistan would not receive any waters from the three eastern rivers including the Sutlej. Under the Bank’s proposals the Sutlej, the Ravi and the Beas would be allocated entirely for Indian canals and the Ferozepore Headwork’s should serve only the Indian canals except for a transitional period estimated at about 5 years. Both India and Pakistan have
agreed to prepare a comprehensive plan on this basis and the negotiations are at present going on in Washington for that purpose. Accepting a territorial position based on Pakistan's interest in the Ferozepore Headworks, would be contrary to all that has been agreed to and to all that is being done at present in relation to the settlement of the Canal Water Dispute. I may also add that this issue has some defense considerations as well.

7. We have considered the matter very carefully in the light of calculated moves of Pakistan in respect of this area. We are not so interested in the restoration of Ferozepore-Kasur rail link as to jeopardize our interests in the area by making the concessions demanded by Pakistan. Prime Minister has seen this case and he agrees that we should adhere to our right to maintain the railway track in the disputed territory and to charge the fair for its use.

8. We shall be grateful if you will now send a reply to Pakistan Ministry of Foreign Affairs and Commonwealth Relations letter No.1 (1)3/11/55 dated the 6th September 1955. You may inform them that the hope expressed by Sir Cyril Radcliffe in Para 10 of his Report that some arrangement might be made for the joint control of the intake of the different canals dependent on the Ferozepore Headworks, has nothing to do with the boundary actually laid down by him in his Award and can in no way affect its demarcation. The issue of the distribution of canal waters is a separate one and is already under discussion between the Governments of India and Pakistan. Pakistan has made encroachments in the Indian Territory across the Ferozepore Bridge after the Key-Thimayya Agreement and is in illegal possession of it. The Government of India cannot agree to Pakistan maintaining and exercising control over the railway track about 1 1/4 miles long in this territory. They are also not prepared to hand over to Pakistan 40 yards long railway track in their possession in this area.

With kindest regards,

Yours sincerely,

Sd. (C.S.Jha)

Shri C.C.Desai, ICS,
High Commissioner for India in Pakistan,
Karachi.
Letter from the High Commission of India in Pakistan to Pakistan Ministry of Foreign Affairs.


High Commission of India
Karachi

No.F.80 (7)/55-Genl./9748, 8th December 1955

My dear Chhatari,

Kindly refer to your letter No. I (I).3/11/55 dated the 8th September 1955 regarding the restoration of the Husainiwala Rail link. We have considered the points raised in your letter but find it impossible to accept the position the Government of Pakistan have now taken.

2. You have quoted an extract from Para 10 of the Award of Sir Cyril Radcliffe in regard to the partition of the Punjab. The hope expressed by Sir Cyril Radcliffe in that extract relates to a separate issue and not to the boundary actually laid down by him in his Award. That separate issue is in regard to the desirability of some arrangement for joint control of the intake of the different canals dependent of the Forozepore Headworks. The railway track in question has nothing to do with the canal system. The issue of the distribution of the canal waters, as you know, is a separate one and is already under discussion between the Governments of Pakistan and India. We consider, therefore, that the two separate issues, namely, the demarcation of boundaries and the distribution of canal waters should not be confused in this context.

3. We regret to have to say that Pakistan has definitely made encroachments in the Indian Territory across the Ferozepore Bridge after the Key-Thimaya Agreement and is, therefore, in illegal possession of it. The Government of India, as you can appreciate, can neither agree to the Government of Pakistan maintaining and exercising control over the railway tract about 11/4 mile long in this part of the territory, nor are they prepared to hand over to Pakistan the further 40 yards which now your Government is demanding and which is in the possession of India.

4. I should suggest that the proposals contained in Para 2 of Thadani’s letter No. F. 80(7)/55 –Genl of the 25th July 1955 to Kaiser may be earnestly considered by you.
Secret

Letter from High Commissioner for India in Pakistan C. C. Desai to the Ministry of External Affairs.

Karachi, March 6, 1956.

High Commission of India
Karachi

D. O. No. HC/56/5.241 March 6, 1956

My dear Isar,

Please refer to the correspondence resting with the Ministry’s letter No. F. 58/56 dated the 4th February 1956 on the subject of relaxation of restrictions on travel between India and Pakistan to enable Indian nationals to visit Lahore for the Horse Show in February 1956.

2. Such relaxations have been sanctioned in recent months primarily at the instance of the Pakistan High Commissioner in India, Raja Ghazanfar Ali Khan. Once, the relaxation was made in connection with a cricket match between Pakistan and M.C.C. In between, a relaxation was made for some occasion which does not readily come to my mind. Recently the relaxation was in connection with the annual horse show in Lahore. In the reverse direction, a similar relaxation was made to enable Pakistan nationals to witness some football or hockey match in Amritsar. I believe it is correct to say that in all these cases, the initiative was taken by the Pakistan High Commissioner in Delhi. We were not even consulted as to whether such relaxations should be made and what political and other effects they would have on the relations

With kind regards,

Yours sincerely,

Sd. (B. C. Mishra)

R.S. Chhatari, Esq.,
Ministry of Foreign Affairs and Commonwealth Relations,
Karachi.
between the two countries. Urgency of the matter was no excuse for this omission. I hope therefore that the correct procedure would be followed in future that no such relaxation would be made without previous consultation with the Indian High Commission in Karachi.

3. Recently we have had occasion to consider the whole policy underlying these relaxations at a Conference with the Deputy High Commissioners from Dacca and Lahore. We came to the conclusion that such relaxations are not in the best interest of India and should not be allowed for the mere asking by the Pakistan authorities including their High Commissioner in Delhi.

4. We all felt that Raja Ghazanfar Ali Khan has ulterior and malicious motives in asking for such relaxations. The whole idea appears to be to encourage greater contract between the Muslims of Pakistan and the Sikhs of the bordering districts in India. Statistics show that there is some truth in this feeling of ours. The bulk of the people who took advantage of the relaxation were Sikhs. Not all of them went to the cricket match or the horse show. The occasion was utilized either for sightseeing or for a joy ride or in some cases for political subversion against India. Some of the Sikh visitors have been known to be voicing feelings and views of which they would be ashamed if they were reminded on return to India. They were really swept off their feet by the atmosphere prevailing in Pakistan, which encouraged cultivation of a feeling on the part of the Sikhs that they were not being properly treated in India. Surely, we are not agreeing to these relaxations to enable the people in Pakistan to carry on subversive propaganda against us.

5. Recently, we have come across a case, which also shows the inherent danger in such relaxations. I have no doubt that this is not a solitary case but that there must be several instances of that type.

6. I enclose a copy of a special identity certificate which was issued to a resident of Jammu & Kashmir specifically for the horse show. Later, a visa was endorsed on the identity certificate enabling the man to go to Karachi and Rawalpindi. The Pakistan authorities had no business to issue any such visa, which was in clear violation of the arrangement for the relaxation agreed to between the two Governments. A man like a retired Wazir of Jammu & Kashmir might not have been given a passport valid for Pakistan and still less a visa for Karachi and Rawalpindi. Rawalpindi is, as you know, the head quarters of Azad Kashmir, from where all kinds of subversive and false propaganda are being conducted against our Government of Jammu & Kashmir. Unfortunately, our own office in Lahore slipped up in extending the validity of the identity certificate beyond the original date. I am writing to Rao asking for the explanation of the officer, who was responsible for this serious mistake. The man on coming to Karachi asked for further extension and the case came to our notice. We have
refused to extend the duration of the identity certificate with the result that the man left Karachi last night and would be passing through Lahore by tomorrow at the latest. I do not know what purpose this man had in asking for a visa for Rawalpindi and I suggest that the matter might be brought to the notice of the Government of Jammu & Kashmir at an appropriate level.

7. Apart from the misuse of the identity certificates, we should also bear in mind the fact that our people coming to Lahore merely for sight-seeing or a joy ride are really wasting Indian exchange for which there is no justification or return. They also indulge in activities designed to defeat the exchange regulations. Many of them are utilizing the special arrangement for purposes of smuggling. Some of the Sikhs were known to have opened shops in Lahore which came to adverse notice on the part of the authorities in Lahore. One Sikh was found to have committed pick pocketing and the news was given great prominence in the Lahore papers, the object being to damage Indian character. If Pakistan Government is really keen on much freer intercourse between the people of the two countries they should ratify the visa agreement which was made between Iskander Mirza and Mehr Chand Khanna as long ago as April 1955. Until that agreement is ratified, we should refuse to sanction any special arrangement for the relaxation of visas on the lines of the practice adopted in recent weeks. This was the view of the Conference and has my full support and is now recommended to Government for approval.

With best wishes,

Yours sincerely

(C.C. Desai)

Shri R.F. Isar, I.C.S.,
Deputy Secretary,
Ministry of External Affairs,
New Delhi.
Letter from Ministry of External Affairs to High Commission for India in Pakistan.

New Delhi, March 16, 1956.

Government of India
Ministry of External Affairs
New Delhi

No. F.20(1) P III/56-/ F.15/10/56-PSP the 16th March, 1956

To : The High commission for India in Pakistan, Karachi.

Subject: Grant of visas to Azad Kashmiris.

Sir,

I am directed to refer to this Ministry’s letter No. F.29/15/54-PSP dated 9-8-55 on the subject mentioned above and to say that in modification of the instructions given therein it has now been decided that no visas for India should be granted to the residents of Azad Kashmir.

2. Technically, grant of a visa on a Pakistan passport held by a person resident in Azad Kashmir amounts to the recognition that Azad Kashmir is de jure part of Pakistan. This would obviously conflict with the legal position that sovereignty over Kashmir rests with India because of Kashmir’s accession to India.

3. The criterion to be applied in these cases is our denial of Pakistan’s right to issue travel documents to a subject of Jammu and Kashmir State, whether he is at present a resident in Azad Kashmir or is resident outside Azad Kashmir, in Pakistan or anywhere else, and irrespective of whether he is described as “Pakistani” or by any other description.

4. There may be some Azad Kashmiris who have finally obtained Pakistani nationality by naturalization. The Government of India have considered the position of such persons and have decided that as they will be few in number and as allowing for their cases will had (lead) to complications which are better avoided, no distinction need be made in their favor. If any such case arises, it should be referred to this Ministry for instructions.

5. The instructions contained in sub Para (4) of Para 23 of the Publication “Instructions to Indian Visas Officers in Pakistan” may be deemed to have
been modified accordingly by deleting the last two sentences Para.

Yours faithfully

(R.S. Chavan)
Under Secretary

Copy to:-
1. All other Posts in Pakistan.
2. All Indian Missions outside Pakistan.
3. All State Governments.

.Secret

Letter from Ministry of External Affairs to High Commission for India in Pakistan.

New Delhi, July 10, 1956.

Government of India
Ministry of External Affairs
New Delhi

No. F. 15/10/56-PSP the 10th July, 1956

To : The High Commission for India, Karachi.

Subject: Grant of visas to Azad Kashmiris .

Sir,

I am directed to refer to this Ministry’s letter No. F. 20(1)P III/56/F 15/10/56 PSP dated the 16th March 1956 and to say that as enquiries have been received from certain Missions in the matter, clarification of the points raised by them in given as follows.

2. Prior to the issue of our letter, grant of visas to Azad Kashmiris’ was
regulated by paragraph 23 (4) of “Instructions to Indian Visa Offices in Pakistan”. Under this instruction, visa was to be refused if an applicant gave as his permanent address a place in the territory of the Jammu & Kashmir State at present occupied by Pakistan, but if the address were shown as within Pakistan, visa might be granted even if there were reasons to believe that the applicant was actually a resident of Pakistani occupied territory of the State.

3. The intention of our letter mentioned above was to bring the grant or refusal of visas to Azad Kashmiris' strictly into line with the legal position that the whole of the Jammu & Kashmir State is part of India and that Pakistan has no right to issue travel documents to a subject of the State, irrespective of his present residence and irrespective of the definition of his national status that might be given in the Pakistani travel documents held by him or in his visa application. This is explained in paragraphs 2 and 3 of our letter.

4. It follows that in all cases in which an applicant is described in his Pakistani travel document or in his visa application as having been born in or being domiciled in or resident in any part of the whole State of Jammu & Kashmir, visa should be refused.

5. Paragraph 4 of our letter referred to the possibility of a few cases in which a person originating in the State of Jammu & Kashmir might claim Pakistan nationality (the word “generally” in the first sentence of paragraph 4 should be corrected to “formally”). All such cases should be referred to this Ministry. The question of the national status of a person formerly belonging to the State of Jammu and Kashmir who now claims Pakistani nationality raises many difficulties. As the whole State is legally a part of India, the question of application of the provisions of the Constitution of India and of the recently enacted Citizenship Law is involved. Further, the question would arise whether there was any Pakistani law under which such a person could be naturalized. The intention of paragraph 4 of our letter therefore was that Missions should obtain the fullest possible particulars in such cases and refer them to this Ministry for instructions.

6. Clarification of certain specific points raised by Mission is given as follows:-

(i) **Persons born in the “former State of Jammu & Kashmir”, who settled down in Pakistan before Partition.**

Our letter applies to this class also. If such a person is not a Pakistani national, the Pakistan Government has no right to issue him a travel document as he remains a subject of the Jammu & Kashmir State which is now part of India. If such a person claims to be a Pakistani national, he must adduce sufficient proof, in terms of the respective laws applicable to his case. All such cases should be referred to this Ministry.
(ii) Jammu & Kashmir born employees of the Pakistan Government, whether Pakistan naturalized or not, when going to India on duty or to meet relatives and friends in urgent cases.

Any case in which a claim to Pakistani nationality is made should be examined as mentioned above and referred to this Ministry for instructions. In all other cases, visa should be refused. We have recently refused a request by the Pakistani High Commission here for a visa for an Azad Kashmiri whom they wished to employ as driver.

(iii) Denial of visa without assigning any tangible reason to a person holding a Pakistani passport may not be justifiable and may provoke retaliation by Pakistan against Indian nationals desiring visas for Pakistan.

As explained above, we do not concede the right of Pakistan to issue travel documents to persons belonging to the Jammu and Kashmir State. This has been formally stated to the Pakistani High Commission here in the case mentioned in (ii) above. If Missions have occasion to refuse a visa in terms of our letter of the 16th March 1956 and of this letter, they may give the same reason. The normal issue of visas to Indian and Pakistani nationals is regulated by the Indo-Pakistan Passport and Visa Scheme, the arrangements prescribed by which are not affected by this matter.

(iv) Difficulty of Missions in ascertaining whether a person is in fact an Azad Kashmiri.

Obviously if the person is described as a Pakistani, both in his travel document and in his visa application, and no clue is given that he belongs to the State of Jammu and Kashmir, Missions can do nothing to apply these instructions. In all cases of doubt, where a visa is not immediately refused in terms of these instructions, the cases, with full details, should be referred to this Ministry.

Yours faithfully

(R.S. Chavan)
Under Secretary
3473. **SECRET**

Note from Prime Minister Jawaharlal Nehru on the overstay of Pakistan nationals in India beyond the period of their Visa.

**New Delhi, September 19, 1956.**

**Prime Minister’s Secretariat**

Many recent incidents in India, some of them often resulting in violence and rioting, have occurred and have often been connected in people’s minds with persons who have come from Pakistan holding our visas. There is also the question of these visa holders staying on here beyond the period of their visas. It is not easy to trace them and even when found, it is not easy to deal with them. Sometimes they claim to be Indian nationals and take the matter up even to the courts.

I think that we should give further thought to this issue of visas so as to check, to some extent at least, wholly undesirable people from coming to India.

I am sending a copy of this note to the Home Secretary. You may consult each other and then make some suggestions.

I realize that our issue of visas is governed by some agreement with Pakistan. We can see what can be done within the terms of that agreement and also if it is necessary to ask for a variation of that agreement.

(J. Nehru)

**Foreign Secretary**
**Commonwealth Secretary**

**Copy to Home Secretary**
**No. 2270-PMH/56**

**Ministry of External Affairs**

Please put up a note on the Visa policy so far as Pakistani is concerned. This was prepared some time back.

2. I would like to discuss this with Deputy Secretary (Pak-II) and D.S (PV) tomorrow at 10.30 AM.

Sd/- **M.J. Desai**
Ministry of External Affairs

Sub: Visa Policy – Its application to Pakistan Nationals

The point raised in P.M's note of 19.9.56 regarding examination of our visa policy to check undesirable people from Pakistan coming into India was discussed in Home Secretary's room on the afternoon of 22nd.

2. On an analysis of the situation it was stated that, though exact figures are not known, there are a large number of undesirable Pakistanis in India because of the following:-

1. Liberal and expeditious issue of visas by our missions in Pakistan. High Commissioner's instructions are that the visa should be issued within 24 hours. This does not allow for adequate scrutiny of the particulars furnished by the individual who applies for a visa and quite a number of undesirable characters secure visas in this way:

2. Liberal grant of visas to Pakistani nationals for limited periods from a day to a week or 10 days outside the normal visa arrangements to attend festivals, foot-ball matches, for shopping etc:

3. Liberal grant by District Magistrates of extension of period and change of specified place to Pakistani visa holders;

4. Overstay by Pakistani nationals coming to India with various categories of visas, particularly ‘C’ visas and want of adequate machinery and legal authority to deal with them:

5. Lack of efficient check at the border those Pakistanis who come with “A” visas for purposes of free movement within 10 miles of the border can at present go beyond the 10 miles limit without any further check and once they are in the country there is no machinery to keep trace of them.

3. It was proposed that legislation taking powers to deport those who overstay their visa should be introduced in the next session of the Parliament. A draft has been prepared and this will be discussed and finalized in another meeting in Home Secretary's room on 24th September. As regards the inadequacy of the administrative machinery, Home Ministry will, when the fresh legislation is ready, address the State Governments concerned and ask them to make arrangements for effective implementation of the new legislation and expeditiously deal with any proposals that the State Governments may make regarding staff, cost of agency functions etc. Meanwhile, it was suggested that the following orders should issue immediately:-
Our missions in Pakistan issuing visas to Pakistani nationals should be asked to scrutinize the particulars of the applicant carefully and grant visas in cases where the purpose of the visit is clear and bona-fide. Full details should be asked for regarding purpose of journey etc. In cases where a clear bona-fide need visiting India is not established even if this involves delay in disposal of the visa application and the rule of 24 hours should not come in the way of thorough and adequate scrutiny. All doubtful cases should be referred to the Government of India and a visa should not, in any case, be issued to persons who are on the 'Black List'.

Short term visas for visits of a day to 10 days in connection with festivals, football matches, shopping etc. should not be issued except in exceptional cases or after prior reference to Government in case of organized Indo-Pakistan functions:

Home Ministry should issue instructions to District Magistrates that the discretion given to them to extend the period of the visa and to allow change in the specified place mentioned in the visa should be exercised very strictly, generally only on compassionate grounds to deal with developments beyond the control of the individual visa holder, e.g. his own illness or serious illness of his immediate relations and that in all these cases, copies of orders granting extension of visa or change of specified place in the visa should be immediately sent to Home Ministry;

All cases of overstay without proper authority should be black-listed and visas refused to those individuals when they apply again:

Pre-verification should continue to be insisted upon in the case of police and army personal, religious divines, preachers and other people, purpose of whose visit does not fall within the “A” to “F” categories of visas mentioned in the Indo-Pakistan Agreement.

The issue of visas to Pakistan nationals is based on the India-Pakistan Passport and Visa Scheme of January-February 1953. No changes in the Agreement are necessary but what is required is tightening up of scrutiny and avoidance of hasty ill-considered action in granting these visas in the name of speedy disposal.

A further note will be submitted on the nature of the enabling legislation to take power to deport undesirable Pakistani nationals or those who overstay
their visa period and the administrative arrangements necessary to enable adequate enforcement of the provisions of the legislation after the discussion of 24th. Meanwhile, instructions to visa issuing authorities in Pakistan and instructions to District Magistrates proposed in Para 3 above will issue after P.M’s approval.

(M.J. Desai)
23. 9. 1956.

Prime Minister

Prime Minister’s Secretariat

I agree that our Missions in Pakistan should scrutinize applications for visas more carefully. Any person in a “black list” prepared by our government should, of course, not be issued a visa, and doubtful cases should be referred to the Government of India.

2. In scrutinizing these applications, the main purpose should be to see that the applicant is a *bona fide* one. Thus, if we are satisfied of the *bona fides* of a person, it does not matter whether some technical provision is fulfilled or not. This, if the High Commission or our office in Lahore is satisfied about the *bona fides*, then they can issue a visa. There are apparently three or four types of persons who come to India: (1) relatives, (2) business men, (3) students, and (4) visitors generally.

3. We do not wish to be strict about people having relatives here, though the visas should be granted after enquiry. In regard to *bona fide* businessmen and students, there should be no particular difficulty. Visitors are a varied class. We do not wish to stop Visitors from coming here or even to restrict them but, rather, to check the undesirables.

4. Para. 3(2): The rule about short term visas should be applied more or less in the same way as the one for longer visas. The difficulties come in where these visas are issued *en masse* without any enquiry. This should be avoided, and reference made to Government.

5. Para.3 (3): In regard to extending the period of the visa, more or less the same rule should apply. If the District Magistrate is satisfied about the *bona files* of the person, he may extend the period for a while. But, if he is not so satisfied, then he should not do so. The point is that, as far as possible, we do not wish *bona fide* people to suffer but we want to be strict about doubtful cases.

(J. Nehru)
23. 9. 1956.
Note recorded by Commonwealth Secretary M. J. Desai:
Ministry of External Affairs
Pakistan Minister for Commerce and Industry. Mr Abul Mansur, told P.M. that Pakistan wanted to reconsider its visa policy and accept the liberal visa arrangements arrived at between the Home Minister of Pakistan and our Home Minister. I presume Mr. Abul Mansur had in mind also the more liberal visa arrangements proposed in the Khanna – Mirza discussions.

2. Please put up the note on visa arrangements between India and Pakistan prepared sometime back, where the whole position is reviewed and where we have stated that the liberal visa arrangements of the Pnat-Mirza Agreement, which were accepted by us, have not been accepted by Pakistan nor has Pakistan accepted further liberalization suggested in the Khanna - Mirza proposals. I propose to inform our High Commission with reference to Mr. Abul Mansur’s mentioning this matter to P.M. that we are looking into this matter of further liberalization of visa policy in view of the initiative by the Pakistan Minister for Commerce & Industry and will make concrete suggestions when we have examined the matter.

(M.J. Desai)
Commonwealth Secretary

Note recorded by Deputy Secretary Ministry of External Affairs:
C.S. may kindly see the note that was prepared for PM’s information some time back, reviewing the position of Indo-Pakistan visa arrangements. For some time now we have not been reminding the Government of Pakistan for the ratification of the liberalized visa scheme drawn up in accordance with the Khanna-Mirza Agreement. The Pakistan Commerce Minister’s mentioning to P.M. the question of liberalization of visa arrangements between the two countries was probably the result of newspaper agitation in Pakistan about “Bharat’s stringent visa policy”. One of the Pakistan papers, the Morning News had even gone to the extent of declaring that India had refused to ratify the liberalized visa scheme. Prior to the Khanna - Mirza Agreement there was an Indo-Pakistan (Eastern Zone) Conference held at Calculate for over a fortnight in 1953 to liberalize the visa scheme. The Pakistan Government had failed to ratify the decisions of that Conference also. Under the circumstances, perhaps it may be advisable to let Pakistan take the initiative this time and let us know exactly their views are on the subject of liberalized visa scheme.

(K.M. Kannampilly)
30-1-1957

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Note by Commonwealth Secretary.

Please put up a letter to H.C. bringing the full background and ask for his views. No approach to be made to Pakistan Government at this stage but H.C can tell them that we are examining the question.

Sd/-M. J. Desai

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SECRET

Letter from Ministry of External Affairs to High Commissioner for India in Pakistan:

New Delhi, February 2, 1957.

D.O. No. 72-CS/57.  2nd February, 1957

My dear C.C.,

During his interview with our Prime Minister, the Pakistan Minister for Commerce and Industry, Mr. Abul Mansur, mentioned that Pakistan wanted to reconsider its visa policy and accept the liberal visa arrangements arrived at between the Home Minister of Pakistan and our Minister for Home Affairs. Presumably he had in mind the scheme drawn up on the basis of the Khanna - Mirza discussions in 1955.

2. As you know, the Indo-Pakistan Passport and Visa scheme introduced on 15th October, 1952, was reviewed at a conference in Delhi in January, 1953. The decisions of this conference were ratified by the two Governments and published on 9th July, 1953.

3. In September, 1953 an Indo – Pakistan (Eastern Zone) Conference held at Calcutta agreed on certain decisions to liberalize the visa scheme. These decisions were not, however, ratified by the Government of Pakistan though we liberalized our visa policy in anticipation of Pakistan's ratification. Later a meeting was held between General Iskander Mirza, then Pakistani Minister for the Interior and Shri Mehr Chand Khanna, Indian Minister of Rehabilitation, in April 1955 to discuss measures to liberalize travel facilities further between India and Pakistan. The agreement reached by the two Ministers provided for the abolition of the various categories of visas except category 'A' and category 'E' both of which were to be issued liberally. There was also provision for visa on the international model valid for one year at a time. The decision also covered many other aspects and agreed on extensive liberalization of the whole scheme. Based on these decisions, the Government of India drafted a revised Indo-Pakistan Passport
and Visa scheme and sent it to the Government of Pakistan in May, 1955. They were reminded a number of times but we have so far had no reply. In spite of Pakistan’s not ratifying the Agreement we had further liberalized our visa scheme in many ways.

4. If Pakistan now feels that they are prepared to ratify that Agreement or otherwise come to an agreement with us with regard to liberalization of visas, we shall be prepared to examine the question. We do not, however, wish to make any approach to the Government of Pakistan on this subject at this stage but would like to have your views. You may be able to ascertain informally whether Pakistan authorities are thinking of liberalization in terms of the September 1953 Agreement or the more liberal scheme base on the Khanna-Mirza Agreement of April 1955. For the present our stand is that we shall be prepared to examine any proposal that Pakistan may make. Your may tell them that we are also examining the question.

Yours sincerely
(M.J. Desai)

Shri C.C. Desai,
High Commissioner for India,
Karachi.

3474. Note from Pakistan Ministry of Foreign Affairs to High Commission for India in Pakistan.


No. Neg. 10/31/55. 28th May, 1957

Subject: Ratification of the minutes (of the meeting) held in the room of Minister for the Interior Government of Pakistan on 9-4-55.

The Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, present its compliments to the High Commission for India in Pakistan and with reference to the correspondence resting with the letter No. D.1801-Neg/55 dated the 17th September, 1955, from Mr. M.S.A. Baig to H.E. Mr. C.C. Desai, has the honour to say that the Government of Pakistan approve of the decisions contained in paras (i),(ii),(iv) and (v) of the minutes of the meeting held at Karachi in the room of the Minister for the Interior, Government of Pakistan on 9th April, 1955. As regards Para (iii) relating to liberalization on of travel
facilities, the Government of Pakistan propose the following amendments to the joint recommendations made by M/S V.C. Trivedi and M.S.A. Baig:-

Para (1): Approved as it is.

Para (2): Approved as it is.

Para (3): In all other cases a visa on the international model either for single journey or multiple journey of for the purpose of transit will be issued valid for a period of three months only. This Visa will be issued freely without reference being made either to the State/ Provincial or the Central Government except in special cases. In the case of Defence personal the existing system will continue. The present system for Seamen’s Visa will be abolished and their Continuous Discharge Certificates be treated as valid travel documents to cover all their requirements such as their stay in the other country of joining or leaving a ship at a port in that country.

Para (4): Visas will be valid normally for the whole country except for such areas as may from time to time be specified by the Government as restricted. In all the applications for Visas the place intended to be visited and the object of the journey shall be specified and the Visa Issuing Authority will have the right to decline to grant a Visa for a particular place or places or may grant it under special conditions without assigning any reasons. However, endeavour will he made to keep such cases to the minimum.

Para (5): Visa holder who intends to stay for more than 48 hours in the country to be visited by him will be required to inform the police within 24 hours either personally or in writing of his visit and the places he expects to visit, giving his address where his letters etc. can be delivered or enquiries about him could be made. Any person who overstays the period of his Visa will be liable to summary deportation.

Para (6): The present system of travel on Emergency Certificates/ Migration Certificates will continue subject to production of Clearance Certificates by the intending migrant and his compliance with the other regulations that may be in force in the country.

It is requested that the Government of India’s approval to the above amendments may please be obtained and communicated to this Ministry.

2. The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

High Commission for India in Pakistan,
Karachi
Letter from High Commissioner for India in Pakistan C. C. Desai to Commonwealth Secretary M. J. Desai.

Karachi, July 19, 1957.

High Commission of India
Karachi

D.O. No. HC/57/S-1384 July 19,1957

My dear M.J.,

Kindly refer to your letter No. 437-CS/57, dated the 12th July regarding visas and security. Perhaps I did not make myself quite clear in my earlier letter dated the 3rd July.

2. What I mean by the “middle way” is that while complete ban on the issue of all visas is not feasible, we can certainly exercise greater strictness in this matter. This will mean some hardships for and complaints from our own Muslims, but both they, i.e. Muslims, and we, i.e. Government, should suffer the situation in the overall interest of national security. You say in your letter that you agree that persons who may be agents of Pakistan Government should not be given visas. The difficulty is that it is unlikely that the agents would be known as such. Seemingly innocent persons going to India for quite plausible and legitimate purposes may turn agents while there. We have to remember that Pakistan always keeps the initiative in her own hands and we merely react when something unpleasant happens. The whole business is groping in the dark as far as we are concerned, and, to my mind, the only possible way we can minimize the danger is by exercising the greatest strictness in giving Visas; in rejecting all doubtful cases; and, where visas have been granted on the strength of our own knowledge or judgment or reliable recommendation, in exercising vigilance in India on the arriving persons. No police force will be able to cope with the problem if the number of Pakistan visitors become unwieldy, and that is all the more reason why we should keep the number as small as possible. I would very strongly urge you not to take the bona fides of these doubtful visitors to our country for granted. I would also exercise greater strictness in the issue of visas to their police and military personnel and this should be brought to the notice of our Defence and Home Ministries. At present my feeling is that we are unduly liberal in such cases.
With kindest regards,

Yours ever
Sd/-
(C.C. Desai)

Shri M.J. Desai, ICS,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

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3476.
SECRET

Letter from High Commissioner for India in Pakistan C. C. Desai to Commonwealth Secretary M. J. Desai.


High Commission of India
Karachi

D. O. No. HC/57/S-1540 the 27th July, 1957.

My dear M.J.,

I have been very seriously thinking of ways and means to effect the maximum possible economies in this Mission, subject to the maintenance of efficiency, in the present context of financial stringency in India. While formulating our detailed ideas on this subject, about which the Ministry will shortly get a letter, it struck me that we can save the Government about Rs.1,50,000 per annum by taking a certain measure, which, in my view, should be taken also from the point of view of security as well as volume of work.

2. What I propose is that we should take steps to wind up our Visa office in Hyderabad. All the papers relating to the establishment of a Visa office in Hyderabad are in the Ministry, and no doubt you can get a comprehensive and self-contained note on it from one of the officers. I may, however, remind you that at the Indo-Pakistan Passport Conference in 1953 we asked the Pakistan Government to open a Visa Office in Bombay, proposing at the same time that we should be allowed to have an office either in Bahawalpur or in Rawalpindi or
in Peshawar. The Pakistan Government turned down our proposals regarding the establishment of Indian offices at the places mentioned and agreed to the establishment of an Indian Visa Office only at Hyderabad (Sind). As you will appreciate, our Visa office at Hyderabad cannot possibly be equated with the Pakistani office in such an important and vital city as Bombay, and yet we accepted the position. There may have been good reasons for that, and I take it that we wanted Pakistani Visa office in Bombay for the convenience of those Indians in Bombay who have to visit Pakistan frequently for domestic reasons or otherwise. Today, I feel, the circumstances are different, and the original reason for agreeing to the opening of a Pakistani Visa office in Bombay is no longer valid. Due to the restrictions on Visas enforced both by India and Pakistan the traffic between Bombay and Karachi has fallen steeply and continues to fall. I do not foresee possibility of any improvement in this situation in the near future. I cannot quote figures relating to the number of visas daily given by the Pakistani office in Bombay, but I know that our Hyderabad office has not been giving more than 12 visas daily to intending visitors to Bombay. In any case, Hyderabad is so near Karachi that the applicants for visas can easily come to Karachi for their requirements. It is obvious to me that the Hyderabad office is becoming an expensive liability to us. Our people there face a hostile population and in times of emergency can expect little protection from us in Karachi. I may add that as we have no permanent building in Hyderabad, we can pull out at short notice without the slightest difficulty.

3. If we examine the desirability or otherwise of allowing the Pakistanis to continue retaining an office in Bombay, I am sure you would find that the balance of advantage – and, if I may add, illegitimate advantages – lies with them and not with us. The Pakistan Government have appointed there an Assistant High Commissioner, whose staff includes a Second Secretary, a Third Secretary, an Attaché and number of people in the Trade Section under the cover given by the Visa office. They have also appointed a Property Field officer. I need hardly remind you that all these gentlemen have infinite potential for mischief in such a vital place as Bombay. It is well to remember that, apart from the naval importance of Bombay, the city is conveniently near Poona.

4. Our own Muslims in Bombay can hardly complain if we ask Pakistan to close down their office in Bombay as a measure consequential on our pulling out of Hyderabad. The number of ‘B’ and ‘F’ class visas issued by the Pakistan Government is negligible, and ‘C’ visas are of no consequence and people can easily send their passports to Delhi for obtaining visas. Even with the Pakistan office functioning in Bombay, people in Ahmadabad, Poona Madras, Bangalore, Malabar and other places cannot get visas from Bombay any more easily than they would be able to get from Delhi. So, we are not being unfair or hard on our own Muslims. The circumstances have changed, and in the new context of
things we would be perfectly justified in pressing for the winding up of the Indian Office in Hyderabad and the Pakistani office in Bombay.

5. You will find in the papers relating to the subject that the arrangement whereby we established an office in Hyderabad and Pakistan established an office in Bombay, was made subject to review after six months. There is, therefore, nothing sacrosanct or permanent about this *ad hoc* arrangement, and I think, we can quite reasonably approach the Pakistani Government in regard to this matter. I have a feeling that the Pakistanis, for their own *mala fide* purposes, may resist closing down their Bombay office even if we should press, as a reciprocal measure, for their consent to our opening an equivalent office in Peshawar or Rawalpindi, preferably Peshawar. After all, the Pakistan Government has allowed Afghanistan, the United Kingdom, and, of course, the United States to open their respective offices at Peshawar. How can they plausibly resist our demand to have an office in Peshawar? If they do not agree, then they must clear out of Bombay. On this we must be firm.

6. I have written to you at some length on this matter, as I feel that the money we are spending on the Hyderabad office and consequential foreign exchange is just going waste and it will be better from all points of view if we close down in Hyderabad and Pakistan closes down in Bombay. If the Pakistanis insist on keeping their office in Bombay, then let us at least spend our money on an equivalent office in Pakistan for good purpose. Hyderabad does not serve that purpose.

With kindest regards.

Yours ever

(C.C. Desai)

Shri M. J. Desai, I.C.S.,
Commonwealth Secretary, Ministry of External Affairs,
Government of India, New Delhi.

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3477.  
SECRET

Letter from Deputy High Commissioner for India in Pakistan D. N. Chatterjee to Deputy Secretary in the Ministry of External Affairs K.M. Kannampilly.

Karachi, August 17, 1957.

High Commission of India
Karachi

D. O. No. DHC.P.364/57 17th August 1957

My dear Kannampilly,

I write in continuation of my letter No. F.54/55-Genl. Dated 4th June 1957. I am sorry I could not attend to it earlier because of the particularly pressing nature of my other preoccupations.

2. Before I come to the main body of the Pakistan Government's letter, I should like to make a few important points in the hope that these will not be submerged in the inevitable details which follow:

First, we feel strongly that Pakistan Government have made this reference to us not because they genuinely desire liberalization in the issue of visas but because they have incurred the displeasure of the public for not ratifying the Visa Agreement which, according to many Pakistanis has resulted in our present restrictive visa policy. Secondly, I invite your particular attention to the desire of the Pakistan Government to keep certain regions as restricted areas. Even in the recent Railway Agreement, no tickets, for instance, can be issued for Sialkot, Gujrat, Campbellpur, Rawalpindi and Jhelum. I do not know if there are any corresponding restricted areas on our side. Thirdly, an Agreement is either ratified as a whole or not ratified. If it is not ratified, obviously, it loses its validity. I feel that there is no scope for amending it piecemeal by correspondence as Pakistan is trying to do, no doubt, for propaganda purposes. If they are not satisfied with the earlier Agreement, then they are free to suggest another conference, though I hope we will not be in a hurry to accept such a suggestion. My recommendation, therefore, is to tell the Pakistan Government that we are not prepared to accept their piecemeal amendments and that they must tell us clearly whether they will ratify the Agreement or reject it altogether.

Now I come to the main body of the letter from Pakistan Government.

3. Pakistan has approved paras I and II of the Minutes of the meeting held at Karachi. The relevant paras are reproduced below or ready reference:-
“(I) “The various categories of visas will be abolished, except for ‘A’ and ‘E’
(Transport workers) category visas These Visas will be issued liberally
to those who are eligible”.

(II) “Diplomatic’, ‘Non-Diplomatic’ and official Visas will be granted as at present.
The continuous issue of the ‘A’ category visa is beneficial to Pakistan because
of her interest in border trade. I admit that we too have interest in border trade.
As far as the Diplomatic Visas are concerned, I must point out that the balance
of advantage very definitely lies with Pakistan. Hardly any Indian benefits from
this Provision while a number of Pakistanis certainly do. We must also remember
that it is an open secret here that Pakistanis tend to use diplomatic passports
as cover for smuggling. This appears to be a painless way of removing valuables
from India to Pakistan. I was told by a very knowledgeable person that Mr. Chhatari
(now in New York) was particularly enthusiastic in these matters. Besides, it is
fairly easy for a Pakistani with any influence to get a diplomatic passport, while
in India diplomatic passport are not for sale.

4. The third Joint recommendation made by M.S.A. Baig and Vishnu Trivedi
are as follows:-

“In all other cases, a Visa on the international model will be issued, valid
for a period of up to one year according to the needs of the traveler. This
visa may be either single Journey Visa or a multiple Journey visa or a
transit visa. The Visa will be issued freely by the Visa issuing authorities
without any references being made to the State and Provincial
Governments of the two countries, except in the case of retired and
active Police officials. In the case of Defence personnel, the present
system of applying through the Ministry of Defence concerned will
continue. The present system of Seamen’s Visas will also continue.”

Pakistan has proposed amendment as follows:-

“In all other cases a visa on the International model either for single
Journey or for the purpose of transit will be issued valid for a period of
three months only. This Visa will be issued freely without reference being
made either to the State/Provincial or the Central Government except in
special cases. In the case of Defence personal the existing system will
continues. The present system for Seamen’s Visa will be abolished and
their Continuous Discharge Certificates be treated as valid travel
documents to cover all their requirements such as their stay in the other
country or transit through that country of joining or leaving a ship at a port
in that country”.

You will see that though the basic idea was to liberalize the issue of Visas and
to bring the matter up to international model, the latest Pakistani suggestion
has a contrary effect. Our comments are as under:-
8518

INDIA-PAKISTAN RELATIONS

a. The validity of the Visa was proposed to be for a period of one year according to the needs of the traveler. Now, the Pakistan Government wants to confine it to three months. Have they ignored the fact that this will rule out the possibility of the issue of ‘F’ category Visas (which are Valid for a period of one year) altogether?

b. The joint recommendation was that visas would be issued freely by the visa issuing authorities without making a reference to the State Governments of the two countries except in the case of retired and active police officials or in the case of Defence personal. They have now modified it so as to reserve the right to refer ‘special cases’ to the Government concerned. – ‘Special Cases’ not being defined. It has been seen in practice that the Pakistan Government has been very reluctant to issue visas to Indian nationals freely according to the last Agreement.

c. According to the joint recommendations, the present system of issue of visas to seamen was to continue. Pakistan has now suggested:

“The present system for seamen’s Visas will be abolished and their Continuous Discharge Certificates will be treated as Valid travel documents to cover all their requirements such as their stay in the other country or transit through that country of joining or leaving a ship at a port in that country”. This proposal is the reverse of the joint recommendation. I do not know according to what international usage or convention has Pakistan proposed this procedure for seamen i.e. their visiting the other country without any visas; the Ministry may check this point. In this connection, the note recorded by our Deputy Director General of Shipping (copy enclosed with Shri Trivedi’s D. O. No. F/17/4/55-PSP dated the 8th July 1955, addressed to the High Commissioner) will be found illuminating.

5. Pakistan has proposed that all places to be visited and the object of the journey are to be specified, which again is contrary to the joint recommendation. Pakistan has also reserved the right to refuse visa for particular places. In effect, this proposal will perpetuate “closed areas” which existed sometime before in India and Pakistan, but were to be abolished when the Agreement now in force was entered into. With the induction of Military Aid and in view of the bellicose attitude of Pakistan, it is easy to see that Pakistan wants to hide certain areas from “the evil eye”. What ‘closed areas’ will we have?

6. According to the Agreement in force, visa holders of certain categories are required to report to the police either in person or in writing. The joint recommendations aimed at removing this restriction.
Pakistan has now proposed the following:-

“Visa holder who intends to stay for more than 45 hours in the country to be visited by him will be required to inform the Police within 24 hours either personally or in writing of his visit and the place he expects to visit, giving his address where his letters etc. can be delivered or enquiries about him can be made. Any person who overstays the period of his visa will be liable to summary deportation”.

I may say that this provision of reporting in writing to Police is only a paper provision as far as the Government of Pakistan is concerned. By executive orders, Pakistan made the provision of the last Agreement ineffective and most Indian nationals were forced to report to the Police in person.

7. In regard to the system of travel on Emergency Certificates or Migration Certificates, Pakistan has made the following proposal:-

“The present system of travel on Emergency Certificates will continue subject to production of Clearance Certificates by the intending migrant and his compliance with the other regulations that may be in force in the country”.

All along, Pakistan has been abusing the privilege conferred by the present system. Emergency Certificates or Migration Certificates were to be issued by the Missions of one country functioning in the other country. In actual fact, however, the Pakistan Government have been issuing certificates from Pakistan. Our repeated requests to them not to do so were fruitless and we had to issue instructions to our check posts not to honour such Emergency Certificates unless they were issued by the Pakistan Missions in India. I may add that Pakistan has created a number of difficulties in regard to migration of bona fide members of the minority community from the D.A.V. College camp at Lahore. There have also been restrictions in regard to the procurement of Clearance Certificates from the Police and the Income Tax authorities.

8. The meeting between the Pakistan Minister for Interior and our Minister for Rehabilitation took place in April 1955. We ratified the decisions taken at the meeting immediately thereafter and it is only after more than two years that Pakistan has reacted to stimuli. It is to be noted, however, that Pakistan took advantage, in the meantime, of certain clauses of the Agreement viz. the opening of Khokharapar route, the improvement of railway communications etc. While the rest of the provisions were put in cold storage.

9. It will not be irrelevant if I mention here that 85% of the applications for ‘B’ category visas have been found to be mala fide. I cannot make a similar categorical statement in regard to the other kinds of visas mainly because the number involved are so huge that proper scrutiny becomes almost impossible.
I may also mention that Pakistan has restricted the allotment of exchange (Rs 50/- to passengers going by land and Rs 100/- to passengers going by air) to once only every year. The general feeling here is that a Pakistani visitor to India will live on the resources of his Indian relations or friends. I cannot help saying that even if Pakistan genuinely desires to liberalize the issue of visas; she cannot afford to do so. It is only fair that if a Pakistani goes to India, he should take sufficient funds from Pakistan to spend in India.

10. This letter has already become much too lengthy and I do not wish to add to it. But I am sure that in considering the letter from the Pakistan Government, the all important security factor will also be taken into account.

I am enclosing an extra copy of this letter to facilitate the detailed examination of this matter by the Ministries concerned.

(D.N. Chatterjee)

Shri K.M. Kannamplilly, IFS,
Deputy Secretary,
Ministry of External Affairs,
New Delhi.

3478.  
SECRET  
Letter from Commonwealth Secretary M. J. Desai to High Commissioner for India in Pakistan C. C. Desai  
New Delhi, November 14, 1957.

Ministry of External Affairs  
New Delhi

D. O. No. F.25/57-PSP-CS/57  
14th November, 1957.

My dear C.C.,

Kindly refer to the correspondence resting with your D.O.No. F-1-61/57/PV dated 31st October, 1957 to Chakravarty regarding closure of the Assistant High Commissioner’s office at Hyderabad (Sind).

2. As you will recollect, the Indian Assistant High Commissioner’s office at Hyderabad (Sind) and the Pakistan Assistant High Commissioner’s office at
Bombay were established as a result of an Agreement reached at the Indo-Pakistan Conference at New Delhi in January/February, 1953. In the Minutes of the Conference, there is no reference to any request by the Indian delegation that India should be allowed to have a Visa office at Bahawalpur or Rawalpindi or Peshawar. The relevant portion of the Minutes reads:

“India proposed that branch visa offices should be set up at Bombay and Hyderabad (Sind) and at four places in Assam, Tripura and West Bengal and also at four places in East Bengal. Pakistan said that the offices at Bombay, Shillong and one suitable district headquarters in the north of East Bengal can be agreed upon and that no other visa office seemed necessary at present. India urged that Hyderabad (Sind) should be added to these three places. It was agreed that four offices should be set up as above, but Pakistan will review the continuance of the three offices in Assam and East Bengal and Hyderabad after six months.”

3. In view of the previous history of the case, your suggestion that we should close down our office at Hyderabad (Sind) and ask Pakistan to close down the Bombay office or insist that the Pakistan Government should allow us to shift the Hyderabad office to Peshawar or Rawalpindi cannot be put up as a definite proposition. We can, of course, negotiate for modification of the agreed arrangements on the lines you propose but you know that there is no chance of Pakistan accepting these changes.

4. I see from the records that though the Agreement was to open Visa offices and not offices of Assistant High Commissioners, this was subsequently modified on the suggestion of Hilaly of the Pakistan Foreign Office and we accepted that these should be Assistant High Commissioners’ offices.

5. I agree that maintenance of the office at Hyderabad (Sind) is of no interest to us. We can of course, close down this office unilaterally and save the expenditure. I am sure you would not advise us to adopt this unilateral procedure. As Pakistan is not likely to accept the suggestions mentioned in Para 3 above, it may be desirable to approach this matter from a slightly different angle. There will be a good chance of getting Pakistan to agree to downgrading both the Bombay and Hyderabad (Sind) offices to Visa offices and this may enable us to reduce some of the staff. We can then insist on Pakistan Visa office in Bombay being manned by non-diplomatic visa staff and thus limit their undesirable activities.

6. I will be grateful if you will re-consider your proposal in the light of the above and make informal soundings and let us know what concrete proposals should be put up to Pakistan. If you so advise, we would be quite prepared to close down the Hyderabad (Sind) office unilaterally and save money. But I am
sure this method of dealing with the situation does not appeal to you.

With Kindest regards,

Yours sincerely

(M.J. Desai)

Shri C.C. Desai,
High Commissioner for India,
Karachi.

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3479.  

SECRET

Minutes of the meeting held in the Commonwealth Secretary’s Room, Ministry of External Affairs, at 12-00 (Noon), on Tuesday, 3rd December, 1957.

Present

Ministry of External Affairs:
Shri M.J. Desai, Commonwealth Secretary.
Shri K.N. Kannampilly, Deputy Secretary.

Ministry of Home Affairs:
Shri A.V.Pai, Secretary.
Shri N. Sahgal, Joint Secretary.
Shri Fateh Singh, Deputy Secretary.

The meeting had been called to consider the Pakistan Foreign Office communication regarding the Pant-Mirza Agreement of 1955 on liberalisation of Visas.

2. The Commonwealth Secretary pointed out that the Pakistan Government had taken over two years to convey their views. The suggestions made by them now would not effect any liberalization of the existing Visa Scheme; on the other hand, they would constitute retrograde step.

3. The Commonwealth Secretary proposed, and it was agreed, that the Pakistan Government should be informed that the Government of India are not able to accept the proposal made by them. The Government of India are also not agreeable to enter into any discussion on amendments suggested to the
original Agreement two years after the Agreement was signed. It may also be pointed out that the amendments suggested by Pakistan went against the very spirit of the Agreement since they would actually make the Visa Scheme more restrictive in application.

4. Shri Sahgal and Shri Fateh Singh mentioned that some Pakistan nationals who had entered India with Pakistan passport were known to have thrown away their passports and to be staying on in India unauthorisedly. It was necessary that appropriate action should be taken against them.

5. It was suggested that State Governments concerned should be asked to examine each such case and collect evidence proving the Pakistan nationality of the individual concerned. He should then be proceeded against according to the law. At the same time the State Governments should inform the External Affairs Ministry so that the Pakistan High Commission may be given full facts of the case and requested to provide a travel document to the Pakistan national. The High Commission would be informed that in the absence of such a travel document the Pakistan national would be liable to imprisonment and any other punishment that the court might award.

6. If the Pakistan High Commission should fail to provide a travel document, the State Government should take steps to have the person deported.

7. It was agreed that this procedure should be followed in a few cases after which the matter should be reconsidered.

3480. Note from High Commission for India in Pakistan to Pakistan Ministry of Foreign Affairs.


High Commission of India Karachi

No. E. 5/57-II. 5TH May, 1958

The High Commission of India in Pakistan presents its compliments to the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan and has the honour to state that the Government of India have recently been considering the question of closing down the office of their Assistant High Commissioner at Hyderabad, Sind as a measure of economy.
2. The Ministry of Foreign Affairs and Commonwealth Relations will recall – vide their note No. I (V)-2/7/55, dated 13.13.1957 that for a similar reason the Government of Pakistan had suggested the closing down of the Pakistan Visa Office at Agartala and the Indian Visa Office at Comilla. The Pakistan Visa Office at Agartala has since been closed down with effect from 31st January, 1958.

3. The Government of India have come to the conclusion that it is no longer necessary to continue either the Indian Assistant High Commission at Hyderabad or the Pakistan Assistant High Commission at Bombay. The Government of India have therefore decided to close down the Hyderabad office with effect from the 1st July, 1958. The Government of India expect that the Government of Pakistan will also close down the Pakistan Assistant High commission in Bombay with effect from the same date.

The High Commission avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Commonwealth Relations the assurances of its highest consideration.


3481. Note from High Commission for India in Pakistan to Pakistan Ministry of Foreign Affairs.

High Commission of India
Karachi

No. E.5/57-II, the 27th May, 1958.

The High Commission of India in Pakistan presents its compliments to the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan and in continuation of this Mission’s Note of even number dated the 24th May, 1958 has the honour to say that consequent upon the closure of the office of the Deputy High Commissioner for Pakistan at Chandigarh the Government of India agree in principle to close the office of the Deputy High Commissioner for India at Lahore.
2. The High Commission would like to state that it would, however, not be convenient for the Government of India to arrange for the closure of this office on the 1st July, 1958 as proposed by the Pakistan Government. More time will be required to complete these arrangements and it is suggested that the Lahore office may be closed by the 1st October, 1958.

3. It is hoped that the Government of Pakistan will agree to the above suggestion.

4. The High Commission avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Commonwealth Relations the assurances of its highest consideration.

The Ministry of Foreign Affairs & Commonwealth Relations, Government of Pakistan, Karachi

Later it was decided to close down reciprocally the Indian Deputy High Commission in Lahore and Pakistan's Assistant High Commission in Bombay from 1st October 1958.

3482. Note from High Commission for India in Pakistan to Pakistan Ministry of Foreign Affairs.

Karachi, June 2, 1958.

High Commission of India in Pakistan
Karachi

No. R.5/57-II 2nd June, 1958

The High Commission for India in Pakistan presents its compliments to the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, and with reference to the Ministry's Note No. F.S.I.(I) -12/29/58 dated the 31st May, 1958, has the honour to say that, in view of the considerations urged in the said note, the Government of India are agreeable to October 1st, 1958, being fixed as the date for the simultaneous closure of the offices of the Indian Deputy High Commissioner in Lahore and of the Pakistan Assistant High Commissioner in Bombay.
The High Commission for India avail itself of the opportunity to renew to the Ministry of foreign Affairs and Commonwealth Relations, Government of Pakistan, the assurances of its highest consideration.

The Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, Karachi.

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3483. Aide Memoire from Pakistan High Commission in India to Ministry of External Affairs.

New Delhi, June 13, 1958.

The High Commissioner for Pakistan in India
New Delhi

Dated, June 13, 1958

Aide - Memoire

At the request of the Government of India, the Government of Pakistan agreed last month that the Sub-missions at Lahore and Bombay should continue to function till the 30th of September 1958. On June 7, it was reported in the press that the Deputy High Commissioner for India at Lahore would stop the issuing of visa to Pakistan nationals with effect from the 15th of June.

2. The High Commissioner brought this matter to the notice of the Commonwealth Secretary the same day. Mr. M.J. Desai said that the Government of India had not issued any such orders and as the High Commissioner was going to Lahore the following day, he would ascertain whether or not this information was correct. On June 9, Mr. Sajjad Hyder, Deputy High Commissioner for Pakistan in India saw Mr. P.L. Bhandari, Deputy High Commissioner for India at Lahore, in this connection. Mr. P.L. Bhandari told him that his orders were to stop the issuing of visas after the 15th of June 1958 and that he had to carry out these orders.

3. The matter was reported to the Government of Pakistan and on June 11 the Foreign Secretary of the Government of Pakistan called His Excellency Mr.
C.C. Desai, High Commissioner for India in Pakistan and told him that as the Indian Sub-mission at Lahore would stop issuing visas on June 15, there was no justification for the continuance of that office after July 1. His Excellency Mr. C.C. Desai replied that according to his decision no application would be entertained in Lahore after June 15 but any application received after that date would be sent to Karachi. THE Foreign Secretary said that was not enough of a justification, whereupon His Excellency Mr. C.C. Desai asked for reasonable time to close down his office in Lahore in view of the physical operations involved. The Foreign Secretary replied that in that case the sub-mission at Lahore could close on July 10. The Government of Pakistan would do the same with their office at Bombay.

New Delhi
June 13, 1958

3484. Note from High Commission for India in Pakistan to Pakistan Ministry of Foreign Affairs.
Karachi, June 20, 1958.

High Commission of India
Karachi

No. E. 5/57-II

20th June, 1958

The High Commission of India in Pakistan presents its compliments to the Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan, and has the honour to say that the Ministry’s note No. I (I). 12/29/58 dated the 12th June, 1958, demanding that the Office of the Deputy High Commissioner for India in Lahore should be completely closed down by the 10th July, 1958, has come very much as a surprise to this High Commission. It was only on the 31st of May, barely 10 days previously, that the Ministry had, by their note No. F. S. I. (I). 12/29/58 suggested to this High Commission that “in mutual interest” the India Deputy High Commission in Lahore and the Pakistan Assistant High Commission in Bombay may be closed simultaneously on the 1st October, 1958. The Government of India had formally given their consent to this arrangement, vide this High Commission’s note No. E. 5/57-II dated the 2nd June, 1958.

2. In justification of the volte face which the present note of the Ministry represents, a reference has been made to a Press note issued by the Indian
Deputy High Commissioner in Lahore dated the 6th June, 1958. This Press note, a copy of which is annexed, clearly says that no visa applications will be entertained by that office after the 15th June, and that persons wishing to apply for Indian visas after that date should address their applications to the Indian High Commission in Karachi. Further, the real purport and the exact implications of this Press note were fully explained to Mr. M.S.A. Baig by the Indian High Commissioner, in person, on the 11th June, 1958.

3. This High Commission would like to take this opportunity to restate that the reason for fixing 15th June as the last date for receipt of visa applications at Lahore was based on purely administrative convenience. It will be appreciated that visa applications take some time for being dealt with in proper manner, particularly when references have to be made to India. The Indian Deputy High Commission in Lahore had a large number of visa applications pending already and it was thought that unless an early date like June 15th was fixed as the last date for the receipt of fresh applications it would be impossible for that office to deal with the applications properly before the office was wound up. Further the staff of that office would be pre-occupied with other work relating to the closure as well as with their own transfer from Lahore, according to a phased programme. In the view of this High Commission, the public in Pakistan would be better served by the applications being received in Karachi, after the 15th June, and by being processed there by the staff already in position.

4. The High Commission would also like to point out that, according to a Press report, the Pakistan Deputy High Commissioner at Chandigarh had also issued a similar notification fixing June 15th as the last date for receiving applications for Pakistan visas, a step which appears to be quite incongruous with the present attitude of the Pakistan Government.

5. It is, therefore, a matter of regret to this High Commission that the considerations mentioned above were not taken into account by the Pakistan Government before issuing their note referred to in paragraph 1 above. If it was felt on 31st May, 1958, that closure of the Indian Mission at Lahore and the Pakistani Mission in Bombay was not feasible before September 30, 1958, it must be less feasible now. The Government of India have, all the same, decided to comply with the present request of the Pakistan Government and to issue instructions to have their Mission at Lahore closed on the 10th of July, although it is, in their opinion, clearly an unreasonable, impractical and retrograde request.

6. It is noted that the Pakistani Assistant High Commission in Bombay would be closed simultaneously, i.e. on July 10, 1958.

7. The High Commission of India in Pakistan avails itself of the opportunity to renew to the Ministry of Foreign Affairs and Commonwealth Relations,
3485.  Question of Grant/Extension of Short Term Visa to Pakistani Nationals who apply for Permanent Settlement in India.

A. Letter from Government of the State of Uttar Pradesh to Ministry of Home Affairs, Government of India regarding extension of stay of Pakistani nationals in India.

Lucknow, January 30, 1959.

Home (Political) Department
Government of Uttar Pradesh

From : Sri R. Pant,
Under Secretary to Government, Uttar Pradesh.

To : The Secretary to the Government of India,
Ministry of Home Affairs, New Delhi.

No. 372-TZA/VII-D-8-P/52       Lucknow, January 30, 1959

Subject: Grant of extension of stay to Pakistani nationals pending decision on their applications for permanent resettlement in India.

Sir,

With reference to the Ministry's endorsement No-1/40/58-F. III., dated November 29, 1958, on the subject mentioned above, I am directed to say that after the amendment of the Foreigners Act, 1946, the entire work regarding the grant of extension of visas (now extension of validity of residential permits) and permission to visit additional places, not mentioned in the original visas, was transferred to

Government of Pakistan, the assurances of its highest consideration.

The Ministry of Foreign Affairs
and Commonwealth Relations,
Government of Pakistan
Karachi.
the Civil Authorities (Superintendents of Police) in the State with effect from July 1, 1957. The Civil Authorities are authorized to grant extension of stay in India to foreigners (which now include Pakistani nationals also) up to a period of two months. The endorsements of the grant of one year visas and renewal of one year visas are also made by the Civil Authorities on the residential permits. Since the State Government do not grant any endorsement on the residential permits of Pakistani nationals, they recommend that, if the Government of India agree, the Civil Authorities may also be authorized to grant an endorsement of “Extension applied for” on the residential permits of Pakistani nationals, who are eligible for permanent resettlement facilities in India and whose applications for such facilities would normally be accepted, after obtaining the approved of the State Government in each cases.

2. The State Government will also be grateful to be informed whether any fee should be charged from Pakistani nationals for the grant of an endorsement of “extension applied for”. If so, the amount of fee that should be charged and the head to which the amount so realized should be deposited may also kindly be intimated to the State government.

Yours faithfully

Sd/

(R. Pant)

Under Secretary

B. Letter from the Ministry of Home Affairs to the Government of Uttar Pradesh.

Government of India
Ministry of Home Affairs
New Delhi

Express Letter

From: Home – New Delhi

To: The Secretary to the Government of Uttar Pradesh, Home Department (Police-D) Lucknow.

No: 1/13/59-F. III the 20th March 1959/29th Phalguna, 1880

Subject: Grant of extension of stay to Pakistani nationals pending decision on their applications for permanent resettlement in India.

2. In the circumstances stated by the State Government, the Government of India have no objection to the Civil Authorities being authorized to grant the endorsement of ‘extension applied for’ on the residential permits of Pakistani nationals, who are eligible for permanent resettlement facilities in India and whose applications for such facilities would normally be accepted, after obtaining the approval of the State Government in each case. However, such an endorsement cannot be regarded as an endorsement of extension of stay for which a fee of Re.1/- is charged. This fee may appropriately be charged only when the application submitted by the Pakistani national for the grant of permanent resettlement facilities in India in the form of extension of stay for one year has been decided and an endorsement to this effect is actually made on the residential permit.

(R. P. Sharma)
Under Secretary
To the Government of India

C. Letter from the Indian High Commission:

Indian High Commission
(Visa Office)

No. F. 1-58/54-PV/23136 Dated the 10th December, 1956

Subject: Grant of short term Visas to Pakistan nationals who apply for permanent settlement in India.

Dear Ministry,

Please refer to your endorsement No. F. 6-14 /56/PSP, dated the 9th October, 1956, on the subject mentioned above.

2. Indian Missions in Pakistan have been advised not to issue short term visas to Pakistan nationals who have applied for permanent settlement in India as a matter of policy. In exceptional cases a visa may be granted only after a reference to the State Government. In order to ensure that no short term visas are granted to Pakistan nationals who have applied for long term visas and whose applications are pending, or have been rejected by the Government of India or the State Government, it appears necessary to place on the Black List
the names of all such persons. The facility with which interested persons in Pakistan can obtain duplicate passports may not be overlooked. Our record shows that during the first 8 months of the current year alone, we have received from the Ministry of Home Affairs, New Delhi, intimation of rejection of long term visa applications in 819 cases. The number of pending cases is 485. If all such names are blacklisted, this would, in course of time, add very considerably to the bulk of the list and there by detract from it utility for checking up suspected cases quickly.

3. We agree that it is essential to tighten up issue of short term visas to persons whose long term visa applications are pending, or have been rejected. But at the same time we are of the opinion that discretion should be with us to issue short term visas in suitable cases without reference to the authorities concerned in India for pre-verification. To give a concrete instance, if a Pakistani lady married to an Indian Muslim applies for a long term visa, we cannot, in view of your endorsement referred to above, issue her a short term visa without prior reference to the State Government concerned. Our experience shows that it takes 6 to 8 months before the Government of India's decision on a long term visa application is received. We consider that in such cases, to avoid hardship to the applicants, we should be authorized to issue visas without reference to the State Governments concerned. There may again be cases where Pakistani nationals have to proceed to India at short notice, e.g., on receipt of news of serious illness or death of a near relation in India. If in all such cases (where applicants have applied for long term visas and their cases are pending or have been rejected) no visas are to be issued without prior reference to the State Governments, it would mean that no visas can be issued even in genuine cases of necessity. In fact, refusal of even a short term visa to a person who wants to settle down in India is going to the other extreme and must cause very serious hardship to deserving people for no fault of their own except to make India once again their homeland. In all these matters the High Commissioner feels that we should have a sense of proportion and that we should be guided by enlightened approach rather than by anger, distrust or primitiveness. In any case discretion must be left to the authorities on the sport.

4. We suggest, therefore, that in view of what has been stated above, discretionary powers should be given to the Indian Missions in Pakistan to issue short term visas on humanitarian and other appropriate ground in deserving cases without prior reference to the State Governments.

5. An early reply would be appreciated. Meanwhile the High Commissioner proposes to follow the course suggested in this letter.

Yours ever
The Ministry of External Affairs,  
Government of India  
New Delhi.

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SECRET

D. Letter from Ministry of External Affairs to all the State Governments.

Government of India,  
Ministry of External Affairs  
New Delhi

To: All State Government in India.

No. F. 6-14/56-PSP the 9th October, 1956

Subjects: Grant of short term visas to Pakistan nationals who apply for permanent settlement in India.

Sir,

I am directed to say that the Government of India have noticed that many Pakistan nationals, while in Pakistan, apply for permanent settlement in India and then visit India on Pakistan passports and Indian short term visas with a view to pursuing their applications for permanent settlement facilities in India, and prolong their stay in India by getting their visas extended from time to time on one pretext or the other.

2. Since it is considered undesirable to have such Pakistan nationals residing in India indefinitely, I am to request that the State Governments should do their best to dispose of their applications for permanent settlement quickly and refer them to the Ministry of Home Affair’s for final decision as early as possible. The State Governments should not extend the short term visas of such Pakistan nationals to enable than to continue their stay in India, unless there are special and genuine reasons for them to do so.

3. When a Pakistan national comes to India on short term visa and applies for permanent settlement in India, and his application is entertained by the State Government, besides informing our Mission of this fact, an observation to the effect that “Applied for permanent settlement in India” should be made on his passport so that if he afterwards returns to Pakistan and again applies to our Mission in Pakistan for a short term visa, our Mission would be able to know the fact that his application for permanent settlement has been pending in India.
Similarly, the full passport and other particulars of Pakistan nationals whose application for permanent settlement in India are not entertained by the State Government or are rejected, should also be furnished to our Missions in Pakistan. Instructions are being issued to our Missions in Pakistan that short term visas should not be granted to Pakistan nationals whose applications for permanent settlement are pending or have been rejected without referring their cases to the State Government.

Yours faithfully
(R.S. Chavan)
Under Secretary

Copy forwarded to:-

1. **All Indian Missions in Pakistan** – No short term visa should be granted to Pakistan nationals who have applied for permanent settlement in India as a matter of policy. In exceptional cases a visa may be granted only after a reference to the State Government. Similarly, a short term visa should not be granted to a Pakistan national whose application for permanent settlement in India has been rejected, without prior consultation with the State Government.


3. Director Intelligence Bureau with reference to his u. o. No. 30/PV/55(1) – A dated the 11th May, 1956.

   (R.S. Chavan)
   Under Secretary
3486. **Grant of Transit Visa to Indians for visits to Iran.**

Karachi, September 4, 1959

High Commission of India
Karachi

4th September, 1959

**AIDE MEMOIRE**

Please refer to the correspondence resting with the aide memoire dated the 8th June, 1959, from the Ministry of Foreign Affairs and Commonwealth Relations of the Pakistan Government regarding the transit facilities through Pakistan to Indian nationals in Iran. The Government of India would be grateful if the Pakistan Government would reconsider their decision in the light of the observations set out below:

2. Almost all the Indian nationals resident in Zahidan area belonged originally to that part of the old Punjab Province which is now in West Pakistan and before Partition used to travel by the land route. The old passports issued to them by the then Government of India clearly indicate that they were using the Quetta - Zahidan land route. Further, the land route is much more economical and less arduous than the alternative route by boat. Most of these persons have to go to Bunder Abbas to catch ferries to Dubai and then from Dubai to Bombay by B.I.S.N. ships. This route involves a journey by road and sea extending over 12 days and costs Rs. 200/- per person. The alternative route via Khorramshahr is also equally expensive and inconvenient. Facilities for travel over the land route will help greatly in reducing expenditure and relieve the hardship now being experienced by the Indian community in Zahiden.

3. It is understood that the Pakistan Government have not imposed any restrictions on travel by the Quetta - Zahidan route on the nationals of countries other than India. Even Indians, who are holding British passports, are allowed to transit through West Pakistan. Bus services originating in other countries are also allowed to ply along this route. However, Indian passengers by such buses are not allowed to pass through, while no objection is raised in regard to the transit of nationals of other countries. In the case of Father Abbarham (particulars of which are known to the Ministry), a visa was granted to his driver, who was an Austrian national, while he himself being an Indian, had to undergo considerable difficulty and inconvenience in obtaining a transit visa through West Pakistan.

4. Attention has also been invited previously to the fact that many of those who wish to go by the land route, belong to the Sikh community and are, therefore, anxious to visit some of the Sikh holy places which are now in West Pakistan.
It would result in considerable saving in time and money if they are enabled to visit these places *en route* to India.

5. The reference in the said aide memoire to the provisions of the Indo-Pakistan Passport and Visa Scheme does not seem to be relevant to the present issue, inasmuch as the scheme provides for authorized routes only for travel between India and Pakistan.

6. It is relevant to point out that the Government of India have placed no restrictions on travel by Pakistani nationals by the land route through India to other countries. Pakistani nationals employed in the Jute mill in Nepal, are permitted to travel through India overland from East Pakistan; nor have restrictions been placed on Pakistani nationals employed in the Police Forces in Malaya and Singapore from proceeding by the overland route through India. It is suggested that the Pakistan Government should also, on a reciprocal basis, not place any restrictions on the travel of Indians through Pakistan when coming from or going to other countries.

7. The contention of the Pakistan Government that their nationals have been experiencing considerable difficulties in the matter of transit facilities through India is not based on facts. The Government of India are not aware of any cases in which the transit facilities have been refused to Pakistani nationals. The slight inconvenience caused to the boy-scout contingent at the West Pakistan border was due to the short notice given by the Pakistani authorities which resulted in the instructions of the Punjab Government to their check posts being delayed. It may, however, be not out of place to mention here that on receipt of the information that the contingent was held up, a high official of the Govt. of India personally got in touch with the authorities in Chandigarh to ensure that the party was not put to any inconvenience. It is, therefore, accordingly, requested that the whole matter is reexamined by the Pakistan Government and revised instructions issued to their Missions in Iran for the grant of transit visas to Indian nationals who desire to go to India over the land route.

*Karachi*

*September 5, 1959/Bhadra 13, 1881, SAKA*
Circular letter from Ministry of Home Affairs to the State Governments in India.

New Delhi, November 12, 1959.

Government of India
Ministry of Home Affairs

EXPRESS LETTER

From: Home, New Delhi.
To: All State Governments & Union Territories.

No. 1/27/59-F. III the 12th November, 1959/21st Kartika, 1881

Subject: Overstay of Pakistani nationals - Grant of Exit endorsements

In the Ministry of External Affairs’ circular No. F. 15(48)/56-PSP, dated the 3rd December, 1958, it was prescribed that where the overstay of a Pakistani national is due to bona fide reasons, i.e., due to reasons beyond the control of the Pakistani national such as his own illness or the illness of his near relatives in India etc., the State Government should grant him suitable extension of stay and not exit endorsement, and that in mala fide cases of overstay only the State Governments should grant exit endorsements in the form prescribed in that Ministry’s circular No. F.15(48)/57-PSP, dated the 21st November, 1957. This matter has been further considered in consultation with the Ministry of External Affairs. It will not be appropriate even in bona fide cases of overstay to grant extensions of stay to Pakistani nationals concerned especially when no application for the grant of extension has been made by them. It has, therefore, been decided that in bona fide cases of overstay, instead of granting extensions of stay, and exit endorsement in the following form may be made on the Pakistani Passports of the Pakistani nationals concerned –

“Permitted to leave India by . . . . . . (Date).”

In mala fide cases of overstay, the form of the exit endorsement may be as follows:-

“Overstayed. Permitted to leave India by . . . . . (Date).”

The State Governments may use rubber stamps for making these endorsements. Full passport and personal particulars should be furnished to the Indian Missions in Pakistan as well as the Government of India (Ministry of Home Affairs) in the case of persons who are granted exit endorsements in the latter form. This will help the Indian Missions to identify the persons even if they take out fresh Pakistani passports and
it will be in these cases that a prior reference will be made to the State
Governments by the Indian Missions before visas are granted.

3. This also disposes of the Government of Kerala’s letter No. 19614/59-I/
Home, dated the 18th March, 1959. As explained above, exit endorsements will
be made only on the passports of the Pakistani nationals.

(R.P. Sharma)
Under Secretary to the Government of India

3488. Letter from High Commissioner for India in Pakistan
Rajeshwar Dayal to Commonwealth Secretary M. J. Desai.

High Commissioner for India
Karachi

No. H.C./473/59 December 3, 1959

My dear C. S.,

Will you please refer to your d. o. No. 759-CS/59 of December 1, 1959?

2. I have been aware for a long time of the withdrawal of some 40,000
passports from the Hindu citizens of Pakistan, and the psychological and other
problems which this has created. During my previous visits to Dacca, I had
mentioned the matter to the East Pakistani authorities. In my last visit also I
spoke to Governor Zakir Husain about it and in Delhi to Azfar in the presence of
S. N. Ray and Datta. Azfar promised to examine the matter sympathetically. I
told him that I knew of the reasons given for the withdrawal of these passports,
namely, to make a check against forgeries, but the passports should be returned
in batches as the check proceeded instead of all being held up till its conclusion.
I have wired to Padmanabhan who is on tour in Dacca, to remind Azfar. I have
also raised the matter with the Foreign Office here and shall press Ikramullah to
take some action.

3. I have already informed you about the line we have taken with the Pakistani
Foreign Office in regard to a discussion on visa policy. So far no progress
whatsoever has been made as the opinion of the two Provincial Governments
has been asked for and this of course means indefinite postponement. I shall
press Ikramullah again after Eisenhower’s visit. My own feeling however is that
while the Pakistanis talk or liberalisation, and they probably mean it in the case
of West Pakistan, they are extremely averse to any marked change in East
Pakistan where the problem is complicated by the presence of a large Hindu
minority However that there had been some relaxation in East Pakistan in the
rules for obtaining residential permits, the period being extended to one week,
and the physical presence of women and children being dispensed with .

4. I have however let it be known widely that we are prepared to go ahead
when a substantial measure of liberalization and it now all depends on the
Pakistani Government as to how far they are prepared to go.

With Kind regards,

Yours sincerely
(Rajeshwar Dayal)

Shri M. J. Desai, ICS,
Commonwealth Secretary
Ministry of External Affairs,
New Delhi.

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3489.  

SECRET

Letter from Deputy High Commissioner for India in East
Pakistan to High Commissioner for India in Pakistan.


Deputy High Commissioner for India in Pakistan
Dacca.


My dear High Commissioner,

During your visit to East Pakistan, I had mentioned to you that one of the
restrictive features of the present visa policy was a requirement that applications
from all persons, who had served in the Defence Forces, should be referred to
the Ministry of Defence for pre-verification. Under the existing procedure we
could grant visas to such persons only on compassionate grounds, otherwise,
we must await the replies of the Ministry of Defence.
2. I am not writing this letter to suggest, at least at present, any change in these regulations although such a wide inhibition places the intending travelers of East Pakistan in unnecessary difficulties. Firstly, there are many Hindus who have families in India and who may have served in the Armed Forces before partition. Secondly, there are also a large number of Muslims as well as Hindus who may have served in medical services and in administrative and other innocuous positions. I do not think that it is right to deny them the normal travel facilities which we grant to other citizens. I think, therefore, that while retaining the present restrictions, we should be given discretion to issue visas to such ex-members of Defence Forces. Persons, who had already been cleared and who held such innocuous posts in distant past, should also be granted multi-journey visas like ‘B’ visas. This relaxation should be in addition to the compassionate cases for which discretion is already allowed to us.

3. The main purpose of my writing this letter, however, is to point out that recently there have been further restrictions placed by the Government on issue of visas to ex-Defence personnel. We noticed that whenever we made a reference to the Ministry of Defence for pre-verification of a particular application, the reply invariably came from them stating that no visa should be granted as there were no compassionate grounds. At first we thought that this was due to some confusion in the Ministry of Defence as we were ourselves competent to grant visas on compassionate grounds. It was only in respect of the normal visits by ex-Defence personnel that we were making references to the Ministry of Defence. In such cases, the issue of compassion did not arise.

4. Now we find that there was no confusion in the Ministry of Defence and that the increased restrictions placed by the Ministry of Defence are imposed as a matter of policy. It appears there was a letter from the High Commission dated the 8th of May 1957 (copy enclosed) which stated that more persons belonging to the Pakistan Defence Forces were coming to India than those belonging to Indian Defence Forces visiting Pakistan. In view of this, the High Commission then suggested that visas should be granted only on pressing compassionate grounds. Government accepted this proposal in November 1957. Presumably the intention was to confine this additional restriction on serving personnel only. In any case, it now applies to ex-defence personnel also.

5. I need not elaborate on the merits of the suggestion made by the High Commission in May 1957. In any case, you will agree that there is at present no necessity to ensure reciprocity in restriction between India and Pakistan in this matter. I shall, therefore, be grateful if you take up with the Ministry the question of restoring, firstly, the status quo ante and, secondly, of allowing us discretion in the cases referred to by me in paragraph 2 above. Needless to say that whenever we exercise our discretion, we shall immediately report of the grant of visa to the Ministry of Defence.
6. I am not sending a copy of this letter to the Ministry.

With kind regards,

Yours sincerely

Sd/- V.C. Trivedi

Shri Rajeshwar Dayal,
High Commissioner for India,
Karachi.

3490. SECRET

Letter from High Commissioner of India in Pakistan
Rajeshwar Dayal to Commonwealth Secretary M. J. Desai.


High Commission of India
Camp Office, Hoti House, Murree

No. 23/HC/.60 June 21, 1960

My dear C.S.,

When I saw General Shaikh (who held the Interior portfolio) last week, I asked him if he could give us some information regarding the decision that was taken at the conference held in Pindi on the question of visa policy. Shaikh said that the overall question of policy was not discussed, the review being confined to the internal aspect of the matter with a view to rationalizing the issue of passports which, I understood, would be related to the availability of foreign exchange.

2. Shaikh added that decisions had been taken to minimize inconvenience and harassment caused to visitors from India to Pakistan by making less cumbersome matters like reporting to the police, etc.

3. In this context I mentioned to Shaikh our experience when our Health Minister was forced to break journey in Karachi. Shaikh enquired about the details of the incident which I gave him adding that I did not wish to lodge a complaint but would suggest that Indian visitors, including those travelling
with regular visas as well as those unavoidably detained, should be treated no worse than other foreigners. Shaikh said that he had noticed the press statement issued by Dr. Karmarkar and expressed appreciation of the consideration and understanding which he had shown. He said that action had been taken to prevent similar occurrence in the future.

4. I asked Shaikh if he would let me have a gist of the instructions which had been issued to the airport and other authorities regarding the treatment of Indian visitors in order to ensure that parallel action was taken in India. This Shaikh promised to do. I am asking our Karachi office to raise this matter with the Foreign Office and I shall also remind Shaikh or Manzur Qadir when I meet them next.

5. I would add that when Manzur Qadir dropped in to see us yesterday I mentioned to him my talk on this subject with General Shaikh. He repeated that the main difficulty in regard to a more liberal visa policy was the question of foreign exchange, which he had been told had been assessed by the financial authorities in Pakistan at something like Rs.37 crores. He said that so far as West Pakistan was concerned, since the earning members of many divided families were in Pakistan, there was a natural desire on their part to help their relations in India. I said that a parallel situation existed in regard to the Hindus in East Pakistan and the figures of foreign exchange were bound to be comparable on both sides. I also doubted the authenticity of his figure which seemed to me highly exaggerated. Although Qadir admitted the validity of this argument, the matter was not pressed further at this stage.

6. It seems to me that while no overall policy decisions between the two countries in regard to the liberalization of visa policy can be expected in the near future, both sides could take practical steps to ensure the more expeditious grant of visas and the elimination of unnecessary harassments. We have already been doing this for some time which has met with considerable appreciation throughout the country, and criticism has been diverted against the Pakistan Government's policy of requiring the making of initial deposits etc., and the denial of adequate foreign exchange facilities. Public pressure would therefore mount in order to force the Pakistani authorities to introduce some degree of relaxation in practice. We have more than fulfilled our part of the mandate regarding the liberalization of visa policy given to us at the October Border Conference, and can afford to wait and see what the Pakistan Government will do on their part.

7. This also has a reference to Shri A.S.Chib's letter No.F.25(31)/60-P dated 13th June to Shri S.K. Singh.
With kind regards,

Yours Sincerely

(Rajeshwar Dayal)

Shri M.J. Desai, I.C.S.,
Commonwealth Secretary,
Ministry of External Affairs, New Delhi.

3491. Press Note issued by Pakistan Ministry of Foreign Affairs on travel facilities for Pakistani citizens while travelling to India.


The Government of Pakistan have been reviewing the position with reference to travel between India and Pakistan with a view to providing as many additional facilities as may be possible in all the circumstances of the case.

Travel abroad is a drain on the resources of a country which has a limited amount of foreign exchange and is engaged in the task of development. For this reason, foreign exchange allocations for the purpose of travel abroad are restricted in many countries including Pakistan. Consequent upon the partition of the Sub-continent, many persons have migrated to West Pakistan, whose relatives and dependents are in India and many persons from East Pakistan have sent their families and dependents to India. The number of such citizens of Pakistan, who naturally wish to visit their relatives, families or dependents in India, is very large indeed. The amount of foreign exchange used up by each person who travels to India, in spite of restrictions, is large enough to run into several crores of rupees every year.

While confining the facilities for travelling to India to those whose need is found to be genuine and urgent, the Government of Pakistan has concentrated upon giving better facilities for travelling to those who do travel to or from India.

The following decisions have been taken to give effect to this intention:—

1. **Indians Visiting Pakistan**

   (i) Once a visa has been issued for Pakistan, the greatest possible facility shall be granted to visa holder and he would be treated with respect and cordiality.
(ii) In regard to persons visiting the country on a ‘C’ Category visa, they shall be granted facilities provided for tourists in the Registration of Foreigners Rules. These facilities would exempt him from reporting movement etc. within the country.

(iii) The system of having two residential permits shall be abolished and substituted with a single residential permit issued at the point where the person takes up his residence. No residential permits will be required from persons visiting Pakistan and staying for less than two weeks.

Necessary notification to put these new rules in force will be issued shortly.

(iv) Passports and visas will conform to the present scheme in regard to validity and availability for visiting places.

2. **Pakistanis Visiting India.**

(i) Any passport holder, who has once travelled to India on ‘B’ or ‘C’ category visas, shall not be allowed to undertake a second visit within the same calendar year unless he has obtained an endorsement on his passport duly signed and sealed by an authority permitting him to undertake the second journey. Such endorsements will be granted only when genuine and pressing reasons for the second visit exist. This step has been taken to stop repeated and unnecessary journeys to India.

(ii) In the case of a property holder or a pensioner who is entitled to a ‘B’ visa under the Indo-Pakistan Passport-cum-Visa Scheme, the Passport Issuing Authority will, on application, make an endorsement on his passport, exempting him from the operation of this rule. This rule will also not apply to holders of “A”, “D”, “E” and “F” visas. They will be free to travel to India as many times as may be permissible under the Indo-Pakistan Visa Scheme.
3492. Notifications issued by Government of Pakistan exempting certain category of Indian citizens from the operation of the Foreigners Order, 1951.

Rawalpindi, October 13, 1960.

Government of Pakistan
Ministry of Interior

NOTIFICATION

Rawalpindi, the 13th October, 1960

S.R.O.No.27- In exercise of the powers conferred by Section 10 of the Foreigners Act, 1946 (XXXI of 1946), the Central Government is pleased to direct that the following classes of Indian citizens shall be exempted from the provisions of clause 7 of the Foreigners Order 1951, namely:

i) Persons visiting Pakistan on the authority of ‘A’ category visas for Pakistan.

ii) Persons visiting Pakistan on the authority of ‘D’ category visas for Pakistan.

iii) Transport workers visiting Pakistan on the authority of ‘C’ category visas for Pakistan.

iv) Persons visiting Pakistan for a period not exceeding 15 days.

v) Person granted gratis or courtesy visas.

No.40/78/57-Poll (I).

S.R.O. No.28- In exercise of the powers conferred by Section 6 of the Registration of Foreigners Act, 1939, (XVI of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Registration of Foreigners (Exemption) Order 1953, issued under Notification No.1/6/52-Poll.(i), dated the 14th February, 1953, as amended namely:-

In the said order, for clause 2, the following shall be substituted, namely:-

“2. Except rule 8 and such of the provisions of rules 4,14,15 and 16 as apply to or in relation to passengers and visitors who are not foreigners the Rules shall not be applied to, or in relation to-

(a) A Commonwealth citizen, as defined in Section 2 of the Pakistan Citizenship Act, 1951, (II of 1951), not being a citizen of India.
(b) a citizen of India holding A, D. or in the case of a transport worker, E. Category visa for Pakistan and
(c) a citizen of India holding C category visa, to the extent they are not applicable to or in, relation to, a “tourist”

No. 40/70/57-Poll (I) -2
Ali Ausat
Deputy Secretary to the Govt. of Pakistan.

3493. Press Note issued by the Pakistan Ministry of Interior regarding travel facilities for Indians in Pakistan.

Rawalpindi, November 23, 1960
No.40/78-Poll(I)-2 Rawalpindi, the 23rd November, 1960

Government of Pakistan
Ministry of Interior

GOVERNMENT PRESS NOTE

In order to make travel in Pakistan by citizens of India easier, the Government of Pakistan have decided to remove some of the restrictions which apply to them at present. In future, Indian citizens will be subject to the Registration of Foreigners Rules, 1939, and will be treated as other foreigners in Pakistan. The following cases of visa holders from India will henceforth be entitled to certain exemptions from the said rules:

(a) Citizens of India holding (A), (D) or in the case of a transport worker, holding (E) category visa for Pakistan.
(b) Citizens of India visiting Pakistan on (C) category Visa shall be accorded facilities admissible to tourists under the Registration of Foreigner Rules. These facilities would exempt them from reporting their movement, etc., within the country.

2. The following classes of Indian citizens have also been exempted from obtaining residential permits during their stay in Pakistan:

(i) Persons holding ‘A’ category Visas;
(ii) Persons holding ‘D’ category Visas;

(iii) Transport workers holding ‘E’ Category Visas;

(iv) Persons visiting Pakistan for a period not exceeding 15 days. If the period of stay is extended to more than 15 days, a residential permit will become necessary; and

(v) Persons granted gratis or courtesy visas.

3. Indian citizens will now be issued only single residential permits, instead of two as was the case in the past, by the Civil authority of the first of the several places for which the visa is valid. The Registration Officer at the check post of entry will make an endorsement on the Registration Form and state there in the period within which the journey to the destination should be completed. He will however, not issue a residential permit. In order to save time and facilitate quick disposal at the Check Post of entry, visa holders should previously fill in registration forms except column Nos. 12 and 13 and present them to the Officer in charge at the Check Post. The registration Forms will be available for sale for one Anna each at all Pakistan Visa Offices.

Sd/- Ali Ausat
Deputy Secretary

Khalid Ali, Esqr.,
Information Officer,
Ministry of National Reconstruction
and Information,
Rawalpindi.

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Editor’s Note:
Government of West Pakistan’s Home Department while conveying these facilities to their Commissioners/Deputy Commissioners/Passport Officers in their Confidential letter No. 2/64-SOI (HPPT)-60 dated 2nd December 1960, enclosed a copy of a Confidential letter from the Pakistan Interior Ministry No. 40/78/57-Poll(1) – 2 dated 23rd November 1960 signed by Ali Ausat, Deputy Secretary Ministry of Interior, which inter alia in para 7 said: “I am also to request that Pakistani Passport holders who are hereafter granted ‘E’ and ‘F’ category Visas by India for the first time should be carefully checked. The checking should be for the purpose of finding out whether the man is really entitled to this kind of visa or has been granted this by India as a favour for some ulterior purpose. The purpose of checking in such cases should be to find out if person concerned is really employed in India. Prolonged absence from India or failure to send earnings back to this country should raise suspicions about the bona fides of employment in India. In such cases, the person should be penalized by withdrawal of his passport. Necessary instructions may kindly be issued to this effect to the immigration authorities at Check-Posts, etc.”

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Rawalpindi, November 23, 1960

Government of Pakistan
Ministry of Interior
Rawalpindi

From : Ali Ausat, Esquire,
Deputy Secretary to the Government of Pakistan

To : The Secretary to the Government of West Pakistan,
Home Department, Lahore.

No. 40/78/57- Poll (1)-2, 23rd November, 1960.

Subject: Registration of Citizens of India Under the Registration of Foreigners Rules, 1939.

The Government of Pakistan have decided that with immediate effect the registration of Foreigners Rules, 1939, should be made applicable to Indians as to other foreigners. It has been decided further that Indians belonging to categories mentioned in paragraph 3 below should be exemped from certain provisions of the said Rules. Similarly, Indians mentioned in paragraph 4 below are to be exempted from the requirement of obtaining residential permits for their stay in Pakistan.

2. To achieve the objects mentioned in paragraph 1 above, necessary amendments have been made in the Registration of Foreigners (Exemption) Order, 1953, and clause 7 of the Foreigners Order, 1951 in two notifications bearing S. R. O. Nos. 27 and 28 both dated the 13th October, 1960, 20/15 copies of which are sent herewith for the use of the Provincial Government / Karachi Administration.

3. It is requested that citizens of India should in future be registered under the Foreigners Rules, 1939, like other foreigners with the exception of the following categories of visa holders:-

(a) a citizen of India holding 'A', 'D' or in case of a transport worker, 'E' category visa for Pakistan; and

(b) a citizen of India holding 'C' category visa to the extent that they are not applicable to or in relation to a tourist.
4. Likewise, the following categories of Indian citizens should not be required to obtain residential permits for staying in Pakistan:

(i) persons visiting Pakistan on the authority of 'A' category visa for Pakistan;
(ii) persons visiting Pakistan on the authority of 'D' category visa for Pakistan;
(iii) transport workers visiting Pakistan on the authority of 'E' category visa for Pakistan;
(iv) persons visiting Pakistan for a period not exceeding 15 days; where the period of stay is exceeded, a residential permit must be obtained;
(v) persons granted gratis or courtesy visas.

5. It has further been decided that in the case of Indian Nationals, the present practice of issuing two residential permits, one at the place of entry and the other at the destination of the person, should be done away with and instead a single residential permit should be issued at destination. I am therefore, to request that the procedure laid down in this Ministry letter No. 40/78/57-Poll(I), dated the 2nd April, 1958, on the subject should be accordingly changed. Accordingly, all Indians within this country should henceforth be issued a single residential permit by the Civil Authority of the first of the several places for which his visa is valid in Pakistan. In order to ensure that citizens of India do not unnecessarily wander about in Pakistan, after their entry and prior to their arrival at the first place for which they hold a visa, the Registration Officer at the Check-Post should make an endorsement on the Registration form of each person to indicate the period within which he would reasonably reach his destination or to some other place where a stay is to be made as the case may be. Where it is considered necessary, the route which should be followed should be indicated.

6. In order to allow 'on the spot registration' at the Check Post of entry, visa holders should be advised to have their registration forms filled in at the visa office except for columns 12 and 13. Arrangements are being made to make such forms available for sale.

7. I am also to request that Pakistani passport holders who are hereafter granted 'E' and 'F' category visas by India for the first time should be carefully checked. The checking should be for the purpose of finding out whether the man is really entitled to this kind of visa or has been granted this by India as a favor or for some ulterior purpose. The purpose of checking in such cases should be to find out if persons concerned is really employed earnings back to this country should raise suspicions about the bona fides of employment in India. In such cases, the persons should be penalized by withdrawal of his
passport. Necessary instructions may kindly be issued to this effect to the immigration authorities at Check posts, etc.

(Ali Ausat)
Deputy Secretary to the Government of Pakistan

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3495.
CONFIDENTIAL

Letter from Government of West Pakistan, Home Department to Commissioners of various Divisions in Pakistan and other Passport Issuing Authorities in West Pakistan.

Lahore, December 2, 1960.

No.2/64-SOI(HPPT)-60
Government of West Pakistan
HOME DEPARTMENT

Lahore, the 2nd December, 1960

From : Mr. A.H. Quraishi, C.S.P., Secretary to Government, West Pakistan, Home Department.

To : (1) All Commissioners of Divisions in West Pakistan (2 copies each).
(2) All Deputy Commissioners and Political Agents in West Pakistan (10 copies/5 copies each)
(3) The Passport Officers, Lahore/Peshawar/Quetta.

Subject: Registration of Citizens of India under the Registration of foreigners Rules, 1939

Sir,

In continuation of my letter Ho.536-Soi(HPPT)-60(S) dated the 28th September, 1960, regarding the issue and renewal of Indo-Pakistan Passports and International Passports endorsed for India, I am directed to send herewith a
copy of letter No.40/73/57-Poll (I)-2, Cited the 23rd November, 1960, from the Ministry of Interior, Government of Pakistan, Rawalpindi, together with copy of Central Government Notifications S.R.O. Nos. 7 and 28, dated the 13th October 1960, for your information and guidance.

Your obedient servant,

Qamar-ud-Din
Section Officer I (Passport),
for Secretary to Government,
West Pakistan, Home Department.

No.2/6-SOI (HPPT)-60, dated Lahore, the 2nd December, 1960.

A copy, with a copy of the enclosures, is forwarded to the? Deputy Inspector-General of Police, Criminal Investigate Department, West Pakistan, Lahore, for issuing immediately necessary instructions to all the Check-Post in West Pakistan (80 copies).

Qamar-ud-Din
Section Officer I (Passport)
for Secretary to Government
West Pakistan, Home Department

No.40/78/57-Poll(I)-2, dated Rawalpindi, the 23rd November, 1960,
Government of Pakistan, Ministry of Interior, from. All Ausat, Esquire,
Deputy Secretary to the Government of Pakistan, to the Secretary to the Government of West Pakistan, Home Department, Lahore.

Subject: Registration of Citizens of India Under the Registrations of Foreigner Rules, 1939.

The Government of Pakistan have decided that with immediate effect the Registration of Foreigners Rules, 1939, should be made applicable to Indiana as to other foreigners. It has been decided further that Indians belonging to categories mentioned in paragraph 3 below should be exempted from certain provisions of the Said Rules. Similarly, Indians mentioned in paragraph 4 below are to be exempted from the requirement of obtaining residential permits for their stay in Pakistan.

2. To achieve the objects mentioned in paragraph 1 above, necessary amendments have been made in the Registration of Foreigners (Exemption) Order, 1953, and clause 7 of the Foreigners Order, 1951, in two Notifications bearing S.R.O. Nos. 27 and 28 both dated the 13th October, 1960, 20/15 copies of which are sent herewith for the use of the Provincial Government/Karachi Administration.
3. It is requested that citizens of India should in future be registered under the Foreigners Rules, 1939, like other foreigners with the exception if the following categories of visa holders:

(a) a citizen of India; holding ‘A’, ‘D’ or in case of a, transport worker, ‘E’ category visa for Pakistan; and

(b) a citizen of India holding ‘C’ category visa to the extent that they are not applicable to or in relation to a tourist.

4. Likewise, the following categories of Indian citizens should not be required to obtain residential permits for staying in Pakistan:

(i) persons visiting Pakistan on the authority of ‘A’ category visa for Pakistan;

(ii) persons visiting Pakistan on the authority of ‘D’ category visa for Pakistan;

(iii) transport workers visiting Pakistan on the authority of ‘E’ category visa for Pakistan;

(iv) persons visiting Pakistan for a period not exceeding 15 days; where the period of stay is exceeded, a residential permit must be obtained; and

(v) persons granted gratis or courtesy visas.

5. It has further been decided that in the case of Indian Nationals, the present practice of issuing two residential permits one at the place of entry and the other at the destination of the person, should be done away with and instead a single residential permit should be issued at destination. I am, therefore, to request that the procedure laid down in this Ministry’s letter No.40/78/57-Poll(I), dated the 2nd April, 1958, on the subject should be accordingly changed. Accordingly, all Indians within this country should henceforth be issued a single residential permit by the Civil Authority of the first of the several places for which his visa is valid in Pakistan. In order to ensure that citizens of India do not unnecessarily wander about in Pakistan, after their entry and prior to their arrival at the first place for which they hold a visa, the Registration Officer at the Check-Post should make an endorsement on the Registration form of each person to indicate the period within which he would reasonably reach his destination or to some other place where a stay is to be made as the case may be. Where it is considered necessary, the route which should be followed should be indicated.

6. In order to allow on-the-spot registration at the Check-Post of entry, visa holders should be advised to have their registration forms filled in at the visa office except for columns 12 and 13. Arrangements are being made to make such forms available for sale.
7. I am also to request that Pakistani passport holders who are hereafter granted ‘E’ and ‘F’ category visas by India for the first time should be carefully checked. The checking should be for the purpose of finding out whether the man is really entitled to this kind of visa or has been granted this by India as a favour or for some ulterior purpose. The purpose of checking in such cases should be to find out if person concerned is really employed in India. Prolonged absence from India or failure to send earning back to this country should raise suspicions about the bonafides of employment in India. In such cases, the person should be penalised by withdrawal of his passport, necessary instructions may kindly be issued to this effect to the immigration authorities at Check-Posts, etc.

GOVERNMENT OF PAKISTAN
MINISTRY OF THE INTERIOR

S.R.O. No.27 - In exercise of the powers conferred by section 10 of the Foreigners Act, 1946 (XXXI of 1946), the Central Government is pleased to direct that the following classes of Indian citizens shall be exempted from the provisions of clause 7 of the Foreigners Order 1951, namely:-

(i) Persons visiting Pakistan on the authority of ‘A’ category visas for Pakistan.
(ii) Persons visiting Pakistan on the authority of ‘D’ category visas for Pakistan.
(iii) Transport workers visiting Pakistan on the authority of ‘B’ category visas for Pakistan.
(iv) Persons visiting Pakistan for a period not exceeding 15 days.
(v) Persons granted gratis or courtesy visas.

S.R.B. No.28 –In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939, (XVI of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Registration of Foreigners (Exemption) Order, 1953, issued under Notification No. 1/6/52-Poll (I), dated the 14th February, 1953, as amended namely:-

In the said Order, for clause 2, the following shall be substituted, namely:-

“2. Except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to or in relation to passengers and visitors who are not foreigners the Rules shall not be applied to, or in relation to–
A Passport-and-Visa regime was introduced for travel between India and Pakistan in October, 1952. Before the introduction of this system, discussions were held between the two Governments with a view to ensuring that the provisions of the scheme were uniform on both sides. Representatives of the Governments of India and Pakistan, therefore, met in Karachi in May, 1952 to work out an agreed scheme. As a result of this conference and subsequent consultations, a comprehensive scheme was worked out jointly by the two Governments and came into operation simultaneously.

2. It was subsequently realised on both sides that the 1952 scheme was unduly restrictive and meetings were held from time to time between the representatives of India and Pakistan not only to remedy some of its shortcomings but also to adopt various measures of liberalisation. Agreed measures of relaxation were accordingly incorporated in the scheme. In April, 1955, Ministers of the two Governments initialed an agreement designed to rationalise and simplify the cumbersome scheme which then existed. Unfortunately, this agreement was not implemented. Attempts, however, continued to be made for easing the restrictions and reducing the complexities of the Indo-Pakistan Passport and Visa Scheme.
3. This matter was also discussed at the Ministers' level conference held in October, 1959, when it was agreed that in order to promote friendly relations between the two countries, the Indo-Pakistan visa policy should be liberalised. Accordingly, the Indian High Commissioner in Pakistan took up this issue with the Government of Pakistan. Unfortunately, no progress has been made so far in this regard.

4. It may be emphasised that although complaints were being made from time to time that there were differences between the two Governments in the implementation of the jointly-agreed regulations, no attempt was made by either Government to alter unilaterally the actual provisions of the scheme. If any changes were suggested either by India or Pakistan, these were given effect to only if there were agreement between the two Governments.

5. For the first time since the introduction of the Passport-and-Visa Scheme in 1952, however, the Government of Pakistan has now made a radical and far-reaching change in the scheme. This has been done unilaterally and the Government of India has not been consulted in the matter. The Government of Pakistan issued a Press Note on the 17th of September, 1960 and announced, inter alia, that "Any passport holder", who has once travelled to India on 'B' or 'C' category visas, shall not be allowed to undertake a second visit within the same calendar year unless he has obtained an endorsement on his passport duly signed and sealed by an authority permitting him to undertake the second Journey.

6. Under the scheme jointly agreed upon by the Governments of India and Pakistan, the following Extract gives the position in respect of 'B' visas:

"Part I ....

3. Categories of visas: - ......

II. Category 'B' visa :- ......

(3) The following facilities will be available to holders of this visa -

(a) This visa will normally entitle the holder to make eight journeys to India.

(b) Where the Visa Officer is satisfied that a person in this category is required to travel more frequently than eight times during one year, he may grant a visa for such additional journeys as may be necessary."

The Pakistan Scheme makes an identical stipulation regarding journeys to Pakistan.
7. Similarly, a ‘C’ category visa entitles the visa-holder to make a single journey to the other country, irrespective of the number of journeys he may have made earlier either on a ‘C’ or any other category of visa.

8. The new regulations imposed by the Government of Pakistan prohibiting holders of Indian visas from utilizing those visas if they are making a second trip to India during a calendar year, thus infringe the agreed provisions of the Indo-Pakistan scheme and frustrate the purpose of the agreement. They also constitute a departure from the practice adopted all these years that changes in the scheme should be made only after consultation and agreement.

9. The restrictions now imposed by the Government of Pakistan also seem to reverse the trend so happily noticed recently in regard to Indo-Pakistan relationship. Instead of bringing the people of the two countries closer, they are leading to a constriction of social intercourse between them. Moreover, the new regulations are specifically contrary to the letter and the spirit of the agreement to liberalise the visa policy reached at the Ministers’ level conference held in October 1959 in pursuance of the directive issued by the Prime Minister of India and the President of Pakistan.

10. The Press Note issued by the Government of Pakistan states that these restrictions on travel to India by Holders of ‘B’ and ‘C’ category visas have been imposed with a view to conserving Pakistan’s foreign exchange. Detailed examination of the position would, however, indicate that the restrictions do not really affect the foreign exchange position of Pakistan.

11. Under and agreement between the two countries, travellers were allowed to take with them a small basic quota of Indian and Pakistani currencies. The Government of Pakistan, however, abolished these basic quotas in 1969. Under the present regulations, therefore, a traveller from Pakistan is not allowed to take to India any money at all. He is, therefore, obliged to subsist on the hospitality provided to him by his relations and friends in India. Fortunately, the two countries have relations and friends across the border and it is possible for Pakistani nationals to visit India and stay there for short periods without spending any foreign exchange.

12. India continues to allow the basic quotas to her nationals visiting Pakistan. Thus both in respect of Indian nationals visiting Pakistan who bring money from India and Pakistan nationals visiting India who live as guests of their Indian friends and relations, the expenditure involved is principally of Indian money. It is true that provision exists under the Pakistan laws for providing foreign exchange to travellers under the authority of the State Bank of Pakistan. In actual practice, however, it is found that such authority is given by the State Bank of Pakistan in rare cases, representing only a fraction of the total travelling
public. It may also be emphasised in this connection that restrictions imposed by the Government of Pakistan on visa-holders of ‘B’ and ‘C’ categories do not apply only to persons who obtain foreign exchange from the State Bank of Pakistan. If these regulations had stipulated, for example, that persons travelling a second time during one calendar year would not be granted foreign exchange except under special circumstances, it would have been possible to say that the restrictions were imposed with a view to conserving foreign exchange. That, however, is not the position. The new regulations have thus resulted in restricting travel and not in saving any foreign exchange.

13. Historically, geographically and socially, the peoples of the two countries are related very closely and large numbers of Indians and Pakistanis have to travel frequently to the other country. It was in recognition of these abiding factors that the system of multi-Journey visas was adopted jointly by the two Governments. The fresh restrictions now imposed unilaterally by the Government of Pakistan have already led to a substantial reduction in travel and are causing great hardship to many people, including those whose families are divided between India and Pakistan.

It is hoped that the Government of Pakistan will re-examine this matter and rescind the fresh restrictions imposed by it on travel to India. The Government of Pakistan will also no doubt agree to holding discussions with the High Commissioner for India with a view to liberalising the existing restrictions in accordance with the agreement reached at the Ministers’ level conference in October, 1959.

Karachi
February 2, 1961
SECRET

Letter from High Commissioner for India in Pakistan V. C. Trivedi to Commonwealth Secretary Y. D. Gundevia.


High Commission of India
Karachi

No. HC/95/61 March 9, 1961/Phalguna 18, 1882 (Saka).

My dear Commonwealth Secretary,

The Indo-Pakistan visa system is one of the most cumbersome contraptions anywhere in the world. In the conditions which existed in 1952, this complex structure was perhaps unavoidable. Since then, however, the Government of India has been trying consistently to rationalize it and simplify it. Unfortunately, the present system serves Pakistan's purpose of inhibiting social intercourse between the two countries and we find no response at all from that Government.

2. As far as we are concerned, however, we have adopted a clear policy of liberalism in the administration of the system. We believe that it is in the interest of the two countries to have easier facilities of visits between the peoples of India and Pakistan. There are also the humanitarian problems involved as thousands of families have been divided by Partition.

3. We, therefore, issue visas liberally, despite additional restrictions being imposed periodically by the Government of Pakistan not only on visits of Indian nationals to Pakistan but also on visits by Pakistan nationals to India. The only factors inhibiting liberal issue of visas by us are considerations of security. There are voluminous blacklists prepared by various agencies and visas are not granted to persons included in these lists without prior reference to the authorities concerned.

4. Besides these blacklists, however, we have been instructed to observe another inhibition and that is the principal purpose of my letter. We have been instructed that we should not issue visas to any person who is employed in the police or defence services of Pakistan without prior reference to the Ministry of Home Affairs or the Ministry of Defence. We have been similarly prohibited from issuing visas to those who may have served in the police or defence services in the past.

5. Here again, I do not question this in principle as I do not dispute that security considerations are paramount. What I am concerned about is the way the Defence Ministry administer this prohibition. By and large, we have not had
much difficulty, with the Ministry of Home Affairs in respect of the serving or retired police personnel. What normally happens is that an application by a Pakistan national in this category is referred to the Ministry of Home Affairs. Sometimes it takes a little more time than either we or the Ministry themselves would like, but these applications are examined on merits and we get replies saying "yes" or "no". For official visits or urgent visits or visits on compassionate grounds, when there is not time enough for a reference and its reply, the Head of the Mission is authorised to grant visas straightway and then report the matter to the Ministry of Home Affairs. The same discretion is granted under the same limitation in cases where the Head of Mission wishes to give a visa for weighty political or diplomatic reasons.

6. Thus, with the Ministry of Home Affairs, this system is working fairly satisfactorily. But not so with the Ministry of Defence, who has been insisting that we must never issue a visa to any person who may be serving or who may have served in the past in any defence service. That applies to urgent cases as well as to compassionate cases. This total ban applies to persons who may belong to the minority community, who may be old and infirm or who may have served in some medical unit in the First World War. There is no exception, no alleviating circumstance.

7. Now this is bad enough, but the position is in effect even worse. It is one thing to say that we must never issue a visa without prior reference to the Ministry of Defence, but even when we make a reference when a serving or a retired officer wishes to undertake a normal visit to India to see his brother or sister or father, we get a reply that the compassionate reasons for the visit are not strong enough and that a visa should not be granted. In my humble opinion, this is certainly not the right approach. Simply because a man happens to be in the armed forces or happens to have served in the past in any defence set-up, it is surely not the policy of the Government of India to deny him a visa to visit his mother or even to go to Agra to see the Taj. The other day, Brohi's surgeon asked for permission to go from Dacca to New Delhi. He belonged to the I.M.S. in the old days. Brohi wanted him there. This gentleman was allowed to go to Delhi but was refused a visa to halt for a couple of days in Calcutta. Another doctor was refused a visa to Fatehpur to attend the marriage of his nephew. In these cases, people often come to us and pay telegraph charges for making references. But the Ministry of Defence says "no" and we ask the applicant to pay telegraph charges, both ways. I may emphasise that these refusals are given on the basis that the compassionate grounds are not strong enough. The Defence Ministry does not seem to consider that these applications are for normal visits and have nothing to do with compassion.
8. The Defence personnel past and present, are not just a simple or single category of people. Some of them served in the First World War. Many of them served in innocuous positions. Many young Pakistanis did a few emergency years in the last war and are now important Government officials or business executives. Prohibiting these people from visiting India is, to my mind, not in accordance with the policy of the Government of India.

9. I had taken up this matter in the past when I was (in Dacca. You might like to see in this connection a letter I had written to Shri Dayal (No. F.-9(18)-PP/57 of the 22nd of March, 1960) which I attach herewith. This was an issue which concerned both Dacca and Karachi and I thought it would be better if the High Commissioner took it up. Karachi, did take it up and the Ministry of Defence has now replied to say that except in case of sudden illness of a relation in India, we should not issue visas without prior preference (copy enclosed).

10. I submit this is not a correct decision and I would request you to have the matter re-examined at a higher level, provided that of course you agree with me.

My suggestions are as under:

(a) When we make references to the Ministry of Defence in respect of applications by serving or retired personnel, these applications should be treated in the normal manner.

I have nothing to say if the Government of India feels that a particular gentleman's visit to India is specifically against the security of the country. On the other hand, if a person wishes to visit a relation or go to Ajmer or consult business associates, he should be treated in the same manner as any other Pakistani.

(b) The Head of the Mission should be granted discretion to issue short term visas to persons.

(i) who have to go urgently to a place in India for bona fide reasons and there is not time enough to get a reply from the Ministry of Defence, e.g. a person working in Ralli Bros, or Burmah Shell going to India on business or a civil pilot wishing to utilise his short leave to see his sister in Hyderabad.

(ii) whom or whose sponsors we wish to oblige for political reasons, e.g., a Cabinet Minister or Foreign Secretary speaking to us about the applicant concerned; and

(iii) who are old and infirm or who may have served in the past in some innocuous capacity as Defence Accounts or medical; service.
N.B. In all cases in which we exercise such discretion, we shall report details telegraphically to the Ministry of Defence, so as to enable them to keep a watch on the person concerned.

11. We are rightly proud of our liberalism. It is also in our general interest to cultivate social contacts between the people of the two countries. We should, therefore, view this problem purely from the point of view of our policies and purposes and not from that of reciprocating Pakistan’s illiberalism.

12. I shall be grateful if you have this matter reconsidered at a senior level and let us have your instructions early.

With kind regards,

Yours sincerely

(V.C. Trivedi)

Shri Y.D. Gundevia,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi.

3498.

SECRET

Letter from Commonwealth Secretary to Secretary Ministry of Defence Government of India.

New Delhi, April 12, 1961.

No. 38 – CS/61 April 12, 1961

My dear Pulla Reddy,

The question of possible relaxation of visas to be granted to members of the armed forces of Pakistan, who desire to come to India on various grounds, including compassionate grounds, has been under frequent discussion between the Ministry of External Affairs and the Ministry of Defence. There are fairly severe restrictions in regard to the grant of visas to Pakistan Police personnel, but here we have prevailed upon the Home Ministry to permit a certain amount of discretion to the High Commissioner. All such discretion in the matter has, however, been refused by the Defence Ministry in regard to Pakistan Defense
personnel, whether they are ex-servicemen of World War I or World War II and irrespective of whether they belong to the regulars armed forces or various branches of the Medical Services, etc.,

2. I am enclosing herewith a copy of our High Commission’s letter NO.HC/95/61 dated March 9, 1961, in which certain suggestions have been made, which, I would like to discuss with you. Some of these suggestions have been made before, but they have been uniformly turned down by the Ministry of Defence in the past. I feel that to a very great extent the case of Visas for the Pakistan armed forces and the Pakistan Police is similar, if not identical and we would like to follow a fairly uniform policy. The suggestions that the Acting High Commissioner has made in paragraph 10 are, in my opinion, perfectly reasonable, and will not in anyway jeopardise the safety of the State. I would be grateful if you would give this matter some thought and I shall come over and discuss matters with you after you have had time to examine your side of the case.

Yours sincerely
(Y.D. Gundevia)

Shri G. Pulla Reddi,
Secretary,
Ministry of Defence,
New Delhi.

3499.
SECRET

Letter from High Commissioner for India in Pakistan Rajeshwar Dayal to Commonwealth Secretary Y. D. Gundevia.

New Delhi, March 28, 1962.

High Commissioner for India
Karachi

No. HC/45/62

March 28, 1962

My dear Yezdi,

Please refer to my letter No.HC/19/62 dated the 1st March, 1962. Ashok has now shown me Prithi Singh’s letter No. F.20(12)60-PSP of the 6th March. We
greatly appreciate Prithi Singh’s efforts to reduce the dichotomy in regard to the issue of visas as between your Ministry and that of Defence. I would, however, like to express my views on paragraph 2 of his letter about waiting for a relaxation in the present rigid policy of treating visa applications from Pakistani Defence and ex-Defence personnel on grounds of security until the present tension between India and Pakistan shows signs of lessening. It is not clear to us what these security considerations in fact amount to. Is it suggested that allowing a Director of a firm doing business with India to visit some cities in India, either on business or to see his relatives is a security risk? We are also told that if ex-Defence or Defence personnel enter India by road via Wagah, our security is jeopardised, while thousands of other Pakistanis can do so without causing any such risk.

2. The only means this High Commission has of ascertaining whether a person is a Defence or an ex-Defence personnel, is the certificate which the applicant signs on the body of the application. (I enclose a copy of the certificate.) Last year we processed over one lakh applications. Is it seriously contended that the visa establishment, already short staffed to meet its day to day requirements, can actually verify the correctness or otherwise of these declarations? Therefore, all that is required if an ex-Defence personnel wishes to escape the rigours of the Defence Ministry’s rules is to state that he has never been a military employee. Unless the applicant’s background is known to us we have no option but to accept the declaration as genuine. Of course, if we come to know later that the declaration is false, we would place him on the black list. I am however not aware of a single case of this kind.

3. As regards travel by the land route, if Military intelligence was required by the Government of Pakistan, the last person they would wish to send openly would be an army officer. He could be a trained civilian or even an army officer with a false civilian history.

4. I am afraid this whole approach to visa applications even for those who were only temporarily connected with the armed forces before partition, makes nonsense of our liberal visa policy. The other day when I was at Lahore I was told that there was a strong belief that our visa policy had again become more restrictive, possibly because of the downward trend in Indo-Pak relations. This is, of course, not so but it is impossible to convince people when the policy being followed by other Ministries particularly Defence is very different to that laid down by the Ministry directly concerned, viz. External Affairs. Surely the policy must be uniform and no veto power allowed to other Ministries
whose function can only be advisory. I would repeat that our visa policy can be either restrictive or liberal. It cannot be a mixture of both.

With Kind regards,

Yours sincerely

(Rajeshwar Dayal)

Shri Y.D. Gundevia,
Commonwealth Secretary,
Ministry of External Affairs,
New Delhi

3500. Note from High Commission for India in Pakistan to Pakistan Ministry of Foreign Affairs.

Karachi, September 26, 1962.


The High Commission for India in Pakistan presents its compliments to the Ministry of External Affairs, Government of Pakistan and has the honour to refer to the Ministry’s Note No.Pol.1 (A)-15/22-61-11 dated the 17th October, 1961 regarding the unilateral steps taken by the Government of Pakistan to impose restrictions on travel to India.

2. The Government of Pakistan are aware that it has always been the aim of the Government of India to simplify the India-Pakistan Passport Visa scheme on the basis of reciprocity and, to achieve this end they had requested the Government of Pakistan to agree to hold meetings between the representatives of both the governments. In the first half of 1960, the High Commissioner for India in Pakistan had suggested to Pakistan Ministers to agree to such discussions. The Govt. of Pakistan, however, merely preferred to issue a Press Note on the 17th September, 1960, claiming that they had modified their procedures to provide better facilities for Indian travellers in Pakistan in regard to the issue of residential permits and police reporting by them. At the same time, the Govt. of Pakistan imposed fresh restrictions on travel of Pakistani nationals holding ‘B’ and ‘C’ visas to India which is an act of unilateral alteration of the provisions of the mutually agreed India-Pakistan Visa Scheme.
3. The Government of India have examined in detail the note of the Ministry referred to in para 1 above and offer the following comments, ad seriatim.

4. Para 1 and 8 of the note:

The so-called facilities provided by the Government of Pakistan to Indian nationals in matters relating to police reporting, residential permits, registration etc. are only consequential changes on application of the Registration of Foreigner Rules, 1939 to Indian nationals for in fact there has been no liberalisation in the travel facilities granted to Indian nationals. Hitherto these rules were not applicable to Indian visitors to Pakistan and, in accordance with the India-Pakistan Visa Scheme, a mere surrender of a copy of the visa application at the checkpost of entry constituted registration. The Indian visitors to Pakistan have, now to observe the elaborate procedure of registration laid down by these rules. The Ministry has stated that Indian visitors are exempted from reporting their movements within Pakistan. In fact they are now required to get themselves registered under the Registration of Foreigners Rules within 24 hours of their arrival. They have also to report their departure to the Registration Offices of the district in which they are registered. While the Government of Pakistan have done away with the system of two residential permits, the Indian visitors have not to obtain two registration certificates even if their place of arrival in Pakistan and a place of stay in Pakistan are in different districts. The Government of India, therefore, consider that the present system introduced by the Government of Pakistan is more cumbersome than the system, at present, being followed by the Government of India in regard to Pakistani nationals visiting India. Furthermore the Government of Pakistan have applied the Registration of Foreigners Rules, 1939 to Indian nationals without consulting the Government of India and this amounts to a unilateral violation of the provisions of the agreed India-Pakistan Visa Scheme.

5. Paras 3 and 4 of the note:

The High Commission had explained in detail the implications of the unilateral restrictions imposed by the Government of Pakistan on ‘B’ and ‘C’ visa holders in its aide memoire of 25th February, 1961. The contention of the Government of Pakistan that these restrictions have been imposed with a view to conserving Pakistan’s foreign exchange does not appear to be correct. According to a circular No.48 of July 18,1961, issued by the State Bank of Pakistan, Karachi, Pakistani nationals travelling to India are allowed exchange facilities at the rate of Rs.50/- (Indian) per adult and Rs.25/- (Indian) per minor once in two years. In actual practice, however, it is found that the State Bank of Pakistan releases foreign exchange in rare cases representing only a fraction of the total travelling public to India. Pakistani nationals are, therefore, obliged to subsist on the hospitality provided to them by their relations and friends in India. It may be reiterated that
restrictions imposed by the Government of Pakistan on visa holders of ‘B’ and ‘C’
categories, do not apply only to persons who obtain foreign exchange from the
State Bank of Pakistan. If these regulations had stipulated, for example, that
persons travelling a second time during one calendar year, would not be granted
foreign exchange except under special circumstances, it would have been possible
for the Government of Pakistan to say that the restrictions were imposed with a
view to conserving foreign exchange. That however, is not the position and
consequently, the new regulations have resulted in restricting travel and not in
saving any foreign exchange.

In this context, the High Commission would request the Government of Pakistan
to refer to the attached copy of a Press Clipping of a news item which appeared
in *The Morning News*, Dacca of 13th November, 1961. It will be seen there from
that even in cases where a Pakistani national wishes to visit India to see his
relations on extreme compassionate grounds, the Government of Pakistan do
not see their way to permitting the visit without their special sanction on the
grounds that he had already been to India once during the calendar year.

7. **Para 5 of the note:**

The High Commission regrets to note that instead of accepting the suggestion
made by it for holding talks between the representatives of the Government of
India and the Government of Pakistan with a view to simplifying the India-
Pakistan Visa Scheme, the Ministry have leveled some frivolous charges against
it in regard to the issue of visas for India to Pakistani nationals. The actual
position, *ad seriatim*, is as under:

(a) It is not a fact that it is difficult to obtain a visa from Karachi to India. In
the year 1960, the High Commission, in keeping with its liberal policy in
regard to the grant of visas, issued visas to about 1,60,000 Pakistani
nationals. In the year 1961 about 1, 00,000 Pakistani nationals wera
granted visas. The comparative decrease in number in 1961 was due to
the restrictions imposed by the Government of Pakistan in September,
1960 on the holders of ‘B’ and ‘C’ visas and was not due to any restrictions
imposed by the High Commission. The charge of the Government of
Pakistan that only 50 to 60 persons are admitted for depositing visas
with the High Commission is therefore very far removed from the facts

(b) This is also far from the truth. Visas are normally issued to the applicants
on the third day and in urgent cases as on the same day. Only such
cases as are required to be referred to various authorities in India or
require detailed scrutiny take a little longer.

(c) This was purely a temporary measure.
(d) The column of counter signature prescribed in the form for renewal of Indian passports is sometimes got completed by the applicants concerned from a Notary Public at their own discretion. The High Commission does not insist upon its being counter-signed by a Notary Public in Pakistan.

(e) It is wrong to say that Pakistani workers in West Bengal are being refused renewal of their ‘F’ category visas indiscriminately. On receiving a reference from the Deputy High Commission of Pakistan in Calcutta the Government of West Bengal has clarified that in emergencies arising out of strikes and lock-outs, applications for renewal of ‘F’ visas are considered on merits also. The Deputy High Commission of Pakistan was also advised that they could always bring special cases to the notice of the State Govt.- at any time. It may, however, be added that the number of cases where the question of strikes and lock-outs is involved, is negligible and therefore the contention of the Government of Pakistan that Pakistani workers are being refused renewal of ‘F’ category visas indiscriminately cannot be accepted. On the other hand the Government of Pakistan have adopted a very restrictive policy in the matter of renewal of ‘F’ category visas of Indian nationals. The Government of Pakistan have steadily been squeezing out Indian nationals on one pretext or another. There had been several cases in the past which were taken up by the Government of India with the Government of Pakistan without any favourable response.

8. The High Commission would be grateful if the Government of Pakistan will kindly reconsider once again the whole position and agree to rescind the fresh restrictions imposed by them on travel to India. The Govt., of India are also prepared to negotiate other measures of liberalisation of visa rules relating to travel between India and Pakistan and to achieve this end, it is suggested that the Government of Pakistan may kindly agree to holding discussions with the High Commissioner for India in Pakistan.

The High Commission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

Ministry of External Affairs,
Government of Pakistan,
Karachi.

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The Ministry of External Affairs presents its compliments to the High Commission for India and has the honour to state that the Government of Pakistan is constrained to request that the Office of Assistant High Commissioner for India in Rajshahi completely wind up its affairs and cease to function by 15th December, 1963. The Government of Pakistan has been forced to take this decision for the following reasons:

The Assistant High Commission for India in Rajshahi was established in 1953 as a Sub-Mission; it was meant to function primarily as a passport and visa office. From its very inception, however, it has operated more as a centre of espionage, subversion and activities prejudicial to the security of Pakistan, than as a visa office or even as a normal diplomatic office.

The Assistant High Commission has also been continuously and persistently used as a centre for the dissemination of anti-Pakistan propaganda, the circulation of false allegations against the Government of Pakistan and concocted stories of imaginary occurrences. This has been pointed out to the High Commission for India on several occasions. As recently as November 9, 1963, instances of dissemination of objectionable information by the Rajshahi Office were furnished to the High Commission in this Ministry’s letter No. P (I) – 17/6/60.

The Government of East Pakistan also, has on several occasions drawn the attention of the Assistant High Commissioner to the objectionable activities of that Mission, but these representations were completely ignored. At the request of the Government of East Pakistan, therefore, Mr. A. S. Shaikh a Director in this Ministry was compelled to take up this matter with the Deputy High Commissioner for India in Karachi, Mr. V.C.V. Raghavan.

It is indeed a matter of regret that none of such warnings has been heeded. On the other hand, the tempo of the aforesaid objectionable activities on the part of the Rajshahi Office has of late increased to such an extent that they have incensed the people of the area. The Rajshahi Office has thus become a cause of further tension between the two countries.
The Government of Pakistan trusts that the Government of India appreciates the need for putting an end to objectionable activities of its Missions in Pakistan and will understand that the decision conveyed in this Note is motivated as much by a desire, on the part of the Government of Pakistan, to bring about an atmosphere conducive to the maintenance and promotion of good-neighborly relations, as by its resolve to root out subversion from its soil.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for India in Pakistan the assurances of its highest consideration.

The High Commission for India in Pakistan
Karachi.

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3502. Note from High Commission for India in Pakistan to Pakistan Ministry of Foreign Affairs.


Indian High Commission
Karachi

4th December, 1963

The High Commission for India in Pakistan presents its compliments to the Ministry of External Affairs of the Government of Pakistan and with reference to their Note No. PIC- 16/9/63 dated November 27, 1963, demanding the closure of the Assistant High Commissioner in Rajshahi, has the honour to state that the Government of India categorically repudiate as totally baseless the allegations advanced to justify the demand, which they earnestly hope that the Government of Pakistan will withdraw in the interest of amicable relations between the two countries.

The Government of India are astonished that on the basis of general and unsubstantiated charges, the Government of Pakistan should, without justification, take such an extreme step whose serious repercussions on Indo-Pakistan relations they are surely aware of. The Ministry’s Note of November 27 ostensibly bases the demand for closure on the following allegations:
(a) that the Rajshahi Office has been “a centre of espionage, subversion and activities prejudicial to the security of Pakistan” since its inception in 1953. The Government of India deny and protest against such unfounded charges. At no time has any member of their Mission in Rajshahi taken part in activities such as have been alleged. Nor has that Office at any time operated as a centre of espionage and subversion. The Government of India find it incredible that the Government of Pakistan should now come forward with serious charges concerning the Mission’s work, after a lapse of ten years, without ever raising the matter during that period.

(b) that the Office has also been “a centre for the dissemination of anti-Pakistan propaganda, the circulation of false allegations against the Government of Pakistan and concocted stories of imaginary occurrences”. The Note states that this has been pointed out several times to the Government of India and tries to suggest that the latest instance was on November 9, 1963. In fact, the Ministry’s letter of November 9 was in response to a specific request made by the High Commission for examples of the material to which the Ministry had objected while leveling another general and unsubstantiated accusation against the press releases and handouts of the High Commission. It is the first instance of such a complaint to the High Commission in respect of the Rajshahi Office and appears to be the only one, rather than the latest in a series, as the Ministry’s Note seeks to represent it. In that Note there was no suggestion at all that the Government of Pakistan took such a serious view of the activities of the mission at Rajshahi as a whole as to require its closure.

The Ministry further alleges that the attention of the Assistant High Commissioner in Rajshahi has been drawn, on several occasions, to the objectionable activities of the Rajshahi Mission but that these representations were ignored. The Government of India are not aware of any such representations to the Assistant High Commissioner, and note that the Ministry do not specify a single one. They are, moreover, surprised that the discussions between Mr. A. A. (S) Shaikh and Shri V. C. Vijaya Raghavan should be referred to as though they were the culmination of a series of fruitless complaints. It will be recalled that those discussions were confined to the question of communications between the Assistant High Commissioner and the local authorities. The Pakistan Government’s suggestions were that the Assistant High Commissioner should not even correspond with the District officials but should leave it to the Deputy High Commissioner for India in
Dacca to take up issues directly with the East Pakistan Government. Again, there was not the slightest indication that the Government of Pakistan objected to any other aspect of the functioning of the Rajshahi Mission.

The High Commission can recall only one other occasion when the working of the Rajshahi Mission have been referred to by the Government of Pakistan. This was in 1962, when the Assistant High Commissioner’s efforts to draw the attention of the district authorities to the violent danger to which the Hindu minority in the area was exposed, and to calm the resulting panic, were misrepresented as encouragement of migration to India. These allegations against the office in Rajshahi were immediately repudiated and were never again referred to by the Government of Pakistan.

In view of the facts stated above, the Government of India must point out that there can be no justifications for the allegations, much less the demand for closure, contained in the Ministry’s Note of November 27. If the Pakistan Government had any genuine complaints about the activities of the Government of India’s officers in Rajshahi, it was open to them to take these up with the Government of India and ask for whatever remedial action they considered necessary. Instead, the Government of Pakistan have, for the second time in recent weeks, made abrupt and peremptory demands for the cessation of the normal activities of Indian Missions in Pakistan, while adding general accusations which do not bear the least scrutiny.

The Government of India find it as difficult to understand the motivation for these demands as to appreciate the arguments that they are designed to bring about “an atmosphere congenial to the maintenance and promotion of good neighborly relations”. It must be evident to the Government of Pakistan that they have precisely the opposite effect. The Office of the Assistant High Commissioner for India in Rajshahi, like the office of the Assistant High Commissioner for Pakistan in Shillong was established to function strictly on the basis of reciprocity to serve the interest of the peoples of both countries. The Government of Pakistan will appreciate that if they insist on closing the office of Rajshahi, then, in accordance with the basis of reciprocity, the Government of India will be constrained to withdraw their consent to the continuation of the office in Shillong, and Pakistan’s action will only have succeeded in embittering feelings as well as inconveniencing peoples in both countries.

The Government of India are deeply convinced of the need to avoid any deterioration in relations between the two countries, and are determined to persevere in trying to improve those relations. They accordingly hope that
the Government of Pakistan will reconsider the demand for the closure of the Office of the Assistant High Commissioner for India in Rajshahi and thereby cooperate in reducing tensions.

The High Commission of India takes this opportunity to renew to the Ministry of External Affairs of the Government of Pakistan the assurances of its highest consideration.

Ministry of External Affairs,
Government of Pakistan
Karachi

3503. Note from Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.


Government of Pakistan
Ministry of External Affairs
Karachi


The Ministry of External Affairs presents its compliments to the High Commission for India and with reference to their Note dated 4th December, 1963 regarding the closure of the Office of the Assistant High Commissioner for India in Rajshahi, have the honor to state that the afore-mentioned Note has been carefully considered.

2. The Ministry wishes to reiterate the fact that the Government of Pakistan have in their possession sufficient evidence to justify the conclusion that the Assistant High Commission for India in Rajshahi was being used as a centre of espionage and subversion and for dissemination of anti-Pakistan propaganda. The Government of Pakistan were, therefore, left with no alternative but to ask for the closure of that Office. The decision of the Government of Pakistan to request the Government of India to close down their Assistant High Commission at Rajshahi was taken after all its aspects had been given a most careful consideration.

3. The Government of Pakistan have always hoped that the Government of
India’s actions would be directed towards promotion of good neighbourly relations with Pakistan and that they would avoid any action which would lead to a deterioration in the relations between the two countries. Unfortunately, however, a number of recent actions of the Government of India have only contributed to the aggravation of tension between the two countries. It is earnestly hoped that the Government of India will appreciate the need for improving relations with Pakistan and help create an atmosphere conducive to the promotion of good neighbourly relations between the two countries.

4. The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission for India the assurances of its highest consideration.

The High Commission for India in Pakistan,
Karachi.

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3504. Note from High Commission for India in Pakistan to Pakistan Ministry of Foreign Affairs.

Indian High Commission
Karachi.

13TH December, 1963

The High Commission for India in Pakistan presents its compliments to the Ministry of External Affairs of the Government of Pakistan and has the honour to refer to their Note No. PIC- 16/9/63 dated the 7th December, 1963, rejecting the Government of India’s request for the withdrawal by the Government of Pakistan of their demand for the closure of the Office of the Assistant High Commissioner for India in Rajshahi.

2. The Government of India deeply regret that their sincere efforts to try to persuade the Government of Pakistan to refrain from further damaging relations between the two countries have evoked no other response than a repetition of sweeping allegations of “espionage” and “subversion” against the Office of the Indian Assistant High Commissioner in Rajshahi, for which there is absolutely no foundation in fact. They note that the Government of Pakistan are maintaining their demand for closure without substantiating any of their charges, without answering specifically any of the points raised in the High Commission’s Note
of the 4th December, 1963, and without regard for the need to halt the campaign against India which, in recent weeks, has been exceeding even past levels of intensity. Instead the Government of Pakistan has seen fit to go beyond their allegations in respect of the Rajshahi Office and to accuse the Government of India as a whole of aggravating tension. This is, in fact, the reverse of the true position, and the Government of India are astonished that the Government of Pakistan should level such an unspecified and totally unjustified charge while themselves persisting in provoking tension.

3. The Government of India once again rejects the charges leveled by Pakistan against them, and in particular against their Office in Rajshahi, as totally unfounded. Since the Government of Pakistan insist that their decision was taken "after all its aspects had been given a most careful consideration", the Government of India can only conclude that it is the deliberate intention of the Government of Pakistan to restrict normal and friendly contacts between the peoples of the two countries and to heighten tension by leveling false and unsubstantiated charges against the activities of their entire mission in Rajshahi.

The High Commission of India avails itself of the opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

Ministry of External Affairs,
Government of Pakistan
Karachi.

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3505. Note from Pakistan Ministry of Foreign Affairs to High Commission for India in Pakistan.

Rawalpindi, January 10, 1964.


The Ministry of External Affairs [for a brief period the Pakistan Government had christened its Foreign Ministry as “External Affairs Ministry”] its presents its compliments to the High Commission for India in Pakistan and with reference to the High Commission’s Note No.F.1-74/58-IV/8595 of the 26th September 1962, on the subject of simplification of the Passport and Visa procedure between Pakistan and India, has the honour to state that after minutely examining the points raised by the High Commissioner the Government of Pakistan has regrettfully come to the conclusion that the Government of India have not been
reciprocating in easing the difficulties experienced by persons travelling between the two countries

Attention of the High Commission is invited to this Ministry's Note No. Pol. I(A)-15/22/61, dated the 17th October 1961 wherein it was intimated that in pursuance of its desire to mitigate the difficulties experienced by travelers, Pakistan had decided on their own initiative to unilaterally extend the following facilities to Indian nationals visiting Pakistan:-

i) Persons, who come to Pakistan on ‘C’ category visas, are granted the same facilities as are provided to tourists i.e. they are exempted from reporting their movements etc., within the country;

ii) The system of having two residential permits was abolished and instead a single residential permit is now issued at the final destination of the persons;

iii) No residential permit is required by persons visiting and staying in Pakistan for less than two weeks; and

iv) A provision has been made for the issue of gratis and courtesy visas,—the holder of such visas are exempt from the operation of the Foreigners' Rules as well as from the requirements of obtaining a residential permit. Such visas are valid for the whole of Pakistan except for some restrictions.

If the Government of India is genuinely interested in easing the difficulties experienced by travelers between the two countries, it should have willingly responded to this unilateral gesture on the part of Government of Pakistan. On the other hand, the Government of Pakistan are painfully constrained to note that in violation of the letter and spirit of the Indo-Pakistan Passport and Visa scheme, travellers to India are being constantly persecuted and harassed and stringent action is being taken against them for minor acts of omission and commission. These minor omissions etc. occur mainly due to ignorance of law and not due to any deliberate violations. To illustrate the point a few examples of the type of harassment perpetrated on the following categories of travellers:

i) Pakistani Railway employees going out of the Railway Station building simply to buy eatables, cigarettes or tea;

ii) Pakistan nationals leaving the precincts of the Railway Station either for obtaining supplies, getting railway passes, meeting friends, relatives or visiting the Pakistan High Commission;

iii) Pakistanis in through transit intending to change the mode of journey;
iv) Pakistan nationals going to the city for consultation with the Foreigners’ Regional Registration Officer;

v) Pakistanis arriving in a city by air and intending to change the mode of their journey by departing from another airport or by railway;

vi) Pakistanis arriving in a city and going to Police Stations for reporting the arrivals.

A list of a few specific instances wherein Pakistanis were arrested for such minor violations is attached as Appendix I.

The attitude of the Indian authorities with regard to the renewal of ‘F’ category visa is abundantly clear from the cases given in the Ministry’s recent Note No. Pol.I(A)-15/5/62.II, dated 27th of May 1963 and 14th June 1963. A few other instances are given in Appendix II.

In many cases, while helplessly putting up with such suspense, and agony, Pakistani nationals are also subjected to various types of harassment. To avoid this constant harassment and coercion, they are compelled to abandon their assets and belongings and return to Pakistan. In view of this, the Government of Pakistan have been forced to take some remedial measures in order to safeguard its nationals against constant harassment and the threat of arrest and imprisonment.

While the Government of Pakistan is in full agreement with the views that unnecessary restrictions on travel between the two countries should be minimised/abolished as far as possible and that authorities from both the countries should deliberate on the subject, but they feel that unless the Government of India show a change of heart and revise its present attitude towards Pakistani travellers and is willing to grant facilities reciprocal to those afforded by Pakistan, any discussion on the subject would be premature and unlikely to prove fruitful.

The Ministry avails itself of this opportunity to renew to the High Commission the assurances of its highest consideration.

The High Commissioner for India in Pakistan
Karachi.
Note from High Commission for India in Pakistan to Pakistan Ministry of Foreign Affairs.

Karachi, September 14, 1964.

The High Commission of India presents its compliments to the Ministry of Foreign Affairs, Government of Pakistan and with reference to their Note No.POL.I (A)/21/2/63/III dated the 10th January, 1964 regarding simplification of the Passport and visa procedure has the honor to state that the position in regard to the points mentioned in paragraphs 2(i), (ii) and (iii) and the Ministry’s note has already been fully explained in paragraphs 4&5 of this Mission’s Note No.1-74/58-PV/8592 dated the 26th September 1962. As regards the provision for grant of gratis and courtesy visa referred to in Para 2(iv) of the Ministry’s note neither this Mission nor the Government of India have come across the grant of any such visas to Indian nationals except D(Official), Diplomatic and non-Diplomatic visas. The Government of India have, however, already issued instructions that all Pakistani VIPs visiting India should as a mark of courtesy, be exempt from reporting to the Police Station.

2. In regard to the allegation made regarding constant prosecution and harassment of Pakistani travelers, necessary instructions had already been issued by the Government of India to the Delhi Administration that no penal action should be taken against those Pakistani nationals who violate the Passport and Visa Rules through ignorance of the rules. Every consideration is thus being shown by the Indian authorities in dealing with such cases which indicates that the position is actually quite different from that stated in the Ministry’s note which, it may be pointed out relates to incidents as far back as 1962.

3. As regards the six categories of alleged harassment referred to in page 2 of the Ministry’s note the position ad seriatim is as follows:

i) Pakistani railway employees are granted E (Transport) visas as their duty is to see to the running of the trains. Hence they are not entitled to leave the railway station building to buy eatables, cigarettes, or tea which are all available within the precincts of the railway building itself.

ii) It is presumed that these are transit passengers. For purpose of visiting friends, relations, purchasing etc., they must possess valid visas, which are freely granted.

iii) According to Para 5(3) of the Indo-Pakistan visa scheme a journey does not constitute ‘through transit’ if in the course of the journey the traveler changes from one mode of the transport to another.

iv) For such Visits into the city the Pakistanis in question had apparently not been in possession of Visas for the city.
v) Pakistanis travelling by air and intending to change the mode of their journey, require a visa for the place at which the mode of journey is intended to be changed. However in exceptional cases this requirement is waived by Immigration Officers who issue a temporary residential permit valid for 24 hours so that persons in question may continue their journey by rail etc. Those intending to continue their journey from another airport in their mode of journey provided such Pakistanis proceed directly from one airport, to the other airport without moving about in places in the city.

vi) It is not understood as to why there should be any harassment as alleged to the persons engaged in this task. Apparently the Pakistanis in question had no visas for the places of visits.

In all the above six categories, this High Commission would like to point out that failure to observe these regulations is violation of the provision of minor acts of omission or commission.

4. As regards the allegation made regarding harassment to Pakistani nationals in regard to the renewal of their 'F' category visas and thus they are compelled to abandon their assets and belongings and return to Pakistan, the Mission wish to state that the allegation is completely without foundation as is borne out by the fact that at present there are about 40,000 Pakistani nationals enjoying the facilities of 'F' category visas in India. They are also afforded facilities for regular remittances etc. On the other hand request for 'F' visa facilities for employees of the State Band of India in Karachi, the domestic servants of their officers, the Indian Airlines Corporation have been turned down.

The instances of ‘quit notices’ which have been brought to the notice of the Government of India by the Government of Pakistan are negligible. Those who have been served with ‘quit notices’ are such Pakistani nationals who have come to the adverse notice of the State Government for misbehavior.

As regards para 3 of Appendix II of the Ministry’s note we regret to point out that not only are the figures quoted are wrong, but also the allegation made therein, as the actual number of the Pakistani nationals employed by the Assam 011 Company Digboi in 1954 was only 1127 (and not 20,000 as quoted in the Appendix). The Mission also wish to add that he Assam 011 Company had actually made arrangements with the Pakistani Petroleum Company to absorb the relieved Pakistani nationals.

As against the above instances as well as those relating to the Assam Match Factory Digbo quoted by the Ministry, the Mission is in a position to cite a number or concrete instances where the Government of Pakistan had a regular and planned program of eliminating Indian nationals from employment and business in Pakistan. The following are a few examples:
Messrs. Carew & Co. Darshana (East Pakistan) had 570 Indian employees in 1947. In 1953 the number had dwindled down to 103 and in 1963 there were only 45 Indian nationals left with the firm. Indian jute merchant holding ‘F’ visas have been refused licenses for dealing in jute. As a result many of them have been compelled to leave East Pakistan.

The East Pakistan authorities adopt ‘go slow’ tactics as regards the renewal of ‘F’ visas. Inordinate delay is a common feature. For instance between 15th June 1963 and 23rd November, 1963 as many as 149 cases of delay ranging from 8 months to 12 months came to the notice of the Deputy High Commission of India, Dacca. Further while the passports are under submission for renewal of visas, the holders are not able to make any remittances to India. Similarly Indian employees of the United Bank of India and Indian Airlines Corporation are also not free from harassment arising out of inordinate delays. This policy of eliminating Indian nationals was first started with those Indian national engaged in the cotton and jute trade and later extended to Indian nationals employed in big concerns. The following few concerns are cited as example from where Indian nationals have been squeezed out completely:

iv) Burmah 011 Co. (P.T.) Ltd., Chittagong.
v) S.K. Pictures, Rattan Cinema, Lahore.
vi) LuxmiNrayan Cotton Mills Ltd., Dacca.

In pursuance of their policy to eliminate Indian nationals the Government of Pakistan have also refused renewal of ‘F’ visas of even the monks of the Ramakrishna Mission in East Pakistan.

There is also no substance in the allegation that Passports are held up by the Assam Government for two to three years. The Mission wish to say that on the contrary renewals are granted before the expiry of the last visa, provided an application for renewal is made well in time. In marked contrast to this expeditious action of Indian authorities, the Assistant High Commission of Pakistan in shillong is withholding the return of passports of Indian nationals for several months. Indian visa applicants in Shillong are not allowed entry into the compound and contact the senior officials in the Pakistan Mission in Shillong to represent their cases. This negative attitude of the Assistant High Commission of Pakistan in Shillong is tantamount to denial of visa facilities to Indian nationals.
5. The High Commission would be grateful if the Government of Pakistan would kindly take urgent note of the failure of their authorities to extend legitimate visa facilities to Indian nationals as cited above and introduce remedial measures to prevent further hardships to Indian nationals working in visiting Pakistan. As stated above the Government of India have always extended and will continue to extend legitimate visa facilities to all Pakistani nationals who apply for such facilities. In keeping with this spirit the Government of India are also prepared to negotiate measures of liberalization of visa rules relating to travel between Indian and Pakistan. To this end the Government of India through their High Commission are still desirous of holding constructive discussions with the Government of Pakistan.

6. The High Commission of India avails itself of this opportunity to renew to the Ministry the assurance of its highest consideration.

The Ministry of Foreign Affairs,
Government of Pakistan,
Karachi.

3507. **SECRET/IMMEDIATE**

Express Letter from Ministry of Home Affairs to State Governments of Assam, West Bengal, and Tripura.

New Delhi, April 6, 1965.

EXPRESS LETTER

April 6, 1965

No.1/20/65-F.III

Government of India,
Ministry of Home Affairs

New Delhi

To : The Chief Secretary to the Govt. of Assam, Shillong
    The Chief Secretary to the Govt. of West Bengal, Calcutta.
    The Chief Secretary to the Govt. of Tripura, Agartala.

Subject: Restrictions on entry into India of migrants from East Pakistan without travel documents.
1. Reference this Ministry’s wireless message No. 44/31/64 Poll(1), dated the 16th March, 1965, in which the State Governments were informed that from 1st April, 1965, the entry into India of persons from East Pakistan will be restricted to those holding valid travel documents such as migration certificates and passports. This may give rise to certain practical difficulties. In the first place, it would not be possible to seal the border against illegal immigrants without a very large increase in the number of check-posts and of policemen to patrol the border, and if this is not done, the likelihood of continued entry of illegal migrants would still be there. Secondly, when an illegal immigrant is detected, he may have to be prosecuted under the Indian Passport Act, 1920, and the Foreigners Act, 1946. The question of deporting an illegal immigrant either after he has undergone his sentence or even without prosecution would also arise. If any physical force has to be used in deporting an immigrant, there may be a great deal of public resentment in the country, apart from possible incidents involving Pakistan border forces.

2. Even though there are difficulties as mentioned above, the Central Government have come to the conclusion that on the whole it would be desirable to impose a ban on illegal entry. At the same time, they consider that the ban may not be enforced rigorously but with caution and discretion. The point at which the entry of illegal migrants can be prevented effectively or controlled is at the border check-post. The check-post officers should explain to those seeking asylum that conditions for their rehabilitation in India are difficult and try to persuade them to go back to their homes in East Pakistan. Those who still manage to enter India may be screened to find out whether they are genuine refugees and can stay in India under their own arrangements with their relatives or friends, without expecting any assistance from Government. Such persons, may, at the discretion of the State Government be allowed to continue to stay in India without being prosecuted for illegal entry. As regards others, it may be necessary to prosecute them under the Indian Passport Act, 1920, and the Foreigners Act, 1946 and to make them return to their homes in East Pakistan.

Sd/-Fateh Singh
Joint Secretary to the Govt. of India
Decisions taken at the Chief Secretaries’ Conference held at the East Pakistan Secretariat, Dacca, on the 9th & 10th April, 1965.

The Chief Secretaries of East Pakistan and West Bengal met in Dacca on 9th and 10th April, 1965, to discuss the following agenda:-

1) Transit facilities for residents of enclaves to mainland and vice versa;
2) Travel facilities to officials of either countries to visit enclaves;
3) Measures for eliminating tension in the border.

The following decisions were reached:-

Item No. I; Visits by residents:

For the facility of the residents of enclaves it was decided that ‘A’ category visa on proper passports would be issued to them on application as envisaged in Paragraph I of Item 2 of the agreed decisions of the Indo-Pak Passport Conference of February, 1953. In other words such visas will be valid for an unlimited number of journeys from the enclave to the mainland and vice versa and would dispense with the procedure for entry through checkposts.

This arrangement will come into force with effect from the 1st May, 1965.

In the meantime working arrangements as set forth in sub-paras (I), (II) & (III) of paragraph 2 of Item 2 of the Indo-Pak Passport Agreement of 1953, shall be made. For this purpose the Deputy Commissioners of Cooch Behar and Rangpur should meet on the 17th April, 1965, at Tin Bigha to work out the details of the interim arrangement.

For the ensuing Eid celebrations travel facilities to and from the main land shall be accorded to the residents of Dahagram on 12th and 13th April in the same manners as was agreed upon on 30th March, 1965, for their entry into Dahagram in the first week of April, 1965.

The returning residents would also be allowed to carry with them cattle, seeds, building materials and Pakistani currency etc. as required by them upto 30.4.1965.

It was agreed that necessary recommendation will be made to the appropriate authorities by both the Governments that residents of enclaves moving to and from the mainland will be given all facilities for carrying with then currency, produce of land etc.
Item No. III Visits by Officials

It was decided that officials of both countries should travel to and from enclaves on regular passports and double transit visas. It was agreed that such visas will be issued promptly.

The movement of the personnel of the police camp described as anti-dacoity patrol camp, located at Dahagram, by the Government of East Pakistan, who were allowed to return to Dahagram as per agreement reached on 30th March, 1965, will also be subject to the procedure for movement of officials to and from enclaves agreed upon and mentioned above.

Both the Governments should examine the possibility of granting multiple transit visas to officials required to visit the enclaves.

Item No. III: Measures for Eliminating Tension in the Border:

The Chief Secretary, East Pakistan explained that the root cause of tension in most of the places along the border was the fact that the boundary has not been demarcated. In particular he referred to the delay in demarcation of Berubari division line. Further he pointed out that there were numerous gaps along the Pakistan/India boundary in Dinajpur and Rangpur districts. He felt that completion of demarcation work and transfer of jurisdiction would have the effect of obviating tension.

The Chief Secretary, West Bengal, stated that they had certain legal difficulties with regard to demarcation in Berubari area. As regards the remaining portions still left incomplete he felt that the work could be resumed if a programme were jointly made by the Directors of Land Records, West Bengal and East Pakistan, and adhered to. He agreed that the work of demarcation of incomplete portions of the boundary between West Bengal and East Pakistan would be taken up during the forthcoming field season commencing from 15th October, 1965, onwards. The entire work of demarcation including transfer of jurisdiction as provided in the Ground Rule 2 shall be completed before the end of May, 1966.

The Chief Secretaries also agreed that want of strip maps for areas where demarcation has been completed long ago gives rise to administrative and local complications. They feel that strip maps, already prepared for areas previously demarcated, should be checked, signed and finally printed by the two Directors of Land Records without delay; and after finalisation and printing, such strip maps should be sent immediately to the respective Central Governments for ratification.

It was agreed that from Cooch Behar/Rangpur as well as Cooch Rehar/Jalpaiguri/Dinajpur border all forces on either side will pull out from forward positions and
return to BOPs and resume normal border patrolling. Defensive works will be
demolished. Extra force will be pulled out of the BOPs.

In area Squares 5636/5637 map sheet 78 B/II 1" to 9 mile map of Survey of
India 1931 Edition, forces of either side will pull out from their present positions
and return to their BOPs. Deputy Commissioners of Dinajpur/Jalpaiguri with
their respective Sector Commanders will mark the present forward positions on
ground and on 16 inches-to-a-mile map. This will be the patrolling limits of either
side and the land in between will not be cultivated until the demarcation of un-
demarcated border in this area referred to above. On the rest of the East Pakistan-
West Bengal borders, the border forces will withdraw to their original border
outposts.

This agreement shall be reviewed every three months in the light of experience
gained regarding the working of the agreement in practice.

10-4-65 10-4-65
Chief Secretary Chief Secretary
East Pakistan. West Bengal

3509. Note of the Ministry of External Affairs to Pakistan High
Commission in India.

New Delhi, May 11, 1965.

Ministry of External Affairs
New Delhi.

No. PI/114(8)/64 May 11, 1965/ Vaisakha 21, 1887

The Ministry of External Affairs presents its compliments to the High Commission
of Pakistan in India and has the honour to invite their attention to the agreed
decisions of the Indo-Pakistan Passport Conference held in Delhi from 28th
January to 1st February, 1953. Item No. 5 of the agreed decisions which were
duly ratified by the two Governments, reads as follows;

“Additional Visa Offices:

The Government of Pakistan will set up two additional branch visa offices
in India, one at Bombay and the other at Shillong, while the Government
of India will set up two additional branch visa offices in Pakistan - one at Hyderabad (Sind) and the other at Rajshahi (East Bengal)."

In pursuance of the above, the Government of India established a consular office at Rajshahi in 1953, correspondingly, the Government of Pakistan set up a consular office in Shillong in December that year.

2. On 27th November 1963, the Government of Pakistan by their Note No. PIC-16/9/63 demanded the closure of the Assistant High Commission of India in Rajshahi. While making this demand, the Government of Pakistan made slanderous allegations against the entire office of the Assistant High Commission of India at Rajshahi, for which there was not the slightest foundation. These allegations were effectively refuted and their fictitious nature exposed, in a note presented by the Indian High Commission in Karachi to the Ministry of External Affairs of the Government of Pakistan, on 4th December, 1963. While urging the Government of Pakistan to reconsider their decision to close the office of the Assistant High Commission of India in Rajshahi, the Indian High Commission note stated, *inter alia*, that "the Office of the Assistant High Commission for India in Rajshahi like the office of the Assistant High Commission for Pakistan in Shillong was established to function strictly on the basis of reciprocity to serve the interests of the peoples of both the countries. The Government of Pakistan will appreciate that if they insist on closing the office at Rajshahi, then in accordance with the basis of reciprocity the Government of India will be constrained to withdraw their consent to the continuation of their office in Shillong ...."

3. The Government of India noted with regret the attitude displayed by the Government of Pakistan in this regard. Not only did the Government of Pakistan refuse to reconsider their decision, rejecting the informal and formal representations of the Indian High Commission to the Ministry of External Affairs in Karachi, but the Government of Pakistan also refused to allow reasonable time to the Assistant High Commission of India in Rajshahi to wind up its affairs and insisted on the Office being completely wound up by 15th December, 1563, *i.e.* within two weeks of the receipt by the Indian High Commission of the note conveying the decision of the Government of Pakistan, demanding the closure of the Rajshahi Office.

4. On the 19th February 1965, the Government of India again approached the Pakistan Government requesting the latter to agree to the re-opening of the Assistant High Commission of India in Raishahi, The Government of Pakistan, have, to the Government of India’s regret, turned a deaf ear to that proposal.

5. The Government of India have also been watching with increasing concern the anti-Indian and subversive activities of the personnel of the Pakistan Assistant
High Commission in Shillong. They have in the past brought such objectionable activities of the Assistant High Commission in Shillong, to the notice of the Government of Pakistan, but these have persisted contrary to all rules of diplomatic and consular behaviour.

6. In view of the foregoing, the Government of India have decided to request the closure of the Assistant High Commission of Pakistan in Shillong, by the 15th June, 1965.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of Pakistan in India the assurances of its highest consideration.

The High Commission of Pakistan in India, Chanakyapuri, New Delhi.

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3510. Note from the Pakistan High Commission in India to the Ministry of External Affairs.

New Delhi, May 26, 1965.
Office of the High Commissioner for Pakistan in India
New Delhi

No. 1 (10)P/65 Dated, the 26th May, 1965.

The High Commission for Pakistan presents its compliments to the Ministry of External Affairs, Government of India and with reference to the Ministry’s Note No.PI/114(8)/64, dated May 11, 1965, has been instructed to state as under:-

2. The Government of Pakistan reject as totally without foundation the allegation that the Assistant High Commission in Shillong has been engaged in anti-Indian and subversive activities. The Government of India must surely know that there is not a shred of evidence to support these vague charges. There is no doubt the reason why the Government of India have thought it necessary, simultaneously, to put forward the plea that the closure of the Pakistan Office at Shillong is demanded as retaliation against the closure of the Indian Office at Rajshahi.

3. The Office of the Assistant High Commissioner of India in Rajshahi was closed on 15th December, 1963 because it was found to be indulging in activities
which had nothing to do with its legitimate functions as a passport and visa issuing office and which could only be described as subversive. It is surely ‘strange that the Government of India should have waited for fully a year and a half in order to demand the closure of the Pakistan Office at Shillong.

4. The Government of Pakistan must put on record its strong protest at the Government of India’s decision to ask for the closure of the Pakistan Mission at Shillong an action which, besides causing great hardship to people in the area, will only add to the prevailing tension between two countries. The High Commission avails itself of this opportunity to renew to the Ministry of External Affairs the assurances of its highest consideration.

The Ministry of External Affairs, Government of India, New Delhi

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3511. Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, March 16, 1966.

The Ministry of External Affairs, Government of India, presents its compliments to the High Commission of Pakistan in India, and has the honour to advise that with effect from April 4, 1966, all the Indian checkposts on the land borders of India and Pakistan would be functioning normally as before, on continuing basis in accordance with the existing India-Pakistan Passport and Visa Scheme, to facilitate the movement of persons from one country to the other. The Ministry of External Affairs would be glad for urgent confirmation that, by April 4, 1966, the corresponding Pakistan checkposts would also be functioning normally on continuing basis as provided for under the agreed scheme. Perhaps the authorities in Pakistan might also consider making an announcement to this effect for the information of the public.

The Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of Pakistan, the assurances of its highest consideration.

The High Commission of Pakistan
New Delhi.

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SECRET

Letter from Ministry of External Affairs to all Indian Missions and Posts abroad.

New Delhi, April 29, 1966.

Government of India
Ministry of External Affairs
New Delhi.

Express Letter

From : Foreign, New Delhi.
To : All Indian Missions and Posts abroad (except those in Pakistan)

No.PSP/342/66(iii) 29th April, 1966/Vaisaka, 1888

Subject: Grant of Visas for India to Pakistan nationals.

In supersession of our circular letter No. PSP/342/13/66, dated the 28th February, 1966, it has been decided to remove, with immediate effect, the complete ban imposed by the Government of India on grant of all categories of visas for India to Pakistan nationals.

2. Therefore, there need now be no objection to grant of any category of visa facilities to Pakistan nationals, subject to the rules and regulations which were issued by the Government of India from time to time prior to the imposition of the said ban. In this connection it is pointed out that Indian Missions and Posts abroad (other than those in Pakistan) were, prior to the ban, authorised to grant only the following categories of visas to Pakistan nationals (vide Chapter XIII pages 36 – 40 of the Visa Manual 1964):-

i) ‘D’ Category Visa
ii) ‘C’ Category Visa
iii) Transit visa.

3. Attention is also particularly invited to this Ministry’s circular letter No. PSP/341/21/64, dated the 24th April, 1965, in accordance with which the transit and “D” category visas can be granted by you at your discretion, but applications for ‘C’ category visa cases are required to be referred by you to the Union Ministry of Home Affairs for prior clearance. On further consideration, however, it has been decided to partially modify the said circular letter of 24.4.1965, in so far as it relates to ‘C’ category visas, as follows:-
a) You can grant ‘C’ category visa to Pakistan nationals of the minority communities in Pakistan at your discretion, without referring their cases to the Union Ministry of Home Affairs for prior clearance, provided there is no local objection and such persons are ordinarily resident in your area and their names do not appear in the Suspect/Black Lists.

b) You can also grant ‘C’ category visa in the same ways as indicated in (a) above but on a restricted (selective) basis, to Pakistan nationals belonging to the majority community in Pakistan in cases where Head of the Mission is fully satisfied about the bona fides of the concerned applicant and the genuineness of his request and where there is not sufficient time for obtaining clearance from the Union Ministry of Home Affairs.

N.B. (I) (In each case falling under (a) and (b) above, where a ‘C’ category visa is granted by you at your discretion, an intimation may kindly be sent by you simultaneously to the Union Ministry of Home Affairs and the concerned State Government in India together with particulars of the Pakistan national to whom ‘C’ category has been granted by you).

N.B. (II) (The modifications at (a) and (b) above are not applicable to Pakistan Police/ex-Police/ De fence/ex-Defence personnel/personnel of Para Military organizations or Flying Clubs and their close relatives. Applications from such persons should continue to be referred for prior clearance to the Union Ministry of Home Affairs or the Union Ministry of Defence as the case may be, in accordance with the instructions already in force prior to the ban which was imposed on 7.9.1965).

4. As regards transit visas (and landing card facilities), necessary instructions have already been conveyed to you in this Ministry’s circular letters No.FSP/342/2/66, dated the 15th January, 1966, and No. PSP/3370/6/65, dated the 11th February, 1966.

5. Kindly acknowledge receipt.

(J.M. L. Saxena)
Attache (PSP)
3513. Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, April 30, 1966.

Government of India
Ministry of External Affairs
New Delhi

No.PSP/281/2/66. April 30, 1966

The Ministry of External Affairs of the Government of India presents their compliments to the High Commission of Pakistan in India and have the honour to state that pending the complete reopening of all India-Pakistan land border checkposts to enable the flow of people and goods, at least a partial normalization of the position should be accepted by the Government of Pakistan which effects the interests of a third country also, namely Afghanistan.

2. As the High Commission of Pakistan is aware, the principal channel for overland India-Afghanistan trade was the Attari-Wagha route. The closing of this route has severely affected Afghan trade with India. A limited Indo-Afghan trade is maintained by air and via Karachi but, for obvious reasons, this has not been at all able to measure up to the quantum and value of the overland trade by the Wagah-Attari route. The Government of India, therefore, propose the immediate reopening of the Attari-Wagha border and the routes through these checkposts for the movement of trade between Afghanistan and India. The Ministry of External Affairs would be grateful for urgent confirmation that the Government of Pakistan are agreeable to this proposal.

3. Ministry of External Affairs avails itself of this opportunity to renew to the High Commission of Pakistan the assurances of its highest consideration.

The High Commission of Pakistan in India,
New Delhi
Telegram from High Commission of India in Pakistan to Ministry of External Affairs.

Karachi, Islamabad, August 17, 1966.

TELEGRAM

From: Hicomind Islamabad
To: Foreign New Delhi
Repeated: Hicomind Karachi
Dyhicomind Dacca

IMMEDIATE

No.500. August 17, 1966

Dar from Bajpai.

We have known for some time now that Pakistan Government were allowing Pakistanis to go to India only on International passports and not repeat not on Indo-Pakistan passports which were being cancelled. We had sought confirmation from the Foreign Offices on more than one occasion. They have however kept on giving equivocal replies. A news item has appeared in the Pakistan Times 17th August confirming our information. The report says:

“The Government of Pakistan have decided to allow the genuine” Pakistani nationals to visit India on international passports duly endorsed for that country in the following cases: illness, death, marriage, etc. in the family of near relatives of Pakistanis in India and any other emergent or special circumstances justifying the grant of a passport such as medical treatment in India.

“It has also been decided that passport should be valid for a single journey to India in a calendar year. A second visit during the same calendar year might be allowed by issuing authorities with the approval of the Director of Immigration and Passports.

“However no passport facilities for India should be granted to Pakistani Hindus as also to the Marwari’s owning business or Industry in Pakistan without the passport. As regards other categories of Pakistani Hindus prior clearance of the Deputy Director concerned should be obtained.”

The above report says that these Instructions have been issued by the Ministry of Home and Kashmir Affairs to the Director of Immigration and Passports. We
are seeking confirmation from the Foreign Office. If true these new regulations are highly discriminatory against the minority community and contrary to agreement between India and Pakistan. While we propose to protest we would be grateful if we could be given the details of the agreements which would be violated, as unfortunately these are not available in our records. I feel we have may have to reconsider our whole passport and visa scheme.

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3515. SECRET

Telegram from Ministry of External Affairs to High Commission for India in Pakistan.

New Delhi, August 23, 1966.

TELEGRAM

From : Foreign New Delhi
To : Hicomind Islamabad
Repeated: Hicomind Karachi (For Information)
Dyhicmind Dacca (For Information)

No. 8255 August 23, 1966

Your High Commissioner has conveyed to me your message of today’s date to which I have given careful consideration. As you know, we were not anxious to introduce a passport system between India and Pakistan. It was at the desire of the Pakistan Government that we agreed to do so. Since then very complicated agreements have been made and a course of action has been set in motion. Detailed instructions have been sent. The public has also been led to believe that this will begin on a certain specified date. After giving full consideration to this matter we felt that any postponement at this stage would create grave difficulties, far greater than those which we might have to face now, and produce a felling of uncertainly in the public which itself would have a very bad effect. We felt, therefore, unable to agree to postponement and informed out High Commissioner in Karachi immediately of our decision.

I am sure that our High Commissioner could not have committed our Government in any way before he received our instructions. He may have said that we might
be agreeable to accept the proposal for postponement. He was not aware of all the steps that have been taken and the agreements already made which could not be reversed at this late stage.

We have always been anxious to interpret as liberally as possible the decisions or arrangements arrived in this connection. I am sure that with the friendly cooperation of both countries there should be no difficulty. Undoubtedly, to begin with there may be some confusion and inconvenience.

So far as the railway steamer and other transport services are concerned, we are issuing specific instructions that greatest care should be taken not to cause dislocation and to permit their personnel free entry and exit even if they do not conform to all the regulations laid down. In regard to the general public also, every attempt will be made to avoid inconvenience, and instructions have been issued accordingly.

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3516. Note from Ministry of External Affairs to Pakistan High Commission in India.

New Delhi, October 3, 1966.

Ministry of External Affairs
New Delhi

No. MII/206/(2)/66

October 3, 1966

The Ministry of External Affairs presents their compliments to the High Commission for Pakistan in India and have the honour to refer to the Ministry’s Note No.PSP/281/2/66, dated the 30th April, 1966, in which the Government of India had proposed the immediate reopening of the Attari-Wagah border and the routes through these checkpoints for the movement of trade between Afghanistan and India. The Government of India regret to note that the High Commission for Pakistan has so far not even acknowledged the Ministry’s Note. The Government of India, however, understand that the Government of Pakistan have agreed to open the land route at Husainiwala only for the export of Afghan fresh fruit to India. It is further learnt that the Afghan fresh fruit are transported by Afghan trucks to Peshawar and, in the case of Afghan trucks from Kandahar, to Chaman. Thereafter the fresh fruit is transported by rail up to Lahore and Lahore to Husainiwala by Pakistan’s own trucks. The Government of India consider this procedure unsatisfactory because
Ministry of External Affairs
New Delhi

No. P(P.II)202(5)/66. December 12th, 1966

The Ministry of External Affairs, Government of India, presents its compliments to the High Commission for Pakistan in India, and has the honour to state that as early as March 1966, the Government of India had informed the High Commission that from April 4th, 1966 all Indian land border checkpoints would...
be functioning normally as they did prior to September 1965. The Government of India had suggested that the corresponding Pakistani land border checkposts should also resume normal functioning in accordance with the standing agreement in this behalf between the two countries to facilitate the movement of persons and goods from one country to the other. This proposal has been repeatedly urged by this Ministry as a step forward in restoring normal relations between India and Pakistan as envisaged in Article VI of the Tashkent Declaration. The continued reluctance of the Government of Pakistan to the opening of all land border checkposts between the two countries not only places an impediment to the normalising of relations between the two countries but is also causing needless hardship to large numbers of people of the two countries who being unable to afford air travel— and this constitutes the vast bulk of intending visitors from one country to the others — are thus prevented from availing themselves of the convenient normal land routes for travel and trade between India and Pakistan.

It is also reported that the Pakistan Government offices at Delhi and Calcutta are now consistently delaying the granting of visas on applications received at those offices from Indian nationals desiring to visit Pakistan. This step is in clear contravention of the decisions reached at the Indo-Pakistan Passports Conference held at New Delhi on 28th January to 1st February 1953. Under item 24 of those decisions the Governments of India and Pakistan had agreed on the need to expedite the issue of visas as far as possible and it was further agreed that the normal maximum period for the issue of a visa would be 14 working days from the date of receipt of the application by the visa issuing authority. In consideration of the fact that the Tashkent Declaration envisages the implementation of existing agreements between India and Pakistan, the lack of reciprocation by the Pakistan authorities to restore normal travel and trade between the two countries cannot but be regretted by the Government of India as a negation of the provisions of the Tashkent Declaration in this behalf.

The attitude of the Government of India towards this and other related problems was articulated by the Prime Minister of India when she stated in Delhi on the 4th September 1966:

“We want economic co-operation- We want our peoples to mix freely so that false fears can be removed. Let leading citizens from Pakistan visit India travel around and make their own assessment. We seek friendship, not conflict.”

The Government of India accordingly urge that as a necessary step towards the agreed objective of promoting friendly relation between the two countries the Government of Pakistan agree to facilitating normal travel and trade between the two countries and to this end reopen all the agreed land border checkposts between the two countries and also ensure the expeditious issue of visas to
those desirous of visiting Pakistan. The Ministry of External Affairs would be
glad for advice of the schedule for reopening of land border checkpoints by the
Pakistan authorities.

The Ministry of External Affairs avails itself of this opportunity to renew to the
High Commission for Pakistan in India the assurances of its highest
consideration.

The High Commission of Pakistan, Chanakyapuri
New Delhi.

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3518. Letter from Deputy High Commission of India in East
Pakistan to the Ministry of External Affairs.

Dacca, September 13, 1967.

Office of the Deputy High Commission of India
in East Pakistan
Visa Passport and Migration Office
Dacca

No.DAC/PV/342/3/67 13th September, 1967

Subject: Pakistani nationals visiting India—procedure of registration —
proposal for amendment of residential permit etc.

Dear Ministry,

Kindly refer to your letter No. PSP/342/43/66 dated 12.7.1967 on the subject
noted above. Indian nationals visiting Pakistan with Pakistani visas (excepting
holders of ‘D’ visas) have to register themselves under the Registration of
Foreigners Rules, 1939 like all other foreigners coming over to Pakistan. A copy
of the proforma for Registration of Foreigners Rules, 1939, as used in Pakistan
is enclosed at Appendix -A. An Indian national entering Pakistan is required to
fill in this proforma at the check-post of entry itself. It has been ascertained on
interrogation of Indo-Pak Passport holders and those holding India International
passports that an Indian National has to report subsequently in person to the
Registration Officer (Police) of the place he wants to visit, for obtaining a
residential permit. At the time of departure also he has to report in person to the
Registration authorities. The District Special Branch is the residential permit
issuing authority in the districts. In Dacca, there is a separate office for the purpose, called the “Indian Nationals Registration Office” where Indian nationals visiting Dacca district are required to report on arrival as well as at the time of departure. The proforma in which the Residential Permit is given by this office is enclosed at Appendix B.

As would be seen from the proforma enclosed (Appendix ‘A’) the date and time of arrival of an Indian National along with his intended address is recorded in the registration certificate by the check-post authority, so that any undue delay on his part in arriving at the place of visit can be detected at the time of issue of a residential permit to him. An Indian National is further required to report to the Registration Authority, in person, any hand in his address.

As regards our comments, we consider it necessary to keep a strict watch on the activities of Pakistani nationals while they are in India. We further feel that there should be strict reciprocity in the arrangements for registration and surveillance.

Yours ever

Mission

Ministry of External Affairs,
PSP Section (Shri G. Sukumaran),
New Delhi

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3519. Minutes of the meeting held in Joint Secretary (Pak) Ministry of External Affairs’ room at 11 A.M on 6th August, 1968.

The following were present;
1. Shri P.R.S. Mani, Joint Secretary, Ministry of External Affairs.
2. Shri S. Sen, High Commissioner for India in Pakistan.
3. Shri J.C. Agarwal, Joint Secretary, Ministry of Home Affairs,
4. Shri C.K. Nair, Deputy Secretary, Ministry of Defence.
5. Shri R.K. Kapoor, Joint Deputy Director, Intelligence Bureau.
Shri P.R.S. Mani mentioned about the difficulties in the expeditious disposal of visa applications from Pakistan nationals. He suggested that as the black list cards of our Missions in Pakistan are now complete we might revert to the system of visas being granted by the Missions after checking their B/L cards without referring each and every case to India for prior clearance. Only those cases where the applicants’ names appear in the black list records of the Missions or any other cases of doubtful nature should be referred to India for pre-verification.

2. Shri J.C. Agarwal stated that they had no objection to reverting to the pre-conflict position and to visas to the Pakistani civilians being granted by the Missions after checking their B/L cards without referring each and every case to the authorities in India. Shri Agarwal, however, suggested that visas to the Pakistani nationals should be granted on a restrictive scale since the visiting Pakistani nationals tend to overstay in India for one reason or the other, and as a result of which thousands of Pakistani nationals are at present overstaying in India. The High Commissioner suggested that they had no objection if the Ministry of Home Affairs would like to fix some number beyond which visas would not be granted to the Pakistanis. According to the High Commissioner, the Missions in Pakistan are at present issuing about 3000, visas per month. He suggested that this number could be raised to about 8000 or so per month or some other number could be fixed on the basis of the number of visas which were being issued before the conflict, say in 1964. Shri Agarwal suggested that instead of adopting a number up to which visas may be issued to the Pakistani nationals every month by the Missions in Pakistan, it might be desirable to adopt a restrictive policy of granting visas only where they are necessary for good reasons which would automatically reduce their number also. As to what could be regarded as ‘good’ reasons could be left to the judgment of the High Commissioner. The High Commissioner stated that this would not be workable as most of the applications would get disposed of at lower levels and would not reach him at all. He was of the view that a restrictive policy based on numbers was more easy to operate. The Ministry of Home Affairs were of the view that what is really needed is the combination of the two. That Ministry can lay down some guide-lines as to what can be regarded as ‘good’ reasons; the cases to which no answer is available in the guide-lines could be decided on the judgment of some responsible officer of the High Commission, subject to numerical limits.

3. The High Commissioner pointed out about the large number of warning circulars being issued by the State Governments and stated that our Missions in Dacca have got as many as over two lakhs of B/L cards. Shri R.K. Kapoor, Joint Deputy Director, Intelligence Bureau pointed out that black list cards are in the process of being weeded and we shall have a final black list printed shortly, when the difficulty of Missions in this regard will automatically be over.
PASSPORT & VISA

4. Shri J.C. Agarwal pointed out that those who after having over-stayed in India were deported to Pakistan, do not find a place in the black lists, as according to the existing practice of the Government, the names of such persons are not to be included in the black list. At the same time Shri Agarwal was of the view that those Pak nationals who were actually deported to Pakistan should not be granted visas again to visit India. The High Commissioner pointed out that in such cases only Warning Circulars are issued by the State Government and it is very difficult for the Mission to connect these circulars at the time of grant of visas. It was thereupon suggested by Shri P.R.S. Mani, Joint Secretary, Ministry of External Affairs that Ministry of Home Affairs, might prepare a separate list of those who were deported from India. These lists should be supplied to our Missions in Pakistan for their guidance at the time of granting visas. This suggestion was accepted by the Ministry of Home Affairs.

5. Subject to the provisions made in paras.2 and 4 above, it was decided that in future our Missions in Pakistan should be authorised to grant visas in genuine cases after checking the B/L cards without prior reference to India in each and every case, as was being done before the conflict. They should refer to India only cases of doubtful nature or those where the names of applicants appear in the black list, but visas are recommended on purely compassionate and humanitarian considerations.

6. The High Commissioner raised the question of fixation of time limit for the receipt of replies in respect of cases referred to India for pre-verification. It was, however, opined that after our Missions start granting visas to Pakistani nationals after checking their B/L cards there would be very few cases, requiring prior reference to India. Thereupon, Shri P.R.S. Mani suggested that the Home Ministry should send a circular to the State Governments asking them to start action immediately on receipt of a reference from the M.H.A. or our Missions in Pakistan in such cases. At the same time our Missions should also be asked that in accordance with the existing instructions in respect of cases requiring prior reference, they should refer the case simultaneously to the Ministry of Home Affairs and the State Government concerned. The State Government will then send their report to the Ministry of Home Affairs who would convey their decision about the grant or otherwise of the visa to the Mission.

7. The High Commissioner raised the question of grant of visas to Pakistani nationals desirous of visiting Kerala State. Shri J.C. Agarwal pointed out that there was a large number of Pakistanis who had been overstaying in Kerala and therefore, prior references to the authorities in India should continue to be made in respect of Pakistanis desirous of visiting Kerala. It was, however, decided that in respect of cases of urgent and compassionate nature, the High Commissioner or his number two in the Mission, will have the discretion to
authorise the grant of visas to Pakistani nationals for visiting Kerala. In cases where such discretion is exercised, intimations of grant of visas should be immediately sent by the Mission to the State authorities concerned as well as to the Ministry of Home Affairs/intelligence Bureau. All other cases of grant of visas for visiting Kerala State should be referred to the Ministry of Home Affairs and the State Governments simultaneously for pre-verification.

8. It was also agreed that prior references in the cases of Defence/ex-Defence, Police/ex-Police personnel, personnel of Watch and Ward, members of other Semi-Military and Semi-Police organisations, such as Mujahids, employees of Flying Clubs and Ansars, and their close relatives should continue to be made to the Ministry of Defence/Home Affairs and the State Governments concerned simultaneously for pre-verification and clearance. It was, however, decided that visas to the female relations and minor children of the personnel belonging to the above organisations can be granted on extreme compassionate grounds at the discretion of the High Commissioner or his number two in the Mission. In cases where such discretion is exercised, intimations of grant of visa along with a copy of visa application will be sent by the Mission immediately to the Ministry of Defence or Home Affairs/intelligence Bureau, as the case may be, and the State Government concerned, stating on whose discretion visa has been granted. Similarly it was also decided that the female relations and minor children of the personnel of the above organisations can be granted visas to visit cantonment areas, in the cases of compassionate nature, at the discretion of the High Commissioner or his number two in the Mission. In cases where such discretion is exercised, advance intimations, by telegrams if necessary giving brief particulars of the persons concerned, should be sent simultaneously to the Commander of the Cantonment area concerned and the Ministry of Home Affairs, Ministry of Defence, Intelligence Bureau and the State Government concerned, stating on whose discretion visa has been granted.

9. The High Commissioner pointed out that the civilian staff of PIA like Booking Clerks, Hostesses, Ground Staff and staff working in Hotels or Cultural Groups run by the PIA should be treated on the same basis as civilians and not like Defence personnel. It was suggested that the High Commissioner should send us a list of all such categories of personnel as well as subsidiary organisations of PIA before a decision can be taken in this regard. However, Shri C.K. Nair of Ministry of Defence pointed out that since they will have to consult the Air Headquarters in the matter, the question of grant of visas to civilian staff of PIA etc. should be kept pending.
PASSPORT & VISA

3520. Letter from Ministry of External Affairs to High Commission of India in Pakistan.

New Delhi, September 24, 1968.

Government of India
Ministry of External Affairs

No. PSP/342/13/68 24th September, 1968

EXPRESS LETTER

From : Foreign, New Delhi

To :

(i) Hicomind, Karachi
(ii) Hicomind, Islamabad
(iii) Dy Hicomind, Dacca

Subject: Grant of visas for India to Pakistani nationals.

Reference High Commissioner’s D.O. letter No.ISI/ HC-209/68 dated the 30th May, 1968 to the Foreign Secretary, containing recommendations for making certain improvements in the existing procedures in regard to the grant of visas to Pakistani nationals,

2. In this connection, a meeting of the representatives of this Ministry, the Ministries of Home Affairs and Defence and the Intelligence Bureau was held on 6th August, 1968 to consider the High Commissioner’s recommendations. A copy of the minutes of the meeting, which contains the various decisions arrived at, is enclosed herewith for information and guidance. It is requested that henceforth, the visa applications of Pakistan nationals intending to visit India may please be dealt with in accordance with the decisions contained in the enclosed minutes.

3. As regards paras 2 and 4 of the minutes, the Ministry of Home Affairs would be forwarding to you in due course the necessary guidelines on what should be regarded as good reasons for the purpose of grant of visas to Pakistani nationals, as also the number, if any, up to which in visas are to be issued. That Ministry would also be forwarding to you a comprehensive list of Pakistani deportees who are not to be granted visas by you without pre-verification and clearance from the authorities in India.

4. You are requested to supply to the Ministry of Home Affairs immediately,
under intimation to us the average number of visas which were being issued per month to Pakistani nationals prior to the conflict of September, 1965

5. Regarding para 8 of the minutes, the Ministry of Defence have observed that the Government of Pakistan have been following a deliberate policy of denying visa facilities to persons associated with Indian Defence forces and establishments. This would be clear from the fact that during the last three years as many as 22 personnel serving in Army formations/Units had applied for permission to visit their relatives or places of religious worships in Pakistan, but in none of these cases was permission granted by the Pakistan authorities to visit that country nor was any reason for the refusal of visas to them given. The above position may please be kept in view while considering applications for visas from Pakistan Defence/ex-Defence personnel and their family members.

6. You are also requested to supply to us the list of all categories of civilian staff of P.I.A., as well as its subsidiary organisations, as required in para 9 of the minutes to enable the Government of India to take a decision in this regard.

(J.C. Dhawan)
Attach(PAK.VI)

Copy, together with a copy of the minutes forwarded to:

1. The Ministry of Home Affairs (Shri R.P. Sharma, Under Secretary) with reference to their U.O. No. 1/37/67-FIII dated the 10th September, 1968. The suggestions made by them in their U.O. note have been incorporated in the minutes. They may kindly now take further necessary action as pointed out in para 3 above. This Ministry is not aware of the number of visas issued by the Pakistani Missions in Indian nationals for visiting Pakistan nor is it possible to get these figures. Necessary instructions to the States, as provided in para 6 of the minutes of the meeting, may also kindly be issued at an early date under intimation to this Ministry and our Missions in Pakistan.

2. The Ministry of Defence (Shri S.D. Chatterjee, Under Secretary) with reference, to their U.O. No.50(2)/62-D(Permits) dated 27-8-68. The suggestions made by them have been incorporated in the minutes.

3. The Intelligence Bureau (Shri R.N. Bahadur, Asstt Director), with reference to their U.O. No.8/PV (AI)/68 (12) dated 27-8-68, the suggestions made by them have been incorporated in the minutes.
Letter from Ministry of Home Affairs to State Governments in India.

New Delhi, January 13, 1969.

Government of India
Ministry of Home Affairs
New Delhi


To : All State Governments and Union Administrations.

Subject: Grant of visas for India to Pakistani nationals.

It has been observed that generally the State Governments take a long time in furnishing their views to the Government of India on applications made by Pakistani nationals for the grant of visas referred to them by the Indian Missions for pre-verification. Undue delay in the disposal of visa applications not only causes hardship to the applicants but also puts the Indian Missions in an embarrassing position since they are constantly pressed hard by the applicants for early grant of visas.

2. It is, therefore, requested that as soon as a reference regarding the grant of Visa to a Pakistani national is received by the State Government/Union Administration from the Indian Mission or the Ministry of Home Affairs or the Ministry of Defense, they should start action on it immediately. In cases where the reference is made to them by .letter, the State Government/ Union Administration should furnish their views to the Government of India, the Ministry of Defense in the case of Defence/ex-Defence personnel and members of semi-Military organisations, and the Ministry of Home Affairs in the case of others; within a period of four weeks, and in cases where the reference is by telegram, within a period of two weeks from the date of receipt of the reference. If in any particular case, the State Government/Union Administration need more time for furnishing their views., an interim reply indicat-ing as to by which date they will be able to furnish their views may be sent to the Government of India.

3. In order to ensure the expeditious disposal of visa requests of Pakistani nationals, it would be much appreciated if the above prescribed time limit is strictly adhered to.

Sd/- R.P. Sharma
Under Secretary
To the Government of India
Circular Letter from Ministry of External Affairs to All State governments regarding grant of India-Pakistan Passport to Indian ladies married to Pak nationals.

New Delhi, September 20, 1969.

Government of India
Ministry of External Affairs
New Delhi

To : All the State Government (except J & K) and Administrations of Union Territories in India.

No.PSP/350/35/68 20th September, 1969

Subject: Grant of India Pakistan Passport to Indian ladies married to Pak nationals.

A question has been raised whether with the enactment of the Passports Act, 1967, Indian ladies married to Pak nationals on or after 26.1.1950 can be refused passport facilities merely by reason of such marriage (if they are otherwise eligible to get an India Pakistan passport) and whether a passport can be refused or any restriction on the validity of a passport can be imposed if they are not willing to acquire Pak citizenship and remain in Pakistan.

2. The matter has been carefully considered by the Government of India and it has been decided that, if otherwise eligible, no restrictions on the grant/renewal/validity of an India-Pakistan passport need be imposed in the case of Indian ladies married to Pak nationals who have no intention either to renounce their Indian citizenship or to stay permanently in Pakistan. However, at the time of renewal of their passports, the Passport Issuing Authorities should ensure by verifying through the State authorities that the applicants have retained their Indian nationality and that there is nothing against them from the security angle.

(J.C.Dhawan)
Attache (Pak VI)

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Circular Letter from Ministry of Home Affairs to State Governments regarding Issue of Residential Permits to Pakistani nationals.

New Delhi, March 26, 1970

No. I/2/68-F.III
Government of India
Ministry of Home Affairs
New Delhi

To: All State Governments and Union Territory Administrations

the 26 March, 1970/Chaitra 5, 1892

Subject: Issue of residential permits to Pakistani nationals

To keep a more effective watch on Pakistani nationals visiting India, the Government of India have decided to revise the existing forms of residential permits, temporary and regular, prescribed for Pakistani nationals. A copy each of the revised forms of temporary and regular residential permits is enclosed. In view of the changes effected in the residential permit forms, the following further formalities are to be observed by Pakistani nationals visiting India:

(i) at the time of their entry into India, they may be required to append their signatures or thumb impressions on the residential permit and copies thereof, whether temporary or regular issued by the check post authorities. This will help in establishing the identity of a Pakistani national before a court of Law if he is prosecuted for overstay in India. The signatures/thumb impressions may be obtained on the residential permits, temporary or regular, issued at the check posts only;

(ii) the full address(es) of stay Pakistani nationals at the place(s) to be visited by them should be indicated on the regular residential permits and copies thereof, whether issued at the check post or by the District Registration Officer. As regards the temporary residential permit issued at the check post, since such permit is issued valid for one place, the address of stay of the Pakistani national at that place only will be indicated on the original permit. However, the check post authorities should indicate on the duplicate copies of the temporary residential permit the full addresses of the Pakistani national at all the places to be visited; And
(iii) **Pakistani nationals should make a report to the Registration Officer, either in person or in writing, of any change in residential address within 24 hours of such change.**

3. Under the existing residential permit forms if the place of visit of a Pakistani national is not the headquarters of the Registration Office he has the option to exchange his temporary residential permit for a regular permit from the Registration Officer through the police station having jurisdiction at the place of his visit and also to report his, arrival and departure through the police station. The Government of India have been advised that to perform these functions and also to receive the reports of change in residential address on behalf of the Registration Officer the Officer-in-Charge of the various police stations in the area of his jurisdiction should be authorised in writing by the Registration Officer under para 2(1) of the Foreigners Order, 1948 in this behalf. It is therefore requested that the State Governments and Union Territory Administrations may advise the Registration Officers immediately, under intimation to this Ministry, to authorise in writing the Officers-in-Charge of the police stations in the area of their respective jurisdiction, under para 2(1) of the Foreigners Order, 1948; to perform the limited functions of delivering to Pakistani nationals regular residential permits of arrival, departure and change in the residential address from Pakistani nationals. The revised residential permit forms sent herewith may then be introduced. Necessary steps are being taken by the Government of India to standardize and print the new forms of residential permits. As the standardization and printing of these forms may take some time; it is suggested that in the meantime the State Governments and Union Territory Administrations may get the copies prepared locally and supply to the check posts and Registration Officers.


Sd/- P. Prabhakaran
Under Secretary to the Government of India
ORDER

In exercise of the powers conferred by section 3 of the Foreigners Act, 1946 (31 of 1946), the Central Government hereby orders that any foreigner who enters or has entered into India from East Bengal without being in possession of a valid passport as provided in the Passport (Entry Into India) Act, 1920 (34 of 1920) and the rules made thereunder –

(a) shall, -

(i) in the case of a foreigner entering into India after the date of issue of this Order, report in person, his arrival, within twenty-four hours from the time of such entry, to the officer-in-charge of the police station nearest to the place of his entry, or such other authority as the State Government may specify in this behalf,

(ii) in the case of a foreigner who had entered into India before the date of issue of this Order, report, in person, his arrival in India, within seven days from the date of issue of this Order, to the officer-in-charge of the police station nearest to the place where he is for the time being residing, or such other authority as the State Government may specify in this behalf;

(b) shall make a declaration, in duplicate, to the said officer-in-charge of the police station or other authority, furnishing the particulars in the form specified in “the Schedule annexed to this Order, and every such declaration shall be made, -

(i) in the case of a foreigner entering into India after the date of issue of this Order, within twenty-four hours from the time of such entry,

(ii) in the case of a foreigner who had entered into India before the date of issue of this Order, within seven days from the date of issue of this Order;
(c) shall, unless otherwise permitted by the State Government or such other authority as may be specified by it

(i) remain in such place or area as may be specified in this behalf, and
(ii) not leave such place or area;

(d) shall remain in India only for such period as the State Government or any other authority specified by that Government in this behalf may permit, and shall leave India whenever required to do so by the State Government or such other authority.

Explanation. – In this Order, the expression “East Bengal” means the territories comprised in the territory known as “East Pakistan”

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Islamabad, September 14, 1974.

The Government of INDIA and

The Government of PAKISTAN

In pursuance of the provisions in the Simla Agreement of July, 1972 regarding the extension of travel facilities to nationals of either country desiring to visit the other

Have agreed as follows:

1. Nationals of either country visiting the other shall possess a valid passport and a visa for the purpose.

2. The visas will be of the following categories:

(a) Diplomatic Visa:

(i) A diplomatic visa valid for multiple entries will be issued to the Heads of the Diplomatic and Consular Missions, members of the Mission holding diplomatic or consular rank, their wives and children, and regular Diplomatic Couriers. The period of its validity will ordinarily be one year.
(ii) A diplomatic visa valid for single entry will be given to high ranking dignitaries. It will also be given to high ranking officials visiting on official business or to attend international conferences and to the members of their families accompanying them. This visa will ordinarily be valid for one month.

(b) Non-Diplomatic Visa

A non-diplomatic visa valid for multiple entries will be issued to non-diplomatic members of the Diplomatic or Consular Mission, their wives and children and the personal servants of members of the Mission holding Diplomatic or Consular ranks. The period of its validity will ordinarily be one year. It will be valid for stay at the place of assignment which will be specified and shall also be valid for journeys performed while accompanying a holder of a diplomatic visa.

(c) Official Visa

An official visa valid for single entry will be issued to officials not entitled to diplomatic or non-diplomatic visa of either country visiting the other on official business including participation in international conferences. This visa will ordinarily be valid for one month and for specified places.

(d) Visitor Visa

(i) A visitor visa will be issued to persons visiting the other country to meet relatives or friends, for business or any other legitimate purpose. This visa shall be for single entry and valid for a period not exceeding three months. However, the visa may be issued for a longer period not exceeding one year if owing to the nature of work or business a prolonged stay is necessary.

(ii) Places to be visited shall be specified in the Visa.

(e) Transit Visa

Transit visa valid for stay in the city/port of entry for 72 hours will be issued to persons travelling by air or sea and proceeding to another country through Pakistan/India. No visa will be required for a passenger directly transiting through an airport/seaport, but his stay shall be confined to the area in the airport/seaport set apart for international transit passengers.

GENERAL PROVISIONS

3. If a visa is not availed of within three months of the date of its issue, it shall stand cancelled. The period of validity of a visa for stay shall count from the date of entry.
4. **Check Posts**

The following check-posts are hereby designated for entry/exit for the nationals of either country going to/coming from the other country: These check-posts shall be specified on the visas.

(a) **By Air:** Karachi/Lahore/Islamabad (Pakistan) and Bombay/Delhi/Amritsar (India)

(b) **By Sea:** Karachi (Pakistan) and Bombay (India)

(c) **By Land:** Wagha/Attari and Khokhrapar/Munabao border check-posts.

5. **Registration**

Holders of visitor and transit visas shall be required to register themselves at the check posts of entry and shall, within 24 hours of their reaching in the specified place of stay, report their arrival in writing to the prescribed authority or the nearest police station. They shall also make a similar report 24 hours prior to their intended departure from the place of stay.

6. **Seaman**

A seaman visiting a port as a member of the crew of a ship need not hold a Passport or a Visa. He may be issued a Landing Permit valid for the port of entry for a period not exceeding 24 hours, provided he deposits his Continuous Discharge Certificate (nullie) with the Immigration Authorities.

7. **Fee**

A fee of Rupees five Pakistani/Indian will be payable for the issuance or extension of visitor or transit Visas.

8. This Agreement supersedes all previous Agreements on the subject.

**SIGNED** at Islamabad on September 14, 1974.

For the Government of India  For the Government of Pakistan
Sd/- Sd/-
Kewal Singh Agha Shahi
Foreign Secretary Foreign Secretary
Government of India Government of Pakistan

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Letter from Ministry of Home Affairs to the State Governments regarding restoration of normal travel facilities between India and Pakistan.

New Delhi, October 23, 1974.

Government of India
Ministry of Home Affairs
(Grih Mantralaya)
New Delhi

No.12011/7/74-F.III the 23rd October,1974

To : The Chief Secretary,
All State Governments and Union Territory Administrations.

Subject: India-Pakistan Visa Agreement, 1974 - Restoration of normal travel facilities between the two countries.

Sir,

I am directed to state that in pursuance of the provisions of the Simla Agreement of July, 1972, regarding the extension of travel facilities to nationals of either country desiring to visit the other, the Governments of India and Pakistan have concluded a Visa Agreement on 14th September, 1974 to regulate normal travel between the two countries. This Agreement which has come into force with immediate effect supersedes all previous Agreements with the Government of Pakistan on the subject.

2. The new Visa Agreement envisages the following pattern of travel arrangements with Pakistan;

   The issue of special passports - India-Pakistan Passports - for travel of Indian nationals to Pakistan will be discontinued, international Passports with suitable endorsements will be issued to Indian nationals desiring to visit Pakistan. Similarly Pakistani nationals will also be travelling to India on international Passports issued by their Government. The Ministry of External Affairs would be intimating to you shortly the revised procedure for the issue of international passports to Indian nationals for visits to Pakistan.

The following categories of visas will henceforth be issued to Pakistani nationals visiting India.
(a) **Diplomatic Visa**

(i) A diplomatic visa valid for multiple entries will be issued to the Heads of the Pakistani Diplomatic and Consular Missions in India, members of the Missions holding diplomatic or consular ranks, their wives and children, and regular diplomatic Couriers. The period of the validity of this visa will ordinarily be one year.

(ii) A diplomatic visa valid for single entry will be given to high ranking Pakistani dignitaries visiting India. It will also be given to high ranking Pakistani officials visiting on official business or to attend international conferences and to the members of their families accompanying them. This visa will ordinarily be valid for one month.

(b) **Non-Diplomatic Visa**

A non-diplomatic visa valid for multiple entries will be issued to non-diplomatic members of the Pakistani Diplomatic or Consular Missions in India, their wives and children, and personal servants of members of the Mission holding Diplomatic or Consular ranks. The period of validity of this visa will ordinarily be one year. It will be valid for stay at the place of assignment which will be specified and shall also be valid for journeys performed while accompanying a holder of a diplomatic visa.

(c) **Official Visa**

An official visa valid for single entry will be issued to the Pakistani officials not entitled to diplomatic or non-diplomatic visa while visiting India on official business including participation in International Conferences. This Visa will ordinarily be valid for one month and for specified places.

The Ministry of External Affairs will be concerned with the grant/extension etc. of the above visas to Pakistani nationals. The State Governments etc. will receive instructions on the subject from that Ministry as has been the practice hitherto.

(d) **Visitor Visa**

The Visitor Visa will be issued to Pakistani nationals visiting India for the purpose of meeting relatives or friends, for business or any other legitimate purpose. This visa shall be for single entry and valid for a period not exceeding three months.

However, this visa may be issued for a longer period than three months but not exceeding one year if owing to the nature of work or business of the applicant, his prolonged stay in India is considered necessary.
This visa will be valid for stay only at places specified in the visa.

(e) **Transit Visa**

A new type of transit visa will now be available to Pakistani nationals who have to transit through India by air/sea. This visa will be valid for stay in the city/port of entry only for a period not exceeding 72 hours.

No visa will, however, be required for a Pakistani national directly transiting through an Indian airport/seaport but his stay will be confined to the area in the airport/seaport set apart for international transit passengers.

3. Owing to the fact that our diplomatic mission is not functioning now in Pakistan the Government of India are considering arrangement for the grant of visas to Pakistani national by the Ministry of External Affairs itself till our Mission starts functioning in Pakistan. The State Governments will be informed of the final decision shortly.

4. All Pakistani nationals will be expected to leave the country within the authorised period of their visas. The special circumstances in which extensions may be granted to them by the State Governments etc. will be communicated to them in due course.

5. All visas granted to Pakistani nationals if not availed of within three months of the date of their issue shall stand cancelled.

6. The following check posts have been designated for entry/exit of Pakistani nationals visiting India *viz.*

   i) By Air : Amritsar/Bombay/Delhi
   
   ii) By Sea : Bombay
   
   iii) By Land : Atari (Punjab)/Munabao (Rajasthan)

7. The new visa Agreement with Pakistan does not envisage any change in the existing registration formalities to be observed by Pakistani nationals visiting India, holder of Visitor and Transit Visas shall be required to register themselves at the Check post of entry and shall within 24 hours of their reaching the specified place of stay report their arrival personally or in writing to the Registration Officer or the nearest Police Station. They shall also make a similar report 24 hours prior to their intended departure from the place of stay.

8. There will be, no change in the existing forms of temporary and regular residential permits for Pakistani nationals and the procedure of their issue. Accordingly a temporary residential permit will be issued by the check post authorities to Pakistani nationals whose stay in India exceeds 14 days and they
will be required to exchange it for a regular residential permit from the Registration Officer of the first place of their stay. The Check post authorities will continue to issue regular residential permits to Pakistani nationals whose period of stay in India does not exceed 14 days.

9. The practice of exemption from Police reporting of Pakistani V.I.Ps visiting India on Visitor or Transit Visa will, however, continue. The Indian Missions abroad have been given discretion to grant, in very special cases, exemption to Pakistani visitors from reporting their arrival and departure to police while in India. In cases where such an exemption is endorsed on the passport of a Pakistani national by an Indian Mission the check post authorities/District Registration Officers will score out the corresponding directions from the residential permits that are issued to the Pakistani national encored. In case a temporary residential permit is issued by the check post to the person concerned at the time of his entry into India i.e. where the visa held by him is valid for more than 14 days, the District Registration Officer may on receipt of the duplicate copy of the temporary residential permit from the check post authorities prepare a regular residential Permit and have it delivered to the Pakistani national through the Police Station concerned so that he may not have to make a personal appearance for the purpose. The State Governments etc. may issue instruction to all the District-Registration Officers/local authorities under their jurisdiction.

10. A Pakistani Seaman visiting a port as a member of the crew of a ship need not hold a passport or a visa. They may be issued by the Immigration authorities a landing permit valid for the port of entry for a period not exceeding 24 hours provided he deposits his Continuous Discharge Certificate (nullie).

11. It has been decided that a fee of Rs.5/- (Indian) will be charged for the issuance or extension of Visitor or Transit Visas.

12. The State Governments etc. arc requested kindly to issue instruction in the matter to all the check posts and the District Registration Officers/ Civil authorities within their jurisdiction.

Sd/(L.N. Sharma)
Under Secretary to the Govt. of India

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New Delhi, October 29, 1974.

Ministry of External Affairs
New Delhi

No. P. II/342/3/74 - F.III 29th October, 1974

Dear Head of Mission,

As you are aware, an agreement on the issuance of visas was concluded between the Government of India and the Government of Pakistan at Islamabad on September 14, 1974. A copy of the agreement is enclosed.

2. It has been our endeavour that in line with the objectives of the Simla Agreement travel for bona fide purposes by nationals of India and Pakistan should be facilitated. Accordingly, the Agreement signed on September 14 contains the following new features:

(a) The old India-Pakistan Passport is to be dispensed with and visas will be affixed on normal International Passports. In the case of India nationals desirous of travelling to Pakistan who approach our Missions abroad, their inter-national passports can be endorsed for Pakistan. In the case of person in India who wishes to travel only to Pakistan, the State authorities are being authorised to restrict the endorsement and make it valid for travel only to Pakistan.

(b) The categories of visa for Pakistan nationals have been reduced and part from diplomatic and non-diplomatic visas to be given to members of Pakistani Diplomatic Missions, the other categories are official visa, visitor visa and transit visa. The text of the Agreement will explain the purpose of these visas.

(c) The visitor visa can be issued to persons visiting “relatives or friends, for business or any other legitimate purpose. A legitimate purpose is one which is capable of verification, if found necessary. This may include, for example:

(i) Visits of Educationists, Scientists, and Doctors etc. to give lectures on invitation.

(ii) Visits of Sports Teams, Debating Teams on invitations;

(iii) Tourism in the form of tours to places of recognised tourist interest
arranged by an international/Indian travel agency. This will, however, exclude visits to the State of Jammu & Kashmir and other restricted areas as notified by the Ministry of Home Affairs/Defense from time to time.

The places to be visited in India shall be specified in the visa.

3. Categories of Pakistani nationals mentioned in Annexure I will not be given visas without prior clearance from the Ministry of Home Affairs. However, families (Women and children) of Ex-members of the Pakistani Defence Forces/Police/PIA will be eligible for the grant of visas without prior clearance subject to other criteria being fulfilled.

4. A new type of visa is the transit visa which can be freely given and would entitle Pakistan nationals travelling in transit through India to break journey in the city or port of entry for 72 hours. In such cases the procedure for registration and police reporting is indicated in para 5 of the new agreement.

5. While the new Agreement considerably simplifies procedures, we have continued with reasonable security checks for the time being, in the case of Pakistan nationals visiting India. For this purpose visitors to India will be required to report to the police within 24 hours of their arrival at each of the places indicated in the visa. This reporting can be done in person or through a registered letter, sent by the traveller on arrival. This can be indicated by super-imposing a rubber stamp impression on the visa form to be supplied to the applicant by our Missions abroad. Heads of Mission are authorised to exempt individual Pakistani nationals from reporting to police in India. Every such exemption should be given if the Heads of Mission are personally satisfied about the antecedents of the Pakistani national and feel that he is a fit and desirable person to be given such exemption. In such a case the application should be stamped with, a special rubber seal carrying the legend "exempted from police reporting."

6. All visitor and transit visa holders would be required as before to obtain residential permits from the authorities at the check post of entry into India. Visitor visas may be issued to businessman and journalists and when the purpose of the visit is considered reasonable. When issuing visas to Pakistani journalists the X.P. Division and the Pakistan Division—should also be given prior intimation, if necessary, by telex.

7. We shall be sending in due course, printed copies of the revised and simplified visa application forms. The applicants for visitor and transit visas will submit their applications in triplicate. At the time of re-turning the visaed passport to the Pakistani national, the Mission will ensure that one copy of the completed visa application form together with photograph of the holder and full details of the visa granted is given to him with instructions to hand it over to the autho-rities at
the check post of entry into India. After the grant of visa the Mission concerned will also forward a copy of the completed visa application together with photograph of the holder and full details of the visa granted to the Superintendent of Police in whose jurisdiction the first place of visit in India of the Pakistani national lies. The third copy of the visa application will be retained by the Mission as their record.

8. Our Missions abroad are authorized to issue only single entry visas valid for a maximum stay of three months in India. Where longer stay or multiple entries are required, a reference is required to be made to the Ministry of Home Affairs under intimation to this Ministry.

9. In conclusion you are requested to instruct the visa officer of your Mission that while special care should be taken to check the blacklist while issuing visas, our approach should be as liberal as it is consistent with our security interests, keeping in view our overall objectives. In cases of doubt, the Ministry of External Affairs and the Ministry of Home Affairs can be consulted.

10. This supersedes all previous instructions on the subject.

11. This letter issues with the concurrence of the Ministry of Home Affairs.

12. The receipt of this letter may kindly be acknowledged.

Yours Sincerely
(J. Agacy)

To
All Heads of Missions.

ANNEXURE I

List of Categories in which prior clearance should be obtained from the Government of India. (Ministry of Home Affairs) Before Granting Them Visas.

1. Whose names are included in the printed Black list of Pakistani nationals brought out by the Ministry of Home Affairs from time to time or who form the subjects of warning circulars issued by the Ministry of Home Affairs or other concerned authorities in whose case the Mission feels that visas may be granted in view of any special reasons.

2. Who have been previously refused visas for any reason.

3. Journalists, Press Correspondents and writers known to have engaged themselves in anti-India writings, and propaganda

4. Politicians
5. Who want to visit or stay in ‘Inner line’ or ‘restricted areas’.
6. Who want to visit or stay in Cantonment areas or other military areas.
7. Members of Defence (including P.I.A. and Port Trusts), Police, Watch and Ward and Para-Military, Para-Police organisations, employees of Flying Clubs, Mujahids and Ansars etc. and members of their families.
8. Ex-members of the organisations mentioned at (7) above.
10. Seamen.
11. Who want to visit-India in their own cars.
12. Who want to visit or stay in any area in Jammu & Kashmir State or Kerala.
13. Students or others who want to come for any theological studies.
14. Who want to come for pilgrimage.
15. Those coming for Tabligh and other Missionary work.
16. Pakistanis coming to undergo an academic course or training in any university/academy/college/school or training institutions.
17. Coming to visit vital industrial installations, institute etc.
18. Who had been normally residents in the erstwhile East Pakistan particularly the so-called ‘Bihari Muslims’ evacuated from Bangladesh.


New Delhi, December 11, 1974.

Ministry of External Affairs
New Delhi

D.O. No. PII/342/3/74 Pt.III

A. S. Chib,
Joint Secretary (Pak)

Subject: Procedure for exemption from police reporting on Visas given to Pakistan nationals.
Dear Head of Mission,

Kindly refer to our circular letter of even number dated October 20, 1974. Para 5 of this letter authorises Heads of Mission to exempt individual Pakistani nationals from reporting to the police in India. There has been further discussion of the procedural aspects of this question, with the Ministry of Home Affairs who have advised that this discretion should be exercised by only the Heads of Mission personally and only where the status of a Pakistani national warrants this courtesy. Extract from the letter received from the Ministry of Home Affairs in this regard is reproduced below:

“....Prior to 1971-war the discretion to exempt individual Pakistani nationals from the requirement of reporting their arrival and departure to the police in India was available to our Missions in Pakistan only. However, this discretion has now been given to the Heads of all our Mission abroad vide that Ministry’s Secret circular letter No.PII/342/3/74/Pt.III dated 29th October, 1974. The position has, therefore, be one more liberal than before in regard to reporting. In view of this the Ministry of External Affairs are requested to ensure that the discretion of exempting a Pakistani national from Police reporting is exercised by our Missions with due care and caution and personally by the Head of the Mission and that there is no power to other functionaries in the Mission. Further, this Ministry also trusts that exemption will be granted in very special and exceptional cases only and that too where the status of the Pakistani national warrants that courtesy to be extended to him or the Pakistani national is personally known to the Head of the Mission and the latter considers that he could be exempted from police reporting without any security risk.”

With best regards,

Yours sincerely

(A.S. Chib)

To All Heads of Mission

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3529. Note from Ministry of External Affairs to Swiss Embassy in India.

New Delhi, December 16, 1974.

Ministry of External Affairs
(Pakistan Division)
New Delhi

No. FII/342/3/74-Part-III December 16, 1974

The Ministry of External Affairs present its compliments to the Embassy of Switzerland in New Delhi and with reference to the discussion held between Mr. A. S. Chib, Joint Secretary and H. E. the Swiss Ambassador on 1-12.1974, has the honour to state that the Visa Agreement signed by the Foreign Secretaries of India and Pakistan on 14.9.74 became operative from that date.

2. The Ministry of External Affairs, therefore, requests the Embassy of Switzerland in New Delhi to advise its Missions in Karachi and Islamabad that under the Agreement the fee for the grant of extension of Visitor or Transit Visas is Rs 5/- Indian/ Pakistani.

3. While forwarding the passports along with the Visa applications (in duplicate), the Swiss Missions in Karachi/Islamabad may kindly be advised to indicate on the Visa applications that the requisite fee has been collected from the applicant.

4. The procedure which the Government of India would follow for processing Visa applications was outlined in the Note dated 17.9.1974 from the Ministry of External Affairs to the Embassy of Switzerland in New Delhi. A copy of this Note is enclosed.

5. In addition to the existing procedure, the Ministry would request that to enable more expeditious grant of visas for urgent cases involving serious illness, deaths or marriages a special procedure may be followed by the Swiss Missions in Pakistan. It is suggested in such urgent cases the Swiss Missions in Pakistan should telex the following particulars of the applicant to the Swiss Embassy in New Delhi for seeking visa clearance:

   1. Full Name.
   2. Passport No. and
   3. Father’s name.
   4. Place of birth.
   5. Date of birth.
   6. Occupation.
   7. Address in Pakistan.
8. Places to be visited in India,
This would enable the Ministry of External Affairs to verify and authorise by telex
the grant of visas. The Swiss Missions in Pakistan can then stamp the requisite
visas on Pakistani passports directly. A copy of the Visa application on which the
visa has been given can then be sent to Delhi for record. In such cases it could
not be necessary to send the passports to the Ministry of External Affairs.
6. It is requested that the Embassy of Switzerland, New Delhi may kindly
inform their Consulate General in Karachi and Embassy of Switzerland, Islamabad
of the above mentioned procedures.
7. The Ministry of External Affairs, New Delhi avails itself of this opportunity
to renew to the Embassy of Switzerland, New Delhi, the assurances of its
highest consideration.

The Embassy of Switzerland,
New Delhi

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3530. SECRET
Letter from the Ministry of Home Affairs to the State
Governments regarding India-Pakistan Visa Agreement
of 1974.
New Delhi, June 1, 1976.

No.12011/4/75. F.III
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
New Delhi-110001

To : The Chief Secretaries to all State Governments,
and Union Territory Administrations.

Subject: India-Pakistan Visa Agreement 1974 -Question of delegation of
powers to State Governments and Civil Authorities to grant
permission to Pakistani nationals to visit additional places.

Sir,
I am directed to refer to this Ministry’s letter No.1 2011/7/74-F.III, dated the
23rd October, 1974, regarding restoration of normal travel facilities between
India and Pakistan under the new Visa Agreement, 1974. This agreement *inter alia* has introduced a new type of visa known as “Visitor” visa to enable Pakistani nationals to visit India for the purpose of meeting relatives or friends etc. This visa is ordinarily for a single entry and valid for a period not exceeding three months. The places to be visited are required to be specified in the visa.

2. It has been observed that Pakistani nationals after arrival in the country often seek permission to visit additional places. Henceforward requests of Pakistani nationals for permission to visit additional places not mentioned in the visa application/residential permits will be considered only in circumstances of compelling urgency which may have occurred after their arrival. These unforeseen events would cover cases of serious illness of the applicant; death, serious illness or marriage of first degree relations etc. which could not be visualized at the time of obtaining visa from the Indian Mission and which may now be considered by the State Government to be of sufficient importance; so as to make it unavoidably essential or socially obligatory for the Pakistani national to visit to additional place.

3. The applications from Pakistani nationals for grant of permission to visit additional places in exceptional or unforeseen circumstances may be dealt with by the State Government/Civil Authority in the manner indicated below:

   (i) if the additional place to be visited falls within the territorial jurisdiction of the Civil Authority and no extension of stay is involved, it may dispose of the application itself; and

   (ii) if the additional place to be visited falls outside the territorial jurisdiction of the Civil Authority or where the State Government is to exercise power of extension of stay in terms of this Ministry’s letter ‘No.12011/29/74.F.III, dated the 22nd January, 1976, the Civil Authority should refer the application to its State Govt., for orders. In a case where the additional place to be visited falls in another State, the State Government may grant the permission only when the other State Government have no objection and send an intimation together with the full personal particulars of the applicant to this Ministry.

As stated above, the cases of the category (ii) above are to be decided by the State Govt., themselves. In exceedingly urgent and emergent cases, where the need of a Pakistani national to visit an additional place is compelling, the Civil Authority may in its discretion permit the applicant to visit the additional place for a period not exceeding seven days provided no extension of visa period is involved. An intimation of this should, however, be sent promptly to the State Government and the Civil Authority of the place to be visited.
4. In exercise of the power referred to in Para 3 above, the State Government/ Civil Authority should ordinarily permit a Pakistani national to visit only one additional place, during the entire period of the stay of Pakistani national.

5. Applications from Pakistani nationals for permission to visit any additional place falling in any restricted or cantonment area should not be entertained and should be rejected straightaway except in very exceptional cases. Such exceptional cases should be referred to this Ministry for instructions along with the full facts and recommendations of the State Government.

6. Similarly applications of members and ex-members of Pakistani Defence (including P.I.A. and Port Trusts), Police, Watch and Ward, Para-Military, Para-Police Organisations, employees of Flying Clubs, Mujahids and Ansars and members of their families, for permission to visit any additional place should also be rejected straightaway. If, however, there is any exceptional case meriting special consideration, a reference, along with the full facts of the case and the State Governments recommendations, may be made to this Ministry for instructions.

7. The above instructions are not applicable to Pakistani nationals for grant of permission to visit any area in Jammu & Kashmir State or Kerala as an additional place. All requests from Pakistani nationals for the grant of permission to visit such areas may be referred to this Ministry for instructions.

8. These instructions supersede all previous-instructions issued on the subject.

Yours faithfully

Sd/-
(P.N.Kalra)

Under Secretary to the Govt. of India

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SECRET

Letter from Ministry of Home Affairs to the State Governments in India regarding deportation of Pakistani Nationals.

New Delhi, January 21, 1977.

No.19011/1/72-F.III
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
New Delhi

To : All the State Governments and
Union Territory Administrations.

Subject: Deportation of Pakistani nationals.

Sir,

I am directed to refer to this Ministry's letter No.19011/1/72-F.III dated the 10th December, 1974 in which the procedure of deportation of Pakistani nationals through unauthorised routes was indicated. As you are aware, for certain reasons the deportation of Pakistani nationals through unauthorised routes was temporarily suspended. It has now been decided, in consultation with Government of Rajasthan, to resume deporting of unwanted Pakistani nationals (not being in possession of Pakistani passports), through whatever routes appear feasible though not authorized, at the Barmer border in Rajasthan. The procedure for deportation would be the same as outlined in this Ministry's letter No.19011/1/72-F.III dated the 10th December, 1974, but it will be very necessary to proceed slowly and cautiously in the matter and the State Government while sending Pakistani nationals for deportation should settle in advance, with District Superintendent of Police, Barmer, both on the number of Pakistani nationals to be deported in each batch, and the timing of the sending of these Pakistani nationals to Barmer.

2. The following points are re-iterated for the guidance of the State Government:

(a) Only such Pakistani nationals who are not in possession of valid Pakistani travel documents and who are not wanted in India for any serious offences and who are also not eligible for the grant of facilities for continued stay and about whose Pakistani nationality there is no doubt will only be deported to Pakistan. This aspect of the matter will be decided by the
State Government in its discretion but the State Government should be fully satisfied, after making inquiries, that the nationality of these persons is beyond doubt Pakistani. Such persons should be served with ‘Quit-India Order’ under Section 3(2)C of the Foreigners Act 1946 and only if they fail to move out, should action be taken to deport them through unauthorized routes. It should however, be ensured that these persons do not carry these proceedings with them when they are pushed through unauthorized routes. The instructions will apply to all legal or illegal entrants who though Pakistani nationals feign not to possess Pakistani documents or are actually without Pakistani documents.

b) This procedure will not apply to Pakistan “Post-war detainees” in India viz. those who were detained on or after 18th December 1971. The idea is that nationals may be forced to cross over into Pakistan through unauthorised routes as are in India or in Indian custody without the knowledge of Government of Pakistan, either directly or through the ICRC.

c) The concerned State Governments will settle in advance with the District Superintendent of Police, Barmer, the number and timing of the Pakistani nationals to be deported.

d) The arrangement of escorting of these Pakistani nationals up to Barmer will be made by State Government but the actual deportation will be effected by the Distt. Superintendent of Police, Barmer.

3. A consolidated report on the number of Pakistani nationals may be furnished to Government of India in duplicate at the end of every quarter i.e. 31st March, 30th June, 30th September and 31st December.

4. As regards the Pakistani nationals belonging to the minority community in Pakistan, whenever it is proposed to deport any such person, the case may be referred to this Ministry before any action is initiated against him under the Foreigners Act.

5. The above arrangements will not apply to Governments of Gujarat and Punjab who make their own arrangement ‘or deporting Pakistani nationals through unauthorised channels.

Yours faithfully,

Sd/
(P.N. Kalra)
Under Secretary To the Government of India
Letters Exchanged between Foreign Secretary and Ambassador of Pakistan regarding facilities to be granted to the crew of the Indian and Pakistan air services.

New Delhi, August 31, 1977.

Foreign Secretary
Ministry of External Affairs
New Delhi-11.

Dated the 31st August, 1977

Excellency,

I have the honour to refer to the “Agreement between the Government of the Islamic Republic of Pakistan and the Government of the Republic of India relating to air services”, which was signed at Rawalpindi on 16 July 1976, and to state the following on behalf of the Government of India:

In connection with the operation of the air services between India and Pakistan, the crew members, administrative personnel, etc, visiting the other country will be granted the following facilities on a reciprocal basis:

i) The airline crew members of either country operating the scheduled services between India and Pakistan will be allowed to land at the designated airports in the other country, without being required to be in possession of passports and visas, provided they hold valid personnel licences conforming to the specifications listed in 5.1.1 of Annex-I to the Convention on International Civil Aviation, or valid Crew Member Certificates conforming to the specifications contained in Appendix 5 in Annex 9 to the Convention on International Civil-Aviation.

ii) Station Managers of the airlines of either country stationed in the other may be granted multi-Journey visas on their passports valid for a period of one year. The other staff will also be given multi-journey visas valid for a period of one year but limited to three journeys during this period. Indian Airlines personnel stationed in Pakistan will be given visa endorsement for Islamabad in addition to Karachi and Lahore and PIA personnel stationed in India will be given visa endorsement for Madras in addition to New Delhi and Bombay.

iii) Senior administrative personnel of the airlines of either country, not exceeding 10 in number who may be required to visit the other country
for consultations, may be granted multi-journey visas on their passports valid for a period of one year and up to one week’s stay on each visit and for Bombay and Delhi in India and Karachi and Lahore in Pakistan, provided full particulars of such persons are furnished in advance.

iv) Aircraft Maintenance Engineers of the airline of one country who are required to travel to the other in connection with repairs or maintenance of ground or maintenance on ground to aircraft shall be given facilities to land in the concerned airport of the other country up to a period of 6 hours without visas provided they hold valid passports endorsed for India or Pakistan as the case may be and are in possession of appropriate Aircraft maintenance Engineers Licences issued or rendered valid by licencing authority of their respect countries. The arrival of such engineering staff shall be reported in writing by the concerned airline to the immigration authorities at the airport in the other country within 30 minutes of the arrival of the aircraft.

v) Maintenance staff of the airline of one country who are required to travel to the other country without notice in emergencies in connection with repairs to aircraft shall be given facilities to land in the concerned airport of the other country up to a period of 48 hours without visas provided they hold valid passports endorsed for India or Pakistan as the case may be. Their arrival shall be reported by the airline concerned in writing to the immigration authorities at the airport in the other country either in advance or in any case with 30 minute of their arrival of the aircraft.

vi) Personnel of the airlines of one country stationed in the other will be subject to the requirements of registration, report on arrival/departure, etc, as provided in the Agreement between the Governments of India and Pakistan dated the 14th September, 1974.

vii) Either contracting party may, at any time, give written notice to the other contracting party of its desire to terminate this Agreement. This Agreement shall terminate one year after the date of receipt of the notice by the other contracting party unless the notice is withdrawn before the expiration of this period.

I shall be grateful if you could confirm that the above correctly sets out the understanding reached between us. I have the honour to propose that this letter and your reply thereto shall constitute an Agreement between the Government of India and the Government of Pakistan which shall come into force on the date of your reply.
Please accept your Excellency the assurances of my highest consideration.

Yours sincerely

(J.S. Mehta)

His Excellency Mr. S. Fida Hassan.
Ambassador Extraordinary and Plenipotentiary,
Embassy of the Islamic Republic of Pakistan, New Delhi.

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Reply of Pakistan Ambassador Fida Hassan

I have the honour to confirm that the above correctly sets out the understanding reached between us. Your letter and my reply thereto shall constitute an Agreement between the Government of Pakistan and the Government of India which shall come into force with effect from today’s date.

Please accept Your Excellency the assurances of my highest consideration

Yours sincerely

Sd/-

(S. Fida Hassan)

His Excellency Mr. J.S. Mehta,
Foreign Secretary,
Ministry of External Affairs,
New Delhi.

♦ ♦ ♦ ♦
3533.  Letter from Ministry of Home Affairs to Chief Secretaries of Certain States in India.

New Delhi, November 19, 1977.

No. 12011/31/77 – F.III

Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

To:

1. The Chief Secretary,
   Government of Maharashtra,
   General Administration Department, Bombay.

2. The Chief Secretary,
   Government of Punjab,
   Chandigarh.

3. The Chief Secretary,
   Delhi Administration,
   Delhi.

4. The Chief Secretary,
   Government of Tamil Nadu,
   Madras.

   New Delhi-110001, dated the 19th November, 1977

Subject: Agreement relating to permission to the crew members, administrative personnel etc. of PIA visiting India and the Indian Airlines Corporation visiting Pakistan.

Sir,

I am directed to refer to this Ministry’s letter No.12011/7/74-F.III dated the 23rd October, 1974 on the subject of restoration of normal travel facilities between India and Pakistan and signing of India Pakistan Agreement.

2. A formal Agreement has now been reached between India and Pakistan on the movement of Air Crew, administrative personnel etc., between India and Pakistan in connection with operation of air services between the two countries. A copy of letters exchanged between the Secretary, Ministry of External Affairs and the Ambassador to India of the Islamic Republic of Pakistan, which constitute the Agreement, is enclosed
3. It will be observed that except for PIA crew, all officers and personnel of PIA stationed in India, Senior Administrative personnel stationed in Pakistan, aircraft, maintenance Engineers and other maintenance staff required to come to India for repairs of the aircraft etc. in emergencies or otherwise would be required to hold valid Pakistani passport duly endorsed for India. Visas endorsement are exempted only for PIA air crew holding valid personal licenses or crew members certificates conforming to International standard as described in the agreement, Visa endorsement is also not necessary in cases of Aircraft Maintenance Engineers permitted to land in India for a period up to 6 hours in connection with repairs or maintenance on ground to aircrafts and for maintenance staff of PIA who are required to travel to India without notice in emergencies, in connection with repairs of aircraft, for period upto 48 hours.

4. It may be noted that while PIA aircrafts are permitted to land at Delhi and Bombay airports the Station Managers of PIA and other staff stationed in India, are permitted to go to Madras in addition to Delhi and Bombay. Senior Administrative personnel of airlines will have permission to visit Bombay and Delhi in connection with their official work. Visits to any other place by any PIA Official will require prior permission of this Ministry.

5. At present, there is a restriction on departure of Pakistani nationals from only the check post of entry. This restriction will not be applicable to Senior Administrative personnel of PIA. They may be permitted to leave either from Bombay or Delhi; State Government of Maharashtra and Delhi Administration are hereby authorised in case of urgency to permit departure of Station Managers and other personnel stationed in India to leave India from Bombay or Delhi Airports, as may be necessary, even if these are not the check post of their entry into India.

Multi-Journey facilities to Station Managers and other personnel stationed in India will not have the effect of exemption from reporting to police on arrival and departure. Senior Administrative personnel of PIA required to come from Pakistan to India for consultation for a period of one week’s stay in India will not be required formally to report their arrival and departure to police. The check post authorities will keep the State Governments and this Ministry informed of their arrival and departure.

7. It is requested that you may, on application grant permission to stay up to one year to the “Managers of PIA with multi-journey facilities for any number of journeys, and to other personnel, permission to stay for one year with multi-journey facilities limited to three journeys during the period. Both the Station Managers and other PIA personnel stationed in India may be given permission to visit New Delhi, Bombay and Madras.
8. As and when Aircraft Maintenance Engineers of PIA in terms of facility (iv), and maintenance staff of PIA in terms of facility (v) of letter of Secretary, Ministry of External Affairs to Pakistani Ambassador in India, are permitted to land in India, the fact of such landing and personal particulars of these maintenance Engineers/or technicians should be immediately reported to this Ministry.

Yours faithfully
(P.N. Kalra)
Under Secretary
To the Government of India


Islamabad, July 21, 1983.

Ambassador of India
Islamabad

No. ISL/Cons/342/3/83 21 July 1983

Excellency,

Kindly refer to the discussions and agreed minutes of the India-Pakistan Joint Commission meeting held at Islamabad from 1 - 4 June 1983. The following amendments to the Visa Agreement of 1974 between India and Pakistan were agreed to:

(i) **Diplomatic Visa:** The period of validity of diplomatic visa issued under clause 2(a)(1) of the India-Pak visa Agreement, 1974 may be extended from one year to the duration of assignment of the diplomatic personnel,

(ii) **Non-Diplomatic Visa:** The period of validity of non-diplomatic visas issued under clause 2(b) of the India Visa Agreement, 1974 may also be extended from one year to the duration of assignment.

(iii) **Business Visa:** Visitor visa under clause 2(d)(i) of Visa Agreement may be issued to businessmen up to three journeys with validity period not exceeding six months. Businessmen, sponsored by a recognized Chamber of Commerce would be alone eligible for this facility.
(iv) **Fee:** Visa-fee may be raised to Rs.15/- inclusive of all charges.

If the above correctly sets out the understanding reached between the Government of India and Government of the Islamic Republic of Pakistan, it is proposed that this letter and a reply thereto from Government of Pakistan shall constitute an Agreement between the Government of India and the Government of the Islamic Republic of Pakistan.

Accept Excellency the assurances of my highest consideration.

Yours Sincerely

(Sd/-)

(Krishna D. Sharma)

His Excellency,
Mr. Niaz. A. Naik,
Foreign Secretary,
Government of the Islamic Republic of Pakistan,
Islamabad.

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3535. **Note from Pakistan Ministry of Foreign Affairs to Embassy of India in Pakistan.**

Islamabad, August 9, 1983.

Ministry of Foreign Affairs
Islamabad

No.IND/IV/1/(6)/83, August 9, 1983

The Ministry of Foreign Affairs presents its compliments to the Embassy of India in Islamabad and with reference to letter No.ISL/CONS/342/83, dated July 21, 1983 addressed by H.E. the Ambassador to the Secretary, Ministry of Foreign Affairs regarding certain amendments/additions in the Visa Agreement of 1974, has the honour to state that this Ministry vide its note of even number dated 30 June, 1983 has already proposed that the following amendments, agreed to by the two sides during the first meeting of the Pakistan - India Joint Commission held in Islamabad from 1 – 4 June, 1983, may come into effect from July 1, 1983:

**Indo-Pakistan Visa Agreement, 1974.**

Clause 2(a) (i). (Diplomatic visa)
The last sentence of clause 2(a)(i) may be replaced as under:—

“This visa will be valid for the duration of the assignment of holder”.

Clause 2(b). (Non-Diplomatic Visa)

The second sentence of clause 2(b) may be replaced as under:—

“This visa will be valid for the duration of the assignment of the holder”.

Clause 2(d). (Visitor visa).

The provision made under clause 2(d) of the Visa Agreement under the Head “visitor visa” may be read as under:-

i) A visitor visa will be issued to persons visiting the other country to meet relatives or friends or for any other legitimate purpose. This visa shall be for single entry and valid for a period not exceeding three months. However, the visa may be issued for longer period not exceeding one year if owing to the nature of work, a prolonged stay is necessary.

ii) This visa will also be issued to bona fide businessmen who have to travel frequently between India and Pakistan. In their case the visa will be valid for a period not exceeding six months for up to 3 visits.

iii) Places to be visited shall be specified in the visa.

CLAUSE-5. (Registration).

The following sentence may be added at the end of clause 5.

“In the case of families, only one member of the family shall be required to appear before the Registration authority for registering himself and the members of his family”.

CLAUSE-7. (Visa fee).

The provision made under clause 7 of the Agreement under the Head “fee” may be read as under:-

“A fee of Rupees 15/- Pakistani/Indian inclusive of all charges will be payable for the issuance or extension of visitor or transit visas”.

The letter under reference, however, does not refer to the agreed amendments at points (i) & (iii) of Clause 2(d) regarding visitor visa and specification of places to be visited and relating to Registration (Clause-5 of the Visa Agreement of 1974) proposing that in case of families, only one member of the family shall be required to appear before the Registration autho-rities for registering himself an the members of his family”.

This Ministry would be grateful to receive confirmation of the Government of India to the amendments/additions mentioned above, which along with this note would constitute "a formal Agreement between the two Governments.

The Ministry avails itself of this opportunity to renew to the Embassy the assurances of its highest consideration.

The Embassy of India
Islamabad.

3536. Aide Memoire presented by the Embassy of Pakistan in India to the Ministry of External Affairs.
New Delhi, January 4, 1984.

AIDE MEMOIRE

Paragraph 2 (a) sub-para (i) of the Visa Agreement between the Government of Pakistan and the Government of India provides for Diplomatic Visas to be issued, inter alia, to "wives and children" of diplomatic members of the respective Missions of the two countries. In accordance with this provision, Visa Issuing Authorities of the Government of Pakistan have been issuing Diplomatic Visas to the wives and children of Indian diplomats and consular officers posted in Pakistan. In certain cases, parents of the Indian diplomats and consular officers have also been issued Diplomatic Visas as a matter of courtesy.

2. However, while the Indian Visa Issuing Authorities have been granting Diplomatic Visas to the wives of Pakistani diplomats, posted in India, they have not been doing so in the case of their children, issuing to them instead Non-Diplomatic Visas. In certain instances, Indian Diplomatic Missions abroad have also granted Official Visas to the children of Pakistani diplomats.

3. Under the Visa Agreement, a Non-Diplomatic Visa is to be issued only to "Non-Diplomatic members of the Diplomatic or Consular Mission, their wives and children and the personal servants of members of the Mission holding Diplomatic or Consular ranks". Also, Official Visas are to be issued only to "officials not entitled to Diplomatic or Non-diplomatic Visa".

4. Issuance of Non-diplomatic or Official Visas to children of Pakistani diplomats is a contravention of the Visa Agreement whose provisions in this
passport & visa

regard are quite clear, and are expected to be implemented by both sides on the basis of reciprocity.

5. The Government of Pakistan shall appreciate if necessary instructions are issued by the Government of India to its Visa Issuing Authorities at home and abroad to rectify the above situation through grant of fresh diplomatic Visas to the children of Pakistani diplomats already posted in India and of those who may be posted to India in the future.

New Delhi
January 4, 1984

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3537. Note from Pakistan Ministry of Foreign Affairs to Embassy of India in Pakistan regarding amendments to the Visa procedure.

Islamabad, March 10, 1984.

Ministry of Foreign Affairs
Islamabad

No. IND/III/1/20/83 March 10, 1984.

The Ministry of Foreign Affairs presents its compliments to the Embassy of India in Islamabad and has the honour to state that during the Meeting of Sub-Commission IV on Travel, Tourism and Consular matters held in New Delhi on January 19, 20 and 21, 1984 it was agreed that the implementation of the decisions arrived at during the Meeting of the Indo Pakistan Joint Commission held in Islamabad in June 1983 in respect of clause 2(a), 2(b), 2(d)(i), 5 and 7 would be initiated forthwith through exchange of letters between this Ministry and the Embassy of India in Islamabad. The Pakistan side had pointed out during the Delhi Meeting of Sub-Commission IV that the Ministry of Foreign Affairs has already initiated action for implementation of the agreement reached during the Joint Commission’s Meeting of June, 1983. In this connection Ministry’s Notes of June 30, 1983 and August 9, 1983 were referred to.

Meanwhile another amendment has been agreed to during the Meeting of sub-Commission IV in January 1984 regarding grant of double-entry transit visas.
It is proposed that the following amendments agreed to during the two Meeting of Sub-Commission IV may be made in the Indo-Pakistan Visa Agreement of 1974.—

**Indo-Pakistan Visa Agreement, 1974.**

**Clause 2(a) (i).** (Diplomatic visa)

The last sentence of clause 2(a)(i) may be replaced as under:—

“This visa will be valid for the duration of the assignment of holder”.

**Clause 2(b).** (Non-Diplomatic Visa)

The second sentence of clause 2(b) may be replaced as under:—

“This visa will be valid for the duration of the assignment of the holder”.

**Clause 2(d).** (Visitor visa).

The provision made under clause 2(d) of the Visa Agreement under the Head “visitor visa” may be read as under:-

i) A visitor visa will be issued to persons visiting the other country to meet relatives or friends or for any other legitimate purpose. This visa shall be for single entry and valid for a period not exceeding three months. However, the visa may be issued for longer period not exceeding one year if owing to the nature of work, a prolonged stay is necessary.

ii) This visa will also be issued to bonafide businessmen who have to travel frequently between India and Pakistan. In their case the visa will be valid for a period not exceeding six months for up to 3 visits.

iii) Places to be visited shall be specified in the visa.

**Clause 2(e)**

Transit visas valid for up to two entries for stay in the city/port of entry for 72 hours in each case will be issued to persons travelling by air or sea and proceeding to another country through Pakistan/India. No visa will be required for a passenger directly transiting through an airport/sea port, but his stay shall be confined to the area in the airport/ seaport set apart for international transit passengers.

**Clause - 5. (Registration).**

The following sentence may be added at the end of clause 5.

“In the case of families, only one member of the family shall be required to appear before the Registration authority for registering himself and the members of his family”.
Clause - 7. (Visa fee).
The provision made under clause 7 of the Agreement under the Head “fee” may be read as under:-
“A fee of Rupees 15/- Pakistani/Indian inclusive of all charges will be payable for the issuance or extension of visitor or transit visas”.
This Ministry of Foreign Affairs would be grateful to receive confirmation of the Government of India to the amendments/additions mentioned above which, along with this note, would constitute a formal Agreement between the two Governments.
The Ministry avails itself of this opportunity to renew to the Embassy the assurances of its highest consideration.
The Embassy of India,
Islamabad.

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3538. Letter from Foreign Secretary M. Rasgotra to Pakistan
Foreign Secretary.
New Delhi, May 20, 1984.
No. ISL/CONS/342/3/83 20th May, 1984
Excellency,
Kindly refer to the discussions and agreed minutes of the Indo-Pakistan Sub-Commission IV on Travel, Tourism and Consular matters held at New Delhi from 19-21 January 1984. The following amendments to the Visa Agreement of 1974 between India and Pakistan were agreed to:
CLAUSE - 2 (a.) (i) (Diplomatic visa)
The last sentence of clause 2(a) (i) may be replaced as under :-
“This visa will be valid for the duration of the assignment of the holder”
CLAUSE - 2 (b). ( Non-Diplomatic Visa )
The second sentence of clause 2(b) may be replaced as under :-
“This visa will be valid for the duration of the assignment of the holder”
CLAUSE -2 (d) ( Visitor Visa )
The provision made under clause 2(d) of the Visa Agreement under the Head “Visitor visa” may be read as under:-
(i) A visitor visa will be issued to persons visiting the other country to meet
relatives or friends or for any other legitimate purpose. This visa shall be for single entry and valid for a period not exceeding three months. However, the visa may be issued for longer period not exceeding one year if owing to the nature of work, a prolonged stay is necessary.

(ii) This visa will also be issued to bonafide businessmen who have to travel frequently between India and Pakistan. In their case the visa will be valid for a period not exceeding six months for up to 3 visits.

(iii) Places to be visited shall be specified in the visa.

CLAUSE - 2 (e)

Transit visas valid for up to two entries for stay in the city/port of entry for 72 hours in each case will be issued to persons travelling by air or sea and proceeding to another country though Pakistan/India. No visa will be required for a passenger directly transiting through an airport/sea port, but his stay shall be confined to the area in the airport/sea port set apart for international transit passengers.

CLAUSE - 5 (Registration)

The following sentence may be added at the end of clause - 5:-

In the case of families, only one member of the family shall be required to appear before the Registration authority for registering himself and the members of his family”.

CLAUSE - 7 (Visa fee)

The provision made under clause -7 of the Agreement under the Head “fee” may be read as under:-

“A fee of Rupees 15 Pakistani/Indian inclusive of all charges will be payable for the issuance or extension of visitor or transit visas”.

If the above correctly sets out the understanding reached between the Government of India and the Government of the Islamic Republic of Pakistan, it is proposed that this letter and a reply thereto from the Government of the Islamic Republic of Pakistan shall constitute an Agreement between the Government of India and the Government of the Islamic Republic of Pakistan. Please accept, Excellency, the assurances of my highest consideration.

(M. Rasgotra)

His Excellency
Mr. Niaz A. Naik
Foreign Secretary

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SECRET

3539.

Letter from Ministry of Home Affairs to Indian Heads of Mission Abroad.


Government of India
Ministry of Home Affairs
New Delhi

No. 12011/11/85-F-III 25th February, 1987

Dear Mission,

Attention is Invited to Ministry’s letters of even number dated 17th February, 1986 wherein instructions were issued that persons of Pak origin holding dual nationality or possessing the passport of other countries should be treated as ‘pre-reference’ category i.e. visa should be granted to them after getting security clearance from this Ministry. On suggestions by some Indian Missions abroad, these instructions were modified and a specified category of persons was exempted from prior reference vide, this Ministry’s circular letter No. 12011/11/85-F-III dated 1.8.1986. However, representations have continued to come from Indian Missions bringing out hardships and humanitarian aspects involved in such cases. These have been considered and it has now been decided that prior reference need not be made in the following cases;

i) Ladies of Pak origin married to Indian nationals.

ii) Short transit halts.

iii) Wives of Sheikhs, Members of Royal Families in the Middle East

iv) Emergent cases where the Head of the Mission is personally satisfied in regard to hardship and humanitarian aspects involved.

2. Visas in the above mentioned cases can be granted by the Indian Missions aboard subject to local checks with suspect index etc. Full details of such persons visiting India will, however, be sent invariably to Intelligence Bureau as soon as visa is granted to them.

3. Some of the Indian Missions abroad have also represented, that prominent foreigners of Pak origin too should be exempted from the pre-reference category. It is requested that their lists may be drawn giving full personal particulars and sent to this Ministry for further consideration.

4. There may be other cases of foreigners of Pak origin which are not covered
by the exempted category and Indian Missions want them to be included in such a list. It is requested that information regarding their number and the frequency with which they normally visit India may kindly be furnished to this Ministry so that considered in detail for decision.

Yours ever

Ministry

To All Indian Missions & Posts abroad.

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3540. IMMEDIATE/SECRET

Letter from Ministry of External Affairs to Ambassador of India in Pakistan S. K. Singh.

New Delhi, September 16, 1987.

Ministry of External Affairs
New Delhi

No. 5224/JS(AP)/87 September 16, 1987

My dear

Shri P. Chidambaram, Minister of State for Home Affairs, took an Inter Ministerial Meeting this morning to review the modalities of implementation of our visa policy vis-a-vis Pakistan and Bangladesh. During the meeting he underlined the problems being created for us by large numbers of Pakistanis and Bangladeshis who came into India on valid visas and then did not return to their respective countries. While recognising that our policy of maximising people-to-people contacts with Pakistan militated against a reduction in issuance of visas to Pakistani nationals, he emphasised the need to ensure that only Pakistanis with bona fide intentions are permitted to come to India and to maintain a close check at this end that all such persons return to Pakistan. In this context he made the following points:

i) Our Missions in Pakistan must take great care in screening visa applicants so that all undesirable elements are weeded out and only those are permitted to come who have no mala fide motives. An important aspect of this screening process is the evaluation of visa forms and where these are improperly completed or where columns pertaining to address, purpose
of visit etc. are not in an acceptable manner the visa applications should be rejected.

ii) Where there is any doubt regarding the genuineness of the case, references could be made to the Home Ministry. Resort to such reference may be increased.

iii) It would be desirable to also secure some indication of adequate financial support from the visa applicants before grant of visas. This could be either in the form of actual foreign exchange holding of the visa applicants or a sponsorship certificate from his relatives in India. In case an Indian is sponsoring the Pakistani national, he should also give an undertaking that he would ensure the return of the visa applicant to Pakistan.

iv) With a view to ensuring that the concerned Superintendents of Police have received intimation of a Pakistani national’s arrival in the district prior to his actually reaching there, visas granted should be made operative only 10 days after issue. Where exceptions are unavoidable, intimation of grant of visas could be sent to the concerned Superintendents of Police by telegram. In addition, it may be ensured that copies of visa application forms meant for SPs are positively sent to then by the next available bag so as to invariably reach them before the arrival of the concerned Pakistani nationals.

2. The foregoing is a summary of the views expressed by Shri Chidambaram. A detailed record will be sent to you shortly. I feel that the proposals made above are reasonable and should pose no major problem for implementation by our Missions. I may mention that the Ministry of Home Affairs ultimately intends to send an official to both Karachi and Islamabad to brief our visa officials about their concerns in this matter and about the need to ensure a greater vigilance in issuance of visas so that all the Pakistanis entering into India with visas are bona fide visitors who will return back to Pakistan.

Yours sincerely

(Satish Chandra)

Shri S.K.Singh
Ambassador of India
Islamabad
Note for the Cabinet regarding repeal of the Influx from Pakistan (Control) Repealing Act, 1952 (76 of 1952)

New Delhi, October 5, 2000.

F. No. 12011/23/99-F. III
Government of India
Ministry of Home Affairs
(Foreigner division)

NOTE FOR THE CABINET

Subject: Repeal of the Influx from Pakistan (Control) Repealing Act, 1952 (76 of 1952)

After partition in 1947, there were initially no travel restrictions on the citizens of India for visiting Pakistan, and Pakistani nationals for visiting India. In July, 1948, for the first time, a permit system was introduced for the travel of Indian and Pakistani citizens, between the two countries. In October, 1952, based on mutual agreement, India and Pakistan Passport and Visa Scheme was introduced, to regulate visits of the citizens of the two countries. This system remained operational till 1965. During the period from 1965 to 1974, travel facilities between the two countries remained suspended due to hostilities and wars. After the war of 1971, in July 1972, Simla Agreement was signed between the two countries. In pursuance of the relevant provisions of this Agreement on travel facilities between the two countries, the Indo-Pak Visa Scheme, 1974 came into effect to regulate the travel of the citizens of the two countries. The provisions of this agreement superseded all the previous arrangements of travel of the citizens of the two countries. Subsequently, the residential permit system was also introduced to regulate the stay and movement of Pakistani nationals while in India. Since then the travel of the citizens of Pakistan and their movement and stay in India are regulated by the provisions of the Indo-Pak Visa Regime and the system of residential permits.

2. Migration of Pakistani nationals belonging to the minority communities in Pakistan, to India, which started after August 1947, needed attention. In order to regulate the entry in to and movement in India of the Pakistani citizens, the Influx from Pakistan (Control) Act, 1949 (Annexure-A) was enacted. Consequent to the replacement of the permit system, by the passport system, an enactment namely, the Influx from Pakistan (Control) Repealing Act, 1952 (Annexure-B) was enacted, to repeal this Act. In the Act, a saving provision in Section 3 of the Act was made which provided for the repeal of the Influx from Pakistan (Control) Act, 1949. This Section also stipulated that the repeal would not affect
the continuance in force of any permit which is intended to continue in force beyond the 15th October, 1952 when Passport and visa system was adopted for regulating the entry of foreign nationals including Pakistani nationals into India.

3. In view of the Indo-Pak Visa Agreement, 1974, and the regulation of stay and movement of Pak nationals in India by the residential permit system, the system of permits introduced in terms of the provisions in the Influx from Pakistan (Control) Act, 1949 has lapsed long time back. This is also borne out from the reports received from twenty States and Union Territories to the effect that no Pakistani national holding such a permit is staying in their respective State or Union Territory. Under the circumstances, it is proposed that the Influx from Pakistan (Control) Repealing Act, 1952 (76 of 1952), may be repealed.

4. The statement of Implementation Schedule in respect of the above proposal is at Appendix.

5. The Ministry of External Affairs has concurred with the proposal. Ministry of Law, Justice and Company Affairs, Department of Legal Affairs, has also seen the Note.

6. Approval of the Cabinet is solicited to the repeal of the Influx from Pakistan (Control) Repealing Act, 1952 (76 of 1952).

7. The Home Minister has approved the proposal.

(T. R. Kakkar)
Special Secretary (JKA)

New Delhi
Date: 5.10.2000

To
The Cabinet Secretariat,
Rashtrapati Bhawan,
New Delhi.

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INDIA-PAKISTAN RELATIONS
MISCELLANEOUS
INDIA-PAKISTAN RELATIONS

POLITICAL
8648 INDIA-PAKISTAN RELATIONS
Minutes of the meeting held in the Room of Mr. G. Ahmed, Secretary, Pakistan Ministry of Interior to discuss the question of Protection, Preservation and Maintenance of Places of Religious Worship in India and Pakistan.

Karachi, August 1 – 4, 1953.

Indian Side
1. Mr. Mehr Chand Khanna, Adviser, Ministry of Rehabilitation.
2. Mr. K.P. Mathrani, I.C.S., Joint Secretary, Ministry of Rehabilitation.
3. Mr. P.G Zachariah, Deputy Secretary.

Pakistan Side
2. Mr. G. Ahmed PSY., Secretary, Ministry of the Interior.

The question of places of religious worship was discussed. It was felt that:

(i) Every effort should be made to ensure that places of religious worship in both countries are properly protected and maintained and their sanctity preserved particularly in the case of buildings of historical importance; buildings which have been damaged should be repaired;

(ii) increased facilities for visits to places of worship in both countries should be granted to pilgrims on their auspicious days; the Sewadars and Khadims at such places of worship should be granted facilities for residence and adequate protection; and

(iii) the question of properties attached to these shrines should be dealt with separately from the general question of Trust properties. It was suggested by Secretary of the Ministry of the Interior that the matter should be discussed further with the Ministry of Refugees & Rehabilitation, Government of Pakistan, who are concerned with it.

2. The proposal regarding the appointment of a joint commission of the representatives of the two Governments for enquiring into matters referred to in paragraph 1 above and for making a factual survey about the condition of the important shrines and holy places after visiting them and making recommendations in the light of such enquiries and survey, was considered and it was felt that its further consideration should be deferred to a later stage.
3543. Agreed Minutes of the India - Pakistan Conference on Recovery of Abducted Persons.

New Delhi, 8 May 1954

The following were present

India:

1. Sardar Swaran Singh, Minister, Works, Housing and Supply (Leader)
2. Mr. I.S. Chopra, Joint Secretary to the Government of India, Ministry of External Affairs, New Delhi.
3. Mr. A.L. Fletcher, High Powered Officer (India).
4. Mr. V.C. Trivedi, Deputy Secretary to the Government of India, Ministry of External Affairs, New Delhi.
5. The Raja Rana of Jubbal, Under Secretary to the Government of India, Ministry of External Affairs.
7. Mr. S. Chaudhury, Under Secretary to the Government of India, Ministry of External Affairs.
8. Shri C.M. Sharma, Officer on Special Duty, Central Recovery Organisation, New Delhi.
9. Pt. Thakar Das, Member Indo-Pakistan Tribunal.
10. Sardar Dildar Singh, Superintendent of Police, RAW.

Pakistan:

1. H.E. Raja Ghaznafar Ali Khan, High Commissioner for Pakistan in India (Leader).
2. Mr. M.W. Abbasi, Secretary to the Government of Pakistan, Ministry of Rehabilitation.
3. Mr. A. Hilaly, Joint Secretary to the Government of Pakistan, Ministry of Foreign Affairs.
4. Major General Abdul Rehman, Deputy High Commissioner for Pakistan in India.
5. Mr. I.U. Khan, Chief Secretary to the Government of Punjab (Pakistan) and H.P.O. Pakistan.

6. Khawaja Nasur Ullah, Deputy High Commissioner for Pakistan in India, Calcutta.

7. Mr. Iqbal Athar, Counsellor, Pakistan High Commission, New Delhi.

8. Mr. Afzal Iqbal, 2nd Secretary, Pakistan High Commission, New Delhi.

9. Mian Ghulam Haidar, Member, Indo Pakistan Tribunal and Superintendent of Police, RAW Pakistan.

10. Raja Mohammad Ashraf, Deputy Superintendent of Police, Pakistan.

At the outset both the Delegations re-affirmed the determination to recover and restore all abducted persons as speedily as possible. For the furtherance of this humanitarian cause, progress made in recovery and restoration and the problems arising there from should be reviewed from time to time and effective measures taken to complete this work as early as possible. With this end in view, every effort should be made to create an atmosphere where the woman can shed her fear-complex and prejudices created in her mind since abduction, which can be ensured only if the recovered person is in a position to think and decide her future in a free and friendly atmosphere.

During the course of the present review the following items were discussed and decisions taken:-

1. Appointment of a Joint Fact Finding Commission to ascertain the extent of outstanding work in either country. The principle and the desirability of a Fact Finding Commission was accepted, and it was decided to entrust the task to the two H.P.Os, who will be assisted each by one whole time officer not below the rank of a Deputy Commissioner, and that the assessment should be completed within six months, further, that a programme for the joint and expeditious verification of the lists should be drawn up immediately. Adequate staff should be deputed for the purpose, and it should be ensured that this assessment does not in any way retard the speedy recovery of abducted persons. The terms of reference of the Fact Finding Commission will be (i) to assess the extent of outstanding work of recovery in the two countries; and (ii) to advise the two Governments on measures to be adopted for speedy conclusion of recovery work in both the countries.

2. Amendment of the existing Recovery Act to include a penal section to punish abductors after the expiry of a specified period of amnesty. It was agreed that as the work of assessment is to be completed within six months and intense efforts are to be made over this period for recovery of abducted persons, the
position should be reviewed at the end of this period and if thereupon, the two H.P.Os jointly come to the conclusion that the results had been below expectation and recommend the introduction of a penal clause to speed up recovery work, the two Governments would consider the desirability of such legislation.

3. **Free movement of relatives of abducted persons from one country to the other.** It was agreed that the relatives of abducted persons should be given all reasonable facilities by both the countries and actively associated in the hot and continuous pursuit of clues. Measures to overcome delaying tactics adopted by abductors and speedy implementation of the decisions of the Tribunal. It was agreed that every effort should be made to discourage delaying tactics employed by abductors at any stage of the proceedings.

5. **Steps to be taken to remove procedural lacuna discovered in the implementation of paragraph 8 of the Indo-Pakistan Agreement of 11th November, 1948.** It was agreed that where there was disagreement between the High Powered Officers, the High Powered Officer of the country of recovery shall refer the case to his Government for decision, under intimation to his opposite number, and, while doing so, also forward to Government any views that his opposite number may have on the matter in dispute.

6. **Disparity between the definition of abducted persons in the Pakistan Recovery Ordinance and in the Indian Recovery of Abducted Persons Act.** The Pakistan Government undertook to bring the definition of abducted person in their Ordinance in line with that of the Indian Act.

7. **Recovery of scheduled castes women and children.** The Pakistan Government agreed to issue executive instructions to all concerned for the recovery of abducted persons belonging to Hindu and Sikh scheduled castes.

8. **Periodical meetings between the two H.P.Os and Recovery officials.** (i) It was felt that the Members of the Tribunal should meet the High Powered Officers at least once a month, to keep them informed of their difficulties, if any. (ii) The two H.P.Os should meet at least once in two months. These meetings should also be attended by: (a) The Co-ordinating Officer of the Central Recovery Organisation, India and his counterpart. (b) Members of the Tribunal, and (c) S.Ps (Recovery) of both the countries. The purpose of these meetings will be to review the progress made in recovery and restoration and to resolve outstanding problems.

9. **Transfer of abducted persons from one country to the other in special circumstance.** If in a disputed case pending before the Tribunal, there is prima facie evidence of abduction and the abducted person wishes to go over to the other country, the Tribunal may allow the abducted person to be transferred to the appropriate camp in the other country and kept there pending final decision of the case.
10. **Recovery of abducted persons from foreign countries.** It was agreed to continue efforts to effect recovery of such persons through the good offices of the respective Government's diplomatic missions abroad.

11. **The procedure for ascertaining the wishes of a recovered person.** The following procedure was adopted:

   (i) The recovered person will be produced before the Tribunal, at Jullundur when recovered in India and at Lahore, when recovered in Pakistan, as soon after recovery as possible.

   (ii) If the recovered person states before the Tribunal that he or she wishes to be restored to Pakistan/India and it is established that he or she is an abducted person, the person's statement will be recorded and he or she will be sent to Pakistan/India for restoration.

   (iii) If the recovered person does not wish to go to the other country, he or she shall be transferred immediately to a special home at Jullundur or Lahore, as the case may be, to be set up for the purpose, where the person will be kept for a sufficient period, to enable his or her relations from Pakistan or India, as the case may be, and Social Workers to meet him or her.

   (iv) If, at any time during this period, the recovered person agrees to be restored, the Tribunal, which shall record his or her statement, will order accordingly.

   (v) (a) Where the recovered person does not wish to go to the other country, but is willing to visit it temporarily for a specified period, to meet relations and see the conditions in that country, he or she shall be sent under the Tribunal's orders and kept in a special home at Lahore or Jullundur, as the case may be.

   (b) On the termination of the recovered person's visit to the other country, he or she will be brought back to the special home in the country of recovery and produced without unnecessary delay before the Tribunal, which shall record his or her statement and— (i) where the person is willing to go to the other country, order restoration accordingly, and (ii) where the person does not wish to go to the other country, order release forth-with. (vi) Where an unwilling recovered person cannot be persuaded to visit the other country even for a brief period and, at the end of the specified period of stay in the special home in the country of recovery, reiterates his or her determination to stay in that country, the case shall be referred to the Central Government, who may, before finally disposing of the
case, decide what further steps are necessary for creating a friendly and congenial atmosphere and direct a further stay in the Special Home or a visit to the other country, subject to such precautions as the Government may consider necessary. It was hoped that occasions for referring cases to the Central Government will be very rare.

12. **Special Homes.** Special Homes shall be set up in both countries and details regarding their set up should be worked out by the two H.P.Os, and should the latter not agree on any matter of detail, the case shall be referred to their respective Government.

13. It was agreed that the position may be reviewed after four months in the light of experience gained and the results achieved.

14. The decisions recorded above shall be subject to ratification by the two Governments.

Sd/- GHAZNAFAR ALI KHAN,  Sd/- SWARAN SINGH  
Leader, PAKISTAN DELEGATION.  Leader, INDIAN DELEGATION  

May 8, 1954

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3544. **Agreed minutes of the meeting between Representatives of the Governments of India and Pakistan on Shrines.**

**New Delhi, 15 May 1955**

The following were present

**INDIA**

1. Shri Govind Ballabh Pant, Minister for Home Affairs.
2. Shri C.C. Desai, High Commissioner for India in Pakistan.
3. Shri AN. Pai, Secretary, Ministry of Home Affairs.
4. Shri S. Dutt, Commonwealth Secretary.
5. Shri V.C. Trivedi, Director, Pakistan Division, Ministry of External Affairs.

**PAKISTAN**

2. His Excellency Raja Ghazanfar Ali Rhan, High Commissioner for Pakistan in India.

(1) **Prevention of Border Incidents**

It was agreed that all possible steps should be taken to prevent border incidents. A joint committee of representatives of the Governments of India and Pakistan and of representatives of the Governments of the two Punjabs, should evolve a plan indicating the measures to be adopted for preventing recurrence of such incidents. The Committee should submit immediately a report for the consideration of the Ministers.

(2) **Shrines and Holy Places**

The Ministers referred to the Agreement reached between the two Governments on this issue in July-August, 1953 and decided that a Joint Committee of the representatives of the two Governments should be formed to work out the details of implementation of the terms of this Agreement. The Committee should, *inter alia*, prepare a list of important shrines in West Pakistan and certain selected areas in India, the protection and preservation of which should be the special responsibility of the Government concerned. The committee should also consider the question of properties attached to these shrines and the income derived therefrom in accordance with the July-August, 1953 Agreement. The Committee should submit its report to the Ministers as early as possible and in any case within three months of its formation. If necessary, the Committee might visit the shrines concerned in the two countries.
The two Ministers agreed that all facilities and assistance should be given to pilgrims visiting shrines and holy places in the other country either as individual pilgrims or as pilgrim parties. In accordance with the Indo-Pakistan Agreement of the 9th April, 1955 on liberalisation of travel facilities between the two countries a revised passport and visa scheme was being worked out by the two Governments. Provision should be made in the scheme for free and liberal grant of travel facilities to pilgrims.

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New York, October 12, 1965.

I mentioned a moment ago how, within the last months, we have twice become the victims of Pakistani aggression. The first time was in April last, when Pakistan surreptitiously moved its forces into the Rann of Kutch and later, with heavy armour, took certain posts well within our territory in that area. Our only fault there was that, while defending ourselves, we refused to allow the strife to be escalated. For the sake of peace and the establishment of good-neighbourly relations we indicated to Pakistan ourselves and through others that we were prepared to exercise the utmost restraint in spite of grave provocation. Thus once again we gave proof of our earnest desire to reduce tensions and of our willingness to resolve differences between our two countries. It was the same spirit which had moved our late Prime Minister, Jawaharlal Nehru, on 28 November, 1950 to offer Pakistan unconditionally a no war pact, an after which was renewed by Prime Minister Shastri last year. Pakistan’s aggression in the Rann of Kutch and in Kashmir this year reveals why it has consistently refused to accept an offer this nature.

It was in this larger context that we signed, on 30 June 1965, the Agreement on the Rann of Kutch, a boundary dispute born out of the spurious claims made by Pakistan. Pakistan mistook our readiness to arrive at a peaceful settlement, our self-restraint, as a sign of weakness.

Even before the ink was dry on the Pakistani signatures on this agreement, Pakistan commenced on 5 August a fresh and major aggression on India. In fact, while the Kutch Agreement was being signed, preparations were already in full swing in Pakistan to send across the old Cease-Fire Line thousands of
troops in civilian disguise. Starting on 5 August 1965, this aggression continued unchecked and unabated despite the fact that India promptly took it up with Pakistan. India brought this to the attention of the United Nations Chief Military Observer, General Nimmo; the Chief Military Observer brought it to the attention of the Secretary-General; and finally, the Secretary-General himself brought it to the notice of the Security Council on 3 September Pakistan’s replies were a bland denial of responsibility, a familiar technique adopted by aggressors. Between 5 August and 14 August, we showed the utmost forbearance and self-restraint, hoping that our protest to Pakistan and the reports of the United Nations Observers about the massive assault on the Cease-Fire Line would have some effect. For ten long days while armed marauders were on the rampage, we kept hoping that good sense might prevail, that good advice might be forthcoming, and that pressures for peace might emanate from the United Nations. In the meanwhile, our brave people in Kashmir threw some of the infiltrators out and round up a good number. But as some of them were being dealt with, more armed aggressors in civilian disguise came in, wave after wave, each one equipped with hand-grenades, rifles, Sten-guns and other automatic weapons as well as material for sabotage and incendiary action. Conclusive evidence was forthcoming from these armed personnel captured by us to show that thousands more were poised for further infiltration. In order to meet this continuing aggression, our Security Forces, in an entirely defensive and limited action, moved to block the routes and plug the passes in that mountainous terrain through which the infiltrators were coming.

Clearly, the rulers of Rawalpindi, engaged in a planned campaign to subjugate our people and grab our territory in Kashmir, entertained the wild hope that the people would rise in revolt. When this hope was shattered and the people of Kashmir fought the armed marauders manfully and with valour, the rulers of Rawalpindi decided to turn their violent political gamble into a full scale military adventure. On 1 September Pakistan crossed the international boundary and the old Cease-Fire Line, causing the uprooting of thousands of people and posing a grave and imminent threat to the only line of communication between the State of Jammu and Kashmir and the rest of India. This line of communication was the road to Ladakh in North Eastern Kashmir, where the Indian troops, ever since the Chinese invasion of 1962, have safeguarded the cause of liberty at the price of eternal vigilance. Pakistan crossed into our territory with the maximum force and fanfare. A force of two regiments of heavy tanks, supported by Pakistan infantry and with air cover, penetrated twelve to fifteen miles within Indian territory, while the commander-in-Chief of Pakistan, General Musa, exhorted his troops of bite the enemy deeper in order to destroy him. On 5 September they extended the area of conflict by undertaking aerial bombing of the town of Ranbirsinghpura in Jammu and the city of Amritsar in the Punjab. It was then that India took action in self-defence.
I have gone into the matter in some detail because I want to inform this Assembly of the anatomy of this second aggression by Pakistan against India. In defence of the motherland against this treacherous aggression, our armed forces displayed rare courage and valour in the face of superior weaponry, thwarting the design of the Pakistani aggressor to grab our territory. The whole country, all my countrymen of all faiths, stood as one man in the defence of the motherland. This was the biggest disappointment to and defeat for Pakistan, which had planned its hopes on the emergence of forces of discord and disintegration in India.

Some of the representatives have expressed concern about the armed conflict between India and Pakistan. We fully share their concern, as indeed we appreciate their sincere desire for lasting peace between our two countries. This conflict is not of our seeking; at no time have we sought it. Eighteen years ago we came to the United Nations as complainant against Pakistani aggression. Our approach to the United Nations is a testimony to our faith in peaceful methods of resolving situations. In that faith we have tried every possible method to develop and maintain friendly relations with Pakistan. It was in that faith that we tried our utmost to prevent the present conflict from escalating and promptly responded to the appeal of the Secretary-General and the Security Council for an unconditional cease-fire.

As the representatives will appreciate, peaceful and friendly relations among States are not possible without a genuine respect for the rule of law, and the sovereignty and territorial integrity of one's neighbours. Three times in eighteen years Pakistan resorted to the use of force against India, contrary to its obligations under the Charter.

A lasting peace between India and Pakistan cannot be brought about by ignoring these facts, much less by appeasing the aggressor. It is, therefore, necessary for me to make my Government's position clear beyond any shadow of doubt. Legally, constitutionally, morally and on the basis of the will of the people, the State of Jammu and Kashmir is an integral part of India Union. This is the position on which India takes its stand and will continue to do so. The people of Jammu and Kashmir, together with the fellow citizens in other parts of India are the architects of the largest democratic State in the world, a State rooted in popular will expressed through freely chosen institutions and periodic general elections, based on adult franchise. There is no better way of giving reality to the freedom of the people.

While Pakistan pursues the path of violence and aggression, while it talks to us and to the United Nations in terms of threats and while it attempts to enlarge the struggle on our northern frontiers, we cannot do any less than defend ourselves. But let Pakistan think in terms of taking covetous eyes off our territory, let
Pakistan think in terms of not trying to undermine or erode the territorial integrity and secular democracy of our country, and it will find in us the friendliest and the most co-operative of neighbours ready to resolve our differences.

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3546. Extract from the speech a Foreign Minister Swaran Singh while replying to the debate on foreign affairs in Rajya Sabha.

New Delhi, November 24, 1965.

ARAB COUNTRIES ATTITUDE TO INDO-PAK CONFLICT

Sir, a reference was made briefly by me and also by the Prime Minister to the Casablanca Conference of the Arab Heads of States. I would like to say that some suggestions which have been directly and indirectly made by some hon. Members in this House that the Arab world has not understood our case properly are suggestions which are not based on a correct appreciation of the situation and the attitude of the Arab countries. The Arab countries, by and large, are fully convinced that the Pakistan attempt to give the question of Jammu and Kashmir a communal colour is something which is completely untenable. Arab countries are firmly of the view that the Muslims of Kashmir are only less than five percent, or may be four percent, of the total Muslim population of India and as such they know fully well that they cannot, even taking a communal view, adopt an attitude about Kashmir which might be seemingly in the interests of those four percent Muslims and ignore the feelings, sentiments and the firm stand taken by the 9.5 or 9.6 percent of Muslims. In their general attitude also I am very happy that the Arab States do not take a communal view of international affairs. Now may be that some countries out of them may not fully understand our viewpoint and they may not be completely with us but it will be doing injustice to the Arab world if we were to say or to suggest that they look at this problem or in fact at the several other problems that face the international community from a communal angle. I know it for a fact that some Arab countries, some important Arab Press people actually questioned Jordan when she made the statement which was pro-Pakistani and against the Indian viewpoint and they urged on the Jordanian representative that his statements which are not objective may embarrass the Arab world also.

So far that is the general attitude that is taken by the Arab countries. I carefully scrutinized the statements that were made by their representatives in the General
Assembly and I can say that besides the UAR, about which I made a reference in my opening speech the day before yesterday, four or five other Arab countries also made statements which were objective. They did not take sides and we should not try to misunderstand. Whenever there is any conflict or any fight going on, the immediate objective and the immediate urge before everybody is to ask both sides to stop fighting and to return to normal conditions of peace. I would like to mention in this connection the names of Lebanon, Kuwait, Algeria and Iraq. The representatives of these countries made statements which cannot be construed as against our interests. Sometimes we are very sensitive and whenever there is any mention of United Nations Resolutions, we get a little upset. We should not have that attitude. After all we are there in the United Nations and the latest United Nations Resolution is the 20th September Resolution of 1948 and 1949. So, any general statement that is made about settlement of the difference between India and Pakistan on the basis of UN Resolutions should not frighten us and we should not read into it something which is not meant or which is not intended to be read. When we are facing a conflict with another country, we should be quite objective.

I agree with the hon. Member opposite, who was repeating again and again, that we should not be complacent. Certainly we are not complacent. We would be failing in our duty if we showed complacency. I am modest and I do not say many things, but I do not think there can be any charge of complacency against us either in the handling of the internal situation, with the other countries of the world. That is the last thing that we can be accused of. We know that vigilance and very keen vigilance is the price which we must pay to safeguard and defend our freedom. That is the determination that we have to bring to bear whether it is on the home front or in the management of our affairs internally, to which the leader of the DMK made such a pointed reference. Several other hon. Members also made that reference. In the matter of our defence and in the matter of our relations with other countries, we have constantly to be on our guard because the moment is such. It is a grave occasion in our history, as the Prime Minister said yesterday, when we are faced with danger not from one but from two sides and on such an occasion to talk of complacency, I think, is not fair. I know that all of us are fully conscious of our responsibilities. Not only the Government, but also the Opposition Parties have fully co-operated in bringing about that atmosphere and I am sure that the appeal of the Prime Minister yesterday was quite in consonance with the suggestions that had been made by several hon. Members on this important question.

COMMONWEALTH

Mr. Chairman, a reference was made to the attitude of the U.K.—the U.K. press. The U.K. Government and the U.K. leaders—and in that connection some hon.
Members, both from this side as well as from the Opposition Benches, who said that this is a matter which has to be viewed with caution. I am of opinion that our attitude on our continuance or non-continuance in the Commonwealth should not be linked too much with the attitude which was shown by the British during this conflict. Now that is unfortunate and we have a just cause for feeling aggrieved that there was not just lack of understanding, but on several occasions a twist against us and in favour of Pakistan in the presentation of facts, in press reporting and even in the statements that were made at authoritative levels. That is a matter which has caused great disappointment to us. Some hon. Members have asked why we should feel disappointed because we should know that they have followed a particular policy, a policy which showed a lack of understanding of our position on Kashmir. Whereas we were, more or less, reconciled to seeing the British opposed to us in their attitude on Kashmir, I think the matter which caused great disappointment to our people and also resentment was the absolutely incorrect presentation of the facts of aggression, which has to be distinguished from their attitude on Kashmir. That attitude is there. I do not like it. I think it is not based on the facts of the situation or even on the justice of the case, but then there was absolutely no justification for not trying to understand and appreciate correctly the facts as they unfolded themselves relating to the Pakistani aggression on Jammu and Kashmir and other parts of India and it is that which has really annoyed the people more than their more or less consistent or repetitive attitude on the question of Kashmir. Now, in this case it is an easy way to explain that they did not have enough facts. Well, no responsible organ of public opinion and no responsible leaders make pronouncements based on insufficient data. Insufficient material is seldom accepted as a cause for making incorrect statements and even if any incorrect the earlier erroneous impression. I do not see any forthright statement that the earlier statements were made based on an incomplete understanding or insufficient data and now this is the correct state of affairs. I do not see any such frank admission, because that also alters the situation. So, the resentment of our people in that respect is justified and I do not go counter to that. As to whether that should by itself be enough reason for us to quit the Commonwealth is an issue which we should examine in all its aspects, including this aspect. I do not say that this aspect is not relevant, but what I do strongly urge is that it is not conclusive. There are other relevant factors which we have to take into consideration. As has been pointed out by many hon. Members, there is the African component of the Commonwealth and there is the Asian component of the Commonwealth. At the present moment, the Commonwealth is faced with a grave problem.

The problem of Rhodesia is something which may have serious repercussions on the future of the Commonwealth. Already I have seen some statements where some African leaders have given indications that the future of the Commonwealth itself may be on trial. We will have, therefore, to take careful
note of all these considerations and we should take a decision after weighing all these things in their proper perspective. Our bilateral relationship between India and the U.K. will be one factor. On this bilateral relationship also, I do see some signs of change, although the reversion to normal relations is not as rapid or as full as the situation warranted.

It is my hope that these signs of change stabilize and the correct position is appreciated by the United Kingdom. Some right thinking persons there inside and outside the Government are conscious of the strength of feeling on this issue in India, and I am sure that they will take note of it and will adopt an attitude which would be one of understanding and not one based upon either incorrect data or wrong appreciation of the situation or on other extraneous considerations.

**SINO-PAK COLLUSION**

Sir, I would like to take this opportunity of explaining one thing which cropped up yesterday about the attitude of the Chinese on the question of Kashmir. This point was briefly touched upon at the time of the question hour and I would like to complete that picture so that the House may be aware of the changing attitude of the Chinese Government on the question of Kashmir. I made a brief reference to it while I was replying to supplementary questions, but lest in isolation that might create a wrong impression, I would like to take the House through the various stages of change of attitude adopted by the Chinese leaders have been making statements which are even more in favour of the Pakistani view than Pakistan itself. They are talking now of the right of self-determination of the people of Kashmir and of India having committed aggression and having gone back upon the pledges to the people. These are extreme statements that are made by Chinese leaders in their present postures. In that connection a joint statement issued by the Pakistan Foreign Minister and the Chinese Foreign Minister on the 7th of March 1965 went a little further towards the Pakistani side as compared to the earlier statement. The statement again, six months later, on 7th September 1965 is a complete going over to the Pakistani side, and the 7th September, as the House is aware, is the second day of our defensive action against Pakistan. These dates are important. This is a very clear proof of this collusion and conspiracy between Pakistan and China. On 7th September they talked of India having gone back on pledges given to the Kashmiri people and to Pakistan about self-determination and the like. Even six months earlier they were talking of settlement of this question in accordance with the wishes of the people in a broad way. Our case is that we have already settled it in accordance with the wishes of the people. There was a Constituent Assembly, there have been three elections, and the wishes of the people have been demonstrated in the resistance that they have shown to the aggression by Pakistan in 1947-48
and again in 1965, so it has already been settled in accordance with the wishes of the people. Even in six months in their accent, in their emphasis, they have completely changed over to the Pakistani side. Before that they were either quiet or made statements at some stages which appreciated the Indian viewpoint.

In that connection I would like to mention, Mr. Chairman, that on March 16, 1956, when our Ambassador in Peking saw Premier Chou En-lai, the latter while discussing the communique issued in Karachi by the SEATO Council expressed the view: "India had now more reason to state that not only SEATO but the United States had no reason to intervene in the Kashmir question. Moreover the Kashmir people had already expressed their will". This was the position of Premier Chou En-lai on 16th March, 1956. Then again a similar impression was gained at the meeting between the Secretary General, Indian Ministry of External Affairs, and the Chinese Premier in July 1961. Thus the Chinese Government had made us believe that they had accepted the Indian position on Kashmir without any reservation. However, in May 1962 when China started this collusion with Pakistan—and you might recall, Sir, that Pakistan and China had entered into an agreement to demarcate the boundary between Jammu and Kashmir and Sinkiang—and on that occasion when we protested to the Chinese that they had no business to enter into this agreement with Pakistan, then again they went back upon the earlier statements made by Premier Chou En-lai in 1956 and also in 1961 and said that their statements must have been misunderstood. This is the familiar Chinese pattern of going back upon their earlier statements. It will be seen from what I have said that the Chinese have been constantly changing from one position to the other on the question of Kashmir depending upon their closeness of collusion and conspiracy with Pakistan born out of the common enmity which unfortunately is entertained by the Chinese and the Pakistanis against India. I will not touch upon the other aspects of the present relationship with China and their aggressive postures because this matter has been dealt with at great length by the Prime Minister. And I have no intention to add anything to what the Prime Minister has already said on this issue.
3547. Agreement between the Chief of Army Staff of India (COAS) and Commander in Chief (CINC) of Pakistan Army for disengagement and withdrawal of Troops in pursuance of the Tashkent Declaration.

February 1, 1966.

Agreement between Chief of Army Staff India and C-IN-C Pakistan Army for Disengagement and withdrawal of Troops in Pursuance of the Tashkent Declaration.

INTRODUCTION

1. This agreement is in four parts:-

PART-I- Procedure concerning the immediate disengagement of troops and reduction of tension;

PART-II- Procedure concerning the withdrawal of troops from the occupied areas;

PART- III- Procedure concerning reduction of tension in the Eastern sector;

PART- IV- General Points.

PART I
Disengagement of Troops and Reduction of Tension

PHASE I

2. Both forces will withdraw 1,000 yards from the line of actual control in sectors as specified below:-

(a) RAJASTHAN/SIND
(b) AMRITSAR/LAHORE
(c) JAMMU/SIALKOT
(d) AKHNUR/CHHAMB(from River Chenab NW8061 to MAWA WALI KHAD NW 7770)

In all other sectors including sectors divided by the 1949 Cease Fire Line, troops will continue to hold their respective picquets as by so doing they will be
automatically separated from each other. The only exception to this will be where, in hilly terrain, opposing forces are at present considered to be too close to each other, each side will withdraw to a distance to be mutually agreed upon by the local commanders not below the rank of Brigadier.

(Note:- In the AMRITSAR-LAHORE sector, this 1000 yards withdrawal will be modified so that PAKISTANI TROOPS who are actually on the WEST Bank of the BRB Canal and India troops who are on the East bank of the BRB Canal facing each other will withdraw all armed personnel off the embankment to a distance of 200 yards on each side. Unarmed personnel may, however, live, move and work in this area.

The same principle will apply in SULAIMANKI-FAZILKA sector, HUSSAINIWALA sector and KHEM KARAN sector.)

3. After the withdrawal in this phase no new defences of any kind will be prepared in occupied territory.

4. There will be no movement of armed military, para-military or police personnel either armed or unarmed within the demilitarized zone and no civilian personnel will be permitted within it by either side.

5. The period for completion of this phase will be five days.

**PHASE II**

6. In this phase both sides will remove and nullify all defences which will include the –

   (a) lifting of mines; and
   
   (b) dismantling of all other defence works, less permanent defence structures constructed of steel and cement.

The period for completing this phase will be twenty one days which will commence immediately after the five day period mentioned in para 5.

7. Working parties for this purpose will be formed by unarmed military personnel in uniform. No civilian or civil labour will be used for these tasks.

8. While every effort will be made to dismantle all defence works within the specified period, where owing to weather and other conditions it is not possible to complete this, the uncleared areas so left will be clearly marked and a sketch of these given to the other side.

9. There will be no firing of weapons or use of explosives within 10,000 metres of the line of actual control. Where explosives have to be used to dismantle
defence works, this will only be done under supervision as specified later and after due intimation to the other side.

10. The present agreement affecting restriction on flights of aircraft will continue to apply.

11. To ensure that the action agreed to in PART I above is being implemented in letter and in spirit, the good offices of UNMOGIP AND UNIPOM will be utilized. In the event of a disagreement, their decision will be final and binding to both sides.

**PART II**

**Withdrawal of Troops from Occupied Area**

12. After the dismantling of defences has taken place all troops, para-military forces and armed police who are now on the other side of the international border and Cease Fire Line, will be withdrawn. This withdrawal will be completed by 25 Feb. 66. If, in any particular sector or part of a sector, the dismantling of defences has been completed earlier than the last date specified, withdrawal may be sector-wise if mutually agreed to.

13. During this withdrawal, there will be no follow up by civilians, armed military, para-military or police personnel until 25 Feb. 66. Only unarmed military personnel at a strength mutually agreed upon at the sector level may move into these unoccupied areas for normal police duties (see paragraph 16 below).

14. After troops of both sides have crossed into their own territory, the procedure which was being followed by PAKISTAN and INDIA before 5 Aug. 1965, for the security of the international border and the Cease Fire Line, will apply. Attention is drawn to Ground Rules 1961 for West Pakistan/Punjab, Rajasthan and Gujarat (INDIA).

15. It is essential that under all circumstances troops must move out of occupied areas by 25 Feb. 66, even if the dismantling of defences and lifting of mine have not been completed.

16. For immediate settlement of any points of dispute that may arise, sector commanders not below the rank of Major General will be designated by name and appointment both by INDIA and PAKISTAN who will meet to settle the differences. Telephone or R/T communication will be established between these designated sector commanders and will be permanently manned.

17. Any matter on which there is disagreement will be referred to the CinC PAKISTAN Army and COAS INDIA for their joint decision. If the issue is still not resolved by them, the good offices of Major General T MARAMBIO will be utilized and his decision will be final and binding on both sides.
PART III
Reduction of Tension in the Eastern Sector

18. The limit of withdrawal in the Eastern Sector will be left to local commanders not below the rank of Major General to mutually decide where necessary, in consultation with the civil authorities concerned. Both sides will arrive at a working agreement as soon as possible.

19. Border Security Forces consisting of armed para-military units, police or any other irregular forces of both sides will not open fire across the border under any circumstances.

20. Any encroachments across the border will be dealt with through apprehension of personnel concerned and thereafter handing them over to civil authorities.

21. In any case where firing takes place across the border it will be investigated on the spot by a joint team consisting of border personnel from both sides within 24 hours of occurrence. Brigade Commanders/DlG responsible for this investigation will be designated by name and appointment sectorwise for WEST BENGAL, ASSAM AND TRIPURA by INDIA and for the adjoining areas of EAST PAKISTAN by PAKISTAN.

22. Liaison between commanders and telephone communications at various levels will be established as given in paras 12 and 13 of the Ground Rules for INDO-EAST PAKISTAN border.

23. To ensure that the above agreement is fully implemented, quarterly meetings will take place between Army and police authorities of INDIA and PAKISTAN, alternately in INDIA and PAKISTAN, to assess the extent to which this agreement is working in practice.

24. These are a supplement to the Ground Rules formulated by the Military Sub-Committee of the Indian and Pakistan delegation on 20 Oct 1959.

PART IV
General Points

25. In order to resolve any problems that may arise in the implementation of this agreement and to further maintain friendly relations between the two countries, the CinC PAKISTAN and the COAS INDIA will meet from time to time. The meetings will be held alternately in INDIA and PAKISTAN and will be initiated by the respective Governments concerned.

26. Ground rules to implement this withdrawal agreement in the Western Sector will be formulated by Lt. Gen. BAKHTIAR RANA – PAKISTAN and Lt. Gen. ...
MINUTES OF THE MEETING BETWEEN GOC –IN-C, EASTERN COMMAND (INDIA) AND GOC 14 INF DIV (PAKISTAN) AT CALCUTTA ON 1 FEB 66.

1. The meeting took place pursuant to the agreement at DELHI between the COAS INDIA and the C-in-C PAKISTAN on 22 Jan. 66. It was reiterated that the aim of the meeting was the reduction of tension on the INDIA-EAST PAKISTAN border. The points discussed and decisions arrived at are contained in the succeeding paragraphs.

2. It was decided that all regular troops will be withdrawn from the border. The actual limit of withdrawal would be decided later. The GOC-IN-C Eastern Command stated that orders to this effect had already been issued by him.

3. All defences, other than those which existed before the emergency, will be vacated and destroyed/filled in both by regular and police forces of both sides, by 15 Feb 66.

4. It was reiterated that the Ground Rules of 1959, which are fairly comprehensive and cater for most situations, should be faithfully observed. In this regard particular reference was made to Paragraph 5 of the Ground Rules – 1959.

5. It was agreed that there would be no firing across the border by the security forces under any circumstances and encroachments across the border would be dealt with by apprehension of the persons concerned in accordance with Paragraphs 19 and 20 of the Agreement at DELHI between COAS INDIA and C-in-C PAKISTAN.

6. It was agreed that liaison would be established between IG Border INDIA and DIG EPR, EAST PAKISTAN as well as between DlsG BENGAL, ASSAM AND TIRPURA borders with the sector commanders to be nominated by the DG EPR. Communications as laid down in the Ground Rules Paragraphs 12 and 13 were to be established earliest.

7. The sector commanders were to be directed to arrive at a working agreement for all places which are generally scenes of firing incidents. In this respect the following places were particularly mentioned – LATHITILLA, BELONIA.
AND RAMGARH. Sector commanders concerned with ASSAM and TRIPURA borders were directed to meet on 8 Feb 66 at LATHITILLA at 0900 hours E PAK time. Brigade commanders concerned would be present at this meeting. Working boundaries in respect of the above mentioned places as well as for other such sensitive areas were to be agreed upon by 20 Feb 66. The sector commanders were also directed to examine the problem created by the construction of spurs and find ways and means to arrive at a solution.

8. It was also decided to recommend strongly to the respective Governments that border demarcation/ ratification/ handing over of territory should be completed expeditiously as until this is done there will always be a risk of border incidents.

9. To review the progress of the agreement, GOC 14 Inf Div (PAKISTAN) invited GOC-in-C Eastern Command and his party to visit DACCA any time at his convenience before 25 Feb 66.

3548. Statement by the External Affairs Minister Swaran Singh in the Lok Sabha while initiating the debate on Tashkent Declaration.

Mr. Speaker, Sir, I beg to move:

“*That the Tashkent Declaration be taken into consideration.*”

I must confess that I might have been able to give a little longer statement at this stage, but the insistence on the part of the hon. Members to ask questions about the tragic circumstances under which we lost our Prime Minister has brought vividly back to my mind - and I am sure to the mind of my colleague, Shri Chavan, also - the very tragic and touching circumstances that were prevailing at the time we heard in our own hotel about the sudden illness of our late Prime Minister.
Sir, after this lapse of time and perhaps in an atmosphere which is different when we have got our own countrymen around us, we can look back with perhaps a little critical eye and with certain objectivity. But we would not be human beings if it were expected that we would be able to face all that in the fortitude that is normally expected from us…

Mr. Speaker, Sir the circumstances and the back-ground in which the two Heads of Government of India and Pakistan, Shri Lal Bahadur Shastri and President Ayub Khan, met in Tashkent are well known. The late Prime Minister, Shri Lal Bahadur Shastri, before the House adjourned on the last occasion, did make a statement about his intention to go to Tashkent and several hon. Members belonging to different parties and different groups made some observations on that occasion. He responded to the suggestion made by the Chairman of the Council of Ministers of U.S.S.R. to go to Tashkent and he agreed to have discussions with President Ayub Khan, so that the relations between the two neighbouring countries, India and Pakistan, might improve. It is not for me to take any time on the description of those relations. I can say that, ever since Partition, in spite of our best efforts at the governmental level and even at non-governmental level, the relations between the two countries, India and Pakistan, continued to be highly strained and this culminated in a clash of armed forces. India faced the aggression and India valiantly ought to maintain the integrity and sovereignty of the country. Our thought first of all goes, when we talk of this conflict, to the valiant soldiers, the valiant airmen and the valiant members of the security forces, police and others, who fought so valiantly and so bravely to save the honour and dignity of our country and to repel the aggression. The spontaneous co-operation offered by the civilian population in actual sustenance of the efforts which had been made by the armed forces and also the psychological impression and feeling of cohesion, of unity, that was created in the country will always remain as the most heart-warming experiences of all of us.

At this stage, it is not my intention to go into the details thereof. When we went to Tashkent, the cease-fire which had been agreed upon by Pakistan and India was very uneasy, and there were violations and violations almost every day, and tens or dozens of these violations sometimes took place in the different sectors in which the two Armies were confronting each other. If my memory helps me aright, we have already lodged protests against something like 1600 or 1700 violations of the cease-fire, before the UN Observers; and there were shootings sometimes by civilians and sometimes by Army men. This was the state of affairs even after a formal declaration by the two Governments that they had accepted the cease-fire in response to the resolution and the appeals issued by the Security Council and the Secretary General of the United Nations.

There was no agreement and there was not even a purposeful discussion about the withdrawal of armed personnel. The two Armies were interlocked. I myself
had occasion to go to some of the forward areas, as I am sure many hon. Members of this House must have done; we had soldiers on either side in trenches and the like, facing each other in the fields with desolation all round, and everyone in a grip of tension. This was the state of affairs when we went to Tashkent.

Before going to Tashkent, Prime Minister Lal Bahadur Shastri had taken this august House and the country into confidence about his way of thinking. On the political question, namely, about Jammu and Kashmir, he had made a very clear statement inside the House and outside that this is an integral part of India, and the sovereignty of Jammu and Kashmir is not negotiable. About this stand, he said that this is our stand on Jammu and Kashmir. I can say without the least hesitation, and with great sense of pride that he stuck steadfast to this position all through these talks in Tashkent, and he did not budge an inch from that stand. He had said when he was there that if the other side said anything about Kashmir or suggested that this was the Pakistan attitude about Kashmir, he would not run away from that meeting or conference or he would not say that he was going to shut his ears to that; but he said in his own inimitable way that when any such question was raised, he would reiterate the Indian position in unmistakable terms, and this was the promise which he redeemed throughout these talks, and this is reflected in the Declaration itself. In the Declaration itself it is clearly mentioned that each side reiterated its position on the question of Jammu and Kashmir. Therefore, there is no doubt that this position was very clearly reiterated.

It is true that Pakistan did not accept our position just as we do not accept their attitude on this, and if I may say so, there was agreement to disagree, and this was not left to chance or speculation but was mentioned in the Declaration itself that each side reiterated its respective stand on the question of Jammu and Kashmir.

On the question of restoration of peace which was the main objective before Shri Lal Bahadur Shastri when he went there, and about which he made no secret, he very patiently, very gently, but very firmly pursued that line from the very beginning of these talks.

I was glancing through the very clear statement that he had made in the plenary session at the time when this conference opened. As the House is no doubt aware, the conference opened at Tashkent in the presence of Mr. Kosygin, Chairman of the Council of Ministers of the USSR with his other distinguished colleagues, President Ayub Khan with his Ministers and other senior members of his delegation, and we were also present at that time. It is very important to note that in the very initial stages, Prime Minister Lal Bahadur Shastri clearly spelt out the objectives that were before him when he entered these talks and discussions which came later.
I would like to remind the House about one or two significant passages in the opening speech of Shri Lal Bahadur Shastri. I am referring to this only to show that what he said in the initial stages really he achieved towards the end when the Tashkent Declaration was actually finalized, and some of the ideas which he had projected in the initial stages were actually embodied in one form or the other in the final Declaration itself. I shall not take long over this, and I shall read out only the most important parts of his speech.

One of the things that Shri Lal Bahadur Shastri in his statement on January 4th, at the time of the plenary session said, was this:

“I know there are many unresolved differences between our two countries. Even between countries with the best of relationship there are differences and even disputes. The question which we have both to face is whether we should think of force as a method of solving them or whether we should decide and declare that force will never be used. If other countries, even those with vast resources and much deeper differences, can avoid an armed conflict and live together on the basis of peaceful coexistence, should not countries like India and Pakistan whose main problem is the economic betterment of their people give up the idea of solving any problems by recourse to arms?”

I shall not read out the subsequent parts, though they are important, but I shall refer to one other part, which was as follows:

“The foundation of good neighbourly relationship should be, as I have said, the acceptance of the policy of peaceful coexistence. In pursuance of this, action will have to be taken on several fronts”.

He even enumerated those fronts. He said:

“For instance, the atmosphere of cold war has to be removed. If through propaganda in the press or by radio, a feeling of animosity or distrust is generated and sustained between the two countries, whatever we as heads of two Governments might say, there will always exist the danger of a conflict. Our aim should be to improve the totality of the relationship between the two countries. Our trade has been shrinking; it should grow instead. Many rivers flow between India and Pakistan; instead of being a source of controversy, they could through co-operative endeavour enrich both our countries. There are many other areas of economic co-operation which given goodwill and understanding can be developed to our mutual advantage.”

I am referring to this in order to show that when Shri Lal Bahadur Shastri went, the immediate objective before him was that of reversing the trend that
unfortunately bedeviled the relations between India and Pakistan. Not only was he conscious that without reversing this trend, good relations and good neighbourly relations would not develop and would not be strengthened between the two countries, but he had a positive picture before him of developing and strengthening the economic relations so that the normal relations between the two countries should develop and prosper and get strengthened.

When he said that, immediately thereafter, being a great realist, he had said:

“In saying all this, I am not trying to suggest that we could shut our eyes to the many points of difference that exist between the two countries. I do not want to enumerate them. But what I do say, however, is that all these problems must be resolved through talks and negotiations and not by resort to force. An armed conflict created more problems than it solves. It is an impediment to understanding and agreement. On the other hand, in an atmosphere of peace, we can make real progress towards solving the differences between us.”

I am sorry I read this out, but I could not find better words really in support of the basic philosophy behind the Tashkent Agreement than the words of our late Prime Minister Shri Lal Bahadur Shastri. These words he did not utter after the finalization of the agreement, but they were something prophetic in the opening address that he made.

All the essential ingredients of the Tashkent Declaration are embodied in these sentiments which were so vividly and so touchingly expressed by Shri Lal Bahadur Shastri in his opening speech.

If this Tashkent Declaration is examined in that background, I am sure that every section of this hon. House and I hope our countrymen at large will be convinced that Shri Lal Bahadur Shastri went to Tashkent with certain clear objectives before him; and we are very happy and very proud, in retrospect, to recall that he succeeded in a very large measure in reversing the trends that existed between the two countries and in generating an atmosphere of peace and in stabilising peace between our two countries. I am a realist enough, having been involved in these Indo-Pakistan problems ever since the unfortunate partition took place and Pakistan was created as a separate country; I myself had to deal with various problems, very painful problems, even when I was in Punjab, the huge problems that were created by migration of people, division of assets and the like and all the tensions that got built up. It is very easy for people sitting and taking a very theoretical view and trying to scrutinize each and every word and attempting to point out that an ‘I’ could be dotted or a ‘t’ could be crossed, but it is easily forgotten that if the objective to be achieved is the reversal of the unfortunate trend, that has to be done on a somewhat reciprocal
basis. It was also his objective, which sticking to my basic objective, I am flexible enough to see the viewpoint of the other party also, because he was not a person who would like to adopt an attitude where at the end he could say, ‘I have turned down all the points that were suggested by the other side and I have achieved all that I wanted to’. That was not the spirit in which he entered these discussions.

I am mentioning this because it is very easy to criticize these things. If I alone were the author of that document, if an Indian representative had probably had to draft this Declaration, its language could be different, its content could perhaps be stronger. But let us always remember that this was a document which was evolved as a result of very elaborate discussions, and the attitude on our side - I will be quite frank in saying that - was not to take a rigid stand. We were fully aware - I and my colleague, Shri Chavan, were assisting our late Prime Minister, Shri Lal Bahadur Shastri, assisted by our advisers - we were always conscious of, and kept before us, the basic objective. Sticking to our basic objective, we did not want to take such a rigid attitude that no option was left to the other side except to say ‘no’. Also, we were anxious to achieve a solution which should be broadly acceptable not only to the two Governments or the heads of government but to the people of India and to the people of Pakistan.

Therefore, I would beg of this hon. House to scrutinize this agreement in that background also. It is not a document of which I alone am the author. It is a compromise document. You may find that there are adjustments at several occasions, adjustments which we very carefully scrutinized to meet the viewpoint of the other side.....I was submitting that there are portions in this document which can be regarded as compromise proposals or proposals which are the result of a compromise between two different viewpoints. In fact, I am happy that we were able to achieve this agreement in which either side, when they would go to their country, could project to their own people that this is something in which there is no defeat for any party, but there is this gain because both sides have gained peace and our efforts on both sides have to be directed to stabilize and strengthen that peace and to give real content to that concept of peace which is the king-pin of the Tashkent Declaration.

Having said that, I would now like to mention some of the points which have been worrying certain hon. Members of this House and even people outside. Before doing that, I would very humbly urge, and very earnestly appeal to, all sections of the House and my countrymen at large not to view this as a party issue. This is a national issue and we have to look to the interests of the country as a whole, to the interests of the people as a whole. I would appeal to hon. Members not to make political capital of it but to view it as an issue which concerns all of us.
One of the points of criticism in the statements of some hon. Members in the press and elsewhere is about the withdrawals. On this, I would not like to say much. I would only draw attention of the House to the stand that the late Prime Minister, Shri Lal Bahadur Shastri, had taken when he was approached by the UN Secretary-General for a cease-fire and for withdrawals. In response to that, Shri Lal Bahadur Shastri in his letter to the UN Secretary-General of 14 September 1965 had stated this:

“Let me make it perfectly clear, Mr. Secretary-General, that when consequent upon the cease-fire becoming effective further details are considered, we shall not agree to any disposition which will leave the door open for further infiltrations or prevent us from dealing with the infiltrations that have taken place”.

This was the criterion that he had enunciated. This he had repeated in different forms in the House, in the other place and also in his statements to the press. We have to examine whether the Tashkent Declaration, judged in the light of these statements, answers some of the doubts that have been raised. May be, the doubts had been raised about the wisdom or propriety of the withdrawals of the armed forces without appreciating the various aspects.

In this connection, without going into details, I would mention three salient points. In the Tashkent Declaration there is the agreement signed by the two Heads of government that they will not have recourse to the use of force for settlement of any dispute between the two countries. Secondly, they have agreed that there will be non-interference in the internal affairs of each other. Thirdly, that in the Jammu and Kashmir State cease-fire terms on the cease-fire line will be observed. Now, if these conditions are faithfully carried out by each side, the basic condition that Shri Lal Bahadur Shastri had made when he wrote to the Secretary-General, and which he repeated in different forms in the House and outside, is satisfied. I claim that these three conditions fully answer any doubt that may arise in the mind of any hon. Member here.

Sending of infiltrators, armed infiltrators, as was done by Pakistan and under their inspiration and guidance, when they sent people in this manner into the State of Jammu and Kashmir, that was obviously use of force. What else is use of force if sending of armed infiltrators into another territory is not use of force? This is obviously use of force.

Observance of the cease-fire terms, on the cease-fire line is another important thing. Then non-interference in international affairs. I am conscious, I know that some of the doubts that have been raised in the minds of the hon. Members and other persons with the best of intentions - I do not say anything against any individual - may be due to some of the interpretations which have been put in one sided manner by commentators or sometimes even by public men, even
Ministers of Pakistan, but it will be a very unsatisfactory state of affairs if we are deflected from an objective interpretation of something which is in writing, and if we get excited about the one sided interpretation that might be put on any provision on the other side. The obvious course that is open to us at that time is to clearly state their interpretation is incorrect, and that we have taken care to clarify on various occasions. That is why I am saying that our interpretation, which is borne out by the text and by the background and by the circumstances, is quite clear and quite unambiguous that these three conditions definitely take care of infiltrators. I would like to add one thing more. I was saying that the three conditions that are embodied in the Declaration provide fully the necessary guarantees, the necessary agreement, and this definitely covers the infiltrators.

I would like to remind the hon. House that even Pakistan does not claim that they have the right to send infiltrators. They have never owned any responsibility for the infiltrators. We have always tried to pin down the responsibility on them. It is something which is not even claimed by them that by this agreement they have the right to send infiltrators. So, why should we say something which is not even suggested or claimed by them? It is quite obvious that non-use of force, observance of the cease-fire terms, non-interference in internal affairs, these three are very important points, and this is the real basis for our interpretation, which is fully borne out by the background and the circumstances, that infiltrators are covered.

About withdrawals, the occupation of Kargil, Haji Pir and Tithwal, as was stated by my colleague, Shri Chavan in the House and also by Shri Lal Bahadur Shastri on several occasions, was necessitated by the military situation that faced us. Here were these large numbers of armed infiltrators coming in. We approached Pakistan that they should own responsibility and withdraw them. They did neither of the two. We had, therefore, to defend our territory, and to prevent infiltration we moved to these places. We went to Kargil because we had to protect our lines of communication to the Ladakh area. All those actions had been taken with the object of safeguarding our integrity, safeguarding our sovereignty over these areas, and therefore, after these three conditions have been agreed upon that cease-fire terms on the cease-fire line will be observed, non-use of force, which, I have said, covers infiltrators, and non-interference in internal affairs, our continuance in those areas was a question about which we did not take a decision lightly. We were faced with this position... (interruptions)

At this stage I would say both withdrawal and the question of infiltrators are linked with the three conditions, the three important decisions that had been agreed upon between the two governments, and this explains the withdrawal.

We were in Haji Pir, we were in Kargil, we were in Tithwal. We were also in the Lahore and Sialkot sector, and Pakistan was in the Chhamb sector; they were also
in Amritsar District in the Khemkaran area and they were also in certain parts in Rajasthan. So, the question that was before my colleague Shri Chavan and myself was this. Shri Chavan gave a great deal of consideration to the military aspect, and all of us had to take a decision as to whether there will be justification for us to continue to stay in Haji Pir, in Tithwal and in Kargil and to face also the situation that Pakistan continues to stay in Chhamb and in Khemkaran and Rajasthan, and we continue to stay in Sialkot and Lahore after these three conditions had been agreed upon. I may make it clear, and I am sure that any person who dispassionately examines the situation will agree with me, that after these three conditions are fulfilled, it does not stand to reason that this military confrontation between the two countries should continue, that our soldiers should continue to lie in the trenches and in the fields facing each other at a distance of 50 to 100 yards, with sniping going on all the time, with cease-fire violations and killings going on, with civilians on either side in the grip of tension and the 600 million people of India and Pakistan always under this tension.

I would most earnestly appeal to the hon. Members to view it in that background. We were fully convinced that after these agreements we must accept this disengagement and must withdraw. It was in pursuance of this very careful examination that Lal Bahadur Shastri came to the conclusion that notwithstanding the agreement on these three issues, if we continue confrontation we would not be acting in the best interests of the people of India and Pakistan and we would also be creating the impression all over the world that notwithstanding these reasonable arrangements these countries were determined to carry on the policy of confrontation and tension. So, we have to view this question of withdrawals in the background of these observations that I have made.

There are other positive features of this agreement. Some people say that this might affect our military preparedness. That is a subject on which Shri Chavan with his intimate knowledge and the way he has handled our defences at a very crucial and difficult moment is more qualified to give any further detail. He had applied his mind very carefully and he and his advisers were of the view that far from affecting our defence preparedness any lessening of tension in one area obviously adds to the defence potential. There is an arrangement here that there will be various meetings at Ministers’ level and official level so that this polarization, this unfortunate cutting of all lines of communication that has taken place as a result of the conflict and the mounting tensions these should disappear. People at various levels and directly concerned with all aspects of governmental and public life should meet each other and try to resolve the problems that require to be solved, for the two countries have to live in good neighbourly relations.

Tashkent Declaration can broadly be divided into two parts. The first part that I
have touched upon gave a great deal of attention to undoing the many complications that had arisen as a result of the conflict. Diplomatic relations had virtually, though not formally, been snapped; the missions were not functioning; there was no communication between the two; over flights were not there. A number of other things have happened. There were internees and prisoners on either side. All these problems that had been thrown up as a result of the armed conflict were sought to be normalized and normal neighbourly relations between the two neighbours were sought to be restored. The central philosophy was the insistence on peace. The actions that were taken really follow from that. It is not my intention to go in greater detail. I have confined myself to certain broad aspects and a broad approach and the main structure of the Tashkent Declaration. I want to make it clear that we on our side are determined to implement very faithfully and very conscientiously this agreement which was, if I may say so, the last gift of our late Prime Minister Shastri to our country. He led the country in an admirable manner when our country faced aggression and the honour and dignity of the country was raised by the heroic manner in which we defended our country under his leadership. I am sure that the path of peace is really our normal way of thinking and it is a path which we ourselves have asked other countries to follow because we genuinely believe in the path of peace. The return to the path of peace should be a matter of satisfaction rather than a matter of criticism or concern to any section in our House.

3549. **Statement by Defence Minister and Leader of the Indian Delegation to the UN General Assembly Swaran Singh in reply to the Statement of Pakistani Foreign Minister.**

New York, October 10, 1967.

Members of the Assembly will have noticed that in my statement I did not refer to the India-Pakistan question. My restrainst was conditioned by the Tashkent declaration of which both India and Pakistan are signatories. It is therefore all the more regrettable that the Foreign Minister of Pakistan has once again chosen to refer to certain matters which are the internal affairs of India. I have no desire to enter into a controversy with him. I shall simply say that those charges have no basis whatsoever. I repudiate them in their entirety.

I shall now confine myself to some indications of positive approach which I see in the statement of the Foreign Minister of Pakistan. I welcome his statement.
that Pakistan had agreed at Tashkent between the two countries. India and Pakistan had agreed at Tashkent that relations between the two countries should be based on the principle of non-interference in the internal affairs of each other. They also agreed not to have recourse to force and to settle their disputes through peaceful means. Further, they agreed that the two sides would continue meeting both at the highest and at other levels on matters of direct concern to both countries.

Another important provision of the declaration was the agreement of the two Governments to discourage propaganda directed against each other and, in fact, to encourage propaganda which promotes the development of friendly relations between them.

Ever since the signing of the declaration, India has made several attempts to start a constructive dialogue with Pakistan. Contrary to what the Foreign Minister of Pakistan has stated, the Prime Minister of India has also affirmed more than once and profound desire to have good neighbourly relations with Pakistan. For example on 5 April 1967 my Prime Minister said;

"We have always stated our point that it is necessary, in fact it is vital, for India and Pakistan to work in co-operation on as many issues and in as many spheres as possible because we are neighbours and because we share the same problems and difficulties, and we shall certainly continue to make every effort possible to have greater understanding and goodwill with Pakistan."

On our part, I should like to repeat with all sincerity that India is willing to discuss all disputes - I repeat, all disputes with Pakistan without any preconditions. The Government of India stands by the Tashkent declaration and will patiently wait for a constructive response on the part of Pakistan.
3550. Statement by Pakistan Foreign Minister Sharif Uddin Pirzada at the UN General Assembly Session in reply to the Statement of the Leader of the Indian Delegation Swaran Singh.

New York, October 10, 1967.

The Defence Minister of India thought it necessary to reply to the statement I made this morning. I note that he did not refute anything I said on the substance of the India-Pakistan question or the situation in Jammu and Kashmir. He claims to have exercised restraint in not referring to the Kashmir dispute in the course of his statement during the general debate.

May I suggest that it was not restraint on his part which prompted that silence. Obviously India would prefer that the United nations forget Kashmir.

The people of Jammu and Kashmir have no means of making their voices heard here; it is, therefore, Pakistan that has to remind the world of the continuing denial of the right of self-determination to them.

I did not refer to anything which could even remotely be considered an internal affair of India. If India is willing to discuss all disputes - I repeat “all disputes” - with Pakistan, then why is it that India is not prepared to enter into negotiations with Pakistan for a settlement of the Jammu and Kashmir dispute? This is a very simple question; it admits of no evasion. Let us have a forthright answer. Let the Defence Minister of India clearly tell us that India is prepared to have meaningful negotiations with Pakistan so that the dispute that has twice led to fighting speedily reaches a just and final solution. Then all arguments would cease and all polemics would become irrelevant.

It is the difference between genuine negotiations and purposeless talks that reflects the gap between our position and India’s. India claims that it is prepared for discussions on all subjects, including Kashmir.

“If each side were to insist on preconditions, would we not be entitled to say to Pakistan that it must first not only give up its point of view on Kashmir, but also, as a prior condition for talks, vacate two fifths of Indian territory in Jammu and Kashmir that it illegally occupied and still occupies?” (1423rd meeting, page 136)

The Government of India has always expressed its willingness to talk to Pakistan on any and all issues - I repeat, on any and all issues - at any place, at any time and at any level. We believe that the two countries must do everything to normalize their relations and to promote friendship between the two peoples. We believe further that India-Pakistan relations, irrespective of any dispute, must be
developed peacefully, without resort to force, and that lack of agreement on any one issue should not hold up restoration of friendly relations between the two countries.

That is our basic policy, and we shall continue to persevere in it.

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3551. Extracts from the Speech of Pakistan Foreign Minister Sharif-uddin-Pirzada during the UN General Assembly Debate.


I now turn to the India-Pakistan question. In the introduction to his annual report, the Secretary-General has stated:

… following last year’s promising development at Tashkent, there has been no serious effort on the part of the United Nations to contribute to an ultimate solution of the problem."

It will be recalled that in its resolution of 20 September 1965 the Security Council pledged itself to assist the parties to resolve the problem underlying the India-Pakistan war once the cease-fire and withdrawal of forces had been carried out. The Security Council resolution also called upon the parties to utilize all peaceful means to this end, including those listed in Article 33 of the Charter of the United nations.

Thanks to the welcome initiative and efforts of Chairman Kosygin at Tashkent, Pakistan and India agreed on a withdrawal of forces and to settle their disputes through peaceful means.

Withdrawals were carried out soon afterwards. A meeting was held at the level of Ministers in March 1966 to consider the steps that should be taken to resolve the disputes peacefully.

Since that time, despite continued diplomatic exchanges and correspondence between the Governments of Pakistan and India, we regret that, except for casual statements of amake-believe nature apparently made for propaganda purposes, there is no indication of India’s willingness to enter into meaningful negotiations on the issue which lies at the heart of the India-Pakistan tension.

This is the dispute which concerns the implementation of the right of self-determination of 5 million people of Jammu and Kashmir. India and Pakistan as
well as the United Nations are committed to let the people of Kashmir decide their future freely in accordance with their own wishes.

While the then foreign Minister of India assured that the Government was ready to discuss all questions including Kashmir without preconditions or precommitments, the Prime Minister of India, Mrs. Indira Gandhi, publicly declared, "India has nothing to negotiate with Pakistan on Kashmir".

We have repeatedly urged the Government of India not to take any action which, instead of easing the dispute, would aggravate it. To our dismay India continues to take one step after another to consolidate its occupation of the State and to exacerbate the feelings of the Kashmiri people and the people of Pakistan.

India's measures to annex the State and intensify the repression of the people have been brought to the attention of Security Council from time to time. Sheikh Abdullah and other acknowledged leaders of the Kashmir people - Mirza Afzal Beg and Moulvi Farooq - continue to be robbed of their freedom. Tension in the State is mounting. The demand for the exercise of the right of self-determination is becoming more insistent every day. Even a few days ago police firings on peaceful demonstrators in Srinagar resulted in several deaths. According to a report published today in the Washington Post, six newspapers have been banned in India-occupied Kashmir.

An ever intensifying regime of repression and ruthless suppression of the human rights of the people is not the prescription for a reduction of tensions between India and Pakistan. If India truly desires peace, India must release the imprisoned Kashmiri leaders and create a climate of freedom in Jammu and Kashmir.

A settlement of this dispute on a just and honourable basis would transform the situation not only in South Asia but well beyond that region. Scarce resources would be used for economic development and not be frittered away on an arms race. A new era would dawn in which the two countries would be able to cooperate in promoting the cause of peace and well-being of Asia and Africa. This is an aim which is in the true interests not only of the peoples of Pakistan and India but also of the entire international community.

I would quote there the words of the President of Pakistan from his political autobiography, Friends Not Masters:

"The Assumption that disputes get resolved with the passage of time is open to serious question. Fundamental disputes affecting the life and freedom of people cannot be swept under the rug; nor do they get buried under the dust of time. They have a habit of erupting because human beings cannot be kept eternally in bondage."
"This is the point which India, and indeed the world, has to realize when dealing with the problem of the people of Jammu and Kashmir, who are engaged in a life-and-death struggle to establish their right of self-determination."

3552. Statement of Pakistan Foreign Minister in the UN General Assembly on India – Pakistan Relations.

New York, October 4, 1968.

In our own region also, there are issues which continue to disturb the peace and welfare of populations numbering more than six hundred million people. I refer to the relations between India and Pakistan.

It should be obvious through the experience of the last twenty one years that these relations will remain impaired unless there is a just and honourable settlement of the dispute concerning the State of Jammu and Kashmir.

Pakistan seeks nothing more of India than that India should fulfil the pledge which it solemnly gave to Pakistan, to the people of Kashmir and to the Security Council that it would let the people of Kashmir decide their own future by means of a plebiscite to be held under United Nations auspices. We seek nothing more than that India should cooperate in a settlement of the Kashmir dispute which would be in harmony with the principles of the international agreement concluded between India and Pakistan when they jointly accepted the UNCIP Resolutions of 1948 and 1849. We seek nothing more than that India should refrain from a unilateral repudiation of an international agreement.

This is not the occasion for me to recapitulate the history of the last twenty one years. Suffice it to say that the war in September 1965 was stopped only when the Security Council adopted Resolution No. 211 of 20 September 1965, which contemplated a settlement of the problem – that is, the Kashmir – underlying the conflict. In that Resolution, the Council committed itself to assist in the settlement. The cease-fire was followed by a mutual withdrawal of forces, when by issuing the Tashkent Declaration, the two countries solemnly pledged themselves to settle all disputes by peaceful means.

In the two and a half years which have since elapsed, Pakistan has repeatedly invited India to enter into meaningful negotiations on the Kashmir dispute. India has persistently refused to accept this invitation. Instead, the Indian leaders
have now taken to asserting that the State of Jammu and Kashmir is an integral part of India and that India’s sovereignty over Kashmir is not negotiable.

As a peace-loving country, Pakistan is anxious to solve this dispute with India in a peaceful manner and is prepared to enter into negotiations with India on how best to allow the people of Jammu and Kashmir to exercise their right of self-determination in which they could either decide to accede to India or to join Pakistan. Inside the State of Jammu and Kashmir discontent is increasing and the people of the State under the leadership of Sheikh Abdullah, are agitating for their legitimate right of self-determination.

Already violence has taken place but Sheikh Abdullah has thrown his weight against this. How long will he be able control the people? How long will the people be able to contain their anger? Any time an explosion can take place which would endanger peace once again. The position now being adopted by the Government of India in respect of Jammu and Kashmir is a colonialist position. It is suppressing the people of Jammu and Kashmir by force and denying them their right by the exercise of might. Where there is repression, there would be revolt. Where there is subjugation, there would be fight for freedom. The era of colonialism is over. It is now clear to all except to those who have shut their eyes deliberately, that the people of Jammu and Kashmir do not wish to be a part of India. This is borne out by all objective evidence from the State. In the bye-elections to the so called Legislative Assembly held in August in Srinagar, 95% of the electorate responded to the call of Sheikh Abdullah and boycotted the poll. The Government of Pakistan is pledged to support the right of self-determination of the people of Jammu and Kashmir and this pledge we shall fulfil come what may. The Security Council has been seized of the dispute since 1948 and in November 1965, it renewed its pledge that it would take up the matter after the cease fire had been implemented. I would remind the Security Council especially the permanent members of this commitment, especially as India has not responded to Pakistan’s offer of bilateral negotiations for the settlement of the dispute. Should such a response be forthcoming from India a new chapter would be opened in the troubled history of South Asia. The scarce resources of the two countries that at present are being squandered on an arms race would be spent on projects of welfare and peace.

The climate of relations between Pakistan and India has also been affected adversely by the treatment meted out to the Muslim minority in India by the majority community.

It is with considerable sorrow and reluctance that I turn to this subject, which nevertheless is appropriate both as to time and place. This is the International year for Human Rights was proclaimed and where the convenants of Human rights took shape.
There exists an agreement between Pakistan and India, known as the Liaquat Nehru pact of 1950 which was registered with the United Nations Secretariat under Article 102 of the Charter. It provides for the safeguarding of the life and property of the minorities in the two countries as the joint concern of the two Governments.

It is, however, with anguish that we in Pakistan have observed that the anti-Muslim riots have become a common feature of life in India. Some prominent Indian leaders have publicly acknowledged that incidents of communal violence against Muslims in India have shown an upward trend. In these riots thousands of Muslim men, women, and even children have been killed, their properties looted, and their homes destroyed and other brutalities perpetrated which are too horrible to recount. In the first six months of this year, the Indian press has reported 28 major riots in various parts of India which resulted in large scale killing of Muslims and loss of their property. What is more regrettable is that many of these riots are carefully organized by certain elements in Indian political life. It is generally admitted and even by the Government of India, that local officers have not taken effective measures to prevent riots or to stop them in time before serious damage has been done, nor is punishment meted out to those who are guilty. Some Indian observers have pointed out that not a single prosecution has succeeded in riot cases although thousands have been killed.

Pakistan sincerely hopes that as a party to the Liaquat Nehru Pact, India would fulfill its obligations and deal resolutely and effectively with the forces of religious intolerance so that constitutional right to life, liberty and freedom from fear. My Government expects Government of India to take energetic and effective measures in discharging their elementary duty towards their nationals of Muslim faith, because if these killings and persecution of Muslims continue, a serious situation would be created between the two countries and my Government may have to seek recourse to whatever international procedures are appropriate.

Another matter of serious concern in India Pakistan relations is the construction of a barrage known as the Farakha Barrage by India on the international river Ganges at a site eleven miles upstream from the border of the Eastern part of Pakistan. This project, which was begun by India in 1960 in spite of Pakistan’s protests is scheduled for completion by 1970.

The barrage has been characterized in the 1965-66 Indian Budget as a project of “strategic and international importance” and is designed to divert the waters of the mainstream of the Ganges river through a canal to another channel flowing entirely through India. The project is estimated by impartial experts to be fraught with the danger of grave injury to the economy of east Pakistan and to the regime of the rivers of that province. In the dry season, that is March to May,
the Barrage, will become so low in its course through East Pakistan that hundreds
of thousands of acres of land will lose their water supply and become waste
land. Shortage of water will lead to the sitting of the river channel thereby
increasing flood hazards, besides other multiple harmful effects. In order to find
a just and amicable solution of the problem, Pakistan has ever since the project
was framed proposed to India bilateral discussions at the technical as well as
political levels with a view to arriving at agreement on the basis of the recognized
rules of international law on the equitable sharing of the waters of international
rivers and the right of upper and lower riparians. Seventeen years of effort have
resulted in nothing more than five meetings of the technical level. Political
discussions with a view to a settlement have yet to take place.

My Government is strongly of the view that the time has come for substantive
negotiations and that the matter brooks no further delay. The Government of
Pakistan is ready to enter into such negotiations with the Government of India.
If this is not acceptable to the Indian Government, we are ready to have recourse
to any of the other methods of pacific settlement of disputes mentioned in
Article 33 of the United Nations Charter, namely enquiry, mediation, conciliation,
arbitration, judicial settlement, reference to regional agencies or arrangements
or other peaceful means of their own choice by India and Pakistan.

In 1960 Pakistan and India were able to reach an agreement on the equitable
apportionment of the waters of the Indus River Basin through the good offices of
the World Bank. We see no reason why an equitable sharing of the waters of the
Ganga river should also not be worked out with the fruitful cooperation of the
same international Agency.

I sincerely hope that this matter would be settled on an amicable basis and that
Pakistan would not have to knock at the doors of international forums for a
settlement. India’s stand that the lower riparian has no say in the disposal of the
water resources of an international river is untenable. If it goes unchallenged, it
would mean the establishment of a new precedent contrary to International
Law. Its repercussions would extend beyond the region of the Indo-Pakistan
sub-continent. The matter should therefore be of first importance to all States
which have International Rivers flowing through their territories.

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Once again the distinguished Foreign Minister of Pakistan has tried to use this forum to malign India and to mislead this Assembly. His so-called right of reply contains nothing new but follows the usual pattern of anti-Indian propaganda. I regret the necessity to keep the Assembly in session at this late hour, but I am obliged to offer a few clarifications.

On the question of the Farakka barrage I have personally made the position of the Government of India clear in my statement on Friday October 4. Farakka barrage is a vital project affecting the lives of nearly 180 million people and the future of our largest port and its great industrial hinterland. The attempt of Pakistan to internationalise the issue and thus delay its completion cannot succeed. Nevertheless the Government of India, out of its good-will for the welfare of a close neighbour, is prepared to continue discussions at appropriate levels to reach accommodation with Pakistan in a cooperative spirit.

Once again the distinguished Foreign Minister of Pakistan has had the temerity to refer to Muslim citizens of India. We regret the false allegations he has made and the animus that seems to motivate his statement. On Friday last I had indicated in some detail the honoured place which citizens of Muslim faith have in India. I wish the same could be said of the fate of minorities in Pakistan. I would once again plead with the distinguished Foreign talking about Indian citizens of the Muslim faith could be utilized better if he were to devote himself with equal energy to the welfare of the minorities in his own country. The Government of India is fully conscious of its responsibilities in regard to every section of the Indian society. It is the constant effort of the Union and the State Governments to improve the economic and social conditions of every Indian citizens, irrespective of race, religion or creed.

Mr. President, I am sure that the repetition of false charges against India in regard to the Indian state of Jammu and Kashmir is not going to serve the cause of peace and friendship between India and Pakistan. The more the distinguished Foreign Minister of Pakistan belabours this problem in this forum the more he finds it difficult to speak with any sense of proportion in regard to India. He has tried to prove today that Pakistan did not commit aggression against the Indian state of Jammu and Kashmir. We know the facts much better than he seems to profess, but it is not necessary to take our word for it. I will quote the cautions but measure words of Sir Owen Dixon, a distinguished jurist of Australia who was then the U.N. Representative for India and Pakistan. He said and I quote:-

3553. Speech of External Affairs Minister Bali Ram Bhagat in the UN General Assembly.

New York, October 11, 1968.
"Upon a number of occasions in the course of the period beginning with the reference on January 1 1948 of the Kashmir dispute to the Security Council, India had advanced not only the contention to which I have already referred that Pakistan was an aggressor, but the further contention that this should be declared. The Prime Minister of India at an early stage of the meeting, made the same contention and he referred to it repeatedly during the conference. I took up the positions, first that the Security Council had not made such a declaration, secondly that I have neither been commissioned to make nor had I made any judicial investigation of the issue, but thirdly that, without going into the causes or reasons why it happened, which presumably formed part of the history of the sub-continent, I was prepared to adopt the view that when the frontier of the state of Jammu and Kashmir was crossed, on I believe 20th October, 1947, by hostile elements, it was contrary to international laws and that when, in May 1948, as I believe, units of the regular Pakistan forces moved into the territory of the state, that too was inconsistent with international law."

The Security Council resolutions to which the distinguished Foreign Minister of Pakistan has referred could not be implemented and are now dead and obsolete because Pakistan chose not to fulfil its obligations in accordance with those resolutions. What is the concrete proof of this non-fulfilment of its obligations by Pakistan? It is the continued occupation of two-fifths of the Indian State of Jammu and Kashmir by Pakistan right till this moment.

There is no doubt at all about the constitutional and legal position of the state of Jammu and Kashmir. Yesterday, the distinguished representative of Pakistan explained at some length the arrangements made in 1947 by the British Government for the transfer of power in India. Under the same arrangements provision was made for the accession of what was then called Indian states to either India or Pakistan. In consonance with the statute passed by the British Parliament the state of Jammu and Kashmir acceded in the proper form to the then dominion of India. Moreover, Mr. President, the will of the people of Jammu and Kashmir has been expressed several times in the last 20 years through the democratic process. This is not all. Twice when Pakistan tried to seize the state by force the people rebuffed the aggressions and manifested their unalterable determination to remain with India by shedding their blood for the cause. The state of Jammu and Kashmir is an integral part of India by due constitutional process and by the will of the people and will remain so. The Government of Pakistan continues to practice disruptive policies towards India. Time and again it attempts to tamper with the loyalty of our people and to subvert the authority of our Government. These attempts will be rebuffed as they have been in the past.
In conclusion, Mr. President, I would like to state the position of my Government about discussion with Pakistan. The distinguished Foreign Minister of Pakistan has referred to the Tashkent Agreement and affirmed his country's desire to solve all outstanding problems between India and Pakistan. On behalf of the Government of India I reiterate our desire to normalize our relations with Pakistan and to enter into discussions on all problems between us.

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3554. Speech of Leader of the Pakistan Delegation Sher Ali Khan in the UN General Assembly.

New York, October 2, 1969.

The representative of India again repeated the statement that India is prepared to hold talks with Pakistan without any pre-conditions. If that statement is sincerely meant, then it means that India is prepared to enter into negotiations with Pakistan for the settlement for all outstanding disputes between India and Pakistan, including that of Jammu & Kashmir.

Let the respected Foreign Minister of India come to this rostrum and confirm that understanding. If he does so he will not find Pakistan unresponsive. All we ask is nothing more than what Gandhi and the late Pandit Jawaharlal Nehru pledged. I quote:

“India will be free on the fifteenth of August”. What of Kashmir? “That will depend on the people of Kashmir”, Gandhi replied. They all wanted to know whether Kashmir would join the Indian Union or Pakistan. “That, again”, answered Gandhi, “should be decided by the will of the Kashmiris.”

I give another quotation of Gandhi. This dated August 1947:

“...the British having quit India, the people in the States are their own masters and the Kashmiris must therefore decide, without any coercion or show of it from within or without, to which union—India or Pakistan—they should belong.”

If those two quotations are from Gandhi. I now give a quotation from Pandit Jawaharlal Nehru from a broadcast to the nation over All India Radio on 3 November 1947:

“We have declared that the fate of Kashmir is ultimately to be decided by
the people. That pledge we have given not only to the people of Kashmir but to the world. We will not, and cannot, back out of it.”

The representative of India referred to the treatment of minorities in Pakistan. Let India not forget one thing: that no religious riots against the Hindu minority occur in Pakistan.

Now coming to bilateral matters, if those matters are settled amicably, they remain bilateral; but if one party remains obdurate, then international attention has to be drawn to them. The United Nations has laid down that the future of Kashmir has to be decided by the will of the people. The Foreign Minister of India asked: “why did Pakistan not withdraw its forces from Kashmir?” The answer is given in the UNCIP resolution of 13 August 1948. The forces of both India and Pakistan have to be withdrawn from Kashmir in a synchronized sequence.

I should like to remind the Foreign Minister of India that India accepted that resolution and pledged to abide by it. If India does not show any willingness to withdraw its forces, how can Pakistan unilaterally withdraw its forces, and leave the whole of Jammu and Kashmir to be occupied by India?

As regards the remarks of the Indian representative pertaining to the dispute over sharing the waters of the international river Ganges, I have a few self-evident points to make.

First, the Ganges is an international river, by virtue of its course passing through the territories of Pakistan and India. Why would we be concerned with the river if its did not cross our territory? It is not an Indian river.

Second, the usage of the waters of that river cannot be static, either in the case of Pakistan or that of India. Both countries would continue to require more water, according to plans of increased cultivation. Hence the need for an agreed formula for sharing those waters.

Third, no formula for sharing the waters of the Ganges will be equitable which fixes the entitlement of one side at a static figure for all time to come, leaving all residual rights to the other side. The very nature of the Ganges dispute is such that its solution has to be based on a mutual understanding that is capable of adjustment with the passage of time. We are ready to enter into negotiations with India at the political level to reach such an understanding. It is for India now to reciprocate.

The Foreign Minister of India said this morning that there is a “unfortunate attempt by some interested parties to give religious overtones to a problem which is essentially political”. Our reaction to that remark is one of deep regret. The
Middle East problem is, no doubt, political; but the burning of the holy Al Aqsa Mosque is not purely or entirely a matter of secular concern. Who can deny its religious overtones? The sacrilege has evoked the deepest feelings of anguish among the followers of Islam throughout the world, in that it involves what they consider most sacred to their faith. It was that anguish which brought the representatives of twenty-five Muslim countries together here to request the Security Council to consider that situation and which later culminated in the convening of the Islamic Summit Conference at Rabat. Pakistan has consistently declared that the issue of Jerusalem is of universal concern.

We were the first to welcome the participation of the representatives non-Muslim countries, including India, in the debate in the Security Council on the burning of the Al Aqsa Mosque, We welcome again from this rostrum their continued interest in the crucial issue of Jerusalem and pay them tribute for their stand of principle on the question.

I am thankful to the Foreign Minister of India for offering the hand of friendship. I am ready to grasp it. Only let him tell me that we can sit down and negotiate all our outstanding disputes, including Jammu and Kashmir and Farakka, and devise effective measures of protection for our respective minorities. Let there be no exceptions, no conditions, no qualifications and no reservations. I am prepared to grasp his hand on those conditions.
Speech of External Affairs Minister Swaran Singh at the UN General Assembly replying to the speech of Pakistan’s Representative.


"Mr. President

"I shall have another occasion to compliment you on your election and at the moment I shall briefly deal with the distortions presented by the distinguished Home Minister of Pakistan this afternoon in discussing India-Pakistan relations and answer some of the calumnies he has uttered against my country.

"Our basic approach to all problems between India and Pakistan is that they must be discussed, negotiated and eventually settled by the representatives of the two countries. There should be no pro-conditions and there should be no insistence that one side must accept in advance the priorities of the other side. It was in this spirit that we signed the Tashkent Declaration and I regret that, in spite of all our efforts to carry that the terms of this Declaration, we have always met with negative response from Pakistan. We did more. We removed unilaterally all restrictions on trade with Pakistan: she continued to ban all trade with India with the result that these two neighbouring countries have no trade with each other. We suggested negotiations on the properties seized by each side during the 1965 conflict; instead of entering into negotiations Pakistan sold most of the Indian properties form her benefit in total violation of the existing agreements and of international law. I should add that the Indian properties in Pakistan were many times more in value than the Pakistan properties in India. We are ready to open up travel facilities and trade routes to and through Pakistan, but Pakistan would have none of it. We proposed, not once or twice but several times, the signing of a No-war Declaration between the two countries, but Pakistan rejected our proposal every time. However, we continue to remain patient and hopeful. Perhaps, a day will soon come when the rulers of Pakistan will realize that these two countries which have so much in common, must live in a spirit of cooperation to the benefit of both. These rulers may even draw from the lesson of modern trends from Europe and elsewhere.

"Mr. President, since I am merely exercising my right of reply, I shall not deal in detail with the merits of the various problems raised by the representative of Pakistan but would confine myself to two or three specific issues.

"On Kashmir, the basic issues are will known to all member-states and our position remains unchanged. However, the distinguished Home Minister of Pakistan could not resist the temptation of giving a distorted picture. It is not true that the partition of the sub-continent was done as a result of any application
of the principle of self-determination. It was done, as should be known to the
distinguished Minister of Pakistan, as a result of a political settlement between
the Indian national Congress, the Muslim League and the British Government.
A very different might have been the story if all the Indians had voted on this
issue before the British left. Secondly, it is untrue to say that we did not in our
original complaint to the security Council, which has still not been disposed of,
claim Kashmir as an integral part of India. We said repeatedly that accession of
Kashmir was complete both in law and in form. The third distortion the
distinguished representative of Pakistan mentioned was that the public opinion
in Kashmir has not been consulted. It has been repeatedly consulted. It is,
however, true that unfortunately some Kashmiris could not exercise their
franchise as they were not allowed to participate from the Pakistan-occupied
part of Kashmir. All these facts should be known to the distinguished
representative of Pakistan. He then made the ridiculous comparison between
Kashmir and Namibia, the Portuguese possessions and so on. These distortions
and abusive charges do not deserve any detailed answer. The world can judge
our record on colonialism as against any other country's. Besides, I do not
suppose it is the intention of Pakistan's delegation to suggest that an integral
part of a country should be separated by a plebiscite. I should not like to think
what will even happen to East Pakistan or in other parts even in West Pakistan.

*In any event all these considerations were fully known before the Tashkent
Declaration was signed both by Pakistan and India and this Declarations Pakistan
has refused to honour soon after she signed it.

*Pakistan occupies by force a large part of this Indian State of Kashmir, illegally
barter away a part of it, and commits aggression on India to take more. This
must end. Let me quote from a recent statement by Mr. Bhutto, who was the
Foreign Minister of Pakistan, at that time,. I am quoting from the Dawn, an
important newspaper in Pakistan and like all Pakistani papers, is under the
control and guidance of the Pakistani military regime. The Dawn of 8th September
of this year, reports: 'Mr. Bhutto said he was ready to own the charge that he
engineered the 1965 was against India. If Quad-i-Azam (that is Mr. Jinnah, the
founder of Pakistan and the Father of the Nation) was wrong in starting the first
war against India in Kashmir, then I am equally wrong, he added.

*The distinguished delegate would no doubt realize that it is this attitude, those
admissions, those wars against India that have brought about a basic change
on the Kashmir question. I can only hope that the distinguished Home Minister
of Pakistan would also realize as much. So, while we remain ready to discuss
all matters including Kashmir, all that has happened over the last 24 years
cannot but be taken into account.

*Secondly, the distinguished representative of Pakistan spoke about the
regrettable communal riots in India and the alleged harassments, if not something
much worse, of the minorities in India. Now, Mr. President, there are many minorities in India. India is a vast country of over 550 million people and it is our pride and glory that we manage to live together in spite of occasional friction and disturbances. It would be totally wrong to describe all these incidents as communal; not will it be right to leave the impression that in these riots the victims belong only to one community. We regret and deeply deplore - as indeed has been done by all, I repeat all, the political parties in India both inside and outside the parliament - these riots, which have their origin in complex social, economic and political factors. The foreigners would naturally find it difficult to understand and appreciate these fully, but we, in India, have to deal with them courageously, patiently and with every means at our disposal. We continue to do so. We regret that Pakistan has launched a systematic campaign in many garbs to exploit these tragic events which occurred four months ago for her narrow political ends. If she were really concerned about these incidents, she could mute her radio broadcasts and abate her propaganda which continually incite violence and communal passions. She could in addition follow a more human policy towards her own minorities, 200,000 of whom have fled to India this year alone. This is ten times the average figure of the five previous years.

*There is still another aspect. The Indian Muslims number 60 million as was mentioned by the distinguished Home Minister of Pakistan nearly one-third of the total population of the U.S.A. or the U.S.S.R. and many times the population of many member-states represented here. They form the third largest Muslim community in any country of the world. This significant and numerous community enjoys all the rights as Indian citizens and occupy respectable and responsible positions in our national life and contribute effectively to it. They do not need Pakistan as their advocate - In fact they find such advocacy a source of confusion and embarrassment. They also do not fail to note that there is only one other state with its status law which the distinguished Ambassador of the U.A.R. drew our attention yesterday which also claims its co-religionists as its nationals. I shall not elaborate on this any more than I shall elaborate on the plight of the minorities in Pakistan under a military regime.

*In the circumstances, it appears to us that the offer of Pakistan for an independent investigation on the conditions of minorities in Pakistan is meaningless. Those Hindus who remain in Pakistan are so demoralized and victimize that they cannot be expected to give their views freely and frankly without incurring the wrath of a military regime with all its consequences. Let it not be forgotten, there is no way in Pakistan of voicing the grievances of these unfortunate people. There is no parliament. The press and other media are controlled by the Government and public meetings are not allowed to concern themselves with the conditions of minorities. Those who are interested in the rights of man have merely to look at Pakistan's Constitution which in itself is a
travesty of human rights and dignity, and I am sure that they would feel some concern for the unending stream of refugees from Pakistan. It is not without significance that a Commission that was set up by President Ayub Khan to report on the conditions of the minorities never made its report. At least it was never made public, nor do we know whether it was ever prepared. In this context, the distinguished representatives may be interested in reading a report entitled "Hindus Find Life 'Shaky' in Pakistan" appearing in the 'Washington Post', of July 14, 1970. Such reports could be multiplied.

"Very different is the situation in India. Free Press, free travel and free association prevail to a point where there is genuine concern in certain quarters whether this wide and intense freedom does not at times make possible for some elements to create unnecessary trouble. Nonetheless, we think it is better to run the risk of such abuses of these fundamental freedoms, rather than try to curb them. The foreign correspondents of news media can travel freely in India and do report regularly on happenings in the country. For instance, in a dispatch to the 'Christian Science Monitor' of 16th July there is a very full discussion of the problem of minorities in India. The facts of all the communal incidents are well known and no outside investigation is necessary or desirable. All that I can say is that the international community may be interested in helping the Government of Pakistan in bringing about a degree of democracy in that country which might at last relieve the agonies of these unfortunate people and pave the way for better Indo-Pakistan relations. Lastly, Mr. President, is it not significant that in spite of Pakistan's concern for Indian Muslims, unlike the religious minorities in Pakistan who are migrating in large numbers to India, they find the conditions in India such as to enable them to play their part in India and they do not show any trend to leave India and cross over to Pakistan?

"Thirdly, on our negotiations with Pakistan on Farakka Barrage, the distinguished Home Minister of Pakistan gave his view. This problem is a technical and practical one. It is not a juridical problem. The basic practical aspect of the problem is that India needs every drop of water she can find in the Ganges River system while in East Pakistan, there is too much water, periodic floods and widespread water-logging. Nonetheless, if it is established that in certain seasons and in certain limited areas, East Pakistan vitally needs some water from this Indian river, then in a spirit of cooperation we shall do whatever we can to help. This is what the engineers on both sides are working out and we hope that their efforts will succeed. This is also the spirit of our assurance to Pakistan, a reference to which was made by the distinguished Home Minister of Pakistan.

"In conclusion, Mr. President, I wonder why the distinguished representative of Pakistan bring up these bilateral issues to the United Nations year after year, in season or out of season. Their excuse is that this forum should be used for explaining to the members-states the current situation between the two
neighbouring countries. To us these attempts seem very much like an abuse and a waste of time - particularly as India is always ready, indeed eager, to sit with Pakistan and negotiate all the problems with a sincere desire to solve them. May I in this context quote Article 4 of the Tashkent Declaration - a Declaration which both India and Pakistan subscribed to? It reads:

"The Prime Minister of India and the President of Pakistan have agreed that both sides will discourage any propaganda directed against the other country, and will encourage propaganda which promotes the development of friendly relations between the two countries.

"We have not yet recovered from the tragic shock of President Nasser's death yesterday and yet attempts are being made to create discord between the two neighbouring countries who should, by all logic and in all circumstances, live in peace and cooperation. This is a great pity."


New Delhi, 28 August 1973

Desirous of solving the humanitarian problems resulting from the conflict of 1971 and thus enabling the vast majority of human beings referred to in the Joint Indo-Bangladesh Declaration to go to their respective countries, India and Pakistan have reached the following agreement:

(i) The immediate implementation of the solution of these humanitarian problems is without prejudice to the respective positions of the Parties concerned relating to the case of 195 prisoners of war referred to in clauses (vi) and (vii) of this paragraph;

(ii) Subject to clause (i) repatriation of all Pakistani prisoners of war and civilian internees will commence from the utmost despatch as soon as logistic arrangements are completed and from a date to be settled by mutual agreement;

(iii) Simultaneously, the repatriation of all Bangalees in Pakistan, and all Pakistanis in Bangladesh referred to in clause (v) below, to their respective countries will commence;
(iv) In the matter of repatriation of all categories of persons the principle of simultaneity will be observed throughout as far as possible;

(v) Without prejudice to the respective positions of Bangladesh and Pakistan on the question of non-Bangalees, who are stated to have "opted for repatriation to Pakistan", the Government of Pakistan guided by considerations of humanity, agrees, initially, to receive a substantial number of such non-Bangalees from Bangladesh. It is further agreed that the Prime Ministers of Bangladesh and Pakistan or their designated representatives will thereafter meet to decide what additional number of persons, who may wish to migrate to Pakistan, may be permitted to do so. Bangladesh has made it clear that it will participate in such a meeting only on the basis of sovereign equality;

(vi) Bangladesh agrees that no trials of the 195 prisoners of war shall take place during the entire period of repatriation and that pending the settlement envisaged in clause (vii) below these prisoners of war shall remain in India;

(vii) On completion of repatriation of Pakistan prisoners of war and civilian internees in India; Bangalees in Pakistan and Pakistanis in Bangladesh referred to in clause (v) above, or earlier, if they so agree, Bangladesh, India and Pakistan will discuss and settle the question of 195 prisoners of war. Bangladesh has made it clear that it can participate in such a meeting only on the basis of sovereign equality.

The Special representatives are confident that the completion of repatriation provided for in this Agreement would make a signal contribution to the promotion of reconciliation in the sub-continent and create an atmosphere favorable to a constructive outcome of the meeting of the three countries;

(viii) The time schedule for the completion of repatriation of the Pakistani prisoners of war and civilian internees from India, the Bangalees from Pakistan and the Pakistanis referred to in clause (v) above from Bangladesh, will be worked out by India in consultation with Bangladesh and Pakistan, as the case may be. The Government of India will make the arrangements for the Pakistani prisoners of war and civilian internees who are to be repatriated to Pakistan. The Government of Pakistan will make logistic arrangements within its territory up to agreed points of exit for the repatriation of Bangladesh nationals to Bangladesh. The Government of Bangladesh will make necessary arrangements for the transport of these persons from such agreed points of exit to Bangladesh. The Government of Bangladesh will make logistic arrangements within
its territory upto agreed points of exit for the movement of the Pakistanis referred to in clause (v) above who will go to Pakistan. The Government of Pakistan will make necessary arrangements for the transport of these persons from such agreed points of exit to Pakistan. In making logistic arrangements the Governments concerned may seek the assistance of international humanitarian organisations and others;

(ix) For the purpose of facilitating the repatriation provided for in this Agreement, the representatives of the Swiss Federal Government and any international humanitarian organisation entrusted with this task shall have unrestricted access at all times to Bengalees in Pakistan and to Pakistanis in Bangladesh referred to in clause (v) above. The Government of Bangladesh and the Government of Pakistan will provide all assistance and facilities to such representatives in this regard including facilities for adequate publicity for the benefit of the persons entitled to repatriation under this Agreement;

(x) All persons to be repatriated in accordance with this Agreement will be treated with humanity and consideration.

The Government of India and the Government of Pakistan have concurred in this Agreement. The Special Representative of the Prime Minister of India, having consulted the Government of Bangladesh has also conveyed the concurrence of Bangladesh Government in this Agreement.

DONE in New Delhi on August 28, 1973 in three originals, all of which are equally authentic.

Sd/- P. N. Haksar  
Special Representative of the Prime Minister of India

Sd/- Aziz Ahmed  
Minister of State for Defence and Foreign Affairs  
Government of Pakistan

Islamabad, 14 September 1974

The Government of INDIA

AND

The Government of PAKISTAN,

TAKING note of the sentiments and devotion of the various communities in the two countries for the historic and sacred shrines in the other

HAVE agreed on the following principles for facilitating visits to such shrines:

(i) Such visits from one country to the other shall be allowed without discrimination as to religion or sect. The list of shrines to be visited will be finalised shortly through correspondence. The agreed list may be enlarged from time to time by mutual agreement.

(ii) Upto 20 parties may be allowed to visit from one country to the other every year. This number may be revised from time to time.

(iii) Every effort should continue to be made to ensure that places of religious worship mentioned in the agreed list are properly maintained and their sanctity preserved.

(iv) Such visitors will be given Visitor Category visas.

Sd/- Sd /-
KEWAL SINGH AGHA SHAHI
Foreign Secretary Foreign Secretary
Ministry of External Affairs Ministry of Foreign Affairs
Government of India Government of Pakistan

Islamabad, September 14, 1974.

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Statement by Minister of External Affairs in Parliament on Talks between India and Pakistan for normalization of relations between the two countries.

New Delhi, May 18, 1976.

As the house is aware, ever since the Simla Agreement was signed in July 1972, it has been the Government Of India's policy that, in keeping with the Agreement, the severed links between India and Pakistan should be restored and the relations between the two countries normalized. During this period, many problems have indeed been resolved. The telecommunications and postal services between the two countries were established and a visa agreement was signed to facilitate travel from Pakistan to India and vice versa. In January 1975, agreements were also reached between the two Governments on shipping and trade. However, some other issues from the Simla Agreement remained unresolved; these were air and land communications and the restoration of diplomatic relations. Two meetings between official delegations were held in November 1974 and May 1975 to discuss questions arising out of Pakistan's complaints with the International Civil Aviation Organisation but no agreement could be reached.

2. On the 27th March, Prime Minister of Pakistan, in a letter to our Prime Minister, indicated that Pakistan would be prepared to withdraw its case from the International Civil Aviation Organisation. As the House is aware, India had previously urged such a course in order that the process of normalization could maintain its momentum and the Simla Agreement could be fulfilled. Consistent with our firm believe that the Simla Agreement enjoins us to work for the establishment of durable peace and harmonious bilateral relations, our Prime Minister, in her reply of 11th April, suggested that the Foreign Secretaries of the two countries should meet and discuss pending matters such as air-links over flights, resumption of rail and road communications and also the restoration of the severed diplomatic relations between India and Pakistan. The Prime Minister of Pakistan accepted these suggestions in his letter of 18th April. As a result the two Foreign Secretaries arranged for the delegations to meet in Islamabad between the 12th and the 14th May.

3. After the meetings, a Joint Statement was issued, which was simultaneously released to the press in the two capitals. The two governments have also agreed to make public the three letters exchanged between the two Prime Ministers. I am placing texts of the Joint Statement and letters on the Table of the House.*

* Document Nos.879, 880, 881 and 883.
4. The members will observe that the Joint Statement embodies and agreement to restore all the severed links between the two countries. In respect of some of these items, further technical level contacts may be necessary to work out the detailed arrangements for the resumption of the links. It has subsequently been agreed that this entire package embodied in the Joint Statement would be put into effect more or less simultaneously between the 17th July and the 24th July, 1976.

5. I am confident that these positive developments will be welcomed by the House, the people of our two countries as also the friends of our two countries in the region and world at large. Both countries must recognize the logic of their interdependence and the need for cooperative relations as between neighbours. If peace and mutual confidence prevail in the subcontinent, our nations could more fully bend their talents and energies to resolve the gigantic problems which confront us and play an even more effective role in the international sphere where we have so many interests in common.

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3559. Joint Statement issued on the conclusion of the Talks between Prime Minister Mrs. Indira Gandhi and Pakistan President Zia-ul-Haq.

New Delhi, November 1, 1982.

His Excellency the President of Pakistan and the Prime Minister of India, assisted by their respective Foreign Ministers, met at Rashtrapati Bhavan this morning. The talks were held in an atmosphere of cordiality. Bilateral matters were discussed. Regional and global issues were also reviewed.

The two leaders agreed to the establishment of an India-Pakistan Joint Commission. Accordingly, they issued instructions for the rapid conclusion of modalities and formalities in this regard. In pursuance of this decision, officials of the two countries will met in New Delhi in December 1982. They will also consider the Pakistan draft of a Non-Aggression Pact and the Indian draft of a Treaty of Peace, Friendship and Cooperation.

The two leaders looked forward to continuing their discussions at the time of the Non-Aligned Summit meeting in New Delhi in March 1983.

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3560. Press Interview of Pakistan President Zia-ul-Haq to Gulf News.


The Pakistan President, Gen. Zia-ul-Haq, made a fresh offer for a "no arms, no war" pact with India.

"If the Indian Prime Minister, Mr. Rajiv Gandhi, was willing, Pakistan would not hesitate to be a signatory to such an agreement," he said in a recent interview to the Dubai-based English daily, "Gulf News".

He said, "As far I am concerned, Pakistan is prepared to do its part in controlling the arms spiral in the region".

Asked whether India's recent acquisition of a nuclear submarine and its successful missile trials had sparked any consternation in Pakistan, General Zia said, "It has always been Pakistan's contention never to question another nation's defence requirements, that is no one else's business. However, the same right also lies with Pakistan. We do not like being questioned".

President Zia also suggested that India and Pakistan should hold their own sub-continental SALT conference and mutually agree to limit arms and reduce expenditure.

"It is no secret that both countries are in the developing stages and cannot afford such military hardware. It is, therefore, time we held our own military sub-continental SALT conference", he said.

BIGGEST NATION

Accepting that India is a powerful neighbour he said Pakistan felt that as the biggest nation in the area India could do her best by the rest of us by maintaining a low profile.

Asked if, after 40 years of mutual distrust and suspicion, the onus of creating this endless tension lay squarely with the leaders of both nations, he said, "It is true that the younger generation grows up in the shadow of its elders and if they are made to imbibe wrong values they will continue the same tradition."

He said talks were on and even at this moment the Siachen glacier problem was being discussed which would be resolved amicably.

"The Indian Prime Minister says it is Indian territory. We say it is disputed territory. Let us hope it will be resolved."
DENOUNCING TERRORISM

General Zia also expressed his willingness to directly denounce terrorism in Punjab if Mr. Rajiv Gandhi was prepared to simultaneously denounce extremism in the Sind province of Pakistan.

He, however, expressed his fears that India had reservations over making such a statement from its side. He said such a step could go a long way in improving relations between the two neighbours and dispel the Indian-held view that Pakistan was tacitly encouraging such acts in its northern state.

The Pakistan president said he thought Mr. Gandhi wanted to visit Pakistan when relations between the countries were on a "high, as a sort of climax".

Asked when will they get to the high, he said, "like I said, we are working towards more bilateral ties, trade, closer cultural exchanges. Then I am sure, he will come, there is no reason why not. Our invitation is still open. It always has been."

In reply to another question on whether he has given up his cricket diplomacy after successfully attempting it in Jaipur, President Zia said, "no that's not true. I told Mr. Gandhi, have another cricket match and I will come again".

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The Government of the Republic of India and the Government of the Islamic Republic of Pakistan (hereinafter referred to as the Contracting Parties) 

INSPIRED by a common desire to establish and develop closer cultural relations, and

DESIROUS of promoting and developing the relations and understanding between India and Pakistan in the realms of art, culture, archaeology, education, mass media and sports,

HAVE AGREED as follows:

ARTICLE 1

The Contracting Parties shall facilitate and encourage cooperation in the fields of art, culture, archaeology, education, mass media of information and sports in order to contribute towards a better knowledge of their respective cultures and activities in these fields.

ARTICLE 2

Each Contracting party may establish in the territory of the other Cultural Centres in accordance with laws, regulations and general policy of the respective host Government. Prior clearance of the host Government would be obtained before any such centre is established. The details regarding the establishment of such centres shall be settled between the two countries by means of an additional protocol to be negotiated after this Agreement comes into force.

ARTICLE 3

The Contracting Parties shall encourage and facilitate:

(a) reciprocal visits of academicians, education administrators, professors and experts in agreed areas for delivering lectures, study tours and special courses;

(b) reciprocal visits of representatives of educational, literary, artistic, sports and journalists 1 associations and organizations; and

(c) participation in congresses, conferences, symposia and seminars.
ARTICLE 4
The Contracting Parties shall encourage and facilitate:
(a) exchange in the field of art and culture and in the field of mass media such as documentaries, radio and television;
(b) exchange of materials in the fields of education, sports, archaeology; and
(c) translation and exchange of books, periodicals and other educational, cultural and sports publications, and wherever possible exchange of copies of art objects.

ARTICLE 5
Both Contracting Parties shall endeavour to provide facilities and scholarships to students and research scholars of each other's country to study in its institutions of higher education and research and to participate in practical training programmes.

ARTICLE 6
The Contracting Parties shall examine the diplomas, certificates and university degrees granted by the other Party with a view to arriving at their equivalence;

ARTICLE 7
Each Contracting Party shall endeavour to present different facets of the life and culture of the other Party through the media of radio, television and press by exchange of suitable materials and programmes.

ARTICLE 8
The Contracting Parties shall facilitate
(a) exchange of artists, poets, writers and musicians;
(b) exchange of art and other exhibitions; and
(c) participation in each other's International Film Festivals.

ARTICLE 9
The Contracting Parties shall encourage visits of sports teams between the two countries and shall facilitate, subject to the national laws and regulations in force, their stay and movements in their respective territories.
ARTICLE 10
The Contracting Parties shall to the extent Possible ensure that text-books prescribed for their educational institutions, particularly those relating to History and Geography, do not contain any misrepresentation of facts about each other's country.

ARTICLE 11
For the achievement of the objective of the Agreement, the India-Pakistan Joint Commission will formulate cultural and educational exchange programmes and review the implementation of the Agreement.

ARTICLE 12
This Agreement is subject to ratification. It shall enter into force on the date of exchange of the Instruments of Ratification. It shall remain in force for a period of three years and shall be renewed automatically for each subsequent period of three years unless either Contracting Party gives to the other a six months' written notice in advance of its intention to terminate it. This Agreement may be modified by mutual consent.

IN WITNESS WHEREOF the undersigned representatives being duly authorized thereto by their respective Governments, have hereto signed this Agreement and have affixed thereto their seals.

DONE at Islamabad on this Tenth day of Pausa 1910 (Saka era) corresponding to the Twentieth day of Jamadi-ul-AwWal14.09 A.H. and to the Thirty-First day of December 1988, in two originals, each in Hindi, Urdu and English languages, all the texts being equally authentic, except in case of doubt when the English text shall prevail.

(K.P.S. Menon) (Humayun Khan)
Foreign Secretary Foreign Secretary
For the Government of For the Government of
the Republic of India the Islamic Republic of Pakistan
3562. Press Release issued by the Ministry of External Affairs regarding Pakistan's base line.

New Delhi, November 27, 1996.

The Government of India's attention has been drawn to Pakistani Press reports stating that Pakistan has issued a notification specifying coordinates of Pakistan's baseline for determining the limits of its territorial waters, contiguous zone, the exclusive economic zone and the continental shelf.

2. India today conveyed to Pakistan, through diplomatic channels, that it unequivocally rejects as unacceptable the coordinate point (K) 23.00 33.90 N……6807.80 E of the Pakistani notified baseline as it encroaches upon the territorial waters of India which are within India's sovereign jurisdiction. It has been further conveyed to Pakistan that the Government of India reserved its right to seek suitable revision of the baseline in so far as it impinges upon India's sovereign jurisdiction. It has been further conveyed to Pakistan that the Government of India reserved its right to seek suitable revision of the baseline in so far as it impinges upon India's sovereign jurisdiction.

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New Delhi, May 4, 1999.

General

1. Maj Gen (Retd) MA Durrani, Pak Army paid a courtesy call on the COAS on 4 May 1999.

2. At the outset the Pak Gen stated that he was on a goodwill mission seeking early normalization of relations between Pak and India. The civil populace in Pak, he said was looking forward to friendship with India.

3. While welcoming Gen Durrani, COAS expressed his profound pleasure on meeting his first ever Pak General and that too one so committed for furthering the peace initiative. To put him at ease the COAS explained his personal attachment to Pak and his birthplace Dera-Ismail-Khan. The Chief further complimented Gen Durrani on the views that he had expressed during the seminar
on ‘Indo-Pak Relations’ on 03 May 1999 and said that he was in total agreement with the recommendations made by him for ushering in peace between the two countries.

4. Various issues discussed and responses thereof are covered in the succeeding paragraphs.

**Lahore Declaration**

5. Gen Malik, pointed out that he totally favoured the Lahore Declaration but felt the need for it to be fully supported at the ground level in letter and spirit. Gen Durrani agreed that it was indeed a comprehensive document and needed joint efforts for its success.

6. The COAS also brought out that the incidents that were engineered during the visit of our PM to Lahore the proxy war in Pak are a threat to the Declaration and remain a major obstacle towards Indo-Pak amity.

7. The Chief also pointed out that for any peace efforts to succeed, the trans-border terrorism in J&K will need to be stopped.

**Mind Set of Pakistanis**

8. Gen Durrani brought out that even after 50 years of independence Pakistanis are yet to come to terms that India fully acknowledges Pakistan as an independent nation. This is a major impediment and stumbling block. Minutest of utterances by India political/military leaders are misconstrued and read with suspicion. There is mistrust at every level. This impression needs to be changed.

9. Kashmir, similarly, since partition has remained a contentious issue which continues to enflame passions, and has been exploited by everyone to their advantage undoubtedly the problem needs discussion and prolonged deliberations (Incidentally, Gen Durrani proposes an incremental approach in relations—Kashmir at a later time frame).

**Communication**

10. Gen Durrani said that there is a total lack of communication between the people and more so at the political level. In the absence of any meaningful communication there are perceived threats and dangers. We have to resolve the issue by sitting together and discussing mutual threat perceptions. This will eradicate the fear from the minds of our people about intentions of India. People of Pakistan are not competing with India on any front because of our differing capabilities, status and economic strength. The COAS agreed and said that prosperity of Pak was fundamental to India.

**Religious Fundamentalism in Pakistan**

11. Gen Durrani expressed his apprehension that religious fundamentalism and Pan Islamic movement had gone out of proportion in Pak and was outside the control of the political masters. There was an urgent need to curb it since it
would otherwise engulf Pak. He cited the following examples:—
(a) Quoting late Gen Zia who said that “the genie was out of the bottle”.
(b) A number of religious institutions and organizations were collecting large sums of money for supporting ‘Jehad in Kashmir’.
(c) In madrasas, the students have been indoctrinated to such an extent that they can be blindly tasked for anything by the ‘maulvi’
(d) Fanatic outfits like Lashkar-e-Taiba were not only geared for ‘Jehad’ but for the ultimate sacrifice ‘Shahadat’.
(e) Another area of concern was the war in Afghanistan the fall out of which has given Pak refugees, guns, drug and Talibans.

12. The COAS responded that such a phenomenon is a double edged weapon and therefore, there exists today for Pak a grave potential danger emanating from such fanaticism.

Pakistan Army
13. On the Pak Army Gen Durrani offered the following comments:-
(a) Ever since Gen Karamat’s time the Army has been distancing itself from politics and seeking an apolitical role.
(b) The present COAS has maintained the trend and therefore, today’s Army does not enjoy the same clout of yester years.
(c) As a professional Army, it does not support the trans-border killing of civilians but at times, perhaps, there is provocation.

14. The COAS while commending the Pak Army on its professionalism, pointed out that the troop density in J&K being so intense, it is unbelievable that infiltration can take place without the Army’s involvement.

Inter Services Intelligence (ISI)
15. Gen Durrani aired the following views in regard to the ISI:-
(a) They are an organization by themselves. Although partly staffed by the Armed Forces, the Army has no control over it.
(b) The organization gets its directions from the political masters and not through the COAS.

16. Gen Malik, explained at length that the rationale for his belief that the ISI could not be performing the present Kashmir policy on its own. Therefore, he attributed the actions of the ISI to have to tacit support of the Army and the politicians. The Chief also brought out that since the ISI was staffed by Armed Force personnel it has to carry the same ethos and therefore, indirectly the army cannot dissociate itself from ISI’s actions. Finally, the Chief added that ISI’s actions and policies need to be controlled, which was agreed to by Gen Durrani.
17. Gen Durrani also agreed with the COAS over the provocative appointment of Lt Gen (Retd) Javed Nasir (former ISI Chief) as the head of Pak Gurudwara Prabandak Committee. He added that this move has not been appreciated within Pak also.

**Army to Army Talks**

18. Gen Durrani proposed that one option to restore normalcy was to commence talks at the military level. A beginning be made with an annual VCAOS-CGS level meeting which could be later upgraded to CsOAS level. The COAS could also communicate with each other to resolve contentious military issues. This is because both the Armies share and enjoy a similar culture and heritage.

**Nuclear and Missile Issue**

19. With such close proximity and hardly any warning time, Gen Durrani proposed that there is a need to carry out intense debate and dialogue between the users of the two countries. He was greatly apprehensive of unforeseen accidents, which could be devastating.

**View Expressed by COAS**

20. Our COAS brought out that in spite of the increased tempo in the Valley, the Indian Army have been totally in a reactive mode and giving only a graduated response. In fact, at times the military and other officials/people wonder why enough is not being done against Pak.

21. The Chief explained that even with the availability of greater resources he had take the step of downsizing the Army by 50,000. Pak, he said, could take a cue from it, otherwise, it would be at the expense of the economic development and regression in the quality of life for its people.

22. Gen Malik, was categorical in mentioning the Pak’s policy of ‘ethnic cleansing’ in J&K cannot be accepted in India or anywhere in the world. He added that various agencies in Pak cannot dissociate themselves from the massacre of innocent civilians.

23. The COAS also mentioned that the Indian Army had killed 8078 militants and recovered more than 23,000 weapons so far. Besides this the Chief also brought out that the foreign militant content in J&K was increasing considerably.

24. The COAS also stated that with our nuclear, missile and strong conventional force status, no threat is envisaged. However, there are challenges ranging from unsolved border problems, the current proxy war in J&K to futuristic regional aspirations; We are addressing them and feel confident and capable of managing such situation independently.

25. Towards the end, the Pak General expressed his thanks and mentioned that these points will be conveyed at the highest level in Pak including their COAS, who is his good friend.

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Aide Memoire of the Pakistan Ministry of Foreign Affairs lodging a protest on the shooting down of its naval aircraft by the Indian Air Force.

Islamabad, August 10, 1999.

AIDE MEMOIRE

The Ministry of Foreign Affairs of the Islamic Republic of Pakistan lodges a strong protest with the High Commission of the Republic of India in Islamabad over the unprovoked shooting down by Indian military aircraft of an unarmed Atlantic aircraft of the Pakistan Navy which was on a routine training flight inside Pakistani air space, east of Karachi at about 11.00 hours on 10 August 1999. The wreckage of the aircraft has been found two miles on land inside Pakistani territory.

This blatant and unprovoked act of military aggression against an unarmed aircraft inside Pakistani airspace is a flagrant violation of the international norms relating to inviolability of international frontiers as well as the bilateral agreement between Pakistan and India on the Prevention of Airspace Violations, of 6 April 1991 {Articles 1 and 2(a)}. This aggression has resulted in the cold-blooded murder of sixteen innocent persons in peacetime which is reprehensible and condemnable.

The responsibility for this wanton and cowardly act as well as for its consequences, rests squarely with India. Pakistan reserves the right to make an appropriate response in self-defence. We will inform the international community of the seriousness of this act of military aggression committed by India.

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Press Release issued by the Pakistan Ministry of Foreign Affairs on the statement of Pakistan Foreign Minister Abdul Sattar.

Islamabad, November 27, 1999.

"Pakistan will honour and implement its obligations under international agreements, treaties and resolutions of the UN Security Council. It cannot, however, agree to conditions for dialogue based on arbitrarily selected provisions of some agreements or their unilateral interpretations, while others are sought to be relegated or forgotten".

2. This was stated by the Foreign Minister, Mr. Abdul Sattar in response to a question by a foreign journalist on the reported statement of the Prime Minister of India making dialogue with Pakistan conditional on compliance with the Simla Agreement and the Lahore Declaration.

3. The Lahore Declaration, it may be recalled, called to a series of dialogue on bilateral issues, including Kashmir and on nuclear risk reduction measures envisaged in the MOU. Pakistan is wishing to carry out its commitments. In contrast, India has sought to impose preconditions on the commencement of dialogue. India is and on willing to fulfill its commitment enshrined in paragraph 6 of the Simla Agreement regarding the final settlement of Jammu and Kashmir dispute.

4. Pakistan and India have scores of agreements between them. Those include resolutions of the UN Security Council on Kashmir which were accepted by both sides. International law does not permit a party to renounce its obligations.

5. The UN Charter and recognized principles of International law must be observed by all. A peaceful world border cannot be built on unilateral preferences of states.

6. On Pakistan-India relations the Foreign Minister said that we are maintaining normal relations with all other countries. If India does not want to maintain normal relations, it is India's choice. India free to follow the policies it chooses but quite clearly these policies are not conducive to development of normal good-neighbourly relations. Simultaneously, we have decided to continue our own efforts and we hope that someday India will come to recognize that such efforts on the basis of accepted international norms will be of benefit not only to Pakistan but also to India itself.

Islamabad

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Excerpts from the Joint Communiqué issued during the visit of Prime Minister Atal Bihari Vajpayee to the United States.


Since September 11, the people of the United States and India have been united as never before in the fight against terrorism. In so doing, they have together reaffirmed the enduring ties between both nations, and the importance of further transforming the India-US relationship. In their meeting, Prime Minister Vajpayee and President Bush discussed ways to accelerate progress towards these goals.

They noted that both countries are targets of terrorism, as seen in the barbaric attacks on 11th September in the United States and on 1st October in Kashmir. They agreed that terrorism threatens not only the security of India and the United States, but also our efforts to build freedom, democracy and international security and stability around the world. As leaders of the two largest multi-cultural democracies, they emphasised that those who equate terrorism with any religion are as wrong as those who invoke its name to commit, support or justify terrorist acts.

The two leaders remembered the victims of the many nationalities in the terrorist attacks on 11th September and agreed that all appropriate steps should be taken to bring the perpetrators to justice, while protecting the lives and welfare of the people affected by these efforts. They noted that both countries are providing humanitarian assistance to the people of Afghanistan.

They affirmed that the current campaign against the Al-Qaida network and the Taliban in Afghanistan is an important step in a global war against terrorism and its sponsors everywhere in the world. They recognised that the international community will have to wage a long and multi-faceted struggle against terrorism, with patience, determination and unwavering focus. They emphasised that there is only one choice and only one outcome: terrorism must be fought and it shall be defeated.

Prime Minister Vajpayee and President Bush agreed that success in this endeavour would depend heavily on building international cooperation and securing the unambiguous commitment of all nations to share information and intelligence on terrorists and deny them support, sustenance and safe havens. The two leaders agreed to consult regularly on the future of Afghanistan. They welcomed the measures outlined in the UNSCR 1373 and called on all nations to ratify and implement existing UN Conventions on counter-terrorism. They expressed support for India’s draft Comprehensive Convention on International Terrorism and urged
the resolution of outstanding issues to enable its adoption by the UNGA.

The leaders of the two countries expressed satisfaction with the progress made in India-US cooperation on counter-terrorism, including the Joint Working Group on Counter-Terrorism established in January 2000. They reaffirmed their personal commitment, and that of their two countries, to intensify bilateral cooperation as a critical element in the global effort against terrorism. They also announced the establishment of a Joint Cyber-Terrorism Initiative.

Prime Minister Vajpayee and President Bush agreed that developments in Afghanistan have a direct impact on its entire neighbourhood. They emphasised that the Taliban and the Al Qaida network have turned Afghanistan into a centre of terrorism, extremism and drug trafficking and have brought immense suffering to the Afghan people. They agreed that a peaceful, progressive and prosperous Afghanistan requires a broad-based government, representing all ethnic and religious groups, friendly with all countries in the neighbourhood and beyond, as well as sizeable and sustained international assistance for Afghanistan's economic reconstruction and development. The two leaders committed themselves to work together, and in partnership with other countries and international organizations to achieve these goals.

Moscow Declaration between India and the Russian Federation on International Terrorism
Moscow - November 06, 2001

India and the Russian Federation affirm that international terrorism is a threat to peace and security, a grave violation of human rights and a crime against humanity. The struggle against international terrorism has become one of the priority tasks of the world community. This evil can be vanquished only by combining the efforts of all States. Whatever be the motive of their perpetration – political, ideological, philosophical, racial, ethnic, religious or any other, terrorist acts are unjustifiable. India and the Russian Federation support the adoption on the basis of international law of decisive measures against all States, individuals, and entities which render support, harbour, finance, instigate or train terrorists or promote terrorism. It is essential that all States, without exception, should pay particular attention to the prevention of access of terrorists and extremist organisations and groups to financial resources on the basis of international law. In multi-ethnic and democratic countries such as India and the Russian Federation, violent actions being perpetrated under the slogan of self-determination, in reality represent acts of terrorism which in most cases have strong international links. In addition, all acts and methods and practices of terrorism constitute a grave violation of the purposes and the principles of the United Nations, jeopardise friendly relations amongst States and are aimed at destruction of human rights, fundamental freedoms and democratic basis of society. Multi-ethnic and democratic societies are especially vulnerable to acts
of terrorism which are an attack against the values and freedoms enshrined in such societies. Fully resolved to developing cooperation in the struggle against new challenges in international terrorism including in the nuclear, chemical, biological, space, cybernetics and other spheres, both Sides noted the presence of close nexus between terrorism and illegal trafficking in narcotics, trade in arms and organised crime and pointed to the significance of the need for close interaction at the bilateral, as also at the multilateral level in combating these challenges to international stability and security. India and the Russian Federation are closely following the development of the situation in and around Afghanistan and emphasise the necessity to avert the spilling over of the conflict beyond the boundaries of one region, to prevent further extension of terrorism. The Sides accorded highest priority to the continuation of effective interaction on Afghanistan in the framework of the Indo-Russian Joint Working Group on Afghanistan established between the two countries in October 2000. India and the Russian Federation reaffirmed the central role of the United Nations in the efforts of the international community in the struggle against terrorism. They agreed that such a struggle must be conducted on the basis of international law including the United Nations Charter. In this connection, the Sides called for early completion of negotiations under U.N. auspices on the draft Comprehensive Convention on International Terrorism and the Convention for the suppression of acts of Nuclear Terrorism. Adoption of these Conventions would assist in strengthening the international legal basis for effectively combating the global menace of terrorism.

Signed on 6th November 2001 at Moscow in two originals, each in Hindi, Russian and English languages.

Sd/- Sd/-
Prime Minister President
of the Republic of India of the Russian Federation

Moscow, November 6, 2001
3567. **Press Conference by Minister of External Affairs Jaswant Singh.**

**Kathmandu, January 5, 2002.**

**Q.** Our impression is that Mr. Vajpayee did not want to shake hands with President Musharraf!

**EAM:** I am afraid I am not going to respond to impressions. All I can say is that they were in a congenial atmosphere.

**Q.** Are they going to meet?

**EAM:** There is no programme of meeting as yet².

**Q.** Informal meeting too?

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1. In the morning plenary session of the SAARC, Gen. Musharraf after his speech walked up to Prime Minister Vajpayee and extended his hand to shake Prime Minister's hand. The latter reciprocated the gesture and the two warmly shook their hands.

2. While there was no formal meeting between the two leaders they did have an informal interaction at a social function which led Pakistani President Musharraf to tell his press conference in Kathmandu on January 6 that he was pleased with the “informal interaction” with Prime Minister. He termed it a breakthrough and added that he “looked forward to formalizing the political contacts” shortly. However Mr. Vajpayee at his press conference also in Kathmandu on the same day described this meeting as a mere “courtesy call”. A day after this informal interaction in Kathmandu, India on January 7 ruled out an early dialogue with Pakistan. India’s reluctance to go in for talks was formalised after a two-hour meeting of the Cabinet Committee on Security (CCS). India cited the dissatisfaction at the steps taken by Pakistan to counter terrorism as the basis of its decision. “Where is the question of dialogue when there is no change in the attitude (of Pakistan),” the External Affairs Minister, Jaswant Singh, said after the meeting chaired by the Prime Minister. By rejecting talks, India signalled to the international community that it should continue to put pressure on Pakistan on terrorism. Significantly, India adopted this position when the British Prime Minister, Tony Blair, was touring the subcontinent, said to be helping to defuse military tension between New Delhi and Islamabad. Earlier when in Islamabad Mr. Blair repeatedly made a specific reference to the October 1 attack on the Jammu and Kashmir Assembly and the December 13 attack on the Parliament House last year and emphasised that Pakistan should denounce all such incidents in categorical terms. He asserted that there could be no justification for acts like those on October 1 and December 13. He said the international community expected Islamabad to arrest those responsible for such acts, in consonance with the resolutions of the United Nations. Mr. Blair, who was in the capital on January 6, had advocated the resumption of an Indo-Pak. dialogue after the threat of terrorism ended. New Delhi was not satisfied with the selective arrest of some persons in Pakistan said to be terrorists since India regarded them involved in internal sectarian violence between the Shias and Sunnis. India accused Pakistan of double standards in its approach to terrorism. “They do continue to maintain a very different approach when it was a matter of Western interest or Afghanistan and a different approach when it comes to the question of India or Jammu and Kashmir.” This was “not acceptable” to New Delhi. “You cannot have one attitude towards terrorism to west of Pakistan and altogether a different attitude to east of Pakistan.” Pakistan’s attitude towards terrorism, External Affairs Minister said, was “regrettable”. On January 7 the United States President, George W. Bush characterised the situation in South Asia as “still serious” and called on the Pakistan leader, Pervez Musharraf, to take a tougher stand against terrorism. “I think it is very important for President Musharraf to make a clear statement to the world that he intends to crack down on terror. And I believe that if he does that and continues to do what he’s doing, it’ll provide relief, pressure relief, on a situation that’s still serious,” Mr. Bush said.
EAM: I have answered that.

Q. How is India going to respond to Mr. Musharraf’s gesture?

EAM: He is President Gen. Musharraf and not just Mr.. Of course, we welcome the hand of friendship that the General has extended to the Prime Minister. Prime Minister’s response, in essence is that the gesture of the hand of friendship must be accompanied by acts of friendship and he [PM] has defined the acts of friendship. That is the essence.

Q. What do you think is going to be the outcome of the Summit as far as India, Pakistan discussions are concerned?

EAM: I will not, unfortunately, unlike the liberty that the press enjoys ... I am not in the game of being able to speculate. I would much rather deal with reality, as it emerges.

Q. Any progress on India-Nepal Trade Treaty?

EAM: So far as the Trade Treaty is concerned, as you know, India has already extended the Treaty and we have had talks with Nepal in this regard. We realize the fact that the Trade Treaty must be concluded satisfactorily, so that the concerns of both the countries are answered and, of course, it must deal with employment in Nepal and must result in further industrialization in Nepal.

Q. Two days ago you gave the details of the documents given to Pakistan. We don’t have any reaction from Pakistan. Maj. Gen. Qureshi said yesterday that no evidence has been given to Pakistan. What is your comment?

EAM: I am afraid it is not possible for me to respond to every utterance of the Spokesman of Pakistan.

Q. What was the reason for giving up the Retreat?

EAM: I am not responsible for the Retreat. I think the cancellation is purely a matter of convenience as the time available got considerably curtailed on account of fog and other factors. Now there is also a programme starting at 4 o’ clock today. I don’t know whether we will be able to sit together for any informal meeting.

Q. What would you say on the proposal to send a special envoy to India and Pakistan?

EAM: We have not asked for any special or extraordinary envoy. There are methods of interaction. Unless the Missions, both in New Delhi and Islamabad, are not up to the task, I don’t think there is any need for a special envoy.
Q. Will Prime Minister Vajpayee meet Musharraf.

EAM: He has already met him. Hasn’t he, in the morning?

Q. On raising bilateral issues in SAARC.

EAM: This has been decided right from the beginning that if SAARC gets bogged down in bilateral matters, then the special status of SAARC in dealing with matters relating to economic development will not be possible. It has been repeatedly raised that bilateral matters should be included, but every time it is collectively decided that it should not be so.

Q. Will the raising of bilateral issues, as raised by Gen. Musharraf, change the Charter of SAARC?

EAM: It is not going to change the Charter. If someone wants to go beyond the Charter then how do you put a stop? I don’t wish to categorize or give an adjective to what the President of Pakistan has done. It is really their look out.

Q. What about prospects of India-Pakistan relations?

EAM: I have been saying that SAARC is a multilateral body. It should concentrate really on SAARC related issues. I am here to answer SAARC related issues. You are raising questions relating to India and Pakistan.

Q. How is India going to respond to President Musharraf’s hand of friendship?

EAM: As you know, I have said that as the Gen. has extended a hand of friendship, the Prime Minister has said that the gesture of hand of friendship should be converted into acts of friendship and he has defined the acts of friendship. Let that be the next step forward.

Q. Have other leaders also spoken against terrorism?

EAM: Several leaders spoke categorically about terrorism and the need to eradicate it.

Q. Two days ago when you spoke to us, you said, you are willing to give Pakistan time. Does that still stand? Given that the General has now extended an olive branch. Does it make it little easier to extend the time to look at Gen. Musharraf’s next step?

EAM: I am not here for granting concessions. There is a certain time frame required for Pakistan. This gesture of hand of friendship must be accompanied by a public announcement against nurturing of violence, giving up cross border terrorism in any part of India or any other part controlled by Pakistan. If this is done, that is the first correct step taken.
Q. What do you feel are the solutions to terrorist acts?

**EAM:** You are saying what is the solution of terrorist acts? The solution lies in what has been said today. Both have to think that in the last 50 years we have not made any progress. Both have to take care of poverty and economic development.

Q. There is a feeling that terrorism should be seen from the end A serves? What would be your reaction to this?

**EAM:** It has been said earlier that there is no such thing as a good terrorist or a bad terrorist. In our consideration, it cannot. It is not acceptable that if terrorism occurs in West of Pakistan, then it is a matter of concern to the entire western world and if it occurs to the East of Pakistan then it is not of such a high priority. We cannot accept it. President Bush has categorically said that the fight against terrorism is a global fight and there cannot be a distinction in one variety of terrorism and another. This is what President Bush and Col. Powell have shared with me on a number of occasions.

Q. On relationship between Pakistan and U.S?

**EAM:** I don’t want to comment on that. That is a matter of bilateral relations between the United States of America and Pakistan. Pakistan is an ally of U.S. today. Good luck to the United States of America.

Q. Now that President Musharraf has extended a hand of friendship, are you not satisfied with it?

**EAM:** I didn’t say that, I said the hand of friendship must be accompanied by acts of friendship. But please understand that action against terrorism are not public relations exercise, these are substantive issues and they must be addressed substantially and seriously.

Q. After 13th December, Pakistan has publicly said that all acts of terrorism in India or Indian territory are to be condemned. You are talking about practical steps to be taken. Number 1, what are the practical steps and number 2, you can go on for ever not being satisfied. India is dictating terms to Pakistan. I am not clear we will get to a point of resuming dialogue because ....

**EAM:** What you are accusing me of is a lack of clarity in not specifically welcoming the steps what Gen. Parvez Musharraf Sahib has taken for terrorism. I am very appreciative of such steps taken. I have said so publicly. Please let me clarify, what we have told Pakistan to consider is that for any meaningful dialogue to resume between India and Pakistan, a climate for dialogue has to be created. You cannot create a climate for dialogue if you keep a tamancha (country-made gun) of terrorism against my temple and say now, if you don’t talk to me then I
will keep firing from this tamancha. All that I am saying is that remove this tamancha, because I cannot accept this terrorism as pre-dialogue negotiating tactics. The minute I accept that terrorism is, in fact, a pre-dialogue negotiating tactic then, please understand, you will be giving to the terrorists a reassurance that you are yourself trying to defeat.

Q. But President Musharraf has said...

EAM: I have said the steps you have taken are welcome steps. They are in the right direction. More needs to be done. I don’t want to sound critical. When India said after the attack on the Parliament, there was a public outrage. He said that it is our belief that Lashkar-e-Taiyaba and Jaish-e-Mohammed are responsible. Your Spokesman said that no you have done it yourself. Subsequently, you go and seize Lashkar and Jaish not because we said it but because somebody else told you to do so. Please try and apply to yourself the dept of reasonable trust - then apply to India also.

Q. Our troops are on the border. What impact was there of that on the meeting today?

EAM: There is no additional impact, as you saw today.

Q. How long will you pursue dialogue with Pakistan?

EAM: I have learnt a great deal in this journey. This journey has taken me from Lahore to Kargil, to Kandhar to Agra, to Kashmir killing to Parliament and now to Kathmandu. Will I continue to endeavour a lasting rapprochement with Pakistan? Dialogue, yes I will continue to do it. Because there is an article of faith in me. I will not do it as a public relations exercise because I don’t think India-Pakistan relations are a public relation exercise. Millions of peoples are involved. I am surprised by these things. I don’t think so. Because each of these stops that I have gone through, I have learnt. Please leave your cynicism. Please try to understand what we are trying to do.

Thank you ladies and gentlemen of the media.

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3568. Reaction of Official Spokesperson to suggestions from Pakistani President on no-war pact and de-nuclearization.

New Delhi, January 24, 2002.

**Question:** Do you have any comments on the offer of President Musharraf of no war pact?

**Answer:** There is nothing new in that offer. Pakistan has stated that on many occasions previously and India's position has also been clearly stated. It is necessary for the proxy war waged by Pakistan against India to cease, to stop forthwith. There is a low intensity conflict that has been generated by Pakistan against India, that has to stop and apart from that cross border terrorism and the support to cross border terrorism must stop.

**Question:** The Pakistan President has made another proposal of de-nuclearization any comments?

**Answer:** There is nothing new again in that statement and in fact Pakistan had made similar statements at the very time that it was engaged in the clandestine acquisition of nuclear weapons, know-how and technology. So there is nothing new in that statement.

3569. Media Briefing by Official Spokesperson on Pakistan.

New Delhi, February 14, 2002.

**Question:** Any reaction to President Bush's remarks on resumption of dialogue between India and Pakistan?

**Answer:** Well we have seen the transcript of the remarks made. In fact it was said there that the United States would be happy to encourage dialogue between India and Pakistan. I think the position of India on this has been quite clearly stated. It is really for India and Pakistan to address the outstanding issues between them directly through bilateral dialogue and there is really no room for any third party involvement in this process.

**Question:** Reports of the death of the journalist in Pakistan. Any Comments?

**Answer:** Well, I have seen that report. I have seen the news flashes on that. Of course there doesn’t seem to be any further confirmation on this so I would not
like to say anything further at the moment. But we have followed the developments in regard to the Daniel Pearl case with concern, we deplore the incident and it’s our sincere hope that no harm has come to him.

**Question:** Reports of large number of Al-Qaida terrorists have gone to Iran through Pakistan? Any comments?

**Answer:** No, I really don’t want to comment on reports that appear in the media on these subjects. As far as the war against terrorism is concerned as you know we have in the past expressed concern that you haven’t seen any significant arrests and capture of important Taliban or Al-Qaida leaders. So this is an ongoing concern and obviously would need to be addressed. As far as reports of them having gone to Iran or elsewhere I really don’t want to comment on that because we would make a judgment based on our own independent assessment.

**Question:** What would be our overall assessment on the visit of General Musharraf to the United States?

**Answer:** I am not going to share that with you. I am sorry. We don’t make, pass judgment or talk about assessments about visits made by other countries, or on third country relationships. As far as relations between the US and Pakistan are concerned India has never said that India is against the development of normal relations between the US and Pakistan. Similarly our relationship with the United States is not hyphenated by any other country. So these have to be regarded as separate.

**Question:** In the context of President Musharraf emphasizing US mediation in Kashmir issue. Any comments?

**Answer:** Well as far as the questions that were raised in terms of the US being involved in mediation or in facilitation that could be provided for the dialogue between India and Pakistan is concerned our views are very clear that this is a matter to be addressed directly between India and Pakistan. There is really no room for any other country to be involved.

**Question:** Has India asked the US to pressurize Pakistan to handover those 20 criminals?

**Answer:** No, not that I am aware of. As you know we do share intelligence, information and data on the fight against terrorism with the Government of United States and in fact the cooperation has been close and has been strengthened after the September 11 attacks. The interaction at the official level has proceeded very satisfactorily. Between our two countries, we have had a number of visits, delegations have been exchanged, the Joint Working Group on counter terrorism
has met very recently and the FBI Director was here. We have an ongoing exchange of information on this and the United States is aware of our concerns and is sensitive to our concerns.

**Question:** It has been 45 days since we have submitted the list of 20 criminals to Pakistan. So far no action has been taken by Pakistan. Is our patience unlimited?

**Answer:** I think we have said that we will give Pakistan due time and in due time we would expect a response. So we are awaiting a response and we will see what kind of response we will get from Pakistan. The recent experience with the UAE, as we have pointed out should be an object lesson for similar developments to take place in regard to the case of 20 fugitives from law and terrorists who figured on the list that we have handed over to Pakistan.

Thank You.

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3570. **Media Briefing by Official Spokesperson on the decision of the Cabinet Committee on Security to step up offensive against Pakistan.**

New Delhi, May 20, 2002.

Ms. Rao: Good Afternoon ladies and gentlemen.

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**Question:** Cabinet Committee on Security (CCS) has decided to step up diplomatic offensive against Pakistan. Does it entails sending of envoys to different countries also?

**Answer:** Obviously, when you talk of diplomatic offensive the prime thrust of any diplomatic offensive would be sensitizing the world community to India’s very legitimate concerns about cross-border terrorism and the fact that we have had pain inflicted upon us for far too long in this regard and the world community has in a sense been already made aware of India’s concerns in this regard following the attack on our Parliament on December 13 and now the Kaluchak Massacre on May 14. Obviously we see every need for further sensitizing the world community to our concerns and effort will be made to interact with a number of countries at the diplomatic level, at the political level, in order that
the world realizes the depth of the seriousness with which we view this problem.

**Question:** There were some reports that Pakistan might move UN to defuse tensions with India and to resolve Kashmir issue based on the UN Resolution passed after the nuclear test in May 1998. What is India's view on this?

**Answer:** We have seen those reports. That Resolution was a resolution passed in May 1998. But I think all of us need to focus on the realities and the compulsions of the current situation. It was only a few months ago that the UN Security Council Resolution 1373 was passed and I think that is the prime area of focus here. We are engaged in a war against terrorism. We are fighting cross border terrorism, we are the victims of terrorism and if there is any reason for the world community to focus on this issue it is because of the fact that we face this very real threat and we are victims of this scourge. So let us not turn our vision into areas, which primarily seek to deflect concern from this primary area of focus which is terrorism. This is all about terrorism.

**Question:** Will this diplomatic offensive also include lobbying to persuade Pakistan to take actions according to the UN Security Council 1373?

**Answer:** I don't want to go into details of the offensive steps that the Government will take. It is wiser to say that we will leave no stone unturned to defend our interests and to persuade the world community about the legitimacy of our concerns.

* * *

**Question:** Would you like to respond to the Pakistani statement to let the international security force to monitor the LoC?

**Answer:** Again do I see an attempt to deflect attention away from the central point?! Pakistan has to deal with cross border terrorism, the figures of infiltration have gone up. All evidence points to the fact that Pakistan’s complicity, Pakistan’s involvement in aiding and abetting cross border terrorism continues to be a reality and until and unless Pakistan focuses on this and deals with it directly we are not going to see an improvement in the situation. So there is no point in seeking to deflect the attention away or talking about involving third parties. This is a matter for Pakistan to address directly, its involvement in this is complete and they are the ones who have to take action to address cross border terrorism and infiltration.

**Question:** Will Indian diplomatic offensive be different from what it has taken before or done before?

**Answer:** Would you please define what the past diplomatic offensive
Question: You talk of the sensitizing the world community...

Answer: I think you are talking of a very concerted, very intense campaign to sensitize world opinion and to bring before the world community, the enormity of the situation that we face as a consequence of terrorism that has been inflicted, that has been directed against us by our neighbour – Pakistan.

Question: There are reports of heavy shelling from both sides in the border area. What is the exact position?

Answer: I am sorry sir, you have to ask the Defence Ministry for a briefing on that. I do not brief on the situation along the LoC or boundary. But I think if we are attacked or we are intimidated by Pakistan, surely we have every right to take steps to defend our interests and our security.

Question: Any response to the UK’s statement to restrain?

Answer: Well, we are in touch with the Government of the UK as we are in touch with the Governments of other friendly countries and they have been made fully aware to the enormity of the situation that we face and that we are fighting terror here, fighting terrorism and that it is the blood of innocent Indians, men, women and children that is on the hands of these terrorists. Where have these terrorists come from? I don’t think you need to guess from where they have come from. They have come from Pakistan and there is Pakistan’s involvement written all over this. So India is entitled to take whatever necessary steps are called for to defend its interest.

* * *

Question: Are you satisfied with the international response to the terrorist attack in Jammu?

Answer: Well, a large number of countries have unequivocally condemned the attack in Jammu and have expressed their sympathy and fellow feeling for India at this juncture. I think there has been no doubt in anybody’s mind about the gravity of the attack and about the heinous nature of the crime that has been committed and in that sense certainly, the level of empathy and understanding, certainly encourages us to believe that the world community is with India at this time.

Question: Yet you still feel that you must sensitize the world community?

Answer: Absolutely.

Question: Is there any time frame about our diplomatic offensive that by such time such thing should be completed...
Answer: Even if there was a timeline I am not going to tell you about it. (Smiles)

Question: What is Iranian reaction of the terrorist attack in Jammu?

Answer: I mentioned that the Iranian side has been made fully aware of India’s concerns. There is understanding; Iran understands what the effects of terrorism are. The two countries interact quite closely on such issues and events and meetings such as these especially so soon after the massacre at Jammu are extremely useful, I think they enable discussions to take place in a detailed, in depth manner. So what we have been able to convey to Iran in a detailed and in an exhaustive manner is about the effects of terrorism and why India is legitimately concerned about it and how long we have suffered this and that we will not have further pain inflicted upon us.

Thank You.

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3571. Address of Prime Minister Atal Behari Vajpayee to the soldier based in Kupwara, Jammu and Kashmir.


[Prime Minister Atal Bihari Vajpayee addressed the Jawans in Kupwara (Jammu & Kashmir). The Chief Minister of Jammu and Kashmir, Mr Farooq Abdullah, Defence Minister George Fernandes, senior Army officers and other distinguished public figures were also present on the occasion.]

Following are the salient points of PM’s address:

“I am extremely happy to be in your midst today. What is happening on the border is the concern of everybody today - irrespective of where he lives or whatever be his occupation. It is your responsibility to defend the borders - and it is a serious responsibility because you have to put your lives on stake. This is the time to fulfil your duty towards your motherland. I congratulate the brave officers and soldiers of the army who are defending our borders with such valour and bravery. During the last 54 years of our freedom, we have had to face many invasions, and each time the enemy was given a befitting reply. No enemy effort to capture our land, disrupt our democracy or create internal dissension has ever succeeded.

“Our forces have creditably been performing their duties and the enemy has had to return empty-handed. Kargil episode is fresh in our memories. We thought that their (enemy’s) repeated failures and defeats would have
inspired them to follow the right path - but no, this has not happened. When we were engaged in peace talks with the enemy - in the hope that it will abandon its animosity and establish good-neighbourly relations with us - its forces surreptitiously mounted an attack on our snow-clad mountains in the thick of night. We all know what was the outcome of that attack. The way our brave soldiers fought, the way our army officers displayed their expertise and acumen won the praise of whole world. We retrieved every inch of our territory from the enemy, who was so demoralized that it could not even carry back the bodies of its soldiers and ran away. But we gave their dead soldiers a decent burial - because when a soldier dies, he no longer is an enemy. We even respect the dead soldier.

“We also know how to respect the enemy. But it should not be construed as our weakness, nor should anyone think that we would indefinitely go on tolerating things. We are fully alive to the situation. Our neighbour has now devised a new method of waging war. Since it dare not fight a straight battle, more so after its defeat in Kargil, it is now waging a proxy war. It is now engaging mercenaries to fight in Kashmir. These paid servants do not fight a battle here; they only kill and maim innocent people.

“When I saw the bodies of children in the hospital yesterday, I wondered what kind of a war is this? What kind of a struggle is this in which women and children are targetted? This ruthlessness, this barbarism is a challenge to us - and we accept this challenge. While we want peace and devote our resources to development, as we want to make India a prosperous country in the world, we are forced to fight an unnecessary war. But we will fight that as well, and let it be known that we will emerge victorious even in that. No one should have any doubt in this regard.

“Our armed forces (army, air and naval) are responsible for defending the country. And they have creditably fulfilled their duties and responsibilities. We have proved our mettle in repeated tests. We are once again being called upon to prove our credentials. I have full faith in the capabilities of our Jawans and the armed forces. I want to assure them that they have the full backing of 100 crore Indians - who also serve as a line of defence. We should work for victory and be prepared to make sacrifices. Our aim should be victory - as the time has come to fight a decisive battle. The world knows that we are the aggrieved party. That is why the international opinion is in our favour. But they are not prepared to openly support us. Therefore we will have to fight our own battle and defend ourselves. And we are prepared for that. That we will essay a new victory is a foregone conclusion - let nobody misread that.

“I once again felicitate and congratulate you. Namaskar.”

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Interview of Prime Minister Atal Behari Vajpayee with the Newsweek. [Excerpts]

July 1, 2002.

WEYMOUTH: U.S. Deputy Secretary of State Richard Armitage told you that Pakistan’s President Musharraf had promised to stop the flow of militants into India-controlled Kashmir. Do you believe these promises?

VAJPAYEE: There has been no change in Pakistan’s policy so far as cross-border infiltration is concerned. Every day we are getting reports that infiltration [by militants into Kashmir] continues unabated.

Did Musharraf also promise to get rid of the training camps in Pakistan-controlled Kashmir and in Pakistan?

That was the promise. There are 50 to 70 terrorist-training camps in Pakistan-occupied Kashmir and in Pakistan.

Do you think Musharraf is trustworthy?

[Laughs] We are prepared to deal with him as he is, but we are cautious this time. Our past experience is not very encouraging.

Is this just a pause between crises?

If Pakistan implements all the assurances given to us, then a new beginning can be made.

If Musharraf ends terrorism from Pakistani soil, what move will India make in response?

India will be ready to have talks with Pakistan and discuss all issues, including Jammu and Kashmir.

Would you meet with Musharraf?

If his promises are implemented.

When will you pull some of your troops back from the Line of Control?

It will take some time. Let us see what happens on the ground.

How close were Pakistan and India to war?

It was a touch-and-go affair... I did not rule out the possibility of war. Until the last minute we were hoping that wiser counsels would prevail.
Did the U.S. make a mistake in making Pakistan a partner in the war against terror?
No, it was the right policy. Pakistan should be pressured to fight terror not only in Afghanistan but inside Pakistan itself.

The U.S. has not succeeded in capturing the leadership of Al Qaeda. Where are they?
They may be in Pakistan.

Do you think that Osama bin Laden is alive?
Yes.

Do the Pakistanis know where he is?
Of course.
So they know where he and his key lieutenants are hiding?
Not every movement, but broadly speaking, they know where the rest of Al Qaeda and the Taliban are.

Are there elements of Al Qaeda in Pakistani-controlled Kashmir?
The terrorist organizations operating in Kashmir are closely linked to Al Qaeda and other “Jihadi” organizations directly supported and directed by Pakistan.

How do you view the fall elections in [Indian-held] Kashmir? Will they be free and fair?
The elections will be held under trie supervision of the Central Election Commission. We have made a commitment that the elections will be free and fair.

Some say that India has rigged the elections in the past.
This time elections will be free and fair.

Is autonomy the long-term solution for Kashmir?
We are for the devolution of power.
What should the U.S. ro’ be in the future?
That of a facilitator.

India used to say it didn’t want a third party to the Kashmir dispute. Hasn’t the U.S. emerged as a third party?
No, that’s why I said a facilitator, not a mediator.

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3573. Comments by Official Spokesperson on US State Department’s call for a dialogue between India and Pakistan\(^1\).

New Delhi, March 25, 2003.

As asked to comment on the call for a dialogue between India and Pakistan made by the US State Department’s Spokesperson in the context of recent terrorist violence in the state of Jammu and Kashmir, the Official Spokesperson said:

“We see the call for dialogue by the U.S. State Department’s Spokesman as inappropriate in the context of the heinous terrorist crime in J&K. It regrettably shifts the focus from the basic issue of the problem between India and Pakistan. The problem is not lack of dialogue, but continued sponsorship of terrorism by Pakistan which is being overlooked. If dialogue, per se, is more critical than combating international terrorism with all necessary means, then one can legitimately ask why both in Afghanistan and Iraq military action instead of dialogue has been resorted to.”

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\(^1\) The Bush administration while condemning as “horrific” the terrorist attack at Nadimarg in South Srinagar in which a large number of innocent people including women and children were killed on the night of March 23 reiterated that violence “will not solve the problem of Kashmir” said dialogue between India and Pakistan remained a “crucial element” in the normalization. “The United States is deeply disturbed and saddened by horrific terrorist attack in south of Srinagar” and warned that the cowardly attack appeared aimed “at disrupting the bold efforts of the Kashmir State Government led by Mufti Mohammad Sayeed to restore peace and religious harmony to the troubled State”, the spokesman, Richard Boucher, said in a press statement. “Violence will not solve Kashmir’s problems. Such acts are intended to disrupt the programme of the State Government in Kashmir, which is attempting to reduce tensions and promote reconciliation. Dialogue remains a critical element in the normalisation of relations between India and Pakistan,” the statement noted. The Secretary of State, Colin Powell, had a telephonic talk with his Indian counterpart, Yashwant Sinha, to express American condemnation of the brutal attack and to extend condolences to the families of the victims.
Statement of Prime Minister Atal Bihari Vajpayee in Parliament on the call received from Pakistani Prime Minister.

New Delhi, May 2, 2003.

I received a telephone call on the evening of 28th April, from PM Jamali of Pakistan.

PM Jamali conveyed his appreciation and thanks for the comments I had made in Srinagar and my remarks about India-Pakistan relations contained in my statement in the two Houses of Parliament. He also condemned terrorism.

As Honourable members are aware, we are committed to the improvement of relations with Pakistan, and are willing to grasp every opportunity for doing so. However, we have repeatedly expressed the need to create a conducive atmosphere for a sustained dialogue, which necessarily requires an end to cross border terrorism and the dismantling of its infrastructure.

We discussed ways of carrying forward our bilateral relations. In this regard, I emphasized the importance of economic cooperation, cultural exchanges, people-to-people contacts and civil aviation links. These would create an environment in which difficult issues in our bilateral relations could be addressed. PM Jamali suggested resumption of sporting links between the two countries. We agreed that, as a beginning, these measures could be considered.

In this context, it has been decided to appoint a High Commissioner to Pakistan and to restore the civil aviation links on a reciprocal basis.

I also emphasized the importance of substantive progress on the decisions for regional trade and economic cooperation taken at the SAARC Kathmandu Summit. Agreements arrived at Kathmandu must be implemented.
Financial Times: The peace process between India and Pakistan appears to be going slowly. You don’t even have direct flights or an exchange of High Commissioners. What is holding things up?

Yashwant Sinha: You must remember that Pakistan has not set a time-frame and we have not set a time-frame. So everyone is aware of the time things might take. And therefore the process should not be seen in terms of deadlines. And to illustrate: the prime minister made an announcement in the Indian parliament with regards to two steps. One was appointment of high commissioners and the second was opening up of Indian airspace. Now, we’ve moved on the first. We’ve been able to announce our new high commissioner. I am not blaming Pakistan but they are in the process of nominating their high commissioner. And the first step of appointing the HCs will be completed when they are appointed and then they go and take their positions. Suppose we had put a deadline on this - the appointments should be made in one week’s time, they should be in position in two weeks time - it would have been unrealistic. So I do not think at any point of time there should be impatience either in the establishment or in the media with regards to the process.

Financial Times: You have said before that you have a “roadmap” in mind. That implies you have certain stages envisaged and a timetable. Is that wrong?

Sinha: No, I said that we have a roadmap but I did not say a timetable. And I also said that because there were two parties involved, unilaterally one party cannot set a timetable and this is common sense. And in reply to first question I have already said why a deadline should not be set.

Financial Times: Could I therefore ask you a timeless question about the roadmap which is what takes place after these initial two steps?

Sinha: The prime minister of Pakistan spoke to the Indian PM on the telephone. He made five suggestions. These were economic cooperation, improved cultural ties, sporting links, air links, and people to people contacts. These are therefore on the table. Doing these will involve doing other things too. So when you are talking of a roadmap we are clear in our mind what steps must be taken, both in regards to restoring normalcy in the relationship as well as in regard to the dialogue process and then in regard to progress of the dialogue process. And underlying all of this is the complete end to cross-border terrorism.

Financial Times: You have used the word “practical necessity” as opposed to
“pre-condition” in regards to the ending of cross-border terrorism. Could you explain the difference?

Sinha: It is very simple. The difference is that if this was a pre-condition then the Prime minister would not have made his “hand of friendship” offer in Srinagar last month. But for the dialogue to succeed it is essential that cross-border terrorism comes to an end. There cannot be a conducive atmosphere for a dialogue if massacres, violence, terrorism, keeps on happening. Therefore it is important that this is brought to an end if a proper atmosphere for the success of the dialogue is to be created.

Financial Times: Would it therefore be reasonable to assume that no senior dialogue or summit will take place if terrorist outrages continue to occur?

Sinha: I only want to say this: It is an essential condition for the success of the talks.

Financial Times: Mr Vajpayee launched this process without consulting his colleagues. There are clearly divisions within the BJP. To what extent can you rely on BJP unity behind Mr Vajpayee’s initiative?

Sinha: I don’t think there is any difference of opinion in the BJP with regards to Mr. Vajpayee’s initiative. To the best of my knowledge the BJP and its spokesmen have lent their support to this process. And everyone has also said simultaneously that cross-border terrorism must be brought to an end for this process to succeed.

Financial Times: Is it regrettable that the BJP refused to meet the parliamentary delegation from Pakistan that departed from India a few days ago?

Sinha: I cannot answer for the BJP because I am not in the day-to-day functioning of the party. But the important thing to remember is: Were they approached? What was the request made? We do not know. As far as I am concerned I got an unsigned fax message from the sponsors [of the visit] after they had already been here a few days saying they were visiting. Now clearly whoever was responsible for preparing their programme should have gone about their task in a more professional way. And therefore to read meaning into this would not be correct - that we were opposed or the government was opposed. And there are issues of convenience also.

Financial Times: We are seeing talk of Pakistan banning the Hizb-ul-Mujahidden [the largest Kashmiri separatist group, with headquarters in Pakistan’s portion of the divided province] and then suggestions that it is not being banned. What is your reading of Pakistan’s actions?

Sinha: I would not like to comment on this because any comment from me
would be misunderstood at this point of time and I do not want to create a misunderstanding. I would only like to say that if they take action against these elements who are indulging in cross-border terror it is something that we welcome.

Financial Times: But if they did would you provide more allowance - give Pakistan more room - for the actions of other terrorist groups that Pakistan might not directly control?

Sinha: If there are elements which are - according the authorities in Pakistan - which are outside their control and crossing the Line of Control despite their best effort to stop them then we should cooperate with each other in order to curb the activities of these elements. This would be a subject matter of discussion - a simple thing, that they get information, intelligence information, that such and such a group has escaped their whatever net they have and is likely to cross into India, we have channels of information through which such information can be passed onto our authorities and then we will be able to handle them.

Financial Times: We have seen reports about the US finally giving Israel permission to sell the Phalcon (early warning) system to India. Clearly US restraints on the export of dual use high technology to India is very important to India. Is there any sign of progress? Did you raise this problem recently with Colin Powell [they met in Moscow last week]?

Sinha: I have only like you seen the reports on the Phalcon. I cannot confirm them. Every time we have discussed the issues known as the “Trinity issues” [restrictions on dual use for India’s civil nuclear, civilian space and commercial information technology] the US has said that they would like to ensure that within the framework of their laws and regulations, they would do their best for us. This assurance has always been forthcoming. We have impressed on them the need to devise some kind of mechanism through which these good intentions will be translated into progress on the ground in a speedier fashion. I have no reasons to believe they will not act on this.

Financial Times: Assuming that is right, how would you measure progress? Do you have a list of shopping items?

Sinha: It can be measured in terms of increased cooperation and fewer hassles in regard to civilian use in regard to dual-use items. The various organisations in India do give them a list from time-to-time and we are looking for let’s say speed in that procedure.

Financial Times: Would it be fair to describe India-US relations as closer than ever before.

Sinha: I think that would be the right conclusion to come to.
Financial Times: What would be your optimum in terms of US-India relations?

Sinha: There is no optimum in sets of relations between two countries because there is always room for further cooperation and strengthening. So you cannot say that you will reach a peak at any point in time - it is a continuous process. Trade and economic relationship is a very important priority in our relations with the US. And on this the role of Indian professionals in the US is a very important issue.

Financial Times: The US and others have been imposing restrictions on Indian IT professionals.

Sinha: There have been some fairly retrograde signals in those areas where we have built our strength. Yes.

Financial Times: Would it be fair to conclude that non-tariff barriers are being imposed on the Indian IT industry by the US and others?

Sinha: Yes, that is true. Other priorities? Attracting more US investments into India and evolving whatever commonality we can involve with regard to the World Trade Organisation issues. And we are trying to identify trade areas on which consensus can exist.

Financial Times: Is it fair to say that the Bush administrations actions on trade show a big gap between rhetoric and reality?

Sinha: Not only the US but many other developed countries fall into the same category.

Financial Times: Mr Richard Armitage [US deputy secretary of state] was here recently and he was here exactly a year ago also. Then he said that Pakistan had pledged to put a “permanent” end to cross-border terrorism. That clearly hasn’t happened. Are the good offices of the US regarding Pakistan diminishing in value in India’s view?

Sinha: We have always said that as far as that is concerned, it was a promise or a commitment made to the US. Whether it has been kept or not is an issue for them to judge. Whether it is the US or any other interlocutor, when it comes to the discussion of cross-border terrorism, we tell them what we feel about the situation, they must also be getting feedback from Pakistan, it is for them to come to a judgement. But we have good reason to believe from the US statements on this matter that they do believe India has been a victim of cross-border terrorism, that it has not stopped, that Pakistan must do more to stop it. But in the final analysis, tackling cross-border terrorism is our responsibility and have to do it alone. So we are not remonstrating with anyone and saying “such and such a promise was made to you and it wasn’t honoured”. We are not
Financial Times: Is it reasonable to assume that Pakistan’s usefulness to the US as an ally in the war on Al Qaeda is diminishing? If so then would Pakistan’s leverage over the US be waning and does this affect India’s calculations?

Sinha: I will say that there is no permanent situation. We cannot have a world where terrorism from organisations of the like of Al Qaeda will be a permanent feature. So anyone who is counting on it being a permanent feature would be making a big miscalculation.

Financial Times: You are striking a lot of bilateral free trade deals with your neighbours - Sri Lanka, Bangladesh etc. Can we conclude that your regional trade strategy will remain bilateral and therefore outside of SAARC (South Asian Agreement for Regional Cooperation) until you have fixed your differences with Pakistan?

Sinha: Not at all. We have always been very keen to move under the SAARC auspices also. We have been doing our best to speed up the process of the preferential trade and free trade agreements under Saarc auspices. But we will not let that hold up any bilateral understanding with countries in this region, just as we are moving forward with countries outside this region.

Financial Times: But you still want Pakistan to reciprocate Most Favoured Nation trade to India?

Sinha: This could be a part of the confidence building programme with Pakistan. But India continues to extend MFN treatment to Pakistan. Pakistan does not give India MFN treatment. In addition, out of about 7,000 tariff lines 90 per cent are on the negative list in Pakistan which means India cannot export those items to Pakistan. Then there are other non-tariff barriers. There is a clear mismatch here between the kind of treatment we give them and they give us. It is our view that as members of the WTO, Pakistan should extend MFN treatment to India. Under Saarc they should do much more. And, trade should not be treated as a hostage to the political relationship.

Financial Times: Regarding “normalisation” it is fair to say that Pakistan is suspicious of it because they see India as the status quo power and normalisation as something the status quo power always wishes. Whereas it is not in the interests of the antagonistic power to normalise too much.

Sinha: Tell me who is the status quo power between China and India [China]? How is it that we have been able to work it out with them? We must recognise that India and China have a border conflict but we have still allowed our bilateral relationship to flourish.
Financial Times: So are China-India relations a model for how you should proceed with Pakistan?

Sinha: Not necessarily, I am just saying this is an example of how two nations have dealt with their differences over time and in the process created confidence and goodwill. I think we need to give ourselves such a chance with Pakistan. We both need to give each other a chance.

Financial Times: Have you fixed Mr Vajpayee’s visit to China? What are the main issues?

Sinha: Dates are not yet fixed. We will discuss the entire gamut of our bilateral relationship. There are many issues to discuss. I would like also to mention India’s relations with the UK. We have an excellent relationship with the UK, an excellent understanding on various bilateral issues notwithstanding various differences on Iran. My recent meeting with Jack Straw [UK foreign secretary] set a new level in terms of the warmth and understanding between our two countries.

Financial Times: Under what circumstances would India accede to the US request to send peace-keeping troops to Iraq?


Financial Times: Then it would happen?

Sinha: I will not give any details.

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3576. Government of India’s response to President Musharraf’s observations¹ on Jammu and Kashmir.

New Delhi, June 30, 2003.

In response to a question on President Musharraf’s remarks on Tibet and Jammu & Kashmir, the Official Spokesperson said: “There is no similarity between Tibet and Jammu & Kashmir¹. Our position that the Tibet Autonomous Region is a part of the territory of the People’s Republic of China has been consistent for nearly five decades. On Jammu & Kashmir, the problem is precisely that Pakistan refuses to recognise the political and legal reality that Jammu and Kashmir is an integral part of India. Clearly therefore, the flexibility that President Musharraf referred to, has to be shown by Pakistan”.

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1. In an interview to a private Pakistani television channel in Los Angeles, during his visit there Gen. Musharraf while welcoming the peace process between India and Pakistan said the two countries “have a long way to go in resolving of their differences.” He then went on to say: “The flexibility India has shown on Tibet is a welcome sign. One can only hope it happens in the case of Kashmir too.”
3577. Statement by Official Spokesperson on false propaganda by Pakistan against India.


The Pakistani Acting High Commissioner was called to the Ministry of External Affairs today:

His attention was drawn to the recurring propagandistic articles in the Pakistani media as well as comments of Pakistani officials and leaders targeting the Indian Consulates General in Afghanistan, particularly those in Kandahar and Jalalabad. His attention was also drawn to the baseless comments of the official Spokesperson of the Pakistani Foreign Ministry on Saturday, 26 July claiming that there was threat from Indian diplomatic missions in Afghanistan, and that Pakistan needed to counter it.

Even Afghan officials and Ministers, including their Interior Minister, had been constrained to publicly reject these preposterous allegations leveled by Pakistan.

Such persistent Pakistani allegations in an atmosphere already full of violence and terrorism threaten the security of our missions and its personnel. The Government of Pakistan was asked to take into account the spirit of the initiative of our Prime Minister, extending once again the hand of friendship to Pakistan, and desist from any comments or actions that go contrary to the objective of setting in motion positive trends in our bilateral relationship.

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1. The Pakistani Foreign Office Spokesperson Masood Khan told a press briefing in Islamabad that “Their (Indian Missions in Afghanistan) activities are known and they are there to disrupt relations between Pakistan and Afghanistan.” He further accused the Indian missions of making “concerted efforts to drive a wedge between the two countries (Pakistan and Afghanistan)” Stating that there was little economic activity to perform for the Indian missions in Herat, Kandahar and Jalalabad, Pakistan’s assessment was that “there is a threat from the Indian diplomatic missions in Afghanistan and we have conveyed our concern to the Afghan Government”.

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3578. **Response by Official Spokesperson to the Communiqué issued at the 10th OIC Summit in Kuala Lumpur.**

*New Delhi, October 18, 2003.*

1. We have seen the final Communiqué of the 10th OIC Summit. It is regrettable that the Islamic countries have once again shown an inability to take an objective and independent view of the Jammu & Kashmir issue and India-Pakistan relations. One would have thought that as a result of the current process of introspection that the OIC as an organization is going through, their Communiqué would have less rhetoric and propaganda and more substance. By taking one-sided positions and becoming a mouthpiece for Pakistan’s posturing on Kashmir, the OIC countries don’t enhance their credibility in the eyes of India and its people. This is not the ‘enlightened moderation’ that OIC wishes to inculcate.

2. Jammu & Kashmir has a democratically elected representative government and the human rights of the Kashmiri people are protected.

3. The Prime Minister of India has, for the third time, offered a hand of friendship to Pakistan. Instead of misleading OIC countries about the actual situation and trying to use them as pawns for its continuing confrontation with India, Pakistan should respond to India’s overture in the right spirit and in the longer term interest of both countries in peace and stability in our region.

4. While the world recognizes the international scourge of terrorism and there is a large consensus to combat this menace, it is surprising that the OIC Communiqué makes no reference to Pakistan’s continuing terrorism against India, which, unfortunately, is at the root of the problem in Jammu & Kashmir and in relations between India and Pakistan.

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1. The final communiqué while reaffirming the ongoing efforts of the Government of Pakistan to seek a peaceful resolution of Jammu and Kashmir dispute through all possible means including substantive bilateral talks with India “called for the respect of the human rights of the Kashmiri people and ending of their continued violation and urged India to allow international human rights organizations to verify the conditions of human rights in Kashmir.”
Statement of Government of India on India-Pakistan Relations.

New Delhi, October 30, 2003.

Spokesperson: Good Evening Ladies and Gentleman

We have a statement on Pakistan’s proposals yesterday.

1. We welcome the fact that Pakistan has responded positively to at least some of the proposals announced by our External Affairs Minister on October 22. We are disappointed that they have attached impractical, extraneous or delaying conditions to the others.

2. Based on the positive responses, there would be immediate implementation of the proposals to allow senior citizens to cross at Wagah on foot. We would also initiate further steps for working out modalities for links between our Coast Guards and Pakistan’s Maritime Security Agency. We also look forward to bilateral sporting encounters. We will work on the modalities of Pakistan’s proposal for release of apprehended fishermen within a month, although we would have preferred to work out an arrangement for their non-arrest.

3. We hope that Pakistan will come to the talks on civil aviation on December 1-2, with an open mind and with the intention of finalising arrangements for their successful resumption.

4. We would look forward to holding of technical level talks for resumption of Samjhauta (Mutual Understanding) Express, in the middle of December, as proposed by Pakistan, after the successful conclusion of the talks in early December for resumption of civil aviation.

5. We welcome Pakistan’s offer of medical treatment to 40 Indian children. Such offers and their implementation will no doubt enhance interaction and contribute, in some measure, to increasing understanding and empathy.

6. We are disappointed that Pakistan has, in effect, not agreed to our proposals for running extra buses on the Delhi-Lahore route, and establishing links between Mumbai and Karachi, Khokrapar and Munabao, and Srinagar and Muzaffarabad. Such links would have facilitated widening of people to people contacts and cooperation. They could have easily been put into effect through technical level discussions. Holding up such simple steps, and making them part of the Composite Dialogue process, in effect means delaying them. Since these measures are aimed at expanding interaction, widening areas of cooperation and building up trust,

1. Document Nos. 1595 and 1596
we will continue to hope that Pakistan will agree to their implementation. Our offer for a bus link between Srinagar and Muzaffarabad was motivated by humanitarian considerations. It is unfortunate that Pakistan has instead opted to politicise and disrupt this by attaching conditions that they knew would not be acceptable. In fact, even now people from these regions travel without the requirement of the kind of documents that Pakistan spoke about.

7. We have noted Pakistan’s proposal for a bus link between Lahore and Amritsar. We can assess the requirement for this after progress on Delhi-Lahore bus, civil aviation and Samjhauta Express.

8. We are ready for a calibrated increase in size of Missions, as the requirement grows with the re-establishment of links, and setting up of new ones. However, there is no need to wait for this for holding of visa camps, which would ease the situation for the normal traveller who otherwise has to come all the way to Delhi or Islamabad to get visas. We would urge Pakistan to reconsider this.

9. As far as Pakistan’s offer of 100 scholarships is concerned, we believe that the process of building trust and cooperation between India and Pakistan, and establishing lasting peace, would be facilitated if offers are not targeted on any particular region of India. India has never adopted, for instance, a selective approach for Balochistan, Sind or NWFP, or for any particular community. Our offers have been available to any Pakistani. If Pakistan were to make such non-discriminatory and general offers of cooperation, then it would no doubt contribute to taking the process further.

10. We are amused at Pakistan’s profession of concern at the plight of disabled and negatively affected people in the state of Jammu & Kashmir. If Pakistan’s concerns are really sincere, it should take immediate steps to end infiltration, dismantle the infrastructure of support to terrorism, and offer compensation to those affected by the terrorism it has sponsored. Its references to alleged repression on J&K are obviously only a ploy for its failed attempt to camouflage its sponsorship and support for terrorism.

11. I would also like to reiterate that Jammu & Kashmir is not a disputed territory. The only issue that remains to be resolved for a final settlement of J&K is the question of Pakistan’s illegal occupation of a portion of the State.

12. Despite the limited positive responses from Pakistan, it is clear that our Prime Minister’s initiative has gathered momentum. India would sincerely continue with the process, building on the successes achieved and the
support generated, so that lasting peace is established between the two countries. We also remain committed to a dialogue process based on the premise that sustained dialogue requires an end to cross border infiltration and terrorism. If Pakistan perceives, as it has claimed, that Composite Dialogue is in mutual interest, it must immediately put an end to its sponsorship of cross border terrorism.

Question: Pakistani Foreign Secretary quoted Yashwant Sinha saying that the 12 proposals made on 22nd October was a tactical move on part of India. He also said that EAM while briefing BJP foreign cell said that these proposals were win- win situation and also wants to split Hurriyat. What is your reaction?

Answer: I have been instructed by EAM that such news reports which attributes all these statements to him about “tactical moves” and “win-win situation” are absolutely false and baseless. The proposals which were unveiled by EAM on 22nd October after the CCS meeting are marked by the same spirit of sincerity which have marked all aspects of Prime Minister’s peace initiative since April 18. It is most unfortunate that the Pakistani Foreign Office, when defining its response chose to rely on these baseless and speculative news reports.

Question: Will talks on resumption of Samjhauta Express not take place if Civil Aviation talks fail?

Answer: We hope that the Civil Aviation talks will be successful.

Question: Yesterday Pakistan offered assistance for Kashmiris widows and rape victims. What if Pakistan is ready to provide treatment to them? Will India allow them to avail?

Answer: I have given you our response on two aspects: The first is on the issue of directing any proposals to a specific region. The second is about professing concern about the people who are disabled and negatively affected in the state of Jammu and Kashmir. We have given you our response that they are so affected because of the sponsorship of cross border terrorism, perpetrated and supported by Pakistan. If they are sincere in their concern then the answer lies in ending infiltration, dismantling the infrastructure of terrorism and stopping the sponsorship of terrorism.

Question: You have covered in your response all the Pakistani proposals except one that India should allow International Human Right Commissions to make list of all victims in Jammu and Kashmir due to repressions.

Answer: I think you should read the statement carefully and you will find all the responses there. There is a clear reference to the alleged repression in Jammu and Kashmir - the Pakistani comments are only a ploy for its failed attempts to camouflage sponsorship and support of terrorism.
Question: Given India’s well known position on ending terrorism, how do you see these talks proceeding?

Answer: Which talks?

Question: …all these proposals and counter proposals..

Answer: If you ask me a specific question I will be able to give you a brief on that point.

Question: Theoretically, should people of Jammu and Kashmir seek the scholarship offer by Pakistan. Will Indian Government allow them?

Answer: I don’t want to get into speculative theoretical debate in this press conference. As far as Pakistan’s specific offer of 100 scholarships is concerned I have just given you our response and reiterated it.

Media briefing by Official Spokesperson on the meeting between Foreign Secretaries of India and Pakistan.

New Delhi, June 27, 2004.

Official Spokesperson:

As you are aware, Foreign Secretaries of India and Pakistan met today to commence the Composite Dialogue. They discussed the subject of Peace and Security, including Confidence Building Measures. Ideas and proposals were exchanged to take the process further. Discussions were held in a positive and constructive atmosphere. Talks tomorrow will be on Jammu and Kashmir.

As the talks are still in progress, I would like to keep this briefing short and hopefully sweet.

Question: What proposals were exchanged?

Answer: I would not like to go into the details of the proposals today. The talks are still going on and I am sure that by the time we end the second round you will have a fair idea of what was discussed. But I can tell you that today the discussions focused, as they were expected to, on peace and security including Confidence Building Measures. We already have some Confidence Building Measures on the table. We also have the results of the Expert level meeting on
nuclear CBMs, which took place in Delhi last week and proposals arising out of that. Then there are other proposals aimed to better communications, and others arising out of humanitarian concerns. These are proposals which are aimed to increase mutual trust and confidence and create better relations between the two countries in keeping with our commitment.

**Question:** Just before the talks there was a major incident in Pulwama... (inaudible)?

**Answer:** As I said the talks are still going on so let me not go into a point by point thing on what has been discussed today, what is being discussed tomorrow. At the end of the talks we will give you a full appreciation.

**Question:** You mentioned about humanitarian measures. Was the issue of opening Consulates in Karachi and Mumbai discussed?

**Answer:** That is not what I had in mind, but since you have brought up that issue, it is an issue that has already being discussed by the two Foreign Ministers in Qingdao. I can say that that issue has been discussed and we will let you know how things proceed tomorrow.

**Question:** You had mentioned at the conclusion of the expert level meeting on Nuclear CBMs that the conclusions would be reported to the Foreign Secretaries. Specifically, on the notification of missile tests, was there any discussion today?

**Answer:** Well you are quite right that the conclusions of the expert level meetings are brought to the Foreign Secretaries because in the Composite Dialogue Process the Foreign Secretaries meeting also forms a plenary which reviews the results of the other meetings. Both sides were appreciative of the work done by the experts on the nuclear CBMs and by the results that have been achieved. As regards the draft agreement, which is mentioned in the statement that was issued after the meeting of the experts on nuclear CBMs, that is a draft and needs further work. It needs comments from the other side and further work before these things can be finalized. Only about 5 or 6 days have elapsed since that meeting.

**Question:** You mentioned communications, what sort of communications?

**Answer:** I said the CBMs aim to better communications.

**Question:** ...inaudible...

**Answer:** We will give you the details of these proposals and what comes out of the meeting tomorrow.

**Question:** Any discussions about Khokrapar – Munabao rail link?
Answer: As I have said, we already have a certain number of proposals on the table. The links between those towns are already on the table.

Question: Srinagar – Muzaffarabad …

Answer: Correct, this issue is also on the table. As I said, a number of issues are on the table and fresh issues were discussed. What the plan on each of these issues is, I will be able to tell you only after the meeting is over.

Question: Any broad understanding on any of these ideas and proposals?

Answer: Let me not characterize anything in the middle of the meeting.

Question: Will the announcements be made only tomorrow?

Answer: I have briefed you on the discussions today. Tomorrow, once we finish the meeting we can give an overall picture on the different issues involved, if that is what you mean by announcements.

Question: No hiccups…

Answer: The meetings were conducted in a friendly, very positive and constructive atmosphere. The aim was evident - to carry this process forward. After the meeting Foreign Secretary also held a lunch in the honor of the visiting delegation and is hosting a dinner tonight.

Question: Tomorrow, during discussions on Kashmir, will the issue of terrorism also come up?

Answer: Let me not start crystal gazing. It is normally not helpful.

Question: You said a number of ideas and proposals were exchanged. Was any rejected?

Answer: The ideas have been proposed. There were proposals and ideas exchanged from both sides and let us see how this process carries forward tomorrow. We are hopeful that the process is going to move forward. The talks have been held in a very constructive and positive atmosphere. And this should continue tomorrow.

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1. At the conclusion of the talks, the leader of the Indian delegation and Secretary, Water Resources V.K. Duggal said: “The issues were discussion with total understanding towards the point of taking them to a resolution.” Pakistan’s Water Resources Secretary Ashtaq Mehmood said: “We had good discussion with an open mind, in an atmosphere of give and take and have covered sufficient ground” adding that “It is win-win situation.”
3581. Reaction\(^1\) of Official Spokesperson on the Statement of the Pakistan Foreign Office on the talks between the Indian External Affairs Minister and President Musharraf in Islamabad.

New Delhi, July 24, 2004.

We are disappointed at the tone and substance of some of the comments made in the Press Release issued by Pakistan Foreign Office yesterday after the meeting between President Musharraf and External Affairs Minister.

The press release does not reflect the comprehensiveness of the discussions.

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\(^1\) The Foreign Ministry of Pakistan in a statement issued in Islamabad on the meeting between the EAM and President Musharraf on July 23 struck a jarring note when it said that President Musharraf stressed the need for a final settlement of the Kashmir issue within a “reasonable” time-frame and “simultaneous” progress on all subjects including the “central issue” of Kashmir. The statement further said that the President stressed that it was important to provide “comfort” to Kashmiris as they had the highest stake in the success of the peace process. Media quoting MEA sources said the reference in the Pakistani statement to a “reasonable” time-frame for a final settlement of the Kashmir issue sounded strange coming from those who avoided any discussion on the subject between 1972 and 1989, made discussions impossible from 1990 onwards because of the sponsorship of terrorism and made the prospects of a final settlement difficult by ignoring the realities and by adopting non-pragmatic positions. The sources also rejected the suggestions for “simultaneous” progress on all issues, not only because it was an unrealistic approach but also because it was aimed at thwarting progress. The suggestion was contrary to the articulated positions of the Pakistani leadership which had earlier advocated resolving the easier issues first, building confidence and developing the relationship in a step-by-step manner. It was surprising that the Pakistani statement talked of providing comfort to Kashmiris even though it was Pakistan which had attempted to undermine such “Comfort” by its sponsorship of terrorism and encouragement to extremism, the sources quoted by media said.
Joint press statement issued at the end of the meeting between the Foreign Secretaries of India and Pakistan.


The Foreign Secretaries of India and Pakistan, H.E. Mr. Shyam Saran and H.E. Mr. Riaz H. Khokhar, met on September 4, 2004 in New Delhi to review the progress in the Composite Dialogue.

They assessed positively the discussions held on the eight subjects in the Composite Dialogue i.e. Peace and Security including CBMs, Jammu and Kashmir, Siachen, Sir Creek, Wullar Barrage/Tulbul Navigation Project, Terrorism and Drug Trafficking, Economic and Commercial Cooperation and Promotion of Friendly Exchanges in Various Fields. The Foreign Secretaries agreed that the discussions had been productive and had taken place in a cordial and constructive atmosphere. Several useful ideas and suggestions were made by both sides.

In their meeting today, the Foreign Secretaries discussed the ways of taking the process forward. They would be reporting to the Foreign Ministers with the recommendation that the Composite Dialogue should be continued with a view to further deepening and broadening the engagement between the two sides.

1. The previous day answering questions from journalists whether India will “focus on the increased infiltration and cross-border terrorism”, the Spokesperson Navtej Sarna had said: “As I said this is a meeting at the Foreign Secretary level and the Foreign Minister level that reviews the entire progress in the Composite Dialogue and the bilateral relations. The Composite Dialogue, as you know, was started this year after January 6 Statement in Islamabad. The January 6 Statement is quite clear and there is an expression there that to sustain this dialogue, violence, terrorism and hostility must be prevented. I am sure that this is a concern that will be taken up.”

Answering another question on CBMs and people-to-people contacts, the Spokesperson said: “There can be. This is a Foreign Minister level discussion. So, there is no binding on what they are supposed to discuss. Naturally, we have, as newspapers like to call it, a slew of CBMs on the table. Some of them we have agreed to. On some of them we have positive movement on both sides and on some of them there may be unilateral movement. I am sure all these issues will be discussed. The sincere desire is that we must move towards implementing as many of those as possible.”
3583. **Statement by Official Spokesperson describing the suggestion as inaccurate that Prime Minister would be prepared to adjust the LOC in Kashmir.**

   **London, September, 20, 2004.**

We have seen an item suggesting that the Prime Minister “will offer to ‘adjust’ the Line of Control by a couple of miles eastwards” as part of “an offer to help defuse the situation in Kashmir”.

This is completely and wholly inaccurate. Any suggestion that the Prime Minister will make such an offer is factually wrong.

As has been said on several occasions, including in the Prime Minister’s Press Conference at 10 Downing Street earlier this afternoon, the Prime Minister looks forward to his meeting with President Musharraf of Pakistan in New York, and to discussing all matters of bilateral interest including a review of the composite dialogue. There is no question of any territorial concession being offered by India to Pakistan.

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3584. **Reaction of Official Spokesperson on Pakistani President Pervez Musharraf’s proposal on Jammu and Kashmir.**

   **New Delhi, October 26, 2004.**

Naturally, we have heard those comments¹. We do not believe that Jammu and Kashmir is a subject on which discussions can be held through the media. As you are already aware it is one of the subjects in the Composite Dialogue Process. So, if there are any proposals/suggestions regarding that, that is the forum that we expect that they will be brought to.

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¹. President Musharraf said in Islamabad on October 25, while speaking at a Iftar (dinner for breaking the fast during the holy month of Ramadhan) for the editors of Pakistani newspapers, that insisting on plebiscite or making the Line of Control a permanent border could not solve the Kashmir issue. He added “Any such solution has to be based on three points. First, we will have to identify the regions, demilitarize them and in the third stage change their status.” He however, added for good measure that his recent talks with Prime Minister Manmohan Singh, in New York had been useful. “In our next meeting (during the SAARC summit in Dhaka in January, 2005), we would look in to various options which would come both from Pakistan and India.”
Press Conference by Foreign Secretary Shyam Saran after first round of India – Pakistan Talks.


Opening remarks: I would like to begin by expressing deep appreciation for the invitation extended to me to visit Pakistan, and for the opportunity to visit Peshawar and hopefully also Lahore. We had a round of discussions today morning. I would like to give you all a brief idea of this meeting. We carried out a comprehensive review of the dialogue that has taken place so far. A number of issues were discussed. You are aware of the meetings such as those on Sir Creek, Anti-narcotics, and Expert-level Meetings on Conventional and Nuclear CBMs. We agreed on the Joint Survey of pillars on the horizontal segment in Sir Creek, and had a useful discussion on anti-narcotics. We had covered considerable ground in these talks and both sides expressed satisfaction at the progress made so far. We had agreed that during the Foreign Secretary-level talks we would try to further narrow the differences that exist.

A number of very important visits have taken place in recent months. CM of (Pak) Punjab visited India on the invitation of the Chief Minister Mr. Amarinder Singh. Recently the Speaker of the National Assembly of Pakistan had an extremely successful visit to India. The traffic across the border has increased at a rapid pace and we want to keep up the momentum. There is a visible improvement in relations, and there is less tension. We recently celebrated the first anniversary of the ceasefire which is holding. We have taken forward a number of CBMs.

My assessment of the talks this morning is that both sides want to continue the process. There is a commitment to try and ameliorate some of the areas where there are humanitarian concerns. One such case is that of the fishermen and civilian prisoners. Both countries have a responsibility to ameliorate the sufferings of these people. One other area is that of children who inadvertently cross the borders. There was a matching response from Pak side on measures to address these humanitarian issues; this will enable us to move forward.

We have also offered some more CBMs like easier travel of senior citizens over 65 years of age and children below 12 years. They will not have to seek visas at the Indian High Commission in Islamabad to travel to India. This would also apply to groups whose antecedents are pre-vetted. This will help them cross the border in an easier manner. Formalities and procedures for entry into India can be completed at the Wagah Attari check-post itself. The High Commission will forward information to New Delhi on the groups, and these groups can obtain permission to enter on arrival.
We have also conveyed that Student Visas can be given on a case by case basis to those children who get admission in India for studies. We have also discussed inclusion of more religious places and list of shrines to be visited.

Both sides have agreed to carry forward the next round of talks, which will go on till June-July next year. The calendar of meetings is under preparation. This reflects the commitment for dialogue on both sides. We have all along said that we have to be engaged in a sustained dialogue. After completion of the expert-level talks, the Foreign Secretaries will meet again to review the progress achieved. We had a number of meetings in the recent past, including one between President Musharraf and Prime Minister Singh. Prime Minister Shaukat Aziz recently visited India. We will have the SAARC Summit when both Prime Ministers will also have an opportunity to meet. Our External Affairs Minister (EAM) will visit Pakistan in the next few months. These (interactions) will give us opportunities to see how our relations can be taken forward.

We will also discuss Jammu & Kashmir tomorrow. We are ready to engage in a serious dialogue on Jammu & Kashmir. There is a misperception in Pakistan that India is trying to take the CBMs forward and marginalise discussions on Jammu & Kashmir. I will say with complete honesty that this is not the case. We believe in having a serious dialogue on Jammu & Kashmir along with moving forward on the CBMs which would give a chance for finding solutions to the issue of Jammu & Kashmir. This is part of a process. Far from deflecting progress on J & K, movement on CBMs will help us to find solutions. It is our sincere view that building confidence through CBMs is integral to resolving the issue of J & K.

We fully agree with President Musharraf when he said perhaps there is a trust deficit, and that needs to be addressed. We have to deal with public opinion. We, both in Pakistan and India, have to carry our people with us. Any understanding on J & K must be supported by our people, on both sides. It makes eminent sense to expand the peace constituency on both sides. At the end of the day, we are talking of people. There should be no doubt in the minds of the people in Pakistan that we are serious about finding solutions to the Jammu & Kashmir issue. The feeling that confidence building is opposed to, or detracts from, finding a solution to Jammu & Kashmir is misplaced. On the contrary, it will help.

The Joint Press statement of January 6 contains a very solemn assurance that no territory under control of Pakistan will be used to sponsor cross border terrorism. This is a fundamental assurance for us, and critical for taking the dialogue process forward. This solemn assurance is important and should be implemented in letter and spirit. I hope it will be implemented.
Qn: What will be the basis of your discussions on Jammu & Kashmir? Is it that territories on both sides of the line of control are considered disputed? (Javaid Rana, The Nation)

FS: Our legal position is that Jammu & Kashmir is an integral part of India. We are prepared to look at the issue that has arisen with regard to Jammu & Kashmir by focusing on the people. Certain lines are drawn on the maps. There is nothing much we can do in the near future to change these lines. What we can do is to ameliorate the sufferings of people on both sides. We should be focusing on the people. That is our effort. If we take this process of CBMs including in Jammu & Kashmir forward to make it possible for the people to interact, perhaps options which are not available to us today may reveal themselves. Enhanced interaction among Kashmiris will throw up solutions in the times to come. We are committed to a peace process. What we are engaged in is to have peace with Pakistan.

Qn: - Is tomorrow’s discussion going to be about new proposals on Jammu & Kashmir? (Mr. Nayar, UNI)

FS: If you are looking for a solution as it exists, this is not the case. This is a very sensitive and sentimental issue for both sides. So a solution is not possible in the next few days. We need to be engaged in a process. Our Pakistani interlocutors agree on the need to engage in a process, and not in an event so that the consequences of the lines drawn on the map can be addressed.

Qn: Are you proposing to include people of Jammu & Kashmir in the dialogue? (Khalid Azim, Editor, Daily Ummat Karachi)

FS: The people of India are involved in the dialogue, and thereby the people of Jammu & Kashmir, being a part of India. How do we then include the people? The only way we know how to do this, as a democracy, is through elections. So we will deal with the elected Government of Jammu & Kashmir. We are also willing to involve other people who want peace.

Qn: Have we received any note on the seven regions proposal from President Musharraf? If a note is received what will be your reaction? (Mohan Das, UNI)

FS: No. I cannot comment on any hypothetical situation.

Qn: Everyone knows that Jammu & Kashmir issue cannot be solved quickly. But it is a positive sign that our Indian friends are talking about solutions after fifty years. Do you have any timeframe in mind? (Mazar Iqbal, Daily Islam)

FS: I would like to correct the historical part (of your question). It is wrong to say that Jammu & Kashmir was not discussed in the past. We talked about ways for a solution even before the Shimla Agreement. I can assure you that we are ready to discuss it with all seriousness. Then on the question of timeframe. To
us, sooner the better. But this is a process, and I do not think we can put or impose artificial timelines on a process.

Qn: Do you think that Pakistan will hold to its solemn assurance on cross-border terrorism? And do you think India would agree to a third party facilitation or mediation? (Sherry Sardar, Reuters, Islamabad)

FS: On implementation of the solemn pledge made (by Pakistan) on cross-border terrorism, much more needs to be done. The phenomenon of cross-border terrorism has not ceased. On our agreeing to a third party facilitation, I do not think so. Both sides are involved in a sustained, substantive dialogue process. Both sides are committed to an early solution. I do not see any need for any third party.

Qn: Pakistan offered assistance to India following the (disaster caused by the) Tsunami tidal waves. Is it the first time such assistance has been offered? On proposal for visas to Pakistani students, how will this be implemented. What has been the response of Pakistan on the visa proposals? (Sadaqat Khan, Associated Press, Islamabad)

FS: In the meeting today morning, and also during my call on the Foreign Minister of Pakistan, I expressed our appreciation for the sympathy and support from Pakistan on the tragedy which has not only affected India, but also several countries in the region. I will convey this to our authorities. We will see if there are areas of support needed from Pakistan.

On grant of student visas, we will verify these on a case-by-case basis, and grant visas for the duration of the courses. On the question of Pakistan’s response, we do not ask for reciprocation. If they do respond, we would be happy. Let me also mention here that the Government of India has offered medical assistance to two groups of Pakistani children numbering about forty. We have announced that we are ready to assist 20 more such children.

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India's response to the disaster caused by the 8 October 2005 earthquake in Pakistan was swift and spontaneous. After the Prime Minister of India had spoken to the President of Pakistan on the same day of the quake offering to provide whatever assistance that Pakistan may require, India sent one aircraft and three trains carrying relief material. This material weighed about 900 tonnes and was valued at approximately Rs. 21 crore or equivalent to US$ 4.7 million. The following are the details of these relief goods.

- Blankets 25500
- Tents 2200
- Sleeping Bags 15200
- Plastic/FRP Sheets 41500
- Medicines 30 tonnes
- Anti-Tetanus Injections 10000
- Pethidine Injection 10000
- Fortified biscuits 100 tonnes

The material also included X-Ray machines & film and other essential medicines.

Following the opening of five Crossing Points on Line of Control, India also handed over relief material weighing more than 400 tonnes and valued at about Rs. one crore. This material included 1220 quintals of food packets containing essential items such as rice, atta, sugar, dal and salt; and the remaining comprised mainly, blankets, medicines and galvanised steel sheets.

With the above, the total amount of relief material sent by the Government of India to the Government of Pakistan works out to more than 1300 tonnes estimated at a value of about Rs 22 crores or US $ 5million.

The Government of India pledged an assistance of US$ 25 million for the victims of the earthquake to be utilised in housing and education sectors. The Government of Pakistan has accepted this offer and indicated interest to source construction material from India utilising this assistance.

Apart from official assistance, considerable amounts of relief material have also been sent from India by private agencies, State Government of Punjab, Government bodies such as the Minorities Commission, local and foreign NGOs. Most of this material was sent via Attari-Wagah land and rail routes. As per available information, the following are the details of major items sent through this mode which are valued at approximately Rs. 47 crores or US$ 10.5 million:

- Blankets 11.5 lakhs
- Tents/tarpaulins 60000
Galvanised steel sheets 50 tonnes
Biscuits 3365 tonnes

To sum up, the total value of relief material, both official and private, sent from India to Pakistan is estimated at Rs. 69 crores, equivalent to US$ 15.5 million.

The High Commission of Pakistan in New Delhi has also been allowed to source material from India and send both by land and air. Available information indicates that about 4000 kg of blankets by air and 5000 tents by land route were sent by the High Commission of Pakistan.

3587. Joint Statement issued after India-Pakistan technical level talks on enhancing interaction and cooperation across the Line of Control (LOC).

New Delhi, May 3, 2006.

In pursuance of the Joint Statement of 18 April 2005 and as mandated by the Foreign Secretaries on 18 January 2006, India-Pakistan technical level talks on enhancing interaction and Cooperation across the LOC were held in New Delhi on 2-3 May 2006. The Indian delegation was headed by Shri Dilip Sinha, Joint Secretary, Ministry of External Affairs and the Pakistan delegation was led by Mr. Syed Ibne Abbas, Director General, Ministry of Foreign Affairs.

The talks were held in a cordial atmosphere. Both sides reviewed the operation of the Srinagar-Muzaffarabad bus service and of the five crossing points. Both sides agreed to expedite clearances of applications.

Both sides also agreed to start the Srinagar-Muzaffarabad truck service to facilitate cross-LOC trade in the first half of July 2006. The two sides exchanged indicative lists of goods for trade. It was agreed that the delegations from Chambers of Commerce from either side of the LOC will undertake visits at the earliest to discuss various aspects of the trade.

The two sides agreed that Poonch-Rawalakot bus service would commence from 19 June 2006. The procedures, documentation and modalities will be the same as for the Srinagar-Muzaffarabad bus service. Initially the bus service will operate on a fortnightly basis.
The two sides discussed modalities for operationalising the meeting points along the LOC as agreed upon earlier.

The two sides will report the progress in their talks to their respective Foreign Secretaries.

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3588. Information provided by Official Spokesperson on the number of people traveled between India and Pakistan.

New Delhi, June 26, 2006.

We also have some details on the travel between India and Pakistan this year, which has seen a significant increase. The travel figures for the first 5 months in 2006 indicate that about 1.70 lakh people moved across, both ways, between the two countries, using various modes of transport including air, train, bus and on foot. The details are:

By air, which includes both by Indian Airlines and Pakistan Airways of which there are 28 flights every week, a total of 83,994 people have traveled.

By train, i.e. by the weekly Thar Express and by the bi-weekly Samjhauta Express a total of 47,697 people have traveled.

By bus, a total of 8,013 people have traveled, while 28425 people crossed Wagah on foot. A total of 903 persons crossed LoC on foot or by bus.

Thus, a total of 1,69,032 people traveled. Clearly, air is the most widely used mode of transport, while train is a close second. Our High Commission has issued in these past five months nearly 33,000 visas.

Samjhauta Express between Delhi & Lahore and Thar Express between Munabao (Rajasthan) and Khokhrapar (Sind) have become important transportation linkages between India and Pakistan. In particular, Thar Express, which commenced in February 2006 with an average of 200 passengers per week, has gained in popularity carrying between 700 and 800 passengers a week by June 2006.

Question: Regarding the Thar Express which you have said is becoming more popular. How will it become more popular without the consulates in Karachi and Mumbai? What is the state of the consulate in Mumbai? Have we zeroed in one any building?
Official Spokesperson: Certainly, our hope and wish is that the consulates will open as fast as possible and that will certainly boost travel on this route and facilitate the issue of visas. But, notwithstanding that, the figures speak for themselves. There has been an increase. It is for Pakistan to zero in on the building. Everything is being done to facilitate that process as far as Indian Government is concerned, through the state government.

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Media Briefing by Official Spokesperson on the question of Civilian Prisoners.
New Delhi, July 7, 2006.

In pursuance of the understanding between the Governments of India and Pakistan during Home Secretary level talks in Islamabad on 30-31 May 2006, India, on 30 June 2006 released 38 Pakistani civilian prisoners whose nationality had been confirmed and who had completed their sentences. The agreement between the two countries also provides for facilitating consular access by 31 July 2006 to the remaining civilian prisoners whose lists have been received by 15 June 2006. In implementation of this agreement, India will be providing consular access to Pakistani civilian prisoners as per the following time schedule. In Central Jail, Damdam, Kolkata 10-11 July, Central Jail, Jaipur 13-14 July, Central Jail, Amritsar, 20-21 July, Central Jail, Tihar, New Delhi, 27-28 July and Consular access to Pakistani fishermen is scheduled for 13 July 2006 at Jamnagar, Gujarat. At the same time, the Government of India hopes that the Government of Pakistan will reciprocate by providing consular access to 118 civilian prisoners and 192 fishermen in custody in Pakistan by 31 July 2006.

For your background information, currently there are 136 Indian prisoners in Pakistan and these are detailed in different categories as follows: Out of the 136, 16 are those to whom consular access has already been given and whose nationality confirmation is being awaited, 2 are those to whom consular access has already been given and whose nationality status has also been confirmed, and 118 are those for whom we have sought consular access.

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We have seen the remarks attributed to Ambassador Crocker. Coming from a democracy like United States, one would have expected Ambassador Crocker to understand that democratic governments have a primary responsibility to keep their own people fully informed.

The American Ambassador in Pakistan told a press conference in Islamabad: “India should communicate with Pakistan by having direct contact instead of talking about the Mumbai train blasts in the public”. Crocker added that the U.S. wanted Indian and Pakistani governments to discuss all the issues between them including Kashmir dispute to normalize their relations. “We hope that both the countries would keep all their channels open to rectify their misunderstandings,” he said, adding that accusing statements would serve no purpose.

This matter was also raised in the Rajya Sabha on November 23 and the Government reiterating said:

“The Government of India has taken cognizance of remarks made by US Ambassador to Pakistan, Ryan Crocker, on 3rd October, 2006 regarding evidence in the Mumbai train blasts.... As two democracies confronted with the common challenge of terrorism, U.S. and India have a robust dialogue on counter terrorism through the Joint Working Group on Counter Terrorism that was established in January 2000. The seventh meeting of the JWG on Counter Terrorism was held on 19-20 April 2006 in Washington. As part of this Dialogue, both sides continue to periodically exchange views on terrorism, including on cross border terrorism.”
3591. Media Briefing on Foreign Secretary level talks between India and Pakistan.

New Delhi, November 14, 2006.

OFFICIAL SPOKESPERSON (SHRI NAVTEJ SARNA): Good evening ladies and gentlemen. This is a very brief factual update on the talks today.

As you know the Foreign Secretary level talks between India and Pakistan began this morning and they are continuing tomorrow. So, it would not be correct at this stage to go into too many details.

A very extensive discussion was held this morning between the two delegations led by the respective Foreign Secretaries. The discussion carried on over a working lunch. As you know, normally the Foreign Secretary level discussions are an occasion to review the composite dialogue process and that was done. This was a meeting to resume the composite dialogue, so to speak, which had not been held after the Mumbai blasts.

Part of the discussions naturally were focused on the declaration that was agreed to between Prime Minister Dr. Manmohan Singh and President Musharraf in Havana, the follow-up action being taken thereafter. The two sides also discussed the menace of terrorism and the proposed anti-terror mechanism under the Declaration.

They also discussed J & K which is normally discussed when Foreign Secretaries meet as part of the composite dialogue. As part of that, they discussed the confidence-building measures, in particular the cross-LOC confidence-building measures that had been proposed and were partially implemented.

The status of several other confidence-building measures which have been on the table was reviewed with the objective of pushing them forward to an early implementation. Other issues of bilateral relations which have been implemented in part or been constantly under review such as travel, such as the situation regarding civilian prisoners, fishermen, other CBMs dealing with non-conventional and conventional security issues, were discussed.

Economic and commercial relations between the two countries came up for discussion. As I said, this meeting will resume tomorrow and we will have much more details for you thereafter.

In the afternoon at about 4:30, the Pakistan Foreign Secretary and members of his delegation called on the External Affairs Minister, Shri Pranab Mukherjee. The call lasted for about half an hour. The External Affairs Minister reviewed the discussions held by the two Foreign Secretaries and gave his
viewpoint in general terms on why it was important that both sides should fight the menace of terrorism jointly. He also welcomed the resumption of the dialogue process and underlined the need to address all issues as part of this process.

He also recalled some of the achievements of this dialogue process which have already borne fruit. For instance, the very positive change in atmosphere in the relationship between the two countries which was very much in evidence in the wake of the earthquake, when we had been able to make offers for rehabilitation and relief work to be carried out on the other side of the LOC. EAM also stressed to the delegations the need to take further action so that the expectation of the people of both countries can be fulfilled.

I am afraid, I know you have several questions, I have to leave it at that for today.

QUESTION: Regarding terrorism, did we share the evidence with them?

OFFICIAL SPOKESPERSON: I do not want to go into any more details. I think you will have a chance to discuss all these issues. This is an on-going meeting.

QUESTION: Was Siachen not discussed?

OFFICIAL SPOKESPERSON: I did not say that.

QUESTION: Was it discussed?

QUESTION: How will you describe today’s meeting, Sir?

OFFICIAL SPOKESPERSON: As I said, it was a very detailed meeting; it was held in a very constructive and positive atmosphere; and it is not over yet.

QUESTION: What was discussed ... OFFICIAL SPOKESPERSON: I do not want to go into discussions of what exactly was said or not. I did tell you that considerable amount of time was spent in discussing terrorism in the wake of the Havana Declaration.

QUESTION: What are the proposed CBMs? Siachen...?

OFFICIAL SPOKESPERSON: We will give you more details tomorrow as to what is being finalized. There are several CBMs which you are already aware of, which have not yet been implemented, in all fields. On Siachen, to give you a specific answer, this is something which has been informally discussed by the two Foreign Secretaries. So, there is no point in saying it was not discussed between 10 to 11 or it was not discussed between 11 to 12. These are on-going discussions. Subjects will possibly be discussed tomorrow again.

QUESTION: What is the programme for tomorrow?
OFFICIAL SPOKESPERSON: They will meet in the morning.

QUESTION: Is there going to be a joint press conference or statement?

OFFICIAL SPOKESPERSON: The statement I cannot yet say. If there is something produced and agreed, we will know only tomorrow. There are no plans for a joint press conference. We have a briefing by the Foreign Secretary in the afternoon tomorrow.

QUESTION: What was Pakistan’s response on our concerns on terrorism?

OFFICIAL SPOKESPERSON: I am not going go into the detailing of the whole dialogue. What I can say is that considerable time was spent on discussing terrorism and the External Affairs Minister also underlined the need to fight this jointly.

QUESTION: What about the nuclear risk reduction agreement?

OFFICIAL SPOKESPERSON: That is part of the discussions on the non-conventional security CBMs.

1. Later in the day when the Pakistani Foreign Secretary called on the External Affairs Minister, the latter “reviewed the discussions” that took place between the two Foreign Secretaries earlier in the day. He spoke in general terms about the need for both the sides to fight terrorism jointly. He “welcomed the resumption of the dialogue process, and underlined the need to address all issues as part of this process. He also recalled some of the achievements of the dialogue process.....”. Incidentally, External Affairs Minister did not wish to comment on the statement made by his Pakistani counterpart Khurshid Mehmud Kasuri that the Siachen issue could be resolved in a matter of days. Mukherjee said it was not necessary to react to every comment.
Question in the Lok Sabha: “Visit of External Affairs Minister to Pakistan”.

New Delhi, March 7, 2007.

Will the Minister of External Affairs be pleased to state:

(a) whether he visited Pakistan recently;
(b) if so, the details of the talks held on issues like Siachen, Terrorism, Prisoners of War, Economic and Trade Co-operation, Nuclear Risk Reduction and Group tourism and the outcome thereof;
(c) whether Pakistan has agreed to release prisoners of war languishing in their jails;
(d) if so, whether Pakistan has agreed to permit the relatives of the Indian prisoners of war in Pakistan jails to enable their identification; and
(e) the extent to which the said visit is likely to further improve the cordial relations between the two countries?

The Minister of External Affairs (Shri Pranab Mukherjee):

(a)-(e) A statement is placed on the Table of the House.

STATEMENT

(a) and(b) Yes. The External Affairs Minister visited Pakistan on January 13-14, 2007 to convey the invitation of Prime Minister Dr. Manmohan Singh to Pakistan Prime Minister Shaukat Aziz to attend the 14th SAARC Summit to be held in New Delhi in April 2007. During his visit, EAM held bilateral talks with Pakistan President Pervez Musharraf, Pakistan Prime Minister Shaukat Aziz and Pakistan Foreign Minister Khurshid Mahmood Kasuri. Both sides agreed to establish a committee on prisoners comprising retired judges of the superior judiciary to visit jails in the two countries and propose steps to ensure humane treatment and expedite release of prisoners who have completed their prison terms; to expedite the liberalisation of the visa regime and agreed to complete the work in February 2007; that several agreements which are close to finalisation including the Agreement on a) Reducing the Risk from Accidents relating to Nuclear Weapons b) Speedy return of inadvertent Line Crossers and c) Prevention of incidents at Sea will be concluded during the February 2007 visit of Foreign Minister Kasuri to India. On Siachen, both sides discussed the issue and decided that the officials would meet at an early date to address the issue. Both sides also agreed to
facilitate movement of diplomats to Noida and Gurgaon in India and Taxila and Hasan Abdal in Pakistan. Procedures for this will be worked out. They also agreed that the first meeting of joint anti-terrorism mechanism would take place before the end of March 2007. Regarding Sir Creek, the officials concerned will be directed to expedite their work. The joint survey of Sir Creek has begun on 15th January 2007. Both sides also decided to launch the Fourth Round of Composite Dialogue with the Foreign Secretary talks on 13-14 March 2007.

(c) - (e) According to available information there are 74 Indian PoWs in Pakistani Jails. However, Pakistan does not accept the presence of any Indian PoW in its jails. During EAM’s visit to Pakistan in January 2007, the matter was taken up with the Pakistani authorities and they have accepted to allow a delegation of families of PoWs to visit various Pakistani jails. We have proposed April 2007 for the above visit.

**Replying to a supplementary EAM said:**

**Shri Pranab Mukherjee:** In the Statement, I have already stated the number of areas which we covered during my discussion with the leaders of Pakistan. Primarily, the objective of the visit was to extend the invitation to Pakistani Prime Minister on behalf of our Prime Minister to attend the 14th SAARC Summit scheduled to be held in New Delhi. Naturally, I took the opportunity of having discussions on bilateral issues with President Musharraf, the Prime Minister Mr. Shaukat Aziz and my counterpart the Foreign Minister Mr. Kasuri. All these issues have been taken up.

So far as the Prisoners of Wars are concerned, I would submit that the consistent stand that Pakistan has taken is that there is no Prisoner of War in any Pakistani jail. This is not for the first time but several times, several Foreign Ministers have taken up this position. Now, it has been decided. I suggested to President Musharraf that the family members want to satisfy themselves. So, if an opportunity is being provided to them, a delegation of the family members would come. If the Pakistan Administration facilitates the visit to different jails in Pakistan, they themselves can go and it has been agreed. Some time in April, the delegations will be sent.

In respect of Siachen, 10 rounds of discussions have taken place including three which are now being conducted under the Composite Dialogue Process. It was decided that the official level discussions will begin once again. In respect of certain other areas like Sir Creek, as the joint survey has started from 15th January, it was decided to expedite it. A number of Confidence Building Measures
were discussed by the leaders of Pakistan with me and those Confidence Building Measures are being pursued.

In response to another supplementary the Speaker observed that it had already replied but EAM observed: ‘Sir, I have already mentioned that Pakistan does not agree that there is any Prisoner of War in any Pakistan jail. Then, we insisted that we are receiving complaints from the family members of missing persons and so it would be desirable if you allow those family members to go and visit Pakistan.

Shri J. M. Aaron Rashid: Mr. Speaker, Sir, many persons who left from India to Pakistan have gone missing there. Does the Government have any list of such missing persons and will the Government allow their relatives to go to Pakistan and search for them whether they are in any jail there or in hospital or whether they have died? Does the Government have any statistics about such missing persons?

Shri Pranab Mukherjee: Sir, whenever Indian citizens go to any part of the world, naturally they report to our Missions there and our Missions keep track on them. But if some persons are missing and we come to know of it, definitely we try to ascertain about them and almost everyday I receive a number of letters from various Members of Parliament that such and such persons went to such and such country and there is no trace of them. In that case, through our Missions we try to locate them.

Answering another supplementary the External Affairs Minister observed: ‘Sir, there is no confusion anywhere. So far as the establishment of the Joint Anti-Terror Mechanism is concerned, it was decided during the meeting between President Musharraf and our Prime Minister at Havana in the margin of Non-Aligned Summit that efforts should be made to confront terrorism and to ensure that terrorist activities are completely neutralized. This exercise is going on. Successive Governments have undertaken this exercise and it is nothing new. The commitment of President Musharraf in this regard was reflected in the Joint Statement issued by the then Prime Minister Shri Atal Bihari Vajpayee and President Musharraf on 6th January, 2004. At that time, it was agreed upon by President Musharraf that he would not allow Pakistan territory to be used by terrorists.

Therefore, we are insisting and we are talking that you fulfill your commitment. These talks are going on. Therefore, the entire issue is being discussed.

So far as Siachien is concerned, as I have told in reply to the earlier question, as many as 10 rounds of discussions have taken place between India and Pakistan on Siachien and some of these discussions took place during the
earlier regime itself. This is an issue which we are trying to resolve through dialogue and discussion, but no decision has been taken so far. Therefore, there is no scope of confusion.”

**Md. Salim:** Sir, the development in the relations between India and Pakistan is taking a welcome route. Although, there are some minor irritants, I am not going to make a speech, I intend to ask the hon. Minister of External Affairs that for the SAARC Summit XI, he was supposed to go and invite the President of Pakistan, what happened in between that instead of inviting the President of Pakistan, he went to invite the Prime Minister of Pakistan.

We are constantly engaged in a composite dialogue process and there are some good developments which are welcome. But in between these are the irritants. The hon. House has to be apprised of the facts as to what happened behind the scene because there are some conflicting and contradictory reports appearing in the newspapers on this count.

**Shri Pranab Mukherjee:** There are no conflicting or contradictory reports. So far as SAARC Summit is concerned, it is the practice that either the Head of the Government or the Head of the State attends. For instance, in Sri Lanka, there is a Prime Minister, but normally the SAARC Summit is attended by the Sri Lankan President.

So far as Pakistan is concerned, even the Summit which took place at Islamabad, there also Pakistan was represented not by the President but by the Prime Minister and it is President Musharraf who indicated that we should extend an invitation to the Prime Minister. Therefore, I carried the invitation to the Prime Minister to invite him to attend the SAARC Summit.

**Mr. Speaker:** I am sure he will be a very honoured Guest here.

**Shri P.C. Thomas:** Sir, it has been recently reported that a young pilot from India, Shri Muralitharan, took an IAF plane in 1971 War to Pakistan and his aircraft was shot down near Peshawar. He got down through a parachute, but he was caught by the Pakistan Army and jailed. For the last 36 years, he is in the jail. His family members got letters from the Ministry regarding this that the enquiry is going on. I have brought it to the notice of the Ministry through letters.

**Mr. Speaker:** You cannot raise it just under any Question.

**Shri P.C. Thomas:** Sir, this is a very serious matter.

**Mr. Speaker:** Certainly a serious matter, but I do not know whether the hon. Minister has the information.
Shri P. C. Thomas: Sir, he has been in jail for the last 36 years. Sir, I have just now talked to the hon. Prime Minister also about this.

Mr. Speaker: You need not repeat it.

Shri P. C. Thomas: Sir, I would humbly request and seek information from the hon. Minister of External Affairs whether an immediate enquiry will be made in this matter and whether every effort will be made to bring him back to India.

Mr. Speaker: It is a serious matter, but I do not know whether the hon. Minister can reply to that.

Shri Pranab Mukherjee: Sir, so far as these issues are concerned, I have already replied that we have given a list of 74 persons as Prisoners of Wars, including the list of 54 persons who are missing since the War of 1971. The names are there and the incidents which the hon. Member has referred to have also been pointed out. Even during my visit I carried a book and a letter from the Chief of the Air Staff. I am fully aware of the agony of the relations and the family members because till today they are not aware of the exact facts. But it has been the persistent stand of Pakistan authorities to deny that anybody as Prisoner of War exists in any jail of Pakistan. That is why, the mechanism which I referred to in the earlier question is being thought of and let us try once again.

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3593. **Reported apprehensions of External Affairs Minister Pranab Mukherjee regarding use of arms supplied by the United States to Pakistan.**

New Delhi, September 7, 2007.

India is apprehensive that U.S. weapons being supplied to Pakistan could be used against it in the event of a war.

Citing a study conducted by a Washington based think tank, External Affairs Minister Pranab Mukherjee said, “This assistance (in weapons) is often justified as playing a critical role in the war on terrorism, whereas, in reality, the weapons systems are often ‘prestige items’ to help Pakistan in the event of a war with India. “The study emphasises that few of these weapons are likely to provide much help in rooting out the Al-Qaeda or the Taliban.”

Mr. Mukherjee said that of the $10-billion assistance provided by the U.S. to Pakistan over the past five-plus years, roughly 18 per cent or $1.8 billions had gone towards security assistance. This assistance was often justified as playing a critical role in the war with Pakistan but India did not subscribe to this view, he said.

“The Government of India’s position in this regard is well known. We are against an arms race in the region. [The] government’s concerns have been expressed to the U.S. and other nations. [The] government will take all necessary steps to safeguard India’s security,” said the Minister.

While expressing doubts over the efficacy of the U.S.-supplied defence platforms in the fight against terrorism, Mr. Mukherjee said the aid was tied to Islamabad’s performance in the fight against terrorism.

The ‘Implementing Recommendations of the 9/11 Commission Act of 2007’ signed into law by U.S. President George Bush last month has prescribed limitations on security assistance to Pakistan for fiscal 2008.

Funds for the subsequent years will depend on Pakistan showing progress in “preventing Al-Qaeda and other terrorist organisations from operating in the territory of Pakistan, including eliminating terrorist camps or facilities, arresting members and leaders of terrorist organisations and countering recruitment efforts.”

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3594. **Reaction of Official Spokesperson on Commonwealth’s decision to suspend Pakistan from its membership.**

**Kampala (Uganda), November 23, 2007.**

We have noted the decision of the CMAG. Our hope remains that Pakistan will return to stability and democracy as soon as possible.

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1. On November 23rd India joined other Commonwealth countries in endorsing the decision of the Commonwealth Ministerial Action Group consisting of Foreign Ministers among others of Lesotho, Sri Lanka, England, Canada, Tanzania to suspend Pakistan from the association, “pending the restoration of democracy and the rule of law” in that country.

   (India is not a member of the Group) The decision was taken the previous night. The CMAG decision was endorsed by the Heads of Delegation meeting in the first executive session, soon after Queen Elizabeth II addressed the formal Commonwealth Heads of Government Summit, 2007. Foreign Secretary Shivshankar Menon distanced himself from a suggestion that Pakistan was creating instability in the region. “We know Pakistani territory is used by groups which engage in all sorts of activities — terrorism, drug trafficking... There are groups in Pakistan which export various forms of instability... It is different than saying Pakistan is doing it.”

   On November 20 while traveling from New Delhi to Singapore for the India-ASEAN Summit, the Prime Minister told the accompanying media that he sincerely hoped that Pakistan would find “pragmatic, practical and effective means” to overcome the “difficulties”, through which the country is passing.

   “I have said on more than one occasion that destinies of our two countries are very closely interlinked. A strong, prosperous, stable, peaceful and democratic Pakistan is in our interest.”
INDIA-PAKISTAN RELATIONS

NO WAR DECLARATION
New Delhi, November 27, 1950.

Mr. Liaquat Ali Khan's reply to my letter of the 24th November reached me about 8 o'clock last night. It has not been possible, therefore, to include it in the printed correspondence that I am laying on the table. A cyclostyled copy, however, will be circulated to Hon'ble Members. Naturally, there has not been time since I received Mr. Liaquat Ali Khan's letter to send an answer. We shall do so as soon as possible, and a copy of it will be furnished to members. Meanwhile, I should like to make brief comments on some of the points arising out of the Pakistan Prime Minister's latest communication. Most of them have been dealt with fully in my previous communications and I shall answer them fully in my written reply to him. What I say now is said in no spirit of controversy; the importance of good relations between India and Pakistan is too great for any of us to imperil their future by words that excite passion. At the same time, we have to make our own position clear.

Mr. Liaquat Ali Khan has referred to the tone of the press throughout India, and particularly in West Bengal, towards the Delhi Agreement. I have had occasion previously to express my regret over the attitude of certain newspapers towards the Agreement that Mr. Liaquat Ali Khan and I signed last April. It is not fair, however, to accuse the entire Indian press. On the whole, the leading newspapers of this country have dealt with the Agreement helpfully and in a spirit of responsibility, and even the tone of some that were once hostile improved considerably after a while. If now and then, there has been criticism of the Pakistan Government that has been due to many causes not a few of which it is in the power of the Pakistan Government to remove. As for the alleged activities of certain individuals, they are of no consequence and one should not take serious notice of them. In any case, what counts is the firm resolve of the Government of India to implement that Agreement in full.

In Junagadh, it was the will of the people that prevailed, not any military effort by India. Mr. Liaquat Ali Khan's reference to large scale military movements of Indian forces towards the borders of Pakistan during the Bengal troubles is a misunderstanding of our action. We had no desire then to attack Pakistan, just as we have none to attack her now. Our measures were purely defensive, and taken during a period of high tension when we should have failed in our duty if we had not taken all precautions for the security of the country.

I am glad to note that, in reply to my declaration, made some months ago at a press conference that India would not resort to war in Kashmir, Mr. Liaquat Ali Khan has stated that Pakistan has no intention of attack-ing India. As for his
other arguments regarding Kashmir, I do not pro-pose to answer them at length since our position has been made clear re-peatedly. I would only say that while we sent our forces to Kashmir after the Government of the State had lawfully acceded to India, with the full approval of its most numerous and representative popular party, Pakistan sent its troops into what had become Indian Territory, without any justification. As for the settlement of the Kashmir dispute, we have resiled from none of the assurances that we have given to the people of Jammu and Kashmir or to the United Nations.

I shall not go into the Canal Waters dispute here, beyond saying that nothing that we have said is inaccurate. The statement attributed by the Prime Minister of Pakistan to our representatives was made by our re-presentatives on a sub – committee, whose report, on the subject of canal waters, was not accepted by the Punjab Partition Committee, because of the fundamental differences that existed over the question of the distribu-tion of the waters.

Mr. Liaquat Ali Khan has said that he is convinced that a war between India and Pakistan would be an unmitigated disaster for both countries. He has given the assurance that he will continue to work for peace. I fully share this conviction and have affirmed it on many occasions. India's will to peace is no less than that of Pakistan and I can, here and now, give a common assurance that we shall continue to work for peace with our neighbour.

The discussions between Mr. Liaquat Ali Khan and me that preceded the Delhi Agreement brought out fully the value of personal contacts. I fully believe in them. Mr. Liaquat Ali Khan has kindly invited me to pay another visit to Karachi as soon as my duties permit. My duty here in Parliament and other preoccupations makes a visit to Karachi difficult for the next few weeks. I welcome, however, Mr. Liaquat Ali Khan's invita-tion and shall avail myself of it as soon as circumstances permit.

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3596. **Press briefing by Pakistan’s Foreign Secretary Riaz Piracha on Pakistan making a formal offer of a ‘No-war pact’ to India.**

**New Delhi, October 31, 1981.**

Pakistan’s Foreign Secretary Riaz Piracha said at New Delhi on October 31 that his country had formally sent to India its proposal for a no-war pact and was now “awaiting India’s formal response to it”.

Talking to newsmen at the Delhi airport on his way to Kathmandu, Mr. Piracha said Pakistan had made the proposal “in good faith and particularly at this time and precisely because of the existing circumstances.”

Asked how Pakistan was proposing a no-war pact when it had rejected several such offers from India in the past, he said: “Does it negate it?” It was a matter of history and one could go into it, he added.

He also stressed that the offer had been made in good faith and deserved “serious consideration” by India.

 Asked how he saw the present state of Indo-Pakistan relations in the light of the present situation in the region, Mr. Piracha said “I hope the relations can improve still further”.

About the possibility of a visit to India by Foreign Minister Agha Shahi, he said the joint statement issued at the end of Mr. Narasimha Rao’s visit to Islamabad in June had mentioned that the visit would take place by the year’s end. “I am sure that our hosts have very much that in mind.” It was a matter of settling dates and discussions were going on through diplomatic channels, he said.

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7-point Aide Memoire given to Government of Pakistan on December 24, 1981.

The Foreign Secretary of Pakistan had given note No. IND (P–I)/1/2/81 on November 22, 1981 to the Ambassador of India in Islamabad about discussions for a Non-aggression pact.

2. In the Note now given by the High Commission of India in Pakistan to the Ministry of Foreign Affairs it has said that the Government of India is always in favour of any discussions aimed at promoting peace and friendship between the two countries. The initial discussions could be held during the visit of Foreign Minister of Pakistan to India. The Minister for External Affairs, Government of India, has separately written to His Excellency Mr. Agha Shahi about the visit.

3. The elements of an agreement on Non-aggression and Non-use of Force between India and Pakistan which have been reiterated by the Government of India on different occasions, are:

(i) The Simla Agreement of July 2, 1972 shall be the basis for friendly and harmonious relations between the two countries.

(ii) The primary objective of the two countries is to provide a better and fuller life for their peoples.

(iii) To achieve the above, a tension-free atmosphere has to be created so that the valuable resources of the two countries can be husbanded for productive nation-building activities.

(iv) The pre-requisite for good-neighbourliness and durable peace between them is a commitment by both countries to the well-known five principles of peaceful co-existence which include respect for each other's territorial integrity and sovereignty and non-interference in each other's internal affairs.

(v) The relations between the two countries have to be based on the principle of equality, mutual benefit and bilateralism.

(vi) They will not, in any circumstances, resort to war or use or threaten to use force for the settlement of any disputes between them and all such disputes shall be settled on a bilateral basis and by peaceful means.

(vii) Both countries reiterate their firm commitment to the policy of non-alignment, the essence of which is non-involvement in great power confrontation.

Islamabad: December 24, 1981.
INDIA-PAKISTAN RELATIONS

NUCLEAR
3598. **Statement of Ambassador B. C. Mishra in response to the Statement of Pakistani Ambassador Naik made on July 16, 1974 at the Conference of Committee of Disarmament.**

**Geneva, July 20, 1974.**

My delegation notices that the distinguished Ambassador of Pakistan has answered in his own way only part of my question. In the meeting of the CCD on July 11, I had asked the following question and I quote: “The question I have to ask and again I ask it for my understanding is that if the Government of Pakistan is concerned about nuclear testing in general and not merely India’s nuclear explosion which, as I said, is for peaceful purposes, why has the Government of Pakistan not adhered to the Partial Test Ban Treaty? And why even after nuclear explosion conducted by India for peaceful purposes on May 18, when some nuclear weapon tests in atmosphere by other countries took place, nothing was said?”

From the answer given by the delegation of Pakistan we take note that Pakistan has declared that it cannot be expected legally to foreclose its nuclear option. Clearly what we have been discussing here are matters of bilateral concern. We have been asked as to why India, if it is sincere about its renunciation of nuclear armaments, why it does not follow Pakistan's example and place all its nuclear facilities under international safeguards? It is not a question of universality of acceptance of safeguards but why India does not?

In appropriate forum for this particular question, i.e. question of safeguards, Government of India has made its position amply clear. We are for safeguards which are applicable universally and on a non-discriminatory basis. That has been our position and it remains same.

For the last few meetings we have been noticing that the question of security of one country is being raised. A question which is of bilateral concern, not of universal application. To that my delegation has following to say: we intend to utilize nuclear energy solely for peaceful purposes. If Pakistan is genuinely concerned about its security, we are prepared to make as we have in the past, a sincere effort to allay fears and suspicions. But the way to security does not lie in propaganda, in frantic efforts to persuade the international community to put pressure on India. The Prime Minister of India wrote to the Prime Minister of Pakistan on May 22 this year and with your permission, Mr. Chairman, I should like to quote from her letter. She said:

“We remain committed to settle all our differences with Pakistan peacefully through bilateral negotiations in accordance with Simla Agreement. Moreover both countries have resolved to break away from the past history
of confrontation and conflict and to work to develop normal relations and establish durable peace. I am sure you will acknowledge that the agreements which have been worked out between our two countries in the last two years have been reached on the basis of absolute equality. There is no reason whatsoever to give up this healthy trend or have a change of policy on the part of either country merely because we have conducted a test for the peaceful uses of nuclear energy."

CCD is a multinational negotiating body for disarmament. There is a tradition here to avoid discussion of problems of bilateral nature, in whatever garb they might be brought. We should like to respect that tradition. If Pakistan is opposed to all nuclear weapon tests, this is the proper forum for negotiations on that subject. We cannot agree, however, that India’s nuclear explosion for peaceful purposes should become the object of discussion on the basis of unfounded bilateral concern. We are prepared to discuss principles of universal applicability and to negotiate disarmament agreements based on such principles. We will not discriminate against others nor shall we agree to become the object of discrimination. This is India’s fundamental approach to problems of disarmament as it is to all aspects of international relations.

Today the distinguished Ambassador of Pakistan has mentioned something about radio activity having leaked out from the Indian explosion for peaceful purposes. The Atomic Energy Commission of India had denied this report when it was put out from Pakistan some weeks ago. There was no venting from this explosion. If there had been venting, the wind currents would have brought in such debris further into the State of Rajasthan itself and not the other way. We are committed to respect the provisions of Partial Test Ban Treaty, but we do not understand as to how a country which is not a party to the PTB, tries to take advantage of that treaty. The claim that there was venting, that there was radioactive debris leaked into Pakistan from this explosion is a figment of imagination. We can guess as to why this claim is made. We have stated that we have not violated any international agreement, any international treaty, in conducting this explosion. The effort of Pakistan is to charge that India has violated the PTB. With all the emphasis at my command I deny this allegation.

I should like to revert, Mr. Chairman, to my earlier remarks and to emphasize that this is a multinational negotiating body, this is not a body which deals with bilateral problems. There are so many bilateral or regional problems in the world. If we were to begin to deal with them here, I am quite sure that we would not make any progress in our real task which is disarmament.

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3599. Statement by Indian Minister of State for External Affairs Khurshed Alam Khan in the Rajya Sabha in response to a Calling Attention Notice on Pakistan’s move to acquire nuclear weapons.

New Delhi, August 7, 1985.

The non peaceful dimension of Pakistan’s nuclear programme has been a matter of concern for India. Contrary to the claims by Pakistan’s leaders, available evidence and public statements by Pakistan scientists suggest that Pakistan has been pursuing the objective of acquiring the wherewithal to manufacture nuclear weapons. Reports which have appeared from time to time in the international media in this regard, particularly about the clandestine procurement of nuclear equipment and components by Pakistan, have reinforced our apprehensions.

Our concerns on this subject which have been conveyed on different occasions to the Government of Pakistan at various levels were reiterated during the recent visit of the Foreign Secretary of Pakistan.

Government are concerned at the likelihood of Pakistan acquiring nuclear weapons which would result in qualitative change in the security environment in our region. India remains committed to developing nuclear technology for peaceful purposes. However, we cannot but take into account those developments in our neighbourhood which have grave implications for our security. I wish to assure the House that Government have been keeping, and will continue to keep, a constant vigil on all developments having a bearing on the country’s security.
Excerpts from the Interview of Pakistan President Zia-ul-Haq to the *Time*


[In an exclusive interview with TIME, General Mohammed Zia ul Haq, Pakistan's President, set the record straight and in the process seemed to be heralding the arrival of his country as a closest nuclear power.]

As he sat flanked by two aides in his office at Islamabad's Aiwan –e-Sadar, the House of the Presidency, Zia was asked by TIME New Delhi Bureau Chief Ross H. Munro about persistent reports that Pakistan could build a nuclear weapon in less than a month. The President's blunt answer: You can virtually write today that Pakistan can build a nuclear bomb whenever it wishes. What is difficult about a bomb? Once you have acquired the technology, which Pakistan has you can do whatever you like.

Did that mean Pakistan had actually built the Bomb, or intended to? On both questions, Zia answered no, even as he maintained a studied ambiguity that mirrored in some respects that of India, which also says it can produce nuclear weapons while insisting that it has not taken that step said Zia. “You can use the atomic device for peaceful purpose only. You can also utilize it for military purposes. We have never said that we have neither the intention nor the desire.”

Zia’s clarification came in the wake of a widely circulated interview last January with Abdul Qadeer Khan, the head of Pakistan’s nuclear research program, in which the scientist reportedly told an Indian journalist that Pakistan had reached the nuclear threshold. Khan subsequently denied having said any such thing. And just two weeks ago, Prime Minister M.K. Junejo told TIME “Pakistan can set at rest any doubts which may exist regarding our peaceful nuclear program”.

In last week's interview, however Zia seemed to be creating a fresh aura of uncertainty surrounding Pakistan's nuclear plans. When asked by Munro if he could visit Kahuta, Pakistan’s main nuclear research facility, Zia grew evasive.

**Question:** Can we visit Kahuta?

**Zia:** Unfortunately not yet.

**Question:** Why not?

**Zia:** There is nothing in Kahuta.

**Question:** So why can’t we visit?

**Zia:** There is a certain facility but no atom bombs.
Question: So why can’t we go see for ourselves?
Zia: Because once the cat is out of the bag. What will be left that is controversial?
Question: We know that Kahuta is the bag. But what is the cat?
Zia: The cat is lying in Kahuta.
Question: Define the cat.
Zia: the cat is Pakistan’s peaceful nuclear program.

Question: You just laid it on the table. The cat is the uncertainty. The uncertainty about what is going on at Kahuta is your great asset, isn’t it?
Zia: Uncertainty created for specific reasons. Once that uncertainty goes, you will never talk with me.

While uncertainty remains as to Pakistan’s intentions, little doubt lingers about its capabilities. That fact, now in the open, could have widespread repercussions among Pakistan’s friend, neighbours and enemies. In Washington, Congress is considering a 5.02 billion military and economic aid bill for Pakistan that may face tougher going in the wake of Zia’s revelation. In New Delhi, the Khan interview earlier this year triggered appeals by hawks that India build a nuclear arsenal, calls that Prime Minister Rajiv Gandhi has thus far resisted. Though Zia did not rule out the possibility of a future confrontation, border tensions between Pakistan and India are easing as both countries continue to pull back troops from sensitive frontier areas.

Learning of Zia’s remarks on the nuclear question, U.S. diplomats in Islamabad attempted to put the best possible face on the revelation. U.S. Ambassador Deane Hinton said he viewed Zia’s openness as a beneficial development: “One can now discuss things a little more reasonably. This changes the pattern of discussion, and think it makes it easier to deal with this in the U.S., Congress.” U.S. Congressmen, he said, “would rather face the issue: Are we going to support Pakistan even though they have this capability?”

During the interview, Zia showed little visible concern that an angry U.S. Congress might delay or even kill the aid package proposed for Pakistan by the Reagan Administration. Pakistan’s control of the arms pipeline to the Mujahedin and its need for a strong defence against possible attack across the Afghanistan frontier, Zia apparently believes will continue to serve as handy levers to ensure uninterrupted U.S. assistance. “I am untroubled,” the President said, “because I think the United States of America - the Senators and the Congressmen - will look to the higher national interest rather than this tiddly widdly Pakistan nuclear program.” If Congress should get testy, Zia would no doubt firmly reiterate his
contention that Pakistan, though capable of going nuclear, has not actually done so. Said he: “I give assurances that Pakistan is not indulging in a nuclear experiment for military purposes”.

In Washington, news of Zia’s remarks provoked some dismay. Past explanations that Pakistan was not working on the Bomb could now be interpreted as misleading, yet Congress will be in a corner. By continuing to insist that it does not have nuclear weapons, Pakistan makes it possible for the aid package to slip past the hurdle of the Symington Amendment, which bars U.S. assistance to any new member of the nuclear club. Congress can still stop the bill, but as Zia plainly knows, there will be bipartisan reluctance to jeopardize support for the Afghan mujahedin. “I find myself on the horns of a real dilemma,” said U.S. Senator John Glenn last week. “I want the arms flow to Afghanistan. I want to work with the Pakistan, but if we knuckle under on this one, where will it stop? I’m concerned that the Indians will say, O.K., the Pakistanis have the Bomb, so now we’ll go thermonuclear.” In the end, Congress may not have the stomach to turn its back on Pakistan. said Thomas Thornton, a professor of Asian studies at the Johns Hopkins School for Advanced International Studies: “What Pakistan has done is move to the stage at which Israel” finds itself. So, do we beat up on the Israelis and the Pakistanis?”

3601. Excerpts from the interview of Pakistan Prime Minister Mohammad Khan Junejo on Pakistan’s nuclear capability.


Q: In a recent interview President Zia ul Haq admitted to “Time” magazine that Pakistan had the capability to make a nuclear weapon. He was, however ambiguous about, whether it had developed a bomb. So let me bluntly ask you, does Pakistan have a nuclear bomb?

A: I have said very clearly, off and on, wherever I have been especially when I went last year on my trip to Europe and to the United States – this was an important issue that was always put to me, that what is the situation of Pakistan and the nuclear policy and I made it very clear to them. I said Pakistan is not a well of country with a population of 100 million people, and we have no intention of taking up this exercise but we have the problems within the country and we would like to overcome the problems, and we would like to develop the nuclear system to the extent that it can meet our requirements.
Q: Are you therefore saying that Pakistan does not have a nuclear bomb?
A: No, we don’t have. It is a question of enrichment is concerned we have the capability for a peaceful purpose.

Q: In that case, is Pakistan about to develop a nuclear weapon or is it near developing a nuclear weapon?
A: We have no intention of developing a nuclear weapon.

Q: How then do you account for the clear admission that Pakistan has a nuclear bomb in a recent interview by Dr. Abdul Qadeer Khan?
A: I think A.Q. Khan's interview has been sometimes quoted in different situations. But even in the interview which has appeared in the newspapers, he has very clearly mentioned that Pakistan does not have a bomb.

Q: But in that interview he says and I quote, “what the CIA has been saying about our possessing the bomb is correct” he also says. ‘they told us that Pakistan could never produce the bomb and they doubted my capabilities, but they now know we have done it’. Now those are clear admissions.
A: I thing this goes this way that those who are interested to print this news they have put it from their angle, but otherwise in the last statement, Mr. A.Q. Khan gave it was very clearly mentioned by him, “No, I have not mentioned this issue”, This is what he has said. Now off and on different kinds of statements are issued in the name of A.Q. khan. So, I don’t think that requires to be further clarified at my level, because when I say something on the issue that should be taken as the final thing.

Q: So in other words you believe that Mr. A.Q. Khan has been misquoted by the Press abroad?
A: Yes, by and large that is correct.

Q: You have said earlier that you believe Pakistan has no intention of developing a bomb. Under what circumstances might your country consider developing a bomb?
A: I don’t know why everybody talks about Pakistan, whether Pakistan has reached that capability or Pakistan is interested in that. Why don’t you talk about other countries? I mean when you are worried about the nuclear bomb in this region, why don’t you ask me whether India has the capability or not. You talk about other countries, even in the Middle East they are doing it, Israelis are doing, but none asks about that. They are interested in Pakistan And when Pakistani leaders make it very clear that we have neither the capability nor intention nor resources, then still they question us.

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Statement issued by the Official Spokesman of the Ministry of External Affairs on acquisition of blue prints from foreign sources for the building of a nuclear bomb by Pakistan.

New Delhi, April 2, 1996.

In response to a question the official spokesman said that we have seen reports in the US press about the acquisition of blue prints from foreign sources for the building of a nuclear bomb by Pakistan. These reports provide yet another confirmation of the relentlessness and duplicity with which Pakistan has pursued its clandestine nuclear weapons programme. There is by now too much evidence to permit any objective observer to take an equivocal stand on the Pakistani nuclear programme. It was, as India has consistently maintained, in conception a programme designed to equip Pakistan with nuclear weapons; it continues to be so today.

It is dangerous for regional peace and stability to equip such a country with substantial quantities of conventional weapons. We hope that the countries which propose to do so will take heed of the warnings which are emanating from recent reports regarding Pakistan’s acquisition of materials for its nuclear weapons programme.
3603. **Media briefing by Official Spokesman of the Pakistan Foreign Office to developments attending on the detonation of nuclear device by India.**

**Islamabad, May 14, 1998.**

The Foreign Office spokesman said on May 14 that Pakistan has been advised restraint by foreign powers which ignored and dismissed Islamabad’s warnings and encouraged India to “go ahead and cross the Rubicon” leading to the “irreversible situation.”

Replying to questions about the Indian nuclear tests, he said the Federal cabinet at its three-hour meeting on May 14 resolved to meet the unprecedented threat to Pakistan disregarding any external pressures which might be “unilateral, selective and discriminatory” in matters pertaining to national security and sovereignty.

[This was the first official Press briefing after the Indian explosions on May 11 and May 13 at Pokhran in Rajasthan firing range.]

He said the Indian nuclear tests demonstrated “operationalisation of India’s grandiose ambitions” to be counted as an additional member to the exclusive Nuclear Club of Five and its hegemonic designs. It also showed India wish “to ride on its nuclear status” to claim a seat in the UN Security Council as its new permanent member.

The spokesman, replying to repeated questions from newsmen, seeking in “unambiguous” language what might be Pakistan’s response to the India nuclear explosions, said in what he described as “advisedly (cautionary) words”, that while contemplating on Pakistan’s response, “we have tried to take into account all dimensions of the unprecedented and unparalleled threat to the region”.

“Pakistan in terms of action will keep in view the threat it faces to its national security and interests”, he said adding: “We will give a well considered, sober, mature and comprehensive response.”

He, however, recalled that the cabinet at its meeting had reaffirmed its resolve to take all necessary steps within its sovereign rights for self-defence and said there should be no doubt about the effective defence preparedness to respond to the emerging situation.

Asked whether Pakistan still remained committed to its known position that it would sign the Comprehensive Test Ban Treaty (CTBT) of 1996, if India does so, the spokesman said the Indian nuclear tests had irrevocably altered the strategic environment and changed the strategic balance in the region and
rendered all nuclear non-proliferation instruments and efforts “irrelevant”. It was now for the entire world to contemplate how to contend with the changed scenario, he added.

Asked what would be the fate of stalemated talks between the Pakistan and Indian Foreign Secretaries in the changed political scenario, the spokesman replied: “The (Pakistan) Prime Minister’s initiative for resumption of negotiations with India stays as part of our foreign policy”. A dialogue is always useful, he said and believed that a meeting between Prime Minister Nawaz Sharif and Prime Minister Atal Behari Vajpayee was likely to take place when they attend the next SAARC summit in July in Sri Lanka.

The spokesman said that Pakistan would welcome a dialogue with the Americans “who are our friends” to convey to them Pakistan’s natural concerns on the present regional situation. A high-level US team of officials headed by Assistant Secretary of State Strobe Talbot is due in Islamabad for talks with Pakistan Foreign Ministry and government leaders.

He said Pakistan had been in contact with the Chinese leaders who were the most trustworthy of this country’s friends. He said envoys of all the OIC, SAARC member countries and some other states had been briefed by the Foreign Office.

The spokesman, however, made no direct response when asked whether was it not odd that hardly any “brotherly” state of the OIC or SAARC denounced Indian nuclear threat which the government in Islamabad directly aimed against Pakistan and to destabilize the region.

The spokesman said there was no intention to recall the Pakistan High Commissioner from Delhi. He was asked whether Pakistan intended to follow Australia and New Zealand which recalled their envoys as a protest against Indian tests.

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3604. Text of the Resolution Adopted by the UN Security Council on 6 June 1998 on India and Pakistan Nuclear Tests


Reaffirming the statements of its President of 14 May 1998 (S/PRST/1998/12) and of 29 May 1998 (S/PRST/1998/187),

Reiterating the statement of its President of 31 January 1992 (S/23500), which stated, *inter alia*, that the proliferation of all weapons of mass destruction constitutes a threat to international peace and security,

Gravely concerned at the challenge that the nuclear tests conducted by India and then by Pakistan constitute to international efforts aimed at strengthening the global regime of non proliferation of nuclear weapons, and also gravely concerned at the danger to peace and stability in the region.

Deeply concerned at the risk of a nuclear arms race in South Asia and determined to prevent such a race.

Reaffirming the crucial importance of Treaty on the Non Proliferation of Nuclear Weapons of the Comprehensive Nuclear Test Ban Treaty for global efforts towards nuclear non proliferation and nuclear disarmament.

Recalling the principles and objectives for nuclear non proliferation and disarmament adopted by the 1995 Review and extension Conference of the Parties to the Treaty on the Non proliferation of Nuclear Weapons, and the successful outcome of that Conference,

Affirming the need to continue to move with determination towards the full realization and effective implementation of all the provisions of the Treaty on the Non Proliferation of Nuclear Weapons, and welcoming the determination of the five nuclear weapons States to fulfil their commitments relating to nuclear disarmament under Article VI of that Treaty.

Mindful of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security.

1. Condemns the nuclear tests conducted by India on 11 and 13 May 1998 and by Pakistan on 28 and 30 May 1998.

2. Endorses the joint Communiqué issued by the Foreign Ministers of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America at their meeting in Geneva on 4 June 1998 (S/1998/473):

3. Demands that India and Pakistan refrain from further nuclear tests and in
this context calls upon all States not to carry out any nuclear weapon test explosion or any other nuclear explosion in accordance with the provisions of the Comprehensive Nuclear Test Ban Treaty.

4. Urges India and Pakistan to exercise maximum restraint and to avoid threatening military movements, cross border violations, or other provocations in order to prevent an aggravation of the situation;

5. Urges India and Pakistan to resume the dialogue between them on all outstanding issues, particularly on all matters pertaining to peace and security, in order to remove the tensions between them, and encourages them to find mutually acceptable solutions that address the root causes of those tensions, including Kashmir;

6. Welcomes the efforts of the Secretary-General to encourage India and Pakistan to enter into dialogue:

7. Calls upon India and Pakistan immediately to stop their nuclear weapon development programmes, to refrain from weaponisation or from the deployment of nuclear weapons, to cease development of ballistic missiles capable of delivering nuclear weapons and any further production of fissile material for nuclear weapons, to confirm their policies not to export equipment, materials or technology that could contribute to weapons of mass destruction or missiles capable of delivering them and to undertake appropriate commitments in that regard.

8. Encourages all States to prevent the export of equipment, materials or technology that could in any way assist programmes in India or Pakistan for nuclear weapons or for ballistic missiles capable of delivering such weapons, and welcomes national policies adopted and declared in this respect;

9. Expresses its grave concern at the negative effect of the nuclear tests conducted by India and Pakistan on peace and stability in South Asia and beyond;

10. Reaffirms its full commitment to and the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear Test Ban Treaty as the cornerstones of the international regime on the non proliferation of nuclear weapons and as essential foundations for the pursuit of nuclear disarmament.

11. Expresses its firm conviction that the international regime on the non proliferation of nuclear weapons should be maintained and consolidated and recalls that in accordance with the Treaty on the Non Proliferation of
Nuclear Weapons India or Pakistan cannot have the status of a nuclear weapon State;

12. Recognises that the tests conducted by India and Pakistan constitute a serious threat to global efforts towards nuclear non-proliferation and disarmament;

13. Urges India and Pakistan, and all other States that have not yet done so, to become Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Comprehensive Nuclear Test Ban Treaty without delay and without conditions;

14. Urges India and Pakistan to participate, in a positive spirit and on the basis of the agreed mandate, in negotiations at the Conference on Disarmament in Geneva on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, with a view to reaching early agreement.

15. Requests the Secretary General to report urgently to the Council on the steps taken by India and Pakistan to implement the present resolution;

16. Expresses its readiness to consider further how best to ensure the implementation of the present resolution;

17. Decides to remain actively seized of the matter.

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3605. Statement of Prime Minister Atal Behari Vajpayee on the Resolution adopted by the UN Security Council on nuclear tests.

New Delhi, June 8, 1998.

Sir,

Hon'ble Members are aware of the resolution adopted on 6 June 1998 by the United Nations Security Council. I would like to take the House into confidence on our position on this matter.

2. We regret that the Security Council has acted in a manner in which it has and produced a Resolution which is completely unhelpful in respect of the objectives it seeks to address. The Resolution contains a number of references
to nuclear non proliferation. As I had mentioned in my earlier statement in the House, we are a responsible and committed member of the international community. The Resolution urges us not to carry out any nuclear weapon test explosions. For India, such an urging is redundant because we have already instituted a voluntary moratorium. We have also indicated our willingness to explore ways and means of converting this undertaking into a de jure obligation. Further, we have made clear our readiness to engage in multilateral negotiations on a Fissile Materials Cut off Treaty in the Conference on Disarmament in Geneva. We cannot, however, be expected to commit ourselves in advance of these negotiations, to unilaterally restrain production of fissile materials. In keeping with our commitment to non proliferation, we maintain the strictest controls over exports of nuclear materials and technologies. Our record in this regard has been impeccable and better than that of some countries who are parties to the NPT or members of the Nuclear Suppliers’ Group or even Permanent Members of the UN Security Council.

3. However, the call made in the Resolution that we should stop our nuclear programmes or missile programmes is unacceptable. Decisions in this regard will be taken by the Government on the basis of our own assessments and national security requirements, in a reasonable and responsible manner. This right, which we claim for ourselves is not something new; it is the right of every sovereign country, and a right that every Government in this country has strongly upheld for the last 50 years.

4. A glaring lacuna in the Resolution is the total absence of a recognition that the non proliferation issue is not a regional issue but has to be dealt with in a non discriminatory global context. We find it unfortunate that the UN Security Council Resolution does not reflect on the judgement of the highest international judicial body – the International Court of Justice, which has questioned the legitimacy of nuclear weapons and called for urgent negotiations for their elimination. In the paper on the Evolution of India’s Nuclear Policy laid on the Table of this House, we have reiterated our commitment to nuclear disarmament. Let me categorically state that unlike other nuclear weapon states who have sought to retain their exclusive hold over their nuclear arsenals, India has no such ambition. Government is committed to initiatives that can open negotiations for a global convention for the elimination of all nuclear weapons. The attempt to project the recent tests by India as a threat to peace and security is totally misguided and grossly out of focus. Such a portrayal of our policy ignores the positive steps announced by Government to which I have already referred, both in the global disarmament framework and the regional context. Our tests were necessary because of the failure of a flawed non proliferation regime, and, therefore, we categorically reject the notion that these have adversely affected either regional or global security.
5. Government have indicated willingness to engage in a meaningful dialogue with key interlocutors on the whole range of nuclear disarmament and non-proliferation issues. Last week, Special Envoy Shri Brajesh Mishra visited Paris and London in this regard. He had meetings at the senior most levels in the two capitals. Dialogues with other countries are also planned. These dialogues have to be seen as part of a process, a process that will lead to a better understanding of India’s position.

6. Hon’ble Members are aware that India has always desired a peaceful, friendly, and mutually beneficial relationship with Pakistan based on confidence and respect for each other’s concerns. I have already said on the floor of both Houses, and I would like to reiterate, that a secure and prosperous Pakistan is in India’s interest. Our vision of our bilateral relationship is not confined to a resolution of outstanding issues, but is also directed to the future by seeking to building a stable structure of cooperation, which will benefit the people of both countries. As I wrote recently to Prime Minister Nawaz Sharif, we must not remain mired in the past, behind us, let us think of the welfare of our children and grand children.

7. We have remained committed to a path of direct bilateral dialogue with Pakistan. This reflects the nations’ conviction and confidence that it is only through direct discussions in a sustained and constructive manner that we can move ahead in our bilateral relationship. I would again like to reiterate our desire for the earliest resumption of the official talks with Pakistan. The subjects for discussions including peace and security, (along with confidence building measures) Jammu and Kashmir, economic and commercial cooperation and cross border terrorism have been identified. Our proposals for the modalities of these talks have been with Pakistan since January this year. We await their response. We have also made it clear once again that there is no place for outside involvement of any nature whatsoever in our dialogue process with Pakistan.

8. Hon’ble Members have expressed strong reservations against attempt to internationalize the Kashmir issue. There is simply no question of India ever agreeing to such internalization. UN Security Council has chosen to mention Kashmir in its Resolution. This is unacceptable and does not change the reality that the State of Jammu and Kashmir is an integral part of the Indian Union. I would also like to draw the attention of the Hon’ble Members to the terms in which Kashmir finds mention in the resolution. The UN Security Council has recognized that bilateral dialogue has to be the basis of India-Pakistan relations and mutually acceptable solutions have to be found for outstanding issues including Kashmir. This is in keeping with our position.

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Letter from Prime Minister Atal Behari Vajpayee to UN Secretary General on nuclear tests.

New Delhi, June 30, 1998.

Excellency,

I recall our telephone conversation last month. Subsequently, my colleague, Mr. Jaswant Singh had also met you in New York during his visit to attend the Special Session of the General Assembly on the World Drug Problem. I have also received earlier you letters of 14 and 29 May, 1998. we are also looking forward to your visit to India and to substantive talks on global issues.

We appreciate the independent role of the UN Secretary General under the Charter, and your personal contribution to the United Nations. We have taken particular note of your remarks on the need for global disarmament. Lack of meaningful progress in this field has been one of the major failings of the non proliferation regime. Our nuclear tests were a response to proliferation of nuclear weapons and ballistic missiles in our immediate neighbourhood, which had already taken place. They were aimed at creating a deterrent to ensure our security.

Immediately after our tests, we introduced a number of proposals, including a moratorium on nuclear testing. Which we are prepared to convert into a de jure obligation. We are also willing to negotiate a Fissile Material Cut off. You are aware of our regime of stringent export controls. We remain committed to the complete elimination of all nuclear weapons, on the lines of the Biological and Chemicals Weapon Conventions. Of both of which we are a State Party. The essence of our position is that the regime must be global and non discriminatory, and cannot arbitrarily be confined to limited geographic entities.

Recent years have witnessed significant improvement in our relations with all our neighbours, both within the framework of the South Asian Association for Regional Cooperation as well as in bilateral terms. We are committed to building on this process and are happy at the positive results that have been achieved so far. With Pakistan, too, we have a structured process in place and intend to pursue our bilateral dialogue with them. Our experience demonstrates that outside involvement. No matter how well intentioned, is counter-productive. We will not be able to accept such involvement. Our position has been made clear in the recent official statement issued by us. These define the parameters within which we must operate. I know that I can count on your understanding.

We also have an on going dialogue with China where we are addressing questions of common concern, covering not only the boundary issue, but also matters relating to cooperation in the fields of trade and economics, science and culture. We aim to pursue these matters in the period ahead.
Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely

A.B. Vajpayee

H.E. Mr. Kofi A. Annan
The Secretary General
United Nations Organisation
New York.

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3607. Excerpts from the Media Statement by Pakistan Foreign Secretary Shamshad Ahmad on Nuclearisation of South Asia.

Islamabad, August 19, 1999.

The Indian assertion of capability for manufacturing the Neutron Bomb and ‘India’s nuclear Doctrine’ recommended by its National Security Board indicates that India is about to embark on a further and even more dangerous escalation in the nuclear and conventional arms build up. The recommended ‘doctrine’ confirms India’s craving to be recognized as a global power through nuclear and conventional militarization and aggressive actions.

This comes in the wake of India’s massive military operation against the Kashmiri freedom fighters and India’s naked military aggression in shouting down the unarmed Pakistan Navy plane and the cold blooded murder of 16 Pakistan Navy trainee personnel.* Obviously we are seriously concerned at these developments, which if anything, pose an intensified threat to the peace and stability of the region. No doubt we will take into account all these factors to ensure our own defence.

India has declared that it will establish ‘sufficient, survivable and operationally prepared nuclear forces’. Thus, despite the best endeavours made by Pakistan for strategic restraint India is poised to go ahead with the deployment and operationalisation of its nuclear weapons and delivery systems. It would frustrate the central purpose of the ‘strategic Restraint Regime’ proposed by Pakistan to India at the last round of talks under the items on ‘Peace and Security’.

* Document No.1499.
The proposed Indian ‘Doctrine’ also makes it clear that India’s nuclear escalation will be accompanied by the further build up of India’s conventional warfare capabilities. This is a matter of deep concern to Pakistan because the vast majority of India’s conventional ‘assets’ are deployed against Pakistan. The growing imbalance in conventional military capabilities will intensify Pakistan’s reliance on its nuclear capabilities to deter the use or threat of aggression by India.

Pakistan does not want a nuclear arms race in South Asia. Our diplomatic initiatives spreading over a quarter century before May last year’s tests are on record and an evidence of our policy. After the tests, we offered to India a Strategic Restraint Regime to prevent nuclear arms race and maintain nuclear deterrence at the minimum levels. However, Pakistan cannot afford to ignore the Security implications of India’s new doctrine and its ambitious plan of nuclear weapons development including Thermonuclear and Neutron bombs. The development of our nuclear programme will be determined solely by the requirements of our nuclear deterrence capability which is now an indispensable part of our security doctrine.

We are convinced that, following last year’s nuclearization, the best option for Pakistan and India is to promote a Strategic Restraint Regime envisaging mutual and reciprocal moderation in the nuclear, missile and conventional fields, and a serious endeavour to resolve underlying disputes, specially Jammu and Kashmir.

India’s No First Use Policy

India has been lately trumpeting its so called no first use policy. Obviously no body has been impressed by this propaganda. No first use has never been accepted as the basis for determining the deterrent postures of any of the Nuclear Weapon States. Indeed, India itself places no credibility in ‘no first use’. If it did, it should have accepted China’s assurance of ‘no first use’ and of non use of nuclear weapons against non nuclear weapon States. This would have obviated the need for India’s nuclear weapons acquisition, much less the operational deployment of nuclear weapons.

India’s ‘no first use’ declaration is, in fact, designed to secure for itself ‘recognition’ as a nuclear weapon State which would flow from the ‘acceptance’ of its no first use and non use ‘assurances’. It is for this purpose that India has offered to ratify the non use assurances Protocol to the Treaty establishing the South-East Asia Nuclear Weapon Free Zone, although this Protocol specifically identifies and invites the US, Russia, China. UK, and France only. Secondly, India will seek to justify the acquisition of a large nuclear arsenal by arguing that its nuclear forces should be large enough to sustain and retaliate against a nuclear first strike.
INDIA-PAKISTAN RELATIONS

KASHMIR
3608. Agreement between military representatives of India and Pakistan regarding the establishment of cease-fire line in the State of Jammu and Kashmir.

Karachi, 27 July 1949

I

INTRODUCTION

A. The military representatives of India and Pakistan met together in Karachi from 18 July to 27 JULY 1949 under the auspices of the Truce Sub-committee of the United Nations Commission for India and Pakistan.

B. The members of the Indian Delegation were:
   • Lt.-Gen. S.M. Shrinagesh
   • Maj.-Gen. K.S. Thimaya
   • Brig. S.H.F.J. Manekshaw
As observers:
   • Mr. H.M. Patel
   • Mr. V. Sahay

C. The members of the Pakistan Delegation were:
   • Maj.-Gen. W.J. Cawthorn
   • Maj.-Gen. Nazir Ahmad
   • Brig. M. Sher Khan
As observers:
   • Mr. M. Ayub
   • Mr. A. A. Khan.

D. The members of the Truce Sub-committee of the United Nations Commission for India and Pakistan were:
   • Chairman, Mr. Hernando Samper (Colombia)
   • Mr. William L.S. Williams (United States)
   • Lt.-Gen. Maurice Delvoie (Military Adviser)
   • Mr. Miguel A. Marin (Legal Adviser).

II

AGREEMENT

A. Considering:

1. That the United Nations Commission for India and Pakistan, in its letter dated 2 July 1949, invited the Governments of India and Pakistan to
send fully authorised military representatives to meet jointly in Karachi under the auspices of the Commission’s Truce Sub-committee to establish a cease-fire line in the State of Jammu and Kashmir, mutually agreed upon by the Governments of India and Pakistan;

2. That the United Nations Commission for India and Pakistan in its letter stated that “The meetings will be for military purposes; political issues will not be considered”, and that “They will be conducted without prejudice to negotiations concerning the Truce Agreement”;

3. That in the same letter the United Nations Commission for India and Pakistan further stated that: “The cease-fire line is a complement of the suspension of hostilities, which falls within the provisions of Part I of the Resolution of 13 August 1948, and can be considered separately from the questions relating to Part II of the same Resolution”;

4. That the Governments of India and Pakistan, in their letters dated 7 July 1949 to the Chairman of the Commission, accepted the Commission’s invitation to the military conference in Karachi;

B. The Delegations of India and Pakistan, duly authorized, have reached the following agreement:

1. Under the provisions of Part I of the Resolution of 13 August 1948, and as a complement of the suspension of hostilities in the State of Jammu and Kashmir on 1 January 1949, a cease-fire line is established.

2. The cease-fire line runs from MANAWAR in the south, north to KERAN and from KERAN east to the glacier area, as follows:

   (a) The line from MANAWAR to the south bank of the JHELUM River at URUSA (inclusive to India) is the line now defined by the factual positions about which there is agreement between both parties. Where there has hitherto not been agreement, the line shall be as follows:

   (i) In PATRANA area: KOEL (inclusive to Pakistan) north along the KHUWALA KAS Nullah up to point 2276 (inclusive to India), thence to KIRNI (inclusive to India).

   (ii) KHAMBA, PIR SATWAN, point 3150 and Point 3606 are inclusive to India, thence the line runs to the factual position at BAGLA GALA, thence to the factual position at Point 3300.

   (iii) In the area south of URI the positions of PIR KANTHI and LEDI GALI are inclusive to Pakistan.

   (b) From the north bank of the JHELUM River the line runs from a point
opposite the village of URUSA (NL 972109), thence north following the BALLASETH DA NAR Nullah (inclusive to Pakistan), up to NL 973140, thence northeast to CHOTA KAZINAG (Point 10657, inclusive to India), thence to NM 010180, thence to NM 037210, thence to Point 11825 (NM 025354, inclusive to Pakistan), thence to TUTUMARI GALI (to be shared by both sides, posts to be established 500 yds. on either side of the GALI), thence to the northwest through the first “R” of BURST NAR to north of GABDORI, thence straight west to just north of Point 9870, thence along the black line north of BIJILDHAR to north of BATARASI, thence to just south of SUDPURA, thence north to the KATHAKAZINAG Nullah, thence along the Nullah to its junction with the GRANGNAR Nullah, thence along the latter Nullah to KAJNIWALA PATHRA (inclusive to India), thence across the DHANNA ridge (following the factual positions) to RICHMAR GALI (inclusive to India), thence north to THANDA KATHA Nullah, thence north to the KISHANGANGA River. The line then follows the KISHANGANGA River up to a point situated between JARGT and TARBAN, thence (all inclusive to Pakistan) to BANKORAN, thence northeast to KHORI, thence to the hill feature 8930 (in Square 9053), thence straight north to Point 10164 (in Square 9057), thence to Point 10323 (in Square 9161), thence northeast straight to GUTHUR, thence to BHUTPATHRA, thence to NL 988707, thence following the BUGINA Nullah to the junction with the KISHANGANGA River at Point 4739. Thereafter the line follows the KISHANGANGA to KERAN and onwards to Point 4996 (NL 975818).

(c) From Point 4996 the line follows (all inclusive to Pakistan) the JAMGAR Nullah eastward to Point 12124, to KATWARE, to Point 6678, thence to the northeast to SARIAN (Point 11279), to Point 11837, to Point 13090, to Point 12841, thence east again to Point 11142, thence to DHAKKI, thence to Point 11415, thence to Point 10301, thence to Point 7507, thence to Point 10685, thence to Point 8388, thence southeast to Point 11812. Thence the line runs (all inclusive to India) to Point 13220, thence across the River to the east to Point 13449 (DURMAT), thence to Point 14586 (ANZBARI), thence to Point 13554, thence to Milestone 45 on the BURZIL Nullah, thence to the east to ZIANKAL (Point 12909), thence to the southeast to Point 11114, thence to Point 12216, thence to Point 12867, thence to the east to Point 11264, thence to KARO (Point 14985), thence to Point 14014, thence to Point 12089, thence following the track to Point 12879. From there the line runs to Point 13647 (KAROBAL GALI, to be shared by both sides). The cease-
fire line runs thence through RETAGAH CHHISH (Point 15316), thence through Point 15889, thence through Point 17392, thence through Point 16458, thence to MARIOLA (to be shared by both sides), thence through Point 17561, thence through Point 17352, thence through Point 18400, thence through Point 16760, thence to (inclusive to India), DALUNANG

(d) From DALUNANG eastwards the cease-fire line will follow the general line Point 15495, ISHMAN, MANUS, GANGAM, GUNDERMAN, Point 13620, JUNKAR (Point 17628), MARMARAK, NATSARA, SHANGRUTH (Point 17531), CHORBAT LA (Point 15700), CHALUNKA (on the SHYOK River), KHOR, thence north to the glaciers. This portion of the cease-fire line shall be demarcated in detail on the basis of the factual position as of 27 July 1949 by the local commanders, assisted by United Nations Military Observers.

C. The cease-fire line described above shall be drawn on a one inch map (where available) and then be verified mutually on the ground by local commanders on each side with the assistance of the United Nations Military Observers, so as to eliminate any no-man’s land. In the event that the local commanders are unable to reach agreement, the matter shall be referred to the Commission’s Military Adviser, whose decision shall be final. After this verification, the Military Adviser will issue to each High Command a map on which will be marked the definitive cease-fire line.

D. No troops shall be stationed or operate in the area of the BURZIL Nullah from south of MINIMARG to the cease-fire line. This area is bounded on the west by the Ridge leading northeast from DUDGAI KAL to Point 13071, to Point 9447, to Point 13466, to Point 13463, and on the east by the Ridge running from Point 12470, to Point 11608, to Point 13004, to Point 13976, to Point 13450. Pakistan may, however, post troops on the western of the above ridges to cover the approaches to KHAMBRI Baipass.

E. In any dispositions that may be adopted in consequence of the present agreement troops will remain, at least 500 yards from the cease-fire line except where the KISHANGANGA River constitutes the line. Points which have been shown as inclusive to one party may be occupied by that party, but the troops of the other party shall remain at a distance of 500 yards.

F. Both sides shall be free to adjust their defensive positions behind the cease-fire line as determined in paragraphs A to E inclusive above, subject to no wire or mines being used when new bunkers and defences are
constructed. There shall be no increase of forces or strengthening of
defences in areas where no major adjustments are involved by the
determination of the cease-fire line.

G. The action permitted by paragraph F above shall not be accompanied or
accomplished by the introduction of additional military potential by either

H. Except as modified by Paragraphs II-A to II-G, inclusive, above, the
military agreements between the two High Commands relating to the
cease-fire of 1 January 1949 shall continue to remain operative.

I. The United Nations Commission for India and Pakistan will station
Observers where it deems necessary.

J. The Delegations shall refer this Agreement to their respective
Governments for ratification. The documents of ratification shall be
deposited with the United Nations Commission for India and Pakistan
not later than 31 July 1949.

K. A period of 30 days from the date of ratification shall be allowed to each
side to vacate the areas at present occupied by them beyond the cease-
fire line as now determined. Before the expiration of this 30-day period
their shall be no forward movement into areas to be taken over by either
side pursuant to this agreement, except by mutual agreement between
local commanders.

IN FAITH WHEREOF the undersigned sign this document in three original copies.

DONE in Karachi on 27 July 1949

For the Government of India:
(Signed) S.M. SHRINAGESH

For the Government of Pakistan:
(Signed) W.J. CAWTHORN

For the United Nations Commission for India and Pakistan:
(Signed) HERNANDO SAMPER
(Signed) MAURICE DELVOIE.

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Message from Pakistan President Ayub Khan to Secretary General of the United Nations in reply to his message of September 1, 1965.

Excellency:

I have received your message and appreciate the expression of your deep concern at the grave turn that developments have taken in Jammu and Kashmir. Since September 1, the armed forces of India and the Azad Kashmir forces backed by units of the Pakistan Army are locked in battle in the Bhimber sector, and the Air Forces of India and Pakistan have also engaged in combat.

2. It is not necessary for me, therefore, to stress the gravity of the situation, the devastating consequences of which are self-evident.

3. In your message, you seem to consider August 5 – when the so-called ‘infiltration’ is alleged to have taken place – as the date when the cease-fire agreement of 1949 between India and Pakistan began to be so widely disregarded by unprecedented acts of violence along or in the vicinity of the cease-fire line as to have reduced that agreement to little consequence. If the cease-fire in Jammu and Kashmir was reduced to a nullity, this process has taken place over a long period of time as a result of Indian designs and provocations. The more recent and grave instance occurred in May last when the Indian army crossed the cease-fire line in the Kargil sector and occupied three posts on the Pakistan side of the line.

4. Thus, the origin and sources of the conflict which is now taking place in Jammu and Kashmir cannot be traced to August 5. The Kashmir dispute must be viewed in the context of the tragic history of the Kashmir dispute – of the denial since 1949 of the right of self-determination to the people of the State, and the annexation of their homeland by India through the so-called ‘integration’ measures, in the teeth of their bitter protest and opposition. The cease-fire line, it needs to be recalled and emphasized here, was brought about by the UN Resolution of August 13, 1948 and January 5, 1949. These Resolutions which were negotiated by the United Nations, constituted an international agreement between India and Pakistan to implement the pledge of a plebiscite to the people of Jammu and Kashmir to decide their future. The cease-fire line agreement followed from the obligations accepted by both parties under those resolutions. Since the cease-fire line in the state was affected to 1949, India at first stalled on their implementation and subsequently repudiated them.

5. From 1949 to May 1965, India spurned every offer and every suggestion and barred all avenues for a peaceful settlement of the dispute. She rules out recourse to the International Court of Justice. She rejected mediation, conciliation
or good offices of any third party including that of Your Excellency. If in the past India has made some show of willingness to enter into bilateral negotiations with Pakistan, events have shown that her motive was not to reach a settlement but to forestall effective international action or to tide over some crisis in her internal and foreign relations. The Government of India's real attitude towards bilateral negotiations was made clear by the Indian Home Minister when, on July, 1965, he stated, “Kashmir is an integral part of India. It is a settled fact which cannot be the subject of debate or negotiations. The talk of self-determination is devoid of meaning or relevance.”

6. India has made it quite clear that she will not permit the wishes of the people of Jammu and Kashmir to be ascertained and that her objective is to make permanent the partition of the state of Jammu and Kashmir between India and Pakistan along the cease-fire line in total violation of her obligation to implement the right of self-determination.

7. In pursuit of this objective, the Government of India, have embarked on the unlawful and provocative course of annexing the occupied portions of the State. In the process a reign of terror and oppression has been let loose on the people. Thousands of Kashmiris have been gaol without trial for the crime of demanding that India should honour her pledge to hold a plebiscite. Sheikh Abdullah, along with the lieutenant Mirza Afzal Beg, has for the third time been put in prison where they have already spent 11 years of their lives and where they are now apparently condemned to end their days.

8. The situation in India-occupied Kashmir today is that after 17 years of patient but vain expectation and hope, the people of Kashmir, finding all avenues of peaceful realization for their right of self-determination barred to them, have taken to arms against Indian tyranny. Who can blame them? The freedom-fighters who have challenged the might of the Indian army are not 'raiders' but sons of the soil of Jammu and Kashmir ready to make the supreme sacrifice for their case.

9. The people of Azad Kashmir have been engaged for years over India's brutal repression of the freedom movement in Kashmir. If more than six divisions of the Indian Army deployed along the nearly 500-mile long cease-fire line have been unable to prevent them from moving across the line to aid the armed uprising of their compatriots in occupied Kashmir, how can it be expected that the much fewer troops of the Pakistan Army would be able to seal the line against them? It is but natural that India should seek to blame outsiders for the uprising in occupied Kashmir since she would have the world believe that people of the state are happy with their lot under Indian occupation.

10. I am constrained to express my surprise and regret that, though the United Nations Military Observers Group has admitted that in most cases the actual
identity of those engaging in the armed attacks on the Indian side of the line and the actual crossing of it could not be verified by direct observation evidence, yet the group should have thought it fit to conclude that the uprising in Jammu and Kashmir resulted from the crossing of the cease-fire line from the Pakistan side by armed men, for the purpose of armed action on the Indian side. Failing to suppress the freedom-fighters in the occupied territory of Jammu and Kashmir, India has embarked on a course of unlimited aggression across the cease-fire line. On August 15 Indian Forces again crossed the cease-fire line to take over three unoccupied posts near Kargil, which they had earlier been made to vacate upon Your Excellency’s intervention. Significantly, this was done within hours of a public threat by the Indian Prime Minister which was tantamount to that of invading Azad Kashmir. Later, the Indian Defence Minister proudly announced in the Indian Lok Sabha that ‘India has crossed the cease-fire line in the past and would do so again.’ On 23 August, Indian forces shelled Awan Sharif, a village in West Pakistan – killing 25 persons and causing injuries to others and much damage to property. On 24 August, Indian troops crossed the cease-fire line and occupied two posts in the Tithwal sector on the Pakistan side of the cease-fire line. Again on the same day, Indian Forces crossed the cease-fire line in the Uri-Poonch sector and seized some Pakistani posts and on 1st September took Haji Pir Pass.

11. Simultaneously, with these acts of war, India intensified her acts of repression of Kashmiris, which in their scope and nature threaten to assume the proportion of genocide. On 14th August, the entire Batamalu suburb of Srinagar inhabited by Muslims, was set on fire and razed to the ground and the people burnt alive to punish the residents for the support and help they were extending to the freedom-fighters. This has been repeated in several other places in occupied Kashmir and has become the pattern of reprisals. Miss Mirdula Sarabhai, the well-known Indian social worker has testified that in the guise of taking action against the so-called ‘infiltrators,’ the Indian army has turned upon the entire Muslim population of the occupied territory and perpetrated atrocities upon them. The Foreign Press has also commented on the incendiary role of the Indian Army.

12. These acts of aggression and grave violations of the Cease-Fire Agreement have created a situation in which the human rights of the people of Kashmir as well as the security of Pakistan are equally threatened. Seventy five Indian battalions are poised to launch aggression on Azad Kasmir and Pakistan.

13. In response to this grave situation created by the Indian Armed Forces and to forestall further aggression by them, the Azad Kashmir Force backed by Pakistan Army, were forced in the exercise of the inherent right of self-defence to cross the cease-fire line in the Bhimber sector for the first time since the
cease-fire agreement was reached 17 years ago, and after repeated Indian armed attacks and occupation of Azad Kashmir territories by the Indian army. This crossing took place on the 1st of this month. India escalated this conflict by mounting air attacks against Pakistan Force, on the same day, compelling the Pakistan Air Force to intervene. Until then, Pakistan had refrained from air action even though our isolated and thinly manned posts in the Uri - Poonch sector could not have been occupied if we had given them air support. On September 4, India carried the escalation of the conflict a stage further. The Indian Air Force twice violated Pakistan territory in strength escorted by MIG-21 aircraft and now my Government has good reason to believe that India has begun to again deploy and mass her armed forces against West and East Pakistan. Weeks earlier India moved a brigade from Aksai Chin and a mountain division from the NEFA (North East Frontier Agency now Arunachal Pradesh) area, armed and equipped by the United States and some Commonwealth countries for use against China, to reinforce the six divisions of the Indian Army which have been suppressing the people of Jammu and Kashmir. It is, therefore, clear from these repeated strikes across the Cease-Fire Line and step-by-step escalation of the fighting in Jammu and Kashmir that India has embarked on a premeditated course of aggression and war to seize the whole of Azad Kashmir territory and in that process not to flinch from even a sub-continental war.

It will be recalled, immediately following the reverse suffered by the Indian Army in the Rann of Kutch some months earlier, Indian Government leaders publicly threatened that India would attack Pakistan at a time and place of her own choosing. In the circumstances Pakistan must take every step necessary to discharge its responsibilities and duties for the defense of her legitimate interests and territorial integrity. From the foregoing, it is evident that India has embarked upon a course of terror, oppression and aggression in Kashmir. It has plainly manifested every intention of aggression against Pakistan. The responsibility for the current grave situation in that state, therefore, rests entirely on her.

14. Let me now turn to the other points that you have raised in your message, that the Kashmir dispute can be resolved peacefully and not by military action and have also drawn my attention to the obligations of member-states of the United Nations not to have recourse to the use of force in the settlement of international disputes, but to seek pacific methods of settlement. Let me assure Your Excellency that Pakistan remains dedicated to the Charter of the United Nations and the obligations of membership of the organization including the peaceful procedure of settlement. You are aware, that during the last 17 years, despite all the provocations and acts of repression by India in Jammu and Kashmir, despite India’s open repudiation of the UNCIP and Security Council’s resolutions pledging self-determination to the people of Kashmir and despite India’s sinister pattern of annexing the state in the face of the bitter opposition
and in total disregard of the relevant resolutions of the Security Council, Pakistan
did not abandon her faith that reason would one day dawn on India and turn her
to the path of peace. It was with this faith that the Pakistan Government turned
repeatedly to the Security Council, when direct negotiations with India in 1953,
1955, 1962 and 1963 failed to produce a just and equitable solution. To my
infinite regret, our experience seeking redress in the forum of the Security Council
has time and gain turned out to be disheartening. You will recall that in 1964, the
members of the Security Council would not even agree to recommend direct
negotiations between India and Pakistan with the assistance, as my be mutually
acceptable, of a third party, or even the Secretary-General. To our deep sorrow
and regret, the end of the debate in that forum did not end in a consensus, much
less a resolution. This is not to say that Pakistan has lost all faith in the efficacy
of the United Nations as an instrument of peace. We reaffirm our confidence in
the solution of international disputes by peaceful means. This confidence extends
to settlement of the Kashmir dispute.

15. I trust that, in view of what I have stated in the foregoing part of this reply
to your message, the action which the Pakistan Army has taken in Jammu and
Kashmir in support of the Azad Kashmir Forces to defend Azad Kashmir and
Pakistan territory against India trying to solve the Azad Kashmir dispute by
force of arms. This is a purely defensive measure forced on Pakistan.

16. You have expressed your conviction that a peaceful settlement of the
Kashmir dispute can be found and have appealed to me to indicate immediately
our intention to respect the cease-fire agreement and return to the status quo
ante. You have also assured me of the fullest possible assistance by you in the
restoration of peace in Kashmir and the solution of the dispute. A number of
chiefs of State and Governments of friendly countries have associated themselves
with your appeal and some have offered their good offices for mediation. I am
grateful to you and to them for these assurances and offers, which I find
heartening. At the same time, I cannot but be candid and express to you our
misgivings. Your appeal seeks nothing more than a return to the status quo
ante without any assurance that you and the Security Council will strive to
implement the U.N. Resolutions pertaining to the right of self-determination of
the people of Jammu and Kashmir. You say that the quiet which would result
from mutual observance of the cease-fire would afford the most favorable climate
in which to seek a resolution of political differences. I would like to recall that
the cease-fire agreement was observed from 1949 to 1965, when India chose to
reduce it to a scrap of paper. Yet, during these 17 years, tranquility along the
cease-fire line did not lead to that result. The Security Council faced with India’s
bad faith, intransigence and growing power chose practically to wash its hands
off the responsibility for a peaceful and honourable settlement. I fear that your
present appeal will only serve to perpetrate that injustice by leaving the people...
of occupied Kashmir to the mercy of India. What is to become of the brave people of Kashmir who are fighting for their freedom? I cannot believe that it would be the intention of the United Nations to permit India to liquidate them and to consolidate its stranglehold over occupied Kashmir. This leads me again to repeat what I have stated earlier – that if a peaceful settlement of the Kashmir dispute is to result from the intervention of the United Nations, it is necessary for the World Organization to go to the heart of the tragic problem and not merely to deal with its periphery. It must turn its attention to the issue of self-determination and not only with the ceasefire line. The concern of the United Nations must extend to the implementation of the UNCIP Resolutions as well as to observance of the cease-fire agreement. The cease-fire was only the first part of an inter-related and integral whole. Therefore, insistence on a cease-fire can only be meaningful if there is a self-implementing agreement to follow it.

17. I should not be misunderstood as implying that I under-estimate the importance of your assistance in the restoration of peace in Kashmir and the solution of its problems. On the contrary, I welcome your assurance in this regard as a step forward by itself. However, there is no evidence yet that your assistance would be equally welcome to India much less that India is prepared to reverse the dangerous ill-conceived course of her policies in Kashmir. If this armed struggle for freedom is to be halted and calm is to be restored in the state of Jammu and Kashmir, if indeed peace in this region is to be preserved, then the right course for the United Nations, India and Pakistan is to proceed immediately to fulfill the pledge they gave to the people of Jammu and Kashmir 18 years ago. It is they who must be permitted freely to decide the question of accession of the state of Jammu and Kashmir to India or Pakistan as stated in that pledge.

Accept, Excellency, the assurances of my highest consideration and warm personal regards.

MOHAMMAD AYUB KHAN
President of Pakistan

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Reply by Prime Minister Lal Bahadur Shastri to the Message from the U.N. Secretary-General.

New Delhi, September 2, 1965.

I appreciate the consideration that have prompted you to address an appeal to us and to Pakistan in connection with the recent developments in Jammu and Kashmir. Our Permanent Representative in New York has been in frequent touch with you and has kept you informed of the situation as it has developed since August 5. I have no doubt that from all the information that you have received from the United Nations Observers in Kashmir and on the basis of your own assessment, it is clear that the root cause of the present dangerous situation is the undertaking of massive infiltrations of armed personnel from the Pakistan side, well organized and trained in sabotage and subversive warfare, the whole operation being conceived, planned and executed by Pakistan. The infiltrators are, in fact, members of the Pakistan armed forces. These infiltrations are still continuing. Such action by Pakistan is a clear violation of the Charter of the United Nations and of the ceasefire agreement, and is against all canons of international law and code of good neighbourliness. It is to meet this thinly disguised invasion that the Government of India, while showing every forbearance, have been forced to take preventive military action.

In your message, you have appealed in the interests of peace that we should indicate our intention to respect the ceasefire agreement, that there should be a cessation of crossings of the ceasefire line by armed personnel from both sides of the line and a halt to all firing across the ceasefire line from either side of it. While I appreciate the motivations of your appeal, I have to point out that the terms of your message are such as might leave the impression that we are responsible equally with Pakistan for the dangerous developments that have taken place. Unless your message is read in the context of the realities of the situation as they have developed, it tends to introduce a certain equation between India and Pakistan, which the facts of the situation do not bear out. Indeed, it seems to me that your message has to be read in conjunction with the report that you have sent to the members of the Security Council.

I would like to take this opportunity of apprising you of the salient facts of the situation. Since August 5, several thousands of infiltrators from Pakistan and from Pakistan-occupied Kashmir have crossed the ceasefire line. These men have come camouflaged as civilians and fully armed with modern weapons, signal equipment, large quantities of ammunition and supplies and explosives. From the interrogation of the prisoners captured by us from among the infiltrators, many of whom are regular officers of the Pakistan army, it is now known that a military headquarters was set up in Murree, in West Pakistan, in May, 1965, under General Akhtar Husain Malik, General Officer Commanding, 12th Division,
of the Pakistan army. This organization is known as Military Headquarters “Gibraltar Force”. Their instructions were to destroy bridges and vital roads, attack police stations, supply dumps, army headquarters and important installations, inflict casualties on Indian forces, and attack VIPs in Jammu and Kashmir. The statements of the captured prisoners and the nature and type of weapons which the infiltrators carried, large quantities of which have been captured by us, bearing the markings of Pakistan ordinance factories, prove beyond a shadow of doubt that the infiltrators were armed and equipped by the Pakistan Government and have operated under their instructions.

Pakistan, however, has denied any knowledge of these armed infiltrations and persists in the theory that there is an internal revolt in Kashmir – a revolt which does not exist and has not been noticed by independent foreign observers. Since your message was sent the situation has been further aggravated by a massive attack launched by two regiments of tanks and aircraft supported by Pakistan troops in brigade strength, across the ceasefire line and the international frontier between the Indian State of Jammu and Kashmir and West Pakistan. The attack which is in great strength is aimed at our key positions controlling our lines of communications. Even on its own admission, as indicated in President Ayub Khan’s broadcast of September 1, the Pakistani forces have gone to the assistance of the infiltrators whom Pakistan chooses to call ‘Freedom Fighters’. There is no pretence in it of any kind of defensive action and the Pakistani attack clearly constitutes aggression. The Pakistani attack is accompanied by the usual tactics of the aggressor, namely, indiscriminate bombing of the civilian population. In a bombing raid on September 2, the Pakistan Air Force Killed 50 civilians and injured an equal number in addition to the bombing of a mosque. We have to meet the situation created by this latest Pakistani aggression.

In your message, Mr. Secretary-General, you have yourself recognized that essential to the restoration of the ceasefire would be a cessation of the crossings of the ceasefire line by armed personnel. As I have indicated above, the root cause of the development of the present dangerous situation in Kashmir lies in the massive infiltrations of Pakistani armed personnel. Since the Pakistan government disown responsibility for the armed infiltrations, your appeal to Pakistan, so far as armed infiltrators are concerned, can hardly be productive of results and the root cause of the trouble will remain.

India is a peace-loving country. We have neither the inclination nor is it in our interest to be deviated from the path of peace and economic progress to that of military conflict. Pakistan has, however, by sending armed infiltrators in large numbers across the ceasefire line, brought about a situation in which we have no choice but to defend ourselves and take such preventive action as may be deemed essential. In taking such preventive action we have, in certain sectors,
had to cross the ceasefire line for the purpose of effectively preventing further infiltrations. This is a matter of great importance to us.

As to the ceasefire agreement, you are well aware that we have shown respect for the ceasefire line all these years though Pakistan has shown scant regard for it. Over the past two years, General Nimmo, Chief Military Observer, has made proposals for a meeting between the representatives of India and Pakistan with a view to ensuring the observance of the ceasefire agreement and to preventing its violation from the Pakistan side by armed civilians. We have always accepted these proposals but Pakistan has neither rejected them or not responded to them. In July 1964, we offered to come to a gentlemen’s agreement with Pakistan to ensure tranquility along the ceasefire line. Pakistan at first agreed to a meeting and the representatives of India and Pakistan were to meet in Karachi on the 2nd November, 1964. However, a day before the meeting was to be held, Pakistan postponed the meeting unilaterally and did not suggest any fresh date thereafter.

Pakistan’s international behaviour is such as cannot be ignored in considering your appeal. It will be recalled that in 1947-48, Pakistan undertook action similar to the present one and persisted in denying its complicity for several months until the truth could no longer be hidden and it had no way but to admit to the United Nations Commission for India and Pakistan, in July 1948, that Pakistani forces had been fighting in Kashmir for several months. That act of Pakistan’s aggression the United Nations seems to have forgotten, but that aggression is still with us and Pakistan continues to be in forcible occupation of 2/5ths of our State of Jammu and Kashmir.

It is within your knowledge that in April this year, Pakistan launched a military attack in our territory in the Rann of Kutch – a clear case of use of force for the assertion of its claims, which is forbidden by the Charter of the United Nations, the Bandung Declaration, the Charter of the Organization of African Unity States, the Cairo declaration and many other international declarations of our time. In spite of such provocation, we showed forbearance and reached an agreement with Pakistan on the 30th June, 1965, for the peaceful settlement of the border question. The hope was solemnly expressed by both sides in the agreement that it would result in better relations between India and Pakistan and in the easing of tensions between the two countries. It is now clear, however, that even when Pakistan was putting its signature to the agreement it was planning and organizing the massive armed infiltrations across the ceasefire line in Jammu and Kashmir, and even before the ink was dry on that agreement, Pakistan launched thousands of its armed infiltrators across the ceasefire line. We cannot be expected to wait for Pakistan to violate the ceasefire line and to attack us at will, and we cannot go from one ceasefire to another without our being satisfied that Pakistan will not repeat its acts of violations and aggression in the future.
There is no other name for the massive Pakistani infiltrations across the ceasefire line and across the international frontier between Jammu and Kashmir and West Pakistan, and the military attack that Pakistan has launched into our territory, but aggression. That aggression throws on us, as a sovereign State, responsibilities for defence which it is our right and duty to discharge.

To sum up, I have taken this opportunity of acquainting you with all the aspects of the complex and dangerous situation that has been brought about by Pakistani actions. We owe it to you and to the high office you occupy with such distinction, to leave you in doubt as to our position. Mr. Secretary-General, you have appealed for peace and we greatly appreciate your anxiety and the sincerity of your efforts. India has always stood firmly for peace and our position needs no reiteration. What is essential, however, today is that Pakistan should undertake forthwith to stop infiltrations across the ceasefire line and to withdraw the infiltrators and its armed forces from the Indian side of the ceasefire line and the international frontier between Jammu and Kashmir and West Pakistan. Furthermore, we would have to be satisfied that there will be no recurrence of such a situation. These have to be the starting points of any steps towards the restoration of peace for which you, as Secretary-General of the United Nations, are bending your efforts. I trust that, in the first instance, you will ascertain from Pakistan if it will accept the responsibility for withdrawing not only its armed forces but also the infiltrators and for preventing further infiltrations. This, in fact we take it, is the basic assumption underlying your appeal.

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The Security Council,

Noting the report of the Secretary-General of 3 September 1965,

Having heard the statements of the representatives of India and Pakistan,

Concerned at the deteriorating situation along the cease-fire line in Kashmir,

1. Calls upon the Governments of India and Pakistan to take forthwith all steps for an immediate cease-fire;

2. Calls upon the two Governments to respect the cease-fire line and have all armed personnel of each party withdrawn to its own side of the line;

3. Calls upon the two Governments to co-operate fully with the United Nations Military Observer Group in India and Pakistan (UNMOGIP) in its task of supervising the observance of the cease-fire;

4. Requests the Secretary-General to report to the Council within three days on the implementation of the present resolution.

Adopted unanimously at the 1237th meeting.

The Minister of External Affairs of the Government of India presents his compliments to the Secretary-General of the United Nations and has the honour to acknowledge receipt of the text of Resolution 209 (1965) adopted by the Security Council at its 1237th meeting on September 4, 1965. The Government of India having given the most careful consideration to the Resolution of the Security Council would like to convey the following views to the Security Council.

The Government of India appreciate that the Security Council in their anxiety to stop the continuance of hostilities and bloodshed have urgently adopted a Resolution in the hope of bringing about an immediate cease-fire. This Resolution has evidently been adopted without taking into consideration the reply of the Prime Minister of India communicated to the Secretary-General on September 4 in response to the appeal addressed by the Secretary-General to the Government of India on September 2. The reply of the Prime Minister of India narrated the events leading to the present situation in Kashmir, and also urged the steps which should be taken to restore peace in the State of Jammu & Kashmir. It is also evident that the Resolution does not take into consideration certain important findings and recommendations of the Secretary-General contained in his Report (S/6651) dated September 3, 1965. Further, neither the Resolution nor the discussions which preceded the adoption of the Resolution took note of the fact that on September 1, 1965, Pakistan violated the international border south of the CFL between the State of Jammu & Kashmir and West Pakistan in order to attack the Chhamb - Jaurian sector within the State of Jammu & Kashmir, thereby extending the area of conflict. While aggression across the international border in the Chhamb - Jaurian sector continues, this attack, directed as it was by regular forces of Pakistan army towards gaining territory and cutting the vital lines of communication between the rest of India and the Indian State of Jammu & Kashmir, has changed the entire character of the situation. The offensive action in the Chhamb area was being fed by bases in Pakistan along the border of Pakistan with the State of Jammu & Kashmir. There were strong concentrations of Pakistan forces on the western frontier between India and Pakistan. On September 5th, after the Resolution of the Security Council calling for a cease-fire, Pakistan aircraft bombed an Indian Air Force Unit in Amritsar in the Indian State of Punjab. Pakistan aircraft also bombed Ranbirshinghpura and other places in Jammu & Kashmir well away from the cease-fire line. It was obvious that Pakistan was preparing for an offensive against India in a big way and situation was created in which action restricted to Jammu & Kashmir could no longer meet the needs of the situation. Since the UN has throughout accepted that the security of Jammu & Kashmir is
the responsibility of India, the Government of India had no alternative but to
give effective assistance to our forces by moving across the Wagah border to
stop Pakistan at the bases from which the attacks in Jammu & Kashmir were
being mounted and supported.

The Resolution 209(1965) “calls upon the Government of India and Pakistan to
take forthwith all steps for an immediate cease-fire.” This cease-fire is posited
on the condition mentioned in paragraph 2 of the Resolution which “calls upon
the two Governments to respect the cease-fire line and have all armed personnel
of each party withdrawn to its own side of the line.” It is the view of the Government
of India that, if cease-fire is to be brought about and the peace restored, the
withdrawal of the “armed personnel of each party” referred to in this paragraph,
must include all infiltrators from the Pakistan side of the CFL, whether armed or
unarmed, because as stated by the Prime Minister of India in his reply to the
Secretary-General, the present hostilities originated with large scale infiltration
of armed and unarmed personnel from Pakistan and until the activities of such
personnel cease and until all such personnel are withdrawn from the Indian side
of the ceasefire line, peace cannot be restored for which Pakistan must accept
full responsibility.

It has been stated by the Secretary-General in the concluding part of his Report
that the restoration of the cease-fire and the return to normal conditions along
the cease-fire line can be achieved inter alia by “(a) A willingness of both parties
to respect the agreement they have entered into” and (b) A readiness on the part
of the Government of Pakistan to take effective steps to prevent crossings of
the CFL from the Pakistan side by armed men, whether or not in uniform.

These findings of the Secretary-General, based on the reports of the UNMOGIP,
established beyond any doubt that Pakistan committed aggression against India
across the CFL. This aggression began in its massive form soon after India
agreed to withdraw and withdrew from the Kargil area, considered strategically
vital to the security of the Srinagar - Leh road, on assurances given by Pakistan
through the Secretary-General that the security of this road would not be
endangered by Pakistan. But as stated by the Secretary-General in his Report
to the Security Council, “subsequently there were some military attacks on the
road by armed element from the Pakistan side.” This establishes clearly that
Pakistan had no intention of honouring solemn assurances given to India through
the Secretary-General and was bent on renewed and further aggression.

The facts leading to the present situation and narrated in Prime Minister Lal
Bahadur Shastri’s message of September 2 to the Secretary General are borne
out by the Secretary General’s Report wherein it is stated that “General Nimmo
has indicated to me that the series of violations that began on 5th August have
been to a considerable extent in the form of armed men, generally not in uniform,
crossing the CFL from the Pakistan side for the purpose of armed action on the Indian side. This is a conclusion reached by General Nimmo on the basis of investigations by the UN Observers, in the light of extensiveness and character of the raiding activities and their proximity to the CFL. It has been further stated by the Secretary-General that “as regards violations by artillery, there was heavy and prolonged artillery fire across the line from the Pakistan side in the Chhamb/Bhimber area on 15–16 August, and on 19 and 26 August the town of Poonch was shelled from the Pakistan side, some of the shells hitting the building occupied by UN Military Observers. Pakistan artillery again shelled the town of Poonch on 28th August.” It is likewise confirmed that as of 24 August armed elements from Pakistan were still occupying Indian positions (pickets) north of Mandi in the Poonch sector of the CFL. The Secretary-General's Report has also stated that UN Military Observers have confirmed that on September 1 Pakistan army supported by artillery and air-force attacked the Chhamb area of the Jammu-Jhangar sector; and on September 2 attacked Jaurian village across the international border between India and Pakistan.

Thus, aggression by Pakistan has been clearly established by the independent authority of the United Nations and it is regretted that the Security Council have not taken this into consideration or asked Pakistan to withdraw from across the international border south of the CFL and to respect the international border between India and Pakistan.

While the Secretary-General in his recommendations to the Security Council referred to above has sought willingness of both parties to respect the agreement they have entered into, this appeal should more appropriately have been addressed to Pakistan alone because India has always respected the agreement in respect of the CFL. This is borne out by the Report of the Secretary-General itself. In this Report he has stated that on the morning of 9th August, a cable was received from General Nimmo warning that the situation was deteriorating along the CFL. On the basis of this Report, the Secretary-General asked the representative of Pakistan to convey to his Government his “very serious concern about the situation that was developing in Kashmir, involving the crossing of the CFL from the Pakistan side by numbers of armed men and their attacks on Indian military positions on the Indian side of the line, and also my strong appeal that the CFL be observed.” In response to this appeal, the Secretary-General has noted that “I have not obtained from the Government of Pakistan any assurance that the cease-fire and the CFL will be respected henceforth or that efforts would be exerted to restore conditions to normal along that line.” The reason for Pakistan refusing to give such an assurance is also evident from the Report of the Secretary-General when he described the considerations which led to his withholding the statement he wanted to make in consultation with the Governments of India and Pakistan. While India was agreeable to the statement
proposed to be issued by the Secretary-General, according to the Secretary-General “The Government of Pakistan was strongly negative about the statement in general, on the ground that it favoured India in that it dealt only with the current cease-fire situation without presenting the political background of the broad issue and thus was lacking in balance, since a cease-fire alone supports the status quo to India’s benefit”. It is clear from this that Pakistan did not want and does not want to maintain the status quo in respect of cease-fire line and its only aim is to violate the CFL and by aggression to extend by force the forcible occupation of the 2/5th of the State of Jammu & Kashmir to the whole of the State of Jammu and Kashmir. Thus, it is Pakistan alone who should be asked to express willingness to respect the agreement they have entered into and to desist from altering status quo by force.

The Secretary-General in the second recommendation contained in his report to the Security Council has urged categorically that the Government of Pakistan is to be asked to express its readiness “to take effective steps to prevent crossings of the CFL from the Pakistan side by armed men, whether or not in uniform.” It is obvious from this that as stated in the reply of the Prime Minister of India to the Secretary-General, the present situation has arisen not from any armed revolt in the State of Jammu and Kashmir, as wrongly alleged by Pakistan, but as a result of massive armed infiltration organized and planned by Pakistan followed by attacks by Pakistan Army and Air Force. Until this aspect of the situation and the recommendation of the Secretary-General in this regard are taken into consideration, no progress can be made to restore peace in the State of Jammu and Kashmir.

The Government of India is of the firm view that an immediate cease-fire and the implementation of paragraph 2 of Security Council Resolution No. 209(65) can be brought about only when Pakistan takes effective steps to stop further crossings of the CFL from Pakistan side by armed and unarmed personnel, civil and military, whether or not in uniform, and also immediately removes from the Indian side of the CFL all such personnel, who have already crossed the CFL. Pakistan must also vacate aggression in the Chhamb area forcibly occupied by Pakistan since 1st September from across the international border and undertakes to respect in future the international border between India and Pakistan. Furthermore, India would have to be satisfied that there will be no recurrence of such a situation before cease-fire can be effective and peace restored.
3613. **Telegram dated 5 September 1965 from the President of Pakistan to the Secretary-General of the United Nations.**

I have received your message and appreciate the expression of your deep concern at the grave turn that developments have taken in Jammu and Kashmir. Since 1 September 1965 the armed forces of India and the Azad Kashmir forces backed by units of the Pakistan Army are locked in battle in the Bhimber sector, and the air forces of India and Pakistan have also engaged in combat.

It is not necessary for me, therefore, to stress the gravity of the situation, the devastating consequences of which are self-evident.

In your message, you seem to consider 5 August, when the so-called infiltration is alleged to have taken place, as the date when the cease-fire agreement of 1949 between India and Pakistan began to be so widely disregarded by unprecedented acts of violence along or in the vicinity of the cease-fire line as to have reduced that agreement to little consequence. If the cease-fire in Jammu and Kashmir was reduced a nullity, this process has taken place over a long period of time as a result of Indian designs and provocations. The more recent and grave instance occurred in May last when the Indian Army crossed the cease-fire line in the Kargil sector and occupied three posts on the Pakistan side of the line.

Thus, the origin and source of the conflict which is now taking place in Jammu and Kashmir cannot be traced to 5 August 1965. The Kashmir dispute must be reviewed in the context of the tragic history of the denial since 1949 of the right of self-determination to the people of the State and the annexation of their homeland by India through the so-called integration measures, in the teeth of their bitter protest. It must be emphasized here that the cease-fire was brought about by the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949. These resolutions, which were negotiated by the United Nations, constituted an international agreement between India and Pakistan to implement the pledge of a plebiscite to the people of Jammu and Kashmir to decide their future. The cease-fire agreement flowed from the obligations accepted by both parties under those resolutions. Since the cease-fire in the State effected in 1949, India at first stalled on their implementation and subsequently repudiated them.

From 1949 to May 1965, India spurned every offer and every suggestion and barred all avenues for a peaceful settlement of the dispute. It ruled out recourse to the International Court of Justice. It rejected mediation, conciliation or good offices of any third party, including that of Your Excellency. If, in the past, India has made some show of willingness to enter into bilateral negotiations with Pakistan, events have shown that India’s motive was not to reach a settlement,
but to forestall effective international action or to tide over some crisis in her internal and foreign relations. The Government of India's real attitude towards bilateral negotiations was made clear by the Indian Home Minister when, on 1 July 1965, he stated; ‘Kashmir is an integral part of India. It is a settled fact which cannot be the subject of debate or negotiations. The talk of self-determination is devoid of meaning or relevance.’

India has made it quite clear that it will not permit the wishes of the people of Jammu and Kashmir to be ascertained and that its objective is to make permanent the partition of the State of Jammu and Kashmir between India and Pakistan along the cease-fire line in total violation of her obligation to implement the right of self-determination.

In pursuit of this objective, the Government of India has embarked on the unlawful and provocative course of annexing the occupied portions of the State. In the process, a reign of terror and oppression has been let loose on the people, thousands of Kashmiris have been goaled without trial for the crime of demanding that India should honour her pledge to hold a plebiscite. Sheikh Mohammed Abdullah, along with his lieutenant Mirza Afzal Beg, has for the third time been put in prison, where they have already spent eleven years of their lives and where they are now apparently condemned to end their days.

The situation in Indian-occupied Kashmir today is that, after seventeen years of patient but vain expectation and hope, the people of Kashmir, finding all avenues of peaceful realization of their right of self-determination barred to them, have taken to arms against Indian tyranny. Who can blame them? The freedom fighters who have challenged the might of the Indian Army are not raiders but sons of the soil of Jammu and Kashmir, ready to make the supreme sacrifice for their cause.

The people of Azad Kashmir have been enraged for years over India's brutal repression of the freedom movement in Kashmir. If more than six divisions of the Indian Army deployed along the nearly 500 mile long cease-fire line have been unable to prevent them from moving across the line to aid the armed uprising of their compatriots in occupied Kashmir, how can it be expected that the much fewer troops of the Pakistan Army would be able to seal the line against them? It is but natural that India should seek to blame outsiders for the uprising in occupied Kashmir since she would have the world believe that the people of the State are happy with their lot under Indian occupation.

I am constrained to express my surprise and regret that, though the United Nations Military Observer Group has admitted that, in most cases, the actual identity of those engaging in the armed attacks on the Indian side of the line and the actual crossing of it could not be verified by direct observation and evidence,
yet the Group should have thought it fit to conclude that the uprising in Jammu and Kashmir resulted from the crossing of the cease-fire line from the Pakistan side by armed men for the purpose of armed action on the Indian side. Failing to suppress the freedom fighters in the occupied territory of Jammu and Kashmir, India has embarked on a course of unlimited aggression across the cease-fire line. On 15 August, Indian forces against crossed the cease-fire line to take over the three unoccupied posts near Kargil which they had earlier been made to vacate upon Your Excellency’s interventions. Significantly, this was done within hours of a public threat by the Indian Prime Minister which was tantamount to that of invading Azad Kashmir. Later, the Indian Defence Minister proudly announced in the Indian Lok Sabha that India has crossed the cease-fire line in the past and would do so again. On 23 August, Indian forces shelled Awan Sharif, a village in West Pakistan, killing twenty-five persons and causing injuries to others and much damage to property. On 24 August, Indian troops crossed the cease-fire line and occupied two posts in the Tithwal sector on the Pakistan side of the cease-fire line. Again on the same day, Indian forces crossed the cease-fire line in the Uri-Punch sector and seized some Pakistan posts and on 1 September took the Haji Pir Pass.

Simultaneously with these acts of war, India intensified its acts of repression of the Kashmiris which, in their scope and nature, threaten to assume the proportion of genocide. On 14 August, the entire Batamalu suburb of Srinagar inhabited by Muslims was set afire and razed to the ground and the people burnt alive, to punish the residents for the support and help they were extending to the freedom fighters. This has been repeated in several other places in occupied Kashmir and has become the pattern of reprisals. Miss Mridula Sarabhai, the well known Indian social worker, has testified that, in the guise of taking action against the so-called infiltrators, the Indian Army has turned upon the entire Muslim population of the occupied territory and perpetrated atrocities upon them. The foreign Press has also commented on the incendiary role of the Indian Army.

These acts of aggression and grave violations of the cease-fire agreement have created a situation in which the human rights of the people of Kashmir as well as the security of Pakistan are equally threatened.

In response to this grave situation created by the Indian armed forces and to forestall further aggression by them, the Azad Kashmir forces backed by the Pakistan Army were forced, in the exercise of the inherent right of self-defence, to cross the cease-fire line in the Bhimber sector the first time since the cease-fire agreement was reached seventeen years ago, and after repeated Indian armed attacks and occupation of Azad Kashmir territories by the Indian Army. This crossing took place on 1 September. India escalated this conflict by mounting air attacks against Pakistan forces on the same day, compelling the Pakistan
Air Force to intervene. Until then, Pakistan had refrained from air action, even though our isolated and thinly manned posts in the Uri-Punch sector could not have been occupied if we had given them air support. On 4 September India carried the escalation of the conflict a stage further. The Indian Air Force twice violated Pakistan territory in strength, escorted by MIG-21 aircraft. And now, my Government has good reason to believe that India has begun again to deploy and mass her armed forces against West and East Pakistan. Weeks earlier, India moved a brigade from Aksai Chin and mountain division from the Nefa area, armed and equipped by the United States of America and some Commonwealth countries for use against China, to reinforce the six divisions of the Indian Army which have been suppressing the people of Jammu and Kashmir. It is, therefore, clear from these repeated strikes across the cease-fire line and step-by-step escalation of the fighting in Jammu and Kashmir that India has embarked on a premeditated course of aggression and war to seize the whole of Azad Kashmir territory and, in that process, not to flinch from even a subcontinental war. It will be recalled that immediately following the reverses suffered by the Indian Army in the Rann of Kutch, some months earlier, Indian Government leaders publicly threatened that India would attack Pakistan at a time and place of India's own choosing. In the circumstances, Pakistan must take every step necessary to discharge its responsibilities and duties for the defence of its legitimate interests and territorial integrity.

From the foregoing it is evident that India has embarked upon a course of terror, oppression and aggression in Kashmir. It has plainly manifested every intention of aggression against Pakistan. The responsibility for the current grave situation in that State therefore rests entirely on India.

Let me now turn to the other points that you have raised in your message. You have expressed the belief that the problems posed by the Kashmir dispute can be resolved peacefully and not by military action and have also drawn my attention to the obligations of State Members of the United Nations not to have recourse to the use of force in the settlement of international disputes and to seek pacific methods of settlement. Let me assure you that Pakistan remains dedicated to the Charter of the United Nations and the obligations of membership. You are aware that, during the last seventeen years, despite all the provocations and acts of repression by India in Jammu and Kashmir, despite India’s open repudiation of the resolutions of the United Nations Commission for India and Pakistan and the Security Council, pledging self-determination to the people of Kashmir and despite India’s sinister pattern of annexing the State in the face of bitter opposition and in total disregard to the relevant resolutions of the Security Council, Pakistan did not abandon its faith that reason would one day dawn on India and turn it to the path of peace. It was with this faith that the Pakistan Government turned repeatedly to the Security Council, when direct negotiations
with India in 1953, 1955, 1960, 1962 and 1963 failed to produce a just and equitable solution. To my infinite regret, our experience of seeking redress in the forum of the Security Council has time and again turned out to be disheartening. You will recall that, in 1964, the members of the Security Council would not even agree to recommend direct negotiations between India and Pakistan with the assistance as may be mutually acceptable of a third party or even the Secretary-General. To our deep sorrow and regret, the debate in that forum did not end in a consensus, much less in a resolution. This is not to say that Pakistan has lost all faith in the efficacy of the United Nations as an instrument of peace. We reaffirm our confidence in the solution of international disputes by peaceful means. This confidence extends to settlement of the Kashmir dispute.

I trust that, in view of what I have stated in the foregoing part of this reply to your message, the action which the Pakistan Army has taken in Jammu and Kashmir in support of the Azad Kashmir forces to defend Azad Kahmir and Pakistan territory against Indian occupation and territorial designs will not be construed by you as indicating our intention to resolve the Kashmir dispute by force of arms. This is a purely defensive measure forces on Pakistan.

You have expressed your conviction that a peaceful settlement of the Kashmir dispute can be found and have appealed to me to indicate immediately our intention to respect the cease-fire agreement and return to the status quo ante. You have also assured me of the fullest possible assistance by you in the restoration of peace in Kashmir and the solution of this dispute. A number of Chiefs of State and Governments of friendly countries have associated themselves with your appeal and some have offered their good offices for mediation. I am grateful to you and to them for these assurances and offers which I find heartening. At the same time, I cannot but he candid and express to you our misgivings. Your appeal seeks nothings more than a return to the status quo ante without any assurance that you and the Security Council will strive to implement the United Nations resolutions pertaining to the right of self-determination of the people of Jammu and Kashmir. You say that the quiet which would result from mutual observance of the cease-fire would afford the most favourable climate in which to seek a resolution of political differences. I would like to recall that the cease-fire agreement was observed from 1949 to 1965, when India chose to reduce it to a scrap of paper. Yet, during these seventeen years, tranquility along the cease-fire line did not lead to that result. The Security Council, faced with India’s bad faith, intransigence and growing power, chose practically to wash its hands of the responsibility for a peaceful and honourable settlement. It did not seem concerned about redressing the injustice meted out to the people of Jammu and Kashmir. I fear that you present appeal will only serve to perpetuate that injustice by leaving the people of occupied
Kashmir to the mercy of India. What is to become of the brave people of Kashmir who are fighting for their freedom? I cannot believe that it would be the intention of the United Nations to permit India to liquidate them and to consolidate its stranglehold over occupied Kashmir. This leads me again to repeat what I have stated earlier that, if a peaceful settlement of the Kashmir dispute is to result from the intervention of the United Nations, it is necessary for the world Organization to go to the heart of the tragic problem and not merely to deal with its periphery. It must turn its attention to the issue of self-determination and not only to that of the cease-fire line. The concern of the United Nations must extend to the implementation of the resolutions of the United Nations Commission for India and Pakistan as well as to the observance of the cease-fire agreement. The cease-fire was only the first part of an interrelated and integral whole. Therefore, insistence on a cease-fire can only be meaningful if there is a self-implementing agreement to follow it.

I should not be misunderstood as implying that I underestimate the importance of your assistance in the restoration of peace in Kashmir and solution of its problems. On the contrary, I welcome your assurance in this regard as a step forward by itself. However, there is no evidence yet that your assistance would be equally welcome to India, much less that India is prepared to reverse the dangerous and ill-conceived course of her policies in Kashmir. If this armed struggle for freedom is to be halted and calm is to be restored in the State of Jammu and Kashmir, If indeed peace in this region is to be preserved, then the right course is for the United Nations, India and Pakistan to proceed immediately to fulfil the pledge they gave to the people of Jammu and Kashmir eighteen years ago. It is they who must be permitted freely to decide the question of accession of the State of Jammu and Kashmir to India or Pakistan as stated in the pledge.

(Signed) M. Ayub Khan
President of the Republic of Pakistan
3614. Speech of Foreign Secretary C.S. Jha in the UN Security Council on Kashmir.

New York, September 6, 1965.

I am most grateful to you, Mr. President, for your welcoming words, and I am grateful to the Council for giving me the opportunity of expounding the position of my Government.

I have just heard the statement of the representative of Pakistan. He spoke with emotion and with a great deal of rhetoric. But rhetoric is no substitute for facts, and what the Council and what the whole world have to apply themselves to are the facts of the situation. I will briefly answer some of the points that he made, later, but to begin with, may I have your permission to read out the text of the message from the Minister of External Affairs of India to the Secretary-General of the United Nations in answer to the communication by the Secretary-General forwarding the resolution of the Council on 4 September. I incidentally note that there is no response from Pakistan. This is the reply of the Minister of External Affairs to the Secretary-General—and here may I crave the indulgence of the Secretary-General; he has just received the communication and I hope he will permit me to read it out for the record of the Council:

“The Minister of External Affairs of the Government of India presents his compliments to the Secretary-General of the United Nations and has the honour to acknowledge the receipt of the text on the resolution 209 (1965) adopted by the Security Council at its 1237 meeting on 4 September 1965. The Government of India, having given the most careful consideration to the resolution of the Security Council, would like to convey the following views to the Security Council.

“The Government of India appreciate that the Security Council, in their anxiety to stop the continuance of hostilities and bloodshed, have urgently adopted a resolution in hope of bringing about an immediate cease-fire. This resolution has evidently been adopted without taking into consideration the reply of the Prime Minister of India communicated to the Secretary-General on 4 September,”—

Here I might say that this reply perhaps reached the Secretary-General a bit too late for circulation, but it was read out by our representative on that date. Now, continuing with the message:

“in response to the appeal addressed by the Secretary-General to the Government of India on 2 September. The reply of the Prime Minister of India narrated the events leading to the present situation in Kashmir, and also urged the steps which should be taken to restore peace in the State
of Jammu and Kashmir. It is also evident that the resolution does not take into consideration certain important findings and recommendations of the Secretary-General contained in his report, S/6651, dated 3 September 1965. Further, neither the resolution nor the discussions which preceded the adoption of the resolution took note of the fact that on 1 September 1965 Pakistan violated the international border south of the cease-fire Line between the State of Jammu and Kashmir and West Pakistan in order to attack the Chhamb-Jaurian sector within the State of Jammu and Kashmir, thereby extending the area of conflict. While aggression across the international border in the Chhamb-Jaurian sector continues, this attack, directed as it was by regular forces of the Pakistan Army towards gaining territory and cutting the vital lines of communication between the rest of India and the Indian state of Jammu and Kashmir, has changed the entire character of the situation. The offensive action in the Chhamb area was being fed by bases in Pakistan along the border of Pakistan with the State of Jammu and Kashmir. There were strong concentrations of Pakistan forces on the western frontier between India and Pakistan. On 5 September, after the resolution of the Security Council calling for a cease-fire, Pakistan aircraft bombed an Indian Air Force unit in Amritsar in the Indian State of Punjab, Pakistan aircrafts also bombed Ranbir Singhpura and other places in Jammu and Kashmir well away from the cease-fire Line. It was obvious that Pakistan was preparing for an offensive against India in a big way and a situation was created in which action restricted to Jammu and Kashmir could no longer meet the needs of the situation. Since the United Nations has throughout accepted that the security of Jammu and Kashmir is the responsibility of India, the Government of India had no alternative but to give effective assistance to our forces by moving across the Wagah border to stop Pakistan at the bases from which the attacks in Jammu and Kashmir were being mounted and supported.

"The resolution 209 (1965), 'Calls upon the Government of India and Pakistan to take forthwith all steps for an immediate cease-fire.' This cease-fire is posited on the condition mentioned in paragraph 2 of the resolution which ‘Calls upon the two Governments to respect the cease-fire line and have all armed personnel of each party withdrawn to its own side of the line. It is the view of the Government of India that, if a cease-fire is to be brought about and peace restored, the withdrawal of the armed personnel of each party', referred to in this paragraph, must include all infiltrators from the Pakistan side of the cease-fire line, whether armed or unarmed, because, as stated by the Prime Minister of India in his reply to the Secretary-General, the present hostilities originated with large-scale infiltrations of armed and unarmed personnel from Pakistan, and
until the activities of such personnel cease and until such personnel are withdrawn from the Indian side of the cease-fire line, peace cannot be restored, for which Pakistan must accept full responsibility.

“It has been stated by the Secretary-General in the concluding part of his report that the restoration of the cease-fire and a return to normal conditions along the cease-fire line can be achieved inter alia by:

(a) A willingness of both parties to respect the Agreement they have entered into.

(b) A readiness on the part of the Government of Pakistan to take effective steps to prevent crossing of the CFL from the Pakistan side by armed men, whether or not in uniform. (S/6651, para 15).

“These findings of the Secretary-General, based on the reports of the UNMOGIP, established beyond any doubt that Pakistan committed aggression against India across the cease-fire line. This aggression began in its massive form soon after India agreed to withdraw and withdrew from the Kargil area, considered strategically vital to the security of the Srinagar-Leh road, on the assurances given by Pakistan through the Secretary-General that the security of this road would not be endangered by Pakistan. But as stated by the Secretary-General in his report to the Security General, ‘subsequently there were some military attacks on the road by armed elements from the Pakistan side’. This establishes clearly that Pakistan had no intention of honouring solemn assurances given to India through the Secretary-General and was bent on renewed and further aggression.

“The facts leading to the present situation and narrated in Prime Minister Lal Bahadur Shastri’s message of September 4 to the Secretary-General are borne out by the Secretary-General’s report wherein it is stated that:

‘General Nimmo has indicated to me that the series of violations that began on 5 August were to a considerable extent…in the form of armed men, generally not in uniform, crossing the CFL from the Pakistan side for the purpose of armed action on the Indian side. This is a conclusion reached by General Nimmo on the basis of investigations by the United Nations Observers, in the light of the extensiveness and character of the raiding activities and their proximity to the CFL…. (Ibid….para.6)

“It has been further stated by the Secretary-General that: ‘As regards violations by artillery, there was heavy and prolonged artillery fire across the line from the Pakistan side in the Chhamb/Bhimber area on 15-16 August, and on 19 and 26 August the town of Poonch was shelled from the Pakistani side, some of the shells hitting the building occupied by the United Nations Military Observers.
Pakistan artillery again shelled the town of Poonch on 28 August. It is also stated that: 'It is likewise confirmed that as of 24 August armed elements from Pakistan were still occupying Indian positions (pickets) north of Mandi in the Poonch sector of the CFL.' The Secretary-General’s report has also stated that United Nations Military Observers have confirmed that on 1 September, the Pakistan army supported by artillery and air force attacked the Chhamb area of the Jammu-Jhangar sector; and on 2 September attacked Jaurian village across the international border between India and Pakistan.

"Thus, aggression by Pakistan has been clearly established by the independent authority of the United Nations and it is to be regretted that the Security Council has not taken this into consideration or asked Pakistan to withdraw from across the international border south of the cease-fire line and to respect the international border between India and Pakistan.

"While the Secretary-General in his recommendations to the Security Council referred to above has sought willingness of both parties to respect the agreement they have entered into, this appeal should more appropriately have been addressed to Pakistan alone because India has always respected the agreement in respect of the cease-fire line. This is borne out by the report of the Secretary-General itself. In this report he has stated that on the morning of 9 August, a cable was received from General Nimmo warning that the situation was deteriorating along the cease-fire line. On the basis of this report, the Secretary-General asked the representative of Pakistan to convey to his Government his very serious concern about the situation that was developing in Kashmir, involving the crossing of the cease-fire line from the Pakistan side by numbers of armed men and their attacks on Indian military positions on the Indian side of the line, and also my strong appeal that the cease-fire line be observed'.

"In response to this appeal, the Secretary-General has noted that: 'I have not obtained from the Government of Pakistan any assurance that the cease-fire and the cease-fire line will be respected henceforth or that efforts would be exerted to restore conditions to normal along that line'. The reason for Pakistan refusing to give such an assurance is also evident from the report of the Secretary-General when he described the considerations which led to his withholding the statement he wanted to make in consultations with the Governments of India and Pakistan. While India was agreeable to the statement proposed to be issued by Secretary-General, according to the Secretary-General: 'The Government of Pakistan was strongly negative about the statement in general on the grounds that it favoured India in that it dealt only with the current cease-fire situation without presenting the political background of the broad issue and thus was lacking in balance, since a cease-fire alone supports the status quo to India’s
benefit’. It is clear from this that Pakistan did not want and does not want to maintain the status quo in respect of the cease-fire line and its only aim is to violate the cease-fire line and by aggression to extend by force the forcible occupation of the two-fifths of the State of Jammu and Kashmir to the whole of the State of Jammu and Kashmir. Thus, it is Pakistan alone who should be asked to express willingness to respect the agreement they have entered into and to desist from altering the status quo by force.

“The Secretary-General in the second recommendation contained in his report to the Security Council has urged categorically that the Government of Pakistan is to be asked to express its readiness ‘to take effective steps to prevent crossings of the Cease-fire Line from the Pakistan side by armed men, whether or not in uniform’. It is obvious from this that, as stated in the reply of the Prime Minister of India to the Secretary-General, the present situation has arisen not from any ‘armed revolt’ in the State of Jammu and Kashmir, as wrongly alleged by Pakistan, but as a result of massive armed infiltration organized and planned by Pakistan, followed by attacks by the Pakistan Army and Air Force. Until this aspect of the situation and the recommendations of the Secretary-General in this regard are taken into consideration, no progress can be made to restore peace in the state of Jammu and Kashmir.

“The Government of India is of the firm view that an immediate cease-fire and the implementation of paragraph 2 of Security Council resolution 209 *1965) can be brought about only when Pakistan takes effective steps to stop further crossings of the Cease-fire Line from the Pakistan side by armed and unarmed personnel, civil and military, whether or not in uniform, and also immediately removes from the Indian side of the Cease-fire Line all such personnel who have already crossed the Cease-Fire Line. Pakistan must also vacate aggression in the Chhamb area, forcibly occupied by Pakistan since 1 September from across the international border, and undertake to respect in future the international border between Indian and Pakistan. Furthermore, India would have to be satisfied that there will be no recurrence of such a situation before a cease-fire can be effective and peace restored.”

I have taken the liberty of reading into the record this message from the Minister of External Affairs to the Secretary-General. This message gives the position of my Government with regard to the matter that is before the Security Council. It is, of course, an elaboration, but substantively it contains the some points that were made by the Prime Minister of India in the reply to the Secretary-General contained in his communication of 4 September. Our position therefore has been made clear before the Council, and I would leave this communication at that.
Now, with the permission of the President, I should like to say a few words about the rhetorical, highly coloured and, in many instances, false statements made by the representatives of Pakistan. He talked about Pakistan’s being one-fifth the size of India. I think that perhaps that is arithmetically a little wrong, but nevertheless it is correct that Pakistan is smaller in size than India. But what do we see today? We certainly do not judge a country by its size. A large country and a small country are both Members of the United Nations and enjoy sovereign equality; they are equals before the international community. But today we find that Pakistan has mounted an aggression against India with the help—and I have to mention this regretfully—of weapons obtained from its ally by deceitful means throughout these years. These weapons were obtained for other purposes, but today they are being used against the sons of India, against the friends of the United States in an action which is a patent example of aggression.

The representative of Pakistan has also referred to what he calls India’s aggressive actions. In his statement, he has turned a blind eye to many things. He has not mentioned the report of the Secretary-General, which is a Council document and which indeed forms the basis of the consideration of this matter by the Council. That report has been ignored. He has ignored the fact of the massive infiltrations commencing on 5 August, which again is a matter of history, which is testified to in the report of the Secretary-General in no uncertain terms, and which is again based on the observations of United Nations Observers who have been specifically entrusted with the task of observance of the cease-fire. All these, according to Pakistan, do not exist. The incidents of 5 August and thereafter—the massive infiltration of hundreds, and in fact thousands, of men armed to the teeth with modern weapons, well organized and coming into our territory to commit sabotage and arson—those facts have been completely ignored.

The representative of Pakistan has also ignored and forgotten, although the world has not forgotten—and certainly we have not forgotten—the invasion of Jammu and Kashmir by Pakistan in 1947-48. The Council will recall—or certainly the permanent members of the Council—that in that year the State of Jammu and Kashmir, which is an independent State, an integral part of the Indian Union juridically and in fact, was invaded by Pakistan, and that for months Pakistan refused to admit any hand in that invasion. Before the Security Council, its representatives solemnly and on several occasions denied any complicity in the invasion of Kashmir, any complicity in the activities of the raiders who had come across the boundary between Jammu and Kashmir, on the one hand, and Pakistan, on the other. But truly cannot be hidden for ever. Seven months later, in July 1948 when they realized that
it was no longer possible to hide the fact of their complicity, they admitted before the United Nations commission on India and Pakistan that the Pakistan Army had been in Kashmir in the strength of one or two brigades—I cannot recall now which it was; that they had been there, and had been there for several months.

That, of course, happened several years ago. But the consequences are still with us. Today, Pakistan occupies two-fifths of the State of Jammu and Kashmir, without the slightest shadow of legal right, and its occupation is based solely and entirely on force. That is aggression, which we shall not forget. The Council may have forgotten that—there have been tendencies sometimes to forget it—but we cannot forget. That is aggression, and that aggression is continuing today.

Not content with that aggression, Pakistan has engineered aggression in the form of massive infiltrations of armed personnel, the fact of which can no longer be doubted in the context of the report of the Secretary-General and the report of the United Nations Observers.

I would request the Council to pause for a moment and consider the enormity of this action. India is a peaceful State. It does not want to get into any trouble with its neighbours; it has no designs on its neighbours; it does not covet any territory. Its record of peace, and its contribution to peace, is inscribed in the archives of the United Nations. Here we are, a peaceful State—and suddenly thousands of armed personnel, most of them belonging to the regular forces in the camouflaged garb of civilians, descend on our territory. They descend in the midst of our population, with instructions from the Pakistan Government—as has been shown and abundantly proved by statements of captured prisoners, by photographs of weapons and of men who have been captured—to commit sabotage, arson, murder and pillage, to disrupt the lines of communication, to harass the Indian Army and to create an internal uprising. These were the motives with which these people came into our territory.

I said a moment ago that this is a matter to be paused over and pondered. Is it permissible for a State, a neighbouring State, to send thousands of armed personnel into another State to commit illegal acts? Does that not amount to aggression? Does that not amount to a flagrant violation of the Charter? Is it not against all principles of peaceful coexistence? Is it not contrary to the numerous international declarations—the Bandung Declaration, the Charter of the Organization of African Unity, the Cairo declaration, and numerous other declaration—which have been adopted by nations and which today embody the ethos, the ethics of international life? Surely, that sort of action cannot be
permitted. If it does occur, a sovereign state is obliged—it has not only the right, but the duty—to defend itself against this kind of aggression.

That is all we did. The infiltrators who came into our territory were dealt with in accordance with the normal way of dealing with law-breakers, which is the right of every State. But then these people kept on coming. We made it quite clear—the representative of Pakistan has even quoted some statements by my Prime Minister and others—that this was a most worrisome situation for us, a situation of patent and naked aggression—a situation which is not permitted to a neighbouring State under the Charter of the United Nations, or under any code of international behavior. Therefore, we had to take action to meet this. We were faced with an endless chain of men being sent over the frontier. We would push them back, and they would continue to come over again. Therefore, we had to take military action; we had to take defensive measures which would not only enable us to deal with these people in our territory but, even more important, which would enable us to stop these infiltrations. We made no secret of this; as a matter of fact, our representatives here informed the Secretary-General of this development.

The most curious feature of this whole business is the fact that Pakistan denies completely any knowledge of these armed infiltrations or of dispatching these infiltrators. According to Pakistan, they do not exist; according to them there is a mythical revolt in Kashmir.

Today, the whole world knows, however, as has been testified to by foreign and independent observers that there is no revolt in Kashmir: the people are with the Government—contrary to what Pakistan has tried to lead or mislead, the world to believe—and therefore co-operate with the Government. They are angry that their homes and herds have been raided by these armed men from across the cease-fire line, and they have helped the Government in tracking down these infiltrators. There is no revolt of the people in Kashmir. In fact, the people are suffering—they have suffered and are suffering—at the hands of Pakistani armed personnel, both regular personnel and this camouflaged body of infiltrators.

While the Secretary-General of the United Nations was making earnest efforts, in consultation with the representatives of India and Pakistan to find a way out of this difficult situation—even while these efforts were being made—Pakistan, on 1 September, mounted a terrific attack: two regiments of tanks, to begin with—again, extremely lethal weapons—which they had deceitfully obtained from their allies for other purposes—a most severe onslaught, partly across the cease-fire line, partly across the international frontier between Jammu and Kashmir, and today, they have penetrated something like twenty miles, or even more, and are threatening our lines of communication with our armed forces in
Kashmir, and also the lines of communication in general between Jammu and Kashmir and India. This they call defensive action.

These words—"defensive action"—are in current use. Yet, if there is one thing history has taught, it is that aggressors, when they use those words, use them for a different purpose: to camouflage their aggression.

In the broadcast on 1 September, President Ayub Khan, while reiterating the denial of any knowledge of infiltrators, or of any responsibility for these armed infiltrators, and in announcing the invasion of the Chhamb area, into Jammu went on to say that Pakistan forces were obliged to go into Jammu and Kashmir to help the so called freedom fighters.

Mark these words. This is not defensive action; he does not state he went there to defend Pakistan. He went there to help others who he thought were freedom fighters. This is not defensive action. By the very words of the President of Pakistan, the action that Pakistan has taken—the great military thrust supported by tanks, heavy artillery, aircraft etc., as a result of which Pakistani forces have penetrated many miles into our territory—could not be called defensive action. It was offensive action. Tanks are usually used for offensive purposes purpose in such a manner. It was offensive action, whatever may be the reason or justification in their own eyes for that action.

The representative of Pakistan has also denied that there is an international frontier between Jammu and Kashmir and Pakistan. The State of Jammu and Kashmir is a part of the Indian Union; and I repeated this, as it has been repeated dozens of time before this Council. And if we have to repeat it again, we do so because it is our scared right and our sacred duty to defend the integrity of any part of India. That right and duty cannot be taken away from us, even by the United Nations, because the very basis of the Charter of the United Nations is the recognition of the sovereignty of a country. We have the right to defend our territory, and Jammu and Kashmir is a part of India; no emotional outburst on the part of Pakistan can change that fact. I want to make that clear. All consideration by this Council has to take account of that very basic fact. If it is ignored then the very basis of this consideration disappears.

India has the right to defend itself. As Prime Minister Nehru stated, several years ago, an attack on Jammu and Kashmir is an attack on India. He was stating an obvious fact, but wanted to emphasize it because the eyes of our predatory neighbour have always been cast on Jammu and Kashmir. There is no international border, he said, between Jammu and Kashmir and India.

As you know, there is a cease-fire line, which of course is not an international frontier: it is a line arising out of the Cease-Fire Agreement of 1949. But below
the cease-fire line there is a very long frontier between Jammu and Kashmir and Pakistan; and the fact that it is an international frontier cannot disappear merely because Pakistan has advanced a spurious claim to the State of Jammu and Kashmir; there can be no other frontier but an international frontier between Jammu and Kashmir and Pakistan. Therefore, even taking the worst view—which I do not for a moment admit—that it is a disputed frontier, does that justify a State marching its armies across a frontier it regards as disputed? As I said, no dispute exists; but if the theory put forward by the representative of Pakistan were adopted, then the whole of international society would lose the very basis for its co-existence.

I am sorry to take the Council’s time, but I wish to put the record straight. The representative of Pakistan has talked of colonialism; he accuses India of colonialism in Jammu and Kashmir. The people of Jammu and Kashmir are the people of India. They are our kith and kin; they are blood of our blood, and they are as much Indian citizens as anyone else in any part of India. That is not colonialism. They enjoy the same rights and privileges, the same guarantees under the Constitution of India, as any other citizen of India. The representative of Pakistan would be well advised to look nearer home, to look within himself. Some introspective examination is always useful for the soul. If there is colonialism, it is the colonialism that is being practiced in Pakistan. A ruling group, divorced from contact with public opinion, is ruling over large sections of the people of Pakistan. If there is colonialism, it exists in Pakistan. The Pakhtoons, the Baluchis, the East Pakistanis, are being ruled without any regard to their civil rights, to their fundamental human rights and freedoms. That is colonialism as the world understands it.

The representative of Pakistan continued to repeat that all the action undertaken by Pakistan has been defensive action. I have already said that the action taken by Pakistan, first and foremost—and I repeat “first and foremost”—has been the planned and Government-directed infiltration, massive infiltration, of thousands of people into our territory. That is aggression. That is something which international society cannot tolerate; it is not open to any neighbour to behave in that fashion, and if it does behave in that fashion, retribution must come.

Every nation has the inherent right to exercise self-defence, and that is what we have done against these armed infiltrators. The action undertaken by Pakistan is surely not defensive action. Its massive attack with tanks, heavy artillery and aircraft deep inside Jammu and Kashmir—accounts of which members of the Security Council must have read—cannot be defensive action, as I have already indicated. I should like to read out what appeared in today’s New York Times,
both in the news report and under the caption “Quotation of the Day”. This is what General Mohammad Musa, Commander-in-Chief of the Pakistani Army, said to his troops on their success against Indian forces on the Indian side of the Cease-fire Line:

“You have got your teeth into him. Bite deeper and deeper until he is destroyed. And destroy him you will, God willing”.

Even God is brought into this. These are not the words of a Commander who is engaged in defensive action. This is cold-blooded aggression. They want to destroy us. They want to defeat our armies. They want to annex our territory. And surely it is up to us, it is our duty, it is our right, to defend our territory by all means at our disposal.

Pakistan has, by its actions, converted and transformed this whole business into the realm of military action. What we have had to exercise is defensive military action because we have got to strike at the bases from where this attack has been launched and from where they expect to wreak destruction on us.

I shall content myself with these observations. I am most grateful to you, Mr. President, for having given me this time, and I hope that you will permit me to speak again if circumstances should necessitate it.

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3615. Telegram dated 6 September 1965 from the Minister for Foreign Affairs of Pakistan to the President of the Security Council.

Rawalpindi, September 6, 1965.

At 0300 hours last night the Indian Army unleashed a tremendous armed attack on Pakistan along the borders of West Pakistan and launched a war of unprovoked and naked aggression against our peaceful country. In announcing this news to the Lok Sabha the Defence Minister of India stated that the attack was being made with the object of forestalling an attack on India by Pakistan. To India’s record of series of aggressions against Junagadh, Hyderabad and Jammu and Kashmir has now been added the most grave and criminal war of aggression against Pakistan. We have warned the United Nations on several previous occasions that India would take to this course against us at an appropriate opportunity.
Since 1958, and more especially since 1962, the military build-up of the Indian Army has unmistakably pointed to the pattern of preparation for a war of aggression against Pakistan. The causes of the current conflict in Jammu and Kashmir are known to all Members of the United Nations. India has held the people of that State in bondage for eighteen years, broken all pledges to implement the right of self-determination of the Kashmiri people, has annexed the State, has tried to break the spirit of the Kashmiris by ruthless suppression and the lifetime imprisonment of their leaders and has embarked on a series of aggressions across the cease-fire line, commencing from the middle of May when it occupied Pakistan posts in the Kargil sector on the Pakistan side of the cease-fire line. After vacating them for a time on the Secretary-General's intervention, India again crossed the cease-fire line on 15 August and reoccupied them on 23 August. Indian forces shelled Awan Sharif, a village in West Pakistan, causing death and destruction to its peaceful inhabitants. On 24 August the Indian troops crossed the cease-fire line again and occupied two posts in the Tithwal sector on the Pakistan side of the line. Again on the same day Indian forces crossed the cease-fire line in the Uri - Poonch sector and seized some Pakistan posts, and on 1 September took the Haji Pir Pass. Simultaneously the Indian Army of Occupation has intensified its acts of repression of the people – acts which in their scope and nature threaten to assume the proportions of genocide. These acts of aggression and grave violations of the cease-fire agreement have created a situation in which the human rights of the people of Jammu and Kashmir as well as the security of Pakistan are equally threatened. In response to this grave situation created by the Indian armed forces the Azad Kashmir forces backed by the Pakistan Army were forced to cross the cease-fire line in the Bhimber sector in exercise of the right of self-defence for the first time since the cease-fire agreement was reached seventeen years ago and after repeated Indian armed attacks and occupation of Azad Kashmir territory by the Indian Army. This crossing took place on 1 September. India decided to escalate the conflict by mounting air attacks against Pakistan forces on the same day, compelling the Pakistan Air Force to intervene. On 4 September India carried the escalation a stage further. The Indian Air Force twice violated Pakistan territory in strength, escorted by MIG aircraft, and now, last night India mounted a treacherous armed attack, this time against West Pakistan. This war forced by India on Pakistan is not of Pakistan's seeking. It is a war of aggression by India against Pakistan and as such constitutes the gravest possible violation of the Charter of the United Nations.

I have the honour to inform your Excellency that Pakistan will exercise her inherent right of individual and collective self-defence recognized in Article 51 of the Charter of the United Nations until the Security Council has taken effective measures to restore international peace and security by vacating Indian aggression against Pakistan and Jammu and Kashmir which India has forcibly
and illegally occupied in violation of United Nations resolutions. The aggression unleashed by India against our country poses for the United Nations one of the most serious challenges to its very basis. The situation calls for action immediately by the Security Council, including enforcement action to put an end to the Indian aggression and to restore international peace and security on the above-stated basis, which is the only way to secure a lasting peace in the region.

(Signed) Zulfikar Ali Bhutto
Minister for Foreign Affairs of Pakistan


New York, September 6, 1965.

The Security Council,

Noting the report of the Secretary-General, on developments in the situation in Kashmir since the adoption of Security Council resolution 209 (1965) of 4 September 1965 calling for a cease-fire,

Noting with deep concern the extension of the fighting which adds immeasurably to the seriousness of the situation,

1. Calls upon the parties to cease hostilities in the entire area of conflict immediately, and promptly withdraw all armed personnel to the positions held by them before 5 August 1965;

2. Requests the Secretary-General to exert every possible effort to give effect to the present resolution and to resolution 209 (1965), to take all measures possible to strengthen the United Nations Military Observer Group in India and Pakistan, and to keep the Council promptly and currently informed on the implementation of the resolutions and on the situation in the area;

3. Decides to keep this issue under urgent and continuous review so that the Council may determine what further steps may be necessary to secure peace and security in the area;

Adopted unanimously at the 1238th meeting.

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New Delhi, January 22, 1966.

INTRODUCTION

This Agreement is in four parts:

Part I Procedure concerning the immediate disengagement of troops and reduction of tension;

Part II Procedure concerning the withdrawal of troops from the occupied areas;

Part III Procedure concerning reduction of tension in the Eastern Sector;

Part IV General Points.

PART I

DISENGAGEMENT OF TROOPS AND REDUCTION OF TENSION

PHASE 1

Both forces will withdraw 1,000 yards from the Line of Actual Control in sectors as specified below:

(a) RAJASTHAN/SIND

(b) AMRITSAR/LAHORE

(c) JAMMU/SIALKOT

(d) AKHNUR/CHHAMBA (from River CHENAB NW 8061 To MAWA WALI KHAD NW 7770)

In all other sectors including sectors divided by the 1949 Cease Fire Line, troops will continue to hold their respective piquet as by so doing they will be automatically separated from each other. The only exception to this will be where, in hilly terrain, opposing forces are at present considered to be too close to each other, each side will withdraw to a distance to be mutually agreed upon by the local commanders not below the rank of Brigadier.

[NOTE: In the Amritsar-Lahore sector, this 1000 yards withdrawal will be modified so that Pakistani troops who are actually on the West bank of the BRB Canal and Indian troops who are on the East bank of the BRB Canal facing each other will withdraw all armed personnel off the embankment to a distance of 200 yards on each side. Unarmed personnel may, however, live, move and work in this area.]
The same principle will apply in Sulaimanki - Fazilka Sector, Hussainiwala Sector and Khem Karan Sector. After the withdrawal in this phase no new defences of any kind will be prepared in occupied territory.

There will be no movement of armed military, para-military or police personnel, either armed or unarmed within the demilitarised zone and no civilian personnel will be permitted within it by either side.

The period for completion of this phase will be five days.

**PHASE II**

In this phase both sides will remove and nullify all defences which will include the:

(a) lifting of mines; and

(b) dismantling of all other defence works, less permanent defence structures constructed of steel and cement.

The period for completing this phase will be twenty-one days which will commence immediately after the five-day period mentioned in para 5.

Working parties for this purpose will be found by unarmed military personnel in uniform. No civilian or civil labour will be used for these tasks.

While every effort will be made to dismantle all defence works within the specified period, where owing to weather and other conditions it is not possible to complete this, the uncleared area so left will be clearly marked and a sketch of these given to the other side.

There will be no firing of weapons or use of explosives within 10,000 meters of the Line of Actual Control. Where explosives have to be used to dismantle defence works, this will only be done under supervision as specified later and after due intimation to the other side.

The present Agreement affecting restriction on flights of aircraft will continue to apply.

To ensure that the action agreed to in PART I above is being implemented in letter and in spirit, the good offices of UNMOGIP and UNIPOM will be utilised. In the event of a disagreement, their decision will be final and binding on both sides.

**PART II**

**WITHDRAWAL OF TROOPS FROM OCCUPIED AREAS**

After the dismantling of defences has taken place, all troops, para-military forces and armed police who are now on the other side of the international border and Cease Fire Line, will be withdrawn. This withdrawal will be completed by 25th
February, 1966. If in any particular sector or part of a sector, the dismantling of defences has been completed earlier than the last date specified, withdrawal may be sector-wise if mutually agreed to.

During this withdrawal, there will be no follow up by civilians, armed military, para-military or police personnel until 25 February, 1966. Only unarmed military personnel at a strength mutually agreed upon at the sector level may move into these unoccupied areas for normal police duties (see paragraph 16 below).

After troops of both sides have crossed into their own territory, the procedure which was being followed by Pakistan and India before 5 August, 1965, for the security of the international border and the Cease Fire Line, will apply. Attention is drawn to Ground Rules 1961 for West Pakistan/Punjab, Rajasthan and Gujarat (India).

It is essential that under all circumstances troops must move out of occupied areas by 25 February, 1966, even if the dismantling of defence and lifting of mines have not been completed.

For immediate settlement of any points of dispute that may arise, sector commanders not below the rank of Major General will be designated by name and appointment both by India and Pakistan who will meet to settle the differences. Telephone or R/T communication will be established between these designated sector commanders and will be permanently manned.

Any matter on which there is disagreement will be referred to the C-in-C, Pakistan Army, and COA’s, India, for their joint decision. If the issue is still not resolved by them the good offices of Major General T· Marambio will be utilised and his decision will be final and binding on both sides.

PART III
REDUCTION OF TENSION IN THE EASTERN SECTOR

The limit of withdrawal in the Eastern Sector will be left to local commanders not below the rank of Major General to mutually decide where necessary, in consultation with the civil authorities concerned. Both sides will arrive at a working agreement as soon as possible.

Border Security Forces consisting of armed para-military units, police or any other irregular forces of both sides will not open fire across the border under any circumstances.

Any encroachment across the border will be dealt with through apprehension of personnel concerned and thereafter handing them over to civil authorities.

In any case where firing takes place across the border it will be investigated on
the spot by a joint team consisting of border personnel from both sides within 24 hours of occurrence. Brigade Commanders/ DIGs responsible for this investigation will be designated by name and appointment sector wise for West Bengal, Assam and Tripura by India and for the adjoining areas of East Pakistan by Pakistan.

Liaison between commanders and telephone communications at various levels will be established as given in para 12 and 13 of the Ground Rules for Indo-East Pakistan border.

To ensure that the above Agreement is fully implemented, quarterly meetings will take place between Army and Police authorities of India and Pakistan, alternately in India and Pakistan, to assess the extent to which the Agreement is working in practice.

These are a supplement to the Ground Rules formulated by the Military Sub-Committee of the Indian and Pakistani delegations on 20 October, 1959.

PART IV
GENERAL POINTS

In order to resolve any problems that may arise in the implementation of this Agreement and to further maintain friendly relations between the two countries, the C-in-C Pakistan and the COA India will meet from time to time. The meetings will be held alternately in India and Pakistan and will be initiated by the respective Governments concerned.

Ground rules to implement this withdrawal Agreement in the Western Sector will be formulated by Lt. General Bakhtiar Rana Pakistan, and Lt. General Harbaksh Singh-India, under the Chairmanship of Major General T. Marambio as early as possible.

The Agreement comes into effect as from 0600 hours IST/0630 hours WPT 25 January, 1966.

Sd/-
The Chief of Army Staff
India

Sd/-
Commander-in-Chief
Pakistan Army

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The Security Council,

Having considered the reports of the Secretary-General on his consultations with the Governments of India and Pakistan.

Commending the Secretary-General for his unrelenting efforts in furtherance of the objectives of Security Council resolutions 209 (1965) and 210 (1965) of 4 and 6 September 1965.

Having heard the statements of the representatives of India and Pakistan.

Noting the differing replies by the parties to an appeal for a cease-fire as set out in the report of the Secretary-General, but noting further with concern that no cease-fire has yet come into being.

Convinced that an early cessation of hostilities is essential as a first step towards a peaceful settlement of the outstanding differences between the two countries on Kashmir and other related matters.

1. Demands that a cease-fire should take effect on Wednesday, 22 September 1965, at 1700 hours GMT, and calls upon both Governments to issue orders for a cease-fire at the moment and a subsequent withdrawal of all armed personnel to the positions held by them before 5 August 1965;

2. Requests the Secretary-General to provide the necessary assistance to ensure supervision of the cease-fire and the withdrawal of all armed personnel;

3. Calls on all States to refrain from any action which might aggravate the situation in the area;

4. Decides to consider, as soon as paragraph 1 of Council resolution 2010 (1965) has been implemented, what steps could be taken to assist towards a settlement of the political problem underlying the present conflict, the in the meantime calls on the two Governments to utilize all peaceful means, including those listed in Article 33 of the Charter of the United Nations, to this end;

5. Requests the Secretary-General to exert every possible effort to give effect to the present resolution, to seek a peaceful solution, and to report to the Security Council thereon.

Adopted at the 1242nd meeting by 10 votes to none, with I abstention (Jordan).
3619. Statement of Pakistan Foreign Minister Arshad Husain in the UN General Assembly.

New York, October 11, 1968.

The PRESIDENT: The representative of Pakistan has requested to be allowed to speak in exercise of the right of reply.

Mr. HUSAIN (Pakistan): In his reply to my statement on Friday last the Minister of State of India dwelt at length on India-Pakistan issues from his point of view. In the process he made many incorrect statements which it is necessary for me to correct. For my part I shall avoid acrimony and therefore I shall disregard his interperate language and the base motives he has attributed to my country. While I apologize to you, Mr. President, and to my fellow representatives for the length of my reply, I hope that the exchanges will lead to a better understanding of the issues involved.

The Minister of State has deemed it fitting to protest our mentioning India-Pakistan issues at the United Nations. For our part we consider that the United Nations is the most appropriate forum for raising such issues as the right of self-determination of the people of Jammu and Kashmir and respect for the fundamental rights of the Muslims of India, whenever these rights are denied or violated.

The main contention of the Minister of State of India was that India had shown willingness to normalize relations with Pakistan. At the same time, he has repeatedly asserted that the State of Jammu and Kashmir is an integral part of India. We have here the clearest possible repudiation of his Government’s commitment to the right of self-determination of the people of Jammu and Kashmir. Surely this cannot help in normalizing the relations between India and Pakistan, when it is this very dispute that is responsible for most of the difficulties between the two countries.

The representative of India has made a reference to the Tashkent Declaration. It was the essence of that Declaration that India and Pakistan should settle all their disputes through peaceful means and that “the sides will continue meeting both at the highest and at other levels on matters of direct concern to both countries.”

On behalf of my Government, I reaffirm the readiness of Pakistan to take up all outstanding issues and settle them, including Kashmir, either as a package deal or according to a step-by-step procedure, provided India clearly reaffirms its agreement that at an appropriate and specified stage it will negotiate on Kashmir in sincerity and with a view to finding a solution of the dispute.
We cannot escape the fact that, unless the basic cause of tension between India and Pakistan, namely, the Kashmir dispute, is taken up for serious negotiations with a view to finding a just and honourable settlement, the resolution of peripheral issues cannot bring about a normalization of our relations. Indeed, experience has known that agreements, even on peripheral issues, do not hold in the atmosphere of tension perpetuated by the continuance of the Kashmir and Farrakka waters disputes.

The Minister of State of India has called Pakistan an aggressor. It would be well if he recalled that the charge, repeated during the past twenty years, was originally made in the Security Council in 1948 and argued, at length. The fact, however, remains that, though India tried very hard indeed, it failed to convince the Security Council. The council felt that charge had no basis and was not even the relevant issue in the dispute. The real question was to ascertain the wishes of the people of Jammu and Kashmir: whether they wished to accede to India or to Pakistan. The result of the Security Council’s effort was the formulation by the United Nations Commission for India and Pakistan of the resolutions of 13 August 1948 and 5 January 1949. Those resolutions were accepted by both India and Pakistan and thus constituted a binding international agreement.

Paragraph 1 of the resolution of 5 January 1949 States:

“The question of the accession of the State of Jammu and Kashmir to India and Pakistan will be decided through the democratic method of a free and impartial plebiscite.”

The acceptance of the two United Nations resolutions by India and Pakistan superseded the charges and counter-charges of aggression leveled by each country against the other.

The representative of India also maintained that Pakistan was pleading for the right of self-determination of a people “who have repelled Pakistani aggression twice.” May I ask, what then prevents India from availing itself of the golden opportunity to get the verdict of these people who have repelled aggression registered once and for all in India’s favour?

The Minister of State also claimed that conditions in Jammu and Kashmir were normal and peaceful and that the people of that State continued to enjoy their constitutional rights and freedoms. How, then, does he account for the fact that, out of a population of about 3.5 million in Indian occupied Kashmir, Over 700,000 Kashmiris were driven out and took refuge in Pakistan after 1948 and another 100,000 were expelled and took refuge in Pakistan after the hostilities in 1965? Why were these people expelled? Why are they not allowed to return to their homes? How does he explain the boycott of the so-called elections and by-elections in the State by an overwhelming majority of the electorate?
It is a matter of deep regret that the Minister of State of India thought it fit to state that, if an explosive situation is created, the entire responsibility for it will lie at the door of Pakistan. It pains me to draw his attention to the fact that it is India itself, and not Pakistan, which is responsible for creating such a situation inside Jammu and Kashmir. It is India’s unilateral repudiation of its solemn obligation under an international agreement regarding Jammu and Kashmir that has created and continues to create this situation.

It is India’s repression of the human rights of the people of Jammu and Kashmir that is responsible for the grave discontent inside Jammu and Kashmir.

Instead of accusing Pakistan, India would do well to refer back to its own case as originally presented in its letter to the Security Council (S/628) of January 1948. The Minister of State of India will find that in that letter his Government made no contention that Kashmir was, or that it would remain, an integral part of India. On the contrary India clearly implied that the so-called accession was provisional and also gave a pledge that the people of Kashmir would be free to decide their future by a plebiscite under international auspices.

At the very inception of the Kashmir dispute, the Prime Minister of India, the late Pandit Jawaharlal Nehru, addressed several communications to the Government of Pakistan. I shall quote one here. In a telegram to the Prime Minister of Pakistan on 31 October 1947, he stated:

“Our assurance that we shall withdraw our troops from Kashmir as soon as peace and order are restored and leave the State is not merely a promise to your Government but also to the people of Kashmir and to the world.”

Then on 2 November 1947, he said:

“We have declared that the fate of Kashmir is ultimately to be decided by the people. That pledge we have given not only to the people of Kashmir but to the world. We will not and cannot back out of it.”

It was by exercising the right of self-determination that India itself attained its independence. It is the fulfillment of that basic human right that has brought many nations as Members to this august Assembly. It is this very right of self-determination that India has supported for all non-self-governing peoples. Why does India then deny the exercise of that right to the people of Jammu and Kashmir, to whom it had been promised by India and the Security Council, and who continue to demand it? Pakistan asks no more than these pledges be fulfilled.

That is the core of the unsatisfactory relations between India and Pakistan. The Security Council has been seized of this dispute since 1948. It is time to take
the matter forward now and for the Security Council resolution of 20 September 1965 to be acted upon.

As regards the disquieting situation resulting from the construction by India of the Farrakka Barrage, the Minister of State of India conceded that it was “bilateral in nature,” yet in the same breath denied that it had any international importance. The contradiction this is apparent.

His first contention was that “The Ganges is not an international river, but is overwhelmingly an Indian river.” In support of this thesis, the Minister of State has invoked new criteria for the definition of an international river—the extent of the catchment area, the length of flow of the river, the incidence of rainfall, the extent of the areas irrigated, and so on.

If India’s definition of an international river were to be accepted, what then would be the status of such rivers as the Columbia, the Rio Grande, the Danube and others which traverse more than one State? The Minister of State of India refers to existing international law on the subject. May I remind him that the broad consensus of international jurists has established that an international river is one which flows between or traverses, two or more States.

India’s contention is that an upper riparian State can use the waters of a river as it pleases, regardless of the ruination which that might cause to the lower riparian State. If the Minister is sure of international law on the subject, why should India fear to have recourse to arbitration to settle the matter, or to Justice, which Pakistan is prepared to accept?

India complains that Pakistan has stepped up its demand for water requirements in the dry season. I should like to ask, has not India done the same? India’s present estimates of withdrawals from Farrakka have more than doubled since the construction was begun. The uses of river waters are related to the needs of development and do not remain static, especially when the need is for irrigation purposes to grow more food, as in Pakistan; whilst India, according to its own admission, has no such demands for waters flowing through the Ganges at Farrakka, waters which it says are required for flushing the River Hooghly in order to desalt the port of Calcutta.

The Minister of India has accused Pakistan of having created an artificial problem where no problem existed. Is it proper that he should so lightly and summarily dismiss an issue of the utmost gravity to us which is fraught with calamitous consequences to Pakistan’s economic existence?

Let me mention some of the consequences which the construction of the Farrakka Barrage by India, without an agreement with Pakistan, will have for the very livelihood of the 65 million people of East Pakistan:
First, because of the diversion of waters at the dam, almost the entire flow of the River Ganges into East Pakistan could be stopped in the dry season, turning hundreds of thousands of acres of cultivated land into waste land;

Second, as a result, the channel of the river in East Pakistan will become silted, and in the flood season almost half the area of the East Pakistan will be flooded every year;

Third, the coastal areas of East Pakistan will become uncultivable in consequence of the greater penetration of sea-water into the delta owing to the lack of drainage of fresh water into the sea;

Fourth, as a result of the drastic reduction in water supply, a number of agricultural projects, including those being planned, will be seriously affected.

The fact that such would be the consequences of India’s action is borne out by expert international opinion. At the request of the Government of Pakistan, two World Bank missions made a study of the problem. Their studies have established that the diversion of water supplies by India would cause such a change in the regime of the River Ganges as to have ruinous effects on several projects in East Pakistan.

Indeed, it has been acknowledged that no successful planning, execution or operation of Land and Water resources development in East Pakistan is possible without a solution of this problem.

I have noted that the Minister has stated that official-level meetings between the two countries could take place and that if discussions at even higher levels are necessary, India would not be averse to meeting at the ministerial level. My Government will give careful consideration to that statement. Our concern throughout has been that the meetings between the two sides should turn out to be fruitful.

Let me make an offer to India which I hope India will accept and reciprocate. Let both our Government charge the forthcoming meeting, or a subsequent meeting, with the task of reaching a settlement on the basis of the maximum good of both countries; and if we fail to settle the matter let India agree to utilize the good offices of a world body such as the world Bank in a suitable manner so as to contribute to a solution of the dispute.

I now come to my last point. This is on the subject of the treatment of the Muslim minority in India. The Minister of State of India cited examples of Indian Muslims occupying places of honour in India. The question raised by me was not that of any denial of this or that office to Indian Muslims, but that of the recurrent eruptions of violence against Muslims in parts of India, violence in
which Muslims have suffered heavy losses of life and property and which the Indian Government has failed to stop. If Indian Muslims walk in fear of their lives, as some of them do, it is cold comfort to them to know that the President of India, who in any case, is a constitutional figurehead only happens to be of their faith.

Here let me cite some objective accounts of the situation from Indian and foreign observers.

In the June 1968 issue of the Indian publication, Seminar of New Delhi, an Indian writer of Hindu faith stated that some bitter truths had been brought home in India, of which two were important. The writer continued:

“The first is that the Muslims have over the years become more demoralized and panicky—and that animosity of Hindus towards this ‘minority’ has increased…. What follows as a logical corollary to this reflex of the Hindu mind is that the endeavour is not only to subjugate the Muslims but also to ‘culturalize’ them in the process.”

That somber testimony is corroborated by other impartial observers. The special correspondent of the Christian Science Monitor, writing from New Delhi on 13 July 1968, had this to say about an important political party in India, namely, the Jan Singh:

“Then followers become fully indoctrinated with this party’s creed – that India should return to its glorious age of Hinduism – the Muslim minority is in the same position as the Jews were during the Third Reich.”

The correspondent of The Times of London wrote on 3 October 1968 about the extremist Hindu organization, the R.S.S. — which is a wing of the same Jan Sangh party which I mentioned earlier — under the headline “Swastika casts a shadow in Delhi”, and reported that:

“…The Immediate targets of the R.S.S. are the Muslim and Christian Minorities.” The writer then continues:

“Hindu society is encouraged to believe that there is a new Christian-Muslim conspiracy to subjugate India.”

The writer goes on to say:

“…..at huge R.S.S. rallies the battle cry has become ‘Christian-Muslim aggression against the Hindu nation.’

The Minister of State of India dubbed Pakistan the self-acclaimed champion of Muslims.” He would not have done so if he had remembered that, according to
the solemn international Agreement concluded between India and Pakistan when their Heads of Government signed the Liaquat-Nehru Pact on 8 April 1950, the treatment of the minorities in the two countries has been recognized as their joint concern. According to that Agreement, it is the right of each country to draw the other’s attention to incidents of communal rioting, and also to receive the report of the inquiry imposed on it by an international agreement.

Considering that international Agreement, Pakistan is not being a “self-acclaimed champion” when it draws attention to the massacres which have occurred in India or demands that adequate protection be accorded to Indian Muslims. The Minister of State of India did not deny that large-scale killings of Muslims have taken place. It is, therefore, Pakistan’s duty to discharge the obligation imposed on it by an international agreement.

The Minister of State of India alleged that the condition of Hindus in Pakistan is one of misery and terror. For this baseless allegation he relied on the specific argument that the lack of increase in the figures of Hindu population in Pakistan indicated forcible conversions or expulsions. Nothing could be further from the truth. May I confront him with the fact that the policy systematically pursued by his Government to expel Muslims from areas adjoining East Pakistan, from West Bengal and from Assam, and in their place to attract Hindu migration from East Pakistan.

Between 1963 and 1965, half a million Indian Muslims were expelled from Assam and West Bengal and a similar number of Hindus were encouraged by inflated promises of land and money to emigrate from Pakistan for settlement in areas which had been vacated by forcible expulsion of Muslims. The nature of those inflated promises was exposed when about 53,000 of those Hindus who originally migrated returned to Pakistan and their lands and homes, which had been kept for them, were returned to them.
The announcement of an agreement between the Prime Minister of India and Sheikh Mohammad Abdullah comes as no surprise. It was known for over two years that negotiations were going on between their emissaries. Equally well known was the aim of these secret parleys. The Government of India was seeing the surrender of a people’s right by a political group and its leaders in exchange for some concessions to them which, given the inherent nature of alien occupation, cannot but be illusory.

It has been Pakistan’s view that the deal sought to be transacted by India would not affect by one jot or title the moral and political rights and wrongs of the dispute concerning the State of Jammu and Kashmir. Even if it succeeded in luring these politicians to forswear their previous public stand they could not sign away what was not theirs to give. For at stake is a people’s integrity, life and historic destiny and no politicians, howsoever popular he might have been, has the right to barter it away.

The era of colonialism and alien rule is all but dead. The right of all peoples to self determination has long been universally recognized. In the case of the people of Jammu and Kashmir, the exercise of this inherent right has been specifically pledged to them by the United Nations and both India and Pakistan accepted the principle that the question of the accession of the State of Jammu and Kashmir to India or Pakistan shall be decided by its people through a free and impartial plebiscite.

In the past also, the Government of India made attempts to prejudice the right of people of Jammu and Kashmir by securing an endorsement of accession by a so called Constituent Assembly of India held Jammu and Kashmir, but by its Resolutions of 30 March 1951 and 24 January 1957, the Security Council declared that no action or arrangement which attempted to determine the future shape and affiliation of the State, or any part thereof, without an impartial ascertainment of the popular will, would constitute a disposition of the State in accordance with the principle of self determination. It follows that any agreement between the Government of India and one or more individuals in Jammu and Kashmir cannot resolve the issue concerning the status of the State.

This is not the first time Sheikh Abdullah has made an arrangement with the Government of India. The arrangement he made in 1947 and the assurances he received thereafter were not honoured by the Government of India which dismissed
him in 1953 and sent him to jail. In any case, neither that arrangement nor the one he has made now can weaken much less extinguish the right of the people of Jammu and Kashmir to self determination.

On 5 March 1973 and again on 10 July 1974, the Government of Pakistan reiterated its view that any agreement the Government of India might reach with Sheikh Abdullah could not compromise, much less destroy, the right of the people of Jammu and Kashmir to self-determination.

Also the Government of Pakistan has thrice written to the Government of India since last September reminding it of its obligations under the United Nations Resolutions and of its commitment in this behalf under the Simla Agreement. That agreement makes it quite clear that a final settlement of Jammu and Kashmir has to be discussed between India and Pakistan in the context of normalization of their relations and the establishment of durable peace in the South Asian region. Pakistan repeatedly urged India to refrain from any unilateral action which might prejudice the chances of the success of the talks which the two countries were pledged to hold.

It is therefore most deplorable that India should have decided nevertheless to go ahead with an arrangement with Sheikh Abdullah such as might jeopardize these talks. This is all the more so because no such arrangement with Sheikh Abdullah or any other Kashmiri politicians can change the status of the dispute concerning the state of Jammu and Kashmir, nor indeed can it deprive the people of that state of the exercise of their inherent right of self-determination in accordance with the United Nations Resolutions accepted by both India and Pakistan.

As I said on 5th March 1973, Pakistan had steadfastly maintained its position of principle and we will continue to stand by our commitment to support the people of Jammu and Kashmir in their struggle to achieve the right of self-determination assured to them by the United Nations. Since the Government of India has decided to go ahead with its plans for the suppression of that right, I have called upon the people of Jammu and Kashmir, whether in Indian occupied part of the State or in Azad Kashmir or in Pakistan and abroad, to signify their rejection of this plan and their determination to continue the struggle to achieve their right of self-determination by observing a one day Hartal (strike) on Friday, February 28, as a measure of protest against the action of the Government of India and Sheikh Abdullah. Considering their indissoluble bonds with the people of Jammu and Kashmir, the people of Pakistan will also join their Kashmiri brothers in observing this Hartal.
Once again the distinguished Foreign Minister of Pakistan has tried to use this forum to malign India and to mislead this Assembly. His so-called right of reply contains nothing new but follows the usual pattern of anti-Indian propaganda. I regret the necessity to keep the Assembly in session at this late hour, but I am obliged to offer a few clarifications.

On the question of the Farakka barrage I have personally made the position of the Government of India clear in my statement on Friday October 4. Farakka barrage is a vital project affecting the lives of nearly 180 million people and the future of our largest port and its great industrial hinterland. The attempt of Pakistan to internationalise the issue and thus delay its completion cannot succeed. Nevertheless the Government of India, out of its good-will for the welfare of a close neighbour, is prepared to continue discussions at appropriate levels to reach accommodation with Pakistan in a cooperative spirit.

Once again the distinguished foreign Minister of Pakistan has had the temerity to refer to Muslim citizens of India. We regret the false allegations he has made and we regret the animious that seems to motivate his statement. On Friday last I had indicated in some detail the honoured place which citizens of Muslim faith have in India. I wish the same could be said of the fate of minorities in Pakistan. I would once again plead with the distinguished Foreign Minister talking about Indian citizens of the Muslim faith could be utilized better if he were to devote himself with equal energy to the welfare of the minorities in his own country. The Government of India is fully conscious of its responsibilities in regard to every section of the Indian society. It is the constant effort of the Union and the State Governments to improve the economic and social conditions of every Indian citizens, irrespective of race, religion or creed.

Mr. President, I am sure that the repetition of false charges against India in regard to the Indian state of Jammu and Kashmir is not going to serve the cause of peace and friendship between India and Pakistan. The more the distinguished Foreign Minister of Pakistan belabours this problem in this forum the more he finds it difficult to speak with any sense of proportion in regard to India. He has tried to prove today that Pakistan did not commit aggression against the Indian state of Jammu and Kashmir. We know the facts much better than he seems to profess, but it is not necessary to take our word for it. I will quote the cautions but measure words of Sir Owen Dixon, a distinguished jurist of Australia who was then the U.N. Representative for India and Pakistan. He said and I quote:-


New York, October 11, 1968.
“Upon a number of occasions in the course of the period beginning with
the reference on January 1 1948 of the Kashmir dispute to the Security
Council, India had advanced not only the contention to which I have
already referred that Pakistan was an aggressor, but the further contention
that this should be declared. The Prime Minister of India at an early
stage of the meeting, made the same contention and he referred to it
repeatedly during the conference. I took up the positions, first that the
Security Council had not made such a declaration, secondly that I have
neither been commissioned to make nor had I made any judicial
investigation of the issue, but thirdly that, without going into the causes
or reasons why it happened, which presumably formed part of the history
of the sub-continent, I was prepared to adopt the view that when the
frontier of the state of Jammu and Kashmir was crossed, on I believe
20th October, 1847, by hostile elements, it was contrary to international
laws and that when, in May 1948, as I believe , unite of the regular
Pakistan forces moved into the territory of the state, that too was
inconsistent with international law.”

The Security Council resolutions to which the distinguished Foreign Minister of
Pakistan has referred could not be implemented and are now dead and obsolete
because Pakistan chose not to fulfil its obligations in accordance with those
resolutions. What is the concrete proof of this non-fulfilment of its obligations by
Pakistan? It is the continued occupation of two-fifths of the Indian State of
Jammu and Kashmir by Pakistan right till this moment.

There is no doubt at all about the constitutional and legal position of the state
of Jammu and Kashmir. Yesterday, the distinguished representative of Pakistan
explained at some length the arrangements made in 1947 by the British
Government for the transfer of power in India. Under the same arrangements
provision was made for the accession of what was then called Indian states to
either India or Pakistan. In consonance with the statute passed by the British
Parliament the state of Jammu and Kashmir acceded in the proper form to the
then dominion of India. Moreover, Mr. President, the will of the people of
Jammu and Kashmir has been expressed several times in the last 20 years
through the democratic process. This is not all. Twice when Pakistan tried to
seize the state by force the people rebuffed the aggressions and manifested
their unalterable determination to remain with India by shedding their blood for
the cause. The state of Jammu and Kashmir is an integral part of India by due
constitutional process and by the will of the people and will remain so. The
Government of Pakistan continues to practice disruptive policies towards India.
Time and again it attempts to tamper with the loyalty of our people and to
subvert the authority of our Government. These attempts will be rebuffed as
they have been in the past.
In conclusion, Mr. President, I would like to state the position of my Government about discussion with Pakistan. The distinguished Foreign Minister of Pakistan has referred to the Tashkent Agreement and affirmed his country’s desire to solve all outstanding problems between India and Pakistan. On behalf of the Government of India I reiterate our desire to normalize our relations with Pakistan and to enter into discussions on all problems between us.

3622. Speech by Pakistan Prime Minister Nawaz Sharif at the 52nd Session of the UN General Assembly on September 22, 1997.


Mr. President, my government has also taken the initiatives to resume the stalled dialogue with India. We had agreed last June on a comprehensive agenda and a mechanism to deal with all issues including the core issue of Jammu and Kashmir in a sustained manner. We have unfortunately not succeeded yet in setting up the agreed mechanism to launch substantive negotiations on all the issues on the agenda of our dialogue. We hope that India will reciprocate our sincerity of purpose in substantively addressing all the issues and carrying forward this process of dialogue to a positive outcome. The UN Security Council resolutions define Kashmir as a disputed territory whose accession to either Pakistan or India is to be determined through a Un-supervised plebiscite. Under the Simla accord of 1972. India agreed to a final settlement of the Jammu and Kashmir dispute with Pakistan.

Kashmir Dispute

The existence of the Kashmir dispute cannot be denied. The right of self-determination is sacrosanct. It has repeatedly been affirmed by the United Nations. The people of Kashmir are justified in asking why this pledge by the international community has not been honoured as yet. The Security Council cannot be selective in the implementation of its resolutions. The Kashmiri people have risen against Indian occupation. Their resolute struggle for the restitution of their fundamental and inalienable rights belies the claim that Kashmir is an integral part of India. I am sad to say that the repression of the people of Jammu and Kashmir continues unabated. More than 6000,000 Indian troops in Kashmir continue to brutalise the people. Custodial Killings, disappearances, arbitrary arrests. Summary executions are daily occurrences. In the past months hundreds
of Kashmiri civilians have been killed while 32,000 languish in detention centers. If India is serious in its allegation that the conflict in Kashmir is being stoked by interference' from Pakistan, it should have no hesitation in allowing the UN observers present in Kashmir to verify this claim. We hope that the UN will enlarge the number of these observers and ask India to allow their stationing on its side of the Line of control as well.

The International community has a responsibility to bring about a just settlement of the Kashmir dispute. The pledge of self-determination given to the people of Jammu and Kashmir has to be redeemed. On our part, we welcome the offers made by the UN Secretary-General, the United States and others to help in resolving the Kashmir dispute.

Mr. President, my government will persevere in the dialogue with India for the sake of our people and the people of South Asia. We hope that India can be persuaded to take some steps to create a climate conducive to the success of the talks. These could include:

— First, a halt in its campaign of repression against the people of Kashmir;
— Second, withdrawal of at least those Indian troops who are engaged in ‘internal’ repression in Kashmir; and
— Third, evolution of a mechanism to take into account the wishes of the Kashmiri people stipulated by the UN for a final settlement.

Offer to India

Mr. President, it is imperative to now negotiate arrangements to strengthen peace and security between India and Pakistan. Since 1974. Pakistan has pursued its proposal for a nuclear weapon-free zone in South Asia. On the other hand, India has taken successive steps to escalate its nuclear and missile capabilities. What does India mean when it repeatedly asserts that its nuclear option is ‘open’? Does this imply that, like chemical weapons, India has already manufactured nuclear weapons? In the absence of any assurances to the contrary. Pakistan will have to assume the worst.

India’s nuclear capable Prithvi missile is being serially produced. These missiles specifically target Pakistan. They have been moved adjacent to our borders. This creates a hair-trigger security environment. The development and possible deployment of the medium-range Agni missile and India’s planned acquisition of the Theatre Missile Defence systems, will further aggravate this tense security environment. It will evoke the natural response from Pakistan to safeguard and augment its security and deterrence capability. India must be persuaded to reverse its missile programme To preserve peace and stability in south Asia
and beyond, we propose that Pakistan and India should reach an agreement for mutual and equal restraint in the nuclear and ballistic fields. In this context, we are deeply concerned about India’s induction of missiles and plans for the acquisition of anti-missile systems. We also propose a similar arrangement for mutual and equitable restraint on conventional weapons which ensures equal security to both Pakistan and India. We are prepared to conclude and strengthen confidence-building measures. As a first step, we could agree on a set of principles to guide future bilateral arms control arrangements.

Just Solution in Kashmir

Mr. President, we believe that a just settlement of the Jammu and Kashmir dispute and progress on the issue of peace and security will usher in an era of amity and progress in South Asia. To facilitate the realization of this objective, I offer today, from this rostrum, to open negotiations on a treaty of non-aggression between Pakistan and India. There are many areas in which we can cooperate for mutual benefit. Trade liberalization can take place on an equitable basis. Significant foreign investment can be drawn to the region. In the expectation that the Pakistan-India dialogue will have made a heartening advance by next year, my government intends to host a regional economic summit in 1998, which could help open new vistas for economic progress and prosperity for our region. Mr. President, all this and much more can be achieved if India joins us in pursuing our current dialogue to its successful culmination. We have demonstrated our sincerity of purpose. It is for India to reciprocate.

Mr. President, located at the nexus of Central Asia, South Asia and the Middle East, Pakistan can contribute to and again from the economic growth and interaction among these dynamic regions.

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INDIA-PAKISTAN RELATIONS
MINORITIES
A few days ago, I received harrowing accounts of the terrible happenings in the Punjab and the situation, from all accounts, appeared to be so grave that I decided to come to Lahore. On my arrival here, I immediately got in touch with various sources that were available to me and I was deeply grieved to realize that unfortunately, there was a great deal of truth in what had been told to me. I am speaking to you under deep distress and with a heavy heart. We have, undoubtedly, achieved Pakistan and that too without bloody war and practically peacefully by moral and intellectual force and with the power of pen which is no less mighty than the sword and so our righteous cause has triumphed. Are we now going to besmear and tarnish this greatest achievement for which there is not parallel in the whole history of the world by resorting to frenzy, savagery and butchery? And, will this lead us anywhere? Pakistan is now a fait accompli and it can never be undone, besides, it was the only just, honorable and practical solution of the most complex constitutional problem of this great sub-continent.

The division of India is now finally and irrevocably effected. No doubt, we feel that the carving out of this great independent, sovereign Muslim State has suffered injustice. We have been squeezed inasmuch as it was possible and the latest blow that we have received was the Award of the Boundary Commission. It is an unjust, incomprehensible and even perverse Award. It may be wrong, unjust and perverse and it may not be a judicial award, but political award but we had agreed to abide by it and it is binding upon us. As honorable people we must abide by it. It may be our misfortune, but we must bear up this one more blow with fortitude, courage and hope.

Let us now plan to build and reconstruct and regenerate our great nation and our sovereign State of Pakistan which, you know, is not only the biggest Muslim State in the world but the fifth biggest sovereign State in the world. Now is the time, chance and opportunity for every Mussalman to make his or her fullest and best contribution and make the greatest sacrifice and work ceaselessly and selflessly in the service of our nation and make Pakistan one of the greatest nations of the world. It is in your hands; we have undoubtedly talents; Pakistan is blessed with enormous resources and potentialities; Providence has endowed us with all the wealth of nature and now it lies with man to make best of it.

It is agreed on all hands that peace should be restored without delay and that law and order must be established and maintained at any cost. Now it is up to leaders and the rank and file of the communities to leave no stone unturned in fulfilling the sacred and honorable undertaking that was given at the Special Conference on the 29th August, to protect the minorities and work in everywhere for the welfare and safety of the refugees. The Lahore Conference of 29th has further laid down categorically certain ways and means to be adopted to implement its decisions and such further measures will be taken which have the
solemn, firm and determined sanction of the Pakistan and the Dominion of India Government. Henceforth they will be naturally responsible, as the Punjab Boundary Force which was limited only to certain areas, could not deal with entire Punjab —both West and East, especially now as the rural areas have also been affected and, therefore, it has been abolished.

These decisions and measures adopted by the Special Conference should reassure the people of all communities that the Pakistan and India Governments are determined to put down ruthlessly these orgies and their far-reaching consequences. But it requires the communities concerned to realize the folly and futility of indulging in this savagery which has already taken a colossal toll of human life and especially of the innocent ones and has displaced hundreds of thousands of innocent people rendered them—homeless and delivered them to starvation who are wandering about in the countryside for their lives —besides resulting in destruction of property on an extensive scale.

This is not the moment for me to go into the origin or cause of all that is happening or to apportion blame as to which community has disgraced itself more. It will be for the historians to give their verdict. Humanity cries loud against this shameful conduct and the deeds that have been committed. Those who are responsible for this holocaust must be dealt with an iron hand and put down ruthlessly. The civilized world is looking upon these doings and happenings with horror and the fair name of the communities concerned stands blackened in the eyes of the world.

It is now up to the leaders and those responsible and in charge of the Governments to make their supreme effort to make amends for this indelible stigma. While the horizon is beset with dark clouds, let me appeal to you and give this message to the people of Pakistan. Create enthusiasm and spirit and go forward with your task, with courage and hope and we shall do it. Are we downhearted? Certainly not. This history of Islam is replete with instances of velour, grit and determination. So march on notwithstanding obstruction, obstacles and interference; and I feel confident that a united nation of 70 million people with a grim determination and with a great civilization and history need fear nothing. It is now up to you to work, work and more work; and we are bound to succeed. And never forget our motto: Unity, Discipline and Faith”.

I have so far spoken to you in English as you know that the eyes of the world are upon Pakistan and we are watched by the various nations of the world with keenest interest since the establishment of Pakistan as an independent, sovereign State which has been a great and historical event. I, therefore, used the medium of English so as to be able to reach the world-wide audience, which exhibited great interest in Pakistan.

Pakistan Zindabad

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INDIA-PAKISTAN RELATIONS
INDIA-WEST PAKISTAN BORDER
INDIA-PAKISTAN RELATIONS
Minutes of the proceedings of the meeting between the Surveyor-General of Pakistan and the Deputy Surveyor-General of India held in the Reception Room of the Hyderabad House, New Delhi, at 11 AM (IST) on the 11th April 1956, in pursuance of the correspondence between the Prime Minister of India and the Prime Minister of Pakistan.

New Delhi, April 11, 1956.

PRESENT

Members of Pakistan Delegation.
1. Mr. M.N.A. Hashmie, Surveyor-General of Pakistan.
2. Mr. I.U. Khan, CSP, Member, Board of Revenue, West Pakistan.
3. Mr. R.S. Chhatari, Under Secretary, Ministry of Foreign Affairs & Commonwealth Relations.
4. Malik Khuda Bakhsh, Deputy Secretary, Board of Revenue, West Pakistan.
5. Mr. M.Z.A. Qureishi, Survey of Pakistan.

Members of Indian Delegation.
2. Mr. P.A. Thomas, Director, Northern Circle, Survey of India.
3. Mr. A.L. Flecher, ICS., Financial Commissioner, (Revenue & Rehabilitation) Punjab (India).
4. Mr. A.R. Malhotra, Deputy Secretary (Political) Punjab (India).
5. Mr. J.L. Malhautra, Under Secretary, Ministry of External Affairs, Government of India.

The agenda proposed by Pakistan was discussed and the following decisions taken:-

Item I: Demarcation of the entire boundary between Punjab (India) and the former Province of Punjab (Pakistan) as envisaged by the Joint Steering Committees in March 1955.

After discussion, it was agreed that to begin with, demarcation will be confined
to the boundary to which the Radcliffe Award applies, namely, the Indo-Pakistan boundary between Punjab(I) and the former Punjab(P). If the two Central Governments’ desire that the boundary between the Ferzoeapore District and the former Bahawalpur State should also be demarcated, they should give clear instructions to the Surveyors-General, and indicate the basis, on which this demarcation would be made.

Item 2. Starting point for survey operations.

The starting points will be the extreme north and the extreme south of the boundary between Punjab(I) and the former province of Punjab(P). Between these points there will be certain disputed portions of boundary. The work will not be allowed to be held up because of these disputes and such areas will be excluded.

Item No.3 Provision of the Survey control.

The control will consist of :-

(a) Triangulation series based on G.T. primary series. These series shall be of secondary order,
(b) The control will be supplemented by a traverse of 1/5000 accuracy and based on this secondary triangulation,
(c) On demarcation of the boundary the co-ordinates of the pillars fixed will be obtained from traverse,
(d) The entire boundary should be traversed and distances and bearings should be given.

Item No.4 Composition of demarcation party.

Equal number of observers, technicians and supervising staff will be employed by both sides. Those will be as far as possible of similar status. Details will be worked out by the two Surveyors-General or their representatives as early as possible.

Item No.5 Procedure for demarcation.

Boundary will be demarcated with the help of Musavis and Revenue record from which the actual position of the pillars will be obtained.

Items 6 & 7 : Date of commencement and visas, custom and protection facilities.

Field work will start on the 1st of October, 1956 and preliminary necessary action will be taken in hand immediately by the two Surveyors-General.
Proceedings of the meeting held between the Surveyor-General of Pakistan and the Deputy Surveyor-General of India at 4. PM (IST) on the 11th April 1956, in the Reception Room of Hyderabad House, New Delhi.

PRESENT

Members of Pakistan Delegation.
1. Mr. M.N.A. Hashmie, Surveyor-General of Pakistan.
2. Mr. I.U. Khan, CSP, Member, Board of Revenue, West Pakistan.
3. Mr. R.S. Chhatari, Under Secretary, Ministry of Foreign Affairs & Commonwealth Relations.
4. Malik Khuda Bakhsh, Deputy Secretary, Board of Revenue, West Pakistan.
5. Mr. M.Z.A. Qureishi, Survey of Pakistan.

Members of Indian Delegation.
2. Mr. P.A. Thomas, Director, Northern Circle, Survey of India.
3. Mr. A.R. Malhotra, Deputy Secretary (Political) Punjab (I).
4. Mr. J.L. Malhautra, Under Secretary, Ministry of External Affairs, Government of India.

It was felt that the decision arrived at in the morning meeting required amplification as follow :-

Item (2).

So far as the exclusion of existing disputed areas is concerned, the work of bringing down the primary control close to the boundary i.e. triangulation and primary traverse will continue without any interruption. But the actual demarcation of the boundary in these disputed areas will await the final settlement by the Indo-Pakistan Conference.
The Survey work will start simultaneously from the northern as well as the southern ends of the boundary between Punjab (I) and the former Punjab (Pak).

**Item No. (5).**

The two Surveyors General will work out the details of the assistance which they will require from the D.Cs and other Departments and will inform F.C.R., Punjab (I) and the Board of Revenue, West Pakistan, accordingly. Immediate action will be taken by F.C.R. Punjab (India) and the Board of Revenue, West Pakistan, on the receipt of this information.

**Item No. (6) and (7).**

The reason why it was agreed that field Survey work would start on the 1st October, 1956, was that weather conditions would not permit the starting of this work earlier.

Sd/- M.N.Hashmie  
Surveyors-General of Pakistan  
11.4.1956

Sd/- Gambhir Singh  
Deputy Surveyor-General of India  
11.4.1956

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3625. **Statement by Prime Minister Jawaharlal Nehru in Lok Sabha on Indo-West Pakistan Border Conference.**

New Delhi, February 9, 1960.

As the House is aware, the Government of India and Pakistan agreed in October, 1959, that a Minister-level Conference should be held to consider disputes on the Indo-West Pakistan border, to devise procedures for effective prevention and control of border incidents and to expedite demarcation of boundaries on this border.

This Conference was held from 4th to 11th January, 1960. India was represented at this Conference by Sardar Swaran Singh, Minister for Steel, Mines and Fuel, and Pakistan by Lt. General K.M. Shaikh, Minister for the Interior. Discussions were held at Lahore on the 4th and 5th January, at Rawalpindi on the 6th January, and at Delhi from the 7th January onwards.

I am placing on the Table of the House the following documents which embody the agreements reached at this Conference:
MISCELLANEOUS

(i) Copy of the Joint Comunique* issued by the Government of India and Pakistan on the 11th January, 1960, and

(ii) Copy of the Agreed Decisions** and Procedures, together with enclosures, including the Ground Rules to be observed by both sides to maintain peaceful conditions on the Indo-West Pakistan border.

The Conference arrived at mutually agreed interpretations of the Radcliffe Award in respect of four disputes on the Punjab (India)-West Pakistan border. These are:

(a) **Area of the Hussainiwala Headworks:**

   It was agreed that the Indo-Pakistan boundary in this area should be the prepartition boundary between Ferozepur and Lahore Districts.

(b) **Area of the Suleimanke Headworks:**

   It was agreed that an adjustment should be made in the pre-partition boundary of Ferozepur and Montgomery districts, in consideration of the fact that the Headworks had been awarded by Sir Cyril Radcliffe to Pakistan. Measures for mutual cooperation in the maintenance of the Left Marginal Bund were also agreed to.

(c) **Chak Ladheke**

   The Government of Pakistan dropped their claim to this area.

(d) **The villages of Theh Sarja Marja, Rakh Hardit Singh and Pathanke:**

   The Government of India dropped their claim to these villages.

As regards the dispute raised by Pakistan in respect of Kutch (India)-Sind (Pakistan) boundary it was agreed that both Governments would collect additional data and hold further discussions at a later date.

It was also agreed that ground demarcation operations on some 70 miles of the Punjab (India)-West Pakistan border, which yet remain undermarcated, should be completed by the end of April 1960, and that return of all areas in adverse possession of either Government in this sector should be completed by 15th October, 1960.

I am happily to inform the House that these settlement, like the settlements reached at the October, 1959 conference, were reached in a spirit of mutual accommodation and all border disputes arising out of the Radcliffe Awards have now been settled.

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* Document No.2944.

** Document No.2945
3626. Aide Memoire presented by the Pakistan Ministry of Foreign Affairs to Ministry of External Affairs.

Islamabad, November 15, 1977.

AIDE MEMOIRE

According to Article 7(b), (c) and (d) of the West Pakistan/Punjab(India) Border Ground Rules 1961-Revised (copy attached), no structure shall be erected within 150 yds of the border, no structure in the zone between 150 and 250 yds. shall exceed 12 ft. in height and no structure in the zone extending beyond 250 yds. and up to a limit of 1000 yds. from the border shall exceed 30 ft. in height. In violation of these clear cut provisions a large number of observation posts including steel towers are being erected all along the border on the Indian side. The protest lodged on this subject by the Pakistan Sector Commander has been rejected by the BSF Sector Commander in Khem Karan who has stated “It may not be out of place to mention that we have the right to do what we like on our side of the border keeping in view that our actions do not transgress the International border.” In a letter dated 19th October the Director General Pakistan Rangers sought a clarification from his counterpart the Inspector General, Border Security Forces of India, on this subject but has received no reply despite repeated reminders. The Commander Desert Rangers has also received no reply to his request for a meeting with the Deputy Inspector General BSF.

2. Construction on the towers is proceeding though in the past it has been the practice that work on any structure which is a subject of protest from the other side is discontinued until the matter has been satisfactorily resolved through discussions at various levels.

3. The assertion of the BSF Sector Commander Khem Karan ignores the agreement under which both countries have agreed to abide by special ground rules in the 1000 yard belt on both sides of the Borders. The Pakistan Government believes that the BSF has acted on its own initiative and that these actions which violate the agreement between the two countries do not have the sanction of the Indian government.

4. In these circumstances it is necessary for the Indian government to issue instructions to stop work on all structures which exceed the agreed height immediately and to dismantle all such structures as have already been completed in the 1000 yard belt along the border.

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3627. Aide Memoire from the Pakistan Ministry of Foreign Affairs to the High Commission of India in Pakistan.
Islamabad, January 2, 1980.

AIDE MEMOIRE

The Government of Pakistan in its Aide Memoires of November 15, 1977, May 30, 1978 and October 18, 1978 had drawn the attention of the Indian government to a number of violations of the Pakistan-India Border Ground Rules 1961, committed by the Border Security Forces of India. In addition to this, on several occasions the Foreign Secretary and Director General (South Asia) had discussed this matter with His Excellency the Ambassador of India.

2. The Government of India in its Aide Memoire of June 4, 1978, conveyed its desire to negotiate a new agreement with the government of Pakistan regarding the Border Ground Rules and proposed that the representatives of the two countries should initiate negotiations as early as possible. Although the Government of Pakistan maintaining that the current Border Ground Rules have been working satisfactorily, it had express its willingness to consider specific amendments in the existing rules which the Indian Government may suggest. The government of Pakistan has since been awaiting communication of proposals from the government of India so that the proposed meeting between the representatives of the two countries could take place.

3. Despite the proposal made by the Government of India in the above mentioned Aide Memoire that status quo regarding the observance of the Border Ground Rules should be maintained till such time as an understanding is reached on the proposed amendments, the Border Security Forces of India have continued to violate these Rules. To illustrate the point some instances of these violations are given below:

(a) Construction of a steel observation post by the Indian Border Security Forces at post GG-2 in front of Pakistan BP No.245/6 and 247/7 at a distance of 600 yards from the border in December, 1978.

(b) A steel observation post with a height of 70 feet was constructed at a distance of 450 yards from the border in the area of Chak No. 38 PS, GR-569521 Map Sheet No. 44/G/6 in January 1979.

(c) Construction of three new concrete bunkers at a distance of 100-150 yards from the border in front of BP No.36-42 opposite Pak posts in Sindhu/Mardana in the areas GR-28714, GR-283707 and GR-267694 Map Sheet No. 43/P/4 in March 1979.
(d) Construction of a new steel observation post with a height of 50 feet at distance of 250 yards from the border in area GR-534014 Map Sheet No 43/P/7 in June 1979.

(e) Construction of a new steel observation post with a height of 50 feet 600 yards from the border in the area of GR-429782 Map Sheet No. 43/P/4 in July, 1979.

(f) On 11th June 1979 at about 1600 hours (PST) five BSF persons armed with weapons intruded into Pakistan territory up to 300 yards from the area of B.P. No. 183/5. They fired 10 rounds while inside Pakistan territory but withdraw into the Indian side on the approach of a Patrol Party of Pakistan Rangers.

(g) On 19th August 1979 at about 2200 hours another armed patrolling party of Indian Border Security force (Post Naya Tallah) intruded one mile inside the Pakistan territory in front of village Ghuttal grid reference QG-6468 Map Sheet No. 40-L, but returned to their side of the border after being challenged by the Pakistani civilians.

4. The Government of Pakistan would be grateful to receive the proposal, of the Government of India for revision of the Border Ground Rules 1961 and would, in the meantime, appreciate it if the Border Security Forces of India are instructed to observe the Border Ground Rules 1961 in the interest of peace and tranquility on the border.

Islamabad.
the 2nd January, 1980.
Aide memoire presented by the Pakistan Ministry of Foreign Affairs to High Commission of India in Pakistan.


AIDE MEMOIRE

In June 1978, the Government of India had conveyed its desire to negotiate with the Government of Pakistan a new agreement regarding the Border Ground Rules. The Government of Pakistan, while maintaining that the existing Rules were working satisfactorily, had expressed its willingness to consider specific amendments as might be suggested by the Indian Government.

2. Subsequently, although drafts and counter-drafts were exchanged between the two governments, no significant progress was made. In December 1986, the Interior/Home secretaries of the two countries, Inter alia, discussed this issue and “agreed that the Ground Rules evolved in 1960-61 need to be reformulated.” For this purpose, a Pakistan-India Border Ground Rules Committee was constituted which held its first meeting in Lahore on 8-10 September 1987. The Committee covered a lot of ground but differences on certain points could not be resolved. The Committee was to hold its second meeting in India. However, dates for the meeting are still awaited from the Government of India.

3. Meanwhile, the Indian Border Security Force has been violating the existing Border Ground Rules, which the Government of Pakistan expects the Governments of India to observe till such time as the new Border Ground Rules, being negotiated, have been finalised. Some specific violations are given below:

a) Construction of a wooden observation post with a height of 18 feet at a distance of 150 yards from the border in the area of GR-949463, Map Sheet No. 44/I/12 in November 1989.

b) Construction of a wooden observation post with a height of 25 feet at a distance of 50 yards from the border in the area of GR-825391, Map Sheet No. 44/J/9 in November 1989.

c) Construction of a wooden observation post with a height of 15 feet at a distance of 100 yards from the border in the area of GR-177579, Map Sheet No. 44/F/15 in November 1989.

d) Construction of a wooden observation post with a height of 30 feet at a distance of 100 yards from the border in the area of GR-229629, Map Sheet No. 44/G/15 in February 1990.

e) Construction of a steel observation post with a height of 25 feet at a distance of 100 yards from the border in the area of GR-629103, Map Sheet No. 40/I/14 in March 1990.
f) Construction of a steel observation post with a height of 50 feet at a distance of 200 yards from the border in the area of GR-972755, Map Sheet No. 44/D/9 in April 1990.

g) Construction of a steel observation post with a height of 20 feet at a distance of 100 yards from the border in the area of GR-722386, Map Sheet No. 44/M/13 in April 1990.

h) Construction of a wooden observation post with a height of 20 feet at a distance of 200 yards from the border in the area of GR-979492, Map Sheet No. 44/I/12 in April 1990.

i) Construction of a wooden observation post with a height of 20 feet at a distance of 140 yards from the border in the area of GR-974487, Map Sheet No. 44/I/12 in May 1990.

j) Construction of a wooden observation post with a height of 15 feet at a distance of 150 yards from the border in the area of GR-825380, Map Sheet No. 44/I/9 in November 1990.

k) Construction of a wooden observation post with a height of 12 feet at a distance of 10 yards from the border in the area of GR-827383, Map Sheet No. 44/I/12 in December 1990.

4. The above-quoted structures are in violation of sub-sections a, b, c and d of Section 6 of the “West Pakistan/Punjab(India) Border Ground Rules - 1961 (Revised).” The Government of Pakistan views these violations with concern and would like the Government of India to instruct the Border Security Forces to observe the existing Border Ground Rules till the time these are reformulated and adopted by the two governments. It is requested that the steel and wooden observation towers constructed in violation of the Border Ground Rules be demolished.

5. The Government of Pakistan would greatly appreciate if the Government of India could intimate the dates for the second meeting of the Border Ground Rules Committee with a view to an early reformulation of these rules.

Islamabad
5.6.1991
INDIA-PAKISTAN RELATIONS
TRADE & COMMERCE
Telegram from Prime Minister Jawaharlal Nehru to Pakistan Prime Minister Liaquat Ali Khan.

New Delhi, November 19, 1947.

Your telegram No. 833 dated 13th November regarding jute export duty. I had already gone into whole question very carefully with my colleagues. Under present arrangements, which cover period from the 15th August 1947 to 31st March 1948, each of the dominions is entitled as a sovereign state to the taxes which it levies and collects in its own territories. It would scarcely be fair to question equity of this arrangement by isolating particular sources of revenue, such as jute export duty or central excise duty, in regard to which Pakistan may feel that it had any special claims. A matter such as this will have to be considered comprehensively over whole field of import, export and central excise duties in relation to common economic and fiscal policies and absence of any customs or trade barriers, or, in other words, in light of a customs and excise union. Pakistan members of Expert committees connected with partition were definitely opposed to any forms of customs and excise union after 1st April 1948. Nevertheless as a result of the recent discussions between representatives of the two Dominions, Government of India made it quite clear in aide-memoire sent to your High Commissioner on the 30th October that they were prepared to initiate discussions at once, should Pakistan Government desire a reasonably long-term settlement between two Dominions in respect of:

(a) Freedom of trade and commerce between the two Dominions inter se, covering in particular question of trade and customs barriers;

(b) Uniformity of policy, legislation and taxation in respect of customs and central excise;

(c) Division of customs and central excises of both Dominions on an Equitable basis; and

(d) As far as possible, general agreement on other relevant matters of mutual Interest in economic sphere.

We also made it clear that Government of India would be quite prepared to give effect to any such settlement with effect from the 15th of August 1947 in order to deal with claim of the Pakistan Government in respect of export duty on jute and excise duties. You will therefore see that far from rejecting request of the Pakistan Government, we have done our level best to find satisfactory solution of the whole problem. An ad hoc demand under an individual head without comprehensive examination of all connected matters can scarcely be considered reasonable, as you suggest. I am therefore considerably surprised at your doubts regarding our intentions in regard to customs union and economic collaboration.
Our offer communicated through aide-memoire* to your High Commissioner is still open, and is the only known way of securing really equitable and scientific solution. I would therefore ask you to take steps for initiation of immediate discussions. Meanwhile my Government have already levied an export duty on Pakistan jute coming into India and issued necessary notifications. I feel my Government is bound to take parallel measures and will do so without prejudice to any settlement which may be reached as the result of our correspondence.

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Karachi, June 23, 1948.

The Government of India and the Government of Pakistan hereinafter described as the Contracting Parties,

Being parties to the Convention on International Civil Aviation and the International Air Services Transit Agreement, both opened for signature at Chicago on the 7th Day of December 1944 and

“Desiring to conclude an Agreement for the purpose of establishing and operating air services between and beyond the territories of Indis and Pakistan.”

Agree as follows

Article I

(A) Each Contracting Party grants to the other Contracting Party the right to operate the air services specified in the Annex to this Agreement (hereinafter referred to as the “specified air services”) and to carry traffic to, from and in transit over, its territory as provided in this Agreement.

(B) The airlines designated as provided in Article II hereof shall have the right to use

(i) for traffic purposes, airports provided for public use at the points specified in the Annex to this Agreement and ancillary services provided for public use on the air routes specified in the said Annex (hereinafter referred to as the “specified air routes”) and

* Document No.2617.
(ii) for non-traffic purposes, all airports and ancillary services provided for public use on the specified air routes; Provided that the places of first landing and final departure shall be customs airports.

Article II

(A) Each of the specified air services may be inaugurated immediately or at a later date at the option of the contracting Party to whom the rights under this Agreement are granted, on condition that

(1) the Contracting Party to whom the rights have been granted shall have designated an airline (hereinafter referred to as a "designated airline") for the specified air route;

(2) the Contracting Party which grants the rights shall have given the appropriate operating permission to the airline pursuant to Paragraph (C) of this Article which it shall do with the least possible delay.

(B) Substantial ownership and effective control of the designated airlines of each Contracting Party shall be vested in the Party or its nationals.

(C) The designated airline may be required to satisfy the aeronautical authorities of the Contracting Party granting the rights that it is qualified to fulfil the conditions prescribed by or under the laws and regulations normally applied by those authorities to the operation of commercial air service.

(D) The operation of each of the specified air service shall be subject to the Agreement of the Contracting Party concerned that the route organisation available for civil aviation on the specified air route is adequate for the safe operation of air service.

Article III

A designated airline may, subject to the provision of Article IV, carry across, set down and pick up in the territory of one Contracting Party traffic originating in or destined for the territory of the other Contracting Party or of a third country on the specified air route.

Article IV

In order to achieve and maintain equilibrium between the capacity of the specified air services and the requirements of the public for air transport on the specified air routes or sections thereof and in order to achieve and maintain proper relationship between the specified air services inter se and between these air services and other air services operating on the specified air routes or sections thereof, the Contracting Parties agree as follows:

(A) The airlines of each Contracting Party shall enjoy equal rights for the operation of air services for the carriage of traffic between the territories of the two parties.
(B) To the extent that the airlines of one of the Contracting Parties are temporarily unable to make use of the rights referred to in paragraph (A), the situation will be mutually examined by the two Parties for the purpose of aiding as soon as possible the airlines concerned increasingly to make their proper contribution to the services contemplated.

(C) In the operation by the airlines of either Contracting Party of the specified air service the interests of the airlines of the other Party shall be taken into consideration so as not to affect unduly the services which the latter provide on all or part of the same route.

(D) The air transport offered by the airlines of each Contracting Party on different sections of the specified air routes shall bear a close relationship to the needs of the public for air transport and to the traffic interests of the airlines concerned as provided in this Agreement.

(E) The services provided by a designated airline under this Agreement shall retain as their primary objective the provision (along with the airlines of the other States concerned) of capacity adequate to the traffic demands between the country of which such airline is a national and the country of ultimate destination of the traffic, and the right of the designated airlines of either Party to embark and to disembark in the territory of the other Party international traffic destined for or coming from third countries on specified air routes shall be applied in accordance with the general principles of orderly development to which both Parties subscribe and shall be subject to the general principle that capacity shall be related:

1. to the requirements of traffic between the country of origin of the air service and destinations on the specified air routes,
2. to the air transport needs of the area through which the airline passes, and
3. to the adequacy of other air transport services established by airlines of the States concerned between their respective territories.

Article V
When, for the purpose of economy of onward carriage of through traffic, different aircrafts are used on different sections of a specified air route, with the point of change in the territory of one of the Contracting Parties, such change of aircraft shall not affect the provisions of this Agreement relating to the capacity of the air service and the carriage of traffic. In such cases the second aircraft shall be scheduled to provide a connecting service with the first aircraft, and shall normally await its arrival.
**Article VI**

(A) Rates shall be fixed at reasonable levels, due regard being paid to all relevant factors, including costs of comparable economic operations, reasonable profit, differences of characteristics of service and the rates charged by other operators, if any, on the route.

(B) The rates to be charged by any of the airlines designated under this Agreement in respect of traffic between the territories of the two Parties shall be agreed in the first instance between the designated airlines in consultation with other airlines operating on the route or any section thereof, and shall have regard to relevant rates adopted by the International Air Transport Association. Any rates so agreed shall be subject to the approval of the aeronautical authorities of the Contracting Parties. In the event of disagreement between the airlines, the Contracting Parties themselves shall endeavour to reach agreement and shall take all necessary steps to give effect to such agreement. Should the Contracting Parties fail to agree, the dispute shall be dealt with in accordance with Article XI. Pending the settlement of the dispute by agreement or until it is decided under Article XI, the rates already established shall prevail.

(C) Pending the acceptance by both Parties of any recommendations which the International Civil Aviation Organization may make with regard to the regulation of rates for traffic other than that defined in paragraph (B) of this Article, the rates to be charged by an airline of one Contracting Party in respect of traffic between the territory of the other Contracting Party and a third country shall be fixed on the basis of the principles set out in paragraph (A) of this Article and after taking into consideration the interests of the airlines of the other Party and shall not vary unduly in a discriminatory manner from the rates established by the airlines of the other Party operating air services on that part of the specified air routes concerned: Provided, however, that a designated airline shall not be required to charge rates higher than those established specified air routes. by any other airline operating on the

(D) If the International Civil Aviation Organization does not, within a reasonable time, establish a means of determining rates for traffic defined in paragraph (C) of this Article in a manner acceptable to both Parties, they shall consult each other in accordance with Article X of this Agreement with a view to such modification of paragraph (C) of this Article as appears desirable.

**Article VII**

(A) The aeronautical authorities of both Contracting Parties shall exchange information as promptly as possible concerning the authorisation extended
to their respective designated airlines to render service to, through and from the territory of the other Contracting Party. This will include copies of current certificates and authorisations for service on the specified air routes, together with amendments, exemption orders and authorized service patterns.

(B) Each Contracting Party shall cause its designated airlines to provide to the aeronautical authorities of the other Contracting Party, as long in advance as practicable, copies of time tables, tariff schedules and all other relevant information concerning the operation of the specified air services and of all modification thereof.

(C) Each Contracting Party shall cause its designated airlines to provide to the aeronautical authorities of the other Contracting Party statistics relating to the traffic carried on their air services to, from or over the territory of the other Contracting Party showing the origin and destination of the traffic.

Article VIII

(A) Fuel, lubricating oils and spare parts introduced into or taken on board aircraft in the territory of one Contracting Party by, or on behalf of, the other Contracting Party or its designated airlines shall be accorded, with respect to customs duty, inspection fees or other charges imposed by the former Contracting Party, treatment not less favourable than that granted to its national airlines engaged in international public transport or to the airlines of the most-favoured nation.

(B) Supplies of fuel, lubricating oils, spare parts, regular equipment and aircraft stores retained on board aircraft of the designated airlines of one Contracting Party shall be exempt in the territory of the other Contracting Party from customs duties, inspection fees or similar duties or charges, even though such supplies be used by such aircraft on flights in that territory. Goods so exempted may only be unloaded with the approval of the customs authorities of the other Contracting Party. These goods, which are to be re-exported, shall be kept in bond, until re-exportation under customs supervision.

Article IX

Each Contracting Party reserves the right to itself to withhold, or revoke or impose such appropriate conditions as it may deem necessary with respect to an operating permission in case of failure by a designated airline of the other Party to comply with the laws and regulations of the former Party, or in case, in the judgment of the former Party, there is a failure to fulfill the conditions under
which the rights are granted in accordance with this Agreement. Such action shall be taken only after consultation between the Parties. In the event of action by one Party under this Article, the rights of the other Party under Article XI shall not be prejudiced.

**Article X**

(A) In a spirit of close collaboration, the aeronautical authorities of the two Contracting Parties will consult regularly with a view to ensuring the observance of the principles and the implementation of the provisions outlined in this Agreement.

(B) Either Contracting Party may at any time request consultation with the other with a view to initiating any amendments of this Agreement which may be desirable. Such consultation shall begin within a period of sixty days from the date of the request. Any modification of this Agreement agreed to as a result of such consultation shall come into effect when it has been confirmed by an exchange of diplomatic notes.

(C) When the procedure for consultation provided for in paragraph (B) of this Article has been initiated, either Contracting Party may at any time give notice to the other of its desire to terminate this Agreement as provided in paragraph (E) of this Article. Such notice shall be simultaneously communicated to the International Civil Aviation Organization.

(D) Changes made by either Contracting Party in the specified air routes, except those which change

1. the final point of departure within its own territory and
2. the points served by the designated airlines in the territory of the other Contracting Party, shall not be considered as modifications of this Agreement. The aeronautical authorities of either Contracting Party may therefore proceed unilaterally to make such changes, provided, however, that notice of any change shall be given without delay to the aeronautical authorities of the other Contracting Party. If such latter aeronautical authorities find that, having regard to the principles set forth in Article IV of this Agreement, the interests of any of their airlines are prejudiced by the carriage by a designated airline of the first Contracting Party of traffic between the territory of the second Contracting Party and the new point in the territory of a third country, the latter Party may request consultation in accordance with the provisions of paragraph (B) of this Article.

(E) This Agreement shall terminate one year after the date of receipt by the other Contracting Party of the notice to terminate unless the notice is
withdrawn by Agreement before the expiration of this period. In the absence of acknowledgement of receipt by the other Contracting Party notice shall be deemed to have been received fourteen days after the receipt of the notice by the International Civil Aviation Organization.

Article XI

(A) If any dispute arises between the Contracting Parties relating to the interpretation or application of the present Agreement, the Contracting Parties shall in the first place endeavour to settle it by negotiation between themselves.

(B) If the Contracting Parties fail to reach a settlement by negotiation,

(i) they may agree to refer the dispute for decision to an arbitral tribunal appointed by agreement between them or to some other person or body; or

(ii) if they do not so agree or if, having agreed to refer the dispute to an arbitral tribunal, they cannot reach agreement as to its composition, either Contracting Party may submit the dispute for decision to any tribunal competent to decide it which may hereafter be established within the International Civil Aviation Organization or, if there is no such tribunal, to the Council of the said Organization, or failing that, to the International Court of Justice.

(C) The Contracting Parties undertake to comply with any decision given under paragraph (B) of this Article.

(D) If and so long as either Contracting Party or a designated airline of either Contracting Party fails to comply with a decision given under paragraph (B) of this Article, the other Contracting Party may limit, withhold or revoke any rights which it has granted by virtue of the present Agreement and its Annex.

Article XII

This Agreement shall come into force on the 1st day of July 1948. The Agreement and all relative contracts shall be registered with the International Civil Aviation Organization.

Article XIII

In the event of the conclusion of a multilateral convention or agreement concerning air transport to which both Contracting Parties do not subscribe, this Agreement shall be modified to conform with the provisions of such convention or agreement.
Article IX

(A) For the purpose of this Agreement the terms "territory", "air service", and "airline" shall have the meaning specified in the Convention on International Civil Aviation.

(B) The term "aeronautical authorities" shall mean, in the case of Pakistan the Director General of Civil Aviation in Pakistan and in the case of India, the Director General of Civil Aviation, India, and in both cases any person or body authorised to perform the functions presently exercised by the above-mentioned authorities.

(C) The Annex to this Agreement shall be deemed to be part of the Agreement and all references to the "Agreement" shall include references to the "Annex", except where otherwise expressly provided.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed the present Agreement.

DONE this 23rd day of June 1948, in duplicate at Karachi in the English language.

For the Government of India: For the Government of Pakistan:
(Signed) SRI PRAKASA (Signed) A.R. NISHTAR

ANNEX

1. An airline designated by the Government of India shall be entitled to operate air services in both directions on each of the routes specified in this paragraph and to land for traffic purposes in the territory of Pakistan at each of the points therein specified.

   (1) Delhi and/or Jodhpur to Karachi.
   (2) Delhi-Lahore.
   (3) Bombay-Karachi.
   (4) Ahmedabad and/or Bhuj-Karachi.
   (5) Bhuj-Karachi.
   (6) Calcutta-Dacca.
   (7) Calcutta-Chittagong.
   (8) Bombay or Delhi to Karachi and thence to Muscat, points in the Persian Gulf, points in Oman and Qatar Peninsulas, points in Iran, points in Iraq,
points in the Middle East and points in Europe including the United Kingdom and if desired, beyond.

(9) Bombay or Delhi, Karachi, Masirah, points in Hadramaut, Aden and via intermediate points to Dar-es-Salaam and, if desired, beyond.

(10) Calcutta to Chittagong, points in Burma, Siam, Indo-China and Hongkong to China and, if desired, beyond.

2. An airline designated by the Government of Pakistan shall be entitled to operate air services in both directions on each of the routes specified in this paragraph and to land for traffic purposes in the territories of India at each of the points therein specified.

(2) Karachi-Ahmedabad-Bombay.

(3) Karachi-Bombay-Colombo and, if desired, beyond.

(4) Karachi-Delhi-Calcutta-Dacca and/or to Chittagong.

(5) Karachi-Calcutta-Rangoon and, if desired, beyond.

(6) Karachi-Delhi.

(7) Lahore-Delhi.

(8) Dacca-Calcutta.

(9) Chittagong-Calcutta.

3. Points on any of the specified routes may, at the option of an airline designated by one Party be omitted on any or all flight(s), provided however that service(s) Nos. 8, 9, and 10 in paragraph 1 and service(s) 4 & 5 in paragraph 2 above shall not, except with the consent of the other Party, be operated otherwise than as through service(s) terminating beyond the territory of the other Party.

❖ ❖ ❖ ❖ ❖
New Delhi, November 4, 1949.

The immediate purpose of my writing this letter to you is to bring to your notice the complaint which has been made to us by the Indian Jute Mills Association. The complaint is as follows in the words of the Association themselves:

"Prior to 19th September, when the change in exchange ratios took place, the Mills in India had already contracted to receive, and had paid for, an amount of jute which in quantity still remaining for delivery, is estimated at about 4 lakhs of bales. Until recently, the Pakistan authorities have placed no restrictions or difficulties in the way of mills in this country receiving from sellers the raw jute under existing obligations. A change in that has recently been witnessed however; and at the present time there is a complete cessation in the movement of jute. Not only does that extend to amounts which are lying Pakistan and still have to be placed on vessels loaded with jute to proceed beyond the borders. The jute in these vessels represents purchases made by the mills prior to the 19th September and is the property of the mills in that they have paid for the documents of title, the bills of lading. No jute would be allowed on board the inland water vessels in Pakistan unless and until customs duty had been paid and a valid receipt in respect thereof issued. In that essential regard therefore the requirements of the Pakistan authorities have been satisfied; and adequate evidence can and has been furnished to show that the goods belonged to the mills here and is being dispatched in fulfillment and discharge of contractual commitments and obligations. Despite, that, however, various pretexts and devices have been sought by the Pakistan authorities to prevent that jute being moved; and flotillas of steamers, barges, flats, etc. of the inland water transport are unable to move because of this. All contain jute belonging to the mills in India, jute for which the mills have paid. The precise figures in this complete hold-up will be telegraphed to you from Calcutta; but if it can happen in this instance, what the Association fear is that it will extend to the whole of their mills' outstanding purchases, namely 4 lakhs of bales approximately."

I had mentioned this point to you when you were here and have the impression that you agreed that it would not be correct for Pakistan to hold up any jute that was purchased and paid for pre-devaluation. And was on its way to India. It may be that the position has not been understood correctly by some people at the customs border and this obstruction may have been put in the way of the traffic.
I would, therefore, request you to be good enough to have a look at the matter and to do your best to correct the position. If you like, you can send for the Chairman of the Indian Jute Mills Association, who will explain the whole case to you and place all the facts so that justice is done to them. The matter is of immediate importance and I would be grateful if you could send me a telegram indicating what you have been able to do. I am informing Walker that I have written to you in these terms so that in case a call comes from you, he will be ready to come over and explain the position personally.

Letter, 12 November 1949 from Jute Board, Narayanganj, to India

The matter has been receiving my attention from the day of my arrival. Unfortunately position is not as simple as put up to you by the Indian Jute Mills Association. Jute held up comes under the following categories:

(i) For which contracts had been entered into in Pakistan.

(ii) For which contracts had been made in Calcutta.

With regard to (i), we have received a number of representations that although part of quantities contracted for had been delivered in Calcutta, purchasers have refused to make payments in Pakistan as laid down under the terms of contract. Sellers are, therefore, worried about their payments and have asked for consignments to be held back.

With regard to (ii), a large quantity of the jute has been sold to Calcutta by firms that are in Pakistan. In the absence of exchange ratio these firms are concerned about their payments and are, therefore, marking time until the exchange ratio is settled.

There is a third category, i.e., Indian firms who have jute in East Bengal and had already offered a portion of their jute to the inland water transport companies. So have also received strong representations in the case of this group that they have not cleared their full liabilities in Pakistan and have large outstanding towards their agents and sub-dealers. Although the firms are anxious to clear their outstanding, shortage of funds in Pakistan and the absence of facilities for transfer from India are coming in the way of their doing so.

In order to sort out all these problems we have asked that each party that claims to have purchased jute should represent their case to the Jute Board and that after due investigation and where clear proof is available that all payments have been made the consignment should be allowed to go to India. Would request that the I JMA may be asked to instruct their members to put forward their respective cases as early as possible.
Extract from telegram Pakistan to India, 1 December 1949

I received a visit from Secretary of I J M A. we have had a long and frank discussion and he has been fully apprised of the situation. His visit has been extremely helpful as this has clarified a number of points on which there has been misunderstanding. The procedure to be adopted has been fully explained to him and he has promised to notify all concerned.

The information given to you on the point that no contracts had been entered into in Pakistan is not correct. We have received representations from a number of parties with whom contracts had been entered into in Pakistan. These parties have given full details of the names of the mills the quantities for which contracts had been entered into and the letter under which the mills have unilaterally cancelled the contracts. In many instances the sellers who had entered into I JMA contracts have held back the dispatches. There are consignments lying Narayanganj both in the river flats and in godowns which have been detained by sellers. These are mostly firms registered in Pakistan who due to the uncertainty of the exchange would prefer to wait until some decision is arrived at between the two Governments. My point with regard to certain liabilities of firms has been misunderstood. These are liabilities incurred in the purchase of jute and not any other liability. With best possible intention firms have been unable to clear the outstandings due to a complete cessation of exchange. They have not been able to transfer funds which they would have done in the ordinary course. The firms therefore have large amounts outstanding against them towards their beoparies and sellers.

Letter, 5 December 1949 from Indian Jute Mills Association, Calcutta, to Ministry of Commerce, New Delhi

I send you a copy of my full file note on the subject of my visit to Dacca.

The Chairman met the representatives of the jute shippers on Saturday (3rd) as also the representatives of the steamer companies; and he had received by that time your telegram of the 1st December, the contents of which he made known to them for their confidential information.

The task of submitting books, records, papers, etc., to prove that the goods are ours—which is the theme of Faruque's representations to me is not actually impossible. It is such an onerous one, however, involving weeks and months of delay as almost virtually to amount to such. The search has to go back to the 1st July; and since almost the entire trade sold to us, it means examination of almost every seller of jute. Again, too, there is a reluctance on the part of the trade to reveal to the Board-on which there is a fellow competitor-details of their
business contacts, relations, methods, etc., as from these can be obtained trade information and data which should be kept strictly private and confidential and not disclosed to any save their auditors and Income Tax officials. Ispahani, as a commerce man, well knows the difficulties in this affecting as it does the dealers and merchants in all their transactions this jute season and in all of their purchases and agencies. It is, therefore, the view taken that the request is simply one of delay of deliberate frustration, and asking the fulfillment of known impossible conditions.

It has been suggested now that the Pakistan Jute Association should take the matter up officially; but the views and opinions of every responsible section of the trade is that nothing that can be done will shift the Board’s attitude and that they are determined to keep the jute in the flats pending a settlement of the exchange issue.

It emerged from these discussions with the trade that quite a number of the flats—about 60/65—had been loaded and dispatched from loading stations prior to the 19th September; and that even these were held up for which there could be not the slightest justification. I have sent a telegram to you about this matter so that can be the subject of direct approaches by Government to the Board. The whole matter, it is felt, is now not so much a matter for the trade but for Government; and the Chairman will be writing to you about this matter as soon as possible. In that letter opportunity will also be taken of his commenting on the suggestion made to me by Faruque that the Chairman should visit Dacca in order to meet the Board.

◆◆◆◆◆
3632. **Trade Agreement Between India and Pakistan.**

Karachi, 26 February 1951.

Being desirous of promoting trade between the two countries the Government of India and the Government of Pakistan have entered into the following agreement:

**Article I**

(i) The period of this agreement shall be from the 26th February, 1951, to 30th June, 1952.

(ii) The two Governments agree to permit the exportation to and the importation from the other country of the commodities and goods specified in Schedule I which is attached to this agreement, up to the quantity or value mentioned against each item, during the periods indicated in columns 2 and 3 of Schedule I.

(iii) In respect of such commodities and goods as are, or may be, subject to export or import licence, the two Governments agree to grant upon application duly made, export or import licences up to the quantitative or monetary limits specified in Schedule I, in accordance with the laws and regulations and administrative practices of the Government granting the licence.

(iv) In respect of those commodities in which the export trade is the monopoly of the Government in either country, the terms of the agreement will be deemed to have been fulfilled if the supplies have been made at agreed points within or without the country and such quantities of the commodities mentioned in column 2 of the Schedule I as cannot be supplied before the 30th June, 1951, shall be carried forward to the period 30th June, 1952.

(v) In respect of foodgrains the quantities, period and terms of supply will be as in Schedule III of this agreement.

(vi) In respect of raw cotton, the Government of Pakistan have at present no destinational quotas and India is, therefore, free to buy any quantity. If, however, destinational quotas are introduced during the period of the agreement, the Government of Pakistan agree to give India a quota of 400,000 bales in the season 1951-52.

**Article II**

The two Governments agree that there shall be no import and/or export trade control restrictions on the movement between the two countries in respect of the commodities mentioned in Schedule II to this agreement, and subject to the conditions specified therein.
Article III
In respect of the commodities mentioned in Schedule I to this agreement the two Governments agree that except where prices are separately negotiated, neither Government will impose any discriminatory supplement or surcharge or any other addition to the export prices of those commodities.

Article IV
The commodities and goods described in Schedules I and II refer only to those that are produced, processed or manufactured in India or Pakistan as the case may be.

Article V
The Government of India and the Government of Pakistan agree not to permit the export of any of the commodities imported under Schedule I.

Article VI
Notwithstanding anything contained in Articles I & II the two Governments agree that export and import facilities granted by each country to the other shall be no less favourable than those applied to any other country in sterling/soft currency area. Current and future import and export licences in respect of sterling and soft currency area countries shall be valid for India and Pakistan, as the case may be.

Article VII
In order to facilitate the implementation of this agreement, the two Governments agree to hold periodical consultations with each other in respect of any matter arising from or in connection with the supply of commodities or goods between the two countries during the currency of and in accordance with this agreement, and, if necessary, by mutual agreement, alter, extend or supplement the Schedules to this agreement.

Article VIII
This agreement shall come into force on the 26th February 1951.

Signed on behalf of the Government of India.
(Sd.) N.R. PILLAI,
Leader of the Indian Trade Delegation

Signed on behalf of the Government of Pakistan
(Sd.) M. IKRAMULLAH
Leader of the Pakistan Trade Delegation
### SCHEDULE I

#### 1. FROM INDIA TO PAKISTAN

<table>
<thead>
<tr>
<th>Item</th>
<th>Up to the end of June, 1951</th>
<th>From 1 July 1951 to 30 June, 1952</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Coal</strong></td>
<td>6,00,000 tons</td>
<td>1,500,000 tons</td>
</tr>
<tr>
<td><strong>Hard Coke</strong></td>
<td>10,000</td>
<td>Up to December 1951 and nothing afterwards.</td>
</tr>
<tr>
<td><strong>Soft Coke</strong></td>
<td>5,000 tons</td>
<td>20,000 tons</td>
</tr>
<tr>
<td><strong>Pig Iron</strong></td>
<td>6,400 tons</td>
<td>20,000 tons</td>
</tr>
<tr>
<td><strong>Ferro Silicon</strong></td>
<td>Nil</td>
<td>100 tons</td>
</tr>
<tr>
<td><strong>Ferro Manganese</strong></td>
<td>Nil</td>
<td>100 tons</td>
</tr>
<tr>
<td><strong>Galvanised Sheets</strong></td>
<td>Nil</td>
<td>12,000 tons</td>
</tr>
<tr>
<td><strong>Black Sheets</strong></td>
<td>Nil</td>
<td>8,000 tons</td>
</tr>
<tr>
<td><strong>Iron &amp; Steel Products:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Rail</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wheels, tyres &amp; axles</td>
<td>7,000 tons</td>
<td>5,000 tons</td>
</tr>
<tr>
<td>Structural steel</td>
<td></td>
<td>25,000 tons</td>
</tr>
<tr>
<td>Electrical steel sheets</td>
<td></td>
<td>1,000 tons</td>
</tr>
<tr>
<td><strong>M.G. Crossings</strong></td>
<td>120 tons</td>
<td></td>
</tr>
<tr>
<td>Mills Loose Jaws for M.G.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>steel sleepers in silico</td>
<td>200,000 numbers by October, 1951</td>
<td>Nil</td>
</tr>
<tr>
<td>manganese steel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Keys for M.G. steel sleepers</td>
<td>50,000 numbers by July, 1951</td>
<td>Nil</td>
</tr>
<tr>
<td><strong>Aluminium Circles and sheets</strong></td>
<td>Nil</td>
<td>100 tons</td>
</tr>
<tr>
<td><strong>High alumina fire bricks</strong></td>
<td>150 tons</td>
<td>500 tons</td>
</tr>
<tr>
<td><strong>Soft Wood (Jungle wood) from Malabar, Assam etc.</strong></td>
<td>5,000 tons</td>
<td>20,000 tons (including 5,000 tons Deodar sleepers)</td>
</tr>
<tr>
<td><strong>Hard timber (other than teak)</strong></td>
<td>2,500 tons</td>
<td>10,000 tons (including 5,000 Sal logs and sleepers)</td>
</tr>
<tr>
<td><strong>Cement</strong></td>
<td>25,000</td>
<td>75,000</td>
</tr>
<tr>
<td><strong>Stone &amp; Ballast</strong></td>
<td>As much as transport can stand</td>
<td></td>
</tr>
<tr>
<td><strong>Paper</strong></td>
<td>1,000 tons</td>
<td>5,000 tons</td>
</tr>
<tr>
<td><strong>Linseed oil</strong></td>
<td>750 tons</td>
<td>2,500 tons</td>
</tr>
<tr>
<td>Item</td>
<td>Quantity to India</td>
<td>Quantity to Pakistan</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>-------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Mustard oil</td>
<td>5,000 tons</td>
<td>15,000 tons</td>
</tr>
<tr>
<td>Chlorine</td>
<td>50 tons</td>
<td>Nil</td>
</tr>
<tr>
<td>Rubber tyres &amp; Tubes (other than cycle tyres and tubes and giant and non-standard tyres and tubes)</td>
<td>Rs. 50,000</td>
<td>Rs. 20,00,000</td>
</tr>
<tr>
<td>Handloom Cotton Cloth (Loongis, and furnishing fabrics, etc.)</td>
<td></td>
<td>15,000 bales (including towels)</td>
</tr>
<tr>
<td>Millmade Cotton cloth.</td>
<td>Nil</td>
<td>40,000 bales</td>
</tr>
<tr>
<td>Coarse</td>
<td>Nil</td>
<td>20,000 bales</td>
</tr>
<tr>
<td>Medium</td>
<td>Nil</td>
<td>15,000 bales</td>
</tr>
<tr>
<td>Fine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cotton yarn</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 1/2 to 9's</td>
<td>Nil</td>
<td>2,000 bales</td>
</tr>
<tr>
<td>10 to 14's</td>
<td>Nil</td>
<td>2,000 bales</td>
</tr>
<tr>
<td>16 to 20's</td>
<td>Nil</td>
<td>11,000 bales</td>
</tr>
<tr>
<td>Hard Cotton waste</td>
<td>200 tons</td>
<td>500 tons</td>
</tr>
<tr>
<td>Jute manufactures</td>
<td>12,500 tons</td>
<td>50,000 tons</td>
</tr>
<tr>
<td>Shellac</td>
<td>Quantity to be settled later.</td>
<td></td>
</tr>
</tbody>
</table>

2. FROM PAKISTAN TO INDIA

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity to Pakistan</th>
<th>Quantity to India</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raw Jute</td>
<td>10 lakh bales</td>
<td>25 lakh bales</td>
</tr>
<tr>
<td>Raw Cotton</td>
<td>Any quantity</td>
<td>Any quantity</td>
</tr>
<tr>
<td>Hides and Skins:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cow Hides</td>
<td>250,000 pieces</td>
<td>10,00,000 pieces</td>
</tr>
<tr>
<td>Sheep skin</td>
<td>200,000 pieces</td>
<td>6,00,000 pieces</td>
</tr>
<tr>
<td>Rice</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wheat</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gram</td>
<td>As in Schedule III</td>
<td></td>
</tr>
<tr>
<td>Gur</td>
<td>Such quantities as may be agreed from time to time</td>
<td></td>
</tr>
<tr>
<td>Mustard Oil cake</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SCHEDULE II

TO AND FROM INDIA AND PAKISTAN:


TO AND FROM INDIA AND EAST PAKISTAN ONLY.


FROM EAST PAKISTAN ONLY.

Firewood 20,000 tons. Handloom cloth.

(iii) FROM INDIA TO PAKISTAN.


FROM INDIA TO EAST PAKISTAN ONLY. Handloom cloth of the following varieties: Sarongs, Kailies, Visakuthu, Burma Lungies, Kasturia, Kakaries, Pattanies, 3 x 1, Gingams, Ammavari kukumps, Bambans, Jublees, Saronges. Charcoal.

SCHEDULE III

<table>
<thead>
<tr>
<th>Crop</th>
<th>Quantity (Tons)</th>
<th>Period of delivery</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Food grains from East Pakistan.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) rice</td>
<td>24,000</td>
<td>Upto 30-6-1951</td>
</tr>
<tr>
<td>(ii) Wheat</td>
<td>16,000</td>
<td>Upto 30-6-1951</td>
</tr>
<tr>
<td>Total</td>
<td>40,000</td>
<td></td>
</tr>
</tbody>
</table>
(B) Rice from West Pakistan.

(i) Baluchistan rice 1949-50 6,600 do
(ii) Punjab rice do 600 do

**Total** 7,200

(C) Rice from West Pakistan.

(i) Kangni 1949-50 20,500 Up to 30.6.1951.
(ii) Joshi do 35,000
(iii) Red polished do 2,300
(iv) Red unpolished do 5,000
(v) Nara do 1,000
(vi) Kangni 1950-51 65,000 55,000 tons
1951-52 Up to 30.6.1951 and
(vii) Joshi do 74,000 balance by
(iii) Red polished do 10,000 31.12.1951
(iv) Red unpolished do 5,000
(v) Nara do

**Total** 2,17,800

Note: Joshi and Kangni varieties are interchangeable.

(D) Foodgrains from West Pakistan.

(i) Rice sugdasi 1949-50 700 Upto 30.6.1951
1950-51 21,300 Upto 31.12.1951
(ii) Rice brokens 1949-50 7,700 Upto 30.6.1951
(Kangni and Sugdasi) 1950-51 21,300 Upto 31.12.1951
(iii) Wheat flour 1950-51 9,000 Immediately

**Total** 60,000

(E) Foodgrains from West Pakistan.

(i) Rice 1951-52 1,50,000 Upto October
(ii) Wheat 1951-52 2,75,000 do
1952-53

**Total** 4,25,000
(F) Gram from West Pakistan.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1951-52</td>
<td>20,000</td>
<td>Upto April, 1952</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>20,000</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>7,70,000</strong></td>
<td></td>
</tr>
</tbody>
</table>

2. Foodgrains shown in clause 1(A) and (B) will be supplied on "as is where is" ex-godown basis as regards quality and packing, but the Government of India will have the right to reject these quantities if they find the quality to be unacceptable to them and such rejection will be final and will discharge both Governments obligations to the extent of the rejected quantities.

3. Rice shown in clause 1(C) will be F.A.Q of the crop specified therein, clean, dry, in merchantable condition, free from bad odour, infection, infestation, damage and deleterious matter, and shall not be inferior to the specifications for each variety as given in the annexure to this Schedule. Any deviations from the specifications will be subject to the scale of allowances laid down in the said annexure.

4. Prices of foodgrains will be as has been separately agreed between the two Governments.

5. Foodgrains mentioned in clause 1(E) will be supplied, crop permitting. Prices and other conditions of supply of these foodgrains will be negotiated between the two Governments in due course.

6. As regards gram mentioned in clause 1(F) the Government of India will not purchase it on their account, or guarantee its off-take by the trade. Government of India will, however, permit the import of the agreed quantity through the traders. It will be for the Government of Pakistan to decide the manner of procurement and export and the traders will negotiate prices and other terms and conditions of the supply of gram directly with the Pakistan Government.

7. The prices of food grains mentioned in clause 1(D) are unacceptable to the Government of India, and will be negotiated separately as agreed upon.

8. Packing: Rice of 1950-51 crop in new single jute bags. (Bags which were new at the time when rice was originally packed in them, will be treated as new, provided they are not torn and have no patches). Wheat and rice of 1949-50 crop may be packed in second hand single jute bags, but these must be in sound and merchantable conditions free from previous mendings. Bags shall be carefully knotted and/or securely stitched with strong jute twice and will be of standard weight of 2 maunds* 21 seers 2 chhatacks, gross, or 2 maunds 26 seers 2 chhataks, gross, per bag.

* These are all weight measures then used in India and Pakistan

40 Seer= 1 Manud and 16 Chhataks= 1 seer
9. (a) For quantities to be delivered F.O.B. Karachi, Government of India shall be responsible for arranging necessary tonnage. They will give at least ten days' notice to the Government of Pakistan of the date when shipping space will be available for loading at the port of Karachi and the quantity to be loaded. The Government of Pakistan shall be responsible for loading at an average rate of not less than 700 tons per weather working day, excluding Sundays and holidays commencing from the date of notice of readiness given by the ship which must be given in the forenoon at least 24 hours in advance. Any time lost at the Karachi port due to riots, strikes, sickness of labour connected with shipping of rice or any other cause beyond the control of the Government of Pakistan shall not be counted as lay days.

(b) The Government of Pakistan will be responsible for any demurrage or deadfreight actually incurred by the Government of India, should the former fail to load in accordance with sub-clause (a) above.

(c) Should the vessel fail to be ready to load as intimated in clause (a), the Government of India will be responsible for paying the cost of storing the grain and any demurrage and other costs actually incurred by making the grain ready for placing on board, at a rate to be mutually agreed upon.

(d) In case Government of India employ foreign shipping for carriage of these grains, they will give first preference to Pakistan ships and will make a request to Pakistan Government for such ships, provided the terms and conditions on which Pakistan ships are offered are not less favourable than those offered by other foreign ships. In this matter the decision of the Government of India will be final.

10. Inspection and Sampling.

(a) Check weightment (normally 100, but more in exceptional cases, at the discretion of the Government of India) and inspection of quality of grain and packing shall be carried out at the godowns where goods lying in Karachi by an agency acceptable to both Governments, to be appointed by the Government of India at their own expense. The Government of Pakistan agree to give adequate facilities for inspection by the inspection agency. The certificate of quality and weight issued by the inspection agency shall constitute the final acceptance of quality and weight by both Governments. For determining the net weight, the fare of bags shall be computed at 2.25 lbs. each.

(b) Representative samples will be drawn by the inspecting agency daily before loading of the bags into wagons for being carried to the ship-side.
All samples drawn on any one day will be mixed into one average sample, which will be utilised for the purpose of analysis for determination of quality. The average of all analysis results of rice loaded on one steamer will be taken together for the purpose of appraising the quality and for calculating deductions in price for variations from the agreed specification.

(c) The Government of Pakistan will provide, on the request of the inspecting agency, facilities for supervision (including the sealing of the wagons) during the transport of the grain from the godown to the point of loading on the ship.

11. Period of delivery. The periods of delivery shall be as indicated in Column 4 of Clause 1. In regard to rice, both Governments agree to endeavour their utmost to ship up to the end of June, 1951, at the rate of 50,000 tons per month.

12. Payment.

(a) For foodgrains to be supplied from West Pakistan, the Government of India will open an irrevocable revolving letter of credit sufficient to cover the cost of four cargo-loads of foodgrains in the Imperial Bank of India, Karachi, in favour of the Government of Pakistan, who will receive payment from the said Bank on presentation of:

(i) Invoices showing the quantity placed F.O.B. and the total amount due in respect of the quantity after allowing rebate for allowances, if any;

(ii) Certificates of quality and weight signed by the inspection agency referred to in clause 10; and

(iii) Bill of Lading made out in favour of the Director General of Food, Government of India, New Delhi, or certificate from an Officer of the Government of India authorised in this behalf to the effect that the quantity billed has been placed on board.

(b) For foodgrains supplied from East Pakistan payment will be made by the agents of the Indian Government appointed to lift the stocks at the time of taking delivery.

13. Disputes. In the event of a dispute in regard to the rights or obligations under this Schedule, such disputes shall be settled by reference to the arbitration of the Secretaries of the Food Ministries of the two Governments. The Arbitration Award shall be final and binding upon both the parties. The cost of arbitration shall be borne by the parties as indicated in the Arbitration Award.
ANNEXURE

STANDARD OF ANALYSIS FOR RED (UNPOLISHED) RICE.

ADMIXTURE: 1% free; over 1% to 29/0 full into dirt; over 2% reject.

PADDY: 2% free; over 2% upto 4% V2 into dirt; over 4% to 6% full into dirt; over 5% to be rejected.

DAMAGED: Beginning of new crop to March. Over 1% free; over 1% upto 3% 1/2 into dirt; over 3% upto 5% full into dirt; over 5% to be rejected. April onwards. 2% free; over 2% upto 5% V2 into dirt; over 5% upto 8% full into dirt; over 8% to be rejected.

DISCOLOURED: Beginning of new crop to March. 570 free over 5% upto 10% V2 into dirt; over 10% 1/4 into dirt subject to a maximum over-all allowance of 2 annas per maund or reject at the option of the buyer. April onwards. 10% free; over 10% upto 15% 1/4 into dirt; over 15% 1/4 into dirt subject to a maximum over-all allowance of 2 annas per maund or reject at the option of the buyer.

BROKEN: Beginning of the crop year to March. 15% free; over 15% upto 20°10 1/4 into dirt, over 20°10 1/2 into dirt. April onwards. 10% free; over 10% to 15% 1/4 into dirt; over 14% Y2 into dirt.

NOTE: 6/8th broken and above to be reckoned as whole grain. Any consignment containing less than 70% whole and wholesome grain can be rejected at the option of the buyer (discoloured grain will be considered as wholesome). Allowances will be calculated at Rs. 11 Pakistan currency per maund of 82 2/7 lbs.

ANNEXURE

SIND RICE SPECIFICATIONS

STANDARD OF ANALYSIS FOR KANGNI RICE, NARA RICE AND RED POLISHED RICE.

ADMIXTURE 1% free; over 1% upto 2% full into dirt, over 2% reject. PADDY: 2% free; over 2% upto 4% 42 into dirt; over 4% upto 5% full into dirt; over 5% reject.

DAMAGED: Beginning of new crop upto March. 1% free; over 1% upto 2% 1/2 into dirt; over 2q% upto 3% full into dirt; over 3% to be rejected. April onwards: 2% free; over 2% upto 3% 42 into dirt over 3% to 4% full into dirt over 4% reject.

RED: 3% free; over 3% upto 8% 1/2 into dirt; over 8% 44 into dirt; subject to a maximum over-all allowance of 2 annas per maund or reject at the option of the buyer.
BROKEN: 45% free; over 45% 1/4 into dirt.

NOTE: 5/8 broken and above to be reckoned as whole rice. Any consignment containing less than 40% whole and wholesome grains can be rejected at the option of the buyer; All grains having a red coating of less than 25% of the size of the grain shall be regarded as white rice. Allowances will be calculated at Rs.11 Pakistan currency per maund of 82 2/7 lbs.

ANNEXURE

STANDARD OF ANALYSIS FOR BOILED RICE JOSHI

ADMIXTURE: 1% free; over 1% upto 2% full into dirt; over 2% reject.

PADDY: 1% free; over 1% go upto 2% into dirt; over 2% reject.

DAMAGED: Beginning of new crop upto March. 2% free; over 2% upto 3% 42 into dirt; over 3% upto 5% full into dirt; over 5% to be rejected. Apriionwards: 3% free; over 3% to 5% full into dirt; over 5% reject.

RED: 5% free; over 5% upto 10% 44 into dirt; over 10% V4 into dirt subject to a maximum over-all allowance of 2 annas per maund or reject at the option of the buyer.

BROKEN: 30% free; over 30% upto 40% 1/4 into dirt; over 40% 44 into dirt.

NOTE: 5/8 broken and above to be reckoned as whole rice.

Re: quality Joshi rice changes colour with lapse of time in which case it should not be rejected. No allowance can be fixed if the change in colour has come about in normal and ordinary course of storage over a long period. Goods may, however, be rejected if they smell. Any consignment containing less than 60% of whole and wholesome grains can be rejected at the option of the buyer (mere change of colour does not make rice unwholesome). All grains having a red coating of less than 25% of the size of the grain shall be regarded as white rice. Allowances will be calculated at Rs.11 Pakistan currency per maund of 82 2/7 lbs.
Trade Agreement between India and Pakistan.

New Delhi, 5 August 1952

The Representatives of the Government of India on the one hand and the Representatives of the Government of Pakistan on the other have agreed to the following arrangements for the continuance of trade between the two countries:

**Article I**

The Period of this Agreement shall be from the 8th August, 1952 to the 30th June, 1953.

**Article II**

The two Governments agreed that with respect of the items mentioned in Schedules 'A' and 'B' attached to this Agreement and which shall be taken to form an integral part thereof, licences shall, where necessary, be granted in accordance with the laws, regulations and procedure in force in either country from time to time to permit the import and export of the quantity/value mentioned against each item.

**Article III**

The two Governments agree that exports and imports of the commodities mentioned in Schedules 'A' and 'B' shall normally take place through ordinary commercial channels, except where either Government finds it necessary to buy or sell part or whole of the quantity/value of any commodity on Government account. Such purchases and sales shall be reckoned as being within the terms of this Agreement.

**Article IV**

In order to facilitate the working of the Agreement, the two Governments agree to consult each other in respect of any matters arising from or in connection with the supply and movement of goods between the two countries, including the alteration, amendment or addition to Schedules 'A' and 'B' of this Agreement.

**Article V**

The commodities and goods described in Schedules 'A' and 'B' refer only to those that are produced, processed or manufactured in India or Pakistan as the case may be.

**Article VI**

The Government of India and the Government of Pakistan agree not to permit the re-export of any of the commodities imported under Schedules 'A' and 'B'.
Article VII
The two Governments agree that in respect of all commodities whether included in the Schedules to this Agreement or not, import and export licences in respect of the non-dollar currency areas shall be valid for India and Pakistan as the case may be.

Article VIII
This Agreement shall come into force on approval by the two Governments.

Signed on behalf of the
Government of India
Sd./- S. Bhoothalingam
Leader of the Indian Trade Delegation

Signed on behalf of the
Government of Pakistan
Sd./- M.Karamathullah
Leader of the Pakistan Trade Delegation

SCHEDULE 'A'
IMPORTS FROM INDIA INTO PAKISTAN

<table>
<thead>
<tr>
<th>Commodities</th>
<th>Quantity/Value (In Pakistan rupees).</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Pig iron</td>
<td>Quantity outstanding against orders already placed prior to the conclusion of this Agreement (8,800 tons).</td>
</tr>
<tr>
<td>2. Ferro manganese</td>
<td>200 tons, including the quantity outstanding against orders already placed prior to the conclusion of this Agreement (100 tons).</td>
</tr>
<tr>
<td>3. Ferro silicon</td>
<td>200 tons, including the quantity outstanding against orders already placed prior to the conclusion of this Agreement (100 tons).</td>
</tr>
<tr>
<td>4. Iron &amp; Steel products</td>
<td></td>
</tr>
<tr>
<td>(a) Rails</td>
<td>5,000 tons, in addition to the quantity outstanding against orders already placed prior to the conclusion of this Agreement (about 12,149 tons).</td>
</tr>
<tr>
<td>(b) Wheels, tyres and axles</td>
<td>Quantity outstanding against orders already placed prior to the conclusion of this Agreement (3,690 tons).</td>
</tr>
</tbody>
</table>
(c) Heavy structural steel 10,000 tons.

5. High Alumina fire bricks 600 tons, including the quantity outstanding against orders already placed prior to the conclusion of this Agreement (about 560 tons).

6. Wood & Timber:
   (a) Hard (including Sal from Assam only but excluding teak). 10,000 tons.
   (b) Soft
      (1) Deodar 10,000 tons.
      (2) Others 15,000 tons.
   (c) Railway sleepers
      (1) Soft 13,500 tons.
      (2) Hard 1,500 tons.

7. Mustard oil. 5,000 tons, or imports against outstanding licences whichever is greater.

8. Hard cotton waste 1,000 tons.
9. Potato seeds P.M.
10. Herbs, crude drugs and medicines Rs. 70,00,000
11. Indigenous medicines (excluding fruit preserves, murrabbas and gulkand) Rs. 5,00,000
12. Lime and lime stone Rs. 1,00,00,000
13. Tallow P.M.
14. Beedi leaves and beedi tobacco Rs. 1,00,00,000
15. Beedies Rs. 1,00,00,000
16. MyrabaBeedieslans and myrabalan extracts 250 tons.
17. Khari salt Rs. 5,00,000
18. Filter cloth 25,000 yards.
19. Sugarcane set P.M.
20. Printed books, journals, magazines and periodicals Rs. 35,00,000
21. Spices Rs. 1,00,00,000
22. Textile machinery and spare parts Rs. 50,00,000
23. Weighing machines and weigh bridges Rs. 2,00,00,000
24. Belting for machinery Rs. 10,00,000
25. Cast iron pipes, excluding pressure pipes Rs. 15,00,000
26. Road rollers Rs. 23,00,000

SCHEDULE 'B'
IMPORTS FROM PAKISTAN INTO INDIA

<table>
<thead>
<tr>
<th>Commodities</th>
<th>Quantity/Value (In Indian Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raw Buffalo hides</td>
<td>200,000 pieces.</td>
</tr>
<tr>
<td>Raw Cor hides</td>
<td>100,00,000 pieces.</td>
</tr>
<tr>
<td>Raw Sheep skins</td>
<td>100,000 pieces.</td>
</tr>
<tr>
<td>Raw Goat skins</td>
<td>100,000 pieces.</td>
</tr>
<tr>
<td>Bamboo</td>
<td>Rs. 10,00,000</td>
</tr>
<tr>
<td>Fish</td>
<td>Rs. 2,00,00,000</td>
</tr>
<tr>
<td>Poultry</td>
<td></td>
</tr>
<tr>
<td>Eggs</td>
<td></td>
</tr>
<tr>
<td>Herbs, crude drugs and medicines</td>
<td>Rs. 8,00,000</td>
</tr>
<tr>
<td>Indigenous medicines</td>
<td>(excluding fruit preserves,</td>
</tr>
<tr>
<td></td>
<td>Murrabbas and Gulkand)</td>
</tr>
</tbody>
</table>
Printed books, magazines, periodicals and journals Rs. 10,00,000
Spices including Dhania, Methi, Chandani and Black Cummin seeds Rs. 30,00,000
Tallow P.M. Rs. 5,00,000

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GOVERNMENT OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY
New Delhi, the 5th August, 1952

My Dear Karamatullah

During our negotiations for the Trade Agreement, it was agreed that the obligation of either country under Article VII would not extend to licences for export or import granted in terms of bilateral agreements already in force or which may be entered into hereafter with any third country. I would be glad to have your confirmation.

Yours sincerely,
Sd/- S. Bhoothalingam

M. Karamatullah, Esqr., Leader, Pakistan Trade Delegation, New Delhi.

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GOVERNMENT OF PAKISTAN
PAKISTAN TRADE DELEGATION
Camp: New Delhi, the 6th August, 1952

My Dear S. Bhoothalingam,

I acknowledge with thanks the receipt of your letter dated the 5th August, 1952, which reads as under:

*During our negotiations for the Trade Agreement, it was agreed that the obligation of either country under Article VII would not extend to licences for export or
import granted in terms of bilateral agreements already in force or which may be entered into hereafter with any third country."

Yours sincerely
Sd/- M. Karamatullah
Delegation of Pakistan

S. Bhoothalingam,
Esqr. I.C.S., Leader of Indian Delegation, New Delhi.

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INDIAN DELEGATION
New Delhi, the 5th August, 1952

My Dear Karamatullah,

I acknowledge with thanks the receipt of your letter dated 5th August, 1952, which reads as under:

"Although it was not found possible to include jute and coal in the Schedules to the Agreement, it was recognised by the two Delegations that trade in these and other commodities not entered in the Schedules would nevertheless continue to move. I shall be grateful if you would confirm that the above correctly sets out the position."

I confirm that the above correctly sets out the position.

Yours sincerely,
Sd/- S. Bhoothalingam

M. Karamatullah,
Esqr., Leader, Pakistan Delegation, New Delhi.

____________________________________

DELEGATION OF PAKISTAN
New Delhi, dated the 5th Aug., 1952

MY Dear S. Bhoothalingam,

During the course of our negotiations, I explained to you that we are treating Japan as a separate currency group by itself. At present we classify it somewhere between the dollar countries and the non-American account countries with the result that, in the matter of imports, Japan is being treated less favourably than...
the rest of the non-dollar world including India. The contingency, however, exists that, depending upon the movement of goods and commodities to and from Japan, we may have to adopt a more favourable policy towards it than that applicable to the rest of the non-dollar area. The object of this letter is to make it clear that, should such a contingency arise, our obligation under Article VII would not extend to special licences for the import from or export to Japan.

Yours sincerely,
Sd/- M. Karamatullah.

S. Bhoothalingam,
Esq., I.C.S., Leader, Indian Delegation, New Delhi.

________________________
INDIAN DELEGATION
New Delhi, dated 5th August, 1952.

My Dear Karamatullah,

I acknowledge with thanks the receipt of your letter dated 5th August, 1952, which reads as under:-

"During the course of our negotiations, I explained to you that we are treating Japan as a separate currency group by itself. At present we classify it somewhere between the dollar countries and the nonAmerican account countries with the result that, in the matter of imports, Japan is being treated less favourably than the rest of the non-dollar world including India. The contingency, however, exists that, depending upon the movement of goods and commodities to and from Japan, we may have to adopt a more favourable policy towards it than that applicable to the rest of the non-dollar area. The object of this letter is to make it clear that, should such a contingency arise, our obligation under Article VII would not extend to special licences for the import from or export to Japan."

I take note of the position.

Yours sincerely
Sd/- S. Bhoothalingam

M. Karamatullah,
Esq., Leader, Pakistan Delegation
New Delhi.
INDIAN DELEGATION

New Delhi, dated 5th August, 1952

My dear Karamatullah,

In the course of our negotiations, we enquired about the method and the object of the Export Price Checking procedure now in force in Pakistan. You explained that this check is at present limited to certain goods and the object is to prevent under-invoicing. The check is uniformly applied to exports to all countries on the basis of current prices. I shall be grateful if you would confirm that the above correctly sets out the position.

Yours sincerely,
Sd/-
S. Bhoothalingam

M. Karamatullah,
Esqr., Leader, Pakistan Trade Delegation,
New Delhi.

DELEGATION OF PAKISTAN

New Delhi, dated 5th August, 1952

My Dear S. Bhoothalingam

I acknowledge with thanks the receipt of your letter dated the 5th August, 1952, which reads as under:- "In the course of our negotiations we enquired about the method and the object of the Export Price Checking procedure now in force in Pakistan. You explained that this check is at present limited to certain goods and the object is to prevent under-invoicing. The check is uniformly applied to exports to all countries on the basis of current prices. I shall be grateful if you would confirm that the above correctly sets out the position." I confirm that the above correctly set6 out the position.

Yours sincerely
Sd/- M. Karamatullah

S. Bhoothalingam
Exchange of notes constituting an Agreement between the Government of India and the Government of Pakistan regarding the operation of air services to Afghanistan by Indian Aircraft

Karachi, 1 January and 20 February 1953.

Note addressed to the Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations, Karachi, by the High Commission for India in Pakistan, Karachi (No. F.79(2)/52-Geni. date 1 January 1953)

The High Commission for India in Pakistan presents the compliments to the Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations, and has the honour to refer to the discussions between the representatives of the Government of India and representatives of the Government of Pakistan at Karachi from the 8th to the 10th December, 1952, relating to the flight of Indian aircraft to Afghanistan across the territory of West Pakistan and landing in such territory for non-traffic purposes. At the meeting, the representatives of the Government of Pakistan intimated that their Government were unable at present to agree to the routes proposed by India, namely Delhi-Lahore-Peshawar-Kabul and India via Karachi and Quetta to Kandahar but offered, instead, the following routes and facilities for the operation of air services by Indian aircraft:

(a) The route India-Lahore and thence along a corridor twenty miles wide with its centre line on the direct rhumb line track between Lahore and Kandahar. This corridor would permit Indian aircraft to turn off at a point approximately 31° 45N and 69° OOE on to a direct track to Kabul over Afghan territory;

(b) The route India-Karachi and thence along a corridor twenty miles wide with the centre line on the direct rhumb line track between Karachi and Kandahar;

(c) The Government of Pakistan would release, for export to Afghanistan, a quantity of fuel required for the Indian airline(s) which is estimated not to exceed 2,500 gallons per month and;

(d) Certain operational facilities on the above mentioned routes, as specified in the record of discussions jointly signed by the representatives of the two Governments on the 10th December, 1952, at Karachi. The offer of the Government of Pakistan is an improvement on the existing conditions. It will, however, be appreciated that the direct route from Delhi to Kabul via Peshawar is not only much shorter in length than that at (a) above, but also, having regard to the terrain and navigational facilities, would ensure
greater safety of operations which is a most important consideration in
civil air transport. Surface transport has been continuous since ancient
times through Peshawar to Afghanistan and extension of air corridor facilities
by about sixteen statute miles from Peshawar to the Afghan border ought
to be available also to air transport as a matter of course. Since, however,
the Government of Pakistan are not at present disposed to agree to the
operation of air services over the Peshawar route, the Government of
India, in the interest of mutual understanding, are prepared to accept the
offer of the Government of Pakistan described in paragraph 2 above, without
prejudice to their right to raise the issue of a direct service to Kabul through
Lahore and Peshawar at a later date. They trust that the Government of
Pakistan will re-consider the matter at an early date and will agree to the
natural, direct route. The Government of India will now forward to the Council
of the International Civil Aviation Organization a copy of this Note and also
a copy of the aforesaid jointly signed record of discussions and will request
the Council to take appropriate action. The High Commission avails itself
of this opportunity to renew to the Government of Pakistan the assurances
of its highest consideration.

II Note addressed to the High Commissioner for India in Pakistan, by the
Government of Pakistan, Ministry of Foreign Affairs and Commonwealth Relations
(N. UN. (l)-9/6/52; dated 20th February 1953).

The Ministry of Foreign Affairs and Commonwealth Relations presents its
compliments to the High Commission for India in Pakistan and has the honour to
refer to the High Commission's note No. F. 79(2)/52-Genl., dated the January 2,
1953 regarding the flight of Indian aircraft to Afghanistan across the territories of
West Pakistan and landing in such territory for non-traffic purposes. The Government
of Pakistan are glad to note that the Government of India have accepted their
offer in regard to the flights of Indian aircraft to Afghanistan via Lahore-Kandhar
and Karachi-Kandhar as contained in the jointly signed record of discussions
between the representatives of the two Governments, and that the representatives
of the Government of India on January 19, 1953, made it clear to the Council of
ICAO that the acceptance of the Government of India of the offer of the two routes
in the terms set out in the record of discussions was unconditional. The Government
of Pakistan regret that, as already explained, they cannot make any commitment
for the future regarding the question of opening the Delhi-Peshwar-Kabul route.
The Ministry avails itself of this opportunity to renew to the High Commission the
assurance of its highest consideration.
RECORD OF DISCUSSION BETWEEN THE INDIAN AND PAKISTAN DELEGATIONS

As requested by the Working Committee of ICAO, reference their letter No. C-WP/1341, dated 26-11-52, a Delegation of the Civil Aviation Authorities in India met a corresponding Delegation of Pakistan in Karachi. The meetings took place over the period December 8th, 1952 to December 10th 1952. The Pakistan representatives confirmed that their Government is prepared to open two air corridors across the prohibited areas in West Pakistan as follows:

(1) A corridor 20 miles wide with its centre line on the direct thumb line track between Lahore and Kandahar. This corridor would permit Indian aircraft to turn off at a position approximately 31°45N and 69°00E onto a direct track to Kabul over Afghan territory.

(2) The second corridor was similarly 20 miles wide on the centre line of the direct thumb line track between Karachi and Kandahar. These two corridors were offered to serve two different routes which it is understood India wishes to operate, namely, Delhi to Kabul and Bombay or Ahmedabad to Kabul, one of these touching at Kandahar. The Indian Delegation explained that they were interested in a short direct route which was economic and operationally feasible and not necessarily over a particular area which Pakistan considered prohibited for reasons of security. They just wanted a corridor along which they could operate. The discussions then devolved on the operational aspects of the routes offered. It was agreed that the route from Delhi via Lahore and the turning point "X" (approximate position 31°45N and 69°00E) to Kabul was 787 statute miles in length compared to a distance of 644 statute miles from Delhi via Lahore and Peshawar. The difference was therefore 143 statute miles shown in the annex. The Indian Delegation explained that one of their difficulties in operating services to Kabul was lack of aviation fuel in Afghanistan. To facilitate the operation on the routes proposed the Pakistan Delegation offered to release for export to Afghanistan a quantity of fuel (which is estimated not to exceed 2500 gallons per month) required by the Indian Airline(s). The Indian Delegation expressed their gratitude in regard to the offer of Pakistan for the facilitation of fuel supply in Afghanistan. They, however, considered that the route along the proposed corridor up to point "X" involved considerable deviation from the direct natural route and therefore requested that Pakistan may kindly consider placing the corridor further North. The Pakistan Representatives regretted their inability to do this and added that the petrol facility at Kabul was being specially offered to help the operation on the routes proposed. As regards the operational facilities on this route, Pakistan advised that the civil airport of Multan
would be available as an alternate to Lahore and that as this was not a customs airport it would, therefore, have to be used on the usual strict undertaking against the off-loading and embarking of passengers and freight etc. Also the emergency landing ground at Dera Ismail Khan would be available for use in emergencies only and could be reached by following the Eastern bank of the Indus river to Dera Ismail Khan itself. It was agreed that the operation of this route would be during day time only; Air Traffic Control within the boundaries of the Karachi Flight Information Region would be exercised by Karachi and the communications and navigational facilities at Karachi, Lahore and Multan would be available to Indian aircraft. The Indian Delegation requested that the normal procedures regarding clearing of a flight on account of weather and/or terminal airport available should be waived in the case of flights to Afghanistan in view of the lack of information available in that area. The check procedure would be promulgated in the form of a Notice to Airmen when the corridors are officially opened. On the second route i.e., Karachi-Kandahar-Kabul the Indian Delegation requested Pakistan to investigate whether any airport with refuelling facilities could be made available close to the corridor beyond Karachi. The Pakistan Delegation pointed out that there was no customs airport in this area and that the other civil airports in the vicinity, e.g. Jacobabad and Sibi, were not, at present, manned and therefore there were no facilities available there. The Pakistan Delegation requested that the reactions of the Indian Government to the Pakistan proposals should be communicated to the Pakistan Government as early as possible, preferably not later than the first of January 1953, to enable a report to be forwarded to ICAO in time. The Indian Delegation agreed.

◆◆◆◆◆
MINUTES OF A MEETING HELD IN PAKISTAN SECRETARIAT OFFICE ON THE 12th APRIL 1955 AT 11.00 HOURS

PRESENT

Pakistan side | Indian side
---|---
1. Hon’ble Dr. Khan Sahib, Minister for Communications. | 1. Hon’ble Mr. Mehr Chand Khanna, Minister for Rehabilitation.
2. Hon’ble Major General Iskandar Mirza, Minister for Interior. | 2. H.E. Mr. C.C. Desai, Indian High Commissioner.
3. Mr. S.M. Hasan, Director General Railways. | 3. Shri K.B. Mathur, Member, Railway Board.
4. Mr. Mushtaq Ahmad, Financial Adviser Communications. | 4. Shri K.P. Mathrani, Joint Secretary, Ministry of Rehabilitation
5. Mr. I.A. Abbasi, Chief Operating Supdt. N.W. Railway. | 5. Shri R.T. Chari, Deputy High Commissioner for India

I. Resumption of rail traffic via additional rail links between West Pakistan and India It was agreed that rail traffic should be restored on the following routes

(i) Kasur-Ferozepur
(ii) Khokrapar-Munabas

The General Managers of North Western Railway (Pakistan) and Northern Railway (India) should meet at an early date and work out the details for the resumption of traffic on these routes in conjunction with the representatives of customs and police authorities. The target date for the resumption of this traffic should be the 1st June, 1955.

II. Resumption of through passenger service between West Pakistan and India It was agreed that Railways and other departments concerned of the two countries should work out the details for providing suitable through passenger services between the following points (i) Lahore and Calcutta via Sohararpur; (ii) Lahore and Delhi; (iii) Lahore and Bombay via Delhi; and (iv) Hyderabad (Sind) and Ahmedabad via Khokrapar. It was further agreed that every endeavour should
be made to commence the through service between Lahore and Calcutta from the 1st of June 1955.

III. Resumption of movement of cross traffic between stations in India on the Eastern Zone via the East Pakistan route. It was agreed to resume through booking of this traffic with effect from the 1st of May 1955 in accordance with the details outlined in Appendix A.

IV. Customs and Police checks The Ministers were anxious that a rational system of customs and police inspection, which would substantially minimize the inconvenience and delay to the passengers, should be adopted. It was, therefore, agreed that:

(a) in regard to passenger traffic moving between Amritsar and Lahore, these examinations should be made at Amritsar and Lahore and not at intermediate border points; (Note: Instructions have already been issued to the respective General Managers to fix up the details of these arrangements in conjunction with the Police and Customs authorities of the two countries.

(b) arrangements for Police and Customs check should be so adjusted on all the routes that they are completed as far as possible within an hour.

V. It was agreed that all payments hereafter between the two railway systems should be adjusted from month to month between the railways concerned and the balances paid up currently. These transactions should remain independent of other Government to Government transactions and should conform to recognised business principles.

VI. It was agreed that the two Governments should ratify these decisions as early as possible and in any case before the end of April 1955 and that in the mean time, the railway authorities concerned should initiate action to implement them in time.

(Signed) Dr. KHAN SAHIB
H. M. Communications (Pakistan)
15-4-55

(Signed) MEHR CHAND KHANNA
H.M. Rehabilitation (India)
15-4-55

APPENDIX A
GOODS TRAFFIC FROM INDIA TO INDIA VIA EASTERN BENGAL RAILWAY (PAKISTAN)

(i) The above traffic will be resumed in accordance with the conditions mentioned in the minutes (copy attached) of the meeting held at Calcutta on 4th and 5th
April 1955 between the Railway and Customs officials concerned of India and Pakistan. It is further agreed that to attract traffic and to enable the Indian Railways to allocate regularly an agreed quota of traffic to the above route, the E.B. Railway shall quote special rates via border station to via border station which will be derived by giving a special rebate of 30% over their existing rates between the border stations concerned, with such exception as may be necessary in the case of any particular commodity to conform to what the traffic can bear.

(ii) The cross traffic over the E.B. Railway will be resumed from the 1st May, 1955. As the examination of exceptions may take time, the E.B. Railway will quote, as an immediate measure, special rates on the basis of 30% reduction mentioned in (i) above. Exceptions, if any, will be made later.

(Signed) K.B. MATHUR  
Member Transportation Railway Board (India) 14-4-55

(Signed) S.M. HASAN  
Director General Railways (Pakistan) 14-4-55

MINUTES OF THE MEETING HELD IN EASTERN RAILWAY HEADQUARTERS, CALCUTTA ON 4th AND 5th APRIL, 1955 TO DISCUSS THE FEASIBILITY OF RESTORATION OF CROSS TRAFFIC ACROSS THE EASTERN BENGAL RAILWAY

<table>
<thead>
<tr>
<th>Pakistan Officials</th>
<th>Indian Officials</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Mr. M.J. Chughtai, General Manager, Eastern Bengal Railway.</td>
<td>1. Mr. B. Arora, General Manager, North Eastern Railway.</td>
</tr>
<tr>
<td>2. Mr. M.K. Mohiuddin, Chief Traffic Manager, Eastern Bengal Railway.</td>
<td>2. Mr. B.C. Malik, Director Rail Movements, Railway Board.</td>
</tr>
<tr>
<td>4. Mr. S.M. Abbas, Collector of Central Excise and</td>
<td>4. Mr. J.S. Mathur, Chief Operating Superintendent,</td>
</tr>
</tbody>
</table>
It was recognised that all the three modes of transport, viz. (i) All India Link route to and from North Bengal and Assam, (ii) Steamer route through Indian and Pakistani waters to and from North Bengal and Assam, and (iii) Route across the Eastern Bengal Railway should be availed of. In regard to movement by the route across the Eastern Bengal Railway, the following agreements were reached:

I. Routes over which cross traffic will be permitted to move through the Eastern Bengal Railway

(a) Via Darsana-via Chilhati. (b) Via Darsana-via Mogalhat (goods to be transhipped at Santahar). (c) Via Biral-via Mogalhat. (d) Via Latu-via Darsana. (e) Via Latu-via Biral. The Indian representatives enquired whether it would be possible for the Eastern Bengal Railway to move traffic on the Bhurangamari- Sonahat Section so that traffic via Mogalhat can also move directly to Golakganj. The Eastern Bengal Railway representatives stated that a bridge on this section was damaged during the floods and it will take considerable time to repair it. If, however, substantial traffic was expected to move that way, they would consider the restoration of the Section. The Indian representatives stated that most of via Mogalhat traffic could pass over this section.

II. Volume of traffic

1. The Indian representatives roughly estimated that the traffic will amount to: (a) One Broad Gauge train-load a day of about 60 Broad Gauge wagons from via Darsana to via Mogalhat (goods to be transhipped at Santahar); and (b) About 15 Broad Gauge wagon loads a day from via Darsana to via Chilhati. This traffic is expected to develop to about 30 Broad Gauge wagons a day as soon as adequate transhipment, facilities are provided at Haldibari by the North Eastern Railway. Substantial traffic is not expected to materialise on the other routes.

2. All traffic to North Bengal and Assam is at present planned and co-ordinated by the Director, Rail Movement, Railway Board, in consultation with the Governments of West Bengal and Assam and other important users in the area. This arrangement will continue and the Director, Rail Movements will now also plan for traffic across the Eastern Bengal Railway and in doing so, will consult...
the Chief Traffic Manager, Eastern Bengal Railway as and when necessary. In allocating the traffic to the three modes of transport, the Eastern Bengal Railway will be allotted a reasonable share of high-rated traffic.

3. The Eastern Bengal Railway representatives enquired what the traffic in the reverse direction would be. It was explained by the Indian representatives that even on the North Eastern Railway traffic to North Bengal and Assam is considerably heavier than return traffic and empties are worked to certain points in the reverse direction. The position will substantially be the same in respect of the new routes via the Eastern Bengal Railway. There was, however, a possibility of a substantial amount of timber in logs being offered in the reverse direction if facilities for transhipment could be provided at Santahar. The Eastern Bengal Railway representatives promised to examine this and advise the North Eastern Railway and the Director, Rail Movements of the position. There may also be a possibility of bamboos moving from the hill section via Latu and Darsana.

III. Operating arrangements

1. The traffic moving via Santahar will be offered by the Broad Gauge Section in three groups, viz: (i) for destinations between Gitaldaha and Alipur-Duar Jn. inclusive (also Bamanhat), (ii) stations east of Alipur-Duar Jn., and (iii) stations north and west of Alipur-Duar Jn. Eastern Bengal Railway will, after transhipment, marshal the goods trains in the same three groups before handing them over at Lalmanirhat.

2. The Eastern Bengal Railway will exercise running power on the Broad Gauge Section from the Pakistan-India border to Haldibari.

3. On the Mogalhat side, North Eastern Railway manned trains are running at present only up to Mogalhat. With the re-introduction of cross traffic running powers would be exercised by the North Eastern Railway, as in the past, up to Lalmanirhat.

4. At Haldibari, broad gauge shunting will be performed by the Eastern Bengal Railway locomotives operated by the Eastern Bengal Railway crew under the directions of Traffic shunting staff of the North Eastern Railway. The charges for these locomotives shall be paid for on an hourly basis.

5. Eastern Bengal Railway are at present maintaining a credit balance with Indian Railways both on Metre Gauge and Broad Gauge. With the responsibility for finding rolling stock for carrying cross traffic they may need to adjust these balances to some extent. If this is found necessary, they will give adequate notice.

IV. Commercial matters

1. Rates: Class, schedule and special rates, if any, over the Eastern Bengal Railway portion by the various routes will be calculated by Eastern Bengal Railway in terms of Indian currency and communicated to Eastern and North Eastern
Railways who will then issue necessary foreign rate circulars to their staff. Except in cases where a modification of rates is found necessary on account of a change in the basic rates structure or in the basis of calculation of such rates in terms of Indian currency, no change will be effected without prior consultation. It was recognised that there will be no manipulation of rates by any party with a view to altering the balance of movements between the various routes.

2. Booking: All traffic moving across the Eastern Bengal Railway shall be booked freight pre-paid. Small traffic, if booked across the Eastern Bengal Railway, will be handed over in sealed wagons. Arms and ammunition and military stores and equipment will not be booked across the Eastern Bengal Railway.

3. Claims: The responsibility for claims arising in respect of consignments will be determined in terms of the "Fundamental and Subsidiary Rules for interchange of traffic between India and Pakistan" in force from time to time. All other rules in respect of interchange of Railway traffic and rolling stock etc. contained in the Fundamental and Subsidiary Rules will equally apply except that Note 2 to Rule (7) of Annexure I will now be treated as cancelled.

4. Documentation:
   (a) Separate series of Invoice Books (of distinctive colour) will be used by all stations in booking such traffic. It will also be arranged by the Eastern and North Eastern Railways that wagons are labelled with distinctive labels. Usual seals will be used and any additional seals required by the Customs authorities will also be provided. The invoice will be prepared in six foils, as follows: (i) Booking Station Record. (ii) Railway Receipt. (iii) Border Station Invoice. (iv) Invoice for Destination Station (Through Invoice). (v) Junction Invoice. (vi) Accounts Foil - to be specially forwarded by the forwarding station to the combined Foreign Traffic Accounts Office, Calcutta. This copy will be attached to the Division-Sheet, which will be submitted by the Financial Adviser & Chief Accounts Officer, Eastern Railway, Calcutta, to the Financial Adviser & Chief Accounts Officer, Eastern Bengal Railway, Chittagong.
   (b) Five copies of in-transit manifest for customs requirements will also be prepared by the booking station for each invoice. These manifests will contain the following particulars: (i) Invoice No. (ii) Station From. (iii) Station To. (iv) Name of consignor. (v) Name of consignee. (vi) Number of packages. (vii) Description of contents. (viii) Weight. Four copies of these manifests will be securely pinned to the Junction and Border Invoices and sent to the first customs stations.

V. Financial settlement
1. As regards payments to the Eastern Bengal Railway for carrying the cross
traffic, it was suggested by the Eastern Bengal Railway representatives that some special arrangements will have to be devised to effect prompt settlement. An arrangement already exists according to which the value of and freight on coal from India for Pakistan are paid in Indian currency at Calcutta out of an irrevocable credit placed with a Bank at Calcutta by the Pakistan Government. On the same lines the Indian Railways will place an irrevocable revolving credit with a bank at Chittagong in favour of the Eastern Bengal Railway and authorise the Eastern Bengal Railway each month to draw upon this credit for its dues. The amount of this irrevocable credit in the initial stage may be fixed at Rupees three lakhs, subject to modification on periodical review in the light of traffic actually carried, the underlying principle being that this credit should not be less than the freight earned by the Eastern Bengal Railway during any month.

2. The Eastern and North Eastern Railways will submit cross traffic Division sheets to the Eastern Bengal Railway three times a month and an authority of payment will accompany the last Division Sheet for the month and on this authority the Eastern Bengal Railway will draw upon the credit opened by the Indian Railways in the bank at Chittagong.

3. Any discrepancies detected either by the Financial Adviser & Chief Accounts Officer of the Eastern Bengal Railway or the Financial Adviser & Chief Accounts Officer of Eastern/North Eastern Railways on check of these Division Sheets/Invoices will be communicated to the Financial Adviser & Chief Accounts Officer concerning for acceptance. On communication of this acceptance, the adjustment will be made by the Financial Adviser & Chief Accounts Officer, Eastern/North Eastern Railway in the account to be submitted in the month following.

VI. Customs procedure:

1. Through wagons will be sealed by the Indian Customs at the last Customs-sealing station in India and by the Pakistan Customs at the first Customs station in Pakistan. Seals will be liable to be checked at any Customs Station on the in-transit route. If seals are found broken at any time wagons will be detained and a complete inventory of the goods taken in the presence of Railway and Customs representatives. In any case, the Customs Officer in charge of the last Customs Stations en route in Pakistan will verify the seals and certify that they are intact.

2. At the station of entry in Pakistan, in the case of all trains carrying in-transit cargo, the railway guard will present to the Customs officer copies of the manifests referred to in para. IV. 4. (b). These will serve as in-transit manifests. The Customs Officer will retain one copy and return the other copy duly stamped to the guard for presentation to the Customs Officer at the station of exit. These two copies will be forwarded by the Customs Officers of the stations of entry...
and exit to the Land Customs Audit Department for check. No other customs documents will be required by the Pakistan Customs.

3. Similarly two copies of the in-transit manifests will also be presented to the Indian Customs Stations of Exit. The Indian Customs Officer will retain one copy, put the stamped copies in a sealed cover and hand over this sealed cover to the train's guard for onward transmission through the Eastern Bengal Railway to the Indian Customs Station at the point of entry. No other documents will be required by the Indian Customs.

4. In the case of goods to be transhipped in Pakistan from broad-gauge to metre gauge and vice versa, the wagons will be sealed by the Indian and the Pakistan Customs to begin with, but these seals will be broken by Pakistan Customs at the transhipment station viz. Santahar. A register will be maintained by the Eastern Bengal Railway at this station, in which particulars of goods transhipped with the Nos. of wagons will be entered. The Customs Officer will attest this register after every transhipment operation and prepare two copies for his own records. Transhipment will be done under Customs supervision. The Railway officials at Santahar will arrange with the Customs for the posting of the required number of officers. One copy of the transhipment record will be sent by the local Customs in weekly batches to the Land Customs Audit Department for check with the in-transit manifests.

5. In case of any discrepancies noticed in transhipment cargo, intimation will be sent by the Customs Officer, Santahar to the Indian Customs officers of the two stations of exit and entry. The Eastern Bengal Railway will also send an intimation to the Indian Railway concerned. Goods will not be detained on account of such discrepancies, unless prohibited goods like gold or silver bullion, opium and dangerous drugs or arms and ammunition are found to be carried. Indian Customs seals will not be broken except in the event of information being received by Pakistan Customs that such prohibited goods are being carried in a particular consignment, provided further that the seals can be broken in such cases only under the orders of an officer not below the rank of an Assistant Collector, who will report the case to the Collector of Central Excise and Land Customs, Chittagong.

6. In order to avoid the Indian and Pakistan Customs having to deal with individual consignors and consignees of goods which may involve delay, the Indian Railways will act as the agents of the owners of the goods for the in-transit formalities, and at the time of booking of goods will take a declaration from the owner authorising them to act as his agents for this purpose and indemnifying the Railway against penalties imposed by the Customs authorities of either country on account of contravention of Customs and allied laws and regulations. This declaration may be in such form as the legal advisers of the Railways may recommend.
7. The Indian Railways may depute an officer at Santahar to act as their agent for assisting the Pakistan Customs and Railway staff in the quick movement of goods, specially in the event of any discrepancies detected. This will also assist in the disposal of claims that may arise on this account.

VII. Ratification

The agreements recorded above are subject to ratification by the respective Governments.

M.J. CHUGHTAI  B. ARORA
General Manager  General Manager
Eastern Bengal Railway  North Eastern Railway
5th April, 1955  5th April, 1955

S.M. ABBAS  H.P. SEN GUPTA
Collector of Central Excise & Land Customs, Representing Collector of
Chittagong  Central Excise & Land Customs Calcutta
5th April, 1955  5th April, 1955


Islamabad, 14 September 1974

In accordance with the decisions contained in Para 3 of the Simla Agreement and in pursuance of Article 8 of the Constitution of the Universal Postal Union

The Government of INDIA
AND

The Government of PAKISTAN,

DESIRING to restore and establish a Postal Service between the two countries,

HAVE agreed as follows:
Article I

SCOPE OF THE AGREEMENT

1. The provisions of this Agreement shall apply to letter-post items, insured letters and boxes and parcels originating in either country and intended for delivery in the other.

2. The exchange of letter-post items, insured letters and boxes and postal parcels between India and Pakistan shall be governed by the provisions of the Convention and Agreements of the Universal Postal Union to which both the countries are signatories, except to the extent such provisions are modified in the subsequent Articles. The term "the Convention and Agreement of the Universal Postal Union" used in this Agreement shall be taken to include the Convention of the Universal Postal Union, 1969, with its Final Protocol and Detailed Regulations and the Postal Parcels Agreement, 1969, with its Final Protocol and Detailed Regulations.

3. The facilities for registration and insurance shall be available in respect of letter-post items posted in either country for delivery in the other, on payment of fees in accordance with the provisions of the Convention and Agreement of the Universal Postal Union.

4. The facility of Express Delivery Service shall not be available in respect of letter-post items and parcels posted in either country for delivery in the other.

Article II

CLASSES OF POSTAL ARTICLES AND CONDITIONS FOR THEIR TRANSMISSION

1. The term "letter-post items" applies to letters, letter-cards (or aerogrammes), postcards, printed papers (including registered newspapers), literature for the blind and small packets.

2. The weight limits and dimensions of the letter-post items shall conform to those laid down in the Universal Postal Union Convention and its Detailed Regulations.

3. Insured letters shall not contain articles subject to customs duty.

4. Insured boxes shall not contain (a) documents having the character of current and personal correspondence; and (b) bank notes, currency notes or securities of any kind payable to bearer.
5. Insured items shall be subject to customs and import and export and exchange control regulations in force from time to time in each country.

6. The insured value may not exceed the actual value of the contents of the item, subject to a maximum of 1250 Gold Francs, but it shall be permissible to insure only part of that value.

Article III

RATES

1. The postage rates, air surcharges and postal fees applicable to letter-post items and parcels in either country for delivery in the other shall be in accordance with the provisions of the Convention and Agreement of the Universal Postal Union.

2. Subject to the provisions of Convention and Agreement of the Universal Postal Union, changes in rates and fees shall, whenever necessary, be made by each Postal Administration, under intimation to the other.

Article IV

SPECIAL AND SUPPLEMENTARY CHARGES

1. All special and supplementary charges applicable to letter-post items and parcels posted in either country for delivery in the other shall be in accordance with the provisions of the Convention and Agreement of the Universal Postal Union.

2. When an enquiry or request for information is, at the request of the interested Party, to be transmitted by air, it will give rise to the collection of the respective air surcharge, or double this surcharge, if the reply is also to be transmitted by air. In both cases, the amount of surcharge will be retained in full by the Administration which collects it. If the use of telegraph is requested, the cost of the telegram will also be collected.

Article V

PARCELS

The following special provisions shall apply to postal parcels posted in either country for delivery in the other:

1. Maximum weight of a parcel shall be 10 Kgs.

2. The maximum insurance limit of a Parcel shall be 1250 Gold Francs.

3. Parcels shall be subject to Customs and Import and Export and
Exchange Control Regulations in force from time to time in the country of origin and destination.

**Article VI**

**AIR MAIL**

The provisions concerning airmail correspondence as laid down in the Universal Postal Union Convention shall be applicable in the case of airmail correspondence posted in either country for delivery in the other, subject to the following special provisions:

1. The surcharge on all items of airmail shall be in addition to the surface postage;

2. Each Administration shall be entitled to fix the rates of air surcharges on various items of airmail under intimation to the other, subject to the provisions of the Convention and Agreements of the Universal Postal Union.

**Article VII**

**AIR PARCELS**

The exchange of air parcels shall be covered by the same special provisions as laid down in Article V. Each Administration shall be at liberty to fix a separate air surcharge in addition to the surface parcel, postage rates or an air surcharge-cum-parcel postage taking into account the cost of air conveyance. Air parcels which cannot be delivered to the addressees for any reason whatsoever shall be returned to the country of origin only by the surface route.

**Article VIII**

**SETTLEMENT OF ACCOUNTS**

1. The manner of preparation, acceptance and settlement of postal accounts between India and Pakistan shall be governed by the provisions of the Universal Postal Union Convention and the Universal Postal Union Agreement, except as modified by this Agreement.

2. The net payment of balances of postal accounts shall be made in United States of America Dollars. The method of conversion into such currency shall be as follows:

   The amount of the payment in US Dollars shall be equivalent in value to the balance of the account. The amount which is equivalent in value to the balance of the account shall be determined by the relationship in effect on the day before payment between the value of the gold francs and the gold, par value of
the US Dollars approved by the International Monetary Fund. In case a central rate of the US Dollar has been established under the International Monetary Fund Executive Board decision subsequent to the approval given in the International Monetary Fund to the Gold par value, the gold value of that central rate shall be used in determining the equivalent value.

3. The amounts due to India shall be credited by bank transfer to the account of the Post and Telegraph Department in the State Bank of India, New York Branch.

4. The amounts due to Pakistan shall be credited by bank transfer to the account of Government of Pakistan in the National Bank of Pakistan, New York Branch.

5. Payment shall be made as quickly as possible and at the latest within four months from the date of receipt of the general or special liquidation accounts, accounts or statements drawn up by common consent, notification, requests for payments on account, etc., indicating the amounts of balances to be settled, after that period the amounts due shall be chargeable with interest at the rate of 5% per annum.

6. If, between the time the remittance (cheque etc.) is effected and the time the creditor receives it, a variation occurs in the equivalent value of the US Dollar and if the difference resulting from such variation exceeds 5% of the amount due as calculated following such variation, the total difference shall be shared equally between debtor and creditor.

7. If there should be a radical change in the International Monetary system, which invalidates or makes inappropriate one or more of the foregoing paragraphs, India and Pakistan may, by a separate mutual agreement, adopt a new procedure for the payment of balances of accounts.

**Article IX**

**SETTLEMENT OF OUTSTANDING DUES**

It was agreed that payment of outstanding amounts relating to postal dues will be discussed and settled by the representatives of the two Governments at an early date.

**Article X**

**SETTLEMENT OF DIFFERENCES AND DISPUTES**

1. A Committee of Technical Experts of both the countries shall meet twice a year to discuss and resolve to the maximum extent possible all outstanding problems relating to the operational matters and the settlement of accounts.
2. Any question which arises between the Parties concerning the interpretation of application of this Agreement or the existence of any fact which, if established, might constitute breach of this Agreement, shall first be examined by the above mentioned Committee of the Technical Experts which will endeavour to resolve the differences by agreement.

3. If the Committee of Technical Experts is unable to reach agreement on any question then a difference will be deemed to have arisen which shall be resolved through bilateral discussions between the two Governments.

**Article XI**

**ENTRY INTO FORCE, MODIFICATION AND DURATION**

1. This Agreement shall come into force from the date to be mutually agreed upon.

2. The Technical and Operational aspects of the Postal Service shall be decided by mutual agreement of the Postal Administration of the two countries.

3. This Agreement may be modified from time to time by mutual consent of the two Governments.

4. The provisions in the Agreement relating to Air Mail Service shall come into force only after the establishment of the air links between the two countries.

5. Exchange of mail by sea shall come into force only after the establishment of shipping services between the two countries.

6. This Agreement may be suspended by either side if balances of accounts accruing under this Agreement remain unpaid for a period of two years.

7. This Agreement is valid for five years from the date of endorsement, subject to the provision that it can be terminated by either Government after giving a notice of one year of its intention to do so.

**IN WITNESS WHEREOF**, the undersigned, duly authorised for that purpose, have signed this Agreement in two originals, on Saturday, the 14th September, 1974, at Islamabad.

Sd/-
Kewal Singh
Foreign Secretary
Ministry of External Affairs
Government of India

Sd /-
Agha Shahi
Foreign Secretary
Ministry of Foreign Affairs
Government of Pakistan

Islamabad, 14 September 1974

In accordance with the decision contained in para 3 of the Simla Agreement

The Government of INDIA

AND

The Government of PAKISTAN,

DESIRING to restore and establish telecommunication service between the two countries,

HAVE agreed as follows:

Article I

ESTABLISHMENT OF TELECOMMUNICATION SERVICES

1. From a date to be mutually agreed upon, continuously operated telecommunications services shall be established over a direct land route between India and Pakistan.

2. Except to the extent indicated hereinafter, the telecommunications services shall be governed by the "Telegraph Regulations (Geneva-1973)", the "Telephone Regulations (Geneva-1973)" and the "International Telecommunication Convention (MalagaTerremolines-1973)".

3. The technical and operational aspects of the Telegraph and Telephone Services shall be decided by mutual consent of the telecommunications administrations of the Government of India and the Government of Pakistan. These shall be finalised by mutual discussions within one month.

Article II

PUBLIC TELEGRAM SERVICE

1. The classes of telegrams accepted between India and Pakistan shall be as listed in the Annexure I attached to this Agreement. Besides all classes of obligatory telegrams, as defined in Article 4 of the Telegraph Regulations (Geneva 1973) Urgent Private, Urgent Press and Ordinary Press Telegrams will be accepted. Private and Press Telegrams shall be accepted in plain language.

2. Press telegrams will be accepted only from authorised and duly registered
representatives of newspapers, periodical publications, News Agencies or bureau and press services of diplomatic missions.

3. The International Telegraph Offices will be open for International Service all the 24 hours of the day. Delivery of all ordinary telegrams in India will be during 0600 to 2200 hours (Indian Standard Time) only. The delivery in Pakistan will be during 0600 to 2200 hours (Pakistan Standard Time).

4. The overall accounting rate per word shall be made up of the sum of the terminal and transit rates as applicable and shown in Annexure II to this Agreement.

5. There shall be no Transfer Account Service between India and Pakistan.

Article III
TELEPHONE SERVICES

1. For the purpose of this Service, India shall be divided into the following accounting Zones:

   Zone I - Comprising all the States contiguous to Pakistan, the State of Uttar Pradesh and the Union Territory of Delhi.

   Zone II - Comprising the rest of India except the city of Bombay.

   Zone III - The city of Bombay (comprising the entire multi-exchange area).

2. Classes of Calls

   The following classes of calls as defined in the CCITT Recommendations (Geneva 1978) shall be accepted.

   — Distress (emergency) calls

   — Government calls.

   — Service calls.

   — Private calls.

3. Facilities offered to users

   Only the Station calls and the Personal calls will be accepted.

4. Operating Methods

   All calls will be completed on a manual basis via the nominated International Telephone Exchanges.
5. Accounting Rate

(i) Terminal Calls

In respect of calls between exchanges in Zone I of India and exchanges in Pakistan, the overall accounting rate shall be of 10 Gold Francs for the first three minutes duration or less. For each additional minute or part thereof it shall be on prorata basis. The overall accounting rate shall be shared equally between the two countries.

(ii) In respect of calls between exchanges in Zone II and Zone III of India and exchanges in Pakistan, the overall accounting rate shall be 20 Gold Francs for the first three minutes duration or less. For each additional minute it shall be on prorata basis. This shall be shared between India and Pakistan in the ratio 3 (India) : 1 (Pakistan) for Zone II. As regards the City of Bombay the ratio will be 2 (India) : 1(Pakistan).

(iii) Transit Calls

(a) For calls transited via India, the Indian share for the first three minutes or less shall be 5 Gold Francs. For every additional minute or part thereof, it shall be on a prorata basis.

(b) For calls transited via Pakistan, the Pakistan share for the first three minutes or less shall be 5 Gold Francs. For every additional minute or part thereof, it shall be on a prorata basis.

Article IV

TELEX SERVICES

1. For the purpose of this Service, India shall be divided into the following accounting Zones:

   Zone I - Comprising telex exchanges in all the States contiguous to Pakistan, the State of Uttar Pradesh and the Union Territory of Delhi.

   Zone II - Comprising telex exchanges in the rest of India except the City of Bombay.

   Zone III - The telex exchange in the City of Bombay.

2. Classes of Calls

Following classes of telex calls shall be accepted:

(a) Safety of Life Telex Calls (SVH),
(b) Government Telex Calls,
(c) Service Telex Calls,
(d) Ordinary Private Telex Calls,
(e) Requests for information.

3. Operating Methods

All calls will be completed on a manual basis via the nominated International Telex Exchanges.

4. Accounting Rate

(i) Terminal Calls

In respect of calls between exchanges in Zone I of India and exchanges in Pakistan, the overall accounting rate shall be 8 Gold Francs for the first three minutes duration or less. For each additional minute it shall be on a prorata basis; This shall be shared equally between the two countries.

(ii) In respect of calls between exchanges in Zone II and Zone III of India and exchanges in Pakistan, the overall accounting rate shall be 16 Gold Francs for the first three minutes duration or less. For each additional minute it shall be on a prorata basis. This shall be shared between India and Pakistan in the ratio 3 (India) : 1 (Pakistan). As regards the city of Bombay the ratio will be 2 (India) : 1 (Pakistan).

(iii) Transit Calls

(a) For calls transited via India, the Indian share for the first three minutes or less shall be 12 Gold Francs. For every additional minute or part thereof, it shall be on a prorata basis.

(b) For calls transited via Pakistan, the Pakistan share for the first three minutes or less shall be 4 Gold Francs. For every additional minute or part thereof, it shall be on a prorata basis.

Article V

ACCOUNTING PROCEDURE FOR TELECOMMUNICATIONS

1. The Government of India and the Government of Pakistan shall establish a monthly account showing all the amounts owed and forward it to the other Government concerned. The accounts shall be in the Forms as mutually agreed upon by the two sides.

2. The accounts shall be sent as promptly as possible but in any case before the end of the third month following that to which they relate.
3. In principle, an account shall be considered as accepted without the need for specific notification of acceptance to the Government which sent it.

4. Nevertheless, both the Governments shall have right to query the date in question during the period of two months after the receipt of the account, but only to the extent necessary to bring the differences within limits specified in para 6 below.

5. However, to avoid repetition of errors which are too small to entail a revision of the account, either of the Governments may draw the attention of the other Government which has prepared the monthly account, to obvious errors and the latter Government must take action on this information as soon as practicable to avoid similar errors occurring in the future.

6. A revision which has begun shall be stopped following the exchange of observations between the two Administrations, as soon as the difference is brought down to a sum not exceeding the maximum specified below: The limits apply to each of the three services separately.

For Telegram Services

<table>
<thead>
<tr>
<th>Amount of the account of creditor</th>
<th>Maximum difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) less than 2500 Gold Francs</td>
<td>a. 25 Gold Francs</td>
</tr>
<tr>
<td>(b) from 2500 to 100,000 Gold Francs</td>
<td>b. 1% of the sum of the creditor's account</td>
</tr>
<tr>
<td>(c) more than 100,000</td>
<td>c. 1% of the first 100,000 Gold Francs and 0.5% of the remainder of the creditor's account.</td>
</tr>
</tbody>
</table>

ii) For Telephone and Telex Services

<table>
<thead>
<tr>
<th>Amount of the account</th>
<th>Difference Exceeding</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) less than 10,000 Gold Francs</td>
<td>(a) 100 Gold Francs</td>
</tr>
<tr>
<td>(b) 10,000 Gold Francs to 300,000</td>
<td>(b) 1% of the sum of the account, Gold Francs</td>
</tr>
<tr>
<td>(c) More than 300,000 Gold Francs</td>
<td>(c) 3,000 Gold Francs.</td>
</tr>
</tbody>
</table>
Article VI
PAYMENTS OF BALANCE OF ACCOUNTS

1. A quarterly settlement statement showing the balance from the monthly accounts for the period to which it relates shall be prepared as quickly as possible by the creditor Administration and be sent in duplicate to the debtor Administration which, after verification, shall return one of the copies endorsed with its acceptance.

2. The payment of the balance due on account shall not be delayed pending settlement of any query on that account. Adjustments which are later agreed shall be included in the subsequent account.

3. Payment shall be affected as promptly as possible but in no case later than six weeks after the day on which the quarterly settlement statement is received by the debtor Administration. Beyond this period the creditor Administration shall have the right to charge interest at the rate of 6 percent per annum; reckoned from the day following the date of expiration of the said period.

4. The balance of telecommunications accounts, shall be drawn up in Gold Francs.

5. The payment of balance of telecommunication accounts shall be made in United States of America Dollars. The methods of conversion into such currency shall be as follows:

   The amount of the payment in US Dollars shall be equivalent in value to the balance of the account. The amount which is equivalent in value to the balance of the account shall be determined by the relationship in effect on the day before payment between the value of the Gold Franc and the gold par value of the US dollars approved by the International Monetary Fund. In case a central rate of the US dollar has been established under the International Monetary Fund Executive Board decision subsequent to the approval given by the International Monetary Fund to the gold par value, the gold value of the central rate shall be used in determining the equivalent value.

6. The amounts due to India shall be credited by bank transfer to the account of the Indian Posts and Telegraphs Department in the State Bank of India, New York Branch. The amounts due to Pakistan shall be credited by bank transfer to the account of Pakistan Telegraph and Telephone Department in the National Bank of Pakistan, New York Branch.

7. The payment charges imposed in the debtor country (taxes, clearing charges, commission, etc.) shall be borne by the debtor. The charges imposed
in the creditor country, including payment charges imposed by banks, shall be borne by the creditor.

8. If, between the time the remittance (cheque, etc.) is effected and the time the creditor receives it, a variation occurs in the equivalent value of the US dollar and if the difference resulting from such variation exceeds 5% of the amount due as calculated following such variation, the total difference shall be shared equally between debtor and creditor.

9. If there should be a radical change in the International Monetary System, which invalidates or makes inappropriate one or more of the foregoing paragraphs, India and Pakistan shall be free to adopt, by a separate mutual agreement, different procedure for the payment of balances of account pending a revision to Appendix to the Telegraph Regulations (Geneva, 1973) and Appendix II to the Telephone Regulations (Geneva, 1973).

Article VII

SETLEMENT OF DIFFERENCES AND DISPUTES

1. A committee of Technical experts of both countries shall meet twice a year to discuss and resolve to the maximum extent possible all outstanding problems relating to the operational matters and the settlement of accounts.

2. Any question which arises between the parties concerning the interpretation of application of this Agreement or the existence of any fact which, if established, might constitute breach of this Agreement shall first be examined by the above-mentioned Committee of the Technical Experts which will endeavour to resolve the difference by Agreement.

3. If the Committee of Experts is unable to reach agreement on any question then difference will be deemed to have arisen which shall be resolved through bilateral discussions between the two Governments.

Article VIII

PAYMENT OF PAST DUES

It was agreed that payment of outstanding amounts relating to Telecommunication dues will be discussed and settled by the representatives of the two Governments at an early date.

Article IX

MODIFICATION AND DURATION OF AGREEMENT

1. This Agreement may be modified from time to time by mutual consent of the two Governments.
2. This Agreement may be suspended by either side if outstanding balances of accounts occurring under this Agreement remain unpaid for a period of one year.

3. This Agreement is valid for two years from the date of its signing by the two Governments unless it is reviewed and extended by mutual agreement, between the two Governments before the expiry date.

4. IN WITNESS WHEREOF the undersigned duly authorised for that purpose have signed this Agreement in the two originals on Saturday the 14th September, 1974, at Islamabad.

For the Government of India For the Government of Pakistan

Sd/- Sd/-
KEWAL SINGH AGHA SHAHI
Foreign Secretary Foreign Secretary
Government of India Government of Pakistan

ANNEXURE I
CLASSIFICATION AND CLASS FOR TELEGRAMS BETWEEN INDIA AND PAKISTAN
SECTION A

Obligatory Telegrams

1. Telegram relating to the safety of life
   1. SVH

2. (a) Government Telegrams
   2. (a) XFS with paid service indication "ETAT" PRIORITY for Government Telegrams with priority and "ETAT" for Government without priority.

   (b) Telegrams relative to the application of the United Nations Charter
   b) XPS with paid service indications "ETAT" PRIORITY NATIONS for "ETAT NATIONS" for the telegrams with and without priority respectively.

   3. RCT
4. Ordinary private telegrams
5. Telegraph service correspondence
6. Meteorological Telegrams

SECTION B
Optional Telegrams and Special Services

SECTION B

1. Urgent private telegrams
2. Urgent press* telegrams
3. Ordinary Press
4. Telephone
5. Telex delivery

NOTE:
(1) Minimum charges for all classes of telegrams shall be for 7 words, except in case of Press Telegrams for which the minimum charges will be for 14 words.

(2) RTP (Receiver to pay) Meteorological Telegrams bearing press or other bearing messages shall not be allowed.

ANNEXURE II

<table>
<thead>
<tr>
<th>Telegram Type</th>
<th>Terminal Charge (Per Word)</th>
<th>Transit Charge (Per Word)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ordinary Telegrams</td>
<td>27 Gold Centimes</td>
<td>27 Gold Centimes</td>
</tr>
<tr>
<td>Government Telegrams</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telegram relating to the applications of the United Nations Charter</td>
<td>9 Gold Centimes</td>
<td>9 Gold Centimes</td>
</tr>
<tr>
<td>Urgent Press Telegrams</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meteorological Telegrams</td>
<td>54 Gold Centimes</td>
<td>54 Gold Centimes</td>
</tr>
</tbody>
</table>
3638. **Protocol between the Government of India and the Government of the Islamic Republic of Pakistan regarding Shipping Services.**

**New Delhi, 15 January 1975**

RECALLING the provisions of the Simla Agreement of 1972 to progressively restore and normalise relations between the two countries, and

RECALLING further the Protocol on Resumption of Trade between India and Pakistan signed at New Delhi on the 30th November, 1974, and

RESOLVING to restore direct shipping services between the two countries.

The Delegations of **India** and **Pakistan**, which met in New Delhi from the 11th to 15th January, 1975.

HAVE agreed as follows:

1. Necessary steps will be taken by both the countries to restore direct shipping services by the 15th February, 1975, on the principles of sovereign equality, and mutual benefit.

2. Such services will cover the carriage of cargo between the two countries.

3. Such carriage will only be by the vessels of the mercantile marine sailing under the flag of either country in accordance with its laws and regulations.

4. All cargo between the ports of the two countries shall be carried on the principle of equality in matters relating to cargo liftings and freight earnings on an annual basis.

5. Vessels of either country will load in the ports of one country only such cargo as is destined for the other country.
6. For coordination of all questions connected with the operation of direct shipping services between both the countries, the Government of India hereby nominate the Director General of Shipping, Bombay on their part and the Government of Pakistan likewise nominate the Director General of Ports and Shipping, Karachi, on their part.

7. The authorities referred to in Article (6) will nominate the shipping companies of their respective countries to determine by mutual discussion the details of operation of the services. For this purpose, the representatives of the Shipping Companies shall meet, as early as possible, on a mutually convenient date.

8. The vessels of either country, their crew, and cargoes shall be admitted to the territorial waters and the ports of the other country and shall be accorded the most-favoured nation treatment relating to their entry, stay loading/unloading of cargo, leaving of the ports, and all necessary facilities for safe maritime navigation.

9. The provisions of Article (8) shall be subject to Article (5) and such restrictions as are or may be imposed, from time to time, by the laws of either country.

10. Either country shall adopt, within the limits of their laws and port regulations, all appropriate measures to facilitate and expedite maritime traffic, to prevent delays to vessels and to expedite the carrying out of customs and other formalities, applicable at the ports.

11. All ship documents including those relating to nationality, registration, tonnage and survey issued or recognised by one country shall be recognised by the other country.

12. Either country shall recognise the seamen's identity documents issued by the appropriate authorities of the other country.

13. Holder of Seaman's identity documents specified in Article (12) shall, during the stay of the vessel in the ports of the other country, be permitted to land on temporary shore leave without visa, on his obtaining a Landing Permit valid for a period not exceeding 24 hours, provided he deposits his Continuous Discharge Certificate with the Immigration Authorities and provided further that the crew list has been submitted to the concerned authorities in accordance with the laws and regulations in force in the port. The said person shall be subject to customs control. His entry and stay in port shall be governed by the provisions of the India-Pakistan Visa Agreement of the 14th
September, 1974, and the laws and regulations in force in that port:

14. When a member of the crew disembarks in the port of the other country due to illness, he shall be permitted to enter a hospital. He shall also be permitted to rejoin ship or be repatriated if a member of the crew is left behind for reasons such as "missing the ship", or his transfer from the ship, he shall be permitted to rejoin ship or be repatriated.

15. The captain of the vessel staying in the port of the other country or a person authorised by him shall be permitted and assisted to contact or visit the Consular official representing the interest of the other country.

16. If a vessel of either country be involved in maritime peril or encounters any other danger off the coast or in the ports of the other country, the vessel, the cargo, the crew and the passengers shall receive the same assistance which is accorded to a national vessel, its cargo, crew and passengers. This will be subject to the respective laws and international obligations of the two countries.

17. The cargo, ship stores, machinery spares etc., of the damaged vessel which have to be off loaded, shall not be subject to customs duties and taxes provided the same are taken out of the country within a reasonable period.

18. All payments and expenses relating to shipping services between the two countries shall be effected in freely convertible currency in accordance with the foreign exchange regulations in force from time to time in each country.

19. The representatives of the two authorities referred to in Article (5) above shall meet, as necessary, to discuss and resolve all outstanding problems. If they are unable to settle any question concerning the interpretation or application of this Protocol, such questions shall be referred to the respective Governments for settlement.

20. To facilitate urgent consultations in matters relating to implementation of this Protocol and any arrangements made thereunder, visas shall be granted immediately, on request, to four nationals of either country nominated by the respective authorities referred to in Article (6), for travel to the other country. Names and full particulars of the nationals so nominated shall be exchanged as soon as possible and Consular authorities representing the interest of both the countries informed accordingly.
21. Both the governments shall take necessary steps to rescind with effect from the 1st February, 1975, the existing restrictions on the entry of merchant vessels of their countries to each other’s ports.

22. The working of this Protocol shall be reviewed by the two Governments after the lapse of one year and thereafter as may be mutually agreed upon.

23. This Protocol will come into force on the date of signing.

Sd/-
M. R. AMAKRISHNAYVA
Secretary to the Government of India,
Ministry of Shipping and Transport and
Leader of the Indian Delegation
New Delhi, 15th January, 1975

Sd/-
K. T. KIOWAI
Secretary to the Government of Pakistan,
Ministry of Communications and Leader of the Pakistan Delegation

3639. Agreement between the Government of India and the Government of Pakistan relating to the Resumption of Rail Communications between India and Pakistan.

New Delhi, June 28, 1976.

Pursuant to the objective of normalising relations between India and Pakistan as envisaged in para 3 of the Simla Agreement and in terms of para 6 of the Joint Statement signed by the Foreign Secretaries of India and Pakistan at Islamabad on May 14, 1976, the Government of India and the Government of Pakistan, desiring to restore rail communications between the two countries have agreed as follows:

ARTICLE I

Scope:

This Agreement relates to the resumption of India-Pakistan rail communications both in respect of goods and passenger traffic across the Attari-Wagah border. The traffic shall be resumed on a suitable date between July 17 and July 24, 1975. The actual date of introduction of train services during this stipulated period shall be decided by the Railway Administrations of both the countries through mutual consultation.
ARTICLE II

Passenger Traffic:

1. An Express train shall be introduced between Amritsar and Lahore.

2. The Express train will have two classes of accommodation - Upper Class (the present I Class on both the Railways) and Lower Class (the present II class on the India Railways/III Class on the Pakistan Railway).

3. This Express train shall cater to through international traffic only.

4. The coaches for the rake will be contributed by the two Governments on a 50:50 basis, the details of which have been mutually agreed upon. There shall be no hire charges and consequently no financial adjustment in respect of the scheduled block rake.

5. The primary maintenance of the rake of the Express train shall be at Amritsar and the secondary maintenance at Lahore.

6. Both the countries shall provide coaches in good condition. These coaches shall be fully equipped with all fittings and the revised nomenclature of the class shall be painted before the introduction of the service.

7. In case a coach belonging to one country goes under repair in the country, the country in which the coach goes under repair shall provide a coach of similar type. The damaged coach shall normally be repaired within 24 hours, but within a period of three days in case of heavy repairs like wheel changing and attention to hot boxes. After repairs within the prescribed period, the original coach shall be restored to the rake.

8. The timings of the Express train shall be decided upon from time to time through mutual consultations between the two Railway Administrations as agents of their respective Governments.

9. The train shall be worked by Pakistan Railway locomotives, crews and Guards between Lahore and Attari, and by India Railway locomotives, crews and Guards between Amritsar and Attari.

10. Mechanical interchange and billing for damages/deficiencies shall be carried out at Attari for Up and Down Passenger Vehicles. Pakistan Railway Carriage and Wagon staff shall take over/make over the coaching vehicles at Attari.

11. On the Indian side, Customs, Immigration and Health checks shall be conducted at Attari railway station. On the Pakistan side these checks shall be conducted at Lahore railway station.
12. Each country shall collect passenger fare and luggage charges for the journey on its respective system up to the international border. The free luggage allowance for the passenger shall be fixed through mutual discussions between the two Railway Administrations.

13. In case of a heavy rush of passengers, the booking railway may attach one extra coach which shall not be subject to any hire charges. The coach shall, however, be returned to the parent railway system by the next pairing train.

ARTICLE III

Goods Traffic:

1. Goods traffic between India and Pakistan shall be interchanged at the border of the two countries. For the time being Attari station on the Indian side shall be the junction station for purpose of inter-change.

2. Both the Railways shall work to a zero balance in the Wagon pool to start with. The position shall be reviewed three months after the date of which rail communication is resumed and the pool balance will be re-determined, if necessary.

3. "Standard Wagons" as mutually agreed upon shall be used for the interchange of goods traffic between India and Pakistan. In case any other type of goods stock is required for the movement of goods traffic between the two countries, the details thereof shall be worked out separately by the two Railway Administration.

4. All goods traffic between India and Pakistan shall be freighted on Paid-To Pay Basis. Each country shall collect the freight charges up to the international border on its system.

5. Mechanical interchange of goods stock shall be carried out on a dual control system. The Indian Railways shall carry out a mechanical examination of goods stock offered by Pakistan Railway at Wagah station and the Pakistan Railway shall carry out mechanical examination of goods stock offered by Indian Railways at Attari station.

6. The rules for the interchanging of Rolling stock between Indian Railways and Pakistan Railway have been mutually agreed upon.

7. Goods trains between Attari and Wagah/Lahore shall be worked by Pakistan Railway locomotives and staff. Goods trains between Attari and Amritsar shall be worked by Indian Railways locomotives and staff.

8. Goods traffic in "smalls" i.e. consignments less than a wagon load can be booked from any station on the Pakistan Railway to any station which is open for the booking of smalls on the Indian Railways.
9. Goods traffic in "smalls" from Pakistan Railway shall be sent in sealed wagons for Amritsar re-placing point only. They shall be cleared by the Indian Customs at Amritsar.

10. Goods traffic in "smalls" from India to Pakistan shall be booked to Lahore (Goods) only in sealed wagons for direct delivery. If an economic load can be obtained by clubbing consignments, Indian Railway may book such traffic in through sealed vans to the following six stations:
   1. Karachi City
   2. Hyderabad
   3. Multan City
   4. Lyallpur
   5. Rawalpindi
   6. Peshawar Cantt.

11. Extension of this facility to other stations in Pakistan reached via Lahore shall be reviewed by Pakistan Railway in due course.

12. Hire charges for the use of Goods stock, except the brake vans, shall be provisionally fixed at forty Indian Rupees for a Broad Gauge 4-wheeler unit per day. This rate is subject to re-fixation from April 1, 1977 and subsequently after every two years by mutual agreement between the two Railway Administrations.

13. If the pool balance of any railway system exceeds the agreed target by 10%, the railway having excess wagons shall be liable to pay penalty charges. The penalty clause shall automatically come into forces if the wagon balance of any country remains over 10% of the targeted wagon balance for a period of ten continuous days. In such a case, the penalty shall be applicable from the tenth day from the date on which the actual balance exceeded the wagon target by more than 10%. However, when the agreed target pool balance is zero to 50 wagons, the free allowance shall be reckoned as five wagons.

14. The penalty charge shall be one hundred and sixty Indian rupees per Board Gauge 4-wheeler unit per day. This shall be subject to revision whenever the basic hire charge is revised.

**ARTICLE IV**

Mechanical Maintenance and operating arrangements:

1. Indian Railways shall provide Running Room facilities for the Pakistan Railway's crews and Guards and locomotive servicing facilities for Pakistan Railway Locomotives at Attari. The charges incurred thereof shall be set off
against the services rendered by the Pakistan Railway locomotives in hauling both goods and Coaching stock over a distance of 2.4 Kms between Attari Railway station and international border. There shall, therefore, be no financial adjustments between the two Railway Administrations on this account.

2. Likewise, there shall be no financial adjustments between the two Railway Administrations in respect of the primary maintenance at Amritsar of the coaching stock contributed by the Pakistan Railway for the scheduled passenger rake since this shall be set off by the extra kilometerage earned by the Pakistan Railway coaches over Indian territory and the secondary maintenance of the Indian Railway coaches at Lahore.

**ARTICLE V**

Provision of telephone facilities between Attari and Wagah railway stations through the respective railway control circuits of Amritsar Railway Control and Lahore Railway Control have been accepted in principle. The necessary equipment required for linking up the control shall be provided by the respective Railway Administrations upto the international border.

**ARTICLE VI**

Payment procedure:

All payments due to the Railway Administration of our country shall be arranged by the Railway Administration of the other country in freely convertible currency acceptable to the receiving Administration at the exchange rates prevailing on the date of payment and place to be mutually agreed upon in accordance with the foreign exchange regulations in force from time to time in each country.

**ARTICLE VII**

Visas:

Multiple entry visas valid for one year shall be granted to members of the railway staff on duty in connection with the interchange of rail traffic, as approved by the respective Railway Administration. Facilities under the visa would be on a reciprocal basis. Such persons, shall be exempt from the provisions of the para 5 of the Visa Agreement between Government of India and the Government of Pakistan, signed on September 14, 1974.

**ARTICLE VIII**

Review:

This Agreement may be reviewed periodically in such a manner as the two Governments may determine on a mutual basis from time to time. The purpose
of this review shall be to ensure the smooth working of this Agreement and to make recommendations to the two Governments about its modifications, if any.

**ARTICLE IX**

Modifications and durations:

1. This Agreement shall come into force with effect from the date of signature.

2. The technical and operational aspects have been agreed to between the delegations of the two Governments and are set out in the record of discussions on traffic and technical matters and Annexures I to VI thereto which constitute an integral part of this Agreement. These technical and operational aspects may be amended from time to time by an agreement in writing between the two Railway Administrations on behalf of their respective Governments.

3. This Agreement may be modified from time to time by mutual consent of the two governments.

4. This Agreement shall continue to be in force for a period of three years from the date specified in paragraph 1. Either side can terminate this arrangement by giving a notice of three months of its intimation to do so.

**IN WITNESS WHEREOF** the undersigned, duly authorized for this purpose have signed this agreement in two originals on Monday the Twenty-eighth of June Nineteen Hundred and Seventy Six at New Delhi.

For the Government of India (R. Srinivasan) For the Government of Pakistan (Shaikh Anwar Hussain)
Director, Traffic (Transportation) Joint Secretary
Ministry of Railways (Railway Board) Ministry of Railways
Government of India Government of Pakistan

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3640. **Report on the Official Level India - Pakistan Trade Talks held in November 1981 in Islamabad.**

Islamabad, November 13, 1981.

Official level trade talks were held in Islamabad on November 11-12, 1981. The talks remained inconclusive primarily because Pakistan's insistence on guaranties that the trade would not be a one-way traffic, trade balance being maintained at a reasonable level and the Pakistani indigenous industry should not be hurt by the flow of Indian goods. Pakistan has always insisted on a list being finalized of goods in which the trade would be conducted while India stood for open trading which would allow private trade as well.

It may be recalled the India-Pakistan trade was last resumed in 1975 under the trade protocol concluded then. In the first year of the trade Pakistan exported substantial quantities of cotton and succeed in maintaining a reasonable balance. Thereafter there has been a substantial deficit for Pakistan. Pakistan discontinued cotton exports fearing that the products made out of their cotton would flood Pakistani markets. Imports from India stood at Rs. 12.7 million and exports at Rs. 149.5 in 1975-76. However in 1976-77 Pakistan suffered a deficit of of Rs. 234.5 million because exports declined to Rs. 1.2 million and imports rose to 235.7 million. In 1977-78 the trade deficit came down to 124.1 million as Pakistan exported goods worth Rs. 347.3 million against imports worth Rs. 471.4 million. The situation further improved for Pakistan in the following year when the deficit narrowed down to Rs. 98.3 million.

Pakistan's exports to India over the years have been raw cotton, rock salt, fruits, vegetable, plants, seeds, and chemicals, while imports included consumer goods and engineering items. When the protocol was negotiated in 1975 India had expressed a desire to import from Pakistan, gas, fertilizers and cement. India too had suggested Pakistan to locate its cement and fertilizer plants near to the border while insisting that Pakistan import from India iron ore among other things. Pakistan agreed to import only 20 percent of its requirements of iron ore from India that too on the persuasion of the World Bank.

Pakistan has a long standing complaint that despite a ban on private trade, Indian goods continue to flood the Pakistan markets through surrogates like Sri Lanka, Hong Kong and Singapore besides Dubai. Pakistan, often under World Bank loaned schemes, found it difficult to leave India out.

The 1981 trade talks too remained fruitless mainly because of insistence on balanced trade and restricted trading regime.
3641. **Press Release issued by the Government of India on Indo-Pakistan Trade Relations.**

**New Delhi, November 16, 1981.**

Ways and means of increasing and diversifying Indo-Pakistan commercial and economic relations, were discussed here today, when Mr. Mohd. Yousaf Zia, President, Pakistan Chamber of Commerce & Industry called on the Union Minister of Commerce, Steel & Mines, Shri Pranab Mukherjee. A 22 member delegation led by Mr. Zia has been visiting India for one week at the invitation of FICCI.

The visit of the delegation coincided with the inauguration of the India international Trade Fair 1981, where Pakistan is participating in a big way. The Commerce Minister said that IITF'81 gave a comprehensive picture of India's economic development and technological capabilities and enquired whether Pakistan delegation could go round the Fair. Mr. Zia said that IITF'81 was very impressive and useful to the visiting Pakistan businessmen and industrialists. He pointed out that the delegation had also gone round several industrial undertakings around Delhi and had intensive discussions with their counterparts for identifying the areas of commercial cooperation.

While there is no Trade Agreement specifying any special modalities for trade between the two countries, Indo-Pakistan trade continues to be carried out under the existing export-import policies and prescribed procedures. It is hoped that the dialogue between the businessmen of the two countries like the present one will help in fostering a better understanding of each other's point of view as well as potential that exists for mutual trade.

India's main exports to Pakistan are iron ore, bidi leaves and engineering items and building materials. Our main imports from Pakistan are cotton, neptha and rock salt.

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Press Release issued by the Government of India on the Rail Communications Agreement between India and Pakistan.

New Delhi, February 25, 1982.

A high level meeting between Delegations of Pakistan and India was held at Rail Bhavan, New Delhi, from February 16 to 25, 1982, to review the agreement on rail communications between the two Governments entered into in June 1976. As a result of discussions held, a new agreement on rail communications was concluded and signed today, February 25, 1982.

The new agreement was signed on behalf of the Government of India by Shri B.B. Lal, Member Mechanical, Railway Board and Ex-Officio Secretary to the Government of India and Leader of the Indian delegation. On behalf of the Government of Pakistan the agreement was signed by Mr. Hasan Zaheer, Secretary in the Ministry of Railways of the Government of Pakistan and Leader of Pakistan Delegation.

The agreement provides for continuing existing express train service between Amritsar and Lahore with first class and second class communication. In pursuance of the common objectives of improving facilities for passenger travel and the movement of goods between the two countries, some new clauses have been incorporated in the agreement. To cater for the increasing passenger traffic between the two countries, the number of coaches in the express train have been increased from eight to ten, to be contributed equally by the Indian and Pakistan Railways. In case of heavier rush of passengers, the composition of the train would be further augmented by mutual agreement between the two Railways.

The two Delegations also agreed on suitable specific measures for the speedier movement of goods train, particularly for the movement of pig iron from Pakistan to India.

The discussions between the two Delegations were held in most cordial atmosphere.

During their visit to India, the Delegation from Pakistan visited Diesel Locomotive Works at Varanasi and Research, Designs and Standards Organisation at Lucknow. While in Delhi, the delegation from Pakistan called on Shri P.C. Sethi, Ministers for Railways and Shri M.S. Gujral, Chairman, Railway Board.
Press Release issued by the Government of India on official level talks on Telecom Services between India and Pakistan.

New Delhi, July 26, 1983.

The Director General of Telephones and Telegraphs of Pakistan Brig. General Mansoor-Ul-Haq Malik had official level talks on Telecom Services between the two countries with the Secretary, Ministry of Communications, Shri S.K. Ghose.

Both sides reviewed the progress made on the Amritsar-Lahore coaxial cable link. To meet the growing demand of the traffic between India and Pakistan, it was earlier decided that coaxial cable link should be established between the two countries. This link would also form an important element in the Asian telecommunication Network. This scheme is expected to be commissioned by end of next year.

At present 12 channel open wire carrier system exists between Amritsar and Lahore. One manual circuit between Delhi and Karachi, tow manual circuits between Delhi and Lahore and one manual circuit between Delhi and Islamabad are operating through this system.

In addition satellite circuits through the Overseas Communication Service are also in use. In the satellite medium three manual circuits between Bombay and Karachi and one manual circuit between Delhi and Karachi are working.

Mr. Mansoor-Ul-Haq Malik said that good communication is necessary between the two countries and for that, channels should be increased. He suggested that exchange of visits by technical experts between the two countries should be more frequent so that difficulties could be sorted out speedily.

The two teams have also discussed the settlement of outstanding telecom dues and it was agreed that coordination meeting between experts of the countries would take place to expedite the settlement.
3644. **Speech by Minister of State in the Ministry of External Affairs at the inaugural session of the Second meeting of the India - Pakistan Joint Commission.**

*New Delhi, July 2, 1985.*

Your Excellency the Foreign Minister of Pakistan,

Members of the Indian and Pakistan Delegation,

The Second Meeting of the Indo-Pakistan Joint Commission is a welcome occasion. It is a matter of satisfaction for me to get the opportunity to participate in this meeting and it gives me great pleasure to extend a warm welcome to Your Excellency and to the members of your Delegation. I wish you all a pleasant stay in our country. I earnestly hope that the discussions between our two delegations will be constructive, mutually satisfactory and fruitful.

2. In agreeing to set up the Joint Commission, our late Prime Minister Smt. Indira Gandhi, who was its moving spirit and your President had visualized the Joint Commission to provide an institutional framework for fostering growing contacts and cooperation between our two countries and peoples in various areas of mutual interest and benefit. The importance we attach to our relations with your country is evident from the fact that the agreement for setting up the Joint Commission was the only bilateral agreement signed during the Seventh Non-aligned Summit in New Delhi.

3. Thirteen years ago, on this day in Simla we had set before ourselves the task of promoting friendly and harmonious relations and the establishment of durable peace in the sub-continent on the basis for sovereign equality and complete non-interference so that both countries could devote their resources and energies to the pressing task of advancing the welfare of their people. The Indo-Pak Joint Commission symbolises the Simla spirit and has before it the same goals. On the anniversary of the historic Simla Agreement, we rededicate ourselves to its objectives and spirits.

4. We made a good beginning when the Joint commission was launched in June 1983. the meeting of the four sub-commissions in January, 1984 gave some further impetus to this endeavour. We are happy that some useful, though modest, progress has been achieved so far. The attention of the peoples of our two countries will be focused on our deliberations over the next tow days. Our earnest hope is that these deliberations will make some concrete contribution towards fostering new areas of cooperation and new bonds of friendship between our peoples.

5. The four sub-commissions which will separately meet in the next two
days will discuss a vast range of subjects. From our side, we have experts who will be discussing matters such as the finalization of a Protocol on shipping, mutual collaboration between industrial organizations in both countries, cooperation in agricultural activities, improvement in railways, tele-communication and postal services as also collaboration between the experts of both our countries in the all important field of health and the eradication of communicable diseases. Public interest in both countries will centre in our discussions regarding travel facilities, cooperation in thee cultural field and the improvement of trade relations between India and Pakistan. Our endeavour would be to concretize various proposals and ideas and reach mutually satisfactory agreements. Our objective is to increase contacts and cooperation where they exist and to explore new avenues for such cooperation. Our approach is positive and I wish to assure you that any new ideas or proposals that you may have will receive our most constructive consideration.

6. The four sub-commissions provide a unique forum for Indian and Pakistan experts and officials dealing with a variety of subjects which have a direct bearing on the day to day life of the common man in either country. The meeting of the sub-commissions on this occasion will provide another opportunity to our officials and experts for freely exchanging thoughts and ideas and for considering old as well as new proposals which should be of direct benefit to our two peoples.

7. Both Pakistan and India have an immense pool of talent in the scientific, technological artistic and other areas. Our inter-action in various fields can only go to reinforce these talents and provide them with fresh avenues of thought thereby multiplying the effects of this already large reservoir of talent in both our countries. At the same time, our cooperation in fields which may at the first sight appear more mundane and down-to-earth such as travel and consular facilities are also of immense importance since the relaxation and normalization of our procedures in these sectors provide immediate relief to the ordinary people of India and Pakistan.

8. Protocols and agreements are important but they are not an end in themselves. They represent the starting point in a joint endeavour. We have to look beyond the signing of agreements; we have to ensure that decisions taken by the Joint Commissions through mutual agreement are implemented expeditiously in letter and in spirit. Various agencies of the two governments concerned with their implementation have to ensure timely action in pursuance of these decisions. The two Foreign Ministries have a crucial role to play as coordinating agencies.

9. The people of India sincerely desire cordial, cooperative and good neighbourly relations with your country, devoid of past suspicions, mistrusts and recrimination. I am confident that our discussions will be marked by cordiality
and will be productive and useful so that we can take another step forward towards the achievement of the goals for which the Joint Commission was established. In this endeavour I bring to you all the good wishes of Prime Minister Shri Rajiv Gandhi and the Government and people of India. I once again welcome Your Excellency and the members of your Delegation.

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3645. Press Release issued by the Government of India on the conclusion of the Agricultural Cooperation Agreement.

New Delhi, July 4, 1985.

An Indo-Pakistan agreement for cooperation in the field of agricultural research and development was concluded here today (July 4, 1985).

The agreement was formally signed by the Union Minister for Agriculture and Rural Development, Shri Buta Singh and the Pakistan Minister for External Affairs, Sahebzada Yakub Khan, on behalf of their respective countries.

The agreement envisages cooperation and collaboration between the two countries through their executing agencies viz, Indian Council of Agricultural Research (ICAR) and Pakistan Agricultural Research Council (PARC) in the field of exchange of germ plasma and breeding materials, exchange of scientific literature, information and methodologies; exchange of scientists and technologies and their participation in seminars, symposia, workshops; import and export of scientific equipment as available and required in programmes of common interest.

Representatives of both the countries will meet once a year, alternately at New Delhi and Islamabad, to formulate work plans for the succeeding year.

The agreement stipulates publication of research findings as also creation of facilities for exchange of scientists and technologists and their proper placement as also for the grant of fellowships to students and scientists for study and research in the respective institutions of the two countries.

Under the agreement, inter-institutional links will be established to facilitate advancement of objectives of the agreement. A joint follow-up committee has to be set up, to meet alternately at New Delhi and Islamabad once a year, to see to the proper execution of the Agreement.
The conclusion of the agreement between the two countries is one more step in
the series of steps to foster greater understanding and bilateral cooperation
between India and Pakistan and to develop good neighbourly relationship between
the two countries.

3646. **Press Release issued by the Government of India on the
conclusion of agreement in the Field of Health and Family
Welfare.**

*New Delhi, October 19, 1985.*

India and Pakistan will cooperate in the field of health and family welfare under
the agreed minutes signed here between the two countries. The two delegations
met twice. The first meeting was held on 15th October, 1985 in the forenoon and
the second meeting in the afternoon of 18th October, 1985.

The Pakistan delegation which reached here on 14th October visited the Indian
Council of Medical Research, All India Institute of Medical Sciences, New Delhi,
Rural Health Training Centres, Najafgarh, Delhi, National Malaria Eradication
Programme, Delhi, Malaria Research Centre, Delhi, JALMA (Leprosy) Institute,
Agra, and Rehabilitation Centre, Safdarjang Hospital, New Delhi and had detailed
discussions with the Heads of aforesaid institutions.

Both sides agreed that there should be:

1. Exchange of information in the areas of bio-medical research, medical
education and training, seminars and workshops at national levels.

2. Collaboration in communicable diseases control, particularly, malaria,
tuberculosis, leprosy and control of goiter. The collaboration will be
implemented through the Directorate General of India and Pakistan.

3. Research collaboration in the Health fields through the two respective

4. Exchange of information and experiences in the fields of family planning
and welfare.

5. Exchange of experts in specialized fields of health and family welfare.

The Pakistan delegation reminded the Indian delegation of the decision of the
Joint Pak-Indo Commission for a reciprocal visit of Indian delegation to Pakistan and extended a formal invitation to the Indian delegation.

The Indian delegation was led by Dr. D.B. Bisht, Director-General of Health Services. Lt. Gen. M.A. Z. Mohydin, Chairman of the Pakistan Medical Research Council led the Pakistan delegation.

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Statement by External Affairs Minister:

Your Excellency, Foreign Minister Sahabzada Yaqub Khan,

Ladies and Gentlemen

2. I would like to congratulate members of the two delegations for the good work they have put in over the past three days. It has been gratifying that the discussions have been marked by a spirit of friendship, constructive cooperation and mutual accommodation. The atmosphere, if I may so, has been pervaded by the Simla spirit.

3. My commitment to the success of the Joint Commission needs no reiteration. The original agreement establishing the Joint Commission was signed by your Excellency and me in 1983 representing our two Governments. I find you have been associated with all the meetings of the Joint Commission and I have come back to it after missing the second meeting.

4. The four Sub-Commissions which were charged with the task of formulating concrete proposals for bilateral cooperation in different areas like economic cooperation, trade, information, education, social sciences, culture, travel, tourism and consular matters have been able to come up with suggestions and agreements whose sincere and effective implementation will go a long way in furthering goodwill and the cooperative spirit between the two countries.

5. We can draw satisfaction in particular, from the decisions that would enable our two peoples to draw closer. The decisions to liberalise travel facilities and relax rules and regulations governing travel between our two countries would enable
people to move more freely. It would be particular source of comfort to members of divided families. Our effort must constantly be to bring travel between India and Pakistan on par with travel worldwide. Our effort should be to remove special or discriminatory restrictions, which keep our people apart. The Cultural Exchange Programme which will be signed this morning, is another manifestation of our determination to promote greater interaction between our two peoples with the CEP, it would now be possible to have cultural exchanges on a formal footing. The popularity of Pakistani artists in India and the yearning in Pakistan for Indian music are well known. Some exchanges of artists have been taking place on an ad hoc, casual basis. These have only served to what the appetite of either side. In other fields like education, art, culture, theatre etc. the exchanges have been minimal or non-existent. Once the CEP is formalized, we should be able to ensure exchanges covering the entire spectrum of culture. I believe that this would be to our mutual benefit. There is much we can learn from each other. In trade and economic cooperation, we have made some progress. There is still some considerable distances to be covered. We have still not reached our mutually agreed goal of non-discriminatory trade in accordance with the principals of GATT. We also need to give concrete content to our mutual commitment to develop economic cooperation. In regard to sectors like agriculture, health, industry, education, shipping & transport etc., we have a useful and detailed programme of exchanges. This would help both countries to develop better mutual understanding.

6. We must ensure that decisions taken are implemented. All too often programmes are worked out, plans made, agreements signed. Thereafter, nothing happens. I expect that each of the Ministries entrusted with the implementation of the decisions taken by this Joint Commission, would ensure that they are implemented. It would be useful, if your Excellency agrees, to have the Sub-commissions meet six months or so hence to review the implementation of the decisions taken and remove any bottlenecks that my exist. I would like to assure you, Excellency that I wish, as always, be available for consultations.

7. Even, as we draw satisfaction from the work done, we must be conscious that much still remains to be done. Expectations on both sides were already high. They have been raised by the recent meeting of our two Prime Ministers. Our peoples wish to come closer together. They want better friendlier relations. They want to see that the discussions at the level of the leadership results in benefits for the proverbial common man also. That is the spirit that will animate my delegation in considering any future proposals from your side. That will be the spirit in which we would like to work with our Pakistani counterparts.

8. The Joint Commission will meet next in India. We look forward to welcoming the Pakistan delegation in India.

Thank You.
Remarks by Pakistan Foreign Minister:

Excellency—
Mr. Narasimha Rao,

Ladies and Gentlemen,

On behalf of the Pakistan delegation, I thank Your Excellency for the warm and friendly words you have addressed to our delegation and to me personally.

With the signing of the Report, we have come to the end of the Third Meeting of the Joint Commission. I am sure you must be as gratified as I am to see our efforts crowned with success.

I would like on behalf of my delegation, to express our warmest thanks to all members of the Indian delegation for their valuable contribution to the work of the Joint Commission.

The success of our proceedings was due in large measure to the devotion and high caliber of delegates on both sides. We have also good reason to be satisfied by the excellent atmosphere in which our work has been performed.

We are also beholden to members of the Drafting Group who devoted long hours to the task of completing the Report of the Third Meeting.

Finally, I wish to thank all of you for creating a climate of cooperation and mutual understanding which enabled such promising results to be achieved so smoothly.

Each meeting of the Joint Commission is an occasion for reviewing the progress attained and for laying down guidelines for future actions to enlarge bilateral cooperation in diverse fields.

At this meeting we have the satisfaction of having achieved good and commendable results. We have arrived at a broad identity of views in a number of areas:

— We have agreed to take steps to improve telecommunication facilities and postal services.
— We have identified areas where our two countries could benefit from each other’s experience in the field of health.
— We have agreed to enhance cooperation in the field of science and technology as well as in the field of agricultural research through exchange of visits by experts.
— We have decided to initiate plans for cooperation in the industrial field.
In regard to trade, the discussions have confirmed the desire on both sides to expand trade progressively on the basis of mutuality of benefit. Our private sector trade is gradually increasing and we jointly affirmed the need to forge closer links between the business communities of the two countries.

We have today signed the cultural Protocol which will enhance and strengthen exchanges between our two countries in the fields of art, culture and education. As a result visits by artists, musicians, scholars, writers, theatre groups as well as other people-to-people exchanges will increase.

There will be more media exchanges. We have decided today to enhance facilities for travel and tours, between the two countries. We have further eased restrictions for visitors on reciprocal basis. Similarly the number of pilgrims and places of pilgrimage have been increased by both countries. We have also agreed to facilitate repatriation of civilian detainees and to increase consular access to them.

All these recommendations we have adopted today provide a solid foundation on which the edifice to bilateral cooperation can grow in the future on the basis of equity and mutual benefit. The results have been able to achieve and the positive atmosphere in which our proceedings were held demonstrate our common desire to promote good neighbourly relations between our two countries.

This reflects the aspirations of the people of the two countries for peace and cooperation which is so essential for regional progress and stability.

Before concluding I would like to express once again my deep personal appreciation and thanks to Your Excellency for the cooperation, cordiality and understanding that pervaded during the course of our deliberations.

The proceedings of the Third Meeting thus reach its happy conclusion. I look forward to the Fourth Meeting of the Joint Commission to be held in New Delhi next year which will no doubt mark a further step forward in the consolidation of bilateral cooperation.

The Third Meeting of the Indo-Pakistan Joint Commission is adjourned.

Thank You.
Media briefing by the Spokesman of the Pakistan Foreign Office on the MFN status for India.

Islamabad, January 11, 1996.

The Spokesman of the Pakistan Ministry of Foreign Affairs declared that Pakistan would not grant most favoured nation (MFN) status to India unless the latter stopped giving subsidies to its manufacturers and exporters and Pakistan's business community was prepared to compete with Indian products so that a level-playing field is available.

"Nothing has been finalized about trade relations with India and on giving the MFN status to it," the Foreign Office spokesman told the weekly news briefing on January 11. "On the MFN status, our policy is quite clear: we will honour all commitments under the World Trade Organisation (WTO) agreement. Pakistan is committed to discussing trade matters with India and other WTO members."

The spokesman said a meeting of SAARC commerce ministers held in New Delhi on January 8-9 discussed ways to give impetus to intra-SAARC trade. They reviewed and discussed barriers and obstacles in trade liberalization, and

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A few months later in March Pakistan's Commerce Minister Ahmed Mukhtar told the Khaleej Times in an interview that Pakistan was ready to offer the most favoured nation (MFN) status to India provided New Delhi removed non-tariff barriers to start meaningful trade between the two countries. He said: "I favour trade with India and if that is done I do not believe Pakistan will have any disadvantage." He said although India has already given the MFN status to Pakistan there are certain hurdles due to which Islamabad cannot reciprocate. One of the reasons is that Indians are still hesitant to remove non-tariff barriers, he added. "We have also asked the Indians to open their borders so that two-way trade could be made viable and profitable," Mr. Mukhtar said, hoping that the Indian government would look into the issue and remove hurdles due to which both countries cannot benefit from each other.

Citing an example, he said that ever since Bangladesh accorded the MFN status to India its exports to New Delhi remained static at $600 million while its imports from India went up to $2.2 billion. This, he pointed out, "is happening as the Indians are not ready to open their borders to provide free access to Bangladeshi traders so that they can receive goods on time and relatively on cheaper prices."

"What is happening today is that we have to first send our goods to Karachi for onward shipment to India, but if there are no border restrictions we can send these goods from Lahore to New Delhi which will save a lot of time and money," he said, adding "the Indian government should open up border as early as possible so that the traders community of both countries could immensely benefit from each other". "Who does not know that India and Pakistan spend a lot of additional foreign exchange on importing things from other places and if they could get these things from each other, they would be doing a great service to their own peoples," he said. He did not believe that India would give a tough time to Pakistan in trade. "We are ahead of India in producing and exporting leather and India is just earning 5 to 10 per cent more in the textile sector". He said: "Pakistan would be much more comfortable if trade with India is started on a large scale."

"In addition, India has not been able to compete with us in textiles. We have 10 to 12 million of cotton bales annually while India has about 13 million bales despite being so large. The people should have no fears in having trade with India," he added.
agreed that the second round of the inter-governmental group will be held in Sri Lanka to review and finalise measures for dismantling such barriers under the South Asian Preferential Trade Agreement (SAPTA).

The SAARC ministers discussed as to how SAPTA could be transformed into South Asian Free Trade Area (SAFTA). "Since SAPTA HAS BECOME operational, all members will have to be satisfied that SAPTA has achieved the desired goals, before examining the possibility of establishing SAFTA, "he said.

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3649. Statement by the Foreign Minister of Pakistan at the Meeting with the Federation of Indian Export Organizations Delegation.

Islamabad, March 11, 1999.

I am pleased to welcome the delegation of the Federation of Indian Export Organizations to the Ministry of Foreign Affairs. I hope your visit to Pakistan will prove productive as well as enjoyable.

You have come to Pakistan at a fortuitous time. Only a few days ago, the Prime Minister of India, Mr. Atal Behari Vajpayee, visited Lahore. His visit underscored the desire on both sides to overcome the legacy of tensions and differences that have kept the two neighbouring countries far apart and divided by a common border.

The historic Lahore Declaration symbolizes the common aspirations of national and reasonable people on both sides, to open a new chapter in our relations; to put an end to disputes and begin an era of peace and cooperation. At the heart of this understanding is the shared commitment of both sides to intensify their efforts to resolve all their differences, including the core dispute of Jammu and Kashmir, in order to promote peace, security and progress between our two countries and the region as a whole.

Since he was elected to office in 1997, Prime Minister Nawaz Shairf has been committed to easing tensions and normalizing relations with India through resolving all bilateral issues. This commitment has been based on the conviction that confrontation and conflict is not an option for either side. Over the past fifty years our differences have only served to divert our precious resources towards a wasteful arms race rather than towards economic development and social progress. Meanwhile, both our peoples have languished in poverty, stricken by
disease and overcome by hunger. Both our countries therefore need to break out of this vicious cycle.

Due to Prime Minister Nawaz Sharif's consistent efforts, the two countries adopted an agreed agenda in June 1997 for an integrated dialogue process encompassing the entire spectrum of bilateral relations, including, for the first time in several decades, the issue of Jammu and Kashmir. Also included in this agenda is the issue of promoting economic and commercial relations which, of course, is a subject of special significance for all of you here today.

A further impetus has been given to this process by the two Prime Ministers, following their meeting in New York during September 1998. When they expressed their shared belief that an environment of peace and security is in the supreme national interest of both sides and that resolution of all outstanding issues, including Jammu and Kashmir, is essential for this purpose.

In order to demonstrate our commitment to reduction of tensions with India, the Prime Minister took several initiatives, including commencement of a bus service, unilateral release of civilian prisoners and fishermen, offer of sale of surplus electricity and resumption of contacts in the field of sports.

It was against this backdrop that the visit of Prime Minister Vajpayee to Lahore took place. This summit meeting was not just an attempt to improve the atmosphere and instill hopes for a new beginning - it led to specific and concrete commitments by both sides to resolve their outstanding differences in order to ensure peace, security and prosperity. Now it is time to convert these commitments into deeds to translate our words into action.

A crucial factor in underscoring the need for urgent action is the nuclearization of South Asia, following the nuclear test by India and in response by Pakistan, during May last year. By converting the Kashmir dispute into a nuclear flashpoint, these nuclear tests have raised the stakes for ensuring peace and security in South Asia through resolving this root cause of the tensions between the two sides. In this precarious situation, a mistake, a miscalculation and even a misperception, can lead to nuclear catastrophe. In the nuclear age that we have entered, there is no second chance; there is no room for a mistake. The only option is to address our problems and to resolve them through dialogue.

I say this, not with a rhetorical intent, but with a conscious and deliberate purpose, which is to underscore the dangers posed by the extremely volatile nature of the situation that prevails between our countries. We need to appreciate these realities if we are to make progress in our relations.
As practical and pragmatic businessmen, all of you are deeply conscious of the inextricable linkage between a stable political environment and the prospects of profitable business. Clearly economic and commercial activity cannot flourish in a tense and uncertain situation. A secure enabling environment is needed for any commercial or economic venture to succeed. The absence of such an environment between Pakistan and India over the past five decades has therefore prevented the growth of our relations in this sphere. To reverse this trend we must create a more conducive climatic of peace and security. Without fulfilling this essential prerequisite, we cannot reasonably expect to make any meaningful progress in any sphere of bilateral activity.

It is also essential for us to be realistic about the economic and commercial possibilities that are presented by our respective economics. Both our countries are developing nations, although in different stages of development in different Sectors. Accordingly, in many areas our economies are competitive rather than complimentary. Neither has the two sides reached the level of political maturity and economic inter-dependence to engage in a mutual division of labour. It is also true that the larger Indian production capacity seeks additional markets, whereas the smaller, nascent Pakistani industry needs protection. We have no hesitation in stating clearly that as a smaller economy, it is imperative for Pakistan to support and protect its nascent industrial base. Our policies in this regard are no different from other countries in similar situations. Time has also been conceded in the context of SAPTA and SAFTA under SAARC.

India complains that it is not given reciprocal MFN status by Pakistan; but despite this it still imports less from us than we do from India. Not surprisingly, then, the balance of trade has been in India’s favour for the last five years and was to the tune of 64 million dollars in 1997-98.

India seeks free trade areas with its neighbours but maintains non-tariff barriers and quantitative restrictions. It also insists on restrictive lists that include the core trading commodities.

All these factors lead to the inescapable conclusion that a level playing field needs to be created in order to enhance trade and commercial relations between the two countries, as well as within the larger ambit of SAARC.

Despite these limitations, however, there are also numerous trade and economic opportunities between our two countries. Given the appropriate political environment, Pakistan and India can become natural trading partners. Both countries are endowed with rich natural resources. We have highly motivated business communities and vibrant markets. There exists great potential for expansion of our economic relations in the fields of agriculture, communications, industry, trade, services, infrastructure development etc.
There is also great scope for expansion of economic relations within the framework of SAARC countries to make progress towards a free trade arrangement. But SAFTA needs, as I have said before, a level playing field, especially for protecting the interests of the smaller economies.

SAARC countries together constitute one fifth of humanity. We can become a formidable economic block in the world - not just the largest market but also the source of raw material, manufactured goods and services.

Looking beyond the SAARC region, we see great possibilities for trade and economic cooperation with the Central Asian region. Integration of the South and Central Asian markets is a proposal made by Prime Minister Nawaz Sharif in Davos two years ago, and envisages investment in the fields of transport and communications, harnessing of resources in minerals, energy, agriculture, trade and tourism among many others. It is in this context that Pakistan has proposed laying gas pipelines, linking the energy rich region of Central Asia with the energy dependent economies of South Asia.

The energy sector is also an area of immense potential at the bilateral level. As you know, we are presently engaged in negotiations for sale of surplus electricity from Pakistan to India across the Punjab border. As our different power producing units come on line, the availability of surplus power for export is likely to increase manifold in the future.

All this, however, will ultimately depend on our ability to resolve our differences and create an enabling environment of peace, security and development by resolving the core issue of Kashmir. I call upon you as the powerful and influential segment of society on both sides of the border, to help in the process of building bridges, lowering tensions and resolving disputes.
INDIA-PAKISTAN RELATIONS

CHRONOLOGY OF EVENTS
8960 INDIA-PAKISTAN RELATIONS
1947


12-8-1947 : High Commissioner of India in Pakistan arrived in Karachi and called on Pakistan Prime Minister Liaquat Ali Khan


14-8-1947 : Order issued by the Government of Pakistan defining its monetary system and authorising the Reserve Bank of India to act on its behalf also.

14-8-1947 : Pakistan is inaugurated by Lord Mountabatten. Muhammad Ali Jinnah is the first Governor General of Pakistan and Liaquat Ali Khan the first Prime Minister.

16-8-1947 : Meeting of Governor General Lord Mountbatten with Pakistani and Indian Representatives to consider the three reports of Radcliff on the division of the Punjab, Bengal and award of Sylhet district of Assam.

18-8-1947 : Joint Statement issued by the Prime Ministers of India and Pakistan in Amritsar to control violence.


16-9-1947 : Press Conference held by Pakistan Foreign Minister Zafarullah Khan in New York, on the treatment of minorities in India.

19-9-1947 : Aide Memoire presented by Prime Minister Nehru to Pakistan PM on the communal violence in the two Punjabs.

19-9-1947 : Inter Dominion Conference held in New Delhi.
12-9-1947: Telegram from Pakistan Ministry of Foreign Affairs to Ministry of External Affairs informing the acceptance of the accession of Junagadh to Pakistan.

12-9-1947: Telegram from PM Nehru to Pak PM Liaquat Ali Khan asking him to put to popular vote the question of Junagadh’s accession, given the composition of its population which is overwhelmingly in favour of joining India.

17-9-1947: Cabinet meeting to decide measures in regard to Junagadh.

21-9-1947: Governor General of India telegram to Governor General of Pakistan repudiating the latter’s contention that Indian troops have surrounded Junagadh.


24-9-1947: Cabinet meeting on the situation in Junagadh.


September 1947: Secretary of the Ministry of State V.P. Menon visit Junagadh and submits his report to the Government of India.

4-10-1947: Meeting of the Defence Committee of the Cabinet on Junagadh.

9-10-1947: Inter Dominion Conference in Lahore

15-10-1947: Meeting of the Cabinet on Junagadh.

21-10-1947: Voluntary Press Code adopted as recommended by the All India Editors Conference.

26-10-1947 : Jammu and Kashmir Government request Indian Government for help to defend the State from raiders from Pakistan.

27-10-1947 : India announces the accession of J & K to India.

30-10-1947 : Speech of Muhammad Ali Jinnah from Lahore Station of Radio Pakistan on the need to give protection to minorities.


8-11-1947 : Meeting of Governor General Lord Mountbatten with Pakistan Governor General Jinnah and Prime Ministers of India at Lahore.

8-11-1947 : Communiqué issued by the Dewan of Junagadh.

9-11-1947 : Junagadh joins the Indian Dominion.

10-11-1947 : Emergency meeting of the Cabinet on Junagadh.

12-11-1947 : Communiqué issued by the Supreme Commander’s Headquarters dissolving the Joint Defence Council.

14-11-1947 : Pakistan declared India a foreign country for import/export regulations.

23-11-1947 : India expressed surprise at Pakistan imposing duty on export of jute from East Pakistan to India.

26-11-1947 : Meeting between Lord Mountbatten and Prime Ministers of India and Pakistan.

1-12-1947 : Partition Council Meeting held.

8-12-1947 : Meeting of Lord Mountbatten with Prime Ministers of India and Pakistan and other ministers.

9-12-1947 : Agreement between India and Pakistan on outstanding issues of division of assets, liabilities, etc.
10-12-1947 : Ordinance issued by the Government of Pakistan levying tax on the transfer of property belonging to the evacuees.

10-12-1947 : Agreement on Avoidance of Double Taxation of Income signed.

12-12-1948 : India – Pakistan Inter Dominion Conference on border disputes.

12-12-1947 : India – Pakistan talks on Sterling balances and announcement of Financial settlement between India and Pakistan.

Dec. 1947 : Inter Dominion Conference on evacuee property.

20-12-1947 : Talks between Prime Minister Nehru and Pak PM Liaquat Ali Khan and Governor General Lord Mountbatten.

20-12-1947 : Stand Still Agreement on Canal Waters between East and West Punjab.

23-12-1947 : India declared Pakistan a foreign country for export of jute manufactures.

30-12-1947 : India announced its decision to take its complaint on Kashmir aggression against Pakistan to the UN Security Council.

1948

2-1-1948 : Press Conference of PM Nehru denying repudiation of Pakistan share of Sterling Assets.

January 1948 : A plebiscite held in Junagadh on the question of accession to the Indian Dominion decided in favour of the accession by 2, 22, 184 votes in favour of India to 130 votes in favour of Pakistan.

6-1-1948 : Security Council discussed India’s complain against Pakistan on J & K.

7-1-1948 : UN Security Council debate on Kashmir postponed.

8-1-1948 : Press Conference of Pakistan Finance Minister Ghulam Muhammad on the division and release of Sterling assets.
10-1-1948  :  Meeting of Joint Defence Council in Lahore.
12-1-1948  :  Press Conference of Deputy Prime Minister Sardar Patel on the release of Pakistan's share of Sterling balance.
14-1-1948  :  Press Conference of Pakistan Finance Minister Ghulam Muhammad on financial settlement.
15-1-1948  :  Press Release issued by Prime Minister's Office announcing the decision to release the Pakistan's share of Sterling in view of Mahatma Gandhi's fast.
17-1-1948  :  Resolution No 38 adopted by UN SC by 9 votes to none against with France and USSR abstaining.
20-1-1948  :  Resolution No. 39 adopted by the UN SC deciding to set up a three-member UN Commission for Investigation and mediation on Kashmir.
20-1-1948  :  General K. M. Carriappa took over Command of the Indian army as the first Indian Chief of Indian armed forces.
27-2-1948  :  India declared Pakistan a foreign country for trade.
23-3-1948  :  Joint Communiqué issued by the Prime Ministers of the two countries on minorities.
27-3-1948  :  Award of the Arbitral Tribunal on the settlement of the shares of assets and liabilities of East and West Punjab.
27-3-1948  :  Order of the Pakistan Government on the legal position of its currency.
31-3-1948  :  Agreement on the modification in monetary arrangement between India and Pakistan.
31-3-1948  :  Joint Order issued by the Governors General of India and Pakistan regarding Pakistan’s monetary system.
1-4-1948  :  India, Pakistan and RBI agreement on Pakistan taking over from the RBI the management of its foreign exchange as from June 30, 1948.
15-4-1948 : Pakistan Prime Minister’s complaint to Prime Minister Nehru that East Punjab had stopped supplies of water to West Punjab.

18-4-1948 : Agreement between East and West Punjab on supply of Canal waters.

18-4-1948 : Inter Dominion Conference on Minorities at Calcutta.

21-4-1948 : Security Council recommended free and fair plebiscite in Jammu and Kashmir. Resolution No. 47 adopted. Membership of UN Commission increased from three to five. Pakistan asked to withdraw its regular and irregular intruders from Kashmir while India was asked to withdraw bulk of its forces leaving minimum required to maintain law and order. Plebiscite Administrator to be appointed.

3-5-1948 : Meeting between Prime Minister Nehru and Pakistan Finance Minister Ghulam Muhammad prior to signing of the Canal Water Agreement.

4-5-1948 : Canal Waters Agreement between East and West Punjab signed. Agreement signed on behalf of India by Nehru and others while it was signed by Ghulam Muhammad on behalf of Pakistan and others.

26-5-1948 : Agreement between India and Pakistan for supply of certain commodities to each other.


3-6-1948 : Resolution No. 51 adopted by the UNSC by 8 votes to none with China, USSR and Ukraine abstaining directing the UNCIP to proceed to the Indian Sub-continent.

23-6-1948 : Air Transport Agreement signed between India and Pakistan.

30-6-1948 : Payment Agreement between India and Pakistan signed.

10-7-1948 : UNCIP arrive in New Delhi.

14-7-1948 : Note from India to Pakistan on the Kutch – Sind border and asking for its demarcation and erection of boundary pillars.
22-7-1948 : Inter Dominion Conference on Evacuee Property

13-8-1948 : UNCIP adopted a Resolution proposing a cease fire in Kashmir.

25-8-1948 : Press Note of the Government of India announcing agreement with Pakistan on the moveable evacuee property.

1-3 Sept. 1948 : Chief Irrigation Engineers of India and Pakistan meet at Wagah on Canal Water issue.


12-9-1948 : Khwaja Nazimuddin took over Governor General of Pakistan.

24-9-1948 : Ordinance issued by the Government of Pakistan to control the entry of persons proceeding from India to Pakistan.

4-11-1948 : Deputy Prime Minister Sardar Patel asked Pakistan to surrender some land from East Bengal to West Bengal to accommodate the exodus of minorities from East Pakistan.

12-12-1948 : Inter Dominion Conference – report of the Economic Committee.

1949

January 1949 : Inter Dominion Conference on Evacuee Property.

1-1-1949 : Cease fire put into effect in Kashmir.

11-1-1949 : Indo-Pak Conference on Kashmir begins.

13-1-1949 : Indian and Pakistan army authorities met in New Delhi for implementation of the cease fire agreement.


5-2-1949 : UNCIP in Karachi for discussions with Pakistan authorities for the implementation of the procedure for implementation of the Truce Agreement and Plebiscite.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>12-3-1949</td>
<td>India and Pakistan agreed on a provisional Truce Line to replace the existing cease fire line in J &amp; K.</td>
</tr>
<tr>
<td>23-4-1949</td>
<td>Banking Agreement signed between India and Pakistan.</td>
</tr>
<tr>
<td>24-4-1949</td>
<td>Influx from Pakistan (Control) Act, 1949.</td>
</tr>
<tr>
<td>24-5-1949</td>
<td>Inter-Dominion discussions on renewal of Payment Agreement.</td>
</tr>
<tr>
<td>30-5-1949</td>
<td>India – Pakistan Conference held at Amritsar to stabilize the boundary between the two Punjabs.</td>
</tr>
<tr>
<td>24-6-1949</td>
<td>Trade Agreement signed between India and Pakistan.</td>
</tr>
<tr>
<td>18-7-1949</td>
<td>Military Conference of Indian and Pakistan officers held in Karachi to decide on the cease fire line.</td>
</tr>
<tr>
<td>26-7-1949</td>
<td>Agreement on cease fire line reached at the Karachi Conference and the same signed on 27th July, 1949.</td>
</tr>
<tr>
<td>10-9-1949</td>
<td>Supplementary Agreement to the Payment Agreement signed.</td>
</tr>
<tr>
<td>18-9-1949</td>
<td>India proposed No War Declaration</td>
</tr>
<tr>
<td>3-12-1949</td>
<td>Pakistan reaction to the No War Declaration proposal</td>
</tr>
<tr>
<td>12-12-1949</td>
<td>UNCIP report failure of its mission.</td>
</tr>
<tr>
<td>22-12-1949</td>
<td>India handed over to Pakistan a draft of the proposal for a No War Declaration.</td>
</tr>
</tbody>
</table>

**1950**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>17-1-1950</td>
<td>Statement of Pakistan Prime Minister in the Pakistan Constituent Assembly on No War Declaration proposal.</td>
</tr>
<tr>
<td>3-2-1950</td>
<td>Chief Minister of West Bengal writes to Premier of East Pakistan on the question of minorities.</td>
</tr>
<tr>
<td>14-3-1950</td>
<td>Plebiscite Administrator Admiral Nimitz appointment and the appointment of Plebiscite Administrator Sir Own Dixon</td>
</tr>
</tbody>
</table>
as UN Representative by Resolution No. 80 of the UNSC adopted by 8 votes to none (India and Yugoslavia abstained).

18-3-1950 : President of India Dr. Rajendra Prasad made proposals to Prime Minister Nehru to solve the problems of minorities.

29-3-1950 : Statement of Prime Minister Nehru in Parliament on the minorities.

8-4-1950 : Nehru – Liaquat Agreement on Minorities signed in New Delhi.

21-4-1950 : India - Pakistan Trade Agreement signed.

22-4-1950 : Meeting of the Chief Secretaries of East and West Bengal on the question of Cooch Behar Enclaves.

27-4-1950 : Joint Statement between Prime Minister Jawaharlal Nehru and Liaquat Ali Khan on matters of mutual interest discussed by them in Karachi.

4-5-1950 : Meeting between the representatives of India and Pakistan to discuss the difficulties that have arisen in payment of pensions, salaries, provident funds etc. to the evacuees.

16-5-1950 : India suggested to Pakistan sealing of the border with Sind to stop the influx of refugees from Sind.

28-6-1950 : India and Pakistan reached an agreement on evacuee moveable assets abandoned by refugees in 1947.

20-7-1950 : A Conference of Prime Ministers of India and Pakistan and Sir Own Dixon took place in New Delhi.

15-9-1950 : Sir Own Dixon submitted his report on Kashmir to the Security Council which blamed Pakistan violating the international law by crossing the international boundary into Kashmir.

24-11-1950 : Prime Minister Nehru announced the failure of his efforts to make Pakistan accept a No War Declaration.

22-12-1950 : Joint Statement issued at the end of the Conference on financial matters.
1951

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-1-1951</td>
<td>Mohammad Ayub Khan appointed C-in-C of Pakistan army.</td>
</tr>
<tr>
<td>14-2-1951</td>
<td>Elections held in Punjab (P).</td>
</tr>
<tr>
<td>25-2-1951</td>
<td>India and Pakistan signed a Trade Agreement in Karachi.</td>
</tr>
<tr>
<td>30-3-1951</td>
<td>UN Security Council adopted the Resolution appointing Dr. Graham as a UN Representative for Kashmir.</td>
</tr>
<tr>
<td>25-5-1951</td>
<td>Financial Negotiations between India and Pakistan began in New Delhi. A Communiqué was issued by Ministry of Finance on May 29.</td>
</tr>
<tr>
<td>18-6-1951</td>
<td>India – Pakistan Permit Conference held in New Delhi.</td>
</tr>
<tr>
<td>20-7-1951</td>
<td>Cabinet Decision on the settlement with Pakistan of the dispute regarding release of the assets of the Issue Department of the RBI.</td>
</tr>
<tr>
<td>30-7-1951</td>
<td>Prime Minister unable to accept Pakistan Prime Minister's invitation to visit Pakistan invited Pakistan Prime Minister instead to visit New Delhi.</td>
</tr>
<tr>
<td>30-8-1951</td>
<td>Chief Secretaries Conference of the Eastern region.</td>
</tr>
<tr>
<td>16-10-1951</td>
<td>Prime Minister Liaquat Ali Khan assassinated in Rawalpindi.</td>
</tr>
<tr>
<td>17-10-1951</td>
<td>Governor General Khawaja Nazimuddin appointed Prime Minister of Pakistan.</td>
</tr>
<tr>
<td>19-10-1951</td>
<td>Ghulam Mohammad appointed Governor General of Pakistan.</td>
</tr>
<tr>
<td>10-11-1951</td>
<td>UN Security Council Resolution No. 96 on Kashmir adopted by 9 votes to none with 2 abstentions (India and USSR) took note of Dr. Frank Graham’s report and instructed him to continue his efforts towards de-militarisation of Kashmir.</td>
</tr>
<tr>
<td>22-12-1951</td>
<td>Dr. Frank Graham submitted his supplementary Report for demilitarisation of Kashmir to the UN SC.</td>
</tr>
</tbody>
</table>

1952

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>26-2-1952</td>
<td>Notification of the Punjab Government regarding administration of certain border areas.</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
</tr>
<tr>
<td>------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>8-4-1952</td>
<td>Pakistan proposed replacement of Permit System between the two countries with internationally recognised Passport and Visa system.</td>
</tr>
<tr>
<td>9-4-1952</td>
<td>Indian High Commissioner pointed out to the Government of Pakistan that Passport/Visa system would create innumerable difficulties for the common man. Pakistan is adamant on its introduction.</td>
</tr>
<tr>
<td>13-4-1952</td>
<td>Meeting between the Financial Commissioners of East and West Punjab regarding border issues.</td>
</tr>
<tr>
<td>5-5-1952</td>
<td>Pakistan Replaced Permit system by a Passport and Visa system.</td>
</tr>
<tr>
<td>5-8-1952</td>
<td>Trade Agreement between India and Pakistan signed in New Delhi.</td>
</tr>
<tr>
<td>21-8-1952</td>
<td>Agreement between India and Pakistan regarding alignment of the East and West Bengal boundary.</td>
</tr>
<tr>
<td>23-8-1952</td>
<td>Passport System between India and Pakistan to come into force from August 23, 1952.</td>
</tr>
<tr>
<td>24-9-1952</td>
<td>Dr. Graham submitted his fourth Report to UN Security Council.</td>
</tr>
<tr>
<td>24-9-1952</td>
<td>India expressed concern to Pakistan on the exodus of Hindus from East Pakistan to West Bengal.</td>
</tr>
<tr>
<td>1953</td>
<td></td>
</tr>
<tr>
<td>29-1-1953</td>
<td>Indian proposal for a No War Declaration rejected by Pakistan.</td>
</tr>
<tr>
<td>4-2-1953</td>
<td>Indo – Pakistan talks on Kashmir opened in Geneva under Dr. Graham.</td>
</tr>
<tr>
<td>6-2-1953</td>
<td>Punjab (P) placed under Military Administration with Gen. Azam Khan as Martial Law Administrator as a result of the anti-Ahmadiya riots.</td>
</tr>
</tbody>
</table>
19-3-1953 : India – Pakistan Trade Talks and conclusion of a Trade Agreement valid for three years.

17-4-1953 : Prime Minister Khwaja Nazimuddin dismissed by Governor General Ghulam Mohammad.

25-7-1953 : Meeting between Prime Minister Jawaharlal Nehru and Mohammad Ali Bogra in Karachi.

July-Aug-1953: Meetings between the Rehabilitation Ministers of India and Pakistan in Karachi to discuss the evacuee property issues.

19-8-1953 : Report of Rehabilitation Minister Mehr Chand Khanna to Prime Minister Nehru on his discussions with the Pakistan authorities on the question of evacuee property.

16-8-1953 : Talks between the Prime Ministers of India and Pakistan on Kashmir.

20-8-1953 : Prime Minister of India and Pakistan Agreed to appoint a Plebiscite Administrator for Kashmir.

8-10-1953 : Prime Minister Nehru letter to Pakistan Prime Minister Muhammad Ali on the question of evacuee property.

14-10-1953 : Meeting in Karachi between the Rehabilitation authorities of the two countries to discuss matters relating to moveable properties.

15-10-1953 : Joint Communiqué issued after ratification of the decisions of the Chief Secretaries of the Eastern Zone.

2-11-1953 : Pakistan Constituent Assembly decided that Pakistan should be an ‘Islamic Republic’.

15-11-1953 : Prime Minister Jawaharlal Nehru expressed grave concern over the proposed talks between Pakistan and the US for military aid to Pakistan.

21-12-1953 : India – Pakistan Committees met in New Delhi to consider modalities of holding a plebiscite in Kashmir. After a week long deliberations the Committees could not reach an agreement.
CHRONOLOGY OF EVENTS

1954

22-1-1954 : Agreement on the alignment of the East –West Bengal boundary.

24-2-1954 : Letter from US President Eisenhower to Prime Minister Jawaharlal Nehru on US decision to give military assistance to Pakistan.


4-3-1954 : Statement by Prime Minister Jawaharlal Nehru in Parliament on the US decision to extend arms assistance to Pakistan.

5-3-1954 : Pakistan joined the South East Asia Treaty Organisation.

19-3-1954 : In the East Pakistan elections United Front defeated the Muslim League and Fazlul Haq formed a coalition government.


30-5-1954 : Prime Minister Mohammad Ali dismissed the East Pakistan Chief Minister Fazlul Haq for ‘treasonable activities’.

7-6-1954 : First flight of Pakistan International Airline inaugurated.

16-6-1954 : Princely State of Kalat, Lasbela, Makrana dn Kharam were merged with Baluchistan.

24-10-1954 : Governor General Ghulam Mohammad declared a State of Emergency, dissolved the Constituent Assembly. General Ayub Khan join the reconstituted Cabinet as Defence Minister.

27-8-1954 : World Bank suggested fresh proposals to resolve the Canal water issue.

1955

12-1-1955 : Statement by Prime Minister Nehru ruling out war with Pakistan.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>24-1-1955</td>
<td>Governor General of Pakistan Ghulam Muhammad arrives in India to attend the Indian Republic Day celebrations.</td>
</tr>
<tr>
<td>25-1-1955</td>
<td>Speeches of Indian President and Pakistani President at the banquet hosted by President Rajendra Prasad in honour of Ghulam Muhammad.</td>
</tr>
<tr>
<td>February 1955</td>
<td>Meetings of the Indian and Pakistani Steering Committees to sort out administrative problems arising out of partition of India.</td>
</tr>
<tr>
<td>11-3-1955</td>
<td>Joint Communiqué issued on the ratification of the decision of the East Zone Chief Secretaries Conference held in August 1953.</td>
</tr>
<tr>
<td>15-3-1955</td>
<td>Meeting of the India Pakistan Steering Committees to sort out administrative problems arising out of partition.</td>
</tr>
<tr>
<td>15-3-1955</td>
<td>India-Pakistan Joint Statement announcing full agreement on evacuee moveable property issues and Banking Agreement.</td>
</tr>
<tr>
<td>19-3-1955</td>
<td>Pakistan Cabinet approved Pakistan’s participation in the Southeast Asian Defence Alliance.</td>
</tr>
<tr>
<td>5-5-1955</td>
<td>Statement by Minister of Irrigation and Power Gulzarilal Nanda on the Canal Waters question.</td>
</tr>
<tr>
<td>9-4-1955</td>
<td>Meeting between Minister of Rehabilitation Mehr Chand Khanna and Pakistan Interior Minister Iskander Mirza in Karachi.</td>
</tr>
<tr>
<td>12-4-1955</td>
<td>Meeting between Rehabilitation Minister Mehr Chand Khanna and Pakistan Interior Minister Iskander Mirza in Karachi.</td>
</tr>
<tr>
<td>12-4-1955</td>
<td>Talks between Rehabilitation Minister of India Mehr Chand Khanna and Communication Minister of Pakistan Khan Sahib.</td>
</tr>
<tr>
<td>21-4-1955</td>
<td>Deputy Minister in External Affairs Ministry Anil K. Chanda and Pakistan Minister of Minorities issue a Joint Statement after making a joint tour of East Pakistan.</td>
</tr>
</tbody>
</table>
10-5-1955 : Secretariat level India-Pakistan Financial Conference

14-5-1955 : Pakistan Prime Minister Muhammad Ali arrive in New Delhi for talks with Prime Minister Jawaharlal Nehru on India-Pakistan issues.

14-5-1955 : Meeting between Prime Minister Nehru and Pakistan Prime Minister Muhammad Ali Bogra and Interior Minister Iskander Mirza. (meeting took place on three consecutive days)

15-5-1955 : Meeting between Home Minister Govind Ballabh Pant and Pakistan Interior Minister Iskander Mirza.

17-5-1955 : India-Pakistan ministerial talks lead to an agreement on the prevention of border incidents and preservation of shrines and holy places in the two countries.

18-5-1955 : Joint Communiqué issued at the end of talks between the Prime Ministers of India and Pakistan in New Delhi.

May 1955 : Nekowal Incident

12-6-1955 : Agreement between India and Pakistan on certain outstanding financial issues.

21-6-1955 : Agreement between India and Pakistan on Ad Hoc transitional Arrangement on canal waters for 1955.

12-7-1955 : India-Pakistan Conference in New Delhi to discuss opening of passenger traffic between India and West Pakistan.

15-7-1955 : Agreement between Representatives of Film Industry for trade in Cinema films.

19-7-1955 : Trade Agreement signed.

8-8-1955 : Prime Minister Mohammad Ali Bogra dismissed by acting Governor General Iskander Mirza. He was replaced by Chaudhry Mohammad Ali. Bogra returned to his post in USA where he was Pakistan’s Ambassador before becoming Prime Minister.

30-9-1955 : All provinces of West Pakistan merged to form West Pakistan as a Unit.

6-10-1955 : Major General Iskander Mirza appointed Governor General of Pakistan.


1956

22-2-1956 : Statement by Prime Minister Nehru in the Lok Sabha on border violations by Pakistan.

29-2-1956 : Letter from Ambassador in Peking giving assessment of the visit of Madam Soong to Pakistan

16-3-1956 : Meeting of Ambassador R.K. Nehru with Chinese Premier Chou En-lai and discussions on Kashmir.

29-3-1956 : Rehabilitation Minister Mehr Chand Khanna made a Statement in Lok Sabha on the large scale migration of Hindus from East Pakistan.

6-5-1956 : India-Pakistan Minorities Conference held in Dacca.

14-8-1956 : Statement by Prime Minister Nehru in the Lok Sabha on the No War Declaration proposal

24-9-1956 : Agreement on Ad Hoc Transitional Arrangement for use of Indus waters for the period April 1, 1956 to March 31, 1957.

7-12-1956 : Statement issued by the US State Department warning against attack on Baghdad Pact countries.

1957

22-1-1957 : Trade Agreement

24-1-1957 : Resolution of Security Council adopted to declare that convening the Kashmir Constituent Assembly in Jammu and Kashmir would not constitute a disposition of the State in accordance with principles in earlier UN resolutions.
24-1-1957 : India’s Representative at the UN Krishna Menon gave detailed replies to the charges levelled by Pakistan.

21-2-1957 : The Security Council by a Resolution asked Gunnar Jarring to visit the Sub-continent.

29-4-1957 : Gunnar Jarring unable to suggest measures for a solution of the Kashmir issue.


21-8-1957 : India protested to the UN Security Council on the Mangal Dam project in Occupied Kashmir.

5-9-1957 : Statement by Finance Minister TT Krishnamachary on financial settlement with Pakistan.

18-10-1957 : Hussain Suhrawardy resigned as Prime Minister of Pakistan.

18-11-1957 : India criticised the Five-Power Resolution on Kashmir.

26-11-1957 : Pakistani delegation led by Pak Minister of State for Rehabilitation Maula Buz Soomro visited New Delhi for talks on the recovery of abducted women.

16-12-1957 : I.I. Chundrigar removed as Prime Minister.

18-12-1957 : Malik Feroz Khan Noon appointed Prime Minister of Pakistan.

22-12-1957 : Review talks on trade between the two countries.

1958

29-1-1958 : Letter from Rehabilitation Minister Mehr Chand Khanna on his meeting with Pakistan Major General Iskander Mirza.

31-3-1958 : Statement by Prime Minister Nehru on the incidents on the East Pakistan – Assam border.

15-4-1958 : Note from the Soviet Union to the Pakistan Government on Pakistan’s membership of military alliances.
14-5-1958 : Note of Pakistan Government replying to the Soviet Note on Pakistan’s membership of the military alliances.

28-7-1958 : Multilateral Declaration issued by the London Conference of Baghdad Pact countries.

15-8-1958 : Statement by Pakistan Prime Minister Feroz Khan Noon on the No War proposal.

18-8-1958 : Statement by Prime Minister Nehru in the Lok Sabha on the incidents on India – East Pakistan border.

30-8-1958 : Indo-Pakistan Conference on border problems in the Western Sector.

3-9-1958 : Joint Communiqué issued after the India Pakistan Secretaries Conference to discuss the border disputes on the India-East Pakistan border.

8-9-1958 : Gwadur Gifted to Pakistan

10-9-1958 : India–Pakistan Agreement on border disputes in the Eastern Region.

11-9-1958 : Joint Communiqué issued at the end of the meeting between the Prime Minister Jawaharlal Nehru and Pakistan Prime Minister Malik Feroz Khan Noon on the India–Pakistan border problems.

12-9-1958 : Statement by Prime Minister Nehru on his talks with the Pakistani Prime Minister on the border disputes.

8-10-1958 : Note from Pakistan Ministry of Foreign Affairs regarding the President of Pakistan Iskander Mirza assuming supreme powers.

27-10-1958 : President Iskander Mirza deposed and all powers assumed by General Ayub Khan, Marshal Law declared in Pakistan.

29-11-1958 : Statement in the Lok Sabha by Deputy Minister of External Affairs Lakshmi Menon on the implementation of the decisions taken at the Prime Ministers meeting.

29-12-1958 : Statement by the Chief Minister of West Bengal in the Legislative Assembly on the agreement between the Prime Ministers of India and Pakistan.
1959

5-3-1959 : Agreement between the United States and Pakistan on military assistance.
6-3-1959 : Statement by Prime Minister Jawaharlal Nehru in the Lok Sabha on US military assistance to Pakistan.
12-3-1959 : Statement by Prime Minister Nehru on the firing incident on March 11 on the West Bengal – East Pakistan border.
23-3-1959 : Statement by Deputy Minister for External Affairs Lakshmi Menon on border trade.
17-4-1959 : Agreement on Ad Transitional Arrangement on the use of Indus Waters.
6-5-1959 : Statement by Deputy Minister for External Affairs in the Lok Sabha on the shooting down of an Indian Air Force Canberra by Pakistan air force.
7-5-1959 : Statement in Lok Sabha by Finance Minister Morarji Desai on Pakistan’s Partition Debt.
22-6-1959 : Statement by Pakistan President Ayub Khan justifying US military assistance to Pakistan.
27-7-1959 : Trade Review talks.
29-7-1959 : India – Pakistan Conference on Financial Matters at Secretariat level.
2-8-1959 : Joint Communiqué on Talks on Financial Matters held in New Delhi.
3-8-1959 : Statement by Irrigation and Power Minister Hafiz Ibrahim in the Lok Sabha on the Indus Water dispute with Pakistan.
6-8-1959 : Statement by Finance Minister Morarji Desai in the Lok Sabha on financial talks with Pakistan.
23-10-1959 : Agreed decisions and procedures to end the border disputes on the India – East Pakistan border.
19-11-1959 : Statement by Finance Minister in the Lok Sabha on financial talks with Pakistan.

3-12-1959 : Limited Payments Agreement.

3-12-1959 : High Commissioner Rajeshwar Dayal reporting on the visit of US President Eisenhower to Pakistan.

1960

7-1-1960 : Note exchanged between the Indian and Pakistani delegations on Sulemanki Headworks.

11-1-1960 : Joint Communiqué issued on the signing of the India – Pakistan border agreement in the Western sector.

11-1-1960 : Agreement between India and Pakistan on procedures to end border disputes and incidents.

9-2-1960 : Statement by Finance Minister in Lok Sabha on talks with Pakistan on financial matters.

14-3-1960 : Trade Review Talks.

15-3-1960 : India – Pakistan meeting to consider the procedure for implementing the decisions reached at the ministerial conference.

21-3-1960 : Two-Year Trade Agreement between India and Pakistan signed.

27-3-1960 : Joint Communiqué issued in Rawalpindi on Financial Talks.

30-3-1960 : Statement by Finance Minister in the Lok Sabha on financial talks with Pakistan.

2-4-1960 : Chief Secretaries Conference on Borders

27-4-1960 : Meeting of the India – Pakistan Information Consultative Committee.

28-4-1960 : Joint Communiqué issued at the end of the meeting of the Information consultative Committee of India and Pakistan.


20-9-1960 : Note by Prime Minister on his talks with President Ayub Khan.

22-9-1960 : Nehru – Ayub Khan talks

23-9-1960 : Joint Communiqué issued on the visit of Prime Minister Nehru to Pakistan.

5-12-1960 : Statement by Prime Minister in the Lok Sabha on Berubari.


1961

14-1-1961 : Gazette Notification to give effect to the areas transferred/acquired to and from Pakistan as a result of the demarcation of the Punjab-West Pakistan boundary.

27-3-1961 : Letter from President Ayub Khan to Prime Minister Jawaharlal Nehru on Eastern Waters.

24-4-1961 : Reply Letter from Prime Minister Jawaharlal Nehru to President Ayub Khan on Eastern Waters.

19-5-1961 : Letter from Pakistan President Ayub Khan to Prime Minister Jawaharlal Nehru on Eastern Waters.

6-7-1961 : Letter from Prime Minister Jawaharlal Nehru to President Ayub Khan on Eastern Waters.

13-7-1961 : Meeting between US President Jon F. Kennedy and President of Pakistan Ayub Khan.

26-8-1961 : Joint Communiqué issued at the end of the India-Pakistan


1962

27-1-1962 : Letter from Prime Minister Nehru to US President John Kennedy.
3-5-1962 : Pakistan – China Joint Communiqué.
2-6-1962 : Trade Review Talks
5-11-1962 : Statement by President Ayub Khan on Sino-Indian conflict.
8-11-1962 : Message from Ayub Khan to Prime Minister Nehru.
30-11-1962 : Statement by Prime Minister Nehru in Lok Sabha on proposed India-Pakistan talks on Kashmir.
29-12-1962 : India-Pakistan Talks on Kashmir.

1963
19-1-1963 : India – Pakistan Talks on Kashmir.
11-2-1963 : India – Pakistan talks on Kashmir.
2-3-1963 : Pakistan – China Boundary Agreement.
3-3-1963 : Press Conference of Pakistan Foreign Minister on Kashmir.
5-3-1963 : Statement by Prime Minister Nehru in Lok Sabha on India-Pakistan Border Agreement
15-3-1963 : India – Pakistan Talks on Kashmir.
25-4-1963 : India – Pakistan talks on Kashmir.
7-5-1963 : Statement by Prime Minister Nehru on Kashmir in the Lok Sabha.
16-5-1963 : India-Pakistan Talks on Kashmir; Joint statement.
17-7-1963 : Statement by Pakistan Foreign Minister Z.A. Bhutto on his talks with Indian Minister on Kashmir.
24-7-1963 : Speech of Foreign Minister Z.A. Bhutto on Tashkent Declaration in the National Assembly.
13-8-1963 : Statement by Prime Minister Jawaharlal Nehru on India-Pakistan talks on Kashmir.
16-8-1963 : Pakistan Foreign Minister’s meeting with British Foreign Secretary.
27-11-1963 : Pakistan asked India to windup its Mission in Rajshahi in East Pakistan.
30-12-1963 : Pakistan protest on measures to integrate Jammu and Kashmir with the Indian Union.

1964

13-1-1964 : Pakistan President Ayub Khan wrote to President of India on the treatment of minorities in India.

16-1-1964 : President of India’s reply to Pakistani President’s letter on minorities.

21-1-1964 : Another letter from Pakistan President to the Indian President on the question of minorities.

24-1-1964 : Indian Proposal for a Minorities Conference.

9-3-1964 : Meeting between Minister without Portfolio Lal Bahadur Shastri with the US Assistant Secretary of State Phillips Talbot.

16-5-1964 : India’s protest to Indonesia for reference to Kashmir dispute in the Joint Communiqué issued on the visit of Indonesian foreign minister to Pakistan.

5-7-1964 : Prime Minister Lal Bahadur Shastri’s letter to Pakistan President Gen. Ayub Khan.

10-7-1964 : Letter from Gen. Ayub Khan to Prime Minister Lal Bahadur Shastri.

11-9-1964 : Message from Pakistan Foreign Minister Zulfikar Ali Bhutto to External Affairs Minister Swaran Singh.

12-10-1964 : Joint Statement issued by Prime Minister Lal Bahadur Shastri and President Ayub Khan after their meeting in Karachi.

1965

8-1-1965 : Government of India set up an Enquiry Commission on the question of exodus of minorities from East Pakistan.


11-1-1965 : Joint Communiqué on the Agreement on Tele-communication.
3-3-1965 : Statement by External Affairs Minister Swaran Singh in Lok Sabha on Pakistani Rangers intrusion in to Kutch.

12-4-1965 : Statement by Home Minister Gulzarilal Nanda on the situation on the Kutch-Sind Border.

26-4-1965 : Statement by Prime Minister Lal Bahadur Shastri in the Lok Sabha on Pakistan's aggression in the Kutch border.

26-4-1965 : Statement by Pakistan Foreign Office Spokesman on the Kutch dispute.

3-5-1965 : Statement by External Affairs Minister on Pakistani rangers intrusion in Kutch.

3-5-1965 : Statement by Prime Minister Lal Bahadur Shastri on the Pakistan aggression in Kutch.

3-5-1965 : Statement by the Chinese news agency Hsinhua on Kutch conflict.

4-5-1965 : Statement by Chinese news agency Hsinhua on the conflict in the Kutch-Sind border.


14-5-1965 : Meeting of Prime Minister Lal Bhadur Shastri with Soviet General Secretary Brezhnev in Moscow.

15-5-1965 : Meeting between Prime Minister Lal Bahadur Shastri with Soviet Premier Kosygin.

17-5-1965 : British High Commissioner call on Foreign Secretary C.S. Jha.

23-5-1965 : Letter from Prime Minister Lal Bahadur Shastri to US President Lyndon Johnson.

30-6-1965 : Agreement between India and Pakistan on the cease fire on the Kutch –Sind border.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>17-7-1965</td>
<td>Joint Communiqué issued at the end of Trade Talks.</td>
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<tr>
<td>16-8-1965</td>
<td>Statement by Prime Minister Lal Bahadur Shastri on the Kutch ceasefire agreement.</td>
</tr>
<tr>
<td>18-8-1965</td>
<td>Notes exchanged between India and Pakistan on the appointment of the International Tribunal.</td>
</tr>
<tr>
<td>15-1-1966</td>
<td>Letter from Prime Minister Gulzarilal Nanda to President Ayub Khan.</td>
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<tr>
<td>7-2-1966</td>
<td>Letter from President Ayub Khan to Mrs. Gandhi.</td>
</tr>
<tr>
<td>20-2-1966</td>
<td>Statement of Pakistan Minister Zian Noorani in the Senate on Tashkent.</td>
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<tr>
<td>21-2-1966</td>
<td>Reply to the debate on Tashkent Declaration in parliament by External Affairs Minister.</td>
</tr>
<tr>
<td>22-2-1966</td>
<td>Letter from Mrs. Gandhi to President Ayub Khan.</td>
</tr>
<tr>
<td>4-3-1966</td>
<td>Statement by External Affairs Minister Swaran Singh in Parliament on India –Pakistan ministerial talks.</td>
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<tr>
<td>22-3-1965</td>
<td>Statement by External Affairs Minister Swaran Singh on the Dahagram Enclave.</td>
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<td>31-3-1965</td>
<td>Statement by External Affairs Swaran Singh on developments on Cooch Behar.</td>
</tr>
<tr>
<td>9-8-1966</td>
<td>Statement by External Affairs Minister in Lok Sabha on the resumption of US military aid to Pakistan.</td>
</tr>
<tr>
<td>31-8-1966</td>
<td>India proposed a conference on normalisation of relations between India and Pakistan post-Tashkent.</td>
</tr>
<tr>
<td>14-9-1966</td>
<td>Meeting between Indian Army COAS and Pakistan C-in-C.</td>
</tr>
<tr>
<td>27-2-1967</td>
<td>External Affairs Minister M.C. Chagla letter to Pakistan Foreign Minister Pirzada Sharifuddin protesting at the speech of President Ayub Khan.</td>
</tr>
</tbody>
</table>
7-4-1967 : Pakistan Foreign Minister Pirzada Sharifuddin letter to External Affairs Minister M.C. Chagla.

10-4-1967 : Decisions at the Chief Secretaries Conference held in Dacca to consider the Dahagram issue.

6-5-1967 : External Affairs Minister M.C. Chagla letter to Pakistan Foreign Minister Pirzada Sharifuddin.

13-7-1967 : Statement by External Affairs Minister M.C. Chagla in the Lok Sabha on the forcible occupation of Lathitilla Dumabari area by Pakistan.

1-9-1967 : Sheikh Muhammad Abdullah letter to President Ayub Khan.

10-10-1967 : Defence Minister Swaran Singh speech in UN General Assembly replying to the statement of Pakistani representative.

27-11-1967 : Statement by Prime Minister Indira Gandhi in the Rajya Sabha on the plight of Indian residents in the Enclaves in Cooch Behar.

1968

3-1-1968 : Calcutta High Court stayed the transfer of a portion of Berubari in the Eastern Sector to East Pakistan under the Nehru-Noon Agreement of 1958.

20-1-1968 : President Ayub Khan letter to Premier Kosygin

6-1-1968 : MM Ahmad, Counsellor in the Pakistan High Commission expelled from India.

19-2-1968 : International Kutch Tribunal Announced its Award on the Kutch border with Sind.

20-2-1968 : Statement by Prime Minister Indira Gandhi in the Lok Sabha on the International Award on Kutch border.

2-4-1968 : India – Pakistan Agreement on Telecommunication.

13-5-1968 : India – Pakistan talks on Farakka Barrage.

22-7-1968 : Statement by Prime Minister Mrs. Indira Gandhi on military assistance to Pakistan by the Soviet Union.
15-8-1968 : Speech of Prime Minister from Red Fort on the occasion of Indian Independence Day repeating proposal of No War Declaration.

1-9-1968 : President Ayub Khan rejected Indian offer of ‘No War Pact’.

20-9-1968 : Indo-Pakistan Agreement on the demarcation of the Kutch boundary on sector-wise basis.

9-12-1968 : India-Pakistan Talks on the Farakka Barrage.

1969

22-3-1969 : Secretary level meeting between India and Pakistan on the Eastern Waters and Farakka Barrage.

25-3-1969 : Resignation of President Ayub Khan and replaced by Gen. Yahya Khan

22-6-1969 : Letter from Prime Minister Mrs. Gandhi to Pakistan President Yahya Khan

4-7-1969 : Indian and Pakistan Foreign Secretaries meet in Islamabad.

4-7-1969 : Demarcation of Kutch – Sind border completed in accordance with the Award of the International Tribunal.

15-7-1969 : India – Pakistan hold talks on Farakka Barrage.

26-7-1969 : Letter from Pakistan President Agha Muhammad Yahya Khan to Prime Minister Mrs. Indira Gandhi.

28-7-1969 : Yahya Khan agree to Indian suggestion for joint machinery to settle India- Pakistan disputes.

1-8-1969 : President Yahya Khan replies to Mrs. Gandhi’s letter.

18-8-1969 : Statement of External Affairs Minister Dinesh Singh on the reported shipment of military equipment to Pakistan.

1-10-1969 : Khan Abdul Ghaffar Khan arrived in Delhi to take part in the Gandhi Centenary Celebrations.

30-10-1969 : Resumption of trade between India and Pakistan and signing of Protocol on this account.
1970

16-1-1970 : Message from Prime Minister Mrs. Indira Gandhi to President Yahya Khan on the 4th anniversary of Tashkent Declaration.

3-3-1970 : Joint Communiqué issued on Ganga water talks.

31-3-1970 : President Gen. Yahya Khan announced the Legal Framework Order laying down the rules for transfer of power back to the civilians.

19-4-1970 : Muhammad Ayub Khan died.

25-5-1970 : Foreign Secretary T. N. Kaul on a visit to Moscow called on Premier Kosygin.

9-11-1970 : Statement by External Affairs Minister Swaran Singh in Lok Sabha on arms supply to Pakistan from the US and the USSR.

12-11-1970 : East Bengal coastal areas hit by cyclone.

7-12-1970 : National Assembly elections held in Pakistan.

1971

1-2-1971 : Hijacking of Indian Airlines aircraft to Lahore and blown up there.

23-3-1971 : Indian Ambassador D.P. Dhar called on Premier Kosygin in Moscow.

26-3-1971 : Broadcast of President Yahya Khan to the people of Pakistan.

27-3-1971 : Statement by Prime Minister Mrs. Gandhi in the Lok Sabha on the recent developments in Pakistan.

31-3-1971 : Resolution adopted by Lok Sabha on East Bengal.

24-4-1971 : Pakistan High Commissioner in New Delhi protest on the asylum given to the Pakistani crew of a ship.

30-4-1971 : India protest at the influx of refugees from East Pakistan.
26-5-1971 : Prime Minister speech in Parliament on the situation arising out arrival of refugees from East Pakistan.

5-6-1971 : Ambassador DP Dhar in Moscow in a letter to Foreign Secretary put forward a proposal for a treaty with the Soviet Union.

5-6-1971 : Ambassador DP Dhar meeting with Soviet Defence Minister Marshal Grechko in Moscow.

1-7-1971 : US President Richard Nixon letter to Mrs. Gandhi regarding the visit of Henry Kissinger to Delhi.

6-7-1971 : Meeting between Principal Secretary to PM P.N.Haksar with Henry Kissinger.

7-7-1971 : Meeting between External Affairs Minister Swaran Singh with Henry Kissinger; and between Defence Minister Jagjivan Ram and Henry Kissinger.

21-7-1971 : Statement by External Affairs Minister Swaran Singh in Lok Sabha on Pakistani President's threat to declare war on India.

4-8-1971 : Meeting between Special Representative of PM DP Dhar with Soviet Foreign Minister A.A. Gromyko in Moscow.

5-8-1971 : Special Representative of Prime Minister D.P.Dhar's meeting with Premier Kosygin in Moscow.

6-8-1971 : Agreement between India and Pakistan for the repatriation of Indian and Pakistani nationals from each other's country.


9-8-1971 : Statement of External Affairs Minister Swaran Singh in Lok Sabha on the statement of President yahya Khan on Mujibur Rahman.


10-8-1971 : Meeting between Prime Minister Mrs. Indira Gandhi and Soviet Foreign Minister A.A.Gromyko.
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<tr>
<th>Date</th>
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<tbody>
<tr>
<td>12-8-1971</td>
<td>Statement of Deputy Minister for External Affairs in the Rajya Sabha on the trial of Sheikh Mujibur Rahman by Pakistani military authorities.</td>
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<td>18-9-1971</td>
<td>Special Statement of Pakistani President yahya Khan.</td>
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<td>12-10-1971</td>
<td>Broadcast of President Yahya Khan to the Nation.</td>
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<tr>
<td>20-10-1971</td>
<td>Message of President Yahya Khan in reply to the message of the UN Secretary General.</td>
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<td>4-11-1971</td>
<td>Meeting between Prime Minister and US President Nixon.</td>
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<td>14-11-1971</td>
<td>Sino-Pakistani Joint Communiqué.</td>
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<td>18-11-1971</td>
<td>Letter from Prime Minister Indira Gandhi to US President Richard Nixon.</td>
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<tr>
<td>23-11-1971</td>
<td>Letter from Pakistan President Yahya Khan to US President Nixon.</td>
</tr>
<tr>
<td>24-11-1971</td>
<td>Pakistan High Commissioner in New Delhi called on External Affairs Minister Swaran Singh.</td>
</tr>
<tr>
<td>25-11-1971</td>
<td>Message from US President Nixon to Mrs. Indira Gandhi.</td>
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<tr>
<td>3-12-1971</td>
<td>Chairman Kosygin Reply to US President Nixon concerning events on the Indian sub-continent.</td>
</tr>
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<td>4-12-1971</td>
<td>Gazette Notification of the Government of India that Pakistan had committed aggression against India.</td>
</tr>
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<td>6-12-1971</td>
<td>Swiss Embassy in New Delhi asked to look after Indian interests in Pakistan.</td>
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<tr>
<td>11-12-1971</td>
<td>Prime Minister Mrs. Gandhi’s Letter to Chou en-Lai.</td>
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<tr>
<td>12-12-1971</td>
<td>Letter from Prime Minister To US President Nixon.</td>
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<tr>
<td>13-12-1971</td>
<td>External Affairs Minister Swaran Singh ask the UN SC to invite Bangladesh Representative to participate in the debate in the SC.</td>
</tr>
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<td>14-12-1971</td>
<td>Political Affairs Committee of the Cabinet met in New Delhi.</td>
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</table>
CHRONOLOGY OF EVENTS

16-12-1971 : Message of AA Niazi, Commander of Pakistani Forces in East Bengal to Chief of the Indian Army.

17-12-1971 : India announced unilateral Cease fire in the Western Sector.

17-12-1971 : Statement of Pakistan President accepting the cease fire offer.

18-12-1971 : Letter of US President Nixon to Prime Minister Mrs. Indira Gandhi.

22-12-1971 : UNSC adopted Resolution for cease fire.

23-12-1971 : Meeting between External Affairs Minister and British Foreign Secretary Alec Douglas Home in London.

31-12-1971 : Press Conference of Prime Minister Mrs. Indira Gandhi in New Delhi.

1972

24-2-1972 : Meeting of Chairman of the Policy Planning Committee attached to the MEA D. P. Dhar with Soviet Leader Kosygin in Moscow.

24-2-1972 : Meeting of Chairman of the Policy Planning Committee of the MEA D. P. Dhar with Deputy Foreign Minister Firyubin in Moscow.

25-2-1972 : Meeting of the Chairman of the Policy Planning Committee of the MEA with Soviet General Staff in Moscow.

20-3-1972 : Meeting of British Home Minister Alec Douglas Home with Prime Minister Mrs. Gandhi.

28-3-1972 : Message of Pakistan Government to the Government of India regarding Indians stranded in Pakistan, and Pakistani stranded in India before the hostilities began.

9-4-1972 : Letter from Sudanese President to Prime Minister Indira Gandhi regarding Pakistani Prisoners of war.

30-4-1972 : Agreement between the Indian and Pakistani emissaries on the agenda for the India-Pakistan Summit.
7-6-1972 : Letter from External Affairs Minister Swaran Singh to
Minister of Foreign Affairs of some friendly countries

27-6-1972 : Call by Soviet Ambassador Pegov on External Affairs
Minister.

27-6-1972 : Soviet Ambassador Pegov delivers a message from
Moscow containing a gist of the talks the Soviet leaders
had with Pakistan Prime Minister's special envoy Aziz
Ahmad on the proposed talks between the Prime Minister
of India and Pakistan President in Simla.

27-6-1972 : Address of President Bhutto to the People of Pakistan on
the eve of his departure for Simla for talks with Indian Prime
Minister.

1-7-1972 : Press Interview of Prime Minister Indira Gandhi with a group
of Pakistani journalists accompanying President Bhutto to
Simla.

28 June to 2 July : Simla Conference between Prime Minister Indira Gandhi
and Pakistan President Zulfikar Ali Bhutto.

2-7-1972 : Simla Agreement between India and Pakistan signed.

25-7-1972 : Indian Cabinet approve the Simla Agreement.

31-7-1972 : Intervention by Prime Minister Indira Gandhi in the debate
in the Lok Sabha on Simla Agreement of July 2, 1972.

10-8-1972 : Representatives of the Indian and Pakistan Armies reach
an agreement on the procedure for the delineation of the
Line of Control in J & K resulting from the ceasefire of
December 17, 1971.

14-8-1972 : Address of Pakistan President to the Pakistan National
Assembly.

19-8-1972 : Letter from Prime Minister Mrs. Gandhi to Pakistan
President Bhutto.

22-8-1972 : Letter from Pakistan President Bhutto to Prime Minister
Indira Gandhi.
22-8-1972 : Letter from Pakistan Minister for Political Affairs Ghulam Mustafa Jatoi to External Affairs Minister Swaran Singh.

29-8-1972 : Agreed recommendations of the Indian and Pakistani delegations regarding implementation of the Simla Agreement.

2-9-1972 : Statement of External Affairs Minister Swaran Singh in the Lok Sabha on the recommendations of the Indian and Pakistani delegations on the implementation of the Simla Agreement.


26-11-1972 : Announcement by India and Bangladesh on the repatriation of Bangladesh women and Children from Pakistan to Bangladesh.

27-11-1972 : Announcement by External Affairs Minister in Lok Sabha regarding the POWs captured on the Western front.

30-11-1972 : Joint India – Bangladesh Announcement regarding repatriation of Pakistani women and children.

1-12-1972 : Army Chiefs of India and Pakistan meet in Lahore to discuss exchange of Prisoners captured on the Western Front.

6-12-1972 : Discussions between Indian High Commissioner in Bangladesh and Bangladesh Foreign Minister in Dhaka.

8-12-1972 : Statement by External Affairs Minister Swaran Singh on the Thako Chak Issue.

12-12-1972 : Statement of External Affairs Minister Swaran Singh in the Lok sabha on the finalisation of the Line of Control in J & K.

20-12-1972 : Joint Statement issued by the Governments of India and Pakistan on the withdrawal of army to their sides of the borders.

1973

1-1-1973 : Report of the Secretary, RAW on his visit to Bangladesh.

14-3-1973 : Statement by External Affairs Minister on the resumption of military assistance by the United States to Pakistan.
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<tr>
<th>Date</th>
<th>Event Description</th>
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<tr>
<td>17-4-1973</td>
<td>Joint India – Bangladesh Declaration of the question of three-way repatriation.</td>
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<tr>
<td>20-4-1973</td>
<td>Statement issued by the Government of Pakistan on the POWs.</td>
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<tr>
<td>12-5-1973</td>
<td>Pakistan’s offer of talks on the question of repatriation of POWs, and other stranded civilians in Pakistan and Bangladesh</td>
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<td>May 1973</td>
<td>Pakistan complaint to the ICJ on the question of repatriation of Pakistani POWs.</td>
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<td>15-6-1973</td>
<td>Talks between US Secretary of State Henry Kissinger and Indian Ambassador T. N. Kaul.</td>
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<td>9-7-1973</td>
<td>Resolution of the Pakistan National Assembly on the recognition of Bangladesh.</td>
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<td>July 1973</td>
<td>India – Pakistan Talks –I Rawalpindi.</td>
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<td>August 1973</td>
<td>India – Pakistan Talks—II, New Delhi</td>
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<td>29-8-1973</td>
<td>Statement of EAM Swaran Singh in the Lok Sabha on India-Pakistan talks.</td>
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<td>18-9-1973</td>
<td>Meeting between US President Richard Nixon and Pakistan Prime Minister Bhutto.</td>
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<td>3-10-1973</td>
<td>Meeting between External Affairs Minister Swaran Singh and US Secretary of State Henry Kissinger in Washington.</td>
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<tr>
<td>17-12-1973</td>
<td>Letter from EAM Swaran Singh to Pakistan Minister of State for Defence and Foreign Affairs Aziz Ahmad regarding withdrawal of POWs case from ICJ.</td>
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<tr>
<td>22-12-1973</td>
<td>Letter from Pakistan Foreign Secretary to Indian Foreign Secretary regarding pre-war prisoners.</td>
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<tr>
<td>1974</td>
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<tr>
<td>22-2-1974</td>
<td>Pakistan extends diplomatic recognition to Bangladesh as a sovereign independent State.</td>
</tr>
<tr>
<td>9-4-1974</td>
<td>Tripartite Agreement between India, Pakistan and Bangladesh on the three-way repatriation of (i)Prisoners of war, (ii) Pakistanis stranded in Bangladesh and (iii)Bengalees in West Pakistan, was signed in New Delhi.</td>
</tr>
</tbody>
</table>
CHRONOLOGY OF EVENTS

19-5-1974 : Statement by Pakistan Prime Minister Zulfikar Ali Bhutto on India’s nuclear explosion.

21-5-1974 : Statement issued by External Affairs Minister Swaran Singh on India’s peaceful nuclear explosion.

22-5-1974 : Letter of Prime Minister Mrs. Indira Gandhi to Prime Minister Z.A. Bhutto on India’s conduct of a peaceful nuclear explosion.

31-5-1974 : Reacting to the Indian Nuclear explosion Pakistan postponed the scheduled normalisation talks.

6-6-1974 : Letter from Pakistan Prime Minister Z.A. Bhutto in reply to the letter of Indian Prime Minister Mrs. Indira Gandhi on India’s nuclear explosion.

11-9-1974 : National Assembly of Pakistan declared the Ahmadiyas Sect as non-Muslim.

14-9-1974 : Foreign Secretaries of India and Pakistan signed the following agreements after their talks in Islamabad:

(i) Exchange of postal articles.
(ii) Establishment of telecommunication services.
(iii) Visa agreement
(iv) Protocol on pilgrimage.

14-9-1974 : India and Pakistan agree to end hostile propaganda.

15-10-1974 : Telephone services between the two countries restored.

22-11-1974 : Civil Aviation talks between India and Pakistan held in Islamabad.

26-11-1974 : Commerce Secretaries of India and Pakistan meeting in New Delhi concluded a Protocol on resumption of trade between the two countries.

1975


23-1-1975 : Trade Agreement signed.
31-1-1975 : Cotton Corporation of India and Pakistan Cotton Export Corporation signed an agreement in Bombay for India to purchase 2 lakh bales of cotton from Pakistan.

25-2-1975 : Letter from Pakistan Prime Minister Bhutto to Prime Minister Mrs. Indira Gandhi.


20-3-1975 : Letter from Mrs. Indira Gandhi to Zulfikar Ali Bhutto.

20-3-1975 : Foreign Secretaries of India and Pakistan meeting.

11-4-1975 : Statement of Pakistan Foreign Office on Sikkim.

25-4-1975 : Letter from Pakistan Prime Minister Zulfikar Ali Bhutto to Prime Minister Mrs. Indira Gandhi.

20-5-1975 : Meeting between the Foreign Secretaries of India and Pakistan in New Delhi.


1976


27-3-1976 : Letter from Pakistan Prime Minister Zulfikar Ali Bhutto to Prime Minister Mrs. Indira Gandhi.

11-4-1976 : Letter of Prime Minister Mrs. Indira Gandhi to Pakistan PM Zulfikar Ali Bhutto.

18-4-1976 : Letter from Pakistan PM Bhutto to Indian PM Mrs. Gandhi.

12-5-1976 : Foreign Secretaries of India and Pakistan met in Islamabad with the objective of resuming normalisation of relations.

21-6-1976 : Appointment of K.S. Bajpai as Ambassador to Pakistan announced.

28-6-1976 : Agreement for resumption of rail services signed.

16-7-1976 : Agreement between India and Pakistan for resumption of air services signed.
<table>
<thead>
<tr>
<th>Date</th>
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<tr>
<td>21-7-1976</td>
<td>Air services between India and Pakistan resumed.</td>
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<tr>
<td>22-7-1976</td>
<td>Rail link between Lahore and Amritsar established after a lapse of 11 years.</td>
</tr>
<tr>
<td>24-7-1976</td>
<td>Diplomatic relations between India and Pakistan suspended in 1971 were formally established with the exchange of Ambassadors. K.S. Bajpai was appointed by India and Syed Fida Hussain by Pakistan.</td>
</tr>
<tr>
<td>11-8-1976</td>
<td>Letter from Pakistan PM Bhutto to Indian PM Mrs. Gandhi.</td>
</tr>
<tr>
<td>10-9-1976</td>
<td>An Indian aircraft flying from Delhi to Bombay was hijacked to Lahore.</td>
</tr>
<tr>
<td>7-10-1976</td>
<td>Joint Communiqué issued at the end of talks on the design of the Salal Hydro-electric project in J &amp; K.</td>
</tr>
<tr>
<td>31-12-1976</td>
<td>Letter from Indian PM Mrs. Gandhi to Pakistan PM Zulfikar Ali Bhutto.</td>
</tr>
<tr>
<td><strong>1977</strong></td>
<td></td>
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<tr>
<td>5-1-1977</td>
<td>Pakistan Government released the hijackers of the Indian Airlines plane from Delhi to Bombay on September 10, 1976. India described the action as regrettable.</td>
</tr>
<tr>
<td>6-1-1977</td>
<td>Statement by the Indian Official Spokesman of the MEA on the release of hijackers of Indian Airlines aircraft by Pakistan.</td>
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<tr>
<td>31-3-1977</td>
<td>Pakistan Ambassador called on External Affairs Minister.</td>
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<td>3-4-1977</td>
<td>Letter of Pakistan PM Bhutto to Indian Prime Minister Morarji Desai.</td>
</tr>
<tr>
<td>April 1977</td>
<td>Visit of the Special Envoy of Pakistan Prime Minister to India to canvass support for a Summit Conference of third World Countries on the Economic situation.</td>
</tr>
<tr>
<td>8-4-1977</td>
<td>Letter from Prime Minister Morarji Desai to Pakistan Prime Minister Bhutto.</td>
</tr>
<tr>
<td>14-4-1977</td>
<td>Trade Review Talks</td>
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</tbody>
</table>
5-7-1977 : Gen. Zia-ul-Haq Chief of Staff of Pakistan army in a military coup removed Prime Minister Bhutto and declared Martial Law and appointed himself as the Chief Martial Law Administrator.

5-7-1977 : Statement by External Affairs Minister Vajpayee on the army take over in Pakistan.


16-9-1977 : Zulfikar Ali Bhutto arrested in Larkana (Sind). He was accused of conspiracy to murder.

3-10-1977 : Note by Foreign Secretary J.S. Mehta on the Secretary General of Pakistan Foreign Ministry hosting a dinner in honour of Indian External Affairs Minister Vajpayee in New York.

1978


4-1-1978 : India and Pakistan exchanged prisoners.


27-2-1978 : Statement by External Affairs Minister Vajpayee in the Lok Sabha on his visit to Pakistan.

20-2-1978 : Pakistan Advisor on Agriculture visited New Delhi on the invitation of Indian Agriculture Minister S.S. Barnala.


15-3-1978 : Comments by Pakistan Advisor for Foreign Affairs on External Affairs Minister’s statement and affirming Pakistani stand on Kashmir.

18-3-1978 : Lahore High Court in a unanimous verdict sentenced Zulfikar Ali Bhutto to death.
14-4-1978 : India and Pakistan signed Agreement on the design of the Salal Hydro-electric Project in J & K.

9-5-1978 : Trade Review Talks

8-6-1978 : Meeting between External Affairs Minister Vajpyee and Pakistan Advisor on Foreign Affairs Agha Shahi in New York.

1-9-1978 : Meeting of Prime Minister Morarji Desai with Gen. Zia-ul-Haq at Nairobi where both had gone for the funeral of Jomo Kenyatta.

2-9-1978 : Khawaja Mohammad Shaftar, the Agriculture Minister of Pakistan visited New Delhi to negotiate the purchase of wheat seeds. An agreement was reached on this account.

16-9-1978 : Gen. Zia-ul-Haq, the Chief Martial Law Administrator sworn in as the President of Pakistan in place of Fazal Elahi Chaudhry.

23-9-1978 : Indian Cricket team arrived in Pakistan for an 8-week tour of Pakistan.

25-9-1978 : Letter from President Zia-ul-Haq to Prime Minister Morarji Desai on trade matters.


9-10-1978 : Trade Review Talks

18-11-1978 : LK Advani, Minister of Information and Broadcasting visited Pakistan.

30-12-1978 : Call by Pakistan Ambassador Abdul Sattar on External Affairs Minister Vajpayee.

1979

12-3-1979 : Pakistan announced formally to withdraw from CENTO.

30-3-1979 : Statement of External Affairs Minister Atal Bihari Vajpayee in the Lok Sabha replying to the Calling Attention Notice on the “situation arising out of Pakistan going nuclear”.
31-3-1979 : Pakistan Foreign Office in Statement repeated the suggestion of Gen. Zia that the countries of South Asia in a joint Declaration renounce the manufacture or acquisition of nuclear weapons.

4-4-1979 : Zulfikar Ali Bhutto former Prime Minister was executed in Rawalpindi Central Jail.

24-4-1979 : Meeting between Commerce Secretary of India and Pakistan Ambassador.

31-5-1979 : Shah Niwaz Foreign Secretary of Pakistan visited New Delhi for talks with the Indian Foreign Secretary.

4-9-1979 : Briefing by F.S. on the meeting between External Affairs Minister Shyamnandan Prasad Mishra with General Zia at Havana on the sideline of the NAM Summit.

16-10-1979 : President Zia-ul-Haq announced measures to Islamization of Pakistani society.

15-11-1979 : Gen. Zia-ul-Haq during his visit to POK pledged continued support to Kashmiri people in their struggle to get the right of self-determination.

21-11-1979 : United States Embassy in Islamabad was ransacked and burnt by a mob.

1980


4-2-1980 : Foreign Secretary R.D. Sathe visited Pakistan for talks with his counterpart.

2-4-1980 : Former Indian Foreign Minister Swaran Singh, as Special Envoy of Prime Minister met with Gen. Zia-ul-Haq in Rawalpindi.

18-4-1980 : President Zia and Mrs. Gandhi meet in Salisbury.

7-5-1980 : Hashim Aureshi who had with other hijacked IAC plane to Lahore in 1971 and had been sentenced to 14 years imprisonment was released by the Pakistan Supreme Court.

25-6-1980 : Discussions between the Civil Aviation authorities of India and Pakistan held.

15-7-1980 : visit of Agha Shahi, Advisor on Foreign Affairs to New Delhi.

17-7-1980 : Joint Press Statement on the visit of Agha Shahi to New Delhi.

18-7-1980 : Statement by External Affairs Minister P.V. Narasimha Rao in Lok Sabha on the visit of Pakistan Foreign Minister Agha Shahi.

18-7-1980 : Press Interview of Mrs. Gandhi with a group of Pakistani Journalists accompanying Agha Shahi on his visit.

16-8-1980 : Pakistan Government in a statement expressed concern at the incidents of violence in Muradabad. Indian Ambassador protested to Gen. Zia on the issue of such a statement.

21-8-1980 : Indian Ambassador Natwar Singh visited Karachi and called on Begum Nusrat Bhutto and delivered a message from Prime Minister Mrs. Indira Gandhi.


18-11-1980 : Pakistan Ambassador Abdul Sattar met Prime Minister Indira Gandhi and delivered a message from President Zia.

1-12-1980 : General Zia in a statement said that there was no threat to Pakistan from India.
1981

January 1981: Letter from Prime Minister Mrs. Gandhi to President Zia-ul-Haq.


26-1-1981: For the first time Pakistan TV extended facility of its telecast to Indian Ambassador to speak on the Republic Day to the people of Pakistan.

June 1981: Visit of Indian External Affairs Minister to Pakistan


29-9-1981: An Indian Airlines plane on flight from Delhi to Amritsar was hijacked to Lahore.

2-10-1981: Agha Shahi in his speech at the UN General Assembly called for the resolution of the only outstanding issue between India and Pakistan, Kashmir in accordance with the Simla Agreement and relevant UN Resolutions.

9-10-1981: Visit of British Prime Minister Mrs. Thatcher to Pakistan.

5-11-1981: Commerce Secretary of Pakistan Izharul Haq visited New Delhi to hold talks with the Indian Commerce Secretary.


25-11-1981: Indian External Affairs Minister’s reaction to the Pakistani proposal for a Non Aggression Pact.

14-12-1981: Ambassador-at-Large of Pakistan called on Prime Minister Mrs. Gandhi.


1982


<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>31-1-1982</td>
<td>Pakistan Foreign Minister meeting with External Affairs Minister PV Narasimha Rao.</td>
</tr>
<tr>
<td>1-2-1982</td>
<td>Joint Statement issued at the end of the visit of Pakistan Foreign Minister to New Delhi.</td>
</tr>
<tr>
<td>19-2-1982</td>
<td>Statement by External Affairs Minister on the visit of Pakistan Foreign Minister to India.</td>
</tr>
<tr>
<td>25-2-1982</td>
<td>Statement by External Affairs Minister Narasimha Rao in the Lok Sabha on Pakistan raising the question of Kashmir in the Human Rights Commission of the UN in Geneva. India deferred the scheduled Foreign Secretary level talks with Pakistan.</td>
</tr>
<tr>
<td>15-4-1982</td>
<td>Appointment of representatives to the Pakistan Federal Council from Northern Areas and Indian reaction.</td>
</tr>
<tr>
<td>1-5-1982</td>
<td>Pakistan Foreign Secretary Shah Nawaz handed over the draft of an “Agreement on Non-Aggression, Renunciation of Force and Promotion of Good Neighbourly Relations”.</td>
</tr>
<tr>
<td>31-5-1982</td>
<td>Meeting between External Affairs Minister and Pakistan Foreign Minister at Havana on the sidelines of the Ministerial meeting of the NAM Foreign Ministers.</td>
</tr>
<tr>
<td>9-6-1982</td>
<td>Pakistan Ambassador Abdul Sattar called on Prime Minister Mrs. Gandhi.</td>
</tr>
<tr>
<td>26-6-1982</td>
<td>India and Pakistan issued a Joint Statement on the 10th anniversary of the Simla Agreement</td>
</tr>
<tr>
<td>3-7-1982</td>
<td>Gen. Zia-ul-Haq felicitates Giani Zail Singh on his elections as the President of India.</td>
</tr>
<tr>
<td>31-7-1982</td>
<td>Indian Airlines flight from Delhi to Srinagar hijacked by Sikh extremists. The plane was refused permission to land.</td>
</tr>
<tr>
<td>8-8-1982</td>
<td>Foreign Secretary level meeting at Islamabad.</td>
</tr>
<tr>
<td>Date</td>
<td>Events</td>
</tr>
<tr>
<td>-----------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>11-8-1982</td>
<td>Indian counter proposal for a treaty of peace, friendship, and cooperation.</td>
</tr>
<tr>
<td>13-8-1982</td>
<td>Joint Press Conference of Foreign Secretaries of India and Pakistan at the end of their talks.</td>
</tr>
<tr>
<td>22-8-1982</td>
<td>Pakistan and China sign a Protocol on the opening of the Khunjerab Pass between POK and Chinese province of Xinjiang.</td>
</tr>
<tr>
<td>30-9-1982</td>
<td>Meeting between External Affairs Minister and Pakistan Foreign Minister in New York on the sidelines of the UN General Assembly session.</td>
</tr>
<tr>
<td>1-11-1982</td>
<td>Joint Statement Issued on the transit visit of General Zia-ul-Haq to New Delhi</td>
</tr>
<tr>
<td>4-11-1982</td>
<td>Statement by External Affairs Minister in Lok Sabha on the visit of Gen. Zia to New Delhi.</td>
</tr>
<tr>
<td>24-12-1982</td>
<td>Pakistan Foreign Secretary Niaz Naik visited New Delhi for bilateral discussions.</td>
</tr>
<tr>
<td>1983</td>
<td></td>
</tr>
<tr>
<td>19-1-1983</td>
<td>Meeting between Pakistan Foreign Secretary and Secretary in Ministry of External Affairs.</td>
</tr>
<tr>
<td>29-1-1983</td>
<td>Letter from Gen. Zia to Prime Minister Mrs. Gandhi.</td>
</tr>
<tr>
<td>10-3-1983</td>
<td>Joint Commission Agreement signed.</td>
</tr>
<tr>
<td>10-3-1983</td>
<td>Meeting between Prime Minister Mrs. Gandhi and Gen. Zia in New Delhi on the sidelines of the NAM Summit.</td>
</tr>
<tr>
<td>14-4-1983</td>
<td>letter from General Zia-ul-Haq to Mrs. Gandhi.</td>
</tr>
<tr>
<td>1-6-1983</td>
<td>Meeting between External Affairs Minister and Pakistan Foreign Minister in Islamabad.</td>
</tr>
<tr>
<td>1-6-1983</td>
<td>Inaugural Session of Joint Commission in Islamabad and visit of Indian External Affairs Minister PV Narasimha Rao to Islamabad.</td>
</tr>
</tbody>
</table>
26-8-1983 : Letter from Prime Minister Indira Gandhi to President Zia on the state of health of Khan Abdul Ghaffar Khan.


11-10-1983 : Pakistan Foreign Office spokesman rejected the insinuation that Pakistan was helping the Sikh extremists.

13-10-1983 : India denied any plan to attack Pakistan.


25-10-1983 : Pakistan Additional Secretary summoned the Indian Ambassador KD Sharma to lodge protest at the critical language used by the Sindhi Sameelan in New Delhi.

1984

19-1-1984 : Meeting of Sub-Commissions under the Joint Commission.

26-3-1984 : A delegation of Federation of Pakistan Chamber of Commerce and Industry visit India.

30-3-1984 : Statement by External Affairs Minister PV Narasimha Rao in the Lok Sabha regarding the situation arising out of reported nuclear collaboration between Pakistan and China.

11-4-1984 : Indian Indus Commissioners visited Pakistan to inspect various dams on the Indus river in Pakistan.

19-4-1984 : A 5-member Railway delegation from India visited Islamabad to discuss outstanding liabilities and arrangements for simplifying rail travel between the two Countries.

28-4-1984 : Agriculture Minister Rao Brindra Singh Visited Pakistan to attend the FAO Regional Conference in Islamabad.

20-5-1984 : Meeting between Foreign Secretaries of India and Pakistan.

1984


4-6-1984 : Punjab declared a Restricted Area for visit by foreigners.

5-7-1984 : An Indian Airlines flight with 255 passengers from Srinagar to Delhi was hijacked to Lahore by Sikh extremists.

8-7-1984 : Minister of Information and Broadcasting of India visit Pakistan.

16-7-1984 : Pakistan Foreign Secretary visit India for talks with Indian FS on No War Pact and the Indian proposal for a treaty of Peace and Cooperation.

24-8-1984 : An Indian Airlines aircraft on a flight from Delhi to Srinagar was hijacked to Lahore by 7 Sikh hijackers.

31-10-1984 : Gen Zia visit the Indian Embassy to sign the Condolence Book on the assassination of Mrs. Gandhi.

1-11-1984 : Message from President Zia-ul-Haq to Indian President Giani Zail Singh on the assassination of Prime Minister Mrs. Indira Gandhi, and the visit of Gen. Zia to New Delhi for the funeral of the Prime Minister.

1985

1-2-1985 : Agricultural Prices Commission of Pakistan made a 10-day visit to India for technical discussions.

11-2-1985 : Foreign Secretaries of India and Pakistan met in Male.

25-2-1985 : General elections held to the Pakistan National Assembly.

13-3-1985 : Meeting between Prime Minister Rajiv Gandhi and President Zia in Moscow.

23-3-1985 : President and Prime Minister sent messages of felicitation to President Zia on his assuming the Office of President of Pakistan. Mohammad Khan Junejo was appointed Prime Minister.

30-3-1985 : Statement by External Affairs Minister PV Narasimha Rao in the Lok Sabha replying to a Calling Attention Notice on
the situation arising out of collaboration between Pakistan and China in the nuclear field.

6-4-1985 : Visit of Foreign Secretary Romesh Bhandari to Pakistan for Foreign Secretary level talks with his Pakistani counterpart.

4-7-1985 : Agreed minutes of Joint Commission including minutes of Four Sub-commissions signed. Pakistan Foreign Minister represented Pakistan delegation at the Joint Commission.

4-7-1985 : Agreement on Agricultural Cooperation signed in New Delhi.

24-7-1985 : Second meeting of the Joint Commission.

1-8-1985 : Visit of Pakistan Foreign Secretary to New Delhi for discussions with his counterpart.

8-10-1985 : Letter from Prime Minister Rajiv Gandhi to President Zia.

23-10-1985 : Meeting between Prime Minister Rajiv Gandhi and President Zia-ul-Haq in New York on the sidelines of the UN General Assembly session.

23-10-1985 : President Zia and Prime Minister Rajiv Gandhi met in New York on the sidelines of the UN General Assembly session.

12-11-1985 : Gen Zia told a press conference that the Khokhrapar route would not be available for some reasons.


21-11-1985 : Letter from US President Ronald Reagan to Prime Minister Rajiv Gandhi.

7-12-1985 : Meeting between Prime Minister Rajiv Gandhi and Pak President Zia-ul-Haq in Dakha.

17-12-1985 : Meeting between Prime Minister Rajiv Gandhi and President Zia in New Delhi.

1986

10-1-1986 : Agreed minutes of the meeting between the Finance Ministers of India and Pakistan.

10-1-1986 : Talks between Defence Secretaries of India and Pakistan held in Rawalpindi on Siachen.

10-1-1986 : Indian Finance Minister V. P. Singh Visit Pakistan.

21-1-1986 : Indian Foreign Secretary Romesh Bhandari meets Pakistan Foreign Secretary in Islamabad.

5-2-1986 : Meeting of the Sub Commissions under the Joint Commission.


2-3-1986 : SAARC Ministerial meeting on International Economic issues held in Islamabad was also attended by India.

15-3-1986 : Meeting between Pakistan Prime Minister Junejo and Prime Minister Rajiv Gandhi in Stockholm.

18-3-1986 : Prime Minister Rajiv Gandhi and Pakistan Prime Minister Junejo met in Stockholm where both were present to attend the funeral of Swedish Prime Minister Olaf Palme.

15-4-1986 : Meeting between Pakistan Foreign Minister Sahibzada Yaqub Khan and External Affairs Minister Rao in New Delhi on the sidelines of the NAM Ministerial meeting.

17-4-1986 : Call on Prime Minister Rajiv Gandhi by Pakistan Foreign Minister Sahibzada Yaqub Khan.

18-4-1986 : Meeting between the Foreign Secretaries of India and Pakistan in New Delhi.

30-5-1986 : Pak Minister of State and Indian Minister of State met in New York, on the sideline of the UN General Assembly.

10-6-1986 : Defence Secretary level talks on Siachen took place in New Delhi.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>19-6-1986</td>
<td>A delegation of the Board of Control for Cricket in India visited Pakistan.</td>
</tr>
<tr>
<td>9-8-1996</td>
<td>Views of Pakistan Prime Minister Ms. Benazir Bhutto on the No War Pact with India.</td>
</tr>
<tr>
<td>19-12-1986</td>
<td>Letter from Pakistan PM Muhammad Khan Junejo to Prime Minister Rajiv Gandhi.</td>
</tr>
<tr>
<td>22-12-1986</td>
<td>Federal Cabinet headed by Mohammad Khan Junejo was sworn in by President Zia-ul-Haq.</td>
</tr>
<tr>
<td>26-12-1986</td>
<td>Visit of Indian Home Secretary to Islamabad for Home Secretary level Conference.</td>
</tr>
<tr>
<td>27-12-1986</td>
<td>Visit of Indian Foreign Secretary A.P. Venkateswaran to Islamabad.</td>
</tr>
<tr>
<td>1987</td>
<td></td>
</tr>
<tr>
<td>3-2-1987</td>
<td>Visit of Pakistan Foreign Secretary Abdul Sattar for meeting with Secretary in the MEA A.S. Gonsalves on the question of easing of tension on the India – Pakistan border.</td>
</tr>
<tr>
<td>4-2-1987</td>
<td>Minutes of Consultations on easing the border situation and withdrawal of troops to peace stations.</td>
</tr>
<tr>
<td>21-2-1987</td>
<td>Letter from Prime Minister Rajiv Gandhi to Pakistan Prime Minister Muhammad Khan Junejo.</td>
</tr>
<tr>
<td>21-2-1987</td>
<td>Meeting between Prime Minister Rajiv Gandhi and President Zia-ul-Haq in New Delhi. He had visited India to watch a cricket match between the Indian and Pakistani teams at Jaipur in Rajasthan.</td>
</tr>
<tr>
<td>1-3-1987</td>
<td>Visit of Secretary MEA to Islamabad to continue the talks for removing of tension along the India-Pakistan border.</td>
</tr>
<tr>
<td>27-3-1987</td>
<td>First meeting of the Committee to control drug trafficking and smuggling along the India-Pakistan border.</td>
</tr>
<tr>
<td>7-4-1987</td>
<td>Following completion of Brasstacks exercises troops of both countries withdrew to their peace time stations.</td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
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<td>------------</td>
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</tr>
<tr>
<td>26-5-1987</td>
<td>Letter from Muhammad Khan Junejo to Prime Minister Rajiv Gandhi. India-Pakistan Indus Commission met in Islamabad.</td>
</tr>
<tr>
<td>13-6-1987</td>
<td>Letter from Pakistan Prime Minister Junejo to Prime Minister Rajiv Gandhi.</td>
</tr>
<tr>
<td>18-6-1987</td>
<td>Meeting between the Foreign Ministers of India and Pakistan.</td>
</tr>
<tr>
<td>10-7-1987</td>
<td>India Pakistan talks on telecommunications held in Islamabad.</td>
</tr>
<tr>
<td>12-8-1987</td>
<td>Meeting of the Sub Commissions under the Joint Commission.</td>
</tr>
<tr>
<td>12-8-1987</td>
<td>Message of Pakistan Prime Minister Muhammad Khan Junejo to Prime Minister Rajiv Gandhi.</td>
</tr>
<tr>
<td>15-8-1987</td>
<td>President Zia and Pak Foreign Minister attended the Republic Day reception hosted by Indian Ambassador</td>
</tr>
<tr>
<td>8-9-1987</td>
<td>Joint Secretary level talks held in Lahore to work out border ground rules.</td>
</tr>
<tr>
<td>24-9-1987</td>
<td>Letter from Prime Minister Rajiv Gandhi to Pakistan Prime Minister Junejo.</td>
</tr>
<tr>
<td>24-9-1987</td>
<td>Letter from Prime Minister Rajiv Gandhi to President Ziaul-Haq.</td>
</tr>
<tr>
<td>1-10-1987</td>
<td>Pakistan Foreign Minister met Indian Minister of State for External Affairs in New York.</td>
</tr>
<tr>
<td>4-10-1987</td>
<td>STD telephone facility started between India and Pakistan.</td>
</tr>
<tr>
<td>4-10-1987</td>
<td>Talks on Tulbul Project held in Islamabad.</td>
</tr>
<tr>
<td>4-11-1987</td>
<td>Prime Minister Rajiv Gandhi and Prime Minister Junejo met in Kathmandu on the sidelines of the SAARC Summit.</td>
</tr>
<tr>
<td>12-11-1987</td>
<td>Talks on Tulbul Project held in New Delhi.</td>
</tr>
<tr>
<td>17-11-1987</td>
<td>Speech of Prime Minister Rajiv Gandhi at the National Defence College on Pakistan's nuclear programme.</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
</tr>
<tr>
<td>------------</td>
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</tr>
<tr>
<td>8-12-1987</td>
<td>Indo-Pakistan Commerce Secretary level talks held in New Delhi.</td>
</tr>
<tr>
<td>1988</td>
<td></td>
</tr>
<tr>
<td>20-1-1988</td>
<td>Prime Minister Rajiv Gandhi accompanied by several of his colleagues visited Peshawar to attend the funeral of Khan Abdul Ghuffar Khan.</td>
</tr>
<tr>
<td>14-1-1988</td>
<td>Media Briefing by Pakistan Official Spokesman expressing concern on Soviet supply of Nuclear submarines to India.</td>
</tr>
<tr>
<td>23-2-1988</td>
<td>Talks on Tulbul Navigation project held in Islamabad.</td>
</tr>
<tr>
<td>25-2-1988</td>
<td>Prime Minister Rajiv Gandhi and President Zia spoke on the telephone and Prime Minister invited him to New Delhi to hold talks on Afghanistan.</td>
</tr>
<tr>
<td>25-4-1988</td>
<td>Second meeting of the Indo-Pakistan Committee on Drug Trafficking and Smuggling.</td>
</tr>
<tr>
<td>3-5-1988</td>
<td>Visit of Foreign Secretary KPS Menon to Islamabad.</td>
</tr>
<tr>
<td>14-5-1988</td>
<td>Home Secretary level talks held in New Delhi.</td>
</tr>
<tr>
<td>18-5-1988</td>
<td>Defence Secretary level talks on Siachen held in Islamabad,</td>
</tr>
<tr>
<td>24-5-1988</td>
<td>Talks on Tulbul navigation project held in Islamabad.</td>
</tr>
<tr>
<td>29-5-1988</td>
<td>President dismissed Junejo Government and dissolved the National Assembly and called for fresh elections.</td>
</tr>
<tr>
<td>31-5-1988</td>
<td>President Zia-ul-Haq dissolved all provincial assemblies.</td>
</tr>
<tr>
<td>1-6-1988</td>
<td>Meeting of Foreign Secretaries of India and Pakistan.</td>
</tr>
<tr>
<td>3-6-1988</td>
<td>India-Pak Convention on Partners in Prosperity through Tourism was held at Lahore. India was represented at the Convention by Secretary (Tourism) S.K. Mishra.</td>
</tr>
<tr>
<td>27-6-1988</td>
<td>P.S. Raghavachari, Secretary (Post) held talks with Pakistani postal authorities on the settlement of some old postal claims and operational matters.</td>
</tr>
</tbody>
</table>
3-7-1988 : Indian delegation attended the Conference in Islamabad on Indian Ocean, which was inaugurated by President Zia-ul-Haq.

17-8-1988 : Death of President of Pakistan Muhammad Zia-ul-Haq in an air crash.

24-9-1988 : Defence Secretary level talks on Siachen held in New Delhi.

3-10-1988 : Minister of Commerce Dinesh Singh headed a delegation to the Ministerial Meeting of the GATT in Islamabad.

17-11-1988 : General Elections held in Pakistan.

30-11-1988 : Military Attaché Brig. Z.I. Abbasi and a staffer Mohammad Ashraf Khtib of the Pakistan High Commission were declared persona non grata and expelled from India.

2-12-1988 : Ms. Benazir Bhutto sworn in as Prime Minister of Pakistan.

2-12-1988 : Felicitation by Prime Minister Rajiv Gandhi for New Prime Minister of Pakistan Ms. Benazir Bhutto.

31-12-1988 : Meeting between Prime Minister Rajiv Gandhi and Pakistan Prime Minister Ms. Bhutto in Islamabad on the sidelines of the SAARC Summit.

31-12-1988 : India and Pakistan sign three agreements: (i) Agreement on Prohibition on attack against nuclear installations; (ii) Cultural Cooperation agreement; and (iii) agreement on avoidance of Double Taxation.

1989

8-1-1989 : Letter from Prime Minister Rajiv Gandhi to US President Ronald Reagan.

22-1-1989 : Indian Cricket Team arrived in Pakistan to play for a 6-week tour.

10-3-1989 : The Pak Supreme Court ruled that the 29th May 1989 dissolution of the National Assembly was unconstitutional.

10-4-1989 : Visit of Pakistan Interior Secretary Aitzaz Ahsan to India.
16-5-1989 : Pak Minister of Tourism Yousuf Raza Gilani visit New Delhi to participate in the Second Convention of India and Pakistan tour operators.

21-5-1989 : Home Secretary level talks in Islamabad.

2-6-1989 : Talks between the Survey Generals of India and Pakistan held to discuss the boundary in Sir Creek.

17-6-1989 : Foreign Secretary Level Talks in Islamabad.

16-7-1989 : Visit of Prime Minister Rajiv Gandhi to Islamabad for a bilateral visit and talks with Ms. Benazir Bhutto.

17-7-1989 : Meeting of the Sub Commissions under the Joint Commission.

23-7-1989 : Pak F.M. Sahibzada Yaqub Khan visited New Delhi to resolve the crisis in holding the SAARC Summit.

17-8-1989 : Talks at DGMO level held in Islamabad.

1-10-1989 : Pakistan rejoined the Commonwealth.


1990

20-1-1990 : Visit of Foreign Minister of Pakistan to New Delhi.

23-1-1990 : Visit of Pak Foreign Minister Sahibzada Yaqub Khan

23-2-1990 : India asked Pakistan to stop interference in Kashmir.

25-4-1990 : Meeting of Foreign Ministers of India and Pakistan in New York.

2-5-1990 : Pak PM Beanzir offer of talks on Kashmir.

28-5-1990 : To build confidence between the two countries India presented to Pakistan fresh proposals on information on military exercise, communications between military commanders, joint border patrolling, agreement on violation of air space etc.

17-7-1990 : Foreign Secretary level talks held in Islamabad.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>4-8-1990</td>
<td>OIC at its meeting at Cairo adopt Resolution on Kashmir</td>
</tr>
<tr>
<td>6-8-1990</td>
<td>President Ghulam Ishaq Khan dismissed Prime Minister Benazir Bhutto and dissolved the National Assembly.</td>
</tr>
<tr>
<td>10-8-1990</td>
<td>Foreign Secretaries of India and Pakistan meet in New Delhi for talks.</td>
</tr>
<tr>
<td>8-10-1990</td>
<td>Four staff members of the CGI in Karachi were expelled.</td>
</tr>
<tr>
<td>10-11-1990</td>
<td>Nawaz Sharif sworn in as Prime Minister of Pakistan.</td>
</tr>
<tr>
<td>21-11-1990</td>
<td>Nawaz Sharif and Prime Minister Chandra Shekhar meet in Male on the sidelines of the SAARC Summit.</td>
</tr>
<tr>
<td>29-11-1990</td>
<td>Telephonic talks between Prime Minister Nawaz Sharif and Prime Minister Chandra Shekhar.</td>
</tr>
<tr>
<td>20-12-1990</td>
<td>Meeting of Foreign Ministers of India and Pakistan in Islamabad.</td>
</tr>
<tr>
<td>1991</td>
<td></td>
</tr>
<tr>
<td>27-1-1991</td>
<td>Agreement on prohibition of attacks on each other’s nuclear installations and facilities.</td>
</tr>
<tr>
<td>1-2-1991</td>
<td>Earth quake hit northern areas of POK.</td>
</tr>
<tr>
<td>5-2-1991</td>
<td>Kashmir Solidarity Day observed in Pakistan.</td>
</tr>
<tr>
<td>6-4-1991</td>
<td>Agreement on Prevention of Air Space Violations and .Permitting over flights and landing of military aircraft</td>
</tr>
<tr>
<td>6-4-1991</td>
<td>Agreement on Advance Notice for Military Exercise, manoeuvres and Troops movement.</td>
</tr>
<tr>
<td>7-4-1991</td>
<td>Joint Statement on the meeting between the foreign secretaries of India and Pakistan in New Delhi.</td>
</tr>
<tr>
<td>May 1991</td>
<td>Death of Rajiv Gandhi and reaction in Pakistan. Nawaz Sharif attended the funeral in Delhi. Pakistan Senate adopted the condolence resolution.</td>
</tr>
<tr>
<td>31-5-1991</td>
<td>Army ammunition depot near Nowshera in NWFP blen up killing 20 people and destroying almost 1000 tons of ammunition.</td>
</tr>
</tbody>
</table>
CHRONOLOGY OF EVENTS

14-6-1991 : India’s expression of concern at the US Senate adopting Pressler Amendment.

30-7-1991 : 4th Meeting of the India – Pakistan to combat drug smuggling held in Islamabad.

18-8-1991 : Pak Foreign Secretary Shaharyar Khan visited New Delhi as Special Envoy of Prime Minister Nawaz Sharif.

1-10-1991 : Foreign Secretary Level talks held in Islamabad.

17-10-1991 : Prime Minister Rao had a breakfast meeting with Nawaz Sharif in Harare.

12-10-1991 : Secretary level talks on Tulbul navigation project held in Islamabad.

28-10-1991 : Secretary level talks on the demarcation of boundary in the Sir Creek area and delimitation of the maritime boundary held in Rawalpindi.

30/31 Oct. 1991 : Visit of Foreign Secretary to Pakistan and call on various leaders including Pakistan President.

31-10-1991 : Joint Statement on the visit of Foreign Secretary to Islamabad.

12-12-1991 : Resolution adopted by the OIC on Kashmir.

21-12-1991 : Prime Ministers of India and Pakistan met in Colombo on the sidelines of the SAARC Summit.

31-12-1991 : Pakistan asked India to reduce the office strength of its Consulate General in Karachi.

1992


16-4-1992 : Official of the Pakistan High Commission Arshad Ali was expelled from India after being arrested while receiving sensitive documents from his contacts.
26-5-1992 : Postponement of the Foreign Secretary level talks.
14-6-1992 : Indian and Pakistani Prime Ministers met at Rio de Janeiro on the sidelines of the Earth Summit. India conveyed its concern on Pak support to the Punjab terrorists.
17-8-1992 : Pakistan Prime Minister Nawaz Sharif proposed Summit meeting on Kashmir under Article VI of the Simla Agreement.
19-8-1992 : Press Statement on Foreign Secretary level talks.
19-8-1992 : Joint Declaration issued by India and Pakistan on complete prohibition Chemical Weapons.
30-9-1992 : India sent two plane loads of medicines for the flood affected people of Pakistan.
8-10-1992 : Pak Education Minister visited India in connection with the inaugural ceremony of the First South Asia Festival.
5-11-1992 : The fifth round of talks on Sir Creek were held in New Delhi.
5-12-1992 : An official of the Pak High Commission Ashfaq was arrested while accepting documents and declared persona non grata.
6-12-1992 : Demolition of the Babri Mosque and Pakistani reaction. Indian Airlines Office in Lahore was set on fire by mob. Pak cabinet met and condemned the demolition of the mosque and December 8 was declared a Day of Mourning and Protest. Indian High Commissioner was called to the Foreign Office and a Memorandum was handed over to him invoking the defunct Nehru–Liaquat Pact of 1950.
8-12-1992 : Statement by the Official Spokesman of the MEA on the espionage activities of an official of the Pakistan High Commission.

8-12-1992 : Several demonstrations were organised in Pakistan against the destruction of Babri Mosque and several Hindu temples and Sikh Gurdwaras in Pakistan were destroyed and ransacked.

9-12-1992 : Secretary in the MEA K. Srinivasan summoned Pakistan High Commissioner to lodge India’s protest against the burning of the residence of the Indian Counsel General in Karachi.

11-12-1992 : India handed over an aide memoire to the Pak High Commission in New Delhi protesting destruction of places of worship in Pakistan.

17-12-1992 : Pakistan declared three Indians (one from HCI, Islamabad and two from CGI Karachi) persona non grata.

24-12-1992 : Pak National Assembly adopted a Resolution condemning the demolition of Babri Mosque.

29-12-1992 : Pakistan asked India to reduce the strength of its CG I in Karachi from 64 to 20 including four diplomats and 16 non-diplomats.

1993

1-1-1993 : India and Pakistan exchange lists of nuclear installation in each other’s country.

1-1-1993 : Ministry of External Affairs conveyed to Pakistan High Commission its decision to reduce the strength of the High Commission to a maximum of 110 persons by February 10, 1993.

7-1-1993 : Pakistan Senate adopted a Resolution condemning the demolition of Babri Mosque in Ayodhya.

4-2-1993 : Pakistan National Assembly passed a Resolution condemning India for its atrocities committed in Kashmir.

8-3-1993 : POK High Court declared Northern Areas as part of the territory of POK.
14-3-1993 : Pakistan Prime Minister sent a message of sympathy to Prime Minister Rao on the bomb explosion in Bombay on 12-3-1993.

25-3-1993 : OIC Foreign Ministers' Conference in Karachi passed Resolutions on Kashmir and Babri Mosque.

27-3-1993 : Pakistan refused permission to the hijacked IAC aircraft to land in Lahore.

11-4-1993 : Prime Minister Narasimha Rao met Pak Prime Minister at Dhaka on the sidelines of the SAARC Summit.

18-4-1993 : President Ghulam Ishaq Khan dissolve National Assembly and dismissed the Nawaz Government.

19-4-1993 : External Affairs Minister Dinesh Singh made a statement in Lok Sabha on the dismissal of Nawaz Government in Pakistan.

21-4-1993 : Home Minister SB Chavan made a Statement in Lok Sabha on Bombay bomb blasts and implicating Pakistan’s complicity.

25-4-1993 : Deposed Prime Minister Sharif filed a Writ Petition in the Supreme Court challenging the dissolution of the National Assembly and his dismissal.

27-5-1993 : Pak national Assembly adopted a resolution expressing confidence in Nawaz Sharif and he was restored as Prime Minister of Pakistan. Congratulatory message was sent by Prime Minister Narasimha Rao.

18-7-1993 : Pakistan President and Prime Minister stepped down and national and provincial assemblies dissolved and general elections called.

7-9-1993 : India reject Pakistan request for Jinnah House in Bombay for its use as CG for Pakistan.

11-9-1993 : Pakistan announced its decision to import 300,000 tons of cement from India on a one time basis.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-9-1993</td>
<td>India provided additional proof of Pakistan involvement in the Bombay bomb explosion.</td>
</tr>
<tr>
<td>29-9-1993</td>
<td>Pakistan Foreign Minister Sattar in his address to UN General Assembly launched a diatribe against India.</td>
</tr>
<tr>
<td>6-10-1993</td>
<td>General elections to Pakistan National Assembly held.</td>
</tr>
<tr>
<td>18-10-1993</td>
<td>Four officials of the CGI Karachi were expelled by Pakistan. India declared four members of the Pakistan High Commission in Delhi <em>persona non grata</em>.</td>
</tr>
<tr>
<td>19-10-1993</td>
<td>Message of Felicitation from Prime Minister PV Narasimha Rao to Benazer Bhutto on her appointment as Prime Minister of Pakistan.</td>
</tr>
<tr>
<td>22-10-1993</td>
<td>Pakistan Prime Minister Benazir Bhutto raised Kashmir issue in her address to the CHOGM at Nicosia.</td>
</tr>
<tr>
<td>24-10-1993</td>
<td>Indian and Pakistan foreign secretaries held talks in Nicosia, Cyprus on the sidelines of the CHOGM.</td>
</tr>
<tr>
<td>25-10-1993</td>
<td>Pakistan convened emergency meeting of the OIC in New York to discuss Hazratbal incident.</td>
</tr>
<tr>
<td>13-11-1993</td>
<td>Farooq Ahmad Leghari elected President of Pakistan.</td>
</tr>
<tr>
<td>4-12-1993</td>
<td>EAM Dinesh Singh met Pakistan Foreign Minister Assef Ali in Dhaka on the sidelines of the SAARC Council of Ministers’ meeting.</td>
</tr>
<tr>
<td>7-12-1993</td>
<td>Minister of State RL Bhatia visited Pakistan as Special Envoy of Prime Minister to deliver an invitation to Pakistan Prime Minister Benazir Bhutto to attend the ‘Education for All’ Summit in New Delhi.</td>
</tr>
<tr>
<td>16-12-1993</td>
<td>Indian Minister for Social Welfare Sita Ram Kesari visited Pakistan for the SAARC Ministerial meeting on the Disabled.</td>
</tr>
<tr>
<td>30-12-1993</td>
<td>Adoption of a Resolution on Kashmir by the Pakistan Senate.</td>
</tr>
</tbody>
</table>
1994

1-1-1994 : Seventh Round of Foreign Secretary level Talks took place in Islamabad.

12-1-1994 : A Spokesman of the Pakistan Foreign Ministry issued a clarification and said that ‘Pakistan had acquired a certain level of technical capability in the nuclear field.

3-1-1994 : Joint Statement on the talks between the Foreign Secretaries of India and Pakistan in Rawalpindi.


25-2-1994 : Pakistan tabled a Resolution in the UN Human Rights Commission alleging human rights violations in Kashmir and calling for a fact finding mission to visit the area.

9-3-1994 : Pakistan withdrew its Resolution from the UN Human Rights Commission unconditionally.


7-4-1994 : Indian Foreign Secretary proposed to Pak High Commissioner joint secretary level meeting.

4-5-1994 : Pakistan hosted the first meeting of Commission on Science and Technology, at which India was represented by its High Commissioner, since Pakistan’s flight restrictions prevented participation from New Delhi.

18-5-1994 : Pakistan Foreign Office issued a Travel Advisory advising its citizens to travel to India only for unavoidable obligations or in emergencies.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>28-6-1994</td>
<td>Pakistan National Assembly Adopted resolution on Kashmir and approved setting up an expanded Special Parliamentary Committee on Kashmir to include members of Senate also.</td>
</tr>
<tr>
<td>12-7-1994</td>
<td>Pakistan asked for the withdrawal of Attaché in the High Commission in Islamabad. India asked Pakistan to Mohammad Afzal Bajwa and Nasiruddin Ahmed in Pak High Commission as <em>persona non grata</em>. Bajwa was caught red handed while receiving sensitive documents.</td>
</tr>
<tr>
<td>31-7-1994</td>
<td>MOS in MEA RL Bhatia had a meeting with Pakistan Foreign Minister Assef Ali in Dhaka on the margins of the SAARC Council of Ministers meeting.</td>
</tr>
<tr>
<td>22-8-1994</td>
<td>Statement from the Official Spokesman of the MEA describing Pakistan a Terrorist State.</td>
</tr>
<tr>
<td>30-8-1994</td>
<td>JJ Singh Cousul in CGI Karachi was expelled for “activities incompatible with his diplomatic status”.</td>
</tr>
<tr>
<td>14-9-1954</td>
<td>POK Supreme Court in a judgement declared that the Northern Areas including Gilgit and Baltistan are part of the State of Jammu and Kashmir but these cannot be considered to form part of “Azad Kashmir”.</td>
</tr>
<tr>
<td>16-9-1994</td>
<td>Secretary level meeting held in New Delhi to discuss measures for combating drug trafficking.</td>
</tr>
<tr>
<td>8-10-1994</td>
<td>Pakistan Parliament constituted a Special Committee on Kashmir with Nawabzada Nasrullah Khan as Chairman.</td>
</tr>
<tr>
<td>3-11-1994</td>
<td>A verbal offer of talks conveyed to Pakistan Foreign Office</td>
</tr>
<tr>
<td>21-11-1994</td>
<td>Foreign Secretary K. Srinivasan attended Commonwealth Senior Officials meeting in Islamabad.</td>
</tr>
</tbody>
</table>

11-12-1994 : Resolution adopted by the 7th Summit of the OIC on Kashmir at Casablanca.


1995


15-1-1995 : India – Pakistan talks on cooperation in control of drug trafficking held in Islamabad.

19-1-1995 : Five Sikh hijackers under detention in Pakistan were pardoned by Pakistan and released. They had hijacked the IAC flight on July 5, 1984.

20-1-1995 : India and Pakistan exchanged fishermen and fishing boats.

5-2-1995 : Pakistan Solidarity Day with Kashmir was observed in Pakistan as an annual ritual.

24-2-1995 : Pakistan – India People’s Forum conference was held in New Delhi. It is a private initiative.

13-4-1995 : India – Pakistan Track-II ‘Neeemrana Dialogue’ was held in New Delhi.

29-3-1995 : Foreign Secretary Salman Haider summoned Pakistan High Commissioner Riaz Khokhar to draw his attention to protocol lapse shown to Minister of State Mr. Bhatia at the Pakistan National Day Reception. But the Pak HC rejected the insinuation of discourtesy and claimed that utmost respect was shown to him during his stay at the High Commission.

2-5-1995 : President Leghari visited India at attend the 8th SAARC Summit. He also had a 45-minute meeting with Prime Minister Rao.
<table>
<thead>
<tr>
<th>Date</th>
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</tr>
</thead>
<tbody>
<tr>
<td>19-5-1995</td>
<td>Pakistan Government sponsored a protest on the destruction of Charar-e-Sharif in Kashmir. Pakistan flags were flown half mast and protest marches were held all over Pakistan.</td>
</tr>
<tr>
<td>23-5-1995</td>
<td>Deputy High Commissioner was summoned to the Pakistan Foreign Office and protest was lodged on the statement which Pakistan described as “provocative and bellicose” by Indian leaders and on the destruction of Charar-e-Sharif.</td>
</tr>
<tr>
<td>13-6-1995</td>
<td>Prime Minister of Pakistan Benazir Bhutto launched a “Kashmir Relief Fund” for rehabilitation of “Kashmiri refugees and freedom fighters”.</td>
</tr>
<tr>
<td>26-6-1995</td>
<td>Pakistan High Commission in New Delhi alleged that one of its officials Ibrahim Awan was assaulted and maltreated by the police while travelling from Amritsar to Delhi.</td>
</tr>
<tr>
<td>22-9-1995</td>
<td>Statement by Official Spokesman of the MEA on the US Senate’s approval of the Pressler Amendment enabling the United States to resume arms assistance to Pakistan.</td>
</tr>
<tr>
<td>25-10-1995</td>
<td>Statement by External Affairs Minister Pranab Mukherjee on US arms supply to Pakistan.</td>
</tr>
<tr>
<td><strong>1996</strong></td>
<td></td>
</tr>
<tr>
<td>1-1-1996</td>
<td>India and Pakistan exchange list of nuclear installations in their countries.</td>
</tr>
<tr>
<td>4-1-1996</td>
<td>Reacting to the reported statement of Indian Minister of State R L Bhatia that Pakistan was a terrorist state, Pakistan Foreign Office said “if any state today deserved to be called a terrorist state it is India”.</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
</tr>
<tr>
<td>------------</td>
<td>---------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>7-1-1996</td>
<td>A powerful bomb in a passenger bus killed 8 and injured 35 in Karachi.</td>
</tr>
<tr>
<td>26-1-1996</td>
<td>Pakistan alleged that India had fired two rockets on the Friday congregation in Kahuta in which 19 persons were killed and 25 injured.</td>
</tr>
<tr>
<td>27-1-1996</td>
<td>Pakistan Senate adopted a unanimous resolution condemning alleged Indian attack in Kahuta.</td>
</tr>
<tr>
<td>2-2-1996</td>
<td>Indian foreign secretary summoned the Pakistan high commissioner in New Delhi and conveyed his strong resentment on the depiction of POK on the greeting cards sent out by Pakistani leaders to Indian leaders.</td>
</tr>
<tr>
<td>4-2-1996</td>
<td>TV address of Pakistan Prime Minister Benazir Bhutto marking the “Solidarity Day with Kashmiri people”.</td>
</tr>
<tr>
<td>5-2-1996</td>
<td>Kashmir Solidarity Day was observed in Pakistan.</td>
</tr>
<tr>
<td>15-2-1996</td>
<td>Pakistan Foreign Secretary summoned the Indian High Commissioner and conveyed his objections to the distribution of pamphlets containing the map of Kashmir showing the entire state within India.</td>
</tr>
<tr>
<td>26-2-1996</td>
<td>Ministry of External Affairs conveyed to Pakistan Deputy High Commissioner in New Delhi its most serious concern over the growing incidents of terrorism being promoted by Pakistan from across the border.</td>
</tr>
<tr>
<td>2-3-1996</td>
<td>Foreign Minister Aseff Ali expressed serious objections to the fencing along Jammu “Line of Control” and said Pakistan would never accept it.</td>
</tr>
<tr>
<td>13-3-1996</td>
<td>Pakistan President Leghari rejected a suggestion from former Finance Minister Mahboob Haq for placing Kashmir under 15-year UN Trusteeship.</td>
</tr>
<tr>
<td>14-4-1996</td>
<td>A bomb exploded in a Cancer hospital in Lahore in which 6 persons were killed and 30 injured.</td>
</tr>
<tr>
<td>25-4-1996</td>
<td>Imran Khan, a cricketer of yester years floated his party Tehrik-I-Insaf.</td>
</tr>
</tbody>
</table>
29-4-1996 : Foreign Secretary Salman Haider summoned Pakistan High Commissioner Riaz Khokar to convey GOI's strong exception to some remarks made by him which were not in keeping with his status as a Representative of a foreign government. The remarks were about the elections in Kashmir and were found to be tendentious.

6-5-1996 : Pakistan National Assembly adopted a resolution rejecting scheduled election to Lok Sabha in Kashmir.

7-5-1996 : Statement of the Official Spokesman of the MEA on Pakistan's perception of the situation in J & K.

8-5-1996 : India-Pakistan Permanent Indus Commission met in Islamabad.

9-5-1996 : Pakistani reaction to the formation of the BJP Government in New Delhi.

24-5-1996 : Statement of the Official Spokesman of the MEA on the Resolution adopted by the Pakistan National Assembly against the Lok Sabha elections in J & K.

3-6-1996 : Message of felicitation from Benazir Bhutto to Prime Minister Deve Gowda on his appointment as Prime Minister of India.

9-6-1996 : Letter from Prime Minister Deve Gowda to Pakistan Prime Minister Benazir Bhutto.

13-7-1996 : Prime Minister Benazir Bhutto addressing a press conference in Lahore advocated a third party mediation for a solution of the Kashmir dispute.

13-8-1996 : Declaration adopted by the OIC Contact Group on Kashmir.

22-8-1996 : Reaction of Pakistan Government on the deletion of Kashmir from the agenda of the UNSC.

30-8-1996 : A.C. Sinha a staffer of the Indian High Commission in Islamabad asked to leave Pakistan.

17-9-1996 : A four-member delegation headed by NK Singh visited Pakistan for talks on drug trafficking.
29-9-1996 : Noor Mohammad an official of the Pakistan High Commission asked to leave India after his arrest while collecting sensitive documents.

25-10-1996 : A staffer of the Pakistan High Commission in New Delhi Hafiz Mushtaq Ahmad asked to leave India.


18-12-1996 : Foreign Minister Sahibzada Yakub Khan visited New Delhi for SAARC Ministerial meeting.

28-12-1996 : A delegation of Pakistan-India People's Forum on Peace and Democracy visited Calcutta for a conference with the participation of their Indian counterpart.

1997

1-1-1997 : India and Pakistan exchange lists of nuclear installations.

5-2-1997 : Pakistan observed the Kashmir Solidarity Day.

6-2-1997 : Following reports of desecration of Quran by some Christians, a mob of Muslims in Khanewal set ablaze churches and attacked the Christian community in revenge.

17-2-1997 : Nawaz Sharif Sworn as Prime Minister of Pakistan.

17-2-1997 : Prime Minister Dewe Gowda in his letter felicitated Prime Minister Nawaz Sharif and proposed early resumption of talks between the two countries.

27-2-1997 : Nawaz Sharif in his reply to Prime Minister Dewe Gowda proposed a foreign Secretary level meeting.

1-3-1997 : letter from External Affairs Minister Inder Kumar Gujral to Pakistan Foreign Minister Gohar Ayub Khan.

6-3-1997 : Chief Justice of India AH Ahmadi visited Pakistaan to attend international conference of Judges and Lawyers held in Islamabad.
20-3-1997 : Statement by the External Affairs Minister Inder Kumar Gujral on the need to improve people-to-people contacts.

31-3-1997 : Joint Statement issued at the end of talks between the Foreign Secretaries of India and Pakistan.


26-4-1997 : Revenue Secretaries of India and Pakistan met in New Delhi to exchange information to control drug trafficking.

2-5-1997 : Telephonic talks between Prime Minister Inder Kumar Gujral and Pakistan Prime Minister Nawaz Sharif.

28-5-1997 : Acting High Commissioner of India was summoned to Pakistan Foreign Office and a note protesting intrusion of its airspace by an IAF Mig-25 on May 27 was lodged.

23-6-1997 : Foreign Secretary level talks.

3-7-1997 : Pakistan test fired medium range HATF-III missile; earlier it was reported that in June Pakistan had test fired surface-to-Air missile Anzaz –III at Nowshera.


26-7-1997 : Mohajir Qaumi Movement renamed itself as Muttahida Qaumi Movement.

5-8-1997 : National Assembly Committee on Kashmir decided that Pakistan would have no trade with India until Kashmir issue is settled. Pak FM was also present at the meeting.

3-9-1997 : India and Pakistan expel two officers of each other Mission in their countries.

13-9-1997 : Mushahid Hussain, Information Minister of Pakistan attend the funeral of Mother Teresa in Calcutta.

18-9-1997 : Foreign Secretary level talks.
23-9-1997 : Prime Ministers of India and Pakistan meet in New York on the sidelines of the UN General Assembly session.
1-10-1997 : Prime Ministers of India and Pakistan in a telephonic conversation agree for stopping the firing on the LOC.
2-10-1997 : Pakistan Foreign Secretary summoned the Indian High Commissioner to lodge a protest on the firing on the LOC.
3-10-1997 : Chief Justice of India J. S. Verma visited Pakistan to participate in the SAARC Chief Justices’ Conference.
4-10-1997 : Indian and Pakistani Prime Ministers in a telephonic talks agreed that the army commanders of the two countries establish contacts and stop the shelling on the LOC.
6-10-1997 : India and Pakistan sought withdrawal of each other’s attaché level officers from each other’s country.
24-10-1997 : Meeting between Prime Minister Inder Kumar Gujral and Pakistan Prime Minister Nawaz Sharif at Edinburgh on the sidelines of the CHOGM.
24-10-1997 : Speaker of Lok Sabha P.A. Sangma accompanied by a 5-member Lok Sabha delegation took part in SAARC Parliamentarian Conference in Islamabad.

1998

1-1-1998 : India and Pakistan exchanged lists of nuclear installations in each other’s country.
4-1-1998 : According to media reports Pakistan Cabinet Committee on Investment rejected a proposal to export electricity to India.
11-1-1998 : In a terrorist attack on a Shia religious gathering in Lahore 22 persons were killed.
15-1-1998 : Meeting between Prime Minister Inder Kumar Gujral and Pakistan Prime Minister Nawaz Sharif at Dacca on the sidelines of the Trilateral Meeting of Prime Ministers of India, Pakistan and Bangladesh.

15-1-1998 : Trilateral Declaration issued at Dacca between the Prime Ministers of India, Pakistan and Bangladesh.

17-1-1998 : Chairman of the Pakistan Mineral Development Corporation announced the signing of a contract for the export of 12000 tonnes of rock salt to India.

5-2-1998 : Pakistan observed the annual Kashmir Solidarity Day.


19-2-1998 : A 60-member business-cum-Friendship delegation under the leadership of Kuldip Nayyar arrived in Pakistan for a week long visit.


2-3-1998 : Pakistan Foreign Minister told the National Assembly that India was responsible for terrorist attacks at several places inside Pakistan and killing of foreigners engineered through the RAW.

11-3-1998 : Pakistan Foreign Office after summoning the Deputy High Commissioner of India lodged a protest with him accusing India of sponsoring a terrorist attack within Pakistan. He rejected the Protest.

14-3-1998 : Pakistan declared P.N. Nair attaché in Indian High Commission as persona non grata.

17-3-1998 : Nuclear Scientist A. Q. Khan said that Pakistan's missiles could reach any point in India.

19-3-1998 : Letter from Pakistan Prime Minister Nawaz Sharif to Prime Minister Atal Behari Vajpayee and the reply of the latter to Pakistan Prime Minister on 21 March, 1998.
20-3-1998 : In a congratulatory message to Prime Minister Atal Bihari Vajpayee renewed offer of talks with India.

23-3-1998 : Pak President Tarar reiterated Pakistan's diplomatic, political and moral support to the people of Kashmir.

23-3-1998 : Indian cinema Star Dalip Kumar conferred with Pakistan's highest civilian award NISHAN-I-IMTIAZ.

6-4-1998 : Pakistan successfully test fires Ghauri missiles with a range of 1500 kms.

11-4-1998 : A jatha of 3000 Sikhs from India arrive in Pakistan for Baisakhi celebrations.

20-4-1998 : Pakistan Prime Minister speaking in Rome opposed India's bid for a permanent seat in the UN Security Council.

27-4-1998 : According to reports unidentified assailants gunned down 21 persons in Bhimber District of POK near LOC.

28-4-1998 : Commerce Minister of India arrives in Pakistan to attend the SAARC Commerce Ministers' Conference.

30-4-1998 : Letter from Pakistan Prime Minister Nawaz Sharif to Prime Minister Atal Behari Vajpayee.

3-5-1998 : Nawaz Sharif declared that an attack on POK would be considered an attack on Pakistan.

11-5-1998 : India conducted an Underground Nuclear Test.

12-5-1998 : Statement of Pakistan Foreign Minister Gohar Ayub Khan in Pakistan Senate on India testing a nuclear bomb.

14-5-1998 : Resolution unanimously adopted by Pakistan Senate on Indian nuclear test.

28-5-1998 : Pakistan paranoia on a mid-night attack from India. High Commissioner Satish Chandra was summoned to the Foreign Ministry in the middle of the night to warn that any pre-emptive strike on nuclear facilities would be a violation of the agreement between the two countries on this account.

: Nawaz Sharif announced that Pakistan had conducted 5 nuclear tests. President Tarar imposed a state of Emergency in Pakistan.
29-5-1998 : Pak Prime Minister welcome resumption of talks between India and Pakistan.

30-5-1998 : Gohar Ayub Khan Pak F.M. announced the conduct of two more nuclear tests.

6-6-1998 : Pakistan Prime Minister in a statement in the National Assembly made an offer of talks with India.

7-6-1998 : In a powerful train bomb blast at least 24 persons were killed and 36 were injured.


29-7-1998 : Meeting between Prime Ministers of India and Pakistan on the sidelines of the SAARC Summit in Colombo.

1-8-1998 : Pakistan lodges protest over the firing along the LOC with the Indian High Commissioner who was summoned to the Foreign Ministry.

12-8-1998 : Indian High Commissioner Satish Chandra walked out of the briefing by Pakistan Foreign Minister Sartaj Aziz for the diplomatic community.

14-8-1998 : In the Independence Day broadcast Nawaz Sharif said that nuclear tests have guaranteed Pakistan’s independence.


23-9-1998 : Summit meeting between the prime minister of India and Pakistan in New York on the sidelines of the UN General Assembly. A Joint Statement was issued on the Talks.

23-9-1998 : Statement by Pak PM in the UN General Assembly makes mention of issues like nuclear tests, CTBT, resumption of talks between India and Pakistan, Jammu and Kashmir etc.

26-9-1998 : A Statement issued by Pakistan Foreign Office said that Pakistan wanted a sustained dialogue with India and not a dialogue for the sake of a dialogue.

3-10-1998 : A. B. Shukla a staff member of the Indian High Commission in Islamabad expelled.

17-10-1998 : A non-paper on Kashmir handed over by India to Pakistan.

18-10-1998 : F.S level talks between India and Pakistan on issues of peace and security including CBMs and Kashmir held


20-11-1998 : Discussions between India and Pakistan for sale of Power and Bus Service between the two countries.

26-11-1998 : Technical Discussion for sale of power by Pakistan to India.

1999

1-1-1999 : India and Pakistan exchange lists of nuclear installations.

8-1-1999 : Trail run of Delhi-Lahore-Delhi Bus service successfully completed.

28-1-1999 : Spokesman of the Pakistan Foreign Office expressed concern at the India – Israel cooperation in Defence and nuclear fields.


1-2-1999 : US Deputy Secretary of State Strobe Talbot arrives in Islamabad for talks with the Pakistan Foreign Office on security and nuclear proliferation issues.
4-2-1999 : Pakistan Prime Minister Nawaz Sharif in an interview with the New Delhi based Indian Express proposed direct talks with New Delhi on arms control.

5-2-1999 : Pakistan observed the annual Kashmir Solidarity Day, with the Government declaring February 5 a national holiday.

12-2-1999 : Foreign Minister of Pakistan hosted a lunch in honour of 100 Members of Indian Parliament on a visit to Pakistan.

18-2-1999 : MQM demand a ferry service between Karachi and Bombay.

20-2-1999 : Prime Minister Atal Behari Vajpayee arrived in Lahore and banquet held in his honour by Pakistan Prime Minister that night.

21-2-1999 : Talks between the delegations of India and Pakistan led by their respective Prime Ministers.

21-2-1999 : Joint Statement, Joint Declaration and Memorandum of Understanding signed on the occasion of the visit of Prime Minister Vajpayee.

22-2-1999 : Statement by the U. S. President Clinton on the India – Pakistan Summit meeting.

26-2-1999 : Suo Motto Statement by External Affairs Minister in the Lok Sabha on the visit of Prime Minister Atal Behari Vajpayee to Pakistan.

5-3-1999 : India and Pakistan hold talks on release of prisoners.

6-3-1999 : Mechanism for Consular Access and Repatriation of Civilian prisoners between India and Pakistan.

7-3-1999 : a 62-member delegation of Federation of Indian Export Organisations visited Pakistan from 7 to 15 March.

9-3-1999 : Foreign Minister of Pakistan told the Indian exporters delegation that normal trade with India was not possible unless all political issues with India were sorted out.

8-3-1999 : Statement by Pakistan Foreign Minister Sataj Aziz in the National Assembly on the visit of Prime Minister Atal Behari Vajpayee to Pakistan.
12-3-1999 : A Pakistani boat with 21 fishermen seized by the Indian authorities on the Gujarat coast.

16-3-1999 : Commercial operations of Delhi-Lahore-Delhi Bus Service started.

19-3-1999 : Meeting between External Affairs Minister Jaswant Singh and Pakistan Foreign Minister Sartaj Aziz on the sidelines of the SAARC Ministerial meeting in Sri Lanka.

21-3-1999 : India unilaterally relaxed visa restrictions for certain categories of Pakistan visitors to India. This included judges of the Supreme and High Courts, Editors of national dailies, Members of parliament and provincial legislatures, Vice chancellors of universities and senior bureaucrats.

23-3-1999 : Indian leaders greet Pakistani leaders on Pakistan's national day.


11-4-1999 : More than three hundred Sikhs and Hindus from Pakistan visit India and participate the celebrations at Anandpur Sahib in Punjab.

12-4-1999 : Pakistan High Commissioner Ashraf Jahangir Qazi call on Prime Minister Vajpayee.

26-4-1999 : A 4-member Pakistan Bar Council delegation visit India at the invitation of the Bar Council of India.

7-5-1999 : Reports of heavy clashes along the LOC in the Kargil Sector.

14-5-1999 : Indian army start flushing out operation in Kargil.

28-5-1999 : Telephonic talks between the Prime Ministers of India and Pakistan on Kargil.

31-5-1999 : Pakistan Prime Minister Sharif speaking at a meeting denied that the infiltrators were intruders; instead he described them Mujahideen.
30-5-1999 : India reject proposal for UN Secretary General to mediate in the Kargil crisis.

2-6-1999 : India ban viewing of PTV.

3-6-1999 : Resolution adopted by the Pakistan National Assembly on Kashmir.

5-6-1999 : Nawaz Sharif chair a cabinet meeting to discuss US President Clinton letter suggesting defusing the tension on the LOC.

9-6-1999 : Pakistan Foreign Minister Sartaj Aziz make an unscheduled visit to Beijing before his visit to New Delhi in connection with the Kargil crisis.

7-6-1999 : Address to the Nation by Prime Minister Vajpayee on Kargil crisis.

10-6-1999 : Pak Foreign Minister Sartaj Aziz visit Beijing for a day prior to his visit to New Delhi.

11-6-1999 : Pakistan Foreign Minister Sartaj Aziz visit India.

13-6-1999 : Nawaz Sharif telephoned Prime Minister Vajpayee and reiterated Pakistan’s desire to defuse the current situation and expressed the hope that India would join Pakistan in devising mutually acceptable approaches to preserve peace and prevent the region from descending into chaos and conflagration.

15-6-1999 : President Clinton spoke to Nawaz Sharif on the telephone and repeated the demand for withdrawal of infiltrators.

16-6-1999 : Acting Deputy High Commissioner was summoned to the Pakistan Foreign Office and handed over an aide memoire rejecting the Indian allegation of mutilated bodies of their soldiers being handed over to them.

20-6-1999 : British PM Tony Blair telephoned Nawaz Sharif to discuss the situation in Kargil, Nawaz said that the British had a special responsibility in the settlement of the Kashmir dispute and his intervention would be welcomed.
20-6-1999 : G-8 meeting in the German city of Cologne called in India and Pakistan to end hostilities and resume talks. They blamed the conflict on "infiltration of armed intruders which violated the LOC'.

23-6-1999 : US CENTCOM Chief Gen. Zinni arrived in Islamabad to hold consultations with the Pak army on the situation along the LOC.

24-6-1999 : European Union has called upon both India and Pakistan to show maximum restraint and hold their assigned border positions.

27-6-1999 : Nawaz Sharif visited China for a day to consult with Beijing on the Kargil.

30-6-1999 : British Minister of State for Foreign Office baroness Simmons stated called upon India to accept Pakistan offer of talks to resolve the Kargil dispute.

1-7-1999 : A Spokesman of the Chinese Min of Foreign Affairs in a reference to LOC stated that "Kashmir is a complicated issue left over by history. It should and must be finally resolved by India and Pakistan through peaceful negotiations".

1-7-1999 : Sub-Committee of the US Congress House Foreign Relations Committee in a Resolution demanded immediate withdrawal of Mujahideen that had pushed into Kashmir and called for suspension of IMF, World Bank and ADB loans to Pakistan.

1-7-1999 : US Secretary of State Medeleine Albright responding to a question by journalists of the NEWS said that US viewed the Mujahideen occupying the Kargil heights were Pakistani supported and therefore it must withdraw them.

1-7-1999 : A North Korean Ship was detained by the Indian Customs since it was supposed to be carrying machinery and blueprints for the manufacture of missiles by Pakistan.

4-7-1999 : Joint Statement issued by the US President Clinton and Pakistan Prime Minister on Pakistan decision to withdraw its troops along the LOC in Kargil Secotr.
6-7-1999 : Indian High Commissioner was summoned to the Pakistan Foreign Office and a strong protest was lodged over the alleged kidnapping of Pak High Commission officials and wrongfully confining them. High Commissioner rejected the protest.

7-7-1999 : Pakistan Foreign Office expelled Indian staffer Y.R. Vij for indulging in activities incompatible with his official status.

9-7-1999 : Pakistan suspended military supplies to Pakistan because of the Kargil operations.

9-7-1999 : Pakistan Cabinet endorsed the decisions arrived at between President Clinton and Nawaz Sharif in Washington on July 4 on Kargil.

11-7-1999 : A formal meeting of the Director Generals of the Military Operations of India and Pakistan took place at Wagah.

11-7-1999 : Pakistan confirm withdrawal of its forces along the LOC in the Kargil Sector.

12-7-1999 : Address by Prime Minister Nawaz Sharif to the Nation.

12-7-1999 : Press Release issued by Min of External Affairs on the successful conclusion of the Kargil operations.

24-7-1999 : Chief of Staff of Pakistan Army Gen. Pervez Musharraf made a two-day visit to Gilgit.

26-7-1999 : 20 tons of key components bound for Pakistan and vital for use in nuclear industry were intercepted by the British Customs.

5-8-1999 : A Pakistan High Commission staffer Muhammad Safdar was declared persona non grata and asked to leave India.

6-8-1999 : Pakistan Foreign Office denied reports of Pak-Saudi cooperation in nuclear field and described the reports as “unwarranted and baseless”.

9-8-1999 : Foreign Minister Sartaj Aziz said that neither has any body approached Pakistan to accept the LOC as an international border, nor can Pakistan accept it.
10-8-1999 : Indian staffer M. M. Jetley was declared persona non grata and asked to leave Pakistan.

11-8-1999 : Indian High Commissioner was summoned to the Pakistan Foreign Office to lodge a strong protest on the shooting down of a Pakistani aircraft. 12-8-1999 Letter from Prime Minister Atal Bihari Vajpayee to Pakistan Prime Minister Nawaz Sharif.

13-8-1999 : Letter from Pakistan Prime Minister Nawaz Sharif to Prime Minister: Atal Bihari Vajpayee.

13-8-1999 : India offered to hand over to Pakistan eight Pakistan POWs captured during Kargil conflict.

19-8-1999 : Pakistan expressed grave concern over India’s Nuclear doctrine and said that if India operationalise its nuclear weapons capabilities, Pakistan will be compelled to intensify its reliance on its nuclear arsenal.

30-8-1999 : The Acting High Commissioner for India wa summoned to the Foreign Office to formally ask for compensation of US $ 60.2 million.

31-8-1999 : Pakistan army claimed to have foiled an Indian attempt to capture a Pakistani post in Shyok – tr=urtok sector on the night of 29th /30th August.

Aug-Sep.1999 : Shooting down of Pakistan naval aircraft by the IAF. Pakistan asked for compensation for the loss of the aircraft and for the persons killed. Want Secretary General of the UN to intervene. India rejects intervention by the UN SG. Pakistan files complaint against the incident in the International Court of Justice, The Hague.

1-9-1999 : India rejected Pakistani demand for compensation of US $ 60.2 million for the shooting down of Pakistani aircraft.

3-9-1999 : Pakistan army said that it would release three Indian soldiers as soon as ICCR was able to make arrangements.

6-9-1999 : First of the three Agosta 90-B class French built Submarines was commissioned into Pakistan army.
16-9-1999 : Two Indian soldier were finally handed over to the ICCR, 17 days after their capture.

18-9-1999 : Under the Chairmanship of Chief of Army Staff Gen. Pervez Musharraf, senior Pakistan army commanders unanimously rejected diplomatic moves to withdraw troops to positions 1 km down from the strategically important peaks between Mashkoh and Chorbat La.

20-9-1999 : The Amnesty International accused Pakistan of failing to remove widespread perception that Islam promotes “crime of honour”.

20-9-1999 : US State Department asked Pakistan Army not to indulge in any ‘extra-constitutional method’ to remove Prime Minister Nawaz Sharif.

21-9-1999 : Pakistan made a formal approach to the International Court of Justice to seek compensation for the shooting down of Pakistani aircraft Atlantis.

22-9-1999 : Sartaj Aziz, Foreign Minister of Pakistan called on the President of the UN General Assembly and repeated that the root cause of the trouble was Kashmir, which also involved the question of violation of human rights.

24-9-1999 : Pakistan Foreign Minister Sartaj Aziz observed that Kargil had shown that both Simla and Lahore process had failed to bring peace to the Sub-continent and there was a need for new ideas.

25-9-1999 : MQM Secretary General Irman Farooq in his letter to the UN Secretary General drew his attention to the state oppression against the Mohajirs in Pakistan.

27-9-1999 : International Court of Justice confirmed that Pakistan had instituted proceedings against India for the shooting down of Pakistani aircraft ‘Atlantique’.

29-9-1999 : Pakistan Foreign Office Spokesman welcomed the US legislators suggestion to appoint a special envoy for Kashmir as an “important signal” underlining the urgency of resolving the issue.
3-10-1999 : Chief of the JKLF Chief Amanullah reiterated his party’s programme to cross the LOC while the Pakistan authorities advised him to desist from doing so as it would lead to bloodshed.

4-10-1999 : Interior Minister Shujaat Hussain presided over a high level meeting to evolve the strategy to de-weaponise the country of illicit arms in an attempt to curb terrorism.

7-10-1999 : Hafiz Muhammad Saeed told a public meeting that if a Kashmir Solution was not possible, then ‘Jahad’ was the answer.

12-10-1999 : General Pervez Musharraf seized power by dismissing the Nawaz Sharif Government accusing him of interfering in the affairs of the armed forces, politicising the army, and trying to create dissensions in the ranks of the army.

13-10-1999 : In an address to the Nation Gen. Musharraf announced the dismissal of Prime Minister Nawaz Sharif government and establishment of a military government. Justifying his action he said that the Nawaz Government had destroyed all democratic institutions, rocked the foundation of Pakistan federation, created dissensions in the army, and conspire to kill the Chief of Army Staff.

13-10-1999 : Human Rights Activist Asma Jehangir described the coup a sad day for Pakistan but she also added that no one had any sympathy for Nawaz Sharif. Similarly Maulana Fazalur Rahman expressed regrets over army take over, but he too had no word of sympathy for Nawaz Sharif. Former President Farooq Leghari said while the removal of former Prime Minister was unconstitutional and undemocratic, it saved the country. Imran Khan too said likewise that Nawaz removal was unconstitutional but inevitable. MQM leader Altaf Hussain said in a statement from London that the army coup was the result of the undemocratic, and unlawful actions of Nawaz Sharif. He added that while his party believed in democracy, the military takeover would be temporary. Benazir Bhutto from London urged the army to facilitate the return to the civilian rule immediately by setting
up a caretaker government. In an other interview with the CNN on 12 October she termed the coup a sad day but she added it took place because of the general feeling of frustration in Pakistan.

13-10-1999 : Prime Minister Vajpayee expressed concern over the developments in Pakistan and added that India wished the people of Pakistan well and remained committed to better relations with Pakistan based on mutual trust and confidence.

13-10-1999 : Former Prime Minister Nawaz Sharif, his brother who was also Chief Minister of Punjab were arrested. UN Secretary General deplored the coup. White House in Washington described it as another setback to democracy in Pakistan.

14-10-1999 : A number of countries condemned the coup among them a number of European, Canada, Japan, Malaysia. Iran said it was watching developments after the arrest of Nawaz Sharif. The Taliban regime in Kabul declared it to be an internal matter of Pakistan. Turkey regretted the military coup in Pakistan.

14-10-1999 : A Joint Investigation Team was set up to investigate the conspiracy to endanger the life of Chief of Army Staff and other passengers of the PIA flight returning from Colombo.

14-10-1999 : With effect from 12th October Emergency was proclaimed in Pakistan and Gen. Musharraf assumed powers as the Chief Executive of Pakistan with sweeping powers.

17-10-1999 : British Foreign Secretary Robin Cook warned Pakistan that international loans could be cut if the military perpetuate itself in power for long.

18-10-1999 : Pakistan suspended from the Council of the Commonwealth, which called upon Pakistan to set a time table for restoration of democracy.

3-11-1999 : Sahibzada Yaqub Khan visited Paris as Special Envoy of President Musharraf and met with senior French leaders and officials.
12-11-1999 : In a major terror attack in Islamabad six missiles were fired from vehicles parked near the US and UN missions from Missile Launchers resulting in injury to 6 persons and damage to five vehicles.

13-11-1999 : General Pervez Musharraf told a Japanese daily Asahi Shimbun that Pakistan desired peace for its economic development and denied that Pakistan was responsible for the Kargil conflict.

17-11-1999 : Deputy High Commissioner for India Sudhir Vyas summoned to Pakistan Foreign Office to protest the harassment to the Pakistan Defence Advisor.

18-11-1999 : a 4-day meeting of BSF and Pakistan Rangers held at Wagah.


23-11-1999 : Sudhir Vyas, the Deputy High Commissioner for India was summoned to the Pakistan Foreign Office to protest over the harassment of officials of the Pakistan High Commission in India.

28-11-1999 : In an interview with the Time magazine emphasised the need for peace to settle the core issue of Kashmir.

29-11-1999 : Gen Musharraf in a BBC interview said that he was for peace in the region, but any effort at peace making in region must have Kashmir on the agenda.

8-12-1999 : Benazir Bhutto in a Statement called for resumption of dialogue on Kashmir and other steps to normalise relations between India and Pakistan.

10-12-1999 : In an interview to an Indian paper Pakistan Foreign Minister said that Pakistan was committed to Lahore Declaration.

10-12-1999 : A Spokesman of the Pakistan Foreign Office said that Pakistan was neither engaged in back channel diplomacy nor was there any need for it.
CHRONOLOGY OF EVENTS

24-12-1999 : Indian Airlines Flight 814 from Kathmandu to New Delhi hijacked by terrorist and flight taken to Kandhar.

2000

10-2-2000 : Inamul Haq appointed Pakistan’s Foreign Secretary.
11-3-2000 : A Anti-Terror Court awarded life imprisonment to former Prime Minister Nawaz Sharif.
25-3-2000 : US President Clinton made a stop over visit to Pakistan.
14-4-2000 : India and Pakistan agree to continue Samjhota Express.
1-5-2000 : A Report of the US State Department name Pakistan and Afghanistan as major hub of international terrorism.
12-5-2000 : Pakistan Supreme Court revalidated the army rule on the basis of ‘doctrine of necessity’ and gave three years for the restoration of civilian life.
12-6-2000 : Nawaz Sharif has said that he was kept in the dark by the military of Kargil operations.
10-7-2000 : Bomb explosion in Pakistan Embassy in Kabul.
24-7-2000 : Hizbul Mujahideen announced unilateral cease fire.
29-7-2000 : India suspended army operations in Kashmir.
8-8-2000 : Hizb called off its cease fire.
6-9-2000 : Gen. Musharraf offer a no-war pact with India.
26-9-2000 : Pakistan and Russia has agreed to conclude extradition treaty to fight terrorism.
2-10-2000 : MQM delegation during its visit to New Delhi said that Pakistan had failed politically and economically.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-10-2000</td>
<td>Pakistan has lodged a protest with India over the alleged harassment of Nazakat Hussain of its High Commission in New Delhi.</td>
</tr>
<tr>
<td>9-10-2000</td>
<td>The District Judge of Rawalpindi declared the two British journalists Mark Tully of the BBC and Chris Sharol of the <em>Financial Times</em> as proclaimed offenders, while charging them misreporting the hanging of Z.A. Bhutto.</td>
</tr>
<tr>
<td>13-10-2000</td>
<td>General Musharraf described the state of relations with India at present at the worst level and any thing beyond would tantamount to war, which he thought was out of question.</td>
</tr>
<tr>
<td>16-10-2000</td>
<td>Gen. Musharraf justified use of nuclear weapons in case its security was threatened.</td>
</tr>
<tr>
<td>22-10-2000</td>
<td>In a grenade attack at a gathering of Lakshker-e-Tayyaba in Karachi three people were killed. The Lashker blamed it on India.</td>
</tr>
<tr>
<td>26-10-2000</td>
<td>Pakistan Foreign Minister Abdul Sattar has promised Pakistan continued support to “freedom movement” in Kashmir.</td>
</tr>
<tr>
<td>30-10-2000</td>
<td>General Musharraf has told a Russian daily <em>Vremya Novostei</em> that Pakistan had the means to deliver a nuclear strike.</td>
</tr>
<tr>
<td>19-11-2000</td>
<td>Prime Minister Vajpayee announced unilateral cease fire in Kashmir during Ramzan.</td>
</tr>
<tr>
<td>20-11-2000</td>
<td>Pakistan describes Indian Cease fire offer a ploy.</td>
</tr>
<tr>
<td>27-11-2000</td>
<td>Cease fire announced by Prime Minister Vajpayee came into force.</td>
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<tr>
<td>1-12-2000</td>
<td>Pakistan Foreign Secretary rejected EU Parliament’s stand that Pakistan was providing military support to Taliban.</td>
</tr>
<tr>
<td>2-12-2000</td>
<td>Pakistan President Tarar described the Indian cease fire a “farce”.</td>
</tr>
<tr>
<td>3-12-2000</td>
<td>In a telephonic interview with CNN, Pakistan F.M. Sattar wanted India to enter into tripartite talks to resolve the Kashmir issue.</td>
</tr>
</tbody>
</table>
4-12-2000 : While welcoming Indian offer of extension of the cease fire beyond Ramzan, Pakistan’s Foreign Minister Sattar described it a “half-step”.

6-12-2000 : General Musharraf has said that he expected India to positively respond to Pakistan’s offer of tripartite talks.

6-12-2000 : Inamul Haq, Pakistan’s Foreign Secretary expressed disappointment on New Delhi rejecting its offer of tripartite dialogue on Kashmir.

18-12-2000 : Swapping of Indian and Pakistani prisoners at Wagah border.

20-12-2000 : Prime Minister of India announced the extension of the ceasefire by a month.

22-12-2000 : Terrorist attack on Red Fort in Delhi killed three security personnel.

23-12-2000 : Abu Osamaa, a representative of the Lashkar-e-Tayyaba has claimed responsibility for the attack on Red Fort in Delhi.

26-12-2000 : Lashkar-e-Tayyaba threatens a suicide attack on the Prime Minister’s Office in New Delhi.

26-12-2000 : A number of bomb blasts occur in several Pakistani cities.

2001

1-2-2001 : Telephonic talks between Pakistan President Musharraf and Prime Minister Atal Bihari Vajpayee.

10-2-2001 : In an interview with the Gulf News, Gen. Musharraf reportedly said that he would like to go down in history as a leader who resolved the Kashmir issue.

28-2-2001 : India and Pakistan agree to three-year extension of Samjhuta Express.

8-3-2001 : Import of Sugar from India banned.

29-3-2001 : Chashma Nuclear Power Plant inaugurated.
12-4-2001 : Nepal Police detained First Secretary of the Pakistan Embassy in Kathmandu Mohammad Arshad Cheema for possessing 16 kg of RDX.

13-4-2001 : Third World Punjabi Conference begins in Lahore.

23-4-2001 : In a bomb blast in a fruit market in Islamabad about 26 people were injured.

23-5-2001 : Pakistan President Invited for a Summit Conference with Prime Minister of India at Agra.

12-6-2001 : Pakistan Foreign Office Spokesman said in Islamabad that at Agra the main issue for discussion would be Kashmir.

15-6-2001 : In an interview with Pakistani editors Pak. FS clarified that Pakistan would not insist on the settlement of Kashmir as a pre-condition to settlement of other issues.


4-7-2001 : India announce CBMs on the eve of the Agra Summit.

4-7-2001 : President Musharraf constitutes the National Security Council to advise him in security matters.

6-7-2001 : Prime Minister Vajpayee instructs Director General of Military Operations to to meet his counterpart to initiate a dialogue on nuclear confidence building measures.

11-7-2001 : In an interview to Pakistan TV President Musharraf said that mere CBMs will not solve Kashmir problem, unless efforts were made to solve the core issue.


14-7-2001 : President of India hold a State Banquet for the visiting Pakistan President Musharraf.

15-7-2001 : Summit Conference between Prime Minister Atal bihari Vajpayee and President Musharraf at Agra.
27-7-2001 : President Musharraf formally invited Prime Minister Atal Behari Vajpayee to visit Pakistan.

10-8-2001 : Meeting of Foreign Secretaries of India and Pakistan in Colombo on the sidelines of the SAARC Foreign Secretaries meeting.

14-8-2001 : In his independence day speech General Musharraf announced ban on Lashkar-e-Jhangvi and Sipah-e-Muhammad. Two other organisations were only warned.

23-8-2001 : Pakistan Commerce Minister Abdul Razak visit New Delhi to participate in the SAARC Commerce Ministers conference.

31-8-2001 : External Affairs Minister Jaswant Singh announces tariff cuts on 50 items of export to Pakistan.

9-9-2001 : Rajmohan Gandhi, the grandson of Mahatma Gandhi visit Peshawar and meets ANP leaders Asfandar Wali Khan.

12-9-2001 : Pakistan promises full support to Pakistan in its fight against terrorism.

18-9-2001 : US President Bush compliment President Musharraf for his support to American fight against terrorism.

22-9-2001 : Abdul Sattar Pakistani Foreign Minister said that Pakistan has allowed the United States to use its airspace and provide logistic support in its operations against Afghanistan.

23-9-2001 : The United States lifts sanctions imposed on Pakistan in the wake of it testing a nuclear bomb.

24-9-2001 : Pakistan Government refuse Visa to Indian journalists wanting to cover the American attack on Afghanistan.

1-10-2001 : Terrorist attack on the Kashmir legislative assembly building in Srinagar.

8-10-2001 : Telephone call by President Musharraf to Prime Minister Vajpayee to console the loss of lives in the Bomb blast in Srinagar while condemning it as well.
22-10-2001 : Terrorist attack on India air force base at Avanipur near Srinagar.

6-11-2001 : Pakistan freeze the bank accounts of Jaish-e-Muhammad.

13-12-2001 : Terrorist attack on Parliament

13-12-2001 : President Musharrarf condemns attack on Parliament.

21-12-2001 : India decided to recall its High Commissioner from Pakistan and suspend the operation of Bus Service as also the rail service between the two countries.


27-12-2001 : India announced its decision to reduce the strength of its mission in Islamabad by 50 percent and asked Pakistan to do likewise. Over flights of all Pakistani aircraft also suspended.

27-12-2001 : High Commissioner of India Vijay Nambiar's departure from Pakistan. Pakistan also informed the High Commission of its decision to reduce the strength of the Mission by 50 percent.

2002

1-1-2002 : India and Pakistan exchange lists of nuclear installations.

1-1-2002 : Suspension of all road and rail traffic between Pakistan and India.

9-1-2002 : Pakistan President Musharraf constitutes a National Kashmir Committee under Sardar Abdul Qayyum Khan.

12-1-2002 : President Musharraf's address to the nation.


19-1-2002 : Pakistan Foreign Minister denied that the 20 fugitives were in Pakistan.


8-2-2002 : Conference of Information Ministers of SAARC countries held in Pakistan.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-2-2002</td>
<td>India makes a demarche for the handing over of 20 fugitives.</td>
</tr>
<tr>
<td>13-2-2002</td>
<td>Pakistan announced that it was ready to discuss with India the extradition list of 20 fugitives after resumption of India-Pak dialogue.</td>
</tr>
<tr>
<td>18-2-2002</td>
<td>Statement by the Official Spokesman of the Pakistan Foreign Office expressing “alarm” at what he called India’s “relentless purchase of military equipment”.</td>
</tr>
<tr>
<td>22-2-2002</td>
<td>Iran and Pakistan agree to sign a MOU to undertake a pre-feasibility study for an overland gas pipeline.</td>
</tr>
<tr>
<td>19-3-2002</td>
<td>Pakistan declares Pramod Kumar Saxena and Makhan Singh as persona non grata.</td>
</tr>
<tr>
<td>22-3-2002</td>
<td>US decide to withdraw the non-essential staff and their families from Pakistan.</td>
</tr>
<tr>
<td>6-4-2002</td>
<td>KC Pant Dy Chairman of the Planning Commission visited Pakistan to attend the SAARC Finance and Planning Ministers Conference.</td>
</tr>
<tr>
<td>7-4-2002</td>
<td>Canadian Government decide to withdraw the families of the Diplomats along with the non-essential staff from Pakistan.</td>
</tr>
<tr>
<td>20-4-2002</td>
<td>A staff member of the Indian High Commission AK Khanna declared persona non grata by Pakistan Government.</td>
</tr>
<tr>
<td>30-4-2002</td>
<td>Third Presidential Referendum held in Pakistan.</td>
</tr>
<tr>
<td>2-5-2002</td>
<td>President Musharraf’s address to the Nation.</td>
</tr>
<tr>
<td>3-5-2002</td>
<td>EU declares Lashkar-e-Taiba a terrorist organisation.</td>
</tr>
<tr>
<td>8-5-2002</td>
<td>Fifteen people including 11 French naval engineers deployed on the Agosta 90-B Submarine project killed in a terrorist attack. In Karachi.</td>
</tr>
<tr>
<td>12-5-2002</td>
<td>Pakistan rules out free trade between India and Pakistan until the Kashmir question was settled.</td>
</tr>
<tr>
<td>13-5-2002</td>
<td>Pakistan rejected Indian Proposal for transit of Afghan goods imported from India through the Wagah border.</td>
</tr>
<tr>
<td>18-5-2002</td>
<td>India asked Pakistan to withdraw its High Commissioner from New Delhi.</td>
</tr>
<tr>
<td>25-5-2002</td>
<td>Pakistan test fires Hatf - V (Ghauri) missile.</td>
</tr>
</tbody>
</table>
26-5-2002 : Pakistan test fires Hatf –V (Ghaznavi) missile with a range of 290 Kms.

27-5-2002 : President Musharraf address to the nation.

28-5-2002 : British Foreign Secretary Jack Straw visit to Pakistan.

4-6-2002 : Prime Minister Atal Bihari Vajpayee attend the CICA Summit at Almaty.

5-6-2002 : Pakistan rejected Indian proposal for joint patrolling of the LOC.

5-6-2002 : A staffer in the Indian High Commission declared persona non grata.

6-6-2002 : US Deputy Secretary of State Armitage visited Islamabad to ease tension between India and Pakistan.

7-6-2002 : An Indian UAV aircraft shot down by Pakistan air force near Kasur.

8-6-2002 : India welcomed the pledge given by Pakistan to the United States to end the cross-border terrorism.

13-6-2002 : US Defence Secretary Donald Rumsfeld visited Pakistan.

14-6-2002 : A car bomb kills 11 and injures 38 outside the US Consulate in Karachi.

19-6-2002 : Inamul Haq foreign secretary named Minister of State for foreign affairs.

21-6-2002 : India and Pakistan agree to resume overflights.

9-7-2002 : Benazir Bhutto sentenced to three years imprisonment in the ARY case.

18-7-2002 : President Musharraf congratulates newly elected Indian President APJ Abdul Kalam.

29-7-2002 : On a visit to Bangladesh President Musharraf regrets the excesses committed by Pakistan in 1971.

6-8-2002 : Riaz Khokhar takes over as new Foreign Secretary of Pakistan Ministry of Foreign Affairs.

30-8-2002 : Pakistan grant dual nationality to those Pakistani who had taken up nationality of the United States.
12-9-2002 : Asif Ali Zardari husband of Benazir Bhutto convicted in the Pakistan Steel Mill case and sentenced to 7 years rigorous imprisonment and a fine of Rs. 4 crores.

18-9-2002 : An agreement for enhanced cooperation in the defence field signed between Pakistan and Azerbaijan.

27-9-2002 : Pakistan elected to the two-year term as the new non-permanent member of the UNSC.

10-10-2002 : Eighth general election of Pakistan held after a three-year army rule.

16-10-2002 : India decide to carry out phased withdrawal of its armed forces from the border with Pakistan.

15-11-2002 : President Musharraf restored the Constitution of Pakistan while withholding some provisions.

16-11-2002 : Musharraf sworn as President for a new five-year term.

23-11-2002 : Zafarullah Khan Jamali appointed new Prime Minister of Pakistan and Khurshid Mehmood as the new foreign minister.

26-12-2002 : Pakistan allowed the passage of 400 buses gifted by India to Afghanistan.

26-12-2002 : China –Pakistan sign a 118 million agreement to develop Gwadar Deep Sea Port.

29-12-2002 : President Musharraf justified use of nuclear weapons if Pakistan’s security was at stake.

2003

8-2-2003 : India expelled Pakistan’s Charge d’Affaires Jalil Abbas Jilani and four other staff members of the High Commission.

8-2-2003 : Several senior officials of the Indian High Commission in Islamabad including the Cd’A were asked to leave the country within 48 hours.

19-2-2003 : Pakistan deplores Indian decision not to participate in the South Asian Games in Pakistan citing security concern.

18-4-2003 : Peace initiative by Prime Minister Atal Bihari Vajpayee welcomed by Pakistan Prime Minister Jamali.

28-4-2003 : Pakistan Prime Minister Jamali telephone Vajpayee.
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>2-5-2003</td>
<td>Prime Minister Jamali’s letter to Prime Minister Vajpayee.</td>
</tr>
<tr>
<td>3-5-2003</td>
<td>Prime Minister Vajpayee replied to PM Jamali.</td>
</tr>
<tr>
<td>13-5-2003</td>
<td>Announcement of the appointment of Shivshankar Menon as next High Commissioner of India in Pakistan in succession to Vijay Nambiar made.</td>
</tr>
<tr>
<td>10-7-2003</td>
<td>Aziz Ahmad Khan Pakistan High Commissioner presented his credentials to President APJ Abdul Kalam.</td>
</tr>
<tr>
<td>15-7-2003</td>
<td>Maulana Fazl-ur-Rahman visited India.</td>
</tr>
<tr>
<td>9-8-2003</td>
<td>High Commissioner Shivshankar Menon presented his credentials to Pakistan President.</td>
</tr>
<tr>
<td>11-8-2003</td>
<td>Lunch hosted by Prime Minister Jamali for the visiting Indian parliamentary delegation.</td>
</tr>
<tr>
<td>12-8-2003</td>
<td>A visiting Indian Parliamentary delegation called on President Musharraf.</td>
</tr>
<tr>
<td>28-8-2003</td>
<td>Indo-Pak talks on air-links end inconclusively.</td>
</tr>
<tr>
<td>24-9-2003</td>
<td>President Musharraf in his speech at the UN General Assembly condemned India for suppression of Kashmiri people.</td>
</tr>
<tr>
<td>25-9-2003</td>
<td>Prime Minister Vajpayee in his speech at the UN General Assembly accused Pakistan for making terrorism a tool to blackmail the world.</td>
</tr>
<tr>
<td>22-10-2003</td>
<td>To increase people-to-people contacts India conveyed to Pakistan a set of 12 proposals.</td>
</tr>
<tr>
<td>15-11-2003</td>
<td>Pakistan Health Minister Mohammad Naseer Khan visited New Delhi to participate in the SAARC Ministers conference.</td>
</tr>
<tr>
<td>23-11-2003</td>
<td>Pakistan Prime Minister Jamali announced a cease fire along the LOC in Kashmir.</td>
</tr>
<tr>
<td>30-11-2003</td>
<td>Pakistan agree to the resumption of over flights.</td>
</tr>
<tr>
<td>1-12-2003</td>
<td>MOU on Civil Aviation</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
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<tr>
<td>4-12-2003</td>
<td>Indian Prime Minister confirmed his participation in the SAARC Summit in Islamabad.</td>
</tr>
<tr>
<td>19-12-2003</td>
<td>Discussion between India and Pakistan concluded to resume Samjhuta Express.</td>
</tr>
<tr>
<td>25-12-2003</td>
<td>An attempt on the life of President Musharraf made.</td>
</tr>
<tr>
<td><strong>2004</strong></td>
<td></td>
</tr>
<tr>
<td>1-1-2004</td>
<td>Air links between India and Pakistan were restored after a gap of two years.</td>
</tr>
<tr>
<td>4-1-2004</td>
<td>A courtesy meeting between Prime Minister Vajpayee and Pakistan Prime Minister Jamali held on the sidelines of the SAARC Summit in Islamabad.</td>
</tr>
<tr>
<td>5-1-2004</td>
<td>Indian Prime Minister Vajpayee made a courtesy call on the Pakistani President Musharraf on the sidelines of the SAARC Summit.</td>
</tr>
<tr>
<td>6-1-2004</td>
<td>Joint Statement issued after the meeting between Prime Minister Atal Bihari Vajpayee and President Musharraf in Islamabad.</td>
</tr>
<tr>
<td>15-1-2004</td>
<td>After a hiatus of two years the Samjhauta Express resumed operations between Delhi and Lahore.</td>
</tr>
<tr>
<td>15-1-2004</td>
<td>Permanent Indus Commission met to discuss Baglihar Hydro – electric project.</td>
</tr>
<tr>
<td>27-1-2004</td>
<td>India and Pakistan decide to resume Composite Dialogue as from February 16, 2004.</td>
</tr>
<tr>
<td>30-1-2004</td>
<td>Chief Minister of Punjab Capt. Amrinder Singh visited Pakistan.</td>
</tr>
<tr>
<td>10-2-2004</td>
<td>Deputy Chairman of the Rajya Sabha Najma Haptullah visited Pakistan as Special Envoy of Prime Minister to attend the First Ladies Summit in Islamabad.</td>
</tr>
<tr>
<td>18-2-2004</td>
<td>Foreign Secretary level talks in Islamabad.</td>
</tr>
<tr>
<td>3-3-2004</td>
<td>An exhibition of goods made in Pakistan opened in New Delhi.</td>
</tr>
<tr>
<td>9-3-2004</td>
<td>Pakistan test fired Shaheen-II missile.</td>
</tr>
<tr>
<td>10-3-2004</td>
<td>India-Pakistan hold discussions on resumption of rail services between Khokhrapar and Munnabo.</td>
</tr>
</tbody>
</table>
10-3-2004 : Indian Cricket team arrive in Pakistan to play series of matches.

13-3-2004 : President Pervez Musharraf address India Today Conclave via the satellite.

24-3-2004 : Representatives of BSF and Pakistan Rangers hold meeting.

27-3-2004 : A Pakistan People's Party delegation led by President Makhdoom Amin Fahim visited India.

16-4-2004 : Indian Cricket team completed tour of Pakistan.

24-5-2004 : President Musharraf telephone Prime Minister to greet him on the assumption of Office of Prime Minister of India.

25-5-2004 : President Musharraf invited Smt. Sonia Gandhi to visit Pakistan.

29-5-2004 : Pakistan test fired Haft V Ghauri Missile.

29-5-2004 : Prime Minister of Pakistan Jamali congratulated Dr. Manmohan Singh on his assumption of the Office of Prime Minister of India.

15-6-2004 : Indo-Pakistan talks on drug trafficking and smuggling held in Islamabad.

19-6-2004 : Expert level talks on Nuclear CBMs held in New Delhi.

22-6-2004 : Meeting of Secretaries of Water Resources of India and Pakistan held in New Delhi to discuss Baglihar Project.

28-6-2004 : Foreign Secretary level talks in New Delhi.

29-6-2004 : Dayanidhi Maran, Minister of Information Technology visited Pakistan to attend the conference of SAARC Communications Ministers.

1-7-2004 : A 15-member of Pakistani delegation of Scouts participated in a special camp of SAARC Scouts and Guides in Gulmarg in J & K.

19-7-2004 : External Affairs Minister Natwar Singh arrived in Pakistan to attend the Ministerial meeting of the SAARC Foreign Ministers.

23-7-2004 : Talks between the Water Resources Secretaries of India and Pakistan held on Tulbul/Wullur Barrage in New Delhi.
3-8-2004 : Secretary level talks on promotion of friendly exchanges.
5-8-2004 : Defence Secretaries of India and Pakistan hold talks on Siachen.
5-8-2004 : Pakistan rename the school in Dr. Manmohan Singh’s ancestral village Gah, after the Indian Prime Minister.
11-8-2004 : Indo-Pak talks on Drug Trafficking and Terrorism.
25-8-2004 : Prime Minister Shujaat Hussain resigned.
28-8-2004 : Prime Minister of India greeted the newly appointed Prime Minister of Pakistan Shaukat Aziz.
8-9-2004 : Foreign Ministers of India and Pakistan hold meeting in New Delhi.
10-9-2004 : Om Prakash Chutala Chief Minister of Haryana visited Pakistan.
18-9-2004 : India made unilateral visa liberalisation scheme.
24-9-2004 : Meeting between Prime Minister Dr. Manmohan Singh and Pakistan President Musharraf in New York.
24-9-2004 : Indian Hockey team arrived in Pakistan to play matches with the Pakistan hockey team at Karachi, Peshawar, Quetta and Lahore.
25-9-2004 : For the first time the Deputy High Commissioner of India in Pakistan TCA Raghavan was allowed to visit Quetta and address the Chamber of Commerce of Quetta.
12-10-2004 : Pakistan test fired intermediate range Haft V Ghauri missile.
14-10-2004 : Talks between the BSF and Pakistan Rangers held in Chandigarh.
14-10-2004 : Former Prime Minister Inder Kumar Gujral visited Pakistan on the invitation of the Pakistan Human Rights Commission.
14-10-2004 : 16-member SAFMA delegation from Pakistan visited India. Their itinerary included visit to J& K also.
3-11-2004 : MQM Leader Altaf Hussain visited New Delhi to attend the conclave organised by the New Delhi daily the Hindustan Times.
22-11-2004 : Indian Minister of Commerce and Industry Kamal Nath visited Pakistan to attend the SAARC Commerce Minister conference.
23-11-2004 : Pak PM Shaukat Aziz visited New Delhi as Chairman of the SAARC.


29-11-2004 : Leader of the Telgu Dasam Party and former Chief Minister of Andhra Pradesh visited Pakistan.

7-12-2004 : Indo – Pakistan Meeting for commencement of bus service between Srinagar and Muzaffrabad held in New Delhi.

29-11-2004 : Pakistan test fired Hatf IV Shaheen Medium range surface-to-surface missile.

13-12-2004 : Director General level talks between the Narcotics authorities of India and Pakistan held in New Delhi.

14-12-2004 : Expert level meeting on Nuclear CBMs held in Islamabad.

14/15-12-2004: An expert level meeting for survey in the Sir Creek area held in Rawalpindi.

15-12-2004 : Indo-Pakistan meeting to work out the modalities of conducting a joint survey in the Sir Creek area was held in Rawalpindi.

18-12-2004 : Chaudhry Amir Hussain as leader of the 9-member delegation of the National Assembly visited India.

24-12-2004 : 2 soldiers were convicted by a military court for their involvement in an attempt on the life of President Musharraf.

28-12-2004 : Foreign Secretary level talks at Islamabad.

29-12-2004 : Leaders of Pakistan sent messages of sympathy to their counterparts in India on the loss of life caused by Tsunami.

30-12-2004 : President Musharraf has formally decided to retain the post of army chief along with the Head of the State.

30-12-2004 : A 2-member Parliamentary delegation visited Pakistan to attend the 5th General Assembly of the Association of the Asian Parliaments for Peace.

2005

1-1-2005 : India and Pakistan exchanged lists of nuclear installations in both the countries.

3-1-2005 : India and Pakistan carried out the joint survey in the Sir Creek area.
4-1-2005 : Talks on Baglihar held in New Delhi.

10-1-2005 : Tariq Aziz, Secretary of the NSC visited New Delhi to condole the death of JN Dixit, the NSA. He passed away on Jan.3.

14-1-2005 : A 12-member parliamentary delegation from India visited Pakistan and attended the seminar on HIV/AIDS.


Feb. 2005 : During the two weeks of the month almost 500 people lost their lives in the unprecedented floods, avalanches, heavy snow fall etc.


10-2-2005 : Benazir Bhutto met the exiled leader Nawaz Sharif in Jeddah.

12-2-2005 : External Affairs Minister Natwar Singh conveyed to his counterpart the his condolences on the loss of life caused by floods in Pakistan.

15-2-2005 : On the retirement of Riaz Khokher, Riaz Muhammad Khan took over as Pakistan's Foreign Secretary.

15/17-2-2005 : Visit of External Affairs Minister Natwar Singh

22/23-2-2005 : Meeting of the India-Pakistan Study Group on Trade held in New Delhi.

24-2-2005 : Communist leaders Harkishan Singh Surjeet and A.B. Bardhan visited Pakistan.

12-3-2005 : Governor of NWFP retired Lt. Gen. Syed Iftikhar Hussain Shah resigned his post and replaced by Cmd. Khaliilur Rahman, Chairman of the Pakistan Senate.

13-3-2005 : Pakistan's exiled leaders Benazir Bhutto and brother of Nawaz Sharif former Prime Minister Shahbaz Sharif met in London.


17-3-2005 : In a clash between Bugti tribesmen and Pakistan Frontier Corps. about 70 persons were killed.
19-3-2005 : In a bomb explosion at Gandava in Balochistan about 40 persons were killed and many more injured.

21-3-2005 : India started issue of visa to Pakistani above 65 years and below 12 years of age at the Attari Checkpost.

23-3-2005 : Indian leaders greet Pakistan on the Pakistan National Day.

28-3-2005 : Shujaat Hussain, President of the Pakistan Muslim League as head of the parliamentary delegation started a 5-day visit to India on the invitation of the Indian National Congress.

6-4-2005 : Minister of State for Sc. and Technology Kapil Sibal visited Islamabad for the 4th Ministerial meeting of the Asian Cooperation Dialogue.

7-4-2005 : Prime Minister of India flagged off the first Srinagar-Muzaffrabad Bus Service.

16-4-2005 : Visit of President Musharraf to India.

16-4-2005 : Pakistan Minister of State for Railways Ishaq Khan Khakwani visited India.

5-5-2005 : Minister of State for HRD visited Pakistan to the 5th Asian Regional Ministerial Conference on “Celebrating “Beijing+10”.

10-5-2005 : Technical level talks to establish communication link between the Maritime authorities of India and Pakistan held in Rawalpindi.


May 2005 : A delegation of Members of Parliament representing all major political parties in Parliament visited Islamabad to attend the 5-day SAFMA meeting.

MAY 2005 : A FICCI delegation led by its President Onkar Singh visited Islamabad, Karachi and Lahore.

May 2005 : A 44-member delegation led by Punjab Assembly Speaker Kewal Krishan visited Pakistan.

26-5-2005 : Defence Secretary level talks on Siachen held in Islamabad.

27-5-2005 : In a suicide bomb attack in Islamabad 22 people were killed and about 100 others were injured.
28-5-2005 : Indo-Pak talks on Sir Creek held in Rawalpindi.

30-5-2005 : In a suicide bomb attack in Karachi 5 people were killed and more than thirty were injured.


5-7-6-2005 : Minister of Petroleum and Natural Gas Mani Shankar Aiyar visited Pakistan.

June 2005 : Indian football team visited for the first time Pakistan.

4-7-2005 : Meeting of EAM Natwar Singh with Pakistan Prime Minister Shaukat Aziz on the sidelines of the SCO in Kazakhstan.

12-7-2005 : Meeting of the JWG of India and Pakistan on cooperation in trans-national gas pipeline held in New Delhi.

16-7-2005 : Both President and Prime Minister of India convey condolences to Pakistan President on loss of life in the rail accident in Sind.

17-7-2005 : SAARC Health Ministers Conference held in Islamabad. India was represented by Minister of State for Health and Family Planning.

19-7-2005 : Pakistani Security forces launch operations against extremist elements in Pakistan.

26-7-2005 : Second round of talks on Promotion of Friendly Exchanges in Various Fields held in Islamabad.

29-7-2005 : President Musharraf conveyed his condolences to Prime Minister Dr. Manmohan Singh on the loss of life in recent floods in India.

5-8-2005 : India Pakistan talks on Nuclear CBMs held in New Delhi.

9-8-2005 : Second Round of Talks on economic and commercial cooperation held in New Delhi.

8-8-2005 : Expert level talks on Conventional CBMs held in New Delhi.


12-8-2005 : Pakistan test fired Haft VII cruise missile having a range of 500 Kms.
30-8-2005 : Home Secretary level talks held in New Delhi.
2-9-2005 : Foreign Secretary level talks in Islamabad.
8-9-2005 : India-Pak JWG on Iran-Pakistan-India (IPI) pipeline met in Islamabad.
11-9-2005 : Both Indian and Pakistani prisoners released at Wagah.
14-9-2005 : General Musharraf Address to the UN General Assembly.
14-9-2005 : Meeting between Prime Minister Dr. Manmohan Singh and President Musharraf at New York on the sidelines of the UNGA session.
22-9-2005 : Two Bomb blasts in Lahore.
27-9-2005 : Civil Aviation talks held in Rawalpindi.
28-9-2005 : India – Pakistan Civil Aviation Talks.
4-10-2005 : Foreign Minister level talks in Islamabad.
8-10-2005 : Pakistan Occupied Kashmir and areas in NWFP hit by a 7.6 magnitude earth quake.
8-10-2005 : Prime Minister Dr. Manmohan Singh offered his condolences to President Musharraf for the loss of life in earth quake in the occupied Kashmir.
8-10-2005 : Technical talks on Shipping held in Karachi.
11-10-2005 : Special IAF aircraft carrying 22 tons of relief supplies despatched.
26-10-2005 : India pledged $25 million at the Donors’ conference held in Geneva for relief measures in the earth quake hit areas of Occupied Kashmir.
29-10-2005 : India–Pakistan Talks on Cross-LOC earth quake related relief measures held in Islamabad. India agreed to open the crossings at five points to help in relief measures.
29-10-2005 : Condemnation by Pakistan of the bomb blast in New Delhi.
2-11-2005 : Pakistan Foreign Minister Sartaj Aziz conveys his sympathies for the for victims of the terrorist attack in New Delhi.

12-11-2005 : Meeting between Indian Prime Minister Dr. Manmohan Singh and Pakistan Prime Minister Shaukat Aziz in Dhaka on the sidelines of the SAARC Summit.

13-11-2005 : SAARC Summit held in Dhaka.

15-11-2005 : Bomb explosion in Karachi killed three and injured 21 others.

30-11-2005 : Punjab Chief Minister Carry the golden palanquin from Amritsar to Nankana Sahib.

2-12-2005 : Talks between the Narcotics Control authorities of India and Pakistan.

20-12-2005 : US Vice President visit Islamabad.


24-12-2005 : Clashes between Pakistan Security forces and Bugti tribesmen.

2006

18-1-2006 : Foreign Secretary level talks.

22-3-2006 : Talks between the Investigative Agencies of India and Pakistan.

29-3-2006 : Third Round of talks on India- Pakistan on Economic and Commercial Cooperation

31-5-2006 : Home Secretary level talks.

11-7-2006 : MOU on the utilisation of funds provided by India as Earth Quake relief to Pakistan.

16-9-2006 : Meeting between Prime Minister Dr. Manmohan Singh and Pakistan President at Havana on the sidelines of the NAM Summit.

15-11-2006 : Foreign Secretary Shivshankar Menon visit Islamabad for talks with Pakistan Foreign Secretary.

2007

1-1-2007 : Exchange of lists of nuclear installations in the two countries.

14-1-2007 : External Affairs Minister Pranab Mukherjee visit Islamabad for talks with Pakistan Foreign Minister.
12-2-2007 : Award of Neutral Expert Prof. Raymond Lafitte on the design of Baglihar Dam Project.
19-2-2007 : Telephone Call by Pakistan Prime Minister for Prime Minister Manmohan Singh on bomb blast in the Smjautha Express
21-2-2007 : India Pakistan talks at Foreign Ministers' level
21-2-2007 : Agreement on reducing the risk from accidents relating to nuclear weapons.
7-3-2007 : First Meeting of the Anti-Terrorism Mechanism
14-3-2007 : Foreign Secretary Level talks in Islamabad.
4-4-2007 : Meeting between Prime Minister Dr. Manmohan Singh and Pakistan Prime Minister Shaukat Aziz.
7-4-2007 : Defence Secretary level talks on Siachen.
18-5-2007 : India-Pakistan talks on Sir Creek.
29-6-2007 : Secretary Level talks on promotion of Friendly Exchanges in various fields.
3-7-2007 : Home Secretary level talks on terrorism
1-8-2007 : Meeting of Joint Study Group at Commerce Secretary level.
3-8-2007 : Third meeting of the India-Pakistan Joint Study Group on commercial and economic cooperation.
20-8-2007 : India – Pakistan Trade Facilitation talks.
31-8-2007 : India-Pakistan talks on Tulbul Navigation/Wullur Barrage.
4-9-2007 : Bomb blast in Rawalpindi.
19-10-2007 : India-Pakistan talks on Nuclear CBMs.
22-10-2007 : Second meeting of Anti-Terrorism Mechanism.

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